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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, May 26, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for our homes and our communities, those people and places that are close to our hearts and touch us in our daily lives. We recognize that our families and communities are critical to a healthy national life, to our own freedom, and to the fullness of the joy that is Your wish for us. Teach us to work for understanding and respect, to honor our differences, and to learn to grow in appreciation with one another, so our families and communities will be a haven of blessing and of peace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HANSEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 152, not voting 43, as follows:

[Roll No. 209]

YEAS—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Wise
Wyden
Wynn
Yates

NAYS—152

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Bacchus (FL)
Bereuter
Berman
Blackwell
Brown (CA)
Cantwell
Chapman
Collins (MI)
Cox
Dellums
Dixon
Engel
Fish
Ford (MI)
Ford (TN)
Frost
Gejdenson
Grandy
Greenwood
Gutierrez
Hall (OH)
Herger
Horn
Huffington
Lewis (FL)
Lloyd
McMillan

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Miller (CA)
Mollohan
Morella
Neal (NC)
Payne (VA)
Slattery
Smith (NJ)
Swift
Talent
Thomas (CA)
Tucker
Washington
Whitten
Williams
Wilson
Woolsey

□ 1021

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota [Mr. GRAMS] please come forward and lead the House in the Pledge of Allegiance?

Mr. GRAMS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1632. An act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references.

H.R. 3863. An act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1631. An act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

H.R. 4278. An act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4278) "An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MOYNIHAN, Mr. BAUCUS, Mr. BREAUX, Mr. PACKWOOD, and Mr. DOLE, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 965) "An Act to provide for toy safety and for other purposes.".

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 729. An act to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 1030. An act to amend title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma services for veterans, to improve certain Department of Veterans Affairs programs for women veterans, to extend the period of entitlement to inpatient care for veterans exposed to Agent Orange or ionizing radiation, to establish a hospice care pilot program, to establish a rural health care clinics program, to authorize the Secretary of Veterans Affairs to provide per diem payments and construction grants to State homes for adult day health care services, to establish an education debt reduction program, and for other purposes.

S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

S. 1406. An act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 2145. An act to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes.

The message also announced that pursuant to section 1928a–1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI, as a member of the Senate delegation to the North Atlantic Assembly Spring Meeting during the second session of the one hundreds third Congress, to be held in Oslo, Norway, May 26–30, 1994.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 26, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of the certificate of election from the Secretary of State, Commonwealth of Kentucky, indicating that, according to the official returns of the Special Election held on May 24, 1994, the Honorable Ron Lewis was elected to the Office of Representative in Congress from the Second Congressional District, Commonwealth of Kentucky.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

SWEARING IN OF THE HONORABLE RON LEWIS AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Member-elect from Kentucky, the Honorable RON LEWIS, please come forward, accompanied by members of the Kentucky delegation?

Mr. LEWIS of Kentucky appeared at the bar of the House, and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

WELCOMING THE HONORABLE RON LEWIS TO THE HOUSE OF REPRESENTATIVES

(Mr. ROGERS asked and was given permission to address the House for 1 minute.)

Mr. ROGERS. Mr. Speaker, colleagues, I have a most pleasant task today, as I, along with the gentleman from Kentucky [Mr. BUNNING] and the other members of the Kentucky delegation, present to you, Mr. Speaker, the winner of the historic special election in Kentucky, in District 2, last Tuesday, a remarkable young man, RON LEWIS.

Mr. Speaker, this election was more than a special election. It was a very special election.

Twelve days ago, 10 days before the election, only 1 person in 10 in the Second District of Kentucky recognized the name RON LEWIS. None in 10 even expected that he could win. "There is not even a race," they said. The race had been conceded to his opponent. After all, a person of this man's party had never won that seat in the history of the Commonwealth of Kentucky. It had been conceded by the gentleman from Kentucky [Mr. LEWIS], by the media, the political parties, the political pundits, the general public, by everyone.

Then, Mr. Speaker, with exquisite timing, just 10 days before the election, this man found a theme that ignited a spark in the public's awareness, and in a sensational 10-day campaign the sparks grew and grew until it became a white-hot flame so attractive that last Tuesday this unknown underdog of a few days ago was lifted by those voters into the national spotlight with an astounding 10-point win.

Shakespeare certainly must have had this man in mind when he wrote of the tide of which taken at its height inevitably leads to victory. RON is the first of his party to ever have been elected to Congress from the Second Congressional District.

Mr. Speaker, when the gentleman from Kentucky took the oath of office a few minutes ago, he gave his party's delegation in the Congress from Kentucky the highest proportion ever in its history. For the first time in Kentucky's long and storied history the State's delegation will be evenly distributed between the two parties.

Today RON LEWIS' name is on the lips of every Second District Kentuckian. His name is on the lips of all Kentuckians and of most political pundits nationally, especially in this town, even in the White House. The issues he raised and which became instantly so compelling undoubtedly will resound all over America this season. Because they were so persuasive in Kentucky, they will be persuasive most everywhere. The RON LEWIS white-hot flame may become even hotter as the next few months flow by.

□ 1030

On election night, Mr. Speaker, as the hearty and by now euphoric supporters of RON gathered in the headquarters in Elizabethtown to watch became deliciously to them a night when the impossible dream came true, they tell me that the campaign workers' theme song could be heard for miles around, and you can almost hear it today off the walls of this great Chamber, and now even coast to coast. The song was: "Do, Ron, Ron. Do, Ron, Ron."

RON LEWIS is a lifelong Kentuckian. He hails from the same county that gave Abraham Lincoln to the ages. He is a man from middle America.

I think he would want me to mention first off that he is a minister of the gospel, that he is married to a lovely and loving wife, Kay, and they have two wonderful children, Ronald Brent and Allison Faye. We are not allowed to mention galleries in this body, but I am told that perhaps if one could, you would find his lovely wife sitting in the gallery just there.

And, of course, his daughter, Allison, held the Bible as RON was sworn into office this morning.

He holds a master's degree in education. He is a small businessman. He and his wife own and operate a religious bookstore in Kentucky, and this is RON LEWIS' first elective office.

With these qualities, no wonder he found himself in such common cause with so many of his fellow Kentucky citizens.

Mr. Speaker, I am delighted to introduce and present to the Members now a man you have already met and, I think, already grown to love, the Congressman from Kentucky's Second District, RON LEWIS.

THE FIRST REPUBLICAN TO REPRESENT KENTUCKY'S SECOND DISTRICT BEGINS SERVICE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Kentucky. Mr. Speaker, before I get into my speech, I would like to recognize three men that mean a lot to me, three men that are wonderful and great men of Kentucky: Senator MITCH MCCONNELL, Congressman HAL ROGERS, and Congressman JIM BUNNING.

And I am certainly proud of my family today.

Before I do or say anything further, however, I would like to do something that I feel needs to be done.

I have just signed the discharge petition to force a vote on H.R. 3266, the A to Z spending cut plan. I wanted that to be the first thing that I did as a Member of the House of Representatives.

This legislation will force Congress to do something every family in America has had to do at one time or another, and that is take a look at every single expense and see where there is room for savings. If this Congress adopts H.R. 3266, this Congress will be called into special session with just one topic on the agenda, real reductions in Federal spending.

Mr. Speaker, I was sent here to deliver the message that this Government has grown way too big and spent way too much. That is the message that roared through central and western Kentucky 2 days ago. It is the message that sent me to Washington, the first member of my party ever to represent the Second District in Congress. It is the same message that the people of Oklahoma's Sixth District sent to Washington 2 weeks ago with the election of our colleague, FRANK LUCAS.

But there is more to this message than just cutting spending. The people of Kentucky's Second District sent me here to tell Congress to respect the fact that they work hard for their money, and Congress has an obligation to spend it wisely and to leave as much as possible in the hands of the hard-working American families who earn it.

They sent me here to oppose new taxes, and that I will do. As has been said many times, the problem is not that the taxes are too low, it is that the spending is too high.

In the coming weeks and months I hope to work on the other measures that I talked about in my campaign: Serious crime legislation, a plan to reform welfare, and measures to stop this Nation's war on tobacco that threatens my district's very way of life.

I would say to my colleagues that I have never held elective office. I do not have a network of political connections. But like many of you, I come here as a man who has raised a family, a small businessman, a pastor, at one time a teacher, the very kind of individual, I believe, our Founding Fathers wanted in this, the people's House, one who may never have written laws or regulations but one who has lived under them.

I have big shoes to fill, I know. I, of course, know that better than anyone. Bill Natcher was a great and wonderful man, an honorable man with great character, a great man of work ethic, and no one, I believe, will ever break his record of 18,401 votes in this House.

But with the help of God, I know I will do the best job I can to listen to the views of Kentucky's Second District and to represent those views here in this magnificent place.

I am proud to be here, and I thank my friends and my neighbors for their confidence in sending me here. Thank you, Mr. Speaker, and may God bless the United States.

THE DEAN OF KENTUCKY'S DELEGATION WELCOMES THE HONORABLE RON LEWIS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, one of the designations I had never aspired to in my career was to become the dean of the Kentucky delegation because that meant that two revered Kentuckians had to pass before me, Mr. Perkins of Kentucky's Seventh District and, more recently, Mr. Natcher of the Second District. But it has been the will of the Lord that these two gentlemen pass and I become the dean of the delegation.

So as the dean of the delegation, I want to welcome our new colleague, RON LEWIS, from the Second District of Kentucky. I will tell him that among the many wise things he said today, none was wiser than the size of the shoes he had to fill, because we know that Bill Natcher was and remains today a legend in this body.

□ 1040

I would tell my friend from Kentucky, Mr. LEWIS that Bill Natcher always said this, and I think it became the hallmark and the motto of our Kentucky delegation, and I think it is the hallmark and motto that this House should always seek to achieve, and that is that when the interests of the people are at stake, partisanship ceases, party affiliation ceases, differences of philosophy cease to the extent they can, and we try to serve the people.

I think it is on that basis that our delegation, which has never been either Democrat or Republican entirely, has always come together. We have always worked on behalf of Kentuckians, and, by extension, worked on behalf of Americans.

So I welcome my friend from the second district, his daughter, and his family. We wish them much health and happiness in these months ahead. We also pledge to work together for all the people of Kentucky and all the people of the land.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE FROM MAY 26, 1994, TO JUNE 8, 1994, AND FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM MAY 25, 26, 27, OR 28, 1994, TO JUNE 7, 1994

The SPEAKER pro tempore (Mr. MURTHA). The Chair lays before the House a privileged Senate concurrent resolution (S. Con. Res. 70) providing for a conditional recess or adjournment of the Senate on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, until Tuesday, June 7, 1994, and a conditional adjournment of the House on Thursday, May 26, 1994, until Wednesday, June 8, 1994.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, June 7, 1994, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 26, 1994, it stand adjourned until 12:00 noon on Wednesday, June 8, 1994, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take 15 1-minutes on each side.

DEMOCRATIC ACCOMPLISHMENTS WILL WIN OUT IN NOVEMBER

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, Republicans are crowing about Whitewater, the so-called troubles of health care, and one race in Kentucky. Jerry Falwell does not hesitate to make outrageous claims about the President of the United States to sell a video, and they are predicting great gains in November.

But let us remember that this is May, and that the election is in November, and that come November the President and the Democratic Congress can make the following claims: That the economy is solid and improving; that the deficit is way down; that nine times more jobs per month have been created under this administration than the previous two; that there will be a Democratic crime bill of more cops, more prevention, and more police; that a Democratic President enacted NAFTA and the GATT agreement; that there will be Democratic initiatives on education, welfare reform, reemployment, and, yes, a health care bill.

Mr. Speaker, no wonder the Republicans are talking about side issues.

ARE WHITE HOUSE HELICOPTERS BEING MISUSED?

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, last year, within 3 months of taking office, President Clinton issued tighter new guidelines for the use of military aircraft by members of his administration.

"Taxpayers should only be asked to fund necessities, not luxuries, * * *" he said.

Yet, 2 days ago a shiny Marine Corps helicopter from the White House fleet sat on the golf course of a private country club in New Market, MD, to pick up men described as being from the White House staff.

This photo, published yesterday in the Federick News-Post, shows a group identified as White House aides loading their golf clubs onto the Marine Corps helicopter.

Yesterday, I sent a letter to the President asking for an explanation of this event. I do hope this explanation will come quickly, and I do hope it is not another case of this administration's actions not living up to its rhetoric.

WE NEED A CRIME BILL—NOW

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I join my colleagues today—and all my constituents—to say loud and clear: We need a crime bill on the President's desk now.

My constituents in the San Diego area are representative of people all across this great Nation. They want safer streets and neighborhoods for themselves and for their children. They want to regain control of their own neighborhoods, and to stop living in fear. They are looking forward to more cops on the streets and more positive and healthy alternatives for their children.

I offered a successful amendment to the crime bill to allow for the funding of graffiti prevention and removal. After the vote, my office was deluged with thanks from people in my community for addressing this serious problem that goes hand in hand with crime, but is seldom addressed by this Congress.

This crime bill will be of major help in our efforts to take back our neighborhoods. I urge the conferees to go to work and send this bill back to us for final approval so that we can take this important step in ensuring a safer future for ourselves and for our children. Let us put the crime bill on the President's desk now.

SIGN DISCHARGE PETITION ON H.R. 3087 TO BRING JOBS TO AMERICA

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, after the Second World War, we had a great industry evolve in the United States. We were building light aircraft all over, and they are all over the world today. Cessna, Beech, Piper, you name it, they are everywhere. Everywhere you go you can see these great airplanes.

Little by little, because of a very active trial attorneys bar, they are no longer there. Where we were doing billions of dollars of business and providing millions of jobs, where we were building 18,000 aircraft a year, we are not building less than 400.

This body has the opportunity to do a historic thing today. We have gone through the other body, we have gone through the Committee on Public Works, but we are being held up in one committee.

This morning I filed Discharge Petition No. 21, and already we have about 50 signers on that. We have 302 cosponsors. That means the majority of us are on this bill. This is a great opportunity before we go home for our break to sign this discharge petition, the 302 of you on this. Once we reach 218, you cannot sign it anymore, the books are closed. I urge you to do it.

DOMESTIC VIOLENCE

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to urge the crime bill conferees to adopt key provisions of the Violence Against Women Act in their conference report.

This act authorizes new and expanded programs critical to protecting women.

The conferees must retain the $1.8 billion funding and the title III civil rights remedy for victims of gender-motivated violence contained in the Senate version. This remedy is essential because it recognizes that gender-motivated assaults are bias crimes which violate our belief in equality for all.

The battered immigrant spouse section of the House bill must also be retained. It allows battered immigrant women to self-petition for naturalization, and avoid the dependence on abusers which many endure solely to avoid deportation.

I implore my colleagues to retain the strong provisions of the Violence Against Women Act as a desperately needed first step toward making America a safe place for women, their families, and the Nation.

HEALTH CARE TRIGGERS

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, the American people need to learn about a term being tossed around by Democrats in the health care debate. The term is "triggers." And no, I am not talking about Roy Rogers' horse.

Democrats know the American people are fed up with tax increases and they know that small businesses cannot afford employer mandates forcing them to pay for a Government takeover of healthcare.

So they are ducking the issue by using a fancy trick called triggers. It works like this. The Democrats say they will not raise taxes much and they will not make small businesses pay for the new Government health care bureaucracy.

But, if their plan does not work, then there will be automatic triggers that go into effect forcing small businesses to pay for President Clinton's health care plan through employer mandates. And new tax increases may automatically kick in on American families.

When Americans hear the word "trigger" used to describe the Democrats' health care plans, they need to know it is really a gun pointed at their heads. Don't let them pull the trigger.

Let us stop the political games and give folks what they want: Real market based health care reform that keeps families in charge instead of Government bureaucrats in Washington.

□ 1050

CRIME BILL

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, as the daughter of a 20-year veteran of the Atlanta police force, I have strong feelings about crime and public safety. Recent polls taken in my district indicate that crime and crime prevention are foremost on the minds of my constituents. Prevention and punishment are a necessary part of any meaningful crime legislation.

I do have problems with the new death penalties. But this crime bill seeks to address many of my concerns through the Racial Justice Act. If the State takes a human life, then it must be done without regard to race.

I welcome certain provisions of the crime bill. The Community Partnership Act and the youth employment services are long overdue. In fact, the prevention provisions offer us a real reason to say yes to this bill.

Congress has crafted a bill of both punishment and prevention. The Clinton administration has tackled this tough issue and when the crime bill goes to the Presidents desk, it will be the first crime bill to get a President's signature in 5 years.

Let us make the crime bill the first priority when we come back from the recess.

FOREIGN POLICY

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, President Clinton's foreign policy is damaging our Nation's standing in the world. We are confusing allies, encouraging foes, and dumbfounding average Americans. Where do we stand in Haiti? What is our role in Bosnia? What have we done in Somalia?

Time after time over the past year the President has made threats, promises, and declarations which have been ignored by our adversaries and our allies.

In Somalia, a weak foreign policy and lack of support for our troops led to the slaughter of some of America's best men.

In Bosnia, the Serbs discovered our threats are empty. Repeatedly, they called our bluff. If need be, they made promises only to break them again.

In Haiti, the thugs who have stolen the country thumbed their noses at our warships. When we threatened, they installed an unelected leader. Once again we were helpless because our credibility is gone.

Does anyone wonder why North Korea's leaders ignore our demand to stop making nuclear weapons?

In less than 1 year, the Clinton administration has succeeded in destroying the solid foreign policy America has enjoyed for the last 12. The legacy of the Reagan-Bush years is replaced by indecision and weakness. Our allies are confused and our adversaries are gloating.

Whither thou goest next, President Clinton?

ON CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China is now dictating to Congress. China said they will not tolerate or accept any conditions from the Congress of the United States at all on their most-favored-nation trade status.

Wow, Congress, how does that tame your dragon hair?

Chinese dictators—any Congress that will allow a bunch of Chinese dictators to set down the law on American trade policy should be impeached. China is now No. 2, right behind Japan, with a $26 billion surplus and telling us how we should vote. Shame, Congress. Shame. Who do you represent, the workers in a Chinese prison camp, or the laid-off workers in cities all over American?

TRIGGERS JUST SMOKE AND MIRRORS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, by all published accounts, one of the so-called keys to any health care reform compromise are the "triggers."

No, I am not talking about Roy Rogers' horse, or some western gunfight. I am talking about true legislative trickery.

These triggers are the date at which a specific health care reform legislation, probably a Government-run system, would be put into operation should other reforms prove unsuccessful.

The two types of triggers being discussed are equally bad. The hard triggers are bad because they require the automatic institution of any legislation without any congressional approval.

The soft triggers are bad, because this will doom any real reform measures we take now, by forcing us to come back in just a few years and start this process all over again. What a waste!

So what are our choices: abdication of responsibility or failure to act in the public's best interest?

Mr. Speaker, these are not choices that I feel comfortable with.

We need substantial health care reform, today! And our dialog must be about what is right for the American people, not about smoke and mirrors!

HONORING BRAVE AMERICANS WHO HAVE DIED PRESERVING AMERICA'S FREEDOM

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, in 1868 the Commander in Chief of the Grand Army of the Republic issued an order setting aside a day "for the purpose of strewing with flowers or otherwise decorating the graves of comrades who have died in defense of their country."

Unfortunately, in the more than 125 years since that first Memorial Day, the number of graves to decorate has multiplied greatly—each a poignant reminder of loved ones—sons and daughters, mothers and fathers—brave men and women who have given their lives in service to our country.

Mr. Speaker, on this Memorial Day and on the upcoming anniversary of D-Day, we will honor with the deepest gratitude the heroes of Omaha Beach, Da Nang, Dhahran, and all the brave Americans who have died preserving our Nation's freedom. As we honor their memory, let us pledge that their lives and valor shall not be forgotten. Let us also pledge to do our utmost to see that no other generation will need to repeat their sacrifices.

SO THAT'S WHERE IT WENT!

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, media reports this morning tell of the confirmation of the black hole theory in astronomy.

A black hole is described by the New York Times as "a gravitational monster that gobbles up everything around it."

This discovery may solve one of the great political mysteries of our time.

Can it be that a black hole has gobbled up the Clinton foreign policy?

After all, trained observers, using the most sensitive detection instruments have not been able to confirm that such a policy exists, although the administration loudly claims it is there.

Obviously more investigation is needed before this black hole/foreign policy theory is accepted, and I urge astronomers to continue their investigations.

But I must say that I strongly favor this hypothesis, since it is the only logical explanation of why this Nation has not had a foreign policy since this administration took office.

DON'T INVADE HAITI FOR MEMORIAL DAY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, as we approach the 50th anniversary of the Normandy invasion, I can only wonder if the President is planning to commemorate this Memorial Day with another invasion—an invasion of Haiti? We wake this morning to find that the President is sending warships and troops to the Caribbean. The President has deployed two more ships to Haiti, bringing the total to eight United States warships now off Haiti's coast, with an amphibious assault ship carrying 650 Marines on its way for battle exercises. Was anyone at the White House listening when this House said "no" to military intervention and offered an alternative safe haven proposal. We have had positive response to the safe haven plan from countless Americans and from Haitian parliamentarians, Haitians, and Haitian-Americans—people we are trying to help. Memorial Day is a day to remember those who gave their lives. Let us hope the President will not commemorate this day by asking more Americans to needlessly risk their lives in Haiti.

FEDERAL IMMIGRATION POLICIES PLACE HUGE BURDEN ON STATES

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, a report released yesterday by the Urban Institute confirms what those of us from States such as California, New York, and Texas already know—that our Federal immigration policies are placing an enormous burden on our States.

The Clinton administration has taken an important first step toward helping States and local communities deal with the cost of illegal immigration. For the first time ever, an administration has requested money to reimburse State and local governments for the costs of incarcerating undocumented alien felons. But, the $350 million that has been requested is only a downpayment.

Several weeks ago, this body passed a crime bill making full reimbursement mandatory by 1998. Immigration is a Federal issue and the incarceration of undocumented criminal aliens is a Federal responsibility. The Federal Government should accept its responsibility, so, let us include this in the final version, and let us get the crime bill to the President's desk.

□ 1100

AMERICA NEEDS REASSURANCE THAT CONGRESS LISTENS AND GETS THINGS DONE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, our day to day business often reminds me of the student who puts off an important assignment until the very last minute.

We have waited until our general aviation industry has been driven to the brink, by frivolous litigation.

We have waited until our communities are driven to the brink by Safe Drinking Water Act regulations.

We have waited until our businesses and cities are driven to the brink by Superfund.

It may be the proverbial last minute, but the last minute does not have to mean too late.

We can pass H.R. 3392 and put some common sense into the Safe Drinking Water Act.

We can approve legislation offered by the gentlemen from Kansas and Utah and revitalize our aviation industry.

And we can and must support a comprehensive reauthorization of Superfund.

Mr. Speaker, we may have to join the students in pulling some all-nighters, but we can also join those who earn good report cards. Let us show America that Congress listens. Let us show America that Congress can get things done.

THE REEMPLOYMENT ACT

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, bad news, good news. The bad news is my district suffers the second worst unemployment in the entire country.

The good news is new projects and programs, with the help of the Federal Government, will create hundreds of jobs and millions of dollars of economic activity in just the next 6 to 9 months.

The bad news is the people who are unemployed may not be the exact fit for the new jobs that are coming into the district.

The good news is the President's Reemployment Act will help provide persons the training they need for the new jobs being created in our increasingly information-driven, computer-operated, consumer-oriented job market.

Let me give you one example.

Two weeks ago the Department of Defense announced that it was locating in my district a new Defense Finance Accounting Service—or DFAS office. This office will create 750 jobs in the

Monterey area. Within hours of the announcement, my office was flooded with phone calls from persons wanting to apply for the jobs at the DFAS. Even now, 2 weeks later, my office is still serving as a clearinghouse for persons wanting information on employment.

The jobs at the DFAS will require special technical skills, skills that, with training assistance from the Reemployment Act, will easily allow people in my community to fill those 750 new jobs.

Mr. Speaker, the President's Reemployment Act is exactly the tonic we need to get people back to work. It gives people access to training. It gives them access to jobs. But most of all, it gives them access to the hope of a brighter future.

KEEP OUT OF HAITI

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, Presidents, and this is a bipartisan scandal, like to do sneaky things sometimes when the Congress is out. They like to defy overwhelming votes of the expression of this Chamber and the other body.

We better not go into Haiti and put men and women now in harm's way against the will of both these Chambers for the likes of Aristide.

We had better not do that within a few days of two young widows being awarded posthumously the Medal of Honor for their husbands being killed in the streets of Mogadishu where we had taken away their aerial gunships, the AC-130 Hercules, and denied them armored cars and tanks for rescue recovery.

We better not go into Haiti.

Do Members recall when people were trying to compare themselves to Truman in both parties about fighting heart? Here is one thing where politicians all the way up to the highest office forget to emulate the words of Harry Truman.

Truman in the great David McCollough prize-winning book Truman said this:

"Any man who is dissolute with women is not to be trusted entirely." Here are Truman's exact words out of one of his diary entries: "A man not true to his wife, a man not honorable to his marital relations is usually not honorable in any other relation."

A PLEA FOR ENACTMENT OF THE REEMPLOYMENT ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, of the more than 8½ million workers unemployed this year, over 2 million will be faced with permanent job loss. We need to pass the Reemployment Act this year so that these workers can begin to receive the assistance they need to connect with the good jobs that our economy is creating.

But, Mr. Speaker, it is not only workers who would benefit from passage of the Reemployment Act. Businesses would benefit as well. Many businesses creating the good new jobs in our economy are having a tough time finding skilled workers. The REA would help give workers the skills they need to fill these jobs, and would connect the business with the worker.

Business Leaders understand the benefits of the REA. The National Alliance of Business, and I quote: "welcome the chance to support a bill that proposes, for the first time, a national work force investment system responsive to the needs of both employers and employees." The President of the German multinational conglomerate Siemens Corp.—looking to expand its United States manufacturing operations—testified that the REA would give American workers, quote: "the skills that are required by companies such as Siemens."

Mr. Speaker, we need to work with the administration and pass the Reemployment Act. The millions of Americans loosing their jobs this year and the thousands of businesses looking to try and reemploy them demand no less.

PRESIDENT CLINTON'S AIDES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday the Frederick, MD, News Post ran a photo labeled "mystery visit."

This was a photograph of the Presidential helicopter taken at Holly Hills Country Club where some of President Clinton's aides had gone to play golf.

Officials would not disclose the names of the aides but said the purpose of the golf game was to "scout out the course for President Clinton."

What a ridiculous waste of taxpayers' money. What an arrogant abuse of power. Large helicopters do not fly cheaply.

Surely there is a better use of this helicopter than to shuttle White House staff to golf outings.

Surely White House aides have more important things to do on weekdays than to scout out golf courses.

And why all the secrecy? The answer, of course, is that the White House has been caught in another embarrassing position.

Who were these aides? They should be required to reimburse the Government for the full cost of these helicopter rides.

Further, the White House should not try to cover this up. They should disclose full details and costs of all times that the President's helicopter is being used only by aides.

IN SUPPORT OF THE REEMPLOYMENT ACT

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, there is very encouraging news about our economy and employment everyday, but there is also dislocation and long-term unemployment.

Our current system is not addressing the long-term needs of the unemployed.

We continue to spend billions of dollars on emergency unemployment benefits when we should have a sensible structure in place which emphasizes reemployment.

Imagine the exasperation of the unemployed who must deal with a jumble of unrelated agencies to find the kind of job training and assistance they need.

The Reemployment Act changes this by streamlining the current confusing maze of narrow categorical programs into a comprehensive reemployment system that will connect workers to new jobs and employers to skilled workers.

The plan is market-driven in that job-seekers will work with career counselors to develop individualized reemployment plans based on good labor market information.

Mr. Speaker, we have worked hard to get our economy back on its feet. Let us finish the job by enacting this critical legislation.

ARE YOU GETTING YOUR MONEY'S WORTH, AMERICA?

(Mr. SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, this week Congress begins considering the annual appropriations bills, which fund the Government's programs.

Before we rush to spend the Nation's money, we should ask ourselves the same question we would ask if we were spending our own: Are we getting our money's worth?

Too often America's answer to this question has been "no."

Democrats would like to try and convince us that America's answer is wrong. Republicans believe America's answer is right and it is the spending that is wrong.

Nowhere is this truer than in the legislative appropriations bill that we vote on today.

The question we should ask is simple: "Are you getting your money's worth, America?"

In the case of this administration and its legislation, the answer is a resounding "no."

This Democrat-controlled House, Senate, and White House keep getting it backward. They insist on spending more and getting less, when in fact America will get more when we spend less.

FOCUS ON PREVENTING YOUTH VIOLENCE

(Mrs. BYRNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRNE. Mr. Speaker, last month, the House approved the most sweeping anticrime legislation in its history and we must get this bill signed by the President.

To quote Lieutenant Boykin, a police officer in my district, "violence is an equal opportunity employer that strikes anyone, anywhere, anytime * * *" and this crime bill focuses on that random, senseless violence.

For example, it just makes sense to encourage the adoption of truth-in-sentencing laws.

Otherwise we will have little impact on stopping the revolving door that gives criminals repeated chances to wreak havoc on society and turn safehavens into battlefields.

Of course we need to put criminals behind bars, but we cannot give up on today's 4- and 5-year-olds by simply building prisons for the future.

That is why we must also focus on preventing youth violence.

It is about programs, like an "ounce of prevention," that provide children with the support and opportunities they need to be productive, law-abiding citizens.

MONEY'S WORTH

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, this week we passed a spending bill on the operations of our foreign policy.

The question, of course, is: What foreign policy? Under the Clinton administration, that question is becoming more important.

As we wait for the President to exhibit leadership, our foreign operations budget continues to plod forward. Before we spend the taxpayers' money, should we not rethink where that money is going?

Mr. Speaker, even with the cold war over, America needs research and development in strategic defense, the environment, transportation, and especially medicine. But the Clinton administration is talking about price controls which would scare away venture capital.

The President promised to reinvent Government, but when it comes to foreign aid and domestic spending, we have not reinvented one thing.

As we debated the foreign aid appropriations bill and other appropriations bills coming up in the next week, I ask the America people one question: Are you getting your money's worth? I doubt that the voters think so.

THE MICHAEL FLUELLEN SHOOTING

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BISHOP. Mr. Speaker, May 8 was a quiet Sunday afternoon as southwest Georgians celebrated Mother's Day in my hometown of Columbus, until gunshots blasted and echoed throughout the community.

In the pull of a trigger and the turn of a corner, 14-year-old Michael Fluellen was killed in front of his home, the victim of yet another senseless drive-by shooting.

Michael was a model student and a great athlete. "He went out of his way to make people feel good about themselves," one of his teachers said.

At his funeral, a Richards Middle School official read a proclamation establishing its own chapter of Students Against Violence Everywhere. SAVE, as it is known, works with existing community organizations to provide resources that will help students eliminate violence at school and throughout the community.

Columbus Mayor Frank Martin proclaimed May 13, 1994, Michael Fluellen Day and members of SAVE and the people of Columbus intend to see that Michael did not die in vain; something positive, they say, must come from this tragic event.

This tragic loss brings a plea to the Congress from southwest Georgia. We need a balanced anticrime initiative that will punish Michael's assailants, provide the youth of America with alternatives to violence, and restore sanity to the streets of our communities.

S.A.V.E. (STUDENTS AGAINST VIOLENCE EVERYWHERE)

This organization was created as a student response to the violent death of a fourteen-year-old eighth-grade student at Richards Middle School, in Columbus, Georgia. Michael Marcus Fluellen was gunned down outside his home on Mother's Day as he returned from a neighborhood basketball game. Michael was a model student, star athlete and excellent role model for his peers. Faculty and students are committed to ensuring that S.A.V.E. will be an organization which will eliminate violence at school, home and in the community. With the help of community organizations it is our goal to teach young people ways in which they can break destructive patterns of violence in their own lives. Because of Michael's ability to touch the lives of so many people, Columbus Mayor Frank Martin proclaimed May 13, 1994. Michael Markus Fluellen Day, and members of S.A.V.E. intend to see that he did not die in vain—something positive must come from this tragic event.

Sponsors: Katie Genes (friend and teacher of Michael Fluellen), Rita Irby, Algracie Jackson.

Principal: William W. Arrington.

MOURNERS OVERFLOW AT FUNERAL

DRIVE-BY SLAYING OF 14-YEAR-OLD RICHARDS MIDDLE SCHOOL STUDENT TOUCHES DEEP CHORD IN COMMUNITY

(By Norval Edwards)

As mourners overflowed Corinth Missionary Baptist Church in Columbus Friday afternoon, some were overcome with grief over the death of Michael M. Fluellen.

But most in the standing-room-only crowd also seemed perplexed, as if asking why the 14-year-old Richards Middle School student had been killed.

"Why did something so terrible happen to someone so good?" Katie Gemes, a teacher at Richards, asked the packed audience.

Michael was killed Sunday as he was walking home along Eighth Street after playing basketball near Carver High School. Three men have been arrested and charged in what police are calling a random, drive-by shooting.

Michael was remembered by Gemes as "thoughtful and kind to others."

"He went out of his way to make people feel good about themselves," she said.

As people filed into the church to view Michael's remains, his sister, Michelle, wailed, "Lord have mercy! Why? My brother is dead!"

Ushers waved paper fans for family members in the crowded church; and two family members, overcome by heat and emotion, were escorted out temporarily.

During the service, a school official read a charter establishing a chapter of Students Against Violence Everywhere (SAVE) in Michael's name. Students decided this week to form the group as a lasting living memorial.

A.J. McClung, Columbus mayor pro tem, offered condolences to the Fluellen family on behalf of the city.

State Sen. Ed Harbison of Columbus challenged students to do their part to end violence in the city.

In his eulogy, the Rev. Raymond Mays said there's too much hatred today.

"People haven't seen the significance in living in this world," he said. "It's time to lose the better than thou attitude."

Mays urged the mourners to imagine what a better place the world would be if everyone learned to respect life and one another.

Gemes said she taught Michael in the seventh and eighth grades. She and Michael, in addition to being teacher and student, had become friends, she said before the funeral.

She said she will remember Michael's smile.

"I called it his 'million-dollar smile,'" she said. "He always had a group around him. He had so much self-confidence—the other kids loved to be around him. He never wanted to hurt anyone."

Students at Richards Middle School plan to get together next week to talk about how the community can reduce violence against teenagers.

They've formed a group they call SAVE, Students Against Violence Everywhere. The group plans to meet at 3:15 p.m. Wednesday at the school, 2892 Edgewood Road, Columbus.

Students, teachers and administrators have also established the Michael Fluellen Memorial Fund, to help the Fluellen family pay funeral costs. The account has been set up at Trust Co. Bank's Cross Country Branch, 3229 Macon Road.

SIGN DISCHARGE PETITION ON A-TO-Z SPENDING CUTS PLAN

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, tomorrow most Members of this House will return home to their districts for 10 days.

That is 10 days to face the voters; 10 days to hear the voters' concerns; 10 days to be reminded that the voters want change; 10 days to hear that the voters want the real A-to-Z spending cuts plan.

Mr. Speaker, back home the voters will cheer those of us who are supporting the A-to-Z plan.

Back home, the voters do not accept excuses. And back home the voters do not accept anything but the real thing.

And, Mr. Speaker, the real thing is discharge petition No. 16. Today is the last chance for Members to sign the real A-to-Z discharge petition before the Memorial Day recess.

You all know that your phones have already been lit up to express support for A-to-Z. Would it not be great to go home to your town meetings and proudly announce that you have had the courage to sign the real A-to-Z discharge petition?

My friends, do not go home without it. Sign the A-to-Z discharge petition today and then go home and tell the voters that you care about the future of our country and you are doing something about it.

"OUNCE OF PREVENTION" GRANTS MUST BE FUNDED

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I want to urge my colleagues—especially those who will be part of the conference committee on the crime bill—that it is imperative that the crime bill that we send to President Clinton including funds for the "ounce of prevention" grants as well as other prevention programs. These grants are vital to communities with high incidences of crime, poverty, substance abuse, unemployment, school dropouts, and teen pregnancy. The funds will allow cities and counties to become involved so that they may intervene and encourage and inspire youths at risk.

The moneys included will provide for critical community programs such as mentoring, tutoring, job placement, and substance abuse counseling.

These grants make these significant and important programs possible for disadvantaged communities. Without them, the future for our young Americans will not be so bright and promising.

It is not judicious, expedient, or economical to have a crime bill that does not contain strong prevention measures. Why should we only house criminals after crimes have been committed rather than prevent the crimes in the first place? It is shortsighted to only treat the ills of society and not solicit a cure.

□ 1120

COMMEMORATE 50TH ANNIVERSARY OF D-DAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today in commemoration of the upcoming 50th anniversary of D-day, the first day of the Allied Invasion of Europe at Normandy. The Allies, under the command of Dwight D. Eisenhower, landed on the beaches in France on June 6, 1944.

Our troops suffered massive losses. Yet, despite the onslaught from the German guns, the Allied Forces held their beachheads and pushed the Germans back. Within a year, the war was over.

Mr. Speaker, the 50th anniversary of D-day is a day when we should remember all of those who fought and died at Normandy and, indeed, in all of World War II. Nearly 580,000 men and women from Florida served their country with honor and distinction in World War II.

We must always remember to pay tribute to those who have made the ultimate sacrifice. We must never forget those who have died, and those who were injured. We must never fail to help those surviving veterans who may be in failing health. And we must ensure that we never again have to send so many young men to die. The United States must continue to maintain a strong defense. Peace through strength must never ever be forgotten.

THE CRIME BILL STRIKES AN EQUITABLE BALANCE BETWEEN ENFORCEMENT AND PREVENTION

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, the summer is upon us, and the conferees on the crime bill have yet to meet. During the spring I and, I am sure, other Members promised their constituents enactment of significant crime-fighting legislation was a priority in Washington. Responding to our constituents' call for a strong, smart, and tough crime bill, the House passed a good bill that strikes what I believe is an equitable 60-40 balance between enforcement and prevention. The bill contains a broad range of provisions that our people at home want: 3 strikes and you're out; 50,000 more police officers on the streets; increased moneys to construct new correctional facilities; and commitment to fund the multijurisdictional task force under the Byrne memorial grant program.

Mr. Speaker, it is time to move on this sweeping piece of legislation. The people of Michigan and of this Nation want the House and Senate conferees to meet and present a tough but fair crime bill to the President for his signature.

We must begin to reclaim our schools, our streets, and our neighborhoods.

RETIREMENT ANNUITIES MAY BE TARGET OF NEW CLINTON TAX

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, the same folks who brought us the largest tax increase in the history of the Republic last year are now drawing up plans to add an onerous tax on people's retirement annuities.

Currently, an annuity's increase in value over time—its inside buildup—is taxed when the owner begins to draw income. This is analogous to capital investments such as real estate or stocks, where any gains are not taxed until sale.

President Clinton is considering ending this tax deferral. We should not let this happen. Two-thirds of annuity owners have annual household incomes of under $50,000. These people are not rich and need their annuities to retire in dignity. Unfortunately, we have come to learn from painful experience that President Clinton's definition of "rich" includes many who view themselves as "middle class."

Both the Treasury Department and the Office of Management and Budget are already backing away from this foolishness. Let us heed their counsel.

RESIGNATION AS CONFEREE AND APPOINTMENT OF REPLACEMENT CONFEREE ON H.R. 3841, INTERSTATE BANKING EFFICIENCY ACT OF 1994

The SPEAKER pro tempore, laid before the House the following resignation as a conferee:

COMMITTEE ON THE JUDICIARY,
Washington, DC, May 25, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I wish to be excused from services as a conferee on the conference committee on the bill H.R. 3841, to amend the Bank Holding Company Act of 1956.

With best wishes, I am

Sincerely,

JACK BROOKS,
Chairman.

The SPEAKER pro tempore. Without objection, the resignation is accepted and without objection, the Chair appoints the gentleman from Kentucky, Mr. MAZZOLI, to serve in lieu of Mr. BROOKS of Texas, resigned, as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3841.

There was no objection.

The SPEAKER pro tempore. The clerk will notify the Senate of the change in conferees.

PROVIDING FOR CONSIDERATION OF H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1995

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, or to recommit with instructions if offered by Representative Young of Florida or a designee.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from New York, Mr. SOLOMON, pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 444 is the rule providing for consideration of H.R. 4454, the legislative branch appropriations bill for fiscal year 1995. The resolution provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. House Resolution 444 also waives clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in a general appropriations bill, against all provisions in the bill.

Mr. Speaker, the rule makes in order only those amendments that are printed in the Rules Committee report accompanying this rule and the amendments are to be considered in the order and manner specified in the report and all amendments will be debatable for 10 minutes each.

The amendments made in order under this rule are not subject to amendment, are considered as read, and are not subject to a demand for a division of the question. All points of order against the amendments made in order in this rule are waived.

Mr. Speaker, the rule further permits the Chairman of the Whole to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes.

Finally, Mr. Speaker, the rule provides for one motion to recommit or one motion to recommit with or without instructions, if offered by the gentleman from Florida [Mr. YOUNG] or his designee.

Mr. Speaker, the bill brought before us today is the product of many hours of hard work and the Members and the staff certainly deserve our appreciation.

The bill is important in many ways because it funds not only the operations of the House of Representatives but it also provides for the funding of other agencies critical to the mission of the legislative branch such as the Library of Congress, the Government Printing Office, and the General Accounting Office. While most of the funds in this bill are for the salaries for our staff and for the staff of these other agencies, it must be noted that this is the first time in 4 years that there is an increase in this bill—however modest it may be.

The Appropriations Committee, has made some very hard choices so that there is the most bang for the buck in this legislation. The very lean funding provided in this bill will make it possible for us to fulfill our constitutional obligations and serve our constituents as well as possible.

I made the point yesterday in our Rules Committee hearing and I want to make it again—the legislative branch is a coequal branch of Government and must be treated as such. The trimming of the cost of governing is necessary but we cannot cut for the sake of cutting and we cannot cut and cut and cut when these cuts are not in the best interests of the country.

Traditionally, this bill has provided a wonderful opportunity for some to grandstand and say that this particular agency should be abolished or that this particular account is merely an example of Government waste. I view most of these arguments as flimsy at best and only allow for a slick soundbite and maybe a nice addition to a campaign brochure.

We received many valid and worthwhile proposals to this bill. The Rules Committee has made in order many amendments—some I agree with and some I don't—but all of them deserved to be brought before the House and debated on their merits. What I feel we must resist are the kind of amendments that make for good television but terrible public policy.

I would once again like to recognize the fine work that this bill represents and again make the point as forcefully as I can—the legislative branch has sustained continual cuts in its funding over the last 15 years. Vital capital projects have had to be postponed and we have not been able to maintain pace with the Consumer Price Index. The executive branch, on the other hand, has grown at a rate nearly 40 percent greater than the legislative branch over this same period.

This pattern does not serve anyone well. The U.S. Government is the most representative in all of the world and without a doubt, we are certainly the most responsive to the needs of our citizens. The funds in this bill will simply allow the functions of the legislative branch to be carried out.

Finally, Mr. Speaker, I would like to observe that the Rules Committee has made in order 12 amendments to this bill that represent a total of $177 million in possible cuts—that's over 9 percent of the reported bill. There are three Democratic amendments, three Republican amendments, and six bipartisan amendments.

This is a fair rule.

It is the job of the Rules Committee to recommend to the body a structure that allows for a full discussion of the issues while at the same time bringing the matter to a final vote for resolution of the matter. This rule allows for that discussion, it allows for many cutting amendments, and it will bring the bill to a final vote for a decision by this entire body.

Mr. Speaker, let me just say, this is a bill of vital importance. It is a product of a lot of very hard work. There are many fine proposals that are made in order under this rule and I expect a very good debate. I urge my colleagues to support this rule and support this important bill.

□ 1130

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Edgefield, South Carolina [Mr. DERRICK] one of the very respected Members of this body, for yielding me half of his time.

Having said that, Mr. Speaker, I ask every Republican to vote "no" on this rule and to vote "no" on the bill if the rule passes.

Mr. Speaker, yesterday the distinguished chairman of the Committee on Appropriations justified a restrictive gag rule for the foreign operations bill on the grounds that President Reagan—listen to this now—President Reagan once asked him to seek such a rule. I am sure it must come as some surprise to his colleagues in the Democrat Caucus that he is still taking his marching orders from a Republican President who left office over 5 years ago. Mr. Speaker, I cannot wait to hear who has directed the chairman to seek this gag rule on the legislative branch appropriations bill. For all I know his latest marching orders must have been found in some newly discovered Presidential papers of Millard Fillmore.

It might all be funny, Mr. Speaker, if it were not so sad.

Here we are, about to debate a bill appropriating nearly $2 billion, $2 billion for the legislative branch of Government, and we are being told by this rule that Members of that very same branch are not competent enough to fully and freely debate and amend this bill. I mean what is going on around here?

Somebody from the majority side of the aisle says, "Beam me up." Who is that over there?

I say to my colleagues, "this rule is a little like buying a house and then being told that someone else will write our household budget for us because we are not capable of managing our own household affairs."

Here we are in this House, guardians of the people's purse, read the Constitution, being told that we are not mature or intelligent enough to vote on how the people's money should be spent on our own budget! Well, excuse me, Mr. Speaker, but this kind of rule turns the Constitution on its head, and it is just one more piece of evidence of why the people are increasingly frustrated with this Democrat controlled Congress. And I say to those colleagues, "Boy, it's going to come back to haunt you."

Mr. Speaker, the people sent us here to represent them, to vote for them, to decide on how their hard earned tax dollars should be spent or saved. That is what they learned in their civic books about how our republican form of government is supposed to work. Yet they see rule after rule like this that tie the hands of their duly elected Representatives and, in turn, disenfranchises all 600,000 of the constituents that each of us represent because we cannot offer amendments on this floor.

Mr. Speaker, the people also learned that the Congress is the guardian of the purse strings, that only Congress can appropriate money and raise taxes, and that only this House has the power to originate both tax and spending bills. Read the Constitution. And yet this rule says no to that concept embodied in our Constitution. This rule says that a pair of committees beats a full house, Mr. Speaker. The Committee on Rules and the Committee on Appropriations presumably have more collective wisdom than all of the rest of us put together.

Am I exaggerating when I make that claim? Sadly, I am not. It was confirmed in a marathon 15-hour Committee on Rules meeting yesterday when we were lectured by our Democrat colleagues over and over again that we had to shut down this rule to prevent, and I quote, "cheap shot amendments." Mr. Speaker, I am tempted to raise a question of the collective privileges of this House against such characterization of the Members of this body. Those statements reach an all-time low, in my opinion, in trashing this body. How can we expect the people to have confidence in us when those in positions of power and supposed leadership can go around calling Members a bunch of cheap shot artists? What kind of leadership is it that expresses no confidence in its own Members and the people they represent just because Members want to offer cutting-spending amendments that would cut our own budget?

I ask my colleagues, "What do you think the American people think about that?"

Is there any wonder, Mr. Speaker, that the public's approval rating of Congress hovers around an abysmal 20 percent, and is going down? Why have they lost confidence in us? One reason is that our leaders arrogantly, and I say arrogantly, gag us by refusing to let the House work its will on this floor by offering cutting amendments to these big spending bills. Mr. Speaker, how can we expect to cut spending when the leadership denies us the opportunity to offer these cutting amendments—over 35 of them—when we are not trusted by the Democrat leaders to manage our own House?

I would suggest it is time for a change around here, time for a change from top to bottom, to put the people back in charge of this House through a free and open legislative process. And I say, "You can count on that happening, Mr. Speaker, if the American people kick out these Democrats who are blocking these amendments and put Republicans in charge of this House. You're seeing it happen with every special election; there was one just 2 days ago."

Mr. Speaker, the Democrat leadership tells us that this House is downsizing, downsizing its budget. Yet this bill appropriates 5.7 percent more than last year's bill, $107 million more. Keep in mind that the leaders of the Democratic Party are boasting that we are cutting legislative personnel by 4 percent, but we are still spending more money.

How is that?

Mr. Speaker, only in our Nation's Capital can we downsize and spend up. Yet that same Democrat leadership is doing all it can to dilute and divide and delay any House action on the joint reform committee's recommendation to streamline and improve this institution. They are blocking our own Republican amendments to further strengthen those reforms, like eliminating proxy voting, eliminating one-third of the committees, eliminating one-third of the staff. We cannot even offer those amendments, Mr. Speaker.

We can, if given an opportunity, reduce the size of this bureaucracy that has overcome us here in Congress and make this a leaner, more effective policymaking body. We have got committees and subcommittees and staff stepping all over each other around here, fighting over turf instead of focusing on making good laws for the people. We have got some 12 House committees alone, listen to this, and dozens of subcommittees working on just one health bill. Can anyone really think that good health policy can emerge from such a mishmash of tangled jurisdiction?

Where is congressional reform? It is being blocked by Democrat leaders, that's where.

In conclusion, Mr. Speaker, I am sorry to get so excited. We deserve a chance to make some meaningful and thoughtful cuts in this congressional bureaucracy so we can get back to the basics of doing what the people sent us here to do. And what was that? It is to work for them instead of for the greater enhancement of all our tiny little fiefdoms around here. I am asking for a no vote on this rule so we can bring this bill back to the House under the kind of open amendment process that was always over the last 200 years on regular appropriation bills.

□ 1140

We have always had that privilege. Let us start to do things right again before we lose control of the purse strings in this House.

If this rule passes, I want every Republican to vote no on this bill, and I would strongly advise the Democrats to do the same.

Mr. Speaker, I include with my remarks the following materials on open rules and rollcall votes, as follows:

Rollcall Votes in the Rules Committee on Motions to Proposed Rule for the Legislative Branch Appropriations Act (H.R. 4454) Wednesday, May 25, 1994

1. Open Rule—Provides for one-hour of general debate followed by an open amendment process under the five minute rule. (See end of list for text of open rule.) Rejected: 4–9 Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Gordon, Slaughter.

2. Motion To Make In Order Prefiled Amendments on Republican List—Rejected: 4–8. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Wheat.

3. Castle Amendment No. 2—Would terminate the current allowable practice of transferring up to $25,000 from Office Expenses Account to the Official Mail Account. Rejected: 4–8. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Wheat.

4. Hoke/Coppersmith/Jacobs Amendment No. 3—Would reduce funding in the bill by an amount equal to that requested for the purchase of calendars from the U.S. Capitol Historical Society for the use by Members. Rejected: 4–8. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Wheat.

5. Klug Amendment No. 7—Prohibits use of Members' official allowance for any Legislative Service Organization (LSO) except the Democratic Study Group (DSG) and the Republican Study Committee. Rejected: 4–8. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Wheat.

6. Boehner Amendment No. 8—Alters Official Mail formula and bans the transfer of funds from Member's Official Expenses Account to the Official Mail Allowance. [En bloc] Rejected: 4–7. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon, Slaughter. Not Voting: Hall, Wheat.

7. Boehner Amendment No. 9—Reduces statutory funds for committee employees by $2.2 million. Rejected: 4–8. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Wheat.

8. Boehner Amendment No. 10—Reduces Official Mail Account by $3.2 million. Rejected: 4–8. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Gordon. Not Voting: Wheat, Slaughter.

9. Motion To Increase Cut in Lancaster/Klug No. 36 By $1 Million—Rejected: 4–9. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Gordon, Slaughter.

10. Lancaster/Klug No. 36—Cuts $4.441 million from the GPO, Congressional Printing Account. Adopted: 11–0–2. Ayes: Moakley, Derrick, Beilenson, Bonior, Hall, Gordon, Slaughter Solomon, Quillen, Dreier, Goss. Present: Frost, Wheat.

11. Motion to Change Pomeroy/Quinn No. 21 to Quinn/Pomeroy No. 21—Rejected: 4–9. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Gordon, Slaughter.

12. Boehner Amendment No. 11—Applies Freedom of Information Act requirements to certain congressional agencies. Rejected: 4–9. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Gordon, Slaughter.

13. Camp/Zimmer Amendment No. 12—Permits Members to return unspend funds from Clerk Hire, Official Expenses, and Official Mail Cost accounts to the Treasury for deficit reduction. Rejected: 5–8. Ayes: Solomon, Quillen, Dreier, Goss, Derrick. Nays: Moakley, Beilenson, Frost, Bonior, Hall, Wheat, Gordon, Slaughter.

14. Fowler/Torkildsen Amendment No. 13—Requires that each Member's monthly franking expenditures be made available to the public. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Hall, Gordon. Not Voting: Derrick, Wheat, Slaughter.

15. Motion to Delete "To the extent practicable" from Traficant No. 1—Rejected: 3–8. Ayes: Solomon, Derrick. Nays: Moakley, Beilenson, Frost, Bonior, Hall, Gordon. Not Voting: Wheat, Slaughter.

16. Traficant Amendment No. 1—Sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available in this bill, must be American-made. Additionally, all entities receiving funds in this bill should be sent a notice of this Sense of Congress. Adopted: 8–0–2. Ayes: Moakley, Derrick, Beilenson, Bonior, Gordon, Solomon, Quillen, Dreier. Present: Frost, Goss. Not Voting: Hall, Wheat, Slaughter.

17. Goss Amendment No. 15—Reduces all discretionary amounts in the bill by 20%. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

18. Mica Amendment No. 19—Requires that funds for salaries and expenses of the Committee on Government Operations be allocated to the majority and minority staff proportional to the party representation in the House. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

19. (En Bloc) Ewing Amendment No. 23—Provides $1.14 million for the LBJ Congressional Internship Program. Ewing Amendment No. 24—Cuts $1.14 million from the funding for committee investigative staff. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

20. Dunn Amendment No. 25—Reduces the funding for committee investigative staff by 4% ($2.1 million). Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

21. Dunn Amendment No. 26—Requires that one-third of investigative funds made available for each committee be expended at the discretion of the ranking minority member of the committee. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

22. Blute Amendment No. 27—Reduces official mailings to 1.5 per address, prohibits transfer of up to $25,000 from other office accounts to the official mail account, prohibits unsolicited mail within 60-days of an election, and directs that all unspent funds be returned to the Treasury. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

23. Michel Amendment No. 28—Requires a 4% cut in the number of FTE employee positions from the Sept. 30, 1995 level and from the Sept. 30, 1996 level in each of the following: the House and Senate, Architect, Capitol Police, CBO, Copyright Tribunal, GAO, GPO, OTA, and the Library of Congress. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

24. (En Bloc) Ramstad Amendment No. 29—Requires an across-the-board cut of 2.7%, and, Ramstad Amendment No. 30—Requires an across-the-board cut of 5.7%. Rejected: 4–5. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Frost, Bonior, Gordon. Not Voting: Beilenson, Hall, Wheat, Slaughter.

25. Schaefer Amendment No. 31—Reduces all committee staff funding by 25%. Rejected: 4–5. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Moakley, Hall, Wheat, Slaughter.

26. Thomas (WY) Amendment No. 33—Reduces funding for GAO by about 15%, from $439 million to $373 million. Rejected: 4–5. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Moakley, Hall, Wheat, Slaughter.

27. Goss Amendment No. 34—Reduces nursing position salaries under the Architect of the Capitol by $240,000. Goss Amendment No. 35—Reduces by 50% the amount appropriated to the Office of Attending Physician; reduces number of Navy personnel assigned to the Office from 14 to 8; and reduces by 50% the allowable reimbursement to the Navy for personnel and supplies. Rejected 3–7. Ayes: Solomon, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon, Quillen. Not Voting: Hall, Wheat, Slaughter.

28. Thomas (CA) Amendment No. 37—Sets the maximum statutory mail allowance at the first class postage rate multiplied by twice the number of eligible district addresses, rather than the current law 3 times the number of eligible addresses. Rejected: 4–6. Ayes: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

29. Motion To Report Rule—Modified closed. Adopted: 5–4–1. Ayes: Moakely, Derrick, Beilenson, Bonior, Gordon. Nays: Solomon, Quillen, Dreier, Goss. Present: Frost. Not Voting: Hall, Wheat, Slaughter.

(Note: The amendments would not be subject to amendment but debatable for 20-minutes each divided between the proponent or a designee and an opponent; en bloc amendments would not be subject to a division in the House or committee of the whole; and appropriate waivers would be provided to those amendments which need them.)

H.R. 4454, Providing an Open Rule for the Legislative Branch Appropriations Act

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill, and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill for failure to comply with the provisions of clauses 2 or 6 of rule XXI are waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.".

Explanation: This amendment to the proposed rule provides for a 1-hour, open rule for the consideration of H.R. 4454, the Legislative Branch Appropriations Act for Fiscal Year 1995. Clauses 2 and 6 of the rule 21 are waived against provisions of the bill. Finally, the rule provides for one motion to recommit.

RESTRICTIVE RULES ON APPROPRIATIONS BILLS, 95TH–103D CONGRESSES

95TH CONGRESS

Four restrictive rules were granted on regular appropriations bills: H. Res. 664 on H.R. 7932, the Legislative Branch Appropriations bill, permitting open amendment process except only one specified amendment on the subject of Congressional pay; H. Res. 1236 on H.R. 12928, Public Works Appropriations, prohibiting amendments only in one specified area; H. Res. 1220 on H.R. 12929, Labor-HEW Appropriations, making in order only two amendments to the abortion section; and H. Res. 1230 on H.R. 12932, Interior, prohibiting amendments that would make the availability of appropriations contingent on enactment of the relevant authorizations.

96TH CONGRESS

One restrictive rule, H. Res. 335, was granted on a regular appropriations bill, H.R. 4389, Labor-HEW Appropriations, permitting only two amendments to the section on abortion.

97TH CONGRESS

No restrictive rules were granted on a regular appropriation bill.

98TH CONGRESS

No restrictive rules were granted on a regular appropriations bill.

99TH CONGRESS

One restrictive rule (H. Res. 481) was granted on a regular appropriations bill; H.R. 5052, the Military Construction Appropriations bill, but it did not affect the regular amendment process—only a new title relating to Contra Aid.

100TH CONGRESS

One restrictive rule (H. Res. 457) was granted on a regular appropriations bill, H.R. 4637, the Foreign Operations Appropriations bill, permitting only 18 amendments printed in the Rules Committee report (11 Republican and 7 Democrat).

101ST CONGRESS

One restrictive rule (H. Res. 425) was granted on a regular appropriations bill, H.R. 5114, the Foreign Operations Appropriations bill, permitting only 11 amendments printed in the Rules Committee report (8 Democrat and 3 Republican).

102D CONGRESS

First session

One restrictive rule (H. Res. 177) was granted on a regular appropriations bill, H.R. 2621, Foreign Operations Appropriations, permitted only 11 amendments (6 Democrat and 5 Republican).

Second session

Two restrictive rules were granted in the second session of the 102nd Congress on regular appropriations bills: H. Res. 499 on the Legislative Branch Appropriations bill for fiscal 1993 (H.R. 5427), permitting only 12 amendments (2 by Democrats and 9 Republicans, though five of the Republican amendments were left exposed to points of order, and one of which required a defeat of the motion to rise in order to be offered); and H. Res. 501 on the Foreign Operations Appropriations bill for fiscal 1993, permitting only 5 amendments (2 by Democrats and 3 by Republicans).

103D CONGRESS

First session

Three restrictive rules were granted in the first session on regular appropriations bills: H. Res. 192, a modified closed rule for the consideration of the Legislative Branch Appropriations bill (H.R. 2348), allowing for just 6 amendments (3 by Democrats and 3 by Republicans); and H. Res. 200, a modified closed rule for the Foreign Operations Appropriations bill (H.R. 2295), allowing for the offering of just 5 amendments (1 by a Democrat and 4 by Republicans); and H. Res. 203, a modified open rule providing for the consideration of the Energy and Water Appropriations bill (H.R. 2445), allowing for just one specified amendment on the Superconducting-Supercollider which is not subject to further amendment, but permitting an open amendment process on the rest of the bill.

Second session

As of May 26, 1994, of three rules granted for appropriations bills, two have been restrictive: H. Res. 443, a modified closed rule for the Foreign Operations Appropriations Act (H.R. 4426), making in order 8 amendments (3 by Democrats, 5 by Republicans); and H. Res. 444, a modified closed rule for the Legislative Branch Appropriations Act (H.R. 4454), a modified closed rule making in order 12 amendments (8 by Democrats and 4 by Republicans).

(Note: The above information does not include rules for continuing resolutions (CRs) or supplemental appropriations bills.)

Source: Congressional Research Service and Rules Committee Minority Staff, based on Rules Committee Calendars, Rules Committee's "Notice of Action Taken," and examination of the texts of reported rules.

AMENDMENTS MADE IN ORDER UNDER THE RULE FOR H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS FISCAL YEAR 1995

(Listed in the order they will appear in the report; amendments are debatable for 10 minutes each)

21. Pomeroy/Quinn: Reduces official mail costs by $4 million for FY 1995.

41. Thurman: Reduces by $2.942 million the amount appropriated for salaries and expenses of House officers and employees, specifying cuts for: Clerk's Office, Doorkeeper, Director of Non-Legislative and Financial Services, Historian, Office of Law Revision Counsel and Legislative Counsel.

43. Strickland: Eliminates $6,580,000 for six new elevators in the Longworth Building.

36. Lancaster/Klug: Cuts $4.441 million from the GPO, Congressional Printing account.

14. Johnson (GA)/Torkildsen: Reduces congressional printing at GPO by $3 million.

39. Torkildsen/Byrne: Reduces funding for the Botanical Garden account by $7,000,000. (construction and renovation project)

38. Barca/Kleczka/Thomas (CA): Reduces funding for GPO by $1,500,000 (funds to be used in the depository library program for "electronic access" of Federal publications).

6. Roberts/Klug: Reduces full time equivalent (FTE) positions by 300. (revised)

22. Manton/Dunn: Raises the mandatory retirement age of Capitol Police officers from age 55 to age 57.

1. Traficant: Sense of the Congress that, to the extent practicable, all equipment and products purchased with funds made available in this bill, must be American-made. Additionally, all entities receiving funds in this bill should be sent a notice of this Sense of Congress. (revised)

16. Bereuter: Reduces funding for the General Accounting Office by 5% ($30,868,250).

20. Boehner: Freezes the overall FY 1995 level at the FY 1994 level by: reducing GAO funding by 11%; eliminating $7.8 million for Botanical Garden construction, $103,000 for automobiles, and $21,931,000 for OTA; and freezing funds for the Architect of the Capitol, GPO, Congressional Printing and Binding, and joint items of the Congress.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	69	14	20	55	80

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 25, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-Postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191. A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg. Branch Approp. FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I have one speaker, and I reserve the right to close.

The SPEAKER pro tempore (Mr. MURTHA). The Chair will inquire, does the gentleman from New York [Mr. SOLOMON] have any additional speakers?

Mr. SOLOMON. Mr. Speaker, do I understand the gentleman has no other speakers?

My goodness. Let me yield time, then.

Mr. DERRICK. We are just trying to save the taxpayers' money.

Mr. SOLOMON. That would be a first, then.

Mr. Speaker, I yield myself such time as I may consume, and I yield to my very good friend and distinguished chairman of our Policy Committee and the Republican Conference, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank my friend for yielding.

I want to ask my friend, the gentleman from New York, a point of clarification. Did the gentleman say that the Democrats are offering this restrictive, very modified rule because they wanted to avoid cheap-shot amendments from the Republicans? Is that what they said?

Mr. SOLOMON. That is exactly what they said.

Mr. HYDE. Mr. Speaker, does the gentleman interpret that remark, as I do, that amendments that cut spending and cut staff are cheap-shot amendments?

Mr. SOLOMON. They consider them cheap-shot because they know they would pass on the floor and they have to gag Republicans and Democrats alike.

Mr. HYDE. Mr. Speaker, I understand the word, "cheap," is not in their lexicon, and that is a shame.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

Mr. Speaker, since the gentleman on the other side has no further speakers, I am going to ask unanimous consent that the gentleman from Claremont, CA [Mr. DREIER], a member of the Committee on Rules, be allowed to manage the remainder of the time for us on this side of the aisle, and I yield to him whatever time he might consume.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. DREIER] is recognized for that purpose.

There was no objection.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the very diligent ranking Republican on the Legislative Appropriations Subcommittee of the Committee on Appropriations, the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I would like to announce to the House that yesterday I had the privilege of meeting with my good friend and colleague, the gentleman from California [Mr. FAZIO], at the Committee on Rules to present a bill that we thought was a pretty good bill, but we also thought there were some amendments to be made in order that would make it a better bill and ones that would be acceptable to the House. As always, it was a real pleasure to work with the gentleman from California [Mr. FAZIO] there at the Committee on Rules, as we did in the full Committee on Appropriations and in the Subcommittee on the Legislative Branch Appropriations.

I was there primarily to ask for an open rule so that all Members would have an opportunity to offer an amendment that was germane to this bill and let the House work its will. I did not expect that to happen anyway, so I was not too offended when that did not happen. I did not expect it because it does not happen that much around here.

But I did intend to support this bill, and after many negotiations between the leadership on our side and the gentleman from California [Mr. FAZIO], we had come to what I thought was an acceptable agreement. We would like to have had more amendments, but we were ready to settle for what we had agreed to. But that is not what the Committee on Rules did. So I have to be in opposition to this rule.

I have listened to a lot of debates on a good many rules, and I hear my Republican friends on the Committee on Rules always arguing for the right to offer amendments. I am sure that people who observe these debates wonder, why is it that the Republicans are the ones who are always demanding and arguing for the opportunity to offer amendments to legislation? I do not think the answer has ever really been presented, but the answer is really simple. The answer is that the Democrats do not have to because they control this House. There are 178 Republicans and 257 Democrats, and they control the committees and the subcommittees with an even greater ratio than that. So the Democrats do not have to offer their amendments on the floor because for the most part they either are already included in the chairman's mark or they are included at the subcommittee level or at the full committee level and they get their job done in advance because they control everything. The Republicans do not control anything in this House.

So the only opportunity we have to be equal players, as the Constitution intends, is to have an opportunity to have amendments on this floor.

Yesterday at the Committee on Rules, one of the very distinguished members of the Committee on Rules asked the gentleman from California [Mr. FAZIO] the question: "Well, didn't these Members have an opportunity to offer their amendments at the subcommittee markup or at the full committee markup? What about the chairman's mark?"

Let me tell the Members a secret about the chairman's mark. There are very, very few people who ever see the chairman's mark until the members of the subcommittee actually sit at the committee table to begin the markup, and if they cannot see the chairman's mark, how in the world do they know how to write their amendment?

I think that it is only proper and I think the Constitution intends for Members of either party, majority or minority, to have an opportunity to offer amendments that are germane to legislation before the House. And I would say this: Because of the numbers that I mentioned earlier, the majority party has the power to do what they want to do, but they do not have the right.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. YOUNG] has expired, and the Chair recognizes the gentleman from California [Mr. DREIER].

The Chair understands that the gentleman from South Carolina has no additional speakers.

Mr. DREIER. There are still no additional speakers? Mr. Speaker, I would ask my friend, the gentleman from Edgefield, are there additional speakers?

Mr. DERRICK. Mr. Speaker, we did not figure there was enough worthy of response yet.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a very hardworking Member, the gentleman from Lexington, NE [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in opposition to this rule.

We have a lot of talk around here about regaining control of Federal spending and deficit reduction. And we talk a lot about leading by example and getting our operation and offices in order, before we ask for further sacrifice from the people we represent.

But when it comes time to pay the piper, our talk is just that—nothing but talk. Again and again road blocks are raised when we try to make real and substantive cuts in spending, and to cut it here on Capitol Hill first.

Case in point: My colleague from California, Mr. THOMAS, has ready an amendment to reduce the official mail allowance by one-third, by changing the formula by which the mail allowance is calculated for each congressional district.

That would make for a real cut in how we spend the taxpayers' money around here, but we won't have a chance to debate it. Granted, the Rules Committee made in order an amendment to reduce the appropriation for official mail by $4 million or 11 percent. It's an amendment I'll support, but it doesn't get at the root of the problem. And that is the mail allowance itself, and how we are allowed to use those funds.

The Thomas amendment would help curb the large volume of mass mailings that account for approximately 86 percent of mail allowance activity.

It's no secret that some Members abuse the franking privilege, by using mass mailings to subsidize campaign activity, and this practice must cease.

Members on both sides of the aisle, who came to the floor when campaign finance reforms were being debated, discussed the need to make elections more equal between incumbent and challenger.

One way to achieve this goal would be to counteract the enormous advantage that incumbents have with their mailing privileges.

Presently, House members will spend more on mass mailings in the 1993–94 election cycle, than that spent by challengers for House seats in the 1992 general election.

We should defeat this rule and bring the legislative branch appropriations bill to the floor with the opportunity to consider the Thomas amendment and all other substantive, cost-cutting amendments.

The SPEAKER pro tempore. The time of the gentleman from Nebraska [Mr. BARRETT] has expired.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I would inquire of my friend, the gentleman from South Carolina, again, are there any other speakers on the other side of the aisle, any other Members who are going to be speaking?

Mr. DERRICK. I would respond to my distinguished colleague, the gentleman from Laverne, CA, no, we have no more speakers at this time.

Mr. DREIER. So can we anticipate that there will just be one closing speaker?

Mr. DERRICK. We do not have additional speakers at this time. I would rather not commit to that in case somebody else over here would decide to speak, but we do not have any at this time.

Mr. DREIER. Mr. Speaker, we are just trying to figure out whether we should proceed with using up all our time over here and having 30 minutes available on this other side of the aisle. That would not be very fair as we try to proceed with the debate process.

Mr. DERRICK. Mr. Speaker, as the gentleman knows, we always try to be fair in the situation. I simply have no speakers.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DREIER. There is some time on the other side of the aisle. Perhaps the gentleman from South Carolina will yield.

Mr. DERRICK. Mr. Speaker, I simply have no more speakers. All right, go ahead.

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Mr. SOLOMON. Mr. Speaker, I know the gentleman, we respect him, and think he will be fair. But considering what happened in the 15 hour marathon last night, I am just concerned that we might have other Members, not as fair as the gentleman, come here in the last 15 minutes, and then use 15 minutes of the time, when we have no time left.

I would suggest if the gentleman really only has one closing speaker, that at some point he will yield back about 10 or 15 minutes of his time, so we are not being sandbagged like we were last night, out of fairness.

Mr. DERRICK. Mr. Speaker, I would say to the gentleman from New York [Mr. SOLOMON], there is no precedent for anything like that. The only thing I can tell you is I have no reason whatsoever to suspect we will have a rush at the end here to try to do you in. I will manage it, and be just as fair as I possibly can. I have no reason to think we will have any other speakers.

Mr. SOLOMON. As I said before, I trust the gentleman. I am not so trustworthy of others, perhaps.

Mr. DERRICK. I am not willing to guarantee that or willing to give back the balance of my time. If the gentleman wants to give back the balance of his time, I will be glad to give back the balance of mine, and we can go ahead and vote now.

Mr. DREIER. Mr. Speaker, may I inquire of the chair, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. MURTHA). This time was coming out of Mr. DERRICK's time. The gentleman from South Carolina [Mr. DERRICK] has 22 minutes remaining, and the gentleman from California [Mr. DREIER] has 16 minutes remaining.

Mr. DREIER. Mr. Speaker, I am happy to yield one minute to one of the diligent reformers who came to this Congress attempting to bring about the kinds of changes that the American people want, the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I thank my good friend, the gentleman from California, and I rise in opposition to this rule.

Mr. Speaker, yesterday I offered an amendment to H.R. 4454, the legislative branch appropriations which would have brought vital reform to the House franking budget. My amendment would have allowed a cut of more than $7.5 million from the House franking budget in four ways:

Cut each member's franking allowances by one half.

Banned the process of transferring funds into the franking account from other official expenses.

Banned all unsolicited mail within 60 days of an election, and

Directed all unspent franking funds to the treasury and cut the deficit.

The majority of Members in this body already comply with these guidelines. So why can't the entire House have an opportunity to vote on them? There is no good answer to this question.

Mine was not the only amendment that was thwarted though. More than 30 well thought out ideas were rejected by a majority in the Rules Committee. In my short time here I have seen an unprecedented number of closed rules that prohibit the open discussion of ideas. The public is demanding reform of the Congress and the Rules Committee is continuing to perpetuate the status quo.

Mr. DREIER. Mr. Speaker, I yield two minutes to another new Member of Congress, the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding and I thank him for presenting my amendment last night as well.

Mr. Speaker, this is a very difficult subject, but I came to Congress last year with a lot of other people realizing this is a place that spends entirely too much money. Today we are facing a piece of legislation which is going to increase the spending of Congress, that is what this bill is all about, by 5.7 percent. Our own internal controls, we are going to increase this by 5.7 percent.

We have talked about Congressional reform, and we have not seen congressional reform on the floor. I have in front of me about 43 different cuts which were not approved by the Committee on Rules last night. There are another dozen or so that were approved by the Committee on Rules, probably good cuts, things we should do.

But the interesting thing is not one piece of legislation introduced as an amendment did anything but try to reduce the spending which we have here. That must tell us something.

One example, the area I am concerned about, is called the franking privilege. It is a privilege by which Members of Congress write to their constituents. In my allowance last year, I had $200,827 by which I could send 3 pieces of first class mail to everybody in my district. I spent $5,488.94, or 2.73 percent, and I sent out more letters than I received in answering all my constituents.

Do we really need to spend the rest of that money? If we multiply that by 435 people, we really begin to save money. Do we need to send out calendars, questionnaires, and newsletters? Do we need to have all these reelection techniques built into the budget of the legislative body of the Congress of the United States of America? I think the answer to that is not.

I merely wanted in an amendment to make absolutely sure you could not transfer an additional $25,000 from your expense account into the account by which you do your mailing. And that was turned down. I thought it was the simplest amendment possible, and yet that was not allowed last night by the Committee on Rules.

So I thank those who supported my amendment. I thank those who stayed up so late last night supporting good measures that would help save money for the taxpayers of the United States of America. I would encourage us today to vote against this rule, to vote against the bill, but to support the amendments which would produce further cuts.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentlewoman from Jacksonville, FL [Mrs. FOWLER], a leader in the reform effort.

Mrs. FOWLER. Mr. Speaker, I rise in opposition to the rule. I know there was a day when appropriations bills came to the floor under open rules. That is not the case anymore, and Members must now present their amendments to the Rules Committee.

Forty-three of us did that yesterday. Today, you will have the opportunity to debate and vote on just 12 amendments.

My amendment was simple and straightforward, and its demise in the Rules Committee is a good example of why Members should oppose this rule.

Each of us gets a monthly franking report, detailing franked mailings and their cost. My amendment would make those reports public. The national taxpayers union is already getting the information through freedom of information requests. It just makes sense that we should provide the information voluntarily, after all it is taxpayer money we are spending.

Under this rule, those reports will remain secret. Mr. Speaker, I urge my colleagues to oppose this restrictive rule.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the chief deputy whip, the gentleman from East Petersburg, PA, [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, when we heard that Washington was going to be given the privilege of operating under one-party government a couple of years back, we were told that one-party government was going to produce enormous change. That Washington was going to be presented with a reform agenda, and that things were going to be better for middle-class America as a result of one-party rule in Washington.

Today what we see is that one-party rule has simply produced one-party irresponsibility, because what you have before us is a business-as-usual budget. One of the things that the American people have said over and over again that they want to see changed is the Congress. There have been attempts here to paper over the fact that we are not changing.

For example, we went through an exercise of reform called the Hamilton-Dreier committee, which was to present to the Congress a series of reforms. The reforms suggested by the Hamilton-Dreier committee after a year of work have literally been buried. We have not seen any of them. And, guess what? We are running a budget out on the floor today without having put in place any of those reforms, with no intention of moving ahead with those reforms, evidently, in the future, and a business-as-usual budget on the floor.

And, oh, guess what? We are even going to play some little games with this budget. They were going to pump the budget up in money so that then people could come to the floor and offer amendments to cut back down the budget and take credit for the cutting back down of the budget. And then what we were going to say was look how much we have saved. And we were going to make certain that none of those little bitty cuts really did any harm.

So what we did was we went to the Committee on Rules, and I took the time to go up to the Committee on Rules and watch this performance last night, as we made in order some amendments that we knew would do no particular damage. But the amendments that were real, we simply lopped out.

The rule that you have before you today is a rule designed to make certain that nothing really happens; that the Congress continues to go forward spending money on itself as though there were no tomorrow; and that any amendments that are offered do no real damage to that approach; and, oh, by the way, the amendments that were real in terms of reform never get to the floor.

Mr. Speaker, this is just absolutely the wrong rule, it is the wrong bill.

Let me tell you one thing: I think America is in the mood for a change. Middle-class America has had it with exactly what they see going on in the Congress at the present time. I have got one message to middle-class America then, Mr. Speaker, and that is, if you want to see this kind of performance change, change the House of Representatives.

I will guarantee one thing: If you put Republicans in charge of this body next January, one of the first bills that we will revisit is this legislative appropriations bill. We will go back and make certain that there is reform. We will pull it into the discussion again. We will revisit it. We will get real reform as of next January. But it is obviously going to take a new majority here to do it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Addison, MI [Mr. SMITH], a hard working new Member who came here on that platform of reform.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it seems to me the question is what is going to inspire Members of Congress to spend less on their office expenses?

Here is what the kind of rule that I think we should be considering today is: allowing each Member to take 25 percent or maybe even 50 percent of their unspent authorization to go toward deficit reduction.

I turned back a quarter of a million dollars. I am told I am the lowest spender in the U.S. Congress. I asked the Speaker and the gentleman from North Carolina, [Mr. ROSE], if it would be possible for any of that to go towards deficit reduction. It just seems reasonable that if we wanted to excite, inspire, and encourage individuals to have some of that money go towards deficit reduction, that would be one way to do it.

Now that we are underfunded, then, of course, we have to use up everything. But using up everything that is turned back at the same time sends a signal to those Members that they should spend everything that they have got.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and would like to say that over the past year, 1993, I had the opportunity to serve with my colleagues, the gentleman from New York [Mr. SOLOMON], and the gentleman from Pennsylvania [Mr. WALKER], who have just been on the floor, on the Joint Committee on the Organization of Congress. We were charged with trying to bring about reform of this institution.

□ 1200

Tragically, that reform package has fallen by the wayside. We are still hoping that we can bring about some kind of proposal for the House to consider, but this legislative appropriation bill demonstrates the fact that they are trying to proceed with business as usual.

This rule is extraordinarily arrogant, prevents Members from having the opportunity to offer the cutting amendments which should be considered under the standard operating rules of this House. This is blatantly unfair, and I believe both Democrats and Republicans should vote against it.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the U.S. House of Representatives is the most representative body in the world, as one of the three branches of Government that in my opinion has provided our country with prosperity, a framework for prosperity, and a free and open Government for over 200 years.

If we want to examine the House of Representatives, as many who have gone before me have, if we want to examine it in a vacuum, we can certainly find many imperfections, but if we want to examine it and compare it with other systems, I would suggest that if we did not have a House of Representatives, a Congress of this country, that we would have one of two things, or we could have one of two things: We could have anarchy, we could have people shooting each other in the streets; or we could have tyranny, where the Government would be shooting us.

Mr. Speaker, I suggest that it is the U.S. House of Representatives, the Congress as a whole, that stands between the American people and some catastrophe such as this.

To continue, we must be funded. We have people who work here. We have Members who serve here. We have expenses that are incurred. That is what this bill is all about. This bill represents a cut of 9 percent, $177 million, out of proposed expenditures. We are continuing to cut back and have cut back on a number of areas over the last few years.

I said it last night on the Committee on Rules and I will say it again, it is very easy to come up here and to criticize this body. It happens on both sides of the aisle. What I feel is that if we do not stop it, we are going to weaken our institutions, and this institution, to the point that one of these days somewhere down the line a very strong person could come into the White House that was not democratically inclined and could take away our freedoms.

Mr. Speaker, I suggest to the Members of this body that this is a very fair rule. There are six bipartisan amendments, three Democratic amendments, three Republican amendments, giving ample opportunity for the Members to express themselves as far as cuts are concerned.

Mr. Speaker, I would urge the Members of this body to vote for the rule, and to also vote for the appropriation bills which it allows.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 177, not voting 8, as follows:

[Roll No. 210]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Blackwell
Clayton
Cox
Grandy
Horn
Lewis (FL)
Neal (NC)
Wilson

☐ 1226

The Clerk announced the following pair:

On this vote:

Mr. Wilson for, with Mr. Cox against.

Mr. LIVINGSTON changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, because of a family health emergency, I was unable to cast a vote on rollcall votes No. 209 and No. 210. Had I been present, I would have voted "nay" on rollcall No. 209 (on approving the journal) and I would have voted "nay" on rollcall No. 210 on agreeing to the resolution providing for consideration of the bill making appropriations for the legislative branch for the fiscal year 1995.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4454, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1995

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4454.

☐ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, with Mrs. MINK of Hawaii in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman for California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chair, I want to begin by saying it is a pleasure to bring H.R. 4454, the legislative branch appropriations bill for this coming fiscal year 1995, to the floor; but if I said that, it would probably not be quite accurate. It is not really my pleasure, but it is our responsibility and, regrettably, it always falls to the majority to take responsibility for the maintenance of the institution.

So, the almost party-line vote that we saw on the rule should not be surprising. It is normally going to be the job of the majority to stand and fight for those elements of the institution that must be protected if this coequal branch is to be able to exercise its responsibilities.

I do hope, at the end of the day, by the time we have gone through a number of amendments, we will have some bipartisan support for this bill. I think it is important because, frankly, up to this point we have operated in a very bipartisan manner.

I would like, first of all, to express my personal appreciation to the gentleman from Florida [Mr. YOUNG], who is in the first Congress of his acting as ranking member on this legislative branch Appropriations Subcommittee.

□ 1230

It is not a chosen task on his part. It was an obligation he accepted, and I want to pay tribute to him because, as a member of our committee for many years, 20 years I believe, it was certainly not his responsibility to take up this burden, but he has taken it up and performed it in the best possible manner, and I have enjoyed very much working closely with him as we fashioned this bill and brought it to the floor.

I particularly want to thank the gentleman from Virginia [Mr. MORAN], my colleague who has been the ranking member for the first time in this Congress. This is the second bill that he has helped us bring to the floor, and he has been a true friend and colleague sitting through all the hearings and participating in a very meaningful way in our work.

I also want to thank the other members of our commitee: The gentleman from Wisconsin [Mr. OBEY] who is chairman of the full committee, the gentleman from Pennsylvania [Mr. MURTHA] who presided over the rule; the gentleman from Michigan [Mr. CARR], the gentleman from Texas [Mr. CHAPMAN], the gentleman from California [Mr. PACKARD], the gentleman from North Carolina [Mr. TAYLOR], and the gentleman from Pennsylvania [Mr. MCDADE], who also contributed to the bill and helped us bring it to this point.

I also want to point out, Madam Chair, that we worked very closely with the Committee on House Administration, and other subcommittees, other standing committees, but none more important than the Committee on House Administration, and so I want to thank that committee, primarily its chairman, the gentleman from North Carolina [Mr. ROSE] and the gentleman from California [Mr. THOMAS], the minority ranking member of that committee and all those who contribute to the committee's work, particularly the gentleman from Texas [Mr. FROST] and the gentleman from Kansas [Mr. ROBERTS], the chairman and the ranking member of the Subcommittee on Accounts, the gentleman from New York [Mr. MANTON] and the gentlewoman from Washington [Ms. DUNN], the chair and ranking member of the Subcommittee on Personnel and Police, and then, of course, I want to thank the gentleman from Missouri [Mr. CLAY] and the gentleman from Nebraska [Mr. BARRETT], chairman and ranking member of the Subcommittee on Libraries and Memorials, which is important to a major element of this bill.

Madam Chairman, this, of course, is the annual appropriation for the operations of the legislative branch of the Federal Government. We are a small part of the total budget picture. Despite all the hue and cry and the lengthy debate that will last all day and into the night, this bill only constitutes .12 percent of the entire Federal budget. That is twelve one-hundredths of 1 percent, or one-eighth of 1 percent, of the Federal budget, and yet we are one-third of the Federal system under the Constitution. This is a fundamental branch, necessary to carry out the constitutional duties of the Federal Government. We enact laws, we conduct the oversight. The Executive spends the money and, of course, executes the programs, and the judiciary upholds and interprets the laws of the land. But we have a fundamental coequal responsibility, and this very important bill provides for it.

Included in it, of course, Madam Chair, are the House of Representatives and the Senate, the support agencies, such as the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, the Congressional Research Service, and then, of course, a number of agencies that we look to ferret out waste, and fraud and abuse, conduct financial audits; for example, the General Accounting Office. We have included in this bill the Government Printing Office and the Library of Congress. Decisions by our Founding Fathers to include them in this branch have remained intact for over 200 years. Also, of course, important entities like the Copyright Office, the Books for the Blind, and physically handicapped program, the National Library Service, the depository library program, that serves so many regional and other Federal document libraries around the country, and the Botanic Garden.

Madam Chair, the bill before us totals $1.88 billion in budget authority for fiscal year 1995. At this point, these figures do not include Senate items which will be added when the Senate takes up this bill in the other body. The budget request was just under $2 billion. It has been reduced by some $87.1 million. That is a 4.4-percent reduction under the detailed requests that were submitted in the President's budget. Under the Budget Act, Madam Chair, our committee has allocated 2.4 billion for the legislative bill. The bill before us contains 1.8 million in discretionary budget authority. That means we are $587 million under the target. A large amount of that, of course, is because Senate operations are not included in the bill before us. But if we add the Senate request, we would be $45.6 billion below the amount that has been allocated to us under the budget process by the full Committee on Appropriations. That is a 2.4-percent reduction below our share of the total pie. We did a similar analysis on our outlay target, and our calculation is that the bill is about $45 million under the 602(b), so called, outlay ceiling, a 2.3-percent reduction.

Now we heard a lot of rhetoric on the rule today about the burgeoning size of the legislative branch and the need to provide leadership. I think we are doing that, and over the next few minutes I hope to show in greater detail just how that has been accomplished and how much progress has been made.

In the past 2 years, beginning with 1992 as a basis point, we have reduced the legislative full-time employment by a least 5.6 percent. That is over 1,600 employees. That is due to a 4-percent reduction plan in last year's bill and an additional full-time equivalent employee savings due to budget cutbacks and a retirement incentive program. Appropriations funding for the last two fiscal years, 1992 through 1994, have actually reduced legislative branch operation funds by $27 million. That is an absolute cut. In 1992 we provided $1.81 billion in operational funds. By 1994 the operating funds levels have been reduced to $1.78 billion. Several rescissions were enacted which subsequently reduced the appropriated amounts even further. They came after the fact. If we go back to fiscal year 1992, when the Federal downsizing effort began, the fiscal year 1995 legislative bill is now $224.5 million below the CBO baseline projected from 1992. That, in effect using the same standard which is used for the other bills that will come to this floor, reflects a 10.7-percent drop in budget authority under where we would be if we had maintained normal current service growth in the past 3 years. That is, I think, testimony to the willingness of this Congress to show leadership.

I would like to use this chart and several others that follow to show in more graphic terms the way we have made progress in reducing not only the number of dollars spent on this branch of government, but also the number of people employed here.

The first chart shows how appropriations have declined over the last 15 years. We actually have a very abrupt reduction from 1979 to 1994 in millions of dollars in terms of what is now being spent on the legislative branch, and perhaps the best way to indicate how we have made that is to put it in the context of other bills that will be coming before us.

As my colleagues can see, this is practically flat. The legislative bill in the House has been actually almost flat compared to the consumer price index which has gone up rather markedly, more than double, and the executive branch which shows a rather dramatic decline from 1978 to 1995.

To more specifically cite where we stand in light of the other branches of

Government and the increases that they have made in appropriations, the legislative branch has actually shown a 1.4-percent reduction in real dollars while the executive branch has gone up almost 30 percent and the judicial branch almost 166 percent since 1979. This shows that we have once again been providing leadership.

The next chart will show even more graphically just how well we have done in terms of other administration agencies that really are in some ways comparable to us. This shows the percent of increase for a number of agencies in the last 4 years. Ours has gone up 3.7 percent while OMB, which is the administrative servant of the executive branch, 10.6 percent; the average Cabinet secretariat, the administrative employees in each Cabinet, by over 14 percent; the judicial branch, 44 percent; and White House policy people, almost 51 percent.

□ 1240

Most of this, of course, occurred in the last Bush administration.

Now, trends in the appropriation as it relates to staff for committees and Members also shows dramatically the degree to which we have provided the very leadership that others were demanding of us in the debate on the rule just a minute ago. The committee staff, since 1979, in real dollars, adjusted for inflation, shows a 5-percent reduction. Members' personal staff in real dollars is down 6.4 percent. That is a dramatic example of just where we have made the tight fit that people have demanded of this legislative branch of Government.

The next chart once again shows how we compare with the judicial branch and the executive branch in terms of increased staff since 1979. The judicial staff has gone up almost 100 percent. Perhaps the effort to fight crime is reflected in those statistics. The executive branch has gone up a modest 3.3 percent.

This branch of Government, despite all the rhetoric we have heard, has gone down 8.6 percent since 1979. We hear the constant rhetoric about the burgeoning staff, the overloaded congressional staff, with nothing to do except serve the needs, the political needs often, it is said, of the Members. We have shown leadership since 1979. And let us show once again how that leadership compares to other agencies that are essentially administrative.

The Treasury Department, essentially an administrative agency, shows a dramatic increase since 1981, through 1995. The Justice Department again has part of that effort to fight crime, goes up rather significantly. The judiciary in general is clearly on the rise. The House tracks almost straight across-the-board. We have actually seen a reduction in our staff, and that can be seen even more clearly on this chart where we can see that in 1981 there were 11,000 people working for the House and now just a little over 10,700. The legislative branch in general is below where it was in 1981 by almost 3,000.

The executive branch, of course, if we look at this chart, while it jumped up in the 1980's and into the 1990's, has gone back down again in the reinvention of Government to the level it was at in 1981.

This chart here is also reflective of the real effort that has been made here in every area of our bill, and certainly in the House of Representatives, to find the necessary restraint. Members' staff is lower today than it was in 1981 by several hundred. Committee staffs is lower than it was in 1981 by several hundred.

The only increase in our branch of Government that has occurred at all is in the support agencies that do not individually support Members but help the entire administration on a bipartisan basis. This is where we get the efficiency and productivity to serve the needs of the committees and to make the public policy decisions that are essential.

I would like to go on and give the Members a little information about the components of this bill because they are also misunderstood. The most important thing to point out is that almost 75 percent of this bill is in people whom we employ to work in this branch of Government. We are spending money on the people whose intelligence contributes to the efficient effort of our responsibilities and the policy formulation that the Founding Fathers gave us to do. So 75 percent of this bill is simply the compensation, the total package of pay and benefits for our employees, which, as we have indicated in our prior charts, have been reduced in number.

We also have 15 percent of this bill providing information, support, telephones, computers, business equipment, things that make it possible for these people to be efficient in the use of their time. And the reason we have been able to take on the tremendous burdens of this Congress in the last 10 to 15 years is reflected in the information support that increased the productivity of all these individuals and made it possible for them to get the ever-larger job done.

The maintenance of structures here at the Capitol, the capital outlay kinds of expenditures, these are very, very small. We have probably been guilty of neglecting our physical plant. Today we will do what we can to repair some of that, because in fact this is not just an office building for Congress, it is a National Monument and something that is there for the American people hopefully to have perpetuated for generations.

But this leads to a problem that I think is inherent in this bill. When 75 percent of this bill goes to pay people for their compensation, including their benefits package, we can see immediately how complicated that is when it comes to budget, because the typical Federal employee, when we total up their COLA's, their locality pay, their longevity, which means a merit increase on average, not all of them getting them every year but some getting them periodically, and the cost of benefits which increasingly falls on the House, given the requirement under the Social Security law that we joined in the mid-1980's that we are the employer and contribute for the employee, and also under the new Federal Employee Retirement System, where we provide the employer match, not the Treasury under the old Civil Service System, and yes, as well, in the health care area where all the Federal employees' health care costs continue to go up. We pay, if we were to fully fund all these categories, before we do anything else in a new fiscal year, a 6.2-percent increase per every one of those employees that make up 75 percent of our branch of Government.

We did not do that in this year's bill, and I want to outline, if I can, what we did do. This does remain subject to adjustment as general decisions about employee pay are made, but the most important thing to point out now is that this committee did not provide 6.2 percent, it provided 3.76 percent, and we did that by providing a 1.6-percent COLA and no locality pay. That has provided us relief to the tune of $20 to $30 million in this bill.

I am hopeful that we will be able to reconcile whatever was done here with those decisions that were made for the entire Federal work force.

The most important thing I would point out is that there is documentation available to show that those people who work in comparable positions for the House of Representatives are paid 40 percent less than those in the other body, the Senate. We have probably been overly parsimonious with the people who work here, and, therefore, we have a lot of turnover and fewer senior people to provide us with the intelligence we need. I can see among us people shaking their heads who are directly affected by our tight-fisted approach.

The last chart I would like to show is one that goes to the question of mail. Poll after poll shows that 70 to 75 percent of the American people, when questioned about the frank, indicate that they would like at least as much or more communication with their Members of Congress, and yet when we come to the floor to debate these bills, all we hear about is the need to cut or eliminate our ability to do that. I want to show what we have accomplished since Mr. Frenzel, a former Republican Member from Minnesota, and I worked to reform the franking system.

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The bottom line is in 5 years since that reform has been in place, we have saved $269 million that would have been spent on the frank. We did not do it by any magic. We did it by simply giving each individual Member an amount they could spend, that they were individually accountable for. And as a result, I think you can see, there has been an abrupt decline in the amount that has been spent annually on the frank.

People are using it responsibly for town hall meetings, to communicate substantively with their constituents. The profligate use which a few engaged in to the detriment of all is over. I think you can see we have now operated at a rather low level in light of what is currently available to spend. Members are being responsible.

Last, I would like to show a trend that I think is maybe the most effective way of showing the American people how we have progressed in getting the message that they have been sending us about setting an example in this branch of Government, not leading the trend to increased spending, but leading the trend to reduce spending on us, those of us who are the direct representatives of the people.

This shows that in 1979, when I first came to Congress, we were spending $6.82 as the cost of representation, really as representative of the entire legislative branch. This includes all those agencies that do not just support us, like the Library of Congress that does the cataloguing for all our local libraries, and like the General Accounting Office that ferrets out waste. But for purposes of argument, we put them all together: $6.82.

Today, in constant dollars, it is almost one dollar less, $5.94. If you really indicated exactly what is being spent on the House of Representatives itself, it would be somewhere in this area, probably less than $3. It is not a lot, when you are considering this entire branch of Government.

So let me say, Madam Chairman, I would at this point place my remarks in the RECORD, and indicate that I think this is a bill that Members can be very proud of. I think it is the kind of bill that really does speak to what the American people have been telling us. We understand this is an occasion for rhetoric and hyperbole. It always has been thus, it will continue to be. It is apparently part of the American political fabric.

It seems to me we will have a number of votes today that will probably pare this bill back quite dramatically from a 5.7 percent budget authority increase to much less. I do think when we get to the end and Members have expressed themselves on the 10 or 11 amendments that have been made in order, we will have an opportunity to show whether or not we want to take political advantage, and certainly those in the minority are in a position to do that. They do not have to do the heavy lifting. Those who are in the majority have the burden of carrying the responsibility that our Founding Fathers thrust upon us.

I may not have enjoyed the task, but I am proud of the work. I am proud of the service that has been rendered by members of this committee.

COMPONENTS OF INCREASE OVER 1994

There is an increase of $101.6 million in the bill: $56.4 million of the increase is for mandatory items—COLA's, 1.6 percent, annualizations of last year's locality pay, recurring longevity, merit, step increases, benefit costs, and an overdue printing bill owed to the Government Printing Office; $17.1 million for changes in prices to acquire the same services as in 1994—printing rate increase, postal rate increase, book acquisitions, talking book machine prices.

The balance, +$32.8 million, is for several much needed projects. $6.58 million for six new elevators at Longworth; $7 million to begin reconstructing the Botanic Garden Conservatory; $4.65 million to begin a phased upgrade of the House telephone switch; $2.94 million for several other House equipment purchases; $2 million for additional depository library documents; $3.2 million for various other physical plant projects; $4.3 million for the asbestos removal and building renovation at the GAO building; and $3 million for the roll-out of a new ADP network at GAO.

These increases are offset by decreases of $4.6 million—primarily a reduction in House mail volume and some program efficiencies at the Library of Congress.

MAJOR ITEMS IN BILL

House of Representatives: The bill provides $735.5 million for the operations of the House. This will cover payroll costs for about 10,730 full-time equivalent positions, pay increase capped at 1.6 percent, merit increases funded. That's 2,565 less than authorized. We have included funds for an upgrade to our telephone switch, and various other equipment expenditures. House franked mail is reduced by $5 million under this year's level, even with a 10.2 percent rate increase. CRS has estimated we have saved $69 million because of the franked mail reform enacted in January 1990.

Joint Items: Allowing $82.8 million for joint items, including the Capitol Police, the joint committees of House and Senate, the Guide Service, and the Attending Physician.

Architect of the Capitol: Allowing $131.3 million overall, includes Botanic Garden and Library buildings and grounds maintenance. We have to keep up with repairs to our physical plant—which has been neglected for several years because of budget cutbacks. Allowed—start renovation of conservatory, $7 million; six new elevators at Longworth, $6.6 million; escalator and elevator modernization; some drainage improvement projects, and continuation of work on ADA and the Cannon rewiring projects.

Study agencies: CRS, OTA, and CBO will be funded at current service levels.

Library of Congress (Non-CRS part): $260.2 million allowed and authority to spend another $132 million in receipts. The Library has assured us that this budget provides enough to keep arrearage reduction project on schedule. Also, we have provided the funds needed to improve their affirmative action and human resources goals and to pursue methods to digitize collections, the future input to the information superhighway.

Government Printing Office: The depository library program will have a $3 million increase. We also allowed funds for a printing rate increase for GPO charges for congressional printing.

General Accounting Office: $439.5 million—allows "roll out" of an agencywide ADP audit data collection network; and continuation of the asbestos removal and building renovation project.

LEGISLATIVE BRANCH STAFFING

This is the second year of a 4-percent staffing [FTE] reduction program. Overall, legislative branch FTE's will be down by about 1,680 employees—without including the Senate reductions which are unknown at this time. The 1,680 represents a 5.6 percent staffing [FTE] reduction from 1992 in the legislative branch payroll. The House share of this reduction is 452 FTEs.

GENERAL AND ADMINISTRATIVE PROVISIONS

Section 101: an administrative provision transferring authority over the majority and minority printers to the Director of Non-Legislative and Financial Services and charging a reasonable monthly fee for rental of offices and utilities.

Section 103: adds a grade 12 salary level to the current grade 11 authority for the nurses in the attending physician's office.

Section 305: repeals the provision of section 307 in last year's act that requires 10 percent of all full-time equivalent reductions be made in positions that are GS–14 and above in salary grade levels.

Section 306: transfers leave balances for four employees who were transferred from the House Post Office to the Architect of the Capitol last year.

Several housekeeping provisions that facilitate the operations of the House and other agencies.

INTERESTING COMPARISONS

Since 1978: CPI has increased 5.2 percent per year, on average; the legislative branch appropriation—Senate excluded—has increased by 4.6 percent per year—that means we have reduced our budget in real dollar terms; Congressional Operations has averaged 5.1 percent per year—that's also a decline in real terms compared with the 5.2 percent; executive branch budget, 6.7 percent per year;

40 percent higher rate of growth than legislative branch.

In last 2 years—between fiscal 1992 and 1994: we have begun a statutorily required 4 percent FTE reduction program; we have exceeded the 4 percent—we are now estimating 5.6 percent; we reduced House budget from $709 million in 1992 to $686 million in 1994; at $735 million in 1995—that's only a growth of 1.2 percent per year, not enough to keep up with modest growth in current staff salaries.

SUMMARY

The bill: $1.88 billion.

BA compared to: 1994 operating level: A $102 million, 5.7 percent increase; 1995 request: An $87 million, -4.4 percent reduction; 1995 CBO baseline: A $27.9 million, 1.5 percent increase; 1995 baseline projected from 1992 bill: A $224.5 million decrease, -10.7 percent; and 1995 602(b): A $45.6 million, -2.4 percent reduction—Senate excluded.

Outlays compared to: 1994 operating level: A $78.3 million, 4.4 percent increase; 1995 request: A $78.7 million, -4.4 percent reduction; 1995 CBO baseline: A $23.4 million, 1.3 percent increase; 1995 baseline projected from 1992 bill: A $104.5 million decrease, -5.3 percent; and 1995 602(b): A $45 million -2.3 percent decrease—Senate excluded.

CONCLUSION

We have a good bill. There will be amendments. But after we deal with the amendments—I believe we can pass this bill—and defend it on the merits.

Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Madam Chairman, during consideration of the fiscal year 1993 legislative branch appropriations bill, I offered, and this body passed, an amendment to prohibit midterm office moves in the House of Representatives—with an average savings of $15,000 per vacancy.

I am pleased to say to my colleagues that it worked. Both VERN EHLERS and FRANK LUCAS now occupy the offices of their predecessors, and they will continue to do so until the end of this Congress. Our newest colleague, RON LEWIS, will move into the office of the late William Natcher—and I am willing to bet anyone that this will save the taxpayer more than $15,000.

Sure, it may seem like a drop in the bucket. But last year's amendment showed the American people that Congress is starting to hear and heed their concerns, that Members of the House are capable of spending their money as wisely as we spend our own.

It's about time.

Unfortunately, Mr. Chairman, this prohibition expires in October. So I urge the House Building Commission to make this commonsense reform a permanent change that does not need to be renewed annually. I also urge the Commission to rethink the House office lottery system to make it less costly to the American taxpayer.

It is a small step, but an important one—and one which has already saved precious taxpayer dollars.

For those reasons, let us change the way the House allocates office assignments—before another freshman from the seventh floor of Longworth offers the same amendment to the fiscal year 1996 bill.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I might consume.

Madam Chairman, I would like to echo the comments of my good friend and chairman, the gentleman from California [Mr. FAZIO] about the members of the committee and how diligent they have all been in trying to present to the House a bill that would be acceptable to the Members, and especially to the chairman, who is a real gentleman and has been very, very helpful and constructive with those of us in the minority as we work to make this bill happen.

I would like to call attention to the members of the staff as well, which the gentleman from California [Mr. FAZIO] mentioned. In addition to those, Mrs. Liz Dawson, who has worked this committee bill for some time. This will be the last time she works this bill. She is moving on to another assignment. Also Mr. Greg Lankler, who has learned a lot quickly about this particular bill.

This is not a bad piece of legislation. We have worked hard to make the House of Representatives and the Senate, the legislative body, be recognized as such. I really do not like the many, many attacks that we see on the House of Representatives as an institution, for whatever the reason, whether it is rhetoric or whether it is a cheap shot or for political purposes, because I have a tremendous respect for this, the people's House. And I might not agree with everything that this House does, and I do not, but I have a great respect for the House and a great respect for the Senate. And it is important that we fund these bodies, because we are the people's representatives.

Because we are the people's representatives, though, we have an obligation I think to set an example for the other agencies of the Government, and especially in these really hard fiscal times when we do not have the money that we would like to have to fund all of the programs that we would like to fund.

With that in mind, I would have to report that this bill is an increase over last year's bill. Now, if you relate that increase to the national defense budget, it is a little blip on the screen, barely that. But if you relate it to the small amount of this bill, and I want to say again what the gentleman from California [Mr. FAZIO] has already said, this is a very small amount. The legislative branch appropriations bill, if you drew a chart, would barely be a blip on the line. That is how small it is relative to the rest of the Federal Government. But nevertheless, a small increase in a small account adds up to a 5.7-percent increase over what we appropriated last year.

Now, during the subcommittee markup and the subcommittee consideration, we basically went along with this, with the understanding that the Members of the House would have an opportunity to work on this bill to bring it down below the 5.7 percent increase that it represents today. And we have some amendments today that we hope will be considered seriously by the House, that are not rhetoric, that are not cheap shots, and they are not political. But they are an attempt to have the House set an example for the rest of the Government agencies, that we could get by with a little bit less.

Some of the amendments that we hoped would be made in order were not. We fought that battle and we lost that battle, which is usual. But, nevertheless, there are still some other amendments we would like to see considered today.

Before we get into the amendments, I would like to say that there are some parts of this bill where actually we have made some reductions. We reduced the official mail account by a small amount; the LBJ intern program has basically been eliminated for this year; former Speaker's staff has been reduced by $127,000; the office of the attending physician has been reduced by $167,000.

In closing, we do some constructive things here. We have included language to transfer the authority over the majority and minority printers to the director of nonlegislative services and require they be charged a reasonable monthly rent for the space and utilities that they use. That is a step in the right direction toward getting more accountability.

□ 1300

We also directed the Acting Director of Nonlegislative Services to conduct a study for the purpose of possibly consolidating and/or contracting out the printing, folding, and mailing services of the House. We believe that this is another step in the right direction. We applaud the inclusion of these items in this bill.

Still, there is a lot to be done. We can set the example that we ought to be setting. We can reduce this bill by some of the amendments that will be presented and go on to hopefully fund the legislative branch of Government in a responsible way, while still setting the example for the people that we represent that we really can get by with less.

Madam Chairman, I reserve the balance of my time.

Mr. FAZIO. Madam Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Madam Chairman, I thank the gentleman from California, the distinguished chairman of the Legislative Subcommittee of the Committee on Appropriations, for yielding time to me, and also thank the gentleman from Michigan [Mr. CONYERS] for this courtesy.

Mr. Chairman, I rise in strong opposition to amendments 11, 12, and others which would significantly cut this legislation. I am particularly opposed to 11 and 12, because they would attack the funding in the General Accounting Office.

Madam Chairman, these kinds of amendments are directed at blinding the Congress, at denying us the ability to gather the information we need to legislate well. What does the General Accounting Office do? The General Accounting Office is the arm of the Congress whose purpose and function it is to go out and audit, both on a performance basis and on a simple bean-counting basis, the expenditures of public money.

This is the agency which has worked with us to catch cost overruns in defense, contracting misbehavior of the Defense Department, contracting misbehavior at the EPA, contracting misexpenditure of money in connection with grants and public colleges, misexpenditures in connection with defense, misexpenditures in connection with space, misexpenditures in connection with leases of public lands, misexpenditures in connection with expenditures under Medicare and Medicaid.

To cut an agency of this kind is absolutely wrong. If a Member of this body professes to be in favor of saving money, the way to save money is to see to it that we have a strong, active GAO—an agency which engages vigorously in pursuing wrongdoing, waste, fraud, and abuse. Our Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, and the committee chaired by the gentleman from Michigan [Mr. CONYERS], the Committee on Government Operations, use this agency for the purpose of seeing to it that wrongdoing is cut, that misexpenditures and misappropriations of public money and the wastage of public resources, is brought to a halt.

If we are serious in this Congress about preventing waste, fraud, and abuse, if Members are sincere about cutting public expenditures and reducing the deficit, then the one tool that is available to us that works better than any other, is the General Accounting Office.

I find it most strange, Mr. Speaker, that attempts are made in this Chamber by Members sitting on this side of the aisle, Members who profess to be outraged about deficits, to cut the General Accounting Office, to reduce its ability to serve this Congress, to eliminate its ability to catch wrongdoing, to catch waste, to catch fraud, and to catch abuse.

An expenditure on GAO saves money for the taxpayers. It produces a much more efficient government. It enables the Congress to know what is going on with regard to public expenditures. It enables us to have a tool which not only can audit expenditures of public money, but which can engage in analysis of expenditures of public money and expenditure policies, so we know what it is in fact we are doing.

Without this kind of tool, without this kind of ability, this body is not able to take the steps that have to be taken to reduce public expenditures and to see to it that the will of the Congress, the will of the people, and the public moneys are properly dealt with.

Mr. YOUNG of Florida. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I would hope that maybe I could ask the gentleman from California [Mr. FAZIO] a couple of questions about a news report that appeared today indicating that there are $13 million in unpaid bills in the HIS system.

Can the gentleman from California tell us whether or not he can confirm that that is the reality?

Mr. FAZIO. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. FAZIO. Madam Chairman, I have no knowledge, have not read the news report, nor have I any knowledge about that issue. I would suggest it should be addressed to the chairman of the Committee on House Administration. That is the responsible party for HIS.

Mr. WALKER. What occurs to me, Madam Chairman, is we have the appropriation bill before us today. This is the only time we are going to get to address it. If I understand correctly what the chairman of the Committee on House Administration has stated, it is that the Architect of the Capitol owes HIS $7.4 million; the Finance Office owes $3.6 million, the Joint Tax Committee owes $1.4 million; the House Administration Committee, the chairman's own committee, owes $305,000; the House Clerk owes $28,000; the postal operations owe $51,000; the Attending Physician owes $23,000; office furnishings owes $36,000; and the office systems management owes $277,000.

The chairman of the Committee on House Administration describes these people as deadbeats who need to be paying this money to the proper authority. The question that I have is, would not one way of assuring that these deadbeats get done justice would be to cut $13 million out of that account and force HIS to go and get this money?

Mr. FAZIO. If the gentleman will continue to yield, Madam Chairman, I certainly want to reiterate my initial comment. I do not have any information at all about what the gentleman is pointing to.

Mr. WALKER. Madam Chairman, none of the testimony that the gentleman took indicated this kind of shortfall?

Mr. FAZIO. Madam Chairman, if the gentleman will yield further, we took no testimony to the effect that those bills were outstanding and remain due. I would suggest, however, that if that money is actually due, and there will have to be, obviously, some effort to determine that, the way to make sure it can be paid is certainly not to be cutting their appropriation. Those agencies need to be able to make those payments, if in fact they are due.

Mr. WALKER. What I was suggesting was that HIS should be cut, that HIS maybe should be reduced to force them to go out and get this money. It appears to me that part of the problem here is that HIS has not been very diligent about going after the money. If you have the House Architect owing $7.4 million, I assume that that is probably more than a 1-year kind of problem, and it just occurs to me that maybe HIS has not been particularly of a mind to go get the money that is owed them from all these various places. That is a pretty long list of people who are now being described as deadbeats.

Mr. FAZIO. If the gentleman will yield further, it may well be that those bills are outstanding and do need to be paid. I certainly would hope that they would be.

However, the budget that we are submitting today is for 1995, for the next fiscal year, and I believe that the budget request that has been made is a reasonable one. HIS is really a utility to us.

Mr. WALKER. Madam Chairman, I would ask the gentleman, how much is in it for HIS?

Mr. FAZIO. If the gentleman will yield further, $16 million, I believe. That is basically the cost of running the utility that serves all of us with computers.

Mr. WALKER. Madam Chairman, let me understand. They have a total appropriation of $16 million and $13 million worth of deadbeats? Do I understand correctly, Madam Chairman, that the entire budget is $16 million, and they have $13 million of money owed them?

Mr. FAZIO. Madam Chairman, if the gentleman will yield further, this is an entity which bills customers. It is like a utility, as I was saying earlier. We have for the first time in the last Congress begun to actually appropriate for them in this bill, but I really would not be able to speak to the question of how much may be owed.

I believe the gentleman from North Carolina [Mr. ROSE], who has just joined us, may be able to handle that question.

Mr. WALKER. Madam Chairman, I would say to the gentleman from North Carolina [Mr. ROSE], I was just asking if this is something where HIS at this point is owed $13 million.

Mr. ROSE. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlemen from North Carolina.

Mr. ROSE. Madam Chairman, we do believe that is the case.

Mr. WALKER. The question is, Madam Chairman, for how long have these bills been accumulating?

Mr. ROSE. If the gentleman will continue to yield, I think some of them are 3 or 4 years old. I will be very candid with the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The time is controlled by the gentleman from California [Mr. FAZIO] or the gentleman from Florida [Mr. YOUNG].

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ROSE].

Mr. YOUNG of Florida. Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ROSE].

The CHAIRMAN. The gentleman from North Carolina [Mr. ROSE] is recognized for 2 minutes.

Mr. ROSE. Madam Chairman, I thank the gentlemen for yielding time to me.

Madam Chairman, I want to say first that I strongly support the passage of the legislative appropriation bill. I think the Chairman has done an excellent job.

Madam Chairman, we are going to make sure in the future that appropriations and authorizations track each other more carefully for purposes of avoiding the kinds of shortfalls that we have experienced for fiscal year 1994.

Madam Chairman, the question of the gentleman from Pennsylvania [Mr. WALKER] is how long have these things been owing. The Senate has had the Architect do things for them that the Architect has paid for out of its budget. We believe that these things fall into that category.

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In other words, we believe that the Architect, even House Administration, have had things done for it by HIS that they should now pay for.

We believe that in an austerity-type situation we are in in 1994, that the best answer is to bill these entities for work that they have done to HIS. That is a short-term solution, it is not a long-term solution, but we believe that the gentleman from Florida [Mr. YOUNG] and the gentleman from California [Mr. FAZIO] have crafted what can be a long-term solution for 1995 and a model of that followed for the future.

But I restate: We do need to talk more in the future about a matching of authorizations and appropriations. We have always allowed some slack because that gave the committee flexibility to reprogram some funds, but we may have to change that in the future.

Madam Chairman, I thank the gentleman for yielding me the time.

Mr. YOUNG of Florida. Madam Chairman, I yield 3 minutes to the very distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Chairman, I thank my distinguished colleague, the gentleman from Florida, for yielding me the time.

Madam Chairman, during the marathon discussion of this bill in the Rules Committee, we had an impassioned debate about commitment to this institution and the merits of trying to change the way Congress works to improve its present low standing with the people. In frustration with the low performance ratings Americans continuously give us, some of my friends on the other side of the aisle, lashed out against those they say seek to take cheap shots at Congress and grandstand about reform. I understand their frustration with the lack of trust this Congress engenders with the people it is meant to serve—but I sincerely believe such criticism is off-target. It is, in fact, tantamount to shooting the messenger. I submit to my colleagues that the ill-repute with which so many Americans hold this institution is not caused by those who point out its failings, but rather by those failings themselves and the fact that we continuously appear to take better care of ourselves than we do of the people we serve across this Nation. Americans are dissatisfied with Congress because they do not see desired results—and one reason our job approval ratings are dismally low is that we have failed to get control of the Nation's budget. So, in this time of belt-tightening and fiscal constraint, as we consider the bill that includes funding for our own offices, our staff, our salaries and our mail, should we not be leading by example, as BILL YOUNG suggests? Some 30 amendments to tighten up that were offered in good faith by colleagues on both sides of the aisle were denied by the Rules Committee last night. Despite efforts on the part of the minority to negotiate a fair compromise—in which major, significant cutting amendments for the entire legislative branch, the GAO, franking, the GPO and legislative service organizations could have been considered. The majority would not yield or granted only minor concession. And so, once again, the majority is limiting Members' accountability for making tough choices in full view of the constituents. Once again, the majority is exempting Congress from laws—such as the Freedom of Information Act that other Americans are required to obey. Once again the majority is denying scrutiny and debate of their special interests—things like the legislative service organizations. Once again the majority has preempted the right of all Members under the standing rules of the House to come straight to the floor to offer cutting amendments.

This appropriations bill does a few good things toward cutting costs and I congratulate the gentleman from Florida [Mr. YOUNG] and the gentleman from California [Mr. FAZIO]. But there is missed opportunity to do so much more to restore faith that we really can be trusted with the tax dollars of hard working Americans.

After 40 years of majority party management of the House, the facts are we are bigger and further in debt than ever. This bill does not turn that around and it does not deserve a yes vote.

Mr. FAZIO. Madam Chairman, I yield 1½ minutes to my friend, the gentleman from Michigan [Mr. CONYERS], the chairman of the Committee on Government Operations.

Mr. CONYERS. Madam Chairman, we cannot begin this discussion without paying tribute to the chair and the floor manager of the Committee on Appropriations Legislative Subcommittee. The gentleman from California [Mr. FAZIO] goes through this every year. The gentleman is asked questions about subject matter that are not truly appropriate to his jurisdiction, and the gentleman gives a good account of himself.

Madam Chairman, I join in the support of the measure that is now before the House, but I strongly oppose any attempts by amendments that will affect negatively the General Accounting Office. Here is why: I oppose any attempt to sabotage Congress' ability to ferret out fraud, waste, and abuse in any Federal program. That is what the Congressional Committee on Government Operations does. That is exactly what we would do, is sabotage our own ability if we were to adopt amendments that will be coming from my colleagues from Nebraska and New York who would further cut GAO funding which has already been reduced in the bill that is before us.

Madam Chairman, the GAO has been already hit hard by budget cuts. Adjusting for inflation, past cuts have slashed 20 percent from the GAO's budget since fiscal year 1992. This has forced the GAO to reduce its staff by over 500 employees, while spending for travel, training, and other programs have been cut by 40 percent.

Madam Chairman, there is another part of this that bothers me about the amendment of the gentleman from New York that may come up further. The gentleman's amendment would cut the GAO budget by 11 percent and it would begin in my judgment the dismantling of GAO. If this amendment were to succeed, over 600 of GAO's remaining employees would have to be reduced through the discriminatory process of a reduction in force where the most recently hired would be the first fired.

Please join us in opposing these amendments when they come up to reduce GAO.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MICA].

Mr. MICA. Madam Chairman, I support many of the cuts proposed here today, but my concern is also the manner in which taxpayer dollars are being expended.

I serve on the House Committee on Government Operations. The important mission of the House Committee on Government Operations is different from any other committee in the House. It is responsible for investigation and oversight. It performs a critical audit function in the House of Representatives and for the Congress. It had a long, rich history. In fact, it was broken off in 1814 from the Committee on Ways and Means at that time to perform this important audit function.

Democrats now control the White House, the Senate, and the House of Representatives. They are unquestionably the majority party. But it is crucial that the committee responsible for overseeing and auditing the executive branch be completely bipartisan and balanced in staffing and funding.

At stake, ladies and gentlemen, really is a question of fairness and the very integrity of this body. This question goes to the very heart of the system of checks and balances, the very foundation of our system of government.

Majority and minority staff disparities make a mockery of the congressional process of oversight and investigations. Look at these charts. This is the way the money is being divided here. I will update this chart. They have given the minority one additional staffer, 10 to 52, represents the number and distribution of these investigative staffers.

Look at how the money is being spent here: 14 percent to the minority, 85 percent to the majority; several hundred thousands of dollars to the minority, and millions to the majority.

Madam Chairman, the House has voted twice to grant the minority one-third of investigative committee staff, and again we are denied in this bill that provision.

The other body has granted the minority at least one-third of the committee staff since 1977.

Madam Chairman, I am not here asking for another penny. I am asking here for fairness. I am asking here for integrity. We have had investigations thwarted, we have had requests for additional information thwarted. Here we are asking about the question of fairness and equity and the very system of checks and balances on which this country and this system of government is founded.

Mr. FAZIO. Madam Chairman, I yield the balance of my time, 30 seconds, to my good friend, the gentleman from Poland, OH, Mr. TRAFICANT.

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Mr. YOUNG of Florida. Madam Chairman, in a spirit of comity, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT] so that he will have a total of 2 minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes.

Mr. TRAFICANT. Madam President, even though I get screwed once again by Chairman FAZIO, he does a great job, and I am going to support his bill. I know that he is concerned when he gets out his little pointer and his little graphs and starts like Ross Perot on the floor. You know, doggone things—I was waiting for him to say that.

But, you know, let me tell you what I do with my money. I help my constituents work out their Social Security problems, their unemployment compensation problems, their veterans' problems, their Medicare problems, their financial concerns, the problems they have with the Labor Department, their pension matters, and a number of other issues because my staff and I are basically just helpers and we utilize the money that we get through this bill. We do not abuse it, we use it to help keep our constituents free.

I do not want to cut any of this money. Chairman FAZIO and ranking Member, Mr. YOUNG, I think they have done a good job, a great job. I am proud to support them.

Now, I did have a concern that dealt with the Capitol Police, and later in this debate I am hoping Chairman ROSE may be back on the floor, and I am going to ask for an opportunity to engage in a colloquy because I believe that the Capitol Police believe they are being discriminated against at times, treated like kids, and that we have a serious morale problem.

Now, a lot of the leaders around here may not agree with that at this point, but let me say this to you, especially as deals with our Capitol Police: An ounce of prevention, Congress, is worth a pound of cure. And our Capitol Police do have a serious morale problem.

So I plan to support the bill even though the chairman was walking and talking like Ross Perot. It is a good bill, and I appreciate the time.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman for yielding this time to me.

Madam Chairman, I rise today in opposition to this legislative appropriations bill and to commend my colleagues, especially my freshman colleagues, who have joined in the fight to change the way that Congress works.

In the time that I have been in Congress, it seems we have grown too fond of the idea that average, hard-working Americans should sacrifice more. Pay more taxes, sacrificing the well-being of their families to the well-being of the Government. Accept cuts in your Social Security, sacrificing your security for the Government.

Well it is past time for us to start sharing in those sacrifices. Instead, we have before us a bill increasing funding for Congress by 5.7 percent. That is more than twice the increase in inflation. And what are these increases going for? Here are a few of the dubious items—

$11.1 million for increased workload. Did we add new territory to the United States that has caused this increased workload?

We also have an increase of $8.4 million for the Office of the Architect of the Capitol, an agency that has been roundly criticized for its management practices.

It is long past time for Congress to accept its fair share of sacrifice. I urge my colleagues to vote "no" on this appropriations bill.

Mr. YOUNG of Florida. Madam Chairman, I have several other requests for time, but those speakers are not here. I do have time left, and I wonder if the gentleman from California [Mr. FAZIO] would like me to share some time with him.

Mr. FAZIO. If the gentleman would, I have unanimous consent requests.

Mr. YOUNG of Florida. Madam Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I rise in strong support of this legislation.

Mr. PORTMAN. Mr. Chairman, I rise today to voice my strong opposition to the legislative branch appropriations bill for fiscal year 1995.

I object not only to the level of funding provided in the bill but to the unfair manner in which this critically important legislation was brought before this body today.

First, there is nothing more important than addressing the $4.5 trillion national debt, which is keeping badly needed capital out of the hands of the private sector of our economy, the engine of growth and job creation. But, the goal of deficit reduction will only be met if we are willing to make some very difficult choices in our spending priorities.

Today, we have the opportunity to prove to our constituents that we are serious about the addressing the national debt by leading by example and making cuts to our own budget. Yet, this bill includes a 5.7-percent increase over last year's expenditures. It seems hypocritical for this body to demand of other Federal agencies and programs that they hold the line on spending, and even to make cuts, at a time when Congress chooses to give itself a 5.7-percent increase.

Second, there were numerous amendments that Members of Congress wanted to offer that would have gone a long way to bring not only some fiscal responsibility to this budget but also make reforms to the way Congress does business. Yet, fully 31 amendments were not even permitted to be brought to the floor for consideration. Perhaps the reason that votes on these measures were not permitted was the fear that they might actually pass.

But, for whatever reason, we are not being afforded the opportunity to make meaningful cuts to the Congress' budget. We cannot cut the funds used to purchase and mail out calendars at taxpayer expense. We cannot even vote on an innovative proposal that would eliminate a congressional committee, or one that would ban the practice by which Members of Congress shift their office funds around to boost the amount they spend on free mailings.

As we return to our districts for this Memorial Day, I believe that our constituents will rightfully be demanding explanations for what has occurred here today. At a time when the House is asking others to make significant sacrifices, I am disappointed that this body isn't responsible enough to tighten its own belt. Today, I will vote against the legislative branch appropriations bill. I would hope that in the future, the House will lead by example rather than give itself special treatment.

Mr. DREIER. Mr. Chairman, this afternoon Congressman CHRIS COX and his wife Rebecca were blessed with the birth of their second child. We all offer our congratulations and best wishes for a healthy and happy little girl.

My friend did advise me, however, that if he had been present this afternoon, he would have voted in favor of a number of the amendments that came before us on the House floor.

Mr. COX would have voted against the rule for H.R. 4454, because it prevented more than a dozen Members from offering amendments to the bill.

He would have voted in support of the Thurman amendment which would have reduced congressional staff salaries by $2.9 million. He also would have supported Mr. STRICKLAND's amendment to strike $6.6 million in funding for six new elevators to be located in the Longworth Building.

Because he believes in reducing the opportunity of Members to use franked mail in furtherance of their reelection campaigns, he would have voted "yes" on the amendment offered by Congressman POMEROY and Congressman QUINN. This would have reduced official mail costs by $4 million.

As a member of the House Committee on Government Operations, CHRIS has long been a supporter of efforts to reduce funding for the General Accounting Office. Mr. BEREUTER from Nebraska offered an amendment making a modest reduction of 5 percent in the GAO's budget for the 1995 fiscal year. Mr. COX would have voted in favor of the amendment.

He would have also supported Mr. BILL YOUNG's effort to reduce funding for additional computer systems for the House information system by $13 million.

Mr. COX was prepared to offer an amendment cutting legislative branch spending by 25 percent—matching the cuts President Clinton promised to make in the White House operating budget. Unfortunately, the majority of the House Rules Committee refused to make this amendment in order. Instead, the committee made in order another amendment freezing House spending at its 1994 level. Mr. BOEHNER graciously agreed to offer this amendment in Congressman COX's absence. Mr. COX would, of course, have strongly supported this reasonable effort to restrain the burgeoning budget of the House and associated agencies. Indeed, total congressional spending each year tops $2.3 billion, and in this bill, the House was voting to grant itself a $101 million perk increase for next year.

As a result, Congressman COX relayed to me that he would have opposed final passage of this wasteful piece of legislation. And he will continue to work to bring fiscal sanity to our Nation's Capital.

Mr. FORD of Michigan. Madam Chairman, I rise in support of H.R. 4454, the legislative branch appropriations bill.

We have begun our annual exercise in self flagellation—consideration of the legislative branch appropriations bill. Over the next few hours we will undoubtedly be treated to some amendments intended solely to cripple this institution's ability to operate. Others, perhaps, may be offered in an attempt to embarrass this House and its leadership. In recent years some Members have used this bill to try to score political points at the expense of the House. I hope this will not be the case again this year.

The Committee on Appropriations has brought us a good bill, and I want to commend the work of Chairman FAZIO, ranking member YOUNG, and the members of the Subcommittee on the Legislative Branch who each year face the thankless task of developing this legislation.

This is the leanest legislative branch bill I can remember in my 30 years in the House. It continues the multi-year downsizing which began with last year's bill and will result in the elimination of more than 1,500 positions.

I am concerned, however, that in our efforts to demonstrate to our constituents that we are fiscally responsible we will impair our ability to operate and to oversee the executive branch. If we adopt some of the amendments which have been noticed, we could shoot ourselves in the foot.

Some, particularly on the other side of the aisle, may want to impair our ability to conduct effective oversight. From a partisan standpoint that is understandable. It was the Democratic Congress that exposed executive branch scandals such as Watergate, Iran-Contra, the HUD scandal, and the savings and loan debacle. But it is the responsibility of the Congress to oversee the executive branch, and it would be irresponsible to adopt amendments which impair our ability to meet that responsibility.

An example of such an amendment is one that may be offered to cut the General Accounting Office [GAO] budget by 5 percent. This amendment would gut GAO's ability to serve as the investigative arm of the Congress. I have always been impressed by the impartiality and professionalism of GAO. When I chaired the Committee on Post Office and Civil Service, GAO investigators unearthed the inappropriate financial relationship between top presidential advisors, Mr. Deaver and Mr. Meese, and the Chairman of the Postal Service Board of Governors whose appointment, coincidentally, had been recommended by Mr. Deaver. It was GAO which examined the sweetheart contract Ross Perot entered into with the Postal Service, a contract which virtually guaranteed that Mr. Perot's company would have a monopoly on Postal Service business. That contract was nullified when the full details of the contract became public.

GAO has been instrumental in enabling the Committee on Education and Labor to pursue savings and improvements in the Departments of Labor and Education. For example:

Over $700 million in financial benefits were realized in programs providing financial assistance to postsecondary students—the Pell grant and guaranteed student loan programs. These financial benefits consisted of: First, $140 million in reduced federal expenditures when legislation was enacted requiring that Pell grant recipients have a high school diploma; second, $305 million in increased defaulted student loan collections due to the extension of the Internal Revenue Service's income tax refund offset programs; and third, $279 million in guaranty agencies' reserves in excess of their needs.

Funding for the Job Training Partnership Act [JTPA] was reduced by 13.8 million in fiscal year 1990 to reinforce GAO's finding that local programs were entering into contracts for excessive on-the-job training to place participants into low skill jobs.

As a result of GAO's work concerning the employment conditions of foreign workers brought into the United States to harvest sugar cane, the largest user of this labor revamped certain aspects of its contract with the workers to improve the accountability of workers' wage deductions.

On the basis of GAO briefings, testimonies, and a report on the Carl D. Perkins Vocational Education Act, the Congress made major revisions to the act, such as improving allocation of program funds.

Using information from GAO reports on the limited extent of advance notice provided by employers to workers concerning plant closings, legislation was enacted requiring large employers to provide 60 days' advance notice to workers in the event of a plant closing or mass layoff.

Based in part on GAO reports and testimony, Congress raised the maximum penalties for violations of workplace safety and health regulations and child labor laws.

The GAO report on legislative and administrative options for improving workers' safety and health led to the first comprehensive reexamination of OSHA's authorizing legislation in its 20-year history. Both the Senate and the House legislators drew heavily on the options GAO identified, incorporating most of them in H.R. 1280, the Comprehensive Occupational Safety and Health Act.

My colleagues, this is a good bill. Support Chairman FAZIO. Oppose those amendments which hinder Congress' ability to do its job. And, vote for the bill.

Mr. KIM. Madam Chairman, I am concerned that at a time when the House is unable to fund the President's request for 100,000 new police officers in the crime bill, that Congress is seeking an increase of $100 million in spending.

This week we voted on a military construction bill that was $600 million lower than last year in real dollars. We voted last night on a foreign operations bill that was more than $380 million below the President's request. We have also been considering on the floor this week a defense authorization bill that will slash many important defense programs.

Furthermore, although Congress has instituted automatic cost-of-living adjustment increases for its Members, COLA's for Federal retirees are being delayed, as are COLA's for veterans and military retirees. How can we ask people who have laid their lives on the line for our country to wait for their COLA's when politicians don't have to?

Madam Chairman, with all due respect to this institution, I cannot express enough my firmly held conviction that we must hold the legislative branch to the same fiscal restraint and budgetary standards that we are requiring the American people and the rest of the Federal Government to live under. This is the only way that we can be truly honest in our effort to control Federal spending and to reduce the budget deficit.

I must urge my colleagues on both sides of the aisle to oppose this measure, so that we may be able to draft legislation that deals with the needs of this House of Representatives in the context of the fiscal realities the rest of the Government faces.

Mr. PACKARD. Madam Chairman, as we take up the legislative branch appropriations bill, I would like to take this opportunity to thank subcommittee Chairman VIC FAZIO and ranking member BILL YOUNG for their stewardship on this legislation. As a member of the subcommittee, I have certainly appreciated all of the hard work they and their staffs have put into this bill.

In the last 2 years, Congress was able to tighten its belt and cut spending. But this bill increases it—a 5.7-percent rise from fiscal year 1994. While most of the Federal Government has been forced to cut its profligate spending habit, Congress is increasing it.

Even if this legislation is amended to include cuts in franking and funding for minor construction within the Capitol complex, these cosmetic reductions fall far short of the kind fiscal constraints Members must practice.

At the beginning of the 103d Congress, I substantially cut my own staff and expenses in an effort to send a message to the American taxpayer, that the money they send to Congress is being spent in an efficient and cost-effective way. I believe the whole House must take the same kind of initiative.

Therefore, I reluctantly cannot support this bill. Congress must show the American people that we can get a handle on our own spending.

Mr. YOUNG of Florida. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate having expired, pursuant to the rule, the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the bill is as follows:

H.R. 4454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the estate of William H. Natcher, late a Representative from the Commonwealth of Kentucky, $133,600.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $735,410,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $6,096,000, including: Office of the Speaker, $1,444,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,042,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,429,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,284,000, including $5,000 for official expenses of the Majority Whip and not to exceed $563,000 for the Chief Deputy Majority Whips; and Office of the Minority Whip, $897,000, including $5,000 for official expenses of the Minority Whip and not to exceed $104,000 for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $240,417,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $73,925,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $401,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $53,191,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,437,000, of which $16,017,000 is provided herein: *Provided,* That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further,* That amounts so credited for fiscal year 1994 and not obligated shall be available for obligation in fiscal year 1995.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $244,572,000, including: Official Expenses of Members, $79,800,000; supplies, materials, administrative costs and Federal tort claims, $6,103,000; net expenses of purchase, lease and maintenance of office equipment, $11,779,000; net expenses for telecommunications, $10,872,000; furniture and furnishings, $2,012,000; stenographic reporting of committee hearings, $1,100,000; reemployed annuitants reimbursements, $1,279,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $130,849,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $778,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed, $6,495,000: *Provided,* That the Federal Bureau of Investigation, notwithstanding any other provision of law, may in any fiscal year pay all administrative uncontrollable overtime accrued by its employees while on detail to the Committee on Appropriations.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $35,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $59,296,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $14,936,000; for salaries and expenses of the Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,502,000; for salaries and expenses of the Office of the Doorkeeper, including overtime as authorized by law, $12,621,000; for salaries and expenses of the Office of Director of Non-legislative and Financial Services, $17,267,000; for salaries and expenses of the Office of Inspector General, $295,000; for salaries and expenses of the Office of General Counsel, $762,000; Office of the Chaplain, $124,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $983,000; for salaries and expenses of the Office of the Historian, $359,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,730,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,420,000; six minority employees, $747,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,523,000; the House Republican Conference, $1,523,000; and other authorized employees, $504,000.

Administrative Provision

Sec. 101. (a) Transfer of Majority and Minority Printers to Director of Non-legislative and Financial Services.—As soon as practicable, but not later than October 1, 1994, authority over the Majority and Minority Printers of the House of Representatives shall be transferred to the Director of Nonlegislative and Financial Services of the House.

(b) Fees for Offices and Utilities.—

(1) In general.—Upon the transfer required by subsection (a), the Director shall charge the Majority and Minority Printers a reasonable monthly fee for the rental of offices and utilities.

(2) Availability of receipts.—The amounts received under this subsection shall be deposited in the Treasury of the United States for credit to the appropriation for "Salaries and Expenses of the House of Representatives", and shall be available for expenditure in any fiscal year to the extent provided in appropriations Acts.

(c) Applicability.—This section shall take effect upon the date of the enactment of this Act and shall apply to any fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,090,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,370,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,019,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $918,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,335,000, to be disbursed by the Clerk of the House.

Capitol Police Board

Capitol Police

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $65,991,000, of which $31,833,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $34,158,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1995 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $2,000,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1995 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

Sec. 102. Amounts appropriated for fiscal year 1995 for the Capitol Police Board under the heading "Capitol Police" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

Capitol Guide Service

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

Special Services Office

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $2,500), and rental of space in the District of Columbia, $21,931,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92–484: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $23,133,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 221 fulltime equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, $8,927,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

Contingent Expenses

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, to remain available until expended.

Capitol Buildings and Grounds

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $200,000; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $22,340,000, of which $2,763,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,201,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $41,364,000, of which $10,260,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $33,342,000, of which $865,000 shall remain available until expended: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1995.

ADMINISTRATIVE PROVISION

SEC. 103. The matter in chapter III of title I of the Supplemental Appropriations Act, 1975 under "Capitol Buildings and Grounds" under the heading "ARCHITECT OF THE CAPITOL" (40 U.S.C. 166b–2) is amended by striking "to grade 11" and inserting "at not to exceed grade 12".

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $58,938,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $95,158,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1995".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $10,182,000, of which $7,000,000 shall remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $207,857,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1995 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $27,186,000, of which not more than $14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1995 under 17 U.S.C. 708(c), and not more than $2,891,000 shall be derived from collections during fiscal year 1995 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $17,391,000: *Provided further*, That up to $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,622,000, of which $10,896,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $5,825,000, of which $1,886,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. Under the heading "Library of Congress" obligational authority shall be available, in an amount not to exceed $75,236,000 for reimbursable activities, $8,706,000 for revolving fund activities, and $6,150,000 for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,860,000, of which $941,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $32,100,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1993 and 1994 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 4,493 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $439,525,000: *Provided*, That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1995: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. The last sentence of section 307(a) of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 60-1 note) is repealed.

SEC. 306. Annual and sick leave balances of employees transferred from the Office of the Director of Non-legislative and Financial Services, House Postal Operations, to the Architect of the Capitol, as of October 31, 1993, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, United States Code, upon their transfer to the appropriation for House office buildings.

This Act may be cited as the "Legislative Branch Appropriations Act, 1995".

The CHAIRMAN. No amendment shall be in order except those amendments printed in House Report 103-532. The amendments may be considered in the order printed in the report, may be offered only by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question.

Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chair of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution. The Chair of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

It is now in order to consider amendment No. 1, printed in House Report 103-532.

AMENDMENT OFFERED BY MR. POMEROY

Mr. POMEROY. Madam Chairman, I offer an amendment made in order pursuant to the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMEROY: Page 5, line 21, strike "$35,000,000" and insert "$31,000,000".

Conform the aggregate amount set forth on page 2, line 10, accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Dakota [Mr. POMEROY] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Madam Chairman, I rise today to join my colleague, Representative JACK QUINN, in offering an amendment to cut the franking budget by $4 million.

The bipartisan Quinn-Pomeroy amendment would bring the fiscal year 1995 appropriation down to $31 million, representing nearly a 25-percent reduction from last year's appropriation. Members of this body will recall that last year I offered a similar amendment. We brought the official mail account for 1994 down to an all-time election year low of $40 million.

Madam Chairman, the population I serve is broadly dispersed throughout an entire State. In my district, the State of North Dakota, there are 9 people, I repeat, 9 people per square mile. This compares to around 58,000 people per mile for the 11th District of New York. If anyone needs to communicate with their constituents through the mail, it's me. But I have made a commitment to return 25 percent of my franking allowance each year. And I think all of Congress can accept a significant reduction as well.

The simple reason for my commitment is this: We need to make cuts in Congress' budget and the frank is a good place to start. I am convinced we will not threaten our ability to communicate with our constituents, rather we will do it at a much more economical level. If we are to meaningfully reduce the deficit, Members need to step to the plate and show our willingness to do our part.

Madam Chairman, as little as 3 years ago, the House appropriated $80 million for the frank. Since that time, the official mail account has come down substantially. The committee itself cut the frank $5 million below last year's appropriation. I still believe more can be done. That is why I am pleased to join Representative QUINN in offering this amendment. I urge its adoption.

Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I ask that I be permitted to control the 5 minutes.

The CHAIRMAN. The gentleman from Florida [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, I yield such time as he may consume to the Republican sponsor of this amendment, the gentleman from New York [Mr. QUINN].

Mr. QUINN. I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in support of the amendment I would like to offer with my colleague, the distinguished Member from North Dakota [Mr. POMEROY].

Madam Chairman, each year the Congress spends millions of dollars on franked mail telling our constituents how much we are doing in Washington, how much we are changing and reforming.

We hear a lot of talk about cutting the cost of Government in various ways. This amendment is a good first step in the right direction. It is action and not just talk.

Communications with our constituents is very important, but more than anything my constituents want us here in Congress to live like they do everyday. Many Members have recognized the need to cut back—but we need to do more to change the way Congress works and spends money.

This amendment strikes $4 million from the official mail account, Madam Chairman.

In fiscal year 1993, the House spent $24 million on franked mail. For fiscal year 1994, the current estimate is that the mail cost will be about $41.5 million. The Committee on Appropriations has recommended $35 million for fiscal year 1995. This amendment would reduce the frank in fiscal year 1995 to $31 million, which should address the postal needs for the House.

This amendment will reduce our frank by $10 million from last year, which is approximately 25 percent.

This amendment is an opportunity to show the American people that we can cut spending in our own operations, in our own House, while we pursue cuts in other areas. It is an opportunity to lead by example.

I strongly urge my colleagues to support the Quinn-Pomeroy amendment.

□ 1330

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would just like to add that I am very proud of the fact that in the office account that I have control over, for the 10th District of Florida, each year I am able to spend about 65 percent of that account, and I return unspent about 35 percent, and so it certainly would not hurt my operation, and I do not think it should hurt anybody else's, and I think it is a really good amendment.

Madam Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Madam Chairman, I thank the gentleman from Florida [Mr. YOUNG] for yielding this time to me.

I rise in strong support of the Quinn-Pomeroy amendment. I think this makes a whole lot of sense, and, as the gentleman from Florida just said, this amendment really is not going to affect any of us as long as we do not do unsolicited mass mailings. I say to my colleagues, "If you do unsolicited mass mailings, you will be affected by this, but that's what your constituents don't want to hear from you anymore. They don't want to hear from Members of this body that we need to be able to mail to them at their expense, you know, one of those reports from Washington. It may as well have emblazoned across it, 'I'm running for reelection, vote for me, we have already got public financing of campaigns.'"

Madam Chairman, this is an 11-percent cut in the franking privilege. It is certainly something that is reasonable. I would love to see a 75-percent cut, and so I have proposed a 75-percent cut, and, as the gentleman from Florida just indicated, even that cut would not affect me because we returned 95 percent of the franking budget allocated to my office.

Reason:

We did not do any unsolicited mass mailings. We cut those out, we save a lot of money.

Mr. YOUNG of Florida. Madam Chairman, I yield myself 30 seconds.

As I said earlier, I returned about 35 percent of my account. I want to clarify that in the mailing account I actually return maybe 90 percent of my main account and still maintained a very good mail communication with the people in my district.

Madam Chairman, I reserve the last minute of my time.

Mr. POMEROY. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Chairman, this amendment strikes $4 million from the official mail account.

We have brought our mail costs down significantly since 1990—because the Members have cut back.

In fiscal year 1993, the House spent $24 million on franked mail. This year, the current estimate is that the mail cost will be about $41.5 million. So this will be $10 million, or 25 percent below fiscal 1994.

Even with the announced 10.2 percent increase in postal rates, $31 million should be enough for fiscal year 1994.

The current allowance for Members' franked mail is about $72 million. So the $31 million left in the bill is $41 million below the potential expenditure.

And current law authorizes over $92 million. This would be $61 million below that. We would be funding one-third of the statutory limit.

With this amendment, the House will be saving $41 million under the authorized allowance.

Madam Chairman, I urge the adoption of the amendment.

Mr. POMEROY. Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield 30 seconds of the 1 minute that I have remaining to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Madam Chairman, I rise in strong support of the Quinn-Pomeroy amendment and believe it is very important that we reform the franking privilege in the House. It is a privilege that has been abused over the years, and we could save millions of taxpayer dollars by adopting this commonsense amendment.

Madam Chairman, earlier today we heard how more than 30 amendments that would have brought needed reforms to the way this House does business were rejected by the gridlock committee, I mean the Rules Committee. These were 30 reasonable ideas aimed at making this body truly representative. And we continue to wonder why this body's public perception is at historic lows.

However, in one bright moment, the Rules Committee saw fit to make the Quinn-Pomeroy amendment in order. This cut of $4 million in the House franking budget is long overdue. Last year the House spent more than $38 million sending out franked mail and only a fraction of this was in response to direct constituent inquiries.

Such a large franking budget has become an anachronism in light of today's technology. Telephones, faxes, computers, and other methods of communication have made many uses of the frank unnecessary. Instead of informing constituents, Members now use the free mailing privilege as a campaign tool.

Statistical proof of this abuse is seen in the large spike in expenditures during election years. Visual proof can be found in the connecting halls between the Longworth and Rayburn buildings at the end of the year and just prior to the 60-day cutoff in September when the newsletters stack up 7 feet high.

In responding to all of the letters I received from constituents I spent slightly more than $12,000 and returned more than $153,000. The amount I returned is more than 4 percent to the amount Mr. QUINN and Mr. POMEROY are seeking to cut. Only 25 other Members would have to return a similar amount and we could easily save the $4 million. Clearly, this amendment does not represent too drastic a reduction in the ability of Members of Congress to inform the American public.

I would like the opportunity to vote on deeper cuts in franking but the Rules Committee said "no." I strongly support this amendment and urge my colleagues to support it.

Voting for this cut will show your support for fiscal responsibility and your desire to see the electoral playing field leveled somewhat.

Mr. YOUNG of Florida. Madam Chairman, I yield my last 30 seconds to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Madam Chairman, I rise in support of this amendment.

Madam Chairman, a number of us have been supporting these types of amendments before they were popular. Last year I returned over $100,000 again for the third year in a row, and yet I spent less than 25 percent of my allotment. It is time for all of us to tighten our belts. As we looked at limited resources for health care, for welfare reform, to fight crime, it is about time that we in this Chamber look at our own budgets so that the sacrifice can be equal and fair, and I urge my colleagues to support this fine amendment offered by my good friends.

Mr. POMEROY. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I commend my cosponsor on this amendment, the gentleman from New York [Mr. QUINN] and all who has spoken in its favor. I urge its adoption, and I will request a recorded vote.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. POMEROY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POMEROY. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 444, further proceedings on the amendment offered by the gentleman from North Dakota [Mr. POMEROY] will be postponed until after the debate on amendment No. 2.

It is now in order to consider amendment No. 2 printed in House Report 103–532.

AMENDMENT OFFERED BY MRS. THURMAN

Mrs. THURMAN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. THURMAN: Page 5, line 24 strike "$59,296,000" and insert "$56,354,000".

Page 6, line 1, strike "$14,936,000" and insert "$14,158,000".

Page 6, line 6, strike "$12,621,000" and insert "$11,506,000".

Page 6, line 8, strike "$17,267,000" and insert "$16,360,000".

Page 6, line 14, strike "$359,000" and insert "$337,000".

Page 6, line 16, strike "$1,730,000" and insert "$1,630,000".

Page 6, line 17, strike "$4,420,000" and insert "$4,400,000".

Conform the aggregate amount set forth on page 2, line 10, accordingly.

The CHAIRMAN. Under the rule, the gentlewoman from Florida [Mrs. THURMAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Madam Chairman, the amendment I am offering to H.R. 4454 is straightforward: It reduces the salaries, officers, and employees appropriation by $2,942,000. The funds I am seeking to reduce were intended for equipment and software purchases for various administrative offices of the House. The offices affected are: the Clerk's, the Doorkeeper, the Director of Non-Legislative Services, the Office of Law Revision Counsel, and Legislative Counsel.

The figure of $2,942,000 was chosen because, in testimony before the Legislative Appropriations Subcommittee, the requesting offices did not provide clear justification for purchases they requested.

In its report, the subcommittee stated:

> * * * equipment purchases and upgrades to existing systems are sometimes necessary. However, it is essential that appropriate review be made of the justification and potential costs and savings associated with these acquisitions and that appropriate authorization be acquired.

To me, this is a question of accountability. The American public demands accountability from its Government and we need to respond to those demands.

I strongly endorse the subcommittee's position that these new purchases should not be made until the requesting offices provide proper cost-benefit information on these products.

The subcommittee report further states:

> The committee directs that the Director of Non-Legislative and Financial Services, as defacto budget officer, assure in the future that review and authorization of equipment items is given prior to including these items in budget request.

The equipment requested by these offices may indeed prove necessary in helping the House carry out its duties and once sufficient need is demonstrated, then the purchases can be made. That money would have to come from reprogrammed savings identified by the Director of Non-Legislative Services. Once the Director finds the money, then these equipment purchases can be made.

We are facing a significant budget deficit in the House's budget this fiscal year. It certainly seems to me that we should be more prudent in allocating every dollar that goes into the operation of the House for the year ahead. Without clear reasons for the necessity for this equipment, we simply cannot afford any questionable outlays at this time.

However, as soon as these offices can provide proper justification and the House Administration Committee approves the purchases, then, if any savings in other areas of the House budget can be found by the Director, the equipment can be purchased.

The bill simply "fences in" these funds and that is not right. If the reasons for the spending had been provided earlier, the money would have probably been provided. However, justification was not given and I cannot see allowing this money to be appropriated, even within a fence. That is why I offer this amendment: to make our own House more accountable.

Madam Chairman, I urge passage of my amendment.

Mr. YOUNG of Florida. Madam Chairman, will my colleague, the gentlewoman from Florida, yield?

Mrs. THURMAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Madam Chairman, I thank the gentlewoman for yielding, and I rise to say I am happy to advise her that on our side we are very happy to accept her amendment.

Mrs. THURMAN. Madam Chairman, I thank the gentleman.

Mr. ABERCROMBIE. Madam Chairman, let me ask the gentlewoman, will she yield time to me?

Mrs. THURMAN. I yield 30 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Madam Chairman, I thank the gentlewoman for the time.

We are dealing here with the Clerk's Office and the Doorkeeper, among other institutions, including the Legislative Counsel. I have seen a pattern develop here in which we eviscerate ourselves and our employees from the institutional assistance we get here in the House of Representatives.

If someone can show me how we are better able to serve our constituencies by constantly chipping away at the financial underpinnings of those who are here to aid us and assist us in our work, I would like to see it. In this particular instance, I have had nothing but the best of cooperation, particularly from the Clerk's Office and from the Doorkeeper, and most especially from Legislative Counsel.

Madam Chairman, I think this is exactly the wrong way to go. If they need equipment to serve us better, we should be with them.

The CHAIRMAN. Does any member rise in opposition to the amendment? If not, the gentlewoman from Florida [Mrs. THURMAN] is recognized for the balance of her time, 1 minute.

Mrs. THURMAN. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I take the time just to point out to my colleague, the gentleman from Hawaii, that I suggest that maybe he look at the report where the subcommittee stated that they believed maybe some of these were necessary. However, it was not demonstrated through the testimony before the committee, and that is why we have looked at this. But we have also allowed the flexibility so they can go back into some of their other office expenses, or whatever, if they can justify these expenses.

I totally agree with the gentleman. I think we have fine staffs, and I do not want to take tools away from them, but I also think we have to be accountable to the American public and make sure that our hired folks around here are also accountable and can justify what their expenses are.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Florida [Mrs. THURMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. THURMAN. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 444, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which any vote by electronic device may be taken on the amendment on which the Chair has postponed further proceedings. This is a 15-minute vote on the Thurman amendment.

Members will record their vote by electronic device.

The vote was taken by electronic device, and there were—ayes 383, noes 46, not voting 10, as follows:

[Roll No. 211]

AYES—383

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)

Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin

Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Underwood (GU)
Upton
Valentine
Velazquez
Vento
Volkmer

Vucanovich
Walker
Walsh
Watt
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—46

Abercrombie
Berman
Bonior
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Edwards (CA)
Flake
Foglietta
Hastings
Johnson, E. B.

Kopetski
Martinez
McDermott
McKinney
Meek
Mollohan
Murtha
Oberstar
Obey
Owens
Payne (NJ)
Pelosi
Pickle
Rangel
Reynolds
Rostenkowski

Sabo
Serrano
Stokes
Swift
Synar
Thompson
Torres
Towns
Unsoeld
Visclosky
Washington
Waters
Waxman
Yates

NOT VOTING—10

Blackwell
Clement
Cox
de Lugo (VI)

Dicks
Grandy
Horn
Slattery

Whitten
Wilson

□ 1405

Ms. PELOSI and Messrs. MARTINEZ, TOWNS, PAYNE of New Jersey, and YATES changed their vote from "aye" to "no."

Mr. HILLIARD changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POMEROY

The CHAIRMAN. The pending business is the demand of the gentleman from North Dakota [Mr. POMEROY] for a recorded vote on which further proceedings were postponed and on which the "ayes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. The gentleman from North Dakota [Mr. POMEROY] has demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 48, not voting 16, as follows:

[Roll No. 212]

AYES—375

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)

Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra

Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert

Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling

Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum

McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Olver
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky

Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak

Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Valentine

Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—48

Abercrombie
Ackerman
Applegate
Berman
Bonior
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Engel
Flake
Foglietta
Ford (MI)

Frost
Gephardt
Gonzalez
Hastings
Johnson, E. B.
King
Kopetski
Martinez
McKinney
Meek
Mollohan
Murtha
Nadler
Oberstar
Obey
Owens

Oxley
Payne (NJ)
Rangel
Reynolds
Rush
Sabo
Serrano
Stokes
Swift
Synar
Towns
Unsoeld
Velazquez
Washington
Waters
Yates

NOT VOTING—16

Bachus (AL)
Blackwell
Clement
Cox
de Lugo (VI)
Dornan

Grandy
Hoke
Horn
Johnston
McDermott
Rowland

Slattery
Underwood (GU)
Whitten
Wilson

□ 1415

Mr. BERMAN changed his vote from "aye" to "no."

Mr. LANCASTER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 212 on H.R. 4454, I was unavoidably detained. Had I been present I would have voted yes.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on Thursday, May 26, 1994, I was incorrectly recorded as a "nay" vote on rollcall vote No. 212. It was my intention to vote "aye" on the amendment offered by the gentleman from North Dakota [Mr. POMEROY] to H.R. 4454.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House report 103-532.

AMENDMENT OFFERED BY MR. STRICKLAND

Mr. STRICKLAND. Madam Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STRICKLAND: Page 15, line 1, strike out "$41,364,000" and insert in lieu thereof "$34,784,000".

Page 15, line 1, strike out "$10,260,000" and insert in lieu thereof "$3,680,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr.

STRICKLAND] will be recognized for 5 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise today to offer a very simple and straightforward amendment. It would eliminate from the bill $6,580,000 for the installation of six additional elevators in the Longworth Building.

Madam Chairman, there is absolutely no question that the Longworth elevators are the slowest of all the House office buildings and are in dire need of improvement. There is $700,000 in this bill that would continue the elevator modernization project on the eight existing elevators in the building which when complete will improve their efficiency. I support the modernization project. My amendment leaves those funds in the bill. However, I do not support the $6.58 million in the bill to build six additional elevators in the Longworth Building. This money is unnecessary at this time. Let us wait until the modernization project on the eight existing elevators is complete. That will be done by the end of 1995. Let us do that before we determine that we need to spend over $6 million for six additional elevators.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I would just like to say that we have been trying to replace and repair these elevators in the Longworth Building for a long time. During the discussion on the rule earlier, I said that every Member that wanted to offer an amendment should have that right, and I agree with that strongly, but I also pointed out that I did not think I was going to support all of them, and I cannot support this.

Madam Chairman, the Members who are normally freshman Members in the Longworth Building ought to have elevators that work and not only the Members, themselves, but their constituents. A lot of people come to visit Members who reside in the Longworth Building, and those elevators ought to be safe, they ought to operate efficiently. Members should not have to miss votes or have visitation with constituents delayed because the elevators are old, antiquated, and need to be replaced.

Madam Chairman, I am opposed to this amendment. While hopefully we can find many other ways to reduce this bill, this particular amendment I think is not a good amendment.

Mr. STRICKLAND. Madam Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

□ 1420

Mr. BROWN of Ohio. Madam Chairman, I rise in support of the Strickland amendment. I rise in support of the Strickland amendment that would eliminate $6.5 million for the installation of six additional elevators in Longworth. This is a reasonable cost-cutting measure. It leaves in the bill $700,000 to complete the modernization of all existing elevators in Longworth.

The time to decide whether Longworth needs an additional six elevators is after modernization of the existing eight is complete, not now. After completing the modernization project, we will be able to evaluate the results of this project in terms of improved movement in the building.

Why spend $6.5 million on new elevators before the existing ones have been modernized?

As an occupant of the Longworth Building, I support the Strickland amendment.

Mr. YOUNG of Florida. Madam Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I hope the rumble you hear is the rumble of discontent. I hope none of you that occupy buildings other than Longworth will be voting for this. If you are in the Longworth Building, you know we need at least six elevators.

Modernization? How about modernization of function? One of the things that both sides said they were not going to do here today is grandstand, and this is a grandstand amendment.

Now, your own constituents are being stuck out there, and we cannot do proper business in the Longworth Building.

I also reside in the Longworth Building. I like the Longworth Building. I enjoy being in the Longworth Building.

What I do not enjoy is seeing people who are trying to do their work—and there has been criticism of the efficiency of the people working here in the Congress right straight along—being held up minute after minute, hour after hour, trying to get the mail in, trying to do the ordinary business in the Longworth Building, everybody being jammed up and stuck.

We cannot get the $6.5 million to get the additional elevators that we need to do the proper business we need to today. If you want to modernize, do not worry about the elevators we already have. Put in the six that we need.

Vote down this amendment and vote to modernize Longworth.

Mr. STRICKLAND. Madam Chairman, grandstanding is a matter of value judgment.

Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARCA], an individual who is eminently qualified to speak about the Longworth Building because he has an office on the seventh floor of the Longworth Building.

Mr. BARCA of Wisconsin. Madam Chairman, Members, I am in the Longworth Building. I am on the seventh floor.

Currently two elevators are inoperable, and that has produced delays, and it is a problem. But it is my understanding that this amendment would allow those elevators not only to be fixed but would allow them to be modernized so we could speed up that process.

Would it be nice to have six new elevators? Sure, it would be very nice. It is not essential.

We have to make some cutbacks. I wish there were more amendments perhaps, but this is a good amendment. It is an amendment we can all live with.

I hope it passes.

Mr. YOUNG of Florida. Madam chairman, I yield 1 minute to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Madam Chairman, I am a reformer. I believe in term limits. I believe in cutting the expenditures of government.

But we found out on the Los Angeles Freeway you can only put off retrofitting so long.

Two elevators today are down in Longworth, two of them are down, one for the reform, which will only take about 1½ years to get that one back in service because we are doing it in-house, and the second just quit.

Do we want to modernize? Do we want to put some people to work working on elevators? Do we want to spend $6 million so our constituents can come here and visit us and lobby us and participate in government?

I am a freshman. I am on the seventh floor. I have got a conflict of interest, because there is no fire pole, there is no way I can get up there 10 times a day, because you run such a crummy schedule here. I have got to run back and forth, back and forth, to the seventh floor and down.

Vote no.

Mr. STRICKLAND. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me say that I am not a Congress-basher and I am not for term limits. And I think we can mix up apples and oranges in this debate.

What we are talking about is the matter of priorities.

Now, I hear a lot of people stand at that podium and talk about saving money, and yet when it comes to a matter of having some personal inconvenience, suddenly they change their tune.

What we are talking about is whether or not it is wise to spend this amount of money at this point in time to build six new elevators in the Longworth building. We are not talking about retrofitting existing elevators.

The Longworth building needs work done on its existing elevators. Everybody agrees with that.

But the question is, at this point in time when we are asking a lot of people to make a lot of sacrifices, should we be spending $6.58 million to build six additional elevators? The building has eight elevators. Does it need 14 elevators? I think not.

This is a commonsense legislation. It is something that we ought to do simply because it makes sense.

Madam Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Madam chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I, too, am in the Longworth Building. I have always been in the Longworth Building, and anyone who has ever gone to the Longworth Building knows that it is a disaster.

Ladies and gentlemen, what are we talking about here? This is the Capital of the United States. The Longworth Building is a disgrace. It is an embarrassment when constituents come, when people come from all over the country.

We have elevators, "Members only" elevators. We do not have difficulty getting up and down those stairways or up and down the different floors. It is our constituents who come here to visit the Capital of the United States, and they have to wait, 10, 15, and 20 minutes to get outside from the Longworth Building.

Do we not have any pride? This is a showplace for the country. This is where the seat of government is. When our constituents come into this building, they cannot even get in or out.

I know this is election year. Everybody is looking to show the folks back home we are tightening our belts, but this is not the place to do it.

I urge my colleagues to vote down this amendment.

Mr. YOUNG of Florida. Madam Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I simply want to say I am a freshmen on the seventh floor of the Longworth Building. I think you can be penny-wise and pound-foolish, and this is the amendment that proves it.

Vote no on this amendment.

Mr. YOUNG of Florida. Madam Chairman, I yield the remainder of my time, 30 seconds, to the gentleman from Texas [Mr. SAM JOHNSON].

□ 1430

Mr. SAM JOHNSON of Texas. I thank my colleague from Dallas, who is on the seventh floor. I do not want to slide down a fire rail with her, but I think the point has to be made that the largest disparity is in the number of elevators in each House building per number of Members. The Rayburn has 30 elevators for 168 Members, the Cannon has 14 elevators for 140 Members, and for nearly 140 Members in the Longworth Building there are 10 elevators.

I think that is a good case for voting against this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. STRICKLAND].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STRICKLAND. Madam Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 103–532.

AMENDMENT OFFERED BY MR. LANCASTER

Mr. LANCASTER. Madam Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LANCASTER. Page 17, line 16, strike "$95,158,000" and insert "$90,717,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. LANCASTER] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman and Members of the House, the amendment that is offered before you now would strike $4,441,000 from the appropriation for the Government Printing Office for congressional printing. The bill reported provides for $95,158,000 for printing, which is an increase of more than $6 million over the current year. $4,441,000 is in fact an increase that was included in the bill to cover a rate increase for printing. However, the Joint Committee on Printing refused to approve that rate increase, and these funds represent those dollars.

Since that rate increase was not approved, these dollars are not needed and may be removed from the bill without doing any jeopardy to the printing needs of our Members.

Madam Chairman, I do rise in support of the amendment and would urge my colleagues to vote in favor of it.

Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I ask that I may be allowed to control the 5 minutes.

The CHAIRMAN. The gentleman from Florida [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. I thank the gentleman for yielding to me.

Madam Chairman, in this body I think we face a dilemma over the next several years that the gentleman from North Carolina [Mr. LANCASTER] and I recognize, and that is the reason we offer this amendment; that is, the fact that the Government Printing Office continues to lose money. In fact, this year, the Government Printing Office is projected to lose $29 million and next year will lose more than $30 million. And here is the fundamental dilemma: Fewer and fewer people are using the presses of the Government Printing Office, in part because they are extraordinarily unproductive and in part because more and more Government agencies are choosing to contract out for their services.

Finally, as we see a technological revolution which has made desktop publishing possible, it is clear that GPO's client base will shrink increasingly over the next several years.

Now, GPO itself projects a workload decline in fiscal 1995, and to make up for these revenue shortfalls they have come back and, instead, asked Congress to approve a 5-percent increase. Essentially, while business is going down, they are making the intriguing move to raise prices. I think anybody who has taken any economics course will tell you if you raise prices while your business is going down, your business is only going to go down further.

So I think what this will do is, instead, send a strong message to GPO that what they should do is concentrate on reducing their overhead costs, contracting out work which is more cost-effective. In fact, in the near future, I would like to see us debate the idea of totally forcing GPO to contract all of its services and moving to privatization.

Finally, send a signal to GPO that if they reduce costs, they can cut overhead by 50 cents on every dollar and that will bring them more business instead of paradoxically raising their rates on the idea that it will bring in more business.

I congratulate my colleague, the gentleman from North Carolina, in offering this amendment, and I urge my colleagues to strike $4.41 million in price increases which are clearly not justified.

Mr. LANCASTER. Madam Chairman, I had intended to yield to the gentleman from Wisconsin, but since he had already spoken, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. LANCASTER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5, printed in House Report 103–532.

AMENDMENT OFFERED BY MR. JOHNSON OF GEORGIA

Mr. JOHNSON of Georgia. Madam Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JOHNSON of Georgia: Page 17, line 16, strike the pending dollar figure and insert an amount equal to that dollar figure less $3,000,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from Georgia [Mr. JOHNSON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Georgia [Mr. JOHNSON].

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Madam Chairman, the House in the previous amendment was to cut more than $4.4 million from the Government Printing Office budget for fiscal 1995. This is a worthwhile effort, but I believe it does not go far enough in cutting the size of the GPO budget during these times of dwindling resources. This amendment provides for an additional $3 million reduction. The GPO budget has asked for $3 million to pay down a shortfall which they claim is owed because of printing done in prior years. This so-called shortfall appears to be a subsidy to cover the losses incurred on executive branch printing which they are passing on to the congressional printing charge.

Madam Chairman, the GPO must become more efficient. The GPO needs to downsize and employ only the appropriate number of workers to do the printing of the three branches of Government in the most cost-effective manner possible. Perhaps more of the work of the legislative branch could be done by the private sector. I understand the work done at GPO usually runs twice the cost to produce the same job printed by the private sector under contract to GPO. We simply have to control costs at GPO.

Just 2 weeks ago the Joint Committee on Printing and Oversight for the GPO directed the agency to take immediate and forceful steps to find cost savings within the agency. This action comes in anticipation of a $22 million shortfall projected for the GPO. This amendment supports the goals of the joint committee and reduces the appropriation for the agency an additional $3 million.

I understand the Legislative Branch Appropriations Committee desire to fund the GPO at a reasonable level. Government Printing Office projects a workload decline in fact for fiscal year 1995, which is the typical pattern during the first year of a new Congress. Therefore, this amendment is to bring in line the expected costs for congressional products for fiscal year 1995 with the experience that we have had in fiscal year 1993.

□ 1440

In that year the new Congress only utilized 90 percent of the appropriation of $89 million for the GPO and binding accounting. I believe that the funds in the congressional printing and binding account for fiscal year 1995 will be more than adequate to do the work of Congress but will take away the funds that might be used to subsidize the executive branch.

Madam Chairman, I yield 2½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Madam Chairman, I thank my good friend, the gentleman from Georgia [Mr. JOHNSON] for yielding time. I would also like to thank both the ranking member and chairman of the Rules Committee for allowing this important amendment to be made in order.

We must cut spending to reduce the deficit. To restore some credibility with Congress, we must begin by cutting our own budget. Only when taxpayers see that Members of Congress are willing to spend less on their own appropriations will they believe Congress is serious about cutting spending.

This amendment seeks to strike $3 million from the appropriation for congressional printing at the Government Printing Office. As reported, the bill provides an increase of $6.8 million over the current year—an increase of 7.6 percent over the previous year.

I am particularly concerned with GPO's funding request for $3 million to pay down a shortfall which they claim is owed because of printing done in prior years. This so-called shortfall looks like a bailout of the losses incurred on executive branch printing that GPO is trying to pass on as a congressional printing charge.

It is worth noting that Congress declined to fund a GPO request last year to make up for a similar shortfall problem. This move was done to reduce management and overhead costs at GPO. Moreover, it remains unclear whether the executive branch is paying their fair share of GPO's overhead costs.

No private business can rely on such a bailout to remedy inadequate management. Holding GPO accountable to identify the proper offsets is entirely reasonable given the fiscal constraints placed on our Federal Government. High overhead costs and pricing policies may need to be reevaluated as part of this effort to responsibly bring GPO's budget on track. This is in the best interest of all taxpayers.

Furthermore, previous congressional refusal to fund similar shortfalls at GPO has actually shown positive results. In fiscal year 1993, GPO had an estimated $21.4 million shortfall that Congress would not cover. The next year, the shortfall was $11.9 million less.

This amendment is simply a responsible effort to help bring fiscal accountability to the legislative branch. For that reason, I ask that my colleagues join me in supporting this initiative.

Mr. JOHNSON of Georgia. Madam Chairman, I urge an aye vote on this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. JOHNSON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in House Report 103–532.

For what purpose does the gentleman from Massachusetts [Mr. TORKILDSEN] rise?

AMENDMENT OFFERED BY MR. TORKILDSEN

Mr. TORKILDSEN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TORKILDSEN: Page 18, line 11, strike "$10,182,000" and all that follows through line 12 and insert "$3,182,000.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. TORKILDSEN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Madam Chairman, I rise today with the gentlewoman from Virginia [Ms. BYRNE] to offer an amendment to H.R. 4454. I would like to thank Mr. YOUNG, the ranking member of the Legislative Branch Appropriations Subcommittee, for his assistance on this important matter.

My amendment seeks to reduce the $10.2 million appropriation for the Botanic Garden by $7 million. This $7 million is intended for design and construction plans for renovation of the garden's conservatory. This funding would begin a prospective $28 million project whose costs have only been estimated by the Architect of the Capitol. I strongly believe that we need detailed design and construction plans of the project in advance of this substantial appropriation.

I am not saying the Botanic Garden should never initiate this important renovation. I am concerned, however, that this public expenditure be made prudently, given the huge Federal deficit, and in a way that provides the greatest return for the taxpayers. As Members of this institution we are obliged to preserve the historic nature of the Capitol but within fiscally responsible limits. It is my understanding that House conferees removed similar funding in a previous legislative branch appropriations conference committee because of concerns with the project's costs and schedule. The same concerns about the project exist today.

I would also note that other options may be exercised with regard to the funding for the Botanic Garden renovation. The outstanding efforts of the Capitol Preservation Commission to obtain private funding for their undertakings should serve as a model of a way to fund renovations of other projects. I believe this should be considered for the Botanic Gardens, and we should have realistic estimates of private support before committing these funds.

For all these reasons, I urge my colleagues to support my amendment to strike this unnecessary appropriation.

Madam Chairman, I yield such time as she may consume to the gentlewoman from Virginia [Mrs. BYRNE].

Mrs. BYRNE. Madam Chairman, the Byrne-Torkildsen amendment will eliminate $7 million in appropriations for the renovation of the U.S. Botanic Garden conservatory. It is an era that we have to belt-tighten, and it is clear these funds are not going to be used because there is no design. Yesterday in our Committee on Rules' meeting the gentleman from Tennessee [Mr. QUILLEN] called this a pig in a poke, and indeed that about nails it. It is a pig in a poke, only unfortunately for us it is a $7 million pig.

Madam Chairman, I join with the gentleman from Massachusetts [Mr. TORKILDSEN] in asking that this appropriation be cut.

Madam Chairman, my amendment will eliminate the $7 million appropriation for the renovation of the U.S. Botanic Garden Conservatory.

The Botanic Garden serves a very important educational function in our Nation's Capital. But in this era of fiscal belt-tightening, we cannot allocate funds to projects whose costs and benefits have not been fully evaluated. Unfortunately, that is the case with the conservatory.

The Architect of the Capitol first proposed large-scale renovations to the conservatory in 1990, estimating a cost of $21 million based upon preliminary design plans.

In fiscal 1993, Congress appropriated $2 million to the garden to develop a final design plan for the project. To date, this final design has not been completed. In the meantime, the delays have driven the estimated cost of this project up to $28 million.

This year's legislative branch appropriations bill allocated the first of four $7 million installations for the renovations—even though none of us have seen a final design.

When we are trying to make the most out of scarce Federal dollars, it just doesn't make sense to spend millions on a project which has not been completely designed and which has already seen a 33-percent projected increase in costs. We are being asked to pay now and inspect later.

Without a final project design, there is absolutely no guarantee that the cost won't rise again. While we need to provide the Botanic Garden with the funds necessary to maintain its facilities, we should not commit ourselves to funding a project that has not been finalized.

I urge my colleagues to support this amendment to keep the legislative branch appropriations bill fiscally responsible.

Mr. TORKILDSEN. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TORKILDSEN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 7 printed in House Report 103–532.

For what purpose does the gentleman from Wisconsin [Mr. BARCA] rise?

AMENDMENT OFFERED BY MR. BARCA OF WISCONSIN

Mr. BARCA of Wisconsin. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. barca of Wisconsin: Page 24, line 2, strike out "$32,100,000: Provided," and insert in lieu thereof the following: "$30,600,000: *Provided*, That the objectives of chapter 41 of title 44, United States Code, as enacted by the Government Printing Office Electronic Information Access Enhancement Act of 1993, shall be carried out through cost savings: *Provided* further,".

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. BARCA] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Madam Chairman, I rise in support of this amendment, the Barca-Kleczka-Thomas amendment, which would save $1.5 million from GPO. Last year at about this time; in fact, I think a year to the date, we had passed a bill called the Electronic Information Access Act of 1993, and in the committee report it was stated that we could go forward and this would be an efficient way to get documents out to people in a cost-effective manner that would either be cost neutral or save money. That was stated in the committee report. It was also stated by the floor manager, the gentleman from Wisconsin [Mr. KLECZKA] who will also be speaking on this, and by the minority leader of the committee, the gentleman from California [Mr. THOMAS].

Madam Chairman, we believe that we should be able to do this on a cost-neutral or a cost-savings basis, and that is what this amendment would accomplish.

Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Madam Chairman, I rise in strong support of this amendment, which would reduce funding for the Government Printing Office by $1.5 million dollars. This reduction in funds is not an arbitrary cut, but is rather a necessary adjustment so that this bill conforms with current law.

Last year, this House passed Public Law 103–40, the Government Printing Office Electronic Information Access Enhancement Act. When I came to the floor with this bill, I made very clear that the Government Printing Office is to achieve the objective of this law through cost savings elsewhere in its appropriated funds. It was very clear in the bill, the committee report, and statements on this floor that no additional funds be appropriated to carry out this legislation.

This is why I was very concerned when my colleague, Mr. BARCA, told me about the $1.5 million that was being added to cover the basic costs for libraries to have initial electronic access. I certainly want the electronic access program to continue, with the depository libraries having free access, but it was quite clear that GPO must fund this through cost savings, not new spending.

I congratulate Representative BARCA on this wise, cost-saving amendment, and I am glad to see that it is cosponsored by a Member on the other side of the aisle. Although he has only been here a short time, Representative BARCA has proven himself today as someone who is concerned with the use of taxpayers dollars.

I encourage all Members to support the Barca-Kleczka-Thomas amendment.

Mr. BARCA of Wisconsin. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BARCA].

The amendment was agreed to.

□ 1450

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 103–532.

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROBERTS: Page 25, line 13, strike "4,493" and insert "4,193".

The CHAIRMAN. Pursuant to the rule, the gentleman from Kansas [Mr. ROBERTS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Chairman, I rise to join my colleague from Wisconsin, Congressman SCOTT KLUG, in offering this amendment to reduce the number of full-time equivalent positions [FTE's], at the Government Printing Office. The proposed authorization level of 4,493 would be reduced to 4,193. A reduction of 300 FTE's would save an estimated annual savings of $15 million.

For those of us who are not accountants, let me explain what an FTE is. One FTE is equal to one employee working full-time for a full year. The FTE authorization level is equal to the total number of hours all agency employees work. The FTE authorization level does not cap the number of employees, but rather the number of work hours all employees can be paid for in a year.

As the ranking Republican member serving on the House-Senate Joint Committee on Printing, the congressional entity with oversight of GPO's operation, I have been alarmed with the dramatic financial losses being incurred by the GPO. This year the GPO estimates its losses to be nearly $27 million and for fiscal year 1995 to increase to $29 million.

Over the last 3 years, the Joint Committee on Printing has requested four different studies to be conducted by the General Accounting Office, Arthur Andersen Accounting, and the Public Printer to determine the cause and options to reduce and end these losses. Every report concluded that GPO was outdated and overstuffed for the amount of work being done. Every report encouraged major reorganization of personnel and elimination of positions. In addition, the reports found personnel costs to account for 80 percent of all GPO costs and that administrative or overhead reductions would not offset financial losses.

Even GPO's financial documents show that its procurement operations continue to make a profit for the agency of $107 per print job, in comparison to a loss of $1,027 per job for work printed in-house. Yet, nearly 2,000 GPO employees continue to do in-house print work and only 725 hold position to contract out work—one-third. Simply put, we need to reduce in-house printing and increase procurement to cut losses.

Why is the GPO losing money? It is not the fault of the employees or the work that they do. Rather, it is technology, itself. In the age of advanced technology and electronic printing, the GPO has become outdated. The way in which GPO work is done is simply more expensive and slower than the way it can now be done with new technologies. For that reason, traditional customers are turning to alternatives and the GPO, like any other business, must cut costs and can no longer afford to keep its entire work force.

On May 12, the JCP met to discuss this situation and the growing financial loss at the GPO. The JCP determined quick action was necessary to slow the alarming financial trend. The committee directed the Public Printer to take actions to cut losses—by reducing overhead and personnel. In addition, I supported efforts to hire a consultant to assist the GPO in this endeavor.

In light of these efforts, it is important to note that this bill freezes the fiscal year 1994 FTE authorization level of 4,493 for fiscal year 1995—despite the JCP's insistence for personnel reductions. To freeze personnel levels would be contrary to an 11-year effort by the JCP and several other members to slowly reduce the FTE authorization to prevent financial losses at GPO

Freezing the FTE level would only encourage the GPO's losses to increase. This amendment would cut those losses.

A 300 FTE reduction would result in savings of roughly $15 million—a cut that would enable the GPO to reduce its estimated losses in half. While Congressman KLUG and I originally drafted our amendment to reduce FTE's by 600, a number equal to the estimated losses at GPO, in conversations with other Members concerns were raised over such a dramatic cut. The amendment has been drafted to address those concerns and turn GPO back on a course to financial stability.

In addition, this amendment does not mandate reductions in specific areas. Instead, it would allow the GPO's own Public Printer to review, with the professional assistance of the JCP, its structure and incrementally reduce employees in money-losing operations.

My colleagues, the world has changed and the GPO has to be changed to fit in it. It is more humane and sensitive to employees to gradually reduce the work force than in a future date be forced to totally eliminate the entire agency—and that is what will happen if true corrective action isn't taken.

My colleagues, we have reached a crossroads at the GPO. If we do not take these steps, the situation will only worsen.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Ms. NORTON. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON] for 5 minutes to control time in opposition.

Ms. NORTON. Madam Chairman, I urge my colleagues to oppose this amendment. There is no reason to have a different set of rules for the GPO than we have for the rest of the Government.

There are rigorous caps in place, and unlike the rest of the Government, the GPO is already 193 positions below their full-time equivalents.

The last thing we need to do at a time when we are buying out the rest of the Government is to precipitate layoffs in a single agency. Moreover, in reinventing government, there is a move to, in fact, encourage agencies to contract out certain kinds of work.

Well, the GPO is the leader in contracting out work. Ninety-three percent of the work of the executive is already contracted out by GPO. Eighty percent of all of its work is contracted out. Virtually the only work done at GPO is the overnight work that you have to do for the Congress itself, work such as the CONGRESSIONAL RECORD.

If GPO were not on a steep decline already, one could understand these amendments that would push them further. There is no reason to push this agency into a layoff position. These are working families. These are people who have to support themselves the way everybody else does. These are jobs that are being systematically eliminated. To force the elimination of jobs in a precipitous fashion would single out the GPO from other agencies.

We have not opposed, I certainly have not opposed, some of the other amendments, amendments which would reduce congressional printing, but when we got to this amendment, I sought specific information about its impact. When I learned that its impact is not simply savings, but the elimination of actual people faster than those people are already being eliminated, I could not find a reason why anybody would want to precipitate that kind of result.

So I am asking my colleagues to oppose the amendment, the Roberts amendment, and allow the efficiencies already under way at GPO, efficiencies that are far in advance of what other agencies are now about, to work their way and work their will.

Mr. ROBERTS. Madam Chairman, might I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 3 minutes remaining, and the gentlewoman from the District of Columbia [Ms. NORTON] has 2 minutes remaining. The gentleman from Kansas [Mr. ROBERTS] has the right to close.

Mr. ROBERTS. Madam Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Madam Chairman, I thank the gentleman from Kansas for yielding.

If I may, let me show the gentlewoman from the District of Columbia [Ms. NORTON] why I think this action is necessary today. The green you see here is when the Government Printing Office actually operated at a profitable basis. Since 1990, as you can see, once we saw the advent of desktop publishing and moves to greater efficiency in the Federal Government, and a move, again, which I think should be accelerated, to contracting out work, the GPO has lost money. In fact, as you heard, the predictions are that the GPO will lose $29 million in fiscal year 1995 if we do not do something.

The blue trend line is the number of employees. As you can see, its slope is much different than the slope which indicates GPO's increasing losses, which will soon approach $30 million, if we do not act quickly.

Now, every major group that has looked at this, as the gentleman from Kansas [Mr. ROBERTS] has said, from the General Accounting Office, to the Arthur Andersen consulting firm, to the Public Printers, GPO 2000, has indicated that GPO has to begin seriously downsizing. It is overstaffed for the amount of work being done, and it is overstaffed for the amount of work that is being done because Federal agencies realize it is not doing a very good job any longer. The technology cannot keep up.

As we have seen from the Vice President's own report on privatization, to the kind of things happening now in New York City and Massachusetts, where more privatization is taking place, to the former Soviet Union, where still more work is moving from the public sector, I think this is long overdue.

This amendment will cut the FTE ceiling from 4,493 positions by 300 persons, to a level of 4,193, equal to $15 million. So the gentleman from Kansas [Mr. ROBERTS] and I will tell you, 300 employees was not our firsts choice, 600 employees was our first choice.

This savings will represent $15 million, or roughly half of GPO's projected losses in the first year. If GPO can prove to us in the future that their wok is increasing and more Government clients are coming back, then we are willing to think about adding back positions. But for the time being, every job that GPO does, the Federal Government loses 50 cents on the dollar, from what they could have done had it been privatized out.

I respect the feelings of the gentlewoman from the District of Columbia [Ms. NORTON] as I do her colleague from Prince George's County, about what it means to their workers. But our job is to look after the greater good of the American taxpayer.

At this point in history, GPO is a loser, and I urge my colleagues to support the Roberts-Klug amendment, which will go at least halfway to cutting GPO losses in the current year.

Ms. NORTON. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Madam Chairman, I would like to join my colleague from the District of Columbia in opposing the Roberts-Klug amendment. If the threshold question is does GPO get it, I think clearly they do. If the issue is contracting out, they have responded. Eighty percent of congressional work is now being contracted out. Ninety-three percent of executive level business is being contracted out. But the important fact remains that there is rapid turnover work that must be done on an overnight short-term basis, that cannot be contracted out. That is the area where GPO has extensive expertise. That is the area that we wanted to maintain and make sure runs in an efficient manner.

□ 1500

I believe that meat ax approach that is being suggested is not the way to respond to the current situation. They are already cutting out weak areas of these concerns in a better fashion. Already, if we look to the chart that is presented, the trend is downward in terms of personnel allocations. Right now GPO is 193 positions below its full time, FTE, authorization, but if we take a meat ax approach we will precipitate layoffs, and that will in fact be counterproductive to the goal of reducing costs, because layoffs, as we have demonstrated in extensive debate on this floor, causes increased costs with lost productivity, plus additional payments for unemployment compensation and the like.

Ms. NORTON. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Chairman, I thank the gentlewoman for yielding time to me.

Madam Chairman, there is no doubt we are going to have to look at the management of the Government Printing Office, which I would say is excellent. Mr. DiMario is doing an outstanding job. The fact of the matter is, they are confronted with a new environment.

The fact of the matter is, they are confronted with constraints that other agencies may not be confronted with. The fact of the matter is, we have allowed printing to be done in other areas, rather than in centralized, perhaps more efficient areas. There is no doubt we need to look at and make sure that the Government Printing Office is giving to the taxpayers and to the Congress full service for the dollars spent.

However, Madam Chairman, I would hope this amendment is rejected. I have talked to my friends who are the proponents of this. They say they started with 600 and came down to 300. The fact is, if we are at 200, and we are not going to change this, but the fact is, as the gentleman from Prince George's County, Mr. WYNN, and the gentlewoman from the District of Columbia, Ms. NORTON, have pointed out, we would preclude RIF's. RIF's are not good management policy.

If we plan, if we have a goal to get there from here, we can do it in a sound management manner, and I would urge the rejection of this amendment.

Mr. ROBERTS. Madam Chairman, might I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 30 seconds remaining.

Mr. ROBERTS. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, this is not a meat axe approach. This is not even a scalpel. This is not even a pinprick. We started with 600 and we went down to 300. We have been meeting and meeting and meeting. We have studied and we have studied and we have studied to reduce the personnel costs. If we contract it out at the GPO, we make $107. If it is an in-house job, we lose $1,027. Two thousand GPO employees continue to do in-house print work, and 725 are involved in contracting out. We can afford a 300 FTE cut.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas [Mr. ROBERTS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 9 printed in House Report 103-532.

AMENDMENT OFFERED BY MR. MANTON

Mr. MANTON. Madam Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MANTON: Page 30, after line 2, insert the following:

SEC. 307. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The first sentence of section 8335(d) of title 5, United States Code, is amended by striking "55" and inserting "57".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8425 of title 5, United States Code, is amended—

(A) in the first sentence of subsection (b) by striking "member of the Capitol Police or" and "member of";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following:

"(c) A member of the Capitol Police who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Capitol Police Board, when in its judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Board shall notify the member in writing of the date of separation at least 60 days before that date. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.".

(2) Section 8415(d) of title 5, United States Code, is amended by striking "(a) or (b)" and inserting "(a), (b), or (c)".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. MANTON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Ms. DUNN. Madam Chairman, I ask to control the 5 minutes in opposition to this amendment.

The CHAIRMAN. The gentlewoman from Washington [Ms. DUNN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. MANTON].

Mr. MANTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the amendment Ms. JENNIFER DUNN and I are offering today would change the mandatory separation age for a U.S. Capitol Police officer from its current 55 years to 57 years.

As my colleagues may recall, in 1990, Congress enacted the Capitol Police Retirement Act of 1990 (Public Law 101-428) which placed the U.S. Capitol Police Force on a more level playing field with surrounding Federal law enforcement agencies.

A key provision in this legislation made mandatory separation at age 55, which was identical to the retirement provisions of similarly situated law enforcement entities. This legislation had widespread support because it ensured parity, equity, and comparability among Federal law enforcement agencies.

However, in the Treasury-Postal Appropriations bill for fiscal year 1991, language was adopted that increased the mandatory separation age for these surrounding Federal law enforcement agencies from 55 to 57. This change was not included for the U.S. Capitol Police.

Madam Chairman, the amendment we are offering today is necessary in order to restore parity. The Capitol Police and the Capitol Police Board strongly support this change, and it is my understanding they have the sufficient resources to accommodate this increase in mandatory retirement age.

I would like to thank the gentleman from California [Mr. FAZIO] for his support and assistance on this important matter, and I urge my colleagues to support this amendment.

Ms. DUNN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I wish to confirm what my good friend and colleague on the House Subcommittee on Police and Personnel, the gentleman from New York [Mr. MANTON], has just told us.

As the chairman and ranking member of the Personnel and Police Subcommittee we are today offering an amendment to bring our Capitol Hill Police Force's retirement policy in line with similar Federal law enforcement agencies.

As my colleague just stated, these other agencies had their mandatory retirement age increased to 57 4 years ago in the Treasury-Postal Appropriations bill for fiscal year 1991. We in this body have not yet done the same for our own law enforcement personnel.

Madam Chairman, this amendment is in keeping with the sense of parity that this body first embraced with the Capitol Police Retirement Act of 1990. It will restore the even playing fields that were initially created between our local Federal law enforcement agencies.

We have conferred closely with the chief of police, Gary Albrecht, on the issue of cost and he said, and I quote "that this is a wash." Any cost increases that would result from retaining older, more experienced officers on our police force will be covered in the savings realized by not having to hire and train new personnel.

I especially wish to thank Mr. YOUNG for his support and to again compliment Chairman MANTON on his efforts. As the ranking member of the Personnel and Police Subcommittee, I urge my colleagues to join us in supporting this amendment and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MANTON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 10 printed in House Report 103-532.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment made in order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 30, after line 2, insert the following new section:

SEC. 307. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE TO GRANTEES AND CONTRACTORS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I was not quite sure whether Congress was going to retrofit the existing elevators in the Longworth, or if they were going to build new ones, but one thing I was concerned about is when they got done with those elevators, the American workers did not get the shaft.

I would like to see American products, wherever possible, used in these construction projects. These American products are made by American workers who pay American taxes, who keep the trucks coming down the track and the train coming down the track.

Mr. FAZIO. Will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. FAZIO. Madam Chairman, I just want to tell my friend, the gentleman from Ohio [Mr. TRAFICANT], that we support the amendment and we think his concerns about American workers are well-placed.

Mr. YOUNG of Florida. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Madam Chairman, I thank the gentleman for yielding to me.

Madam Chairman, I just want to say that the gentleman from Ohio [Mr. TRAFICANT] does a fine job in making sure American workers are protected to the best of our ability. We thank him for that. We support the amendment.

Mr. TRAFICANT. Madam Chairman, I thank the gentleman for his support, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 11 printed in House Report 103-532.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Madam Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEREUTER: Page 26, line 24, strike "$439,525,000" and insert "$408,656,750".

The CHAIRMAN. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, this Member rises to offer an amendment to H.R. 4454, the legislative branch appropriations bill for fiscal year 1995.

This Member's amendment would reduce the funding level included in H.R. 4454 for the General Accounting Office [GAO] to 5 percent below the fiscal year 1994 level.

GAO received a funding level of $430.2 million in fiscal year 1994, and H.R.

4454 recommends a fiscal year 1995 funding level of $439.5 million—an increase of $9.4 million. This Member's amendment would reduce the fiscal year 1995 funding level of GAO to $408.7 million, a reduction of $30.9 million from the committee approved bill, and $21.5 million below fiscal year 1994's funding level.

Mr. Chairman, GAO is an agency where growth is out of control. GAO is an agency which is not responsive to individual Members. In addition, this Member strongly believes that the quality of work produced by the GAO is increasingly shoddy. The work produced by GAO varies dramatically, yet all products are given the same kind of credibility simply because they are GAO products. The level of resources provided to produce these products is excessive and has grown disproportionately when compared with other congressional support agencies.

In addition, GAO resources are also used for consultants, training, and other unnecessary expenses. Concern has also been expressed that GAO is more interested in getting headlines than in supporting the Congress with the required information.

While the original mission of GAO was to monitor congressional spending and reduce waste, the agency has grown to the point where it is now a major contributor itself to deficit spending.

From 1985 to 1993, GAO investigations doubled from 457 per year to 915. In addition, GAO's budget has jumped from $46.9 million in 1965 to our current spending level of $430.2 million, a nearly 1000 percent increase in unadjusted dollars.

This Member would like to point out that in fiscal year 1994, the number of full-time equivalent positions at GAO were reduced from the fiscal year 1993 amount by approximately $6 million and 100 positions. However, additional costs are still needed to account for the past growth at this agency.

This Member would like to outline some of the increase in GAO funding. In 1980, funding for GAO staff cost $204 million. By 1985 that had grown to $299 million. In 1988 it was $330 million, and in 1989, $346 million. The average increase between 1980 and 1990 was 8 percent per year. Then, in 1991, GAO was increased by 14 percent, to a total of $409 million. In 1992, GAO received another 8-percent increase to $443 million.

GAO is currently the largest support agency for Congress, and its budget represents more than one-quarter of the total proposed fiscal year 1995 legislative branch appropriations. GAO's budget is 7½ times the size of the Congressional Research Service, 19 times the size of the Congressional Budget Office, and 20 times the size of the Office of Technology Assessment.

According to a Democratic Study Group Special Report issued on May 24, 1994, January personnel totals for GAO were 4,597. This level is nearly as large as the staffing level of 4,617 for the entire Library of Congress—the largest library in the world—which also includes the staff of the Congressional Research Service.

According to this same study, GAO's staffing level is nearly 2½ times as large as the 1,849 House committee staff members, and more than half as large as the 7,340 individuals employed by Members of the House.

The DSG study also compares funding levels for the legislative branch from 1979 to 1994, in inflation-adjusted dollars. According to DSG, the General Accounting Office has received one of the largest increases in funding for the entire legislative branch at 13.5 percent during this time period.

Other areas of the legislative branch have actually declined since 1979, according to this study. For example, the Library of Congress received a 17.6 percent reduction, CBO was reduced by 3.8 percent, and, Members staff has even been reduced by 6.4 percent in inflation-adjusted dollars since 1979.

Why then, if other areas have experienced these reductions, has GAO been allowed to balloon over the years? Why has it been protected in this manner?

Mr. Chairman, the time to act is now. This Member would like to urge his colleagues to reject the $9.4 million increase for GAO included in H.R. 4454 by supporting this Members amendment. A modest 5-percent cut from the current year is entirely justified. Growth in GAO's budget must not continue.

□ 1510

Mr. FAZIO. Madam Chairman, I ask that I be granted the 5 minutes in opposition.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] will be recognized for 5 minutes.

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO], respected fiscally conservative member of our caucus.

Mr. HUTTO. Madam Chairman, I appreciate the subcommittee chairman's yielding me the time.

Madam Chairman, I rise in support of the General Accounting Office. If there is any one agency in this town that deserves the support of the Congress and the American taxpayer, it is the GAO.

In my capacity as chairman of the Readiness Subcommittee, whenever there is a difficult issue that I need an objective evaluation of, I do not hesitate to call on the GAO. Over the past year, GAO has provided my subcommittee with numerous reports, testimonies, and analyses that have proved invaluable in our decision making process that has saved the taxpayers billions of dollars and, at the same time, improved the operational effectiveness and efficiency of the Department of Defense. I would like to take just a moment to mention a few areas where GAO has made a significant contribution.

Depot maintenance—GAO testimony on this very complex and sensitive issue greatly assisted in our understanding of an operation for which DOD spends about $15 billion annually. GAO's insight into such areas as public-private competition and the impact of closing certain maintenance depots was of great assistance to us as we had to make some difficult decisions.

Defense business operating fund—the work that GAO has accomplished in this area has greatly improved the operations of this multibillion dollar entity. Their work has also resulted in recommendations to the DOD which will save the Department and the taxpayers hundreds of millions of dollars.

Streamlining defense logistics systems—GAO's work in the services' inventory management systems has enabled DOD to reduce the amount of inventory that they do not need and saved hundreds of millions of dollars. At the same time, the GAO recommendations which have been largely adopted by DOD has made for more improved and efficient operations.

Budget reviews—GAO assistance to my committee in providing timely and objective analyses of the services' operation and maintenance [O&M] budget requests have been invaluable. Without GAO's assistance, we would have had a very difficult time meeting our deadlines for performing our authorization process. Furthermore, their work has enabled us to trim billions of dollars from the requests without impairing military capability and readiness.

I could go on and on in voicing the many attributes of GAO. In summary, I will conclude by saying that GAO is one of the few Federal agencies that has consistently demonstrated the willingness and ability to respond to the Congress with timely, objective information and analysis on a wide variety of issues. I know that my subcommittee relies heavily on the GAO and I have always found them to be completely objective and nonpartisan in their work approach and ethics. GAO is truly the best friend that the American taxpayer has in Government.

Mr. BEREUTER. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Wyoming [Mr. THOMAS], who also offered a similar amendment.

Mr. THOMAS of Wyoming. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in strong support to the amendment offered by the gentleman from Nebraska.

This amendment is reasonable. Our friend, the gentleman who just spoke, said that we need the GAO. Of course we do, of course we do. We need an arm that provides information. This does not take that away. It simply takes 5 percent away from the budget and $30 million out of over $400 million.

Madam Chairman, GAO is a massive bureaucracy. It has a staff of over 4,700 people. That represents one-quarter of the legislative branch staff. By the way, it represents equal to 1 percent of the population of my home State of Wyoming. Over the years this funding has grown up incrementally.

Madam Chairman, let me just talk about a couple of facts:

Twenty years ago since GAO initiated most of its own inquiries, today more than 80 percent come as a result of congressional requests from subcommittee and committee chairman. The GAO represents one-fifth of the total legislative budget; 4,700 people represents one-quarter of all the branch of the legislative staffers.

Finally, let me tell Members that we also have 31 detailees, less than we did have.

Madam Chairman, I rise in strong support of this amendment which would simply trim down the cost and allow GAO to continue to carry out its function.

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Madam Chairman, this is the kind of amendment that should never even be considered in the House of Representatives. This is an amendment which is going to blind the Congress, which is going to take away our ability to gather facts, to analyze situations, to audit wrongdoers, to see to it that public money is properly spent.

This amendment is going to deny the committees and the Congress the ability to do the kinds of things we have done through the assistance and services of GAO. It is going to require the layoffs of large numbers of GAO agents and personnel. It is going to make it impossible for committees of Congress to get the kind of services that they want in terms of analyzing the behavior of Government contractors. It is going to prevent us from recovering monies improperly collected and to see to it that accounts of the Government are properly audited. It is going to set up a situation whereby Republican colleagues who are pushing this are all of a sudden not going to be able to get the kind of services that they need, and especially need in terms of seeing to it that the Government agencies now run by the Government are properly audited.

Madam Chairman, this is a bad amendment. It should be rejected overwhelmingly. It is irresponsible.

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER], the ranking minority member of the Committee on Government Operations.

Mr. CLINGER. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in opposition to the amendment offered by Mr. BEREUTER. As the ranking Republican on the Government Operations Committee, the committee that oversees GAO, I share with my colleagues a sense of frustration with certain aspects of GAO's performance. In fact, members of my staff are at this moment at GAO scrutinizing GAO workpapers on the travel office scandal.

However, cutting GAO's budget is not the solution to our frustration. GAO is already downsizing and has reduced its budget by $12 million and 500 workyears from fiscal year 1992 levels. Several field offices have already closed, including ones in Philadelphia, Cincinnati, and Oklahoma. GAO has reduced travel, training, contract services, and other program costs by about 40 percent and plans a total staff reduction of 12 percent by 1996.

If enacted, this amendment will potentially result in delays in audit and investigative work, and will stall the implementation of a computer network intended to increase agency efficiency.

From a strictly partisan perspective, I am concerned about the impact this amendment may have on Republican oversight efforts. Now, more than ever, Republicans need an effective, efficient, and aggressive GAO to assist in overseeing the operations of executive branch agencies and departments.

We are all in agreement that GAO can, should, and must do better. That is one of the reasons why I have regular discussions with the Computer General. He has been responsive to many of my concerns and I am confident that the Computer General will continue working with the minority to ensure a fair and objective GAO.

I understand and appreciate the position of the gentleman from Nebraska, but I must urge a "no" vote on the Bereuter amendment.

Mr. BEREUTER. Madam Chairman, I yield myself the balance of my aim.

Madam Chairman, this is not a draconian amendment.

No partisanship was injected into the discussion in support of this amendment. This is not an irresponsible amendment in any way. This is an agency that has grown faster since 1979 than practically any other aspect of the legislative branch appropriations. During the period of time from 1979 to 1994 the increase has been about 13.5 percent.

I remind my colleagues the number of employees in the GAO is 4,597. What this gentleman is offering is not a 10 percent or 11 percent or a 15 percent reduction. I am offering a very modest amendment. This is an amendment that ought to be adopted by a wide margin. It shows the public we are responsible about our own budget.

I urge my colleagues to approve the Bereuter amendment for a 5 percent reduction.

Mr. FAZIO. Madam Chairman, before I close the debate, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in strong opposition to both the Bereuter and Boehner amendments to H.R. 4454.

The effect of both of these ill-conceived amendments would be to deprive Congress of the investigative and oversight services provided by the General Accounting Office. The amendment offered by the gentleman from Nebraska [Mr. BEREUTER] would reduce the GAO budget by 5 percent, and the amendment offered by the gentleman from Ohio [Mr. BOEHNER], would—among other cuts—reduce the GAO budget by 11 percent.

The General Accounting Office provides this body with an invaluable service in conducting detailed audits and investigations of Cabinet agencies, independent regulatory bodies, and critically important regulatory matters. As chairman of the Subcommittee on Telecommunications and Finance, I can personally attest to the value of GAO's reports in informing our deliberations regarding complex and difficult issues affecting the structure of our national telecommunications infrastructure, the regulation of our Nation's securities markets and stock exchanges, and future course of our financial system.

Just last week, for example, the GAO submitted to the subcommittee a comprehensive report on financial derivatives. Derivatives are financial products developed by Wall Street whose value is related to—or derived from—the value of an underlying asset, such as a stock, bond, commodity, or an index representing the values of stocks, bonds, or commodities. The use of these products has exploded 145 percent in size over the last 5 years, transforming it into a $12 trillion marketplace.

GAO's report, which resulted from an intensive 2-year investigation into the derivatives market, has identified a number of potentially very serious gaps in the regulatory structure governing dealers and end-users of these products. If not corrected, these gaps could potentially endanger the very fabric of the U.S. and global financial system. Our committee, along with other House and Senate subcommittees, are using this report as the roadmap to tightening up the regulations relating to the derivatives market and crafting appropriate remedial legislation to fill in the regulatory "black holes" which GAO has identified.

This is just one example of how the work that the GAO performs for this institution allows us to do a better job of oversight and legislating on the critical issues facing our Nation. Derivatives may sound like an exotic or esoteric issue, but if they contribute to crash in the stock market, or the failure of major banks, then it is this body which will be left with the unenviable task of cleaning up the financial mess. I would suggest to my colleagues that the value in terms of financial crises averted, market crashes avoided is well worth the cost of maintaining the investigative and auditing infrastructure in place at GAO that enables us to nip these potential problems in the bud.

Again, I urge my colleagues to vote against efforts to cut the GAO budget, and to approve the level of funding provided for in the Appropriations Committee reported bill.

□ 1520

Mr. FAZIO. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I strongly urge my colleagues to oppose this amendment. The GAO has already implemented a plan that will reduce its staff by 700 employees, or 12 percent, by 1996.

This budget has been reduced $12 million below what it was in 1992. We have made savings in this GAO account with the cooperation, I might add, of the Comptroller General and his staff.

They understand the need to streamline, and they have certainly done so using buyout authority, attrition, realigning field offices, and reducing travel, contract services, and other areas and by about 40 percent.

But the most important thing here is that if we were to engage in this cut, we would really do much damage to Government. We would delay the processing of bid protests. We would be, therefore, unable to enforce many of the laws which are currently on the books. Decisions that really, as the gentleman from Massachusetts [Mr. MARKEY] said go to the very core of the most expensive programs in the Government would be delayed.

This is a penny-wise and pound-foolish amendment, as has been said.

I urge its defeat.

GENERAL ACCOUNTING OFFICE IMPACT OF REDUCING COMMITTEE MARK OF $439,525,000 TO $408,656,750

GAO's 1994 budget has already been reduced $12 million below the fiscal year 1992 level. To absorb these reductions, GAO has already:

First, implemented a plan that will reduce its staff by 700 employees or 12 percent by the end of fiscal year 1996, including: using buyout authority to reduce over 400 staff; using attrition to reduce over 200 staff; and realigning Washington and field staff offices to reduce about 100 staff.

Second, reduced travel, training, contract services, and other audit support programs by about 40 percent.

An additional cut of over $30 million could only be achieved through:

First, a reduction-in-force. Approximately 12 percent of GAO staff would need to be RIF'd—close 3 regional offices, 300 employees, and RIF about 300 employees in Washington, DC.

Second, termination of two critical projects: Stop asbestos removal from the GAO building, increasing health risk, and creating unnecessary contract termination costs of over $2 million, subsequent startup costs, and prolonged rent costs of about $12 million a year for peopled currently housed outside the GAO building; and stop networking computers throughout the agency, leaving about 650 employees without computer support essential to the performance of their jobs.

Due to its disruptive nature, a RIF of this magnitude—12 percent—would result in the following:

First, there would be a significant delay in processing bid protests. GAO currently processes about 3,500 bid protests each year. This would drop by about 15 percent creating large backlogs and delays of up to 4 months in awarding many Government contracts.

Second, GAO currently settles an average of approximately 6,100 claims again the Government per year totaling about $550 million. This would also drop by about 15 percent creating backlogs and estimated delays in processing of 6 to 9 months.

Third, under the provisions of the Davis-Bacon Act, GAO collects over $2 million a year for payment to over 18,000 employees who have been paid less than minimum wage by their employers. The number of payments processed would drop by over 14 percent creating serious backlogs and delays in making payments of up to 4 months.

Fourth, GAO renders about 700 Comptroller General decisions each year. This would result in reducing the number of decisions by about 15 percent and delays of up to 6 months, impacting on a wide variety of Government operations.

HISTORY OF GAO'S APPROPRIATION AND STAFFING

[Appropriations in thousands of dollars]

Fiscal year	Base	Mandatory pay and inflation increases	Other charges	Appropriation	Average positions
1984	....	....	....	271,710	5,000
1985	271,710	15,449	12,545	299,704	5,050
1986	299,704	8,547	(20,200)	288,051	5,042
1987	288,051	22,922	0	310,973	5,042
1988	310,973	24,858	(5,984)	329,847	5,052
1989	329,847	12,303	5,189	347,339	5,062
1990	347,339	16,534	(212)	363,661	5,062
1991	363,661	33,253	12,328	409,242	5,062
1992	409,242	25,464	7,941	442,647	5,062
1993	442,647	7,698	(15,178)	435,167	4,900
1994	435,167	9,913	(14,915)	430,165	4,581
1995[1]	430,165	925	8,435	439,525	[2] 4,581

[1] House reported bill.

[2] Authorized FTE's 4707.

Mr. CLAY. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Nebraska [Mr. BEREUTER]. The amendment proposes substantial budget cuts on the General Accounting Office. To say that such cuts are penny wise and pound foolish is to state the obvious. The General Accounting Office provides crucial information and services to the Congress that are unlikely to be available from any other source. As chairman of the Committee on Post Office and Civil Service, I can personally attest to the value of this work. The General Accounting Office, for example, has been instrumental in identifying the increasing, potentially terminal problems faced by the Postal Service. The best information that the Congress has received regarding the loss of markets, the increasing threat posed by the electronic superhighway, or the problems with the Postal Service's automation efforts has not come from the Postal Service, its customers, or its employees, but has been provided by the General Accounting Office. Committee investigators have been greatly assisted by GAO staff and investigators from the Office of Special Investigations in reviewing grossly negligent operations of the Postal Inspection Service and in investigations of questionable activities at the Christopher Columbus Jubilee Commission.

The General Accounting Office has been equally valuable to the Congress in the development of Civil Service policy. To date, the General Accounting Office has provided the foremost and best independent assessment of Vice President GORE's National Performance Review recommendations. Those recommendations contemplate what amounts to a complete revision of Government personnel policy. Particularly as those recommendations are translated into legislative proposals, the ability of my committee and the Congress to implement legislation that will enhance productivity will depend heavily on information that can only be provided by the General Accounting Office. Enactment of this amendment practically guarantees that such information will not be available.

The General Accounting Office was established to provide Congress independent, nonpartisan, detailed information that Congress could not otherwise obtain. That information has been as invaluable to congressional efforts to identify waste, fraud, and abuse as it has in our efforts to develop policies that address the long and short-term needs of the country. Gutting the General Accounting Office will not save a dime of taxpayer's money. It will simply place the Congress at the further mercy of the executive branch and special interest groups. I urge the defeat of the amendment.

Mr. STARK. Mr. Chairman, I oppose the effort to decimate the General Accounting Office.

The GAO is essential to helping us make intelligent budget cuts and program improvements.

As chairman of the Ways and Means Health Subcommittee, that has been responsible for the largest part of budget reconciliation cuts during the past 8 years, I can testify that the GAO has been the key to helping us separate the fat from the muscle of the Medicare Program. We have been able to make tens of billions of dollars in cuts in the growth of Medicare without crippling the program, in large part because of the many Medicare and Medicaid projects of the GAO. To give just one quick example, the GAO's work on abuses by physicians in the referral of patients to facilities in which they have an ownership interest has resulted in legislation that will save the public and private sectors hundreds of millions of dollars per year.

As chairman of the District of Columbia Committee, the GAO is currently playing a key role in deciphering the problem of the finances of the District of Columbia and pointing to areas where we need to make improvements in the Federal payment. The one study they are doing for Appropriations Subcommittee Chairman DIXON and myself is likely to lead to savings worth many times the amount of the proposed budget cut in front of us.

Mr. Chairman, I urge the defeat of this shortsighted amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 232, not voting 14, as follows:

[Roll No. 213]

AYES—193

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Costello
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goss
Grams
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—232

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Michel
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Clay
Clement
Cox
Franks (CT)
Grandy
Gunderson
Horn
Lewis (FL)
Miller (CA)
Schumer
Slattery
Tauzin
Washington
Wilson

□ 1541

The Clerk announced the following pairs:

On this vote:

Mr. Cox for, with Mr. Slattery against.

Mr. Grandy for, with Mr. Wilson against.

Messrs. STRICKLAND, ACKERMAN, PETERSON of Minnesota, and MEEHAN changed their vote from "aye" to "no."

Mr. TAYLOR of Mississippi and Mr. SHAYS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, because of a family health emergency, I was unable to cast a vote on rollcall vote 213. Had I been present, I would have voted "aye" on rollcall 213, the Bereuter amendment to H.R 4454, the bill making appropriations for the legislative branch for the fiscal year 1995.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 103-532.

For what purpose does the gentleman from Ohio [Mr. BOEHNER] rise?

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOEHNER:

Page 30, after line 2, insert the following new section:

SEC. 307. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

Total, $103,000.

ALLOWANCES AND EXPENSES

Total, $103,000.

Miscellaneous Items, $103,000.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

$4,090,000.

JOINT COMMITTEE ON PRINTING

$1,370,000.

JOINT COMMITTEE ON TAXATION

$6,019,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

$21,931,000.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

$474,000.

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

$9,077,000.

CAPITOL POWER PLANT

$565,000.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

$6,754,000.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

$7,080,000.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

$3,018,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

$47,318,150.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. BOEHNER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. FAZIO. Madam Chairman, I would appreciate the 5 minutes in opposition.

The CHAIRMAN. The gentleman from California [Mr. FAZIO] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Chairman, I yield myself 1 minute.

Madam Chairman, my colleagues, today I am offering this amendment for my good friend, the gentleman from California [Mr. COX] who is at the hospital with his wife who is giving birth to their second child.

Madam Chairman, the amendment that I have before us simply freezes spending in this bill at fiscal year 1994 levels. It does not do an across the board; it does it in this way:

Members clerk hire is funded at the committee recommendation. The General Accounting Office is cut by $47 million. The Botanic Garden has already been cut. The Architect of the Capitol would lose $8.3 million. The Office of Technology Assessment is eliminated, a $21 million savings. The Government Printing Office is frozen at 1994 levels. The congressional printing and binding levels are frozen again at 1994 levels. It also eliminates the Joint Economic Committee, the Joint Committee on Taxation, the Joint Committee on Printing, but it also, my colleagues, continues to have increases for the leadership offices, committee employees, the Budget Committee studies. The committee funding is still in here. HIS increases are still in here. Allowances, expenses are still increased, and salaries for officers and employees, those are increases that were in the committee mark and continue to be in this bill.

Madam Chairman, the American people believe the Government is too big and it spends too much. If we are going to provide an example for the American people and the rest of Government, we need to do it here, and living at 1994 levels I think is reasonable and certainly within what this Congress ought to be doing.

Before my minute is up, Madam Chairman, let me just say I heard from one of my colleagues that Mr. and Mrs. Cox are the proud parents of a new baby girl.

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I rise in opposition to this amendment, which would eliminate most of the independent information gathering capacity of the Congress.

This is really a rather odd approach to reform at a time when a primary criticism of the Congress is that we are too beholden to PAC's and special interest groups. And the timing could not be worse. Congress would be denying itself access to independent information and advice as an unprecedented number of new Members arrive in this body and as we face some of the most complex issues ever to come before a legislative body.

Is this really a wise way to save money? To deny ourselves access to independent evaluations of information at such a critical moment? To force ourselves to be more dependent on information from those with an ax to grind? To make ourselves less able to counter the claims of the administration? To reverse a century-old trend of trying to develop more objective sources of information for the Congress? It's hard to see how the answers to these questions could be "yes."

The novelist Kurt Vonnegut once defined the information revolution as something like "the remarkable ability of people to know what they are talking about, if they really want to." I side with those who want to know what they are talking about—that's the service groups like OTA and the Joint Committee on Taxation provide.

OTA has provided an important tool in our policymaking for more than 20 years, helping us reach decisions that have kept the Nation at the forefront of applied science, reinvigorated our industry, protected our environment, made us safer, and indeed, improved our overall quality of life. The agency has kept us at the forefront of the information revolution not only by providing important insight on emerging issues under its purview, but also by mapping out and interpreting the very pathways—the information superhighway, for instance—that will carry us into the next century.

Through cooperation between its multidisciplinary staff and the technical and professional resources of universities, industry and public interest groups, OTA marshals together for us in Congress indispensable resources that provide expertise we could not otherwise duplicate. The office has agreed to undertake a study for me, assessing methods to reduce earthquake damage that I fully expect will make important contributions to our efforts to save lives and money.

OTA is a Government agency that does serious work and does it well, an asset we would be ill-advised to squander. I urge my colleagues, both Democrat and Republican, to join me in opposing Mr. BOEHNER's amendment that would eliminate the 1995 appropriation for OTA.

OTA provides big bang for not much buck. Since 1982, its budget, adjusted for inflation, has increased less than 20 percent from approximately $12 million to today's $22 million. At the same time, budgets for NASA and the National Science Foundation each have increased more than 80 percent and involve much higher levels of expenditures.

More significantly, OTA's mission has undergone a fundamental transformation since its inception in 1972 as the Federal Government has become an increasingly technical enterprise. Much of the future success of economy is riding on initiatives such as the national information infrastructure bill. Our effort to reinvent Government will depend on our ability to utilize technology. OTA provides us with the vision to choose the wisest course on these and other issues with large and complex technological components.

Our constituents may indeed want us to do more with less. But I doubt they want us to do more knowing less. I urge the defeat of this amendment. Let's nip this information counterrevolution in the bud.

Mr. BOEHNER. Madam Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Madam Chairman, opponents to the Boehner amendment claim it is easy to criticize congressional spending levels, to cut legislative appropriations, and, as they put it, to demagogue against the institution. Well, I am not demagoguing against the institution, but if we are serious about cutting, it needs to start at home. I assure my colleagues there is nothing easy about saying no. On the other hand, it is very easy to say yes, which is why we have had 25 straight years of budget deficits. But there is no one out there lobbying for an increase in this particular bill. I am not saying that there has not been progress made. Earlier today the gentleman from California [Mr. FAZIO] made an aggressive demonstration of how tightfisted Congress has been compared to the rest of Government. I do not argue with his numbers, but I find myself wondering about his standards.

Madam Chairman, I am thinner than John Goodman, but I am not skinny. It depends on where you start from in evaluating whether we are making progress or not.

Madam Chairman, when I see how higher taxes, regulations, and the other costs mandated by this body affect my constituents, I have little sympathy for the concerns raised here today.

We ask them to tighten their belts—we should tighten our own. I urge my colleagues to say "no" to irresponsible spending by saying "yes" to the Boehner amendment.

Mr. FAZIO. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. BROWN], chairman of the

Committee on Science, Space, and Technology.

□ 1550

Mr. BROWN of California. Madam Chairman, I rise in strong opposition to this amendment. I am going to focus particularly on its effort to eliminate the Office of Technology Assessment.

Now, I gather that the proponent of the amendment just decided to put all joint House-Senate organizations on the chopping block here. But OTA is a truly-unique organization, not like the other joint committees, in essence that it was set up to be absolutely bipartisan, equal Republican, equal Democrats, equal House, equal Senate. It has not had any growth in budget, and it performs a service that all who have had any experience with it will recognize is of immense value.

The former director of the OTA is now the President's science adviser and is doing a marvelous job there based on his experience serving the House for a dozen or so years before then.

Any committee chairman, any Member, can request reports and studies from the OTA. Their reputation is impeccable for being unbiased, and it is internationally copied around the world as an excellent way of serving parliamentary parties.

Mr. BOEHNER. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Madam Chairman, I rise in strong support of the amendment offered by my colleague from Ohio, Mr. BOEHNER.

Madam Chairman, we have been sent to Congress by our constituents to put our Nation's budget in order. They have grown weary of the strain of ever increasing tax burdens as our $4.5 trillion national debt grows out of control. I say to my colleagues that the first place we ought to start trimming the fat from the budget is the spending of the legislative branch.

This amendment will cut some very unnecessary spending. For example, it will eliminate over $100,000 for automobiles for the House leadership. Madam Chairman, I, like most of my colleagues, drive myself to work. Why do Members of the House leadership have to be driven here at taxpayers' expense?

The President has asked the American people to sacrifice in order that we may get America's budget in order. Let the sacrifice start here. This amendment will freeze the spending of the legislature in fiscal year 1995 at fiscal year 1994 levels. Families all over America must keep their spending levels consistent with their income. I am not prepared to go back to my constituents and ask for more of their hard-earned money so that the Botanic Garden can install an $80,000 security gate as they reconstruct the conservatory, also at taxpayer expense.

I urge my colleagues to support this amendment so that we may demonstrate serious fiscal responsibility to the American people. I believe that it is the least we can do considering what we ask of them every April 15.

Mr. FAZIO. Madam Chairman, I yield 30 seconds to the chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Madam Chairman, this is an incredible amendment. It has not been mentioned that while there are many freezes for agencies, there is an 11 percent cut for the General Accounting Office, and we just previously rejected a 5-percent cut. I would suggest to you that this would be a repudiation of the debate that we have just concluded on the immediately preceding amendment.

In addition, it would force the elimination of 600 more positions. Please do not do this to the General Accounting Office, your investigating arm.

Mr. BOEHNER. Madam Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Madam Chairman, I rise today in strong support of the Boehner amendment to freeze funding at 1994 levels.

I offered a similar amendment, which called for a 5.7-percent across-the-board cut, but my amendment was rejected by the Committee on Rules.

As one who has long called for greater fiscal restraint, I think it is important that we be honest with the American taxpayers and admit that this bill will increase the amount of money Congress spends on itself by over $100 million—to nearly $2 billion next year.

Each member of this body should go home this Memorial Day recess and ask his or her constituents if they believe Congress deserves a $100 million raise for the coming year.

We all know what the answer would be.

Until this body begins to adequately address the budget deficit crisis, it is highly inappropriate to increase our funding one dime.

Let us lead by example. Let us freeze our own budget. I urge my colleagues to vote for the Boehner amendment.

Mr. FAZIO. Madam Chairman, I yield 30 seconds to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Madam Chairman, this amendment, whether you understand it or not, you ought to think about it. It eliminates the Joint Tax Committee. That is the committee of the Congress that looks at what the revenue impacts are that the Committee on Ways and Means designs all the tax bills on the basis of. You are simply taking away all of the technical capability to look at the complexity of our tax system. We will not have any idea what any of the tax bills are if you wipe this committee out. It is simply irresponsible not to leave that committee in place.

Mr. FAZIO. Madam Chairman, I yield 30 seconds to the gentleman from New York [Mr. HOUGHTON], a member of the OTA board.

Mr. HOUGHTON. Madam Chairman, I think this is a bad amendment.

There is a concept called return on investment. We do not score things properly. You can get a $100 return on a $1 investment, and they only talk about the dollar of cost invested. That is wrong.

This involves something called the Office of Technology Assessment. If war is going to be economic, not military, it is going to be involved with something we have to do in technology. This is a very important area. The people in OTA control their budget well. They are terrific. They do a service for us. It is a one of a kind agency, and I think we ought to keep it.

Madam Chairman, I oppose this amendment.

Mr. FAZIO. Madam Chairman, I yield 30 seconds to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Madam Chairman, in my capacity as chair of the Subcommittee on Aviation, I can say to all of you who fly, the GAO has made aviation safer, quieter, and kept costs in control, and made it more secure.

Their work on aviation security at national airports and overseas, their work on staffing standards for air traffic controllers, their oversight of the multi-billion-dollar advanced automation system, and their review of airport investment funding and construction of airports, has made an enormous contribution to aviation at very little cost.

Do not vote for this cut.

Mr. BOEHNER. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I know this amendment before us is going to cause a little grief, because we are actually going to say we are not going to spend more next year than what we spent this year.

Now, the gentleman from the State of Washington said that we needed the Joint Committee on Taxation to score different tax issues that come before this body. The Joint Committee on Taxation does not do that. We have the Congressional Budget Office to do that.

Beyond the amount of money that is cut in my amendment, this House today on this bill has already cut an additional $12 million. If in fact we want to set aside money for the Office of Technology Assessment, or some more money to minimize the GAO cut, that additional $12 million of cuts is there to do that, and still meet the levels we were at last year.

My colleagues, if we are going to lead by example, this is the place to do it, this is the time to do it, and I urge the adoption of this important amendment.

Mr. FAZIO. Madam Chairman, let me close by saying this is the most draconian amendment that has been offered in a number of years on this bill. First of all, it cuts the GAO $47.3 million, more than the $30 million that was offered a while back by the gentleman from Nebraska [Mr. BEREUTER], and defeated.

□ 1600

It cuts out the Office of Technology Assessment totally, which, as we all know, is one of the few entities we can look to to handle the very complex and technical issues that our committees deal with.

Most importantly, it eliminates the Joint Committee on Taxation, which is the one place all of us, in both Houses, in both parties, go to determine the cost of revenue measures. It has been stated that CBO does that. CBO does not cost revenue measures. It looks at entitlements, and it looks at discretionary spending. There is no replacement for the Joint Committee on Taxation.

In addition, Madam Chairman, it guts other programs. The GPO is cut $9.8 million. We have just taken up the GPO on three occasions here today and reduced their appropriation. Please vote "no" on this very, very ill-conceived amendment.

To summarize, this amendment eliminates the fiscal year 1995 funding for: the Joint Economic Committee, $4.1 million; the Joint Committee on Printing, $1.4 million; Joint Committee on Taxation, $6 million; Office of Technology Assessment, $21.9; and, makes very drastic reductions in: Architect of the Capitol and Botanic Garden, $17.2 million; GPO, $9.8 million; and GAO, $47.3 million, for a total reduction of $107.7 million.

The reductions will cripple several legislative branch duties:

We will not have the expertise of a Joint Economic Committee which is our only organized, professionally based expertise that studies our national economy.

We will lose the board of directors that oversees Federal printing policy—the Joint Printing Committee. We need that expertise now more than we ever have. Printing technology is exploding—and agencies need oversight or we will lose control of our ability to control costs and to provide the U.S. public free access to Federal documents.

Eliminating the Joint Tax staff is almost a ludicrous idea. We are doing health care reform, welfare reform, major trade legislation. The Congress cannot afford to be without their expertise.

Eliminating OTA is shortsighted. They are our liaison with the scientific community. OTA keeps the Congress informed—nuclear waste; the national information infrastructure; defense conversion; medical technology; and so forth. Do we want to just wait for the executive branch to advise us on these issues?

The GAO has already eliminated almost 10 percent of their staff in the past 3 years. Do we want to just give up on finding fraud, waste, and abuse? Do we want to give up on the studies we are starting to make in financial auditing—through the Chief Financial Officers Act?

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 238, not voting 14, as follows:

[Roll No. 214]

AYES—187

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Ford (TN)
Fowler
Franks (NJ)
Gallegly
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Packard
Pallone
Pastor
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush
Santorum
Schaefer
Schenk
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Parker
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schiff
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Clay
Clement
Cox
Franks (CT)
Grandy
Horn
Neal (NC)
Pickett
Schumer
Skelton
Slattery
Stark
Washington
Wilson

□ 1619

The Clerk announced the following pairs on this vote:

On this vote:

Mr. Cox for, with Mr. Slattery against.
Mr. Grandy for, with Mr. Wilson against.

Mr. YOUNG of Alaska changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mrs. MINK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, pursuant to House Resolution 444, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered on the bill and amendments thereto.

Is a separate vote demanded on any amendment? If not, the Chair will put them engross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. YOUNG of Florida. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YOUNG of Florida moves to recommit the bill, H.R. 4454 to the Committee on Appropriations with instructions to report back the same forthwith with the following amendment:

On page 3 line 23, strike "$16,017,000" and insert "$3,017,000". Conform the aggregate amount set forth on page 2, line 10, accordingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, today I think most of our Members read with interest the story in Roll Call where the chairman of the Committee on House Administration this week pledged to collect $13 million in unpaid bills that congressional offices owed to the House Computer Center.

Mr. Speaker, the motion to recommit, we think, helps him do just that. The motion to recommit reduces the HIS budget by $13 million, which is the amount that is in question here.

Rather than just take the word of the Roll Call story, I sent out for the CRS documentation, and sure enough, the CRS documents the debt at $13,409,974. They can collect this money, and then they will be back at the level that was appropriated in the bill originally.

After all of the excitement that we had today in the enactment of a lot of good amendments, we have done a tremendous job. We reduced this bill by $22.8 million; that is all. We are still $78.7 million over last year, or a 4.4-percent increase.

If we adopt this motion to recommit, again, a minor amount, we will be at a 3.7-percent increase, and maybe we all could live with that.

This is a very simple, straightforward motion; there is no rhetoric involved. There are no cheap shots involved. There is no political interest involved. There is just simply a way to get down to that 3.7, reduce the HIS budget by $13 million and help the chairman, the gentleman from North Carolina [Mr. ROSE], collect that $13 million from the other offices that owe that money to them and not have those due bills out there floating around.

Mr. Speaker, this still does not reduce this bill to where I think it ought to be, but the Committee on Rules did not let us have those amendments that would have done that. I say again, as I did earlier in the debate, this is a very small amount. The amount in this bill is a small amount compared to the rest of the Federal Government.

But still, this is where we work, and we are the ones that ought to set the example, and we ought to set the example on the appropriation that deals with each of us in the House of Representatives.

Mr. Speaker, I think that we ought to agree to this motion to recommit and then move on to final passage.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman from California.

Mr. THOMAS of California. You know, in poker, a legitimate part of the game is bluffing. It is an integral part of the game. However, when you bluff, you also leave yourself open to somebody calling your bluff.

Now, there are an awful lot of provisions in the legislative branch cuts plan that are bluffs.

When you talked about cutting full-time positions, it was cuts off of investigating committees that have already been reduced. When you counted reducing staff, it was staff on leave without pay. Those people are on leave without pay because they intend to come back to work.

When you talk about contracting out the restaurant, you are moving those employees from one payroll to another. You are not really cutting staff.

It seems to me if we can find $13 million, the only thing this House can do, as the ranking member has indicated, is to give a little more incentive to the pledge that was already made in Roll Call; we can make sure that this $13 million is collected by reducing the appropriation by that same amount. In other words, we can call the gentleman's bluff.

I congratulate the gentleman on his motion to recommit.

Mr. YOUNG of Florida. I thank the gentleman for his comments.

I will just simply say we are legitimately trying to help the chairman, the gentleman from North Carolina [Mr. ROSE], collect this $13 million.

The SPEAKER pro tempore. Does the gentleman from California [Mr. FAZIO] rise in opposition?

Mr. FAZIO. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, first of all, I have the need to clarify some things with the minority. Apparently this is a cut in the House Information Systems budget? Is that correct? Is that correct? And it is premised on an article which I have not read. I mean, we are making legislation based on rollcall articles.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, you know, I did not want to go by the Roll Call article either, so I went to CRS. I got the documentation on their figures, what they say is owed to HIS from the various offices.

Mr. FAZIO. And their figures are that much? The CRS indicates that?

Mr. YOUNG of Florida. Yes. This is a CRS study dated May 23, 1994.

Mr. FAZIO. I just wanted to say that the documents which I have, which are the legislative branch appropriations hearings, indicate there is an arrearage, failure to reimburse, of $645,000 in one of the House offices. Is that correct? Unpaid reimbursements? The official document here says $6,420,000 will be reimbursed in fiscal 1995.

So I am hoping we can clarify this issue, Mr. Speaker. I yield to the gentleman from North Carolina [Mr. ROSE], the chairman of the Committee on House Administration, which has jurisdiction over HIS.

Mr. ROSE. I thank the gentleman for yielding.

You all have heard about the shortfall that we have for 1994. All of you in this body know about the shortfall that we have all got to work to solve for fiscal year 1994.

We have come up with a suggestion that we believe will work, and we will collect that money to pay off the shortfall for 1994.

What this amendment does is to cut out the money to pay for the employees that work at the House Computer

Center. HIS is what makes this place as productive as it is. It gives you the computer support that enables the staff that you have to do more than you have ever been able to do before.

If you want to cut off the legs of the people who improve your productivity at the committee level, at the administrative level, at your personal office level, that is what this amendment will do.

Ladies and gentlemen, my colleagues, I beg you, please, do not vote for this motion to recommit. It will take away from the House the ability to continue to improve the productivity of this place.

We cannot add more staff. We cannot add more offices. We have to make the staff that we have now more productive. We do that through modern technology at the House Information Systems.

This is a very mischievous amendment.

□ 1630

This is a very mischievous amendment. I hope you will vote against it and that we can move onto passage and, hopefully, go home.

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time and ask for a vote.

The SPEAKER pro tempore (Mr. DE LA GARZA). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. YOUNG of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 177, nays 241, not voting 16, as follows:

[Roll No. 215]

YEAS—177

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Bachus (AL)
Clay
Clement
Cox
DeFazio
Franks (CT)
Grandy
Horn
Machtley
Manton
Neal (NC)
Schumer
Skelton
Slattery
Washington
Wilson

□ 1647

The Clerk announced the following pairs:

On this vote:

Mr. Cox for, with Mr. Wilson against.

Mr. Grandy for, with Mr. DeFazio against.

Mr. Machtley for, with Mr. Slattery against.

Mr. LAUGHLIN changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 205, not voting 19, as follows:

[Roll No. 216]

AYES—210

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Byrne
Cardin
Carr
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes

Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schroeder
Scott
Serrano
Sharp
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—205

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Pallone
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Clay
Clement
Cox
de la Garza
DeFazio
Fish
Ford (MI)
Franks (CT)
Grandy
Horn
Machtley
Manton
Nadler
Neal (NC)
Schumer
Skelton
Slattery
Washington
Wilson

□ 1706

The Clerk announced the following pairs:

On this vote:

Mr. Skelton for, with Mr. Cox against.
Mr. DeFazio for, with Mr. Grandy against.
Mr. Wilson for, with Mr. Machtley against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FRANKS of Connecticut. Mr. Speaker, on May 26, 1994, I missed four rollcall votes. It was due, Mr. Speaker, to my early departure to my district to witness the birth of my son, Gary Alvin Franks, Jr. Gary, Jr., his mother, Dona, and his two sisters, Azia and Jessica, are all doing very well.

Mr. Speaker, had I been present, I would have voted "yea" for rollcall votes 213, 214, 215, and nay for rollcall vote 216.

REPORT ON H.R. 4506, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1995

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103-533) on the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, which was referred to Union Calendar No. 294, and ordered to be printed.

Mr. GALLO reserved all points of order on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON TREASURY, U.S. POSTAL SERVICE, AND INDEPENDENT AGENCIES APPROPRIATIONS, 1995

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, May 26, 1994, to file a privileged report to accompany a bill providing appropriations for the Treasury Department, the US Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1995, and for other purposes.

Mr. Speaker, I have checked this out with the Minority.

The SPEAKER pro tempore (Mr. FINGERHUT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GALLO. Mr. Speaker, I reserve all points of order on the bill.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON H.R. 8 ON FRIDAY, JUNE 3, 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be permitted to file its report on H.R. 8, the Healthy Meals for Healthy Americans Act on Friday, June 3, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR TODAY FOR MEMBERS TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATTER IN EXTENSIONS OF REMARKS SECTION OF CONGRESSIONAL RECORD

Mr. HOYER. Mr. Speaker, I ask unanimous consent that for today, May 26, 1994, all Members be permitted to extend their remarks and to include extraneous material in the section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, June 8, 1994, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 8, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 407

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 407.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NOTICE OF REVISION OF DATE FOR INTRODUCTION OF PRIVILEGED RESOLUTION REGARDING INVESTIGATION OF HOUSE POST OFFICE

Mr. KLUG. Mr. Speaker, on Tuesday we filed a privileged resolution regarding an ethics investigation into the House Post Office. It was my original intention to call up that resolution either this afternoon or this evening.

Mr. Speaker, pursuant to the provisions of rule IX of the rules of the House, I wish to give formal notice of calling up that privileged resolution No. 436 instead after we return from Memorial Day on either Wednesday, June 8, or Thursday, June 9, and I ask unanimous consent that the resolution be printed in the RECORD as if read at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the resolution is as follows:

H. RES. 436

Whereas allegations reported in public and made in official Department of Justice court documents that personnel of the House Post Office provided illegal cash to certain Members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps which had earlier been purchased with official vouchers, and (3) cash for campaign checks;

Whereas the Department of Justice has secured admissions of criminal guilt regarding past activities in the House Post Office;

Whereas multiple concerns and allegations of possible wrongdoing by House employees, a House officer, and Members had been raised within the report of the House Administration Committee Task Force to Investigate the Operation and Management of the House Post Office;

Whereas all these allegations directly affect the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, and the rights, reputation, and conduct of its Members;

Whereas Article I, Section 5, of the Constitution gives each House of Congress responsibility over disorderly behavior of its Members; and

Whereas the Committee on Standards of Official Conduct has jurisdiction over the conduct and behavior of current House Members, officers, and employees, including investigatory authority, and is the appropriate body of this House to conduct any inquiry: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is instructed to immediately investigate any alleged violation, by any Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct that is related to activities, described by or referred to in, documents that it received on July 22, 1992, from the Committee on House Administration pertaining to the House Administration Committee Task Force to Investigate the Operation and Management of the House Post Office investigation. Not later than 60 days after this resolution is agreed to and periodically thereafter, the Committee on Standards of Official Conduct shall report to the House the status of this investigation. Not later than September 30, 1994, the Committee on Standards of Official Conduct shall report to the House its findings of fact and recommendations on possible disciplinary actions.

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to enter into the RECORD a letter addressed to me as chairman of the Ethics Committee from Eric H. Holder, U.S. attorney at this point in the RECORD.

The SPEAKER pro tempore (Mr. FINGERHUT). Is there objection to the request of the gentleman from Washington?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, DC, May 26, 1994.

Hon. JIM MCDERMOTT,
Chairman, Committee on Standards of Official Conduct, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCDERMOTT: This is in response to your letter of May 25, 1994, inviting the views of this Office on the pendency of House Resolution 436. The Resolution would direct the Committee on Standards of Official Conduct to commence immediately an investigation of matters associated with the House Post Office.

This Office's views on such a measure are unequivocal: a parallel investigation by a congressional committee, at this juncture, would interfere directly with the federal grand jury's final considerations of possible criminal charges based on the same factual circumstances.

I and my predecessors in this Office have repeatedly asked the House of Representatives not to take similar action on similar measures. We have appreciated the consistent courtesy shown by your Committee, and by the leadership of both parties in the House, in requesting our views on such matters. We have also appreciated the restraint shown by the House as a whole in resisting calls for internal House inquiries that could have crippled the criminal investigation. Most recently, in a letter to the Speaker and the Minority Leader dated February 23 of this year, I explained that this lengthy investigation was in its final stages and would be concluded in the near future. The House prudently concluded at that time, as it had done before, that any inquiry by the Ethics Committee should at least await the conclusion of the grand jury's investigation.

House Resolution 436 is squarely at odds with the care so far shown by the House to respect the integrity of the criminal process. The grand jury's investigation of the matters discussed in my letter of February 23 is virtually concluded. If that investigation results in further criminal charges, then I assume that the House will take the only conceivably responsible course, and will refrain from any inquiry of its own until the criminal case is concluded. Particularly in that light, the action contemplated by House Resolution 436, coming as it does at the very culmination of the grand jury's investigation, seems both inappropriate and almost irresponsible, since it could not be better timed to complicate a criminal investigation that is in its final days.

I urge the House of Representatives not to take an action that would be so heedless of the processes of criminal justice.

Thank you again for the opportunity to express these views.

Sincerely,

ERIC H. HOLDER, JR.,
U.S. Attorney.

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DESIGNATION OF THE HONORABLE STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 8, 1994

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 26, 1994.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 8, 1994.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

DEMANDING AN APOLOGY FROM THE FOUR SEASONS HOTEL IN BOSTON

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, I rise to bring to the attention of my colleagues a story reported in the Washington Post. The Four Seasons Hotel in Boston, a fancy, expensive hotel, directed supervisors to allow only whites to serve the prime minister of India on his recent visit to Boston. The Indian Prime Minister had spoken just days earlier in this body to a joint session of Congress.

The action by the Four Seasons Hotel is an outrage. The Four Seasons may be a five-star hotel chain, but they showed zero character in this incident. They have thrown their vaunted reputation for service in the trash.

The hotel issued an apology to two waiters, one African-American, and one Hispanic, for their gross bigotry. That apology, however, is not enough. They need to apologize to America for this disgusting behavior.

Mr. Speaker, the Four Seasons Hotel gave the Indian Prime Minister a glimpse of the worst instincts of some Americans, instead of displaying our greatest strength—the ability to work together in a multiracial society.

Mr. Speaker, I include for the Record a Washington Post article describing the incident of discrimination by the Four Seasons Hotel:

Boston Hotel Apologizes for Incident

Boston, May 24.—A human rights commission said today it will press ahead with a bias probe against a Boston hotel where Indian Prime Minister P.V. Narasimha Rao stayed last week.

The hotel, which directed supervisors to allow only whites to serve Rao during a visit last week, issued an apology for the incident Monday and said it reimbursed two black employees the $179 they would have earned by serving Rao's entourage.

The two employees, Harrison Lilly, 28, and Jose Abad, 26, said they would not pursue the formal complaint of discrimination against the Four Seasons Hotel that they made to the Massachusetts Commission Against Discrimination.

"This is an MCAD-filed complaint against the Four Seasons Hotel," spokeswoman Jane Brayton said. "That is not over."

In New Delhi, an Indian government spokesman Monday denied that any racial or ethnic discrimination request was made.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESTORE TAX FAIRNESS—CLOSE THE LOOPHOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Filner] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I am introducing legislation today to amend the Internal Revenue Code of 1986 to clear a glaring tax loophole. My legislation will require mutual life insurance companies to pay their fair share of taxes. This legislation would only affect the 18 largest mutual life insurance companies that are now legally depriving this country of $1.5 to $2 billion every single year. Furthermore, my legislation will have no impact on small business as it purposely exempts small life insurance companies from this requirement. Mr. Speaker, I will include the full text of this bill, entitled the Insurance Tax Fairness Act of 1994, in the Record.

I am very proud, Mr. Speaker, to announce that I am joined in this important legislation by my distinguished colleague from California, Howard L. Berman, Maxine Waters, Xavier Becerra, and George Brown; Jolene Unsoeld of Washington; Elizabeth Furse of Oregon; Cynthia McKinney of Georgia; Alcee Hastings of Florida; Eleanor Holmes Norton of Washington, DC; Mel Watt of North Carolina; Nydia Velázquez of New York; and Patsy Mink of Hawaii.

It is an honor be joined by this distinguished group, and I know as more Members, on both sides of the aisle, have an opportunity to become familiar with this issue, they will want to join us in this effort. I welcome future cosponsors, and will be happy to provide any background material.

I enjoyed the privilege to be associated during the early stages of my political career with the legendary Senator Hubert H. Humphrey. Many of the programs which play such an important role in American life today, such as the Women, Infants and Children nutrition program, can be traced to this great American folk hero. As one example, the WIC Program has literally saved the lives of millions of infants, and has saved billions of dollars by reducing future health care costs. But there are estimates that the program fails to reach nearly 3 million pregnant women, infants and children who would be eligible for the program but are not served because of budget restraints. We can go anywhere in America today and find praise for the WIC Program; we have the opportunity in this and subsequent sessions of Congress to provide the adequate funding necessary without raising a penny of taxes.

How can I possibly explain to my constituents—and to the memory of Hubert Humphrey—that we cannot feed hungry children, provide the complete level of school breakfasts, fully fund a program such as WIC or help our cities provide emergency services while some companies are not paying their fair share of taxes?

My legislation will bring $1.5 to $2 billion in additional revenue each year by replacing an existing section of a tax code that every expert who has looked at it—including expert witnesses before Congress—says is not working.

My constituents did not send me to the 103d Congress to be a "potted plant." In fact, we were sent here to make a difference, and not do things in the same old ways. That was our pledge, and this legislation is precisely about restoring tax fairness, closing a loophole, and not conducting business as usual.

This legislation is about the ability of this Nation to tax all citizens and corporations equally, and making sure that Federal dollars are spent on programs that are truly in the national interest. The Ways and Means Committee asked the insurance industry to propose a replacement for Section 809 of the Internal Revenue Code in 1989, when it became obvious that the section was not generating the revenues intended when it was enacted in 1984. The mutual companies were supposed to come forward with recommendations. They have not done so. So the matter before us today is one of fairness and equity.

Mr. Speaker, in introducing this legislation, I am reminded of the famous words of Hubert Humphrey: "The moral test of government," he said, "is how that government treats those who are in the dawn of life, those who are in the twilight of life, and those who are in the shadows of life."

In the final analysis, Mr. Speaker, that is what this legislation is all about—to raise the congressional score on this moral test. I urge its careful consideration through the congressional process.

When I circulated by "Dear Colleague" letter, Mr. Speaker, I included a page entitled "Close the Loophole: A Brief Explanation." I include the full text in the Record.

Close the Loophole: A Brief Explanation

Congress is preparing to give $2 billion to the mutual life insurance industry in year 1995, even while proposing cutbacks for some programs and considering tax increases to fund other programs. Pleas for funds to feed hungry children, protect children in poverty and provide services for others are ignored.

This "gift" is based on the failure of federal tax code Section 809, first passed in 1984. The purpose of 809 was, and is, to tax mutual life insurance companies as if they were stock companies. Both corporate forms sell the same often, identical products, and differ only in how they return profits to their owners. Stock companies pay profits to stockholders, mutual companies to their policy holders. Section 809 proposes to impute a profit on mutual company earnings similar to the earnings of stock companies.

According to experts (including those used by the IRS), if Section 809 had performed as expected, mutual life insurance companies would now be paying $2 billion a year more in federal taxes. The fact that 809 is not working was acknowledged as long ago as 1988 when both the Treasury Department and the General Accounting Office (GAO) began studies of the problem in search of remedies. Both the Treasury and the GAO reports in 1989 agree on these conclusions: Section 809 has failed to generate the revenues expected by Congress in 1984 and Congress should take corrective action. Both reports suggested several options to remedy the problem, but did not agree on a common solution. Hearings were held in 1989, but no legislation emerged. Instead, the life insurance industry was asked to develop a proposal and bring it to Congress.

That was five years ago. The failure of Section 809 could be considered a technical matter in 1989. Five years later the matter has become a moral and ethical issue. The refusal of the insurance industry to suggest a remedy has to be considered an affront to Congress, a matter of contempt, conveying a belief that the industry can block legislative action to protect the mutual life insurance industry annual $2 billion loophole.

Congress has many difficult, hard choices to make. The loss of $2 billion in annual revenues makes the choices between military spending, welfare reform, health care, social services, veterans programs and hunger even more difficult than need be. Closing the 809 loophole is an easy choice—but a difficult political decision. The legislation to close the loophole is a message to the insurance industry that the special interest gravy train has run out of tracks, and a commitment to hungry children that Congress has its priorities straight. When nearly one of every four children live in poverty households today, Congress has an easy choice to make, and can do no less.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insurance Tax Fairness Act of 1994".

SEC. 2. REVISION OF LIMITATION ON DEDUCTION OF POLICYHOLDER DIVIDENDS BY MUTUAL LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Paragraph (2) of section 808(c) of the Internal Revenue Code of 1986 (relating to reduction in case of mutual companies) is amended to read as follows:

"(2) LIMITATION IN CASE OF MUTUAL COMPANIES.—

"(A) IN GENERAL.—In the case of a mutual life insurance company, the amount allowed as a deduction under paragraph (1) for any taxable year shall not exceed the lesser of—

"(i) 90 percent of the policyholder dividends paid or accrued by such company during such taxable year, or

"(ii) 30 percent of the life insurance company taxable income of such company for such taxable year (determined without regard to any deduction for policyholder dividends).

In no event shall the limitation under this subparagraph for any taxable year be less than $35,000,000.

"(B) TREATMENT OF STOCK COMPANIES OWNED BY MUTUAL LIFE INSURANCE COMPANIES.—Solely for purposes of this paragraph, a stock life insurance company shall be treated as a mutual life insurance company if stock possessing—

"(i) at least 80 percent of the total combined voting power of all classes of stock of such stock life insurance company entitled to vote, or

"(ii) at least 80 percent of the total value of shares of all classes of stock of such stock life insurance company,

is owned at any time during the calendar year directly (or through the application of section 318) by one or more mutual life insurance companies)."

(b) REPEAL OF SECTION 809.—

(1) Section 809 of such Code is hereby repealed.

(2) Subparagraph (B) of section 807(a)(2) of such Code is amended to read as follows:

"(B) the amount of the policyholders' share of tax-exempt interest,".

(3) Subparagraph (B) of section 807(b)(1) of such Code is amended to read as follows:

"(B) the amount of the policyholders' share of tax-exempt interest,".

(4) Subparagraph (A) of section 812(b)(3) of such Code is amended by striking "sections 808 and 809" and inserting "section 808".

(5) Subsection (c) of section 817 of such Code is amended by striking "(other than section 809)".

(6) Subsection (c) of section 842 of such Code is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) EFFECTIVE DATE.—

(1) IN GENERAL..—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) RECOMPUTATION UNDER SECTION 809 (f) NOT AFFECTED.—The amendments made by this section shall not affect the application of section 809(f) of the Internal Revenue Code of 1986 (as in effect before its repeal by subsection (b)) in respect of any taxable year beginning before January 1, 1994.

(3) LIMITATION ON LOSS CARRYBACKS.—In the case of a life insurance company subject to the limitation under section 808(b)(2) of such Code, no capital loss arising in a taxable year beginning after December 31, 1993, may be carried to a taxable year beginning before January 1, 1994.

SEC. 3. SMALL LIFE INSURANCE COMPANIES EXEMPT FROM REQUIRED CAPITALIZATION OF CERTAIN POLICY ACQUISITION EXPENSES.

Section 848 of the Internal Revenue Code of 1986 (relating to capitalization of certain policy acquisition expenses) is amended by adding at the end the following new subsection:

"(k) EXEMPTION FOR SMALL LIFE INSURANCE COMPANIES.—This section shall not require any small life insurance company (as defined in section 806) to capitalize any specified policy acquisition expenses for any taxable year beginning after December 31, 1993."

SEC. 4. SENSE OF CONGRESS RELATING TO USE OF INCREASED REVENUES.

It is the sense of the Congress that any increase in revenues to the Treasury resulting from the amendments made by this Act shall be dedicated to the funding of programs benefiting the nutrition, early education, housing, and family support of the Nation's children.

STRICKLAND ELEVATOR AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I wanted to take a few minutes to talk about an experience that I had in this Chamber today. I am a freshman Member of Congress and I offered my first amendment. It was an amendment that I thought was reasonable, simple, easy to understand, and very straightforward. It was an amendment that would have saved $6.58 million by deleting plans to construct six new elevators for the Longworth Building.

I talk about this issue not because I think it is an earth-shattering issue but because I think it is illustrative of a problem that we sometimes face in this Chamber. The Longworth Building has eight elevators and they are terrible, they are in disrepair, they are slow, and they cause unacceptable inconvenience. Yet we are spending well over a million dollars to refurbish those elevators, to bring them up to speed, so to speak.

It seemed reasonable to me that we ought to give this modernization attempt a chance to prove itself before we would spend $6.5 million to construct six new elevators.

But the reason I am talking about it tonight is because I learned something.

□ 1720

I learned that those who use rhetoric about saving tax dollars are very selective in how they do that. I particularly refer to my friends on the other side of the aisle who stand here day after day and talk about wasteful spending, and yet when it came to an issue, a simple issue of eliminating six new elevators and saving $6.5 million, they did not stand to allow me to have a recorded vote.

As I said at the beginning of this statement, I learned something today. It is easy to talk about cutting when you are talking about cutting programs that do not affect you personally or do not cause you personal inconvenience. But I would appeal to my brethren and my sisters on the other side of the aisle to start putting their vote where their rhetoric is.

RENEWING MOST-FAVORED-NATION TRADING STATUS WITH THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. FINGERHUT). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 5 minutes.

Mr. KOPETSKI. Mr. Speaker, just moments ago, President Clinton made a significant policy statement with respect to renewing most-favored-nation trading status with the People's Republic of China. In his statement he said that he has made the decision to delink the human rights issue with the MFN accord.

I rise this evening to praise the President for this very, very difficult policy decision and tough, tough political decision. He has once again decided to lead based on fact, based on good policy.

This is a bold step in advancing United States relations with China beyond the stalemate of recent years. And with this announcement, President Clinton acknowledges the shortcomings, yes, of recent United States-China policy but also takes the opportunity not to retreat from our values of human rights in the United States and our commitment to human rights throughout the world.

It fits in with the new policy begun last year to engage the People's Republic not just on trade, not just on the human right issue, but across the board. The United States has sent many delegations and exchanges to China to engage them comprehensively, whether it is in commerce, whether it is in human rights, whether it is in education. It is on many fronts that we must do this.

Mr. Speaker, all of these meetings stressed though, as part of those meetings, the importance of human rights with this administration and with the American people. There are many avenues to pressure human rights, the human rights issues on China, and the President announced this evening that we will move forward by establishing a United States Commission on Human Rights to focus on China, to allow people in government and business leaders to come forward and present ideas, further ideas to move China in a more positive direction.

We also need to work multilaterally to pressure China to improve the human rights situation, whether it is through the World Bank, the Asian Development Bank, and other U.N. development programs. All of these programs offer an opportunity for the United States, working with the international community, to pressure China for human rights improvements and democratic reform.

Contact with the United States interests and advances in the cause of human rights and democratic reform in China is paramount, and businesses such as Hewlett-Packard and, Mr. Speaker, I am including in this point in the RECORD their statement of their code of conduct for their companies, Chinese employees doing business in China and working in China.

The President is calling upon the American business community doing business in China to adopt a code of conduct that they will adhere to, and this code of conduct, as Hewlett-Packard has already implemented, says they will treat their workers the same way that they treat American workers.

I want to take just a few moments to recognize two great champions in the United States on human rights, and that is Congresswoman NANCY PELOSI and Senator GEORGE MITCHELL. Because of their work, I think the President has made a decision that is going to help China move toward human rights, to do that by taking a new approach, and it is through their continuous hard-fought advocacy that this will occur.

Finally, let me commend the President on this tough political decision, but one that I am certain is in the best interests of the people of China and the people of the United States.

CHINA HEWLETT-PACKARD AND HUMAN RIGHTS

Hewlett-Packard in 1985 formed a joint venture in China which has grown to employ approximately 550 employees located throughout the country. Through the contacts created by this business, HP is transferring the Western values and HP values which are helping to transform China at a grassroots level. Ultimately, it is the development of our people which promotes the human rights values which are the focus of the current debate. The HP programs which enhance—directly and indirectly—human rights in China include:

Overseas Training Trips: 309 trips in 1993, 1,214 in the last four years create eye-opening exposure the CHP employees to the outside world.

Foreign Assignments and Extended Travel: enable key employees and future leaders to obtain comprehensive outside exposure.

House Purchasing Programs: permits employees to personally enjoy the benefits of private ownership, extended credit, and profit. The program was publicly announced Monday, April 25, and 47 employees signed purchase agreements and mortgage agreements on the first day.

HP Profit Sharing Program: all employees learn to benefit from company growth and productivity.

HP Stock Appreciation Program: rewards top performers for special efforts/results.

HP Electronic Mail: enables employees to communicate with peers around the world on business issues.

HP personnel policies also focus particularly on the importance of the individual and individual contributions and initiative:

HP Way: individual goal setting, responsibility, accountability.

Management Training: career growth and promotion, emphasis on delegation of authority, management by objective.

HP practices in China are consistent with HP policies worldwide as established in Palo Alto, CA at corporate headquarters.

Labor Standards: general working conditions, worker safety, and office equipment are world-class.

Pay: HP salaries are several times the comparable local salary levels.

Environmental Standards: identical to those in U.S. and elsewhere.

Facilities: likewise first class, and inspected frequently by international management teams.

Donations: HP makes contributions to local universities consistent with our worldwide practices and guidelines.

Other comments from the local China Hewlett-Packard perspective:

The U.S. image in the Far East has been tarnished significantly by the MFN debate. Many countries in the region consider the U.S. MFN policy foolish, short-sighted, and neo-colonialist, and several are publicly critical of it.

Our competitors—Seimens, Alcatel, NEC Fujitsu—are firmly entrenched in the China marketplace, and would benefit immensely from a disruption of U.S.-China trade, at a time when large infrastructure projects are being bid which will determine supplier relationships for the next 10-20 years.

China has been historically receptive to outsiders (often for good cause), as evidenced by the Great Wall, Boxer Rebellion, and Cultural Revolution. We have a unique historical opportunity to integrate China into the rest of the world, and U.S. policy should therefore emphasize the broadcast possible engagement, and not cut off contacts by revoking MFN.

Since the British agreed to cede Hong Kong to China, the major question mark in the Far East has been whether Beijing (with its control, non-market economy) would transform Hong Kong (with its free enterprise economy), or Hong Kong transform Beijing. The odds on Hong Kong were not good. But miraculously, there is growing hope that through the back door of trade and engagement, Hong Kong's values will yet prevail. We should do what we can to help Hong Kong preserve and extend its free enterprise values into the rest of China.

TRIBUTE TO FRANCIS WILLIAM TOMASIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 5 minutes.

Mr. McCLOSKEY. Mr. Speaker, today I would like to take a moment to remember Francis William Tomasic, a young man from Bloomington, IN, who was the most recent fatality on a long list of journalists who have died in the combat zones of disintegrating Yugoslavia.

In 3 years, 44 journalists have died in the line of duty in the conflicts in Slovenia, Croatia, and Bosnia according to the Committee to Protect Journalists. What that means is that the 3 years of this Balkan war have proven to be the deadliest in history for reporters—deadlier for reporters than even our 10 years in Vietnam.

Combat zones are unpredictable places, and the combat zones in the new Republics of former Yugoslavia may be more unpredictable than most, but it has been the world's press corps that has taken the risks to bring us a far better view of the horrible realities of this new Balkan war. If the members of the press corps had not daily risked their lives in places like Vukovar, Mostar, Sarajevo, and Gorazde, the tragedy would have passed unnoticed and countless thousands more innocent civilians would have been murdered.

On May 1, Francis Tomasic, freelance photographer Brian Brinton, and reporter William Vollman were riding in a jeep which struck mines planted on a road north of Mostar in Bosnia-Herzegovina. The United Nations had denied the three assistance in trying to get to Sarajevo so they were trying to drive there by road and simply took a wrong turn.

Francis Tomasic grew up in Bloomington and went to high school there. His father was on the faculty at Indiana University. A friend of mine who knew Francis well says that he was a person of "inexhaustible sweetness," and that he was not someone who understood malice. That is significant because Francis was of Croatian ancestry in a place where hatred along ethnic lines regularly moves armies.

In the last piece that Fran Tomasic wrote for the Bloomington Voice was titled "Where Are All the Graves." In that 9,000 words he made reference to time that he spent traveling in Serbian occupied Croatia he wrote:

> I sensed that they were mostly trying especially hard to be nice to me. I was in turn trying to be especially nice, although I was partially motivated by a sense of self preservation. You can't go to Vukovar, you're Croatian. If you go there, the Chetniks will kill you, a friend in Zagreb had said to me.

Francis Tomasic, aged 36, was buried on May 13 next to his father on the island of Hvar off the Dalmatian Coast. He is survived by his mother Carol Tomasic and his brother Anthony Tomasic of Bloomington, IN.

It seems to me profoundly important to note that Francis Tomasic was where he wanted to be—in Bosnia—

doing what he wanted to do which was witnessing one of the great tragedies of our decade.

CLARIFICATION OF NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to welcome the statement issued last week by the British Government responding to questions posed by Sinn Fein. Those questions related to the Downing Street Declaration jointly issued by the Irish and British Governments. The declaration set out the principles for a political process aimed at achieving a lasting political solution that could be embraced by both traditions in Northern Ireland.

Since the declaration was issued on December 15, 1993, the I.R.A. and its political arm, Sinn Fein, have clamored for clarification. Only recently did Sinn Fein set out its actual questions. Those questions and the responses of the British Government have now been made public. The Irish Government has made clear that it supports and agrees with the British responses.

I believe that it could not be plainer that the British Government, indeed both Governments, seek genuine peace and reconciliation in the North. They believe—and who in this House would gainsay this principle—that such ends can only be achieved through the expressed will of an uncoerced majority of the people of the North, freely expressed at the ballot box.

Both Governments have pledged unequivocally to honor that expression through any necessary legislative or constitutional changes. Such a process would allow for a range of possible relationships with the rest of Ireland, including unification, which would likewise require the democratic consent of a majority of the people in the Republic of Ireland.

What the declaration, and now its clarification, state and restate is that the process they envisage will embrace the totality of relationships in the island of Ireland and between the British and Irish Governments, that there are no subjects which cannot be brought to the table, but that only democratic parties devoted to exclusively peaceful change can sit at that table.

Thus, the I.R.A. need not surrender. Sinn Fein need not accept the declaration. Conversely, however, no party can expect to participate in political dialog unless it can demonstrate it has laid aside the gun and the bomb.

Just as important, the declaration is indeed a way forward. It cannot be vetoed by parties which will not participate in the process it invites. Just as it would be wrong to predetermine what that process can achieve, it would be equally wrong to allow it to be stymied by those who refuse to renounce terror.

Mr. Speaker, the way forward is now clear. There can be no legitimate claim that the two Governments have not laid all their cards on the table. Only one question remains unanswered today, but it must be directed to the men of violence, to both the republican and loyalist paramilitaries. It is simple but profound, and it is asked by the vast majority of people in Ireland, both North and South.

"Will you now end the killing and transform your armed struggle to peaceful debate and democratic decision?" The answer to that question will provide the real clarification for the future of peace in Northern Ireland.

□ 1730

FIFTIETH ANNIVERSARIES

The SPEAKER pro tempore (Mr. FINGERHUT). Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. DORNAN. Mr. Speaker, we are going on a district work break, what is called the Memorial recess. During the upcoming week, the largest congressional contingent that I can recall will be commemorating and honoring an important day in history, that day being June 6, 1944, D-day. This large delegation is going to Europe and will visit Utah Beach, Omaha Beach. Some of America's World War II veterans who saw the fire of combat during that amazing period of history are going to speak as are Canadian and British veterans.

I would like to share the following with C-SPAN's audience of 1.5 million.

I would like to use my imagination here for a minute and tell you, Mr. Speaker pro tempore, what I would have done today were I the Speaker. I would have set the scene for this Memorial Day recess. Most of our Members from both sides of the aisle have been invited to Memorial Day ceremonies at graveyards all over the country, particularly to beautiful Federal graveyards like Sautelle in west Los Angeles or Arlington. They have been invited to speak, to pause again for the men and women who have given the full measure of devotion, to use Lincoln's beautiful, poetic expression, "dying for your friends and your country." I would like to tell you what I would have done were I the Speaker.

I think I would have taken an hour from today's proceedings to commemorate D-day. We did this once on Flag Day, led by Congressman Risenhoover of Oklahoma. We filled this Chamber with potted plants. I mean potted plants all over the place. Probably the Speaker would not remember this, but we had June Carter and Johnny Cash, her handsome husband, come to the well. Full Chamber, we invited all the staff on the floor and some of the Senate staff came over. We did a tribute to the American flag. This must have been 1978 or 1979, Jimmy Carter was President.

I thought, well, this is probably what we are going to do in the '90s as we go through the 50th anniversaries of all of these great momentous days that I remember vividly even though I was only 8 to 12 years of age. I thought we would do it for Pearl Harbor, obviously Victory in Europe day, Harry Truman's birthday, May 8, that we would do it for Victory in Japan Day and we would do it on September 2, the signing of the Japanese unconditional surrender on the deck of the U.S.S. *Missouri*. I thought we would go through all these days.

Then we came to the 75th anniversary of World War I's ending, on that day in 1918 my father, Harry Joseph Dornan, was in the trenches of France somewhere between Argonne and Chateau Thierry. When the 75th anniversary of that 11th hour of the 11th day of the 11th month of 1918 passed here on Capitol Hill in 1993, nothing happened. And of course, the 75th anniversary is the last one that most veterans celebrate. Nobody is around for the 100th.

Here we were not memorializing or commemorating in this Chamber any of the 50th anniversaries of the days of World War II and the 75th anniversary of World War I. And I thought, what are we going to do for D-day? Here we are, we have done nothing.

If we had shut this House down, we would not have needed a great singer like Johnny Cash, we could have had our own heroes here, TOM BEVILL, SAM GIBBONS, we could have invited STROM THURMOND from the other body to commemorate this great day, which will be passing while we are in recess. We would have done this to remind our pages and every other young boy or girl, young man or woman across this country why it is important to remember great historical days. We must remember in order to pass on that legacy, and that torch off to the next generation. When we ask young people to dare to do great things—to do an extra bit of homework, not to sleep with that fellow classmate, not to drink that car of beer and then smash head-on into some van filled with a family, not to cheat on that exam—we must have exemples of greatness for them to follow. We should ask young men and women to make this a stronger country than we gave to them or that our parents and grandparents gave to us. We have to be able to talk about uplifting moments in history when people died for freedom, died for their country.

BOB MICHEL was just telling me—he hit the beach on D-day plus 4—that it moved him when he read Eisenhower's words. I told him I was going to reread the order of the day from the supreme headquarters allied expeditionary force, Eisenhower's stunning words to the invasion force. Our Republican leader said, "I just reread them yesterday, BOB, and it struck me that he used the term 'United Nations,' not 'the United Nations,' but 'United Nations.'" Even then the term had come into usage. We had not formally organized the body, which happened at San Francisco a year and some months later, but the term was in usage. It was the Axis Powers versus the United Nations of the allies.

I stand here stunned today that we are going to take this break with no mention of the breakout at Anzio 50 years ago this week, no mention of the liberation of one of the most beautiful cities ever on the face of the Earth. It had seen in its ugly pagan days the slaughtering of Christians and now the headquarters of one of the world's great Christian faiths, my Catholic faith, Vatican City, Rome. Eternal Rome, I believe it is the most romantic city on the face of the Earth.

We liberated it from the heel of Mussolini's blackshirt Fascists on June 4, 50 years ago, 2 days before D-day. As I have often said, all the men who died on the road from Salerno and Anzio fighting for the liberation of Rome, they were eclipsed by the cataclysmic events on D-day, June 6. But these two great days in history—the liberation of Rome and the establishment of a beachhead at Normandy—and not a word is spoken in this House except a few 1-minutes. I thought maybe I would be able to organize a special 1 hour when we get back to tell of some of our experiences, walking—again, to quote Lincoln speaking of the Gettysburg battlefield—"this hallowed ground." There is nothing we can do to pay it any more respect or devotion than was done by the blood of the young men that died there.

Maybe we will bring back some hallowed memories of those beaches along that gorgeous Normandy French area.

I took one of my daughters, Kathleen, to Ste. Mère-Eglise. Kathy loves history. She says I passed on my wanderlust to her. She wants to visit every country in the world, which is the dream of anybody who loves all the diverse countries in the world.

I took her to Ste. Mère-Eglise back in 1982, and we went looking of course for the church steeple where private 1st class airborne paratrooper John Steel had come down, his chute caught on the very spire of the church. He hung there pretending he was dead. The trees surrounding the church were filled with bodies of young Americans who were truly dead.

We found a lady, still young, younger than I am now, who had been a young girl in 1944. Her father owned a butcher's shop, and she was still in that building. She spoke beautiful English with a wonderful French accent. She took us out on the street and showed us where the body of a handsome young paratrooper was lying dead. She begins to cry, making my daughter cry, making me cry. She said, "I looked at this handsome young American boy come to liberate us, dead at the very doorstep of my father's shop right here."

□ 1740

I thought, "How wonderful, and yet how sad, that Americans have to come back twice inside of one generation, sons coming back to do what their father did, die for French freedom." Then she showed me where young men were hanging in the trees.

I saw that great moment when John Wayne is playing Gen. Maxwell Taylor. Wayne says in that classic style of his, "Cut 'em down" meaning all the young paratroopers hanging in the trees. It struck me then that the first American flags flown over France were the ones stitched on the shoulders of the field jackets of the paratroopers who died hanging in those trees.

That was the occasion of the first flying of the American flags, heroes' bodies turning in that morning breeze of June 6. That was the beginning of the liberation of France.

There were all sorts of flags from World War I, from the South Pacific, flags that had come up from the landing at Salerno in Italy the year before. All sorts of flags, including flags hidden by the French, burst out all over Normandy during the month of that titanic struggle.

As I said yesterday, it was Rommel himself, Erwin Rommel, the field marshal, the Desert Fox, that said this would be the longest day of the war because the Americans, the British, the small French units, and the Canadians established a beachhead. That was the end of the war.

That landing, because it was successful, caused the assassination plot against Hitler; tyrannicide is the way I think to think about it, the justifiable Judeo-Christian murder of a tyrant to save lives. That plot, Operation Valkyrie of Klaus van Stoffenberg, was thwarted just 44 days later, on July 20. Five thousand German officers who—too late, far too late, but still in a just way—tried to take out the tyrant. They paid for it with their lives, hung by piano wire from butcher hooks. Hitler has it all photographed, the 16 millimeter film sent up to Berchtesgaden or to the bunker in Berlin where like a pervert he would sit for hours and hours and watch over and over the film of these 5,000 German officers and high ranking civilians executed. Some of them were innocent; they should have been in on the Valkyrie assassination plot, but they were not.

What an amazing thing that we established that beachhead.

Well, Mr. Speaker, I will come back. I will see if there are some stories to bring home to motivate the next generations of Americans. To tell them that the United States of America for all of her faults, is a superior attempt at culture; that this truly is a nation of immigrants, a polyglot country of many cultures, every culture from everywhere in the world. There are even aboriginal people from Australia that have come to America and became American citizens.

We are a different country than any one that has ever existed. We have fought in wars around the world with no strings attached, bled our treasure and the blood of young men. There are also women who have died, eight died for their country as combat nurses in Vietnam. We have really done something in this century that no country has ever done before, die fighting for freedom with no strings attached and nothing asked of the countries that we liberate or the countries that we conquered like Japan, Germany, or Italy other than: "Get your political scene together in a coherent way, and let your people share in your process of government."

So, Mr. Speaker, what I would like to do before I put in the RECORD President Ronald Reagan's good-bye speech to this Nation on 11 January 1989, 9 days before the inauguration of his then Vice President, George Bush, to become the 41st President; our 40th President, Ronald Reagan, at the end of about an eight-page address to television saying good-bye paused and said: "There is something else I'd like to say to my fellow Americans by way of good-bye," and again I paraphrase him badly, but it will be in the RECORD. He told his Nation of the importance of remembering our history, the men and women who came to a frontier and tried to create a new and a different type of democracy. And, in the main, we have succeeded amazingly well. He told young children something to the effect: "I give you kids permission to get on your parents' case at the kitchen table and demand of your parents that they make sure you are educated in the history of this Nation."

That probably will go down as one of the finest and constructive good-byes of any American President.

Three weeks ago I had the opportunity as a member of the Committee on Armed Services and as a fading, aging peacetime fighter pilot to strap into the back seat of a Navy F-14 Tomcat and fly out to the U.S.S. *Eisenhower*, one of our big nuclear supercarriers. We shot five landings, cable-arrested landings, on the deck. Navy jocks call those traps. And, when we landed, I thought we were going to go below and meet the admiral and the skipper of the ship, and I always wanted to meet some of the women that were assigned. This is going to be the first man-of-war, the first U.S. Navy line ship, with women on board. I thought we were going to taxi over, and I could see there was no guard there, no people to greet us. It was raining, and all of a sudden we taxied, and then took a left turn, and suddenly we were locked into catapult No. 4, and they go through that amazing process. It is almost like a dance of the macabre with all these young Navy people in different colored uniforms, armorers, fuelers, cat men, catapult men.

By the way, that is the most dangerous industrial or military work environment in peacetime anywhere on the planet Earth, the deck of a carrier during recoveries and launches, and suddenly we are lined up, and this was my first catapult launch in a fighter. I had done it on board delivery aircraft in the Persian Gulf after visiting with my nephew, Don Dornan, Jr., Navy officer. But you are sitting backward in the back of a small transport plane. This is my first time in a cat launch, facing forward, in the radar intercept officer's position, and it was one of the better flying experiences of my life, right up there with flying three times the speed of sound at 84,000 feet in an SR–71 Black Bird. That still maybe is a notch more impressive. But, when we launched off that cat, I planned to take a picture from the back seat with my Nikon. I was shoved back so hard, I did not get it, so the next launch we catapulted—five times in a row, and, when I finally got out in a pouring rainstorm and went into the island of the big sail, the island of the carrier, to meet with the admiral and the captain, the skipper of the ship, I kept thinking to myself, over and over:

"What an honor it is for Nixon's grandkids and Eisenhower's grandkids to have this big beautiful Navy man of war aircraft carrier named after Eisenhower." I thought, "What a special President he was," and, "How lucky our country was to have somebody as the Commander in Chief during the peacetime years that I flew as a fighter pilot."

I think a key reason why I was never called upon to kill some other mother's child, or be killed and shot down myself is, when you have a five-star general, and we only have had eight five-star admirals and generals, sitting in the White House, we have a man of character to look up to. The whole military establishment says that, "If this man gives me orders, if this man talks to me about Somalia, Bosnia, Haiti, Guadalcanal, the beaches in France, this is a man I'll obey willingly and lay my life on the line."

So, thinking about that beautiful carrier, thinking about General and then-President Eisenhower, this humble man from Abilene, KS, who graduated in the class of West Point of 1915, I stopped one of our great chairmen here, Democrat TOM BEVILL, and asked him where he was when Ike read these words. TOM went into the beach a few days after he was training people, he was an officer training people in England, and he said, "Those of us in England didn't hear it read. We saw it in the paper the next day, Stars and Stripes or British papers."

□ 1750

He said, he reminded me it was piped over the PA system of every one of those 5,000 invasion ships.

Before I do it, Mr. Speaker, let me find that key paragraph in Reagan's January 11 farewell address to the Nation. Let me read the opening and then I will go looking for it.

Ronald Reagan.

> My Fellow Americans: This is the 34th time I'll speak to you from the Oval Office and the last. We've been together 8 years now, and soon it will be time for me to go.

Mr. Speaker, in my lifetime there have only been three 8-year Presidents: President Roosevelt who died into his 13th year by 89 days; and then Eisenhower's 8 years, and Ronald Reagan, our only other 8-year President since Woodrow Wilson. He says:

> Before I do, I wanted to share some thoughts, some of which I've been saving for a long time. It's been the honor of my life to be your President.

He goes on telling about how he and Nancy have been so honored to receive so many letters. He says:

> You know, down the hall and up the stairs from this office is the part of the White House where the President and his family live. There are a few favorite windows I have up there that I like to stand and look out of early in the morning. The view is over the grounds here to the Washington Monument and then the Mall and the Jefferson Memorial. But on mornings when the humidity is low, you can see past Jefferson to the river, the Potomac, and the Virginia shore. Someone said that's the view Lincoln had when he saw the smoke rising from the Battle of Bull Run. I see more prosaic things, the grass on the banks, the morning traffic as people make their way to work, and now and then a sailboat on the river.
>
> I've been thinking a bit at that window. I've been reflecting on what the past 8 years have meant and mean. And the image that comes to mind like a refrain is a nautical one. A small story about a big ship and a refugee and a sailor. It was back in the early 1980's at the height of the boat people. And a U.S. sailor was hard at work on the carrier *Midway* which was patrolling the South China Sea. The sailor like most American servicemen was young, smart, and fiercely observant. The crew spied on the horizon a leaky little boat. And crammed inside were refugees from Indochina hoping to get to America.

Refugees caused by the Strobe Talbotts, the Sam Browns, the Derrick Shearers and the Bill Clintons of the world. That is my BOB DORNAN footnote.

> The *Midway* sent a small launch to bring them to the ship and safety. As the refugees made their way through the choppy seas, one refugee spied the sailor on deck and stood up and called out to him. He yelled up, "Hello, American sailor. Hello, freedom man." A small moment with a big meaning, a moment the sailor who wrote it in a letter couldn't get out of his mind. And, when I saw it, neither could I. Because that's what it was to be an American in the 1980's. We stood again for freedom. I know we always have. But in the past few years, the world again and in a way we ourselves rediscovered it.

He goes on to talk about Grenada, the Washington and the Moscow summits. This will all be in the record, Mr. Speaker.

And then he comes to this, talks about we the people. We the people tell the government what to do, it does not tell us—not often. We the people are the driver, the government is the car.

He goes through a more and more beautiful paragraph talking about Gorbachev and some of the Reagan regiments that will have to become the Bush brigades.

He comes down to the end, and here is that part that I want to use as a prologue to D-Day.

He says, and I'm quoting President Reagan's final address, last paragraph, the President says:

> An informed patriotism is what we want. And are we doing a good enough job teaching our children what America is and what she represents in the long history of the world? Those of us who are over 35 or so years of age grew up in a different America. We were taught very directly what it means to be an American. And we absorbed almost in the air a love of country and an appreciation of its institutions. If you didn't get these things from your family, you got them from the neighborhood, from the father down the street who fought in Korea or the family who lost someone at Anzio. Or you could get a sense of patriotism from school. And if all else failed, you could get a sense of patriotism from the popular culture. The movies celebrated democratic values and implicitly reinforced the idea that America was special. Television was like that, too, through the mid-1960's.
>
> But now we're about to enter the 90's and some things have changed. Younger parents aren't sure that an unambivalent appreciation of America is the right thing to teach modern children. And as for those who create the popular culture, well-grounded patriotism is no longer the style. Our spirit is back

he is talking now in January 1989

> but we haven't reinstitutionalized it. We've got to do a better job of getting across that American is freedom, freedom of speech, freedom of religion, freedom of enterprise, and freedom is special and rare. It is fragile. It needs protection.
>
> So we have got to teach history, based not on what's in fashion but what is important. Why the Pilgrims came here. Who Jimmy Doolittle was and what those 30 seconds over Tokyo meant.
>
> You know 4 years ago on the 40th anniversary of D-Day

next week's it's a 50

> I read a letter from a young woman writing to her late father who had fought on Omaha Beach.
>
> What a moment that was.
>
> Her name was Lisa Zanatta Henn. And she said: "We will always remember. We will never forget what the boys of Normandy did." Well, let's help her keep her word,

President Reagan said to us in his goodbye.

> If we forget what we did, we won't know who we are. I'm warning of an eradication of the American memory that could result ultimately in an erosion of the American spirit.
>
> Let's start with some basics: More attention to American history and a greater emphasis on civil ritual. And let me offer lesson

> number one about America. All great change in America begins at the kitchen table. So tomorrow night, in the kitchen, I hope the talking begins. And, children, if your parents haven't been teaching you what it means to be an American, let'em know and nail'em on it. That would be a very American thing to do.

□ 1800

> That is about all I have to say tonight, except for one thing: The past few days when I have been at that window upstairs, I have thought a bit of the shining city on a hill. That phrase comes from John Winthrop, who by the way, his statue is right downstairs, first Governor of Massachusetts, and his son, first Governor of Connecticut. What he imagined was important, because he was an early pilgrim, an early freedom man. He journeyed here on what today we would call a little wooden boat. And like the other pilgrims, he was looking for a home that would be free.
>
> I have spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall, proud city, built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds, living in harmony and peace. A city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors, and the doors were open to anyone with the will and the heart to get here. That is how I saw it and see it still. And out stands that city on a hill this winter night, more prosperous, more secure, and happier than it was 8 years ago. But more than that, after 200 years, two centuries, she still stands strong and true on the granite ridge, and her glow is held steady no matter what the storm. And she is still a beacon, still a magnet, for all who must have freedom. For all the pilgrims, from all the lost places, who are hurdling through the darkness toward home. We have done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends, we did it. We were not just marking time. We made a difference. We made the city stronger, freer, and left it in good hands. All in all, not bad. Not bad at all.
>
> So good-bye, God Bless you, and God bless the United States of America.

The big event in my life as a kid was dreaming about being in a Thunderbolt or a Mustang or a Lightning over the decks of Normandy. Like most kids with an imagination, you wanted it all.

I dreamed about shooting down a Messerschmidt, and then getting shot down myself, joining the paratroopers on the ground, fighting on the beach, joining the 4th Division, the 1st, the 29th. Kids wanted it all. Today girls can have those dreams of glory fighting for freedom, and having the mayor of a French town bring out a hidden bottle of champagne, and with the fire still going on over your head. It is beautifully written in Cornelius Ryan's book, "The Longest Day. "This mayor putting on his medallions of office, those chains with all the crests of the city, and his champagne bottle, dead cows around him, Saying: "Welcome, American, welcome."

Twenty-two sets of twins now rest in the beautiful cemetary at Deauville, in the hills overlooking Omaha Beach. One father and son rest there as well. A father who fought in World War I buried next to his son who had come back to liberate France again.

Unbelievable, that graveyard.

Let me take the center lectern as I close here, Mr. Speaker, to read Dwight D. Eisenhower's words on the evening of June 5th, to the men who were going to draw their last breath the next day.

Ike had what is called the midwestern American, non-accented, standard American voice, and I can hear it in my head as I read this from the Supreme Headquarters, Allied Expeditionary Force:

> Soldiers, Sailors and Airmen of the Allied Expeditionary Force: You are about to embark on a great crusade toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty loving people everywhere march with you. In company with our brave allies and brothers in arms on other fronts, you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over the oppressed peoples of Europe, and security for ourselves in a free world.
>
> Your task will not be an easy one. Your enemy is well-trained, well-equipped, and battle-hardened. He will fight savagely.
>
> But this is the year, 1944. Much has happened since the Nazi triumphs of 1940–41. The united nations have inflicted upon the Germans great defeats in open battle, man-to-man. Our air offensive has seriously reduced their strength in the air and their capacity to wage war on the ground. Our home fronts have given us an overwhelming superiority in weapons and munitions of war and placed at our disposal great reserves of trained fighting men. The tide has turned. The free men of the world are marching to victory. I have full confidence in your courage, devotion to duty, and skill in battle. We will accept nothing less than full victory.
>
> Good luck. And let us all beseech the blessing of all-mighty God upon this great and noble undertaking.

And there is his signature.

He then ordered that the "Our Father" would be recited by a chaplain over the public address system of every ship in that 5,000 invasion force. Young men seasick because it was very stormy, throwing up all night long, weak, exhausted, on the ships hours longer than they planned. The last words they heard, other than the din of battle and the screams of fellow soldiers: Over here. I am hit. Medic. The last words they heard in silent contemplation were: "Our Father, who are in heaven, hollowed be thy name. Thy kingdom come, thy will be done, on earth as it is in heaven."

Those words of the "Our Father," and its final line, would be deemed politically incorrect and insulting to a tiny minority in that invasion force.

It is too bad that we leave some of this history behind, and that we didn't have that hour ceremony that I dreamed about on the House floor today, without my participation, with just my sitting out there, listening to Republican STROM THURMOND, Democrat TOM BEVILL, hero paratrooper SAM GIBBONS, and all the others like BOB MICHAEL that poured onto that beachhead day after day until we were rolling across northern France behind George Patton, gallantly letting the French unit under General LeClerci go into Paris on August 25. What amazing historical events to follow as an 8-, 9-, 10-, 11-year-old-boy.

□ 1810

It made me want to come to Congress. It made me want to fly supersonic fighters in the Air Force. It makes me want to dream about other, higher office than serving as a Congressman in this great legislative Chamber.

I wish everybody, every American, could be with us 40 Congressmen and women and the veterans of this Chamber and the other Chamber that lead us back to the beautiful beaches and the tough hedge rows of northern France, the Normandy coastline, and to Anzio, the forgotten struggle in Italy.

A final word, Mr. Speaker, I wear around my neck a small St. Christopher given to me by Lt. Walter Krell, a veterinarian from northern California who is still a healthy, vigorous man in practice today. He wore this little medal around his neck on 20 missions in the South Pacific.

He led President Johnson's aircraft when President Johnson was in the back, won the Silver Star for merely huddling, as I would have done, because he was not at a gun station, was not a pilot or crew member, just observing as a Navy lieutenant commander for Sam Rayburn, Speaker of this Chamber. Walter Krell was at this time in New Guinea.

We were fighting across the northern part of New Guinea at this point 50 years ago. George Bush's carrier, last Monday, 50 years ago, the *San Jacinto*, with *Wasp* and *Essex*, had hit Marcus Island.

Another task force had shelled Wake Island, where 200 American prisoners were in the last year of their life. They would be executed, every one of them shot in the back of the head, civilian construction workers, because we bypassed Wake Island.

Men were dying in the jungle still in Bougainville, the Solomon Islands were not secure, the Admiralty Islands, men were dying over the skies of Rabaul. I don't want to forget what was happening 50 years ago throughout the whole Pacific.

And our Russian allies, under the cruel dictator Stalin who killed more people than Hitler, were still fighting magnificently, giving up three or four lives for every German they captured as they pushed the Nazi forces back to the six death camps in Poland, where they would soon find a demonic nightmare of piles of bodies, all the result of politics, politics gone wrong in Germany and Italy and in Tokyo in the Diet. And it still continued to go wrong in the Soviet Union, even after their great victories over another form of tyranny.

These are 50th anniversaries of momentous days, Mr. Speaker, and I am just sorry that we do not have some time in our legislative schedule to pause and take President Reagan's advice and contemplate the unique, special, and noble history of our great country. God bless America.

SUPREME HEADQUARTERS ALLIED EXPEDITIONARY FORCE

Soldiers, Sailors and Airmen of the Allied Expeditionary Force!

You are about to embark upon the Great Crusade, toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you. In company with our brave Allies and brothers-in-arms on other Fronts, you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over the oppressed peoples of Europe, and security for ourselves in a free world.

Your task will not be an easy one. Your enemy is well trained, well equipped and battle-hardened. He will fight savagely.

But this is the year 1944! Much has happened since the Nazi triumphs of 1940–41. The United Nations have inflicted upon the Germans great defeats, in open battle, man-to-man. Our air offensive has seriously reduced their strength in the air and their capacity to wage war on the ground. Our Home Fronts have given us an overwhelming superiority in weapons and munitions of war, and placed at our disposal great reserves of trained fighting men. The tide has turned! The free men of the world are marching together to Victory!

I have full confidence in your courage, devotion to duty and skill in battle. We will accept nothing less than full Victory!

Good Luck! And let us all beseech the blessing of Almighty God upon this great and noble undertaking.

DWIGHT D. EISENHOWER.

RONALD REAGAN'S FAREWELL ADDRESS TO THE NATION

(January 11, 1989)

MY FELLOW AMERICANS: This is the 34th time I'll speak to you from the Oval Office and the last. We've been together 8 years now, and soon it'll be time for me to go. But before I do, I wanted to share some thoughts, some of which I've been saving for a long time.

It's been the honor of my life to be your President. So many of you have written the past few weeks to say thanks, but I could say as much to you. Nancy and I are grateful for the opportunity you gave us to serve.

One of the things about the Presidency is that you're always somewhat apart. You spent a lot of time going by too fast in a car someone else is driving, and seeing the people through tinted glass—the parents holding up a child, and the wave you saw too late and couldn't return. And so many times I wanted to stop and reach out from behind the glass, and connect. Well, maybe I can do a little of that tonight.

People ask how I feel about leaving. And the fact is, "parting is such sweet sorrow." The sweet part is California and the ranch and freedom. The sorrow—the goodbyes, of course, and leaving this beautiful place.

You know, down the hall and up the stairs from this office is the part of the White House where the President and his family live. There are a few favorite windows I have up there that I like to stand and look out of early in the morning. The view is over the grounds here to the Washington Monument, and then the Mall and the Jefferson Memorial. But on mornings when the humidity is low, you can see past the Jefferson to the river, the Potomac, and the Virginia shore. Someone said that's the view Lincoln had when he saw the smoke rising from the Battle of Bull Run. I see more prosaic things: the grass on the banks, the morning traffic as people make their way to work, now and then a sailboat on the river.

I've been thinking a bit at that window. I've been reflecting on what the past 8 years have meant and mean. And the image that comes to mind like a refrain is a nautical one—a small story about a big ship, and a refugee, and a sailor. It was back in the early eighties, at the height of the boat people. And the sailor was hard at work on the carrier *Midway*, which was patrolling the South China Sea. The sailor, like most American servicemen, was young, smart, and fiercely observant. The crew spied on the horizon a leaky little boat. And crammed inside were refugees from Indochina hoping to get to America. The *Midway* sent a small launch to bring them to the ship and safety. As the refugees made their way through the choppy seas, one spied the sailor on deck, and stood up, and called out to him. He yelled, "Hello, American sailor. Hello, freedom man."

A small moment with a big meaning, a moment the sailor, who wrote it in a letter, couldn't get out of his mind. And, when I saw it, neither could I. Because that's what it was to be an American in the 1980's. We stood, again, for freedom. I know we always have, but in the past few years the world again—and in a way, we ourselves—rediscovered it.

It's been quite a journey this decade, and we held together through some stormy seas. And at the end, together, we are reaching our destination.

The fact is, from Grenada to the Washington and Moscow summits, from the recession of '81 to '82, to the expansion that began in late '82 and continues to this day, we've made a difference. The way I see it, there were two great triumphs, two things that I'm proudest of. One is the economic recovery, in which the people of America created—and filled—19 million new jobs. The other is the recovery of our morale. America is respected again in the world and looked to for leadership.

Something that happened to me a few years ago reflects some of this. It was back in 1981, and I was attending my first big economic summit, which was held that year in Canada. The meeting place rotates among the member countries. The opening meeting was a formal dinner for the heads of government of the seven industrialized nations. Now, I sat there like the new kid in school and listened, and it was all Francois this and Helmut that. They dropped titles and spoke to one another on a first-name basis. Well, at one point I sort of learned in and said, "My name's Ron." Well, in that same year, we began the actions we felt would ignite an economic comeback—cut taxes and regulation, started to cut spending. And soon the recovery began.

Two years later, another economic summit with pretty much the same cast. At the big opening meeting we all got together, and all of sudden, just for a moment, I saw that everyone was just sitting there looking at me. And then one of them broke the silence. "Tell us about the American miracle," he said.

Well, back in 1980, when I was running for President, it was all so different. Some pundits said our programs would result in catastrophe. Our views on foreign affairs would cause war. Our plans for the economy would cause inflation to soar and bring about economic collapse. I even remember one highly respected economist saying, back in 1982, that "The engines of economic growth have shut down here, and they're likely to stay that way for years to come." Well, he and the other opinion leaders were wrong. The fact is what they call "radical" was really "right." What they called "dangerous" was just "desperately needed."

And in all of that time I won a nickname, "The Great Communicator." But I never though it was my style or the words I used that made a difference: it was the content. I wasn't a great communicator, but I communicated great things, and they didn't spring full bloom from my brow, they came from the heart of a great nation—from our experience, our wisdom, and our belief in the principles that have guided us for two centuries. They called it the Reagan revolution. Well, I'll accept that, but for me it always seemed more like the great rediscovery, a rediscovery of our values and our common sense.

Common sense told us that when you put a big tax on something, the people will produce less of it. So, we cut the people's tax rates, and the people produced more than ever before. The economy bloomed like a plant that had been cut back and could now grow quicker and stronger. Our economic program brought about the longest peacetime expansion in our history: real family income up, the poverty rate down, entrepreneurship booming, and an explosion in research and new technology. We're exporting more than ever because American industry became more competitive and at the same time, we summoned the national will to knock down protectionist walls abroad instead of erecting them at home.

Common sense also told us that to preserve the peace, we'd have to become strong again after years of weakness and confusion. So, we rebuilt our defenses, and this New Year we toasted the new peacefulness around the globe. Not only have the superpowers actually begun to reduce their stockpiles of nuclear weapons—and hope for even more progress is bright—but the regional conflicts that rack the globe are also beginning to cease. The Persian Gulf is no longer a war zone. The Soviets are leaving Afghanistan. The Vietnamese are preparing to pull out of Cambodia, and an American-mediated accord will soon send 50,000 Cuban troops home from Angola.

The lesson of all this was, of course, that because we're a great nation, our challenges seem complex. It will always be this way. But as long as we remember our first principles and believe in ourselves, the future will always be ours. And something else we learned: Once you begin a great movement, there's no telling where it will end. We meant to change a nation, and instead, we changed a world.

Countries across the globe are turning to free markets and free speech and turning away from the ideologies of the past. For them, the great rediscovery of the 1980's has been that, lo and behold, the moral way of government is the practical way of government: Democracy, the profoundly good, is also the profoundly productive.

When you've got to the point when you can celebrate the anniversaries of your 39th birthday you can sit back sometimes, review your life, and see it flowing before you. For me there was a fork in the river, and it was right in the middle of my life. I never meant to go into politics. It wasn't my intention when I was young. But I was raised to believe you had to pay your way for the blessings bestowed on you. I was happy with my career in the entertainment world, but I ultimately went into politics because I wanted to protect something precious.

Ours was the first revolution in the history of mankind that truly reversed the course of government, and with three little words: "We the People." "We the People" tell the government what to do; it doesn't tell us. "We the People" are the driver; the government is the car. And we decide where it should go, and by what route, and how fast. Almost all the world's constitutions are documents in which governments tell the people what their privileges are. Our Constitution is a document in which "We the People" tell the government what it is allowed to do. "We the People" are free. This belief has been the underlying basis for everything I've tried to do these past 8 years.

But back in the 1960's, when I began, it seemed to me that we'd begun reversing the order of things—that through more and more rules and regulations and confiscatory taxes, the government was taking more of our money, more of our options, and more of our freedom. I went into politics in part to put up my hand and say, "Stop." I was a citizen politician, and it seemed the right thing for a citizen to do.

I think we have stopped a lot of what needed stopping. And I hope we have once again reminded people that man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts.

Nothing is less free than pure communism—and yet we have, the past few years, forged a satisfying new closeness with the Soviet Union. I've been asked if this isn't a gamble, and my answer is no because we're basing our actions not on words but deeds. The détente of the 1970's was based not on actions but promises. They'd promise to treat their own people and the people of the world better. But the *gulag* was still the *gulag*, and the state was still expansionist, and they still waged proxy wars in Africa, Asia, and Latin America.

Well, this time, so far, it's different. President Gorbachev has brought about some internal democratic reforms and begun the withdrawal from Afghanistan. He has also freed prisoners whose names I've given him every time we've met.

But life has a way of reminding you of big things through small incidents. Once, during the heady days of the Moscow summit, Nancy and I decided to break off from the entourage one afternoon to visit the shops on Arbat Street—that's a little street just off Moscow's main shopping area. Even though our visit was a surprise, every Russian there immediately recognized us and called out our names and reached for our hands. We were just about swept away by the warmth. You could almost feel the possibilities in all that joy. But within seconds, a KGB detail pushed their way toward us and began pushing and shoving the people in the crowd. It was an interesting moment. It reminded me that while the man on the street in the Soviet Union yearns for peace, the government is Communist. And those who run it are Communists, and that means we and they view such issues as freedom and human rights very differently.

We must keep up our guard, but we must also continue to work together to lessen and eliminate tension and mistrust. My view is that President Gorbachev is different from previous Soviet leaders. I think he knows some of the things wrong with his society and is trying to fix them. We wish him well. And we'll continue to work to make sure that the Soviet Union that eventually emerges from this process is a less threatening one. What it all boils down to is this: I want the new closeness to continue. And it will, as long as we make it clear that we will continue to act in a certain way as long as they continue to act in a helpful manner. If and when they don't, at first pull your punches. If they persist, pull the plug. It's still trust by verify. It's still play, but cut the cards. It's still watch closely. And don't be afraid to see what you see.

I've been asked if I have any regrets. Well, I do. The deficit is one. I've been talking a great deal about that lately, but tonight isn't for arguments, and I'm going to hold my tongue. But an observation: I've had my share of victories in the Congress, but what few people noticed is that I never won anything you didn't win for me. They never saw my troops, they never saw Reagan's regiments, the American people. You won every battle with every call you made and letter you wrote demanding action. Well, action is still needed. If we're to finish the job. Reagan's regiments will have to become the Bush brigades. Soon he'll be the chief, and he'll need you every bit as much as I did.

Finally, there is a great tradition of warnings in Presidential farewells, and I've got one that's been on my mind for some time. But oddly enough it starts with one of the things I'm proudest of in the past 8 years: the resurgence of national pride that I called the new patriotism. This national feeling is good, but it won't count for much, and it won't last unless it's grounded in thoughtfulness and knowledge.

An informed patriotism is what we want. And are we doing a good enough job teaching our children what America is and what she represents in the long history of the world? Those of us who are over 35 or so years of age grew up in a different America. We were taught, very directly, what it means to be an American. And we absorbed, almost in the air, a love of country and an appreciation of its institutions. If you didn't get these things from your family you got them from the neighborhood, from the father down the street who fought in Korea or the family who lost someone at Anzio. Or you could get a sense of patriotism from school. And if all else failed you could get a sense of patriotism from the popular culture. The movies celebrated democratic values and implicitly reinforced the idea that America was special. TV was like that, too, through the mid-sixties.

But now, we're about to enter the nineties, and some things have changed. Younger parents aren't sure that an unambivalent appreciation of America is the right thing to teach modern children. And as for those who create the popular culture, well-grounded patriotism is no longer the style. Our spirit is back, but we haven't reinstitutionalized it. We've got to do a better job of getting across that America is freedom—freedom of speech, freedom of religion, freedom of enterprise. And freedom is special and rare. It's fragile; it needs production [protection].

So, we've got to teach history based not on what's in fashion but what's important—why the Pilgrims came here, who Jimmy Doolittle was, and what those 30 seconds over Tokyo meant. You know, 4 years ago on the 40th anniversary of D-day, I read a letter from a young woman writing to her late father, who'd fought on Omaha Beach. Her name was Lisa Zanatta Henn, and she said, "we will always remember, we will never forget what the boys of Normandy did." Well, let's help her keep her word. If we forget what we did, we won't know who we are. I'm warning of an eradication of the American memory that could result, ultimately, in an erosion of the American spirit. Let's start with some basics: more attention to American history and a greater emphasis on civic ritual.

And let me offer lesson number one about America: All great change in America begins at the dinner table. So, tomorrow night in the kitchen I hope the talking begins. And children, if your parents haven't been teaching you what it means to be an American, let 'em know and nail 'em on it. That would be a very American thing to do.

And that's about all I have to say tonight, except for one thing. The past few days when I've been at that window upstairs, I've thought a bit of the "shining city upon a hill." The phrase comes from John Winthrop, who wrote it to describe the America he imagined. What he imagined was important because he was an early Pilgrim, an early freedom man. He journeyed here on what today we'd call a little wooden boat; and like the other Pilgrims, he was looking for a home that would be free.

I've spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall, proud city built on rocks stronger than oceans, windswept, God-blessed, and teeming with people of all kinds living in harmony and peace; a city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here. That's how I saw it, and see it still.

And how stands the city on this winter night? More prosperous, more secure, and happier than it was 8 years ago. But more than that: After 200 years, two centuries, she still stands strong and true on the granite ridge, and her glow has held steady no matter what storm. And she's still a beacon, still a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home.

We've done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made the city stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all.

And so, goodbye, God bless you, and God bless the United States of America.

Note: The President spoke at 9:02 p.m. from the Oval Office at the White House. The address was broadcast live on nationwide radio and television.

HEALTH INSURANCE FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. FINGERHUT). Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes as the designee of the majority leader.

Mr. McDERMOTT. Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. KAPTUR].

UNITED STATES-CHINESE TOY INDUSTRY

Ms. KAPTUR. I thank the gentleman for being so kind as to yield this evening. I will not take a great deal of time.

In listening to the previous speaker, the gentleman from California [Mr. DORNAN], I can't help be reminded, as many of our Members travel to the 50th anniversary commemoration in Europe, that through the end of June of this year the United States Mint is selling commemorative coins that this Congress authorized, the proceeds of which will be used to construct a World War II memorial here in our Nation's Capitol on the central mall.

This was a piece of legislation that moved through here not so many months ago. Over 7.5 million dollars' worth of coins have been purchased, and $3 million of that total to date has been used to build a memorial peace garden in Europe, in France, where many of our Members will travel.

So many veterans have called our office and asked where they could purchase the coins. They would purchase them through the U.S. Mint, the Bureau of Printing and Engraving. Both of those offices of the U.S. Government can provide them with information on purchasing those coins that will help pay for the construction of the memorial here in our Nation's Capitol, a memorial that is long overdue.

Mr. Speaker, this evening, I know the speaker that was so kind to yield to me, the gentleman from Washington [Mr. McDERMOTT] is going to be speaking about the issue of health insurance for the American people.

This evening my topic is different. I'm going to be talking about the proposed most-favored-nation agreement with China that will be debated very shortly here in this Congress. However, it is very clear to me in the remarks that I will be making this evening that one of the reasons it has been so very difficult for all Americans to receive insurance coverage is because so many of our corporations have moved offshore, putting millions of Americans out of work, and employing people in other countries like China at such low labor rates that in fact those people cannot raise their standards of living. Then those products are sent back here to the United States for our workers to buy, but the prices of those products do not go down.

In fact, we watch over the last 20 years the wages of average Americans keep going down and down and down. Even as jobs are created, wages are not going up. It makes it very difficult to provide such important national needs as health insurance for all of our people.

Mr. Speaker, as we debate whether or not to renew China's MFN status, it is often said that the United States can no longer afford to link our trade policy with broader concerns about political freedom and human liberty. It is said that the traditional U.S. policy of supporting human rights and caring how other countries treat their workers is an obsolete policy. It is said that U.S. workers will only benefit from a trade policy based on exports even while those same U.S. workers remain unemployed. It is said and said and said that the only way to change the way China treats its people is for the United States to wink and look the other way.

I say, though, that this type of argument is not only spurious but dangerous. America was not founded on the narrow principles of economics as some would have you believe today. America was founded on the democratic principles that each individual had the right to life, liberty and the pursuit of happiness. In turn, these democratic principles have always been embodied in U.S. foreign policy. The force of American leadership in the world has always been grounded in the example that our country has set in keeping to these very same democratic principles.

Now though, it would seem that our nation's democratic principles are slowly being replaced by an "economics is king" mentality. But I ask, who exactly is saying that America can no longer afford to hold by its principles? The current debate over the renewal of China MFN status is telling. Overwhelmingly, the pressure to delink our nation's trade policy with our concerns over how China treats its people is being pushed by a few U.S. corporations with huge investments in China. Investments in China which have expended by more than 1,000 percent since 1990 to reach $5.5 billion dollars in 1993. It is interesting to note that as United States investment in China has increased so has the United States trade deficit with China—reaching $23 billion last year alone.

One of the most ardent supporters of delinkage and renewal of China MFN is the toy industry in the United States and China. Why? Mainly because of the United States toy industry's own ties—or link—to China by way of sales and investment.

China is the single largest toy producing nation, making approximately 20 percent of the world's toys. Out of a world production value of $26 billion, China represents over 20 percent of world production. In 1990, China shipped approximately half of their production—2.2 billion dollars' worth of toys—to the United States. Conversely, the United States is the world's single largest toy market valued at $19 billion or 35 percent of all sales worldwide. We buy 55 percent of our dolls and 40 percent of all other toys from the People's Republic of China. The United States toy industry is the link between the markets of China and the United States.

There is a universal delight taken in toys. But the toys that we delight in are often produced under horrific working conditions for the Chinese toiling in United States-owned sweatshops. In a recent edition of Business Week, I found the sad story of Hong Biu Yun to be illustrative.

> Hunched over a school desk, Hong Biu Yun is clearly exhausted as she sticks Mickey Mouse heads onto motorized toys at a factory in Shekou, China. One of 12,000 mainland Chinese employed by Hong Kong's largest toymaker, Kader Enterprises Ltd. Hong typically works 14 hours a day, 7 days a week to rush out toys for American kids.
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> Recently, her hours grew even more oppressive. In order to meet the holiday demand for Ghostbusters, Big Hauler Trains, and Mickey Mouse dolls, the girls at the Kader plant were ordered to put in one or two 24-hour shifts, with only two meal breaks, each month.
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> Hong looks about 12 years old but claims in a frightened whisper that she's 17. That's the minimum legal working age in Shekou, the best-managed of four special economic zones set up by China to attract foreign investment. But to the dismay of Chinese Communist leaders, the zones have spawned twin horrors associated with old-style capitalism—child labor and illegal working hours.

Kader Enterprises Ltd., the factory that Hong works for, is one of the major subcontractors for such U.S. toy companies as Walt Disney, Coleco, Mattel, Tonka, and Hasbro. While these United States companies state that they have little control over the working conditions of the Chinese, millions of dollars are spent by major United States toy companies to invest in the continuation and expansion of the sweatshops in China.

In turn, the Chinese workers are paid $10 to $30 dollars a month. In turn, the Chinese workers, like Hong, are forced to work under highly unsanitary and dangerous conditions. Factory fires alone have killed more than 170 people in the low-cost manufacturing base in Pearl River delta over the past 2½ years. In 1993, Beijing disclosed that work-related deaths nationwide last year rose 3 percent from 1991 to more than 15,000 people.

While the toy industry and other United States corporations with huge investments in China argue for delinkage of trade policy from broader issues such as human rights and labor standards, the true link often goes unmentioned. I would argue that the link which needs to be debated is the link between the labor practices of some United States corporations in this country/and the labor practices of those same United States corporations manufacturing in China. In other words, the true link is the U.S. corporations themselves. And more, the true link is the profits made by these United States corporations at the expense of Chinese and American workers.

To realize the existence of the true link, one only has to ask: Why else would these corporations spend millions of dollars to lobby Congress to renew China's MFN status? Why else would these same United States corporations fire their United States workers to set up shop in China? The answer is simple. They profit immensely from doing so.

Toys are fun. Toys are often given to exemplify the love one has for a child. But when buying a toy imported from China in the future, one must realize that the cute little teddy bear was made by a Chinese worker earning only a few cents an hour. One must realize that the teddy bear could actually be a product of the Chinese People's Liberation Army. That the cute little teddy bear may be unsafe. And finally, when buying that teddy bear for China, realize that there are many unemployed United States workers who used to make those very same teddy bears in our country but could never hope to purchase one now for their own children, because prices of teddy bears sure are not cheap.

□ 1820

I thank the gentleman for yielding to me this evening. I will be very interested in his remarks about the related issue of health insurance for all of our people, including those who are out of work in this Nation.

Mr. McDERMOTT. It is a pleasure to yield to my colleague, the gentlewoman from Ohio. She is a great advocate for the consumer and somebody who we have a lot of respect for.

Mr. Speaker, tonight I intended to talk with you and others about the whole issue of health care quality, and as I was thinking about this issue I had a discussion with one of my colleagues from Massachusetts, Mr. OLVER, who suggested that he would like to come out and talk about some issues that he is very concerned about.

I yield to the gentleman from Massachusetts, Mr. OLVER.

Mr. OLVER. Mr. Speaker, I thank the gentleman from Washington for yielding. First I want to congratulate and commend the member from Washington for the valiant fight that he has been putting forward and is continuing to put forward to make certain that we end up this year with a comprehensive system of health care for every American, one that will provide affordable and quality health care for every American citizen. So I say to the gentleman I really want to thank him for that, and also to thank him for yielding and scheduling the time tonight to discuss what I think is a very important aspect of health care reform; namely, the involvement of health insurance plans in the determination of care.

The role of the insurance companies in health care goes straight to the heart of what people in my district are saying and writing to me. They are asking me to ensure quality and choice.

We talk about those words of quality and choice, but what do they really mean? There are so many aspects, so many ways you could define quality and choice. One major component of quality and choice depends on who controls our source of care, and who controls what kind of treatment we get.

Quality care means, to me at least, having a well-trained health care provider who delivers appropriate and thorough care, and health care providers must be allowed to deliver the care that they believe is necessary. That is what quality means to me.

Choice means not just being able to choose an insurance company, but to be able to choose a doctor, or a counselor, or a chiropractor, or a nurse, or other health professional. Choice should not be limited to a list of doctors who belong to an insurance plan, and I doubt many people realize how much insurance companies control both the quality and the choice we have in our current system. Insurance companies routinely restrict care by their refusal to cover some kinds of care.

The idea that an insurance company can alter the care that your physician recommends should send every American into the streets in outrage. But instead, we seem to be buying into that concept of restrictions on care.

What is the first thing we ask when we are in the hospital and we need to stay an extra day: Does the insurance company cover another day? When you are sick do you or your family really want to have to ask that question: Does the insurance company cover another day? This is not quality health care. This is cost containment based on the profits to the insurance companies.

Investors obviously want profit. Any for-profit insurance company has built-in incentives that contradict what I have just defined as quality and choice, and that is true for fee-for-service plans, PPO's and HMO's alike.

But I would like to spend just a minute talking about managed care in particular. About 40 million Americans belong to health maintenance organizations, HMOs. The majority of those HMO's are nonprofit, and I am sure most of the people in those HMO's and under those plans are receiving quality care. But what about the rest? Remember, the purpose of for-profit, managed care in our current financing structure is to control the amount of money spent on each member of the plan and, therefore, to make profit. The stronger the control, the larger the profit that is going to be made.

Mr. McDERMOTT. It is interesting the gentleman raised that question of how managed care works in the nonprofit sector. The original managed care started in the State of Washington when they were building the Grand Coulee Dam back in the 1930's, and Henry Kaiser saw that he had workers out there in the desert building this dam, and he needed to have doctors there so they had a healthy work force. So he got the original HMO together because he wanted to provide health care for his workers. He then took that idea and went to the shipyards during the Second World War, because he needed his shipyard workers to be healthy, so he provided doctors. That is really how Kaiser Permanente started. It was a way to deal with the needs of the workers in the most effective way, and it was a way done not for profit. It was simply that he saw that if he provided good health care to his workers it would be in the best interest of the workers and in the best interest of the company. And that idea has now been taken, as you are suggesting, by the insurance companies.

I think that is a good distinction for people to understand. A not-for-profit managed care operation versus one that is done by an insurance company where the bottom line is for them to make money out of it.

Mr. OLVER. It is interesting that you are going back and describing exactly that process, because that was to provide the broadest possible necessary care for a working population at a reasonable price. Now what we have instead is we have developed a problem. We have MBA's that are making decisions that M.D.'s or Ph.D.'s or nurses at least ought to be making as health providers. And the insurance profits that have been built out of this system now have built skyscrapers on the skylines of every major city in America.

□ 1830

The profits have launched multimillion-dollar ad campaigns to get our business, but none of this necessarily means better health care.

The health care debate would be better, it seems to me, if we could separate our discussion of health care financing from that about health care delivery.

I strongly support—as you do, and this is how we have come together—a single payer system for financing of our health care system, and the Congressional Budget Office, our CBO, has estimated that that would eliminate no less than $67 billion in administrative waste and require everybody to pay their fair share.

Now, I want to use this chart that we have here that describes in a composite kind of a way what the general private insurance system, and really it is our private insurance system and the whole of our public insurance system; I think we could say all of the systems that we have in this country, how they operate, what portion is administration, what portion is health care spending, and what a single payer system would be. Now, this chart shows under the system as we function with it marked "private" administration spending of 20 percent and health care spending of 80 percent. That means essentially that in all the spending that we have in this country, in 1994 we will spend $1 trillion, $1,000 billion, but this chart is showing that $200 billion of that is broadly what could be called administrative spending. It is a combination in that 20 percent that becomes profits and marketing costs and lobbying and advertising and all of those things.

Mr. McDERMOTT. And all the paper shuffling.

Mr. OLVER. And all the paper shuffling, all the real administration that is necessary, and all the paper shuffling in the system. The other $800 billion is our actual health care spending.

What the chart shows by comparison is the kind of administrative expenditure that goes into the single-payer systems in the various countries that have single-payer systems, where there is only 3-percent administrative cost, because you eliminate the paper shuffling, you eliminate the profit, and you eliminate all the marketing costs.

I will have a little bit more to say about that in a few minutes.

But I think what we need to go back to to really drive this home is the fact that here in the $1 trillion we are spending $200 billion on these items, and under a true single-payer system we would be spending about $30 billion out of that $1 trillion on those administrative issues, which leaves us with this much. That is a difference of $170 billion that we now are spending in our system as it functions on all of those items that we could be spending on health care, on providing health care for American citizens who do not presently have health insurance, providing health care for elders who need long-term care, providing mental health care for people who have very poor systems, very poor programs of coverage for mental health and need a better coverage for mental health. All of those things that $170 billion could be used for.

Mr. McDERMOTT. Basically what you are saying, if I hear you, is that everybody, when they see a television commercial on television with Harry and Louise on it put on by an insurance company is basically coming out of that 20 percent?

Mr. OLVER. Right out of here.

Mr. McDERMOTT. Yes. It is wasted. When people pay their premium dollar, they do not realize that the first 20 percent, or first 20 cents, goes for all of this other stuff that is unrelated to health care; whereas, in Canada, actually the Canadian provinces are at 1 percent of the dollar goes for administration; 99 cents goes to pay for health care.

It is amazing, if people really understood and really came to really understand this, we would not have any question at all that single-payer would be the bill that everyone would want.

Mr. OLVER. I would think that would be the case.

I cannot imagine why we would want to expend the marketing costs, the sales costs, the advertising, the lobbying, and all of that along with all of the paper shuffling and all of the profits in the system as it functions when we could be using those dollars to provide health care for our citizens and do it in a manner such as that lower chart. No.

The CBO's, the Congressional Budget Office, estimate of a potential of $67 billion is really a very conservative estimate. These represent the numbers on average of what the whole of our plans, both private and public in this country, produce versus what single-payer systems produce in other places.

And all of that saving can be realized. However, creating that kind of single-payer system for financing should not be mistaken as creating a single way to deliver the care.

For example, your bill, the Health Security Act, H.R. 1200, specifically allows the formation of community-based nonprofit HMO's.

Organizing doctors into groups such as this gives a good delivery system. In fact, it should actually improve the quality of care. These organizations allow doctors to communicate and confer with each other. Incompetence is perhaps less likely when the peers are looking on. The single-payer system would eliminate the forprofit element of the current financing system and, therefore, it would eliminate the conflicts of interest built into the control mechanisms where the insurance companies decide what kind of care to give on the basis of how much profit they can make and put the control back in the hands of doctors and nurses.

Utilization review policies at forprofit HMO's are written by those who have a direct stake in the amount of those profits of those health care organizations, and they are written by the nonclinical managers of the forprofit plan.

It is this forprofit element of the current system that is absorbing billions of dollars that should be used to provide care. To illustrate this, I want to give one more example, and it actually both explains and elaborates on the upper line here, and it goes a little bit beyond that.

I want to read some pieces and make a couple of comments, from a press release that was issued by the Wellpoint Health Networks, a large California for-profit managed-care company, and I will quote two pieces from this. I could quote the whole thing, but the others really do not add much.

The press release starts out, and it is a press release on Wellpoint stationery with Wellpoint heading on the top. This one happens to be dated February 24, 1994. It gives the media contact for further information, and it is titled, "Wellpoint reports 1993 fourth quarter and annual results," and it opens from Woodland Hills in California.

> Wellpoint Health Networks, Inc., New York Stock Exchange letters WLP, one of the Nation's largest publicly traded managed health care companies, today announced results for the fourth quarter and the year ended December 31, 1993.

Now, the really, really telling paragraph, and I am going to quote, and I will quote,

> Premium revenue increased 9 percent to $603 million in the fourth quarter of 1993 compared with premium revenue of $553 million for the same period in 1992. The company's medical loss ratio was 71.8 percent in the 1993 fourth quarter compared with 73.5 percent for the same period in 1992.

Now, that tells the whole story, because here is the press release by this for-profit managed care company which goes out to show people what a good investment it is for the investors, because the profit is going to be good and worth their investing in the New York Stock Exchange in WLP as it goes across the Big Board.

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And they came, and they proudly tout that their medical loss ratio has been reduced from 73.5 to 71.8 percent.

Now, for those who do not know what that means, that means, unlike this chart, that they have gotten this, what we would call the administrative part of it, up to 28.2 percent, meaning that of $1 of premiums paid, that they are actually only buying health care with 71.8 cents out of that dollar and they are using 28.2 cents in this broad area of administrative spending.

Now, the rest of this chart, the actual financial tables that they gave with their chart, shows precisely where that 28.2 percent goes. And if you look at the percentages of what would be their real administrative costs and their profits and their selling, marketing, advertising and lobbying costs, what you come down to is that the selling expense, their marketing expense, is a little bit more than 6 percent of the total and their general administrative expense they claim to be the real administrative expense, to be 12 percent and their profits to be about 14 percent.

That is where that 28.2 percent is coming from. And that compares with a single-payer system which the gentleman has so eloquently advocated for, and at least 90 Members have joined in advocating, that compares with the single-payer system in which there is no profit, that 14 percent is saved, and in which there is no marketing, no selling, no advertising, no advertising costs and no lobbying costs, which is another 7 percent. So that goes back.

When you put those two together—the 14 percent profit that can be saved and the 6 percent of selling and marketing costs—that brings you to 20 percent of the premiums, and that comes very close to the difference here, just to bring this thing full circle. That comes very close within the margin of error in the 17 percent difference that we started out discussing by showing this chart.

By the way, it is not my chart. It is a chart that the gentleman from Washington had provided me today.

Mr. McDERMOTT. That chart actually we developed, and that is an average chart. The insurance companies range between 14 and 24 percent. The gentleman from Massachusetts has one here with 28, which is even beyond any range I was using.

But what is absolutely stunning is to realize this company took in 8 percent more money, but they increased their profits and clearly they are not giving it back. They are giving it back to the stockholders.

Mr. OLVER. They are certainly not providing better care. By the way, I want you to have a copy of this because this is an example of the company itself, one of the largest managed-care forprofit companies touting, in order to show what a good investment it is for the investors. What does that do for health care? It does nothing for the quality of health care, and it certainly does not improve our choice.

Mr. McDERMOTT. The gentleman is talking about the whole business of managed care. What do insurance companies add to the health care mix? Well, absolutely nothing. If we took insurance companies out of the mix, there would be nothing lost in the present health care system because every other country operates without insurance companies and delivers health care to everyone with no problem, good-quality health care. And yet we pay up to, as the gentleman says, 67. The CBO numbers that they gave us said up to $100 billion a year in administrative costs, and we get absolutely nothing for it.

Really, if we could save that $100 billion or the $67 billion, we could cover everybody who does not have health insurance. In our bill we give everybody long-term care. We take away copays and deductibles. We give a very generous benefit package with that $100 billion that people are already paying today.

It is, in my view, incredible that people will continue to tolerate this, that insurance companies are going to take 14 percent profit off sickness. The idea that you would make a profit off people's illnesses seems to me a pretty hard thing to accept when it is 14 percent. They should make something, but 14 percent is way more than anybody should be entitled to off sickness.

One of the things about this whole discussion, though—and usually when we talk about managed care I often wonder if people understand how they get that kind of profit—one of the interesting things about managed care is to understnad—and there was an article in Nation magazine this month called "Managed Care: The Denial of Care." They way it is done is that you hire a physician, someone like me, to be what is called the gatekeeper primary care physician, and he signs a contract with the managed care organization that he will see so many patients a day and he will get paid X amount, let us say $1,000, if he makes 50 referrals during the next month. But if he only makes 25 referrals to specialists, he will get $1,500. Or if he makes 10 referrals during the month he will get $2,000.

Now, you can understand, anybody can understand, that incentive that the primary care physician, when you come to see me and you have a problem, I am going to say to myself, "I am going to do anything I can to not refer Congressman OLVER to anybody else. I am going to keep him right in my office. I will make more money."

Now, if your problem gets worse and worse and worse, then I am going to say, "Well, now, this is a mess. I am going to have to refer this," and make a referral too late. That is why we have the report from the General Accounting Office talking about the bone marrow transplant as a treatment for chronic myelogenous leukemia in which they found that there are 6 single-payer countries in the world where you get better treatment for chronic myelogenous leukemia than you do in the United States simply because of our insurance practice in this country. We have the best technology. But the question is how do you get through me to get that technology? If the system is set up for me to deny care to make more money for the HMO, for the managed care operation, then you are going to have a hard time getting past me to get the care you really need in a timely fashion.

People do not understand how that works except they have the experience of going in and being held off from the physician whom they used to see. That is why on the question of choice, the gentleman raised the issue of choice and quality. Lots of times in this slogan era of health care—everything is in slogans on television—people say "you get more choice." What they mean is choice of health plans, not choice of all the physicians. Only in our plan do you get a card that you can hand to any doctor in any hospital any place in this society, if you want treatment, you can get it.

In a managed care operation, you go in and you come to me, and if you do not want to go to me but you want to go to somebody else, it is going to cost you 20 percent more. For a lot of people, that 20 percent more means they will be cut off from seeing their pediatrician or gynecologist or the cardiologist they are accustomed to seeing.

That is where the quality goes down and the profits go up. The profits go up in direct relationship to how much care you can squeeze out of the system. That is what that graph really says, is if you take 20 percent out for profit, you are going to get less health care. It is just that simple.

Mr. OLVER. It is just that simple.

Mr. McDERMOTT. Yes. But, you know, there is one thing the gentleman and I were talking about before we came into the well, and that is the question of when people talk about health care reform, they are talking about access, universal coverage, and they are talking about cost control. The gentleman raised the next issues, which is the issue of quality of care.

Now, I do not know if the gentleman has some other things, but there is one issue I want the gentleman to talk about at some point, and that is the business of the academic health centers. The managed care operation does not want to have anybody referred to an academic medical center.

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They do not want to pay for people to go there because those are high cost hospitals, and so they are cutting off the patient base for all our academic health care centers, all the university medical schools, and, therefore, there is no patients for medical schools to teach the next crop of doctors, the next series of doctors, because medical centers are in serious problems because of the way managed care operates. They try everything they can, not to have anybody go into an academic health care center, and I know that the gentleman sat on some committee that dealth with this whole issue, and I would be interested in his feeling about it.

Mr. OLVER. Well, I had the honor to be on the First Lady's task force on quality assurance, and obviously this is what the gentleman has described as one of the issues of quality assurance because it is our medical health centers, our academic health centers, which have produced the great advances that have been the byline of American—of quality care in the American health system, and we should be concerned directly, as people, from myself coming from Massachusetts where several of the major academic health centers are, but also everywhere else those large teaching hospitals are that are producing the health advances for the future in technology, and in biotechnology and all the things that go along with it, and what the gentleman describes as the process of reducing the patient base by under-managed care at least, which is so much the indications for proposals that are before the Congress, other than the single payer proposal, that ends up, as the gentleman put it quite correctly, reducing the patient base, and the academic health centers depend so much on taking the very ill in and dealing with them at those medical centers, and that is how they manage to do the teaching that is necessary now to produce the doctors that are going to be available for truly high quality care in the future.

Now actually the administration, the Clinton administration, the First Lady's task force, understood that there was a problem inherent in the way the incentives would be then given to strip away the kind of patient base that would be important to allow them, the academic health centers, to continue to function in the way that they have, and they tried for a considerable time at the very end of their deliberations. They did create, late in the game, at the 11th hour, a working group on the academic health centers, but they really did not come up with a very clear answer to how they were going to be able to keep the academic health centers up at very high quality, and I just would like to point out that this kind of problem disappears under the single payer system.

The single payer eliminates the problem. Our plan, the gentleman's plan, and that that is sponsored by 90 other Members of the House of Representatives——

Mr. McDERMOTT. I ask the gentleman, Why don't you say "our plan"?

Mr. OLVER. Well, our plan. I want to say our plan, all 90 of us, the gentleman and I, but also, recognizing the very solid leadership that the gentleman provided in this for months and months and months. Our plan recognizes that these centers of excellence are the jewels in the crown of our health care system, and our plan allows that patient choice to continue so that the people who will be the patients, that have a variety of different kinds of problems, that get into the academic health centers, can feed those centers and allows us to train, are truly high quality physicians for the future, that they will still be there.

And we certainly need to make certain that, whatever plan comes through this Congress, that the academic health centers are preserved. The ones that exist in Seattle, WA, with the great university there, and in Chicago, and Philadelphia, and Atlanta, and Dallas, TX, and Boston, and New York, and the other places where those large academic centers are that really produce the high quality physicians for the future——

Mr. McDERMOTT. As the gentleman knows, one of the ironies is that the people who attack the single payer system, they say "You're going to ration care, and you are going to reduce the quality," but in fact it is the single payer system that protects the academic health care centers that have provided the high quality of care that is in this country.

I had a discussion with Mrs. Clinton very early on about this whole issue because I said to her:

> I know the University of Washington and how it's financed, and if you take and change the way you finance it, and push everybody into managed care, and the managed care insurance companies don't want to send anybody to a medical school, they are not going to have any money.

That is why, I think, they probably put that task force together.

It is interesting to hear the gentleman say that they studied it, and struggled with it, and could not come up with an answer. The answer is single payer. Maybe we should go back and offer them a solution to the problem because I do not think it is their intention to do in the health care centers. But if we hand managed care, if we hand the whole of this country's health care to the insurance companies, and all they are interested in is taking 20 percent out, and have no concern about whether we maintain the academic research that goes on in this country, we are going to have a problem in terms of maintaining the quality that Americans expect out of our health care system. It is a real problem of managed care that they have really not solved.

Mr. OLVER. Well, there is that problem that is solved, and then we can go back and bring it again full circuit. It solves the problem of getting the choice, truly the most comprehensive plan of benefits available, but also the choice of medical providers, in a way that is not true of other systems that are being talked about because there is total choice for providers, whoever that person may happen to be, and it manages to get at this burden, this administrative burden, that is in our present system that is so dramatically shown on this chart, this average chart, but even more dramatically shown in the data that I had quoted from, the for-profit managed care company in California, one that has premiums of several billion dollars and entrants in their plan of several million people, the kind of level of overall administration taking into account—putting into administration profits, and the marketing costs, and the true required administration costs, and ending up with 28 percent of the premiums that are paid to that company going other than to provide health care. That is a most inefficient system.

Single payer-system retrieves most of that money and allows one to put it into health care, preserve the choice for individuals and their families of what kind of providers they want, and it manages to leave us with a system that will still keep our academic health centers there producing the quality physicians for the future.

Mr. McDERMOTT. As the gentleman knows, there is another phenomenon that managed care has created that my colleagues may not be aware of. It would be interesting to talk to the Members of the floor about this whole issue, and that is that in Washington, DC right now, as there was in Seattle—we have already had this phenomenon in Seattle: The Blue Cross-Blue Shield plan set up a health care proposal for sale that uses only 30 percent of the doctors in Seattle. They sort of selected 30 percent, said, "You people are in, and the other 70 percent, you're out," and suddenly 70 percent of the doctors are not in the plan being sold by the biggest insurer in Seattle.

One can imagine what they think when they know that their patients are going to go and say, "Well, my doctor isn't in there anymore. I guess I'll have to change doctors," or, "How am I going to pay for it if my insurance company doesn't pay my doctor?"

This is going on in Washington, DC right now. The Washington, DC Medical Association just got a proposal out of the Blues in this city, and again they have got a large number of doctors who are excluded from it.

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So when patients who have a card from their insurance company, they used to be able to see any doctor in Washington DC, now they find that the panel they are limited to are the people that are on some list decided by the insurance company. Nobody knows what the criteria are except that probably they are the cheapest doctors or something. They do not put out a list and say, "This is how we selected those people." But you have to think that if they wanted to make more money, they probably have selected the doctors who have the lowest fee schedule so that they can gather up more money and save money.

So not only do they deny care but they go and select doctors, only the cheapest doctors. That process again takes away choice from people who have had a lifelong relationship with a doctor and a Blue Cross-Blue Shield card. Suddenly they look at their card and they cannot go and see Dr. Johnson that they have seen all these years because he is no longer on the panel.

That kind of think is happening in every city across the country. The American people are going to get angry about that. We are going to hear about it as are the other Members of the House on this issue as we move forward.

That is why the single payer is so good. It gives people a card and that card entitles them to see any doctor, go to any hospital they want to see.

Mr. OLVER. I think that the issue of choice there is just so critical that it ought to be the person making the choice on the basis of what their relationship is with their health provider and not something that is defined by the insurance companies.

Mr. MCDERMOTT. It sort of reminds me of the old motto that started this country of taxation without representation. These people who have paid their insurance premium then do not have the right to choose who is going to treat them. To me, that is the seeds of real rebellion. If we put a bill out of here that in any way restricts people's rights to see whoever they want to see, we are going to hear from the people on that. That is why I try to discuss with my colleagues and, Mr. Speaker, with you the whole issue of why the single payer system is very important. I really appreciate your coming and having this discussion with us tonight, because not everybody talks about quality of care. It is very often people want to talk about access, and they want to talk about cost but they do not get down to talking about quality. That is what the American people are worried about, is the quality of what they get. It is not any good to just have access to something if there is no quality in it.

So I think it is very important that the gentleman raised this issue.

THE UNITED STATES AND ASIAN-PACIFIC AMERICANS: A BRIDGE FOR THE PACIFIC CENTURY

The SPEAKER pro tempore (Mr. FINGERHUT). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, as you may know, this month, the month of May, is National Asian-Pacific American Heritage Month.

I, along with the rest of my Asian-Pacific colleagues in Congress, have been giving speeches throughout the United States, honoring the deep and enduring legacy of those Americans whose roots extend from the soil of the nations of the Asia-Pacific. Certainly, the contributions of Asian-Pacific Americans have immeasurably enriched our great country, which has been blessed with a mosaic of cultural and ethnic diversity representing just about every country on this planet.

Americans of Asian-Pacific descent are the fastest growing demographic group in the United States today. Over the last decade, the Asian-Pacific American community has more than doubled and this rapid growth is projected to extend well into the next century.

In order to truly appreciate the 9 million Asian-Pacific Americans living in the United States today, however, I believe it is necessary to attain a perspective on the Asia-Pacific region and its importance to America.

Let me share with you some of the highlights of our current relationship with the Asia-Pacific Region, and why it is in our national interest to maintain strong economic, social and political ties with this dynamic area of the world.

A PACIFIC CENTURY PARTNERSHIP

As we prepare to leave the 20th century and enter what many have called the dawning of the "Pacific century," it is imperative for the United States to dramatically reassess her foreign policy toward the Asia-Pacific region. Having served as a member of the House Foreign Affairs Committee for the past 6 years, I have argued that the United States has an unhealthy fixation with the affairs of Europe and the Middle East.

This is unfortunate, as it has resulted in America's indifference—some might even call it failure—to address the serious issues affecting our Nation's relationship with the countries of the Asia-Pacific region. Although President Clinton has placed a higher priority on Asia-Pacific policy than prior administrations—and this is encouraging—much more needs to be done.

Almost two-thirds of the world's population resides in Asia and the Pacific, and the region accounts for the production of two-thirds of the world's gross national product. In this decade and into the next century, the Asia-Pacific region will play an increasingly pivotal role in the economic, political, strategic and security needs of the world. It is evident that it is in our national interest to establish and maintain solid, healthy relations with this rapidly developing part of the world.

THE ASIA-PACIFIC ECONOMY

Japan no longer stands alone as the model of economic excellence in the Asia-Pacific. Known as the Four Tigers for their astoundingly rapid economic growth—South Korea, Taiwan, Hong Kong, and Singapore have been joined by a new waive of "Little Dragons"—led by Indonesia, Malaysia, and Thailand—as the economic miracle has spread in the Asia-Pacific region. All of these countries have vigorously expanding economies, some up to 11 percent annually, placing them among the fastest growing in the world.

Joining this tidal wave of economic development has come the sleeping giant of Asia, the People's Republic of China [PRC]. By cultivating economic growth estimated at over 13 percent—the highest rate of economic expansion in the world in 1993—China may be the first example of a Communist system that will succeed in meeting the economic needs of her people. Feeding China's 1.3 billion hungry people—a population five times larger than America's—has by itself been a monumental accomplishment.

Establishing numerous financial links with Taiwan and Hong Kong, with cross-border investments exceeding $36.5 billion over the past 12 years, the PRC has emerged as a new economic entity termed "Greater China." The combined gross domestic product of Greater China last year totaled over $626 billion. Due to the rapid blossoming of Greater China's integrated economy, it is foreseen that this will increasingly act as a counterbalance to Japan's considerable economic clout in the region.

These facts paint a picture that has many analysts in international finance proposing that the Asia-Pacific Region has overtaken the North Atlantic as the center of world trade. I strongly concur with that view.

U.S. ECONOMIC INTERESTS IN THE ASIA-PACIFIC REGION

The United States has a substantial stake in the staggering growth of the Asia-Pacific economy.

According to the recent U.S. Department of Commerce figures, America conducted over $370 billion worth of total trade with the countries of the Asia-Pacific last year—easily matching, and nearly doubling, the trade we conducted with Western Europe.

Since 1981, U.S. trade with the Asia-Pacific region has expanded by 150 percent, and is expected to increase to $400 billion by the end of this decade.

Significantly, American exports to the region have increased by well over 130 percent in that same period. According to Commerce Department figures, Asia-Pacific countries purchased in excess of $135 billion worth of U.S. products in 1993, and over one-third of America's exports to the world were bought by nations of the Asia-Pacific.

By way of illustration, it is interesting to note that Singapore, a nation barely the size of the Washington, DC, metro area, purchases more United States goods than either Italy or Spain; while Malaysia, a little heard-of southeast Asian country, buys more United States products than the former superpower, Russia.

Today, over 2.6 million American jobs are dependent on trade with the region, and U.S. firms have over $62 billion invested there. These trade ties are rapidly escalating, and vividly point out that the future of America is inextricably linked to the Asia-Pacific.

REASSESSING U.S. ECONOMIC POLICY IN THE ASIA-PACIFIC REGION

Due to the unprecedented pace of economic development in this part of the world that is fast becoming the center for global trade, the United States can no longer expect to have unchallenged economic supremacy in the Asia-Pacific region.

Neither can the United States afford a trade policy of protectionism. Erecting trade barriers, increasing tariffs and imposing more product quotas, as some have called for in Congress, will do little to revitalize and rebuild America's economy.

As America's balance of trade deficit grows, there is need for the United States to reassess her policy priorities, especially toward Japan and China, the two engines driving the economic future of the Asia-Pacific region. America's much publicized conflicts with Japan and China, moreover, threaten to derail the bright promise of APEC, the Asia-Pacific Economic Cooperation forum, which met successfully in Seattle last year.

I join others in advocating that the first priority should be stopping the deterioration of the United States-Japan relationship. A solid and stable partnership between America and Japan is crucial. It is the centerpiece upon which the Asia-Pacific's continued peace and economic prosperity is built. New U.S. policy must be forged that will allow common ground to be reached on economic and political concerns with our longtime ally. Moreover, it is imperative that the United States start viewing Japan as an equal, rather than continue the little brother treatment.

It is my belief that America's trade conflicts with Japan have been emphasized too much, to the point where many in the United States have lost sight of the big picture. Although certainly the United States trade deficit with Japan is important, this issue should not be permitted to dominate—poisoning the trust, the confidence and the mutual respect that have bound our two democracies in friendship for nearly a half century.

However, if America is to increasingly view and treat Japan as an equal partner, Japan must also demonstrate willingness to shoulder greater responsibility for global affairs. With a surplus of over $130 billion from global trade, Japan has profitted handsomely from free trade.

To signal her good faith in assuming a position of world leadership, Japan could start by removing the country's multiple barriers to free trade. The recent lifting of Japan's protections over her rice markets was a noteworthy step. Additionally, the agreement reached on Motorola's expanded access to the Japanese cellular phone market was commendable. Japan's role in supporting GATT and conclusion of the Uruguay round of negotiations has also been encouraging.

I am confident these trade disputes will be transcended. The United States and Japan can then turn to the broad range of interests that our two nations share not only in the Asia-Pacific region but in addressing the needs of the global economy.

Another crucial priority for America involves the stabilization of relations with the People's Republic of China. Some Members in Congress have pointed accusing fingers at China, criticizing her for the lack of individual freedoms and democracy that we in the West take as God-given rights. Some have moved for economic punishment of China for alleged human rights shortfalls by withdrawing her most-favored-nation [MFN] trading status.

Mr. Speaker, I am happy to learn that President Clinton has given favorable consideration to granting MFN status to China. I applaud the President's decision and I hope our colleagues in both Houses will do likewise.

I join those Members of Congress that question the wisdom of a China policy linking trade with human rights. Restricting trade and access to the United States will not promote—but instead, undercut—efforts supporting democracy in China. It is of paramount importance that China's awe-inspiring progress toward a free market economy be supported by the United States. History has proven time and time again that economic success is a precursor to the growth of democratic reform, political pluralism and protection of individual rights. For proof, we need only look to the vibrant democracies flourishing today in South Korea and Taiwan; the wave of economic prosperity in those nations devoured the repressive regimes in power only yesterday.

Even Chinese dissidents and students hold that extensive trade and business ties with the West are the ultimate forces for democratic change in China. Understandably, many of them oppose the withdrawal of MFN. They know that free trade fosters the creation of a superhighway of information, ideas and communication—whereby western values shall inevitably replace Communist ideology.

There are many lessons to be learned from the failure of Secretary of State Warren Christopher's recent human rights crusade in Beijing. Most important, is that America must come to recognize and adjust to the fact that China is rapidly becoming a great and complete power—soon to become the most dominant country in the Asia-Pacific region. Given the nation's emerging stature, China can ill afford the perception that the United States continues to bully and dictate to her at will—often on totally internal, sovereign matters. This is neither appropriate nor a sound basis for forming a constructive relationship with a power of substance. As with Japan, America must exhibit greater diplomatic sensitivity and learn to negotiate with China as an equal.

Threats to revoke China's MFN can often be counterproductive. More importantly, if America chooses to unilaterally apply economic sanctions with the goal of isolating China, we are only kidding ourselves. Increasingly, events have shown that such action will not gain the multilateral support of the nations of the Asia-Pacific nor the world. The international community simply does not agree with our one-dimensional China policy. The net result is that America is the one isolated.

In the months after the Tiananmen Square tragedy, while the United States justifiably took the high moral ground and restricted contact with China, our European and Asian allies flocked to fill the vacuum of business interests. In America's absence, the ground for innumerable business ventures was broken by our competitors. As a practical consideration in this time of economic recovery in the United States, can we afford to further handcuff our access to the largest and most rapidly developing market on the planet.

While I certainly do not condone the infringement of human rights that have been and perhaps are being perpetrated by Beijing, this must be balanced against recognition of China's sovereign right to control her domestic matters in nurturing the transition from a poor agrarian state to a diversified free market economy—all the while providing for the welfare of the world's largest population.

Some have said that the right to subsistence—to have adequate food and shelter—is the most fundamental of human rights, and I certainly cannot argue against that in observing China's mission to feed, clothe, and shelter her masses. China is succeeding admirably; while Russia, with her premature rush of social and political reforms, has been reduced to an economic basketcase, who must rely upon international charity for survival.

In recognizing that China's task is a difficult one, the United States must demonstrate restraint and patience. And we must also show vision by not limiting our focus on humanitarian concerns to the detriment of the vast, broad range of interests that America shares with China.

It is imperative that the United States remain engaged with China. In addition to the sizable economic incentive, we need strong ties with China to address pressing global issues—including, protection of the environment, escalating arms sales and the spread of nuclear proliferation. On the last matter, controlling nuclear weapons, China can play a uniquely valuable role due to her influential relationship with the unstable regime in North Korea. It is no exaggeration to say that China's assistance could help avert a major war on the Korean Peninsula.

It is only when fundamental interests of the United States are at stake with China that we should consider use of the ultimate economic sanction—withdrawal of MFN. In my opinion, the time for that has not come and we should change our present China policy. Rather than continue to hold China hostage to threats of isolation, the United States should strive to form a closer relationship based upon mutual respect and mutual benefit. Forging stronger, comprehensive ties between the West and China is in the best interests of the world community, and is the most effective way to promote democracy and protection of human rights in China.

U.S. SECURITY INTERESTS IN THE ASIA-PACIFIC REGION

Despite the tremendous transformations taking place around the world, one thing that has remained unchanged is that the United States has key security interests in the Asia-Pacific that demand America remain a predominant military power in the region.

There exist many sources for potential instability and flashpoints in the Asia-Pacific region that concern the United States.

One of the most urgent threats is posed by Communist North Korea and her desperate quest for nuclear weapons. Acquisition of nuclear warheads, combined with a ballistic missile program and an intimidating military force numbering over 1 million soldiers, could lead to a major conflict on the Korean Peninsula. Needless to say, such a conflict would hold ramifications for the entire world.

With North Korea's stated intent to withdraw from the nuclear Non-Proliferation Treaty [NPT] after inspection disputes with the International Atomic Energy Agency [IAEA], a major escalation of that threat has occurred. The move has sent shockwaves through Asia and the global community. Nuclear weapons in the hands of North Korea potentially threaten not only South Korea—but Japan, Taiwan, and even China. With development of a new generation of missiles with extended range, North Korea may be capable of delivering warheads as far away as Australia.

Some in the Congress have called for surgical strikes to destroy suspected nuclear weapons facilities in North Korea before their nuclear capacity becomes more deadly. Cooler heads have prevailed, however, and I join them in urging that President Clinton use all diplomatic measures necessary to bring Pyongyang back to the negotiating table and into compliance with the NPT. With recent reports, I am hopeful that negotiations between the North Koreans, The IAEA, and the United States will allow this matter to be resolved peacefully.

If necessary, however, the U.N. Security Council may have to move for economic sanctions to convince North Korea to fulfill her obligations under the NPT. With renewal of the nuclear Non-Proliferation Treaty on the table next year, the world community cannot permit North Korea to blatantly violate the NPT without punishment. To acquiesce here would set a terrible precedent, encouraging other rogue countries to join the nuclear club.

The deadly diplomatic dance with North Korea exemplifies why a high priority for United States policy in the Asia-Pacific must be the halting of nuclear and missile proliferation. Effective nuclear and missile arms control regimes must be supported that will bring North Korea, as well as China, into the fold.

The People's Republic of China, as noted earlier, has enjoyed great economic success. With her cash reserves, China has raised concern in the Asia-Pacific region by investing massive sums in high-technology military hardware. While the Soviet Union has collapsed and Japan remains pacifist, China has increased her military budget significantly.

In so doing, China has purchased a number of advanced Soviet jet fighters and bombers, and has shopped around for an aircraft carrier—the foundation for a blue water fleet in the South China Sea. China is also obtaining advanced missile guidance systems, which, seen in light of her nuclear test last year, her largest detonation ever, is worth noting.

At the time when relative peace is at hand, many in the region and the United States question China's heavy military buildup. The aggressive assertion of claims by China to the Spratly Islands and Taiwan, and her conducting of well-publicized military offensive exercises, have fed fears that Chinese expansionism in the Asia-Pacific region may result.

On the other hand, China's military investment is perceived in some quarters as being a reasonable modernization of their aging, obsolete defense systems. Witnessing America's state of the art, lightning-like devastation of Iraq in the gulf war has understandably made China feel inadequate and inferior. The advanced military hardware offered at fire sale prices by Russia and the Ukraine has provided China a rare opportunity to play catchup. It is fair to say the United States would act similarly if in China's position.

Some analysts conclude fears of China's defense buildup and territorial ambitions may be overblown. Seen in light of America's military budget of over $250 billion per year and Japan's annual defense expenditure of $30 billion, China's official military spending of $7 billion last year appears relatively modest. Even if the figure is doubled, as some would argue is more accurate, China's defense spending is considerably less than ours.

DEFENDING U.S. SECURITY POLICY IN THE ASIA-PACIFIC REGION

Before and since World War II, the United States has played and continues to play a paramount role in maintaining stability and peace in Asia and the Pacific. When critics say America doesn't contribute enough foreign aid to the region like Japan, I point to our billions of defense dollars spent to preserve peace in the Pacific. In my eyes, that is one of the truest forms of foreign assistance. Our participation in the affairs of the region has greatly laid the foundation upon which the Asia-Pacific's present property has been built.

With the dynamic economic growth of the region, it is increasingly vital to the welfare of our Nation as well as the world that the United States continue to play a major role in the bilateral and multilateral security affairs of Asia and the Pacific.

I strongly support the U.S. Department of Defense's strategic framework for the Asian Pacific Rim in the 21st century, and I concur with the Pentagon that our Nation's security policy in the Asia-Pacific region must be flexible yet premised on six basic principles.

First, there exists the absolute assurance that America is committed to the affairs of Asia and the Pacific and will remain firmly engaged in the region.

Second, the United States will continue to foster a strong system of bilateral security agreements with nations in the region.

Third, our Nation will maintain a reserve of forward-deployed forces in the Asia-Pacific, although reduced in number to reflect the realities of the post-cold-war era.

Fourth, America is committed to maintaining overseas bases and equipment necessary to support U.S. forces in the region.

Fifth, our friends and allies in the Asia-Pacific must continue to bear greater responsibility for their countries' self-defense.

Last, America's defense cooperation with her allies shall be complementary in nature and not duplicative.

In applying this broad security policy in the Asia-Pacific, our Nation seeks to ensure that key security interests are protected.

Foremost among these is the protection of the United States and her allies from attack. In addition to defending Alaska, Hawaii, the U.S. Territories, and their lines of communication and navigation to the continental United States, America has pledged to assist in the defense of her allies and their vital sea lanes.

By so doing, another key security interest in the Asia-Pacific is achieved: Preservation of regional peace and stability.

Other vital U.S. interests focus on preserving political and economic access to the countries of the region, while fostering the growth of democratic government and the protection of human rights.

A final security interest pertains to averting the proliferation of nuclear, chemical and biological weapons in the Asia-Pacific region, while contributing to nuclear deterrence where necessary.

FACILITATING DIALOG THROUGH A MULTILATERAL SECURITY FRAMEWORK

A measure that is vitally needed in the Asia-Pacific and holds great promise for increased regional stability is the creation of a multilateral security framework.

I strongly support and applaud Clinton administration efforts to pursue the formation of an Asia-Pacific regional security regime, whether or not it be shaped after NATO or the conference on Security and Cooperation in Europe [CSCE]. The lack of such a forum facilitating dialog on security concerns has resulted in an escalating arms race in the region, as many of the smaller Asia-Pacific countries fear the defense buildup by China as well as the potential for Japan to unilaterally remilitarize.

A new post-cold-war defense arrangement in the Asia-Pacific would go a long way toward defusing regional security anxieties and the powderkeg of arms procurements. In a time of reduced U.S. military spending in the Asia-Pacific, such an arrangement could be a cost-effective supplement to existing U.S. bilateral security treaties with our allies. Although such a regional security framework would never displace nor act as a substitute for America's bilateral defense treaties, the initiative could realize significant financial savings for the United States by spreading burdensharing among the numerous nations of the Asia-Pacific.

A very encouraging development that may address this need has arisen from recent Asian post-ministerial meetings. A fledgling framework to discuss security concerns—the Asian Regional Forum [ARF]—has been proposed. The first meeting of the Asian Regional Forum will take place later this year in Bangkok, Thailand. The United States will be attending, along with China, Japan, Russia, Vietnam, Laos, Papua New Guinea, and the post-ministerial countries.

I believe it is a breakthrough of major significance that these countries, some of which are in the center of controversy, are willing to sit around a table and air their fears and concerns with security in the Asia-Pacific. Out of this open dialog, it is hoped that collective expectations, and later on mechanisms, will emerge—both encouraging and facilitating the resolution of conflict by peaceful means.

As the world's only superpower, U.S. support of the Asian Regional Security Forum is crucial and gives it credibility. Our participation will further the exchange and flow of security information between nations of the Asia-Pacific, easing much of the uncertainty and paranoia in the region about hidden agendas of fellow nations. By reducing regional tensions, a major benefit will be the freeing of capital in many Asia-Pacific countries. Funds from costly arms procurements can then be diverted to sorely needed programs fostering economic growth and societal improvements.

THE U.S. ROLE IN THE ASIA-PACIFIC RENAISSANCE

Mr. Speaker, the Asia-Pacific region is immersed in a renaissance of economic prosperity and relative peace. For our great Nation to become a greater participant in and beneficiary of that dynamic process, we must adopt new approaches demonstrating flexibility and sensitivity to the needs and concerns of countries of the Asia-Pacific. If we can achieve these goals, the United States and the nations of the region will achieve greater harmony through a true partnership that befits the dawning of the "Pacific Century."

IN HONOR OF ASIAN-PACIFIC AMERICANS

Mr. Speaker, as many of you are aware, immigrants from the Asia-Pacific region are amongst the newest wave to arrive in the United States in recent years. However, they are merely the latest chapter in the long history of Asian-Pacific Americans in our Nation.

During this month for celebration, it is only fitting that we honor our fellow citizens of Asian-Pacific descent—both from the past and the present—that have blessed and enriched our Nation. I submit that Asian-Pacific Americans have certainly been an asset to our country's development, and it is most appropriate that our President and Congress have proclaimed May as Asian-Pacific Heritage Month.

The people of the Asia-Pacific have contributed much to America's development in the sciences and medicine. For example, in 1899 a Japanese immigrant arrived on the shores of this Nation. After years of study and work, this man, Dr. Hideyo Noguchi, isolated the syphilis germ, leading to a cure for the deadly, widespread disease. For decades, Dr. Makio Murayama conducted vital research in the United States that laid the groundwork for combating sickle-cell anemia. In 1973, Dr. Leo Esaki, an Asian immigrant to our country, was awarded the Nobel Prize in physics for his electron tunneling theories. And, in engineering, few have matched the architectural masterpieces created by the genius of Chinese-American, I.M. Pei.

Major contributions to U.S. business and industry have also been made by Asian-Pacific Americans. Wang Laboratories, the innovative business enterprise in computer research and development, was founded in 1955 by Chinese-American, An Wang. This Nation's largest tungsten refinery was built in 1953 by industrialist K.C. Li and his company, the Wah Chang Corp. And, in 1964, an immigrant from Shanghai, China, Gerald Tsai, started from scratch an investment firm, the Manhattan Fund, which today has well over $270 million in assets.

In the entertainment and sports fields, American martial arts expert Bruce Lee entertained the movie audiences of this Nation, while destroying the stereotype of the passive, quiet Asian male. World-class conductor Seiji Ozawa has led the San Francisco Symphony through several brilliant performances over the years.

A Native Hawaiian named Duke Kahanamoku shocked the world by winning the Olympic Gold Medal in swimming 7 decades ago; followed by Dr. Sammy Lee, a Korean-American who won the Olympic Gold Medal in high diving. Then there was Tommy Kono of Hawaii, also an Olympic Gold Medalist in weightlifting. And, yes, perhaps the greatest Olympic diver ever known to the world, a Samoan-American by the name of Greg Louganis—whose record in gold medals and national championships will be in the books for a long time. Japanese-American Kristi Yamaguichi's enthralling gold medal ice-skating performance at the 1992 Winter Olympics continues the legacy of milestone achievements by Asian-Pacific Americans.

In professional sports, of course, we have Michael Chang blazing new paths in tennis, Pacific-Islanders Brian Williams and Michael Jones of world rugby, and the tens of dozens of Polynesian-Americans—like all-pro Samoan linebacker, Junior Seau, and Jesse Sapolu of the San Francisco Forty-Niners—who have made their mark as players in the National Football League.

We also have Asian-Pacific Americans who are making their mark on history, not in our country, but in the Far East. Samoan-American Salevaa Atisanoe is a 578-pound sumo wrestler in Japan who goes by the name of Konishiki. Salevaa, or Konishiki, incidentally, also happens to be a relative of mine. Konishiki was the first foreigner in Japan's centuries-old sport to break through to the ratified air of sumo's second-highest rank. Another Samoan/Tongan-American, Leitani Peitani—known in Japan as Musashimaru—has also gained prominence as a sumo wrestler.

Native-Hawaiian Chad Rowen, or Akebono as he is known in Japan, has scaled even greater heights by attaining the exalted status of Yokozuna or grand champion. Until this Polynesian-American arrived on the scene, no foreigner had ever been permitted to fill this sacred position, as the Japanese associate the Yokozuna with the essence of Shinto's guardian spirits. The ascendancy to grand champion status goes to the heart of the Japanese religion and culture.

In honoring Asian-Pacific Americans that have served to enrich our country, I would be remiss, as a Vietnam veteran, if I did not honor the contributions of the Japanese-Americans who served in the U.S. Army's 100th Battalion and 442nd Infantry combat group. History speaks for itself in documenting that none have shed their blood more valiantly for America than the Japanese-Americans that served in these units while fighting enemy forces in Europe during World War II.

The records of the 100th Battalion and 442nd Infantry are without equal. These Japanese-American units suffered an unprecedented casualty rate of 314 percent, and received over 18,000 individual decorations, many posthumously awarded, for valor in battle.

With the tremendous sacrifice of lives, a high number of medals were given the unit. I find it unusual, however, that only one Medal of Honor was awarded, while 52 Distinguished Service Crosses, 560 Silver Stars and 9,480 Purple Hearts were given. The great number of Japanese-American lives lost should have resulted in more of these ultimate symbols of sacrifice being awarded. Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the U.S. Army. President Truman was so moved by their bravery in the field of battle, as well as that of black American soldiers during World War II, that he issued an Executive order to desegregate the armed services.

I am proud to say that we can count the Honorable DANIEL K. INOUYE and the late, highly respected Senator, Spark Matsunaga, both from Hawaii, as Members from Congress that distinguished themselves in battle as soldiers with the 100th Battalion and 442nd Infantry. It was while fighting in Europe that Senator INOUYE lost his arm and was awarded the Distinguished Service Cross, the second highest medal for bravery.

These Japanese-Americans paid their dues in blood to protect our Nation from its enemies. It is a shameful black mark on the history of our country that when the patriotic survivors of the 100th Battalion and 442nd Infantry returned to the United States many were reunited with families that were locked up behind barbed-wire fences, living in concentration camps. You might be interested to know, my colleagues on the Hill, Congressmen ROBERT MATSUI and NORMAN MINETA, were children of the concentration camps.

The wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese-Americans will forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form.

After viewing the Holocaust Museum in Washington, I understand better why the genocide of 6 million Jews has prompted the cry, "Never Again." Likewise, I sincerely hope that mass internments on the basis of race or religion will never happen again in our great Nation.

To those that say, well, that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today.

Just weeks ago on Capitol Hill, an Asian-Pacific American, Bruce Yamashita, received his commission as a captain in the U.S. Marines at a congressional ceremony held in the House Armed Services Committee. Why the special treatment?

Four years ago, this Japanese-American, born and raised in Hawaii and a graduate of Georgetown University law school, was discharged arbitrarily from the Marine Corps when on the verge of receiving his commission as a second lieutenant. After years of perseverance and appeals, Mr. Yamashita was finally vindicated, after proving he was the target of vicious racial and ethnic harassment during his 10-week officer training program.

According to official records, Marine Corps instructors incessantly taunted Mr. Yamashita about his heritage, referred to him using ethnic slurs, and at one point told him: "we don't want your kind around here. Go back to your own country."

This attitude of discrimination, unfortunately, is not limited to the lower ranks but extends to the highest level of the Marine Corps. Last October, when the Yamashita case was still in controversy, the Commandant of the Marine Corps, Gen. Carl E. Mundy, appeared on television's "Sixty Minutes" and stated, "Marine officers who are minorities do not shoot, swim or use compasses as well as white officers."

Although General Mundy has since apologized for his remarks, I am deeply troubled that a military officer of his caliber would hold such opinions and show no reservation in voicing them to an international audience. It is a sign of the depth of the problem.

It is also ironic to note that Captain Yamashita is a descendant of those Japanese-American soldiers from Hawaii that distinguished themselves in battle during WW II with the legendary 100th Battalion and 442nd Infantry combat group. When General Mundy says soldiers like Captain Yamashita "Can't shoot straight" it is these brave Japanese-Americans—Yamasita's people—that he belittles. They "can't shoot straight" but they can spill blood in defense of this country to merit 52 Distinguished Service Crosses, 560 Silver Stars and over 9,400 Purple Hearts. Please, give me a break.

The significance of Captain Yamashita's case extends far beyond his personal plight. His challenge prompted the Marine Corps to discover, during a review in 1992, that minority candidates drop out of its officer training program at a higher rate than white officers. Some hold that the record reveals there has been a deliberate effort on the part of the Marine Corps to discourage minorities from becoming officers.

I commend the Secretary of the Navy, John H. Dalton, who after reviewing the record, overruled the Marine Corps and ordered that Mr. Yamashita receive his officer's commission. I also commend Senator DANIEL INOUYE for his tenacity in fighting on behalf of Captain Yamashita and in addressing this latest injustice and racism against Asian-Pacific Americans. Senator INOUYE has always responded to the battle call against the forces of bigotry and racism.

In concluding, Mr. Speaker, I think the Yamashita case bears implications not just for the military but for our society as a whole. It asks the question, how long do we have to endure the attitude of those who consider Asian-Pacific Americans and other minorities as lesser Americans?

I applaud Captain Yamashita for his tremendous courage, commitment and determination in seeing that racial discrimination is not tolerated. During this month as we recognize the diverse experiences and contributions of the Asian-Pacific American community to our great Nation, I would hope that we all take inspiration from his example.

With that in mind, I would like to close my remarks by asking what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial when Martin Luther King said, "I have a dream. My dream is that one day my children will be judged not by the color of their skin but by the content of their character."

That is what America is all about, Mr. Speaker, and Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, succeed, achieve, and contribute to the advancement of this great Nation as we enter the "Pacific Century."

□ 1920

Mr. Speaker, I yield to my dear friend and colleague, the gentleman from Maine [Mr. ANDREWS].

MOST-FAVORED-NATION STATUS FOR CHINA

Mr. ANDREWS of Maine. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to speak this evening to the statement of the President of the United States of just a few hours ago regarding the most-favored-nation status for China. I, as many Americans across the Nation and many Members of this body, just learned of this decision just a few hours ago. I have not read the President's statement. I have not studied the text of his thinking with regard to this decision, but I believe, Mr. Speaker, that it does warrant a response from those of us who have deep concerns about our relationship with China in light of extensive human rights violations.

Mr. Speaker, I believe it is important for we in Congress and we as Americans to ask ourselves some fundamental questions about who we are as a Nation, what we stand for, what is the foundation of this country, what should be the foundation of our foreign policy, and what is it that we mean by "human rights."

Indeed, do we as Americans believe what we say, and do we stand by what we say with respect to human rights?

I believe respect for human rights, human dignity, is a fundamental value that we as Americans share.

□ 1930

It is something that is extremely important to all of us regardless of our political persuasions, regardless of where we come from in this great country.

I truly believe that deep down inside of us we have a very deep and firm commitment to the rights and the dignity of human beings in our country and outside of our country.

There is a thing called most-favored-nation status, and it is what it suggests, a declaration that certain nations on this planet are most favored in the eyes of the United States and in the eyes of Americans. And so it is when we look at the human rights abuses at the hands of the Chinese, of the repression at the hands of the Chinese, when we look at the evidence of torture, of imprisonment, of people for standing up and expressing their political views, it becomes of great concern to all of us as Americans because it violates that fundamental principle and value that we share.

So it has been that the question of whether or not we declare a nation such as China with the record that China has on abuse of its citizens and others, clear violations of human rights, whether we should extend most-favored-nation status to such a country, whether we should declare a nation that engages so systematically in violations of human rights, a most favored nation.

Last year the President of the United States declared that if China was to have most-favored-nation status extended in 1994 that it had to make overall significant progress in the areas of human rights. What has happened in that year's time?

I know of no one who can say with a straight face that China has made overall significant progress toward human rights in this past year, no one who I know who is familiar with the situation in that nation and no one I know who is familiar with the situation in Tibet would suggest that overall significant progress has been made with respect to human rights by the Chinese.

Asia Watch provided testimony to this country and to this Congress that last year, as a matter of fact, was the worst for political arrests and trials. They cited evidence upon evidence upon evidence of repression in every province in China, and then they turned their attention to Tibet, the people who are seeking dignity and respect, seeking the basic, fundamental right to live as Tibetans, to practice freely their religion and their culture, to not be the objects of systematic torture and repression by the Chinese. And we find there are now more prisoners in Tibet than in every province in China combined. And we find strong evidence of a systematic attempt by the Chinese to repress if not annihilate the religious traditions and culture of the Tibetans.

So in light of all of this evidence, in light of all of this testimony, in light of the hearings that we have held here in Congress, in light of evidence and testimony that experts have brought to us of the systematic repression at the hands of the Chinese, the clear evidence that the Chinese have failed to meet the condition that we as a Nation established for extension of its most favored nation status, the question for us becomes what are we to do?

Well, the President of the United States today has announced that despite these facts and this evidence he believes that we should in fact extend most favored nation status to China, that we should through that policy declare that this nation is a most favored nation of the United States.

I was pleased to learn just a short time ago that the Senate majority leader of the other body, Senator GEORGE MITCHELL, indicated that he disagrees with the President's decision. He made a statement just a short time ago in which he said that the experience of recent years has been that each concession to the Chinese communist regime encourages its intransigence.

And he went on to say, "I believe this will be the unfortunate result of this decision. It will confirm for the Chinese communist regime the success of its policy of repression on human rights and manipulation on trade."

Ladies and gentlemen, I believe very strongly that two things need to happen. No. 1, this Congress needs to engage in a debate over whether or not we should declare China a most favored nation of this country. I believe that if we have a fair, and honest and thorough debate this Congress will respond, if it hears from the people of this country as Members of Congress go back to their districts, when they hear from the people of this country about our belief if human rights and the principles and values that we hold dear, that they will come back to this body and we will have a debate, and we will recognize that human rights means something, and most favored nation status should mean something as well, and that we should not stand idly by and declare China a most favored nation.

But there is something else that I think that we as Americans need to do in light of today's announcement by the President. I think we all have to ask ourselves: Who are we as a people? What do we stand for? What should be the foundation of America's foreign policy? When we tell the world that we believe in human rights, do we really mean it? When we declare to the world that our foreign policy decisions are going to be based upon the recognition that human rights should be respected everywhere in the world, do we really mean it?

What happens, ladies and gentlemen, when the United States says one thing and does another, when we stand up and declare our support for human rights, our support and respect for His Holiness, the Dalai Lama in Tibet, for the people of Tibet, and then declare China a most-favored-nation status? What does it all mean? What does our rhetoric mean? What do we really stand for? What in fact drives American foreign policy? Is it human rights, is it respect for individuals, is it the values that we cherish, or is the bottom line the bottom line, pure economics, pure trade, pure opportunities for profits?

Ladies and gentlemen, we are embarked on a very new and important era in world history. The cold war is over. The old ways of defining our planet and aligning our Nation have changed. We are engaged in a new challenge and a new opportunity. We have to establish at this time in our country's history what is the rudder beneath this ship of State, what is the foundation of this country's foreign policy? Where are we going and how does it reflect our values and our principles as Americans?

□ 1940

And are economics and profits the only foundation on which we stand?

I believe that many in this body, I believe that the President of the United States believes in human rights, is deeply committed to the principles that we cherish as Americans. But it raises a fundamental question. What in this new era are we to do about those beliefs, about those principles? What are we to do when we see nations engaged in such systematic repression as we see in China? What are we to do when we draw a line in the sand and make it very clear to the world that we are going to condition most-favored-nation status on human rights and then clearly see that the progress that we called for was not achieved and then extend most-favored-nation status anyway? What are the implications for all of the despots of the world, all those who are engaged in human rights violations and tyranny around the world?

What is the message that we are giving them?

And what is the long-term implications for the values and principles that we cherish?

I believe these are questions that we have to ask ourselves as Americans. I believe these are questions that we have to ask ourselves as a Congress, and I believe that the answers that we give to these questions will not only affect our relationship to this particular country and this particular trading status but will affect our relationship to nations all around the world and will lay the groundwork for future policies and potential future repression for generations to come.

I encourage my fellow Members of Congress, as they travel home, to engage in a discussion of these questions with their citizens, their constituents; I encourage those across this country to likewise engage in those discussions with their Members of Congress, and I call upon this Nation and this Congress to engage in a debate as to what we believe in as a nation, what we stand for as a nation, and whether or not human rights should be a part and a foundation of our foreign policy.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FALEOMAVAEGA. I thank the gentleman.

I really appreciate the comments and the concerns that he has expressed concerning the President's recent decision to grant MFN status to China. I look forward to debating the issue with the gentleman. I think it is a worthwhile issue that our country should, and the Members of both Houses should debate openly certainly for a better understanding of our people concerning this important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRANKS of Connecticut (at the request of Mr. MICHEL), after 3 p.m. today, on account of the birth of his baby.

Mr. CLEMENT (at the request of Mr. GEPHARDT), after 12 noon today, on account of official business.

Mr. COX (at the request of Mr. MICHEL), for today, on account of his wife having a baby.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. McCLOSKEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. KOPETSKI, for 5 minutes, today.

(The following Member (at the request of Mr. KLUG) to revise and extend his remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McDERMOTT to include a letter from the U.S. attorney concerning House Resolution 436 after the request by Mr. KLUG to postpone consideration of House Resolution 436.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1030. An act to amend title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma services for veterans, to improve certain Department of Veterans Affairs programs for women veterans, to extend the period of entitlement to inpatient care for veterans exposed to Agent Orange or ionizing radiation, to establish a hospice care pilot program, to establish a rural health care clinics program, to authorize the Secretary of Veterans Affairs to provide per diem payments and construction grants to State homes for adult day health care services, to establish an education debt reduction program, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 965. An act to provide for toy safety and for other purposes.

H.R. 1632. An act to amend title II, District of Columbia Code, and part C of title IV of the District of Columbia Self-Government and Government Reorganization Act to remove gender-specific references.

H.R. 3863. An act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office."

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1654. An act to make certain technical corrections.

S.J. Res. 179. Joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 70 of the 103d Congress, the House stands adjourned until noon, Wednesday, June 8, 1994.

Thereupon (at 7 o'clock and 44 minutes p.m.), pursuant to Senate Concurrent Resolution 70, the House adjourned until Wednesday, June 8, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3262. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture.

3263. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Egg Products Inspection Act to recover the full costs for inspection of egg products performed at times other than an approved primary shift; to the Committee on Agriculture.

3264. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of standardization activities; to the Committee on Agriculture.

3265. A communication from the President of the United States, transmitting notification making available emergency appropriations in budget authority for the Department of Commerce pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (H. Doc. No. 103-263); to the Committee on Appropriations and ordered to be printed.

3266. A letter from the Secretary of Energy, transmitting notification of the delay of the report on the financing options for Federal energy and water conservation; to the Committee on Energy and Commerce.

3267. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3268. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 1134 and S. 341, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3269. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1993, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on the Judiciary.

3270. A letter from the Secretary, Department of Transportation, transmitting a report on the private sector involvement program, pursuant to Public Law 102-240, section 1060(d) (105 Stat. 2004); to the Committee on Public Works and Transportation.

3271. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB regarding S. 1588, pursuant to 49 U.S.C. app. 1903(b)(7); to the Committee on Public Works and Transportation.

3272. A letter from the Administrator, NASA, transmitting the annual report on actions taken and planned to implement fully the metric system of measurement; to the Committee on Science, Space, and Technology.

3273. A letter from the Secretary of Health and Human Services, transmitting the 1995 Medicare physician fee schedule update and fiscal year 1995 Medicare volume performance standard [MVPS] recommendations; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEVILL: Committee on Appropriations. H.R. 4506. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–533). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOYER: Committee on Appropriations. H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–534). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBS:

H.R. 4501. A bill to designate the Federal building and U.S. courthouse located at 46 East Ohio Street in Indianapolis, IN, as the "Holder-Noland Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. GONZALEZ (for himself, Mr. FRANK of Massachusetts, Mr. KANJORSKI, and Mr. HINCHEY):

H.R. 4502. A bill to include additional exchange rate policy information in reports required to be made by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury to the Congress, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GONZALEZ (for himself, Mr. LEACH, Mr. NEAL of North Carolina, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. HINCHEY, and Mr. KENNEDY):

H.R. 4503. A bill to enhance the supervision and regulation of derivatives activities of financial institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STUDDS (for himself and Mr. MANTON):

H.R. 4504. A bill to amend the Atlantic Striped Bass Conservation Act, and for other purposes: to the Committee on Merchant Marine and Fisheries.

By Mr. HUGHES:

H.R. 4505. A bill to amend title 35 United States Code, to establish a 20-year patent term from the date of filing and to establish a domestic priority system, and for other purposes; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 4506. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

By Mr. ACKERMAN:

H.R. 4507. A bill to require in certain circumstances that States disclose the HIV status of newborn infants to legal guardians of the infants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRYANT:

H.R. 4508. A bill to authorize appropriations for the Legal Services Corporation and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. CAMP, Mr. HANCOCK, Mr. HERGER, Mr. JACOBS, and Mr. QUILLEN):

H.R. 4509. A bill to impose restrictions on the authority to enter into certain trade agreements reducing tariffs with respect to another country; to the Committee on Ways and Means.

By Mr. FILNER (for himself, Mr. BECERRA, Mr. BERMAN, Mr. BROWN of California, Ms. FURSE, Mr. HASTINGS, Ms. MCKINNEY, Mrs. MINK of Hawaii, Ms. NORTON, Mrs. UNSOELD, Ms. VELAZQUEZ, Ms. WATERS, and Mr. WATT):

H.R. 4510. A bill to amend the Internal Revenue Code of 1986 to revise the limitation applicable to mutual life insurance companies on the deduction for policyholder dividends and to exempt small life insurance companies from the required capitalization of certain policy acquisition expenses; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Ms. MCKINNEY, Ms. CANTWELL, Mrs. KENNELLY, Ms. LOWEY, Mr. GILMAN, and Mr. BEREUTER):

H.R. 4511. A bill to amend the Foreign Assistance Act of 1961 to authorize the Administrator of the U.S. Agency for International Development to provide assistance for programs of credit and other assistance for microenterprises in developing countries; to the Committee on Foreign Affairs.

By Mr. GEJDENSON:

H.R. 4512. A bill to amend the Internal Revenue Code of 1986 to provide employers a refundable credit for hiring AFDC recipients; to the Committee on Ways and Means.

By Mr. GILMAN (by request):

H.R. 4513. A bill to provide eligibility for space-available transportation on military aircraft for former prisoners of war who are totally disabled as a result of a service-connected disability; to the Committee on Armed Services.

By Mr. HOYER (for himself, Mr. BOEHLERT, Mr. LANTOS, Mr. HUNTER, Mr. FAZIO, Mrs. MORELLA, and Mr. WYNN):

H.R. 4514. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JACOBS:

H.R. 4515. A bill to amend title XI of the Social Security Act to provide that the penalty for failure of employers to file certain reports with respect to the Medicare and Medicaid coverage data bank shall apply only with respect to reports required in calendar years beginning after 90 days after necessary regulations are promulgated; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. KENNELLY (for herself and Mrs. JOHNSON of Connecticut):

H.R. 4516. A bill to amend the Internal Revenue Code of 1986 and other laws to improve and promote the provision of long-term care in the United States; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. KLINK:

H.R. 4517. A bill to reinstate the emergency unemployment compensation program; jointly, to the Committees on Ways and Means, Energy and Commerce, and Agriculture.

By Mr. KOPETSKI (for himself, Mr. OXLEY, Mr. LAROCCO, and Mr. KREIDLER):

H.R. 4518. A bill to amend the Federal Trade Commission Act to provide a procedure for the termination of Federal Trade Commission orders which have been in effect for at least 10 years; to the Committee on Energy and Commerce.

By Mr. MANZULLO:

H.R. 4519. A bill to increase access to health insurance for employees of small businesses, and for other purposes; jointly, to the Committees on Energy and Commerce, Education and Labor, Ways and Means, and the Judiciary.

By Ms. MARGOLIES-MEZVINSKY (for herself, Mr. PENNY, Mr. COX, and Mr. PORTMAN):

H.R. 4520. A bill to amend chapter 11 of title 31, United States Code, to require that the President's budget submission separately reflect the budget aggregates relating to activities within the unified budget and aggregates relating to activities required by law to be excluded from the unified budget; to the Committee on Government Operations.

By Ms. MARGOLIES-MEZVINSKY (for herself, Mr. PENNY, Ms. LONG, Ms. LAMBERT, Mr. MEEHAN, Mr. MCMILLAN, Mr. MURTHA, Mr. BARRETT of Wisconsin, Mr. COX, Mr. FRANKS of New Jersey, Mr. BACCHUS of Florida, and Mr. CLEMENT):

H.R. 4521. A bill to amend the Social Security Act to improve the information made available in Social Security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. FIELDS of Texas):

H.R. 4522. A bill to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCINNIS:

H.R. 4523. A bill to provide for private development of power at the Mancos project and for other purposes; to the Committee on Natural Resources.

H.R. 4524. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Natural Resources.

H.R. 4525. A bill to authorize the transfer of a certain loan contract to the Upper Yampa Water Conservancy Project, and for other purposes; to the Committee on Natural Resources.

By Mr. NADLER:

H.R. 4526. A bill to amend the Revised Statutes of the United States to establish a

Federal civil right requiring that State laws, and the laws of the District of Columbia, relating to physical assault, sexual assault, sexual abuse, and sexual harassment be enforced without regard to the age of the victim; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. Laughlin, Mr. Hall of Texas, Mr. Rowland, Mr. Barcia of Michigan, and Mr. Allard):

H.R. 4527. A bill to assure fairness and choice to patients and providers under managed health care benefit plans; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. RICHARDSON (for himself, Mr. Coleman, Mr. Ehlers, Mr. Frost, Mr. Upton, Ms. Velazquez, and Mr. Washington):

H.R. 4528. A bill entitled the "Mercury-Containing and Rechargeable Battery Management Act"; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 4529. A bill to repeal the authority of the Mayor of the District of Columbia to requisition unlimited funds from the Treasury of the United States to meet the general expenses of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 4530. A bill to provide authority for the extension of nondiscriminatory—most-favored-nation-trade treatment to Cambodia; to the Committee on Ways and Means.

By Mr. THOMAS of California (for himself and Mr. McKeon):

H.R. 4531. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS of California:

H.R. 4532. A bill to amend the Internal Revenue Code of 1986 to define tar sands for purposes of the credit for producing fuels from nonconventional sources and to repeal the minimum tax preference for intangible drilling costs; to the Committee on Ways and Means.

By Mr. VENTO (by request):

H.R. 4533. A bill to promote entrepreneurial management of the National Park Service, and for other purposes; to the Committee on Natural Resources.

By Mr. WHEAT:

H.R. 4534. A bill to amend the Internal Revenue Code of 1986 to facilitate portability, enhance pension coverage, and provide employers an optional simplified method of complying with certain pension requirements; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. Dingell, Mr. Markey, Miss Collins of Michigan, Mr. Synar, Mr. Cooper, Mr. Hastert, and Ms. Margolies-Mezvinsky):

H.R. 4535. A bill to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.J. Res. 371. Joint resolution designating June 10, 1995, as "Portuguese American Friendship Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 372. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. DEAL (for himself, Mr. Stenholm, Mr. Fingerhut, Mrs. Thurman, Mr. Minge, Mr. Baesler, Mr. Barca of Wisconsin, Mr. Brown of Ohio, Mr. Browder, Mr. Copppersmith, Mr. DeFazio, Mr. Pete Geren of Texas, Mr. Hall of Texas, Ms. Harman, Mr. Hayes, Mr. Holden, Mr. Johnson of Georgia, Mr. Mann, Ms. Margolies-Mezvinsky, Mr. McHale, Mr. Meehan, Mr. Peterson of Minnesota, Ms. Schenk, Mr. Tanner, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Andrews of Texas, Mr. Bilbray, Mr. Condit, Mr. Penny, and Mr. Cooper):

H. Res. 445. Resolution providing for the consideration of the bill (H.R. 3266) to provide for automatic downward adjustments in the discretionary spending limits for fiscal year 1994 set forth in the Congressional Budget Act of 1974 equal to the amount of rescissions contained in the Act; to the Committee on Rules.

By Mr. McKEON (for himself, Mr. Applegate, Mr. Archer, Mr. Armey, Mr. Bachus of Alabama, Mr. Baesler, Mr. Baker of California, Mr. Baker of Louisiana, Mr. Barcia of Michigan, Mr. Barrett of Nebraska, Mr. Ballenger, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bliley, Mr. Blute, Mr. Boehner, Mr. Bunning, Mr. Burton of Indiana, Mr. Buyer, Mr. Canady, Mr. Callahan, Mr. Calvert, Mr. Clement, Mr. Coble, Mr. Collins of Georgia, Mr. Combest, Mr. Cox, Mr. Crapo, Mr. Crane, Mr. Cunningham, Mr. DeLay, Mr. Diaz-Balart, Mr. Dickey, Mr. Doolittle, Mr. Dornan, Mr. Duncan, Ms. Dunn, Mr. Ehlers, Mr. Emerson, Mr. Everett, Mr. Ewing, Mr. Fawell, Mrs. Fowler, Mr. Gallegly, Mr. Gallo, Mr. Pete Geren of Texas, Mr. Gilchrest, Mr. Gingrich, Mr. Goodlatte, Mr. Grams, Mr. Gunderson, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hefley, Mr. Hefner, Mr. Herger, Mr. Hoekstra, Mr. Huffington, Mr. Hunter, Mr. Hutchinson, Mr. Hyde, Mr. Inglis of South Carolina, Mr. Inhofe, Mr. Istook, Mr. Sam Johnson, Mr. Kim, Mr. King, Mr. Kingston, Mr. Klink, Mr. Knollenberg, Mr. LaFalce, Mr. Lewis of Kentucky, Mr. Lightfoot, Mr. Linder, Mr. Livingston, Mr. McCandless, Mr. McCollum, Mr. McDade, Mr. McHugh, Mr. Lazio, Mr. Lucas, Mr. Manzullo, Mr. Mica, Mr. Michel, Mr. Miller of Florida, Mr. Montgomery, Mr. Moorhead, Mr. Murphy, Mr. Myers of Indiana, Mr. Nussle, Mr. Oxley, Mr. Orton, Mr. Packard, Mr. Paxon, Mr. Pombo, Mr. Portman, Mr. Quillen, Mr. Ramstad, Mr. Regula, Mr. Roberts, Mr. Rohrabacher, Mr. Saxton, Mr. Schaefer, Mr. Shuster, Mr. Smith of Michigan, Mr. Smith of Oregon, Mr. Solomon, Mr. Stearns, Mr. Stenholm, Mr. Stump, Mr. Sundquist, Mr. Swett, Mr. Talent, Mr. Torkildsen, Mr. Tucker, Mr. Upton, Mr. Walker, Mr. Weldon, Mr. Wolf, Mr. Young of Alaska, and Mr. Zeliff):

H. Res. 446. Resolution expressing the sense of the House of Representatives regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 4536. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Alpha Tango;* to the Committee on Merchant Marine and Fisheries.

H.R. 4537. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Old Hat;* to the Committee on Merchant Marine and Fisheries.

By Mr. MILLER of Florida:

H.R. 4538. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Silent Wings;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Miller of California, Mr. Minge, Mr. McDade, Mr. Owens, Mr. Sawyer, Mrs. Mink of Hawaii, Mr. Underwood, Mr. Williams, Mr. Andrews of New Jersey, Ms. English of Arizona, Mr. Castle, Mr. Cunningham, Ms. Molinari, Mr. Faleomavaega, Mr. Reed, and Mr. Murphy.

H.R. 123: Mr. Combest, Mr. Wilson, Mr. Johnson of South Dakota, and Mr. Ewing.

H.R. 133: Mr. Shays and Mr. Hunter.

H.R. 141: Ms. Valazquez, Mr. Frost, Mr. Hilliard, and Mr. Walsh.

H.R. 359: Mr. Lewis of Georgia.

H.R. 401: Mr. King.

H.R. 417: Ms. Cantwell, Mr. Calvert, and Mr. Baker of California.

H.R. 702: Mr. Diaz-Balart and Mr. Gilmor.

H.R. 778: Mr. LaRocco, Mr. Bryant, and Mr. Kreidler.

H.R. 967: Mrs. Vucanovich and Mr. Royce.

H.R. 1103: Mr. Payne of Virginia.

H.R. 1164: Mrs. Schroeder.

H.R. 1276: Mr. McCollum.

H.R. 1280: Ms. Shepherd, Mr. Ford of Tennessee, Mr. Fingerhut, Mr. Pallone, Ms. English of Arizona, Mr. Hilliard, and Mr. Price of North Carolina.

H.R. 1500: Mr. Meehan, Mr. Filner, and Mr. Dellums.

H.R. 1583: Mrs. Byrne and Mr. McCollum.

H.R. 1737: Mr. Rangel.

H.R. 1999: Mr. Dornan.

H.R. 2088: Mr. Bilbray, Mr. Lightfoot, and Mr. Slattery.

H.R. 2346: Mr. Kasich.

H.R. 2417: Mrs. Vucanovich.

H.R. 2418: Mr. Johnston of Florida and Mr. Petri.

H.R. 2460: Mr. Minge and Ms. Danner.

H.R. 2467: Mr. Smith of Texas, Mr. Stearns, Mr. Thomas of California, and Mr. Young of Florida.

H.R. 2672: Mr. Pete Geren of Texas.

H.R. 2708: Mr. Emerson, Mr. Kingston, Mr. Boehner, and Mr. Canady.

H.R. 2826: Mr. Mfume, Mr. Orton, Ms. Molinari, Mrs. Schroeder, Mrs. Thurman, and Mr. Wise.

H.R. 2873: Mr. Fish, Mr. McHugh, and Mrs. Unsoeld.

H.R. 2919: Mr. FOGLIETTA, Mr. MCDERMOTT, and Ms. WATERS.

H.R. 2927: Mrs. VUCANOVICH.

H.R. 2929: Mr. PETERSON of Minnesota.

H.R. 2985: Mr. LIPINSKI.

H.R. 2995: Mr. MCHALE, Mr. HUTCHINSON, and Mr. ROYCE.

H.R. 3023: Mr. KIM, Mr. ROBERTS, Mr. MILLER of Florida, Mr. BORSKI, Mr. UNDERWOOD, Mr. NUSSLE, Mrs. JOHNSON of Connecticut, and Mr. LAROCCO.

H.R. 3065: Mr. FORD of Tennessee.

H.R. 3125: Mr. BAKER of California.

H.R. 3128: Mr. FRANK of Massachusetts.

H.R. 3173: Mr. SHAYS.

H.R. 3179: Mr. WILSON.

H.R. 3288: Mr. GEKAS.

H.R. 3293: Mrs. MALONEY, Mr. GOODLING, and Mr. KINGSTON.

H.R. 3407: Mr. JOHNSTON of Florida, Mr. GRANDY, Mr. FAWELL, and Mr. PORTER.

H.R. 3434: Mr. FINGERHUT.

H.R. 3486: Mr. LAUGHLIN and Mr. SAM JOHNSON.

H.R. 3494: Mr. FROST, Mr. GILCHREST, and Mr. PAXON.

H.R. 3513: Ms. NORTON.

H.R. 3637: Mr. KLECZKA.

H.R. 3663: Ms. MARGOLIES-MEZVINSKY.

H.R. 3722: Mr. ROGERS.

H.R. 3739: Mr. MCHUGH, Mr. SCHIFF, Mr. BAKER of Louisiana, and Mr. TORKILDSEN.

H.R. 3769: Mr. FROST.

H.R. 3771: Ms. NORTON.

H.R. 3820: Mr. HILLIARD, Mr. LUCAS, Mr. DEUTSCH, Mr. MYERS of Indiana, Mr. BALLENGER, Mr. DELLUMS, Mr. WASHINGTON, Mr. RAHALL, and Mrs. MALONEY.

H.R. 3821: Mr. MCDERMOTT.

H.R. 3822: Mr. MCDERMOTT.

H.R. 3846: Mr. FINGERHUT, Mr. SHARP, Mr. LAZIO, Mr. BURTON of Indiana, Mr. DREIER, Mr. CRANE, Mr. GEKAS, Mr. HUNTER, Mr. KASICH, Mr. MCCANDLESS, Mr. OXLEY, Mr. SENSENBRENNER, Mr. SOLOMON, Mr. HOKE, Mr. BEILENSON, Mr. BARCA of Wisconsin, Mrs. COLLINS of Illinois, Mr. EHLERS, Mr. HANSEN, Mr. GILLMOR, Mr. SANTORUM, Mr. ZELIFF, Mr. KENNEDY, and Mr. KANJORSKI.

H.R. 3900: Mr. BROOKS.

H.R. 3906: Mr. LEWIS of Georgia, Mr. DEUTSCH, Mr. BARCIA of Michigan, Mr. WISE, and Mr. EHLERS.

H.R. 3939: Mrs. BYRNE.

H.R. 3943: Mrs. JOHNSON of Connecticut.

H.R. 3951: Mr. WHITTEN, Mr. HOLDEN, and Mr. GEKAS.

H.R. 3955: Mr. ORTIZ and Mrs. FOWLER.

H.R. 3992: Mr. CANADY.

H.R. 4019: Mr. RANGEL and Mr. KLINK.

H.R. 4051: Mr. YATES.

H.R. 4056: Mr. JEFFERSON.

H.R. 4078: Mr. TORKILDSEN.

H.R. 4095: Mr. HANCOCK, Mr. SENSENBRENNER, Mr. PARKER, and Mr. WELDON.

H.R. 4115: Mr. ROHRABACHER.

H.R. 4133: Mr. EMERSON and Mr. CANADY.

H.R. 4135: Mrs. UNSOELD, Mr. BECERRA, Mr. BLACKWELL, Mr. BORSKI, Mr. CLINGER, Mr. FAWELL, Mr. FISH, Mr. GEJDENSON, Mr. GEKAS, Mr. GREENWOOD, Mr. HINCHEY, Mr. HOLDEN, Mr. MCDADE, Mr. MCHALE, Mr. NCNULTY, Mrs. MINK of Hawaii, Mr. MURTHA, Mr. OBERSTAR, Mr. OLVER, Mr. GUNDERSON, Mr. OWENS, Mr. OXLEY, Mr. PAYNE, of New Jersey, Mr. PICKETT, Mr. SCHAEFER, Mr. SERRANO, Mr. SHUSTER, Ms. SLAUGHTER, Mr. SPENCE, Mr. WELDON, Mr. YOUNG of Alaska, and Mr. SKEEN.

H.R. 4137: Mr. STEARNS, Mr. MCCLOSKEY, Mr. KYL, and Mr. PORTER.

H.R. 4142: Mr. BEILENSON, Mr. BROWN of Ohio, Mr. BLUTE, Mr. HOKE.

H.R. 4148: Mr. SERRANO.

H.R. 4161: Mr. HUTCHINSON, Mr. SHUSTER, Mr. EWING, Mr. CLINGER, Mr. INHOFE, Mr. BARRETT of Nebraska, and Mrs. JOHNSON of Connecticut.

H.R. 4223: Mr. BAKER of Louisiana.

H.R. 4237: Mr. MILLER of California.

H.R. 4260: Mr. GEJDENSON, Mr. VALENTINE, and Mrs. LLOYD.

H.R. 4271: Mr. GENE GREEN of Texas and Mr. STUPAK.

H.R. 4291: Mr. SWIFT and Mr. DICKEY.

H.R. 4306: Mr. PORTER.

H.R. 4307: Mr. MCCOLLUM.

H.R. 4365: Mr. HANCOCK and Mr. PARKER.

H.R. 4393: Mr. MANTON, Ms. MOLINARI, and Mr. SCHUMER.

H.R. 4399: Mr. KLECZKA.

H.R. 4400: Mr. WYNN, Mr. BROWN of Ohio, and Mr. PASTOR.

HR. 4412: Mr. PETRI.

H.R. 4421: Mr. BAKER of Louisiana.

H.R. 4434: Mr. ANDREWS of New Jersey, Mr. BROWDER, Mr. BURTON of Indiana, Mr. DEAL, Mr. DEFAZIO, Mr. DOOLEY, Mr. FINGERHUT, Mr. GREENWOOD, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. KOLBE, Mr. KYL, Ms. LONG, Mr. MCCURDY, Mr. MILLER of Florida, Mr. MINGE, Ms. MOLINARI, Mr. ORTON, Mr. PETERSON of Minnesota, Mr. PORTMAN, Mr. SHAYS, Mr. STEARNS, and Mr. FRANKS of New Jersey.

H.R. 4451: Mr. BARRETT of Wisconsin and Mr. MEEHAN.

H.R. 4464: Mr. OWENS, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. TUCKER, Mr. MCNULTY, Mrs. THURMAN, Mr. HEFNER, Mr. SHAW, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. FILNER, Mr. DOOLEY, Mr. EDWARDS of Texas, Mr. MARKEY, Mr. COSTELLO, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. STUDDS, Mr. CONDIT, Mr. FOGLIETTA, Mr. MCCRERY, Ms. LONG, Mr. NEAL of Massachusetts, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WHEAT, Mr. LEWIS of Georgia, Mr. WATT, Mr. KLEIN, Ms. HARMAN, Mr. CLAY, Mr. FAZIO, Mr. BISHOP, Mr. STOKES, Mr. PAYNE of New Jersey, Mrs. MINK of Hawaii, Mr. GORDON, Ms. LOWEY, Mr. MILLER of California, Mr. DREIER, Mr. MONTGOMERY, Mr. TORRICELLI, Mr. PETE GEREN of Texas, Mr. REYNOLDS, Mr. BONIOR, Mr. KING, Mr. SHAYS, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. THOMAS of Wyoming, Mr. RAHALL, Mr. KLINK, Mr. SAWYER, Mr. VALENTINE, Mr. TANNER, Mr. MCCURDY, Mr. JOHNSON of Georgia, Mr. CRAMER, Mr. BROWDER, Mr. CLEMENT, Ms. ENGLISH of Arizona, Mr. CHAPMAN, Mr. COOPER, Ms. SHEPHERD, Mr. POMEROY, Mr. HAMBURG, Ms. CANTWELL, Mr. MARTINEZ, Mr. NEAL of North Carolina, Mr. SMITH of Texas, Mr. WISE, Ms. PELOSI, Mr. MOAKLEY, Mr. SKAGGS, Mr. MANTON, Mr. RICHARDSON, Mr. DE LA GARZA, Mr. JOHNSTON of Florida, Mr. STENHOLM, Mr. HALL of Ohio, Mr. QUINN, Mr. OBERSTAR, Mr. STRICKLAND, Ms. LAMBERT, Mr. KOPETSKI, Mr. KREIDLER, Mr. PETERSON of Minnesota, Mr. DARDEN, Mr. MURPHY, Mr. FALEOMAVAEGA, Mr. HASTINGS, Mr. UPTON, Mr. COBLE, Mr. DERRICK, Mr. KANJORSKI, Mr. TRAFICANT, Mr. GRAMS, Mr. STEARNS, Mr. QUILLEN, Mr. DUNCAN, Mr. COLLINS of Georgia, Mr. TORKILDSEN, Mrs. UNSOELD, Mrs. SCHROEDER, Mr. BROOKS, and Mr. EDWARDS of California.

H.R. 4468: Mr. GENE GREEN of Texas, Mr. COPPERSMITH, Mr. EMERSON, MR. TALENT, and Mr. BORSKI.

H.R. 4475: Mr. GREENWOOD and Mr. GALLEGLY.

H.J. Res. 15:

Mr. CRAMER, Mr. FLAKE, Mrs. CLAYTON, Mr. LIVINGSTON, Mrs. UNSOELD, Mr. HILLIARD, Mr. TORRES, Mrs. COLLINS of Illinois, Mr. MOLLOHAN, Mr. DIXON, Ms. NORTON, Mr. DELLUMS, Mr. JEFFERSON, and Mr. FROST.

H.J. Res. 209: Mr. JEFFERSON, Mr. STUPAK, and Mr. COX.

H.J. Res. 286: Mr. BLUTE, Mr. COOPER, Mr. LIVINGSTON, Mrs. LLOYD, and Mr. WOLF.

H.J. Res. 297: Mr. TORRES.

H.J. Res. 311: Mr. BECERRA, Mrs. BYRNE, Ms. CANTWELL, Mr. COYNE, Mr. CRAMER, Mr. DOOLITTLE, Ms. DUNN, Ms. ESHOO, Mr. FLAKE, Mr. FORD of Tennessee, Mr. GALLO, Mr. HILLIARD, Mr. HOBSON, Mr. INSLEE, Mr. KOPETSKI, Mr. MANN, Mr. MOORHEAD, Mr. NADLER, Mr. NEAL of North Carolina, Mr. RANGEL, Mr. RICHARDSON, Mr. ROGERS, Mr. ROTH, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SCHUMER, Mr. SHARP, Mr. SISISKY, Ms. SLAUGHTER, Mr. SWIFT, Mr. VOLKMER, and Mr. YOUNG of Florida.

H.J. Res. 327; Mr. MANN, Mr. PETE GEREN of Texas, and Mr. UPTON.

H.J. Res. 338: Mr. STARK, Mr. PORTER, Mr. TRAFICANT, and Mr. MAZZOLI.

H.J. Res. 343: Mr. FISH, Mr. SCHIFF, Mr. SKEEN, Mr. SLATTERY, Mr. GENE GREEN of Texas, Mr. LANCASTER, and Mr. SARPALIUS.

H.J. Res 356: Mr. FOGLIETTA, Mr. FROST, Mr. TEJEDA, and Mr. RANGEL.

H.J. Res. 362: Mr. SKEEN, Mr. HILLIARD, Ms. NORTON, Mr. HALL of Texas, and Mr. GENE GREEN of Texas.

H.J. Res. 364: Mr. CRAMER, Mr. APPLEGATE, Mr. NEAL of Massachusetts, Ms. COLLINS of Michigan, Mr. CLAY, Mr. WYNN, Mr. RANGEL, and Mr. LIPINSKI.

H. Con. Res. 35: Mr. RIDGE, Mr. WYDEN, Mr. BECERRA, Mr. HOUGHTON, Mrs. THURMAN, Mr. FILNER, Mr. BEILENSON, Mr. BAESLER, and Mr. KLINK.

H. Con. Res. 110: Mr. PETERSON of Minnesota.

H. Con. Res. 147: Mr. FISH.

H. Con. Res. 166: Mr. MINETA.

H. Con. Res. 173: Mr. RAHALL, Mr. LEVIN, Ms. COLLINS of Michigan, Mr. PICKLE, Ms. DANNER, and Mr. DEUTSCH.

H. Con. Res. 212: Mr. KLEIN, Mr. MACHTLEY, Mr. PETERSON of Minnesota, Mr. SKAGGS, Mr. SWETT, and Mr. WAXMAN.

H. Con. Res. 219: Mrs. SCHROEDER and Mrs. MORELLA.

H. Con. Res. 233: Mr. SLATTERY, Mr. BLACKWELL, Mr. MILLER of California, Mr. FILNER, Mr. WHEAT, Mr. RAHALL, Mr. LEWIS of Georgia, Mr. RUSH, Mr. PETRI, Mr. OBERSTAR, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. GENE GREEN of Texas, Mr. MCCLOSKEY, Mr. UPTON, Mr. BARLOW, Mr. BISHOP, Mr. ABERCROMBIE, Mr. BILBRAY, Mr. CLAY, Mr. MARTINEZ, Mr. BECERRA, Mr. GONZALEZ, Mr. HEFNER, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. ROMERO-BARCELÓ, Mr. LAFALCE, Mr. BONIOR, Mr. GUNDERSON, Mr. DEUTSCH, Mr. LANTOS, Mr. HOCHBRUECKNER, Mr. BOEHLERT, Mrs. BYRNE, Ms. ENGLISH of Arizona, Mr. JACOBS, Mr. EDWARDS of California, Mr. SMITH of New Jersey, Mr. KLINK, Mr. MCDERMOTT, Mr. DEFAZIO, Mr. DELLUMS, Mr. EHLERS, Ms. MARGOLIES-MEZVINSKY, Mr. WASHINGTON, Mr. PALLONE, Mr. ENGEL, Mr. REED, Mr. KANJORSKI, Mr. GEJDENSON, Miss COLLINS of Michigan, Mr. DE LUGO, Mr. SHAYS, Ms. NORTON, and Mr. JEFFERSON.

H. Con. Res. 234: Mr. ENGEL, Mr. HILLIARD, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Ms. SNOWE, Mr. WILLIAMS, and Mr. ZIMMER.

H. Con. Res. 245: Mr. SHAYS and Mr. BACCHUS of Florida.

H. Res. 234: Mr. BUYER and Mr. GRANDY.

H. Res. 337: Mrs. MINK of Hawaii and Mr. MEEHAN.

H. Res. 430: Mrs. MALONEY, Mr. SKEEN, and Mr. GENE GREEN of Texas.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 20, May 25, 1994, by Mr. SANGMEISTER on House Joint Resolution 131, has been signed by the following Members: George E. Sangmeister and Thomas W. Ewing.

Petition 21, May 26, 1994, by Mr. HANSEN on House Resolution 405, has been signed by the following Members: James A. Hansen, Dan Glickman, Bob Stump, Scotty Baesler, Robert H. Michel, Richard W. Pombo, Jim Bunning, Dick Swett, Vernon J. Ehlers, Roscoe G. Bartlett, Bob Goodlatte, James M. Inhofe, Michael D. Crapo, Howard P. "Buck" McKeon, Lamar Smith, Jennifer Dunn, Dan Burton, Donald A. Manzullo, Jay Kim, Jim Kolbe, Mel Hancock, Wayne Allard, Ernest J. Istook, Jr., Don Young, Charles W. Stenholm, Robert F. (Bob) Smith, Cliff Stearns, Calvin M. Dooley, Charles T. Canady, Dana Rohrabacher, E. Clay Shaw, Jr., Peter Blute, Jane Harman, Craig Thomas, F. James Sensenbrenner, Jr., Timothy J. Penny, Fred Upton, Bill Emerson, Jan Meyers, Scott McInnis, Bob Livingston, Cass Ballenger, Porter J. Goss, Richard K. Armey, Paul E. Gillmor, Tillie K. Fowler, Peter Hoekstra, John Edward Porter, Rod Grams, Jim Slattery, Pat Roberts, Frank D. Lucas, Bill Orton, Jim Lightfoot, Hamilton Fish, Jr., J. Alex McMillan, David Minge, Douglas "Pete" Peterson, Michael A. "Mac" Collins, Andrew Jacobs, Jr., Peter G. Torkildsen, Dan Miller, James A. Leach, Joe Barton, Rob Portman, Collin C. Peterson, Stephen E. Buyer, Larry Combest, Dave Camp, Barbara F. Vucanovich, James M. Talent, Alfred A. (Al) McCandless, Christopher Shays, Thomas W. Ewing, Steve Gunderson, Joe Skeen, Sam Johnson, Bill Barrett, Joel Hefley, Michael Huffington, John Linder, Jim McCrery, J. Roy Rowland, Michael Bilirakis, Joe Knollenberg, Dave McCurdy, Bob Inglis, Barney Frank, Rick Santorum, Bill McCollum, Ileana Ros-Lehtinen, Nathan Deal, David L. Hobson, Harris W. Fawell, Doug Bereuter, Dick Zimmer, Tom DeLay, William F. Clinger, Jr., Don Sundquist, Thomas E. Petri, James C. Greenwood, David Dreier, Henry Bonilla, Carlos J. Moorhead, Bob Franks, Ken Calvert, Nick Smith, Bill Baker, Gerald B.H. Solomon, William H. Zeliff, Jr., Jerry Lewis, Dean A. Gallo, Jim Bacchus, Toby Roth, J. Dennis Hastert, Arthur Ravenel, Jr., Newt Gingrich, Randy "Duke" Cunningham, Elton Gallegly, Nancy L. Johnson, Philip M. Crane, James A. Barcia, Charles H. Taylor, Sonny Callahan, John T. Doolittle, Jim Nussle, Terry Everett, Thomas J. Bliley, Jr., Jon Kyl, Constance A. Morella, Gary A. Condit, Jack Quinn, John A. Boehner, Deborah Pryce, and Wayne T. Gilchrest.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247: James M. Talent, John Kasich, Rich Santorum, John J. Duncan, Jr., and Nick Smith.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Peter T. King and John Kasich.

Petition 13 by Mr. SMITH of New Jersey on House Resolution 281: John Kasich and Frank Tejeda.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Robert H. Baker, John A. Boehner, Charles T. Canady, John T. Doolittle, Peter T. King, Larry Combest, and Sanford D. Bishop, Jr.

Petition 16 by Mr. ZELIFF on House Resolution 407: Scotty Baesler, Timothy J. Penny, Ron Lewis, W.J. (Billy) Tauzin, James A. Hayes, and Bob Livingston.

Petition 17 by Mr. SHAW on House Resolution 386: Jim Ramstad, John A. Boehner, Bob Franks, Peter G. Torkildsen, Ken Calvert, Nick Smith, Amo Houghton, James H. (Jimmy) Quillen, Bill Baker, Bob Stump, J. Dennis Hastert, Wayne Allard, Randy "Duke" Cunningham, Bob Livingston, William F. Goodling, Philip M. Crane, Dana Rohrabacher, Terry Everett, Michael A. "Mac" Collins, Herbert H. Bateman, Floyd Spence, Peter T. King, George W. Gekas, Peter Blute, William F. Clinger, Jr., John T. Doolittle, Steve Gunderson, Micheal G. Oxley, Richard W. Pombo, Robert H. Michel, Howard P. "Buck" McKeon, Jon Kyl, Dave Camp, Bill McCollum, Scott McInnis, Fred Upton, Jack Quinn, and Dean A. Gallo.

Petition 18 by Mr. HASTERT on House Resolution 402: Jay Kim, Bob Goodlatte, James M. Talent, Bob Inglis, John A. Boehner, Charles T. Canady, Dick Zimmer, Peter T. King, Robert F. (Bob) Smith, John Kasich, Tom DeLay, John Edward Porter, Roscoe G. Bartlett, Ernest J. Istook, Jr., Larry Combest, John Linder, Carlos J. Moorhead, Ken Calvert, Nick Smith, Bill Baker, Newt Gingrich, Randy "Duke" Cunningham, and Jennifer Dunn.

Petition 19 by Mr. EWING on House Resolution 415: Jay Kim, Jim Bunning, Bill Emerson, Jim Ramstad, Bob Goodlatte, Sam Johnson, Mel Hancock, James M. Talent, Howard Coble, Doug Bereuter, Jan Meyers, Jay Dickey, John A. Boehner, Charles T. Canady, Dick Zimmer, John T. Doolittle, Rich Santorum, Cass Ballenger, Rod Grams, Larry Combest, James C. Greenwood, David Dreier, Ken Calvert, Bill Baker, and William H. Zeliff, Jr.

Petition 20 by Mr. SANGMEISTER on H.J. Res. 131: Bill Baker.

EXTENSIONS OF REMARKS

TRIBUTE TO REV. D.L. WELCH

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HUTTO. Mr. Speaker, I rise today to pay tribute to the contributions of Rev. D.L. Welch. Reverend Welch is celebrating his 89th birthday this week. For over 60 years, Reverend Welch has contributed to the spiritual development of Escambia County through the First Pentecostal Church of Pensacola.

For more than 70 years, the Reverend Welch has preached the Gospel to all. He began the local phase of his career in the late 1920's with massive tent revivals drawing as many as 5,000 attendees in one night. Before long, the people of this community insisted he establish a church and pastor it. Today it is one of the largest in our worldwide denomination. At the present time, it is being expanded into a 2,000-seat sanctuary on a nearly 9-acre site

The Reverend Welch's accomplishments could take up a volume, but yet he is a humble man. Despite the fact that literally tens of thousands of people have come to salvation through his preaching, Reverend Welch has not sought nor received public acclaim. He believes his reward will come in Heaven; true enough—but obviously we wish to remember his record of helping all who came to him by instilling these values in others with something tangible today.

The Reverend Welch has authored two widely read books. The first, "Contending for the Faith," is hailed as a concise theological primer on the true nature of God, His Spirit and His incarnation as Jesus. His second, "D.L. Welch, A Man of War," chronicles—and preserves—the earliest foundations of Pentecostal theology and evangelism. Both are considered must reading for those who seek the truth of God's revelation to humanity.

Florida Governor Fuller Warren recognized his abilities. With the concurrent advice and consent of the President of the Florida Senate and the Senate as a whole, the Reverend Welch served as Chaplain of the Senate, becoming a trusted source of spiritual advice and comfort to the State's lawmakers.

The totality of his career's accomplishments are recognized by his denomination as well. He was unanimously elected to the general board of the United Pentecostal Church and still serves today, representing the membership at-large. This honor ranks the Reverend Welch among the Nation's top religious leadership, a point of pride for Escambia County.

But Reverend Welch's most significant accomplishment is changed lives. These are thousands of stories. But the Reverend Welch is not a self-seeker; the job of accomplishing such acts of life-saving renewal is sufficient recognition.

I am pleased to pay tribute to Reverend Welch. We wish him a happy birthday, and many more years of service.

IN APPRECIATION OF THE INTERNATIONAL ECONOMIC DEVELOPMENT PROGRAM SPONSORED BY CENTRAL CONNECTICUT STATE UNIVERSITY AND THE TECHNICAL UNIVERSITY OF WROCLAW

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise to commend the cooperative efforts of Central Connecticut State University in New Britain and the Technical University of Wrolaw who, throughout the past 3 years, have combined university and community resources and leaders to develop a partnership to promote Poland's historic transformation to a market economy. I have enjoyed the opportunity to work closely with this program in its qualification process for U.S. Agency for International Development grant funds and I am pleased to recognize the excellence of its work.

In 1991, with the aid of the Gen. Jozef Haller Post in New Britain, leaders at Central Connecticut State University undertook a tremendous initiative which resulted in more than $3.2 million being raised in private and public funds to support a broad variety of technical assistance projects for the people and major institutions of southwest Poland. New Britain, CT, is proud of its significant Polish community and their strong ties to their homeland. New Britain's "Polonia" was integral to the development and success of the AID grant-funded programs.

It has been an exciting period in New Britain and Central Connecticut State University's history, with this inaugural outreach effort reaching such a remarkable degree of respect and success in Poland. Strong bonds have developed between the academic teams and the participants in the program—bonds which will serve both communities in the years to come. All those involved have benefitted beyond the original scope of the program, and I would like to thank President John Shumaker and Vice President Zdzislaw Kremens for their initiative, leadership, courage, and perseverance in realizing the full potential of this worthy endeavor.

HONORING PATRICK O'DONNELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ENGEL. Mr. Speaker, this weekend in my district, an outstanding citizen is being honored as Riverdalian of the Year by the Riverdale Community Council. A local businessman and community activist, Patrick O'Donnell richly deserves this recognition.

Mr. O'Donnell has been active in a wide range of community activities. His efforts have assisted children in local youth programs, neighborhood residents, and charitable organizations. He was a member of the North Riverdale Taxpayers Association, a predecessor to the Riverdale Community Association. His other affiliations include St. Margaret's Church, the Riverdale Irish Society, and the Knights of Columbus.

I am sure Mr. O'Donnell's wife and three children are proud of his accomplishments, and the community is grateful for his contributions. Mr. Speaker, it is people like Patrick O'Donnell who help maintain viable communities. I congratulate him on behalf of my constituents and extend my personal best wishes.

A POLICY THAT COSTS ME OVER $2,900 A YEAR, AND HAS A LIFETIME CAP OF $20,000 IN BENEFITS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, I rise today to stress once again the importance of health care reform. The American people continue to face high insurance premiums, a lack of benefits, and excessive medical costs. I speak in reference to a letter I received from a man in Florida, who lost his job, and consequently his medical and life insurance.

Here is an excerpt from his letter:

> For more than ten years, I worked for [a large corporation]. I was told by human resources people that should I ever be terminated or laid off, I could continue my medical coverage. "Don't worry," they said, "nothing can happen."
>
> Then I got my HIV-positive test result.
>
> Then I was laid off.
>
> Then my medical and life insurance went away.
>
> What was a one-million dollar major medical and hospitalization policy is now a policy that costs me over $2,900 a year, and has a lifetime cap of $20,000 in benefits. I am delighted to report I may be able to survive this disease—but am less happy to report that my lifetime benefits will be exhausted in less than three years. At that point, I will need to pay the $800 per month cost of my drugs and lab tests. As I am now [self-employed], I can only hope that business is good when that happens.

This letter demonstrates the needs of the American people and emphasizes the necessity of a plan which guarantees universal health coverage and controls on health care costs.

"Please get something done," this man writes, "I do not want to plan my own funeral

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

just because I could not afford to continue my medication."

A TRIBUTE TO ROBERT E. LEHNHART

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Robert E. Lehnhart of Orange, CA. Bob, who has demonstrated a remarkable dedication to the needs of the international community, will be honored on June 10, 1994, as he retires from his position as founder, president, and CEO of Air Serv International, a nonprofit, humanitarian aviation organization based in Redlands, CA.

In 1984 Bob founded Air Serv International and began operations a year later during one of Africa's worst crises. Since that time, over 100,000 flights have been successfully completed in remote and often war-torn areas of developing nations. Under Bob's leadership, Air Serv has provided safe and reliable air transport to agencies involved in relief and development, U.N. agencies, Embassy aid missions, and multilateral and national government agencies. Because of Bob's dedicated service, Air Serv has earned a solid, well-deserved reputation among the international community.

Using his experience gained through years of work with Air Serv and other charitable efforts, Bob plans on pursuing an advanced degree in international studies and hopes to teach. Despite Bob's retirement from Air Serv, he will continue to make a significant impact on the international community as he prepares others for careers in the international and humanitarian fields.

Mr. Speaker, I ask that you join me, our colleagues, Bob's family and many friends in honoring this unique individual for his extensive and dedicated service. Over the years, Bob has touched the lives of many people in our community and abroad and it is only fitting that the House recognize him today.

THE DISTRICT OF COLUMBIA'S FISCAL AND POLITICAL HOUSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, the District of Columbia government is struggling to bring its house in order. There are serious fiscal and management problems confronting this city's elected officials. The District is in a financial mess because it did not realistically cut spending to meet declining revenues in recent years. Instead, it relied on congressional bailouts, short-term borrowing, and budgeting contrivances.

The District faces the problems, challenges, and opportunities common to many American cities today. But it also has the unique role of being the Nation's Capital, too. Congress must share responsibility with local officials for creating and solving these problems. My colleague from California, Mr. DIXON, is addressing these issues as his subcommittee considers the fiscal year 1995 appropriation for the District. The House District Committee will address them next month when we hold hearings on the District's Federal payment.

However, the ultimate judgment for selecting solutions will rest where it should, with the District's voters. I believe that District voters, like voters everywhere, will surprise many when they demonstrate their understanding of complex issues and competing candidates.

Twenty years ago, District voters passed the Home Rule Charter. Twenty years later, I am sure they will again speak with conviction. The answer to the city's problems will be found in the relationship between the residents and their elected leaders. I will only support congressional involvement which is built on that foundation.

I commend a recent Post column to my colleagues. It raises several interesting ideas about the District's government and elected officials. While I don't necessarily agree with everything proposed, this is the type of dialog the city needs. The article was written by two local journalists, Harry Jaffe and Tom Sherwood, whose recent book, "Dream City: Race, Power and the Decline of Washington, DC," charts the course of District politics since Home Rule. The article and the book should be required reading for everyone concerned about how the District came to be in this situation and what to do next.

[From the Washington Post, May 22, 1994]

GETTING REAL ABOUT D.C.: THE CASE FOR CITY MANAGEMENT

(By Harry Jaffe and Tom Sherwood)

Twenty years ago this month the democracy-starved voters of the District of Columbia went to the polls and ratified the Home Rule Act, a limited and in many ways begrudging form of government crafted by congressional overseers. It was the best the city could get at the time.

Now, after two decades in operation, that system of semi-independent self-government is in desperate need of reform. Debilitating social and fiscal problems spur flight by both white and black middle-class families who should be the heart of the city's stability and tax base. Yet more time is spent in Congress, the city government and the media spreading blame rather than working for change.

For those who stay in the District, and for those who live nearby but understand the need to keep the central city healthy, it is time to focus on the future of the nation's capital as hometown to (at last count) more than 575,000 Americans. This urgent undertaking will require a cold-eyed evaluation of the past 20 years, the strength to recognize home rule's shortcomings, and the courage to chart a new course.

There is no better place to begin the process than in Room 2400 of the Rayburn House Office Building, the offices of Rep. Julian Dixon of California. Advocates of more rights for District citizens may balk at beginning on Capitol Hill, but consider Dixon's unique perspective. He was born in the District and spent his childhood here in a stable, black middle-class neighborhood. Like thousands of other middle-class African Americans who grew up here, he remembers summer afternoons in a community where neighbors looked out for the kids on the block. In 1979, Dixon returned as the representative from the 32nd District of California, and he's kept a home in the District ever since. A year after he arrived he became chairman of the House appropriations subcommittee on the District of Columbia—a job with little prestige, but Dixon keeps it because he cares for his hometown. Dixon knows the city's finances, and he's confused.

"Where's the money?" he asked recently, referring to the half a billion dollars that the District government has either borrowed or received from Congress in the last two years, over and above the federal payment and tax revenues. "How can the government be $300 million in the hole? If the government stopped here tomorrow, how much would it owe its creditors?"

Dixon hopes to answer these questions in congressional hearings he will begin this week but he knows that the solutions to the government's shortcomings lie beyond the next budget cycle. "Without retrenching from home rule," he says, "we have to rethink its structure."

Dixon has the right idea, especially in two main areas in need of reform: political structure and management.

Politics first. Let's start by facing up to the fact that the District is not like Philadelphia, Boston, New York or any other city with similar urban problems. The city is unique, if only because its budget is controlled by a Congress where it has no voting representation. But that obvious difference masks a more fundamental disparity. From 1874, when Congress abolished local self-government, until 1974 when the home rule act took effect, the citizens of Washington had no local political culture, no patronage system other than one controlled by congressional overseers, no power over how their city was run. Every other major American city developed a political establishment that is now at least 100 years in the making. Our local political system has been growing for just over two decades. It's young, it's unruly and it's taken some bad turns.

For instance, it is effectively a one-party system; Democrats out-register fumbling and reclusive Republicans by 9 to 1. The Statehood Party is minuscule, and there are no solid, independent political organizations that can groom candidates for the ballot. In such a small political community, where's the public debate? Democracy is a participation sport. Solutions and a sense of community arise from vigorous political competition.

To invigorate local elections, Dixon suggests runoffs among the two top vote-getters in the mayoral race. A majority of voters would then elect the truly strongest candidate, rather than the current system of one more vote than the next candidate and you win.

Our next suggestion may come as a shock: There aren't enough elected offices in the current political system. An aspiring politician can dream of being an advisory neighborhood commissioner representing just 2,000 people, a school board member, a council member, the mayor or the non-voting delegate to Congress. With so few opportunities—and sporadic media coverage that fails to create the sense of a true hometown—the city hasn't developed a viable political farm system. Five months from the mayoral primary, here are the three choices so far: an unpopular incumbent, City Council member who's been rejected by the voters three times in past mayoral bids and a former three-term mayor who's trying to resurrect himself. More seasoned politicians could grow out of a system with more opportunities.

Why not make the corporation counsel, or city attorney, an elective office instead of a mayoral appointee? How about establishing a local district attorney and having voters choose the person who prosecutes local criminals rather than the current system in which the presidentially appointed U.S. attorney serves as chief prosecutor. The city could elect a comptroller, a treasure, an independent auditor. Each would develop a political base with roots in the community, and from those roots could grow a truly committed and connected electorate.

The City Council needs revamping too. Dixon suggests the council elect its own chairman, rather than having voters decide who can best run the council. Why not also halve the salaries—now over $70,000 a year—and make the council a truly part-time job as it was conceived to be? Then double the number of members, to make it more like a legislature? We would get debate, diversity and coalitions of power.

And why should we have a year-round legislature? Maybe it should meet in legislative session for only two or three months, as in Virginia and Maryland, rather than its nearly nonstop churning of legislation. Who can keep track except staff members and lobbyists? The council could meet in monthly sessions the rest of the year to take care of routine municipal affairs. A defined legislative session would allow citizens to focus on and participate in the making of city laws.

Political reform is well and good, but in Dixon's eyes, nothing comes before good management, something the city is obviously lacking.

It's painfully clear that management of key city agencies has been marred by political considerations, low pay and lack of experience. Mayor Kelly's best hire in her first year was Jack Bond, a manager with a proven track record in Durham, N.C., and other cities. Although Bond officially resigned, in fact the mayor forced him out for reasons that remain unclear.

The worst case of horrendous management is in the public housing department, which has had more than a dozen directors in as many years. Thanks in part to inept management, the city's public housing complexes are breeding grounds for drug dependency, gunplay and poverty. Just as important, the spillover effect undermines what otherwise would be more stable working poor, middle and upper-income black neighborhoods.

Dixon suggests that the day-to-day operations of the city be placed in the hands of a professional city manager. That person could be nominated by the mayor and confirmed by the council. "The manager could then be more immune to the day-to-day politics of the city," says Dixon.

Identifying flaws in the way the District has developed under 20 years of the Home Rule Act is not difficult. The tough part is charting the course toward a healthy social, political and financial future. How do we make the second 20 years of the city's growth a success story?

The first step is to acknowledge our current dependence on Congress, and in return demand that Congress fulfill its part of the relationship. In this phase, the District gets its financial house in order. In some measure, this has already begun, with the recent request—by Dixon and Rep. Pete Stark (D-Calif.)—that two federal agencies conduct a thorough examination of the city's books.

But the District could play a leading rather than trailing role by embracing a financial oversight commission to review the nuts and bolts of many city agencies. The commission would be made up of local and federal officials whose mandate would be more than advisory. Such a preemptive strike could forestall the installation of a mandatory board like the one that was given power to oversee New York City's government in the 1970s.

To the most zealous statehood advocates, this could seem a serious retreat from home rule. But look around. The federal government is already involved in a host of local government functions: Federal agents police the streets; federal officials are now part of an executive commission assigned to fix city public housing; courts dictate foster care and prison health; federal auditors are examining every item of local spending.

An oversight commission might need as many as five years to do its work. But in the process, city residents would take control of more government functions, such as local criminal prosecution, while Congress relinquished power to review the city's budget. Such a slow but steady march toward full independence is the path Del. Eleanor Holmes Norton believes has the best chance of success.

Dixon and Norton aren't alone in their vision of restructuring and reform. The consensus to reevaluate home rule is spreading from the Greater Washington Board of Trade to the Democratic State Committee to the streets, where frustration with the status quo runs higher every day. All people of good will want safe streets, better housing, decent schools, steady jobs and a local government that works. Only a fresh look at home rule will get them what they want.

TRIBUTE TO MARTIN BARBER

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to honor and pay tribute to Mr. Martin Barber of Livingston, NJ. A longtime friend, Marty has most recently earned distinction as the chair of the Stamp Out Hate Coalition, an organization dedicated to promoting tolerance and understanding in my home State of New Jersey.

Marty has a lengthy and dedicated history of public service, balancing responsibilities to his family and profession with the demanding obligations of helping to lead his community. As vice president of the Metropolitan Chapter of the American Jewish Committee, as a member of the executive committee of the Jewish Federation of MetroWest, and as past president of Temple Beth Shalom in Livingston, Marty has consistently battled the bigotry and hate seemingly on the rise in our society. I commend Marty's resolute and steadfast opposition to these forces of discord, and his advancement of policies and practices that benefit all peoples.

Mr. Speaker, Marty Barber's courage and perseverance are a tremendous example of public service for us all. I am, therefore, pleased to announce that Marty will be honored at the American Jewish Committee Annual Dinner Meeting on June 1, 1994, and I commend him and his many outstanding accomplishments.

AIRLINER CABIN AIR QUALITY ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. OBERSTAR. Mr. Speaker, today I have introduced the Airliner Cabin Air Quality Act of 1994, to prohibit smoking on international flights to and from the United States. Congress banned smoking on all domestic flights of 6 hours or less in 1990. However, smoking remained permitted on U.S. carriers on international flights, and most foreign carriers serving the United States permit smoking as well.

On May 18, 1994, the Subcommittee on Aviation, which I chair, held a full day of hearings on airliner cabin air quality. While there are many concerns about the overall quality of the air, the single most effective—and cost-free—action that we can take is to ban smoking on international flights.

Most persuasive to the subcommittee at this hearing, as at our previous one, was the testimony of flight attendants, who are forced to spend their working lives aboard aircraft. Our flight attendant witnesses detailed ailments which they and their colleagues incur in the small, enclosed, smoke-filled cabin environment. They described health problems ranging from eye, nose and throat irritation, headache, nausea, dizziness, blurred vision, shortness of breath, and heart palpitations to permanent disability and even death from the occupational hazards of their jobs in airplanes. Nonsmoking flight attendants are suffering and dying from diseases common to smokers—simply from working in the smoking section.

There is also a safety issue involved. Flight attendant witnesses showed us photographs of cigarette butts all over the floor of the airplane—a potential fire hazard. They testified to passengers falling asleep in their seats, dropping lighted cigarettes on the floor—a clear fire risk.

Equally outrageous is the plight of children stuck in the smoking section with their parents. And businessmen who must be at their peak when they arrive at their destination, but stagger off, jet-lagged and debilitated by smoke-caused allergies and sensitivities. And pleasure travellers whose vacations are ruined by smoke-induced illnesses. And the millions of nonsmoking passengers who cannot really get away from the smoke, no matter where they sit in the airplane.

Mr. Speaker, the International Civil Aviation Organization [ICAO] has proposed that nations end smoking on aircraft in 1996. This is a proposal only, and unless all countries agree, passengers and flight attendants will continue to suffer, and airlines forced to go nonsmoking will maintain that they are at a competitive disadvantage.

Airlines serving the United States, whether carrying the U.S. flag or some other, would under my bill be smoke-free. There would thus be no competitive disadvantage between U.S. and foreign airlines, and I believe that the airlines themselves as well as the vast majority of their employees and passengers will welcome enactment of this bill.

REMEMBER THEM WITH FLOWERS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MOORHEAD. Mr. Speaker, yesterday I received a call from a constituent who told me a story and gave me an idea that is especially appropriate to Memorial Day and the 50th anniversary of D-Day.

Doris Winkler, who syndicates the television show, "The Senior Report," lost her brother, Capt. John M. Hennessy, Jr., during World War II.

Captain Hennessy was killed in Italy near the Arno River a few days after participating in the liberation of Rome. He was a forward observer with the 88th Infantry Division, 337th Field Artillery Battalion. He died almost exactly 50 years ago on July 14, 1944, ironically his parent's wedding anniversary.

John Hennessy, who graduated summa cum laude from Notre Dame University, is buried in a U.S. military cemetery 7 miles outside of Florence, Italy.

Each Memorial Day his grave site, plot C, row 5, grave 38, is graced with a bouquet of flowers, a symbol of remembrance and affection from his sister.

Mrs. Winkler accomplishes this loving task with the assistance of the American Battle Monuments Commission. "The American Battle Monuments Commission is extremely sensitive to its ministry of caring for these sanctified graves and always sends me a picture of the decorated grave," she said. "The pictures from the Memorial Day placements always sadden me because the background reveals long rows of crosses with no flowers, save my brothers."

"It occurred to me," she continued, "that survivors of these men do not realize that for very little money the Commission, which oversees all foreign U.S. military cemeteries, will contact the appropriate cemetery and in very short order, get flowers to the grave site. All they need is the soldier's name and where he is buried."

Doris Winkler called the Commission yesterday to check about the arrival of her check for her brother's flowers. In passing she asked if the Commission had received many requests. "Oh, yes," came the reply, "We've had 12 already."

Doris Winkler would love to see more than 12 heroes honored especially since the ABMC is the steward of more than 100,000 graves and names on tablets of the missing.

She said she was certain there would be more flowers if more Americans were aware of the "fine service of the American Battle Monuments Commission." She asked if I might help spread the word among my colleagues in the Congress.

Mr. Speaker, I'm honored to do so. For further information concerning these services call the ABMC at 202-272-0537. The commission also notes that flowers for all foreign military cemeteries can be ordered through any local florist who is a member of the "Florist Telegraph Delivery Association."

Again, Mr. Speaker, I hope this information allows more people to pay special homage to those that made the ultimate sacrifice for our country.

TRIBUTE TO REV. SPENCER JONES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Spencer Jones of the Southside Tabernacle Church. Attached is a proclamation I issued Reverend Jones commending him for his work.

PROCLAMATION

Whereas Rev. Spencer Jones was born and raised on a farm in Poplar Bluff, Missouri and felt the call of God on his life when he was three years old and confessed Christ as his personal Saviour at age nine, and in 1966 he was drafted into the United States Army, and was shipped to Viet Nam, and leaving Viet Nam, he enrolled in Central Bible College, and was elected Vice President of the Student Government and a member of Who's Who Among Students and graduated in 1972 with a B.A. in Religion; and

Whereas in November of 1972, Rev. Jones followed the leading of the Lord to come to Chicago and pastor the Southside Tabernacle Church and during the early ministry would knock on doors and present the plan of salvation to many, and trained and encouraged his congregation to do the same; and

Whereas the "Southside Vision" is to win souls, it is "Expanded Vision" is to train young men and women in pastoral care so they can effectively pioneer full gospel churches in every major inner-city in America, and in July of 1980, Brother Jones was led by the Lord to organize the first Inner City Workers Conference and Pastors and laymen came from all over America to encourage and motivate one another. They also came together to devise strategies on how to effectively reach inner city dwellers, and under his leadership, 15 churches have been started in various inner city neighborhoods throughout America: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Pastor Spencer Jones.

PROVIDING TPS FOR HAITIANS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mrs. MEEK of Florida. Mr. Speaker, just a few days ago, Haiti's military regime announced plans to enforce a 14-year-old law which would make "all irregular trips toward foreign lands illegal." This means that any Haitian returned to Haiti will be subjected to imprisonment, torture, and or death. It is imperative now more than ever that we provide temporary protected status to Haitian nationals, both those in custody at sea as well as those who currently reside in the United States.

It is incumbent that the United States immediately stop the repatriation of Haitians intercepted on the high seas and grant them temporary protected status. Temporary protected status is a status that has been granted to nationals from other nations such as Kuwait, Somalia, Bosnia, and El Salvador during conflict in their countries. By granting Haitians TPS, we would be doing no more for them than we have done for other refugees.

By granting Haitians TPS we achieve two objectives: undocumented Haitians can live and work in safety without fear or being deported, and the INS would know where they reside so that it can facilitate their return once conditions in Haiti are safe. Meanwhile, they would be granted work authorization, but would remain ineligible for any Federal benefit programs.

As a nation, we refused to protect desperate Jews seeking refuge from Nazi Germany. If we fail to protect Haitians, we will be setting a dangerous precedent for the future and risk repeating the mistakes of the past.

TRIBUTE TO REV. HOLLIS LEWIS, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Hollis Lewis, Sr., of the Greater Pleasant Green Baptist Church of Chicago, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Hollis Lewis Sr. was born in Summit, Mississippi, he came to Chicago in 1934, he married Miss Josephine Jeanette White in 1937, they have been blessed with five sons, Hollis, Jr., Clarence E., Sr., Robert E., Raymond L., and Juan H. Lewis; and

Whereas Reverend Lewis joined the New Hope Baptist Church of Chicago and was Baptized under the pastorate of The Reverend William Dixon, he served as a Sunday School Teacher, Superintendent of the Sunday School, sang in the Choir, served as Church Treasurer, and as a Deacon, he was called to the Gospel Ministry in 1944, he was Ordained in 1946 at the New Hope Baptist Church under the pastorate of the late Reverend Calwell W. Jones; and

Whereas Reverend Lewis matriculated at the Morgan Park High School in Chicago, The Moody Bible Institute, and the Chicago Baptist Institute, receiving a Christian Leadership Degree, and the Bachelor of Arts Degree in Theology, in 1985 The Chicago Baptist Institute awarded Reverend Lewis the Honorary Doctor of Divinity Degree, he is on the Faculty of the Chicago Baptist Institute, and an Instructor in the Christian Education Congress of the National Baptist Convention, Dean of the Seminar for the Baptist Ministerial Alliance, and President of the Morgan Park/Maple Park Ministerial Alliance; and

Whereas Reverend Lewis organized The Rose of Sharon Baptist Church at 7039 S.

Wentworth Avenue in Chicago, where he served as Pastor for eight years, later he served as an Evangelist for two years, in 1964 he was called to pastor The Greater Pleasant Green Baptist Church, in 1974 the Lord led Reverend Lewis to build a new Church, the land was purchased at 115th and Ashland Avenue, today this vision is a reality, Reverend Lewis is a father, a shepherd, a builder, a teacher, a servant and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Hollis Lewis, Sr. and The Greater Pleasant Green Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO HIRAIR HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute a man who epitomizes the American Dream. Mr. Hirair Hovnanian, chairman of the board of trustees of the Armenian Assembly of America, will receive the assembly's Distinguished Service Award at a gala in New York City on June 4, 1994. This is a richly deserved award for a man who has contributed immensely to two great nations, the United States and Armenia.

Hirair Hovnanian came to this country on a freighter in 1951 with only $25 in his pocket and the address of some relatives in Philadelphia who took him into their home. He enrolled at Villanova University in 1952, graduating 4 years later with a bachelor of science in civil engineering. That same year, he married Anna Hamparian, to whom he has been married for the past 38 years. He began his career as a civil engineer with a consulting firm making $90 a week, saving every penny he could. As chance or fate would have it, a distant cousin of his was building a home in Toms River, NJ, and Hirair went to see how it was done. It occurred to him that he could build a hundred homes just like it in a year's time. In 1958, he moved to Toms River, with $3,500 in his savings account, and he and his brothers bought 23 acres of land. With a secondhand Jeep and chainsaw, and working round the clock, the Hovnanian brothers created their first housing development. After several years of successful work together, the brothers formed separate building companies in 1963.

In 1963, Hirair formed Hovsons, Inc., and within a year he had built 72 homes. Since the majority of his home buyers were retirees, Hirair decided to build adult communities, but in a new way—creating single-family homes with their own individual lots. What better example could there be of realizing the American dream?

In 1965, Mr. Hovnanian started the first Holiday City adult community. This concept has expanded into a total community, including recreation, medical, and shopping facilities, and more than 15,000 housing units. His development business is complemented by his building materials and prefab manufacturing subsidiaries. He has also diversified into the development and construction of health care facilities, retail centers, office complexes, and mining operations in New Jersey, Florida, and California.

Mr. Hovnanian has always maintained that his hard-work ethic comes from his parents. His father fled the genocide perpetrated against the Armenian people by the Turkish Ottoman Empire, which began in 1915. The senior Hovnanian fled to Iraq where he succeeded in business until unrest in that nation forced the family to seek refuge in the United States. Hirair has said of his father, "He was a self-taught man. I think his drive to succeed became a family trait. My brothers and I were all competitive, but not to out-do one another, just to do our best and be successful at what we set out to accomplish. It's true with my children as well." Hirair and Anna have five children: four daughters, Siran, Edele, Leela and Tanya, and a son, Armen, all of whom are well on the way to successful careers. Edele and Armen work alongside their father at H. Hovnanian Industries.

While Mr. Hovnanian could very easily have devoted all of his energies to his business and enjoyed the fruits of his success, he has chosen instead to get involved with a diverse array of civic, charitable, educational, and philanthropic activities. He was a founding benefactor of the Armenian Assembly, organized in 1972 here in Washington. He has been the assembly's driving force, serving as president and chairman of its board of trustees.

In 1988, tragedy struck the Hovnanians' ancestral homeland of Armenia when a devastating earthquake tore apart the country, devastating cities and towns, and leaving thousands homeless. Hirair was one of the first Armenian-Americans on the scene, opening an Armenian Assembly office in the capital of Yerevan with a satellite phone to communicate with the rest of the world. He helped to raise $4 million which, with a $2 million grant from the U.S. Agency for International Development, established housing component manufacturing facilities under his direct management. Currently, he serves on the Hayastan All Armenia Fund, which is involved in humanitarian projects in Armenia.

In the past year, working with the Government of the Republic of Armenia, Hirair established the Armenia Oil and Gas Development Fund [ArmOil] for oil and gas exploration, contributing his own funds and working to secure a sea outlet for the landlocked country.

Back home in New Jersey, Hirair Hovnanian has been active in a variety of community activities and organizations, has donated some $20 million to charitable, religious, cultural, and educational entities, and has received numerous high awards and decorations for his years of work and dedication to the community. In recognition of his devotion to the Armenian Church, he has been bestowed many decorations. He has dedicated a 465-acre bird sanctuary to the Audubon Society, a 175-acre sanctuary park to the New Jersey Natural Lands Trust, and provided for the preservation of a site containing late nineteenth century gunpowder works and Indian burial grounds.

Not bad for a young man who came to this country 43 years ago with $25 in his pocket.

Mr. Speaker, Hirair Hovnanian is a man who represents the fulfillment of the great American immigrant story that makes our country so unique. He has worked to make a difference, both in his homeland and his adopted home. It is an honor to share some of his accomplishments with the Members of this body.

TRIBUTE TO REV. WILLIAM JENKINS, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend William Jenkins, Jr., of the First Union Missionary Baptist Church of Ford Heights, IL. Attached is a proclamation I issued Reverend Jenkins commending him for his work:

PROCLAMATION

Whereas the Reverend William Jenkins, Jr. entered into the Ministry in 1978 and served as Associated Minister of the Lively Stone Missionary Baptist Church of Chicago under the pastoral leadership of his esteemed father The Reverend William Jenkins, Sr.; and

Whereas Reverend Jenkins has matriculated at the following schools: George Westinghouse High School, Chicago, Malcolm X College, Chicago, Moody Bible Institute, Chicago, Selma University, Selma, Alabama, earning the Bachelor of Theology degree in 1985, Garrett-Evangelical Theological Seminary, Evanston, Illinois, Master of Theology, currently Reverend Jenkins is a candidate for the Masters in Theological Studies at McCormick Theological Seminary, Chicago; and

Whereas Reverend Jenkins is an experienced pastor, serving as Pastor of New Hope #2 Missionary Baptist Church of Demopolis, Alabama, for six years, in 1988 installed as Pastor of First Union Missionary Baptist Church of Ford Heights, Illinois, where God has prospered the congregation under his ministry; and

Whereas Reverend Jenkins has served as President of the Ministerial Union of Selma University, Chairman of the Selma Nursing Home Mission, member of the N.A.A.C.P. Selma and Chicago Chapters, Fairview Lodge #26 F & AM, the Chicago Westside Ministers Conference, Garrett-Evangelical Black Seminarians, currently President of the Ford Heights Ministers Fellowship: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend William Jenkins, Jr. by entering these accomplishments into the CONGRESSIONAL RECORD and archives of the one hundred and third Congress.

TRIBUTE TO MRS. ANNE MACK

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. DARDEN. Mr. Speaker, one of the most important issues facing our Nation today is the education of our young people. Today I rise to honor a good friend of the young people, and all the people, of Marietta, GA, who has dedicated her adult life to teaching children. Mr. Speaker, her name is Anne Mack, and today she is retiring from a 30-year teaching career. During those entire 30 years, she taught first-graders in Marietta, first at Lemon Street Elementary School and then at Hickory Hills School. It is a fitting time to pause and reflect on the immeasurable contributions she has made to our community.

The success of Mrs. Mack's 30 years as a first-grade teacher is evidenced by the hundreds of children whose lives she influenced and enriched. Two of those hundreds of children, Mr. Speaker, are my children. They still remember Mrs. Mack vividly and fondly.

Also, her success as a teacher and community leader can be seen through her selection as one of the Outstanding Young Women of America, an honor she received in 1971. And on two occasions, she was selected as Hickory Hills School's Teacher of the Year.

From what I have learned, Mrs. Mack will now have more time to spend in her garden, which she greatly enjoys. Her retirement will also free her to expand her role as paster to her flock. Mrs. Mack and her husband Edgar (Johnny) Mack are copastors of the Sword of the Word Evangelistic Ministry in East Point, GA. And just as importantly, Mrs. Mack will have more time for her grandson, Austin Christopher McClendon.

We in Marietta are proud of Mrs. Mack's work over three decades. She has helped in a large way to make our community an exceptionally good place to live. On behalf of the U.S. House of Representatives, I acknowledge her accomplishments by entering these remarks into the CONGRESSIONAL RECORD and Archives of the 103d Congress and declare today "Anne Mack Day" at Hickory Hills School in Marietta.

TRIBUTE TO REV. FERLANDER N. LEWIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Rev. Ferlander N. Lewis of the New Mount Olive Missionary Baptist Church of Harvey, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Ferlander N. Lewis is a native of Clarksville, Mississippi, he is a graduate of Alan B. Shepherd High School 1978, where he was an All Area and All State Basketball Player, a graduate of Beloit College, Beloit, Wisconsin, 1982 earning the Bachelor of Arts Degree in economics; and

Whereas Reverend Lewis is an accomplished musician, he was the musician for the first Black Gospel Choir of Thornridge High School, he has served numerous churches as the Minister of Music for twelve years, teaching music and choir throughout Chicago and the south suburbs, he has recording credits playing for Serenity, a Christian singing group, and the Christian Fellowship Choir, he is an active member of the Progressive National Baptist Convention, preaching, lecturing, and teaching in its National Congress of Christian Education; and

Whereas Reverend Lewis responded to the Call into the Gospel Ministry, he was Licensed to Preach, August, 1979, Ordained, October, 1981, in True Vine Missionary Baptist Church, Dixmoor, Illinois under the pastoral leadership of The Reverend Steven D. Lewis; and

Whereas Reverend Lewis was installed as Pastor of the New Mount Olive Missionary Baptist Church, Harvey, Illinois February, 1986, New Mount Olive was the first Senior Citizen Nutritional site in the State of Illinois, established the Christian Help Center, serving the poor with food and clothing care packages for homeless men, and many other programs to help people in need, Reverend Lewis is a family man married to Janice Lewis and they are blessed with three children, he is a shepherd, a community leader, a humanitarian, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United State wishes to acknowledge the accomplishments of The Reverend Ferlander N. Lewis, and the New Mount Olive Missionary Baptist Church, Harvey, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

ANTHONY R. LENTINI RETIRES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MONTGOMERY. Mr. Speaker, on May 2, Anthony R. Lentini retired as Director of the VA Regional Office in New Orleans, LA, following many years of distinguished public service. In fact, Tony has spent all of his adult years serving his country, first as an officer in the Army and later as Director of the VA Regional Office in New Orleans.

Colonel Lentini, a native of Kenner, LA, is a combat veteran of World War II, Korea, and Vietnam. Prior to retirement from the Army in 1967, Tony served in the Office of the Secretary of the Army as a legislative liaison officer and advisor to Members of Congress who were reserve officers in the U.S. Army.

His first assignment in the Veterans Administration started in September 1967 when he was assigned as Staff Assistant to the Administrator of Veterans Affairs in Washington, DC. In 1969, he was transferred to the New Orleans Regional Office as a management analyst on the Director's staff, and in August 1973, he was appointed Assistant Director of the New Orleans Regional Office. He was Acting Director from September 9, 1973, to May 19, 1974, when he was appointed Director.

Tony has been recognized many times for his outstanding work in the State and local community where he has worked and lived. He received the 12th Annual Rabbi Emil W. Leipziger Award—outstanding United Way volunteer. He received awards for outstanding service to veterans from the Disabled American Veterans, the American Legion, Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America.

Tony served in various ways to support the business community. For his leadership and work, he received awards from the National Alliance of Businessmen.

He served as chairman of the New Orleans Federal Executive Board in 1977–78 and 1991–92.

Tony attended Louisiana State University in Baton Rouge. He received his degree from Loyola University in New Orleans and pursued additional studies at Pennsylvania State University.

Tony and his wife Ellen have enjoyed 46 years together and are the parents of four sons and one daughter.

Mr. Speaker, I and members of the committee staff have known Tony for many years. He has served the Nation well. He loves his country and has devoted his entire life to defending his country and helping those who went to war receive the benefits and services to which they are entitled.

Although Tony deserves to be free of the demanding schedule he has had to keep as Director of the VA Regional Office in New Orleans, he will be greatly missed by those of us who worked closely with him for so many years and by his fellow veterans. We wish Tony and his wife Ellen continued success and much happiness during the years ahead.

TRIBUTE TO ELDER MILTON OLIVER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Elder Milton Oliver of the ambassadors for Christ Church of God In Christ. Attached is a proclamation I issued Elder Oliver commending him for his work.

PROCLAMATION

Whereas Elder Milton Oliver is a native of Chicago, Illinois, a life long resident of the Morgan Park Community, he is a family man, married to Augustine Walker-Oliver for thirty-seven years, God has blessed them with two children; and

Whereas Elder Oliver matriculated at the Moody Bible Institute, Chicago, Illinois receiving a professional certificate in Evangelism and Pastoral Care, in secular training he holds two certificates of Completion Apprenticeship, United States Department of Labor in Iron Work and in Construction; and

Whereas Elder Oliver is the Founder and Pastor of the Ambassadors For Christ Church of God In Christ, established in 1977, in the sixth Jurisdiction of Illinois, he is a national denominational leader, Vice President of the International Department of Evangelism, Church of God In Christ, Inc., Administrative Assistant to the Bishop of the sixth Jurisdiction of Illinois, District Superintendent of the H.W. Goldsberry District, Area Director of Evangelism Region eight, Assistant Finance Chairman, sixth Jurisdiction of Illinois, Church of God In Christ, Inc.; and

Whereas Elder Oliver is very active in his community, a member of the Roseland Clergy Association, the Roseland Hospital Clergy, the Maple Park, Morgan Park, Beverly Clergy Association, District 22, Chicago Police Department Beat Representative Program, Board of Directors of the Butler Career Academy, he is always ready and willing to help people, his personal motto is "I love you, and you can't do anything about it": Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Elder Milton Oliver, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE NORTH AMERICAN COMMUNITY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. RICHARDSON. Mr. Speaker, I would like to direct my colleague's attention to the attached excerpts from an article by Alan K. Henrikson on the North American Free-Trade Agreement. In matters of trade and North America, Mr. Henrikson is a visionary. Mr. Henrikson's "A North American Community: 'From the Yukon to the Yucatan'" transcends the domestic squabbles, the trinational deal making, and the heated politics associated with NAFTA's inception, negotiation, and passage of this historic agreement. Henrikson appropriately concludes that trade agreements are meaningless if there is not a corresponding sense of common purpose and community among the signatory countries. NAFTA like agreements will meet with tremendous success if the commitment of nations participating in that pact fully develop the ties that bring us together. I urge my colleagues to examine the important work that follows.

A NORTH AMERICAN COMMUNITY: "FROM THE YUKON TO THE YUCATAN"

(By Alan K. Henrikson)

During 1991, President George Bush joined the president of Mexico, Carlos Salinas de Gortari, and the prime minister of Canada, Brian Mulroney, in initiating a complex process designed to bring about a North American Free Trade Agreement (NAFTA) on the continent. The idea was described variously by commentators as leading to a worldwide "strategic alliance" among the three partners, a business-based "North America Inc." to compete with the European Community and Japan, and even an economic "Fortress North America."

That the NAFTA scheme did implicitly threaten a new regional trade bloc, on the basis of which the United States, Mexico, and Canada could bargain collectively with Europe and Japan, is unmistakable. It clearly had coercive connotations as well as more constructive intent. US State Department Counselor Robert Zoellick, while denying that NAFTA would contribute to "the promotion of regional blocks," stressed that a NAFTA arrangement would "strengthen the hand" of the country's foreign economic policy. "The signal the United States wants to send the world," he stated, "is that we are committed to opening markets and that we will extend a hand to others who share that commitment"—and not, he seemed to imply, to others.

In August 1992, the continental free-trade negotiations were successfully concluded with congressional action expected in 1993. By negotiating a free market with both Canada and Mexico, the US government demonstrated that it had not abandoned "its leadership role" in the field of trade, thus answering critics who wondered if the "new world order" outlined by President Bush had a place for economics.

Apart from international power connotations, the NAFTA project, though focused on economics, seemed to prefigure what could be characterized as a "North American community"—that is, a new and positive identity shared by the peoples of the three North American countries. For the first time in their histories, Mexicans, Americans, and Canadians could come to feel that they had more in common with each other, despite cultural and other differences, than with any nonneighbor outside the hemisphere—notably their parent societies in Europe where a new identity also is rapidly forming. A NAFTA particularly could contribute to overcoming the estrangement between the Hispanic and norteamericano peoples in the New World. A greater inclusion of the continent's widespread, increasingly self-aware native groups—the continent's "first nations"—into a feeling of North American community, or family of peoples, also might result.

The notion of a North American community implicitly challenges the politically established concept of a "North Atlantic community," informally built around the North Atlantic Treaty Organization (NATO). It is not today widely remembered that the first suggestion of a "NAFTA," dating from the early 1960s, was for a North Atlantic Free Trade Agreement. This transatlantic NAFTA would have joined Canada and the United States with the United Kingdom, and perhaps other members of the European Free Trade Association (EFTA), formed in 1960 in part in reaction to the 1957 Treaty of Rome establishing the European Community (EC) on the European continent. Today's concept of a westward-oriented NAFTA is similarly, though less intentionally, an alternative to the larger "Pacific Basin community" concept. Some thought was given during the 1980s in the United States to concluding a free-trade pact with Japan.

Today's North American Free Trade Agreement is premised on the formal fact and the economic "success" of the 1988 bilateral US-Canada Free Trade Agreement (USCFTA), which went into effect at the beginning of 1989. A further, trilateral pact, to include Mexico, could have competed with the USCFTA, complemented it, or completed it. The Canadian government had to decide what position to adopt toward, and what part to play in, trade talks between the United States and Mexico. Whatever the form of a new continentwide trading relationship, a NAFTA was sure to do more than merely include a further economic partner with its own resources and needs. A three-way North American continental trade bond has ideological and even geopolitical significance.

"Right now," as President Bush stated in April 1991 to a group of Hispanic-American businesspeople at a meeting in Houston, "we have the chance to expand opportunity and economic growth from the Yukon to the Yucatan. Think of it: The North American Free Trade Agreement would link us with our largest trading partner, Canada, and our third-largest partner, Mexico. It would create the largest, richest trade zone on earth—360 million consumers in a market that generates $6 trillion in output a year." Observing that there are some doubters who seem to "oppose letting our neighbors enjoy the benefits of progress," the president said pointedly: "Ask them what is wrong with increased productivity throughout the continent. And ask them what's wrong with a more stable Mexico."

The NAFTA will be good for the entire neighborhood. "A unified North American market would let each of our countries build on our strengths," the president said. "It would provide more and better jobs for US workers. It would stimulate price competition, lower consumer prices, improve product quality. The agreement would make necessities such as food and clothing more affordable and more available to our poorest citizens. It would raise productivity and produce a higher standard of living throughout the continent." Both America's neighbors, Mexico perhaps even more than Canada, would share in this overall progress. "A free trade pact would encourage investment, create jobs, lift wages, and give talented Mexican citizens opportunities they don't enjoy today." The development would have much larger, international importance: "A strong Mexico, in turn, means a stronger United States and a stronger North American alliance."

One can see in President Bush's concept of a Mexican-American-Canadian "alliance," though ostensibly a political concept, a broader community ideal—a notion of bringing together North American's nations on a basis of moral parity. The differences between the United States and both Canada and Mexico are, of course, vast. A decade ago, these were cited as reasons, among others, why a tripartite commonwealth would never work.

Indeed, the disparity between the United States and the others in economic strength and demographic size cannot be ignored. The Canadian economy, heavily resource-dependent though its industry is fairly modern, is one-tenth the size of the US economy. Canada's population of 26.6 million is about the same fraction of that of the United States with its 250 million people. The Mexican economy, although its population is sizable and growing (86.2 million and soon to reach 100 million), is barely more than one twenty-fifth the size of that of the United States.

Besides the obvious problem of finding a way to balance these three unequally weighted countries in a North American negotiation, there is the related problem, hardly less difficult, of overcoming the deep-seated alienation between Americans and their neighbors, especially those to the south. Historical tensions that have existed between US citizens and their culturally nearer cousins to the north must also be overcome. And between Mexicans and Canadians (viewed from a southern perspective as "gringos from the far north"), a lack of mutual knowledge—a veritable cultural void—has long prevailed. A bond must be formed where virtually none has ever existed, either positive or negative. The long-term success or failure of even a limited free-trade agreement among the three may well depend on whether the process engenders a harmonious feeling of a shared social identify.

CONCLUSION

Despite opposition that has slowed the development of a North American political consensus on NAFTA, if no necessarily the actual NAFTA negotiations, an agreement has been concluded and must now be signed, drafted into legal form, and submitted to the legislatures in the three countries. So great are the historic forces moving these three economies toward some form of integration that it is difficult to imagine the NAFTA process ending in failure. The momentum began in 1979 and 1980, gained in 1983 and 1985, accelerated with the USCFTA in 1988, shifted direction with Mexico's decision to negotiate in 1990, and broadened in force with Canada's entry into trilateral talks in 1991. Enthusiasm seemed to decline somewhat in early 1992, but officials pressed ahead and were able to announce the conclusion of negotiations in August 1992.

After formal submission, Congress has ninety working days—which could stretch out as long as eight months—in which to approve the agreement, without amending it. Assuming that the necessary implementing legislation is promptly submitted, one could imagine fairly expeditious consideration by Congress. Approval, however, will not take place without committee hearings and a full debate. The upshot could be a delay of congressional consent until sometime in 1993. By that point, a change of government in both Canada and the United States might have occurred, complicating but probably not wholly confusing the transnational politics of NAFTA approval.

The attitude of Canada's Parliaments as well as the Mexican Congress toward trilateral North American trade, though the agreement surely will be criticized in those bodies, should follow the policies of Canada's and Mexico's leaders. Opposition in both countries—in the business community and labor unions as well as political circles—should be reduced somewhat by the North American dispute-settlement mechanism, including the Trade Commission. Experience with the USCFTA, however, has shown that providing adjudicative measures for trade relations does not end the task of diplomacy, which now involves peoples as well as governments. Both old and new diplomacy are needed to form a trinational consensus, such as Governors Reagan and Brown and others imagined in 1979 and 1980. A sense of North American community must be engendered. Without it, a North American market, no matter how well negotiated, cannot truly thrive.

TRIBUTE TO REV. RONALD WEBB

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader of my congressional district, the Reverend Ronald Webb of the Shiloah Baptist Church. Attached is a proclamation I issued Reverend Webb commending him for his work.

PROCLAMATION

Whereas the Shiloah Baptist Church was established November 15, 1923, celebrating seventy years of service to God and humanity in the City of Chicago; and

Whereas Shiloah Baptist Church has been blessed with eight dynamic pastoral leaders in the past seventy years, including Pastor Ronald Webb; and

Whereas the Reverend Ronald Webb was elected Pastor of Shiloah in 1990. Pastor Webb is a graduate of Bishop College, Dallas, Texas, Bachelor's degree, Howard University, Washington, D.C., Master of Divinity, and he is presently a candidate for the Doctor of the Ministry degree, at United Theological Seminary in Ohio; and

Whereas under the dynamic and anointed leadership of Pastor Webb, God continues to prosper Shiloah Church to grow spiritually, numerically, and financially, touching the lives of many people through the love of Christ: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge and congratulate The Reverend Ronald Webb and the Shiloah Baptist Church, Chicago, Illinois, on the occasion of the Church's 70th Anniversary, by entering this worthy Milestone into the Congressional Record and Archives of the One Hundred and Third Congress.

SALUTE TO JOYCE ERLINDA GAMBRELL DRAYTON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Joyce Erlinda Gambrell Drayton, who this weekend will be honored by the Baptist Ministers Conferences and Associations, in conjunction with the Martin Luther King, Jr. Mass Choir for her stellar service as a church musician in the Philadelphia church community. This service will be convened by the Reverend Anthony Floyd at the Hickman Temple AME Church on Baltimore Avenue in Philadelphia where Rev. Joseph Patterson is pastor.

Mrs. Drayton's musical career was born at the age of 9 when she studied piano under the late Vernon White, and organ under the late Helen Gatling. At the age of 10, Joyce joined the Sunday school choir at the Nazarene Baptist Church, under the direction of her mother, Georgia Gregory. Her musical studies continued, learning the violin and bass fiddle, as well as receiving a scholarship to the settlement music camp where she studied piano and bass with members of the Philadelphia Orchestra. While attending the Kensington High School for Girls, Joyce accompanied the Kensington High School concert choir under the direction of William Felton, and was a member of the All City Orchestra. While attending Cheyney State College, now Cheyney University, she accompanied the concert choir under the direction of D. Jack Moses.

Mrs. Drayton received an A.B.S. in elementary education from Cheyney, and a masters degree in social work at Temple University, where she was vice president of her class. Additionally, she has furthered her musical studies in organ under Dr. J. Edward Hoy and Rosemarie Coleman of the Combs College of Music.

Mrs. Drayton's 36 years of church music service reads like an encyclopedia of Philadelphia religious institutions, having served Ward AME Church, Second Macedonia Baptist Church, First Corinthian Baptist Church, and First Baptist Church of Cresmont. She was also a member of the Music Executive Board and accompanist for the Billy Graham Crusade in June 1992, and in 1985 was director of the City Wide Revival Choir where she has also served as a musician. Mrs. Drayton was the first director appointed by the Missionary Baptist Pastor's Conference, now under the presidency of Rev. Anthony Floyd, to organize the Martin Luther King, Jr. Massed Choir, which performed for the first Martin Luther King, Jr., celebration hosted by the Baptist Minister's Conferences and associations of Philadelphia and vicinity.

Mrs. Drayton is the founder and president of Church Musicians Services, Inc., a minority-owned business dedicated to the enhancement of religious music in Philadelphia, providing a referral system for church musician as well as training and education, and a quarterly newsletter, Hallelujah.

Mrs. Drayton's latest project is the publication of "Distinguished Church Musicians in the United States," a book to recognize all musicians who have and are serving in congregations across the country.

Mr. Speaker, Joyce Erlinda Gambrell Drayton is a pillar of the Philadelphia religious community. I am proud to stand with her friends, family, and congregation in thanking her for her many years of great service to God.

TRIBUTE TO BISHOP REESE PRICE, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Bishop Reese Price, Jr., of the Victory Apostolic Faith Church. Attached is a proclamation I issued Bishop Price commending him for his work.

PROCLAMATION

Whereas Bishop Reese Price, Jr. was the seventh son, the last of twelve children born to Reese and Hannah Price in Lee County, in the hills of Haynes, Arkansas. Bishop Price and his late wife Dovetta Marie Sloan are the proud parents of twelve children. God blessed him to find love again after the untimely death of his late wife and to marry the former Ruth Shaw; and

Whereas Bishop Price was Called by God to the Ministry November 4, 1957, he received the Bachelor of Religious Education from the International Bible Institute and Seminary, he is the Founder and Pastor of the Victory Apostolic Faith Church established July 10, 1961 growing spiritually, in numbers, and in its facilities. The church moved to May street in 1971, and added the "Dovetta Annex" in 1990 to accommodate the growth in membership; and

Whereas Bishop Price is a Churchman he was elevated to District Elder of the Pentecostal Churches of The Apostolic Faith, and was Ordained Bishop in August 1987, he is a former Chairman of the Illinois Council and Vice President of the Pentecostal Churches of the Apostolic Faith Board of Directors, Vice President of the Midwest Apostolic Bible College, member of the Ordination Committee, Overseer and Treasurer of Foreign Missions, Diocesan Bishop of Oklahoma and Arkansas; and

Whereas Bishop Price is a dedicated man of God and a Humanitarian, committed to serving the whole person, he provides free counseling, food pantry and the Victory Christian Centers providing a thrift store, free clothing for foreign missions, free school supplies, free tutoring. He is the overseer for mission work in Liberia West Africa and Haiti, with a trade school, an Orphanage, and three grade schools, including medical care for the children, transportation, clothing, and agricultural projects to feed the people and provide income. Bishop Price is the author of a book entitled, "We Are Fixed": Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Bishop Reese Price, Jr. and the Victory Apostolic Faith Church, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

CRIMINALIZING JENNIFER CAPRIATI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, the recent arrest of Jennifer Capriati, essentially for the crime of being troubled, is further evidence of the pressing need to change our approach to drugs. Treating Ms. Capriati as a criminal because she had a small amount of marijuana for personal use is an example of counterproductive law enforcement, a waste of scarce government resources, and an act of cruelty toward a young woman who deserves help and not punishment.

I believe the time has come for us to stop wasting billions of dollars on a fruitless effort to interdict drugs; to stop treating users of marijuana and other substances as criminals; and to put the resources we will save thereby into a well-funded treatment program. The time has come for us to engage in a fundamental debate about our failed effort to deal with the social problems caused by drugs, and to work together to come up with a new one. Treating Jennifer Capriati as a criminal is a strong example of the wrong way to go.

In Tuesday's Washington Post, Richard Cohen expressed this viewpoint in a thoughtful and persuasive way. In the interest of furthering a much needed national debate on drug policy, I ask that Mr. Cohen's cogent article be printed here.

CRIMINALIZING JENNIFER CAPRIATI

(By Richard Cohen)

NEW YORK—Those who are cynical about the erstwhile War on Drugs (a term abandoned by the Clinton administration) had their case bolstered recently. Jennifer, Capriati, the extremely dangerous 18-year-old tennis star, was arrested in Florida for possessing a small amount (about 20 grams) of marijuana. A terrified nation—she had killer ground strokes—undoubtedly breathed a sigh of relief.

The cynics, of whom I am one, might have noted that if Capriati were 21 and had possessed a gallon of vodka and, like every other Floridian, a legal handgun, the law would have left her alone. Throw in a carton of cigarettes—as addictive as chocolate, according to the cigarette companies—and no lawman would or could have taken an interest in her. Guns, booze and cigarettes are either mentioned in the Constitution or have strong lobbies in Washington—I forget which.

Enough cynicism—even from a cynic. The fact is that the arrest of Capriati points up the silliness of our drug laws. The former tennis star—she hasn't played for almost a year—has since entered the Mount Sinai Medical Center in Miami for rehab, although from what is not exactly clear. Above all, she seems to be suffering from an acute case of teenage madness. The symptoms include estrangement from her parents, consorting with "the wrong people" and, possibly, abuse of drugs. In her case, it probably matters that she became a professional tennis player at the age of 13. Women's tennis and child abuse sometimes amount to the same thing.

But for all Capriati's fame and wealth ($1.5 million in "lifetime" earnings), she is depressingly typical. Whatever her problems, they are hardly criminal in nature. Yet, she was arrested for allegedly possessing an insignificant amount of marijuana. This is a drug of such power that it has made the entire government crazy. During the Reagan years, for instance, the discovery of a single seed prompted the Feds to seize a luxury yacht. Yet for some reason, of all the millions of people who have partaken of the weed, not a single one is known to have died as a result. Would that cigarettes could make the same claim.

Let me pause at this point to declare my steadfast opposition to drug use. I do so without reservation. But eschewing the stuff myself and recommending it to no one, I still have to wonder why we continue to treat drugs mostly as a criminal matter, waging a war not against drugs themselves but against our own people.

At the moment, some 330,000 people are in jail for drug violations. In the federal prison system, more than 60 percent of the inmates are there for violating drug laws—most relating to harder drugs than marijuana. But even when it comes to pot, the numbers are appalling. The FBI reports that in 1992, 535,000 people were arrested for possession, sale or manufacture of marijuana—this in a nation that doesn't have enough cops to start with. In six cases, reports Rolling Stone magazine in a special report about drugs, life sentences were imposed. As for harder drugs, mandatory minimum sentences are clogging the jails with small-time "mules" who are quickly and easily replaced. The money's very good.

The folly, not to mention the tragedy, of this policy ought to be apparent. For some reason, the United States persists in treating drugs as a criminal, not a health, problem. Certainly, the importation and selling of hard drugs is a criminal enterprise and ought to be dealt with accordingly. But that lucrative business—so lucrative it persists despite Draconian penalties for lawbreakers—would soon wither if the government decriminalized the use of drugs. That was the experience when Prohibition ended and there's no reason to think things would be different now.

To that suggestion—advanced to one degree or another by Baltimore Mayor Kurt Schmoke and former secretary of state George Shultz among others, and contingent on much study—certain politicians cry bloody murder. Congressmen who represent inner-city districts see drugs as such a scourge that they label decriminalization as nothing short of capitulation. Decriminalization does seem like capitulation—capitulation not to drug pushers or to the substance itself but to human nature. We have been fighting this fight for a long time, spending $20 billion a year, and have nothing to show for it. The true winners of the war on drugs are drug pushers and companies engaged in the construction of prisons. The rest of us are losers.

Whatever Jennifer Capriati's problems, they are not criminal. If she indeed has a problem with drugs, particularly marijuana, she will probably be more easily cured than if she were a habitual cigarette smoker (tougher to quit for a lot of people than heroin) or a serious boozer. The whole idea that she was arrested—rehab was her own idea—for possessing a small amount of marijuana is preposterous. She's not a criminal, but a kid with some problems—one of them now being a bust on a drug charge.

TRIBUTE TO REV. WILLARD PAYTON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Willard Payton of the New Birth Church of God in Christ. Attached is a proclamation I issued Reverend Payton commending him for his work.

PROCLAMATION

Whereas the Reverend Willard Payton is a native of Chicago, Illinois born to Glen and Mary Payton (both deceased), he was reared in the Englewood Community by Elder Johnie Wheeler and his wife, Missionary Ethel Wheeler. Reverend Payton is a family man Married to Gloria Lynne Payton for twenty-seven years, God has blessed them with five sons, three daughters, and three grandchildren; and

Whereas Reverend Payton matriculated at Lindblom High School, Wilson Junior College, Chicago City Colleges, the University of Illinois (Navy Pier), and the Charles Harrison Mason Bible College. A dedicated employee he worked eleven years for LTV Steel in production management, thirteen years for National Retractories and Minerals Corporation as Senior Sales Representative, a past member of the American Institute of Metallurgical Engineers and American Ceramic Society; and

Whereas, Reverend Payton has been a member of New Birth Church since 1968, he was Ordained an Elder in 1981, served as Assistant Pastor 1986–1991, he was appointed Pastor in October 1991. Reverend Payton is a denominational leader serving the First Jurisdiction of Illinois as Secretary of the Sunday School Department, Assistant Superintendent, Trustee, Assistant Secretary, Treasurer, President of the Youth Department, Vice President of the International Youth Department, a member of several standing committees serving Bishop Louis H. Ford, Presiding Bishop, Church of God In Christ, Reverend Payton is a dedicated shepherd, a humanitarian and a true role model in our community; and

Whereas the New Birth Church of God in Christ was founded in November, 1964 by the late Elder Johnie B. Wheeler with six members, today New Birth Church is an established congregation in the Englewood Community, building the present edifice in 1976, there is a monthly food basket program, Headstart program ages 3 to 6, a Nursing home visitation ministry, and monthly financial support for homeless children in Haiti for over ten years: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Willard Payton, and the New Birth Church Of God In Christ, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO RABBI SIDNEY AKSELRAD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute Rabbi Sidney Akselrad, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its prestigious Lifetimes of Achievement Award.

Rabbi Sidney Akselrad has practiced the art of coalition-building throughout his life—with his congregations, youth, fellow rabbis, other denominations, and the civil rights movement. His cochairmanship in 1960 of the Bay Area Committee for Freedom Riders led to his becoming extensively involved with civil rights activities in the South and his association with Dr. Martin Luther King, Jr. Rabbi Akselrad also provided extraordinary leadership for 20 years as senior rabbi for Congregation Beth Am in Los Altos Hills. His community service includes working as a chaplain at Stanford Hospital, a founding board member of Opportunities Industrialization Center West [OICW], a board member of the United Way of Santa Clara County, and president of the Northern California Board of Rabbis. His numerous honors include the Palo Alto B'nai B'rith Brotherhood Award and the Israel Medal of Freedom, both received in 1968, and the South Peninsula Jewish Community Center Community Service Award in 1980.

Mr. Speaker, it has been written, "blessed be the peacemakers: for they shall be called the children of God." The 14th Congressional District of California and our Nation have been bettered because of this extraordinary man. I ask my colleagues to join me in congratulating him on receiving a Lifetimes of Achievement Award.

TRIBUTE TO REV. STEPHEN LEWIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Stephen Lewis of the True Vine Missionary Baptist Church of Dixmoor, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Stephen D. Lewis is a native of Chicago, Illinois, he matriculated at Moraine Valley Community College, completed Chicago Baptist Institute, entered the Bachelor of Theology from the International Bible Seminary; and

Whereas Reverend Lewis is a role model and a family man, serving as Minister of Music and Church Organist throughout Chicago for many years; he is married to Miss Hellen Freeman for fifteen years, they are blessed with four children; and

Whereas Reverend Lewis acknowledged his Call to the Ministry and was Ordained in 1977, he was elected Pastor of The True Vine Missionary Baptist Church, Dixmoor, Illinois over fourteen years ago in 1979, we thank God for a summer feeding program, the AWANA Bible Class (Workman that are not ashamed), the Midnight Musical, and the Stephen D. Lewis youth coral; and

Whereas Reverend Lewis is respected among his peers, he serves as the First Vice President of the State Progressive National Baptist Convention and Vice President of the South Suburban Ministers Fellowship, he is an outstanding Gospel Preacher and humanitarian: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Stephen D. Lewis, by entering these accomplishments into the Record and Archives of the One Hundred and Third Congress.

FOREIGN OPERATIONS GAG RULE DEMONSTRATES NEED FOR A TO Z SPENDING CUTS PLAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ZELIFF. Mr. Speaker, this House has been shut out of the process again.

Legislation considered today, the foreign operations appropriations, has been brought up under a closed rule. That prohibits real debate and real votes on real spending cuts from A to Z. This House has not be allowed by its leadership to have any real input on spending priorities for America.

This is precisely why we need the A to Z spending cuts plan. Members would be able to offer spending cuts, have them fully debated, and receive a rollcall vote on each spending cut.

Under A to Z we could have real votes on real spending cuts that the Rules Committee bottled up. The Rules Committee has refused to allow us to debate or vote on the following amendments:

A Solomon amendment to cut aid to the International Development Association by $211 million. Mr. SOLOMON represents 582,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Traficant amendment to cut overall funding by 10 percent, $880 million. Mr. TRAFICANT represents 571,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Klug amendment to cut the International Fund for Ireland by $9.6 million. Mr. KLUG represents 544,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Burton amendment to cut Agency for International Development overhead expenses by $5 million. Mr. BURTON represents 554,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Crane amendment to cut our voluntary U.N. contribution. Mr. CRANE represents 572,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Hoyer amendment to ensure no funds are used to enforce the embargo on Bosnia. Mr. HOYER represents 598,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Goodling amendment to cut overall funding by $42 million. Mr. GOODLING represents 566,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

These spending cuts were worthy of consideration, but the Rules Committee chose to ignore them. The Rules Committee has chosen to ignore elected Members of this House, and the millions of Americans they represent. This is unacceptable.

The A to Z spending cuts plan would allow us to trim the fat from the budget.

It is painfully obvious that, in this case, the Foreign Operations Subcommittee and the Rules Committee have refused to let us have debate, and up and down votes, on these spending cuts.

Those of you who are opposed to these types of business-as-usual gag rules should sign the A to Z discharge petition today.

TRIBUTE TO DR. KWAME PORTER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Kwame Porter of the Christ United Methodist Church. Attached is a proclamation I issued Dr. Porter commending him for his work.

PROCLAMATION

Whereas Dr. Kwame Porter was born in Mineral Springs, Arkansas as John Porter, due to the transformations brought about in his life today he is identified as Kwame which means, "one born on a Saturday with a commitment to keeping his peoples' history." He is a family man married to June C. Porter, and God has blessed them with six children, John T., Joseph D., Julia M., Jessica R., Jorja A., and Jerrianne C. Porter; and

Whereas Dr. Porter is a Pastor, Scholar, Prophet, and Community Leader, serving Christ United Methodist Church, Chicago, Illinois since the 1960's, he is a graduate of Kansas Community College, Kansas City, Kansas, Associate Arts Degree 1953, Iowa Wesleyan College, Mount Pleasant, Iowa, Bachelor of Arts Degree 1959, Garrett Evangelical Theological Seminary/Northwestern University, Evanston, Illinois, Master of Divinity Degree 1962, Union Institute, Cincinnati, Ohio, earning the Ph.D. Degree 1975, he is a prolific writer, the author of the Dating Habits of Young Black Americans "And All Most Everybody Else Too" and over eight other books and numerous articles; and

Whereas Dr. Porter has always been in the vanguard in the struggle for Black Liberation, he was the first minister in Chicago to invite Dr. Martin Luther King, Jr. to Chicago and organized the first official Southern Christian Leadership Conference Chapter in Chicago in 1964, Dr. Porter is mentioned in Dempsey Travis' books on the history of Chicago, a Harvard University Study of the Civil Rights Movement, a University of Chicago Study on Chicago and the Civil Rights Movement, and the Oral History Project of Chicago's Civil Rights Movement by the Art Institute and Columbia College, Chicago, Illinois; and

Whereas Dr. Porter is a builder of men, women, and Institutions he has enabled thirty-one men and women enter the Christian Ministry from various denominational backgrounds, he has created several institutions, the Talented Tenth African American College Prep Project, The Successful Employment Preparation Project, The Winners Circle Business, The Englewood Cluster Umoja-Shalom Village, and the Englewood Alternative Policing Community Organizers cadre: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Kwame Porter, and the Christ United Methodist Church, Chicago, Illinois on the occasion of Dr. Porter's thirty-three years in the Ministry, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE HAITIAN EMBARGO: NOT A GOOD SOLUTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BEREUTER. Mr. Speaker, the Clinton administration's continuing effort to return Jean Bertrand Aristide to the Presidency in Haiti has proven to be frustratingly ineffective. Unable to force the military junta to accept Mr. Aristide's return, the Clinton administration has resorted to tightening the embargo and easing the restrictions on asylum seekers. This Member is gravely concerned that our current Haiti policy will continue to bring nothing but additional suffering.

A recent editorial in the May 24, 1994, edition of the Lincoln Star entitled "No good solutions, including an embargo," outlined the difficulties with our current Haiti policy. As the editorial correctly notes, General Cedras and the other junta leaders "have been emboldened by the Clinton administration penchant for tough, but ultimately empty, talk. American credibility has been damaged."

This Member would ask to place this editorial in the RECORD, and commend it to his colleagues.

[From the Lincoln Star, May 24, 1994]

NO GOOD SOLUTIONS, INCLUDING AN EMBARGO

Just as Haiti may have no good guys in political residence, President Clinton faces no good solutions for that country's problems and our country's unfortunate tangle in it.

Our tortured past with Haiti, recent policy missteps and a heinously cruel economic embargo morally bind the United States to resolve the Haitian crisis.

Clinton's announcement to grant political asylum hearings to fleeing Haitians is a humane if problematic decision, but no solution.

To continue to treat Haitians differently than other refugees gives credence to charges of racism.

Cubans, for one, have been welcomed by the boatload into Miami. The difference may reflect the United States' longstanding sympathy to anti-communist Cubans more than racism. But for whatever reason, it is clear that Haitians are treated one way, refugees from other nations another.

However, this runs the risk of encouraging more Haitians to flee and creating a nightmare of a refugee crisis as we scramble to care for an onslaught of poor, illiterate people.

The larger problem, of course, is what to do about Haitians in Haiti.

The exiled, democratically elected president, Jean Bertrand Aristide, is ensconced in the United States, nixing U.S.-proposed compromises to return him to Haiti. He makes a troubling democrat who will never be mistaken for George Washington. But he was elected by a majority of Haitians and illegally removed from office.

Its people are being slaughtered by military thugs and starved by an embargo intended to pry the military from power, but with the actual effect on inflicting incredible suffering on an already destitute population. The border is porous, but the goods that make it into Haiti go to the military and the black market, not to the poor—the Aristide supporters.

Its military leaders have been emboldened by the Clinton administration penchant for tough, but ultimately empty, talk. American credibility has been damaged.

Haiti sits on our doorsteps, clearly in our sphere of interest. Yet history taints the perception of our motives. U.S. Marines stormed onto Haiti's shore because of virtual anarchy in the country in 1915. We stayed until 1934.

Our shameful relationship with Haiti's dictators since then make us a suspect savior. As in Somalia, U.S. forces are likely to be first welcomed, but in any extended stay our welcome would quickly wear out.

We cannot sit idly while the embargo does its dirty work. We have a moral obligation to Haiti, to revisit diplomatic solutions with our allies in the region or through United Nations mediation.

The rebuilding of Haiti must be up to Haitians. But first we must remove the boot from its jugular.

Many innocents would die if the United States and allies launch an invasionary force to oust the military. But many will die also as a result of this embargo. The search for a resolution to this mess must continue.

[From the Lincoln Star, May 24, 1994]

AMERICA CHANGES FACE

"The offer was sweeter than a bushel of Iowa roasting ears: $25 million in incentives to a Maryland biotechnology company if it would leave the nerve-rattling East Coast and settle here in America's heartland—fresh air, quiet streets, smiling faces," read the news story about a company considering relocating to Des Moines.

"But after a closer look at Iowa, the company noticed that almost all of those faces, smiling or not were white." The offer was ultimately rejected—because Des Moines was not racially diverse enough.

Just as America's face is changing, the needs of companies are also changing.

Companies today have offices all over the country, all over the world. It's a good chance that some of their best people will be other than white. How is that company going to feel about sending someone to work in Iowa if they're going to lose them in a year, asks Max Phillips, an executive with U.S. West.

[From the Lincoln Star, May 24, 1994]

CZECH, SLOVAK REPUBLICS FACE CHALLENGES

(By Ann Toner)

The Czech and Slovak republics, formerly Czechoslovakia, are adapting at different rates to free enterprise, according to two Farmers National Co. officers who have been assisting the effort.

Speaking Monday to the Omaha Agri-Business Club, Max Evans of Des Moines, chief real estate appraiser, and Craig Harris of Shenandoah, Iowa, real estate associate, said in the more populous and industrialized Czech republic, unemployment is 3 percent and business is improving.

In the less populous Slovak republic, more rural and less industrialized, unemployment is 20 percent and likely to climb.

The two men have been helping through a grant to Iowa State University from the U.S. International Development Agency.

"A lot of people have changed on paper but not at heart," said Evans. One collective farm was divided into 90 smaller enterprises, turning the tractor driver under the former system into a custom tractor driver who still has to go to a central committee to get his tractor fixed when it breaks down.

Slovak farmers can't believe that a U.S. farmer could farm 1,200 acres with just his immediate family or possibly one hired hand. A Slovak farm that size might have 150 employees with a hands-off manager who directs them.

The collectives have reduced employment by about 30 percent and need to pare their worker force by another 65 percent in order to become efficient, Evans said.

Crop farms in the republics are a mix of modern and ancient with tractors, horse teams and hand labor all engaged in production, the two men said. Tillage is extensive, with no effort to terrace or save soil.

Many livestock farms are antiquated and in need of better genetics and animal nutrition, Harris said. Dairies milk dual-purpose animals that don't do a good job of either milk or meat production.

Feeds are hay, grass and silage with little effort to balance rations or protein content for optimum production.

Collectivization and confiscation of properties under communism have complicated land reform, Harris said. A lack of records makes it difficult it difficult to establish past ownership.

TRIBUTE TO REV. JOHN H. RICE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Rev. John H. Rice of the Bethel Baptist Church. Attached is a proclamation I issued Reverend Rice commending him for his work.

PROCLAMATION

Whereas the Reverend John H. Rice was born in Starksville, Mississippi, reared in Chicago Heights, Illinois since the age of four matriculating at Dr. Charles Gavin Elementary, Washington Junior High, and Bloom High School; graduate of Moody Bible Institute, Prairie State College, Associate of Arts Degree, Governors State University, Bachelors Degree Majoring in Communication Science, currently a candidate for the Masters Degree in Communication Science; and

Whereas Reverend Rice was elected Pastor of St. Bethel Baptist Church in 1970, where he has had life long membership, the church has been blessed with an increase of over six hundred (600) new families involved in many christian ministries; and

Whereas under the dynamic leadership of Pastor Rice the Bethel Community Facility also known as "the miracle on Portland Avenue" was constructed, today this one million dollar debt-free multipurpose facility serves the community with day care, a medical clinic, alternative high school for at risk youth, adolescent basketball, computer classes, a pharmacy, and fellowship hall; and

Whereas Reverend Rice is a family man, married thirty-three years to the former Movita Tate, and God has blessed them with one son and three daughters: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend John H. Rice by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

TRIBUTE TO THE BIBERMANS

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise to pay tribute to two life-long residents of Pennsylvania who are celebrating the 50th anniversary of their wedding on June 4, 1994.

Fifty years ago, two days before D-Day, David and Annette Biberman were married in Philadelphia. Dave, then an artillery expert in the U.S. Army, was shipped to the Philippines where he served his country training GI's in the new munitions technologies. During the war, Annette worked for the Budd Co. where she wrote a monthly letter to American servicemen describing the equipment Budd was manufacturing to assist in the war effort.

At the end of the war, Dave and Annette started a family and raised two daughters. Dave and Annette have been lifelong supporters of liberal social causes. Since their retirements from careers in business and education, they have been active volunteers for cultural organizations in Philadelphia. They have also been devoted grandparents to two grandsons and two granddaughters.

It is a privilege to wish them many more years together on this great occasion.

TRIBUTE TO DR. WILLIAM T. RUCKER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. William T. Rucker of the Soul Reviving Missionary Baptist Church. Attached is a proclamation I issued Dr. Rucker commending him for his work.

PROCLAMATION

Whereas Dr. William T. Rucker is a learned man, holding five earned academic degrees and one honorary degree. Dr. Rucker matriculated at City College of Chicago (Wilson Junior College), Associate of Arts degree in humanities, Alma College, Alma, Michigan, Bachelor Science degree in Physical Education, McKinley Theological Seminary, Bachelor of Theology, Governors State University, University Park, Illinois, Bachelor of Arts and Masters of Arts in Cultural Studies, Northern Baptist Theological Seminary, candidate for the Doctor of Ministry Degree, McKinley Theological Seminary, Honorary Doctor of Divinity; and

Whereas Dr. Rucker has been an outstanding athlete and role model to his peers and others since the days of his youth. He was Captain of his High School Football and Track teams, earning twelve Varsity Letters in Football, Basketball, Track and Baseball, State Champion in the One Hundred Yard Dash, receiving thirty medals and thirty-five trophies, earning six Varsity Letters in College Football and Track, in 1986 he earned the Yudanshu Black Belt through the Wolfpack Karate Studio; and

Whereas Dr. Rucker was Licensed to preach and Ordained into the Gospel Ministry in 1974, since that time he has served as Pastor of Soul Reviving Missionary Baptist Church of Chicago, he is a member of the Southern Baptist Convention; and

Whereas Dr. Rucker is among the most dedicated and exceptional Child Welfare advocates in America, President of One Church One Child, State of Illinois, President of the Reverend Henry Rucker Memorial Services Organization a full service Foster Care and Adoption Agency, Member, Department of Children and Family Services Advisory Council, Co-Chairman, Adoption Reform Panel, Member, Governor's Advisory Board—Adoption Project Heart, Board Member, Olive Harvey City College, Board Member, Roseland Community Hospital, Chairman, South Area Social Services Coalition, and Chairman, South Area Planning Board: Now, therefore, be it

Resolved, That the Congress of The United States wishes to acknowledge the accomplishments of Dr. William T. Rucker by entering these accomplishments into the CONGRESSIONAL RECORD and Archives of the One Hundred and Third Congress of the United States.

OUTRAGE IN BOSTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LANTOS. Mr. Speaker, I invite my colleagues to read the following OP–ED by Bob Herbert from today's New York Times. It describes a flagrant violation of anti-discrimination laws and a violation of the principles upon which our society prospers. We cannot let incidents such as this be swept under the rug and explained away as mistakes. I am outraged that, at the request of a visitor to our country, the management of the Four Seasons Hotel decided to ignore a hundred years of progress in racial relations. Mr. Speaker, this travesty speaks for itself and I urge my colleagues to take note of it.

OUTRAGE IN BOSTON

It was the kind of ugliness you expected from the South in the 1950's, but it happened last week in one of the great hotels of Boston.

The Prime Minister of India, P.V. Narasimha Rao, and his entourage checked into the Four Seasons Hotel late on the night of May 16. Thirty-six rooms were booked for Mr. Rao and the approximately 50 aides who accompanied him. There was also a contingent of U.S. Secret Service personnel assigned to the Prime Minister, who was to speak at Harvard the next day.

Now in a great hotel like the Four Seasons, there is a surge of excitement and activity when important guests arrive. A variety of tasks have to be carried out by parking attendants, bellhops, clerks, maids, waiters and the like.

Last week at the Four Seasons, any of those tasks done for the Prime Minister of India had to be done by white people. No African-Americans could carry his bags, no Asians could clean his room, no Latinos could serve him his food. At the direction of a hotel official, the Prime Minister had to be served by whites only, American or European.

The offense was so blatant and egregious that the head of the Massachusetts Commission Against Discrimination could not at first believe it. The initial reaction of the commission chairman, Michael T. Duffy, was that the allegation, made by hotel employees, was "too outrageous to be true." He ordered an investigation.

It turned out that the Four Seasons official, who has not been publicly named, had notified hotel supervisors in a memorandum that nonwhites were not to serve the Prime Minister. This was confirmed by the hotel's general manager, Robin Brown, who said, "There was a memo that went out to a number of employees saying that only certain nationalities should service the Prime Minister's room."

Mr. Brown has made extensive public apologies on behalf of the hotel and has described the memo and its aftermath as "very, very stupid and unforgivable and painful."

But how could the flap have happened? To carry out the directive, some nonwhite employees had to be shifted from their normal duties. How could anyone at the hotel have thought that was all right? Last week marked the 40th anniversary of the Brown v. Board of Education Supreme Court ruling that led to the dismantling of legal segregation in the United States. Clearly there are many who remain untouched by the spirit of that ruling.

Two African-American bellhops, Harrison Lilly and Jose Abad, were among those told by Four Seasons supervisors that they couldn't assist the Prime Minister or his party. Mr. Lilly, the night bellman, said he was given paperwork to do. He was quoted in The Boston Globe as saying, "I felt when it happened that they had traded my eight years of service for one night of revenue."

Four Seasons officials, while acknowledging that what happened was wrong, contend that hotel employees were carrying out a request made by the Prime Minister's security people, who felt that Mr. Rao would be safer if only white waited on him. The security people, according to hotel officials, were worried about the possibility of an assassination attempt or some other terrorist act.

The Indian Government has denied that any request was made that pertained to the racial or ethnic background of hotel staff members.

The Four Seasons is doing its best to make the controversy disappear. Hotel officials have apologized to Mr. Lilly and Mr. Abad, and have reimbursed them a total of $179 for lost gratuities. The two bellhops, who had filed charges with the Commission Against Discrimination, have withdrawn their complaint. Mr. Brown, the general manager, has said he would like the "healing" to begin.

But hold on. What happened at the Four Seasons last week was a moral outrage. Mr. Duffy said yesterday that the commission's investigation was continuing. Additionally, the United States Government has an interest in knowing whether a foreign head of state has been fostering racial discrimination here. That should be thoroughly investigated. And the hotel, which insists that it will not tolerate discrimination, needs to show that it's serious. There are times when heads should roll and this is one of them.

TRIBUTE TO REV. J.C. SMITH

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend J.C. Smith of the Bethlehem Temple Baptist Church. Attached is a proclamation I issued Reverend Smith commending him for his work.

PROCLAMATION

Whereas the Reverend J. C. Smith is a native of Montgomery, Alabama, he is a family man, married to Miss Willie Myricks for thirty-seven years and God has blessed them with nine children, all completing college and the eldest son is a candidate for the Ph. D. Degree; and

Whereas Reverend Smith is a community leader and a churchman, serving on the School Board of District 147 for twenty-one years, a member of the South Suburban Ministries Fellowship serving as chairman of the political affairs committee, Vice President of the state Progressive National Baptist Convention, and Moderator of the South Suburban District; and

Whereas Reverend Smith was Ordained in 1964, organized Bethlehem Temple Baptist Church in 1969 with five members, today the congregation numbers over one thousand souls with over fifteen ministries, including a Mens Mentor Ministry, a dynamic youth and young adult ministry, and a women's ministry who volunteer at Oak Forrest Hospital; and

Whereas under the leadership of Rev. Smith the congregation out grew its facilities, in 1990 a new church was completed located at Sibley & Ashland, a shining beacon of light in difficult times: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend J. C. Smith, by entering these accomplishments in the Record and Archives of the One Hundred and Third Congress of the United States.

TRIBUTE TO OFFICER MARTIN GANZ

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. HARMAN. Mr. Speaker, tomorrow is a solemn occasion for my district because we are honoring one of our own who gave his life in the line of duty. The death of Manhattan Beach police officer Martin Ganz, who was gunned down while making a routine traffic stop on December 27, 1993, was a tragic reminder of the world around us.

Whether on the streets, in our cars, or in our homes, the fear of violence is one we all share. And with Officer Ganz's death we no longer feel that even those who are there to protect us are completely safe from the dangers of urban life.

The challenge is to overcome our fear with action. It is my goal to see that we do learn from the senseless act that has stolen from us a bright, promising, and caring young man who so selflessly committed himself to his family, his friends, and his profession. To paraphrase a comment made by Martin Ganz's fiance, Pamela Ham, at a recent forum I held to discuss gun violence, "we cannot let Martin's death be in vain."

Martin Ganz was a kind son and brother who offered support to his mother and five sisters, and a loving fiance to Pamela—planning to formally propose marriage to her on Valentine's Day. He was a model police officer who earned the respect of both his colleagues and the residents of his community. Let us keep these memories clear, and continue to work together to keep our community safe and strong.

TRIBUTE TO REV. BARNEY SHELTON SAULSBY

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Barney Shelton Saulsby of the Messiah Temple Missionary Baptist Church. Attached is a proclamation I issued Reverend Saulsby commending him for his work.

PROCLAMATION

Whereas the Reverend Barney Shelton Saulsby is a native of Columbia County Florida, he is a graduate of Richardson High School, Lake County Florida, Chicago Technical College with a degree in Engineering, Chicago Baptist Institute, earning the Bachelor of Theology Degree, Southern Bible Seminary, earning the Master of Theology, and the International Bible Institute earning the Doctor of Theology; and

Whereas Reverend Saulsby is the Founder and Pastor of the Messiah Temple Missionary Baptist Church, established in 1965, serving as its faithful under-shepherd for over twenty-eight years, on Easter Sunday, April 19, 1980 the congregation moved to its new home a new edifice seating over one thousand, a fellowship hall, and educational facility; and

Whereas Reverend Saulsby believes in a Ministry to the total man and community outreach, in 1992 he was appointed Protestant Chaplain of the Chicago Fire Department, serving the spiritual needs of the Firemen and their families; and

Whereas Reverend Saulsby organized the Messiah Evangelistic Association with an outreach ministry reaching over thirty States, the God Squad Youth Ministry that includes the far south side of Chicago, and a weekly radio broadcast that covers the Chicago Metropolitan Area: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Barney Shelton Saulsby and the Messiah Temple Missionary Baptist Church, by entering these accomplishments into the Congressional Record and Achives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. RICHARD McCREARY II

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Richard McCreary II, of the New Covenant Missionary Baptist Church of Phoenix, IL. Attached is a proclamation I issued Reverend McCreary commending him for his work.

PROCLAMATION

Whereas the Reverend Richard D. McCreary, II, Ph.D. is a native of Evergreen, Alabama, the son of the late Richard D. McCreary, Sr., and Mrs. Leodia P. McCreary. He is a family man, married to Barbara J. P. McCreary, M.D., they are the proud parents of two daughters, and two grandchildren; and

Whereas Reverend McCreary matriculated at Florida A & M University, Tallahassee, Florida, earning the Bachelor of Science Degree, Southern Illinois University at Carbondale, Illinois, earning the Master of Science Degree, the University of Iowa, Iowa

City, Iowa, earning the Doctor of Philosophy Degree, Northern Baptist Theological Seminary, earning the Master of Divinity Degree, and Northern Theological Seminary, earning the Doctor of Ministry; and

Whereas Reverend McCreary was Licensed to preach May 14, 1967 by the First Baptist Church of Evergreen, Alabama, under the pastoral leadership of The Reverend H. J. Hawkins, and Ordained March 1, 1970, by the Rock Hill Baptist Church of Carbondale, Illinois, Reverend McCreary is a Professor of Composition at Governors State University, University Park, Illinois; and

Whereas Reverend McCreary is the Pastor of the New Covenant Missionary Baptist Church, Phoenix, Illinois, he is an active member of the Greater New Era District Association, he is a staff writer for the "Worker" Missionary Magazine, the Founder and Director of the New Covenant Christian Academy, New Covenant Church provides leadership development classes, and has many outreach programs to meet the needs of the community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Richard D. McCreary, II, Ph.D. and the New Covenant Missionary Baptist Church, Phoenix, Illinois, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. ALBERT LOVE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Albert Love of the First Lilydale Baptist Church of Chicago, IL. Attached is a proclamation I issued Reverend Love commending him for his work.

PROCLAMATION

Whereas the Reverend Albert Love is a native of Chicago, Illinois, he matriculated at Lindblom Technical High School, graduating with honors, University of Illinois, Chicago, Illinois, Trinity Christian College, Palos Heights, Illinois earning the Bachelor of Arts degree in Psychology and Theology, graduating Cum Laude, he is a family man, married to Miss Carolyn Knowlton of Chicago, Illinois since 1976, God has blessed them with a son, Brandon Alexander Love; and

Whereas Reverend Love responded to the Call to the Gospel Ministry, he was licensed to Preach in August, 1976, Ordained in April, 1980, in October, 1983 he became the tenth man to Pastor the historic Lilydale First Baptist Church, Chicago, Illinois, the former Pastors were, Rev. C.D. Trice, Rev. E.W. Lowery, Rev. E.W. White (served twice), Rev. W.W. Franklin, Rev. A.J. Davis, Rev. J.W. Coleman, Rev. W.M. Moore, Rev. C.C. Yates, Rev. L.W. Johnson, all making their contribution in building the Kingdom of God; and

Whereas Reverend Love is a denominational leader, he is Secretary of the Presidents Council of Baptist Conventions in Illinois, Chief Operating Officer of the Baptist General State Convention, Member of the Permanent Organization Board of the National Baptist Convention, U.S.A., Financial Secretary of the Greater New Era District Baptist Association, he is a much sought after teacher in the State and National Congress of Christian Education, and the World Baptist Alliance; and

Whereas under the Pastoral Leadership of Reverend Love the congregation has grown to over one thousand persons and is very active in the community, the Church will send an exchange student to Zimbabwe, a sponsor of the Inner-City Youth Camping Project, sponsor a summer Youth Jobs Program, involved in the Christian Ecumenical Development Corporation, rehabilitating housing for low income families, adopted a shelter for teenage mothers, scholarship programs, Monthly food drive, and Ministry to the Elderly: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Albert Love and the First Lilydale Baptist Church, Chicago, Illinois, on the occasion of Reverend Love's Tenth Pastoral Anniversary, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. ALBERT MOSES SHEARS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Albert Moses Shears of the Maple Park United Methodist Church. Attached is a proclamation I issued Reverend Shears commending him for his work.

PROCLAMATION

Whereas the Reverend Albert Moses Shears is a native of Marianna, Arkansas, graduating from Anna M.P. Strong High School with honors, matriculated at the University of Arkansas A.M&N at Pine Bluff, Bachelors degree and Garrett Evangelical Theological Seminary, Evanston, Illinois earning the Master of Divinity Degree; and

Whereas Reverend Shears is a member and an Elder in the Northern Illinois Conference of the United Methodist Church, former Pastor of South Deering and Vincent United Methodist Churches, he was appointed Pastor of Maple Park United Methodist in 1988; and

Whereas under the pastoral leadership of Reverend Shears God has Blessed Maple' Park Church to grow spiritually, in membership, in ministry to the hungry, to Senior Citizens, to youth, to those in prison, to the community and the promotion of aids awareness, to expand into a beautiful new church facility; and

Whereas Reverend Shears is a humble man, a servant of God, a member of the Board of Ordained Ministry of the Northern Illinois Conference, a former president of the Greater Grand Crossing Organizing Committee, and the president of the Board of the Developing Communities Project; and

Whereas Reverend Shears is a family man, a true roll model, married to Carolyn Sheers, God has blessed them with three children, Katundra, Derrick and Carlos and one grand daughter: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the The Reverend Albert M. Shears by entering these accomplishments into the Congressional Record and Archives of the one hundred and third Congress of the United States.

REMEMBERING D-DAY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GONZALEZ. Mr. Speaker, I rise today to commemorate the 50th anniversary of D-day. The landing of Allied troops at Normandy on June 6, 1944, was an event of historic magnitude. Not only did it mightily turn the course of the war in Europe toward Allied victory, but in so doing it played no small part in setting the stage for the entire history of the second half of the 20th century.

In remembering this event as we head into the next century, it is vitally important that we keep in mind that this was a victory in the fight against the intolerance, violence, and malevolence of fascism. The history of the 21st century is not yet written. It is imperative that we remember history and maintain our vigilance lest such a great evil rear its ugly head so forcefully again and we are faced with descending into the horrors of such a war another time.

We must also recall that the course of history on June 6, 50 years ago was swayed by the brave, honorable, and dedicated actions of individual servicemen from the United States and countries around the world. While thousands were involved, they all played their own part in giving of themselves—often with the ultimate sacrifice of their own lives—for the greater good. It is to the dedicated and brave service of these individuals that I believe we should remember and commemorate "the longest day" today.

In this spirit, I am submitting here for inclusion in the RECORD a recent article by Walter Adams on his return visit to the site of the Allied landing. Dr. Adams served in the 83d Infantry during WWII and fought in the liberation of Europe from Northern France to Germany. He is now the Vernon F. Taylor Visiting Professor of Economics at Trinity University in San Antonio. His article "Return to Normandy," appeared in the spring 1994 edition of Trinity, the magazine of Trinity University.

RETURN TO NORMANDY

(By Walter Adams)

It wasn't professional travel. Nor was it a vacation.

If anything, it was a pilgrimage. To remember. To reflect. To contemplate. To gain perspective on the most cataclysmic event in my life.

But, above all, to commemorate that brave armada which assaulted the monstrous fortifications of Normandy as a first step on the long road to the liberation of Europe from Nazi oppression.

This year will be the 50th anniversary of that June 6, 1944, which marks an incomparable feat in military history. No doubt, it will attract crowds of tourists, sightseers, curiosity seekers and a rapidly diminishing group of veterans who survived "the longest day."

To avoid what may well degenerate into a commercial extravaganza and televised circus, I decided to go last year, in the quiet of September, accompanied by my wife, Pauline. I wanted to walk the beaches, visit the memorials, and pay my respects one last time at the cemeteries dotting the Norman landscape.

My trek started at the Pegasus bridge, a vital link across the Orne River, taken shortly after midnight of June 5, by Major Howard's glider troops of the 6th Royal Airborne Division. The house next to the bridge—the first to be liberated in France—still stands. Today, it is a combination snack bar/museum/souvenir shop. I dropped in to browse. I selected sixteen postcards, counted them out ceremoniously to the handsome middle-aged owner, and inquired lightheartedly whether I was entitled to a quantity discount. Without a change of expression, she carefully checked the number of cards and, noting my army fatigue uniform (which I wore throughout the trip), asked if I was there in '44. I explained that I was in the American sector, on Utah Beach, and that I did not land until D+13.

"But you were part of the liberating force?"

"Yes."

"In that case, please take these cards with my compliments—in appreciation of what you and your comrades did."

Overcome by this unanticipated gesture, I couldn't hold back the tears. (For the moment, I didn't even feel embarrassed.) In subsequent conversation, it turned out that the house next to the bridge had belonged to her parents, that as a little girl she witnessed a German officer choking her mother and since that liberation she has been fighting "the bureaucrates in Paris" who want to demolish the bridge and replace it with a modern structure. Her mission, she felt, was to keep alive the memory of what the brave men of the Pegasus Division had done on this fateful night 50 years ago.

SAND OF UTAH BEACH

In the town square of Sainte-Marie-du-Mont, just off Utah Beach, I stopped for information at a small restaurant/hotel. Attracted by my uniform, and assured that I had participated in the invasion force, the proprietor (a man about 40) regaled me with stories about June 6. The town, he said, was liberated by the Screaming Eagles of 101st U.S. Airborne Division, and its inhabitants—led by their parish priest—guided the paratroopers to the German sniper nests infesting the area.

He proudly pointed to the memorial plaques recounting diverse incidents in the town's liberation. Then, suddenly, he asked me to wait a few minutes. He had a souvenir for me. He returned with a small wine bottle which he had just filled with Utah sand: "This is a token of our appreciation. It will help you remember." (I didn't have the heart to tell him that I had already collected sand from each of the beaches—British, Canadian, and French, as well as American.)

AN INTERESTING DEBRIEFING

Perhaps our most curious encounter was with Owe Svenson, a used car salesman from Sweden. Born in December 1944, he had an obsessive interest in a war that neither he nor his country experienced first-hand. Now he was in France to see for himself, systematically visiting the several beaches, ravenously exploring the monuments and memorials. Waiting for us at the exit from "La Madeleine" museum on Utah, he expressed outrage that I was asked to pay the (very modest) admission charge to the museum.

He asked permission to take my photograph—then another together with Pauline. Then he invited us for coffee and proceeded to debrief me as if he were a military intelligence officer. Did I land on Utah? With what unit? In how many major battles did I participate? How old was I at the time? What did each of the decorations on my uniform signify? And, finally, how difficult was it?

My division, the 83rd Infantry, I told him, relieved the 101st Airborne south of Carentan. Our first mission was to capture Periers (not the Perrier of sparkling water fame)—a village some 12 miles away. Fighting from hedgerow to hedgerow, literally yard by yard, it took us nearly a month to reach our objective.

The cost? Some 5,000 casualties, including killed, wounded, or captured. And after Normandy? Four other major campaigns: Northern France, the Rhineland, the Battle of the Bulge, and Germany. How many men of the 83rd Infantry survived from Utah to V-E Day, I couldn't tell him. Svenson was genuinely appalled. When we took our leave, as if to make amends, he gave us his address and telephone number: "Visit me any time you want. Don't worry about the cost. Everything will be on me."

TOUCHING, TELLING

These random, unplanned encounters were emotional—and revealing. To a wide variety of people, in different walks of life, the events of 1944 were more than stale history. There was a feeling among the many, almost exclusively European visitors to the beaches and little museums that something of transcendent importance had occurred there half a century ago.

Equally touching and telling were the memorials that are ubiquitous in the area. Every kilometer on the road from Utah to St. Lo to Avranches, the Voie de la Liberté 1944 (liberation route), displays a red-white-blue road marker indicating the distance from the landing area.

In the town square of Sainte-Mére-Eglise, in front of its famous church, stands a stone monument with the stark reminder: "On 6 June 1944, the paratroopers of the 82nd and 101st U.S. Airborne Divisions liberated this District." Near Ouistreham, on Sword Beach (British), the exploits of Commandant Kieffer, leader of 177 French Commandos, are commemorated:

"With their British brothers-in-arms, they conquered this beach to open the road for the liberation of Europe."

At Pointe du Hoc, on a sheer 200-foot cliff, which the 2nd U.S. Ranger Batallion had to climb with ropes and ladders (under withering fire) to knock out a 155 mm gun battery that commanded "bloody" Omaha, a stark granite stalagmite stands in mute tribute.

A nearby sign post records this "mission impossible":

"Pointe du Hoc

"Strongest German position on the invasion front in Normandy

"It had to be taken

"The success of the landings in the American sector depended on it."

GRIPPING MEMORIALS

Inevitably, there is a memorial to George "Blood and Guts" Patton, the Allied general most admired by the Europeans. It is a majestic obelisk, flanked by a pair of American flags, erected on soil brought over from every state in the Union. It stands in the middle of a major thoroughfare in Avranches, and records the exploits of the most brilliant tank commander on the Western front.

One of the most gripping memorials, perhaps, is the tribute to Major Thomas D. Howie (age 36), located in St. Lo, the crucial road junction that had to be captured before the Allies could break out of the deadly hedgerows of Normandy. Major Howie had wanted to be the first American to set foot in St. Lo, but was killed one day before the town was taken. His men of the 2nd Battalion, 116th Regiment, 29th Infantry Division, loaded his body on the first jeep to enter St. Lo and thus made his wish a sentimental (however macabre) reality. The memorial, erected by the French, stands in a square renamed in his honor.

THEY REST IN PEACE

Nothing, of course, can approach the emotional impact of Normandy's military cemeteries. On beautifully landscaped, meticulously tended tracts, designed in parade-perfect order, are the identical headstones that mark the graves of thousands of young men—men whose lives and hopes were prematurely terminated, men who today would be my age.

There is an air of tranquility, even serenity that exudes from their resting place—belying the violence and brutality that sent them to their deaths. The American markers include only name, rank, unit, home state, and date of death. The British and Canadian also contain age and a message from the family. On the Canadian cemetery at Beny-sur-Mer: "In memory of my dear husband and our only son. May he rest in peace." and "Bon Jesus, donnez lui le repos eternel." In the British cemetery at Ranville: "Deep in our hearts his memory is kept." and at Bayeux the all-too-frequent: "A soldier of the 1939–1945 war known unto God."

In these hallowed places, one gets a sense of intimate cameraderie, pervasive equality, and democratic unity. At Beny-sur-Mer, where all markers are imprinted with the Maple Leaf, an Anglo from the Winnipeg Rifles lies next to a Quebecois from the Regiment de la Chaudiere. At St. Laurent, my comrade from the 83rd Infantry Division, Lieutenant Engene Zender from Wisconsin rests close to Private-first-class Lawrence Slutzker from New York. Killed in the same battle, one lies under a cross, the other under a Star of David. "E pluribus unum!"

There are 16 British cemeteries (19,137 graves) interspersed on Normandy's peaceful landscape, two Canadian (5,007 graves), and five German (58,172 graves). We did not visit all these sites. Most of our time was spent at St. Laurent, the American cemetery on the plateau overlooking the steep bluffs of bloody Omaha.

AMERICAN CEMETERY

The memorial structure consists of a semicircular colonnade with a loggia housing battle maps at each end and a large bronze statue in the open area formed by its arc. A circular chapel in the graves area contains the inscription, "They endured all and gave all that justice among nations might prevail and that mankind might enjoy freedom and inherit peace."

Behind the memorial structure is the Garden of the Missing. Its semicircular wall records the names and particulars of 1,557 soldiers, sailors, and airmen from 49 States, the District of Columbia, and Guam. Their memory is preserved along with that of 9,072 servicemen, 4 women, 3 Congressional Medal of Honor recipients, and 307 Unknowns whose remains are interred at St. Laurent. (At the request of their families, some 14,000 others were brought home for burial.) Remembering them is an obligation for those of us lucky enough to have survived. It is also a catharsis.

WHAT DID IT MEAN?

On the long flight home, I tried to assess the meaning of World War II. Did it make any permanent difference in the course of world affairs?

Wasn't total victory soon followed by the Cold War, Korea, Vietnam, and assorted police actions? Isn't the world still beset by tribalism, nationalism, and ideological confliction—Asia, Africa, Latin America, and Eastern Europe? Has human nature been transformed? Have we learned to sublimate our instincts of aggression and bestiality? Or, as the cynics suggest, is war an inevitable part of the human condition that can be expected to recur with unfortunate regularity in one generation after another?

I like to believe that liberating Europe from Nazi oppression (and East Asia from Japanese hegemony) was not a sterile adventure. I like to believe that defeating a megalomaniac regime, intent on world domination and the extermination of peoples not belonging to the "master race"—a regime capable of perpetrating the holocaust—was an unavoidable necessity and obligation. I like to believe that keeping the hand of an Adolf Hitler away from the atomic trigger was an achievement of capital importance.

Assessing the impact of the war on my personal life was less problematic. It taught me, above all, the evil of ideological bigotry and a racial hatred.

When I witnessed its consequences in the concentration camps we liberated—the most notorious at Mauthausen in Austria—I recalled, and never since forgot, the warning of Pastor Martin Niemoeller. "When they came to get the Jews, I said I was not a Jew. When they came to get the Communists, I said I wasn't a Communist. When they came to get the Socialists, I said I was not a Socialist. When they came to get me, it was too late."

After seeing—first-hand—the ultimate in man's inhumanity to man, I vowed that for the best of my life I would stand up and speak up against injustice. Looking back, I hope I have been true to that pledge.

OBSERVING MEMORIAL DAY 1994

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the men and women who risked and lost their lives to safeguard the democratic principles which we, as Americans, hold so dear. As we head into our annual observance of Memorial Day, we must pay homage to individuals who served with distinction and who faithfully devoted their lives to the preservation of our freedom.

In 1868, Gen. John A. Logan, the Commander in Chief of the Grand Army of the Republic first issued the decree ordering that the graves of the Republic's war dead be decorated with flowers and other adornments. Although this was not the first time America had honored their war dead in this way, it marked the first official recognition of memorial by a national group. Up until that time, different communities celebrated Memorial Day on different days. The numerous ceremonies which we hold today have built upon this foundation laid by General Logan.

Those of us who are not veterans of war will never know the deafening sound of shells, or the shear terror of battle. Moreover, we may not even know the feeling of losing a friend in combat, or risking our very lives for the rights we hold so dear. But I assure you, we do know speeches, prayers, and parades do not adequately serve to express our respect and gratitude to those who lost their lives while serving us so proudly. We perform these various acts not only out of respect for the sacrifice that our war dead endured, but out of responsibility that we as survivors have to keep their memories and deeds alive.

We are a better and stronger country for the sacrifices borne by our war dead. For that reason we should remember them in the glory that they died. Let us not be sorrowful this day. We will continue to long for our friends and relatives who died on the field of honor. We will continue to wish that events could have been different, so that those who died so selflessly could be here now among us. All Americans stand proud in recognizing the sacrifices made by these fallen heroes and we fully acknowledge that our great country would not be what it is without them.

MANCOS HYDROPOWER LEGISLATION INTRODUCED

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. McINNIS. Mr. Speaker, today I am introducing the Mancos hydropower legislation to authorize the Bureau of Reclamation of the Department of the Interior to issue a lease-of-power privilege to the Mancos Water Conservancy District in Colorado.

This noncontroversial measure has also been introduced in the Senate by Colorado Senators HANK BROWN and BEN NIGHTHORSE CAMPBELL and we believe it should have the approval by both Houses as soon as possible.

Over the last 3 years, the Colorado congressional delegation has worked with the Department of the Interior and the Mancos Water Conservancy District to resolve a dilemma which has challenged the future of this project.

Faced with increased costs of operation and maintenance and increased demand—with the cooperation and support of the Bureau of Reclamation—the Mancos Water Conservancy District applied for a lease-of-power privilege to construct a small hydroelectric facility at the Mancos Project.

However, the original legislation was not clear as to the ability of the Department of the Interior to contract with the Mancos District to issue such a right for hydroelectric power development.

Therefore, all the parties concerned, including the Colorado congressional delegation, the Bureau of Reclamation, and the Mancos District; have come together to the Congress to petition for this clarification of the power of the Department of the Interior to issue this lease-of-power privilege.

This is an excellent program. It demonstrates how local authorities, faced with costs for necessary renovations, and also faced with future increases in demands; can design a solution that not only meets those needs, but benefits all the parties involved. Not only will enactment of this legislation result in no cost whatsoever to the Federal Government, it actually would result in increased income to the Federal Government in the form of the fees which would be paid for the leases.

Mr. Speaker, I submit the following report for the RECORD.

HISTORY, DEVELOPMENT, AND REQUIREMENTS OF THE MANCOS PROJECT AND PROPOSED HYDROPOWER PROJECT

The Mancos Project is an off-river storage project authorized in 1939 by the Water Conservation and Utilization Act ["WCUA"], 53 Stat. 418 (16 U.S.C. 590y-590z-11). The Project consists of 4.8 miles of canal and one dam, the Jackson Gulch Reservoir. Water from the reservoir serves ca. 13,750 acres of agriculture, urban and suburban areas. The federal government utilizes storage rights within the reservoir for Mesa Verde National Park.

ECONOMIC CONDITIONS

The District has a repayment responsibility for the dam of $900,000, and the original repayment contract required the District to pay the Department of Interior an additional, annual operation-and-maintenance fee set by the Secretary. In January 1993, the District assumed operations and maintenance of the project from the Bureau of Reclamation.

The District presently has an annual income from the Project of $76,000, which is allocated for the following expenses: $15,000 for insurance, $20,000 management salary, $18,000 debt retirement, $9,000 administrative expenses, and $14,000 operations and maintenance.

PHYSICAL PLANT AND CONDITIONS

Project features and equipment, now 45 years old, are in increasing need of repair. The 1.1 miles of concrete flumes have suffered from nature's wear and tear including rocks falling, ground moving, and freeze-thaw cycles. The District anticipates that those flumes will have to be completely replaced by the District in the next 15-20 years with an anticipated, present-day cost of $1.5 million. The 3.3 miles of earthen canal are eroding to the point that, within the next 5-10 years, erosion control, repairs, and up-to-date equipment will be necessary at present-estimated costs of $30,000 to $100,000. The Project headquarters built in 1942 as temporary structures to house the men who built the dam, were remodeled in 1948 to serve as the manager's residence, machine shop and warehouses. In 1990, the electrical and water system were redone and upgraded with the residence to bring them to safety standards. The machine shop, and storage units have not been upgraded due to lack of funds throughout the years. However, in 1994, due to budget restraints, the only repair planned within the limited budget of the District is to the inlet canal stilling the basin at an approximate cost of $5,000.

THE MANCOS VALLEY

The Mancos Valley has a low-to-middle income population economic base. Present water rates are within the means of consumers but a rate increase, necessary to conduct requisite maintenance, repairs, and renovations would be prohibitively expensive for the population served. After careful analysis of this situation, the Board concluded that, without income to be generated from this hydroelectric project, the District would not be able to maintain the project.

THE HYDROELECTRIC SOLUTION

Several years ago, anticipating the dilemma of finding funding for necessary maintenance, renovation, and improvement; without sufficient rate increases, the Board began investigating developing hydroelectric power. The locations in the area which were studied were a) Ames Hydroelectric Plant, which is still operating after 90 years, and two, younger projects: Lemon Dam and Pine River Dam. In 1990, after being advised by the Bureau of Reclamation that the federal government could not economically construct such a facility, the Board commissioned a feasibility study on a hydro-power project on Jackson Gulch Reservoir. Preliminary results were that a small hydropower plant would be feasible and would accomplish the District's revenue goals.

The planned project would require a) construction of a small building (ca. 14′ by 16′) on an existing spillway wall and b) installation of a 260 kw turbine and generator within the building. The turbine and generator would be operated on existing releases of irrigation water. There would be no changes in water releases, release patterns, water storage, or project operation from current operation of Jackson Gulch Dam and Reservoir. Projected revenue from the Project is $30,000. per year, with a debt service of 18 years.

In April 1990, the District began the process of applying for a lease-or-power privilege from the Bureau of Reclamation; in reliance by the parties (both the District and the regional office of the Bureau of Reclamation) that the WCUA authorized a lease-of-power privilege as in other project authorization laws. The underlying assumption was based on a 1986 Memorandum by the Commissioners of the Bureau to the Regional Directors. Lease terms, including amendments to the District's repayment contract, were negotiated with the Bureau of Reclamation regional office. Financing had been arranged for construction and contracting for the sale of power was underway.

ENVIRONMENTAL PROTECTION

Both the United States Fish and Wildlife Service and the Colorado Division of Wildlife have conducted a preliminary environmental review of the proposed hydroelectric project and believe that the project is not likely to adversely impact any federally listed endangered or candidate species.

ISSUE ONE—AUTHORITY UNDER WCUA

On November 12, 1993, the Office of the Solicitor of the Department of Interior opined that the WCUA did not authorize such a lease. That opinion was that the Act limits all right, title, and interest in any facilities constructed and revenues resulting from hydroelectric development of the project exclusively in the United States; anticipating that any hydroelectric project authorized by the WCUA would be constructed by the Bureau, and that the revenues generated by the hydroelectric facility would be "sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper." (Section 9, Water Conservation and Utilization Act, 16 U.S.C. 590z-7). However, the Bureau of Reclamation has never found hydropower development feasible and the District is now solely responsible for maintenance and repairs for the project.

ISSUE TWO—FEDERAL AGENCY JURISDICTION

A second complication arose as a jurisdictional dispute between the Bureau of Reclamation and the Federal Energy Regulatory Commission ["FERC"] as to which, or both, had regulatory authority. In 1986, FERC had issued a license for a non-federal hydropower development on the project to a private developer. (That license was surrendered by the developer in 1988.) The current position of the Department of Interior, expressed in the Solicitor's Opinion of November 12, 1993, and based on interpretation of intervening case law; is that the WCUA excluded FERC jurisdiction over hydropower development on WCUA projects. Although a Memorandum of Understanding entered into by the Department of Interior and FERC on November 16, 1992, attempted to resolve some the jurisdictional dispute, this legislation is necessary to eliminate any questions that might exist or arise regarding identification of the proper federal agency with jurisdiction over this project.

This legislation would amend the WCUA to authorize the Mancos Water Conservancy District to (a) enter into a lease-of-power privilege with the Bureau of Reclamation on the Mancos Project and (b) utilize the revenues generated for operation and maintenance of the Mancos Project and (c) other purposes consistent with other such lease-of-power privileges to similar entities. The development of such hydropower would be without cost to the United States and would protect the government's interests in the reservoir by empowering the District to adequately maintain the Mancos Project without federal subsidy. The government would receive a fee to be paid to the reclamation fund for the lease-of-power privileges comparable to fees received for similar hydroelectric leases.

TRIBUTE TO MATTHEW PATRICK BROWN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Matthew Patrick Brown of Troop 22 in Cranston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Matthew designed, made, and installed fire alarm signs at Western Hills Junior High School in Cranston, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Matthew Patrick Brown. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Matthew Patrick Brown will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO DR. VICTOR GORDAN

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to one of New Hampshire's most admired citizens, Dr. Victor Gordan of the Manchester Veterans' Hospital.

Dr. Gordan escaped from Communist Romania in 1970 and, after being recognized as a refugee by the United Nations' High Commissioner for Refugees, obtained a visa to come to the United States, where he continued his medical training. Upon completing that training, Dr. Gordan dedicated his life to helping people, in particular New Hampshire's veterans.

After overcoming the hardships of immigration, Dr. Gordan obtained positions at some of the Nation's most prestigious medical institutions. He was recognized by the American Board of Internal Medicine as a specialist in internal medicine in 1977 and was later recognized as a subspecialist in pulmonary diseases in 1982. Dr. Gordan also is a member of the American College of Physicians and the Society of Critical Care Medicine.

Since coming to the Manchester Veterans' Hospital in 1984, Dr. Gordan has been tireless in his efforts to help those service men and women who have given so much to their country.

In recent months, Dr. Gordan has taken a particular interest in what has come to be known as Persian Gulf syndrome—the mysterious symptoms and ailments that have plagued many of our soldiers since they returned from the Persian Gulf war. He has been relentless in his efforts to solve this puzzle and selfless in his commitment to the veterans afflicted by it.

Mr. Speaker, we must remain vigilant in our efforts to ensure that full medical treatment and honest answers are provided to our Persian Gulf veterans. Recognizing and supporting people like Dr. Gordan is essential to this effort.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Dr. Victor Gordan and in supporting all those like him who are working to find answers to the ailments of our Persian Gulf veterans.

SIMPLICITY AND CHOICE—THE WATCHWORDS OF TRUE HEALTH CARE REFORM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. DINGELL. Mr. Speaker, I commend to my colleagues the following article dated February 5, 1994, which I read in the Detroit Free Press. This editorial cuts through the obfuscation that opponents of true health care reform have used to stir fear and suspicion among the public toward the President's Health Security Act and toward a single-payer system. The only two proposals which, not ironically, will provide universal coverage and therefore the only two proposals which will bring genuine reform to a system in crisis.

CRISIS OR NOT, OUR SYSTEM BADLY NEEDS MAJOR REFORM

General Motors Corp. spends more on health care for its employees and retirees than on steel to build its cars, which explains a lot about why the automaker is trying so hard to ratchet down its cost of retiree coverage.

GM is not alone. The percentage of U.S. employers that pay for full medical coverage has dropped steeply. Cutbacks in health benefits were a major issue in more than half of all strikes in recent years. Eight out of 10 new businesses don't offer any health benefits. Americans do have the best medical care in the world, as foes of the Clinton health care plan keep insisting—but only if they or their employers can afford it.

Opponents of the Clinton plan are trying to hijack the debate and turn it into a semantic argument about whether or not there's a health care "crisis" in this country. Look at it this way: Health care gobbles up 14 percent of the gross national product—$1 out of every $7 earned and spent. A fat slice of every dollar you spend on groceries, clothing, cars, appliances goes to pay somebody's health care bills.

So we spend nearly $1 trillion a year on health care, and tens of millions of Americans still have inadequate coverage or none at all. Millions more workers and retirees fall asleep every night praying: "Please, God, don't let them cut my health care benefits." If that's not a crisis, it's a heck of a problem, and President Bill Clinton is right to want to do something about it.

We share some of the concerns of the Business Roundtable and others about the Clinton plan. The proposed purchasing alliances have the potential to become bureaucratic behemoths run by insurance companies, with neither the compassion nor the simplicity Mr. Clinton promised. States should not be discouraged from pursuing flexible, homegrown reforms in cost control and delivery of care. And the president's cost projections still seem rosy.

We continue to believe that a single-payer plan, along the lines of the Canadian system, has virtues that make it worth fighting for, including a hefty savings from wiping out bureaucracy and paperwork. The president has wisely indicated he's willing to deal on almost everything but universal coverage. He'll have a first-class fight on his hands just to hold on to that cherished target.

He might as well go all the way and press for a single-payer plan. There's a small but expandable core of support in Congress for such a system. And it comes closer to meeting Mr. Clinton's important objectives of simplicity and choice than anything else we've seen yet.

TRIBUTE TO REV. LEROY TAYLOR

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Leroy Taylor of the New Faith Missionary Baptist Church. Attached is a proclamation I issued Reverend Taylor commending him for his work.

PROCLAMATION

Whereas the Reverend Leroy Taylor is a native of Rosedale, Mississippi, migrating to Chicago as a youth to make his mark on the world. Later he volunteers for military service in the United States Navy, and

Whereas Reverend Taylor matriculated at Chicago Baptist Institute, and is a promoter of Education and Christian Education, and

Whereas Reverend Taylor has served as Pastor of New Faith Missionary Baptist Church for 19 years, under his pastoral leadership totally renovating the church and constructing a new educational building in 1990, engaged in active youth ministries, weekly food distributions to the hungry, and prison ministry at the Cook County Jail, and

Whereas Reverend Taylor is a family man, a loving husband married to Ms. Rose Lewis, and the proud father of 10 children, with four sons in the ministry, two of the four serving as senior pastors in the Chicago metropolitan area. Now, therefore, be it

Resolved, That the United States Congress wishes to acknowledge the accomplishments of the Reverend Leroy Taylor.

TRIBUTE TO HAROLD ELAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MCINNIS. Mr. Speaker, today it is my privilege to recognize and congratulate an upstanding citizen of Colorado, Mr. Harold Elam of Grand Junction.

Mr. Elam, the owner of Elam Construction, was the recent recipient of the Colorado Contractors Association's most prestigious award. The Contractor of the Year award was given to him in recognition of his significant contributions to that association, the construction industry in general, as well as his contributions to his community.

Mr. Elam is a native of Colorado, who went to work in the construction business soon after receiving an associates of science degree in engineering. In 1964, he joined the Navy as a Naval Aviation Cadet and served for 5 years. He returned to the construction firm that bears his family name in 1970.

Since Elam Construction joined the Colorado Contractor's Association in 1981, Harold Elam has served on the CCA Legislative Committee, chaired the Western Slope Municipal-Utility Joint Cooperative, served as chairman of the membership committee, served 8 years as a member of the board of directors an is a past CCA president.

In his community, he served as a member of the County Safety Council, Chamber of Commerce, River Front Commissioner, and as a director of the River Front Foundation.

I would like to take this time to thank Mr. Elam for his service to his community and his country.

INTRODUCTION OF THE FEDERAL FIREFIGHTER PAY EQUITY ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HOYER. Mr. Speaker, as the chairman of the Congressional Fire Services Caucus, it gives me great pleasure to introduce the firefighter pay equity bill. Senator SARBANES, a distinguished cochair of the Fire Caucus, introduced a similar bill in the Senate.

Our Government employs approximately 10,800 structural firefighters, and nearly 1,600 wildland firefighters. These brave men and women protect our military bases, Federal civilian property, and vast expanses of forest and national park land. It is ironic that despite the serious responsibilities of Federal firefighters, and despite the risk they face, these men and women are among the lowest compensated employees in Government.

Unlike other paid firefighters across the country who work an average of 50 hours a week, Federal firefighters work an average of 72 hours a week. Consequently, when you translate their Federal salary into an hourly wage, these firefighters are earning slightly more than entry level fast food servers—$6.20 an hour. This is not only unbelievable, but it illustrates why the Federal fire service has trouble attracting and retaining firefighters.

In 1990, I worked very hard to help pass the Federal Employees Pay Comparability Act to bring Federal civilian employees' salaries in line with comparable private sector salaries. We also included a study of Federal firefighter pay in this legislation. In response to this directive, the Office of Personnel Management drafted a pay reform proposal for firefighters which Senator SARBANES and I used as the base for our own legislation.

Our proposal would finally give firefighters time and a half for each hour of overtime work. Overtime would only be considered if a firefighter worked more than 106 hours during a 2-week period. In addition, this bill also includes pay incentives for training, so that the Government cannot only retain qualified candidates but encourage our firefighters to continually improve their level of service.

This legislation finally focuses attention on a problem which has been overlooked too long. I encourage my colleagues, and all of the Members of the Congressional Fire Services Caucus to consider this bill, and support its passage this year.

TRIBUTE TO DR. JAMES P. TILLMAN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. James P. Tillman of the Memorial Missionary Baptist Church. Attached is a proclamation I issued Dr. Tillman commending him for his work.

PROCLAMATION

Whereas Dr. James P. Tillman was born in Joliet, Illinois, he is a graduate of Wilson College, a honor graduate of the Chicago Baptist Institute, he received the Doctor of Divinity from St. Stephens College, Los Angeles, California; and

Whereas Dr. Tillman is a family man, he is married to Berve Tillman celebrating forty-two years of holy matrimony, God has blessed them with four children: James, Jr., Andre, John and Teresa, and five grandchildren; and

Whereas Dr. Tillman is the Founder and Pastor of the Memorial Missionary Baptist Church, Chicago, Illinois established September 1st, 1957. His motto is, "The Church with a Mission, a Pastor with a Message." Dr. Tillman and the membership are celebrating forty-three years of service; and

Whereas Dr. Tillman is the President of the Chicago Baptist Institute, serving in that capacity for the past twelve years, he is responsible for the three million dollars restoration of the original site located at 5120 S. Dr. Martin Luther King, Jr. Drive. He is a member of the Council of Religious Leaders of Chicago Bible Society, member of the State and National Progressive Conventions, a Lifetime member of the N.A.A.C.P., Chaplain at Statesville Correctional Facility, a Trustee of St. Stephens College, and a Member of the Interfaith Council: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. James P. Tillman and the Memorial Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO MORGAN A.L. GOULET

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Morgan A.L. Goulet of Troop 1 in East Greenwich, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required for areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Morgan coordinated the first major cleaning since 1935 of the Briggs Lot Cemetery in Warwick, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Morgan A.L. Goulet. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Morgan A.L. Goulet will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

THE ESSENTIAL COMPONENT OF HEALTH CARE REFORM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. DINGELL. Mr. Speaker, I commend to my colleagues the following editorial dated April 25, 1994 which I read in the Detroit Free Press. It speaks to the single most essential component of true health care reform—universal coverage. While my colleagues sort through and debate various financing mechanisms and timetables for reform, I urge them to remember that without universal coverage, any reform measure that Congress passes will only institutionalize the worst parts of the status quo.

HEALTH CARE—BOLDNESS AND A SINGLE-PAYER SYSTEM ARE BEST MEDICINE

Congress has plunged into health care reform with a vengeance, vastly increasing the chances that a viable bill will emerge this session. Such key Democratic players as Senate Majority Leader George Mitchell and Rep. John Dingell of Michigan are working hard to deliver on Bill Clinton's promise of universal coverage—although not necessarily in the form the president first proposed.

If we could add two words of advice to the millions they're already getting, they would be these: Be bold. Cut through the complexities, flummox the lobbyists and go for a single-payer system. That's still the simplest way to deliver universal coverage, even at this late date in the debate.

Mr. Clinton might usefully cast his eye north from Washington to Canada, where such a system seems to work just fine. Opponents of dramatic reform like to cite anecdotes from Canada about long waits for doctors and about treatments delayed or denied. But every horror story out of Canada probably can be matched by ten from the United States.

At least under the Canadian system, poor people don't clog emergency rooms for lack of care elsewhere, running up gilt-edged hospitals bills for common ailments. Hospitals aren't forced to swallow or sneak onto the bills of the well-heeled or well-insured the cost of providing indigent care.

Canada doesn't have millions of people who live in sheer, unabashed terror of getting sick or being fired and losing their health insurance. And it doesn't bear the stigma, as we do, of having the worst infant mortality rate in the developed world.

The chief arguments against the single-payer system come from the billing bureaucracy, that legion of insurance companies and others who earn their living by selling, administering, marketing or servicing the health care industry. They eat up 15 to 20 percent of the U.S. health care dollar before the first aspirin is prescribed. And they are heavy contributors to the congressional campaign coffers.

If Congress can't resist their blandishments, it should at least incorporate into any reform plan the best features of single-payer: simplicity, universality, portability and choice. Reform also needs to protect incentives for medical research, to be wary of octoploidal cost control measures, and not to lay too great a burden on employers.

The president and Congress do need to be more frank about costs and how to spread them fairly. Otherwise, they risk the kind of backlash that panicked Congress a few years ago into rescinding an otherwise estimable catastrophic health care plan.

But President Clinton deserves credit for getting reform on the table and creating a groundswell for universal coverage. We doubt that Congress will dare back off from that principle now, no matter how many lobbyists or what blizzard of dollars descends on Capitol Hill.

Universal care is the last great gap in the safety net. With the help and advice of the wiser heads in Congress, the president may close it at last.

TRIBUTE TO REV. GEORGE M. WADDLES, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend George W. Waddles, Sr., of the Zion Hill Missionary Baptist Church. Attached is a proclamation I issued Reverend Waddles commending him for his work.

PROCLAMATION

Whereas the Reverend George W. Waddles, Sr., is a native of Wichita, Kansas, accepted Christ and was baptized at the age of seven years, acknowledged his call to the Ministry in 1975 and ordained in 1977; and

Whereas Reverend Waddles matriculated at Bethal College in North Newton, Kansas, earning the Bachelor of Arts degree, and the Masters of Social Work degree from the University of Kansas in Lawrence, Kansas; and

Whereas Reverend Waddles has pastored several churches, Ninth Street Baptist

Church in Lawrence, Kansas as interim pastor, second Baptist Church in Vincennes, Indiana, Zion Baptist Church in Springfield, Illinois, and the Zion Hill Missionary Baptist Church in Chicago since 1983, organizing the Zion Hill Christian Academy grades kindergarten through eight; and

Whereas Reverend Waddles is a Churchman, serving as Director of Finance the Minister's Division of the National Baptist Congress of Christian Education, Vice-President of the Baptist General State Congress of Christian Education, Fourth Vice-Moderator of the Greater New Era Baptist District Association, and the Developing Communities Project; and

Whereas Reverend Waddles is a family man, a loving husband married to Mrs. Karen L. Waddles, they are the proud parents of George, Jr., Anglea, Nicholas, Nathanael, Genesis and one grandchild—Erin Elise Waddles: Now, therefore, be it

Resolved, That the United States Congress wishes to acknowledge the accomplishments of the Reverend George W. Waddles, Sr.

ADDRESS BY THE HON. MILES LERMAN, CHAIRMAN OF THE U.S. HOLOCAUST MEMORIAL COMMISSION, AT THE DAYS OF REMEMBRANCE CEREMONY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. SWETT. Mr. Speaker, recently in the rotunda of our Nation's Capitol, just a few steps from where we are now standing, the U.S. Holocaust Memorial Council organized the annual National Civic Commemoration to remember the victims of the Holocaust in connection with the annual Days of Remembrance. The ceremony is a key part of the yearly observance in memory of the 6 million victims of the Nazi German slaughter of innocent women, children, and men.

Mr. Speaker, one of the principal speakers on that solemn occasion was the distinguished Chairman of the U.S. Holocaust Memorial Council, Mr. Miles Lerman. Prior to assuming that position, Miles was an active and creative member of the Council. Since becoming Chairman of the Council just over a year ago, he has demonstrated great sensitivity, imagination and leadership in this important position. His remarks at the National Civic Commemoration were particularly appropriate and insightful.

Mr. Speaker, a number of our colleagues were not able to attend this important solemn occasion because the Congress was in recess at that particular time. For this reason, I ask that the remarks of Chairman Miles Lerman be placed in the RECORD, and I urge all of my colleagues to read and reflect upon his thoughtful speech.

ADDRESS BY MILES LERMAN AT NATIONAL DAYS OF REMEMBRANCE CEREMONY APRIL 6, 1994

Thank you, Secretary West

Mr. Vice President, members of Congress distinguished ambassadors, honored guests of the diplomatic corps, ladies and gentlemen.

It is with a deep sense of gratitude that I accept on behalf of the United States Holocaust Museum the flag of the 50th Anniversary of WWII commemoration.

We will display it proudly in the Holocaust Memorial Museum along side the flags of the 14 American Fighting units who were the first to encounter the world of concentration camps. We will display this flag as a symbol of our eternal gratitude to the American fighting men who upon encountering the camps have undergone a remarkable transformation—from warriors to healers and then to eye witnesses.

In the exhibition of the United States Holocaust Memorial Museum, we do not concentrate only on the horrors and crimes committed by the Nazi murderers, but we also depict human sensitivity and acts of kindness that warm the heart and lift the spirit.

The first thing the museum visitor encounters as he enters the permanent exhibition is the bewildered faces and angry voices of the American soldiers who first discovered the horrors of the concentration camps. Within the exhibit the visitor learns about the compassion of the military doctors and nurses who so desperately tried to save the lives of the camp inmates who were too far gone and were on the edge of certain death.

The Holocaust Museum has become the epicenter of education.

More than one and a half million visitors crossed its portals, and 3,000 school groups have come to learn the devastating results of hatred and bigotry. Two out of three of our visitors are non-Jews so the museum has become a magnet for the American people, a national shrine, a hallowed place of education, remembrance and introspection.

We have received diplomats and school children, most of the members of Congress, many ambassadors and thirty heads of state from all over the world.

We are told that this museum is the most powerful lesson in contemporary history.

We realize that we cannot bring the dead back to life. But within the Museum and within today's ceremony of commemoration we can make sure that the memory of their deaths serves life, deepens our understanding for the sanctity of human life, and intensifies our determination to preserve the freedoms and values that are the hallmark of our nations glory.

We are approaching the first anniversary of the opening of the Museum. Last April, President Clinton officially opened its doors to the American and International public. This museum is a result of a bi-partisan effort. Four Presidents—Carter, Reagan, Bush and Clinton, and both Houses of Congress have supported the creation of this living memorial. The land is a gift from the United States government. But all the necessary funds to build and equip this center of learning came from broad America—Jews and non-Jews alike.

Today I stand before you as Chairman of the United States Holocaust Memorial Council to thank the American people, its legislators, and four American presidents for helping us to create this temple of memories.

As a survivor of this cataclysm who found a haven at the shores of our beloved country, the United States of America, I also must express my gratitude to the state of Israel for opening their gates and providing homes to most of the remnants of the Holocaust.

I must thank them for embracing the survivors with open arms and above all for helping them to regain their pride and human dignity.

We survivors know more than anybody else what it meant to live in a world without an independent state of Israel.

I would like the ambassador of the State of Israel, Itamar Rabinowich and his entire delegation to stand up and accept our public thanks.

Next year we will address the fiftieth anniversary of the Allied Liberation of Europe and it is most appropriate that the United States Holocaust Memorial Museum is now an official World War II commemoration site, and we will fly this flag with honor and gratitude. For this and much more, Mr. Secretary, we thank you and the American people very much.

As Chairman of the United States Holocaust Memorial Council, I also have the honor of presenting our Eisenhower liberation medal.

Each year, the medal is given to extraordinary men and women as an expression of the deep gratitude that we feel toward the members of the US armed forces who brought an end to Nazi tyranny.

The medal is named in honor of Dwight D. Eisenhower, Supreme Commander of the Allied Forces in Europe, the leader of the invasion of Normandy that led to the final defeat of Nazi Germany.

Today I am honored to present the Eisenhower liberation medal to Lt. Gen. Claude M. Kicklighter, executive director of the 50th anniversary of WW II commemoration committee, a US army officer who has demonstrated throughout this career a deep commitment to those democratic principles we all hold so dear.

Last year, American liberators and survivors whom they had liberated went on a joint pilgrimage to collect soil from the places of martyrdom and from the American military cemeteries, the resting place of our valiant soldiers who fought and died to keep the world free.

This soil is deposited in the hall of remembrance of the United States Holocaust Memorial Museum, and will become an integral part of our task to remember.

Our journey was painful, tearful, and at times even joyous as it reunited survivors with their liberators in an encounter with memory and destiny.

Gen. Kicklighter was with us on this emotional journey. He became one of us as he demonstrated the deepest personal sensitivity to the cause of remembrance. On this journey we have gotten to know you, Gen. Kicklighter, we were touched by your emotions, we sensed your soul.

As we have collected the soil of the American military cemeteries at Margraten and Normandy. You have pointed to the perils of war, but you have also taught us that there are certain values that are worth fighting for, certain freedoms that must be defended and certain moments in time when peace-loving men and women must take up the call of arms.

I want to assure you, Gen. Kicklighter that survivors and their decedents will forever carry in their hearts a sense of gratitude to the Allied forces for putting an end to the Nazi nightmare and for restoring trust and human goodness in the hearts of those who have suffered so much and have survived the Nazi inferno.

On their behalf and on behalf of the United States Holocaust Memorial Council, it is my honor to present you Gen. Kicklighter with the Eisenhower Medal of Liberation.

TRIBUTE TO FRED L. NEWHART ELEMENTARY SCHOOL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PACKARD. Mr. Speaker, I rise to pay special tribute to Fred L. Newhart Elementary School of Mission Viejo, CA for winning the prestigious Blue Ribbon School Award. Fred L. Newhart School is one of 260 schools across the country that was selected by the Department of Education to receive Blue Ribbon School status based on strong leadership, academic excellence, high quality teaching, community service, strong parental interest and involvement, unique and up-to-date curriculum, and policies and practices that ensure a safe environment conducive to learning.

The Blue Ribbon Schools Program identifies and gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, State, and national goals and in educating all of their students. Recognized schools serve as models for other schools and communities seeking to provide high quality education for all their students.

Fred L. Newhart Elementary School is a pioneer in community service programs. With its participation in K.A.S.T.—Kids and Seniors Together, students interact with the seniors in the community by volunteering at Norman P. Murray Senior Citizen Center of Mission Viejo and in return, the seniors volunteer in the classroom, working directly with students. This type of intergeneration program is very beneficial to both students and seniors.

K.A.S.T. includes programs such as Authors Day, where seniors meet with students and talk about favorite authors. During Poetry Day, seniors and students write poetry together. When they go on field trips to the senior citizen center, students do drama, band, choral, and orchestra programs for the residents. A program called What's My Line involves seniors going to the classroom to discuss their previous careers with the students. The senior buddies program is also a success where at-risk students and seniors are matched up for lunches, walks against drug and alcohol abuse, and just to talk about personal problems. More student and senior interaction involves the Meals on Wheels Program where students help pack lunches to go to the senior center.

In addition to its high degree of involvement with its community's seniors, Newhart Elementary School is also recognized for its high CAT [California Assessment Program] scores. Their high scores reflect the academic excellence and commitment to education that ranks Newhart Elementary at the top in this area not just in California, but in the Nation. Positive factors that contribute to their achievement are the school's high degree of parent involvement. Education is not just learned in school, but at home as well. Newhart Elementary recognizes this important link and has successfully instituted programs where parents play an active role in their child's education. Along with an exceptional instructional program, Newhart Elementary has ensured a superb environment conducive to learning.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the achievements of Fred L. Newhart Elementary School. I look forward to their visit to Washington, DC this fall when they will be honored for receiving the Blue Ribbon School Award.

OBSERVATION OF THE FORMER SENATOR ROGER JEPSON

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MICHEL. Mr. Speaker, due to an inadvertence, the following statement by the Republican leader of the Senate, BOB DOLE, was not published in the CONGRESSIONAL RECORD for May 25.

In that the Senate has now adjourned until June 7, I ask that the following along with an article written by former Senator Roger Jepson appear at this point in the RECORD.

STATEMENT OF SENATOR BOB DOLE

I commend to my colleagues an article written by the distinguished Republican former senator from Iowa, Senator Roger Jepson. He recently returned from a 2½-week trip to China, where he had the opportunity to see first-hand the social progress and economic dynamism of China. He calls for unconditional renewal by the U.S. of MFN for China. His observations are timely and clear-eyed.

Senator Jepson's observations follow:

Since 1979 China has been granted the international trade status of Most Favored Nation [MFN] by the United States. Early in 1994 proponents of MFN and human rights advocates opposing the renewal of MFN increased their activities in what has been since 1989 an annual battle over MFN-China. In the past four months much has been written; public hearings in and out of Congress have been held; delegations from China, spreading good will and sizable purchase of U.S. products, have appeared in the halls of Congress; U.S. State Department personnel have darted in and out of China gathering information for the "report" to the President. High stakes—human and economic—exist as President Clinton moves toward his June 3rd decision whether to renew MFN-China.

During my recent 17 day fact-finding trip to China, I observed a number of things that were surprising to me. I saw people riding to work on their bicycles while talking on mobile pocket telephones—much like we see in the United States. On two successive Sundays I attended church services unannounced and found over two thousand people at each service, worshipping, openly reading Bibles and participating in Bible study classes taught via video on television screens after the services. Whether traveling by train or airplane between cities within China, it was always the same. Large numbers of people were moving about from one city to another. They were standing in line for tickets and all seats were filled. Small business entrepreneurs by the thousands lined the streets as they sold their wares and cooked their version of fast food. It was one continual, buzzing marketplace. Why should all this be surprising? Because not too many years ago none of this would have been possible. Mobility was restricted and controlled, and many items of food and merchandise did not exist, or were available only by coupon in the location of one's residence. These everyday examples of improving human rights did not exist prior to 1979.

I also observed first-hand a vibrant, exploding economy . . . special high tech parks, huge industrial development sites staffed by informed specialists wanting to "do business," international trade, telecommunications, infrastructure development (building cranes in major cities as thick as the quills on a porcupine's back), merchant banking, stock exchanges, new industry, etc. The People's Republic of China, in its on-going transformation into a "socialist market-based economy," is becoming increasingly integrated into the regional and world economy—taking her place in the international community. Supported by many Asian and European countries, China is working hard to attract the "2004" Olympics, as well as negotiating to rejoin GATT. Many progressive things are happening in China today; anyone who says otherwise needs a "reality check."

Deng Xiaoping said, "It makes no difference if it is a white cat or a black cat—if it catches mice, it is a good cat." However one choose to measure success, the "free market economy" move in China is making progress. Economic success fires the engine of reform that inevitably leads to greater political liberalization and improved human rights. To cut MFN off now, or even cut it off partially, as some are advocating, is to blunt the very instrument currently promoting social pluralization. To inhibit MFN with any conditions is to endanger the progress that has been made for human rights in recent years.

Relinquishing MFN as a tool for human rights does not mean that the United States is abandoning its long tradition of championing human rights, or that we should now remain silent. Human rights abuses are worldwide; occurring in Europe, Africa, South America, the Middle East, Asia, etc. Instead of singling out China, we should address this serious problem in the many international forums available to us; including the United Nations Security Council, the UN Human Rights Commission, the World Bank, the GATT. The West has won the Cold War, but that is not enough. The United States should exert human rights leadership in international organizations—while renewing MFN for China without conditions!

TRIBUTE TO BISHOP CLAUDE E. TEARS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Bishop Claude E. Tears of the First Corinthians Missionary Baptist Church. Attached is a proclamation I issued Bishop Tears commending him for his work.

PROCLAMATION

Whereas Bishop Claude E. Tears was born in Pulaski, Tennessee, coming to Chicago at the age of fourteen, he matriculated in the Chicago Public Schools and Moody Bible Institute; and

Whereas Bishop Tears was led by God to organize the First Corinthians Missionary Baptist Church July 17th, 1966, he began with six members in Fernwood School, today the congregation numbers over 1,600 persons, and has been in its present location since 1973 serving the community; and

Whereas under the leadership of Pastor Tears the Church has maintained an energetic outreach ministry leading many people to surrender their lives to Christ, in this great congregation former gang members, drug addicts, and alcoholics have changed their way of living; and

Whereas Bishop Tears is a churchman he has affiliated with the Southern Baptist Convention since 1972, he serves as Moderator of the local Southern Baptist Association and as President of The Illinois Baptist Pastors Conference, and on the Board of Directors of Illinois Baptist for twelve years as pastoral advisor for Baptist Student work at Chicago State University: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Bishop Claude E. Tears by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO MARILYN GLICK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and inspired leadership of my very dear friend, Marilyn Glick of San Bernardino, CA. Marilyn, who has demonstrated a remarkable dedication to the needs of the people of the 40th Congressional District, is retiring from my staff after 16 years of outstanding service.

Marilyn began her career in public affairs as an intern in my State assembly office in March 1978. Her sensitivity to the needs and concerns of people was very apparent from her very first day and I hired her as a member of my full-time staff in August of the same year. Most remarkable to me is the fact that Marilyn, who enrolled in college a the age of 42, completed her degree by attending school at night and was the recipient of numerous academic honors.

During her tenure, Marilyn has touched and had a positive and direct impact on the lives of thousands of people. The impersonal business of government often has the tendency to put numbers on people—but not Marilyn. She has treated every constituent case as a mission and, more often than not, she has succeeded in making the bureaucracy of government work for our citizens. Marilyn has been a tireless and tenacious advocate and, to say the least, she will be sorely missed.

Marilyn has also provided leadership in numerous civic and community-based organizations enriching the lives of people young and old alike. She has served by running an after-school enrichment program for over 600 elementary school children, as a Girl Scout leader, in the PTA, and as president of the Inland Empire American Red Cross. She has also served as an advisory board member of the Inland Adolescent Clinic Board and the Alumni Association for Cal State, San Bernardino.

Mr. Speaker, I ask that you join me, our colleagues, Marilyn's husband, Larry, their two daughters, Lori and Karen, and their many friends in honoring this special woman for her remarkably dedicated service. Over the years, Marilyn has touched the lives of many people in our community and it is only fitting that the House recognize her today.

TRIBUTE TO BISHOP NORMAN N. QUICK

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Bishop Norman N. Quick, who on Monday, June 11, will be inaugurated Jurisdictional Prelate of New York's Southeast Jurisdiction at a ceremonial luncheon to be conducted by the Bronx Shepherds Restoration Corp.

I hope my colleagues will join me in sending best wishes to Bishop Quick and to the Bronx community in honor of this joyful event.

SALUTE TO CHESTER KRAUSE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PETRI. Mr. Speaker, next Monday, Memorial Day, the people of Iola, WI will join in a special community salute to Chester Krause, civic leader and entrepreneur who, over a period of 40 years, transformed his central Wisconsin village of 1,125 residents into a publishing empire.

Krause Publications, Inc., internationally known publisher of hobby and collectible magazines and guidebooks, was founded in October 1952 when Chet Krause's desire to have a means by which to exchange information with fellow coin enthusiasts led to his producing and disseminating the first issue of a 1-page newspaper he called Numismatic News.

For that early dining-room-table effort, Chet solicited the ads, sold the subscriptions, and wrote the copy, while pursuing his original occupation as a carpenter. Now acknowledged as America's foremost hobby publications firm, Krause Publications employs 350 people and publishes 26 periodicals and 50 books annually. In addition to the seminal Numismatic News, publications include magazines devoted to old cars, baseball cards and other sports collectibles, and old record, toy, firearm, and comic book collections.

In 1990, after a decade of phenomenal growth in his business, Chet was named Wisconsin's Small Business Person of the Year by the Small Business Administration. Although he retired as company president in 1988, he remains chairman of the board.

It is not only for his tremendous business acumen and entrepreneurial success that Chet Krause is being recognized by his fellow citizens this weekend, but also for his extraordinary and heartfelt commitment to public service, to his employees and to his community. He is Iola's leading citizen, and it is difficult to imagine that one man has left so great an imprint and transformed so completely the life of a town.

Twenty years ago, Chet parlayed a lifelong interest in vintage automobiles into the annual Iola Old Car Show, one of Wisconsin's largest festivals and tourist attractions and the biggest such event in the Midwest. Proceeds from the show are funneled back into the Iola community and have supported innumerable charitable and civic development projects over the years.

Recognizing the vital role his employees have played in the success of Krause Publications, upon his retirement as company president Chet sold 30 percent of his ownership back to the company to be given to employees as part of an employee stock ownership plan. Not only has the plan allowed Krause workers to have an interest in the company's profitability, it has worked to ensure the company's continued viability in the village of Iola.

Chet has served as a village trustee and as member of the Waupaca County Selective Service Board. He is a combat veteran of World War II and is active in organizing reunions for his batallion. Still an inveterate collector, Chet has a growing collection of World War II military equipment.

On the national scene, Chet has played a crucial role in the development of public policy relating to the minting and sale of commemorative coins. I was privileged to work with him and his company's personnel in 1982 when they directed my attention to a badly flawed House Banking Committee proposal which would have allowed a private firm to make windfall profits from the marketing of Olympic coins. Chet and his people were instrumental in providing me with the background information I needed to help derail this costly and misguided effort and replace it with an Olympic coin program that returned millions of dollars more to the U.S. Olympic Committee and served as the prototype for future Olympic coin programs.

Over the years, Chet Krause has been an invaluable source of sound advice on legislation dealing with coinage and similar topics, and our country owes him a debt of gratitude for his participation in this arena of public policy. He has testified many times before congressional committees, beginning in 1967 with his successful effort to restore mint marks on U.S. coinage. In 1961, President Kennedy appointed him to serve on the Annual Assay Commission, and in 1977, he was awarded the American Numismatic Association's Farron Zerbe Award, the most prestigious honor bestowed by America's coin collecting community.

I will be honored to join with the people of Iola this Memorial Day as we gather to express our thanks to Chet Krause for all his many contributions to the village of Iola, the State of Wisconsin and our country.

INTRODUCTION OF THE MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. RICHARDSON. Mr. Speaker, today I have introduced legislation to enhance the recycling of rechargeable batteries and prohibit the manufacture of batteries containing mercury. This is significant environmental legislation which will provide real relief from the effects of mercury, lead and cadmium in landfills and incinerators. I am pleased to be joined in the introduction of this legislation today by Representatives RON COLEMAN, MARTIN FROST, NYDIA VELASQUEZ, VERNON EHLERS, CRAIG WASHINGTON, and FRED UPTON.

My legislation, the Mercury-Containing and Rechargeable Battery Management Act, has two main purposes: First reduce the amount of mercury used in disposable batteries by phasing out its use, and Second to stimulate the recycling or proper disposal of lead- and cadmium-containing rechargeable dry cell batteries by establishing uniform national labelling standards for such batteries and requiring appliances in which they are used to be labelled as containing easily removable recyclable batteries. The legislation also requires the Administrator of the Environmental Protection Agency [EPA] to regularly report to Congress on the activities and successes of the new labelling and recycling program.

This bill is identical to S. 1949, legislation introduced by Senator FRANK LAUTENBERG of New Jersey in March of this year. I look forward to working with the Senator and his colleagues in the Senate to secure passive of this legislation at the earliest possible date.

As many Members of this body are well aware of our recent discussions on Superfund, Safe Drinking Water Act and Clean Water Act reauthorization, toxic heavy metals are a pernicious problem in waste cleanup efforts. Unlike many organic toxic substances, toxic heavy metals like mercury, cadmium and lead found in common household batteries do not break down over time into less hazardous substances. In fact, these metals persist in the environment and can accumulate in the fatty tissues of animals which are then consumed by humans and passed up the food chain to cause serious health effects.

The EPA has identified mercury, cadmium and lead as three of the 17 high priority toxic chemicals on which that agency is focussing its pollution reduction efforts. Any reduction of their incidence in the environment will have a positive effect on public health, environmental remediation efforts and waste reduction activities.

Lead is used in the electrodes of sealed lead rechargeable batteries. Cadmium is used in the electrodes rechargeable nickel-cadmium batteries. Mercury is contained in some battery casings. These metals pose no risks while the batteries are in use, but they can be a significant concern when the batteries which contain them are discarded into the Nation's solid waste stream.

In 1992, Americans used approximately 4 billion dry cell batteries. Dry cell batteries only account for less than one-tenth of 1 percent of the 180 million tons of garbage generated each year, but they have significant sources of mercury, cadmium and lead contamination of the solid waste stream. Dry cell batters in landfills can break down over time, releasing their contents into the environment. The toxic compounds released from dry cell batteries break down and leach into soil and ground water. When burned in incinerators, dry cell batteries release their toxic components into the air.

Mercury has been linked to decreased motor functions and muscle reflexes, memory loss, headaches, brain function disorders and nervous system and kidney damage. Lead has been shown to retard physical and mental development in children. In adults, elevated lead exposure has been linked to high blood pressure and kidney and central nervous system disorders. Cadmium can cause kidney and liver damage and the EPA has determined that exposure to high levels of cadmium can result in pulmonary edema and death. Even at low levels, chronic exposure can result in fibrosis of the lung and lung cancer.

The recycling of rechargeable batteries containing cadmium and lead will divert millions of tons timebombs from solid waste landfills across the country to responsible, industry-led recycling programs currently being established voluntarily by battery and appliance manufactures and retailers.

The Mercury-Containing and Rechargeable Battery Management Act has been endorsed by the Electronic Industries Association, the National Electrical Manufacturers Association and the Portable Rechargeable Battery Association. I urge my colleagues to join me in supporting this significant environmental protection legislation and in working towards its swift enactment into law.

TRIBUTE TO REV. JESSE SUTTON, JR.

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PARKER. Mr. Speaker, today I am here to honor an outstanding citizen, a philanthropist and a true community leader, the Reverend Jesse Sutton, Jr., of Jackson, MS. He will be retiring May 27, 1994, from Blackburn Middle School in Jackson, and I would ask that you join me in saluting Reverend Sutton for his many, many years of community service.

Born in Jackson, MS, Reverend Sutton is the son of the late Reverend J.S. Sutton, Sr., and the late Mrs. Flora M. Sutton. He is married to Dellas M. King Sutton and is the father of three children and the grandfather of four. He attended Utica Junior College in Utica, MS, then earned his bachelor's degree at Mississippi Industrial College, Holly Springs, MS; and his master's at Jackson State University. He pursued additional education at Alcorn State University, Mississippi State University, Winona State, Dillard University and Jackson State University.

He has dedicated his life to education and discipline for our youth, by working at the Florida School for Boys, Oakley Training School, West Side Junior High, St. Matthew Missionary Baptist Church, and most recently, at Blackburn Middle School and New McRaven Hill Baptist Church.

Reverend Sutton has been recognized many times for his philanthropic deeds. Among his numerous honors and civic contributions are a commendation by the Governor, Personalities of the South, Coach of the Year, Man of the Year, Colonel Staff, Bicentennial Saluate District Educational Contribution, precinct manager No. 88, formerly third vice president of West Side Civic Club, second vice moderator of Jackson Missionary Baptist Association, board member of the General Missionary Baptist State Convention, instructor of the Metropolitan Baptist Ministers Association, member of the National Baptist Convention, member of Jackson Educational Association building representative, member of the advisory board of the Public Service Commission, the Hinds County Human Resource Agency City Planning Board, the Jackson Housing Authority and the Historical Preservation Commission.

Mr. Speaker, at this time, I ask that my colleagues join me in paying a well-deserved tribute to Rev. Jesse Sutton for sharing his life with Mississippi's children and giving his heart and helping hands to the citizens of our great State. Reverend Sutton, I thank you.

HONORING JESSE M. LUERA ON HIS RETIREMENT FROM THE BOARD OF EDUCATION OF NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. TORRES. Mr. Speaker, I rise today to commend a special individual, dedicated educator and dear friend, Mr. Jesse M. Luera, former board member of the Norwalk-La Mirada Unified School District.

Born in historic Dodge City, KS, Jesse at a young age understood the importance of attaining a higher education. He received his associate of arts degree from the Dodge City Community College and his bachelor of science degree from Kansas State Teachers College. He has done substantial graduate work at Kent State University, California State University-Fullerton, Pepperdine University, and Wichita State University.

Jesse was one of our country's courageous Marine Corps soldiers, who fought in the Korean conflict. In the conflict, he distinguished himself for his bravery and was awarded a Purple Heart.

Jesse has enjoyed an extensive and varied professional career. He began his teaching career in Haysville, KS. Relocating to California, he taught and counseled at La Habra School District. As director of Social Services for the city of Norwalk, he worked arduously for 19 years to provide the citizens of Norwalk with the best possible service. Currently, he is the owner of a dry cleaning business in Norwalk, the city he calls home.

Jesse has an impressive record of participation on various school boards. He is a former member of the board of directors for the Southeast Los Angeles County Regional Occupation and he also served as a member of the California School Board Association and the Mexican-American School Board Association, State of California. Most notably, Jesse will be fondly remembered for his 19 years of service on the Board of Education of the Norwalk-La Mirada Unified School District. Following his election to the Norwalk City Council in April 1994, Jesse resigned his position on the school board.

In addition to his career responsibilities and civic leadership, Jesse has contributed his time and energy to various community organizations. He has volunteered for the Selective Services System Board and as the Cubmaster for Cub Pack #494C. He also was PTA president of the Tierra Rica School in La Habra, and has been an active supporter of the Excelsior High School Booster Club.

Mr. Speaker, it is with great pride that I rise to recognize a respected educator and community leader, Jesse M. Luera. I ask my colleagues to join me in saluting him for his outstanding commitment to the Norwalk community and the education of our children.

THE FIRST NATIONAL CONFERENCE OF THE HISPANIC EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. SERRANO. Mr. Speaker, on June 17 and June 18 in San Antonio, TX the Hispanic Affairs Advisory Committee of the Social Security Administration will hold the first national conference of the Social Security Administration.

Among the goals of this conference will be improved service to our Nation's Hispanic communities, and the advancement of the Social Security Administration's Hispanic work force.

Hispanic Social Security Administration workers from around the Nation, including the South Bronx and Puerto Rico will attend this event.

I ask my colleagues to join me in sending best wishes to all of the participating members and leaders of the Hispanic labor movement on a successful conference.

OLD SPANISH TRAIL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. McINNIS. Mr. Speaker, today I introduce legislation to designate the Old Spanish Trail and its Northern Branch for study as a potential addition to the National Trails System.

Designation of the Old Spanish Trail and its Northern Branch as an historic trail would greatly enhance tourism in western Colorado. The Old Spanish Trail is replete with the rich and fascinating history of exploration and development of the American West.

Between 1829 and 1848, the Old Spanish Trail was established as a major trade route between Santa Fe and Los Angeles that stretched approximately 1,121 miles. This route enters Colorado south of Pagosa Springs, and passes through Arboles, Ignacio, Durango, Mancos, Dolores, and Dove Creek before heading west to Utah. This was essentially the route used by Fathers Dominguez and Escalante in 1776. The Old Spanish Trail and its Northern Branch have been the routes of travelers for many years and were instrumental in the creation and establishment of many of Colorado's towns and communities.

Another historic trade route, the Northern Branch, was used predominately by fur trappers for access to northwestern Colorado and northeastern Utah. Very little information actually has been recorded concerning the Northern Branch, and much more can be learned about the Old Spanish Trail.

This legislation would recognize the importance and historical value of the Old Spanish Trail and acknowledge the culture and prompt passage of this legislation.

TRIBUTE TO REV. A. WILLIAM STATEN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend A. William Staten of the Calvary Missionary Baptist Church. Attached is a proclamation I issued Reverend Staten commending him for his work.

PROCLAMATION

Whereas the Reverend A. William Staten was elected Pastor of Calvary Missionary Baptist Church in Chicago Heights, Illinois assuming the pulpit the first Sunday of July 1988; and

Whereas under the steadfast leadership of Reverend Staten Calvary Church improved it's facilities including becoming handicap accessible; and

Whereas the ministry of Reverend Staten has been blessed expanding the outreach of the church through recreational ministry, education and scholarship ministry, church participation in teaching and mission ministry on the District, State, and National Convention levels, most importantly over six hundred (600) persons have committed themselves to Christ increasing the membership of Calvary Church to over one thousand (1000); and

Whereas Reverend Staten is an ecclesiastical leader, a former Secretary, Vice-President, and President of the Ministerial Alliance of Chicago Heights, Assistant Recording Secretary—Greater New Era District Association of Chicago 1992, recently elected Assistant Recording Secretary of the Baptist General State Convention of Illinois, and serves as a member of the Baptist Legislative Advisory Council; Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend A. William Staten by entering these accomplishments into the Congressional record and archives of the one hundred and third Congress.

FOREIGN AID TO INDIA, FOREIGN OPERATIONS APPROPRIATIONS BILL FOR FISCAL YEAR 1995

HON. ROD GRAMS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GRAMS. Mr. Speaker, in his recent address to the Congress, Prime Minister P.V. Narasimha Rao of India has demonstrated the progress India has made in the last 47 years of her democracy and how United States-India relations have blossomed because of that progress. Mr. Rao has helped to lead India's socialist-type economy out of decades of protectionism, loosened state control on industries, and cut red tape on foreign investment. These kind of reforms have been significant in bringing our two countries closer together.

Our countries have very productive trade relations. The United States buys one-fifth of India's exports, more than any other country. Exports from India to the United States are growing. Last year they were up 20 percent alone. India has also enjoyed a trade surplus growing to $1.8 billion in India's favor in 1992 and 1993.

However, I am concerned about United States relations with India and efforts by Pakistani terrorists to undermine progress in building upon this friendship. You will recall that during floor debate over the fiscal year 1994 foreign operations appropriations bill, key concerns over human rights violations by the Indian Government led to the reduction in developmental aid to India by $4.1 million.

I am glad to know that we did not repeat this mistake this year by offering an amendment to the fiscal year 1995 foreign operations appropriations bill to reduce the level of aid to India. I am concerned that the information presented to Members of Congress is one sided. India stands as one of the few democracies that offers positive trading opportunities for this Nation. Before we close the door on India, I would urge my colleagues to take an objective view at the market potential and continued productive relations between our two countries.

SALUTING THE MASJID BILAL 15TH ANNUAL TESTIMONIAL DINNER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. STOKES. Mr. Speaker, on Saturday, June 4, 1994, Masjid Bilal Inc. will host its 15th Annual Testimonial Dinner. The event will be held at Swingo's at the Statler. Elected officials, business and community leaders, and a host of friends are expected to gather for this special event. I look forward to joining the leader of Masjid Bilal, Imam Clyde Rahman, and other friends for the testimonial dinner.

One of the highlights of the testimonial dinner is the presentation of the outstanding citizen awards. This year's award recipients are Comdr. Anthony Jackson; Dr. Edgar B. Jackson; and Ms. Barbara Brown-Daniels. At this time, I want to share with my colleagues and the Nation some important information regarding these individuals.

Mr. Speaker, Anthony Jackson currently serves as chief of the Cuyahoga Metropolitan Housing Authority. Prior to this assignment, he enjoyed a distinguished 21 years with the Cleveland Police Department. A graduate of Max Hayes High School, Mr. Jackson joined the police department in 1973. He quickly earned a reputation as a hard-working, professional officer as he came up through the ranks. His promotion to sergeant resulted in the assignment to the Professional Conduct/Internal Review Unit. The unit is responsible for investigating misconduct charges against police officers. One of the most controversial cases the unit investigated was the Arthur Feckner drug case, which resulted in the indictment of several police officers.

In 1991, Mr. Jackson was appointed commander of the fourth district, which is the largest populated district in the city of Cleveland. In his position of commander, he was responsible for supervising 217 police officers, including those assigned to the detective bureau, vice unit, strike force, and basic patrol.

During his career, Commander Jackson has received numerous commendations, including the Valor Award for bravery. He is a graduate of the Federal Bureau of Investigation National Academy, and presently serves as a board member for the Center for the Prevention of Domestic Violence.

Mr. Speaker, Dr. Edgar B. Jackson, a resident of Shaker Heights, OH, has enjoyed a distinguished medical career. He serves as cochief of staff and senior vice president for clinical affairs at University Hospitals of Cleveland. His previous assignments have included health director for the city of Shaker Heights; acting associate dean of students, Case Western Reserve University School of Medicine; and associate chief of staff, University Hospitals.

Dr. Jackson is a graduate of Central High School. He received his medical degree from Western Reserve University, where he was selected as class president. Dr. Jackson is a member of numerous national boards and committees, including the Committee on Under-represented Minorities, and the Clinical Practice Committee, American College of Physicians; the Health Advisory Panel, Pew Commission on Health Professions; and the Institute of Medicine, National Academy of Sciences. In addition, Dr. Jackson serves on the board of directors of University Suburban Health Center, and as director of the Janice Douglas-David Satcher Clerkship at University Hospitals. Dr. Jackson and his wife, Thelma, are the proud parents of Gary, David, Michael, and Laura.

Mr. Speaker, attorney Barbara Brown-Daniels is a graduate of Kent State University and Case Western Reserve University Law School. In addition, she is the recipient of a master's of business administration and masters of social science/administration degrees from Case Western. Ms. Brown-Daniels is the founder and executive director of Community Guidance, Inc., a comprehensive community mental health and substance abuse center. She has also served as president of Community Living, Inc., and as a consultant for Barbara Brown-Daniels and Associates.

Ms. Brown-Daniels holds memberships in the National Association of Social Workers; the NAACP; and the Multi-Cultural Diversity Training Institute. Her past memberships include the National Council of Community Health Centers; the National Legal Defenders Association; the Black Professional Association; and the Ohio Mental Health Center Directors Association.

Ms. Brown-Daniels is the recipient of several honors and awards for her efforts. They include an award for Outstanding Community Service, the Ebony Rose Tribute, the YWCA Career Women of Achievement Award, and the Outstanding Community Human Service Award.

Mr. Speaker, the individuals being honored have made significant contributions to our communities and the Nation. I am proud to salute each of them, and I look forward to the opportunity to offer my personal congratulations at the testimonial dinner.

HONORING PERLEY ELEMENTARY SCHOOL

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. ROEMER. Mr. Speaker, today the Department of Education announced the names of the 1994 Blue Ribbon School Award winners. I am especially proud of one particular name on that prestigious list, a school in my hometown of South Bend, IN: Perley Elementary School.

You can learn a lot about Perley just by dialing their telephone number. When they answer—"Perley School, where children are our future"—do not think for a moment that this is simply a gimmick or a nice little bit of PR. For it is the credo and calling of the faculty, staff, and families that make up Perley School. It is what sets them apart. It is the attitude that leads them to succeed.

Led by an infectiously enthusiastic principal, Dr. Shelly Contreras, members of the Perley family recognize that their mission goes beyond dry lessons and books. They are there for the children, and all work together—parents, teachers, students and community—to bring up these children with knowledge, love, respect, and understanding. To quote Principal Contreras, "to explore new ways to bring together our love for kids and our love for learning."

As a member of the Education and Labor Committee, I am frequently bombarded with a litany of our public school system's failures, and we do have problems. But, Mr. Speaker, there is a lot to celebrate in our schools, as well, and to look past these bright spots would be a sad mistake. Perley Elementary is one of our triumphs. I am proud and honored to represent them in this Congress. I congratulate the Perley Elementary School family and offer them and the other 1994 Blue Ribbon School Award winners my gratitude for their commitment to our children.

HONORING DR. ALEX A. SANCHEZ ON HIS RETIREMENT AS SUPERINTENDENT/PRESIDENT OF RIO HONDO COLLEGE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual and dedicated educator, Dr. Alex A. Sanchez, Superintendent/President of Rio Hondo Community College.

Born on August 7, 1934, in Tome, NM, Dr. Sanchez early on demonstrated a burning desire to learn. His teachers discovered this potential and actively encouraged him to pursue his education. His drive and inspiration came from two important people, who played instrumental roles in attainment of his educational goals, his parents.

Dr. Sanchez graduated from New Mexico College of Agriculture and Mechanic Arts in 1956 with a B.S. in agricultural education and a M.A. in counseling. In 1976, he received an Ed.D., with a concentration in higher education administration and student personnel from New Mexico State University at Las Cruces.

For over 20 years, Dr. Sanchez served as administrator and/or professor at various academic institutions in New Mexico. As academic dean of the New Mexico Military Institute, Dr. Sanchez was responsible for the overall instructional operation of the institute. In 1979, Dr. Sanchez began his long-term professional career at the University of New Mexico, at Albuquerque, serving a dual role as professor of educational administration and associate provost for community education. In 1985, Dr. Sanchez was appointed vice president for community and international programs, a position he held until he relocated to California.

Since 1989, as superintendent/president of Rio Hondo Community College, Dr. Sanchez has gained a reputation as an effective administrator. During his tenure, Dr. Sanchez has positively affected the administration and students alike, admirably leading the college through a very difficult fiscal period. Undeterred by tough economic times, Dr. Sanchez has set an extraordinary example for students who seek entry into higher education.

In addition to his many duties and responsibilities at Rio Hondo, Dr. Sanchez has been actively involved in various civic organizations and has volunteered countless hours to the community. He is an active Rotary member, sits on the board of the Whittier Presbyterian Hospital, he has served on several State and Federal commissions, where he has contributed his expertise and knowledge.

Mr. Speaker, I ask my colleagues to join me in recognizing this distinguished educator, Dr.

Alex A. Sanchez, and in saluting him for his exemplary leadership and outstanding service to Rio Hondo Community College and the surrounding community.

A MEMORIAL DAY SALUTE

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. CALLAHAN. Mr. Speaker, as Memorial Day, 1994, approaches, I would like to celebrate a little early. When I say celebrate, I don't mean the usual barbecue, watermelon, and day off from work.

No, I mean remember Memorial Day the way it was meant to be celebrated: By honoring a group of American soldiers who made the ultimate sacrifice for the good of their country. Today, I would like to recognize the Marine unit of 1st Platoon of Alpha Company, 1st Battalion, 9th Marine Regiment, for their actions on hill No. 64, in the battle of Khe Sanh, during the winter of 1968.

Since millions of Americans today were not even born during this dark time in American history, I would like to set the stage for a brief history of hill No. 64. The battle occurred during the time of the Tet offensive by the North Vietnamese Army in the Vietnam war. The combat base at Khe Sanh was surrounded during this offensive and was under seige for approximately 3 months by an overwhelming enemy force.

President Johnson was worried the base would be captured, and he kept a scale model of it in the White House. He required daily briefings by the Pentagon to keep him informed as to its status. Outside the main base perimeter of Khe Sanh was a small hill, hill No. 64, on which the 1st Platoon was placed to act as an outpost for the main base. Its military designation was Alpha 1 outpost.

The platoon, which totaled 64 marines, was attacked on February 8, 1968 by what some military historians believe was a reinforced battalion of the North Vietnamese Army. The fighting was fierce, hand-to-hand at times, and before it was over the few marines who could still fight were running out of ammunition and actually threw rocks at the enemy out of desperation.

Of the 64 marines on this small outpost, 24 were killed and 29 were severely wounded. Only 11 were able to walk down the hill after the battle. They walked down the hill carrying the bodies of their friends and helping the wounded.

The assault on the 1st Platoon by such a large North Vietnamese force and their resulting failure to take the hill was a turning point in the siege at Khe Sanh. That attack was the last ground assault against the marines because the North Vietnamese realized they could not take the territory held with ground troops in face to face combat.

Despite the heavy losses in life and artillery, the actions of the platoon proved to be substantially heroic. Heroic because the battle was a turning point in the siege of Khe Sanh. And heroic because they demonstrated overwhelming bravery that went far beyond the call of duty. These soldiers knew better than most what it felt like to be the few and the proud.

Despite this incredible bravery, pride, and heroism demonstrated by the platoon, only two men have been individually recognized with a Silver and Bronze Star. Not once has the platoon as a whole been recognized. Not once has it been officially thanked for its sacrifice. Not once has it been praised for its dedication. This is a shame, Mr. Speaker. It is a crying shame that such honorable men have never been honored.

Mr. Speaker, my reason for speaking out today is to shed light on this unfortunate oversight. While but one Member of Congress, I believe I speak for an entire Nation when I honor, recognize, and praise the actions of these heroic marines. In the words of one member of the platoon, Cpl. David R. Ford, I am here to "right a wrong" that occurred over 26 years ago.

So, Mr. Speaker, as we approach this Memorial Day, I salute this brave platoon, those who are still living and the memory of those who have died. I salute them for what they tried to do and for what they did. While I know this single recognition can not erase the years of feeling overlooked and unappreciated, I know they stand shoulder to shoulder with the millions of veterans from other wars. Therefore, I also salute the men and women all around this great country who have fought and are fighting for our country, yet are very rarely recognized. Thank you brave soldiers. Thank you for giving your time. Thank you for giving your energy. And thank you for giving your lives.

TRIBUTE TO LEWIS PULLER, JR., FROM THE VIRGINIA OBSERVER

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PICKETT. Mr. Speaker, a commentary about the life and untimely death of Lewis Puller, Jr. written by Gordon Dillon appeared in the Virginia Observer on May 20, 1994. Lewis Puller, Jr., the only son of Gen. Lewis "Chesty" Puller, Sr., the most decorated officer in Marine Corps history, was himself a decorated Marine, a disabled Vietnam Veteran, a husband, a father, and an inspiration to many. He won a Pulitzer Prize for his 1991 autobiography, "Fortunate Son," in which he shared the story of his recovery from both his physical injuries and bouts with depression and alcoholism. Lewis Puller, Jr. fought valiantly many battles in his life, but in the end, tragically, could fight no more.

I respectfully request that the following commentary by Gordon Dillon be included in the RECORD.

THE BRAVEST MAN—A COMMENTARY

(By Gordon Dillon)

He went down into the Valley of Death five times and survived. He survived differently that when he first looked death in the eyes.

He was to live without legs. He was to live without most of his fingers.

He was to live the rest of his life in constant and excruciating pain.

But he endured. He became a symbol to all those who had made that journey with him.

He went on to graduate from law school and to write a Pulitzer Prize—winning novel.

I first met him when he ran for Congress. He was shy, but eloquent. As he sat in his wheelchair, he was the tallest man in the room.

His courage, his quick smile brightened all those around him.

He went on to become critical of the war that had cost him and his comrades so much. He would denounce war. He would tell how he was trained to be a killer.

For all of his adult life he gave so much to his country and to his fellow human beings.

Last week, he could give no more.

He left this world by his own choosing, brave to the end.

Lew Puller was the bravest man I ever met. We shall not look upon his like again.

THE INTRODUCTION OF H.R. —, THE STAGECOACH RESERVOIR PROJECT ACT OF 1993

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. McINNIS. Mr. Speaker, I am today introducing the Stagecoach Reservoir Project Act to authorize the early payout to the Federal Government of the Stagecoach Reservoir Project.

It is not every day that we bring to the floor a bill which not only does not ask for funds or assistance but is actually intended to facilitate an early repayment to the Federal Government. All the parties stand to benefit: the Federal Government receives its money sooner and at today's values, the District can refinance the project privately, and the Bureau of Reclamation can close this account.

As you may be aware, this legislation is only made necessary—as a formality—in order to amend the original contract terms, that is, enacting legislation: the Small Reclamation Projects Act of 1956, 32 U.S.C. 422a et seq.

There is no opposition to the measure by any interested party. The Bureau of Reclamation, the Federal office to receive the early payout, as well as the House Natural Resources Committee, and the Senate Energy and Natural Resources Committee, all have no opposition to this legislation.

Senators HANK BROWN and BEN NIGHTHORSE CAMPBELL have introduced the companion measure in the Senate and the bill mirrors two provisions in the omnibus water bill of the 102d Congress.

Therefore, I bring this bill forward today and hope to see its prompt passage.

TRIBUTE TO MOTHER OPHELIA TURNER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Mother Ophelia Turner of the St. Mary Baptist Church. Attached is a proclamation I issued Mother Turner commending her for her work.

PROCLAMATION

Whereas Mother Ophelia Turner was born April 8, 1910 in Sunflower, Mississippi, she was affectionately known as, "Momma Shug"; and

Whereas Mother Turner is the Mother of twelve children, including Alderman/Committeeman Shirley A. Coleman of the 16th Ward in the City of Chicago, rearing her children in the city to become God fearing responsible adults, while at the same time caring for children throughout the community including the church; and

Whereas Mother Turner was an active member and leader of the Saint Mary Baptist Church over thirty-seven years, serving in several capacities: President of the Pastor's Aide Society, Chaplain, Missionary Society, Treasurer, Gospel Chorus, President, Kitchen Staff, membership in the "Over The Hill Gang," and the Sunday School Department; and

Whereas God has blessed Mother Turner with long life, and for many people to have the opportunity to know her, she departed this earthly life Saturday, October 30, 1993, at the age of eighty-three years. Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the life and journey of Mother Ophelia "Momma Shug" Turner, and extend sincere condolence to her family and friends, and shall enter this pronouncement into the Congressional Record and Archives of the One Hundred and Third Congress of these United States of America.

ADMINISTRATION RENEGES ON SOCIAL SECURITY EARNINGS TEST REPEAL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HASTERT. Mr. Speaker, in testimony on Tuesday, May 24, 1994, before the Senate Finance Committee, Social Security Administrator Shirley Chater told Senators the administration could only support a $1,000 increase in the Social Security earnings limitation. The current limit is $11,160. Because of the limit, senior workers between age 65 and 69 are penalized $1 for every $3 they earn over the earnings limit.

President Clinton in his campaign blueprint, "Putting People First," promised seniors he would repeal the earnings limit, but instead he delivers almost nothing. The earnings limit, which has an annual escalator, would likely rise next year by $500 without congressional action. Thus, President Clinton's $1,000 plan as mentioned by Chater may only amount to $500 a year of new relief. In fact, it is probably not accurate to call it a plan, because in follow up conversations with SSA staff after the hearing the Social Security Administration indicated no timetable for seeking a change, but only that the Administrator was answering a hypothetical question.

Assuming the proposal is forthcoming, allowing seniors to earn $500 more a year without penalty cuts their unfair burden by $166, or about $3 per week. With seniors facing higher taxes and health care costs, $3 a week will barely buy them lunch on Monday. What happened to the Clinton administration that promised seniors bold reform and fairness during the Presidential campaign?

When coupled with other Federal taxes, seniors who earn above the modest earnings limit are faced with a 56-percent marginal tax rate—nearly twice the rate millionaires pay. This is unfair and discriminates between differing demographic groups that make the same amount of money.

For instance, take the example of two seniors and one middle-aged person, each making $25,000 per year. The senior whose income comes from unearned sources is subject to income taxes. The middle-aged person's income is subject to income and FICA taxes. However, the senior whose income is earned because he or she receives a salary is subject to income, FICA and a 33-percent penalty for any salary over the $11,160 limit. This is ludicrous. The working senior pays more in taxes than any other group in his or her income bracket.

I would like to point out the story of Jean Austin, an Illinois woman who must work to make ends meet. Her annual earnings are only $15,000 but she pays a $1,600 penalty. This woman is a perfect example of why the earnings limit should be repealed. She's not wealthy by anyone's standards, but because of the 1930's vintage earnings limitation she's penalized through her Social Security. It's time we stopped penalizing our senior citizens for remaining active in the workplace.

Critics of repeal argue that if seniors get to keep their earnings the Federal Treasury will suffer, but a study conducted by former Treasury economists found that net Federal revenues would actually increase if the limit were raised as high as $39,000. Common sense tells you that seniors will go back into the work force or stay on in their current positions throughout the year if they won't be working for pennies on the dollar. Other seniors engaged in the underground economy will report their incomes. If you stop confiscating senior's wages they will keep working and they will pay their fair share of taxes.

I urge my colleagues to cosponsor my bill, the Older Americans' Freedom to Work Act—H.R. 300. The bill currently has 222 cosponsors. At the very least, this issue should be debated on the House floor. Because the committee with jurisdiction will not consider the bill, and has not scheduled hearings, even though I introduced this legislation he first day of the 103d Congress, I have introduced Discharge Petition No. 18 for a rule to consider H.R. 300.

In the last Congress, the Senate passed complete repeal and the house passed a 5-year liberalization of the earnings limit to $20,000. But no satisfactory agreement could be reached between the Houses of Congress. Let's make 1994 the year to end this discrimination against seniors.

NATIONAL COURT APPOINTED SPECIAL ADVOCATE PROGRAM DIRECTOR OF THE YEAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MAZZOLI. Mr. Speaker, I am proud to extend my congratulations to Sally Wilson Erny, executive director of the Court Appointed Special Advocate [CASA] Project of Louisville and Jefferson County, KY, on being named Program Director of the Year by National CASA in ceremonies this month in Tampa, FL.

CASA is a program which uses trained volunteers to represent the interests of abused and neglected children before the courts handling their cases. There are now a total of 556 CASA projects around the Nation.

In 1983, Sally Wilson Erny was the first employee of CASA in Louisville and Jefferson County. Under her stewardship, CASA has grown from serving 72 children in 1985 to serving over 300 children in 1994. She has also been instrumental in assisting in the start up of all other CASA programs in the Commonwealth of Kentucky. She also succeeded in convincing the Kentucky General Assembly to pass legislation which gives statutory standing to CASA in the Commonwealth of Kentucky.

CASA's early assignment program, established by Sally Wilson Erny, provides a child with representation by a CASA member at the earliest stages of the court process. This ensures that the child's rights are fully protected from the start of the court process.

Sally Wilson Erny's contributions to CASA extend well beyond Louisville, Jefferson County and the whole of Kentucky. She lends her experience and creative efforts to numerous CASA programs across the Nation. She is frequently called upon to mediate delicate problems in the areas of Social Services, Family Courts, and foster parenting situations.

She has been described by colleagues and associates as "generous, indefatigable, caring and tireless." I endorse those descriptive traits because I have seen them on display in my dealings with Ms. Erny over the years.

I congratulate Sally Wilson Erny on her award and I commend her for her selfless actions in bringing justice and fairness to the children of Kentucky and the Nation.

HONORING EUGENE A. MALINZAK ON HIS RETIREMENT FROM THE MONTEBELLO UNIFIED SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. TORRES. Mr. Speaker, I rise today to commend a special individual and dedicated educator, Mr. Eugene "Gene" A. Malinzak, a teacher, counselor, and administrator with the Montebello Unified School District.

Immediately upon graduating from Waynesburg College in 1956, Gene began his long-standing career in teaching at Turkeyfoot Valley Joint High School in Confluence, PA. One year later, he was teaching at his alma mater, Beth-Center High School, in Fredericktown, PA. He taught at Beth-Center for the next 4 years. During this time, he completed his masters degree at West Virginia University. Soon thereafter, he relocated to California.

The Montebello Unified School District has benefited tremendously by Gene's decision to venture to California. For over 33 years, Gene has selflessly dedicated his life as a teacher and counselor to the education of children and adults of the district. Gene began teaching U.S. history at Montebello High School; 6 years into his teaching, he was promoted to counselor and worked with "at-risk" students after school. In addition to his regular teaching assignment, Gene taught adult education for 20 years, home students and behind-the-wheel training.

In 1970, Gene was appointed vice principal of Montebello High School. The following year, Gene was assigned to the position of coordinator, and then as assistant director of compensatory education for the district. In 1981, he became director of Federal and State projects, a position he currently holds. Under his capable leadership, the district's fund have increased, with the total budget for categorical programs currently exceeding $15 million.

In addition to his extensive professional responsibilities, Gene has been involved in local, county, State and national issues and efforts to improve our educational system. Most notably, he has been an advocate of empowering parents to become active partners in their children's education.

In 1988 and 1989, Gene served as chairperson of the statewide conference for the California Association of Administrators of State and Federal Education Program. Because of his exemplary work as chairperson, Gene was recognized by the State Department of Education as Project Director of the Year.

Mr. Speaker, it is with pride that I rise to salute a widely recognized and respected educator, Eugene A. Malinzak. I ask my colleagues to join me in paying tribute to him for his outstanding commitment to the education of tomorrow's leaders.

THE PUBLIC MANAGER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HOYER. Mr. Speaker, I rise today in recognition of the work of Allan Kam and Jerry Shaw. They are the cochairs of the Coalition for Effective Change [CEC], to represent career Federal professionals, managers, and executives. The CEC has grown to 25 Federal employee associations with a membership of well over 100,000 people. Their hard work in the area of reinventing government has been extraordinarily valuable. I would like to submit their recent article, "Federal Managers and Top Professionals Band Together to Help Reinventing Government," in the Public Manager into the CONGRESSIONAL RECORD.

Mr. Speaker, as you know, I represent a large percentage of the Federal work force. In accordance with the Vice President's hard work on behalf of reinventing government, we now have the very difficult task of the implementation of the National Performance Review.

In February, the CEC met with the Vice President, who indicated that the CEC would serve in an advisory relationship with the President's Management Council. Mr. Speaker, the Coalition for Effective Change has, and will continue to, play a major role in the reinventing government process and throughout the implementation of the National Performance Review.

Mr. Speaker, it is with great pride that I submit this article by Allan Kam and Jerry Shaw into the RECORD. Moreover, I am sure that my fellow colleagues and the public will find this information both insightful and helpful.

THE COALITION FOR EFFECTIVE CHANGE: FEDERAL MANAGERS AND TOP PROFESSIONALS BAND TOGETHER TO HELP REINVENT GOVERNMENT

(By Allan J. Kam & G. Jerry Shaw)

In spring 1993, leading professional associations of senior managers and executives such as the Federal Executive Institute Alumni Association (FEIAA) and the Senior Executive Association (SEA) encouraged members to send suggestions to the National Performance Review (NPR). We have as much an interest as anyone in making government work better and cost less. In June, NPR Project Director Bob Stone spoke at the FEIAA monthly luncheon and at the SEA annual conference, asking for continued support. In short, at NPR's request, the respected organizations of federal career executives, managers, and other professionals gave their imprimatur to the NPR, thus adding legitimacy in the federal community to Vice President Gore's "reinventing government" efforts.

THE NPR REPORT

We eagerly awaited the scheduled release of the NPR report on September 7. In summer, we were informed that while the overall NPR report would be released on September 7, the agency-specific and "cross-cutting" reports on areas such as personnel and procurement would take somewhat longer to complete. We expected to be engaged in a constructive dialogue with the administration throughout the fall and winter on the various observations, suggestions, and recommendations of the NPR reports. Through the Public Employees Roundtable (PER), a consortium of approximately 30 professional associations with more than a million members, which SEA and FEIAA helped co-found 11 years ago, briefings for PER member organizations were scheduled for September 2 and September 30.

At the September 2 briefing for PER, we were surprised (but not disturbed) that NPR had invited many union representatives. We *were* disturbed to learn that the NPR report to be released five days later would recommend creation of a "national partnership council" consisting of political appointees and union leaders, but no representatives of career managers, executives, and other professionals. At the end of the September 2 briefing, after hearing the NPR leadership respond to several questions from labor union leaders, PER Chair Jerry Shaw complained that the views of professional/management associations were not being taken into account. At the September 15 FEIAA monthly luncheon, President Allan Kam expressed dissatisfaction with the exclusion of career professionals from the "partnership:"

> The NPR proposal to establish a so-called National Partnership Council should be viewed with great caution. . . We are concerned that the administration seems more interested in empowering labor unions than in working with career managers and executives and their professional associations.

How did the unions get this extraordinary role in implementation of the NPR, while the professional/management associations, which had given the reinventing government effort their all-out support throughout the spring and summer, were left out? We may never know all of the reasons. However, a month after the NPR report was issued the outline of how an agreement had been reached between the vice president and the union leaders was reported. An article said that the key players were Vice President Gore, his senior domestic policy advisor, Dr. Elaine Kamarck, and two union leaders, John Sturdivant, president of the American Federation of Government Employees (AFL-CIO), and Robert Tobias, president of the National Treasury Employees Union.

In pertinent part, the article reported:

> Last summer, before the review was released, Kamarck briefed Sturdivant and Tobias on its personnel ideas. The two leaders were appalled that unions were never mentioned in the NPR drafts. "We said, 'This stuff is not going anywhere,'" says Sturdivant. They demanded a meeting with Gore and got it in late August. The next day, they started a week-long series of sessions with Kamarck and other Gore staffers in which the National Partnership Council was born.[2]

HASTY REPORT IMPLEMENTATION

While we were stunned that career managers, executives, and nonunion professionals had been excluded from the National Partnership Council, we were even more concerned about the implicit attacks on the value of career managers and supervisors in the report. (We have subsequently been assured by the NPR staff that this was never intended.) The speedy timetable for implementation of the NPR recommendations could also preclude review by professional/management associations with the administration. Unlike the unions, we did not have the benefit of briefings on NPR drafts and negotiations with the vice president and his senior staff before the NPR report was finalized.

The initial NPR Report, *Creating a Government That Works Better & Costs Less*, was mailed on September 7, and received later that week. On September 11, four days after the report was mailed, and before it could be reviewed by its recipients, the NPR implementation steamroller started its roll. On that date, President Clinton signed his "Streamlining Bureaucracy" memorandum to agency heads [58 Federal Register 48583 (September 16, 1993)]. The president ordered a reduction in the overall federal workforce by only about one-eighth, or 12 percent, but decided to reduce the number of managers and supervisors by one-half. The NPR's message (intended or not) was widely interpreted and reported by union leaders and the media as:

> The vice president says that government is broken and doesn't work. The problem is too many managers and supervisors. The solution is to get rid of half the managers and supervisors.

CHANGES AT OPM AND SUNSETTING FPM

We were also concerned about the image the NPR had created of governmentwide personnel regulations. The NPR report recommended that the Office of Personnel Management (OPM) phase out the Federal Personnel Manual (FPM), suggesting a careful, deliberate, consultative process by OPM before any parts of the FPM were sunsetted.

However, in summer and fall 1993, ominous rumors circulated that OPM was about to be gutted. Severe downsizing was reportedly being planned, even though the NPR's agency-specific report on OPM had not yet been issued.

It was also rumored that the FPM was to be the fuel of choice for a book-burning party. While we recognize that parts of the FPM are redundant or worthy of sunsetting, other parts are important to federal professionals and other users, and no replacements have been developed. Yet, OPM was apparently working at a swift pace to repeal large chunks of the FPM.

FEIAA, SEA, the Federal Managers Association (FMA), and the Professional Managers Association (PMA) were briefed on FPM sunsetting by OPM staff on October 22. Our quick comments were invited, but we were told candidly that the staff's recommendations to the OPM director were due November 15 and there would be a presumption against retention of any portion of the FPM. It was clear that meaningful consultation with the affected federal community and their professional associations was not the order of the day. The perceived marching orders were to rescind the FPM.

PROFESSIONAL ASSOCIATIONS MUST BAND TOGETHER

By late October it was distressingly clear that:

The administration was moving rapidly to implement the NPR recommendations;

The unions were institutionally involved as full partners in NPR implementation;

Professioal/management associations were not at the table or in the loop;

OPM was reportedly going to be severely downsized;

Much of the FPM and the guidance it provided was being sunsetted; and

To say the least, career professionals, managers, and executives and their professional associations were about to be "rolled over" by the NPR bandwagon.

In September and October, several professional and management associations individually sought to establish a dialogue with the administration about the NPR report and how it would affect their members. Some had more success than others, but by late October we concluded that none had yet had meaningful input. Since the associations could not obtain meaningful input individually, FEIAA initiated conversations among several of the organizations about joining together to be heard.

At the PER annual retreat on October 24, it became apparent that virtually all the major professional associations were deeply concerned about the NPR report and its implementation. Since PER itself was not the appropriate vehicle, we decided to organize a new coalition right away, before any further critical decisions on NPR implementation were made without our input.

FORMATION OF THE CEC

SEA and FEIAA co-sponsored an organizing meeting on November 5, attended by representatives of several concerned professional/management associations. A consensus was reached to form a coalition. We agreed that the coalition was not being formed to oppose NPR, but rather to involve professional associations in its implementation. We were convinced that trying to implement NPR without career professionals, managers, and executives would be like trying to run a car on three wheels—it raises a lot of dust but does not work very well.

A mission statement, which was finalized and adopted at the next meeting of the coalition on November 12. The authors of this article were selected to co-chair the new Coalition for Effective Change.

INCENDIARY BOMBS TO RABAUL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. DORNAN. Mr. Speaker, a large group of Congressmen leave for Europe next Tuesday to pay their respects to American fighting men in celebration of the 50th anniversary of the breakout from Anzio Beach Head and the liberation of Rome, June 4, 1944 and, of course, the 50th anniversary of the D-day invasion at Normandy, June 6, 1944.

However, we're also passing through the 50th anniversaries of deadly struggles in the South Pacific. Imperial Japan fought a tenacious struggle along the entire north coast of New Guinea and their major naval base at Rabaul on the island of New Britain including many hard-fought aerial battles overhead.

Lt. Col. Walter A. Krell, of the 22d Bomb Group, the first medium bomber group to arrive in the Pacific, wrote a letter 50 years ago describing just one exciting and deadly mission. I've worn his same small St. Christopher medal through two very harrowing ejections from crippled jet fighters.

Colonel Krell had that medal on every combat flight totaling over 100 combat missions. I submit his heroics today for the RECORD.

INCENDIARY BOMBS TO RABAUL—LT. COL. WALTER A. KRELL, RET.

In early 1942, Army Air Force Ordnance developed an aerial incendiary bomb, a device four-feet long and 16 inches or so in diameter. It consisted of 36 individual incendiary units, tiny bomblets with fins and detonators all wired together. The entire bundle, or contained unit, was attached to the shackles on our Martin B-26 Marauder bomb bay racks like an ordinary bomb, to be released in the standard way. Each B-26 would carry 30 or more incendiary clusters.

There was one simple difference between high-explosive bombs and incendiary bombs. When the arming wire was pulled away upon release of these new incendiaries, a shotgun shell would fire a slug that would cut the wires holding together the bundle of bomblets. Then the 36 individual bomblets would break up, releasing each separate incendiary unit to fall on the target. The arming wire was supposed to be of sufficient length to allow the incendiary mother-bomb to clear the aircraft before the arming wire pulled loose and fired the shotgun shell thereby dispersing the cluster. Of course, nobody bothered to tell that to the B-26 aircrew/gunners who helped with bomb loading, so they routinely clipped the wire short as was done with ordinary iron bombs. The result was that upon "bombs away", the clusters came apart while still within our bomb bays, clattering around and bouncing off the structural members of our aircraft. These incendiary bomblets were magnesium, and had any of them lodged in the many angular recesses of the fuselage, it would have been very exciting indeed.

When I experienced the first release of incendiaries my B-26 was flying only 15 feet above those powerful little bomblets tumbling away, when many of them began igniting and burning. After that, the bomb loading of incendiaries had the undivided attention of our entire crew of six.

Now that we, in the 22d Bomb Group, had such interesting new bombs, it was decided that they should be delivered all over the docking facilities at Rabaul. The first mission to try to do just that would be a flight of three Marauders. Lt. Chris Herron would lead and Lt. George Kersting would be flying his right wing with me on his left. After an early morning take-off from 7-Mile Airfield near Fort Moresby, New Guinea our Marauders flew northeast, climbed over the Owen-Stanley Mountains, descended over the north coast of New Britain, and then turned east to Rabaul Harbor. Unhappily, for an undetermined cause, gasoline siphoned from my right wing tanks for a full 45 minutes after take-off. Because we never returned home from those long Rabaul missions with much fuel to spare, my crew was obviously worried. To turn back, however, would have aborted the raid for the other two crews. We flew on.

Chris Herron was clever the way he took us in to the target. Still heading east, we kept descending and skirted the north side of the Rabaul harbor at low level, then banked right and pulled into a hard 180-degree turn up and over the rim of the volcanic hills that circle the harbor on the north side. I remember clearly from my left-wing position in our very tight turn, looking to my right across Herron's B-26 and seeing George Kersting's propwash mash down the tops of coconut trees. Chris then rolled us out right down on the deck and along the wharfs, and headed west.

There was a Japanese cargo vessel tied up broadside along the first dock with dozens of loading personnel moving about on the freighter's deck and at dockside. All of them were totally surprised. I vividly remember their reaction of panic. Two Japanese loaders were carrying something up a gangplank that resembled a litter. Suddenly they dropped the litter and while the guy in the back was still looking up, the guy in front wheeled around and charged back, right over the top of the litter thing, and slammed into the guy staring up at us.

I could see that Lt. Herron intended to try to take out this ship which was positioned parallel to our line of flight. This would have forced me to waste my bombs out in the open harbor to my left, so I dropped down and moved ahead of Chris and took the lead, forcing our formation to the right over the docking area with its stacked supplies and many warehouses. "Bombs away." I immediately banked left and headed south toward the Rabaul channel and away from the exploding docks, thinking Herron and Kersting would hang onto my right wing until we were clear and I could slide back into position. Chris apparently went his own way, but in my left turn I couldn't see where he was. Not wanting to roll back into him, I continued my hard turn yelling to my co-pilot to try and spot the formation. I was now heading back around toward the east rim of the harbor with anti-aircraft flak popping all around us and some of it starting to explode much too close.

I twisted my Marauder back and forth to foil the A/A gunners until I was back across the harbor east rim and above an active smoking volcano. In spite of this fast moving action, I was fascinated by the volcano's shimmering silvery walls as I pushed over and dipped down inside the crater itself. I banked again changing course back to the right and then flew up and over the volcano's western lip.

There below, streaking out through the Rabaul Channel at deck level, were Herron and Kersting, so I winged over and swooped down to join up. We were back in three ship "V" formation just as the Japanese Navy Zeroes jumped us. It was touch and go for about 20 minutes when straight ahead loomed a sheer wall of thick clouds, black with torrential rain. We spread out and plunged into the weather, very happy to wipe off the swarming enemy fighters. Tropical fronts were not new to the pilots of our bomb group, but never before had we encountered anything to equal the intensity of this storm.

Within minutes our 2000 horsepower radial engines started to run roughly because of the excessive cooling of the heavy rain. The rain water was also driving into the magnetos which are mounted up forward on the Pratt and Whitney engines. We closed our oil shutters and cowl flaps but that didn't seem to help much. In most South Pacific rain storms, we found there was usually a clear gap for your aircraft to fly between the ocean and the bottom layer of the weather front. But not this time. In order to see, so I could stay above the waves, I was aided in flying by opening my side window. After about 25 tense minutes I flew out of the extremely turbulent storm clouds and made a climbing circle to see if we could pick up the other two B-26s. The skies were empty, and with no radio response to our many calls, we headed for home.

My co-pilot was Lt. I.B. (against my sense of justice I withhold his full name). He hadn't been overjoyed with my maneuvers in dodging the Japanese A/A flak back at Rabaul. He was particularly unhappy when I had to whack him across the mouth with the back of my hand to get him off the controls during my in-and-out-of-the-volcano caper. He was sulking as we gained altitude to clear the Owen-Stanley Mountains once more. The weather was now clear with some broken clouds. I told I.B. to "take it" and to make sure to clear the mountains by at least 1000 feet, then within minutes I fell dead asleep. I awoke a short time later. We had cleared the mountains and were in a gradual descent but my co-pilot was definitely not relaxed at the controls. Instead he was staring straight ahead with a strange look on his face. The cockpit was in shambles with scattered papers, maps, and manuals strewn everywhere. I turned around to check the guys in the navigator's compartment and they were ashen-faced. "What the hell happened?", I asked, quickly figuring out that he had skimmed the mountain too low and had gotten into an awful thump of a turbulent downdraft. Suddenly the right engine quit, starved for that 45 minutes of fuel that had siphoned overboard on our climb-out. I quickly lost the right prop. We were very light by now and had good altitude so we easily made our 7-Mile Airfield home base. While still on the landing roll our left engine quit, also out of gas. I was able to coast off far enough to one side to clear the runway and wait for a tow. George Kersting's Marauder made it home shortly after us, but no sign of our lead B-26.

Within hours we learned that Chris Herron had lost an engine because of the heavy downpour in that tropical storm. Chris' co-pilot, an Aussie officer who was a former airline pilot, advised that they fly due south. The Aussie co-pilot knew of a small island with a landing strip. Herron opted to land with their gear down. Tragically, the B-26's nose wheel folded and the aircraft flipped over on them crushing the cockpit. Chris and his co-pilot were killed. The bombardier and navigator, Lt. Barnhill and Lt. Wright, survived the crash, as did the two crewchief/gunners. Chris Herron was truly one of the great ones, a natural leader who earned the praise and affection of his crew and all of his colleagues in the 22nd Group.

A day or two later I flew my B-26 "Kansas Komet" back to Australia. As I chopped our engines on the ramp at Townsville Airfield, my co-pilot, I.B., was the first one out and on the ground. When I hit the ground he snarled, "I'll never fly with you again, and I'll never fly in that airplane again!" I told him he was breaking my heart. And what did outstanding Group leadership do with this disgruntled lieutenant? Why they let him hang around group operations for several weeks assisting in the combat briefings for the rest of us who were flying missions, while the colonels found somewhere else to transfer him. A General Jimmy Doolittle would have ripped off his wings, stripped him down to his jockstrap and had him tethered to a mule harness to start hauling supplies over the Owen-Stanleys.

Several weeks after that first incendiary mission, Capt. Al Fletcher, our 22nd Group intelligence officer, told me that a Japanese diary had been recovered from a crashed enemy aircraft. In the diary the writer told of an incendiary raid on Rabaul by three B-26 Marauders that had caused many fires, all of which had been contained except for the fires caused by incendiaries that had fallen into the open hatch of a moored freighter. Those fires onboard the ship could not be controlled. They reignited the dock and the warehouse area, burned fiercely for hours and came within a fraction of torching off a large ammo dump. I'm sorry I never saw that captured diary that described the impact of Lt. Chris Herron's final mission for his country. Yes sir, he was one of the very best.

TRIBUTE TO SGT. JOSEPH L. THOMPSON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Sgt. Joseph L. Thompson of the Chicago Police Department. Attached is a proclamation I issued Sergeant Thompson commending him for his work.

PROCLAMATION

Whereas Sergeant Joseph L. Thompson is a native of Chicago, Illinois, reared on the Southside of Chicago, he is a family man, married to Beverly Thompson for forty years, they are the proud parents of two children, Jayon and Lori; and

Whereas Sergeant Thompson matriculated at Wilson Jr. College, Chicago, Illinois, Olive-Harvey College, Chicago, Illinois, and Roosevelt University, Chicago, Illinois, he joined the Chicago Police Department in 1956, after completing the Police Academy he was assigned to the 11th District, Beat Patrolman, Patrol Division; and

Whereas Sergeant Thompson has served in a number of assignments over the past thirty-seven years with distinction, in 1958 he was detailed to the O'Connor-Phelan Task Force, known as the Ryan Raiders, 1961 in the 3rd District he organized the only Police-Community based teenage Drum and Bugle Corps in the Chicago Police Department, promoted to Detective, Detective Division in 1970, Supervisor, Patrol Division 1980, supervised a Tactical Team in high crime areas, promoted to the rank of Sergeant in 1980, Supervisor, Detective Division 1983 to the present, served as Acting Lieutenant for Violent Crimes, and as Acting Commanding Officer in Violent and Property Crimes; and

Whereas Sergeant Thompson has received numerous awards and honors for his faithful service to the citizens of Chicago, two Unit Meritorious Performance Awards, two Department Commendation Awards, many Honorable Mentions and Letters of Appreciation, he is a true role model in our community, and truly one of Chicago's Finest: Now, therefore, be it

Resolved, That the Congress of the United States of America, wishes to acknowledge the accomplishments of Sergeant Joseph L. Thompson, by entering these accomplishments into the Congressional Record and Archives of The One Hundred and Third Congress of the United States of America.

SMALL BUSINESS HEALTH INSURANCE CHOICE ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MANZULLO. Mr. Speaker, today I have introduced legislation that would give small businesses in my district and across America the ability to pool together, the right to choose their own health insurance policies, a 100-percent tax deduction for health insurance premiums for the self-employed, an elimination of pre-existing conditions in all health insurance policies, and the needed relief from antitrust laws.

The health insurance system of today creates expensive barriers by mandating certain State benefits, with the ability to deny insurance coverage to certain individuals with pre-existing health conditions. With these costly mandates, and the inability to purchase insurance because of a pre-existing condition, small business owners and employees opt out of coverage because it is too expensive to obtain.

Mr. Speaker if small businesses like the town barbershop, with 3 employees, the hardware store with 15 employees, and the pet store with 8 employees try individually to obtain insurance coverage, each of them will find that the coverage is too expensive because they do not have the purchasing power of larger businesses. The Small Business Health Insurance Choice Act will provide the incentive these small businesses need to group together. Then the barbershop, hardware store, and the pet shop will have 26 employees for a stronger purchasing power for less expensive coverage. These small employers can join with hundreds of employers to increase the number of insured.

My bill will permit employers the freedom to bypass these costly benefit mandates. Every small business will have the power, without mandates, to voluntarily develop the best insurance policy for all its employees. Moreover, with the repeal of the pre-existing condition clause, employers and employees will no longer fear high premium costs and rejected health coverage. My health care reform proposal will, in turn, increase the availability of coverage, and will produce a sharp reduction in health care costs to the Nation.

Mr. Speaker, this legislation will also give the self-employed the same tax breaks as large organizations by allowing the self-employed to deduct 100 percent of all health care insurance costs. A simple change to the Internal Revenue Code of 1986 would add tens of thousands of currently uninsured sole-proprietors and self-employed to the ranks of the insured.

Furthermore, with the removal of costly antitrust barriers, health care costs will be radically lower. With the removal of antitrust laws, two or more health care providers can apply to form a joint venture. These joint ventures will lower unnecessary and redundant purchasing of large and expensive medical equipment and treatment areas.

In conclusion, the Small Business Health Insurance Choice Act will aid small businesses as soon as this legislation is passed. It is a step that we can take today to improve the health care delivery system of tomorrow.

Mr. Speaker, I know that all Americans are in agreement that something needs to be done to lower health care cost and increase access to health care providers. This legislation answers that call, but does so by promoting the importance of choice, quality, and availability of excellent medical care.

I am eager to work with the administration and with my colleagues of both parties to achieve the important goal of health care reform. I strongly believe that the Small Business Health Insurance Choice Act will aid in reaching this goal, and it is my hope that other Members of Congress will join me in supporting this legislation.

CONGRATULATIONS TO BRUCE COLES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MOAKLEY. Mr. Speaker, I invite my colleagues to join me in congratulating Mr. Bruce Coles on his election as chief executive officer of Stone & Webster, Inc., of New York, one of the world's leading engineering and construction firms.

A graduate of the University of Maine, with a B.S. in civil engineering and an M.S. in structural engineering, Bruce joined the company's engineering subsidiary in 1968, serving many years in the Denver office as senior construction manager, assistant manager, and vice president. Since 1990 he has served as president of the parent organization.

Bruce Coles' predecessor, Mr. Bill Allen, steps down having served many years as CEO, but will continue in his role as chairman of the board. Thanks to his leadership, Bill has ensured that Stone & Webster will continue its 105 year tradition of outstanding professional service in the international engineering and construction community.

The promotion of Bruce Coles is well-deserved recognition of his exceptional talents and outstanding achievements in the fields of engineering, international management, and administration. My best wishes are with him as he assumes the global challenges of leading the respected Stone & Webster organization into the 21st century.

THE HONORABLE HENRY B. GONZALEZ—PROFILE IN COURAGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BEREUTER. Mr. Speaker, recently an honor was bestowed on a Member of Congress that deserves the attention of the body. This Member wants to extend his personal congratulations to him for this honor. On April 25, 1994, the Honorable HENRY B. GONZALEZ received notification that he had been selected as the recipient of the 1994 John F. Kennedy Profile in Courage Award.

The distinguished gentlemen's nomination was one of more than 100 that were reviewed by the Profile in Courage Award Committee, which seeks to honor contemporary leaders who take principled stands on unpopular positions as illustrated by President John F. Kennedy, in his book "Profiles in Courage." In his book, President Kennedy wrote,

> The stories of past courage can define that ingredient—they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

Our colleague, the Honorable HENRY B. GONZALEZ was chosen for his inspiring career and leadership, which have been examples to the Nation. Furthermore, the Profile in Courage Award Committee granted this award with the following statement:

> At age 78, and with 41 years in public office, Henry B. Gonzalez, the Democratic Congressman from the 20th District in San Antonio, TX, has distinguished himself as an outspoken voice for the voiceless, a battler for the embattled, and a politician of unwavering honesty, principle, and integrity. With his well-known insistence on ethical conduct, tireless pursuit of the truth, respect for the Constitution, and opposition to special interests groups, Congressman Gonzalez personifies the high purpose and value of public service.
>
> Often referred to as a maverick, Gonzalez has demonstrated political courage on many occasions by standing firm for causes he believes in, and risking the wrath of his colleagues in both parties with his refusal to "go along to get along."

WISHING GAIL GIBLIN WELL AT TURNER BROADCASTING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. FIELDS of Texas. Mr. Speaker, all too often, those of us in this body fail to adequately express our appreciation to the men and women who help us serve the men and women of our congressional districts. For staff, working on Capitol Hill frequently means long hours, cramped quarters and never enough time to do everything that needs to be done. But it also offers young men and women tremendous opportunities to advance as far as their hard work and intelligence can take them.

Today, I want to recognize a member of my staff whose hard work and intelligence have led to a major—and, I might add, well-deserved—career advance. Her name is Gail Giblin, and I appreciate this opportunity to salute, thank, and extend good wishes to Gail for all that she has done to help me, my constituents in Texas' 8th Congressional District and our Nation for the last 9 years. During those years, as a result of her hard work and dedication, Gail has been promoted from receptionist, to legislative correspondent, to legislative assistant, and then to legislative director in my congressional office.

Gail, who has served as my legislative director for the past 4 years, will leave my staff effective this coming Tuesday to assume the position of assistant vice president for government affairs at Turner Broadcasting here in Washington. While her departure will represent a tremendous loss to my staff, it represents a tremendous gain for Turner Broadcasting. It seems that once again, as he has so often throughout his broadcasting career, Ted Turner has made a very, very smart move.

As my legislative director, Gail has worked closely with me on issues in the areas of telecommunications, securities, energy, and taxes. Over the years, as a member of my legislative staff, Gail has handled many other issues, including reauthorization of the Clean Air Act, Superfund reauthorization, and RCRA reauthorization.

On all of those issues, and in each of her legislative positions, Gail has demonstrated an uncommon ability to work effectively with Members and staff of both political parties to help fashion legislation that balances conflicting interests and that benefits our country. Her ability to simplify often complex technological issues, and her extensive knowledge of telecommunications issues, will serve her well at Turner Broadcasting.

Gail is a 1985 cum laude graduate of Georgetown University, where she majored in marketing. Her parents, Gerry and Charlotte Giblin of Washington, are rightfully proud of her success at Georgetown University, her advancement on Capitol Hill, and her upcoming move to Turner Broadcasting. Her success demonstrates their success in raising a remarkable young lady. As I'm fond of saying, "The apple doesn't fall far from the tree."

Those of us who will remain here on Capitol Hill following her departure will sorely miss

Gail's good humor, her dedication and hard work, her unquestioned fashion judgment, and her extraordinary command of those issues that have shaped, and that will continue to shape, the future of the State of Texas and our Nation. Nonetheless, everyone who has worked with her—including many of my Republican and Democratic colleagues, her fellow staff members, the professional staff of the Energy and Commerce Committee, and others with whom she has worked closely on so many issues—are confident that she will do an outstanding job in her new and exciting position at Turner Broadcasting.

Mr. Speaker, I know that you join with me in thanking Gail Giblin for her many years of dedicated service to this institution and to our Nation, and in wishing her continued success in her new position as Turner Broadcasting's representative on Capitol Hill.

IN HONOR OF MSGR. RICHARD A. YOUTZ

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GEKAS. Mr. Speaker, I want to add a few brief remarks to the many already expressed in honor of Msgr. Richard A. Youtz. By his service to community, Monsignor Youtz has earned the respect and admiration of many central Pennsylvanians.

For 10 years, Monsignor Youtz has ably served the Harrisburg area as pastor of St. Patrick Cathedral. Under his leadership, St. Patrick's has increased its number of parishioners threefold, as well as financed major building improvements to the cathedral itself.

However, perhaps Monsignor Youtz's most notable contribution has been his efforts through the St. Vincent de Paul Society to distribute food, clothing, and household items to the less fortunate of the Harrisburg area.

I congratulate Monsignor Youtz on a lifetime of success and accomplishment. The Harrisburg community is profoundly richer because of his work.

TRIBUTE TO REV. JESSE STRONG

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Jesse Strong of the Greater Canaan Missionary Baptist Church. Attached is a proclamation I issued Reverend Strong commending him for his work.

PROCLAMATION

Whereas the Reverend Jesse Strong was born in Moohead, Mississippi, he is married to Loretta J. Strong for thirty-two years, he graduated from Wendell Phillips High School in 1953; and

Whereas Reverend Strong matriculated at Chicago Bible College, Chicago Baptist Institute, Moody Bible Institute, Chicago University, receiving the Bachelor of Biblical Studies, and the Doctor of Divinity degrees from Universal Bible Institute; and

Whereas Reverend Strong was elected Pastor of the Greater Canaan Missionary Baptist Church February 20, 1958, during the past thirty-five years of service Almighty God has blessed him to help many people, lead many souls to Christ, enduring peaks and valleys along the way; and

Whereas under the leadership of Reverend Strong the congregation has purchased and liquidated the mortgage on two churches, today the Church has a Hunger Outreach Ministry, Scholarship Fund, Back to School Luncheon, Little League Baseball, Youth Ministries and many more; and

Whereas the Lord sent Reverend Strong many faithful helpers past and present to whom we also pay tribute: Loretta Strong, Elbert Lumpkins, Deacon Sherman Triplett, Deacon Franklin Mack, Clyde Nevels, Ruby Norris, Georgia Brewer, Veertreasa Edwards, Mary Woods, Rodgers Holmes, Earlean Ferguson, Zella Barnes, Joe Hardrick, Deacon James Tyson, Johnnie Mae Jennings, Deacon John Jennings, Deacon Tommy Ward, and Mother Carter: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Jesse Strong and the Greater Canaan Missionary Baptist Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

THE AMERICAN DREAM AT WORK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to bring to the attention of my colleagues the illustrious career of Eugene O'Hara of New Jersey. Gene will soon retire from The Prudential Insurance Co. Gene is a prime example of the American dream at work. He began his 39-year Prudential career as a $37-a-week mail clerk in the audit department. He was a 17-year-old young man who had just graduated high school, the St. Benedict's Prep School, a few blocks from his place of employment.

Gene went to college at night, receiving his bachelor's degree in accounting from Rutgers University in 1962 and doing graduate work in accounting at City College of New York for an additional 6 years, also at night. As Gene became more qualified, he was given opportunities to do more and more work in the financial areas. In 1982, at 45, Gene was named comptroller of the Prudential. He was the company's senior financial officer. In 1991, Gene become Prudential's first chief financial officer.

Gene is a very caring individual and it shows. He has made a commitment to the development of our young people. He has proved this time and time again through his work with St. Benedict's Prep School and the members of his staff. Gene has stated that he had many mentors at Prudential, but I know there are many Prudential employees, including many executives, who acknowledge Eugene O'Hara as their mentor.

I am sure Gene's retirement years will be full of activities that will continue to benefit the New Jersey community. He is a member of the board of trustees of St. Benedict's Prep, Rutgers University; treasurer and board member of the New Jersey Ballet and a member of the New Jersey Council on the Arts.

Mr. Speaker, I am sure my colleagues will want to join me in congratulating Eugene O'Hara on his retirement and wish him godspeed.

TRIBUTE TO SAN JOSE STATE UNIVERSITY JUDO TEAM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MINETA. Mr. Speaker, I rise today to recognize the outstanding achievements of the San Jose State University Judo Team. These student athletes have won the university's 30th National Collegiate Judo Championship in 33 years, a feat that is unprecedented in collegiate athletics. They are to be commended for this accomplishment.

It is indeed rate to see such dominance by one university in any sport. The judo team at San Jose State University has proven over the years that it is our Nations best. The commitment, dedication, and hard work displayed by these young athletes should serve as an inspiration to us all.

Since 1946, the judo teams at San Jose State University have been under the tutelage of Yoshihiro Uchida. "Yosh" is a businessman and humanitarian known around the world. Over the years, Yosh has built a dynasty of not only successful athletes, but successful students as well. He is certainly a model of individual contribution and devotion.

Senator BEN NIGHTHORSE CAMPBELL served as Yosh's team captain in 1956 and 1957. The Senator captured a gold medal in the 1963 Pan American games, and was a member of the first United States Olympic judo team for the Tokyo game sin 1964. He helped begin a tradition of excellence in judo at San Jose State University which endures today.

Again, I offer to the San Jose State University Judo Team my sincere congratulations for more than 30 years of unparalleled success and best wishes for the future.

INTRODUCING LEGISLATION TO PROVIDE ELIGIBILITY FOR SPACE AVAILABLE TRANSPORTATION ON MILITARY AIRCRAFT TO CERTAIN FORMER PRISONERS OF WAR WITH 100 PERCENT SERVICE-CONNECTED DISABILITIES, H.R. —

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GILMAN. Mr. Speaker, on the eve of the Memorial Day weekend, I am honored to introduce important legislation that will directly benefit our Nation's veterans, whom have given so much for the freedom that we, as Americans, enjoy.

The legislation that I am introducing today provides that former prisoners of war, who are also deemed 100 percent service-connected disabled, are eligible for space-available transportation on military aircraft.

I believe that the message that this bill sends to our Nation's veterans is extremely important.

Through the years, thousands of Americans have left their families, their businesses, and their homes, to fight for the liberty, justice and the freedom that our Nation embodies. It is because of their many sacrifices that we are able to enjoy the fruits of democracy today.

From the battlefields of Vietnam to the Persian Gulf, our Nation's veterans have sacrificed of themselves to halt tyranny and aggression. We relied on their unique skills, their courage and their readiness to serve.

Based upon their valiant service, I ask you to join me in supporting this legislation. Allow our Nation's veterans, whom are former prisoners of war, and determined to be 100 percent service-connected disabled, to be eligible for space available transportation on military aircraft.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR SPACE-AVAILABLE AIR TRANSPORTATION ON MILITARY AIRCRAFT FOR DISABLED FORMER PRISONERS OF WAR.

The Secretary of Defense shall provide that former prisoners of war (as defined in section 101 of title 38, United States Code) shall be eligible for space-available transportation on military aircraft to the same extent as retired members of the Armed Forces.

THE ROSE MASS

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. CALLAHAN. Mr. Speaker, I would like to take this opportunity to share the sermon of a great friend of mine, Archbishop Oscar H. Lipscomb. I believe all who read this will find it as uplifting as I have.

The third annual Rose Mass was celebrated on March 13, 1994, at St. Patrick's Church in Washington, DC. The principal celebrant was His Eminence, James Cardinal Hickey, the Archbishop of Washington. The homilist was the Most Reverend Oscar H. Lipscomb, the Archbishop of Mobile. Named the "Rose Mass," this annual celebration takes place on the fourth Sunday of Lent, a Sunday when the vestments worn by the celebrant are rose-colored. The rose has also come to symbolize life whose precious care is entrusted to the healing profession.

The Rose Mass is organized by the John Carroll Society to invoke God's blessings on the medical, dental, nursing, and allied health care workers and the many health care institutions in the archdiocese of Washington. In addition, the mass provides an opportunity to give thanks for the splendid work of the volunteers of the Archdiocesan health care network. This network is composed of a multitude of dedicated workers of all religious persuasions infused with an ecumenical spirit in their care of the sick.

The John Carroll Society, named after the first Catholic bishop in the United States, was founded in 1951. Composed of 880 members, the primary purpose of the society is the enhancement of spiritual, intellectual, and social fellowship among lay men and women dedicated to the service of the Archbishop of Washington. The society draws its members from all areas of professional and business life in the metropolitan Washington area.

The enclosed homily was delivered at 10 in the morning in Washington on March 13, 1994, at the third annual Rose Mass at St. Patrick's Church by the Most Reverend Oscar H. Lipscomb, the Archbishop of Mobile. The same day—in the afternoon—at the Cathedral of Mary Our Queen in Baltimore, MD, the archbishop delivered this same homily as a part of the first Rose Mass in the archdiocese of Baltimore.

HOMILY FOR MASS ON ROSE SUNDAY, MARCH 13, 1994

(By Oscar H. Lipscomb, Archbishop of Mobile)

We are truly his handiwork, created in Christ Jesus to lead the life of good deeds which God prepared for us in advance.—Eph. 2,10.

Father Benedict Ashley, O.P., whose name conjures up the brightest and best in our current medical-moral theology, offered us a remarkable resource for the healing arts in his work, Theologies of the Body: Humanist and Christian, published in 1985. As preliminary to his comprehensive and penetrating presentation, Father Ashley asked the question: "Can we create ourselves?" Later in the text as part of a complex tapestry woven from pre-history, history, philosophy and theology that reaches to the present, this author gives an answer that is both startling and full of challenge to all persons of faith. It has special meaning for the health-care professional who, as one with Christ Jesus through word, sacrament and work is invited to share in the work of creation.

With a vision of "the whole human community across space and time" offering a framework for universally valid ethical and moral norms as points of reference, Father Ashley responded:

"This universal morality, far from negating our human capacity to create new cultures and to advance technological control of nature, is what makes it possible for us to form such cultures in ways that will meet basic human needs. Hence, to answer the question * * *: 'Can we create ourselves?', it must be affirmed that we can truly create ourselves if we understand this 'creation' to be neither the destruction of nature nor the forgetting of history, but a perfecting in new ways of what has already come to be by constructive natural processes and a purification and incorporation of historical cultural achievements into our present and future selves."

In a later important specification for our purposes today, and in keeping with the words of our Scripture reading on Rose Sunday, the learned Dominican noted: "The God of Abraham, Isaac, and Jacob, the Father of Jesus, however creates the world freely. It wholly depends on him for every aspect of its being and he in no way depends on the world, yet he is present to it not merely by his power but by a personal presence of knowledge, love and providence."

The personal empowerment and invitation that Jesus gives to his disciples makes the task of such "creation" a real and compelling one for each of us. Ourselves re-created by the gift of God's Spirit in Christ, we are truly called to re-create the world around us. "I am the vine, you are the branches. He who lives in me and I in him will produce abundantly * * *. As the Father has loved me, so I have loved you. Live on in my love." And even more explicitly in St. Paul, "You, then, are the body of Christ. Every one of you is a member of it."

There is a special likeness to Christ in doctors, nurses, indeed, in all who fill a place in the profession of health care. Christ's gift from the Father is life, life in abundance, life to the full. This life that is destined never to see death is joined intimately to that life and health that is your province: fragile, joyful, mysterious in its opportunities and dangers, mortal in its outcome—but is not its real end. You, by your skill and art enhance this life as it waits upon and works toward the Christ-gift of life. Your role is played out in faith confident of God's final loving but often unable to gasp its meaning and presence at a given moment. Such moments of wonder and worry, skin to doubt, are not unlike the seventy years of exile in Babylon until King Cyrus, an unlikely instrument, helped Israel to re-create itself as the people of promise. He uses us, too, as his instruments, unlikely as we seem to be.

Truly, "creation" anew in Christ gives us a crucial part to play in "the life of good deeds which God has prepared for us in advance." What an unmistakably "good deed" it is to reach out to those who need help in the special circumstance of illness. The many faces of sickness, and its many stages, have one universal characteristic: the one who suffers, who needs help, is confronted with his, or her, utter lack of self-sufficiency. They need others. And those who would truly serve them well must be, again in configuration to Christ, persons for others. Such a configuration is not easily come by. Our society and its values militate against it as part of our emphasis on self, individualism and personal needs. It is sad that a quality, selflessness, which many experienced, and still experience as a hallmark of the healing arts is today so badly at risk.

An article in America last January cited Dr. Lawrence Ronan, himself a primary-care specialist at Harvard who directs a residency program at Massachusetts General and is severely critical of training that erodes the "quality of mercy" in medical practitioners.

"Dr. Ronan thinks that unless medicine and those who pay for it change, even fewer will choose the intimacy of primary care. 'The kids see this 15 minutes with a patient and the chaos of insurance forms and they say, "That's not why I went to medical school." And that's sad, because when these kids write essays for admission they all use the word "service". They say, "I'm going to care for you." In some sense, the generalist spirit runs in everyone who comes into medicine, and yet we turn out very few generalist.'"

The America article went on to state that medical schools are at least trying to instill compassion in their students. It listed such elements as courses in medical humanities, ethics and behavioral modifications as well as earlier exposure to patients and even role playing on the part of students "to put themselves in the skins of the sick." I would suggest, again for persons with faith and a more than casual encounter with the Lord, that a primary resource remains underdeveloped. We sacrifice for those whom we love.

And we who are loved by Christ are empowered to love those to whom we are sent, for whom we are responsible, because they are there to be loved. They need it. Jesus would give it. And so must we if we have been created in Christ to do the handiwork of God. And the sick will sense and respond to loving care as a dimension well beyond care that is therapeutic or custodial.

It is this love of Christ of which St. John speaks in the Third Chapter of his Gospel that offers us light amid the gathering darkness that clouds questions of human life in our society at its origins and when it runs its final course. For it is the Son of Man, lifted up by the will of the Father, who offers us the promise of eternal life and victory over death itself. So much does He love us and at so great a cost. It is not right, reason and rhetoric unaided that will convince a mindset reaching out today with increasing conviction for euthanasia. A powerful example of such persuasion was offered by Richard M. Doerflinger last year at the twelfth bishops' workshop on medical-moral problems in Dallas. He said:

"The vision of life as a gift of the Creator is shared by Catholics, Protestants, Jews and many others, and is reflected in the founding documents of our nation. But I understand that it is not shared by all. To those who find it unappealing I would say this: If life is not a divine gift, it is at least the most basic and fundamental of the human goods which societies like ours are established to protect. And it is precisely an ethical devotion to this good that makes the physician a member of a profession, rather than just another technician with a good-paying job. Life is basic because it is the pre-condition for every other human good and human right, even freedom. You cannot enhance someone's freedom by taking his life, because corpses have no freedom. Freely taking your life, like freely selling yourself into slavery, is the ultimate self-contradiction of freedom, not its ultimate triumph."

Imagine the mysterious power added to such reasons offered to a person considering euthanasia by one who could say and show to the person in pain, and beyond hope: "Please don't choose to die. You mean so much to me. I love you." They are God's words and we need to find the strength to make them our own.

At the other end of the spectrum, where life begins, I heard such words in a first-person narrative of a local Mobile columnist. Jay Grelen, with his wife, Cindi, shared with our community the wonder, pain and mystery of God's gift of life:

"The second time, I understood the french fries.

"The first time Cindi learned she was pregnant, two days after Valentine's Day 1989, she telephoned and invited me to lunch. She told me her news. I sat there stunned, she says, and inhaled the fries.

"So it's a week after Valentine's Day in 1992. We had moved from Denver to Lexington, KY. Cindi had gone to the doctor, who diagnosed a sinus infection. And something else.

"Instead of antibiotics, she came home with a bag of french fries for me and a huge grin on her face.

"This time, our 2-year-old daughter helped inhale.

"The Friday that Cindi learned she was pregnant, we began to dream and plan. Where to put the new baby? When to tell Samantha? We couldn't have loved this new member of our family more if the baby were already in the crib.

"Four days later, on Tuesday, Cindi went for an ultra-sound, which confirmed our happy news.

"On Wednesday, she began to bleed and cramp.

"We went to the doctor's office. Cindi sat there thinking, 'I'm losing my baby.' All the while, from another room, came a strong, regular 'ka-thump': It was a monitor, picking up and broadcasting the heartbeat of another body in its mother's womb.

"But our news was good. No dilating. Uterus slightly swollen. Blood test better than expected.

"'I'm still off my feet,' Cindi wrote in her journal that day, 'but ever so much more hopeful.'

"Thursday, 9 p.m. Cramps and bleeding worsen.

"Half-past midnight. 'I'm in great pain—physically and in my soul', Cindi wrote. 'I'm losing my baby.'

"Friday, 6:30 a.m., one week after the positive pregnancy test. Suddenly, the pregnancy was over, the baby was gone.

"'Guilt and horror sweep over me,' Cindi wrote later of that moment, 'and I can't fathom what to do.'

"Cindi endured that dark night alone. I slept through it. And for many days, she felt she was alone, that I was emotionally asleep.

"I had my cry later that morning, in the rocking chair in our first-born's room, and then I was through.

"But Cindi knew, in a way that only a mother can know, what had been inside. She had felt the new life sprouting, the hormonal surge, the joy. And Cindi knows, in a way that only a mother can, what we lost.

"But joy and life do return. Three months later, Cindi was pregnant again. Now, our second daughter nears her first birthday. We have seen life come, we have seen it go. We see life running—or in the baby's case, crawling—circles around us. Because of what we can cradle, and because of what we can't, we understand more fully the miracle of life, whatever the stage."

We are truly his handiwork, created in Christ Jesus to lead the life of good deeds which God has prepared for us in advance.

REMEMBERING THE GOLDEN TEMPLE TRAGEDY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BURTON of Indiana. Mr. Speaker, June 3 through 6 marks the 10th anniversary of a dark chapter in India's history. On those dates in 1984, Indian troops launched a vicious artillery attack on the holiest shrine of the Sikh religion, the Golden Temple in Amritsar, and 38 other Sikh shrines throughout Punjab. During this massacre, 20,000 Sikhs were killed by Indian military and paramilitary forces. Since that tragedy, over 115,000 Sikhs have been killed in India.

India may be democratic in form, but it is not in practice. In Indian-occupied Punjab—known to Sikhs as Khalistan—basic human rights do not exist. The Indian regime continues to station 500,000 troops in Punjab to brutalize the people. The five black laws, such as the Terrorist and Disruptive Activities Act [TADA], allow the Indian Government to detain anyone indefinitely without charge, shoot civilians on sight, and torture civilians with impunity. It was recently reported that torture centers have been established in virtually every city in Punjab. When a Sikh dies of torture, he is listed as having died in a fake encounter with the police. The State Department reports that from 1991 through 1993, 41,000 bounties were paid to police officers for killing Sikhs. Disappearances are routine.

When Prime Minister Rao came to Washington last week, he spoke to Congress about democracy and civil rights. He even cited Thomas Jefferson and Martin Luther King. If these two men were alive today, they would condemn the Indian Government for its crimes against the Sikhs, the Muslims of Kashmir, and the Christians of Nagaland. I really regret that the Prime Minister chose not to be more candid with us about India's brutal human rights record.

Mr. Speaker, there is a growing independence movement seeking an independent Khalistan for the Sikh nation. Every murder India commits, every rape, and every act of torture will only strengthen this movement. If one thing is absolutely clear, it is that you cannot hold an entire people captive forever at the point of a gun. This has been proven in East Germany and the Baltic Republics. If the Sikhs truly desire freedom, one day they will be free, despite India's brutality.

I am enclosing a letter to the Sikh people from Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, marking the 10th anniversary of the attack on the Golden Temple. Dr. Aulakh is the most resolute and articulate advocate in the United States of freedom and dignity for the Sikh people. I encourage all of my colleagues to read his remarks.

COUNCIL OF KHALISTAN,
Washington, DC, June 1, 1994.

DEAR KHALSA JI: We have suffered for ten years, but we don't have to suffer for ten more.

On the occasion of India's desecration of our holy Golden Temple, I ask you to remember and gain strength from the sacrifice of our martyrs. I ask you to remember our young men who were tortured. I ask you to remember our women who were raped. I ask you to remember our children who were jailed. I ask you to remember our leaders who were murdered. I ask you to remember Sikhs who have 'disappeared.' I ask you to remember police faked 'encounters' which killed tens of thousands. I ask you to remember everyday police harassment and humiliation inflicted on our nation. I ask you to remember oppressive laws such as TADA. I ask you remember police extortion, bribery, and black mail. I ask you to remember India's broken promises. I ask you to remember the 115,000 Sikhs who have died since 1984.

Khalsa ji, after thinking about the past, I ask you to look to our future: Can we afford to live under the Delhi government for 10 more years?

As President of the Council of Khalistan, I have observed a great deal over the past ten years. I have thought long and hard about how Khalistan can be liberated. I have seen the suffering, the ebbs and flows of our liberation struggle. Ten long years later, one thing stands clearly in my mind: India cannot withstand a shantmai (peaceful) morcha for the liberation of Khalistan.

Liberation is in our own hands, nobody else's. Raise the slogan of India Quit Khalistan.

Khalsa ji you are the Lions of Guru Gobind Singh Sahib. If the feeble Mahatma Gandhi could raise the slogan of British Quit India, then you can raise the slogan of India Quit Khalistan. We must immediately begin to peacefully fill India's jails and block its roadways. From June 4 through 6, in remembrance of our martyrs and to demonstrate our determination to see Khalistan free, the Sikh masses should fill India's jails. If even 1,000 Sikhs peacefully block the roadways with the sole and stated intention of liberating Khalistan, world headlines will be made the next day. If this continues, the international community will soon get involved. India cannot withstand the shantmai morcha of the Sikh nation. The power is in the Khalsa's hands.

In order to achieve quick liberation, our movement must remain peaceful.

We can achieve liberation quicker through non-violent mass agitation, rather than through indiscriminate violence. The moment we become violent, is the moment that the Indian government portrays the Sikh nation as terrorists. Violence will allow the Indian government to brutally crack down on the Sikh nation and have an excuse for it. Agents of the Indian government will be able to infiltrate our movement and defame it. Under no circumstances should we engage in violence. We must remain resolute but peaceful. Freedom will then follow.

It is time for the Khalsa Panth to remain true to its heritage: Khalsa Bagi Yan Badhshah.

Khalsa ji, our own Gurus gave their lives in order to preserve Sikh sovereignty and resist governing tyranny. Our history is rich with the stories of martyrs who gave their lives in order to establish Sikh Raj. Baba Deep Singh, Bhai Mani Singh, and Sardar Hari Singh Nalwa all held our Nishan Sahib high in the air. They fought and died and suffered so that Sikh Raj could exist in the Sikh homeland. We must now look to their sacrifice and gain strength: Khalsa Bagi Yan Badshah.

If the leadership vacillates, then the masses should take the lead.

I am pleased by the recent efforts at Akali unity. Unfortunately they have come ten years too late and come too short in their stated goals. The Akalis must remember: Khalistan is the only issue facing the Sikh nation. The problem is not with the masses, it is with the Akalis. If the Akalis are clear and unequivocal in their call for Khalistan, then the masses will follow. The more the Akalis waver, the more the masses will suffer—this is guaranteed. Many Indian agents have infiltrated the Sikh leadership. I ask the masses to find those leaders and reject them. Raise only the slogan of 'India Out of Khalistan'.

Khalistan will be free by 1999.

India is simply not viable. It is the last of the world's super-states. There is no other country in the world that has so many official languages. There is no other country in the world which employs its own troops so extensively against its own people. Through peaceful agitation, even India's army will not be able to suppress the Sikh nation for too long. Because of the pressure from Sikhs outside Khalistan, the international community will immediately object to any suppression of peaceful agitators. Khalsa ji, the power is in your hands. We must make a future that is safe for our children and future generations. As a tribute to our martyrs, to those who have died in the past ten years, I ask the Sikh nation to launch a shantmai morcha for the liberation of Khalistan. Only then will Khalistan be free. Raj Karega Khalsa. Khalistan Zindabad.

Panth Da Das,
Dr. GURMIT SINGH AULAKH,
President, Council of Khalistan.

[From The Washington Times, May 16, 1994]

RAO IN THE LIONS' DEN

(By James Morrison)

When Indian Prime Minister P.V. Narasimha Rao addresses a joint session of Congress this week, he will find he has many hostile critics in the audience.

Thirty-eight members of Congress wrote President Clinton and 42 members signed a letter to Indian Ambassador Siddartha Shankar Ray last week, complaining about Indian mistreatment of its Sikh minority, which is fighting for a separate homeland.

Both letters were signed by House Armed Service Committee Chairman Ron Dellums, California Democrat, and many members of the House Foreign Affairs Committee.

The letter to Mr. Clinton urged him to discontinue aid to India.

"We believe the world has turned its back on the Sikhs * * * long enough," the letter said. "Without the right of self-determination, all other rights in the Sikh homeland are effectively denied."

The missive to the ambassador expressed congressional concern "over mounting tensions in the Sikh homeland, Punjab, Khalistan." Mr. Ray could not be reached for comment.

The letter to Mr. Ray said, "Last year the House of Representatives voted unanimously to cut $4.1 million in developmental assistance to India because of its gross human rights violations. * * * Since that time * * * the situation has only gotten worse."

The letter said the State Department's latest human rights report on India "painted a bleak human rights landscape." The report condemned police in the Punjab for "extrajudicial killings" and torture. It cited the Indian government for paying bonuses to police officers for killing suspected Sikh militants.

Both letters cited the case of Kanwar Singh Dhami and his family who "have endured 10 months of harsh imprisonment."

Mr. Rao is due in Washington on Thursday to meet Mr. Clinton and address Congress.

BIG RED ONE

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. ROBERTS. Mr. Speaker, I would like to associate myself with the following remarks from Senator BOB DOLE, regarding the 1st Infantry Division, the "Big Red One" based at Fort Riley, KS, and the Senator's salute to Gen. Joe Robles, commander general of the 1st Infantry Division, who is retiring after 28 years of service to his country on June 1 of this year. The Big Red One's history includes D-day, which American veterans and their European counterparts will remember in Normandy, France in the days ahead. I thank General Robles and the people of the Big Red One for their dedication to their country.

[Floor statement of Senator Bob Dole]

SALUTE TO GENERAL ROBLES

Mr. President, on June 1, 1994, Major General Joe Robles, commanding general of the 1st Infantry Division—the Big Red One—will retire after more than 28 years of service. I would like to take a moment to recognize this outstanding leader and to thank him for his dedication and sacrifice to the Army, to Kansas, and to the Nation.

While growing up, Joe Robles never dreamed that he would make the Army a career, much less command a division. General Robles never went through ROTC or attended West Point; he was drafted into the Army in 1966. He received his commission through artillery officer candidate school in Fort Sill, OK, and worked his way up through the ranks. His service in the Army has taken him from Korea to Fort Knox; from Vietnam to Germany and from Southwest Asia to Kansas. General Robles has never forgotten what it's like to be an enlisted man, and because of that, General Robles has always been able to identify with his soldiers. I have been impressed by his constant concern for his soldiers and their families.

While commanding the Big Red One, General Robles has added to the division's long and illustrious history. As the division commander, he has ensured that the 1st Infantry Division stands ready to preserve our freedom and advance the ideals of democracy. As post commander, General Robles has worked extremely well with the people of Kansas, building a strong relationship with the communities around Fort Riley.

As Major General Robles turns over command of the 1st Infantry Division and Fort Riley, I am certain that he will be missed by those who have served with him. I wish him, his wife, Patricia, and his children all the best as they embark together on new endeavors.

[Floor Statement of Senator Dole]

1ST INFANTRY DIVISION

Mr. President, as we look forward to the commemoration of the 50th anniversary of D-Day and the invasion at Normandy, I want to take a moment to recognize the contributions of one of the finest divisions in the U.S. Army, the 1st Infantry Division, the Big Red One, headquartered at Fort Riley, Kansas.

Formed in 1917, the Big Red One was the first American unit to go overseas in World War I, the first to enter combat with the Germans, and the first to invade Germany itself. Since those early days, the division has continued to serve our country with honor and distinction.

On June 6, 1944, the Big Red One was the first unit ashore at Omaha Beach on the Normandy coast. The 1st Infantry Division's successful assault punched a hole in Hitler's "Fortress Europe," and began the liberation of Europe and the end of the Third Reich.

The division's long history of service and sacrifice continued through Vietnam and Operation Desert Storm. In 1965 the Big Red One was the first division-size unit deployed to Vietnam, where its soldiers honorably served until 1970. During the gulf war, the Big Red One was the first division to breach Iraqi defenses. In less than 100 hours the division attacked through 260 kilometers of enemy held territory and defeated elements of 11 Iraqi divisions.

Throughout its history, the soldiers of the 1st Infantry Division have always exemplified courage, dedication, and sacrifice. Through their service, the Big Red One has advanced the cause of freedom and protected the ideals on which our Nation is built. No doubt about it, they have always lived up to their motto: "No mission too difficult, no sacrifice too great. Duty first."

As the senior Senator from Kansas, I am proud to have this unit based at Fort Riley, in my home State. As we commemorate the historic events of 50 years ago, let us also express our thanks to the soldiers and families of the Big Red One for all they have done for us.

RECOGNIZING BRIDGET A. GOODMAN, STUDENT COMMENCEMENT SPEAKER, WHITTIER COLLEGE, CLASS OF 1994

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. TORRES. Mr. Speaker, this Friday, May 27, 1994, a former intern in my district office, Ms. Bridget A. Goodman, will deliver the student commencement address at the graduation of Whittier College's Class of 1994.

Bridget's speech, entitled, "Agents of Change," reflects on the changes her class has seen during its education at Whittier and it reminds the class of the changes it will have to make in the years to come.

Bridget is the daughter of Carol Goodman of Valencia and Stacy Goodman of Reseda. She has one brother, Phillip, 17, who will graduate from Saugus High School next month and will attend Johnson and Wales University in Rhode Island.

Mr. Speaker, I ask that a copy of Bridget's speech be reprinted in the CONGRESSIONAL RECORD and I ask my colleagues to join me in wishing Bridget well in her future endeavors.

Dr. Ash, members of the board of trustees, members of the faculty, fellow graduates, family, and friends, today we celebrate the commencement of the Whittier College Class of 1994. It is a time for beginning and a time for change and no one is more familiar with change than the students at Whittier.

Think back, fellow graduates, on the transformation of Whittier College that we have witnessed. Four years ago, we were eating in a tent, living three to a room, and awakening at 6 a.m. to the sounds of bulldozers and buzzsaws. As we leave, we can say we ate in the Campus Inn, lived in Turner Hall, enjoyed speakers and dinners in the faculty masters houses, and received our parking tickets from the re-staffed and re-equipped Campus Safety.

Of course, not all changes at Whittier have been so positive. society housing was virtually eliminated; campus housing became compulsory and more restrictive; some of our best faculty and staff sought opportunities elsewhere; and we discovered our Club was built for storage, not for dancing.

More important than these events, however, is the fact that by attending Whittier, we have learned to be more than witnesses to change—we have become agents of change. At Whittier, we reformed student government. We founded organizations that increased social awareness. We participated in school policy and appeals committees. Beyond Whittier, we helped clean up and rebuild Los Angeles after the riots. We gave money and counseling services to victims of the Northridge earthquake. We became politically active, working on election campaigns, initiative coalitions, and voter registration drives.

As we depart Whittier College, we must remember these achievements because our work as agents of change has only just begun.

Our generation has inherited numerous social and economic problems which must be dealt with in our time. The environment, the economy, education, housing, and the health care system are all in crisis. While we cannot spray the rain forests with Whittier's quick-grow fertilizer, nor ask the AMA to adopt the Student Health Center's slogan "prescribe erythromyacin for everything," we can work through these seemingly insurmountable tasks because the faculty have given us the tools to do so.

Our professors showed us how to listen and to treat individuals with respect. They taught us how to conduct research and to establish networks in our chosen fields. And they provided informal yet crucial support, sharing their homes, a meal, or a good cry with us as we struggled through the changes of post-adolescence.

As students of Whittier College, we have all been given the power to make a difference. As alumni of Whittier College, it is our duty to use this gift to the best of our abilities. Good luck.

TRIBUTE TO ELDER CORNELIUS SOUTHERN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Elder Cornelius Southern of the Grace Apostolic Church. Attached is a proclamation I issued Elder Southern commending him for his work.

PROCLAMATION

Whereas Elder Cornelius Southern is the Founder and Pastor of the Grace Apostolic Church, Chicago, Illinois and through faithful service has been elevated by God to the office of District Elder; and

Whereas under the pastoral leadership of Elder Southern Grace Church has increased in membership, in ministry, in evangelistic outreach, celebrating twenty-five years of service; and

Whereas Elder Southern is Chairman of the Illinois District Council of the International Pentecostal Assemblies of the World, a member of the Rainbow Beach Coalition Advisory Board, past president of the South Shore Ministerial Association; and

Whereas District Elder Southern is a true Role Model, a family man married to Gussie Southern for thirty-five years, God has blessed them with six children: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of District Elder Cornelius Southern by entering these accomplishments into the Congressional Record and Archives of the one hundred and third Congress of the United States.

FERENC KOSZORUS: A HERO OF THE HUNGARIAN HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. LANTOS. Mr. Speaker, this year marks the 50th anniversary of the Hungarian holocaust. I rise today to recognize one of the great heros of the Hungarian holocaust. Ferenc Koszorus, who at great personal sacrifice to his own life, saved thousands of Hungarian Jews from deportation to Nazi death camps.

During the turbulent time in the summer of 1944, advancing Allied forces were closing in on Berlin while Hitler was racing to implement the final solution, the destruction of the Jewish race. There were many acts of heroic compassion and humanitarianism during this period. I would like to recount the story of Col. Ferenc Koszorus, one of the most remarkable examples of bravery and courage of the time.

By June 1944, the Nazis had incarcerated and liquidated most of the Jewish population of Europe. In the capital of Hungary, Budapest, there remained approximately 250,000 Jews still alive. Budapest was still under control of the Hungarian police force. The Nazis believed that this force was not ruthless and brutal enough to deal adequately with the complete destruction of the large remaining Jewish population of Budapest.

Ferenc Koszorus was a colonel in the Hungarian Army in charge of the First Magyar Armored Division stationed in and around Budapest. He learned that Laszlo Baky, Secretary of State and director of all security forces, with the exception of the army, had planned a coup d'etat to install a police force completely subservient to the Nazis. They would see to it that Hungary was purged of all remaining Jews.

With the help of the Gestapo, Baky formed several battalions of "gendarmerie" forces loyal to him. Orders from the Regent to disband the gendarmerie went unheeded. Colonel Koszorus controlled the last remaining active army unit in Hungary. At a time when few others would stand up to the Nazi occupation, Colonel Koszorus took the initiative to resist.

Realizing the severity of the situation, Colonel Koszorus consulted with the Regent and began preparations on his own to stop Baky and the gendarmerie battalions. On July 5, 1944 at 11:30 p.m., Colonel Koszorus ordered the units of the 1st Armored Division to take up positions at strategic points in Budapest, sealing off all roads leading into the city. By 7 a.m. on July 6, 1944 all the units were in place and Colonel Koszorus informed Baky that if his gendarmerie did not leave and disband they would be destroyed. On July 7, 1944 Baky capitulated and evacuated his forces.

Colonel Koszorus' unparalleled action was the only case known in which an Axis power used military force for the purpose of preventing the deportation of the Jews. As a result of his extraordinarily brave efforts, taken at great risk in an extremely volatile situation, the eventual takeover of Budapest by the Nazis was delayed by 3½ months. This hiatus allowed thousands of Jews to seek safety in Budapest, thus sparing them from certain execution. It also permitted the famous Raoul Wallenberg, who arrived in Budapest on July 9, 1994, to coordinate his successful and effective rescue mission.

In October 1944, after the Germans had taken Budapest, Colonel Koszorus was forced into hiding to avoid certain execution by the Gestapo. While alive, Colonel Koszorus never received recognition of his actions. In 1991, Ferenc Koszorus was posthumously promoted to the rank of general by the Hungarian Government. His memory is honored with a plaque placed in the famous Dohany Street Synagogue in Budapest.

Therefore it is with great honor and pride that I rise today in recognition valiant, patriotic efforts of Ferenc Koszorus. Many thousands of families are alive today as a result of the heroic actions of one man who stood up for his beliefs in a very uncertain and dangerous time. His loyalty to his country and love of humanity are an inspiration to all who struggle against oppression and the vile bigotry of racism.

Too often the efforts of those who struggle against the Nazi oppression go unrecognized. This year, the 50th anniversary of Hungarian holocaust, the world reflects on the lessons learned. I am proud to honor Colonel Koszorus, a patriot, a humanitarian, and a hero.

MICROENTERPRISE AS A MEANS TO ALLEVIATE POVERTY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GEJDENSON. Mr. Speaker, more than one billion people in the developing world live in absolute poverty. According UNICEF's, State of the World's Children, mortality for children under age 5 averages 104 per 1,000 in developing countries. In the least developing countries, that figure rises to 179 per 1,000; in Africa it rises still further to 181 per 1,000.

It is difficult to read these statistics and not to respond with a pro-active policy to stem this loss of children—the world's most vulnerable citizens. Six Members of Congress join with me today in introducing the Microenterprise Development Act of 1994, a bill designed to reduce poverty dramatically. This bill formally authorizes a microenterprise development program within the U.S. Agency for International Development [AID]. The bill includes a strong poverty lending component, loans of $300 or less. For those that follow this issue, you may note that this is not the first time I have introduced language on microenterprise development. It is the first time, however, that the language has been supported by the Administrator of AID. Brian Atwood and his staff have worked with me for months to craft a bill that can not only be implemented effectively by AID, but be supported by this administration.

We believe that the very poor, particularly women, can lead the fight against hunger and absolute poverty through the development of self-sustaining microenterprise projects. It is an unfortunate fact that women in poverty generally are less educated and have less access to economic opportunity than their male counterparts. Therefore, directly aiding women in the developing world will have a positive effect on family incomes, child nutrition, health, and education.

Microenterprise development offers the opportunity for the poor to play a central role in undertaking strategies for small scale, self-sustaining businesses that can bring them out of poverty and into a world of self-sufficiency and dignity. The World Bank estimates that there are over 400 million self-employed poor in the developing world and projects that by the year 2020, 95 percent of African workers will be employed in the informal sector. For many people, the lack of credit creates an obstacle to the development of self-sustaining enterprises. Projects like those developed by ACCION International, Care, FINCA, Catholic Relief Services, and Save the Children, to name a few, have lent money directly to the world's poorest. Repayment rates in these programs average 95 percent, indicating that it is possible to bank on the poor. Because these institutions charge interest for these loans, over time the programs themselves become self-sustaining—saving foreign assistance dollars.

The Members joining me in introducing this bill, Representatives McKINNEY, CANTWELL, KENNELLY, LOWEY, GILMAN, and BEREUTER, recognize that the Agency for International Development had been a leader in small and microenterprise development for over 20 years. This bill, which will strengthen AID's current program, as well as increase the agency's work in poverty lending, is the result of extensive negotiations between the Congress, AID, and the many private organizations that implement these programs. A great deal of credit must be given to the Microenterprise Coalition, a coalition of private voluntary organizations, credit unions and cooperatives, which has kept this issue alive and on the front burner for several years.

It is my hope that microenterprise will continue to be a major weapon in AID's arsenal in fighting poverty and malnutrition in the developing world.

NATIONAL TOURISM WEEK

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. UNDERWOOD. Mr. Speaker, National Tourism Week was designed to highlight tourism's contribution to the American economy. It is important to note, however, that the American economy is not confined to the 50 States but also includes the territories of the United States. In any discussion of the role of tourism on the Nation's economy, the territories are of vital importance.

My island home, the territory of Guam, for example, has a tourism industry which boasts an annual revenue of over $1 billion and this year's visitor arrivals are expected to approach 1 million. The vast majority of our tourists are from Japan, but recently the Guam Visitor's Bureau has begun to target other Asian countries—most notably Korea and Taiwan—so that others may share in the splendor of our Pacific paradise. This billion-dollar economy represents a significant contribution to redressing the balance of payments problems the United States has with Japan. Guam's contribution in this regard should not go unnoticed.

Sir Yu'os Ma'ase to all those in Guam's travel industry who show our visitors the warmth and hospitality of our beautiful island. It is only because of the efforts of those in the industry that we are able to celebrate the positive impact of tourism on the economy of Guam and the Nation.

THE PAY FOR PERFORMANCE ACT

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BILIRAKIS. Mr. Speaker, as we start our annual appropriations cycle, one thing is very clear—it is business as usual on Capitol Hill. Once again, one of the first appropriation bills to be brought on the House floor is Congress' own spending legislation, H.R. 4454. Why should this matter to anyone?

Everyone knows that Congress is required to pass 13 appropriations bills before the start of the new fiscal year. Yet, we rarely meet this long-established deadline. In fact, in the last 20 years, we have only succeeded in meeting that deadline twice—1977 and 1989.

Therefore, it would not surprise me if later this year we are on this floor debating another continuing resolution to keep the Government operating while we finish working on the appropriations bills. However, if 1994 is like any other year, the conference report for H.R. 4454 will become law sometime this summer. This means that come October, when the rest of the Government is teetering on the edge of insolvency, Congress will be fully funded.

For a number of years, I have been arguing that the funding requirements of Congress should only be considered after the needs of all other Americans are met to the best of our ability. In the 103d Congress, I have once again introduced legislation, H.R. 1922, which would force Members of Congress to earn their own paychecks.

Like every other wage earner and salaried employee, I propose that Congress only be paid when it has completed its most basic work—to approve the general budget for the Federal Government, to discharge fully its responsibility over the Nation's pursestrings.

To accomplish this end, I would withhold our own paychecks and the money to run our offices and staff until action is completed—on time—on all other general appropriations bills for the next fiscal year. Thus, instead of securing its own funding well in advance, Congress would be dead last in line of Federal spending.

My bill would effectively outlaw continuing resolutions, the huge spending bills that have been subject to widespread abuse. I also believe the proposal would help to prevent the possibility of Government grinding to a halt, Social Security checks being threatened, and other programs held in limbo until appropriations bills are finally approved in the dead of night.

H.R. 1922 will not cure all institutional flaws or tackle broader ethical concerns, but I believe it would be a step in the right direction. I believe it would represent a change in thinking and attitude. I think the American public would prefer to see Congress step to the back of the line for a change.

TRIBUTE TO DR. FRANK ANTHONY THOMAS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, Dr. Frank Anthony Thomas of the New Faith Baptist Church. Attached is a proclamation I issued Dr. Thomas commending him for his work.

PROCLAMATION

Whereas Doctor Frank Anthony Thomas was born in Gulfport, Mississippi, a loving husband married to Joyce Scott Thomas, they are the proud parents of Anthony William and Rachel Sojourner; and

Whereas Reverend Thomas is a pastor-scholar having matriculated at the University of Illinois at Champaign-Urbana earning the Bachelor of Arts degree in Philosophy, Chicago Theological Seminary, Master of Divinity, Northern Illinois University, Master of Arts in African-Carribean Studies, Chicago Theological Seminary, Doctor of Ministry, United Theological Seminary, Doctor of Ministry; and

Whereas Doctor Thomas serves as Adjunct Professor of Homiletics and Church Administration in the Masters and Doctoral programs at McCormick Theological Seminary, North Park Theological Seminary, and the Association of Chicago Theological Schools; and

Whereas Reverend Thomas was ordained on February 22, 1981 by Trinity United Church of Christ in Chicago, serving there as Student Minister 1978–1981, he was elected Pastor of New Faith Baptist Church, Matteson, IL in 1981, God has Blessed the congregation to grow in faith and in numbers from less than fifty to over two thousand:

Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Doctor Frank A. Thomas, entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

TRIBUTE TO VIVIAN SHIMOYAMA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Ms. HARMAN. Mr. Speaker, many women in public office and many prominent supporters of women who run for office wear glass ceiling pins.

Designed by Vivian Shimoyama, a talented friend and constituent, these pins, earrings, pendants, and paperweights are individually made from broken glass and a blunt shard of metal. The unmistakable message: Women can and must break the glass ceiling.

Vivian's jewelry has become a sort of shorthand for this critical issue. And it has created a sisterhood determined to sit and promote others to sit at the tables where public policy is debated and decided.

So it is fitting that this friend and constituent from Manhattan Beach, CA, will receive a special first Annual Glass Ceiling Award from Women Construction Owners and Executives [WCOE] in Los Angeles on June 9, 1994.

Mr. Speaker, Vivian L. Shimoyama has also written her "Vision Beyond The Glass Ceiling." I am pleased to close my statement with Vivian's words:

We strive for excellence,
Yet, at times we may not see
that invisible barrier to our advancement

* * *

The Glass Ceiling!
It takes belief in ourselves and
a leap of faith.
For then we make a difference and
reach our vision of
Breakthru! * * * Beyond the Glass Ceiling!

TRIBUTE TO BARBARA YEAGER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Mrs. Barbara Yeager on the occasion of her retirement from government service.

Many of my colleagues know Barbara Yeager from having worked with her. If you have not worked with her directly, I am confident that your staff members have had the pleasure of working with her.

Barbara Yeager has honorably served as a devoted employee of the U.S. Government for the last 33 years. She has worked for every service in the Department of Defense. Barbara worked for the U.S. Navy in Morocco; for the U.S. Army at Camp Detrick, MD; for the U.S. Marine Corps at Camp Lejeune, NC; for the U.S. Air Force in Dover, DE; for the U.S. Navy in Lewes, DE; for the U.S. Army Personnel Command in Alexandria, VA; and most recently, for the U.S. Army in the House of Representatives liaison office in Washington, DC.

Barbara Yeager's dedication to her country is second only to her love and dedication for her family. She was married at age 19 and accompanied her Navy husband, Stephen, to Morocco where their first child was born in 1952. Over the next 6 years, they were blessed with three more children. Then in 1967, her husband died suddenly. At age 34, Barbara was left to raise four children alone.

Despite this adversity, Barbara continued serving here country. She earned an associates degree while attending college on a part-time basis. She opened her home to a French exchange student. In addition, Barbara Yeager generously volunteered her time with a local hospital's drug crisis hotline. Through all of this, she raised here family in a loving atmosphere and is now the proud grandmother of six.

Mr. Speaker, Barbara Yeager has distinguished herself as a reliable and dedicated public servant and a genuine role model in her private life. I ask my colleagues to join me in thanking her for her service to our country and wishing her well on the occasion of her retirement. We will all miss here.

PROTECT AMERICAN PROPERTY RIGHTS FROM EXPROPRIATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. CRANE. Mr. Speaker, over the past 1,500 years, a coherent and consistent body of admiralty law has evolved that has guided the conduct of nations and sailors on the high seas.

Adherence by the nations of the world to this international body of admiralty law has been remarkable. The relative tranquility between nations over disputes arising out of admiralty law is due in large measure to the recognition by all nations that only when such rules are recognized and followed by all can trade and commerce prosper, and chaos be avoided, on the high seas.

In the main, admiralty law has worked so well that few have paid it any notice. Unilateral, flagrant, and arbitrary defiance of well-recognized and long-established rules of conduct have been rare.

The maintenance of well established rules of admiralty was considered so important by our founding fathers that it is the only jurisdiction specifically conferred on our Federal court system by the U.S. Constitution. As the world's leading shipper of goods on the high seas, the U.S. has an important interest in seeing that admiralty law, which has served trade so well in the past, continues to do so in the future.

Arbitrary disregard of well established rules of the high seas by any nation weakens the integrity of the system, and repeated often enough, could lead to a total breakdown of the system that has served us and the whole community of nations so well for so long.

To underscore the importance of maintaining the integrity of the system of international law governing conduct on the high seas, I have today introduced legislation, which provides that no preferential trade benefits may be extended to any nation that has unilaterally expropriated from U.S. citizens legitimate rights in property clearly conferred upon them under admiralty law. Property rights here specifically include the long-recognized rights of ownership and of maritime lien under the ancient laws of finds and salvage.

My bill is modest in that it does not compel the U.S. Government to take extraterritorial action against nations that have defied the laws of admiralty. It merely provides that where expropriation has occurred, no reward or preferential treatment may be extended to the offending nation. That is the very least that can be expected on behalf of an international system to which most of the nations have scrupulously adhered most of the time. My bill does not require a resolution of expropriated disputes, it merely requires the President to make a finding that such disputes have been addressed in an appropriate manner before a reward of preferential treatment can be bestowed on another nation. Certainly U.S. citizens whose legitimate rights have been expropriated can expect at least that much from their Government.

As a case in point, way back in the early 1980's a U.S. company called the Sea Search Armada [SSA] discovered the long-lost Spanish treasure ship, the *San Jose*, off the coast of Colombia. Historians estimate the gold and silver on board to be worth $2 to $3 billion, some as high as $10 billion.

A distinguished panel of Colombian jurists found that under centuries old unquestioned international and admiralty law, SSA as the finder was entitled to a preferential right to salvage the long-lost ship, and to the customary half of the recovered treasure.

After first recognizing the validity of their own judicial panel's finding, the Colombian Government passed an after-the-fact law that the finders fee for the discovery of treasure would be limited to 5 percent and that the Colombian Government would tax half of that. This year Colombia's own constitutional court declared that act to be unconstitutional under Colombian law, just as our own courts have consistently found the retroactive taking away of rights and property conferred by admiralty law in similar cases are clearly unconstitutional.

In spite of their own court's findings and in defiance of clear international and admiralty law governing the finding of lost treasure, the Government of Colombia persists in claiming total and exclusive ownership of the long-lost *San Jose* and denying any and all rights of the discoverer in the treasure. The Colombian Navy has prevented the discoverer from coming near its find for over a decade and even as I speak is in final preparation with a private contractor to salvage the *San Jose*.

Such conduct should not be tolerated, but at the very least, such conduct should not be rewarded with preferential treatment by the United States. To do so would not only leave American citizens vulnerable to exploitation and expropriation, but would seriously undermine the precious system of admiralty law so carefully nurtured over so many centuries by so many nations. To reward such action would tell U.S. citizens who have invested $10 million and risked 2 years of their lives in order to earn rights in a treasure, that the U.S. Government is indifferent when those rights are expropriated by a foreign government. Of course we don't want to do that. It is to prevent such injustice that I have introduced this legislation.

INTRODUCTION OF LONG TERM CARE ACT OF 1994

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce the Long Term Care Act of 1994, cosponsored by my colleague from Connecticut, Congresswoman JOHNSON. This bill represents a comprehensive and bipartisan approach to one of the most pressing dilemmas facing American families—how to provide necessary care for loved ones during periods of illness and disability that may last for years.

All of us are familiar with the kind of difficulties—and sometimes tragedies—caused by the present system. Long-term care is expensive and can bankrupt a family, raising difficult financial issues at a time when people are already preoccupied with dealing with a prolonged illness. We have heard of families who face enormous financial and emotional strain trying to provide needed care; of assets accumulated over a lifetime being consumed unbelievably quickly; of individuals who must leave much-loved homes because there is no one to provide care there. All of us know we can do better.

This is not to say it will be easy. But we believe that we should, at the very least, take a first step toward addressing the problem of long-term care.

Working together, we have crafted a moderate bill which provides real assistance, while keeping costs at a reasonable level. The bill contains the following provisions:

Home care: The bill establishes a new home care program predominantly financed by the Federal Government and administered by the States. This program would provide needed home care to individuals unable to purchase private coverage;

Consumer protection: The bill calls for uniform Federal standards for long-term care insurance policies;

Tax incentives: It would establish tax incentives to individuals to encourage them to purchase long-term care insurance and for employers to provide this coverage in their health plans;

Asset protection: Patterned on the Connecticut model, the bill would promote State asset-protection plans which allow individuals to keep more of their assets, while still qualifying for Medicaid nursing home coverage;

IRA's: It would allow individuals to make penalty-free early withdrawals from individual retirement accounts to purchase long-term care insurance;

Death benefits: The bill would provide preferential tax treatment for accelerated death benefits for the terminally ill; and

Hospitals: It would improve Medicare payment limits for long-term and rehabilitation hospitals.

Mr. Speaker, as our society ages and as medical technology improves, long-term care is something that many of us will confront, for a family member or even for ourselves. We should not delay the debate on this issue any longer. As we debate health care reform, we must not overlook the importance of long-term care.

THE WELFARE TO WORK ACT OF 1994

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GEJDENSON. Mr. Speaker, today I am introducing the Welfare to Work Act of 1994. The purposes of this legislation are to provide an incentive for employers to hire current AFDC recipients, to reward work over welfare, and to create new jobs.

I developed this legislation because I am convinced that a vital element of welfare reform is for Government to provide business with the necessary tools to create enough jobs to employ everyone who is trained and qualified. My bill would give employers a 1-year refundable tax credit of up to $4,500 against the gross wages of a new employee hired off AFDC. A 50-percent credit applies to the first $6,000 of wages, and a 25-percent credit applies to the second $6,000 of wages, for a total of up to $4,500.

By subsidizing an AFDC recipient's wages for 1 year in a full-time job that pays well enough to live on, we can save hundreds of millions of dollars over the long run, ending the cycle of low-wage jobs and welfare dependency for tens of thousands of families. Many AFDC beneficiaries combine work with AFDC, but they cycle on and off welfare because the only work available is seasonal jobs or occasional jobs in which they work a few days at a time. Many more are in sectors of the workforce which are not covered by unemployment insurance, and AFDC provides a substitute safety net. The bill supplies a tax credit for employers who get someone off welfare, not for those who occasionally employ AFDC recipients in temporary, low-wage jobs. The Targeted Jobs Tax Credit already provides up to $2,400 for such hires. Thus, the welfare to work tax credit would replace TJTC for permanent, full-time hires.

The Welfare to Work Act can reduce the average stay on welfare by reducing the need for anyone to stay on it long term, through its double incentive approach for employers to hire AFDC recipients and for them to accept jobs at higher incomes. Further, the Welfare to Work Act will contribute to stabilizing families by helping people become self-reliant.

The State of Minnesota enacted a pilot program very similar to the Welfare to Work Act, called the Minnesota Emergency Employment Development Program [MEED]. The program gave direct cash subsidies every week to employers for wages of people they hired off the State's welfare program. The State paid employers $4 per hour of the employee's wage.

Minnesota's findings were impressive. The 2-year pilot program and 125,000 applicants from State welfare for 30,500 places. The program created 14,000 new jobs in the private sector and served as a powerful economic development tool. By its own account, the state recouped its entire investment in the program in 3 years, while it increased tax revenues and decreased welfare expenditures. Originally, the 2-year pilot program's goal was to place 40 percent of the participants in private sector jobs; the rest were to be in Government. Private sector response was so positive that during the second year the private sector target was increased to 60 percent, and the actual private sector placement was 70 percent. At the end of the pilot program, more than 83 percent of the workers in the private sector stayed on the job—they were permanently employed, many for the first time. And the others did not all go back on welfare—many returned to school, or found other jobs.

The small business results were just as impressive. Of the businesses which employed people under the MEED program, 79 percent expanded their operations, and 52 percent invested in new equipment. More than 4,000 small businesses participated. Economic development was promoted by creating new jobs in small businesses for unemployed and displaced workers.

Reinvesting dollars which were formerly used for welfare as a temporary, 1-year wage subsidy creates an economic development "domino effect" through which businesses first expand their workforce and then require more raw materials, contributing to indirect employment of workers in other industries. The newly employed former welfare recipients buy more goods and services from their wages than they could from welfare payments, becoming better consumers as well as taxpayers.

In Connecticut, the maximum annual AFDC benefit for a family of three is $6,972. The Welfare to Work Act would save taxpayers the difference between the welfare payment and the tax credit: $2,472. In addition, there would be savings from reductions in food stamp benefits and Medicaid.

The Welfare to Work Act stipulates that an employer may only take the tax credit once per employee, to avoid creating a cycle in which employees are laid off and rehired so the employer can take the credit again. Further, the credit is only available for hiring an employee whose employment has not generated more than 24 months of such credit for any previous employers. This limitation effectively gives each AFDC recipient up to 2 years of work under the credit for different employers, if needed.

Of course, additional steps are needed to fully implement welfare reform, such as day care, health care, and job training. The Welfare to Work tax credit is an important part of helping to create the new jobs that will be necessary to end welfare dependence. With Welfare to Work, everybody wins: employers get a tax break to expand their business; AFDC recipients get more income and a brighter economic future; States and Federal Governments reduce expenditures for long-term welfare and realize increased revenues from expanded economic activity.

GIRL SCOUTS OF THE U.S.A. GOLD AWARD HONOREES

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HOUGHTON. Mr. Speaker, today I would like to salute some outstanding young women who have been honored with the Girl Scouts of the U.S.A. Gold Award by the Chautauqua Area Girl Scout Council in Jamestown, NY. They are Alice Harper, Elizabeth McIntyre, Renee McIntyre, Amberly Noble, Airani Sathananthan, and Tina Taby.

They were honored on May 22, 1994, for earning this highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development and can be earned by girls aged 14 to 17 or in grades 9 to 12.

To receive the award a Girl Scout must fulfill five major requirements and a plan for fulfilling the requirements created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The earning of the Girl Scout Gold Award is a major accomplishment for these girls, and I believe they should receive the public recognition due them for this significant service to their community and their country.

IN MEMORY OF HELEN ATTEBERRY

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BECERRA. Mr. Speaker, today I stand before you and this Congress to thank one of this country's unsung heroes, Helen Atteberry of Citrus Heights, CA, who passed away May 21, 1994.

Like many volunteers around the world who go about doing great deeds with no desire to be recognized, Helen Atteberry spent her life giving to others with the only thanks often being the smiles she received and the hearts she filled with love.

Not only did Helen Atteberry raise five wonderful children with her husband, Bob, but she impacted the lives of thousands of youths. As a high school teacher she taught young men and women the valuable skills of managing life. She later taught special education classes and, until recently, substitute taught up to 5 days a week.

At the same time she relished her work as a Campfire Girls leader and an international host for the American Field Service. Helen believed that hosting youths from other countries and helping them assimilate to American culture was the first step in creating international peace. Her spirit, love, and kindness will live on in all of these lives forever.

Like many volunteers, Helen Atteberry had a special knack for finding the right thing to say or do at exactly the right time. With a smile always on her face, she could light up the eyes of any child.

Perhaps it is the children that will miss her most, for they are the ones she so deeply cared about. Her memory, and her strength, however, will always be with us, to guide others who wish to give hope and love to all of the children of the world.

So let me close by reminding you of a scene from a very famous movie, in which it was said that, "For every bell that rings, an angel gets its wings." Today, when you hear a bell, know that Helen Atteberry, a devoted mother, wife, and volunteer, has received her wings.

RECOGNIZING TROY TECH HIGH SCHOOL

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. KIM. Mr. Speaker, it gives me great pleasure to take this opportunity to recognize the excellence and accomplishments of an outstanding school, Troy Tech High School. Troy Tech is a magnet school that draws students from a three-county area—Orange, Los Angeles, and San Bernardino Counties—and has demonstrated its commitment in its pursuit of educational excellence by participating in the Science Olympiad every year, and for the last 8 years has been runnerup for the California State title.

I am proud to inform you that Troy Tech earned their first trip this year to the Science Olympiad's national competition by placing first in California. Though the competition was tough and highly competitive, with 46 State teams participating—the Troy Tech team drove to a fourth place finish overall.

Troy Tech's first ever appearance in the national competition is made even more special since their successful overall finish was a result of exceptional teamwork, maturity, and many outstanding individual efforts. The Troy Tech team consisted of 17 students—15 regular plus 2 alternates—whose experience ranged from sophomore year all the way to senior year, two coaches, and Troy Tech's principal. Additionally, about half the team garnered individual medals for either first, second, or third place.

The competition lasted all of Saturday, May 21, 1994 from 7 a.m. to 10 p.m. and consisted of 25 rigorous events. The students were made aware of the subject areas that they would have to be familiar with, but they were not informed of the specific questions in advance.

Programs such as the Science Olympiad offer our students the opportunity to interact with other students who show similar potential, and therefore expand their knowledge of these critical subject areas. I am proud to see that there are institutions like Troy Tech which participate in these activities, and I would like to take this opportunity to congratulate Troy Tech and the following participating students: Lindsey Atkinson, Dan Epstein, Melanie Everett, Walid Gardezi, Cory Griffin, Jaideep Iyengar, Margaret Keig, Charity Kruidhof, John Makevich, Joyce Matsumoto, Sid Padmanabha, David Ross, Billy Shih, Jim Southard, Jason Van Norman, Kirsten Zeydel, and Kublai Shive; and faculty, coaches: Kurt Wahl, and Dan Jundanian, and principal Jerry Atkin, for a job well done.

MONSIGNOR ALEXANDER KULIK HONORED FOR 40 YEARS IN PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Monsignor Alexander Kulik, who on June 5, 1994, will celebrate his 40th year in the priesthood and service to the Roman Catholic Church.

Monsignor Kulik was ordained in 1954, and after serving as assistant pastor in several different churches in the area, he began his duties as pastor of the Corpus Christi Church in Montdale in 1971. In 1977, Father Kulik assumed the pastoral duties of St. Mary's Church of the Maternity in Wilkes-Barre. A year later, he was elevated to the rank of Chaplain to His Holiness by Pope John Paul I, with the title of monsignor. In 1990, Father Kulik was made Prelate of Honor to His Holiness, Pope John Paul II.

Monsignor Kulik has faithfully served in northeastern Pennsylvania for these many years. His list of affiliations over the years is endless. Currently, he serves on the board of pastors for Bishop Hoban Schools and is the chaplain of the Polish American Congress, and the General Pulaski Society, to name but a few.

I am pleased to bring the long and successful career of Monsignor Alexander Kulik to the attention of my colleagues and to wish him well as he begins yet another decade of service to the church and to our community.

A TO Z SPENDING CUTS NEEDED

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. ZELIFF. Mr. Speaker, I rise because this House has been shut out of the legislative process.

The legislation before us—the legislative appropriations—is being brought up under a closed rule. That prohibits real debate and real votes on real spending cuts from A to Z.

This House has not, and will not, be allowed by its leadership to have any real input on spending priorities for America.

This is precisely why we need the A to Z spending cuts plan. Members would be able to offer spending cuts, have them fully debated, and receive a roll call vote on each spending cut.

Under A to Z we could have real votes on real spending cuts that the Rules Committee has bottled up.

The Rules Committee refused to allow us to debate or vote on 31 amendments:

For example, the Rules Committee prohibited a Boehner amendment to cut committee funding by $2.2 million.

Mr. Boehner represents 571,000 people whose voices cannot be heard because the leadership's gag rule turns down their Representative's amendment.

These spending cuts were worthy of consideration, but the Rules Committee has chosen to ignore them.

The Rules Committee has chosen to ignore elected Members of this House, and the millions of Americans they represent. This is unacceptable.

We need the A to Z spending cuts plan because it would allow us to trim the fat from the budget.

ANN-MARIE ADKER, PUBLIC SERVICE ROLE MODEL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mrs. MEEK of Florida. Mr. Speaker, I rise this morning in celebration of the life, legacy, and many contributions made by Ann-Marie Adker, a matriarch of our community and unofficial mayor of Overtown.

For nearly five decades, Ann-Marie served the residents of her community and waged many battles on their behalf. Through her efforts, Miami's first police substation was established in Overtown, and a neighborhood center and health clinic soon followed.

Ann-Marie was an ardent warrior for the citizens of Overtown, and the poor. The works of few people in our community have captured the hearts and stirred the souls and imaginations of Miamians like those of Ann-Marie Adker.

No one could speak for the people of Overtown like Ann-Marie. She lived there. She knew the people. She knew the problems. And, she knew the solutions.

I've worked with Ann-Marie on dozens of projects and was always impressed by her energy, personal integrity, intelligence, and intense passionate concern for her friends and neighbors and even for people she never met.

Mr. Speaker, it's people like Ann-Marie that make our communities work, for they ensure that the tasks that need to get done are done, and that attention is paid to neighborhoods that are too often overlooked.

Ann-Marie understood that the quality of life centers around home and the neighborhood. Though she often worked on big projects with far reaching implications, she never lost sight of the fact that the success of even the largest projects must be measured by how they improve the lives of individuals and families.

I encourage young people to get involved in government service, but clearly Ann-Marie was every bit as effective as most civil servants, and far more effective than many. She was as familiar at City Hall as any elected official, and certainly as respected. Ann-Marie was a true public servant.

Mr. Speaker, I know my colleagues will join me in extending deepest condolences to Ann-Marie's family: her daughters Williene Adker, Barbara Adker, and Karen King; sons Winfred Young, Willie Everette Adker and Keith Adker; brother Claudell Young; former husband Willie Adker; 20 grandchildren and 12 great-grandchildren.

Overtown, and indeed, all of America, has suffered a great loss.

HUMAN RIGHTS IN UZBEKISTAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HOYER. Mr. Speaker, Uzbekistan's regime continues to flout CSCE commitments by cracking down on opposition activists and violating their human rights. Even more alarming, Uzbekistan's security agencies have reached beyond the country's borders to attack and intimidate Uzbek human rights activists abroad. The United States must communicate to Uzbekistan that such behavior is intolerable.

Under President Islam Karimov, Uzbekistan's democratic opposition has been terrorized out of existence. Erk and Birlik, the two largest political groups, have been shut down and their leaders hounded into exile. Mohammad Solikh, the chairman of Erk, now lives in Istanbul, after going underground in his homeland to escape the security services' dragnet. Also in Istanbul is Abdurrakhim Pulatov, the chairman of Birlik, who was nearly killed when he was beaten on the head with metal rods in Tashkent, Uzbekistan's capital.

Pulatov's brother Abdumannob, a member of Birlik's leadership, received special attention from Uzbekistan's coercive apparatus. While attending a human rights conference in Bishkek, Kyrgyzstan, in December 1992, Uzbek security agents kidnaped him and forcibly brought him to Tashkent, where he stood trial on trumped-up charges of "insulting the dignity of the president." Fortunately, a groundswell of international publicity and interest in the case saved him from prison: the court convicted him, but he was amnestied and now lives in the United States.

Apparently undeterred by the international condemnation connected with that incident, Uzbek security, it seems, last week tried the same tactic. Uzbek agents went to Almaty, Kazakhstan, to inquire about Uzbek human rights activists assembled there for a conference organized by the Union of Councils for Soviet Jews. Informed about the Uzbeks' presence and likely purpose, Kazakhstan's authorities promptly deported them, for which they deserve credit.

No Uzbek activists suffered harassment in Kazakhstan. In Uzbekistan, however, two members of the opposition group Birlik were reportedly detained to prevent their travel to Kazakhstan for the conference.

What underlies this behavior was an attitude that Uzbek Government officials recently made explicit at a CSCE-sponsored Seminar on the Human Dimension in Almaty. They argued that, as Uzbekistan is not a European state, perhaps Western concepts of human rights were not applicable there.

Mr. Speaker, Uzbekistan in 1992 voluntarily joined the CSCE, by which act it freely obligated itself to fulfill CSCE commitments. The very basis of the CSCE—and of modern, civilized countries—is the belief that human rights are inalienable and universal, regardless of history, cultural traditions or values. If Uzbekistan's president and government do not subscribe to this belief, maybe they should reconsider their membership in CSCE and the benefits it confers. Meanwhile, they should expect continued criticism of their repressive policies, which are impeding the improvement of United States-Uzbek relations.

THE "JEREMIAH O'BRIEN"

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Ms. PELOSI. Mr. Speaker, as America prepares to honor its war dead this Memorial Day, and as we prepare to honor those brave Americans who gave the ultimate sacrifice on D-day 50 years ago, let us also pay tribute to those who survived to ensure that their sacrifices have not been forgotten.

This Monday last, the *Jeremiah O'Brien*, the last seaworthy Liberty ship of World War II, completed its 32 day, 7,894 mile voyage from its berth in San Francisco to Portsmouth, England. From Captain George Jahn, the 78-year-old World War II Liberty Ship captain; to 75-year-old chief engineer Richard Brannon; to Mary Steinburg, a former Navy secretary who worked in the sweltering engine room; to Carl Nolte, a San Francisco Chronicle reporter by trade; and, last but not least, retired Adm. Thomas Patterson, who rescued the *O'Brien* from mothballs in 1979 and led the efforts that restored its seaworthiness, the *O'Brien's* 55-strong all-volunteer crew turned a labor of love into a voyage of history.

The *Jeremiah O'Brien* will be the only surviving ship of the 5,000 vessel-strong D-day armada to participate in the 50th anniversary commemorative ceremonies. If anyone doubts that the American spirit of adventure has subsided, or that American patriotism is a thing of the past, let them speak to the men and women who restored and sailed the *Jeremiah O'Brien*.

Mr. Speaker, let us offer the congratulations of the Congress to the sterling crew of the *Jeremiah O'Brien* and our thanks for their contributions to remembering our Nation's heroes on this Memorial Day weekend.

CONTINUITY OF CARE WEEK

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. RUSH. Mr. Speaker, whereas, the concept of Continuity of Care is an essential component of today's health care delivery system; and

Whereas, the professionals responsible for Continuity of Care comprise a variety of disciplines, educational backgrounds, and practice in diverse settings; and

Whereas, Continuity of Care professionals function as facilitators, caregivers, and advocates to ensure that patients receive quality, cost-effective health care services;

Therefore, in recognition of these individuals' dedication and commitment to health care, Congressman BOBBY L. RUSH endorses the week of September 18–25, 1994 as "Continuity of Care Week."

REV. VALENTINE PLEVYAK HONORED AS MAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Rev. Valentine Plevyak. On June 5, 1994, Father Plevyak will be honored as Man of the Year by the Lackawanna County Friends of Poland Society. This is the 49th year for this event, and it marks the 202d anniversary of Poland's Constitution.

Father Plevyak was 1 of 11 children born to Joseph and Catherine Stoklosa Plevyak. Educated in Lackawanna County schools, young Valentine left the area to attend St. Bonaventure University in New York, which he graduated from in 1940. He stayed at St. Bonaventure to further his studies at the seminary there. He was ordained to the priesthood in 1944 by the Most Reverend Bishop Hafey of Scranton. Father Plevyak never forgot his days at St. Bonaventure and has been honored several times by the Alumni Association for his outstanding contributions to his alma mater. Father Plevyak has a long list of parishes that he faithfully served in his 50-year career. He is still a aboard member of the Mercy Health Care Center in Nanticoke.

In addition to his professional attributes, many of Father Plevyak's friends have lauded his athletic ability as a baseball player, noting his performances on high school and semipro teams. In the 1950's he played on the Wyoming Valley League All-Stars against the Wilkes-Barre Barons. A natural and acclaimed athlete, Father was an outstanding bowler and golfer.

I am pleased to join with the community in honoring this distinguished man for his 50 years of dedicated service to northeastern Pennsylvania. It is very appropriate that Father Plevyak be honored for his long-time devotion to his church and to the community it serves.

IN OBSERVANCE OF THE 50TH ANNIVERSARY OF D-DAY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BARRETT of Wisconsin. Mr. Speaker, in 1944, Milwaukee community leaders founded the War Memorial Corp. "To Honor the Dead by Serving the Living." In February of this year, Secretary of Defense Perry designated the Milwaukee County War Memorial Center as a Commemorative Community for its support of the 50th anniversary of World War II. The War Memorial's efforts over the past 50 years to advance civic pursuits, culture, education, and art and to draw attention to the contributions of our Nation's veterans, which have made Milwaukee a better place to live. For this we are grateful.

In observance of the 50th anniversary of the "D-day" invasion of Normandy, which heralded the beginning of the end of World War II; in memory of the patriots who fought and fell in that battle; in honor of the men and women who have served before and since, during peacetime or war; and in observance of the 50th anniversary of the founding of the Milwaukee County War Memorial, I recommit to our CONGRESSIONAL RECORD a prayer offered by President Franklin Roosevelt to an uncertain people on the evening of June 6, 1944:

"Almighty God: our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again: and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to liberate. They fight to let justice arise, and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them. They heroic servants, into They kingdom.

And for us at home—fathers, mothers, children, wives, sisters and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear the sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With They blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all men live in freedom, reaping the just rewards of their honest toil. Thy will be done, Almighty God. Amen.

IN MEMORY OF DR. LISA BECHTEL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BILBRAY. Mr. Speaker, I rise today to recognize the lifetime of dedication of an outstanding Las Vagan. Throughout her life, Dr. Lisa Bechtel served as an inspiration to all those who knew her. As a young girl battling with a serious childhood lung disease, she dreamed of the day when she would be able to touch the lives of others as a physician. To all those fortunate enough to know her, Lisa showed those special traits of true self-sacrifice and love for her fellow human beings which are so precious and so rare.

The pride of her family, Dr. Bechtel grew up in Las Vagas and graduated from Las Vegas High School in 1977. After college, she attended Fordham University School of Medicine in New York City and completed her residency in family practice as Shadyside Hospital in Pittsburgh. In a world where young professionals are all too often caught up in career advancement and financial achievement, Dr. Bechtel dedicated each day to selflessly serving her fellow Nevadans in need. To repay her student loans, she took an unglamorous position as a family practitioner in rural Caliente, NV. Early in 1992, she began working with AIDS patients in Las Vegas, where she spearheaded new programs for women and children suffering from the ravages of that disease.

Dr. Bechtel was recognized by all segments of our community as a dedicated healer, a true exemplar of those who serve others according to the Hippocratic oath. The compassion she brought to her work will long be remembered by all who were touched by her care.

And so I ask my colleagues to rise with me today in memory of a truly great Nevadan, her accomplishments and her committed spirit.

TRIBUTE TO WATCHUNG ELEMENTARY SCHOOL

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. KLEIN. Mr. Speaker, I am very proud to rise today to announce that the prestigious Blue Ribbon Schools Award will be given to the Watchung School of Montclair, a public elementary school in my district. As an answer to President Clinton's call to move the Nation towards achieving national education standards under Goals 2000: Educate America, the Blue Ribbon Schools Program initiates the action to fulfill its letter and spirit by pushing our educational system to perform at its best. The Blue Ribbon Schools Program identifies and recognizes a diverse group of public and private schools which display a number of qualities of excellence that will be necessary in tomorrow's schools.

The Watchung School is a model public elementary school that is paving the way for a bright and productive future for our community by educating our children with more than numbers and the alphabet, but by teaching our children "can-do" attitudes, leadership, and values that contribute to the growth of their souls as well as their minds. The teachers and administrators at Watchung inspire the students to not only learn, but to excel.

By fulfilling the criteria used by the Blue Ribbon Schools Program review panel, Watchung School demonstrated excellence with high quality teaching; appropriate, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; strong parental involvement; and an environment that conveys the message that all students can learn and achieve.

The Watchung School's positive learning environment, visionary curriculum, and strong community leadership make it the ideal recipient of the Blue Ribbon School Award. I congratulate the staff, students, and parents of the Watchung School on their outstanding achievements.

TRIBUTE TO JUDGE SAM HALL OF TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PICKLE. Mr. Speaker, in life, the happy man is the man who is happy doing what he does. The happiest person is the one who enjoys his work in this life. That is more important than making money or obtaining high status.

During Judge Sam Hall's service here as Congressman, he was happy being the Congressman from that district. He liked the challenge. He was comfortable serving on the Judiciary Committee, and he thoroughly enjoyed the comradery and friendship of his colleagues. Here in this hall, Sam Hall made lifelong friends, and I believe Sam Hall was happier here than anybody in the House. Of course, there were stern and difficult decisions, but that was a normal challenge.

Most of all Sam Hall enjoyed working with people and liked working out solutions without compromising his principles. Sam Hall came by this naturally. His family had been involved in legal and political matters for years, and he was an apt replacement for Wright Patman.

Those of us who served with Sam and Madeleine had the highest respect for him—and for her. He was a tough legislator, but he understood that each Member had to meet the challenge. I believe Sam Hall fell in love with the House of Representatives. Even after he went back to Texas and became a U.S. District judge, I really think his heart was in the House and those of us who served with him felt that same deep warmth of feeling.

Mr. Speaker, we loved Sam Hall. He was one of us. He loved this institution because it represented the people—and Sam Hall was of the people.

THE LOS ANGELES COUNTY REGIONAL OCCUPATIONAL PROGRAM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HORN. Mr. Speaker, I would like to commend the students, faculty, and administrators of the Los Angeles County Regional Occupational Program [LACROP]. Through extensive partnerships with business and industry, the LACROP offers classes in a variety of formats which include classroom-only training, unpaid on-the-job training, and paid cooperative vocational education classes for students who are employed.

There are 21 participating school districts which contract with the Los Angeles County Office of Education in order to provide school-to-work transition programs for high school students and adults. The program offers approximately 300 classes in the following areas: agriculture, business, health-related occupations, home economics, marketing, trade and industry. In addition to the courses offered by the school districts in Los Angeles County, specialized occupational training is also offered by the private post-secondary schools under contract with the LACROP. These advanced programs include: airframe and power plant technology, barbering and cosmetology, medical, dental and pharmaceutical assistance, and graphic design.

The LACROP also provides specific on-the-job training through the apprenticeship and journeyman programs offered in conjunction with the California Apprenticeship Council and the local Joint Apprenticeship Committees. The classes offered through the apprenticeship programs include: air-conditioning and refrigeration, electrical, roofing, plumbing, and sheet metal apprenticeships.

As a result of the efforts of the Los Angeles County Regional Occupational Program, its students have been provided with marketable skills in an area hit hard by a depressed economy, massive layoffs, increases in violent crime, base closures, and a string of environmental disasters. I applaud the efforts and commitment of Bob Armor, coordinator in charge, of the Los Angeles County Regional Occupation Program, and all of those involved who have made this program such a success.

THE BLOOD OF 3,244 MEN ON NIXON AND KISSINGER'S HANDS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. STARK. Mr. Speaker, I speak today about the murderous actions of the late former President Richard Nixon and his national security advisor Henry Kissinger in the early 1970's.

The Nixon administration, elected with a pledge of having a secret plan to end the Vietnam war, took credit in the 1972 elections for the withdrawal from Vietnam and the wind down of the war.

The just-published "Haldeman Diaries," however, reveals that the withdrawal was delayed for raw, gross political reasons—to look better in the 1972 elections. According to a December 21, 1970 dairy entry in Haldeman's book found on page 223, Kissinger . . .

> * * * argues against [an early] commitment . . . to withdraw all combat troops because he feels that if we pull them out by the end of '71, trouble could start mounting in '72 that we won't be able to deal with and which we'll have to answer for at the elections. He prefers, instead, a commitment to have them all out by the end of '72 so that we won't have to deliver finally until after the elections and therefore can keep our flanks protected.

Each day that we delayed our withdrawal, American servicemen died needlessly. Kissinger advised against early withdrawal for election reasons in December of 1970. According to Department of Defense statistics, 2,412 men died in 1971, another 767 in 1972, and 65 more in 1973. In total, 3,244 men died while the withdrawal was delayed for the purposes of ensuring the re-election of Richard Nixon and the sinecure of Henry Kissinger.

One hundred and forty slabs of stone carry the names of 58,191 dead servicemen at the Vietnam Memorial. If Nixon and Kissinger had considered the lives of their fellow Americans instead of their own political victories, 7 stones would not have been needed. The next time you visit the Wall, think about it—1 out of every 20 names would not be there if we had pulled out quickly and decisively when Kissinger first discussed it. One out of every 20 names is there to help win an election for CREEP.

The blood of 3,244 servicemen is an enormous burden on the soul to take to your grave.

Following are more full quotes from the "Haldeman Diaries:"

> [Kissinger] thinks that any pullout next year would be a serious mistake because the adverse reaction to it could set in well before the '72 elections. He favors, instead, a continued winding down and then a pullout right at the fall of '72 so that if any bad results follow they will be too late to affect the election. (p. 221)—December 15, 1970
>
> This new action in Laos now would set us up so we wouldn't have to worry about the problems in '72, and that of course is the most important. (p. 239)—January 26, 1971
>
> The President emphasized that all foreign policy initiatives are going to have to be completed by July 1972 because after that there will be a Democratic nominee and they'll insist that he be taken along on any trips and brought in on any discussions. (p. 293)—May 26, 1971
>
> [President Nixon] this morning got into a discussion of how we're going to have to make a shift, as of now, throughout our entire shop to begin a totally oriented commitment to relating everything we do to the political side, without appearing to do so. The question to be asked in weighing every answer is, "Does this help us politically?" (p. 298)—June 10, 1971

TRIBUTE TO ROTARY CLUB OF ORANGE, TX

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. WILSON. Mr. Speaker, I respectfully request inclusion in the RECORD some information about Rotary International and particularly about an outstanding Rotary Club in my district that is celebrating their 75th birthday on June 1, 1994. A club who truly epitomizes the Rotary Club motto of "Service Above Self."

The Rotary Club of Orange, TX, was founded on June 1, 1919, as the 487th club in the world organization that now numbers more than 25,000 clubs. For 75 years, Orange Rotarians have demonstrated the motto of "Service Above Self" in their work in the community and beyond. Current membership stands at 120 business and professional leaders from the Orange community.

H.J. Lutcher Stark was the organizer and first president of the Orange Rotary Club with the Beaumont Rotary Club serving as the sponsor. Since its organization, the Orange Rotary Club has sponsored two other Rotary Clubs: Vidor and Bridge City.

Rotary International was founded in 1905 by Paul P. Harris of Chicago, who decided to start a new kind of businessmen's club. The initial group consisted of a lawyer, a tailor, a coal merchant, and an engineer who rotated their meeting places from office to office. From such humble beginnings, Rotary has grown to a membership exceeding a million. The concept of Rotary is to encourage and promote high ethical standards in business and professions, the recognition of the worthiness of all useful occupations, and the dignifying by each Rotarian of his occupation as an opportunity to serve society.

Among the many programs of Rotary International is PolioPlus, a massive effort to immunize the children of the world against poliomyelitis. It is part of a global effort to protect the children from five other deadly diseases as well, the "Plus" in PolioPlus. by 1992, Rotarians of the world had raised over $240 million in cash in support of PolioPlus.

Within the Rotary structure, the Orange Club has provided four district governors over the years. These individuals oversee the administration of all clubs within their assigned district.

The Orange Club has issued 111 Paul Harris fellows. Each Paul Harris fellow represents a $1,000 contribution to the Rotary Foundation which services many programs that build good will and understanding in the world.

The Orange Rotary Club has long been a contributor to many worthwhile causes including local youth programs—Help One Student To Succeed, Junior Achievement, YMCA basketball, Youth baseball programs, Youth soccer programs—and other community programs—DARE, Orange County Association for Retarded Children fishing rodeo, et cetera. The club has been active in sending youth to Rotary youth leadership awards camp. For many years, the club has provided scholarships to graduating seniors from the local high schools, Little Cypress and West Orange-Stark.

As it celebrates its 75th year, the Orange Rotary Club looks to the future with pride and determination to continue its tradition of "Service Above Self."

MEDICARE AND MEDICAID COVERAGE DATA BANK

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. JACOBS. Mr. Speaker, I am today introducing legislation to postpone the implementation of a provision of the Omnibus Budget Reconciliation Act of 1993 relating to the Medicare and Medicaid coverage data bank.

Under current law, businesses are required to provide the data bank with information relating to the health insurance status of their employees and their employees' dependents. The catch is that the Health Care Financing Administration, the agency responsible for operating the data bank, has yet to issue regulations stating the specific information each business should be collecting. Under this law, firms could be fined for failure to comply with yet unspecified requirements.

Following is a summary of the bill:

The penalty for failure to report would be suspended until the first day of the first calendar year beginning 90 days after the Secretary of Health and Human Services has promulgated regulations regarding which information is required to be collected.

The bill would be effective as if it had been included in the Omnibus Budget Reconciliation Act of 1993.

WHIRLPOOL CORP., LAVERGNE DIVISION: PARTNERS IN PROGRESS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GORDON. Mr. Speaker, I want to congratulate Whirlpool Corp. in LaVergne, TN, on receiving the 1993 Partners in Progress Award. Only the top 1 percent of Sears' suppliers receive this award which is based on market performance, service, product quality, and customer responsiveness.

Whirlpool puts American ingenuity to work every day as they manufacture the best in air control products. They have been recognized in recent years as leaders in environmental technology and continue to set the standard for performance.

I applaud the employees at LaVergne for their commitment to quality. Their attention to product innovation, marketing, and value certainly shows in the final product.

As division vice president, Doug Hutchins wisely stated, "People truly make the difference. High quality doesn't just happen; it's a result of a lot of hard work and dedication, and a real team effort."

Please join me in congratulating Whirlpool, and just as importantly, its workers in LaVergne, TN, who are the backbone of this continuing success story.

TRIBUTE TO UKRAINIAN VETERANS OF AMERICA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. LEVIN. Mr. Speaker, the Ukrainian Veterans of America [UVA] must be commended today not only for the distinguished service they provided to the United States in wartime, but also for their tireless commitment to keeping the spirit of democracy alive in America. The UVA reminds us all of the importance of freedom and democracy by commemorating their fallen comrades and gathering to mark the anniversary of D-day.

The Ukrainian-American soldiers who fought for the United States with honor and pride have often been fighting for their adopted country. This fact underscores the allegiance of the Ukrainian people to democracy and freedom. Indeed, the UVA mandates respect for the ideals of American democracy, and commitment to the preservation of their Ukrainian heritage. To this end, the UVA actively supports a peaceful transition of Ukraine to a free and democratic society.

Michigan Post 101 is a model of unity and action among Ukrainian veterans. Since their formal installation in 1984, members of Post 101 in Warren have worked to expand membership and become more deeply involved in community and Ukrainian affairs. In 1988, as the largest UVA post in America, Post 101 reached out in support of Ukrainian human rights activists, working closely with other veterans' groups and human rights organizations in their efforts.

I am proud to have such an active and hardworking group in our district. This year, they are hosting Ukrainian-American veterans who served in World War II, Korea, Vietnam, and the Persian Gulf as they gather for the national convention in Warren. Post 101 of the Ukrainian Veterans of America has grown into a tremendous source of unity and patriotism to all citizens in our community. I commend the members of Post 101 and the members of the ladies' auxiliary for their success in upholding the ideals of democracy and promoting a patriotic spirit.

IN MEMORY OF JOHN TA CHUAN FANG

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Ms. PELOSI. Mr. Speaker, 2 years ago I spoke of the passing of a great American John Ta Chuan Fang. John was more than a close personal friend; John was the embodiment of all that is best about America. He was an immigrant who brought with him the values of hard work academic achievement, and family. He started as a reporter and built a publishing empire. He was a gentle spirit, warm, generous, and loyal. A refugee of communism, John embraced the freedoms of America which gave him the opportunity to succeed, and he returned that opportunity a thousandfold through his community work and his leadership on human rights issues throughout the world.

Today, appropriately on the date of his birth, Florence, his widow, and the Fang family will permanently enshrine a tribute to John at the Asian Art Museum of San Francisco. The Fang family gift is a handcrafted duobaoge, a treasure case which will become the "great treasure wall" of the Asian Art Museum's Gruhn Court. Modeled on a treasure case within the forbidden city, the great treasure wall is a moving testimonial to John and a fitting gift the city and country which he loved.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENT

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HAMBURG. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the U.S.A. Gold Award by the Napa-Solano Girl Scout Council in Napa County, CA. She is Lisa Rowe of Girl Scout Troop 270.

She is being honored on June 2, 1994 for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls aged 14 to 17 or in grades 9 to 12.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Napa-Solano Girl Scout Council, Lisa Rowe began working toward the Girl Scout Gold Award in 1991. She worked with the St. Helena Women's center to prepare packets of material on women's health issues by gathering information on the importance of mammograms, the risks related to osteoporosis and other health concerns to women.

The earning of the Girl Scout Gold Award is a major accomplishment for Lisa Rowe, and I believe she should receive the public recognition due her for this significant service to her community and her country.

FCC REAUTHORIZATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. MARKEY. Mr. Speaker, today I introduce, along with the ranking minority member, JACK FIELDS, legislation reauthorizing the Federal Communications Commission for fiscal year 1995 at $188.4 million. This figure reflects the resources the Commission needs to carry out its mission under the Communications Act. In particular, the Commission is working overtime in recent months to implement legislation this subcommittee has passed, the 1992 Cable Act and the 1993 Omnibus Budget Reconciliation Act, which directed the Commission to establish rules for spectrum auctions and for personal communications services. These rulemakings are historic and demand great care and attention by the Commission. Because of this tremendous burden, I believe this funding level is needed to enable the Commission to fulfill its congressional obligations.

SIKHS MASSACRES REMEMBERED

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. KING. Mr. Speaker, I rise today in observance of the 10th anniversary of one of the most savage massacres in recent history. From June 3, 1984, through the 6th, Indian troops launched a vicious attack on the Sikhs' holiest shrine, the Golden Temple in Amritsar, and on 38 other Sikh shrines throughout Punjab, Khalistan. During the 4 days of slaughter, 20,000 Sikhs were killed by troops of the regime that claims to be the world's largest democracy.

The intense religious persecution and the intolerable human rights abuses against the Sikhs continue in Punjab, Khalistan. The Indian Government currently stations 500,000 heavily armed troops in Punjab, Khalistan. Detention without charge or trial, a shoot-on-sight policy, and torture are the tools the Indian Government uses to maintain its brutal grip on the Sikh nation.

I urge the American people, in the spirit of our Nation's longstanding record of supporting human rights and freedom around the world, to join the Sikh nation in remembering the brutal attack on the Golden Temple.

END INDIAN TYRANNY IN KHALISTAN

SUPPORT FREEDOM FOR THE SIKH HOMELAND

Today the Sikh nation faces merciless oppression at the hands of the Indian government. The man pictured above, Avtar Singh, was tortured to death with hot irons and electric shocks by the Indian police. Unfortunately, Avtar Singh is only one of thousands of Sikh men, women and children who have suffered torture, murder, rape and humiliation under the brunt of Indian government brutality.

UNTOLD HORRORS

In the Sikh homeland, Punjab, Khalistan, Indian security forces possess wide powers to make arrests, jail people without trial, and shoot to kill. Indian security forces in Punjab, Khalistan kill 20 to 30 Sikhs everyday in extrajudicial killings and faked encounters. Last year, over 41,000 police officials received cash rewards for killing Sikhs.

Since 1984, over 115,000 Sikhs have been murdered by Indian security forces. According to the Movement Against State Repression, 60,000–70,000 Sikhs are in Indian jails without trial under laws declared "disturbing" and "completely unacceptable" by the U.N. Human Rights Commission. Regrettably, Amnesty International has been banned from conducting human rights investigations in India since 1978.

In the face of such oppression, the Sikh nation declared independence on October 7, 1987 forming the sovereign country of Khalistan. Like all nations, the Sikh nation desires freedom, democracy, humans rights, self-determination and rule of law.

AVERAGE PEOPLE SUFFER: SARABJIT SINGH THE MAN "TWICE KILLED"

On the morning of October 30, 1993, believe it or not, young Sarabjit Singh Waltoha was killed two times by the Indian police. Claiming that Sarabjit Singh was caught in the crossfire of a police "encounter," officers brought his supposedly dead body to Patti hospital in Punjab, Khalistan and order a postmortem examination.

Doctors at the hospital, however, found that Sarabjit was alive and transferred him to another ward. By the time Sarabjit Singh regained consciousness, word of his recovery had spread. Police, learning of their blunder, returned to the hospital, abducted Sarabjit Singh and reappeared three hours late with this dead body. Thus Sarabjit Singh as "twice killed." After doctors performed the postmortem, Sarabjit Singh's body was cremated by the police without returning it to his relations. Sadly, in Khalistan, such excesses are an everyday reality.

SIKHS ARE UNIQUE

Many members of the Sikh religion are recognizable by their colorfully turbans, and steel bracelets. Founded in 1469, the Sikh religion believes in one all powerful loving God, It requires full equality for women and rejects the caste system. Truth is held as the highest virtue, but still higher is truthful living. Sikhism preachers against pride, greed, anger, lust, and worldly attachment. Sikh belief holds that no intermediaries should stand between the creator and creation.

INDIA: NIGHTMARE OF MAJORITY TYRANNY

The popular conception of India as the "world's largest democracy" must be set aside when dealing with India's minority nations. India's political structure provides no safeguards for minorities, there is no American-style Bill of Rights, and so long as the Indian government can appeal to the over 80 percent Hindu population, accountability to minorities is neither required not politically advisable. For Sikhs and other minority nations, such as the oppressed Christians of Nagaland and Muslims of Kashmir, there has never been a secular India, there is only Hindustan—a country created by Hindus, for Hindus, with the goal of making the entire subcontinent Hindu.

SOME POLITICAL HISTORY

Many are unaware that the state called "India" was never historically one nation. When the British took the subcontinent in the mid 1800's, they conglomerated what is today called "India" simply for administrative purposes. In fact, the word "India" is not indigenous to its natives. It is a western term for the subcontinent. In actuality, India is a conglomerate of Nations held together by the nexus of oppression. It has as many as 18 official languages.

Directly before the era of British colonial rule, the Sikh nation ruled Punjab (in the Northwest corner of India) from 1765 to 1849. In British history books from the era, references to negotiations with the "Sikh nation" abound. In 1947, when Britain left India, the British again recognized Sikh sovereignty by negotiating the transfer of power to three nations: the Hindus, the Muslims and the Sikhs. The Muslims got Pakistan and the Hindu took India. The Sikhs, though they had ample opportunity, did not opt for a separate country.

Instead the Sikhs joined India with their homeland, Punjab, conditioned upon the solemn assurances by Indian leaders that the Sikhs would enjoy "the glow of freedom" and that no constitution would be adopted that was not expressly ratified by the Sikhs. But instead of the "glow of freedom," the Sikh nation has only suffered the shadow of oppression in India. When India's constitution was framed, it was so inimical to Sikh interests that Sikh representatives refused to append their signatures to the document. To this day no Sikh leader has ever signed India's constitution.

THE GOLDEN TEMPLE ATTACK: THE STRAW THAT BROKE THE CAMEL'S BACK

From June 4–6, 1984, the Indian government led an all out military attack on the Golden Temple, the holiest of Sikh shrines, and thirty eight other Sikh shrines throughout Punjab. The magnitude of this attack cannot be underestimated. It is comparable to an attack on the Vatican or Mecca.

The death and destruction inside the Golden Temple and throughout Punjab was disastrous. Over twenty thousand people were murdered, most of them innocent worshippers. The Indian army took pains to burn and destroy the Sikh library which contained countless original, holy and historic manuscripts. Newspaper reports chronicled mass executions of worshippers who were shot at point blank range. Even worse, after the attack, one hundred children between the ages of eight to twelve were lined up on the grounds of the Golden Temple and asked if they supported a free Khalistan. As each one answered in the affirmative, Indian security forces shot them dead.

THE COUNCIL OF KHALISTAN

When the Sikh nation declared independence on October 7, 1987, it named Dr. Gurmit Singh Aulakh as the President of the Council of Khalistan to lead the Sikh struggle for independence. Based in Washington, D.C., the Council of Khalistan has brought the Sikh freedom struggle to the attention of world leaders. The Council advocates liberating Khalistan through peaceful, non-violent means. Because of its efforts, numerous forms of legislation have come before the U.S. Congress in support of Sikh independence.

POLITICAL MILESTONES ACHIEVED BY THE COUNCIL OF KHALISTAN

1. On December 27, 1993, President Clinton wrote to Members of Congress, telling them he supports a 'peaceful solution' to the crisis in Punjab, Khalistan that 'protects Sikh rights.' He also said that human rights 'abuses still occur' in the Sikh homeland.

2. On November 17, 1993, 24 Members of Congress wrote to President Clinton, asking him to "diplomatically resolve the crisis in Khalistan."

3. On October 1, 1993, President Clinton signed the Foreign Aid Appropriations Bill. The bill included a $4.1 million cut in developmental aid to India in protest of its ongoing human rights violations against the Sikhs, and the freedom seeking Muslims of Kashmir.

4. On August 5, 1993 Congressman Pete Geren introduced House Concurrent Resolution 134. The resolution calls for a U.N.-sponsored plebiscite in Punjab, Khalistan so "Sikhs" may determine for themselves, under fair and peaceful conditions, their political future. It has the bi-partisan support of 16 influential members of the House of Representatives.

5. On January 24, 1993, Khalistan was admitted as a full member of the Unrepresented Nations and Peoples Organization (UNPO), a world wide body dedicated to advancing the freedom aspirations of its member nations.

KHALISTAN: A NATURAL ALLY OF THE WEST

A sovereign, democratic Khalistan will be the West's strongest ally in South Asia. Freedom for Khalistan, which would neutralize India's military power, will be a stabilizing force in South Asia. Free Khalistan will encourage India and Pakistan to sign the Nuclear Non-proliferation Treaty and will work for a nuclear-free South Asia. Furthermore, Khalistan will trade with the rest of the world in an open market economy. Lastly, all people, Sikh and non-Sikh, will have full democratic rights and liberties in Khalistan.

WHAT YOU CAN DO TO HELP THE SIKH NATION TO LIBERATE KHALISTAN

You can help end the murder, rape and torture in Khalistan by contacting your local House Representatives and Senators.

Tell them:

1. Not a single U.S. tax dollar should go to fund the brutal Indian regime.

2. In the interests of lasting peace in South Asia, they should support freedom for Khalistan and specifically House Concurrent Resolution 134.

Contact:

The U.S. House of Representatives, Washington, D.C. 20515. (202) 225–3121

The U.S. Senate, Washington, D.C. 20510. (202) 224–3121

THE SIKHS WANT INDEPENDENCE

In light of our suffering, the Sikh nation demands outright independence from India. The Sikh nation feels that the only way it will be able to enjoy "life, liberty, and the pursuit of happiness" is in a free and sovereign Khalistan. After reading this we hope you will support independence for Khalistan. Thank you for your support. God bless you.

For Further Information write to: Council of Khalistan, 2025 Eye St., N.W. #922, Washington, D.C. 20006. Telephone: Dr. G.S. Aulakh (202) 833–3262. Fax: (202) 452–9161

INTRODUCTION OF NATIONAL PARK SERVICE ENTREPRENEURIAL MANAGEMENT REFORM ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. VENTO. Mr. Speaker, today I am introducing legislation at the request of the National Park Service to provide expanded authority for the collection of entrance and user fees at National Park System units and to give greater flexibility to the National Park Service to establish partnerships and seek donations from the private sector.

The National Park Service Entrepreneurial Management Reform Act was drafted by the National Park Service. A number of the elements in the bill were recommended in the administration's National Performance Review. While I do not support several elements of the bill, I nevertheless believe it is important for Members to be able to review and debate the proposal and for the administration to have the opportunity to make its case for the legislation.

The fee portion of the bill would eliminate the current caps on entrance fees and give the Secretary of the Interior the discretion to set reasonable entrance, recreation, and special use fees. The current practice of charging entrance fees per vehicle would be replaced by a per person fee, and current statutory prohibitions on entrance fee collection would be eliminated. Fee revenue would be available to pay for the costs of collection and 50 percent of any additional receipts over the amount collected in fiscal year 1994 would be available for use in units of the National Park System without appropriation by Congress.

The bill also contains several entrepreneurial management elements. First, it would authorize the Secretary of the Interior and certain National Park Service employees to seek donations of money, property, and services from foundations, corporations, and other potential donors, subject to certain guidelines. Second, it would authorize the Secretary to recover restitution on account of damage to park resources or property resulting from vandalism or accidental damages. Settlement money would go to the National Park Service for park purposes. Third, the bill expands the current challenge cost-share program to allow any funds appropriated for the operation of the National Park Service to be used to carry out challenge cost-share agreement.

I appreciate the Clinton administration's effort to seek methods of increasing revenues to help pay for the preservation of the natural and cultural resources of the National Park System. I look forward to working with the administration and other Members in reviewing and refining this proposal.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENT

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HAMBURG. Mr. Speaker, today I salute an outstanding young woman who has been honored with the Girl Scouts of the U.S.A. Gold Award by the Napa-Solano Girl Scout Council in Solano County, CA. She is Becky Moeser of Girl Scout Troop 349.

She is being honored on June 2, 1994 for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls aged 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Napa-Solano Girl Scout Council, Becky Moeser began working toward the Girl Scout Gold Award in 1993. She coordinated free swimming lessons for non-English speaking children in Vacaville.

The earning of the Girl Scout Gold Award is a major accomplishment for Becky Moeser, and I believe she should receive the public recognition due her for this significant service to her community and her country.

PRESIDENT CLINTON ONCE AGAIN TURNS HIS BACK ON CAMPAIGN PROMISES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. SMITH of New Jersey. Mr. Speaker, he's done it again.

The President of the United States a few minutes ago—after delivering a tough trade/human rights ultimatum to the Chinese dictatorship in Beijing 1 year ago, has not only shied away from adhering to his own Executive order but has turned his back on the oppressed in China.

In a test of wills with Beijing, Mr. Clinton not only blinked but he closed his eyes to the pain and suffering of millions of people. By delinking human rights and trade, Mr. Clinton is signaling surrender to the hardliners.

Mr. Speaker, for the past year his administration has been like the Tower of Babel, speaking with many tongues, sending mixed messages, floating trial balloons and suggesting that a whitewash or reversal was being cooked up.

As a candidate, Mr. Clinton chided the Bush administration for its policy toward China—saying that "our Nation has a higher purpose than to coddle dictators." As president, and with great bravado, Mr. Clinton conditioned the renewal of MFN on clear, internationally accepted human rights standards.

Mr. Clinton once said that in foreign policy, one had to have "great personal strength to make the right decision." However, it takes little personal strength to turn your back on millions of prisoners forced into slave labor.

It takes little personal strength to close your eyes to the millions of women and children victimized by draconian population control policies which include forced abortion and sterilization, and the brutal murders of babies who are born but don't meet standards of health, ability, or are just not the right sex.

It takes little personal strength to ignore the millions who are denied the right to practice their faith freely and are detained, imprisoned, tortured and even put to death.

It takes little personal strength to not hear the cries of those who support democratic reform and languish in the prisons for expressing their opposition to a government who would resort to anything to stay in power.

It takes little personal strength to watch while the cultural heritage of millions in Tibet is being destroyed and relegated to history.

What does take great personal strength? To stand up to the repressive Chinese Government which victimizes millions of its people each day in order to retain control and profit at their expense. Reports from human rights groups and from people who have recently been to China are filled with the cases of people of great personal strength.

Just last week, Harry Wu returned from China with documentation about the continued use of prison labor used to manufacture products for export—much of it for export to the United States. The 1992 MOU, a flawed agreement from the beginning, calls for prompt investigation of any claims that forced labor products were being exported to the United States. Customs and State Department officials have said that the Chinese have done nothing promptly. A new agreement, signed in March, allows the Chinese a full 60 days from the time the United States asks for an investigation to allowing an investigation. That is enough time not only to clean up the prisons but to outfit them with karaoke nightclubs. Who are the Chinese trying to fool? Well, they fooled Mr. Clinton who today has suggested that sufficient progress has been made in this area. What nonsense.

Human Rights Watch, Amnesty International, the Puebla Institute have all issued reports in the last month detailing the renewed repression of religion, listing priests, ministers, monks, and nuns who are imprisoned or under some other type of detention. All of them have said that religious repression has gotten worse in this past year, and especially since January. Just 3 days ago a 30-year-old Catholic priest was arrested for administering sacraments to an elderly priest.

Of the nearly 1,500 prisoners of conscience listed by Human Rights Watch, only a small fraction have been released, and little new information has been obtained. And this list of 1,500 prisoners is probably only a fraction of those who are victims of the Chinese prison system.

China has not made significant progress in any condition outlined in the Executive order. To reward them now is a scandal. To say now that there is overall significant progress or to take an action that can be construed to suggest this, is a whitewash. Mr. Clinton has succeeded once again in turning away from his campaign promises, turning his back on the victims of repression, and this time—not just coddling dictators—but kneeling down with the Beijing dictators in worship of the almighty dollar. What President Clinton has done is to invite every regime in the world to test our word and to call our bluff. This is scary.

TRACKING COACH DOYLE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I rise today in appreciation of the exceptional dedication exhibited by Coach James T. Doyle during his 14 years of tireless service to our youth as the varsity girl's track coach for John Glenn High School.

The Bangor Township Board of Education, among his many friends and neighbors, this Friday will recognize Coach Doyle's lasting contributions to both school and community with the designation of the "James T. Doyle Track" at John Glenn High School. James Doyle has been a teacher of life's lessons so often found in athletic competition.

As a coach, Mr. Doyle's accomplishments are many. Led by Coach Doyle, the John Glenn team was crowned Bay County champions 11 of 14 years, won 41 invitationals, and were White Pine Conference champions 8 times. Having coached 2 State champions and 60 other State qualifiers, Coach Doyle continues to transform enthusiastic runners into great athletes.

I urge all of my colleagues to wish Coach Doyle, his wife Carol, and daughters Kelly and Sharon our very best as he continues to profoundly affect the lives of our youth, developing attributes of friendship, discipline, and commitment with a track named in his honor worthy of President Clinton's own passion for running.

JUNIOR ENGINEERING AND TECHNICAL SOCIETY OF WARREN AREA HIGH SCHOOL NATIONAL CHAMPIONS IN THE TESTS OF ENGINEERING APTITUDE, MATH AND SCIENCE COMPETITION, WARREN, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the members of the Junior Engineering and Technical Society [JETS], of Warren, PA who recently won first place in the nationwide tests of engineering aptitude, math and science competition.

The following eight young men: Joshua Anderson, Matthew Lewis, Justin Peterson, Sean Smith, Craig Williams, Ryan Bailey, Paul Giannine, and Jason Ritter, should be commended for their ability to work well as a team and to conceptualize solutions to very difficult problems. Truly, these students exemplify the brilliant young minds that will lead America into the next century.

It is also important to recognize the outstanding job of the JETS coach, Beth Otterbein. Her support and guidance led the JETS, from Warren Area High School, in their mission to defeat 70 high schools from across the country, and eventually claim victory at the TEAMS test.

Mr. Speaker, it is my distinct honor to recognize the JETS of Warren, PA for having earned the title of National Champions at the TEAMS competition. These fine young men personify "commitment to excellence" in all of their academic pursuits. It is my privilege to congratulate the JETS for their hard-earned and well-deserved victory.

INTRODUCTION OF THE LONG-TERM CARE ACT OF 1994

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am pleased to cosponsor a long-term care proposal with my colleague from Connecticut, Mrs. KENNELLY, because I believe it will help to move the important issue of long-term care to the forefront of the health care reform debate. This proposal shows that there are bipartisan solutions to the very real world problems that thousands of Americans face regarding their long-term care needs.

For far too long, long-term care services have been viewed as separate and distinct from health care services. It is time to recognize that long-term care is in fact part of the continuum of services that should be incorporated into any health care reform proposal this Congress enacts. The legislation we introduced today will do several things to ensure Americans have access to long-term care insurance so that they may better plan for their individual needs and that individuals with limited resources have access to long-term care services that will allow them to maintain as great a degree of independence as possible through the use of home and community based care.

Long-term care insurance is a rapidly growing market that offers the best option for providing greater coverage for nursing home and home care. Unfortunately, it is expensive to purchase long-term care insurance and policies don't always deliver what they appear to promise. Some insurers have designed long-term care policies that limit their liability in ways purchasers don't suspect. Many policies are medically underwritten to exclude persons with certain illnesses or contain fine print benefit restrictions that limit access to what one would assume was covered care. The legislation we are introducing today will help to develop a public-private partnership which will guarantee individuals who purchase at least 1 year of insurance coverage will be protected against catastrophic long-term care costs.

Although the National Association of Insurance Commissioners has taken steps toward establishing standards for regulating long-term care insurance, most States have been slow to adopt them. This proposal rectifies the inconsistencies in the long-term care insurance market by standardizing policies and the sale of insurance.

In addition, the legislation provides a series of tax changes that will help people afford this important coverage. The bill treats long-term care insurance the same as health and accident insurance, allowing premium deductibility.

States could be required to develop asset protection programs that will provide individuals with a certain level of asset protection based on the level of insurance protection they purchase. By rewarding those taking responsibility for some of their long-term care costs, we can create the kind of partnership necessary to provide affordable security for seniors against the catastrophic costs of institutional care.

Finally, this bill will provide a broader range of options to individuals with limited means—below 250 percent of poverty—to ensure they have access to those long-term home care services which best meet their needs. Specifically, this proposal provides grants to States for the development of home and community based care programs to complement the nursing home care that is currently covered under the Medicaid program.

Taken in its entirety, this proposal provides an outline of the policies which should be included in any reform proposal to provide Americans with the peace of mind they deserve when it comes to protecting themselves and their families. I am proud to cosponsor this proposal.

STATEMENT HONORING CAPT. STEVEN C. WIEGERS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. EWING. Mr. Speaker, today I rise to applaud Capt. Steven C. Wiegers who was raised in Pontiac, IL. Captain Wiegers, along with 27 outstanding young officers, will be presented the General Douglas MacArthur Leadership Award at the Pentagon by Gen. Gordon R. Sullivan, Army Chief of Staff, and retired Gen. Alexander M. Haig, Jr. Captain Wiegers will receive a bronze bust of the late General MacArthur. The General Douglas MacArthur Leadership Award recognizes young officers who demonstrate the ideals for which General MacArthur stood—duty, honor, country.

Capt. Steven C. Wiegers represents the U.S. Army Materiel Command. He was assigned as commander, Headquarters and Military Support Company, U.S. Army Combat Systems Test Activity, Aberdeen Proving Ground, MD, when selected.

Maj. Gen. Richard W. Tragemann nominated Captain Wiegers for this prestigious award. To quote Major General Tragemann:

> As Commander, Captain Wiegers has made an immeasurable contribution to the quality of life of his assigned soldiers and significantly impacted numerous test programs. His diligence, leadership, and technical expertise have played key roles in the outstanding performance of his company, enhancing the mission of this command and promoting the ideals General Douglas MacArthur represented.

Those who supported Captain Wiegers' nomination cite his initiatives which provided the continued success of the developmental testing mission while ensuring the welfare of his soldiers. Through his innovation, enthusiasm, and personal devotion for his soldiers, Captain Wiegers has built and maintained high levels of unit morale and loyalty. Captain Wiegers' nominators also note that his unquestionable integrity, trustworthy demeanor, and unselfish attitude are examples for other soldiers to emulate.

Outside of his official duties, Captain Wiegers volunteers at the Disabled American Veterans Thrift Shop, successfully coordinates fund raising events and coaches little league baseball.

I welcome Captain Wiegers and his family, including his mother Mrs. Shirley Wiegers of Pontiac, IL, to Washington, DC, for the award ceremony at the Pentagon. Congratulations on your outstanding accomplishments. Your home State of Illinois and your country are proud to be served by such a fine individual.

FOCUSSING MFN FOR CHINA ON UNITED STATES INTERESTS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. DREIER. Mr. Speaker, within the next few days, President Clinton is going to make an announcement regarding our Nation's economic and political relations with China. Namely, he will decide whether to maintain normal trade relations with the most populace country in the world, and the third largest economy.

The China MFN debate has now raged for 5 years. During that time, China's economy has roared ahead, placing it squarely in the center of the Asian growth region. In addition, the bipolar cold war ended, dramatically changing the political and security environment in Asia. Finally, there has been a growing recognition here in the United States that economic and strategic relations with the countries of Asia and the Pacific rim are increasingly critical to our future prosperity and security.

I would like to place in the RECORD at this point a short essay by Amos A. Jordan, president of Pacific Forum CSIS, which touches on the different national interests that must be weighed if a sound decision is to be made regarding relations with China.

MAY 16, 1994

FRAMING THE CHINA MFN QUESTION SENSIBLY

As the June 3 deadline approaches for deciding whether or not China's Most Favored Nation (MFN) trade status should continue, the rancorous debate is increasingly off the point. The matter is being wrongly cast as a choice between our commercial interests and human rights ideals. This not only unnecessarily forces an impossible choice, but also evades the real point.

The real issue is whether denial of normal trading relations with China (and normality is what MFN amounts to) will advance or weaken vital American interests. Congressman Lee Hamilton rightly identified the relevant key question: will China "move toward adherence to international norms of behavior—whether the issue is trade, nonproliferation, or human rights—and be a force for stability in East Asia; or become the hegemonic power in East Asia, enforcing its will with military threats and playing a dangerous balance of power game in South Asia, the Persian Gulf, and the Middle East." Our policies can influence the choice.

Of course, United States policy on MFN will not determine China's future, despite continuing illusions of American omnipotence in some quarters—indeed, rather than isolating China by our unilateral actions, there is a greater likelihood we will isolate ourselves. Nevertheless, in the short run at least, China's economic and political prospects will be powerfully influenced by American policy. We need, therefore, to think carefully about the nature of our overall relationship with China as we make the MFN decision. As former Secretary of State Vance and others have said, we cannot let the extraordinarily important and complex Chinese-American relationship be dominated by a single factor.

Looking at the totality of our interests in China, it is clear that the international security ramifications of our relationship with Beijing are important, perhaps vital; yet these are seldom even mentioned in the hubbub about the supposed economic interest-human rights tradeoff. China is already a major regional actor with increasing power projection capabilities and a military modernization effort that profoundly worries its neighbors. Beijing's cooperation on a number of issues is important such as the North Korean nuclear problem, missile proliferation, nuclear weapons testing, proliferation of chemical, biological and nuclear weapons, etc. Thus, the whole complex U.S.-China relationship—with its global ramifications—needs to be placed on the balance beam, not just our commercial interests, important as those are.

Revoking China's MFN status will undoubtedly hurt China, for the U.S. is its largest market; it will particularly damage the modernizing elements in Southeast China and Hong Kong that are the leading exporters and the best hope for building a less repressive China. Retaliation by China is certain, with a resultant downward spiral in the overall relationship clearly predictable. In the current era of economic interdependence, the cost to the United States will also be substantial—the World Bank estimates it will cost American consumers about $14 billion a year. Revocation could cost some two hundred thousand U.S. jobs and entail foregoing major opportunities for American trade and investment for years to come.

We might usefully ask why it is that most Asians take China's side in the matter of human rights. Perhaps it is in part because other nations resent American preaching. As Singapore's Lee Kuan Yew put it in the context of the caning incident, the United States should not be moralizing about human rights in other nations, when American citizens have to cope with "drugs, violence, unemployment and homelessness" because Washington will not recognize that the "government must protect society." In part, Asian's may also align themselves with China because they understand the extraordinary challenge of leading a country of 1.2 billion people, of averting unrest by the hundreds of millions of unemployed or underemployed and the additional hundreds of millions that have been hit heavily by the shift to a market economy. Given such a challenge, they may reason, a Jeffersonian approach to governing is likely to produce chaos with spills-over into its neighbors' territories; Tiananmen was indefensible, but not inexplicable.

As long as China's human rights record remains poor, we can and should continue to press for improvements, preferably in multilateral channels and by diplomatic means. The most promising strategy lies not in sanctions but in broadening China's opening to the West. We have a major stake in not choking that opening and in seeing that China's reforms succeed—in part because, as Senator Baucus has argued, "the most significant human rights developments in China have come as natural results of economic reform rather than from American pressure."

The threat of revocation has resulted in some limited success in the past, but the Chinese now appear ready to call our hand. Since actual revocation serves no one's interests, the time has clearly come for President Clinton to delink MFN from human rights—he can rightly claim that there has been some progress but that the linkage has served its purposes and is now outmoded. Then, he and the nation can turn to the needed fundamental reexamination of the entire US-China relationship and how best to advance the totality of our interests within that relationship.

AMOS A. JORDAN.

HONORING DR. AGIM LEKA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. ENGEL. Mr. Speaker, on June 3 in my home borough of the Bronx, a health care center is being opened to serve the needs of the local Albanian American population.

The driving force behind this effort is Dr. Agim Leka, who has long dreamed of helping his fellow Albanians receive access to quality medical care. Together with Our Lady of Mercy Medical Center, Dr. Leka has forged a unique alliance that will make his dream a reality. I commend Dr. Leka for the dedication he has shown to his people.

Many Albanians, because of their long cultural history of oppression, hesitate to utilize modern health are services. They often rely on home remedies, or no treatment at all, instead of seeking medical intervention. The solution is placing doctors in the community who can communicate with and gain the trust of the people. this is exactly what Dr. Leka is doing by founding the Albanian American Health Center.

The administration of Our Lady of Mercy Medical Center also deserve commendation for reaching out to a community with specific health care needs. I foresee many good works coming from this innovative alliance, and I wish Dr. Leka and his associates much success in this important endeavor.

MAY IS NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, May is National Physical Fitness and Sports Month, conducted by the President's Council on Physical Fitness and Sports. Every American, young and old, should take this opportunity to celebrate and begin a fitness routine.

People who exercise regularly feel better, have more energy, are able to cope with stress better, look better, have toned muscles, and are less likely to be overweight. Those who are not physically active should also know that lack of exercise has been found to play a significant role in mortality and is a major risk factor for heart disease, the Nation's No. 1 killer.

Organizations like the American Heart Association promote regular physical activity to condition the cardiovascular system as part of a total program to reduce heart disease risk. Even low-to-moderate-intensity activities, when done for as little as 20 minutes, can bring benefits. Pleasure walking, climbing stairs, gardening, yardwork, moderate-to-heavy housework, and dancing are examples. More vigorous aerobic activities, such as running, swimming, bicycling, and jumping rope, are best for improving the fitness of the heart and lungs.

In order to raise physically fit children, I believe that children should be introduced to the principles of regular physical exercise and aerobic recreational activities at an early age. To help establish good health habits, the school physical education curriculum should not overemphasize sports and activities that selectively eliminate children who are less skilled. Schools should teach and emphasize that the development and maintenance of an exercise conditioning program provides rich benefits throughout ones life.

I strongly believe that physical education along with health education is an important part of our children's education. A complete education must address the whole child, body and mind. I am proud to say that I sponsored an amendment which was included in Goals 2000 and signed into law by President Clinton. It states:

> All students will have access to physical education and health education to ensure they are healthy and fit.

In order to meet the high standards we have set in Goals 2000, children must master physical and health education along with science and math education.

These disciplines together will make U.S. students ready to learn.

I urge all Americans to challenge themselves this May, National Physical Fitness and Sports Month, to make exercise a regular part of their lives.

FREDERICK A. WALDNER'S RETIREMENT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. GOODLING. Mr. Speaker, today I would like to recognize the retirement of Mr. Frederick A. Waldner, P.E., from the Federal Aviation Administration's Harrisburg, PA Office.

Mr. Frederick A. Waldner retired on May 3, 1994, after over 30 years of distinguished service with the Federal Government, the last 20 being with the Federal Aviation Administration's Harrisburg, PA Airports District Office. A civil engineering graduate of Bucknell University, Lewisburg, PA, Mr. Waldner began his Federal service career in 1963 with the Bureau of Public Roads, now known as the Federal Highway Administration, and worked on a variety of highway construction projects in Oregon, Louisiana, New York, and Pennsylvania. His civilian engineering career was interrupted by a 2-year assignment as a commissioned officer in the U.S. Army, from 1964 to 1966, during which he served his country stateside and in Vietnam. In his capacity as an airport engineer, engineering section chief and project manager, Mr. Waldner was greatly involved in the administration of the FAA's Airport Improvement Program in the States of Pennsylvania and Delaware. In particular, he made notable contributions to the development of major airports at Pittsburgh and Philadelphia. During his tenure, he assisted in the development and execution of the annual FAA Airports Conference in Hershey, PA, the premier event of its kind.

Fred is a registered professional engineer in the Commonwealth of Pennsylvania, a member of the American Society of Civil Engineers, and a member of the National and Pennsylvania Society of Professional Engineers. He is a past president of the Harrisburg, PA Chapter of the Pennsylvania Society of Professional Engineers.

Mr. Waldner's service to his country and dedication to duty have reflected credit to himself and the Federal Aviation Administration and thus is worthy of recognition for his job well done.

RU-486—SUNNY RHETORIC VS. BLOODY REALITY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. SMITH of New Jersey. Mr. Speaker, why is Bill Clinton—the abortion President—so obsessed with pushing abortion here in the United States and overseas?

Why is he willing to use women as guinea pigs in testing RU-486—the newest fad in baby poison. A poison that has maimed and killed women as well.

I rise today to ask my colleagues to read a thoughtful inclusive Wall Street Journal op-ed entitled "RU-486—Sunny Rhetoric vs. Bloody Reality" by Charmaine Crouse Yoest.

Ms. Yoest is an adjunct fellow with the Family Research Council and a fellow in the department of government at the University of Virginia.

[From the Wall Street Journal, May 25, 1994]

RU-486—SUNNY RHETORIC VS. BLOODY REALITY

(By Charmaine Crouse Yoest)

How many times will women be used as guinea pigs? We should have learned some lessons from the Dalkon Shield. DES and maybe even breast implants. But last week, the president announced that RU-486, the French abortion drug, will be coming to America. Thanks to back-door negotiations between the Clinton administration and Roussel-Uclaf, the patent-holder of RU-486, the patent will be donated to the Population Council, a liberal abortion-advocacy group.

Abortion advocates keep telling American women that this drug is "safe and effective"—and both foes and supporters of abortion argue that the abortion procedure is "easy." Yet all these claims are open to serious question.

Just how safe is the RU-486 abortion? It has killed at least one woman in France. In that case, the young woman was dead within an hour after receiving the prostaglandin injection that is the final stage of the four-step RU-486 regime. Abortion advocates keep claiming that RU-486 itself didn't kill her: it was the prostaglandin in the fourth step. That may be true, but it's not particularly relevant. RU-486 abortions without prostaglandin just don't happen.

As a result of that death, smokers and women over age 34 may not take RU-486 in France. Additionally, women are advised not to take the drug if they have any of the following very common conditions: high blood pressure, anemia, gynecologic infections and fibroids.

However, we don't really know just how dangerous RU-486 is. In one of the major studies of women using the drug, published in the New England Journal of Medicine, 75 of the 2.115 women in the study were not followed after receiving the final injection. Did any of them suffer severe, or fatal, complications? We simply don't know.

The record does show that RU-486 has also been responsible for two nonfatal heart attacks. And according to Roussel's own data, out of 950 women studied, 270 required narcotics for intense pain. Seven required blood transfusions.

Janice Raymond, associate director of the MIT-based Institute on Women and Technology—and a bona-fide abortion supporter—is opposing the drug after a thorough review of the scientific literature on RU-486.

So, at best, the jury is still out on "safe." Is the RU-486 regime "effective"? To a degree. But in the one out of 20 times that the unborn child is not killed, its deformities are so severe that Roussel-Uclaf, fearing litigation, requires women to sign an agreement to a surgical abortion. What if a woman changes her mind after taking the first dose of RU-486? Will she be forced, Chinese-style, into a surgical abortion?

The RU-486/prostaglandin regime effectively completes an abortion through inducing the contractions and hemorrhage that expel the unborn child. Supporters of the drug rhapsodize about the increased "privacy" of "taking the pill at home." But they are glossing over the reality that women are administered the drug in a clinic and then sent home to wait as the bleeding begins. The president of Roussel-Uclaf, Edouard Sakiz, says it is "an appalling psychological ordeal." In Europe there are support groups for women who have endured the procedure.

This raises the issue of informed consent. Having advocates like the Population Council bring this drug into the country presents a clear conflict of interest. When a woman comes to participate in the field trials, having heard in the media that RU-486 is easy, will she be told about the side effects and that MIT's Ms. Raymond has questioned the impact of RU-486 on her health? Will she know what she is getting into before it is too late?

It is very troubling that the groups that will be administering an experimental abortion drug with serious potential side effects are the same ones that have demonstrated their opposition to a woman's right to know all the information about surgical abortion. Pro-abortion groups have fought informed consent laws all the way to the Supreme Court.

And what about parental consent? Will 14-year-old girls be given RU-486 and sent home to hemorrhage without their parents' knowing anything about it? All too often, parents are not informed of their daughters' surgical abortions.

Surgical abortion is legal and accessible in the U.S. And, contrary to the hyperbolic pro-abortion rhetoric, RU-486—with its mandatory four doctor visits—is not easier and more private than surgical abortion. It's odd that the same people who say that a 24-hour wait to see a doctor for a surgical abortion is absolutely unacceptable would be promoting chemical abortion, which in its current state is a much more drawn out procedure. Shouldn't we be asking why this questionable drug is so important to them? And to the president?

Quick. Name something the president has done to address breast cancer, a disease that attacks one out of nine women. Name just one other drug for which the president has personally lobbied. What's going on here? Is it women's rights and women's health the president is concerned about—or just abortion at any cost?

USAID'S PLANS FOR STRENGTHENING WID EFFORTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 1994

Mr. HAMILTON. Mr. Speaker, in December 1993, the General Accounting Office released its report on the Agency for International Development's and the Department of State's compliance with the 1973 Percy amendment—section 113 of the Foreign Assistance Act of 1961, as amended. The Percy amendment directed that U.S. foreign assistance efforts focus on integrating women into the economies of developing countries.

On March 16, 1994 I wrote to Administrator Atwood to request that AID report to the Committee on how the issues raised in the GAP report were being addressed.

On April 1 and May 16, 1994, Mr. Atwood provided letters responding to my inquiry. In Mr. Atwood's response, he expresses his personal commitment to addressing the issues raised in the GAO report and outlines specific steps which the agency is taking to insure consistent compliance with the Percy amendment.

The correspondence follows:

AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, April 1, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 16, 1994 requesting that the Agency for International Development (USAID) report to the Committee on Foreign Affairs on how the issues raised by the General Accounting Office (GAO) on women in development are being addressed.

In my response to findings in the report on USAID's and the Department of State's compliance with the 1973 "Percy Amendment," (Section 113 of the Foreign Assistance Act as amended), I outlined some steps that I will take to strengthen and accelerate the Agency's women-in-development program. These steps are summarized below.

By June 1, 1994, USAID Bureau Assistant Administrators will submit to me plans of action delineating steps to be taken by their Bureaus to address gender issues. The plans for both geographic and central Bureaus will be based on Bureau assessments of gender issues.

USAID will require our overseas missions to integrate gender concerns into country strategies and action plans. I have directed that the geographic Bureaus take the lead in establishing plans by July 1, 1994 for negotiating with Missions deadlines for reaching gender integration benchmarks.

Further, USAID will enhance coordination between the Office of Women in Development and USAID Bureaus to better monitor the integration of gender concerns in Bureau and Mission development strategies. To assist in this process we will assure the timely completion of our program performance monitoring system and will continue to explore ways to strengthen the capacity of this system to monitor women-in-development program performance.

I am taking steps to integrate women-in-development policy objectives into non-project assistance programming by directing that guidance be appropriately incorporated into Agency guidance documents, including USAID Handbook 4.

Finally, USAID will continue to explore and implement ways of providing our program managers with information to monitor women-in-development program performance.

I greatly appreciate your enclosing a copy of the letter of March 1, 1994, which you received from Congresswoman Schroeder and your March 16 response to her. As you state to Congresswoman Schroeder, we are taking steps at USAID to ensure that integration of women-in-development concerns in development assistance is a top priority. I believe our response to GAO reflects this effort.

Sincerely,

J. BRIAN ATWOOD,
Administrator.

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, May 16, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In a March 16, 1994 letter you asked me to report to the Committee on how we are resolving the significant issues raised in a recent General Accounting Office report on Women-in-Development (WID).

In an earlier response (copy enclosed), I summarized several of the steps we are taking to follow up on the recommendations in the GAO Report, and to otherwise comply with the provisions of Section 113 of the Foreign Assistance Act of 1961, as amended (the "Percy Amendment"). In this letter, I want to elaborate on the actions I am taking to ensure WID issues are fully integrated into the mainstream of the U.S. Agency for International Development's (USAID) programming process.

As you know, the Percy Amendment has been law for two decades. It concerns me greatly that the GAO Report characterizes USAID's efforts to implement the amendment as "slow and inconsistent." I intend to take an aggressive approach to implementing the Percy Amendment, to ensure we incorporate women in all aspects of USAID's development efforts.

I want to make clear to the Committee, as I have to my USAID colleagues, my personal commitment that a focus on Women-in-Development is critical to our development efforts. I am working to break down the common perception in USAID that WID is either a narrow special interest or one more Congressional directive with which USAID has to comply. WID programs are both important in their own right and because without them we will not achieve our development goals.

Even the most clearly worded legislation on issues, such as women's empowerment and related WID, will not be translated into sustainable development activities unless we inculcate this commitment into the culture at USAID. As the last 20 years have demonstrated, this cultural change at USAID will be difficult, and can not be accomplished without leadership from the top. My Deputy, Carol Lancaster, and I are personally committed to providing the leadership necessary on WID issues throughout the ranks of USAID's political appointees and career employees.

Our commitment to strengthening USAID's WID program is demonstrated in the operational guidance that prefaces our recently issued strategies for sustainable development, of which the role of women is one of the most important cross-cutting themes. That document states:

"* * * the development process must focus on (the) social, political and economic empowerment (of women). We will integrate the needs and participation of women into development programs and into the societal changes those programs are designed to achieve * * *. The success of women—as workers, food producers, health providers and teachers of their children, as managers of natural resources and as participants in a democratic society—is essential to successful development * * * in their design and implementation, (USAID) programs must take gender issues into account and pay particular attention to the needs of women in poverty * * *"

Our policy is clear and I have instructed my Policy and Global Bureaus to monitor its implementation.

To make this mandate a reality will require that our WID office fulfill its potential as a center of expertise and as an instrument for change. In this regard, I am particularly pleased that the President has nominated Ms. Sally Shelton to direct the Bureau in which our Office of Women-in-Development is located, the Bureau for Global Programs, Field Support and Research. Ms. Shelton has a strong commitment to WID issues in general and to strengthening our WID office and programs specifically. If she is confirmed by the Senate for this position, I am confident that she will bring leadership and energy to this program at the bureau level.

We are also conducting an exhaustive search to identify the best qualified individual to direct the WID office. I hope to announce that appointment soon. In addition, as part of our efforts to rightsize USAID, I am pleased to inform you that we will significantly expand the staff of the office of Women-in-Development, with eight full-time positions. We plan to hire permanent staff for these positions wherever possible, as opposed to contractors, to encourage continuity in our programming.

One of my first directives to the Global Bureau and to the new Director of the WID office, working with my Policy Bureau, will be to provide me with recommendations for how the Agency can more effectively monitor the way in which bureaus or missions are carrying out WID policies. As the GAO report underscored, there is a need for us to be able to more consistently track our programs' impact upon women by, at a minimum in most cases, obtaining and analyzing gender disaggregated data. Further, I will ask for a plan for how the WID office can provide leadership to the agency of WID issues and address the inconsistent compliance with Women-in-Development directives at a field level, outlined in the GAO report.

In addition, I will ask the Assistant Administrator for the Global Bureau and the new WID Director to develop recommendations on how a system of incentives and accountability can be designed to reward initiative in incorporating WID concerns and to hold program managers accountable for results. I believe that a system which rewards results on WID issues will be vital to changing the culture of USAID.

Given the significant technical expertise on gender issues which exists outside USAID in the NGO community, it is important for the Agency to develop a consultative relationship with NGOs. I will encourage the new WID director to consult with these groups as they develop their recommendations and plans. Both U.S. and indigenous NGOs have expertise and experience which can help strengthen our WID efforts as we move forward.

Lastly, I will ask our Office of Women-in-Development to work with our Office of Food for Peace to ascertain if there are opportunities to strengthen the incorporation of women in our P.L. 480 programs.

I hope this letter assures you and the Committee that we are taking the GAO Report's findings seriously, and conveys my personal commitment to the Women-in-Development program. Please let me know if I can provide you with further information on this matter.

Sincerely,

J. BRIAN ATWOOD,
Administrator.

SENATE—*Tuesday, June 7, 1994*

The Senate met at 1:30 p.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

For I know the plans that I think toward you, saith the Lord, plans of peace, and not of evil.—Jeremiah 29:11.

Sovereign Lord, You have made it clear in Your Word that You know each of us in the totality of our lives. You love us and You have a perfect plan for us. As the Senate goes back to work, it faces an uncommon challenge—a universal health plan, welfare reform, and the growing threat of violence and crime. As debate ensues, with election day drawing closer and closer, the tendency is that more heat than light is generated.

God of all wisdom, in this milieu of pressure, help the Senators and their staffs realize that a God of perfect love is interested in their activity. He is ready to guide them in the perfection of His will to the best possible resolution to every issue.

Gracious God, lead the Senate in Your perfect way and help them accept that leadership.

In His name who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, there will now be 2 hours for morning business, the first 90 minutes of which will be controlled equally by myself and the minority leader and will be devoted to statements with respect to the 50th anniversary of the D-day invasion.

At 3:30 p.m. today, the Senate will proceed to the consideration of the procurement reform bill. There will be no rollcall votes today. Amendments may be offered, and if votes are required on those amendments, they will be scheduled to occur on tomorrow.

Following the disposition of the procurement reform bill, the Senate will proceed to the airport improvements bill. And then over the next several days it is my hope and expectation that we can begin consideration of the several appropriations bills on which our action will be required, as well as the clean water bill, the striker replacement bill, and a number of other important measures to be considered during this legislative period.

TRIBUTE TO PAUL HOUSTON

Mr. MITCHELL. Mr. President, I wish to express my sorrow at the death of Paul Houston, a longtime congressional reporter for the Los Angeles Times and a familiar face in the Halls of Congress, who passed away on May 29.

Paul's career as a congressional reporter spanned more than 20 years. He played a prominent role in the Times' coverage of Watergate, the House impeachment proceedings against President Nixon, and the Iran-Contra hearings. He also brought to life the less publicized but no less important aspects of the legislative and political process.

His reporting on the legislative agenda was tough, fair, and provocative. His skill and dedication were an example to many younger reporters.

I believe I speak for all Senators when I say that Paul Houston will be missed by those of us who have the honor to serve in Congress, by the many readers who learned about our work through his reporting, and by his many colleagues in the Senate Press Gallery.

THE 50TH ANNIVERSARY OF THE D-DAY INVASION

Mr. MITCHELL. Mr. President, yesterday, President Clinton and many Members of Congress in France observed the 50th anniversary of the D-day invasion.

On June 6, 1944, thousands of allied soldiers embarked on one of history's greatest military undertakings. The conditions were difficult, and there were significant losses. There were 6,500 American casualties alone.

The sacrifices were great, but the results proved to be even greater.

The invasion was a turning point of World War II. Through their successful landing in Normandy, allied troops established a foothold for the liberation of France and the eventual breakthrough into Germany. Months of planning and training and the commitment of thousands of troops and tons of materiel paid off and led to an allied victory. The successful invasion was a crucial stepping stone to achieving the ultimate goal: the defeat of Hitler and the surrender of Nazi Germany.

This outcome was not easily achieved. The troops participating in what was called Operation Overlord faced extraordinary circumstances: parachuting into the darkness to secure roads; landing on the beach in cold, rough seas, each soldier loaded down with at least 60 pounds of gear; encountering heavy German fire across the beaches.

But our troops overcame every obstacle. They fought long and hard and, ultimately, they won.

The success of the invasion set in motion a chain of events that would change the course of history. The Nazi stranglehold on France was released, and over the next 11 months the menace of Nazi Germany was eliminated.

These months were difficult and required the continued commitment and cooperation of the allies. Harsh fighting on the eastern front and the continuing battles on the newly established western front demanded further investments of troops and supplies by the allied nations. Victory required the destruction of Hitler's Nazi Germany, and our troops and their leaders rose to the occasion.

Winston Churchill summed up the magnitude of the threat when he said:

> Victory at all costs, victory in spite of terror, victory however long and hard the road may be; for without victory there is no survival.

We made many sacrifices, and democracy survived; indeed, democracy has flourished. Nations came together to fight a common enemy, and that cooperation was essential to the success of the invasion and in the war itself.

President Roosevelt told our Nation, when he recognized that our future was bound with the future of freedom on the European continent, that we defend a way of life not for Americans alone but for all mankind. He recognized the community of ideals which binds all free nations together. He described the four freedoms on which human life and happiness depend: the freedom of expression, the freedom of worship, the freedom from want, and the freedom from fear.

As we observe the 50th anniversary of the invasion, today the world, of course, looks much different than it did in 1944. The cold war is over. Democracy has triumphed in much of the world. The totalitarian Germany of Hitler has been transformed and is not a reliable democratic ally.

Much of this change can be traced directly to the heroic efforts of those young men who landed on the beaches of Normandy.

They gave their strength, their courage and, in many cases, their lives so that future generations, including ours, could live in freedom and peace.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We are the most fortunate people ever to have lived, to be Americans, citizens of the most open, the most free society in all of human history. We owe much of our good fortune to those who so valiantly served their Nation and the cause of freedom in the D-day invasion of June 6, 1944. They have our ever-lasting admiration and gratitude.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia.

THE ENORMOUS PRICE OF FREEDOM

Mr. COVERDELL. Mr. President, I rise to join my colleagues, both in Europe and here, on the occasion of the 50th anniversary of the invasion of Europe by the Allied armies, officially celebrated this past Monday, yesterday, June 6.

Mr. President, for anyone who was alive at the time of the invasion, it was a defining moment, something that had a profound effect on every American, whether they were coming out the landing craft, flying over Europe, or at home trying to grasp every straw of information, listening to every crackling radio broadcast, trying to understand the fate of the Americans and the Allies as they set forth to accomplish what, until then, had thought to be virtually impossible.

As we try to remember the enormous sacrifice, which still leaves myself and I think most in awe of the courage and fortitude and commitment it must have taken to achieve the landing and the subsequent months of combat, it also crystallizes for each of us all that went before then and since.

Somewhat a facet of irony, Mr. President, was that on the Saturday before the celebration, I had the occasion to visit Andersonville in the southwestern quadrant of the State of Georgia, where is located currently another national cemetery. And, like on the beaches of France, there are rows and rows and rows of markers, nearly 13,000—12,980—from all the existing States of the Union, for those who died in a very brief period, who died in defense of the Union and of freedom.

It is a very somber and sobering experience to be reminded by this beautiful monument, among the many that there are placed by the States of the Union honoring the fallen, but this is a particularly poignant one—about 20 feet tall, maybe 50 feet wide, an attractive woman, with two children at her knees, is pointing across the markers as if to say, "Remember what they have done. Remember what they have done."

And then on each side of the monument are two life-sized gentlemen who are in pensive reflection. My own interpretation is, they are guarding and musing in their minds on the enormous sacrifice.

Many of the deaths were caused by the lack of appropriate food and, more importantly, fouled water. At the height of the calamity, there were some 35,000 Americans in a 26-acre area stockade. And at the height of the crisis, a huge thunderstorm came through the prison. And in the late evening during the thunderstorm, a spring actually burst forth from the land.

Mr. President, one of the things we remember about Normandy so vividly is that, for some reason, it reinforced the individual's importance. Throughout this enormous logistical invasion, we have always remembered Normandy through the action of select individuals. And it has pointed out, as much as anything I have ever seen, that no matter how great the task, it is unattainable without the individual's commitment.

Mr. President, I truly hope, for all the generations that have secured freedom and peace and quality of life in this country as a result of the enormous sacrifice, that the permanent sacrifice paid by these young Americans will be a vivid reminder of the enormous, enormous price of freedom. It comes very expensively.

Mr. President, I yield the floor.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 10 minutes in morning business.

The PRESIDENT pro tempore. Is there objection? There being no objection, the Senator from Colorado [Mr. BROWN] will be recognized for not to exceed 10 minutes.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN, pertaining to the submission of Senate Resolution 219 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(Disturbance in the visitors' galleries.)

The PRESIDENT pro tempore. There will be no demonstrations in these galleries of approval or disapproval.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. ROCKEFELLER].

OUTBREAK OF EXPRESSION FROM THE GALLERIES

Mr. ROCKEFELLER. Mr. President I applaud the action which you just took. I have been in the Senate only 9 years, but I have only experienced, I believe, one instance of an outbreak of expression of some sort from the galleries. That is against the Senate rules. It is not appropriate in this hallowed Chamber, and I applaud the distinguished Presiding Officer for his actions.

Mr. President, in that the leaders have reserved leaders' time for remarks with respect to D-day, I ask unanimous consent that I have such time as I might require for remarks with respect to that subject.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

FREEDOM AT NORMANDY

Mr. ROCKEFELLER. I thank the distinguished Presiding Officer, my friend and senior colleague from West Virginia.

Mr. President, yesterday was an extraordinary day, a very emotional day. I was deeply struck by the President's use of the phrase "we are the children of your sacrifice."

I think there are millions of Americans who share that feeling, and one is constantly optimistic about the nature of the American people and about the nature of American life. I very much hope that the events—not just of yesterday, but those leading up to yesterday—and the emotions, sentiments and facts that relate to what we celebrated yesterday will, in some way, supply part of the healing which we constantly need in this country. I hope it will supply not only a cross-generational healing, but also a sense of respect for what we are capable of doing in America when we set out to accomplish an objective.

It was an extraordinary day and I, therefore, take, Mr. President, a few moments to pay tribute to some very brave American soldiers, sailors and aviators who, 50 years ago, fought for freedom at Normandy on D-day.

The allied invasion of occupied France on D-day, June 6, 1944 set into motion the liberation of a tortured European Continent. As the allied command had hoped, the shorelines of Normandy proved to be the launching point from which the emancipation of Europe and ultimate victory would soon unfold.

The alliance of Americans and British and Canadians and French, and others, who fought together on D-day was held together not only by military code. These brave individuals were bound together through the same values, the same convictions, and the same allegiances. We probably will never know for sure whether or not the more than 150,000 young soldiers and sailors realized—each of them—the full meaning of their undertaking on D-day, as they were carried toward the Normandy coast aboard the largest allied armada ever assembled.

Most of them were really very young. Some not much older than children. All of them, however, believed that some things are truly worth risking the ultimate sacrifice. Things like democracy, liberty, freedom from oppression and tyranny of any kind whatsoever. These individuals—all—had full lives ahead of them. They knew that. There is nothing quite so glorious as the buoyancy of youth.

Yet, they believed in these principles strongly enough to risk their lives in the name of freedom. They are true heroes, Mr. President, and stand as examples to all of us.

Mr. President, I would like to talk for a moment about one such brave soldier, who came in fact from the home county of the Presiding Officer, the President pro tempore of the Senate. I think that this young man's words and actions illustrate the meaning of selfless sacrifice much better than anything I could ever say myself.

Pfc. Walter C. Walker—his family hailed from Beckley, WV—was a junior at Woodrow Wilson High School in Beckley when he enlisted in the Marines in November 1942. He was sent overseas in 1943 at the age of 19, never to return home. After learning of their only son's death in 1944, Mr. and Mrs. Walker received a letter written by that young man—young boy—expressing in a sense his prebattle farewell, perhaps his sense of premonition. Walter wrote to his parents:

> This is the most unusual letter that I've ever written. It may be the last letter I ever write. I'm going into combat, I don't know where, but it will be in a very few days. I am leaving this letter in my sea bag and in case something should happen to me, I hope it will be sent on to you. Just remember I am prepared to go.

A chaplain found that letter as he was checking over the gear of the 20-year-old boy and then sent it on to the boy's family. That letter continued, Mr. President:

> Frankly I think I will come back, but you never can tell what little accident will happen. I am doing this for my country and people I love. So that little children may grow up to be free and not have to take orders from devils like Hitler and Tojo. I will gladly give my life to keep you and dad free as long as you may live.

He added that he wanted his parents to take his insurance money, which was probably not very much, but take that money to fix up their home and to live happily. He said in his letter:

> Please do this last favor for me. I want you to be the happiest mother and dad in Beckley.

These words are extraordinary, deep, and they are very humbling to me. Humbling because they show not only young Walt Walker's selflessness and patriotism but his apparent grasp of why he was venturing into harm's way—to fight for freedom.

Mr. President, today, as I speak, the incredible and turbulent events of D-day stand as 50-year-old historical facts. As the world knows, France had been overrun by the Germans in 1940. Since 1941, Hitler's Third Reich had controlled the entire west coast of Europe. Hitler constructed a mighty defensive line called the Atlantic Wall, an intimidating barrier of steel, concrete, troops and weaponry that followed the shoreline for 22,400 miles. Allied commands agreed that the only way to free the enslaved French people and, indeed, all of Europe was to breach the Atlantic Wall's monumental defenses.

There can be no question that the D-day invasion of Normandy comprised 24 of the bloodiest hours of World War II. American casualties alone are estimated to have been at over 6,600. Overall, 12,500 Allied soldiers lost their lives on that day, and an additional 10,000 were wounded. These losses were painful, profoundly affecting families and loved ones across my home State of West Virginia and the entire country. However, the very least that can be said is that these sacrifices were in no way made in vain.

The course of World War II, which looked very grim in June of 1944, was successfully turned toward an Allied victory as a direct result of the D-day invasion.

Today, as I reflect on the order of the day issued by Gen. Dwight D. Eisenhower, commander of the Allied expeditionary forces, to all Allied troops on the eve of D-day, June 5, 1944, I sincerely believe that every one of those brave young soldiers in fact understood the gravity of their situation. In his order, General Eisenhower spoke with inspiration and sincerity to his troops stating—and these are his words:

> Soldiers, sailors, and airmen of the Allied expeditionary force, you are about to embark on the Great Crusade toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you.

Mr. President, America's D-day warriors risked everything on the shores of Normandy and did so with a spirit and conviction which I think is uniquely American. For this reason, I am immensely grateful to America's D-day veterans and, frankly, stand in awe of them. From now until September 1995, the 50th anniversary of major battles and other events that shaped World War II will spur veterans to return to the sites where they served in Europe and in the Pacific Ocean. Other commemorations will take place across the United States of America.

Let us take these upcoming opportunities to make a solemn promise to America's fallen heroes. Let us pledge to show them, through our actions and our reverence, that we truly understand what it is for which they did in fact die and sacrifice. Let us do that by finding strength and inspiration from the bravery, courage and spirit displayed by America's D-day veterans. Let us continue to uphold steadfastly the democratic ideals and freedoms for which they lived and for which they died, many of them, so many of them so young, 50 years ago.

Mr. President, I also want to note with profound appreciation that 21 of my colleagues in this Senate are veterans of World War II themselves. I commend them all for the courageous military service they have given our Nation. In particular, I wish to recognize my colleague from South Carolina, STROM THURMOND, whose part in the D-day invasion itself was remarkable and something for which I as an American am truly grateful.

These colleagues who served their country through the military, continue to serve the United States with distinction and leadership.

I was profoundly moved also, Mr. President, to see photographs of the President together with Senator INOUYE, Senator DOLE, Senator HOLLINGS, and Senator PELL in their remembrance of their work in fighting in Italy. We come to know each other somewhat in this body, but sometimes we learn things that give us a special kind of respect.

It is for the well-being of the brave men and women who have served in the Armed Forces that the Senate Committee on Veterans' Affairs continues to work diligently. Let me say that. They are what the committee is all about. Just as America's veterans have continued to ensure our Nation's security, I have pledged my chairmanship of the committee to ensuring that the security and care of our Nation's veterans remains steadfast and true.

Without question, veterans deserve the benefits and services their country promised them in return for military service. Veterans deserve the best health care America has to offer, adequate compensation for service-connected disabilities, and to know in their hearts that their country acknowledges the many sacrifices made to keep our country strong.

From now until September 1995, the 50th anniversaries of major battles and other events that shaped World War II will spur veterans to return to the sites where they served in Europe and the Pacific. Other commemorations will take place across the United States. As chairman of the Senate Committee on Veterans' Affairs, I want to take this opportunity to remind Americans that all of us we are still bound today by what bound us 50 years ago. Let us take these upcoming opportunities to make a solemn promise to America's fallen heroes. Let us pledge to show them through our actions and reverence that we truly understand what it is they died for, fought for, and suffered for.

Mr. President, I conclude by borrowing a quote from another fellow West Virginian, Miles Kidd of Sissonville. Miles served with the 82d Airborne Division on D-day in Normandy and survived to tell about his important experiences. Among his many observations in the war I found the following the most insightful. He said:

> I know the people of West Virginia and all in this country appreciate what we did. I would like to think that nobody in our country would ever have to do that again, go through another World War II. It seems to me that there should be some way for civilized people all over the world to avoid wars. It is a waste of human life—not really a waste of life because we accomplished something that had to be accomplished. But on all sides everyone lost an awful lot of young lives, just barely starting out. There ought to be a way to avoid that.

As he said, there in fact ought to be a way to avoid these things.

Mr. President, I again express my deep regard, respect, and awe for Senator THURMOND, for our fellow colleagues who are World War II veterans, and for other veterans all over this country who, I am sure like myself, were profoundly affected by the events, not just of yesterday but of the days that led up to it. I pray that these have been and will continue to be days of healing within our country, days where one generation looks to another, and, says, "Thank you for giving me the freedom that I today have."

Mr. President, I thank the Presiding Officer. I yield the floor.

TRIBUTE TO THE HEROES OF D-DAY

Mr. GRAHAM. Mr. President, yesterday, June 6, marked the 50th anniversary of the D-day invasion. In recognition of this important day, I request that the following statement be entered into the RECORD in tribute to those who participated and risked their lives in this historic event.

On a single day, half a century ago next month, 156,000 Allied troops landed in the province of Normandy, France, in one of the boldest invasions of World War II. Allied paratroopers filled the skies, and soldiers stormed ashore along a 60-mile stretch of beach in what would be one of the greatest amphibious operations in military history. It was D-day, June 6, 1944, and the Allies had launched their campaign to liberate France and overthrow Nazi Germany.

The Allied command spent nearly a year planning for the day. Three million fighting men and women and 16 million tons of materiel were assembled in England from all over the world.

As we commemorate the 50th anniversary of this historic event, I would like to recognize some of the outstanding Americans who risked their lives for our country and for the cause of democracy. Many of those brave soldiers either came from or now reside in my home State of Florida.

Representative SAM GIBBONS, a native of Tampa, FL, where his family has lived for a century, is the only Member of the 103d Congress who took part in the D-day invasion. SAM was a 24-year-old captain in the paratroops when the invasion was launched and was among the 12,000 parachutists from the 101st and 82d Airborne Divisions that dropped into Normandy before dawn on June 6. Nearly 1,000 planes took part in the assault that preceded the landing on the beaches at 6:30 a.m. by the American infantry forces.

SAM was the third man out of his plane and dropped 800 feet to a hard landing with over 35 pounds of ammunition and equipment on his back. In the darkness, Captain GIBBONS and his unit landed at least 6 miles from the planned drop zone, an area crawling with 70,000 German troops. He has recently written a gripping account of his night drop and the ensuing events as he and his small unit fought their way back to their main units battling for a foot hold in the occupied French soil.

When asked why his memories of that day are so vivid after almost 50 years, he observed,

> For most of us, the rest of the war seems to be a blur with a few high spots that we can remember, but D-day and the day following seemed to be burned into our memories. Perhaps it was because it was our first brush with the enemy and death.

Capt. Robert M. Piper, a retired colonel living in Daytona Beach, FL, was a regimental adjutant on D-day and was presented with a Bronze Star for his actions. As he recalls,

> We jumped—everyone was ready for fresh air, come what may—and landed in a farmyard. * * * German patrols and ground troops were alerted, and our contact with them increased. There were strong firefights inside the town. * * * The division had 57 percent casualties. * * * But the American flag was flying in Ste. Mere-Eglise on D-day.

First Lt. Joseph Miller, now retired and living in Sun City Center, FL, was among the troops in the first wave that landed at Utah Beach on D-day. He remembers the day well.

> Our mission was to establish the beachhead, but then we had to fight our way inland to meet the paratroopers and the glider troops that had come in during the night. * * * I saw paratroopers that were shot by the enemy hanging in the trees. And there was this paratrooper lieutenant colonel, he had his .45-caliber pistol in his hand. There was a German kitchen train pulled by horses. He had shot both horses and a couple of guys, and then somebody got him. He was just laying there on the road.

In the face of this horrible nightmare, Joseph Miller found the courage and strength to fulfill his mission.

I am proud today to offer my deepest gratitude to the deceased and living American veterans of this great battle. We honor their love of country and willingness to die in defense of our highest principles.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will make an announcement.

Under the previous order, we are in a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I be permitted to proceed for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Monday, June 6 at the close of business, the Federal debt stood—down to the penny—at exactly $4,605,340,458,317.52. This debt, mind you, was run up by the Congress of the United States, because the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the nonsense from politicians that the Federal debt was run by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I have even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,605 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at $4,605,340,458,317.52.

COMMEMORATING D-DAY

Mr. LIEBERMAN. Mr. President, 50 years after June 6, 1944, the words "D-day" and "Normandy" bring to mind in every American memories of the heroic and selfless deeds of the young men who went ashore on that longest day to liberate Europe from Nazi tyranny. The stories of courage, dedication, and loyalty to comrades in arms as well as to the principles of democracy, liberty, and justice are well known to us all. But as we enjoy the fruits of victory which were won with the blood of young men spilled on the beaches of Normandy and on the fields of northern France, Belgium, Germany, and Italy, let us stop to pay tribute to those who carried the torch of freedom back to the people of Europe. And let us stop to reflect on what their sacrifices mean to us in the midst of this troubled time in which we live.

D-day was a victory of freedom bought at the price of too much of the youth of the United States, Britain, Canada, France, Holland, Denmark, Norway, Poland, Lithuania, Latvia, Estonia, and Russia.

It was a victory of the human spirit—a ringing affirmation that tyranny cannot prevail as long as free men and women are willing to confront it.

It was a victory of military professionalism—without the leadership, vision, planning, and dedication of the military men and women of all the Allies, Normandy would have remained a beach of Nazi barricades, mines, and death.

It was a victory of sacrifice at home—in Britain where the courageous people of the United Kingdom refused to give up even under constant attacks from Nazi air forces and weapons of terror; in all of the occupied countries where freedom-loving peoples refused to accept Nazi domination and fought on through their undergrounds, provided invaluable intelligence to Allied planners, and waited for the day when help would arrive from the world's great democracies; in Russia where ultimately nearly 1 in every 10 Russians died fighting Nazi aggression; and in the United States where victory gardens had sprung up when the United States entered the war, rationing was imposed and endured without grumbling, and children who wanted to do their part to fuel the arsenal of democracy bought war stamps and collected scrap metal and other vital war materials.

The landings at Normandy were possible in large part because American know how, economic vitality, industrial capability, and energy were mustered to build the tools necessary to fight a global war on two diverse fronts and to rearm our Allies while simultaneously equipping our own growing military forces. We should never forget that in many American factories, forges, and mills, it was our mothers and grandmothers, sisters and aunts who carried the load while the men of America went off to war.

When Americans stormed Nazi defenses along the Normandy shore on June 6th 50 years ago, they carried the message to free people everywhere that the world's greatest democracy would not stand idly by and watch the candle of freedom extinguished by the forces of tyranny, injustice, and despotism. We stand for those same principles today. In many ways, the world is a more complicated place 50 years after D-day, but the core values of America have not changed.

On this the 50th anniversary of D-day, we should reaffirm our belief in our principles and our belief in ourselves. Brave and selfless men and women from all over America serve every day in far off places to protect our national interests and to bring peace and freedom to all corners of the world.

We are indeed the descendants of those brave men who fulfilled America's promise not to abandon democracy in 1944. Fifty years later we simply must not forget. As Harold Mohn has said in his poignant poem, "The Headstones White at Saint Laurent":

The headstones that stand mute and still
At Laurent by the sea,
Remind us of the price we paid
To bring France liberty.
Here lie the flower of our youth
Who never lived to see,
The peace for which they fought and died
And hoped would ever be.

* * * * *

God, grant the sacrifice they made
So far across the sea,
Will live within each heart and mind
And not forgotten be.

RECOGNIZING CALLOWAY COUNTY STUDENTS

Mr. FORD. Mr. President, today I would like to draw attention to a group of students and their teacher from Calloway County High School in Murray, KY.

The students—George Bowling, Caleb Brown, Michael Haney, Tom Henninger, Justin Manna, LeAnna McCoy, Paige Patterson, Matt Perry, Jaime Pigg, Josh Roberts, Alexia Schempp, Neal Simmons, Derek Smee, and Crystal Roberts—participated in We the People . . . The Citizen and the Constitution national finals, under the direction of their teacher, William Cowan.

Their presence alone at this national forum on the history and principles of the U.S. Constitution and Bill of Rights, made all Kentuckians proud. Their performance revealed hours of hard work and dedication to mastering the concepts and principles of our political system and its history.

But perhaps even more important, I believe their motivations for taking on this extra school work reveal an intellectual curiosity that will serve them well throughout their lives.

I also want to commend their teacher, William Cowan, for recognizing that the job of educating our young people cannot end when the bell goes off, and that some of the most important lessons often occur beyond the classroom walls.

Sometimes we forget the growing demands being placed on our teachers, and it is always a pleasure to get a chance to show our appreciation for their time and dedication.

In closing, Mr. President, I hope these students will continue to pursue studying their Government, and continue to be involved in the democratic process.

I know that if their performance at the national finals was any indication, they'll make the Commonwealth of Kentucky proud.

COMMEMORATION OF THE 50TH ANNIVERSARY OF D-DAY

Mr. DOMENICI. Mr. President, in the spirit of the celebration of the 50th anniversary of D-day, and the turning point of World War II, I want to extend a personal note of gratitude to all of the veterans who will be gathering today in the towns across America, and the world, to celebrate 50 years of freedom and to reflect on the tremendous sacrifice that it took to win that freedom. This week's events remind us of the dedication, professionalism, and sacrifice that our Armed Forces have offered on behalf of our great Nation.

World War II was the most violent armed conflict in the history of mankind. While World War II continues to absorb the interest of military scholars and historians, as well as veterans, a generation of Americans has grown to maturity largely unaware of the political, social, and military implications of a war that, more than any other, united us as a people with a common purpose.

In one day, 50 years ago, 156,000 American, British, Canadian, Free French, and Polish troops landed on the beaches of Normandy and engaged in one of the bloodiest battles of World War II. From the air and from the sea, soldiers stormed ashore along 60 miles of beach in one of the greatest amphibious operations in the history of mankind. The Allies had launched their campaign to liberate France and overthrow Nazi Germany.

Field Marshal Erwin Rommel, commander of the Germans' coastal defenses in northern France, had often told his subordinates that if the Allies were not thrown back into the sea in the first 24 hours of their invasion, it would all be over for Nazi Germany. Eleven months later Rommel's prediction came true.

The Allied victory did not come without great cost. Thousands of young Americans lost their lives fighting for our freedom, and the freedom of Europe. Millions of American families were torn apart by the war. It took a combined effort as a nation to support, fight, and win World War II. So it is fitting, that with great respect and gratitude for those who gave all of their tomorrow for our today, that we pay tribute to them exactly 50 years after the great turning point in World War II occurred.

We must never forget their daring acts of heroism, but more importantly, we must never forget what it was they valued so much that they were willing to give up their lives. The death and sacrifice of veterans who fought in World War II has bought our Nation 50 years of freedom.

Mr. President, I went to Normandy to celebrate the American spirit which brought the Allies to victory in World War II. I went with pride on behalf of all New Mexicans, but especially on behalf of New Mexican veterans and their families who fought and died to secure our freedom. I thought of all of them during my trip. As a U.S. Senator from New Mexico I want to pay tribute to all the American families who participated in the great triumph and personally made tremendous sacrifice to win our freedom during World War II.

INVASION AT NORMANDY: HONORING THE DEFENDERS OF PEACE AND FREEDOM

Mr. DASCHLE. It is easy today for Americans to take for granted our role as a world power. Our close alliances with Germany, Italy, and Japan are considered natural, beneficial. Yet only 50 years ago, these nations were the enemy, and the very future of the world itself was uncertain.

Yesterday, we celebrated the 50th anniversary of the D-day invasion, when Allied soldiers stormed the beaches at Normandy and went on to help liberate France and the rest of Europe. And although the German Army would fight on against the Allies for another year, D-day would mark the beginning of the fall of the Third Reich.

Never again will the world witness a naval invasion like the one that occurred on June 6, 1944. Having convinced German intelligence that they would attempt a major landing at Calais, the Allied forces sent ashore more than 150,000 soldiers at the beaches of Normandy. Heavy casualties resulted—more than 10,000 men dead or wounded—and yet, when the invasion was complete, the Allies had gained a foothold on the European continent.

Many American soldiers never made it to shore that day, having been shot down by the heavy firepower from German strongpoints high upon the cliffs or drowned by the weight of the gear they carried. Those who did make it to the beach faced continued enemy fire, mortar shells, land mines, and treacherous trips over the cliffs and into territory held by the Germans.

We honor all these soldiers—those who lived to see the liberation of Europe and those who died for that cause. Their supreme sacrifice for freedom and democracy has not been, and never must be, forgotten.

Although the official D-day celebrations are over, our memories of the 50th anniversary of this historic event will not soon fade. For those who fought to liberate Europe during World War II, this has been a time to remember fallen comrades and to take pride in having risked their lives for their country. For those who remained on the homefront on that fateful day 50 years ago, this has been a time to remember how they waited for news of the deadly contest between fascism and democracy. For those who had not yet been born when our men stormed the beaches at Normandy, this has been a time to learn about the sacrifices that an earlier generation had made for our Nation. And for everyone, it has been a time to express our gratitude to these defenders of peace and freedom, for America and for all the world.

THE PASSING OF EZRA TAFT BENSON

Mr. KEMPTHORNE. Mr. President, this past Memorial Day weekend, Idaho and the Nation joined the Church of Jesus Christ of Latter-day Saints in mourning the death of President Ezra Taft Benson.

For the past 9 years, President Benson has lead the L.D.S. Church as prophet, seer, and revelator. During his time as president, church membership grew to nearly 9 million members worldwide.

Idaho is proud to be home to such a great leader. President Benson was born in Whitney, ID, on August 4, 1899. His service in the church included callings as the president of the Boise stake in 1930, president of the Washington, DC stake from 1940 to 1943, president of the European mission following the close of World War II, and a member of the Quorum of the Twelve Apostles.

There was a brief break in his church service from 1953 to 1961 when Elder Benson took a leave of absence from the Quorum of the Twelve to serve as Secretary of Agriculture under President Dwight D. Eisenhower. In announcing his selection for Secretary of Agriculture, President Eisenhower said he was appointing a farmer to the position, and, indeed, Ezra Taft Benson brought his Idaho farmer work ethic to the President's Cabinet.

Ezra Taft Benson has been an inspiration to people inside his church and out. From helping rebuild Europe following World War II, to encouraging members of his church to strengthen their families and read their scriptures, Ezra Taft Benson has touched many lives.

Mr. President, we are saddened by the death of such a great man, but grateful for the life he lived, the good he brought into the world, and the way he represented his family, his church and his Nation.

REGARDING THE 50TH ANNIVERSARY OF D-DAY

Mr. ROBB. Mr. President, the English Channel laps against the French shore in endless waves of grey. I would like to speak for a moment about a time within my memory when those same waves were grey with the steel of ships, and far too often red with the blood of brave men.

Fifty years ago at this moment, the world awaited history's most fearsome storm. Across the island called England, on parade grounds and airfields, at piers and in countless headquarters, Americans prepared to once again put themselves in harm's way for the defense of liberty.

They were our pride, those kids, these men. They came from places called Omaha, and Utah. And they traveled thousands of miles to unfamiliar places with those same familiar names, to offer their lives that others might breathe free.

They came not for personal gain nor glory. They came, simply, to remove a fearful shadow which had descended upon Europe, and which threatened to engulf the world.

In liberation's armada came every sort of American, diverse in background but united in purpose. Their task was by no means assured. Victory would require the defeat of the most successful armed force then operating, in many cases on its home terrain, operating with short lines of communication and supply.

But no foe is so inspiring as unambiguous evil. And no task so rousing as fighting for one's buddies, one's nation, and indeed one's world. American troops bent themselves to that task with relentless precision, inventiveness, and will. And with their very lives.

The Allied triumph led by America not only freed the Old World, it led to a new one. The end of the war brought an economic boom in which American democracy and American-style market economies became the standard against which all others are measured.

As we watch the celebrations of their valor, and the reunions of buddies now older in body but still courageous of spirit, we remember also those who gave the last full measure of devotion. If ever you hear America's dedication to freedom questioned; if ever someone says that ours is a selfish or introspective nation, mention simply this: From just one tiny town in Virginia—Bedford—11 neighbors came to free Europe from tyranny. And, neighbors still, they now lie together beneath the emerald grass of France.

Mr. President, this country owes much to those, some in this body, who took upon themselves the duty of representing in body the ideals of freedom. They were our pride—and so they remain, even today.

UNITED STATES AID TO TAJIKISTAN

Mr. DECONCINI. Mr. President, I have heard reports that the Agency for International Development [AID] is considering limiting assistance programs for Tajikistan to multilateral humanitarian aid. I believe this would be a big mistake, and would also run counter to what the new management at AID hopes to achieve.

The poorest of the former Soviet republics, Tajikistan has had a dismal post-independence history. Reform efforts by a coalition of Democratic and Islamic forces brought armed repression by the Communist leadership, aided by Russian and Uzbek forces. The civil war that erupted there in mid-1992 ravaged the country. Estimates of the dead range between 20 to 50,000, and about half a million inhabitants became refugees and internally displaced people.

Today, though crossborder incursions from Afghanistan by Tajik-Afghan fighters continue, Tajikistan is fairly stable. The best indicator of this welcome development is that most internally displaced people and many refugees have returned home. The Communists have reestablished control over Tajikistan, but negotiations have been underway with Democratic and Islamic groups, and these offer prospects of creating workable relations between the government and the opposition.

In these circumstances, with a ray of hope on the horizon, precisely what Tajikistan needs is development aid. Humanitarian assistance has created a modicum of stability. But there is massive unemployment, and unless people can feed themselves and earn a living, social discontent will erupt again, and the stability that has been gained risks being lost.

I do not have in mind increased aid for Tajikistan, but moneys already allocated should stress development. The basic idea of such programs is helping Tajiks to help themselves, rather than depend on outside humanitarian assistance. For example, the Aga Khan Foundation has submitted a proposal to teach people how to generate sufficient and sustainable food production. Obviously, this would be preferable to sending massive food aid for the West on a long-term basis. There are many other similar projects for creative assistance. Skin diseases have afflicted the population because of the absence of soap. The International Rescue Committee has asked for money to rebuild a soap factory, which would not only use locally available materials to produce a desperately needed commodity, but would also provide jobs.

The new leadership of AID has often spoken about restructuring aid so as to foster self-reliance, rather than to prolong dependence. This is a welcome change from past practices, and I am therefore puzzled by reports that AID would not consider funding developmental programs in Tajikistan. The result would be the exact opposite of what AID says it wants to accomplish.

Mr. President, a recent spate of newspaper stories have focused on dissatisfaction with the conceptualization and implementation of United States assistance to the New Independent States. Tajikistan, where humanitarian efforts have brought solid results, could be a success story for foreign aid, if it is administered with imagination and an eye toward the future.

THE 50TH ANNIVERSARY OF NORMANDY INVASION

Mr. SIMPSON. Mr. President, I had the most distinguished honor and pleasure in August of 1991 to visit Normandy and lay a wreath on the tomb of a Wyoming soldier's grave. Just today, I returned from Normandy again where I was able to mark the 50th anniversary of the now famous D-day invasion, which was the beginning of the end of World War II.

Through these visits, I truly realized why it is so vitally important for us to honor the memories of the hundreds of thousands of Americans and Allied soldiers who suffered and died during World War II. For that reason, I would simply like to reflect for a few moments about just how deeply that event changed the course of history and how important the actions taken that day—June 6, 1944—remain in our world today.

My own recollections of this time in our history are vivid beyond imagination. I was a young boy of 13 and I had charts on my bedroom wall and I knew where every unit of the Allied Forces were moving—from the beaches of Normandy to the interior of the beast—until our forces eventually pierced the black heart of the monster in Berlin, itself. That all occurred. I happened in an astonishingly short range of months. I shall never forget listening to the crackling of the radio and then watching "Movietone News" with Lowell Thomas telling us that our boys were moving forward. Indeed, they were moving forward.

Fifty years ago, 153,000 American, British, and Canadian troops stormed across the English Channel and hit the beaches of northern France, launching a final push that within 11 months crushed the Nazi Germany Army. Their goal was the liberation of Europe and the preservation and restoration of freedom, liberty, and dignity in the western world.

The D-day assault involved 5,000 naval vessels and 11,000 sorties of Allied aircraft. Three divisions of airborne troops, the 82d and the 101st of the United States and the 6th of Britain, dropped inland and captured key military outposts, preventing German reinforcements from reaching them. I think of our beloved colleague, Strom Thurmond, and how he was demonstrating his leadership even then as he led forces of the 82d Airborne through enemy lines in the most extraordinary act of courage. What a man.

I am a veteran of the end of that era and I served in Europe with the occupation forces in Germany. It was also the birth of a new era. The largest amphibious invasion in history laid the foundation for the Marshall plan, the recovery of Europe, and the birth of the Atlantic Alliance—and NATO.

What we must always remember is the absolute awesomeness of it all. As I looked over the vast expanse of white crosses and Stars of David in the American cemetery, I was deeply moved. As one U.S. veteran said: "That represents freedom and blood." Because our collective national memory is often too short, it is of the deepest importance that we commemorate what took place in Normandy 50 years ago.

Today, few wars seem to be based on so just a cause as the struggle against the Nazis. But, let us always keep faith with the virtues that have not changed—valor and sacrifice in the defense of freedom. In honoring them, we will keep their spirit alive. Of course, in the end, the most heroic challenge is not to win future wars, but to avoid them altogether. The task is to ensure that the horrors and evil which made World War II necessary do not arise again—and that our youngest and finest and brightest and strongest men and women never fight again—on any foreign or domestic shore.

FESTA ITALIANA

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the efforts of everyone who has made the Festa Italiana an important cultural event in

New Jersey. This event is a shining example of a cultural festival, celebrating the Italian-American heritage.

Saturday, June 11, 1994, marks the 24th consecutive year of the Festa Italiana. This heritage festival offers the citizens of the State of New Jersey a chance to fully experience Italian-American culture, an indispensable part of American history.

Yet this festival is not just remarkable for bringing together Italian-Americans. All of the proceeds go to a fund which provides free theater tickets, as well as to a scholarship fund for New Jersey high school students. This outstanding dedication to philanthropic causes presents an example for all New Jerseyans and all citizens to follow.

The spirit of cooperation and caring that pervades the entire festival is embodied by the volunteers who sacrifice their time and energy to make the event a success. I commend this attempt by the Italian-American community to remember their ancestral heritage, while still celebrating their experiences in the United States and their success with the American dream.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed 5 extra minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

ON THE 50TH ANNIVERSARY OF THE ALLIED LANDING AT NORMANDY

Mrs. HUTCHISON. Mr. President, I rise to recognize the role of the battleship U.S.S. *Texas* (BB–35) and all of the brave men from my State and from around our Nation who went into harm's way—for freedom's sake—half a century ago.

Fifty years ago yesterday, on June 6, 1944, Gen. Dwight David Eisenhower, Commander in Chief of Allied Forces in Western Europe, sent more than 100,000 men toward the beaches of Normandy, ferried and supported by more than 5,000 Allied ships, more than 1,000 heavy bombers, and 2,000 fighter planes. British and American paratroopers, dropped far from their targeted battle zones due to inclement weather, suffered horrifying casualties but accomplished their vital mission of throwing German expectations and logistics awry. What occurred in the ensuing hours testified to the courage and determination of Allied forces, and to General Eisenhower's brilliant coordination of the air, land, and sea offensive.

The Battleship *Texas*, engaged for several years before Operation Overlord in convoy missions to England, played a crucial role in securing the bitterly contested beachhead at Omaha Beach during the Normandy invasion. At about 4:40 on the morning of the 6th, the battleship arrived some 12,000 yards offshore near Pointe du Hoc. A little more than an hour later, she made her way up the coast, turning her heavy guns inland to stop enemy reinforcements. By midday, the *Texas* had closed in on the beach at about 3,000 yards and had challenged enemy sniper fire and machinegun nests established on the shore. As evening neared, the battleship fired on an enemy anti-aircraft battery west of Vierville.

In the difficult days that followed, the battleship continued to fire on the enemy-held towns of Surrain, Trevieres, and Insigny, withstanding attacks by low-flying German planes. All the while, she succeeded in bombing an enemy mortar battery which had been shelling the beach. In perhaps one of the most heroic of her efforts, the *Texas*, along with the *Arkansas* (BB–33), advanced on the port of Cherbourg. On the morning of June 25, both ships came under fire, and the *Texas* found herself under siege. Relentless enemy gunners killed her helmsman, damaged her fire control tower, and wounded many sailors posted on the navigation bridge. Her commanding officer, Captain Baker, escaped uninjured and cleared the deck. With remarkable tenacity, despite being struck more than 65 times, the battleship's crew continued to deliver fire.

Mr. President, I think all Senators will agree that the officers and crew of the U.S.S. *Texas* displayed great courage in both theaters of the Second World War and their service was consistent with the highest tradition of the U.S. Navy.

Bill Lewis, who now lives in San Antonio, was a 23-year-old squad leader aboard the *Texas*. For him and others, the battleship's prowess at Omaha Beach was commemorated at a ceremony this past weekend at the San Jacinto Battleground State Historical Park in La Porte where the battleship *Texas* is moored today. Navy veteran Beuron Boyd is proud of the *Texas* because it was the first battleship to launch aircraft, and the only surviving battleship to have served in both world wars. He remembers with pride his objective when he boarded the *Texas* in 1943: "The first thing a Texan wants to do is find another Texan."

Texans served with distinction on the ground as well. Fort Worth resident Dwayne Burns was a 19-year-old paratrooper in the 82nd "All American Airborne Division" who made his first combat jump near St. Mere-Eglise. Mr. Burns remembers watching a C–47 crash and turning to prayer for strength. He was among the 28 survivors of his 130-man company. Texan Ernest Raxter of the 101st Airborne Division received a Purple Heart with two Oak Leaf clusters for his participation in the war. At age 72, Mr. Raxter joined a number of veterans who parachuted yesterday into Normandy in commemoration of the anniversary. Also returning to Normandy was Capt. Joe Dawson, who left his hometown of Waco to see combat at Omaha Beach. Captain Dawson has been called by military historians "a symbol of what democracy can do." With initiative, pride, and determination he hit the beaches and led his men through the carnage to begin the momentum that liberated Europe from the clutches of Adolf Hitler.

Lt. Col. James Earl Rudder left Eden, TX, to lead the 2nd Ranger Battalion up the sheer 100-foot cliff to Pointe du Hoc for the first battle of D-day. From the summit, they defeated the Germans who had shelled them from the cliff. Many of the rangers now remember Rudder's courage and compassion, which made him an admirable leader both in battle and in his later responsibilities as mayor of Brady, TX, Texas land commissioner, and finally as the president of Texas A&M University. Gen. Omar Bradley, commander of U.S. forces in Europe, wrote in his biography, "A Soldier's Story," "No soldier in my command has ever been wished a more difficult task than that which befell the 34-year-old commander of this Ranger force, James Earl Rudder." The memory of his inspiration and his leadership survives in the hearts of those who followed him up that cliff on that fateful morning.

All of those who fought in World War II made incredible sacrifices for democracy. They liberated Europe and ensured it would not fall under the fascist yoke.

The beachheads at Normandy might be considered the capstone of what is referred to as the American Century—the acknowledgement of the United States of America as the greatest and most powerful Nation on Earth. But this is not why we were in Europe. What our troops fought and died for, the precious thing they won with their lives on June 6, 1944, at Omaha Beach and in the ensuing months until Hitler's Germany was broken, was liberty and freedom for the world.

Mr. President, it is that legacy, won by the sacrifice of our soldiers, that has been passed down from one generation of Americans to the next since Bunker Hill. We will be judged harshly if we fail to preserve and protect that legacy, or if we fail to pass onto the next generation a full appreciation of "life, liberty and the pursuit of happiness," and the sacrifices that must be made in order to maintain these precious rights for our and future generations.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be recognized in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 2162 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ENFORCING OUR BORDERS

Mrs. FEINSTEIN. Mr. President, last weekend, I went on Saturday night and Sunday to the southwest border in California for the third time in the last year. This 14-mile border in San Diego County accounts for 48 percent of all of the arrests nationally that occur along our entire 1,800-mile border.

I have had a particular interest in, and worked last year as a member of the Appropriations Committee alongside Senator DOMENICI and Chairman HOLLINGS, to obtain a much-needed $40 million appropriation dedicated to beefing up border enforcement by adding new Border Patrol agents, fencing, lighting and high-technology equipment.

When I went to the border this last time, I am very proud to say that I saw a transformation taking place. I came away more convinced than ever that we can enforce our borders against illegal immigration if, as a nation, we choose to do so.

I saw lights in place along the 14-mile border, a nearly complete border fence in place with just two small sections left to be built, and—perhaps most reassuringly—40 new Border Patrol agents just graduated from their training program and on the line.

The difference was clear to see. The Border Patrol reports that it has improved its effectiveness by 14 percent. In other words, the fence, the lighting, and new agents have meant that the number of people apprehended has actually decreased. The word is spreading. Border enforcement is beginning to have an impact.

On my previous visit to the border, 2,000 people were apprehended by the Border Patrol in a single Saturday night as they attempted to cross illegally. The Border Patrol told me then that an equal number got through. That means that the Border Patrol previously put its effectiveness at just 50 percent. When I visited again last week, I was told that—with the new resources already in place—the Patrol's effectiveness in the San Diego sector had increased to 60 percent. I am confident that more resources will mean even better enforcement of our border.

INS Commissioner Doris Meissner has indicated that, with the balance of the appropriations that I helped secure for Fiscal Year 1994, 350 new agents will be hired nationally, 300 of those will be deployed in the San Diego Sector. They, and 238 more agents to be hired by October 1, 1994, will be equipped with encrypted radios, 222 new vehicles, 4 "night scopes," and backed by 231 new support personnel. I look forward to again seeing for myself the difference in Border patrol effectiveness that these resources produce and will fight for further funding to push that effectiveness rating as close to 100 percent as possible.

On a related matter, I was accompanied on my latest border visit by the chief of the Criminal Division of the U.S. Attorney's office for the southern district of California. He pointed out a very real problem. When people are apprehended at the border and "repatriated," arrested and returned to Mexico—they are simply taken just over the line and let go. They are not repatriated into the heart of the country. Consequently, they come back sometimes an hour later or try again a day, a week, or a month later. My latest trip has convinced me that this problem also must be addressed.

The fundamental point that I want to make this afternoon is, however, that we can enforce our borders. I now know from what I have seen with my own eyes that strong border enforcement works. Nobody should say that it is an impossible task. We just cannot say that.

I have legislation pending that would expand the Border Patrol by an additional 1,400 agents over the next 2 years. I am hopeful that it will be discussed in the middle of this month by the Senate Judiciary Committee. If that legislation is enacted, Mr. President, I believe that it will help substantially to fully enforce our borders—north, south, east and west. We can do that by adding additional Border Patrol agents where they are needed, fences where fences will work, lighting where lighting is important, infrared scopes where infrared scopes are necessary.

The United States of America, if we have the will to do so, can enforce its borders against illegal immigration. I believe that we must.

I thank you, Mr. President, and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate turns to S. 1587, the Federal Acquisition Streamlining Act of 1994, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The Senate proceeded to consider the bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes, which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Acquisition Streamlining Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

Sec. 1001. References to Federal Acquisition Regulation.
Sec. 1002. Establishment or maintenance of alternative sources of supply.
Sec. 1003. Clarification of approval authority for use of procedures other than full and open competition.
Sec. 1004. Task order contracts for advisory and assistance services.
Sec. 1005. Acquisition of expert services.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Sec. 1011. Source selection factors.
Sec. 1012. Solicitation provision regarding evaluation of purchase options.
Sec. 1013. Prompt notice of award.
Sec. 1014. Post-award debriefings.
Sec. 1015. Protest file.
Sec. 1016. Award of costs and fees in agency settlement of protests.
Sec. 1017. Two-phase selection procedures.

SUBPART C—KINDS OF CONTRACTS

Sec. 1021. Secretarial determination regarding use of cost type or incentive contract.
Sec. 1022. Technical and conforming amendments.

SUBPART D—MISCELLANEOUS PROVISIONS FOR THE ENCOURAGEMENT OF COMPETITION

Sec. 1031. Repeal of requirement for annual report by advocates for competition.

PART II—CIVILIAN AGENCY ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

Sec. 1051. References to Federal Acquisition Regulation.
Sec. 1052. Establishment or maintenance of alternative sources of supply.
Sec. 1053. Clarification of approval authority for use of procedures other than full and open competition.
Sec. 1054. Task order contracts for advisory and assistance services.
Sec. 1055. Acquisition of expert services.
Sec. 1056. Continued occupancy of leased space.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Sec. 1061. Solicitation, evaluation, and award.
Sec. 1062. Solicitation provision regarding evaluation of purchase options.

Sec. 1063. Prompt notice of award.
Sec. 1064. Post-award debriefings.
Sec. 1065. Protest file.
Sec. 1066. Award of costs and fees in agency settlement of protests.
Sec. 1067. Two-phase selection procedures.

SUBPART C—KINDS OF CONTRACTS

Sec. 1071. Agency head determination regarding use of cost type or incentive contract.
Sec. 1072. Multiyear contracting authority.
Sec. 1073. Severable services contracts crossing fiscal years.
Sec. 1074. Economy Act purchases.

PART III—ACQUISITIONS GENERALLY

Sec. 1091. Policy regarding consideration of contractor past performance.
Sec. 1092. Repeal of requirement for annual report on competition.

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

Sec. 1201. Stabilization of dollar threshold of applicability.
Sec. 1202. Exceptions to cost or pricing data requirements.
Sec. 1203. Limitation on authority to require a submission not otherwise required.
Sec. 1204. Additional special rules for commercial items.
Sec. 1205. Right of United States to examine contractor records.
Sec. 1206. Required regulations.
Sec. 1207. Consistency of time references.
Sec. 1208. Exception for transfers between divisions, subsidiaries, and affiliates.
Sec. 1209. Repeal of superseded provision.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 1251. Revision of civilian agency provisions to ensure uniform treatment of cost or pricing data.
Sec. 1252. Repeal of obsolete provision.

Subtitle C—Research and Development

Sec. 1301. Research projects.
Sec. 1302. Elimination of inflexible terminology regarding coordination and communication of defense research activities.

Subtitle D—Procurement Protests

PART I—PROTESTS TO THE COMPTROLLER GENERAL

Sec. 1401. Protest defined.
Sec. 1402. Review of protests and effect on contracts pending decision.
Sec. 1403. Decisions on protests.
Sec. 1404. Regulations.

PART II—PROTESTS IN THE FEDERAL COURTS

Sec. 1421. Nonexclusivity of remedies.
Sec. 1422. Jurisdiction of the United States Court of Federal Claims.

PART III—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

Sec. 1431. Revocation of delegations of procurement authority.
Sec. 1432. Authority of the General Services Administration Board of Contract Appeals.
Sec. 1433. Periods for certain actions.
Sec. 1434. Dismissals of protests.
Sec. 1435. Award of costs.
Sec. 1436. Dismissal agreements.
Sec. 1437. Jurisdiction of district courts.
Sec. 1438. Matters to be covered in regulations.
Sec. 1439. Definitions.

Subtitle E—Definitions and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

Sec. 1501. Definitions.
Sec. 1502. Delegation of procurement functions.
Sec. 1503. Determinations and decisions.
Sec. 1504. Undefinitized contractual actions: restrictions.
Sec. 1505. Production special tooling and production special test equipment: contract terms and conditions.
Sec. 1506. Regulations for bids.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 1551. Definitions.
Sec. 1552. Delegation of procurement functions.
Sec. 1553. Determinations and decisions.
Sec. 1554. Cooperative purchasing.

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2001. Contract financing.
Sec. 2002. Contracts: vouchering procedures.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2051. Contract financing.

Subtitle B—Cost Principles

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2101. Allowable contract costs.
Sec. 2102. Contract profit controls during emergency periods.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2151. Allowable contract costs.

PART III—ACQUISITIONS GENERALLY

Sec. 2191. Travel expenses of government contractors.

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2201. Consolidation and revision of authority to examine records of contractors.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2251. Authority to examine records of contractors.

Subtitle D—Cost Accounting Standards

Sec. 2301. Exceptions to coverage.
Sec. 2302. Repeal of obsolete deadline regarding procedural regulations for the Cost Accounting Standards Board.

Subtitle E—Administration of Contract Provisions Relating to Price, Delivery, and Product Quality

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2401. Procurement of critical aircraft and ship spare parts; quality control.
Sec. 2402. Contractor guarantees regarding weapon systems.

PART II—ACQUISITIONS GENERALLY

Sec. 2451. Section 3737 of the Revised Statutes: expansion of authority to prohibit setoffs against assignees; reorganization of section; revision of obsolete provisions.
Sec. 2452. Repeal of requirement for deposit of contracts with GAO.

Subtitle F—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2501. Certification of contract claims.
Sec. 2502. Shipbuilding claims.

PART II—ACQUISITIONS GENERALLY

Sec. 2551. Claims jurisdiction of United States district courts and the United States Court of Federal Claims.
Sec. 2552. Contract Disputes Act improvements.
Sec. 2553. Extension of alternative dispute resolution authority.
Sec. 2554. Expedited resolution of contract administration complaints.

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

Sec. 3001. Requirement for independent cost estimates and manpower estimates before development or production.
Sec. 3002. Enhanced program stability.
Sec. 3003. Repeal of requirement to designate certain major defense acquisition programs as defense enterprise programs.
Sec. 3004. Repeal of requirement for competitive prototyping in major programs.
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TITLE V—ACQUISITION MANAGEMENT

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Sec. 5091. Contractor exceptional performance awards.
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TITLE VIII—COMMERCIAL ITEMS

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TITLE IX—EFFECTIVE DATES AND IMPLEMENTATION

Sec. 9001. Effective dates.
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TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

Subpart A—Competition Requirements

SEC. 1001. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 2304 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking out "modifications" and all that follows through "note)" and inserting in lieu thereof "Federal Acquisition Regulation"; and

(2) in subsection (g)(1), by striking out "regulations modified" and all that follows through "note)" and inserting in lieu thereof "Federal Acquisition Regulation".

SEC. 1002. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

Section 2304(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) would ensure the continuous availability of a reliable source of supply of such property or service;

"(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

"(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The determination required of the agency head in paragraph (1) may not be made for a class of purchases or contracts."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1) and (3)".

SEC. 1003. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 2304(f)(1)(B)(i) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "or by an official referred to in clause (ii), (iii), or (iv)".

SEC. 1004. TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§2304a. Task order contracts for advisory and assistance services

"(a) AUTHORITY TO AWARD.—(1) Subject to the requirements of this section, the head of an agency may enter into a contract for advisory and assistance services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of task orders during the specified period of the contract.

"(2) Except as provided in subsection (h), the head of an agency may enter into a contract described in paragraph (1) only under the authority of this section.

"(b) LIMITATION ON CONTRACT PERIOD.—The period of a contract referred to in subsection (a), including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to such contract.

"(c) CONTRACT PROCEDURES.—(1) The head of an agency may use procedures other than competitive procedures to enter into a contract referred to in subsection (a) only if an exception in subsection (c) of section 2304 of this title applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

"(2) The notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

"(3) The solicitation shall include the following:

"(A) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

"(B) The maximum quantity or dollar value of services to be procured under the contract.

"(C) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services to be procured under the contract.

"(4)(A) The head of an agency may, on the basis of one solicitation, award separate contracts under this section for the same or similar services to two or more sources if the solicitation states that the head of the agency has the op tion to do so.

"(B) If, in the case of a contract for advisory and assistance services to be entered into under the authority of this section, the contract period is to exceed 3 years and the contract amount is estimated to exceed $10,000,000 (including all options), the solicitation shall—

"(i) provide for a multiple award authorized under subparagraph (A); and

"(ii) include a statement that the head of the agency may also elect to award only one contract if the head of the agency determines in writing that only one of the offerers is capable of providing the services required at the level of quality required.

"(C) Subparagraph (B) does not apply in the case of a solicitation for which the head of an agency determines in writing that, because the services required under the contract are unique or highly specialized, it is not practicable to award more than one contract.

"(5) A contract referred to in subsection (a) shall contain the same information that is required by paragraph (3) to be included in the solicitation of offers for that contract.

"(d) ORDER PROCEDURES.—(1) The following actions are not required for a task order issued under a contract entered into in accordance with this section:

"(A) A separate notice for such order under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(B) Except as provided in paragraph (2), a competition (or a waiver of competition approved in accordance with section 2304(f) of this title) that is separate from that used for entering into the contract.

"(2)(A) When multiple contracts are awarded pursuant to subsection (c)(4), all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task order in excess of $2,500 that is to be issued under any of the contracts unless—

"(i) the agency's need for the services ordered is of such unusual urgency that competition would result in unacceptable delays in fulfilling the agency's needs;

"(ii) only one such contractor is capable of providing the services required at the level of quality required because the services ordered are unique or so highly specialized;

"(iii) the task order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task order already issued on a competitive basis; or

"(iv) the order must be placed with a particular contractor in order to satisfy a minimum guarantee.

"(B) When a task order is issued in accordance with subparagraph (A), the order shall include a statement of work that clearly specifies all tasks to be performed under the order.

"(3) A protest is not authorized in connection with the issuance or proposed issuance of a task order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

"(e) INCREASES IN SCOPE, PERIOD, OR MAXIMUM VALUE OF CONTRACT.—(1) A task order may not increase the scope, period, or maximum value of the contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(4)(A) Notwithstanding the limitation on the contract period set forth in subsection (b) or in a solicitation or contract pursuant to subsection (c), a contract entered into by the head of an agency under this section may be extended on a sole-source basis for a period not exceeding 6 months if the agency head determines that—

"(i) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

"(ii) the extension is necessary in order to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

"(B) A contract may be extended under the authority of subparagraph (A) only once and only in accordance with the limitations and requirements of this subsection.

"(f) TASK ORDER OMBUDSMAN.—Each head of an agency who awards multiple contracts pursuant to subsection (c)(4) shall appoint or designate a task order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task orders when required under subsection (d)(2). The task order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the agency's competition advocate.

"(g) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the head of an agency entering into such contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

"(h) RELATIONSHIP TO OTHER CONTRACTING AUTHORITY.—Nothing in this section may be construed to limit the authority of the head of an agency to enter into single or multiple task order contracts, or single or multiple delivery order contracts, for property or services (other than advisory and assistance services) under other provisions of this chapter or under any other provision of law.

"(i) ADVISORY AND ASSISTANCE SERVICES DEFINED.—In this section, the term 'advisory and assistance services' has the meaning given such term in section 1105(g) of title 31.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Task order contracts for advisory and assistance services.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 2304 of title 10, United States Code, is amended by striking out subsection (j).

(c) CONFORMING AMENDMENT FOR PROFESSIONAL AND TECHNICAL SERVICES.—Section 2331 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 1005. ACQUISITION OF EXPERT SERVICES.

Section 2304(c)(3) of title 10, United States Code, is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end the following: ", or (C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify".

Subpart B—Planning, Solicitation, Evaluation, and Award

SEC. 1011. SOURCE SELECTION FACTORS.

Section 2305(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(i), by striking out "nonprice-related factors)" and inserting in lieu thereof "nonprice-related factors and subfactors)"; and

(B) in subparagraph (B)(ii), by striking out subclause (I) and inserting in lieu thereof the following:

"(I) either a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) In prescribing the evaluation factors to be included in each solicitation for competitive proposals, the head of an agency—

"(i) shall clearly establish the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

"(ii) shall include cost or price to the Government as an evaluation factor that must be considered in the evaluation of proposals; and

"(iii) shall disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

"(I) significantly more important than cost or price;

"(II) approximately equal in importance to cost or price; or

"(III) significantly less important than cost or price.

"(B) Nothing in this paragraph prohibits an agency from—

"(i) providing additional information in a solicitation, including numeric weights for all evaluation factors; or

"(ii) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest cost or price.".

SEC. 1012. SOLICITATION PROVISION REGARDING EVALUATION OF PURCHASE OPTIONS.

(a) OPTIONS FOR ADDITIONAL PURCHASES.—Subsection (a) of section 2305 of title 10, United States Code, as amended by section 1011, is further amended by adding at the end the following new paragraph:

"(4) The head of an agency, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in such solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the head of the agency has determined that there is a reasonable likelihood that the options will be exercised.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 2301(a) of such title is amended—

(1) by striking out paragraph (7);

(2) by inserting "and" at the end of paragraph (5); and

(3) by striking out "; and" at the end of paragraph (6) and inserting in lieu thereof a period.

SEC. 1013. PROMPT NOTICE OF AWARD.

(a) SEALED BID PROCEDURES.—Section 2305(b)(3) of title 10, United States Code, is amended by adding at the end the following: "As soon as practicable after the date of contract award, the head of the agency shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify all offerors not awarded the contract that the contract has been awarded.".

(b) COMPETITIVE PROPOSALS PROCEDURES.—Section 2305(b)(4)(B) of title 10, United States Code, is amended in the second sentence by striking out "source and shall promptly notify" and inserting in lieu thereof "source. As soon as practicable after the date of contract award, the head of the agency shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify".

SEC. 1014. POST-AWARD DEBRIEFINGS.

Section 2305(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) When a contract is awarded by the head of an agency on the basis of competitive proposals, an unsuccessful offeror, upon written request received by the agency within 3 days

after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award. An employee of the agency shall debrief the offeror promptly after receipt of the request by the agency.

"(B) The debriefing shall include, at a minimum—

"(i) the agency's evaluation of the significant weak or deficient factors in the offeror's offer;

"(ii) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

"(iii) the overall ranking of all offers;

"(iv) a summary of the rationale for the award;

"(v) in the case of a proposal that incorporates equipment that is a commercial item, the make and model of the item incorporated in the offer of the contractor awarded the contract; and

"(vi) reasonable responses to questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

"(C) The debriefing may not include point-by-point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552 of title 5, including information relating to—

"(i) trade secrets;

"(ii) privileged or confidential manufacturing processes and techniques; and

"(iii) commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information.

"(D) Each solicitation for competitive proposals shall include a statement that information described in subparagraph (B) may be disclosed in post-award debriefings.

"(E) If, within one year after the date of the contract award and as a result of a successful procurement protest or otherwise, the agency seeks to fulfill the requirement under the contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the agency shall make available to all offerors—

"(i) the information provided in debriefings under this paragraph regarding the offer of the contractor awarded the contract; and

"(ii) the comparable debriefing information that was prepared with respect to the original offerors.

"(F) The contracting officer shall include a summary of the debriefing in the contract file.".

SEC. 1015. PROTEST FILE.

Section 2305 of title 10, United States Code, is amended by adding at the end the following:

"(e)(1) If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, the head of an agency, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31 and an actual or prospective offeror so requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

"(2) Information exempt from disclosure under the section 552 of title 5 may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

"(3) Regulations implementing this subsection shall be consistent with the regulations regarding the preparation and submission of an agency's protest file (the so-called 'rule 4 file') for protests to the General Services Board of Contract Appeals under section 111 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 759).".

SEC. 1016. AWARD OF COSTS AND FEES IN AGENCY SETTLEMENT OF PROTESTS.

Section 2305 of title 10, United States Code, as amended by section 1015, is further amended by adding at the end the following new subsection:

"(f) If, in connection with a protest, the head of an agency determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the head of the agency may take—

"(1) any action set out in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31; and

"(2) may pay costs described in paragraph (1) of section 3554(c) of title 31 within the limits referred to in paragraph (2) of such section.".

SEC. 1017. TWO-PHASE SELECTION PROCEDURES.

(a) PROCEDURES AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§2305a. Two-phase selection procedures

"(a) PROCEDURES AUTHORIZED.—The head of an agency may use two-phase selection procedures for entering into a contract for the acquisition of property or services when the head of the agency determines that three or more offers will be received for such contract, substantial design work must be performed before an offeror can develop a price or cost proposal for such contract, and the offerors will incur a substantial amount of expenses in preparing the offers.

"(b) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The head of the agency solicits proposals that—

"(A) include information on the offerors'—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(2) The head of the agency evaluates the proposals on the basis of evaluation criteria set forth in the solicitation, except that the head of the agency does not consider cost-related or price-related evaluation factors.

"(3) The head of the agency selects at least three offerors as the most highly qualified to provide the property or services under the contract and requests the selected offerors to submit competitive proposals that include cost or price information.

"(4) The head of the agency awards the contract in accordance with section 2305(b)(4) of this title.

"(c) RESOURCE COMPARISON CRITERION REQUIRED.—In using two-phase selection procedures for entering into a contract, the head of the agency shall establish a resource criterion or a financial criterion applicable to the contract in order to provide a consistent basis for comparing the offerors and their proposals.

"(d) TWO-PHASE SELECTION PROCEDURES DEFINED.—In this section, the term 'two-phase selection procedures' means procedures described in subsection (b) that are used for the selection of a contractor on the basis of cost or price and other evaluation criteria to provide property or services in accordance with the provisions of a contract which requires the contractor to design the property to be acquired under the contract and produce or construct such property.

"(e) APPLICABILITY ONLY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Coast Guard or the National Aeronautics and Space Administration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following:

"2305a. Two-phase selection procedures.".

Subpart C—Kinds of Contracts

SEC. 1021. SECRETARIAL DETERMINATION REGARDING USE OF COST TYPE OR INCENTIVE CONTRACT.

Subsection (c) of section 2306 of title 10, United States Code, is repealed.

SEC. 1022. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF UNNECESSARY CROSS REFERENCE.—Subsection (f) of section 2306 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—Such section is amended by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(c) NEUTERIZATION OF REFERENCE.—Subsection (e)(1) of such section, as redesignated by subsection (b), is amended in the matter above clause (i) by striking out "whenever he finds" and inserting in lieu thereof "whenever the head of the agency finds".

Subpart D—Miscellaneous Provisions for the Encouragement of Competition

SEC. 1031. REPEAL OF REQUIREMENT FOR ANNUAL REPORT BY ADVOCATES FOR COMPETITION.

Subsection (c) of section 2318 of title 10, United States Code, is repealed.

PART II—CIVILIAN AGENCY ACQUISITIONS

Subpart A—Competition Requirements

SEC. 1051. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in subsection (a)(1)(A), by striking out "modifications" and all that follows through "of 1984" and inserting in lieu thereof "Federal Acquisition Regulation"; and

(2) in subsection (g)(1), by striking out "regulations modified" and all that follows through "of 1984," and inserting in lieu thereof "Federal Acquisition Regulation".

SEC. 1052. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

Section 303(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) would ensure the continuous availability of a reliable source of supply of such property or service;

"(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

"(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The determination required of the agency head in paragraph (1) may not be made for a class of purchases or contracts."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1) and (3)".

SEC. 1053. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 303(f)(1)(B)(i) of the Federal Property and Administrative Services Act of 1949 (41

U.S.C. 253(f)(1)(B)(i)) is amended by inserting before the semicolon at the end the following: "or by an official referred to in clause (ii), (iii), or (iv)".

SEC. 1054. TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303G the following new section:

"TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES

"SEC. 303H. (a) AUTHORITY TO AWARD.—(1) Subject to the requirements of this section, the head of an executive agency may enter into a contract for advisory and assistance services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of task orders during the specified period of the contract.

"(2) Except as provided in subsection (h), the agency head may enter into a contract described in paragraph (1) only under the authority of this section.

"(b) LIMITATION ON CONTRACT PERIOD.—The period of a contract referred to in subsection (a), including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to such contract.

"(c) CONTRACT PROCEDURES.—(1) An agency head may use procedures other than competitive procedures to enter into a contract referred to in subsection (a) only if an exception in subsection (c) of section 303 applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

"(2) The notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

"(3) The solicitation shall include the following:

"(A) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

"(B) The maximum quantity or dollar value of the services to be procured under the contract.

"(C) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services to be procured under the contract.

"(4)(A) An agency head may, on the basis of one solicitation, award separate contracts under this section for the same or similar services to two or more sources if the solicitation states that the agency head has the option to do so.

"(B) If, in the case of a contract for advisory and assistance services to be entered into under the authority of this section, the contract period is to exceed 3 years and the contract amount is estimated to exceed $10,000,000 (including all options), the solicitation shall—

"(i) provide for a multiple award authorized under subparagraph (A); and

"(ii) include a statement that the agency head may also elect to award only one contract if the agency head determines in writing that only one of the offerers is capable of providing the services required at the level of quality required.

"(C) Subparagraph (B) does not apply in the case of a solicitation for which the agency head determines in writing that, because the services required under the contract are unique or highly specialized, it is not practicable to award more than one contract.

"(5) A contract referred to in subsection (a) shall contain the same information that is required by paragraph (3) to be included in the solicitation of offers for that contract.

"(d) ORDER PROCEDURES.—(1) The following actions are not required for a task order issued under a contract entered into in accordance with this section:

"(A) A separate notice for such order under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(B) Except as provided in paragraph (2), a competition (or a waiver of competition approved in accordance with section 303(f)) that is separate from that used for entering into the contract.

"(2)(A) When multiple contracts are awarded pursuant to subsection (c)(4), all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task order in excess of $2,500 that is to be issued under any of the contracts unless—

"(i) the agency's need for the services ordered is of such unusual urgency that competition would result in unacceptable delays in fulfilling the agency's needs;

"(ii) only one such contractor is capable of providing the services required at the level of quality required because the services ordered are unique or highly specialized;

"(iii) the task order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task order already issued on a competitive basis; or

"(iv) the order must be placed with a particular contractor in order to satisfy a minimum guarantee.

"(B) When a task order is issued in accordance with subparagraph (A), the order shall include a statement of work that clearly specifies all tasks to be performed under the order.

"(3) A protest is not authorized in connection with the issuance or proposed issuance of a task order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

"(e) INCREASES IN SCOPE, PERIOD, OR MAXIMUM VALUE OF CONTRACT.—(1) A task order may not increase the scope, period, or maximum value of the contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 303 and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(4)(A) Notwithstanding the limitation on the contract period set forth in subsection (b) or in a solicitation or contract pursuant to subsection (c), a contract entered into by the head of an agency under this section may be extended on a sole-source basis for a period not exceeding 6 months if the agency head determines that—

"(i) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

"(ii) the extension is necessary in order to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

"(B) A contract may be extended under the authority of subparagraph (A) only once and only in accordance with the limitations and requirements of this subsection.

"(f) TASK ORDER OMBUDSMAN.—Each agency head who awards multiple contracts pursuant to subsection (c)(4) shall appoint or designate a task order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task orders when required under subsection (d)(2). The task order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the agency's competition advocate.

"(g) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the agency head entering into such contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

"(h) RELATIONSHIP TO OTHER CONTRACTING AUTHORITY.—Nothing in this section may be construed to limit the authority of the head of an agency to enter into single or multiple task order contracts, or single or multiple delivery order contracts, for goods or services (other than advisory and assistance services) under other provisions of this title or under any other provision of law.

"(i) ADVISORY AND ASSISTANCE SERVICES DEFINED.—In this section, the term 'advisory and assistance services' has the meaning given such term in section 1105(g) of title 31, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section is amended by inserting after the item relating to section 303G the following new item:

"Sec. 303H. Task order contracts for advisory and assistance services.".

SEC. 1055. ACQUISITION OF EXPERT SERVICES.

(a) EXCEPTION TO REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES.—Section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end the following: ", or (C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify".

(b) PROCUREMENT NOTICE.—

(1) AMENDMENT OF OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)) is amended—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the procurement is for the services of an expert for use in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.".

(2) AMENDMENT OF SMALL BUSINESS ACT.—Section 8(g) of the Small Business Act (15 U.S.C. 637(c)) is amended—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the procurement is for the services of an expert for use in any litigation or dispute (including preparation for any foreseeable litigation or dispute) that involves or could involve the Federal Government in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.".

(c) REPEAL OF AMENDMENTS TO UNCODIFIED TITLE.—The following provisions of law are repealed:

(1) Section 532 of Public Law 101–509 (104 Stat. 1470) and the provision of law set out in quotes in that section.

(2) Section 529 of Public Law 102–393 (106 Stat. 1761) and the matters inserted and added by that section.

SEC. 1056. CONTINUED OCCUPANCY OF LEASED SPACE.

Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) For the purposes of applying subsection (c)(1) in the case of a follow-on lease to be entered into for the purpose of providing for continued occupancy of particular space in leased real property by a Federal agency, space may be treated as being available only from the lessor of such space and may be acquired through the use of procedures other than competitive procedures (without the justification otherwise required by subsection (f)) if a written determination is made by the contracting officer that—

"(i) the occupying agency has a continuing need for the space;

"(ii) the space meets the needs of the agency; and

"(iii) the lessor is willing to continue to provide the space at a fair market price determined by the contracting officer on the basis of a market survey or an appraisal conducted in accordance with generally accepted real property appraisal standards.

"(B) The authority under subparagraph (A) to use procedures other than competitive procedures to enter into a follow-on lease may be exercised not more than once to provide for continued occupancy of particular space in real property by a particular Federal agency. The period of such follow-on lease may not exceed 5 years.

"(C) Nothing in this paragraph may be construed to prohibit the use of procedures other than competitive procedures to enter into a follow-on lease of real property for continued occupancy of particular space in real property by a Federal agency when an exception set forth in subsection (c) applies and the use of such procedures is justified and approved in accordance with subsection (f).".

Subpart B—Planning, Solicitation, Evaluation, and Award

SEC. 1061. SOLICITATION, EVALUATION, AND AWARD.

(a) CONTENT OF SOLICITATION.—Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended—

(1) in subsection (b)(1)(A)—

(A) by inserting "and significant subfactors" after "all significant factors"; and

(B) by striking out "(including price)" and inserting "(including cost or price, cost-related or price-related factors and subfactors, and noncost-related or nonprice-related factors and subfactors)";

(2) in subsection (b)(1)(B), by inserting "and subfactors" after "factors";

(3) in subsection (b)(2)(B), by striking out clause (i) and inserting in lieu thereof the following:

"(i) either a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and"; and

(4) by adding at the end the following new subsection:

"(c)(1) In prescribing the evaluation factors to be included in each solicitation for competitive proposals, an agency head—

"(A) shall clearly establish the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

"(B) shall include cost or price to the Government as an evaluation factor that must be considered in the evaluation of proposals; and

"(C) shall disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

"(i) significantly more important than cost or price;

"(ii) approximately equal in importance to cost or price; or

"(iii) significantly less important than cost or price.

"(2) Nothing in this subsection prohibits an agency from—

"(A) providing additional information in a solicitation, including numeric weights for all evaluation factors; or

"(B) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest price or cost.".

(b) EVALUATION AND AWARD.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) in subsection (a), by inserting ", and award a contract," after "competitive proposals";

(2) in subsection (c), by inserting "in accordance with subsection (a)" in the second sentence after "shall evaluate the bids"; and

(3) in subsection (d)—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) An agency head shall evaluate competitive proposals in accordance with subsection (a) and may award a contract—

"(A) after discussions with the offerors, provided that written or oral discussions have been conducted with all responsible offerors who submit proposals within the competitive range; or

"(B) based on the proposals received and without discussions with the offerors (other than discussions conducted for the purpose of minor clarification), provided that, as required by section 303A(b)(2)(B)(i), the solicitation included a statement that proposals are intended to be evaluated, and award made, without discussions, unless discussions are determined to be necessary.";

(B) by striking out paragraphs (2) and (3) and by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B), by inserting "cost or" before "price" in the first sentence.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to—

(A) solicitations for sealed bids or competitive proposals issued after the end of the 180-day period beginning on the date of the enactment of this Act; and

(B) contracts awarded pursuant to those solicitations.

(2) AUTHORITY TO APPLY AMENDMENTS EARLY.—The head of an executive agency may apply the amendments made by this section to solicitations issued before the end of the period referred to in paragraph (1). The head of the executive agency shall publish in the Federal Register notice of any such earlier date of application at least 10 days before that date.

SEC. 1062. SOLICITATION PROVISION REGARDING EVALUATION OF PURCHASE OPTIONS.

Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a), as amended by section 1061(a)(4), is further amended by adding at the end the following new subsection:

"(d) An agency head, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in such solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the agency head has determined that there is a reasonable likelihood that the options will be exercised.".

SEC. 1063. PROMPT NOTICE OF AWARD.

(a) SEALED BID PROCEDURES.—Subsection (c) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by adding at the end the following: "As soon as practicable after the date of contract award, the agency head shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify all offerors not awarded the contract that the contract has been awarded.".

(b) COMPETITIVE PROPOSALS PROCEDURES.—Paragraph (2) of section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)), as redesignated by section 1061(b)(3)(B), is amended in the second sentence by striking out "source and shall promptly notify" and inserting in lieu thereof "source. As soon as practicable after the date of contract award, the agency head shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify".

SEC. 1064. POST-AWARD DEBRIEFINGS.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) When a contract is awarded by the head of an executive agency on the basis of competitive proposals, an unsuccessful offeror, upon written request received by the agency within 3 days after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award. An employee of the executive agency shall debrief the offeror promptly after receipt of the request by the agency.

"(2) The debriefing shall include, at a minimum—

"(A) the executive agency's evaluation of the significant weak or deficient factors in the offeror's offer;

"(B) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

"(C) the overall ranking of all offers;

"(D) a summary of the rationale for the award;

"(E) in the case of a proposal that incorporates equipment that is a commercial item, the make and model of the item incorporated in the offer of the contractor awarded the contract; and

"(F) reasonable responses to questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(3) The debriefing may not include point-by-point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552 of title 5, United States Code, including information relating to—

"(A) trade secrets;

"(B) privileged or confidential manufacturing processes and techniques; and

"(C) commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information.

"(4) Each solicitation for competitive proposals shall include a statement that information described in paragraph (2) may be disclosed in post-award debriefings.

"(5) If, within one year after the date of the contract award and as a result of a successful procurement protest or otherwise, the executive agency seeks to fulfill the requirement under the contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the agency head shall make available to all offerors—

"(A) the information provided in debriefings under this subsection regarding the offer of the contractor awarded the contract; and

"(B) the comparable debriefing information that was prepared with respect to the original offerors.

"(6) The contracting officer shall include a summary of the debriefing in the contract file.".

SEC. 1065. PROTEST FILE.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b), as amended by section 1064(1), is further amended by adding at the end the following:

"(h)(1) If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, an agency head, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31, United States Code, and an actual or prospective offeror so requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

"(2) Information exempt from disclosure under section 552 of title 5, United States Code, may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

"(3) Regulations implementing this subsection shall be consistent with the regulations regarding the preparation and submission of an agency's protest file (the so-called 'rule 4 file') for protests to the General Services Board of Contract Appeals under section 111 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 759).".

SEC. 1066. AWARD OF COSTS AND FEES IN AGENCY SETTLEMENT OF PROTESTS.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b), as amended by section 1065, is further amended by adding at the end the following new subsection:

"(i) If, in connection with a protest, an agency head determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the agency head may take—

"(1) any action set out in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31, United States Code; and

"(2) may pay costs described in paragraph (1) of section 3554(c) of such title within the limits referred to in paragraph (2) of such section.".

SEC. 1067. TWO-PHASE SELECTION PROCEDURES.

(a) PROCEDURES AUTHORIZED.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1054, is further amended by inserting after section 303H the following new section:

"TWO-PHASE SELECTION PROCEDURES

"SEC. 303I. (a) PROCEDURES AUTHORIZED.—The head of an executive agency may use two-phase selection procedures for entering into a contract for the acquisition of property or services when the agency head determines that three or more offers will be received for such contract, substantial design work must be performed before an offeror can develop a price or cost proposal for such contract, and the offerors will incur a substantial amount of expenses in preparing the offers.

"(b) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency head solicits proposals that—

"(A) include information on the offerors'—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(2) The agency head evaluates the proposals on the basis of evaluation criteria set forth in the solicitation, except that the agency head does not consider cost-related or price-related evaluation factors.

"(3) The agency head selects at least three offerors as the most highly qualified to provide the property or services under the contract and requests the selected offerors to submit competitive proposals that include cost or price information.

"(4) The agency head awards the contract in accordance with section 303B(d).

"(c) RESOURCE COMPARISON CRITERION REQUIRED.—In using two-phase selection procedures for entering into a contract, the agency head shall establish a resource criterion or a financial criterion applicable to the contract in order to provide a consistent basis for comparing the offerors and their proposals.

"(d) TWO-PHASE SELECTION PROCEDURES DEFINED.—In this section, the term 'two-phase selection procedures' means procedures described in subsection (b) that are used for the selection of a contractor on the basis of cost or price and other evaluation criteria to provide property or services in accordance with the provisions of a contract which requires the contractor to design the property to be acquired under the contract and produce or construct such property.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1054, is further amended by inserting after the item relating to section 303H the following new item:

"Sec. 303I. Two-phase selection procedures.".

Subpart C—Kinds of Contracts

SEC. 1071. AGENCY HEAD DETERMINATION REGARDING USE OF COST TYPE OR INCENTIVE CONTRACT.

Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended by striking out the second sentence.

SEC. 1072. MULTIYEAR CONTRACTING AUTHORITY.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1067, is further amended by inserting after section 303I the following new section:

"MULTIYEAR CONTRACTS

"SEC. 303J. (a) AUTHORITY.—The head of an executive agency may enter into a multiyear contract for the acquisition of property or services if—

"(1) funds are available and obligated for such contract, for the full period of the contract or for the first fiscal year in which the contract is in effect, and for the estimated costs associated with any necessary termination of such contract; and

"(2) the agency head determines that—

"(A) the need for the property or services is reasonably firm and continuing over the period of the contract; and

"(B) a multiyear contract will serve the best interests of the United States by encouraging effective competition or promoting economy in administration, performance, and operation of the agency's programs.

"(b) TERMINATION CLAUSE.—A multiyear contract entered into under the authority of this section shall include a clause that provides that the contract shall be terminated if funds are not made available for the continuation of such contract in any fiscal year covered by the contract. Amounts available for paying termination costs shall remain available for such purpose until the costs associated with termination of the contract are paid.

"(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to modify or affect any other provision of law that authorizes multiyear contracts.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1067, is further amended by inserting after the item relating to section 303I the following new item:

"Sec. 303J. Multiyear contracts.".

SEC. 1073. SEVERABLE SERVICES CONTRACTS CROSSING FISCAL YEARS.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1072, is further amended by inserting after section 303J the following new section:

"SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS

"SEC. 303K. (a) AUTHORITY.—The head of an executive agency may enter into a severable contract for procurement of services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) AVAILABILITY OF FUNDS.—To the extent provided in appropriations Acts, funds obligated for a contract entered into under the authority of subsection (a) shall remain available until no longer needed to pay for such contract.

"(c) SEVERABLE CONTRACT DEFINED.—In this section, the term 'severable contract' means a contract that contains a clause that makes the effectiveness of the contract for periods after the end of the fiscal year in which the performance of the contract begins subject to the availability of appropriations.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1072, is further amended by inserting after the item relating to section 303J the following new item:

"Sec. 303K. Severable services contracts for periods crossing fiscal years.".

SEC. 1074. ECONOMY ACT PURCHASES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to include regulations governing *the exercise of the authority under section 1535 of title 31, United States Code, for Federal agencies to purchase goods and services under contracts entered into or administered by other agencies.*

(b) CONTENT OF REGULATIONS.—The regulations prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a contracting officer of the ordering agency with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the ordering agency; or

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the senior procurement official responsible for purchasing by the ordering agency; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Administrator for Federal Procurement Policy shall ensure that, not later than one year after the date of the enactment of this Act, systems for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations prescribed pursuant to subsection (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

PART III—ACQUISITIONS GENERALLY

SEC. 1091. POLICY REGARDING CONSIDERATION OF CONTRACTOR PAST PERFORMANCE.

(a) POLICY.—Section 2 of the Office of Federal Procurement Policy Act (41 U.S.C. 401) is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(14) establishing policies and procedures that encourage the consideration of contractors' past performance in the selection of contractors.".

(b) GUIDANCE REQUIRED.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following:

"(j)(1) Congress makes the following findings:

"(A) Past contract performance of an offeror is one of the relevant factors that contracting officials of executive agencies should consider in entering into contracts.

"(B) It is appropriate for a contracting official to consider past contract performance of an offeror as an indicator of the likelihood that the offeror will successfully perform a contract to be entered into by that official.

"(2) The Administrator shall prescribe for executive agencies guidance regarding consideration of the past contract performance of offerors in awarding contracts. The guidance shall include—

"(A) standards for evaluating past performance with respect to cost (when appropriate), schedule, compliance with technical or functional specifications, and other relevant performance factors that facilitate consistent and fair evaluation by all executive agencies;

"(B) policies for the collection and maintenance of information on past contract performance that, to the maximum extent practicable, facilitate automated collection, maintenance, and dissemination of information and provide for ease of collection, maintenance, and dissemination of information by other methods, as necessary; and

"(C) policies for ensuring that offerors are afforded an opportunity to submit information on past contract performance and that information submitted by offerors is considered.

"(3) The Administrator shall prescribe for all executive agencies the policy regarding the period for which information on past performance of offerors may be maintained and considered.

"(4) In the case of an offeror regarding whom there is no information on past contract performance or regarding whom information on past contract performance is not available, the offeror may not be evaluated favorably or unfavorably on the factor of past contract performance.".

SEC. 1092. REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON COMPETITION.

Section 23 of the Office of Federal Procurement Policy Act (41 U.S.C. 419) is repealed.

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

SEC. 1201. STABILIZATION OF DOLLAR THRESHOLD OF APPLICABILITY.

(a) REPEAL OF REVERSION TO LOWER THRESHOLD.—Paragraph (1)(A) of section 2306a(a) of title 10, United States Code, is amended—

(1) in clause (i), by striking out "and before January 1, 1996,"; and

(2) in clause (ii), by striking out "or after December 31, 1995,".

(b) ADJUSTMENTS FOR CHANGES IN DOLLAR VALUES.—Section 2306a(a) of such title is amended by adding at the end the following new subparagraph:

"(7) Effective on October 1 of each year that is divisible by 5, each amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

SEC. 1202. EXCEPTIONS TO COST OR PRICING DATA REQUIREMENTS.

(a) EXCEPTIONS STATED.—Subsection (b) of section 2306a of title 10, United States Code, is amended to read as follows:

"(b) EXCEPTIONS.—(1) Submission of cost and pricing data shall not be required under subsection (a)—

"(A) in the case of a contract, a subcontract, or a contract or subcontract modification, for which the price agreed upon is based on—

"(i) adequate price competition;

"(ii) established catalog or market prices of commercial items or of services customarily used for other than Government purposes, as the case may be, that are sold in substantial quantities to the general public; or

"(iii) prices set by law or regulation; or

"(B) in an exceptional case when the head of the agency concerned determines that the requirements of this section may be waived and states in writing the reasons for such determination.

"(2) Submission of cost and pricing data shall not be required under subsection (a) in the case of a modification of a contract or subcontract for a commercial item if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost and pricing data may not be required by reason of paragraph (1)(A);

"(B) the modification is not a case in which paragraph (1)(A) prohibits the head of an agency from requiring submission of cost and pricing data; and

"(C) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of a noncommercial item.".

(b) CONFORMING AMENDMENT TO REFERENCE.—Subsection (a)(5) of such section is amended by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(1)(B)".

SEC. 1203. LIMITATION ON AUTHORITY TO REQUIRE A SUBMISSION NOT OTHERWISE REQUIRED.

Subsection (c) of section 2306a of title 10, United States Code, is amended to read as follows:

"(c) LIMITATION ON AUTHORITY TO REQUIRE COST OR PRICING DATA.—When cost or pricing data are not required to be submitted under this section by reason of a $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection) or by reason of an exception set forth in paragraph (1)(A) or (2) of subsection (b), submission of such data may not be required unless the head of an agency concerned determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract to which the data relate. In any case in which the head of an agency requires such data to be submitted in accordance with the preceding sentence, the agency head shall document in writing the reasons for such requirement.".

SEC. 1204. ADDITIONAL SPECIAL RULES FOR COMMERCIAL ITEMS.

Section 2306a of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (i), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADDITIONAL EXCEPTION PROVISIONS REGARDING COMMERCIAL ITEMS.—(1) To the maximum extent practicable, the head of an agency shall conduct procurements of commercial items on a competitive basis.

"(2) In any case in which it is not practicable to conduct a procurement of a commercial item on a competitive basis and the procurement is not covered by an exception in subsection (b), the contracting officer shall nonetheless exempt a contract, subcontract, or modification of a contract or subcontract under the procurement from the requirements of subsection (a) if the contracting officer develops or obtains from the offeror or contractor, or from another source or sources, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the

same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be.

"(3)(A) In accordance with procedures prescribed in the Federal Acquisition Regulation, the head of an agency shall have the right to examine all information provided by an offeror, contractor, or subcontractor pursuant to paragraph (2) and all books and records of such offeror, contractor, or subcontractor that directly relate to such information in order to determine whether the agency is receiving accurate information required under this section.

"(B) The right under subparagraph (A) shall expire 3 years after the date of award of the contract, or 3 years after the date of the modification of the contract, with respect to which the information was provided.".

SEC. 1205. RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.

Section 2306a of title 10, United States Code, is amended by striking out subsection (g), as redesignated by section 1204(1), and inserting in lieu thereof the following:

"(g) Right of United States To Examine Contractor Records.—For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section, the head of an agency shall have the rights provided by section 2313 of this title.".

SEC. 1206. REQUIRED REGULATIONS.

Section 2306a of title 10, United States Code, as amended by sections 1204 and 1205, is further amended by inserting after subsection (g) the following new subsection:

"(h) Required Regulations.—The Secretary shall prescribe regulations concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section because the price of the procurement to the United States is not expected to exceed an applicable $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection). Such information, at a minimum, shall include appropriate information on the prices at which such offeror has previously sold the same or similar products.".

SEC. 1207. CONSISTENCY OF TIME REFERENCES.

Section 2306a of title 10, United States Code, as amended by section 1204(1), is further amended—

(1) in subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4), by inserting "or, if applicable consistent with paragraph (1)(B), another date agreed upon between the parties," after "(or price of the modification)"; and

(2) in subsection (i), by inserting "or, if applicable consistent with subsection (d)(1)(B), another date agreed upon between the parties" after "(or the price of a contract modification)".

SEC. 1208. EXCEPTION FOR TRANSFERS BETWEEN DIVISIONS, SUBSIDIARIES, AND AFFILIATES.

Subsection (i) of section 2306a of title 10, United States Code, as redesignated by section 1204(1), is amended to read as follows:

"(i) Definitions.—In this section:

"(1) The term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification), a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.

"(2) The term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor.".

SEC. 1209. REPEAL OF SUPERSEDED PROVISION.

Subsections (b) and (c) of section 803 of Public Law 101–510 (10 U.S.C. 2306a note) are repealed.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 1251. REVISION OF CIVILIAN AGENCY PROVISIONS TO ENSURE UNIFORM TREATMENT OF COST OR PRICING DATA.

(a) In General.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended—

(1) in section 304, by striking out subsection (d); and

(2) by inserting after section 304 the following new section:

"COST OR PRICING DATA: TRUTH IN NEGOTIATIONS

"Sec. 304A. (a) Required Cost or Pricing Data and Certification.—(1) An agency head shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

"(A) An offeror for a prime contract under this title to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of a contract if—

"(i) in the case of a prime contract entered into after the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the price of the contract to the United States is expected to exceed $500,000; and

"(ii) in the case of a prime contract entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the price of the contract to the United States is expected to exceed $100,000.

"(B) The contractor for a prime contract under this chapter shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if—

"(i) in the case of a change or modification made to a prime contract referred to in subparagraph (A)(i), the price adjustment is expected to exceed $500,000;

"(ii) in the case of a change or modification made to a prime contract that was entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, and that has been modified pursuant to paragraph (6), the price adjustment is expected to exceed $500,000; and

"(iii) in the case of a change or modification not covered by clause (i) or (ii), the price adjustment is expected to exceed $100,000.

"(C) An offeror for a subcontract (at any tier) of a contract under this title shall be required to submit cost or pricing data before the award of the subcontract if the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this section and—

"(i) in the case of a subcontract under a prime contract referred to in subparagraph (A)(i), the price of the subcontract is expected to exceed $500,000;

"(ii) in the case of a subcontract entered into under a prime contract that was entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, and that has been modified pursuant to paragraph (6), the price of the subcontract is expected to exceed $500,000; and

"(iii) in the case of a subcontract not covered by clause (i) or (ii), the price of the subcontract is expected to exceed $100,000.

"(D) The subcontractor for a subcontract covered by subparagraph (C) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if—

"(i) in the case of a change or modification to a subcontract referred to in subparagraph (C)(i) or (C)(ii), the price adjustment is expected to exceed $500,000; and

"(ii) in the case of a change or modification to a subcontract referred to in subparagraph (C)(iii), the price adjustment is expected to exceed $100,000.

"(2) A person required, as an offeror, contractor, or subcontractor, to submit cost or pricing data under paragraph (1) (or required by the agency head concerned to submit such data in accordance with subsection (c)) shall be required to certify that, to the best of the person's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

"(3) Cost or pricing data required to be submitted under paragraph (1) (or in accordance with subsection (c)), and a certification required to be submitted under paragraph (2), shall be submitted—

"(A) in the case of a submission by a prime contractor (or an offeror for a prime contract), to the contracting officer for the contract (or to a designated representative of the contracting officer); or

"(B) in the case of a submission by a subcontractor (or an offeror for a subcontract), to the prime contractor.

"(4) Except as provided under subsection (b), this section applies to contracts entered into by an agency head on behalf of a foreign government.

"(5) For purposes of paragraph (1)(C), a contractor or subcontractor granted a waiver under subsection (b)(1)(B) shall be considered as having been required to make available cost or pricing data under this section.

"(6)(A) Upon the request of a contractor that was required to submit cost or pricing data under paragraph (1) in connection with a prime contract entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the agency head that entered into such contract shall modify the contract to reflect subparagraphs (B)(ii) and (C)(ii) of paragraph (1). All such modifications shall be made without requiring consideration.

"(B) An agency head is not required to modify a contract under subparagraph (A) if that agency head determines that the submission of cost or pricing data with respect to that contract should be required in accordance with subsection (c).

"(7) Effective on October 1 of each year that is divisible by 5, each amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.

"(b) Exceptions.—(1) Submission of cost and pricing data shall not be required under subsection (a)—

"(A) in the case of a contract, a subcontract, or a contract or subcontract modification, for which the price agreed upon is based on—

"(i) adequate price competition;

"(ii) established catalog or market prices of commercial items or of services customarily used for other than Government purposes, as the case may be, that are sold in substantial quantities to the general public; or

"(iii) prices set by law or regulation; or

"(B) in an exceptional case when the agency head concerned determines that the requirements of this section may be waived and states in writing the reasons for such determination.

"(2) Submission of cost and pricing data shall not be required under subsection (a) in the case of a modification of a contract or subcontract for a commercial item if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost and pricing data may not be required by reason of paragraph (1)(A);

"(B) the modification is not a case in which paragraph (1)(A) prohibits the agency head from requiring submission of cost and pricing data; and

"(C) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of a noncommercial item.

"(c) LIMITATION ON AUTHORITY TO REQUIRE COST OR PRICING DATA.—When cost or pricing data are not required to be submitted under this section by reason of a $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection) or by reason of an exception in paragraph (1)(A) or (2) of subsection (b), submission of such data may not be required unless the agency head concerned determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract to which the data relate. In any case in which the agency head requires such data to be submitted in accordance with the preceding sentence, the agency head shall document in writing the reasons for such requirement.

"(d) ADDITIONAL EXCEPTION PROVISIONS REGARDING COMMERCIAL ITEMS.—(1) To the maximum extent practicable, an agency head shall conduct procurements of commercial items on a competitive basis.

"(2) In any case in which it is not practicable to conduct a procurement of a commercial item on a competitive basis and the procurement is not covered by an exception in subsection (b), the contracting officer shall nonetheless exempt a contract, subcontract, or modification of a contract or subcontract under the procurement from the requirements of subsection (a) if the contracting officer develops or obtains from the offeror or contractor, or from another source or sources, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be.

"(3)(A) In accordance with procedures prescribed in the Federal Acquisition Regulation, an agency head shall have the right to examine all information provided by an offeror, contractor, or subcontractor pursuant to paragraph (2) and all books and records of such offeror, contractor, or subcontractor that directly relate to such information in order to determine whether the agency is receiving accurate information required under this section.

"(B) The right under subparagraph (A) shall expire 3 years after the date of award of the contract, or 3 years after the date of the modification of the contract, with respect to which the information was provided.

"(e) PRICE REDUCTIONS FOR DEFECTIVE COST OR PRICING DATA.—(1)(A) A prime contract (or change or modification to a prime contract) under which a certificate under subsection (a)(2) is required shall contain a provision that the price of the contract to the United States, including profit or fee, shall be adjusted to exclude any significant amount by which it may be determined by the agency head that such price was increased because the contractor (or any subcontractor required to make available such a certificate) submitted defective cost or pricing data.

"(B) For the purposes of this section, defective cost or pricing data are cost or pricing data which, as of the date of agreement on the price of the contract (or another date agreed upon between the parties), were inaccurate, incomplete, or noncurrent. If for purposes of the preceding sentence the parties agree upon a date other than the date of agreement on the price of the contract, the date agreed upon by the parties shall be as close to the date of agreement on the price of the contract as is practicable.

"(2) In determining for purposes of a contract price adjustment under a contract provision required by paragraph (1) whether, and to what extent, a contract price was increased because the contractor (or a subcontractor) submitted defective cost or pricing data, it shall be a defense that the United States did not rely on the defective data submitted by the contractor or subcontractor.

"(3) It is not a defense to an adjustment of the price of a contract under a contract provision required by paragraph (1) that—

"(A) the price of the contract would not have been modified even if accurate, complete, and current cost or pricing data had been submitted by the contractor or subcontractor because the contractor or subcontractor—

"(i) was the sole source of the property or services procured; or

"(ii) otherwise was in a superior bargaining position with respect to the property or services procured;

"(B) the contracting officer should have known that the cost and pricing data in issue were defective even though the contractor or subcontractor took no affirmative action to bring the character of the data to the attention of the contracting officer;

"(C) the contract was based on an agreement between the contractor and the United States about the total cost of the contract and there was no agreement about the cost of each item procured under such contract; or

"(D) the prime contractor or subcontractor did not submit a certification of cost and pricing data relating to the contract as required under subsection (a)(2).

"(4)(A) A contractor shall be allowed to offset an amount against the amount of a contract price adjustment under a contract provision required by paragraph (1) if—

"(i) the contractor certifies to the contracting officer (or to a designated representative of the contracting officer) that, to the best of the contractor's knowledge and belief, the contractor is entitled to the offset; and

"(ii) the contractor proves that the cost or pricing data were available before the date of agreement on the price of the contract (or price of the modification), or, if applicable consistent with paragraph (1)(B), another date agreed upon between the parties, and that the data were not submitted as specified in subsection (a)(3) before such date.

"(B) A contractor shall not be allowed to offset an amount otherwise authorized to be offset under subparagraph (A) if—

"(i) the certification under subsection (a)(2) with respect to the cost or pricing data involved was known to be false when signed; or

"(ii) the United States proves that, had the cost or pricing data referred to in subparagraph (A)(ii) been submitted to the United States before the date of agreement on the price of the contract (or price of the modification) or, if applicable under paragraph (1)(B), another date agreed upon between the parties, the submission of such cost or pricing data would not have resulted in an increase in that price in the amount to be offset.

"(f) INTEREST AND PENALTIES FOR CERTAIN OVERPAYMENTS.—(1) If the United States makes an overpayment to a contractor under a contract with an executive agency subject to this section and the overpayment was due to the submission by the contractor of defective cost or pricing data, the contractor shall be liable to the United States—

"(A) for interest on the amount of such overpayment, to be computed—

"(i) for the period beginning on the date the overpayment was made to the contractor and ending on the date the contractor repays the amount of such overpayment to the United States; and

"(ii) at the current rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1986; and

"(B) if the submission of such defective data was a knowing submission, for an additional amount equal to the amount of the overpayment.

"(2) Any liability under this subsection of a contractor that submits cost or pricing data but refuses to submit the certification required by subsection (a)(2) with respect to the cost or pricing data shall not be affected by the refusal to submit such certification.

"(g) RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.—For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section, the head of an agency shall have the rights provided by section 304B(a)(2).

"(h) REQUIRED REGULATIONS.—The Federal Acquisition Regulation shall include regulations concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section because the price of the procurement to the United States is not expected to exceed an applicable $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection). Such information, at a minimum, shall include appropriate information on the prices at which such offeror has previously sold the same or similar products.

"(i) DEFINITIONS.—In this section:

"(1) The term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification) or, if applicable consistent with subsection (e)(1)(B), another date agreed upon between the parties, a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.

"(2) The term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 304 the following:

"Sec. 304A. Cost or pricing data: truth in negotiations.".

SEC. 1252. REPEAL OF OBSOLETE PROVISION.

(a) REPEAL.—Section 303E of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253e) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the item relating to section 303E.

Subtitle C—Research and Development

SEC. 1301. RESEARCH PROJECTS.

(a) AUTHORIZED MEANS.—Subsection (b) of section 2358 of title 10, United States Code, is amended to read as follows:

"(b) AUTHORIZED MEANS.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract entered into with, grant made to, or cooperative agreement entered into with educational or research institutions, private

businesses, or other persons in accordance with the provisions of chapter 63 of title 31;

"(2) through one or more military departments;

"(3) by using employees and consultants of the Department of Defense; or

"(4) by mutual agreement with the head of any other department or agency of the Federal Government.".

(b) CAPTION AMENDMENT.—The caption of subsection (c) of such section is amended by striking out "MILITARY" and inserting in lieu thereof "DEPARTMENT OF DEFENSE".

(c) ADVANCED RESEARCH PROJECTS.—

(1) RESTORATION AND REVISION OF FORMER STATEMENT OF AUTHORITY.—Section 2371 of title 10, United States Code, is amended—

(A) by redesignating subsections (a), (b), (c), (d), (e), and (f) as subsections (b), (c), (d), (e), (f), and (g), respectively; and

(B) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The Secretary of Defense, acting through the Advanced Research Projects Agency and such other elements of the Department of Defense as the Secretary may designate, and the Secretary of each military department, in carrying out basic, applied, and advanced research projects, may enter into other transactions, in addition to contracts, grants, and cooperative agreements authorized by section 2358 of this title.".

(2) CONFORMING AMENDMENTS.—Such section, as amended by paragraph (1), is further amended—

(A) in subsection (b)—

(i) in paragraph (1), by inserting "or subsection (a)" after "section 2358 of this title"; and

(ii) in paragraph (2), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)";

(B) in subsection (c), by inserting "section 2358 of this title or" after "under";

(C) in subsection (d)—

(i) in paragraph (1), by striking out "this section" and inserting in lieu thereof "section 2358 of this title or subsection (a)"; and

(ii) in paragraph (3), by striking out "this section" and inserting in lieu thereof "section 2358 of this title or subsection (a)";

(D) in subsection (e), by inserting "or subsection (a)" in the first sentence after "section 2358 of this title"; and

(E) in subsection (f)—

(i) in the first sentence, by striking out "under this section" and inserting in lieu thereof "under section 2358 of this title or subsection (a)";

(ii) in paragraph (4), by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)"; and

(iii) in paragraph (5), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

SEC. 1302. ELIMINATION OF INFLEXIBLE TERMINOLOGY REGARDING COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out "milestone 0, milestone I, and milestone II decisions" and inserting in lieu thereof "acquisition program decisions"; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) The term 'acquisition program decisions' has the meaning given such term in regulations prescribed by the Secretary of Defense for the purposes of this section.".

Subtitle D—Procurement Protests

PART I—PROTESTS TO THE COMPTROLLER GENERAL

SEC. 1401. PROTEST DEFINED.

Paragraph (1) of section 3551 of title 31, United States Code, is amended to read as follows:

"(1) 'protest' means a written objection by an interested party—

"(i) to a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services;

"(ii) to the cancellation of such a solicitation or other request;

"(iii) to an award or proposed award of such a contract; or

"(iv) to a termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract;".

SEC. 1402. REVIEW OF PROTESTS AND EFFECT ON CONTRACTS PENDING DECISION.

(a) PERIODS FOR CERTAIN ACTIONS.—Section 3553 of title 31, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking out "one working day of" and inserting in lieu thereof "one day after"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out "25 working days from" and inserting in lieu thereof "35 days after"; and

(ii) in subparagraph (C), by striking out "10 working days from" and inserting in lieu thereof "25 days after"; and

(2) in subsection (c)(3), by striking out "thereafter" and inserting in lieu thereof "after the making of such finding".

(b) SUSPENSION OF PERFORMANCE.—Subsection (d) of such section is amended to read as follows:

"(d)(1) A contractor awarded a Federal agency contract may, during the period described in paragraph (4), begin performance of the contract and engage in any related activities that result in obligations being incurred by the United States under the contract unless the contracting officer responsible for the award of the contract withholds authorization to proceed with performance of the contract.

"(2) The contracting officer may withhold an authorization to proceed with performance of the contract during the period described in paragraph (4) if the contracting officer determines in writing that—

"(A) a protest is likely to be filed; and

"(B) the immediate performance of the contract is not in the best interests of the United States.

"(3)(A) If the Federal agency awarding the contract receives notice of a protest in accordance with this section during the period described in paragraph (4)—

"(i) the contracting officer may not authorize performance of the contract to begin while the protest is pending; or

"(ii) if contract performance authorization to proceed was not withheld in accordance with paragraph (2) before receipt of the notice, the contracting officer shall immediately direct the contractor to cease performance under the contract and to suspend any related activities that may result in additional obligations being incurred by the United States under that contract.

"(B) Performance and related activities suspended pursuant to subparagraph (A)(ii) by reason of a protest may not be resumed while the protest is pending.

"(C) The head of the procuring activity may authorize the performance of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

"(i) upon a written finding that—

"(I) performance of the contract is in the best interests of the United States; or

"(II) urgent and compelling circumstances that significantly affect interests of the United States will not permit waiting for the decision of the Comptroller General concerning the protest; and

"(ii) after the Comptroller General is notified of that finding.

"(4) The period referred to in paragraphs (2) and (3)(A), with respect to a contract, is the period beginning on the date of the contract award and ending on the later of—

"(A) the date that is 10 days after the date of the contract award; or

"(B) the date that is 5 days after—

"(i) the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required; or

"(ii) in the case of a contract for which no debriefing is required, the date on which the unsuccessful offeror receives the notification of contract award.".

SEC. 1403. DECISIONS ON PROTESTS.

(a) PERIODS FOR CERTAIN ACTIONS.—Section 3554(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out "90 working days from" and inserting in lieu thereof "125 days after";

(2) in paragraph (2), by striking out "45 calendar days from" and inserting "65 days after";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) An amendment to a protest that adds a new ground of protest, if timely made, should be resolved, to the maximum extent practicable, within the time limit established under paragraph (1) of this subsection for final decision of the initial protest. If an amended protest cannot be resolved within such time limit, the Comptroller General may resolve the amended protest through the express option under paragraph (2) of this subsection.".

(b) GAO RECOMMENDATIONS ON PROTESTS.—

(1) IMPLEMENTATION OF RECOMMENDATIONS.—Section 3554 of title 31, United States Code, is amended—

(A) in subsection (b), by adding at the end the following new paragraph:

"(3) If the Federal agency fails to implement fully the recommendations of the Comptroller General under this subsection with respect to a solicitation for a contract or an award or proposed award of a contract within 60 days after receiving the recommendations, the head of the procuring activity responsible for that contract shall report such failure to the Comptroller General not later than 5 working days after the end of such 60-day period.";

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) If the Comptroller General determines that a solicitation for a contract or a proposed award or the award of a contract does not comply with a statute or regulation, the Comptroller General may recommend that the Federal agency conducting the procurement pay to an appropriate interested party the costs of—

"(A) filing and pursuing the protest, including reasonable attorney's fees and consultant and expert witness fees; and

"(B) bid and proposal preparation.

"(2) No party may be paid, pursuant to a recommendation made under the authority of paragraph (1)—

"(A) costs for consultant and expert witness fees that exceed the rates provided under section 504(b)(1)(A) of title 5 for expert witnesses; or

"(B) costs for attorney's fees that exceed the rates provided for attorneys under section 504(b)(1)(A) of title 5.

"(3) If the Comptroller General recommends under paragraph (1) that a Federal agency pay costs to an interested party, the Federal agency shall—

"(A) pay the costs promptly; or

"(B) if the Federal agency does not make such payment, promptly report to the Comptroller General the reasons for the failure to follow the Comptroller General's recommendation.

"(4) If the Comptroller General recommends under paragraph (1) that a Federal agency pay costs to an interested party, the Federal agency and the interested party shall attempt to reach an agreement on the amount of the costs to be paid. If the Federal agency and the interested party are unable to agree on the amount to be paid, the Comptroller General may, upon the request of the interested party, recommend to the Federal agency the amount of the costs that the Federal agency should pay."; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) The Comptroller General shall report promptly to the Committee on Governmental Affairs and the Committee on Appropriations of the Senate and to the Committee on Government Operations and the Committee on Appropriations of the House of Representatives any case in which a Federal agency fails to implement fully a recommendation of the Comptroller General under subsection (b) or (c). The report shall include—

"(A) a comprehensive review of the pertinent procurement, including the circumstances of the failure of the Federal agency to implement a recommendation of the Comptroller General; and

"(B) a recommendation regarding whether, in order to correct an inequity or to preserve the integrity of the procurement process, the Congress should consider—

"(i) private relief legislation;

"(ii) legislative rescission or cancellation of funds;

"(iii) further investigation by Congress; or

"(iv) other action.

"(2) Not later than January 31 of each year, the Comptroller General shall transmit to the Congress a report containing a summary of each instance in which a Federal agency did not fully implement a recommendation of the Comptroller General under subsection (b) or (c) during the preceding year. The report shall also describe each instance in which a final decision in a protest was not rendered within 125 days after the date the protest is submitted to the Comptroller General.".

(2) Requirement for payment in accordance with prior GAO determinations.—Costs to which the Comptroller General declared an interested party to be entitled under section 3554 of title 31, United States Code, as in effect immediately before the enactment of this Act, shall, if not paid or otherwise satisfied by the Federal agency concerned before the date of the enactment of this Act, be paid promptly.

SEC. 1404. REGULATIONS.

(a) Computation of Periods.—Section 3555 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) The procedures shall provide that, in the computation of any period described in this subchapter—

"(1) the day of the act, event, or default from which the designated period of time begins to run not be included; and

"(2) the last day after such act, event, or default be included, unless—

"(A) such last day is a Saturday, a Sunday, or a legal holiday; or

"(B) in the case of a filing of a paper at the General Accounting Office or a Federal agency, such last day is a day on which weather or other conditions cause the closing of the General Accounting Office or Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.".

(b) Electronic Filings and Disseminations.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection:

"(c) The Comptroller General may prescribe procedures for the electronic filing and dissemination of documents and information required under this subchapter. In prescribing such procedures, the Comptroller General shall consider the ability of all parties to achieve electronic access to such documents and records.".

(c) Repeal of Obsolete Deadline.—Subsection (a) of such section is amended by striking out "Not later than January 15, 1985, the" and inserting in lieu thereof "The".

PART II—PROTESTS IN THE FEDERAL COURTS

SEC. 1421. NONEXCLUSIVITY OF REMEDIES.

Section 3556 of title 31, United States Code, is amended by striking out "a district court of the United States or the United States Claims Court" in the first sentence and inserting in lieu thereof "the United States Court of Federal Claims".

SEC. 1422. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS.

(a) Claims Against the United States and Bid Protests.—Section 1491 of title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (e);

(2) in subsection (a)—

(A) by striking out "(a)(1)" and inserting in lieu thereof "(a) Claims Against the United States.—";

(B) in paragraph (2), by striking out "(2) To" and inserting in lieu thereof "(b) Remedy and Relief.—To"; and

(C) by striking out paragraph (3); and

(3) by inserting after subsection (b), as designated by paragraph (2)(B), the following new subsection (c):

"(c) Bid Protests.—(1) The United States Court of Federal Claims has jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract. The court has jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

"(2) To afford relief in such an action, the court may award any relief that the court considers proper, including declaratory and injunctive relief.

"(3) In exercising jurisdiction under this subsection, the court shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

"(4) The district courts of the United States do not have jurisdiction of any action referred to in paragraph (1).".

(b) Clerical Amendments.—

(1) Section heading.—The heading of such section is amended by inserting "**BID PROTESTS;**" after "**GENERALLY;**".

(2) Table of sections.—The table of sections at the beginning of chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1491 and inserting in lieu thereof the following:

"1491. Claims against United States generally; bid protests; actions involving Tennessee Valley Authority.".

PART III—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

SEC. 1431. REVOCATION OF DELEGATIONS OF PROCUREMENT AUTHORITY.

Section 111(b)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(b)(3)) is amended by inserting after the third sentence the following: "The Administrator may revoke a delegation of authority with respect to a particular contract before or after award of the contract, except that the Administrator may revoke a delegation after the contract is awarded only when there is a finding of a violation of law or regulation in connection with the contract award.".

SEC. 1432. AUTHORITY OF THE GENERAL SERVICES ADMINISTRATION BOARD OF CONTRACT APPEALS.

The first sentence of section 111(f)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(1)) is amended to read as follows: "Upon request of an interested party in connection with any procurement that is subject to this section (including any such procurement that is subject to delegation of procurement authority), the board of contract appeals of the General Services Administration (hereafter in this subsection referred to as the 'board') shall review, as provided in this subsection, any decision by a contracting officer that is alleged to violate a statute, a regulation, or the conditions of a delegation of procurement authority.".

SEC. 1433. PERIODS FOR CERTAIN ACTIONS.

(a) Suspension of Procurement Authority.—Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is amended—

(1) in paragraph (2) by adding at the end the following new subparagraph:

"(C) If, in the case of a preaward protest, the board suspends the procurement authority of the Administrator or the Administrator's delegation of procurement authority, the Administrator or the delegate, as the case may be, may continue with the procurement action up to, but not including, the awarding of the contract if the Administrator or the delegate, as the case may be, determines that it is in the best interests of the United States to do so."; and

(2) in paragraph (3) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A)(i) If, with respect to an award of a contract, the board receives notice of a protest under this subsection within the period described in clause (ii), the board shall, at the request of an interested party, hold a hearing to determine whether the board should suspend the procurement authority of the Administrator or the Administrator's delegation of procurement authority for the protested procurement on an interim basis until the board can decide the protest.

"(ii) The period referred to in clause (i) is the period beginning on the date on which the contract is awarded and ending on the date that is 10 days after the date of the contract award or, if later, the date that is 5 days after—

"(I) the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required; or

"(II) in the case of a contract for which no debriefing is required, the date on which the unsuccessful offeror receives the notification of contract award.

"(iii) The board shall hold the requested hearing within 5 days after the date of the filing of the protest or, in the case of a request for debriefing under the provisions of section 2305(b)(5) of title 10, United States Code, or section 303B(e) of this Act, within 5 days after the later of the date of the filing of the protest or the date of the debriefing.".

(b) FINAL DECISION.—Paragraph (4)(B) of such section 111(f) is amended—

(1) by striking out "45 working days" and inserting in lieu thereof "65 days"; and

(2) by adding at the end the following: "An amendment which adds a new ground of protest should be resolved, to the maximum extent practicable, within the time limits established for resolution of the initial protest.".

SEC. 1434. DISMISSALS OF PROTESTS.

Section 111(f)(4) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(4)) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) The board may dismiss a protest that the board determines—

"(i) is frivolous;

"(ii) has been brought in bad faith; or

"(iii) does not state on its face a valid basis for protest.".

SEC. 1435. AWARD OF COSTS.

Section 111(f)(5) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) Whenever the board makes such a determination, it may, in accordance with section 1304 of title 31, United States Code, further declare an appropriate prevailing party to be entitled to the cost of filing and pursuing the protest (including reasonable attorney's fees and consultant and expert witness fees), and bid and proposal preparation. However, no party may be declared entitled to costs for consultant and expert witness fees that exceed the rates provided under section 504(b)(1)(A) of title 5, United States Code, for expert witnesses or to costs for attorney's fees that exceed the rates provided for attorneys under section 504(b)(1)(A) of title 5, United States Code.".

SEC. 1436. DISMISSAL AGREEMENTS.

Section 111(f)(5) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(5)) is amended by adding at the end the following new subparagraphs:

"(D) Any agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds shall be submitted to the board and shall be made a part of the public record (subject to any protective order considered appropriate by the board) before dismissal of the protest. If a Federal agency is a party to a settlement agreement, the submission of the agreement submitted to the board shall include a memorandum, signed by the contracting officer concerned, that describes in detail the procurement, the grounds for protest, the Federal Government's position regarding the grounds for protest, the terms of the settlement, and the agency's position regarding the propriety of the award or proposed award of the contract at issue in the protest.

"(E) Payment of amounts due from an agency under subparagraph (C) or under the terms of a settlement agreement under subparagraph (D) shall be made from the appropriation made by section 1304 of title 31, United States Code, for the payment of judgments. The Federal agency concerned shall reimburse that appropriation account out of funds available for the procurement.".

SEC. 1437. JURISDICTION OF DISTRICT COURTS.

Section 111(f)(6)(C) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(6)(C)) is amended by striking out "a district court of the United States or".

SEC. 1438. MATTERS TO BE COVERED IN REGULATIONS.

Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is amended by striking out paragraph (8) and inserting in lieu thereof the following:

"(7)(A) The board shall adopt and issue such rules and procedures as may be necessary to the expeditious disposition of protests filed under the authority of this subsection.

"(B) The procedures shall provide that, in the computation of any period described in this subsection—

"(i) the day of the act, event, or default from which the designated period of time begins to run not be included; and

"(ii) the last day after such act, event, or default be included, unless—

"(I) such last day is a Saturday, a Sunday, or a legal holiday; or

"(II) in the case of a filing of a paper at the board, such last day is a day on which weather or other conditions cause the closing of the board or Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.

"(C) The procedures may provide for electronic filing and dissemination of documents and information required under this subsection and in so providing shall consider the ability of all parties to achieve electronic access to such documents and records.

"(D) The procedures shall provide that if the board expressly finds that a protest or a portion of a protest is frivolous or has not been brought or pursued in good faith, or that any person has willfully abused the board's process during the course of a protest, the board may impose appropriate procedural sanctions, including dismissal of the protest.".

SEC. 1439. DEFINITIONS.

(a) PROTEST.—Section 111(f)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(9)(A)) is amended to read as follows:

"(A) the term 'protest' means a written objection by an interested party—

"(i) to a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services;

"(ii) to the cancellation of such a solicitation or other request;

"(iii) to an award or proposed award of such a contract; or

"(iv) to a termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract;".

(b) PREVAILING PARTY.—Section 111(f)(9) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) the term 'prevailing party', with respect to a determination of the board under paragraph (5)(B) that a challenged action of a Federal agency violates a statute or regulation or the conditions of a delegation of procurement authority issued pursuant to this section, means a party that demonstrated such violation.".

Subtitle E—Definitions and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

SEC. 1501. DEFINITIONS.

Section 2302 of title 10, United States Code, is amended—

(1) by striking out paragraphs (3), (4), (5), and (7);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (2) the following:

"(3) The terms 'commercial item', 'full and open competition', 'major system', 'nondevelopmental item', 'procurement', 'procurement system', 'responsible source', 'standards', and 'technical data', have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) The term 'simplified acquisition threshold' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means an amount equal to two times the amount specified for that term in section 4 of such Act.".

SEC. 1502. DELEGATION OF PROCUREMENT FUNCTIONS.

(a) CONSOLIDATION OF DELEGATION AUTHORITY.—Section 2311 of title 10, United States Code, is amended to read as follows:

"§2311. Delegation

"(a) IN GENERAL.—Except to the extent expressly prohibited by another provision of law, the head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under this chapter.

"(b) PROCUREMENTS FOR OR WITH OTHER AGENCIES.—Subject to subsection (a), to facilitate the procurement of property and services covered by this chapter by each agency named in section 2303 of this title for any other agency, and to facilitate joint procurement by those agencies—

"(1) the head of an agency may, within his agency, delegate functions and assign responsibilities relating to procurement;

"(2) the heads of two or more agencies may by agreement delegate procurement functions and assign procurement responsibilities from one agency to another of those agencies or to an officer or civilian employee of another of those agencies; and

"(3) the heads of two or more agencies may create joint or combined offices to exercise procurement functions and responsibilities.

"(c) APPROVAL OF TERMINATIONS AND REDUCTIONS OF JOINT ACQUISITION PROGRAMS.—(1) The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition and Technology from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

"(2) The regulations shall include the following provisions:

"(A) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

"(B) A provision that authorizes the Under Secretary of Defense for Acquisition and Technology to require a military department approved for termination or substantial reduction in participation in a joint acquisition program to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.".

(b) CONFORMING REPEAL.—(1) Section 2308 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2308.

SEC. 1503. DETERMINATIONS AND DECISIONS.

Section 2310 of title 10, United States Code, is amended to read as follows:

"§2310. Determinations and decisions

"(a) INDIVIDUAL OR CLASS DETERMINATIONS AND DECISIONS AUTHORIZED.—Determinations and decisions required to be made under this chapter by the head of an agency may be made for an individual purchase or contract or for a class of purchases or contracts. Such determinations and decisions are final.

"(b) Written Findings Required.—(1) Each determination or decision under section 2306(e)(1), 2307(e), or 2313(d)(2) of this title shall be based on a written finding by the person making the determination or decision. The finding shall set out facts and circumstances that support the determination or decision.

"(2) Each finding referred to in paragraph (1) shall be final. The head of the agency making such finding shall maintain a copy of the finding for not less than 6 years after the date of the determination or decision.".

SEC. 1504. UNDEFINITIZED CONTRACTUAL ACTIONS: RESTRICTIONS.

(a) Clarification of Limitation.—Subsection (b) of section 2326 of title 10, United States Code, is amended—

(1) in the subsection caption, by striking out "and Expenditure";

(2) in paragraph (1)(B), by striking out "or expended";

(3) in paragraph (2), by striking out "expend" and inserting in lieu thereof "obligate"; and

(4) in paragraph (3)—

(A) by striking out "expended" and inserting in lieu thereof "obligated"; and

(B) by striking out "expend" and inserting in lieu thereof "obligate".

(b) Waiver Authority.—Such subsection is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if such head of an agency determines that the waiver is necessary in order to support a contingency operation.".

(c) Inapplicability of Restrictions to Contracts Within the Simplified Acquisition Threshold.—Section 2326(g)(1)(B) of title 10, United States Code, is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

SEC. 1505. PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT: CONTRACT TERMS AND CONDITIONS.

(a) Repeal.—Section 2329 of title 10, United States Code, is repealed.

(b) Technical Amendment.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2329.

SEC. 1506. REGULATIONS FOR BIDS.

Section 2381(a) of title 10, United States Code, is amended by striking out "(a) The Secretary" and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

"(a) The Secretary of Defense or the Secretary of a military department may—

"(1) prescribe regulations for the preparation, submission, and opening of bids for contracts; and".

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 1551. DEFINITIONS.

Section 309(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(c)) is amended by striking out "and 'supplies'" and inserting in lieu thereof "'supplies', 'commercial item', 'nondevelopmental item', and 'simplified acquisition threshold'".

SEC. 1552. DELEGATION OF PROCUREMENT FUNCTIONS.

(a) Authority.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended—

(1) by redesignating sections 309 and 310 as sections 312 and 313, respectively; and

(2) by inserting after section 308 the following new section 309:

"DELEGATION

"Sec. 309. (a) In General.—Except to the extent expressly prohibited by another provision of law, an agency head may delegate, subject to his direction, to any other officer or official of that agency, any power under this title.

"(b) Procurements For or With Other Agencies.—Subject to subsection (a), to facilitate the procurement of property and services covered by this title by each executive agency for any other executive agency, and to facilitate joint procurement by those executive agencies—

"(1) an agency head may, within his executive agency, delegate functions and assign responsibilities relating to procurement;

"(2) the heads of two or more executive agencies may by agreement delegate procurement functions and assign procurement responsibilities from one executive agency to another of those executive agencies or to an officer or civilian employee of another of those executive agencies; and

"(3) the heads of two or more executive agencies may create joint or combined offices to exercise procurement functions and responsibilities.".

(b) Clerical Amendment.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 309 and 310 and inserting in lieu thereof the following:

"Sec. 309. Delegation.
"Sec. 312. Definitions.
"Sec. 313. Statutes not applicable.".

SEC. 1553. DETERMINATIONS AND DECISIONS.

(a) In General.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1552, is further amended by inserting after section 309 the following new section 310:

"DETERMINATIONS AND DECISIONS

"Sec. 310. (a) Individual or Class Determinations and Decisions Authorized.—Determinations and decisions required to be made under this title by an agency head may be made for an individual purchase or contract or for a class of purchases or contracts. Such determinations and decisions are final.

"(b) Written Findings Required.—(1) Each determination under section 305(e) shall be based on a written finding by the person making the determination or decision. The finding shall set out facts and circumstances that support the determination or decision.

"(2) Each finding referred to in paragraph (1) shall be final. The agency head making such finding shall maintain a copy of the finding for not less than 6 years after the date of the determination or decision.".

(b) Clerical Amendment.—The table of contents in the first section of such Act, as amended by section 1552, is further amended by inserting after the item relating to section 309 the following:

"Sec. 310. Determinations and decisions.".

SEC. 1554. COOPERATIVE PURCHASING.

Subsection (b) of section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481), is amended to read as follows:

"(b)(1) The Administrator shall, as far as practicable, provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed-ownership Government corporation (as defined in section 9101 of title 31, United States Code), or the District of Columbia, upon its request.

"(2)(A) The Administrator may provide for the use of Federal supply schedules or other contracts by any of the following entities upon request:

"(i) A State, any department or agency of a State, and any political subdivision of a State, including a local government.

"(ii) The District of Columbia.

"(iii) The Commonwealth of Puerto Rico.

"(iv) The government of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))).

"(B) Subparagraph (A) may not be construed to authorize an entity referred to in that subparagraph to order existing stock or inventory from federally owned and operated, or federally owned and contractor operated, supply depots, warehouses, or similar facilities.

"(3)(A) Upon the request of a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act, the Administrator may provide any of the services specified in subsection (a) to such agency to the extent practicable.

"(B) A nonprofit agency receiving services under the authority of subparagraph (A) shall use the services directly in making or providing an approved commodity or approved service to the Federal Government.

"(C) In this paragraph:

"(i) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(I) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3)); and

"(II) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(ii) The terms 'approved commodity' and 'approved service' mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

"(iii) The term 'Javits-Wagner-O'Day Act' means the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (41 U.S.C. 46-48c), commonly referred to as the Wagner-O'Day Act, that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), commonly referred to as the Javits-Wagner-O'Day Act.".

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2001. CONTRACT FINANCING.

(a) Reorganization of Principal Authority Provision.—Section 2307 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§2307. Contract financing";

(2) by striking out "(a) The head of an agency" and inserting in lieu thereof "(b) Payment Authority.—The head of an agency";

(3) by striking out "(b) Payments" and inserting in lieu thereof "(d) Payment Amount.—Payments";

(4) by striking out "(c) Advance payments" and inserting in lieu thereof "(e) Security for Advance Payments.—Advance payments";

(5) by striking out "(d)(1) The Secretary of Defense" and inserting in lieu thereof "(f) Conditions for Progress Payments.—(1) The Secretary of Defense"; and

(6) by striking out "(e)(1) In any case" and inserting in lieu thereof "(h) Action in Case of Fraud.—(1) In any case".

(b) Financing Policy.—Such section, as amended by subsection (a), is further amended by inserting after the section heading the following new subsection (a):

"(a) Policy.—Payments authorized under this section and made for financing purposes *should be made periodically or, when appropriate, on an advance basis and should be so made in a timely manner to facilitate contract performance while protecting the security interests of the Government. Government financing shall be provided only to the extent necessary to ensure prompt and efficient performance and only after the availability of private financing is considered. A contractor's use of funds received as contract financing and the contractor's financial condition shall be monitored. If the contractor is a small business concern, special attention shall be given to meeting the contractor's financial need.".*

(c) PERFORMANCE-BASED PAYMENTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection (c):

"(c) PERFORMANCE-BASED PAYMENTS.—Whenever practicable, payments under subsection (b) shall be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as receipt of items by the Federal Government, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(d) TERMINOLOGY CORRECTION.—Such section, as amended by subsection (a)(2), is further amended in subsection (b)(2) by striking out "bid".

(e) EFFECTIVE DATE OF LIEN RELATED TO ADVANCE PAYMENTS.—Such section, as amended by subsection (a)(4), is further amended in subsection (e) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(f) CONDITIONS FOR PROGRESS PAYMENTS.—Such section, as amended by subsection (a)(5), is further amended in subsection (f)—

(1) in the first sentence of paragraph (1), by striking out "work, which" and all that follows through "accomplished" and inserting in lieu thereof "work accomplished that meets standards established under the contract"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) This subsection applies to a contract for an amount equal to or greater than the simplified acquisition threshold.".

(g) NAVY CONTRACTS.—Such section, as amended by subsection (a)(5), is further amended by inserting after subsection (f) the following new subsection (g):

"(g) CERTAIN NAVY CONTRACTS.—(1) The Secretary of the Navy shall provide that the rate for progress payments on any contract awarded by the Secretary for repair, maintenance, or overhaul of a naval vessel shall be not less than—

"(A) 95 percent, in the case of firms considered to be small businesses; and

"(B) 90 percent, in the case of all other firms.

"(2) The Secretary of the Navy may advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations. Advances under this paragraph shall be made on terms that the Secretary considers adequate for the protection of the United States.

"(3) The Secretary of the Navy shall ensure that, when partial, progress, or other payments are made under a contract for construction or conversion of a naval vessel, the United States is secured by a lien upon work in progress and on property acquired for performance of the contract on account of all payments so made. The lien is paramount to all other liens.".

(h) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CROSS REFERENCE.—Such section, as amended by subsection (a), is further amended in subsections (d) and (e) by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(2) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2307 and inserting in lieu thereof the following:

"2307. Contract financing.".

(i) REPEAL OF SUPERSEDED PROVISIONS.—

(1) PROGRESS PAYMENTS UNDER CERTAIN NAVY CONTRACTS.—

(A) REPEAL.—Section 7312 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7312.

(2) ADVANCEMENT OF PAYMENTS FOR NAVY SALVAGE OPERATIONS.—

(A) REPEAL.—Section 7364 of such title is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 637 of such title is amended by striking out the item relating to section 7364.

(3) PARTIAL PAYMENTS UNDER NAVY CONTRACTS.—

(A) REPEAL.—Section 7521 of such title is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 645 of such title is amended by striking out the item relating to section 7521.

SEC. 2002. CONTRACTS: VOUCHERING PROCEDURES.

(a) REPEAL.—Section 2355 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2355.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2051. CONTRACT FINANCING.

(a) REORGANIZATION OF PRINCIPAL AUTHORITY PROVISION.—Section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"CONTRACT FINANCING";

(2) by striking out "(a) Any executive agency" and inserting in lieu thereof "(b) PAYMENT AUTHORITY.—Any executive agency";

(3) by striking out "(b) Payments" and inserting in lieu thereof "(d) PAYMENT AMOUNT.—Payments"; and

(4) by striking out "(c) Advance payments" and inserting in lieu thereof "(e) SECURITY FOR ADVANCE PAYMENTS.—Advance payments".

(b) FINANCING POLICY.—Such section, as amended by subsection (a), is further amended by inserting after the section heading the following new subsection (a):

"(a) POLICY.—Payments authorized under this section and made for financing purposes should be made periodically or, when appropriate, on an advance basis and should be so made in a timely manner to facilitate contract performance while protecting the security interests of the Government. Government financing shall be provided only to the extent necessary to ensure prompt and efficient performance and only after the availability of private financing is considered. A contractor's use of funds received as contract financing and the contractor's financial condition shall be monitored. If the contractor is a small business concern, special attention shall be given to meeting the contractor's financial need.".

(c) PERFORMANCE-BASED PAYMENTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection (c):

"(c) PERFORMANCE-BASED PAYMENTS.—Whenever practicable, payments under subsection (b) shall be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as receipt of items by the Federal Government, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(d) TERMINOLOGY CORRECTION.—Such section, as amended by subsection (a)(2), is further amended in subsection (b)(2) by striking out "bid".

(e) EFFECTIVE DATE OF LIEN RELATED TO ADVANCE PAYMENTS.—Such section, as amended by subsection (a)(4), is further amended in subsection (e) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(f) REVISION OF CIVILIAN AGENCY PROVISION TO ENSURE UNIFORM REQUIREMENTS FOR PROGRESS PAYMENTS.—

(1) IN GENERAL.—Such section, as amended by subsection (a), is further amended by adding at the end the following:

"(f) CONDITIONS FOR PROGRESS PAYMENTS.—(1) The agency head shall ensure that any payment for work in progress (including materials, labor, and other items) under a contract of an executive agency that provides for such payments is commensurate with the work accomplished that meets standards established under the contract. The contractor shall provide such information and evidence as the agency head determines necessary to permit the agency head to carry out the preceding sentence.

"(2) The agency head shall ensure that progress payments referred to in paragraph (1) are not made for more than 80 percent of the work accomplished under the contract so long as the agency head has not made the contractual terms, specifications, and price definite.

"(3) This subsection applies to a contract for an amount equal to or greater than the simplified acquisition threshold.

"(g) ACTION IN CASE OF FRAUD.—(1) In any case in which the remedy coordination official of an executive agency finds that there is substantial evidence that the request of a contractor for advance, partial, or progress payment under a contract awarded by that executive agency is based on fraud, the remedy coordination official shall recommend that the agency head reduce or suspend further payments to such contractor.

"(2) An agency head receiving a recommendation under paragraph (1) in the case of a contractor's request for payment under a contract shall determine whether there is substantial evidence that the request is based on fraud. Upon making such a determination, the agency head may reduce or suspend further payments to the contractor under such contract.

"(3) The extent of any reduction or suspension of payments by an agency head under paragraph (2) on the basis of fraud shall be reasonably commensurate with the anticipated loss to the United States resulting from the fraud.

"(4) A written justification for each decision of the agency head whether to reduce or suspend payments under paragraph (2), and for each recommendation received by the agency head in connection with such decision, shall be prepared and be retained in the files of the executive agency.

"(5) Each agency head shall prescribe procedures to ensure that, before the agency head decides to reduce or suspend payments in the case of a contractor under paragraph (2), the contractor is afforded notice of the proposed reduction or suspension and an opportunity to submit

matters to the head of the agency in response to such proposed reduction or suspension.

"(6) Not later than 180 days after the date on which an agency head reduces or suspends payments to a contractor under paragraph (2), the remedy coordination official of the executive agency shall—

"(A) review the determination of fraud on which the reduction or suspension is based; and

"(B) transmit a recommendation to the agency head whether the suspension or reduction should continue.

"(7) Each agency head who receives recommendations made by a remedy coordination official of the executive agency to reduce or suspend payments under paragraph (2) during a fiscal year shall prepare for such year a report that contains the recommendations, the actions taken on the recommendations and the reasons for such actions, and an assessment of the effects of such actions on the Federal Government. Any such report shall be available to any Member of Congress upon request.

"(8) An agency head may not delegate responsibilities under this subsection to any person in a position below level IV of the Executive Schedule.

"(9) In this subsection, the term 'remedy coordination official', with respect to an executive agency, means the person or entity in that executive agency who coordinates within that executive agency the administration of criminal, civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities.".

(2) RELATIONSHIP TO PROMPT PAYMENT REQUIREMENTS.—The amendments made by paragraph (1) are not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law, that relate to progress payment requests, as such procedures are in effect on the date of the enactment of this Act.

(g) CONFORMING AND CLERICAL AMENDMENTS.—

(1) REFERENCE.—Section 305 of the Federal Property and Administrative Services Act of 1949, as amended by subsection (a), is further amended in subsections (d) and (e) by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(2) TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by striking out the item relating to section 305 and inserting in lieu thereof the following:

"Sec. 305. Contract financing.".

Subtitle B—Cost Principles

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2101. ALLOWABLE CONTRACT COSTS.

(a) COMPTROLLER GENERAL EVALUATION.—Section 2324 is amended by striking out subsection (l).

(b) COVERED CONTRACT DEFINED.—Subsection (m) of section 2324 of title 10, United States Code, is amended to read as follows:

"(l)(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by the Department of Defense, except that such term does not include a fixed-price contract without cost incentives.

"(2) Effective on October 1 of each year that is divisible by 5, the amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

SEC. 2102. CONTRACT PROFIT CONTROLS DURING EMERGENCY PERIODS.

(a) REPEAL.—Section 2382 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2382.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2151. ALLOWABLE CONTRACT COSTS.

(a) REVISION OF CIVILIAN AGENCY PROVISION TO ENSURE UNIFORM TREATMENT OF CONTRACT COSTS.—Section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended to read as follows:

"ALLOWABLE COSTS

"SEC. 306. (a) INDIRECT COST THAT VIOLATES A FAR COST PRINCIPLE.—The head of an executive agency shall require that a covered contract provide that if the contractor submits to the executive agency a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of a cost which is unallowable because the cost violates a cost principle in the Federal Acquisition Regulation or an executive agency's supplement to the Federal Acquisition Regulation, the cost shall be disallowed.

"(b) PENALTY FOR VIOLATION OF COST PRINCIPLE.—(1) If the agency head determines that a cost submitted by a contractor in its proposal for settlement is expressly unallowable under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs, the agency head shall assess a penalty against the contractor in an amount equal to—

"(A) the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted; plus

"(B) interest (to be computed based on regulations issued by the agency head) to compensate the United States for the use of any funds which a contractor has been paid in excess of the amount to which the contractor was entitled.

"(2) If the agency head determines that a proposal for settlement of indirect costs submitted by a contractor includes a cost determined to be unallowable in the case of such contractor before the submission of such proposal, the agency head shall assess a penalty against the contractor in an amount equal to two times the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted.

"(c) WAIVER OF PENALTY.—In accordance with the Federal Acquisition Regulation, the agency head may waive a penalty under subsection (b) in the case of a contractor's proposal for settlement of indirect costs when—

"(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

"(2) the amount of unallowable costs subject to the penalty is insignificant; or

"(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

"(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

"(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.

"(d) APPLICABILITY OF CONTRACT DISPUTES PROCEDURE TO DISALLOWANCE OF COST AND ASSESSMENT OF PENALTY.—An action of an agency head under subsection (a) or (b)—

"(1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605); and

"(2) is appealable in the manner provided in section 7 of such Act.

"(e) SPECIFIC COSTS NOT ALLOWABLE.—(1) The following costs are not allowable under a covered contract:

"(A) Costs of entertainment, including amusement, diversion, and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(B) Costs incurred to influence (directly or indirectly) legislative action on any matter pending before Congress or a State legislature.

"(C) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable or had pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of a false certification).

"(D) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with the Federal Acquisition Regulation.

"(E) Costs of membership in any social, dining, or country club or organization.

"(F) Costs of alcoholic beverages.

"(G) Contributions or donations, regardless of the recipient.

"(H) Costs of advertising designed to promote the contractor or its products.

"(I) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(J) Costs for travel by commercial aircraft which exceed the amount of the standard commercial fare.

"(K) Costs incurred in making any payment (commonly known as a 'golden parachute payment') which is—

"(i) in an amount in excess of the normal severance pay paid by the contractor to an employee upon termination of employment; and

"(ii) is paid to the employee contingent upon, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor's assets.

"(L) Costs of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

"(M) Costs of severance pay paid by the contractor to foreign nationals employed by the contractor under a service contract performed outside the United States, to the extent that the amount of severance pay paid in any case exceeds the amount paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined in accordance with the Federal Acquisition Regulation.

"(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States facility in that country at the request of the government of that country.

"(O) Costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the United States or a State, to the extent provided in subsection (k).

"(2)(A) Subject to the availability of appropriations, the head of an executive agency, in

awarding a covered contract, may waive in accordance with the Federal Acquisition Regulation the application of the provisions of paragraphs (1)(M) and (1)(N) to that contract if the agency head determines that—

"(i) the application of such provisions to the contract would adversely affect the continuation of a program, project, or activity that provides significant support services for employees of the executive agency posted outside the United States;

"(ii) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

"(iii) the payment of severance pay is necessary in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

"(B) The head of the executive agency concerned shall include in the solicitation for a covered contract a statement indicating—

"(i) that a waiver has been granted under subparagraph (A) for the contract; or

"(ii) whether the agency head will consider granting such a waiver, and, if the agency head will consider granting a waiver, the criteria to be used in granting the waiver.

"(C) The agency head shall make the final determination regarding whether to grant a waiver under subparagraph (A) with respect to a covered contract before award of the contract.

"(3) The head of each executive agency shall implement this section with respect to contracts of that executive agency in accordance with the Federal Acquisition Regulation. The provisions of the Federal Acquisition applicable to the implementation of this section may include definitions, exclusions, limitations, and qualifications.

"(f) REQUIRED REGULATIONS.—(1) The Federal Acquisition Regulation referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) shall contain provisions on the allowability of contractor costs. Such provisions shall define in detail and in specific terms those costs which are unallowable, in whole or in part, under covered contracts. The regulations shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Membership in civic, community, and professional organizations.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Actions to influence (directly or indirectly) executive branch action on regulatory and contract matters (other than costs incurred in regard to contract proposals pursuant to solicited or unsolicited bids).

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services, including legal services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Expense of corporate aircraft.

"(O) Company-furnished automobiles.

"(P) Advertising.

"(2) The Federal Acquisition Regulation shall require that a contracting officer not resolve any questioned costs until the contracting officer has obtained—

"(A) adequate documentation with respect to such costs; and

"(B) the opinion of the executive agency's contract auditor on the allowability of such costs.

"(3) The Federal Acquisition Regulation shall provide that, to the maximum extent practicable, an executive agency's contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(4) The Federal Acquisition Regulation shall require that all categories of costs designated in the report of an executive agency's contract auditor as questioned with respect to a proposal for settlement be resolved in such a manner that the amount of the individual questioned costs that are paid will be reflected in the settlement.

"(g) APPLICABILITY OF REQUIRED REGULATIONS TO SUBCONTRACTORS.—The regulations prescribed to carry out subsections (e) and (f)(1) shall require, to the maximum extent practicable, that such regulations apply to all subcontractors of a covered contract.

"(h) CONTRACTOR CERTIFICATION REQUIRED.—(1) A proposal for settlement of indirect costs applicable to a covered contract shall include a certification by an official of the contractor that, to the best of the certifying official's knowledge and belief, all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the agency head concerned.

"(2) The agency head concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the agency head—

"(A) determines in such case that it would be in the interest of the United States to waive such certification; and

"(B) states in writing the reasons for that determination and makes such determination available to the public.

"(i) PENALTIES FOR SUBMISSION OF COST KNOWN AS NOT ALLOWABLE.—The submission to an executive agency of a proposal for settlement of costs for any period after such costs have been accrued that includes a cost that is expressly specified by statute or regulation as being unallowable, with the knowledge that such cost is unallowable, shall be subject to the provisions of section 287 of title 18, United States Code, and section 3729 of title 31, United States Code.

"(j) CONTRACTOR TO HAVE BURDEN OF PROOF.—In a proceeding before a board of contract appeals, the United States Court of Federal Claims, or any other Federal court in which the reasonableness of indirect costs for which a contractor seeks reimbursement from the United States is in issue, the burden of proof shall be upon the contractor to establish that those costs are reasonable.

"(k) PROCEEDING COSTS NOT ALLOWABLE.—(1) Except as otherwise provided in this subsection, costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the United States or a State are not allowable as reimbursable costs under a covered contract if the proceeding (A) relates to a violation of, or failure to comply with, a Federal or State statute or regulation, and (B) results in a disposition described in paragraph (2).

"(2) A disposition referred to in paragraph (1)(B) is any of the following:

"(A) In the case of a criminal proceeding, a conviction (including a conviction pursuant to a plea of nolo contendere) by reason of the violation or failure referred to in paragraph (1).

"(B) In the case of a civil or administrative proceeding involving an allegation of fraud or similar misconduct, a determination of contractor liability on the basis of the violation or failure referred to in paragraph (1).

"(C) In the case of any civil or administrative proceeding, the imposition of a monetary penalty by reason of the violation or failure referred to in paragraph (1).

"(D) A final decision—

"(i) to debar or suspend the contractor,

"(ii) to rescind or void the contract, or

"(iii) to terminate the contract for default,

by reason of the violation or failure referred to in paragraph (1).

"(E) A disposition of the proceeding by consent or compromise if such action could have resulted in a disposition described in subparagraph (A), (B), (C), or (D).

"(3) In the case of a proceeding referred to in paragraph (1) that is commenced by the United States and is resolved by consent or compromise pursuant to an agreement entered into by a contractor and the United States, the costs incurred by the contractor in connection with such proceeding that are otherwise not allowable as reimbursable costs under such paragraph may be allowed to the extent specifically provided in such agreement.

"(4) In the case of a proceeding referred to in paragraph (1) that is commenced by a State, the agency head that awarded the covered contract involved in the proceeding may allow the costs incurred by the contractor in connection with such proceeding as reimbursable costs if the agency head determines, under regulations prescribed by such agency head, that the costs were incurred as a result of (A) a specific term or condition of the contract, or (B) specific written instructions of the agency.

"(5)(A) Except as provided in subparagraph (C), costs incurred by a contractor in connection with a criminal, civil, or administrative proceeding commenced by the United States or a State in connection with a covered contract may be allowed as reimbursable costs under the contract if such costs are not disallowable under paragraph (1), but only to the extent provided in subparagraph (B).

"(B)(i) The amount of the costs allowable under subparagraph (A) in any case may not exceed the amount equal to 80 percent of the amount of the costs incurred, to the extent that such costs are determined to be otherwise allowable and allocable under the Federal Acquisition Regulations.

"(ii) Regulations issued for the purpose of clause (i) shall provide for appropriate consideration of the complexity of procurement litigation, generally accepted principles governing the award of legal fees in civil actions involving the United States as a party, and such other factors as may be appropriate.

"(C) In the case of a proceeding referred to in subparagraph (A), contractor costs otherwise allowable as reimbursable costs under this paragraph are not allowable if (i) such proceeding involves the same contractor misconduct alleged as the basis of another criminal, civil, or administrative proceeding, and (ii) the costs of such other proceeding are not allowable under paragraph (1).

"(6) In this subsection:

"(A) The term 'proceeding' includes an investigation.

"(B) The term 'costs', with respect to a proceeding—

"(i) means all costs incurred by a contractor, whether before or after the commencement of any such proceeding; and

"(ii) includes—

"(I) administrative and clerical expenses;

"(II) the cost of legal services, including legal services performed by an employee of the contractor;

"(III) the cost of the services of accountants and consultants retained by the contractor; and

"(IV) the pay of directors, officers, and employees of the contractor for time devoted by such directors, officers, and employees to such proceeding.

"(C) The term 'penalty' does not include restitution, reimbursement, or compensatory damages.

"(l) COVERED CONTRACT DEFINED.—(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by an executive agency, except that such term does not include a fixed-price contract without cost incentives.

"(2) Effective on October 1 of each year that is divisible by 5, the amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the item relating to section 306 and inserting in lieu thereof the following:

"Sec. 306. Allowable costs.".

PART III—ACQUISITIONS GENERALLY

SEC. 2191. TRAVEL EXPENSES OF GOVERNMENT CONTRACTORS.

Section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) is repealed.

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2201. CONSOLIDATION AND REVISION OF AUTHORITY TO EXAMINE RECORDS OF CONTRACTORS.

(a) AUTHORITY.—

(1) IN GENERAL.—Section 2313 of title 10, United States Code, is amended to read as follows:

"§2313. Examination of records of contractor

"(a) AGENCY AUTHORITY.—The head of an agency, acting through an authorized representative—

"(1) is entitled to inspect the plant and audit the records of—

"(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of such contracts, made by that agency under this chapter; and

"(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract under a contract referred to in subparagraph (A) or under any combination of such contracts; and

"(2) shall, for the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted pursuant to section 2306a of this title with respect to a contract or subcontract, have the right to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(b) LIMITATION ON PREAWARD AUDITS RELATING TO INDIRECT COSTS.—The head of an agency may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this chapter in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

"(c) SUBPOENA POWER.—(1) The Director of the Defense Contract Audit Agency (or any successor agency) may require by subpoena the production of records of a contractor, access to which is provided to the Secretary of Defense or Secretary of a military department by subsection (a).

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority provided by paragraph (1) may not be redelegated.

"(4) The Director (or any successor official) shall submit an annual report to the Secretary of Defense on the exercise of such authority during the preceding year and the reasons why such authority was exercised in any instance. The Secretary shall forward a copy of each such report to the Committees on Armed Services of the Senate and House of Representatives.

"(d) COMPTROLLER GENERAL AUTHORITY.—(1) Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and his representatives are entitled to examine any records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract.

"(2) Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the head of the agency concerned determines, with the concurrence of the Comptroller General or his designee, that the application of that paragraph to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the head of the agency determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

"(e) LIMITATION.—The right of the head of an agency under subsection (a), and the right of the Comptroller General under subsection (d), with respect to a contract or subcontract shall expire three years after final payment under such contract or subcontract.

"(f) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section is inapplicable with respect to the following contracts:

"(1) Contracts for utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

"(g) RECORDS DEFINED.—In this section, the term 'records' includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 137 of title 10, United States Code, is amended to read as follows:

"2313. Examination of records of contractor.".

(b) REPEAL OF SUPERSEDED PROVISION.—

(1) REPEAL.—Section 2406 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2406.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2251. AUTHORITY TO EXAMINE RECORDS OF CONTRACTORS.

(a) AUTHORITY.—

(1) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1251(a), is further amended by inserting after section 304A the following new section:

"EXAMINATION OF RECORDS OF CONTRACTOR

"SEC. 304B. (a) AGENCY AUTHORITY.—The head of an executive agency, acting through an authorized representative—

"(1) is entitled to inspect the plant and audit the records of—

"(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of such contracts, made by that executive agency under this title; and

"(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract under a contract referred to in subparagraph (A) or under any combination of such contracts; and

"(2) shall, for the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted pursuant to section 304A with respect to a contract or subcontract, have the right to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(b) LIMITATION ON PREAWARD AUDITS RELATING TO INDIRECT COSTS.—The agency head may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this title in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

"(c) SUBPOENA POWER.—(1) The agency head may require by subpoena the production of records of a contractor, access to which is provided by subsection (a).

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority provided by paragraph (1) may not be delegated.

"(4) In the year following a year in which the head of an executive agency exercises the authority provided in paragraph (1), the agency head shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives a report on the exercise of such authority during such preceding year and the reasons why such authority was exercised in any instance.

"(d) COMPTROLLER GENERAL AUTHORITY.—(1) Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and his representatives are entitled to examine any records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract.

"(2) Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the agency head concerned determines, with the concurrence of the Comptroller General or his designee, that the application of that paragraph to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required.

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the agency head determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(e) LIMITATION.—The right of an agency head under subsection (a), and the right of the Comptroller General under subsection (d), with respect to a contract or subcontract shall expire three years after final payment under such contract or subcontract.

"(f) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section is inapplicable with respect to the following contracts:

"(1) CONTRACTS.—For utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

"(g) RECORDS DEFINED.—In this section, the term 'records' includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1251(b), is further amended by inserting after the item relating to section 304A the following:

"Sec. 304B. Examination of records of contractor.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254) is amended by striking out subsection (c).

Subtitle D—Cost Accounting Standards

SEC. 2301. EXCEPTIONS TO COVERAGE.

Section 26(f)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking out ", other than contracts or subcontracts" and all that follows and inserting in lieu thereof a period; and

(3) by inserting at the end the following:

"(B) Subparagraph (A) does not apply to the following contracts or subcontracts:

"(i) Contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Any other firm fixed-price contract or subcontract for commercial items which is excepted from the requirement to provide cost or pricing data pursuant to subsection (b) or (d) of section 2306a of title 10, United States Code, or subsection (b) or (d) of section 304A of the Federal Property and Administrative Services Act of 1949.

"(C) In this paragraph, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor.".

SEC. 2302. REPEAL OF OBSOLETE DEADLINE REGARDING PROCEDURAL REGULATIONS FOR THE COST ACCOUNTING STANDARDS BOARD.

Section 26(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out "Not later than 180 days after the date of the enactment of this section, the Administrator" and inserting in lieu thereof "The Administrator".

Subtitle E—Administration of Contract Provisions Relating to Price, Delivery, and Product Quality

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2401. PROCUREMENT OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS; QUALITY CONTROL.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 2402. CONTRACTOR GUARANTEES REGARDING WEAPON SYSTEMS.

Section 2403(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The regulations shall include the following:

"(A) Guidelines for negotiating contractor guarantees that are reasonable and cost effective, as determined on the basis of the likelihood of defects and the estimated cost of correcting such defects.

"(B) Procedures for administering contractor guarantees.

"(C) Guidelines for determining the cases in which it may be appropriate to waive the requirements of this section.".

PART II—ACQUISITIONS GENERALLY

SEC. 2451. SECTION 3737 OF THE REVISED STATUTES: EXPANSION OF AUTHORITY TO PROHIBIT SETOFFS AGAINST ASSIGNEES; REORGANIZATION OF SECTION; REVISION OF OBSOLETE PROVISIONS.

Section 3737 of the Revised Statutes (41 U.S.C. 15) is amended to read as follows:

"SEC. 3737. (a) No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States is concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

"(b) The provisions of subsection (a) shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, provided:

"(1) That, in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment.

"(2) That, unless otherwise expressly permitted by such contract, any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing.

"(3) That, in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of the assignment with—

"(A) the contracting officer or the head of his department or agency;

"(B) the surety or sureties upon the bond or bonds, if any, in connection with such contract; and

"(C) the disbursing officer, if any, designated in such contract to make payment.

"(c) Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this section shall constitute a valid assignment for all purposes.

"(d) In any case in which moneys due or to become due under any contract are or have been assigned pursuant to this section, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment.

"(e) Any contract of the Department of Defense, the General Services Administration, the Department of Energy, or any other department or agency of the United States designated by the President, except any such contract under which full payment has been made, may, upon a determination of need by the President, provide or be amended without consideration to provide that payments to be made to the assignee of any moneys due or to become due under such contract shall not be subject to reduction or setoff. Each such determination of need shall be published in the Federal Register.

"(f) If a provision described in subsection (e) or a provision to the same general effect has been at any time heretofore or is hereafter included or inserted in any such contract, payments to be made thereafter to an assignee of any moneys due or to become due under such contract shall not be subject to reduction or setoff for any liability of any nature of the assignor to the United States or any department or agency thereof which arises independently of such contract, or hereafter for any liability of the assignor on account of—

"(1) renegotiation under any renegotiation statute or under any statutory renegotiation article in the contract;

"(2) fines;

"(3) penalties (which term does not include amounts which may be collected or withheld from the assignor in accordance with or for failure to comply with the terms of the contract); or

"(4) taxes, social security contributions, or the withholding or non withholding of taxes or social security contributions, whether arising from or independently of such contract.

"(g) Except as herein otherwise provided, nothing in this section shall be deemed to affect or impair rights of obligations heretofore accrued.".

SEC. 2452. REPEAL OF REQUIREMENT FOR DEPOSIT OF CONTRACTS WITH GAO.

Section 3743 of the Revised Statutes (41 U.S.C. 20) is repealed.

Subtitle F—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2501. CERTIFICATION OF CONTRACT CLAIMS.

(a) DOD CERTIFICATION REQUIREMENT IN CONFLICT WITH GOVERNMENTWIDE REQUIREMENT.—

(1) INAPPLICABILITY OF REQUIREMENT TO CONTRACT CLAIMS.—Section 2410 of title 10, United States Code, is amended to read as follows:

"§2410. Requests for equitable adjustment or other relief: certification

"(a) CERTIFICATION REQUIREMENT.—A request for equitable adjustment to contract terms or request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) that exceeds the simplified acquisition threshold may not be paid unless a person authorized to certify the request on behalf of the contractor certifies, at the time the request is submitted, that—

"(1) the request is made in good faith, and

"(2) the supporting data are accurate and complete to the best of that person's knowledge and belief.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2410 and inserting in lieu thereof the following:

"2410. Requests for equitable adjustment or other relief: certification.".

(b) RESTRICTION ON LEGISLATIVE PAYMENT OF CLAIMS.—Section 2410 of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(b) RESTRICTION ON LEGISLATIVE PAYMENT OF CLAIMS.—In the case of a contract of an agency named in section 2303(a) of this title, no provision of a law enacted after September 30, 1994, that directs the payment of a particular claim under such contract, a particular request for equitable adjustment to any term of such contract, or a particular request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) regarding such contract may be implemented unless such provision of law—

"(1) specifically refers to this subsection; and

"(2) specifically states that this subsection does not apply with respect to the payment directed by that provision of law.".

(c) DEFINITION.—Section 2410, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(c) DEFINITION.—In this section, the term 'simplified acquisition threshold' has the meaning given that term in section 2302(4) of this title.".

(d) REPEAL OF RELATED PROVISIONS.—

(1) CERTIFICATION REGULATIONS FOR CONTRACT CLAIMS EXCEEDING \$100,000.—

(A) REPEAL.—Section 2410e of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2410e.

(2) CONFORMING REPEAL.—Section 813(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat. 2453), is repealed.

SEC. 2502. SHIPBUILDING CLAIMS.

(a) LIMITATION ON PERIOD FOR SUBMISSION.—

(1) INCREASED PERIOD.—Subsection (a) of section 2405 of title 10, United States Code, is amended—

(A) by striking out "after December 7, 1983," and inserting in lieu thereof "on or after the date of the enactment of the Federal Acquisition Streamlining Act of 1994"; and

(B) by striking out "18 months" and inserting in lieu thereof "6 years".

(2) SAVINGS PROVISION.—Notwithstanding the 6-year period provided in subsection (a) of section 2405 of title 10, United States Code, as amended by paragraph (1), the period applicable under such subsection in the case of a shipbuilding contract entered into after December 7, 1983, and before the date of the enactment of the Federal Acquisition Streamlining Act of 1994 shall continue to be 18 months.

(b) RESUBMISSION WITH CORRECTED CERTIFICATION.—Subsection (c) of such section is repealed.

PART II—ACQUISITIONS GENERALLY

SEC. 2551. CLAIMS JURISDICTION OF UNITED STATES DISTRICT COURTS AND THE UNITED STATES COURT OF FEDERAL CLAIMS.

(a) CONCURRENT JURISDICTION OF UNITED STATES DISTRICT COURTS UNDER THE LITTLE TUCKER ACT.—Subsection (a) of section 1346 of title 28, United States Code, is amended to read as follows:

"(a)(1) The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws.

"(2)(A) Except as provided in subparagraph (B), the district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

"(B) The district courts shall not have jurisdiction over any civil action or claim against the United States or any Federal entity which relates in any manner to a contract to which the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) applies, including a claim that seeks to establish the existence or nonexistence of such a contract, seeks to establish that such a contract is void, or seeks to determine and construe the terms of such a contract. The district courts do not have jurisdiction over any civil action or claim described in the preceding sentence pursuant to section 1331, 1334, or 1346(a)(2)(B) of this title, any provision of law giving a Federal entity the right to sue or be sued in its own name, or any other provision of law.".

(b) JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS UNDER THE TUCKER ACT.—Section 1491 of title 28, United States Code, as amended by section 1422, is further amended by inserting after subsection (c) the following:

"(d)(1) The United States Court of Federal Claims shall have jurisdiction over any civil action or claim against the United States which relates in any manner to a contract to which the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) applies, including a civil action or claim that seeks to establish the existence or nonexistence of such a contract, seeks to establish that such contract is void, or seeks to determine and construe the terms of any such contract.

"(2) The jurisdiction of the United States Court of Federal Claims is, pursuant to section 1346(a)(2)(B) of this title, exclusive as to the district courts of the United States.".

SEC. 2552. CONTRACT DISPUTES ACT IMPROVEMENTS.

(a) PERIOD FOR FILING CLAIMS.—

(1) SIX-YEAR LIMITATION.—Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsection (a) by inserting after the second sentence the following: "Each claim by a contractor against the government relating to a contract and each claim by the government against a contractor relating to a contract shall be submitted within 6 years after the occurrence of the event or events giving rise to the claim. The preceding sentence does not apply to a claim by the government against a contractor that is based on a claim by the contractor involving fraud.".

(2) LIMITATION ON APPLICABILITY TO EXISTING CONTRACTS.—Notwithstanding the third sentence of section 6(a) of the Contract Disputes Act of 1978, as added by paragraph (1), if a contract in existence on the date of the enactment of this Act requires that a claim referred to in that sentence be submitted earlier than 6 years after the occurrence of the event or events giving rise to the claim, then the claim shall be submitted within the period required by the contract. The preceding sentence does not apply to a claim by the Federal Government against a contractor that is based on a claim by the contractor involving fraud.

(b) INCREASED THRESHOLD FOR CERTIFICATION, DECISION, AND NOTIFICATION REQUIREMENTS.—Subsection (c) of such section is amended by striking out "\$50,000" each place it appears and inserting in lieu thereof "\$100,000".

(c) INCREASED MAXIMUM FOR APPLICABILITY OF ACCELERATED PROCEDURES.—Section 8(f) of the Contract Disputes Act of 1978 (41 U.S.C. 607(f)) is amended by striking out "\$50,000" in the first sentence and inserting in lieu thereof "\$150,000".

(d) INCREASED MAXIMUM FOR APPLICABILITY OF SMALL CLAIMS PROCEDURE.—Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608(a)) is amended by striking out "\$10,000" in the first sentence and inserting in lieu thereof "\$50,000".

(e) REDUCED PERIOD FOR FILING ACTION IN COURT OF FEDERAL CLAIMS.—Section 10(a)(3) of such Act (41 U.S.C. 609(a)(3)) is amended by striking out "twelve months" and inserting in lieu thereof "90 days".

SEC. 2553. EXTENSION OF ALTERNATIVE DISPUTE RESOLUTION AUTHORITY.

Section 6(e) of the Contracts Disputes Act of 1978 (41 U.S.C. 605(e)) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

SEC. 2554. EXPEDITED RESOLUTION OF CONTRACT ADMINISTRATION COMPLAINTS.

(a) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall include provisions that require a contracting officer—

(1) to make every reasonable effort to respond in writing within 30 days to any written request for a contracting officer's decision with respect to a matter relating to the administration of a contract that is received from a small business concern; and

(2) in the event that the contracting officer is unable to render a decision within the 30-day period, to transmit to the contractor within such period a written notification of a specific date by which the contracting officer expects to reach a decision.

(b) RULE OF CONSTRUCTION.—Nothing in this provision shall be considered as creating any rights under the Contract Disputes Act (41 U.S.C. 601 et seq.).

(c) DEFINITION.—In this section, the term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to that section.

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

SEC. 3001. REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND MANPOWER ESTIMATES BEFORE DEVELOPMENT OR PRODUCTION.

(a) CONTENT AND SUBMISSION OF ESTIMATES.—Section 2434 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the content and submission of the estimates required by subsection (a). The regulations shall require—

"(1) that the independent estimate of the cost of a program—

"(A) be prepared by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; and

"(B) include all costs of development, procurement, and operations and support, without regard to funding source or management control; and

"(2) that the manpower estimate include the total personnel required to train for, operate, maintain, and support the program upon full operational deployment.".

(b) TERMINOLOGY CORRECTION.—Subsection (a) of such section is amended by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development".

SEC. 3002. ENHANCED PROGRAM STABILITY.

(a) BASELINE DESCRIPTIONS AND DEVIATION REPORTING.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out paragraph (2); and

(B) in paragraph (1)—

(i) by striking out "(1)"; and

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the content of baseline descriptions, which shall include the program cost, the program schedule, and a program performance description;

"(2) the submission of reports on deviations of a program from the baseline description by the program manager to the Secretary of the military department concerned and the Under Secretary of Defense for Acquisition and Technology;

"(3) procedures for review of deviation reports within the Department of Defense; and

"(4) procedures for submission and approval of revised baseline descriptions.

"(c) BASELINE DESCRIPTION REQUIRED BEFORE OBLIGATION OF FUNDS.—(1) Except as provided in paragraph (2), no amount appropriated or otherwise made available to the Department of Defense may be obligated for a major defense acquisition program before a baseline description for the program is approved in accordance with the procedures prescribed pursuant to subsection (b)(4).

"(2) An obligation otherwise prohibited by paragraph (1) may be incurred if approved in advance by the Under Secretary of Defense for Acquisition and Technology.".

(b) TERMINOLOGY CORRECTION.—Subsection (a)(1) of such section, as redesignated by subsection (a)(1)(B)(ii), is amended by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development".

SEC. 3003. REPEAL OF REQUIREMENT TO DESIGNATE CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.

Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 3004. REPEAL OF REQUIREMENT FOR COMPETITIVE PROTOTYPING IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2438 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2438.

SEC. 3005. REPEAL OF REQUIREMENT FOR COMPETITIVE ALTERNATIVE SOURCES IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2439 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2439.

Subtitle B—Testing Statutes

SEC. 3011. DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Section 139(c) of title 10, United States Code, is amended by inserting after "(c)" the following: "The Director reports directly, without intervening review or approval, to the Secretary of Defense and Deputy Secretary of Defense personally.".

SEC. 3012. RESPONSIBILITY OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION FOR LIVE FIRE TESTING.

(a) CONDUCT OF LIVE FIRE TESTING.—Subsection (b) of section 139 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) conduct the live fire testing activities of the Department of Defense provided for under section 2366 of this title.".

(b) ANNUAL REPORT ON LIVE FIRE TESTING.—Subsection (f) of such section is amended by inserting "(including live fire testing activities)" in the first sentence after "operational test and evaluation activities".

SEC. 3013. REQUIREMENT FOR UNCLASSIFIED VERSION OF ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.

Section 139(f) of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "If the Director submits the report to Congress in a classified form, the Director shall concurrently submit an unclassified version of the report to Congress.".

Subtitle C—Service Specific Laws

SEC. 3021. GRATUITOUS SERVICES OF OFFICERS OF CERTAIN RESERVE COMPONENTS.

Section 279 of title 10, United States Code, is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) ACCEPTANCE BY SECRETARY OF A MILITARY DEPARTMENT.—Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) ACCEPTANCE BY SECRETARY OF DEFENSE.—Notwithstanding section 1342 of title 31, the Secretary of Defense may accept the gratuitous services of an officer of a reserve component (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States) in consultation upon matters relating to the armed forces.".

SEC. 3022. AUTHORITY TO RENT SAMPLES, DRAWINGS, AND OTHER INFORMATION TO OTHERS.

Subchapter V of chapter 148 of title 10, United States Code, is amended in section 2541(a) by inserting "rent," after "sell," each place it appears in paragraphs (1) and (2).

SEC. 3023. CIVIL RESERVE AIR FLEET.

(a) DEFINITIONS.—Section 9511 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "'civil aircraft'," after "'person',";

(B) by striking out "meaning" and inserting in lieu thereof "meanings"; and

(C) by striking out "(49 U.S.C. 1301)" and inserting in lieu thereof "(49 U.S.C. App. 1301)";

(2) in paragraph (2), by striking out "passenger-cargo" and inserting in lieu thereof "passenger cargo";

(3) in paragraph (3), by striking out "cargo-capable" and inserting in lieu thereof "cargo capable";

(4) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) The term 'cargo convertible aircraft' means a passenger aircraft equipped or designed so that all or substantially all of the main deck of the aircraft can be readily converted for the carriage of property or mail.";

(5) by striking out paragraph (6);

(6) by redesignating paragraph (7) as paragraph (6);

(7) by redesignating paragraph (8) as paragraph (7) and—

(A) in subparagraph (A) of such paragraph, by inserting "under section 9512 of this title" after "and who contracts with the Secretary";

(B) by striking out "or" at the end of such subparagraph (A); and

(C) by inserting before the period at the end of such paragraph the following: ", or (C) who owns or controls existing aircraft, or will own or control new aircraft, and who contractually commits all or some of such aircraft to the Civil Reserve Air Fleet";

(8) by redesignating paragraphs (9), (10), (11), and (12) as paragraphs (8), (9), (10), and (11), respectively; and

(9) in paragraph (11), as so redesignated—

(A) by striking out "interoperability" and inserting in lieu thereof "compatibility"; and

(B) by striking out "a cargo-convertible, cargo-capable, or passenger-cargo combined aircraft" and inserting in lieu thereof "an aeromedical aircraft or a cargo convertible, cargo capable, or passenger cargo combined aircraft".

(b) CONSOLIDATION OF PROVISIONS RELATING TO CONTRACTUAL COMMITMENT OF AIRCRAFT.—Chapter 931 of such title is amended—

(1) by redesignating subsections (b) and (c) of section 9512 as subsections (c) and (d), respectively;

(2) by redesignating subsection (a) of section 9513 as subsection (b), transferring such subsection (as so redesignated) to section 9512, and inserting such subsection after subsection (a);

(3) by redesignating subsection (b) of section 9513 as subsection (e) and transferring such subsection (as so redesignated) to the end of section 9512;

(4) in subsection (c) of section 9512, as redesignated by paragraph (1), by striking out "the terms required by section 9513 of this title and";

(5) in subsection (e) of section 9512, as redesignated and transferred to such section by paragraph (3), by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section"; and

(6) by striking out the heading of section 9513.

(c) USE OF MILITARY INSTALLATIONS BY CONTRACTORS.—

(1) AUTHORITY.—Such chapter, as amended by subsection (b), is further amended by adding at the end the following new section 9513:

"§9513. Use of military installations by Civil Reserve Air Fleet contractors

"(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

"(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

"(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

"(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

"(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of *a designated installation as a weather alternate, a service stop not involving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations for commercial operations not required by the Department of Defense and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.*

"(c) DISPOSITION OF PAYMENTS FOR USE.—Notwithstanding any other provision of law, amounts collected from the contractor for landing fees, services, supplies, or other charges authorized to be collected under the contract shall be credited to the appropriations of the armed forces having jurisdiction over the military installation to which the contract pertains. Amounts so credited to an appropriation shall be available for obligation for the same period as the appropriation to which credited.

"(d) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the United States from all actions, suits, or claims of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

"(e) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary or, in the case of an installation under the jurisdiction of an armed force other than the Air Force, the Secretary concerned may at any time and without prior notice deny access to an installation designated under the contract if military exigencies require such action.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 9513 and inserting in lieu thereof the following:

"9513. Use of military installations by Civil Reserve Air Fleet contractors.".

SEC. 3024. EXCHANGE OF PERSONNEL.

(a) EXCHANGE AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§2350k. Exchange of personnel

"(a) INTERNATIONAL EXCHANGE AGREEMENTS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary and the secretaries of the military departments are each authorized to enter into agreements with the governments of foreign countries for the exchange of military and civilian personnel of the Department of Defense and military and civilian personnel of the defense departments or ministries of such foreign governments.

"(b) ASSIGNMENT OF PERSONNEL.—Pursuant to such agreements, personnel of the foreign defense departments or ministries may be assigned to positions in the Department of Defense, and personnel of the Department of Defense may be assigned to positions in foreign defense departments or ministries. Agreements for the exchange of personnel engaged in research and development activities may provide for assignments to positions in private industry that support the defense departments or ministries. The specific positions and the individuals to be assigned must be acceptable to both the sending government and the host government.

"(c) RECIPROCITY OF PERSONNEL QUALIFICATIONS REQUIRED.—Each government shall be required under an agreement authorized by subsection (a) to provide personnel having qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

"(d) PAYMENT OF PERSONNEL COSTS.—Each government shall pay the salary, per diem, cost of living, travel, cost of language or other training, and other costs (except for cost of temporary duty directed by the host government and costs incident to the use of host government facilities in the performance of assigned duties) for its own personnel in accordance with the laws and regulations of such government that pertain to such matters.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350k. Exchange of personnel.".

SEC. 3025. SCIENTIFIC INVESTIGATION AND RESEARCH FOR THE NAVY.

(a) REPEAL.—Section 7203 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 631 of such title is amended by striking out the item relating to section 7203.

SEC. 3026. CONSTRUCTION OF COMBATANT AND ESCORT VESSELS AND ASSIGNMENT OF VESSEL PROJECTS.

(a) REPEAL OF OBSOLETE AND INTERNALLY INCONSISTENT PROVISIONS.—Section 7299a of title 10, United States Code, is amended—

(1) by striking out subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section, as redesignated by subsection (a)(2), is amended in paragraph (2) by striking out "subsection (a) or".

SEC. 3027. REPEAL OF REQUIREMENT FOR CONSTRUCTION OF VESSELS ON PACIFIC COAST.

(a) REPEAL.—Section 7302 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7302.

SEC. 3028. AUTHORITY TO TRANSFER BY GIFT A VESSEL STRICKEN FROM NAVAL VESSEL REGISTER.

Section 7306(a)(1) of title 10, United States Code, is amended by inserting "Territory," after "State,".

SEC. 3029. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended—

(1) in section 7361—

(A) in subsection (a), by inserting "AUTHORITY TO PROVIDE FACILITIES BY CONTRACT OR OTHERWISE.—" after "(a)";

(B) in subsection (b), by inserting "CONTRACTS AFFECTING THE DEPARTMENT OF TRANSPORTATION.—" after "(b)"; and

(C) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) LIMITATION ON TERM CONTRACTS.—Term contracts may be entered into for purposes of this section only after—

"(1) it has been demonstrated to the satisfaction of the Secretary of the Navy that available commercial salvage facilities are inadequate to meet national defense requirements; and

"(2) the Secretary of the Navy determines that adequate public notice of intent to exercise the authority under this subsection has been provided.";

(2) by designating the text of section 7362 as subsection (d) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(3) in subsection (d) of section 7361 of such title, as so designated and transferred, by inserting before "The Secretary" the following: "COMMERCIAL USE OF NAVAL VESSELS AND EQUIPMENT.—";

(4) by designating the text of section 7363 as subsection (e) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(5) in subsection (e) of section 7361 of such title, as so designated and transferred, by inserting before "Before any salvage vessel" the following: "CONDITIONS FOR TRANSFER OF EQUIPMENT.—";

(6) by designating the text of section 7365 as subsection (f) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(7) in subsection (f) of section 7361 of such title, as so designated and transferred, by inserting before "The Secretary" the following: "SETTLEMENT OF CLAIMS.—";

(8) by designating the text of section 7367 as subsection (g) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(9) in subsection (g) of section 7361 of such title, as so designated and transferred—

(A) by inserting before "Money received" the following: "DISPOSITION OF RECEIPTS.—"; and

(B) by striking out "this chapter" in the first sentence and inserting in lieu thereof "this section";

(10) by striking out the section headings for sections 7362, 7363, 7365, and 7367;

(11) by striking out the heading for section 7361 and inserting in lieu thereof the following:

"§7361. Navy support for salvage operations";

and

(12) in the table of sections at the beginning of such chapter—

(A) by striking out the item relating to section 7361 and inserting in lieu thereof the following:

"7361. Navy support for salvage operations.";

and

(B) by striking out the items relating to sections 7362, 7363, 7365, and 7367.

Subtitle D—Department of Defense Commercial and Industrial Activities

SEC. 3051. FACTORIES AND ARSENALS: MANUFACTURE AT.

(a) CONSOLIDATION AND REVISION OF AUTHORITY.—

(1) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code is amended by adding at the end the following:

"§2542. Factories and arsenals: manufacture at

"(a) The Secretary of Defense or the Secretary of a military department may have supplies needed for the Department of Defense or such military department, as the case may be, made in factories or arsenals owned by the United States.

"(b) The Secretary of Defense or the Secretary of the military department concerned may abolish any United States arsenal that such Secretary considers unnecessary.".

(2) TECHNICAL AMENDMENT.—The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end the following new item:

"2542. Factories and arsenals: manufacture at.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—

(1) ARMY AUTHORITY.—

(A) REPEAL.—Section 4532 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 433 of such title is amended by striking out the item relating to section 4532.

(2) AIR FORCE AUTHORITY.—

(A) REPEAL.—Section 9532 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 933 of such

title is amended by striking out the item relating to section 9532.

SEC. 3052. ACCOUNTING REQUIREMENT FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) FUNDING TO BE IDENTIFIED IN BUDGET.—Section 1105 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) The Director of the Office of Management and Budget shall establish the funding for advisory and assistance services for each department and agency as a separate object class in each budget annually submitted to the Congress under this section.

"(2)(A) In paragraph (1), except as provided in subparagraph (B), the term 'advisory and assistance services' means the following services when provided by nongovernmental sources:

"(i) Management and professional support services.

"(ii) Studies, analyses, and evaluations.

"(iii) Engineering and technical services.

"(B) In paragraph (1), the term 'advisory and assistance services' does not include the following services:

"(i) Routine automated data processing and telecommunications services (as defined in the Federal Information Resources Management Regulation prescribed by the Administrator of General Services) unless such services are an integral part of a contract for the procurement of advisory and assistance services.

"(ii) Architectural and engineering services.

"(iii) Technical support of research and development activities.

"(iv) Research on basic mathematics or medical, biological, physical, social, psychological, or other phenomena.".

(b) REPEAL OF SOURCE LAW.—Section 512 of Public Law 102–394 (106 Stat. 1826) is repealed.

(c) REPEAL OF SUPERSEDED PROVISIONS.—

(1) TITLE 10.—

(A) REPEAL.—Section 2212 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking out the item relating to section 2212.

(2) TITLE 31.—

(A) REPEAL.—Section 1114 of title 31, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title is amended by striking out the item relating to section 1114.

Subtitle E—Fuel- and Energy-Related Laws

SEC. 3061. LIQUID FUELS AND NATURAL GAS: CONTRACTS FOR STORAGE, HANDLING, OR DISTRIBUTION.

Section 2388(a) of title 10, United States Code, is amended by striking out "liquid fuels and natural gas" and inserting in lieu thereof "liquid fuels or natural gas".

Subtitle F—Fiscal Statutes

SEC. 3071. DISBURSEMENT OF FUNDS OF MILITARY DEPARTMENT TO COVER OBLIGATIONS OF ANOTHER AGENCY OF DEPARTMENT OF DEFENSE.

Subsection (c)(2) of section 3321 of title 31, United States Code, is amended by striking out "military departments of the" and inserting in lieu thereof "The".

Subtitle G—Miscellaneous

SEC. 3081. OBLIGATION OF FUNDS: LIMITATION.

Section 2202 of title 10, United States Code, is amended to read as follows:

"§2202. Obligation of funds: limitation

"The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement, production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.".

SEC. 3082. REPEAL OF REQUIREMENTS REGARDING PRODUCT EVALUATION ACTIVITIES.

(a) REPEAL.—Section 2369 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item related to section 2369.

SEC. 3083. CODIFICATION AND REVISION OF LIMITATION ON LEASE OF VESSELS, AIRCRAFT, AND VEHICLES.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410l. Lease of vessels, aircraft, and vehicles

"The head of an agency named in paragraph (1), (2), (3), or (4) of section 2303(a) of this title may not enter into any contract with a term of 18 months or more, or extend or renew any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement without previously having considered all costs of such lease (including estimated termination liability) and determined in writing that such lease is in the best interest of the Government.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410l. Lease of vessels, aircraft, and vehicles.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 9081 of Public Law 101–165 (103 Stat. 1147; 10 U.S.C. 2401 note) is repealed.

SEC. 3084. SOFT DRINK SUPPLIES FOR EXCHANGE STORES.

Section 2424 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Paragraphs (1) and (2) of subsection (b) do not apply to contracts for the procurement of soft drinks that are manufactured in the United States. The Secretary of Defense shall prescribe in regulations the standards and procedures for determining whether a particular drink is a soft drink and whether the drink was manufactured in the United States.".

SEC. 3085. REPEAL OF PREFERENCE FOR RECYCLED TONER CARTRIDGES.

The following provisions of law, relating to a preference for procurement of recycled toner cartridges, are repealed:

(1) Section 630 of Public Law 102–393 (106 Stat. 1773) and the provision of law set out in quotes in that section (42 U.S.C. 6962(j)).

(2) Section 401 of Public Law 103–123 (107 Stat. 1238).

TITLE IV—SIMPLIFIED ACQUISITION THRESHOLD AND SOCIOECONOMIC, SMALL BUSINESS, AND MISCELLANEOUS LAWS

Subtitle A—Simplified Acquisition Threshold

PART I—ESTABLISHMENT OF THRESHOLD

SEC. 4001. SIMPLIFIED ACQUISITION THRESHOLD.

(a) TERM DEFINED.—Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended to read as follows:

"(11) The term 'simplified acquisition threshold' means $100,000.".

(b) INTERIM REPORTING RULE.—Until October 1, 1999, procuring activities shall continue to report procurement awards with a dollar value of at least $25,000, but less than $100,000, in conformity with the procedures for the reporting of a contract award in excess of $25,000 that were in effect on October 1, 1992.

PART II—SIMPLIFICATION OF PROCEDURES

SEC. 4011. SIMPLIFIED ACQUISITION PROCEDURES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SIMPLIFIED ACQUISITION PROCEDURES

"SEC. 29. (a) In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for contracts for acquisition of property and services that are not in excess of the simplified acquisition threshold.

"(b) Regulations prescribed pursuant to subsection (a) shall include the following provisions:

"(1) A provision that a contract with an anticipated value not in excess of $2,500 is not subject to section 15(j) of the Small Business Act (15 U.S.C. 644(j)) and section 2 of title III of the Act of March 3, 1933 (commonly known as the 'Buy America Act') (41 U.S.C. 10a et seq.).

"(2) A provision that a civilian or military official, or employee of an agency, whose contracting authority does not exceed $2,500 is not a procurement official for the purposes of section 27 of this Act.

"(3) A provision that a purchase not in excess of $2,500 may be made without obtaining competitive quotations if the contracting officer determines that the price for the purchase is reasonable.

"(4) A requirement that purchases not in excess of $2,500 be distributed equitably among qualified suppliers.

"(c) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified acquisition procedures required by subsection (a).

"(d) In using simplified acquisition procedures, the head of an executive agency shall promote competition to the maximum extent practicable.".

SEC. 4012. SMALL BUSINESS RESERVATION.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended to read as follows:

"(j)(1) Each contract for the purchase of goods and services that has an anticipated value in excess of $2,500 but not in excess of the simplified acquisition threshold and that is subject to simplified acquisition procedures prescribed pursuant to section 29 of the Office of Federal Procurement Policy Act shall be reserved exclusively for small business concerns unless the contracting officer is unable to obtain offers from two or more small business concerns that are competitive with market prices and are competitive with regard to the quality and delivery of the goods or services being purchased.

"(2) In carrying out paragraph (1), a contracting officer shall consider a responsive offer timely received from an eligible small business offeror.

"(3) Nothing in paragraph (1) shall be construed as precluding an award of a contract with a value not in excess of the simplified acquisition threshold under the authority of section 8(a) of this Act, section 2323 of title 10, United States Code, or section 712 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656; 15 U.S.C. 644 note).".

SEC. 4013. FAST PAYMENT UNDER SIMPLIFIED ACQUISITION PROCEDURES.

(a) PAYMENT PROCEDURES.—The simplified acquisition procedures described in section 29(a) of the Office of Federal Procurement Policy Act (as added by section 4011) shall provide for use of the payment terms described in subsection (b), and for the disbursement of payment through

electronic fund transfer, whenever circumstances permit.

(b) REQUIRED PAYMENT TERMS.—The payment terms for a purchase made pursuant to simplified acquisition procedures shall require payment, in accordance with the provisions of chapter 39 of title 31, United States Code, within 15 days after the date of the receipt of a proper invoice for products delivered or services performed, if—

(1) in the case of a purchase of property, title to the property will vest in the Government upon delivery of the property to the Government or to a common carrier; and

(2) in the case of property or services for which payment is due before the Government's acceptance of the property or services, the vendor provides commercial or other appropriate warranties assuring that the property or services purchased conform to the requirements set forth in the Government's purchase offer.

SEC. 4014. PROCUREMENT NOTICE.

(a) CONTINUATION OF EXISTING NOTICE THRESHOLDS.—Subsection (a) of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(1) in paragraph (1), by striking out "the small purchase threshold" each place it appears and inserting in lieu thereof "$25,000"; and

(2) in paragraph (3)(B), by inserting after "(B)" the following: "in the case of a contract or order expected to exceed the simplified acquisition threshold,".

(b) CONTENT OF NOTICE.—Subsection (b) of such section is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) in the case of a contract in an amount estimated to exceed $25,000 but not to exceed the simplified acquisition threshold—

"(A) a description of the procedures to be used in awarding the contract; and

"(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.".

(c) NOTICE UNDER THE SMALL BUSINESS ACT.—

(1) CONTINUATION OF EXISTING NOTICE THRESHOLDS.—Subsection (e) of section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(A) in paragraph (1), by striking out "the small purchase threshold" each place it appears and inserting in lieu thereof "$25,000"; and

(B) in paragraph (3)(B), by inserting after "(B)" the following: "in the case of a contract or order estimated to exceed the simplified acquisition threshold,".

(2) CONTENT OF NOTICE.—Subsection (f) of such section is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(6) in the case of a contract in an amount estimated to exceed the $25,000 but not to exceed the simplified acquisition threshold—

"(A) a description of the procedures to be used in awarding the contract; and

"(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.".

SEC. 4015. ELECTRONIC COMMERCE FOR FEDERAL GOVERNMENT PROCUREMENTS.

(a) DEVELOPMENT AND IMPLEMENTATION OF SYSTEM.—The Administrator for Federal Procurement Policy, in consultation with the heads of appropriate Federal Government agencies having applicable technical and functional expertise, may take appropriate steps to develop and implement a Federal Governmentwide architecture or design for electronic commerce that provides interoperability among users.

(b) REQUIRED CAPABILITIES.—The requirements analysis prepared to implement the architecture or design of a system of electronic commerce referred to in subsection (a) shall have the following capabilities:

(1) The maximum practicable capability for electronic exchange of such procurement information as solicitations, offers, contracts, purchase orders, invoices, payments, and other contractual documents between the private sector and the Federal Government.

(2) Capabilities that increase the access of businesses, including small business concerns, socially and economically disadvantaged small business concerns, and businesses owned predominantly by women, to Federal Government procurement opportunities.

(3) Easy access for potential Federal Government contractors.

(4) Use of nationally and internationally recognized data formats that broaden and ease electronic interchange of data.

(5) Use of Federal Government systems and networks and industry systems and networks.

(c) NOTICE AND SOLICITATION REGULATIONS.—In connection with implementation of the architecture or design referred to in subsection (a), the Federal Acquisition Regulatory Council shall ensure that the Federal Acquisition Regulation contains appropriate notice and solicitation provisions applicable to acquisitions conducted through such architecture or design. The provisions shall specify the required form and content of notices of acquisitions and the minimum periods for notifications and solicitations. Each minimum period specified for a notification or solicitation shall afford potential offerors a reasonable opportunity to respond to the notification or solicitation, as the case may be.

(d) LIMITATION OF PUBLICATION REQUIREMENT.—The requirement in section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) for publishing notice of a solicitation in the Commerce Business Daily shall not apply to acquisitions of a Federal agency or a component of a Federal agency that are made through electronic commerce and have a value not in excess of the simplified acquisition threshold if the Administrator for Federal Procurement Policy certifies that such agency or component—

(1) has fully implemented the architecture or design referred to in subsection (a); and

(2) has procedures in place—

(A) to provide notice to potential offerors in accordance with the requirements of the Federal Acquisition Regulation prescribed pursuant to subsection (c); and

(B) to ensure that small business concerns are afforded an opportunity to respond to a solicitation of contract offers within the period specified in the solicitation.

(e) DEFINITION.—In this section, the term "simplified acquisition threshold" has the meaning given that term is section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

PART III—APPLICABILITY OF LAWS TO ACQUISITIONS NOT IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD

SEC. 4021. FUTURE ENACTED PROCUREMENT LAWS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4011, is further amended by adding at the end the following new section:

"APPLICABILITY OF CERTAIN LAWS TO CONTRACTS NOT EXCEEDING SIMPLIFIED ACQUISITION THRESHOLD

"SEC. 30. (a) IN GENERAL.—The applicability of a provision of law described in subsection (b) to contracts not in excess of the simplified acquisition threshold may be waived on a class basis in the Federal Acquisition Regulation. Such a waiver shall not apply to a provision of law that expressly refers to this section and prohibits the waiver of that provision of law.

"(b) REFERENCED LAW.—A provision of law referred to in subsection (a) is any provision of law enacted after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 that, as determined by the Administrator for Federal Procurement Policy, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government.".

SEC. 4022. ARMED SERVICES ACQUISITIONS.

(a) REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 2306(b) of title 10, United States Code, is amended by adding at the end the following: "This subsection does not apply to a contract that is not in excess of the simplified acquisition threshold.".

(b) PROHIBITION ON LIMITING SUBCONTRACTOR DIRECT SALES TO THE UNITED STATES.—Section 2402 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) This section does not apply to a contract that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(c) AUTHORITY TO EXAMINE BOOKS AND RECORDS OF CONTRACTORS.—Section 2313 of title 10, United States Code, as amended by section 2201, is further amended by adding at the end of subsection (f) the following:

"(2) A contract that is not in excess of the simplified acquisition threshold.".

(d) REQUIREMENT TO IDENTIFY SUPPLIERS AND SOURCES OF SUPPLIES.—Section 2384(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The regulations prescribed pursuant to paragraph (1) do not apply to a contract that does not exceed the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(e) PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS.—Section 2393(d) of title 10, United States Code, is amended in the second sentence by striking out "above" and all that follows and inserting in lieu thereof "in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(f) PROHIBITION ON PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.—Section 2408(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The prohibition in paragraph (1) does not apply with respect to the following:

"(A) A contract referred to in subparagraph (A), (B), (C), or (D) of such paragraph that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403 (11))).

"(B) A subcontract referred to in such subparagraph that is under a contract described in subparagraph (A).".

SEC. 4023. CIVILIAN AGENCY ACQUISITIONS.

(a) REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 304(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)) is amended by

adding at the end the following: "The preceding sentence does not apply to a contract that is not in excess of the simplified acquisition threshold.".

(b) Prohibition on Limiting Subcontractor Direct Sales to the United States.—Section 303G of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253g) is amended by adding at the end the following new subsection:

"(c) This section does not apply to a contract that is not in excess of the simplified acquisition threshold.".

(c) Authority To Examine Books and Records of Contractors.—Section 304B of the Federal Property and Administrative Services Act of 1949, as added by section 2251(a), is amended by adding at the end of subsection (f) the following:

"(2) A contract that is not in excess of the simplified acquisition threshold.".

SEC. 4024. ACQUISITIONS GENERALLY.

(a) Limitation on Use of Funds To Influence Certain Federal Actions.—Section 1352(e)(2)(B) of title 31, United States Code, is amended by striking out "$100,000" and inserting in lieu thereof "the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)))".

(b) Requirement for Contract Clause Relating to Kickbacks.—Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57) is amended by adding at the end the following new subsection:

"(d) Subsections (a) and (b) do not apply to a prime contract that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(c) Miller Act.—

(1) In general.—

(A) Contracts not exceeding simplified acquisition threshold.—The Act of August 24, 1935 (40 U.S.C. 270a et seq.), commonly referred to as the "Miller Act", is amended by adding at the end the following new section:

"Sec. 5. This Act does not apply to a contract in an amount that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(B) Conforming amendment.—Subsection (a) of the first section of such Act is amended by striking out ", exceeding $25,000 in amount,".

(2) Alternative payment protections.—

(A) Protections to be specified in the FAR.—The Federal Acquisition Regulation shall provide alternatives to payment bonds as payment protections for suppliers of labor and materials under contracts referred to in subparagraph (C).

(B) Use of authorized protections.—The contracting officer for a contract shall—

(i) select, from among the payment protections provided for in the Federal Acquisition Regulation pursuant to subparagraph (A), one or more payment protections which the offeror awarded the contract is to submit to the Federal Government for the protection of suppliers of labor and materials for such contract; and

(ii) specify in the solicitation of offers for such contract the payment protection or protections so selected.

(C) Covered contracts.—

(i) Applicability.—The regulations required under subparagraph (A) and the requirements of subparagraph (B) apply with respect to contracts referred to in subsection (a) of the first section of the Miller Act that are in excess of $25,000 but not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

(ii) Miller Act reference.—The Miller Act referred to in subparagraph (A) is the Act of August 24, 1935 (40 U.S.C. 270a et seq.), commonly referred to as the "Miller Act".

(d) Contract Work Hours and Safety Standards Act.—

(1) In general.—Section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 329) is amended by adding at the end the following new subsection:

"(c) This title does not apply to a contract in an amount that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(2) Conforming amendment.—Section 107(a) of such Act (40 U.S.C. 333(a)) is amended by inserting after "It shall be a condition of each contract" the following: "(other than a contract referred to in section 103(c))".

(e) Drug-Free Workplace Act of 1988.—Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (subtitle D of title V of the Anti-Drug Abuse Act of 1988; Public Law 100-690; 41 U.S.C. 701(a)(1)) is amended by striking out "of $25,000 or more from any Federal agency" and inserting in lieu thereof "in excess of the simplified acquisition threshold (as defined in section 4(11) of such Act (41 U.S.C. 403(11))) by any Federal agency".

(f) Certain Procurement Integrity Requirements.—

(1) Certification requirement.—Subsection (e)(7)(A) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by striking out "$100,000" and inserting in lieu thereof "the simplified acquisition threshold".

(2) Contract clause requirement.—Subsection (g)(1) of such section is amended by inserting after "awarded by a Federal agency" the following: "(other than a contract in an amount that is not in excess of the simplified acquisition threshold)".

(g) Solid Waste Disposal Act.—Section 6002(a) of the Solid Waste Disposal Act (42 U.S.C. 6962(a)) is amended by striking out all that follows "with respect to any" and inserting in lieu thereof "contract in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

PART IV—CONFORMING AMENDMENTS

SEC. 4071. ARMED SERVICES ACQUISITIONS.

(a) Simplified Acquisition Procedures.—Section 2304(g) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "small purchases of property and services" and inserting in lieu thereof "purchases of property and services not in excess of the simplified acquisition threshold";

(2) by striking out paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(4) in paragraph (2), as so redesignated—

(A) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(B) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures"; and

(5) in paragraph (3), as redesignated by paragraph (3), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures".

(b) Solicitation Content Requirement.—Section 2305(a)(2) of title 10, United States Code, is amended by striking out "small purchases)" in the matter above subparagraph (A) and inserting in lieu thereof "purchases not in excess of the simplified acquisition threshold)".

(c) Cost Type Contracts.—Section 2306(e)(2)(A) of title 10, United States Code, is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

SEC. 4072. CIVILIAN AGENCY ACQUISITIONS.

(a) Simplified Acquisition Procedures.—

(1) Property and services generally.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(A) in paragraph (1), by striking out "small purchases of property and services" and inserting in lieu thereof "purchases of property and services not in excess of the simplified acquisition threshold";

(B) by striking out paragraphs (2) and (5);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as so redesignated—

(i) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(ii) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures"; and

(E) in paragraph (3), as redesignated by subparagraph (C), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures".

(2) Leaseholds.—Section 210 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490) is amended by adding at the end the following new subsection:

"(k)(1) Regulations prescribed by the Administrator shall provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

"(2) For purposes of paragraph (1), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.

"(3) In this subsection, the term 'simplified acquisition threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

(b) Solicitation Content Requirement.—Section 303A(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(b)) is amended by striking out "small purchases)" in the matter above paragraph (1) and inserting in lieu thereof "purchases not in excess of the simplified acquisition threshold)".

(c) Cost Type Contracts.—Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)), as amended by section 1071, is further amended in the second sentence by striking out "either $25,000" and inserting in lieu thereof "either the simplified acquisition threshold".

SEC. 4073. OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

Section 19(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(a)) is amended by striking out "procurements, other than small purchases," and inserting in lieu thereof "procurements in excess of the simplified acquisition threshold".

SEC. 4074. SMALL BUSINESS ACT.

(a) Definition.—Section 3(m) of the Small Business Act (15 U.S.C. 632(m)) is amended by striking out "'small purchase threshold'" and inserting in lieu thereof "'simplified acquisition threshold'".

(b) Use of Simplified Acquisition Threshold Term.—Section 8(d)(2)(A) of the Small Business Act (15 U.S.C. 637(d)(2)(A)) is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

PART V—REVISION OF REGULATIONS

SEC. 4081. REVISION REQUIRED.

(a) Federal Acquisition Regulation.—The Federal Acquisition Regulatory Council established by section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall review the Federal Acquisition Regulation to identify regulations that are applicable to acquisitions in excess of a specified amount that is less than $100,000. The Council shall amend the regulations so identified as necessary to provide that such regulations do not apply to acquisitions that are not in excess of the simplified acquisition threshold. The preceding sentence does not apply in the case of a regulation for which such an amendment would not be in the national interest, as determined by the Council.

(b) Supplemental Regulations.—The head of each Federal agency that has issued regulations, policies, or procedures referred to in section 25(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(2)) shall identify any such regulations, policies, or procedures that are applicable to acquisitions in excess of a specified amount that is less than $100,000. The agency head shall amend the regulations so identified as necessary to provide that such regulations, policies, and procedures do not apply to acquisitions that are not in excess of the simplified acquisition threshold. The preceding sentence does not apply in the case of a regulation, policy, or procedure for which such an amendment would not be in the national interest, as determined by the agency head.

(c) Completion of Actions.—All actions under this section shall be completed not later than 180 days after the date of the enactment of this Act.

(d) Definitions.—In this section:

(1) The term "simplified acquisition threshold" has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as amended by section 4001.

(2) The term "Federal agency" has the meaning given such term in section 3(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 472(b)).

Subtitle B—Socioeconomic and Small Business Laws

SEC. 4101. ARMED SERVICES ACQUISITIONS.

(a) Inapplicability of Certain Labor Laws to Construction of Naval Vessels.—Section 7299 of title 10, United States Code, is amended to read as follows: "No contract for the construction, alteration, furnishing, or equipping of a naval vessel shall be subject to the Act of March 3, 1931 (40 U.S.C. 276a(a)), commonly referred to as the 'Davis-Bacon Act', or to the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), unless the President determines that such requirement is in the interest of national defense.".

(b) Clerical Amendments.—

(1) Section Heading.—The heading of such section is amended to read as follows:

"§7299. Contracts: applicability of certain labor laws".

(2) Table of Sections.—The item relating to such section in the table of sections at the beginning of chapter 633 of title 10, United States Code, is amended to read as follows:

"7299. Contracts: applicability of certain labor laws.".

SEC. 4102. ACQUISITIONS GENERALLY.

(a) Inapplicability of Certain Labor Laws to Construction of Vessels.—No contract for the construction, alteration, furnishing, or equipping of a vessel shall be subject to the Act of March 3, 1931 (40 U.S.C. 276a(a)), commonly referred to as the 'Davis-Bacon Act', or to the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), unless the President determines that such requirement is in the interest of the United States.

(b) Repeal of Executed Reporting Requirement.—Section 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2516) is repealed.

(c) Walsh-Healey Act.—

(1) Repeal other than for certain definitional purposes.—The Act of June 30, 1936 (41 U.S.C. 35 et seq.), commonly referred to as the "Walsh-Healey Act", is amended to read as follows:

"Section 1. (a) The Secretary of Labor may prescribe in regulations the standards for determining whether a contractor is a manufacturer of or a regular dealer in materials, supplies, articles, or equipment to be manufactured or used in the performance of a contract entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment.

"(b) Any interested person shall have the right of judicial review of any legal question regarding the interpretation of the terms 'regular dealer' and 'manufacturer', as defined pursuant to subsection (a)."

(2) Conforming amendment.—Section 2304(h) of title 10, United States Code, is amended to read as follows:

"(h) For the purposes of the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (40 U.S.C. 276a et seq.), purchases or contracts awarded after using procedures other than sealed-bid procedures shall be treated as if they were made with sealed-bid procedures.".

(d) Repeal of Redundant Requirement Regarding Applicability of the Davis-Bacon Act and the Walsh-Healey Act.—Section 308 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 258) is repealed.

SEC. 4103. ACQUISITIONS FROM SMALL BUSINESSES.

(a) Set-Aside Priority.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by striking out subsections (e) and (f).

(b) Certificate of Competence.—Section 804 of Public Law 103–484 (106 Stat. 2447; 10 U.S.C. 2305 note) is repealed.

SEC. 4104. CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS.

(a) Procurement Procedures Authorized.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by inserting after subsection (b) the following new subsection:

"(c)(1) To facilitate the attainment of a goal for the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals that is established for a Federal agency pursuant to section 15(g)(1), the head of the agency may enter into contracts using—

"(A) less than full and open competition by restricting the competition for such awards to small business concerns owned and controlled by socially and economically disadvantaged individuals described in subsection (d)(3)(C) of this section; and

"(B) a price evaluation preference not in excess of 10 percent when evaluating an offer received from such a small business concern as the result of an unrestricted solicitation.

"(2) Paragraph (1) does not apply to the Department of Defense.".

(b) Implementation Through the Federal Acquisition Regulation.—

(1) In general.—The Federal Acquisition Regulation shall be amended to provide for uniform implementation of the authority provided in section 8(c) of the Small Business Act, as added by subsection (a).

(2) Matters to be addressed.—The provisions of the Federal Acquisition Regulation prescribed pursuant to paragraph (1) shall include—

(A) conditions for the use of advance payments;

(B) provisions for contract payment terms that provide for—

(i) accelerated payment for work performed during the period for contract performance; and

(ii) full payment for work performed;

(C) guidance on how contracting officers may use, in solicitations for various classes of products or services, a price evaluation preference pursuant to section 8(c)(1)(B) of the Small Business Act, as added by subsection (a), to provide a reasonable advantage to small business concerns owned and controlled by socially and economically disadvantaged individuals without effectively eliminating any participation of other small business concerns; and

(D)(i) procedures for a person to request the head of Federal agency to determine whether the use of competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals at a contracting activity of such agency has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity; and

(ii) guidance for limiting the use of such restricted competitions in the case of any contracting activity and class of contracts determined in accordance with such procedures to have caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity.

(c) Termination.—Section 8(c) of the Small Business Act, as added by subsection (a), shall cease to be effective at the end of September 30, 1999.

Subtitle C—Miscellaneous Acquisition Laws

SEC. 4151. PROHIBITION ON USE OF FUNDS FOR DOCUMENTING ECONOMIC OR EMPLOYMENT IMPACT OF CERTAIN ACQUISITION PROGRAMS.

(a) Revision and Codification.—

(1) In general.—Subchapter I of chapter 13, of title 10, United States Code, is amended by adding at the end the following new section:

"§2247. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs

"No funds appropriated by the Congress may be obligated or expended to assist any contractor of the Department of Defense in preparing any material, report, lists, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed.".

(2) Clerical amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2247. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.".

(b) Repeal of Superseded Law.—Section 9048 of Public Law 102–396 (106 Stat. 1913) is repealed.

SEC. 4152. RESTRICTION ON USE OF NONCOMPETITIVE PROCEDURES FOR PROCUREMENT FROM A PARTICULAR SOURCE.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304 of title 10, United States Code, as amended by section 1005(b), is further amended—

(1) in subsection (c)(5), by inserting "subject to subsection (j)," after "(5)"; and

(2) by adding at the end the following new subsection:

"(j)(1) It is the policy of Congress that no legislation should be enacted that requires a procurement to be made from a specified non-Federal Government source.

"(2) A provision of law may not be construed as requiring a procurement to be made from a specified non-Federal Government source unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government source involved; and

"(C) specifically states that the procurement from that source is required by such provision of law in contravention of the policy set forth in paragraph (1).".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in subsection (c)(5), by inserting "subject to subsection (h)," after "(5)"; and

(2) by adding at the end the following new subsection:

"(h)(1) It is the policy of Congress that no legislation should be enacted that requires a procurement to be made from a specified non-Federal Government source.

"(2) A provision of law may not be construed as requiring a procurement to be made from a specified non-Federal Government source unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government source involved; and

"(C) specifically states that the procurement from that source is required by such provision of law in contravention of the policy set forth in paragraph (1).".

TITLE V—ACQUISITION MANAGEMENT

Subtitle A—Armed Services Acquisitions

SEC. 5001. PERFORMANCE BASED MANAGEMENT.

(a) POLICY AND GOALS FOR PERFORMANCE BASED MANAGEMENT OF PROGRAMS.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2219. Performance based management: acquisition programs

"(a) CONGRESSIONAL POLICY.—It is the policy of Congress that—

"(1) the Department of Defense should achieve, on average, 90 percent of the cost and schedule goals established for the research and development programs and acquisition programs of the Department of Defense without reducing the performance or capabilities of the items being acquired; and

"(2) the average period necessary for converting an emerging technology into initial operational capability for the Department of Defense should not exceed 8 years.

"(b) ESTABLISHMENT OF GOALS.—(1) The Secretary of Defense shall approve or define the cost, performance, and schedule goals for major defense acquisition programs of the Department of Defense.

"(2) The Comptroller of the Department of Defense shall evaluate the cost goals proposed for each major defense acquisition program of the Department.

"(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—Whenever it is necessary to do so in order to implement the policy set out in subsection (a), the Secretary of Defense shall—

"(1) identify and consider whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements taking into consideration—

"(A) the needs of the Department known as of the time of consideration;

"(B) the state of the technology or technologies relevant to the programs and to the needs of the Department;

"(C) the estimated costs and projected schedules necessary for the completion of such programs; and

"(D) other pertinent information; and

"(2) identify existing and potential research and development programs and acquisition programs that are suitable alternatives for programs considered pursuant to paragraph (1).

"(d) ANNUAL REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report submitted to Congress pursuant to section 113(c) of this title an assessment of the progress made in implementing the policy stated in subsection (a). The Secretary shall use data from existing management systems in making the assessment.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2219. Performance based management: acquisition programs.".

(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the defense acquisition workforce and provide an enhanced system of incentives for the encouragement of excellence in such workforce. The enhanced system of incentives shall, to the maximum extent consistent with applicable law—

(1) relate pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs of the department pursuant to section 2219(b) of title 10, as added by subsection (a)); and

(2) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs of the department pursuant to section 2219(b) of title 10, United States Code, as added by subsection (a).

(c) RECOMMENDED LEGISLATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress any recommended legislation that the Secretary considers necessary to carry out section 2219 of title 10, United States Code, as added by subsection (a), and otherwise to facilitate and enhance management of Department of Defense acquisition programs and the defense acquisition workforce on the basis of performance.

SEC. 5002. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

The Secretary of Defense shall define in regulations a simplified acquisition program cycle that is results-oriented. The Secretary shall consider including in the regulations provisions for the following:

(1) Program phases as follows:

(A) An integrated decision team meeting which—

(i) may be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) is conducted by an acquisition program executive officer; and

(iii) is usually completed within 1 to 3 months.

(B) A prototype development and testing phase which—

(i) includes operational tests and concerns relating to manufacturing operations and life cycle support;

(ii) is usually completed within 6 to 36 months; and

(iii) produces sufficient numbers of prototypes to assess operational utility.

(C) Product integration, development, and testing which—

(i) includes full-scale development, operational testing, and integration of components; and

(ii) is usually completed within 1 to 5 years.

(D) Production, integration into existing systems, or production and integration into existing systems.

(2) An acquisition program approval process for major program decisions which consists of the following:

(A) One major decision point—

(i) which occurs for an acquisition program before the program proceeds into product integration and development; and

(ii) at which the Under Secretary of Defense for Acquisition and Technology, in consultation with the Vice Chairman of the Joint Chiefs of Staff reviews the program, determines whether the program should continue to be carried out beyond product integration and development, and decides whether to commit to further development, to require further prototyping, or to terminate the program.

(B) Consideration of the potential benefits, affordability, needs, and risks of an acquisition program in the review of the acquisition program.

SEC. 5003. DEFENSE ACQUISITION PILOT PROGRAM DESIGNATIONS.

(a) PROGRAMS AND WAIVERS.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended by inserting the following new section at the end of subtitle D of title VIII:

"SEC. 840. DEFENSE ACQUISITION PILOT PROGRAM DESIGNATIONS.

"(a) ELIGIBLE PROGRAMS.—The Secretary of Defense is authorized to designate the following defense acquisition programs for participation in the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note):

"(1) Defense Personnel Support Center medical, clothing and textile, and subsistence programs with respect to the following:

"(A) All contracts for processed fruits and vegetables and frozen seafood items for both depot stock and direct vendor delivery.

"(B) All contracts in the subsistence prime vendor program for grocery items.

"(C) All contracts in the Mail Order Pharmacy Program, the prime vendor programs for pharmaceuticals and for medical surgical items for delivery to military hospitals.

"(D) All contracts in the medical electronic commerce program for acquisition for depot stock and direct vendor delivery.

"(E) All contracts for the following items: dress coats (small lots), dress coats, duffel bags, Navy work clothing, general purpose tents, suitcases, gloves for electrical workers, boot flyers, socks, drawers, undershirts, and items offered under the Broad Agency Announcements for Clothing and Textiles Advanced Business Practices Demonstration Program.

"(2) The Fire Support Combined Arms Tactical Trainer program with respect to all contracts directly related to the procurement of a training system (including related hardware, *software, and subsystems) to perform collective training of field artillery gunnery team components with development of software as required to generate the training exercises and component interfaces.*

"(3) The Joint Direct Attack Munition program (JDAM I) with respect to all contracts directly related to the development and procurement of a strap-on guidance kit, using an inertially guided, Global Positioning System updated guidance kit for inventory 1,000 and 2,000 pound bombs.

"(4) The Joint Primary Aircraft Training System (JPATS) with respect to all contracts directly related to the acquisition of a new primary trainer aircraft to fulfill Air Force and Navy joint undergraduate aviation training requirements, and an associated ground-based training system consisting of air crew training devices (simulators), courseware, a Training Management System, and contractor support for the life of the system.

"(5) The Commercial Derivatives Aircraft program with respect to all contracts directly related to the acquisition or upgrading of civil-derivative aircraft for use in (A) foreign military sales of Airborne Warning and Control Systems to foreign governments with modifications of a type customarily provided to commercial customers, or (B) future Air Force airlift and tanker requirements.

"(6) The Commercial Derivative Engine program with respect to all contracts directly related to the acquisition of (A) commercially derived engines (including spare engines), logistics support equipment, technical orders, management data, and initial spare parts for use in the C-17A production line, and (B) commercially derived engines to support the purchase of commercial-derivative aircraft to meet future Air Force airlift and tanker requirements, including engine replacement and upgrades.

"(b) WAIVER AUTHORITY.—Subject to section 809(c) of the National Defense Authorization Act for Fiscal Year 1991, the Secretary of Defense is authorized—

"(1) to apply any amendment or repeal of a provision of law made in the Federal Acquisition Streamlining Act of 1994 to the programs described in subsection (a) before the effective date of such amendment or repeal; and

"(2) to apply to a procurement of noncommercial items under such programs—

"(A) any authority provided in such Act (or in an amendment made by a provision of such Act) to waive a provision of law in the case of commercial items, and

"(B) any exception applicable under such Act (or an amendment made by a provision of such Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of noncommercial items.

"(c) PILOT PROGRAM IMPLEMENTATION.—In exercising the authority provided in section 809 of the National Defense Authorization Act for 1991, and in accordance with sections 833 through 839 of this Act, the Secretary of Defense, shall take the following actions:

"(1) MISSION-ORIENTED PROGRAM MANAGEMENT.—For one or more of the defense acquisition programs designated for participation in the defense acquisition pilot program, prescribe and implement procedures which—

"(A) provide for interaction between the program manager and the commander of the operational command responsible for the requirement for the equipment acquired;

"(B) include provisions for a determination by the commander that items proposed for procurement fulfill the need defined in approved requirements documents; and

"(C) may include a role for the operational commander in decision making for program milestone decisions and performance of acceptance testing of items acquired.

"(2) SAVINGS OBJECTIVES.—Not later than 45 days after the date of enactment of the Federal Acquisition Streamlining Act of 1994, identify for each defense acquisition program participating in the pilot program quantitative measures and goals for reducing acquisition management costs.

"(3) PROGRAM PHASES.—For each defense acquisition program participating in the pilot program, incorporate in an approved acquisition strategy a program review process that provides senior acquisition officials with reports that—

"(A) contain essential information on program results at quarterly intervals;

"(B) reduce data requirements from the current major program review reporting requirements; and

"(C) include data on program costs estimates, actual expenditures, performance estimates, performance data from tests, and, consistent with existing statutes, the minimum necessary other data items required to ensure the appropriate expenditure of funds appropriated for that program.

"(4) PROGRAM WORK FORCE POLICIES.—With regard to the review of incentives and personnel actions required under section 836 of this Act—

"(A) not later than 60 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994—

"(i) complete the review; and

"(ii) on the basis of the review, define one or more systems that relate incentives, including pay, to achievement of budgets, schedules, and performance requirements;

"(B) not later than 120 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994—

"(i) apply such a system of incentives to not less than one defense acquisition program participating in the pilot program; and

"(ii) provide for an assessment of the effectiveness of that system; and

"(C) incorporate the results of actions taken pursuant to this paragraph into the development of regulations for the implementation of section 5001(b) of the Federal Acquisition Streamlining Act of 1994.

"(5) EFFICIENT CONTRACTING PROCESS.—Take any additional actions that the Secretary considers necessary to waive regulations, not required by statute, that affect the efficiency of the contracting process, including, in the Secretary's discretion, defining alternative techniques to reduce reliance on military specifications and standards in contracts for the defense acquisition programs participating in the pilot program.

"(6) CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.—For at least one participating defense acquisition program for which a determination is made to make payments for work in progress under the authority of section 2307 of title 10, United States Code, define payment milestones on the basis of quantitative measures of results.

"(7) CONTRACTOR PERFORMANCE ASSESSMENT.—Collect and evaluate performance information on each contract entered into for a defense acquisition program participating in the pilot program, including information on cost, schedule, and technical performance for each contractor supporting a participating program.

"(d) APPLICABILITY.—(1) Subsection (b) applies with respect to—

"(A) a contract that is awarded or modified during the period described in paragraph (2); and

"(B) a contract that is awarded before the beginning of such period and is to be performed (or may be performed), in whole or in part, during such period.

"(2) The period referred to in paragraph (1) is the period that begins 45 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 and ends on September 30, 1998.".

(b) RULE OF CONSTRUCTION.—Nothing in section 840 of the National Defense Authorization Act for Fiscal Year 1994, as added by subsection (a), shall be construed as authorizing the appropriation or obligation of funds for the programs designated for participation in the defense acquisition pilot program under the authority of subsection (a) of such section 840.

Subtitle B—Civilian Agency Acquisitions

SEC. 5051. PERFORMANCE BASED MANAGEMENT.

(a) POLICY AND GOALS FOR PERFORMANCE BASED MANAGEMENT OF PROGRAMS.—

(1) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 301 et seq.), as amended by sections 1552 and 1553, is further amended by adding at the end the following new section:

"PERFORMANCE BASED MANAGEMENT: ACQUISITION PROGRAMS

"SEC. 311. (a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost and schedule goals established for the research and development programs and acquisition programs of the agency without reducing the performance or capabilities of the items being acquired.

"(b) ESTABLISHMENT OF GOALS.—(1) The head of each executive agency shall approve or define the cost, performance, and schedule goals for major acquisition programs of the agency.

"(2) The chief financial officer of an executive agency shall evaluate the cost goals proposed for each major defense acquisition program of the agency.

"(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—Whenever it is necessary to do so in order to implement the policy set out in subsection (a), the head of an executive agency shall—

"(1) identify and consider whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements taking into consideration—

"(A) the needs of the agency known as of the time of consideration;

"(B) the state of the technology or technologies relevant to the programs and to the needs of the agency;

"(C) the estimated costs and projected schedules necessary for the completion of such programs; and

"(D) other pertinent information; and

"(2) identify existing and potential research and development programs and acquisition programs that are suitable alternatives for programs considered pursuant to paragraph (1).".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by sections 1552 and 1553, is further amended by inserting after the item relating to section 310 the following new item:

"Sec. 311. Performance based management: acquisition programs.".

(b) ANNUAL REPORTING REQUIREMENT.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405), as amended by section 1091, is further amended by adding at the end the following new subsection:

"(k) The Administrator shall submit to Congress, on an annual basis, an assessment of the progress made in executive agencies in implementing the policy stated in section 311(a) of the Federal Property and Administrative Services Act of 1949. The Administrator shall use data

from existing management systems in making the assessment.".

(c) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with appropriate officials in other departments and agencies of the Federal Government, shall, to the maximum extent consistent with applicable law—

(1) establish policies and procedures for the heads of such departments and agencies to designate acquisition positions and manage employees (including the accession, education, training and career development of employees) in the designated acquisition positions;

(2) extend to the acquisition workforce of the entire executive branch the acquisition workforce policies contained in chapter 87 of title 10, United States Code, relating to the acquisition workforce of the Department of Defense; and

(3) review the incentives and personnel actions available to the heads of department and agencies of the Federal Government for encouraging excellence in the acquisition workforce of the Federal Government and provide an enhanced system of incentives for the encouragement of excellence in such workforce which—

(A) relates pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 311(b) of the Federal Property and Administrative Services Act of 1949, as added by subsection (a)); and

(B) provides for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

(d) RECOMMENDED LEGISLATION.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress any recommended legislation that the Secretary considers necessary to carry out section 311 of the Federal Property and Administrative Services Act of 1949, as added by subsection (a), and otherwise to facilitate and enhance management of Federal Government acquisition programs and the acquisition workforce of the Federal Government on the basis of performance.

SEC. 5052. RESULTS-ORIENTED ACQUISITION PROCESS.

(a) DEVELOPMENT OF PROCESS REQUIRED.—The Administrator for Federal Procurement Policy, in consultation with the heads of appropriate Federal agencies, shall develop a results-oriented acquisition process for implementation by agencies in acquisitions of property and services by the Federal agencies. The process shall include the identification of quantitative measures and standards for determining the extent to which an acquisition of noncommercial items by a Federal agency satisfies the needs for which the items are being acquired.

(b) INAPPLICABILITY OF PROCESS TO DEPARTMENT OF DEFENSE.—The process developed pursuant to subsection (a) may not be applied to the Department of Defense.

Subtitle C—Miscellaneous

SEC. 5091. CONTRACTOR EXCEPTIONAL PERFORMANCE AWARDS.

The Office of Federal Procurement Policy Act, as amended by section 4021, is further amended by adding at the end the following:

"CONTRACTOR EXCEPTIONAL PERFORMANCE AWARDS

"SEC. 31. (a) ESTABLISHMENT.—There is hereby established an executive branch program to recognize and promote exceptional contract performance by Federal Government contractors.

"(b) SELECTION.—(1) The Administrator shall ensure the establishment of criteria for selection of contractors to receive exceptional performance awards under the program.

"(2) The head of an executive agency may select one or more agency contractors to receive an exceptional performance award under the program.

"(c) AWARD CEREMONY.—The Vice President, or the head of the executive agency selecting a contractor for an exceptional performance award, shall present the award to the contractor with such ceremony as the Vice President or head of the agency, as the case may be, considers appropriate.".

SEC. 5092. DEPARTMENT OF DEFENSE ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.

Section 2386 of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Technical data and computer software.

"(4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.".

TITLE VI—STANDARDS OF CONDUCT

Subtitle A—Ethics Provisions

SEC. 6001. AMENDMENTS TO OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

(a) RECUSAL.—Subsection (c) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in paragraph (1)—

(A) in the matter above subparagraph (A), by inserting "only" after "subsection (b)(1)"; and

(B) in subparagraph (A), by inserting "(including the modification or extension of a contract)" after "any procurement";

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

"(2) Whenever the head of a procuring activity approves a recusal under paragraph (1), a copy of the recusal request and the approval of the request shall be retained by such official for a period (not less than five years) specified in regulations prescribed in accordance with subsection (o).

"(3)(A) Except as provided in subparagraph (B), all recusal requests and approvals of recusal requests pursuant to this subsection shall be made available to the public on request.

"(B) Any part of a recusal request or an approval of a recusal request that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public otherwise required under subparagraph (A)."; and

(3) in paragraph (4), by striking out "competing contractor" and inserting in lieu thereof "person".

(b) APPLICABILITY OF CERTIFICATION REQUIREMENT.—Subsection (e)(7)(A) of such section is amended by adding at the end the following: "However, paragraph (1)(B) does not apply with respect to a contract for less than $500,000.".

(c) RESTRICTIONS RESULTING FROM PROCUREMENT ACTIVITIES OF PROCUREMENT OFFICIALS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) No individual who, in the year prior to separation from service as an officer or employee of the Government or an officer of the uniformed services in a covered position, participated personally and substantially in acquisition functions related to a contract, subcontract, or claim of $500,000 or more and—

"(A) engaged in repeated direct contact with the contractor or subcontractor on matters relating to such contract, subcontract, or claim; or

"(B) exercised significant ongoing decision-making responsibility with respect to the contractor or subcontractor on matters relating to such contract, subcontract, or claim,

shall knowingly accept or continue employment with such contractor or subcontractor for a period of 1 year following the individual's separation from service, except that such individual may accept or continue employment with any division or affiliate of such contractor or subcontractor that does not produce the same or similar products as the entity involved in the negotiation or performance of the contract or subcontract or the adjustment of the claim.

"(2) No contractor or subcontractor, or any officer, employee, agent, or consultant of such contractor or subcontractor shall knowingly offer, provide, or continue any employment for another person, if such contractor, subcontractor, officer, employee, agent, or consultant knows or should know that the acceptance of such employment is or would be in violation of paragraph (1).

"(3) The head of each Federal agency shall designate in writing as a 'covered position' under this section each of the following positions in that agency:

"(A) The position of source selection authority, member of a source selection evaluation board, or chief of a financial or technical evaluation team, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the evaluation of proposals or the selection of a source for a contract in excess of $500,000.

"(B) The position of procuring contracting officer, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the negotiation of a contract in excess of $500,000 or the negotiation or settlement of a claim in excess of $500,000.

"(C) The position of program executive officer, program manager, or deputy program manager, or any other position, if the officer or employee in that position is likely personally to exercise similar substantial responsibility for ongoing discretionary functions in the management or administration of a contract in excess of $500,000.

"(D) The position of administrative contracting officer, the position of an officer or employee assigned on a permanent basis to a Government Plant Representative's Office, the position of auditor, a quality assurance position, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the on-site oversight of a contractor's operations with respect to a contract in excess of $500,000.

"(E) A position in which the incumbent is likely personally to exercise substantial responsibility for ongoing discretionary functions in operational or developmental testing activities involving repeated direct contact with a contractor regarding a contract in excess of $500,000.".

(d) DISCLOSURE OF PROPRIETARY OR SOURCE SELECTION INFORMATION TO UNAUTHORIZED PERSONS.—Subsection (l) of such section is amended—

(1) by inserting "who are likely to be involved in contracts, modifications, or extensions in excess of $25,000" in the first sentence after "its procurement officials"; and

(2) by striking out "(e)" each place it appears and inserting in each such place "(f)".

(e) RULES OF CONSTRUCTION.—Subsection (n) of such section is amended to read as follows:

"(n) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) authorize the withholding of any information from the Congress, any committee or

subcommittee thereof, a Federal agency, any board of contract appeals of a Federal agency, the Comptroller General, or an inspector general of a Federal agency;

"(2) restrict the disclosure of information to, or receipt of information by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(3) restrict a contractor from disclosing its own proprietary information or the recipient of information so disclosed by a contractor from receiving such information; or

"(4) restrict the disclosure or receipt of information relating to a Federal agency procurement that has been canceled by the agency and that the contracting officer concerned determines in writing is not likely to be resumed.".

(f) TERM TO BE DEFINED IN REGULATIONS.—Subsection (o)(2)(A) of such section is amended—

(1) by inserting "money, gratuity, or other" before "thing of value'"; and

(2) by inserting before the semicolon "and such other exceptions as may be adopted on a Governmentwide basis under section 7353 of title 5, United States Code".

(g) TERMS DEFINED IN LAW.—Subsection (p) of such section is amended—

(1) in paragraph (1) by striking out "clauses (i)–(viii)" and inserting in lieu thereof "clauses (i) through (vii)";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out clause (i);

(ii) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), and (viii) as clauses (i), (ii), (iii), (iv), (v), (vi), and (vii), respectively; and

(iii) in clause (i) (as redesignated by subclause (II) of this clause), by striking out "review and approval of a specification" and inserting in lieu thereof "approval or issuance of a specification, acquisition plan, procurement request, or requisition"; and

(B) in subparagraph (B), by striking out all after "includes" and inserting in lieu thereof the following: "any individual acting on behalf of, or providing advice to, the agency with respect to any phase of the agency procurement concerned, regardless of whether such individual is a consultant, expert, or adviser, or an officer or employee of a contractor or subcontractor (other than a competing contractor)."; and

(3) in paragraph (6)(A), by inserting "nonpublic" before "information".

SEC. 6002. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 208(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Except as permitted"; and

(2) by adding at the end the following new paragraph:

"(2) Whoever knowingly aids, abets, counsels, commands, induces, or procures conduct prohibited by this section shall be subject to the penalties set forth in section 216 of this title.".

SEC. 6003. REPEAL OF SUPERSEDED AND OBSOLETE LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) Sections 2207, 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 281 of title 18, United States Code.

(3) Section 801 of title 37, United States Code.

(4) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218).

(b) CLERICAL AMENDMENTS.—

(1) TITLE 10.—Part IV of subtitle A of title 10, United States Code, is amended—

(A) in the table of sections at the beginning of chapter 131, by striking out the item relating to section 2207; and

(B) in the table of sections for chapter 141, by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) TITLE 18.—The table of sections for chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) TITLE 37.—The table of sections for chapter 15 of title 37, United States Code, is amended by striking out the item relating to section 801.

(4) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

SEC. 6004. IMPLEMENTATION.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, regulations implementing the amendments made by section 6001 to section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), including definitions of the terms used in subsection (f) of such section, shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405 and 521) after coordination with the Director of the Office of Government Ethics.

(b) SAVINGS PROVISIONS.—

(1) CONTRACTOR CERTIFICATIONS.—No officer, employee, agent, representative, or consultant of a contractor who has signed a certification under section 27(e)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)(1)(B)) before the effective date of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(2) FEDERAL PROCUREMENT OFFICIAL CERTIFICATIONS.—No procurement official of a Federal agency who has signed a certification under section 27(l) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(l)) before the date of enactment of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(c) INSPECTOR GENERAL REPORTS.—Not later than May 31 of each of the years 1995 through 1998, the Inspector General of each Federal agency (or, in the case of a Federal agency that does not have an Inspector General, the head of such agency) shall submit to Congress a report on the compliance by the agency during the preceding year with the requirement for the head of the agency to designate covered procurement positions under section 27(f)(3) of the Office of Federal Procurement Policy Act (as added by section 6001(c)).

Subtitle B—Additional Amendments

SEC. 6051. CONTRACTING FUNCTIONS PERFORMED BY FEDERAL PERSONNEL.

(a) AMENDMENT OF OFPP ACT.—The Office of Federal Procurement Policy Act, as amended by section 1092, is further amended by inserting after section 22 the following new section 23:

"CONTRACTING FUNCTIONS PERFORMED BY FEDERAL PERSONNEL

"SEC. 23. (a) LIMITATION ON PAYMENT FOR ADVISORY AND ASSISTANCE SERVICES.—(1) No person who is not a person described in subsection (b) may be paid by an agency for services to conduct evaluations or analyses of any aspect of a proposal submitted for an acquisition unless personnel described in subsection (b) with adequate training and capabilities to perform such evaluations and analyses are not readily available within the agency or another Federal agency, as determined in accordance with standards and procedures prescribed in the Federal Acquisition Regulation.

"(2) In the administration of this subsection, the head of each agency shall determine in accordance with the standards and procedures set forth in the Federal Acquisition Regulation whether—

"(A) a sufficient number of personnel described in subsection (b) within the agency or another Federal agency are readily available to perform a particular evaluation or analysis for the agency head making the determination; and

"(B) the readily available personnel have the training and capabilities necessary to perform the evaluation or analysis.

"(b) COVERED PERSONNEL.—For purposes of subsection (a), the personnel described in this subsection are as follows:

"(1) An employee, as defined in section 2105 of title 5, United States Code.

"(2) A member of the Armed Forces of the United States.

"(3) A person assigned to a Federal agency pursuant to subchapter VI of chapter 33 of title 5, United States Code.

"(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to affect the relationship between the Federal Government and a federally funded research and development center.".

(b) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council established by section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall—

(1) review part 37 of title 48 of the Code of Federal Regulations as it relates to the use of advisory and assistance services; and

(2) provide guidance and promulgate regulations regarding—

(A) what actions Federal agencies are required to take to determine whether expertise is readily available within the Federal Government before contracting for advisory and technical services to conduct acquisitions; and

(B) the manner in which personnel with expertise may be shared with agencies needing expertise for such acquisitions.

SEC. 6052. REPEAL OF EXECUTED REQUIREMENT FOR STUDY AND REPORT.

Section 17 of the Office of Federal Procurement Policy Act (41 U.S.C. 415) is repealed.

SEC. 6053. INTERESTS OF MEMBERS OF CONGRESS.

Section 3741 of the Revised Statutes (41 U.S.C. 22) is amended to read as follows:

"No member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.".

SEC. 6054. WAITING PERIOD FOR SIGNIFICANT CHANGES PROPOSED FOR ACQUISITION REGULATIONS.

Section 22(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 418b) is amended—

(1) by striking out "30 days" and inserting in lieu thereof "60 days"; and

(2) by adding at the end the following: "Notwithstanding the preceding sentence, such a policy, regulation, procedure, or form may take effect earlier than 60 days after the publication date when there are compelling circumstances for the earlier effective date, but in no event may that effective date be less than 30 days after the publication date.".

Subtitle C—Whistleblower Protection

SEC. 6101. ARMED SERVICES PROCUREMENTS.

(a) WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.—Section 2409 of title 10, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—(1) If the Secretary of Defense determines that a defense contractor has subjected a person to a reprisal prohibited by subsection (a), the Secretary may take one or more of the following actions:

"(A) Order the defense contractor to take affirmative action to abate the reprisal.

"(B) Order the defense contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the defense contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorney's fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the Secretary.

"(2) Whenever a person fails to comply with an order issued under paragraph (1), the Secretary shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

"(3) Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the Secretary's order. Review shall conform to chapter 7 of title 5.".

(b) RELATED LAW.—

(1) REPEAL.—Section 2409a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2409a.

SEC. 6102. GOVERNMENTWIDE WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 5091, is further amended by adding at the end the following new section:

"CONTRACTOR EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION

"SEC. 32. (a) PROHIBITION OF REPRISALS.—An employee of an executive agency contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of the agency or the Department of Justice information relating to a substantial violation of law related to an agency contract (including the competition for or negotiation of an agency contract).

"(b) INVESTIGATION OF COMPLAINTS.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency. Unless the Inspector General determines that the complaint is frivolous, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor concerned, and the head of the agency. In the case of an executive agency that does not have an inspector general, the duties of the inspector general under this section shall be performed by an official designated by the agency head.

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—(1) If the head of an executive agency determines that an agency contractor has subjected a person to a reprisal prohibited by subsection (a), the agency head may take one or more of the following actions:

"(A) Order the contractor to take affirmative action to abate the reprisal.

"(B) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorney's fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the Secretary.

"(2) Whenever a person fails to comply with an order issued under paragraph (1), the agency head shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

"(3) Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the agency head's order. Review shall conform to chapter 7 of title 5, United States Code.

"(d) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

"(e) COORDINATION WITH OTHER LAW.—This section does not apply with respect to the Department of Defense. For the corresponding provision of law applicable to the Department of Defense, see section 2409 of title 10, United States Code.

"(f) DEFINITION.—In this section, the term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978.".

TITLE VII—DEFENSE TRADE AND COOPERATION

SEC. 7001. PURCHASES OF FOREIGN GOODS.

(a) REPEAL OF EXECUTED REQUIREMENTS.—

(1) REQUIREMENT FOR POLICY GUIDANCE.—Title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), commonly referred to as the "Buy American Act", is amended in section 4(g) (41 U.S.C. 10b–1(g)) by striking out paragraphs (2)(C) and (3).

(2) REPORTING REQUIREMENT.—Section 9096(b) of Public Law 102–396 (106 Stat. 1924; 41 U.S.C. 10b–2(b)) is repealed.

(b) REPEAL OF REDUNDANT PROVISION.—

(1) CONSIDERATION OF NATIONAL SECURITY OBJECTIVES.—Section 2327 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2327.

SEC. 7002. INTERNATIONAL COOPERATIVE AGREEMENTS.

(a) TERMINOLOGY REVISIONS.—Section 2531 of title 10, United States Code, is amended—

(1) in the subsection captions for subsections (a) and (c), by striking out "MOUS AND RELATED" and inserting in lieu thereof "INTERNATIONAL";

(2) in subsection (a), by striking out "proposed memorandum of understanding, or any existing or proposed agreement related to a memorandum of understanding," in the matter above paragraph (1) and inserting in lieu thereof "proposed international agreement, including a memorandum of understanding,";

(3) by striking out "memorandum of understanding or related agreement" each place it appears and inserting in lieu thereof "international agreement";

(4) in subsection (b), by striking out "memorandum or related agreement" each place it appears in the second sentence and inserting in lieu thereof "international agreement"; and

(5) in subsection (c)—

(A) by striking out "A" after "AGREEMENTS.—" and inserting in lieu thereof "An"; and

(B) by striking out "memorandum or agreement" and inserting in lieu thereof "international agreement".

(b) EXPANDED SCOPE OF AGREEMENTS.—Section 2531(a) of title 10, United States Code, is amended by striking out "research, development, or production" in the matter above paragraph (1) and inserting in lieu thereof "research, development, production, or logistics support".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2531 of title 10, United States Code, is amended to read as follows:

"§2531. Defense international agreements".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of such title is amended to read as follows:

"2531. Defense international agreements.".

SEC. 7003. ACQUISITION, CROSS-SERVICING AGREEMENTS, AND STANDARDIZATION.

(a) LIMITED WAIVER OF RESTRICTIONS ON ACCRUED REIMBURSABLE LIABILITIES AND CREDITS FOR CONTINGENCY OPERATIONS.—Section 2347 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Secretary of Defense may waive the restrictions in subsections (a) and (b) for a period not to exceed 180 days upon a written determination that the armed forces are involved in a contingency operation or that involvement of the armed forces in a contingency operation is imminent. Upon making such a determination, the Secretary shall transmit a copy of the determination to the Committees on Armed Services of the Senate and House of Representatives.".

(b) COMMUNICATIONS SUPPORT.—Section 2350f of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Nothing in this section shall be construed to limit the authority of the Secretary of Defense, without a formal bilateral agreement or multilateral arrangement, to furnish communications support and related supplies to, or receive communications support and related supplies from, an allied country in accordance with this subsection.

"(2) The Secretary of Defense may furnish or receive such support and supplies on a reciprocal basis for a period not to exceed 90 days—

"(A) in order to meet emerging operational requirements of the United States and the allied country; or

"(B) incident to a joint military exercise with the allied country.

"(3) If interconnection of communication circuits is maintained for joint or multilateral defense purposes under the authority of this subsection, the costs of maintaining such circuits may be allocated among the various users.".

TITLE VIII—COMMERCIAL ITEMS

SEC. 8001. DEFINITIONS.

Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), as amended by section 4001(a), is further amended—

(1) by striking out "Act—"and inserting in lieu thereof "Act:";

(2) by capitalizing the initial letter in the first word of each paragraph;

(3) by striking out the semicolon at the end of each of paragraphs (1), (2), (3), (5), (6), (7), (8), and (9) and inserting in lieu thereof a period;

(4) in paragraphs (4) and (10), by striking out "; and" at the end and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraphs:

"(12) The term 'commercial item' means—

"(A) property, other than real property, that is of a type customarily used by the general public or by nongovernmental entities in the course of normal business operations for purposes other than governmental purposes and—

"(i) has been sold, leased, or licensed to the general public;

"(ii) has not been sold, leased, or licensed to the general public but has been offered for sale, lease, or license to the general public; or

"(iii) is not yet available in the commercial marketplace but will be made available for commercial delivery within a reasonable period;

"(B) any item that, but for—

"(i) modifications of a type customarily available in the commercial marketplace, or

"(ii) minor modifications made to meet Federal Government requirements,

would satisfy the criteria in subparagraph (A);

"(C) any combination of items meeting the requirements of subparagraph (A), (B), or (D) that are of a type customarily combined and sold in combination to the general public;

"(D) installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in subparagraph (A), (B), or (C) and if the source of such services—

"(i) offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and

"(ii) offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public; and

"(E) any item, combination of items, or service referred to in subparagraph (A), (B), (C), or (D), regardless of whether the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

"(13) The term 'nondevelopmental item' means—

"(A) any commercial item;

"(B) any previously developed item of supply that is in use by a department or agency of the United States, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

"(C) any item of supply described in subparagraph (A) or (B) that requires only minor modification of the type normally available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or

"(D) any item of supply currently being produced that does not meet the requirements of subparagraph (A), (B), or (C) solely because the item—

"(i) is not yet in use; or

"(ii) is not yet available in the commercial marketplace.

"(14) The term 'component' means any item supplied to the Federal Government as part of an end item or of another component.

"(15) The term 'commercial component' means any component that is a commercial item.".

SEC. 8002. PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS AND NONDEVELOPMENTAL ITEMS.

(a) PREFERENCE REQUIRED.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 6102, is further amended by adding at the end the following new section:

"PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS AND NONDEVELOPMENTAL ITEMS

"SEC. 33. (a) PREFERENCE.—The head of each executive agency shall ensure that, to the maximum extent practicable—

"(1) requirements of the executive agency with respect to a procurement of supplies are stated in terms of—

"(A) functions to be performed;

"(B) performance required; or

"(C) essential physical characteristics;

"(2) such requirements are defined so that commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items may be procured to fulfill such requirements; and

"(3) offerors of commercial items and other nondevelopmental items are provided an opportunity to compete in any procurement to fill such requirements.

"(b) IMPLEMENTATION.—The head of each executive agency shall ensure that procurement officials in that executive agency, to the maximum extent practicable—

"(1) acquire commercial items or other nondevelopmental items to meet the needs of the executive agency;

"(2) require prime contractors and subcontractors at all levels under the executive agency contracts to incorporate commercial items or other nondevelopmental items as components of items supplied to the executive agency;

"(3) modify requirements in appropriate cases to ensure that the requirements can be met by commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items;

"(4) state specifications in terms that enable and encourage bidders and offerors to supply commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items in response to the executive agency solicitations;

"(5) revise the executive agency's procurement policies, practices, and procedures not required by law to reduce any impediments in those policies, practices, and procedures to the acquisition of commercial items; and

"(6) require training of appropriate personnel in the acquisition of commercial items.

"(c) PRELIMINARY MARKET RESEARCH.—(1) The head of an executive agency shall conduct market research appropriate to the circumstances—

"(A) before developing new specifications for a procurement by that executive agency; and

"(B) before soliciting bids or proposals for a contract in excess of the simplified acquisition threshold.

"(2) The head of an executive agency shall use the results of market research to determine whether there are commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items available that—

"(A) meet the executive agency's requirements;

"(B) could be modified to meet the executive agency's requirements; or

"(C) could meet the executive agency's requirements if those requirements were modified to a reasonable extent.".

(b) REPEAL OF SUPERSEDED PROVISION.—

(1) SEPARATE STATEMENT OF PREFERENCE FOR DEPARTMENT OF DEFENSE.—Section 2325 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2325.

SEC. 8003. ACQUISITION OF COMMERCIAL ITEMS.

(a) REQUIRED FAR PROVISIONS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 8002, is further amended by adding at the end the following:

"FEDERAL ACQUISITION REGULATION PROVISIONS REGARDING ACQUISITIONS OF COMMERCIAL ITEMS AND COMPONENTS

"SEC. 34. (a) CONTRACT CLAUSES AND OTHER CLAUSES.—(1)(A) The Federal Acquisition Regulation shall include one or more sets of contract clauses containing the required terms and conditions for the acquisition of commercial items and commercial components by executive agencies and by contractors in the performance of contracts of executive agencies.

"(B) The contract clauses referred to in subparagraph (A) shall include only—

"(i) those clauses that are required to implement provisions of law applicable to acquisitions of commercial items or commercial components, as the case may be;

"(ii) those contract clauses that are essential for the protection of the Federal Government's interest in an acquisition of commercial items or commercial components, as the case may be; and

"(iii) those contract clauses that are determined to be consistent with standard commercial practice.

"(2) Subject to paragraph (3), the Federal Acquisition Regulation shall require that, to the maximum extent practicable, only the contract clauses referred to in paragraph (1) be used in a contract, or be required to be used in a subcontract, for the acquisition of commercial items or commercial components by or for an executive agency.

"(3) The Federal Acquisition Regulation shall provide that a contract or subcontract referred to in paragraph (2) may contain contract clauses other than the contract clauses referred to in that paragraph only if the other clauses are essential for the protection of the Federal Government's interest in—

"(A) that contract or subcontract, as determined in writing by the contracting officer for such contract; or

"(B) a class of contracts or subcontracts, as determined by the head of an agency concerned, unless the determination of that head of an agency is disapproved by the Administrator.

"(4) The Federal Acquisition Regulation shall provide standards and procedures for waiving the use of contract clauses required pursuant to paragraph (1), other than those required by law, including standards for determining the cases in which a waiver is appropriate.

"(b) MARKET ACCEPTANCE.—The Federal Acquisition Regulation shall provide that under appropriate conditions the head of an executive agency may require offerors to demonstrate that the items offered—

"(1) have either—

"(A) achieved commercial market acceptance; or

"(B) been satisfactorily supplied to an executive agency under current or recent contracts for the same or similar requirements; and

"(2) otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation relating to the contract.

"(c) USE OF FIRM, FIXED PRICE CONTRACTS.—The Federal Acquisition Regulation shall include a requirement that firm, fixed price contracts or fixed price with economic price adjustment contracts, be used, to the maximum extent

practicable, for the acquisition of commercial items.

"(d) CONTRACT QUALITY REQUIREMENTS.—The Federal Acquisition Regulation shall include provisions that—

"(1) permit, to the maximum extent practicable, a contractor under a commercial items acquisition to use the contractor's existing quality assurance system as a substitute for compliance with a requirement for the Federal Government to inspect or test the commercial items before the contractor's tender of those items for acceptance by the Federal Government;

"(2) require that, to the maximum extent practicable, an executive agency accept commercial warranties (including extended warranties) offered by offerors of commercial items to commercial customers and use such warranties for the repair and replacement of commercial items; and

"(3) set forth guidance to executive agencies regarding the use of past performance of items and sources as a factor in contract award decisions.".

"(e) TREATMENT OF TRANSFERS BETWEEN AFFILIATES.—The Federal Acquisition Regulation shall provide for a transfer of commercial items from one division, subsidiary, or affiliate of a contractor to another division, subsidiary, or affiliate of the contractor to be treated as a subcontract for purposes of section 35 of the Office of Federal Procurement Policy Act and the provisions of law amended by section 8005 of the Federal Acquisition Streamlining Act of 1994.".

(b) DEFENSE CONTRACT CLAUSES.—

(1) TERMINATION OF DOD AUTHORITY.—Section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2325 note) shall cease to be effective on the date on which the regulations implementing section 34 of the Office of Federal Procurement Policy Act, as added by subsection (a), become effective.

(2) SAVINGS PROVISION.—Notwithstanding section 34(a) of the Office of Federal Procurement Policy Act (as added by subsection (a)), contracts of the Department of Defense entered into before the date on which section 824(b) ceases to be effective under paragraph (1), and subcontracts entered into before such date under such contracts, may include clauses developed pursuant to paragraphs (2) and (3) of section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2325 note).

SEC. 8004. CLASS WAIVER OF APPLICABILITY OF CERTAIN LAWS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 8003, is further amended by adding at the end the following:

"CLASS WAIVER OF APPLICABILITY OF CERTAIN LAWS TO ACQUISITIONS OF COMMERCIAL ITEMS

"SEC. 35. (a) IN GENERAL.—The applicability of a provision of law described in subsection (c) that is enacted after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 to contracts for the acquisition of commercial items may be waived on a class basis in the Federal Acquisition Regulation. Such a waiver shall not apply to a provision of law that expressly refers to this section and prohibits the waiver of that provision of law.

"(b) WAIVER OF APPLICABILITY TO SUBCONTRACTS.—(1) The applicability of a provision of law described in subsection (c) to subcontracts under a contract for the acquisition of commercial items or a subcontract for the acquisition of commercial components may be waived on a class basis in the Federal Acquisition Regulation. Such a waiver shall not apply to a provision of law that expressly refers to this section and prohibits the waiver of that provision of law.

"(2) Nothing in this subsection shall be construed to authorize the waiver of the applicability of any provision of law with respect to—

"(A) any contract with a prime contractor; or

"(B) any subcontract under a contract with a prime contractor who does not substantially transform the commercial items supplied under the contract.

"(c) COVERED LAW.—A provision of law referred to in subsections (a) and (b) is any provision of law that, as determined by the Federal Acquisition Regulatory Council, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government.".

SEC. 8005. INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.

(a) ARMED SERVICES ACQUISITIONS.—

(1) PROHIBITION ON CONTINGENT FEES.—Section 2306(b) of title 10, United States Code, as amended by section 4022(a), is further amended by inserting before the period at the end of the sentence added by section 4022(a) the following: "or to a contract for the acquisition of commercial items".

(2) REQUIREMENT TO IDENTIFY SUPPLIERS AND SOURCES OF SUPPLIES.—Paragraph (2) of section 2384(b) of title 10, United States Code, is amended to read as follows:

"(2) The regulations prescribed pursuant to paragraph (1) do not apply to a contract that requires the delivery of supplies that are commercial items, as defined in section 2302 of this title.".

(3) PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS.—Section 2393(d) of title 10, United States Code, as amended by section 4022(e), is further amended by adding at the end the following: "The requirement shall not apply in the case of a subcontract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."

(4) PROHIBITION ON LIMITATION OF SUBCONTRACTOR DIRECT SALES.—Section 2402 of title 10, United States Code, as amended by section 4022(b), is further amended by adding at the end the following new subsection:

"(d)(1) An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under such contract that restricts sales by such subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the United States in violation of the provision included in such contract pursuant to subsection (a) if the agreement does not result in the Federal Government being treated differently with regard to the restriction than any other prospective purchaser of such commercial items from that subcontractor.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(5) CONTRACTOR INVENTORY ACCOUNTING SYSTEMS: STANDARDS.—Section 2410b of title 10, United States Code, is amended—

(A) by inserting "(a) REGULATIONS REQUIRED.—" before "The Secretary of Defense"; and

(B) by adding at the end the following new subsection:

"(b) INAPPLICABILITY TO ACQUISITIONS OF COMMERCIAL ITEMS.—The regulations prescribed pursuant to subsection (a) need not apply to a contract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."

(6) PROHIBITION ON PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.—Paragraph (4) of section 2408(a) of title 10, United States Code, as added by section 4022(f), is amended—

(A) by inserting after subparagraph (A) the following:

"(B) A contract referred to in such subparagraph that is for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."; and

(B) by inserting "or (B)" before the period at the end of subparagraph (C).

(b) CIVILIAN AGENCY ACQUISITIONS.—

(1) RESTRICTIONS ON SUBCONTRACTOR SALES TO THE UNITED STATES.—Section 303G of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253g), as amended by section 4023(b), is further amended by adding at the end the following new subsection:

"(d) An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under such contract that restricts sales by such subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the United States in violation of the provision included in such contract pursuant to subsection (a) if the agreement does not result in the Federal Government being treated differently with regard to the restriction than any other prospective purchaser of such commercial items from that subcontractor.".

(2) PROHIBITION ON CONTINGENT FEES.—Section 304(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)), as amended by section 4023(a) is further amended by inserting before the period at the end of the sentence added by section 4041 the following: "or to a contract for the acquisition of commercial items".

(c) ACQUISITIONS GENERALLY.—

(1) FEDERAL WATER POLLUTION CONTROL ACT.—Section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1368) is amended by adding at the end the following new subsection:

"(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(2) CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.—The Contract Work Hours and Safety Standards Act (title I of the Work Hours and Safety Act of 1962 (40 U.S.C. 327 et seq.)) is amended by adding at the end the following new section:

"SEC. 108. (a) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement in this title.

"(b) in subsection (a), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT REQUIREMENT RELATING TO PROCUREMENT INTEGRITY CERTIFICATIONS.—Section 27(e)(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by adding at the end the following new subparagraph:

"(C) This subsection does not apply to a contract for the acquisition of commercial items.".

(4) CERTAIN PROVISIONS OF THE ANTI-KICKBACK ACT OF 1986.—

(A) REQUIREMENT FOR CONTRACT CLAUSE.—Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57), as amended by section 4024(b), is further amended by inserting before the period at *the end of subsection (d) the following: "or to a prime contract for the acquisition of commercial items (as defined in section 4(12) of such Act (41 U.S.C. 403(12)))."*

(B) INSPECTION AUTHORITY.—Section 8 of such Act (41 U.S.C. 58) is amended by adding at the end the following: "This section does not apply with respect to a prime contract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."

(5) DRUG-FREE WORKPLACE ACT OF 1988.—Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (subtitle D of title V of Public Law 100–690; 41 U.S.C. 701(a)(1)), as amended by section 4024(e), is further amended by inserting after the matter inserted by such section 4024(e) the following: ", other than a contract for the procurement of commercial items (as defined in section 4(12) of such Act (41 U.S.C. 403(12))),".

(6) CLEAN AIR ACT.—Section 306 of the Clean Air Act (42 U.S.C. 7606) is amended by adding at the end the following new subsection:

"(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(7) FLY AMERICAN REQUIREMENTS.—Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1517) is amended by adding at the end the following new subsection:

"(e)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the transportation of commercial items in order to implement a requirement in this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

SEC. 8006. FLEXIBLE DEADLINES FOR SUBMISSION OF OFFERS OF COMMERCIAL ITEMS.

Section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is amended by adding at the end the following new paragraph:

"(4) The requirements of paragraph (3)(B) do not apply to contracts for the purchase of commercial items. The Administrator shall prescribe for such contracts appropriate limits on the applicability of a deadline for submission of bids or proposals that is required by subsection (a)(1). Such limits shall be incorporated in the Federal Acquisition Regulation.".

SEC. 8007. ADVOCATES FOR ACQUISITION OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS.

(a) RESPONSIBILITIES OF THE ADVOCATE FOR COMPETITION.—Section 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(c)) is amended to read as follows:

"(c) The advocate for competition for each procuring activity shall be responsible for promoting full and open competition, promoting the acquisition of commercial items and other nondevelopmental items, and challenging barriers to such acquisition, including such barriers as unnecessarily restrictive statements of need, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 28 of such Act (41 U.S.C. 424) is repealed.

SEC. 8008. PROVISIONS NOT AFFECTED.

Nothing in this title shall be construed as amending, modifying, or superseding, or as intended to impair or restrict authorities or responsibilities under—

(1) section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), popularly referred to as the "Brooks Automatic Data Processing Act";

(2) title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.), popularly referred to as the "Brooks Architect-Engineers Act";

(3) section 8(a) of the Small Business Act (15 U.S.C. 637(a)) or any other provision of that Act; or

(4) the Act of June 25, 1938 (41 U.S.C. 46–48c), that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), popularly referred to as the "Javits-Wagner-O'Day Act".

SEC. 8009. COMPTROLLER GENERAL REVIEW OF FEDERAL GOVERNMENT USE OF MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on the use of market research by the Federal Government in support of the procurement of commercial items and nondevelopmental items.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A review of existing Federal Government market research efforts to gather data concerning commercial and other nondevelopmental items.

(2) A review of the feasibility of creating a Government-wide data base for storing, retrieving, and analyzing market data, including use of existing Federal Government resources.

(3) Any recommendations for changes in law or regulations that the Comptroller General considers appropriate.

TITLE IX—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 9001. EFFECTIVE DATES.

(a) EFFECTIVE DATE OF ACT.—Except as otherwise provided in this Act, this Act shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE OF AMENDMENTS.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date on which final implementing regulations are prescribed in accordance with section 9002.

SEC. 9002. IMPLEMENTING REGULATIONS.

(a) PROPOSED CHANGES.—Proposed changes to the Federal Acquisition Regulation and such other proposed regulations (or changes to existing regulations) as may be necessary to implement this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) APPLICABILITY.—(1) The amendments made by this Act shall apply, in the manner prescribed in such final regulations, to any solicitation that is issued or any unsolicited proposal that is received on or after the date described in paragraph (3).

(2) The amendments made by this Act shall apply, to the extent and in the manner prescribed in such final regulations, to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) The date referred to in paragraphs (1) and (2) is the date specified in such regulations, which—

(A) shall not be earlier than the end of the 30-day period that begins on the date the regulations required by subsection (c) are published; and

(B) shall not be later than October 1, 1995.

(e) SAVINGS PROVISION.—Nothing in this Act shall be construed to affect the validity of any action taken or any contract entered into prior to the date specified in the regulations pursuant to subsection (d)(3) except to the extent and in the manner prescribed in such regulations.

SEC. 9003. EVALUATION BY THE COMPTROLLER GENERAL.

(a) EVALUATION RELATING TO ISSUANCE OF REGULATIONS.—Not later than December 1, 1995, the Comptroller General shall submit to the committees referred to in subsection (c) a report evaluating compliance with the requirements in section 9002, relating to the issuance of implementing regulations.

(b) EVALUATION OF IMPLEMENTATION OF REGULATIONS.—Not later than December 1, 1996, the Comptroller General shall submit to the committees referred to in subsection (c) a report evaluating the effectiveness of the regulations implementing this Act in streamlining the acquisition system and fulfilling the other purposes of this Act.

(c) COMMITTEES DESIGNATED TO RECEIVE THE REPORTS.—The Comptroller General shall submit the reports required by this section to the Committees on Armed Services and on Governmental Affairs of the Senate and the Committees on Small Business on Government Operations of the House of Representatives.

SEC. 9004. DATA COLLECTION THROUGH THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect from contracts in excess of the simplified acquisition threshold data pertaining to the following matters:

(1) Contract awards made pursuant to competitions conducted pursuant to section 2323 of title 10, United States Code, or section 8(c) of the Small Business Act (15 U.S.C. 637(c)).

(2) Awards to business concerns owned and controlled by women.

(3) Number of offers received in response to a solicitation.

(4) Task order contracts.

(5) Contracts for the acquisition of commercial items.

(b) DEFINITION.—In this section, the term "simplified acquisition threshold" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

The Senate proceeded to consider the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, is recognized.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, at this time I ask unanimous consent that John Brosnan, Paul Lieberman, and Peter Wade be extended full floor privileges for the duration of the Senate debate on S. 1587.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Senate today begins consideration of S. 1587, the Federal Acquisition Streamlining Act of 1994, which is the most significant procurement reform legislation to be considered by the Senate since the Competition in Contracting Act 10 years ago which Senator COHEN and I and others introduced.

The pending bill before the Senate now was introduced on October 26 last year with Senators GLENN, BINGAMAN, NUNN, BUMPERS, and myself as original cosponsors. But that was just the beginning of the process. Over the last 6 months, the Governmental Affairs Committee and the Armed Services Committee have held three joint hearings on the bill and have solicited comments from the administration, the contracting community, and other interested parties. Our staffs have met almost constantly throughout this period working out modifications to improve the bill and ensure that it achieves its underlying purpose of streamlining the Federal acquisition system.

The bill is 300 pages long and would amend roughly 200 separate procurement-related provisions of the United States Code. With the exception of a few obsolete provisions, every one of these statutes serves some valid purpose.

We have competition requirements to ensure that we obtain low prices, avoid favoritism and conflict of interest, and provide everybody a fair chance to compete for Government contracts. We have audit requirements and cost principles to ensure that we get what we pay for under cost-type contracts. We have socioeconomic requirements to promote desirable social objectives, like promoting small minority businesses. We have ethics requirements to ensure that our procurement officials do not engage in employment discussions with contractors with whom they are negotiating contracts or show favoritism by giving inside information to contractors.

However, when all of our contract laws and hundreds more requirements that are imposed by regulation are added together, the result is an almost impossibly complex and unwieldy system for people who want to do business with the Federal Government. There is much that we can do and should do to streamline this system and make it less expensive and easier for the Government to buy the products and services we need without sacrificing the important objectives served by the procurement laws.

This bill seeks to do that. It would revise, simplify, and harmonize the hundreds of overlapping and confusing statutes that provide the basic guidelines for our acquisition system. It would eliminate outdated law, remove unnecessary statutory impediments to efficient and expeditious acquisition, and provide much needed consistency with the Civilian Procurement Code and Defense Procurement Code. This is the grunt work of reinventing Government.

I am particularly proud of title VIII of the bill, which would make it easier for the Government to buy commercial products instead of requiring products to be designed to Government-unique specifications. I have been fighting for this goal for years—holding three subcommittee hearings, issuing two committee reports, and I offered two successful amendments to DOD authorization bills, and introduced two bills to extend these reforms Governmentwide.

I first became interested in the commercial products issue in the mid-1980's, when the Packard Commission reported that DOD was wasting billions of dollars by relying on excessively rigid military specifications and developing custom-made items when readily available, off-the-shelf products could meet its needs at a fraction of the price. At that time, for example, the Packard Commission reported that the Pentagon was buying specially designed microchips at prices 3 to 10 times the market prices for similar, commercial products.

In response to the Packard report, I pressed the DOD to reduce paperwork requirements and rely more on commercially available microchips—with savings to the taxpayer that have been estimated at $500 million a year. This is just on microchips just by the DOD. At the same time, I offered a successful amendment to the DOD authorization bill to implement the broader recommendations of the Packard report by creating a statutory preference for off-the-shelf items and requiring the Pentagon to simplify its specifications and make it easier for commercial contractors to do business with the Government.

Mr. President, unfortunately, changing the procurement culture is never quite so easy. In 1989, the Governmental Affairs Subcommittee, which I Chair, revisited the issue with 2 days of hearings on the progress that the Department of Defense had made in implementing our previous efforts in commercial products reform. What we found was not a pretty picture. Although the Pentagon continued to give lip service to commercial products initiatives, the Department had actually cut its budget and staffing levels in the commercial products area to the point where it had only one part-time person even working on the program. Promised workshops for the training of acquisition personnel were never conducted. A system for tracking the acquisition of commercial products was never developed. Necessary regulatory changes were never made. And a draft manual on commercial acquisitions sat on the shelf for more than 2 years without ever being issued.

More important, officials at the Pentagon made virtually no headway in the effort to tailor tens of thousands of detailed military specifications to the commercial marketplace. In one case identified at our hearings, the Department reviewed a 37-page military specification for residential heat pumps and managed to shorten it to 36 pages. That is all they were able to accomplish—a 1-page reduction in 37 pages of specifications for a heat pump, which is available in the commercial marketplace.

What we also found was that the Department was discouraging commercial companies from bidding on its contracts by including numerous burdensome and unnecessary contract clauses. One witness at our hearings held up a half-inch thick package of contract terms and conditions that the Department asked his company to sign in connection with a $400 purchase of commercial equipment. Naturally, his company refused to bid on that contract.

In response to these problems, I introduced a 1989 amendment to the Department of Defense Authorization Act, which required the Pentagon to simplify its specifications, eliminate unnecessary contract clauses, take advantage of commercial quality control systems and commercial warranties, reduce burdensome "cost or pricing data" requirements imposed on commercial contractors, and report to Congress on any additional steps that needed to be taken to remove impediments to the increased acquisition of commercial products.

The savings from this initiative have been significant. For example, a 1991 study by the Logistics Management Institute found that a single Navy command had been able to save the following amounts of money: $5 million by substituting commercial standards for government-unique specifications for thermal insulation material; $3.7 million by purchasing general purpose automobiles with standard commercial paint, instead of requiring that all vehicles be painted medium Navy gray; $5 million by purchasing commercially-available fire and rescue trucks instead of custom-designed vehicles; $1 million saved by buying commercially-available generators and floodlights, instead of specially-designed, DOD-unique floodlights and generators.

Much more remains to be done, however. Over the last two Congresses, for example, I have introduced bills to make these reforms Governmentwide. Each of the bills were approved by both the Senate and the House; but in each case the House action came in the final hours of the session when it was too late to conference the measures.

Mr. President, as I explained when I first introduced this legislation 5 years ago, it only makes sense that commercial items and other off-the-shelf products are less expensive and easier to purchase than new, Government-unique items. The acquisition of commercial products can lower initial purchase costs by reducing or eliminating the need for research and development.

Acquisition lead time can be reduced since commercial products are readily available and can be produced on existing production lines. Because the product is already developed and has been shown to work, the need for detailed design specifications and extensive testing is also reduced.

I am pleased that title VIII of the bill—the commercial products title—incorporates these major elements and much of the language of our earlier commercial products bills.

Title VIII would, like those earlier bills, establish new Governmentwide definitions of commercial items and other off-the-shelf products; it would create a preference for the acquisition of such items; it would require Federal agencies to use simplified procurement specifications to the maximum extent possible; it would require agencies to conduct market research to determine whether their needs could be met by commercial and off-the-shelf products; it would require the use of uniform, simplified contracts for the purchase of commercial items; it will authorize the use of market acceptance criteria in commercial procurement; it will encourage the consideration of contractors' past performance in decisions to award future contracts; it will permit commercial contractors to use existing quality assurance systems instead of extensive Government testing; and it will require Federal agencies to take advantage of commercial warranties.

In addition to those measures, the bill will take two other very significant steps—recommended by both the Vice President's National Performance Review and the Section 800 panel—which will simplify the acquisition of commercial products.

First, the bill will authorize the executive branch to waive a number of Government-unique statutory requirements that have no parallel in the commercial marketplace. These requirements create an impediment to the purchase of commercial items, because they require commercial companies to make extensive changes to their business operations if they choose to sell to the Government.

Second, the bill would modify the Truth in Negotiations Act to permit contracting officers to waive its applicability to the acquisition of commercial items in appropriate cases. This means that commercial companies would not be subject to the requirement to produce extensive cost or pricing data to justify the prices that they charge for their commercial products. This data requirement creates an unneeded paperwork burden in cases where fair prices have already been reached through competition in the commercial marketplace.

This exception is to be exercised if the contracting officer determines in his or her discretion, and in accordance with standards and procedures set forth in the Federal Acquisition Regulation, that he or she has been able to obtain adequate information to evaluate the reasonableness of the contract price without the need for cost or pricing data. Under this provision, the contracting officer is required to obtain from offeror or contractor, or, where necessary, from other sources, "information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract."

This provision leaves some discretion to the regulation writers in the executive branch and the contracting officer as to what types of information are "adequate for evaluating the reasonableness" of price. The intent of the provision is that contracting officers should seek out the best information that is available under the circumstances.

For instance, if information is available on prices at which the same contractor has previously sold the same item, the contracting officer should seek appropriate information on such prices. If no such information is available, the contracting officer may need to seek, instead, information on prices at which the contractor has previously sold similar items. If that information is not available either, it may be appropriate, in some cases, for the contracting officer to rely instead on information on prices at which other contractors have sold similar items.

Information requests under this provision should be tailored to impose the minimum necessary burden on contractors, and need not be as extensive as the sales data required by current regulations. Wherever possible, contracting officers should also review available data on market prices to help judge the reasonableness of the contractor's price.

However, this provision is not intended to authorize contracting officers to rely on information about prices charged for different items by different contractors without also obtaining appropriate and available information on prices charged for the same item by the same contractor.

Mr. President, the Federal Acquisition Streamlining Act, the act which is before us for consideration, is the product of many months of work. Starting at the beginning of this Congress, the majority and minority staffs of the Senate Governmental Affairs, Armed Services, and Small Business Committees met on a weekly basis for more than 6 months to review the acquisition laws on a line-by-line basis to determine where these laws could be streamlined, simplified, or reformed.

This bill will implement a number of important reforms. For example:

It will establish a new simplified acquisition threshold of $100,000, as recommended by the Vice President's National Performance Review and the Section 800 Panel;

It will raise the threshold on a number of other procurement-related provisions to $100,000, as recommended by the Vice President's National Performance Review and the Section 800 Panel;

It will authorize the use of umbrella contracts, subject to time and dollar limitations and specific competition requirements;

It will streamline and consolidate the procurement ethics laws, while retaining needed safeguards;

It will amend the Federal Property Act to codify the definitions and requirements of the Truth in Negotiations Act for civilian agencies;

It will raise the threshold for cost or pricing data to $500,000 on a permanent basis for the Department of Defense and civilian agencies;

It will amend the Federal Property Act to establish contract cost principles for civilian agencies identical to those already in effect for the Department of Defense;

It will establish a new, accelerated schedule for notice of contract award, contractor debriefings, and bid protests;

It will require contractor debriefings when requested by a disappointed bidder;

It will authorize the payment of consultant and expert witness fees in bid protests, in addition to attorney's fees, while limiting all such fees to the levels established in the Equal Access to Justice Act;

It will amend the provisions applicable to bid protests to the GAO to address questions that have been raised about the constitutionality of existing law;

It will address frivolous or bad-faith protests by authorizing the dismissal of such protests and the use of sanctions in appropriate cases;

It will clarify GSBCA protest jurisdiction and procedures, as proposed by Senator GLENN in a series of bills introduced in the last two Congresses.

Of course, past experience has shown that passing laws is not enough to change the way the acquisition system works. The executive branch has to implement fully and effectively not only the letter but also the spirit of the new law.

Should this bill pass the Senate and the House and be signed by the President, I sincerely hope that 2 or 3 years from now when we review its implementation, we will find that the bill has been implemented in the spirit in which it was written, and that real reform has occurred. That will be the true test of our success.

Mr. President, this bill is the product of a true collaborative effort among three Senate committees and between Democrats and Republicans. It could not have been brought to this point without the commitment of Senators GLENN, NUNN, and BUMPERS, who have wholeheartedly embraced the goal of acquisition streamlining and made the staffs of their respective committees available to work on this project over a period of many months.

It would not have been possible without the efforts of Senator BINGAMAN, who initiated the Section 800 review of the defense acquisition laws and pushed us all to give the panel's report the attention it deserved.

And it would not have been possible without the support and cooperation of the ranking Republican members of the Governmental Affairs and the Armed Services Committees and the subcommittees of jurisdiction—Senators ROTH, COHEN, THURMOND, and SMITH.

I also commend the unsung heroes of this effort—The Senate staffers who have put in the endless hours of work necessary to put this bill together. Those staffers include Peter Levine, Linda Gustitus, and Roger Martino of my staff; Tom Sisti, John Brosnan, Mark Foreman, Paul Lieberman, Paul Brubaker, and Peter Wade of the Governmental Affairs Committee staff; Andy Effron, Jon Etherton, Don Deline, and John Douglas of the Armed Services Committee staff; Bill Montalto of the Small Business Committee staff; and Mike Hammond of Senator BINGAMAN's staff. Without their efforts, there would be no acquisition streamlining bill at all.

The Federal Acquisition Streamlining Act is an important piece of reinventing government. I hope our colleagues will join us in supporting this far-reaching measure.

Again, let me say in concluding that this is truly a bipartisan effort. I know of few bills that have had greater participation by both Republicans and Democrats on a common cause.

Our good friend from Delaware has been active in trying to streamline acquisition laws for as long as I have been in the Senate. And he has had some successes. But this will be one of the crowning achievements of all our efforts if we are able to pass this law.

I want all to know that the hard work of Senator ROTH and others on both sides of the aisle has gotten us to this point and will get us over the finish line.

I yield the floor.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Delaware [Mr. ROTH].

Mr. ROTH. Madam President, first let me thank the distinguished Senator from Michigan and also congratulate him for his very significant contributions to what is truly a bipartisan effort to bring some sense out of this mishmash that now regulates and controls Government procurement.

As he has so eloquently said, for the last 6 months, members of the Governmental Affairs Committee as well as the Armed Services Committee have worked together, both Democrats and Republicans, in an effort to bring about reform that will bring better procurement for the services, as well as better purchases for the taxpayers' dollar.

Madam President, today's Federal buying system is not in good condition. Multi-billion-dollar cost overruns; programs that are years or even a decade behind schedule; incentives that encourage spending rather than savings; and top-heavy bureaucratic agencies that rely on detailed regulations rather than good judgment; these are the features that come to mind when one thinks of the Federal Government's buying system. It is disconcerting when, almost weekly, the network news magazines reveal a new horror story. Ironically, despite these problems, program managers are promoted to general, admiral, and senior executive service jobs after the programs they managed experience billion-dollar cost overruns.

The GAO's 1993 high risk series of reports noted that the Federal buying system itself perpetuates waste, fraud, and abuse. The Government has trouble purchasing modern technologies that you and I can buy at the local Wal-Mart or Kmart. Defense Department studies find that it takes 16 years and more than 840 steps to bring a technology to the battlefield. By then the technologies are out of date. Acquisition costs for Navy major weapon systems are over budget by as much as 179 percent, Air Force systems by as much as 220 percent, even after accounting for the effects of inflation and changes in quantity. A July 1993 Defense Science Board found that: "without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security."

The problems arise, Madam President, because the buying system provides the wrong incentives and is administered by top-heavy bureaucratic agencies that rely on a complicated web of regulations. As part of its testimony on the Federal Acquisition Streamlining Act, I asked the General Accounting Office to give me a report on its recent investigations of procurement horror stories. The GAO found it had produced more than 150 such reports and testimonies over the last 5 years.

These include such findings as the $1 billion cost increase that resulted from management problems in the Army's Javelin antitank missile. In another audit, the GAO identified NASA contract management actions that caused a weather satellite to fall 3 years behind schedule while costs doubled to $1.7 billion.

The GAO report identified problems in the way agencies determine their needs; poorly administered contracts; cost, schedule, and performance problems; funding and budgeting problems; and weaknesses in the acquisition workforce. The GAO report underscores the need for comprehensive reform.

In today's business terminology, the buying system needs to be re-engineered to focus on results. Moreover, we must reinstate accountability.

Some claim that waiving laws for buying commercial items and small purchases is sufficient. But, as the General Accounting Office testified, such reforms would affect less than 10 percent of Federal spending on goods and services, and the Congressional Budget Office said it would not generate scorable savings. Some proponents say that they want the Federal Government to be a world class buyer. But, many of their proposals would make the Government a world-class sucker.

They say that this would be the best Congress could do. I strongly disagree.

Madam President, you cannot use Tonka Toys to pave a bumpy road. Congress must be bold if it is to make significant improvements in the Government's buying system—a system I have worked for more than a decade to reform. Over the years my conclusion has not changed: without major cultural and structural change, Americans will not get the results they deserve.

Cost and schedule overruns will continue, the Government will pay more than it should for goods and services; and the taxpayer will pickup the inflated tab.

Real procurement reform must be comprehensive. It must hold Government employees and contractors accountable for results. It must remove impediments to efficiency, such as the maze of specifications and regulations that hinder the purchase of commercial items. It must reward those who produce and penalize those who do not.

Madam President, the original version of the Federal Acquisition Streamlining Act was insufficient. Senator COHEN and I fought for comprehensive legislation. Last October, Senator COHEN and I introduced a bill to accomplish the needed reforms in the Defense buying system. Witnesses from the administration, General Accounting Office, Defense Inspector General, industry and private watch dog groups testified on the value the Roth-Cohen proposal.

Based on that testimony, Senator COHEN and I introduced the Federal Acquisition Management Improvement Act of 1994 (S. 1982) which is a Government-wide, comprehensive reform bill.

I am pleased to report that the procurement reform bill before the Senate now contains major reforms, largely because of the cooperation of Senators GLENN, THURMOND, NUNN, LEVIN, and BINGAMAN. During the drafting of the committee substitute, the Federal Acquisition Management Improvement Act was reviewed and all but two of the

Roth-Cohen proposals were incorporated.

In a nutshell, the bill makes it easier for the Government to rely on the commercial marketplace to develop and refine items it needs. It provides a strong financial incentive for Government employees to save time and money. It makes both the acquisition workforce and contractors accountable for performing within schedule and budget guidelines.

I want to highlight several key provisions in the bill before the Senate today. First, the bill establishes a top-level measure of how well agencies are managing acquisition programs. This will help Congress determine whether horror stories are unique events or systemic problems. The Deputy Secretary of Defense testified that he was shocked to find that no Defense acquisition programs were meeting cost and schedule goals. The Defense Department's problems are not random occurrences.

The committee substitute requires agencies to achieve 90 percent of budget and schedule goals while meeting user requirements; and the Defense Department is to reduce by 50 percent the time it takes to field new weapons. If acquisition programs at an agency are significantly behind schedule or over budget, the agency must terminate poorly performing programs or justify continued funding. This will enable Congress to hold agencies accountable for their performance in managing purchases.

Second, the bill directs Federal agencies to streamline their acquisition management processes for products developed for the Government. It requires that the revised processes focus on results. It requires agencies to quantify what an item will cost, how well it must perform, and when it will be ready for use. It requires that decisions to move ahead be based on program results—results based on objective data. Today, these decisions are based on a consensus among interested parties.

When the bill is implemented, the decisions will be made on whether an item meets requirements, is within budget, is available when needed.

Third, the bill reemphasizes the commitment of Congress to a professional acquisition work force and establishes the incentive structure toward program performance. It directs Departments and agencies to tie pay and other incentives to program performance rather than the size of a manager's budget. For years, the Federal Government has ignored Congress' attempts to force greater reliance on commercial items and less reliance on Government unique specifications.

The pay-for-performance provisions are extremely important to the overall success of the bill because they provide a reward for members of the acquisition work force who find ways to fulfill needs at lower prices and shortened time lines associated with buying commercial items.

Fourth, the legislation reverses the preference for buying Government-unique items. It requires use of commercial items, unless it is shown that they do not meet actual Government needs. It streamlines the regulatory burden associated with buying commercial items. Coupled with the new incentive system, this bill provides a real opportunity for overcoming the so-called not-invented-here syndrome that has prevented Government from buying commercial items to do its work.

Fifth, the bill implements pay for performance for contractors, including use of contractor's past performance in decisions for future work, tying profits to results instead of costs, and tying payments to achievement of measurable results. The Government will be able to manage its contractors on the basis of how well they perform. The Defense Inspector General testified in support of tying progress payments to result.

The Director of the Office of Federal Procurement Policy, as well as several other witnesses from Government and industry, testified in support of tying contract award to past performance and the bill sets forth a structure effectively implementing this concept.

I remain concerned about one aspect of the buying system that the Congress has not addressed. The organization is a large bureaucracy with layer upon layer of management and dozens of buying organizations. Many of the bureaucratic layers exist solely for the purpose of satisfying the needs of the bureaucracy and provide no value added toward weapon system development. As a result, the American taxpayer is now paying for two bureaucracies in each of three military departments.

Quite frankly, I do believe that there should be a reduction in the layers of the buying bureaucracy. I am confident that the bill will result in efficiencies that will permit reducing this bureaucracy. But, the bill before us today does not require a reduction in the roughly 20 layers of management in the Federal buying system.

I am disappointed that my colleagues did not agree to ensure that this reduction occurs. My colleagues have agreed to have the General Accounting Office review acquisition work force staffing as part of its report on implementation required in title 9 of the bill. I expect that we will be able to return to the staffing issue once the report is completed.

The bill before us today streamlines procurement processes. The buying organizations also must be streamlined and changes to these organizations must flow from streamlining the acquisition process. Past attempts to streamline have been fought by the bureaucracy. For example, when the Goldwater-Nichols bill enacted the Packard Commission proposal to streamline the buying bureaucracy to three layers and a handful of commands, the Defense Department added a second multilayer bureaucracy to the old structure.

I can assure the President and others I will make this a top priority of mine.

According to the Congressional Budget Office, in fiscal year 1994, the Federal Government will buy about $450 billion of goods and services. The National Performance Review and Defense Department studies indicate that as much as $20 billion per year could be saved through more efficient procurement practices. With this much money at stake, Congress has a responsibility to ensure that the taxpayer's money is spent well.

A decade ago, I sponsored the legislation to create a commission to fix the problems in the Defense buying system. That bill led to the creation of the Packard Commission. My colleagues may remember that I also sponsored legislation to implement several Packard Commission recommendations. Some proposals were enacted, but many were considered too bold.

Today, the committee substitute to the Federal Acquisition Streamlining Act contains key Packard Commission recommendations, and I am happy that, after 9 years, the Senate is acting. The bill reported by the committee is a significant improvement over the original version introduced last October. Over the last 6 months, the reforms that we are making have grown from Tonka toys to a full-blown paving crew that can pave the way to significant savings.

Again, Madam President, I congratulate Members of the majority, including our distinguished chairman, Senator GLENN, as well as the minority Members, who have made this legislation possible. I believe the enactment of this legislation into law will be a very, very major step forward. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Ohio.

Mr. GLENN. Madam President, I appreciate very much the remarks of my distinguished colleague who has been involved with these efforts for a long time. This is not something he just took up when this bill came up. He has repeatedly proposed legislation through the years on this. He and I have sat together through, I do not know how many hours, almost interminable hours, of hearings on subjects like this that we have referred to in the past and as was referred to by Senator LEVIN earlier, and in the Washington Post today by Mr. Barr, as "the grunt work of Government." That is basically what it is.

I do not know anything that will clear a hearing room out of most reporters faster than bringing up a subject such as procurement reform. It is just guaranteed to empty people out. It is not as exciting as talk about B-1 bombers and B-2 bombers and who is going to go into Bosnia or who is not going into Bosnia or what scandal there is someplace else. That is the confrontational role of reporting. I understand that.

But when you get into something like this where we are talking about trying to improve Government and make it more efficient—which you cannot quantify as much as saying each B-2 is going to cost $1 billion or something like that—you cannot quantify efficiencies in Government, yet that is one of the main functions of our Governmental Affairs Committee, to try to oversee Government in a way that brings more efficiency into Government.

We also have been told that statement in itself is an oxymoron, bringing efficiency into Government. I do not believe that. We have worked on this a long time, and those I have mentioned—Senator LEVIN, Senator NUNN, Senator ROTH and Senator BINGAMAN—have done yeoman's work for a long time on this. This is not something just dreamed up in the last couple of weeks.

I think the staff of the Governmental Affairs Committee started 3, 3½ years ago putting information together on this. It was probably 2½ or 3 years ago in the Armed Services Committee that I, along with Senator NUNN and Senator BINGAMAN, sponsored putting into our authorization bill for that year a requirement that the Pentagon do a study, since they are really the biggest spender in Government. We have all heard the gory stories of misspending of taxpayer money by the Defense Department—the $640 toilet seats, et cetera, et cetera. And those things should never happen. We know that.

Then what do we do after we do an investigation? What do we do after we have a hearing on a subject like that? We just expect, once this is pointed out, that those responsible will take corrective action. Yet, too often they are so mired in their same old ways of doing business, of putting out specifications—ridiculous, sometimes—and doing things that do not really make Government more efficient.

That is just a little bit of the background.

Obviously, I rise today to recommend enactment of S. 1587, the Federal Acquisition Streamlining Act of 1994. It is a comprehensive procurement reform effort. It is not the end-all and be-all of procurement reform. This is a good, great big, first starting step, and we need to keep at this, not only with hearings, but we need to keep at it with making certain that what we are proposing in this legislation will be carried out. Then let us see what is working. Let us come back a year from now. Let us fine tune this. Let us really get efficient procurement reform.

We all talk all the time about, if General Motors and Ford and IBM and GE and the rest of our major corporations in this country did not do their job better in procurement and efficiency in their operations than we do in Government, they would be broke inside of a year. We know that is true. But there is no reason why we cannot have procurement every bit as efficient as our major corporations.

This is a first step at trying to get to that point. It is aimed at streamlining the acquisition process and fulfilling many of the recommendations of the Vice President's National Performance Review for the procurement system. It represents the collaboration of the Committee on Governmental Affairs—which I chair—the Armed Services Committee, and the Small Business Committee.

We introduced S. 1576 with Senators BINGAMAN, LEVIN, NUNN, BUMPERS, and LIEBERMAN. I pointed out that a year and a half ago, the staffs of our respective committees met to review the laws and regulations of the entire procurement system. I add, in that regard, we quite often use the Defense Department as the most hideous examples of how we should not be buying things. But this procurement legislation applies to everything that the executive branch procures. It applies to the General Services Administration that does procurement of all the desks and everything else in Government. It applies all across Government to everyone, even though the bulk of the budget is spent by the Defense Department. It applies across the board.

This review is rooted in the report of the Acquisition Advisory Panel. It was assembled pursuant to Section 800 of the National Defense Authorization Act for fiscal year 1991 and the other legislation I mentioned which I introduced in this and other Congresses, notably S. 554, S. 555, and S. 556, Senator LEVIN's commercial products legislation and the National Performance Review.

So this was a melding of several different efforts. It is what we had going on in our Governmental Affairs Committee and what we did over in the Armed Services Committee, which Senator NUNN will also discuss, and the National Performance Review.

Out of all those recommendations, we then spent the last year putting these things together, having meeting after meeting after meeting among all the interested parties to try to put together something we think will be a major step forward in procurement reform and better efficiency for every taxpayer dollar that is spent.

A lot has happened in the last year and a half since we began this process. When we introduced the bill last October, we engaged in long, long discussions with the administration and all interested parties. In early 1994, the Governmental Affairs Committee conducted three joint hearings with the Armed Services Committee on the bill S. 1587. The committees received testimony on the bill from DOD; GSA; Office of Federal Procurement Policy, OFPP; General Accounting Office; the IG from the Defense Department; ABA; Business Executives for National Security, a coalition of various contractor industry associations, including the acquisition reform working group; the Information Technology Association of America; the Computer and Communications Industry Association; the Small Business Legislative Council; the Minority Business Enterprise Legal Defense and Education Fund; and the Computer Business Equipment Manufacturers Association.

To shorten that, we heard from an across-the-board spectrum of interests in the Federal procurement field. We wanted to get all of their input so that we could make this legislation as good as it possibly could be.

Following the hearings, representatives of the bipartisan leadership of all three committees reviewed each recommendation proposed during the hearings and in testimony received for the record. Based upon that review, a substitute bill was prepared.

On April 26 of this year, 1994, the Governmental Affairs Committee took up S. 1587 and approved the bill, as amended by a complete substitute offered by myself and Senators ROTH, LEVIN and COHEN, on a voice vote. Then on the afternoon of April 26, the Armed Services Committee met and approved the bill, as amended, by a vote of 22-0. What we have now, Mr. President, is what I believe to be an improved product that does represent a fine balance of the many interests affected by our procurement system. Testament to this achievement can be found in the range of views reflected in the cosponsors of this amended bill. Indeed, we are pleased to now have support on the minority side from Senators THURMOND, SMITH, and ROTH—who I mentioned earlier—and COHEN.

I think we have come a long way, Madam President. That accomplishment should be noted by my colleagues as we move forward to consider this bill. We have wrestled year in and year out with these issues and failed to enact any meaningful reform. Too often we have our hearings, point out all the deficiencies that go on in our system, we expect them to get fixed, and nothing seems to happen. We do this year after year after year. I do not have any idea how many hearings I have sat through, have chaired or been part of that pointed out where there has been monumental waste in Government.

Why has this been the case? Why have we not had more meaningful reform? I guess anyone working in this field knows that reform is a tall order. No. 1, no one wants to change who is operating in the system itself. They have their own way of doing business and do not want to upset the apple cart. It might mean shifting responsibilities, or it might mean requiring someone else to do something. Change is resisted in the system just because it is change.

Then also, the procurement system affects the entire spectrum of interests in our society. Reconciling all of these interests and policy concerns is not an easy task. In spite of these difficulties, as we face serious budgetary constraints, it is imperative that we maximize the efficiency of our procurement system to assure we can meet the needs of our citizens at the very least cost.

I cannot tell you today what savings are going to result from this bill. I wish I could. I wish I could say, "You pass this bill and we're going to have $3 billion a year in better efficiency in Government."

But I know one thing, I know we are wasting a terribly large amount of money every year in Government by the inefficiencies in Government. I know we are going to go a long way toward saving money once we get something like this started or passed and we start down the track of procurement reform.

We do face serious budgetary constraints. It is imperative we maximize the efficiency of our procurement system to assure we can meet the needs of our citizens, at least cost.

One way to improve the process is to leverage technology to our overall advantage. It increases our productivity.

Other ways, included in the provisions of S. 1587, involve the streamlining of some of the traditional audit and oversight mechanisms Congress set in place to address particular procurement abuses.

When we began drafting this bill, concerns were raised regarding the administrative burden associated with some of these oversight tools which resulted in a bifurcation of the Government and commercial markets. We have sought to minimize this undesirable consequence in an effort to strike a balance between efficiency and oversight.

In addition, we have all heard stories that it is too difficult to do business with the Government. There are major manufacturers in this country who do not want to get involved in business with the Government, and many small businesses say they cannot afford to get involved in business with the Government because there is too much paperwork involved. They have to put on extra people just to fill out all the paperwork. So it is just too difficult to do business with the Government. From cost accounting standards to socioeconomic laws, the Federal marketplace is represented to be a quagmire of laws and bureaucratic redtape, and we are trying to straighten some of that out.

Another major criticism of our acquisition process is our proclivity to overspecify our needs to the extent that we tell companies literally how to manufacture their products. We no longer have the luxury to specify costly processes. If something has to have specs written that are so detailed that the item being purchased requires that, then fine, I would not propose to stop that. But it has gone too far the other way where we overspecify on too many products, and that just wastes money. Indeed, the section 800 panel, and others, have called for us to leave this practice of overspecification and jump into the commercial market wherever we can, like any other large customer. Therein lie the benefits of competition and our national productive capacity. That change is at the core of S. 1587.

But change is not without risk. We have been forced to examine traditional roles of the Federal procurement system. The Government is not like any other commercial customer. For one thing, it spends precious taxpayer dollars and, thus, is in a position of great public trust. We cannot take chances or risks like a private company can.

In addition, the Government is expected to foster an array of social policy goals, policies that may not exist in the commercial markets. That is why I refer to our work as a balance. The three committees, I believe, have struck the essential balance to move meaningful reform into the Federal marketplace. S. 1587 seeks to foster and improve the acquisition of commercial items; the streamlined acquisition procedures under an elevated small purchase threshold; the competitive acquisition process; the protest and oversight process, which is an important one; and the procurement integrity and ethics laws.

In addition, the bill streamlines the procurement code through the repeal of redundant and obsolete laws, and it simplifies the system by standardizing governmentwide thresholds for TINA, the Truth in Negotiations Act, and statutory contract cost principles.

So what we have is a collection of major improvements that will bring our Federal procurement system into the next century and, hopefully, just catch it up with what is going on in this century. We are at a critical point, Madam President. For the first time, we have not only both Houses of Congress motivated to enact reform but also the administration, and I think the American people also would go right along with this. They have looked at their Government as being a wasteful Government for too long.

I implore my colleagues to seize this moment and quickly enact this reform measure for the benefit of the system and the Nation as a whole.

I ask unanimous consent to print in the RECORD, following my remarks, a summary of the Federal Acquisition Streamlining Act of 1994 as marked up by the Governmental Affairs and Armed Services Committees and the Small Business Committee. The Small Business Commitee ran out of time and were discharged of the bill by the time agreement we had. But all those committees have had the bill and passed on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Madam President, there are two other things I would ask unanimous consent be printed in the RECORD. One, there was some question in the press about whether the Defense Department was really behind this bill, whether they really were enthusiastically for it.

Now, this letter was written the 25th of May 1994. It was delivered to us. It is signed by both the Deputy Secretary of Defense and the Secretary of Defense, Mr. Perry. I would like to read it because I think it indicates they want to get on with this and they are using this as a major step toward cleaning up their procurement process also.

This was written to me as chairman of the Governmental Affairs Commitee. It reads as follows:

> Dear Mr. Chairman:
>
> As you go to the floor today to consider S. 1587, we wish to thank you and the members of the Governmental Affairs Committee for your assistance in moving this complex piece of legislation. Passage of acquisition reform legislation will not only make certain reforms possible but will be the catalyst for further improvements of DOD in its internal processes. Although passage of a bill in the Senate is only one of the many hurdles in the legislative process, it will signal to all that we are finally truly on the road to streamlining the acquisition process.
>
> While there are a number of issues we believe must still be addressed if we are to truly streamline the acquisition process——

And I agree with them on that.

> our hope is that we can address these issues at a future date. As such, we wholeheartedly support and endorse the passage of S. 1587 as reported by the Governmental Affairs and Armed Services Committees, with the addition of any amendments that will further streamline the process. By the same token, we ask your support in opposing the adoption of any amendment that will not streamline the process.
>
> Again, your work sets the stage for acquisition reforms that are absolutely necessary if the United States is to maintain its defense capabilities in these critical times. Thank you for the tremendous support, by both the members and staff of your committees.

It is signed by the Deputy Secretary of Defense and the Secretary of Defense.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 25, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you go to the floor today to consider S. 1587, we want to thank you and the members of the Governmental Affairs Committee for your assistance in moving this complex piece of legislation. Passage of acquisition reform legislation will not only make certain reforms possible, but will be the catalyst for further improvements by DoD in its internal processes. Although passage of a bill in the Senate is only one of the many hurdles in the legislative process it will signal to all that we are finally truly on the road to streamlining the acquisition process.

While there are a number of issues we believe must still be addressed if we are to truly streamline the acquisition process, our hope is that we can address these issues at a future date. As such, we wholeheartedly support and endorse the passage of S. 1587 as reported by the Governmental Affairs and Armed Services Committees, with the addition of any amendments that will further streamline the process. By the same token, we ask your support in opposing the adoption of any amendment that will not streamline the process.

Again, your work sets the stage for acquisition reforms that are absolutely necessary if the United States is to maintain its defense capabilities in these critical times. Thank you for the tremendous support, by both the members and staff of your committee.

Sincerely,

WILLIAM J. PERRY.
JOHN DEUTCH,
Deputy Secretary of Defense

Mr. GLENN. Madam President, one other statement on this. This is a statement of administration policy on S. 1587, the Federal Acquisition Streamlining Act of 1994. It reads as follows:

The administration strongly supports S. 1587. This essential legislation will help implement one of the most important recommendations of the Vice President's National Performance Review—to bring Federal procurement laws up to date and eliminate overly rigid bureaucratic procedures.

Enactment of this legislation will help achieve substantial savings to the Federal Government, both by making possible the downsizing of the procurement work force and by increasing the Government's ability to buy less expensive commercial products.

The administration intends to work in conference to address a number of concerns (e.g., relating to requirements for fast pay under the simplified acquisition threshold), especially those developing during the final stage of committee consideration of S. 1587.

Madam President, that should take away any doubt about the administration's position or any doubt about the support of the Secretary of State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 7, 1994.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 1587—FEDERAL ACQUISITION STREAMLINING ACT OF 1994—(GLENN (D) OH AND 7 OTHERS)

The Administration strongly supports S. 1587. This essential legislation will help implement one of the most important recommendations of the Vice President's National Performance Review—to bring Federal procurement laws up to date and eliminate overly rigid bureaucratic procedures.

Enactment of this legislation will help achieve substantial savings to the Federal Government, both by making possible the downsizing of the procurement workforce and by increasing the Government's ability to buy less expensive commercial products.

The Administration intends to work in conference to address a number of concerns (e.g., relating to requirements for fast pay under the simplified acquisition threshold), especially those developing during the final stage of committee consideration of S. 1587.

Mr. GLENN. For those who are following this, I would commend for reading a summary of specific provisions of the act, which I have already placed in the RECORD. It is quite lengthy, but it will give a good summary to those who are interested in following this, and I recommend it for reading by those of my colleagues who will be coming to the floor tomorrow to debate this particular issue.

Madam President, it has been a long effort of a lot of people and committees, all those in the Chamber right now, Senators NUNN, BINGAMAN, ROTH, myself, and others who have been involved with this. We look forward to getting this passed. As I said starting out, Senator LEVIN placed it right. This is one of the those items of grunt work of Government. It is not a brand new missile system or something like that. If we are ever going to have this Government work the way it should, then we are going to not only have to have this but other legislation that really brings efficiency of Government to the fore where we should be setting the example for this country, not trying to catch up with what businesses are already doing in the private sector. I think we are making a big step in the right direction on this.

Madam President, I yield the floor.

EXHIBIT 1

SUMMARY S. 1587—THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994

COMMERCIAL ITEMS

The bill encourages the use of commercial, and where such items are not available, other non-development items (NDIs) and makes it substantially easier for federal agencies to purchase such items. The purchase of proven products such as commercial and NDIs can eliminate the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications or expensive product testing.

It reduces impediments to the purchase of commercial items by exempting such purchases from over 30 statutes that are unique to government purchases, and have no counterpart in the commercial sector, such as:

Contingent fees certification.

Procedural requirements of the Anti-Kickback Act.

Contract Work Hours and Safety Standards Act.

Drug-Free Workplace Act of 1988.

Prohibition limiting subcontractor direct sales to the U.S.

Requirement to identify suspended or debarred subcontractors.

Identification of suppliers and sources.

Fly American restrictions.

Procurement integrity certifications.

Federal Water Pollution Control Act certifications.

Clean Air Act certifications.

Inventory accounting requirements.

Prohibition on contracting with persons convicted of defense-related felonies.

"Flowdown" of statutory requirements

In addition to the above statutes that are waived by the bill for all commercial primes and subcontractors, the bill also addresses the issue of other statutes which apply at the prime level and which also "flowdown" to subcontractors under current law.

Under the bill, statutory requirements that apply at the prime level need not be "flowed down" to subcontractors supplying commercial items, if flowdown is waived in the Federal Acquisition Regulation.

The bill permits waiver of "flowdown" of clauses in two circumstances:

(1) Flowdown may be waived from commercial primes to all subcontractors (including subcontractors supplying items that do not meet the bill's definition of commerciality); and

(2) Flowdown may be waived from noncommercial primes to commercial subcontractors.

Truth in Negotiations Act

Amends the Truth in Negotiations Act for Department of Defense to make permanent the $500,000 threshold and to create a new commercial items exception. This would relieve commercial contractors from their number one complaint—the burden of collecting cost data for the government.

The bill codifies TINA for civilian agencies with the same provisions as described above.

SIMPLIFIED ACQUISITION THRESHOLD

There is a current "small purchase threshold" of $25,000.

Purchases under $25,000 may use simplified procedures established by regulation in lieu of the detailed "full and open competition" procedures established by statute.

The bill would replace the $25,000 threshold with a new "Simplified Acquisition Threshold" of $100,000, as recommended by both the Vice President's National Performance Review (NPR) and the Advisory Panel.

The bill would establish a $100,000 threshold for a number of different statutes that establish paperwork and record-keeping requirements not applicable in the commercial sector. Purchases below the small purchase threshold would be exempt from these requirements, which apply to other government procurements. These include:

Contingent fees certification.

Contract audit requirements.

Procedural requirements of the Anti-Kickback Act.

The Miller Act.

Contract Work Hours and Safety Standards Act.

Drug-Free Workplace Act of 1988.

Prohibition limiting subcontractor direct sales to the U.S.

Requirement to identify suspended or debarred subcontractors

identification of suppliers and sources.

Prohibition on contracting with persons convicted of defense-related felonies.

This threshold would expand the streamlined process of making small purchases and reduce the amount of staff time needed for such purchases, resulting in substantial savings for the government, and would continue the requirement that a notice of any procurement over $25,000 be published in the Commerce Business Daily 15 days prior to the issuance of a solicitation.

After the issuance of this notice, however, simplified acquisitions could follow any procedures described in the notice—for example, by shortening the period for the submission of offers.

The bill would phase out the requirement to publish notice of purchases below $100,000 when electronic commerce procedures and systems are in place.

The bill reserves contracts above $2,500 but under the simplified acquisition threshold for small business, and specifically authorizes continued set-asides of all contracts under the threshold for minority small businesses.

The bill would exclude purchases of less than $2,500 from the small business reservation, to make it possible for agency officials to make simplified purchases and credit card purchases.

COMPETITION IN CONTRACTING

Full and open competition

The bill retains the essential features of the Competition in Contracting Act (CICA)—full and open competition, with limited exceptions.

Task orders for advisory and assistance services

The bill adds a new section to CICA to specifically address task order contracts for advisory and assistance services (e.g., consultants).

Such contracts serve a useful purpose, but must be structured carefully to ensure that they are not abused to avoid competition and funnel money to favored contractors.

The new provisions added by the bill would expressly authorize the use of such contracts, subject to the following:

The duration of the contract is limited to 5 years.

If the contract is intended to exceed 3 years and the estimated value is in excess of $10 million, then under most circumstances the solicitation must provide for multiple awards—i.e., two or more contractors to have the opportunity, during the period of the contract, to compete for specific tasks under the contract.

These restrictions do not apply to the existing authority to enter into to task or delivery order contracts for other goods and services (i.e., for matters other than advisory and assistance services).

Acquisition of expert services

The bill would amend CICA to add a new exception, giving agencies the flexibility to retain expert witnesses for use in litigation without going through a competitive process. As in the case with other CICA exceptions, this provision would require agencies to obtain a justification and approval under CICA prior to making a sole source purchase.

Two-phase selection procedures

The bill would authorize use of a "two-phase" selection process for matters that involve substantial design work before a realistic cost or price proposal can be developed. In step one, proposals would be evaluated upon technical approach and qualifications. Those selected in step one would then proceed, in step two, to submit competitive proposals, including full cost and price data.

BID PROTESTS

Notice and debriefing

There is widespread consensus that the volume of protests is attributable in part to the fact that disappointed offerors lack clear information on why their offers were not accepted.

By requiring contractor debriefings, the bill provisions should reduce the number of protests that are either without merit or seek information simply to confirm that the award process was fair.

The bill:

Requires greater detail to be made available with respect to evaluation factors and subfactors while establishing an accelerated notice, debriefing, and protest schedule.

Notice must be given to all offerors as soon as practicable after the contract is awarded.

Requests by offerors for debriefings must be made within 3 days after notice of the award.

The debriefing must take place promptly, and must contain basic information about the award decision.

Protest adjudication

Consolidates judicial jurisdiction over bid protests in the Claims Court, as recommended by the Advisory Panel.

The bill makes it clear that the Court of Claims has jurisdiction over bid protests to the exclusion of the district courts, but not to the exclusion of GAO and GSBCA.

The bill authorizes the payment of consultant and expert witness fees (in addition to attorney's fees) in protests to the GAO and the GSA Board of Contract Appeals (GSBCA), as recommended by the Advisory Panel. These provisions would also limit all such fees to the levels established in the Equal Access to Justice Act for fees against the United States generally. This provision should add uniformity and cost savings to the process.

S. 1587 addresses frivolous or bad faith protests to the GSBCA, as recommended by the Advisory Panel, by authorizing the GSBCA to dismiss a protest that it is frivolous, brought in bad faith, or does not state on its face a valid basis for protest. In addition, it authorizes the GSBCA to invoke procedural sanctions where a person brings a frivolous or bad faith protest, or willfully abuses the board's process.

Generally, the bill would also adopt a number of other changes to provisions regarding bid protests to the Comptroller General, the GSBCA, and in the federal courts.

Specifically, the bill would: (1) clarify the GSA's authority to revoke a delegation of authority after the award or a contract, where there is a finding of a violation of law or regulation in connection with the contract award; (2) clarify the GSBCA's authority to review contracting decisions that are alleged to have violated a statute, regulation, or the conditions of any delegation of procurement authority; (3) provide for the public disclosure or any settlement agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds.

The bill amends the Comptroller General's authority to provide that the Comptroller General may recommend the payment of attorneys' fees in bid protest cases, rather than directing agencies to pay such fees. The bill would address questions that have been raised about the constitutionality of existing law.

The bill authorizes agencies to continue the procurement process up to the point of award of a contract, notwithstanding the filing of pre-award protest, if the agency head determines that the action is in the best interest of the United States.

Acquisition management

The bill contains a number of management provisions, including:

A statement of congressional policy that agencies achieve 90% of cost and schedule goals without reducing product performance or capability.

A requirement that cost and schedule goals be established for DOD and civilian agencies:

A requirement that agencies identify and review programs that are significantly behind schedule, over budget, or out of compliance with performance of capability requirements;

A requirement for annual reports (based on data from existing management systems) on progress made in implementing the congressional policy;

A requirement that the executive branch establish a system of incentives for performance in the acquisition workforce;

A requirement for DOD to define in regulations a simplified acquisition program cycle that is results-oriented; and the provision for exceptional performance awards, as recommended by the Administration.

The bill would add in title V the designation of 6 DOD programs as pilot programs and authorize the testing of commercial-type acquisition procedures for these programs.

Procurement ethics

S. 1587 substantially streamlines the procurement ethics laws. For the past decade Congress has enacted a series of new procurement ethics provisions. Although these provisions address specific ethics provisions, together they overlap and are difficult to implement.

The Senate voted to streamline and consolidate the procurement ethics laws, while retaining needed safeguards, in an amendment to the Department of Defense Authorization drafted in 1991. This amendment was never enacted. The draft bill reflects the Senate amendment.

The bill would amend the Procurement Integrity section of the OFPP Act to streamline the recusal provision; consolidate various revolving door restrictions; harmonize the gratuities provision with government-wide ethics provisions; revise certification provisions and eliminate unnecessary administrative burdens; and clarify several other provisions.

Establishing a uniform procurement system

The bill amends the procurement laws to promote the uniform treatment of Department of Department of Defense and Civilian agency procurement.

Amends the Federal Property Act to establish contract cost principles for civilian agencies. Contract cost principles provide that certain types of costs—such as entertainment costs, lobbying expenses, advertising costs, and so-called "golden parachute" payments—should not be paid by the taxpayers and are not "allowable" on federal contracts.

Establishes cost certification procedures and penalties identical to those that have long been applicable in Department of Defense procurements.

Repeals 10 USC 2410, which establishes Department of Defense-unique requirements for the certification of contract claims. The Contract Disputes Act of 1978 establishes government-wide requirements for the certification of claims. These requirements would remain in effect and would be amended to clarify that they govern all claims, including those at the Department of Defense.

Other recommendations adopted

Adopts several dozen other recommendations of the Advisory Panel to streamline and improve the acquisition laws. Some significant examples includes:

Providing flexibility for agencies in approving the use of non-competitive procedures when there is a valid justification.

Raising the threshold for application of the contract cost principles to $500,000.

Repealing the requirement for contractor employees to travel at government airfares (which are rarely available to contractors).

Providing consolidated audit provisions for both the Department of Defense and civilian agencies.

Repealing the requirement for Defense Enterprise Programs (which has been rendered obsolete by the new pilot program legislation).

Repealing the mandatory use of competitive prototyping in major programs.

Repealing the mandatory use of dual sourcing in major programs.

Repealing and consolidating obsolete and redundant Department of Defense-unique laws.

Repealing the Walsh-Healey Act (which no longer has any impact on prevailing minimum wage rates).

Mr. NUNN. Madam President, I am pleased to join my colleagues on the Armed Services Committee and Governmental Affairs Committee and the Small Business Committee in supporting S. 1587, the Federal Acquisition Streamlining Act of 1994. I congratulate Senator GLENN and Senator ROTH for their leadership in the Governmental Affairs Committee. I am also a member of that committee, and I have watched it up close because I have been on both the Armed Services Committee and the Governmental Affairs Committee. They have done a splendid job. I also wish to commend my colleague, Senator THURMOND, for his excellent work on this bill.

Madam President, over the past decade, the Congress and the executive branch have struggled to make sense out of the complex process of supplying our men and women in uniform with the best and the most cost-effective weapons systems. In the 1980's, the need for reform was underscored by incidents of fraud, waste, and abuse documented at congressional hearings, in GAO reports, and IG audits. At the same time, the graphic success of the equipment used by our Armed Forces in Operation Desert Storm illustrated the fact—overlooked by many before the war—that the acquisition system in place in the 1970's also could produce the finest weapons systems in the world.

Madam President, the key problem however was—and is—that the system that produced those weapons took too long and cost too much. In the aftermath of the cold war, with the increasing pressure to reduce the defense budget, we simply cannot afford the huge costs associated with an inefficient acquisition system.

During the 1980's, the acquisition laws and regulations proliferated as Congress and the executive branch attempted to balance the need for reform with the need to ensure continued effective research and development. The result was a patchwork quilt of often contradictory requirements that increasingly encumbered the acquisition process as illustrated in testimony before the committee from the Department of Defense, industry witnesses, and such independent observers as the General Accounting Office.

Our hearings on acquisition reform, as well as our continuing oversight of the procurement process, have demonstrated that the current acquisition system is a bureaucratic nightmare. The process of procuring equipment and services for our military and civilian agencies takes too long, costs too much, and suffers under a crushing burden of wasteful overhead.

We need to transform an outmoded system of regulating defense-dependent industries into a new system that will enable the Government to buy goods and services cheaper and faster; that will facilitate commercial and military integration; and that will encourage the development of dual-use technologies to meet the defense industrial and technology base requirements of the future.

The bill before us will enhance the ability of the Department of Defense as well as the other agencies of the Federal Government to achieve these vital goals in a manner that appropriately balances the need to eliminate wasteful paperwork with the need to ensure the basic integrity of the procurement process.

Madam President, acquisition reform is not a particularly glamorous subject, as Senator GLENN has already observed. The maze of statutes and regulations that govern the purchase of everything from pencils to nuclear submarines presents a daunting challenge to any reformer. I commend the bipartisan leadership of each of the cooperating committees and the subcommittees for the diligent attention they have brought to this subject and for the attention that has been brought to the detail, which is mind boggling to say the least.

I would like to pay particular tribute to Senator JEFF BINGAMAN, Chairman of the Subcommittee on Defense Technology, Acquisition and the Industrial Base of the Committee on Armed Services. Long before acquisition streamlining became fashionable, he had the vision to initiate legislation which was enacted as section 800 of the National Defense Authorization Act for fiscal year 1991, which required DOD to establish a Government-industry panel to propose comprehensive reform. JEFF BINGAMAN had the tenacity to insist the distinguished panel be appointed after the Department of Defense initially ignored the law, and Senator BINGAMAN has played a leading role in developing the legislation that is before us today.

The Senators who formed the core group that developed this bill reflect a diverse, bipartisan support for acquisition reform. We have benefited from the expertise of Senator STROM THURMOND, ranking member of the Armed Services Committee, Senators JOHN GLENN, BILL ROTH, CARL LEVIN, BILL COHEN, BOB SMITH, and DALE BUMPERS as well as LARRY PRESSLER. Each of them either chair the full Committee on Armed Services, Governmental Affairs, Small Business, or one of the subcommittees.

Mr. President, the Republican side of the aisle has been cooperative and their ranking members, whom I have already named, have done a very good job of bringing their point of view to bear on this legislation and also in supporting it in a very constructive way.

Madam President, I would like to review the painstaking process that has been used to develop this legislation.

It is my hope that we will not be on the floor for several days on the bill but rather that we will be able to pass it in a day or two. But that remains to be seen. But I do not think anyone should believe this bill has been rushed.

The Section 800 Advisory Panel completed a mammoth undertaking, producing a 1,800 page report in December 1992 that reviewed more than 600 procurement laws and proposed to amend or repeal nearly 300 laws. The panel presented its report to the Armed Services Committee at a hearing on March 10, 1993. I would like to express a special appreciation for the outstanding effort by the members of the panel, and the panel's staff, in producing this very comprehensive report. I ask unanimous consent that a list of the panel's membership be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Madam President, in the spring of 1993, the bipartisan leadership of the Armed Services, Governmental Affairs, and Small Business Committees directed their staffs undertake a joint review of the Section 800 Report with a view toward developing implementing legislation. In a parallel effort, Vice President GORE's National Performance Review examined the acquisition system, and endorsed many of the procurement streamlining recommendations of the Section 800 Panel.

I would like to commend the Vice President for his leadership in this overall effort. He has been extremely helpful in facilitating and ironing out some of the problems that we have had, even in the last 2 weeks. So the Vice President and his staff, I think, deserve a real pat on the back for their role in pushing this overall process.

The bipartisan/tricommittee effort produced S. 1587, the Federal Acquisition Streamlining Act, which was introduced on October 26, 1993. The bill was then available for more than 4 months before hearings began, which provided the opportunity for review and comment on the specific legislative proposals. The Armed Services and Governmental Affairs Committees then held three joint hearings, at which we heard from the administration, the defense industry, the nondefense industry, the oversight community, and other interested parties. Following the hearings, we reviewed each comment and recommendation, and prepared a complete substitute. The substitute was adopted by the Governmental Affairs and Armed Services Committees on April 26, 1994.

They had their meeting in the morning. We had ours in the afternoon, both on April 26, 1994.

Most of the provisions in S. 1587 are repeals or modifications that reduce, rather than add to, the body of acquisition legislation. The proposed statutory changes are detailed and complex. The underlying issues, however, involve the foundations of the acquisition process—auditing practices, oversight activities, competition in contracting, paperwork reduction, integration of the government and commercial sectors, and simplified small purchases, and strengthening the technology and industrial base.

The bill makes the following key changes in the law.

The following are the key changes viewed from my perspective.

First, the bill revises and consolidates numerous acquisition statutes to eliminate redundancy, provide consistency, and facilitate implementation.

Second, the bill encourages the acquisition of commercial end-items and components—including acquisition of commercial products that are modified to meet Government needs—by exempting commercial items from Government-unique certifications and accounting requirements that serve as a disincentive for commercial companies to participate in Government acquisitions, and which add to the costs when they choose to participate. The purchase of proven products such as commercial and nondevelopmental items can eliminate the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications or expensive product testing, which usually takes not only thousands of hours but also thousands of people.

Third, the bill raises the threshold for the use of simplified acquisition procedures $25,000 to $100,000. Although purchases under $100,000 account for only 16 percent of the Government's procurement expenditures, they account for 96 percent of the Government's procurement actions. This generates huge manpower and paperwork requirements for relatively small contracts. Use of simplified procedures will save time, money, and manpower.

Fourth, the bill revises and simplifies the bid protest process.

Fifth, the bill consolidates and simplifies the confusing and often contradictory rules that govern the relationships between Government and private sector procurement personnel.

Finally, the bill promotes efficiency by establishing procedures that will apply on a uniform basis to both the Department of Defense and the civilian agencies, to the maximum extent practicable. This will greatly facilitate the ability of suppliers, particularly in the commercial sector, to meet the needs of the Government without excessive overhead.

Madam President, as we debate this bill, I hope we will bear in mind that the central purpose of our effort is streamline the massive bureaucratic structure that is strangling our acquisition system. It is always tempting to craft a legislative solution to every problem and that is one of the reasons we need to reform the process so much. In the past, every time we have had a problem that pops up in the acquisition system, either the Congress, through legislation, or the executive branch, through regulation, has designed a whole series of laws and regulations to meet one problem that may have been valid in the case of that problem, but the result has been to pile one rule on top of another, and the final bottom line is that the overall structure simply does not work effectively or efficiently.

The lesson of the last decade—to which our bipartisan, tricommittee group subscribes—is that the system has been smothered by good intentions. We must direct our attention to correcting problems through oversight, management improvements, and accountability, rather than simply throwing more statutes at longstanding problems. I strongly urge that we resist the siren song of reform through legislation, and resist any amendments which do not clearly streamline the acquisition system.

Madam President, I send to the desk a copy of the task force and the staff members on the Section 800 Panel. I think all of these people deserve our thanks and the thanks of the taxpayers of America.

I yield the floor.

EXHIBIT 1

THE ADVISORY PANEL ON STREAMLINING AND CODIFYING THE ACQUISITION LAWS, ESTABLISHED PURSUANT TO SECTION 800 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

PANEL MEMBERS

Pete Bryan, Director, Contract Policy and Administration, Office of the Secretary of Defense.

Allen Burman, Administrator for Federal Procurement Policy.

Anthony Gamboa, Deputy General Counsel, Department of the Army.

Jack Harding, Vice President, Contracts, Raytheon Corporation.

LeRoy Haugh, Vice President, Procurement and Finance, Aerospace Industries Association.

Thomas J. Madden, Partner, Venable, Baetjer, Howard and Civiletti.

Ralph Nash, Jr., Professor of Law, George Washington University.

F. Whitten Peters, Partner, Williams and Connolly.

Gary Quigley, Deputy General Counsel, Defense Logistics Agency.

Major General John D. Slinkard, USAF, Deputy Chief of Staff for Contracting, Headquarters, Air Force Materiel Command.

Rear Admiral W. L. Vincent, USN, Commandant, Defense Systems Management College.

Robert D. Wallick, Partner, Steptoe & Johnson.

Harvey Wilcox, Deputy General Counsel (Logistics), Department of the Navy.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

Mr. THURMOND. Madam President, I am very pleased to be a cosponsor of this legislation, and I want to commend all of those who worked so hard on it.

I especially wish to commend the chairman of the Senate Armed Services Committee, Senator NUNN; Senator GLENN; Senator COHEN; Senator ROTH; Senator BINGAMAN; Senator SMITH; Senator LEVIN; Senator BUMPERS; Senator PRESSLER; Senator LIEBERMAN; and Senator COATS for the great work they have done on this legislation.

I also wish to commend and thank Jonathan Etherton, who handled this legislation for the Republicans on the Senate Armed Services Committee. He has done a fine job in connection with it.

Madam President, on April 26, the Senate Armed Services Committee marked up S. 1587, the Defense Acquisition Streamlining Act of 1994. This act is the most significant piece of acquisition legislation since Congress passed the Competition in Contracting Act in 1984. It represents the most important bill reported by the Armed Services Committee since the Goldwater-Nichols Reform Act of 1986.

S. 1587 is the result of a train of events that began over 10 years ago. Many in this Chamber will recall the stories that began to emerge in 1983 of outrageous prices the armed services were paying for spare parts and support equipment. They included the reports of the $450 hammer and $700 pliers. Upon closer examination, one of the legitimate problems that surfaced was the lack of competitive pressures on prices. This resulted in the passage of a number of new laws to open the system to new suppliers. The prices for many of supplies for the Department of Defense dropped when the laws went into effect.

Unfortunately after the principle of competition was established in law, Congress continued to legislate the operation of the procurement process in ever greater detail. Some of these new laws were necessary, but many added complexity and delay and little else. Rather than taking a comprehensive view to reforming and streamlining the process, we passed piecemeal legislation to address the latest media story of wasteful or questionable spending. By the late 1980's the result was a procurement system burdened with contradictory requirements, while the problems of increased costs and delays in fielding new technology were not addressed.

In 1990, under the leadership of Senators BINGAMAN and COATS of the Senate Armed Services' Subcommittee on Defense Industry and Technology, the Congress passed section 800 of the Defense Authorization Act for fiscal year 1991. Section 800 established a Government-industry advisory panel to undertake a comprehensive review all of the acquisition laws and to propose the repeal or modification of such laws in order to streamline the process of buying goods and services in the Federal Government. The Department of Defense was directed to appoint recognized experts from the defense industry, the legal community, and the Government to conduct the detailed review and to make specific recommendations.

Over the years we had had no shortage of reports with suggestions for improving the Federal acquisition process. The most recent of these was the Packard Commission Report of 1986. Unfortunately, implementation of the suggestions from these reports has been at best incomplete. We drafted the charter for the Section 800 Advisory Panel in a manner to ensure that their report would not be yet another study to gather dust on the shelf. We required the focus of review to be the specifics of the laws, not the regulations or internal agency directives. In preparing their report, the advisory panel also took the added step of preparing a detailed legislative history for each of the laws under review.

The Secretary of Defense submitted the report to Congress in January 1993. The submittal coincided with the recognition that a very fundamental reform of the acquisition process, especially in the Department of Defense, has been long overdue because of a number of factors. The first is the drastic and accelerated reductions in spending on national security which may continue into the foreseeable future. I have spoken elsewhere of my grave concerns about this trend in defense spending, but an immediate outcome is the need to cut the numbers of administrative personnel to allow us to focus the remaining funds on military capabilities. The administration has proposed a reduction of 250,000 in the overall Federal work force and a significant portion of this reduction will be made up of acquisition personnel.

The second major factor is the development of very dynamic commercial high-technology industries. For example, as recently as 10 years ago, the Department of Defense was in a position to determine the most demanding performance and reliability standards for the electronics industry. Now it is the commercial marketplace which sets standards that often exceed to a significant degree those developed by the Federal Government.

Madam President, over the years we have built a wall between those businesses selling to the Federal Government and those selling to commercial customers. The accounting rules are very different. Defense contractors must conform to a number of special contract requirements that deviate from standard commercial practices and must be willing to submit reams of information as the price of doing business with the Federal Government. As defense resources shrink and commercial markets grow, companies with the best technology are less willing to seek Government contracts. The major theme emerging from the section 800 advisory panel report is the need to allow the Federal Government to meet purchasing requirements using commercial terms and conditions to the maximum extent practicable. The panel specifically recommended that the definition of a commercial product be expanded to cover a broader range of items; that the requirements for the supply of certified cost and pricing data be waived in a greater number of cases, and that transactions for the purchase of commercial items be exempt from many Government-unique socioeconomic requirements.

Greater reliance on commercial items and practices will save the taxpayers billions of dollars per year. Some recent studies suggest that products developed for commercial sale cost 30 to 50 percent less than similar products developed for Government use. The costs of research and development for commercial products are paid by commercial customers, not the Federal Government. Finally, we need fewer people to oversee commercial product contracts because the prices are set by the marketplace, not by Government cost regulations.

S. 1587, the legislation we are debating today, embodies most of the section panel's recommendations with respect to the purchase of commercial products. If this legislation provided for no other change to current practice, it would merit the strong support of the full Senate. This legislation will do much more, however. For example, it will raise to $10,000 the threshold for the use of more streamlined and simplified award procedures on contracts. This will allow the use of simplified procedures for 98 percent of all procurement actions. This change will benefit all businesses, especially small businesses, selling to the Government by exempting them from some of the expenses associated with complying with unique Government requirements. The increase in the simplified acquisition threshold will also reduce significantly the workload for Federal agencies on these smaller value contracts.

With the proposed cuts in defense spending, we have reached a point where it is no longer feasible to maintain the status quo in Federal procurement policy. We must simplify the procurement process to allow us to reduce the number of Government contracting personnel while improving the level of professional competence of those who remain in Government service. We must begin to tap more fully into the commercial sector to meet the needs of the Department of Defense and the other agencies.

This legislation will be the catalyst for a thorough reform of the Defense Department acquisition process. It will help us shrink the size of the Government bureaucracy and foster greater reliance on the marketplace for meeting taxpayers needs. It will reduce administrative costs and allow our Government procurement personnel greater exercise of business judgment. I urge my colleagues to support the Federal Acquisition Streamlining Act of 1994.

Madam President, I yield the floor.

Mr. McCAIN. Mr. President, the Government procurement process through the slow accretion of rules and regulations over the years has become overly complex and cumbersome. Reform is needed. In no area is this reform more urgent than with respect to the defense acquisition system. That urgency stems from a number of factors.

The drive to combat the mounting Federal deficit has placed extraordinary pressure on the defense budget. Since 1985, the defense budget has been reduced by 35 percent. Yet despite this massive and, I believe, ill-advised cut in defense spending, the Pentagon's budget continues to suffer attacks. The austere budget climate makes it absolutely imperative that we stretch every defense dollar as far as possible.

A second factor prompting action is the fundamental change taking place in our military-industrial base resulting from defense downsizing. Diminished Government out of business and forced others to dramatically scale back their work forces and operations. While some contraction in our defense industrial base was inevitable with the end of the cold war, the uncertain national security environment which the United States faces today requires that we have a robust, flexible, and highly responsive defense industrial base.

Regrettably, the cumbersome Federal acquisition process discourages many companies from competing for Government contracts. This reduces participation, and thus diminishes competition, raising Government procurement costs. Further, the current process places substantial restrictions and burdens on defense contractors which are unnecessary, the added cost of which lessens the buying power of our defense dollars. Finally, it has fostered a separation of commercial and military production which impedes cross fertilization between these two sectors of the economy, hindering the full utilization of technological innovation.

If enacted into law, S. 1587 would institute reforms in three areas for both general Government and defense procurement. First, the simplified acquisition procedures previously applicable to Government contracts under $25,000 are expanded to include contracts of up to $100,000. Since over 90 percent of the total number of Government contracts each year fall under this higher threshold, the benefits of simplification will be widespread and dramatic. Second, S. 1587 revamps the acquisition rules to encourage and facilitate procurement of commercially available items whenever feasible, allowing the Government to reap the benefits of low-cost, mass-produced commercial items, rather than commissioning expensive custom-made products. Finally, S. 1587 streamlines the entire process of contract formation, administration, and award protests.

More work stills need to be done to improve Federal acquisition. The acquisition process to multimillion dollar contracts, particularly procurement of major defense systems, needs to be reformed to enhance competition, cut costs, and best serve the public interest. But that is work for another day. The Federal Acquisition Streamlining Act of 1994 is an important first step in reforming Federal procurement, and I urge my colleagues to support it.

Mr. COHEN. Madam President I rise today in support of S. 1587 as amended by the Governmental Affairs Committee.

The Federal procurement system is enormous. According to figures published by the Vice President's National Performance Review, the Federal Government currently employs approximately 142,000 employees to manage its procurement bureaucracy. This workforce is responsible for enforcing 42,000 pages of procurement regulations and spending $200 billion for the goods and services the Federal Government consumes every year.

The overly complex and cumbersome requirements of the Federal procurement system often intimidate potential vendors to the point of discouraging their participation in the procurement process. These cumbersome requirements discourage commonsense purchasing decisions, resulting in purchasing decisions that are penny-wise but pound foolish. The current procurement process has a chilling effect on competition that ultimately translates into higher costs to the taxpayers.

Undoubtedly, eliminating excessive paperwork requirements will result in the reduction of wasteful expenditures. To illustrate the ridiculous and excessive cost of paperwork, I would like to offer a recent example at the Department of Defense which I have asked the General Accounting Office to investigate. DOD annually spends about $2.3 billion to process the roughly $2 billion it spends on travel. In other words, it costs more to process the vouchers than it does to travel. If the procurement bureaucracy suffers from the same processing costs as the Pentagon's travel system, then reducing paperwork requirements should produce significant savings.

We need to reform the procurement system not only to save money, but to help the Government overcome its image of incompetence. The Federal Acquisition Streamlining Act is major reform, reform which must occur if the Federal Government hopes to regain its ability to perform in the best interest of its citizens.

For the past 17 months, members of the Governmental Affairs, Armed Services and Small Business Committees have worked in a bipartisan effort to reform the procurement process to better serve the interest of the American taxpayers. These reforms include increasing the benefits of competition, easing the burden to business and ensuring that Government vendors are treated fairly and reasonably. Although there have been some disagreements during our working group and committee deliberations, the legislation before us today represents the result of compromises that overall, represent constructive steps to reform the procurement process.

As a result of its efforts, a bipartisan working group of Senators, made up of myself and Senators GLENN, ROTH, NUNN, THURMOND, LEVIN, BINGAMAN, SMITH, and BUMPERS successfully crafted a compromise that will sustain competition and significantly simplify the procurement process. The bill eliminates much of the bureaucratic encumbrances to vendor participation while ensuring adequate oversight and protection of taxpayer dollars. It also creates many of the same incentives that private citizens use when making buying decisions and will speed delivery of goods and services to Government. To achieve these objectives, Government contracting offices will be permitted to buy commercial products directly from commercial sources, rather than waiting months and in some cases, years, to write complex, Government-specific specifications that would require specialized manufacturing of items, like ashtrays and chocolate chip cookies, that are commonly found in the marketplace.

This legislation provides a solid foundation for the fundamental change necessary to reform the way the Federal Government spends more than $200 billion in taxpayer dollars every year. This measure marks a significant step toward improving how the Government gets what it needs in a timely manner, especially when making purchases under $100,000. Specifically, this legislation increases the current small purchase threshold from $25,000 to $100,000 and changes the name of the small purchase threshold to the "simplified acquisition threshold." This provision allows the Government to buy goods and services under $100,000 through a simplified process which, in large part, mimics the process most individuals and businesses go through when making decisions on behalf of themselves and their businesses. In essence, Government purchases made under the simplified acquisition process require the contracting officers to shop for goods and services, compare prices and base purchases on best value.

We anticipate that much of the Government's shopping under the simplified acquisition threshold will also be done through the use of electronic bulletin boards.

Consequently, Government purchases under $100,000 will no longer be required to go through time-consuming requirements such as publishing procurement notices in the Commerce Business Daily and awaiting responses through the mail. Instead, purchase and sale notices under $100,000 can be transacted through the use of computer messages.

This implementation of the simplified acquisition threshold provision alone will significantly reduce the paperwork required to meet the requirements of the current Federal regulations which resulted in the National Performance Review's, now famous, ashtray example.

The number of transactions under the $100,000 threshold represent the vast majority of contracting actions by the Federal Government. At the Department of Defense alone, purchases under $100,000 represent about 98 percent of the procurement actions. Yet those large number of actions represent only about 5 percent of DOD's total procurement dollars. Obviously, by raising the simplified acquisition level to $100,000 we will succeed in eliminating significant paperwork while capturing the vast majority of procurement actions.

The committees have also developed a number of improvements which will encourage the purchase of commercial products rather than the development of lengthy specifications, cumbersome bidding and evaluation procedures, and other inefficiencies. In 1989, the Subcommittee on Oversight of Government Management, on which I serve as ranking Republican, held a hearing to examine the Department of Defense's need to encourage the Government's purchases of commercially available products rather than relying on requiring suppliers to provide goods and services based on Government-unique specifications in cases where there was an equally comparable product readily available on commercial markets. During this hearing I cited the case of a 15-page oatmeal chocolate-chip cookie specification when the Department of the Army could have easily purchased a comparable cookie at less overall cost from the local grocery store. Although Senator LEVIN and I introduced legislation that was ultimately passed which encouraged DOD's purchase of commercial items, I am pleased that this legislation will extend this idea throughout Government.

Madam President, I am proud to be a cosponsor on this legislation and would like to thank the chairman and ranking minority members of the Governmental Affairs Committee and the Armed Services Committee, and Members of those committees who worked tirelessly to navigate this legislation through the legislative process in an expedious way. This bipartisan effort is a landmark step toward making our Government work better for the taxpayers and I encourage my colleagues to support its passage.

Mr. BUMPERS. Madam President, this afternoon, as the Senate begins consideration of S. 1587, the Federal Acquisition Streamlining Act of 1994, I would like to share with my colleagues my perspectives on this important legislation as chairman of the Committee on Small Business.

I consented to have the Small Business Committee discharged from further consideration of the bill for a number of reasons.

First, S. 1587 was initially drafted and has been revised as a collaborative effort among the Committees on Governmental Affairs, Armed Services, and Small Business. Our committee's staff representative was included throughout the process. Small business views were always considered, and in many cases are included in the package before the Senate today.

Second, many of the key players in shaping and moving forward this legislation are also members of the Committee on Small Business. My friend from Georgia Senator NUNN, chairs our Subcommittee on Government Contracting and Paperwork Reduction. Similarly, Senator LEVIN and Senator LIEBERMAN are both active members of the Small Business Committee and the Governmental Affairs Committees.

And, third, the Vice President has made clear that Senate action on this legislation is an administration priority. The administration sees S. 1587 as the legislative implementation of the National Performance Reviews' recommendations regarding the reinventing of Federal buying practices. Senator BINGAMAN and many of the other cosponsors will recognize S. 1587 as the embodiment of many of the recommendations contained in the 1,400-page report of the Advisory Panel on Streamlining and Codifying Defense Acquisition Laws, established by section 800 of the National Defense Authorization Act for fiscal year 1991.

What is clear is that S. 1587 will make significant changes to the way Government buys and those changes will be felt most profoundly by the tens of thousands of small businesses that constitute the vast majority of firms doing business with the Government. What remains unclear is how many of the bill's changes will be felt by small business contractors. Whether some changes will foster their participation or, in some cases, actually inhibit their participation, is difficult to predict with certainty at this point.

It has been frequently said today that S. 1587 is a procurement streamlining bill, one designed to make the process less complex, and that all amendments should be required to measure up against a streamlining standard. I cannot agree that streamlining or simplifying acquisition is the sole criteria for success.

Streamlining from whose perspective? Procurement streamlining cannot simply mean making it easier for the Government's buyers to go to work each day, by granting them virtually unlimited discretion and hoping that they will do right. Small business owners have long called for simplification of the buying process. Better information about contracting opportunities, solicitations that clearly and accurately describe the Government's needs, adequate time to prepare an offer, timely responses from contracting officers during performance, and prompt payment for services and products have been consistently advocated by small business as their key elements for improving Government contracting.

Most often, however, simplification for the convenience of the procurement bureaucracy is at odds with the practical business needs of the small business community. S. 1587 tries to balance those competing views of procurement simplification, but we have received thoughtful analyses on behalf of the small business community suggesting that more work needed to be done on the version of the bill considered by the Governmental Affairs Committee and Armed Services Committee on April 26.

The small business community has been diligently working on the issue of procurement reform. An informal working group was formed by a broad array of small business associations. The Small Business Working Group on Acquisition Reform includes the three major small business associations, the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], itself an association of 100 small business associations, and National Small Business United [NSBU]. It also includes the National Association of Women Business Owners [NAWBO] and a diverse group of associations representing minority business enterprise. Among these groups are the Minority Business Enterprise Legal Defense and Education Fund [MBELDEF], the Latin American Management Association [LAMA], the National Minority Supplier Development Council, the National Association of Minority Contractors [NAMC], and the National Center for American Indian Enterprise Development. The Small Business Working Group also includes such different groups as the Independent Defense Contractors Association and the American Gear Manufacturers Association.

They have testified at various hearings on procurement reform conducted by the House Small Business Committee and the House Committee on Government Operations. Representatives of three working group members appeared at one of the hearings jointly conducted by the Committees on Armed Services and Governmental Affairs.

On April 22, our committee staff furnished them the text of the proposed substitute amendment for S. 1587. In 3 days the working group provided to the Committee on Governmental Affairs and the Committee on Armed Services a comprehensive 17-page analysis of the bill expressing serious concerns. When S. 1587 was favorably reported without substantial amendments by the Governmental Affairs Committee on the morning of April 26 and by the Committee on Armed Services that same afternoon, the small business community asked our committee to address their concerns. Although ordered reported on April 26 by the Armed Services and Governmental Affairs Committees, the bill was not actually reported—and thereby referred to the Small Business Committee—until Thursday, May 12. The bill's original referral order provided for our committee to have 20 session days for consideration of the bill.

On Monday, May 23, the new Chief Counsel for Advocacy at the Small Business Administration, Jere Glover, submitted directly to the committee a special report on this proposal. During the formulation of the administration's positions regarding modifications to S. 1587, which spanned the 5 months of discussions that led to the substitute bill before us today, SBA views appear to have been given little weight in the headlong rush to streamlining. Staff informs me that SBA representatives were not included in the discussion sessions, even when the topic of discussion was being ballyhooed as a benefit for small business government contractors. Given the special confidence that President Clinton reposes in SBA Administrator Erskine Bowles, small business generally has a strong voice at table when the administration formulates its broad economic policies. Small business must also be given a more prominent voice in the fashioning of regulatory policies directly impacting small firms. The Government's approximately $200 billion annual procurement budget is certainly one of those topics where small business deserves to be present and heard at the table. I hope that SBA's Office of Advocacy and its Office of Government Contracting will be more involved.

Madam President, I would ask unanimous consent that the comments by the Small Business Working Group and the special report by the Chief Counsel for Advocacy be printed in the RECORD following my remarks.

Madam President, while we have consented to be discharged before the expiration of our period of referral, I want to assure my colleagues that the concerns raised in the comments of the Small Business Working Group have been carefully reviewed by staff. Many of those concerns are being addressed in the managers' amendments that will be adopted shortly. Others will be addressed in amendments to be offered by members of the committee, including Senator WELLSTONE. To the extent that the bill as passed does not address their concerns, they have my pledge to continue to improve the bill for the benefit of small business during the subsequent conference with the House.

Finally, Madam President, I would like to thank Senator PRESSLER, our ranking Republican member, for his cooperation and assistance in moving this legislation forward.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS WORKING GROUP ON PROCUREMENT REFORM

JUNE 6, 1994.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: The Small Business Working Group on Procurement Reform wants to take this opportunity to share with you our observations and positions concerning S. 1587, the "Federal Acquisition Streamlining Act of 1994." The Senate is scheduled to consider this bill at 3:30 p.m. on Tuesday, June 7.

Although S. 1587 as reported by the Committees on Governmental Affairs and Armed Services reflects recommendations made by the Working Group in testimony, and there are several additional important improvements in a proposed Managers' Amendment, it is our judgment that we should not endorse this legislation, given that a shift of but a few provisions would tilt it into the category of being a "net loss" for small business. Instead, we would seek to work cooperatively with those who have sought to accommodate small business concerns to fashion further improvements during consideration by the Senate and during the subsequent conference with the House of Representatives.

We do not withhold our endorsement lightly. Procurement streamlining is and has consistently been an objective of the small business community. As we have said previously, true procurement streamlining must simply not make it easier for the Government's buyers to go to work each day, but for private sector business concerns and, especially small business concerns, to be treated fairly in their efforts to sell to their Government. This remains our goal and S. 1587 has been modified to reflect a greater recognition of its legitimacy.

We ask you to give greater recognition to our objectives in procurement streamlining as the bill and proposed amendments are debated by the Senate. Our more specific comments on possible amendments to S. 1587 follow:

(1) Class Waiver of the Applicability of Certain Laws to Subcontractors. S. 1587, as reported, would authorize procurement bureaucrats to waive the application of laws with regard to subcontractors of prime contractors furnishing commercial products. The Small Business Working Group is opposed in principal to the concept of allowing unelected career officials to waive statutes enacted by Congress. If such waivers are truly necessary, Congress, not the bureaucracy, should specify the waivers.

One candidate for application of this waiver authority is of special interest to the Working Group—the requirement for certain subcontractors to have goals for the participation of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. As written, the bill prohibits the regulatory waiver of the subcontracting requirements of Section 8(d) of the Small Business Act. We urge you to support Senator Carol Moseley-Braun in her efforts to block any amendment that would change current practice regarding the use of small business concerns as subcontractors and suppliers.

(2) Market Acceptance Criteria. S. 1587 would permit procurement regulation writers to prescribe market acceptance criteria which an offeror would have to meet in order to sell commercial items to the Government. Such market acceptance criteria could be written to foreclose the participation of fully commercial small firms with other than national markets. We do not believe that the proposed change contained in the Managers' Amendment precludes such an abuse. The Working Group believes the bill should prescribe standards for such market acceptance criteria that will not permit the elimination of a firm solely on the basis of its volume of sales. We urge you to support any floor amendment which would specify statutory standards and prohibit the use of volume of sales as a criteria. We also urge you to support any amendment that would make a determination that a small firm had failed to meet a market acceptance criteria a matter subject to review by the Small Business Administration under its Certificate of Competency Program.

(3) Response Times Left to Regulators. S. 1587 would leave to the regulation writers the establishment of the time made available for an offeror to submit a response to a solicitation for a commercial item, a small purchase under the new $100,000 Simplified Acquisition Threshold, or any solicitation made through electronic commerce. The Small Business Working Group is concerned that the regulation writers will allow such response times to be set on a contract-by-contract basis. We urge you to support any floor amendment which would either Congressionally-prescribe, or require that the Federal Acquisition Regulation prescribe, minimum response times.

(4) Simplified Acquisition Procedures and "Micro-Purchases." S. 1587 exempts purchase of $2500 or less from the so-called "Small Business Small Purchase Reserve." This purportedly was done to facilitate broader use of a government credit card to permit non-procurement personnel to make more purchases of commercial items from major retailers, most of which are not small businesses. However, as written, the provision exempts all purchases under $2500. The Small Business Working Group believes that two amendments are appropriate. First, there should be a linkage between the actual use of the government credit card as a precondition to the waiver of the Small Business Small Purchase Reserve. Second, even when the government credit card is used, Congress should require the Federal Acquisition Regulation to admonish government purchasers to try to make use of small businesses "to the maximum extent practicable." We urge you to support any floor amendment that would achieve these two goals.

(5) Procurement Protests: Limitations on Attorneys' Fees. The Small Business Working Group strongly opposes the provisions in S. 1587 which would limit the amounts to which a small business owner would be entitled to recoup for attorneys' fees and expert witness fees upon winning a successful bid protest. Under current law, which has worked since 1984, a successful protestant may be reimbursed for legal costs actually incurred, if the General Accounting Office or the General Services Board of Contract Appeals finds them to be reasonable. The provision would artificially limit the legal fees that could be recouped to the maximum hourly rate allowable under the Equal Access to Justice Act, $75.00 per hour, which has remained unchanged since 1980. Such a limitation would have a chilling effect on the bid protest protections afforded by the competition in Contracting Act of 1984, falling especially hard on small firms. We urge you to support an amendment to be offered by Senator Paul Wellstone that would either strike this unfair limitation completely or eliminate small firms from its chilling effects.

(6) Alternative Disputes Resolution. S. 1587 misses the opportunity to streamline the contracts disputes resolution process by eliminating the government's ability to avoid the use of alternative disputes resolution procedures when such procedures are appropriate. We urge you to support an amendment to be offered by Senator Paul Wellstone which would require that a small business concern be allowed access to ADR procedures unless the contracting officer could cite and justify one of the statutorily-specified circumstances under which current

law deems ADR procedures to be inappropriate.

(7) Fast Pay for Small Purchases. S. 1587, as reported, contains a provision which assures that small firms will receive accelerated payment for performance of contracts awarded under the accelerated procedures to be used for contracts under the new $100,000 Simplified Acquisition Threshold. This provision merely makes mandatory an essentially identical fast pay provision for $25,000 small purchases which Congress adopted on a non-mandatory basis as part of the 1988 amendments to the Prompt Payment Act, but which was never fully implemented. It is the understanding of the Small Business Working Group that the Administrator for Procurement Policy is advocating the elimination or substantial weakening of this provision. We urge you to oppose any effort to do so.

(8) Measuring the Effects of the $100,000 threshold. S. 1587, as reported, also assures the Congress, as well as the small business community, will have concrete and comparable data to permit a valid assessment of the impact on small business concerns, including small business concerns owned and controlled by economically and socially disadvantaged individuals and women, of increasing the small purchase threshold from $25,000 to $100,000. It is the understanding of the Working Group that the Administrator for Federal Procurement Policy is seeking modifications to this provision that essentially will make it impossible to analyze the effect of this dramatic four-fold increase in the small purchase threshold. We urge you to oppose any such amendment.

Enclosed is a copy of our April 25, 1994 Commentary of the bill as it was considered by the Committees on Government Affairs and Armed Services. There were virtually no amendments made at the committee level. Also enclosed is a "Special Report" from The Honorable Jere W. Glover, the recently-confirmed Chief Counsel for Advocacy at the Small Business Administration, whose assessments in many ways mirror the concerns that have been consistently expressed by the Small Business Working Group.

We urge you to review and seriously consider the recommendations by our coalition of associations serving as advocates for small businesses, including those owned and controlled by socially and economically disadvantaged individuals or women.

Please help us to make acquisition streamlining a benefit, rather than a source of new burdens for them.

If you have any questions about this statement, please contact me at 703-684-3450.

Sincerely yours,

E. COLETTE NELSON,

Chair, Small Business Working Group on Procurement Reform.

SMALL BUSINESS WORKING GROUP ON PROCUREMENT REFORM

Small Business Legislative Council.

Minority Business Legal Defense and Education Fund.

Latin American Management Association.

National Center for American Indian Enterprise Development.

National Association of Minority Business.

National Association of Women Business Owners.

National Minority Supplier Development Council.

Women Construction Owners & Executives, Inc.

Independent Defense Contractors Association.

Independent Gear Manufacturers Association.

Interamerican Travel Agents Society.

National Small Business United.

National Federation of Independent Business.

SMALL BUSINESS ADMINISTRATION,
Washington, DC, May 23, 1994.

Hon. DALE BUMPERS,
Chairman, Committee on Small Business, U.S. Senate, Russell Senate Office Building, Washington, DC.

Subject: Report on Procurement Reform.

DEAR MR. CHAIRMAN: This is a report outlining the views of the Office of Advocacy on procurement reform.[1] It is prepared under the authority of 15 USC §634(f) and is intended to echo the concerns of the small business community. The Small Business Legislative Council, the National Small Business United, and the National Association for the Self-Employed agree with the opinions expressed herein.

Currently, Congress has before it a number of reform measures, including S. 1587, H.R. 2238, H.R. 3586, H.R. 4263 and H.R. 4328. Small firms are the engine supporting economic growth as well as the driving force behind job creation and innovation in America. Congressional due diligence in considering these proposals must therefore acknowledge and support the needs of the small business community.

The Office of Advocacy strongly endorses acquisition reform. Few would disagree that our procurement system is too complex, absurdly slow and frequently ineffective. However, the zeal to reform must be tempered with adequate consideration for the concerns of the small business community. It took many years to instill sufficient checks and balances within the federal procurement process to encourage competition and increase opportunities for small, minority and women-owned firms. Some of these checks and balances are now seen as impediments to streamlining the procurement process.

It is important to note that many of the proposed legislative changes come from recommendations made by the Acquisition Law Advisory Panel (Section 800 panel). This panel was established by the 1991 National Defense Authorization Act (Public Law 101-510, Section 800) to review acquisition laws, with a goal of streamlining the Department of Defense acquisition process. Unfortunately, the small business community had minimal representation and input to the panel.

For reform to be meaningful and effective, it must be balanced equitably on all stakeholders. It would be a costly injustice, as well as an exercise in regression, if the small business community were to be sacrificed at the expense of less competition, higher government costs and fewer procurement opportunities for small firms.

We ask that you consider the following concerns in deliberations.

SIMPLIFIED ACQUISITION THRESHOLD

A critical component of the reform legislation focuses on increasing the small purchase threshold from $25,000 to $100,000. We support increasing the threshold if, and only if, specific measures are implemented to protect the small business community and enhance its ability to participate in federal procurement opportunities. These measures include:

Linking any increase in the small purchase threshold with a concurrent obligation to implement a coordinated government-wide electronic equivalent of the *Commerce Business Daily*.

While increasing the threshold will simplify the procurement process, it will hurt small firms if acquisition opportunities are not adequately publicized. If the threshold is increased without directly linking it to the implementation of an electronic commerce system, competition most likely would be minimized and many small firms would be precluded from participating in procurement opportunities. Reduced competition would increase the government's procurement costs.

We support the implementation of the federal acquisition computer network (FACNET) or similar government-wide electronic commerce system.

Maintaining the small business small purchase reserve for purchases of less than $2,500.

Awards to small businesses, especially emerging firms, will be reduced if purchases of less than $2,500 are not reserved. We agree that very small purchases should be easy to make and require minimal paperwork. Small firms can accommodate this need for greater simplicity.

For many small firms, very small purchases are the bread and butter of their operations. These same firms are often not able to compete for large federal acquisitions.

Requiring detailed reporting under the Federal Procurement Data System for any purchase of $10,000 or more.

This requirement is necessary to measure and evaluate the results of increasing the threshold.

Requiring the implementation of fast pay procedures in contracts awarded to small firms under the small purchase threshold.

The Prompt Payment Act Amendments of 1988 give executive agencies authority to implement fast pay procedures for contracts under the small purchase threshold. However, implementing regulations have basically neutered this provision, allowing agencies to avoid compliance.

Fast pay provisions in contracts below the threshold would require small firms to be paid by agencies within 15 days from the receipt of an invoice and require the availability of payment through electonic transfer upon contractor performance. Fast pay procedures, enacted in the Amendments of 1988, should be mandated.

Linking the threshold for small claims procedures to the simplified acquisition threshold.

This would raise the current small claims threshold from $10,000 to $100,000, allowing access to simplified and more efficient claims procedures.

Amending the Davis-Bacon Act, the Services Contract Act and the Miller Act.

The Davis-Bacon Act requires contractors for federal and public works projects to pay workers the local prevailing wage rate, usually union wages. The act was intended to prevent construction companies offering substandard wages from underbidding local companies. The threshold for coverage under the act was set at $2,000 in 1931 and remains the same today.

The Service Contract Act of 1965 has purposes for service contracts similar to those of the Davis-Bacon Act for construction. It applies to contracts in excess of $2,500. It requires contractors to pay the minimum prevailing wage and specified fringe benefits.

The Miller Act requires that for any federal construction contract worth $25,000 or more, the contractor must be bonded.

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[1] The views expressed in this document are solely those of the Chief Counsel for Advocacy and may not necessarily reflect the views of the U.S. Small Business Administration or the Administration.

We urge that the threshold for these laws be increased to $100,000 or the established level for Simplified Acquisition Threshold. Further, we urge that the Federal Acquisition Regulations be modified, with respect to the Miller Act, to provide alternative payment protections for small business subcontractors and suppliers.

COMMERCIAL ITEMS

We support efforts to make a easier for firms to sell, and the government to buy, commercial products for government use. Reliance on commercial items is one of the identified purposes of the Competition in Contracting Act of 1984. We support a clear preference for the use of commercial items and performance specifications. However, aspects of the proposed legislation could be very damaging to small firms.

Broad Definitions for Commercial Items

Proposed definitions for commercial items are excessively broad. Not only do they include items that have been sold commercially, but they also include those which might (or might not) be sold commercially in the future. We are concerned that a firm could use its purported offer of a product to the general public, whether or not there is a commercial market, as a means of avoiding various statutory requirements. Further, some proposals would modify the definition of commercial items to include all forms of commercial services.

If the definition of commercial items were made excessively broad and specific statutory requirements eliminated as proposed, procurement opportunities for small firms would be significantly reduced.

Preserve Subcontracting Plans for Subcontractors

Proposed legislation would free subcontractors supplying commercial items or commercial components for government-designed products from any requirement to utilize small or small disadvantaged concerns as "second-tier" subcontractors and suppliers. We strongly oppose any effort to eliminate subcontracting plan requirements. Such changes in the law would have a significantly adverse effect on the ability of small firms to participate in contract opportunities.

The current law requiring the flow-down of subcontracts to small firms has helped many small, minority and women-owned businesses.

We endorse recommendations of the small business community to make small business and small disadvantaged business participation at the subcontract level a criterion for the award of prime contracts.

Market Acceptance

It is proposed that new procedures for the acquisition of commercial items be developed. We support the development of procedures that provide consistent, government-wide implementation, as opposed to allowing individual agencies to establish their own definition for market acceptance.

Further, implementing regulations that will ultimately define "market acceptance criteria" must be sensitive to the needs and especially the limitations of the small business community. We are concerned that such criteria could be used to set standards beyond the reach of many small firms. For instance, if market acceptance criteria were used as a test for "responsiveness," some firms would be eliminated from competing, before having any recourse to SBA's Certificate of Competency (CoC) program.

The CoC program is a very successful government initiative that has helped many small firms. It would be counter productive to allow the development of procedures that could cancel the intended purpose of the CoC program.

PILOT PROGRAMS

We acknowledge the need for and the advantages of testing and implementing alternative procurement methods. However, we oppose efforts that would grant sweeping authority to specific federal agencies and eliminate long-standing statutory protections for small businesses.

Test Authority

It has been proposed that the Administrator for the Office of Federal Procurement policy (OFPP), in considering procurement pilot programs, be given authority to waive not only regulations, but also laws, by simply giving notice to the Congress. Waivers of statutes should not be so lightly undertaken, and we oppose such blanket authority granted to the Administrator of the OFPP.

If statutory waivers are deemed necessary to conduct a pilot program, specific Congressional approval should be obtained and OFPP should be required to obtain the concurrence of the agency or agencies responsible for the statutes to be waived or suspended.

Defense Acquisition Pilot Program

Proposals would give the Secretary of Defense authority to waive or limit the applicability of specific statutory requirements in implementing the Defense Acquisition Pilot Program. The proposed waivers include eliminating small business set-asides, the small business small purchase reserve, and small and small disadvantaged business subcontracting plans. We oppose these proposals.

The small business programs cited have been established as an integral part of the protections for small businesses. These programs assure those new to the federal procurement environment that opportunities will be made available to them. The gradual elimination of these protections not only removes specific opportunities from the table, but also sends a message that efficiency of administration and convenience of established relationships are more important than helping small firms to grow and participate in the federal procurement process.

EXTENSION OF THE DOD MINORITY ENTERPRISE DEVELOPMENT PROGRAM

Proposals would extend to civilian agencies the minority enterprise development program currently authorized for DoD under 10 U.S.C. 2323 (formerly Section 1207 of Public Law 97-661, the National Defense Authorization Act for 1987). We recommend that the SBA play an integral role in the development and oversight of an extended Minority Enterprise Development Program.

CONTRACT GOALS

We support increasing the government-wide goal for participation by small business concerns for 20 percent to 25 percent of the total value of all prime contract awards for each fiscal year. Further, we support establishing a goal for the participation of women-owned businesses at 5 percent of the aggregate value of all prime contracts.

BEST-VALUE CONTRACTING

Best-value practices are intended to help government agencies receive the best overall value in contracts it awards. Under such practices, contracts are awarded by considering a combination of price and technical factors, with technical factors taking precedence. The concept removes the super preference for low-bid proposals and puts best-value negotiated solicitations on equal footing with sealed bid solicitations.

We support the intended purpose of best-value practices, but are concerned with the level of subjectivity such practices provide to contract officers in weighing individual evaluation factors. We recommend that any effort to broadly incorporate the use of best value practices include specific provisions that would clarify evaluation factors, specify weighing procedures and minimize subjectivity.

TRUTH IN NEGOTIATIONS ACT

The Truth in Negotiations Act (TINA) requires contractors to submit cost or pricing data before the award of a contract or a contract modification that is expected to exceed $500,000. Similar requirements are imposed on subcontractors, who must submit such data to the prime contractor. Current law stipulates that the $500,000 threshold be reduced back to the 1984 level of $100,000 after December 31, 1995. We support proposals to keep the TINA threshold at $500,000.

PAST PERFORMANCE PRACTICES

Proposals would alter regulations that require federal agencies to consider a contractor's past performance in awarding future contracts. We are concerned that such practices could impede the ability of small firms, especially minority and women-owned businesses, to obtain federal contracts. This is because most small firms have limited experience in the government market place.

We recommend that any provisions to consider past performance in the evaluation process include specific measures to consider both commercial and federal past performance; include recognition of a firm's compliance with its subcontracting obligations under Section 8(d) of the Small Business Act and clearly acknowledge that a company would not be penalized if no information regarding past experience was available.

TECHNICAL DATA RIGHTS

In addition to pending procurement reform legislation, Congress is considering recommendations prepared by the DoD/Industry Technical Data Advisory Committee (Section 807 committee).

The 807 committee is charged with preparing recommendations that will lead to the development of technical data regulations that are equitable to all federal contract participants in the creation and use of technical data. This is a powerful issue, charged with controversy and fueled by different agendas. Although the committee sought consensus among divergent groups, its recommendations appear to side with the interest of predominantly large firms.

A key recommendation made by the committee is that data rights be determined based upon whether development is charged to DoD as a direct or indirect charge, rather than whether it is paid for by the DoD. In the interests of small business, greater competition and reduced government costs, we urge that all data paid for by the taxpayer be available for competitive purposes, irrespective of whether it is charged to the government as a direct or indirect cost. Further, we urge that careful consideration, as well as a comprehensive analysis of the projected impact on small manufacturers, be undertaken before technical data regulations are changed.

Procurement reform is desperately needed and should be vigorously pursued. We strongly endorse efforts to simplify and streamline the procurement process. However, reform must be equitable and not carried on the back of the small business community.

The Office of Advocacy shares the commitment of the Congress to make meaningful reform a reality and stands ready to work with it in that endeavor.

Sincerely,

JERE W. GLOVER,
Chief Counsel,
Office of Advocacy.

SMALL BUSINESS WORKING GROUP ON PROCUREMENT REFORM

April 25, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.
Hon. WILLIAM V. ROTH, Jr.,
Ranking Republican, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GLENN AND SENATOR ROTH: The undersigned members of the Small Business Working Group would like to take this opportunity to offer comments regarding the April 21, 1994 proposed Amendment in the Nature of a Substitute to S. 1587, the "Federal Acquisition Streamlining Act of 1993."

In reviewing your proposal, we have sought to measure it against several broad criteria and to determine the extent to which it reflects the specific recommendations contained in testimony that members of the Small Business Working Group presented at the joint hearings conducted by the Committees on Armed Services and Governmental Affairs.

Small business firms, including those owned and controlled by socially and economically disadvantaged individuals or women, have substantial demonstrated capabilities to participate in the federal acquisition process as prime contractors, subcontractors and suppliers. Their participation not only benefits the government and other government prime contractors, but the Nation's economy at large. It is our view that any proposal for streamlining federal acquisition concurrently must avoid creating any new impediments and eliminate identified existing impediments to small business participation in the government marketplace. Streamlining must not simply be from the perspective of the Government buyer; it also must emphasize the business realities and the right to fair treatment of those selling to the Government, especially small business concerns.

Our review of the proposed Committee Amendment led us to conclude that it does not yet strike this balance. Thus, we cannot yet express support.

The attached document summarizes many of our concerns. We would have liked to have provided more comprehensive comments on the 311-page proposal, acknowledging more of its positive features, but did not obtain a copy until late Friday, April 22. Nonetheless, we wanted to provide some comments prior to the mark-ups scheduled for 10:00 a.m. on Tuesday, April 26, before the Committee on Governmental Affairs, and before the Committee on Armed Services at 2:30 p.m. on the same day.

This letter highlights several of our more critical concerns.

First, we are particularly concerned with those provisions of the Committee Substitute which would statutorily authorize the Federal Acquisition Regulatory Council to waive the application of any law with respect to subcontractors to firms furnishing commercial items to the Government or to subcontractors furnishing commercial components to non-commercial products. Clearly, this is a back-door way of eliminating the current statutory requirements under Section 8(d) of the Small Business Act, for subcontracting with small businesses and small business concerns owned and controlled by socially and economically disadvantaged individuals. This same waiver authority could be applied with regard to a broad range of otherwise applicable statutory requirements to the detriment of the public interest as defined by Congress.

Our concern is compounded by the broad definition of "commercial items" which includes not only items actually being sold in the commercial marketplace, but still unbuilt items that are "not yet available in the commercial marketplace" but need only be intended for commercial sales "within a reasonable period." Our concern about the broad effect of a sweeping waiver authority tied to such a broad definition only is compounded further by our understanding that the House Armed Services Committee substitute for H.R. 2238 defines "commercial items" to include "commercial services," which essentially are all services under the expansive standards in both bills.

Such radical, and likely limitations on subcontracting opportunities look even more egregious in light of the other provisions of the proposed Committee Substitute which encourage contract bundling. Such contract bundling creates contracting opportunities beyond the capabilities of even the most developed small business concern.

Essentially, these provisions relegate most small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals or women to the so-called "simplified acquisition" market (i.e., contracts below $100,000).

But the Committee Amendment even endangers their potential for success in the $100,000 and less small purchase market. Far too many of the key details of what will constitute acceptable "simplified acquisition procedures" are left to the not-so-tender mercies of the procurement regulation writers. Past experiences have demonstrated repeatedly that the regulation writers are all too willing to sacrifice our business needs, and even our rights, for the convenience of the Governments buyers, whenever given the opportunity by imprecise statutory direction. We urge you to keep in mind that approximately 98 percent of the Government's contracting opportunities will be governed by these "simplified acquisition procedures."

In essence, the legislation embodied in the proposed Committee Amendment, if maliciously implemented by the regulation writers, could mean that small business concerns will get to observe the government market rather than participate in it, except to the extent that their tax dollars make a substantial contribution to funding government purchases.

We urge you to review and seriously consider the recommendations by our coalition of associations serving as advocates for small businesses, including those owned and controlled by socially and economically disadvantaged individuals or women. Many of us have worked with you for years and frequently have heard you discuss the contributions made by all small businesses.

Please help us to make acquisition streamlining a benefit, rather than a source of new burdens for them.

If you have any questions about this statement, please contact Colette Nelson at 703-684-3450.

Sincerely yours,

Small Business Legislative Council; Minority Business Enterprise Legal Defense and Education Fund; Latin American Management Association; National Center for American Indian Enterprise Development; National Association of Minority Business; National Association of Women Business Owners; National Minority Supplier Development Council; National Association of Minority Contractors; Independent Defense Contractors Association; American Gear Manufacturers Association; Interamerican Travel Agents Society; National Small Business United; National Federation of Independent Business.

SMALL BUSINESS WORKING GROUP COMMENTARY ON PROPOSED AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 1587, THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994

ACQUISITION OF COMMERCIAL ITEMS (TITLE VIII)

Title VIII of the proposed Committee Substitute focuses on the acquisition of commercial items, a core element of the acquisition streamlining proposal. As we stated in our testimony at the joint hearings of the Committees on Armed Services and Governmental Affairs, the Small Business Working Group supports substantially in creasing the government's acquisition of commercial products. However, the provisions of the proposed Substitute raise a number of very serious concerns.

Class Waiver of the Applicability of Certain Laws to Subcontractors

Section 8004 of the proposed Substitute adds a new section 35 to the Office of Federal Procurement Policy (OFPP) Act that would permit the career regulation writers to waive existing law with respect to a subcontractor (at any tier) for a commercial item or a subcontractor furnishing a commercial component for a government-designed product.

This provision, in our opinion would invite the elimination of any requirements that subcontractors make use of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals as lower-tier subcontractors or suppliers. We believe it is designed to eliminate current statutory requirements for the use of such subcontractors as specified by section 8(d) of the Small Business Act. Foreclosing small business concerns and disadvantaged small business concerns from the subcontract market is especially unacceptable in light of other provisions of the bill which would explicitly encourage the acquisition of products through so-called bundled contracts unsuitable for award to even the most developed and accomplished small business.

Private sector proponents of this provision maintain that vendors of commercial products or those furnishing commercial components should not be required by government action to disturb their existing subcontractor or supplier base. This argument is inadequate for a number of reasons.

First, the core Congressional purpose in enacting requirements for the use of small business concerns and especially disadvantaged small business concerns at the subcontractor and supplier level was precisely to encourage the disruption of existing supplier relationships. Such existing relationships all too frequently exclude the participation of small businesses and disadvantaged small businesses.

Second, the assertion that such a waiver is necessary to permit the government's acquisition of commercial products flies in the face of substantial experience. During the 15 years since the enactment of these subcontract participation provisions as part of Public Law 95-507, the government successfully has acquired a broad range of items that unquestionably are commercial in nature. One merely needs to cite the fact that civilian and military agencies acquire commercial copying equipment, commercial vehicles, commercial audiovisual equipment, commercial food service equipment, commercial construction equipment, commercial computer equipment, commercial communications equipment, to name but a few types of truly commercial products that today can be found in use throughout the government. We would submit that it is those who would seek to bring in other items that fit within the extremely broad definition of commercial items included in this legislation that are the principal advocates of this effort to exclude small business participation at the subcontract level.

We find it ironic that the very same companies that are urging upon Congress the elimination of any requirement to use American small businesses as subcontractors and suppliers because such would be incompatible with commercial buying practices, frequently fiercely outbid each other in the amount of offsets being offered in overseas sales to foreign governments, government-controlled corporations or major foreign commercial customers. These offsets essentially require these U.S. multinational corporations to make countervailing purchases from the entity to which they are seeking to make the sale of the U.S product. Frequently, these offset requirements will compel the U.S. manufacturer to incorporate components manufactured by small business concerns in the nation in which the U.S. firm is making the sale or to purchase other products from small firms in that country. With increasing frequency, these offset requirements result in the exporting of manufacturing opportunities currently held by small U.S. firms.

The Small Business Working Group urges the Congress to respond by establishing requirements that make the use of small business as subcontractors and suppliers a major factor in the award of prime contracts for commercial items as well as other items. Such a requirement would overcome the diminished impact of existing subcontract requirements which are negotiated with the successful offeror after contract award. By making the use of American small businesses an important element in the award of the contract, such a provision would harness the fierce competition for the award of U.S. government contracts to the benefit of U.S. small business concerns and disadvantaged small business concerns. To be truly effective, the provision should not only make the consideration of small business and disadvantaged small business participation an evaluation factor in the contract award process, it also should establish minimum percentages of small business and disadvantaged business participation in order for an offer from a major firm to be considered as responsive to the government's solicitation. Our foreign trading partners do no less for their small businesses in their acquisition of commercial and other government-unique products. The Small Business Working Group believes it is time for the United States Government to adopt similar requirements for the benefit of U.S. small business concerns.

In addition to this obvious objection to section 8004, the Small Business Working Group is very concerned about statutorily according to the Federal Acquisition Regulation (FAR) writers authority concerning the applicability of an unknown list of statutes. As we have previously testified before the Congress on many occasions, the small business community has been ill-treated by federal procurement bureaucrats whenever excessive flexibility has been granted in the statutes. This would be one of the broadest grants of statutory waiver authority afforded to the Executive by the Congress without any certitude regarding what laws would be affected. We strongly urge the Committees to demand a comprehensive list of the statutes that could potentially be affected before even considering the grant of such authority.

Second, with such a list in hand, we would urge the Congress to adopt an alternative approach of enacting appropriate waivers of subcontractor flow-down requirements for commercial items, as it has done with respect to the application of other laws to prime contract award for commercial items and with respect to laws applicable to the award of contracts below the Simplified Acquisition Threshold.

Market Acceptance Criteria

Section 8003 of the proposed Substitute calls for the implementation of the new procedures for the acquisition of commercial items through the government-wide Federal Acquisition Regulation. The Small Business Working Group applauds such consistent government-wide implementation, as opposed to the fragmented implementation being proposed in the House Armed Services Committee substitute to H.R. 2238.

One of the key topics to be addressed in the regulations would be the establishment of "market acceptance criteria", with which an offeror would have to demonstrate compliance in order to have its offer considered responsive. This is a grave concern for at least three reasons.

First the proposed Substitute provides no constraints on how the regulations shall define "market acceptance criteria." Our concern is that the regulations could confer on a contracting officer the authority to establish an amount of previous commercial market sales that would be so large as to exclude small commercial suppliers with fully commercial, but limited markets, thus reserving the awards for only the very largest multinational suppliers.

Second, market acceptance criteria adopted by regulation could eliminate participation by so-called contract manufacturers who manufacture products to the specifications of their customers, whether government agencies or private enterprises. Such contract manufacturers would be unable to demonstrate substantial sales to the general public, if that were adopted as the applicable market acceptance criteria.

Third, the Small Business Working Group is concerned that market acceptance criteria could be made a condition precedent for an offer to be considered "responsive." This is the approach taken by the House Armed Services Committee Substitute to H.R. 2238. Such an approach would be detrimental because recognizing market acceptance criteria as a matter of responsiveness would exclude any small firm from seeking from the Small Business Administration (SBA) an impartial evaluation of its status as a commercial supplier. This approach seems designed to eliminate recourse to the Certificate of Competency Program authorized by the Small Business Act. We believe that the SBA would be no less well-suited than the procuring agency to determine whether a small business concern meets specified market acceptance criteria.

The Small Business Working Group is pleased to note that the proposed Committee Substitute would protect the participation by firms currently furnishing products exclusively to the government in response to detailed design specifications.

Inapplicability of Certain Provisions of Law to the Acquisition of Commercial Items

Section 8005 of the proposed Committee Substitute would restrict the application of certain existing laws with regard to the award of contracts for the procurement of commercial items. Specifically, Section 8005(a)(4) would limit the application of the existing statutory prohibition on a government prime contractor limiting the right of one of its subcontractors to make sales directly to the government. The language in the proposed Substitute would not restrict the prime contractor from limiting the right of a subcontractor to sell to the government if such prime contractor limited the right of direct sales by subcontractors with respect to commercial customers. The Small Business Working Group is opposed to any weakening of the sound Congressional intent regarding prohibiting prime contractors from inhibiting subcontractors' sales to the government.

Response Times for Solicitations for Commercial Items Left to Regulators

Section 8006 of the proposed Substitute would leave to the Federal Acquisition Regulation the establishment of the time made available for an offeror to submit a response to a solicitation for the procurement of a commercial item. Under current law, an offeror must be accorded at least 30 days to fashion an offer in response to a government solicitation for the acquisition of a product.

While the Small Business Working Group recognizes that less time might routinely be needed to fashion an offer for furnishing a commercial item, it steadfastly is opposed to a blanket grant of authority to the regulation writers. The 1984 statute, which prescribed minimum response times for the submission of offers, was necessitated by the fact that government buyers were specifying unreasonably short response times to the extreme detriment of small business offerors. The Small Business Working Group can think of no reason why the natural propensities of the acquisition workforce would have changed. Therefore, some statutory minimums are necessary to avoid a reoccurrence of the abuses that necessitated Congressional action in 1984.

SIMPLIFIED ACQUISITION THRESHOLD (TITLE IV)

Section 4001 of the proposed Substitute would replace the small purchase threshold with a new Simplified Acquisition Threshold and increase it from $25,000 to $100,000. The Small Business Working Group notes that the Substitute does not adopt the Administration's recommendation that the Simplified Acquisition Threshold be indexed for inflation.

Simplified acquisition procedures and "Micro-Purchases"

Section 4011 of the proposed Substitute would add a new Section 29 to the OFPP Act. This provision directs the issuance of regulations specifying appropriate "simplified acquisition procedures." In addition, this provision would call for the regulatory establishment of a new class of purchases referred to by the Clinton Administration as "Micro-Purchases."

Under such Micro-Purchases, the requirement of Section 15(j) of the Small Business Act would be waived. Under current law, purchases below the small purchase threshold initially are reserved for competition exclusively among small business concerns, if certain conditions are met. Under the proposed Committee Amendment, this "Small Business Small Purchase Reserve" would be eliminated with respect to purchases below $2,500.

The Micro-Purchase threshold is being strongly advocated by the Clinton Administration to facilitate the use of government credit cards for the making of low dollar-value purchases. In its view, the Small Business Small Purchase Reserve makes this "reinvention" initiative impossible.

The Small Business Working Group believes that the waiver of the Small Business Small Purchase Reserve only should apply if a purchase actually is to be made through the use of the government credit card. Further, it does not seem incompatible to require the individuals making such Mirco-Purchases be required to use small business concerns "to the maximum extent practicable." Such a statutory admonition would make clear that the Micro-Purchase Threshold is not an invitation to avoid small business participation when such firms are available and can meet the government's needs in a timely and cost effective manner.

Acceptance of timely offers

The Small Business Working Group also urges that the new Section 29 of the OFPP Act relating to Simplified Acquisition Procedures be amended to include a specific provision making explicit that a timely offer for a contracting opportunity in excess of $2,500 but less than $100,000, timely received from a small business must be considered for award. This recommendation is made with the understanding that the Committee Substitute includes a similar provision in Section 4012, amending Section 15(j) of the Small Business Act. Statutory redundancy in the favor of small business is not a fault, given the propensities of the regulation writers.

Small Business Reservation

Section 4012 of the proposed Substitute would increase to the Small Business Reserve to the $100,000 Simplified Acquisition Threshold. The Small Business Working Group commends the Committees for this action and reiterates that such linkage in a principal condition for the Working Group to support any increase in the current $25,000 small purchase threshold, which was only last increased from $10,000 in 1986.

Fast Pay Procedures Under Simplified Acquisitions

Section 4013 of the proposed Substitute would require fast pay procedures as part of the Simplified Acquisition Procedures to be developed pursuant to the new Section 29 of the OFPP Act. The Small Business Working Group commends the Committees for making mandatory the fast pay procedures enacted in a permissive format as part of the 1988 Amendments to the Prompt Payment Act. We note that the procedures only call for accelerated payment for products delivered or services performed. Representatives of the Department of Defense have sought to undermine the adoption of fast pay procedures by linking them to former practices that called for payment prior to contractor performance.

Electronic Commerce

Section 4015 of the proposed Substitute addresses the development and implementation of an electronic commerce system for the federal government. The text of the provision essentially paraphrases the presidential memorandum of October 1993, relating to the establishment of an electronic commerce system.

The Small Business Working Group commends the Committees for including in the Committee Substitute the provision that addresses what the Working Group considers to be essential elements of an acceptable system of electronic commerce. First, the provision recognizes that the system should cover the entire procurement process from solicitation of offers to payment of the contractor for work performed. Second, it makes clear that the system must be designed around the objective of making it "user friendly" to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals or women. Finally, it recognizes that a successful system will have to present a "single face" to all industry.

The Substitute, however, does include some very serious deficiencies which the Small Business Working Group maintains must be addressed. First, the Committee Substitute continues the common problem of according excessive discretion to the regulation writers to fashion the details of the standards regarding advanced notice of contracting opportunities, the content of such notices, and response times for solicitations under electronic commerce. As drafted, the provision essentially is devoid of any Congressional standards upon which to measure whether the resulting regulations in fact accord a "reasonable opportunity to respond."

The Small Business Working Group strongly urges that the provision be amended in a number of key respects. First, minimum advance notice periods with respect to contracting opportunities should be included. A time period less than the currently-mandated 15-day advance notice period prior to the release of a solicitation would seem warranted in an electronic commerce environment. However, an advance notice period of less than five days would seem to demand greater practical experience than that derived from the ongoing experiments with electronic commerce within the Department of Defense.

Second, the Small Business Working Group believes that the contents of a notice announcing a contracting opportunity essentially should be comparable to those required by Section 8(f) of the Small Business Act for a notice to be published in the Commerce Business Daily. Currently, the Committee Substitute reflects no statutory standard.

Third, the Small Business Working Group believes that the statute should specify a minimum time in which competing offerors may develop their offers. Under current law, for procurements in excess of the $25,000 small purchase threshold, an offeror is assured 45 days to fashion a response to a solicitation for a research and development contract, and 30 days for a solicitation for a contract for products and non-R&D services. These minimum response times were put in place to assure small firms adequate time to respond to solicitations. They were enacted because the contracting community routinely was utilizing response times that effectively foreclosed the participation of small firms. While the Small Business Working Group recognizes that 30- or 45-day response times may be excessive in an electronic environment, we would urge that minimum response times of not less than 15 and 10 days be specified in the statute. Adjustments can be made based upon experience, but Congress should not be excluded, given the past performance of the procurement bureaucracy.

Enhanced Data Collection Regarding Purchases Below $100,000

Section 4001(b) of the proposed Substitute adopts a form of enhanced reporting requirements recommended in our testimony. This will assure that Congress and the small business community will have hard data to measure the actual effects of simplified acquisition procedures and whether they result in more small business participation as is being touted by the Clinton Administration.

Unfortunately, the provision did not adopt our specific recommendation that detailed reporting should apply with respect to awards of at least $10,000 rather than the $25,000 floor reflected in the provision. In 1986, when the small purchase threshold was increased from $10,000 to $25,000, we lost sight of these hundreds of thousands of business opportunities. Apparently, the procurement bureaucracy thus far has made a convincing case that such information isn't needed. We don't agree.

Statutory Waivers under SAT

The proposed Committee Substitute sets forth a list of statutes which shall not be applicable to acquisitions below the Simplified Acquisition Threshold. We recognize this as an important step in decreasing the burdens on small business concerns to win these contracting opportunities.

In particular, we note that the proposed Substitute adopts our recommendation that the Miller Act threshold be increased to the Simplified Acquisition Threshold and that the FAR be modified to provide alternative payment protections for the benefit of subcontractors and suppliers, who most frequently are small business concerns.

We would note that the proposed Substitute does not propose any increase in the existing $2,000 threshold for the Davis-Bacon Act of 1933 or the $2,500 threshold for the Service Contract Act of 1965. A simple increase to $100,000 is warranted even if one simply considers an adjustment for inflation. The Small Business Working Group believes that increases in these thresholds are essential if the full benefits of simplified acquisition procedures are to accrue equally to the small business seller as to the government buyer. At the same time, we strongly oppose any effort to expand the coverage of the Davis-Bacon Act or the Service Contract, as proposed by the Clinton Administration and others.

We further note that the Davis-Bacon Act carries with it not only obligations concerning prevailing wages, but the collateral requirements of the Copeland Act regarding the submission of weekly payroll data. We believe this burdensome and unnecessary paperwork requirement properly should be replaced with a certification requirement. At an absolute minimum, this reporting threshold should be increased to $100,000. Otherwise, we have another example of the Simplified Acquisition Threshold being principally a benefit for government contracting officers.

Walsh-Healey Act Repealer

Section 4012(c) of the proposed Committee Substitute would amend the Walsh-Healey Public Contracts Act, effectively repealing all provisions except those which authorize the Secretary of Labor to prescribe regulations for determining whether a contractor is a manufacturer of, or a regular dealer in, the items of supply to be used in the performance of a government contract. The Small Business Working Group suggests that consideration be given to limiting the application of any regulations regarding a vendor's status as a manufacturer or regular dealer to contracts in excess of the Simplified Acquisition Threshold.

Extension of DoD Section 1207 Program to Civilian Agencies

Section 4104 of the proposed Committee Substitute would amend section 8(c) of the Small Business Act to extend to the civilian agencies the minority enterprise development program currently authorized for DoD under 10 U.S.C. 2323 (formerly Section 1207 of Public Law 97-661, the "National Defense Authorization Act for Fiscal year 1987"). Section 801 of Public Law 102-484, the "National Defense Authorization Act for Fiscal Year 1993" codified the former Section 1207 and extended it to the year 2000. Given this strong expression of Congressional support, this action would extend it to the remaining 35 percent of the Government's procurement activity conducted by the civilian agencies.

The provision includes the directions found in 10 U.S.C. 2323(g) calling for the issuance of appropriate guidance to assure that the application of the preferential procurement tools does not foreclose the participation of small business concerns generally in any industry category.

We would observe that, unlike the House Armed Services Committee Substitute for H.R. 2238,the proposed Substitute to S. 1587 would avoid duplicating the existing goal-setting and reporting requirements of section 15(g) of the Small Business Act. Further, we would observe that, unlike the House Armed Services Committee Substitute for H.R. 2238, the proposed Substitute to S. 1587 ensures consistent government-wide implementation through the FAR.

CONTRACT FORMATION (TITLE I)

Limitations on Competition

At the request of the Clinton Administration, Sections 1002 and 1052 of the proposed Committee Substitute would add a new justification for limiting competition. The provision would allow the exclusion of otherwise eligible sources if it would "ensure a continuous and reliable source; satisfy a critical need for health, safety or other emergency supplies; or satisfy projected needs resulting from a history of high demand for the supply or service". It is our opinion that the majority of these circumstances could be justified under the existing statutory exceptions to full and open competition provided in the 1984 Competition in Contracting Act. The open-ended standard sets forth in the proposed new exception, absent definition of key terms, essentially would convey upon a contracting activity the right to restrict competition in almost any circumstance. The Small Business Working Group is opposed to this provision.

Expansion of the Use of Task Order Contracts for Advisory and Assistance Services

Section 1004 and 1054 of the proposed Substitute would add a new Section 2304a to Title 10 and a new Section 303H to the Federal Property and Administrative Services Act of 1949 encouraging the use of task order contracts for the acquisition of advisory and assistance services. The Small Business Working Group is concerned that this provision would only further encourage the bundling of contract requirements so that small business concerns would effectively be unable to compete. To overcome the adverse effects of such contract bundling, the Small Business Working Group encourages the Committees to make subcontract participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals a substantial factor in the award of such contracts.

The Small Business Working Group also notes that the provisions would eliminate the notice required by Section 8(e)(1)(c) of the Small Business Act which requires the publication of the Commerce Business Daily notice if the award of an order would result in subcontracting opportunities for small firms. The waiver of this notice requirements only exacerbates our concerns with the expanded use of task and delivery order contracts.

Two-Phase Selection Procedures

Section 1017 of the proposed Committee Substitute would amend chapter 137 of Title 10, United States Code, which sets forth the procurement procedures generally applicable to the Department of Defense, the Coast Guard, and NASA, by adding a new section 2305 specifying Two-Phase Selection Procedures. Section 1067 would establish parallel procedures applicable to the other civilian agencies under the new Section 303I of the Federal Property and Administrative Services Act of 1949.

The procedures would be used in instances in which a contractor was being selected to both design and produce (or construct, in the case of construction) an item or property. The statutory provision sets forth broad standards for the use of the procedures, as well as very broad procedures regarding the solicitation and award of the resulting contracts.

We are concerned about the new two-phase procedures for a number of reasons.

First, it authorizes the procuring agency to initially screen the proposal of any interested offeror on the basis of evaluation criteria that specifically exclude either cost or price information. It is reasonable to assume that procurement agencies will make use of evaluation criteria focusing on the extent of prior experience and past government performance. Such evaluation criteria will work to the detriment of new entrants, likely to be small business concerns and especially small businesses owned and controlled by socially and economically disadvantaged individuals or women.

Further, it is unclear whether the non-price/cost evaluation criteria must comply with the more specific evaluation criteria added by section 1101 (pertaining to Title 10) or 1061 (pertaining to title 41, governing the civilian agencies, except NASA). If the new Two-Phase Selection Procedures were free of such requirements, it would only compound the concerns of the Small Business Working Group.

Finally, the relationship of the proposed Two-Phase Selection Procedures on the acquisition of construction and the existing statutory preference for the use of the sealed-bid method of source selection remains unclear. Similarly, it is unclear what its effect is on the acquisition of architect-engineer services pursuant to the qualifications-based source selection procedures pursuant to Title IX of the Federal Property and Administrative Procedures Act of 1949, despite the savings clause in Section 8008(2) of the proposed Substitute.

Considering Contractor Past Performance in Contract Awards

Section 1091 of the Committee Substitute would amend the OFPP Act by including requirements for the consideration of a contractor's past performance in the award of future government contracts.

The Small Business Working Group is concerned that the implementation of past performance criteria easily could be structured to become an additional obstacle for the participation of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals or women. Such firms frequently have a limited track record in the government marketplace. While the provision as drafted does recognize that the consideration of past performance should not work to the detriment of a firm for which there is no information regarding past performance, we believe this simple admonition may be inadequate.

Further, the provision, as drafted, seems to provide no opportunity for consideration of successful (or unsuccessful) past performance in the commercial marketplace. Given the bill's central theme of increasing the participation of commercial products vendors, this deficiency should be remedied.

In addition, we recommend that the measures of past performance include recognition of a firm's compliance with its subcontracting obligations under Section 8(d) of the Small Business Act.

Finally, the equity of any effective system for the use of past performance in source selection decisions is totally dependent upon the accuracy of the processes to collect accurate information on past performance. The Small Business Working Group believes that these concerns must be addressed if past performance evaluation criteria are not to become another substantial obstacle to the participation of small firms in federal government opportunities.

Cooperative Agreements to Procure R&D

Section 1301 of the proposed Substitute would modify existing law regarding the use of grants, cooperative agreements, and "other transactions" for the acquisition of research projects in the field of basic and applied research development relating to weapons systems and other military needs. The Small Business Working Group especially is pleased that the proposed Committee Substitute did not extend these authorities to the civilian agencies, and note their questionable effects when used by DoD.

Section 1301 of the House Armed Services Committee Substitute for H.R. 2238 would add a new section 311 to the Federal Property and Administrative Services Act of 1949, regarding the use of cooperative agreements and "other transactions" for the acquisition of "basic applied and advanced research." Under current law, only the Advanced Research Projects Agency (ARPA) (formerly the Defense Research Projects Agency) and other designated activities of the Department of Defense have authority to use cooperative agreements and "other transactions" to obtain what often is called "precompetitive research" to meet critical national defense needs. Such grants-type authority puts award and administration of such agreements outside of the normal procedures and protections applicable to procurement contracts. The subject provision would extend this sweeping and potentially dangerous new authority to all of the executive agencies. The Small Business Working Group is strenuously opposed to the general extension of such authority for anything falling within the very broad (and undefined) categories of "basic, applied, and advanced research projects."

Our opposition is founded upon the basis that if such so-called "advanced research" were awarded through a cooperative agreement, none of the following statutes, among others, would apply: the competition and bid protest procedures under the Competition in Contracting Act 1984; the disputes resolution procedures of the Contracts Disputes Act of 1978; the participation of small businesses as prime contractors or subcontractors under the Small Business Act; the payment protections accorded by the Prompt Payment Act; and the various integrity statutes designed to deter unacceptable behavior on the part of government officials and private sector individuals. Even ARPA has been unable to specify what "other transactions" are, no less point to any body of regulatory procedure for their award and administration.

Procurement Protests

Sections 1403 and 1435 of the proposed Committee Substitute would limit the rate of compensation for attorneys and expert witnesses in the bid protest arena. One of the hallmarks of the 1984 Competition in Contracting Act was the strengthening of the rights of an aggrieved vendor to challenge actions by procurement officials that were perceived to be contrary to law or regulation. The bid protest system at the General Accounting Office was made into a forum that could provide a real remedy to today's abuse as opposed to merely an admonition to the agency that an improper action should not be repeated in a future procurement. Even more potent was the vesting of bid protest authority in the GSA Board of Contract Appeals for a range of procurements relating to the acquisition of automatic data processing equipment. Since that enactment, the procurement bureaucracy has worked steadily to fashion means, direct or indirect, to strip the public of these protections.

Unfortunately, the proposed Committee Substitute retains a provision of S. 1587 that would reduce the effectiveness of the bid protest remedies accorded to the contractor community by the Competition in Contracting Act. Section 1403 would limit the rate of compensation of attorneys' fees and expert witnesses in GAO bid protest proceedings to the rates available under the Equal Access to Justice Act (EAJA). Section 1435 would make a parallel limitation to the attorneys' fees and exert witnesses cost that could be awarded to the protester winning at the GSA Board of Contract Appeals.

The EAJA has been weakened by judicial interpretations regarding the standard under which the government is liable for attorneys' fees, as well as by the low fees authorized under the Act. In the opinion of the Small Business Working Group, Congress should be focusing on revitalizing the EAJA and not be about the business of exporting to the bid protest systems one of the limitations that has rendered the EAJA essentially impotent. We urge in the strongest possible terms that Sections 1403 and 1435 be eliminated prior to the enactment of this legislation.

Cooperative Purchasing

At the request of the Clinton Administration, the proposed Committee Substitute includes Section 1554 relating to cooperative purchasing. Under this provision, states, units of local government and special purpose governmental agencies would be able to avail themselves of the Federal Supply Schedules and other indefinite quantity/indefinite delivery contracts negotiated by the Administrator of General Services.

Unfortunately, the provision permits qualified nonprofit agencies for the blind and other severely handicapped operating under the authority of the Javits-Wagner-O'Day Act to avail themselves of these same sources of supply to obtain materials needed for the performance of their contracts with the federal government. The small business community consistently has expressed its concern with the unfair competition provided by these not-for-profit entities. This section 1554 only would make these not-for-profit entities a more substantial threat to small firms with whom they compete in the federal procurement market. The Small Business Working Group urges deletion of this element of the new provision relating to cooperative purchasing.

CONTRACT ADMINISTRATION (TITLE II)

Contract Financing

Section 2001 would add a new Section 2307 to Title 10 of the United States Code relating to contract financing. Section 2051 makes a parallel amendment to the Federal Property and Administrative Services Act of 1949 by amending Section 305 of that Act. Section 2051 contains an explicit provision relating to the Congressional intent that the revised section not impair or modify the payment procedures or protections accorded by the Prompt Payment Act, as codified at Chapter 39 of Title 31. Unfortunately, Section 2001 does not contain a similar provision. The Small Business Working Group strongly urges that during markup, Section 2001 be amended to correct this very serious deficiency.

Acceptance of Audits by Other Agencies

Sections 2201 and 2251 would partially adopt the recommendation by the Small Business Working Group that a contracting officer accept a pre-award audit conducted by another federal agency, if such audit were conducted within the last year.

Prequalification Requirements

Section 2401 of the proposed Substitute would repeal Section 2383 of Title 10 of the United States Code. The Small Business Working Group commends the Committees for this action, as this provision could operate as an unfair prequalification requirement for the participation of small firms in the market for spare parts at the Department of Defense.

Contract Disputes Act Improvements

Section 2552 of the proposed Committee Substitute would make a number of amendments to the Contract Disputes Act of 1978 that would substantially improve its utility and fairness as a disputes resolution mechanism beneficial to small contractors. First, the provision would increase the current $10,000 threshold for the availability of small claims procedures to $50,000. Second, it would increase the Act's current $50,000 threshold for the availability of accelerated procedures before the Boards of Contract Appeals to $150,000. Third, it would increase the Act's current $50,000 threshold for certification of claims to $100,000. Fourth, it would establish a six-year period for the filing of claims unless there were an allegation of fraud on the part of the contractor. The Small Business Working Group commends the Committees for the adoption of these amendments, many of which were recommended in our testimony.

However, the Small Business Working Group is concerned that Section 2552(e) would reduce the current one-year period for filing appeals of adverse Board of Contract Appeals decisions to the courts to 90 days. Such a severe reduction could have a chilling effect on the contractor's right to appeal an adverse Board decision.

Alternative Disputes Resolution

Section 2553 of the proposed Committee Substitute would amend the Contract Disputes Act to extend for an additional four years the authority to use alternative disputes resolution techniques for the resolution of contract disputes. While the Small Business Working Group commends the Committees for extending the expiration date until October 1, 1999, we strongly urge the Committees to actually adopt statutory procedures to strongly encourage the procuring agencies to make use of ADR techniques. it is no secret that to date the procuring agencies have resisted ADR techniques and only affirmative steps will overcome this resistance.

Expedited Resolution of Contract Administration Matters

Section 2554 of the proposed Committee Substitute would require the issuance of FAR regulations that would contribute to more prompt resolution of contract administration matters. Under the provision, a contracting officer would be required to respond to the inquiries of a small business contractor within 30 days. If a contracting officer were unable to issue a response with regard to an inquiry made by a small business contractor within such 30-day period, the provision requires a response within such period that includes a date certain by which a response can be expected.

The small business community consistently has testified before various committees of the Congress that steps are needed to motivate contracting officers to promptly respond to inquiries which are essential to contract performance by small business contractors. All too frequently, small business government contractors are put behind schedule or in jeopardy of contract default due to a refusal of a contracting officer to make a timely response to a legitimate inquiry regarding contact specifications, terms or conditions. The Small Business Working Group commends the Committees for including Section 2554 as a substantial step in the right direction.

ACQUISITION MANAGEMENT (TITLE V)

Performance-Based Management Systems

Section 5001 and 5051 would require the establishment of performance-based contract management systems within the Department of Defense and the civilian agencies. Subsection (b) of each section would call for the identification of enhanced incentives for acquisition workforce personnel. The Small Business Working Group believes that any such system of contracting officer performance incentives should identify as an important factor the participation as contractors, subcontractor or suppliers of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals or women.

Defense Acquisition Pilot Programs

Section 5003 of the proposed Committee Substitute relates to the designation of various DoD programs under the authority of the Defense Acquisition Pilot Program authorizing legislation. The provision would add a new Section 840 to the authorization legislation, Subtitle D of Title VIII of Public Law 103–160, the "National Defense Authorization Act for Fiscal Year 1994." Section 840(a) would designate as a DoD Pilot Program the acquisition activities of the Defense Logistics Agency's (DLA) Defense Personnel Supply Center (DPSC) for a broad array of medical, clothing and textile, and substance items. Given the dramatic adverse impacts on the small business and small disadvantaged business vendor community under DPSC's ongoing Prime Vendor Program for certain types of medical supplies and equipment, the Small Business Working Group must express its strongest opposition to the inclusion of DPSC among the proposed DOD Pilot Programs.

Further, the Department of Defense is strongly advocating the expansion of the statutory waivers currently applicable to the DPSC Pilot Program to include the waiver of Section 15(a) and Section 8(d) of the Small Business Act. The recommended waiver of these statutory requirements makes clear DPSC's ultimate objective: the elimination of small business concerns as prime contractors or subcontractor within the broad range of items covered by this DOD Pilot Program. Such action would be in keeping with past adverse experience reported by many small business firms regarding other DLA centers.

STANDARDS OF CONDUCT (TITLE VI)

Public Comment Period on Proposed Procurement Regulations

Section 6054 of the proposed Committee Substitute would amend Section 22 of the OFPP Act to regularly accord at least 60 days for public comments on proposed regulations. Having adequate time to learn of, and comment on, proposed changes to procurement regulations has been a serious problem consistently identified by the small business community. The Small Business Working Group commends the Committees for this provision.

However, the Small Business Working Group recommends that Section 6054(2) be dropped as this amendment to Section 22 of the OFPP Act would create an immense loophole that could be used to negate the protections for public participation afforded by this entire existing provision of law.

EFFECTIVE DATES AND IMPLEMENTATION (TITLE IX)

Implementation Through the FAR

Section 9002 of the proposed Committee Substitute would specify a precise timetable for the issuance of proposed modifications to the FAR for the implementation of the "Federal Acquisition Streamlining Act of 1994." This timetable includes not less than 60 days for public comment on the proposed regulations. The Small Business Working Group would note that Section 6054(2), if improperly used, could negate the explicit protections of this section and Section 22 of the OFPP Act.

Review of Regulations by GAO

Section 9003 of the proposed Substitute would charge GAO with evaluating compliance by the Executive Branch with the requirements of Section 9002 relating to the issuance of implementing FAR coverage. The Small Business Working Group commends the Committees for including the Committees on Small Business of the Senate and House of Representatives as recipients of this GAO report. As noted in testimony before many committees of the Congress, the small business community has had a long standing concern, and a long standing history with "malicious implementation" of statutes by the regulation writers.

Enhanced Data Collection by the FPDS

Section 9004 of the proposed Committee Substitute calls for enhancements to the Federal Procurement Data System (FPDS) to capture additional data elements. The Small Business Working Group commends the Committees for the addition to this provision. Prior to enactment of the legislation, we plan to offer for the consideration of the Senate additional items of information to be collected.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I am a member of the Small Business Committee, which has a real interest in this bill, because of its impact on small and small, disadvantaged businesses. I rise today in support of this legislation, but also in the hope that it can be improved upon in conference.

Mr. President, S. 1587, the Federal Acquisition Streamlining Act of 1994, is a very important bill. It will have a powerful effect on small businesses and small, disadvantaged businesses. What I want to do is to be sure that the impact on small businesses and small, disadvantaged businesses will be a positive and not a negative one.

The Federal Acquisition Streamlining Act of 1994 modernizes and streamlines the existing Federal procurement process, making it easier to obtain commercial products rather than requiring the Government to unnecessarily design and build Government-unique products. Work on modernizing our procurement process has been in progress since the 102d Congress and S. 1578 is the culmination of this effort. I commend this administration and the National Performance Review team in their efforts to reinvent Government by cutting unnecessary time and paperwork from the procurement process. It will save the American taxpayers' money.

S. 1587 is a compilation of recommendations from the Section 800 Panel and the National Performance Review, along with input from other Members of Congress, Federal agencies, and advocacy groups representing a wide range of interests and concerns. This bill puts into law those recommendations in an effort to establish a new, more efficient system for American companies to do business with the Federal Government. Its intent is straightforward, to simplify and rationalize the way the Federal Government spends money on goods and services. It is the cornerstone of reinventing Government. While simple, this bill is also a part of a grand objective that requires completely changing the way that we do business.

I applaud those objectives, Mr. President, but I want to make sure that when we eliminate the laws that tie up the Federal Government's ability to get goods and services cheaply and quickly, we do not at the same time eliminate the laws that ensure that small businesses and small disadvantaged businesses have a real opportunity to supply those goods and services to the Federal Government on a level playing field.

As I have mentioned, many of the provisions in this bill come from recommendations made by the Section 800 Panel, the Acquisition Law Advisory Panel. This panel was established to review acquisition laws, with the goal of streamlining the Federal procurement process. Unfortunately, Mr. President, the small business community had minimal representation on this panel. As a result, many of the small business concerns were not a part of the panel's recommendations that are now a part of this bill.

I want the administration and businesses, big and small, to know that I support reforming our acquisition process, and I support this legislation. However, we need to be judicious in how that reform is done. And I would like, Mr. President, to quote the Small Business Administration's Chief Counsel for Advocacy's concerns regarding this bill:

> The zeal to reform must be tempered with adequate consideration for the concerns of the small business community. It took many years to instill sufficient checks and balances within the Federal procurement process to encourage competition and increase opportunities for small, minority, and women-owned firms. Some of these checks and balances are now seen as impediments to streamlining the procurement process. For reform to be meaningful and effective, it must be balanced equitably on all stakeholders.

I think it is important to stress that the role of the SBA Chief Counsel for Advocacy is to evaluate the impact of legislative proposals on small businesses specifically. The Chief Counsel for Advocacy does not represent the position of the administration, or even the SBA. The Chief Counsel for Advocacy represents the small business community and speaks for those interests, and that is why I quoted the statement from a letter that I would like to have submitted into the RECORD at the end of my comments, because it is so important to raise the issue and the concerns of the small business community as we pursue this grand design.

The Small Business Group Working on Procurement Reform, which represents a broad range of small business groups such as the Small Business Legislative Council, the Minority Business Enterprise Legal Defense and Education Fund, the National Association of Women Business Owners, the National Association of Minority Business Owners, the National Small Business United, and the National Federation of Independent Business does not endorse this bill in its current form. However, these small and small, disadvantaged business groups do recognize the need for reform in general and so have not actively opposed this legislation at this time.

Mr. President, I would like to submit the full text of the Chief Counsel for Advocacy's comments and those of the Small Business Working Group on Procurement Reform into the RECORD at the end of my statement.

Any effort to weaken the Small Business Act in regards to participation by small and small, disadvantaged businesses would undo 20 years of legislation designed to open up the small business community's opportunity to do business with the Federal Government.

The laws that took 20 years to refine to help develop small and small, disadvantaged businesses need to be kept in place because of their importance in promoting small business and diversity in the Federal procurement process. There are 100 major corporations in the Federal procurement system that receive more than 60 percent of all Government contracts. Let me reiterate that, Mr. President: 100 major corporations receive more than 60 percent of all Government contracts. These prime contractors, because they are paid by the taxpayers, have an obligation, I believe, to diversify their pool of small Federal contractors to include small businesses and small, disadvantaged businesses. The large subcontractors of prime contractors should also equally share in the goal of using small and small, disadvantaged businesses.

Allowing regulatory waivers of the subcontracting requirements for contractors and subcontractors would defeat the intent of that 20 years of legislative effort. Reform, Mr. President, should not result in exclusion.

While the bill as amended places greater emphasis on the use of small and small, disadvantaged businesses by making their use a significant factor in the award of a Federal contract—and I want to applaud the sponsors for that initiative—the waiver provisions of this legislation may seriously undermine much of that objective.

I am also very concerned about the bill's broad definition of commercial items and commercial components and how this affects small businesses and small, disadvantaged businesses. This is a critical issue, and this very broad definition needs to be refined in order to protect the interests of small business persons.

Under current law, there are adequate provisions for contractors who offer truly commercial items. Current practice at GSA and other agencies allow for companywide certification of manufacturers who provide truly commercial products. Expanding this practice to all agencies for the procurement of commercial items is a good idea, it seems to me.

However, the definition of commercial items in the legislation currently is so broad that it applies to items that may or may not be sold commercially in the future. This broad definition could allow firms to use an offer of a product to sell to the general public as a means of avoiding the subcontracting requirements, and particularly subcontracting requirements that protect and promote and help small and small, disadvantaged businesses.

Based on the Vice President's assurance that these concerns will be addressed in conference, I believe it is appropriate to move forward with this bill. It is my understanding that the administration will work with the Senate and House conferees on these important matters. I am confident with the bipartisan leadership on this issue along with Senators BUMPERS, GLENN, and NUNN that they will work to resolve this issue in conference in the interests of the small business community.

With that, Mr. President, I have to tell you that in my conversations with the leadership there has been demonstrated a real sensitivity to the concerns of the small business community. So I really am optimistic that these issues can be resolved. However, I wanted to make the point now with regard to the legislation in its current form, because this is a matter that is entirely too grave and too important to let go without comment.

Mr. President, I want to thank former Congressman Parren J. Mitchell for his assistance throughout this process. The Minority Business Enterprise and Legal Defense Fund, chaired by former Congressman Mitchell, was an instrumental participant in the small business community's effort to make this a balanced bill that will open rather than foreclose opportunities for small and small, disadvantaged businesses to market their products and services to the Government and to major Government prime contractors and subcontractors.

Finally, I want to applaud the efforts of Vice President GORE and Senator GLENN and Senator NUNN and again the bipartisan leadership for taking us one important step closer to the goal of reinventing Government. I think the sensitivity that has been shown to small and small, disadvantaged business concerns has been impressive, and I am confident that we will address the concerns of the small business community in conference.

Again, Mr. President, I just wanted to rise to add my voice of support and congratulations for this initiative for the direction in which it is headed, but again in the process of reform I am hopeful that we will remember the interests and concerns of the small business community—a community that has struggled for so long to get into the Federal procurement process. I hope that our rush to reform will not close them out of procurement opportunities.

Mr. President, I ask unanimous consent to print in the RECORD the June 6 letter from the Small Business Working Group on Procurement Reform and the May 23 letter from the SBA Chief Counsel for Advocacy to the chairman of the Small Business Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS WORKING GROUP ON PROCUREMENT REFORM

JUNE 6, 1994.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: The Small Business Working Group on Procurement Reform wants to take this opportunity to share with you our observations and positions concerning S. 1587, the "Federal Acquisition Streamlining Act of 1994." The Senate is scheduled to consider this bill at 3:30 p.m. on Tuesday, June 7.

Although S. 1587 as reported by the Committees on Governmental Affairs and Armed Services reflects recommendations made by the Working Group in testimony, and there are several additional important improvements in a proposed Managers' Amendment, it is our judgment that we should not endorse this legislation, given that a shift of but a few provisions would tilt it into the category of being a "net loss" for small business. Instead, we would seek to work cooperatively with those who have sought to accommodate small business concerns to fashion further improvements during consideration by the Senate and during the subsequent conference with the House of Representatives.

We do not withhold our endorsement lightly. Procurement streamlining is and has consistently been an objective of the small business community. As we have said previously, true procurement streamlining must simply not make it easier for the Government's buyers to go to work each day, but for private sector business concerns and, especially small business concerns, to be treated fairly in their efforts to sell to their Government. This remains our goal and S. 1587 has been modified to reflect a greater recognition of its legitimacy.

We ask you to give greater recognition to our objectives in procurement streamlining as the bill and proposed amendments are debated by the Senate. Our more specific comments on possible amendments to S. 1587 follow:

(1) Class Waiver of the Applicability of Certain Laws to Subcontractors. S. 1587, as reported, would authorize procurement bureaucrats to waive the application of laws with regard to subcontractors of prime contractors furnishing commercial products. The Small Business Working Group is opposed in principal to the concept of allowing unelected career officials to waive statutes enacted by Congress. If such waivers are truly necessary, Congress, not the bureaucracy, should specify the waivers.

One candidate for application of this waiver authority is of special interest to the Working Group—the requirement for certain subcontractors to have goals for the participation of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. As written, the bill prohibits the regulatory waiver of the subcontracting requirements of Section 8(d) of the Small Business Act. We urge you to support Senator Carol Moseley-Braun in her efforts to block any amendment that would change current practice regarding the use of small business concerns as subcontractors and suppliers.

(2) Market Acceptance Criteria. S. 1587 would permit procurement regulation writers to prescribe market acceptance criteria which an offeror would have to meet in order to sell commercial items to the Government. Such market acceptance criteria could be written to foreclose the participation of fully

commercial small firms with other than national markets. We do not believe that the proposed change contained in the Managers' Amendment precludes such an abuse. The Working Group believes the bill should prescribe standards for such market acceptance criteria that will not permit the elimination of a firm solely on the basis of its volume of sales. We urge you to support any floor amendment which would specify statutory standards and prohibit the use of volume of sales as a criteria. We also urge you to support any amendment that would make a determination that a small firm had failed to meet a market acceptance criteria a matter subject to review by the Small Business Administration under its Certificate of Competency Program.

(3) Response Times Left to Regulators. S. 1587 would leave to the regulation writers the establishment of the time made available for an offeror to submit a response to a solicitation for a commercial item, a small purchase under the new $100,000 Simplified Acquisition Threshold, or any solicitation made through electronic commerce. The Small Business Working Group is concerned that the regulation writers will allow such response times to be set on a contract-by-contract basis. We urge you to support any floor amendment which would either Congressionally-prescribe, or require that the Federal Acquisition Regulation prescribe, minimum response times.

(4) Simplified Acquisition Procedures and "Micro-Purchases." S. 1587 exempts purchase of $2500 or less from the so-called "Small Business Small Purchase Reserve." This purportedly was done to facilitate broader use of a government credit card to permit non-procurement personnel to make more purchases of commercial items from major retailers, most of which are not small businesses. However, as written, the provision exempts all purchases under $2500. The Small Business Working Group believes that two amendments are appropriate. First, there should be a linkage between the actual use of the government credit card as a precondition to the waiver of the Small Business Small Purchase Reserve. Second, even when the government credit card is used, Congress should require the Federal Acquisition Regulation to admonish government purchasers to try to make use of small businesses "to the maximum extent practicable." We urge you to support any floor amendment that would achieve these two goals.

(5) Procurement Protests: Limitations on Attorneys' Fees. The Small Business Working Group strongly opposes the provisions in S. 1587 which would limit the amounts to which a small business owner would be entitled to recoup for attorneys' fees and expert witness fees upon winning a successful bid protest. Under current law, which has worked since 1984, a successful protestant may be reimbursed for legal costs actually incurred, if the General Accounting Office or the General Services Board of Contract Appeals finds them to be reasonable. The provision would artificially limit the legal fees that could be recouped to the maximum hourly rate allowable under the Equal Access to Justice Act, $75.00 per hour, which has remained unchanged since 1980. Such a limitation would have a chilling effect on the bid protest protections afforded by the competition in Contracting Act of 1984, falling especially hard on small firms. We urge you to support an amendment to be offered by Senator Paul Wellstone that would either strike this unfair limitation completely or eliminate small firms from its chilling effects.

(6) Alternative Disputes Resolution. S. 1587 misses the opportunity to streamline the contracts disputes resolution process by eliminating the government's ability to avoid the use of alternative disputes resolution procedures when such procedures are appropriate. We urge you to support an amendment to be offered by Senator Paul Wellstone which would require that a small business concern be allowed access to ADR procedures unless the contracting officer could cite and justify one of the statutorily-specified circumstances under which current law deems ADR procedures to be inappropriate.

(7) Fast Pay for Small Purchases. S. 1587, as reported, contains a provision which assures that small firms will receive accelerated payment for performance of contracts awarded under the accelerated procedures to be used for contracts under the new $100,000 Simplified Acquisition Threshold. This provision merely makes mandatory an essentially identical fast pay provision for $25,000 small purchases which Congress adopted on a non-mandatory basis as part of the 1988 amendments to the Prompt Payment Act, but which was never fully implemented. It is the understanding of the Small Business Working Group that the Administrator for Procurement Policy is advocating the elimination or substantial weakening of this provision. We urge you to oppose any effort to do so.

(8) Measuring the Effects of the $100,000 threshold. S. 1587, as reported, also assures the Congress, as well as the small business community, will have concrete and comparable data to permit a valid assessment of the impact on small business concerns, including small business concerns owned and controlled by economically and socially disadvantaged individuals and women, of increasing the small purchase threshold from $25,000 to $100,000. It is the understanding of the Working Group that the Administrator for Federal Procurement Policy is seeking modifications to this provision that essentially will make it impossible to analyze the effect of this dramatic four-fold increase in the small purchase threshold. We urge you to oppose any such amendment.

Enclosed is a copy of our April 25, 1994 Commentary of the bill as it was considered by the Committees on Government Affairs and Armed Services. There were virtually no amendments made at the committee level. Also enclosed is a "Special Report" from The Honorable Jere W. Glover, the recently-confirmed Chief Counsel for Advocacy at the Small Business Administration, whose assessments in many ways mirror the concerns that have been consistently expressed by the Small Business Working Group.

We urge you to review and seriously consider the recommendations by our coalition of associations serving as advocates for small businesses, including those owned and controlled by socially and economically disadvantaged individuals or women.

Please help us to make acquisition streamlining a benefit, rather than a source of new burdens for them.

If you have any questions about this statement, please contact me at 703-684-3450.

Sincerely yours,

E. COLETTE NELSON,
Chair, Small Business Working Group on Procurement Reform.

SMALL BUSINESS WORKING GROUP ON PROCUREMENT REFORM

Small Business Legislative Council.
Minority Business Legal Defense and Education Fund.
Latin American Management Association.
National Center for American Indian Enterprise Development.
National Association of Minority Business.
National Association of Women Business Owners.
National Minority Supplier Development Council.
Women Construction Owners & Executives, Inc.
Independent Defense Contractors Association.
Independent Gear Manufacturers Association.
Interamerican Travel Agents Society.
National Small Business United.
National Federation of Independent Business.

SMALL BUSINESS ADMINISTRATION,
Washington, DC, May 23, 1994.

Hon. DALE BUMPERS,
Chairman, Committee on Small Business, U.S. Senate, Russell Senate Office Building, Washington, DC.

Subject: Report on Procurement Reform.

DEAR MR. CHAIRMAN: This is a report outlining the views of the Office of Advocacy on procurement reform.[1] It is prepared under the authority of 15 USC §634(f) and is intended to echo the concerns of the small business community. The Small Business Legislative Council, the National Small Business United, and the National Association for the Self-Employed agree with the opinions expressed herein.

Currently, Congress has before it a number of reform measures, including S. 1587, H.R. 2238, H.R. 3586, H.R. 4263 and H.R. 4328. Small firms are the engine supporting economic growth as well as the driving force behind job creation and innovation in America. Congressional due diligence in considering these proposals must therefore acknowledge and support the needs of the small business community.

The Office of Advocacy strongly endorses acquisition reform. Few would disagree that our procurement system is too complex, absurdly slow and frequently ineffective. However, the zeal to reform must be tempered with adequate consideration for the concerns of the small business community. It took many years to instill sufficient checks and balances within the federal procurement process to encourage competition and increase opportunities for small, minority and women-owned firms. Some of these checks and balances are now seen as impediments to streamlining the procurement process.

It is important to note that many of the proposed legislative changes come from recommendations made by the Acquisition Law Advisory Panel (Section 800 panel). This panel was established by the 1991 National Defense Authorization Act (Public Law 101-510, Section 800) to review acquisition laws, with a goal of streamlining the Department of Defense acquisition process. Unfortunately, the small business community had minimal representation and input to the panel.

For reform to be meaningful and effective, it must be balanced equitably on all stakeholders. It would be a costly injustice, as well as an exercise in regression, if the small business community were to be sacrificed at the expense of less competition, higher government costs and fewer procurement opportunities for small firms.

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[1] The views expressed in this document are solely those of the Chief Counsel for Advocacy and may not necessarily reflect the views of the U.S. Small Business Administration or the Administration.

We ask that you consider the following concerns in deliberations.

SIMPLIFIED ACQUISITION THRESHOLD

A critical component of the reform legislation focuses on increasing the small purchase threshold from $25,000 to $100,000. We support increasing the threshold if, and only if, specific measures are implemented to protect the small business community and enhance its ability to participate in federal procurement opportunities. These measures include:

Linking any increase in the small purchase threshold with a concurrent obligation to implement a coordinated government-wide electronic equivalent of the *Commerce Business Daily*.

While increasing the threshold will simplify the procurement process, it will hurt small firms if acquisition opportunities are not adequately publicized. If the threshold is increased without directly linking it to the implementation of an electronic commerce system, competition most likely would be minimized and many small firms would be precluded from participating in procurement opportunities. Reduced competition would increase the government's procurement costs.

We support the implementation of the federal acquisition computer network (FACNET) or similar government-wide electronic commerce system.

Maintaining the small business small purchase reserve for purchases of less than $2,500.

Awards to small businesses, especially emerging firms, will be reduced if purchases of less than $2,500 are not reserved. We agree that very small purchases should be easy to make and require minimal paperwork. Small firms can accommodate this need for greater simplicity.

For many small firms, very small purchases are the bread and butter of their operations. These same firms are often not able to compete for large federal acquisitions.

Requiring detailed reporting under the Federal Procurement Data System for any purchase of $10,000 or more.

This requirement is necessary to measure and evaluate the results of increasing the threshold.

Requiring the implementation of fast pay procedures in contracts awarded to small firms under the small purchase threshold.

The Prompt Payment Act Amendments of 1988 give executive agencies authority to implement fast pay procedures for contracts under the small purchase threshold. However, implementing regulations have basically neutered this provision, allowing agencies to avoid compliance.

Fast pay provisions in contracts below the threshold would require small firms to be paid by agencies within 15 days from the receipt of an invoice and require the availability of payment through electonic transfer upon contractor performance. Fast pay procedures, enacted in the Amendments of 1988, should be mandated.

Linking the threshold for small claims procedures to the simplified acquisition threshold.

This would raise the current small claims threshold from $10,000 to $100,000, allowing access to simplified and more efficient claims procedures.

Amending the Davis-Bacon Act, the Services Contract Act and the Miller Act.

The Davis-Bacon Act requires contractors for federal and public works projects to pay workers the local prevailing wage rate, usually union wages. The act was intended to prevent construction companies offering substandard wages from underbidding local companies. The threshold for coverage under the act was set at $2,000 in 1931 and remains the same today.

The Service Contract Act of 1965 has purposes for service contracts similar to those of the Davis-Bacon Act for construction. It applies to contracts in excess of $2,500. It requires contractors to pay the minimum prevailing wage and specified fringe benefits.

The Miller Act requires that for any federal construction contract worth $25,000 or more, the contractor must be bonded.

We urge that the threshold for these laws be increased to $100,000 or the established level for Simplified Acquisition Threshold. Further, we urge that the Federal Acquisition Regulations be modified, with respect to the Miller Act, to provide alternative payment protections for small business subcontractors and suppliers.

COMMERCIAL ITEMS

We support efforts to make a easier for firms to sell, and the government to buy, commercial products for government use. Reliance on commercial items is one of the identified purposes of the Competition in Contracting Act of 1984. We support a clear preference for the use of commercial items and performance specifications. However, aspects of the proposed legislation could be very damaging to small firms.

Broad Definitions for Commercial Items

Proposed definitions for commercial items are excessively broad. Not only do they include items that have been sold commercially, but they also include those which might (or might not) be sold commercially in the future. We are concerned that a firm could use its purported offer of a product to the general public, whether or not there is a commercial market, as a means of avoiding various statutory requirements. Further, some proposals would modify the definition of commercial items to include all forms of commercial services.

If the definition of commercial items were made excessively broad and specific statutory requirements eliminated as proposed, procurement opportunities for small firms would be significantly reduced.

Preserve Subcontracting Plans for Subcontractors

Proposed legislation would free subcontractors supplying commercial items or commercial components for government-designed products from any requirement to utilize small or small disadvantaged concerns as "second-tier" subcontractors and suppliers. We strongly oppose any effort to eliminate subcontracting plan requirements. Such changes in the law would have a significantly adverse effect on the ability of small firms to participate in contract opportunities.

The current law requiring the flow-down of subcontracts to small firms has helped many small, minority and women-owned businesses.

We endorse recommendations of the small business community to make small business and small disadvantaged business participation at the subcontract level a criterion for the award of prime contracts.

Market Acceptance

It is proposed that new procedures for the acquisition of commercial items be developed. We support the development of procedures that provide consistent, government-wide implementation, as opposed to allowing individual agencies to establish their own definition for market acceptance.

Further, implementing regulations that will ultimately define "market acceptance criteria" must be sensitive to the needs and especially the limitations of the small business community. We are concerned that such criteria could be used to set standards beyond the reach of many small firms. For instance, if market acceptance criteria were used as a test for "responsiveness," some firms would be eliminated from competing, before having any recourse to SBA's Certificate of Competency (CoC) program.

The CoC program is a very successful government initiative that has helped many small firms. It would be counter productive to allow the development of procedures that could cancel the intended purpose of the CoC program.

PILOT PROGRAMS

We acknowledge the need for and the advantages of testing and implementing alternative procurement methods. However, we oppose efforts that would grant sweeping authority to specific federal agencies and eliminate long-standing statutory protections for small businesses.

Test Authority

It has been proposed that the Administrator for the Office of Federal Procurement policy (OFPP), in considering procurement pilot programs, be given authority to waive not only regulations, but also laws, by simply giving notice to the Congress. Waivers of statutes should not be so lightly undertaken, and we oppose such blanket authority granted to the Administrator of the OFPP.

If statutory waivers are deemed necessary to conduct a pilot program, specific Congressional approval should be obtained and OFPP should be required to obtain the concurrence of the agency or agencies responsible for the statutes to be waived or suspended.

Defense Acquisition Pilot Program

Proposals would give the Secretary of Defense authority to waive or limit the applicability of specific statutory requirements in implementing the Defense Acquisition Pilot Program. The proposed waivers include eliminating small business set-asides, the small business small purchase reserve, and small and small disadvantaged business subcontracting plans. We oppose these proposals.

The small business programs cited have been established as an integral part of the protections for small businesses. These programs assure those new to the federal procurement environment that opportunities will be made available to them. The gradual elimination of these protections not only removes specific opportunities from the table, but also sends a message that efficiency of administration and convenience of established relationships are more important than helping small firms to grow and participate in the federal procurement process.

EXTENSION OF THE DOD MINORITY ENTERPRISE DEVELOPMENT PROGRAM

Proposals would extend to civilian agencies the minority enterprise development program currently authorized for DoD under 10 U.S.C. 2323 (formerly Section 1207 of Public Law 97-661, the National Defense Authorization Act for 1987). We recommend that the SBA play an integral role in the development and oversight of an extended Minority Enterprise Development Program.

CONTRACT GOALS

We support increasing the government-wide goal for participation by small business concerns for 20 percent to 25 percent of the total value of all prime contract awards for each fiscal year. Further, we support establishing a goal for the participation of women-owned businesses at 5 percent of the aggregate value of all prime contracts.

BEST-VALUE CONTRACTING

Best-value practices are intended to help government agencies receive the best overall value in contracts it awards. Under such practices, contracts are awarded by considering a combination of price and technical factors, with technical factors taking precedence. The concept removes the super- preference for low-bid proposals and puts best-value negotiated solicitations on equal footing with sealed bid solicitations.

We support the intended purpose of best-value practices, but are concerned with the level of subjectivity such practices provide to contract officers in weighing individual evaluation factors. We recommend that any effort to broadly incorporate the use of best value practices include specific provisions that would clarify evaluation factors, specify weighing procedures and minimize subjectivity.

TRUTH IN NEGOTIATIONS ACT

The Truth in Negotiations Act (TINA) requires contractors to submit cost or pricing data before the award of a contract or contract modification that is expected to exceed $500,000. Similar requirements are imposed on subcontractors, who must submit such data to the prime contractor. Current law stipulates that the $500,000 threshold be reduced back to the 1984 level of $100,000 after December 31, 1995. We support proposals to keep the TINA threshold at $500,000.

PAST PERFORMANCE PRACTICES

Proposals would alter regulations that require federal agencies to consider a contractor's past performance in awarding future contracts. We are concerned that such practices could impede the ability of small firms, especially minority and women-owned businesses, to obtain federal contracts. This is because most small firms have limited experience in the government market place.

We recommend that any provisions to consider past performance in the evaluation process include specific measures to consider both commercial and federal past performance; include recognition of a firm's compliance with its subcontracting obligations under Section 8(d) of the Small Business Act and clearly acknowledge that a company would not be penalized if no information regarding past experience was available.

TECHNICAL DATA RIGHTS

In addition to pending procurement reform legislation, Congress is considering recommendations prepared by the DoD/Industry Technical Data Advisory Committee (Section 807 committee).

The 807 committee is charged with preparing recommendations that will lead to the development of technical data regulations that are equitable to all federal contract participants in the creation and use of technical data. This is a powerful issue, charged with controversy and fueled by different agendas. Although the committee sought consensus among divergent groups, its recommendations appear to side with the interest of predominantly large firms.

A key recommendation made by the committee is that data rights be determined based upon whether development is charged to DoD as a direct or indirect charge, rather than whether it is paid for by the DoD. In the interests of small business, greater competition and reduced government costs, we urge that all data paid for by the taxpayer be available for competitive purposes, irrespective of whether it is charged to the government as a direct or indirect cost. Further, we urge that careful consideration, as well as a comprehensive analysis of the projected impact on small manufacturers, be undertaken before technical data regulations are changed.

Procurement reform is desperately needed and should be vigorously pursued. We strongly endorse efforts to simplify and streamline the procurement process. However, reform must be equitable and not carried on the back of the small business community.

The Office of Advocacy shares the commitment of the Congress to make meaningful reform a reality and stands ready to work with it in that endeavor.

Sincerely,

JERE W. GLOVER,
Chief Counsel,
Office of Advocacy.

Ms. MOSELEY-BRAUN. I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, first, I ask unanimous consent that Michael Hammon, a legislative fellow serving in my office, be granted floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this day has been a long time coming. The bill before us today, the Federal Acquisition Streamlining Act of 1994, is the product of long hours of hard work on the part of Government and industry. As I said at the time of our markup in the Armed Services Committee, this bill is not the cure-all to all the problems besetting the Federal acquisition system. But it is the most comprehensive approach to streamlining Federal acquisition in almost a generation. It provides an essential foundation on which further regulatory reform can proceed in the executive branch, for the majority of the impediments in the acquisition system arise from the encyclopedic regulations implementing statues.

Mr. President, in this bill we strip away statutory impediments—or at least many of the statutory impediments—to efficient acquisition which cost Government and business precious dollars. It has been said by me and by others that today in the present system we are spending millions to save thousands. This bill tries to correct that problem. This bill tries to improve the ability of small business to compete, and foster the establishment of an electronic notification system to let everyone know what the Government wants to buy.

This effort has evolved over 8 years and several forums, starting with the Packard Commission of 1986. Over those years a bipartisan consensus developed that the acquisition system was broken, in large part as the result of statutes and regulations, perhaps each well intended taken separately, but which together resulted in an unworkable and expensive system that drove many commercially oriented firms from wanting to do business with the Government. Those 8 years also saw a sharp drop in Government purchases from the economy, as defense budgets declined, and a growing need for the Department of Defense and the civilian agencies to make the best possible use of their limited resources by buying commercial products wherever possible. The acquisition system was clearly impeding such commercial-Government integration, or commercial-military integration as Secretary Perry calls it in the defense sphere.

Unfortunately, it proved very difficult for the acquisition system itself to generate the sort of detailed roadmap both the executive branch and the Congress needed to streamline the acquisition system. Under Secretary for Acquisition Bob Costello during the Reagan administration and the late Don Atwood, Deputy Secretary during the Bush administration, did pursue reforms. But ultimately, they were not on the scale required.

So in 1990, the Armed Services and Governmental Affairs Committees tried a new approach, which I had suggested based on my experience with the very constructive role the American Bar Association had played in developing a uniform procurement code at the State level. We inserted language in section 800 of the fiscal year 1991 National Defense Authorization Act directing DOD to establish a joint Government industry panel to carry out a detailed examination of the entire procurement code statute by statute, with an eye toward streamlining it significantly, and to make their recommendations in December 1992 to whomever had just been elected President as a detailed prescription for reform.

To their great credit under the leadership of Rear Adm. Bill Vincent, the Section 800 Panel carried out their charter admirably, and after over 15 months made their recommendations on time to the incoming Clinton administration. The panel took the broadest possible perspective of the reform task. Their report laid out a plan for reform of the DOD acquisition system. As has been noted, they reviewed over 600 laws and recommended repeal or substantial revision of nearly 300. It was a remarkable effort with implications for Governmentwide reform.

The panel's report and its recommendations formed a starting point both for the Congress and for the President to consider and ultimately laid the foundation for this bill. Last year, the staffs of the Armed Services, Government Affairs, and Small Business Committees carried out a detailed review of the entire report and added to it several proposals made earlier by members, particularly Senators GLENN, LEVIN, COHEN, and ROTH. When the administration completed the National

Performance Review last September, we also incorporated several ideas which had come up in that process. The product of that effort was the bill introduced last fall.

Mr. President, since introducing the bill, the committees have had the benefit of testimony from leaders in the DOD, OFPP, GSA, the IG community, and, most importantly, representatives from industry associations, dual-use contractors, small business, and professional organizations. Prior to our markup of the bill last month, I also sought suggestions for improvement from a wide range of people who will put this bill into practice and who will to do business using the new streamlined practices. Their suggestions made an important contribution to the process. In my State of New Mexico I would like to recognize the efforts of National Contract Management Association members in Las Cruces, Santa Fe, and Albuquerque, Mr. Ted Asbury and Mr. Jim Gibbs of the Associated General Contractors in Albuquerque were particularly helpful in discussions here and in the State.

I recommend Senators GLENN and ROTH for their leadership on the Governmental Affairs Committee and Senators NUNN and THURMOND for their leadership on the Armed Services Committee, all of which was vital and instrumental in getting to where we are now. Also, Senators BUMPERS and PRESSLER and their staff on the Small Business Committee were essential to the success of this process. Lastly, the Clinton administration has been very cooperative in suggesting areas for improvement. The whole effort would have stopped may times, if it hadn't been for the dedicated and professional, bipartisan effort of many members and staff who believed that this was a unique opportunity to substantially reform a broken procurement system.

Mr. President, let me just allude to the staff people on the three committees who did the most work on this. On the Armed Services Committee, it was Andy Effron and Jon Etherton; from Governmental Affairs, Tom Sisti, John Brosnan, Peter Levine, Mark Forman, and Paul Brubaker; from the Small Business Committee, it was Bill Montalto; in my own office, it was Ed McGaffigan, John Gerhart, and Mike Hammon.

The concept for all to remember in this bill "streamlining." This bill strips away statutory impediments, which have made the Government procurement system impossible to administer, inefficient and wasteful of tax dollars, and a system whose complexity, intrusiveness, and paperwork deter large and small businesses who want to contract with the Government. We change and improve that system for all participants.

Mr. President, I want to describe some of the major reforms in this bill. First and most important, it encourages the purchase of more commercial goods and services. Too often, we have developed new, sometimes very risky items that were over specified or gold plated, simply because the system directed the use of layers of Government specifications and boilerplate. No one was incentivized to ask at the outset of the process whether such specifications were needed, if they added value to the item, or if a commercial product or nondevelopmental item would do the job adequately.

This bill changes that process by directing the contracting agency to look at commercial or nondevelopmental products first. An important benefit of using commercial and off-the-shelf items is to eliminate duplication, save money, and speed up the acquisition process. When that happens, we also are able to take better advantage of emerging technology, which is generally today driven by the enormously larger commercial marketplace, not by Government.

As an example, right now it takes years to buy desktop computers. As we all know, things change pretty rapidly in the computer field, and by the time the contract is awarded and the computers arrive, they are often obsolete. The same principle applies to large procurements, too. Some major development programs are taking up to 10 years, while the commercial sector develops the same or similar items in a fraction of that. In the time it has taken the Air Force to buy the C–17, Boeing has designed, tested, and produced the 747–400, 757, and 767. And they recently rolled out the new 777. Current procedures don't serve the taxpayer well and must be streamlined. This bill authorized the Defense Department to test six pilot programs to see if similar streamlining can reap dividends on those major acquisitions, as well.

You've heard, Mr. President, about the provisions for buying fewer over-specified Government unique items, especially when commercial products versions would do the job cheaper and faster. What I want to talk about now is the how this bill reduces the intrusion Government has made into the workplace.

For commercial products, we no longer require the contractor to submit volumes of cost and pricing data to prove the Government is getting a fair price or to set up Government-unique cost accounting systems. Time and again, we have been told that such practices have no counterpart in the business world and are the biggest burden we put on companies doing business with the Government. With the emphasis on using more commercial practices, the contracting officer will use the same market information a commercial firm would. He or she can verify the fairness of the price by doing market research using catalogs, prices negotiated in previous competitions, or prices set by law. To determine if it is a commercial item, this bill defines very general criteria about products that are customarily available in the commercial marketplace or could readily be modified for Government use, without changing its inherent commercial nature. Finally, we encourage use of commercial products by relieving both commercial and noncommercial contractors of many regulatory requirements when they are producing commercial products for the Government.

Another major streamlining vehicle in this bill is the simplified acquisition threshold. Current law has shown that simple procedures can save time and money for purchases under the "small purchase threshold" of $25,000. This bill expands application of streamlined procedures, which will be developed by the administration, to a new simplified acquisition threshold of $100,000, as recommended by both the Vice President's National Performance Review and the Section 800 Panel.

Though such procurements comprise only 16 percent of all funds expended, they constitute 96 percent of all contracts. You can see, Mr. President, that if we can streamline those procurements, reform will happen on a broad scale. Purchases below that $100,000 simplified acquisition threshold will be exempt from the paperwork and certifications for numerous acts such as the contingent fees certification, identification of suppliers and sources, and many others difficult to certify and requiring the contractor to submit huge amounts of paperwork and comply with procedures that have no commercial counterpart.

This bill sets a course toward eliminating a myriad of procedures and rules that are costly, burdensome, and wasteful for Government and business alike. In fact, these wasteful procedures are costing the taxpayers more money. Too often we are spending millions of dollars in paperwork and time of Federal employees to "save" thousands on a contract. Repeatedly, we have heard testimony that such procedures drive the cost of goods and services up as much as 30 percent over the same or similar items in the commercial marketplace. In a time of defense drawdown and declining budgets, we simply cannot tolerate that kind of waste, if we ever could. We must assure our constituents that every tax dollar buys as much as possible and we spend only what is necessary to do the job.

We don't recommend that the Government's interests go unprotected, however. For the first time, the agency must consider contractor past performance in the source selection. The agency may ask the offeror to submit information on past contracting actions at the Federal, State, local, and commercial levels. With reports on hand, the

Government will be able to choose, not just the best proposal, but the contractor with the best performance record, as well.

Innovative acquisition management provisions recommended by Senator ROTH are incorporated. They reward acquisition personnel based upon performance. They will be measured against cost, schedule, and how well the item performs. The bill sets a goal of 90 percent of all programs to meet those goals, in accordance with the recommendations of the National Performance Review. Further, the public's interest will be addressed when the Comptroller General reports on the progress the executive branch makes in implementing these procedures 1 year after the regulations go into practice. If there are areas to be tightened up or new problems to address, we will do it. This is a sweeping step we're taking in this bill, but it's the first, not the last step on the journey.

Finally, Mr. President, we broaden small business' access to the Federal acquisition system. Small business is the engine of the economy and the sector that provides the greatest opportunity for job creation. We have traditionally reserved a large segment of contracts for small business, and this bill continues that process. All procurements below the $100,000 simplified acquisition threshold are reserved for small business. Recall, that was 96 percent of all contracts the Government makes. Further, we speed up the notification process when the Government wants to buy from small business, and we bring the notification process into the electronic age.

A system of electronic commerce will be established by the Office of Federal Procurement Policy. That will be an electronic bulletin board that any businessman with a computer and modem can get procurement information from instantaneously. That will do away with the current system of physically going to the contracting office to read procurement notices on the bulletin board. It will be particularly helpful in rural States like New Mexico where we have many qualified small businesses, but not conveniently located near the Government agency doing the procurement. This bill also speeds up the protest system to provide for quick notification and resolution to business in the event of a dispute. And finally, and perhaps most importantly, the bill speeds the payment process on Federal contracts, a significant contribution from our colleagues on the Small Business Committee.

Mr. President, we all have heard loud and clear from our constituents that they don't think the Government works any more. Polls indicate that this concern is higher than ever; nearly 70 percent don't trust Government to do the right thing. We in Congress are held to a particularly high standard, as the people's representatives. This bill sends a clear signal that we have gotten the message and are making the drastic changes the people want. We must seize this opportunity to reform the broken Federal acquisition system and make Government more efficient, more responsive, and more businesslike.

PRIVILEGE OF THE FLOOR—S. 1587

Mr. GLENN. Mr. President, I ask unanimous consent that Marie Muller, who is a fellow working with Senator WELLSTONE's office, be granted the privilege of the floor during the consideration of S. 1587.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I think just the very number and varied committee assignments of the people who have spoken on the floor today in their opening statements indicate how this bill falls across a number of jurisdictions and why it has been a major effort to get this all worked out. It has been a major effort and we are very proud of this. I hope we can get this legislation through without having it bogged down with too many amendments. I hope we keep amendments off of it unless we have the type that can be approved.

But I also want to give credit to some other people: Roger Johnson over at the General Services Administration has indicated support for this piece of legislation; Steve Kelman of the Office of Federal Procurement Policy has worked on this a great deal and we had many meetings back and forth with him; Colleen Preston over at DOD, Deputy Under Secretary for Acquisition Reform, has worked with us on this also, and has been in many meetings on this subject.

I think Colleen Preston, and the fact there is a Deputy Under Secretary for Acquisition Reform, indicates the new seriousness with which DOD is approaching acquisition reform. Secretary Perry and Deputy Secretary Deutch both indicated full support, as I indicated, in a letter, a little while ago. They also, in private conversations, have indicated there is nothing they place much higher priority on over at DOD than getting this kind of acquisition reform legislation through, as I said before, as a very major, big, first step, a starting point toward moving toward better efficiency, not only in DOD but across the length and breadth of Government.

Mr. ROTH. Will the Senator yield for a short comment?

Mr. GLENN. Surely.

Mr. ROTH. I would like to add to the list of people who have contributed so much to this effort Paul Lieberman, who is a member of the General Accounting Office, who has been on loan to my office. He has not only devoted long hours, but his expertise has been a significant factor.

Mr. GLENN. I am glad Senator ROTH brings that up. And also the Congressional Budget Office has worked on this with us, too. There are many estimates back and forth. CBO, GAO, all the acronyms, the alphabet soup of letters we have involved in Government, all were involved with us.

AMENDMENT NO. 1748

(Purpose: To make various amendments of a technical nature)

Mr. GLENN. Mr. President, I send to the desk a technical amendment cleared on both sides containing various technical corrections to S. 1587. We had different versions of the bill originally, and we need this legislation to correct it. It does not make substantive policy changes in the legislation. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 1748.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 10, strike out "that incorporates" and all that follows through "incorporated in" on line 12, and insert in lieu thereof "for a commercial item other than a commercial component, the make and model of the item being provided in accordance with".

On page 25, strike out lines 20 and 21, and insert in lieu thereof the following:

"(ii) the same information that would have been provided to the original offerors.

On page 28, between lines 22 and 23, insert the following:

"(c) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to subsection (b)(1) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (b)(3).

On page 28, line 23, strike out "(c)" and insert in lieu thereof "(d)".

On page 29, line 3, insert end quotation marks and a period at the end.

On page 29, strike out lines 4 through 15.

On page 50, line 21, strike out "that incorporates" and all that follows through "incorporated in" on line 23, and insert in lieu thereof "for a commercial item other than a commercial component, the make and model of the item being provided in accordance with".

On page 52, strike out lines 6 and 7, and insert in lieu thereof the following:

"(B) the same information that would have been provided to the original offerors.

On page 55, between lines 11 and 12, insert the following:

"(c) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to subsection (b)(1) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (b)(3).

On page 55, line 12, strike out "(c)" and insert in lieu thereof "(d)".

On page 55, line 17, insert end quotation marks and a period at the end.

On page 55, strike out line 18 and all that follows through page 56, line 2.

On page 58, line 12, strike out "severable contract" and all that follows through "services" on line 13, and insert in lieu thereof "contract for procurement of severable services".

On page 58, strike out line 17 and all that follows through page 59, line 2, and insert in lieu thereof the following:

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

On page 63, strike out lines 11 through 14, and insert in lieu thereof the following:

"(C) policies for ensuring that—

"(i) offerors are afforded an opportunity to submit relevant information on past contract performance, including performance under contracts entered into by the executive agency concerned, contracts entered into by other departments and agencies of the Federal Government, contracts entered into by agencies of State and local governments, and contracts entered into by commercial customers; and

"(ii) such information submitted by offerors is considered.

On page 63, on line 16, strike out "the policy" and insert in lieu thereof "guidance".

On page 63, on line 17, strike out "may" and insert in lieu thereof "should".

On page 68, line 9, strike out "contracting officer" and all that follows through line 17, and insert in lieu thereof "contracting officer obtains, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be. The contracting officer may obtain such information from the offeror or contractor or, when such information is not available from that source, from another source or sources.".

On page 70, strike out lines 7 and 8, and insert in lieu thereof the following:

prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.

On page 78, line 25, strike out "contracting officer" and all that follows through page 79, line 8, and insert in lieu thereof "contracting officer obtains, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be. The contracting officer may obtain such information from the offeror or contractor or, when such information is not available from that source, from another source or sources.".

On page 84, line 22, strike out "such offeror" and all that follows through line 23, and insert in lieu thereof "the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of a proposed contract or subcontract for the procurement.".

On page 110, line 20, insert "'commercial component'," after "'commercial item',".

On page 116, line 15, insert "'commercial component'," after "'commercial item',".

On page 125, between lines 18 and 19, insert the following:

(h) RELATIONSHIP TO PROMPT PAYMENT REQUIREMENTS.—Section 2307(f) of title 10, United States Code, as amended by subsection (f), is not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law, that relate to progress payment requests, as such procedures are in effect on the date of the enactment of this Act.

On page 125, line 19, strike out "(h)" and insert in lieu thereof "(i)".

On page 126, line 4, strike out "(i)" and insert in lieu thereof "(j)".

On page 133, line 2, strike out "amendments" and insert in lieu thereof "amendment".

On page 133, line 3, strike out "are" and insert in lieu thereof "is".

On page 159, strike out lines 6 through 20 and insert in lieu thereof the following:

not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the agency head determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

On page 175, line 12, strike out "for a" and all that follows through "officer's decision" on line 13, and insert in lieu thereof "made to a contracting officer".

On page 175, line 17, strike out "render a decision" and insert in lieu thereof "reply".

On page 175, line 20, strike out "reach a decision" and insert in lieu thereof "respond".

On page 175, between lines 20 and 21, insert the following:

The provisions shall not apply to a request for a contracting officer's decision under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

On page 196, line 12, strike out "(as defined" and all that follows through "Administrator of General Services)" on line 14.

On page 203, between lines 3 and 4, insert the following:

"(5) A requirement that a contracting officer consider each responsive offer timely received from an eligible offeror.

On page 204, line 7, strike out "section 8(a)" and insert in lieu thereof "subsection (a) or (c) of section 8".

On page 205, line 2, strike out "will vest" and insert in lieu thereof "vests".

On page 205, line 4, strike out "and".

On page 205, line 10, strike out the period at the end and insert in lieu thereof "; and".

On page 205, between lines 10 and 11, insert the following:

(3) funds are available for making the payment.

On page 206, between lines 13 and 14, insert the following:

(c) NOTICE NOT REQUIRED IN ELECTRONIC COMMERCE.—Subsection (c)(1) of such section, as amended by section 1055(b), is further amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), (E) and (F) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(2) by inserting above subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is conducted by means of electronic commerce pursuant to a system that, as determined by the Administrator for Federal Procurement Policy, has the capabilities described in subsections (a) and (b) of section 4015 of the Federal Acquisition Streamlining Act of 1994;".

On page 206, line 14, strike out "(c)" and insert in lieu thereof "(d)".

On page 209, beginning on line 7, strike out "and solicitations." and all that follows through line 11, and insert in lieu thereof "of solicitations and for deadlines for the submission of offers under solicitations. Each minimum period specified for a notification of solicitation and each deadline for the submission of offers under a solicitation shall afford potential offerors a reasonable opportunity to respond.".

On page 209, line 20, insert "the Federal Acquisition Regulation contains the provisions specifically required by subsection (c) and" after "if"

On page 213, line 8, strike out "(B)" and insert in lieu thereof "(C)".

On page 220, strike out line 11 and all that follows through page 221, line 15, and insert in lieu thereof the following:

(C) in paragraph (3)—

(i) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(ii) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures";

(E) in paragraph (4), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures"; and

(F) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

"(B) For purposes of subparagraph (A), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.".

On page 224, strike out line 15 and all that follows through page 225, line 18, and insert in lieu thereof the following:

SEC. 4101. ACQUISITIONS GENERALLY.

On page 225, line 19, strike out "(b)" and insert in lieu thereof "(a)".

On page 225, line 22, strike out "(c)" and insert in lieu thereof "(b)".

On page 227, line 5, strike out "(d)" and insert in lieu thereof "(c)".

On page 227, strike out line 10, and insert in lieu thereof the following:

SEC. 4102. ACQUISITIONS FROM SMALL BUSINESSES.

On page 227, strike out lines 17 and 18, and insert in lieu thereof the following:

SEC. 4103. CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS.

On page 268, line 7, insert "(a) INCREASED PERIOD.—" before "Section".

On page 268, between lines 17 and 18, insert the following:

(b) TECHNICAL AMENDMENT.—Section 22(d) of such Act is amended by designating the second sentence as paragraph (3).

On page 285, line 3, strike out the end quotation marks and the period following the end quotation marks.

On page 285, between lines 3 and 4, insert the following:

"(3) In conducting market research, the head of an executive agency should not require potential sources to submit more than the minimum information that is necessary to make the determinations required in paragraph (2).".

On page 286, line 4, insert "or executive orders" after "law".

On page 287, line 13, insert "(1)" after "ACCEPTANCE.—".

On page 287, line 17, strike out "'(1)" and insert in lieu thereof "'(A)".

On page 287, line 18, strike out "'(A)" and insert in lieu thereof "'(i)".

On page 287, line 20, strike out "'(B)" and insert in lieu thereof "'(ii)".

On page 287, line 23, strike out "'(2)" and insert in lieu thereof "'(B)".

On page 287, after line 25, insert the following:

"(2) The Federal Acquisition Regulation shall provide guidance to ensure that the criteria for determining commercial market acceptance include the consideration of—

"(A) the minimum needs of the executive agency concerned; and

"(B) the entire relevant commercial market, including small businesses.

On page 288, line 23, strike out the end quotation marks and the period following the end quotation marks.

On page 295, line 7, insert a comma after "section 4023(a)".

On page 295, line 9, strike out "section 4041" and insert in lieu thereof "section 4023(a)".

On page 298, line 19, insert "(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENT.—" before "Section".

On page 299, lines 1 and 2, strike out "subsection (a)(1)." and insert in lieu thereof "paragraph (1).".

On page 299, at the end of line 3 add the following: "The Federal Acquisition Regulation shall specify a minimum period for submission of a response to a solicitation of offers for a contract for the acquisition of commercial items.".

On page 299, between line 3 and 4, insert the following:

(b) SAVINGS PROVISION.—The deadlines for submission of offers that are in effect in accordance with section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall continue to apply to contracts for the purchase of commercial items until the limits prescribed pursuant to paragraph (4) of section 18(a) of the Office of Federal Procurement Policy Act (as added by subsection (a)) are incorporated in the Federal Acquisition Regulation, as required by such paragraph.

On page 300, strike out lines 7 and 8, and insert in lieu thereof the following:

(3) subsections (a) and (d) of section 8 of the Small Business Act (15 U.S.C. 637); or

On page 303, between lines 1 and 2, insert the following:

(e) REQUIREMENT FOR CLARITY.—Officers and employees of the Federal Government who prescribe regulations to implement this Act and the amendments made by this Act shall make every effort practicable to ensure that the regulations are concise and are easily understandable by potential offerors as well as by Government officials.

On page 303, line 2, strike out "(e)" and insert in lieu thereof "(f)".

On page 303, line 19, insert at the end the following: "The report shall include the Comptroller General's evaluation of the extent to which the departments and agencies of the Federal Government, in implementing this Act and the amendments made by this Act, are reducing acquisition management layers and associated costs.".

Mr. GLENN. Mr. President, I ask unanimous consent that an analysis of the manager's amendment be printed in the RECORD.

I do not think there is any further debate. I urge adoption of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MANAGER'S AMENDMENT ANALYSIS

Sec. 1014, p24 concerning agency debriefings for DOD would be clarified so that information concerning the make and model of a commercial item incorporated into a proposal need not include commercial components and on p25 so that it is clear that information provided all offerors under a resolicitation or new round of best and final offers would be the same as that which was offered to the original offers in the debriefing. Sec. 1064 regarding civilian agencies is clarified in the same manner.

Sec. 1017, p28 establishing a new two-phase selection process for DOD would be clarified to provide that the maximum number of offerors that are to be selected to participate in step two of the procedure is to be set forth in the solicitation and the definition of the two-phase procedures is removed as redundant. The same changes are made in sec. 1067 regarding two-phase procedures for civilian agencies.

Sec. 1073, p58 concerning contracts for severable services would be clarified by specifically referring to "contracts for severable services" and by providing that funds made available for a fiscal year may be obligated for the total amount of the contract.

Sec. 1091, p63 concerning OFPP Act amendments regarding consideration of past performance would be clarified to specify the type of information that may be submitted by offerors and that the OFPP Administrator shall prescribe policy regarding the retention of such information.

Sec. 1204, p68 creating a new TINA exception in title 10 for commercial items would be amended to make clear that information concerning price reasonableness may be obtained from the offeror when it is not available from other sources. The same change would be made in sec. 1251 for civilian agencies.

Sec. 1206, p70 providing for regulations regarding types of information needed to determine price reasonableness when TINA does not apply would be clarified to ensure that such information is only that which is needed for a price reasonableness determination. The same clarification would be made in sec. 1251 for civilian agencies.

Sec. 1501, p110 and sec. 1151, p116 listing items defined in the OFPP ACT referred to in titles 10 and 41 would both be amended to add "commercial component."

Sec. 2001, p125 regarding contract financing provisions for DOD would be amended by adding subparagraph (h) concerning the relationship to prompt payment requirements which was inadvertently omitted.

Sec. 1051, p133 regarding contract financing for civilian agencies would be corrected by substituting "amendment" for "amendments" and substituting "is" for "are."

Sec. 2251, p159 concerning audit authorities for civilian agencies would be amended by relocating paragraph (3) of subsection (d).

Sec. 2554, p175 requiring contracting officer responses to inquiries from small businesses would be clarified to ensure that the provision not impact the contract disputes process.

Sec. 3052, p196 concerning definition of advisory and assistance services would be clarified by removing reference to Federal Information Management Regulation.

Sec. 4011, p203 regarding new simplified acquisition threshold would be clarified by providing that regulations implementing simplified procedures provide that contracting officers consider each timely responsive offer from an eligible offeror.

Sec. 4012, p204 concerning small business reservation under the simplified acquisition threshold would be clarified to state that nothing in the section is to preclude an award pursuant to subsection (c) of section 8 of the Small Business Act.

Sec. 4013, p205 concerning prompt payment for procurements under the simplified acquisition threshold would be corrected by substituting "vests" for "will vest" and making other minor corrections.

Sec. 4014, p206 concerning procurement notice under the simplified acquisition threshold would be clarified by including a reference to the waiver of notice requirements under electronic commerce pursuant to sec. 4015.

Sec. 4015, p209 concerning electronic commerce under the simplified acquisition threshold would be clarified to provide that the FAR must specify minimum periods for notification of solicitations and deadlines for submission of offers prior to the OFPP Administrator's certification that electronic commerce has been implemented so that existing notice requirements may be waived.

Sec. 4022, p213 concerning applicability of DOD laws under the simplified acquisition threshold would be corrected by removing a typographical error.

Sec. 4072, p220 and p221 regarding simplified procedures for leases below the simplified acquisition threshold would be relocated to be under section 303g of Federal Property Act.

Sec. 4101, p224 and sec. 4102, p225 regarding the applicability of certain labor laws to the construction of vessels for DOD and civilian agencies would be removed as it was erroneously included in the bill.

Sec. 6054, p268 regarding notice period for significant changes to acquisition regulations would be clarified.

Sec. 8002, p285 concerning preference for commercial items would be clarified to ensure that agencies in conducting market research not require the submission of more than the minimum information necessary.

Sec. 8003, p286 concerning, among other things, contract clauses to be used in commercial acquisitions would be clarified to ensure that clauses required by executive orders are included in commercial solicitations.

Sec. 8003, p287 concerning, among other things, market acceptance provisions would be clarified to ensure that the FAR implementation of market acceptance include consideration of agency minimum needs and the entire relevant commercial market, including small business.

Sec. 8005, p295 and 298 concerning the applicability of certain provisions of law to contracts and subcontracts for commercial items would receive misc. technical corrections.

Sec. 8006, p299 concerning the prescription of flexible deadlines for the submission of offers for commercial items would be clarified to ensure the FAR specify a minimum period for the submission of a response to a commercial solicitation that the deadlines in current law continue to apply until the new deadlines are implemented.

Sec. 8008, p300 concerning provisions not intended to be affected by title VIII would be clarified by adding a reference to subsection (d) of section 8 of the Small Business Act and by removing an erroneous reference to "any other provision of that Act."

Sec. 9002, p303 concerning the implementation of the Act would be clarified to provide that the implementing regulations be concise and easily understandable.

Sec. 9003, p303 concerning Comptroller General evaluation and reports on the implementation of the Act would be clarified to provide that the report include GAO's evaluation of the agencies' reduction of acquisition management layers and associated costs.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment. (No. 1748) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I have had for some time a considerable interest in the procurement practices of the Department of Veterans Affairs. I am seeking assurance from my colleagues, the chairman, Senator GLENN, and the ranking minority member, Senator ROTH, that the provisions of this legislation do apply to that agency and its subordinate elements, including the Veterans Health Administration.

It is my understanding the title V of S. 1587 creates management incentives for the Federal bureaucracy to use commercial products when these products are found to be more cost effective.

It is my further understanding that title VIII of S. 1587 establishes a process for promoting the acquisition of commercial products. In particular, section 8002 requires commercial items be considered to fulfill agency needs. Will these provisions apply to the management practices of the Veterans Health Administration and provide incentives for them to use commercial software to meet the automation requirements for support of the VA health system including administrative, financial and clinical functions? These products are readily available and in use throughout the private sector.

Mr. ROTH. Let me assure my colleague from Missouri, Senator BOND, that it is my understanding of the provisions of S. 1587 that the Senator describes will most certainly apply to the Veterans Affairs Department and its subordinate elements including the Veterans Health Administration. It was the clear intent of the committee that the Federal bureaucracy be given incentives to use commercial products to fulfill their acquisition needs. The language of section 5051, in conjunction with the provisions of title VIII, will provide a direct financial incentive for the acquisition work force at the Department of Veterans Affairs to use commercial items to save time and money, while meeting agency requirements.

Mr. GLENN. I concur in the statements of my colleagues from Missouri and from Delaware about the intent of S. 1587.

Mr. GORTON. Mr. President, I compliment the chairman, Senator GLENN, and the ranking member, Senator ROTH, for bringing before the Senate an important piece of legislation designed to simplify and streamline our overwhelming complex Federal procurement laws. I applaud their efforts and tireless work in crafting this bill.

There is one particular provision contained in S. 1587 that I would like to clarify. It is section 4102(c), which repeals the Walsh-Healey Public Contracts Act of 1936. Recently, I learned of a small, disadvantaged business owner in my home State of Washington who was disqualified from an unrestricted procurement contract based solely on noncompliance with the Walsh-Healey Act. The businessman, Mr. Larry Ramirez, was the lowest bidder. However, because he did not meet the definition of a "regular dealer" as required by the Walsh-Healey Act, he was disqualified. Consequently, the Government had to buy from another source and ended up paying approximately $68,000 more for the products.

Numerous studies have advocated the repeal of Walsh-Healey—most recently, the report of the DOD Acquisition Law Advisory Panel and Vice President GORE's report of the National Performance Review. They concluded that Walsh-Healey was redundant because most of its provisions have been superseded by other Federal legislation.

Section 4102(c) of this bill follows that advice by repealing the Walsh-Healey Act, except for the purpose of authorizing the Secretary of Labor to define the terms "regular dealer" and "manufacturer." I learned that the committee chose this course of action because these definitions authorized in Walsh-Healey are used in a number of other laws, including the Small Business Act. Instead of amending each and every one of those statutes, the committee has instead left the definitions in place.

It is my understanding that the intent of section 4102(c) is to eliminate the requirement that a contractor meet the Walsh-Healey definitions of "regular dealer" or "manufacturer" in order to qualify for unrestricted procurement. This means that a business bidding on an unrestricted procurement contract would not be disqualified solely because it does not meet these Walsh-Healey definitions.

For restricted procurement, such as some small business set-asides, meeting those definitions may still be a requirement. Depending on the specific law governing the situation, a business may still have to adhere to the definitions of "regular dealer" or "manufacturer" in order to secure a contract. I understand that the committee did not want to dismantle the protections afforded by small business procurement laws, because these definitions help protect the Government from shady businesses or fly-by-night operations.

For specific laws where these Walsh-Healey definitions are maintained, the Secretary is authorized to issue new definitions of "regular dealer" and "manufacturer." This is because many people think the original definitions may be antiquated. With the rise of new and important business practices, such as Just-In-Time inventory, the committee felt it was desirable to allow the Secretary of Labor to issue new definitions that may take into consideration these changing business practices and climates.

I ask the distinguished chairman of the committee, Senator GLENN, and the distinguished ranking member, Senator ROTH, if my understanding of the intent of section 4102(c) is correct.

Mr. GLENN. I am happy to answer the Senator's question. This Senator from Washington [Mr. GORTON] is correct in his understanding of the intent of the provision. S. 1587 repeals the Walsh-Healey Act, except for authorizing the Secretary of Labor to define the terms "regular dealer" and "manufacturer."

Meeting the definitions of "regular dealer" and "manufacturer" found in Walsh-Healey will no longer apply to unrestricted procurement contracts, but may still apply to restricted procurement, as the Senator from Washington pointed out.

Mr. ROTH. I concur with the chairman. The Senator from Washington's understanding of section 4102(c) is correct.

Mr. GORTON. I thank both the chairman and the ranking member.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 1749

(Purpose: To require boards of contract appeals to provide district courts of the United States with advisory opinions when requested in certain cases)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1749.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 176, between lines 2 and 3, insert the following sections:

SEC. 2555. AUTHORITY FOR DISTRICT COURTS TO OBTAIN ADVISORY OPINIONS FROM BOARDS OF CONTRACT APPEALS IN CERTAIN CASES.

Section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609) is amended by adding at the end the following new paragraph:

"(f)(1) Whenever an action involving an issue described in paragraph (2) is pending in a district court of the United States, the district court may request a board of contract appeals to provide the court with an advisory opinion on the matters of contract interpretation at issue.

"(2) An issue referred to in paragraph (1) is any issue that could be the proper subject of a final decision of a contracting officer appealable under this Act.

"(3) A district court shall direct any request under paragraph (1) to the board of contract appeals having jurisdiction under this Act to adjudicate appeals of contract claims under the contract or contracts being interpreted by the court.

"(4) Within ninety days after receiving a request for an advisory opinion under paragraph (1), a board of contract appeals shall provide the advisory opinion to the district court making the request.".

Mr. COCHRAN. Mr. President, I originally offered an amendment on this subject at the markup of this bill. The chairman, the distinguished chairman of the committee, Mr. GLENN, and the chairman of the Armed Services Committee, Mr. NUNN, asked that I withdraw it and work with their staffs prior to floor action. Both staffs were very helpful and the product of our efforts is the pending amendment.

The original amendment was offered to resolve an issue that occurs when a contract dispute involves an allegation of fraud. A contract claim is resolved through a process established by the Contract Disputes Act, whereby the dispute is adjudicated first by the contracting officer, and if appealed, by the Board of Contract Appeals or Court of Federal Claims. This process was designed to permit contract issues to be settled by experts in those areas.

If, however, there is an allegation of fraud, the entire case is turned over to the U.S. district court, which resolves the fraud and contract disagreement, under the False Claims Act. My original amendment would have permitted the contract issues to be resolved by the contracting chain, while the fraud allegations were simultaneously handled by the district court. This revised amendment continues the practice of sending the entire matter to the district courts, but permits the district court to obtain advisory opinions on specific contract issues from the board of contract appeals.

While this approach does not guarantee that the experts will decide contract matters, I believe that, in practice, the district courts will avail themselves of the assistance of the boards of contract appeals, and the process will be improved.

I appreciate very much the efforts of the majority and minority staffs of not only the Governmental Affairs and Armed Services Committees, but also of the Small Business Committee. A great deal of effort has gone into this amendment, and I feel that it represents a step in the right direction. I ask for the support of all Senators for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, Before we vote on this, let me say we have gone through this. I appreciate very much that the Senator from Mississippi was willing to withdraw his proposed amendment that day in committee.

It would have delayed the bill in committee. We would not have been able to get it out on the floor. As everybody knows, we are beginning to get short on legislative time already this year. It would have delayed the markup on the bill. We probably would not have had it out yet. The Senator very graciously agreed to withdraw it and try to work that out in the committee with his staff and our staff. They were able to do that.

I wish to thank him for that. It is great he was willing to do that. We have worked it out, and we are happy to accept this. It has been accepted on both sides now, if we wish to proceed to a vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1749) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

AMENDMENT NO. 1750

Mr. GLENN. Mr. President, I send to the desk an amendment for my colleague, Senator SIMON, and Senator D'AMATO. It strikes section 3051 of the bill. That section consolidates and revises the statutory authority governing Government-owned factories and arsenals.

In striking this provision, there is not a rejection of the proposal in the bill on the merits. As I understand it, there is a feeling that the merits on this issue should be considered in the context of the overall review of depot matters and not on the streamlining bill.

This amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] for Mr. SIMON, for himself, Ms. MOSELEY-BRAUN, and Mr. D'AMATO, proposes an amendment numbered 1750.

The amendment is as follows:

In S. 1587 strike out on page 194 line 7 through page 195 line 14 (Section 3051).

Mr. SIMON. Mr. President, Senator MOSELEY-BRAUN, Senator D'AMATO, and I are submitting this amendment on military arsenals because we question the permissiveness of the language in section 3051 of S. 1587. While we understand the Section 800 Panel looked at the arsenal laws for the Army, Navy, and Air Force and decided to consolidate the language, there is a valid reason why the regulations evolved differently over the years.

The Navy and the Air Force do not rely as heavily on arsenals as the Army does. The Army is the biggest user of our country's arsenals and owns most of them. Therefore, Congress should support the full utilization of these taxpayer-owned assets. By eliminating the language of section 3051, we wish to ensure that the military services maintain our arsenal infrastructure while at the same time giving them the flexibility to shop around for the best value.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1750) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 1751

(Purpose: To make unallowable certain costs to influence legislative action by legislative bodies of political subdivisions of States)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 1751.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 133, strike out line 22 and all that follows through page 134, line 3, and insert in lieu thereof the following:

(a) Unallowability of Costs To Influence Local Legislative Bodies.—Subsection (e)(1)(B) of section 2324 of title 10, United States Code, is amended by striking out "or a State legislature" and inserting in lieu thereof ", a State legislature, or a legislative body of a political subdivision of a State".

(b) Comptroller General Evaluation.—Section 2324 of such title is amended by striking out subsection (*l*)

(c) Covered Contract Defined.—Subsection (m) of such section is amended to read as follows:

On page 138, line 8, strike out "or a State legislature" and insert in lieu thereof ", a State legislature, or a legislative body of a political subdivision of a State".

Mr. FORD. Mr. President, I rise today in support of the Hatch/Ford amendment to the Federal Acquisition Streamlining Act, S. 1587. Our amendment is short and sweet and to the point. It prohibits the use of Federal funds to lobby State and local governments.

Currently, there is a prohibition against using these funds to lobby the Congress and this amendment extends this worthwhile provision down the ladder to State and local governments. What is good for us will also be good for them. As a former Governor of the great Commonwealth of Kentucky, I have seen what can happen in this area. More and more, it is important to ensure that the money we send out isn't used to improperly influence a General Assembly or a city council. Not one penny from the Federal Government should be used in this way. It is not right and this amendment will stop it.

This is good government plain and simple and I am proud to join my colleague from Utah in a bipartisan approach to preventing this type of behavior from escalating out of hand.

Mr. President, it is my understanding this amendment has been cleared on both sides. I appreciate that, and I am grateful.

We now have a prohibition of States using funds that we have appropriated for certain projects to be used to send people up here to lobby us for various and sundry programs. What this does is the reverse. It prevents the Federal bureaucrats from going down to the local communities or States and lobbying them to take on these major programs so that those who are in charge of that project will be able to spend the money.

I think if the project is good, they will get applications. They do not need to be lobbied either way. This just prohibits the lobbying of the local communities from Washington to the community.

I yield the floor.

The PRESIDING OFFICER. Is there any further debate?

Mr. GLENN. Mr. President, this has been cleared by both staff and the committees. We support the amendment as recommended by the Senator from Kentucky.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1751) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1752

(Purpose: To ensure accountability for payments under simplified acquisition procedures)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. Grassley] proposes an amendment numbered 1752.

On page 205, between lines 10 and 11, insert the following:

(a) Disbursements To Be Matched With Obligations.—The simplified acquisition procedures shall include procedures that ensure that each request for a disbursement is matched with a particular obligation before the disbursement is made under the payment terms provided for under subsection (a).

Mr. GRASSLEY. Mr. President, the amendment has been read in its entirety. I hope that it is recognized as what I consider to be a friendly and a clarifying amendment to the committee's amendment to section 4013 of the bill pertaining to fast payment procedures.

I ask unanimous consent that Senator Roth be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I understand the committee will add language to section 4013 that certain payments can only be written against accounts with positive balances. My amendment would provide even more specific direction. It would address the committee's concerns and then some.

My amendment specifies that disbursing officials must match payments with obligations before these accelerated payments are made.

My concern about the need to match disbursements with obligations stems from a recent case of James E. McGill in Norfolk, VA. And I have spoken about this case on many occasions in morning business throughout this spring.

Using a very simple but clever scheme, Mr. McGill was able to steal $3,025,670.99 from the Military Sealift Command. He did it by submitting 114 fraudulent claims between 1989 and 1993. Mr. McGill delivered no goods and he did absolutely no work, and he had no trouble getting paid by the Military Sealift Command.

Mr. McGill operated undetected for almost 4 years. This went on for almost 4 years because the Military Sealift Command had no functioning internal controls to block the flow of money into the hands of crooked contractors like McGill. The Military Sealift Command has a standing policy of not matching disbursement with obligations. This policy leaves the Military Sealift Command's financial resources vulnerable to theft and abuse.

The payments to McGill broke every rule in the books, including the $25,000 limit for small, open purchases. Mr. McGill was caught. He pleaded guilty and was sentenced to 7 years and 3 months in prison on May 12 of this year.

My amendment would require that disbursements covered by Section 4013 be matched with obligations before those payments are made. I understand the need for making prompt payment on work performed in accordance with the terms of a contract. That is very good. But disbursing officials must always check first to determine that payments are legitimate. This matching procedure is the purpose of my amendment and it will accomplish that purpose.

I yield the floor.

Mr. GLENN. Mr. President, I compliment Senator Grassley for bringing this up. One of the things that came out of some of our committee hearings was the fact that these disbursements were being made sometimes in very, very large amounts of money; up in the billions were being made on occasion where no bills had even been sent in by the contractors—one example in addition to the ones that Senator Grassley just mentioned.

So I think this is good. Before we go to a vote on this, one area I wanted to have checked—and staff is checking on that right now—is what this might prompt as far as administrative requirements not in place right now. Obviously, we are in favor of having the kind of matching that Senator Grassley wants, but I would propose we wait just a few moments before we vote on this amendment so we can perhaps get an answer to some questions I and my staff had.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, we are prepared to vote on the amendment now and recommend its acceptance. It has been accepted on both sides.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 1752) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of January 5, 1993, the Secretary of the Senate on May 26, 1994, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

S. 1654. An act to make certain technical corrections; and

S.J. Res. 179. Joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

The enrolled bill and joint resolution were signed on May 26, 1994, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

Under the authority of the order of January 5, 1993, the Secretary of the Senate on May 26, 1994, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 70. Concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, until Tuesday, June 7, 1994, and a conditional adjournment of the House on Thursday, May 26, 1994, until Wednesday, June 8, 1994.

The message also announced that in the conference on the disagreeing votes of the two Houses on the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching," the Speaker appoints Mr. MAZZOLI to serve in lieu of Mr. BROOKS, resigned.

The message further announced that pursuant to the provisions of 22 United States Code, 1928a, the Speaker appoints the following Members to the United States Group of the North Atlantic Assembly on the part of the House: Mr. ROSE, Chairman, Mr. HAMILTON, Vice Chairman, Mr. BROOKS, Mr. COLEMAN, Mr. SOLOMON, and Mr. BEREUTER.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 965. An act to provide for toy safety and for other purposes.

H.R. 1632. An act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Government Reorganization Act to remove gender-specific references.

H.R. 3863. An act to designate the Post Office building located to 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office."

The enrolled bills were signed on June 7, 1994, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 1:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills; in which it requests the concurrence of the Senate:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1938 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 3839. An act to designate the United States Post Office located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office."

H.R. 3984. An act to designate the United States Post Office located at 212 Coleman Avenue in Waveland, Mississippi, as the "John Longo, Jr. Post Office."

H.R. 4205. An act to amend 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

H.R. 4385. An act to amend title 23, United States Code, to designate the National Highway System, and for other purposes.

H.R. 4454. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 3839. An act to designate the United States Post office located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office"; to the Committee on Governmental Affairs.

H.R. 3984. An act to designate the United States post Office located at 212 Coleman Avenue in Waveland, Mississippi, as the "John Longo, Jr. Post Office"; to the Committee on Governmental Affairs.

H.R. 4385. An act to amend title 23, United States Code, to designate the National Highway System, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4454. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time by unanimous consent and placed on the calendar:

S. 2122. A bill to improve the public and private financing of long-term care and to strengthen the public safety net for elderly and non-elderly disabled individuals who lack adequate protection against long-term care expenses, and for other purposes.

S. 2129. A bill to amend title 18, United States Code, to preserve personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 2137. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

H.R. 2108. A bill to make improvements in the Black Lung Benefits Act.

S. 2153. A bill to improve access to quality health care, to reform medical malpractice liability standards, to reduce paperwork and simplify administration of health care claims, to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, to prevent fraud and abuse in the health care delivery system, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2750. A communication from the President of the United States, transmitting, pursuant to law, a report concerning extension of waiver authority for the People's Republic of China; to the Committee on Finance.

EC-2751. A communication from the President of the United States, transmitting, pursuant to law, a report concerning extension of waiver authority; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1908. A bill to provide for a study of the processes and procedures of the Department of Veterans Affairs for the disposition of claims for veterans' benefits (Rept. No. 103-280).

TREATY REPORTED DURING THE ADJOURNMENT

Under authority of an order of the Senate of May 18, 1994, Mr. PELL, for the Committee on Foreign Relations, reported favorably on June 2, 1994, the following treaty, together with a recommended resolution of advice and consent to ratification with three reservations, an understanding, a declaration, and a proviso, and with a printed report—Ex. Report. 103-29: International Convention on the Elimination of All Forms of Racial Discrimination (Ex. C, 95-2).

The text of the ratification resolution as reported by the committee:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly on December 21, 1965 and signed on behalf of the United States on September 28, 1966 (Executive C, 95-2), subject to the following Reservations, Understanding, Declaration, and Proviso:

I. The Senate's advice and consent is subject to the following reservations:

(1) That the Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

(2) That the Constitution and laws of the United States establish extensive protections against discrimination, reaching significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in private conduct, however, are also recognized as among the fundamental values which shape our free and democratic society. The United States understands that the identification of the rights protected under the Convention by reference in Article 1 to fields of "public life" reflects a similar distinction between spheres of public conduct that are customarily the subject of governmental regulation, and spheres of private conduct that are not. To the extent, however, that the Convention calls for a broader regulation of private conduct, the United States does not accept any obligation under this Convention to enact legislation or take other measures under paragraph (1) of Article 2, subparagraphs (1) (c) and (d) of Article 2, Article 3 and Article 5 with respect to private conduct except as mandated by the Constitution and laws of the United States.

(3) That with reference to Article 22 of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

II. The Senate's advice and consent is subject to the following understanding, which shall apply to the obligations of the United States under this Convention:

That the United States understands that this Convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the state and local governments. To the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

III. The Senate's advice and consent is subject to the following declaration:

That the United States declares that the provisions of the Convention are not self-executing.

IV. The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be deposited by the President:

Nothing in this Convention requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 2159. A bill to amend title 46, United States Code, to prevent certain masters and seaman from being taxed on wages by more than one State or political subdivision thereof, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. BOREN):

S. 2160. A bill to amend the Internal Revenue Code of 1986 to replace the corporate income tax with a broad-based business activities tax, to provide relief from such tax for individuals with moderate incomes, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE (for himself, Mr. FEINGOLD, and Mr. PRYOR):

S. 2161. A bill to amend title XVI of the Social Security Act to improve work incentives for people with disabilities; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. MURRAY, Mr. D'AMATO, and Mr. LIEBERMAN):

S. 2162. A bill to provide protection from sexual predators; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2163. A bill to recognize the organization known as the 29th Division Associated, Inc.; to the Committee on the Judiciary.

By Mr. MITCHELL (for Mr. SASSER):

S. 2164. A bill to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. NICKLES):

S. Res. 219. A resolution expressing the sense of the Senate regarding the issuance under Title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2159. A bill to amend title 46, United States Code, to prevent certain masters and seamen from being taxed on wages by more than one State or political subdivision thereof, and for other purposes; to the Committee on Finance.

TRANSPORTATION EMPLOYEE EQUITABLE TREATMENT ACT OF 1994

• Mrs. MURRAY. Madam President, I introduce the Transportation Employee Equitable Treatment Act of 1994.

In 1979 and again in 1990, the Congress wisely passed legislation that exempted interstate transportation workers from paying income taxes to States in which they do not reside. This legislation was based on common sense. It was based on the belief that taxation without representation is wrong.

In the previous bills, working women and men in the air transportation were covered. So were ground and rail workers. But, our Nation's waterway workers were somehow left out of the mix.

Madam President, this legislation corrects that oversight. It allows Americans who work on ships, tugs, and other types of vessels that operate in waters shared by more than one State to pay income taxes only in their State of residence. I think all Americans would agree that this is fair.

Some people might not think this legislation is very important, but I can assure you, Madam President, the workers on Washington State's border waterways do. Members of this body might not think $1,000 or $2,000 per year is a lot of money, but workers on Washington State's border waterways do. And, I do, too.

This legislation is supported by the American Pilots Association, the International Organization of Masters, Mates & Pilots, American Waterways

Operators, Seafarers International Union, American Maritime Officers, and Inland Boatmen's Union.

By introducing this bill, I am joining forces with my good friend in the other body, Congresswoman JOLENE UNSOELD. Congresswoman UNSOELD has shown great leadership on this issue and I wish to applaud her efforts to correct this inequity.

Madam President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Employee Equitable Treatment Act of 1994".

SEC. 2. EQUITABLE TREATMENT FOR INDIVIDUALS EMPLOYED ON VESSELS WITH RESPECT TO STATE AND LOCAL TAXES.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1))—

(A) by inserting "or other income" after "Wages";

(B) by striking "noncontiguous trade or" and inserting "noncontiguous trade, to"; and

(C) by inserting after "fish processing vessel" the following: ", or to a pilot licensed under section 7101 or licensed or authorized under the laws of a State and engaged on a vessel"; and

(3) by adding at the end the following new subsection:

"(b) An individual who regularly performs services in more than one State on a vessel as a master or seaman or as a pilot licensed under section 7101 or licensed or authorized under the laws of a State, may not be subject to the laws of any State or political subdivision of a State (other than the State and political subdivision of the State in which the individual resides) that impose a tax or fee on the privilege of performing such services or on gross receipts or income received for such services.".•

By Mr. DANFORTH (for himself and Mr. BOREN):

S. 2160. A bill to amend the Internal Revenue Code of 1986 to replace the corporate income tax and a broad-based business activities tax, to provide relief from such tax for individuals with moderate incomes, and for other purposes to the Committee on Finance.

COMPREHENSIVE TAX RESTRUCTURING AND SIMPLIFICATION ACT OF 1994

• Mr. DANFORTH. Mr. President, I am pleased to join with my good friend and colleague from Oklahoma, Senator DAVID L. BOREN, in introducing the Comprehensive Tax Restructuring and Simplification Act of 1994, a comprehensive proposal which attempts to fix much of what is broken in the present Federal income tax system. This legislation is among the most ambitious plans for tax reform to be offered in many years. The complexity of the issues involved and the magnitude of the changes suggests that this package is only a first volley. We do not pretend to have all the answers. We do believe that the bill is a responsible plan which balances good tax and economic policy, political feasibility and fairness issues.

Democrats, Republicans, public servants and private citizens, rich and poor, all recognize that the current means by which the Federal Government collects revenue is a mess. The sheer complexity of the system and the cost of compliance breeds resentment. Further, the system adversely impacts the competitiveness of U.S. businesses as compared with their foreign counterparts, discourages savings and investment, and creates serious biases that distort economic decisions.

The corporate income tax system contains some of the most complex and arcane rules in all of the tax code, including the rules for depreciation, alternative minimum tax, transfer pricing, foreign tax credits and uniform capitalization. Costs to comply with such rules are outrageous. For example, a 1990 study by the Tax Foundation concluded that compliance costs for businesses were $112 billion—an incredible 75 percent of net income tax revenue from such businesses. This means that businesses were paying $75 to find out they owed $100. Small businesses—under $1 million in assets—fared even worse. Their tax compliance costs were estimated in 1900 to be $15.9 billion—an unbelievable 390 percent of net income tax revenue from such businesses. In other words, the small businesses are forced to spend $390 to find out that they owe the Government $100. This is absurd.

Further, the Federal income tax system puts U.S. goods at a competitive disadvantage compared with foreign goods, to the detriment of our performance in increasingly competitive world markets. The income tax on business profits was written in and evolved in a different era. The U.S. system of taxing both domestic and international businesses was conceived in the late 1920's, when global competition between multinationals and substantial international movement of capital was rare. Domestic companies competed amongst themselves, and all were subject to the same tax system. Immediately after World War II, U.S. firms dominated world commerce and investment, and cross-border investment was modest. Although each country had its own insular taxing system, the U.S. economy was so powerful that foreign countries' tax systems were virtually irrelevant, and foreign companies presented no serious competition in our domestic market. The reality now is a global market with many strong trading partners.

The international trend is to rely heavily on some form of a national, border-adjustable consumption tax. However, unlike all our major trading partners, and 80 countries in total, the United States has not adopted a consumption tax which is border-adjustable—that is, tax is rebated on exports and levied on imports. Thus, we are penalizing ourselves. To illustrate, a U.S. manufacturer must bear the full cost of U.S. corporate income taxes and payroll taxes, regardless of whether it exports its goods or sells them domestically. However, those exported goods will face a second tax on reaching the border of a country that has a value-added tax [VAT]. In a sense, the exports are taxed twice, rather than once as the products with which they compete. Exporters from VAT countries, however, have the VAT rebated on all their exports to the United States and face little or no new taxes, other than tariffs, when the products enter the United States. This discrimination is a penalty we inflict on ourselves by ignoring the advantages of a border-adjustable consumption tax. If the United States replaces some or all of current business taxes with border-adjustable taxes, the playing field would be leveled considerably.

The Federal income tax system also discourages savings and investment primarily because it taxes the return on savings and new investment. As a result, the United States has the lowest national savings rate—2.5 percent of GNP—of any industrialized country. A low savings rate leads to reduced investment, lower economic growth, fewer jobs, and a lower standard of living. In addition, the United States has an investment rate that is lower than all of our trading partners. Over the past 30 years, the average investment rate in Japan was 2½ times that of the United States, while Germany's rate has been more than two-thirds greater. Low investment in U.S. companies results in higher investment costs which increase the cost of capital in the United States, disadvantaging U.S. investment relative to foreign investment.

Finally, the Federal income tax structure creates serious biases that distort economic decisions. For example, there is a bias in favor of debt financing compared with equity financing because interest paid by corporations is deductible yet dividends paid to equity holders are taxed. The buyout boom of the 1980's, which resulted in widespread failures of debt-laden companies, is often cited as a result of the favored treatment of debt.

Moreover, the system is increasingly immune to improvement. Many studies have been done on the problems of subchapter C, but no meaningful actions have been taken. For example, a study that was begun in 1986 was completed by Treasury 6 years later with no meaningful solutions to the many problems cited by such officials.

For these reasons, modest changes and reforms are not sufficient. Tinkering at the margin of the current tax code cannot adequately address the core problems and could prove to be counterproductive. The income tax system has been bled dry—we must change the system dramatically to restore it to health.

The Comprehensive Tax Restructuring and Simplification Act of 1994 is an attempt to craft much-needed Federal income tax reform. The package repeals the corporate income tax, cuts the payroll tax and increases the standard deduction—cutting $400 billion in revenue. To replace the $400 billion in revenue, the package includes a business activities tax [BAT] which is simple to comply with and compute, border-adjustable and economically neutral. In addition, according to the Joint Committee on Taxation, the Danforth-Boren proposal is revenue neutral.

Repealing the corporate income tax would relieve businesses from figuring out and complying with the most complex provisions of current corporate tax law including, depreciation, uniform capitalization, the alternative minimum tax, transfer pricing rules and foreign tax credits.

The package also cuts the payroll tax in half for employers and employees. Cutting the payroll tax will benefit all businesses, particularly labor-intensive and small businesses which may pay more in payroll taxes than in income taxes. For small businesses, payment of payroll taxes represents one of the greatest tax burdens on their operations and acts as a disincentive to employ workers. The payroll tax cuts will not affect the Social Security Trust Fund because revenues from the BAT will be used to replace the lost revenue.

In addition, the Danforth-Boren proposal triples the standard deduction for low- and middle-income Americans. This will remove at least 20 million Americans from the tax rolls. The sheer number of Americans removed from the tax rolls will reduce administrative costs with little loss in revenue. Further, the proposal provides lower-income Americans with a quarterly BAT refund, similar to the current earned income tax credit.

To replace the $400 billion in lost revenue, the package includes a business activities tax. This tax is simply computed by subtracting the gross cost of property and services used by a business—business purchases—from the company's gross receipts from its sales of goods and services. The resulting amount equals the company's total business activity and is subject to a flat tax rate of 14.5 percent. If business purchases exceed gross receipts, the taxpayer would get a refund.

We chose this subtraction method to compute BAT liability, rather than the credit-invoice method used by most other countries, for a number of reasons. First, this method offers the simplest and most familiar means to compute the tax because it allows a company to use its most basic financial data—gross sales and purchases—when computing the tax. In addition, all U.S. businesses are familiar with the business activities tax methodology because the computations are the same as the computations under the Federal income tax—that is, gross income minus deductions equals taxable income.

The BAT is also border-adjustable so that it can be levied on imports and removed from exports, consistent with the rules of international trade. This change will level the playing field for U.S. companies, allowing them to compete fairly with foreign competitors in both United States and foreign markets.

Further, the BAT is an economically neutral tax. The BAT eliminates the current bias in favor of borrowing capital by denying deductions for interest paid on debt. Moreover, it applies equally to labor and capital—for example, equipment and machinery—because it does not allow a deduction for compensation or for interest paid on debt used to finance the purchase of capital. In this way, there is no bias toward using either more or less capital or labor.

Finally, the business activities tax removes 15 million businesses from the tax rolls by exempting certain small companies, those with gross receipts of $100,000 or less, from the BAT. This exemption will cut the number of taxpayers from 24 million to nine million, slash government administrative costs by 33 percent, while lowering government revenues by less than three percent.

Mr. President, I ask unanimous consent that the text of the Comprehensive Tax Restructuring and Simplification Act of 1994, accompanying technical explanation prepared by staff and Senator BOREN's comments be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Tax Restructuring and Simplification Act of 1994".

SEC. 2. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REPEAL OF CORPORATE INCOME TAX

SEC. 101. REPEAL OF CORPORATE INCOME TAX.

(a) IN GENERAL.—Chapter 1 (relating to normal taxes and surtaxes) is amended by adding at the end the following new subchapter:

"Subchapter W—Termination of Corporate Income Tax

"Sec. 1400. Termination of corporate income tax.
"Sec. 1401. Corporate distributions.
"Sec. 1402. Election of certain businesses to be taxed as domestic corporations.

"SEC. 1400. TERMINATION OF CORPORATE INCOME TAX.

"(a) TERMINATION.—Except as provided in this section, no tax shall be imposed under this chapter on any corporation for any taxable year.

"(b) PASSIVE INVESTMENT TAX.—

"(1) IMPOSITION OF TAX.—

"(A) IN GENERAL.—If, for any taxable year—

"(i) a C corporation has nonbusiness gross income, and

"(ii) the percentage determined by dividing the nonbusiness gross income by the gross income of the C corporation for such taxable year exceeds the applicable working capital percentage,

then there is hereby imposed on such corporation a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax determined under this subparagraph shall be equal to the product of—

"(i) the nonbusiness gross income described in paragraph (1)(A), and

"(ii) the highest rate of tax under section 1 for taxable years beginning in the same calendar year as the taxable year of the C corporation.

"(C) NO CREDIT AGAINST TAX.—No credit shall be allowed under this chapter against the tax imposed by subparagraph (A).

"(D) SPECIAL RULE FOR FOREIGN CORPORATIONS.—No tax shall be imposed under subparagraph (A) on any foreign corporation unless the foreign corporation is exempt from the tax imposed by section 884 (relating to branch profits tax).

"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

"(A) IN GENERAL.—The amount of the nonbusiness gross income for any taxable year shall be reduced by the aggregate amount of any distributions by the corporation to its shareholders with respect to its stock—

"(i) which are made during the taxable year and not taken into account under clause (ii) for the preceding taxable year, or

"(ii) which—

"(I) are made after the close of the taxable year and on or before the 45th day following the close of the taxable year, and

"(II) are designated, at such time and in such manner as the Secretary may prescribe, as distributions for purposes of this paragraph.

"(B) INCLUSION IN INCOME.—Any distribution described in subparagraph (A)(ii) shall be included in the gross income of the shareholder for the shareholder's taxable year which includes the last day of the taxable year of the corporation for which the reduction under subparagraph (A) was made.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) APPLICABLE WORKING CAPITAL PERCENTAGE.—

"(i) IN GENERAL.—The Secretary shall establish an applicable working capital percentage which, on the basis of the best information available, represents the ratio which the average nonbusiness gross income of corporations which is derived from assets held to provide reasonably required working capital bears to the average gross income of corporations.

"(ii) ADJUSTMENTS.—The Secretary may prescribe more than one percentage under clause (i) to reflect differences in industries, size, or other factors which affect reasonably required working capital.

"(B) NONBUSINESS GROSS INCOME.—For purposes of this subsection—

"(i) IN GENERAL.—The term 'nonbusiness gross income' means gross income other than gross income from a business activity (determined in the same manner as under chapter 100).

"(ii) EXCEPTIONS.—The term 'nonbusiness gross income' shall not include any gross income derived from a transaction to the extent the gross receipts from the transaction are not taken into account under chapter 100 by reason of section 10016.

"(4) SPECIAL RULES.—For purposes of this subsection—

"(A) AGGREGATION RULES.—The Secretary shall prescribe regulations providing for the aggregation of 2 or more persons to the extent appropriate to carry out the purposes of this section.

"(B) STARTUP COMPANIES.—A corporation shall not be treated as described in paragraph (1) for the first taxable year the corporation has gross income if—

"(i) no predecessor of the corporation was described in paragraph (1),

"(ii) it is established to the satisfaction of the Secretary that the corporation will not be described in paragraph (1) for either of the 1st 2 taxable years following such first taxable year, and

"(iii) the corporation is not described in paragraph (1) for either of such 2 taxable years.

"(C) COMPANIES CHANGING BUSINESS.—A corporation shall not be treated as described in paragraph (1) for any taxable year if—

"(i) neither the corporation nor any predecessor was described in paragraph (1) for any taxable year,

"(ii) it is established to the satisfaction of the Secretary that—

"(I) substantially all of the nonbusiness gross income of the corporation for the taxable year is attributable to proceeds from the disposition of 1 or more active trades or businesses, and

"(II) the corporation will not be described in paragraph (1) for either of the 1st 2 taxable years following the taxable year, and

"(iii) the corporation is not described in paragraph (1) for either of such 2 taxable years.

"(D) COMPUTATION OF GROSS RECEIPTS.—In determining gross income for purposes of this subsection, gross receipts for any taxable year shall be reduced by returns and allowances made during such taxable year, and bad debt deductions for such taxable year.

"(E) PASSIVE FOREIGN INVESTMENT COMPANY INTERESTS.—Any taxpayer who owns (or is treated under section 1297(a) as owning) stock in a passive foreign investment company shall be treated as owning stock in a qualified electing fund without regard to whether the requirements of paragraphs (1) and (2) of section 1295(a) are met.

"(c) EXCEPTION FOR CERTAIN TAXES ON FOREIGN CORPORATIONS.—Subsection (a) shall not apply to any tax imposed by section 881 or 884.

"SEC. 1401. CORPORATE DISTRIBUTIONS.

"(a) IN GENERAL.—Except as provided in subsection (b), all distributions made by a corporation to a shareholder with respect to its stock shall be treated as ordinary income of the shareholder.

"(b) EXCEPTIONS.—Except as provided in regulations, subsection (a) shall not apply to any distribution—

"(1) which is pursuant to a plan of liquidation,

"(2) which is in complete redemption of all of a shareholder's stock in the corporation,

"(3) in the case of a corporation which maintains adequate accounts of its earnings and profits, which does not constitute a dividend under section 316, or

"(4) which represents a return of capital to the extent the distribution does not exceed the shareholder's contributions to capital during the 60-day period ending with the date of the distribution.

This subsection shall not apply to any distribution to which section 1400(b)(2) applies.

"SEC. 1402. ELECTION OF CERTAIN BUSINESSES TO BE TAXED AS DOMESTIC CORPORATIONS.

"(a) GENERAL RULE.—If an election is made under this section with respect to any business which is not a C corporation—

"(1) such business shall be treated as a domestic C corporation for purposes of this subtitle (other than chapter 2 thereof), and

"(2) each owner of an equity interest in such business shall be treated as a shareholder thereof in proportion to such interest.

"(b) ELECTION.—

"(1) IN GENERAL.—An election under this section—

"(A) shall be made not later than 2½ months after the close of the first taxable year to which it applies, and

"(B) shall remain in effect until terminated as provided in paragraph (2).

"(2) TERMINATION.—An election may be terminated by an entity if made not later than 2½ months after the beginning of the first taxable year to which the termination applies. A taxpayer terminating an election under this paragraph may not make an election under paragraph (1) for any succeeding taxable year without the consent of the Secretary.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) FRINGE BENEFITS.—Notwithstanding subsection (a), a business to which subsection (a) applies shall not be treated as a domestic C corporation for purposes of applying the provisions of this subtitle which relate to employee fringe benefits (within the meaning of section 1372).

"(2) CORPORATE DISTRIBUTIONS AND ADJUSTMENTS.—The Secretary shall provide regulations to provide for the application of subchapter C of this chapter to distributions (including liquidations) from a business to which subsection (a) applies and to organizations and reorganizations of such a business."

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"SUBCHAPTER W. Termination of corporate income tax."

SEC. 102. TECHNICAL AND CONFORMING CHANGES.

The Secretary of the Treasury shall, not later than 6 months after the date of the enactment of this Act, submit to the Congress such technical and conforming changes as are necessary to implement the amendments made by this title.

TITLE II—INDIVIDUAL INCOME TAX RELIEF

SEC. 201. REDUCTION OF OASDI PAYROLL TAX RATE BY 50 PERCENT.

(a) REDUCTION OF RATE.—

(1) EMPLOYEES.—Subsection (a) of section 3101 (relating to old-age, survivors, and disability insurance) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to 3.1 percent of the wages (as defined in section 3121(a)) received by such individual with respect to employment (as defined in section 3121(b))."

(2) EMPLOYERS.—Subsection (a) of section 3111 (relating to old-age, survivors, and disability insurance) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in such employer's employ, equal to 3.1 percent of the wages (as defined in section 3121(a)) paid by such employer with respect to employment (as defined in section 3121(b))."

(3) SELF-EMPLOYED.—Subsection (a) of section 1401 (relating to old-age, survivors, and disability insurance) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 6.2 percent of the amount of self-employment income for such taxable year."

(b) TRANSFER OF REVENUES TO TRUST FUNDS TO REFLECT REDUCED TAXES.—

(1) OAS TRUST FUND.—Section 201(a) of the Social Security Act (42 U.S.C. 401(a)) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting "; and", and by inserting after paragraph (4) the following new paragraph:

"(5) such percentage of the taxes imposed by subtitle K of the Internal Revenue Code of 1986 (relating to business activities tax) as the Secretary of the Treasury determines is necessary to equal the amounts appropriated by clause (4)."

(2) DI TRUST FUND.—Section 201(b) of such Act (42 U.S.C. 401(b)) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by inserting after paragraph (2) the following new paragraph:

"(3) such percentage of the taxes imposed by subtitle K of the Internal Revenue Code of 1986 (relating to business activities tax) as the Secretary of the Treasury determines is necessary to equal the amounts appropriated by clause (2)."

(3) CONFORMING AMENDMENTS.—

(A) Section 201(a) of such Act (42 U.S.C. 401(a)) is amended—

(i) by striking "amounts equivalent to 100 per centum of" in the matter preceding paragraph (1) and inserting "amounts equivalent to",

(ii) by inserting "100 per centum of" before "the taxes" in paragraphs (1), (2), (3), and (4),

(iii) by striking "clauses (3) and (4)" each place it appears and inserting "clauses (3), (4), and (5)", and

(iv) by striking "clauses (1) and (2)" and inserting "clauses (1), (2), and (3)".

(B) Section 201(b) of such Act (42 U.S.C. 401(b)) is amended—

(i) by striking "amounts equivalent to 100 per centum of" in the matter preceding paragraph (1) and inserting "amounts equivalent to",

(ii) by inserting "100 per centum of" before "(A) ½ of 1 per centum" in paragraph (1),

(iii) by striking "and before January 1, 2000, and so reported, and (P) 1.42 per centum of the wages (as so defined) paid after December 31, 1999, and so reported," in paragraph (1) and inserting "and before January 1 of the year following the date of the enactment of the Comprehensive Tax Restructuring and Simplification Act, and so reported, (P) .60 per centum of the wages (as so defined) paid on and after January 1 or such year, and before January 1, 2000, and so reported, and (Q) .71 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,",

(iv) by inserting "100 per centum of" before "(A) ⅜ of 1 per centum" in paragraph (2), and

(v) by striking "and before January 1, 2000, and (P) 1.42 per centum of the self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999," in paragraph (2) and inserting "and before January 1 of the year following the date of the enactment of the Comprehensive Tax Restructuring and Simplification Act, (P) .60 per centum of the self-employment income (as so defined) so reported for any taxable year beginning on or after January 1 of such year, and before January 1, 2000, and (Q) .71 per centum of the self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999,".

SEC. 202. INCREASE IN STANDARD DEDUCTION.

(a) In General.—Subsection (f) of section 63 (defining taxable income) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively,

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) Additional amounts for low-income taxpayers.—

"(A) In general.—The taxpayer shall be entitled to an additional amount equal to—

"(i) $8,650 in the case of—

"(I) a joint return, or

"(II) a surviving spouse (as defined in section 2(a)),

"(ii) $7,600 in the case of a head of household (as defined in section 2(b)),

"(iii) $5,200 in the case of an individual who is not married and who is not a surviving spouse or head of household, or

"(iv) $4,325 in the case of a married individual filing a separate return.

"(B) Phase out of additional amount.—

"(i) In general.—Each dollar amount contained in subparagraph (A) shall be reduced (but not below 0) by $20 for each $100 (or fraction thereof) by which the individual's adjusted gross income for such taxable year exceeds the applicable amount.

"(ii) Applicable amount.—For purposes of clause (i), the applicable amount for a taxpayer described in—

"(I) subparagraph (A)(i), is $45,000,

"(II) subparagraph (A)(ii), is $37,000,

"(III) subparagraph (A)(iii), is $27,000, and

"(IV) subparagraph (A)(iv), is $22,500.

"(C) Adjustments for inflation.—In the case of any taxable year beginning after the first calendar year beginning after the effective date of this paragraph, each dollar amount contained in subparagraphs (A) and (B)(ii) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'the calendar year in which the effective date of section 63(f)(1) occurs' for 'calendar year 1992' in subparagraph (B) thereof.", and

(3) by striking "Aged" in the heading and inserting "Low-Income, Aged,".

(b) Conforming Amendments.—

(1) Section 1(f)(6) is amended by inserting "section 63(f)(1)(C)," after "63(c)(4),".

(2) The heading for section 63(c)(3) is amended by striking "aged" and inserting "low-income, aged,".

(3) Section 63(c)(4) is amended by inserting "(other than paragraph (1))" after "or subsection (f)".

SEC. 203. INDIVIDUAL REFUNDABLE TAX CREDIT.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable personal credits) is amended by inserting after section 32 the following new section:

"SEC. 32A. INDIVIDUAL TAX CREDIT.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the product of—

"(A) so much of the taxpayer's adjusted gross income for such taxable year as does not exceed the adjusted gross income amount, and

"(B) the rate of tax under section 10001 for the calendar year in which the taxable year begins.

"(2) Adjusted gross income amount.—For purposes of paragraph (1), the adjusted gross income amount in the case of—

"(A) a joint return or a surviving spouse (as defined in section 2(a)), is $9,500,

"(B) a head of household (as defined in section 2(b)), is $7,900,

"(C) an individual who is not married and who is not a surviving spouse or head of household, is $5,700, and

"(D) a married individual filing a separate return, is $4,750.

"(b) Phase Out of Credit Amount.—

"(1) In general.—The amount determined under subsection (a)(1) shall be reduced (but not below 0) by $20 for each $100 (or fraction thereof) by which the individual's modified adjusted gross income for such taxable year exceeds the applicable amount.

"(2) Applicable amount.—For purposes of paragraph (1), the applicable amount for a taxpayer described in—

"(A) subsection (a)(2)(A), is $15,000,

"(B) subsection (a)(2)(B), is $13,200,

"(C) subsection (a)(2)(C), is $9,000, and

"(D) subsection (a)(2)(D), is $7,500.

"(3) Modified adjusted gross income.—For purposes of paragraph (1), the term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 135, 911, 931, and 933,

"(B) without regard to the deduction allowable under section 219,

"(C) increased by the amount of social security benefits not included in gross income under section 86, and

"(D) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(c) Adjustments for inflation.—In the case of any taxable year beginning after the first calendar year beginning after the effective date of this section, each dollar amount contained in subsections (a)(2) and (b)(2) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'the calendar year in which the effective date of section 32A occurs' for 'calendar year 1992' in subparagraph (B) thereof."

"(d) Applicable Rules.—Rules similar to the rules of subsections (d), (e), (g), and (h) of section 32 shall apply to any credit to which this section applies."

(b) Advance Payment of Credit.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF INDIVIDUAL TAX CREDIT.

"(a) General Rule.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom an individual tax credit eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's individual tax credit advance amount.

"(b) Individual Tax Credit Eligibility Certificate.—For purposes of this title, an individual tax credit eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 32A for the taxable year,

"(2) certifies that the employee does not have an individual tax credit eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has an individual tax credit eligibility certificate in effect, and

"(4) estimates the individual's adjusted gross income and modified adjusted gross income for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) Individual Tax Credit Advance Amount.—

"(1) In general.—For purposes of this title, the term 'individual tax credit advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated adjusted gross income and modified adjusted gross income included in the individual tax credit eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) Advance amount tables.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) Other Rules.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(c) Conforming Amendment.—Section 1(f)(6), as amended by section 202(b)(1), is amended by inserting "section 32A(c)," before "63(c)(4),".

(d) Clerical Amendments.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 32 the following new item:

"Sec. 32A. Individual tax credit."

(2) The table of sections for chapter 25 is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of individual tax credit."

TITLE III—BUSINESS ACTIVITIES TAX

SEC. 301. BUSINESS ACTIVITIES TAX IMPOSED.

The Internal Revenue Code of 1986 is amended by adding at the end the following new subtitle:

"Subtitle K—Business Activities Tax

"Chapter 100. Business activities tax.

"CHAPTER 100—BUSINESS ACTIVITIES TAX

"Subchapter A. Imposition of tax.
"Subchapter B. Computation of tax.
"Subchapter C. General rules.
"Subchapter D. Special rules.
"Subchapter E. Refunds; small business exemption.
"Subchapter F. Definitions.
"Subchapter G. Administration.

"Subchapter A—Imposition of Tax

"Sec. 10001. Tax imposed.

"SEC. 10001. TAX IMPOSED.

"In the case of any person engaged in any business activity, there is hereby imposed for each taxable period a tax in an amount equal to 14.5 percent of the taxable amount.

"Subchapter B—Computation of Tax

"Sec. 10011. Taxable amount.
"Sec. 10012. Business activity.
"Sec. 10013. Activities not treated as business activity.
"Sec. 10014. Gross receipts from business activities.
"Sec. 10015. Business purchases.
"Sec. 10016. Exemption for certain nontaxable exchanges.

"SEC. 10011. TAXABLE AMOUNT.

"(a) In General.—For purposes of this chapter, the term 'taxable amount' means the amount by which—

"(1) the gross receipts of any person from business activities for a taxable period, exceed

"(2) the business purchases of such person for the taxable period.

"(b) Cross References.—For special rules, see sections 10022, 10032, and 10034.

"SEC. 10012. BUSINESS ACTIVITY.

"For purposes of this chapter, the term 'business activity' means—

"(1) the sale of property or services in the United States by any person in connection with a business,

"(2) the import of property or services into the United States, or

"(3) the export of property or services from the United States in connection with a business.

"SEC. 10013. ACTIVITIES NOT TREATED AS BUSINESS ACTIVITY.

"For purposes of this chapter, the term 'business activity' does not include—

"(1) the performance of services by an employee for the employee's employer, or

"(2) any import of an article that is free of duty under chapter 98 of the Harmonized Tariff Schedule of the United States.

"SEC. 10014. GROSS RECEIPTS FROM BUSINESS ACTIVITIES.

"(a) In General.—For purposes of this chapter, the term 'gross receipts' means all receipts from a business activity.

"(b) Exchanges.—For purposes of this chapter, the amount treated as gross receipts from the exchange of property or services is the fair market value of the property or services received, plus any money received.

"(c) Exports and Imports.—

"(1) Exports of property or services.—For treatment of exports, see section 10031.

"(2) Imports of property or services.—For treatment of imports, see section 10032.

"(3) International transportation.—For treatment of international transportation services, see section 10033.

"(d) Certain Insurance Proceeds.—For purposes of this chapter, the term 'gross receipts' includes the proceeds of property and casualty insurance for losses in connection with business property or services.

"(e) Taxes.—For purposes of this chapter, the term 'gross receipts' includes any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on property or services sold in a business activity received or collected by the seller in connection with the sale. Gross receipts shall not include any tax imposed by chapter 31, 32, 33, 34, 35, 36, 39, 51, 52, or 53.

"(f) Transfers to Related Persons.—

"(1) In general.—For purposes of this chapter, any transfer of property or services to a related person shall be treated as a sale of such property or services for an amount equal to the fair market value of the property or services.

"(2) Related person.—For purposes of this subsection, the term 'related person' means—

"(A) in the case of an employment relationship, an employer and employee,

"(B) in the case of any entity, an owner of the entity,

"(C) any person specified in regulations, and

"(D) any member of the family (within the meaning of section 267(c)(4)) of any individual described in subparagraph (A), (B), or (C).

"(3) Owner.—For purposes of paragraph (2), the term 'owner' means—

"(A) the proprietor of a sole proprietorship, and

"(B) any holder of a beneficial interest in a corporation, partnership, trust, or other entity.

"SEC. 10015. BUSINESS PURCHASES.

"(a) In General.—For purposes of this chapter, the term 'business purchase' means any amount paid or incurred to purchase property or services for use in a business activity other than—

"(1) amounts the payment of which is unlawful under Federal, State, or local law, or

"(2) except as provided in subsection (d)—

"(A) interest,

"(B) premiums for insurance other than property and casualty insurance, or

"(C) other implicit intermediation fees.

"(b) Compensation Expense Not Included.—The term 'business purchase' does not include any amount paid or incurred as current or deferred compensation to employees, or for employee benefits.

"(c) Exports and Imports.—

"(1) Exports.—For treatment of exports, see section 10033(b)(1).

"(2) Imports.—For treatment of imports, see section 10032.

"(3) International transportation.—For treatment of international transportation services, see section 10033.

"(d) Financial Intermediation Services.—

"(1) In general.— For purposes of this chapter, business purchases include amounts allocable to the business activity for which a person has received notice under section 10034(d) (relating to implicit financial intermediation fees) and which have otherwise not been taken into account.

"(2) Cross reference.—For additional treatment of financial intermediation services, see section 10034.

"(e) Exchanges.—For purposes of this chapter, the amount treated as paid or incurred for business purchases in connection with the exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

"(f) Taxes.—For purposes of this chapter, the term 'business purchase' includes any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on property or services purchased for use in a business activity.

"(g) Gambling Payments.—Except as provided in subsection (a)(1), in the case of a business activity involving gambling, lotteries, or other games of chance, business purchases include amounts paid to winners.

"SEC. 10016. EXEMPTION FOR CERTAIN NONTAXABLE EXCHANGES.

"(a) General Rule.—For purposes of this chapter, gross receipts shall not include gross receipts from an applicable nontaxable transaction except to the extent attributable to money or other property received in the transaction.

"(b) Applicable Nontaxable Transactions.—For purposes of this section, the term 'applicable nontaxable transaction' means any transaction—

"(1) to which section 332, 351, 368, or 721 applies, or

"(2) which is specified by the Secretary and with respect to which gain is not recognized in whole or in part under chapter 1.

"Subchapter C—General Rules

"Sec. 10021. Accounting methods.
"Sec. 10022. Governmental entities and exempt organizations.
"Sec. 10023. Post-sale price adjustments and refunds; bad debts.
"Sec. 10024 Source rules.
"Sec. 10025. Transfer in satisfaction of debt.
"Sec. 10026. Conversions.

"SEC. 10021. ACCOUNTING METHODS.

"(a) In General.—Except as provided in this section, a person subject to tax under this chapter may use any of the following methods of accounting for purposes of this chapter:

"(1) The cash receipts and disbursements method.

"(2) An accrual method.

"(3) Any other method permitted by the Secretary.

The Secretary may require a person to modify any method to clearly reflect gross receipts and business purchases.

"(b) Consistency Requirement.—All persons which are members of a controlled group of corporations which does not elect to be treated as one person for purposes of this chapter under section 10063(a)(2) shall use the same method of accounting for purposes of this chapter.

"(c) Special Rules for Long-Term Contracts.—

"(1) In general.—In the case of any sale pursuant to a long-term contract (as defined in section 460(f))—

"(A) the seller shall use the percentage of completion method in computing gross receipts from the contract, and

"(B) the purchaser shall use the cash receipts and disbursements method in computing business purchases from the contract.

"(2) Reporting.—The Secretary may require taxpayers to file statements containing such information with respect to long-term contracts as the Secretary may prescribe.

"(d) INSTALLMENT METHOD PROHIBITED.—Gross receipts from the sale of property shall not be taken into account for purposes of this chapter under the installment method.

"SEC. 10022. GOVERNMENTAL ENTITIES AND EXEMPT ORGANIZATIONS.

"(a) GOVERNMENTAL ENTITIES.—For purposes of this chapter, the transfer of property or furnishing of services by a governmental entity with respect to any of the following activities shall be treated as a business activity:

"(1) Public utility services.

"(2) Mass transit services.

"(3) Postal services.

"(4) Any activity not involving the exercise of any essential governmental function (within the meaning of section 115).

"(b) EXEMPT ORGANIZATIONS.—For purposes of this chapter—

"(1) IN GENERAL.—Except as provided in this subsection, the transfer of property or furnishing of services by an exempt organization shall be treated as a business activity.

"(2) EXCEPTION FOR SECTION 501 (C)(3) ORGANIZATIONS.—Paragraph (1) shall not apply to an exempt organization described in section 501(c)(3) unless the activity constitutes an unrelated trade or business (within the meaning of section 513) of the organization.

"(c) GROSS RECEIPTS.—If there is no separately stated charge with respect to any transfer or furnishing to which subsection (a) or (b) applies, gross receipts shall be determined on the basis of the fair market value of the property transferred or services furnished.

"(d) ALLOCATION.—The Secretary shall by regulation provide for the proper allocation of gross receipts and business purchases between business activities and other activities.

"(e) SELF-CONSUMPTION OF PROPERTY OR SERVICES.—Notwithstanding the provisions of this section, the Secretary may by regulation provide that property produced, or services furnished, by a governmental entity or an exempt organization for use by itself are to be treated as sold in a business activity if such treatment is necessary to carry out the purposes of this chapter. In any such case the taxable amount shall be determined by reference to the fair market value of the property or services.

"SEC. 10023. POST-SALE PRICE ADJUSTMENTS AND REFUNDS; BAD DEBTS.

"(a) PRICE ADJUSTMENTS AND REFUNDS.—

"(1) RECEIPT TREATED AS REDUCTION IN BUSINESS PURCHASES.—If a person subject to tax under this chapter receives a post-sale price adjustment attributable to a business purchase which was taken into account in computing the taxable amount for a prior taxable period, then the amount of such adjustment shall be treated as a reduction in business purchases for the taxable period in which it is received.

"(2) ISSUANCE TREATED AS REDUCTION IN GROSS RECEIPTS.—If a person subject to tax under this chapter issues a post-sale price adjustment for a sale the gross receipts from which were taken into account in computing the taxable amount for a prior taxable period, then the amount of such adjustment shall be treated as a reduction in gross receipts for the taxable period in which it is issued.

"(3) POST-SALE PRICE ADJUSTMENT.—For purposes of this subsection, the term 'post-sale price adjustment' means a refund, rebate, or other price allowance attributable to a sale of property or services.

"(b) BAD DEBTS.—

"(1) SELLER.—

"(A) WRITEOFFS AND WRITEDOWNS.—If an amount owed to a seller of business property or services that was taken into account as gross receipts in computing the taxable amount of the seller for a prior taxable period becomes wholly or partially uncollectible during any subsequent taxable period, then the seller shall treat the amount (or part thereof that is uncollectible) as a reduction in gross receipts for the taxable period in which it becomes wholly or partially uncollectible.

"(B) NOTICE.—Whenever a seller treats an amount as wholly or partially uncollectible under subparagraph (A), the seller shall notify the purchaser of the amount the seller is treating as uncollectible. The notice shall set forth with specificity the purchase or purchases to which the treatment relates and shall be sent to the purchaser at the purchaser's last known address within 10 days after close of the taxable period in which the seller treats the amount as wholly or partially uncollectible.

"(C) RECOVERIES.—If a seller receives payment for an amount that was treated as a reduction in gross receipts under subparagraph (A) in a prior taxable period, then the seller shall treat the payment as a gross receipt for the taxable period in which it is received.

"(2) PURCHASER.—

"(A) WRITEOFFS AND WRITEDOWNS.—If a purchaser receives notice under paragraph (1)(B) from a seller for all or a portion of the amount owed for business property or services that the purchaser treated as a business purchase in a prior taxable period, then the purchaser shall treat such amount as a reduction in business purchases for the taxable period in which the notice is received.

"(B) REPAYMENTS.—If a purchaser pays all or part of an amount treated as a reduction in business purchases under subparagraph (A) in a prior taxable period, then the purchaser shall treat the amount paid as a business purchase for the taxable period in which the payment is made.

"SEC. 10024. SOURCE RULES.

"(a) SALES OF PROPERTY.—For purposes of this chapter, a sale of property shall be treated as occurring in the United States if the property is located in the United States at the time of the sale.

"(b) SALES OF SERVICES.—

"(1) GENERAL RULE.—For purposes of this chapter, a sale of services shall be treated as occurring in the United States to the extent that—

"(A) the services are provided from a place of business, or with respect to property, in the United States, or

"(B) the services are incidental to the provision of services within the United States.

"(2) CROSS REFERENCE.—For treatment of international transportation services, see section 10033.

"SEC. 10025. TRANSFER IN SATISFACTION OF DEBT.

"For purposes of this chapter, the transfer of property or services by a debtor to a creditor in exchange for a reduction of debt shall be treated as a sale of such property or services for an amount equal to the amount by which the debt is reduced.

"SEC. 10026. CONVERSIONS.

For purposes of this chapter, any conversion of property or services from use in a business activity to use in any other activity, or from use in any other activity to use in a business activity, shall be treated as a sale of the property or services for their fair market value.

"Subchapter D—Special Rules

"Sec. 10031. Exports of property or services.

"Sec. 10032. Imports of property or services.

"Sec. 10033. International transportation services.

"Sec. 10034. Financial intermediation services.

"Sec. 10035. Other special rules.

"SEC. 10031. EXPORTS OF PROPERTY OR SERVICES.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'gross receipts' does not include amounts received by the exporter thereof for property or services exported from the United States for use or consumption outside the United States.

"(b) EXPORT THROUGH NONBUSINESS ENTITY.—For purposes of subsection (a), if property or services are sold to a governmental entity or exempt organization for export and are exported other than in a business activity of such entity or organization, then the seller of such property or services is deemed to be the exporter thereof.

"SEC. 10032. IMPORTS OF PROPERTY OR SERVICES.

"(a) IN GENERAL.—For purposes of this chapter, the taxable amount with respect to the import of property or services for use or consumption within the United States is the sum of—

"(1) the amount paid or incurred for the property or services, plus

"(2) in the case of property, any amounts paid or incurred for transportation costs (if such costs are not included in the amount paid for the property).

"(b) IMPORTS OF PREVIOUSLY EXPORTED PROPERTY.—

"(1) IN GENERAL.—For purposes of this chapter, the taxable amount for any import of property that is returned to the United States—

"(A) after export for repairs or alterations abroad, or

"(B) after export to undergo assembly, processing, manufacture, or other changes in condition abroad,

is the net cost to the importer of such repairs, alterations, assembly, processing, manufacture, or other change in condition.

"(2) LIMITATION FOR PREVIOUSLY EXPORTED PROPERTY.—Paragraph (1) shall apply only to property—

"(A) that the importer acquired before export, and

"(B) as to which there has been no transfer of ownership between the time of export and import.

"(c) BUSINESS PURCHASES OF IMPORTS.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'business purchase' includes—

"(A) the amount determined under subsection (a) for property or services, plus

"(B) the amount of tax payable under this chapter with respect to the import of such property or services.

"(2) BUSINESS ACTIVITY REQUIRED.—A person may not include any amount described in paragraph (1) in business purchases unless the person uses the property or services in a business activity.

"SEC. 10033. INTERNATIONAL TRANSPORTATION SERVICES.

"(a) GROSS RECEIPTS.—For purposes of this chapter—

"(1) EXPORTS.—The term 'gross receipts' does not include receipts from transportation of property exported from the United States.

"(2) IMPORTS.—The term 'gross receipts' does not include receipts from the transportation of property imported into the United

States unless such receipts are not taken into account under section 10032 in computing the taxable amount with respect to the property.

"(b) BUSINESS PURCHASES.—For purposes of this chapter—

"(1) EXPORTS.—The term 'business purchase' does not include amounts paid or incurred for transportation of property exported from the United States.

"(2) IMPORTS.—For treatment as business purchases of amounts paid or incurred for transportation of property imported into the United States, see section 10032(c).

"(c) INTERNATIONAL TRANSPORTATION OF PASSENGERS.—For purposes of this chapter—

"(1) GROSS RECEIPTS.—Gross receipts—

"(A) include receipts from the transportation of passengers from outside the United States to a destination in the United States, but

"(B) do not include receipts from the transportation of passengers from the United States to a destination outside the United States.

"(2) BUSINESS PURCHASES.—Business purchases—

"(A) include amounts paid or incurred in a business activity for the transportation of passengers from outside the United States to a destination in the United States, but

"(B) do not include amounts paid or incurred in a business activity for the transportation of passengers from the United States to a destination outside the United States.

"SEC. 10034. FINANCIAL INTERMEDIATION SERVICES.

"(a) GENERAL RULE.—For purposes of this chapter—

"(1) the providing of financial intermediation services shall be treated as a business activity, and

"(2) this chapter shall be applied to the business activity by substituting financial receipts and adjusted business purchases properly allocable to such business activity for gross receipts and business purchases.

"(b) FINANCIAL RECEIPTS.—For purposes of this section, the term 'financial receipts' means all receipts other than amounts received as contributions to capital.

"(c) ADJUSTED BUSINESS PURCHASES.—For purposes of this section, the term 'adjusted business purchases' means business purchases, adjusted as follows:

"(1) PRINCIPAL AND INTEREST.—Business purchases include any principal or interest payments properly allocable to the business activity described in subsection (a). The preceding sentence shall not apply to any principal or interest payments otherwise allocable to business purchases (determined without regard to this section or section 10015(b)).

"(2) FINANCIAL INSTRUMENTS.—Notwithstanding section 10051(3), business purchases include the cost of, and payments under, financial instruments (other than financial instruments representing equity interests in the person subject to the tax imposed by this chapter).

"(3) INSURANCE CLAIMS.—Business purchases include claims and cash surrender values paid in connection with insurance or reinsurance services.

"(4) REINSURANCE.—Business purchases include amounts paid for reinsurance.

"(d) REPORTING TO CUSTOMERS.—

"(1) ALLOCATION AND REPORTING.—

"(A) IN GENERAL.—A person engaged in the business activity of providing financial intermediation services shall—

"(i) allocate fees received for such services (other than services for which separately stated fees are charged) among recipients of such services on a reasonable and consistent basis, and

"(ii) report to each recipient the fees so allocated.

"(B) TIMING.—The report under subparagraph (A)(ii) shall be furnished to the recipient no later than the 45th day after the close of a taxable period.

"(2) EXCEPTION.—The Secretary shall establish procedures under which notice need not be given under this subsection to persons with respect to whom services are not provided in connection with a business activity.

"(e) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL INTERMEDIATION SERVICE.—The term 'financial intermediation service' means—

"(A) lending services,

"(B) insurance services,

"(C) market-making and dealer services, and

"(D) any other service provided as a business activity in which a person acts as an intermediary in—

"(i) the transfer of property, services, or financial assets, liabilities, risks, or instruments (or income or expense derived therefrom) between two or more other persons, or

"(ii) the pooling of economic risk among other persons,

and derives all or a portion of such person's gross receipts from streams of income or expense, discounts, or other financial flows associated with the matter with respect to which such person is acting as an intermediary.

"(2) LENDING SERVICES.—The term 'lending services' means the regular making of loans and providing credit to, or taking deposits from, customers, but does not include an installment or delayed payment arrangement provided by a seller of property or services under which additional charges or fees are imposed by the seller for late payment and for which no interest is charged.

"(3) MARKET-MAKING OR DEALER SERVICES.—The term 'market-making or dealer services' means services provided by a person who—

"(A) regularly purchases financial instruments from or sells financial instruments to customers in the ordinary course of a trade or business, or

"(B) regularly offers to enter into, assume, offset, assign, or otherwise terminate positions in financial instruments with customers in the ordinary course of a trade or business.

"SEC. 10035. OTHER SPECIAL RULES.

"(a) EXCHANGES CLASSIFIED BY CONSIDERATION GIVEN.—For purposes of this chapter—

"(1) an exchange of property for property or services is treated as a sale of property, and

"(2) an exchange of services for property or services is treated as a sale of services,

without regard, in either instance, to whether other consideration is received.

"(b) SPECIAL RULE WHERE SALE OF PROPERTY INCLUDES INCIDENTAL SALE OF SERVICES.—For purposes of this chapter, if in connection with the sale of any property there is an incidental sale of services, such sale of services shall be treated as part of the sale of such property.

"(c) SPECIAL RULE WHERE SALE OF SERVICES INCLUDES INCIDENTAL SALE OF PROPERTY.—For purposes of this chapter, if in connection with the sale of any services there is an incidental sale of property, such sale of property shall be treated as part of the sale of such services.

"Subchapter E—Refunds; Small Business Exemption

"Sec. 10041. Refund for excess business purchase periods.

"Sec. 10042. Small business exemption.

"SEC. 10041. REFUND FOR EXCESS BUSINESS PURCHASE PERIODS.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by section 10001 for any taxable period an amount equal to the amount determined under subsection (b), multiplied by the tax rate provided in section 10001 in effect for such period.

"(b) DETERMINATION OF AMOUNT.—

"(1) IN GENERAL.—For purposes of subsection (a), the amount determined under this subsection for any taxable period is the amount by which—

"(A) the business purchases of any person for a taxable period, exceed

"(B) the gross receipts of that person for such period.

"(2) GOVERNMENTAL ENTITIES.—For purposes of paragraph (1), the business purchases of a governmental entity subject to tax under this chapter for a business activity shall be reduced by the amount of any subsidy provided for that activity. For purposes of this paragraph, the term 'subsidy' includes the value of property or services used in such activity for which no amount was paid or incurred, together with any amounts paid or obligated from appropriated funds (except to the extent that such funds represent operating revenues or other receipts from the activity).

"(c) REFUND OR CREDIT OF AMOUNT.—The amount of the credit allowed under subsection (a) for any taxable period is treated as an overpayment of the tax imposed by section 10001 for that taxable period.

"SEC. 10042. SMALL BUSINESS EXEMPTION.

"(a) EXEMPTION.—Except as provided in subsection (b), if the aggregate amount of gross receipts of any person for any taxable period and the 3 preceding taxable periods does not exceed the exemption amount, no tax shall be imposed under this chapter (and no credit shall be allowed under section 10041) for the taxable period.

"(b) EXCEPTIONS.—

"(1) PERSON MUST ALWAYS BE EXEMPT.—Subsection (a) shall not apply to any person for a taxable period unless the person was exempt from the tax imposed by this chapter for all preceding taxable periods.

"(2) ELECTION.—Subsection (a) shall not apply to any person for a taxable period if the person elects not to have subsection (a) apply for the taxable period.

"(c) STATEMENTS.—A person to which this section applies for any taxable period shall file a statement containing such information as the Secretary may prescribe.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) EXEMPTION AMOUNT.—The term 'exemption amount' means $100,000 (or an equivalent amount if the taxable period is not a calendar quarter).

"(2) PERSONS NOT ENGAGED IN BUSINESS FOR ENTIRE PERIOD.—If a person was not engaged in a business activity for the entire period referred to in subsection (a), such subsection shall be applied on the basis of the period the person was so engaged.

"(3) PREDECESSORS.—Any reference in this section to a person shall include a reference to any predecessor of the person.

"Subchapter F—Definitions

"Sec. 10051. Definitions.

"SEC. 10051. DEFINITIONS.

"For purposes of this chapter—

"(1) SALE OF SERVICES.—The term 'sale of services' means the performance of services for consideration, and includes—

"(A) the granting of the right to use property, whether tangible or intangible, for consideration, and

"(B) the granting of a right to the performance of services or to reimbursement (including the granting of warranties, insurance, and similar items) for consideration.

"(2) SALE OF PROPERTY.—The term 'sale of property' means the transfer of ownership of property from a seller to a purchaser for consideration.

"(3) PROPERTY.—The term 'property' means any tangible or intangible property, other than money or any financial instrument.

"(4) BUSINESS.—The term 'business' includes any activity carried on continuously or regularly, whether or not for profit, that involves or is intended to involve the sale of property or services.

"(5) BUSINESS PROPERTY OR SERVICE.—The term 'business property or service' means any property or service the sale of which by the owner or provider thereof would be a business activity or which is used by the owner or provider in a business activity.

"(6) EMPLOYEE.—The term 'employee' has the same meaning as when such term is used for purposes of chapter 24 (relating to withholding).

"(7) PERSON.—The term 'person' has the meaning given such term by section 7701(a)(1), but also includes any governmental entity.

"(8) UNITED STATES.—The term 'United States', when used in a geographic sense, includes the customs territory of the United States (as defined in General Headnote 2 of the Harmonized Tariff Schedules of the United States) and any area seaward of the States lying within the outer boundaries of the outer continental shelf (as defined in section 1331 of title 43, United States Code).

"(9) GOVERNMENTAL ENTITY.—The term 'governmental entity' means the United States, any State or political subdivision thereof, the District of Columbia, a Commonwealth or possession of the United States, or any agency or instrumentality of any of the foregoing.

"(10) EXEMPT ORGANIZATION.—The term 'exempt organization' means any organization exempt from taxation under section 501 (c) or (d).

"(11) FINANCIAL INSTRUMENT DEFINED.—The term 'financial instrument' means any—

"(A) share of stock in a corporation,

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust,

"(C) note, bond, debenture, or other evidence of indebtedness,

"(D) interest rate, currency, or equity notional principal contract,

"(E) evidence of an interest in, or a derivative financial instrument in, any financial instrument described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a financial instrument or currency, and

"(F) position which—

"(i) is not a financial instrument described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a financial instrument, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

"(12) USE INCLUDES HELD FOR USE.—Property or services held for use by any person shall be treated as used by that person.

"Subchapter G—Administration

"Sec. 10061. Liability for tax.

"Sec. 10062. Time for filing return; taxable period.

"Sec. 10063. Treatment of related businesses.

"Sec. 10064. Secretary to be notified of certain events.

"Sec. 10065. Regulations.

"SEC. 10061. LIABILITY FOR TAX.

"The person selling or importing property or services shall be liable for the tax imposed by section 10001.

"SEC. 10062. TIME FOR FILING RETURN; TAXABLE PERIOD.

"(a) FILING RETURN.—Before the sixteenth day of the second calendar month beginning after the close of each taxable period, each person subject to tax under this chapter shall file a return of the tax imposed by section 10001 for such taxable period.

"(b) TAXABLE PERIOD.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'taxable period' means a calendar quarter, except that if a taxpayer has a taxable year under chapter 1 other than the calendar year, then such term means a quarter of that taxable year.

"(2) OTHER PERIODS.—To the extent provided in regulations, the term 'taxable period' includes a period selected by a person other than a calendar quarter.

"(3) AUTHORITY TO SHORTEN LENGTH OF TAX PERIOD.—The Secretary may shorten the length of a person's taxable period under this subsection to the extent the Secretary deems such action necessary to protect the revenue.

"SEC. 10063. TREATMENT OF RELATED BUSINESSES.

"(a) GENERAL RULE.—For purposes of this chapter—

"(1) AFFILIATED GROUPS AND BUSINESSES UNDER COMMON CONTROL.—Except to the extent otherwise provided in regulations—

"(A) an affiliated group of corporations (as defined in section 1504(a) without regard to paragraphs (2), (4), and (7) of section 1504(b)), or

"(B) two or more businesses (whether or not incorporated) under common control within the meaning of section 52(b) and the regulations thereunder,
shall be treated as one person.

"(2) CONTROLLED GROUP.—A controlled group of corporations, as defined in section 1563(a) (determined without regard to the second sentence of paragraph (4) of such section and without regard to section 1563(e)(3)(C)), may elect to be treated as one person.

"(b) RELATED PARTY TRANSACTIONS.—For purposes of this chapter, transactions in the United States between corporations or other businesses that are treated, or that may elect to be treated, as one person under subsection (a) shall not be taken into account in computing the gross receipts or business purchases of any such corporation or business.

"SEC. 10064. SECRETARY TO BE NOTIFIED OF CERTAIN EVENTS.

"To the extent provided in regulations, each person engaged in a business shall notify the Secretary (at such time or times as may be prescribed by regulation) of—

"(1) any change in the form in which the business is conducted, and

"(2) any other change that might affect—

"(A) the liability for the tax imposed by section 10001,

"(B) the amount of such tax or any credit against such tax, or

"(C) the administration of such tax in the case of such person.

"SEC. 10065. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter."

SEC. 302. REFUND AUTHORITY.

Section 6402 (relating to authority to make credits or refunds) is amended by designating subsection (h) as subsection (j) and by inserting after subsection (g) the following new subsection:

"(h) REPAYMENT OF BUSINESS ACTIVITIES TAX.—Within 45 days after the date on which a business activities tax return is filed pursuant to section 10062 showing an overpayment, the Secretary shall make, to the extent the Secretary deems practical, a limited examination of the return to discover omissions and errors of computation, and shall determine the amount of the overpayment, if any, for the taxable period to which the return relates and refund the amount of such overpayment to the person who filed the return."

TECHNICAL OVERVIEW—THE COMPREHENSIVE TAX RESTRUCTURING AND SIMPLIFICATION ACT OF 1994

INTRODUCTION TO THE TECHNICAL EXPLANATION OF THE COMPHRENSIVE TAX RESTRUCTURING AND SIMPLIFICATION ACT OF 1994

The Comprehensive Tax Restructuring and Simplification Act of 1994 eliminates over $400 billion of business and individual income taxes and payroll taxes. To replace this revenue, the package enacts a Business Activities Tax (BAT). The BAT is a tax on all businesses that sell goods or services in the U.S. economy. The tax is designed to be simple to compute and to administer, and it allows a company to use the sales and purchase data that it already keeps for its own financial reporting purposes. Generally, a company will determine its gross receipts from the sale of goods and services and its gross purchases of goods and services that it uses in its business. By subtracting purchases from sales, the company computes the value of its business activity. A single rate of 14.5 percent will be applied to that value to determine the tax due.

The BAT base therefore will equal the sum of the company's payments for the labor services (wages, salaries, fringe benefits, etc.) and the capital services (interest to creditors and profits to owners) that allow the company to convert its purchased inputs into the more valuable outputs that it sells. Moreover, the BAT operates according to the destination principle, that is, the tax applies only to goods and services that are used or consumed in the United States. Under the provisions of GATT, the BAT is a border-adjustable, indirect tax that can be removed from U.S. exports before they enter the stream of world commerce and that can be levied on imports that come into our deomstic market.

The BAT applies to a very broad base of producers of goods and services so that it is as economically neutral as possible. Neutrality is essential so that business decisions are based not on the tax consequences of an action, but on efficiency and productivity concerns. The tax is neutral as well in its treatment of debt and equity financing; by eliminating the deduction for interest, debt-financing is no longer tax-favored.

The BAT applies a single-rate of 14.5 percent and contains virtually no exemptions.

Multiple rates and exemptions significantly increase the complexity of a tax system. For example, a May 1993 IRS study on implementing a federal value-added tax system concluded that the cost and difficulty of administering a tax would be directly dependent on the complexity of the system and urged that "it is imperative to the interests of both taxpayers and the government that [such] legislation be kept as simple as possible."

Finally, it is important to note that the legislation assumes that the BAT is fully phased in. The drafters have not attempted to address the difficult transition questions that such extensive reform necessarily entails. The intention behind the Comprehensive Tax Restructuring and Simplification Act of 1994 is to detail the changes in the current tax system that are required to encourage savings and investment, increase productivity and efficiency, and renew our ability to compete internationally. Only after we have reached a consensus as to the goal of tax reform, and the appropriate means to achieve such goal, should we resolve the issues raised by the transition to such a system. In other words, we have to know where we are going, before we know the best way to get there.

TECHNICAL EXPLANATION OF THE COMPREHENSIVE TAX RESTRUCTURING AND SIMPLIFICATION ACT OF 1994

Title I.—Repeal of the corporate income tax

In general

The bill generally would repeal the corporate income tax.[1] Unincorporated businesses would be allowed to elect to be treated as a corporation. The bill would provide a corporate-level passive investment tax to discourage the avoidance of the individual income tax by amassing passive investments in corporate form. In addition, in order to provide simplification, the bill would change the income tax treatment of distributions from corporations.

Election to be treated as a corporation

Under the bill, the earnings of both incorporated and unincorporated businesses would be subject to both the Business Activities Tax ("BAT", described in detail below) and the individual income tax. All businesses would be subject to BAT as they engage in taxable business activities. However, the timing of the imposition of the individual income tax may vary depending on the form of entity. As under present law, in the absence of the election described below, the earnings of a business other than a C corporation would be subject to the individual income tax as its taxable income is earned, while the earnings of a C corporation would not be subject to the individual income tax until such earnings are distributed.

So that the changes made by the bill do not distort an individual's choice as to the form of entity through which to conduct a trade or business, the bill provides an election for a business that is not a C corporation to be treated as a domestic C corporation. Under the election, each owner of an equity interest in the business would be treated as a shareholder of a corporation in proportion to such interest. The Secretary of the Treasury would provide regulations for the application of the appropriate subchapter C rules to distributions, liquidations, organizations, and reorganizations of electing unincorporated businesses. The election to be treated as a corporation (and as shareholders of a corporation) would not apply for purposes of determining the treatment of employee fringe benefits.[2]

The election to be treated as a corporation would be made in the manner prescribed by the Secretary of the Treasury and would remain in effect until revoked. Elections and revocations would be required to be made within two and a half months after the close of the taxable year for which they would apply. If a business revokes its election to be treated as a corporation, it must receive the consent of the Secretary of the Treasury in order to once again make the election.

Passive investment tax

Operation of the passive investment tax

The bill would impose a tax (the "passive investment tax") on a C corporation for a taxable year if the corporation has nonbusiness gross income in excess of a threshold amount for the year.[3] The amount of the passive investment tax would be determined by multiplying the nonbusiness gross income of the corporation by the highest individual income tax rate for the taxable year.[4] A taxpayer would not be allowed to offset its passive investment tax liability with any of the various tax credits allowed under the income tax (other than the credit for the overpayment of tax).

For this purpose, "nonbusiness gross income" would mean the gross income of the corporation other than gross income from a business activity (determined in the same as under the BAT).[5] Thus, nonbusiness gross income generally would be that gross income that is not subject to the BAT (as well as gross income that is not subject to the BAT because it relates to an export sale or certain nontaxable transactions) and generally would be dividends, interest, capital gains and other income from the corporation's passive investments.[6] Nonbusiness gross income for the taxable year would be reduced by the aggregate amount of any distributions by the corporation to its shareholders with respect to its stock that are made: (1) during the taxable year and (2) during the first 45 days after close of the taxable year, so long as the distributions are designated by the corporation as relating to the prior taxable year. Any distribution described in (2) would: (1) not be treated by the corporation as again reducing nonbusiness gross income in the year of the actual distribution and (2) be treated as received by the recipient shareholder for the shareholder's taxable year that includes the last day of the taxable year of the distributing corporation.

A corporation would exceed the threshold amount for a taxable year if the percentage determined by dividing the corporation's nonbusiness gross income by its gross income exceeds the applicable working capital percentage. The "applicable working capital percentage" would be a percentage determined by the Secretary of the Treasury that, based on the best information available, represents the ratio that the: (1) average nonbusiness gross income of corporations that is derived from assets held to provide reasonably required working capital bears to (2) average gross income. The Secretary may prescribe more than one applicable working capital percentage to reflect differences in industries, size, or other factors that affect reasonably required working capital. It is expected that a corporation that conducts more than one trade or business would be allowed to compute and apply its applicable working capital percentage on a business segment or blended basis. In addition, the Secretary may prescribe aggregation rules that provide for the treatment of two or more persons as one person to the extent necessary to carry out the purposes of the passive investment tax.[7]

The passive investment tax would not apply to start-up companies or companies changing their businesses under certain circumstances.[8] Specifically, the passive investment tax would not apply to a corporation for the first taxable year it has gross income if: (1) no predecessor of the corporation was subject to the tax; (2) it is established to the satisfaction of the Secretary of the Treasury that the corporation will not be subject to the tax for the first two years following its first taxable year; and (3) the corporation, in fact, is not subject to the tax for such two years. In addition, the passive investment tax would not apply to a corporation for any taxable year if: (1) neither the corporation nor its predecessor was subject to the tax in a prior year; (2) it is established to the satisfaction of the Secretary of the Treasury that substantially all the nonbusiness gross income of the corporation for the year is attributable to proceeds from the disposition of one or more active trades or businesses and that the corporation will not be subject to the tax for the first two years following the taxable year; and (3) the corporation, in fact, is not subject to the tax for such two years.[9]

Amounts subject to the passive investment tax would be subject to the individual income tax when distributed to individual shareholders. Accordingly, the bill would not establish a "previously taxed income" account or a shareholder credit mechanism to reflect the fact the distributed income had been subject to the passive investment tax.

Rationale for the passive investment tax

Because the bill would repeal the corporate income tax but retain the individual income tax, individuals would have an incentive to avoid or defer a portion of their income tax liability by placing passive investments in corporate form or by having corporations reinvest (rather than distribute) business earnings in passive investments. The passive investment tax is intended to address these situations by applying an individual income tax-based tax (the "passive investment tax") upon corporate passive earnings when such earnings are in amounts in excess of the reasonable business needs of the corporation. The bill directs the Secretary of the Treasury to develop appropriate working capital ratios in order to determine when a corporation has amassed too many passive investments. Although the development of these ratios may be difficult and may be criticized as not applicable to any particular case, it is believed that this "working capital approach" is superior to similar approaches contained in the present-law income tax.[10] For example, the accumulated earnings tax applies a tax based on the individual income tax on corporate earnings and profits that are accumulated beyond the reasonable needs of the business, unless the taxpayer proves that such accumulation was not done for tax avoidance purposes. Thus, the accumulated earnings tax generally is applied on a case-by-case basis; such application creates administrative complexity. Conversely, the passive foreign investment company (PFIC) rules apply mechanical tests to determine when a corporation has excessive passive investments in order to remove the benefits of deferral of U.S. tax on income earned through certain foreign corporations. The PFIC rules apply if: (1) 75 percent or more of the gross income of the foreign corporation is passive income or (2) 50 percent or more of the average value of the corporation's assets produce, or are held to produce, passive income.[11] The bill tries to strike a balance between a tax that is administered on a case-by-case basis and one that provides a "one size fits all" approach. We invite comments on the need to develop, and the ability to administer, a corporate-level tax on excessive passive investment.

Treatment of corporate distributions

The bill changes the treatment of distributions with respect to corporate stock. In general, all distributions made by a corporation to a shareholder with respect to its stock would be treated as ordinary income by the shareholder. This general rule would not apply to any distribution: (1) that is pursuant to a plan of full or partial liquidation of the corporation; (2) that is in complete redemption of all a shareholder's stock in the corporation; (3) that does not constitute a dividend because of insufficient corporate earnings and profits, in the case of a corporation that maintains an adequate account of its earnings and profits; or (4) that represents a return of capital to the extent the distribution does not exceed the shareholder's contributions to capital during the 60-day period ending with the date of the distribution. These exceptions do not apply to the special post-yearend distribution that a corporation designates as being made in its prior year.

These changes to the treatment of distributions with respect to corporate stock are intended to provide simplification. For a corporation, the bill replaces the corporate income tax with the BAT. The corporate income tax and the BAT have as their bases different measures of economic activity[12] and many of the records that a corporation must maintain under the income tax may become unnecessary under the BAT. One such recordkeeping requirement relates to "earnings and profits."[13] Thus, the bill generally repeals the present-law earnings and profits requirement.[14] A corporation could electively retain the present-law earnings and profits requirement by maintaining the records necessary to determine its earnings and profits. It is expected that the Secretary of the Treasury would provide guidance so that a corporation may determine when it has met its burden for maintaining the required earnings and profits records.

The bill would also repeal the "not essentially equivalent to a dividend" and disproportional distribution exceptions of sections 302(b)(1) and (2) of present law. Although the replacement of the corporate income tax with the BAT does not implicate these exceptions, the repeal of these rules will provide simplification because it: (1) eliminates what under present law are difficult determinations and (2) allows the treatment of corporate distributions to be determined and reported at the corporate, rather than the individual shareholder, level (other than with respect to distributions that are in complete redemption of the shareholder's interest in the corporation).

Despite the desire to achieve simplification and uniformity with respect to corporate distributions, it may be considered unfair to apply "per se" dividend treatment in certain cases. Thus, the bill does not treat all corporate distributions with respect to stock as dividends. Distributions received in full or partial liquidation of a corporation[15] and distributions that result in the full redemption of the shareholder's interest in the corporation would continue to be treated as under present law.[16] In addition, a distribution to a shareholder within a reasonable time of the shareholder's contribution of capital to the corporation would be treated as a non-taxable return of such capital.

Further, the bill is not intended to change present law as to whether or when distributions are taxable. Thus, for example, proportionate stock distributions would continue to be excluded from gross income (sec. 305(a)), while certain redemption premiums would continue to be taken into account on an accrual basis (sec. 305(c)).

Technical and conforming amendments

The bill would require the Secretary of the Treasury to submit to Congress such technical and conforming changes as are necessary to implement the amendment made by this title of the bill. The submission would be due no later than six months after the date of enactment of the bill and would include legislation implementing these changes. Examples of technical and conforming changes could include repeal of subchapter S of the Code and those provisions of the alternative minimum tax that apply to corporations. Other income tax rules that currently apply to both corporations and individuals (e.g., the Modified Accelerated Cost Recovery System of sec. 168 of the Code) generally would be retained since the bill would not repeal the individual income tax.

Title II.—Tax Relief for Individuals

Reduction in OASID payroll tax rate

The bill would reduce the payroll tax rate for both employers and employees for Old-Age, Survivors and Disability Insurance from 6.2 percent to 3.1 percent. In the case of self-employed individuals, the corresponding tax rate would be reduced from 12.4 percent to 6.2 percent. Some portion of revenues from the BAT would be transferred to the old-age and survivors insurance and disability insurance trust funds to compensate for the reduction in trust fund revenues caused by the reduction in the payroll tax rates.

Extra standard deduction

The bill would allow an extra standard deduction for individuals who do not itemize their deductions. The extra standard deduction would be $8,650 for married individuals filing joint returns, $7,600 for heads of household, $5,200 for single individuals, and $4,325 for married individuals filing separate returns. This extra standard deduction would be allowed in addition to the basic standard deduction and the additional standard deduction for the aged and the blind. For a taxpayer claiming both the basic standard deduction and the extra standard deduction, the total standard deduction at 1994 levels would be $15,000 for married individuals filing joint returns, $13,200 for heads of household, $9,000 for single individuals, and $7,500 for married individuals filing separate returns.

The extra standard deduction would be phased out ratably for taxpayers with adjusted gross income (AGI) in the following ranges: $45,000–$88,250 for married individuals filing joint returns, $37,000–$75,000 for heads of household, $27,000–$53,000 for single individuals, and $22,500–$44,125 for married individuals filing separate returns.

The amount of the extra standard deduction and the phaseout ranges are expressed in 1994 dollars and would be indexed for inflation.

Business activities tax credit

In general

The bill would allow individuals a refundable credit against the income tax equal to the rate of the BAT times the individual's AGI (up to certain limits). The maximum amount of AGI eligible for the credit would be $9,500 for married individuals filing joint returns, $7,900 for heads of household, $5,700 for single individuals, and $4,750 for married individuals filing separate returns. With a BAT rate of 14.5 percent, the maximum credit would be $1,378 for married individuals filing joint returns, $1,146 for heads of household, $827 for single individuals, and $689 for married individuals filing separate returns.

The credit would be phased out at a 20 percent rate for taxpayers with "modified AGI" in excess of the following amounts: $15,000 for married individuals filing joint returns, $13,200 for heads of household, $9,000 for single individuals, and $7,500 for married individuals filing separate returns. With a BAT rate of 14.5 percent, the credit would be phased out ratably for taxpayers with "modified AGI" in the following ranges: $15,000–$21,888 for married individuals filing joint returns, $13,200–$18,928 for heads of household, $9,000–$13,133 for single individuals, and $7,500–$10,944 for married individuals filing separate returns. Modified AGI would be defined as AGI determined (1) without regard to deductions for individual retirement arrangements (IRAs), simplified employee pension plans (SEPs) or Keogh plans, or to exclusions for foreign income, income from the possessions and educational savings bonds, and (2) by adding in tax-exempt interest and the portion of Social Security benefits not otherwise included in AGI.

The AGI limits and the beginnings of the phaseout ranges are expressed in 1994 dollars and would be indexed for inflation.

Advance payment

An individual would be eligible to receive the business activities tax credit on an advanced basis similar to that available for the earned income tax credit. An individual would be required to provide a BAT eligibility certificate to his or her employer that (1) certifies he or she is eligible for the BAT credit, (2) certifies that he or she does not have a BAT eligibility certificate in effect for that year with another employer, (3) states whether the individual's spouse has a BAT eligibility certificate in effect, (4) estimates the individual's AGI and modified AGI.

Title III.—Business Activities Tax

In general; definitions of key terms

In the case of any person engaged in business activities, the bill imposes a tax (the "Business Activities Tax," or "BAT") equal to 14.5 percent of the taxable amount for the taxable period. The "taxable amount" generally is the amount by which the taxpayer's gross receipts from business activities exceed the taxpayer's business purchases for the taxable period. If the taxpayer's business purchases exceed its gross receipts for the taxable period, the taxpayer generally would be entitled to a refund equal to 14.5 percent of the excess.

"Business activity"

"Business activity" means (1) the sale of property or services in the United States by any person in connection with a business;[17] (2) the import of property or services into the United States (whether or not in connection with a business); and (3) the export of property or services from the United States in connection with a business.[18] "Business activity" would also include the provision of financial intermediation services.[19] "Business" includes any activity carried on continuously or regularly, whether or not for profit, that involves or is intended to involve the sale of property or services. The "sale of property" means the transfer of ownership of property from a seller to a purchaser for consideration.[20] The "sale of services" means the performance of any service, including the granting of the right to use tangible or intangible property for consideration and the granting of a right to the performance of services or to reimbursements (including the granting of warranties, insurance, and similar items) for consideration. The following are not "business activities": (1) the performance of services by an employee for an employer and (2) any import of an article that is free of duty under chapter 98 of the Harmonized Tariff Schedule of the United States.

"Taxable amount"

The "taxable amount" is the amount by which the taxpayer's gross receipts from business activities exceed the taxpayer's business purchases for the taxable period. In the case of imported property or services, the "taxable amount" is the sum of: (1) the amount paid or incurred for the property or services, plus (2) any amounts paid or incurred for the transportation of imported property (if such costs are not included in the amount paid for the property).

"Gross receipts"

"Gross receipts" means all receipts from a business activity. The amount treated as gross receipts from the exchange of property or services is the fair market value of the property or services, plus any money, received. Gross receipts includes: (1) any excise tax, sales tax, customs duty, or other separately stated levy imposed by the Federal, a State, or a local government on property or services sold in a business activity and received and collected by the seller in connection with the sale, other than Federal excise taxes imposed by chapters 31, 32, 33, 34, 35, 36, 39, 51, 52, or 53 of the Internal Revenue Code of 1986; and (2) the proceeds of property and casualty insurance for losses in connection with business property or services.

If a taxpayer issues a post-sale price adjustment attributable to a sale, the gross receipts from which were taken into account in a prior taxable period, then the amount of the adjustment would be treated as a reduction in gross receipts for the taxable period in which the adjustment is issued.[21] For this purpose, "post-sale price adjustment" means a refund, rebate, or other price allowance attributable to a sale of property or services. If the reduction in gross receipts for the period exceeds the amount of gross receipts for the period, such excess would be treated as a business purchase.

"Gross receipts" would not include any gross receipts from an applicable nontaxable transaction except to the extent attributable to money or other property (i.e., "boot") received in the transaction. "Applicable nontaxable transaction" means any transaction: (1) to which sections 332, 351, 368, or 721 applies, or (2) which is specified by the Secretary of the Treasury and with respect to which gain would not be recognized in whole or in part for Federal income tax purposes.[22]

"Business purchases"

"Business purchase" means any amount paid or incurred to purchase property or services for use in a business activity other than: (1) any amount paid or incurred as current or deferred compensation to employees, or employee benefits; (2) interest or insurance premiums (other than premiums for property or casualty insurance); or (3) other implicit financial intermediation fees; and (4) amounts the payment of which is unlawful under Federal, State, or local law. Business purchases include any excise tax, sales tax, customs duty, or other separately stated levy imposed by the Federal, a State, or a local government on property or services purchased for use in a business activity. Under a special rule, business purchases would include certain implicit intermediation services provided by a financial intermediary for which the purchaser receives notice of the amount of these services.[23] The amount treated as paid or incurred for business purchases in connection with the exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

If a taxpayer receives a post-sale price adjustment attributable to a business purchase that was taken into account in a prior taxable period, then the amount of the adjustment would be treated as a reduction in business purchases for the taxable period in which the adjustment is received. If the reduction in business purchases for the period exceeds the amount of business puchases for the period, such excess would be treated as a gross receipt.

Treatment of imported and exported goods and services and international transportation services

In general

The BAT generally is based on the destination principle. That is, goods and services are subject to tax in the country in which they are used rather in their country of origin. Under the destination principle, imported goods and services are subject to tax while exported goods and services are not. In this way, all locally-consumed goods and services bear the same tax burden, regardless of their origin. Likewise, locally-produced goods and services may be exported free of local tax, but may face tax in the country of destination if such country also operates under the destination principle.

Treatment of imported goods and services

Under the bill "business activity" includes the import of property or services into the United States for use or consumption within the United States, whether or not in connection with a business. The taxable amount with respect to imported property or services is the sum of: (1) the amount paid or incurred for the property or services, plus (2) any amounts paid or incurred for the transportation of imported property (if such costs are not included in the amount paid for the property).[24] Thus, individual (non-business) consumers that import property or services into the United States would be subject to the BAT on such import (unless such property was an article that would be free of duty under chapter 98 of the Harmonized Tariff Schedule of the United States).

Taxpayers that import property or services into the United States for use in a business activity would be allowed to deduct, as a business purchase, the taxable amount described above with respect to the imported property or services, plus the amount of BAT payable with respect to the import of the property or services.[25] A business purchase deduction would not be allowed for a property or service that is imported for use other than in a business activity.

The taxation of imported property and services raises certain administrative concerns. Procedures must be established to ensure that taxpayers report the importation of goods and services as taxable business activities and that the Federal tax authorities can trace such activities. These issues are of less concern with respect to taxpayers that are otherwise subject to the BAT with respect to a trade or business conducted in the United States because such taxpayers: (1) should be familiar with the operation of the tax; (2) would generally file periodic BAT returns subject to review; and (3) would be expected to maintain the documentation that discloses the import activity in order to claim a business purchase deduction for the imported good or service. However, taxpayers that import goods or services but are not otherwise subject to the BAT (i.e., nonbusiness consumers) present deeper concerns. Such taxpayers may not be aware of their BAT responsibilities or may attempt to evade the tax. Taxation of imported property may be enforced by levying the BAT at the place of import through the U.S. Customs Service. Imported services may be more difficult to identify and subject to tax. Other countries that impose consumption-based value-added taxes based on the destination principle have also confronted these issues and have responded in various ways. We invite comments on how to best administer the BAT with respect to goods and services imported by both businesses and consumers.

Treatment of exported goods and services

Under the bill, "business activity" includes the export of property or services from the United States in connection with a business. However, the gross receipts of a taxpayer engaged in an exporting business activity would not include amounts received by the taxpayer for property or services exported from the United States for use or consumption outside the United States.[26] Thus, taxpayers that engage in the export of goods or services generally would receive BAT refunds because such taxpayers would not have taxable gross receipts but would have deductible business purchases with respect to such activity. Under a special rule, if property or services are sold for export to a governmental entity or exempt organization and are exported other than in a business activity of such entity or organization, then the seller of the property or service to the entity or organization would be treated as the exporter.

Under the BAT, taxpayers have an incentive to classify their sales of goods or services as nontaxable exports. As in the case of imports, it may be appropriate to elicit the services of the U.S. Customs Service in the determination of which goods are being exported and by whom. However, the determination of the extent to which services performed by taxable persons within the United States are being used outside the United States presents difficulties of identification and allocation (where the services are used both within and without the United States). We invite comments on to this issue.

Treatment of international transportation services

"Gross receipts" would not include receipts from the transportation of property: (1) exported from the United States or (2) imported into the United States. Transportation related to exported goods are not subject to the BAT for the same reason exported goods are not subject to BAT under the destination principle. The provision of transportation services with respect to imported goods would not be subject to the BAT because such services are considered to be a portion of the taxable amount of the underlying good (i.e., the person importing a good is subject to the BAT with respect to the related transportation cost rather than the person who performs the transportation service).

"Gross receipts" would include receipts from the transportation of passengers from outside the United States to a destination in the United States, but would not include receipts from the transportation of passengers from the United States to a destination outside the United States. "Business purchases" would include amounts paid or incurred in a business activity for the transportation of passengers from outside the United States to a destination in the United States, but would not include amounts paid or incurred in a business activity for the transportation of passengers from the United States to a destination outside the United States.

"Business purchases" would not include amounts paid or incurred for the transportation of property exported from the United States. "Business purchases" also would not include amounts paid or incurred for the transportation of property imported to the United States unless such receipts are not taken into account in computing the taxable amount with respect to the imported property.[27]

Accounting methods

In computing its taxable amount under the BAT, a taxpayer generally may use the cash receipts and disbursements method, an accrual method, or any other method permitted by the Secretary of the Treasury. All persons that are members of the same controlled group would be required to use the same method of accounting. It is expected that the taxpayer's method of accounting must be consistently applied and may only be changed with the permission of the Secretary.

The BAT departs from several income tax concepts. Principally, under the income tax, the cost of property that has a useful life that extends beyond one year must be capitalized and amortized; under the BAT, such costs are "expensed". Thus, a taxpayer's method of accounting under the BAT primarily will be used to determine in which taxable periods the taxpayer's sales and purchases took place and should be taken into account.

Except as described below, the BAT allows taxpayers a choice of accounting methods so as not to impose potential recordkeeping burdens that the required use of a single, specified method may entail. It is expected that most taxpayers would use a method of accounting for the BAT that corresponds to a method that is used for non-tax purposes, primarily for financial accounting purposes.[28] However, the Secretary of the Treasury will be allowed to change a taxpayer's method of accounting if such method does not clearly reflect the taxpayer's gross receipts or business purchases.[29]

The BAT provides specific accounting method rules in two instances. First, taxpayers may not use the installment method to report gross receipts from the sale of property. Thus, even if a taxpayer that sells property pursuant to an installment plan elects the cash receipts and disbursements method as its overall method of accounting for BAT purposes, the taxpayer will be required to report gross receipts from such sales on an accrual method.

The denial of the use of the installment method and the fact that the BAT generally is not imposed on interest received by a business (unless that business is a financial intermediary, as described below) raises certain concerns. A taxpayer that sells property pursuant to an installment plan should not be able to avoid the BAT by characterizing a significant portion of the installment payments it receives as non-taxable interest. Rules similar to those contained in the present-law income tax system may be necessary to reach this result under the BAT.[30] A similar issue of characterization relates to the fact that interest receipts are treated differently depending on whether the taxpayer's business activity is treated as a financial intermediation service. Sellers of goods on the installment plan may derive a significant portion of their "profit" from the provision of credit to their customers. An issue that arises in these cases is whether these taxpayers should be treated as engaging in two separate business activities—the sale of goods as well as financial intermediation services. Similar questions arise with respect to retailers that issue their own credit cards to consumers.

The BAT also provides special accounting method rules with respect to property produced pursuant to long-term contracts (as defined in section 460(f) of the Code). A seller of property would be required to use the percentage-of-completion method in computing its gross receipts.[31] The purchaser of property produced pursuant to a long-term contract would compute its business purchases with respect to the property by using the cash receipts and disbursements method of accounting (i.e., the business would be allowed deductions as it makes payments pursuant to the contract).

The nature of long-term contracts requires the special rules described above. The cash method does not properly reflect the amount of "value added" by the producing seller in any accounting period. Allowing producers to report gross receipts under the cash method could allow for a significant deferral of BAT when payments under the contract are back-end loaded. Theoretically, purchasers under long-term contracts should be allowed business purchase deductions as value is added to the property produced under the contract. However, synchronizing the accrual treatment of buyers and sellers under long-term contracts would require the sharing of the seller's cost information with the buyer. Thus, the BAT would prescribe the use of an accrual method by the seller and the cash method by the buyer.

Treatment of financial services

In general

The bill would impose the BAT on the provision of financial intermediation services. Special rules would apply to determine the taxable amount derived from financial intermediation services. In addition, the bill would permit the business user of financial intermediation services to deduct as business purchases any stated fees for such services and any implicit fees allocated and reported to it by the financial intermediary. This would prevent the cascading of BAT when financial intermediation services are used in connection with a business.[32] The bill would provide a method (and reporting mechanism) for allocating the value of financial intermediation services among users of the services.

The need for a special regime

Like other services, financial intermediation services add value to the economy. Unlike other services where the price is often clearly specified, however, the value of financial intermediation services is not easily determined. Typically, the charge for financial intermediation services is blended with other elements of the transaction. For example, financial institutions provide financial intermediation services by pooling the funds provided by depositors[33] and making them available to borrowers. These institutions often do not charge explicit fees to the depositors and borrowers; rather, the institutions are compensated for the financial intermediation services by the spread between the interest rates charged on loans and the interest rates paid to depositors. For other financial services, financial institutions may charge separate fees, but such fees do not necessarily represent the actual value of the particular services rendered. For example, banks often offer low or no cost checking services to customers who maintain a minimum balance in their checking accounts.

Similarly, a life insurance provider generally charges no explicit fee for its services. Instead, the provider receives premiums, generally only a small part of which comprises a fee to the provider.[34] Investment returns on the premiums also may cover a portion of the cost to policyholders of the insurance service (as evidenced by a lower rate of return being credited to policyholders and the remaining return on investment going to the insurance provider).[35] Thus, the value of the financial intermediation services that should be subject to tax is the "spread" between the premiums and financial earnings of the provider and the claims and cash surrender values paid by the provider.

These difficulties in ascertaining the actual cost to consumers of financial intermediation services have led most countries that impose a consumption-based value added tax to exempt financial intermediation services.[36] Recently, for two principal reasons, this exemption has been widely criticized by both commentators and the providers of financial services.

First, for reasons of economic efficiency and equity, commentators argue that financial services should be included in the base of any consumption-based value added tax and should be taxed at the rate that generally applies to ordinary goods and services.[37] This treatment would maintain economic neutrality and prevent the tax system from favoring or disfavoring financial services over other goods and services. If one type of service is subject to tax, but another is not, the tax system distorts the relative values of the services to consumers, which, in turn, distorts the consumers' choices.

Second, exemption may be disadvantageous to taxpayers where financial intermediation services are provided to business customers. Under the value added tax systems in other countries, exempting financial services from tax means that financial institutions are not considered taxpayers, and consequently may not claim any refunds of the tax they may have paid on business purchases. Business customers of exempt financial institutions, in turn, are not allowed to treat as a business purchase any amounts paid to the exempt financial institution. This generally results in cascading (multiple imposition) of tax with respect to the business purchases of the provider.[38]

Thus, to maintain neutrality and avoid distorting the behavior of consumers and to minimize any cascading of tax, we believe that the value of financial intermediation services should be included in the BAT base and that business customers generally should be entitled to a business purchase deduction for the cost of such services.

Definition of financial intermediation services

Under the bill, a business activity generally includes the sale of property or services in connection with a business. Financial institutions provide numerous services to customers, including: (1) intermediation between borrowers and lenders; (2) risk-pooling; (3) pooling of savings, which provides economies of scale; (4) transactional services, such as credit cards and checking; and (5) market-making. Many of these services, however, would not be treated as a sale of property or services under the bill. For example, the term "property" generally would be defined in the bill to exclude money and financial instruments,[39] and therefore, market-making through buying and selling financial instruments would not be a business activity under the general BAT rules. Thus, absent special rules, financial intermediaries often would not be treated as engaged in a business activity, and no BAT would be imposed on the services they provide.

To ensure that financial intermediation services are subject to the BAT, the bill specifically treats the provision of financial intermediation services as a business activity. For this purpose, financial intermediation services would be defined to include lending services, insurance services, market-making and dealer services, and certain other services.

The bill would define "lending services" as the regular making of loans and providing credit to, or taking deposits from, customers. For example, a financial institution generally would provide lending services. In addition, a consumer finance company, credit card issuer, or other provider of credit would be treated as rendering lending services, even if the business did not also accept deposits. Installment or delayed credit arrangements, however, would not be treated as lending services under the bill if no interest was charged in connection with the arrangements, other than fees or additional charges for late payments.[40] Thus, a business would not be treated as providing lending services merely because it allowed customers to pay for goods on a layaway plan, or to defer payments for goods to a future date, provided the business did not charge interest to customers utilizing such a layaway or deferred payment plan.

The bill does not define "insurance services." We would expect that a person providing common forms of insurance services, such as risk shifting and risk distribution services, and reinsurance, would be treated as providing insurance services under the bill.

"Market-making and dealer services" would be defined under the bill to mean services performed by a person who regularly, in the ordinary course of its trade or business, either (1) purchases financial instruments from customers or sells financial instruments to customers, or (2) offers to enter into, assume, offset, assign, or otherwise terminate positions in financial instruments.[41] For example, an underwriter who buys securities from an issuer at a discount and sells the securities to its customers would be treated as providing dealer services. By contrast, a securities broker who acts only as a conduit between buyers and sellers, or as the buyers' or sellers' agent, might not qualify as rendering market-maker or dealer services.[42]

Under the bill, "financial intermediation services" also would include services rendered by a person that acts as an intermediary in the transfer of property, services, or financial assets, liabilities, risks or instruments among two or more persons, or in the pooling of economic risks among other persons, and that derives gross receipts from streams of income or expense, discounts or other financial flows associated with the matter with respect to which such person is acting as an intermediary. For example, a person engaged in factoring receivables might not meet the definition of providing lending services under the bill, but generally would be considered to be rendering financial intermediation services under this definition.

Finally, we would expect that the Secretary of the Treasury will furnish guidance on other business activities that constitute financial intermediation services.

Determination of taxable amount

Under the general BAT rules, the taxable amount for business activities would be gross receipts less business purchases. Many of the items necessary to determine the value of financial intermediation services, however, are expressly excluded from the general definitions of gross receipts and business purchases under the bill. For example, the bill would define gross receipts to exclude receipts of interest, income from financial instruments, and proceeds from the disposition of financial instruments. Similarly, monetary outflows associated with financial transactions such as payments of principal and interest, payments under option, forward and futures contracts and notional principal contracts, and payments to purchase financial instruments generally would not constitute business purchases. The bill would therefore apply special rules to determine the taxable amount for financial intermediaries.

The bill provides that "financial receipts" would replace "gross receipts" in the calculation of the taxable amount for providers of financial intermediation services. Under the bill, "financial receipts" would be defined as all receipts properly allocable to the financial intermediation services activity, other than contributions of capital. Thus, "financial receipts" would include all amounts that qualify as gross receipts under the general provisions of the bill, such as stated fees and proceeds from the sale of property used in the business. Moreover, financial receipts would include virtually all other inflows of value that would not be treated as gross receipts by other types of businesses. For example, a financial intermediary would treat the receipt of proceeds from borrowings made in connection with its business as a financial receipt.[43] Amounts received by a financial intermediary from the sale of stock or securities in connection with its business also would be included in financial receipts. Financial receipts would not, however, include any funds a financial intermediary received from the sale of its own equity, or funds or property otherwise contributed to its own capital.

Similarly, for purposes of the BAT, the bill provides that "adjusted business purchases" would replace "business purchases" with respect to the providers of financial intermediation services. Under the bill, "adjusted business purchases" would include all expenditures that qualify as business purchases under the general BAT rules, such as the cost of office supplies, equipment and machinery, travel expenses, and the cost of real property used in the business. In addition, certain financial outflows that are not deductible by other businesses would be "adjusted business purchases". These would include: (1) payments of principal and interest on borrowings associated with the financial intermediation services business;[44] (2) the cost of financial instruments, and any payments made under financial instruments, other than the cost of, or payments made under, instruments that represent equity interests in the person engaged in the financial intermediation services business; (3) claims and cash surrender values paid in connection with insurance or reinsurance services; and (4) payments for reinsurance.

For example, a typical bank would include in its financial receipts the stated fees it charges customers for services during a period, such as safety deposit box fees, all deposits received from its customers during the period, all receipts of interest and principal from borrowers, any dividends and other financial flows such as receipts from swaps, options and foreign currency contracts, and the proceeds from dispositions of such assets as stocks, bonds and other evidences of indebtedness, or from assumptions or assignments of notional principal contracts and other financial contracts. To obtain its taxable amount, a bank would deduct its adjusted business purchases, including business purchases deductible under the general BAT rules, as well as most payments of interest and principal, costs of acquired financial instruments such as stocks, bonds and other evidences of indebtedness, and payments made under financial instruments, which would include upfront payments it might make under notional principal contracts or the amounts it might pay to assign such a contract.

An insurance company would calculate its taxable amount in a similar fashion. The insurance company would, in addition, include in its financial receipts the insurance premiums it receives from customers, and would deduct as an adjusted business purchase net insurance claims, payments of cash surrender values, and payments for reinsurance.[45]

A person that provides financial intermediation services and engages in other businesses would be required to determine which part of its monetary inflows and outflows are allocable to its financial intermediation services business. Monetary inflows and outflows not associated with the financial intermediation services would be subject to the general BAT rules. Any item, such as a borrowing, a loan or other financial instrument, must be consistently treated. Thus, a person could not deduct as an adjusted business purchase the payment of principal and interest on a loan unless the person previously included the amount it borrowed under the loan in financial receipts. Similarly, if a business deducted the purchase of a share of stock as an adjusted business purchase, the business would have to include the proceeds of the sale of the stock in financial receipts.

We would expect that the Secretary of the Treasury will furnish guidance on the determination of financial receipts and adjusted business purchases.

Business purchases of financial intermediation services

To avoid cascading of the tax,[46] the bill would permit business users of financial intermediation services to claim appropriate business purchase deductions for the cost of such services. Stated fees charged by financial intermediaries would be deductible under the general BAT rules. Where the cost of the service is not stated (and therefore typically cannot be determined by the customer), the bill would require financial intermediaries to determine the implicit fee for the service and to allocate and report the implicit fee to the users of the services. A business purchase deduction would generally be allowed for any implicit fees allocated and reported to a person by a financial intermediary that are related to the person's business use of such services.[47] No deduction would be permitted with respect to implicit fees that are not reported.

Allocation and reporting of implicit fees

The bill would require each financial intermediary to allocate the amount of the implicit fees it derives from financial intermediation services among the recipients of the services. The allocable implicit fees of a financial intermediation services business should equal the aggregate amount charged by the intermediary for financial intermediation services, other than the services provided for a stated fee and property and casualty insurance services.[48] Thus, it is anticipated that a financial intermediary's allocable implicit fees generally would constitute (1) its financial receipts, less (2) amounts that would be treated as gross receipts under the general BAT rules, such as any stated fees and property and casualty insurance premiums, less (3) the excess of its adjusted business purchases over the amounts that would be treated as business purchases under the general BAT rules.[49]

The bill would require businesses to allocate implicit fees from financial intermediation services among recipients of the services for each taxable period. The allocation would have to be made on a reasonably consistent basis. It is anticipated that financial intermediaries would allocate their implicit fees based on a number of factors. These factors could include the interest paid or received by a customer, the amount insured or the insurance premium payment under a customer's policy, the labor expended by the financial intermediary in connection with a transaction, and other relevant considerations. It would generally not be reasonable for a financial intermediary to allocate a disproportionate amount of its implicit fees to business recipients of services. For example, if a business customer and a household customer engaged in substantially similar transactions with a bank, it would generally be unreasonable for the bank to allocate a larger amount of its implicit fees to the business customer than to the household customer.

We would expect the Secretary of the Treasury to issue regulations regarding the requirements for reasonably allocating implicit fees among the recipients of financial intermediation services. These regulations could provide general rules for allocating fees for different types of financial intermediaries or specific rules for certain financial intermediaries.

The bill requires financial intermediaries to report to each recipient of services the amount of the implicit fees allocated to the recipient for the taxable period. The report must be provided within 45 days after the close of the taxable period to which the report relates. The bill provides that the Secretary of the Treasury should establish rules allowing a financial intermediary not to report to persons receiving the services other than in connection with a business activity. A business purchase deduction for an implicit fee, to the extent allowable, shall be taken by the recipient of services in the taxable period in which the notice from the financial intermediary is received.

Treatment of nonprofit entities

The BAT would provide the following rules for governments, charities, and other nonprofit entities:

Governments

Government entities (Federal, State, and local) would be fully subject to BAT only with respect to the following activities: (1) Public utility services; (2) mass transit services; (3) postal services; and (4) any activity not involving an "essential governmental function" within the meaning of present-law section 115.[50] Other government activities would not be subject to tax, with the exception of certain "self-consumption" activities made subject to BAT by regulation (as described below). The amount of government revenues subject to BAT would be computed by subtracting from gross receipts derived from taxable activities by amounts incurred by governments to purchase goods or services used in such activities. The Secretary would have authority to prescribe by regulation methods for allocating government purchases of goods or services between taxable and nontaxable activities.

If a government entity did not separately charge customers for the taxable service (e.g., if utility services were not separately charged but were included with property taxes), then gross receipts subject to BAT would be determined on the basis of the fair market value of the taxable service.

Government entities would be partially subject to the BAT with respect to their "self-consumption" of goods or services, to the extent so provided by regulations in order to discourage vertical integration by governments in a manner that distorts competition.[51] If so provided by regulation, "self-consumption" goods or services—meaning certain goods or services produced and consumed by the government itself as part of offering a final, nontaxable good or service—would be subject to the BAT. In such cases, the taxable amount would be calculated by subtracting from the fair market value of the self-consumed goods or services the cost of inputs with respect to such self-consumed goods or services.

Government entities would be limited with respect to the refunds they may claim, because any loss from a taxable activity would be reduced by: (1) the value of property or services used in the activity for which no amount was paid or incurred by the consumer and (2) amounts appropriated to the taxable activity from general government revenues.

Charities

Charities described in present-law section 501(c)(3) would be fully subject to the BAT only with respect to their business activities that would be subject to the unrelated business income tax ("UBIT") under present law. The taxable amount for a charity conducting a "UBIT activity" would be determined in the same manner as the taxable amount for any other person subject to the BAT.

Charities (like governments) would be partially subject to BAT with respect to their self-consumption of goods and services, to the extent so provided by regulations, based on the fair market value of the self-consumed goods or services. In contrast to the BAT rules for government entities, no special rule would be provided to limit refunds in cases where charities offer subsidized taxable services.

Other nonprofit entities

Nonprofit entities (other than charities) would be fully subject to the BAT on their transfers of property or furnishing of services. Thus, a nonprofit that is not a charity generally would be subject to BAT on all its activities, even if such activities are substantially related to what historically has been considered to be the exempt purposes of the organization.

If there were no separately stated charge by the nonprofit entity when it transfers property, or furnishes services, to others (e.g., goods or services furnished by a social welfare organization), then gross receipts would be determined on the basis of fair market value of the property transferred or services furnished. In contrast to the BAT rules governing government entities, no limit would be imposed on refunds in cases where noncharities offer subsidized goods or services.

Because the activities of nonprofit entities that are not charities (e.g., social welfare organizations) are taxable but not subject to a special refund rule (as are certain enumerated government activities), activities of nonprofits will be eligible for BAT refunds (assuming that contributions to the nonprofit are not treated as "gross receipts" from the sale of property or services). This could result in favorable tax treatment for activities conducted by social welfare organizations or other nonprofit entities compared to the tax treatment of the same (or similar) activities conducted by charities, which generally are not subject to BAT or eligible for BAT refunds. Thus, it may be desirable to extend the special refund limitation applicable to government taxable activities to taxable activities of all nonprofit entities.

Small business exemption

The bill would provide an exemption from the BAT for certain small businesses. The exemption would apply for any taxable period if the person's aggregate gross receipts for the taxable period[52] and the three preceding taxable periods did not exceed $100,000. The exemption would not apply if the person (or a predecessor of the person) was not exempt for all preceding taxable periods.[53] An otherwise exempt person may elect to be subject to the BAT.[54]

Administration of the BAT[55]

The person engaging in a business activity (i.e., the selling of goods or services in the United States, importing of property or services to the United States or exporting of property or services from the United States) would be liable for the BAT (or eligible for a refund).[56] The liable person would be required to file a tax return before the sixteenth day of the second calendar month after the close of each taxable period. "Taxable period" means a calendar quarter, except that if a taxpayer has a taxable year other than a calendar year, then "taxable period" means a calendar quarter of such year. In addition, to the extent provided in regulations, "taxable period" includes a period selected by a person other than a calendar quarter. The Secretary of the Treasury would have the authority to shorten the length of a person's taxable period to the extent the Secretary deems such action necessary to protect the revenue.

Refunds of BAT (e.g., a refund may be due because a taxpayer has business purchases for the taxable period in excess of gross receipts for the period) would be made by the Secretary of the Treasury within 45 days of the taxpayer filing a return requesting the refund. The 45-day period would allow the Secretary an opportunity to make a limited examination of the return to discover omissions and errors of computations, determine the amount of the refund (if any) for the period to which the refund relates, and refund the amount to the person who filed the return.

Other special rules—Related parties

Except to the extent provided in regulations: (1) an affiliated group of corporations (as defined in present-law section 1504(a) without regard to paragraphs (2), (4), and (7) of section 1504(b)) or (2) two or more businesses (whether or not incorporated) under common control within the meaning of present-law section 52(b) and the regulations thereunder), would be treated as one person. In addition, a controlled group of corporations (as defined in present-law section 1563(a), but determined without regard to the second sentence of section 1563(a)(4) and section 1563(e)(3)(C)) may elect to be treated as one person.

Transactions in the United States between corporations or other businesses treated as one person shall not be taken into account in computing the gross receipts or business purchases of either corporation or business.

Certain transactions between related parties

Any transfer of property or services to a related person would be treated as a sale of the property or services for an amount equal to the fair market value of the property or service. For this purpose, "related person" means: (1) in the case of an employment relationship, an employer and employee; (2) in the case of an entity, an owner of the entity; (3) any other person specified in regulations; and (4) any member of a family (as defined in sec. 267(c)(4)) of an individual described in (1), (2), or (3) above. "Owner" means a proprietor of a sole proprietorship or any other holder of a beneficial interest in a corporation, partnership, trust, or other entity. Thus, if a corporation transfers property in lieu of cash compensation to an employee, the transaction would be treated as a sale of the property, subject to the BAT, for its fair market value and a payment of the sales proceeds to the employee as nondeductible compensation. Similar rules would apply to sales of property to employees at a discount. As a further example, if an owner of a business uses business property for personal use, such use would be treated as a sale of the property subject to the BAT (or a sale of the right to use the property if the use is for a temporary period) at its fair market value and a distribution of the proceeds to the owner.

Similarly, if a person ceases to engage in any business activity, any business property or services of the person would be deemed to have been sold at their fair market value in a business activity immediately before the cessation. However, except as provided in regulation, such rule would not apply to the extent the property or service is transferred to another person as part of the transfer of going concern. For example, if a business owner liquidates his business and uses the distributed business property as personal use property, the liquidation would be treated as a taxable sale under the BAT. However, if the business owner uses the property in a different business, the liquidation generally would not be a taxable transaction under the BAT.

Other conversions of property or services

Any conversion of a property or service from use in a business activity to use in any other activity (or from use in any other activity to use in a business activity) shall be treated as a sale (or acquisition) of the property or service for its fair market value. For example, the paragraphs above describe the treatment that results when a business owner converts business property to personal use (i.e., the transaction would be treated as taxable sale of property at its fair market value). Conversely, if a business owner contributes what is personal property in her hands to her business for use in a business activity, the receipt of the property would be treated as a business purchase by the business in an amount equal to the fair market value of the property.

The bill does not preclude a business from holding nonbusiness property.[57] Thus, property can be converted from business use to nonbusiness use (or vice versa) within a business. The bill provides that in these cases, the conversion would be treated as a taxable sale (if the property leaves business use) or as a business purchase (if the property enters business use).

Treatment of transfers in satisfaction of debt and bad debts

The transfer of business property or services by a debtor to a creditor in exchange for a reduction of debt generally would be treated as a sale of the property or services in a business activity for an amount equal to the amount by which the debt is reduced. The transfer of personal property in satisfaction of a business debt would be treated as a contribution of such property to the business immediately prior to the transfer in satisfaction. The transfer of business property in satisfaction of a personal debt of a business owner would be treated as a distribution of such property to the owner immediately prior to the transfer in satisfaction. The transfer of personal use property in satisfaction of a personal debt should have no BAT consequences to the transferor.

If an amount owed to a seller of business property or services that was taken into account as gross receipts in a prior period becomes wholly or partially uncollectible during a subsequent period, then the seller would treat the uncollectible amount as a reduction in gross receipts in the subsequent period. In such cases, the seller would be required to notify the purchaser of the amount the seller is treating as uncollectible. The notice must set forth with specificity the purchase or purchases to which the write-off relates and must be sent to the purchaser at the purchaser's last known address within 10 days after the close of the period in which the write-off occurs. If a purchaser receives a notice from a seller with respect to a write-off of an amount owed for business property or services that the purchaser treated as a business purchase in a prior period, then the purchaser must treat such amount as a reduction in business purchases for the taxable period in which the notice is received.

If a seller receives payment for a bad debt amount that was treated as a reduction in gross receipts in a prior taxable period, then the seller must treat the recovery as a gross receipt in the period in which it is received. Similarly, if a purchaser pays all or part of an amount treated as a bad debt reduction in business purchases in a prior taxable period, then such payment would be treated as a business purchase for the taxable period in which the payment is made.

These rules would not apply if a debt becomes worthless in the taxable period that the underlying sale took place (or if a recovery occurs in the taxable period a debt is written off). In these cases, the gross receipts from the sale is written off). In these cases, the gross receipts from the sale and the bad debt deduction (or the bad debt deduction and the recovery) would be netted against each other in determining the taxable amount for the period.

Treatment of gambling

In determining the taxable amount with respect to legal gambling, lotteries, and other games of chance, gross receipts would include (but are not limited to) amounts received from wagers and ticket purchasers and business purchases would include amounts paid to winners.

Regulations

The Secretary of the Treasury would be authorized to prescribe such regulations as may be necessary to carry out the provisions of the BAT.

FOOTNOTES

[1] The bill would repeal all chapter 1 taxes on corporations, other than the tax on income of foreign corporations not connected with United States business (sec. 881) and the branch profits tax (sec. 884).

[2] Under present law, sole proprietors, partners, and certain shareholders of subchapter S corporations generally are not treated as employees for purposes of determining the treatment of certain fringe benefits provided to them.

[3] The tax would not be imposed on any foreign corporation unless the corporation is exempt from the branch profits tax of section 884.

[4] Even though the bill would repeal the corporate income tax, corporations would be required to maintain a taxable year for purposes of the passive investment tax. It is expected that such year generally would be the year the corporation had, or would have, maintained for income tax purposes.

[5] Gross income for the taxable year would be reduced by returns and allowances made during the year and bad debt deductions for the year. In addition, in determining gross income and nonbusiness gross income, a corporation that directly or indirectly holds an interest in passive foreign investment company will be deemed to have made an election described in sec. 1295(b).

[6] As described in detail below, pursuant to a special rule, certain dividends, interest, and capital gains of financial intermediaries generally would be subject to the BAT and thus would not be considered to be nonbusiness gross income subject to the passive investment tax. This treatment is appropriate because the assets that give rise to these types of income (i.e., stocks, bonds, loans, etc.) are trade or business assets in the hands of a financial intermediary, even though such assets would be considered to be passive investments in the hands of a non-financial service business, such as a manufacturer. However, it is possible that a financial intermediary may amass an unreasonably excessive amount of such assets. In such case, it would be appropriate to subject the financial intermediary to the passive investment tax.

[7] Among the issues involved in treating two or more persons as one taxpayer for purposes of the passive investment tax include the treatment of foreign subsidiaries. The passive investment tax is intended to discourage corporations from amassing passive investments in order to avoid or defer the imposition of the individual income tax on earnings from such assets. The foreign personal holding company rules (sec. 551, et seq.), the subpart F income rules (sec. 951, et. seq.) and the passive foreign investment company rules, (sec. 1291 et seq.) of present law address similar concerns with respect to passive income earned by foreign corporations the stock of which is owned by U.S. persons. However, the operation of these present-law income tax rules may differ from the operation of the passive investment tax (e.g., the thresholds for determining when the various rules apply may differ). We invite comments as to the appropriate treatment of foreign earnings under the passive investment tax, the appropriate measurement of the threshold amount in the case of a controlled group of corporations that includes foreign subsidiaries, and the possible coordination between the passive investment tax and the present-law anti-deferral regimes with respect to foreign earnings.

[8] These exceptions are similar to those applicable to passive foreign investment companies under present law (sec. 1297(b)(2) and (3)).

[9] In general, it is unclear how the gain on the sale of stock of a controlled member of the group should be treated under the bill. All transactions of a corporation generally should be subject to the BAT or potentially to the passive investment tax. One could argue that the gain should not be subject to the BAT because a stock sale normally would not be considered to be a business activity. Alternatively, one could argue that the ownership of the stock of a controlled subsidiary is not a passive investment that the passive investment tax is designed to discourage. Creating further difficulty for the resolution of the resolution of the issue is the fact that if the group had sold the assets rather than the stock of the target member, the resulting gain would be subject to the BAT and the acquiring group would be allowed a matching business purchase dedication under the BAT. However, such deduction may be claimed only if the acquirer is itself subject to the BAT. If the acquirers are individuals, as may be the case with respect to stock sales, the BAT deduction may not be allowable.

The bill partially addresses this issue by providing that a corporation generally will not be subject to the passive investment tax if it sells a trade or business and does not reinvest the sales proceeds in passive investments that would subsequently subject the corporation to the passive investment tax. However, this solution does not resolve all the issues raised in the paragraph above and we invite comments on how dispositions of trades or businesses (either through asset sales, stock sales, or reorganizations that do not give rise to recognition under subchapter C of present law) should be treated under the proposed framework of an interacting BAT, passive investment tax, and individual income tax.

[10] Under the present-law income tax, these concerns are addressed by the accumulated earnings tax (sec. 531), the personal holding company tax (sec. 541), the foreign personal holding company rules (sec. 551, et seq.), and the passive foreign investment company rules (sec. 1291, et. seq.).

[11] In the case of a foreign corporation that is a "controlled foreign corporation," and any other foreign corporation that so elects, assets for this purposes are measured by adjusted basis.

[12] One of the principal differences between the corporate income tax and the BAT is that the latter does not require the capitalization of costs that benefit future periods.

[13] Under the present-law corporate income tax, distributions with respect to corporate stock are treated as dividends only to the extent the distributions are from the corporation's earnings and profits. In general, the earnings and profits of a corporation is its taxable income, adjusted for certain items in order to more accurately reflect the economic income of the corporation.

[14] It should be noted that some commentators have suggested the repeal of the earnings and profits requirement even in the context of the corporate income tax. See, Senate Committee on Finance. *Report on the Reform and Simplification of the Income Taxation of Corporations*, 77–78 (Comm. Print 1983); the Earnings and Profits Work Group of the American Bar Association Section on Taxation, *Elimination of "Earnings and Profits" from the Internal Revenue Code*, 39 Tax Lawyer 2, 285 (1986); William D. Andrews, *"Out of its Earnings and Profits": Some Reflections on the Taxation of Dividends*, 69 Harvard Law Review 1403 (1956); and Walter J. Blum, *The Earnings and Profits Limitation on Dividend Income: A Reappraisal*, 53 Taxes 2, 68 (1975).

[15] We recognize that the determination of what constitutes a partial liquidation often is difficult.

[16] Theoretically, liquidating distributions and distributions in full redemption of a shareholder's interest in a corporation could be treated as part dividend (to the extent of the shareholder's pro rata share of corporate earnings and profits) and part sale or exchange (to the extent of it excess of earnings and profits). However, adoption of such a regime would: (1) complicate the treatment of corporate distributions and (2) treat liquidations and redemptions differently than sales of stock.

[17] For purposes of determining where a sale occurs, a sale of property would be treated as occurring in the United States if the property is located in the United States at the time of the sale. A sale of services would be treated as occurring in the United States to the extent the services are: (1) provided from a place of business in the United States; (2) provided with respect to property in the United States; or (3) incidental to the provision of services within the United States.

For purposes of the BAT, "United States," when used in a geographic sense, includes the customs territory of the United States (as defined in General Headnote 2 of the Harmonized Tariff Schedules of the United States) and any area seaward of the States lying within the outer boundaries of the outer continental shelf (as defined in sec. 1331 of title 43, U.S. Code).

[18] See the discussion below for a more detailed description of the treatment of imports and exports.

[19] See the discussion below for the special rules that apply with respect to financial intermediation services.

[20] For purposes of the BAT, the exchange of property for property or services would be treated as a sale of property and the exchange of services for property or services would be treated as a sale of services. If there is an incidental sale of services in connection with the sale of property (e.g., the provision of transportation or installation services in connection with the sale of major appliance), such sale of services would be treated as a sale of the property. Likewise, if there is an incidental sale of property in connection with the sale of services (e.g., the sale of a de minimis amount of parts in connection with a major repair of property), such sale of property would be treated as a sale of services.

[21] Post-sale price adjustments that are made by a taxpayer in the same taxable period as the original sale occurred would be netted against the gross receipts from the sale.

[22] In general, it is thought that transactions in which the mere form of the business changes (or if business property is transferred from one business to another in a transaction other than a sale) should not be subject to the BAT. In all cases, "boot" received in a nontaxable transaction should be includible in gross receipts (unless received other than in connection with a business activity). The bill specifically describes some of these transactions (i.e., those transactions described in secs. 332, 351, 368, or 721 of present law). Other transactions that meet this test may include: (1) certain transfers of possession of, or security interest in, property or services by a debtor to a creditor or a representative of creditors; (2) any transfer of possession of, or incidents of ownership, of property or services to a fiduciary who represents the interests of an owner; or (3) any transfer of ownership of property or services by a debtor to a trustee in a bankruptcy, receiver, or other fiduciary appointed to marshall, manage, or liquidate a debtor's property for the benefit of creditors. However, any service provided by a transferee in such cases would be subject to BAT. We seek comments as to what other transactions should be included as nontaxable exchanges under the BAT.

[23] Special rules apply to implicit financial intermediation fees as described in detail below.

[24] In addition, a special rule applies to any imported property that is returned to the United States after export: (1) for repairs or alterations abroad or (2) to undergo assembly, processing, manufacture or other changes in condition abroad. In such cases, the taxable amount with respect to the property would be the net cost to the importer of such repairs, alterations, assembly, processing, manufacture or other changes in condition. This special rule would only apply to property that the importer acquired before export and as to which there has been no transfer of ownership between the time of export and import.

[25] A business purchase deduction with respect to BAT levied on imported property would be allowed to equalize the treatment of property produced domestically and internationally. For example, assume a manufacturer has the choice of acquiring a machine produced in the United States or produced abroad. Further assume for purposes of the example that: (1) the price of either machine is $1,000 before tax and (2) U.S. providers of goods and services will increase their sales prices to reflect the BAT imposed on their business activities. Under these assumptions if the manufacturer acquires the machine from the U.S. producer, it could be expected to pay $1,145 (the $1,000 pre-tax price for the machine, plus $145 of BAT borne by the U.S. producer and assumed to be passed-through to the buyer) and would be able to claim a business purchase deduction of $1,145. If the manufacturer acquires the machine from the foreign producer, it would pay $1,145 ($1,000 to the producer and $145 to BAT to the Federal Government) and thus should be allowed to claim a business purchase deduction of $1,145.

[26] Therefore, "gross receipts" generally would not include: (1) receipts from the sale of rental property located outside the United States; (2) fees from the use of patents, trademarks, copyrights, know-how, or licenses to the extent such rights are used or consumed outside the United States; and (3) royalties or other similar fees received with respect to sales of goods or services used or consumed outside the United States. As described herein, however, the determination of use or consumption outside the United States with respect to these or similar activities may be difficult.

[27] The in-bound transportation services should be taken into account as taxable imports under the destination principle. This can be accomplished by either: (1) including transportation costs as a portion of the taxable amount with respect to imported property or (2) separately taxing transportation as an imported service. The bill selects the former option with respect to imported property that itself is subject to the BAT. However, certain property transported into the United States may not be considered to be imported property under the bill. For example, international postal or other carrier services may involve the transfer of mail or other items into the United States that are not considered to be imported property. These services should be subject to the BAT, but may be difficult to identify. Similar issues arise with respect to the international transfer of information (i.e., through telephone lines, via satellite or otherwise).

[28] Most businesses use an accrual method of accounting for financial accounting purposes. However, under generally accepted accounting principles, even an accrual method business must provide a statement of cash flows that essentially utilizes the cash receipts and disbursements method of accounting. See, Statement of Financial Accounting Standards No. 95.

[29] Under present law, a taxpayer generally must compute its taxable income pursuant to the method of accounting that the taxpayer regularly uses in keeping its books. Permissible methods of accounting include the cash receipts and disbursements method, an accrual method, any other permitted method, or any combination of methods permitted under regulations by the Secretary of the Treasury. In addition, the Secretary may change a taxpayer's method of accounting if that method does not clearly reflect the taxpayer's income. The "clear reflection of income" standard has been used to change what otherwise would be a permissible method of accounting (sec. 446).

A "clear reflection of income" standard is inapplicable to the BAT, which does not attempt to measure income. by allowing the "expensing" of capital goods when acquired, the taxable base of the BAT more closely resembles the net cash flow of a firm than does an income tax (with adjustments for items such as imports and exports and interest and compensation expense). The BAT does not mandate the use of the cash receipts and disbursements method because of a desire to allow a business to utilize a method of accounting that generally corresponds to a method that it utilizes for nontax purposes. However, use of an accrual method may result in significant BAT deferral when payment of a liability satisfying the "all events" test is significantly delayed. (For example, see *Ford Motor Co. v. Comm.*, 91 T.C. No. 6, (1/31/94); and *Mooney Aircraft v. Comm.*, 420 F.2d 400 (5th Cir. 1969); where income tax deductions were denied for deferred payments despite the fact that the underlying liability may have satisfied the "all events" test.) The present-law income tax addresses this issue, in part, through the "economic performance" rules of section 461(h). The BAT would not adopt such rules, but rather would provide the Secretary of the Treasury the authority to adjust a taxpayer's method of accounting in the appropriate circumstances. The drafters invite comments on how to best address this issue.

[30] See section 483 and sections 1271 through 1275 of the Code. However, these provisions were enacted because of a concern that taxpayers were understating the interest component of payments made pursuant to installment plans. As described above, under the BAT, the concern would be that taxpayers may overstate the interest component.

[31] For this purpose, the percentage of completion generally would be determined pursuant to rules similar to those provided in present-law section 460(b). However, because the income tax rules require the capitalization of certain costs, adjustments for adaptation to the BAT may be necessary. For example, percentage of completion for BAT purposes could be determined by using percentages that (1) are developed for financial accounting purposes; (2) only take into account direct production costs; or (3) are developed using the BAT treatment of the contract expenditures, with an adjustment for labor costs.

[32] See footnote 38 and accompanying text.

[33] The bank provides a depositor with the services of intermediation (i.e., reinvesting the deposit in a loan to a different customer) and risk pooling (e.g., assuring that the deposit can be withdrawn even if borrowers from the bank default).

[34] The remaining premium amount generally would cover the actuarial risk of payment under the policy, including any investment element.

[35] An insurance company may provide other financial services for which a portion of policy premiums and investment returns constitutes compensation. For example, an insurance company may furnish intermediation services similar to a financial institution because it pools the premiums it receives and makes these funds available to others through investments or loans.

[36] It should be noted that most countries that impose a value added tax utilize the credit invoice method. Under the credit invoice method, tax is imposed on a transactional basis, with the amount of tax disclosed on an invoice. Taxable businesses may reduce the amount of tax on their sales by the amount of tax imposed on their business purchases.

[37] See, e.g., Alan Schenk and Oliver Oldman, "Analysis of Tax Treatment of Financial Services Under a Consumption-Style VAT: A Report of the

American Bar Association Section of Taxation committee on Value Added Tax," 44 Tax Lawyer 181 (1991).

[38] Generally, the provider will attempt to pass the cost of taxes paid on its purchases to customers (possibly harming its competitive position with respect to potential customers who might alternatively self-finance or might purchase other goods or services). In such a case, the failure to allow the customer a deduction for the cost (including the taxes passed thru by the provider) will result in cascading of the tax. Alternatively, the provider could decide to bear the cost of the tax itself, thereby depressing its profits.

[39] Financial instruments would be defined under the bill as: (1) corporate stock; (2) ownership interests in certain partnerships and trusts; (3) notes, bonds, debentures and other evidences of indebtedness; (4) interest rate, currency and equity notional principal contracts; (5) evidence of an interest in, or a derivative financial instrument in, any financial instrument described in (1)–(4) above, or any currency, such as options, forward contracts, short positions or similar interests in such a financial instrument or currency; and (6) any other instrument that is not otherwise defined as a financial instrument, but that is an identified hedge of any of the foregoing categories of financial instruments.

[40] This exception would not apply if the seller of property adjusts the price of the property according to the deferred payment arrangement with the buyer, or otherwise charges the buyer interest disguised in the price of the property.

[41] This is substantially the same as the definition of a dealer in securities contained in present law sec. 475(c)(1).

[42] Similarly, such a broker would not qualify as providing financial intermediation services under the definition in the following paragraph because a broker's commission charged to a buyer or seller of securities generally would not qualify as a associated with the securities for which it acted as a broker. Such a person, however, would be subject to the general BAT rules regarding the sale of services.

[43] Financial receipts would not include amounts borrowed allocable to employee compensation, employee benefits, or to purchases of goods and services that would be business purchases under the general BAT rules. For a similar rule with respect to deductions of "adjusted business purchases", see footnote 44.

[44] No deduction would be allowed with respect to principal or interest payments allocable either to employee compensation, employee benefits, or business purchases as determined under the general BAT rules. For example, a bank borrows money to purchase a building used in its business. The bank would be entitled to a business purchase deduction for the cost of the building, but would not take into account the borrowing, and any payments of principal and interest, in determining its financial receipts and adjusted business purchases. See footnote 43 regarding treatment of borrowings as financial receipts.

[45] Because an insurance provider, like other financial intermediaries, may deduct (as an adjusted business purchase) the cost of its investments allocable to the financial intermediation business, it is believed that a deduction for reserves would be largely duplicative and therefore unnecessary. We invite comments regarding this issue.

[46] See footnote 38 and accompanying text.

[47] A person would not be able to deduct an implicit financial intermediation fee reported to it which has otherwise been taken into account under the bill. Thus, a financial intermediary who borrows money and deducts the interest cannot deduct any implicit financial intermediation fee reported to it relating to the interest.

[48] Property and casualty insurance is excluded because business purchasers are entitled to deduct premiums for such insurance under the general BAT rules.

[49] The rule in (3) is necessary to prevent cascading of the tax.

[50] In general, these activities are subject to the BAT primarily because: (1) these governmental activities are similar to services provided by non-governmental persons who normally would be subject to the BAT and (2) governments often charge fair market value fees for the provision of such services.

[51] As an example of the self-consumption of goods or services, assume a local government normally would provide refuse collection for its citizens by contracting with an outside trash collector and the government is not subject to the BAT with respect to the provision of such service. Further assume that the trash collector is subject to the BAT and increases the price it charges the government in order to recoup all or a portion of its BAT liability. As a result, the government may decide to hire its own employees to provide the refuse collection rather than continue to contract with the outside firm. The hiring of the additional employees is an example of "self-consumed" services.

[52] As described in detail in the section below, a "taxable period" means a calendar quarter. The $100,000 exemption amount would be adjusted to the extent a person's taxable period is not calendar quarter or if the person is not engaged in business for an entire taxable period.

[53] The "once-big-always-big" rule may be viewed as being overly harsh. However, the primary purpose of the small business exemption is to relieve small businesses of recordkeeping requirements. Once a person or business has developed the requisite BAT reporting procedures, maintaining the same or similar procedures and records after a change in the size of the person's business activity should not prove to be an overwhelming burden.

[54] A small business with business purchases in excess of gross receipts (e.g., a start-up business) may wish to forego its exemption in order to claim a BAT credit for such excess. Once the election is made, that person would no longer be able to claim a future BAT exemption.

[55] The bill provides a minimum set of rules regarding the administration of the BAT. More explicit rules would be developed once the more substantive issues regarding the BAT are resolved. Among the rules to be developed would include those regarding requests for extensions to file returns, interest on overpayments and underpayments of BAT, penalties, notices of deficiency, statutes of limitations, judicial procedures, liens, etc.

For a general discussion of administrative costs associated with a consumption-based tax, see General Accounting Office, *Value-Added Taxes: Administrative Costs Vary With Complexity and Number of Businesses*, Report to the Joint Committee on Taxation, GAO–GGD–93–78, May 1993.

[56] Rules would be required to determine who is the liable person in the case of related parties treated as one person (as described below). Similar rules would be required for the passive investment tax described in title I of the bill.

[57] For example, a business can invest in stocks, bonds, or other passive investments. Such property generally would be viewed as investment property not subject to the BAT, unless the business involved the provision of financial services. However, business may hold certain other types of property (e.g., undeveloped land, collectibles such as artwork, durable commodities such as gold, etc.) that could be viewed as investment property not subject to the BAT or as business property subject to the BAT. In many cases, property is acquired for a specifically intended purposes and the appropriate treatment of property may be determined by the nature of the trade or business acquiring or holding the property. For example, gold bullion acquired by a jeweller generally would be considered to be business property subject to the BAT, while gold acquired by an accounting firm generally would be considered to be an investment. Undeveloped land may require more difficult determinations. For example, an individual may acquire a parcel of land to use as his or her own personal hunting reserve, but may later decide to convert the land to investment or business use by merely holding, rezoning, subdividing, or developing it.

Other types of property may be held for both business and nonbusiness use at the same time. For example, a landlord may live in his own apartment complex. These situations involve allocations between the business and nonbusiness use rather than determining the nature of the use or the conversion from one use to another.

The situations presented above raise issues of tax administration and tax avoidance. For example, a taxpayer may be able to generate BAT business purchase deductions by transferring investment or personal use property to his controlled business and claiming the property to be business property. The inability to identify conversions to personal use (e.g., the use of the company car by a business owner) also raises concerns (as it does under the present-law income tax). We invite comments as to the appropriate treatment of property where the intended use of the property is not clear, where property may be easily converted, and where property is of mixed use.●

● Mr. BOREN. Mr. President, I am pleased today to join with my good friend and colleague, Mr. DANFORTH, in introducing the Comprehensive Tax Restructuring and Simplification Act of 1994. This tax package, which includes the business activities tax as a replacement for the corporate income tax, part of the payroll tax, and some individual income taxes, is the result of over 2 years of study and work. I hope that we have made a contribution to the effort to transform our tax system that can serve as a basis for broad reform in the next few years.

I have long been troubled that our tax system discourages savings and investment, impedes productivity and efficiency, and retards our ability to compete internationally. As chairman of the Subcommittee on Taxation, I have held hearings in which we explored the economic consequences of our current income tax regime and searched for new and less destructive ways to raise the revenue required to keep our Government functioning.

Frankly, I was shocked at much of the information I learned during these hearings. Our country compares very unfavorably to other Western economies with respect to savings, investment, and the cost of capital. Our national savings rate is a paltry 2.5 percent of GDP, the lowest rate of any OECD country. For three decades, our investment rate has been substantially lower than those of other countries. During that time, the average investment rate in Japan was two times greater than the United States rate, while Germany's has been two-thirds greater.

A University of Maryland study presented to the subcommittee indicated that the cost of capital in our country is much higher than the cost of capital in other countries—partly as a result of our system of taxation. A U.S. company paying the alternative minimum tax will recover only 34 percent of its investment in the first 5 years. Over the same period of time, a German company recovers 87 percent of its investment; a Japanese company recovers 64 percent; and a Korean company recovers an astonishing 95 percent.

If our companies are going to compete successfully with businesses that face significantly lower capital costs, they will have no choice but to reduce other expenses. This may well mean lower wages for our workers and a reduced standard of living for all Americans. It is no surprise that real wages have recently declined in comparison to historic trends. For example, from 1947 to 1973, the real incomes of Americans doubled every 28 years. After 1973, the growth rate has slowed so much that it would take 17,000 years for them to double again.

Our current income tax system harms our companies' ability to compete globally in another way. Under

GATT rules, direct taxes, like corporate income taxes and payroll taxes, cannot be adjusted at the border. In other words, they cannot be imposed on imports, nor can they be removed from our exports before they enter the world market. Indirect taxes, like the European VAT, are border-adjustable, however. Thus, countries that rely on value-added taxes can place an additional cost on U.S. goods entering their countries. Not only do our goods carry the burden of U.S. corporate and payroll taxes, but they are also subject to the indirect taxes of other countries.

The GATT rules may well be one reason that over 80 countries impose value-added taxes. Yet we continue to make our tax policy in a vacuum, either unaware of or uninterested in the tax practices of the countries against whom we must compete. We continue to believe that we live in the post-World War II world where U.S. firms dominate world commerce and investment, and competition between multinationals was rare. Modern reality is a global market with many strong trading partners. In that context, a comparative analysis is demanded.

Convinced that the current tax system is unquestionably broken, Senator DANFORTH and I proceeded to consult with tax experts, economists, and others to find a solution. We heard the same advice repeated over and over again: We must seriously consider replacing current taxes with a border-adjustment tax. It is advice that many policy makers have been hearing. For example, members of the administration have suggested that we must carefully consider this kind of tax reform in the near future. Most recently, Laura D'Andrea Tyson stated that belief, but it is a refrain we have heard from Leon Panetta, Alice Rivlin, Lawrence Summers, and even the President himself. Many of my colleagues, most notably Senators NUNN and DOMENICI, have been actively studying the issues surrounding the consumption tax and working on their own proposals.

In the hope that we can contribute to what I believe is the inevitable adoption of a new kind of tax system to replace part or all of the current tax system, we introduce today the Comprehensive Tax Restructuring and Simplification Act of 1994. We hope that this legislation will serve as the basis for further discussion of this important topic and will be on the agenda of hearings that we will hold in the next few months in the Subcommittee on Taxation in the Senate Committee on Finance.

At the outset, let me emphasize that we are not proposing additional new taxes. Indeed, I could not support the adoption of a business activities tax as an add-on to the current, seriously flawed tax system that we have now. This proposal is revenue-neutral. For every dollar that the business activities tax raises, a dollar of current tax is replaced. We raise exactly the same amount of money—we do it more efficiently and with less harm to our businesses' ability to compete and produce.

The tax reform package repeals numerous existing taxes. First, we repeal the corporate income tax in its entirety. In addition, partnerships, sole proprietorships, and subchapter S corporations will not pay tax currently on income retained in their businesses for investment and expansion. This sweeping reform of business taxes results in an enormous amount of simplification. For example, businesses no longer must worry about complicated depreciation or amortization schedules, complex calculations under the alternative minimum tax, or the arcane rules surrounding foreign tax provisions.

We also cut the Social Security portion of the payroll tax in half, reducing both the employer and employee contribution. We do not affect the Social Security trust fund because an appropriate amount of revenue raised by the new business activities tax will be credited to the trust fund. This reduction in payroll taxes should be of great help to small businesses and labor-intensive companies that bear the brunt of the payroll tax burden. In addition, the payroll tax, which falls heavily on lower- and middle-income working Americans is quite regressive, so a reduction in this tax reduces the burden on these citizens by over $160 billion.

With respect to the individual income tax system, our tax reform package triples the standard deduction for lower- and middle-income individuals. This provision will remove 15 to 20 million Americans from the tax rolls entirely. Again, this change reduces the tax burden on middle-income Americans and makes the tax system much simpler.

Implementing these tax changes eliminates over $400 billion of current income and payroll taxes. To make up this revenue shortfall, we have proposed a business activities tax. The business activities tax [BAT] is computed simply by subtracting the gross cost of property and services used by a business—business purchases—from the company's gross receipts derived from its sales of goods and services. The resulting amount represents the company's total business activity and is subject to a flat rate of 14.5 percent.

This tax is imposed on virtually all business activity in the United States. We define "business activity" simply: It is "any activity carried on continuously or regularly, whether or not for profit, that involves or is intended to involve the sale of property or services." Thus, the tax would not apply to the family garage sale or the sale of one's residence. It does apply broadly, however, to property and services produced in any business activity.

We intend the BAT to be a very simple tax. The system allows a company to use its most basic financial data—gross sales and purchases—when computing the tax. The BAT is a single-rate tax with virtually no exemptions. Every study of current indirect tax systems concludes that a complex system increases audit costs by 30 to 50 percent and substantially increases compliance costs. Most countries have adopted multiple rates and exemptions of certain goods in an attempt to ameliorate the regressive effects of a value-added tax. We have ensured that the business activities tax does not unduly burden the poor by allowing them a quarterly BAT refund.

In another provision that simplifies the system, the legislation exempts small businesses—with annual gross receipts less than $100,000—from the BAT. This reduces the number of taxpayers from 24 to 9 million, cuts administrative costs by an additional 33 percent, and has very little impact on revenue.

The business activities tax is a border-adjustable indirect tax for purposes of GATT and can therefore be removed from U.S. exports of goods and services. In addition, it can be levied at the border on imported goods and services, allowing our domestic goods to compete on a level playing field with imports in the U.S. market.

Mr. President, I am pleased that I have been involved in this effort to construct real and important tax reform. The package that we propose today allows us to consider the transformation of the current tax system in a more concrete and specific way. We have not found all the answers, but our proposal indicates the right direction for meaningful change. Ultimately, we must replace the current counterproductive tax system with a Tax Code that doesn't hamper our competitiveness both here and abroad.●

By Mr. RIEGLE (for himself, Mr. FEINGOLD, and Mr. PRYOR):

S. 2161. A bill to amend title XVI of the Social Security Act to improve work incentives for people with disabilities; to the Committee on Finance.

SOCIAL SECURITY DISABILITY AMENDMENTS ACT OF 1994

Mr. RIEGLE. Mr. President, I rise today with my colleagues Senator FEINGOLD and Senator PRYOR to introduce the Social Security Disability Amendments Act of 1994. This legislation makes a number of technical improvements to the Supplemental Security Income Disability program to ensure that disabled individuals can have a full and independent life.

Congress has recognized that many disabled Americans need special assistance to obtain adequate housing, education, transportation, and health insurance. The Supplemental Security Income [SSI] Program has made great progress in securing the basic necessities of life for people with disabilities. However, despite the positive goals of this important program, many beneficiaries have found the rules and administration of the SSI disability program to be very limiting. These regulatory and administrative hurdles often impede the ability of disabled people to become truly independent. One of the best examples of this type of barrier concerns the issue of marriage.

Current SSI rules effectively prevent many disabled Americans from getting married. Because the asset restrictions for the SSI program are so severe, many beneficiaries realize that if they marry, the assets of their future spouse, no matter how modest, will make them ineligible for SSI disability benefits. For the disabled, the health insurance provided by the SSI program is essential for them to live and function at full capacity.

The bill I and my colleagues introduce today will allow disabled people participating in the 1619(b) Work Incentive Program to marry without fear of losing SSI benefits. The assets of the ineligible spouse would not be used in calculating the eligibility of the disabled individual. This change in SSI rules will allow disabled beneficiaries the same simple dignity of getting married that most Americans enjoy.

This legislation also allows disabled SSI beneficiaries to save money for improvements in their housing situation, without losing their SSI benefits due to excess assets. Housing improvements could include moving furniture and personal possessions into more accessible housing, converting space in a family member's home into an independent living unit, acquiring the initial security deposit and other costs related to a person moving into a new apartment or house, acquiring the down payment on an individual's own home or condominium, or achieving any of these goals with another person.

The bill also will change SSI rules so that grant, scholarship, and fellowship income will be treated as earned income for the purpose of calculating SSI eligibility, and will also allow disabled students enrolled in U.S. educational institutions the option to study overseas without losing SSI eligibility.

Mr. President, these modest changes to the SSI program mean greater housing, education, and personal freedom for many disabled Americans. I encourage my colleagues in the Senate to join me in supporting this legislation which will help make independent living a reality for people with disabilities.

Mr. President, I ask unanimous consent that a section-by-section analysis with the full text of S. 2161 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(A) SHORT TITLE.—This Act may be cited as the Social Security Disability Amendments Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Disregard deemed income and resources of ineligible spouse when determining continued eligibility under section 1619(b).
Sec. 3. Plans for achieving self-support not disapproved within 60 days to be deemed approved.
Sec. 4. Expansion of plans for achieving self-support to include housing goals.
Sec. 5. Regulations regarding completion of plans for achieving self-support.
Sec. 6. Treatment of certain grant, scholarship, or fellowship income as earned income for SSI purposes.
Sec. 7. SSI eligibility for students temporarily abroad.
Sec. 8. Effective date.

SEC. 2. DISREGARD DEEMED INCOME AND RESOURCES OF INELIGIBLE SPOUSE WHEN DETERMINING CONTINUED ELIGIBILITY UNDER SECTION 1619(B).

Section 1614(f)(1) of the Social Security Act (42 U.S.C. 1382c(f)(1)) is amended by inserting "(other than under section 1619(b))" after "benefits".

SEC. 3. PLANS FOR ACHIEVING SELF-SUPPORT NOT DISAPPROVED WITHIN 60 DAYS TO BE DEEMED APPROVED.

(A) AMENDMENTS TO INCOME EXCLUSION RULES.—Section 1612(b)(4) of the Social Security Act (42 U.S.C. 1382a(b)(4)(A)) is amended in each of subparagraphs (A) and (B) by inserting "and, for purposes of this clause, a completed plan for achieving self-support which is not disapproved by the Secretary within 60 days after the date of submission shall be deemed to be approved by the Secretary until subsequently disapproved by the Secretary (with appropriate notification to the individual)," after "plan,".

(b) AMENDMENT TO RESOURCE EXCLUSION RULE.—Section 1613(a)(4) of such Act (42 U.S.C. 1382b(a)(4) is amended by inserting ", and, for purposes of this paragraph, a completed plan for achieving self-support which is not disapproved by the Secretary within 60 days after the date of submission shall be deemed to be approved by the Secretary until 6 months after subsequently disapproved by the Secretary (with appropriate notification to the individual)" after "such plan".

SEC. 4 EXPANSION OF PLANS FOR ACHIEVING SELF-SUPPORT TO INCLUDE HOUSING GOALS.

(a) INCOME DISREGARD RULES.—Section 1612(b)(4) of the Social Security Act (42 U.S.C. 1382A(B)(4)) is amended in each of subparagraph (A)(iii) and (B)(iv), by inserting ", containing a career or housing goal, that has been" before "approved".

(b) RESOURCE DISREGARD RULES.—Section 1613(a)(4) of such Act (42 U.S.C. 1382b(a)(4)) is amended by inserting ", containing a career or housing goals, that has been" before "approved".

SEC. 5. REGULATIONS REGARDING COMPLETION OF PLANS FOR ACHIEVING SELF-SUPPORT.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

"(d) The Secretary shall establish by regulation time limits and other criteria—

"(1) which are related to an individual's career or housing goal included in a plan for achieving self-support, and

"(2) that take into account the difficulty of achieving self-support based on the needs of the individual and the goals of the plan.".

SEC. 6. TREATMENT OF CERTAIN GRANT, SCHOLARSHIP, OR FELLOWSHIP INCOME AS EARNED INCOME FOR SSI PURPOSES.

Section 1612(a)(1) of the Social Security Act (42 U.S.C. 1382a(a)(1)), as amended by section 309 of this Act, is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by adding at the end the following:

"(G) any grant, scholarship, or fellowship described in section 1617(b)(7) to the extent not excluded from income pursuant to such section; and".

SEC. 7. SSI ELIGIBILITY FOR STUDENTS TEMPORARILY ABROAD.

Section 1611(f) of the Social Security Act (42 U.S.C. 1382(f)) is amended by adding at the end the following: "The first sentence of this subsection shall not apply to any individual who was eligible to receive a benefit under this title for the month immediately preceding the first month during all of which such individual is outside the United States and who demonstrates to the satisfaction of the Secretary that the individual's absence from the United States will be temporary and for the purpose of conducting studies as part of an educational program designed to prepare the individual for gainful employment and sponsored by a school, college, or university in the United States.".

SEC. 8. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the 1st day of the 1st calendar month that begins 90 or more days after the date of the enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF SOCIAL SECURITY DISABILITY AMENDMENTS ACT OF 1994

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

SECTION 2. DISREGARD DEEMED INCOME OF INELIGIBLE SPOUSE WHEN DETERMINING CONTINUED MEDICAID ELIGIBILITY UNDER SECTION 1619(B)

Under current law and regulations, if an SSI recipient who is working and benefiting from the Section 1619 work incentives marries, the income deemed from an ineligible spouse may increase their income to the point that they do not meet the requirement in Section 1619(b) that they would be eligible for cash benefits but for earnings. This amendment would disregard the income of the ineligible spouse in determining eligibility under Section 1619(b) for Medicaid.

This amendment is based on the SSI Modernization Panel's recommendations. CBO estimates this provision as an "*"—$500,000 per year or less.

SECTION 3. SELF SUPPORT PLANS NOT DISAPPROVED WITHIN 60 DAYS TO BE DEEMED APPROVED

This provision provides that unless the Social Security Administration acts within 60 days of an individual submitting a Plan for Achieving Self Support to the Social Security Administration that the PASS plan would be deemed to be in effect. It does make it clear that after the deemed approval that the Secretary can subsequently disapprove the PASS prospectively.

This amendment is based on a SSI Modernization Panel's recommendation. CBO estimates this provision as an "*"—$500,000 per year or less.

SECTION 4. REGULATIONS REGARDING COMPLETION OF PLAN FOR SELF-SUPPORT

Under current regulations, a Plan for Achieving Self Support (PASS) can be up to four years in length. This amendment would require that the Secretary would be required to have regulations which would vary according to "the difficulty of achieving self support based on the nature and severity of the disability."

This amendment is based on a SSI Modernization Panel's recommendation. CBO unable to estimate the cost of this provision.

SECTION 5. EXPANSION OF SELF-SUPPORT PLANS TO INCLUDE HOUSING GOALS

Under present SSI law, income of an individual which is identified and earmarked for eventual use under a "Plan for Achieving Self Support" (PASS) by an SSI recipient is not considered to be countable income or resources in determining eligibility for or amount of SSI. The disregards under these "PASS" plans are for such items as education costs related to the persons career goals for employment or special costs for a specially equipped van for transportation to employment related to a person's physical limitations.

This amendment to SSI PASS provisions would provide that a Plan for Achieving Self Support could be either for the purpose of achieving a "career goal or a housing goal." That is, it would add to the current income disregards and disregards for countable resource under the SSI program the disregard of the income received in a month and resources saved which are for the purpose of enabling an individual to achieve a housing goal.

As in the case of PASS plans under current law, a PASS plan which deals with achieving greater independence in housing must be developed by the individual. The plan would also have to be approved by SSA and for such housing plans the goals are to relate to enabling the individual to live as independently as possible.

This provision CBO estimate no cost for this provision.

SECTION 6. TREATMENT OF CERTAIN GRANT, SCHOLARSHIP OR FELLOWSHIP INCOME AS EARNED INCOME

Under present law, SSI excludes from being counted as income any portion of any grant, scholarship or fellowship received for use in paying the cost of tuition and fees at any educational institution. However, such funds received by a person with a severe disability not used for those purposes are treated as unearned income and only the first $20 a month is disregarded.

The amendment would treat such funds not used to pay for tuition and fees as earned income with the earned income disregard of $65 plus one-half the remaining earnings disregarded. The main impact would be to keep such students eligible for Medicaid under the provisions of Section 1619(b).

CBO unable to estimate cost.

SECTION 7. SSI ELIGIBILITY FOR STUDENTS TEMPORARILY ABROAD

Under present law, if an SSI recipient is out of the United States for an entire calendar month they lose their eligibility for SSI benefits. When they return, they must be in the United States for no less than 30 days to again become eligible for SSI benefits. This causes severe problems for a small number of severely disabled individuals who are pursuing their education which includes study in other countries. This amendment would allow the Social Security Administration to waive that requirement when it would cause severe disruption for persons with severe disabilities who are pursuing an education to further their career.

This provision CBO unable to estimate the cost of this provision.

By Mrs. FEINSTEIN (for herself, Mrs. MURRAY, Mr. D'AMATO, and Mr. LIEBERMAN):

S. 2162. A bill to provide protection from sexual predators; to the Committee on the Judiciary.

PROTECTION FROM SEXUAL PREDATORS ACT OF 1994

Mrs. FEINSTEIN. Mr. President, my point in rising this afternoon is to introduce the Protection from Sexual Predators Act of 1994. Similar legislation has been introduced in the House of Representatives by Representative LOUISE SLAUGHTER of New York.

The goal of this legislation is to keep sex offenders behind bars for life.

It is rather innovative legislation because under the bill, State and local law enforcement would be given the option of prosecuting repeat sex offenders under either State or Federal law after the first offense. This key change in the Federal law means that prosecutors will be able to seek the punishment of life imprisonment without parole for violent and dangerous repeat sex offenders.

In the past, Federal law only applied when an incident occurred on Federal land. Under this legislation, Federal prosecution of repeat sex offenders will be possible no matter where the offender's crimes occurred.

Significantly, this legislation says, "Two strikes and you are in." It would mean that if someone is convicted of a first sex offense and then goes on to commit a second aggravated sex offense, the predator could be sentenced to prison for life without parole.

Let me tell you briefly why this legislation is necessary.

The man who kidnaped and murdered 12-year-old Polly Klaas last September, Richard Allen Davis, had an 11-page rap sheet that included a 1976 sexual assault. At the time he dragged Polly at knifepoint from her suburban bedroom, he was on parole after serving just one half of a 16-year sentence for kidnaping.

Another case in California: Melvin Carter, convicted in 1982 on 12 counts of sexual assault, confessed to raping more than 100 women. His release to a prison camp recently in Modoc County caused an uproar from citizens and former victims. Federal authorities moved to shut the camp down by withdrawing its permit to use Forest Service land.

The statistics also are chilling. California alone is estimated to be home to 65,000 sex offenders. Twenty-five percent of all rapists are expected to rape again. There is thus very real reason to provide the option to prosecutors created by this legislation.

It will permit State district attorneys and U.S. attorneys to seek Federal prosecution and life imprisonment of any sex offender who has already been convicted of a State sex offense—one that would have violated Federal law if committed in Federal territory—and who is charged for a second crime that meets the definition now in Federal law of "aggravated sexual abuse."

That broad term includes any crime in which the offender used, or threatened to use, force to compel another person to engage in a sexual act. It also includes engaging in sex with a child under the age of 12, or forcing another person into sex by taking advantage of their mental or physical inability to refuse.

I think that the time for this legislation has come. I send it to the desk, and ask unanimous consent that Senators MURRAY, D'AMATO, and LIEBERMAN be added as original cosponsors of this bill. I am delighted to have them aboard.

I also ask unanimous consent that the legislation be printed in its entirety at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection from Sexual Predators Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that.—

(1) rape and sexual assaults continue to be serious threats to the safety of communities across America;

(2) sexual offenders are much more likely than any other category of criminals to repeat their crimes again and again, even after serving time in prison; and

(3) the average rape sentence is just 10½ years, and the average time served is half of that, approximately 5 years.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) States should more seriously consider the relatively high recidivism rate of sexual offenders when deciding whether to plea bargain with a first-time sexual offender and whether to grant parole to sexual offenders; and

(2) States should review their treatment and parole supervision programs for sexual offenders to assure that these programs are fulfilling their goals, and, if they are not, these programs should be immediately replaced or abandoned.

SEC. 3. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

"(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1) Whoever, in a circumstance described in paragraph (2) of this subsection—

"(A) violates this section; or

"(B) engages in conduct, in or affecting interstate or foreign commerce, that would be a violation of subsection (a), (b), or (c) of this section, if the offense had occurred in the special maritime and territorial jurisdiction of the United States;

shall be imprisoned for life.

"(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

"(A) is an offense (other than an attempt) under this section or section 2242 of this title; or

"(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.".

SEC. 4. REGISTRATION PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—

(A) GENERALLY.—The Attorney General shall establish guidelines for State programs requiring—

(i) any person who is convicted of a sex offense to register and keep up to date a current address with a designated State law enforcement agency for 10 years after release from prison, or being placed on parole, supervised release, or probation; and

(ii) each State to provide information obtained about the registered person to the Attorney General on a prompt and regular basis and in a uniform format.

(B) REQUIRED CONTENT OF GUIDELINES.—Such guidelines shall require the inclusion of such data about—

(i) the registered person, including fingerprints and photographs; and

(ii) that person's offenses and modus operandi;

as the Attorney General deems useful for assisting law enforcement investigations by Federal, State, and other law enforcement authorities.

(2) DEFINITION.—For purposes of this subsection, the term "sex offense" means any State or Federal offense that—

(A) is an offense under section 2241 or 2242 of title 18, Unites States Code; or

(B) would have been an offense under either of such sections if the offense had occurred in the special maritime and territorial jurisdiction of the United States.

(b) AVAILABILITY OF INFORMATION.—The Attorney General shall maintain on-line availability of information obtained under this section for use by authorized law enforcement agencies in carrying out their functions. The Attorney General shall by rule provide for the privacy of the information so maintained.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this section.

(2) INELIGIBILITY FOR FUNDS.—The allocation of funds under title I of the Omnibus Crime Control and Safe Streets Act of 1968 received by a State not complying with the guidelines issued under this section 3 years after the date of enactment of this Act may be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

SEC. 5. STUDY OF PERSISTENT SEXUAL PREDATORS.

The National Institute of Justice, either directly or through grant, shall carry out a study of persistent sexual predators. Not later than one year after the date of the enactment of this Act, such Institute shall report to Congress and the President the results of such study. Such report shall include—

(1) a synthesis of current research in psychology, sociology, law, criminal justice, and other fields regarding persistent sexual offenders, including—

(A) common characteristics of such offenders;

(B) recidivism rates for such offenders;

(C) treatment techniques and their effectiveness;

(D) responses of offenders to treatment and deterrence; and

(E) the possibility of early intervention to prevent people from becoming sexual predators; and

(2) an agenda for future research in this area.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2163. A bill to recognize the organization known as the 29th Division Associated, Incorporated; to the Committee on the Judiciary.

HONORING THE 29TH INFANTRY DIVISION

• Mr. SARBANES. Mr. President, as we commemorate the 50th anniversary of D-day and the courageous march by the Allied forces to liberate Europe, I wish to reintroduce legislation in honor of the 29th Infantry Division, which played such a major role in the success of the Normandy invasion. The courage and perseverance of the soldiers in the 29th Division of June 6, 1944, in the face of withering German fire were remarkable. The 29th Division has had a close connection with the citizens of Maryland, and it is with great pride that I join Senator MIKULSKI in introducing legislation to grant the 29th Infantry Division Association a Federal charter.

The 29th Division Association is a nonprofit corporation organized under the laws of the State of New Jersey. Its objects and purposes, as expressed in its articles of incorporation, include: 1. The promotion of fellowship among its members. 2. The perpetuation of the record of the 29th Division, U.S. Army, in the World Wars. 3. The promotion of the welfare of its members. 4. The consideration of questions concerning the military policy of the United States. 5. To uphold and defend the Constitution of the United States. The 29th Division Association was organized in 1921 by veterans of World War I who served with the 29th Division in Europe. It now has a membership of 3,500, including veterans from World War I and World War II, as well as young men and women now serving in the 29th Division.

On August 17, 1917, the 29th Infantry Division was organized at Camp McClellan, AL. Comprised of National Guard units of citizen soldiers from Maryland, Delaware, Virginia, the District of Columbia, and New Jersey, the division consisted of two brigades with two infantry regiments, an artillery brigade, and supporting units. The division arrived in France in June 1918 and fought in the Alsace and Meuse-Argonne campaigns, suffering over 5,700 casualties.

In World War II, the 29th Infantry Division was mobilized in February 1941 at Forth Meade, MD. The troops trained stateside and later in England, but no amount of preparation could have prepared them for their critical role in the D-day assault. Gen. Dwight D. Eisenhower's invasion on the coast of France's Normandy region was the largest amphibious attack in military history and the 29th Division was an integral part of its success. The division stormed ashore on Omaha Beach, one of the five points of engagement in the Allied invasion. Their battle was an especially fierce one and continued until late in the day, long after the beaches at the other landing points had been captured. Securing Omaha Beach was a critical triumph for the Allies, but the victory at "Bloody Omaha," as the battle was nicknamed, was costly, and all but eliminated entire companies in the 29th. However, the troops in the division pressed on and eventually participated in four major campaigns prior to V–E Day including Normandy, Northern France, Rhineland, and Central Europe.

In 1985 the division was again reactivated as the 29th Infantry Division (Light) with citizen soldiers from Maryland and Virginia. It is continuing the proud tradition established by the 29th in two world wars.

The 29th Infantry Division has played a key role in the defense of this country and is still doing so. It is my hope that this legislation to grant the 29th Infantry Division Association a Federal charter will be approved, and I urge my colleagues to join in this effort to honor this distinguished military unit.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the 29th Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of New Jersey, is recognized as such and is granted a Federal charter.

POWERS

SEC. 2. The 29th Division Association, Incorporated (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

(1) the promotion of fellowship among its members;

(2) the perpetuation of the record of the 29th Division, United States Army, in the World Wars;

(3) the promotion of the welfare of its members, their families, and the families of

the members of the Division who lost their lives in the service of Our Country;

(4) the consideration of questions concerning the military policy of the United States of America; and

(5) to uphold and defend the Constitution of the United States of America.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. (a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation may not contribute to, support, or otherwise participate in any political activity or attempt in any manner to influence legislation. No officer or director of the corporation, acting as such officer or director, may commit any act prohibited under this subsection.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) 29th Division Association, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHARTER

SEC. 13. The right to amend, alter, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1026

At the request of Mr. LOTT, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1026, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1450

At the request of Mrs. FEINSTEIN, the names of the Senator from Tennessee [Mr. MATHEWS] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1450, a bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

S. 1463

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1463, a bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse.

S. 1587

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 1587, a bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1728

At the request of Mr. BRYAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1728, a bill to provide regulatory capital guidelines for treatment of real estate assets sold with limited recourse by depository institutions.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1806

At the request of Mr. NICKLES, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1806, a bill to rescind the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, and for other purposes.

S. 1889

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Arizona [Mr. MCCAIN], the Senator from Washington [Mrs. MURRAY], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 1980

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1980, a bill to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 2007

At the request of Mr. WOFFORD, the names of the Senator from California [Mrs. BOXER] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 2077

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 2077, a bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes.

S. 2105

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2105, a bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2130

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to adjust the death benefit limits for certain policies purchased to cover payment of burial expenses or in connection with prearranged funeral expenses.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 166

At the request of Mr. SPECTER, the names of the Senator from Illinois [Mr. SIMON], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to designate the week of May 29, 1994, through June 4, 1994, as "Pediatric and Adolescent AIDS Awareness Week."

SENATE JOINT RESOLUTION 175

At the request of Mr. MCCAIN, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson's Disease Awareness Week."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. GORTON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. CONRAD], the Senator from Virginia [Mr. ROBB], the Senator from Maine [Mr. COHEN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 219—RELATING TO RELIGIOUS HARASSMENT

Mr. BROWN (for himself, Mr. GRAMM, Mr. SMITH, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 219

Whereas the liberties protected by our Constitution include religious liberty protected by the first amendment;

Whereas citizens of the United States profess the beliefs of almost every conceivable religion;

Whereas Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

Whereas the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

Whereas the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

Whereas Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

Whereas the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty; and

Whereas such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace: Now, therefore, be it

Resolved, That it is the sense of the Senate that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Commission should withdraw religion as a category covered by the proposed guidelines, hold public hearings, and receive additional public comment before issuing similar new regulations.

Mr. BROWN. Mr. President, I appreciate the indulgence of the Chamber. I rise to draw attention to a resolution that I submitted today dealing with guidelines on harassment in the workplace published by the Equal Employment Opportunity Commission on October 1, 1993.

The Equal Employment Opportunity Commission is charged under various civil rights laws with preventing harassment in a variety of areas in our working environments, and in the past they have issued an established guideline to employers to prohibit harassment of individuals based on sex, race, creed, and color. The new guidelines, though, involve a different area than has been addressed in the past. Among other areas, they specifically deal with religion. And the new guidelines are dramatically different than the legal and ethical philosophies that have affected this country over its entire history.

Our history is one of expanding individual freedom, one of expanding the right to exercise any religious belief that one may choose. It is a history which notes the expansion of individual freedom and rights of expression. The new religious harassment guidelines do the opposite.

For the first time that I am aware of in U.S. history, we will have a Government agency act to dramatically suppress the ability of people to express their own religious beliefs, even in a way that does nothing more than simply indicate their faith or preferences, or otherwise celebrate their joy and faith at holidays or other special times. Most Members, I suspect, when they hear this, will be surprised and find it hard to believe that the Equal Employment Opportunity Commission would be acting in such a manner. Yet, what I think has happened here, simply, is that the agency has followed the same guidelines that they have used to deal with sexual harassment or guidelines similar to those that they have used to deal with racial harassment, and tried to make them fit into the determination of what constitutes harassment in religious area. They simply do not fit.

What the Commission needs to do is to now withdraw religion as a category covered by the proposed guidelines, go back through published guidelines, review them in detail, hold public hearings, receive additional public comment, and, if it chooses, publish new ones that root out religious harassment in the workplace consistent with the Constitution, rather than trying to make religion fit in with other categories of harassment regardless of their different nature.

What is involved here is enormously important. Even though it is almost hard to believe, literally what the Commission does is establish guidelines for the determination of legal liability for employers. They require employers to issue their own religious harassment guidelines and then expose employers to liability if they do not do so or if any alleged religious harassment takes place, regardless of whether the employees knew or should have known about the alleged harassing conduct.

What is of such great concern about these new guidelines? Literally, the result of their implementation would be the suppression in the workplace of individual acts of religious expression, or celebrations of religious beliefs. They literally require companies to draft a set of religious harassment guidelines, and in the event that guidelines are not prominently displayed, or in the event that individual innocent acts of religious expression take place, then the employer can be held liable.

What could be these acts of harassment? Literally, the result of implementing the guidelines will provide that a whole series of acts of simple individual religious expression could well become proof of harassment, religious harassment. I do not believe that all Americans, regardless of their religious belief or background or lack of religious belief or background, think that it is in our country's best interest to have guidelines issued that prohibit the wearing of a cross or yarmulke, that outlaw a Christmas party, that would prohibit celebration of Hanukkah at work—a wide range of things which under the guidelines could become proof of harassment.

By way of example, let me just review briefly some of the things that could be used as proof of religious harassment in the workplace. Wearing a cross around the neck or wrist or any openly visible part of the body; wearing a yarmulke; displaying a picture of Christ on an office desk or wall; wearing a T-shirt or hat with any religious picture, drawing, phrase, or commentary; having on a desk or wall anything that has any religious significance; displaying a Bible or other religious book on a desk; making openly visible on display in a work or lounge area a work of art or any item of religious significance; hosting Christmas, Hanukkah, Thanksgiving, or Easter celebrations; parties or celebrations in any form that have any religious focus or reference; allowing for opening or closing prayer or invocation at a company program, banquet, celebration or event; sharing your faith or witnessing the gospel with a fellow employee; speaking openly with employees about your religious beliefs; allowing for nativity displays or scenes in the workplace during the Christmas holiday season.

I do not know how Members react when they listen to this: "Oh, come on, let us be serious," some may say—"Surely no one could suggest these actions constitute harassment." Still others may say, "Surely no Government agency would decide they want to get involved to prohibit these kinds of things from taking place." Clearly all of us—or I hope all of us—would agree that harassing people is wrong and that religious harassment is wrong as well, even if the person genuinely intends well. But merely open displays of our religious beliefs, of our religious commitments, are quite different.

Let me draw the Members' attention to something that could be proof of harassment of a sexual nature: A calendar with a depiction of a nude person on it, displayed openly in an office. That may be interpreted—and reasonably interpreted by some—as sexual harassment; something that could be offensive to the members of the opposite sex. Think, now, of the person who, instead of displaying a calendar with a nude person on it that could be interpreted as pornographic, displays a calendar with a religious figure on that calendar. Sadly, under the proposed guidelines it could be treated the same, as proof of religious harassment.

But are they actually offensive? Does anyone really believe that it is real proof of harassment to have an office with a religious figure shown on a calendar displayed on a desk or wall? Do we really want to equate, in Government guidelines, the depiction of a pornographic nude photo with a picture of Christ? This is absurd. The guidelines as they pertain to religious harassment are idiotic. They have been disseminated without public hearings, without a great deal of thought, and without a reflection on the impact they can have.

What we have is a clear attempt to chill religious expression or displays of any religious feeling or belief in the workplace—an attempt to make the workplace a religion-free zone. None of us wants religious harassment to exist or be allowed to take place on the job. The EEOC should act in a responsible manner to assure that people in the workplace are protected from it. But the proposed religious harassment guidelines will unfortunately simply result in efforts to outlaw any visible form of religious expression from much of our daily lives.

Some will say that is not possible. No responsible employer would do that. But let me remind Members of the legal requirements of the proposed guidelines. If an employer fails to set forth guidelines in the workplace that restrict these kind of activities, they are subject to legal liability—liability imposed on them under title VII of the 1964 Civil Rights Act because the Commission has come forth with mandates through its proposed guidelines that they create religious harassment guidelines. "Well," someone would say, "surely no one at all would come up with these kind of guidelines that would prohibit this kind of conduct." But it is also true because all employers are required to create and display religious harassment guidelines.

By way of example, I would like to read to you a quote from religious harassment guidelines already created and put in place by one of America's major airlines in response to the EEOC proposed guidelines, and I might suggest, in defense of the company that put them out, that they were not their ideas. They were simply trying to comply with the new EEOC requirements:

> Technical personnel should not possess or display in any manner on premises any material which may be construed by anyone to have racial, religious or sexual overtones, whether positive or negative.

That is an unfortunately incredible guideline with regard to religious beliefs and behavior: Any material construed by anyone to have any religious overtones, whether positive or negative. Surely America should not become the land of the intolerable. Surely our agencies should not become the "thought police" and "religion police." Surely dissenting and varying ideas have enriched our lives. Surely the very fiber of the American freedom is to promote, defend and protect people who have ideas they express both overtly and covertly. Surely the American psyche is not so fragile that we have to outlaw any public and private expressions of faith.

Mr. President, complaints to the EEOC resulted in fewer than 1.8 percent of those complaints relating to religion-based complaints. That 1.8 percent is in the entire category of religious complaints. Of the 1.8 percent, only a very small portion of those even alleged the affirmative conduct of religious harassment. The guidelines are clearly over-broad and disproportionate in their effort.

Mr. President, I am not saying that we should not abandon our commitment to prevent workers from having to face harassment on job sites, and we should not turn a blind eye to the potential of abuse even in the religious area, but these guidelines are so overreaching, and are so devastating to our individual freedom of religion and speech that they should be rejected.

I have introduced a resolution today which asks the EEOC to withdraw religion as a category covered by the proposed guidelines and issue new ones only after they have held public hearings and received additional public comment. My hope is that any new proposed guidelines for the determination of religious harassment will respect people's right of religious liberty, to express religious and political convictions without the chilling effect of regulatory intimidation and burdens on the workplace.

I hope the EEOC will withdraw religion as a category covered by the proposed guidelines by the close of business today. Also, as I stated previously, I hope that any new religious harassment guidelines developed by the EEOC respect people's religious beliefs and constitutional rights.

I ask that the Members of this body immediately review the resolution to facilitate our acting quickly to make sure our fundamental rights of religious freedom and religious expression at work are not destroyed by the overzealous proposed guidelines.

Behind me is a chart that lists over 61 different families religious affiliations as embraced by Americans. If an employer is to conscientiously fulfill his responsibilities under the EEOC guidelines, he must determine what would be considered offensive to some combination of almost every one of these 61 groups that are listed, and perhaps more as well. And then the employer must use the information gained to develop his own religious harassment guidelines. This task would be monumental.

Religious practices vary. The Sabbath is celebrated on Friday by some, on Saturday by others, on Sunday by still others. Religious holidays abound among these 61 groups. To prohibit the expression, or the celebration, or the remembrance of religion in a way that will offend no one jeopardizes the freedom of all.

I hope this Chamber will act quickly on the BROWN resolution to ensure the continuation of our religious freedoms.

AMENDMENTS SUBMITTED

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

GLENN AMENDMENT NO. 1748

Mr. GLENN proposed an amendment to the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes; as follows:

On page 24, line 10, strike out "that incorporates" and all that follows through "incorporated in" on line 12, and insert in lieu thereof "for a commercial item other than a commercial component, the make and model of the item being provided in accordance with".

On page 25, strike out lines 20 and 21, and insert in lieu thereof the following:

"(ii) the same information that would have been provided to the original offerors.

On page 28, between lines 22 and 23, insert the following:

"(c) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to subsection (b)(1) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (b)(3).

On page 28, line 23, strike out "(c)" and insert in lieu thereof "(d)".

On page 29, line 3, insert end quotation marks and a period at the end.

On page 29, strike out lines 4 through 15.

On page 50, line 21, strike out "that incorporates" and all that follows through "incorporated in" on line 23, and insert in lieu thereof "for a commercial item other than a commercial component, the make and model of the item being provided in accordance with".

On page 52, strike out lines 6 and 7, and insert in lieu thereof the following:

"(B) the same information that would have been provided to the original offerors.

On page 55, between lines 11 and 12, insert the following:

"(c) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to subsection (b)(1) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (b)(3).

On page 55, line 12, strike out "(c)" and insert in lieu thereof "(d)".

On page 55, line 17, insert end quotation marks and a period at the end.

On page 55, strike out line 18 and all that follows through page 56, line 2.

On page 58, line 12, strike out "severable contract" and all that follows through "services" on line 13, and insert in lieu thereof "contract for procurement of severable services".

On page 58, strike out line 17 and all that follows through page 59, line 2, and insert in lieu thereof the following:

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

On page 63, strike out lines 11 through 14, and insert in lieu thereof the following:

"(C) policies for ensuring that—

"(i) offerors are afforded an opportunity to submit relevant information on past contract performance, including performance under contracts entered into by the executive agency concerned, contracts entered into by other departments and agencies of the Federal Government, contracts entered into by agencies of State and local governments, and contracts entered into by commercial customers; and

"(ii) such information submitted by offerors is considered.

On page 63, on line 16, strike out "the policy" and insert in lieu thereof "guidance".

On page 63, on line 17, strike out "may" and insert in lieu thereof "should".

On page 68, line 9, strike out "contracting officer" and all that follows through line 17, and insert in lieu thereof "contracting officer obtains, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be. The contracting officer may obtain such information from the offeror or contractor or, when such information is not available from that source, from another source or sources.".

On page 70, strike out lines 7 and 8, and insert in lieu thereof the following:

prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.

On page 78, line 25, strike out "contracting officer" and all that follows through page 79, line 8, and insert in lieu thereof "contracting officer obtains, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be. The contracting officer may obtain such information from the offeror or contractor or, when such information is not available from that source, from another source or sources.".

On page 84, line 22, strike out "such offeror" and all that follows through line 23, and insert in lieu thereof "the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of a proposed contract or subcontract for the procurement.".

On page 110, line 20, insert "'commercial component'," after "'commercial item',".

On page 116, line 15, insert "'commercial component'," after "'commercial item',".

On page 125, between lines 18 and 19, insert the following:

(h) RELATIONSHIP TO PROMPT PAYMENT REQUIREMENTS.—Section 2307(f) of title 10, United States Code, as amended by subsection (f), is not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law, that relate to progress payment requests, as such procedures are in effect on the date of the enactment of this Act.

On page 125, line 19, strike out "(h)" and insert in lieu thereof "(i)".

On page 126, line 4, strike out "(i)" and insert in lieu thereof "(j)".

On page 133, line 2, strike out "amendments" and insert in lieu thereof "amendment".

On page 133, line 3, strike out "are" and insert in lieu thereof "is".

On page 159, strike out lines 6 through 20 and insert in lieu thereof the following:

not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the agency head determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

On page 175, line 12, strike out "for a" and all that follows through "officer's decision" on line 13, and insert in lieu thereof "made to a contracting officer".

On page 175, line 17, strike out "render a decision" and insert in lieu thereof "reply".

On page 175, line 20, strike out "reach a decision" and insert in lieu thereof "respond".

On page 175, between lines 20 and 21, insert the following:

The provisions shall not apply to a request for a contracting officer's decision under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

On page 196, line 12, strike out "(as defined" and all that follows through "Administrator of General Services)" on line 14.

On page 203, between lines 3 and 4, insert the following:

"(5) A requirement that a contracting officer consider each responsive offer timely received from an eligible offeror.

On page 204, line 7, strike out "section 8(a)" and insert in lieu thereof "subsection (a) or (c) of section 8".

On page 205, line 2, strike out "will vest" and insert in lieu thereof "vests".

On page 205, line 4, strike out "and".

On page 205, line 10, strike out the period at the end and insert in lieu thereof "; and".

On page 205, between lines 10 and 11, insert the following:

(3) funds are available for making the payment.

On page 206, between lines 13 and 14, insert the following:

(c) NOTICE NOT REQUIRED IN ELECTRONIC COMMERCE.—Subsection (c)(1) of such section, as amended by section 1055(b), is further amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), (E) and (F) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(2) by inserting above subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is conducted by means of electronic commerce pursuant to a system that, as determined by the Administrator for Federal Procurement Policy, has the capabilities described in subsections (a) and (b) of section 4015 of the Federal Acquisition Streamlining Act of 1994;".

On page 206, line 14, strike out "(c)" and insert in lieu thereof "(d)".

On page 209, beginning on line 7, strike out "and solicitations." and all that follows through line 11, and insert in lieu thereof "of solicitations and for deadlines for the submission of offers under solicitations. Each minimum period specified for a notification of solicitation and each deadline for the submission of offers under a solicitation shall afford potential offerors a reasonable opportunity to respond.".

On page 209, line 20, insert "the Federal Acquisition Regulation contains the provisions specifically required by subsection (c) and" after "if"

On page 213, line 8, strike out "(B)" and insert in lieu thereof "(C)".

On page 220, strike out line 11 and all that follows through page 221, line 15, and insert in lieu thereof the following:

(C) in paragraph (3)—

(i) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(ii) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures";

(E) in paragraph (4), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures"; and

(F) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

"(B) For purposes of subparagraph (A), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.".

On page 224, strike out line 15 and all that follows through page 225, line 18, and insert in lieu thereof the following:

SEC. 4101. ACQUISITIONS GENERALLY.

On page 225, line 19, strike out "(b)" and insert in lieu thereof "(a)".

On page 225, line 22, strike out "(c)" and insert in lieu thereof "(b)".

On page 227, line 5, strike out "(d)" and insert in lieu thereof "(c)".

On page 227, strike out line 10, and insert in lieu thereof the following:

SEC. 4102. ACQUISITIONS FROM SMALL BUSINESSES.

On page 227, strike out lines 17 and 18, and insert in lieu thereof the following:

SEC. 4103. CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS.

On page 268, line 7, insert "(a) INCREASED PERIOD.—" before "Section".

On page 268, between lines 17 and 18, insert the following:

(b) TECHNICAL AMENDMENT.—Section 22(d) of such Act is amended by designating the second sentence as paragraph (3).

On page 285, line 3, strike out the end quotation marks and the period following the end quotation marks.

On page 285, between lines 3 and 4, insert the following:

"(3) In conducting market research, the head of an executive agency should not require potential sources to submit more than the minimum information that is necessary to make the determinations required in paragraph (2).".

On page 286, line 4, insert "or executive orders" after "law".

On page 287, line 13, insert "(1)" after "ACCEPTANCE.—".

On page 287, line 17, strike out "'(1)" and insert in lieu thereof "'(A)".

On page 287, line 18, strike out "'(A)" and insert in lieu thereof "'(i)".

On page 287, line 20, strike out "'(B)" and insert in lieu thereof "'(ii)".

On page 287, line 23, strike out "'(2)" and insert in lieu thereof "'(B)".

On page 287, after line 25, insert the following:

"(2) The Federal Acquisition Regulation shall provide guidance to ensure that the criteria for determining commercial market acceptance include the consideration of—

"(A) the minimum needs of the executive agency concerned; and

"(B) the entire relevant commercial market, including small businesses.

On page 288, line 23, strike out the end quotation marks and the period following the end quotation marks.

On page 295, line 7, insert a comma after "section 4023(a)".

On page 295, line 9, strike out "section 4041" and insert in lieu thereof "section 4023(a)".

On page 298, line 19, insert "(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENT.—" before "Section".

On page 299, lines 1 and 2, strike out "subsection (a)(1)." and insert in lieu thereof "paragraph (1).".

On page 299, at the end of line 3 add the following: "The Federal Acquisition Regulation shall specify a minimum period for submission of a response to a solicitation of offers for a contract for the acquisition of commercial items.".

On page 299, between line 3 and 4, insert the following:

(b) SAVINGS PROVISION.—The deadlines for submission of offers that are in effect in accordance with section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall continue to apply to contracts for the purchase of commercial items until the limits prescribed pursuant to paragraph (4) of section 18(a) of the Office of Federal Procurement Policy Act (as added by subsection (a)) are incorporated in the Federal Acquisition Regulation, as required by such paragraph.

On page 300, strike out lines 7 and 8, and insert in lieu thereof the following:

(3) subsections (a) and (d) of section 8 of the Small Business Act (15 U.S.C. 637); or

On page 303, between lines 1 and 2, insert the following:

(e) REQUIREMENT FOR CLARITY.—Officers and employees of the Federal Government who prescribe regulations to implement this Act and the amendments made by this Act shall make every effort practicable to ensure that the regulations are concise and are easily understandable by potential offerors as well as by Government officials.

On page 303, line 2, strike out "(e)" and insert in lieu thereof "(f)".

On page 303, line 19, insert at the end the following: "The report shall include the Comptroller General's evaluation of the extent to which the departments and agencies of the Federal Government, in implementing this Act and the amendments made by this Act, are reducing acquisition management layers and associated costs.".

COCHRAN AMENDMENT NO. 1749

Mr. COCHRAN proposed an amendment to the bill S. 1587, supra; as follows:

On page 176, between lines 2 and 3, insert the following sections:

SEC. 2555. AUTHORITY FOR DISTRICT COURTS TO OBTAIN ADVISORY OPINIONS FROM BOARDS OF CONTRACT APPEALS IN CERTAIN CASES.

Section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609) is amended by adding at the end the following new paragraph:

"(f)(1) Whenever an action involving an issue described in paragraph (2) is pending in a district court of the United States, the district court may request a board of contract appeals to provide the court with an advisory opinion on the matters of contract interpretation at issue.

"(2) An issue referred to in paragraph (1) is any issue that could be the proper subject of a final decision of a contracting officer appealable under this Act.

"(3) A district court shall direct any request under paragraph (1) to the board of contract appeals having jurisdiction under this Act to adjudicate appeals of contract claims under the contract or contracts being interpreted by the court.

"(4) Within ninety days after receiving a request for an advisory opinion under paragraph (1), a board of contract appeals shall provide the advisory opinion to the district court making the request.".

SIMON (AND OTHERS) AMENDMENT NO. 1750

Mr. GLENN (for Mr. SIMON, for himself, Ms. MOSELEY-BRAUN, and Mr. D'AMATO) proposed an amendment to the bill S. 1587, supra; as follows:

In S. 1587, strike out on page 194, line 7, through page 195, line 14 (Section 3051).

FORD AMENDMENT NO. 1751

Mr. FORD proposed an amendment to the bill S. 1587, supra; as follows:

On page 133, strike out line 22 and all that follows through page 134, line 3, and insert in lieu thereof the following:

(a) UNALLOWABILITY OF COSTS TO INFLUENCE LOCAL LEGISLATIVE BODIES.—Subsection (e)(1)(B) of section 2324 of title 10, United States Code, is amended by striking out "or a State legislature" and inserting in lieu thereof ", a State legislature, or a legislative body of a political subdivision of a State".

(b) COMPTROLLER GENERAL EVALUATION.—Section 2324 of such title is amended by striking out subsection (*l*).

(c) COVERED CONTRACT DEFINED.—Subsection (m) of such section is amended to read as follows:

On page 138, line 8, strike out "or a State legislature" and insert in lieu thereof ", a State legislature, or a legislative body of a political subdivision of a State".

GRASSLEY (AND ROTH) AMENDMENT NO. 1752

Mr. GRASSLEY (for himself and Mr. ROTH) proposed an amendment to the bill S. 1587, supra; as follows:

On page 205, between lines 10 and 11, insert the following:

(c) DISBURSEMENTS TO BE MATCHED WITH OBLIGATIONS.—The simplified acquisition procedures shall include procedures that ensure that each request for a disbursement is matched with a particular obligation before the disbursement is made under the payment terms provided for under subsection (a).

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Wednesday, June 8, 1994, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 1936, the Indian Integrated Resources Management Planning Act; and S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

Mr. President, I also would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Friday, June 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on Off-Reservation Boarding Schools.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Nutrition and Investigations will hold a hearing on S. 1614, Better Nutrition and Health for Children Act of 1993. The hearing will be held on Friday, June 10, 1994, at 9:30 a.m. in SR–332. Senator TOM HARKIN will preside.

For further information, please contact Mark Halverson at 224–3254.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 14, 1994 at 10 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Patricia Fry Godley, nominee to be Assistant Secretary of Energy for Fossil Energy, and Joseph F. Vivona, nominee to be Chief Financial Officer for the U.S. Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

Mr. President, I also would like to announce that a hearing has been scheduled before the Committee on Energy and Natural Resources to receive testimony on a proposed bill regarding Hawaiian homelands.

The hearing will take place on Thursday, June 16, 1994, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Dionne Thompson of the committee staff at (202) 224–5925

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

The hearing will take place on Thursday, June 23, 1994, at 2 p.m. in room 366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, (202) 224–4531 or Leslie Palmer, (202) 224–6836 of the subcommittee staff.

Mr. President, I also would like to announce for my colleagues and the public that two field hearings have been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the first hearing is to receive testimony on a coordinated approach to the evaluation and resolution of outstanding ecological problems related to water quality, water quantity, endangered species, and wildlife habitat in the Klamath Basin, OR. The hearing will take place on Wednesday, July 6, 1994, at 10 a.m., in the Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, OR.

The purpose of the second hearing is to receive testimony on S. 2115, a bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii. The hearing will take place on Friday, July 8, 1994, at 9 a.m., in the East-West Center, Hawaii Imin International Conference Center, 1777 East West Road, Honolulu, HI.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, June 7, at 4:30 p.m. to hold a nomination hearing on Maria Otero, to be Chairman of the Board of Directors of the Inter-American Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION AND INDUSTRIAL BASE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition and Industrial Base of the Committee on Armed Services be authorized to meet on Tuesday, June 7, 1994, at 3:30 p.m., in closed session, to mark up the defense technology, acquisition, and industrial base programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGIONAL DEFENSE AND CONTINGENCY FORCES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Regional Defense and Contingency Forces of the Committee on Armed Services be authorized to meet on Tuesday, June 7, 1994, at 5 p.m., in closed session, to mark up the regional defense and contingency forces programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE POUDRE RIVER TRAIL GROUND BREAKING

• Mr. BROWN. Mr. President, congratulations to the citizens of the Cache la Poudre River Basin on this ground breaking for the Poudre River Trail. As the sponsor of the National Trails Day resolution, I am delighted that the 1994 celebration is marked by the kickoff of this visionary project.

Our trails are a key to preserving the special quality of life in Colorado. Developing and preserving recreational areas as we grow is essential. In an era of increased awareness of physical fitness, trails provide healthy, inexpensive entertainment opportunities for people of all ages.

My interest in the Poudre River corridor is longstanding. In the early 1970's, I was active in promoting an expansion of Island Grove Park. As a State senator from Larimer, Weld and Morgan Counties, I was the prime sponsor of Colorado's Conservation Trust Fund legislation.

In 1986, I was the sponsor of legislation designating a portion of the Cache la Poudre as wild and scenic—the only stretch of river in Colorado to have received such designation. Currently, I am sponsoring S. 1270, the Cache la Poudre River Basin Heritage Study Act. Creation of the Cache la Poudre National Water Heritage Area would honor more than a century of water development and conservation in the basin—which changed the region from a semi-arid desert into some of the most productive farmland in the world. This act will allow city, county and State officials to work together to exchange surplus land for land along the floodplain for open space.

One of the most important aspects of the heritage study and demonstration project is that its management remains in the hands of the people who understand the river best—the people who reside in the Poudre River basin.

Again, I congratulate you on this ground breaking. I look forward to being here with you in the near future when you dedicate the finished trail for the use of the citizens of this area. Good planning is not a product of stopping progress but of preparing for the future.

Congratulations on a major step forward.•

TRIBUTE TO SHERMAN MITCHELL

• Mr. RIEGLE. Mr. President, today I rise to pay tribute to Mr. Sherman Mitchell, an outstanding and valued member of my hometown community of Flint, MI. On the evening of June 12, 1994, Mr. Mitchell, a renowned international jazz musician, will be honored by friends, family, and the citizens of the Greater Flint area.

A native of Flint, MI, Mr. Mitchell's musical studies began in 1948 at the Flint community schools' Whittier Junior High School. It was the start of a dynamic and sensational 50-year musical career.

This self-taught jazz musician graduated from Flint Central High School in 1948. During the years that followed, Mr. Mitchell continued to develop his talent by playing everything from blues and jazz to classical music. He performed on the trombone, oboe, saxophone, drums and bass, working as a soloist, section player, sideman, and band leader.

He wrote and arranged the musical portion of the Public Broadcasting Service series "Black Biography," which aired in 1983. In 1988, Mr. Mitchell was commissioned to compose and score music for a television special on the American Broadcasting Co. That same year, he composed and recorded a nationally reviewed record album entitled "Far From Tranquil." In addition, he wrote the score for a second album, "Once Upon a Lifetime," which was released in 1992.

Mr. Mitchell has performed with many outstanding jazz artists including J.C. Heard, Clark Terry, Sonny Stitt, Joe Henderson, and Errol Garner. He is a regular at the Detroit Montreux Jazz Festival and has performed in Mexico, Canada, and Europe.

For 50 golden years, Sherman Mitchell has been Flint's jazz ambassador. His commitment to the Flint community is evident by the fact that he has passed up numerous opportunities in order to remain there to raise a family and start a musical instrument repair business. He never refuses to perform for community events, and often does so gratis. Mitchell's unique style is echoed by the many aspiring and successful musicians who began their own careers as members of one of his combos.

And so, I would like to commend Sherman Mitchell for his tremendous commitment and musical contribution to the people of Flint, MI. His presence has been an inspiration to all lovers of music, from pre-schoolers to goldenagers. I am happy to join with his family, and colleagues in wishing him well as he enters this new phase in his life.•

THE ACHIEVEMENT OF THE SOUTHWESTERN PENNSYLVANIA AUTHORITY RAILWORKS PROJECT

• Mr. WOFFORD. Mr. President, I am pleased today to recognize the achievement of the Southwestern Pennsylvania Authority [SEPTA]. The American Society of Civil Engineers recently conferred its 1994 Outstanding Civil Engineering Achievement Award of Merit on SEPTA's railworks project. The society's annual award recognizes engineering projects that demonstrate outstanding skill and innovative contribution to the field of civil engineering. And SEPTA's giant undertaking of rehabilitating Philadelphia's rail lines while providing outstanding commuter and environment friendly service is worthy of such an honor.

I congratulate SEPTA for its excellence in engineering, its continued dedication to improving the lives of Pennsylvanians, and I ask that the following statement from the American Society of Civil Engineers be included in the RECORD.

The statement follows:

PHILADELPHIA'S SEPTA RAILWORKS WINS ENGINEERING AWARD

WASHINGTON, May 6, 1994.—The American Society of Civil Engineers (ASCE) confers its 1994 Outstanding Civil Engineering Achievement (OCEA) Award of Merit on the Southeastern Pennsylvania Transportation Authority (SEPTA) Railworks project. SEPTA Railworks replaced or rehabilitated 25 bridges along the main commuter rail line in Philadelphia, enhancing an energy-efficient and environmentally friendly transportation resource while minimizing disruption to commuter service and surrounding neighborhoods.

The annual OCEA awards recognize engineering projects that demonstrate outstanding engineering skills and represent innovative contributions to civil engineering and human progress. An ASCE judging panel selected SEPTA Railworks, one or 17 nominees, for one of three Awards of Merit.

Replacing a series of badly-deteriorated bridges on a critical commuter railway in a densely-populated urban area presented daunting challenges: it was the largest engineering and construction effort ever undertaken by SEPTA; more than 100 separate entities would have to be coordinate to accomplish the work; 90,000 daily riders would suffer major disruptions in rail service; new bridge construction would occur in close proximity to homes and businesses; and time available to do the work was severely limited.

SEPTA chose a bold approach: it shut down all railroad operations within the affected five-mile section for two periods totalling ten months in duration. During the shutdowns, construction continued 24 hours per day for over eight months. Due to meticulous engineering, hard work and effective coordination, rail operations resumed on schedule after both stoppages. Despite the frenzied pace, the estimated final construction cost of almost $140 million is more than $7 million below budget.

In addition to the complete replacement of 20 bridges and substantial rehabilitation of five others, the Railworks project included several enhancements of the railway infrastructure. SEPTA reduced truck curvatures and installed continuously welded rail to make possible smoother rides at higher speeds. Two new handicap-accessible stations were constructed. And new signal and switching systems will reduce train delays.

The Railworks project team adopted the motto "Building New Connections" to highlight its commitment to achieve engineering and construction success while maintaining social responsibility and community involvement. SEPTA offered numerous construction contracts to maximize participation of local firms. Construction Planning continuously evaluated the impact of operations on local residents. And the project diligently pursued the goals of providing jobs for local residents, keeping the community informed of operations, and assisting in resolution of problems when they occurred.

In addition to its internal engineering staff, SEPTA employed the services of Gannett Fleming Transportation Engineers and Planners and STV/Sanders and Thomas as design consultants, and O'Brien-Kreitzberg & Associates as construction manager.

Founded in 1852, ASCE represents more than 115,000 civil engineers and is America's oldest national engineering society.•

SONS OF ITALY FOUNDATION

• Mr. LIEBERMAN. Mr. President, I want to congratulate the Sons of Italy Foundation [SIF] for its highly successful sixth annual National Education and Leadership Award Ceremony, which I had the pleasure of serving as host on May 19, 1994. I commend this organization for the encouragement it provides to some of our Nation's outstanding young scholars and future leaders.

At this event, the SIF awarded scholarships to the winners of the 1994 National Leadership Grant Competition, including a scholarship in the name of Louis J. Freeh, Director of the Federal Bureau of Investigation.

In selecting Director Freeh as an honoree and establishing a scholarship in his name, the SIF made an excellent choice. He stands as living proof that hard work, discipline, education, integrity, intelligence, and perseverance are still rewarded in our society. He is an outstanding role model, not only for Americans of Italian heritage, but for all Americans.

OSIA's long and distinguished record of generous support for the education of America's youth should be highly praised by this revered body and indeed, by all citizens concerned about our educational system. During the past century, OSIA and the SIF have contributed nearly $20 million in scholarships.

I am pleased that a number of my colleagues in the U.S. Senate and the U.S. House of Representatives rearranged their busy schedules to attend this important and inspirational event. They included Senate majority leader MITCHELL, Senators D'AMATO, DECONCINI, and LEAHY, and Representatives MORAN, PALLONE, and MORELLA.

The leaders of the OSIA and SIF have demonstrated great foresight by encouraging the achievements of the outstanding young people of America through merit-based financial aid for higher education and by recognizing them at a gala event in the Nation's Capital. I commend Ms. Joanne L. Strollo, national president of the OSIA and chairman of the SIF and the first woman to hold these two positions; Mr. Valentino Ciullo, president of the SIF; Mr. Joseph Sciame, chairman of the OSIA's National Education Committee, and the vice president of St. John's University; and Dr. Phillip R. Piccigallo, national executive director of OSIA and the SIF, for their leadership roles in the 1994 National Education & Leadership Award Ceremony and the National Leadership Grant Competition.

Listed below are the 13 winners of the 1994 National Leadership Grant Competition. These young men and women represent the highest level of academic achievement and leadership potential in our country today.

Christopher V. Vitale, the Honorable Louis J. Freeh Scholarship.

Gabriel L. Bevilacqua, Jr., the Henry Salvatori Scholarship.

Jennifer A. Cardello, the Hon. Silvio O. Conte Scholarship.

Christopher J. Linehan, Giovanni Glessi Scholarship.

Aurelio Teleman, Coach Lou Carnesecca/Italian Heritage Scholarship.

Karla Lambert, Daniel A. D'Amico/Annette Funicello Scholarship.

Christian Ialongo, Pearl S. Tubiolo Scholarship.

Elizabeth M. Antognoli, the Honorable Frank J. Montemuro, Jr. Scholarship.

Tony Botti, Michael Cappellotti Family Scholarship.

Michael Musante, Joanne L. Strollo Scholarship.

Geraldine Visco Capello, Dr. Vincenzo Sellaro Scholarship.

Gino M. DiVenuti, Dr. Anthony S. Fauci Scholarship.

Thomas A. Gentile, the Hon. Antonin Scalia/Lodges of OSIA Scholarship.•

TRIBUTE TO GORDON DURNIL

• Mr. LUGAR. Mr. President, I rise today to recognize Mr. Gordon Durnil of Indianapolis, IN, for receiving the National Wildlife Federation's Conservation Achievement Award. I have had the distinct pleasure of knowing Gordon personally for more than 25 years, and I appreciate this opportunity to commend him for his work in the area of conservation.

Gordon has dedicated many years to public service. Most recently, he retired as chairman of the United States Section of the International Joint Commission [IJC], a binational body that advises the United States and Canadian governments on transboundary environmental problems and solutions. As chairman, he led the campaign to ban from the Great Lakes toxins that cause birth defects, immune system problems, and neurological impairments. Gordon's work on the IJC has contributed greatly to protection of the environment of Indiana and the entire Great Lake region.

During his tenure with the IJC, Gordon became an expert in many areas, including shared water resources, multijurisdictional approaches to water and air pollution, problems posed to human health as a result of exposure to persistent toxic substances, remedial action plans to restore severely degraded areas, and multinational exercises in environmental education. Gordon also was responsible for initiating several reports regarding persistent toxic substances and human health.

Gordon's service to the IJC also includes serving as head of delegation at the U.N. Conference on Environment and Development in Rio de Janeiro, Brazil. As a result of Gordon's effort to streamline the IJC's binational office in Windsor, ON, more funds were made available for scientific programs.

Gordon received his bachelor of science degree from the Indiana University School of Business and his doctor of jurisprudence degree from the Indiana University School of Law. In addition, Gordon has completed training in alternative dispute resolution and advanced civil mediation and he is a certified professional civil mediator. Gordon has the much needed ability to bring disputing parties to the negotiation table to agree on workable solutions.

In addition, Gordon is a member of the alternative dispute resolution and environmental sections of the Indiana State Bar Association and the Society of Professionals in Dispute Resolution. He is a member of the board of directors and finance chairman of the Indiana Ronald McDonald House.

On June 11, 1994, the Indiana Wildlife Federation will be holding its annual meeting at Spring Mill State Park in Mitchell, IN. It is at this meeting that the National Wildlife Federation will present Gordon with the Conservation Achievement Award. I congratulate Gordon for his achievement and thank him for his years of dedication to Indiana and the environment.•

TRIBUTE TO TRUMBULL HIGH SCHOOL

• Mr. LIEBERMAN. Mr. President, I rise today to recognize the extraordinary accomplishment of a group of young people from my home State of Connecticut. The following students from Trumbull High School, accompanied by their teacher Rita Altieri, participated in the national finals of the We The People . . . The Citizen and the Constitution program in Washington, DC from April 30–May 2 where they were successful in winning the unit award for their outstanding comprehension of the first amendment: Jean Baiardi, Jeffrey Burns, Ashley Coyne, Jessica Devine, Lisa DiDomenico, Brian DiStassio, Jaime Felberbaum, Dana Heitlinger, Alison Kelly, Erin Kelly, Julie Klunk, Cheryl Konopka, Roudabeh Latifpour, Ricardo Luzietti, James Maricondo, Steven Merrick, Bianca Milazzo, Brian Noehren, Rena Paris, Matthew Park, Perry Rountos, Matthew Sewell, Erica Silverman, Sara Usilton, Sujal Vaidyam, David Weisman, Sondra Weiss, Bret Wiener, Stacey Wilcoxson, and John Zbell.

These exceptional students competed against 47 classes from throughout the country and emerged as the classroom with the greatest overall understanding of the first amendment to the Constitution of the United States. The competition resembles the structure of a congressional hearing and was developed and hosted by the Center for Civic Education. The purpose of the program is to foster understanding, interest, and participation in the American political process of representative democracy.

The students from Trumbull High School, whose names appear above, have distinguished themselves in this unique forum of learning. Their excellent work in this program will help prepare them to be leaders in our democracy. Their success in the program deserves the recognition and appreciation of the people of Connecticut and the Nation at large.•

RECOGNITION OF DENVER EAST HIGH SCHOOL STUDENTS

• Mr. BROWN. Mr. President, I would like to take a moment to recognize an outstanding group of students from Denver East High School in Denver, CO.

The group participated in a national competition of We the People . . . The Citizen and the Constitution, a program in which many honorable members of this Senate serve in an advisory committee capacity. The competition, which took the form of a simulated congressional hearing, tested the students on their knowledge of the fundamental values of American constitutional government.

The Denver east students placed among the top 10 winners at the competition. They participated under the leadership of Dr. Deanna Morrison, an American government teacher at the high school. At this time, I would like to recognize each of the students who represented the high school individually. They were:

John Akolt, Aisha Alkayali, Ned Augenblick, Eric Berson, Kendra Bird, Noah Borwick, John Freyer, Susan Givens, Andrea Gibson.

Erin Gretzinger, Tyler Haring, Daniel Hoefer, Thomas Kerr, Kimberly Knous, Sarah Liegl, Justin Milner, Eric Nussbaumer, Kristin Petri.

Ashby Plain, Nickie Robinson, Laura Ruttum, Lafayette Scott-Pierre, Jessica Smith, Alexis Sophocles, Gwendolyn Turner, Lane Volpe, Graham Williams.

At a time when our attention toward young people seem to focus only on negative events, I am proud to recognize these exceptional young men and women for the excellence they have displayed in their knowledge of the ideals and values of the U.S. Constitution.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that during the last 2 weeks, 44 people were killed in New York City by gunshot, bringing this year's total to 425.•

TWO RESOLUTIONS ADOPTED BY THE NATIONAL ASSOCIATION OF REGULATORY COMMISSIONERS

• Ms. MOSELEY-BRAUN. Mr. President, I rise today to bring to my colleagues' attention two important resolutions adopted by the National Association of Regulatory Commissioners [NARUC] regarding our Nation's spent nuclear fuel management program.

Our Nation's 109 nuclear reactors are currently storing 25,000 tons of spent nuclear fuel on-site in spent fuel pools and dry cask storage systems all across the United States. With more nuclear reactors than any other State, Illinois alone is currently storing 3,500 tons of spent nuclear fuel.

Mr. President, the Nuclear Waste Policy Act of 1982 requires the Department of Energy [DOE] to site a permanent high-level nuclear waste repository by 1998. While the Department of Energy is currently investigating the suitability of the Yucca Mountain site in Nevada, it is critically behind schedule in meeting its 1998 deadline.

In order to support these suitability studies for our Nation's spent nuclear fuel management program, the Nuclear Waste Policy Act requires utility ratepayers to contribute to the Nuclear Waste Fund. To date, Illinois ratepayers have deposited more than $1.1 billion into this fund through higher electric bills. Collections from ratepayers nationwide have totaled more than $7.6 billion. However, since the Federal Spent Nuclear Fuel Management Program is governed by rules regarding budgetary outlays, there is currently a $4 billion surplus in the Nuclear Waste Fund.

On November 18, 1994, I wrote to President Clinton expressing my concerns over the progress of our Nation's Spent Nuclear Waste Management Program and my support for Secretary O'Leary's efforts to use funds in the Nuclear Waste Fund to support this program in a timely and efficient manner.

Mr. President, utilities and ratepayers are concerned about the program's delays for two very important reasons. First, 23 nuclear plant sites will have exhausted their existing spent nuclear fuel storage capacity by 1998; 73 by 2010. Utilities and ratepayers are also concerned because they will be asked to pay twice for the disposal of nuclear waste if the Department of Energy fails to meet its 1998 deadline—first through contributions to the Nuclear Waste Fund, and a second time through higher electric rates for the construction of temporary on-site spent fuel storage facilities.

This issue is simply about equity and responsibility. The Nation's utilities entered the nuclear energy era with the promise that the Federal Government would take responsibility for ensuring the ultimate disposal of spent nuclear fuel. Electric utility customers have fulfilled their part by contributing to the Nuclear Waste Fund. It is time for the Department of Energy to meet its responsibilities outlined in the Nuclear Waste Policy Act of 1982.

Mr. President, I would like to conclude my remarks by urging my colleagues to heed NARUC's advice and ensure that the Nation's Spent Nuclear Fuel Management Program moves forward expeditiously.

I ask that the NARUC resolutions be printed at this point in the RECORD.

The resolutions follows:

RESOLUTION TO ENCOURAGE THE DEVELOPMENT OF PRIVATE TEMPORARY STORAGE FACILITIES

Whereas, The United States Department of Energy (DOE) has the responsibility to dispose of spent nuclear fuel storage generated by utilities in their domestic nuclear power reactors; and

Whereas, The DOE has the responsibility to accept title to, transport and dispose of the spent nuclear fuel generated by utilities beginning not later than January 31, 1998; and

Whereas, The National Association of Regulatory Utility Commissioners (NARUC) believes the DOE will not develop a Federal high-level nuclear waste repository or facility for the storage of spent nuclear fuel which would be operational by January 31, 1998; and

Whereas, Without an operational repository, utilities are required to provide for additional temporary spent nuclear fuel storage at significant cost to the nuclear electric utility and their ratepayers; and

Whereas, The Mescalero Apache Nation, the New Corporation and other parties are interested in developing a temporary facility for the storage of spent nuclear fuel; and

Whereas, The DOE and the Congress has discontinued funding of the efforts of local government entities, including the Mescalero Apache Nation, to develop a Federal Monitored Retrievable Storage facility; and

Whereas, Despite the termination of funding by the Congress and the DOE, the Mescalero Apache Nation, and New Corporation and other parties continue to express their readiness to negotiate a voluntary siting agreement for an MRS as outlined in the 1987 amendments to the Federal Nuclear Waste Policy Act and maintain an interest in developing such a temporary storage facility; now, therefore, be it

Resolved, By the Executive Committee of the NARUC, convened at its 1994 Winter Committee in Washington, D.C., that it supports the nuclear electric utility industry working to review the development and operation of a private temporary storage facility for spent nuclear fuel; and be it further

Resolved, That the NARUC urges DOE to advocate restoration of Phase II-B funding for prospective volunteer jurisdictions and if necessary to transfer funds from the site characterization effort for a permanent repository for this effort; and be it further

Resolved, That DOE increase its efforts in assisting with the development of private facilities; and be it further

Resolved, That the NARUC Executive Committee adopts the following principles;

1. High-level radioactive waste management is the responsibility of this generation;

2. Health, safety and minimization of environmental impact are the overriding priorities in managing civilian nuclear waste with other important considerations including: geographical equity, public acceptance, and cost effectiveness.

3. The Department of Energy has a responsibility to take title to and remove spent fuel from reactors beginning in 1998;

4. Consistent with global scientific consensus and Congressional mandate, deep geologic disposal of spent fuel should continue as the ultimate objective of the federal government's civilian nuclear waste management program;

5. Compensation alone would not satisfy the Department of Energy's obligation to remove spent fuel from reactor sites;

6. Even though central Department of Energy interim spent fuel storage facilities may be available, subject to the above principles, each utility should have the option to pursue storage on-site or elsewhere should it be more desirable to do so; and be it further

Resolved, That the NARUC Executive Committee adopts the following recommendations:

1. The Federal government needs to establish interim off-site spent fuel storage capability to allow the Department to take title to and remove spent fuel from reactor sites starting in 1998;

2. The voluntary process, including both the public and private efforts for locating interim storage facilities, should continue;

3. The Federal government should initiate a serious effort to locate an interim storage facility on Federal or private property;

4. The Department of Energy should increase the planned rate of acceptance of spent fuel from reactors and Congress should increase the capacity limit of interim spent fuel storage facilities in order to efficiently and effectively accommodate actual interim storage needs;

5. The Department of Energy should take immediate action to ensure that the necessary infrastructure (such as transportation capability) exists and will be available to support the acceptance of spent fuel for interim storage in 1998;

6. The Nuclear Regulatory Commission should be asked to review its regulations, and implementation of those regulations, for safety, added value, and to ensure the cost effectiveness of interim storage facilities; and be it further

Resolved, That this resolution be communicated to the United States Congress and to the Secretary of Energy along with a copy of the dialogue report.

RESOLUTION REGARDING THE NARUC DIALOGUE ON SPENT FUEL MANAGEMENT CONCLUDED FEBRUARY 25, 1994

Whereas, Approximately 20% of the United States electricity is generated using nuclear energy; and

Whereas, The major by-product for nuclear generation is spent nuclear fuel, which has been produced and stored in storage pools at over 70 commercial reactor sites; and

Whereas, Most reactors do not have sufficient pool storage capacity to accommodate all of the spent nuclear fuel; and

Whereas, Congress, in the Nuclear Waste Policy Act of 1982, directed the Department of Energy to develop a system to manager commercially-generated spent fuel by 1998, in exchange for electric utility ratepayers payments into the Federal Nuclear Waste Fund; ratepayers will have paid $10 billion by 1998; and

Whereas, While the Department of Energy is making progress toward the establishment of a repository, such repository is not expected to become available until 2010 or later, therefore, the Subcommittee on Nuclear Issues-Nuclear Waste initiated a dialogue of stakeholders including utility commissioners, utility chief executive officers, an environmentalist, a representative of the State of Nevada, and a representative of the scientific community in Nevada; and

Whereas, The dialogue was initiated to develop a consensus on how best to deal with interim storage of spent nuclear fuel, given the existing political structure; and

Whereas, The dialogue produced a report dated February 25, 1994 which included minority reports from the State of Nevada and the environmental representative; and

Whereas, It is the intent of the NARUC to continue discussions with interested parties regarding implementation of specific recommendations and legislative changes required; now, therefore, be it

Resolved, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1994 Winter Committee Meetings in Washington, D.C. accepts the report of the NARUC Dialogue On Spent Fuel Management presented to this body by the Standing Committee on Electricity; and be it further

Resolved, That the operation of a private temporary storage facilities does not obviate the need for DOE to meet its responsibility to begin accepting fuel from utilities in 1998.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Celeste Coco-Ewing, a member of the staff of Senator BREAUX, to participate in a program in Germany sponsored by the Friedrich-Naumann Foundation from May 28 through June 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Coco-Ewing in this program.

The select committee received notification under rule 35 for Keith Gouveia, a member of the staff of Senator INOUYE, to participate in a program in Germany sponsored by the Konrad-Adenaur Foundation, from May 28 through June 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Gouveia in this program.

The select committee received notification under rule 35 for Danielle Pletka, a member of the staff of Senator HELMS, to participate in a program in Germany sponsored by the Konrad-Adenaur Foundation, from May 28 through June 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Pletka in this program.

The select committee received notification under rule 35 for Rick Weiland, a member of the staff of Senator DASCHLE, to participate in a program in Germany, sponsored by the Friedrich Naumann Foundation from May 28 to June 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Weiland in this program.

The select committee received notification under rule 35 for Kerry Tymchuk, a member of the staff of Senator DOLE, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Tymchuk in this program.

The select committee received notification under rule 35 for Senator CRAIG, his spouse and Elizabeth Criner, a member of the staff of Senator CRAIG, to participate in a program in China, sponsored by the Chinese National Association of Industry and Commerce from May 27 to June 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator and Mrs. Craig and Ms. Criner in this program.

The select committee received notification under rule 35 for Ian Butterfield, a member of the staff of Senator ROTH to participate in a program in Norway, sponsored by the Norwegian government from May 29 to June 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Butterfield in this program.

The select committee received notification under rule 35 for Susan Brown, a member of the staff of Senator MCCAIN, to participate in a program in Germany sponsored by the Hanns Seidel Foundation from July 2-9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Brown in this program.

The select committee received notification under rule 35 for John D. Windhausen, senior counsel to the Committee on Commerce, Science, and Transportation for Senator HOLLINGS, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from May 27 through June 7, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Windhausen in this program.

The select committee received notification under rule 35 for Kris Kolesnik, a member of the staff of Senator GRASSLEY, to participate in a program in Germany sponsored by the Konrad-Adenauer Foundation from May 28 through June 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Kolesnik in this program.•

• Mr. D'AMATO. Mr. President, I submit the following for the RECORD:

> Eric Breindel: Honored tonight in New York City: The editor of an editorial page that can always be counted on to speak up fearlessly in support of what's vital to New York City; the true conscience of the city and, in his weekly column, a vigilant defender of the Jewish people from which he stems and the democratic institutions of this country in which he lives.—June 13, 1994.•

CONGRATULATING LINCOLN HIGH SCHOOL ON WINNING SECOND PLACE IN THE "WE THE PEOPLE" NATIONAL CONSTITUTIONAL COMPETITION

• Mr. PACKWOOD. Mr. President, I rise today to congratulate the students of Lincoln High School in Portland, OR, who recently finished second in the Nation in the "We the People . . . The Citizen and the Constitution" competition.

For the seventh year in a row, a team from Lincoln High has been victorious at the congressional district and State level and represented Oregon at the national competition. Lincoln is also the two time national champions, having won the national competition in 1991 and 1990. The team placed in the top ten in 1993 and 1992, 4th in 1989, and 12th in 1988. Even more impressive is the fact that each year the team has been made up of an entirely new group of students.

The program features an intensive 6-week curriculum which provides students with a fundamental understanding of the Constitution with a particular emphasis on the Bill of Rights. The students then compete by testifying on selected constitutional issues before a mock congressional committee made up of constitutional scholars, lawyers, and Government leaders.

I have had the pleasure of meeting with the students in my office over the past few years. They are incredibly well informed and sophisticated about the Constitution and the Bill of Rights. Their questions, enthusiasm, and insight show the value of this program in educating students and encouraging their interest in the Constitution and the political system.

Again, I want to congratulate the students on their accomplishment. I also want to commend Harold Hart who leads the class with fellow attorneys Chris Hardman and Chuck Sparks and Lincoln teacher David Bailey. I ask that the names of the students be entered into the RECORD:

Erica Barkost, Annie Birnie, Jayne Bleckmann, Brian Burk, Christl Denecke, Stephanie Greenman, Anna Jablonski, Anna Johnson, Jenifer Lassell, Melinda Leach, Sebald Linders, Elisa Beth Margolis, Colleen McCarthy, Halston McKiever, Aya Murase, Edward Murphy, Sara Nelson, Jennifer Neuwelt, Katherine Newbegin, Larisa Pennington, David Phillips, Molly Santana, David Sun, Sarah Teich, Angela Valdez, Kyen Waldron, and Angela York.•

AN OUTSTANDING FEDERAL EMPLOYEE

• Mr. LEVIN. Mr. President, Albert Zamberlan, Regional Director of the Department of Veterans Affairs, Central Region, is going to retire on July 1, 1994, at the end of 35 years of government service.

Mr. Zamberlan has served as our VA Regional Director since July, 1981. Prior to this appointment, he was Director of VA medical centers in Clarksburg, WV; Allen Park and Ann Arbor, MI. He also served as district director of the VA's former Medical District 14, which included VA medical centers in Ann Arbor, Allen Park, Battle Creek, and Saginaw, MI.

Throughout his career, Mr. Zamberlan has been recognized for superior performance and received numerous awards. In 1993, he received the Under Secretary's Honor Award, the highest award bestowed upon an individual in the Department of Veterans Affairs, Veterans Health Administration. In 1992, Mr. Zamberlan received the Secretary's fifth annual Equal Employment Opportunity Award. He received the Distinguished Service Award from Federally Employed Women, Inc., for his outstanding support for the advancement of women in 1987.

Mr. Zamberlan also was presented the 1984 Presidential Distinguished Executive Rank Award for outstanding leadership in the VA, the highest honor granted to a federal employee for performance. In 1983, the Association of Military Surgeons of the United States honored him with the Ray E. Brown Award, the highest healthcare executive award.

I have personally worked with Mr. Zamberlan, more fondly known as "Z," to help the administration deal more effectively with patients suffering from post traumatic stress syndrome. We have also worked together to help homeless veterans in our State.

I am proud to recognize Mr. Zamberlan's many fine contributions to veterans and the Veterans' Administration, and I wish him good health and some much deserved relaxation after a distinguished government career.•

CENTURION ATTACK SUBMARINE

• Mr. D'AMATO. Mr. President, in January, the Defense Acquisition Board [DAB] met to consider whether the *Centurion* attack submarine was ready to move from concept definition to demonstration and validation. The DAB adjourned without decision. Instead, Under Secretary of Defense Deutch has issued a memorandum that is a concise thorough summation of the cost and technical questions that still linger over the Navy's plans for the *Centurion*. Before milestone I is approved, Mr. Deutch's thoughtful concerns must be addressed.

The importance of this process cannot be overemphasized. There is deep concern in some quarters that the Navy has done little more than pay lip service to the notion of affordability in its development of the *Centurion*. The fact that the Navy wrapped *Centurion* around a reactor that was conceived years before, with goals other than affordability paramount, and that that reactor then drove the gross design characteristics of the *Centurion*, gives any thoughtful observer pause.

The Navy has repeatedly put the per unit cost of *Centurion* at $1.5 billion, but that is at a rate of 1.5 ships per year. The President's 5-year defense plan projects a *Centurion* building rate of .5 ships per year. It is not difficult to imagine *Centurion* climbing well over the $2 billion mark, a level that killed the *Seawolf*.

The point of the *Centurion* is to avoid a repeat of the *Seawolf* debacle. One way to impress affordability upon the collective mind of the Navy is by mandating a design to cost approach, as part of the DAB process, or through legislation. Colleagues have argued, however, that this will not work. The FFG–7 used a design to cost approach, and the class remains a leper within the Navy. I have been persuaded that there is a better way. Tomorrow, I will discuss that alternative strategy at some length.•

MEASURES READ THE SECOND TIME

Mr. FORD. Madam President, I ask unanimous consent that it be in order for those items currently listed under "Bills and Joint Resolutions" read the first time to be considered to have received their second reading, en bloc, and objection having been heard to further proceedings, the measures be placed on the calendar as provided under rule XIV, paragraph 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills considered to have been read for the second time are as follows:

S. 2122. A bill to improve the public and private financing of long-term care and to strengthen the public safety net for elderly and non-elderly disabled individuals who lack adequate protection against long-term care expenses, and for other purposes.

S. 2129. A bill to amend title 18, United States Code, to preserve personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 2137. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

H.R. 2108. A bill to make improvements in the Black Lung Benefits Act.

H.R. 2153. A bill to improve access to quality health care, to reform medical malpractice liability standards, to reduce paperwork and simplify administration of health care claims, to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, to prevent fraud and abuse in the health care delivery system, and for other purposes.

AUTHORIZING THE GREATER WASHINGTON SOAP BOX DERBY ASSOCIATION TO USE THE CAPITOL GROUNDS

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 238, authorizing the use of the Capitol grounds by the Greater Washington Soap Box Derby Association, just received from the House; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 238) was agreed to.

ORDERS FOR TOMORROW

Mr. FORD. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., June 8; that following the prayer the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator FAIRCLOTH recognized to speak for up to 15 minutes; that at 10 a.m., the Senate resume consideration of S. 1587, the Federal Procurement Streamlining Act; that on Wednesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, JUNE 8, 1994, AT 9:30 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:18 p.m., recessed until Wednesday, June 8, 1994, at 9:30 a.m.

SENATE—*Wednesday, June 8, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

The PRESIDING OFFICER. Today's prayer will be offered by our guest chaplain, the Reverend Dr. Charles F. Schultz, Jr., of the First Church of Christ Congregational, Glastonbury, CT.

PRAYER

The guest chaplain, the Reverend Charles F. Schultz, Jr., D.D., offered the following prayer:

Let us be together in prayer:

Eternal God, God of all the ages and God of this time and place. God of all people and our God, we pause to praise Your name and to thank You for Your mighty deeds of love and grace, mercy, and redemption.

O God, we thank You for Your presence in the life of nations and in our lives. We thank You for Your promise that whenever women and men seek to be faithful in the midst of unfaithfulness, their own and others, You are with them in joy and sorrow, victory and defeat, life and death.

Everlasting God, we thank You for Your love, which seeks always to empower and not overpower, which is revealed in a rich and amazing variety of ways: Jesus of Nazareth, prophets and apostles, martyrs and saints and also through people, exactly like ourselves, who, inspired by Your spirit, have done extraordinary things for others and to Your great glory.

Holy God, may Your will be done and Your name be honored in church, synagogue, and mosque, in high centers of government, in our homes and places of work. Gracious God, continue to be with Your people in the struggle for justice and peace and to build communities of inclusiveness where all are affirmed.

O God, on this anniversary of D-day, bless America, that America might continue to be a blessing to the world.

Gracious God, to this end may each of us grow into closer touch with what President Lincoln called, "the angels of our better selves." For You have shown us, O God, what is good, and what do You require of us but that we seek mercy and kindness, love, justice, and walk humbly with You and our sisters and brothers. To You be all honor, glory, and power forever, worlds without end. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

RECOGNITION OF SENATOR FAIRCLOTH

The PRESIDING OFFICER (Mr. AKAKA). The Senator from North Carolina [Mr. FAIRCLOTH] is recognized to speak for up to 15 minutes.

Mr. FAIRCLOTH. Thank you, Mr. President.

FITZ-PEGADO SPEECH II

Mr. FAIRCLOTH. Mr. President, shortly before the Senate adjourned for the Memorial Day recess, I began a series of speeches about Lauri Fitz-Pegado, President Clinton's nominee to be Assistant Secretary and Director General of the U.S. Foreign and Commercial Service.

I talked about how Lauri Fitz-Pegado has orchestrated lies to Congress. I talked about how she has served as a lobbyist for the Communist government in Angola and how she had worked for the bloodthirsty Duvalier regime in Haiti, a regime which has left us with the tragic legacy we are dealing with today.

Mr. President, Lauri Fitz-Pegado has done much more. She has spent her entire career as a hired gun lobbyist for despicable foreign interests. She has deliberately attempted and succeeded in misleading Senators about her past.

Mr. President, I talked about a reason which by itself should be sufficient to reject the nomination of Lauri Fitz-Pegado: Her role in orchestrating perjury before Congress and the U.N. Security Council as the representative of Citizens for a Free Kuwait.

In 1990, after the Iraqi invasion of their country, the Kuwaiti Government in exile formed Citizens for a Free Kuwait. They hired the lobbying firm of Hill and Knowlton to attempt to influence public opinion in the United States toward entering the conflict. Lauri Fitz-Pegado was in charge of the effort.

Her strategy was to use alleged witnesses to atrocities to tell stories of human rights violations in occupied Kuwait. Using their testimony she orchestrated what has come to be known as "The Baby Incubator Fraud," and that truly is what it was.

She first coached a 15-year-old Kuwaiti girl, identified only at the time as "Nayira," to testify before Congress that she had seen Iraqi soldiers remove Kuwaiti babies from hospital respirators.

Nayira claimed to be a Kuwaiti refugee who had been working as a volunteer in a Kuwaiti hospital throughout the first few weeks of the Iraqi occupation. She said that she had seen them take babies out of incubators, take the incubators, and then leave the babies—her quote—"on the cold floor to die."

That testimony was quoted and cited by six Members of the Senate as reason to go to war with Iraq.

However, it was later discovered that the girl was, in fact, the daughter of the Kuwaiti Ambassador to the United States. It also turned out that Lauri Fitz-Pegado had concealed Nayira's real identity.

Since then, every reputable human rights organization and journalist that has investigated the case have concluded that the baby incubator story was an outright total fabricated lie.

Even a study commissioned later by the Kuwaiti Government could not produce a shred of evidence that the Ambassador's daughter had managed to sneak back into Kuwait while it was occupied in order to do a few weeks of volunteer work in a hospital overrun by bloodthirsty Iraqis.

When the perjured testimony was discovered, and later reported by the television news program "60 Minutes," Fitz-Pegado first maintained that she had believed the girl's story, and that she did not mean to deceive anyone.

But later the firm she worked with said that they did know about Nayira's family ties, they did know she was the Ambassador's daughter, but the cover now was that Congress itself wanted the lie told.

They blamed Congress for their lies. What is more, they put on a repeat performance, this time using phony witnesses using false names and occupations, in front of the U.N. Security Council on November 27, 1990.

Mr. President, Lauri Fitz-Pegado did not inform the Banking Committee of this baby incubator scam. I believe that if the other members of the Banking Committee, Democrat and Republican alike, had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

Later in the morning I made my first speech about her. I told the Banking Committee the story that they had not yet heard. After my colleagues on the Banking Committee heard about the baby incubator fraud, I am proud to say that ranking Republican ALFONSE D'AMATO joined my call for the nomination to be returned to the Banking Committee and I have a meeting planned with Chairman DON RIEGLE to discuss the matter with him. I appreciate his interest and concern.

Lauri Fitz-Pegado's response to this attempt to subject her nomination to the light of day has been to try to set up a series of private lobbying meetings with Capitol Hill staff. Instead of having the charges against her properly investigated, and having witnesses testify under oath, she instead wants to secretly work out accommodations behind closed doors, her usual mode of operation.

Believing that she can lobby the U.S. Senate in the same way that she has lobbied for Third World dictators, Lauri Fitz-Pegado even showed up—unannounced and with a taxpayer financed Department of Commerce lobbyist—at my office last week. In other words, taxpayer's money is now being used to get her confirmed.

Finding that I was not in, she followed up with a letter claiming that she had made multiple attempts to schedule meetings with me—another absolute lie; she never made an attempt to schedule until she showed up at the office and that now she would like a private closed-door meeting to lobby for my support. She will not have it.

Mr. President, that precisely sums up why America can do better than Lauri Fitz-Pegado. President Clinton said in his 1992 campaign that he was going to shut down the revolving door between lobbyists and Government. This is not the way to shut it down. Mr. President, with the likes of Lauri Fitz-Pegado, he has greased it.

Mr. President, that is wrong. We need an open hearing, with members of the media present, and with witnesses under oath, before we even think of voting to confirm this woman.

Lauri Fitz-Pegado deserves her day in court. I want her to have it, and that is all that I am asking for.

She deserves the chance to explain her involvement with the Marxist Government of Angola. She deserves the chance to explain her ties to the bloody Duvalier regime in Haiti. She deserves the chance to explain her role in the baby incubator fraud.

But Mr. President, more than that, the American people deserve to hear her explanations in the full light of day, on the record, and under oath—not in clandestine sessions in which she tries to lobby her way from congressional office to congressional office, and ultimately Senate confirmation.

Lauri Fitz-Pegado is a professional "image enhancer." She has spent her working life teaching people how to deny rather than explain; how to change the subject and then to counterattack. It works on a lot of people, a lot of the time. But it will not work this time.

The U.S. Senate should not except Lauri Fitz-Pegado's "image enhanced" version of her past. It should demand independent investigation by professionals, and it should demand that witnesses appear under oath.

Apologists for Lauri Fitz-Pegado say that she should be confirmed because the position to which she is being appointed is not of great significance. Great significance? There are 200 trade offices around the world in 70 countries. If it is not of great significance, then, rather than appoint her to it, let us abolish the trade offices.

If confirmed, Lauri Fitz-Pegado would have control over a global network of 200 trade offices around the world. Mr. President, I have said that my opposition is not based on party or on ideology. It is based on the fact that there are few people in America who have less business being in charge of our Nation's trade secrets than Lauri Fitz-Pegado. There are few people who are less qualified to be in charge of the trade of the United States.

If her nomination is not returned to the Banking Committee for further review, then I intend to expose other aspects of her past associations on the Senate floor. There will be long and protracted debate, and sensitive documents will be read into the RECORD.

I have no desire to publicly implicate any other individual or agency of government. But if this nomination is not subjected to committee scrutiny then facts that are far more embarrassing to Ms. Fitz-Pegado and others will be made public on the Senate floor.

Mr. President. America can do better than Lauri Fitz-Pegado. It would be hard to do worse.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR THURMOND

Mr. DOLE. Mr. President, from President Clinton to Queen Elizabeth to Lech Walesa, there were many world leaders on the beaches of Normandy this past week. But no doubt about it, the most important people there were not the Presidents and Prime Ministers. Rather, they were the men who had landed on Normandy 50 years ago—the veterans of D-day.

Today, many of them are retired from the workplace. Then, however, they were part of an army that would turn the tide of the war, and, in doing so, would turn the tide of history. It was a true honor for me and other Senators to meet and talk with many of these courageous Americans when we attended the D-day anniversary activities, and before that, the ceremony in Italy.

Today, I want to pay tribute to a soldier who was unable to make the return trip to Normandy last week—a soldier who helped make history then, and who continues to make history today.

As a judge in South Carolina in 1941, STROM THURMOND was exempt from the draft. But, as we all know, STROM THURMOND is not the type of American who likes to sit on the sidelines. And he volunteered for service the day war was declared.

Originally assigned to sit at a desk, STROM THURMOND volunteered to go to the front, and to risk his life for freedom. And on D-day, Major THURMOND had the very dangerous assignment of landing a glider behind enemy lines.

During the landing, Major THURMOND was injured, and was bleeding from the right forehead, his right knee, and his right arm. But he simply told the medic to "put some bandages on me," and he went back to action.

Senator THURMOND would continue with the Allied forces as they fought their way on to Paris, through Belgium and the very bloody Battle of the Bulge, and on to the liberation of the Buchenwald concentration camp.

During his service, Senator THURMOND would be awarded 18 decorations, including 5 Battle Stars, a Purple Heart, and a Bronze Star for valor.

Fifty years after D-day, STROM THURMOND continues to fight for freedom each and every day. And even though his son's high school graduation prevented him from returning to Normandy, the courage and patriotism he has exhibited throughout his life will always be remembered.

TRIBUTE TO DANIEL INOUYE

Mr. DOLE. Mr. President, another of my colleagues did attend the activities in Italy.

Winston Churchill once said that "courage is the first of qualities, because it guarantees all others."

There can be no doubt that our colleague, Senator DANIEL INOUYE is a man of many qualities—because there can be no doubt that DANIEL INOUYE is a man of remarkable courage.

Senator INOUYE and I were part of the Senate delegation that traveled to Europe last week to mark the 50th anniversary of D-day. It was a very memorable experience. But what is far more memorable was the courage exhibited in World War II by soldiers like DANIEL INOUYE.

As a teenager, DANIEL INOUYE was in Honolulu on December 7, 1941. And when the bombs hit, he was pressed into service as head of a first-aid team, not returning to his home for a week.

He would leave his home for a longer period of time beginning in March 1943, when he enlisted, and was assigned to the 442d Regimental Combat Team of the Fifth Army—a team that would fight in some of the bloodiest battles of the European front.

In the closing months of the war in 1945, the 442d was assaulting a heavily defended hill, and Lieutenant INOUYE was hit in his abdomen by a bullet which came out his back, barely missing his spine.

He continued to lead the platoon and advanced alone against a machinegun nest which had his men pinned down. Lieutenant INOUYE tossed two handgrenades with devastating effect before his right arm was shattered by a German rifle grenade at close range.

Still, he threw another grenade with his left hand, and continued the attack with submachinegun. He did not stop until he was knocked down the hill by a bullet in his leg.

For his courage, DAN INOUYE was awarded the Distinguished Service Cross, the Bronze Star, the Purple Heart, and 12 other medals and decorations.

DAN INOUYE spent 20 months in Army hospitals after losing his right arm. In fact, for a period of time, he and I were in different wards at Percy Jones Hospital in Battle Creek, MI.

And I can tell you he was probably the best bridge player in the entire hospital. I remember watching him at wee hours of the morning. He was fantastic.

As we all know, DAN INOUYE's record of service to his country did not end in Italy. It continued to the Hawaii Territorial Legislature, to the U.S. House of Representatives as Hawaii's first Congressman, and to the U.S. Senate for the past 31 years.

Mr. President, four decades ago, then-Senator John Kennedy wrote in his book, "Profiles in Courage," that, "The stories of past courage can * * * teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this, each man must look into his own soul."

It is a high privilege to serve alongside a man who, when freedom was at stake, looked into his own soul and found an unlimited supply of courage.

THE DEATH OF RUTH CAREY

Mr. SASSER. Mr. President, I rise today to pay tribute to Mrs. Ruth Carey, a long-time resident of Oak Ridge, TN. Mrs. Carey passed away on April 22 of this year at the age of 74.

Mrs. Carey was an accomplished photographer, a writer, a patron of the arts, an active member of her community, and loving wife, mother, and grandmother. The Oak Ridger published a front page article on the day of Mrs. Carey's death which, I believe, offers a full and fitting testimonial to her rich and productive life. I ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUTH CAREY—PHOTOGRAPHER, WRITER, ARTS PATRON, OAK RIDGE BOOSTER—DIES TODAY

Ruth Carey, resident of Oak Ridge since its earliest years, photographer, writer and one of the community's most involved citizens, died at 2:30 this morning at Methodist Medical Center of Oak Ridge. She was 74.

Mrs. Carey had not been feeling well a week ago but attended and took pictures of a friend's wedding on Saturday afternoon. Saturday evening, as her condition worsened, she was admitted to the hospital and emergency exploratory surgery was performed Sunday afternoon. She rallied briefly after the surgery but a serious infection and a heart attack that occurred sometime during the illness ultimately caused her death.

Mrs. Carey had been a secretary with the Department of Energy and its predecessor agencies from 1948 until her retirement in 1982. She worked first in the original isotopes division of the U.S. Atomic Energy Commission and then later was secretary to the director of the personnel division.

Mrs. Carey's community roles were many and varied. Most recently she had served as official photographer and publicist for the city's 50th Anniversary celebration, which began in September 1922 and ended Dec. 31 of last year. In this capacity she attended, photographed and in many instances wrote reports of virtually all of the anniversary events. She also wrote a weekly column, "Reminiscing," for The Oak Ridger during the anniversary period.

As a photographer she served scores of local civic and cultural organizations, chief among them Oak Ridge Playhouse, the Oak Ridge Civic Music Association and the Oak Ridge Community Art Center. She had served as a member of the original organizing committee for the Art Center.

She also almost daily took pictures of important personal events—weddings, birthdays, bar and bat mitzvahs, new babies—for her scores of personal friends and acquaintances. Equally, she would write poems and song parodies for personal occasions, often performing them with her husband and other friends.

Mrs. Carey was born Feb. 15, 1920, in Poland and came to this country as a babe in arms with her parents, Albert and Pearl Goodstein, when they immigrated to the United States in late 1920. They came to Knoxville, where her father was a grocer for many years.

She met her husband, Milton, by whom she is survived, after he had come to Knoxville from New York in the 1930s. He worked first for the Tennessee Valley Authority and then in 1943 joined Ford, Bacon and Davis, early construction contractors on the Oak Ridge project. Milton soon joined Union Carbide, first at K-25, the Oak Ridge Gaseous Diffusion Plant, in production scheduling and then later at the Y-12 Plant in uranium inventory. He retired in 1974.

Mrs. Carey was an original member of the Beth El Jewish Congregation. She served as the first president of the Oak Ridge Hadassah and was also active in the sisterhood since its inception. She and her husband were active in many programs and events related to support for Israel, which they had visited several times.

The Careys lived first in a flattop on Hillside Road and then later on South Purdue Avenue and most recently at 26 Brookside Drive. They were original residents of these Briarcliff townhouses and she served as secretary of the Briarcliff Condominium Homeowners Association since its inception.

Mrs. Carey's photography began as a hobby in the early 1950s but soon developed virtually into her second occupation, although the great bulk of her work with her camera was as a volunteer. She did do free-lance photography for The Oak Ridger for many years, one of her regular assignments being to visit local churches on Easter morning and photograph church goers in their Easter finery. Often as many as 20 to 30 pictures would appear in subsequent issues of The Oak Ridger. She also regularly photographed the annual Jaycee Easter Egg Hunt on Easter afternoon, including this year's in a heavy downpour.

Others of her regular assignments were pictures for The Oak Ridger's annual June Bride edition and the annual WATTec scientific conference held each late February in Knoxville.

Most recently she had been writing a biweekly column, "Around Our Town," for The Oak Ridger.

While employed at the AEC, the Energy Research and Development Administration and the DOE, she wrote a regularly published employee publication, "ORBITS," the name derived from the Oak Ridge Operations Office title. On her retirement she received a special award of affection and appreciation from her fellow workers for this publication, which highlighted not just news of the federal agency workplace, but also many personal items about the employees there. She also received several official awards of commendation for her work with that succession of federal agencies.

"We're going to miss Ruth greatly," said Oak Ridger editor Jim Campbell this morning. "In the past year she has helped us in so many ways. She gave a talk on taking pictures for the newspaper at our Spreading the News seminar. She worked with businesses, arts groups—anyone who needed help preserving a moment or an accomplishment in the newspaper.

"She was a delight to work with—professional, caring, committed to quality. Our thoughts and prayers go out to her family and friends today."

Mrs. Carey was working with Ellen Woodside on The Oak Ridger's annual progress edition shortly before her illness and some of her work will appear in it. It will be published next Thursday.

Also, Campbell said The Oak Ridger will be putting together a special page or pages of Mrs. Carey's photography showing Oak Ridge from her unique perspective.

In addition to her husband of more than 50 year, she is survived by a daughter, Ellen Appel, and her husband, Bernie, of Fort Worth, Texas; two granddaughters, Ann Liebert of Atlanta and Sharon Goldman, a student at Colorado State University; and two sisters, Marion Katzman of Cincinnati and Ida Jervis of Washington, D.C. A brother, Sam Good, well-known architect of Knoxville, died in the late 1960s. His widow, Bess Hazelwood, lives in Dothan, Ala.

Also surviving is a cousin, Joseph Goodstein, also a well-known architect of Knoxville, and his wife, Marion. The Goodstein family has maintained closest family ties and each Thanksgiving holds a reunion that attracts more than 100 relatives. Ruth and Milton Carey hosted two of these reunions here in Oak Ridge.

The funeral will be at 3 p.m. Sunday at Martin Oak Ridge Funeral Home on Oak Ridge Turnpike. Rabbi Victor Rashkovsky, of the Beth El Congregation, will officiate. Burial will follow at the Jewish Cemetery at Oak Ridge Memorial Park.

The family requests that memorials be in the form of donations to the Jewish Congregation of Oak Ridge, 101 W. Madison Lane, Oak Ridge, Tenn. 37830; Hadassah, in care of Eleanor Agron, 102 Wilderness Lane, Oak Ridge, Tenn. 37830; or the Oak Ridge Playhouse, P.O. Box 5705, Oak Ridge, Tenn 37831.

A DEDICATION TO THE VETERANS OF OPERATION OVERLORD

Mr. KOHL. Mr. President, this year, we honor the heroes of June 6, 1944—D-day—brave young men who looked into the muzzles of Hitler's guns and walked away victorious. After fighting the Great War against tyranny, the participants in Operation Overlord became America's leadership base for the next 40 years. In the private sector, they built an industrial giant. In government, they finished the work begun on D-day, building our great Nation into an unrivaled superpower and cold war victor.

Beginning in late 1941, the United States began to build the largest war machine in history. Millions served in uniform; millions more men and women dedicated themselves to war industry and agriculture. They worked with a unity of purpose, their total commitment to victory coming from the realization that they were not just fighting for democracy but for every ideal that Americans hold in common.

By the time the first American soldier landed on the beaches at Normandy, American morale was as high as any fighting force in history. Generals planned the assault on Fortress Europe to the most minute detail. Southern England had become one massive military encampment containing America's investment for victory.

Navy ships of every tonnage bombarded enemy positions on shore and aided the amphibious invasion. Army Air Corps planes bombed key industries in Germany and positions in France. Elite paratroopers attacked the fascist armies behind their own lines, and brave soldiers stormed the beachheads. No Nazi army, fed on fear and hate, could stop America's juggernaut of ideals, courage, and morale.

Our tremendous success that day, our doormat to victory in Europe, did not come without cost. Today we mourn the 2,132 brave young men who gave their lives to preserve freedom when freedom was about to fall. Humanity owes them a great debt.

The heroes of Operation Overlord are now fading into the sunset, but their deeds and sacrifices will never fade from our memories. We will always remember the lesson learned from that horrible war and the one that preceded it: the free nations of the world may want to lower their guards—it indeed may be just—but they must never do so, for injustice and tyranny lurk in every shadow. That is why it is especially important to recognize this 50th anniversary of D-day, so that today's children realize the sacrifices necessary to preserve freedom.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Tuesday, June 7, the Federal debt stood—down to the penny—at $4,606,571,769,797.43. This means that every man, woman, and child in America owes $17,669.27, computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

NIXON EULOGY

Mr. COVERDELL. Mr. President, I first met Richard Nixon as the director of what was to become his last political parade in October 1972. The parade just happened to be in Atlanta. Yet, by the time of that first meeting, Richard Nixon had already had a profound affect on my life as an American citizen. While his Presidency will be debated for years to come, any person sharing his time could not escape his reach, from his international efforts in China, Vietnam, and the former Soviet Union, to his national efforts of revenue sharing, rebuilding our cities, and protecting our environment. His reach affected the day-to-day lives of people everywhere like me.

After my election to the U.S. Senate, I joined the new Republican Members, for a long lunch at the former President's home in New Jersey. All those things we had heard about Richard Nixon were true—his grasp of history, foreign policy, and command of language and facts were truly awesome. Not acknowledged by much I had ever read, however, was his warm, polite, and genuine interest in others.

His last appearance at our Capitol on the occasion of the 25th anniversary of his first inaugural reinformed all of these thoughts for me.

We were connected in yet another way. The former President reflected my father's generation and humble beginnings. Richard Nixon believed as does my father that hard work, and individual responsibility are good and rewarding qualities. There's was a generation of optimists, builders, and they certainly stood ready to put all on the line for their country.

I believe history will treat Richard Nixon well and with much interest.

ISRAEL: A MODEL FOR FOREIGN POLICY

Mr. PRESSLER. Mr. President, I rise today to talk about the United States relationship with Israel. When I think about the incoherent tangle that is our Nation's current foreign policy, I often wonder why the administration's foreign policy team does not turn to our relationship with Israel as a model.

Here is a tiny democracy, recognized and supported by the United States since its inception. Israel reflects our democratic ideals and values. For that reason, we have stood by her for the last quarter of a century. Steadfastly, we have provided Israel with moral and political support. We have provided direct economic and security assistance. We have assisted Israel in its self defense. Now the Middle East is bearing the fruits of our policies—Arabs and Israelis seem to be on the path to peace.

Over the years, some have demanded that we extort political and territorial concessions from the Israelis in return for the $3 billion in assistance we provide each year. I always have opposed that idea. The aid we provide Israel is in our own national interest. If it were not, it would be indefensible. Israel now is pursuing the peace process because its democratically elected leadership believes it is the right thing to do for the nation. We support Israel in the decisions it makes regarding its essential security interests.

There is much to be said for a global approach to many of the problems faced in today's world. When a large number of nations commit—both politically and economically—to a particular set of policy objectives, the chance for success is enhanced greatly. This is not to say we are backing away from our responsibilities. The United States will continue to support Israel and Egypt to the best of our ability. With the rest of the international community, we will facilitate the Declaration of Principles, signed by the Palestinians and the Israelis last year. Forty-six nations pledged $2 billion to that end at the World Bank donors' conference. Peace benefits the world. The world must help implement that peace. Ideally, peace in the Middle East would mean an end to the arms race between the Arabs and the Israelis, an end to the region's terrorism, a chance for democracy in some of the Arab world, enhanced regional stability and increased economic growth.

To be sure, there are nations wholly uninterested in peace with Israel. Iran, Iraq, Libya, and other rogue states continue to threaten our friends, allies and, indeed, the world. Terrorists who oppose the peace process will continue to murder innocents.

The negotiations and public ceremonies surrounding this peace process are not a panacea. The process is not finished simply because names have been signed to paper. A successful conclusion to this process will require countries like Syria to stop trafficking in drugs and supporting terrorists. Tyranny must be replaced by democracy. Unfortunately, there is no certainty that we are moving in that direction. Much remains to be done.

Finally, I reiterate that the future is in the hands of Israel and its Arab partners. The United States cannot buy the compliance of Syria with offers to remove it from the terrorist and drug lists, for instance. This plainly would be wrong—and clearly counter to American and world interests.

We should not pretend that the Palestinians are ideal peace partners. Yasser Arafat has the leanings of a dictator. That cannot stand. Events appear to be off to a good start in Jericho and Gaza, but we must remain vigilant.

The United States must ensure its own security and its own national interests. We must abide by our traditional standards: support the democracies of the region, ensure their ability to defend themselves, and allow the democratically elected leadership of the State of Israel to determine what constitutes its essential security interests.

NORTH KOREA

Mr. PRESSLER. Mr. President, during my public career I have tried to abide by the bipartisan foreign policy guidelines established by the late chairman of the Foreign Relations Committee, Senator Arthur Vandenberg. However, lately I have come to share the view of a more recent chairman of that committee, the distinguished Senator from Indiana [Mr. LUGAR]. He was quoted recently in the Washington Times regarding the obvious drift in American foreign policy.

The distinguished gentleman from Indiana is correct—whether it is Bosnia, Haiti, Somalia, or the Indian subcontinent, missteps and confusion reign supreme. Nowhere is this more obvious than the chaos surrounding the administration's efforts to halt North Korea's nuclear weapons program.

Mr. President, the administration's point person on North Korea, Undersecretary of State Lynn Davis, gave a news conference last January 5. The next day the following headlines appeared: "North Korea, U.S. Reach Agreement Opening Nuclear Sites to Inspection." That was the Wall Street Journal. The Washington Post headline was similar—"U.S. Aide Upbeat on North Korea Talks." USA Today was even more positive: "North Korea Yields on Nukes."

It is not my intention to embarrass Ms. Davis. Over the past 16 months, other members of the administration at even higher levels, have been equally optimistic about North Korea. And equally wrong.

In my judgment, Mr. President, time is running out on our policy toward North Korea. If the North Koreans are to be believed, they are removing the fuel rods from their research reactor with IAEA inspectors present. This is directly contrary to North Korea's solemn obligations under the nuclear nonproliferation treaty. If the North can get away with ignoring its obligations under the NPT, it sets a dangerous precedent for other nations, such as Iran.

It is also my judgment that what is going on here is a very real issue. First, North Korea has exported every modern weapons system it has produced. Second, the country is destitute. Therefore, there is every likelihood that a North Korean nuclear weapon could be put up for sale to the highest bidder.

Mr. President, I happen to agree with President Clinton on the importance that should be paid to the economy. That does not mean, however, that matters of vital national security should be ignored or mishandled, as they surely are today.

PEACE IN CENTRAL ASIA: PLEDGING TO END CONFLICT AMONG ARMENIANS AND AZERIS

Mr. PRESSLER. Mr. President, today I call attention to the continuing conflict between Armenians and Azeris over the Nagorno/Karabakh region in central Asia. This is not the first time I have brought this issue to the U.S. Senate floor. I repeatedly have urged my colleagues and the current and past Presidents to help ease suffering in Armenia. Yet, the fighting continues.

Together with several of my colleagues, I recently sent a letter to President Clinton imploring him to continue efforts to end the fighting in the Transcaucasia region of central Asia. In this letter, we urged the President to remain vigilant in providing humanitarian aid and technical assistance to help improve living conditions for war-ravaged Armenians. After a long winter of conflict and resource-depletion, Armenians have a pressing need for assistance if they are to move forward in their struggle for democratic and economic reforms.

Since 1988, Armenians and Azeris have battled violently for control of the Nagorno-Karabakh region. The majority Armenians of Nagorno-Karabakh have fought for independence from the minority Azeris who, in turn, have battled to retain control of that region. The fighting rages on as these two ethnic factions remain unable to reach agreement over Nagorno-Karabakh.

Even as animosities among the superpowers have dissipated, our world remains unstable and troubled. Citizens in the Transcaucais region are praying for peace. We should do all we can to help them achieve this goal.

Mr. President, I remain committed to helping the Armenians find lasting peace. Members of Congress and the President must not ignore the suffering of these people. We must pledge our humanitarian support and help achieve an end to the bloodshed.

THE NEW B-1 BOMBER

Mr. PRESSLER. Mr. President, I wish to take a moment to address the future of the B-1 bomber and the role it can play in as our heavy bomber force becomes more strategically important. Because the United States is in the process of closing overseas bases, the ability to project American air power worldwide—and project it in a timely manner—is becoming an increasingly important part of our Nation's security.

The B-1 originally was designed as a multirole bomber. However, the world situation dictated an emphasis on its nuclear capabilities when it entered operational service in the mid-1980's. In response to recent and dramatic world changes, the emphasis must now be shifted to the B-1's conventional capabilities. With some modification to its inherent conventional capabilities, the B–1 will be an outstanding conventional weapons system. In fact, the B–1 holds 44 world records in combined speed, payload, and range—the very categories which will serve it well as the workhorse of the future conventional bomber force.

The Air Force has deemed the B–1 "the backbone of the bomber force." In the Bottom-Up Review released last year, the Clinton administration made it clear that it plans to continue investing in the future conventional capabilities of the B–1 bomber.

Although I have been a long-time supporter of the B–1 bomber, not all of my colleagues feel the same way. The plane often has been unjustly faulted for not performing up to its full potential. The B–1 must be funded fully in order to attain its full potential and achieve established readiness goals. The reality is, as my colleagues are well aware, that the B–1 has never been funded fully and therefore has been prevented from living up to its capabilities.

Hopefully, all of this is about to change. Language in the 1994 Defense authorization bill directs a stringent test of the B–1's capabilities. The Air Force is convinced this test will put to rest, once and for all, the concerns surrounding the B–1's mission capability. One wing of B–1 bombers will be provided a full complement of necessary support and afforded the opportunity to demonstrate that with the planned support it can perform up to Air Force goals. After abolishing the myths of its inadequacies, the B–1 will finally be able to assume its rightful place as the most versatile workhorse in the bomber force. Through the ensuing years, with consistently adequate funding, the B–1 will become more and more capable and play a much more vital part of our national security.

This is not idle speculation. Today, B–1's throughout air combat command are participating in global power projection missions. On May 19, a B–1 landed at Andrews Air Force Base after completing a 20-plus-hour mission. The plane flew out of Texas, completed an electronic warfare exercise in Scotland, and struck targets on a bombing range in the Netherlands before returning to Andrews. The weapons directly struck their intended targets at precisely the right time—the timing error was zero seconds, and the miss distance, zero feet.

In the not too distant future, as part of the conventional upgrades, the B–1 will be equipped with advanced conventional weapons, among them: the joint direct attack munition [JDAM], and the tri-service standoff attack missile [TSSAM]. I understand there also has been some discussion in the Air Force of equipping the B–1 with conventional air launched cruise missiles [CALCM]. These upgraded conventional munitions will provide the B–1 with far greater accuracy and the ability to strike a wider range of targets while remaining farther from hostile threat areas, thereby enhancing its survivability and the safety of U.S. military personnel. The B–1 bomber, equipped with the planned modifications identified in the conventional mission upgrade program, will provide a cost-effective and strategically flexible means of enhancing the United States' defense capabilities. The B–1 can fly faster with a greater payload than any other aircraft in the world. Of our three heavy bombers, supersonic airspeed and maneuverability give the B–1 the unique ability to fly with a complement of fighter aircraft and carry as many as 24 2,000-pound weapons. The B–1 could be engaged in one theater and within 24 hours strike targets on the other side of the globe were a second conflict to arise.

The Air Force currently has 95 operational B–1 bombers. Of these 95, 60 will be designated primary aircraft authorized [PAA], 27 will be placed in attrition reserve status, 6 in back-up aircraft inventory [BAI], and 2 will remain as test aircraft. According to Gen. Mike Loh, commander of Air Combat Command, the 60 PAA will be divided between Ellsworth Air Force Base, in my home State of South Dakota and Dyess Air Force Base, TX.

In closing, I would like to commend General Loh for his valiant efforts on behalf of the B–1. He has been instrumental in effectively promoting it within the Air Force. I also would like to encourage my colleagues who may doubt the capabilities of the B–1—the backbone of the bomber force—to take another look. This bomber is crucial to the ability of the United States to project the kind of air power we need to secure the national defense well into the next century.

SPITEFUL POLITICS

Mr. DORGAN. Madam President, this weekend I was watching C–SPAN on television very briefly. I happened to listen to a speech at a political convention. It happened to be the convention of the Virginia Republican Party.

At that convention, one very well-known public figure spoke. He referred to Democrats, liberals, and the bunch in Congress. In the conclusion to his speech, as he wrapped all these influences together—Democrats, liberals, of course the President—he called on his colleagues to figuratively "smash their soft teeth down their whining throats." That was the concluding line, the applause line—and it garnered an enormous amount of applause. The speaker at this political convention, which I watched this weekend, was the sitting Governor of Virginia.

When I heard a Governor use that kind of language, I was reminded of how much politics has changed in recent years. Too many politicians now use incendiary language, often thoughtless language, not to inform or persuade, but to inflame the passions of people who are interested in attacking others.

And as I listened to that speech, I was reminded of something else. I got it out of my desk because I have saved it.

Several years ago, an organization was developed called GOPAC. It is now headed by the minority whip in the other body. It was headed by that same individual when this was published. There is a relationship, I think, between what happened several years ago and what happened this past weekend. GOPAC planted the seeds for what we are now seeing. They sent this and urged their colleagues, in describing political opponents on the campaign trail, to use powerful words. GOPAC suggested that Republican candidates use certain words to describe Democratic opponents. Then they set out the words. "Contrasting words: Apply these words to your opponent, to their record, to their proposals, to their party"—referring, of course, to Democrats: "Sick, lie, betray, traitor, cheat, steal, pathetic." The list goes on and on and on. That is the instruction menu sent out to colleagues.

And here, GOPAC advised, is what you should do as a good politician to describe your opponent, your opponent's ideas, and your opponent's party. "When you describe yourself," they said, "use these words: Truth, courage, children, family, freedom, liberty." I do not have to go on. You see: the page is full.

I say this to my colleagues today because I want to stress that we do a disservice—all of us, whatever our party may be—when we decide to use language that is reckless, careless, and disrespectful.

We disagree—Republicans and Democrats, conservatives and liberals—when we discuss public policy, and when we debate contrasting philosophies of where we think this country ought to go, and when we determine what kinds of policies will move it there. However, I hope that even as much as we disagree, we will respect, not disrespect, our opponents; that we will use words that inform, not inflame, the passions of debate.

And I hope that those who say, "Let's figuratively smash their soft teeth down their whining throats," will understand that is not good politics in 1994. I yield the floor.

UNFUNDED MANDATES

Mr. BENNETT. Mr. President, as I campaigned for the Senate, I heard numerous complaints from local and State officials throughout Utah about the draining effects of Federal mandates on State and local budgets. Dixie

Thompson, county commissioner in Emery County, UT, was one of those officials who spoke to me about the inequity of cumbersome unfunded Federal mandates and I share her sentiment. She outlines these views with great conviction in an op-ed piece in this morning's Washington Times which I would like to submit for the RECORD, and encourage all my colleagues to read.

Mandates imposed by the Federal Government are virtually breaking the backs of local and State governments. In Utah, officials told me that if the Federal Government continues to encumber State and local government with burdensome mandates and send them the bill, the costs could crush the State budget in as little as 5 years.

I have joined in the introduction of several pieces of legislation to put an end to this abusive pattern. These bills, sponsored by Senators KEMPTHORNE, GREGG, and others, would excuse State and local governments from complying with any Federal mandates unless they receive Federal compensation for the cost of compliance. Ultimately, this makes good sense. Let us listen to the wisdom of a Utah woman who lives on the firing line, at the county level, and endorse this policy: "If Washington wants it, Washington pays for it. If Washington doesn't pay for it, we don't have to do it."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 8, 1994]

WHO'S REALLY BEHIND THOSE UNFUNDED MANDATES, MR. MORAN?

(By Dixie K. Thompson)

Jim Moran's Op-ed condemnation of "unfunded mandates" last week is welcome, if a bit late. It is also, I suspect, hypocritical.

Mr. Moran correctly identifies the devastating impact of what I call "silent taxes" on state and local governments and on private companies and individuals. Unfunded mandates are imposed by the federal government on others without the honesty of raising the taxes to pay for them.

My county, Emery County, Utah, operates a safe landfill at a cost to the taxpayers of $100,000 per year. Burdensome and needless requirements imposed under the Resource Conservation and Recovery Act will push our costs to $500,000 per year. That is a crushing burden to a county with only 10,000 people. And it does not include the Occupational Safety and Health Administration requirement that we more than double our workforce at the landfill.

Estimates are that while Safe Drinking Water Act requirements can be imposed on urban areas at a cost of $12 per tap, in our county, with its low and diffuse population, the costs will be as much as $86 per tap. And not a drop of fiscal relief from Washington.

Mr. Moran himself mentions the Clean Water Act, the Safe Drinking Water act, and the Americans with Disabilities Act, but there are literally hundreds more. They range from requirements for bilingual education in the schools to the Brady Bill, with its requirements that local police and sheriffs perform background checks on gun purchasers. State lawsuits against the federal government over requirements that the states provide welfare benefits to illegal aliens are now a major growth industry.

What Mr. Moran does not tell us is that he voted for each and every one of these mandates, imposing a crushing burden of silent taxes on his constituents and on the rest of America.

When he was elected mayor of New York, Ed Koch publicly apologized for his actions as congressman: "I had no idea" he said in effect, "of the costs of what we were doing in Washington," George McGovern, after a stint as hotel owner, made the same admission.

But Jim Moran has no excuse. He has been a mayor. He knows, at first hand, the impacts of silent taxes. Piously, he tells us that he has learned his lesson, and that he has cosponsored the Fiscal Accountability and Intergovernmental Reform Act, which will require the Congressional Budget Office to "analyze the economic impact, the cost of new laws and regulations before they are adopted."

Well, with all due respect, that is about what I would expect out of Washington. Having already broken both arms and one leg of local government, Washington is now going to decide how much of a burden the other leg can stand without breaking. Only in Washington would passing something called the Fiscal Accountability and Intergovernmental Reform (FAIR) Act be considered progress!

Will the FAIR Act stop silent taxes? Not a bit of it. Will it discourage Mr. Moran in his efforts to load ever more burdens onto the backs of taxpayers, openly or covertly? Not judging from his record.

Now as it happens, there is a true fiscal responsibility bill before the Congress. Introduced by Rep. Gary Condit of California, this legislation would simply make all silent taxes heard. Under this legislation, Congress would have to provide the funds to carry out its pet projects, instead of loading them onto others. There is in Mr. Condit's bill no nonsense about "policy makers at all levels" balancing "finite resources." That is doublespeak. There is no way Congress, no matter how much information it gets from the Congressional Budget Office, can know the impact of silent taxes on local government. Mr. Condit's bill is straightforward: If Washington wants it, Washington pays for it. If Washington doesn't pay for it, we don't have to do it.

It's a revolutionary idea, and it just might catch on. But my guess is that it will have to do without Mr. Jim Moran's support. Giving up that much power is not in his game plan.

THE VISIT OF INDIAN PRIME MINISTER RAO AND THE FUTURE OF INDO-UNITED STATES TRADE RELATIONS

Mr. PRESSLER. Mr. President, during the recent visit to Washington by Indian Prime Minister Narasimha Rao, I had the honor and pleasure of attending several meetings and functions with both the Prime Minister and a variety of members of the delegation accompanying him. As my colleagues know, I have a longstanding interest in South Asia. I often have risen to discuss my concerns regarding U.S. policy in that region of the world, especially as it relates to nuclear nonproliferation. That is not my purpose today. Rather, I rise to address the issue of trade relations between our two countries.

I am gratified Prime Minister Rao reaffirmed India's commitment to expanding trading opportunities in his speech before a joint session of Congress. I could not agree more with the Prime Minister's statement that: "In shaping our history for the next century, we must look ahead to greater trade between nations." During the long years of the cold war, relations between our two nations often were badly strained. I hope and believe that is changing. The signs are, for the most part, positive.

Under the leadership of Prime Minister Rao, India has made progress in foreign investment, privatization, tariffs, and deregulation of Government controls. Prime Minister Rao has changed radically India's economy, moving it from a centrally planned system to one of the world's largest emerging free markets. Why is this important? It is important because the Department of Commerce estimates that in the next 20 years three-fourths of the world's trade will occur in developing countries like India. Indeed, the United States has become India's biggest trading partner since Prime Minister Rao came to power in 1991.

During the Prime Minister's visit, I also had the opportunity to meet with a delegation of Indian business leaders. Over the years, I have had many such meetings both here and during my visits to India. I find them to be extremely useful and most educational. However, such meetings also illustrate that despite my optimism regarding future Indo-United States trade relations, much remains to be done on both sides.

The Indian business leaders with whom I met were concerned with numerous issues. I would like to take a few minutes to highlight several problems they raised. First, I was told the United States should give more credit to India for its work in correcting a longstanding problem—the protection of intellectual property rights as they relate to computer software. Historically, this has been a significant obstacle. However, in May India's Parliament enacted new copyright laws designed to combat this situation and bring that country's laws on par with the developed world.

Under the new law, software pirates can be imprisoned for up to 3 years and fined between $1,600 and $6,400. In addition, the new law defines what constitutes illegal copying of software. Finally, the law attempts to better clarify who will be considered the author of software and what protections attach to authorship. I also understand India's computer industry has created the Indian Federation Against Software Theft [InFAST]. InFAST will work to curb piracy and take pirates to court.

Another issue raised in my meeting with these business leaders also relates to the computer software industry. The United States is India's primary market for software exports. Indeed, we account for more than 50 percent of that country's software trade. As a result, hundreds of Indian software professionals come to the United States each year to work in our computer companies for short periods. The delegation told me that a main reason Indian workers travel to this country is the growth of joint ventures and subsidiaries between the two countries. The Indians are concerned that modifications in U.S. law could change all that. In the process, they argue, the jobs created for American workers by these joint ventures and subsidiaries would be lost.

What concerns them? Authorized under the Immigration Act of 1990, the H-1B visa program limits to 65,000 per year the number of temporary visas that may be issued for skilled workers. The law also requires that firms hiring these temporary employees take steps to ensure they do not displace U.S. workers. Last fall, the Department of Labor proposed changes to the regulations implementing this law. The Indians charge that the proposed changes, at least partially, are born out of problems faced by the computer industry in California—a region of the country facing a severe recession and the State in which most Indian software professionals are employed. They also argue that charges of tens of thousands of Indians working on H-1B visas in the computer industry are seriously overstated. Indeed, Indian officials cite State Department numbers reporting the issuance of only 1,100 such visas in 1992.

The business leaders also are concerned over what they see as disparate treatment regarding U.S. exports of high-speed computers. In February, the Clinton administration announced the lifting of most of the controls governing the export of these computers. The Commerce Department proclaimed potential new sales of $30 billion per year. However, the Indian business community views the new rules as discriminatory. Under the regulation, the Commerce Department raised the permissible eligibility level for the licensing of sales of digital computers to most Western nations from 195 million theoretical operations per second [MTOPS] to 1,000 MTOPS. For countries on the Department's nuclear non-proliferation special country list—a list that includes India among numerous other countries—the limit was raised only to 500 MTOPS. The business leaders with whom I met reiterated a point made by Prime Minister Rao in his address to Congress:

> Export controls on technology, while once a useful means for controlling weapons technology, now hinder developing countries in their efforts to improve the lives of their people. Much of what is termed as weapons technology in fact has vital applications in a modern civilian society. Many special materials and complicated computer processors found in missile control systems are also found in hospital intensive care units and global telecommunications systems.

The final concern I wish to address relates to the way in which these Indian leaders perceive how the United States conducts its overall trade negotiations. They believe progress in trade is hampered by the forum in which the United States chooses to send its political signals. Specifically, such signals all too often are made public in the media, rather than through quieter—and they think more effective—diplomatic means. The examples raised included the visa issue I discussed earlier, as well as the issues of countervailing duties and "Special 301" sanctions. Were they saying the United States should not issue warnings when problems arise? No. The argument was that too many of our trade difficulties are negotiated via newspapers rather than diplomatic pouch. Public posturing rapidly puts both sides on the defensive, making compromise more difficult.

Mr. President, I appreciate and understand the concerns raised by the Indian Government and business community. Of course, as in any association, there are two sides to the story. India has achieved significant and major reforms. However, when I discuss our relationship with officials in the office of the U.S. Trade Representative, they are quick to point out that major concerns exist from the U.S. perspective as well. I would like to discuss several of the more significant issues the United States would like to see addressed by India.

Protectionist policies close markets and destroy jobs. As ranking member of the Senate Committee on Small Business and as a member of the committees on Foreign Relations and Commerce, I am fully aware of how tariffs create costly barriers to competitive markets. Tariffs protecting India's domestic markets continue as an unfortunate impediment to international trade. For 3 years, the United States has been negotiating actively with India on textile and apparel market access. Unfortunately, progress has been slow. Tariffs on textile imports to India are as high as 110 percent—a burden hampering bilateral trade achievements. The Indian Government has agreed to reduce its import textile tariffs to 40 percent over a 10-year period. However, there is concern that the 10-year phase-in period is too long and the resulting tariff of 40 percent is still too high for productive trade.

Since the beginning of the Uruguay round of GATT negotiations in 1986, India's exports of textiles and clothing to the United States have nearly tripled. At the same time, the United States is prohibited from selling or even trying to sell in India's market. For freer—and fairer—trade, it is absolutely critical that the United States concludes textile and apparel market access negotiations with India. It is a simple reality of the new worldwide trading system that each country must be prepared for competition.

Concerns also remain about royalties lost to patent and copyright infringements. Revenue losses to U.S. technology and entertainment industries are substantial. American pharmaceutical manufacturers alone estimate that $400 million annually is lost to piracy. Understandably, India is concerned about the high costs of technology transfers associated with patent protection. In addition, export controls on dual use technology can hinder the efforts of developing countries that need such technologies to improve their standard of living. I applaud the actions of the Indian Government in enacting tougher copyright protection laws. However, only time will tell how effective these new laws will prove to be. I am afraid that if respect for patent and copyright protection is not a priority for India, the United States will have no choice but to continue to designate India as a "priority foreign country" under the "Special 301" provision of the 1988 Trade Act. For our own benefit, and that of India, I hope our two countries can work together and build on the recent progress made by the India Parliament in passing its new copyright law. If vigorously enforced, it would serve to protect the industries of both countries.

The third, and final area of concern I would like to mention is that of India's insurance industry—currently a virtually closed market. Ideally, India will open its monopolistic insurance market to allow access for foreign insurance providers. However, I am aware that in return for allowing the United States increased access to its insurance market, India would like the United States to loosen its temporary visa restrictions. I want to stress again that only through a combined effort will our two countries be able to resolve our conflicts and move toward the system of trade we both desire.

Mr. President, India will be an important economic contributor in the next century. We now have the opportunity to form positive partnerships based on mutual interests. I agree with Prime Minister Rao's statement to Congress when he said, "Indo-U.S. relations are on the threshold of a bold new era * * * We have seen unprecedented cooperation * * * We share common interests. * * *"

I am certain the United States can resolve its differences with India. I am equally confident that the future of our trading and political relations with India will be bright. As a trading partner, India holds tremendous potential.

With patience and a willingness to compromise on both sides, I believe an extraordinary and mutually beneficial alliance can be forged between our two great democracies.

CITY OF BILLINGS, MT

Mr. BAUCUS. Mr. President, it is with great pride that I give special recognition to the city of Billings, MT, for the decency and civic mindedness demonstrated by its citizens when certain townspeople were attacked by a racist group. The people of Billings showed that there is no room for hate under the Big Sky.

The city of Billings was presented a special citation by the American Jewish Committee for the reaction of its townspeople to violence and hateful rhetoric against a small number of their neighbors. We in Montana sometimes take our relatively peaceful life for granted, but the events in Billings are a stark reminder that violence and hatred are ever-ready to sabotage and intimidate even the most tranquil communities. The Billings community rightly regarded an attack on several of the town's citizens as an attack on the town itself. By coming together to defend those citizens under siege, Billings' citizens not only drove off the hate-mongers and protected their neighbors, but also established a model for conscientious community action against bigotry.

The Billings community fought for the values that built our Nation and our pioneer State—the basic civic virtues of respect for the law and for individuals' rights, concern for the well-being of fellow citizens, and the conviction that peaceful, collective action for liberty and justice is the cornerstone of a true community. I had the opportunity to participate for a brief time with fellow Montanans from Billings in their organized fight against hate and bigotry, and I will never forget my experience. It was profoundly humbling to walk in solidarity with a community working together to defend the values upon which our Nation was founded.

It is a particular honor for Montana to receive recognition from the American Jewish Committee, which for almost a century has itself been a crusader against bigotry and anti-Semitism, a leader in efforts to broaden understanding among ethnic racial and religious groups in the United States and abroad, a champion of human rights, and a respected articulator of the principal concerns of the American Jewish community. I wish them continued strength and success as they carry out their important work.

With their solid American values and their courage to stand up for what is right, the people of Billings have made a contribution to their city, the State of Montana, and our Nation. I ask unanimous consent that the American Jewish Committee's citation of Billings, as delivered by David A. Harris, the executive director of the American Jewish Committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL AMERICAN JEWISH COMMITTEE AWARD TO BILLINGS, MT—88TH ANNUAL DINNER, WASHINGTON, DC, MAY 5, 1994

Good evening. When we first saw this just-shown segment on ABC television, we quickly decided that we wanted in some way to honor the town of Billings—the thousands of its citizens who expressed their moral decency and courage when some of their fellow citizens were, as you saw so vividly, threatened and attacked.

Last year at this time, we honored one man—Jan Karski—a Polish Catholic who had gone to extraordinary lengths during the Second World War, as a member of the Polish Underground, to alert a largely indifferent world to the Nazi extermination of the Jews. As we know, so well, there were all too few Jan Karskis of their time.

So, too, were there then too few communities that stood together with their fellow Jews in the face of unspeakable evil. The remarkable story of the Danish people, who managed to smuggle to Sweden nearly 7,500 of the country's 8,000 Jews, will forever stand as the quintessential act of communal solidarity and courage. And there were other, often lesser known examples—Bulgaria's protection of its own Jews, Albania's Finland's * * * and a few towns and villages. Among these, perhaps, the most poignant was the French town of Le Chambon-sur-Lignon, which took in some 5,000 Jewish children during the war and saved them from deportation and probable death. Imagine, if you will, not one but a dozen, two, three dozen such villages doing the same and what the result might have been, but alas, it was not to be.

Pierre Sauvage, one of the Jewish children rescued in Le Chambon, subsequently wrote:

"If we do not learn how it is possible to act well even under the most trying circumstances, we will increasingly doubt our ability to act well even under less trying ones.

"If we remember solely the horror of the Holocaust, it is we who will bear the responsibility for having created the most dangerous alibi of all: that it was beyond man's capacity to know and care.

"If the hard and fast evidence of the possibility of good on earth is allowed to slip through our fingers and turn into dust, then future generations will have only dust to build on."

Ladies and Gentlemen, the world today is an increasingly complicated place. More and more, we are seemingly presented with two contrasting ways to live—as one human family in which all of us, whatever our race, religion, ethnicity, recognize that each of us is created in God's image, that each of us is worthy of respect, that this respect for others in no way diminishes our own self-worth or, for that matter, our own distinctiveness.

Or, we can let the haters and hatemongers, the bigots, the anti-Semites, the racists, the ethnic cleansers seek to divide us and replace pluralism with so-called purity. As the late Martin Luther King, Jr. said: "We must all learn to live together as brothers, or we will all perish together as fools. That is the challenge of the hour."

The American Jewish Committee has from its inception 88 years ago stood unyieldingly for the principles of pluralism, inter-group harmony and enhanced understanding between peoples of diverse faiths and racial and ethnic backgrounds. And, to that end, we have sponsored two of the most seminal research works of the post-war era—the landmark study entitled "The Authorization Personality," published in 1950, and, its converse, if you will, "The Altruistic Personality," in 1988.

These studies teach us that if we are to achieve communities, countries, indeed, a world based on tolerance and mutual respect, it is not enough that we preach it from the podium. To succeed, as the examples of Denmark and Le Chambon illustrate, these values must become an integral part of our daily lives, of what parents, educators, clergy and political leaders demonstrate by example, not by words alone. It must be part of a profound and unshakable recognition of the intrinsic worth of each and every human being.

The response of the people of Billings, Montana, to the unprecedented wave of fear generated by Skinheads, whose aim was to attack vulnerable minorities, especially Jews, but also African-Americans, Hispanics and Native Americans, demonstrated that a sense of genuine community existed, that residents truly felt that an attack on any one of their number was an assault on the entire community, that each person was as much part of the fabric and fiber of the community as any other. It should also serve to remind us yet again why minority groups need to strengthen their links with one another and not cede ground to those who would divide us.

And what is so exceptional about the people of Billings, just like the people of Denmark, the villagers of Le Chambon, or individual rescuers during the Second World War, though the circumstances clearly are not identical, is that they do not regard their acts of solidarity and identification as anything exceptional or out of the ordinary. Yes, they have experienced fear in Billings, fear, for instance, that a rock might be thrown through their children's window and cause injury or worse.

No doubt, however, they have taken strength from the many who have stood together, from the knowledge that what they are doing is, in fact, the ultimate fulfillment of what is written in Leviticus: "Love thy neighbor as thyself," and from the inspiring example of community leaders.

Among these community leaders are our two special guests this evening, Police Chief Wayne Inman, whom you saw in the film clip, and Wayne Schile, the publisher of the Billings Gazette that printed the thousands of copies of the menorah that eventually were placed in the windows of so many homes.

And in this there is a lesson for all of us. If we have the courage and conviction in our own lives, as do Police Chief Inman and Mr. Schile, to strive towards affirmation of that which is right and good and principled, then our example will be contagious for those around us. And we—and our world view—shall prevail. But if we simply mouth pieties, preach but don't practice, legislate but don't lead—or if our attitude reflects only apathy or indifference—then the skinheads, the bigots, the anti-Semites, the racists, the haters will step into the breach. And we know only too well from history what that can bring.

And so, on behalf of the American Jewish Committee, it is my profound honor and privilege this evening to present this special award to the town of Billings, Montana, for showing us all how we can demonstrate the principles of decency, goodness and caring in the face of raw hate.

At this point, I would like to invite Police Chief Wayne Inman to come forward, to be followed by Wayne Schile, the publisher of the Billings Gazette. They have travelled a long distance to be with us this evening and we could not be more pleased.

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101–520, I am submitting the summary tabulations of Senate mass mail costs for the second quarter of fiscal year 1994, that is the period of January 1 to March 31, 1994, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS

[For the Quarter Ending Mar. 31, 1994]

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka	0	0	0	0
Baucus	28,889	0.03506	5,175.20	0.00628
Bennett	42,700	0.02355	6,506.52	0.00359
Biden	0	0	0	0
Bingaman	0	0	0	0
Bond	0	0	0	0
Boren	0	0	0	0
Boxer	0	0	0	0
Bradley	18,100	0.00232	2,753.82	0.00035
Breaux	0	0	0	0
Brown	0	0	0	0
Bryan	37,410	0.02819	6,464.94	0.00487
Bumpers	0	0	0	0
Burns	55,600	0.06748	8,677.36	0.01053
Byrd	0	0	0	0
Campbell	0	0	0	0
Chafee	108,400	0.10786	18,654.19	0.01856
Coats	0	0	0	0
Cochran	0	0	0	0
Cohen	36,653	0.02968	6,985.78	0.00566
Conrad	0	0	0	0
Coverdell	0	0	0	0
Craig	26,741	0.02506	6,873.81	0.00644
D'Amato	1,549,650	0.08553	263,055.33	0.01452
Danforth	87,450	0.01684	12,108.90	0.0023
Daschle	17,775	0.02500	2,654.44	0.00373
DeConcini	7,000	0.00183	2,212.00	0.00058
Dodd	0	0	0	0
Dole	0	0	0	0
Domenici	0	0	0	0
Dorgan	0	0	0	0
Durenberger	1,350	0.00030	294.16	0.00007
Exon	0	0	0	0
Faircloth	73,650	0.01076	13,870.02	0.00203
Feingold	0	0	0	0
Feinstein	0	0	0	0
Ford	0	0	0	0
Glenn	0	0	0	0
Gorton	357,596	0.06963	66,643.15	0.01298
Graham	1,889	0.00014	1,484.91	0.00011
Gramm	1,639,350	0.09285	287,084.07	0.01626
Grassley	0	0	0	0
Gregg	180,300	0.16229	28,181.98	0.02537
Harkin	0	0	0	0
Hatch	8,050	0.00444	1,232.53	0.00068
Hatfield	950	0.00032	224.69	0.00008
Heflin	15,500	0.00375	2,456.22	0.00059
Helms	0	0	0	0
Hollings	0	0	0	0
Hutchison	0	0	0	0
Inouye	438,000	0.37759	66,684.51	0.05749
Jeffords	34,350	0.06026	5,388.66	0.00945
Johnston	0	0	0	0
Kassebaum	0	0	0	0
Kempthorne	0	0	0	0
Kennedy	0	0	0	0
Kerrey	0	0	0	0
Kerry	29,219	0.00487	4,954.42	0.00083
Kohl	0	0	0	0
Lautenberg	0	0	0	0
Leahy	24,174	0.04241	4,930.31	0.00865
Levin	24,203	0.00256	5,585.86	0.00059
Lieberman	69,350	0.02114	10,337.07	0.00315
Lott	420,150	0.16073	66,430.71	0.02541
Lugar	0	0	0	0

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS—Continued

[For the Quarter Ending Mar. 31, 1994]

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Mack	0	0	0	0
Mathews	0	0	0	0
McCain	0	0	0	0
McConnell	0	0	0	0
Metzenbaum	0	0	0	0
Mikulski	0	0	0	0
Mitchell	0	0	0	0
Moseley-Braun	0	0	0	0
Moynihan	33,650	0.00186	6,520.41	0.00036
Murkowski	0	0	0	0
Murray	4,050	0.00079	931.92	0.00018
Nickles	13,775	0.00429	1,987.62	0.00062
Nunn	0	0	0	0
Packwood	125,900	0.04229	20,800.93	0.00699
Pell	0	0	0	0
Pressler	67,453	0.09487	11,128.99	0.01565
Pryor	0	0	0	0
Reid	650	0.00049	95.02	0.00007
Riegle	0	0	0	0
Robb	0	0	0	0
Rockefeller	206,031	0.11370	133,697.21	0.07378
Roth	0	0	0	0
Sarbanes	300,950	0.06132	45,855.63	0.00934
Sasser	276,250	0.05499	40,390.93	0.00804
Shelby	0	0	0	0
Simon	1,700	0.00015	255.23	0.00002
Simpson	33,175	0.07119	4,779.34	0.01026
Smith	46,200	0.04158	12,143.28	0.01093
Specter	0	0	0	0
Stevens	0	0	0	0
Thurmond	0	0	0	0
Wallop	7,500	0.01609	1,773.50	0.00381
Warner	0	0	0	0
Wellstone	379,250	0.08465	62,531.97	0.01396
Wofford	0	0	0	0

OTHER OFFICES

	Total pieces	Total cost
The Vice President	0	0
The President Pro-Tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
Sec. of Majority Conference	0	0
Sec. of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	984	$331.25
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	0	0
Governmental Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	0	0
Veterans Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	0	0
Intelligence Committee	0	0
Aging Committee	0	0
Joint Economic Committee	0	0
Joint Committee on Printing	0	0
JCMTE Congress Inaug.	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	0	0
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics Caucus	0	0
SCMTE POW/MIA	0	0

U.S. POSTAL SERVICE

May 25, 1994.

Hon. WENDELL H. FORD,

Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the second quarter, Fiscal Year 1994, is enclosed. Total postage and fees for the quarter is $1,612,484.

A summary of Senate franked mail usage, based upon the first two quarters of actual data for Fiscal Year 1994, is as follows:

Volume	11,820,017
Revenue per piece	$0.2795
Revenue	$3,303,557.00
Payment Received	$1,691,073.00
Amount due USPS	$1,612,484.00

A bill is enclosed for these charges.

If you or your staff have any questions on the above, please call Tom Galgano of my Official Mail Accounting staff on (202) 268–3255.

Sincerely,

ALFRED CARREON, Jr.
manager, Post Office Accounting.

FRANKED MAIL

[Postal quarter II, fiscal year 1994, Senate]

Subcategories	Pieces	Rates	Amount
Letters—First Class	1,371,100	$0.2900	$397,619
Total	1,371,100	0.2900	397,619
Flats—First Class	118,205	1.1064	130,782
Total	118,205	1.1064	130,782
Parcels:			
Priority—Up to 11 oz	....	....	....
Priority—Over 11 oz	17,448	4.3469	75,845
4th Class—Regular	25,850	3.9547	102,229
Total	43,298	4.1128	178,074
Orange Bag Pouches—First Class:	733	0.3615	265
Priority—Up to 11 oz	10	2.9000	29
Priority—Over 11 oz	41	5.0976	209
Total	784	0.6416	503
Agriculture Bulletins—First Class:	....	....	....
Priority—Up to 11 oz	....	....	....
Priority—Over 11 oz	....	....	....
3d Class	....	....	....
4th Class Special (Bk)	....	....	....
4th Class Regular	27	9.5185	257
Total	27	9.5185	257
Yearbooks—4th Class Special (Bk)	740	1.4797	1,095
Total	740	1.4797	1,095
Other (Odd Size Parcels):			
Priority—Up to 11 oz	....	....	....
Priority—Over 11 oz	351	36.2080	12,709
4th Class—Special (Bk)	....	....	....
4th Class—Regular	1,548	11.0652	17,129
Total	1,899	15.7125	29,838
Total Outside DC			
Permit Imprint Mailings:			
1st Class Single Piece Rate	143,581	0.2693	38,661
3d Class Bulk Rate	3,700,368	0.1290	477,438
Parcel Post—PI	372	6.6935	2,490
First Class Single Piece—PI	....	....	....
Address Corrections (3547's)	50	0.3600	18
Address Corrections (3d Cl)	....	....	....
Mailing List Corrections (10 names or less)	....	....	....
Mailing List Corrections (more than 10 names)	....	....	....
Mailgrams	....	....	....
IPA—International Priority Airmail	....	....	....
Mailing Fees (Registry, Certified, etc.)	....	....	....
Postage Due/Short Paid Mail	....	....	20
Permit Fees	....	....	....
Misc. Charges	....	....	....
Express Mail Service	....	....	237,303
Subtotal	5,606,863	0.2876	1,612,484
Adjustments	....	....	....
Grand total	5,606,863	0.2876	1,612,484

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of S. 1587, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon, [Mr. HATFIELD].

AMENDMENT NO. 1753

(Purpose: To provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers)

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon, [Mr. PACKWOOD], be included as a cosponsor of the amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself and Mr. PACKWOOD, proposes an amendment numbered 1753.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE X—WAIVER OF THE APPLICATION OF THE PREVAILING WAGE-SETTING REQUIREMENTS TO VOLUNTEERS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Community Improvement Volunteer Act of 1994."

SEC. 1002. PURPOSE.

It is the purpose of this title to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration (including painting and decorating) of public buildings and public works funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs that might not otherwise be possible without the use of volunteers, by waiving the application of the otherwise applicable prevailing wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) to such volunteers.

SEC. 1003. WAIVER.

(a) IN GENERAL.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act" (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in subsection (d), and the provisions relating to wages, in any federally assisted or insured contract or subcontract for construction, shall not apply to any individual—

(1) who volunteers—

(A) to perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b)), but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from an employer;

(2) whose contribution of service is not for the benefit of any contractor otherwise performing or seeking to perform work on the same project; and

(3) who is not otherwise employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

(b) EXPENSES.—Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) if the Secretary of Labor determines, after an examination of the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities of the specific federally assisted or insured project, that such payments are appropriate. Subject to such a determination—

(1) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(2) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(3) a nominal fee may not be used as a substitute for compensation and may not be tied to productivity.

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be made on a case-by-case basis and in the context of the economic realities of the situation involved.

(c) ECONOMIC REALITY.—For purposes of subsection (b), in determining whether an expense, benefit, or fee described in such subsection may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary of Labor shall not approve any such expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(d) CONTRACTS EXEMPTED.—For purposes of subsection (a), the Acts or provisions described in this subsection are the following:

(1) The Library Services and Construction Act (20 U.S.C. 351 et seq.).

(2) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) Section 329 of the Public Health Service Act (42 U.S.C. 254b).

(4) Section 330 of the Public Health Service Act (42 U.S.C. 254c).

SEC. 1004. REPORT.

Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

(1) identifies and assesses, to the maximum extent practicable—

(A) the projects for which volunteers were permitted to work under this title; and

(B) the number of volunteers permitted to work because of the compliance of entities with the provisions of this title; and

(2) contains recommendations with respect to Acts related to the Davis-Bacon Act that could be addressed to permit volunteer work.

Mr. HATFIELD. Mr. President, in the few years before the Revolutionary War, volunteers were organized into military companies and trained to bear arms. These volunteers were called minutemen because they were ready to fight at a minute's notice. Although minutemen regiments were eventually dissolved when regular armies were formed, the defense of the United States still depends on an All-Volunteer Army.

I mention the minutemen of the Revolutionary War because the idea of voluntarism has been ingrained in our psyche before our country's inception. The ethic of civic responsibility, the spirit of community, and the belief in voluntarism have all been fundamental principles that have helped guide our country's evolution. Today, one only needs to visit the local soup kitchen, homeless shelter, hospital, or literacy center to find people who give of themselves daily, so that others may enjoy better and more fulfilling lives.

Americans persist in their desire to affirm their sense of humanity and shared values, and I believe that most would agree that voluntarism plays a vital role in helping us meet these mores. That is why I am offering an amendment that I recently introduced as a freestanding bill, the Community Improvement Volunteer Act, to the Federal Acquisition Streamlining Act of 1994.

As my colleagues know, the Davis-Bacon Act requires that those who work on federally assisted construction projects must receive the local prevailing wage. I support the Davis-Bacon Act and its protection of the working men and women of our country, however, over the years, I have been worried that its application in certain instances has been overly zealous.

As a result, in 1992, I asked the Comptroller General of the United States to review the effect of the Davis-Bacon Act and its implementing regulations on the use of volunteers on federally financed or assisted construction projects. The study identified approximately 43 Davis-Bacon-related acts, of which 5 currently permit either the Secretary of Labor or the Secretary of Housing and Urban Development to waive the prevailing wage requirements for volunteers. However, the study also identified a number of other related acts for which there was no specific authority for the use of volunteers.

Mr. President, having reviewed both the Comptroller General's report and the types of construction permitted under the identified related acts, I believe there are additional construction programs that should have specific authority for the use of volunteers as a consequence of the confusion created in Philomath.

The programs I have chosen to include in this amendment lend themselves to wide participation by local citizens, and have a very precise and significant social or humanitarian effect on a community.

The amendment makes it clear that projects that would not be otherwise possible without the use of volunteers, can utilize volunteers for the construction of that project. Specifically, the purpose is to promote and provide more opportunities for people who wish to volunteer their services for humanitarian, civic, or community purposes.

For the last several months, I have devoted a great deal of time to provide what I believe are the necessary protections in this amendment. Few would dispute my support for the Davis-Bacon Act, and I have no interest in undermining its basic intent. However, I do believe that some of the Davis-Bacon-related acts need to recognize or have some flexibility in order to permit nonprofit or similar entities to overcome some of the fiscal constraints that many of our urban and rural areas face.

The amendment defines a volunteer in very narrow terms. A volunteer would be one who performs a service for a public or private entity for civic, charitable, or humanitarian reason, without the promise or expectation of compensation. Furthermore, a volunteer must not be pressured or coerced by any employer, and the volunteer's service cannot be done for the benefit of any contractor.

Although the amendment would permit reasonable expenses like protective gear, out-of-pocket expenses, and meals, it would prohibit these expenses from being tied to productivity. Furthermore, the amendment would only allow volunteers to work on certain types of projects—those that would not otherwise be possible without the use of volunteers.

Although the days of British colonialism and the need for minutemen are long over, there still are incalculable numbers of pressing issues that face our country. Daily, we hear of the nearly 37 million people who are uninsured or have little or no access to health care. By simply walking the street of any town or city in America, one can see people who have lost their way and have become homeless. We may be the freest, we may be the luckiest, and we may be the most prosperous country on the face of the Earth, but throughout the United States, there are continuing and pressing unmet public needs.

Few would dispute the fact that if we, as a government, can make it easier for the public or local communities to address some of these unmet needs, the American people will be able to better serve members of their own community. By making it easier for an organization or local community to build a community or migrant health center, a library, a school, or housing for those who may not be as fortunate as we, we can continue to validate our shared values. Through this amendment, we can help to resuscitate in communities the breath of fresh air that comes with hard work and community spirit forged together to realize an otherwise impossible dream.

Mr. President, let me summarize two examples that occurred in my State—and I am sure other Senators have had similar experiences—which give rise to this amendment.

In 1990, the Portland Kiwanis Club decided they would renovate an antipoverty center as a project for the club. They got volunteers, and they contributed 190 hours for the rehabilitation of this center.

Mr. President, because the antipoverty center had Federal moneys granted to it, the Department of Labor stated that the Kiwanis Club had to be reimbursed $3,000 for their labor because of the prevailing-wage requirements of the Davis-Bacon Act.

We took this matter up with the Department of Labor because the Kiwanis Club did not want $3,000, and they had made this as strictly a contribution to the community. We were able to resolve this problem after I came to the floor and offered an amendment to the Cranston-Gonzalez National Affordable Housing Act to permit volunteer workers on these humanitarian projects under the Community Development Block Grant Program and the public housing and section 8 assistance programs. That amendment was adopted by the Congress.

More recently, we had a situation in a very small community, the timber-dependent town of Philomath. With the forestry crisis in our State, this community has been devastated. They decided to undertake a project to build a community library. When they found that they had difficulty in raising the money for its construction, the community turned to volunteer work to build it. But because the Library Construction Act of the Federal Government and the Federal moneys from that being utilized in this project, the Department of Labor said no, they could not build it with volunteer labor. We discussed it with the Department of Labor. Finally, because the city was the supervisor and not a private contractor, the Department made an interpretation that said, OK, you can go ahead and use volunteer labor.

Mr. President, I am a supporter of the Davis-Bacon Act. I have voted to sustain it every time it has been challenged on the floor. This amendment does not amend the Davis-Bacon Act. Rather, it amends a number of construction acts that include funding for local projects of a humanitarian, civic, and educational nature.

I have no intent of trying to take the Davis-Bacon Act apart or to weaken it in any respect. However, I do think that we have an obligation to provide flexibility. And in this flexibility, I am talking about the use of volunteer labor. We are not talking about building bridges. We are not talking about building nuclear plants. According to the GAO, there are 43 accounts in the Federal budget that provide for local construction which include the prevailing-wage provision of Davis-Bacon.

What I am suggesting is that flexibility be given to these construction programs in which volunteer labor could be permitted. Let me enumerate the ones that I propose to include, not 43 of them, but only those relating to humanitarian, civic, and educational needs.

I suggest that the Library Services and Construction Act be amended to provide for this waiver of the prevailing wages when using volunteer labor. I would also suggest this for the Indian Self-Determination and Education Assistance Act, particularly for Indian reservations, and for two sections of the Public Health Service Act which authorize construction and renovation of community and migrant health centers.

That is all that I am suggesting here in this amendment. These are very worthy, humanitarian programs in which volunteer labor could be offered.

So it seems to me that this really tries to encourage voluntarism, people giving themselves, their talents, and their skills to build stronger communities, for reaching out to the poor and those in need. I do not believe that our Federal laws should be so rigid and so inflexible that we cannot provide for a volunteer effort.

I come from a part of the country where they still have old-fashioned barn raisings. The community gets together and helps to raise a barn or to build a house and what have you—civic centers, an antipoverty center, or library.

I really do not understand why there should be any opposition. We talked to labor on this, and to our own Oregon labor organizations. They, of course, are very nervous about anything that relates to the Davis-Bacon Act. They are not leading any major opposition to this provision. They recognize the Philomath community library project and the project of the Kiwanis Club of Portland as worthy projects.

I ask unanimous consent at this time that a section-by-section description of this amendment to this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994

SECTION 1: TITLE

SECTION 2: PURPOSE

The purpose of this Act is to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration, including painting and decorating, of certain public buildings and public works funded, in whole or in part, with Federal financial assistance that would not otherwise be possible without the use of volunteers, by waiving the application of the otherwise applicable prevailing wage-setting provisions of the Davis-Bacon Act of 1931.

SECTION 3: WAIVER

Waiver of the prevailing wage requirements:

The requirement that certain laborers and mechanics be paid the local prevailing wages in accordance with the Davis-Bacon Act and applicable to the Davis-Bacon-related Acts under this bill (Library Services and Construction Act, the Indian Self-Determination and Education Act, Migrant Health Centers and Community Health Centers) shall not apply to an individual who volunteers:

Definition of a volunteer:

(a) To perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as described in the bill) but solely for the personal purpose or pleasure of the individual;

(b) To provide such services freely and without pressure or coercion, direct or implied from an employer;

(c) Whose contribution of service is not for the benefit of any contractor performing or seeking to perform work on the project;

(d) Who is not employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

Definition of expenses:

Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers if the Secretary of Labor determines that in the context of the economic realities of the project (which would have the effect of undermining the labor standards by creating downward pressure on prevailing wages in the local construction industry) that such payments are appropriate. Reasonable expenses and benefits will be made on a case-by-case basis and may include:

(a) Uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(b) Inclusion in a group insurance plan (such as liability, health, life, disability, or worker's compensation plans) or pension plan or the awarding of a length of service award; or

(c) A nominal fee cannot be used as a substitute for compensation and must not be tied to productivity.

Definition of economic reality:

The Secretary of Labor shall not approve any payment of the expenses or benefits which would have the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

Contracts that are exempted for volunteers:

(1) The Library Services and Construction Act;

(2) The Indian Self-Determination and Education Assistance Act;

(3) Section 329 of the Public Health Service Act—Migrant Health Centers;

(4) Section 330 of the Public Health Service Act—Community Health Centers.

SECTION 4. REPORT

Requires the Secretary of Labor to submit a report to Congress by December 31, 1997 that identifies and assesses:

(a) The projects for which volunteers were permitted to work under this bill;

(b) The number of volunteers permitted to work due to this bill;

(c) Contains recommendations to other Davis-Bacon-related Acts that could be addressed to permit volunteer work.

Mr. HATFIELD. Mr. President, I am happy to answer any questions at this time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I was originally concerned about the proposal that Senator HATFIELD was going to make because I was concerned that it did get into some changes in Davis-Bacon. But, I am reassured that it is not an attempt to amend this Act. In fact, it is an attempt to really encourage voluntarism in this country, which we are very proud of. We are more a nation of volunteers than any nation in the world. In fact, that has been sort of the fabric of our whole society, that we help out in trying to do things on a volunteer basis.

Also, the proposal by my distinguished colleague is very narrowly drawn. So it applies only to those narrow, core areas that he referred to.

With those assurances which he made in his opening statement on this amendment, I would be glad to accept it on this side. I hope that Senator ROTH will do the same on the other side.

Mr. ROTH. Mr. President, I congratulate the distinguished Senator from Oregon for his proposal. It is a worthy one. It does promote voluntarism. I am glad to support it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 1753) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that on the upcoming amendment by Mr. GRASSLEY, there be a time limit of 1 hour, equally divided, with no second-degree amendments to be in order, with the time controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 1754

(Purpose: To amend the inspector general Act of 1978 to require inspectors general to employ legal counsel)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1754.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

SEC. 9001. LEGAL COUNSEL FOR INSPECTORS GENERAL.

(a) AUTHORITY TO EMPLOY COUNSEL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (d)—

(A) by striking out ", and" at the end of paragraph (1) and inserting in lieu thereof a semicolon;

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(3) appoint a legal counsel who shall have the responsibility for providing the Inspector General with legal advice, including formal legal opinions."; and

(2) by adding at the end the following new subsection:

"(e) Each person appointed as a legal counsel to the Inspector General of an establishment shall report to and be under the general supervision of the Inspector General and may not be required to report to or be subject to supervision by, any other official or employee of the establishment. Only the Inspector General may evaluate the performance of a legal counsel for official purposes.".

(b) ABSORPTION OF COST FOR FISCAL YEAR 1994.—In the case of a department or agency referred to in paragraph (2), funds available for fiscal year 1994 for the General Counsel of such department or agency that would be expended for such fiscal year for payment of the costs of the legal staff (including support staff) made available by the General Counsel of such department or agency to the Inspector General of that department or agency on a permanent basis shall be used for paying the costs for fiscal year 1994 for legal counsel (including support staff for legal counsel) employed by the Inspector General of such department or agency.

(2) Paragraph (1) applies to the following departments and agencies:

(A) The Department of Defense.

(B) The Department of Health and Human Services.

(C) The Department of Transportation.

(D) The Environmental Protection Agency.

(E) The Federal Emergency Management Agency.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:;

TITLE IX—MISCELLANEOUS MATTERS

Sec. 9001. Authority of Inspectors General to employ legal counsel.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Mr. GRASSLEY. Mr. President, the first point I will make is this, because I think it is something everybody ought to be concerned about when you hear about an amendment that talks about hiring, and I want to make this point very clear: This amendment is going to change boxes on the table of organization in five departments—not the entire Government, just in five departments—and it will not cost the taxpayers $1, or it will not lead to the hiring of one more person. That is clearly my intent.

As I have studied the situation, that is clearly possible because what is being done in these agencies, is now being done, but in a way that I think contravenes the goals of the Inspector General Act of 1978. I want to make sure that we meet the intent of that in the five departments where it is not being met.

It is being met in 21 out of 28 departments, and it is in the process of being met in two more departments. So basically we have a situation here where in five departments the inspector general does not have independent legal counsel. My amendment would give him independent legal counsel, but without spending 1 penny more of taxpayers' dollars, without hiring anybody else, and it would do it by having people that are doing this work now who are under the jurisdiction of the general counsel office. They would be like they are in the other 21 departments. They would be working for the IG, so that they are truly independent. And that is the purpose of the IG, as you know.

The IG is set up so that we have a situation where there is somebody that is not under the direction of the Secretary or the head of an agency, but it is over here in an independent way. So that if the taxpayers' money is not being spent wisely and policy is not being followed according to congressional intent, we have a person in that department who can blow the whistle and say that this is not quite right. Hopefully, just bringing this out into the sunshine as a fact will cause the administrators in charge to change policy, or at the very least, it is going to cause Congress to bring some changes.

The Inspector General Act of 1978 authorizes each inspector general to hire all necessary personnel, including legal counsel. So you may ask: Why is my amendment needed? I want to explain what I just summarized in greater detail.

There is some speculation behind my amendment. I want to be up front about that. That speculation is this—and I do not know exactly why 5 agencies out of the 28 do not have independent counsel in their IG's office. But I think that the answer goes somewhat like this:

The IG's who do have independent legal counsel, first of all, had to fight very hard within their agency to get it. We know that as a fact. Those without it do not have it because their agencies do not want them to have it. They want the IG to be somewhat dependent upon the agency as a whole, and they do that through legal counsel. They see, then, that the independent counsel is less of a threat.

So this is where we are today, as I said. We have 28 major IG establishments in existence, and 21 have already hired independent legal counsel.

Two more—the IG's at HUD and the U.S. Information Agency—are in the process of establishing independent legal counsel. So the movement is definitely in the right direction, but there is unfinished business. There are five important holdouts.

Five IG's still rely on legal counsel provided by the general counsel at their parent agencies. The five IG's that do not have independent counsel are in the Department of Defense, No. 1. I will use the Department of Defense as an example where this is not going to cost the taxpayers $1, and it is not going to hire one more person.

There are six lawyers from the general counsel's office assigned over here to the IG. But they work for the general counsel. So the IG does not have independent legal counsel, as they do in the other 21 agencies of Government.

So if my amendment is adopted, in the Department of Defense—and I will not go into details for the other four agencies, including the EPA, FEMA, HHS, and the Department of Transportation, but those six people that are presently on the payroll will be on the payroll of the inspector general instead of on the payroll of the general counsel, because that is the way it is in 21 of the 28 agencies, and that is the way it is going to be in the U.S. Information Agency and the HUD agency. So there are only five left.

In these five cases, now the IG's have an arrangement. They have forged unholy alliances with their counterpart general counsels. With these alliances, the IG's get access and support. But they surrender control to the agency lawyers. For the taxpayers, that is not a very good deal because the IG was set up to guarantee that there was frugal use of the taxpayers' money and that that law was executed as Congress intended, and the independence of the IG is important to make real that guarantee.

Nor does it seem to me to square with the IG's oversight and investigative responsibilities under the IG Act. In fact, the alliances seem to invalidate the IG Act because independent legal counsel is important to get to our goal.

The alliances are embodied in memorandums of understanding. That is within these five agencies.

The memorandum of understanding documents dictate what the IG's can and cannot do in the legal arena in just these five Departments, not in the 21 Departments that have independent legal counsel.

So this is how it works at DOD, but the setup at the other four agencies is essentially the same.

The Department of Defense memorandum of understanding document was signed by Mr. Joseph Sherick, the first Department of Defense IG, and Mr. Chapman B. Cox, DOD general counsel. It is dated August 16, 1985.

Mr. President, the memorandum of understanding of the DOD makes the general counsel the final arbiter or judge in any legal dispute between the IG and the agency lawyers.

Mr. President, I want to read from this memorandum of understanding what it says about how disagreements are going to be handled, if there are disagreements, between the general counsel or the Department and the IG. From the memorandum of understanding:

> If there is a disagreement, the matter shall be referred to the general counsel for resolution.

That is outside the inspector general's office.

> The general counsel shall then review the different positions and, in his sole discretion, issue a legal opinion.

That is the end of the quote.

If the IG disagrees with the opinion, then the IG may turn to his or her chief counsel for advice.

That is fine and dandy. But, in practice, the IG's chief counsel is controlled by the Department of Defense general counsel. And, as I said, that is true not exactly the same way, but pretty much the same way, in those other four Departments that do not have the arrangement the other 21 Departments have.

The Defense general counsel selects the IG's lawyer. The Defense general counsel evaluates the inspector general's lawyer, and the DOD general counsel pays the IG's lawyer.

That arrangement does not give the inspector general enough room to maneuver on legal issues.

I would like to take a hypothetical example: An official at DOD is accused of illegal activities or misconduct. The IG conducts an independent investigation—that is his job—and finds that the official involved violated the law. However, the attorneys at the agency might disagree with the IG's finding, as they almost always do, when a violation of law is involved.

Once that happens, the inspector general at DOD is dead in the water.

With this kind of setup, it is easy to understand why no one in Government is ever held accountable for anything. I have given more speeches on this floor this year on financial mismanagement in the Defense Department, I bet, than any other Senator has. And it is there. Even people who are going to be debating against my amendment today will have to admit that.

The inspectors general were set up in 1978 to see that these things do not happen. Independent legal counsel, complete independence, is important to get this done.

We cannot expect an IG to successfully investigate a Department if that Department has authority to control the outcome of the investigation. That just will not work.

The alleged misconduct on the C–17 program and the advanced cruise missile contracts are real-life examples of how the memorandums of understanding do not work.

The evidence uncovered by the IG suggested that Federal criminal laws and the Uniform Code of Military Justice may have been violated by senior military officials. The Anti-Deficiency Act was violated. That could be a class E felony.

But the legal beagles put up a stonewall that stopped the inspector general cold in two instances. What followed were two Air Force reinvestigations and debunking operations.

The IG recommended that disciplinary action be taken against senior officials. All that followed was a slap on the wrist. Then came recommendations for promotions for those involved. Only one person was forced to retire.

I know my friend from Ohio, Senator GLENN, who chairs the Governmental Affairs Committee, has acted in the past to resolve conflicts between the IG's and general counsels at the Departments of Education and Labor.

In these two Departments, the general counsels in both Agencies were actively blocking IG efforts to hire independent legal counsel.

When Senator GLENN found out about it, he was pretty ticked off, as I remember, and fired off letters to those Departments.

I would like to quote from one of his letters to the Secretary of Education, dated January 26, 1990, Secretary of Education Lauro O. Cavazos.

Senator GLENN's letter was written in response to a complaint he had received from the IG at the Department of Education, Mr. James B. Thomas, Jr.

This is an appeal for independent legal counsel at IG establishments, if I ever heard one, and I want to quote. I am quoting Senator GLENN:

> Mr. Thomas' letter demonstrates that the current arrangement at the Department of Education compromises the independence of his office, deprives the Department of potentially valuable input from the OIG, and places the attorneys in a conflict of interest situation, since they are being asked to serve both the IG and the General Counsel, who at times have competing interests and objectives.

The thoughts of the distinguished chairman of the Governmental Affairs Committee, as expressed in that letter on this issue, are my own, and in his own words he sums up my rationale for my amendment.

The memorandums of understanding undermine and may even compromise the IG's ability to render truly independent judgments on controversial procurement and investigative issues.

The most sensitive issues usually boil down to a legal question.

The memorandums of understanding put the general counsels in the driver's seat. The memorandums allow them to shape and control the legal issues that drive investigations. This puts them in a position to limit damage to their Departments. That is pretty much business as usual, and covers up, muddies the waters.

The memorandums of understanding, it seems to me, for these five Departments, is clearly inconsistent with the intent of the Inspector General Act of 1978.

I think this is a problem, and there is a consensus on the need to fix it.

The House of Representatives Committee on Government Operations has spoken on the "need for independent legal counsel for the IG's."

The President's Council on Integrity and Efficiency has spoken on this issue as well.

Senator GLENN's work with the IG's at Labor and Education clearly indicates that he favors independent legal counsel for the IG's.

The only disagreement, I think, is how do we get from here to there?

Senator GLENN, I believe, favors resolving the IG/general counsel conflicts on a case-by-case basis as the need arises.

Senator GLENN's work and approach has accomplished a great deal, to a point, but I think the process has been stalled.

We still have five major IG's without independent legal counsel, and it looks as if these five Department heads are dead set against it, particularly the general counsel there.

I think we need a set procedure in place that guarantees independent legal counsel for all IG's, following the intent of the 1978 legislation.

My amendment offers an effective remedy. First, it would require that each major IG establishment appoint independent legal counsel. Again, no new people hired; no new money appropriated. Just take the people that are assigned to the general counsel office and put them there where they need to be.

Second, reform could be accomplished, as I said, at no additional cost. Existing personnel would remain in place. Their pay would simply be shifted from the general counsels' budget to the IGs' budgets.

One way to further the cause of procurement reform is to have an effective watchdog. IG's are the most effective watchdog. An effective watchdog needs the right tools for the job. Independent legal counsel is essentially for getting the job done.

So I ask you to support my amendment.

Once again, particularly for the benefit of anybody who might be here from the Armed Services Committee, I know that this is an attempt by an outsider, a Senator from Iowa, to inject himself into what is good and bad for the Department of Defense.

All I can say is that I will bet you that every one of the Senators speaking against my amendment today voted for the inspector generals to be set up in 1978. And I will bet you that they argued then that they should be independent.

I want any of these Senators to know that we have 21 out of 28 departments that have independent legal counsel in the IG's office. Two more are going to have it—HUD and the U.S. Information Agency.

We have five that do not have it and one of those is the Department of Defense. Now, somebody is probably going to say this is going to cost a lot of money. It is not going to cost any money at all. There are six lawyers assigned from the general counsel's office to the inspector general's office. If that inspector general is going to be independent, he should have independent legal counsel.

And I would suggest if you do not want the inspector general of the Department of Defense to be totally independent, to make sure that the taxpayers' money is spent wisely so things likes the C–17 debacle does not happen again, then maybe we ought to do away with the inspector general at the Department of Defense. But I do not think you want to do that. I think we have to make sure that our money is spent wisely, and I think this will be the way to do it.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes and 15 seconds remaining.

Mr. GRASSLEY. I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. I yield myself such time as I may require.

Mr. President, when Senator GRASSLEY first talked to me about his amendment, I indicated to him that I was certainly concerned about some of the same things that he is dealing with in this amendment, and that I might well support it.

However, I went back to it and looked at it in more depth, and we had communications with some of the people directly involved, such as the inspectors general at the Department of Defense and HHS. I have not talked to those who have smaller staffs—EPA, FEMA, and Transportation.

We have some 61 IG's all across Government now. Those at DOD, EPA, FEMA, HHS, and Transportation are the only five that do not have their own independent staffs. DOD and HHS are big operations so they have a different requirement from most of the other 59 agencies that are very specialized and very specific in what their IG's do.

DOD and HHS have large staffs. They deal with very broad and diverse matters and their staffs have to be more flexible than those of some of the other Departments.

I disagree with Senator GRASSLEY when he says that he is an outsider on this issue because the committees that are involved with this, particularly with DOD, are not committees on which he sits.

I would say to Senator GRASSLEY that no Senator here is an outsider. No Senator is an outsider when it comes to matters of efficiency and running our Government properly. I may have a big interest in some of the matters in committees on which the distinguished Senator from Iowa sits. And he obviously has taken one of the leading roles this year, as he says, in trying to root out some of the fat, fraud, waste, and abuse. He and I have discussed this on several occasion. We are moving in this area.

Secretary Perry and Deputy Secretary Deutch are very much involved with trying to resolve some of the financial management difficulties we have had at DOD. They have assigned people to specific jobs and they are really trying to straighten things out. I have held I do not know how many hearings on matters that the Senator from Iowa is concerned about, on specific matters where we have brought out some of the waste and abuse and procurement difficulties that we have had in the past. We are trying our very best to get those ironed out.

But there are two basic reasons why I rise to oppose this amendment today. In major agencies like this, we need two things: One, the number of people to investigate a series of particular items at any one time. In other words, the requirement in a big agency for IG personnel goes up and down. It is not static. In a major agency, the flexibility that is provided, as the inspector general of DOD points out in a letter that he sent to us, is essential. The other important thing is that the inspector general requires varying expertise in different fields from one time to another. And they can call on the parent agency to give them that kind of expertise.

Now, they may be involved in one type of investigation at one time, an audit investigation at another time, and they can call on different numbers of people out of the general counsel's office.

The Department of Defense has handled this by working out a memorandum of understanding, and it has worked very well. Of the IG's we have had over there since 1982, when the law was first put in, none has complained that their independence has been interfered with in any way. They have had this flexibility and they have had the ability then to call on broad expertise as different matters have come up. This has not been a problem.

The Senator from Iowa also mentioned IG independence. I know from personally talking to the IG's. I meet with the whole group of them on occasion. They are fiercely independent. I do not know that anyone has ever brought charges that any of the IG's have been, in effect, co-opted by the agency in which they serve. There has not been any evidence of that.

Now, as to the dollars involved, this is not just a matter of saying "OK". It seems to me that if they have to go to a different number of people by hiring their own counsel, then there is an increase in the dollars involved in this.

There is one other issue that I think is very important. Right now, the IG's have complete authority to hire outside help and increase their permanent staff if they wish to do so. This is written into the law. If they feel their independence is being compromised in any way, shape or form, they have the authority to hire their own independent counsel and their own independent staffs.

Now, if they did that with a large number of people and over a long period of time, obviously they would probably not be able to take that extra cost out of their own budget. But they have that authority right now.

And so it just seems to me that this is a situation that is working well and that has been working independently and is flexible enough to take care of the investigative peaks and valleys that occur. The system as it exists allows the IG's to call on broad agency expertise as they need it. I just do not see that we need to change that situation right now.

I appreciate what the Senator from Iowa is specifically trying to do, but I think the system has worked out very well. If we find the IG's do not have enough authority or enough people to do what they are doing, then perhaps we need to make some changes. But that is not the situation in which we find ourselves today.

The Office of Management and Budget [OMB] has written us a letter—Mr. Kelman, Administrator of the Office of Federal Procurement Policy within OMB, has written a letter strongly opposing this amendment and the reasons given are along the lines I have outlined here. I will not read the letter, but I ask unanimous consent it be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Madam President, I have another letter from the inspector general of the Department of Defense, in which he, too, says it is working well. He basically says the same thing that Mr. Kelman says, from the Office of Federal Procurement Policy.

I have another letter opposing the amendment from the Department of Health and Human Services, in which one of the items that is mentioned is, "Hiring in-house counsel would only add to the bureaucratic clearance process when specialized legal consultation is desired."

In an earlier part he says, "We strongly believe that such a blanket mandate is unnecessary and ill-advised."

I ask unanimous consent those letters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GLENN. For those reasons I rise to oppose the amendment. I fully appreciate what the Senator from Iowa is intending to do with this. His intentions are the same as mine, to get a more effectively and efficiently operating inspectors general group. We backed that group from its inception when it was placed in operation in 1982 with a limited number as an experiment. They worked so well over a 10-year period that I proposed expanding the IG's, and that legislation went through. We expanded the IG's to where they now encompass 61 different agencies and departments of Government and they are working very well.

They look with great pride on the independence that they have. They are, I believe, operating without fear or favor. They have these memoranda of understanding that address issues between the IG and their parent agency. They work out the numbers of people they are going to need, and at the same time they have full authority to go outside and hire additional help if they need it. So I regret, knowing the intentions of the Senator from Iowa, I have to oppose this amendment but I do so and reserve the remainder of my time.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 3, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that Senator Grassley has introduced an amendment to S. 1587 requiring Inspectors General to employ legal advisors within their own organizations rather than receiving legal advice from their respective Offices of General Counsel. The Administration opposes such an amendment.

The quality and independence of the legal advice provided from the Office of General

Counsel have been excellent in assisting those Inspectors General in fulfilling their statutory responsibilities. One of the advantages of the existing relationship between the Inspectors General and their respective Offices of General Counsel is that it ensures that the full legal expertise of the Agency's lawyers are available to the IGs. The expertise of the Offices of General Counsel has proven invaluable in addressing broad and diverse legal issues that arise in the course of conducting Inspector General audits, investigations, and inspections into agency programs and operations. The alliance between the two organizations also helps convince management to consider strongly the findings and recommendations of the Inspectors General.

As Inspectors General currently have the authority to hire counsel within their organizations should they so desire, the Administration believes that such an amendment would diminish their authority and independence rather than augment it.

Therefore, we recommend against any attempt to legislatively mandate the manner in which an Inspector General must obtain legal services.

Very truly yours,

STEVEN KELMAN,
Administrator.

EXHIBIT 2

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, May 23, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to a request from the Committee asking for my views on a possible amendment that would require Inspectors General to employ legal advisors within their own organizations rather than receiving legal advice from the Office of General Counsel. I am strongly opposed to any such amendment.

The Office of the Inspector General in the Department of Defense has received its legal services from the Office of General Counsel since its statutory creation in 1982. I believe this is a sound and desirable arrangement which best serves the needs of this office and note that none of the three Inspectors General who have been appointed in the Department of Defense has ever expressed any desire to modify it. The quality and independence of the legal advice provided to this office over the years has been excellent and invaluable in assisting us in fulfilling our statutory responsibilities. I recommend against any attempt to legislatively mandate the manner in which an Inspector General must obtain legal services.

Without question, the Office of the Inspector General needs objective and independent legal advice. To that end, the relationship between the Office of the Inspector General and the Office of General Counsel has been memorialized in a Memorandum of Understanding that explicitly recognizes this need and sets forth procedural protections to ensure that it is met. The Memorandum of Understanding is enclosed.

One of the advantages of the existing relationship between the Office of the Inspector General and the Office of General Counsel is that it ensures the full legal expertise of the Department's lawyers is available to us. Such expertise is invaluable in addressing the immensely broad and diverse legal issues that arise in the course of conducting audits, investigations, and inspections into the programs and operations of the Department of Defense. However, as the enclosed Memorandum sets forth, there are procedures to ensure that the ability to seek legal assistance in no way compromises the independent advice provided by our lawyers.

Finally, we have found that working with the Office of General Counsel often results in an alliance between our organizations that helps convince management to concur in our findings and recommendations. The relationship has been a productive one, and we see no reason to change it. Because Inspectors General currently have the authority to hire counsel within their own organizations should they so desire, we believe that an amendment that requires Inspectors General to do so diminishes their authority and independence rather than augmenting it. I believe the manner in which legal services are obtained by an Inspector General should be left to the discretion of the Inspector General, who is in the best position to evaluate the needs of his or her office.

Thank you for giving me the opportunity to comment on this matter. If you need additional information, please call me or Mr. John Crane, Office of Congressional Liaison, at (703) 614-0491.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF INSPECTOR GENERAL,
Washington, DC, April 21, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, there is pending before your Committee the bill, S. 1587, the "Federal Acquisition Streamlining Act of 1993". I have learned that an amendment will likely be offered to this bill that would require all Inspectors General to obtain legal services exclusively from an "in-house" staff, employed and paid by the Office of Inspector General (OIG). We strongly believe that such a blanket mandate is unnecessary and ill-advised.

Like you, we are adamant that every Inspector General must enjoy the services of truly independent and objective legal advisors. Since the OIG regularly questions positions taken by agency managers, it is critical that the legal advice provided to the OIG not be tainted by allegiances between the attorneys and those managers. However, I am convinced that the Inspector General of the Department of Health and Human Services (HHS) does secure expert and independent legal advice from the agency Office of General Counsel. Hiring in-house counsel would only add to the bureaucratic clearance process when specialized legal consultation is desired.

At HHS, we have had a longstanding and very successful relationship with the agency's Office of the General Counsel (OGC). Currently, our OGC maintains a staff of 27 persons devoted exclusively to providing legal services to the OIG. The independence of this staff is ensured by a Memorandum of Understanding between the Inspector General and the General Counsel; a memorandum that provides for the Inspector General's concurrence in the selection, retention, and evaluation of senior officials of the office (see Enclosure). Moreover, this agreement instructs the attorneys assigned to the OIG to provide independent advice to the OIG, even when the advice is contrary to the legal position of the Department.

In a Department like ours, with its vast array of diverse and complex programs, it is important that attorneys working for the OIG have had the opportunity for training and experience gained through the Office of the General Counsel, as well as the expanded "career path" opportunities that this affiliation provides.

I must emphasize that if circumstances were to change, and we found that the independence of the OGC's legal advice had been compromised, we already have ample authority to establish our own in-house counsel; we need no statutory amendment to ensure this outcome. However, we see no benefit in severing our long and fruitful partnership with the Office of the General Counsel. Worse, the proposal would have the effect of requiring the OIG to absorb a staff of nearly 30 persons. I am deeply concerned about our ability to assume this obligation given our current and prospective budgets.

For these reasons, we are hopeful that the Inspector General Act will be left intact, and will continue to permit each Inspector General to exercise discretion in determining how best to secure independent legal advice.

Thank you for the invitation to provide these comments. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

JUNE GIBBS BROWN,
Inspector General.

MEMORANDUM OF UNDERSTANDING BETWEEN THE INSPECTOR GENERAL AND THE GENERAL COUNSEL OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Inspector General Act of 1978, Pub. L. 95-452, as amended by Pub. L. 100-504 established the Office of Inspector General (OIG) as an independent office within the Department of Health and Human Services (the Department). The OIG is responsible for providing objective oversight to identify and make recommendations for preventing waste, fraud and abuse in Department programs and operations, and to make reports to the Secretary and the Congress on such activities. The head of the OIG is the Inspector General.

The Office of the General Counsel (OGC) is responsible for providing the Department with the full range of legal advice and counsel with respect to all the programs and activities of the Department. The head of the OGC is the General Counsel who is the principal legal officer for the Department and reports to the Secretary.

In order for the OIG to perform its full range of responsibilities under the Inspector General Act, as amended, as well as other duties delegated to it by the Secretary, the OIG needs high quality, independent, and objective legal advice. The OIG recognizes the expertise of the OGC in providing legal services to the Department and considers it advantageous to the OIG to receive legal advice from the OGC. The purpose of this memorandum is to set forth the relationship between the OIG and the OGC.

I. INDEPENDENCE OF THE OIG

In accordance with the OIG's mandate to provide objective oversight of Department programs and operations, the OIG performs its activities independent of OGC review or approval.

These activities include but are not limited to:

A. initiating or pursuing any audit, investigation or inquiry;

B. transmitting to the United States Department of Justice or to any other law enforcement or investigative agency any complaints, information, investigative reports or audit reports in its possession;

C. conducting investigations and audits, and the determination of their direction and scope; and

D. preparing reports and recommendations and submitting them to the Secretary and the Congress.

II. AVAILABILITY OF LEGAL SERVICES TO THE INSPECTOR GENERAL

The Office of the General Counsel will provide the OIG legal advice and counsel,[1] within the constraints of available resources, including advice and counsel on such matters as:

A. the proper interpretation of statutes, regulations and policy directives governing the administration of the Department's programs;

B. investigative procedures and techniques, such as subpoenaing documents;

C. the interpretation of statutes applicable to the OIG; and

D. the legal implications and conclusions to be drawn from audit and investigative material produced by the OIG.

To ensure that adequate expert legal services are available to the OIG, and that these services are provided in a manner consistent with the statutory independence of that office, the General Counsel shall retain a separate Inspector General Division within the Office of the General Counsel in Headquarters which will be responsible to provide legal services to the OIG. In addition, legal services will also be made available from the ten Regional Chief Counsels' offices for legal services required for the OIG field operations. There shall be a senior attorney in each region under the direction of the Chief Counsel responsible for liaison with the OIG in order to facilitate training and information exchange.

The Inspector General Division will be headed by an Associate General Counsel who is a member of the Senior Executive Service. The OIG will participate in establishing the highly qualified list for that position, and interviewing and candidates. The General Counsel will select the Associate General Counsel with the concurrence of the Inspector General.

The Associate General Counsel for the Inspector General Division shall be under the general supervision of the General Counsel. However, the Associate General Counsel may not be transferred, reassigned, provided additional duties, or terminated without the concurrence of the Inspector General. The position description and performance plan and goals for the Associate General Counsel shall be executed by the General Counsel with the concurrence of the Inspector General. The General Counsel will seek the views of the Inspector General in the evaluation of the Associate General Counsel's performance and will consult the Inspector General annually with respect to whether to award a bonus to the Associate General Counsel. The Associate General Counsel will be assisted by a deputy who is also a member of the Senior Executive Service and whose selection is governed by the same process as the Associate General Counsel. All the provisions of this paragraph will apply to any Senior Executive Service position added to the Inspector General Division. Additionally, the General Counsel recognizes that the Inspector General has statutory authority to retain Schedule A attorneys without the approval of the General Counsel.

The Inspector General Division shall have access to any opinion(s) of the Office of the General Counsel, upon request. Where a component of the Office of the General Counsel, other than the Inspector General Division, proposes to issue an opinion that relates to the authorities of the OIG, a draft of the opinion should be shared with the IG Division before issuance for its concurrence. Similarly, where the IG Division proposes to issue an opinion on the subject matter for which another OGC division has primary responsibility, a draft of that opinion should be shared with that division before issuance for its concurrence. The other division shall review and provide whatever comments are appropriate as promptly as possible. If there is disagreement with OGC the matter shall be referred to the General Counsel for resolution. The General Counsel shall then review the legal opinions, and after consultation with the Inspector General, shall issue the legal opinion for the Department. If a Division of the Office of the General Counsel does not respond to a request for an opinion within 30 days, the request shall be forwarded immediately to the Deputy General Counsel (Legal Counsel) for expeditious resolution of the issue(s) involved.

If the Inspector General disagrees with the legal opinion of the Department, and requests legal assistance from the Associate General Counsel, the Associate General Counsel and the attorneys within the IG Division may provide whatever legal assistance is required by the Inspector General to carry out the responsibilities of the Inspector General Act. Legal opinions rendered to the Inspector General by the Associate General Counsel that conflict with the legal position of the Department shall state that they are solely the position of the IG Division.

Although the Inspector General may seek and obtain the advice of the General Counsel, under the Inspector General Act the Inspector General is not bound by such advice, and is free to disregard it.

III. AVAILABILITY OF THE OFFICE OF INSPECTOR GENERAL TO THE OFFICE OF THE GENERAL COUNSEL

The Office of Inspector General shall, within the constraints of available resources, assist the OGC in the defense of an OIG or Department decision before an administrative or judicial tribunal where the decision relies upon an OIG audit or investigation. This will include, making OIG staff and contractors available as witnesses, furnishing relevant documents, executing affidavits, reviewing material submitted by the parties to the proceedings; and with respect to defense of OIG activities, paying the reasonable out-of-pocket costs of such defense (excluding any costs for personnel of the Office of the General Counsel).

IV. SUPPORT OF THE INSPECTOR GENERAL DIVISION

Except as provided for in Section III above, the support of the OGC, Inspector General Division is the responsibility of the Office of the General Counsel, i.e. all necessary support shall derive from the OGC budget. The two parties recognize this can not be fully accomplished until the FY '92 budget.

V. EXCHANGE OF INFORMATION

The Inspector General in his discretion, and pursuant to guidance and direction of the Department of Justice and rules of the U.S. District Court, may keep the General Counsel informed of investigations and inquiries initiated or completed an any transmittals outside the Agency by the OIG on the results of its activities.

The General Counsel shall keep the Inspector General informed of any communications between OGC and the Department of Justice, or any other enforcement or investigative agency, concerning any matter that has been or is the subject of investigation or inquiry by OIG or which has bearing or effect on OIG.

Where the Inspector General determines that the subject matter of any inquiry, investigation or task is of such a nature that communication of its substance to the General Counsel would impair or undermine the OIG's function, the Inspector General may limit his communications to the IG Division. Thereafter, the IG Division shall not communicate any information received from the OIG, or the substance of any advice or counsel provided by the IG Division to the OIG, concerning such inquiry, investigation or task, without specific authorization from the Inspector General.

This Memorandum of Understanding is entered into voluntarily by both the Inspector General and General Counsel. It may be modified at any time by agreement of the parties and may be terminated upon thirty (30) days prior written notice by either party.

This Memorandum of Understanding shall become effective upon the date of signing by both parties and shall continue until such memorandum is modified or terminated.

Signed this 20th day of April, 1990.

RICHARD P. KUSSEROW,
Inspector General.
MICHAEL J. ASTRUE,
General Counsel.

FOOTNOTES

[1] It is recognized that legal advice and counsel with respect to violations of Federal criminal law are provided primarily by the Department of Justice, Criminal Division, and the various United States Attorneys, and that legal advice and counsel with respect to Federal civil actions may be provided by the Department of Justice, Civil Division, and the various United States Attorneys.

[2] In accordance with OGC policy, the Associate General Counsel may opt to use the alternative title of "Chief Counsel to the Inspector General."

ADDENDUM TO MEMORANDUM OF UNDERSTANDING

This memorandum is to clarify the Memorandum of Understanding entered into between our offices on April 20, 1990 (MOU), to the extent that the MOU may affect the role of the Associate General Counsel for the Inspector General Division (AGC) under the Program Fraud Civil Remedies Act, 31 U.S.C. §§3801–3812 (PFCRA).

PFCRA establishes an administrative remedy for false or fraudulent claims or statements made or caused to be made to this Department. PFCRA vests the Inspector General with the duties of the "Investigating Official," to refer PFCRA cases to the Department's "Reviewing Official," for review prior to reference of those cases to the Department of Justice. By regulation, the General Counsel exercises authority in the Reviewing Official. The regulation states:

> Reviewing Official means the General Counsel of the Department or his or her designee who is—
>
> (a) Not subject to supervision by, or required to report to, the investigating official;
>
> (b) Not employed in the organizational unit of the authority in which the investigating official is employed; . . .

45 C.F.R. §79.2. This responsibility was delegated to the AGC on April 15, 1988.

Our MOU provides, *inter alia*, that the AGC, "shall be under the general supervision of the General Counsel." However, the Inspector General has concurrence authority with respect to the position description and performance plan and goals for the AGC, as well as the AGC's selection, termination, etc. Further, the General Counsel must "seek the

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Footnotes at end of memorandum.

> views" of the Inspector General with respect to the evaluation of the AGC, and will "consult" with the Inspector General regarding bonuses for the AGC.
>
> In order to ensure that the terms of the MOU do not disable the AGC from serving as the PFCRA Reviewing Official, we agree as follows. The AGC is supervised solely by, and reports solely to the General Counsel. Further, with respect to the AGC's role as the PFCRA Reviewing Official, the duties, performance, and tenure of the AGC shall not be subject in any manner whatsoever to concurrence, non-concurrence, consultation or other expression of views by the Inspector General.
>
> Signed this 18th day of July, 1990.
>
> RICHARD P. KUSSEROW,
> *Inspector General.*
> MICHAEL J. ASTRUE,
> *General Counsel.*

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from South Carolina?

Mr. GLENN. I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Madam President, my good friend, Senator GRASSLEY, has proposed an amendment that would give the agency inspectors general complete control over the attorneys who provide that office with legal advice. Senator GRASSLEY has been a long time supporter and friend of the inspectors general and I believe he intends this to be something to assist them—something that would improve their independence and operation. I join Senator GRASSLEY in his high regard for the inspectors general, but I believe his amendment will neither promote independence nor assist operations.

I believe quite strongly in the old saying, "If it isn't broken, don't fix it." The deputy inspector general of the Department of Defense, Mr. Derek J. Vander Schaaf, provided the Senate Armed Services Committee with an opinion of Senator GRASSLEY's amendment on May 23, 1994. In his letter, Mr. Vander Schaaf voiced strong opposition to changing the current arrangement. He believes the system in place works; that it provides him far more flexibility than would Senator GRASSLEY's amendment and the proposed amendment would do nothing to improve the operations of the IG.

Let's review the facts:

First, the deputy inspector general in the Defense Department, who is also the acting inspector general, does not want a change to the system.

Second, the IG currently has control of general counsel legal assets under an agreement that has been in effect for nearly as long as there has been an inspector general at the Department of Defense.

Third, the IG office under existing agreements, can use the very fine legal advice provided by the general counsel's office and can also hire independent counsel if he or she so desires.

Fourth, no person appointed to the position of inspector general has ever expressed the slightest desire to modify the existing system.

Fifth, the current arrangement tends to build a stronger Department of Defense.

The Senate has enough to do fixing things that are broken; there is no good reason to fix something that is working extremely well. For these reasons, I oppose the Grassley amendment.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. GLENN. Madam President, I yield the chairman of the Senate Armed Services Committee 5 minutes.

Mr. NUNN. I thank my friend from Ohio.

Madam President, the Senator from Iowa has been a champion of an independent IG, and I understand full well his concern in this area. But I really hope he will look carefully at the arguments against this amendment.

I do not think anyone questions the IG in the Department of Defense, the deputy IG, Derek Vander Schaaf, in terms of his independence. He makes it very clear in the letter Senator GLENN has already put in the RECORD that he believes this would reduce his overall authority and flexibility if it is passed. Right now the essence of the reasons I oppose this amendment is he already has the authority to go outside and get independent counsel if he chooses to. This amendment compels him to.

So, rather than increase the authority of the IG, it restricts his authority and it requires him to not use DOD general counsel even if they are the best qualified, even if they are the best prepared, even if he has total confidence in them. So this is not an enhancement of the IG authority, it is a diminishing of the IG authority, and it is compelling him to accept certain legal counsel as outsiders rather than to have his own choice.

If one believes the IG is not independent to begin with, and that he is already cowed by their authority and he will not use this authority and he is going to use general counsel even if it does not make sense or if they threaten his independence, then that Senator should vote for the Grassley amendment. But if one believes basically the IG wants to be independent, has every ability to be independent—the IG can get his own counsel any time he needs to get his own counsel—and if you listen to the IG's we have heard from and listen to what they are saying carefully, I think one would vote against this amendment.

I just would use the remainder of my time to read the final, bottom line of the letter from Derek Vander Schaaf, who is the deputy inspector general of the Department of Defense. He says, quoting his final paragraph that Senator GLENN has put in the RECORD:

> Finally, we have found that working with the Office of General Counsel often results in an alliance between our organizations that helps convince management to concur in our findings and recommendations. The relationship has been a productive one, and we see no reason to change it. Because Inspectors General currently have the authority to hire counsel within their own organizations should they so desire, we believe that an amendment that requires Inspectors General to do so diminishes their authority and independence rather than augmenting it. I believe the manner in which legal services are obtained by an Inspector General should be left to the discretion of the Inspector General, who is in the best position to evaluate the needs of his or her office.

Madam President, I think that says it all. I think Senator THURMOND summed it up well when he said, "If it isn't broken, don't fix it."

We have enough problems around here to fix that really are broken. When we have one that works and is working well according to the people who have to administer it, then I think we ought to let it alone.

So I believe the situation now is one that works and I believe we ought to let it alone and therefore I urge we not vote for the Grassley amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I rise in support of the GRASSLEY amendment. As one who was involved in the legislation creating the IG back in 1978 and was particularly involved in the creation of an independent IG for the Department of Defense, at which time I was chairman of the committee, I am a strong believer that the independence of the IG is of critical importance.

I notice that out of the 28 Offices of Independent Inspector General, 21 of them hire their own counsel. I think that underscores the importance of the independent IG having independent counsel.

The thing that particularly concerns me and the question of independence is the memorandum of understanding between the inspector general and the general counsel of the U.S. Department of Defense. In that memorandum, it is made clear that whenever the IG requests legal advice from the Office of General Counsel, the ultimate determination of a legal opinion is solely the matter of the general counsel. It says specifically in the memorandum:

> If a legal opinion in response to a request by the inspector general is being prepared by other than the assistant general counsel, it shall be submitted to the assistant general counsel who may express his views thereon. If there is disagreement, the matter shall be referred to the general counsel for resolution. The general counsel shall then review

the different positions and, in his sole discretion, issue a legal opinion.

The language that particularly bothers me is language that says the general counsel shall then review the different positions and, in his sole discretion, issue a legal opinion. Yes, the independent inspector general can still request legal assistance from the assistant general counsel or, if he chooses, go outside for legal advice, but the fact is that under this agreement, the general counsel is placed in the critical position of being the arbiter of legal advice.

I think the success of the inspector general depends upon its independence, upon its perception of being independent, and I believe that the amendment proposed by the distinguished Senator from Iowa ensures the independence of that advice.

For that reason, I am pleased to support the amendment of Senator GRASSLEY.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I assume I have 7 minutes left. Is that right?

The PRESIDING OFFICER. The Senator from Iowa controls 7 minutes 55 seconds.

Mr. GRASSLEY. Madam President, first of all, I thank the Senator from Delaware for his support. I thank Senator GLENN for his kindnesses during many weeks of our talking about this issue. I wish I had his support in the final analysis, but I understand where he is coming from. And even though he cannot support me on this, I want to say this to everybody not only in Iowa but the entire country, that he has been very cooperative and very much a leader in trying to not only help me but, on his own initiative, to take care of some of these problems.

I would like to take a little while to explain how I was drawn into this issue because I think it will help illustrate for my colleagues some of the problems I have with the existing situation.

Last year, I was involved and I also had my staff very deeply involved with talking to the Department of Defense officials about the qui tam issues. In preparation for some of the meetings, the IG's office was asked to assemble some data on the voluntary disclosure program that is involved in the qui tam legislation that I helped pass in 1986.

We are all aware that the Department of Defense IG supports the qui tam legislation. It has brought $1 billion—almost $1 billion, I should say—into the Federal Treasury since 1986. But during that meeting, the IG's attorneys showed a hostility toward qui tam. Of course, that sounded more like DOD talking rather than the inspector general, because I know the inspector general believes it works.

The name of one of the IG attorneys who made the remarks about qui tam was Mr. Kevin Flanagan, Esq. He said that that was his boss' position. So one of my staff members, while obviously scratching his head over this situation, asked who his boss was, and Mr. Flanagan responded that it was the Department of Defense general counsel, not the inspector general, but the general counsel, outside of the Office of Inspector General.

Simply that explained it. Mr. Flanagan's business card read: "Department of Defense, Office of the Inspector General." Nowhere on his card was there a reference to the general counsel's office, but his arguments were those of the Defense Department's general counsel.

All I can say is you just have to figure it out; when you are responsible to somebody else and you take a very unusual course of action that does not follow the company line, you know where your loyalty is going to be. It is going to be not with that independent inspector general, it is going to be out there with the political control of the Department, because, Madam President, the memorandum of understanding makes the general counsel the final arbiter or judge in any dispute between the agency's lawyers and the inspector general.

I spoke about the six attorneys that are on the IG legal staff. These people are physically located within the IG's office building. But we discovered that these six lawyers do not really belong to the IG. They are really Office of the Secretary of Defense employees. OSD, of course, is the boss, the boss office. The six attorneys occupy Office of Secretary of Defense general counsel manpower spaces. They belong to the Department of Defense general counsel. They are paid for by the Department of Defense general counsel. They are on the Office of Secretary of Defense payroll. The general counsel evaluates the performance of the six and decides who gets promoted. In reality, these six IG attorneys are simply just assigned by the general counsel to support the Department of Defense IG.

Madam President, I think Mr. Flanagan said it all when he said that the general counsel was his boss. My concern is this: How can the IG be truly independent if he or she must depend on the Department of Defense general counsel for legal advice? It seems to me that this is counterintuitive. It is actually very oxymoronic.

No one in this body will disagree that it is essential for the IG to be independent. So then why would we make an exception, an exception that clearly detracts from that independence? Most of the difficult investigative and contract-related issues that the IG's have to wrestle with boil down to legal questions. The present arrangement puts the general counsel at DOD, rather than the inspector general, in a position to shape very important legal issues and, in the end, that means the ability to finally and definitively control the outcome of an investigation by the inspector general.

In my view, this is an unhealthy arrangement. It is not conducive to independence. It is not consistent with the IGA. It does not give the IG's enough room to maneuver on legal matters, and any letters that we have from any IG to the contrary notwithstanding, because what would you expect them to say when they rely upon these people for help? And it is not going to be any other way unless we make the changes. This is a problem that needs to be addressed. My amendment will address it without costing the taxpayers a single nickel.

I wish to repeat, my amendment would not cost the taxpayers a penny. It would simply change the chain of command for the IG's lawyers from the general counsel of the agency to the inspector general. It would preserve total independence at the IG.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio controls 12 minutes.

Mr. GLENN. Madam President, I will reserve the remainder of my time.

Does the Senator wish any more time?

Mr. GRASSLEY. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa controls 1 minute 19 seconds.

Mr. GRASSLEY. Was the Senator going to yield back his time?

Mr. GLENN. I just had about 4 or 5 minutes.

Mr. GRASSLEY. I reserve the remainder of my time.

Mr. GLENN. If the Senator wishes more time, I will yield him some of my time.

Mr. GRASSLEY. I thank the Senator.

Mr. GLENN. There may be other people who wish to come to the floor and speak on this, so I will not yield back my time quite yet.

Basically, it comes down to this: The IG's have flexibility now within their agency or department to accommodate more or fewer people to perform the work load they find themselves facing.

The other issue is, with their current setup, they have the ability to call upon a broad range of people, depending on what expertise is needed, without having to keep inflated, big staffs in place all the time.

The IG's have not complained about this situation themselves, nor have we seen any indication that the IG's have been preempted by their particular departments. There is no question of that. The IG's normally exhibit a very fierce independence. They are independent inspectors general, and they take great pride in that independence.

The final point to be made on this is that right now the IG's have the full ability to hire outside counsel if they wish to do so.

And so it seems to me that while this is an attractive proposal put forward by the distinguished Senator from Iowa, I think it would be a wrong move. There is no evidence that any of the IG's have had their independence compromised by the current arrangements. We have 61 IG's across Government. Five of these agencies or departments have chosen to work out a memorandum of understanding with the agencies they serve, and they feel it has been working well. Three of these are Cabinet-level agencies: the Department of Defense, HHS, and Transportation. EPA and FEMA, as separate agencies, also have IG's that have operated through the counsel of their particular agency.

So for all the reasons given here today I rise to oppose and at the appropriate time will move to table the proposal by the distinguished Senator from Iowa.

I would only say in closing that I do hate to oppose this because I know how Senator GRASSLEY has worked on this issue. There is no one outside the committees directly involved who has worked any harder on matters involving defense financial matters. They are arcane, complex, and hard to understand, and he has taken the time to really go into them, going back to the days when we worked to get the infamous M accounts eradicated once and for all. They sort of acted as a big slush fund in the Defense Department. So we got that changed.

Then we had a number of hearings that pointed out areas where money was being paid out where no bills had been sent in, and they went to work and got that corrected. That is about as sloppy a business practice as anyone could imagine. The Senator from Iowa was involved with that also, as well as many others.

I congratulate him again on his work in this area. I hate to have to oppose this amendment, but for the reasons I gave, I do so.

If there is anyone else listening who wants to speak on this, we do have a little time remaining.

How much time do I have remaining on this?

The PRESIDING OFFICER. The Senator from Ohio has 7 minutes 27 seconds remaining.

Mr. GLENN. Does the Senator from Iowa need any additional time? I will yield additional time on this side if he needs additional time.

Mr. GRASSLEY. Put in a quorum call.

Mr. GLENN. I suggest the absence of a quorum, with the time to be taken equally off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Madam President, I yield myself such time as I have remaining. I would use that time, Madam President, kind of in a way of summary but speak specifically to a question my distinguished colleague, Senator THURMOND, raised as he tried to explain that there is no problem here and if it is not broke, why try to fix it.

My feeling that it is broke and the need for independent counsel comes from years of work with audit and investigative reports from inspectors general, not only at the Department of Defense but a lot of different inspectors general. I do not think we pay enough attention to these audit reports and investigative reports that show where taxpayers' money is wasted and public policy set by Congress is not being followed.

It seems to me that we have a responsibility, if we are going to make the IG reports effective, to read them, study them, and bring about the change that he or she suggests. The bottom line is that we are going to encourage the inspectors general to do their job in a better way, and I cannot help but read these reports and see a lot wrong because I do not see changes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Could I have 1 more minute, please.

Mr. GLENN. I yield the Senator 3 minutes of my time.

Mr. GRASSLEY. I thank the Senator.

After reading these reports and asking myself have changes been made as a result of these reports, changes have not been made. I do not know whether it is a fault of the Congress, a fault of the head of the Department, or both. It probably is both.

It cannot help but discourage inspectors general as they do their work. But it does not justify the expenditure of money at the inspectors general's offices if we do not follow through.

So I see so much waste. I see, more importantly, no accountability when something is blatantly wrong, blatantly exposed, sometimes even violation of law, things that would fall into the category of felonies, not the proper follow through, all directly related to issues that are brought up by inspectors general in their reports. I guess I spent most of my time on the Department of Defense. But that tells me that things are not right, that they need to be changed.

In a sense, I would challenge my friend from South Carolina that things are broke. I do not say entirely broke because the very good inspector general of the Department of Defense does very good work. I know he has been quoted as saying he does not need the help of my particular amendment.

But I think that we have a pattern in inspector general offices of 21 out of 28 major agencies, and two more moving in that direction, for this. It seems to me that proves it works better that way and that we should move in that direction.

Again, this is not a total solution towards the major problem that I just spelled out of audit reports and their recommendations not being followed. But I think this would help in some small way for those inspectors general who say they are happy with the existing situation. These cozy little arrangements that are made in these few departments probably work for them. But when an inspector general really needs to go for the jugular to point out something that is really wrong, I guess as a taxpayer, as a Member of the Senate with constitutional oversight responsibilities, I want to know that the inspector general has the authority and the independence to carry it out.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has 1 minute 50 seconds remaining.

Mr. GLENN. I yield the remainder of my time.

I ask unanimous consent that the amendment by the distinguished Senator from Iowa be set aside pending further amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I believe the agreement on when votes will occur this afternoon is still being worked out.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I ask unanimous consent that on the upcoming amendment by Senator CONRAD there be a 30-minute time limit with no second-degree amendments, the time limit to be evenly divided and in the usual form as to allocation of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 1755

(Purpose: To clarify that, under covered contracts, entertainment costs are not allowable under any circumstances)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. GRASSLEY, Mr. ROTH, and Mr. SASSER, proposes an amendment numbered 1755.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 438, after line 25, insert the following:

SEC. 2192. UNALLOWABILITY OF ENTERTAINMENT COSTS UNDER COVERED CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the cost principle in the Federal Acquisition Regulation that is set out in section 31.205-14 of title 48, Code of Federal Regulations, relating to unallowability of entertainment costs—

(1) by inserting in the cost principle a statement that costs made specifically unallowable under that cost principle are not allowable under any other cost principle; and

(2) by striking out "(but see 31.205-1 and 31.205-13)".

Mr. CONRAD. Madam President, in 1991, in reviewing the inspector general's reports of the Pentagon, Senator SASSER and I discovered a pattern of abuses by defense contractors that raised serious questions about how taxpayer dollars were being used by some of those defense contractors. We discovered abusive practices that were wasting, we thought, millions and potentially even billions of dollars.

As a result of those IG reports, Senator SASSER and I requested that the General Accounting Office perform a series of studies and issue a report to tell us its findings.

Madam President, the GAO initially examined six small defense contractors. In November 1992, GAO issued a report that was very troubling. Let me just discuss a few of the GAO findings.

In its report, the GAO said that the Defense Contract Audit Agency had discovered almost $1 million in questionable and unallowable costs. But in addition to that, the GAO questioned $2 million more in overhead costs that were expressly unallowable or questionable. Among the items found by GAO that are expressly unallowable under the law which were included in contractor overhead submissions were personal use of company cars, personal use of a 46-foot company boat, money for advertising and trade shows, and scholarships for children of employees. It did not end there. Hundreds of thousands of dollars and millions, perhaps even billions, of dollars were being squandered of taxpayers' money on costs that were never intended to be covered by taxpayers.

Madam President, we found some interesting items, such as $6,000 for Boston Red Sox tickets billed to the taxpayers of this country by contractors.

Nobody likes baseball more than I do. I watch baseball whenever I have the opportunity. But I do not bill it to the taxpayers, and I do not anticipate that the taxpayers want to be paying for baseball tickets for defense contractors. Nor do I think they want to be paying for tickets to Boston Celtics games, or Christmas parties, or the rental of schooners—where a one-time rental is $10,000—billed to the taxpayers of this country.

Madam President, again, it did not end there. We found business travel that had nothing to do with business. There was so-called business travel that did nothing to advance the defense interests of the United States but which resulted in cost submissions of hundreds of thousands of dollars, millions of dollars, for what were really vacations.

Madam President, we found one defense contractor that billed $230,000 for a trip to Hawaii. When asked why he needed a business trip to Hawaii to decide how to handle a U.S. Government contract, this contractor said: "Well, it improved employee morale to be in Hawaii to discuss the contract." Well, I bet it did, Madam President. He should have paid the tab, not the taxpayers of this country.

Another trip was taken to Jamaica, a trip by officers of a company, and they billed the taxpayers of this country $102,000. That must have been a nice trip. I do not hold it against anybody that wants to go to Jamaica and pay their own way. I have been to Jamaica, and I paid my own way. I do not think the taxpayers ought to be asked to pay for a trip to Jamaica for defense contractors. There is no need, in terms of developing a defense policy for this country, in trying to fulfill a Government contract, to go down to Jamaica at taxpayers' expense.

Madam President, it did not stop there. There were trips to Bermuda, Mexico, and the Cayman Islands, all billed to taxpayers when it had nothing to do with the Government contracts in question.

We also found unallowable costs charged to defense contracts. These are things that are not permitted, things that are expressly prohibited under the law, but which were occurring: Advertising and trade shows were billed to the taxpayers; personal use of autos, and some very nice autos, by the way, Madam President. I tell you, some of these guys go for nothing but the best. When they are going on the taxpayers' tab, they figure out how to go first class. Then there were personal use of yachts, and scholarships that were extended to employees of companies that were billing it to the taxpayers of this country. These are all things that simply cannot be permitted to continue.

On March 3 of this year, the Senate Budget Committee, under the leadership of Senator SASSER, held a hearing on this issue. At the hearing, GAO testified about a culture that pervades these contractors. They believe anything goes, and they will never get caught, and if they are caught, they believe there will be no penalty. The amendment that I offer today, along with my colleague, Senator GRASSLEY of Iowa, Senator ROTH of Delaware, and Senator SASSER of Tennessee, is designed to put a halt to these practices.

Madam President, I believe this hearing and this amendment will send a signal that these kinds of abusive practices should not and will not be tolerated. This amendment requires that the loophole that has allowed companies to engage in these kinds of activities and justify it as employee morale and welfare will no longer be allowed. It closes a loophole that has existed for 8 years.

As far back as 1986, the GAO had recommended clarifying the entertainment and employee morale and welfare cost principles in the Federal acquisition regulation. In report after report, the GAO has told us they have found abuses in overhead cost submissions and that we are probably only catching the tip of the iceberg. Madam President, that is what the GAO said before the Senate Budget Committee and in report after report to Congress, and we heed GAO's call here today to put a stop to these abusive practices.

It is time to mandate that this change be made. I am very pleased that the Senate is going to respond favorably. I am going to ask my colleague, Senator GRASSLEY, who has been a lion in the U.S. Senate for many years on these questions of wasting of taxpayers money. Senator GRASSLEY has taken a back seat to no one in his desire to close loopholes and close down the abusive practices that have cost the taxpayers literally millions of dollars, and I might say these are based on examinations of only six small contractors. If it is extrapolated to the larger defense contractors and other Government contractors, GAO informed us that they believe we are talking about billions of dollars of abuse—billions of dollars of abuse—that we are going to stop, starting today.

I thank the Chair, and I yield the floor.

Mr. GRASSLEY. Madam President, will the Senator from North Dakota yield me 6 minutes?

Mr. CONRAD. Yes. I yield 6 minutes to the Senator from Iowa.

Mr. GRASSLEY. Madam President, first of all, I want to surely thank the Senator from North Dakota for his outstanding leadership in this area and, most importantly, for a very dogged effort that he made in the Budget Committee when Senator SASSER brought this whole issue up before the Budget Committee. A determination was made at that time that things like this have supposedly been wrong, illegal, and could not be done. But time after time, Congress tried to accomplish some change in policy so it would not be done, and then you find out there is some way that these contractors get around it. So, once and finally, Senator CONRAD has made up his mind that we ought to put an end to this sort of game playing.

I think his amendment does that, and I compliment him for that, as well as Senator SASSER for the hearing, as well as Senator ROTH for being in the trenches on procurement reform for many years. I think that the work of Senator CONRAD and Senator ROTH will be very effective in saving the taxpayers money.

As my colleagues know, as one example of what we are all talking about, there was the one company, General Dynamics, that charged the taxpayers for boarding Thurston the dog. He was the dog of some big shot at General Dynamics. The company thought the taxpayers should foot the bill for putting Thurston in the dog kennel while the family went on vacation.

This is one example in the mid-eighties. We listened and watched as all the defense contractors promised they would be good. They were enacting reforms and saying that would never happen again. Well, the recent hearing that I referred to before the Budget Committee showed us that these types of outrageous actions are continuing, and nothing has changed. GAO recently found that taxpayers are paying for baseball tickets, scholarships for children of executives, 46-foot yachts, even $5,800 for running shoes. Imelda Marcos must work for that company. These are incredible charges being made to the taxpayers' pockets.

They are made possible simply through a loophole that allows contractors to pay for these items by claiming that somehow they are for employee morale and welfare.

So, the Conrad-Grassley-Roth amendment would eliminate that loophole and start putting an end to this nonsense once and for all.

The amendment would basically not allow contractors to slip in a request for these expenses in one account when it would be illegal elsewhere. For example, a contractor buys tickets for the Red Sox. That is illegal under the Federal acquisitions regulation. But it is not illegal under the Federal acquisitions regulation if seeing the Red Sox is billed under another category called employee welfare and morale account. Our amendment would not allow this kind of accounting gimmick that would stick the taxpayers with the bill.

This is a reform that is wholly embraced by the General Accounting Office. I would like to cite testimony from GAO at our Budget Committee hearing, and I quote:

> We have been trying to close that loophole on the employee morale since 1986. We made recommendations in 1986, again in 1992 in response to the work we did for this committee.

That statement just quoted was from Mr. David Cooper, Director of Acquisition Policy at GAO.

In addition, Citizens Against Government Waste and the National Taxpayers Union fully support this amendment.

Eight years of waste is enough. It is time to get this loophole closed once and for all, and the Conrad amendment does it.

Finally, let me make clear that these attempts to defraud the taxpayers are not unique to defense contractors. They are found in all types of Government contracts. I hope to work with Senator SASSER and Senator CONRAD in the near future on highlighting unallowable costs in Medicaid, university research, and other programs.

The issue is really quite simple. The Conrad-Grassley-Roth amendment takes a step toward ending this waste of taxpayers' funds. This is a commonsense amendment because it would implement for the first time a long-time General Accounting Office recommendation.

It would put a stop to taxpayers having to pay for boat trips and baseball tickets for top executives. It has been 10 years since Thurston the dog had his taxpayer-paid stay in the kennel. Let us finally do the right thing and stop picking up the tab for modern-day Thurstons.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. GLENN. Madam President, I yield myself such time as I may require.

Madam President, I wish this amendment were not necessary. I think it is too bad when our companies instead of operating in what they know to be the spirit of the law, go around and try and hide expenses as has been done in the examples given here this morning by both Senator CONRAD and Senator GRASSLEY.

But there are a lot of people in the country that operate on what they can skin the Government out of, not on what they know to be the spirit of the law, whether it is written out in exact and excruciating detail or not.

So here we are with the law fairly evident to everybody under the Sun that morale and welfare costs which were not changed in the mid-1980's for such things as company newspapers, and food, recreation services, and other company activities. Those were continued as allowable for reimbursement under Federal contracts because they were deemed to be normal and appropriate costs of doing business and of concern for all their employees. But then what do we find?

We find all the examples here today: Unallowable entertainment, show tickets, golf tickets, trips to Hawaii, and so forth. Now here we are back on the floor where you would think people would have enough sense and pride in their country and company not to do these things that they know are not in the spirit of the law. Then they wonder why Government gets bogged down in regulations. They will be the first to complain when we inundate them with fine print regulations which must be fine enough that they cannot possibly misunderstand it.

What has happened here is that these unallowable costs apparently were not written out in the rules and regulations in sufficient fine print detail pursuant to the laws passed in the mid-1980's. So now they hide these other experiences under another title making them allowable elsewhere even though such things as entertainment and the cost of tickets and expensive trips, and so on, was never intended to be allowable and they know that. What is so disgusting about this is that we have to be back on the floor debating this. Of course, they will be back in telling us how inundated they are with paperwork and rules and regulations.

So I support this amendment. The General Accounting Office supports it. In fact, they provided a letter stating where they have recommended in the past these regulations be clarified so there will be no misunderstandings. At the appropriate time I will yield back the remainder of my time and accept the amendment on our side.

I understand Senator ROTH is prepared to accept the amendment. I believe he is a cosponsor of the legislation. At the appropriate time we will accept it.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute remaining.

Mr. CONRAD. Madam President, I ask the manager of the bill if I might have 2 additional minutes.

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is yielded 5 minutes.

Mr. CONRAD. That will be great.

Madam President, I want to enter into the RECORD a letter from Citizens

Against Government Waste, and I just quote from the first paragraph of their letter.

The 600,000 members of the Council for Citizens Against Government Waste strongly support the amendment to S. 1587, the "Government Procurement Reform Act," to be offered by you and Senators GRASSLEY and ROTH.

They go on to describe the problem and how they believe this amendment will help solve it.

I also want to enter into the RECORD a letter from the GAO, and I just want to read one sentence from that letter.

The proposed revisions to the entertainment cost principle that would be required under this amendment would effectively implement our recommendation in this area.

Madam President, I think the record is very clear on the problem and that this amendment directly addresses it.

Madam President, I also thank Senator GLENN, who is managing this bill, for his leadership because the fact is the work that he has done as chairman of the Governmental Affairs Committee in getting us a network of inspector generals who had the authority to do the kinds of investigations has led us to the information that told us there was a problem. Senator GLENN's leadership in this area has been very important, and I just want to publicly thank him for what he has done. We would not be here today with the solution to the problem without the excellent work that he has done as chairman of the Governmental Affairs Committee.

Madam President, I ask unanimous consent to print in the RECORD the two letters to which I have referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, June 7, 1994.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC

DEAR SENATOR CONRAD: The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) strongly support the amendment to S. 1587, the "Government Procurement Reform Act," to be offered by you and Senators Grassley and Roth.

Your amendment would prevent government contractors from billing entertainment costs to U.S. taxpayers, who are tired of this abuse of their tax dollars. For too long, government contractors have billed millions for baseball tickets, yachts, Christmas parties, and other outrageous expenditures such as trips to exotic destinations like the Cayman Islands and Jamaica. Most recently, in testimony delivered to the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, one contractor was exposed for billing his child's college tuition as a contract expense.

This amendment ends the gimmickry. No longer would contractors be allowed to use the term "good for employee morale and welfare" to pad their luxury-laden expense accounts. For this reason, CCAGW strongly supports this bipartisan amendment and commends you, Senator Grassley and Senator Roth for your leadership.

Sincerely,

TOM SCHATZ.

GENERAL ACCOUNTING OFFICE,
Washington, DC, June 7, 1994.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: This responds to your request for our comments on a proposed amendment to S. 1587, the Federal Acquisition Streamlining Act of 1994. The amendment would require revision of the cost principle at Federal Acquisition Regulation (FAR) section 31.205-14, relating to the unallowability of entertainment costs, by adding a statement that such costs, if specifically unallowable under the principle, would not be allowable under any other cost principle, and by eliminating the parenthetical reference to the cost principles at FAR 31.205-1 and 31.205-13.

A number of GAO reports in recent years have addressed the extent to which unallowable costs are included in overhead submissions. For example, in *CONTRACT PRICING: Unallowable Costs Charged to Defense Contracts*, GAO/NSIAD-93-79, Nov. 1992, we questioned claims for reimbursement of the costs of social activities and tickets to sporting events because the cost principle on entertainment, FAR 31.205-14 expressly provides that the cost of social activities, and any directly associated costs such as tickets to shows or sports events, are unallowable. The contractors sought reimbursement for these costs on the theory that they contributed to employee morale, the costs of which are allowable under the employee morale and welfare cost principle, FAR 31.205-13. We recommended that the FAR be clarified to ensure that costs made specifically unallowable under the entertainment cost principle could not be recovered under other cost principles. We have been urging such a clarification since 1986.

The proposed revisions to the entertainment cost principle that would be required under this amendment would effectively implement our recommendations in this area. We will be pleased to provide further support to you on this or on any other issue as you continue your consideration of S. 1587.

Sincerely yours,

ROBERT P. MURPHY,
Acting General Counsel.

Mr. CONRAD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio has 10 minutes remaining.

Mr. GLENN. I yield 3 minutes to Senator ROTH.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Madam President, I congratulate my distinguished colleague from North Dakota as well as Senator GRASSLEY for this amendment.

The proposed amendment would close the loophole in procurement regulations which allows entertainment costs to be charged to the taxpayer. The amendment should curb the unfortunately common practice by Government contractors of billing the Government for lavish parties, tickets to sporting events, and other expensive entertainment.

The American taxpayer should not be underwriting these kinds of corporate entertainment expenses. Current statute explicitly states that entertainment costs such as tickets to shows or sports events are not allowed to be charged to the Government as indirect costs. Unfortunately, the procurement regulations permit contractors to include entertainment costs as employee morale and welfare costs. Hence, the regulations allow entertainment costs that are prohibited by statute to be slipped in and billed to the Government.

This amendment would simply ensure that the regulations do not permit defense contractors to evade the existing statutory prohibition on billing the taxpayer for corporate entertainment expenses. Hopefully, the amendment will result in enforcement of the well-considered statutory provision which makes such entertainment costs unallowable.

Again, I congratulate Senators GRASSLEY and CONRAD for their work in this area. As a sponsor of this amendment, I urge my colleagues to support its adoption.

Mr. SASSER. Madam President, I rise in support of the amendment offered by my distinguished colleagues, Senators CONRAD, GRASSLEY, and ROTH. It signals last call for the party that some DOD contractors have been holding at the American taxpayers' expense.

I believe that we have in S. 1587 an anvil upon which we can forge meaningful change in Federal acquisition laws.

I want to compliment the two managers of the bill—Chairman NUNN and Chairman GLENN—for their efforts to streamline the process and break through the red tape.

The amendment before the Senate today is a valuable addition to this legislation. It is also an important outgrowth of a hearing which the Budget Committee held earlier this year on the potential for overhead waste and abuse in DOD contracting.

That hearing confirmed my worst suspicions. A GAO audit of just six small companies which have DOD contracts in the $40 million-and-under range revealed a pattern of abuse.

A subsequent investigation of a larger contractor found that the anything-goes attitude was not limited to smaller contractors without on-site auditors.

The GAO uncovered improper or questionable costs totalling $2 million in all six companies' cost reimbursement submissions. This is double what the Defense Department's own audit turned up.

In the normal business world, legitimate overhead costs are to be expected. And I am not saying that all DOD contractors are trying to stick it to the American taxpayer.

But let me ask my colleagues if any of you would go up to a working family in America and defend trips to the Cayman Islands, Hawaii and Jamaica, personal use of a 46-foot fishing boat, season tickets to the Boston Red Sox, or gourmet meals at a company party. All at taxpayers' expense.

Of course you would not. It is ludicrous.

Yet, that is exactly what we are being asked to do.

The contractors claim the law is ambiguous on many of these eat, drink, and be merry charges.

Well, I am tired of these rationalizations. The contractors are erecting a scaffold of excuses upon which the American taxpayer is being hung out to dry.

Now, the GAO further uncovered that many of these flings went on right under DOD's nose. The Department signed off on the companies' cost reports.

Many of these contractors apparently realized that they could get away with a wink and a nod and took full advantage of the anything-goes atmosphere.

DOD is not without its own watchdogs. The Defense Department Contract Audit Agency regularly reviews contractors' overhead claims. But the watchdog apparently lacks teeth. The DCAA serves only in an advisory capacity; it can root out the overhead violations, but the Agency has few enforcement powers.

The situation is made all the worse by the absence of internal controls at many contractors, a lack of resources at DOD audits, and a set of regulations that through their imprecision, literally invite abuse.

To complete the record, it is only fair to note that since GAO's initial report, DCAA has responded by launching a series of initiatives. I congratulate them on those efforts and their cooperation in helping to craft this amendment.

Now, I do not for a minute believe that this amendment will put a stop to all of the shenanigans that took place. I am not going to oversell its virtues, of which there are many.

Unfortunately, counsel believes that it would be close to impossible to construct an amendment that properly restricts business travel. So there is little that we can do to put the Love Boat in dry dock.

However, I am pleased to see that we can at least bring a moderating influence to the expenditures for employee morale and welfare.

This amendment will clarify existing regulations regarding employee morale and welfare expenses. It will insure that all government contractors—large and small—defense and non-defense—understand that entertainment costs are not allowable under any circumstances.

And for those critics who say that this amendment will take away the gold watch from the employee who has put in 50 years of hard work, let me set the record straight. This amendment does nothing to prevent a company from recognizing good work or improving morale.

Mr. President, this amendment represents a modest beginning to correct a systemic problem that infects the entire Federal procurement process. It does not take us the distance but it is a first step that all Senators should be able to support.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Madam President, I yield back the remainder of my time and accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1755 offered by the Senator from North Dakota [Mr. CONRAD].

The amendment (No. 1755) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS EXTENDED UNTIL 2:30 P.M.

Mr. GLENN. Madam President, I ask unanimous consent that the recess scheduled for the party conferences today be extended until 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. GLENN. Madam President, I ask unanimous consent that the amendment by Senator GRASSLEY that was pending be again set aside for consideration this afternoon so we can consider other amendments now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

AMENDMENT NO. 1756

(Purpose: To encourage contracting and subcontracting with women-owned small business concerns)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. LAUTENBERG, Mr. KERRY and Mr. WELLSTONE, proposes an amendment numbered 1756.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 518, between line 13 and 14, insert the following section:

SEC. 4105. CONTRACTING AND SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.

(a) ESTABLISHING GOALS FOR CONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 15(g) of the Small Business Act (15 U.S.C. 637(g)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," in paragraph (1) after "small business concern" each time it appears;

(2) by inserting the following after the second sentence of paragraph (1): "The Government-wide goal for participation by small business concerns owned by women shall be established at not less than 5 percent of the combined total value of all prime contracts and subcontracts awarded for each fiscal year, provided that higher goals otherwise established by law shall not be reduced or limited by the foregoing."

(3) by inserting ", small business concerns owned and controlled by women," in paragraph (2) after "small business concern" each time it appears.

(b) REPORTS.—Section 15(h) of the Small Business Act (15 U.S.C. 637(h) is amended—

(1) by inserting ", small business concern owned and controlled by women," after "small business concern" in paragraph (1), (2)(A), and (2)(D); and

(2) by adding a new paragraph (3) to read as follows:

"(3) Five years after the date of enactment of the Federal Acquisition Streamlining Act of 1994, the President shall include in the report required by paragraph (2) an assessment of the progress made in increasing the extent of participation by small business concerns owned and controlled by women in procurement contracts and subcontracts of Federal agencies and appropriate recommendations for action based on such assessment."

(b) SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," in paragraph (1) after "small business concern" each time it appears;

(2) by deleting "small purchase threshold" in paragraph (2) and substituting "simplified acquisition threshold";

(3) by inserting ", small business concerns owned and controlled by women," in paragraph (3) (A) and (D) after "small business concern" each time it appears;

(4) by inserting the following at the end of the first sentence of subparagraph (3)(C): "The term 'small business concern owned and controlled by women' shall mean a small business concern which is at least 51 percentum owned by one or more women; or in the case of a publicly owned business, at least 51 percentum of the stock is owned by one or more women; and whose management and daily business operations are controlled by one or more of such women."

(5) by inserting ", small business concerns owned and controlled by women," in paragraph (4) (D) and (E) after "small business concern" each time it appears; and

(6) by inserting ", small business concern owned and controlled by women," in paragraph (6) (A), (C) and (F) after "small business concern" each time it appears.

Ms. MOSELEY-BRAUN. Mr. President, this is an amendment presented on behalf of myself, Senator LAUTENBERG, Senator WELLSTONE, and Senator KERRY, which would establish voluntary goals in behalf of women-owned businesses.

We are not doing as well as we should be in obtaining participation by women-owned businesses in Federal contracting. Last year 1.8 percent of the prime-level contracts were awarded to women; 2.4 percent at the subcontracting level.

This amendment seeks to raise the visibility of this problem and encourages greater efforts to assure participation by women-owned businesses in Federal contracting.

The amendment establishes for the first time a goal of participation by women-owned businesses in Government contracting. That goal will be 5 percent for the combined value of contracts and subcontracts awarded by the Federal Government.

The amendment also amends the requirements in the Small Business Act that prime contractors develop subcontracting plans for participation of small and small, disadvantaged business contracting under prime contracts.

The amendment would require the subcontracting plans to include plans for the inclusion of women-owned business subcontractors over and above the existing requirement.

The amendment requires no set aside or price preference programs, and so no one can object to it on those grounds. Certainly, it would seem to me, Mr. President, this would be consistent with the direction of this legislation, which is to open and include women-owned businesses in contracting and subcontracting activity by the Federal Government.

With that, I am delighted to respond to any questions, if anyone has any. I want to thank Senator LAUTENBERG for his interest and leadership on this issue. And I point out for those who may be listening, that the National Women's Business Council has endorsed this initiative.

So, Mr. President, I ask for the favorable consideration of this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Madam President, I ask unanimous consent that we set aside the amendment before the Senate in order to propose another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1757

(Purpose: To provide for cost savings for official travel and for other purposes)

Mr. ROTH. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mr. McCAIN, for himself, and Mr. ROTH proposes an amendment numbered 1757.

Mr. ROTH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. ( )(a) The Administrator of the General Services Administration, no later than 120 days after enactment of this section, shall issue guidelines to ensure that Agencies promote, encourage and facilitate the use of frequent traveler programs offered by airlines, hotels and car rental vendors by federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) Within one year of enactment of this section, the Administrator shall report to the Congress on efforts to promote the use of frequent traveler programs by federal employees.

Mr. ROTH. Madam President, I offer this amendment on behalf of Senator McCAIN from Arizona. I wish the RECORD to duly note.

I rise to offer the McCain amendment to help reduce the cost of official Government travel to the taxpayer. The measure would require the Administrator of the General Services Administration to promulgate regulations to ensure that agencies take maximum advantage of frequent-traveler programs offered by airlines, hotels, and car rental vendors for employees who travel on official business.

The Federal Government spends almost $2 billion a year for official air travel and an even greater amount in hotel and car rental expense. This is a shockingly enormous expenditure of taxpayer dollars. Congress has an obligation to ensure that such travel is for necessary purposes and that it is conducted as cost efficiently as possible.

Many airlines, hotels, and car rental companies offer frequent-travel benefits that can reduce the cost of official travel significantly. Unfortunately, the Federal Government is not taking full advantage of these programs. As a result, taxpayers are losing millions of dollars per year by paying for tickets, lodging, and rental cars that could otherwise be obtained free of charge or at a discount if Federal employees would more fully participate in such programs.

This amendment will ensure Federal participation to the maximum extent possible.

I want to thank Senator GLENN and others for their assistance and support on this measure. Its adoption will help us to better meet our obligation to the taxpayer.

Madam President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GLENN. Madam President, I want to congratulate Senator McCAIN, and also Senator ROTH, for offering this piece of legislation. It is something we talked about I think as long as 2 or maybe 3 years ago. Somehow it fell by the wayside and nobody ever proposed it.

About 3 years ago, I think it was, we heard stories about some of the people who had retired from Government service, people who had been doing a lot of traveling on Government business. They had collected a lot of the frequent-flier miles and, upon retirement, had taken extensive trips on frequent-flier miles that they had built up during their Government service.

That is not what was intended. What was intended was that frequent-flier miles or benefits to help people travel, accrued as part of Government travel, should be used for Government travel and nothing else. So this corrects that. I believe that is the purpose of it. I certainly support that and am happy to accept the amendment on this side.

Mr. ROTH. I say to the distinguished chairman, it would apply to everyone—Federal employees, Members of Congress, employees of Congress, Cabinet Members. It is intended to apply to everybody.

Mr. GLENN. Anybody who is being paid out of taxpayer funds and doing travel for the Government.

Mr. ROTH. That is correct.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1757.

The amendment (No. 1757) was agreed to.

Mr. ROTH. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GLENN. Madam President, I move to go into recess as scheduled.

The motion was agreed to, and at 12:24 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DORGAN).

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1756

The PRESIDING OFFICER. The pending business is the amendment offered by Senator MOSELEY-BRAUN, amendment No. 1756 to Senate bill 1587, which is under consideration.

Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I will in a moment send a modification of the pending amendment to the desk. But in the meantime, I would like to add, as the primary cosponsor of this amendment, Senator HUTCHISON of Texas. I would also like to add, as an additional cosponsor later on, Senator PATTY MURRAY of Washington.

But, in the meantime, Mr. President, I understand that Senator HUTCHISON, who has worked in this area, who has been obviously as concerned about this area as any Member of this Chamber, would like to speak to the amendment and to speak to this issue.

I would like to yield to Senator HUTCHISON for purposes of discussion of the amendment in chief as it will be modified.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON], is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Chair. I thank the Senator from Illinois.

Mr. President, I am pleased to be the primary cosponsor of this amendment. I had an amendment in the hopper that was the same amendment. I am pleased to be working with the Senator from Illinois on this.

I would like to ask one question of the Senator from Illinois; that is, is it her understanding that our amendment will deal with governmentwide contracting and not just the Department of Defense?

Ms. MOSELEY-BRAUN. That is correct.

Mrs. HUTCHISON. I thank the Senator.

I am pleased to be cosponsoring this amendment because I think that we have fallen into an area in the last few years where there has been competition between minorities and women, and sometimes that competition has been resolved by not allowing women to have the same opportunities.

That is a concern, because many women-owned businesses have been started from scratch and have had many of the same problems in startup that minority or disadvantaged businesses have had. I think this will clarify the Government situation as regards to minority businesses and women-owned businesses.

I want to make it clear that these are not set-asides. We must always maintain the ability for Government to have the flexibility to accept the best contracts. I do think goals are very important, because it does say that it is important that we try to spread our Government contracts among women and minority-owned businesses, because they do sometimes have a disadvantage in being small, not having the wherewithal to bid many times. But this will give, I think, a more level playing field, and I think that is very important as we go down the road.

So I am pleased to be working with the Senator from Illinois on something that has been a concern of mine for a long time, and I know a concern of hers and something I think will be a positive consideration to give our small businesses owned by women and minorities an opportunity to compete. As I said, these are not set-asides, but a fairer opportunity, and that is what we are all after.

Thank you very much, Mr. President. I thank the Senator from Illinois.

AMENDMENT NO. 1756, AS MODIFIED

Ms. MOSELEY-BRAUN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify her amendment, and the amendment will be so modified.

The amendment, as modified, is as follows:

On page 518, between lines 13 and 14, insert the following:

SEC. 4105. PROCUREMENT GOALS FOR SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" each place it appears in the first sentence and fourth sentences of subsection (g)(1), the second sentence of subsection (g)(2), and paragraphs (1), (2)(A), (2)(D), and (2)(E) of subsection (h) and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) in subsection (g)—

(A) by inserting after the third sentence of paragraph (1) the following: "The Government-wide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.";

(B) in the first sentence of paragraph (2), by striking out "and by small business concerns owned and controlled by socially and economically disadvantaged individuals," and inserting in lieu thereof ", by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(C) in the fourth sentence of paragraph (2), by inserting after "including participation by small business concerns owned and controlled by socially and economically disadvantaged individuals" the following: "and by participation small business concerns owned and controlled by women"; and

(3) in subsection (h)(2)(F), by striking out "women-owned small business enterprises" and inserting in lieu thereof "small business concerns owned and controlled by women".

(b) SUBCONTRACT PARTICIPATION.—Section 8(d) of such Act (15 U.S.C. 637(d)) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" both places it appears in paragraph (1), both places it appears in paragraph (3)(A), in paragraph (4)(D), in subparagraphs (A), (C), and (F) of paragraph (6), and in paragraph (10)(B) and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) by striking out subparagraph (D) in paragraph (3) and inserting in lieu thereof the following:

"(E) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, or a small business concern owned and controlled by women.";

(3) in paragraph (3), by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The term 'small business concern owned and controlled by women' shall mean a small business concern—

"(i) which is at least 51 per centum owned by one or more women; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and

"(ii) whose management and daily business operations are controlled by one or more women."; and

(4) in paragraph (4)(E), by inserting "and for small business concerns owned and controlled by women" after "as defined in paragraph (3) of this subsection".

(c) MISREPRESENTATIONS OF STATUS.—(1) Subsection (d)(1) of section 16 of such Act (15 U.S.C. 645) is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concern owned and controlled by women'".

(2) Subsection (e) of such section is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concerns owned and controlled by women'".

(d) DEFINITION.—Section 3 of such Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(n) For the purposes of this Act, a small business concern is a small business concern owned and controlled by women if—

"(1) at least 51 percent of small business concern is owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

"(2) the management and daily business operations of the business are controlled by one or more women.".

Ms. MOSELEY-BRAUN. Mr. President, interestingly, Senator HUTCHISON mentioned the guiding interest for this amendment and that the goals for women-owned businesses were required because of competition between the minority and disadvantaged business communities. I daresay I do not necessarily agree with that as a motivation. I think, if anything, we are all on the same team in terms of wanting to make certain that women, minorities, and other disadvantaged groups that have historically been outside of the economic mainstream in doing business with the Federal Government be given a fair shake, a fair opportunity to participate.

So, if anything, I appreciate Senator HUTCHISON's advocacy and leadership in this area, because we really are on the same page of the choir book trying to do the same thing. We have both tried sufficiently and diligently to do the same thing. I think we may have bumped into each other a little bit on this amendment. For that, I am very grateful to Senator HUTCHISON for her graciousness and for her willingness to work cooperatively and collaboratively with regard to the pending amendment, as modified.

So this amendment is an amendment from myself and Senator HUTCHISON as chief sponsors, if you will, and others who have indicated an interest in cosponsorship of this legislation have been added.

Again, this amendment establishes goals in order to give the small women-owned businesses an opportunity to participate as equal partners in the Federal procurement process.

I urge support of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LEVIN. Will the Senator withhold?

Ms. MOSELEY-BRAUN. Yes.

Mr. LEVIN. Will a voice vote be acceptable?

Ms. MOSELEY-BRAUN. It would.

Mr. LEVIN. I am wondering if the Chair would withhold. I understand that my friend from Delaware wants to speak, in any event. We are trying to make doubly sure there is a copy at the desk.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware, [Mr. ROTH].

Mr. ROTH. Mr. President, first of all, I congratulate the junior Senator from Texas, as well as the junior Senator from Illinois, for offering this amendment. I know that the junior Senator from Texas has been working long and hard on developing the amendment, which I think is very appropriate to this legislation. I congratulate her. In fact, I congratulate both of them for their leadership in this most important matter.

Today, women entrepreneurs are starting businesses at twice the rate of men. A recent special report in Business Week calls this a tidal wave that is literally reshaping the American small business landscape.

According to statistics, there are some 6.5 million businesses with fewer than 500 employees that are owned or controlled by women in the United States. One in 10 American workers owes his or her livelihood to a woman entrepreneur. These are positive trends that underscore an increasing opportunity or what the Wall Street Journal recently called a managerial phenomenon in American business.

Our focus must be to secure this opportunity, turn this phenomenon into the norm by promoting the right kinds of policies and programs.

I want to commend, again, the Senator from Texas and the Senator from Illinois for their efforts in bringing an amendment forward to address the Federal Government's support for women entrepreneurs. This amendment will enhance opportunities for the Government to do business with women-owned businesses. I support this amendment and their effort in this regard.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the amendment is cleared on this side. Indeed, it is a very excellent amendment for which we commend the Senator from Illinois and the Senator from Texas. They have taken important leadership in this area, and they have an awful lot of support in this Chamber. We are glad they are doing what they are doing.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Michigan for his kind words, and the Senator from Delaware and the Senator from Ohio for their support and for their assistance in working this through.

Sometimes things are easy and sometimes things are hard; and there are times when hard things are made easy because nice people help work through them.

In that regard, I am grateful for their leadership on this legislation and for their support of my efforts, along with the efforts of Senator HUTCHISON, to reach consensus and again have a collaborative effort in this very important area for the future of women-owned businesses in the Federal procurement process.

With that, Mr. President, I ask for a vote and the adoption of the amendment.

The PRESIDING OFFICER. Are there others who wish to be heard on this amendment? Is there further debate?

If none, the vote is on the amendment. The question is on agreeing to the amendment.

The amendment (No. 1756), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I wish to make a statement on behalf of the Federal Acquisition Streamlining Act, which is the bill currently pending before the Senate.

I wish to commend Senator GLENN, Senator BINGAMAN, Senator NUNN, Senator BUMPERS, and others, who have worked for so many years to bring this legislation before the Senate.

This legislation affects all Federal agencies in their procurement practices. It has as its goal to streamline procurement laws so that the Government may improve the efficiency and effectiveness of the way in which it obtains goods and services.

As a member of the Senate Armed Services Committee, I am particularly concerned about the ways we can assist the Defense Department in its procurement processes.

The Defense Department procures almost 75 percent of all Government acquisitions. Thus, it makes sense to try to find savings in the Defense procurement process, particularly in light of the tight Defense budgets with which we are currently—and likely to be in the foreseeable future—dealing.

This legislation achieves those goals. It eases the burdens on both Government and industry when it comes to Defense procurement. It particularly facilitates commercial or so-called off-the-shelf products.

By encouraging greater use of commercial technology, this legislation would, in fact, increase the opportunity of our military to benefit from leading technological developments and products.

Currently, procurement laws and regulations make such commercial off-the-shelf products too expensive, or difficult to secure, for the Government to purchase because of their restrictions and burdensome procurement requirements.

This legislation will address those problems. It will encourage the purchase and use of these off-the-shelf goods. It will help to strengthen the industrial base that supports our economy and our common defense.

Mr. President, if I could just cite a personal example. I have had a practice for the last 20 years of attracting different jobs, businesses, and industries in my State. Two of those jobs were with companies that manufactured simulators for aviation purposes. In both cases they manufacture simulators that are used for civilian and military applications. I was struck, in my association with those two firms, by the fact that there were quite different procedures—in fact, physically a separation between those areas of the plant that were producing simulators for military purposes and those that were doing it for civilian purposes. I thought that it had to do with some confidentiality or national security information basis.

That was not the reason. The reason was that the standards of production for the military were required to be substantially different, substantially more difficult to comply with and substantially more expensive than were the production standards that were used for equivalent civilian aircraft.

There are a number of aircraft which are, for all practical purposes, dual use. For instance, the Lockheed Electra is also the Navy P-3 Orion antisubmarine patrol aircraft. The military flies the military version of the civilian Boeing 707 and DC-9. There are other commercial-type aircraft which are used for military applications.

In these instances, instead of purchasing commercial simulators which are used to train pilots and other crew members, we spend millions more than we have to by procuring special simulators to conform to current procurement laws and regulations because they are going to be used in a military application.

The Department of Defense is required to use special military specifications which direct not only the performance standards of the end product, but also how the product is made, and in some cases by whom the product is made.

The Department of Defense cannot simply purchase aircraft simulators which are commercially available; but instead must spend years gathering data, negotiating contracts, generating enormous amounts of paperwork to make its purchases according to its procurement rules.

On average, the impact of military specifications on a typical military simulator procurement, which on average would cost approximately $20 million, is between 25 and 35 percent greater.

That is, Mr. President, that a simulator for the same aircraft which is used for civilian purposes will run $5 million to $7 million more when it is secured for a military application.

These laws and regulations similarly burden private companies with extensive paperwork and data requirements.

Together, this adds a tremendous administrative burden on both the Government and industry, which ultimately adds to product cost and to delivery schedule extensions.

On account of this, many private companies which have much to offer the military, in terms of technology or service, choose simply not to compete for the military's business.

There is no doubt that there will always be military unique items for which there are legitimate needs to go through a rigorous acquisition scheme, and even building a product from bottom-up. And in those cases, particularly when it involves national security issues such additional requirements are appropriate.

However, in the absence of such a requirement, we cannot afford to continue to throw our money down the drain on an inefficient system.

This system, in effect, forces our industries to maintain two production lines—one for the military and one for civilian customers.

It burdens our Government and industry with inefficient procedures, and costs many American industries their competitive edge in the international market arena.

By sharing military and civilian technologies, American companies can become more competitive in the world market, since they won't need to waste valuable resources merely to conform to laws and regulations that don't make sense.

By not operating dual production lines, per-unit costs are reduced, thus making U.S. products more economically competitive domestically and abroad.

That is why I believe the time has come for the Federal Acquisition Streamlining Act.

Mr. President, I urge my colleagues in the Senate to support and pass this sensible and much needed legislation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I rise today to commend Chairman GLENN and Chairman NUNN, the ranking members of both the Governmental Affairs and the Armed Services Committees, for the work they have done in crafting the Federal Acquisitions Streamlining Act. This is a bill that would not be considered on the top of the list for most exciting reading. It is a rather thick, voluminous package of changes that will not mean much to many people, but will mean, I think, significant savings to the American people.

If you take a look at some of the testimony we heard at hearings held by the Governmental Affairs Committee—in which we confirmed what we suspected, that the Government must reform its procurement rules—you see what is happening to the Federal procurement system. We had testimony about the procurement of ant bait—that is right, ant bait, the thing that you sprinkle around to kill ants. The Department of Defense wanted to buy ant bait, and they wanted to buy $27,000 worth of ant bait. The proposal to buy this stuff ran on for 29 pages. The actual purchase took 270 days. Think of that. You want to buy a little ant bait and it takes you 270 days and somebody drafts up 29 pages.

Over the years, during my work to cut Government waste, I have taken a look at regulations in procurement law dealing with the purchase of a fruitcake or the purchase of a cream-filled cookie. It would be, I guess, funny to take these things home and read them in a town meeting and say: Here is what happens. Somebody wants to buy some cookies for the Department of Defense and you get 16 pages describing what kind of cream content the cookie ought to have. It is just bizarre when you take a look at what is being done. You would expect these things to be common-sensical. But, as we all know, these things get involved. Somebody has a job to write regulations. They want to make sure they write them in the most precise way possible. Pretty soon, you have 16 pages on how to buy a fruitcake or cream-filled cookies. And that is what has caused us so much waste and so many problems.

I have served with a number of chairmen in the other body and here in the Senate. I did want to say, especially today, how much I admire Senator GLENN. We are a community of interests who try to work together on a lot of things, and we disagree and agree on various issues. But the work I have done with Senator GLENN on the Governmental Affairs Committee demonstrates to me that he is extraordinarily effective. He just accomplishes a great deal. So I did want, today, to commend him for his excellent work and tell him how pleased I am to work with him.

I am very pleased today to support this bill. When we pass this piece of legislation, it is not going to simply change some abstract references in procurement. It is going to result in billions of dollars in savings to the American taxpayer. It is going to say to people in the Defense Department in certain areas: If you are going to buy something in these cases, do not go off and create a dozen or 2 dozen pages of specs; go buy it from the shelf. Buy it the way the rest of the American people buy it. Do not increase the cost; do not inflate the cost to the American taxpayer. Save some money and buy things that are available.

In closing, most of my colleagues know that I led an analysis of Government waste. The Presiding Officer was involved with me, over in the House. We discovered the waste in Government inventory. It is not just what they buy, but how much they buy. They had 1.2 billion bottles of nasal spray in the Department of Defense. How many centuries of clogged noses will it take to use 1.2 billion bottles of nasal spray?

We have all sorts of problems in procurement in the Department of Defense and the rest of the Federal Government. I think this is a step—not a baby step, a giant step—in moving forward to address them.

As I said, I commend Chairmen GLENN and NUNN and the ranking members of both the Governmental Affairs and the Armed Services Committee for outstanding leadership in crafting the Federal Acquisition and Streamlining Act. They and their respective staffs have toiled for many months to ensure that S. 1587 is truly a substantive procurement reform bill.

In September 1993, Vice President GORE's report of the National Performance Review [NPR] determined that significant procurement reform could save as much as $22.5 billion over a 5-year period. Just as important as the projected savings are the increased efficiencies that will result across the entire Federal Government. This bill will help achieve NPR's stated goal of creating a Government that works better and costs less.

Every day the Federal Government is open for business, we spend approximately $800 million procurement dollars on everything from tooth paste to ant bait to the remarkable Patriot missile system that helped defeat Saddam Hussein during the Desert Storm conflict.

Every year millions of dollars are wasted as a result of antiquated and obsolete procurement regulations that force contracting officials all over the Government to make purchases on behalf of the taxpayer that they would not make for themselves.

Today we are taking bold new measures to increase the efficiency of procurement. These measures will substantially reduce waste while allowing Federal agencies to buy products faster and at lower cost.

Perhaps the most important reform proposed in this bill is the simplified acquisition threshold, which will raise the small purchase threshold from $25,000 to $100,000. This action alone will permit approximately 90 percent of all Government purchases to be made outside of cumbersome procurement regulations. This reform will drastically reduce the amount of time and paperwork spent on procurement.

The provision of a requirement to purchase commercial items whenever possible will ensure that we no longer maintain a 15-page set of Pentagon specifications for chocolate chip cookies. The new law allows the military to buy the same kind you and I purchase at the local Safeway, for less money than before.

I do not want to oversimplify the true value of this bill. The changes proposed here are broad and far reaching and will guarantee that the Federal procurement process will operate the way the Congress originally intended. Federal procurement will no longer be a sinkhole.

I also want to note that this bill retains essential safeguards to protect against contract fraud—particularly in defense contracting.

In a word, the Federal Acquisition and Streamlining Act takes an important step in reinventing Government. Passing this bill will help Government work instead of waste.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Thank you, Madam President.

Madam President, I join my colleagues on the Governmental Affairs Committee and the Armed Services Committee in supporting the legislation before us: the Federal Acquisition Streamlining Act of 1994. This bill represents a very important and a fundamental step toward a comprehensive reform in the manner in which the Federal Government purchases its goods and services. It is the first time we have attempted a broad revision of Federal acquisition law in over a decade.

But in recent years, there has been a continuing sense of frustration with the Federal Government procurement process. Study after study has attempted to quantify the costs in money and time attendant to compliance with Government procurement regulations. One study recently completed by the Office of Technology Assessment concluded that complying with Government regulations adds about 10 to 15 percent to the cost of products purchased by the Department of Defense. That is simply unacceptable.

In fact, some commercial companies have refused outright to even sell products to the Department of Defense because the paperwork and accounting burdens outweigh any benefit to the company. Again, this is simply unacceptable and intolerable and must be changed, and this legislation does change that.

In my view, our inability to deal effectively with these problems has been rooted in the piecemeal approach that we have taken in Congress since 1985. We have added provisions to the Defense authorization bill each year to address individual problems, such as improper submission of unallowable costs for reimbursement by the Defense Department or conflicts of interest in the hiring of former Government officials by Defense contractors. But we have lacked the vision for a broader-based reform to cut through this vast body of law directing Government procurement. As a result, we have neglected, frankly, some of the larger and more fundamental issues of acquisition reform.

Madam President, I would like my colleagues in the Senate to understand how very difficult it has been to develop a more comprehensive approach to the issue of acquisition reform. In looking through the U.S. Code, one finds hundreds of laws scattered throughout that directly influence the Federal acquisition process—hundreds. These laws form the basis for regulations and directives used by DOD and civilian agencies. Any meaningful blueprint for congressional action would necessarily entail a review of potential modifications and amendments or, frankly, the repeal of certain specific laws.

In section 800 of the Defense Authorization Act for fiscal year 1991, the Congress required the Defense Department to establish a Government industry advisory panel to review possible means to streamline and to codify acquisition law. I would like to commend my colleague, Senator BINGAMAN of New Mexico who, with Senator COATS of Indiana, spearheaded this effort in the face of great skepticism. It seems like any time there is a good idea, somebody is skeptical and makes the job that much more difficult. These two Senators did spearhead the effort. Following enactment, it required a great deal of prodding by these two Senators to convince the Defense Department to appoint panel members. Without this vision, without this persistence, we would not be debating this bill today.

Fortunately, the panel included some of our Nation's foremost Government contract specialists. They also included legal scholars and acquisition managers. Under the leadership of Rear Admiral Vincent, then Commandant of the Defense Systems Management College, the panel members brought a strong sense of personal commitment to the review of laws and formulation of recommendations. The resulting document was 1,800 pages in length and provided detailed legislative and regulatory histories of each of the covered laws. It is one of the most useful documents of its type submitted to Congress, unlike many which are not all that useful.

The so-called section 800 report represented a solid basis for congressional action. Our staffs spent the better part of last year reviewing it line by line in order to put the substance into draft legislation. The review was totally bipartisan and involved the Senate Governmental Affairs, Armed Services, and Small Business Committees. Alarmingly, this process was almost derailed last October when the administration pulled an about-face on the issue of raising the threshold for application of the Davis-Bacon Act to contracts above $100,000. But, again, bipartisanship and a strong commitment to reform allowed members of the three jurisdictional committees to weather the storm and develop a constructive piece of legislation.

Madam President, I have made a point of chronicling the developmental history of this bill to underscore the need for prompt action on the legislation. It has taken many years to reach the point we are now at with the Federal Acquisition Streamlining Act of 1994. The climate is favorable, and senior representatives of the Defense Department and civilian agencies are receptive to the initiatives that are now before us. If we delay or if we try to pick it apart and focus on little differences that we have, it can take years to recreate this window of opportunity that we now have.

This bill has been criticized for not including every provision everyone in industry or everyone in the executive branch would like to see. That is true. If anybody can find a bill that everyone likes, I would like to know what it is.

I am not entirely satisfied either. But the bill before us does not increase the Davis-Bacon threshold, as the Vice President specifically recommended in the National Performance Review last September. I happen to believe this is a mistake, but, again, it is not such a mistake that we cannot move on with a piece of legislation which will improve the process. As the recent votes on the Safe Drinking Water Act indicate, support for meaningful Davis-Bacon reform is growing and it is growing rapidly. I believe that Congress should set, for the moment, these politics aside and take appropriate action to correct what is an outdated and an inefficient law.

While this legislation does not include every provision I or others would like to see, it represents a major step in the process of comprehensive—and I emphasize comprehensive—acquisition reform and one that will hopefully provide an impetus for the executive branch to undertake further internal changes in the coming years. It is for that reason that I urge its adoption, in spite of some of the differences that I have.

In closing, I certainly would like to thank Jon Etherton and Andy Effron of the Senate Armed Services Committee staff for their tireless efforts to develop this legislation and, frankly, to explain it from time to time. This has been a long and tedious process, but throughout these many months, they have served our committee in a bipartisan way with great distinction in the truest sense of bipartisan cooperation. The quality of this legislation is a credit to their diligence and to their professionalism.

Madam President, I urge my colleagues to act expeditiously to adopt this legislation. I know that is the wish of Senator GLENN, and I do not choose to delay the debate here. I do have an amendment that I will ask to have considered. It has been cleared by both sides.

AMENDMENT NO. 1758

(Purpose: To exempt construction contracts from the two-phase contractor selection authority)

Mr. SMITH. Madam President, on behalf of myself and Senator ROTH, I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. ROTH, proposes an amendment numbered 1758.

Mr. SMITH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 316, line 1, insert "(other than a construction contract)" after "property or services".

On page 342, line 17, insert "(other than a construction contract)" after "property or services".

Mr. SMITH. Madam President, the amendment that I have just sent to the desk would amend sections 1017 and 1067 of the bill. These sections provide new authority for the Department of Defense and the civilian agencies to use so-called two-phase selection procedures for contracts that require the contractor both to design and to produce or construct the property being acquired.

The two-phase approach involves the head of an agency issuing a solicitation, selecting at least three offerors on the basis of qualifications other than price-related factors and then, in the second phase, requiring each of the three to submit detailed proposals, including cost information. An award would then be made using regular procedures.

This amendment, which I have offered on behalf of myself and Senator ROTH, would exempt from the procedure under this section the award of contracts for construction projects. Our amendment is intended to preserve the concept of the two-phase process but, at the same time, giving the architect and the engineering industry a chance to engage in discussions with the administration on the best approach to take with the two-phase or design/build procurement process. It is my understanding that the industry was not party to the details of the process authorized in sections 1017 and 1067, although the industry has been involved in discussions with the executive branch on these issues for some time.

Industry is concerned that the existing language in the bill will undermine key tenets of the current qualifications-based selection process. However, by exempting construction from the new authority, as our amendment does, we will be encouraging the administration and industry to join with us in working to resolve this situation and to develop a consensus position for incorporation in conference.

It is my understanding that this process is beginning to work and that some time next week there will be a meeting between industry and Government to work out language differences. So perhaps we are making progress.

It is my understanding that the amendment has been cleared. If that is the case, I would urge adoption of the amendment.

Mr. GLENN. Madam President, we accept it on this side. We do not quite know all the ramifications of what the change in the bill would mean in this particular area. The General Accounting Office is doing a study of this on the whole construction issue for the House as I understand it. So perhaps the change that we had in the bill was a bit premature.

So I think the Senator is correct in proposing this. We will accept it and perhaps at a later time look at this again as an item to be brought up. I know he feels strongly about it, and Senator ROTH, I believe, is a cosponsor of this proposal. As of now, we are glad to accept this.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 1758) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that I be recognized to speak as if in morning business.

The PRESIDING OFFICER. Does the Senator have a specific period of time?

Mrs. FEINSTEIN. Probably about 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from California is recognized for 8 minutes as if in morning business.

Mrs. FEINSTEIN. Thank you very much, Madam President.

GUNS IN SCHOOLS

Mrs. FEINSTEIN. Madam President, I think the photograph beside me of a youngster in a coffin being viewed by two other youngsters is a sight that is happening too often all across this great land, and I think there is no issue where the public's view is more clear. There should be zero tolerance for guns in schools of America.

Senator BYRON DORGAN sponsored, and I was pleased to cosponsor, an amendment to the Goals 2000 education plan so that students who carry a gun to school would be expelled for 1 year. Goals 2000 provides about $100 million in funding that is allocated to schools based on a competitive process, but it only impacts a small number of schools.

There is a way that the Congress can require that 93 percent of all of the public schools in this Nation adopt a zero tolerance for guns on school grounds. That bill is the Elementary and Secondary Education Act. It is a reauthorization bill, S. 1513, that contains $12 billion in funding for public schools over 5 years. It is going to be marked up by committee next week and then will come to the full Senate.

Both Senator DORGAN and I are importuning the committee to include this zero tolerance policy for guns in the authorization bill. If that amendment is in the bill, any school in America that uses public moneys will have to have a policy that says if a youngster brings a gun to school, that youngster must be expelled for 1 year.

There are those who say: "What about that youngster? Then that youngster is on the streets."

To that I say, Madam President, what about the youngsters in school with the youngster who is carrying a gun? Can they learn? I do not think so.

Gun violence on school campuses is out of hand. Between 1986 and 1990, 71 youngsters were killed by guns at schools, 66 of them young children.

How can we expect our children to learn if they do not feel safe? How can we expect our children to learn if they fear a fellow student may pull out a gun?

Jennifer Chin, a 16-year-old student at University High School in Irving, CA, recently wrote an op-ed piece in the Los Angeles Times that I think summarizes the fear so prevalent on school campuses. Jennifer said:

> Violence has even spread to our schools. Last year there are thousands of instances in the United States of students taking weapons to school, kids, not young adults, not even adolescents, but children. Schoolchildren should not have in their hands the means for slaying their classmates over simple disputes.
>
> In the past, a fist fight would have ended the quarrel. Now a gun is the solution.

Madam President, when we grew up in California youngsters did engage in some fisticuffs. Today one of them goes home, gets a gun, comes back and shoots the other.

Jennifer says:

> Imagine what would happen, if students shot each other every time there was a disagreement. No one would be left to attend class.

She is absolutely right.

In California and around the Nation incidents of gun possession and gun-related violence on school grounds are dramatic. Between 1986 and 1990 in this Nation 71 people were killed by guns in schools, including 66 students. As many as 50 young people are killed each year in school-related violence.

In 1992-93, in our State, Madam President—and it is fortuitous you are in the Chair—30 guns were confiscated in San Diego schools; 60 guns were confiscated in Oakland; and almost 600 guns were confiscated in Los Angeles schools. In a single month this year two students were shot dead at school in the same California school district.

Across this Nation, 32 of the 44 largest school districts now use either hand-held or walk-through metal detectors—metal detectors—in public elementary schools.

California schools are doing their best to address the problem of guns in schools through a variety of policies and programs. Some have already adopted zero tolerance policies. In Sacramento, uniformed off-duty police officers now patrol high schools to beef up security concerns caused by guns. Ten guns have been confiscated from students in those schools. The school district has requested that six students be expelled for carrying guns to school. The county has set up a hotline for anonymous callers to report students carrying guns on campuses.

The reasons why gun-free schools and this amendment are so important—in clear and simple terms this amendment says that guns will not be tolerated on school grounds.

In California, a State law now requires that students be expelled in these cases. But the gun free amendment that Senator DORGAN and I are submitting is a little different. It would require that students are expelled for 1 year. Our State law is not specific. It leaves a great deal of ambiguity.

The gun-free school amendment, as I said, has already been adopted as part of Goals 2000. But that is not enough. I truly believe that as important as $12 billion is, if we cannot stop guns coming into schools youngsters are not going to be able to learn. So in my view this amendment that Senator DORGAN and I are cosponsoring is as important as the authorization bill itself.

We have both sent a letter to Senator KENNEDY importuning him to put this amendment into the elementary and secondary school authorization bill. And I am hopeful, as we look at this youngster in the coffin, that that letter is going to be heard.

I thank you, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from California yields the floor.

Mr. DORGAN. Madam President, I ask unanimous consent to speak as in morning business for a period not to extend beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

GUNS-FREE SCHOOLS ACT OF 1994

Mr. DORGAN. Madam President, I rise today to follow the statement of the Senator from California [Mrs. FEINSTEIN]. This is a discussion about guns and schools. I want to talk about the same subject she discussed and I want to also talk about her leadership on this issue.

The Senator from California has demonstrated real leadership, caring about what happens in our schools and caring about responding to the epidemic of crime that has now, all too often, moved from the streets to the schoolhouse. It is something we must stop, and I commend her for her leadership and thank her very much for working jointly with me to put into our current laws, a provision that says we are not tolerant of guns in schools. There shall be no guns in schools in this country.

This morning, at 8:30, I dropped off my son Brendon at a public school here. Brendon walked into the schoolhouse and waved goodbye as he disappeared into the door, and I did not think much about safety. I do not want to have to think about safety in schools. But there is not a parent in this country today who drops off his or her children in school who does not wonder about violence in our schools.

I read a report not too long ago that compared the current problems in our education system to the problems 20 and 30 years ago. Twenty and thirty years ago the difficulties were truancy, speaking out of turn, chewing gum. Today it is drugs, violence, and too often now, guns.

Almost nowhere in this country are we immune from what is happening. And what is happening, in too many cases in our schools, is a direct reflection of a lot of other things in our society that cause all of us great anxiety and cause us to wonder how on Earth are we going to put this back together. How are we going to respond to the epidemic of crime so people in this country—especially our children in school—can feel safe?

If anyone wonders whether this is a problem, just join me in looking at a few of the clippings. This first clip is a compilation of incidents this school year from the Washington Post.

> Gunfire and shootings At Washington Area Schools.
>
> September 9, 1993. There was gunfire outside Shaw Junior High School in the District as classes are let out. A 14-year-old was arrested.
>
> October 18. A 13-year-old student is shot in the locker room at J.H. Johnson Junior High in the District; a 15-year-old student is arrested.
>
> December 8. Gunfire erupted just outside Crossland High School in PG county after classes are let out for the day.
>
> January 26. A gunman fires into a crowd of students at Eliot Junior High School in the District in a dispute over a jacket.
>
> January 26. Gunfire erupts outside Dunbar High School in the District after an argument among a group of teenagers. A 17-year-old student is arrested.
>
> March 9. A student is shot inside the cafeteria at Eastern High School in the District. Another 17-year-old student turns himself in to police.

This in a cafeteria in a high school I visited. Just weeks after I visited this high school, one kid bumped another in the cafeteria. The other kid pulls a pistol and shoots him several times.

> April 8. A teacher is shot inside a bathroom at Largo High School in Prince Georges County. A 17-year-old student is arrested.
>
> April 18. A 17-year-old student is shot inside the National Christian Academy in Oxon Hill. A 16-year-old student is arrested.

Let me show you a few other headlines. In February 1994.

> A teen was shot and wounded near NW Washington high school. For the third time in a week in the District of Columbia, shots ring out in or near a school.

The story is a frightening compilation of violence that is moving from the streets to the schools.

Moving to other headlines.

> January 27. School shootings break out in DC, no injuries, safety concern renewed.
>
> Gunfire erupted among a group of teenagers in a hallway at Dunbar High School.

These are 1994 headlines. And I continue:

> Student shot in Eastern High School. Argument was started by a bump in hallway.

Just to show you it is not all in the District of Columbia I have a few others from outside DC: From Nashville, TN.

> A gun in school. Teen held in classroom shooting death of friend.

Minot, ND, the State where I come from, where there is a relatively low crime rate.

> Boy brings gun to Minot school; 8th grader removed from school after being found with a loaded handgun.

Incidentally, that was a stolen handgun.

It is not a problem unique to DC or even to metropolitan areas. A national story from a couple of weeks ago was about an 11-year-old boy in Butte, MT,—a neighboring State to ours—who died from wounds he received when a fellow student fired a semiautomatic gun at a line of students in a playground.

The fact is guns in schools have become a national problem, and now is not a time for us to say we are moderate on the question of what we should do. It is not a time for us to say we are tolerant of criminal behavior in schools. When I drop my son off at school in the morning, I and every parent in this country—every parent in this country—want our child to enter a schoolroom that we know is safe, safe from violence, safe as a place of learning. Too often, now, we cannot say that about our children's safety in school. And the issue for all of us is what should we do to be certain that everyone in this country understands that we are going to separate guns and schools.

No child in this country should fail to understand the lesson. The lesson is, you bring a gun to school you are going to be expelled for a year. Do not even think about bringing a gun to school.

The Senator from California and I attached an amendment to Goals 2000 that is now law—it is the law of the land—that says those who take advantage of the Elementary and Secondary Education Act and get funds under that law shall have in place a policy: If a student brings a gun to school they will be expelled for a year.

When the Elementary and Secondary Education Act is rewritten, the provisions of Goals 2000 will be reincorporated in that act. Unless that amendment exists again, it will be stricken from the books. I am saying, and I think the Senator from California has said, we fully intend to see it remains in the law. We hope and ask that those who write this in the committee bring it to the floor with our provision in it. But if it is not, we fully intend to be on the floor of the Senate with an amendment that is identical to what we offered in Goals 2000. We must send a message to every corner of this country so all parents understand when they send their kids to school, there will not be guns in school.

We are not tolerant. We are not moderate. We believe today that sane public policy is to send a message to everyone we will not tolerate guns in America's schools. Yes, some will call it interference. Some will say we have no business involving the Federal Government in these policy areas. But all one has to do is look at the headlines and look at the picture of the tragedy of a young American student lying in a coffin, shot dead in a school, to understand this is a national problem that requires us to say, as legislators, we want a national policy that students will not bring guns to school. And the punishment is swift, certain, and sure if you do.

Once again, I am pleased to work with my colleague from California on this issue. I am absolutely intent on seeing that when the Elementary and Secondary Education Act is brought to the Senate floor for reauthorization it will include our gun-free schools provisions addressing this important question.

Madam President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. PRYOR. Madam President, today I rise in support of S. 1587. This is the Federal Acquisition Streamlining Act. As a member of the Senate Governmental Affairs Committee I am very proud to say this afternoon that this very, very important initiative, if enacted, I think will go a long way in changing the way our Government does business.

I commend this administration. I also want to commend my colleagues, the Senator from Georgia, the Senator from Delaware, the Senator from Ohio [Mr. GLENN], and many others in this body for making it possible for this very complex piece of legislative achievement to come to the floor of the U.S. Senate at this time; the Committee on Armed Services, the Committee on Governmental Affairs, the Small Business Committee of the Senate—for their leadership, I think, should draw special attention and special commendation, to bring this bill to fruition.

I am especially grateful, though, Madam President, for the assistance that the managers of this bill provided to Senator ROTH of Delaware and myself in the area of independent weapons testing in the Department of Defense.

For over a decade, Senator ROTH and myself have been very, very outspoken about the importance of conducting independent testing on our expensive military programs. Our proudest accomplishment was in 1983 when the Congress finally passed legislation, sponsored by the Senator from Delaware and myself, that actually created an independent testing office in the Pentagon and boosted the role of operational weapons testing in military procurement.

Let me say, Madam President, that that legislation would have never been enacted, in my opinion, had it not been for the support of the Senator from Georgia, the extremely powerful and most influential chairman today of the Armed Services Committee. We deeply appreciated his help at that time and at this time.

But since that time, in 1983, we have worked together and diligently, I think, in a truly bipartisan fashion, to help this testing office make a useful impact on DOD acquisition.

A special commendation, once again, to my friend and my colleague from the State of Delaware, Senator ROTH, for his persistence, his dedication, and his commitment to this very, very important effort in procurement and also in weapons testing.

Together we have fought strong resistance in the past from a very entrenched Pentagon acquisition bureaucracy. I should note that throughout some 15 years in the U.S. Senate, I have never once—never once—been approached or lobbied by individuals asking me to make sure that weapons work before we send them to our troops. This is a commentary on our present situation. I am afraid that the forces of military procurement continue to pull in that direction of unchecked spending and premature weapons production.

Senator ROTH has always spoken out against these wasteful practices and in favor of independent testing and the integrity of DOD acquisitions. I rise this afternoon to applaud him for his strong leadership in this regard.

Madam President, I must admit that I did not intend to come to the floor to address weapons testing in this bill. However, I was deeply disturbed upon learning that the original version of this legislation contained a very dangerous provision designed to substantially weaken the independent testing laws of the Department of Defense. This proposal, which is now being pushed by the acquisition community within the Department of Defense, would have created gigantic loopholes through which the military services could actually avoid testing their new weapons if they felt the tests were inconvenient or unnecessary.

In my opinion, such a change would have opened a loophole large enough to drive a Mack truck through and would have contributed, once again, to the wasteful and irresponsible practice of buying unproven, unreliable weapons for our troops to use in combat.

I thank the distinguished managers of this bill for agreeing to remove what we finally came to know as the Mack-truck loophole from S. 1587. It is not—and I repeat, it is not—in this legislation. I also thank the committees for agreeing to replace the Pentagon's proposal with language sponsored by Senator ROTH and myself that, in our opinion, will actually strengthen independent weapons testing in the Department of Defense.

Madam President, I wish I could stand here today and eulogize the Mack truck testing loophole provision, but I have been informed that this proposal is, once again, trying to rear its ugly head in the House of Representatives and, who knows, even perhaps in a subsequent piece of legislation that might come before this body.

Recently, the House of Representatives passed its version of the fiscal 1995 Defense authorization bill and tucked away—tucked away, Madam President—deep in this bill is language very similar to the provisions that were removed, thank goodness, from S. 1587 by the Senate committees of jurisdiction.

This proposal to weaken independent weapons testing is opposed by the Pentagon's own weapons testing office. It should not be enacted on this or any other legislation, and I appeal to the chairman and to the ranking member of the Senate Armed Services Committee today to block its enactment in the DOD authorization bill just as they have assisted in removing it from this acquisition reform legislation that at this moment is before the U.S. Senate.

Once again, I strongly support the quick passage of S. 1587, and I thank those Senators and those staff members who have worked so diligently and so ably in their commitment to bring this bill before the U.S. Senate this afternoon.

Madam President, I yield back the remainder of my time, and I yield the floor. I thank the Chair.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, live-fire and operational testing are keys to the Congress' fly-before-buy policy. The policy states that a weapon should not be produced until testing shows that it works. Independent operational and live-fire testing are objective checks and balances on the defense buying system. In a system where bureaucratic interests carry more weight than results, realistic tests are vital to make sure weapons work before they are given to those who must depend upon them in battle.

The original version of the Federal Acquisition Streamlining Act included provisions which would have given the Defense Department more discretion to decide whether and what kind of weapons testing is necessary. Fortunately, that language has been deleted.

Madam President, I am concerned about the Pentagon's attempt to dodge the testing process. A recent defense news interview with the Defense Department comptroller revealed that the Defense Department leadership is more concerned about the vitality of the defense industry than whether or not weapons pass operational testing.

In addition, the comptroller proposed that the Director report to someone in the acquisition management chain.

Third, the Office of Operational Testing has not had a director since the Clinton administration took office.

Without a director, there is no one in the Pentagon to fight against those who want to procure weapons even if they do not work.

Fourth, weapons that have not proven their effectiveness in testing are being produced and fielded. Current Pentagon practice allows anywhere from 25 percent to 100 percent of the production to be completed before the Pentagon knows if a system actually works. This is clearly at odds with the congressional policy of flying before you buy. The condition of live fire tests is also disconcerting. All major aircraft being developed by the Pentagon are avoiding tests for survivability and vulnerability.

It has been over 10 years since Senator PRYOR and I first joined forces to convince our colleagues to adopt the policy of "fly before buy." In March, Senator PRYOR held a hearing on the testing provision contained in the original version of the Federal Streamlining Act. At that hearing, which I attended, we received testimony strongly opposing the provisions of the bill. In other hearings, the General Accounting Office and the Defense inspector general opposed the provisions relating to operational and live fire testing.

I want to congratulate my good friend and colleague, Senator PRYOR, for his work in our joint effort to remove the offensive language from the

Federal Streamlining Act. His leadership on this issue has been crucial. And I appreciate his steadfastness in the last 10 years on this vital issue. We were happy to strike the language.

Moreover, we were able to get language into the committee substitute that improves the independence of the testing process.

Moreover, the substitute requires the Defense Department to focus its acquisition decisions on results, and testing provides quantifiable objective data on results.

I still believe that live fire and operation testing are the keys to judging results. If the Defense Department would embrace these techniques, it would reduce the costs in a sense associated with finding problems late in the acquisition process.

I look forward to continuing to work with my colleague from Arkansas on this vital issue. Again, I congratulate and thank him for his leadership on this important issue.

Madam President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Madam President, I want to thank my friend from Arkansas for his kind remarks. I also want to thank my friend from Delaware and my friend from Arkansas for their leadership in this area.

There is no doubt about the fact that independent evaluation and testing is a valuable tool and a necessary tool to make sure that the weapons systems that are fielded are indeed weapons systems that work and that the taxpayers' money is wisely spent. But the bottom line is, you want the weapons to work, not because of simple efficiency, although that is a very important part. But also you want the troops to be protected and to make sure their lives are not in jeopardy when you have weapons systems that are fielded.

That was one part of this provision that I believe we will have to revisit at some point. I hope that our colleagues will start looking at that and determining how we can best fashion it when that happens so that we do not lose the original thrust of their intent in this legislation that has been developed over the years. And that is the use of simulation because what they are trying to do is save money and make the systems work.

With the new methods and technologies of simulation, we are now using simulation for training. When I was at Fort Knox the other day with Senator FORD, they were simulating tanks. They were having people train on simulated tanks, including in the field. They are simulating firing weapons with computers so that they do not use live ammunition. They say they are saving lots of money there.

We are beginning to develop systems where we are simulating training with National Guard units where units can be in their home town and actually participate in a larger exercise going on all over the United States. That is the wave of the future in technology. What we are going to have to do is find ways in this independent testing for the careful use of simulation where substantial amounts of money can be saved. I believe that will greatly accelerate the procurement process and thereby save money on accelerated methods.

It is not going to be easy to do that and to fashion that kind of solution and still maintain the total integrity of the independence of this evaluation. Yet, I think it has to be done. Otherwise, what has started off as a form that will save money, and is saving money in my view in terms of independent evaluation, could end up—if it blocks simulation and if it blocks new technology—basically being counterproductive to the original purposes of the legislation.

So I will not ask my colleagues for anything at this point. But I will ask them to begin looking and having our staffs take a look at what we are already doing in leaning forward toward simulation. It is capable of saving huge amounts of money, and it is already doing so, I think beginning to do so, in weapons, training, and in an awful lot of exercises that are, I think, going to make our forces much more effective and efficient. So we want to make sure that we do not block the new methods and technology of the future in this area.

So I simply call that to their attention and, again, thank them for their diligent effort both in initiating this overall procedure and making sure that it is implemented and workable.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, if I may respond to my good friend from Georgia, the distinguished chairman of the Armed Services Committee; in no way—I repeat, in no way—would the Senator from Arkansas or the Senator from Delaware desire to block any progress that we are making in the field of simulation. We strongly support simulation.

I think I can speak for the Senator from Delaware when I say this. We just do not want to allow simulation by itself to be a total substitute for the creation of that environment by which we have the operational testing in the truest form of testing against a particular weapons system.

In other words, we do not want anything short of the most rigid of tests against a weapons system. We go back, for example, to the B–1 bomber. Had that particular bomber been operationally tested, Madam President, at every phase before we were ordering 8, 10, 12, and 15 more of the bombers, we think that we would have completed a family of bombers that would today be working and flying and serving the armed services, serving our country, and helping to keep peace in the world. The operational testing came far too late. We know the end result.

Today, we come once again to a major decision in the field of acquisition as to how we create that environment that will give us operational testing that is the most rigid, the most truthful, and the most realistic in terms of combat and actual and ultimate usage.

Once again, Madam President, I want to thank the distinguished chairman of the committee, and we look forward to working with him and his staff. I know that he is perhaps now even in markup with the Armed Services Committee legislation that we will be looking at, the authorization bill that we will be looking at very soon.

I plan to support simulation, and I hope that we will all support the strictest testing. All of the results, of course, will truly inure to the betterment of our troops in the combat field and all of our Armed Services personnel in every branch of our Government here and around the world and certainly in the cause of peace.

Mr. NUNN. Madam President, I thank my colleague from Arkansas. As he well knows, there are different kinds of testing. Developmental testing is one kind that I do not believe the same rigor is required in terms of independence there as on operational testing. So simulation is going to have to be worked carefully in those areas.

In the B–1 case, I think a great deal of what went wrong there was in the developmental testing. But also it is my view, and has been from the very beginning of this program, that the main thing that went wrong is we were ready with a much greater state of technology with the potential of the B–2. And the B–1 should never have been built, period, because it was outmoded in terms of comparison with the B–2 before we ever really got it into operation.

So that was a mistaken concept. The B–1 when it was originally envisioned was the right move, but by the time it was built, it was the wrong move.

So I would certainly be glad to and will work with my friends from Arkansas and Delaware as they develop this further and find out where they are going in it and try to work carefully to fashion the solution in the original intent but also move forward with technology.

Mr. DOLE. Madam President, I want to commend my colleagues on the Governmental Affairs Committee, particularly the distinguished chairman, Senator GLENN, and the ranking Republican, Senator ROTH, as well as their counterparts on the Armed Services

Committee, for their efforts to streamline the Federal Government's impractical and inefficient acquisition laws. This is a critically important undertaking, and I appreciate their careful and thoughtful crafting of this legislation.

While this legislation seeks to establish procedures for both the Department of Defense and the civilian agencies, reform is especially important to the Armed Services. As the administration continues to slash the defense budget, we must ensure that defense acquisition dollars are used to buy the weapons systems and equipment our military personnel need—not to justify layer after layer of bureaucratic red tape. Additionally, a military force which has been reduced in size will have to rely on more sophisticated weaponry. Our military personnel must be equipped with the most modern weapons and equipment available. Acquisition reform will allow us to field technologically advanced systems more rapidly, giving a necessary advantage to our war fighters.

Government-unique requirements not only add to the costs and time associated with procuring items, but also discourage some commercial companies from even participating in Government acquisition programs. The Federal Acquisition Streamlining Act of 1994 will exempt commercial, off-the-shelf items from such government-unique requirements, encouraging the acquisition of more commercial items. By buying items already produced in the commercial sector, Government agencies can eliminate the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications or expensive product testing. Finally, this act will raise the threshold for the use of simplified acquisition procedures from $25,000 to $100,000. Although purchases under $100,000 account for only about 16 percent of the Government's procurement expenditures, they account for more than 95 percent of the Government's procurement actions.

Let me point out that there will be some growing pains associated with the reforms initiated in this legislation. However, it is our intent that this legislation be implemented in such a way as to ensure the broadest participation by all segments of the business community, including small and disadvantaged businesses. We will be watching to ensure that this desired affect is achieved and stand ready to implement changes to protect small and disadvantaged business should the need arise.

In summary, Madam President, this bill is a step in the right direction. It will allow the Department of Defense to acquire equipment and weapons systems more rapidly and efficiently. It will lessen the burden of Government bureaucracy and strip away red tape. It will allow more business, large, small, and disadvantaged, to compete for procurement programs. I hope my colleagues will join me in supporting this legislation.

Mr. ROTH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

AMENDMENT NO. 1759

Mr. LEVIN. Mr. President, the two amendments of Senator HARKIN have now been revised and are cleared on both sides. I thought we would dispose of those. So I send the first of these two amendments to the desk and ask for its immediate consideration on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes an amendment numbered 1759.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert:

UNIFORM SUSPENSION AND DEBARMENT.

(a) Within six months after the date of enactment of this Act, regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) The regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

(c) DEFINITIONS.—For the purposes of this Part:

(1) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(2) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) "Agency" refers to executive departments and agencies.

Mr. LEVIN. Mr. President, this amendment would provide a uniform requirement for suspension and debarment for both procurement activities and nonprocurement activities.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1759) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1760

(Purpose: Prompt resolution of audit recommendations)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes an amendment numbered 1760.

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-federal auditors, six months after receipt of the report by the Federal Government.

Mr. LEVIN. Mr. President, both of these amendments will assist us in trying to provide strengthening of the debarment and suspension laws and make them uniform. I think this has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1760) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I want to thank the Senator from Iowa for these two amendments. They are very constructive amendments. They make a real contribution to the bill. We are grateful to him for his involvement and his concern in the area of debarment and suspension.

There are a number of other amendments which we are seeking to clear, and we are trying to work out modifications where appropriate. We have an amendment by Senator HUTCHISON, Senator GRASSLEY, and Senator DOMENICI which we are trying to work out, and I believe that we are close on.

There are two amendments by Senator WELLSTONE which we are also trying to work out.

Those are the only amendments that we know of at the moment. We are hoping to finish this bill this evening.

So that is the status report which we would provide to the Chair and to the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

AMENDMENT NO. 1754

Mr. GRASSLEY. Mr. President, I ask unanimous consent to vitiate the rollcall vote on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would now ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

So the amendment (No. 1754) was withdrawn.

AMENDMENT NO. 1761

(Purpose: To require the Comptroller General of the United States to review the quality of the legal services being provided to Inspectors General)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1761.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

SEC. 9001. COMPTROLLER GENERAL REVIEW OF THE PROVISION OF LEGAL ADVICE FOR INSPECTORS GENERAL.

(a) REVIEW AND REPORT REQUIRED.—Not later than March 1, 1995 the Comptroller General of the United States shall—

(1) conduct a review of the independence of the legal services being provided to Inspectors General appointed under the Inspector General Act of 1978; and

(2) submit to Congress a report on the results of the review.

(b) MATTERS REQUIRED FOR REPORT.—The report shall include the following matters:

(1) With respect to each department or agency of the Federal Government that has an Inspector General appointed in accordance with the Inspector General Act of 1978 whose only or principal source of legal advice is the general counsel or other chief legal officer of the department or agency, an assessment of the extent of the independence of the legal advisors providing advice to the Inspector General.

(2) A comparison of the findings under the assessment referred to in paragraph (1) with findings on the same matters with respect to each Inspector General whose source of legal advice is legal counsel accountable solely to the Inspector General.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

Sec. 9001. Comptroller General review of the provision of legal advice for inspectors general.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Mr. GRASSLEY. This is a modified version of my pending amendment pertaining to the need for independent legal counsel at five inspectors general or IG offices.

This is a compromise agreement worked out with the Armed Services and Governmental Affairs Committees.

I can see the handwriting on the wall, Mr. President.

The chairman of the committee of jurisdiction, Senator GLENN, is opposed to my amendment as originally written.

The chairman and ranking Republican of the Armed Services Committee, Senators NUNN and THURMOND, are also opposed to my amendment.

We had an excellent debate this morning. I wish to thank everyone involved for that. We were able to get the problem out on the table for examination. That is an accomplishment in and of itself.

But that is just about as far as we can go today.

I think everyone agrees that there is a problem. The only question is how do we fix it. Well, my proposed fix is not acceptable at this time.

So what we have agreed to do is ask the Comptroller General to assess the quality of legal advice being provided to the inspectors general. That study is supposed to be conducted over the next 6 months.

Does the problem really exist? Would independent legal counsel make those five IG's more effective? Would that make them better watchdogs? That is what we need to know.

Well, when that study is done, and if it shows there is a problem—as I think there is—then I intend to return to the issue next year.

Under those circumstances, I hope my friend from Ohio, Senator GLENN, and all the others involved, will help me craft a more acceptable yet effective solution.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think this is a good solution to our problem. What we were discussing this morning is, in agencies where the IG does not have his own independent counsel, whether those agencies are being run as efficiently and doing as good a job as the ones that do have their own independent counsel.

The IGs directly involved with this, particularly those in HSS and DOD, the big ones out of the five that do not have independent counsel, seem to think that they are working OK and doing an efficient job. They have worked out their memorandum of understanding with the agencies that they are in.

And so this would be a good solution to it, to find out whether there are problems or not.

As I pointed out this morning, we have a couple of variables here. One is the number of people required for investigations would go up and down in some agencies. The other is attaining people within an independent IG counsel staff that have the broad experience within that agency to deal with a number of different areas. We do not want to build up a huge IG staff that would have some of their people that have an expertise in a certain area sitting around half the time. This is one way to determine whether that is occurring or not occurring.

I think this is a good solution. It requires a study. We look forward to GAO getting this information back to us to see whether we should address this further.

With that, I am happy to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1761.

The amendment (No. 1761) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I have submitted an amendment heretofore that has to do with how the savings are going to be allocated. I want to say to the manager and the ranking Republican, and to other Senators, Senator NUNN and his staff and others who have been working with me on this, I am not going to offer the amendment, but I am going to talk about what the amendment would have done and suggest another way to solve the problem rather than putting it on this procurement bill.

First of all, I do not want to talk too much in budget language, but let me try to explain what has happened. The President sent us a budget. There is a great deal of restraint in that budget because there is a propensity to spend more than this budget cap permits. So the budget process works its way through the executive branch, and they decide to add here and cut here and put some more money in this program and, in some cases, to create whole new programs. When you finish adding them all up, they had to go back through and say they will not all fit.

But what happened was they anticipated in the budget that this bill would pass. They anticipated for next year's budget that this bill would be law. And they further anticipated that there would be $10.6 billion in savings over the next 5 years attributable to this bill's passing.

Obviously, when you take a budget and you assume that you are going to save $10.6 billion over 5 years through procurement savings, it is very difficult to be precise about where the savings are coming from. But if we are not careful, it is tantamount to another across-the-board cut on the appropriated accounts to save this $10.6 billion. I am not saying that is what is intended. And, in fact, the administration sees the problem and suggests there be certain language in the appropriations bills that speaks to this issue.

That language is now showing up in appropriations bills that are passing the House. There are already four. And I am going to just read into the RECORD what the language is. While it is not precise, the language says something like this: Of the budgetary resources available to the Department during fiscal year 1995, a certain number of dollars—*x* dollars—is permanently canceled. The Secretary shall allocate the amount of the budgetary resources canceled among the Department's accountants available for procurement.

If you put that language in an appropriations bill, we do not have any way of knowing where these cuts actually came from. It merely says of the budgetary resources available, *x* amount is permanently canceled, allocating the amount of budgetary resources that are canceled among all the accounts for procurement. That could mean that certain procurement is actually canceled, in the name of savings in procurement, which should be coming from spending less to procure what is being ordered.

I was trying to write into this bill, the new procurement bill, a process of notification to the Congress, that is, to the Appropriations Committee and the committee of jurisdiction, where these savings came from. But I cannot really write it in this bill. I have to write it in the appropriations bill itself when the language of cancellation is included. So, if our chairman of Appropriations and the Appropriations Committee chooses to write this kind of cancellation language in—meaning we are reducing a department's account by canceling and taking that for all the procurement accounts—if we choose to do it that way, then rather than submit an amendment here today, I will ask the chairman of the Appropriations Committee to consider an amendment requiring that.

Let me give an example: That the cancellation not be effective for 90 days and that 45 days into that cancellation, they would report on how and where the savings came from. I think that will be a better way to do it than to try to write in advance in this bill what will be done in the appropriations bill. But I think everybody should understand that when you have tight budget caps on appropriated accounts and you are trying to spend more money, you will take anything that saves money and you will put it in that budget. In this case they put in $10.6 billion representing the savings from this bill, which permitted them to spend $10.6 billion that they would not otherwise be able to spend because it lowers the amount spent. They fill the gap right back up to the cap, and I would like to know that we are not just using this for an across-the-board cut for whatever amount in total dollars it is.

If it turns out to be that, Congress should know that. If it does, it is a pretty slick way to have an across-the-board cut worth $1 billion, or in some of these years maybe $2 billion, in the name of savings in procurement.

So I think we can fix this if, indeed, the chairman of the Appropriations Committee wants to accommodate the administration and puts in this kind of language in the Appropriations Committee, which takes credit in advance for the good work this bill is going to do, even before we ever know it really works. That is essentially what my amendment was going to try to fix.

I thank the various staff members who worked this afternoon for a few minutes here and there trying to help me draft it. The more we work on it, the more it seems to me we have another way to do it. We ought to do it on each bill.

I thank the chairman and I thank Senator ROTH for their indulgence and patience.

I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES POLICY TOWARD HAITI

Mr. THURMOND. Mr. President, the Senate returns from the Memorial Day recess after a time of sober reflection. We have been looking back with pride on the magnificent accomplishments of the Americans who liberated Europe from the Nazis, and with sorrow on the supreme sacrifice of so many fine young men. But, as President Clinton observed, the "longest day" has not ended, because the challenges to freedom never end. As we return to take up the Nation's business we must face a number of challenges to freedom and world peace—in North Korea, in the Balkans, and in the Middle East.

In our own hemisphere we face a growing problem in Haiti. Under domestic political pressure, the President recently announced his second major shift in policy toward Haiti. Instead of intercepting Haitians on the high seas and returning them—which incidentally was the policy of his predecessor he soundly condemned—now the President has ordered asylum hearings for refugees at sea. At the same time, the United States has led the move for tighter U.N. sanctions against Haiti.

Tougher sanctions will devastate Haiti's poor, not the corrupt military dictatorship we want to replace. Loosening the restrictions on entry to the United States while tightening sanctions can have only one result. Thousands more Haitians will arrive on our shores, destitute and needing medical care, straining our already overburdened welfare system to the breaking point. One Haitian expert has predicted as many as 100,000 may risk the voyage during the fair sailing weather between now and the advent of hurricane season.

While Haiti does not represent a national security threat to the United States in the traditional sense, it is certainly not in this Nation's interests—nor frankly in Haiti's best interests—for tens of thousands of its citizens to decamp to Florida. The Haitians are not political refugees, they are economic refugees. Given the increase of the homeless and poverty levels on our own shores, the United States cannot offer economic asylum for others until we have solved our own problems.

Unfortunately, the administration has boxed itself in regarding Haiti. The President's advisors have narrowed our options to either tightening sanctions or invading. Neither is a good option.

The American people have made their reluctance to intervene militarily in Haiti very clear. We tried it once in 1915, when President Woodrow Wilson sent in the Marines to temporarily restore order. That temporary intervention lasted until 1934. The same thing could happen again. There is no doubt that the United States military could easily dispose of the Haitian military and gendarmes and put Mr. Aristide back in power if that must be our goal. But what happens then? Are we prepared to occupy Haiti on a long-term basis to prop up a man who is detested by a large portion of Haiti's population, even if he was democratically elected. Are we prepared to fight a protracted guerilla war in the name of nation building?

That leaves the second option. We have now pinned our hopes on the new U.N. sanctions. Yet in doing so we are guilty of crushing an already desperate people with the new sanctions, which may well prove to be futile in any case. As far as the poor people of Haiti are concerned, we are the villains, not their rulers. Our lofty talk about restoring democracy does not ease their terrible suffering and deprivation. Who can blame them for wanting to escape? Yet who can blame the people of the United States, in particular the people of Florida, for wanting them to stay home? In this sense we are both villain and victim of the no-win situation our inept statecraft has created.

Mr. President, it is time we looked for a new approach. I am taking the floor today to urge the administration to find a way out of this blind alley. We must broaden our options and divest ourselves of sole ownership of this dilemma, before the problem reaches crisis proportions.

Most Members perhaps were not aware that the Organization of American States is meeting this week in Brazil. The OAS has issued a resolution calling for a multinational force drawn from member states to assist Haiti's transition, after the military rulers step down. The involvement of the OAS is a welcome addition. The OAS was created to promote democracy, stability, and peace in the Western Hemisphere. It is an excellent forum for the peaceful resolution of problems like Haiti.

I believe the OAS must be brought in even more and encouraged to address Haiti as a serious concern of all the Americas. If the crisis in Haiti deepens to the point that its neighbor the Dominican Republic is destabilized, the OAS will have to become more deeply involved. Why wait until then to gain the benefit of the OAS's collective experience?

Now that the OAS has begun to address the problem of Haiti, the President should ask for consultation of the foreign ministers of the member states to discuss additional OAS actions. Through the OAS, let us cast a wider net for new diplomatic initiatives, for new economic and political solutions.

I urge the administration to initiate a coalition response to Haiti's turmoil by working with the OAS in search of a solution that targets the real problems in Haiti; which, if implemented, will ensure that Haiti recovers not just politically, but also economically.

If we must force to place Aristide back into power, Haiti's Government will need protection as he reestablishes control. Under the auspices of the OAS, the Inter-American Defense Board could provide a coalition of its member nations for a security force to help democracy take root in Haiti, as called for in this week's OAS resolution.

At the same time the OAS could send in economic, humanitarian, and judicial advisors to teach Haitians the fundamentals of governing a nation which bears the scars of so many ruthless dictatorships. By teaching the skills necessary to establish a successful democracy, the OAS will be providing long-term aid that reaches the root of the current crisis, beyond the immediate situation of refugees and restoring Aristide to power.

Mr. President, if we do not begin looking outside the current policy framework for creative solutions, I fear that pressures for ill-considered military intervention may build irresistibly, and we may find the tragedy in Somalia repeating itself in Haiti.

I thank the Chair and yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

AMENDMENT NO. 1762

(Purpose: To provide Government contractors and the Government access to alternative dispute resolution procedures by requiring the Government and contractors to make available such procedures unless they identify the circumstances in which the use of such procedures would be inappropriate)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1762.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 463, line 3, insert "(a) EXTENSION OF AUTHORITY.—" before "Section 6(e)".

On page 463, between lines 5 and 6, insert the following:

(b) AVAILABILITY OF PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—Section 6(e) of such Act is amended by inserting after the first sentence the following:

"In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute.

"In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

Mr. WELLSTONE. Mr. President, Senator BUMPERS and myself are still working with Senator GLENN and others on another amendment.

Mr. President, I think probably the best way to summarize this amendment—it now has been accepted—is just to read directly from it.

"In any case in which the contracting officer," this deals with the ADR, alternative dispute resolution process, which I think is extremely important to small businesses. The amendment reads:

> In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of the title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute.

The other side of the coin is:

> In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

The reason for this amendment is that before, if the Government or, for that matter, business, said they did not want to be in this ADR process, there was no obligation to be clear as to reasons why they would not participate. I was looking at this initially from the point of view of kind of due process and fairness for small business. This way, we have done it on both sides with both parties.

I think it is an important amendment and it improves what I think is a very important piece of legislation.

Mr. President, the purpose of this amendment is to provide government contractors access to alternative dispute resolution [ADR] procedures by requiring a contracting officer to participate in such dispute resolution techniques, unless the contracting officer provides written explanation which identifies one of the existing statutory circumstances—i.e., exemptions—in which Congress has determined alternative dispute techniques to be inappropriate, or provides in writing other specific reasons that alternative dispute resolution procedures are inappropriate to resolve the dispute. Likewise, if the contractor rejects an agency's request for ADR, the contractor will inform the agency of its specific reasons for rejecting ADR.

Provisions in S. 1587 continue, for another 5 years, the ADR process whereby the Government and contractor have the option of resolving their dispute through streamlined ADR procedures, unless certain statutory exemptions apply.

However, under S. 1587, if these exemptions are inapplicable, the Government contracting officer could still arbitrarily refuse to participate in these ADR procedures, and may not be required to provide good reasons why.

I want to assure my colleagues that this amendment does not require the Government, or the contractor, to engage in ADR if it is inappropriate to do so. It simply requires both parties to give good reasons why ADR would not be appropriate. And some of those reasons are already provided for in statute. We ask that the Government take a circumspective look at ADR and consider using it if a contractor requests it—and if not, then base this decision on one of the statutory exemptions, or other reasoned consideration.

This is an extremely important provision for small businesses. If a small business cannot resolve their contract dispute with the Government through ADR, they will have to do it by going to the Board of Contract Appeals, or to federal court—these are, by their nature, much longer and more costly proceedings.

In fact, these proceedings can go on for months, even years, and still they may be no closer to resolution then when they started. In the meantime, if the contract dispute is over payment for instance, the small business is not getting paid, but is instead having to spend time, money, and substantial effort to resolve what may be a simple disagreement, and one which might have been resolved quicker in an ADR proceeding.

The scenario could be even worse: In Minnesota, and probably elsewhere, we have been told about companies that have gone out of business while fighting and waiting for their contract dispute with the Government to be resolved.

I understand that one businessman in Minneapolis had to cease operations of his business after he waited 6 years and spent almost $400,000 trying to resolve his dispute with the Government. I've been told that another company went bankrupt because it lacked working capital after it took more than 3 years and over $40,000 in litigation expenses to obtain just a partial resolution. ADR may not have solved these companies problems * * * but maybe it could have.

If ADR had been available to these two businesses, then maybe these companies would be in a different situation today.

In short, ADR procedures are considered by many to be more streamlined and less expensive than other contract resolution procedures, and are heavily favored by small business concerns. I would also like to point out that this amendment is also supported by the Small Business Working Group on Procurement Reform, which is comprised of many representative groups—the Minority Business Enterprise Legal Defense and Education Fund, the National Association of Women Business Owners—just to name two.

Mr. President, it is time we give ADR a chance. Because it does not require the lengthy and time consuming procedures of going to court or the Board of Contract Appeals, ADR itself may help to streamline Government activity in the contract disputes area, as well as provide a more palatable option for small business. And streamlining, after all, is the purpose of this legislation.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we negotiated on this quite a while today here. It is a compromise.

I appreciate the distinguished Senator from Minnesota being willing to work this out. It has been worked out and we are glad to accept it on this side of the aisle, and I believe it has been accepted on the other side. We are prepared for a vote, if the Senator is ready to do so.

Mr. WELLSTONE. I am ready to vote. I thank my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1762) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1763

(Purpose: To continue to permit a small business winning a bid protest before the GAO or the GSA Board of Contract Appeals to be reimbursed for reasonable amounts incurred for the fees of attorneys and any consultants or expert witnesses used)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. BUMPERS, proposes an amendment numbered 1763.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 383, line 15, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))" after "No Party".

On page 393, line 24, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))" after "no party".

Mr. WELLSTONE. Mr. President, this particular case, to summarize this amendment—and we have had a whole day of fairly intense negotiations and I send this amendment to the desk on behalf of myself and Senator BUMPERS—let me just summarize.

The purpose of the amendment really describes the amendment. It is:

To continue to permit a small business winning a bid protest before the GAO or the GSA Board of Contract Appeals to be reimbursed for reasonable amounts incurred for fees of attorneys and any consultants or expert witnesses used.

Mr. President, the initial language had a cap, and my concern was about small businesses do not have in-house counsel and whether or not vis-a-vis the procurement and appeals process this would work out well for them.

I think now this amendment is acceptable to the managers of the bill. I thank them for their cooperation throughout the day of negotiation.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, the purpose of this amendment is to allow small business concerns, as defined by the Small Business Act, which win bid protests before the U.S. General Accounting Office or the GSA Board of Contract Appeals to be reimbursed by the Government for reasonable attorneys' and expert witness fees.

Provisions in S. 1587 place limits on the amount of attorneys' fees and expert witness fees small business owners can recoup upon winning a successful bid protest. The bill would limit the amount of fees bid protesters could recoup to $75 per hour.

Many large corporations have in-house counsels or the resources to engage in their company's bid protests, and therefore would not be hampered by a $75 per hour reimbursement limitation.

For small business—plainly speaking, a limitation on this hourly reimbursable rate would have a chilling effect on small business' ability to engage in bid protests. Since most small businesses do not have attorneys or experts on staff, small businesses would be required to retain outside counsel for this purpose, and in order for most to afford to do this, they'd have to find an attorney or expert who charged $75 per hour.

Therefore, if this limitation is put in place, meaningful and successful bid protests by small businesses would probably become illusory. Small businesses probably could not afford to pay for attorneys and experts that specialize in the procurement field, and they probably could not challenge what they feel are bid decisions possibly contrary to law or regulation without placing an extreme financial burden on their business.

In essence, with a cap on the reimbursement of attorney and expert fees, we are asking small business, the sector which would be most affected by this limitation, to unreasonably foot the bill to ensure the Government engages in good procurement practice.

One thing I would like to emphasize is that small businesses will only be entitled to this reimbursement if they win. We are not asking for blanket coverage for any action a potential contractor wants to take—only if the claimant wins. Preserving the current law and not allowing this bill to extend the reimbursement limit to small business merely maintains the status quo for small business. It does not foster frivolous claims, it does not foster frivolous lawsuits.

It does mean rewarding meritorious challenges by small business on the procurement system when those challenges have a right to be heard. If a winning claim means that procurement law and policy will be ensured, then these small business bid protesters should be compensated for their time and efforts by helping to preserve the public's trust in how the procurement process works.

This is really a small, yet extremely important and vital element, to preserve for small business, which must already overcome a myriad of obstacles in their quest to do business with the Federal Government.

This amendment is supported by the Small Business Working Group on Procurement Reform, which I understand has specifically asked each Senator by letter for relief in this area.

The Small Business Working Group is comprised of many other representative groups, among them the Minority Business Enterprise Legal Defense and Education Fund, the National Association of Women Business Owners, The National Association of Minority Contractors, and the National Center for American Indian Enterprise Development, just to name a few. I think it is time we stand by small business, and respond to their request for relief in this area.

Mr. BUMPERS. Mr. President, so that all of our colleagues will understand, I would like to say, I consider this a very important amendment. It deals with providing attorney fees to people who feel that they have been wronged in the contract award process. If you are a bidder on a Government contract and feel you have been wronged, you can file a protest and the GAO will consider the protest and determine whether or not, in their opinion, you were wronged.

If the GAO says you have not been wronged, normally that is the end of it. But if either the GAO, or the GSA Board of Contract Appeals, the other bid protest forum says that you have been wronged, under existing law, you are entitled to reasonable attorney fees.

Mr. President, for the past several years, we have had an average of about 3,000 protests per year, of which roughly 100 have been successful. So you can see there is no great incentive, even with reasonable attorney fees, under existing law for somebody to protest, because if you only have a 100 out of 3,000 chance, or roughly 3 percent chance, of succeeding, you are not going to protest without good cause.

What this bill does, for some very strange reason which I do not fathom, it limits the attorney fees to be paid to the 1980 equal access to justice statute with its $75 an hour cap. That would be the most anybody who wins a protest could collect.

In 1980, $75 an hour might have been a fairly reasonable attorney fee. I do not know. Lord knows, this country lawyer never made $75 an hour in his life.

But today, everybody in this town has their own lawyer. And I see these stories where the President could conceivably be out $10,000 a day on attorney fees.

Now, I feel strongly about removing that $75 cap and continuing to say these people are entitled to reasonable attorney fees because: No. 1, $75 is an obsolete figure; No. 2, I do not want a small business person who is genuinely wronged and is advised that he has been wronged to feel that he ought not to do anything about it because he cannot afford the attorney fees.

Strangely enough, if you protest to the GSA Board of Contract Appeals and you lose, and you still feel strongly about it, and you go to Federal court. If you win in Federal court, you get no attorney fees for the cost of the appeal.

This provision of the bill or the amendment does not address that. It is a tragedy that the bill does not, because you ought to get your attorney fees from the very beginning if you win in Federal court as part of this protest process.

Mr. President, I remember one time I had a contract appeals case. Because the Administrative Procedure Act said that my client had slept on his rights, that was before he hired me, you understand, I had to go to the Court of Claims, and I had to get a special bill passed in Congress to authorize me to do that. It took 7 long years and a 1-week trial to get an $80,000 judgment. I figured my fee at about $1.50 an hour. But I did not get that fee from the Federal Government. I got it from my client. The Federal Government bankrupted my client. The Court of Claims so held and gave him $80,000. I like to never have gotten my money, got no interest, got no attorney fees, nothing.

Now, Mr. President, this is an increasingly pressing problem that this Congress is going to have to deal with, attorney fees for people that the Government wrongs. It is patently unfair to have the U.S. Government arrayed against some small business person who cannot afford that kind of odds.

Mr. President, we used to tell a story in Arkansas about old Clem Callahan. He was making moonshine up in the Ozark Mountains, and the Feds came up and arrested him, brought him into Little Rock and arraigned him. Finally, they got around to trial and they hauled old Clem into Federal court, and the bailiff announced the case, United States versus Callahan. Old Clem turned to his lawyer and says, "Them don't sound like very fair odds to me."

Well, when you have the whole Federal Government arrayed against you, those are not very fair odds. And so what the amendment of the Senator from Minnesota does is to simply level the playing field a little bit.

This is not a bank breaker when you consider that only 100 protestants a year succeed. Reasonable attorney fees in that many cases is providing a modest amount of justice, that will not be available to small business people in the future, if we do not adopt the amendment of the Senator from Minnesota. I wish to thank my friend for the work he has done on it. I understood the amendment is going to be accepted.

So, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that request be withheld.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Both Senator BUMPERS and I have spoken about the amendment. I think it is acceptable now to my colleagues.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. CAMPBELL]. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the pending business I believe is the amendment proposed by Senator WELLSTONE. Is that correct?

The PRESIDING OFFICER. The Wellstone amendment to the committee substitute is pending.

Mr. GLENN. We are prepared to accept that amendment. I believe Senator ROTH is also prepared to accept it.

Mr. ROTH. That is correct.

Mr. WELLSTONE. Mr. President, I thank my colleagues and just remind them that it is the Wellstone-Bumpers amendment. I want to include Senator BUMPERS.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1763) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1764

(Purpose: To provide for the rationalization of definitions in Federal law regarding certain small business concerns)

Mr. ROTH. Mr. President, on behalf of the junior Senator from Texas, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mrs. HUTCHISON, proposes an amendment numbered 1764.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 518 between lines 13 and 14, insert the following:

SEC. 4105. DEVELOPMENT OF DEFINITIONS REGARDING CERTAIN SMALL BUSINESS CONCERNS.

(a) REVIEW REQUIRED.—

(1) DEFINITIONS TO BE IDENTIFIED.—The Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, as in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the small business concerns set forth in paragraph (2) for purposes of authorizing the participation of such small business concerns as prime contractors or subcontractors in—

(A) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts; or

(B) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

(2) COVERED SMALL BUSINESS CONCERNS.—The small business concerns referred to in paragraph (1) are as follows:

(A) Small business concerns owned and controlled by socially and economically disadvantaged individuals.

(B) Minority-owned small business concerns.

(C) Small business concerns owned and controlled by women.

(D) Woman-owned small business concerns.

(b) MATTERS TO BE DEVELOPED.—On the basis of the results of the review carried out under subsection (a), the Administrator for Federal Procurement Policy shall develop—

(1) uniform definitions for the small business concerns referred to in subsection (a)(2);

(2) uniform agency certification standards and procedures for—

(A) determinations of whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) under an applicable standard for purposes contracts and subcontracts referred to in subsection (a)(1); and

(B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) for such purposes; and

(3) such other related recommendations as the Administrator determines appropriate consistent with the review results.

(c) PROCEDURES AND SCHEDULE.—

(1) PARTICIPATION BY CERTAIN INTERESTED PARTIES.—The Administrator for Federal Procurement Policy shall provide for the participation in the review and activities under subsections (a) and (b) by representatives of—

(A) the Small Business Administration (including the Office of the Chief Counsel for Advocacy);

(B) the Minority Business Development Agency of the Department of Commerce;

(C) the Department of Transportation;

(D) the Environmental Protection Agency; and

(E) such other executive departments and agencies as the Administrator considers appropriate.

(2) CONSULTATION WITH CERTAIN INTERESTED PARTIES.—In carrying out subsections (a) and (b), the Administrator shall consult with representatives of organizations representing—

(A) minority-owned business enterprises;

(B) women-owned business enterprises; and

(C) other organizations that the Administrator considers appropriate.

(3) SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register a notice which—

(A) lists the provisions of law identified in the review carried out under subsection (a);

(B) describes the matters to be developed on the basis of the results of the review pursuant to subsection (b);

(C) solicits public comment regarding the matters described in the notice pursuant to subparagraphs (A) and (B) for a period of not less than 60 days; and

(D) addresses such other matters as the Administrator considers appropriate to ensure the comprehensiveness of the review and activities under subsections (a) and (b).

(d) REPORT.—Not later than May 1, 1995, the Administrator for Federal Procurement Policy shall submit to the Committees on Small business of the Senate and the House of Representatives a report on the results of the review carried out under subsection (a) and the actions taken under subsection (b). The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations with regard to the matters identified under subsection (b).

Mr. ROTH. Mr. President, this amendment is to provide a study to be made of the rationalization of definitions in Federal law regarding certain small business concerns.

It is my understanding that this amendment is satisfactory to the majority side.

Mr. GLENN. That is correct. We are willing to accept it on this side.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1764) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. My colleague, Senator MIKULSKI, and I appreciate the chairman of the Governmental Affairs Committee indulging us in this colloquy. We are concerned that section 6501 of the procurement reform bill would preclude former FFRDC's that conduct analyses for the Federal Government from continuing to perform these evaluations.

As the chairman knows, the special relationship between FFRDC and the Government was recognized. We would urge similar recognition for those former FFRDC's that continue to perform analyses of Government procurements. We understand it is the Chairman's intention to address this issue in conference. Is this correct?

Mr. GLENN. Yes, the Senator from Maryland is correct. It is my intention to address this issue in conference.

Ms. MIKULSKI. I am pleased to hear my colleague from Ohio say that. This is a very important issue for these few and unique institutions that, while not FFRDC's, continue to have a special relationship with the Government. We want to preserve that relationship.

Mr. LIEBERMAN. Will the Senator yield? Section 4012 of this bill establishers a small business reservation for contracts under the new simplified acquisition threshold of $100,000. It is my understanding that, in effect this amendment merely updates section 15(j) of the Small Business Act to reflect the new threshold.

Mr. GLENN. The Senator is correct. Contracts for the procurement of goods and services with an anticipated value under the new simplified acquisition threshold, rather than the current $25,000 small purchase threshold, will be reserved exclusively for eligible small business concerns, excepting contracts for purchases under $2500.

Mr. ROTH. Will the Senator yield? It is my understanding that the GSA's Multiple Award Schedule program will continue to be available to Federal agencies without change, as they are today, to acquire goods and services at fair and reasonable prices that meet the government's needs.

Mr. GLENN. The Senator is correct. The purpose of this provision is to streamline the process of making small purchases, while also increasing government contracting opportunities for small business and small disadvantaged business concerns. The increase in the threshold to $100,000 and the use of simplified acquisition procedures will accomplish both goals.

Mr. LIEBERMAN. I thank the Senators for the clarification and for their leadership on this important matter. We commend them all for the diligence they have demonstrated in pursuing this much-needed legislation.

Mr. COVERDELL. I rise today to express my appreciation to Senators GLENN and ROTH for their willingness to enter into this colloquy on what I believe is a critical issue facing American business. Form their positions as chairman and ranking member of the Government Affairs Committee, they know full well the complex relationship between the Federal Government and the private sector. The bill before the Senate today, S. 1587, addresses the complex and overlapping requirements that have made procurement from the Federal Government a hassle for many businesses. But just as mountains of Government-mandated paperwork is a disincentive for businesses to contract with the Government, so it is a detriment to businesses productivity.

The problem of Government-mandated paperwork has grown so large difficult to know where to begin to get relief. What I have tried to do is isolate specific examples of this activity and eliminate them. I recently introduced legislation to address such activity by the Department of Commerce. The Bureau of Census requires businesses, large and small, to provide detailed, quarterly financial information on their financial activities for 2 years. It's called the Quarterly Financial Report Program, and participation is mandatory if a business is unfortunate enough to be selected. Last year, the Office of Management and Budget estimated that over 189,000 hours were spent by businesses filling out forms associated with this program, at a cost of millions of dollars.

Moreover, the Department of Commerce compiles the data, issues a report, and sells the information it has compiled from businesses to outside users. Certainly, I do not doubt the utility of much of this information. However, I don't believe it is fair for the Government to compel information from the private sector—without compensation for the considerable time and resources devoted to its completion—and then sell it to outside users. That is why I offered an amendment to make the completion of these forms voluntary, or to have the Secretary of Commerce issue fair and reasonable compensation for the considerable time and effort it takes to comply with this federal mandate.

After consulting with the managers of this bill, I understand their concerns that legislation dealing with procurement reform may not be the most appropriate place to offer this amendment. Nonetheless, I believe this is an issue of critical importance to the relationship between the private sector and the Federal Government, and hope that future, more appropriate vehicles will be available to address this issue.

Mr. ROTH. I thank my colleague for bringing this matter to the attention of the Senate. I too am seriously concerned at the volume and burden of Government regulation that is strangling the productivity of American businesses. While I do not believe this amendment is appropriate for the measure before the Senate today, it is my understanding that the appropriate measure, The Paperwork Reduction Act, will be marked-up in the Government Affairs Committee next week. Hopefully this measure will then be brought to the Senate floor in the near future. I look forward to working with the Senator from Georgia on this issue at that time.

Mr. GLENN. I associate myself with the comments from the ranking member of the Government Affairs Committee. As the chairman of that committee, I can assure the Senator that the issue of paperwork reduction is a high priority, and that my committee will mark up legislation on the matter next week. Since the purpose of that legislation is to lessen the burden of federally mandated paperwork, I look forward to working with the Senator from Georgia at that time.

Mr. COVERDELL. I thank the Senators from Ohio and Delaware for their comments, and commend them for the work they have done on this bill. I appreciate their interest in the issue of paperwork reduction, and look forward to addressing this issue on the paperwork reduction legislation.

Mr. PRESSLER. Mr. President, I wish to make several comments concerning S. 1587, the Federal Acquisition Streamlining Act of 1994. As the ranking member of the Small Business Committee, I will focus on those aspects important to the small business community.

The process that has brought us here today has not been an easy one. It took the Members and staff of three Senate committees more than 1½ years to write the bill. That effort came after 2 years of work by the Advisory Panel on Streamlining and Codifying Acquisition Laws. Otherwise known as the section 800 panel, this group of Government and private sector procurement experts was created by the National Defense Authorization Act of 1991.

Mr. President, this bill is important. I applaud the efforts of all involved. I wish I could stand here today in full support of the legislation. I cannot. Simply put, the bill could do much more for small business. I have worked to improve numerous provisions with which the small business community is concerned. Some progress has been made. I wish we had been able to accomplish more. However, the other body is working on companion legislation and is expected to consider a similar bill soon. It is my hope that many of the shortcomings in this legislation will be addressed as the process continues.

This measure is designed as a procurement simplification or streamlining bill. This is an admirable goal. However, streamlining the Government's procurement policies must not merely make purchasing easier for the Government. We also must ensure that opportunities for businesses—especially small businesses—to sell to their Government are enhanced, not diminished. I am certain this is a goal shared by most of my colleagues. Unfortunately, until quite recently, little was being done to address the issue in this legislation. Indeed, as this bill was being written, the small business community was quite concerned that its concerns would essentially be bypassed in the name of streamlining and flexibility.

For instance, the authors of this bill included a provision granting broad statutory authority for the Government to waive any laws relating to Government procurement as such laws apply to subcontractors of a contractor furnishing a commercial item or any subcontractor furnishing a commercial component. A likely use of such a waiver would be the subcontracting requirements of section 8(d) of the Small Business Act. Section 8(d) ensures that contractors make use of small business concerns in their lower tier subcontracting and supply plans. A broad waiver could prevent small businesses owned and controlled by socially and economically disadvantaged individuals from participating as subcontractors.

I understand an amendment may be offered to limit the waiver authority only to subcontracting requirements regarding commercial products. This is an improvement over the bill as introduced. However, I am concerned that the definition of commercial products is so broad that it could include some commercial services.

I also understand that under the amendment, small business and minority business utilization plans would be made a source selection criterion before contracts are let, rather than a postcontract requirement, as under current law. I fully support such a change. It could mean the strength of prime contractors' small business utilization plans may, in effect, determine who wins bidding wars among contractors. Such a focus would promote efficiency by encouraging healthy, free market competition.

Another serious problem with S. 1587 concerns new procedures for commercial item acquisition conducted through the governmentwide Federal Acquisition Regulation. Specifically, the bill provides no constraints on how the regulations would define market acceptance criteria. As written, it allows regulators to give contracting officers the authority to base market acceptance upon the volume of previous market sales. The effect could be a market acceptance level so high as to exclude small businesses—businesses with fully commercial products, but limited markets—from the process.

Here again, it is my understanding the managers may offer an amendment designed to address this concern. However, in draft form, the volume of sales issue was not directly addressed. Unless specific statutory standards can be developed, the potential for abuse will remain. I share the fear of the small business community that regulators may base their definition largely upon volume of sales, rather than a business's ability to supply the desired goods or services. In short, the legislation in its current form provides regulators too little guidance in defining market acceptability.

Mr. President, a number of items in this bill are positive for small business. Yet even in many of these sections, problems remain. One such provision concerns the small business small purchase reserve. Under the Small Business Act, a contract in an amount below what is known as the small purchase threshold is reserved for exclusive competition among small businesses, unless the contracting officer is unable to obtain offers from two or more small businesses that can furnish the product or service at a fair market price. Currently, the threshold is $25,000. Under this legislation, the threshold would be renamed the simplified acquisition threshold and raised to $100,000. This is a much needed reform of current law.

Unfortunately, this section also includes what I consider a rather odd, unwise and somewhat risky provision. It excludes all purchases below $2,500 from the small business small purchase reserve and labels them micro purchases. Evidently, this was done in order to facilitate a provision the administration deems essential in simplifying Federal procurement—namely that Government officials are to be issued Government credit cards that could be used for small purchases of office equipment, supplies, and other items. Micro purchases would not be regulated. In other words, purchasers could choose larger stores rather than small businesses and disregard business location or cost of the product or service. Thus, while this measure will expedite purchasing practices, it does not guarantee agencies will save money. In addition, for most small businesses, purchases of $2,500 are not considered small or micro. I cannot help but think that Main Street small businesses may suffer for the convenience of Federal bureaucrats.

I am encouraged by the attention paid by the bill to electronic commerce. Electronic commerce would allow Federal agencies to use computers to publicize available contracts to businesses. Small business owners in my home State of South Dakota already are able to take advantage of a similar system. The South Dakota Procurement Technical Assistance Center acts as a computerized clearinghouse of procurement opportunities for small businessowners in South Dakota. I think it is very important for the Government to use technological advances to improve communication with the citizenry.

One concern I have with respect to electronic commerce, however, is that sufficient response times are provided. As I understand it, the managers' amendment would allow regulators to establish the time available for an offeror to submit a response to a solicitation made by electronic commerce. The bill gives the regulators no guidelines to follow. I share the small business community's concern that, as the procurement process is expedited through electronic commerce, sufficient response times may not be provided.

The legislation also recognizes the bigger picture in the streamlining process for all businesses wishing to do business with the Federal Government. S. 1587 encourages the Government to purchase more commercial or off the shelf products—a congressional goal since the Competition in Contracting Act of 1984 was enacted. The bill would advance the open and fair procurement procedures of the Competition in Contracting Act by requiring clearer enunciation of so-called nonprice evaluation factors. These factors are being used increasingly by various agencies as they make use of best value procurement. However, many businesses charge they have been used to make unacceptably subjective award decisions. This measure should help to correct that problem by more clearly defining what may be considered as nonprice evaluation factors.

In addition, the legislation seeks to establish uniformity in Federal contracting by placing provisions applicable to the Department of Defense on par with provisions governing civilian Government agencies. This is designed to create a common statutory base that would allow the Federal Acquisition Regulation to provide a unified structure to the contractor community. Hopefully, unity will translate into relative simplicity.

Mr. President, there are other items of concern to the small business community that I will not take the time to elaborate upon at this time. A number of them, I believe, have been satisfactorily resolved. Others remain, but I am hopeful they can be worked out as this process continues.

In the end, many of these issues can be boiled down to one basic, yet important, question: Can we trust the Federal bureaucracy to set procurement regulations that will be fair and friendly to small businesses? I believe the answer is, "No." Unfortunately, history provides the proof. Current law, while overly complicated, also contains a system of checks and balances—a structure put in place over many years—to encourage competition in Federal procurement and to provide opportunities for small, minority, and women-owned firms. Some of these safeguards now are viewed by some as roadblocks to reform. They do not have to be.

I am not implying Federal agencies will fail to act in what they may think is in the best interest of the procurement process. Nor do I mean to cause Federal agencies undue burden to assure small business participation. I simply believe Congress must set comprehensive and reasonable guidelines for Federal agencies to follow. These guidelines can and should achieve the dual goals of ensuring the Federal Government is operating efficiently and that our Nation's small businesses are able to sell their goods and services to their Government.

I believe strongly in the spirit of this bill. The current process is unnecessarily cumbersome. I think the managers realize the importance of including our Nation's top job creators—small businesses—in the Federal procurement process. I thank them for their efforts and pledge my assistance in this reform effort. I also thank all of the staff who have worked so long and so diligently on this issue. In particular, I want to thank Bill Montalto, procurement counsel to the Small Business Committee, for his significant and tireless efforts. I hope the concerns I have raised today will be addressed as the process continues. I will follow this bill's progress with great interest.

IN SUPPORT OF INCREASING THE SMALL PURCHASE THRESHOLD

Mr. HATFIELD. Mr. President, I rise in support of one of the key provisions of the Federal Acquisition Streamlining Act. This bill, S. 1587, would increase the threshold for small Government purchases from $25,000 to $100,000. This increase is important for the successful implementation of a watershed restoration and enhancement program enacted by the Congress last year for the Pacific Northwest.

The watershed enhancement program has, as a central component, provisions designed to hire workers from timber-dependent communities to restore streams and habitat in the Northwest. This program achieves two important objectives. First, the jobs provide a transition for displaced timber workers that makes every effort to keep these rural communities intact. Second, this restoration is vital to the preservation of key salmon habitat, which, in turn, will contribute to regional efforts to recover endangered wild salmon stocks.

Without the increase in the acquisition threshold, the Forest Service and Department of the Interior will have to bid these important projects nationally. In other words, one of the central purposes of this new program—helping displaced workers—could not be achieved.

I am certain that all of my colleagues have experienced similar difficulties in their States. I believe this change will not only make the Federal Government more efficient, but it will also improve the ability of the Federal Government to achieve the objectives of their programs.

I commend the Government Affairs and Armed Services Committee for including an increase in the small purchase threshold in this bill, and I urge my colleague to support this change.

REMOVING THE SHACKLES

Mr. DODD. Mr. President, I rise in strong support of the Federal Acquisition Streamlining Act of 1994. The changes proposed by this legislation will lift the burden of needless and cumbersome regulations from the backs of thousands of small businesses now contracting with the Federal Government.

Perhaps the most promising change will occur in the day-to-day management of smaller Government contracts. Of the estimated $450 billion in annual Federal contracts, 16 percent or $72 billion is for contracts with values of less than $100,000. Yet, the manpower required to maintain and process those contracts now account for 95 percent of the total Federal contracting paperwork backlog. What is even more amazing is the estimated overall cost of some of those contracts. Over the life of some of these smaller contracts, the required manpower costs for oversight and administration often approaches or exceeds the initial value of the contract. That is ludicrous bureaucratic waste at its very worst.

However, this legislation would change that trend and break the shackles of burdensome bureaucracy. This bill would allow many of the small- and medium-sized companies that typically hold contracts with values of less than $100,000 to be paid more quickly. This concept of fast pay operations is already in place for contracts below $25,000 and has been enormously successful. This bill would simply raise the threshold for fast-pay contracts from $25,000 to $100,000, encompassing the lion's share of daily Federal contract work. This single change will relieve thousands of companies and Federal contractors from the volumes of regulation and oversight that currently choke our Federal acquisition system. That is particularly good news for States with high concentrations of enterprises bidding on Federal contracts.

My home State of Connecticut ranks 11th in the Nation in Federal contract spending. More than $3 billion in Federal contracts were signed in Connecticut in 1993. Much of that money comes from the Department of Defense, the agency most likely to see the greatest relief from this legislation. That is good news to the hundreds of small Connecticut companies that continue to provide more than $334 million annually in high quality products and services for our national defense.

Less waste, more service and greater productivity: That is the hallmark of the Federal Acquisition Streamlining Act of 1994. I strongly urge my colleagues to support this legislation.

AMENDMENT NO. 1751

Mr. HATCH. Mr. President, yesterday, the Senate adopted an amendment developed by Senator FORD and myself to clarify once and for all that Federal funds cannot be used by grantees or subgrantees to promote specific agendas at the State or local levels.

Mr. President, I heartily agree with this prohibition. I do not believe that one Member of this body believes that the role of the Federal Government is to use taxpayer money to lobby other government bodies. This is not the correct use of taxpayer money. Mr. President, this is especially important in the current fiscal environment. The expenditure of scarce Federal resources should actively contribute to programs that will help United States citizens, not go to passive lobbying efforts to affect policy changes in State and local bodies with which citizens may not agree.

Mr. President, the bill before us today would codify most of the current Federal Acquisition Regulations used by Federal agencies today. The regulation I am concerned with in this amendment is the prohibition against lobbying Federal and State legislatures.

This amendment would go one step further than the underlying bill. It would prohibit lobbying at not only the Federal and State levels, but would extend the prohibition to local legislative bodies as well. Federal money should go into Federal programs, not to lobbying for a policy change in local communities.

I strongly believe that this amendment will strengthen the underlying bill and thank the distinguished Senators from Ohio, Delaware, Georgia, and South Carolina for accepting this provision.

AMENDMENT NO. 1756, AS MODIFIED

Mr. LAUTENBERG. Mr. President, today I rise to join my colleague from the State of Illinois in introducing legislation that would create a Federal Government-wide goal of 5 percent for the combined value of prime contracts and subcontracts awarded by the Federal Government to small business concerns owned and controlled by women.

There currently exists a patchwork of laws which have goals for economically and socially disadvantaged individuals or enterprises—and although women are presumed to be economically and/or socially disadvantaged, too few women are receiving these awards. Given that roughly 35 percent of today's businesses are owned and controlled by women and that by the end of the decade it is is estimated that this figure will increase to 50 percent, it is appalling that a mere 1.8 percent of the $180 billion in Federal prime contracts go to women-owned businesses.

The argument that women just aren't involved in industries competing for Federal contracts can and should no longer be made. Women-owned businesses are found in all industry sectors and employ more workers than the Fortune 500 companies do worldwide. With receipts estimated to be 1 trillion by 1995, women-owned businesses are qualified for Federal prime contracts and subcontracts.

This amendment would not establish a set-aside program for women; it is a simple incentive that underscores the importance that should be attributed to the contributions made by the women's business sector. Furthermore, this amendment would not impinge upon the existing goals that have been established for economically and socially disadvantaged firms.

Finally, I am pleased that the administration has given its support to this long overdue goal and I thank Senators MOSELEY-BRAUN, KERRY, and WELLSTONE for recognizing the importance of a separate goal for women-owned and controlled businesses. I am hopeful that our colleagues will likewise see the wisdom in this amendment.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Without objection, the committee substitute, as amended, is agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the committee substitute, as amended, was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

(The text of S. 1587, as amended, as passed, will appear in a future edition of the RECORD.)

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLOCATION OF FISCAL YEAR 1995 SPENDING AUTHORITY TO THE SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES

Mr. NUNN. Mr. President, under section 602(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and the House of Representatives that have jurisdiction over spending authority. The 602(a) allocation of the fiscal year 1995 budget totals among the Senate committees was printed in the conference report on the concurrent resolution on the budget for fiscal year 1995.

Section 602(b) of the Congressional Budget Act requires committees to allocate such spending authority among either subcommittees or programs within their jurisdiction and to report these allocations to the Senate.

The Committee on Armed Services submits the following report allocating its direct spending authority among the subcommittees in compliance with section 602(b) of the Congressional Budget Act. I ask unanimous consent that the report be included in the RECORD at this point.

The report is as follows:

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE COMMITTEE ON ARMED SERVICES, PURSUANT TO SECTION 602(b) OF THE CONGRESSIONAL BUDGET ACT OF 1974

Mr. Nunn, from the Committee on Armed Services, submitted the following report:

The Committee on Armed Services, which was allocated certain budget authority and outlays by the managers of the conference on the House Concurrent Resolution 218, reports the division of such allocations among subcommittees of the Committee for fiscal year 1995.

BACKGROUND

Under section 602(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and House of Representatives that have jurisdiction over spending authority.

Section 602(b) of the Act requires the committees to allocate such spending authority among either subcommittees or the programs over which they have jurisdiction and to report these allocations to the Senate.

ALLOCATION RECEIVED BY THE COMMITTEE

The direct spending authority allocation received by the Committee on Armed Services was made to this committee of original and complete jurisdiction for the federal programs and activities assumed in the allocation.

The Committee on Armed Services received the following allocation for fiscal year 1995:

Fiscal Year 1995

Direct spending authority:	*Millions*
Budget Authority	$40,588
Outlays	40,574

ALLOCATIONS MADE BY THE COMMITTEE

The Committee has made its allocations among the several subcommittees as shown in the following table. Budget authority and outlay figures are CBO baseline estimates incorporated in the budget resolution.

The total amount of funds allocated in this report is equal to the allocations made to this Committee in H. Con. Res. 218, the Concurrent Resolution on the Budget for Fiscal Year 1995.

Fiscal Year 1995

	Millions
Subcommittee on Force Requirements and Personnel:	
Budget Authority	$40,394
Outlays	40,364
Subcommittee on Military Readiness and Defense Infrastructure:	
Budget Authority	194
Outlays	210

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CERTIFICATION OF THE FREE AND FAIR ELECTION OF AN INTERIM GOVERNMENT IN SOUTH AFRICA—MESSAGE FROM THE PRESIDENT—PM 121

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to sections 4(a)(2) and 5(b)(1) of the South African Democratic Transition Support Act of 1993 (Public Law 103–149; 22 U.S.C. 5001 note), I hereby certify that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1994.*

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 122

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1994.*

REVISED DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on Budget, and the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report two revised deferrals of budget authority, now totaling $555.2 million.

The deferrals affect the Department of Agriculture. The details of the two revised deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1994.*

MESSAGES FROM THE HOUSE

At 2:54 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2752. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a deferral of budget authority; pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Finance.

EC–2753. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to recover costs of standardization activities; to the Committee on Agriculture, Nutrition and Forestry.

EC–2754. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act, case number 92–04; to the Committee on Appropriations.

EC–2755. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act, case number 91–08; to the Committee on Appropriations.

EC–2756. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to clean coal technology export markets and financing mechanisms; to the Committee on Appropriations.

EC–2757. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Space Launch Modernization Plan; to the Committee on Armed Services.

EC–2758. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the capability of the Army to carry out two major regional conflicts nearly simultaneously; to the Committee on Armed Services.

EC–2759. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the donation of pieces of the superstructure of the USS *Arizona* to various veteran groups; to the Committee on Armed Services.

EC–2760. A communication from the Director of the Department of Defense Ballistic Missile Defense Organization, transmitting, pursuant to law, a report relative to a Presidential Determination with respect to the coordination of U.S. Theater Missile Defense programs with those of our allies; to the Committee on Armed Services.

EC–2761. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report relative to the evaluation of the Uniformed Services Treatment Facilities; to the Committee on Armed Services.

EC–2762. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to contracts awarded to companies in countries that provide shipbuilding subsidies; to the Committee on Armed Services.

EC–2763. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–2764. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–2765. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the implementation of the metric system; to the Committee on Commerce, Science and Transportation.

EC–2766. A communication from the Executive Director of the United States Olympic Committee, transmitting, pursuant to law, the annual report of the Committee for calendar year 1993; to the Committee on Commerce, Science and Transportation.

EC–2767. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Flight Services Station Modernization Program in the State of Alaska; to the Committee on Commerce, Science and Transportation.

EC–2768. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the certification of Trinidad and Tobago concerning shrimp harvesting technology; to the Committee on Commerce, Science and Transportation.

EC–2769. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual/quarterly report for the strategic petroleum reserve for calendar year 1993; to the Committee on Energy and Natural Resources.

EC–2770. A communication from the Assistant Secretary of the Interior (Territorial and International Affairs), transmitting, a draft of proposed legislation to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

EC–2771. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to hydroelectric licensing in Hawaii; to the Committee on Energy and Natural Resources.

EC–2772. A communication from the Chairwoman of the Mid-Dakota Rural Water System, transmitting, pursuant to law, the System's final engineering report dated January 1994; to the Committee on Energy and Natural Resources.

EC–2773. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency"; to the Committee on Energy and Natural Resources.

EC–2774. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to damaged and threatened national natural landmarks; to the Committee on Energy and Natural Resources.

EC–2775. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the Bumping Lake Dam, Yakima Project, Washington; to the Committee on Energy and Natural Resources.

EC–2776. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report relative to fossil forest research; to the Committee on Energy and Natural Resources.

EC–2777. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Insular Area Energy Vulnerability Study; to the Committee on Energy and Natural Resources.

EC–2778. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1993 program update for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC–2779. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to eight final loan applications under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC–2780. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively and for other purposes; to the Committee on Energy and Natural Resources.

EC–2781. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the condition and status of university research and training reactors; to the Committee on Energy and Natural Resources.

EC–2782. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in the submission of a report relative to district heating and cooling systems; to the Committee on Energy and Natural Resources.

EC–2783. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC–2784. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in submission of a report relative to cost-effective technologies to improve energy efficiency; to the Committee on Energy and Natural Resources.

EC–2785. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in submission of a report relative to energy efficiency ratings; to the Committee on Energy and Natural Resources.

EC–2786. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in submission of a report relative to the commercial application of renewable energy and energy efficiency technologies; to the Committee on Energy and Natural Resources.

EC–2787. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–2788. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–2789. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE (for himself, Mr. JEFFORDS, Mr. HATCH, Mr. STEVENS, and Mr. COCHRAN):

S. 2165. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified adoption expenses, and for other purposes; to the Committee on Finance.

By Mr. WOFFORD (for himself and Mr. WARNER):

S. 2166. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to transfer certain excess equipment to educational institutions and training schools; to the Committee on Armed Services.

By Mr. ROCKEFELLER (by request):

S. 2167. A bill to increase, effective as of December 1, 1994, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of such veterans; to the Committee on Veterans' Affairs.

By Mrs. KASSEBAUM:

S. 2168. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the distribution of samples of prescription drugs; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:

S.J. Res. 197. A joint resolution designating June 10, 1995, as "Portuguese American Friendship Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself, Mr. JEFFORDS, Mr. HATCH, Mr. STEVENS, and Mr. COCHRAN):

S. 2165. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified adoption expenses, and for other purposes; to the Committee on Finance.

FAIRNESS FOR ADOPTING FAMILIES ACT

• Mr. RIEGLE. Mr. President, today I am introducing legislation that will assist families who are adopting a child. This bill will allow families to deduct their expenses up to a maximum of $5,000 for domestic adoptions and $7,000 in the case of an international adoption.

This legislation is similar to bills that have been introduced in both the House and the Senate in recent years. In the 103d Congress, Representative ANDY JACOBS has introduced in the House a bill to provide the same assistance. In past sessions Senator HATCH has introduced this legislation and is cosponsoring this legislation along with Senator JEFFORDS.

This measure is important because of the expenses that are incurred when a family is matched up with a child in need of a home. Despite the waiting lists for adoptions, there are great numbers of children who wait every year for a good home. In some instances, these children may fit in a category of special needs and as a result qualify for financial help. But oftentimes, a child may not fit into any category as a result of rules or definitions. This tax deduction can help in these instances. In other instances, this tax change will provide for relief from associated health care costs that would have been covered if the family welcomed a child into their home as a result of a natural childbirth.

This bill is written to include provisions that will encourage employers to help with these expenses by not defining such financial assistance as income. At the same time, prohibitions are written into the Act to prevent any attempts at both receiving unreported income and also writing it off. This tax deduction will be available to all families whether or not they use the long or short tax form. Finally this tax break would be phased out beginning at an income level of $60,000 and completely phased out at $70,000.

Mr. President, adoption plays an important role in giving some children an opportunity to benefit from a family setting. It also allows many couples to experience the joy of raising and having a family. I hope my colleagues will join with me in supporting this important legislation and that, in turn, will help families reach their dreams. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Adopting Families Act".

SEC. 2. DEDUCTION FOR ADOPTION EXPENSES.

(a) DEDUCTION FOR ADOPTION EXPENSES.—

(1) IN GENERAL.—Part VII of Subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to addition itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The aggregate amount allowable as a deduction under subsection (a) for all taxable years with respect to the legal adoption of any single child by the taxpayer shall not exceed $5,000 ($7,000, in the case of an international adoption).

"(2) INCOME LIMITATION.—The amount allowable as a deduction under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's taxable income (determined without regard to this section and section 137) exceeds $60,000, bears to

"(B) $10,000.

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowed under subsection (a) for any expenses paid from any funds received under any Federal, State, or local program.

"(C) EMPLOYER PROGRAM.—No deduction shall be allowed under subsection (a) for any expenses paid by an employer which are excludable from gross income under section 137(a).

"(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified adoption expenses;' means reasonable and necessary adoption fees (including agency fees), court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child by the taxpayer but only if such adoption has been arranged—

"(i) by a State or local agency with responsibility under State or local law for child placement through adoption,

"(ii) by a non-profit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or

"(iii) through a private placement, and

"(B) are not incurred in violation of State or Federal law.

"(2) ADOPTION EXPENSES NOT TO INCLUDE CERTAIN AMOUNTS.—The term 'qualified adoption expenses' shall not include any expenses in connection with—

"(A) the adoption by an individual of a child who is the child of such individual's spouse, or

"(B) travel outside the United States, unless such travel is required—

"(i) as a condition of a legal adoption by the country of the child's origin,

"(ii) to assess the health and status of the child to be adopted, or

"(iii) to escort the child to be adopted to the United States.

"(3) CHILD.—The term 'child' means an individual who at the time of adoption under this section has not attained the age of 18.".

(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking the item relating to section 220 and inserting the following:

"Sec. 220. Adoption expenses.
"Sec. 221. Cross reference.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code is amended by adding after paragraph (15) the following new paragraph:

"(16) ADOPTION EXPENSES.—The deduction allowed by section 220.".

(c) ADOPTION ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. ADOPTION ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The aggregate amount excludable from gross income under subsection (a) for all taxable years with respect to the legal adoption of any single child by the taxpayer shall not exceed the excess (if any) of $5,000 ($7,000 in the case of an international adoption).

"(2) INCOME LIMITATION.—The amount excludable from gross income under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so excludable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's taxable income (determined without regard to this section and section 220) exceeds $60,000, bears to

"(B) $10,000.

"(c) ADOPTION ASSISTANCE PROGRAM.—For purposes of this section, an adoption assistance program is a plan for an employer—

"(1) under which the employer provides employees with adoption assistance, and

"(2) which meets requirements similar to the requirements of paragraphs (2), (3), and (5) of section 127(b).

"(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' has the meaning given such term by section 220(c).".

(2) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the item relating to section 137 and inserting the following:

"Sec. 137. Adoption assistance programs.
"Sec. 138. Cross reference to other Acts.".

SEC 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1993.●

Mr. HATCH. Mr. President, I rise today to join Senators RIEGLE, STEVENS, COCHRAN, and JEFFORDS in introducing the Fairness for Adopting Families Act. This important bill is designed to assist American families in adopting children.

We should be grateful, Mr. President, that many prospective parents in America today form their families through adoption. Our laws should help alleviate the cost barriers associated with an adoption.

The Fairness for Adopting Families Act provides adopting families with a desperately needed tax deduction for adoption expenses. This deduction is needed by children who are waiting to be adopted and it is needed by families who are sacrificing to finance the ever-increasing costs of adopting a child. In today's changing society, we must continue to express our support for the family unit. With the increase in teenage pregnancy, broken homes, and children born out of wedlock, adoption can provide many of these children a better chance to succeed in life. We all agree that strong families are the key to a strong America. A true pro-family policy would assist families being formed through adoption.

To many seeking to adopt a child, the costs associated with such a procedure are simply prohibitive. Prospective parents are often required to pay not only court and attorney fees but also expenses for maternity home services, hospital and physician costs, and, at times, prenatal care for the birth mother. Data provided by the National Council for Adoption show that the actual costs connected with legal adoptions can easily exceed $15,000. Furthermore, the cost of adopting a child from another country can be even higher. It is not unheard of to pay up to $20,000 to adopt a child.

One family in my home State of Utah illustrates the financial burden an adoption can place on a family. This family was in the process of adopting a foreign infant. All of the paperwork had been filed with the appropriate agencies when they discovered that they were required to pay a lump sum of $13,000 within a short period of time. This was a significant amount of money for this middle-class family, and they concluded that they could not go forward with the adoption. Their insurance company would reimburse them for $3,000 of this, but only after the adoption was finalized. Nevertheless, this heartbroken family simply could not afford to continue with the adoption and had to discontinue the proceeding. Situations like this should not have to happen. Family wealth should not be the determining factor in adopting a child. This bill recognizes the importance of the family unit by alleviating some of the cost barriers associated with adoption.

This legislation has three major features. First, it should provide a tax deduction of up to $5,000 for domestic, unreimbursed, and legitimate adoption expenses. Similarly, a $7,000 tax deduction is available for individuals who obtain a most costly international adoption. This deduction would be available whether the taxpayer itemizes their deductions or not. Second, the bill would exclude from an employee's gross income up to $5,000 for domestic and $7,000 for international adoption expenses paid by an employer. Third, it would treat any employer contribution to an adoption expense plan as a deductible business expense. These tax deductions are specifically aimed by helping families that are prohibited from adopting because of financial reasons, so that they are gradually phased-out for families with taxable incomes above $60,000.

This bill provides that as long as an adoption is in accordance with State and local law, the tax deduction for unreimbursed adoption expenses would be available. Each adopting family deserves our support. This is true whether the child is a healthy infant, a child with special needs, or a child from another country. We cannot arbitrarily support some children and not others. We must support all legal adoptions.

This legislation does not provide, however, a deduction for expenses for adoptions administered through illegal practices, such as through a baby broker. Many adopting parents in my own State of Utah and in other States have been defrauded by such schemes.

Two of this bill's provisions deal with the interest in adoption by many of America's employers. Corporations such as Dow Chemical, Wendy's Inc., IBM, Digital Equipment, and Honeywell, currently offer adoption benefits. This legislation will encourage more employers to establish such pro-family plans.

The bill addresses two problems now associated with employer-provided adoption benefits. The first problem is that adoption payments to employees are taxable to the employee as income. The bill excludes from an employee's income those payments. The second problem is that employers may not treat their adoption payments to employees as deductible business expenses. The bill solves this problem by clarifying that employer contributions to an adoption expense reimbursement program are ordinary and necessary business expenses.

This legislation may actually save our society money. The National Council for Adoption has shown savings in two ways. First, the bill would move thousands of children, who might otherwise have lingered in foster care, into permanent, loving homes. Second, the tax deduction encourages the shifting of medical costs to the adopting family and away from the more expensive AFDC and Medicaid programs.

Mr. President, there are thousands of children waiting to be adopted. Many are older children, children with mental or physical disabilities, sibling children who must be adopted together, or who are of minority racial or ethnic background. Generally, States classify some of these as special needs children for whom financial assistance from the Federal Government is available upon adoption. Unfortunately, the definition of special needs varies from State to State. Thus, a child who qualifies as special needs in one State may not qualify in another. The tragic result is that some children who are difficult to place in homes do not qualify for financial adoption assistance from the Government under current law.

Mr. President, all children deserve fair treatment when administering financial assistance for adoption. Many of the families who want to adopt these children have very modest incomes and need tax breaks to help them defray the costs of providing homes to these children. Do we want to deny children our support because they are healthy and normal children?

Mr. President, I believe Congress needs to send a message to America that all children waiting for adoption are special. This bill benefits all children as well as sends the needed message.

I strongly encourage my colleagues to support this legislation. We are representatives of a society that professes a commitment to the success of the family. The Tax Code should demonstrate that commitment by allowing for the deduction of adoption expenses.

The most important resource America has is its families. We must do everything in our power to ensure their continued growth and success. Now is the time to demonstrate our pro-family values. All adoption is good, not just the adoption of children arbitrarily defined as having special needs. This legislation will greatly benefit not only children and families but society as a whole. A relatively small dollar investment in this bill will move us a long way toward strengthening the American family.

Mr. President, I ask unanimous consent that a letter from the National Council for Adoption be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL FOR ADOPTION,
Washington, DC, June 7, 1994.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: The National Council For Adoption supports the "Fairness for Adopting Families Act" introduced today by Senators Riegle and Hatch. We believe that Congress should eliminate the current inequities in federal law which treat families formed by adoption differently than families formed through childbirth. We applaud the persistence of Senator Hatch and his unfailing commitment to adoption as we implore all Members of Congress to pass this long overdue, non-controversial legislation, which previously passed the Senate but was not accepted by the House in Conference.

The question of fairness is raised when we compare the treatment of adoption costs to those expenses related to the conception, delivery and birth of a child—or high technology medical expenses for in-vitro conception, etc. Parents could in most cases itemize and deduct the latter costs as medical expenses. No similar relief is currently available for adoptive families. In addition, in an adoption, medical expenses related to the child's birth are not covered by the (adoptive) parents' health insurance, a benefit which is available to most traditionally-formed families, but are paid for out-of-pocket by adoptive families.

The costs of adoption can be very high, often prohibitively so, particularly for lower income couples who can support a child but cannot afford the average one-time costs (ranging $5,000-$20,000, but averaging $9,000) for adoption of a child through a non-governmental agency.

The number of unrelated adoptions peaked in 1970, declined and for the past decade has held fairly steady at about 51,000 in 1986. Every child available for adoption is a child with a special need for a loving home. Children who are adopted do very well in life: they do well in terms of education, employability, and psychologically. Adoption produces productive citizens. Indeed, it is the wise government that subsidizes activities that will lead to a citizenry that is productive. It is the fair government that treats similarly-situated families alike.

Senator Hatch, we join you in urging your colleagues to pass the "Fairness for Adopting Families Act."

Sincerely,

WILLIAM PIERCE, PH.D.,
President.
CAROL STATUTO BEVAN,
ED.D.,
Director, Public Policy.

By Mr. WOFFORD (for himself and Mr. WARNER):

S. 2166. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to transfer certain excess equipment to educational institutions and training schools; to the Committee on Armed Services.

TOOLS FOR SCHOOLS ACT

• Mr. WOFFORD. Mr. President, the Department of Defense currently lends surplus tools to vocational schools and community colleges across the Nation. Schools across the country are using these power tools, including grinding machines, drills, and lathes to train the work force of the 21st century. But the program has been terminated—and schools are now required to return these tools to the Government at their own expense—even though the Department of Defense no longer needs these basic tools, and would probably sell them for scrap metal.

The return and replacement of these tools would cost each school thousands of dollars. For instance, the principal of the Butler Area Vocation Technical School in Butler, PA, said that his students are currently using metal working tools that they borrowed from the Department of Defense. It would cost over $9,000 to return the tools—and over $70,000 to replace them.

That is why today I am introducing legislation with Senator WARNER to correct this situation. The Tools for Schools Act will help schools immediately by allowing them to keep the tools they currently have on loan. This legislation will enable the Defense Logistics Agency to give surplus power tools to schools.

I am pleased to work with Senator WARNER again on an issue of concern to youth. We worked together in creating a new version of the Civilian Conservation Corps that is now up and running, and we are again working on legislation to enable the Department of Defense to use its resources to help our young people.

Mr. President, reinventing Government must mean not only spending less but also spending more wisely. This is simple common sense legislation. This is simple, common sense legislation. The Defense Department can't use these tools. The schools can. This legislation will make this happen. In these times of tight Federal budgets and tight local budgets, we must be more creative, adaptable, and accountable in how we spend taxpayer dollars. The Tools for Schools Act would enable us to keep the tools in the schools—where they belong. It is better for the schools, better for the students, and better for the U.S. taxpayers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF CERTAIN EXCESS DEPARTMENT OF DEFENSE PROPERTY TO EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS.

(a) AUTHORITY TO TRANSFER.—Subsection (b)(1) of section 2535(b) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking out "and";

(2) by redesignating subparagraph (G) and subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, authorize the transfer, on a nonreimbursable basis, of any such property to any nonprofit educational institution or training school whenever the program proposed by such institution or school for the use of such property will contribute materially to national defense; and".

(b) TREATMENT OF PROPERTY LOANED BEFORE SEPTEMBER 30, 1993.—Except for property determined by the Secretary to be needed by the Department of Defense, property loaned before September 30, 1993, to an educational institution or training school under section 2535(b) of title 10, United States Code, or section 4(a)(7) of the Defense Industrial Reserve Act (as in effect before October 23, 1992) shall be regarded as surplus property. Upon certification by the Secretary to the Administrator of General Services that the property is being used by the borrowing educational institution or training school for a purpose consistent with that for which the property was loaned, the Administrator may authorize the conveyance of all right, title, and interest of the United States in such property to the borrower if the borrower agrees to accept the property. The Administrator may require any additional terms and conditions in connection with a conveyance so authorized that the Administrator considers appropriate to protect the interests of the United States.•

By Mr. ROCKEFELLER (by request):

S. 2167. A bill to increase, effective as of December 1, 1994, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of such veterans; to the Committee on Veterans' Affairs.

VETERANS' BENEFITS COST-OF-LIVING ADJUSTMENT ACT OF 1994

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2167, a bill to provide a cost-of-living increase, effective December 1, 1994, in the rates of compensation for service-disabled veterans and of dependency and indemnity compensation [DIC] for the survivors of veterans who die as a result of service. The rate of increase, currently estimated to be 3 percent, would be the same as the cost-of-living adjustment [COLA] that will be provided under current law to veterans' pension and Social Security recipients. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated May 10, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Benefits Cost-of-Living Adjustment Act of 1994".

SEC. 2. INCREASE IN RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1994, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code. The increase shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, May 10, 1994.

Hon. ALBERT GORE,
President of the Senate, Washington, DC

Dear Mr. President: There is transmitted herewith a draft bill entitled the "Veterans' Benefits Cost-of-Living Adjustment Act of 1994." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would provide a cost-of-living increase, effective December 1, 1994, in the rates of compensation for service-disabled veterans and of dependency and indemnity-compensation [DIC] for the survivors of veterans who die as a result of service. The rate of increase, currently estimated to be 3 percent, would be the same as the cost-of-living adjustment [COLA] that will be provided under current law to veterans' pension and Social Security recipients.

Compensation under title 38, United States Code, is payable only for disabilities resulting from injuries or diseases, incurred or aggravated during active service. Payments are based upon a statutory schedule of rates which vary with the degree of disability assigned by the Department of Veterans Affairs [VA], and additional amounts are payable to veterans with spouses and children if the veteran's disability is rated 30-percent or more disabling. DIC benefits are payable at statutorily directed rates to the surviving spouses of children of veterans who die of service-connected causes, or who die of other causes if they suffered service-connected total disability for prescribed periods immediately preceding their deaths. This proposed cost-of-living increase will protect these benefits against inflation.

Enactment of this increase would result in estimated additional costs of $347 million in fiscal year 1995 and $2 billion over the five-year period fiscal year 1995 through fiscal year 1999.

The effect of this draft bill on the deficit is:

FISCAL YEARS

[In millions of dollars]

	1995	1996	1997	1998	1999	1995–99
Outlays	....	....	....	....	....	....

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, requires that the baseline for veterans' compensation assume a COLA equal to the veterans' pension program COLA. We currently estimate a 3.0 percent COLA for veterans' pensions. The COLA increase in this draft bill would be the same as that for the veterans' pension programs. Therefore, the pay-as-you-go effect of the COLA is zero. However, if Congress were to enact a VA compensation COLA different from the increase for veterans' pension, then the difference between the two COLAs would be subject to the pay-as-you-go requirement of the Budget Enforcement Act.

We urge that the House promptly consider and pass this legislation.

The Office of Management and Budget advises that there is no objection to the submission of this legislation proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.•

By Mrs. KASSEBAUM:

S. 2168. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the distribution of samples of prescription drugs; to the Committee on Labor and Human Resources.

PRESCRIPTION DRUG MARKETING REFORM ACT OF 1994

• Mrs. KASSEBAUM. Mr. President, today I am introducing legislation, the Prescription Drug Marketing Reform Act of 1994, to prohibit the distribution of prescription drug samples. I believe it is time to consider the public health problems posed by sampling, the substantial costs manufacturers incur in operating sampling programs, and the extent to which eliminating sampling programs could result in more funds available for the development of new drugs and in lower costs for prescription drugs.

Prescription drug sampling involves the distribution of free drug samples to physicians to introduce them to new products or to retain brand loyalty to drugs already on the market. Many companies distribute literally hundreds of millions of sample units annually. Sampling programs are labor intensive and very expensive to operate.

I recognize that drug samples may directly benefit patients. Physicians may provide them to lower-income patients who might be unable to afford prescriptions. Samples also allow physicians to begin treatment more quickly and to test the efficacy and appropriateness of a drug before writing a full prescription. My proposal would allow the Secretary of Health and Human Services to define, through regulations, exceptions to the prohibition on the distribution of drug samples when such samples may be necessary for medical care. The legislation also allows for the continuation of pharmaceutical manufacturers' patient assistance programs, under which the manufacturers make drugs available at no or discounted cost to patients who may otherwise be unable to afford them.

But samples can also pose a serious threat to public health. Sampling may inappropriately influence prescribing decisions and may result in the inappropriate disposal of large quantities of outdated samples. Samples also contribute to the problem of drug diversion to grey markets, where samples are adulterated, repackaged in unsanitary ways, and sold to unsuspecting consumers. Although the strict regulations placed on sampling by the Prescription Drug Marketing Act of 1987 appear to have substantially reduced sample diversion, several recent FBI sting operations reveal that this public health threat has not been eliminated.

I am hopeful that the legislation I am introducing today will promote the reconsideration within the pharmaceutical industry and here in Congress of the costs and public health problems associated with sampling. I also recognize that others who share my interest in this issue may have other ways in mind to address it, and I am certainly open to discussion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(A) SHORT TITLE.—This Act may be cited as the "Prescription Drug Marketing Reform Act of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. PROHIBITION OF DRUG SAMPLES.

Section 503 (21 U.S.C. 353) is amended—

(1) in the first sentence of subsection (c)(1), by inserting "distribute," after "No person may",

(2) in the second sentence of such subsection, by striking "and subsection (d)",

(3) by inserting after the second sentence of such subsection the following: "For purposes of this subsection, the term 'distribute' does not include providing a drug sample to enable a practitioner licensed to prescribe a drug subject to subsection (b) or a health care professional acting under the direction and supervision of such a practitioner to provide for the dispensing of or to dispense a sample of such drug if the sample is made available to a patient in accordance with regulations of the Secretary specifying conditions under which such drug is necessary for medical care.",

(4) in paragraph (2), by inserting "distribute," after "No person may",

(5) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following:

"(3) Nothing in paragraphs (1) and (2) precludes distribution of a drug subject to subsection (b) at no cost or nominal cost pursuant to a program established by the manufacturer or distributor of such drug to provide it to specific identified patients who, for financial reasons, would not otherwise have access to such drug. The Secretary shall promulgate regulations to specify the documentation and record keeping required for such a program.", and

(6) by repealing subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 3. ENFORCEMENT.

(a) PROHIBITED ACT.—Section 301(t) (21 U.S.C. 331(t)) is amended to read as follows:

"(t) The importation of a drug in violation of section 801(d)(1), the distribution, sale, purchase, or trade of a drug or drug sample or the offer to distribute, sell, purchase, or trade a drug or drug sample in violation of section 503(c), the distribution, sale, purchase, or trade of a coupon or the offer to distribute, sell, purchase, or trade such a coupon in violation of section 503(c)(2), or the distribution of drugs in violation of section 503(d) or the failure to otherwise comply with the requirements of section 503(d).".

(b) PENALTY.—

Section 303(b) (21 U.S.C. 333(b)) is amended—

(1) in subparagraph (B), by inserting "distribute," after "knowingly",

(2) in subparagraph (C), by inserting "distributing," after "knowingly",

(3) in subparagraph (D), by striking "503(e)(2)(A)" and inserting "503(d)(2)(A)",

(4) in paragraph (5), by striking "because of the sale" through "503(c)(1)" and inserting "of a violation of section 503(c)", and

(5) by striking paragraphs (2), (3), and (4) and redesignating paragraph (5) as paragraph (2).

SEC. 4. EFFECTIVE DATE AND REGULATIONS.

The amendments made by this Act shall take effect upon the expiration of 180 days after the date of the enactment of this Act. During such 180 day period the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this Act. If final regulations are not promulgated before the expiration of such 180 days, the Secretary may not take any action to prevent a program, established before the expiration of such days, from providing a drug or a coupon for a drug to patients who would not otherwise be able financially to use such drug.●

ADDITIONAL COSPONSORS

S. 148

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 148, a bill to amend section 337 of the Tariff Act of 1930 and title 28 of the United States Code to provide effective procedures to deal with unfair practices in import trade and to conform section 337 and title 28 to the General Agreement on Tariffs and Trade, and for other purposes.

S. 295

At the request of Mr. MCCONNELL, his name was withdrawn as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1634

At the request of Mr. HEFLIN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1634, a bill to authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes.

S. 1651

At the request of Mr. D'AMATO, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, New York.

S. 1690

At the request of Mr. PRYOR, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1819

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1819, a bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units.

S. 1879

At the request of Mr. COCHRAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1879, a bill to provide disaster assistance to producers for certain losses due to freezing conditions in 1994, and for other purposes.

S. 1924

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1975

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1975, a bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes.

S. 1976

At the request of Mr. DODD, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Florida

[Mr. MACK] were added as cosponsors of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 2062

At the request of Mr. INOUYE, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

S. 2065

At the request of Mr. HARKIN, the names of the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. SHELBY], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 2065, a bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing regulations under the act, and for other purposes.

S. 2067

At the request of Mr. MCCAIN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

S. 2123

At the request of Mr. DORGAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2123, a bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments.

S. 2156

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2156, a bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes.

SENATE JOINT RESOLUTION 178

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE RESOLUTION 148

At the request of Mr. SIMON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE RESOLUTION 218

At the request of Mr. SIMON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 218, a resolution relative to the war in Nagorno-Karabakh.

SENATE RESOLUTION 219

At the request of Mr. BROWN, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Resolution 219, a resolution expressing the sense of the Senate regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment.

AMENDMENTS SUBMITTED

FEDERAL ACQUISITION STREAMLINING ACT

HATFIELD (AND PACKWOOD) AMENDMENT NO. 1753

Mr. HATFIELD (for himself and Mr. PACKWOOD) proposed an amendment to the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes; as follows:

At the end of the bill, add the following new title:

TITLE X—WAIVER OF THE APPLICATION OF THE PREVAILING WAGE-SETTING REQUIREMENTS TO VOLUNTEERS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Community Improvement Volunteer Act of 1994".

SEC. 1002. PURPOSE.

It is the purpose of this title to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration (including painting and decorating) of public buildings and public works funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs that might not otherwise be possible without the use of volunteers, by waiving the application of the otherwise application prevailing wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) to such volunteers.

SEC. 1003. WAIVER.

(a) IN GENERAL.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in subsection (d), and the provisions relating to wages, in any federally assisted or insured contract or subcontract for construction, shall not apply to any individual—

(1) who volunteers—

(A) to perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b)), but solely for the personal purpose of pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from an employer;

(2) whose contribution of service is not for the benefit of any contractor otherwise performing or seeking to perform work on the same project; and

(3) who is not otherwise employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

(b) EXPENSES.—Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) if the Secretary of Labor determines, after an examination of the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities of the specific federally assisted or insured project, that such payments are appropriate. Subject to such a determination—

(1) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(2) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(3) a nominal fee may not be used as a substitute for compensation and may not be tied to productivity.

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be made on a case-by-case basis and in the context of the economic realities of the situation involved.

(c) ECONOMIC REALITY.—For purposes of subsection (b), in determining whether an expense, benefit, or fee described in such subsection may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary of Labor shall not approve any such expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(d) CONTRACTS EXEMPTED.—For purposes of subsection (a), the Acts or provisions described in this subsection are the following:

(1) The Library Services and Construction Act (20 U.S.C. 351 et seq.).

(2) The Indian Self-Determination and Education Association Act (25 U.S.C. 450 et seq.).

(3) Section 329 of the Public Health Service Act (42 U.S.C. 254b).

(4) Section 330 of the Public Health Service Act (42 U.S.C. 254c).

SEC. 1004. REPORT.

Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

(1) identifies and assesses, to the maximum extent practicable—

(A) the projects for which volunteers were permitted to work under this title; and

(B) the number of volunteers permitted to work because of the compliance of entities with the provisions of this title; and

(2) contains recommendations with respect to Acts related to the Davis-Bacon Act that could be addressed to permit volunteer work.

GRASSLEY AMENDMENT NO. 1754

Mr. GRASSLEY proposed an amendment to the bill S. 1587, supra; as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

SEC. 9001. LEGAL COUNSEL FOR INSPECTORS GENERAL.

(a) AUTHORITY TO EMPLOY COUNSEL.—Section 3 of the Inspector General Act of 1987 (5 U.S.C. App.) is amended—

(1) in subsection (d)—

(A) by striking out ", and" at the end of paragraph (1) and inserting in lieu thereof a semicolon;

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(3) appoint a legal counsel who shall have the responsibility for providing the Inspector General with legal advice, including formal legal opinions."; and

(2) by adding at the end the following new subsection:

"(e) Each person appointed as a legal counsel to the Inspector General of an establishment shall report to and be under the general supervision of the Inspector General and may not be required to report to, or be subject to supervision by, any other official or employee of the establishment. Only the Inspector General may evaluate the performance of a legal counsel for official purposes.".

(b) ABSORPTION OF COST FOR FISCAL YEAR 1994.—In the case of a department or agency referred to in paragraph (2), funds available for fiscal year 1994 for the General Counsel of such department or agency that would be expended for such fiscal year for payment of the costs of the legal staff (including support staff) made available by the General Counsel of such department or agency to the Inspector General of that department or agency on a permanent basis shall be used for paying the costs for fiscal year 1994 for legal counsel (including support staff for legal counsel) employed by the Inspector General of such department or agency.

(2) Paragraph (1) applies to the following departments and agencies:

(A) The Department of Defense.

(B) The Department of Health and Human Services.

(C) The Department of Transportation.

(D) The Environmental Protection Agency.

(E) The Federal Emergency Management Agency.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

Sec. 9001. Authority of Inspectors General to employ legal counsel.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

CONRAD (AND OTHERS) AMENDMENT NO. 1755

Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. SASSER, Mr. BRADLEY, Mr. DORGAN, and Mr. BRYAN) proposed an amendment to the bill S. 1587, supra; as follows:

On page 438, after line 25, insert the following:

SEC. 2192. UNALLOWABILITY OF ENTERTAINMENT COSTS UNDER COVERED CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the cost principle in the Federal Acquisition Regulation that is set out in section 31.205-14 of title 48, Code of Federal Regulations, relating to unallowability of entertainment costs—

(1) by inserting in the cost principle a statement that costs made specifically unallowable under that cost principle are not allowable under any other cost principle; and

(2) by striking out "(but see 31.205-1 and 31.205-13)".

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 1756

Ms. MOSELEY-BRAUN (for herself, Mr. LAUTENBERG, Mr. KERRY, Mr. WELLSTONE, Mrs. HUTCHISON, Mrs. MURRAY, and Mr. KOHL) proposed an amendment to the bill S. 1587, supra; as follows:

On page 230, between lines 13 and 14, insert the following section:

SEC. 4105. CONTRACTING AND SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.

(a) ESTABLISHING GOALS FOR CONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 15(g) of the Small Business Act (15 U.S.C. 637(g)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," in paragraph (1) after "small business concern" each time it appears;

(2) by inserting the following after the second sentence of paragraph (1): "The Government-wide goal for participation by small business concerns owned by women shall be established at not less than 5 percent of the combined total value of all prime contracts and subcontracts awarded for each fiscal year, provided that higher goals otherwise established by law shall not be reduced or limited by the foregoing."

(3) by inserting ", small business concerns owned and controlled by women," in paragraph (2) after "small business concern" each time it appears.

(b) REPORTS.—Section 15(h) of the Small Business Act (15 U.S.C. 637(h)) is amended—

(1) in inserting ", small business concern owned and controlled by women," after "small business concern" in paragraph (1), (2)(A), and (2)(D); and

(2) by adding a new paragraph (3) to read as follows:

"(3) Five years after the date of enactment of the Federal Acquisition Streamlining Act of 1994, the President shall include in the report required by paragraph (2) an assessment of the progress made in increasing the extent of participation by small business concerns owned and controlled by women in procurement contracts and subcontracts of Federal agencies and appropriate recommendations for action based on such assessment."

(b) SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by inserting ", small business concerns owned and controlled by women," in paragraph (1) after "small business concern" each time it appears;

(2) by deleting "small purchase threshold" in paragraph (2) and substituting "simplified acquisition threshold";

(3) by inserting ", small business concerns owned and controlled by women," in paragraph (3)(A) and (D) after "small business concern" each time it appears;

(4) by inserting the following at the end of the first sentence of subparagraph (3)(C): "The term 'small business concern owned and controlled by women' shall mean a small business concern which is at least 51 percentum owned by one or more women; or in the case of a publicly owned business, at least 51 percentum of the stock is owned by one or more women; and whose management and daily business operations are controlled by one or more of such women."

(5) by inserting ", small business concerns owned and controlled by women," in paragraph (4)(D) and (E) after "small business concern" each time it appears; and

(6) in inserting ", small business concern owned and controlled by women," in paragraph (6)(A), (C) and (F) after "small business concern" each time it appears.

MCCAIN AMENDMENT NO. 1757

Mr. ROTH (for Mr. MCCAIN) proposed an amendment to the bill S. 1587, supra; as follows:

At the appropriate place insert the following new section:

SEC. ( ). (a) The Administrator of the General Services Administration, no later than 120 days after enactment of this section, shall issue guidelines to ensure that Agencies promote, encourage and facilitate the use of frequent traveler programs offered by airlines, hotels and car rental vendors by federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) Within one year of enactment of this section, the Administrator shall report to the Congress on efforts to promote the use of frequent traveler programs by federal employees.

SMITH (AND ROTH) AMENDMENT NO. 1758

Mr. SMITH (for himself and Mr. ROTH) proposed an amendment to the bill, S. 1587, supra; as follows:

On page 316, line 1 insert "(other than a construction contract)" after "property or services".

On page 342, line 17, insert "(other than a construction contract)" after "property or services".

HARKIN AMENDMENT NO. 1759

Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1587, supra; as follows:

At the appropriate place in the bill insert:

UNIFORM SUSPENSION AND DEBARMENT.

(a) Within six months after the date of enactment of this Act, regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonpro- curement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) The regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

(c) Definitions.—For the purposes of this Part:

(1) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(2) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) "Agency" refers to executive departments and agencies.

HARKIN AMENDMENT NO. 1760

Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1587, supra; as follows:

At the appropriate place in the bill, insert:

SEC. . PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-federal auditors, six months after receipt of the report by the Federal Government.

GRASSLEY AMENDMENT NO. 1761

Mr. GRASSLEY proposed an amendment to the bill S. 1587, supra; as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

SEC. 9001. COMPTROLLER GENERAL REVIEW OF THE PROVISION OF LEGAL ADVICE FOR INSPECTORS GENERAL.

(a) Review and Report Required.—Not later than March 1, 1995 the Comptroller General of the United States shall—

(1) conduct a review of the independence of the legal services being provided to Inspectors General appointed under the Inspector General Act of 1978; and

(2) submit to Congress a report on the results of the review.

(b) Matters Required for Report.—The report shall include the following matters:

(1) With respect to each department or agency of the Federal Government that has an Inspector General appointed in accordance with the Inspector General Act of 1978 whose only or principal source of legal advice is the general counsel or other chief legal officer of the department or agency, an assessment of the extent of the independence of the legal advisors providing advice to the Inspector General.

(2) A comparison of the findings under the assessment referred to in paragraph (1) with findings on the same matters with respect to each Inspector General whose source of legal advice is legal counsel accountable solely to the Inspector General.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

Sec. 9001. Comptroller General review of the provision of legal advice for inspectors general.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

WELLSTONE AMENDMENT NO. 1762

Mr. WELLSTONE proposed an amendment to the bill S. 1587, supra; as follows:

On page 463, line 3, insert "(a) Extension of Authority.—" before "Section 6(e)".

On page 463, between lines 5 and 6, insert the following:

(b) Availability of Procedures to Small Business Government Contractors.—Section 6(e) of such Act is amended by inserting after the first sentence the following:

"In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute.

"In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

WELLSTONE (AND BUMPERS) AMENDMENT NO. 1763

Mr. WELLSTONE (for himself and Mr. BUMPERS) proposed an amendment to the bill S. 1587, supra; as follows:

On page 383, line 15, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))" after "No party".

On page 393, line 24, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) after "no party".

HUTCHISON AMENDMENT NO. 1764

Mr. ROTH (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1587, supra; as follows:

On page 518, between lines 13 and 14, insert the following:

SEC. 4105. DEVELOPMENT OF DEFINITIONS REGARDING CERTAIN SMALL BUSINESS CONCERNS.

(a) Review Required.—

(1) Definitions to be identified.—The Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, as in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the small business concerns set forth in paragraph (2) for purposes of authorizing the participation of such small business concerns as prime contractors or subcontractors in—

(A) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts; or

(B) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

(2) Covered small business concerns.—The small business concerns referred to in paragraph (1) are as follows:

(A) Small business concerns owned and controlled by socially and economically disadvantaged individuals.

(B) Minority-owned small business concerns.

(C) Small business concerns owned and controlled by women.

(D) Woman-owned small business concerns.

(b) Matters To Be Developed.—On the basis of the results of the review carried out under subsection (a), the Administrator for Federal Procurement Policy shall develop—

(1) uniform definitions for the small business concerns referred to in subsection (a)(2);

(1) uniform agency certification standards and procedures for—

(A) determinations of whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) under an applicable standard for purposes contracts and subcontracts referred to in subsection (a)(1); and

(B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) for such purposes; and

(3) such other related recommendations as the Administrator determines appropriate consistent with the review results.

(c) Procedures and Schedule.—

(1) Participation by certain interested parties.—The Administrator for Federal Procurement Policy shall provide for the participation in the review and activities under subsections (a) and (b) by representatives of—

(A) the Small Business Administration (including the Office of the Chief Counsel for Advocacy);

(B) the Minority Business Development Agency of the Department of Commerce;

(C) the Department of Transportation;

(D) the Environmental Protection Agency; and

(E) such other executive departments and agencies as the Administrator considers appropriate.

(2) CONSULTATION WITH CERTAIN INTERESTED PARTIES.—In carrying out subsections (a) and (b), the Administrator shall consult with representatives of organizations representing—

(A) minority-owned business enterprises;

(B) women-owned business enterprises; and

(C) other organizations that the Administrator considers appropriate.

(3) SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register a notice which—

(A) lists the provisions of law identified in the review carried out under subsection (a);

(B) describes the matters to be developed on the basis of the results of the review pursuant to subsection (b);

(C) solicits public comment regarding the matters described in the notice pursuant to subparagraphs (A) and (B) for a period of not less than 60 days; and

(D) addresses such other matters as the Administrator considers appropriate to ensure the comprehensiveness of the review and activities under subsections (a) and (b).

(d) REPORT.—Not later than May 1, 1995, the Administrator for Federal Procurement Policy shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of the review carried out under subsection (a) and the actions taken under subsection (b). The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations with regard to the matters identified under subsection (b).

VA STATE HEALTH CARE REFORM PILOT PROGRAM ACT

ROCKEFELLER AMENDMENT NO. 1765

Mr. GLENN (for Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1974) to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; as follows:

On page 32, strike out lines 17 through 20 and insert in lieu thereof the following:

(B) Amounts deposited in the Fund pursuant to clauses (ii) and (iv) shall be derived from amounts appropriated to the Department of Veterans Affairs for the Veterans Health Administration for medical care.

On page 33, line 4, insert "the" after "shall deposit in".

On page 34, strike out lines 11 through 15 and insert in lieu thereof the following:

(5)(A) Notwithstanding any other provision of law, amounts in the Fund shall be available for all expenses incurred by the Veterans Health Administration in carrying out the pilot programs. Subject to subparagraph (B), the health system director for a State in which a pilot program is carried out shall determine the expenses of the pilot program for that State for purposes of this paragraph.

On page 35, strike out lines 4 through 6 and insert in lieu thereof the following:

(C) The period of availability of amounts in an account established in the Fund for a pilot program shall end on the last day of the fiscal year in which the pilot program is carried out.

On page 37, between lines 6 and 7, insert the following:

(3) Not later than 30 days after the end of any fiscal year in which a pilot program is carried out under section 3, the Secretary shall submit to the appropriate committees of Congress a report describing the amounts expended from the Department of Veterans Affairs Health Care Reform Fund established under section 3(j)(1) during that fiscal year for each pilot program so carried out.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee mark up of S. 1830, the Small Business Defense Conversion Loan Guarantee Act of 1994, and H.R. 4322, legislation to amend the Small Business Act to increase the authorization for the development company program. The mark up will occur on Tuesday, June 14, 1994, at 10 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, deputy staff director of the Small Business Committee at (202) 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Tuesday, June 21, 1994, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the proposed location of the Disney's America project and its potential impact on the Manassas National Battlefield Park and other significant historic sites in northern Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information regarding the hearing, please contact David Brooks of the Subcommittee staff at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on Research and Development.

The purpose of the hearing is to receive testimony on the bill S. 2104, a bill to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program.

The hearing will take place on Tuesday, June 28, 1994 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, United States Senate, Washington, DC. 20510, Attention: Mr. Paul Barnett.

For further information, please contact Paul Barnett of the Committee staff at (202) 224–7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 8, 1994, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 1936, the Indian Integrated Resources Management Planning Act; and S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on June 8, 1994, at 8 a.m., recessing at 12 noon, and reconvening in the afternoon and evening, for an executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 11 a.m., in closed session, to mark up the coalition defense and reinforcing forces programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION AND INDUSTRIAL BASE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition and Industrial Base of the

Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 6 p.m., in closed session, to mark up the defense technology, acquisition, and industrial base programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and personnel of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 9:30 a.m., in closed session, to mark up the force requirements and personnel programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 4 p.m., in closed session, to mark up the military readiness and defense infrastructure programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 2:30 p.m., in closed session, to mark up the nuclear deterrence, arms control, and defense intelligence programs for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., June 8, 1994, to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MARLTON LIONS CLUB

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the members of the Marlton Lions Club, which will proudly celebrate its 40th anniversary on June 11 of this year, and I am pleased to share with you a bit of their remarkable history of service.

On June 11, 1954, 21 members of the community of Marlton, NJ, were granted a charter to join the International Association of Lions Clubs, the world's largest service club organization. Since that time, the Marlton Lions Club's impressive record of humanitarian accomplishments has made it an integral element of the community which it serves.

Lions worldwide, with a membership of 1.4 million in 41,700 Lions Clubs in 180 countries and geographic areas, is devoted to the eradication of preventable and reversible blindness through Campaign SightFirst. This campaign sponsors and supports numerous projects which aid the blind, provide glasses, and promote vision care. The Lions Club has also been active in conducting drug and diabetes awareness campaigns and providing opportunities for the handicapped and needy.

Over the past 40 years, the Marlton Lions Club has extended these benefits of Lionism to the community of Marlton through either sponsoring or contributing to many humanitarian projects. Some of these programs have involved drug awareness in local schools, annual scholarships, eye examinations and eyeglasses, and food baskets for the needy. Most importantly, the Marlton Lions are the only model club in New Jersey for Campaign SightFirst. The Lions Club has also participated in various events in the community of Marlton.

With their dedication to service, concern for the needs of all humanity, and selfless efforts toward bettering society, the members of the Marlton Lions Club are truly a source of pride for the entire community and the State of New Jersey. I am proud to acknowledge and praise their work, and to thank them for the important contributions they have made to the people of New Jersey. I wish to congratulate every member on this 40th anniversary and encourage the Marlton Lions Club to continue their tremendous efforts in the 40 years to come.•

THE INTERNATIONAL COMMUNITY'S FAILURE IN RWANDA

• Mr. DURENBERGER. Mr. President, I rise today to underscore the need—even at this late date—to help reduce the suffering in Rwanda and the neighboring countries where thousands of refugees have fled.

I am deeply concerned that we have not acted more quickly—and that our inaction in addressing this crisis will be repeated in some other area of the world.

Our present inaction is the direct result of the leadership vacuum that exists at the White House—a vacuum that is mirrored at the Department of State and at the National Security Council.

Instead of being a moral voice rallying support for the thousands of refugees—or speaking up in righteous wrath against the genocide—the United States has been paralyzed by the same malaise that has caused the Europeans and other nations to refuse to provide direct support to stop the bloodshed.

And we cannot excuse the international community for its failure by trying to rewrite history. In this respect, I call my colleagues' attention to a recent article in the Washington Times entitled "Missing Pieces of the Rwanda Puzzle," which paints a revisionist picture of the facts about the conflict in Rwanda.

Despite what is said in this article, there is no present evidence to substantiate the allegation that regular units of the Ugandan Army are fighting in Rwanda under the banner of the Rwanda Patriotic Front [RPF].

When this rumor first surfaced, my office was in directed contact with the U.S. Ambassador to Uganda, Johnnie Carson, who confirmed the fact that the Ugandan Army was not involved in this conflict. This fact has subsequently been confirmed in conversations with the Department of State.

The conflict that has raged between the armed forces of the Government of Rwanda and the RPF has resulted in military casualties to both sides, and to civilians who have been caught in the fighting.

However, the atrocities we read about almost every day—that have been perpetrated on unarmed men, women, and children—have been largely the work of armed Hutu bands. These atrocities are being aided and encouraged by government forces.

The mass killing of unarmed civilians has not been equally the work of Hutus and Tutsis, as the Washington Times article would have us believe. The victims of these genocidal acts have been Tutsis and moderate members of the Hutu Tribe that oppose the present provisional government.

This is confirmed by those who have been lucky enough to escape the genocide, and by members of such well-known human rights organizations as Africa Watch who have been in direct contact with the events.

Nor are the events that have occurred in Rwanda the result of some outside influence, or the ambition of an African leader to establish a tribal empire in east central Africa.

Though the facts may never be known, the information at present would indicate that the plane crash which killed President Juvenal Habyarimana was, in all probability, caused by elements of his own government who were dissatisfied with his moderate approach and desire to institute a coalition government—as called for in the Arusha Accords.

Changing the facts will not change the situation. There are still thousands of refugees in camps located in neighboring countries, principally Uganda, Tanzania, and Burundi. They are in desperate need of medical assistance and the necessities of life.

There are also still those in Rwanda who fear for their lives because of the lawlessness and roving bands of armed youths. There is still a need for safe havens where those who have survived the massacre can receive protection, medical assistance, and food.

Distortion or misstatement of the facts cannot justify the suffering that continues today.

More than 100,000 Rwandans are dead. Just as self-styled revisionist historians cannot erase the tragic fact of the 1933–45 Holocaust, no newspaper article can change the reality of what has taken place in Rwanda.

I thought it important to set the record straight.•

COMMON GOALS IN CIVIL RIGHTS

• Mr. SIMON. Mr. President, the person in charge of my Chicago office, which is the largest office I have in Illinois, is Nancy Chen, who happens to be a Chinese-American by heritage.

She was recently been named to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, and she gave a keynote address to a meeting of the Commission regarding the problems faced by Asian-Americans.

Because it has implications for the entire Nation, not simply for the State of Illinois, I ask that her comments be inserted into the RECORD at the end of these remarks.

Asian-Americans face problems, as she points out.

And she includes a personal comment of an experience that she had heading my office.

In her address, she says:

> As the head of Senator SIMON'S office, I was recently asked to meet with a constituent who was complaining about the service of my staff members. But when she saw me, she refused to deal with me because as she put it, I was not American. She also said she did not want to deal with anyone who bombed Pearl Harbor. While others may not be as insensitive and crude as this particular person, the perception that Asians are foreigners contributes to many problems we discuss here today.

I ask to insert Nancy Chen's full statement into the RECORD at this point.

The statement follows:

KEYNOTE SPEECH FOR THE ILLINOIS ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, MAY 25, 1994

(By Nancy Chen)

I would like first to thank the members of the Illinois Advisory Committee to the U.S. Commission on Civil Rights for your authorizing this consultation project on Asian American Issues in the Greater Chicago area. As a new kid on the block to the advisory committee, I am very grateful that you took on this project that is very important to the Asian American Community in Illinois and to me personally. As I understand, this consultation on Asian American issues is a historic first for the Illinois Advisory Committee to undertake.

From the inception of this consultation to the actual conference, it has been a gratifying experience working with the Commission's regional staff, Connie Davis, Peter Manarik and Carolyn Whitfield, whose professionalism and enthusiasm greatly contributed toward the success of this project.

It is projected that the Asian American population will reach 20 million by the year 2020. It is the fastest growing group in America. It is important that we do not underestimate the social, economic and political impact of Asian Americans in the next 25 years, nor should we neglect the needs and concerns of this community today.

Although Asian Americans have been in this country since the middle of the last century, we are often considered a new group in the civil rights community. The U.S. Commission on Civil Rights issued an extensive report in 1992 on the Civil Rights Status of Asian Americans in the 1990s, citing wide spread discrimination and barriers in many areas. At a time when our nation is going through another inward looking stage in which anti-immigrant sentiment is not just expressed by a few, but openly used by some politicians to win votes, this consultation project offers an important and timely opportunity for the public as well as Asian Americans themselves to take a closer look at a community that still is comprised largely of immigrants.

Asian Americans grew 4 times in populations since 1965 from around 1 million to over 7 million in 1990. The Asian community in the Chicago area almost doubled its size from around 150,000 to almost 300,000 between 1980 and 1990. The uniqueness about the community here is that, it is a microcosm of the Asian community in the nation—with every major ethnic group from Asia represented, but no particular group more dominant than others as is often the case on the East or West Coasts or Hawaii, where Chinese and Japanese American communities are well established. Asian Americans here have been able to work together without the exclusion of others. The best example is the Asian Coalition Dinner hosted by a different community each year through a rotation system. The dinner, started 10 years ago by the Chinese community, has grown to become a major cultural and political event for the city, a must visit for local and statewise elected officials and candidates. The uniqueness of the Asian community here, however, does not free it from problems described by the Commission's report.

Today and tomorrow morning, you will hear the testimonies from a group of community experts and scholars on issues with both national and local perspectives.

Asian Americans here have often bemoaned the lack of political representation for the community. Unlike the African American and Latino communities in Chicago which have successfully attained greater political strength through redistricting, Asian Americans have remained largely ignorant to the process. Redistricting is a frontier which has been paid little attention, yet is so crucial for Asian Americans to achieve full political empowerment. The panelists will tell you how the redistricting affected Asian Americans' voting power in the city of Chicago and Cook County—an issue which is just beginning to be addressed by the community in the aftermath of the recent redistricting. It has certainly been a frustrating experience for Chinese Americans in South Chinatown who tried to learn the intricacy of the politics of remapping as they attempted to stop Chinatown from being fractionalized. Sadly, they realized that they did too little and too late.

I hope that by bringing this issue to the forefront, Asian Americans will be better informed about the impact that unfair redistricting plans have to dilute their voting strength and discourage Asian American candidates from running for office. It is also important for Asian Americans to be aware that under the "one person, one vote" standard in the U.S. Constitution, Asian Americans are protected from dilution of their voting strength when we constitute a substantial percentage of the voting age population. While redistricting fights are more commonly associated with black and Hispanic districts because of the size of those communities, there will be opportunities for Asian Americans, if only to be kept intact in the district to comprise the influential swing vote. We are robbed of the opportunity to exert the maximum influence of our numbers if we are split over 2 or 3 districts, as is the case in the Chicago City Council. Let me also add that last year's U.S. Supreme Court decision in Shaw v. Reno which questions the validity of majority-minority districts will have future impact on Asian American political progress. The lawyers in our community should watch how it is interpreted around the country by lower courts. It is not too early for Asian Americans to be prepared for the next round of reapportionments following the Census in the year of 2000.

Perceptions about Asian Americans are often contradictory-with reports such as the one in the February issue of the Atlantic Monthly complaining about Southeast Asian refugees taxing our nation's welfare system on one hand, and on the other, a study published by the Center for Immigration Studies warning about Asian American professionals edging out other minority groups and whites in high paying jobs.

Asian Americans in Illinois have been fortunate that there is less confrontation and hostility directed toward them from either the public or the private sector than those who live on the West Coast. However, job discrimination, glass ceiling and misconceptions about Asian Americans have no geographic limit. In the Chicago area, these problems remain pervasive. Today, We have an opportunity to learn first hand about the conflicting images of Asian Americans—affluence vs. poverty, professionals vs. low-wage workers, etc. The working status of Asian Americans in this area ranges from unskilled workers staying at the bottom rung of the job market to those highly trained professionals who are also in the rut of becoming what many called "frozen talents", forever stuck in their technical station, feeling under-utilized and disillusioned. Being labeled as "model minority" is more a curse than a blessing for Asian Americans. This well meaning nickname for Asian Americans ignores those in our community who have not advanced and ignores the barriers we face, the promotions lost, the political appointments not secured that we would otherwise expect from our educational and economic accomplishments.

As many Asian Americans share similar civil rights concerns, the diversity in cultures and ethnicities found in the community here also present many challenges ranging from conflicts within the community to race relations with non-Asian communities. The conflicts within the community can be attributed to differences in religion and to historical animosity in the homelands. Although there have been fewer hate crimes against Asian Americans in this area compared to nationwide statistics, there are still concerns that such incidents are underreported because of language and cultural barriers.

A more serious problem for Asian Americans which is not shared by European or Hispanic immigrants is that we are often not considered American. As the head of Senator Simon's office, I was recently asked to meet with a constituent who was complaining about the service of my staff members. But when she saw me, she refused to deal with me because as she put it, I was not American. She also said she did not want to deal with anyone who bombed Pearl Harbor. While others may not be as insensitive and crude as this particular person, the perception that Asians are foreigners contributes to many problems we discuss here today. Anti-Asian sentiment rises whenever there is political or economic friction between the United States and an Asian country. Asian American candidates have difficulty to be accepted because of their appearance and their ancestry. The feeling that Asian Americans just do not fit into the vision of America keeps Asian Americans behind in their professions, in politics and in their overall pursuit of happiness in a country to which they or their ancestors as many as five generations back have chosen to belong.

As we look ahead to the 21st Century in which the Asian American population will have a more significant impact in our nation's workforce and economy, the issue of racial discrimination will not go away unless we begin to work on it. To achieve full equality for Asian Americans, we need a lot of allies to help work on common goals. The Asian community has begun to reach out to African American and Latino groups to build civil rights coalitions. It is also important that our policy makers do not view race relations as just black and white.

In conclusion, I want to thank all the panelists for their commitment to be here to share their insights and to contribute to this important discussion about the state of Asian America. This will be the beginning of many more dialogues that we must actively pursue to promote better understanding and better relations with everyone in our city, state and nation.•

AN OUTSTANDING FEDERAL EMPLOYEE

• Mr. LEVIN. Mr. President, Albert Zamberlan, Regional Director of the Department of Veterans Affairs, central region, is going to retire on July 1, 1994, at the end of 35 years of Government service.

Mr. Zamberlan has served as the VA Regional Director since July 1981. Prior to this appointment, he was Director of VA medical centers in Clarksburg, WV; Allen Park and Ann Arbor, MI. He also served as district director of the VA's former Medical District 14, which included VA medical centers in Ann Arbor, Allen Park, Battle Creek, and Saginaw, MI.

Throughout his career, Mr. Zamberlan has been recognized for superior performance and received numerous awards. In 1993, he received the Under Secretary's Honor Award, the highest award bestowed upon an individual in the Department of Veterans Affairs, Veterans Health Administration. In 1992, Mr. Zamberlan received the Secretary's Fifth Annual Equal Employment Opportunity Award. He received the Distinguished Service Award from Federally Employed Women, Inc., for his outstanding support for the advancement of women in 1987.

Mr. Zamberlan also was presented the 1984 Presidential Distinguished Executive Rank Award for outstanding leadership in the VA, the highest honor granted to a Federal employee for performance. In 1983, the Association of Military Surgeons of the United States honored him with the Ray E. Brown Award, the highest healthcare executive award.

I have personally worked with Mr. Zamberlan, more fondly known as Z, to help the Administration deal more effectively with patients suffering from post traumatic stress syndrome. We have also worked together to help homeless veterans in our State.

I am proud to recognize Mr. Zamberlan's many fine contributions to veterans and the Veterans Administration, and I wish him good health and great success in his future endeavors.•

SINKING INTO THE MUD

• Mr. SIMON. Mr. President, hatreds hurt everyone, and they distort our thinking. When a person is hated, it is easy to hate in return.

In reading the Jerusalem Report the other day, I came across a column by Anne Roiphe with the heading "Sinking Into the Mud" and the subhead: "One of the terrible things about this round of anti-Semitism is that it makes me hate back and just as widely, just as ignorantly."

It is sad to note that hatred toward groups, of whatever background, seems to be rising in our country.

I urge my colleagues to read the column by Anne Roiphe, and I ask that it be inserted into the RECORD at this point.

The column follows:

SINKING INTO THE MUD

Louis Farrakhan is not the last Haman or even the most remarkable but he does break the heart. "Again," we sigh, "You," we think, "not you too," as images of Abraham Joshua Heschel standing at the side of Martin Luther King, and Schwerner and Goodman lying dead in a Southern ditch float through our heads. Farrakhan referred to the "narrow-minded common Jew" and stated, "The Jews cannot defeat me. I will grind them and crush them into little bits."

We don't believe that major programs will spill out of Harlem (Crown Heights was most likely a singular event). But we do know that Farrakhan stirs up hatred, that he repeats and his followers repeat every vile anti-Semitic smear known to history and some that are reinvented for our time. Steve Cokely, a Farrakhan sympathizer, a black activist in Chicago, gave a series of lectures in which he said that Jewish doctors have deliberately injected black children with the AIDS virus. How many times in our history have we been accused of starting or spreading plague, small-pox, typhus etc? AIDS intentionally spread by Jewish doctors is just the newest form of the oldest blood libel. We really shouldn't be surprised but we are.

Now I am in the bus and I see the well-dressed, mild-looking black man opposite me pull out of his briefcase a book called "The Protocols of Zion," or I overhear on the subway a young black man complaining about Jewish control of the movies, and I sit silently, look away, feel afraid. I have a friend who no longer wants her seven-year-old son to wear his yarmulke on Broadway. She thinks that with his yarmulke on he is a target for a crazy black person. The air we breathe, the communal air of our cities has been poisoned. This does not mean that every black looks at every jew with hatred but enough do. The American pluralistic song begins to offend the ear with its sour notes. I begin to believe as I shop at the Korean vegetable store, as I head off to the bookstore, as I go downtown to the dentist, that I am moving through a fog of innuendo, bigotry and hatred.

This is new to America, well perhaps not entirely new; Father Coughlin, Bilbo, the great anti-Semites of the desperate 1930s probably had a similar effect in the metropolis. But it's new for me, born in 1936. I always felt safe here as a Jew. The polite anti-Semitism of the social sort, country clubs closed, restricted apartments, never seemed to affect the way we lived and what we did with our minds. I always felt that the European barbarism would not cross the ocean. I believed that equality and brotherly love, if not yet in every mind, was a social goal that we were always steadily if slowly approaching. Hah! (Yes, I know Herzl told me so a long time ago.)

And of course my own dormant racism rises to the bait. Now I look at a gaggle of black teenagers waiting in line ahead of me at the movies and I don't think of their academic ambitions, nor am I amused by their young hormones racing as they tease one another. I avoid eye contact. I wonder if they're carrying drugs or guns. I do not think of them as colleagues on my life journey. One of the terrible things about this round of anti-Semitism is that it makes me hate back and just as widely, just as ignorantly.

There has always been anti-shwartze feeling in the Jewish world. It came from the mouths of a generation imitating the worst in a profoundly racist American community. It was an infection caught from the American social grid. Now it has flared up in response to Farrakhan and his well-dressed followers who like undertakers come to bury us. The shock we feel about comparing catastrophes, defending ourselves against accusations of greediness or slave-trading, has left us numb, turning inward.

So while the historians and sociologists pundit on about the tribal nature of man and the root causes of the fires of bigotry, we who live on day to day in this ragged American dream, attempt to find personal ways to hold on to our balance, continue to care for the child who needs a better school or a better health clinic, remember that we had a vision of a good life, decent housing, fair opportunity, and that vision was not just for ourselves and was never intended to fence anyone out. I will not let Farrakhan take from me my stand with Abraham Joshua Heschel and my old-fashioned desire to overcome everyone's anguish. I don't want to be dragged into the mud. Will I be able to help it?•

RECOGNITION FOR NEVADA FINALISTS IN THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

• Mr. REID. Mr. President, on April 30–May 2, 1994 more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We the People . . . The Citizen and the Constitution Program. I am proud to announce that the class from Edward C. Reed High School from Sparks represented the State of Nevada and won the Best in the West regional competition. These young scholars worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing Nevada are:

Abigail Abraham, Denise Arnold, Tammy Charlton, Eric Evangelista, Nathan Exline, Lorainne Forbush, Kathy Freeman, Cami Frey, Joseph Halili, Christina Heidman, Moses Hernandez, Clay Hill, and Scott Hislop.

Also Kimiko Ishibashi, Elizabeth Kitchen, Melissa Leavister, Tammy McClusker, Shawn Mitchell, David Moyer, Sean O'Hair, David Parsons, Stasi Taylor, Cory Von Pinnon, Tara Wilson, Sean Yancey, and Jonathan Young.

I also would like to recognize their teacher Mr. Denton Gehr II, who deserves much of the credit for the success of the team. The district coordinator Ms. Judy Simpson and the State coordinator, Ms. Phyllis Darling, have also contributed much time and effort to help the team reach the national finals and win the Best in the West regional competition.

The We the People . . . the Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the county to demonstrate their knowledge of constitutional issues.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing the State of Nevada and commend them and their teacher for their hard work. They are headed for a bright future, and I wish them continued success in all of their endeavors.•

INTERVIEW WITH HISTORIAN RONALD TAKAKI

• Mr. SIMON. Mr. President, anyone who has any sensitivity at all understands that we have to reach out and understand one another more than we have been doing.

Recently, I picked up the spring edition of the magazine Teaching Tolerance and read an interview with Dr. Ronald Takaki, a professor of ethnic studies at the University of California and the author of several books.

His insights into our culture, where we are and where we must go, are useful to any thoughtful American.

I particularly like his reflections on the common belief that "Asian Americans have made it" with an implied insult to African-Americans.

His comments about race and immigration are also significant.

I ask to insert Dr. Takaki's interview in the CONGRESSIONAL RECORD at this point.

The interview follows:

REFLECTIONS FROM A DIFFERENT MIRROR

Ronald Takaki is one of the nation's foremost scholars of multicultural studies. The grandson of Japanese immigrant plantation laborers in Hawaii, he holds a Ph.D. in American history from the University of California, Berkeley, where he has been a professor of ethnic studies for over two decades.

Takaki is the author of the critically acclaimed Iron Cages: Race and Culture in Nineteenth-Century America and the prize-winning Strangers From a Different Shore: A History of Asian Americans, which was cited in 1989 by the New York Times Book Review as one of the year's Notable Books. His most recent book, A Different Mirror: A History of Multicultural America, is a lively and dramatic retelling of the nation's history through the eyes and voices of the many different peoples who together compose it.

Takaki spoke by telephone from his office in Berkeley with Teaching Tolerance staff writer David Aronson in August 1993.

Q. How did you decide to become a historian and to focus on issues of multiculturalism?

A. I grew up in a small valley on the island of Oahu, Hawaii, playing with kids whose parents came from all over the world: China, Japan, Hawaii, Portugal, Puerto Rico and Korea. We all thought of ourselves as Americans. We spoke pidgin English to each other and thought nothing about the fact that our parents spoke different languages.

But when we went to school, our textbooks and our teachers did not explain the diversity of our community. Why were we here? What was the meaning of our racially diverse valley, which was a corner of this place called the United States of America?

So I became a historian largely in search of my own roots. I realized that the traditional historians had offered me, and many people like me, a mirror which had rendered us invisible, that had excluded us from the definition of what it meant to be an American. "American" meant having European ancestry; "American" meant white—and I could just look at myself in the morning and know that this was not true, this was not accurate.

Q. Why is it important that we—as Americans—recognize our multicultural heritage?

A. I think there are two reasons. The first is intellectual. Recognizing our diversity invites us to reach towards a more accurate understanding of our past and our present.

The second is social. I remember listening to Rodney King during those days of rage in Los Angeles in April 1992. His lips were trembling, and he was saying, "We can get along, we can work it out." I think the question we have to ask is, "Well, how do we get along, how do we work it out?" I don't believe we will until we learn more about one another.

Q. What do you think accounts for the persistence of racism and prejudice in America?

A. The making of America as a multicultural society represents a contradiction. On the one hand, this country began with the English invasion and settlement of the New World. The English settlers who arrived here envisioned a homogeneous society. When John Winthrop sailed across the Atlantic with his fellow Puritans aboard the *Arbella*, he gave a sermon, and in the sermon he declared to his fellow settlers, "We shall be as a city on a hill. The eyes of the world are upon us."

Well, this was to be a city upon the hill, but it would not be a city that included Native Americans or African Americans—or later, Chicanos or Asian Americans. Jefferson articulated this vision as well. Shortly after the purchase of Louisiana, he wrote a letter to James Monroe in which he stated that he looked forward to the day when this continent would be covered by the same people, sharing the same values.

So on the one hand, there was this vision of a homogeneous Anglo-American society. Yet on the other, this was an expanding nation that would incorporate Native American lands and Native Americans themselves, that would require labor imported from Africa and, later, from Mexico and Asia. But as laborers entered the society, they brought their vision of America to these shores, and they defined America as a multicultural society. "This is our country, too," they said. "We belong here as well."

Q. Critics contend that multiculturalism, pushed too far, can lead to divisiveness. How would you respond?

A. The answer depends on the kind of multiculturalism you're talking about. The particularistic approach emphasizes the study of a specific group, such as Chicanos or Native Americans. I can see how this approach could separate a group from the larger society and from other groups.

A pluralistic approach emphasizes a comparative analysis of American society. We need to examine the broad range of ethnic and racial groups that characterize the people of the United States. This approach says that we need to study not only this particular group or our individual group, but others as well, and how the paths of other groups have criss-crossed in the making of America.

Q. You have argued against extolling Asian Americans as a "model" minority. Why not celebrate Asian American success?

A. For one thing, Asian Americans have not made it. The pundits and the journalists and sociologists have created a mythology. If you look at reality, you realize that you can't lump all Asian Americans together. We're a very diverse community. We include not only fifth-generation Chinese Americans, but also refugees from Laos—the Hmong and the Hmu—who have welfare rates as high as 80 percent. So it's a disservice to this diversity to say that all Asians have made it.

But there's also something pernicious about this celebration. What this celebration does, almost invariably, is condemn African Americans for their failure. Asian American success has become a way to discipline African Americans—a way of saying to African Americans, "Look at the Asians. They made it on their own, without welfare, without political agitation or affirmative action."

This is a way of providing instruction to African Americans on how they should behave, on what strategies they should pursue: They should not pursue political activism but instead should emphasize individualism, thrift and hard work. It pits these groups against each other and generates resentment.

Q. What do you make of the current anti-immigrant backlash?

A. What's not mentioned in this anti-immigrant backlash is the "R" word—race. I don't think you would have critics clamoring to close the gates if it were not for the fact that 80 percent of immigrants coming to the U.S. come from Latin America and Asia. This is leading to the changing colors of America.

The anti-immigrant pundits who say there are too many immigrants are saying there are too many people of color in America. If these immigrants were coming from Europe, I don't think there would be this backlash against them.

I think there is a kind of nervousness, a kind of perplexity, an anxiousness within middle-class white America that someday soon, in the 21st century, whites will become a minority of the total U.S. population. Whites already are a minority in virtually every major city across this country, and politicians can appeal to this nervousness, this fear.

But I think this distracts us; it derails us from pursuing the real problems in our society. The reason so many of us have these fears and these anxieties is due to the economic context. I think if we were in a period of prosperity, we would not be bashing immigrants. The problem is not the immigrants—it's the economy.

Q. What can schools do to help combat racism and prejudice?

A. I think schools are a crucial—probably the most crucial—site for inviting us to view ourselves in a different mirror. I think schools have the responsibility to teach Americans about who we are and who we have been. This is where it's important for schools to offer a more accurate, a more inclusive multicultural curriculum.

The classroom is the place where students who come from different ethnic or cultural communities can learn not only about themselves but about one another in an informed, systematic and non-intimidating way. I think the schools offer us our best hope for working it out. I would be very reluctant to depend upon the news media or the entertainment media, which do not have a responsibility to educate.

Q. How, finally, can the American promise become a reality and not, in Langston Hughes' phrase, a dream deferred?

A. We will have to free ourselves from the legacy of racism. One way to begin is to acknowledge this legacy, this reality of racism in our past. I think many of our historians are engaging in denial: They want to try to deny this past.

I think we should face this past and face it bravely. Indeed, once we confront it, once we acknowledge it, it no longer has so much power over us. Because we become aware of its presence in the past, we become, by extension, aware of its presence in our own time. Then, finally, we can address it.●

RETIREMENT OF DWIGHT C. STORKE, JR.

● Mr. SARBANES. Mr. President, the State of Maryland will soon lose a friend and truly devoted steward of this country's National Parks System, Dwight C. Storke, Jr. Dwight Storke, a native Virginian, has decided to retire after a 23-year career with the National Park Service, after working 7 years as superintendent of the Thomas Stone National Historic Site in Charles County, MD. We in Maryland are sorry to see him go.

Over the years, I have had the pleasure of working with Dwight and I can attest to his willingness to go above and beyond the call of duty in our State's effort to preserve the Thomas Stone National Historic Site and its surrounding grounds. This property, also known as Habre-de-Venture, was the home of Thomas Stone throughout most of his politically active life as an American Revolutionary, member of the Continental Congress, and a signer of the Declaration of Independence. Built by Stone in 1771, the manor house is an excellent example of colonial period Maryland architecture. Under Dwight's leadership, the Thomas Stone House is now in the process of becoming fully restored and has been opened up to the public for the first time since it was established in 1978.

Dwight Storke's contributions to our national parks have not been limited to his work with Habre-de-Venture. He has not only played an instrumental role in the progress of heritage tourism throughout southern Maryland, but has also shared his leadership and talent with the State of Virginia. From 1971 to 1987 he held several positions at the George Washington Birthplace National Monument, including park technician, interpretive specialist, and chief of visitor services where he developed one of the best interpretive programs in the entire National Park Service. He has also served as the superintendent of the Richmond Battlefield Park and Maggie L. Walker National Historic Site.

Mr. President, on behalf of the citizens of Maryland, I am pleased to have this opportunity to express my appreciation for Mr. Storke's exceptional service. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have had the opportunity to serve their fellow citizens. Throughout his career, Dwight Storke has exemplified a steadfast commitment to meeting this demand and we in Maryland are pleased to join in wishing him the very best in all his future endeavors.●

REACH OUT TO A CHILD

● Mr. SIMON. Mr. President, I would like to acknowledge the efforts of the Federal Home Loan Mortgage Corporation, Freddie Mac. Freddie Mac has expanded its successful Washington, DC-based community service program, Reach Out to a Child, to Chicago.

The focus of the Reach Out to a Child program, called the Second City Project, is at-risk children. Funding for both the Washington, DC, program and the new Chicago program come from Freddie Mac's sponsorship of the Run for Shelter—a series of 5K—3.1 mile—races in five cities across the country. The runs have raised over $1 million for programs devoted to assuring the physical, emotional, and moral development of children, youth, and families at risk.

Chicago has been selected by Freddie Mac because of the large influx of children into the city's child welfare system over the past 10 years. Based on the same format as the Washington Reach Out to a Child Program, the Second City Project will focus on four specific areas of work with kids: First, child abuse and neglect prevention; second, family preservation; third, foster care; and fourth, adoption.

Freddie Mac attributes the success of the Washington project to its local partnerships. This same model will be used to establish the Second City project. Three organizations in Chicago have agreed to partner with Freddie Mac. Here are some of the partnerships' programs:

Illinois Department of Children and Family Services: Development of a city-wide foster parent recruitment program;

National Committee to Prevent Child Abuse:

1. HEALTHY FAMILIES AMERICA

Home support and education to new parents directed at helping them cope with the stresses and responsibilities of parenthood. Freddie Mac's Foundation' contributed $250,000 toward its implementation.

2. FAMILY LIFE NEWSLETTER

Providing education and information about community events in an easy-to-read format. The circulation of this publication will be increased from 600 to 14,000 copies quarterly.

3. HOTLINE 21

A parent education series on a Chicago cable access channel. Programming will be expanded from 13 to 52 weeks.

4. BETTER BOYS FOUNDATION

Reaches out to youth and families through education, guidance, family counseling, intervention, and resident services.

Emergency Reception Center/Columbus-Maryville Children's Reception Center: These facilities provide protective services care and short term emergency care for foster children.

These types of community based programs have a significant impact on communities across the country. I am pleased that Freddie Mac has selected Chicago for its new Reach Out to a Child Program and I applaud their commitment, as well as the creativity and commitment of the Chicago partners.●

"CENTURION" ATTACK SUBMARINE

• Mr. D'AMATO. Mr. President, yesterday, as in the past, I sought to hammer home my concerns regarding the affordability of the *Centurion* attack submarine. Those concerns have led me to conclude that the *Centurion* program should be redefined as a "proof of principle" effort. The class should be limited to no more than three prototypes, one each of an attack, ballistic missile, and cruise missile variant.

This approach has the virtue of: First, proving beyond doubt whether affordability issues have been adequately addressed; second, assuring that the promise of modularity is achievable; and, third preserving the submarine industrial base.

A prototype program would avoid prematurely locking the Navy into serial production of a design that might well prove unaffordable, unexecutable, or both, facing Congress with the choice of either terminating the program or bankrupting the Navy.

Affordability remains the paramount issue. The Navy is long on assertion, but short on hard data concerning *Centurion* costs. The actuals associated with a prototype program will leave no room for debate about cost. Either the *Centurion* will be affordable or it won't.

Similarly, modularity, cornerstone to both affordability and design flexibility, is a packaging and fabrication strategy without precedent. What looks good on paper may not be feasible in the ways. A prototype affords industry the opportunity to take modularity to extremes while committing the Navy to nothing.

If the proof of principal effort is successful, we can jump immediately into full production. If not, the lessons learned can feed into the follow-on generation of submarine. Either way, design and production teams remain busy, thus preserving the submarine industrial base.

Austerity must be an invitation to creativity. Cost must drive every decision. Prototyping would allow industry and the Navy to push the margins, reaping successes and learning from failures without the pressures and restrictions of a production program. The alternative, a commitment now to *Centurion* acquisition, forecloses technological options that might be the difference between a submarine that is affordable and producible and one that is not.•

TRIBUTE TO PRESIDENT LEE TENQ-HUI

• Mr. SIMON. Mr. President, I would like to join in congratulating President Lee Tenq-hui, President of the Republic of China on Taiwan, on the anniversary of his inauguration which took place May 20, 1990.

The prosperity of President Lee's country—the United States sixth largest trading partner with the world's second-largest hard-currency reserves—is fairly widely known. Less appreciated is Taiwan's remarkable democratic transformation of recent years, in which Lee Teng-hui has played a vital part. In the words of the State Department's annual human rights report, "* * * in 1993 Taiwan continued its rapid progress toward a pluralistic system truly representing the island's population. Open political debate and a freewheeling print media contributed to a vigorous democratic environment."

These developments, which stand out in contrast to repression and human rights abuses on the mainland, are worthy of America's approbation and support. As I said in a floor statement May 19, our giving the cold shoulder to a free miltiparty system on Taiwan is inconsistent with our concern not to offend the dictators of the People's Republic. President Lee deserves U.S. respect and official acknowledgement, not the backhanded treatment he received when his plane refueled in Hawaii on May 4.

It was my privilege to meet President Lee recently in South Africa at the inaugural ceremonies for President Nelson Mandela. On that occasion, it was my pleasure to introduce President Lee to Vice President AL GORE.

In extending my congratulations to President Lee, I would extend to him and the people of Taiwan my conviction that the day is coming when the United States Government will officially acknowledge them as the friends and allies they so clearly are.•

TAKING A LOOK AT TRENDS IN ADOLESCENT CRIME AND IN CRIME PREVENTION

• Mr. SIMON. Mr. President, the John D. and Catherine T. MacArthur Foundation, along with the National Institute of Justice [NIJ] has selected Chicago for an exciting and potentially very helpful longitudinal study. "The Project on Human Development in Chicago Neighborhoods" will review, over 8 years, trends in violence and crime among a very diverse and large number of kids and young adults throughout the city of Chicago. The study will be examining important questions about crime prevention: Which approaches to crime prevention work best and; what can the system do to accomplish the goal of reducing crime? Factors that will be looked at include family life, education, community institutions, environmental factors, and other social considerations.

The MacArthur Foundation and the NIJ will sponsor this study, each contributing $2 million per year for 5 years. It is my hope that several offices at the Department of Health and Human Services will also provide a stable source of funding, as well as other private sector sources that are currently being pursued.

A distinctive aspect of the study is its unusually large and representative sample of individuals. Eleven thousand residents will be chosen from over 150,000 citizens within 77 different neighborhoods in the city of Chicago. Participants will range from birth up until the age of 24, encompassing all races and ethnicities, as well as an equal number of both males and females. Participants may be interviewed up to three times a year over the next 8 years, giving the study a complete set of information from birth through age 32. No other study has been able to gather such comprehensive information on this issue.

Results of the study will be published on a yearly basis, enabling the researches to obtain feedback from the communities involved. Ultimately, the study will provide the United States with very valuable information on how to control the growing crime rate among this Nation's younger population.

This is an exciting time for Chicago, as well as for the rest of the country, as we begin a process that should over time give us greater insight and direction in how to stop the increasing incidence of individual and community violence in this country.

Mr. President, I know many of my colleagues share my sense of enthusiasm and hope about this study and its results. I would like to share three articles on this study and ask that they be printed in full in the RECORD.

The material follows:

[From the Chicago Defender, Feb. 24, 1994]

STUDY LOOKS AT DYNAMICS OF PREVENTION OF CRIME

(By Marian Moore)

Nipping criminal behavior in the bud, by way of pinpointing factors which drive an individual to steal or kill, is among the key issues that will be targeted in an eight-year Chicago-based study unveiled by area researchers Wednesday.

Although recognizing that prevention is the key to curtailing incidents of violence, substance abuse and other crimes, researchers from the Project on Human Development suggested that some forms of prevention, particularly for juveniles, work better than others.

But the question, as indicated by researchers of the $4 billion-a-year study, is "Which approaches to prevention will work best?"

"When this project sees its full potential, it will become the landmark study against which policy decisions affecting our nation's young people will be made for decades to come," said Professor Felton Earls of the Harvard School of Public Health, also one of the leaders in the study.

Other questions the researchers will attempt to answer in their study include why some neighborhoods are safe while others are crime-ridden and why some individuals resort to a life of crime while their neighbors are law-abiding citizens.

"Some might say these are questions to which we already know the answers," Earls stated.

"The fact is, much policy is based upon best guesses, many of them conflicting with one another.

"Our work will attempt to replace impressions and opinions with statistically valid facts, to the extent possible. We are, after all, working with human beings."

Furthermore, the study will attempt to find if there are certain periods of life in which given social/environmental factors come into play.

The study also will identify those things schools, families and the government can do to positively impact social development.

More important, the report will look at what point in life these efforts are effective.

The study will be based on information gathered from 11,000 Chicago residents.

In an effort to target a group which best represents the makeup of the city, researchers will randomly select individuals representing various communities as well as different ethnic and socioeconomical groups.

"We chose Chicago for this work because we feel it is unique among American cities," said Dr. John Holton, who will oversee the study's research staff.

"This city has neighborhoods with easily identified boundaries which provide a sense of stability, despite the considerable problems that exist here."

While other sources of funding are being sought for the human development study, the National Institute of Justice as well as MacArthur Foundation each will contribute $2 million a year toward the project for the next five years.

[From the Chicago Sun-Times, Feb. 24, 1994]

Study Here To Measure Influence On Youths

(By Neil Steinberg)

A massive study will analyze factors influencing, for good and ill, development of young people in Chicago, the MacArthur Foundation will announce today.

Dubbed the Project on Human Development in Chicago Neighborhoods, or the City Project for short, the multimillion-dollar study will be made in each of the city's 77 neighborhoods over the next eight years. More than 120,000 people will be screened to find 11,000 young people, ranging from birth to 24 years old, to participate.

Over eight years, researchers will examine how family, neighborhood, school and other elements shape the growth of children and young people.

The MacArthur Foundation and the U.S. Justice Department has committed $20 million to the first five years of the study and other funding sources are being sought.

Chicagoans will not have to wait until the next century to get feedback.

"What we intend to do is report the evolving, ongoing results from the study," said Professor Felton Earls of the Harward School of Public Health, one of the leaders of the study. "Every year we should make reports to the city, not just to provide information, but to get feedback on how the information is used, both by people who run agencies and people who work in the communities."

The screenings for participants will begin within a month. One of the most important initial goals, Earls said, particularly in fractured communities, is building the trust needed to get people to cooperate in such a lengthy study.

"We hope to work within each community to get community leaders in that area to support the study," Earls said. "When we approach a person in the community [it is important] to have some endorsements from local leaders they know and respect."

Earls disagreed with the notion that the problems of urban youth are already clear and that the millions spent on the study could better be applied to known problems.

"People have a sense that we know what to do, but an analysis of the juvenile court system, of public schools, of recreational facilities, suggests just the opposite," Earls said. "The problems of youth are getting worse, not better, despite keen efforts on the part of many people."

[From the Chicago Tribune, Feb. 24, 1994]

Going to the Roots of Violence

(By Charles Storch)

Some young Chicagoans explode into crime and violence, while others lead more productive lives. What sets some off and what keeps the others in check is the subject of a major new study of this city's people and neighborhoods.

The study, which could begin as early as March, is projected to take eight years and cost about $32 million. It will involve keeping track over that time of some 11,000 children and young adults, who will be chosen from an initial screening of some 150,000 Chicagoans.

Its backers, the John D. and Catherine T. MacArthur Foundation of Chicago and the National Institute of Justice, the research arm of the U.S. Justice Department, are calling it the "largest research project ever undertaken to study what it means to grow up in a major American city."

Accordingly to details of the project released Wednesday, researchers are seeking a clearer understanding of what individual, family and environmental factors lead children and young adults into juvenile delinquency, crime, violence, drug abuse and other anti-social behavior. Equally, they want to highlight those influences on socially acceptable and productive behavior.

They also hope to learn why some neighborhoods have lower crime rates than others and how all neighborhoods can be made safer.

There have been countless past studies on one or more aspects of crime and juvenile delinquency in the city and elsewhere, and many were out of date by the time they were published and served no end but to gather dust on some official's desk.

That this study attempts to be more comprehensive than its predecessors is obvious from its title, "The Project on Human Development in Chicago Neighborhoods." Its leaders believe the study's findings will be timely and useful.

As a result of years of planning, they believe they have dramatically cut the time between data collection and analysis and therefore will be able to begin publishing results by as early as next year.

"In the first year, we should be able to characterize what kinds of problems [related to children and young adults] exist in neighborhoods throughout Chicago and how they relate to neighborhood characteristics," said Felton Earls, a professor at Harvard University's School of Public Health and Medical School, who is director of the project.

As a child psychiatrist, Earls is deeply grounded in the family's role in child development. But he said in an interview that he has come to appreciate the importance of neighborhood social organizations—formally established associations or just people on the same block who keep an eye on a neighbor's kid—in keeping children to the straight and narrow.

"We're not going to get very far lowering the crime rates in the United States until we learn to attend to the properties of neighborhood social organizations," he said.

The study's co-director is Yale University sociology professor Albert J. Reiss Jr. Helping plan and implement the study were a "core scientific group" of experts from many academic disciplines and institutions across the country.

Hometown pride may be hurt that no Chicago university or academic is spearheading the project. The University of Chicago can at least note that one of its sociology professors, Robert Sampson, is a member of the core group and that Reiss is a former graduate student and faculty member.

The project will be run from Harvard's School of Public Health and from an office in Chicago, which will be headed by John K. Holton, former Chicago director of the National Committee to prevent child abuse.

Holton said that, in about a month, approximately 40 interviewers will begin going door to door and screen about 150,000 people from each of Chicago's neighborhoods and each of its racial and income classes. Holton said the sample group of 11,000 people, ranging in age from those conceived but not yet born to those as old as 24, will be selected in a few months. Subjects may be offered about $10 an hour to participate.

Holton said subjects will be interviewed as many as two or three times a year over the next eight years. Information about the subjects also will be gleaned from interviews with their parents, guardians and teachers. Neighborhood leaders and residents will be interviewed about their communities.

A principal reason Chicago was selected for the study is that its neighborhoods are considered more stable than those of other major cities.

Members of Mayor Richard Daley's office and the Police Department have been briefed on the study. MarySue Barrett, the mayor's policy chief, said, "We feel this can be an incredible contribution to data we have on crime trends and the effectiveness of intervention, especially as Chicago is launching its community policing program."

Using a so-called accelerated longitudinal approach, researchers will study the different age groups in the sample group simultaneously. The effect will be as if a single group of people were studied from birth to age 32, but the time required will be just eight years.

"If we took 32 years to complete our study," said Reiss, "by the time we were done, society would have changed so much that the results would have limited value."

The University of Chicago's Sampson said many previous studies of crime and delinquency have focused on adolescence or early childhood and not such a wide age range. He said the new study will break new ground in including an equal number of males and females in its sample.

Sampson said this study also is distinguished by its large sample size, its investigation of all income levels within racial and ethnic groups, its interdisciplinary approach and its equal focus on individuals and communities.

The study has been under consideration for about 10 years and serious planning began in 1987. The study is budgeted to cost about $4 million a year.

A MacArthur Foundation spokesman said the giant philanthropy and the National Institute for Justice have each committed to provide $10 million to cover the first five years of the project. He said the backers may be joined by other foundations and government agencies in financing the last three years.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Nos. 944 to and including 964.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read; that upon confirmation the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

Carol Jones Carmody, of Louisiana, for the rank of Minister during her tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Timothy A. Chorba, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Joseph R. Paolino, Jr., of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Frank G. Wisner, of the District of Columbia, a Career Member of the Senator Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

INTER-AMERICAN FOUNDATION

Harriet C. Babbitt, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1994.

Harriet C. Babbitt, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2000. (Reappointment)

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Maria Elena Torano, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994.

Maria Elena Torano, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997. (Reappointment)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Jan Piercy, of Illinois, to be United States Executive Director of the International Bank for Reconstruction and Development.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Sally A. Shelton, of Texas, to be an Assist Administrator of the Agency for International Development.

THE JUDICIARY

Theodore Alexander McKee, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Billy Michael Burrage, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

Terry C. Kern, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Vanessa D. Gilmore, of Texas, to be United States District Judge for the Southern District of Texas.

DEPARTMENT OF JUSTICE

Florence M. Cauthen, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Joseph George DiLeonardi, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Dallas S. Neville, of Wisconsin, to the United States Marshal for the Western District of Wisconsin for the term of four years.

John R. O'Connor, of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

Michael A. Pizzi, of New York, to be United States Marshal for the Eastern District of New York for the term of four years vice Charles E. Healey.

Robert Bruce Robertson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Michael R. Bromwich, of the District of Columbia, to be Inspector General, Department of Justice.

STATEMENT ON THE NOMINATION OF JOSEPH PAOLINO, JR.

Mr. PELL. I strongly endorse the nomination of the former mayor of Providence, RI, Joseph R. Paolino, Jr., to be Ambassador to Malta. I have the highest regard for Joe, and am delighted that President Clinton has chosen him to represent the United States in Malta.

Malta is located at an important crossroads in the central Mediterranean between Tunisia, Libya, and Italy. Its economy is thriving, and there appear to be good opportunities for increased commercial relations between the United States and Malta. I believe it is particularly appropriate that President Clinton has nominated Joe Paolino, an individual with a strong background in economic development, and a respected member of the Italo-American community, for this post.

After serving as an intern in my office years ago, Joe embarked upon a distinguished career in public service in Rhode Island and has become one of our State's most capable and experienced young leaders. Elected to the Providence City Council at the age of 24, Joe became in 1984 the youngest mayor in the city's history. Most recently, Joe directed Rhode Island's Department of Economic Development. Throughout this entire period, Joe has been a prominent leader of the Italo-American community, not only at the State, but at the national level.

I have always been impressed with Joe's energy, drive, and desire to serve. He has excelled at every job he has had, and I have every confidence that Joe will tackle his new assignment with the same vigor that has served him so well in his previous duties.

I would urge my colleagues to approve this nomination.

CAUTION IN SOUTH ASIA: THE NOMINATION OF FRANK WISNER AS AMBASSADOR TO INDIA

Mr. PRESSLER. Mr. President, on May 17, 1994, the Foreign Relations Subcommittee on East Asian and Pacific Affairs held a confirmation hearing for Ambassador Frank Wisner to fill the long-vacant post of United States Ambassador to India. During this hearing, I asked Ambassador Wisner a number of detailed questions regarding the proliferation of nuclear weapons in the South Asia region. As I am sure you are aware, Mr. President, the proliferation of weapons and the Chinese military buildup, specifically, are of particular concern to India. Consequently, if confirmed, Ambassador Wisner must be prepared to face this issue and other regional weapons proliferation concerns.

I have a long-standing interest in the problem of proliferation of nuclear weapons in unstable regions of the world. South Asia is one such region. The proliferation of nuclear weapons is the most critical national security issue facing the United States today. It is of paramount interest that the United States demonstrate a unified position on this issue.

I was troubled by Ambassador Wisner's responses to my questions at his initial hearing last week. His responses regarding the Chinese weapons buildup vividly demonstrated that the current administration currently does not have a unified policy regarding nuclear non-proliferation. When Ambassador Wisner responded to my questions on the ever expanding Chinese military machine, the Ambassador stated unequivocally, "We cannot say that China is engaged * * * in a major arms buildup." Yet, I have read repeatedly in major national and international newspapers that the opposite is true. What is the real story?

It is difficult for me, as a Member of Congress, to explain to my constituents in my home State of South Dakota the inconsistencies between the administration's position on the Chinese nuclear weapons buildup and reports from the major national media. When I meet with my constituents at town meetings and foreign policy forums, they ask, "What is the real story?" My constituents are informed. They read the New York Times, the Washington Post, and the Wall Street Journal. I owe it to my constituents to find correct answers to their questions. They deserve to know the real story.

That is why I repeatedly raided nuclear proliferation questions with Ambassador Wisner. While some may believe that my questions regarding the Chinese buildup were irrelevant to Ambassador Wisner's nomination as United States Ambassador to India, we must recognize the circuitous nature of regional nuclear arms proliferation. There is a chain reaction of nuclear weapons acquisition in South Asia. India, fearing China, built a bomb. Pakistan, partially because it considered India's nuclear program a threat to its national security, developed its own nuclear program. While both Indian and Pakistan may believe this tit-for-tat nuclear policy lowers the risk of conflict, should a hot conflict erupt in the region, the stakes would be much higher with nuclear weapons figured into the calculation.

As one nation obtains the technology and the components necessary to construct nuclear weapons, it is politically difficult for another country that feels threatened by the first to withstand the temptation to strengthen its own nuclear programs. This competition substantially increases the possibility that disputes between nations could end in an atomic clash. I fear this could happen in South Asia.

Ambassador Winston Lord, in testimony before the East Asian and Pacific Affairs Subcommittee on May 4, 1994, stated that increased Chinese military spending does not threaten the United States. According to Ambassador Lord,

> [T]hose countries near China have more concern earlier about implications of military buildup than we do. What China is doing now is from a relatively low technology base and projection base. It does not immediately threaten us, nor do they have aggressive intentions to.

What Ambassador Lord fails to recognize is that a regional nuclear threat from China is our problem.

First, China currently is developing a new generation of nuclear weapons capable of reaching the United States. Second, even if China currently does not have the projection capabilities necessary to launch a nuclear attack against the United States, we cannot ignore the threat of a Chinese nuclear buildup to nations in the South Asia region, such as India and Pakistan. Ambassador Wisner and the administration must recognize the importance of Chinese military expansion and how that may affect the region as a whole.

Additionally, I have had reservations about confirming Ambassador Wisner because of his role in the administration's recent attempts to waive the Pressler amendment and allow Pakistan to receive up to 38 F–16 fighter aircraft. I regarded this move as the State Department's effort to kill the Pressler amendment. Delivering up to 38 F–16's, several P–3's and some number of T–38 trainers to Pakistan at this juncture only would encourage other nations to develop limited nuclear arsenals. What this administration in effect has said is that it is OK for an unstable nation to have some nuclear capability.

The United States has never advocated limited nuclear capability for any country. According to the terms of the Nuclear Non-Proliferation Treaty [NPT], only the permanent five members of the Security Council are authorized to have nuclear weapons. Why this administration would pursue such a calamitous policy escapes me. I have learned that Ambassador Wisner was the architect of the administration's policy change toward Pakistan. Naturally, I have been troubled by this.

After Ambassador Wisner's confirmation hearing on May 17, 1994, I was not satisfied completely with his handling of questions regarding nuclear proliferation in South Asia. While I believed—and continue to believe—Ambassador Wisner did a find job as our U.S. Ambassador to Egypt, I did not feel confident at the time that he was fully prepared to be Ambassador to India, given the current state of nuclear proliferation in the region. Because of these misgivings, I requested an extension of Ambassador Wisner's confirmation hearing.

At his second hearing, I again questioned the Ambassador about discrepancies between media reports and administration reports on Chinese military expansion. Regrettably, Ambassador Wisner's responses were similar to those he gave in the first hearing. After this second hearing, however, I felt somewhat more at ease with the Ambassador's position on South Asian nuclear proliferation. I explained my need for straight answers. I explained to him the importance of these issues to my constituents, as well as all Americans.

I believe that it is extremely important to regional security that the ambassadorial post to India is filled. I will continue to raise questions with the administration about the South Asian regional arms race. Constituents in South Dakota and in all 50 States need assurances that U.S. representatives in that region are serving our national security interests.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

VETERANS BENEFITS AND SERVICES AMENDMENTS OF 1994

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 435, S. 1626, a bill relating to the VA Home Loan Guarantee Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1626) to amend title 38, United States Code, to revise the veterans' home loan program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits and Services Amendments of 1994".

SEC. 2 REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS.

Section 3702(b) of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) the loan has been repaid in full, or the Secretary has been released from liability as to the loan, or if the Secretary has suffered a loss on the loan, the loss has been paid in full; or";

(2) in paragraph (2), by striking out "; or" and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

SEC. 3. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

"(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section.".

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) of such title is amended—

(1) in the matter above subparagraph (A), by inserting "or subsection (a)(11)" after "subsection (a)(8)"; and

(2) by amending subparagraph (C) to read as follows:

"(C) the amount of the loan may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary, under regulations which the Secretary shall prescribe, to be included in such loan; or

"(ii) in the case of a loan for a purpose specified in such subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) of this subparagraph and the amount specified under subsection (d)(2) of this section;".

(c) FEE.—Section 3729(a)(2)(E) of such title is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".

SEC. 4. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) EXPANSION OF ERA.—Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means—

"(A) the period beginning February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period; and

"(B) the period beginning August 5, 1964, and ending on May 7, 1975, in all other cases.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994. No person shall be entitled to receive by reason of the amendment made by subsection (a) any benefits for any period before such date.

SEC. 5. EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION.

Section 1503(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10)(B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(11) cash, stock, land, or other interest referred to in subparagraphs (A) through (E) below paragraph (3) of section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)), whether attributable to the disposition of real property, profits from the operation of real property, or otherwise, that is received from a Native Corporation under such Act (43 U.S.C. 1601 et seq.).".

SEC. 6. AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may enter into a long-term lease or similar agreement with the organization known as the The Caring Place at Loyola, Inc., a not-for-profit organization operating under the laws of the State of Illinois, to permit that organization to establish on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, Illinois, a facility to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center.

(b) TERMS OF AGREEMENT.—An agreement under subsection (a)—

(1) shall ensure that there shall be no cost to the Federal Government as a result of the property use authorized under that subsection;

(2) may permit the use of the property without rent; and

(3) shall, to the extent practicable, ensure that one room of the facility is available for the use of a veteran (at no cost to the veteran) as temporary accommodations for the veteran while the veteran's severely ill child is treated at the Loyola University of Chicago Medical Center.

Amend the title so as to read: "To amend title 38, United States Code, to permit home loan guaranties for energy efficiency improvements, to extend the period of the Vietnam era, to exclude certain payments to Alaska natives from annual income determinations for pension purposes, and for other purposes.".

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to support the pending measure, S. 1626, the proposed Veterans Benefits and Services Amendments of 1994.

Mr. President, S. 1626 as it comes before the Senate, which I will refer to as the "committee bill," is derived from four bills: S. 1626, which I introduced, relating to the VA home loan program; S. 677, introduced by Senator PAUL SIMON, authorizing the establishment of a Ronald McDonald House at the Hines VA Medical Center; S. 792, introduced by Senator ALFONSE M. D'AMATO, relating to the statutory date for the beginning of the Vietnam era; and S. 1958, introduced by my good friend, the ranking minority member of the committee, Senator FRANK H. MURKOWSKI, relating to the treatment of Alaska Corporation dividends in calculating VA pension. The Committee on Veterans' Affairs met on April 14, 1994, and voted unanimously to report this bill.

The committe bill includes provisions which would (a) repeal the requirement that a veteran dispose of a home acquired with a VA-guaranteed loan before his or her loan entitlement can be restored; (b) permit the cost of energy conservation improvements to be included in a VA-guaranteed loan refinanced for purposes of reducing the interest rate; (c) change the statutory date for the beginning of the Vietnam era from August 5, 1964, to February 28, 1961; (d) require that Alaska Native Corporation dividends paid under the Alaska Native Claims Settlement Act be excluded from the calculation of annual income for purposes of determining VA pension eligibility; and (e) authorize the establishment of a facility on the grounds of the Hines VA Medical Center to provide temporary accommodations for family members of severely ill children being treated at a nearby university hospital.

REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS

Mr. President, section 2 of the committee bill, which is derived from section 2 of S. 1626 as introduced, would repeal the requirement that a veteran dispose of a home acquired with a VA-guaranteed loan before his or her loan entitlement can be restored.

Mr. President, under current law, a veteran may not get VA financing to purchase a home if the veteran owns a house acquired with a VA-guaranteed loan, even if the loan has been paid off. Section 3702(b) of title 38, United States Code, provides that a veteran's loan guaranty entitlement cannot be restored unless two conditions have been met: First, the prior VA-guaranteed loan has been paid off or the VA has been released from liability and has recovered any losses incurred on the loan; and second, the house purchased with the prior loan has been sold or destroyed.

Often veterans need to purchase a new home without having sold an existing one. During a divorce, for example, a veteran may need to buy a separate home and leave the existing one to his spouse and children. In some cases, a veteran is transferred to a new location by his or her employer and must buy a new home before the old one has been sold. It is the committee's view that, where the VA has no outstanding liability or loss on a prior loan, the VA home loan program should be flexible enough to accommodate the needs of families in transition and the loan guaranty entitlement should be restored so as to enable a veteran to purchase a new primary residence.

Mr. President, section 2 of the committee bill would amend current law so as to repeal the requirement that a veteran dispose of a home acquired with a VA-guaranteed loan before his or her loan entitlement can be restored. Full payment of a prior VA-guaranteed loan or release of the VA from liability and compensation for any loss incurred by VA will continue to be a precondition to restoration of the entitlement. This change will give VA greater flexibility in the administration of the home loan program which should enable VA to better meet veterans' needs with no increased risk or liability to VA.

AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS

Mr. President, section 3 of the committee bill, which is derived from section 3 of S. 1626 as introduced, would permit the cost of energy conservation improvements to be included in a loan refinanced for purposes of reducing the interest rate.

The Veterans Home Loan Program Amendments of 1992, Public Law 102–547, directed VA to carry out a program through which the cost of energy efficiency improvements could be included in certain VA-guaranteed loans. The cost of energy efficiency improvements that may be included in a VA-guaranteed loan is limited to $3,000 or to $6,000 if reduced utility bills will offset the increase in loan payments attributable to the energy improvements.

Under the program, veterans can borrow money to make energy improvements when they purchase a house or when they take out a VA-guaranteed loan secured by a mortgage on the house. However, under this program, energy improvement costs may not be included in loans taken out for the purpose of refinancing an existing loan in order to reduce the interest rate. Such interest rate reduction loans typically do not involve an income verification or property appraisal because the effect is to reduce the veteran's payments under an existing loan. Thousands of veterans have refinanced their VA-guaranteed loans during the past 2 years, but we were unable to take advantage of the energy efficiency program.

Mr. President, section 3 would permit the cost of energy efficiency improvements to be included in a loan refinanced for the purpose of reducing the interest rate. While the committee recognizes that adding the cost of energy improvements will increase the amount of the loan in relation to the value of the property, it believes that any increased risk from an increase in the loan-to-value ratio would be slight and would be offset to a significant degree by the reduced payments resulting from lower interest rates.

EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS

Mr. President, section 4 of the committee bill, derived from S. 792 as introduced, would amend section 101(29) of title 38 so as to change the statutory beginning date of the Vietnam era from August 5, 1964, to February 28, 1961, for those who served in the Republic of Vietnam. For those who served elsewhere, the Vietnam era would begin on August 5, 1964.

The committee has reported and the Senate has passed provisions similar to section 4 on three earlier occasions—as section 8 of S. 2514 during the 98th Congress, as section 201 of S. 876 during the 99th Congress, and as section 701 of S. 2011 during the 100th Congress. However, our counterparts in the House have not agreed to include the provisions in the compromise agreements reached on the legislation involved, and thus, the provisions have not been enacted.

Currently, section 101(29) of title 38 defines the Vietnam era as beginning on August 5, 1964, for all veterans. That date coincides with the Gulf of Tonkin incident and the approximate date of adoption of the Gulf of Tonkin Resolution by the Congress. While this is certainly a watershed event in our involvement in Vietnam, many United States service members were serving in Vietnam well before that date.

Mr. President, section 4 of the committee bill would change the starting date of the Vietnam era for title 38 purposes to February 28, 1961, for those who served in the Republic of Vietnam.

Mr. President, the proposed February 28, 1961, date has been used in other statutory contexts. For example, it is the date set forth in Public Law 89-257 after which United States service personnel could accept awards from the Government of the Republic of Vietnam for service in Vietnam. The Armed Services Committees of the Senate and House report that this date was selected because that was the approximate date on which American military advisers began to accompany Vietnamese counterparts on military missions.

February 28, 1961, is also the date selected by the Department of the Army for the award of the Combat Infantryman's Badge and the Combat Medical Badge. In addition, this date is used in section 112 of the Internal Revenue Code relating to the treatment of income for tax purposes for members of the Armed Forces serving in Vietnam in certain circumstances, and in section 239(a) of the Immigration and Nationality Act relating to expedited naturalization based on wartime service.

Mr. President, at the committee's March 24, 1994, hearing, this provision received wide support from the veterans service organizations. Although VA supported this proposal in the past, it declined to take a position on section 4 due to the potential cost involved in expanding the definition of the Vietnam era. Since the hearing, the Congressional Budget Office has estimated that changing the date would not result in a significant cost to the Federal Government.

EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION

Mr. President, section 5 of the committee bill, which is derived from S. 1958, would require that Alaska Native Corporation dividends paid under the Alaska Native Claims Settlement Act be excluded from the calculation of annual income for purposes of determining VA pension eligibility.

Mr. President, this provision was developed by the ranking Republican member of the committee, Senator MURKOWSKI, and I defer to him to describe the specific contents of this provision.

AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT THE EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. President, section 6 of the committee bill, which is derived from S. 677, would authorize the Secretary of Veterans Affairs to enter into a long-term lease or similar agreement with the not-for-profit organization known as The Caring Place at Loyola, Inc., in order to establish a facility on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, IL. The purpose of such a facility would be to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center. The long-term lease or similar agreement would be at no cost to VA.

Current law restricts VA from entering into an agreement to lease VA land or buildings longer than 3 years. However, in this case, a 3-year lease or similarly limited agreement would severely impede the ability of The Caring Place to seek contributions and financial assistance from private sources. Thus, section 6 would authorize the Secretary to enter into a long-term lease or similar agreement with The Caring Place to establish a facility on VA grounds.

Mr. President, VA has expressed to the committee that it has no long-range plans for using the site proposed for The Caring Place and would agree to a long-term lease for this project. In fact, VA also provided the land upon which the Medical School at Loyola was built, and has forged a longstanding relationship with the medical school and others in the local community. The committee notes that the proposed site for The Caring Place would be close to the VA day care center and a large park, and would potentially enhance the functions of these existing facilities.

The provision was modified during the committee markup so as to require, to the extent possible, that 1 of the 16 planned bedrooms within The Caring Place be designated for priority use for veterans with seriously ill children being treated at the Loyola University of Chicago Medical Center. The committee understands that, while The Caring Place anticipates charging a nominal daily rental fee under normal circumstances, veteran users will not be charged for use of this room.

CONCLUSION

Mr. President, I thank the Senators who introduced the various bills incorporated into S. 1626 for their support of services to veterans. I also thank the members of the committee for their support of S. 1626 and the members of the majority and minority committee staff who worked on this measure.

I urge my colleagues to give their unanimous support to S. 1626 as reported and assist the Nation's veterans and their families.

Mr. MUKOWSKI. Mr. President, initially I want to thank my colleague, Senator JAY ROCKEFELLER, for his cogent explanation of the provisions of this important piece of legislation, and for his leadership as chairman of the Veterans' Affairs Committee.

With these comments, I will not cover ground which Senator ROCKEFELLER has already explored so eloquently in his statement. Rather, I will concentrate on a portion of the bill in which I have a particular interest—the provisions relating to VA's pension program, and the treatment of dividends received by Alaska Native veterans from Alaska Native corporations under this program. Those provisions were originally contained in S. 1958, which I introduced on March 22, 1994, and which was cosponsored by my colleagues, Senators STEVENS and AKAKA. To reduce that bill—and section 5 of S. 1626, which incorporates the substance of S. 1958—to their most essential terms, they require the Department of Veterans Affairs [VA] to implement the intent of Congress as expressed when it enacted, and subsequently amended, the Alaska Native Claims Settlement Act [ANCSA].

To fully explain why this legislation is necessary, I need to outline briefly the general terms of ANCSA and, in particular, a critical provision of the statute relating to needs-based Federal benefits programs. The overall purpose of ANCSA, as stated in section 2(a) of the legislation itself, is to provide a "a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims." ANCSA was, and remains, an unusual—indeed, a landmark—piece of legislation in resolving Native land claims. In the words of our colleague, Senator BINGAMAN, ANCSA adopted,

> * * * a novel, experimental approach in [the Federal Government's] relationship

> with Native Americans. It departed from the conventional method of * * * settling tribal land claims [by] creating * * * a framework for * * * administering Native lands and funds through a * * * [Native]-run corporate structure.—S. Rpt. No. 100-201 45 (Additional Views).

To summarize, under ANCSA Native Alaskans received a combination of cash, mineral lease proceeds, and land in exchange for the extinguishment of their aboriginal land claims. Those assets, however, were not distributed directly to individual Native Alaskans when ANCSA was enacted in 1971. Rather, ANCSA authorized the creation of 12 Native owned and operated regional corporations to administer those assets for the benefit of Alaska Native shareholders. These corporations continue to exist today, and they distribute funds received in settlement of Native land claims, and funds generated from corporate earnings, to Native village corporations and to Alaska Native shareholders.

When ANCSA was enacted, the question arose as to whether these distributions should be taken into account in determining whether an Alaska Native would be eligible to receive Federal Food Stamp assistance. The Congress concluded—wisely, I think—that it would not be fair to penalize Alaska Natives for settling their land claims by causing them to lose eligibility for food stamps as a result of receiving settlement payments. Thus, ANCSA, as originally enacted, contained a provision, codified at 43 U.S.C. section 1626(b), which stated that "in determining the eligibility of any household to participate in the food stamp program, any compensation, remuneration, revenue, or other benefit received by any member of any such household shall be disregarded." It was only when ANCSA was amended in 1988 that this compensation disregard provision was expanded.

As was stated in the Senate Report accompanying the 1988 amendments to ANCSA:

> Currently, section 29 of ANCSA directs that any compensation, remuneration, revenue of other benefit received pursuant to ANCSA "shall be disregarded" in determining eligibility to participate in the Food Stamp Program. *Natives have been denied benefits or have received diminished benefits in other Federal or federally-assisted programs, because of benefits received under ANCSA.* Accordingly, the new subsection (c) in this section clarifies the present protections as *including all Federal or federally-assisted programs.* It also *specifically exempts dividends up to $2,000 per individual per year and dividends and distribution of stock from consideration in eligibility determinations.* Application of less restrictive eligibility tests are not prohibited by this language. S. Rpt. 100-201 at 39 (emphasis added).

Based on this clear expression of intent to broaden and expand the already-existing disregard provisions within section 29 of ANCSA, the statute was amended to read as follows:

> In determining the eligibility of a household, an individual Native, or a descendant of a Native * * * to—
>
> * * * * *
>
> (3) receive financial assistance or *benefits, based on need, under any Federal program or federally-assisted program, none of the following* received from a Native corporation, shall be considered or taken into account as an asset or resource:
>
> (A) *cash (including cash dividends on stock received from a Native corporation) to the extent that it does not, in the aggregate, exceed $2,000 per individual per annum;*
>
> (B) stock (including stock issued or distributed by a Native corporation as a dividend or distribution on stock);
>
> (C) a partnership interest;
>
> (D) land or an interest in land (including land or an interest in land received from a Native corporation as a dividend or distribution on stock); and
>
> (E) an interest in a settlement trust.—43 U.S.C. section 1626(c) (emphasis added).

It seems to me, Mr. President, that the law could hardly be clearer. By any reading of this statute, and the explanation of it contained in the Senate Energy and Natural Resources Committee's Report, one can only conclude that ANCSA payments are to be disregarded not only for purposes of Food Stamps, but for any and all Federal needs-based benefits programs. To the extent that the words of the statute, or the Senate's expression of purpose, might have admitted to any ambiguity—and, frankly, I do not see how anyone could contend that they do—the requirement that ANCSA be construed in a fashion sympathetic to Native interests, see, e.g., *Cape Fox Corp.* v. *U.S.*, 4 Cl. Ct. 223, 231 (1983), would require that any such ambiguity be resolved to require the disregarding of ANCSA payments. When one considers that the needs-based benefit program in question is a veterans program—a program which embodies a long-standing tradition of resolving doubt in the veteran's favor—the door should have been slammed, I think, on any thought that ANCSA dividends might be used to reduce pension benefits to which a veteran might be eligible.

Unfortunately, the VA's General Counsel has taken a differing view. In two separate legal opinions, the General Counsel has stated, in effect, that despite the foregoing, VA shall take ANCSA dividends into account for purposes of determining eligibility for, and the amount of benefit received under, VA's veterans pension program. In my view, Mr. President, this conclusion is totally erroneous.

As is made clear in ANCSA, payments received under ANCSA—whether they be cash, cash dividends—up to $2,000 per year, stock dividends, land, whatever—are not to be considered or taken into account for purposes of determining eligibility for "benefits, based on need, under any Federal program." Equally, ANCSA payments are not to be taken into account for purposes of diminishing needs-based Federal benefits. VA's pension program—which is not a retirement pension program but is, rather, an income maintenance program which assures that wartime veterans who are permanently and totally disabled due to nonservice connected disability will not be forced to live below subsistence income levels—is clearly a benefit, based on need. And yet, VA allows payments received pursuant to ANCSA to be taken into account in determining if one is eligible to receive pension benefits.

To illustrate, under current VA policy a veteran having an annual income of $6,000 who would otherwise be eligible for pension would be disqualified if he or she were to receive $2,000 per year in cash dividends under ANCSA. Equally—and more importantly for practical purposes—VA offsets ANCSA dividends on a dollar-for-dollar basis when it computes the amount of pension benefits to be paid. So, for example, a VA pension recipient who would otherwise receive $7,397 per year in pension benefits would only receive $5,397 if he or she were also to be a recipient of $2,000 per year in ANCSA distributions. This despite the clear indication of congressional intent to the contrary.

My colleagues might ask how VA justifies such action. I am told that VA's General Counsel reasons that ANCSA says that cash paid to Alaska Natives shall not be taken into account as assets or resources. A person's assets or resources, VA continues, are akin to his or her net worth and, therefore, Congress intended, according to VA, that ANCSA payments not be taken into account for determining eligibility only for means tested benefits programs that rely on net worth computations—not annual income computations—in determining eligibility. Since eligibility for VA pension programs is governed by the applicant's annual income, not his or her net worth, VA concludes that ANCSA's directive that Native corporation dividends be disregarded does not apply to VA pension programs, even though eligibility is based on need.

Mr. President, the Congress had no such income versus net worth distinction in mind when it expanded the disregard provision of ANCSA. It had in mind something much more direct: it wanted to preclude ANCSA payments from causing Alaska Natives to be ineligible for food stamps, and any other needs-based Federal benefits, and it wanted to assure that such benefits would not be diminished as a result of ANCSA receipts. Section 5 of S. 1626 would see to it that that clear intent would be put into effect by forbidding VA from taking ANCSA payments into account for purposes of its pension programs.

I am pleased, Mr. President, that members of the Committee on Veterans' Affairs have been supportive of this provision, and I am equally pleased that VA has expressed no opposition to it. I ask that the Members of the Senate also support this provision—and that they support enactment of S. 1626 in its entirety. Finally, Mr. President, I want to express my gratitude to the committee's distinguished chairman, Senator ROCKEFELLER, and to his able staff for facilitating the approval of this legislation.

The PRESIDING OFFICER. Without objection, the substitute is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Without objection, the bill is considered read for the third time.

The bill was read for the third time.

VETERANS HEALTH IMPROVEMENTS ACT OF 1993

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 297, H.R. 3313, the House companion, that all after the enacting clause be stricken, and the text of S. 1626, as amended, be inserted in lieu thereof; that the bill be deemed read the third time, passed; that the motion to reconsider be laid upon the table, and any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3313) was deemed read the third time, and passed, as follows:

H.R. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits and Services Amendments of 1994".

SEC. 2. REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS.

Section 3702(b) of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) the loan has been repaid in full, or the Secretary has been released from liability as to the loan, or if the Secretary has suffered a loss on the loan, the loss has been paid in full; or";

(2) in paragraph (2), by striking out "; or" and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

SEC. 3. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

"(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section.".

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) of such title is amended—

(1) in the matter above subparagraph (A), by inserting "or subsection (a)(11)" after "subsection (a)(8)"; and

(2) by amending subparagraph (C) to read as follows:

"(C) the amount of the loan may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary, under regulations which the Secretary shall prescribe, to be included in such loan; or

"(ii) in the case of a loan for a purpose specified in such subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) of this subparagraph and the amount specified under subsection (d)(2) of this section;".

(c) FEE.—Section 3729(a)(2)(E) of such title is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".

SEC. 4. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) EXPANSION OF ERA.—Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means—

"(A) the period beginning February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period; and

"(B) the period beginning August 5, 1964, and ending on May 7, 1975, in all other cases.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994. No person shall be entitled to receive by reason of the amendment made by subsection (a) any benefits for any period before such date.

SEC. 5. EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION.

Section 1503(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10)(B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(11) cash, stock, land, or other interest referred to in subparagraphs (A) through (E) below paragraph (3) of section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)), whether attributable to the disposition of real property, profits from the operation of real property, or otherwise, that is received from a Native Corporation under such Act (43 U.S.C. 1601 et seq.).".

SEC. 6. AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may enter into a long-term lease or similar agreement with the organization known as The Caring Place at Loyola, Inc., a not-for-profit organization operating under the laws of the State of Illinois, to permit that organization to establish on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, Illinois, a facility to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center.

(b) TERMS OF AGREEMENT.—An agreement under subsection (a)—

(1) shall ensure that there shall be no cost to the Federal Government as a result of the property use authorized under that subsection;

(2) may permit the use of the property without rent; and

(3) shall, to the extent practicable, ensure that one room of the facility is available for the use of a veteran (at no cost to the veteran) as temporary accommodations for the veteran while the veteran's severely ill child is treated at the Loyola University of Chicago Medical Center.

The title was amended so as to read:

To amend title 38, United States Code, to permit home loan guaranties for energy efficiency improvements, to extend the period of the Vietnam era, to exclude certain payments to Alaska natives from annual income determinations for pension purposes, and for other purposes.

MEASURE INDEFINITELY POSTPONED—S. 1626

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 435, S. 1626, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

VA STATE HEALTH CARE REFORM PILOT PROGRAM ACT

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 436, S. 1974, a bill relating to the VA State Health Care Reform Pilot Program Act.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1974) to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA State Health Care Reform Pilot Program Act".

SEC. 2. PURPOSE OF PILOT PROGRAMS.

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

SEC. 3. HEALTH CARE PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS.—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, and at such other times as the Secretary may determine, the Secretary and the health system director for that State shall jointly determine the regulations under the authority of the Secretary the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such determination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(4) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(d) HEALTH SYSTEM DIRECTOR.—(1) The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. To the maximum extent feasible, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(2)(A) Subject to subparagraph (B), the Secretary shall designate an individual as health system director for a State from among nominees for that position selected by a panel composed of individuals who are senior management personnel of the Department medical centers located in that State.

(B) An individual selected for nomination to be a health system director of a State under subparagraph (A) shall be—

(i) the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out; or

(ii) any other individual having experience with the Department medical system that is equivalent to the experience with that system of an individual in a position referred to in clause (i).

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of laws administered by the Secretary.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A-76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection may include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services.

(B) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of such contracts or agreements is less than $250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to prior review by the Central Office if the amount of such contracts or agreements is $250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall request authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium,

deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall not collect under the pilot programs premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund (hereafter referred to in this subsection as the "Fund").

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts collected under a pilot program in accordance with subsection (i).

(ii) Amounts made available to a pilot program based upon a determination under paragraph (3).

(iii) Amounts transferred to the Fund with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) The Secretary shall make available amounts under clauses (ii) and (iv) of subparagraph (A) from amounts appropriated to the Department of Veterans Affairs for the provision of health care services.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary shall deposit in account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord dysfunction.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(v) Services relating to prosthetics.

(4) Funds deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code, during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the fund established under this subsection. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(5)(A) Notwithstanding any other provision of law, the health system director for a State in which a pilot program is carried out shall determine the costs for which amounts in the Fund may be expended in carrying out the pilot program.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program, costs of legal services provided to such pilot program by the General Counsel of the Department of Veterans Affairs, and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) Amounts in the Fund for the payment of costs of a pilot program under this subsection shall be available for such purpose without fiscal year limitation.

(k) TERMINATION.—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

SEC. 4. REPORTS ON PILOT PROGRAMS.

(a) COLLECTION OF INFORMATION.—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) REPORTS.—(1) Not later than 14 months after the date of the completion of the designation of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) The terms "Secretary", "Department", "veteran", "child" and "spouse" have the meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term "comprehensive health benefit plan", in the case of a State, means a plan or system established under the law of the State that—

(A) attempts to ensure the access of residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term "comprehensive package of basic health care benefits" means the health care benefits provided for by a State under the comprehensive health benefit plan of the State.

(4) The term "health care system of the Department", in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.

Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I strongly urge my colleagues to support the passage of the pending measure, S. 1974, the proposed VA State Health Care Reform Pilot Program Act, as reported by the committee on May 23, 1994, and as it will be amended by an amendment I will offer shortly.

In response to public support for reforming our health care system, several States are enacting their own reform legislation. I applaud these State legislators, who have moved forward to provide their citizens with health care security. I truly believe that Congress will follow their examples, and pass legislation that will give that security to all Americans. In the meantime, however, we have the opportunity to make reforms in VA health care in those States where health care reform is underway.

Without this legislation, the VA medical system cannot participate fully in health care reform efforts in specific States, because current Federal law makes it virtually impossible for VA facilities to do so. These restrictions rob VA of the kinds of experiences and information it will need to thrive under national health care reform. The VA State Health Care Reform Pilot Program Act would address this problem by allowing VA to take part in State-enacted health care reform legislation. The VA would be able to gather essential information that will be useful in preparing for national health care reform, at the same time that it improves access to services for veterans in those States, thereby helping VA avoid any loss of market share while we continue to develop overall reform.

The committee held a hearing on February 9, 1994, on VA's participation in State health care reform programs to determine the impediments to VA's involvement in State activities and discuss what could be done to facilitate VA's participation. Testimony was received from VA officials and representatives of the Paralyzed Veterans of America and the National Association of VA Chiefs of Staff. Five directors or chiefs of staff from VA medical centers in States that have initiated or soon will initiate health care reform activities also testified.

In addition to the hearing, committee staff members have met with VA central office officials, VA medical center administrators from across the country, and numerous veterans service organizations. On the basis of the hearing and these discussions, I introduced the VA State Health Care Reform Pilot Program Act.

Mr. President, I will at this time summarize the provisions of the bill. Detailed descriptions of all the provisions are set forth in the committee's report accompanying S. 1974 (S. Rept. 103–268).

SUMMARY OF PROVISIONS

The bill contains freestanding provisions that would:

First, authorize VA to select up to five States with comprehensive health benefit plans in place, or where such plans are imminent, to participate in the pilot program for 2 years.

Second, require VA to designate States as locations for pilot programs not later than 30 days after enactment.

Third, prohibit States from excluding the participation of VA facilities in pilot program States unless the chief executive officer of the State certifies to the Secretary that: the benefits to be provided by the Department do not meet State requirements for quality, or the location of Department facilities or those facilities providing services by contract for the Department do not meet State health care reform requirements established regarding proximity to enrollee.

Fourth, require the Secretary to designate a health system director for each State in the pilot program, who is either a director or chief of staff of a Department medical center located in that State, or another individual having similar experience with the Department medical system.

Fifth, require the Secretary and the health system director for a State participating in the pilot program to determine, within 30 days after the designation of the State as a pilot site, regulations under the authority of the Secretary which should be waived, after which the Secretary shall waive such regulations.

Sixth, authorize the Secretary to provide health care benefits under a pilot program: through the direct provision of care, or by contract.

Seventh, authorize the Secretary to exclude any facilities of the Department in a State from participation in a pilot program.

Eighth, waive certain laws and regulations that could interfere with the ability of VA facilities to enter into contracts and agreements for health care services or for other services.

Ninth, authorize the VA health system director to contract out for medical services needed for the pilot program without prior review from VA central office.

Tenth, require that contracts for nonmedical services above $250,000 would be reviewed by central office, but would be automatically approved if central office did not make a decision within 30 days. Contracts below $250,000 would not require prior review by central office.

Eleventh, authorize the Secretary to (1) appoint personnel to positions in the health care system of a pilot site, and (2) establish systems to promote and advance personnel serving in such positions.

Twelfth, require VA facilities in the selected States to offer comprehensive care as defined by the comprehensive package of health care benefits established by the State. This care would be free to all compensable service-connected veterans and to all veterans with incomes below the current levels that apply to VA inpatient care, approximately $20,000 for a single veteran.

Thirteenth, require the Secretary to (1) request authority from the Office of Management and Budget to hire additional employees in VA facilities in pilot States, and (2) ensure that employee levels in the pilot sites not be subject to any reduction in the number of full-time VA employees.

Fourteenth, specify that any resident in a State named as a pilot site who is a veteran, a spouse or child of a veteran, or a person eligible for CHAMPVA benefits shall be eligible for health care benefits.

Fifteenth, authorize VA to collect employer contributions and other third-party payments for enrollees' care.

Sixteenth, establish a VA Health Care Reform Fund in the Treasury into which the following would be deposited: First, amounts equal to the amounts a VA facility in a State would receive in a fiscal year if it was not participating in the pilot program; second, amounts collected by VA facilities in the States under the pilot program; third, amounts collected by third-party reimbursement efforts which exceed a projected baseline; fourth, other amounts that the VA health system director and the Secretary allocate; and fifth, amounts that may be appropriated to the pilot programs.

Seventeenth, ensure that funds allocated for services relating to spinal cord dysfunction, post traumatic stress disorder, blind rehabilitation, substance abuse, and prosthetics remain separate from the VA Health Care Reform Fund.

Eighteenth, authorize VA to conduct marketing and advertising for the pilot programs.

Nineteenth, require VA to collect the following information on the pilot programs: First, demographics about the enrollees; second, the nature of benefits requested by enrollees; third, nature and quantity of provided benefits; and fourth, the cost of providing such benefits.

Twentieth, require VA to submit to Congress: First, a report on the progress of the Secretary in carrying out the pilot programs not later than 14 months after the date of designation of the sites; and second, a followup report including comments and conclusions of the Secretary not later than November 30 of the year of the termination of the final pilot program.

In addition, S. 1974, as it will be amended by a technical amendment that I will offer, developed in cooperation with my good friend from Maryland [Ms. MIKULSKI] would clarify a number of appropriation issues in the bill as reported.

CONCLUSION

Mr. President, in closing, I thank our Committee's ranking Republican member, Senator MURKOWSKI, for his invaluable cooperation and help with this bill. I also am grateful to other members of the committee for their support and cooperation on this measure.

Mr. President, the VA State Health Care Reform Pilot Program would provide VA with essential information and experiences regarding how it needs to change in order to survive and thrive under health care reform. In doing so, it will also help us repay the debt we owe to our Nation's veterans, by strengthening and improving the VA medical system that serves them.

AMENDMENT NO. 1765

(Purpose: To revise certain provisions relating to the funding of the pilot programs.)

Mr. GLENN. Mr. President, on behalf of Senator ROCKEFELLER, I send an amendment to the desk and ask unanimous consent that the Senate proceed to its immediate consideration, and that the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] for Mr. ROCKEFELLER proposes an amendment numbered 1765.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, strike out lines 17 through 20 and insert in lieu thereof the following:

(B) Amounts deposited in the Fund pursuant to clauses (ii) and (iv) shall be derived from amounts appropriated to the Department of Veterans Affairs for the Veterans Health Administration for medical care.

On page 33, line 4, insert "the" after "shall deposit in".

On page 34, strike out lines 11 through 15 and insert in lieu thereof the following:

(5)(A) Notwithstanding any other provision of law, amounts in the Fund shall be available for all expenses incurred by the Veterans Health Administration in carrying out the pilot programs. Subject to subparagraph (B), the health system director for a State in which a pilot program is carried out shall determine the expenses of the pilot program for that State for purposes of this paragraph.

On page 35, strike out lines 4 through 6 and insert in lieu thereof the following:

(C) The period of availability of amounts in an account established in the Fund for a pilot program shall end on the last day of the fiscal year in which the pilot program is carried out.

On page 37, between lines 6 and 7, insert the following:

(3) Not later than 30 days after the end of any fiscal year in which a pilot program is carried out under section 3, the Secretary shall submit to the appropriate committees of Congress a report describing the amounts expended from the Department of Veterans Affairs Health Care Reform Fund established under section 3(j)(1) during that fiscal year for each pilot program so carried out.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1765) was agreed to.

The PRESIDING OFFICER. Without objection, the substitute, as amended, is agreed to and the bill will be deemed read for the third time.

The bill was deemed read for a third time.

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 420, H.R. 4013, the House companion, that all after the enacting clause be stricken and the text of S. 1974, as amended, be inserted in lieu thereof; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table, and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4013) was deemed read a third time and passed, as follows:

H.R. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA State Health Care Reform Pilot Program Act".

SEC. 2. PURPOSE OF PILOT PROGRAMS.

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

SEC. 3. HEALTH CARE PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, and at such other times as the Secretary may determine, the Secretary and the health system director for that State shall jointly determine the regulations under the authority of the Secretary the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such determination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(4) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(d) HEALTH SYSTEM DIRECTOR.—(1) The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. To the maximum extent feasible, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(2)(A) Subject to subparagraph (B), the Secretary shall designate an individual as health system director for a State from among nominees for that position selected by a panel composed of individuals who are senior management personnel of the Department medical centers located in that State.

(B) An individual selected for nomination to be a health system director of a State under subparagraph (A) shall be—

(i) the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out; or

(ii) any other individual having experience with the Department medical system that is equivalent to the experience with that system of an individual in a position referred to in clause (i).

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of laws administered by the Secretary.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A–76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection may include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services.

(B) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of such contracts or agreements is less than $250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to prior review by the Central Office if the amount of such contracts or agreements is $250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall request authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium, deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall not collect under the pilot programs premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund (hereafter referred to in this subsection as the "Fund").

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts collected under a pilot program in accordance with subsection (i).

(ii) Amounts made available to a pilot program based upon a determination under paragraph (3).

(iii) Amounts transferred to the Fund with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) Amounts deposited in the Fund pursuant to clauses (ii) and (iv) shall be derived from amounts appropriated to the Department of Veterans Affairs for the Veterans Health Administration for medical care.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary shall deposit in the account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord dysfunction.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(v) Services relating to prosthetics.

(4) Funds deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code, during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the fund established under this subsection. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(5)(A) Notwithstanding any other provision of law, amounts in the Fund shall be available for all expenses incurred by the Veterans Health Administration in carrying out the pilot programs. Subject to subparagraph (B), the health system director for a State in which a pilot program is carried out shall determine the expenses of the pilot program for that State for purposes of this paragraph.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program, costs of legal services provided to such pilot program by

the General Counsel of the Department of Veterans Affairs, and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) The period of availability of amounts in an account established in the Fund for a pilot program shall end on the last day of the fiscal year in which the pilot program is carried out.

(k) TERMINATION.—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

SEC. 4. REPORTS ON PILOT PROGRAMS.

(a) COLLECTION OF INFORMATION.—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) REPORTS.—(1) Not later than 14 months after the date of the completion of the designation of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

(3) Not later than 30 days after the end of any fiscal year in which a pilot program is carried out under section 3, the Secretary shall submit to the appropriate committees of Congress a report describing the amounts expended from the Department of Veterans Affairs Health Care Reform Fund established under section 3(j)(1) during that fiscal year for each pilot program so carried out.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) The terms "Secretary", "Department", "veteran", "child" and "spouse" have the meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term "comprehensive health benefit plan", in the case of a State, means a plan or system established under the law of the State that—

(A) attempts to ensure the access of residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term "comprehensive package of basic health care benefits" means the health care benefits provided for by a State under the comprehensive health benefit plan of the State.

(4) The term "health care system of the Department", in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 436, S. 1974 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 443 and No. 444, en bloc, that the committee amendments and the committee substitute amendment where appropriate be agreed to en bloc; that the bills be deemed read a third time, passed and the motion to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD and that any statements appear at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNORGANIZED BOROUGHS ACT OF 1994

The Senate proceeded to consider the bill (S. 761) to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That notwithstanding**]**

SECTION 1. Notwithstanding any other provision of law, section 6(c) of Public Law 94-565 (31 U.S.C. 6901(2)), as amended by Public Law 98-63 (97 stat. 323), is further amended by:

(1) striking the phrase "borough existing in Alaska on October 20, 1976" and inserting in lieu thereof" any organized or unorganized borough in Alaska"; and

(2) by inserting after "general statistical purposes." the following new sentence: "The boundary of any unorganized borough in Alaska shall be the same as the census area boundaries used by the Secretary of Commerce in the decennial census.".

SEC. 2. Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a study assessing whether or not units of government most directly affected by the loss of tax revenues, including but not limited to school districts, receive an equitable share of payments upon the expiration of payments pursuant to 31 U.S.C. 6904. The study shall include any recommendations the Secretary deems desirable based on the findings of the study.

The committee amendments were agreed to.

So the bill (S. 761) as amended, was deemed read a third time and passed, as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provision of law, section 6(c) of Public Law 94-565 (31 U.S.C. 6901(2)), as amended by Public Law 98-63 (97 Stat. 323), is further amended by:

(1) striking the phrase "borough existing in Alaska on October 20, 1976" and inserting in lieu thereof" any organized or unorganized borough in Alaska"; and

(2) by inserting after "general statistical purposes." the following new sentence: "The boundary of any unorganized borough in Alaska shall be the same as the census area boundaries used by the Secretary of Commerce in the decennial census.".

SEC. 2. Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a study assessing whether or not units of government most directly affected by the loss of tax revenues, including but not limited to school districts, receive an equitable share of payments upon the expiration of payments pursuant to section 6904 of title 31, United States Code. The study shall include any recommendations the Secretary deems desirable based on the findings of the study.

SHENANDOAH VALLEY NATIONAL BATTLEFIELDS PARTNERSHIP ACT OF 1994

The Senate proceeded to consider the bill (S. 1033) to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shenandoah Valley National Battlefields Partnership Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990 Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation and interpretation of these sites will make a vital contribution to the understanding of the heritage of the United States;

(6) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(7) partnerships between Federal, State, and local governments and their regional entities, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments and their regional entities, and the private sector to preserve, conserve, enhance and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

SEC. 4. DEFINITIONS.

As used in this Act, the term—

(1) "battlefields" means the Shenandoah Valley National Battlefields established under section 5;

(2) "Commission" means the Shenandoah Valley National Battlefields Commission established in section 9;

(3) "historic core" means the area surrounding each unit of the battlefields as depicted on the map referenced in section 5(a) that encompasses important components of a conflict and that provides a strategic context and geographic setting for understanding the conflict;

(4) "plan" means the Shenandoah Valley National Battlefields plan approved by the Secretary pursuant to section 6;

(5) "Secretary" means the Secretary of the Interior; and

(6) "Shenandoah Valley" means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. 5. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.

(a) ESTABLISHMENT.—(1) To carry out the purposes of this Act, there is hereby established the Shenandoah Valley National Battlefields in the Commonwealth of Virginia. The battlefields shall consist of approximately 1,863 acres of lands and interests therein as generally depicted on the map entitled "Shenandoah Valley National Battlefields", numbered SHVA / 80,000 and dated April 1994, comprising units at Cedar Creek, Cross Keys, Fisher's Hill, McDowell, New Market, Opequan, Port Republic, Second Kernstown, Second Winchester, and Tom's Brook.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and in the appropriate offices of the National Park Service.

(3) The Secretary may, with the advice of the Commission and following an opportunity for public comment, make minor revisions to the boundaries of the battlefields.

(b) ADMINISTRATION.—The Secretary shall administer the battlefields in accordance with this Act and with provisions of law generally applicable to the National Park System, including the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act approved August 21, 1935 (49 Stat. 666). The Secretary shall protect, manage, and administer the battlefields for the purposes of preserving and interpreting their natural, cultural and historic resources and of providing for public understanding and appreciation of the battlefields in such a manner as to perpetuate these qualities and values for future generations.

(c) LAND ACQUISITION.—(1) Except as otherwise provided in this subsection, the Secretary is authorized to acquire lands and interests therein within the boundaries of the battlefields by donation, purchase with donated or appropriated funds, or exchange: Provided, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(2) Lands or interests therein within the battlefields that are owned by the Commonwealth of Virginia or a political subdivision thereof, may be acquired only by donation or exchange.

(3) The Secretary may not accept donations of lands or interests therein acquired through condemnation.

SEC. 6. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS PLAN.

(a) IN GENERAL.—The battlefields shall be managed by the Secretary pursuant to this Act and the Shenandoah Valley National Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) recommendations of potential boundary modifications to the battlefields, including modifications to the boundaries of the historic core of each unit, and the potential addition of new units;

(2) provisions for the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields, consistent with the purposes of this Act;

(3) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historical resources of the historic core areas;

(4) the information described in section 12(b) of Public Law 91–383 (16 U.S.C. 1a–7(b)) (pertaining to the preparation of general management plans);

(5) identification of appropriate partnerships between the Secretary and other Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this Act;

(6) proposed locations for visitor contact and major interpretive facilities, including proposals for one interpretive facility in the upper Shenandoah Valley and one in the lower Shenandoah Valley;

(7) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas; and

(8) provisions for a uniform valley-wide historical maker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties contained within the historic core areas, as identified on the map referred to in section 5(a), that contribute to the understanding of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—(1) Not later than 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan, and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the plan; or

(2) reject the plan and recommend modifications to the Commission that would make the plan acceptable.

SEC. 7. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In furtherance of the purposes of this Act, the Secretary may establish partnerships and enter into cooperative agreements concerning lands and interests therein within the battlefields and historic core areas with other Federal, State, or local agencies, and private persons and organizations.

(b) HISTORIC MONUMENTS.—The Secretary may enter into agreements with the owners of property in the battlefields and historic core areas on which historic monuments and tablets commemorating the battles have been erected prior to the date of enactment of this Act. The Secretary may make funds available for the maintenance, protection, and interpretation of the monuments and tablets pursuant to such agreements.

SEC. 8. GRANT PROGRAM.

(a) IN GENERAL.—(1) Within the battlefields and historic core areas, the Secretary may award grants and provide technical assistance to property owners to provided for the preservation and interpretation of the natural, cultural, and historical resources within the battlefields and historic core areas.

(2)(A) The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances or other appropriate documents that are consistent with and designed to protect the historic character of the battlefields and historic core areas.

(B) The Commission shall conduct a regular review of approved plans, guidelines, regulations, ordinances, or documents. If the Commission finds that any such plan, guideline, regulation, ordinance, or document or the implementation thereof is no longer consistent with the protection of the historic character of the battlefields and historic core areas, after consultation with the affected governmental entity, the Commission may recommend that the Secretary withdraw approval and suspend any grant authority pursuant to this section.

(C) The Secretary, after consultation with the Commission, shall suspend any grant awarded under this paragraph if the Secretary has determined that such plans, guidelines, regulations,

ordinances, or documents are modified in a manner that is inconsistent with the protection of the historic character of the battlefields and historic core areas.

(b) Cost Share.—The Federal share of any grant made under this section shall be matched by non-Federal funds on a one-to-one basis.

(c) Additional Conditions.—The Secretary may require such additional terms and conditions before awarding any grant as the Secretary determines to be necessary.

SEC. 9. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS COMMISSION.

(a) Establishment.—There is hereby established the Shenandoah Valley National Battlefields Commission.

(b) Membership.—The commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, after considering recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields or historic core areas (1 member within each unit).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) The Governor of Virginia, or a designee of the Governor, ex officio.

(6) The Director of the National Park Service, or a designee of the Director, ex officio.

(c) Appointments.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

(d) Election of Officers.—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. Terms of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) Vacancy.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) Quorum.—A majority of the Commission shall constitute a quorum.

(g) Meetings.—The Commission shall meet not less than quarterly, or at the call of the Chairperson or a majority of the members of the Commission. Notice of meetings and agendas shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) Staff of the Commission.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) Administrative Support Services.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) Federal Agencies.—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) Subpoenas.—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) Expenses.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this Act.

(m) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) Gifts.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

SEC. 10. DUTIES OF THE COMMISSION.

The Commission shall—

(1) develop the plan referred to in section 6, in consultation with the Secretary;

(2) advise the Secretary on the administration of the battlefields;

(3) assist the Commonwealth of Virginia, or any political subdivision thereof, or any nonprofit organization, in the management, protection, and interpretation of the natural, cultural and historical resources within the historic core areas: Provided, however, That the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historic resources within the battlefields and historic core areas by landowners, local governments, organizations, and businesses.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—There are authorized to be appropriated such sums as are necessary to carry out this Act, except that no more than $250,000 may be appropriated for the establishment and operation of the Commission.

(b) Availability of Funds.—Funds made available under subsection (a) shall remain available until expended.

The committee amendment was agreed to.

So the bill (S. 1033) as amended, was deemed read a third time and passed.

ORDERS FOR TOMORROW

Mr. GLENN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m., June 9; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for up to 10 minutes each; that at 12 noon, the Senate proceed to the consideration of Calendar No. 282, S. 1491, the Airport and Airway Improvement Act authorization.

The PRESIDING OFFICER. Without objection, it is to ordered.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. GLENN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:16 p.m., recessed until tomorrow, Thursday, June 9, 1994 at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1994:

DEPARTMENT OF STATE

GEORGE CHARLES BRUNO, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

DEPARTMENT OF STATE

ROBERT A. PASTOR, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

CARL BURTON STOKES, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

AFRICAN DEVELOPMENT FOUNDATION

ERNEST GIDEON GREEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 22, 1995, VICE EDWARD JOHNSON.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

JAMES SWEENEY, OF NEW MEXICO, TO BE A SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT MATTERS, UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, WITH THE RANK OF AMBASSADOR, VICE NANCY M. DOWDY, RESIGNED.

DEPARTMENT OF JUSTICE

MICHAEL JOHNSTON GAINES, OF ARKANSAS, TO BE A COMMISSIONER OF THE U.S. PAROLE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 1, 1997, VICE VICTOR M.F. REYES.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

KENNETH MALERMAN JARIN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL OF THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE ROBERT M. JOHNSON, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

ANNE C. PETERSEN, OF MINNESOTA, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE FREDERICK M. BERNTHAL.

COMMODITY FUTURES TRADING COMMISSION

SHEILA C. BAIR, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 1995, VICE WENDY LEE GRAMM, RESIGNED.

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1999, VICE SHEILA C. BAIR, TERM EXPIRED.

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE WENDY LEE GRAMM, RESIGNED.

THE JUDICIARY

JAMES L. DENNIS, OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES CLARK, RETIRED.

DAVID F. HAMILTON, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE S. HUGH DILLIN, RETIRED.

NAPOLEON A. JONES, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE EARL B. GILLIAM, RETIRED.

SARAH S. VANCE, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE HENRY A. MENTZ, JR., RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JAMES L. JAMERSON [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN E. JACKSON, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ALBERT J. EDMONDS [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. GRIFFITH [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. PETER A. KIND [redacted]
LT. GEN. DONALD M. LIONETTI [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutennant general

MAJ. GEN. ANTHONY C. ZINNI [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372 OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 10 MARCH 1994 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF 7 YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8308(B) OF TITLE 10.

CHAPLIN CORPS

To be lieutenant colonel

GEORGE B. BARNETT [redacted]
GREG W. CARLSON [redacted]
JAMES R. COOKE [redacted]
DESMOND G. CROTTY [redacted]
WARREN H. DAVIS [redacted]
WILLIAM W. DURDEN [redacted]
RAND EBERHARD [redacted]
ALAN M. KALINSKY [redacted]
DAVID E. MARKWALDER [redacted]
DANIEL J. PREZ [redacted]
BOBBY LEE SMITH [redacted]
DONALD W. SWEITZER [redacted]
STEVEN D. TITENSOR [redacted]
RIDLEY NORTMAN USHERWOOD [redacted]
DENNIS O. WRETLIND [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

BRUCE W. BECKER [redacted]
ROBERT A. BERSAK [redacted]
CHRISTOPHER L. BURNHAM [redacted]
DOROTHY K. CANNON [redacted]
GREGORY G. COLBY [redacted]
RONNIE D. COMPTON [redacted]
DANIEL L. DUROCHER [redacted]
KENNETH J. EMANUEL [redacted]
TIMOTHY I. FINAN [redacted]
THOMAS W. HARTMANN [redacted]
ALAN R. JACKSON [redacted]
FOREST G. KEATON [redacted]
RAYMOND L. KERN [redacted]
HARVEY A. KORNSTEIN [redacted]
DAVID L. KRAMER [redacted]
MICHAEL J. KRAMER [redacted]
KEVIN J. KUHN [redacted]
LINDA L. LEWIS [redacted]
THOMAS D. RATHGEB [redacted]
JAMES C. RUSSICK [redacted]
DOUGLAS A. SHROPSHIRE, JR. [redacted]
KINGSTON E. SMITH [redacted]
JOHN V. SULLIVAN [redacted]
CURTIS E. WATKINS [redacted]
RONALD C. WHITE [redacted]
TIMOTHY P. WILE [redacted]
TERRANCE WINDHAM [redacted]
ROBERT A. YOUNG [redacted]
ARTHUR P. ZAPOLSKI [redacted]

THE FOLLOWING CADETS, U.S. MILITARY ACADEMY, FOR APPOINTMENT IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

REGULAR AIR FORCE

To be second lieutenant

TODD E. COMBS [redacted]
KAR P. LAU [redacted]
ROBBIE J. PASSINAULT [redacted]
MICHAEL A. PETERS [redacted]
ZACHARY A. SIKES [redacted]
SHON P. WILLIAMS [redacted]

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

REGULAR AIR FORCE

To be second lieutenant

KRISTINE C. BURKS [redacted]
TOBIN G. BUTLER [redacted]
JENNIFER A. MENDEL [redacted]

IN THE ARMY

THE FOLLOWING—NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370, AND 1552:

ARMY PROMOTION LIST

To be colonel

GEORGE R. ALLEN [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A), 3366, AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

WILLIAM A. CARDOZA [redacted]
STEVEN KALLENBACH [redacted]
LARRY R. LEIBROCK [redacted]
HAROLD B. THOMPSON [redacted]
JOHN C. THOMPSON [redacted]
ROBERT L. WALLACE [redacted]
THOMAS E. WOLFORD [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

TERRENCE R. BRAND [redacted]
KENNETH R. HESTER [redacted]
PAUL A. JOHNSON [redacted]
ROBERT M. KELLY [redacted]
DAVID J. LAY [redacted]
MICHAEL R. VANPATTEN [redacted]

MEDICAL SERVICE CORPS

To be colonel

WILLIAM C. STALEY [redacted]

ARMY NURSE CORPS

To be colonel

PAULETTE K. DUNSTER [redacted]
JOHN D. DUSENBERY [redacted]

CHAPLAIN CORPS

To be colonel

LOUIS H. ALBRECHT [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

PHILIP E. VERMEER [redacted]

MEDICAL CORPS

To be lieutenant colonel

JAMES F. BEATTIE, JR. [redacted]
DORCAS M. EAVES [redacted]
VIVIAN F. HIGHSMITH [redacted]
ROQUE C. NIDO-LANAUSSE [redacted]
DEAN G. SIENKO [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

BARRY J. APPLEBY [redacted]
ROBERT R. EMBREY, III [redacted]
STEVEN J. PETERSEN [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

EDWARD R. P. KANE [redacted]
PAUL R. LEMOI [redacted]
JOSEPH P. RAVENELL [redacted]
DONALD L. WRIGHT [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GEORGE A. YANTHIS [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMPTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

WILLIAM D. BERTOLIO [redacted]
JOHN M. GUNDY [redacted]
JAMES D. HAGIN, JR. [redacted]
ROBERIC L. HAWORTH [redacted]
RICHARD F. HOUSER [redacted]
JAMES R. MORGAN [redacted]
DANIEL E. REEVES [redacted]
DREW H. WOODAL [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

RICHARD S. KWIECIAK [redacted]
MYRON T. STEELE [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

MARK O. AINSCOUGH [redacted]
EDWIN C. ALLEN, JR. [redacted]
ROMA J. AMUNDSON [redacted]
JOHN F.P. ANGEL [redacted]
DONALD A. BULLERMAN [redacted]
GENEVA C. CARTER [redacted]
GARY R. CHICOINE [redacted]
JOHN T. DAVIS [redacted]
WALTER K. DYER [redacted]
GREGORY B. EDWARDS [redacted]
RAYMOND J. GODLESKI, JR. [redacted]
DAVID F. GUNN [redacted]
CHRISTOPHER M. HAMLIN [redacted]
HARRY P. HAROLDSON [redacted]
JAMES E. KELLY [redacted]
DIANNE S. LANGSFORD [redacted]
RICHARD K. LINTON [redacted]
WILLIAM D. MAY [redacted]
JOHN P. MCEVOY, JR. [redacted]
DANIEL J. MCHALE [redacted]
RONALD L.MILLER [redacted]
JULIAN H. ROMERO [redacted]
DAVID F. SARNOWSKI [redacted]
JOHNNY M. SAVAGE [redacted]
LARRY J. STUDER [redacted]
RICHARD TODAS [redacted]
DENNIS L. TOLMAN [redacted]
DONALD W. VENN II [redacted]
DAVID B. WILLIAMSON, SR. [redacted]
PETER K. WILSON [redacted]
MICHAEL L. WOOD [redacted]
RICHARD S.W. YOUNG [redacted]
THADDEUS ZEBROWSKY [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

GEOFFREY H. BARKER
WILLIAM A. BARNES
JOSEPH B. FREEDLE
TRAVIS L. HOMIAK
LOUIE A. LANGE III
MICHAEL A. LARRAZOLO
CHRISTOPHER J. LAUER
THOMAS S. LITTLE II
GIAN F. MACONE
SCOTT A. MCCOY
DAN B. TURNER III

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

WESLEY F. AHLGREN
MARCUS C. BRADSHAW
JEFFREY S. CERTAIN
ALFRED B. CONNABLE
DANIEL L. LANG
JEFFREY J. MARES
LARRY G. PAIGE II
MICHAEL A. PARKER
ROBERT C. POWERS
DOUGLAS G. SCHAFFER
JOSEPH J. STEPHENS II
OTTO H. WESTHASSEL

THE FOLLOWING-NAMED U.S. AIR FORCE ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE SECTION 541:

To be second lieutenant

WILLIAM C. ALLEN
DEAN G. CONASTER
JACK C. EAST
KURT I. GORDON
GORDON J. LIMB
CHARLES R. MCGREGOR
KIRK D. NOTHELFER
FREDERIK W. VANWEEZENDONK
PAUL A. WAGNER, JR.

THE FOLLOWING-NAMED U.S. MILITARY ACADEMY GRADUATE FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 541 AND 5585:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

TODD C. YANT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE

32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

THOMAS F. ASTALDI [redacted]
RUSSELL C. AXTELL [redacted]
JAMES F. BARNETTE [redacted]
FREDERICK J. BARRATT [redacted]
FRED M. BASTION, JR. [redacted]
BILLY C. BEARDEN, [redacted]
GREGORY J. BECKEL [redacted]
WILLIAM J. BOARDLEY [redacted]
PETER W. BORGOS, [redacted]
MASON R. BROOKS, [redacted]
JERRY G. BURTNETT [redacted]
MITCHELL J. CATOE [redacted]
LAWRENCE J. CERFOGLIO [redacted]
DAVID W. CHERRY, [redacted]
JOHN S. CHILDRESS [redacted]
CHARLES E. CHINNOCK, JR. [redacted]
DAVID O. CLARK, [redacted]
RICHARD H. CLEVENGER, [redacted]
JOHN S. COULTHARD, [redacted]
THEODORE E. DODSON, [redacted]
THOMAS DONALDSON, JR. [redacted]
WILLIAM J. DRZAL, [redacted]
JAY D. FULLER [redacted]
RUSSELL V. GATLIN [redacted]
JAMES A. GIBBONS, [redacted]
CHARLES A. HARDESTY, [redacted]
RICHARD W. HEASLIP, [redacted]
BARNEY L. HITT, III [redacted]
RONALD A. HOFFMEYER, [redacted]
WILBUR D. HOWARD, JR. [redacted]
JEROME L. HUME, [redacted]
STEPHEN D. KELLY [redacted]
ROGER W. LARSEN, [redacted]
ROBERT B. LEVINE, [redacted]
DAVID A. LUNDY, [redacted]
JOHN W. MARSHALL, JR. [redacted]
KENNETH M. MATHIAS, [redacted]
HENRY L. MILLER [redacted]
DOUGLAS R. MOORE, [redacted]
MARVIN B. MORGAN, [redacted]
ROBERT S. PROWSE [redacted]
JAMES B. ROBERTS [redacted]
BEN F. ROBINSON, JR. [redacted]
LAWRENCE D. RUSCONI, [redacted]
LEON SIMMONS, JR. [redacted]
WARD D. SNEARLY, [redacted]
STEVEN C. SPEER [redacted]
BRADLEY A. STONESIFER [redacted]
WILLIAM G. STRATEMEIER, JR. [redacted]
KENNETH J. STROMQUIST [redacted]
JEFFREY D. STUARD [redacted]
MICHAEL SWANIK, JR. [redacted]
ROGER F. TAYLOR, [redacted]
ANDREW J. THOMPSON, IV [redacted]
DONALD L. WHITEHEAD, [redacted]
RONALD L. WILCOX, [redacted]
JAMES K. WILSON, [redacted]
ANTHONY N. WYLIE, [redacted]

JUDGE ADVOCATE

To be colonel

WILLIAM G. ALEXANDER, [redacted]
ARMANDO O. MONACO, II, [redacted]

MEDICAL CORPS

To be colonel

WILLIAM L. CARVETH, [redacted]
JAMES R. HILDEBRAND [redacted]
DAVID A. PERDZOCK, [redacted]
PRIMUS J. SKUMATZ, JR. [redacted]
DEAN E. SORENSEN, [redacted]
STEWART A. VERNOOY, JR. [redacted]
RAYMOND L. WEBSTER, [redacted]

NURSE CORPS

To be colonel

CAROL M. BROOKSHIRE, [redacted]
SUSAN J. TROYER [redacted]
RUTH A. WONG, [redacted]

BIOMEDICAL SCIENCE CORPS

To be colonel

JAMES A. MCANDREW, JR. [redacted]
GEORGE W. SIEBERT, III [redacted]

IN THE ARMY

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

PETER M. ABBRUZZESE [redacted]
ALFRED A. ACENAS, [redacted]
JAMES S. ADAMS [redacted]
MICHAEL A. ADAMS, [redacted]
ARTHUR A. ADDLEMAN, [redacted]
THOMAS ADDYMAN, JR. [redacted]
JENNIFER M. AHRENS [redacted]
MICHAEL J. ALAIN, [redacted]
SHERRY L. ALBRIGHT [redacted]
JAMES R. ALCOCK, [redacted]
JONATHAN W. ALEXANDER [redacted]
NICHOLAS G. ALEXANDER, [redacted]
DEBORAH S. ALFRED [redacted]
JONATHAN W. ALLEN, [redacted]
DANIEL P. ALLMACHER [redacted]
JON W. ALTHOFF, [redacted]
JOHN E. AMADEO, [redacted]
JEFFREY J. AMATO [redacted]
EDWARD ANDERSON IV, [redacted]
SUE H. ANKENY, [redacted]
GARY P. ANTOSH, [redacted]
CHARLES APPLEBY III [redacted]
BYRON J. ARCENEAUX, [redacted]
JOSEPH A. ASHER, [redacted]
JEFFREY A. ATKINSON, [redacted]
ADAM J. AUGUSTOWSKI, [redacted]
ANTONIO D. AUSTIN, [redacted]
VANCE L. AVERA, [redacted]
BRIAN S. AXELSEN, [redacted]
MICHAEL AXELSEN II, [redacted]
ALEJANDRO AYALA, [redacted]
CRISTINA R. BAGAY, [redacted]
BYRON P. BAGGETT, [redacted]
BRIAN P. BAILEY, [redacted]
JAMES J. BAILEY [redacted]
RICHARD J. BAILEY [redacted]
TOMMY BAILEY, JR. [redacted]
CARLETON BAILIFF, JR. [redacted]
DANE BAIRD, JR. [redacted]
JOHN BAKER, JR. [redacted]
ROBERT S. BAKER, [redacted]
ROBERT A. BALDWIN, [redacted]
TODD L. BANEY, [redacted]
SALVATORE S. BARBARIA, [redacted]
ROBERT S. BARBER, [redacted]
THOMAS P. BARKER, [redacted]
ANDREW M. BARNES, [redacted]
JACKQUILINE M. BARNES, [redacted]
MAREN P. BARNEY, [redacted]
DANIEL J. BARRIOS [redacted]
MILTON BARTLEY, JR. [redacted]
KIMBERLY A. BARTLOW, [redacted]
BRAUM P. BARTON, [redacted]
LUKE J. BASSETT [redacted]
BASSEY BASSEY III [redacted]
STEVEN M. BASSO, [redacted]
HERNANDEZ P. BATISTA, [redacted]
JOHN BATSON, JR. [redacted]
RICHARD E. BATTERSBY, [redacted]
BRADLEY K. BAUCOM, [redacted]
JEFFERY S. BAUM [redacted]
CHAD A. BEASINGER, [redacted]
JONATHAN R. BEASLEY [redacted]
OWEN J. BEAUDOIN, [redacted]
STEVEN D. BEAUMONT, [redacted]
GUILLAUME M. BEAURPERE [redacted]
LESLIE D. BEGLEY [redacted]
CHRIS M. BELL, [redacted]
JAIME L. BELL [redacted]
CHARLES BELLINGER, JR. [redacted]
TIMOTHY M. BENINATO, [redacted]
DANIEL T. BENNETT [redacted]
DAVID J. BERGER [redacted]
TARA L. BERGERON, [redacted]
CARL L. BERGMANN, [redacted]
LEE F. BERLIN, [redacted]
ENRICO Z. BERMUDEZ, [redacted]
KRISTA M. BERNARD, [redacted]
BRIAN S. BERRY, [redacted]
RACHEL A. BERRY, [redacted]
MICHELLE L. BIENIAS [redacted]
JONATHAN D. BIGGERT, [redacted]
CHRISTINE M. BIRKEL [redacted]
CYNTHIA L. BISHOP, [redacted]
MICHAEL J. BISSONETTE [redacted]
PATRICK K. BIXEL [redacted]
EVELYN J. BLACK, [redacted]
RONALD C. BLACK, [redacted]
EDWARD BLACKMAN III, [redacted]
TIMOTHY G. BLACKWELL, [redacted]
TOWNSEND BLANCHARD, [redacted]
JOSEPH D. BLANDING [redacted]
IRIZARRY H. BLAS [redacted]
ROBERT B. BLEGEN, [redacted]
MATTHEW A. BOAL, [redacted]
MARY K. BOESEN, [redacted]
ROD L. BOLES, [redacted]
TROY A. BOLLMAN, [redacted]
PETER A. BOOKER, [redacted]
MATTHEW J. BORDENET [redacted]
EUGENE BORDINGER, JR. [redacted]
TIMOTHY B. BORGERDING, [redacted]
RALPH BORJA II, [redacted]
AIDA T. BORRAS, [redacted]
DOMINIC BOSCAGLIA, [redacted]
GLEN A. BOUCHER, [redacted]
STEVEN T. BOWER, [redacted]
JOSEPH A. BOWMAN, [redacted]
CHARLES W. BOWSER, [redacted]
DARRIN M. BOWSER, [redacted]
JOHN C. BOYARSKI, [redacted]
SCOTT D. BOYD, [redacted]
KRISTI A. BOYERS, [redacted]
MICHAEL L. BREINER, [redacted]
JEROME S. BRENNEMAN, [redacted]
MATTHEW S. BRENNER, [redacted]
DARBY J. BREWER, [redacted]
WILLIAM BREWSTER, JR. [redacted]
CHRIS M. BRIAND, [redacted]
MARIE A. BRIDY, [redacted]
JOHN A. BRINKER, [redacted]
ADRIAN G. BROCKINGTON, [redacted]
ROBERT E. BROOKS, [redacted]
DEIRDRE G. BROU, [redacted]
CARLOS J. BROWN, [redacted]
GEORGE N. BROWN, [redacted]
MYRTITH A. BROWN, [redacted]
JONATHAN B. BROWNE, [redacted]
MICHAEL C. BRUENS, [redacted]
COREY L. BRUMSEY, [redacted]
JASON A. BRYAN, [redacted]
KATHRYN A. BRYAN, [redacted]
CRAIG S. BUDINICH, [redacted]
DARLENE M. BUDZINSKI, [redacted]
ALFRED T. BUFFINGTON [redacted]
DOUGLAS W. BURBEY, [redacted]
KEVIN P. BURKE, [redacted]
WILLIAM BURKE III, [redacted]
TODD A. BURKHARDT, [redacted]
ERIC L. BURROUGHS, [redacted]
TURNER I. BURSON, [redacted]
STEVEN E. BUSCH, [redacted]
MATTHEW M. BUTCHER, [redacted]
ANTOINETTE R. BUTLER [redacted]
KEVIN J. BUTLER [redacted]
AARON T. BUTTS, [redacted]
BRANN G. CALVETTI, [redacted]
JULIA C. CAMPBELL [redacted]
DANIEL H. CANON, [redacted]
MICHAEL A. CARGILL, [redacted]
TRAVIS D. CARLISLE [redacted]
ANDREW T. CARLSON, [redacted]
ELIZABETH A. CARMOLA, [redacted]
JON CARRICO, JR. [redacted]
CHARLES R. CARSON, [redacted]
PAMELA J. CARTER [redacted]
MICHELLE R. CASEY, [redacted]
DAVID M. CASSELLA, [redacted]
JAMES P. CASTELLI [redacted]
MARCUS A. CASTILLA, [redacted]
FRAZARIEL I. CASTRO [redacted]
SHANNON CECCHINI, [redacted]
RAY M. CERALDE, [redacted]
CHARLES K. CHANG, [redacted]
DAVID R. CHARPENTIER [redacted]
DAVID C. CHIARENZA, [redacted]
CHRISTOPHER M. CHILDS [redacted]
MATTHEW C. CHRISTENSON, [redacted]
CHAD Q. CHRISTMAN, [redacted]
MICHAEL R. CHUPAS, [redacted]
JOSEPH CLARK, JR. [redacted]
JAMES C. CLARKE, [redacted]
RICHARD CLAYTON, JR. [redacted]
JARED L. CLEARY [redacted]
ANTHONY T. CLEMENTE, [redacted]
MOJICA J. CLEMENTE [redacted]
GEORGE CLEVELAND II, [redacted]
JAMES S. CLIFFORD [redacted]
JENNIFER B. CLIFFORD [redacted]
RONALD E. CLOW, [redacted]
GEORGE D. COFFEE [redacted]
SCOTT E. COHEN, [redacted]
ROLANDA D. COLBERT, [redacted]
GREGORY J. COLE, [redacted]
LEVORN S. COLLINS, [redacted]
STEVEN COLLINS [redacted]
ANTHONY C. COMELLO, [redacted]
AIMIE L. COMPISI [redacted]
RONNIE L. CONEY, [redacted]
CLINTON J. CONZEMIUS, [redacted]
BRIAN E. COOK, [redacted]
CYNTHIA N. COOK, [redacted]
DAVID J. COOMBES, [redacted]
DORIAN A. COOPER, [redacted]
ROBERT CORDRAY III, [redacted]
DAVID M. CORLETT, [redacted]
REBECCA CORRING, [redacted]
JAMES T. COSSON, [redacted]
CHRISTOPHER T. COYLE, [redacted]
TERRY G. CRANK, [redacted]
JEFF S. CRAPO [redacted]
BARBARA R. CRAWFORD, [redacted]
MICHAEL A. CRAWFORD, [redacted]
ERIC S. CRIDER, [redacted]
FREDERICK L. CRIST [redacted]
ROBBIE J. CROSS, [redacted]
DONALD O. CROW, [redacted]
JASON R. CUMBIE, [redacted]
ANDREW B. CUNNEY, [redacted]
CHRISTINE A. CURRAN, [redacted]
JENNIFER L. CURTIS [redacted]
RICHARD L. CURTIS, [redacted]
TERRY L. CYFERS [redacted]
JOSEPH F. DAILEY [redacted]
JOHN D. DALBEY, [redacted]
JILL N. DALE [redacted]
CHRISTINE R. DALVE [redacted]
CHRISTINE M. DALY, [redacted]
KEVIN K. DAMON, [redacted]
HERBERT DANIEL, JR. [redacted]
ERIC B. DARRINGTON, [redacted]
WAYNE E. DARSOW, [redacted]
GLENN P. DAUBERT, [redacted]
RICHARD B. DAVENPORT, [redacted]
FORTI J. DAVILA, [redacted]
AMUDU B. DAVIS, [redacted]
AVERY E. DAVIS, [redacted]
JAMAL D. DAVIS, [redacted]
JULI A. DAVIS, [redacted]
RICHARD DAVIS, JR. [redacted]
RICHARD L. DAVIS, [redacted]
WILLIAM A. DAVIS, [redacted]
WILLIE E. DAVIS, [redacted]
JOHNATON L. DAWBER, [redacted]
SHARY A. DAY, [redacted]

JAMES C. DEAK, [redacted]
LEONARD T. DEAVER, [redacted]
JAMES A. DELAPP, [redacted]
ROCHELLE A. DENMAN, [redacted]
JAMES DEORE, JR, [redacted]
MICHAEL R. DEPERRO, [redacted]
PATRICK L. DEVINE, [redacted]
ANDREW A. DEWEES, [redacted]
LARRY DEWEY, JR, [redacted]
ERIK L. DIAS, [redacted]
AARON G. DICKENS, [redacted]
NICHOLAS J. DIFIORE, [redacted]
MICHAEL P. DILLON, [redacted]
RICHARD F. DIMARCO, [redacted]
WILLIAM S. DINWIDDIE, [redacted]
VALERIE D. DODD, [redacted]
MICHAEL P. DOHERTY, [redacted]
GERARD E. DOLAN, [redacted]
WAYNE W. DON, [redacted]
PATRICK A. DONAHUE, [redacted]
ROBERT DONNELLY, [redacted]
GERALD C. DOOLEY, [redacted]
BENNY DORAN, JR, [redacted]
LARRY D. DOSS, [redacted]
ANTHONY R. DOTSON, [redacted]
LYNN E. DOWNIE, [redacted]
JAMES F. DRAUDT, [redacted]
DARRELL W. DRIVER, [redacted]
STEPHEN R. DUBRAVAC, [redacted]
MATTHEW B. DUCKWORTH, [redacted]
SEAN C. DUGGAN, [redacted]
MICHAEL J. DUGUID, [redacted]
DANIEL J. DUNCAN, [redacted]
CAROL S. DUNLAP, [redacted]
CHRISTOPHER L. DUNLAP, [redacted]
ADAM DUSEWICZ, [redacted]
DAVID P. DUSZA, [redacted]
HUGH DYER, IV, [redacted]
MATTHEW S. EASH, [redacted]
LISA R. ECKERMAN, [redacted]
SEAN E. EDWARDS, [redacted]
FRANK J. EGNATY, [redacted]
KELLY B. EILAND, [redacted]
JAMES W. ELLERSON, [redacted]
ALAN L. ELLIS, [redacted]
CHARLES J. ELLSTROM, [redacted]
WILLIAM J. EPOLITO, [redacted]
EDWARD ERB, III, [redacted]
ROBERT A. ERICKSON, [redacted]
BRIAN C. ERNY, [redacted]
CARRIE L. EVANS, [redacted]
MARCUS S. EVANS, [redacted]
CYNTHIA A. EVELYN, [redacted]
CRAIG A. EVERSON, [redacted]
BRIAN K. EWING, [redacted]
STEVEN L. FANDRICH, [redacted]
CHRISTINA L. FARRINGTON, [redacted]
PRESCOTT R. FARRIS, [redacted]
JOSEPH A. FASANO, [redacted]
KEVIN N. FAUGHNDER, [redacted]
MICHAEL D. FAVERO, [redacted]
PETER H. FECHTEL, [redacted]
KEVIN FIELD, [redacted]
TRUDY L. FIELDS, [redacted]
THOMAS M. FIFE, [redacted]
SCOTT T. FIGLIOLI, [redacted]
FELIX C. FILLMORE, [redacted]
TIMOTHY H. FINNEGAN, [redacted]
SAMUEL E. FIOL, [redacted]
SCOTT FLANDERS, [redacted]
REGINA M. FLANGO, [redacted]
JEFFREY J. FLEEHER, [redacted]
ANDREW S. FLETCHER, [redacted]
MICHAEL S. FLYNN, [redacted]
JASON T. FOESS, [redacted]
GENE R. FORD, [redacted]
TIMOTHY A. FORD, [redacted]
CHERYL A. FOREMAN, [redacted]
BRIAN R. FORMYDUVAL, [redacted]
ROBERT B. FOUCHE, [redacted]
DANIEL D. FOURNIER, [redacted]
BRYAN E. FOWLER, [redacted]
SHAWN N. FOWLER, [redacted]
JOHN FRANCIS, [redacted]
ROGER J. FRANK, [redacted]
PARKER L. FRAWLEY, [redacted]
FLITE H. FREIMANN, [redacted]
WENDY L. FRITZ, [redacted]
DANIEL M. FROEHLICH, [redacted]
CHRISTOPHER C. FROST, [redacted]
JONATHAN R. FUNK, [redacted]
SCOTT M. FUSSELL, [redacted]
NATHANIAL R. GAHR, [redacted]
GONZALEZ H. GALARZA, [redacted]
CAROLYN B. GALES, [redacted]
JOHN T. GALLOB, [redacted]
JAMES J. GALLUZZO, [redacted]
BARBARA J. GALVICH, [redacted]
ADRIAN GAMEZ, [redacted]
GABRIEL T. GARCIA, [redacted]
BETTY K. GARNER, [redacted]
ALLEN GARRISON, JR, [redacted]
TRENT G. GARRISON, [redacted]
KRYSTAL J. GATES, [redacted]
CHARLES GATLING, [redacted]
DAVID C. GEARHART, [redacted]
MICHAEL C. GIBSON, [redacted]
DAVID A. GIGLIOTTI, [redacted]
MELVIN B. GILBERT, [redacted]
ANDREA D. GILMORE, [redacted]
TROY L. GLAZIER, [redacted]
JAN K. GLEIMAN, [redacted]
TIMOTHY P. GLUBASKAS, [redacted]
VINCENT S. GOLEMBESKI, [redacted]
VLADIMIR R. GOLONDRINA, [redacted]
HECTOR A. GONZALEZ, [redacted]
AMANDA R. GOODGE, [redacted]
ROBERT P. GOODING, [redacted]
NATHAN D. GOUBEAUX, [redacted]
DENISE M. GOUIN, [redacted]
MARK B. GOWING, [redacted]
JAREN T. GRADY, [redacted]
WILLIAM J. GRAF, [redacted]
CRAIG J. GRAFF, [redacted]
ENRIQUE A. GRAJALES, [redacted]
ERIN A. GRAVITT, [redacted]
ALONZO A. GRAY, [redacted]
DARRELL M. GRAY, [redacted]
JAMES GREEN, JR, [redacted]
SCOTT A. GREEN, [redacted]
CHRISTOPHER R. GREENWOOD, [redacted]
ERIC B. GREER, [redacted]
JOHN P. GREGOR, [redacted]
STEPHEN M. GRENIER, [redacted]
SHANE M. GRIES, [redacted]
TODD A. GRIESEMER, [redacted]
JEFFREY T. GRIFFIN, [redacted]
JOE GRIGG, JR, [redacted]
ROBERT F. GRIGGS, [redacted]
GARY A. GRUBB, [redacted]
JEFFREY D. GRUNDMEYER, [redacted]
FERNANDO GUADALUPE, [redacted]
JULIAN GUERRERO, [redacted]
GARY GULLIKSEN, JR, [redacted]
JOSE P. GUTIERREZ, [redacted]
DARIN O. HAAS, [redacted]
BRIAN G. HACKETT, [redacted]
JEFFREY S. HACKETT, [redacted]
GREGORY S. HAFER, [redacted]
BRIAN M. HAGER, [redacted]
MICHELLE L. HAHN, [redacted]
DON R. HALL, [redacted]
JENNIFER J. HALL, [redacted]
MICHELE L. HALL, [redacted]
ROBERT D. HALVORSON, [redacted]
DANIEL C. HAMILTON, [redacted]
EDWARD E. HAMILTON, [redacted]
SCOTT A. HAMILTON, [redacted]
JAMES B. HAMM, [redacted]
DANIEL M. HANCOCK, [redacted]
MICHAEL J. HANDEL, [redacted]
GRANT K. HANSEN, [redacted]
MICHAEL R. HARPER, [redacted]
JOHN P. HARRELSON, [redacted]
KRISTI L. HARRIS, [redacted]
RICHARD HARRIS, JR, [redacted]
TRACY D. HARRISON, [redacted]
AUDRA HARSHAW, [redacted]
DEREK R. HART, [redacted]
MICHAEL D. HARTLEY, [redacted]
DEIRDRE A. HARTMAN, [redacted]
NAOMI S. HATFIELD, [redacted]
MICHAEL R. HAUENSTEIN, [redacted]
LISA M. HAVRILLA, [redacted]
BRIDGET C. HAYES, [redacted]
TAMARA A. HAYLETT, [redacted]
JILL L. HEFTY, [redacted]
JERED P. HELWIG, [redacted]
DARREN E. HENDERSON, [redacted]
JORDAN V. HENDERSON, [redacted]
JEFFREY A. HENDRICKSON, [redacted]
JOHN HENRY, [redacted]
TY A. HENSLEY, [redacted]
ARCHIE S. HERNDON, [redacted]
JOHN D. HERRICK, [redacted]
SARAH E. HERRICK, [redacted]
LYNN E. HERRINGTON, [redacted]
VERNON W. HERTEL, [redacted]
MICHAEL S. HESS, [redacted]
JENNIFER K. HICKS, [redacted]
JOHN W. HICKS, [redacted]
VANESSA F. HICKS, [redacted]
RACHEL J. HILL, [redacted]
WESLEY A. HOBBS, [redacted]
MATTHEW S. HODGE, [redacted]
CHRISTOPHER W. HOFFMAN, [redacted]
ANDREW K. HOLLAND, [redacted]
JONATHAN S. HOLLAND, [redacted]
RICHARD HOLLAND, JR, [redacted]
KIRK H. HOLMES, [redacted]
TIMOTHY A. HOLMES, [redacted]
NORMA J. HONAKER, [redacted]
LEON HOOTEN, IV, [redacted]
SUSAN G. HOPKINSON, [redacted]
DALIA E. HOPPER, [redacted]
MELISSA D. HORNBACK, [redacted]
TODD R. HOURIHAN, [redacted]
CRYSTAL L. HOUSE, [redacted]
JACKY S. HOWARD, [redacted]
KATHRYN L. HOWARD, [redacted]
LESLIE E. HOWARD, [redacted]
STEPHEN F. HOWE, [redacted]
THOMAS W. HRABAL, [redacted]
ALBERT Y. HUANG, [redacted]
RICHARD C. HUBBARD, [redacted]
ALISON M. HUBER, [redacted]
DONALD E. HUFF, [redacted]
MARY E. HUFF, [redacted]
TIMOTHY C. HUFF, [redacted]
MICHAEL S. HUMPHREYS, [redacted]
THOMAS L. HUNDLEY, [redacted]
CHRISTOPHER G. HURLBURT, [redacted]
HARRY HURST III, [redacted]
LLOYD HURST, JR., [redacted]
JEFFERY J. HUTCHENS, [redacted]
CHARLES H. HUTSON, [redacted]
MARVIN E. IAVECCHIA, [redacted]
LEONARD K. IDLAND, [redacted]
L. GRACE O. ILAGAN, [redacted]
WILBUR D. IRICK, [redacted]
JOHN F. IRISH, [redacted]
AMANDA T. ISTRE, [redacted]
ERIN M. IVERSON, [redacted]
MATTHEW J. IV ERSON, [redacted]
MARK W. JACKSON, [redacted]
WILLIAM JACOBS II, [redacted]
CLARISA JAMES, [redacted]
JEFFERY N. JAMES, [redacted]
ERIK J. JASPERS, [redacted]
MELANIE A. JOBST, [redacted]
GINA M. JOHN, [redacted]
CRAIG O. JOHNSON, [redacted]
DAVID R. JOHNSON, [redacted]
JOHN D. JOHNSON, [redacted]
MATTHEW H. JOHNSON, [redacted]
PETER H. JOHNSON, [redacted]
STEVE JOHNSON, [redacted]
DAVID H. JONES, [redacted]
DELOIS A. JONES, [redacted]
JASON E. JOOSE, [redacted]
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STEVEN P. ONEIL [redacted]
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KATHERINE C. RAVER [redacted]
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RODRIGUEZ J. RODRIGUEZ, [redacted]
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DE JESUS M. ROSADO [redacted]
FELICIANO L. ROSADO, [redacted]
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BRETT J. ROTA [redacted]
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JOANN WHITE, [redacted]
HEIDI I. WHITESCARVER, [redacted]
GENE P. WHITESIDES [redacted]
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REID C. WHITLEY, [redacted]
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DIANNA N. ZITO, [redacted]
JEFFREY V. ZOTTOLA [redacted]

THE FOLLOWING-NAMED DISTINGUISHED HONOR GRADUATES FROM THE OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THEIR ACTIVE DUTY GRADE OF SECOND LIEUTENANT IN THE REGULAR ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

MICHAEL KELLOGG, [redacted]
FRANK J. STANCO, JR [redacted]

THE FOLLOWING-NAMED OFFICERS FROM JUDGE ADVOCATE GENERAL'S CORPS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

To be majors

ROBERT J. BARHAM, [redacted]
ALLEN K. GOSHI, [redacted]
HOWARD O. MCGILLIN, [redacted]

To be captains

JOHN A. ADAMS, [redacted]
JOHN B. ALUMBAUGH, [redacted]
THOMAS E. AYRES, [redacted]
GARY R. BROCK, [redacted]
CHRISTOPHER M. DETORO, [redacted]
DOUGLAS A. DRIBBEN, [redacted]
MARK D. DUPONT, [redacted]
BRUCE C. EVANS, [redacted]
KAREN V. FAIR, [redacted]
DAVID B. FREEMAN, [redacted]
CYNTHIA A. GLEISBERG, [redacted]
FRANK M. HRUBAN, [redacted]
TRACY D. KNOX, [redacted]
MAURICE A. LESCAULT, [redacted]
MARK S. MARTINS, [redacted]
DAVID A. MAYFIELD, [redacted]
MICHAEL A. NEWTON, [redacted]
EDWARD J. OBRIEN, [redacted]
BRADLEY D. PAGE, [redacted]
LISA M. SCHENCK, [redacted]
JEFFREY D. SMITH [redacted]
ERIC G. STOREY, [redacted]
KATHERINE L. SPAULDING [redacted]
THOMAS P. SWANTON, [redacted]

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1994, UNITED STATES AIR FORCE ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, 531(A), AND 541:

JAMES M. BROGDON, [redacted]
DAVID J. EMERY, [redacted]
CARLTON L. HOSKINS, [redacted]
JENNIFER T. HOWARD, [redacted]
WILLIAM D. PLEASANCE, [redacted]
PETER D. SMITH, [redacted]

THE FOLLOWING-NAMED MIDSHIPMEN, GRADUATING CLASS OF 1994, UNITED STATES NAVAL ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, 531(A), AND 541:

THOMAS B. STROUD, [redacted]
RICHARD WRONA, JR., [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

to be commander

JEFFERY R. ABEL
RAYMUNDO AGUILAR
ARLA MARIE ALBERS
LANCE ROBERT ALDERMAN
ERNEST RUSSELL ALLEN
MARVIN T. ALLEN
THOMAS GALE ALLEN
JAMES L. ALLISON
JOSEPH R. ALLISON
JEFFREY ROBERT ALLMON
PHILIP JOSEPH ALTIZER, JR.
GLENN EDWARD ANDERSON
JAMES ARTHUR ANDERSON
JOHN ALLEN ANDERSON
MICHAEL ALLEN ANDERSON
MICHAEL L ANDREWS
SANDRA FRANCISCA ANSELMO
DENNIS RAY ANTHONY
EDWARD LAWRENCE ARCAND
GEORGE MARK ARVONEN
DOUGLAS G AUYONG
KENNETH AVERY
ANDREW GEORGE BAAN
DANIEL THOMAS BACH
EDWARD CLYDE BADEN
BERNARD TRACY BAETZEL
BEVERLY FRANCES BAKER
JEFFREY THOMAS BAKER
GIL ARCALA BALAOING
BRYAN KING BALL
GEORGE WAYNE BALLANCE
WALTER W BALLARD
GEORGE BARANCHULK
ERIC CHARLES BARON
NICHOLAS DAVID BARONE
RONALD JAMES BARRETT
MARTIN JOSEPH BARRON
STEVEN ROBERT BARTIE
ERIC CURTIS BATEMAN
JOHN WILLIAM BAXTER, JR.
JON WILLIAM BAYLESS, JR.
LAWRENCE PAUL BEAL
MARK DAVID BEATTY
JAMES FRANCIS BECKA
BRYAN DOUGLAS BEEMER
PHILLIP ANTHONY BEGLEY
THOMAS JULIAN BELKE
JOHN RICHARD BELL
CHARLES G. BELTZ
JOHN DEWITT BENBOW
PATRICIA RAWSON BENT
DONALD J. BENZING
MARTIN WALTER BERG
OSCAR LUCIAN BERNIER, JR.
CHARLES R. BERNSTEIN
EDWARD LOUIS BERNZEN
GREGORY CHARLES BETIT
KENNETH ROBERT BEYER
BLAKE W. BIGGS
ROGER DEAN BIRNBAUM
JEFFREY EDWARD BLACKBURN
JOHN W. BLACKSTONE
DANIEL KINGSTON BLAKE
ROBERT DONALD BLOT
VICTORIA PALZKILL BONANNO
BENJAMIN DALE BONEY
FREDERICK YATES BORDEN III
ROBERT JOHN BOROWSKI
BRUCE HENRY BOSSHARD
MILTON JOSEPH BOUVIER III
STEVEN LEIGH BRADLEY
DANIEL VON BRAKE
ROBERT BATSON BRALLIAR
HARVEY JAMES BRAU II
ROBIN R. BRAUN
RICHARD JOSEPH BRENNAN, JR.
CHARLES LOUIS BRESCIA
FRANCIS CAREY BRINKER
DAVID BROADBENT
FRANCIS JOSEPH BROSNAN
CLARENCE LEONARDY BROWN
JAMES WEIR BROWN
KENNETH ROBERT BROWN
MICHAEL J. BROWNE
CARL JOSEPH BRUST, JR.
KEVIN WILBUR BUBB
SANDRA TAIT BUCKLES
KARL P. BUNKER
MARK FAIRMAN BUNTING
R. JANE BURCHPESSES
THADDEUS CLAIR BURFORD
WILLIAM LEO BURGER
JOHN WILLIAM BURKE
MATHES MCGUIRE BURKE II
MICHAEL EDWARD BURKE
EUGENE CLAYTON BURNS
WENDY RAE RUSSEL BURROUGHS
PAUL JOHN BUTLER
KARL BUTTERBRODT
MICHAEL ALDEN BUZZELL
JOHN LAWRENCE CALLAHAN, JR.
CAROLYN ANN CALOMENI
NESTOR H. CAMERINO, JR.
KEVIN DAVID CAREY
DAVID EARL CARTER
MICHAEL GENE CARTER
CHARLES LANE CARTLEDGE
WYLIE DARDEN CAVIN
ALETA LOUISE CHAMBERLAIN
CARL NELSON CHAMBERLAIN
BRANDAN J. CHANG
SILVIA KATHARINA CHANG
ROGER ANTHONY CHAPA
RANDY JOE CHARLES
CHRISTOPHER T. CHILES
KEVIN WALTER CHIZEK
EDWARD JOHN CHOMAS
MICHAEL CHRISTIANSEN
THOMAS JOSEPH CIANCIOLO
MICHAEL ANTHONY CLAUDIO
JEFFREY LAWTON CLITES
TERI LYNN CLOW
ROBERT NATHAN CLYMAN
STEPHEN MICHAEL COBBE
WILLIAM DOUGLAS COCHRAN
JOHN ROTH COCHRANE
JOHN CHARLES COE
KIMBERLY HAMMONS COFFEY
STEPHEN EDWIN COLE
DANIEL TODD COLEMAN
KING JOHN COLEMAN
KEITH ANDREW COLLEDGE
JAMES FRANCIS COLLINS, III
BRYAN BARTON COMPTON
RANDEL DON COMPTON
EARL MORRIS CONNALLY
STEPHEN MICHAEL CONRAD
CHRISTOPHER MURRAY CONROY
FERREL PHILIP CONYERS
EDWARD ANTHONY COOK
CURTIS ALLYN COOPER
SCOTT L. COOPER
STANLEY L. COOPER
JOHN J. CORBETT
JANET LOUISE COREY
THOMAS LAWRENCE, COREY JR.
SANDRA HAVER CORNETT
DAVE LOUIS COTNER
WILLIAM STUART COUCH
JOHN CURTIS COUGHLIN
JOHN THOMAS COUNTS
TIMOTHY LEE COWDEN
PETER WESLEY CRABB
CURTIS ROGER CRANE
ANDREW THOMAS CREPEA
JUDITH LOUISE CRONIN
MARK L. CROOK
CONSTANCE BROOKE B. CROUTER
BYRON W. CROW
ANATOLIO B. CRUZ
PAUL M. CULBERTSON
ALAN WALKER CUMMINGS
WILLIAM DOUGLAS CUMMINGS
JOHN BARNWELL L. CUNNINGHAM
HERBERT STEPHEN CUPO
GARY DEANS CURTIS
WAYNE ALAN DAFFER
THOMAS PAUL DAGOSTINO
RICHARD CHARLES DALE
FRANCIS DANIEL
SANDY LEE DANIELS
PETER JAY DARBY
LEONARD ANTHONY DATO
KEVIN NELSON DAULONG
DANIEL STEVEN DAVIDSON
MARK EVAN DAVIDSON
MARK HAROLD DAVIDSON
MERLE LEE DAVIS
JOHN EDWARD DEAS
CARL ANDREW DECK
LOUIS NUMA DECUIR III
ROBERT T. DEEGAN
DAVID M. DELONG
DAVID TUVEY DENNIS
PHILIP J. DESIPIO
RODOLFO ROSARIO DIAZ, JR.
DEBORAH SUE DICKSON
VIRGINIA ANN DIETRICH
JACK CHARLES DILLICH
GREGORY B. DILLON
FREDERICK DIMITREW
LAWRNECE THOMAS DIRITA
JOSEPH ANTHONY DISCIORIO, JR.
LAWRENCE ALAN DISNEY
WILLIAM LYLE DOBBINS
WILLIAM NORWOOD DONOVAN
JOHN C. DORRANCE
TERRY ALLEN DOUGHERTY
ALAN DALE DOUGLAS
ROLAND O. DOWNING, JR.
MARK MILLARD DRAKE
MICHAEL LEE DRISCOLL
DANIEL NORMAND DUBE
ETHAN ENSIGN DUBOIS
JOHN CHRISTOPHER DUHNKE
STEVEN WHITNEY DULL
STEVEN ARTHUR DUNBAR
PAMELA LAKER DUNCAN
ROBERT GILBERT DUPUIS
WILLIAM HENRY DUXBURY
NANCY MCCARTHY DWYER
CHARLES ARTHUR DYE
KEVIN DALE EAGLE
PAUL FREEMAN EARNSHAW
DANNY GILBERT EAST
JONATHAN BRENT EEDS
TIMOTHY GEORGE EHRESMAN
ROBERT EHRHARDT
DONALD WILSON EISENHART, JR.
SHARON ELAINE
WALTER ERIC ELISON
ROLAND L. ELLIS

WILLIAM OWEN ENGVALL
BARRY CRAIG ERB
STEPHEN CURTIS ERTMAN
WILLIAM PATRICK ESCHBACH
THOMAS PERRY ESQUINA
WARREN BLAKE ESTES
PEDER HERMAN FAGERHOLM
JOSEPH JOHN FAGONE
ANDRA LEIGH FAHLBERG
TIMOTHY ROBERT FAIN
GEORGE R. FARMER
CHARLES DANIEL FASNACHT III
BRUCE KERR FASTERLING
ANTHONY FAUL
THOMAS JAMES FEDELE
GUENTHER FEISTE
BERT HOADLEY FELL, JR.
JAMES RALPH FENTON
HAROLD GEORGE FERENZ
MARCUS JOHN FERGUSON
PAUL ROBERT FISHER
SL FITZPATRICK
T FITZPATRICK
RONALD ALAN FLETCHER
JAMES MICHAEL FLOOD
THOMAS HENRY FLOURNOY
ALAN ROGER FORD
BARBARA GLEASON FORD
ROBERT LEE FOSTER, JR.
CHRISTOPHER JOHN FRANKLIN
JAMES HAGAN FRASER
MICHAEL J FREIX
DAVID A FREY
PATRICIA KIM FRIEND
SUSAN DUBRULE FUTOMA
STEPHEN PATRICK GALLAGHER
JAMES REX GARDNER
ROBERT DOWNING GARDNER
CARY COLIN GATES
DAVID H GATES
LARRY LEE GATLIN
MATTHEW ALAN GEBEL
DOUGLAS J. GEIB
DAVID HARRISON GEISS
MICHAEL R. GENNETTE
PETER R. GERDEMAN
CHARLES RUSSELL GILBERT
NEIL T GILLESPIE
RAYMOND DOYLE GILLESPIE
PAUL SCOTT GLANDT
RICHARD ANTHONY GLEBER
RICHARD STEPHEN GOLDNER
NIEL L GOLIGHTLY
ERNEST W GOOLD
GRAIG CALVIN GORBY
PAUL D GRAAFF
JAMES R GRABE
JOSEPH ALLAIN GRACE
TIMOTHY MATTHEWS GRAHAM
WILLIAM M GRAHAM
RUSSELL JOSEPH GRANIER
KATHRYN TERESA GRAY
TONY A GRAYSON
BETTY LUANN GRIER
PATRICK JOSEPH GRIFFIN
PETER THOMAS GRIFFITH
JAMES ERNEST GRISWOLD
THOMAS CHRISTOPHER GROSS
MARK R. GUIDOBONI
JOHN T. GWYNN
ERIC M. HAAS
CHARLES B HAASER
LINDA JEAN HACK
PETER JOHN HAGEN
DAVID DEAN HAINES
RICARDO MIGUEL HALL
REBECCA CARSTEN HAMPTON
DALE TSUKASA HANAOKA
WILLIAM BLAKE HANKINS
MARK D HAPPEL
RICHARD WAYNE HARDEN
GEORGE MARK HARDY III
WILLIAM LEE HARMON
JAMES ROBERT HARPER, JR.
DAVID JOSEPH HAUCK
JAMES JOSEPH HAVRILAK
EDWIN RAYMOND HAVRILLA JR.
NORMAN GREG HAWKINS
PETER J HAYASE
THOMAS C HAYFORD
JOSEPH PATRICK HEID
KEVIN ROBERT HEISE
DAVID LEE HENDERSON
MARTHA ELIZABETH GRAY HERB
RICHARD JOSEPH HIEL
VERNON P. HILL III
CYNTHIA YVONNE HILTIBRAND
ERIC STACY HINZ
PHILIP ANDREW HOFFMAN JR.
PHILIP DOUGLAS HOGG
LAWRENCE RONALD HOLDER
JOHN G HOLMES
WILLIAM WILTON HOLMES
MICHAEL HOLOUBEK
BRADLEY BERNARD HOMES
DAVID ROY HOOKE
FREDERICK HOOVER
GEORGE THOMAS HOPPER
BRUCE THOMAS HOWARD
EUGENE G HUETHER
DAVID MICHAEL HUEY
ROBERT G HUETHER
PETER A HUSTA
BRUCE ALAN HUTSON
JOHN KAY HUTSON
MATTHEW CRANFORD HUTTO
JOSEPH EDWARD HYNES, II
JAMES AARON ICSMAN
DAVID KIRK INMAN
KATHERINE ANN CHASE IRBY
ROBERT DARELL ISACSON
ARTHUR MICHAEL IVANSHECK
JESSE WILLIAM IVERS
DONNA WHITE JASITT
JOSEPH CHARLES JAUNICH
BRUCE RICHARD JENKET
PAUL LLEWELLYN JENKINS
HENRY CARROL JENNINGS
PETER STEVEN JEROME
JEFFREY JAMES JEWITT
KIRK GUNNAR JOHANSEN
PETER CHRISTOPHER JOHANSEN
STEVEN JOSEPH JOHNSON
STEVEN JOHNSTON
ETHAN ALLEN JONES
KENNETH LAWRENCE JONES
MICHAEL G. JORDAN
ROBERT OTTO JORDAN
LLOYD DENNIS JUSTICE
CRAIG SAMUEL KAIN
JOHN PATRICK KAISER
CARL NMN KALOTA
MICHAEL J. KANE
PAUL PHILLIP KAROLIDES
DAVID J. KARP
RICHARD A. KARWOWSKI
WILLIAM FRANCIS KAUFFMAN
PAUL M. KAUS
DOUGLAS H. KAYE
SUSAN C. KELL KEANEY
BRIAN JOSEPH KEEPERS
LYNDEN KATHLEEN T. KEEVER
GREGORY RALPH KELLY
JOHN MATTHEW KELLY
JOHN SCOTT KELLY
BRIAN PAUL KENNEY
DAVID M. KERN
PETER FRANZ KILGER, JR.
WILLIAM ROBERT KILLEA
RONALD H. Y. KIM
ARTHUR THOMAS KING, JR.
EDWARD RAY KING, JR.
NANCY KAREN KING
MICHAEL EDWARD KINGERY
FREDERICK HAROLD KINNEY
JOHN COCHRAN KIRTLAND
TIMOTHY STEVEN KOBOSKO
DAVID C. KOHLER
ALVAN FRANCIS KOLPACKE
KEVIN EVAN KOODA
KENNETH KOTELES
CARLTON CARROLL KOTT, JR.
STEPHEN ROBERT KRAUSE, JR.
RICHARD PAUL KRAUSER
PETER HENRY KRAYER
ROBERT CHARLES KRIEGER
RICHARD STEPHEN KROLL
K. J. KROPKOWSKI
ROBERT EDWARD KUEHNEL
DANIEL H. KUHN
P. KURZENHAUSER
JOHN PAUL LABELLA
DONALD FOWLER LANE, JR.
WILLIAM ALLEN LAWLER, JR.
WILLIAM CHARLES LEATHERS, JR.
EARL E. LEE II
DAVID KEITH LEHMAN
JEFFREY ALLEN LEMMONS
STEPHEN PAUL LEONARD
MARK ALLEN LETHBRIDGE
JAMES KENNETH LIGHT
ROBERT FRANCIS LIGUORI
CRAIG STEVEN LIMOGES
CHRISTOPHER ROBERT LINDSAY
PATRICK KIERAN LINDSAY
THOMAS DAVID LINDSEY
JAMES F. LIPPARD
DAVID M. LIVINGSTON
JAMES RICHARD LIVINGSTON, JR.
THOMAS ANDREW LOESLEIN
MICHAEL DENIS LOMAN
RICHARD SAMUEL LORENZ
DOUGLAS CHARLES LOWER
RAFAEL V. LUEVAND
BRADLEY JESSUP LUNSFORD
PAUL STEVEN LYON
GREGG WILLIAM MACDONALD
ROBERT WHITTIER MACDOUGAL
MICHAEL J. MADDEN
STEWARD LEE MAGRUDER, JR.
TIMOTHY JOSEPH MAHONEY
ROBERT EUGENE MAIER
ROBERT WALTER MAKOWSKI
PATSY NMN MALARA III
CHARLES W. MALLORY
WILLIAM FRANCIS MALLOY, JR.
MICHAEL W. MANY
WILLIAM MORRIS MARCHANT
M.W. MARCINKOWSKI
RICHARD JOSEPH MARINUCCI
CHARLES JOHN MARK
FREDERICK V. MARTIN III
JOHN WILLIAM MARTIN, JR.
WILBUR CHARLES MARTIN
WILLIAM CHESTER MARTIN
PETER JOHN MATTIUZ
GARY ALAN MAYNARD
MARK LEONARD MC ANDREWS
JOSEPH DAMIEN MC BRIDE
JAMES PAUL MC CANN IV
STEVEN JAMES MC CLAIN
JEFFREY DAVID MC CLELLAND
MARK SHANNON MC CONNELL
KEVIN STUART MC CORMACK
GAVIN GABLE MC CRARY
KIRK MC CRIMMON
ROBERT GEORGE MC CULLOCH, JR.
MICHAEL MC DANIEL
MARK MC DONAGH
ANNE LONG MC DONNELL
JOSEPT EDWARD MC CLROY
ROBERT BRUCE MC RARLAND
GEOFFREY SCOTT MC FATHER
LEON EARL MC GALLIARD, JR.
JAMES B. MC GEE
PARTICK E. MC GRATH
GERARD NMN MC HALE
KENNETH JESSE MC ILHENNY
THOMAS MC LERNON
HERBERT MC MILLIAN
ROBERT J. NC NEELY
SCOTT ALEXANDER MC NEIL
THOMAS W. MC NITT
DAVID GORDON MC RAE
STEPHEN GEOFFREY MEADE
KIP RAYMOND MEEBOER
CORBY J. MEGORDEN
MEL JOHN MEINHARDT
CHARLES FRANCIS MEIXNER
ARMANDO EDMUNDO MENDEZ, JR.
DOMINGO MATEO MENDOZA
JAMES EDWARD MERCANTE
STEVEN LESLIE MICHALS
MICHAEL JAMES MILASZEWSKI
JAMES CLAYTON MILLER
TERESA ELIZABETH MILLINKEN
GREGG CHARLES MILO
LINDA T. MIRAGLIOTTA
GEORGE MURICE MITCHAM
CHARLES DALE MOBLEY
MARK DONALD MOHAN
KENNETH C. MOLLESON
MICHAEL E. MONACO
TIMOTHY DAVID MOON
JAMES RIDGE MORELAND
JUDITH M. MORETTI
RICHARD GEORGE MORIKI
GLENN P. MORRIS
SCOTT W. MOTZ
LORI LYNN MOYNIHAN
BRUCE VERITY MUIR
ANDREW J. MULLEN
JAMES PATRICK MURRAY
JAMES W. MURRAY
THOMAS FORTSON MURRAY
ALVIN BENNETT MYERS, JR.
STEVEN ALAN NAGORNY
ALBERT L. NELSON
RUSSELL D. NEVITT
DARRELL SCOTT NEWCOMB
JEFFREY CHARLES NICHOLAS
BRUCE J. NICHOLS
PAUL ANDREW NICHOLS, JR.
WALLY RAY NICKOLI
MICHAEL JOHN NICOLOFF
DANIES ARLEN NILES
GEORGE M. NORMAN
RICHARD GLEN NORRIS
JAMES MILTON NOVINGER
ROBERT EDWARD OBERTO
SEAN F. OBRANSKI
PETER JOHN OCONNOR
CARLTON EDWIN ODELL, JR.
JAMES ALLAN OGREN
KEVIN SPENCER OHARRA
ALAN K. OKA
RICHARD FLOREN OKSOL
ERIC JON OLAFSON
PEGGY ANN O'LEARY,
DAVID OLMSTEAD
DANNY T. O'NEIL
JAMES P. OSTERMAN
ORLAN W. OTT II
MICHAEL E. OTTLINGER
DAVID F. OZEROFF
CHARLES B. PAINTER
KAREN I. PALMER
STEVE F. PALMER
LOUIS A. PANNUCCI
ANTHONY L. PAPOULIAS, JR.
GARY D. PARKER
MICHAEL PARROTT
ALAN E. PATCHIN
MARK C. PAULS
TIMOTHY J. PAVELLE
MARK J. PAWLAK
JOHN C. PEDIGO
MICHAEL PETERS
NELSE C. PETERSEN
WALLACE E. PETERSON
JAMES S. PHILLIPS, JR.
JAMES B. PHILPITT
JOEL PICKERING
THOMAS R. PICKLES
GREGORY J. PIEPER
RAY A. PIETRZAK
PHILLIP J. PILEWSKI
MICHAEL E. PINHO
VAN D. PINNER, JR.
DON A. PISACANO
JEANPIERRE PLE
JOSEPH C. PODHASKY
PAUL E. POHLMEYER
FREDERICK L. PORITZKY
ANNE K. STEIGELM POWER
TIMOTHY J. POWERS
MICHAEL H. PRECHT
PAUL R. PRENTISS
JOHN W. PROCELL
TIMOTHY W. PUCKETT
CHRISTOPHER M. PUHER
DAVID L. QUESSENBERRY
LESLIE A. QUICK
NEIL F. QUINLAN
TODD W. RAHMES
KENNETH G. RASCHER
JARVIS D. RATHBONE
EDWIN M. RAU
JAMES K. REAGAN
HERMAN P. REDDICK
NICHOLAS REDONDO III
KIRK S. REDWINE
ROBERT K. REEVE
ELIZABETH A. REGIS
GLENN M. REID
JOHN A. REID
MARK R. REID
G. R. REINHARDT
BRUCE C. RENKEN
JAMES L. REUSS
SYED A. REZA
HENRY V. RHODES, JR.
ERNEST H. RICHARDS
MARK S. RIDDLE
LUTHER H. RIDENHOUR, JR.
DAVID N. RIDLEY
SCOTT A. RIGGIN
KENNETH G. RIGOULOT II
VALERIE R. RIVERS
EILEEN S. ROBERSON
CHARLES B. ROBERTS
DUKE E. ROBERTS
JOHN W. ROBERTSON
STEVEN M. ROBERTSON
EUGENE J. ROBICHAUD
KEVIN D. RODGERS
RICHARD G. ROENBECK
RICHARD C. ROGERS, JR.
RICHARD J. ROGERS
THEODORE E. ROGERS
MICHAEL J. ROLAND
ROBERT R. ROMAINE
JOSEPH J. ROMANO
PETER J. ROMANO
EMELDA S. ROSAS
GARY W. ROSHOLT
MICHAEL R. ROSS
SHARON L. FITZGERALD ROSS
LEE V. ROSSETTI
WILLIAM A. ROTHWELL
MICHAEL D. ROWAN
KENNETH G. ROYER
JAMES R. ROYS
GREGORY T. RUBIOLO
ERNEST VICTOR RUPERT III
MARK H. RUSSELL
JOSE W. SALDANA
MICHAEL WILLIAM SANCHEZ
PENELOPE LANE SANDERS
SCOTT EUGENE SANDERS
GARY EDWARD SANG
LUKE JAMES SANNA
JOHN EDWARD SARCONE
SHANNON DALE SAUNDERS
LARRY LE SAVAGE
MARK MICHAEL SAVINO
KEVIN GARY SAXON
HOWARD DANIEL SCHAFER III
CHARLES HOWARD SCHAFFER
ALAN THOMAS SCHERER
STEPHEN KENT SCHINI
DAVID M. SCHLAGEL
KAREN ANN SCHMIDT
STEVEN ANTHONY SCHMIDT
BRIAN EUGENE SCHMITZ
JOHN FRANCIS SCHNEIDER
RICHARD ARTHU SCHOENBERG, JR.
STEVEN RICHARD SCHOFER
JAMES ROBERT SCHUCHMAN
ALVIN DARREL SEARS
STEPHEN WESLEY SEIM
STEVEN WAYNE SELVIG
MICHAEL SERAFIN, JR.
ROGER N. SEXAUER
THOMAS MARTIN SHANNON
STEVEN MICHAEL SHARKEY
TRACY KUGLER SHARPE
STEPHEN DRAKE SHAW
OLIVER VASSAR SHEARER III
STEPHEN EMORY SHEELY
LEMUEL CORNICK SHEPHERD, IV
JAMES JOSEPH SHERIDAN
ROBERT KIRK SHIFLET
CALVIN SHINTANI
DANIEL FREDERICK SIGG
ROBERT ERWIN SIGRIST
RICHARD M. SIMCSAK
ALAN LEE SINGER
ALVIN R. SMITH
JAMIE LEE SMITH
JOAN KRISTINA SMITH
JOYCE HELLKAMP SMITH
KENNETH WAYNE SMITH
MICHAEL CHARITY SMITH
MICHAEL FREDERICK SMITH
RICHARD BYRON SMITH
VICTOR CORDELL SMITH
WILLIAM REMBERT SMITH
BRIAN DOUGLAS SNOPKOWSKI
STEVEN SOUTHARD
GARY SPARKS
BRIAN JOSEPH SPENCER
GEORGE OTIS SPENCER III
JEFFRY REID SPENCER
MICHAEL GERARD STARK
DENNIS MICHAEL STARR
ROBERT LAWRENCE STEPHENS, JR.,
MICHAEL ALAN STEVENS
CHRISTOPHER JAMES STEVENSON
JOHN DEWITT STEVENSON
MARTIN DOUGLAS STOWE
STEVEN R. STROUP
ARTHUR FRANCIS STRUNK
HENRY BRYON STUEBER
STEVE JOSEPH SULLIVAN
STEPHEN CHRIS SUMMERS
WILLIAM CHARLES SUTTON
DANA E. SWENSON
DOUGLAS SMATHERS SWETLAND
JAMES FRANCIS SZIVOS
STEVE TANNENBAUM
KEITH LEWIS TAURMAN
MICHAEL PATRICK TAYLOR
DAVID PETER TEDIN
KENNON P. TEMPLE
TIMOTHY SILCOX THERRELL
MYRON JAY THIESSEN
JOSEPH BROWN THOMAS, JR.
TIMOTHY KAHLE THOMPSON
ROBIN DAVIDSON THORNTON
EMERSON LEROY THROWER
C H TINDAL
JAMES PATRICK TORTORELLI
MAURICE B. TOSE
ARMAND RANDALL TOWNSEND
DAVID ALLEN TOWNSEND
KATHERINE ONEILL TRACY
STEPHEN THOMAS TREACY
JOHN CLEMMER TRIOL, JR.
JAMES W. TROAN
ALAN ARMSTRONG TUCKER
JAMES GARY TUCKER
GUY WILLIAM TURNQUIST
DAVID FRANCIS TUROCY
LOYD MICHAEL UGLOW
DAVID DWAIN UNDERWOOD
DAVID GERARD URBANOWSKI
CLAUDE PHILIP VALLIERE
SAMUEL MATTHEW VANCE
REINETTA VANEENDENBURG
CHARLES L. VANGORDEN, JR.
RICHARD HARLEIGH VANNATTA
BRADFORD LEE VANNOY
DAVID LOUIS VINCI
DAVID WILLIAM VIVIAN
LYNN ROBERT VORHIES
ERIC DWIGHT WAGGY
KENNETH ORRIN WALKER
MICHAEL ANTHONY WALLACE
RICHARD D WALLACE
LEONARD MICHAEL WALSH
KENNETH TOOLE WAMMACK
THOMAS TRABUE WARFIELD
MICHAEL EDWARD WARNER
JAMES LINCOLN WARREN
MICHAEL EDWARD WASHINGTON
RONNY DEAN WASHINGTON
ROBERT JOHN WATSON
LAWRENCE LEROY WEBB
DAVID J. WEBSTER
DOUGLAS EDWARD WEBSTER
ROBIN KAY WEINHOLD
LEONARD DAVID WERT, JR.
PATRICK HILL WEST
RICHARD LYNN WESTON
RICHARD ROLAND WETHERILL
ROLAND A. WEYMAN
RONALD ALAN WHISENHUNT
DAVID M. WHITE
STEVEN ANGELO WHITE III
TERRY SHELDON WHITE
SAMUEL HERBERT WHITING, JR.
CLAUDE MICHAEL WHITTLE
FRANK PETER WIEDER
STEVEN JAMES WIENEKE
RICHARD JUDD WILCOX
CALVIN R. WILDER
NORRIS ORVILLE WILLIAMS
WINSTON RANDALL WILLIAMS
COLIN WESLEY WILLIAMSON
THEODORE MERRILL WILLIAMSON
GERALD WAYNE WILSON
SCOTT WILLIAM WILSON
FRANCIS RONALD WINKEL
DALE WAYNE WINSTEAD
FRANK CHIPMAN WISE
DONALD JAMES WIWCZAR
GARY STEVEN WOLFE
RODNEY ALEXANDER WOMACK
JEFFREY CHIN WON
THOMAS CLINTON WOOD

WILLIAM RICHARD WORLEY
JAMES BARNES WRIGHT III
EDWARD MCFADDIN WYNNE
WAYNE LEON YAKE
DANNY KIM YOUNG
WORCHESTER DUKE YOUNG
MICHAEL JOSEPH YRACEBURN
LEO THOMAS ZALOGA
CRISTINA LOUISE ZARATEBYERS
EDWARD JACOB ZEEK II
BRADLEY D. ZELL
WILLIAM FREDERIC ZELLER III
JOSEPH ROBERT ZERBO
RICHARD JOHN ZIEBRO
BRICE ZIMMERMAN
JOHN D. ZIMMERMAN
ROGER LEE ZINN
GLENN L. ZITKA
KURT WILLIAM ZOBEL
PAUL JOHN ZOHORSKY III
JOHN DANIEL ZWIEP

UNRESTRICTED LINE OFFICERS (TAR)

To be Commander

BLANE KEVIN ANDERSON
DANIEL DEE ATHEY
ROBERT EDWARD AYERS
JERRY NMN BALLANCE
KAREN LOUISE BILDER
DAVID WILLIAM BIRT
GREGORY ANTHONY BLACK
BRIAN JAMES BODALY
ALEX A. BOGDANOFF
PAUL W. BRANUM
MICHAEL GEORGE BRAUN
DONNA LYNN BROWN
MELODY FRANCES BUNKERS
KATHY MAHAFFEY BUSCHER
CARL EUGENE CARSON III
JOHN CHRISTOPHER
RICHARD J. CHUDAY
GEORGE BARNARD CLIFFORD IV
JOHN WALTER COLEMAN II
JEREMIAH P. COLLINS
DAVID JOSEPH CONNER, JR.
THOMAS P CONNOLLY
WALLACE G. COX
KEVIN ROBERT CRAWFORD
JACK FRANKLIN DALRYMPLE, JR.
DAVID WALTER DANNER
NANCY ANN DECKER
KEVIN WADE DOTY
MICHAEL DENNIS DOWNS
LAFE A. DOZIER
JONATHAN BRADFORD ECKHART
MARK SHANE EYER
FEDERICK CLAY FEARNOW
JACK ALAN FEDEROFF
JOHN MICHAEL FLYNN
ALVIN FORD
MARK W FULENWIDER
PAUL ANDREW GABIOU
DANIEL JO GAHR
JAMES JOHN GORSKI
KEITH WALTER GRIMES
LISA NYE GUTIERREZ
SYLVESTER RICHARD HAGINS, JR.
STEVEN RICHARD HARRINGTON
JERRY GLENN HENDERSON
CHARLES E HENRY
PATRICIA SUE HINE
STANLEY P HUDSON
DAVID MACINTYRE HULSHOUSER
PAMELA MARIE IOVINO
MELANIE MUNRO JOHNSON
FEDERICK MARK JOLOWSKI
JOHN FRANK KADLEC
GUY SAMUEL KEMP
JAMES JUDSON KILPATRICK III
JAMES SEAN KING
WILLIAM MATTHEW KOVALCHIK
STEPHEN GREGORY KRAWCZYK
HAROLD THEODORE KRUMM, JR.
THOMAS MICHAEL KULE
ALAN ARTHUR LABEOUF
WILLIAM CHARLE LABERMEIER
JOSEPH GREGORY LAMPHAM, JR.
VICTORIA MAGDALENE LARSON
ROBERT JONES LEE
NED ANDERSON LEONARD
JENNIFER ANNE LEWISCOOPER
THOMAS JAMES LINDGERG, JR.
ROBIN ALEXANDER LINN
GRAIG R LOVE
JAMES F. LOWDER
PETER D. MACKAY
CURTIS M. S. MACKENZIE
GLENN RICHARD MAGILL
ROBERT MICHAEL MAHOLCHIC
DAVID JOHN MAHONEY III
BRIAN P. MARKS
JOHN J. MCCORMACK, JR.
JON PAUL MCGLOCKLIN
GLENN ROBERT MICKLE
ROBERT CHRISTOPHER MILLER
FRED JOHN MINGO, JR.
JAMES EDWARD MONAHAN
ANTHONY NARDELLA
MARGARET ANN NILES
DALE ANN NORRIS
JEFFREY K. OLSON
KENNETH J. PANOS
STEVEN JAMES PHILLIPS
JOHN CHRISTOPHER PIPER
ARTHUR ROBERT RANDOLPH
CHRISTOPHER C. ROBERTS
CHRISTOPHER M. ROWELL
WILLIAM K. RUCKER
PAUL MICHAEL RUMBERGER
DAVID WAYNE SAFSTROM
FRANK SCARINGELLO
THEODORE LEO SCHMIDT
JAMES ARTHUR SEIDEL
LEE E. SMITH, JR.
PETER EDWARD SPAULDING
CHARLES S. STOKES
SCOTT MARK SUCKLING
DAVID DWAYNE THETFORD
PETER MICHAEL THOMPSON
JOHN JAMES TURONIS
KEITH A. ULLMAN
MARK JOSEPH VANEK
VICTOR JAMES VANHEEST
ROBERT ANDREW VANMETER
MARK B. VAUGHAN
STEVEN DOUGLAS WALTON
WILLIAM GILMORE WELCH
ROBERT M. WHITE
MARK Q. WHITTLE
THOMAS HENRY WOOD

ENGINEERING DUTY OFFICERS

To be commander

JOSEPH JOHN BALDAUF
JOHN DAVIS BERARD
WILLIAM RICHARD BROZ
DEAN ALEXANDER GLACE
JOE GRANADOS
RALPH BERNARD GROOME
HAYDEN GRIFFIN HABY, JR.
CLAUDE PATRICK HENRY
ROGER C. HINE
DAVID EDWARD HOLLINBERGER
MICHAEL JOHNSON
EDWARD HENRY KIESSLING
MARK STEVEN KOSTELNIK
PAUL PETER MIESZCZANSKI
MARY HELEN MILLER
MARK LEE NESTLE
FREDERICK M. NIELSEN
THADDEUS ANDREW PEAKE III
WOODROW MERRITT POPLIN
JOHN EDWARD RIESTER, JR.
MELFORD ECHERD SMYRE
RON J. STICINSKI
MICHAEL HOWARD VINEYARD

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

ROBERT WADE COWING
LEE E. ERDMAN
DENNIS BRUCE MCBROOM
KARL S. YOUNG

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

DENNIS JAY BAKER
PAUL KRUGER DANNER III
TAEYONG WALTER GINN
ALLAN S. KOWADLA
MICHAEL ANDREW LEIGH
LEONARD MERRIMAN III
JAMES ELDRIDGE MEYERS, JR.
DAVID ROBERT OBERST
OSWALD HENRY OLSEN, JR.
WILLIAM ROBERT PHILLIPS
HAROLD ALEXANDER RAHN
ALEXANDER VANLEER SHARP
JAMES MICHAEL WINTERROTH

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE) (TAR)

To be commander

RONNIE B. DAVIDSON

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

PATRICK J. AUSTIN
BRUCE CUMINGS
MICHAEL A. GREEN
DAVID P. JANES
JAMES F. LACKEY III
PAUL A. LONDYNSKY
WILLIAM J. MCCANEY
GEORGE P. MCCARTHY
RICHARD D. MOORE
KIM M. PURDY
THOMAS ROTHROFFY
PETER G. SCHAEDEL
LIONEL H. SENES
KIRBY A. STROSS
HERBERT W. WADSWORTH
NANCY L. WAGNER
JAMES A. WEAVER
RONALD WELLS

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

GREGORY S. HOPPENSTAND
HUGH D. MCELRATH
VERONICA B. OREM
THOMAS E. SCHROEDER
MICHAEL S. SWETNAM
PETER H. VANNESS
JERRY W. WIENAND

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

PEDRO ALVAREZ
ROY I. APSELOFF
WILLIE R. ASHBY III
JAMES A. BASS, JR.
DAVID W. BAUSCH
THOMAS J. BONANNO
ERNEST J. BRAUN
MARY J. BROWN
ERIC C. BURGESS
MARK D. BURROWS
JAY S. CAPUTO
JAMES W. CARLSON
JAMES D. CARNEGIE
IRVIN W. CHRISTOPHER
SEAN J. COLEMAN
SANDRA G. COYLE
REBECCA C. CRAIG
JAMES K. DARGAN
JOHN M. DEMAGGIO
WALTER G. DINKLA
JOSPEH R. DRINKHOUSE
THOMAS J. FACER, JR.
KARL B. FISCHER
DENNIS A. FRAINIER
GEOFFREY G. GARNEY
CHRISTOPHER K. GIFFIN
LELAND S. GOODMAN
JEFFREY A. GORHAM
WILLIAM SCOTT GOULD
GREGORY WRIGHT HAGLER
BARBARA JANE HENDERSON
TERRY BRUCE HENDERSON
GREGG BURTON HOLTHUS
MARK NMN HUBER
THOMAS MARK HUGHES
RICHARD BUD JACOBS
ELIZABETH ROSS JENKINS
WILLIAM PAUL JOHNS
KURT RANDALL JOHNSON
MICHAEL TIMOTHY KEATING
WILLARD F. KELCHNER III
THOMAS JOHN KELLY
ROBERT M. KESLINKE
DAVID MILTON KLEVEN
ALAN MICHAEL KOPER
ROBERT WAYNE LASSITER
FRANK JEFFREY LAUGHLIN
RICHARD PAUL LAURN
GREGORY LEROY LAWRENCE
AUSTIN CECIL LEMON III
BARBARA MACFARLA LOVERING
JOHN D. LYLE
BRADLEY DAVID LYNN
MICHAEL DRISCOLL MADDOCKS
LAURENCE MAGUIRE
JEROME K. MATHRE
JETT CHARLES MCCANN
JOHN HANSON MCCAW III
LEONARD ERWIN MCGEE
KAREN MAE MCGRATH
DENNIS MICHAEL MCLAUGHLIN
FLOYD JOSEPH MEADOWS
JAMES WILLIAM MEHRMANN
BLOMQUIST JOAN MANE MELASKY
CHARELS ANTHONY MENICKELLY
STEPHEN R. MERRILL
ROBIN DRUCE MEYER
MARK MITCHELL MILLER
STEPHEN DUANE NICHOLS
POMPEI LEONARD ORLANDO, JR.
JAMES SIDNEY OSBORNE, JR.
PAUL J. PACE
HAROLD RUSSELL PAUL
WILLIAM KENNEDY PERKISON
EUGENE T. RECORE
JAMES STANLEY REID
TIMOTHY LEE RIGGINS
MICHAEL PHILLIP RIOUX
JOHN EVANS ROBERTSON
LINDA JEAN ROSEBERRY
DAVID J. RUSSELL
DAVID ANTHONY RUTKAS
MICHAEL CRAIG SCHAUF
ROBERT REID SHEETZ
JAMES MICHAEL SHEPPARD
ALLEN GORDON SMITH, JR.
SHAWN L. BRADFORD SMITH
GARY ALAN STAHL
TODD PETER TARBY
ROBERT M. TATA
ROBERT E. TEMPLETON
LEE ALAN TOUGAS
JAMES EDWARD TUGMAN
ROBERT FRANCIS URSO
MICHAEL ALAN VANHORN
JOHN MICHAEL WALSH
DALE ALLEN WAPPES
SCOTT MALCOLM WATSON
LYNN HEMINGWAY WEATHERBE
WARREN STEVEN WESTURA
THOMAS HALL WHITNEY
KRISTINE LOU WILLIAMSON
WARD TAYLOR WILSON
CHESTER W. WONG
DAVID W. YIP
BOBBI JEAN YOUNG

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

MARK ROBERT GARROW
GARY THOMAS RYAN
JACK MANVILLE STANTON
ROBERT E. WILCOX

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

CHERYL LYNN AUSTIN
ELWOOD JOHN BERZINS
THOMAS FREDERICK BURGESS
SUSAN AILEEN HELLWEG
WILLIAM MARK KORACH
MARY TATE LOCKWOOD
CHRISTINE MARIE MILLER
NICHOLAS LLOYD MONROE
GREGORY MATTHEW ROSENBERG

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

RICHARD MICHAEL BARAZOTTO
VIRGINIA T. CZUBA
THEODORE ROBERT METTLACH
VICTOR MICHAEL NEVES
STEVEN S. PAINTER
SUSAN K. RUNCO

LIMITED DUTY OFFICERS (LINE)

To be commander

ARTHUR KELSO DUNN

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1994:

INTER-AMERICAN FOUNDATION

HARRIET C. BABBITT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 1994.

HARRIET C. BABBITT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2000.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

MARIA ELENA TORANO, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994.

MARIA ELENA TORANO, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1997.

DEPARTMENT OF STATE

CAROL JONES CARMODY, OF LOUISIANA, FOR THE RANK OF MINISTER DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

TIMOTHY A. CHORBA, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JOSEPH R. PAOLINO, JR., OF RHODE ISLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

JAN PIERCY, OF ILLINOIS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SALLY A. SHELTON, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

MICHAEL R. BROMWICH, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

FLORENCE M. CAUTHEN, OF ALABAMA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

JOSEPH GEORGE DILEONARDI, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

DALLAS S. NEVILLE, OF WISCONSIN, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

JOHN R. O'CONNOR, OF CONNECTICUT, TO BE U.S. MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF 4 YEARS.

MICHAEL A. PIZZI, OF NEW YORK, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

ROBERT BRUCE ROBERTSON, OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

THE JUDICIARY

BILLY MICHAEL BURRAGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA.

TERRY C. KERN, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

THEODORE ALEXANDER MCKEE, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

VANESSA D. GILMORE, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

HOUSE OF REPRESENTATIVES—*Wednesday, June 8, 1994*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 8, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious and loving God, as we are in remembrance of the dedication and sacrifice of those of our military who landed in Europe 50 years ago, we are reminded anew that our precious freedoms and liberties have come to us from those who have gone before. With gratitude and praise we recall their acts of bravery and valor, of determination and courage, that checked the rise of evil in our world. We especially call to mind the memory of those who gave their lives and who never knew the opportunities of a full life or the gifts of the years. Bless all those who were faithful unto death and whose memory is alive in our own hearts and may Your benediction and eternal promise be with them and all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from Oklahoma [Mr. SYNAR] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. SYNAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce that the Speaker is in receipt of a letter from the gentleman from Illinois [Mr. ROSTENKOWSKI] transmitting notice of his intention, pursuant to rule 49 of the rules of the Democratic caucus, to temporarily step aside from the position of chairman of the Committee on Ways and Means.

WHAT I REVERE MOST ABOUT CONGRESS

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, someone recently asked me what I revere most about Congress. As I thought about this I realized that this was not such a strange question.

There must be something about this institution that I love or I would not be here. And then I realized that what I revere is the people and the principles behind Congress.

I revere the principle of public service that must motivate anyone who has the nerve to stand before the people and ask for their permission to serve in their government.

The late Speaker Tip O'Neill said it best, when asked what motivated him to get into politics, he said that it was not because it made a nice career or because it was a prestigious career, it was because he wanted to serve people.

That is why I revere this institution, because it is filled with honest, hardworking people who are willing to dedicate their lives to serving others.

Let us not forget that in these coming days.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

THE MYSTERY ILLNESS

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, having just marked the 50th anniversary of D-day—there have been many times in our American history when the Government has called upon our men and women to serve their country—sometimes under intense circumstances and sometimes with tragic outcomes. Recently, with the return of our troops from victory in the Persian Gulf, many veterans have complained of a mysterious illness affecting their everyday lives. Some have even complained of illnesses in their spouses and birth defects in their children—conceived after their return. A constituent of mine by the name of Neil Tetzlaff, a lieutenant colonel in the USAF who experienced the war and its mystery illness firsthand, recently testifying before a Senate committee said, "* * * early in 1992 I finally realized total body pain, fatigue, weakness, headaches, rashes, nausea, vomiting, and the like were here to stay."

I am calling for more action from the administration. An NIH report soon to be released concludes "* * * a collaborative Government-supported program has not been established. Evaluation of undiagnosed Persian Gulf illnesses has not followed a uniform protocol across military branches * * * ."

With these men and women serving our country so faithfully, it is time for a clear course of action. These veterans have earned our help.

INTRODUCTION OF THE CHILD SUPPORT RESPONSIBILITY ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I will be introducing, with a group of bipartisan Congresswomen, the Child Support Responsibility Act.

We are very, very tired of the incrementalism in this area. We are very, very tired of seeing $34 billion a year being ducked in child support enforcement. We are also really tired of seeing parents using State lines for economic hide-and-seek from their family obligations, and say enough.

We have taken the provisions from the U.S. Commission on Interstate Child Support Enforcement, and we have beefed them up. We have made them as tough as we can. We want this to be done now.

Let us hope every Member gets on this bill. Let us pass this bill. This is the best thing we can do to prevent welfare in America.

We cannot hold children emotionally harmless from the ravages of divorce,

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but if we pass this bill, we can hold them economically harmless, and that is the least we can do.

A BIG DEAL ABOUT SMALL CHANGES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, as the Congress works its way through the appropriations process, the American people should ask themselves: Are we getting our money's worth?

We worked on a foreign operations spending bill last month, and soon we will be working on the other appropriation bills. But, in none of these bills will we make the sweeping changes desired by the American taxpayer.

We continue to spend the people's money, seemingly unaware of the change of perceptions in the country and the change of reality in the world.

In corporate America, companies are downsizing, becoming more efficient, and increasing productivity. In the Federal Government, we cut around the edges, if we cut at all. We make a big deal about small changes, and we spend the money we said we saved.

Is this the reform we promised the American people in the election of 1992? Are the American people getting their money's worth? What do you think?

ENFORCE THE TRADE LAWS WE HAVE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, every election American politicians get tough on trade. They make tough statements like, "No more free rides for China," or, "Japan, you better open up your markets or else," or, "It is time to level the playing field in Europe." The one that really takes the cake that we hear all the time, "What is good for the goose is good for the gander."

The truth of the matter is American politicians talk the rough talk on trade, but American politicians do not walk the rough walk on trade. In fact, Congress has gone from regulating commerce with foreign nations to regulating food stamps in unemployment in America.

Newspapers now say America once again will compromise with Japan, compromise with Japan. How much more compromising are we going to make for unemployed American workers?

Do your job, Congress. We passed the super 301 trade provision, and that was a washed down compromise.

The least we could do is enforce the trade laws that we have.

CONTINUATION OF TRIAL PERIOD ESTABLISHED ON FEBRUARY 11, 1994, FOR RECOGNITION FOR FUTURE SPECIAL ORDER SPEECHES

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that the trial period established on February 11, 1994, for recognition for future special order speeches be continued through Friday, June 10, 1994.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. SCHROEDER). The Chair announces that the Speaker's policy for recognition for special order speeches announced on February 11, 1994, will be extended through Friday, June 10, 1994.

PERMISSION TO EXTEND GENERAL DEBATE ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 4301 in the Committee of the Whole House on the State of the Union pursuant to House Resolution 431, there be an additional 15-minute period of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services, or their designees, before the consideration of any further amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SEQUENCE FOR RECOGNITION OF MEMBERS TO OFFER AMENDMENTS TO H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Madam Speaker, pursuant to section 5 of House Resolution 431, and as the designee of the chairman of the Committee on Armed Services, I request that the Chairman of the Committee of the Whole recognize Members to offer remaining amendments to H.R. 4301 printed in part 1 of House Report 103–520 after the disposition of the next en bloc amendment offered under section 4 of House Resolution 431.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. TRAFICANT. Madam Speaker, I ask unanimous consent that the name of the gentleman from Missouri [Mr. CLAY] be removed as a cosponsor of H.R. 3261.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INTRODUCTION OF A HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Madam Speaker, today I rise to announce the introduction of a House resolution which will end the current wave of hypocrisy advanced by some Members on the other side of the aisle concerning the ethics of one party over another.

The resolution I introduce today will amend House rules to require that any Member of the House who is a chairman or ranking minority party member of a committee or subcommittee, and currently under indictment for a felony, must temporarily step aside from that post unless and until the charges are dismissed or reduced to less than a felony.

Adoption of this resolution will end the hypocrisy of some decrying the supposed ethical shortcomings of one party, while guarding their own ethical loophole.

The American people must know that the two parties in Congress have different standards of conduct. This resolution will end the double standard.

VOTERS SHOW REAL INTEREST IN A-TO-Z SPENDING CUTS PLAN

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Madam Speaker, we had a chance to spend the past 10 days at home in our districts.

I went from one corner of my district to the other. I tried to reach out to voters in every city and town that I represent.

The problem of a $4.5 trillion debt came up at stop after stop. Without exception, my voters are fed up. The voters want an end to business as usual. The voters want real change now. The voters want votes on real spending cuts.

Madam Speaker, 229 Members have stood up and asked to be heard; 229 Members have cosponsored the A-to-Z spending cuts plan to require real votes on real spending cuts.

But, Madam Speaker, these 229 Members are being ignored. No committee hearings have been scheduled on A to Z. There appears to be no hope that the leadership will let A to Z come to the floor this year.

That is why we began the A-to-Z discharge petition 1 month ago. To date, 178 of our colleagues have signed Discharge Petition No. 16 to help Congress live within its means.

The magic number is now 40. I hope that my colleagues have listened to the voters back home; I hope my colleagues will end business-as-usual; I hope my colleagues will now stand up individually for change; I hope that we will stand up for real votes on real spending cuts.

If you agree about the future of our future generations, please sign Discharge Petition No. 16 today.

LOWER DEFICITS, HIGHER CONSUMER CONFIDENCE, AND PRIVATE SECTOR JOBS CREATED UNDER CLINTON

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, nowhere is the contrast between Democratic and Republican leadership more clear than on economic issues. We have created jobs, lowered deficits, and boosted consumer confidence. The Republican leadership gave us high unemployment and skyrocketing deficits that hurt working families and our small businesses. In the first 16 months of the Clinton administration, we have created more than 3.1 million private sector jobs, nearly 1 million more than those created in all 4 years of the Bush administration.

During the 12 years of the Reagan and Bush administrations, we saw our deficits soar and our competitiveness falter.

Today, we can report that the deficit is down for 3 years in a row, consumer confidence is at its highest level in 4 years, and business investment in equipment in 1993 hit its highest level in 20 years.

The Democratic leadership in the House and in the White House and in the Congress has fought to create jobs, lower the deficit, and restore confidence in our economy.

Not one Republican in the House of Representatives voted for the budget that helped to create 3 million new jobs, and not one Republican voted for the budget that included 500 billion dollars' worth of real deficit reduction.

Democrats want to fight to get our economy back on track. That is what we were elected to do. But it seems that Republicans only want to fight the Democrats.

MISSED DEADLINES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, the President has set many deadlines for health care reform—true, such lines in the sand make for good PR. But so far each of those "drop dead" dates has been missed—as the President's ill-conceived and unworkable Big Government health reform plan dies a slow death. Today we return from Memorial Day recess—when the Democrat-controlled committees of this House were supposed to produce a new Clinton health care bill that met the President's objectives. But Democrats are not much closer than before to agreement—mainly because so much of the Clinton health care proposal is so unpalatable to most Americans. so now the Fourth of July is the latest deadline—and those cracking the whip for Clinton-style Government-run health care say they mean business—but not regrettably private enterprise business. Why does the Clinton administration continue to whip this dead horse? Let's come together for bipartisan health reform that can and will work. Our side is ready.

INTRODUCTION OF LEGISLATION TO STRENGTHEN FAMILIES RECEIVING AFDC AID

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, today I rise to introduce before the House the welfare bill to strengthen the families receiving aid to families with dependent children, through education, job training, savings, and investment opportunities and to provide States with greater flexibility in administering such aid in order to help individuals make the transition from welfare to employment and economic independence.

I am hopeful we can correct the wrongs within the welfare system and that we do not forget, as we do so, the real lives of women and children who are at the bottom and left out and who are sometimes at the end of the process. In my role both as an urban minister, as a Member of this body, as a community developer in my district, I know firsthand the suffering and frustration for many families.

It is, therefore, my hope that we can move families to the point where welfare is at worst a temporary condition and at best a former condition.

With that, I ask my colleagues to join me in support of this welfare bill which I introduce today, and I seek cosponsors in hope that we will be able to change welfare as we know it.

□ 1220

HONORING THE LEGENDARY TED WILLIAMS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, last night we honored the legendary Ted Williams, who was being recognized as the American Sportsfishing Association 1994 Man of the Year.

There is an old Chinese proverb that states, "Give a man a fish, and you feed him for a day. Teach him how to fish, and you feed him for a lifetime." Throughout his lifetime, Ted Williams has demonstrated a great love for the outdoors and certainly a great love for sportsfishing. He has become a wonderful ambassador for the sport, and that is one of the reasons he was being honored this week.

Ted has approached everything in his life with gusto, vigor, and determination, from his Hall of Fame days with the Boston Red Sox, to his patriotic service to his country in World War Two and the Korean war, to his pursuits in the great outdoors. Whenever and wherever the name of Ted Williams is spoken or mentioned, the American people conjure up feelings of respect, pride, and admiration, feelings we all share today.

Madam Speaker, I am glad to be able to call Ted Williams a friend and a fellow Floridian. On top of the recent opening of the Ted Williams Retrospective Museum and Library in Citrus Springs, FL, I know that he considers this award from the American Sportsfishing Association an honor that he will always cherish.

SUPPORT AMENDMENT TO ALLOW INDUSTRIAL FACILITIES TO SELL GOODS AND SERVICES TO NON-DEFENSE DEPARTMENT CUSTOMERS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, I rise on behalf of an amendment which will be offered later today when consideration is resumed of the defense bill. It is an amendment offered by the gentleman from California [Mr. FAZIO], the gentleman from Maryland [Mr. HOYER], and myself, and it would allow industrial facilities, and I happen to represent one, the Louisville site of the Crane Division of the Naval Surface Warfare Center, it would allow industrial facilities to sell their goods and services to non-Defense Department customers. Under current law there are very severe limitations on how this can be done. Under the amendment, which I hope the House will approve, such sales and dual uses would be facilitated. These industrial facilities run on their proceeds. They run as if they were corporations. This amendment would allow them to sell outside the DOD under certain specified circumstances when there are not available goods and services from private purveyors and where there is a need for expedited treatment.

Madam Speaker, I think the Fazio-Hoyer-Mazzoli amendment is a good amendment. I think it would move public industrial facilities into a much more competitive position to help their service branches, to help the Defense Department, and to help our country.

REPORT ON THE D-DAY CEREMONIES AT NORMANDY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Madam Speaker, our Speaker, the gentleman from Washington [Mr. FOLEY], authorized 27 Members of the House to represent the House of Representatives at the D-day ceremonies, and with that group was the minority leader, the gentleman from Illinois [Mr. MICHEL]. My codel spent 7 days in Europe. We went to the United Kingdom, Italy, and France. We were very proud that the gentleman from Florida [Mr. GIBBONS] represented President Clinton. When the President had to go other places, Madam Speaker, SAM was there representing the President.

And I thought the President made some strong remarks at Normandy, and I thought he handled himself very well.

I would say to my colleagues, If you saw all the white crosses, at the different American cemeteries, you realize war is really devastating, and if you also realize that those young men buried under those crosses were 18 and 19 years old, young men who really had just started in life.

Madam Speaker, our codel is sending a brief report to all Members of the House. That report will go out today. I hope that Members will have a short time just to read that brief report.

INTERIM GOVERNMENT ESTABLISHED IN SOUTH AFRICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. SCHROEDER) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to sections 4(a)(2) and 5(b)(1) of the South African Democratic Transition Support Act of 1993 (Public Law 103-149); 22 U.S.C. 5001 note), I hereby certify that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1994.*

DEPARTMENT OF AGRICULTURE DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report two revised deferrals of budget authority, now totaling $555.2 million.

The deferrals affect the Department of Agriculture. The details of the two revised deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1994.*

COMMODITY CREDIT CORPORATION REPORT FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 1994.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, and today, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FURTHER DOWN THE WRONG ROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, 2 weeks have passed since the House last visited the Haiti issue. If one looks at the media spin in the headlines, it appears that the United States is making great strides there. However, behind the headlines, the substance indicates that we are still striding down the wrong road. Despite the clear signs that the President's new refugee policy is encouraging Haitians—more than 1,600 since the policy was announced—to take to their leaky boats, the administration has not abandoned it. Instead, we have tried to fine-tune a bad policy by pursuing agreements with our Caribbean neighbors. The United States can now anchor its $34,000-a-day Ukrainian ships in Jamaican water for refugee processing. In turks and caicos we can use the beach—for the small price of a $12 million investment in the local infrastructure and a pledge that we will help repatriate 3,000 of the Haitians already on shore there. In both cases, it will be U.S. personnel, U.S. funds, and U.S. refuge for those seeking political asylum. Bottomline: Same policy, different location, higher price tag. This week, the administration announced with much fanfare its plan to ratchet up the misery-producing embargo again, this time with a ban on commercial flights and financial transactions. Yet despite this pressure, the military leadership in Haiti remains defiant, attacking Haitians attempting to leave, reinstating the Macoutes and freezing United States aid funds in Haitian banks. The thugs and their supporters have hunkered down, stockpiled, and are prepared to wait this latest crisis out. Opportunists on both sides of the Haitian-Dominican Republic border are proving nightly that the leaks in the Embargo cannot be plugged when the sun goes down. Meanwhile, missionary networks in Haiti report growing signs of malnutrition and desperate Haitians are slaughtering their goats and chopping down what's left of their mango trees just to survive today. For tomorrow, they will have nothing—and appear ready to risk the dangers of the seas. Much-needed Humanitarian relief flights remain mired in bureaucracy and grounded in the United States while the United Nations sanctions board decides whether or not to allow them to journey to Hispaniola. It is only a matter of time before the embargo is deemed a failure and the President moves on to plan B. Everyone knows it—even the President's own Haiti advisors. In fact, in the 2 weeks since the House voted to send the White House a clear no on military intervention in Haiti, the administration has purposely moved closer to just that plan of action. From the President's outline of his top six reasons to invade Haiti, to the buildup of military personnel and machinery in the Caribbean, to the Public call to arms from de facto White House Haiti advisor Randall Robinson, to pressure in this House to reverse itself on its strong no to United States military intervention—the signs are all there. Even some in the international community are preparing for the United States to take that step. The French Embassy is evacuating Embassy dependents and the United Nations has plans to do the same. While they are getting potential hostages out of the unwelcome line of fire, our important allies in Haiti—France, Venezuela, Canada, the OAS, the United Nations—have refused to support military intervention. And, they remain divided on whether or not to join peacekeeping forces if democracy is restored. Acting alone, the United States military easily could put down the resistance of the rag-tag Haitian military.

However, as one unnamed official at the Pentagon noted: "The problem isn't getting in, it's getting out." The administration doesn't have any good answers about the rules of engagement or an exit strategy, but we are hearing disturbing talk of nation building—the disastrous and ill-defined approach that led to tragedy in Somalia. When the Committee of the Whole rises on consideration of the national defense authorization later this week, rumor has it that we can expect another vote on the Goss amendment. Clearly the White House is unhappy that this House has gone on record against military intervention in Haiti. In this administration, it seems, the tactic if you don't like an outcome is to twist some arms, make some deals, and try again. I urge my colleagues to resist this pressure: Support once again a clear "no" on military intervention and a "yes" to embracing constructive solutions like the safe haven plan.

□ 1230

MEMBERS' SIGNATURES SOUGHT ON DISCHARGE PETITION FOR BILL TO PROTECT AMERICAN TAXPAYERS' RIGHTS

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under the Speaker's announced policy of February 11, 1994, May 23, 1994, and today, the gentleman from Ohio [Mr. TRAFICANT] is recognized for 60 minutes as the designee of the majority leader.

Mr. TRAFICANT. Mr. Speaker, today I want to talk about taxpayers' rights in America. I have a bill now known as H.R. 3261 and an accompanying discharge petition, Petition No. 12, to bring the bill to the floor because it will never come out of the chapter 13 file of the Ways and Means Committee, and I want to explain it. I want to explain it to the Congress so the Members can understand it.

No American should fear their government. Every American should pay taxes, and we do pay taxes. But we have a tax system that is so complicated you need a Philadelphia attorney to interpret it and an accountant to fill out your tax forms, and when the IRS comes calling, the IRS is so powerful the tax attorney bails out on you and the accountant seems confused and some tax judge appointed for a lifetime term who does not want to get the IRS mad is going to make a decision on your entire life and future.

Now, 95 to 99 percent of these IRS agents are fine people from fine families. They not only mean well, they do a great job, and they are good Americans. But there are a number of IRS agents who have been reckless and overzealous and who have ripped off Americans, mistreated Americans, abused Americans, and Congress has turned its back, its cold back, to much of this abuse.

The Traficant bill does several things. First of all it says that when an IRS agent, with reckless disregard, violates the rights of a taxpayer, harasses, scares to death, intimidates, forces, and pressures a taxpayer against their will, and once that is proven in a court of law, that IRS agent is personally liable and out of their own pockets they have to pay damages.

Second, existing law says that when that happens, the IRS which is responsible for the behavior of its agents is liable up to $100,000. The Traficant bill, H.R. 3261, says that is being expanded to $1 million.

Right now we have an IRS that is sending agents out with quotas and saying, "Get that money, no matter how you get it." The Traficant bill is saying:

> You had better counsel them to do it the right way and treat them with respect because they are the boss, and if you don't, not only is the taxpayer going to be upset but the IRS agent is going to get zapped personally and the IRS could be penalized up to $1 million.

Those two provisions were already included in legislation last year that happened to be vetoed, and those provisions were not the reason for the veto of H.R. 11, so they are uncontroversial. There are some people who are ducking the major issue around here and trying to cite those two provisions.

The third provision is a basic tenet of the American Constitution, the methodology by which we govern ourselves. In America you are supposed to be innocent until proven guilty. Jeffrey Dahmer killed 17 young men and boys. He ate part of their flesh. Jeffrey Dahmer was innocent till proven guilty. He did not have to give testimony against himself, he did not have to answer one question. He said, "The Constitution and the Bill of Rights protect my interests." But when you go into a tax court on a civil proceeding and you are accused of fraud or tax evasion, you, the American taxpayer, has to prove your innocence. That is unbelievable.

The Traficant bill basically deals with burden of proof. It takes us a little bit back to the Constitution, which everybody seems to wave around here, and here is what the Traficant bill says:

> When the IRS points its finger for tax fraud or tax evasion, the IRS had better have a good case against you, Mom and Dad, because if it is good enough for the Son of Sam to be innocent, it is good enough for Mom and Dad in the tax court, and the IRS has to prove you have committed fraud.

That is the crux of the Traficant bill. I have close to 85 signatures on the discharge petition, and I need more Members of Congress to sign that discharge petition to allow it to come to this floor for debate, because otherwise it will never come out of that file 13 wastebasket down in the committee room.

I want to cite a couple of things that have happened in our country, and I want the Members of Congress to think about this. Alex and Kay Council of North Carolina had a windfall in the sale of some property. Their accountant advised them to invest in a deal called Jackie's Fine Arts.

□ 1240

They invested in Jackie's Fine Arts because they would get some tax shelter, some tax credit, and would not give all of their gain up to Big Brother Uncle Sam. The accountant advised them it was legal at the time they took it. Five years later the IRS came back and wanted close to $300,000 in fines, penalties, and back interest, because they denied the tax shelter of Jackie's Fine Arts.

Alex and Kay Council feverishly tried to deal with the IRS. The IRS said, "We gave you a notice. Why didn't you respond?" The Councils said they never got a notice. Six years later, in a court of law, ladies and gentlemen, it was proven the IRS sent the notice to the wrong address, but the IRS said by law, that makes no difference. Our intent was to mail it to the Councils.

To really confuse this, ladies and gentlemen, Alex Council, faced with the loss of everything for his family and his children and his business, committed suicide. He committed suicide. An unbelievable case in American history. And listen to the suicide note that Alex Council left his wife Kay.

> My dearest Kay, I have taken my life in order to provide capital for you. The IRS and its liens have been taken against our property illegally by a runaway agency of our government, and they have dried up all sources of credit for us. So I have made the only decision I can. It is purely business, Kay. I love you completely, Alex.

He left a note telling her how to go about the insurance money, how to apply that money, fight for their good name, and she did. She exhausted all her money. Six months after Alex's suicide, the judge ruled the IRS was completely negligent and wrong.

What has it come to here, Congress? Has the IRS become so powerful they scare even Members of Congress? I have had Members of Congress say, "Jim, you are right, but I don't want to get involved. I am afraid to get involved." Members of Congress. Has this turned into wimp city? If Members of Congress are afraid of this powerful agency that Alex Council said is a runaway agency of our government, then what about the average taxpayer, folks? H.R. 3261, the IRS says, you are guilty of tax fraud, you are guilty, mom and dad, of tax evasion, they have every right to say it. But the Traficant bill says if you are going to accuse someone in America, the accused has the right to meet their accuser and the right in fact to all of the constitutional protections available under our Bill of Rights. And here is the basic tenant: In America, the last I heard, you are innocent until proven guilty. If it is good enough for Jeffrey Dahmer, it is good enough for Charles Manson, it is good enough for Richard Speck, good enough for the Son of Sam, good enough for the four terrorists who blew up the World Trade Center, then it is good enough for mom and dad in a Federal proceeding with a Federal appointed judge, because there is no such thing as civil fraud. Fraud is a criminal act.

Is this going to kill collections for the IRS? No. The IRS calls about an education account or an exemption, the taxpayer must answer. We know that. But when it goes to court for tax fraud or tax evasion, the burden of proof, ladies and gentlemen, shall be on the IRS, and that is where it should be.

H.R. 3261 is the bill. Discharge Petition No. 12. A dozen. Discharge Petition No. 12. That is needed to be signed by 218 Member of this Congress, so that it comes out of the wastebasket in some of the lower intestines of the Capital and be brought to the House floor where the people govern, the people draft our laws, the people are the boss, and people should take their Government back and forget all the fancy rhetoric.

This is exactly the place to start. H.R. 3261. Discharge Petition No. 12.

Mr. COLLINS of Georgia. If the gentleman will yield, I commend the gentleman for his bill. I have signed Discharge Petition No. 12. I encourage other colleagues to sign Discharge Petition No. 12, because I feel, as the gentleman from Ohio, people should be innocent until such time as the IRS proves that they have committed fraud. It should not be left up to the individual. I commend you, sir.

How many do you have now who have signed that petition?

Mr. TRAFICANT. Approximately 85 who have signed the discharge petition, the last I have heard.

Mr. COLLINS of Georgia. Due to the new rules, will those names be published, so we can encourage others or have constituency encourage others?

Mr. TRAFICANT. Well, I have not published any names, and I am hoping not to do that. But if the point comes we are running out of time, I may decide to do that.

But I am not surprised. MAC COLLINS, that you have signed, and I wish that everybody around the country would recognize it is going to take a little bit of strength to sign that discharge petition. The trouble is, Mr. COLLINS, not everybody exhibits the same type of strength and fortitude that you have here in the Congress.

This is not an easy thing to do, but this is an important thing to do for the American people. And that is why people like yourself are going to have to give me a hand, Mr. COLLINS, because it don't look good without your help.

Mr. COLLINS of Georgia. Well, I am very willing to help the gentleman. I can appreciate his concern and reserve about publishing names. I commend the gentleman, if it comes down to it, on behalf of the American people, that the gentleman is willing to take that step.

Mr. TRAFICANT. I appreciate it, Mr. COLLINS. I think Mr. COLLINS' record speaks for itself. He didn't have to make that statement today.

H.R. 3261, Discharge Petition No. 12. Mom and dad are citizens and mom and dad should be innocent until proven guilty as well. Discharge Petition No. 12. Members must sign it so it can come to the floor. Discharge Petition No. 12.

AMERICANS WANT MARKET-PLACE HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, May 23, 1994, and today, the gentleman from Georgia [Mr. COLLINS] is recognized for 15 minutes as the designee for the minority leader.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the time.

Mr. Speaker, I rise today to discuss the issue of health care reform, but, more importantly, I want to discuss word that I have received from the Third District of Georgia, and particularly from a constituent by the name of Dr. Rodney Kreider. Dr. Kreider is an associate pediatrician in one of the largest pediatric practices in Atlanta, GA.

He makes several comments and points about health care reform, and these are some of the same points and comments I have heard throughout the Third District of Georgia, throughout Georgia itself, and from many other places across this country.

The first point that Dr. Kreider makes is that Government spending in the form of entitlements has failed to adequately address the needs of our Nation's poor. For the past several years, our Federal and State governments have spent record amounts of tax dollars on social entitlement benefits. But we have not seen a real return on those so-called investments.

The poverty rate has not declined, and infant mortality is still high. The social programs begun in the 1960's have been a tremendous failure because they have caused circular and increased dependence on the Federal Government. They have failed to help the individuals and families return to a position where they can live independently and contribute to the productivity of our Nation's economy. The trillions of tax dollars spent through these programs have not changed the poverty status quo.

Now we face the possibility of installing what Dr. Kreider accurately calls the mother of all entitlement programs, through the passage of the Clinton administration's Government-based health care reform. If this or a similar reform package passes, we will install a tremendous bureaucratic spending machine that makes Government the final authority on delivering, spending, and regulating the health care industry. Federal spending, taxes, and intrusive interference in the private sector will continue to grow with the passage of a Government-based plan.

The second point is that there is no health care access problem, but rather a health care insurance access problem. Everyone in the health care debate agrees that there are problems with the system. Those problems, consistently pointed to by the President, the leadership of Congress, and people all across the country, indicate that we need insurance reform. We need to increase the access to insurance coverage. We can do this through noncontroversial reforms, without changing the nature of the entire industry.

□ 1250

Eliminating barriers to job-to-job portability of coverage, ending preexisting condition limitations are both aggressive measures that will bring many of the uninsured into the insured fold.

The third point: Current Government-based health care is a major reason for escalating health care costs.

Dr. Kreider makes one very clear point in his letter: As a physician, he knows through first-hand experience that Government-based health care is already a major cause of the escalating costs of health care. Entitlements such as Medicaid have driven up costs by creating an insatiable demand for free health care. We all know this is true. That is why we have the major problem of cost shifting in the health care profession. And it is getting worse.

The fourth point is: We won't know how expensive health care really is until it is free.

Dr. Kreider makes the point: This is why we must oppose the Clinton health care plan or any other measure that is a Government-based plan promising health care benefits to everyone, with the real costs hidden. By demanding that the employer pay for 80 percent of all health care costs, the plan eliminates any accountability, and removes any incentive that individuals should have to ensure that they are obtaining the most cost-effective health care.

Medicaid already does that now for our Nation's poor. Health care is currently free and accessible for these recipients. And even though clinics like Dr. Kreider's has never turned away a sick child on the basis of inability to pay, Medicaid recipients too often choose the most expensive avenue of health care services: the emergency room. It is free for those individuals, but as you and I know, in reality, emergency room health care is truly the most expensive.

The fifth point is that installing a Government framework as the ultimate authority-manager of health care is only the beginning of more control to come.

Dr. Kreider makes another very good point: If we allow the Government to get the foot in the door, then it will be easy for the bureaucracy to obtain more and more control of the health care system every year. Proponents of the Clinton approach are very transparent in their approach: Creating bigger, more intrusive Government means there will be a greater dependency or need among the masses for the Government. That means more Federal spending and of course that means a bigger tax burden on Americans in order to meet that demand for increased Federal spending.

He asked, what about individual responsibility?

The Clinton plans avoids individual responsibility. Proponents of this Government-based approach are writing a blank check for health care costs and encouraging the public to go shopping.

Another excellent point that Dr. Kreider makes: "The only managers in medicine should be the physician and the patient." Not the Government. The Government should have no role in dictating what benefits we will have access to; the Government should not dictate who will have access to what medical speciality procedures; or when you will no longer be able to receive dramatic treatments for dramatic illnesses.

Reforms are needed—but only those that strengthen our current system.

As Dr. Kreider and Americans all across this country point out: The American health care system is the envy of the world. We must not enact reform that will destroy the nature of our private health care industry. We must approach reform with common sense about our method; and sensitivity to the impact these changes will have on the quality of health care available to people across this country. This means we must give top priority to the impact any reform changes will have on all elements of our current market-based health care industry.

So what is the best option? The best option is building upon what we have by strengthening weaknesses that cause barriers to health care insurance coverage. And we should address the problems in the system that contribute to the escalating costs of health care.

America wants greater access to health care through market-based reforms that make the very necessary changes without weakening the structure or damaging the foundation upon which the current system is built.

We can do this, Mr. Speaker, by creating greater tax fairness through increasing deductibility for health care costs; by reducing paperwork and administrative costs; giving States greater flexibility so that they can change their health care systems in a way that most efficiently meets the needs of the people within their regions; and by granting more individual control and responsibility for health care decisions through IRA-like medical savings accounts. This can be done without installing a new bureaucratic Federal program; and without placing unfunded mandates on States and on the private sector.

In addressing the inflationary costs of health care, the legislation must contain medical malpractice reform components. By providing limits on noneconomic damages; limiting punitive damages related to medical product liability; placing a $250,000 cap on noneconomic damages; directing that punitive damages awarded by the courts be paid to States to assist funding their efforts to reduce medical malpractice; limiting attorneys' contingency fees; and through additional incentives we can adequately address the inflationary costs caused by a market that is overburdened by excessive litigation.

Already there are market-place reforms taking place to address cost issues. Health care providers all over the country are forming networks, and joining in the effort to address the need to provide quality service at controllable cost levels.

Less government, less costly malpractice litigation, and less regulatory control is what we must strive for. In health care we need greater access, but not mandated coverage and certainly we do not need the Federal Government exerting exclusive control over the delivery, insurance, and quality of health care in America.

COMMUNICATION FROM THE ACTING DIRECTOR, OFFICE OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) laid before the House the following communication from the Acting Director of the Office of the Director, Non-Legislative and Financial Services:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 31, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE ACTING DIRECTOR, OFFICE OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Acting Director of the Office of the Director, Non-Legislative and Financial Services of the House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 31, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN BURTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a staffer in my office has been served with a subpoena issued by the State of Indiana, Marion Superior Court in connection with a civil case involving some constituent casework.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

DAN BURTON,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 3:45 p.m.

Accordingly (at 12 o'clock and 59 minutes p.m.) the House stood in recess until 3:45 p.m.

☐ 1549

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 3 o'clock and 49 minutes p.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. BACCHUS of Florida, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 24, 1994, the amendment printed in part 5 of House Report 103–520 relating to U.N. peacekeeping offered by the gentleman from South Carolina [Mr. SPENCE] had been disposed of.

Pursuant to the order of the House of earlier today, there will now be additional period of general debate.

The gentleman from Mississippi, [Mr. MONTGOMERY] will be recognized for 7½ minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 7½ minutes.

The CHAIR recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

☐ 1550

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent that I be permitted to yield my 7½ minutes of debate time to the gentlewoman from Florida [Mrs. MEEK] and that she may yield that time as she sees fit.

The CHAIRMAN pro tempore. (Mr. BACCHUS of Florida). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like for my Representative from the State of Florida and chairman of the Florida delegation, the Honorable SAM GIBBONS, to stand.

Mr. Chairman, I am so proud to join with my colleagues in honoring U.S. Representative SAM GIBBONS, an outstanding American and son of Florida who has served his country so well both in and out of uniform.

SAM GIBBONS was a member of the legendary 101st Airborne Division in World War II. "Theirs was not to reason why * * * Theirs was but to do * * * or die."

As a 24-year-old captain, SAM GIBBONS was among the first American paratroopers to land behind enemy lines in Normandy, in the middle of the night, to spearhead the invasion of Europe on D-day, June 6, 1994.

For this reason, it was most appropriate that President Clinton designated Congressman GIBBONS as his personal representative at several ceremonies in Normandy this past week.

Representative GIBBONS wrote about his experiences on D-day. And one cannot help be moved by this article. It helps humanize and make understandable to those of us who were not there that day the enormity of the contribution of those young Americans—like SAM GIBBONS—who put their lives on the line to create the toehold in France needed to defeat Nazi Germany—and to secure the freedom too many of us take for granted today.

I offer this article for reprinting in the CONGRESSIONAL RECORD following my statement.

Mr. Chairman, we honor Representative SAM GIBBONS for his leadership on the battlefield, for his leadership in the House of Representatives, and for his leadership as chairman of the Florida delegation. It is my privilege to serve with him in this body.

SAM GIBBONS, hero of World War II, hero to us in our delegation, hero to the House of Representatives, thank God for you.

The text of the article referred to is as follows:

TWO DAYS OF THE INVASION

(By Representative Sam Gibbons)

[Representative Sam Gibbons recounts the 48 hours after he parachuted from a plane at 1:26 a.m. on June 6, 1944. For Gibbons, a 24-year-old captain with the 501st Parachute Infantry, D-day included a bloody ambush and at least two miracles.]

My parachute snapped open with a loud crack.

I looked around to make sure I was clear of other jumpers—couldn't see anyone. I did see and hear rifle and machine gun fire coming up from below me. I got brief glimpses of a small, blacked-out town six or seven hundred yards in front of me. Guessed it to be Ste. Mere-Eglise. Guess later proved to be correct. Feet hit—knees give—roll forward—end lying flat on my back.

Instantly, I knew I was in the wrong place—at least six miles from my planned drop zone and far deeper in German territory than planned. The time was 1:26 a.m., June 6, 1944. D-Day was to begin on the beaches at 6:30 a.m. The parachute jump from plane to ground in Normandy, France, had taken 35 to 40 seconds, maybe less.

I was 24 years old—a captain—in the 501st Parachute Infantry, a part of the 101st Airborne Division which, together with the 82nd Airborne Division, landed a total of 12,000 parachutists that might. We were the spearhead of the invasion of Europe.

For this performance our heads had been shaved—the surgeons insisted we'd be easier to sew up that way. Our unique uniforms were made of a heavy cotton cloth. The jacket collars were high and right below the neck we carried a switch-blade knife in a pocket for emergencies, like cutting yourself out of your parachute. My normal weight was 165 pounds. That night when I hit the ground I was well over 200 pounds.

In the leg pocket we carried a British-made anti-tank mine because there were plenty of tanks nearby, a gas mask (I stuck two cans of Schlitz beer in mine), an equipment bag containing a raincoat, blanket, toothbrush, toilet paper, and six meals of emergency K-rations, a combination shovel and pick for digging in, maps, flashlight, compass, small hacksaw blade, a map of France printed on silk, and $300 worth of well-used French currency.

We carried two other items in our equipment. We wore our identification (dog tags) on a light metal chain around our necks, taped together so they didn't click or rattle. And a "cricket," which when you depressed the steel made a snapping sound or a "crick." When you released the steel part, it would crick again. This was to be our primary means of identification between friend and foe during the night assault.

Our immediate objective was to open up the assault beach about six miles east of my landing spot and secure the river line of the Douve so that the Germans could not bring in reinforcements while we captured Cherbourg.

Getting oriented in the middle of the night is not easy. Two things helped me. First, we had studied the area using maps, aerial photographs, and models for hours and days until it was drilled into us. Second, I had been in the open door of the plane on the flight from England and had picked up such landmarks as the islands of Guernsey and Sark and the French coastline near Cap de Carteret.

I thought I recognized St. Sauveur-le-Vicomte and then the Douve River with its marshes. As we approached the Douve our plane had slowed down and elevated the tail to lessen the chances of hitting the tail assembly in case you made a bad door exit. So as we crossed the Douve, the green light signal to jump came on.

It seemed to me that we were too far north and too far west of our designated drop zone. But you can't hesitate and argue with the pilot because he couldn't hear you anyway and since we were flying in very tight formation, there was no chance of independent judgment. At least we were over land—some weren't so lucky that night.

But first we had to push the two equipment bundles out. These contained radios for

Headquarters Command and control of 501st. Next were two radio operators. I never found the operators or the radios. Next, me, and then 13 or 14 others who probably had little or no idea where they were. I believe the last man out that door was Lt. Col. Harry Kinnard, the Regimental Executive Officer and second in command of the 501st Parachute Infantry. Kinnard and I next met about 40 hours later and many miles from where we jumped.

I turned again to examine the field in which I had just landed. There was just enough moonlight coming through the clouds to allow me to determine that no other Americans had landed or were landing in my field. I could not hear any American weapons being fired. The German weapons sounded distinctly different from ours, the principal difference being the rate of fire for their automatic weapons. Theirs fired much faster and did not seem to sound as deep in resonance as ours.

The Germans to my southeast—about 70 yards away—were manning a roadblock, I figured, and the new firing about 1,000 yards to the north appeared to be near Ste. Mere-Eglise.

I turned west and began crawling. The firing continued behind me at the cross-roads. I could not see or hear anyone.

I began to wonder whether the whole missions had been aborted and I just hadn't gotten the signal. I resumed moving again, still trying to get away from that crossroads fire without being detected. This time I was crouched over and moved a little faster. I finally came to the southwest end of the field.

To my left was a cattlegate and other things that cows leave around when they are in a field, but at least I knew the field probably wasn't mined if there were cows around. We had been told that there was a possibility that our landing fields would be mined and booby-trapped.

I found myself in a narrow, paved road with hedges on each side. The tall trees in the hedges gave the place a spooky look, but still no signs of anyone except those people back at the crossroads. By this time I was sure that they didn't hear me and couldn't see me so I began walking in an upright position, my rifle in both hands ready for action and my cricket between my left thumb and forefinger.

I must have walked along for about ten minutes keeping to the right side of the road near the edge where there was a shallow ditch. Then about 25 feet in front of me I thought I saw a helmet silhouetted against the sky. It looked like an American helmet, but in the dark I couldn't tell, so I kneeled down in the ditch and "cricked" my cricket one time.

Instantly the response came back with two cricks. I felt a thousand years younger, and both of us moved forward so we could touch each other. I whispered my name and he whispered his. To my surprise, he was not from my plane. In fact, he was not even from my Headquarters group. He was a sergeant and lost, too.

We kept going down the road for about 50 or 100 yards when we suddenly ran into some more cricks and picked up three more people, none of whom were from my plane. But they seemed to know each other and they were from the 501st. By that time we were beginning to feel pretty good and our confidence was coming back.

We got out the maps, pulled out the flashlight, covered it as best we could, and began to figure out exactly where we were. We concluded rapidly that it was impossible to get to our designated assembly area and that we had best try to accomplish the 501 mission of securing the Douve River line.

We then decided that moving along the road, while it might be productive in finding other friends, also might be extremely dangerous. So we decided to take off across the field to our left and head for the Douve River line. As we entered the field, we found some more 501 parachutists. Still no one from my plane and no coherent pattern to the people we were finding.

It was about 3 a.m. when we hit the next road.

About that time we heard noise toward the rear of the column and a couple of shots were fired by my patrol. There was a clatter of someone falling to the pavement. I ran back and found that they had shot at a German who had been riding a bicycle. He apparently was a messenger of some sort.

We disarmed and searched him, and tried to figure out what we would do with him. His bicycle was a wreck, and he was skinned up from his tumble. The men took off his belt and tied his hands behind him, and we decided then that with that noise if there were many more Germans in town, they had heard us, so we moved in rapidly.

It was a short dash into town. It was a very small town, completely dark. At the head of the column there were a few more shots fired and the word came back that they had killed some Germans—probably two who were apparently trying to run from one of the houses in town when we ran in.

By this time we were making so much noise that if there was anyone else there, they certainly would have heard us. The noise of the shooting seemed to raise our spirits even more. Still, we didn't know where we were.

I began to pound on doors and shout for people to come out, but, of course, none of the doors opened and no one moved. I was shouting in English and if there was anyone in that town who understood English, we never found them.

Finally, after two or three minutes, one man about 50 to 55 years old came to the door of one of the houses. In English I began to ask him where we were, what was the name of his town, but he just stared back, then began to speak in French.

He was excited and eventually some other people in the house came forward—none of whom could speak English. Some of my men had gotten responses at doors and windows and were running into the same trouble.

Finally I went into the dark house, pulled out my map and flashlight, and began to make gestures, hoping he would point to where we were. But he was either afraid or was determined not to get involved. Even though I recited with my best French accent the names of some towns that I thought he would know and would point to, I got no response. Finally, one of the sergeants came up and said he had found out the name of the town was Carquebut.

The action in Carquebut had taken about 20 to 25 minutes. It was now approaching 3:30 a.m. We knew that Carquebut was outside of the sector of the 101st Airborne Division—our parent unit—and was in the sector of the 82nd Division, which had a different responsibility than we did that first day.

After a quick conference with some of the sergeants, I decided that we should move to the south toward St. Come-du-Mont, which was about five miles from where we were. St. Come-du-Mont had been a part of the 501st objective. It was on the Douve River line and it was not far from the bridges across the Douve that we had been assigned to seize and destroy.

In about 30 minutes we hit the main two-lane, north-south road between Ste. Mere-Eglise and Carentan. At a little town called Les Forges, we could see two or three American soldiers near the crossroads and we moved rapidly to meet them.

Here for the first time I ran into someone I knew. There was an American lieutenant by the name of Charlie Poze, a member of 501st. He had rounded up five or six men and they were controlling the town. They had already searched the buildings and found no Germans.

To our north was the town of Ste. Mere-Eglise, about one and a quarter miles away. To the south of us was St. Come-du-Mont, nearly three miles away, and the Douve River highway and railroad bridge crossing. Controlling these crossings was our objective.

As dawn came it was possible to see scattered parachutes lying around in the fields. Some were hanging in trees, some lying partly in the road. It was obvious that we were coming closer to a place where more men had been dropped.

Just a short distance along we ran into the town of Blosville. We encountered some fighting from our left but it did not appear to be well aimed. When we returned the fire, the hostile firing would die out, so we chose to ignore it and move more rapidly toward St. Come-du-Mont.

It was now approaching 7:30 or 8 a.m. We had gathered strength as we had moved along and we now had approximately 50 men, including Lt. Poze, two glider pilots whom we had picked up on the march from Carquebut and who had been charged with controlling the prisoner, and myself.

By the time we got to the end of Blosville, a Capt. MacNeilly, also with the 501st, moved out on the road and we had a reunion! I had known and worked with MacNeilly. He was from San Francisco and a genial fellow and a good man.

While our confidence had returned, we all still felt very isolated. There was firing going on to the east of us, but it was so faint that it was hard to distinguish what we heard.

As morning came, it was beautiful: a cloudless sky, cool, no more planes of any sort were in sight. There was scattered fire in about every direction except off to the west, so we moved out to the south and headed to St. Come-du-Mont, which seemed to be three-and-one-half miles away.

After about an hour, I called a halt, brought in Poze and MacNeilly and the one flanker from both the east and west, and held a council. At the end of the council no one could suggest a better method of moving, and because there was also occasional firing on both flanks with more to the east, some of which seemed to be aimed at us, we decided to continue in the diamond formation.

At the end of this council I brought out my two cans of beer, which we shared. I estimate we had moved about a mile and a half south from Blosville. When the cans were empty we decided to leave them in the middle of the road as a monument to the first cans of Schlitz consumed in France.

In about five minutes the point man signaled with his hand and beckoned me forward, and I discovered what he had found. In the west ditch was a wounded German soldier. I moved the patrol on up.

The German had been hit in the stomach area and was in bad shape. He had already turned rather gray-looking and seemed to be rather incoherent. There were some parachutes lying in the fields nearby and I assumed the parachutists had gotten him. We searched the area but found no one.

The German was moaning, his eyes closed. We disarmed him and then had to decide what to do with him. We finally decided just to leave him where he was. He was a pitiful sight, so all alone, so badly injured, and so near death, with us standing over him. We didn't waste much time. We just went on. He was no danger to us.

As I recall, one of the men did give him some water and someone propped his head up a little and he quit moaning, but his breathing was laborious.

Down the road a point man spotted a sign post on a little concrete marker on the right-hand side of the road: Carentan 6km, Paris 250km. We joked about being in Paris that night, or maybe it was just the fact that it was broad open daylight and that our luck seemed to be going well.

All of us were tired because we hadn't had a chance to eat or sleep since leaving our airfield in England. We had been awake and moving for 30 hours. Our last meal had been 17 hours earlier. We halted for a minute and I called Poze to me and told him to go up and take the forward point position because we needed to make better time.

St. Come-du-Mont was near—perhaps 400 yards away. According to the Regimental plan, St. Come-du-Mont should already be in 501st hands. In fact, it should have been in the 501st hands for about six hours. Unfortunately, I was wrong.

As we got closer to St. Come-du-Mont, nothing appeared to be unusual. The windows in the buildings were all closed with wooden shutters as we had seen in all the other small towns. The doors were not open. No one appeared to be moving around on the main street, which was the highway that we were on. Cows were grazing in the nearby field.

There was firing—both German and American—far off to the left. I could now see the first building very clearly on the right-hand side of the road, and I had great expectations that we would at last run into the main body of the 501st forces.

I moved over toward the edge of the road to the right. I was now at the bottom of a very small hill with St. Come-du-Mont sitting at the crest. We found the main body of forces, but it wasn't the 501st. In fact, it wasn't even a friendly force.

Shortly after I had given the signal to Poze to continue forward, I heard a gun bolt. I looked toward the sound and there was a gun muzzle pointed in my direction. As I dove for the ditch, all hell broke loose! We had been ambushed.

I remember seeing Poze go down in front of me as if he, too, were diving in the ditch. The gunner was standing behind the hedge—the muzzle of his gun pointed through the bushes—and he apparently had his weapon set on full automatic because when it started to fire, it sprayed bullets all over the area.

The first thing I had to do was to get rid of that gunner right over my head. I knew I couldn't exist long with him there. He had probably seen me dive into the ditch but he couldn't get a good shot at me until he climbed to the top of the hedge.

I took a grenade out of my pocket, pulled the safety pin, and lobbed it over the hedge. I hoped that he didn't have time to throw it back. He didn't. After it went off, I heard no more firing from his position and assumed that that problem was out of the way for awhile.

I called to Poze and had no response. I lay there for a minute or so, but it seemed like a lifetime. I couldn't get my head up because every time I moved I drew fire. I yelled back to MacNeilly to tell him to cover me. He understood and so the fire from our patrol picked up.

It was accurate enough to cause the German fire to slow down—and as soon as it slowed, I jumped up out of the ditch, took about six fast paces, and took cover behind a concrete telephone pole. It wasn't very good protection, but it was better than I had had.

I guess only luck saved me, I made a dash across the road and dove in the ditch again. How I escaped getting hit I will never know, but at least this ditch was deeper and no one could directly observe my movements as long as I stayed flat on my stomach. I slid down the ditch in the direction of MacNeilly.

It was the easiest crawling I ever did. I had received such a shot of adrenaline I think I could have crawled a mile. I probably only had crawled 50 yards when I slid under a low drainage culvert in the road and felt safe—or at least relatively safe.

After I had gone a short distance out of the culvert, I passed the crest of the low hill on which my patrol had taken up firing positions, and I was out of immediate danger. The first person I ran into was MacNeilly, and he was laughing a sort of nervous laugh. He said he had never seen me run so fast in my life and that I had looked like a jackrabbit going across that road with the Germans firing at me.

We could still see St. Come-du-Mont—we were now about 300 yards from the town. By that time our patrol had taken up some good firing positions. We slowed down our firing to conserve ammunition. It was obvious that we were badly outnumbered. We had at least two missing, and one man reported that he was slightly wounded.

It was more and more obvious that the Germans were well placed and had planned to defend St. Come-du-Mont stubbornly.

So there we were—200 to 300 yards north of St. Come-du-Mont meeting superior fire from a major force. We had no automatic weapons, no radios—only our semi-automatic rifles and a few pistols.

Before we decided to break off the fire fight, two of our men were killed. MacNeilly and I held a council. We called in a couple of the sergeants and decided that since the day was half over and since it appeared useless to try to attack the town, we just couldn't sit there for the rest of the day and wait for some miracle to happen. Also, I did not know what was building up behind us to the north because during our advance on St. Come-du-Mont there had been intermittent firing from our flanks. We knew that there were Germans behind us, but we did not know where they actually were nor how many they were.

I decided that the best thing to do was to split the patrol—leaving some with MacNeilly to continue firing into St. Come-du-Mont—and for me to go northward to try to find some friendly force. I designated two sergeants and about 15 men to stay with MacNeilly; I took the rest and returned north.

I knew we had to move fast for it was then 1:30 or 2 in the afternoon and we were not finding any more parachutists coming out of the fields to join us. We moved at a slow trot back toward Blosville. When we passed the spot where the wounded German had been, he was dead.

About an hour and half after we departed the St. Come-du-Mont area, we reached the outskirts of Ste. Mere-Eglise. We found a small unit of the 82nd had established a roadblock there near a crashed glider.

The crashed glider was one of the bloodiest sights I saw on D-Day. It had been used by some units of the 82nd to attempt to bring in anti-tank guns and the pilot had overshot the field and crashed into a stone wall right off the highway. If there were any survivors, they weren't around. There were plenty of bodies. We turned over our prisoner and said good-bye to our two glider pilots who rejoined the 82nd.

We headed for the designated glider landing zone, hoping that those operations which had been planned for D-Day evening would come off as scheduled. I had been designated to receive one of the six jeeps the 501st was to get. Jeeps were quarter-ton open trucks.

At Hiesville, there were other American soldiers from the 101st around. Not many—perhaps 50. They were near a farmhouse, and I discovered it was the Division Command Post, hardly the kind you might expect for a Division.

They de-briefed me in about ten minutes and entered the situation as I described it on their maps, and I headed immediately for the glider landing zone just south of Hiesville. I got there between 6:15 and 7 p.m.

I am sure there were a lot of miracles on D-Day, but my own second miracle occurred when that glider assigned to carry my jeep landed right on time and right at the designated spot. I wasn't more than 50 feet from the spot where the glider landed—certainly within shouting distance—when the glider nose opened and my jeep rolled out. I called the driver's name; he recognized me and drove right over.

We had been isolated for about 18 hours that day. We had been shot at, taken some casualties, and inflicted a few ourselves, but the arrival of this jeep was like a miracle.

When I arrived back at the Divisions CP, I was asked to help provide local security for protection of the Command Post because by that time darkness was approaching fast and there was still an awful lot of German firing going on. We organized a guard detail with others who had been arriving a the CP, and I was assigned a sector to the north about 300 yards from the Command Post.

I took my small patrol to our sector and we divided the responsibility for the night. We posted the first guards, then moved into a well-built cluster of farm buildings—a milking shed, tool shed, hay barn, all clustered around a stone-paved courtyard. But it was home.

I sat down in the equipment barn beside an old two-wheeled hay rake and opened my first K-ration: ham and eggs in a small tin can, a fruit bar, some biscuits that looked and tasted like I guess dog biscuits taste, some kind of powdered coffee, a hard chocolate bar for dessert. The chocolate bar was so hard that if you had thrown it like a rock it would have been a dangerous weapon. I devoured my meal in record time.

I had the second shift of the guard detail that night so I went to sleep as soon as I finished eating.

When the word came to wake up again, we were in contact with some other members of the 501st who had also shown up in the Division Command Post area. I went over toward the direction of the CP and found Col. Kinnard. I knew at least two people from the plane had survived. He said that we were moving out in a few minutes to join a force of the 506th.

We moved from the Division Command Post near Hiesville in the direction of

Vierville with a mission of seizing the bridges across the Douve between St. Come-du-Mont and Carentan. The advance from Hiesville to Vierville was relatively uneventful. There was some firing but it didn't stop us.

It was not until I had reached Angoville that the first serious action of that day began for me. There were already some other American forces there—apparently remnants of our 1st Battalion. We quickly exchanged information. No sooner than that happened we came under heavy fire.

We took some casualties. I don't remember how many. After an hour the firing stopped. It seemed that German troops who had been positioned on or near the beaches and who had been driven back by the landing forces were now moving toward us.

With the 4th Division and some elements of our 101st pushing from the east and with the only way across the Douve River and into Carentan being blocked by us, we were picking up one German unit after another as they were trying to move to a better position.

Our road to the southwest to St. Come-du-Mont was still blocked and so we spent the rest of that day in the Angoville-Vierville area. There was too much resistance at St. Come-du-Mont for us to move south. There was too much resistance to the northeast for us to move in that direction. So we settled down after nightfall for some rest.

That takes you through two days of the invasion. The first day didn't seem like it would ever end, and the second day went so fast I hardly remember it. Eventually we would take St. Come-du-Mont.

Instead of taking it with one company of the 501st, as had been our original plan of operation before the invasion—or with my small combat patrol as I had tried to do on D-Day—it took the whole Division plus the fire support from the cruiser Quincy plus eight or ten tanks that were assigned to us from the 5th Corps.

It took plenty of lives, both German and American. But within three days we held St. Come-du-Mont and control of the bridges, the line of the Douve River was secure, and our first mission completed.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. I thank the gentlewoman for yielding to me. I appreciate it very much.

I want to echo the sentiments the gentlewoman from Florida has expressed and pay tribute to our good friend and colleague, SAM GIBBONS.

SAM has been an outstanding statesman from Florida, as you know, for many years, having served in the Florida legislature with distinction and then here in the Congress of the United States.

I remember when I was working in television news in Panama City, a good number of years ago, the first time I had met SAM GIBBONS. In fact, the only time, I guess, until I was elected to Congress. He came through, and I think at that time SAM was possibly looking at a run for the U.S. Senate, which I do not believe he ever made. But I interviewed him and was very impressed with him at that time and have always been impressed with him.

Mr. Chairman, Nancy and I are delighted that we have as good friends SAM and Martha and their family.

Mr. Chairman, it was my privilege and honor to be on the CODEL with the gentleman from Mississippi [Mr. MONTGOMERY], along with other World War II veterans. We were in Normandy and participated in and were at a number of the commemoration ceremonies. I can say with assurance that the President made a great choice in asking SAM GIBBONS to be his representative. He did an outstanding job speaking on a number of occasions, some of which, I take it, were carried by the national television networks, whereas some were not. But throughout the whole week of ceremonies in commemoration of World War II for D-day, SAM GIBBONS and his family were in there and represented us very well and made a beautiful family, he, Martha, their sons Mark, Cliff, and Tim, and their wives and children; that is, SAM GIBBONS' grandchildren made a very beautiful family.

Not only that, but the remarks that SAM made I think were very touching to us because he is one, as the gentlewoman suggested, who actually landed during this time. This was a period of triumph and tragedy for our country, but as was pointed out time and time again, had D-day not happened and that invasion to get the enemy out of France and to begin the end of Adolf Hitler, we might not be here at this time; the world might have been totally different.

So I am very, very proud of our colleague, SAM GIBBONS, and his contribution to the war effort and bringing freedom to our Nation and to the world as well as his good work as statesman and a Member of the House of Representatives.

Mrs. MEEK of Florida. I thank the gentleman from Florida for his comments.

Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. I thank the gentlewoman for yielding to me.

Mr. Chairman, we had our CODEL at Normandy, and we were there with SAM GIBBONS, his wife Martha, and his three sons and their families. We were mighty proud of him.

Mr. Chairman, Mr. GIBBONS used no notes in his remarks. He talked to thousands and thousands of veterans from all the allied forces. After his remarks, veterans stood up and cheered.

Mr. Chairman, SAM is a great American. We were honored to be with him at three different ceremonies. He represented the President and the Congress, and the President could not have chosen a better person out of the 435 Members.

I thank the gentlewoman from Florida for yielding.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I simply want to join my colleagues from Florida and throughout the country in saying what a privilege it is to serve with SAM GIBBONS. SAM has long been one of my heroes. I am very privileged and proud to say that for 25 years he has been a friend. He has known me since I was a teenager. He has helped raise me, he has laughed at me, laughed with me, along with me. SAM has been a leader for 50 years in many, many ways. He is a leader still today.

Mr. Chairman, SAM has faced and met and conquered every challenge that has ever confronted me. Today he has some new challenges in the House. I look forward to all those stories in the fall about how so many people have underestimated my friend, SAM GIBBONS.

I am confident the gentleman will lead us this year and in the years to come just as well as he led those troops in Normandy on D-day.

Thank you very much, SAM, for your friendship.

Mrs. MEEK of Florida. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BERMAN). The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

Mr. SPENCE. Mr. Chairman I yield 3 minutes of my 7½ minutes to the gentlewoman from Florida [Mrs. MEEK], and ask unanimous consent that she be allowed to yield time as may be required.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

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Mrs. THURMAN. Mr. Chairman, my esteemed colleague from Florida, Congressman SAM GIBBONS, established himself as a leader early in life.

Just 50 years ago, SAM GIBBONS was a skinny 24-year-old captain in the 501st Parachute Infantry.

In the dark, predawn hours of June 6, SAM began the long and treacherous campaign to wrest control of Europe from Hitler's iron grasp by parachuting through thick machinegun fire and behind German lines near Normandy, France.

Realizing he was alone and miles from his planned drop point, SAM nonetheless quickly determined his position, picked up other Americans along the way, and carried out his mission to capture French towns and prevent reinforcements from reaching German troops battling the Allied invasion at Normandy.

Mr. Chairman, SAM GIBBONS helped D-day succeed by carrying out his mission.

I am proud to call SAM GIBBONS my friend. I can think of no one better, Mr. Chairman, to guide this House through the minefields of health care reform than the man who began the defeat of the Nazi war machine in the dark skies over France 50 years ago.

Mrs. MEEK of Florida. Mr. Chairman, we want to end this tribute to the gentleman from Florida [Mr. GIBBONS] and say to him, "We thank you from the bottom of our hearts for having represented this great country on the beaches of Normandy and as a paratrooper. We owe our lives and the quality of our democratic ideals to your contribution. Thank you."

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I would like to join my colleagues from Florida in recognizing our good friend, the gentleman from Florida [Mr. GIBBONS] 50 years ago, he was one of those heroes who helped win the battle of Normandy.

Having just returned from France, I would like to emphasize to every American the tremendous pride that we should all feel in what SAM GIBBONS and all those who fought at Normandy accomplished. The tribute to the veterans of D-day was one of the most moving experiences I have ever had, as well as the tremendous appreciation the French people showered on them.

SAM GIBBONS was one of the first to land on the European continent. He was one of those who worked behind enemy lines with the "clickers" which we heard so much about during the commemoration. The courage and leadership he exhibited then was extraordinary. And we have been fortunate that, 50 years after D-day, he continues his service to the American people here in the House of Representatives.

So, along with our other colleagues in the House, TOM BEVILL and our minority leader BOB MICHEL, and all Americans who served at Normandy, I would like to salute my colleague SAM GIBBONS as a true American hero.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to associate myself with the remarks of everyone speaking here today on behalf of my good friend, the gentleman from Florida [Mr. GIBBONS]. On numerous occasions he and I have discussed his exploits during World War II and in particular, during D-day. He is a great American, and we are all indebted to him and all those who served.

As my colleagues know, too few of us ever pause to think back. And I am glad we have been celebrating the 50th anniversary of D-day recently and have once again had the chance to realize what so many people did and sacrificed on behalf of all of us. The gentleman from Florida [Mr. GIBBONS], Republican leader BOB MICHEL, and many others proudly represent the millions who fought for all of us during World War II.

Mr. Chairman, I was, of course, a little bit too young for that conflict, but thank goodness and thank God for people like the gentleman from Florida [Mr. GIBBONS].

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. GIBBONS] so he might be able to respond and feel free to say anything he may choose to say.

Ms. BROWN of Florida. Mr. Chairman, I rise today to pay tribute to a great Floridian and a great American. I rise to tell the American people about this true public servant, who has given more than 40 years of his life to serving this country, and serving his constituents in the Tampa Bay area.

Mr. Chairman, SAM GIBBONS is this man. He has fought for our Nation on the beaches of Normandy and has fought for the rights of poor and older Americans. He has been a staunch voice on trade issues, and opening foreign markets to U.S. companies.

And today, SAM GIBBONS, a true friend of Florida and a defender of our Nation, will be leading our Nation on a path toward healing and a return to global competitiveness. A path toward reforming the way we receive our health care. And a path to make our country more competitive as he addresses this nation's economic problems at home and abroad.

It is a true pleasure, Mr. Chairman, to pay tribute to this fine American.

Mr. GIBBONS. Mr. Chairman, I thank very much the gentleman from South Carolina [Mr. SPENCE], the gentleman from Mississippi [Mr. MONTGOMERY], and the gentlewoman from Florida [Mrs. MEEK], and everyone who has participated in this. I do not deserve it, but I really appreciate it.

I was able to meet with some of my colleagues on one of those nights, on the 5th of June just before the celebrations on the 6th, and I told them then at that time that everyone in the room deserved the honor of being the President's representative more than I did because I knew they were good soldiers. But I appreciated the opportunity of being able to serve, and I think it is important that all Americans ought to understand that the people that fought there in Normandy for us were good, loyal, patriotic people who loved their country, who had a great respect for the institutions of their country, and they still show it today. I talked to many of them, some of them rather infirmed, some of them rather aged, but they still have that great love of country, and great respect and pride in our institutions, and it was really inspiring to see that and to hear that.

I want to say, as I said there, that there are a couple of lessons that we ought to draw out of our experiences in Normandy, and the first lesson is that America must remain involved as a world leader. Being involved is not pleasant. We have got to make sacrifices to do that. We have got to remain strong enough so that we are believable, so we can say no to would-be aggressors. But, when our vital interests are at stake, we can say no, and we can control the situation.

Second, Mr. Chairman, we really want to pay attention to the quality of the people that we attract to serve in our Armed Forces. I had experiences before World War II in training some of the people who were not as well qualified physically, mentally or emotionally to be soldiers. I can say, without any challenge in my own mind, "You can't lead a soldier that's not willing to fight, you can't train a soldier that's not willing to fight, and if you got to fight, you have got to have something you're fighting for." So, we need to keep the quality of the new people who come into the service year, after year, after year up to a very high standard. We need to reward them so that they will look upon military service as an opportunity.

I say to my colleagues, "Those are the kind of people we need. Those are the kind of people who will keep America strong."

I want to thank everybody for participating in this, and I want to say, "I'm just glad to be here. Thank you."

The CHAIRMAN pro tempore (Mr. BACCHUS of Florida). All time for general debate has expired.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, pursuant to section 4 of House Resolution 431, I offer the following en bloc amendment, consisting of amendments 2, 3, 9, 10 (as modified), 12 (as modified), 15 (as modified), 16 (as modified), 23, 31 (as modified), 32 (as modified), 33, 35 (as modified), 40, 46 (as modified), 50 (as modified), 51, 52 (as modified), 53 (as modified), 54, 55, 56 (as modified), 59 (as modified), 60 (as modified), 64 (as modified), 65 (as modified) and 66 printed in part 1 of House Report 103–520; and amendment 10 (as modified) printed in part 1 of House Report 103–509.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

The texts of the amendments en bloc, as modified, offered by Mr. MONTGOMERY are as follows:

Amendments en bloc, as modified, offered by Mr. MONTGOMERY:

AMENDMENT OFFERED BY MR. GINGRICH

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING OPERATIONS.

No funds authorized to be appropriated by this Act may be transferred or obligated for the payment of the assessed share of the United States for costs of United Nations peacekeeping operations or for any arrearages derived therefrom.

AMENDMENT OFFERED BY MRS. SCHROEDER

Page 279, line 17, strike out "$355,600,000" and insert in lieu thereof "$295,600,000".

Page 279, line 20, strike out "$50,000,000" and insert in lieu thereof "$80,000,000".

Page 279, line 23, strike out "$50,000,000" and insert in lieu thereof "$80,000,000".

Page 280, line 4, strike out "$15,000,000" and insert in lieu thereof "$45,000,000".

AMENDMENT OFFERED BY MS. FURSE

At the end of subtitle D of title XXXI (page 414, after line 4) add the following new section:

SEC. . PROHIBITION ON DISCLOSURE OF CERTAIN INFORMATION ON EXPOSURE TO RADIATION RELEASED FROM HANFORD NUCLEAR RESERVATION.

Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834) is amended by adding at the end the following new subsection:

"(d) PROHIBITION ON DISCLOSURE OF EXPOSURE INFORMATION.—(1) Except as provided in paragraph (2), a person (including the Secretary of Energy, an officer or employee of a State, or any other person participating in or receiving assistance under a program established under this section) may not disclose to the public any information obtained through the program that identifies a person who may have been exposed to radiation released from the Hanford Nuclear Reservation or that identifies a person participating in any of the programs developed under this section. Information prohibited from disclosure under this subsection shall include—

"(A) the name, address, and telephone number of a person requesting information referred to in subsection (b)(1);

"(B) the name, address, and telephone number of a person who has been referred to a health care professional under subsection (b)(2);

"(C) the name, address, and telephone number of a person who has been registered and monitored pursuant to subsection (b)(3);

"(D) information that identifies the person from whom information referred to in this paragraph was obtained under the program or any other third party involved with, or identified, by any such information so obtained; and

"(E) any other personal or medical information that identifies a person or party referred to in subparagraphs (A) through (D).

"(2) Information referred to in paragraph (1) may be disclosed to the public if the person identified by the information, or the person's legal representative, has consented in writing to the disclosure.

"(3) The States of Washington, Oregon, and Idaho shall establish procedures for carrying out this subsection, including procedures governing the disclosure of information under paragraph (2).".

AMENDMENT, AS MODIFIED, OFFERED BY MR. EVANS

Page 15, line 15, strike out "$854,833,000" and insert in lieu thereof "$854,883,000".

Strike out section 851 (page 233, line 9, and all that follows through line 18 on page 234).

AMENDMENT AS MODIFIED, OFFERED BY MR. PETERSON OF FLORIDA

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . ASSISTANCE TO FAMILY MEMBERS OF KOREAN CONFLICT POW/MIAS WHO REMAIN UNACCOUNTED FOR.

(a) SINGLE POINT OF CONTACT.—The Secretary of Defense shall designate an official of the Department of Defense to serve as a single point of contact within the department for the immediate family members (or their designees) of any unaccounted-for Korean Conflict POW/MIA.

(b) UNACCOUNTED-FOR KOREAN CONFLICT POW/MIA DEFINED.—For purposes of this section, the term "unaccounted-for Korean Conflict POW/MIA" means a member of the Armed Forces or civilian employee of the United States who, as a result of service during the Korean Conflict, was at any time classified as a prisoner of war or missing-in-action or otherwise as unaccounted for and whose person or remains have not been returned to United States control and who remains unaccounted for.

(c) FUNCTIONS.—The official designated under subsection (a) shall serve as a liaison between the family members of unaccounted-for Korean Conflict POW/MIAs and the Department of Defense and other Federal departments and agencies that may hold information that may relate to unaccounted-for Korean Conflict POW/MIAs. The functions of that official shall include assisting family members—

(1) with procedures the family may follow in their search for information about the unaccounted-for Korean Conflict POW/MIA;

(2) in learning where they might locate information about the unaccounted-for Korean Conflict POW/MIA;

(3) in learning how and where to identify classified records that contain pertinent information and that will be declassified.

(d) ASSISTANCE IN OBTAINING DECLASSIFICATION.—The official designated under subsection (a) shall seek to obtain the rapid declassification of any relevant classified records that are identified.

(e) REPOSITORY.—The official designated under subsection (a) shall provide for a centralized repository for all documents relating to unaccounted-for Korean Conflict POW/MIAs that are located as a result of the official's efforts.

AMENDMENT AS MODIFIED, OFFERED BY MR. BERMAN

At the end of subtitle C of title XI (page 307, after line 11), insert the following new section:

SEC. 1136. ASSISTANCE FOR CERTAIN WORKERS DISLOCATED DUE TO REDUCTIONS BY THE UNITED STATES IN THE EXPORT OF DEFENSE ARTICLES AND SERVICES.

(a) ASSISTANCE UNDER THE DEFENSE CONVERSION ADJUSTMENT PROGRAM.—Section 325 of the Job Training Partnership Act (29 U.S.C. 1662d) is amended—

(1) in subsection (a), by striking out "or by closures of United States military facilities" each place it appears and inserting in lieu thereof ", by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements";

(2) in subsection (d), by striking out "or by the closure of United States military installations" and inserting in lieu thereof ", by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements"; and

(3) by adding at the end the following new subsection:

"(f) DEFINITION.—For purposes of this section, the term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act.".

(b) ASSISTANCE UNDER THE DEFENSE DIVERSIFICATION PROGRAM.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1) is amended—

(1) in subsection (b)(3)(A), by striking out "or the closure or realignment of a military installation" and inserting in lieu thereof ", the closure or realignment of a military installation, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements";

(2) in subsection (k)(1), by striking out "or by the closure of United States military installations" and inserting in lieu thereof ", the closure of United States military installations, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements"; and

(3) in subsection (o), by adding at the end the following new paragraph:

"(3) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act.".

AMENDMENT, AS MODIFIED, OFFERED BY MR. DELLUMS

At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. DEFENSE ACQUISITION PILOT PROGRAM.

(a) DESIGNATIONS.—Pursuant to section 809(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1485, 1593; 10 U.S.C. 2430 note), as amended by section 811 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2315, 2450), the following defense acquisition programs are authorized to be designated for participation in the Defense Acquisition Pilot Program:

(1) FIRE SUPPORT COMBINED ARMS TACTICAL TRAINER (FSCATT).—All contracts directly relating to the procurement of a training simulation system, including related hardware, software, and subsystems, to perform collective training of field artillery gunnery teams, with development of software as required to generate the training exercises.

(2) JOINT DIRECT ATTACK MUNITION (JDAM I).—All contracts directly relating to the development and procurement of a strap-on guidance kit, using an inertially guided, Global Positioning System updated guidance kit to enhance the delivery accuracy of 1000 and 2000 pound bombs in inventory.

(3) COMMERCIAL-DERIVATIVE AIRCRAFT (CDA).—(A) All contracts related to acquisition or upgrading of commercial-derivative aircraft for use in future Air Force airlift, tanker, and airborne warning and control system requirements.

(B) For purposes of this paragraph, the term "commercial-derivative aircraft" means any of the following:

(i) Any aircraft that is of a type customarily used in the course of normal business operations for other than Federal Government purposes, that has been issued a type certificate by the Administrator of the Federal Aviation Administration, and—

(I) that has been sold or leased for use in the commercial marketplace; or

(II) that has been offered for sale or lease for use in the commercial marketplace.

(ii) Any aircraft that, but for—

(I) modifications of a type customarily available in the commercial marketplace; or

(II) minor modifications made to meet Federal Government requirements;

would satisfy the criteria in clause (i).

(b) AUTHORIZATION FOR WAIVERS.—With respect to the programs described in subsection (a), the Secretary of Defense is authorized to waive or limit the applicability of the following provisions of law:

(1) Section 2306(b) of title 10, United States Code (relating to prohibition against contingent fees).

(2) Section 2320 of such title (relating to requirements pertaining to technical data).

(3) Section 2321 of such title (relating to validation of proprietary data restrictions).

(4) Section 2324 of such title (relating to requirement for the disclosure of the identity of suppliers and sources of supplies).

(5) Section 2393(d) of such title (relating to prohibition against doing business with certain offerors or contractors).

(6) Section 2402 of such title (relating to prohibition on limitation of subcontractor direct sales).

(7) Section 2408(a) of such title (relating to prohibition on certain involvement with persons convicted of defense contract-related felonies).

(8) Section 2410b of such title (relating to contractor inventory accounting system standards).

(9) Section 843 of Public Law 103-160 (107 Stat. 1720) (relating to reports on defense contractors dealings with terrorist countries).

(c) CONDUCT OF DEFENSE ACQUISITION PROGRAMS.—In the case of each defense acquisition program designated under subsection (a) for participation in the Defense Acquisition Pilot Program, the Secretary of Defense shall—

(1) develop guidelines and procedures for carrying out the program and the criteria to be used in measuring the success of the program;

(2) evaluate the potential costs and benefits which may be derived from the innovative procurement methods and procedures tested under the program; and

(3) develop the methods to be used to analyze the results of the program.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as authorizing the appropriation or obligation of funds for the programs designated as defense acquisition pilot programs under subsection (a).

AMENDMENT OFFERED BY MR. FAZIO

Page 66, strike out line 13 and all that follows through line 6 on page 68 (relating to a reutilization initiative for Army and Navy depot-level activities) and insert in lieu thereof the following:

SEC. 329. REUTILIZATION INITIATIVE FOR DEPOT-LEVEL ACTIVITIES.

(a) PILOT PROGRAM AUTHORIZED.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to encourage commercial firms to enter into partnerships with depot-level activities of the military departments for the purpose of—

(1) demonstrating commercial uses of such depot-level activities that are related to the principal mission of such depot-level activities;

(2) preserving employment and skills of employees currently employed by such depot-level activities or providing for the reemployment and retraining of employees who, as the result of the closure, realignment, or reduced in-house workload of such activities, may become unemployed; and

(3) supporting the goals of other defense conversion, reinvestment, and transition assistance programs while also allowing such depot-level activities to remain in operation to continue to perform their defense readiness mission.

(b) PARTICIPANTS IN PILOT PROGRAM.—The Secretary shall designate not less than six depot-level activities of the military departments to participate in the pilot program under this section. Of these depot-level activities, at least two shall be depot-level activities of the Department of the Army, at least two shall be depot-level activities of the Department of the Navy, and at least two shall be depot-level activities of Department of the Air Force.

(c) CONDITIONS ON PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary shall ensure that the program—

(1) does not interfere with the closure or realignment of a depot-level activity of the military departments under a base closure law; and

(2) does not adversely affect the readiness or primary mission of a participating depot-level activity.

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amounts authorized to be appropriated under section 301, $100,000,000 shall be available only to carry out the pilot program under this section.

AMENDMENT, AS MODIFIED, OFFERED BY MS. MC KINNEY

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . REPORT ASSESSING THE REGIONAL SECURITY CONSEQUENCES OF UNITED STATES MILITARY COOPERATION PROGRAMS.

(a) REPORT.—On or before the date of the submission to Congress of the next annual report of the Secretary of Defense submitted after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the national security consequences of United States military cooperation programs. The report shall be organized into separate sections for each region of the world (as defined by the Secretary) in which there is a significant degree of internal political instability or possibility of changes in the external policies of countries with which the United States has significant military cooperation relationships.

(b) MATTERS TO BE INCLUDED.—Each regional section of the report required under subsection (a) shall include the following:

(1) A description of cooperative military relationships in effect between the United States and the countries of the region.

(2) A description of how these activities are intended to improve regional security.

(3) An assessment of the risks associated with engaging in military cooperation programs with countries in the region should the government of any of such country change its political orientation in a manner hostile to United States interests.

(4) An analysis of the effect on regional security of possible multilateral actions to reduce the military capability of governments and military forces in the region that could pose a future threat to United States interests.

(c) CLASSIFIED AND UNCLASSIFIED FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form and, to the extent necessary, in classified form.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MENENDEZ

At the end of title XI (page 308, after line 24), insert the following new section:

SEC. 1152. PLAN FOR DEPLOYMENT OF DEFENSE ENVIRONMENTAL TECHNOLOGIES FOR DREDGING OF DUAL-USE PORTS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a plan for the Department of Defense to encourage the further development and deployment of existing defense environmental technologies in support of the dredging requirements of dual-use ports, including—

(1) the environmentally secure containment and management of contaminated dredged materials; and

(2) the decontamination of dredged materials.

(b) MATTERS TO BE INCLUDED.—The plan to be established pursuant to subsection (a) shall include the following:

(1) A description of defense reinvestment and defense conversion programs under chapter 148 of title 10, United States Code, that are available to facilitate the deployment of defense environmental technologies in support of the dredging requirements of dual-use ports.

(2) A description of existing defense environmental technologies and processes that are available to support the objectives of the plan to be established pursuant to subsection (a).

(3) Recommendations for strategies to deploy such technologies and processes to ports of various sizes, including—

(A) ports with projects requiring more than 5,000,000 cubic yards of sediment to be dredged annually;

(B) ports with projects requiring more than 1,000,000 cubic yards of sediment to be dredged annually;

(C) ports that have been affected by, or are likely to be affected by, the closure of one or more major military installations and that, as a result thereof, require substantial environmental remediation; and

(D) military port installations that have experienced significant delays in advancing dredging projects because of environmental compliance or dredged material disposal problems.

(4) After consultation with the heads of other appropriate Federal agencies, an assessment of other available technologies and processes that may be used in support of the plan to be established pursuant to subsection (a).

(5) An assessment of the potential benefits and methods of transfer of technologies and processes for use in connection with dredging processes in commercial ports and waterways.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to Congress a report containing the plan to be established pursuant to subsection (a).

At the end of subtitle D of title XXVIII (page 366, after line 24), insert the following new section:

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

SEC. 2839. LAND CONVEYANCE, NAVAL SHIPYARD, VALLEJO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Vallejo, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) described in subsection (b), which is located on Mare Island in Vallejo, California, and is currently under the control of Mare Island Naval Shipyard Command.

(b) DESCRIPTION OF PROPERTY.—The parcel of real property to be conveyed under subsection (a) shall consist of all existing active dredge ponds and nontidal areas on Mare Island under the jurisdiction of the Navy, except that the parcel shall not include the nontidal areas identified in figure 3 of the Memorandum of Understanding between the United States Fish and Wildlife Service and Mare Island Naval Shipyard, dated July 28, 1988. The exact acreage and legal description of the real property to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT, AS MODIFIED, OFFERED BY MR. OBERSTAR

At the end of subtitle A of title II (page 27, after line 5), insert the following new section:

SEC. 203. TACONITE PROCESSING TECHNOLOGY.

Of the amount provided in section 201 for the Navy, the sum of $500,000 shall be available for the purpose of initiating and carrying out a manufacturing technology program for taconite processing technology.

AMENDMENT OFFERED BY MR. STARK

At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. STUDY ON USE OF LOW-ENRICHED URANIUM TO FUEL NAVAL REACTORS.

Not later than June 1, 1995, the Secretary of Defense and the Secretary of Energy shall jointly submit to the Congress a report on the costs, advantages, and disadvantages of using low-enriched uranium to fuel naval reactors. The report shall include the following:

(1) An examination of the implications of using low-enriched uranium to fuel naval reactors for current and future United States nuclear-powered naval vessels.

(2) An assessment of the effects of such use on—

(A) the factors of operating performance, ship displacement, and reactor core life, including the full range of plausible trade-offs between such factors;

(B) construction and operating costs; and

(C) naval fuel cycle impacts.

(3) An assessment of the effect on United States nuclear nonproliferation policies if such use were established, under the leadership of the United States, as the future global norm.

(4) An assessment of the relative complexity, effectiveness, and risks of safeguards as applied to low-enriched uranium and highly-enriched uranium naval fuel cycles under the President's proposal for a global cutoff in the production of fissile material or outside of safeguards.

(5) An assessment of the potential Federal budget savings that would result from such use.

AMENDMENT, AS MODIFIED, OFFERED BY MR. KENNEDY

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING NUCLEAR NONPROLIFERATION TREATY REVIEW CONFERENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow on July 1, 1968, is the centerpiece of global efforts to prevent the spread of nuclear weapons.

(2) The United States has demonstrated longstanding support for that treaty and related efforts to prevent the spread of nuclear weapons.

(3) President Clinton has declared that preventing the spread of nuclear weapons is one of the highest priorities of his Administration.

(4) In April 1995, the parties to the Treaty on the Non-Proliferation of Nuclear Weapons will convene a Review Conference in New York City to discuss the indefinite extension of the treaty.

(5) The policy of the President is to seek at the Review Conference the indefinite and unconditional extension of that treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President has the full support of Congress in seeking the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) the President should as soon as possible fill those positions at the United States Arms Control and Disarmament Agency and other departments and agencies with responsibility for nonproliferation and the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) the President, when formulating and implementing other elements of nonproliferation policy of the United States (including United States counter proliferation doctrine, the nuclear Posture Review, and nuclear testing policy), should take into account the objectives of the United States at the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons; and

(4) the President and the President's senior national security advisers should dedicate themselves to ensuring the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 Review Conference for that treaty.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HAMILTON

In subsection (b) of section 2219 of title 10, United States Code, as proposed to be added by section 1024(a), insert before "Whenever the Secretary of Defense" the following:

The Secretary of Defense shall carry out such foreign disaster assistance as the President may direct the Secretary to provide.

AMENDMENT, OFFERED BY MR. QUILLEN

At the end of title XXVIII (page 374, after line 7), insert the following new section:

SEC. 2858. ADDITIONAL EXCEPTION TO PROHIBITION ON STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS AT MILITARY INSTALLATIONS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(9) The treatment and disposal of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of that military department and the Secretary enters into a contract with that person that is consistent with the best interest of national defense and economic and environmental security and is based on mutually agreeable terms.".

AMENDMENT, AS MODIFIED, OFFERED BY MR. UNDERWOOD

At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. ASSISTANCE FOR PUBLIC PARTICIPATION IN DEFENSE ENVIRONMENTAL RESTORATION ACTIVITIES.

(a) ESTABLISHMENT OF RESTORATION ADVISORY BOARDS.—Section 2705 of title 10, United States Code, is amended by adding after subsection (c) the following new subsection:

"(d) RESTORATION ADVISORY BOARD.—In lieu of establishing a technical review committee under subsection (c), the Secretary may permit the establishment of a restoration advisory board in connection with any installation (or group of nearby installations) where the Secretary is planning or implementing environmental remediation activities. The Secretary shall prescribe regulations regarding the duties, composition, and establishment of, and the payment of routine administrative expenses of, restoration advisory boards to be established pursuant to this subsection.".

(b) ASSISTANCE FOR CITIZEN PARTICIPATION ON TECHNICAL REVIEW BOARDS AND RESTORATION ADVISORY BOARDS.—Such section is further amended by adding after subsection (d) (as added by subsection (a)) the following new subsection:

"(e) ASSISTANCE FOR CITIZEN PARTICIPATION.—(1) Using such amounts as may be made available under paragraph (3), and pursuant to regulations prescribed by the Secretary for this purpose, the Secretary shall provide funds to facilitate the participation of private individuals on technical review committees and restoration advisory boards for the purpose of ensuring public input into the planning and implementation of environmental remediation activities at installations where such committees and boards are in operation.

"(2) Funds provided under this subsection may be used only—

"(A) to obtain technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards at an installation and the remedial activities proposed or conducted at the installation; and

"(B) to assist such members and affected citizens to more effectively participate in the environmental restoration process at the installation.

"(3) To provide funds under this subsection for a fiscal year, there shall be available an amount up to ¼ of one percent of the appropriated funds (but not to exceed $7,500,000 for fiscal year 1995) available to the Secretary for that year for environmental restoration through—

"(A) the Defense Environmental Restoration Account; and

"(B) with respect to defense facilities to be closed or realigned, the Department of Defense Base Closure Account 1990.".

(c) INVOLVEMENT OF COMMITTEES AND BOARDS IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Such section is further amended by adding after subsection (e) (as added by subsection (b)) the following new subsection:

"(f) INVOLVEMENT IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Consistent with regulations prescribed by the Secretary, the Secretary shall consult with, and seek the advice of, the technical review committee or restoration advisory board established for an installation (if any) on the following issues:

"(1) Identifying environmental remediation activities and projects at the installation.

"(2) Tracking progress on these activities and projects.

"(3) Collecting information regarding remediation priorities for the installation.

"(4) Addressing land use, level of remediation, acceptable risk, and waste management and technology development issues related to remediation at the installation.

"(5) Developing remediation strategies.".

(d) REPORT ON EFFECT OF IMPLEMENTATION.—Not later than December 1, 1994, the Secretary of Defense shall submit a report to Congress describing the manner in which the Secretary will implement the amendments made by this section. The report shall include—

(1) an estimate of the total amount of funds to be provided to technical review committees and restoration advisory boards under subsection (e) of section 2705 of title 10, United States Code (as added by subsection (b)), during the five-fiscal year period beginning on October 1, 1994, and the cost to be incurred by the Secretary during such period to carry out such amendments;

(2) an analysis of whether the establishment of restoration advisory boards under subsection (d) of such section (as added by subsection (a)) could delay or disrupt defense environmental restoration activities; and

(3) an analysis of whether the funding mechanism provided in subsection (e)(3) of such section (as added by subsection (b)) could result in funding shortfalls for defense environmental restoration activities.

(e) CONDITION ON IMPLEMENTATION.—Until the Secretary of Defense submits the report required by subsection (d), the Secretary may not obligate or expend any of the funds made available under subsection (e)(3) of section 2705 of title 10, United States Code (as added by subsection (b)) to provide funds to technical review committees and restoration advisory boards.

(f) TIME FOR REGULATIONS.—Not later than March 1, 1995, the Secretary of Defense shall prescribe the regulations required by the amendments made by this section.

AMENDMENT, AS MODIFIED, OFFERED BY MS. KAPTUR

At the end of subtitle B of title II (page 42, after line 5), insert the following new section:

SEC. 221. RESEARCH AND DEVELOPMENT FOR STRATEGIC METALS.

(a) RESEARCH AND DEVELOPMENT.—The Secretary of Defense, in consultation with the Secretary of Commerce, shall give consideration to acceleration of research and development projects for strategic metals and alloys to support the objectives of section 2501(c) of title 10, United States Code. In carrying out the preceding sentence, the Secretary of Defense shall begin by conducting a project for the acceleration of research in aluminum beryllium alloys to meet military and commercial standards for emerging applications.

(b) FUNDING.—Of the amounts authorized in section 201(4) for materials and electronic technology carried out by the Advanced Research Projects Agency, $2,000,000 is authorized for the project for acceleration of research in aluminum beryllium alloys described in subsection (a).

AMENDMENT OFFERED BY MR. HALL OF OHIO

At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. AUTHORIZATION TO EXCHANGE CERTAIN ITEMS FOR TRANSPORTATION SERVICES.

Paragraph (1) of section 2572(b) of title 10, United States Code, is amended by inserting "transportation," after "salvage,".

AMENDMENT OFFERED BY MR. HALL OF OHIO

At the end of subtitle B of title XXVIII (page 351, after line 23), insert the following new section:

SEC. 2816. GOVERNMENT RENTAL OF FACILITIES LOCATED ON CLOSED MILITARY INSTALLATIONS.

(a) AUTHORIZATION TO RENT BASE CLOSURE PROPERTIES.—To promote the rapid conversion of military installations that are closed pursuant to a base closure law, the Administrator of the General Services may give priority consideration, when leasing space in accordance with the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) and the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to facilities of such an installation that have been acquired by a non-Federal entity.

(b) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

AMENDMENT, AS MODIFIED, OFFERED BY MR. HAMILTON

At the end of subtitle D of title XI (page 307, after line 19), insert the following new section:

SEC. 1142. LOAN GUARANTEES UNDER ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193 of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by adding at the end the following new subsection:

"(d) LOAN GUARANTEES TO SUPPORT ARMS INITIATIVE.—(1) Subject to the availability of appropriations for this purpose, the Secretary of the Army may support the purposes of the ARMS Initiative by conducting a program to issue guarantees during fiscal year 1995 against the risk of nonpayment arising out of loans provided to businesses establishing commercial activities on inactive and active ammunition manufacturing facilities of the Department of the Army. During fiscal year 1995, the subsidy cost of loan guarantees issued under the loan guarantee program may not exceed $43,000,000.

"(2) Applications for guarantees under the loan guarantee program shall be submitted to the Secretary of the Army. The maximum amount of loan principal that the Secretary may guarantee under loan guarantee program with respect to any loan may not exceed $20,000,000. Any such loan shall provide for repayment over a period not to exceed 10 years.

"(3) The Secretary of the Army may enter into a cooperative agreement with an appropriate Federal agency, under which such agency will process applications submitted under paragraph (2) and otherwise operate the loan guarantee program on behalf of the Secretary of the Army. From funds made available for the loan guarantee program, the Secretary of the Army may transfer to such agency pursuant to the agreement such sums as may be necessary for such agency to carry out its activities under the loan guarantee program.".

AMENDMENT, AS MODIFIED, OFFERED BY MR. DICKS

At the end of subtitle C of title I (page 19, after line 15), insert the following new section:

SEC. 125. ADVANCED CAPABILITY (ADCAP) MODIFICATION PROGRAM FOR THE MK-48 TORPEDO.

Within the amount provided in section 102(a)(2) for procurement of weapons, including missiles and torpedoes, for the Navy—

(1) the amount provided for the Advanced Capability (ADCAP) modification program for the MK-48 torpedo is hereby increased by $52,300,000; and

(2) the amount provided for the Fleet Satellite Communications program is hereby reduced by $52,300,000.

AMENDMENT, AS MODIFIED, OFFERED BY MR. DELLUMS

At the end of subtitle A of title X (page 266, after line 20), insert the following new section:

SEC. 1005. IDENTIFICATION AND REPORTING OF UNAUTHORIZED APPROPRIATIONS.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§ 223. Identification of unauthorized appropriations

"(a) IDENTIFICATION.—(1) Upon the enactment of a law making a defense appropriation, the Secretary of Defense shall determine, with respect to each defense appropriation provided in that law—

"(A) whether any part of such appropriation provides funds for an unauthorized program element (as defined in subsection (c)); and

"(B) if there are funds provided as part of any such appropriation for an unauthorized program element, the total amount of funds provided under that appropriation for all such unauthorized program elements.

"(2) A determination under paragraph (1) shall be made with respect to a defense appropriation for a fiscal year immediately upon enactment of the law making that appropriation. However, if as of the enactment of such law there has not been enacted a law specifically authorizing appropriations for that fiscal year for the purposes named in section 114(a) of this title, such determination shall be made immediately after enactment of such an authorization law.

"(3) Not later than 30 days after the enactment of such an appropriation or authorization law (whichever is enacted later), the Secretary shall submit to Congress a report identifying—

"(A) any unauthorized program element; and

"(B) any amount determined under paragraph (1)(B).

"(b) COMPTROLLER GENERAL REVIEW AND REPORT.—(1) The Comptroller General shall promptly review each report of the Secretary under subsection (a). The Comptroller General shall submit a report to Congress if the Comptroller General determines—

"(A) that the law with respect to which the Secretary submitted a report provides appropriations for an unauthorized program element in addition to those identified in the report of the Secretary; or

"(B) that a program element identified in that report as an unauthorized program element is not unauthorized.

"(2) A report under paragraph (1)—

"(A) shall identify those defense appropriations, and program elements under appropriations, with respect to which the Comptroller General made determinations under subparagraphs (A) and (B), respectively, of such paragraph; and

"(B) shall include such comments and recommendations as the Comptroller General considers appropriate.

"(3) Such a report shall be submitted not later than 30 days after the date on which the report of the Secretary under subsection (a) is received by Congress.

"(c) DEFINITIONS.—In this section:

"(1) The term 'defense appropriation' means an amount appropriated or otherwise made available by Congress in an appropriation law for one of the purposes stated in section 114(a) of this title.

"(2) The term 'unauthorized program element' means a program element of a program, project, or activity of the Department of Defense (as identified in budget documents of the Department of Defense or in congressional budget documents) for which an amount is provided under a defense appropriation (whether or not specified in the appropriation Act concerned) in an amount greater than the amount authorized by law to be appropriated for such program element (whether or not such authorized amount is specified by law), determined by taking into consideration statutory language, legislative history, and budget documents submitted to Congress by the Department of Defense.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"223. Identification of unauthorized appropriations.".

(b) EFFECTIVE DATE.—Section 223 of title 10, United States Code, as added by subsection (a), shall with respect to amounts appropriated for fiscal years after fiscal year 1994.

AMENDMENT, AS MODIFIED, OFFERED BY MR. FAZIO

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . AUTHORIZATION FOR INDUSTRIAL FACILITIES OF THE ARMED FORCES TO SELL ARTICLES AND SERVICES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

(a) ARMY SALES AUTHORITY.—(1) Section 4543 of title 10, United States Code, is amended to read as follows:

"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—(1) Subject to paragraph (2), the Secretary of the Army may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Army industrial facility, including a Department of the Army arsenal.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Army industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Army industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Army industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

"(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

"(C) develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the articles or services sold.

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

"(f) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(2) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

(2) Section 2208(i) of such title is amended by striking out "that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof".

(b) NAVY SALES AUTHORITY.—(1) Chapter 645 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7525. Navy industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Subject to paragraph (2), the Secretary of the Navy may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Navy industrial facility.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Navy industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Navy industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Navy industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

"(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

"(C) develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the articles or services sold.

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

"(f) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(2) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

"(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7525. Navy industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(c) AIR FORCE SALES AUTHORITY.—(1) Chapter 933 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9541. Air Force industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Subject to paragraph (2), the Secretary of the Air Force may sell to eligible persons outside the Department of Defense articles and services produced by a working-capital funded Air Force industrial facility.

"(2) The Secretary may not exercise the authority provided by this section until after the Secretary certifies to Congress that a cost accounting system has been developed—

"(A) to keep track of the costs associated with making sales of articles and services under this section; and

"(B) to ensure that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities involved.

"(b) ELIGIBLE PURCHASERS.—Under such regulations as the Secretary may prescribe, the following persons shall be eligible to purchase articles and services under this section:

"(1) State and local governments.

"(2) Citizens of the United States and persons lawfully admitted for permanent residence in the United States.

"(3) Business entities that conduct a significant level of their research, development, engineering, and manufacturing activities in the United States and the majority ownership or control of which is by United States citizens.

"(c) CONDITIONS ON SALES.—The Secretary may make a sale under this section only if—

"(1) the purchaser agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out of the articles or services purchased;

"(2) the Secretary determines that the requested articles or services can be substantially performed by the Air Force industrial facility concerned with only incidental subcontracting and that performance is in the public interest;

"(3) the Secretary determines that the sale of the requested articles or services will not interfere with the military mission of the Air Force industrial facility concerned; and

"(4) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the Air Force industrial facility concerned for the Department of Defense.

"(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

"(2) In the sale of articles and services under this section, the Secretary shall—

"(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

"(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

"(C) develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the articles or services sold.

"(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be deposited into the Defense Business Operations Fund.

"(f) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(2) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9541. Air Force industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(d) CONTROL EFFECT OF SALES AUTHORITY ON BASE CLOSURE PROCESS.—Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting after the first sentence the following new sentence: "The Secretary shall also include a certification that the authorities provided in sections 4543, 7525, and 9541 of title 10, United States Code, for the sale outside the Department of Defense of articles and services produced by working-capital funded industrial facilities (and any sales, workloads, revenues, or other information resulting from the use or availability of such authorities) were not considered in preparing the list of recommendations referred to in paragraph (1)."; and

(B) by striking out "preceding sentence" and inserting in lieu thereof "preceding sentences"; and

(2) in subsection (d)(3), by inserting after the first sentence the following new sentence: "The Commission shall also include in its report a certification that the authorities provided in sections 4543, 7525, and 9541 of title 10, United States Code, for the sale outside the Department of Defense of articles and services produced by working-capital funded industrial facilities (and any sales, workloads, revenues, or other information resulting from the use or availability of such authorities) were not considered in making its recommendations for closures and realignments of military installations.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on June 1, 1995.

AMENDMENT AS MODIFIED, OFFERED BY MS. BROWN OF FLORIDA

At the end of section 328 (page 66, line 12), insert the following: "The Secretary of Defense should seek to ensure that the military departments maintain depot-level maintenance and repair capabilities necessary to ensure their critical readiness requirements.".

AMENDMENT OFFERED BY MS. DELAURO

At the end of subtitle A of title III (page 52, after line 11), insert the following new section:

SEC. 306. SUPPORT FOR THE 1995 SPECIAL OLYMPICS WORLD GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1995 Special Olympics World Games to be held in the State of Connecticut.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1995 Special Olympics World Games.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1995 the sum of $2,000,000 to carry out subsection (a).

AMENDMENT, AS MODIFIED, OFFERED BY MR. FARR OF CALIFORNIA

At the end of title XI (page 308, after line 24), insert the following new section:

SEC. 1152. PILOT PROGRAM TO DEVELOP AND DEMONSTRATE ENVIRONMENTAL REMEDIATION TECHNOLOGIES.

(a) COOPERATIVE AGREEMENT FOR PILOT PROGRAM.—(1) The Secretary of Defense may enter into a cooperative agreement with an institution of higher education for the purpose of facilitating the development and demonstration of new methods and technologies for more effective and expedient environmental remediation at military installations by engaging in a pilot demonstration project as provided in subsection (b).

(2) If the Secretary enters into a cooperative agreement under paragraph (1), the agreement shall authorize the institution of higher education to enter into partnerships or other relationships with private and public entities for purposes of conducting activities under the cooperative agreement.

(b) PILOT PROJECT AT DEFENSE LANDFILL.—(1) If the Secretary enters into a cooperative agreement under subsection (a)(1), the agreement shall authorize the institution of higher education to participate in a cooperative pilot demonstration project at a Government landfill described in paragraph (2) if such demonstration project can be carried out in a manner that is consistent with all other actions at such landfill that the Secretary is legally required to undertake. The institution of higher education may engage in such project on a long-term basis to address the broader issues of environmental remediation and conversion of facilities of the Department of Defense.

(2) The Government landfill referred to in paragraph (1) is a Government landfill that—

(A) is listed on the National Priorities List pursuant to section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(B) is located on a military installation to be closed pursuant to a base closure law.

(c) FUNDING.—(1) There is authorized to be appropriated to the Secretary of Defense for fiscal year 1995 $4,000,000 for the establishment of the cooperative agreement and the activities necessary to conduct the pilot project.

(2) The amount authorized in section 201 for the joint Department of Defense and Department of Energy munitions technology development program for fiscal year 1995 is hereby reduced by $4,000,000.

□ 1610

The Clerk proceeded to read the modifications.

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the modifications be dispensed with.

The CHAIRMAN pro tempore (Mr. BACCHUS of Florida). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I reserve my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Gingrich amendment sponsored by the Republican leadership, myself, and Mr. GILMAN which will be incorporated in today's en bloc package of amendments. The amendment prohibits the use of Department of Defense funds to pay for the assessed share to the United States of United Nations peacekeeping operations.

First and foremost, this amendment is an important statement of principle on behalf of maintaining the integrity of the defense budget by explicitly rejecting the centerpiece of the Clinton administration's controversial new peacekeeping blueprint—PDD-25. Since the inception of the United Nations and the establishment of the first U.N. peacekeeping operation in the Middle East in 1948, the United States has funded its share of peacekeeping costs through the Department of State. House adoption of the Gingrich amendment simply means we ought to continue paying these costs out of the State Department's budget.

Unfortunately, at the same time that the role of the United Nations in peacekeeping and peace enforcement operations has escalated, the Clinton administration has decided that the Department of Defense's budget—now in its 10th consecutive year of real decline—ought to be used to subsidize the mounting costs of U.N. operations. Between 1948 and 1978, the United Nations undertook 13 peacekeeping operations. Since April 1988, the United Nations has authorized 20 operations. Currently, 18 separate U.N. military and peacekeeping operations are on-going with the United States paying 32 percent of the United Nations bill. In 1988, the total cost of U.N. operations was $268 million, yet this year, these costs are estimated to be $4.5 billion. The costs to the United States are growing exponentially. The mounting U.S. assessed costs also exclude the considerable unreimbursed incremental costs borne by DOD in support of U.N. operations—costs that will exceed $1.2 billion in fiscal year 1994 alone.

The rising costs of these U.N. operations is an issue in and of itself and we need to look at it very closely. Nonetheless, the House today will reject the administration's ill-conceived plan to use the DOD budget as a credit card for U.N. peacekeeping.

The emphasis the Clinton administration places on the central role of the United Nations in the conduct of its foreign policy has apparently led the President to endorse a shared responsibility between the Departments of State and Defense in funding our growing U.N. bills. As part of PDD-25—the Clinton administration's peacekeeping policy blueprint—the President has proposed that DOD undertake the responsibility of funding our share of the most expensive types of U.N. peacekeeping operations. The administration included $300 million in fiscal year 1995 defense budget—and $900 million over the 5-year defense plan—despite the fact that the request grossly underestimates the true DOD costs under the administration's plan by an order of magnitude.

The United States costs for three current U.N. operations—Somalia, Iraq, and the former Yugoslavia—would have been wholly funded this year by DOD under the President's proposal. The most recent estimate of the cost to the United States for those peacekeeping operations is roughly $770 million—significantly more than the $300 million they requested for this purpose. Within the last month we have even heard rumors that the White House has directed that DOD increase the currently budgeted $900 million for U.N. peacekeeping costs over the next 5 years to $2.7 billion. No matter how you look at it, under the administration's proposal, DOD will be forced to fund the growing costs of U.N. peacekeeping out of hide, stretching an already underfunded defense budget, and putting further pressure on the military service's already constrained training and readiness accounts.

The Armed Services Committee considered this issue and expressly rejected the administration proposal during markup of this bill—H.R. 4301. On a strong bipartisan vote of 42 to 11, the Committee adopted a provision that rejected the administration's plan to use the defense budget to pay for U.N. peacekeeping—a provision which is the genesis of the Gingrich amendment in the en bloc package today.

In the negotiations over House Resolution 431, the second rule governing consideration of H.R. 4301, the Democratic Leadership agreed to make the Gingrich amendment in order if we would agree not to seek a record vote and instead, have it adopted en bloc. We reluctantly agreed to the Democratic leadership's request not to record vote this important amendment in order to put the House on record in opposition to the administration's proposal.

As the bipartisan record vote in the Armed Services Committee made clear, there is broad agreement that DOD funds should not be used to pay U.N. assessments of any kind. Today's adoption of the Gingrich amendment further codifies the widespread objections to the Clinton peacekeeping blueprint.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, included in today's en bloc amendments is a provision I introduced. This amendment will take citizens who live near contaminated bases, put them at the table with base commanders, and help them participate in the base cleanup decisionmaking process.

Thousands of military installations throughout the 50 States and the territories have environmentally contaminated sites. Too often, citizens who live near those facilities are not informed about the problem, do not trust the personnel in charge of clean-up, and fear for their health and well-being. The result, at best, is strained civilian/military relations. At worst, we get costly lawsuits between the community and the military.

The Department of Defense has taken steps to address this problem. It has established restoration advisory boards, or RAB's: citizen advisory boards that advise base commanders on the community's needs and concerns. This program was recommended by the Keystone Commission, which was formed during the Bush administration and was comprised of environmental advocates and Federal agencies, including DOD. However, the advisory boards now in place are missing a very important ingredient: technical assistance.

What good does it do to bring citizens to the table if they are not informed on the issue? We cannot expect a homeowner near a base, for example, to understand complex environmental impact statements and advise base commanders accordingly. Therefore, my amendment does what EPA, DOD, and every other member of the commission recommended: it gives citizens technical assistance funding. With this amendment, we won't have just token representation * * * we'll have real participation.

How is it funded? This amendment takes a fixed percentage of existing clean-up accounts—one-fourth of 1 percent—and requires DOD to provide technical assistance for restoration advisory boards. Total spending does not increase.

This amendment is supported by physicians for social responsibility, friends of the Earth, and the military toxics project. I worked closely with the Department of Defense in formulating this approach, along with Chairman DELLUMS and Mr. SPENCE. We have devised a solid approach here * * * making community participation more meaningful without breaking the bank.

I thank the chairman and the ranking member for its inclusion in the en bloc and urge my colleagues to support this amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

☐ 1620

Mr. KOPETSKI. Mr. Chairman, I rise to associate myself with the Berman amendment to require assistance for dislocated defense workers under the Job Training and Partnership Act be made available for workers whose jobs are affected by Federal policy banning the sale abroad of certain U.S.-made weapons.

Across our Nation, and particularly throughout California and the Pacific Northwest, many of the best, brightest and most productive U.S. workers are employed by defense contractors. As U.S. defense spending has leveled off, defense contractors have increased exports around the globe. Today, the United States is the world's leading exporter in armaments.

Recent history, the Persian Gulf war for example, tells us that U.S. arms exports may be profitable job creators in the short term, yet deadly weaponry when turned against American military personnel on the battlefield. I support legislation to scrutinize, and in some cases forbid, U.S. arms sales. In my opinion, this closer scrutiny of U.S. arms sales is warranted and in our national security interests.

The Berman amendment is an important component to increased scrutiny and inevitable reductions of U.S. arms sales. I am pleased to support it as part of this en bloc package. And I urge the adoption of the en bloc amendment as offered by Chairman DELLUMS.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in strong support of the en bloc amendment to the Defense authorization bill. I am especially pleased that my amendment to make workers impacted by reduced arms sales abroad eligible for defense conversion programs was included.

Defense workers who are dislocated because of the Government's decision not to allow the sale of certain weapons abroad, should have the same rights as those workers who are dislocated because of U.S. Government's decision to reduce its own purchases of a particular weapon system.

Creating this parity not only brings equity to workers dislocated by U.S. policy, it sends a strong message regarding conventional arms restraint. Each step taken to alleviate the negative economic consequences of reduced arms exports helps neutralize the economic hardship arguments used by those who do not believe in arms restraint. This amendment will help policy makers focus on proliferation and security issues which must be paramount when considering whether to approve arms sales. Arms are different than other exports because making the wrong sale can have truly dire consequences.

I thank the gentleman from California [Mr. DELLUMS], members of the committee, and members of other committees of jurisdiction for working with me to include this amendment en bloc. And, I'd like to thank Greg Bishack, Lara Lumpe, Sima Osdoby, Caleb Rossiter, and the other members of the arms control community who worked with me to make this amendment possible.

Again, I urge all members to support this en bloc amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], standing in for the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS].

Mr. Chairman, I appreciate this opportunity to clarify the purpose for which my amendment seeks to authorize $4,000,000 for the establishment of a cooperative pilot program for remediation of a landfill at a closing base on the Superfund list. I refer to proposed section 1152—Amendment No. 10 in part 1 of the report of the Committee on Rules—of H.R. 4301.

Mr. Chairman, this amendment would authorize the Secretary of Defense to enter into a cooperative agreement with a public research institution of higher education to facilitate the development and demonstration of new methods and technologies for more effective and expedient environmental remediation at military installations, with the agreement structured to include public education and policy considerations.

For example, ground water contamination in coastal environments is a serious problem. In one instance, a landfill is leaking low levels of volatile organic compounds into the drinking water source of an adjacent community. This site, at a closing base, is listed as a Superfund site. It is characterized by highly permeable sand dunes and a deep vadose zone, making it ideal for field testing of emerging, or optimization of conventional, remediation technologies, although prior to testing, the site's hydrogeology would need more thorough characterization. My amendment provides a structure that would allow this to occur.

Mr. Chairman, am I correct when I state that the committee concurs with my objectives?

Mr. MONTGOMERY. If the gentleman will yield on behalf of Chairman DELLUMS, the distinguished Member is correct in his understanding.

Mr. FARR of California. Mr. Chairman, I commend the distinguished chairman of the Armed Services Committee for his outstanding work on this legislation, and thank him for participating in this colloquy.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in support of one of the amendments in the en bloc amendments authored by the gentleman from California [Mr. FAZIO], the gentleman from Maryland [Mr. HOYER], and myself, that allows industrial facilities, of which I represent one, to actually sell their services and manufacturing techniques in the private sector, so long as there is not a displacement of private workers in the process, and so long as this is a unique activity.

Mr. Chairman, I wish to thank the gentleman for including that in the en bloc amendments, and I rise in behalf of the en bloc amendments.

Mr. STARK. Mr. Chairman, I rise in support of the en bloc amendment which includes my amendment requiring a study on the costs, advantages, and disadvantages of using low-enriched uranium [LEU] to fuel naval reactors for current and future U.S. nuclear powered naval vessels. The study would be done jointly by the Department of Defense and Department of Energy.

It is important for the future of U.S. nuclear nonproliferation policy to eliminate all rationales for nonnuclear weapon states to acquire stockpiles of highly enriched uranium [HEU], which can be used to make nuclear weapons. Aside from nuclear war heads, HEU is used for two purposes: to fuel naval propulsion reactors and to power research reactors. The United States already has a well-established program, RERTR, for phasing out use of weapons-usable uranium in civil research and test reactors worldwide. To head off future use of HEU in foreign naval fuel cycles, such as in Brazil and India, it would be desirable to place the United States in the position of being able to phase out its own use of this material in naval reactors.

The United States and the United Kingdom rely on HEU fuel for their naval reactors, but France and Russia do not, using less than 20 percent enriched fuel, indicating that HEU is not an irreducible requirement for naval reactors. Weapon-usable material in naval fuel cycles also represents a complicating factor for the safeguards regime needed to verify President Clinton's proposed worldwide fissile material production cut-off for weapons. Under current arrangements for the Non-Proliferation Treaty, a country can withdraw material from safeguards for use in the naval fuel cycle, and the safeguards regime won't see it again for decades. The potential for diversion to weapons use in this scenario is obvious.

The success of the RERTR program indicates that conversion of naval reactors from HEU to LEU is highly feasible on a technical basis. This amendment requires DOE and DOD to assess how such conversion would affect U.S. naval strategy and nonproliferation policy. With this information, we can then determine the advisability of converting naval reactors to LEU.

Ms. MCKINNEY. Mr. Chairman, I rise in support of the en bloc amendment and particularly the McKinney "Boomerang" amendment.

Mr. Chairman, my amendment simply requires that the Pentagon assess and issue a report on the potential threat to U.S. Armed Forces stationed abroad by U.S. activities to strengthen foreign armed forces in a region.

I suggest we must learn from our mistakes. United States soldiers faced United States trained and armed opponents in Panama, in Somalia and most recently, the good ship Harlan County was turned away from Haiti because of defiance by a military whose officers were trained by the United States.

I do not want any young American to lose his or her life because a weapon we trade today boomerangs, tomorrow. I don't want any young American facing an enemy with an American-made gun and American skill and training in how to use it.

Are our military cooperation efforts making it more dangerous for future peacekeeping efforts or humanitarian relief efforts? Will weapons we give way to allies today, come back at our men and women in uniform, tomorrow? Aren't there alternatives for promoting security for our allies?

The McKinney amendment requires the Pentagon to ask itself these questions and provide some answers to the Congress.

The McKinney amendment is based on the following assumptions: (1) The potential threat posed to the United States, its allies, and its deployed forces by foreign armed forces is a matter of both the capability of those forces and the will and capabilities of their governments; (2) arms sales, joint training exercises, and various military cooperation programs conducted by the United States increase the military potential of other countries around the world and increase the proliferation of advanced conventional weaponry; (3) it has happened in the past that, through various processes of political change, nations that are friendly to the United States become hostile at a later time; (4) nevertheless, it is generally accepted that military operations in the future will be based on coalitions as was Operation Desert Storm, suggesting that regional and global security may be enhanced by continued military cooperation relationships between the United States and other countries; (5) American policy should be to work unilaterally and cooperatively with other military powers to limit the transfers of weapons, military technology and training to countries that may: pose a threat to our deployed forces; pose a risk to American interests; or escalate regional tensions; (6) as the administration is currently conducting an interagency review of many of these issues, information and assessments developed for this review could appropriately form the basis for the report to Congress required by the McKinney amendment. However, this report may require additional inquiries.

The report should focus on the identification and assessment of military cooperation activities, including: assignment of U.S. military personnel to advise personnel of a foreign country; joint exercises or deployments of foreign armed forces with U.S. military personnel; and the transfer of weaponry involving planning or assistance by U.S. military personnel. The report should also describe how military cooperation activities will enhance U.S. security and reduce security tensions in the region. Alternative strategies should be assessed, especially the possibilities of reductions in the militarization levels of regions such as: limitations in the size, spending, and capability of foreign armed forces. The report should suggest alternative means to satisfy the goals presently used to justify military cooperation activities, transfer, and training.

Military policy must be a function of foreign policy and change subject to changes in the international geopolitical situation. This report can help Congress assess the relative benefits of military cooperation activities in the context of the end of the cold war.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BACCHUS of Florida). The question is on the amendments en bloc, as modified, offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in part 1 of House Report 103–520.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment printed in the report.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. PELOSI: At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. PREFERENCE FOR LOCAL RESIDENTS.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the maximum extent practicable and consistent with Federal, State, and local laws and regulations, to entities that plan to hire residents of the vicinity of the military installation. Contracts for which the preference shall be given shall include contracts to carry out environmental restoration activities at such military installations.

(b) DEFINITION.—In this section, the term 'base closure law' means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

MODIFICATION TO AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer a modification to the amendment just offered, and ask unanimous consent for its acceptance.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Ms. PELOSI. At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. PREFERENCE FOR LOCAL RESIDENTS.

(a) PREFERENCE ALLOWED.—In entering into contracts with private entities for services to be performed at a military installation that is affected by closure or realignment under a base closure law, the Secretary of Defense may give preference, consistent with Federal, State, and local laws and regulations, to entities that plan to hire, to the maximum extent practicable, residents of the vicinity of such military installation. Contracts for which the preference may be given include contracts to carry out environmental restoration activities or construction work at such military installations.

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendment and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) APPLICABILITY.—Any preference given under subsection (a) shall apply only with respect to contracts entered into after the date of the enactment of this Act.

(d) TERMINATION.—This section shall cease to be effective on September 30, 1997.

Ms. PELOSI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California that the amendment be modified?

There was no objection.

Pursuant to the rule, the gentlewoman from California [Ms. PELOSI] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would create a hiring preference for local residents who are affected by base closures in their communities. Under existing law, the Department of Defense is unable to provide preference to companies with a strong record of hiring local residents, or companies which seek to hire local residents most impacted by base closures.

This is what people in my community are saying: Enough is enough. For years we have asked for jobs and contracts on projects that are funded with our tax dollars; we will no longer tolerate someone else, from outside our community, taking all the contracts and jobs; our demands are reasonable, peaceful and lawful; is anybody listening?

The Congress has acted to emphasize the importance of revitalizing local communities in the area of a base closure by directing programs and resources to provide economic benefit to minimize the impact of base closures. Because of the way current contracts are structured, and because of the current bidding regulations governing Federal contract awards, there is no provision for bids to currently favor hiring locals most affected by a base closure.

Instead, there are many reported situations where an out-of-State company, brings in out-of-State workers to do cleanup work at a base while unemployed workers stand outside the gate and watch. At Hunters Point Naval Shipyard in my district, over $30 million has been spent on environmental remediation—with not one local resident being hired, despite the presence of qualified workers in the vicinity.

My amendment would change this by providing a preference in contract awards to companies which plan to hire local residents. It would encourage bidding companies to compete for having the best local hiring plan to score higher in the bid award process.

Mr. Chairman, I would like to recognize the excellent work of the chairman, Mr. DELLUMS, and the ranking member, Mr. SPENCE, for their cooperation in this effort. I would also like to acknowledge the work of my colleague, Mr. HAMBURG, who has been very active and helpful on my amendment.

With the gentleman's permission, I would like to engage the chairman of the committee in a colloquy to clarify his understanding of the last paragraph of my amendment.

That paragraph states that this provision will only be effective until September 30, 1997. I recognize the value of a so-called sunset. However, there are a number of local base contracts, with the concurrent need for a local hiring preference, that will extend far beyond this time limit. For example, Hunters Point in my district is a Superfund site where cleanup activities will certainly continue for an extended period. How will this short-term authorization affect situations that will require much longer attention and the continuing need for local hiring preference?

Mr. MONTGOMERY. Mr. Chairman, if the gentlewoman will yield, let me assure the gentlewoman that this sunset should not have a negative impact on the local hiring preference authorized by her amendment. A sunset is a useful tool to ensure Congress has the opportunity to conduct the necessary oversight—and make any appropriate changes in the legislation—and to ensure that the provision is properly implemented by the Defense Department. For that reason, sunsets have been very effective in a number of programs such as the DOD minority contracting goal program or the Small Business Innovation Research program.

Ms. PELOSI. I thank the gentleman for offering that clarification, and I appreciate his support.

I urge my colleagues to support my amendment and vote "yes".

□ 1630

Ms. PELOSI. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from California [Mr. HAMBURG].

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. HAMBURG] is recognized for 1½ minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HAMBURG].

The CHAIRMAN pro tempore. Without objection, the gentleman from South Carolina [Mr. SPENCE] may claim 5 minutes.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HAMBURG] is recognized for 3½ minutes.

Mr. HAMBURG. Mr. Chairman, I would like to engage the distinguished chairman of the Armed Services Committee in a colloquy to clarify the interpretation of the Pelosi-Hamburg amendment.

I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I would be happy to discuss the amendment with the gentleman from California.

Mr. HAMBURG. Mr. Chairman, first let me thank the gentleman for all the assistance he and his staff have provided in working through this process. I appreciate his willingness to help resolve problems that affect a great many people.

As a result of the many military installations being closed in California and around the country, significant environmental and construction work is being undertaken as part of the process. In addition, significant military construction is occurring at open bases such as Travis Air Force Base as a result of the relocation of personnel and material from closing bases. This amendment would authorize the use of a preference to contractors who plan to hire locally, ensuring that the multiplying effect of Federal dollars benefits the local community.

I would like to clarify with the gentleman that this amendment applies not only to bases being closed or realigned, but also to those bases receiving personnel or material as a result of the closures and realignments.

Mr. MONTGOMERY. Mr. Chairman, the gentleman is correct. In awarding contracts at both closing and receiving bases, a preference may be given to entities that plan to hire locally.

Mr. HAMBURG. Mr. Chairman, It is my understanding that this provision is intended to require that a bidding entity's plan to hire locally shall be a significant factor to be weighed in awarding affected contracts. Furthermore, any base declining to use the local hire preference must demonstrate the compelling circumstances to justify its decision.

Mr. MONTGOMERY. The gentleman is correct. The contracting officers at the affected bases are expected to be vigilant in ensuring that an entity's plan to hire locally is a serious, well conceived plan with a reasonable probability of actual implementation.

Mr. HAMBURG. Mr. Chairman, I appreciate the gentleman's clarification of this amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just rise in opposition only for the purpose of commenting briefly on the amendment.

I want to thank the gentlewoman from California for her cooperation in working with me and other Republicans in crafting a compromise on her amendment that all sides can support.

I do not expect any opposition as a modified amendment and would look forward to working with the gentlewoman on this issue and other issues in the future. I would like to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the amendment as modified, offered by the gentlewoman from California [Ms. PELOSI]

The amendment, as modified, was agreed to.

The SPEAKER pro tempore. It is now in order to consider amendment No. 6, printed in part 1 of House Report 103–520.

It is now in order to consider amendment No. 7 printed in part 1 of House Report 103–520.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title X (page 277, after line 2), add the following new section:

SEC. 1038. SENSE OF THE CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations General Assembly adopted a resolution on December 12, 1948, that declared the Republic of Korea to be the only lawful government on the Korean peninsula;

(2) between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by the illegal Communist regime in North Korea, at a cost of more than 54,000 American lives;

(3) the United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression;

(4) more than 37,000 American military personnel are presently stationed in the Republic of Korea pursuant to the terms of the Mutual Security Treaty of 1954;

(5) the United States and the Republic of Korea have conducted annual joint military exercises, code named "Team Spirit", since 1976;

(6) the Communist regime of North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has never renounced the active and ongoing use of force, terrorism, and subversion in its attempts to subdue and subjugate the Republic of Korea;

(7) the North Korean regime signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, but refused until 1992 to sign the safeguard agreement that is required of all treaty signatories and eventually announced in 1993 its intention to withdraw from the treaty altogether;

(8) the North Korean regime has never permitted the unfettered international inspection of its nuclear facilities that is required of all signatories of the Treaty on the Non-Proliferation of Nuclear Weapons;

(9) the Secretary of Defense has stated publicly that efforts by the North Korean regime to develop enough plutonium to permit the manufacture of 10 to 12 nuclear weapons per year, and to develop the ballistic missile capability of delivering these and other weapons over a wide area, represent a grave threat to the security of the Korean peninsula and the entire world;

(10) the North Korean regime continues to repudiate all efforts by the United States to reduce tensions on the Korean peninsula;

(11) these efforts by the United States to reduce tensions and provide incentives for the North Korean regime to cooperate with the international nonproliferation regime include the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the number of American military personnel stationed there, the establishment of direct diplomatic contacts with the North Korean regime, and the offer of expanded diplomatic and economic contacts with North Korea;

(12) on April 20, 1994, the United States and the Republic of Korea announced the postponement of this year's "Team Spirit" exercises as a further gesture of goodwill and confidence-building toward North Korea;

(13) the North Korean regime responded to this latest initiative by declaring that international inspectors will not be permitted to examine the spent fuel rods that are being removed from North Korea's principal nuclear reactor at Yongbyon, nor will inspectors be permitted to see where the rods will be taken;

(14) weapons-grade plutonium can be extracted from the fuel rods in the type of nuclear facilities North Korea is known to possess; and

(15) the ongoing diplomatic impasse concerning the North Korean nuclear program has clearly reached a critical juncture, the unsatisfactory resolution of which would place the international non-proliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the Northeast Asia region, and, by extension, the rest of the world.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the North Korean regime should take an initial step toward cooperation with the international nonproliferation regime by permitting the unfettered international inspection of the removal and eventual disposal of all spent fuel rods from the Yongbyon nuclear facility, followed by a regular inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) an unsatisfactory resolution of the inspection controversy at Yongbyon that allows for anything less than unfettered international inspection of that facility should prompt the Government of the United States to take such action as would indicate the severity with which it views this provocation against international norms; and

(3) such action should include, but not necessarily be limited to, the seeking of international sanctions against the North Korean regime and the immediate resumption of the "Team Spirit" exercises.

MODIFICATION OF AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that the amendment be modified under a prior agreement with the Majority.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified

The Clerk read as follows:

Amendment, as modified, offered by Mr. SOLOMON: At the end of title X (page 277, after line 2), add the following new section:

SEC. 1038. SENSE OF THE CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by the Communist regime in North Korea, at a cost of more than 54,000 American lives;

(2) the United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression;

(3) approximately 37,000 United States military personnel are presently stationed in the Republic of Korea;

(4) the United States and the Republic of Korea have conducted joint military exercises, code named "Team Spirit", regularly since 1976;

(5) the Communist regime in North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has never renounced the active and ongoing use of force, terrorism, and subversion in its attempts to subdue and subjugate the Republic of Korea;

(6) although the North Korean regime signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, it has never permitted the unfettered international inspection of its nuclear facilities that is required of all signatories of that Treaty;

(7) the Secretary of Defense has stated publicly that efforts by the North Korean regime to develop enough plutonium to permit the manufacture of 10 to 12 nuclear weapons per year, and to develop the ballistic missile capacity of delivering these and other weapons over a wide area, represent a grave threat to the security of the Korean peninsula and the entire world;

(8) the North Korean regime continues to resist efforts by the United States to reduce tensions on the Korean peninsula;

(9) efforts in recent years by the United States to reduce tensions on the Korean peninsula have included the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the

number of United States military personnel stationed there, the postponement of the 1994 "Team Spirit" exercises, the establishment of direct diplomatic contacts with the North Korean regime, and the offer of expanded diplomatic and economic contacts with North Korea;

(10) weapons-grade plutonium can be extracted from the fuel rods in the type of nuclear facilities North Korea is known to possess;

(11) international inspectors must be permitted to examine all spent fuel rods removed from North Korea's principal nuclear reactor at Yongbyon and to carry out tests necessary to ensure compliance with the 1992 safeguards agreement; and

(12) the diplomatic impasse concerning the North Korean nuclear program has clearly reached a critical juncture, the unsatisfactory resolution of which would place the international nonproliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the Northeast Asia region, and, by extension, the rest of the world.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the North Korean regime should take an initial step toward cooperation with the international nonproliferation regime by permitting the unfettered international inspection of the removal and eventual disposal of all spent fuel rods from the Yongbyon nuclear complex, followed by a comprehensive inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) an unsatisfactory resolution of the inspection controversy at Yongbyon that allows for anything less than unfettered international inspection of facilities in that complex should prompt the Government of the United States to take such action as would indicate the severity with which it views this provocation against international norms; and

(3) such action should include, but not necessarily be limited to, the seeking of international sanctions against the North Korean regime and the rescheduling of the "Team Spirit" exercises for 1994.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment for a separate vote because I believe the gravity of the situation with regard to the North Korean nuclear program demands that Congress make its voice heard—this week.

Mr. Chairman, North Korea may already have at least one or two nuclear bombs, according to our own CIA. And, just yesterday, North Korea announced that the I.A.E.A. will never—repeat, never—be given access to the nuclear waste sites the I.A.E.A. wants to examine.

Mr. Chairman, what I am about to say is very important: Several hours ago President Kim Young Sam of the Republic of Korea declared publicly that the time for negotiations is over, and the time for sanctions has begun. He said North Korea cannot be trusted with half a nuclear bomb, much less one or two, or five, or six, or seven.

Mr. Chairman, only just yesterday, the Clinton administration said that North Korea could have four or even five nuclear weapons by the end of the year, based on the amount of plutonium that could be derived from the spent fuel rods that have been removed from the Yongbyon reactor over the past several weeks.

On Friday—only 2 days from now—the Board of Governors of the International Atomic Energy Agency will be issuing its definitive report on the status of inspections at the Yongbyon complex, North Korea's principal nuclear facility. If reports in the press are accurate—and there is every reason to believe they are—the I.A.E.A. is going to rule that North Korea is in substantial noncompliance with the terms of the Nuclear Nonproliferation Treaty, and its attendant safeguards agreement.

Moreover, the I.A.E.A. is evidently prepared to declare that destruction of evidence and other secret activities at Yongbyon make it impossible for independent inspectors to account for the removal and eventual disposal of spent fuel rods from the Yongbyon nuclear reactor.

So, Mr. Chairman, the moment of truth has come. The ongoing, yearlong controversy concerning inspection of North Korea's nuclear program has reached the critical turning point.

Every member knows what is at stake: peace on the Korean Peninsula, the security of South Korea, Japan, and the entire Northeast Asia region; and the future of the International Nonproliferation Regime are in the balance.

Mr. Chairman, the I.A.E.A. report will be delivered to the U.N. Security Council before the end of this week—and the issue of placing international sanctions on North Korea will be put on the Security Council's agenda.

Indeed, Ambassador Albright has confirmed to the press that initial consultations and discussions on sanctions are already underway.

So now is the time for Congress to be heard in a united and unanimous voice. This amendment, the language of which was agreed to in bipartisan consultation, expresses the sense of Congress that the administration should seek international sanctions against North Korea and reschedule the Team Spirit military exercises with South Korea, if the inspection controversy at Yongbyon is not resolved satisfactorily.

This amendment does not tie the hands of the administration in any way. As a matter of fact, the management of this impending crisis should be taken over at the Presidential level immediately. It has been handled for too long at the sub-cabinet level. Now is the time for the President to be President—and along with the Congress, spell out to the American people the stakes involved.

Mr. Chairman, no Member doubts the gravity of this issue. Secretary of Defense Perry has already called it a "substantial near-term crisis." But America is always most effective when it speaks with one voice. I urge a unanimous vote for this amendment.

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Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, I rise in support of the Solomon amendment expressing the sense of Congress that the United States should take action against North Korea including seeking international sanctions and resuming the Team Spirit military exercises if the controversy over the North's nuclear program is not satisfactorily resolved. In addition, I urge support of the Kasich amendment on Korea to be offered later today which draws much needed attention to our security relationship with the Republic of Korea [ROK]. These two amendments provide the House with at least a brief opportunity to discuss the North Korean crisis.

Over the past 18 months, administration policy seems to have been predicated on the belief that North Korea is pursuing nuclear weapons solely for bargaining purposes. But North Korea has demonstrated little interest in bargaining on any terms except their own—which are unacceptable on many fronts. Instead, the North has been testing United States resolve and using the time to expand its nuclear bombmaking program—and doing so successfully.

Last November, President Clinton declared that "North Korea cannot be allowed to develop a nuclear bomb. We have to be very firm about it." This statement of U.S. policy entailed certain risks, but it was firm and unequivocal. Over time, however, the President has vacillated and backtracked to the point that the current objective of United States policy is to prevent North Korea from becoming a so-called nuclear power—whatever that means.

Mr. Chairman, the implications of this shift in United States policy towards North Korea are enormous and disturbing. The administration now seems willing to tolerate the possession of a small number of nuclear weapons in the hands of Kim Il-Sung. In light of North Korea's record, it is not hard to envision these weapons being used to threaten United States forces and allies in the region or being sold to rogue regimes in the Middle East or elsewhere. If the administration is willing to tolerate a nuclear-armed North Korea, is the same true for Libya? Or Iran? What is the administration's real policy on nuclear proliferation and where will the President draw the line?

In light of continued North Korean intransigence over inspections of their nuclear facilities and the growing likelihood of economic sanctions, we would all do well to heed Secretary of Defense William Perry's admonition that:

> The North Koreans have stated that they would consider the imposition of sanctions to be equivalent to a declaration of war. * * * We may believe, and I do believe, that this is rhetoric on their part, but we cannot act on that belief. We have to act on the prudent assumption that there will be some increase in the risk of war if we go to a sanction regime.

Based on this prudent assumption, one would hope that the United States is taking numerous steps to increase the readiness of United States and South Korean military forces necessary to hopefully defeat any potential military attack by the North. While North Korea is likely to protest such actions, the United States can no longer continue to ignore the very real threats posed by the North's escalation of this crisis.

I urge the President to take firm steps to ensure that no one—friend or foe—misinterpret U.S. resolve to stand up for our allies and to protect our geopolitical interests.

Mr. Chairman, my colleagues should unanimously support both the Solomon and Kasich amendments as a way of bringing focus to the many pressing security issues we confront on the Korean Peninsula.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, I would like to compliment the author of this amendment, because as a member of the Permanent Select Committee on Intelligence and a member of the Committee on Armed Services, I know the threats the gentleman speaks of are real.

I think it is a good resolution, Mr. Chairman. I think we should enforce the embargo. We should support the embargo and get Team Spirit back on line.

Mr. Chairman, I compliment the author of the amendment.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]?

Mr. MONTGOMERY. Mr. Chairman, I am not in opposition, but I would request the 5 minutes to address the amendment.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. KOPETSKI. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Oregon.

Mr. KOPETSKI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON]. I may not agree with some of the wording of the findings of the amendment, but I clearly support the sense of the Congress language and the spirit and thrust of the gentleman's efforts here. Clearly this is the most important issue facing the world and the security of the world today. I want to point out that I think the gentleman would agree that the legal right that we have to ask to intrude, to interfere into the nation State of North Korea, is the fact that they are a signatory of the nonproliferation treaty. This gives us the legal authority and foundation to ask and to seek and to go in and inspect. This is a legal document that they have signed, they have agreed to, and if they want to be a member of the world community, then they ought to abide by that contract.

That is what the Solomon amendment is getting at, and that is what I fully support. I thank the gentleman for yielding to me.

Mr. MONTGOMERY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Oregon [Mr. KOPETSKI] has spelled it out exactly as it is. They are signatories to the treaty. If they do not follow through, then we should not be trading with them, and neither should any of our allies who seek democracy and peace and freedom throughout the world. I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 431, further proceedings on the amendment as modified, offered by the gentleman from New York [Mr. SOLOMON] will be postponed.

It is now in order to consider amendment No. 29 printed in House Report 103–520.

AMENDMENT OFFERED BY MR. KOPETSKI

Mr. KOPETSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOPETSKI: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . CONGRESSIONAL ACTION ON NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.

(a) FINDINGS.—The Congress finds the following:

(1) On January 25, 1994, the United States joined with 37 other nations to begin negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President decided to extend the current United States nuclear testing moratorium at least through September 1995.

(3) The United States is seeking to extend indefinitely the Non-Proliferation Treaty at the April 1995 NPT Extension Conference.

(4) Conclusion of a comprehensive test ban treaty could contribute toward successful negotiations to extend the Non-Proliferation Treaty.

(5) Agreements to eliminate nuclear testing and control the spread of nuclear weapons could contribute to the national security of the United States, its allies, and other nations around the world.

(b) CONGRESSIONAL ACTION.—In view of the findings set forth in subsection (a), the Congress—

(1) applauds the President for maintaining the United States nuclear testing moratorium and for taking a leadership role toward negotiation of a comprehensive test ban treaty;

(2) encourages all nuclear powers to refrain from conducting nuclear explosions, prior to conclusion of a comprehensive test ban treaty; and

(3) urges the Conference on Disarmament to make all possible progress toward a comprehensive test ban treaty by the end of 1994.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. KOPETSKI] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise for the third straight year during consideration of the Defense authorization legislation to address the issue of nuclear weapons testing.

Today, the international community is negotiating earnestly a complete cessation of all nuclear weapons testing through the Conference on Disarmament. With the strong support and active leadership of the Clinton administration, a comprehensive test ban treaty is close at hand. In his message to the opening session of the Conference on Disarmament in January, President Clinton stated, "* * * the U.S. delegation will join you in making bold steps toward a world made safer through the negotiation at the earliest possible time of a comprehensive test ban treaty that will strengthen the security of all nations."

The international community and the Clinton administration are fully engaged on the issue of nuclear weapons testing. My amendment, the ongoing work in the House Arms Control Observers Group and the continued activism of Representatives like MARTIN SABO, DAVID SKAGGS, CONNIE MORELLA, and JIM LEACH demonstrate the Congress' continued interest in this issue.

Simply put, my amendment: Applauds the President for maintaining the U.S. nuclear testing moratorium and for taking a leadership role toward negotiation of a comprehensive test ban treaty; encourages all nuclear powers to refrain from conducting nuclear explosions prior to conclusion of a comprehensive test ban treaty; and urges the Conference on Disarmament to make all possible progress toward a comprehensive test ban treaty by the end of 1994.

Passage of the Kopetski amendment will send a strong message of congressional support for a comprehensive test ban treaty to the international negotiators at the Conference on Disarmament.

Mr. Chairman, in my short time in Congress, I do believe this issue is as important as any I have worked on. With the conclusion of a successful comprehensive test ban treaty, the world will have taken an historic step in the name of peace. An historic step away from the madness of nuclear war, particularly to those of us like myself who grew up in the shadow of America's nuclear facilities. Mr. Chairman, I am reminded of the passage in the bible which states, "Blessed are the peacemakers, for they shall be called the children of God." I ask my colleagues, once again, please be a peacemaker and support the Kopetski amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is the gentleman from South Carolina [Mr. SPENCE] in opposition to the amendment?

Mr. SPENCE. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. KOPETSKI, which would have the House express its support for the continued moratorium on U.S. nuclear weapons testing and which urges the prompt conclusion of a Comprehensive Nuclear Test Ban agreement.

Mr. Chairman, despite the proponents rhetoric, there is still no evidence to support the assertion that a comprehensive nuclear test ban or a nuclear testing moratorium by the United States will affect or stop the spread of nuclear weapons. Iran, Iraq, North Korea, and Libya have not abandoned and will not abandon their nuclear weapons development programs simply because the United States has adopted a moratorium on testing or because of the possibility of an international agreement banning nuclear tests in the future.

President Clinton announced last summer that he was extending his unilateral moratorium on U.S. underground nuclear testing. This past March, the President informed Congress that he was again extending the moratorium, this time through September 1995. Since the President's first announcement, the People's Republic of China has conducted one nuclear test and, according to a May 26, 1994, New York Times article, may be preparing to conduct an additional test or tests in the months ahead. Furthermore, North Korea is in violation of the Nuclear Nonproliferation Treaty by refusing to permit international inspections of its nuclear facilities and is likely to have already developed one or two nuclear weapons. Meanwhile, Saddam Hussein continues to rebuild Iraq's nuclear weapons program.

Nuclear weapons testing is needed to ensure the safety, reliability and effectiveness of U.S. nuclear weapons that will remain in the U.S. arsenal for the foreseeable future. Nuclear weapons are a vital component of our national security posture and must be effectively maintained if they are to retain their deterrent value.

Mr. Chairman, in my judgment, the Administration's policy of extending the moratorium on U.S. nuclear testing is misguided. The Administration's policy will reduce, not enhance, U.S. national security in the increasingly dangerous post-Cold War era as well as undermine our critical nuclear weapons infrastructure.

I have attached to my statement a September, 1993, report on these nuclear weapons complex issues written by the Armed Services Committee Republican Staff which I would ask be submitted for the record immediately following my statement.

Mr. Chairman, for these reasons, I oppose the Kopetski amendment and urge a "No" vote.

The statement referred to is as follows:

THE CLINTON ADMINISTRATION AND NUCLEAR WEAPONS POLICY: BENIGN NEGLECT OR EROSION BY DESIGN?

EXECUTIVE SUMMARY

In a span of a few short months, the Clinton administration has dramatically shifted U.S. nuclear policy in a direction that will lead to the atrophy of the critical capability to develop, produce and maintain the weapons necessary to retain a credible nuclear deterrent.

One of the more enduring canards of arms control is the belief that the path to reduced global nuclear weapons stockpiles must lead to a Comprehensive Nuclear Test Ban Treaty (CTBT). Notwithstanding that the dramatic reductions in nuclear arsenals realized over the past few years occurred in the absence of a CTBT, this relic of Cold War thinking continues to dominate the agenda of yesterday's arms controllers. Faced with the end of the cold-war rationale, CTBT proponents have deftly managed to transform the raison d'etre for a CTBT from yesterday's principal weapon against nuclear weapons to today's essential instrument in the struggle against nuclear proliferation.

While tentative at first, the Clinton Administration recently embraced a nuclear testing moratorium and a CTBT as central to its arms control policy. Stating that the current U.S. nuclear inventory is safe and reliable and that nuclear testing is incompatible with an assertive non-proliferation policy, President Clinton has declared that the U.S. will forgo further nuclear testing unless "this moratorium is broken by another nation." However, even this commitment to resume testing if another nation does is open to question given the evident posturing within the Administration in response to recent reports that China is finalizing preparations to conduct a nuclear test.

By adopting the anti-nuclear agenda of the old arms control movement, the Clinton Administration seemingly has ignored the compelling arguments against a CTBT:

There is no evidence to support the assertion that a CTBT or nuclear testing moratorium will affect or stop the spread of nuclear weapons;

Nuclear testing is an unavoidable and necessary component of maintaining a credible nuclear deterrent;

There are no alternatives to nuclear testing that can provide the requisite level of confidence in the safety and reliability of the nuclear stockpile.

In addition, the Clinton Administration is taking preliminary steps to mothball the nuclear weapons production complex as the Department of Energy struggles to define a long-term infrastructure strategy. Those issues of paramount concern are:

DOE has suspended all production of tritium, a critical element not only for new nuclear warheads, but also for the replenishment of the active inventory.

For all practical purposes, the U.S. has lost the ability to produce critical plutonium weapon components.

The Pantex facility in Texas is projected to be so overloaded with the task of dismantling warheads for disposal that it risks not being able to continue the random selection of warheads in the active inventory to be disassembled and inspected for safety and reliability purposes.

The future of the National Laboratories is highly uncertain due to severe budget cuts and calls for a shift away from the historic nuclear support mission they provide.

On top of seven years of steady cutbacks, the Clinton budget calls for a reduction next year of over 20 percent of the highly skilled, difficult-to-replace nuclear workforce.

Faced with the incompatible choices of either maintaining an adequate nuclear support infrastructure or embracing an anti-nuclear arms control agenda, the Clinton Administration claims to have adopted both. However, even the most basic of analysis of this Administration's policies illustrates that it has apparently chosen to sacrifice nuclear preparedness in the name of political expediency and an arms control strategy of dubious merit.

INTRODUCTION

The Clinton Administration appears to be pursuing a policy of nuclear atrophy. The most recent manifestation of this policy was President Clinton's July 3, 1993 announcement to extend the moratorium on nuclear testing—first imposed by Congress last year in the form of the "Hatfield amendment"—through September 1994 unless another nation conducts a nuclear test first. When combined with other recent decisions taken by the Clinton Administration that further weaken the nuclear weapons development and production infrastructure, it is clear that the U.S. risks losing the competency and capabilities necessary to field and maintain a credible nuclear deterrent.

If current plans are implemented, within four years the U.S. confidence in the safety and reliability of nuclear weapons already in the stockpile and the ability to remanufacture retired warheads will have diminished. In effect, the Clinton Administration is eroding the U.S. ability to maintain with high confidence the safety and reliability of the U.S. nuclear weapons stockpile, as well as the stewardship of the U.S. nuclear weapons complex and infrastructure.

The purpose of this paper is to identify a number of critical issues with respect to the Clinton Administration's approach to nuclear testing and the maintenance of the U.S. nuclear weapons complex. It will highlight the current status of U.S. nuclear testing, problems associated with the Clinton Administration's policy on nuclear testing—including a Comprehensive Nuclear Test Ban Treaty (CTBT)—and decisions being made by the Administration which will continue to contribute to the rapid erosion of the U.S. Government's nuclear weapons development and production capability.

NUCLEAR TESTING: THE CURRENT MORATORIUM

Background

Arguing that testing was needed to develop new weapons, maintain the reliability of the stockpile and understand weapons effects, President Reagan suspended on-going negotiations with the Soviet Union on nuclear testing in July, 1982. In August, 1985, Soviet President Gorbachev announced a Soviet test moratorium that lasted through February, 1987. In July, 1986, following negotiations with Congressional leaders, President Reagan agreed to make ratification of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET) a priority in the ensuing Congress. Upon ratification, the President committed to pursue bilateral negotiations on the step-by-step reduction in nuclear testing as steps towards an eventual CTBT. In exchange for this commitment, Congressional leaders agreed not to impose a legislated testing moratorium.

U.S.-Soviet Nuclear Testing Talks began in November 1987. The TTBT and PNET verification protocols were completed in May 1990. Presidents Bush and Gorbachev signed the treaties with the new protocols in June 1990; the Senate ratified the agreements in September 1990, and the treaties entered into force in December that same year.

At this point, the Bush Administration suspended negotiations to further limit nuclear testing in order to first consider the effects of the verification provisions contained in the TTBT and PNET. U.S. Arms Control and Disarmament Agency (ACDA) Director Ronald Lehman testified before the Senate Armed Services Committee in September, 1990, that negotiations were to resume in several months and that the Administration was studying a limit on the number or yield of permitted tests. However, others in the Bush Administration expressed strong reservations about further limits on testing. Robert Barker, Assistant to the Secretary of Defense for Atomic Energy, stated in September that the Department of State, Defense and Energy "have not succeeded in finding a next step which does not have adverse national security implications."

The Nuclear Testing Talks have not resumed to date, though the Clinton Administration recently sent a senior official abroad to discuss the outlines of further testing limitations.

The "Hatfield Amendment"

The Bush Administration's Fiscal Year 1993 budget request for the Department of Energy, submitted in February 1992, included $429.5 million to conduct nine underground nuclear tests at the Nevada Test Site. The testing plan included a mix of new design, reliability and weapon-effects tests. Subsequently, in July, 1992, the Administration modified U.S. testing policy and announced it would conduct no more than six tests for safety and reliability purposes in Fiscal Year 1993 and for each of the following five fiscal years, and no more than three tests per year in excess of 35 kilotons.

Concurrently, on September 24, 1992, the House adopted H.R. 5373, the Fiscal Year 1993 Energy and Water Development Appropriations Act which included the so-called "Hatfield Amendment" on nuclear testing. The bill provided $375 million for nuclear weapon testing in Fiscal Year 1993, but rejected the Administration's revised nuclear weapon testing plans and instead, imposed a nine-month interim moratorium on testing. Following the interim moratorium, a limited number of tests were to be permitted, to be followed by a cessation of all testing after September, 1996, unless another nation tested. This marked the first time that a cessation of nuclear testing had been imposed by the Congress. President Bush signed the measure into law (Public Law 102-377) on October 2, 1992.

Proponents of the "Hatfield Amendment" offered several arguments in support of the moratorium, and an eventual ban on all testing. These arguments included:

Continued nuclear testing was a "vestige of the Cold War;"

A cessation of U.S. nuclear testing would help to stem the proliferation of nuclear weapons;

Continued U.S. nuclear testing would jeopardize efforts to extend indefinitely the Nuclear Nonproliferation Treaty (NPT) during the up-coming 1995 Treaty review conference.

Opponents of the "Hatfield Amendment" countered that nuclear testing was still needed to:

Ensure the proper functioning and reliability of the stockpile;

Modernize the existing stockpile for enhanced safety, security and effectiveness;

Measure the effects of nuclear weapons on other weapon systems and components which are continually changing as technology advances.

They also noted that test ban advocates were in error because:

A U.S. test ban would have no effect on the motivations or capabilities of proliferant nations to acquire nuclear weapons;

The association of a test ban with renewal of the Nuclear Nonproliferation Treaty is artificial; the treaty does not call for a test ban and its renewal does not depend in any way on a test ban. (See footnote 3)

Upon assuming office, President Clinton made negotiation of a CTBT a priority of his Administration. On April 23, 1993, in his meetings with Russian President Boris Yeltsin in Vancouver, President Clinton announced that the U.S. would consult with Russia, our allies and other states, about commencing CTBT negotiations at an early date. Consistent with this goal, President Clinton announced on July 3, 1993, that he was extending the moratorium on U.S. nuclear testing through at least September 1994, calling on the other nuclear powers to do the same. In furtherance of this policy, Undersecretary of State for International Security Affairs Lynn Davis recently visited Britain, France, China, Russia, and other capitals to urge restraint on testing and to discuss the modalities and parameters associated with possible CTBT negotiations.

In extending the testing moratorium, the President stated that a "test ban can strengthen our efforts worldwide to halt the spread of nuclear technology in weapons," and, if joined by the other nuclear powers, would put U.S. "in the strongest possible position to negotiate a comprehensive test ban and to discourage other nations from developing their own nuclear arsenals." He also directed the Department of Energy to be ready to resume testing, stating that "If, however, this moratorium is broken by another nation, I will direct the Department of Energy to prepare to conduct additional tests while seeking approval to do so from Congress."

Finally, the President also stated that "To assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, the reliability and the performance of our own weapons. We will also refocus much of the talent and resources of our nation's nuclear labs on new technologies to curb the spread of nuclear weapons and verify arms control treaties."

THE CLINTON NUCLEAR POLICY: ON THE ROAD TO ATROPHY

A principal underpinning of the Clinton Administration's "no first test" policy is the assertion that continued testing is inconsistent with U.S. non-proliferation goals. In arriving at its policy, the Clinton Administration also determined and declared that U.S. nuclear weapons were already safe and reliable, and concluded that while additional nuclear testing could help provide some additional improvements in safety and reliability, such benefits were of marginal value when balanced against the priority of nuclear nonproliferation.

CTBT and Nuclear Non-proliferation

There is no evidence to support the assertion that a Comprehensive Test Ban Treaty will strengthen efforts to halt the spread of nuclear weapons. Efforts to negotiate a comprehensive nuclear test ban treaty have been on-going since the mid-1940s. In the early 1960s, U.S., Soviet and British negotiations on a CTBT foundered when the Soviets broke out the existing (1958–1961) test moratorium. Further, the Limited Test Ban Treaty (LTBT), which banned nuclear weapons tests in the atmosphere, in outer space and under water, addressed a key public concern of time, namely, the elimination of the environmental effects of testing, thereby diminishing the enthusiasm for a CTBT. Nuclear testing negotiations remained largely moribund until President Carter re-initiated efforts to achieve a CTBT with the Soviet Union in 1977. These discussions also failed to produce an accord, however, due to opposition within the Executive branch, as well as several international crises, including the Iran hostage crisis and the Soviet invasion of Afghanistan.

Underlying President Clinton's desire to once again have the U.S. resume negotiations on a CTBT are two proliferation-related assumptions: (1) without such an agreement, nations will be unwilling to indefinitely extend the NPT at the Treaty review conference in 1995; and (2) a CTBT would discourage or preclude other non-nuclear states from developing or obtaining nuclear weapons. Both of these underlying assumptions are highly questionable.

On the first point, supporters of a test ban claim that a U.S. failure to achieve an indefinite extension of the NPT would represent a serious blow to U.S. nonproliferation objectives. However, there is no evidence that the NPT is dependent on the conclusion of a CTBT. This argument is often posited by anti-nuclear activists and is not supported by pronouncements of NPT party governments. Lack of support for a CTBT by representatives to the 1990 NPT review conference is evidence of the low salience of this issue for most NPT parties.

Further, a 1991 National Academy of Sciences report stated that, "most countries will make their decisions about the utility of the NPT (Nuclear Nonproliferation Treaty) regime or their maintenance of a nuclear option on the basis of their perceptions of their own security interests, not on the actions of the United States and Soviet Union or other nuclear weapons state on testing." That this is true was evidenced at the July G–7 Summit in Tokyo when Japan refused to commit itself to an indefinite extension of the NPT because of its worries over North Korea's development of nuclear weapons and long-range missile delivery systems. While Japan has more recently expressed its support for an indefinite extension of the NPT (noting also that the NPT contains a withdrawal provision), Foreign Minister, Kabun Muto has also stated that Japan must have the will to build nuclear weapons if it is deemed necessary to deter and defend against a North Korea nuclear threat.

Japan's expressed concerns point to an ironic consequence of a CTBT, namely, the potential for an increased risk of proliferation of nuclear weapons among nations that once relied upon the U.S. nuclear umbrella for their security but may in fact lose confidence in U.S. security guarantees under an extended regime of no U.S. nuclear testing. Columnist Charles Krauthammer stated in July 16 op-ed in The Washington Post that, "There are two kinds of countries with the potential to acquire nuclear weapons. First, advanced and generally friendly countries—like Germany, Japan and South Korea—that refrain from acquiring nuclear weapons in part because they trust the American nuclear umbrella to protect them. If they see us denuclearizing, their temptation to acquire their own nuclear weapons will only increase. The other category of nations comprises the pariah states * * *

With respect to the second concern—the ability of a CTBT to discourage the spread of nuclear weapons—there is no evidence that nuclear testing has *any direct bearing* on either the proliferation of nuclear weapons technology or future arms control efforts.

First, what we have learned about the Iraqi nuclear program since Operation Desert Storm demonstrates that nuclear testing is not necessarily required to develop nuclear weapons. The likely existence of Pakistani and South African nuclear programs also prove this point. Several Third World nations that either presently have a nuclear capability or may be capable of assembling a nuclear weapon(s) on short notice have reached this level of development despite never having conducted a nuclear test of which the West is aware. Indeed, North Korea's threat to withdraw from the NPT, and latest progress on its long-running covert nuclear program, have occurred at a time when the U.S. was observing its self-imposed moratorium on nuclear testing.

Second, nations such as Libya, North Korea, Iran and Iraq, might well contend that a CTBT is only a tool for global powers like the United States and Russia to deny them their "sovereign right" to develop such weapons.

Third, even if countries such as Iraq and North Korea were to sign a CTBT, their willingness to observe the spirit and letter of such an agreement would always be in question, and may never be adequately verifiable. Being a signatory would have a minimal impact on the nuclear weapons development programs of such countries since the relatively crude weapons they are most likely to assemble and/or deploy may not require any nuclear testing. It is doubtful whether all countries that were to sign a CTBT would refrain from testing if they concluded it was in their national interest to test.

Fourth, U.S. experts have also noted that a CTBT is unlikely to ever be effectively verifiable; according to Kathleen Bailey, an expert on nuclear proliferation issues, a test ban cannot be verified below approximately one kiloton, a level of explosive testing that is still highly useful to nuclear weapons design or improvement. With efforts by the testing nation to seismically decouple or hide the signal in other seismic signals, the size weapon to be tested could be increased substantially without fear of discovery. Countries intent on cheating could identify and implement evasive measures that would make it virtually impossible for U.S. sensors to detect low-yield tests.

Fifth, CTBT would actually cripple the development of certain counterproliferation technologies. There are many nuclear threats that the U.S. or its allies could face in the future that do not conform to the classic military scenario. A nuclear weapon might be stolen or sold to a terrorist from the stockpile of the former Soviet Union or a proliferant state, and targeted for use in the U.S. Even if the U.S. were able to locate such a weapon before it detonated, it may not have the technical capability to disarm or render the weapon harmless. The U.S. nuclear weapons laboratories are only now beginning to address this serious issue. Once technologies are developed, it will be imperative that they be tested. To know whether they will work is likely to require testing against a real nuclear device.

Finally, as demonstrated by the progress in U.S.-Soviet and, more recently, U.S.-Russian arms control agreements, a cessation of nuclear testing is not a prerequisite for limiting or reducing nuclear arms. START I and START II, if fully implemented, will dramatically reduce the number of nuclear weapons in each nation's arsenal, yet were negotiated in an era of regular nuclear testing.

Nuclear Stockpile Safety and Reliability

Nuclear testing is needed to assure the safety and reliability of U.S. nuclear weapons. Implicit in President Clinton's July 3, 1993 announcement is the belief that the U.S. can afford to stop testing because its nuclear weapons are already safe and reliable. This view ignores the fact that U.S. nuclear weapons are currently safe due, in part, to years of nuclear testing. Furthermore, it is only through some level of continued explosive testing that the U.S. will be able to monitor and improve the stockpile's safety and reliability in the future.

The Administration's view that U.S. nuclear weapons are already safe and reliable enough demonstrates a cavalier attitude toward the complexity of nuclear weapons and fails to take into account past safety and reliability problems with the stockpile. Nuclear weapons are probably the most complex weapons the U.S. deploys, yet they are tested only a fraction of the amount that other U.S. weapons are tested. Since 1958, the U.S. has deployed 41 different nuclear weapon systems, of which 14 have required corrective modifications due to reliability deficiencies discovered or evaluated after nuclear testing.

The majority of U.S. nuclear tests over the past few years have been primarily concerned with testing modern safety features for nuclear weapons. Safety improvements to the U.S. nuclear arsenal—designed to make it nearly impossible for nuclear weapons to give off a nuclear yield unintentionally—include the use of insensitive high explosives (IHE—explosives which are virtually impossible to detonate in violent accidents), enhanced nuclear detonation safety (ENDS—an electrical system which protects a weapon from the effects of spurious electric signals such as lightning) and fire resistant pits (FRP—a shell of metal around the pit with a high melting point to contain the plutonium in a fire). The development of all these safety features required nuclear testing.

In summary, it was only through nuclear testing that the U.S. discovered significant problems in certain nuclear weapons and was consequently able to implement and validate appropriate fixes. Without an active program of weapons testing, the U.S. will reduce its ability to determine with confidence and even improve the safety and reliability of its nuclear weapons in the future.

Alternatives to Nuclear Testing

Simply stated, as compared to nuclear testing, there are no "other means" sufficient to maintain confidence in the safety and reliability of the U.S. nuclear stockpile.

There are three primary technical reasons for the testing of nuclear weapons:

To enhance and ensure the safety of nuclear weapons by testing modern safety features to be added to various weapon designs

To ensure the reliability of the nuclear stockpile by testing for problems during the development process and those identified after deployment

To understand and improve the survivability of U.S. military systems in a nuclear environment.

Sophisticated computer modeling and simulation, conventional testing, and other non-nuclear testing regimes can provide useful data on each of the above, but none of these methods provide a high confidence alternative to ensure the safety, reliability and effectiveness of U.S. nuclear weapons.

With respect to the design of nuclear warheads, history has demonstrated that computer calculations are not a viable substitute for testing to validate warhead design. In fact, several nuclear weapons designed and produced during the 1958–61 nuclear testing moratorium were found to be seriously flawed when tested after the moratorium ended.

With respect to survivability, potentially fatal design flaws were discovered in a number of critical components on the Minuteman II and III, Poseidon, Peacekeeper and Trident I and IF systems through nuclear testing. Even after extensive non-nuclear testing and analysis, in every warhead/reentry vehicle system except one, detection of such flaws did not occur until a fully integrated system has been subjected to an underground nuclear test.

With respect to the survivability of non-nuclear weapons systems, any future ballistic missile defense system deployed by the

U.S., for example, may someday have to operate in a nuclear environment produced by incoming warheads. At a minimum, any such defensive system will have to be hardened against the effects of a nuclear detonation. System-level X-ray hardness testing cannot now be simulated, nor is any such credible threat-level simulation capability expected in the next 10-20 years. While lower-level simulation is both feasible and useful, it is not an alternative to nuclear testing.

There is a final irony of any plan which relies on means other than nuclear testing to maintain confidence in the safety and reliability of the U.S. nuclear stockpile. Despite progress in non-nuclear testing technology and applications, nuclear testing will ultimately be required to refine and validate these "non-testing" technologies if the U.S. hopes to have confidence in them as viable alternatives to actual testing.

Despite President Clinton's interest in exploring other means to maintain U.S. confidence in the nuclear stockpile, his direction to the DOE to be prepared to resume testing should the testing moratorium be broken by another nation seemingly reflects the importance of testing. Yet, in ordering the DOE to be prepared to resume nuclear testing, the President has ignored the importance of actually conducting tests in order to maintain the critical skills needed by those who are charged with stewardship of the nuclear stockpile.

If experienced scientists and engineers affiliated with the U.S. nuclear test program are denied the ability to maintain the critical skills needed to do their job, they will eventually leave to pursue other endeavors. Such a development could put this country in a position where it will not be able to resume nuclear testing in a timely fashion when and if the Clinton (or some future) Administration decides that it has become necessary to do so. Should this occur, at the most fundamental level the U.S. will have put at risk its core nuclear competency, of which testing is an essential element.

INFRASTRUCTURE POLICY: BENIGN NEGLECT OR EROSION BY DESIGN?

Nuclear testing is only one of the various elements necessary to maintain a safe and reliable nuclear weapons capability. Other elements include the processing and production of critical nuclear materials used in the weapons, fabrication of plutonium components, and the assembly and disassembly of warheads.

The DOE is currently reviewing the future of the nuclear production complex—calling the review Complex 21—with the ultimate goal of consolidating nuclear weapons production capabilities at a single site. Although DOE has stated its plans to maintain the weapons production capabilities through Complex 21, there are concerns that the Clinton Administration may be reluctant to adopt the recommendations of its own review, resulting in an acceleration of the erosion of the nuclear weapons infrastructure. Key components of those issues under review are discussed below.

Tritium Production

To date, one of the most troubling decisions made by the Clinton Administration has been to place the K reactor at Savannah River, South Carolina in "cold standby" while simultaneously postponing until at least next year selection of a New Production Reactor (NPR) technology. The K reactor and NPR technologies are designed to produce tritium which is used to enhance the explosive power of a nuclear warhead. Importantly, tritium has a half life of only 12 years and must be replenished continually. The K reactor at Savannah River was scheduled to proceed with a production run in 1993 in order to demonstrate its continued viability as a source of tritium until such time as a new technology could be brought on-line. That demonstration program has now been canceled by the Clinton Administration. The Administration's plan to mothball the K reactor will apparently leave the U.S. without any capability to produce tritium for the foreseeable future.

The K reactor was ultimately to have been to be replaced by the NPR. Unfortunately, the decision on a future NPR technology has already been delayed twice in the last three years, with indications that the Clinton Administration will again delay the decision beyond the current 1994 date. This is important because once a decision on the NPR is made, it will take at least 15 years before the new technology will generate tritium. Based on current stockpile projections, a new tritium production source ought to begin operations in 2008, so new tritium would be available to enter the stockpile in 2010. To meet this schedule, preconstruction activities associated with NPR must begin in 1995. Even on this ambitious schedule, the U.S. will have to reach deeply into its tritium reserves.

The most prudent approach to meeting future tritium requirements would be to run the demonstration phase of the K reactor and to keep the reactor in "warm standby" status in the event it is needed to resupply tritium reserves. The Clinton Administration, however, has rejected this approach, contending instead that a civilian light-water reactor loaded with special target elements could be used in a national emergency to produce tritium. However, the target development program was terminated at the pre-prototype stage and would require several years to complete if it were to be reinitiated. Furthermore, the proposal to use a civilian reactor fails to acknowledge the likely legal and political obstacles to utilizing a civilian reactor for military purposes in the future. The Clinton Administration ought to promptly identify of a means for tritium production and commit to a plan that will provide a new tritium supply by 2010.

Plutonium Component Fabrication

Another impending crisis for the U.S. nuclear weapons infrastructure in the shutdown of production capabilities at Building 707 at the Rocky Flats plant in Colorado. For all practical purposes, the United States has terminated its ability to fabricate plutonium components for new or redesigned weapons in the future. Plutonium components comprise an essential element of the "pit" of a nuclear warhead. With the closure of Building 707, if U.S. decision-makers decide at some point in the future to produce a new nuclear weapon or redesign an existing weapon to enhance its safety, the U.S. will have to rely on reusing old pits. The idea of reusing old pits is relatively new and much still remains to be learned. Although reusing old pits may work in some situations, ironically, validating a new or modified weapon design that relies on a reused pit would still require nuclear tests. In fact, such weapon designs incorporating reused pits have required extensive underground testing in recent years.

The U.S. has never incorporated a reused pit into the stockpile. Furthermore, reusing old pits fails to acknowledge that the U.S. does not today know what its requirements for future nuclear weapons will be or how pits will age over time, an issue which didn't exist in the past because pits were not expected to be reused. In other words, new warheads were built with new pits. Further, most older pits are not designed to work with insensitive high explosives (IHB), a key safety feature in more modern strategic nuclear warheads. The National Laboratories could produce a limited number of pits, but their current capability is insufficient if a decision is made to proceed with new warhead development and production. Unless the capabilities of the National Laboratories are significantly enhanced, or a new plutonium fabrication facility is constructed (as tentatively planned under DoE's nuclear consolidation review), the United States will lose the capability to fabricate more than a small number of plutonium pits for new, redesigned, or remanufactured warheads each year.

The National Laboratories

Although the national laboratories might be capable of producing small quantities of nuclear warheads in an emergency, even this may change if proposals pending in Congress to reshape the laboratory infrastructure are adopted. Some of these legislative proposals, such as H.R. 1432, would downgrade the priority currently assigned by the labs to the design and maintenance of the nuclear stockpile in favor of developing more civilian oriented technologies.

Additionally, the FY 1994 DOE Defense Programs budget, which funds all defense nuclear activities, has decreased 19% over FY 1993 spending levels. The National Labs are funded from the DOE Weapons Activities account which has received the largest spending reductions in both terms of dollars and as a percent of the budget. Further, there are indications that the Weapons Activities account will receive another significant cut in the FY 1995 Defense Programs budget request. Substantial cuts to the research and development budget of the laboratories will cause irreparable long-term damage and could prevent the laboratories from carrying out what ought to be their priority mission of designing and developing nuclear weapons.

Warhead Assembly and Maintenance

Another concern with the nuclear weapons infrastructure is the rate of warhead dismantlement at the Pantex Plant in Texas. Pantex is responsible for the dismantlement of nuclear warheads for reliability checks as well as for disposal, and for the interim storage of plutonium pits. DOE anticipates that Pantex will soon reach its capacity of dismantling 2000 warheads per year. Achieving and maintaining this rate could affect the ability of the dismantlement facility to carry out another of its key missions—the routine disassembly of warheads to ensure their reliability. In an effort to reach an optimum rate of dismantlement at Pantex, DOE is apparently ignoring the requirement to randomly select warheads from the stockpile to disassemble and inspect. Neglecting this process, in the context of a moratorium on nuclear testing, will further undermine U.S. confidence in the integrity of warheads in the stockpile.

One alternative, which DOE has not seriously explored, is to expand the mission of the Device Assembly Facility (DAF) at the Nevada Test Site from exclusively supporting the testing agenda to supporting stockpile confidence efforts. DAF was designed to assist in nuclear tests. Under the testing moratorium, DAF could be reassigned the mission to regularly conduct safety and reliability inspections on stockpile warheads.

Workforce

A final, but critical, element of the Nation's nuclear complex that is in jeopardy is the unique and highly skilled workforce. In many respects, the "cutting edge" of U.S. nuclear capability is a workforce that remains dedicated to ensuring the safety and reliability of U.S. nuclear weapons.

Less than ten years ago, the U.S. nuclear complex employed approximately 11,000 workers. In the 1985-1993 period, however, this number has been reduced by almost 2,000 people. DOE now anticipates that an additional 2,000 employees will likely be laid off in 1994 alone, taking the nuclear workforce down to a level of 7,000 employees. Furthermore, the number of personnel involved in critical warhead design, development, fabrication and testing activities in 1994 is expected to be one-half the number of just eight years ago.

That the U.S. nuclear weapons complex is only as good as the people who work within it is an obvious, but seemingly overlooked, truth. Highly skilled, highly motivated scientists and engineers in sufficient numbers are critical to maintaining the safety and reliability of the U.S. nuclear stockpile in the future. The Clinton Administration has yet to establish new, "baseline" requirements for the nuclear weapons complex, including personnel levels. In the absence of these requirements, the potential Clinton reductions once again raise serious questions about the direction of the Administrations's policies and its level of commitment to preserving core levels of competency in nuclear matters.

CONCLUSION

The end of the Cold War has provided the U.S. with an opportunity to reduce defense spending. In taking advantage of this opportunity, the President and Congress should be careful to drawdown U.S. defenses in a manner consistent with a clear and concise national defense strategy reflecting the changed international environment. First and foremost, however, there should be recognition that the world is still a dangerous place. The proliferation of nuclear weapons technology is an increasing threat. There are 35,000 nuclear weapons of the former Soviet Union now spread across four newly independent states.

As long as other nations covet or control nuclear weapons, the U.S. and its allies must continue to depend on nuclear weapons for their security. Furthermore, our friends and allies alike must continue to have confidence in the security provided by the U.S. nuclear umbrella.

Whether supporting a force of 20,000 or 3,500 warheads, there are unavoidable responsibilities associated with maintaining a credible nuclear stockpile. Both the Congress and the Administration have an obligation to ensure that those responsibilities are met.

However, recent actions taken by the Clinton Administration that follow on the heels of cutbacks already made by the Bush Administration call into serious question this Administration's willingness to step up to those responsibilities.

Optimists will argue that the consequences of the decisions discussed above can be easily and quickly rectified with the rapid commitment of additional financial resources when and if necessary in the future. But this view raises several important questions;

Will there remain the national commitment to invest large sums of money in the nuclear weapons complex to reinvigorate the U.S. deterrent in the future?

Will there be legal or environmental obstacles to reinitiating production of critical nuclear materials?

Will there be sufficient public support to rebuild plutonium fabrication facilities if necessary?

Will there be sufficient time to reconstitute necessary materials production and weapons fabrication capabilities?

Will the U.S. be able to hire sufficient numbers of skilled and experienced scientists, engineers, and technicians required to work in the nuclear weapons complex of the future once today's experts have left to pursue other endeavors?

At present, no one can definitively answer these questions. Accordingly, the prudent approach to maintaining a credible nuclear stockpile is to slow the decommissioning of DOE defense facilities, slow the rush to methodically dismantle the DOE nuclear infrastructure, slow or reverse the U.S. nuclear weapon complex "brain drain," and continue to perform nuclear tests to ensure the safety and reliability of the U.S. nuclear weapons stockpile and other critical military systems.

Over the last half century, U.S. nuclear weapons have evolved into complex, highly sophisticated systems developed, produced, and maintained to meet U.S. national security challenges. These weapons require maintenance, logistical support, and testing—both nuclear and non-nuclear—commensurate with their complexity and sophistication if they are to continue to serve as reliable and effective components of U.S. national security.

Without nuclear testing, new, safe, secure, reliable, less complex nuclear weapons cannot be developed and produced, and new survivable systems, technologies and processes cannot be validated. Without nuclear testing, the U.S. can neither maintain existing nuclear weapons nor develop new weapons with a high degree of confidence in the future. This is the dilemma that President Clinton currently confronts.

APPENDIX A

PUBLIC LAW 102-377 102D CONGRESS

SEC. 507. (a) Hereafter, funds made available by this Act or any other Act for fiscal year 1993 or for any other fiscal year may be available for conducting a test of a nuclear explosive device only if the conduct of that test is permitted in accordance with the provisions of this section.

(b) No underground test of a nuclear weapon may be conducted by the United States after September 30, 1992, and before July 1, 1993.

(c) On and after July 1, 1993, and before January 1, 1997, an underground test of a nuclear weapon may be conducted by the United States—

(1) only if—

(A) the President has submitted the annual report required under subsection (d);

(B) 90 days have elapsed after the submittal of that report in accordance with that subsection; and

(C) Congress has not agreed to a joint resolution described in subsection (d)(3) within the 90-day period; and

(2) only if the test is conducted during the period covered by the report.

(d)(1) Not later than March 1, of each year beginning after 1992, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(A) A schedule for resumption of the Nuclear Testing Talks with Russia.

(B) A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

(C) An assessment of the number and type of nuclear warheads that will remain in the United States stockpile of active nuclear weapons on September 30, 1996.

(D) For each fiscal year after fiscal year 1992, an assessment of the number and type of nuclear warheads that will remain in the United States stockpile of nuclear weapons and that—

(i) will not be in the United States stockpile of active nuclear weapons;

(ii) will remain under the control of the Department of Defense; and

(iii) will not be transferred to the Department of Energy for dismantlement.

(E) A description of the safety features of each warhead that is covered by an assessment referred to in subparagraph (C) or (D).

(F) A plan for installing one or more modern safety features in each warhead identified in the assessment referred to in subparagraph (C), as determined after an analysis of the costs and benefits of installing such feature or features in the warhead, should have one or more of such features.

(G) An assessment of the number and type of nuclear weapons tests, not to exceed 5 tests in any period covered by an annual report under this paragraph and a total of 15 tests in the 4-fiscal year period beginning with fiscal year 1993, that are necessary in order to ensure the safety of each nuclear warhead in which one or more modern safety features are installed pursuant to the plan referred to in subparagraph (F).

(H) A schedule, in accordance with subparagraph (G), for conducting at the Nevada test site, each of the tests enumerated in the assessment pursuant to subparagraph (G).

(2) The first annual report shall cover the period beginning on the date on which a resumption of testing of nuclear weapons is permitted under subsection (c) and ending on September 30, 1994. Each annual report thereafter shall cover the fiscal year following the fiscal year in which the report is submitted.

(3) For the purposes of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the Committees referred to in that paragraph receive the report required by that paragraph the matter after the resolving clause of which is as follows: "The Congress disapproves the report of the President on nuclear weapons testing, dated ." (the blank space being appropriately filled in).

(4) No report is required under this subsection after 1996.

(e)(1) Except as provided in paragraphs (2) and (3), during a period covered by an annual report submitted pursuant to subsection (d), nuclear weapons may be tested only as follows:

(A) Only those nuclear explosive devices in which modern safety features have been installed pursuant to the plan referred to in subsection (d)(1)(F) may be tested.

(B) Only the number and types of tests specified in the report pursuant to subsection (d)(1)(G) may be conducted.

(2)(A) One test of the reliability of a nuclear weapon other than one referred to in paragraph (1)(A) may be conducted during any period covered by an annual report, but only if—

(i) within the first 60 days after the beginning of that period, the President certifies to Congress that it is vital to the national security interests of the United States to test the reliability of such a nuclear weapon; and

(ii) within the 60-day period beginning on the date that Congress receives the certification, Congress does not agree to a joint resolution described in subparagraph (B).

(B) For the purposes of subparagraph (A), "joint resolution" means only a joint resolution introduced after the date on which the Congress receives the certification referred to in that subparagraph the matter after the resolving clause of which is as follows: "The Congress disapproves the testing of a nuclear weapon covered by the certification of the President dated ." (the blank space being appropriately filled in).

(3) The President may authorize the United Kingdom to conduct in the United States, within a period covered by an annual report, one test of a nuclear weapon if the President determines that it is in the national interests of the United States to do so. Such a test shall be considered as one of the tests within the maximum number of tests that the United States is permitted to conduct during that period under paragraph (1)(B).

(f) No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

(g) In the computation of the 90-day period referred to in subsection (c)(1) and the 60-day period referred to in subsection (e)(2)(A)(ii), the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded.

(h) In this section, the term "modern safety feature" means any of the following features:

(1) An insensitive high explosive (IHE).

(2) Fire resistant pits (FRP).

(3) An enhanced detonation safety (ENDS) system.

SEC. 508. Notwithstanding any other provision of this Act, $5,000,000 of the funds appropriated in title I shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1993".

Approved October 2, 1992.

APPENDIX B

RADIO ADDRESS BY THE PRESIDENT, JULY 2, 1993

THE PRESIDENT: I'd like to talk to you about that for a few minutes. Because of the vigilance, the democratic values, the military strength of the United States and our allies, we won the Cold War. Our inheritance, our victory is a new chance to rebuild our economies and solve our problems in each of our countries while we reduce military spending. But our profound responsibility remains to redefine what it means to preserve security in this post-Cold War era. We must be strong. We must be resolute. And we must be safe.

This great task has certainly changed with the passage of the Cold War. The technologies of mass destruction in the hands of Russia and the United States are being reduced. But technologies of mass destruction that just a few years ago were possessed only by a handful of nations, and still are possessed only by a few, are becoming more widely available. It is now theoretically possible for many countries to build missiles, to have nuclear weapons and other weapons of mass destruction. This is a new and different challenge that requires new approaches and new thinking.

During my campaign for President, I promised a wholehearted commitment to achieving a comprehensive nuclear test ban treaty. A test ban can strengthen our efforts worldwide to halt the spread of nuclear technology in weapons. Last year, the Congress directed that a test ban be negotiated by 1996. And it established an interim moratorium on nuclear testing while we reviewed our requirements for further tests. That moratorium on testing expires soon.

Congress said that after the moratorium expires, but before a test ban was achieved, the United States could carry out up to 15 nuclear tests to ensure the safety and reliability of our weapons. After a thorough review, my administration has determined that the nuclear weapons in the United States arsenal are safe and reliable.

Additional nuclear tests could help us prepare for a test ban and provide for some additional improvements in safety and reliability. However, the price we would pay in conducting those tests now by undercutting our own nonproliferation goals and ensuring that other nations would resume testing outweighs these benefits.

I have, therefore, decided to extend the current moratorium on United States nuclear testing at least through September of next year, as long as no other nation tests.

And I call on the other nuclear powers to do the same. If these nations will join us in observing this moratorium, we will be in the strongest possible position to negotiate a comprehensive test ban and to discourage other nations from developing their own nuclear arsenals.

If, however, this moratorium is broken by another nation, I will direct the Department of Energy to prepare to conduct additional tests while seeking approval to do so from Congress. I therefore expect the Department to maintain a capability to resume testing.

To assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, the reliability and the performance of our own weapons. We will also refocus much of the talent and resources of our nation's nuclear labs on new technologies to curb the spread of nuclear weapons and verify arms control treaties.

Beyond these significant actions, I am also taking steps to revitalize the Arms Control and Disarmament Agency, so that it can play an active role in meeting the arms control and nonproliferation challenges of this new era. I am committed to protecting our people, deterring aggression and combatting terrorism. The work of combatting proliferation of weapons of mass destruction is difficult and unending, but it is an essential part of this task. It must be done.

Americans have earned the right on this Fourth of July weekend to enjoy life, liberty and the pursuit of happiness in the new era America did so much to create. This moment of opportunity is the reward for our vigilance and sacrifice during the long years of the Cold War.

We now have the freedom to concern ourselves, not merely with survival but with prosperity for ourselves and our children. We have the strength and the stature to lead the world into a future of greater security and global growth.

Because of the changes we have made, America can now fulfill the dreams and aspirations of the patriots who made our freedom possible more than 200 years ago. We can do them no greater honor than to make the most of what these times have to offer. Working together, we will.

Have a happy and safe holiday, and thanks for listening.

APPENDIX C

[From the Washington Post, July 16, 1993]

TEST-BAN TRAP

(By Charles Krauthammer)

On July 3, President Clinton announced that the United States would no longer test nuclear weapons unless some other nation went first. The president acknowledged that "additional nuclear tests could . . . provide for some additional improvements in safety and reliability" of our nuclear stockpile. But, he argued, safety and reliability improvements are less important than getting nonnuclear nations to stay nonnuclear. And that would be jeopardized if we went ahead with testing.

In the 50-year history of the nuclear debate, this argument—a test ban in the name of nonproliferation—is quite possibly the most whimsical. Does North Korea pursue the bomb because the United States occasionally tests the safety and reliability of its arsenal underground in Nevada? In fact, as former assistant secretary of defense Frank Gaffney points out, the North Korean nuclear program reached its frantic climactic stage precisely during the current American moratorium on nuclear testing.

Is a cessation of American nuclear testing going to induce Saddam to give up his pursuit of the bomb? How exactly is this logic supposed to work? The New York Times explains. A nuclear test ban "will not assure an end to the peril of proliferation," it boldly concedes. "But it will help stigmatize nuclear weapons and mobilize support for curbing their spread."

Stigmatize nuclear weapons. What does that mean? Make nuclear weapons appear evil? First of all, nuclear weapons, when used (as ours are) for deterrence, are not evil. Second, even if they were evil, the evil nature of a weapon may dissuade some Americans from acquiring it, but it will not dissuade Saddam. In fact, as we have seen with his use of chemical weapons, for the likes of Saddam evil is an inducement.

Perhaps stigmatize means to devalue the currency of a weapon. That seems to be the idea of Bob Musil, spokesman for Physicians for Social Responsibility, a major test-ban advocate. Testing, he explains, "makes nuclear weapons look too valuable, and I think we should make nuclear weapons look as little valuable as possible. That's what is at issue."

This is nonsense on stilts. The value of nuclear weapons is inherent in their power. It has nothing to do with how the United States makes them look. No nation that covets the power conferred by nukes is going to respond to an American test ban with: "Hey, the Americans stopped testing. That must mean that nukes are not that important anymore. No need for us to have them then. Let's make plowshares."

Nonproliferation is a very good idea. But there is a problem. It is not very fair. It essentially says: Those countries that have nuclear weapons can keep them, but no one else can join the club.

Unfortunately, there is no cure for this problem. It is absurd to believe that we cure it by pretending nuclear weapons don't matter and letting ours get rusty and unreliable. Whom do we think we are fooling? Neglecting the maintenance of the arsenal either has no effect, in which case it is a sham. Or it has an effect—degrading the reliability and safety of the arsenal—in which case it is a menace. Then we don't have nonproliferation. We have denuclearization.

After all, if the safety and reliability of these weapons are allowed to degrade—how safe and reliable is any complex piece of machinery if left untested for years?—then eventually they cannot be used. This is denuclearization by other means. No need for some dramatic act of Congress. When we get to a point where we simply cannot count on our arsenal, we are effectively disarmed.

For some anti-testers, of course, that is the whole point of a test ban. For these descendants of the old Ban the Bomb and Nuclear Freeze movements, a test ban is not an end but a means. It is a beginning on the road to full nuclear disarmament. They are not so much interested in abolishing the tests as in abolishing the weapons. And the former is a means to the latter.

There are two kinds of countries with the potential to acquire nuclear weapons. First, advanced and generally friendly countries—like Germany, Japan and South Korea—that refrain from acquiring nuclear weapons in part because they trust the American nuclear umbrella to protect them. If they see us denuclearizing, their temptation to acquire their own nuclear weapons will only increase. So much for nonproliferation.

The other category of nations comprises the pariah states like North Korea—hostile, aggressive, sometimes unstable. There is something lunatic about saying that if we devalue and degrade our arsenal, nukes will then have less value for the North Koreas of the world. On the contrary. The most elementary principle of economics is that the value of a commodity increases with its scarcity. The fewer nuclear weapons reliably held by the great powers, the greater the premium—the power—conferred upon the have-not who acquires them. Imagine, for example, that our nuclear arsenal suddenly vanished. That would infinitely multiply the value of any weapon falling into the hands of Kim Jong Il.

On July 10 Bill Clinton warned North Korea that if it developed and used a nuclear weapon, North Korea would cease to exist. This is what is known as deterrence. But deterrence only works if we have a safe and reliable deterrent.

The test ban is a trap. It is advertised as a means to nonproliferation. It is not. It is, however, a means to denuclearization. And while nonproliferation is a vital American goal, denuclearization is a simple folly.

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I opposed Mr. Clinton's nuclear testing moratorium last year and his continued "no testing policy" concerns me greatly. I say this with extreme concern because as American foreign policy under the Clinton administration continues like a rudderless ship, countries like North Korea simply ignore American ideals and are becoming greater and greater threats to the free world.

Does anyone really believe that this sense of the Congress language is going to stop some despot from acquiring nuclear weapons? I don't. Has it stopped countries from testing nuclear weapons? It has not. China saw fit to conduct a test just last Fall and daily we see the belligerence of North Korea in their headlong pursuit of nuclear weapons.

Will we stand by while North Korea develops nuclear weapons to threaten South Korea or Japan? What about them selling nuclear weapons and technology to Iran, Libya, Iraq or Syria? Who will ultimately pay the price of North Korea's adventurism? The 36,000 American troops in Korea come to mind first and foremost.

A weak national defense did not win the cold war for the United States and disarmament policies are not going to prevent countries from threatening peaceful nations. The Kopetski amendment is ill advised and I urge its defeat.

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Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise against the amendment, also.

The President of the United States in deciding that he would have a moratorium in testing also required the Department of Energy to retain the infrastructure to resume testing if necessary upon 6 months' notice. I think this is adequate in the present conditions of the world.

As was stated by the previous amendment, the gentleman from New York [Mr. SOLOMON], who authored that amendment, stated the fact that the world is a very dangerous place, that the North Koreans have the capacity of making four to five nuclear weapons, probably have one or two presently already constructed, and the fact is we have the Chinese that even after the President gave the notice of the moratorium exploded a device and are capable of exploding more devices.

Mr. Chairman, I think the present moratorium as announced by the President is adequate, it certainly is keeping everything in place in case of imminent national emergency, and I think that the gentleman from Oregon should support what the President of the United States has done in his stand on this moratorium and withdraw his amendment. The gentleman will not do it, but I urge my colleagues to vote no on it.

Mr. KOPETSKI. Mr. Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Oregon [Mr. KOPETSKI] has 2½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 2½ minutes remaining.

The Chair advises that the gentleman from South Carolina [Mr. SPENCE] as a member of the committee has the right to close.

Mr. KOPETSKI. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me address a couple of the issues raised. It is the nonproliferation treaty and future agreements like the comprehensive test ban treaty that gives the United States and the international community the legal authority as we discussed under the Solomon amendment to pursue such nations as North Korea who first agree to an international agreement and then try to back out of it. These are the very kinds of agreements and legal contracts that we want nations to enter into so that we can police the world against further development of nuclear weapons.

Second, in terms of the Chinese testing, yes, they have tested. It is regrettable. The world community rose up in protest against it and as a result of that protest, the Chinese are actively participating in the conference on disarmament and have come out and publicly stated that they will support a comprehensive test ban treaty if negotiated by 1996.

Also, the fact is the United States has conducted 1,000 nuclear weapons tests through the years. Our weapons program and technological superiority is unequaled anywhere in the world. There is no second place. If we take the sophistication level of a North Korea or an India or some other emerging nuclear weapons state, they are at the 1-yard line and we are at the other end of the football field about to score.

It is that much of a gap of superiority both in numbers of weapons and sophistication level. Of course we ought to encourage the adoption of a comprehensive test ban treaty as soon as possible.

The CHAIRMAN pro tempore. Does the gentleman from South Carolina [Mr. SPENCE] have further requests for time? The gentleman has the right to close.

Mr. SPENCE. Mr. Chairman, I have only one speaker and I would like to close.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. KOPETSKI] is recognized for the balance of his time. The gentleman from South Carolina [Mr. SPENCE] elects to close.

Mr. KOPETSKI. Mr. Chairman, let me share with my colleagues a quote from a recent speech by the Arms Control and Disarmament Agency Director, Mr. Holum:

> "From the very first atomic blast at Alamagordo, mankind has been struggling to recapture the ferocious beast unleased there. Since then thousands of women and men of good will and intellect have pursued—passionately, painstakingly—the compelling mission of our age. Working together, let us rededicate ourselves to that mission: to shepherd this beast back into its cage—to bring what was unleashed in a blinding blast of heat in the New Mexico desert to a fitting end in the cool atmosphere of reason in Geneva—to ensure that the first half-century of nuclear explosions is the last."

Mr. Chairman, I beg my colleagues, this is the sense of the Congress urging our negotiators in Geneva to work with deliberate and passionate speed to adopt the comprehensive test ban treaty. I urge my colleagues to support the Kopetski amendment.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. KYL].

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] is recognized for 2½ minutes.

Mr. KYL. Mr. Chairman, the Kopetski amendment congratulates President Clinton for his stance on nuclear testing and for extending the U.S. moratorium on nuclear testing through September 1995.

Although it is simply a sense of Congress resolution, I do not think the President should be congratulated for breaking his word.

When he initially declared it President Clinton said:

> If this moratorium is broken by another nation, I will direct the DOE to prepare to conduct additional tests.

Of course, as we now know, another nation did carry out a nuclear test, China, and yet, the President did not so instruct the Department of Energy.

Mr. Chairman, it is important that the United States carry out the President's promise to ensure the safety, reliability and integrity of our nuclear force. Reliable nuclear deterrence requires nuclear testing. There are three reasons:

One, contrary to another Clinton assumption, nuclear testing is needed to assure the safety and reliability of U.S. nuclear weapons. The administration's apparent view that U.S. nuclear weapons are safe enough for now demonstrates, I believe, a cavalier attitude toward the complexity of nuclear weapons and fails to take into account past safety and reliability problems with the stockpile.

Second, contrary to an assumption by the Clinton administration, there are no other means sufficient to maintain confidence in the safety and reliability of the U.S. nuclear stockpile. Sophisticated computer modeling and simulation, conventional testing and other non-nuclear testing regimes can provide useful data but none provide a high confidence alternative to ensure the safety, reliability and effectiveness of U.S. nuclear weapons.

Finally, Mr. Chairman, contrary to the President's assumption, a comprehensive test ban treaty will not, I repeat, not strengthen efforts to halt the spread of nuclear weapons. There is no evidence that a testing moratorium or a CTBT will promote nonproliferation. The most recent affirmation of this point is another planned nuclear test by China, the second within a year, as documented by the New York Times, and discussions in France to resume nuclear testing in the near future.

Mr. Chairman, other nations will make their decisions about the utility of a nuclear option on the basis of their perceptions of their own security interests, not on the actions of the United States with respect to moratoriums on nuclear testing. I urge a no vote on the Kopetski amendment.

Mr. SABO. Mr. Chairman, I rise to express my support for the Kopetski amendment on nuclear testing. The amendment essentially duplicates the language of House Concurrent Resolution 235, a resolution I introduced earlier this year with support from Mr. KOPETSKI, the distinguished majority leader, and the distinguished chairman of the Committee on Armed Services.

Since late January, the United States has been engaged in negotiations for a comprehensive nuclear test ban [CTB] treaty. By all accounts, those talks are going very well. There is real reason to hope that the essential framework of a CTB treaty will be in place by the end of the year.

None of this would have taken place, however, without the clear and consistent support for a CTB treaty expressed by the House of Representatives over the last decade. During the last two administrations, when various objections were being placed in the way of CTB talks, this body again and again emphasized the simple fact that limits on nuclear weapons testing were in the U.S. national security interest.

That is truer today then ever before. It has become increasingly clear that the spread of nuclear weapons would constitute a major threat to our security. A comprehensive nuclear test ban treaty, along with indefinite extension of the NonProliferation Treaty, would establish an international framework for controlling this technology.

These treaties won't be the complete answer to nuclear proliferation. Countries such as Iraq and Korea, and indeed, other states, could develop nuclear technology on their own given enough time and money. However, it is important to note that the NPT has given us the framework which is being used to slow and perhaps stop the North Korean bomb. The NPT also provided the legal justification for the nuclear inspections in Iraq after the conclusion of the Gulf war.

Thus, the Non-Proliferation Treaty has been an essential tool for controlling the spread of nuclear weapons, and its extension next year will be a crucial factor in the future success of that effort.

To forge an international consensus for indefinite extension of the NPT, however, the United States needs to demonstrate its commitment to ending the arms race. Every U.S. President from Eisenhower to Carter supported negotiation of a CTB Treaty as evidence of that commitment. I am very pleased President Clinton has once again made a nuclear testing treaty a major goal of U.S. foreign policy.

The President is to be commended for his policy, and other countries must be encouraged to both abide by the existing informal moratorium on nuclear testing, and to complete a CTB treaty as soon as possible. Mr. KOPETSKI's amendment speaks to these issues, and should be supported. I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. KOPETSKI].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. KOPETSKI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 431, further proceedings on the amendment offered by the gentleman from Oregon [Mr. KOPETSKI] will be postponed.

The Chair notes that amendments numbered 8 and 11 will not be offered.

It is now in order to consider amendment No. 47 printed in part 1 of House Report 103–520.

AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REED: At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. GAO STUDY ON SALARIES PAID TO EXECUTIVES OF DEFENSE CONTRACTORS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of the top 20 executive salaries among companies with at least 75 percent of their revenues derived from contracts with the Department of Defense.

(b) MATTERS TO BE STUDIED.—The study required by subsection (a) shall address the following matters:

(1) The reasons for high executive salaries at companies that derive the majority of their revenues from government contracts and not from commercial market competition.

(2) A description of salaries of chief executive officers of the companies being studied and the amount expended by those companies for defense conversion.

(3) A comparison of the compensation for production workers under defense contracts with compensation for executives.

(4) An analysis of the types of workers under defense contracts, (i.e., production workers or executives) that are losing their jobs because of reductions in defense expenditures.

(5) An analysis of how executive pay conforms or does not conform with other cost cutting techniques used by defense contractors, such as lay-offs, mergers and acquisitions, and defense conversion.

(6) An analysis of the correlation, if any, between executive pay and defense conversion activities.

(7) A comparison of the executive salaries being studied with the salaries of top executives in other companies of similar size that do not derive at least 75 percent of their revenues from contracts with the Department of Defense.

(c) DEADLINE.—The Comptroller General shall complete the study and submit to Congress a report on the study not later than 12 months after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Rhode Island [Mr. REED] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to direct the General Accounting Office to conduct a study of

CEO compensation for defense firms that have 75 percent of their business or more with the Department of Defense. The impetus of such an amendment is what I find in my district and I think what I find throughout this country, which is that in the face of downsizing of defense contracting, there are thousands of production workers who are being laid off, there are companies which are sometimes halfheartedly trying to embrace conversion attempts, and in contrast to these dire circumstances, there are many senior executives who are receiving extraordinary compensation.

Mr. Chairman, before we go ahead and draw conclusions one way or the other, I think it is appropriate, indeed necessary, to have a report done objectively by the General Accounting Office, to look at compensation, to correlate it with complementary civilian-type companies, to look at efforts in these companies for conversion activities, to look at the effect on production workers versus the effect on the executive officers.

☐ 1700

I think it is appropriate to have such a study, to do it now, and then to draw whatever appropriate conclusions are necessary.

I understand that this is an important issue, but there are many others before the Committee of the Whole today, and in the interest of expediting consideration of this issue and moving to other issues, I yield such time as he may consume to the chairman of the committee for purposes of a colloquy.

Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Rhode Island.

Mr. REED. I thank the gentleman for yielding.

Mr. Chairman, while my preference is to statutorily require a GAO study, I also recognize your desire to speed up consideration of this bill.

Therefore, I will withdraw my amendment pending your continued willingness to write the General Accounting Office to request a study on defense CEO compensation as outlined in my amendment.

May I have the chairman's assurance that you will request this GAO study on my behalf?

Mr. MONTGOMERY. We will be glad to, yes.

Mr. REED. I thank the gentleman.

Mr. Chairman, my amendment is a straightforward amendment that all Members can fully support.

Simply stated, the Reed amendment would require the General Accounting Office to study the salaries paid to defense company executives.

The study would concentrate on defense firms which derive 75 percent of their revenue from Defense Department contracts.

In particular, the study would examine the following: What the salaries are, the reason for these salaries, how CEO pay relates to blue-collar wages, any correlation between CEO pay and defense conversion efforts, which defense workers are losing their jobs, and a comparison nondefense and defense CEO pay.

The reason for the Reed amendment is also straightforward: Making sure the taxpayer gets the most bang for their buck.

In an era of decreasing defense budgets, Congress is attempting to reorder its spending priorities while maintaining essential elements of our Nation's defense industrial base.

Regrettably, these policies have led to enormous lay-offs in many regions of the country already struggling with the recession.

However, top-level executives of these defense contractors often receive enormous salaries, while production workers fear each day may be their last day on the job.

Although executive compensation is traditionally higher than production worker salaries, defense executive pay is derived from taxpayer funded contracts, not the commercial marketplace.

Congress needs a GAO study to provide in-depth information on this issue so that we can ensure that our defense acquisition policy is cost-effective and in the Nation's best interest.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes in opposition to the amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding to me, and I simply rise to engage in a colloquy with the distinguished chairman on another matter.

Mr. Chairman, I see that funding was added to the Army missile/air defense product improvement line; however, there seems to be an omission regarding Stinger missile improvements. Is it true that the intent of the committee is that additional funding should be made available for accelerating the Stinger missile improvements and testing the Starstreak missile? It is also my understanding that it will be our intent to address these initiatives, at the appropriate funding levels, during conference with the Senate.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the chairman.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. KYL. I thank the gentleman from Mississippi.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. REED. Mr. Chairman, given the assurances of Chairman MONTGOMERY with respect to the letter that will provide for a study, I ask unanimous consent that I be permitted to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, it is now in order to consider amendment No. 58, printed in part 1 of House Report 103–520.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

In Title V, add a new section after section 534 as follows:

SEC. 535. DETAIL OF DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE, BORDER PATROL AND CUSTOMS SERVICE.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—Section 374 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) During each fiscal year, the Secretary of Defense may make Department of Defense personnel currently stationed in Europe available to assist—

"(A) at the request of the Attorney General, the Immigration and Naturalization Service and the United States Border Patrol in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

"(B) at the request of the Secretary of the Treasury, the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.".

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1994.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes in support of his amendment, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman on the amendment. It is a very important amendment, very much needed. I think it solves a couple of problems. It allows the administration to take some of the 1,700 young people who are being cashiered each week out of the military, specifically those coming back from Europe, and using them in complementary services and supporting roles with the border patrol at the United States border. Right now, we have 4,100 border patrol agents. We need at least 10,000 to regain control of our borders.

Mr. Chairman, we have a fairly large list of criminal aliens who come across regularly to rob, rape, and murder. Allowing our military people to come in and work in logistical and other supportive services for the border patrol will free up more border patrolmen for the border itself. This is a force multiplier. I think it is an excellent amendment, and I commend my friend for offering it.

Mr. TRAFICANT. Mr. Chairman, I reserve the balance of my time.

Mr. SISISKY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. SISISKY] is recognized for 5 minutes in opposition to the amendment.

Mr. SISISKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I remind the gentleman from California that with regard to these 1,700 troops discharged each week, the amendment calls for them to be taken out of Europe.

Mr. Chairman, I think this is an ill-advised amendment for essentially five reasons. First, under this amendment, only troops stationed in Europe could be assigned to work on our borders. Why should we pay to fly troops to Europe only to fly them back again? This is wasteful.

Second, this amendment erroneously assumes troops just sit around doing nothing, that they are some kind of free good. Peacetime troops, however, are in constant training. Assign them to another mission and their skills quickly erode. They are no longer qualified military forces. Enacting this amendment is the same thing as a troop cut. But on top of that, it would waste all the money spent to give these men and women military skills.

Third, if INS, Customs, and the Border Patrol lack staff, the appropriate solution is to increase their staffs, not to raid the armed forces. This should be an amendment to another bill.

Fourth, INS, Customs, and the Border Patrol all are staffed with people trained in the skills those agencies need. And those are not the skills we give our military. Tank gunnery will not be much help at JFK Airport. Except for menial chores, the military will not be of much help. And for menial chores, like inspecting boxes of cargo, these troops would be overpaid. Another waste of money.

Fifth and finally, military personnel do not have and cannot be given the power of arrest. Therefore, even if they were trained in law enforcement skills, they would not be able to contribute much. There is yet another waste of money.

In sum, Mr. Chairman, this amendment undermines military readiness, wastes the immense sums we spend to train people as soldiers, fails to give understaffed agencies the skills they need, and provides labor for menial chores at exorbitant wage rates.

Yes, we have a problem on our borders. But this amendment will not make even a dent in the problem. It will merely cost us a lot of money. I urge my colleagues to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. I thank the gentleman from Ohio for yielding this time to me.

Mr. Chairman, as the author of the Immigration Stabilization Act of 1993, I commend the gentleman from Ohio [Mr. TRAFICANT] for offering this amendment.

I recognize, as the gentleman from Virginia said, that this is not the ultimate answer, 1,700 military along the border. We need more immigration officers, well-trained; but in the meantime, unfortunately, there is no other fund to go get more people into the field to protect these borders. We are not talking here of mainly around Kennedy Airport; we are talking about around the area adjacent to San Diego, where they are coming across the border like there was no border existing. I have flown over the area by helicopter, and I have looked down at them, and they have waved back to me. And I have said to the pilot, "Do they wave all the time?" He said, "Yes, they are a very friendly group."

But the fact is that they keep coming. I have never seen so many people. I have seen more of them coming across than you do at a Rams game up at Anaheim. The fact is they come across, we need some help. Certainly the young people who are being ripped out of the military could be sent back and be of aid and help. I know the gentleman from Virginia is against reduction of any size in the military, but I cannot see any better use for our military than assigning them to help with this serious, serious problem.

Mr. TRAFICANT. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

I wanted to clear up some of the problems that my friend from Virginia has with this amendment. First, there are a number of areas where personnel who have military MOS's can be very helpful on the border; specifically, in transport, in radar, in sensor capability, and in a number of other areas where you have people who have an MOS of MP's—that is, military police—who do have a lot of talent and are being paid for by the taxpayers, who would be very supportive and allow people to be freed up.

With respect to the people being in Europe being sent back here, my understanding from the author of the amendment, in talking with the folks who drafted the language, these are service people currently stationed in Europe and as the gentleman knows, thousands of them are coming back to the States and being cashiered every month. So, specifically, the people in Europe who are coming back to the United States, they are not going to be flown back to Europe, therefore involving a transport problem; they are coming back to the States anyway, and when they come home and instead of being stationed out of the base in a casualty company, they are sent to the border and provide service to their country after they come back.

Mr. TRAFICANT. Mr. Chairman, might I inquire how many more speakers the gentleman has?

Mr. SISISKY. I am it.

The CHAIRMAN pro tempore. The gentleman from Virginia has the right to close. The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I yield myself such time as I may consume.

Mr. Chairman, there are over 2 million illegal entries into the United States each year.

□ 1710

The estimated total illegal population in the United States of America: 3.2 million people. After all the intervention we have, 400,000 adds illegal immigrants to our population each year. We are talking about a security issue. America's greatest and most important front is our border right now. We cannot go out and hire, and do not have the money to hire, all these Border Patrol agents; I want the Congress to understand this. There is officially now one Border Patrol agent for every 2½ miles of border. This amendment does not force the Secretary of Defense to do anything but to confer and, if necessary for national security reasons, to deploy those troops.

I say to my colleagues, Now, if you don't like it all from Europe, change it in conference. Talk about training? My God, what's more needed from our military than a secure America? And, yes, I believe we have some troops falling out of chairs without arm rests, cashing their checks from Uncle Sam, going to dinner in Frankfurt, going to the opera in Italy, and we are in an economic development program over there.

"The Cold War is over," I heard everybody say it.

Here is what the amendment says:

The Secretary of Defense, after consultation with the Attorney General, Customs, INS, Border Patrol, has, as an option, the opportunity to provide some troops. Yes, it says from Europe, and again I say to my colleagues, If you want to change that, change it, but, ladies and gentlemen, we don't have the money, and border States are going to sue us. They are laughing at us, and people are running across the border with backpacks filled with heroin and cocaine, and we have some fancy military hardware program of air interdiction.

Mr. Chairman, we need some more eyes on the border. They do not have to make arrests. They could be additional eyes helping to inspect those cargoes that come in. The posse comitatus is not violated, and this would be an act of ignorance for Congress to defeat an amendment like this, and we would have mandated it if we thought we could have got a little bit more consideration. But it starts the process of thinking what to do with our borders.

Mr. Chairman, I want an aye vote.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Virginia [Mr. SISISKY] is recognized to close debate.

Mr. SISISKY. Mr. Chairman, I am delighted that the gentleman from Ohio [Mr. TRAFICANT] has stated that he would be willing to change it in conference. The troops are from Europe.

I think we have to understand something really. The United States troops in Europe are not there for the Europeans' convenience. They are there for our convenience.

Somebody made the statement, and I do not know who, that they would just be used on the border. I say to my colleagues, "If you read the bill, the amendment, at the request of the Secretary of the Treasury the United States Customs Service and the inspection of cargo, vehicles and aircraft at points of entry into the United States."

Mr. Chairman and Members of the House, the reason that I am opposing this is not that we do not need more people on the border. The gentleman is absolutely right. We send the wrong message to Europe every time we do some of these.

The gentleman is also correct that it is just permissive. The Secretary of Defense has to prove it. That is the safety valve on it. But with that let us not send the wrong message, Mr. Chairman.

I would ask for a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 62 printed in part 1 of House Report 103–520.

AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HARMAN: Page 169, line 22, strike out "A member of the" and all that follows through "be separated." on page 169, line 25, and insert in lieu thereof the following:

A member of the armed forces who is classified as permanently nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated unless the Secretary concerned determines that the retention of permanently nonworldwide assignable service members would not adversely affect the ability of the service to carry out its mission.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from California [Ms. HARMAN] will be recognized for 5 minutes, and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to section 534 of this bill makes clear that personnel decisions on who is fit to serve should be made by the Army, the Navy, the Air Force, and the Marine Corps—not micromanaged by the U.S. Congress.

It revises language added to the bill in full committee which 10 of us, including our committee chairman, the distinguished gentleman from California [Mr. DELLUMS] believe is punitive and unfair.

Under current law, members of the armed services who have medical limitations or disabilities are retained with assignment limitations as long as they are determined to be "fit for duty."

This includes people who develop cancer, heart disease, asthma, and other progressive diseases. Ongoing retention is discretionary, based on continued "fitness for duty."

The Committee language would change current policy and build a bureaucracy to handle each specific discharge. My language would allow each service to decide whether a new policy is necessary and defer its implementation if no need exists.

My amendment is strongly supported by the Defense Department and a range of medical groups, including the American Cancer Society, the American Heart Association, the American Diabetes Association, and the Epilepsy Foundation. I think soldiers who get sick and serve well should have a chance to get well, and I urge a "yes" vote on the Harman amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DORNAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. HARMAN].

The CHAIRMAN pro tempore. The gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Chairman, I have just returned with the gentleman from Mississippi [Mr. MONTGOMERY] from a superb and very moving week-long trip through England, Italy, and the beaches of Normandy, and I had occasion on that trip to speak to four Air Force four-star generals, four Army four-star generals, three retired four-star generals and another three-star active duty general, three Navy admirals and finally the four-star Commandant of the Marine Corps. They all want the language that is in the bill to stay.

This issue has become severely politicized. When people say the Defense Department supports the language being offered by the gentlewoman from California, Mr. Chairman, they are talking about civilians at the Defense Department. The uniformed personnel, particularly the individual service chiefs, do not want hundreds of people who stuck a dirty needle in their arm against the laws of the State where they were serving, the country's national laws, and the Universal Code of Military Justice, to be jerked off an airplane, a helicopter, a ship, a sub or any armored fighting vehicle, or any gunnery range in this country, and then kick out a healthy young man or woman who is combat trainable and worldwide (permanently) assignable, and replace them with this individual who has broken the law. This to me is absolutely insane, and that is the way some of the generals expressed it to me, that political correctness in this case has gone crazy.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman from California [Mr. DORNAN] for yielding this time to me.

As chairman of the Subcommittee on Military Forces and Personnel, I am concerned about the need to ensure adequate flexibility to DOD and the Services in managing the complex personnel assignment system. With 1.6 million young men and women in uniform, this is always a daunting task, as we know.

As a result, during full committee markup, I offered a substitute amendment to the Dornan amendment which was designed to provide greater flexibility to Service manpower managers. The Dornan amendment requires the separation of servicemembers who are permanently nonworldwide assignable because of a medical condition but permits Service Secretary waiver if the condition is combat-incurred or if the servicemember has unique skills vital to national security.

My substitute amendment permits the Service Secretary to waive the required separation for any other circumstance that the Secretary considers to be for the good of the service.

☐ 1720

With this third waiver criterion, each service secretary will have considerable discretionary authority to manage personnel with assignment limitations in the best interests of that service. I believe my substitute represents a very reasonable compromise on this issue.

That is why I offered it and speak in favor of it today.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, since coming to this body, I have learned that some Members are relentless in their efforts to submit AIDS victims to unnecessary scrutiny, but I never thought anyone would go so far as to penalize victims of diabetes, cancer, and other illnesses in order to evict HIV-positive personnel from the military.

If allowed to prevail, that is just what the Dornan language will do—require automatic discharges for anyone whose medical condition prevents their deployment worldwide.

I have joined Ms. HARMAN in offering this amendment because I do not think members of the military who are diagnosed with diabetes should be thrown out of the service even though they are still perfectly capable of doing their jobs. I also don't think cancer victims who require medical treatment but are in remission should be kicked out. Yet that is exactly what will happen if we fail to pass the Harman Amendment.

Keep in mind that unless we pass this amendment, members of the military who are diagnosed with health problems that require regulation treatment at modern medical facilities will be thrown out, even if their condition has no effect on their ability to perform their jobs. Unless the committee language is amended members of the Armed Forces whose children are physically handicapped can't be deployed worldwide. Are we going to tell those people they can't serve their country because their kids are disabled? That would be crazy, but it would be the next logical step if we allow the Dornan language to remain intact. If someone is not medically fit to serve in Iceland, they will get kicked out of the military, even if they work in a clerical job in San Diego.

The Dornan language will end the careers of about 3,500 people who have done nothing wrong and are capable of continuing to serve their country effectively.

This provision was inserted in a last-minute maneuver during the committee markup despite the fact that the military services already have the power to discharge anyone they judge medically unfit for duty and the fact that the services have not asked for any additional authority in this area.

The current language in the bill discriminates against people with disabilities.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], a combat infantry officer from Vietnam and a senior member of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for the wonderful introduction, but I just showed up. I did not do anything special in Vietnam. I wanted to recognize for a second a gentleman who did, the gentleman from California [Mr. CUNNINGHAM], our Navy top gun.

Mr. Chairman, this is an argument that has a compelling force on the side of military families. Let me tell you, we are cashiering 1,700 young people a week out of uniform. What that means, if you have a HIV positive person who cannot be deployed worldwide, that means that another person is forced into that worldwide deployment and has what is known as a higher operating tempo. That may mean nothing to us, but to a military family, to the wife of a Navy pilot who talked to me about 5 days ago in my district when she said, Congressman, we are stretched so thin, that my husband is away from the family for longer and longer periods of time, it is a very important thing.

This is what one active duty Marine company commander said. In terms of readiness, the idea that HIV positive members are a tiny fraction of the force and therefore don't affect the whole, is preposterous. By not being able to rotate from our nondeploying company, my one HIV Marine kept another Marine from leaving a deploying unit.

This is a family issue, and the amendment that the gentleman from Missouri [Mr. SKELTON] put together, along with the gentleman from California [Mr. DORNAN], is an excellent amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in support of the amendment offered by my colleague from California, Ms. HARMAN. This amendment has the strong support of the Department of Defense and I believe it is the right thing to do.

While I understand the concerns of my colleague from California, I would note that only two-tenths of one percent of U.S. troops have permanent medical conditions that limit their assignability. I am concerned that the current provision in the committee bill is punitive in nature and proposes a policy based less in medical reasoning than political calculation.

Each service has long-established procedures for dealing with medical disabilities. Many members of the armed services that are not eligible for worldwide assignments continue to make substantial contributions to our national security. I believe that these personnel issues are best addressed by the Department itself, and not by congressional micro-management.

I urge my colleagues to support the Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would say this first to my colleague, the gentleman from California. In the Subcommittee on Military Forces and Personnel on which I and several of us who have testified for my amendment serve, four service personnel chiefs, commissioned officers, testified that they do not need a change in current law. In addition to that, the Undersecretary of Defense for personnel and readiness, Edwin Dorn, has sent a letter in support of my amendment, and I would just like to quote from part of it.

> The number of Service members with permanent medical conditions that restrict their assignments is small—typically around two-tenths of a percent of the active force. Although these members cannot serve at certain locations, they are experienced, qualified and able to perform their required duties. They represent a considerable investment in training and an invaluable experienced resource. We developed our personnel and assignment policies to support our national objectives while providing fair treatment to the men and women who serve our nation. Your amendment provides Service Secretaries with the needed flexibility that allows us to get the greatest contribution from each of our Service members and to continue our long and proud tradition of taking care of our own.

Mr. Chairman, once again, I urge support and passage of my amendment.

Mr. DORNAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I will yield my last 30 seconds to a company commander and squadron commander who had to deal with this.

Mr. Chairman, let me very briefly say that two of those four three-stars quoted by the gentlewoman have contradicted their very testimony to me personally. One of them has since retired. They were going against their uniformed bosses. They were responding to civilian political leadership in the Pentagon.

The language of the gentleman from Missouri [Mr. SKELTON] gives the service secretaries the ability in each individual case to do just what the gentlewoman wants. Instead, she wants a blanket vote by the service secretaries to do the bidding of a very politicized situation of the Pentagon.

Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM], a distinguished Navy ace.

Mr. CUNNINGHAM. Mr. Chairman, I was in command of the F-126 Adversary Squadron, and we were forced to take HIV positive sailors. I had two of them. Under the law, I could only report to my executive officer and the flight surgeon. I could not even let my troops know of the potential danger of that individual within the squadron.

What I did personally was to restrict that person from any deployments to like El Centro, and so on, to protect me, because I also had females in that squadron.

I also let the individual know that if he had any contact with any female, and that female was not knowledgeable, that I would press full court martial.

We do not need HIV positive in our military, Mr. Chairman.

The CHAIRMAN. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. HARMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 431, further proceedings on the amendment offered by the gentlewoman from California [Ms. HARMAN] will be postponed.

It is now in order to consider amendment No. 63 printed in part 1 of House Report No. 103-520.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . NUCLEAR COOPERATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States shall suspend any programmatic consent given under a nuclear cooperation agreement for the use of special nuclear material subject to such agreement at any facility at which accounting discrepancies and uncertainties do not permit the International Atomic Energy Agency to determine with its required level of confidence that a significant quantity of special nuclear material has not been diverted from the facility. Such suspension shall remain in effect until such time as the President determines that such discrepancies and uncertainties have been resolved and operational problems at the facility have been corrected to permit the Agency to detect a diversion of a significant quantity of special nuclear material from the facility with the required level of confidence.

(b) LIMITATION.—The suspension provided for in subsection (a) shall not be required if operation of the facility in question is voluntarily suspended until such time as the Agency is able to detect a diversion as specified in that subsection.

MODIFICATION TO AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I ask unanimous consent that the text of my modified amendment be considered in place of my original amendment, so it is a sense of Congress resolution instead of a binding resolution.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. MARKEY: At the end of Title X (page 277, after line 2), insert the following new section:

SEC. . NUCLEAR COOPERATION.

(a) IN GENERAL—It is the sense of the Congress that the President should suspend any programmatic consent given under a nuclear cooperation agreement for the use of special nuclear material subject to such agreement at any facility at which accounting discrepancies do not permit the International Atomic Energy Agency to determine with its required level of confidence that a significant quantity of special nuclear material has not been diverted from the facility. Such suspension should remain in effect until such time as the International Atomic Energy Agency determines that such discrepancies and uncertainties have been resolved and operational problems at the facility have been corrected to permit the Agency to detect a diversion of a significant quantity of special nuclear material from the facility with the required level of confidence.

(b) LIMITATION—The suspension called for in subsection (a) need not be carried out if operation of the facility in question is voluntarily suspended until such time as the Agency is able to detect a diversion as specified in that subsection.

(c) REPORTING—Not later than 90 days after enactment of this section, the President shall submit a report to the Congress which (i) describes the actions taken by the President pursuant to this section, (ii) states whether the conditions for lifting the suspension called for in subsection (a) have been met, and (iii) provides an assessment of the risks of both national and subnational diversion of special nuclear material at the facility under circumstances where such conditions have not been met. If, within such period, the conditions for lifting the suspension have not been satisfied, the President shall, every 90 days thereafter, and until such time as the conditions are satisfied, report to the Congress concerning the progress made toward achieving this objective.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that the amendment be modified?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment we have at hand is one that deals with as sensitive a subject as this Congress has to consider, and that is that pursuant to an agreement reached by the government of the United States and the Japanese government, we have been sending plutonium to Japan for use in peaceful programs. However, at a facility that began operation in 1988, at this particular point in time the Japanese government is unable to account for nine nuclear bombs' worth of plutonium, 150 pounds worth, in the facility.

This resolution calls for the President of the United States to report back to Congress as to what progress is being made to identify where that 150 pounds is.

☐ 1730

Now, I am not saying that it has been diverted to a nuclear weapons program. What I am saying is, we do not know whether it has or not.

We should be cognizant of the history. Korea was occupied by Japan up through the end of World War II. If a nuclear bomb is ever dropped by the North Koreans, God forbid it will not, the first one would be on Seoul, and the second one would be on Tokyo.

We do not know in this country whether or not the Japanese are responding to this historic threat.

Japan has always said that they saw the Korean Peninsula as a dagger pointed at the heart of Japan. With the end of the cold war, with questions being raised in Japan as to whether or not any longer they can rely upon the United States or the NATO powers to deploy forces if there was any military threat to that country, no one can give assurances that some in Japan are committed to the diversion of plutonium that could develop nuclear weapons.

This very simple sense of Congress resolution just asks that our country, pursuant to an agreement that we would reach, ensure that the International Atomic Energy Agency can verify that the plutonium inside of this facility is there and has not been diverted to bomb-making purposes.

Mr. Chairman, I urge a yes on the Markey amendment to ensure that we have not lost the nine nuclear bombs' worth of material in Japan.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition to the amendment.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself a minute and a half.

Mr. Chairman, the plutonium that the gentleman speaks about is about 70 kilograms of plutonium. It is plutonium that happens to have been held up inside a plutonium processing fuel plant at Topkai, a facility in Japan built in 1988, through which three tons of plutonium have been processed since 1988. Seventy kilograms are in the interstices of this machine, in the glove box and other places in the machine where the plutonium oxide powder has been processed. This is not plutonium that has been secreted or diverted. It is simply plutonium that is inside of the machine and has not come out of the machine so that the input is less than the output to the extent of 70 kilograms.

It is accounted for. I have a letter here from Los Alamos National Laboratory, from the Head of Nonproliferation and International Security, Howard O. Menlove.

He says, "The assumed 70 kilograms of plutonium holdup is not unaccounted for. It is accounted for. There is no discrepancy. We know where it is. Furthermore," he said, "this facility has the most effective safeguards of any plutonium facility in the IAEA safeguards."

Now, the North Koreans have said, do not look at us, look at the Japanese. They have a facility there where they have 70 kilograms of plutonium not yet accounted for.

They issued a press release to that effect on May 25.

What we would do, if we adopted this resolution, is give credence to the North Koreans' press release and to the red herring that they are trying to drag across the path of the IAEA.

This amendment should be defeated, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself one minute.

I support the Administration's efforts to ensure that nuclear materials that have been diverted in Korea are accounted for, under IAEA safeguards, by the way, historically. But I think in order for our policy to have any credibility whatsoever that it cannot apply just to our political foes but has to apply to our political friends as well.

The hypocrisy coefficient gets so high that our political enemies say, why should we abide by any international safeguards? The Japanese cannot account for these materials. The Japanese and Koreans are bitter long-term enemies.

Japan occupied Korea up through the end of World War II. If we want to have a sensible nonproliferation policy, we have to make sure that nine nuclear bombs' worth are not lost and that the Koreans are not able to point to our country and say we are going to turn a blind eye toward it, because we did at the Oserak nuclear plant in Iraq. We did at the Tarapur plant in India. And every time we did, the Pakistanis or Israelis or others who felt threatened would ratchet up their demands, their need to find nuclear materials as well.

Let us not kid ourselves.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the Markey amendment.

Let me make three points very quickly. The Markey amendment focuses nonproliferation attention on exactly the wrong targets. It focuses the attention on Japan.

We have a nuclear cooperation agreement with Japan. Japan has a nuclear safeguard agreement. The resources, the energy ought to be focused on Iraq and Iran and on North Korea and not on Japan.

Second, despite the press reports about diverted plutonium, there is no plutonium missing here. None of it has been diverted from the fuel processing facility. Hans Blix, the Director General of the IAEA, has stated that the "nuclear material in question," and I quote him, "is not missing and remains under full safeguards and is declared."

But their point is that the Markey amendment undercuts the authority of the IAEA. It undercuts the authority of international agreements. It undercuts the authority of the President of the United States.

The President already has authority at any time to suspend the United States/Japan agreement and suspend Japanese use of United States-supplied plutonium, if there is a risk of proliferation in his judgment.

This amendment should be defeated. It is opposed by the National Security Council. It is opposed by the Department of State. It is opposed by the Department of Defense.

Mr. MARKEY. Mr. Chairman, I yield myself one additional minute.

Let me tell my colleagues what this is all about. Whether it be the Carter Administration suspending their judgment on nonproliferation to sell 48 tons of uranium to India in 1980 in order to isolate the Soviet Union, whether it be our turning a blind eye to what went on in Iraq at the Oserak plant all throughout the late 1970's and all throughout the 1980's with other materials going in, whether it be Hans Blix at the IAEA, a paper tiger if there ever was one, we have consistently subordinated the long-term nonproliferation agenda of our country to the short-term diplomatic agenda of the particular Secretary of State that had the office at that time. We are about to do the same thing here again today.

Second, the letter from the Nuclear Industry of America here today, we will lose business if we do not sell plutonium to the Japanese, even if we cannot account for it. If we want to come back here and understand what the issues of the post-cold war era were, we will know that it was racism, religious resentment and nonproliferation across this planet. If we do not focus on those issues in the post-cold-war era, we are doomed to history, to have been failures in understanding what our agenda as a people should have been.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to just clarify a point or two that the gentleman made.

It appears to me that the worst fears of the gentleman from Massachusetts [Mr. MARKEY] will be realized if this House votes in favor of his amendment, because we will have legitimized North Korea's claim that they are at least as compliant as Japan is.

As I understand it, the gentleman from South Carolina [Mr. SPRATT] read a letter that indicates that our experts feel that all of the plutonium in question is accounted for. Is that not accurate?

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, that is correct. I have a letter here from Howard Menlove at Los Alamos National Lab which not only says it is accounted for but that this facility has the best safeguards.

Mr. HUNTER. Mr. Chairman, is there any way the gentleman can say that North Korea is roughly equivalent, substantively, on the area of nuclear development, or morally with respect to staying within the safeguards in the sanctions that we have developed with respect to nuclear development, or are they in any way equivalent with North Korea?

□ 1740

Mr. SPRATT. Absolutely and obviously not, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] has 30 seconds remaining, and the gentleman from South Carolina [Mr. SPRATT] has 1 minute remaining.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, nothing could be further from the truth. The way the IAEA works is accounting principles. They get to stand at one door and check as it goes in and then the back door to check if it comes out. If it does not come out, which it has not in North Korea, then there is a problem inside.

In Japan, 150 went in, nine bombs' worth; 150 has not come out, nine bombs' worth. It is inside, or it has been diverted.

The IAEA does not know and cannot certify. America loses its credibility with every other country in the world, friend and foe, if we engage in contracts with allies like Japan and then do not certify where nuclear bomb material could go that could threaten China or the Korean political situation in a way that could come back to haunt us 3 and 4 and 5 years down the line.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would strike at a Japanese facility which is one of the most modern in the world, built in 1988, more modern than ours. We have more plutonium missing at the Savannah River site than this facility cannot account for. Basically, three tons of plutonium have gone into the facility since 1988, and three tons minus 70 kilograms have gone out. Where are the 70 kilograms involved? They are not secreted away. It is in the crevices, cracks, and glove boxes of this particular facility. We have Los Alamos to tell us that. We have the IAEA to tell us that.

Mr. Chairman, there is no violation here, even though there is some uncertainty as to where all of it is. What happens if we adopt this resolution? We are telling the President of the United States, "You should stop the operation of this facility. You should tell the Japanese to return all the special nuclear materials we have given them, all the technology. That is the content, those are the provisions of our nuclear cooperation agreement."

At this point in time do we want to slap an ally like the Japanese in the face with a diplomatic gaffe like this at such a sensitive time? Do we want to lend credence to the North Koreans who say the Japanese cannot account for their plutonium when they very well can?

We do not, Mr. Chairman, and that is why we need to defeat this amendment and defeat it overwhelmingly.

Mr. MINETA. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Massachusetts.

Mr. Chairman, passage of this amendment would prove to be harmful to our economy and our international relationships.

Under the current United States-Japan and United States-Euratom agreements, our trade of nuclear materials and technologies with Japan and Europe has flourished. These relationships have resulted in thousands of U.S. jobs and billions of dollars in U.S. exports.

The effect of this amendment will be to harm the United States relationship with Japan and Europe, and to hurt United States business. I urge my colleagues to oppose this amendment.

Mr. BARLOW. Mr. Chairman, I rise in opposition to my colleague Representative MARKEY's amendment to the fiscal year 1995 National Defense Authorization Act (H.R. 4301). This amendment is unnecessary and if adopted, will damage vital foreign trade and foreign policy interests of the United States.

This amendment would require the President to suspend programmatic consent for the use of nuclear material at a foreign facility where the IAEA cannot affirmatively determine whether plutonium has been diverted from a facility. According to the IAEA, the basis for this amendment was an erroneous report that about 70 kilograms of material was missing from the Tokai plutonium fuel production facility in Japan. The IAEA has concluded that the plutonium involved was not lost but was only held up in the process areas within the plant. This plutonium was never lost and in fact, the Japanese have been very diligent in managing their operations.

The true effect of this amendment will be to stifle trade between the United States Enrichment Corporation and the Japanese nuclear power industry. This industry will lose business to tough competitors worldwide if such an amendment becomes law in the face of a perceived problem that does not exist. Does it not make sense to step back from this and not knee jerk into a bad restriction?

The adoption of this amendment would only serve to muddy the waters and disrupt a quarter of century of mutual trust and cooperation between the United States and Japan on nuclear matters. Vital United States-Japan trade will be impaired, costing thousands of United States jobs and billions of dollars of exports. The proposed amendment would effectively suspend the United States-Japan nuclear cooperation agreement. Consequently, this will diminish the U.S. role in International nonproliferation through undercutting the authority and effectiveness of the International Atomic Energy Agency [IAEA]. Further, this amendment will duplicate and undermine Presidential authority to suspend, at any time, the United States-Japan agreement and the Japanese use of United States-supplied plutonium.

The uranium enrichment business is a vital component of United States trade with Japan. Uranium enrichment services—like the gaseous diffusion plant in Paducah, KY—account for almost 6 percent of United States energy exports and almost 1 percent of all United States exports to Japan. If the amendment is adopted, we could lose a large portion of the U.S. trade balance, an estimated $600 million per year coming from the uranium enrichment business alone.

The United States has worked too hard to develop nuclear cooperation with Japan. We should not dispose of this relationship or the trust we have developed. Doing so will create a loss of American jobs, a loss we cannot afford.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to Resolution 431, further proceedings on this amendment, as modified, offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

It is now in order to consider amendment No. 67 printed in part 1 of House Report 103–520.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. SENSE OF CONGRESS AND REPORT ON READINESS OF MILITARY FORCES OF THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds the following:

(1) Under existing treaties and security arrangements between the United States and the Republic of Korea, responsibility for the defense of the territory of the Republic of Korea is allocated so that the Republic of Korea has primary responsibility for the ground defense of its territory and the United States has primary responsibility for air and sea defense of the Korean peninsula and for reinforcement.

(2) The Force Improvement Program of the Republic of Korea has not addressed critical shortfalls in its ground force capability which continue to exist even though the Republic of Korea spends approximately $12,000,000,000 annually on defense while the Democratic People's Republic of Korea spends approximately $4,000,000,000 annually on defense. The Republic of Korea has diverted substantial defense resources to procuring submarines, destroyers, advanced aircraft, and other military systems that are marginal to its primary ground defense responsibility.

(3) The defense acquisition decisions of the Republic of Korea have had the effect of not allowing the Republic of Korea to attain self-sufficiency in its ground defense responsibility. As a result, there exists an undue burden on the United States for the ground defense of the Korean peninsula.

(4) The lack of intelligence capability to forecast the military intentions of the Democratic People's Republic of Korea represents a major deficiency of the combined United States-Republic of Korea military force.

(5) A short-warning attack by the Democratic People's Republic of Korea would cause major losses to the combined United States-Republic of Korea ground force.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should urge the Republic of Korea to improve its military ground forces with emphasis on counterartillery capabilities, defense against ballistic missiles and weapons of mass destruction, combined United States-Republic of Korea logistics capabilities, combined United States-Republic of Korea medical support, and combined United States-Republic of Korea strategic and tactical intelligence capabilities.

(c) REPORT.—Not later than December 1, 1994, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report, in classified form, on—

(1) the readiness of the military forces of the Republic of Korea to defeat an attack by the military forces of the Democratic People's Republic of Korea; and

(2) the adequacy of the defense acquisition strategy of the Republic of Korea to meet its primary ground defense mission.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I have at the desk I know is an important amendment. We spent the weekend reading a number of articles about the very serious problems of North Korea. We have already had one debate and one amendment, a sense of the Congress amendment, pass or going to be voted on here shortly that has to do with sanctions for North Korea, and I cannot tell, and neither can anyone else, what the impact is going to be of sanctions on North Korean actions, what the President intends to do.

Those are the kinds of things that clearly we do not know what the result is going to be of those kinds of efforts, and whether we can avoid, ultimately avoid, and we all hope and pray we do, a confrontation with North Korea, hoping that the North Koreans will in fact begin to comply with the international agreements that they are partners to, but there is something that we clearly know ought to be done in regard to the problems with North Korea. That is that the South Koreans themselves have to begin to acquire the kind of facilities that permit them to perform their ground mission for which they have entered into agreement with the United States.

Just so we understand this as Members of the House, the agreement essentially says that the United States will be primarily responsible for the air situation in Korea. All air defense kinds of activities are going to be the role of the United States. The South Koreans are charged with ground defense. That is the primary agreement that the South Koreans entered into with us.

The problem has been that South Korea has not been deploying, acquiring nor deploying, the kinds of systems we need in order for them to do effective ground defense to the degree that we would all be comfortable with. The South Koreans have been acquiring such systems as submarines, destroyers, advanced aircraft that are really marginal to their critical mission of ground defense.

Mr. Chairman, I must tell the Members that Secretary Perry visited with the South Korean Government and expressed many of the concerns that I have in presenting this sense of the Congress resolution. Secretary Perry argued that the South Koreans needed to do things, such as acquire counterartillery capability, more defenses against ballistic missiles, more defenses against weapons of mass destruction, logistics, medical support, strategic and tactical intelligence. These are the kinds of activities that the South Koreans should be aggressively engaged in today in preparation for any result as a consequence of U.S., U.N., or world action.

This is an opportunity for the United States Congress, the United States House, to go on record urging the South Koreans to perform their ground mission, their ground defense mission, with all due diligence, and to guarantee that all the capabilities that the South Koreans should and must provide are going to be carried out.

Mr. Chairman, I think it is very important that we have a vote on this and send a strong message. Not only has Secretary Perry indicated his concern about this area of South Korean ground defense, but the statements of both Senators NUNN and RICHARD LUGAR on the Korean Peninsula indicated that the South Koreans needed to accelerate their efforts in carrying out the ground mission, and the Government Accounting Office, in a report to the Subcommittee on Readiness of the Committee on Armed Services, has indicated that they also have the same kind of concerns about the fact that the South Koreans have not acquired the kind of weapons and acquired the kind of equipment that is needed in order to carry out this very critical ground defense mission.

Mr. Chairman, if they do not acquire this kind of equipment, our people sit there, and our people are vulnerable if they do not do the kinds of things they ought to do in terms of this ground defense mission.

This is an effort to try to guarantee success with any mission, force the South Koreans to adhere to the agreements that they made with us, and also to guarantee the best chances for United States Forces.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Florida [Mr. HUTTO], chairman of the Subcommittee on Readiness of the Committee on Armed Services.

Mr. HUTTO. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. Mr. Chairman, Mr. KASICH and I have long held the view that the Republic of Korea continues to overlook the primary threat to its security by allocating critical funding to defense priorities other than to defend the South from ground attack.

This amendment gets to the heart of this issue by highlighting South Korea's spending on regional defense needs such as advanced aircraft, destroyers, and submarines when the United States has already committed to providing air and sea defense for the Korean Peninsula. The interests of the Republic of Korea would be much better served by investing in weapons that enhance its capability as primary agent for the ground defense mission. For example, the South Korean Army would greatly benefit from additional counterartillery radar, attack helicopters, and advanced antitank munitions.

The amendment also gives the Congress the information base that will be needed to assess future progress by the Republic of Korea to meet its primary responsibility for ground defense by requiring a report on South Korean defense readiness and acquisition strategy.

I ask my colleagues to support this amendment and send a signal that encourages South Korea to get their defense spending on the right track as soon as possible.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Is there a Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 431, further proceedings on the amendment offered by the gentleman from Ohio [Mr. KASICH] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 431, proceedings will resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 7 offered by the gentleman from New York [Mr. SOLOMON]; amendment No. 29 offered by the gentleman from Oregon [Mr. KOPETSKI]; amendment No. 62 offered by the gentlewoman from California [Ms. HARMAN]; amendment No. 63 offered by the gentleman from Massachusetts [Mr. MARKEY]; and amendment No. 67 offered by the gentleman from Ohio [Mr. KASICH].

AMENDMENT OFFERED BY MR. SOLOMON

The CHAIRMAN. The pending business is the demand of the gentleman from New York [Mr. SOLOMON] for a recorded vote on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON] on which further proceedings were postponed and on which the "ayes" prevailed by voice vote.

The Clerk will redesignate the amendment, as modified.

The Clerk redesignated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York [Mr. SOLOMON] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 1, not voting 23, as follows:

[Roll No. 217]

AYES—415

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble

Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Dixon

NOT VOTING—23

Becerra
Calvert
Carr
Clinger
Cooper
Coyne
Faleomavaega (AS)
Foglietta
Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar
Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten
Williams

☐ 1811

Mr. EWING, Mr. CONYERS and Mrs. MINK of Hawaii changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DIXON. Mr. Chairman, I inadvertently voted "nay" on the Solomon amendment on North Korea. I should have voted "aye."

AMENDMENT OFFERED BY MR. KOPETSKI

The CHAIRMAN. The pending business is the demand of the gentleman from Oregon [Mr. KOPETSKI] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The gentleman from Oregon [Mr. KOPETSKI] has demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that this and subsequent votes in this series will be 5 minutes each.

The vote was taken by electronic device, and there were—ayes 263, noes 156, not voting 20, as follows:

[Roll No. 218]

AYES—263

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Hoyer
Hughes
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—156

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Brooks
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson

Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoke
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Pickett
Pombo
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Becerra
Calvert
Clinger
Cooper
Faleomavaega (AS)
Foglietta
Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar
Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten

□ 1823

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Smith of Oregon against.

Mr. STENHOLM changed his vote from "aye" to "no."

Mr. WILSON changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. HARMAN

The CHAIRMAN. The pending business is the demand of the gentlewoman from California [Ms. HARMAN] for a recorded vote on which further proceedings were postponed and on which the "noes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The gentlewoman from California [Ms. HARMAN] has demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 192, not voting 20, as follows:

[Roll No. 219]

AYES—227

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Talent
Tanner
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—192

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Camp
Canady
Carr
Castle
Chapman
Clement
Coble
Coleman
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Darden
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Ford (TN)
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Lambert
Lancaster
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Becerra
Calvert
Clinger
Cooper
Faleomavaega (AS)
Foglietta
Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar
Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten

□ 1831

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Thomas of Wyoming against.

Mr. KOLBE changed his vote from "no" to "aye."

Ms. LAMBERT changed her vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the request by the gentleman from Massachusetts [Mr. MARKEY] for a recorded vote on the amendment, as modified, offered by the gentleman from Massachusetts [Mr. MARKEY], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment, as modified.

The Clerk redesignated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 349, not voting 22, as follows:

[Roll No. 220]

AYES—68

Abercrombie
Andrews (ME)
Applegate
Bentley
Bonior
Brown (OH)
Bryant
Carr
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
DeFazio
Dellums
Edwards (CA)
Evans
Filner
Fish
Flake
Frank (MA)
Furse
Gejdenson
Gonzalez
Hamburg
Hinchey
Horn
Houghton
Kasich
Kennedy
Kildee
Lewis (GA)
Maloney
Margolies-Mezvinsky
Markey
McKinney
Meehan
Minge
Moakley
Moran
Nadler
Neal (MA)
Norton (DC)
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Rush
Sanders
Schroeder
Schumer
Shepherd
Slaughter
Stark
Stokes
Studds
Torres
Towns
Underwood (GU)
Velazquez
Vento
Waters
Watt
Woolsey
Wyden
Yates

NOES—349

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manton
Manzullo
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Neal (NC)
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Unsoeld
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Becerra
Berman
Calvert
Clinger
Cooper
Dingell
Faleomavaega (AS)
Foglietta
Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar
Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten

□ 1839

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Thomas of Wyoming against.

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KASICH

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. KASICH] for a recorded vote on which further proceedings were postponed and on which the "ayes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] has demanded a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 3, not voting 22, as follows:

[Roll No. 221]

AYES—414

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey

Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—3

Gonzalez
McKinney
Nadler

NOT VOTING—22

Bateman
Becerra
Berman
Calvert
Clinger
Cooper
Faleomavaega (AS)
Foglietta
Grandy
Huffington
Jefferson
Martinez
McCurdy
Miller (CA)
Oberstar
Royce
Scott
Smith (OR)
Thomas (WY)
Tucker
Washington
Whitten

☐ 1848

Ms. SCHENK changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ROHRABACHER. Mr. Chairman, I wish to bring attention to the visionary space policy provisions in the fiscal year 1995 Department of Defense authorization bill and its accompanying report.

I am concerned about the Clinton administration's draft space policy recommendations that would diminish the Air Force's role in the development of a new reusable space transportation system. Luckily, this bill keeps Defense in the game.

In spite of past technological achievements, we have failed to provide a cheap, routine method of transporting goods to and from space. There are widely divergent views on what's to be done. However, there seems to be a consensus that reusable Single Stage To Orbit ("SSTO") launch vehicles will provide the cheapest and most reliable form of transportation.

We have reusable vehicles for traveling on land, sea, and air, and we need them for traveling to space. Scientists and engineers all over this great Nation tell me the technology is now available to build and fly a reusable SSTO rocket and that it just needs to be demonstrated.

Our Nation needs this capability, and the Air Force, NASA, and industry need to press ahead on a cooperative program of "X-vehicle" advanced technology flight demonstrators to prove what the scientists and engineers are telling us.

The Defense Department has already flown three successful test flights with the first X-vehicle SSTO demonstrator, the DC–X1, and they will finish the DC–X1 test program at the White Sands, NM, Test Range this summer.

NASA will then convert the DC–X1 to the DC–XA test bed for advanced component flight demonstrations. And the Air Force Phillips Lab at Albuquerque, NM, is ready to proceed with the development of the second, more advanced SSTO test vehicle, the SX–2.

This next major step would finish demonstrating the concept of fully reusable single stage to orbit space transportation, and it should be continued as a model of cooperation between the Air Force, NASA, and industry.

Last year Congress approved the start of the SX–2 program and funded it at $40 million. There is wide ranging support in Congress for such a common sense program as this—one that will save the country money while at the same time developing a revolutionary technology. That bipartisan support is evident once again this year, funding the SX–2 at $100 million in the Defense Authorization we are not working on. Let me note that SX–2 will be a $300 million program.

Mr. Chairman, our ability to use space for national security, civil, and commercial purposes depends on reducing the cost of getting into orbit.

We are on the verge of opening a whole new frontier in the use of space, including the new emerging market for vast constellations of low Earth orbit communications satellites such as Bill Gates is now building that will be an important part of the new information highway. A cheap, reliable, and reusable form of space transportation for the transportation infrastructure is essential to opening this new frontier.

We must continue to move ahead with this cooperative program of advanced technology flight demonstrators—X-vehicles—for fully reusable single stage to orbit space transportation, and I encourage those involved in writing the new administration space policy to maintain a strong role for the Air Force in this critical development effort and to take heed of the actions of the House on this issue as embodied in this bill and in the committee report.

Ms. FURSE. Mr. Chairman, it is a great honor for me to have worked to reauthorize the Hanford Health Information Network. I express my appreciation to the gentleman from South Carolina [Mr. SPRATT] for including $2.5 million in his chairman's mark for operation of the Network for another year. I am very hopeful that DOE will include the Network in its request for next year.

This Network was established in the National Defense Authorization Act for fiscal year 1991 to develop programs for persons who may have been exposed to radiation released from the Hanford Nuclear Reservation between 1944 and 1972. It has been extremely important to the people of the Pacific Northwest, and has given them useful information when unfortunately, for so many years, they were unknowingly exposed to dangerous toxins.

This is one of the things we can do to help restore trust in Government, and it is gratifying indeed to have had a role in enabling this vital program to continue.

After 3 years of operation, managers of the Network realized it is necessary to establish in Federal law a prohibition against client information disclosure. This information is not uniformly protected throughout the Network due to the fact that the laws concerning confidentiality of client records are different in each of the participating States.

Many persons seeking information from the Network and/or providing information about their personal or family health histories are concerned about possible disclosure of this information.

Downwinders must have their privacy protected, and they are concerned that disclosure could lead to the termination of health insurance coverage and other types of discrimination. These people and their families deserve to have the peace of mind to know that they are not going to be further victimized after they contact the Network. This legislation protects them.

I am very pleased that my colleagues have agreed to include this legislation in the National Defense Authorization Act for fiscal year 1995. It should provide necessary assurance to the people who are benefiting so greatly from the services of the Hanford Health Information Network.

Mr. MONTGOMERY. Mr. Chairman, I want to commend the chairman for offering, on behalf of Mr. PICKETT, an amendment extending to members of the Coast Guard who are leaving service the transition benefits available to members of the Armed Forces. The Secretary of Transportation will pay for the cost of this extension. I think it is sound public policy to use the framework of these existing programs to provide these valuable transition benefits, and I commend both gentlemen for their actions in making this possible. I would like to insert in the RECORD at this point an exchange of letters between myself and Chairman DELLUMS concerning one of those benefits, the Servicemembers Occupational Conversion and Training Act.

COMMITTEE ON ARMED SERVICES,
Washington, DC, May 17, 1994.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR SONNY: When the National Defense Authorization Act for Fiscal year 1995 (H.R. 4301) is considered by the House later this week, I plan to offer a number of amendments en bloc which are acceptable to the House Armed Services Committee.

One of those amendments would expand the authority contained in the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, part of Public Law 102-484, to authorize the Department of Veterans Affairs to provide job training benefits to members of the Coast Guard who are leaving service early because of reductions in force levels. The Secretary of Transportation would bear any additional cost resulting from this expansion.

Since this is a matter of interest to your committee as well as the House Armed Services Committee, I would like to have your views on this matter before I offer this amendment.

Sincerely,

RONALD V. DELLUMS,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 18, 1994.

Hon. RON DELLUMS,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I have read your letter of May 17th and reviewed the proposed change in the existing Servicemembers Occupational Conversion and Training Act which you plan to offer as an amendment to the Defense Authorization Bill this week. These are good programs we have in place, and sharing them with members of the Coast Guard at no cost to either the Department of Defense, the Department of Veterans Affairs, or the Department of Labor is sound policy.

Although this is a matter that is partly within the jurisdiction of our Committee, I will interpose no objection to its consideration by the House in the manner you indicated.

I appreciate your sensitivity to our Committee's jurisdiction.

Sincerely,

G.V. (SONNY) MONTGOMERY,
Chairman.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1850

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FIELDS of Louisiana) having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, I was in my district and absent during rollcall votes 217, 218, 219, 220, and 221. I was testifying at the Department of Interior's hearings on President Clinton's Rangeland Reform 1994 proposal in Casper, WY.

Had I been present, I would have voted the following:

On rollcall vote No. 217—Aye.
On rollcall vote No. 218—No.
On rollcall vote No. 219—No.
On rollcall vote No. 220—No.
On rollcall vote No. 221—Aye.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, during House consideration of the bill H.R. 4301, the fiscal year 1995 Department of Defense authorization legislation, my vote was not recorded on several amendments.

During consideration of this important legislation, my wife and I were attending the graduation ceremonies for our daughter, Lindy, from Stone Ridge High School.

Had I been present, I would have voted "aye" on the Soloman amendment, rollcall vote 217. I would have "aye" on the Kopetski amendment, rollcall vote 218. I would have voted "aye" on the Harman amendment, rollcall vote 219. I would have voted "no" on the Markey amendment, rollcall vote 220. I would have voted "aye" on the Kasich amendment, rollcall vote 221.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on Wednesday, June 8, 1994, I was absent and missed five recorded votes on amendments to the fiscal year 1995 Department of Defense Authorization (H.R. 4301). If I had been present, I would have voted "aye" on rollcall vote 217, "no" on rollcall vote 218, "no" on rollcall vote 219, "no" on rollcall vote 220, and "aye" on rollcall vote 221.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on action taken thus far on H.R. 4301, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4539, TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-537) on the resolution (H. Res. 447) providing for consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE WHITE HOUSE'S INSIDE OUTSIDERS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, when we vote on the FY 1995 Treasury, Postal appropriations, I will ask for the support of the body for an amendment to require financial disclosure filings by political consultants with White House passes which would cover Republican and Democratic administrations.

Let me read, if I can, from the book by Bob Woodward called "The Agenda."

> Howard Paster was in a slow burn as he listened to Greenberg . . . It was outrageous that the outside consultants were providing the president with major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the president, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. Valuable inside information and conflicts abounded. . . .

Madam Speaker, I would ask the body, Members on both sides, to support this amendment, which will say that anyone who has a White House pass now has to file financial disclosures, and this would cover all administrations, both Democrat and Republican.

Madam Speaker, when we vote on the FY 1995 Treasury Postal Appropriations bill shortly, I ask for your support for an amendment to require financial disclosure filings by political consultants with White House passes. This amendment would apply to this Administration and all future Administrations both Democrat and Republican.

The Washington Post has commended this amendment as a start. As The Post notes, political consultants with White House passes have "comparable and often greater ability to influence policy . . . indeed, they are hired by the outsiders precisely because of their presumed inside access. Yet there is no regulation of them."

Various editorials are reprinted below.

[From the Washington Post, May 31, 1994]

INS AND OUTS

Rep. Frank Wolf has pointed usefully [oped, May 23] to a weak spot in the disclosure and other rules meant to protect against conflict of interest in the conduct of government business. It involves the White House consultants who cluster around every modern president just as surely as does the White House staff. Because the consultants aren't government employees, they aren't subject to the same reporting and other such protective rules as other presidential aides. Yet they have comparable and often greater ability to influence policy. They can and frequently do represent major outside interests with business before the government even as they also represent the ultimate inside client, the president himself. Indeed, they are hired by the outsiders precisely because of their presumed inside access. Yet there is no regulation of them.

Mr. Wolf has tried to add a regulatory amendment to an appropriations bill, requiring that at least those consultants with White House passes disclose their clients. He has lost in the appropriations committee on pretty much party-line votes, and it may even be that this is not a fit subject to be dealt with by legislation. The Republican congressman is nonetheless right about the problem, which, to his credit, he also raised in the Bush administration. The question is what to do about it.

There are people on the periphery of every administration who have close ties and easy access to the president and White House staff while representing outside interests. Surely not every such outsider, every private friend or confidant of the president needs to make formal disclosure. Where and how do you draw the line? Mr. Wolf would extend the requirement to those with White House passes, in part because that's a pretty good indicator of continuing stafflike participation and influence (though hardly perfect) and in part because it's as far as the appropriations process allows him to reach; no appropriated funds shall be used to issue passes to people who fail to disclose their outside interests, is his proposal.

But what's needed in this murky area is less a law than a policy. It ought to emanate from the president, and apply at least to his principal and paid advisers whether they have to call ahead to get into the White House or not. The president should say that in order to maintain public confidence he wants these paid advisers to disclose their outside clients and to forbear from certain conduct in the clients' behalf. There are all kinds of ways to determine who should be on the list—degree of access, roaming privileges in the White House, whether the political consultancy is close to full-time etc. Above all, the list should cover those whose advice has to do not just with the selling of policy but the making of it.

A presidential order of this kind would have the requisite cleansing effect without the difficulties inherent in writing a law that is meaningful yet doesn't overreach in what remains an area of partly private conduct. What better way for an administration that came to office saying it was determined not to do business as usual?

[From the Washington Post, May 23, 1994]

THE WHITE HOUSE'S OUTSIDE INSIDERS

(By Frank R. Wolf)

Their paid employment includes working for corporations, political candidates and even foreign political parties in Greece and South Africa. One of them even managed to snag two multimillion-dollar accounts on the North American Free Trade Agreement and health care. But you can regularly find them at 1600 Pennsylvania Ave. working for their top client, Bill Clinton.

This team, which includes James Carville, Paul Begala, Mandy Crumwald and Stan Greenberg, operates (with the approval of the White House) without the restrictions that apply to the rest of the White House staff. This policy gives them the best of both worlds—constant access and policy input with no limits or accountability on their finances or conflicts.

Last week I offered an amendment to the FY '95 Treasury appropriations bill to rein in this situation. The amendment would require that these individuals, who have more influence with the Clintons than many, if not most, senior staffers, file the same financial disclosure information required of their campaign colleague, George Stephanopoulos, for example. The amendment is simply about accountability. The recent GAO Travelgate report noted that the access that Hollywood producer and Clinton friend Harry Thomason had to the White House during the White House travel office debacle conveyed "the appearance of influence and authority . . . unrestricted access of non-government employees creates an opportunity for influence without the accountability."

No one is accusing these individuals of any wrongdoing; we are just asking them to provide the same financial information required of other senior advisers with 24-hour a day White House access passes. I was disappointed that the subcommittee failed to recognize that this issue is not a partisan maneuver, but a responsible, good government action. We are trying to make public policy to ensure public accountability for this White House and any White House in the future, whether occupied by a Democrat or a Republican.

In recent news reports on these "outside insiders," Chuck Lewis of the Center for Public Integrity has said: "You have an adjunct kind of shadow government that is exploiting a gray area. There is this yuppie arrogance: 'We're the good guys, don't bust our chops.'" Ellen Miller, the director of the Center for Responsive Politics says, "The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest." A Democratic activist identifies the bottom line: "People are buying a name and a connection."

The White House ensures that these individuals have been advised on conflict matters. But why the secrecy? Mandy Grunwald has said, "We asked for information from the White House and [Democratic National Committee] counsel about laws that governed us. . . . We found out there were very few. So we decided to make our own rules." Why not just follow the same rules as everyone else at the White House instead of making up non-binding rules in secret?

Furthermore, there may in fact be rules that do apply to this situation, and they are not "do you own thing" conflict rules. Title 18, United States Code, Section 202(a), defines the term "special Government employee" as an officer or employee of the executive or legislative branch of the United States or of the District, who is "retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days . . . temporary duties either on a full-time or intermittent basis."

Carville and friends could, in fact, be special government employees (if they work fewer than 130 days per year at the White House) or regular government employees (if they work more than 130 days). If they are regular government employees, they are not allowed to earn outside income. The White House argues that because these individuals have not been formally appointed, the rules don't apply to them, and the White House refuses to respond to inquiries regarding how many days these advisers work at the White House. Yet as the statute clearly indicates, appointment is not dispositive.

During Lloyd Cutler's previous Democratic administration, the Carter Justice Department issued a memorandum opinion for the attorney general stating that "an identifiable act of appointment may not be absolutely essential for an individual to be regarded as an officer or employee in a particular case where the parties omitted it for the purpose of avoiding the application of the conflict of interest laws."

The significant criteria cited in the Carter era memo regarding an individual's status as a special government employee or regular government employee include: Is the person's advise solicited frequently? Is it sought by one official, who may be a personal friend, or impersonally by a number of persons in the government agency that needs expert counsel? Do meetings take place during office hours? Are they conducted in the government office? The Office of Government Ethics has stated that the status of an employee depends upon "the specific facts of if, and how, the White House officially requested his services and for what purposes."

Thus far, the only guidance the White House has provided about what these four do is the following broad statement: "what ever issues on which the president, the vice president, the First Lady or members of their staffs request them to consult." Given this board portfolio, don't the American people at least have a right to know the outside interests of the "outside insiders" before they consult on "whatever"?

So far the White House has been short on the facts when Congress has asked questions about these matters. Admittedly, more information is needed to determine the actual status of these advisers. I will continue to move this issue forward in the House. As a top Democratic consultant stated in a Business Week article, "They should disclose their clients and their faces . . . that's a common-sense way to avoid potential problems in the '90s."

In addition, the status of these individuals as special government employees or regular government employees needs to be determined based on facts—facts, thus far, the White House has refused to disclose. Sunshine is the best disinfectant to clean up this problem. This amendment could very well reduce headaches for this and future administrations. Those who claim to "work hard and play by the rules," should have no problem with it.

[The Wall Street Journal, May 20, 1994]

DISCLOSURE DEFICIT

During what Bill Clinton derisively refers to as the "last 12 years" of the Reagan and Bush administration, financial disclosure for people in and around public life in Washington became an obsession. Not anymore.

We've written here recently about the disclosure deficits at the Ron Brown Commerce Department. Meanwhile, Rep. Frank Wolf, a Virginia Republican, is finding that disclosure is a stumbling block in his efforts to straighten out the administration's policy over White House passes. In particular, Mr. Wolf wants clarification about the status of four key Clinton political aides who roam inside the White House, but who chose not to join the White House staff, for whom restrictive conflict-of-interest rules apply.

Stanley Greenberg, the president's pollster, says he has "organized" his Democratic National Committee contract "so I can spend all my time working" for President Clinton.

James Carville talks constantly with the White House and frequently visits to map strategy.

Paul Begala, Mr. Carville's consulting partner, turns up at early morning White House staff meetings, polishes Clinton speeches and frequently travels with the president.

Media consultant Mandy Grunwald has spent countless hours honing the President's health care message. She also controls the DNC's $3 million health care ad budget, much of it raised from corporate sources.

White House officials have said the four work there on an "irregular basis." Each, however, has a coveted White House blue pass giving unrestricted, 24-hour-a-day access because they provide "regular services." Here's the rationale for that: Because the four provide "regular" services, they are permitted access comparable to full-time staffers, but for the purposes of the legal requirements of government service they are only "irregular" troubleshooters.

At March hearings, Patsy Thomasson, the White House's top administrator, promised Rep. Wolf that the four consultants would be "required to file all the necessary paperwork as if they were employees of the White House." For senior staffers this includes stiff financial disclosure filings. Now the White House has changed its tune.

It says Mr. Carville and company have agreed only to an FBI background check. Yet White House Counsel Lloyd Cutler agrees that an FBI check is "only one of the steps that persons must go through to get a permanent pass." So this must be a special dispensation?

Not to worry, say the Fab Four (as they're known around Capitol Hill). They're self-policing themselves by avoiding lobbying for corporations or foreign governments. "We asked for information from the White House and DNC counsel about laws that governed us," Ms. Grunwald told Business Week. "We found out there were very few. So we decided to make our own rules." Remind us again what former Reagan aide Lyn Nofziger's ethics problem was all about.

The White House says that because Ms. Grunwald and the others haven't been formally appointed, ethics rules don't apply. But in 1977, when Lloyd Cutler first served as White House Counsel, the Carter Justice Department found that an actual appointment "may not be absolutely essential for an individual to be regarded as an officer or employee" if someone is trying to avoid conflict of interest laws. The opinion listed ways to judge if an outside adviser is covered by ethics rules, including the number of times advice is sought and whether meetings take place during office hours and in a government building.

Rep. Wolf thinks it's only prudent these "off the books" advisers (among whom we would include Clinton friends and lobbyists Betsey Wright and Susan Thomases) reveal their clients and outside income. Democrats in Congress disagree. On Wednesday a House subcommittee rejected his idea on a 6-to-3 party-line vote. Rep. Wolf will try again Tuesday before the full committee.

Let's be clear: The charge here is not that Mr. Clinton's free-lance aides are committing ethical breaches. The point is that the disclosure standards, the ones established "the last 12 years," are being flouted by the Clinton people. If Ronald Reagan had parceled out key White House tasks to a small group of outside advisers and friends with no effort at public accountability on their financial activities, the uproar would have been deafening. So we'll paraphrase Mr. Reagan: Mr. Carville and the rest should be trusted to do the right thing, but it's best to verify that they are.

The White House's Inside Outsiders

"They work on whatever issues on which the President, the Vice President, the First Lady, or members of their staff request them to consult."—White House response to questions from Treasury, Postal Appropriations Committee, May 1994.

"No one is granted a permanent White House pass before a full field FBI background investigation has been completed. The time required for such investigations varies, and is often a good deal longer than 45 days. Moreover, such as investigation is only one of the steps that a person must go through to get a permanent pass. Other steps include attending training in ethics and security matters, completed financial disclosure forms, and undergoing IRS and other checks."—Lloyd Cutler in a March 18, 1994, letter to Congressman Frank Wolf.

[Note: Carville, Begala, Grunwald and Greenberg had passes before going through this process.]

In hearings before the Treasury Postal appropriations subcommittee in March, White House witness, Patsy Thomasson, stated that Carville, Begala and others would "be required to file all the necessary paperwork as if they were an employee of the White House."

"We asked for information from the White House and DNC counsel about laws that governed us . . . We found out there were very few. So we decided to make our own rules."—Mandy Grunwald, Business Week, November 15, 1993.

"I organized my DNC contract so I can spend all my time working for him [the President]."—Stanley Greenberg as quoted in Business Week, November 15, 1993.

"Begala spends hours at the White House polishing Clinton speeches. He also travels with the President to major events."—Business Week, November 15, 1993.

"On health reform, Mandy spend hours refining the language, fine-tuning the names of things, so people would get it," says White House Communications Director Mark Gearan."—*Business Week*, November 15, 1993

"Howard Paster was in a slow burn as he listened to Greenberg . . . it was outrageous that the outside consultants were providing the President with major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the president, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. *Valuable inside information and conflicts abounded* . . . .—*The Agenda: Inside the Clinton White House* by Bob Woodward, p. 247.

"The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest."—Ellen Miller, Center for Responsive Politics

"You have an adjunct kind of shadow government that is exploiting a gray area. They will do whatever they need to do to help Bill and to also remain robust in the private sector. There is this yuppie arrogance: 'We're the good guys, don't bust our chops' . . . . The DNC and its advisers have become an adjunct wing of government—with no accountability to government.—Charles Lewis, Center for Public Integrity *U.S. News & World Report*, March 28, 1994.

"If Ronald Reagan had parceled out key White House tasks to a small group of outside advisers and friends with no effort at public accountability on their financial activities, the uproar would have been deafening. So we'll paraphrase Mr. Reagan: Mr. Carville and the rest should be trusted to do the right thing, but it's best to verify that they are.—*Wall Street Journal*, May 20, 1994.

"Rep. Frank Wolf has pointed usefully to a weak spot in the disclosure and other rules meant to protect against conflict of interest in the conduct of government business. It involves the White House consultants who cluster around every modern president just as surely does the White House staff. Because the consultants aren't government employees, they aren't subject to the same reporting and other such protective rules as other presidential aides. Yet they have comparable and often greater ability to influence policy."—*The Washington Post*, Editorial of May 31, 1994.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, May 23, 1994, and today, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUMMER JOBS FOR TEENAGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, during June millions of American teenagers are finishing their school year and are looking for summer jobs to help save up for college, to buy a car, or to help their families make ends meet. It is important for Congress to do whatever it can to encourage businesses to hire these teenagers for summer jobs. Not only do jobs help keep teenagers out of trouble, but jobs give them important work experience and habits.

In the past the administration has fought for policies to promote summer jobs for teenagers, and I applaud them for their efforts to get the message out about the importance of summer jobs.

But by the same token, I am dismayed over conflicting regulatory policies that can actually discourage businesses from hiring young people.

Here is one classic example. Back in 1954, the Department of Labor promulgated a regulation called Hazardous Occupation Order 12, or H.O. 12, which prohibits teenagers from operating cardboard baler machines. That is okay to have H.O. 12, but that was in 1954. Today that same regulation is imposed when teenagers are asked to simply toss a box into a baler which is not even operating.

I am sure that in 1954 this regulation was necessary to protect the health and safety of youngsters. However, technology over the past 40 years has brought significant safety improvements. Perhaps the most important safety advancement is that modern balers cannot be engaged and operated when boxes are being loaded into the machine. Likewise, if a baler is being operated, cardboard cannot be placed into the equipment. In other words, it is like a microwave oven. If you open the door to a microwave, it stops operating. The same principle applies to modern paper balers.

I have toured a grocery store in my district which has a modern baler. I encourage my colleagues to look at one of these machines and I guarantee you will conclude that the machines are much safer than they were in 1954. However, DOL is using this regulation to go after grocery stores, both large and small with a vengeance.

Fines in excess of a quarter of a million dollars have been levied against a number of supermarket operators for situations where young workers have either tossed or placed cardboard into a nonoperating baler. This heavy-handed enforcement has been going on for several years now, despite the lack of conclusive data showing that young persons have been injured. DOL claims that violations of H.O. 12 have resulted in injuries, but cannot show that injuries were caused by paper balers rather than some other equipment. In fact, a review of 8,000 worker compensation cases involving injuries over the past 7 years conducted by the Waste Equipment Technology Association did not find a single injury involving a paper baler that meets current safety standards.

As a result of the inflexible enforcement of H.O. 12, and the massive fines levied by DOL, many grocery store owners have simply chosen not to hire teenagers in their stores, because they fear that any violation of the regulation will bring down the heavy hand of the Federal Government. This means that there are fewer summer jobs available to teenagers in grocery stores, which traditionally have been heavy employers of teenagers.

Mr. Speaker, this is an example of how Washington, DC bureaucrats are out of touch with the real world. H.O. 12 is a regulation that clearly has not kept pace with technological advancements. Unfortunately, it is still 1954 at the Labor Department, but it is 1994 for the rest of us, and young people are looking for jobs.

I encourage my colleagues who are interested to visit a grocery store in their district to see a modern baler first hand. They will reach the same conclusion that I did. A baler cannot injure a young person when it is not being operated. Then, I encourage my colleagues to join me in calling on the Labor Department to start using some common sense in their enforcement of H.O. 12.

Mr. Speaker, I would like to include in the RECORD the following copy of a new Department of Labor directive, which is an insert in the Wage and Hour Division's Field Operations Handbook. At a time when some in Congress are calling on the Department to review H.O. 12, this directive expands its jurisdiction by covering compactors as well as balers.

Apparently this expansion of the authority of H.O. 12 has been done without the benefit of the regular public notice-and-comment procedures which most regulations undergo.

FIELD OPERATIONS HANDBOOK:—12/28/93

Add the following new section to Chapter 33a:

33A12C SCRAP PAPER BALERS AND PAPER BOX COMPACTORS

Scrap paper balers are specifically identified in HO 12 as prohibited paper products machines. Paper box compactors generally perform the same function as scrap paper balers (even if they do not wrap the bale with wire or metal straps), and present the same danger of being caught in the machine during the compression process. Therefore, paper box compactors that utilize the same process of compacting and bailing as scrap paper balers (i.e., those using power-driven high pressure compression to convert loose paper or paper products into dense masses or bales) are the type of machines contemplated in the report implementing HO 12. Where such machines are used for compacting paper boxes or other paper products, HO 12 coverage will be asserted.

(NOTE.—The requirement that paper products machines must recycle paper products or remanufacture them into a furnished product for HO 12 coverage was eliminated with the amendments to HO 12 effective December 20, 1991. As of that date, the named paper products machines used to prepare paper for disposal are also covered by HO 12.)

□ 1900

ADJUSTMENT OF BUDGET RESOLUTION ALLOCATIONS AND TOTALS TO REFLECT ADDITIONAL IRS TAX ENFORCEMENT FUNDING

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under a previous order of the House, the gentleman from Minnesota [Mr. SABO] is recognized for 5 minutes.

Mr. SABO. Mr. Speaker, section 25 of the congressional budget resolution for fiscal year 1995–99 (H. Con. Res. 218) requires adjustment of the budget resolution allocations and totals to reflect additional funding above the President's request provided for Internal Revenue Service tax law enforcement. The adjustments, which are limited to $405 million per year in budget authority and outlays, are trigged when the Appropriations Committee—(or a conference committee)—reports a measure providing additional IRS funding.

The Treasury-Postal Service Appropriations Act for Fiscal Year 1995 (H.R. 4539), as reported by the Committee on Appropriations, provides $426 million in additional budget authority and $405 million in additional outlays above the President's request for IRS tax law enforcement for fiscal year 1995. Accordingly, I am submitting the following revised allocations and totals, as required by section 25 of the budget resolution. These revisions reflect upward adjustments to the allocations and totals of $405 million in both budget authority and outlays for fiscal year 1995.

Revised allocation of spending responsibility to House Appropriations Committee pursuant to section 602(a) of the Congressional Budget Act

[In millions]

	FY 1995
Discretionary action:	
Budget authority	$511,159
Outlays	540,979
Revised budget totals: (on-budget amounts only; in millions)	
Budget authority	1,238,705
Outlays	1,217,605

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes.

Mr. SWIFT. Mr. Speaker, at approximately 3:40 this morning there was an accident involving three freight trains just outside of Seneca, NE. Tragically, two crew members were killed and two others were injured. This accident in Nebraska, the accident in Smithfield, NC a few weeks ago and the accident in Mobile, AL last fall provide compelling arguments for why we need a strong and effective rail safety program.

It is fitting that today in the wake of this awful accident I am introducing at the request of the administration the Federal Railroad Safety Authorization Act of 1994. Briefly, this legislation authorizes appropriations for fiscal years 1995 through 1998 for the Federal Railroad Administration's railroad safety program.

Clearly, one of the most important functions of the Federal Railroad Administration [FRA] is ensuring that our Nation's freight and passenger trains travel safely throughout our rail system. This is no small task when you consider that there are over 297,000 miles of track and more than 1.23 million cars and locomotives. The responsibility is immense.

FRA is currently working on over 40 safety rulemaking projects and reports to Congress. Many of these projects were required by the Congress in previous rail safety authorization legislation and others are safety efforts that FRA has undertaken on its own. As such, this reauthorizing legislation does not seek extensive new enforcement powers or duties. However, the legislation does include a provision which will allow rail labor and management to jointly establish pilot projects to modify the requirements of the Hours of Service Act for up to a 2-year period.

Next week, the Subcommittee on Transportation and Hazardous Materials which I chair will hold a legislative hearing on the Federal Railroad Safety Authorization Act of 1994. At that time, the subcommittee will closely examine how well FRA is meeting its safety mission and what improvements can be made in the areas of track and bridge safety so that we can reduce if not eliminate the number of tragedies on the railroad.

For the benefit of my colleagues, I am inserting a section-by-section analysis of the Federal Railroad Safety Authorization Act of 1994 below:

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

SHORT TITLE

Section 1 provides that the Act may be cited as the "Federal Railroad Safety Authorization Act of 1994."

AUTHORIZATION OF APPROPRIATIONS

Section 2 would authorize appropriations for fiscal years 1995, 1996, 1997, and 1998, for the Federal Railroad Administration's (FRA) railroad safety program, including railroad safety research and development. The authorization levels would be $68,289,000 for fiscal year 1995 and "such sums as may be necessary" for fiscal year 1996, 1997, and 1998.

HOURS OF SERVICE PILOT PROJECT

Section 3 would permit the Secretary, under stated conditions, to approve waivers of the Hours of Service Act for the purpose of conducting consensual pilot projects to determine the potential effects on railroad safety of employing different standards than those imposed by the Act. The rigid standards of the Act, which have not been significantly changed since 1969, do not properly address safety issues related to work/sleep cycles. For example, the Act permits a safety-sensitive railroad worker to work eight hours, then rest eight hours, then work eight hours, continuously. The safety of railroad workers and the general public requires that the Secretary be granted this limited waiver authority in order to explore alternatives to the present structure. Upon receiving a joint petition from a railroad or railroads and all labor organizations representing covered service employees directly within the scope of the waiver, the Secretary would be authorized to waive, in whole or in part, compliance with the Act for up to two years after providing notice and an opportunity for comment and determining that the waiver is in the public interest and is consistent with railroad safety. Such a waiver would be capable of being extended for no more than two years. The Secretary would be required to publish in the Federal Register an explanation of each such waiver. The Secretary would also be required to submit a report to Congress explaining and analyzing the effectiveness of each pilot program approved under this section.

CONFORMING AMENDMENT TO THE HOURS OF SERVICE ACT

Section 4 would authorize the Secretary to assess a civil penalty of a person's violation of a condition of a waiver directly applicable to that person that has been granted under Section 3 of this Act.

TECHNICAL AMENDMENTS TO THE FEDERAL RAILROAD SAFETY ACT OF 1970

Section 5 would permit the Secretary, after notice and an opportunity for a hearing, to issue an order prohibiting an individual from performing safety-sensitive service if the individual is shown to be unfit for such service based on the individual's violation of one of the "Federal railroad safety laws," as that term is defined in 45 U.S.C. 441(e), other than the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. app. 1801 et seq.). At present, the Secretary is authorized to disqualify an individual only for violation of a rule, regulation, order, or standard," not for violation of a stature 45 U.S.C. 438(f). Section 5 would eliminate this anomaly. The HMTA is excluded because the Department believes its enforcement sanctions should remain consistent across the various modes of transportation to which that statute applies.

BIENNIAL REPORTING ON IMPLEMENTATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970

Section 6 would change the interval for the Secretary's report to Congress on the administration of the Federal Railroad Safety Act of 1970. The report would be required biennially, instead of annually, and would cover the preceding two calendar years, instead of the preceding one calendar year. In the biennial report, information on the two-year period involved would normally be aggregated; however, statistics on accidents and casualties, including rates, would continue to be compiled on a calendar-year basis.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today and the balance of the week on account of official business.

Mr. JEFFERSON (at the request of Mr. GEPHARDT), for today and the balance of the week on account of family business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), for today and the balance of the week on account of official business.

Mr. ROYCE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. COLLINS of Georgia) to revise and extend his remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. EWING, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COLLINS of Georgia) and to include extraneous matter:)

Mr. CALVERT.

Mr. BILIRAKIS in two instances.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. SCHUMER in two instances.

Mr. REED in three instances.

Mr. TORRES.

Mr. MAZZOLI.

Mr. CLYBURN.

Mr. HOYER.

Mr. VENTO.

Mr. KLEIN in seven instances.

Ms. SHEPHERD.

Mr. MCDERMOTT.

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. RAMSTAD in two instances.

Mr. KING.

Mr. CASTLE.

Mr. RIDGE.

Mr. HUNTER.

Mr. TAYLOR of North Carolina.

Mr. BEREUTER in three instances.

Mr. FIELDS OF Texas.

Mr. SAM JOHNSON of Texas in two instances.

Mr. GUNDERSON.

Mr. GINGRICH.

Mr. ROTH.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MATSUI in five instances.

Mr. TRAFICANT.

Mr. DELUGO.

Mr. KILDEE.

Mr. HINCHEY.

Mr. MOAKLEY in two instances.

Mr. LANTOS.

Mr. HAMILTON in three instances.

Mr. FORD of Michigan in two instances.

Mr. CLYBURN.

Mr. STOKES.

Mr. VISCLOSKY in four instances.

Mr. RICHARDSON in two instances.

Mr. STARK in two instances.

Mr. MANN.

Mr. WAXMAN.

Mr. ACKERMAN.

Ms. FURSE.

Mr. DIXON.

ADJOURNMENT

Mr. EWING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Thursday, June 9, 1994, at 10 a.m.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely,

without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable RON LEWIS, 2d District Kentucky.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3274. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the National Defense Authorization Act for fiscal year 1991 to create a $10 million threshold for the Office of Management and Budget review of residual value settlement agreements, pursuant to 31 U.S.C. 1110.

3275. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize Servicemen's Group Life Insurance for certain members of the retired reserve of the retired reserve of a uniformed service, pursuant to 31 U.S.C. 1110; to the Committee on Veterans' Affairs.

3276. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to provide authority to collect license fees to cover the cost of the program; to the Committee on Agriculture.

3277. A communication from the President of the United States, transmitting his request for fiscal year 1994 supplemental appropriations for the Department of Housing and Urban Development and Transportation, the Federal Emergency Management Agency and the Small Business Administration, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-269); to the Committee on Appropriations and ordered to be printed.

3278. A communication from the President of the United States, transmitting an amendment to the fiscal year 1995 appropriations request for the Department of Energy, pursuant to 31 U.S.C. 1107; to the Committee on Appropriations and ordered to be printed.

3279. A letter from the Comptroller General, the General Accounting Office, transmitting the status of budget authority that was proposed for rescission by the President in his fifth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685 (H. Doc. No. 103-267); to the Committee on Appropriations and ordered to be printed.

3280. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3281. A letter from the Director, Contracts, Department of the Navy, transmitting a copy of the Department's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract to the University of California at Berkeley, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

3282. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 2192 of title 10, United States Code, to authorize the Secretary of Defense to limit Department of Defense science, mathematics, and engineering education programs to United States citizens and nationals; to the Committee on Armed Services.

3283. A letter from the Secretary of Health and Human Services, transmitting the 14th annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

3284. A letter from the Chairman, Commission on the Future of Worker-Management Relations, transmitting a copy of the fact finding report of the Commission on the Future of Worker-Management Relations; to the Committee on Education and Labor.

3285. A letter from the Chief Staff Counsel, the U.S. Court of Appeals for the District of Columbia Circuit, transmitting a copy of a recently issued opinion; to the Committee on Energy and Commerce.

3286. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 17-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3287. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 18-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3288. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Coordination Council for North American Affairs (Transmittal No. 16-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3289. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 19-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3290. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Mexico (Transmittal No. OTC-16-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3291. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the proposed removal of items on the U.S. munitions list no longer warranting export controls, pursuant to 22 U.S.C. 2778(f); to the Committee on Foreign Affairs.

3292. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance with its December 1988 commitments, pursuant to Public Law 101-246, section 804(b) (104 Stat. 78); to the Committee on Foreign Affairs.

3293. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 103-268); to the Committee on Foreign Affairs and ordered to be printed.

3294. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3295. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of S. 636, pursuant to Public Law 101-508, 1310(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3296. A letter from the Secretary, Department of Agriculture; transmitting the semiannual report of the inspector general for the period October 1, 1993 through March 31, 1994, pursuant to Public Law 95-452, section 5(b)(102 Stat. 2526); to the Committee on Government Operations.

3297. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3298. A letter from the Secretary, Department of Energy, transmitting the semiannual report of the Office of Inspector General covering the period October 1, 1993 through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3299. A letter from the Secretary, Department of Health and Human Services; transmitting the semiannual report of the inspector general for the period October 1, 1993 through March 31, 1994 and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3300. A letter from the Secretary, Department of the Interior, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1993, through March 31, 1994, together with the Secretary's report on audit follow-up for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3301. A letter from the Secretary, Department of Labor; transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3302. A letter from the Board of Directors, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, and the management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3303. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3304. A letter from the Secretary, Department of Education, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3305. A letter from the Secretary, Department of Education, transmitting the semiannual report to Congress on audit followup, covering the period from October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3306. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general for the period October 1, 1993, through March 31, 1994 and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3307. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3308. A letter from the Chairman and Chief, Farm Credit Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3309. A letter from the Board, Federal Housing Finance Board, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3310. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3311. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

3312. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's semiannual report on activities of the inspector general for the period ending March 31, 1993, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3313. A letter from the Administrator, General Services Administration, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3314. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3315. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3316. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3317. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on activities of the inspector general for the period ending October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3318. A letter from the Chairman, National Science Foundation, transmitting the semiannual report on activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3319. A letter from the Business Manager, Norfolk Naval Shipyard Co-Operative Association, transmitting the annual pension plan report for the plan year ending December 31, 1992, for the Norfolk Naval Shipyard Co-Operative Association, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3320. A letter from the Acting Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3321. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period ending March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3322. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3323. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3324. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the semiannual report on audit management and resolution and the semiannual report on activities of the inspector general covering the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3325. A letter from the Director, U.S. Information Agency, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3326. A letter from the Deputy Associate Director for Compliance, Department of the Interior transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3327. A letter from the Secretary, Department of the Interior, transmitting the 1993 section 8 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Natural Resources.

3328. A letter from the Treasurer General, National Society Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 28, 1994, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

3329. A letter from the Chief Staff Counsel, The U.S. Court of Appeals for the District of Columbia Circuit, transmitting a copy of a recently issued opinion; to the Committee on the Judiciary.

3330. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to change the census date for the 2000 decennial census and subsequent censuses; to the Committee on Post Office and Civil Service.

3331. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to provide the Secretary of Commerce with the authority to share the address lists of the Bureau of the Census with the U.S. Postal Service and Federal, State, and local officials when it is required for the efficient and economical conduct of censuses and surveys; to the Committee on Post Office and Civil Service.

3332. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(d)(1) (H. Doc. No. 103–265); to the Committee on Ways and Means and ordered to be printed.

3333. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(d)(1) (H. Doc. No. 103–266); to the Committee on Ways and Means and ordered to be printed.

3334. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the report "Medicare and the American Health Care System"; to the Committee on Ways and Means.

3335. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend and extend the authorization of appropriations for the Family Support Center Program under the Stewart B. McKinney Homeless Assistance Act, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

3336. A letter from the Secretary, Department of Energy, transmitting a report on the condition and status of university research and training and reactors, pursuant to Public Law 102–486, section 2203(b) (106 Stat. 3088); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3337. A letter from the Administrator, Agency for International Development, transmitting a quarterly update report on development assistance program allocations for fiscal year 1994, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

3338. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the fourth report on the subject of intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 26, 1994, the following report was filed on June 3, 1994]

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 8. A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such acts through the fiscal year 1998, with an amendment; referred to the Committee on Agriculture for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X (Rept. 103-535, Pt. 1).

[Submitted June 8, 1994]

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 3870. A bill to promote the research and development of environmental technologies; with an amendment (Rept. 103-536). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. H. Res. 447. A resolution providing for the consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the executive office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-537). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 8. Referred to the Committee on Agriculture for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS (for himself, Mr. Browder, Mr. Dellums, Mr. Gutierrez, Mr. McCloskey, Mr. Oberstar, Mr. Gonzalez, Mr. Brown of California, Mrs. Schroeder, Mr. Filner, Ms. Waters, Mr. Kennedy, Mr. Boucher, Mr. Faleomavaega, Mr. Holden, Mr. Ackerman, Mr. Hochbrueckner, Mr. Washington, Mr. Carr, Mr. Farr, Mr. Frank of Massachusetts, Mr. Cooper, Mr. Gejdenson, Mr. Sanders, Ms. Slaughter, Mr. Serrano, Mr. Kreidler, Mr. Barlow, Mr. Traficant, Mrs. Lowey, Mr. Barrett of Wisconsin, Mr. Hall of Ohio, Mr. Andrews of Maine, Mr. Kopetski, Mr. Orton, Mr. Olver, Mr. Underwood, Mr. Kleczka, Mr. Edwards of California, Mr. Markey, Mr. Johnston of Florida, Mr. Jefferson, Mr. Fingerhut, Mr. Manton, Mr. Strickland, Mr. Lancaster, Mr. Mineta, Mr. Swett, Mr. Deutsch, Mr. Bonior, Mr. Bilbray, Mrs. Unsoeld, Mr. Peterson of Florida, and Mr. Richardson):

H.R. 4540. A bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war; to the Committee on Veterans' Affairs.

By Mr. JOHNSTON of Florida (for himself and Mr. Payne of New Jersey):

H.R. 4541. A bill to authorize assistance to promote the peaceful resolution of conflicts in Africa; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mr. Evans, Mr. Gutierrez, Mr. Hochbrueckner, Mr. Montgomery, and Mr. Sanders):

H.R. 4542. A bill to provide an improved system of health-related information for Persian Gulf war veterans and to extend the availability of certain health care for Persian Gulf war veterans; to the Committee on Veterans' Affairs.

By Mr. CLYBURN:

H.R. 4543. A bill to designate the U.S. courthouse to be constructed at 907 Richland Street in Columbia, SC., as the "Matthew J. Perry, Jr. United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. de LUGO (for himself (by request) and Mr. Miller of California):

H.R. 4544. A bill to authorize the appropriations for construction projects under the covenant to establish a commonwealth of the Northern Mariana Islands in political union with the United States of America, and for other purposes; to the Committee on Natural Resources.

By Mr. SWIFT (by request):

H.R. 4545. A bill to amend the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H.R. 4546. A bill to strengthen families receiving aid to families with dependent children through education, job training, savings, and investment opportunities, and to provide States with greater flexibility in administering such aid in order to help individuals make the transition from welfare to employment and economic independence; to the Committee on Ways and Means.

By Mr. PETE GEREN of Texas:

H.R. 4547. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain educational enterprise employees from the minimum wage and overtime compensation provisions of such act; to the Committee on Education and Labor.

By Mr. McDERMOTT:

H.R. 4548. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for water conservation subsidies provided to customers by water utilities and to allow such utilities an expense deduction for such subsidies; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4549. A bill to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes; to the Committee on Government Operations.

By Mr. STEARNS (for himself, Mr. Armey, Mr. Baker of California, Mr. Crane, Mr. DeLay, Mr. Dornan, Mr. Duncan, Mr. Gekas, Mr. Gingrich, Mr. Goss, Mr. Grams, Mr. Hancock, Mr. Hastert, Mr. Hunter, Mr. Hutchinson, Mr. Hyde, Mr. Kyl, Mr. Lewis of Florida, Mr. Linder, Mr. Rohrabacher, Mr. Shays, and Mrs. Vucanovich):

H.R. 4550. A bill to provide Americans with secure, portable health insurance benefits through tax credits, medical savings accounts, and greater choice of health insurance plans without mandates, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Rules, the Judiciary, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. WHEAT (for himself and Mr. Skelton):

H.R. 4551. A bill to designate the post office building located at 301 West Lexington in Independence, MO, as the "William J. Randall Post Office"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 373. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H. Res. 448. Resolution amending the Code of Official Conduct of the Rules of the House of Representatives to require the temporary step aside of a chairman or ranking minority party member who is indicted; to the Committee on Standards of Official Conduct.

MEMORIALS

Under clause 4 of rule XXII,

404. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to health care; jointly, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROMERO-BARCELÓ introduced a bill (H.R. 4552) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Rendezvous*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mrs. MEEK of Florida, Mr. MINETA, and Mrs. MORELLA.

H.R. 68: Mr. SANDERS.

H.R. 115: Mr. NADLER.

H.R. 140: Mr. MICA, Mr. HAYES, and Mr. SISISKY.

H.R. 167: Mr. ENGEL.

H.R. 300: Mr. CANADY.

H.R. 304: Mr. COBLE.

H.R. 476: Mr. RICHARDSON.

H.R. 524: Mr. SHAYS.

H.R. 702: Mr. HOCHBRUECKNER, Mr. TRAFICANT, and Mr. RAMSTAD.

H.R. 786: Mr. BILIRAKIS.

H.R. 896: Mr. DELAY.

H.R. 911: Mr. CRAMER, Mr. CALVERT, Mr. SPRATT, and Ms. VELÁZQUEZ.

H.R. 1055: Mr. SMITH of New Jersey.

H.R. 1103: Mr. WISE.

H.R. 1277: Mr. GOSS.

H.R. 1442: Mr. REGULA, Mr. ZIMMER, and Mr. ENGEL.

H.R. 1487: Mr. PAXON.

H.R. 1532: Ms. ENGLISH of Arizona, Mr. MILLER of Florida, and Mr. COOPER.

H.R. 1595: Mr. BARRETT of Nebraska.

H.R. 1843: Mr. HUTCHINSON.

H.R. 1860: Mr. PAXON.

H.R. 1897: Mr. ACKERMAN and Mr. BORSKI.

H.R. 2053: Mr. PAXON.

H.R. 2132: Mr. MCDERMOTT.

H.R. 2199: Mr. TORKILDSEN.

H.R. 2375: Mr. RICHARDSON.

H.R. 2420: Miss COLLINS of Michigan, Mr. DARDEN, and Mr. ENGEL.

H.R. 2460: Mr. DE LA GARZA and Mr. LANCASTER.

H.R. 2603: Mr. PAYNE of Virginia.

H.R. 2672: Mr. FRANKS of Connecticut.

H.R. 2829: Ms. PELOSI, Mr. ABERCROMBIE, Mr. WASHINGTON, Mrs. THURMAN, Mr. THOMPSON, Ms. NORTON, Mr. LEWIS of Georgia, Mr. UPTON, Mr. KILDEE, Mr. GUTIERREZ, Mr. TOWNS, Ms. SLAUGHTER, and Mr. ENGEL.

H.R. 2830: Mr. LANTOS.

H.R. 2831: Ms. NORTON.

H.R. 2862: Mr. BUYER.

H.R. 2866: Mr. ZIMMER, Mr. LEVIN, and Mr. VALENTINE.

H.R. 2898: Mr. BONIOR.

H.R. 2929: Mr. COMBEST.

H.R. 3261: Mr. BLUTE and Mr. EWING.

H.R. 3269: Mr. MURPHY, Ms. WATERS, Mr. ANDREWS of Texas, Mr. WYNN, Mr. ZELIFF, Mr. COOPER, Mr. CLINGER, and Mr. BILBRAY.

H.R. 3288: Mr. UPTON.

H.R. 3293: Mr. BILIRAKIS, Mr. GILMAN, Mr. BLILEY, and Mr. TORKILDSEN.

H.R. 3434: Ms. NORTON.

H.R. 3480: Mr. ANDREWS of New Jersey, Mr. BACHUS of Alabama, Mr. BURTON of Indiana, Mr. CHAPMAN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. PETE GEREN of Texas, Mr. GOSS, Mr. HEFLEY, Mr. KNOLLENBERG, Mr. MINETA, Mr. PASTOR, Mr. SMITH of Texas, Mr. SUNDQUIST, Mr. TANNER, Mr. VOLKMER, Mr. WALKER, Mr. WASHINGTON, Mr. WISE, and Mr. YOUNG of Alaska.

H.R. 3486: Mr. LINDER, Mr. BILBRAY, Mr. QUINN, and Mr. SARPALIUS.

H.R. 3492: Mr. COLLINS of Georgia, and Mr. DARDEN.

H.R. 3630: Mr. BORSKI and Mr. FRANK of Massachusetts.

H.R. 3660: Ms. DELAURO.

H.R. 3685: Mrs. MEYERS of Kansas.

H.R. 3744: Mrs. MEYERS of Kansas.

H.R. 3765: Mrs. UNSOELD.

H.R. 3787: Mr. PAXON.

H.R. 3790: Mr. GRAMS.

H.R. 3843: Mr. KLINK.

H.R. 3844: Mr. KLINK.

H.R. 3849: Mrs. MEYERS of Kansas.

H.R. 3860: Mrs. VUCANOVICH.

H.R. 3871: Mr. EMERSON, Mr. BUNNING, Mr. RAHALL, Mrs. MEYERS of Kansas, Mr. DOOLITTLE, and Mr. SUNDQUIST.

H.R. 3895: Mr. ISTOOK.

H.R. 3900: Mr. KOPETSKI.

H.R. 3951: Mr. RICHARDSON, Mr. BISHOP, Mr. CRAPO, and Mr. CALLAHAN.

H.R. 3955: Mr. JACOBS and Mr. GILCHREST.

H.R. 3973: Mr. WYNN.

H.R. 4050: Mr. RANGEL, Mr. NEAL of Massachusetts, Mr. BLACKWELL, Mr. TOWNS, Mr. DICKS, Mr. FROST, Mr. LIPINSKI, Mr. MCCLOSKEY, Mrs. MEEK of Florida, Mr. OLVER, Mr. SCHUMER, and Mr. WATT.

H.R. 4051: Mr. ENGEL, Mr. FILNER, and Mrs. UNSOELD.

H.R. 4062: Miss COLLINS of Michigan, Mr. RUSH, Mr. GUTIERREZ, Mr. ENGEL, and Mrs. MEEK of Florida.

H.R. 4086: Mrs. MINK of Hawaii, Mr. SERRANO, Mr. FILNER, Mr. HUGHES, Mr. BECERRA, Mr. HILLIARD, Mr. OWENS, Mr. JEFFERSON, Mr. ENGEL, Mr. FROST, Ms. VELÁZQUEZ, and Mr. WYNN.

H.R. 4091: Mr. MEEHAN and Mr. BERMAN.

H.R. 4114: Mrs. MINK of Hawaii, Mr. FAZIO, Mr. GUTIERREZ, Mr. HALL of Ohio, Mrs. LOWEY, Mr. NADLER, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. SYNAR, Ms. WOOLSEY, Mr. FINGERHUT, Mr. PALLONE, Mr. GILMAN, and Mr. TRAFICANT.

H.R. 4150: Mr. FRANKS of Connecticut.

H.R. 4189: Mr. MCHUGH.

H.R. 4195: Mr. KYL, Mr. FROST, and Mr. DELLUMS.

H.R. 4211: Mr. CALVERT and Mrs. MORELLA.

H.R. 4212: Mrs. MORELLA and Mr. CALVERT.

H.R. 4215: Mr. BAKER of Louisiana.

H.R. 4237: Mr. REYNOLDS.

H.R. 4257: Mr. EMERSON.

H.R. 4288: Mr. LANTOS.

H.R. 4315: Mrs. MORELLA.

H.R. 4343: Mr. MCCOLLUM and Mr. COBLE.

H.R. 4350: Mr. LIVINGSTON.

H.R. 4361: Mrs. MORELLA.

H.R. 4371: Mr. GEJDENSON, Mr. STUPAK, Mr. PICKETT, and Mr. LANCASTER.

H.R. 4375: Mr. GENE GREEN of Texas, Mr. KREIDLER, Mr. OLVER, Mr. STOKES, and Mrs. COLLINS of Illinois.

H.R. 4386: Mr. TEJEDA, Mr. STUMP, Mr. APPLEGATE, Mr. BACHUS of Alabama, Mr. SANGMEISTER, Mr. JACOBS, and Mr. GONZALEZ.

H.R. 4399: Mr. FROST, Mr. ACKERMAN, Mr. COOPER, Mr. BARLOW, Mr. WHEAT, Mr. SWIFT, Mr. BARRETT of Wisconsin, Mrs. SCHROEDER, and Mr. MURPHY.

H.R. 4400: Mrs. MORELLA.

H.R. 4412: Mr. BEREUTER.

H.R. 4413: Mr. SCHUMER and Mr. STARK.

H.R. 4441: Mr. CANADY.

H.R. 4473: Mr. SENSENBRENNER.

H.R. 4514: Mr. MATSUI.

H.J. Res. 131: Mr. MAZZOLI.

H.J. Res. 145: Mr. GEKAS, Mr. TAYLOR of North Carolina, Mr. DOOLITTLE, and Mr. STEARNS.

H.J. Res. 209: Mr. MCKEON, Mr. BARCIA of Michigan, Mr. CARR, and Mr. GEJDENSON.

H.J. Res. 264: Ms. WOOLSEY.

H.J. Res. 289: Mr. MFUME, Mr. BONIOR, Mr. LAUGHLIN, Mr. DIXON, Mr. PARKER, Mr. RUSH, Mr. WATT, Mr. BARRETT of Wisconsin, Mr. SERRANO, Mr. SPRATT, Mr. MORAN, Mr. PALLONE, Ms. ESHOO, Mr. MANTON, Mr. HOLDEN, Mr. SARPALIUS, Mr. CLEMENT, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. MOAKLEY, Mr. KASICH, Mr. DARDEN, Mr. HUTTO, Mr. BACCHUS of Florida, Mr. CALLAHAN, Mr. KLEIN, Mr. GORDON, Mr. MANN, Mr. HOYER, Mr. GENE GREEN of Texas, Mr. RICHARDSON, Mr. CRAMER, Mr. MONTGOMERY, Mr. PAYNE of Virginia, Mr. ROWLAND, Mr. SAWYER, Mr. PICKLE, Mr. ENGEL, Mr. FILNER, and Mr. HORN.

H.J. Res. 290: Mr. KASICH, Mr. DARDEN, Mr. HUTTO, Mr. BACCHUS of Florida, Mr. CALLAHAN, Mr. KLEIN, Mr. GORDON, Mr. MANN, Mr. HOYER, Mr. GENE GREEN of Texas, Mr. RICHARDSON, Mr. CRAMER, Mr. MONTGOMERY, Mr. PAYNE of Virginia, Mr. ROWLAND, Mr. SAWYER, Mr. PICKLE, Mr. ENGEL, Mr. FILNER, Mr. HORN, Mr. MFUME, Mr. BONIOR, Mr. LAUGHLIN, Mr. DIXON, Mr. PARKER, Mr. RUSH, Mr. WATT, Mr. BARRETT of Wisconsin, Mr. SERRANO, Mr. PALLONE, Mr. SPRATT, Mr. MORAN, Ms. ESHOO, Mr. MANTON, Mr. HOLDEN, Mr. SARPALIUS, Mr. CLEMENT, Mr. GONZALEZ, Mr. NEAL of Massachusetts, and Mr. MOAKLEY.

H. J. Res. 356: Mr. LIPINSKI, Mr. MCDERMOTT, Mr. WAXMAN, and Ms. NORTON.

H.J. Res. 359: Mr. WILSON, Mr. GUTIERREZ, Mr. MARTINEZ, Mr. FLAKE, Mr. BLILEY, Ms. WOOLSEY, Mr. DE LUGO, Mr. CRAMER, Mr. RANGEL, Mr. MOAKLEY, Mr. DEUTSCH, Mr. TORKILDSEN, and Mr. GORDON.

H. Con. Res. 166: Mr. HOEKSTRA.

H. Con. Res. 223: Ms. PELOSI, Mrs. THURMAN, and Mr. EVANS.

H. Con. Res. 243: Mr. MORAN, Mr. SWETT, Mr. BARRETT of Wisconsin, Mrs. THURMAN, Mr. JEFFERSON, Mr. FOGLIETTA, and Mr. HAYES.

H. Con. Res. 247: Mr. PALLONE, Ms. ESHOO, Mr. FINGERHUT, Mr. HOKE, Mr. MOORHEAD, Mr. KENNEDY, Mr. ACKERMAN, Ms. LOWEY, and Mr. FRANK of Massachusetts.

H. Res. 255: Mr. GOODLATTE.

H. Res. 281: Mr. CHAPMAN.

H. Res. 368: Ms. NORTON and Mr. TORKILDSEN.

H. Res. 434: Mr. MANN and Mr. BARRETT of Wisconsin.

H. Res. 445: Ms. CANTWELL and Mr. INSLEE.

H. Res. 446: Ms. PRYCE of Ohio, Mr. SANTORUM, Mr. HALL of Ohio, Mr. TANNER, Mr. FALEOMAVAEGA, Mr. ROGERS, Mr. TAUZIN, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. TAYLOR of North Carolina, Mr. FIELDS of Texas, Mr. SMITH of Texas, and Mr. PETERSON of Minnesota.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3261: Mr. CLAY.

EXTENSIONS OF REMARKS

SOLOMON AMENDMENT ON MILITARY RECRUITMENT ON CAMPUS INTRODUCES A USEFUL MEASURE OF ACCOUNTABILITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. BEREUTER. Mr. Speaker, shortly before this body recessed for the Memorial Day district work session, this body approved an amendment to the defense authorization that prohibits research grants to colleges and universities who prohibit military recruiters from using their campus facilities. This Member strongly supported the amendment, and congratulates the distinguished Member from New York [Mr. SOLOMON] for raising the issue.

At the present time, military recruiting is banned at over 130 institutions of higher learning, largely in response to the Pentagon's position on homosexuals in the military. In banning military recruiters, the universities are making wholly inappropriate value judgments about the Armed Forces, and they undermine the absolutely essential efforts of the Armed Forces to recruit and retain the highest quality military force.

While a university may have the right to ban military recruiters on a matter of principle, it is also true that the U.S. Government can respond by denying the billions of dollars of defense research grants that traditionally go to these institutions. This is precisely what the Solomon amendment would have done, and in doing so, an important measure of accountability would have been introduced into the matter.

As was noted in a May 25, 1994, editorial in the Omaha World Herald:

> No one proposed to take away their freedom to weigh their options and decide what is more important—protesting the ROTC policy or being eligible for the coveted research funds. Those are the kinds of moral choices that individuals and organizations have to make all the time. No reason exists that universities shouldn't have to face the consequences of their actions.

Mr. Speaker, this Member would ask to place in the CONGRESSIONAL RECORD the Omaha World Herald editorial, entitled "If Recruiters Not Welcome, Forget the Cash." This Member would commend it to his colleagues.

[From the Omaha World Herald, May 25, 1994]

IF RECRUITERS NOT WELCOME, FORGET THE CASH

The U.S. House Tuesday advanced an amendment that, if it becomes law, should help some colleges and universities follow their principles more consistently.

It applies to institutions of higher education that won't let military recruiters use campus facilities. By a vote of 271–126, the House said that no recruiting should mean no research money from the Department of Defense.

That logical philosophy is the work of Rep. Gerald Solomon, a New York Republican. * * * Solomon said he considers it outrageous that recruiting isn't allowed on a number of campuses. Branches of the State University of New York, among others, have banned it in retaliation for a Reserve Officers Training Corps policy of not accepting gays and lesbians as ROTC cadets. SUNY administrators said the Solomon amendment would cost the system's 29 campuses about $21 million a year.

Nationwide, recruiting is banned at an estimated 130 colleges and universities. Alarm about Solomon's amendment was quick to materialize. Critics said withholding defense contracts would harm some of the nation's best universities.

But the nation's best universities will be harmed only if they let themselves be harmed. No one proposes to take away their freedom to weigh their options and decide what is more important—protesting the ROTC policy or being eligible for the coveted research funds. Those are the kinds of moral choices that individuals and organizations have to make all the time. No reason exists that universities shouldn't have to face the consequences of their actions.

The Solomon amendment, if enacted, would present logical consequences to be considered. It would also present an opportunity for colleges and universities—the opportunity to resolve the moral contradiction they create when they snub military recruiters while soaking up all the Pentagon research dollars they can get their hands on.

TRIBUTE TO MORGAN ANDREW LOMBARD GOULET

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Morgan Andrew Lombard Goulet of Troop 1 in East Greenwich, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Morgan coordinated the first major cleaning since 1935 of the Briggs Lot Cemetery in Warwick, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Morgan Andrew Lombard Goulet. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Morgan Andrew Lombard Goulet will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

MISSISSIPPI RIVER STEWARDSHIP MONTH

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. RAMSTAD. Mr. Speaker, on June 1, Minnesota Governor Arne Carlson proclaimed the month of June to be "Mississippi River Stewardship Month." I rise today to join Governor Carlson in support of this important project.

The Mississippi River, an integral part of Minnesota and our national history, begins as a small stream in northern Minnesota and flows 650 miles through our State. The river travels a total of 2,400 miles, through 10 States, until it drains into the Gulf of Mexico. This mighty river is significant not only to the cities within my home State, but also to many other cities within our great Nation.

The Mississippi is significant not only for commerce, but also for its intrinsic beauty. Families throughout history have enjoyed its scenic and recreational value. As one who has often enjoyed the benefits of this river, I would like to encourage others along the river to join with Minnesota in cleaning up and preserving the riverfront areas.

On Tuesday, June 14, Minnesota residents are participating in a river cleanup rally. Many local groups have already pledged to adopt a section of the riverbank. Thus far, groups have adopted nearly 700 miles of shore.

Mr. Speaker, I heartily applaud the efforts of Minnesotans to clean up the Mississippi River, and I wholeheartedly encourage other States to join us on this mission to keep the Mississippi River clean, healthy, and preserved for future generations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATIONS TO HARBORITES CROATION FRATERNAL UNION LODGE 856

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Harborites Croation Fraternal Union Lodge 856 on the joyous occasion of its 100th anniversary and 50-year membership banquet.

This year the Croation Fraternal Union 856 will hold this event at Knights of Columbus Hall in East Chicago, IN. This eventful day will be celebrated with a dinner at Knights of Columbus Hall, with entertainment provided by the very popular tamburizata combo from Chicago known as Slanina Tamburitza orchestra.

Traditionally, the anniversary ceremony includes a recognition of those who have achieved 50 years of membership. Honorees who have pledged faithfully for 50 years will be honored on June 26, 1994. They include: Richard Bartolac, Caroline Cacich, Mary Kaminski, John Kresich, Edward Pavlecich, Walter Perko, Elizabeth Rardin, Frances Rubick, Mary Seremet, Joseph Simatovich, Mary Starr, John Zafran, Mary Benkovich, Josephine Boniecki, Magdalene Carter, Ann Felix, Margarita Ispas, Evelyn Kapetanovic, Vincent Kirrin, Marquerite Machalk, Lillian Mestrovich, Victoria Misik, Rose Polis, Joe Rybicki, Angelina Seremet, John Simatovich, Joseph Spolarich, and Stella Tonkovich.

I am honored to commend every member for their commitment and dedication they have displayed toward the Croation Fraternal Union Lodge Number 856. It is my sincere hope that this 100th anniversary and 50-year membership banquet prove to be a momentous occasion for the members of the Harborites Croation Fraternal Union Lodge No. 856.

SALUTE TO ARTHUR F. VAN COURT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MATSUI. Mr. Speaker, I rise today to salute Arthur F. Van Court, who is retiring from 19 years of successful public service as U.S. marshal in the eastern district of California. On March 25, 1994, many of Mr. Van Court's family, friends and colleagues will gather to honor his distinguished career.

Mr. Van Court began a professional career in law enforcement after serving for 3 years in the U.S. Navy. In 1947, he joined the Los Angeles Police Department, where he served until 1967 in accident investigation, patrol, narcotics, surveillance, burglary, and dignitary protection.

His experience with the LAPD garnered him a sterling reputation which did not go unnoticed by California politicos. In 1964, Mr. Van Court was asked to create and administer a security program for Barry Goldwater, who at the time was running for the U.S. Senate. Word of his outstanding efforts for Senator Goldwater reached Ronald Reagan, who was campaigning for Governor of California. In 1966, Mr. Van Court joined Mr. Reagan's campaign and later served as the liaison between the Governor's office and the LAPD once Reagan was elected. His duties with the Governor's office grew to encompass the organization and administration of all of Governor Reagan's personal security, as well as the performance of security checks on gubernatorial appointments and the service of liaison with law enforcement officials in locations where Governor Reagan visited.

In 1970, Mr. Van Court began his career with the U.S. Marshals Service with an appointment from President Richard Nixon. He was appointed U.S. marshal by President Ronald Reagan in 1982 and was again appointed by President George Bush. In the years he has served as marshal, Mr. Van Court has done an exemplary job of carrying out the many duties of his position, including providing security to the Federal judiciary, transporting Federal prisoners to court and penitentiaries and assisting local officials with narcotics enforcement. I applaud the fine job he and his 75-member team have done in this district of approximately 5 million people.

Mr. Speaker, it is with great pleasure that I rise to recognize Arthur Van Court for his commitment to the eastern district of California. I ask my colleagues to join me in congratulating him and wishing him happiness and success in all of his future endeavors.

WASHINGTON REPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 1, 1994, into the CONGRESSIONAL RECORD.

A BALANCED BUDGET AMENDMENT

In March, the House considered several versions of a balanced budget constitutional amendment (BBA). None received the two-thirds vote necessary to adopt a constitutional amendment. The version getting the most votes would have required the President to propose a balanced budget each year, and, although Congress could change the President's priorities, it would take a ⅗ vote of both the House and Senate to pass an unbalanced budget.

RESERVATIONS

Congress has considered a balanced budget amendment on several occasions, and while I support a carefully written amendment, I do have several concerns.

First, a BBA could reduce the flexibility of policymakers to deal with national emergencies, and could have the effect of worsening recessions by requiring Congress to cut spending or raise taxes during an economic downturn. Because the deficit automatically widens during a downturn, a BBA could turn a minor downturn into a serious recession.

Second, a BBA could enshrine in the Constitution the principle of minority rule. Many of the BBAs considered by the House include a supermajority provision where a three-fifths vote of the total membership of the House and Senate could vote to approve an unbalanced budget, an arrangement that would greatly increase the power of minority blocs in Congress.

Third, a BBA delays action. Even if approved by Congress, it would still require approval by the States, which could take several years. Furthermore, a BBA would not, on its own, balance the budget, leaving that to future decisions by Congress. So the politically difficult decisions on tough cuts or raising taxes are put off to another day.

Fourth, a BBA could lead to involvement of the courts in budget policy issues, deciding whether the provisions are being met and what action to take if they are not. The slow, complex judicial process does not mesh well with economic policy which needs to be flexible to respond to changing conditions.

Fifth, Congress and the President could try to evade its requirements—through basing budgets on unrealistic scenarios, putting spending "off-budget", and using mandates or regulations to shift costs, for example, requiring states or private businesses to pay for more health care coverage.

Finally, most proposed BBAs do not distinguish between spending for general operating expenses and spending for capital investments (such as investments in research, education, and infrastructure). I believe that borrowing for long-term investments to increase economic growth can make sense and should not be subject to balanced budget requirements.

REASONS FOR SUPPORTING

Despite these concerns, I did, for several reasons, vote for a balanced budget amendment.

First, Congress has tried many different approaches to bring down the deficit, including deficit limits, tax increases, caps on domestic spending, cuts in spending, and pay-as-you-go requirements for new spending. While the deficits have come down and certain areas of spending have been curtailed, the deficits are expected to increase at the turn of the century.

Second, I see no evidence that there is anything else on the horizon that will work to bring the budget back into balance. It is often said that all we need is strong presidential leadership and political will to make the tough choices. Yet no President since Carter has submitted a balanced budget. Deficit spending has become an intractable problem. A fundamental change is needed.

Third, large deficits are no longer just a matter of fiscal policy but increasingly a factor in our nation's economic security, and thus are a legitimate area for constitutional amendment. They drain our national savings and lead to stagnant productivity growth and income growth. They make it difficult if not impossible for policymakers to respond to new pressing needs or to make important longterm investments in the future.

Fourth, a BBA would put the moral force of the Constitution behind fiscal restraint. It would not be an ironclad guarantee that no deficit spending would ever occur, but it would force Congress and the President to better set priorities and to make the tough choices that would bring and keep the budget in line.

Fifth, BBAs have worked reasonably well for the states. Comparison with the states should not be pressed too hard, since only the national government has responsibilities for the overall performance of the nation's economy and its security. But generally it appears that, although the states can play games to evade balanced budget requirements, they cannot do so over several years.

The provisions eventually bite and force them to make the tough decisions. In addition, the experience of the states is that the balanced budget requirements have not led to endless disputes in the courts or to the courts taking over fiscal policy.

DIFFERENT VERSIONS

Four versions of a BBA were considered by the House, each with its pluses and minuses. My main concern about the version getting the most votes was its inflexibility; it would constrain Congress' ability to respond to national emergencies, such as war or a recession. 40% of the Members plus one in either the House or Senate could block efforts to respond to the emergency, and that could make legislative gridlock, already a problem in Congress, more likely.

I voted for another version, which addressed some of my concerns while also establishing budget discipline around a meaningful deficit benchmark. This amendment did not contain supermajority provisions but instead specifies the exact circumstances in which the requirement for budget balance could be waived by a majority vote—in event of war, a serious military threat, or recession. While requiring a balanced operating budget, this amendment established a separate capital budget, avoiding a bias against public investments that sustain economic growth and provide long-term economic returns. This amendment also explicitly excluded Social Security, protecting beneficiaries from cuts in benefits in order to balance the budget. This version, I felt, better balanced the need for tough enforcement of spending restraint with the flexibility that is critical in order to respond to military threats and recession.

CONCLUSION

A balanced budget amendment is no panacea for our nation's fiscal ills. But persistent deficits and the fiscal burdens we are placing on future generations make a case for one. A carefully drawn amendment is a gamble, but a gamble worth taking.

SAM BROWN'S OWN CUTTING WORDS DISQUALIFY HIM FOR OVERSEAS POST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 27, 1994, edition of the Omaha World-Herald which editorializes the legitimate reasons for opposing the appointment of Sam Brown, Jr. as the U.S. representative to the Conference on Security and Cooperation in Europe [CSCE]. While Mr. Brown certainly may be appointed by the President as a representative to the CSCE without ambassadorial rank, the President should reconsider appointing him. There may be places where Mr. Brown can serve the administration, but his background and his own statements indicate that he should not be involved in U.S. security, foreign affairs or intelligence matters.

SAM BROWN'S OWN CUTTING WORDS DISQUALIFY HIM FOR OVERSEAS POST

Sam Brown Jr. disqualified himself for a sensitive position in the federal government with his past expressions of contempt for U.S. military leaders and intelligence services.

The Council Bluffs native, who led antiwar protests in the 1960s and headed the Peace Corps under President Jimmy Carter, came under heavy criticism in the Senate this week. A filibuster stalled his nomination to be the U.S. ambassador to the Conference on Security and Cooperation in Europe.

President Clinton named Brown to be the U.S. representative to the Vienna-based organization, which among other things deals with arms control, military cooperation, conflict-avoidance and human rights questions. The appointment itself is not subject to senatorial approval—only the matter of ambassadorial rank.

Brown's opponents tied up the nomination in the Senate Tuesday and Wednesday, saying that the nominee's past statements and activities made him a poor choice. The debate raised serious questions about his fitness for the position.

One of the most damning indictments of Brown came from Sen. Bob Kerrey, who referred to a 1977 interview Brown gave Penthouse magazine. The magazine quoted Brown as saying, "I take second place to no one in my hatred of intelligence organizations."

Kerrey added that Brown had also "said some things in the early 1970s not just against the Vietnam War, but that those who participated in it were criminals."

Does the conclusion that Brown is unsuitable to be an ambassador mean that everyone who protested the war should be forever banned from positions of responsibility in the government?

Of course not. Part of the healing process that has taken place in recent years has been a growing acceptance of the idea that it was possible to protest the war and still be a patriotic American. There is and ought to remain room in the nation's leadership ranks for people who made known their concerns about the war in a responsible manner.

But a point exists beyond which burned bridges are hard to rebuild. Some statements are so strong, so cutting, that they can hardly be taken back. Brown's statements about Vietnam veterans and intelligence agencies may well fall into that category.

If as recently as the 1970s he still believed what he said about people who fought in Vietnam, what has changed that would now make it possible for him to objectively decide matters affecting the military? And if as recently as 1977 he considered intelligence agencies objects of loathing, what now allows him to accept in good conscience a position in which he would have to rely on information from—and perhaps even supervise—intelligence operations?

If Brown has retracted those statements, the White House should have informed the Senate when it asked for approval of the nomination. But if he still holds the statements to be true, his judgment is open to serious question. And so is the judgment of the president who apparently considers him ambassadorial material.

TRIBUTE TO ROBERT F. BROWN III

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Robert F. Brown III of Troop 15 in Pawtucket, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Robert removed debris, planted flowers and did general maintenance of the Pawtucket public tennis courts.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Robert F. Brown III. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Robert F. Brown III will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

SAFE BOATING WEEK

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. RAMSTAD. Mr. Speaker, I rise today to commend and thank the Minnetonka Power Squadron for its sponsorship of Safe Boating Week, which is June 5–11, 1994.

I also want to highly commend the Minnetonka Power Squadron's continuing efforts to make this much loved summertime activity a safe one as well.

The great State of Minnesota is known worldwide for our thousands of beautiful lakes. Each year, after the long winter months, millions of Minnesotans flock to these lakes to fish, water ski, canoe, or just beat the heat. In the rush to enjoy these activities, however, we must never forget the importance of boating safety.

After all, carelessness or recklessness in boating can cause property damage and, even worse, result in serious injury or death.

During Safe Boating Week, the Minnetonka Power Squadron conducts many events, classes, and public awareness activities to promote the importance of boating safety.

This yearly reminder of safe, proper boating techniques, and simple precautions—such as carrying life preservers—should be observed by all boaters throughout the boating season.

Mr. Speaker, it is my hope that all boaters—in Minnesota and across the country—will take the time to review safe boating precautions and exercise these practices all season long. I thank and applaud the Minnetonka Power Squadron for showing us how to enjoy boating safely.

FIRST ANNUAL JUBILEE CELEBRATION OF BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to call your attention to the Bethel African Methodist Episcopal [AME] Church in Hammond, IN. The members of the Bethel AME Church celebrated their First Annual Jubilee Celebration on Sunday, May 29, 1994.

The festivities were held in the evening at the church in Hammond to commemorate the accomplishments of the AME Church districtwide. The congregation united with members from the seven other AME parishes throughout Lake County, as well as with members representing AME parishes within the Fourth Episcopal District, which is comprised of congregations in Canada, Michigan, Northwest Indiana, and the Chicago, Illinois area.

Bishop James Haskelo Mayo, presiding prelate of the Fourth Episcopal District, was honored as the keynote speaker for this event, and the Honorable Duane Dedelow, mayor of the city of Hammond, delivered the Proclamation for the First Annual Jubilee Celebration.

Dr. Harry Watson, presiding minister over the Bethel AME Church in Hammond, since October, 1993, led the parishioners in giving thanks for Bethel AME Church's 74-year ministry. Those who attended the Jubilee Celebration spent the evening reflecting upon the accomplishments of the church, which were made possible through the faith and dedication of its leaders. A pillar in the community for services to its youth, the homeless, the needy, and the poor, Bethel AME remains the oldest African-American church in America.

Mr. Speaker, I ask you and my colleagues to join me in commending the accomplishments of the Bethel African Methodist Episcopal Church. I am truly honored to recognized this exceptional group of Christians as members of Indiana's First Congressional District, and I wish them the happiest of celebrations for the many years to come.

TRIBUTE TO SACRAMENTO CHAPTER OF THE JAPANESE-AMERICAN CITIZENS LEAGUE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues' attention the work of a distinguished public service organization, the Sacramento Chapter of the Japanese-American Citizens League.

Over the years, the JACL has dedicated itself to improving the quality of life for all members of the Sacramento community. Through their commitment, the league has assisted many young students in furthering their education by offering scholarships to distinguished college-bound students.

The Japanese-American Citizens League is most deserving of our thanks and praise for their efforts and compassion. There are few causes more worthwhile than those which encourage our young people in their efforts to further their education and contribute in a meaningful way to society.

I wish to commend the league on this act of public service, and I extend my personal congratulations to each of these students for their academic excellence. Being honored with scholarships are: Hana Yoshikawa, Casa Roble Fundamental School; Toshio Kuratomi, C.K. McClatchy High School; Darren Tayama, Rio Americano High School; Aaron Lum, J.F. Kennedy High School; Tommy Welsh, Jr., C.K. McClatchy High School; Kaori Yamamoto, C.K. McClatchy High School; Sharie Yamamoto, J.F. Kennedy High School; Christopher Hayashi, Jesuit High School; Kelli Yasumura, J.F. Kennedy High School; Todd Higashi, Bella Vista High School; Jeffrey Hiroshima, J.F. Kennedy High School; Trina Warren, C.K. McClatchy High School; Stephanie Kashiwada, J.F. Kennedy High School; Christine Castagna, C.K. McClatchy High School; Tamara Yorita, J.F. Kennedy High School; Victoria Chiao, J.F. Kennedy High School; Darci Sagara, Woodland High School; Summer Thornton, J.F. Kennedy High School; Gregg Shibata, Sacramento City College; Robin Tamura, American River Junior College; Aileen Sakata, Sacramento City College.

I know my colleagues join me in wishing these students continued success in their academic endeavors.

RABBI SOLOMON WEINBERGER

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KLEIN. Mr. Speaker, today I rise to honor a man who has devoted his entire life for the Jewish community in Passaic.

Rabbi Solomon Weinberger was born in Poland and came to the United States as a child. He received his Smicha at Yeshiva Torah Vodaath. His initial Rabbinic position was in Babylon, Long Island, and he later moved to Passaic in 1956 where he has served as the Rabbi of Congregation Tifereth Israel.

Rabbi Weinberger is presently the senior practicing rabbi in Passaic and has made his involvement in the Kehilla an important aspect of his life. For example, he has served as president of the Rabbinical Council of New Jersey and national vice-president of the Rabbinical Alliance of America. In addition, he has been the rabbinic chairman of Vaad Hakohol in Passaic since 1984. The rabbi has also devoted almost 30 years to the Local Assistance Board Welfare Department in Passaic.

Since his arrival to Passaic, Rabbi Weinberger has been a Hillel board member. Moreover, he taught at the yeshiva for numerous years where he sent his two sons. As in the past, the rabbi has continually encouraged his Baale-batim to support the school both financially and by entrusting their children's education there.

The Hillel Academy is extremely proud to have Rabbi Weinberger pronounced as this year's dinner journal honoree, and I am delighted to recognize the hard work he has done in the community.

RECOGNIZING THE WORK OF THE INSTITUTE IN BASIC LIFE PRINCIPLES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. SAM JOHNSON of Texas. Mr. Speaker, as this Congress deliberates issues facing our Nation and the world today, I would like to bring to your attention a group of young people and families who are taking significant steps to strengthen society in our country and around the globe. In particular, I would like to commend 200 such individuals who have recently returned from Moscow, Russia, where they have been involved over the 1993–94 school year in providing character education for orphans, public school children, college young people, juvenile delinquents, and families.

They have been serving at their own expense under the authority and official invitation of the Moscow Department of Education. Their success continues to be heralded throughout Moscow by television, newspaper, and word of mouth among the citizens and leaders of Russia. Furthermore, the credential and strengthening that this experience provides for those who have taken part will heighten the success of their work in their own home communities as they continue to serve families and young people through positive character training and practical assistance.

SOME QUESTIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial regarding health care reform which appeared in the Norfolk Daily News on May 25, 1994. This is a thoughtful commentary as Congress continues to consider health care reform legislation.

[From the Norfolk Daily News, May 25, 1994]

OPINION—SOME QUESTIONS

As debate continues in Congress over health care reform, there remain ardent supporters of Hillary Clinton's ideas for health care in the United States—a system of government control over price and access.

Although such reform in the United States wouldn't be identical to government-controlled systems in Canada, Germany or

Japan, there would be many similarities. That being the case, it would seem appropriate to ask ourselves—and members of Congress—a few questions, such as:

- Why do 60 percent of the Canadian people supplement public health care coverage with private health insurance, despite paying almost twice what United States citizens pay in taxes for public health care?
- Why are Canadian health care costs rising faster than those in the United States?
- Why are more than 8,000 of Canada's doctors now practicing in the United States?
- Why does Japanese health care match that of the United States of the 1950s, according to Dr. Louis Sullivan, former U.S. Secretary of Health and Human Services?
- Why do patients in Japan pay bribes to be admitted to private hospital rooms and rapid medical treatment?
- Why are the majority of prescription drugs sold in Japan sold by their doctors?
- Why do German doctors have to see twice as many patients as U.S. doctors in an assembly-line fashion?
- And why do German hospitals pad their bills by keeping patients for unnecessarily long periods of time?

The answer to all those questions is government control of health care and the ramifications of that.

We're pleased that there appears to be less and less support for the Clinton health care reform plan in Congress, but until the thing is dead and buried we won't rest easy. Yes, there are things about the U.S. health care system that could be improved and reformed. That work should continue. But let's now overhaul a health care system that doesn't need such drastic measures.

TRIBUTE TO STEPHEN DOMENIC MOSCA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Stephen Domenic Mosca of Troop 152 in North Kingstown, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Stephen poured a new foundation and constructed a new storage shed for the United Methodist Church of North Kingstown.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Stephen Domenic Mosca. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Stephen Domenic Mosca will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

50TH ANNIVERSARY OF D-DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. VISCLOSKY. Mr. Speaker, I take this occasion to celebrate the 50th anniversary of D-day. D-day, June 6, 1944 is arguably the most important day of the 20th century. The great sacrifices made by those at D-day and the World War II generation have given our Nation and the world our freedom and prosperity. It is the solemn responsibility of each subsequent generation to build on these brave efforts and leave the United States and the world a more free and prosperous place.

In the simplest scenario, D-day was a day good triumphed over evil. However, in the real world, this triumph was secured at a very high cost for the American and other Allied soldiers whose bravery won the day.

The fighting was brutal. The weather and bad luck put paratroopers off course. The choppy sea drowned men and sank tanks. Those who were lucky enough to reach the beach faced a withering hail of German bullets and shells. The casualty rate was high as our forces struggled mightily to create a foothold against Hitler's tyranny. In one American division, the 4th, 83 percent were killed or wounded after 11 months of battle.

In the face of D-day's adversity, our troops were forced to abandon carefully crafted battle plans. Instead, they relied on their instincts nurtured by a free, democratic society to persevere. The Allied troops used their ingenuity, creativity, and leadership—bolstered by the righteousness of their cause—to overcome the totalitarian opposition.

In a very real way, American ingenuity at home also helped to win the day. The Allied forces were able to overwhelm the Germans with Roosevelt's Arsenal of Democracy. This arsenal, the bombers, the tanks, the guns, gave the Allies awesome firepower. The steel and manufacturing in northwest Indiana and throughout the United States created the firepower, which was an indispensable component of our victory.

The world is clearly a better place thanks to the horrors endured on D-day and throughout World War II. To properly honor the heroism of our troops, we must make the most of our freedom secured by their efforts. We will be forever indebted to our veterans, their families and friends, for the sacrifices they made so that we could be free.

INTERNATIONAL JAZZ DAY/SACRAMENTO JAZZ JUBILEE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MATSUI. Mr. Speaker, I rise today to advise my colleagues that International Jazz Day, a day celebrated worldwide by jazz enthusiasts, will from this year forward coincide with the Sacramento Jazz Jubilee which is the largest annual jazz festival held in the United States. This year International Jazz Day will be celebrated on Saturday, May 28.

For those not familiar with the Sacramento Jazz Jubilee, let me just say that it is a terrific story of how a small group of people with passion, and a desire to share their enthusiasm with others, can generate enough excitement to ultimately create the largest annual celebration of Dixieland jazz in our country. From humble origins in 1973 when an old lot called the 49er Site in Old Sacramento served as the grounds for the first jubilee its acclaim among jazz enthusiasts and the general public spread. Nowadays the Jazz Jubilee requires 40 venues and features 125 bands who combine to present 1,100 performances throughout the 4-day Memorial Day weekend.

One of the most stunning developments to come out of the 21 Sacramento Jazz Jubilees is the discovery of a high level of jazz enthusiasm, and a wealth of talented jazz musicians from foreign lands. In 1975, Max Collie and his Rhythm Aces from England became the first band from abroad to entertain the crowds in Sacramento. In 1979, the popularity of the Jazz Band Ball Orchestra from Poland firmly cemented the international tradition of our local festival. Over the years, bands from such far away lands as Australia, Austria, Denmark, Germany, Hong Kong, Japan, and the old Soviet Union have come to temporarily shrink the globe as they perform American Jazz interspersed with folk music from their homelands. This year, 10 international bands, including the first-ever from Mexico, will be on hand the help celebrate the newly designated International Jazz Day.

I am pleased to have my congressional district serve as host for such a bastion of jazz fanaticism, and I am especially proud of the jazz festival's role in developing international relations. I urge my colleagues to join me in welcoming these bands to America.

JOB GROWTH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 8, 1994, into the CONGRESSIONAL RECORD.

CREATING GOOD JOBS

These days, news about the economy is generally good news. The growth rate is solid, unemployment is down, and inflation is under control. The economy is growing in a moderate, sustainable fashion, expanding at an annual rate of 3 to 3½%. Most experts believe that the fundamentals of the economy indicate the best prospects in decades for sustained long-term growth. The problem with the improving economy is that it is still not making life better for many Americans.

The Two-tiered Recovery: I am impressed that the American work force is becoming divided. Part of that work force is doing very well. Surveys show that good jobs for the highly-skilled in areas such as engineering, design, manufacturing, marketing, and sales are available. Plant managers often tell me that labor markets are becoming tight and that they are having trouble finding the workers they need.

But another part of the work force is being left behind. These workers do not have the education or the flexibility needed in today's economy. They often have skills, but not the right skills for the available jobs. For laid-off workers, the new jobs they find are often temporary or low-paying. For those who are employed, wages continue to stagnate, and the gap between skilled and unskilled continues to grow: college graduates now earn on average 77% more than those with a high school diploma or less.

To put it bluntly, lower-skilled workers are taking a beating in today's economy. Technological change is almost certainly part of the reason. As companies use computers and advanced technology they produce the same goods and services with fewer workers. The resulting unemployment is often translated into lower wages for those laid-off workers who can only find new jobs at lower pay. In addition, competition from low-wage countries can rob some workers in advanced economies of jobs and bid down their wages.

Creating Good Jobs: I believe that the creation of good jobs is one of the greatest challenges facing the country today. The aim must be to narrow the growing wage gap between Americans who have gone to college and those who have not, those who have high skills and those who do not. We must seek to lift the skills of the non-college-educated in order to reduce income inequality and help make the nation's work force and its economy more competitive. A society that lives with a very large gap between the well-educated and everybody else makes for an unstable society.

Part of the answer, of course, is vigorous pursuit of economic growth. Noninflationary growth that creates good jobs has to be the paramount goal of economic policy. We also need to focus much more attention on how to cope with the declining job opportunities at the low end of the wage and skill scales, and with the inadequacies of the educational system which simply is not helping workers develop the skills needed for better-paying jobs.

Growth-oriented Policies: Promoting the growth that creates good jobs starts with reducing the federal budget deficit. Deficit reduction and the resulting lower interest rates have helped create a brighter economic picture in recent months. Last year, Congress enacted a major deficit reduction package to reduce the projected deficit by some $430 billion over the next 5 years. As next year's budget is finalized, we must continue to adhere to budget discipline, reducing the deficit at a steady pace to promote long-term growth.

We must also address other issues which affect economic growth. Steps that Congress is taking now to reform health care are crucial for the long-term economic health of the country, since much of the increase in federal spending is caused by the surge in health care expenditures. Welfare reform could help us better employ all our productive citizens. Expanding trade opportunities overseas and ensuring that unfair trade practices do not put our workers at a disadvantage will also contribute to economic growth.

As the economy grows it should develop a self-generating momentum. Businesses should find their sales rising and thus need more production. If they get their costs down and their profits rising they can then begin to hire more people at better wages.

Education and Training: Better education and training to improve job prospects means many things: improving preschool programs, strengthening primary and secondary education, establishing high performance levels for students, improving school-to-work transitions, and enhancing on-the-job training and retraining. All the experts agree that the future belongs to the knowledged workers.

Quality basic education is the cornerstone in this effort. To help ensure that all American children receive such an education, Congress recently passed and the President signed a bill to promote voluntary educational standards in basic subject areas. A second new law sets up mechanisms to help local education systems find ways for students to make a successful transition from school to the workplace.

To help those already in the workforce adapt to changing job markets, the Clinton Administration recently introduced proposals to streamline government-sponsored job retraining programs and to create "re-employment centers" where workers might receive income support, counseling, and job search assistance all in one place. Others have suggested providing tax credits for companies that hire workers beyond a certain base number and encouraging firms to spend a portion of payroll or of federal research dollars on employee training. It is important for workers to keep upgrading their skills, since one thing we can say for certain about the future is that the job market of tomorrow will be very different from the job market of today.

Conclusion: I believe that one of the important economic goals for the nation is to equip all Americans so that they can follow productive careers. We simply have to push ahead with additional investments to improve the skills and flexibility of the work force. The relentless and accelerating pace at which technology is changing work, as well as every other aspect of life, is a challenge we must meet head-on. We must pursue policies which promote economic growth and which invest in America's future by investing in her most valuable asset—her workers.

RECOGNIZING THE WORK OF THE INSTITUTE IN BASIC LIFE PRINCIPLES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. SAM JOHNSON of Texas. Mr. Speaker, In a day when crime and juvenile delinquency are growing concerns internationally, I would like to commend a group of outstanding young people who are striving to set a new standard of strong moral character and social good works in our Nation and around the world.

Among these young people are 67 individuals who recently traveled to Taiwan, Republic of China on March 17, 1994, and visited the cities of Taichung and Taipei before departing on March 28, 1994.

The leaders with whom they met included the President of the Republic of China, President Lee Teng-hui; Dr. Yang Po-fa, Political Vice-Minister of the Ministry of Interior; Dr. Bai Hsui-hsiung, Director of the Department of Social Affairs; Dr. Chen Ying-hau, Commissioner of Education for the Taiwan Provincial Government; Taichung Mayor Lin Porung, and the education heads of both Taipei and Taichung. In the course of these contacts, invitations were extended for additional groups of these young people to come to Taiwan and initiate long-term work with Chinese youth and families.

PASSAIC HEART FOUNDATION HONORS THREE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KLEIN. Mr. Speaker, I rise today to join Passaic City Council Chairman J.R. Russo and the Passaic Heart Foundation Beef Steak Dinner to honor three residents of Passaic, NJ. Passaic Fire Department Chief Louis Imparato, Mr. Harry Antman, and Ms. Miriam Gonzalez each deserve recognition for their unique contributions to the community.

Chief Louis Imparato has dedicated over 25 years of service to the Passaic Fire Department. Within his first year, he had rescued two small children and received the Gold Medal Award for Valor. He has been recognized several times as Fire Fighter of the Year by community organizations such as the Passaic Jaycees and the Knights of Columbus. Chief Imparato has not only answered fire calls, but ambulance calls as well. In October 1991, he was appointed chief of the fire department.

Mr. Harry Antman has dedicated his entire life to raising funds for various causes. He has helped establish CPR courses for both Passaic High School and the Passaic YMCA. Much of his time has been spent with the Passaic Heart Foundation, and has served as co-chairman for many years. Mr. Antman and the foundation have consistently shown their perseverance in raising funds for heart related causes. Currently semiretired, he has worked for the Janitorial Supply Co. for an impressive 49 years.

Mrs. Miriam Gonzalez maintains a strong commitment to the needy of Passaic. Her participation in various organizations is exemplified by her annual project of collecting food and toys for poor families for Christmas. Mrs. Gonzalez cofounded the Passaic Disaster Fund which provides aid for fire and disaster victims. She has been employed by the city of Passaic for the past 5 years.

It is with great pleasure that I ask my colleagues to join me in commemorating these three dedicated individuals. Their contributions to Passaic have been greatly appreciated.

NATIONAL TRUST FOR HISTORIC PRESERVATION TO MEET IN BOSTON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MOAKLEY. Mr. Speaker, I am proud to share with my colleagues that the National Trust for Historic Preservation has chosen to hold its annual conference in Boston this year. They couldn't have made a better choice. It would be next to impossible to find a city richer in this Nation's history or more well versed in the methodologies of preservation.

Boston stands as one of the Nation's preservation pioneers. The city has taken great pains to ensure that the character and history of Boston are maintained and strengthened.

The story of preservation in America is one marked by historic firsts in Boston. Many of the first antidemolition campaigns were waged in Boston. Additionally, Boston also became the first American city to excel at treating historic buildings as essential elements of urban design.

We, the people of Boston, are proud to be recognized for our work, and are honored that the National Trust for historic Preservation has chosen Boston as its conference city. I thought members would be interested in the following article from the June/July 1994 issue of Historic Preservation News, the newspaper of the National Trust for Historic Preservations.

BOSTON: A CITY OF FIRSTS THAT STILL MAKES PRESERVATION SENSE

(By Arnold Berke)

Boston stands as one of the nation's preservation pioneers, and those who travel there this fall for the national preservation conference will find out—more likely, reconfirm—how much preservation in the broad sense has molded the New England capital.

Each year the conference city exhibits its unique blend of history and architecture and the ways that they have been shaped by preservation. Boston's own mix derives partly from the fact that it offers one of America's oldest urban environments. But, more significant, Boston has taken pains to build on that endowment. It is a city where a local preservation movement—as well as a distinct preservation sensibility—long ago began to influence how the city would grow and look. As a result Boston scored many firsts—innovations that shaped its cityscape and then went on to become standard operating practice for the preservation movement at large.

The story of preservation in America is cluttered with Boston firsts. Some of the earliest antidemolition campaigns were waged there with the rescue of the Old South Meeting House in 1876 and of the Old State House in 1881. One of the nation's first regional preservation organizations, the Society for the Preservation of New England Antiquities (SPNEA), was born in Boston in 1910. Its founder, William Sumner Appleton, earned a secure place in the preservation pantheon by expanding SPNEA, by pushing for the preservation of architectural as well as historic landmarks, and by promoting the concept of continued or adaptive use. This early flowering in Boston paved the way for later milestones, among them, the 1955 designation of Beacon Hill as a historic district and the 1966 creation of the Back Bay Architectural Commission.

Boston also became the first American metropolis to excel at treating historic buildings as essential elements of urban design, by preserving buildings from destruction as well as by designing neighboring structures in a sympathetic manner and scale. The adaptive use of landmarks was virtually born and bred in Boston. Before the federal rehabilitation tax credits generated the renewal of thousands of buildings nationwide Boston was writing the rehab book by renovating old buildings for new life. Moreover, the mid-1970s adaptation of the old Quincy Market buildings into Faneuil Hall Marketplace became the national model for the festival marketplace. Bostonians continued to expand preservation's boundaries—in education (launching Boston University's preservation program), commercial archaeology (saving the Citgo sign), tourism (creating the Freedom Trail), and activism (defeating Interstate 95).

Of course, mistakes were made along the way. Landmarks were lost. Whole neighborhoods—the West End is the saddest example—were destroyed by the same grand-gesture planning that ravaged other American cities. The 1950s also brought the Central Artery's downtown gash. But preservation continued to grow and toughen, partly as fallout from those blunders. At some point, perhaps during the 1970s, it became apparent that preservation had woven itself well into the way Boston planned, designed, and built. And even thought. Indeed, as in very few American cities, preservation in Boston has become one of the assumptions of life there.

The innovation continues. The Boston Landmarks Commission, for example, should be applauded for its activist role in calling for six areas of city-government action that would bolster both preservation and economic-development goals. Once again, Boston looks back and then pushes forward.

TRIBUTE TO LT. COL. WILLIAM J. UPTON

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual, Lt. Col. William J. Upton. Colonel Upton has served this country for more than 20 years, most recently as Chief, Air Force Liaison Officer, U.S. Embassy, United Arab Emirates (UAE) and Air Combat Command (ACC) Chief, Training Exercises.

Col. Bill "Yogi" Upton has served this country with great distinction as both an officer and aviator. During Bill's 20-year career, he served as an F–16 instructor pilot, flight commander, standardization and evaluation chief and Chief of ACC's premier training exercises. Colonel Upton's exceptional flying skills and competitive spirit resulted in the unique achievement of winning Top Gun honors in three separate commands—Air Combat Command (ACC), Pacific Air Forces (PACAF) and United States Air Forces in Europe (USAFE).

While acting as the Air Force Liaison Officer, U.S. Embassy, United Arab Emirates, he provided critical operational expertise on residual Desert Storm military operations during the building of postwar regional diplomatic and military structure. His insight made significant contributions to the negotiation and establishment of diplomatic procedures with UAE's Ministry of Foreign Affairs for Post-Crisis Military Operations. As a result, Colonel Upton was awarded the Joint Commendation Medal.

As the ACC exercise chief, Bill's outstanding leadership and expert management style resulted in exemplary achievements to include the first all-service, Joint Close Air Support (CAS) exercise at Air Warrior. This exercise rotation has become the hallmark for conducting joint CAS. His efforts were also responsible for the increased involvement of ACC forces in the Army's Special Contingency Operations (CONOPS) Program at the National Training Center, resulting in a joint training exercise that the Army rated as the best CONOPS seen to date.

The restructuring of the Air Force and the standup of the new joint force integrator, the U.S. Atlantic Command (USACOM), presented increased challenges that Bill met head-on. He was the driving force behind ACC's integration into the USACOM's joint training program. His hands-on attention helped ACC units achieve the training requirements with a smaller force structure. Bill's significant achievements were acknowledged with the award of the meritorious service medal (Third Oak Leaf Cluster).

Mr. Speaker, Colonel Upton retired from the Air Force on June 1, 1994. I hope that you and my colleagues to join me in saluting Colonel Upton for his many contributions to the security of this great Nation.

It is with great pride and pleasure that I congratulate him upon his retirement from the Air Force. I wish Bill, his dedicated wife Nancy, and their lovely children Shelley, Danielle and Nicole the very best and continued success on their future endeavors.

TRIBUTE TO SISTER MARLENE ARDELEAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend Sister Marlene Ardelean of the Poor Handmaids of Jesus Christ, for her 60-year commitment to education and religious life.

Sister Marlene was honored during the annual Sisters' Jubilee Mass, held on April 25, 1994, at St. Peter and Paul in Merrillville, IN. She was named a Diamond Jubilarian for her lifetime of service to the Church of God. Sister Marlene entered the convent in 1932, and professed first vows in 1934. She attended Ancilla Domini College in Donaldson, IN, and received her bachelor's and master's degrees in education from Loyloa University in Chicago.

Sister Marlene spent most of her teaching career in the Gary Diocese, including more than 25 years at St. Mark School in Gary, IN. She has also taught at St. Ann school in Gary, IN, and St. Catherine of Siena School and Our Lady of Perpetual Help School, both in Hammond, IN. Sister Marlene retired last fall, and she currently ministers as a tutor for students in kindergarten through the eighth grade.

Mr. Speaker, I ask you and my colleagues to join me in honoring Sister Marlene Ardelean for her divine service to God and for her ongoing commitment to education.

TRIBUTE TO S. DAVID FREEMAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MATSUI. Mr. Speaker, my colleague from California [Mr. FAZIO] and I rise today to pay tribute to S. David Freeman, a true visionary who in the short period of 3 years, has managed to successfully reinvent Sacramento's approach to providing energy to this region. On January 14, 1994, many of Mr. Freeman's associates and friends will gather to pay a Texas-sized tribute to the man whose phenomenal leadership turned this troubled organization into what is now considered a model for other utilities across the country.

Mr. Freeman was appointed in June 1990 to the position of general manager of the Sacramento Municipal Utility District, one of the largest publicly owned electric utilities in the Nation. During his tenure at SMUD, Mr. Freeman transformed the district from a crisis in public confidence into a stable, financially viable utility which is now regarded by government, business, and ratepayers alike as a tremendous asset to this community. In addition, he has put great emphasis on the promotion and development of advanced and renewable technologies which will ensure new power sources to serve Sacramento well into the 21st century.

As part of Mr. Freeman's plan for the utility's turnaround, he has implemented numerous new programs which have resulted in benefits ranging from savings on electric bills to cleaner air. Since 1990, ratepayers have planted 100,000 trees, purchased 51,000 energy-efficient refrigerators and recycled 41,000 low-efficiency refrigerators. In line with Mr. Freeman's commitment to clean air and electric transportation, SMUD has aggressively pursued electric transportation partnerships with other agencies resulting in a rapidly advancing electric vehicle project which has placed Sacramento in the national forefront of EV technology.

Another of Mr. Freeman's goals while at SMUD was to establish the utility as an integral part of the community and to educate tomorrow's leaders about energy issues. To this end, SMUD has developed a curriculum designed to both teach elementary school children about energy use, as well as encourage students, parents, and faculty to develop an energy conservation ethic. To date, SMUD employees have adopted three local schools and volunteer as tutors, mentors, and teacher assistants. In addition to education, Mr. Freeman has lent his expertise and resources to improving local community facilities. The utility has installed solar safety phones on the Jedediah Smith bicycle trail, assisted developers and nonprofit organizations in installing safe and energy-efficient lighting and building shell improvements and as part of a special pilot project, the district is placing photovoltaic streetlights in city alleys.

Under Mr. Freeman, SMUD has mapped out a plan for innovative, nonpolluting and renewable power sources that will keep Sacramento's electricity affordable into the next century. New power sources for SMUD feature state-of-the-art generation plants using natural gas, biomass, wind, and solar power. In addition to saving ratepayers money and cleaning Sacramento's air, these endeavors will create hundreds of private sector jobs, hundreds of construction jobs and potentially millions in annual tax revenues for Sacramento County from adjacent private development.

Mr. Speaker, it is with great pleasure that we rise to recognize the man the New York Times dubbed "the energy prophet." For his unyielding commitment to the people of Sacramento and to the environment, we salute S. David Freeman. He is a public servant in a class all his own whom many others would do well to emulate. Sacramento is truly fortunate to have had the benefit of his leadership and we ask our colleagues to join us in wishing him continued success in all of his future endeavors.

NEW DIRECTION FOR U.S. ASSISTANCE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HAMILTON. Mr. Speaker, the May 7 issue of The Economist included an editorial and an article on foreign assistance, both of which accurately identify some of the inadequacies in current assistance policies and programs and the new directions which are being pursued. The article notes that:

The opportunities denied to poor countries by trade barriers are worth approximately twice the annual flow of official development assistance.

The richest 40 percent of the developing world gets about twice as much per head in aid as the poorest 40 percent.

Only a small fraction of assistance meets the basic needs of the poorest; the World Bank calculates that, of all aid going to low-income countries in 1988, 2 percent went for primary health care and 1 percent for population programs.

In the effort to redirect foreign assistance, the article points to two donors—AID and the World Bank—that are "unusual in their openness and in the rigor with which they try to evaluate what they do." It further notes that Brian Atwood, the Administrator of AID, is seeking to reduce the number of objectives for U.S. economic assistance from the current 33 to 4—a reform first advocated by the Committee on Foreign Affairs in 1989 and which we hope soon to enact into law.

The editorial and the article correctly points to sectors and mechanisms which should be emphasized in a reformed aid program: primary education and primary health care, especially for women; population programs; improved donor coordination; better evaluation in order to learn from past mistakes, and nongovernmental organizations as the best mechanism for handling small projects and to identify grassroots needs.

These are all reforms which Brian Atwood is introducing at AID and which the Committee on Foreign Affairs is advocating in its efforts to rewrite the Foreign Assistance Act of 1961.

For those interested in foreign assistance, the article is reprinted below.

[From the Economist, May 7, 1994]

THE KINDNESS OF STRANGERS

Anybody who tried to see the case for aid by looking merely at the way it is allotted would quickly give up in despair. The richest 40% of the developing world gets about twice as much per head as the poorest 40%. Big military spenders get about twice as much per head as do the less belligerent. El Salvador gets five times as much aid as Bangladesh, even though Bangladesh has 24 times as many people and is five times poorer than El Salvador.

Since 1960, about $1.4 trillion (in 1988 dollars) has been transferred in aid from rich countries to poor ones. Yet relatively little is known about what that process has achieved. Has it relieved poverty? Has it stimulated growth in the recipient countries? Has it helped the countries which give it? Such questions become more pressing as donor governments try harder to curb public spending. This year, two of the biggest players in the international aid business are looking afresh at their aims and priorities.

Brian Atwood, appointed by the Clinton administration to run America's Agency for International Development (AID), inherited an organization encumbered over the years with 33 official goals by a Congress that loved using aid money to buy third-world adherence to its pet ideas. Now, faced with a sharp budget cut, Mr. Atwood is trying to pare down to just four goals: building democracy, protecting the environment, fostering sustainable economic development and encouraging population control. Not, however, anything as basic as the relief of poverty.

A few blocks away from Mr. Atwood's Washington office, the World Bank is going through a similar exercise. Set up in 1946, the Bank has become the most powerful of all the multilateral development organizations. But a critical internal report recently accused the Bank of caring more about pushing out loans than about monitoring how well the money was spent. Now the Bank hopes to improve the quality of its lending. It is also wondering about its future. Some of its past borrowers in East Asia are now rich enough to turn lenders themselves. More should follow. The Bank is trying to move into new areas, such as cleaning up the environment and setting up social-welfare systems. But some people wonder how long it will really be needed.

AID and the World Bank are unusual (although their critics rarely admit as much) in their openness and in the rigour with which they try to evaluate what they do. But other donors will also have to think about which kinds of aid to abandon as their budgets stop expanding. In the 1980s the official development assistance (ODA)[1] disbursed by members of the OECD's Development Assistance Committee (DAC)—21 rich countries plus the European Commission—increased by about a quarter in real terms; but between 1991 and

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[1] Defined as aid administered with the promotion of economic development and welfare as the main objective; congressional in character; and with a grant element of at least 25%.

1992, the DAC's disbursements rose by just 0.5%. Development Initiatives, an independent British ginger group, believes "the end of an era" may have come; it reckons that aid budgets around the world are ceasing to grow at all. Almost the only exception is Japan, which provides a fifth of DAC aid and plans a substantial increase over the next five years.

Most multilateral donors, such as the UN agencies, also have budgets frozen. A rare exception is the European Development Fund, the aid arm of the European Union, which is taking a rapidly rising share of member-states' aid budgets. The EDF's secrecy and its mediocre reputation with recipient countries make some bilateral donors unhappy: "British officials are concerned about having to devote increasing quantities of their aid, which they regard as successful, to the European programme," reports Robert Cassen, a British aid expert.

NEEDED: A CASE FOR GIVING

Some developing countries—mainly the faster-growing ones perceived as "emerging markets"—have found the international capital markets to be increasingly willing supplies of finance (see chart on next page). But demands for ODA are still appearing in new forms and from new sources. Astute third-world countries are giving old projects a green tinge to profit from fashionable enthusiasm for the environment. The countries of Eastern Europe and the former Soviet Union are competing with the third world for help. And the proportion of aid spent on relieving disasters has soared from 2% five years ago to around 7% today.

But with the clamour for more money goes increasing uncertainty about what aid is for and what it has achieved. The naive taxpayer might imagine that aid's main purpose was to relieve poverty. Yet only relatively small amounts of ODA go to the poorest of countries or to projects that benefit mainly the poorest of people. A study of America's aid programme conducted by the Overseas Development Council (ODC), a Washington, DC, think-tank, found that more than $250 per person went to relatively high-income countries, but less than $1 per person to very low-income countries. Mahbub ul Haq of the United Nations Development Programme (UNDP), a fierce critic of aid's failure to reach the poorest, points out what the ten countries that are home to two-thirds of the world's poorest people receive only one-third of world aid.

NOT HELPING THE POOR

Within poor countries, too, aid is rarely concentrated on the services that benefit the poorest. The World Bank reckons that, of all the aid going to low-income countries in 1988, a mere 2% went on primary health care and 1% on population programmes. Even the aid that is spent on health and education tends to go to services that benefit disproportionately the better-off. Aid for health care goes disproportionately to hospitals (in 1988–89, for instance, 33% of Japan's bilateral aid for health went on building hospitals); aid for education, to universities. In sub-Saharan Africa in the 1980s, only $1 of ODA went on each primary pupil; $11 on each secondary pupil; and $575 on each university student.

Such spending patterns often reflect the priorities of the recipient governments. Some donors have tried to persuade governments to distribute aid differently. They have had mixed success—not surprisingly, for their own motives in aid-giving often override the goal of poverty relief.

One such motive, powerful even since the end of the cold war, is the pursuit of national security. Most governments are coy about the role that national security plays in their aid budgets, but the biggest donor of all, the United States, is blatant: roughly a quarter of its $21 billion foreign-aid budget takes the form of military assistance, and roughly a quarter of the total budget goes to Israel and Egypt alone. "The United States has spent a lot less money on development than on advancing political and military goals," says John Sewell of the ODC. This year, America's aid budget protects the shares of Israel and Egypt. America also sees aid to Eastern Europe and to the countries of the former Soviet Union primarily in strategic terms.

"National security" is also now being used as an argument for giving more weight to all sorts of other goals in the drawing-up of aid budgets. Environmentalists claim that some types of environmental damage, such as global warming and the thinning of the ozone layer, may be worsened by poor-country growth, and they argue that rich-country aid donors should in their own interests take special care to minimize such risks. Others say aid should be used to parry the threats to rich countries posed by the trade in illegal drugs, by population growth and by third-world poverty.

If the goal of national security can conflict with that of poverty relief, then the commercial interests of aid donors can do so even more. Japan's approach has at least the merit of simplicity: its development assistance goes mainly to countries that are most likely to become its future customers. All DAC countries tie, some aid—the average is about a quarter—to the purchase of their own goods and services. One problem with trying is that it forces countries to pay over the odds for imports: on average, some estimates suggest, recipients pay 15% more than prevailing prices. Another is that it often distorts development priorities. It is easier to tie aid to a large item of capital spending, such as a dam, road or hospital, than to a small rural project that may do more good. Not surprisingly, trying is especially common in transport, power generation and telecommunications projects.

Aid recorded as tied has been falling as a proportion of bilateral ODA, according to the OECD, which monitors the practice. That may be partly because of the rise in spending on disaster relief. It may also reflect an international agreement on guidelines for tied aid. But governments are clever at finding ways to use aid to promote exports. It has, for example, taken two official investigations to uncover some of the links between British aid to Malaysia and British arms sales to that country.

Some kinds of ODA are given in the sure knowledge that the money will be spent mainly in the donor country, but without explicit tying. One example is technical assistance. Of the $12 billion or so which goes each year to buy advice, training and project design, over 90% is spent on foreign consultants. Half of all technical assistance goes to Africa—which, observes UNDP's Mr. Haq, "has perhaps received more bad advice per capita than any other continent". Most thoughtful people in the aid business regard technical assistance as one of the least effective ways to foster development.

Stung by the claims of their aid lobbies that too little help goes to the poor, some governments are trying to steer more money through voluntary bodies, such as charities and church groups. Such bodies, known in the trade as non-governmental organisations of NGOs, have proliferated at astonishing speed in both the rich and poor worlds. The OECD counted 2,542 NGOs in its 24 member countries in 1990, compared with 1,603 in 1980. The growth in the south may have been faster still. Roger Riddell, of the Overseas Development Institute in London, who has made a special study of NGOs and development, talks of a "veritable explosion" in their numbers; he mentions 25,000 grassroots organisations in the Indian state of Tamil Nadu alone. The public and private money dispensed by NGOs amounted to 13% of total net ODA flows in 1990, and the share has been creeping up.

NGOs may be better than central governments at handling small projects and more sensitive to what local people really need. But even NGOs, according to Mr. Riddell, usually fail to help the very poorest. "If government and official aid programmes fail to reach the bottom 20% of income groups, most NGO interventions probably miss the bottom 5–10%," he guesses. And, as more aid is channelled through NGOs, some groups may find it harder to retain the element of local participation which is their most obvious strength. More searching questions might be asked about whether they are efficiently run, or achieve their purported goals: a study of projects supported by the Ford Foundation in Africa in the late 1980s found "very few successes to talk about, especially in terms of post-intervention sustainability".

AND WHAT ABOUT GROWTH?

When the modern panoply of official aid institutions grew up after the second world war, the intention was not to relieve poverty as such but to promote economic growth in poor countries. Aid was seen as a transitional device to help countries reach a point from which their economies would take off of their own accord. Its use was to remove shortages of capital and foreign exchange, boosting investment to a point at which growth could become self-sustaining.

In their baldest form, such views sit oddly beside the fact that, in many of the countries that have received the most aid and have the highest levels of capital investment, growth has been negligible. For at least 47 countries, aid represented more than 5% of GNP in 1988. Many of those countries were in sub-Saharan Africa, where GDP per head has been virtually flat for a quarter of a century. Yet, as David Lindauer and Michael Roemer of the Harvard Institute for International Development point out in a recent study, some of them were investing a share of GDP almost as large as that of much faster growing South-East Asian countries: Cameroon, Côte d'Ivoire, Kenya, Tanzania and Zambia all invested at least 20% of GDP, a figure comparable with that for Indonesia or Thailand.

Such rough comparisons may prove little, but they draw attention to an awkward point, Some third-world countries have enjoyed fast economic growth with relatively little aid per head. In particular, some Asian success stories, such as China and Vietnam, had little or no aid at a time when donors were pouring money into Africa (although China is now the World Bank's largest single customer). If some countries can achieve economic growth with little aid, while other countries which get a great deal of aid do not grow at all, what if anything is aid good for?

One way to try to answer that question is to review the experience of individual countries and aid projects. In the late 1980s there were two valiant attempts to do just this: one conducted by a team led by Mr. Cassen, the other on a more modest scale by Mr. Riddell. Mr. Cassen's team argued that "the majority of aid is successful in terms of its own objectives", but added that "a significant proportion does not succeed." Aid had worked badly in Africa; better in South Asia. Where aid did not work, the reason was sometimes that donors failed to learn from their mistakes or the mistakes of other donors; and sometimes that a recipient country failed to make the most of what was offered to it.

As for the impact of aid on economic growth, Mr. Cassen concluded cautiously that one could not say that aid failed to help. In some countries, indeed, he found evidence that it did increase growth. Mr. Riddell was similarly tentative. Aid, he concluded, "can assist in the alleviation of poverty, directly and indirectly" and "the available evidence * * * fails to convince that, as a general rule, alternative strategies which exclude aid lead in theory or have led in practice to more rapid improvements in the living standards of the poor than have been achieved with aid."

These are hardly ringing endorsements. But these evaluations of individual aid programs and projects are more positive in their findings than attempts to establish broader links between aid and growth, which have usually failed entirely. Plenty of economists have picked holes in the original idea that aid would boost investment: why should it, some ask, when governments may simply use income from aid as an excuse to spend tax revenues in other, less productive ways?

Other economists, such as Howard White of the Institute of Social Studies at The Hague, who has reviewed many of the economic studies of the effects of aid on growth, point to the difficulties of generalising. Given the various transfers that count as "aid", the many conditions that donors attach, the differing importance of aid in national economies and the complexity of economic growth, there are simply too many variables to say much that is useful.

THIRD-WORLD DUTCH DISEASE

Since the start of the 1980s, many donors have come to believe that the quality of a country's economic management will do most to determine whether aid will do some good. Aid in the 1980s was frequently used, especially by the World Bank, as a prod to encourage countries to begin "structural adjustment" programmes. In some cases, the economic performance of these countries did improve—Ghana is one of the Bank's favourite examples. In other cases, it did not. A review by the IMF of 19 low-income countries which had undergone structural adjustment found that their current-account deficits averaged 12.3% of GDP before adjustment and 16.8% in the most recent year; and that their external debt had grown from 451 percent of exports to 482 percent.

Why was this? Were countries encouraged to adopt the wrong policies? Did they ignore the advice they were given? Or did the aid itself do some damage? Stefan de Vylder, a Swedish economist, argued for the last of these explanations at a conference in Stockholm in March. He argued that large volumes of aid (such as those associated with structural adjustment programmes) could damage an economy's international competitiveness; and countries where export performance was especially bad tended to be "rewarded" with low-interest loans and grants.

The damage to competitiveness, Mr. de Vylder believes, is a version of "Dutch disease". This was the term coined in the 1970s to describe how Holland's exports of natural gas boosted its real exchange rate and thereby harmed its export competitiveness. Mr. White thinks something similar happened in Sri Lanka between 1974 and 1988, when a sharp increase in aid contributed to a divergence between the nominal and real exchange rates; this hurt the growth of the country's manufactured exports

Mr. de Vylder also worries about the tendency of aid to compensate for failure rather than to reward success. Bilateral donors have increasingly found that much of the aid they give to some countries goes towards paying back money unwisely lent by international financial institutions, Take Zambia as an example. Between 1974 and 1987, Zambia had entered into seven stand-by or structural agreements with the IMF—one every two years. Each was broken by the Zambian government. When, in 1987, Mr. de Vylder visited Zambia to assess the latest bout of economic disaster, he asked a minister how seriously the government was worried at being lambasted by every aid donor. "Concerned?" mused the minister, seeming somewhat surprised. Then: "Oh, no. They always come back." The minister was right, says Mr. de Vylder. Shortly afterwards, the international financial institutions were again knocking on the door, asking for a new agreement.

It is easy, with aid, to find examples of individual projects that do some good. Most of those who criticise aid argue that if the quality were better—if donors tried harder to learn from each other's mistakes, if they were less keen to reap commercial gain, if they concentrated harder on meeting basic human needs—then there would be far fewer failures. All that is true; but—other things being equal—there would also be much less aid. Will poor countries do worse, over the next 30 years, if rich countries decline to give or lend them another $1.4 trillion? At that price, the answer should be "Yes". Given the way that aid works at present, it is only "Maybe".

100TH ANNIVERSARY OF BROOKDALE BAPTIST CHURCH

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KLEIN. Mr. Speaker, I rise today in honor of Brookdale Baptist Church's 100th anniversary.

The Brookdale Baptist Church was formally incorporated on June 5, 1894. A small building had been built in 1873, and Henry Hepburn, a local resident, later purchased the property for $1,000 with the assistance of Dr. Charles A. Cook. This initiated the Brookdale Baptist Church as a mission of the First Baptist Church of Bloomfield, NJ.

At first, oil lamps hung from the ceiling and wood-burning stoves provided the heat inside the building. There was an old Methodist kneeling bench, and a railing stretched across the church. The pulpit furniture consisted of a large desk, two chairs, a settee, and a clock. A Sunday School class later donated a tiny pump-organ.

The church began to grow in the ensuing years. The membership reached 47 by 1900, and by 1930 grew to 107. Under the ministry of Rev. Enoch S. Moore, membership more than doubled.

This growth continued under the leadership of Dr. Charles W. Anderson from 1939 to 1972 and resulted in needed expansion. A new wing was added in 1941 and a separate Georgian-type brick building was constructed on the corner of Broad Street and Mountain Avenue by 1947. These building improvements increased the seating to 750. Eventually, an educational building was added in the rear. In 1965 the current 1,780-seat auditorium was built to accommodate the church's huge growth in membership.

Brookdale Baptist Church has also been a leader in missionary work, sending many missionaries to farflung corners of the world.

The surge in membership and building enlargement are a testament to the hard work, determination, and commitment of the parishioners of the Brookdale Baptist Church. It is with great pleasure that I ask my colleagues to join me in paying tribute on this distinguished occasion.

THE ROAD LESS TRAVELED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. RICHARDSON. Mr. Speaker, I want to call to the attention of my colleagues, the story of two of my constituents, Nancy Reynolds and Kate Radakovich, both of Santa Fe, as detailed in the accompanying article from the New Mexican, the local newspaper in Santa Fe. Ms. Reynolds and Miriam Radakovich, Kate's daughter, have been selected as participants in the Congo expedition, a 1-year, 6,066-mile trek across the African Congo retracing the steps of Henry Morton Stanley's 1874 expedition.

Ms. Reynolds will be a team captain of the secondary team which will supervise the trek's circumnavigation of Lake Tanganyika, a hike of several weeks which begins in mid-October. Miriam Radakovich will be a participant in the entire expedition. Kate Radakovich was so inspired by her daughter's involvement in this remarkable transcontinental expedition that she has begun the process of application for admittance to the Peace Corps.

The attached article, written by Candelora Versace, provides an eloquent explanation of this wonderful adventure and I commend it to my colleagues.

[From the New Mexican, May 1, 1994]

THE ROAD LESS TRAVELED

(By Candelora Versace)

Africa: dangerously exotic, deeply mysterious, darkly primal. To some of us, the qualities of this most misunderstood continent elicit feelings of fear and avoidance. But to the incurable romantic, the incessant wanderer, the one who knows that to fly one must first leap, Africa holds perhaps the last promise on the planet for true adventure and discovery.

To the 16 people who were chosen from 1,700 applicants to comprise The Congo Expedition, that promise came true April 22. After several years of planning and an agonizing delay of a full year, The Congo Expedition departed Washington, D.C. amid great fanfare to begin the first leg of a year-long adventure—the adventure of a lifetime.

Retracing the steps of Henry Morton Stanley's 1874 Anglo-American Expedition to verify the source of the Nile River, the trekkers—American and African—will then follow the Congo (Zaire) River from its source in eastern Zaire to the Atlantic Ocean.

The entire expedition will be on foot, with the team expected to cover approximately 30 miles a day, each member laden with a 40-pound pack. Resupply teams will periodically rendezvous with the trekkers, bringing food, news, mail and film. They will depart with journals, samples, specimens and rolls and rolls of exposed film.

Ted Turner will be producing a major video documentary about the expedition. Twenty-seven thousand school districts throughout the United States will be following the expedition through live and interactive satellite broadcasts.

And two Santa Fe women will spend the next year following the progress of the trek with perhaps greater concentration than anyone.

Kate Radakovich, a nurse working in Dr. Leah Morton's office, is already planning her letter-writing campaign to her daughter Miriam, 36, of Columbus, Ohio, who is serving as a water safety specialist on the trek. Radakovich, who is 60-plus, got so caught in the excitement that she recently decided to apply to the Peace Corps for her own adventure.

Nancy Reynolds, 66, a retired Washington lobbyist and consultant with several extended visits to Africa already under her belt, will spend the next six months in an intensive physical training program. She is getting prepared for her role as Team Captain of a secondary team supervising the trek's circumnavigation of Lake Tanganyika, a hike of several weeks that begins in mid-October.

"We'll be following Stanley's diaries to the letter," Reynolds said, noting that Stanley's book, *Through the Dark Continent, Vol. 2*, has served as the primary guide for the expedition. Reynolds, along with the entire expedition team, has been studying both contemporary and historical maps to determine the names of villages Stanley visited on his legendary adventure that may still be there.

Reynolds said she will arrive in Tanzania and meet the team in Uvinza, then walk to Ujiji, the site of that famous meeting: "Dr. Livingstone, I presume?". The trekkers will rest in Kigoma, and then begin circumnavigation of the lake.

"When we come around the lake and the team then goes off through Zaire to walk across to the Atlantic Ocean, to a spot called Banana Point, I'll go to visit friends in Zanzibar and Kenya," she said.

Reynolds has already begun a vigorous exercise program with daily aerobics and weight training with trainer Cindy Romero. In the past few weeks, she has added daily hikes in Tesuque and behind the Santa Fe Spa with Romero, loading her pack to 20 pounds to start.

"I'm trying right now to work up to 10 miles," she said. "In October, when I go, I'll have a 40-pound pack and we'll be going probably 20 miles a day."

With more energy than a teen-ager and enough enthusiasm to fill a stadium, Reynolds has become one of the expedition's biggest cheerleaders. She has stacks of maps, books and clippings detailing Stanley's first journey, the development of the current trek and information about Africa.

"Africa is my passion," she said, although for her it is a relatively recent discovery. In the 1980s, she was appointed by U.S. Ambassador to the United Nations Jeanne Kirkpatrick to the post of United Nations Representative for the Status of Women, which involved an immediate three-week tour through Africa.

"I was thoroughly hooked," Reynolds said. "Paleoanthropology has always been a secret passion for me. I put together the Decade For Women conference in Nairobi, Kenya in the mid-'80s, and I had an opportunity to meet the Leakey family, who kept inviting me to come back on fossil hunts."

Reynolds also has been president of Rhino Rescue U.S.A., a nonprofit animal rights organization, and said she has taken every chance she's had to return to Africa.

"It got so my family had to remind me where my home really was," she said with a laugh. "I gave up vacations to anywhere else just to go to Africa."

Reynolds said she is not anticipating any danger to the team throughout the trek, despite the unrest that continues throughout the region.

"I would be most uneasy about Zaire, which is in chaos and turmoil, but the Zaire government has assured Jim Owens (the expedition leader) that there will be no problem for them and I'm sure it's true. That will be the toughest part of the journey for them," she said.

Radakovich said her daughter's interest in the expedition began with an article about it that she spotted in the Washington Post a few years ago.

"She was growing disenchanted with her job in D.C., which involved a lot of computer work for various agencies and organizations. She saw the article requesting volunteers and thought it would be an opportunity for a big life change," Radakovich explained.

"The expedition was originally scheduled to depart in May of 1993, but was postponed because the organization still needed to raise money. She was all ready to go, her stuff was in storage, she had given up her apartment, and the let-down was so great that she just decided to go ahead and go to Africa on her own," she said.

"So she traveled around through the region for three months on her own and had a wonderful time, but she said she also realized just how difficult the year-long trek was going to be, and she wasn't sure if she wanted to be part of it."

Eventually, the spirit of the expedition got to Miriam, and she spent her last hour in the D.C. airport with her sister Janet, going over stacks of paperwork. Janet, who also lives in Columbus and whose roommate Mary Maloney is serving as the expedition's horticulturist, has taken on the formidable task of handling her sister's mail and belongings for the next year.

Radakovich, who has been in Santa Fe seven years, said her own excitement about the trip is as strong as if she herself were going.

"I told my daughter I shared her identical feelings. It's been a rollercoaster of exhilaration and anxiety. I have an intense pride that she had been chosen to participate in this great effort, but there certainly are worries for me.

"The trip was originally scheduled to be ten months, and then they extended it to a year, and that just seems awfully long, but I have a firm trust that things will work out," she said.

The family has long had a spirit of reaching out, she said. Daughter Janet was a foreign exchange student in Venezuela and the family once hosted a Japanese student.

Radakovich missed the farewell party in D.C. for the expedition to start an adventure of her own; she traveled instead to Dallas for the first of a series of intensive interviews to join the Peace Corps. Her pride in her daughter's position in the historic tour began to effect her own life, she said.

"It has been a long time since I felt a sense of pride about being a nurse," she said, adding that a visit to the Vietnam Women's Memorial ceremony last fall touched off a desire to use her training and be of service in a more significant way.

"It's my greatest hope to get an assignment, although I know the Peace Corps is now highly competitive. But wouldn't it be wonderful if I could somehow rendezvous with them in Africa?"

CONGRESSMAN KILDEE HONORS AILENE BUTLER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding individual in my hometown of Flint, MI: Ms. Ailene Butler.

Ailene Butler was born in Americus, GA, and moved to Flint as a child, She is a graduate of Flint Northern High School, Sienna Heights College, and obtained a degree in mortuary science from Wayne State University. As Flint's first female funeral director, she was also the first female to own and operate her own funeral home. She has been awarded the Annual Business Award from the Flint Club of the National Association of Negro Business and Professional Women as "The Most Outstanding Woman of the Year." She has also received the Women of Wayne Headliner Award and the Zeta Phi Beta Sorority Woman of the Year Award. She has received recognition from the Governor of the State of Michigan, the Common Council of the City of Detroit, the Michigan Department of Education, Mott Community College, the International Institute, the Genesee Area Skill Center, as well as a special tribute from the Michigan House of Representatives.

Ailene Butler has been a pioneer for the African-American community in Flint. She was the first and only African-American female elected to the Flint City Council. Elected to office in November 1973, Ailene was chairperson of the Social Programs Committee. Through her tireless efforts on this committee, she was able to obtain assistance for day care centers, the Opportunities Industrialization Center, and the Urban League On-The-Job Training Program, among others. She was in the forefront of the effort to combat drugs and crime, long before the current efforts were undertaken. She was appointed to the original Flint Mayor's Advisory Committee, which established the Flint Human Relations Commission. Ms. Butler also helped establish and was elected first chairperson of the Open Occupancy Committee, whose work made Flint the first city in the United States to pass a fair housing law by popular vote. She was founder and first chairperson of the National Black

Woman's Political Leadership Caucus of the State of Michigan.

Ailene Butler was Flint's first African-American Girl Scout leader and helped to integrate Camp Tyrone. She successfully intergrated the Flint Young Women's Christian Association. She was the first women elected as vice president and board member of the National Association for the Advancement of Colored People and assisted in the creation of the NAACP Credit Union, as well as serving as its first loan officer.

Ms. Butler was also affiliated with many public service oriented organizations, such as the Flint Branch of Child and Family Services of Michigan, the Genesee County Funeral Director's Association, as well as many other fine organizations. There is no question that Ailene Butler has been one of the most inspirational leaders in Flint and an incredible imprint on its citizens.

Mr. Speaker, it is indeed an honor and a pleasure to rise before my colleagues in this august House to pay tribute to a pioneer, Ailene Butler. Ailene Butler has served as an inspiration to me and to other elected officials in Michigan. She is truly unique and is deserving of all of the tributes that may come her way. I pay tribute to her and wish her continued success.

HALDEMAN DIARIES ARE A REALITY CHECK ON KISSINGER LIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. STARK. Mr. Speaker, I would like to enter in the RECORD a column from the May 26, 1994 Wall Street Journal that further documents the lies and revisionist history surrounding the late Nixon administration.

The column, by Albert R. Hunt, speaks for itself.

[From the Wall Street Journal, May 26, 1994]

HALDEMAN DIARIES ARE A REALITY CHECK

(By Albert R. Hunt)

"Richard Nixon's foreign policy goals were long-range. And he pursued them without regard to domestic political consequences."—Henry Kissinger's eulogy at Richard Nixon's funeral, April 27, 1994.

"Henry [Kissinger] argues against a commitment * * * to withdraw all combat troops because he feels that if we pull them out by the end of '71, trouble can start mounting in '72 that we won't be able to deal with and which we'll have to answer for at the elections. He prefers, instead, a commitment to have them all out by the end of '72 so that we won't have to deliver finally until after the elections.—Bob Haldeman's White House diaries, Dec. 21, 1970.

The recently released dairies of President Nixon's chief of staff, H.R. Haldeman—a 681-page edited book version and twice as much unedited text available electronically on CD-ROM—haven't gotten as much attention as they deserve. ABC-TV's "Nightime" did an excellent two-part series, but otherwise they have been depicted as chiefly kiss-and-tell stories.

They are much more. Historian Stephen Ambrose, author of a highly acclaimed three-part volume on Richard Nixon, says the diaries are so valuable that he could write another book just on them. These are much more revealing than episodic accounts from the Nixon tapes: Practically every day of the Nixon presidency Mr. Haldeman, more than anyone else, was with the president; every day, with extraordinary discipline, the chief of staff recorded the day's events. (Mr. Haldeman died last November shortly after the diaries, many of which were dictated, were full transcribed.)

There's plenty of titillation for Watergate wallowers. The coverup of White House misdeeds begins almost innocently but then is clear. There's shocking antisemitic and antiblack bigotry attributed, without any ambiguity, to Richard Nixon. A mean-spirited paranoia permeates. President Nixon not only sought to viciously smear political opponents, but even deliberately planted falsehoods about a longtime friend, Federal Reserve Board Chairman Arthur Burns, an act that the president vehemently denied at the time. The president repeatedly talks of the press, bureaucrats, academics and Congress as "out to get us," or less dispassionately as the "bastards who are here to screw us."

This dispels any lingering doubt that it was Richard Nixon who set the tone and mood that led to the Watergate break-in, to the infamous plumbers unit, to illegal wiretaps and bugging, to trying to use the Internal Revenue Service for political purposes and to abusing the FBI and CIA.

But the diaries also provide fascinating glimpses of Mr. Nixon as a leader. The buildup to the opening to China, and Mr. Nixon's prescience, make that achievement seem even more impressive.

An incredibly insightful account of presidential decision-making is contained in the seven pages on the 1971 weekend when the president summoned all his top economic advisers for a secret marathon meeting at Camp David. The result was the decision to institute wage-and-price controls and go off the gold standard. Many Nixonites later regretted these moves, but the Haldeman book shows a president skillfully navigating the political, domestic and international ramifications, and the differences among powerful advisers like John Connally, Arthur Burns, Paul Volcker and George Shultz.

Mr. Ambrose, the Nixon historian, says that his research suggests that the diaries are amazingly reliable. Jo Haldeman, the author's widow, says her husband saw the diaries as "a valuable research source for historians" that would "help put the Nixon presidency in better perspective."

Both Ms. Haldeman and Prof. Ambrose agree that other than Richard Nixon the book's central figure is Henry Kissinger; it's not a flattering portrait. When Ms. Haldeman called Mr. Kissinger some weeks ago to tell him about the book, he expressed displeasure, suggesting it would be better if it never were published.

Mr. Kissinger, who says he hasn't read the book, nevertheless suggests that many conversations "may have been taken out of context." Moreover, he questions Mr. Haldeman's expertise: "Haldeman was not a foreign policy man."

Nice try, Henry, but no dice. Mr. Haldeman, a Kissinger admirer at the time, shows an incredibly petty and insecure man. Mr. Kissinger threatens to resign on at least seven occasions when he feels he's not getting his own way. The spiteful personal feud he conducts with Secretary of State William Rogers, whom he believes is "out to get" him, is so constant that President Nixon complains about what an "emotional drain" Mr. Kissinger is. Walter Isaacson, who recently wrote a superb, if critical, biography of Mr. Kissinger, says that after reading the Haldeman diaries he fears he "understated the paranoid atmosphere" that affected the Nixon White House in general and Henry Kissinger in particular.

But Mr. Kissinger's greatest flaw was Vietnam. The president's foreign policy czar initially envisioned a get tough policy the first year that would drive Hanoi to the bargaining table. "He [Mr. Kissinger] wants to push for some escalation, enough to get us a reasonable bargain for a settlement within six months," Mr. Haldeman reports on July 7, 1969. This became a familiar, and movable, refrain.

"If we just had one more dry season, the opponents would break their backs," Mr. Kissinger tells the president in San Clemente on Aug. 24, 1971, more than two years later. The ever-loyal chief of staff couldn't resist adding: "This, of course, is the same line he's used for the last two years, over and over * * * it's amazing how it sounds like a broken record," From 1970 through 1972 almost 6,000 Americans lost their lives in Vietnam.

Today Mr. Kissinger still is one who perpetuates the myth that Vietnam was lost not because of a flawed policy, but due to a lack of political will at home. The facts are that for seven years America had more than 150,000 troops in Vietnam, reaching a peak of 536,100; that in current dollars we spent almost a quarter of a trillion dollars on operational costs; and that the U.S. dropped four times as many bombs as during the entire Second World War.

Henry Kissinger remains a central figure in American life today, the darling of much of the business community, the foreign policy establishment and the media. He's on the board of CBS, writes a column for the Los Angeles Times syndicate, and can command space or airtime for his views almost at his convenience. The next time Mr. Kissinger is pronouncing on some momentous event, take a look at the Haldeman diaries. They're a good reality check.

RECOGNITION OF FRANK SOFO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly the outstanding citizens of our Nation.

I rise today to honor Frank Sofo for his over 50 years of dedication to Scouting. He has spent a significant portion of his life preparing young people to become the future leaders and citizens of this Nation. He has helped countless young men achieve their personal Scouting goals and has been an all around friend, confident and mentor to innumerable others who have been helped on their way to Eagle Scout. The example of his high standard of commitment to community service and the youth of this Nation is an inspiration to us all.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in wishing Mr.

Sofo all the best and commending him for his tireless leadership. If Mr. Sofo is any indication of the caliber of the individuals produced by Scouting, there can be no doubt as to the kind of future that lays ahead for this Nation's youth.

A BILL TO AUTHORIZE SPECIAL AID FOR THE NORTHERN MARINA ISLANDS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. DE LUGO. Mr. Speaker, the distinguished Chairman of the full Committee on Natural Resources, GEORGE MILLER, and I, as Chairman of the Subcommittee on Insular and International Affairs, will introduce a bill today to authorize grants to the Commonwealth of Northern Mariana Islands of $18 million in fiscal year 1995 and $9 million in fiscal year 1996 for unspecified capital improvements.

The legislation would also repeal the current requirement to provide the islands with $27,720,000 per year in special assistance for priorities determined by local law.

The draft was transmitted to the House by the Office of Territorial and International Affairs of the Department of the Interior pursuant to a provision of the President's budget for fiscal year 1995.

Mr. Speaker, we and others of the Majority of the Committee expressed support for the provision as it was described by the Office of Management and Budget in the fiscal year 1995 budget submission.

We are sponsoring this legislation, though, as a courtesy to the administration and because of our interest in the people of the Northern Mariana Islands and confidence in the Commonwealth's new governor rather than as advocates of the bill.

This is because the bill reflects a misunderstanding of the Congress' previous actions on this matter. In saying this, I want to note that we were not consulted in the drafting of the bill and that the letter covering its transmittal is misleading.

The bill incorporates the recommendations of representatives of then President Bush and the former governor of the commonwealth on this matter on the issues involved other than the amounts of the assistance and when it should be provided. It proposes that the $27 million that it would authorize be provided according to the terms of the 1992 agreement.

Last year, however, the House clearly rejected those terms.

The letter of transmittal suggests that the recommendations were rejected last year because we found the amount of money initially proposed—$120 million—to be too great and the amount of time that the funds would have been provided—over 7 years—to be too long.

The record is clear, though, that the rejection was due to tax, non-resident labor, and minimum wage policies in the Northern Marianas that Members could not justify effectively subsidizing.

We also objected to terms such as the one that would have allowed the terms submitted for Congressional approval to be changed afterwards without subsequent approval by the Congress.

Contrary to what the letter suggests, both Houses passed legislation which would have involved the entire $120 million that was initially proposed.

The legislation passed by this House included conditions related to the policy concerns that I mentioned as well as other provisions to rectify the deficiencies of the recommendations.

The funding was not agreed to in the conference, however, principally because of alternative approaches which appeared to originate in the Office of Territorial and International Affairs but which did not satisfy the concerns of Members of this House.

It was only after adequate conditions had not been agreed to that the House later accepted a minority proposal to end the funding.

The other Delegates form the territories and I opposed cutting this assistance but could not prevent its passage since there had not been agreement on the essential, responsible conditions.

There is one other statement in the transmittal which requires correction. It is that the bill proposes funds for infrastructure only, in an effort at comprise, inferring that this limitation makes the new bill substantially different from the old one.

Yet, the fact is that the rejected recommendations would also have limited the use of the money to infrastructure projects! So, this really is no effort at compromise.

Members of the Committee on Natural Resources responded positively to the proposal as described in the President's budget because it seemed to be an effort to respond to House concerns as well as because we are encouraged by the determination of the new governor of the commonwealth to reform local tax, non-resident labor, and minimum wage policies.

I regret that the promise that seemed to be in the budget was not followed by any consultation with us. I also regret that what has been proposed is simply a substantial reduction in expenditures for insular needs and the same old, deficient, and rejected program.

EARNING BY LEARNING

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. GINGRICH. Mr. Speaker, I want to share the following letter with my colleagues as an example of the success of the Earning By Learning program. This program is run by volunteers so that there is no bureaucracy and no money spent on administrative costs.

I would encourage my colleagues to join me in supporting low cost, high value projects like Earning By Learning so that children across the Nation will come to know the joy of reading and furthering their education.

INTERFAITH, INC.,
250 GEORGIA AVENUE, SE.,
Atlanta, GA, February 14, 1994.

Representative NEWT GINGRICH,
Marietta, GA

DEAR REPRESENTATIVE GINGRICH. On behalf of Interfaith, Inc., I want to express appreciation to you for sponsoring the Earning By Learning Program at the Douglas Village Apartment Community, Douglasville, Georgia in the summers of 1990 and 1991. In 1991, 53 children read a total of 1,850 books, receiving $3,700 for their efforts. This was a stimulating and lasting experience for everyone who participated.

This meaningful project greatly enhanced our regular summer enrichment program for the children will be motivated to read for sometime to come.

I apologize for the lateness in sending this letter, but I've been told that it is never too late to say thanks. I also want to thank Mel Steely for his coordinating efforts. We invite you to think of us anytime there is an opportunity to work together to improve the lives of needy families in our community.

Best regards.

Sincerely,

EUGENE H. BOWENS,
President.

BISHOP STREET HOUSE HONORED WITH FANNIE MAE EXCELLENCE AWARD

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MOAKLEY. Mr. Speaker, all too often the extraordinary energy, drive and vision of people who reach out in unique ways to help others are overlooked. That is one reason why Fannie Mae—the Federal National Mortgage Association—created the Maxwell Award of Excellence. This Award seeks to encourage nonprofit organizations working to develop and maintain housing for low-income Americans. It gives them recognition of their achievements and grant funds to help them continue their work. At a May ceremony on Capitol Hill, I was pleased to participate in the presentation of the Fannie Mae Maxwell Award of Excellence to an extraordinary Boston group in my congressional district called the Committee to End Elder Homelessness.

The Committee to End Elder Homelessness, Inc., received the Fannie Mae Maxwell Award of Excellence for creating Bishop Street House, a 10-unit Victorian-era house that serves as a home for low-income elderl,, homeless women. The group started with a $5,000 no-interest loan as a deposit on the building and a $100 honorarium from a board member as the committee's operating budget. Construction materials were donated. More than 180 volunteers worked on the Bishop Street House—from a newly formed City Year Youth Corps providing construction labor to the contractor's and lawyer's pro bono services. In addition, local foundations, individuals, and a developer made cash donations of more than $90,000 to the project. One of the major forces behind this effort was Elsie Frank, who is a distinguished constituent, and happens to be the mother of my colleague, U.S. Representative BARNEY FRANK. She is a leader in her community, and an inspiration to us all.

This is a prime example of what can be accomplished by individuals becoming involved in their communities with the determination to make a difference in the lives of those less fortunate. Yes, one person, or a group of people acting together, can make an important contribution. It doesn't necessarily take a government program or Federal bureaucracy. With ingenuity and creativity, it can be done locally—in Boston or anywhere else in this country.

Nearly 200 hundred organizations from 38 States submitted applications for the Maxwell Award of Excellence. Of these, only six nonprofit organizations were recommended by an independent advisory committee as having produced the best examples of low-income housing projects during the 12-month eligibility period. I am very pleased that Bishop Street House is one of these. The Fannie Mae Foundation Maxwell Award of Excellence includes a grant of $25,000 in three categories: homeownership, rental, and special-needs housing. Bishop Street House won in the category of special needs housing. In addition, three alternate awardees received grants of $10,000 each and nine finalists received recognition grants of $5,000 each. Twenty-five projects received honorable mention grants of $1,000.

I would like to congratulate the Committee to End Elder Homelessness for receiving the 1994 Fannie Mae Maxwell Award of Excellence for their outstanding contribution in fulfilling a special need for seniors' housing in Boston.

COMMENDING HERB BROWN, PRESIDENT-ELECT OF ROTARY INTERNATIONAL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Mr. Herb Brown, one of my constituents, and a man of tremendous dedication and achievement. I am proud to say that Herb has been selected to serve as President of Rotary International in 1995–96.

Herb has achieved enormous success and recognition in the business world and has also realized great personal satisfaction through his work as an active member of Rotary International.

As we all know, Mr. Speaker, Rotary International is a world-wide service organization with a proud record. Its members include business and professional leaders around the globe who have dedicated themselves to spreading good will and improving the lives of others.

According to Herb, Rotary is second only to his wife, four children, five grandchildren and his God. Having served as a member for almost 50 years, Herb has traveled to countries around the world to meet with heads of state and promote the organization's causes.

For example, as part of Rotary's campaign to eradicate polio by the year 2000, he raised more than $120 million to pay for polio vaccines for children in Third World countries. Herb was also instrumental in starting Rotary's Health, Hunger and Humanities program, which provides immunizations and vocational training, among other services.

Mr. Speaker, Herb Brown deserves our praise. He exemplifies a special kind of commitment to the public good which we need to recognize and nurture. Those of us who have long admired Herb Brown look forward to witnessing the power of his leadership as the President of Rotary International.

TRIBUTE TO TINA THOMAS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MATSUI. Mr. Speaker, my colleague from California [Mr. FAZIO] and I rise today to pay tribute to a truly special individual who has contributed significantly to California's sense of environmental awareness and responsibility.

Tina Thomas is a partner in the nationally recognized law firm Remy & Thomas and is the secretary-treasurer of the Planning and Conservation League, California's oldest environmental lobbying group. During the last decade, Ms. Thomas established herself as one of California's most effective leaders, working diligently for protection of the environment using a pragmatic approach which continues to prove that well-planned growth and protection of our environment are interconnected goals.

Since moving to Sacramento in 1979, Ms. Thomas has tackled some of the most important and difficult environmental cases in the region. Of the handful of law firms specializing in representing environmental and community organizations, Ms. Thomas' firm has rightfully earned the reputation as the most effective in the state. Highlights of her work include the cease of herbicide poisoning into the Sacramento river, the end of California's annual mountain lion hunt, the shut down of Rancho Seco, the California Wildlife and Protection Act of 1988 and the Rail Bond Act. In addition, her involvement in the Planning and Conservation League has been key to that organization's remarkable success. The California legislature has credited this nonprofit alliance of more than 150 organizations and 10,000 individuals with being "instrumental in the passage of every major piece of environmental legislation in California."

While many would find it difficult to gather the energy to do more, Ms. Thomas' commitment to a better way of life for her community extends beyond environmental issues. Among her civic activities include involvement in Sacramento Food Bank Services, the Harry S. Truman Club, Sacramento Children's Museum, Sacramento Chamber of Commerce and effective fundraising efforts for a number of other nonprofit organizations. She has also involved herself in the political arena, working for the successful campaigns of Senators FEINSTEIN, BOXER and MOSELEY-BRAUN; State treasurer Kathleen Brown; State assemblyman Phil Isenberg; and Sacramento mayor Joe Serna.

A popular speaker, Ms. Thomas also finds time to facilitate classes and workshops, as well as speak to organizations concerning topics relevant to development and environmental issues.

Mr. Speaker, we highly commend Ms. Tina Thomas for her unwavering dedication to the advancement in California of environmentally sound land development. Her numerous accomplishments and contributions in this area warrant recognition and we ask our colleagues to join us in congratulating her on a career which has given exceptional leadership to all interested in the difficult task of making growth both economically viable and environmentally sensitive. We extend our best wishes to Ms. Thomas and look forward to many future years of her continued service.

CONGRESS AND REFORMS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 25, 1994, into the CONGRESSIONAL RECORD.

THE REFORM CONGRESS

The 103rd Congress has the potential to be known as the "reform Congress". The legislative agenda of the House and Senate has been dominated by a host of substantive and institutional reform initiatives. A variety of factors have led to this, including public dissatisfaction with government, a new Administration, a growing awareness of major problems in key policy areas such as welfare and health care, and Member interest in improving the performance of government. Several reform initiatives stand out.

HEALTH CARE REFORM

There is a consensus in favor of reforming our national health care system among Democrats and Republicans, big business and labor, health care professionals, and most other Americans. It now appears that the President's health care plan as submitted to Congress will not be adopted. Congress instead will likely take a more incremental approach to changing the existing health care system. The general consensus in favor of reform has not yet translated into an agreement about specifics, but Members and committees are striving to work these out. Legislation could be considered on the floor sometime this summer.

WELFARE REFORM

Congress is considering proposals to end welfare as we know it. The effort is a top-to-bottom overhaul of the welfare system to end the culture of welfare that fosters dependency over self-sufficiency. The emphasis is on making parents support their children, making work more financially rewarding than welfare, improving training and employment opportunities, preventing pregnancies among young welfare mothers, and limiting benefits to just two years for those physically able to work. Many difficult questions must be resolved as Congress addresses this legislation. As a result, welfare reform may be delayed.

DEFENSE REFORM

Last year the Defense Department completed a comprehensive, "bottom-up" review of U.S. defense policy in the post-Cold War era. The review includes recommendations for a more mobile, better equipped military, a revamped defense strategy, and the abolition of certain Cold War weapons systems such as the AF/X combat aircraft. Legislation already has passed during the 103rd Congress that implements several of these recommendations. It moves us toward a streamlined, flexible military force, cancels certain outdated programs, and strengthens our defense industrial base.

EXECUTIVE BRANCH REFORM

Based on the "reinventing government" review headed by Vice President Gore, the Administration has proposed hundreds of recommendations to reform the executive branch. They are based on the idea that we can no longer afford to pay more, and get less, from government. We must be prepared to radically change the way government operates and to try to improve its performance. Many of the recommendations require congressional approval. For example, one important set of proposals moving through Congress deals with government procurement of goods and services, an area rife with waste and excessive red tape. Other examples include reducing the size of the federal workforce, consolidating and modernizing operations, and reducing paperwork and administrative costs.

CAMPAIGN FINANCE REFORM

Americans are concerned that congressional elections are too expensive, that incumbents have the upper hand in fundraising, and that special interest PACs have excessive influence. During 1993 the House and Senate each passed legislation to overhaul campaign finance laws. The House bill provides for voluntary spending caps and a reduction in how much PACs and individual contributors can give to a candidate, among other provisions. The Senate bill contains different expenditure controls, and would ban PAC contributions outright. House and Senate conferees will attempt to reconcile the differences between the two bills during the next several weeks. The prospects for an agreement are good but not certain.

VOTER REGISTRATION REFORM

Last year Congress passed and the President signed the so-called "Motor-voter" bill, which enables citizens to register to vote when they get their driver's license, or to sign up by mail. The new law should help reduce unnecessary barriers to registration and promote greater participation in U.S. elections, which unfortunately is low compared to other Western democracies.

LOBBYING REFORM

People have a right to be skeptical about gifts and meals Members of Congress can now accept from lobbyists. Both the House and Senate have passed bills that would clamp down on this practice. The Senate bill would ban gifts from almost everyone but family members and close friends. The House bill would abolish all gifts costing more than $20 from lobbyists, but meals and entertainment would be allowed if unsolicited and provided by a non-lobbyist. The chances are good that these differences will be reconciled this year. In addition, proposals to tighten registration requirements for lobbyists could also pass during the 103rd Congress.

CONGRESSIONAL REFORM

Earlier this year, legislation was introduced containing the reform recommendations of the Joint Committee on the Organization of Congress, which I co-chaired. The mandate of the Joint Committee was to spend 1993 evaluating the internal operations of the House and Senate and then make recommendations for reform by the end of the year. Included among our recommendations are proposals that would: apply employment and civil rights laws to Congress, include private citizens in the House ethics process, cut congressional staff, streamline the committee system and the budget process, and open Congress up to more public scrutiny. These recommendations currently are under consideration by the House and Senate Rules Committees, and I am hopeful about the chances for adoption. If accepted, the recommendations will constitute the most sweeping overhaul of congressional operations in decades.

OUTLOOK

Although each of these reforms is important—and others are also being considered—it will be extremely difficult to pass them all before the end of the year. The issues are complex, the solutions under consideration are not perfect, and there is substantial political opposition to many of them. But it is evident that Congress is trying to deal in a fundamental way with the problems that concern Americans. If Congress proceeds with reform in a spirit of constructive bipartisanship, my sense is that much of this agenda can be accomplished before the 103rd Congress adjourns. Meaningful reform is the best way for Congress to earn public trust.

LEVINE TO RECEIVE DISTINGUISHED SERVICE AWARD

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KLEIN. Mr. Speaker, I am proud to join the Passaic Valley Council, Boy Scouts of America in honoring a citizen who had dedicated himself to community service. Commissioner Alan C. Levine is the recipient of this organization's Distinguished Citizen Award.

After attending Paterson Eastside High School and the New York Academy, Commissioner Levine later attended Rutgers University where he attained his degree in business administration. He showed strong leadership throughout his academic career and extracurricular activities.

Currently a resident of Paterson, Mr. Levine serves as a commissioner of the Paterson Planning Board and is its representative to the Passaic Valley Water Commission. He is also the president of Levine Industries.

In addition, Mr. Levine is a friend and strong supporter of the Paterson Police Explorer Post. Through these efforts, he created the Police Explorers which allows local teenagers to work together with the Boy Scouts of America and Paterson Police Department.

Among his many other services, Mr. Levine has served as trustee of the North Jersey Developmental Center since 1975, and became chairman in 1979. In 1992, Levine was named by Governor Florio as a member of the New Jersey Police and Fire Pension Board.

The Commissioner's other activities have varied. These memberships include the American Legion Post No. 77–Paterson; the Italian Circle; director of the Boy's Club in Paterson; Rutgers Scarlet "R" Club; Beta Theta Pi Fraternity, and the Aircraft Owners and Pilot Association. He is a P.B.A. Local No. 247 silver and gold card holder and member of the Paterson Firefighters Association.

It is with great pleasure that I praise Commissioner Levine on this distinguished occasion.

FARMINGTON SUCCESS: MESA AIR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. RICHARDSON. Mr. Speaker, I would like to commend the enclosed article from Business Week to my colleagues. The article, written by Eric Schine, relates the success of Mesa Airlines, headquartered in my district in Farmington, NM.

Mesa Airlines, which began in 1980 as a small commuter airline with one airplane, is now one of the most successful small airlines of its type in the Nation. I would also like to suggest to my colleagues that the success of this company is an example of the importance of the Essential Air Service Program [EAS], a Federal Aviation Administration initiative which finances air service to essential areas of the country which would otherwise not benefit from scheduled air service. I know that in a largely rural State such as my home State of New Mexico, the EAS Program is vital to the continuation of much needed air service to communities that would otherwise not receive any scheduled transportation service.

[From Business Week, May 9, 1994]

MESA AIRLINES FLYING TOO HIGH?

(By Eric Schine)

Farmington, N.M., like much of the Southwest, doesn't reveal itself easily. In the hot, bright sunlight, its mesas and gnarled landscape look brown and infertile. The town itself is a dusty collection of bleached concrete buildings and ramshackle trailer parks. Tucked away in New Mexico's barren Four Corners region, Farmington is an oil boomtown that isn't booming anymore. It's the kind of place where the car lots outnumber the trees.

But if you look closely when the light begins to angle, the mesa country's richness and color start to emerge. Larry Risley loves it there. While many Farmington workers choose to commute from Durango, Colo.—a scenic, artsy enclave 55 miles northeast—the founder of Mesa Airlines Inc. is building his dream house on 35 acres at the edge of town. Larry L. Risley and Farmington were made for each other—simple and unpretentious. "Where I come from, there was no such thing as an MBA," Risley says.

A little more than a decade ago, Risley could barely hold down a job. Now, at 49, he's chairman of one of the nation's most successful airline companies. Starting in 1980 with a five-seat Piper Chieftain prop plane, Risley built a low-cost commuter-airline empire that consists of eight separate carriers spread across the nation—several of them tied through marketing agreements to USAir Inc. and United Airlines Inc. During a period when many airlines have struggled just to stay aloft, little Mesa has lost money only once in its 12-year history. Adjusted for splits, its share price has increased tenfold since it went public in 1987. Risley's 2.6% stake is worth a hefty $17 million.

Lately, though, investors have begun to worry about Mesa: The stock has traded down 26% since mid-March, to about 16½ (charts). Part of the decline is due to the general drop in stock prices. But investors have also reacted to Mesa's hints that its fiscal second-quarter earnings will be flat due to creeping costs in one of its units. While analysts still expect full-year profits to post a sharp gain over 1993, the bad news comes at a time when Mesa, with expected 1994 revenues of only $354 million, is embarked on a series of buyouts and equity investments that could cost more than $120 million. Risley has been soaring. But history is littered with airline entrepreneurs who flew too close to the sun.

Same Feathers.—Mesa's biggest target appears to be Continental Express, the sprawling commuter subsidiary of Continental Airlines Inc. Sources close to the talks say Mesa is weighing a deal to pay up to $60 million for a majority of the unit. Trouble is, Continental Express, with about $350 million in sales, competes directly with Mesa units that fly the colors of United Express and USAir Express. Consequently, sources say, the unit would eventually have to be spun off to shareholders as a separate company.

A deal would be the second Mesa has struck recently with Fort Worth (Tex.) financier David Bonderman, whose investment group controls Continental. Bonderman has bid to finance the emergence of America West Airlines Inc. from bankruptcy, and Risley has agreed to make a $25 million investment for a 10% stake.

Meantime, Risley is busy putting the finishing touches on a $32 million deal to acquire financially strapped CCAir Inc., a commuter airline based in Charlotte, N.C., that flies as USAir Express. He is also risking $3 million to purchase Sun-Air, which flies routes around the Virgin Islands and in Puerto Rico. Mesa is even going international, taking a 24% stake in a small commuter carrier in Britain.

The question is, can little Mesa handle all this action at once? Some think so. "Every acquisition they've ever done has improved earnings," enthuses one large institutional holder. Others aren't so sure. "They have an impeccable record," says Kidder, Peabody & Co. analyst Samuel Buttrick, "but as Mesa expands, it becomes an increasingly complex juggling act." Even Risley has concerns about a possible Continental deal. "It'll take a lot for my people to convince me it would be in our best interest," he says.

Soapy Sundays.—The problem isn't financing. Mesa's balance sheet is strong, and it has $135 million in cash from operations and secondary stock offerings. But Continental Express alone provides a tough management challenge. The unit lost $70 million last year, and Mesa would have to replace its fleet, institute cost controls, and cull staff to turn it around. Then, Mesa would have to structure a complex transaction to spin it off. CCAir would require heavy attention as well. And given America West's ups and downs, Mesa investment in that carrier—though passive for now—will demand Risley's vigilance.

Taking risks, though, is nothing new for Risley. In 1982, he and his wife, Janie (who now sits on the board) pledged their small house and pickup truck against a $125,000 loan to buy the plane they were using to shuttle passengers between Farmington and Albuquerque. Janie sold tickets. Larry did the maintenance. On Sundays, the couple relaxed with their young son by washing down the plane and sprucing up its cabin.

Looking back, Risley seems as surprised as anyone by his unlikely success. "There was never any grand plan," he says with a shrug. The son of a firefighter and school teacher, Risley grew up in Abilene, Tex., and hoped to emulate his two older brothers who landed steady work as union mechanics for Delta and American. Larry, who "figured anything over a 70 was wasted effort," barely graduated from high school. Instead of college, he joined the Army and found himself stationed in Germany. He eventually went to trade school to get his aviation mechanic's license.

Risley never cottoned to working for anyone else. When he did find jobs at general aviation airfields, he would soon quit or get himself fired after flare-ups with his bosses. While Janie worked as an X-ray technician, Risley held a jumble of odd jobs to make ends meet. He sold burglar alarms and worked as a janitor in a baby clothes factory. "I was really out of my element," he says.

Risley's first attempt at going it alone came in 1970, when he set up an aircraft engine shop in Waxahachie, Tex. That didn't work out either. Risley quickly found himself deep in debt after several customers welshed on payments. Risley says he eventually made good on his debts; the shop ended up folding.

Risley finally found his feet in 1979 when his brother-in-law helped him get a job managing a charter service for Four Corners Drilling Co., an oil company in Farmington. Risley kept a fleet of 14 small planes going, ferrying drillers to and from remote sites in the high desert. The business made extra money with government contracts to fly residents of the nearby Navajo reservation to hospitals. Everything went fine until oil prices plummeted in 1980. Then, says Risley, "drilling stopped overnight."

Most of the planes were sold off, but Risley persuaded Four Corners to keep one so he could start a shuttle service between Farmington and Albuquerque. Risley advertised his little airline on local radio and put up signs along roads near the Four Corners Regional Airport. He found he could charge half what rival Frontier Airlines Inc. was getting and still make money. In 1982, the Risleys decided to buy the Piper and go into business for themselves.

Mesa's acquisition drive began in 1990 when Jonathan Ornstein, a 31-year-old airline financier, entered the picture. An executive with a tiny carrier called Air L.A., Ornstein first approached Risley about buying out Mesa. Risley wasn't selling, but he liked Ornstein's brashness. He hired the New Yorker and sent him out to scout deals for Mesa.

Ornstein, like his boss, lacks a college degree. But that's about all the two have in common. They battle constantly over the pace of expansion—Risley taking the more conservative position. So far, however, their formula has been effective: find an ailing carrier in a good market, slash staff and institute cost controls, upgrade the fleet, and then let the managers run their own show.

Cost savings come in a number of ways besides lean management. First, most of Mesa's units have code-sharing agreements with major airlines that funnel traffic their way without big marketing expense. Second, Mesa's 155-plane fleet is largely standardized around the twin-engine Beech 1900 turboprop. Standardization allows Mesa units to share a single maintenance facility in Farmington. And it lets the parent—Beech Aircraft Corp.'s largest commercial customer—buy in bulk, assuring better prices and terms.

Odd couple.—Since Ornstein came aboard, Mesa Airlines has struck a profitable balance between making acquisitions and minding operations. Given the recent flurry of dealmaking, however, some industry watchers wonder whether Ornstein's go-go style is at last getting the better of Risley's pragmatism. Risley looks at it this way: "We are at two ends of the spectrum. I'm an operations guy. Jonathan wants to grow and make acquisitions. There's definitely a controversial environment in the office, but that's what makes us have a good team." The tug-of-war is currently playing out over the proposed Continental Express deal.

Sometimes, when it gets to be too much, Risley scoots out to his 35 acres and chats with the workers building a new house for him and Janie. He likes to point out the spot in the yard where a large picnic area and gazebo will be—a place for his extended family to gather on weekends and watch the light change. "People keep trying to frame me as a large-business executive," Risley gripes. "But when things start to get too big, I kick and scream a bit." As Mesa considers its biggest deal ever, a little kicking and screaming may be a good thing.

TRIBUTE TO PAGES OF 103D CONGRESS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 103d Congress.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

The spring 1994 class of pages witnessed many important and historical events and debates, including the Joint Meeting in the Hall of the House for the Prime Minister of India. They were present for the passing of major legislation such as the crime bill, the education bill, and the assault weapons bill. The pages also witnessed the ceremony honoring Congressman Bill Natcher that was held in Statuary Hall, and were present for the swearing in of two new Members, Congressman LEWIS from Kentucky and Congressman LUCAS from Oklahoma.

I am sure they will consider their time spent in Washington, DC, to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

DEPARTING PAGES: SPRING 1993-94

Brandon W. Barnato
Brian T. Beard
Rebecca A. Berman
Felix M. (Skip) Bivens
James W. Bowen
Kristen M. Brandon
Kelly M. Brooks
Andre Butler
Diego J. Cartagena
Corinne J. Chapman
Kenneth J. DeChant
Erin M. DeMicco
Brian C. Detrick
Sara B. Dillier
Rachel E. Dolan
Daniel A. Drum
James S. Echeverria
Rafeef El-Hajj
Christopher B. Fay
Massiel E. Felix
Melanie A. Ferstman
Courtney F. Fine
Sean D. Fitzpatrick
Edward G. Gali III
Madonna K. Gause
Carly A. Geeza
Joshua Geffon
Christina P. Green
Jennifer Gurske
Ronnie D. Hawkins III
Adam C. Healy
Dayna M. Hedges
Christopher J. Hewitt
Priscilla Horton
Josiah S. Johnson
Jamie S. Kantrowitz
Amanda L. Kims
Amy E. Larkin
Mario A. Lopez
Lisa R. Lugo
Myra B. Margolin
Elizabeth A. Martin
Kimberlee A. McKinlay
McKenzie R. McNally
Melody R. McNeil
Laura A. Moneke
Cedric O. Montgomery
George Morales
Jerome T. Nakagawa
Christopher G. Padgett
Polly E. Rickard
Amy L. Sinclair
Douglas I. Skrzyniarz
James E. (Jes) Smith III
Kyle M. Snowdon
Blake K. Thorkelson
Amy B. Vertelka
Dylan T.B. Wagamon
Elizabeth L. Watson
Rebecca U. Weiner
JaDa Wells
Charlotte White
Mark T. Winters

WITHIN 2 YEARS, THE MONTHLY PREMIUM HAD RISEN TO $591

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. STARK. Mr. Speaker, some would have you believe that the current health care system adequately meets the needs of the American people. I disagree. The current system of health care leaves millions of people uninsured. The current system of health care requires the American people to bear excessive medical costs. The current system of health care is definitely inadequate. I bring your attention to a letter I received from Robert L. Brooks in Minneapolis, MN.

> I was disabled in 1985 at age 50 by Alpha-1 antitrypsin deficiency, the hereditary form of emphysema. I had been employed by Ralston Purina Co. for 29 years and had good benefits including health insurance. I continued this insurance when I had to retire, paying the full premiums. Very shortly after I retired, however, the disability retirees were placed in a separate group plan, which had to be self-sufficient. Within 2 years, the monthly premium for my wife and me had risen to $591, which we could not possibly afford.
>
> Now I have Medicare benefits only and cannot get supplemental coverage because of my pre-existing condition. Prescription medications are not covered by Medicare; my prescriptions come to $200 per month. My wife cannot work fulltime because of my needs, so we have an individual policy for her with a $1,000 deductible, which at least will help us in case she becomes seriously ill. This is the only insurance we can afford for her.
>
> We must reform our health care system to provide universal coverage for all Americans, with no exclusion for pre-existing conditions. People should not lose their health insurance, and lose their health care, because they suffer a disability or lose their job or just can't afford it. We must cover medications, preventive care, and care that the chronically ill need in their homes. And we must find a way to pay for this coverage—but of course we already pay for it when uninsured people wait until they are very ill and then go to an emergency room.

The American people need universal health coverage, regardless of health status, employment status, or socioeconomic status. They need a system which will cover the costs of medication and preventive care. Most of all, they need a Congress with the courage to do the right thing.

REMARKS OF THOMAS A. CONSTANTINE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. SCHUMER. Mr. Speaker, I ask that the remarks of Thomas A. Constantine on the occasion of his swearing in as the new Administrator of the Drug Enforcement Administration be entered into the RECORD. Mr. Constantine has had a distinguished career as a first rate leader in the law enforcement community. His observations about drugs, violence, and their effects on our society are extraordinarily perceptive, and I believe will be of interest and value to us all.

REMARKS BY THOMAS A. CONSTANTINE

Good morning, everyone.

Attorney General Reno, I thank you for your strong support and wise counsel over the last few months. It is indeed an honor to be on your team.

To my wife, Ruth—and to my family—your unwavering support over the past several months has meant more to me than you can ever know. You gave me the strength to accept the challenge of leading the DEA, and an opportunity to help bring an end to the tyranny of drugs and violence that plagues our nation.

I am also honored by the presence of so many of my former colleagues and life-long friends from the New York State Police and the IACP. Today, I'm proud that we have with us five past IACP Presidents, the current President, and five future Presidents.

I feel extremely grateful to Steve Greene, a DEA Special Agent who so ably served as Acting Administrator—and a friend who has helped me tremendously during this transition period.

To DEA personnel from across the country and here at Headquarters, I thank you for extending helping hands and for making me feel like an instant member of the DEA family.

I especially want to recognize the family of Joe Aversa, who I mentioned at the time of my nomination. Joey was an all-American boy, and an outstanding trooper with the New York State Police.

Four years ago, while assigned to the DEA Task Force in New York City, Joey Aversa bravely gave his life trying to make the streets of America safer.

Joe was very important to the New York State Police, to DEA and to me personally.

His wife, Eileen, is here with us today, as is his father Vincent. And, I'm proud to announce that on Monday of this week, Eileen Aversa was sworn in as a New York State Trooper.

I'd also like to recognize Jim Rodriguez, the prosecutor of Joe's murderers and Judge Ed Torres, who presided over the trial.

And, I thank all of you for sharing this very special day with me and my family.

A LOOK TO THE FUTURE

In my remarks at my nomination, I focused on the events in my life that had brought me to that nomination ceremony. Today, I want to take the occasion of my swearing-in to look toward the future.

As I officially accept the duties of DEA Administrator, I find myself reflecting on the awesome responsibilities of this agency and our Special Agents around the world. Seeing my family—especially my grandchildren—gathered here in the front row, is a very personal reminder of the responsibilities I undertake today.

It is into the hands of these children—and children just like them all across America—that you and I will one day entrust this great country. It is our responsibility to leave them with a legacy worthy of their hopes and dreams.

VIOLENCE IN AMERICA

As I see it, nothing threatens their bright future more than the epidemic of violent crime that has swept across this great land with the fury of a prairie fire—leaving in its wake shattered lives and broken dreams.

We shudder in horror and shake our heads in disbelief at the violence in places like the Middle East, Bosnia, and South Africa. But the sad truth is that here at home, entire neighborhoods have fallen victim to violence every bit as brutal and devastating as that in those far away countries. In neighborhood after neighborhood, decent, law abiding citizens have become hostages in their own homes.

Each day brings headlines of increasingly vicious crimes. The level of violence we are witnessing all across this nation is unprecedented, and it tears at the moral fabric of our society and threatens our American way of life.

Two hundred years ago, our ancestors laid down their lives to establish the freedoms we enjoy today. One of the most basic of those freedoms is the right to live free from fear and violence. Did our ancestors fight for liberty only to have it squandered in crack houses and back alleys?

The statistics surrounding violent crime in America are shocking. Since 1960, when I began my career in law enforcement, violent crime in this country has increased almost 400 percent. It is certainly no coincidence that this dramatic increase in violence in the past three decades corresponds with the onset of America's drug culture in the Sixties.

It is also no coincidence that crime and violence soared in the mid-1980's with the introduction of crack, a less expensive and more addictive form of cocaine.

Drugs once were regarded as a singular issue. Now, drugs are inextricably linked with the violence that is terrorizing our country. We know that drug users commit a disproportionately high percentage of violent crimes. Our most recent national surveys show that over one third of all violent acts committed and almost half of all homicides are drug-related.

EFFECTS OF VIOLENCE ON OUR CHILDREN

One of the most worrisome facts to me is the impact that drugs and violence are having on our children. Increasingly, children are both the perpetrators—and the victims—of violent crime.

Younger and younger kids are committing more and more serious crimes. Among male teens, we have seen the arrest rate for homicide more than double.

We now have a generation of young people who have grown up to the sounds of gunshots and sirens. Children who walk to school on blood splattered sidewalks, past buildings scarred by gunshot blasts. Children who sleep in bathtubs to avoid the stray bullets of drug dealers. Children who aren't allowed to play in parks because of crack vials and syringes. Children who can't even walk to the corner store for fear of being assaulted—or even killed—by gang violence.

The drug culture has inflicted upon this nation a whole new set of pathologies that were unimaginable just 10 years ago—drive-by-shootings, carjackings, gang warfare, and perhaps the one that tugs at our hearts the most, the thousands of drug-damaged crack babies in hospitals all across this country, many of whom were abandoned at birth by their drug-addicted mothers.

Many Americans have become numbed to the human carnage that has inundated our nightly news and our morning newspapers. This "numbness" is probably one of the greatest dangers of all. My good friend, Judge Edwin Torres of the New York State Supreme Court, put this in perspective when he said: "A society that loses its sense of outrage is doomed to extinction."

Our battle against drugs and the crime and violence they spawn is far from over. Last year, we received the distressing news that drug use among our children—even our youngest teenagers—has increased.

Today, I believe Americans are fed up with drugs and violence. They are tired of living in fear. They are ready to roll up their sleeves and set about making our neighborhoods, our communities, and ultimately our nation, a safer and healthier place for all of us to live.

DEA'S ROLE IN REDUCING VIOLENCE BY ATTACKING DRUG TRAFFICKING

I firmly believe that DEA, as the lead drug law enforcement agency in the world, can play a major role in reducing the levels of violence in our country by identifying and dismantling drug trafficking organizations around the globe.

We are a small agency with a large and complicated mission. Our ranks number slightly more than 7,000 people—less than half of which are Special Agents. But, we are the drug experts.

DEA has the investigative expertise, the know how, and the professionalism to match wits with the most ruthless and resourceful drug traffickers. And, I intend to see DEA use this expertise and our proactive approach to make a difference in violent crime.

TARGETING INTERNATIONAL ORGANIZATIONS

I have always believed that America must bear a portion of the blame for the drug violence, both here at home and in drug source countries. Our insatiable appetite for narcotics has created a thriving and vicious international business for drug traffickers around the world.

To satisfy our demands, ruthless international drug cartels supply the products—and join with American criminals—to establish violent organizations within our borders. Much of the violence we see in our neighborhoods and streets is directly linked to the drugs that are inflicting violence on South American and Asian nations, as well.

For every child in Chicago, Detroit or New York who is caught in the crossfire of rival gangs, a cartel leader grows rich off the misery of America's inner-cities. For every mother who has lost a child to drugs, another mother in Cali, Colombia, gives a son over to the drug lords who run the cocaine trade. And any profits made by the cartels serves only to create more misery in both the United States and abroad. It's a vicious cycle.

As these worldwide drug organizations grow wealthier and more powerful from the profits of drugs sold in the U.S., they undermine and threaten democratic, governmental, and economic institutions around the globe.

Nations around the world have suffered greatly from the drug-related violence brought about by these drug traffickers, and thousands of heroic public servants have paid a tremendous human price fighting against these criminal drug organizations.

TARGETING DOMESTIC ORGANIZATIONS

While we continue to cooperate and work with our international partners to destroy these drug organizations worldwide, we are also committed to dismantling the drug networks that operate within our borders.

As we are all aware, the United States has its own "home grown" variety of organized drug gangs that ruthlessly control their turf and set up networks all across this land.

Daily, we are identifying and linking organizations that have storage, transportation, and distribution elements spread across the nation.

We have discovered that what happens in one region is directly linked to another. And, we are using cooperative investigations to insure that we dismantle the entire organization and eliminate its future ability to deliver drugs to our neighborhood streets.

COOPERATION'S THE KEY

But, DEA cannot do this alone. We must work more closely with our state and local law enforcement partners, as well as our sister Federal agencies. In the serious business of drug control, I see absolutely no room for turf wars, jurisdictional conflicts, and ego building.

Cooperative law enforcement can benefit us all by maximizing our effective use of the resources we must share.

DEA, along with the FBI, INS, and the Marshals Service, is working with U.S. Attorneys to develop strategies targeting violent crime. DEA's commanders in the field—the SACs—are already working together with Chiefs of Police, Sheriffs, and Superintendents around the nation to pinpoint those individuals and organizations who pose the greatest violence and drug threats to this country.

COOPERATIVE TASK FORCES

In many cities and towns, the problem of drugs and violence has outstripped the resources of the police to handle it. And there are those false prophets among us who see the drug problem as so insurmountable that they are ready to throw up their hands in surrender. These are the same people who are calling for the legalization of drugs, which they see as a quick and simple solution to the drug problem.

Legalization is a disastrous proposition. By legalizing drugs, we are effectively writing off many segments of our society, particularly the children of the inner cities. Far too often, it is the poorest and most helpless who pay the largest price for these social experiments and misguided policies.

Law enforcement's answer is not to throw up our hands in desperation—but to join hands in cooperation—to work together to relieve our cities and towns of drugs and violent crime.

In several American cities, cooperative task forces have been so successful that their investigations have been responsible for dramatic decreases in drug-related violence. For example, when a task force made up of Federal, state, and local law enforcement, targeted crack dealers in Schenectady, New York, violent crime in that city fell by 37 percent.

In Fort Lauderdale, Florida, when a major crack organization was dismantled by the work of a cooperative task force, the 911 calls from neighborhoods under siege fell by 95 percent.

And, in New Haven, Connecticut, as a result of task force enforcement actions against drug gangs, the murder rate in that city dropped by almost 50 percent, while the rates continued to climb in neighboring cities.

The success of these task forces illustrates the kind of cooperation and focus we must have to bring peace to the streets of our nation. I pledge that DEA will become more involved and will continue to work along side our state and local partners to make this happen.

CONCLUSION

This morning, as I officially accept my new duties as Administrator of DEA, I again ask for the help and support of everyone in DEA, and my law enforcement colleagues, both here in Washington and in the field.

I have much to learn about Federal government and international relations, but I will do the very best I can. I would not be here if I didn't believe that we could win this battle over drugs and violence.

We have important work ahead of us. And, we must continue the fight until we've won, because the future of our children hangs in the balance.

What better—and more important—legacy can we pass on to our children than a world cleansed of drugs and drug trafficking, a world where the rule of law dominates—not the rule of the lawless, a world where neighborhoods live together—free from the fear and intimidation of drug traffickers.

I can think of no task more important than this—and I accept that challenge this morning.

TRIBUTE TO JILL MELLIS, OUTSTANDING STUDENT ATHLETE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to Jill Mellis, a young student athlete from my congressional district.

Jill is an outstanding senior at Plymouth-Canton High School in Canton, MI. She has consistently excelled both in academics and competitive swimming throughout her educational career. Jill's latest accomplishment is being named one of ten national winners in the 10th Annual Asthma Athlete Scholarship Program.

The scholarship program was established in order to honor the athletic and academic achievement of students with asthma, and to have them serve as role models for asthmatic students with similar ambitions. The achievements of Jill Mellis should provide and inspiration to all students who strive for excellence.

Jill has demonstrated a rare ability to obtain unbelievable success both in the classroom and in the pool. As a superior swimmer at Plymouth-Canton, Jill achieved nearly every honor in her sport. She was a multi-record breaker, MVP, and All-State swimmer. As a dedicated student, Jim has been named Scholastic All-American Athlete, serves as a member of the National Honor Society, and is scholastically first in her graduating class.

Jill will be attending the College of Engineering at the University of Michigan in the fall. Her academic and athletic training will serve her well in her future endeavors. I am pleased to recognize Jill Mellis as both an outstanding athlete and scholar whose achievement set a high standard for all of us.

TRIBUTE TO REVEREND MODEAN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KLEIN. Mr. Speaker, I rise today to join the congregation of the First Lutheran Church of Clifton as it honors Rev. Earl Modean on his retirement. For 35 years, he has demonstrated his devotion and commitment to the city of Clifton, NJ.

Reverend Modean began his work for the congregation in 1960, when he guided the church's move to a larger facility. Since then, he has dedicated much of his service to the senior citizens of the area. His accomplishments include Evergreen Manor, a highly praised housing center for the elderly.

Recently, Reverend Modean joined the efforts of Rev. Susannah Smith, another community leader, to aid the area's homeless. The First Lutheran Church has dedicated housing to the program, in addition to establishing a special day of prayer for the cause.

Reverend Modean's contributions have touched the population of Clifton. He is a board member of the General Hospital Center at Passaic, and serves as chaplain for the fire department. Reverend Modean hopes that his retirement will allow him to spend more time with his children and grandchildren. Despite this, his service to the community will continue, as he seeks "to take on a few challenges, particularly in the realm of housing for the elderly or needy."

It is with great pleasure that I ask my colleagues to honor Reverend Modean on this distinguished occasion. I know that he will be greatly missed by his congregation and the residents of Clifton. I wish him the best of luck in the future.

MERCHANT MARINE HEROES OF WORLD WAR II

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. FIELDS of Texas. Mr. Speaker, I rise today to pay tribute to the Americans who served in our merchant marine during World War II, and in particular, those individuals involved in support of the D-day invasion of Normandy.

Over the last several days, American citizens and people around the world have joined in the commemoration of the 50th anniversary of the D-day invasion of Normandy. We have celebrated the heroism of the men and women from the Army, Navy, Marine Corps, and the former Army Air Corps as we relived the exploits of the Allied efforts to establish a foothold in Europe from which to launch the effort to put an end to the Nazi tyranny that was strangling Europe.

An integral part of the successful invasion was the continuous supply of material and reinforcements, as well as the constant flow of troops from England across the Channel. As part of the overall plan for Operation Overlord, which was the code word for the planning and carrying out of the invasion, the military leaders recognized the need for a way to discharge enormous amounts of supplies and equipment over the beaches until a functioning port facility was captured by the Allied forces.

To enable the continuous supply of the Allied forces after D-day, a plan was conceived to create two artificial harbors called Mulberries. One of these harbors would be established in the American sector at Omaha Beach and the second one in the British sector at Arromanches. In addition to the two artificial harbors, a breakwater was to be constructed for Utah Beach. The breakwater would be fashioned by placing a series of blockships in a line and then scuttling them in order to form a protective barrier behind which Allied vessels could discharge their cargo and safely disembark troops into landing craft. Approximately 15 blockships were to be placed at Omaha Beach, seven at Utah Beach, and an additional 40 to 50 along British held beaches.

Over 1,000 merchant seamen were needed to prepare the ships and to move them into position off the coast of Normandy. Although barely operational, each blockship sailed under it own power, manned by 30 to 40 merchant seamen. While crossing the English Channel and positioning the blockships for the scuttling, the ships and their crews came under enemy fire from Nazi planes and shore batteries. The first blockship was sunk at Omaha Beach on D-day plus 1. After a severe storm disrupted the activity for several days, the scuttling proceeded and ultimately the harbors and the related breakwaters were put in place.

The service performed by the merchant seamen was essential to the success of the invasion because without the artifical harbors being in place it would have been difficult, if not impossible, to ultimately land all of the troops, equipment, and supplies that were needed. And time was of the essence in order to not jeopardize the invasion itself.

In addition to the heroic efforts of the seamen to help fashion a temporary harbor facility, merchant seamen were involved in many other events accompanying the D-day invasion itself. It is worth note that as part of the commemorative ceremonies last week, there was one vessel involved in the ceremonies that is the only surviving ship still operational that was part of the 5,000-ship armada that stormed the beaches of Normandy on D-day. This vessel is the SS *Jeremiah O'Brien*, a liberty ship launched on June 19, 1943.

The *O'Brien*, which was named after the first United States naval officer to engage a British warship during our War for Independence, had been involved in the Battle of the Atlantic as part of the convoy efforts to supply the Allied forces in the years prior to D-day. Over the course of the Battle of Normandy, the *Jeremiah O'Brien* made 11 crossings from England to the Normandy beaches carrying troops, ammunition, weapons, and other military equipment. In fact, over a period of time, merchant marine crews nicknamed the English Channel the "Liberty Way" because so many United States liberty ships were used to transport the equipment and supplies to the Allied forces in Europe.

At the 50th anniversary celebration on Monday, June 6th, President Clinton paid tribute to those merchant mariners who were involved in the invasion of Normandy. The President boarded the *O'Brien* which was anchored off Portsmouth, England, less than 5 miles from where it was exactly 50 years ago ready to participate in Operation Overlord. Merchant mariners were finally afforded full recognition of their efforts in the invasion.

The story of the heroism of the American merchant seamen did not start with the D-day invasion, however. In September 1940, the United States Congress authorized the Government to provide Britain with a number of World War I vintage warships. In March 1941, President Franklin D. Roosevelt signed the Lend-Lease Act that was to provide American military support to Britain. Over the next 3 years, the United States became increasing involved in supplying the war effort in Europe—all of which was transported by merchant ships manned by American seafarers.

During the course of the Battle of the Atlantic, the United States merchant marine repeatedly challenged German U-boats and air attacks and the treacherous North Atlantic seas to keep open the lifelines from America to Great Britain and the Soviet Union. More than 2.500 American and other Allied merchant ships were sunk. In the United States over

2,700 Liberty ships were built during the war, with an average time of construction of 58 days per ship. These ships were expected to be lost to enemy action and were of a simple, utilitarian design that enabled them to be built in an assembly line process. Liberty ships were built at a cost of about $2 million each.

During the course of World War II, approximately 250,000 officers and crewmen made up the U.S. merchant marine. Over 6,800 merchant seamen were killed by enemy action or war related collisions and fires aboard ship. The casualty rate for merchant seamen was exceeded only by that of the Marine Corps.

Thousands of seamen were injured during surface and air attacks during the course of the war. Many were forced into lifeboats and liferafts and endured the ravages of the elements, shark attacks, and strafing by Nazi aircraft while hoping and waiting for rescue.

An editorial in the New York Times during the war poignantly described the role of our merchant mariners: "Each week they are pulled or washed up out of the sea, after incredible hardships, or after death amid vast stretches of flaming oil. Quietly, when their wounds are healed, their long thirst or hunger satisfied, the survivors slip out of port again."

The head of the War Shipping Administration, Vice Admiral E. S. Land, summarized the role of the United States merchant marine in a report of President Truman: "The United States was a member of a fighting team of united nations that won the greatest war in history. There were three major players who represented the United States on that team: Our fighting forces overseas, the production army here at home, and the link between them—the United States merchant marine."

General Eisenhower also recognized the contribution of the American merchant seamen to the successful D-day invasion. He said: "Every man in this Allied command is quick to express his admiration for the loyalty, courage, and fortitude of the officers and men of the merchant marine. When final victory is ours, there is no organization that will share its credit more deservedly than the merchant marine."

In 1987, these forgotten patriots of World War II were recognized for their invaluable contribution by Federal Judge Louis Oberdorfer. In his decision, the judge stated that those who served in the merchant marine during World War II deserved to be granted veterans' status. Regrettably, when implementing that decision, our Government arbitrarily excluded a small group of worthy Americans. It is my hope that this year—the 50th anniversary of Normandy—we will finally grant veterans' status to all Americans who served during the World War II period which is December 7, 1941 to December 31, 1946.

Mr. Speaker, I am proud, and honored, to salute our American heroes who served in the merchant marine during World War II. The sons, and daughters, of these heroes continue the proud heritage of their fathers today.

TRIBUTE TO RABBI AND MRS. SAMUEL DAVID RAICHIK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. WAXMAN. Mr. Speaker, on June 22, 1994 the Jewish community in Los Angeles will pay tribute to our close friends, Rabbi and Mrs. Samuel David Raichik, for their enormous contributions to our community.

Rabbi and Mrs. Raichik were among the fortunate Polish Jews who survived the Holocaust. Both saw the virtual destruction of their families. Since that time, they have pursued with all their energy the values reflected in the lives of their learned and pious families.

From the time of his youth, Rabbi Raichik has been a devoted follower of the Chabad-Lubavitch School of Chassidism. He studied at the Lubavitcher Academy for Advanced Talmudic Studies near Warsaw, Poland. He was personally involved in the escape of the late Lubavitcher Rebbe, Joseph Isaac Schneerson, from German-occupied Poland in 1940. Rabbi Schneerson guided the entire academy eastward across the Soviet Union into China and finally to their city of refuge—Japanese-occupied Shanghai.

Mrs. Leah Raichik—nee Rapaport—is a descendant of one of the most illustrious families in all of Jewish history. Her father, the late Abraham Abba Rapaport, was a renowned Talmudic scholar, a key figure in the Court of the Gerer Chassidim, a major manufacturer and wholesaler of textiles, and economic adviser to the prewar Polish Government. Mr. Rapaport died shortly after the German invasion of Poland. His wife, Sabina, and four Rapaport daughters spent the entire war hiding in a barn that belonged to friendly gentile farmers. The constant search by German troops for Jews placed them in perpetual danger until the liberation of Poland.

Following the war, Rabbi and Mrs. Raichik settled in Brooklyn, NY. With the blessing and approval of the late Rabbi Joseph I. Schneerson, they were married in 1948. Rabbi Schneerson dispatched the young couple to represent him and the Lubavitcher movement on the west coast. He designated Rabbi Raichik as his personal emissary and entrusted him with a wide range of spiritual and material responsibilities.

Within a short time, the Chabad-Lubavitch movement became familiar to most Orthodox Jews and many Jews of other orientations. The non-Jewish community came to respect the Chabad movement for its integrity, compassion, and special emphasis on the needs of young people.

The Raichiks first settled in the Boyle Heights area of Los Angeles and subsequently moved to the Beverly-Fairfax section, where they have lived for 42 years.

Rabbi Raichik has been involved in every area of Jewish communal life. He is universally respected for his gentle, compassionate, and accepting approach to matters and is renowned as a leader who "loves peace and pursues it."

After the passing of Rabbi Joseph Schneerson, the mantle of leadership fell upon his son-in-law who became the Lubavitcher Rebbe, Rabbi Menachem Mendal Schneerson. The present Rebbe renewed Rabbi Raichik's appointment as personal emissary to the west coast and expressed his prayer and blessing that the work of Chabad Lubavitch would grow and flourish.

In the ensuing years, the Chabad Lubavitch movement has indeed grown and there has been an even greater expansion of Chabad's work. The expansion program has included the founding of Cheder Menachem and the opening of numerous Chabad Houses throughout the State. Chabad now has branches in such far-flung places in California as San Diego, Westminster, Torrance, Santa Monica, San Fernando Valley, and the Bay Area.

In all his years as an emissary, Rabbi Raichik has never recognized a distinction between his public and private lives. He has no office. He keeps no appointment book. His home is a gathering place for visiting dignitaries, for troubled youth, for divided families, and for spiritual seekers. His days are filled with service to his Creator and loving service to the community. To fulfill their mission, Rabbi and Mrs. Raichik and their family have sacrificed privacy, luxury, convenience, and comfort.

Every Chabad rabbi turns to Rabbi Samuel David Raichik for guidance in his personal life and in his communal work. Each recognizes Rabbi Raichik's unique ability to put every issue in the context of Torah thought and the teachings of the Lubavitcher Rebbe.

All those who seek out Rabbi Raichik's well-known Edinburgh Avenue home are accepted and nourished physically and spiritually. Rabbi Raichik brings the teachings of the Torah, the wisdom of Chabad philosophy, and the instructions of the Lubavitcher Rebbe into homes, offices, and synagogues across the city. When he visits prisoners in California jails, he takes not only his message, but foods and baked goods prepared by his wife.

Rabbi and Mrs. Raichik are the proud parents of 10 children, all of whom are devout Lubavitcher Chassidim and devoted followers of the Lubavitcher Rebbe. They are also the grandparents of many grandchildren, some of whom already have become Bar Mitzvah.

We are our colleagues to join us in saluting Rabbi and Mrs. Samuel David Raichik for their years of service to the city of Los Angeles and to wish Cheder Menachem continued success in educating and guiding its students in the ways of the Torah. The Raichiks ask the community to join in prayers for their ailing leader, Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe. Finally, please join us in wishing Rabbi and Mrs. Raichik long life, good health, continued success in their communal roles, and spiritual satisfaction from the achievements of their children and grandchildren.

HMONG REFUGEES

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. GUNDERSON. Mr. Speaker, I learned recently that on April 27, the National Security

Council of the Royal Thai Government called for the accelerated repatriation of Hmong refugees from camps in Thailand back to Laos. This is a very serious and regrettable turn of events that will serve to accelerate the practice of forced repatriation of Hmong refugees. Most of the Hmong in Thailand are opposed to returning to Laos and will refuse to go, unless they are made to return by force. I have a sizable Hmong population in my district, and several have made personal, last-minute pleas on behalf of relatives who would shortly be repatriated to Laos.

I have worked closely with several of my colleagues to express our concern over the current status of the refugee program in Thailand. In particular, we are deeply disturbed about the emergency situation now facing Hmong refugees at Ban Napho Refugee Camp and Wat Tham Krabok, a Buddhist monastery in Thailand which serves as a Hmong refuge. In order to increase awareness, I would like to include in the Record a bipartisan letter that Congressman Hunter wrote and 16 Members of Congress signed, including myself.

In the letter, the U.S. Congress appeals to the King of Thailand for his personal intervention and assistance with this important and urgent matter. Time is running out for the Hmong in Thailand who fought so hard as an ally of the United States to defend the interests of democracy in Indochina during the Vietnam war. We continue to await His Majesty's response to the following letter:

United States Congress,
March 1, 1994.

His Majesty King Bhumibol Adulyadej,
The Grand Palace, Na Phra Lan Road, Bangkok 10200, Thailand

Your Majesty: As Members of the United States Congress, we ask for your assistance with the current Hmong refugee crisis in Thailand and Laos.

As you may know, the Hmong people fought with America and Thailand during the Vietnam war. Because the fighting in the Lao theater—the so-called "Secret War"—was highly classified, few people are aware of the major contribution the Hmong people made to American and Thai efforts during the war. A Hmong army guarded the highly secret CIA site (Lima Site 85) at Pho Pha Thi mountain that was the only facility of its kind. All-weather and night bombing of targets in North Vietnam and along the Ho Chi Minh trail would have been impossible without this site.

Because of this, a war of genocide was waged against the Hmong after the United States withdrew from the war until the late 1980s.

Unfortunately, it has recently been reported that over 11,000 Hmong with formal refugee status and 3000 Hmong asylum seekers at Ban Napho refugee camp in Thailand will be sent back to Laos against their will through "mandatory repatriation" (forced) under the auspices of the United Nations High Commission for Refugees (UNHCR). An additional 12,000 Hmong refugees have sought refuge at the Buddhist temple of Wat Tham Krabok after the Thai Ministry of Interior (MOI) closed Ban Vinai refugee camp. The fate of the Hmong at Wat Tham Krabok remains uncertain, but it is feared they will be sent to Laos.

As you may know, all Lao Hmong in Thailand are to be sent back to Laos by the end of 1994 under the terms of the 1991 Luang Prabang Tripartite Agreement signed by Thailand, Laos, and the UNHCR.

It now appears, from a number of recent events, that the Tripartite Agreement has been nullified. Hmong are being unfairly screened-out and denied refugee status by some Thai camp officials. In the most recent Hmong refugee scandal in Thailand, it is alleged that tens of thousands of dollars were extorted by three Thai officials out of the American families of 305 Hmong refugees—who did not want to be returned to Laos. Also, the disappearance of Mr. Vue Mai in Laos, the Hmong repatriation leader which the UNHCR and the U.S. Department of State upheld as the symbol of the success of the repatriation program, has sent shock waves through the Hmong refugee camps in Thailand and in Hmong communities throughout the world. If the UNHCR and the United States Department of State cannot guarantee the safety of such a high profile Hmong leader in Laos, how will the security of less prominent Hmong be ensured? The Lao government continues to bar international human rights organizations from visiting or monitoring the country. Moreover, U.S. Embassy officials in Laos are not permitted in some provinces where Hmong have been repatriated because of the ongoing civil war. It appears that Hmong repatriated back to Laos cannot be monitored properly by U.S. or UNHCR officials, and their short term and long term security cannot be guaranteed.

Young Majesty, we ask you to urge leaders of Thailand—both military and political—to immediately stop the repatriation of Hmong back to Laos. Please request that the Prime Minister, the head of the National Security Council and the Minister of the Interior begin an immediate four (4) year moratorium on the return and repatriation of Hmong back to Laos.

A four year moratorium will allow all Hmong in Thailand—an estimated 40,000–50,000—to resettle in third countries (like Canada, France and Australia) where their security can be better guaranteed and they can live in peace with their families and communities.

Your personal intervention in the past saved Thailand from additional bloodshed after the May 1992 crisis and helped restore peace. Your personal intervention to save the Hmong at Ban Napho camp. Wat Tham Krabok and elsewhere in Thailand is also important and we would appreciate your kind assistance with this matter. We look forward to your reply.

Sincerely,

Duncan Hunter, James Oberstar, Bill McCollum, Pat Schroeder, Ben Gilman, Tom Lantos, Toby Roth, Gary Condit, Wally Herger, Randy Cunningham, Bob Dornan, Dan Schaefer, Steve Gunderson, Jim Moran, Porter Goss, Jay Kim, Members of Congress.

PROTECTING AND ASSISTING PEOPLE EXPOSED TO RADIATION

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Ms. FURSE. Mr. Speaker, it is a great honor for me to have worked to reauthorize the Hanford Health Information Network. I express my appreciation to the gentleman from South Carolina [Mr. Spratt] for including $2.5 million in his chairman's mark for operation of the network for another year. I am very hopeful that DOE will include the network in its request for next year.

This network was established in the National Defense Authorization Act for fiscal year 1991 to develop programs for persons who may have been exposed to radiation released from the Hanford Nuclear Reservation between 1944 and 1972. It has been extremely important to the people of the Pacific Northwest, and has given them useful information when unfortunately, for so many years, they were unknowingly exposed to dangerous toxins.

This is one of the things we can do to help restore trust in Government, and it is gratifying indeed to have had a role in enabling this vital program to continue.

After 3 years of operation, managers of the network realized it is necessary to establish in Federal law a prohibition against client information disclosure. This information is not uniformly protected through the network due to the fact that the laws concerning confidentiality of client records are different in each of the participating States.

Many persons seeking information from the network and/or providing information about their personal or family health histories are concerned about possible disclosure of this information.

Downwinders must have their privacy protected, and they are concerned that disclosure could lead to the termination of health insurance coverage and other types of discrimination. These people and their families deserve to have the peace of mind to know that they're not going to be further victimized after they contact the network. This legislation protects them.

I am very pleased that my colleagues have agreed to include this legislation in the National Defense Authorization Act for fiscal year 1995. It should provide necessary assurance to the people who are benefiting so greatly from the services of the Hanford Health Information Network.

TRIBUTE TO JAMES H. ALLEN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to James H. Allen, Sr., for his dedication and service to the greater Paterson community. Mr. Allen, a longtime resident of the area, deserves congratulations for his outstanding contributions and commitment to his college, his professional affiliations, and the National Association for Advancement of Colored People.

Mr. Allen is a proud graduate of Johnson C. Smith University, in Charlotte, NC, and he presently holds the office of vice president for the New Jersey Alumni Association. With a master's degree of business administration from Rutgers, the State University of New Jersey, Mr. Allen works as a field auditor for the New Jersey Department of Treasury, Division of Taxation.

Extending his involvement to the professional and community arenas, Mr. Allen holds active membership in the New Jersey Black MBA Association, and is a former vice president of operations. Currently, he serves as a board member for the Young Men of Paterson, the YMCA, and the Roberta Sides Scholarship Fund.

Mr. Allen's dedication is exemplified by his continuing service to the NAACP. He is the immediate past state adviser for the youth and college division of the state conference for the organization. His efforts in that position have produced several notable achievements, including the naming of New Jersey as the No. 1 State in the region for youth programmatic thrust. As a former adviser for the Paterson NAACP Youth Council, Mr. Allen introduced the co-adviser concept at the organization's regional and national levels. Mr. Allen also developed the Paterson Black Colleges Tour Program and continues to coordinate annual tours.

I applaud James H. Allen, Sr. for his hard work and commitment to the community. His selfless contributions are greatly appreciated and I wish him and his family the best for the future.

ON THE INTRODUCTION OF THE WATER CONSERVATION INCENTIVES ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. McDERMOTT. Mr. Speaker, fresh water is one of our most important resources and it is limited in supply. A recent issue of national geographic dedicated to examining North America's fresh water supply estimated that if all of the earth's water fit in a gallon jug, available fresh water would equal just over a tablespoon. That is less than half of the percent of the total. The need for increased conservation—one of the most economical ways of meeting increased demand with limited supply—is clearly evident.

Today I am introducing legislation to promote water conservation by removing a powerful disincentive in our tax code which works against water conservation efforts. This legislation is "The Water Conservation Incentives Act."

It is a natural "next step" to efforts I led in the House Ways and Means Committee in 1992, when we added several tax provisions promoting energy conservation to the National Energy Policy Act. At that time, we did not really address the issue of tax incentives for water conservation, primarily because no utilities were aggressively pursuing water conservation as a way of meeting increased demand.

But that is now changing. The Seattle Water Department has one of the most aggressive water conservation programs in the country. Over the next 10 years, it will spend $16 million on water conservation programs which will save 32 million gallons of water a day—a fifteen percent reduction from what consumption would have been.

One of the major components of Seattle's conservation efforts is incentive programs to encourage the installation of more efficient water use equipment and fixtures in our homes, businesses and public institutions. These conservation measures will reduce water consumption, but they won't require significant changes in lifestyle or business production.

The problem, however, is that current tax law is a threat to Seattle's successful conservation incentive program. Under current law, when a water customer receives a conservation subsidy from the Seattle Water Department, the customer must include the value of that subsidy in its gross income at tax time.

The city of Seattle encourages water conservation with its subsidy, but the federal government discourages water conservation by its tax treatment of the subsidies. The two policies are inadvertently—but obviously—working at cross purposes. It is also clearly an administrative burden for the water department as well as a disincentive to participation by customers.

The legislation I will introduce ends this disincentive. My bill says, simply, we are not going to require the customer who receives the subsidy to report it as income and to pay income tax on it. For the tax lawyers out there let me say it, specifically, this way: my bill would provide a 100% exclusion from gross income for the value of the subsidy received for the purchase or installation of any water conservation measure. For the rest of us it is just this simple: my bill, if adopted, means the federal government would stop taxing your water conservation subsidy.

What I'm proposing is that we simply elevate water conservation programs to the same status as energy conservation programs. Right now, subsidies provided by electric utilities are not taxed as income to the customer. Subsidies by water utilities should be treated no differently. My legislation will correct this inconsistency in the tax code and thereby encourage more water conservation programs through the use of tax incentives.

Like its recycling program and energy conservation programs, Seattle now is taking a leadership role in water conservation programs. I commend the city for its commitment to preserving the earth's limited resources, as well as to keeping water rates low for its customers in the long run. The water supply made available by Seattle's conservation programs are provided at about half the cost of developing a new source of supply.

I am proud that my district has one of the most aggressive and comprehensive water conservation programs in the country.

I am fully committed to seeing water conservation programs receive equivalent treatment under the tax code. A technical explanation of "The Water Conservation Incentives Act" is attached to this statement.

TECHNICAL SUMMARY OF THE WATER CONSERVATION INCENTIVES ACT INTRODUCED BY CONGRESSMAN JIM McDERMOTT

SECTION I. EXCLUSION OF WATER CONSERVATION SUBSIDIES PROVIDED BY WATER UTILITIES

Amends the federal tax code to provide a 100% exclusion from gross income of the value of a subsidy received for the purchase or installation of any water conservation measure. The exclusion applies to income or property received after December 31, 1993.

The exclusion is extended to all residential, commercial and industrial customers of public or investor owned utilities that have been established or approved by the federal government, a state or local government, or any subdivision thereof.

Any installation or modification primarily designed to reduce consumption of water or to improve the management of water demand qualifies for the exclusion.

The bill specifically defines seven water properties as qualifying for the exclusion, provided that these properties meet certain standards. The standards listed below for a toilet (A), urinal (B), faucet (E), and shower head (F) are established in federal law under the National Energy Policy Act of 1992:

(A) toilet: using 1.6 gallons or less per flush for gravity designs and 2.5 gallons or less per flush for flush valve style pressure-assisted designs,

(B) urinal: using 1.0 gallons or less per flush,

(C) laundry machine: using 11.0 gallons or less per cubic foot of capacity per complete washing cycle,

(D) Dishwasher: using 2.0 gallons or less per cubic foot of capacity per complete washing cycle,

(E) faucet: equipped with an aerator or flow control which restricts the flow to 2.5 gallons or less per minute at 65 psi, and

(F) shower head: restricting the flow to 2.5 gallons or less per minute at 65 psi.

The bill identifies certain processes and categories of technologies that by definition qualify for the exclusion:

(A) equipment which automatically reduces the pressure (or controls the flow) of water: All water systems experience fluctuations in water pressure. To control for pressure variations, flow settings on water using appliances and equipment are set to provide enough water under low pressure conditions. As a result, water is wasted during high pressure periods, as more water is used than is necessary. Extreme pressure variations can be controlled by the use of pressure reduction valves and flow control devices which help stabilize water pressure and maintain an even flow of water. In some instances, high water pressure causes malfunction in some water conserving technologies such as irrigation soaker hoses and low pressure drip irrigation systems.

Example: Households that experience high water pressure can benefit from a pressure reduction valve (PRV), which is installed on the customer's side of the water meter. By reducing water pressure and stabilizing fluctuations in water pressure, the valve helps save water by reducing the rate at which water flows through faucets and showerheads.

(B) Water recycling, recirculation, and reuse equipment: In most commercial and industrial settings, drinking quality water is used once and then discharged to a sewage treatment system. Technology that permits the reuse of that water before discharge for the same or other applications can result in substantial water savings.

Example: Water used once by a film processor as a rinse in the film developing process can be captured, filtered and reused as a film rinse. Similarly, a cement manufacturer can substitute its cooling water for potable water as an additive to the slurry of raw materials prior to baking the mix in the kiln.

By substituting previously used water for drinking quality water, the manufacturer reduces the demand for fresh water and the amount of water discharged and treated. Pipes, pumps, equipment needed to regulate the flow of water (automatic shut-off valves, computerized flow controllers and timers) and techniques for treating water (filtration, solids setting or Ph adjustment) comprise the primary expense in this category.

(C) cooling equipment: Commercial and industrial equipment frequently is cooled with water which is discharged into the sewer for treatment after only having been used once. Technologies exist that allow equipment to be cooled more efficiently, either by recirculating the same cooling water for the same purpose or eliminating the use of water altogether.

Example: A business can use the same water over and over as a coolant, if it invests in a closed-loop system that refrigerates water after each time it has been used to cool equipment. Other examples replace water altogether. A flow through water system used to cool many ice machines can be replaced by a refrigerant system which discharges waste heat to the atmosphere rather than to the sewer by way of waste water. In each example, savings accrue from a reduction in both the amount of water used and the amount of water discharged into the sewer for treatment.

(D) Treatment processes which optimize water cycling: In many applications water can be reused or recycled if slight improvements are made to the quality of the once-used water. a number of chemical and mechanical technologies can be applied at a relatively low cost to bring once-used water up to a quality acceptable for less demanding non-drinking water applications.

Example: Some companies in the metal plating industry are taking advantage of advanced treatment processes, including reverse osmosis, ion exchange, and micro filtration, to treat a portion of their process waste water to a quality that can be reintroduced as a component of a water rinse. These technologies are applicable to many other industrial processes.

(E) Equipment and facilities which use treated municipal effluent (instead of drinking quality water) for non-potable applications: Most urban areas treat sewage to secondary standards prior to discharging it to nearby rivers, streams, or marine waters. By treating a portion of this water to even higher standards, it can be reused in commercial and industrial applications that do not require drinking quality water. Substantial savings can be achieved, as highly treated effluent displaces more valuable drinking quality water.

Example: A company processing sand and gravel can use reclaimed water to wash and separate grades and sizes of sand and gravel, instead of drinking water. Several states already encourage the use of treated effluent in place of drinking quality water. In 1988, California reused 350 million gallons a day for agriculture, groundwater recharge, landscape irrigation and industrial applications. In 1990, Florida reused 320 million gallons a day for similar purposes. Among other applications, industry in Washington State is using highly treated effluent to rinse equipment, wash manufactured products, irrigate landscaping, and heat and cool facilities in closed loop systems.

(F) Evapotranspiration stations, software, and controllers: Parks, ballfields, cemeteries, and other greenspaces frequently are over watered as a result of: (1) lack of knowledge about how much water plants need at a given time, and (2) outdated equipment that is difficult to program or that does not respond automatically to changing weather conditions. As a result, groundskeepers often err on the side of over watering to maintain a lush green turf. However, new knowledge and new technology demonstrate that healthy turf can be maintained with significant reductions in water use.

Example: Two major types of technology and equipment are available to address over watering, and both rely on the concept of evapotranspiration (ET). ET refers to the amount of water that is evaporated from the landscape or transpired through plant tissues. By knowing precisely the amount of ET that occurs, a landscape manager knows how much water to replace through irrigation. The rate of ET is calculated by a computerized weather station which collects current weather data such as wind speed, temperature, humidity. Computer software calculates how much water is required by the landscape, taking into account the weather data, which is then transmitted to the automatically controlled irrigation system. In this way, only the amount of water that is actually needed by the landscape is applied. The Parks Department for the City of Redmond, Washington, for example, attributes savings of 30 to 35% of its irrigation water to use of ET technology.

(G) Tank or reservoir covers or liners: Where they exist in municipal and industrial settings, open tanks and reservoirs contribute to significant losses of water due to splashing, evaporation, and leakage. Open tanks also are subject to contamination from leaves and other objects, requiring them to be flushed out periodically.

Example: Installing floatable covers and liners in open tanks and other water storage facilities dramatically reduces water losses due to splashing, evaporation, and leakage.

(H) Sub-metering, overflow and other monitoring control systems: Substantial quantities of drinking quality water frequently are spilled into drainage systems when open tanks, pools and reservoirs are overfilled. Waves within a water storage facility also contribute to spillage. New technologies help regulate water levels and control spillage.

Example: Monitoring and control are capable of gauging the proper amount of water needed to fill a reservoir, or sustain an industrial process, without waste or spillage. The installation of meters can help signal when problems are occurring and automated control valves can regulate precise amounts of water entering a storage facility. Also, improved float controls are effective in reducing waste when fluctuations and waves are causing problems for existing control mechanisms.

(I) Identification and repair of water leaks: Leaks in underground pipes, distribution systems, and storage facilities, caused by old age or seismic activity, result in substantial water losses. Technology is available to simplify leak detection and, in doing so, minimize water loss.

Example: The Sand Point Naval Station in Seattle, Washington cut its water use by more than 60 percent after repairing leaks that were identified in a leak detection survey by the Seattle Water Department. In this case, the leaks were identified and the survey was expedited with the assistance of a technology that amplified the sound of the leaks. Upon identification, leaky pipes are either repaired or replaced, depending on age, type, and condition of the system.

A water conservation measure cannot qualify for an exclusion if it otherwise is required to be installed under local building codes.

The term water conservation measure includes services performed by a water department to identify and repair leaks.

The term water conservation measure includes landscape measures that improve soil moisture retention by reducing water lost to evaporation. One of the most common wastes of water in the landscape is over irrigation, especially in climates that have little or no summer precipitation. Even with attention to watering frequencies and amounts, much of the water applied to the landscape is never used by the plant roots. For example, in sandy soils, water soaks down below the soil root zone beyond where turf grass or other plant materials can reach it. Conversely, heavy clay soils can result in increased runoff as water is applied too fast for the soil to absorb it. By increasing the moisture retention characteristics of the soil, runoff can be reduced and more water can be retained in the root zone, thus decreasing the total amount of irrigation needed.

Example: Mulch, adding organic material or chemical additives for soil are used in soil preparation for commercial landscapes which act as sponges to increase the water at the turf grass or plant root zones. Since less water is lost to surface runoff and deep percolation, techniques that improve soil moisture retention can greatly reduce total water requirements.

SECTION II. WATER CONSERVATION EXPENDITURES BY WATER UTILITIES

Clarifies that conservation expenditures by water utilities are deductible in full for the year in which paid or incurred.

The provision affirms a longstanding tax policy and overrides the Internal Revenue Service's recent practice of pressuring certain investor owned utilities to spread conservation deductions over a period of several years.

The provisions of this section apply to expenditures paid or incurred in taxable years beginning after December 31, 1993.

REMEMBERING JOHN H. BRADLEY ON FLAG DAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. ROTH. Mr. Speaker, on June 11, Appleton, WI, will hold the Nation's largest Flag Day parade in honor of Mr. John H. Bradley, a naval hero of World War II. Mr. Bradley was the last survivor among the six American servicemen who raised the United States flag on Iwo Jima in the unforgettable 1945 Pulitzer Prize winning photograph.

The successful invasion of Iwo Jima marked the beginning of the United States Forces freeing the South Pacific from Japanese occupation. This epic battle was won with the staggering cost of 6,821 American lives.

Twenty-one years old and a Navy pharmacist's mate second class, Mr. Bradley was one of the many heroes of those fateful 4 days of the invasion of Iwo Jima. Rushing to the aid of wounded solders, Mr. Bradley saved the lives of many servicemen. These actions alone make John Bradley a hero. Yet Mr. Bradley is remembered more vividly for his actions after the battle was won.

Along with five marines, Mr. Bradley raised an American flag on the top of Mount

Suribachi, the highest point on Iwo Jima. This heroic scene was captured by Associated Press photographer Joe Rosenthal. As every schoolchild who visits Arlington Cemetery knows, this scene became the model for the Iwo Jima Memorial. The image of John Bradley and the other five marines struggling to raise the American flag has served as a symbol to remember the bloody battles that marines, soldiers, sailors, and airmen have endured in all of the U.S. wars.

Even though Mr. Bradley is a national hero, he was known for his modesty as much as his valor. In a documentary in 1985, Mr. Bradley recalled, "I just think that I just happened to be at a certain place at a certain time and anybody on the island could have been in there and we certainly weren't heroes."

Another place that John Bradley was greatly loved and respected was at home with his family in Antigo. Mr. Bradley passed away on January 11, 1994. Consequently the Bradley family, the people of northeast Wisconsin, and the citizens of the United States lost a hero who will be missed, but never forgotten.

When John Bradley's hometown, Appleton, WI, hosts its 44th annual Flag Day parade in his honor and the crowd cheers Old Glory up and down College Avenue, let us remember the American flag that John Bradley raised in victory on battle-scarred Iwo Jima. And may we remember the servicemen, like John Bradley, of whom Adm. Chester W. Nimitz said, "Uncommon valor was a common virtue."

IN HONOR OF THE MOST REVEREND DESMOND M. TUTU

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MANN. Mr. Speaker, on June 13, 1994, Cincinnati will be honored with a visit by the Nobel Peace Prize Laureate, Archbishop Desmond Tutu.

Mr. Speaker, I rise today to recognize the accomplishments of the Most Reverend Desmond Tutu, Archbishop of South Africa. Archbishop Tutu will be honoring Cincinnati with a visit to the Queen City on June 13, 1994.

Archbishop Desmond Tutu was a bold and eloquent voice speaking out against the evils of racism that dominated his native South Africa. His has been a consistent message of reconciliation and nonviolence, as he asked, "Can you imagine what would happen in this land if we accepted the theological fact about ourselves—that whether we like it or not we are members of one family?"

This internationally recognized Nobel Laureate will be in Cincinnati to share his insights into how the struggle to eliminate apartheid in South Africa may have lessons for us in Cincinnati. I and all Cincinnatians welcome him.

TOBACCO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. ACKERMAN. Mr. Speaker, I would like to commend Mr. Sol Axelrod of Commack, NY, for melding his quick wit with his concern for current issues. Mr. Axelrod has written a variety of poems about many of the social issues that face our Nation. At this time I would like to share a poem that Mr. Axelrod recently wrote about the dangers of smoking.

Fingers turn brown from nicotine
Kills more people than I've ever seen
Poisons your body, It's not good to use
Stop Smoking, don't start, these are my views
Give your lungs the clean air it needs
By not using dirty tobacco weeds
Stop smoking, don't start, breathe free again
Stay away from this carcinogen
Listen to me, I'll tell you why
Tobacco is not worth the try to die.

TRIBUTE TO SENATOR CLYDE BERNARD FOWLER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HOYER. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a very special person, Senator Clyde Bernard "Bernie" Fowler, who will be retiring from the Maryland General Assembly in 1994.

Mr. Speaker, I have been extremely fortunate in my life to meet many wonderful people. One of those wonderful people is Senator Bernard Fowler, or "Bernie" as he is affectionately known. Bernie is one of those people who has invested more time in his community and State than any person or award could recognize. He truly is one of the most decent, honest, and principled men I know.

An affectionate husband to his wife, Betty; a loving father to his four children, Mona, Lora, Betty, and Clyde; and a devoted grandfather to his six grandchildren, Carla, Christi, Steven, Ryan, Stacy, and Lauren, Bernie Fowler is nothing short of a family man. Indeed, those same qualities Bernie has demonstrated at home, he has also displayed in his more than 30 years of public service.

As a champion for many causes, Bernie has paid special attention to the environment. In the 1950's, when Bernie was a youth crabbing on the Patuxent, he used to walk out into the river and be able to see his toes wiggle in chest-deep water. Ever since then, Bernie has been going back out into the water during the annual "Bernie Fowler Wade-In" looking for his toes. His annual event attracts hundreds of concerned citizens and serves as a reminder that everyone must play a part in cleaning up the Patuxent River and Chesapeake Bay.

Mr. Speaker, Bernie Fowler is what is right about our country. His distinguished career in public service serves as an inspiration to all of us trying to make a difference. Whether he is protecting our environment or boosting the economy, Bernie's actions have brought positive impacts to southern Maryland and to our State.

Mr. Speaker, the members of the Maryland General Assembly have annually designated the second Sunday of June as "Senator Bernie Fowler Day." I enthusiastically support their resolution and know that the distinguished Members of this House join me in recognizing one of Maryland's greatest leaders, Senator Clyde Bernard "Bernie" Fowler.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE WIC PROGRAM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. VENTO. Mr. Speaker, this year is the 20th anniversary of a very successful Federal program, the Supplemental Food Program for Women, Infants and Children [WIC]. In honor of the occasion and my fellow Minnesotan, Hubert Humphrey, who helped to bring the program to life, I am submitting the following editorial from the May 27 Minneapolis Star Tribune noting the past successes and the further potential of the WIC Program.

WIC AT 20

TWO DECADES OF FEEDING THE FUTURE

When Minnesotans muse upon the gifts Hubert Humphrey gave them, they may not think first about well-fed kids. But they should. Back in the early '70s, the senator was the godfather of a two-year experiment called the Special Supplemental Food Program for Women, Infants and Children. In the 20 years since, that idea has rescued millions of low-income mothers and kids from the brink of malnutrition. Born of one man's imagination, WIC has become poignant proof of government's power to ease human misery.

WIC's simple purpose is to secure the future by putting food into the mouths of babes and mothers. Convinced that hunger inflicts permanent damage on developing children, Humphrey and his allies wanted to give low-income pregnant mothers and young kids a weekly supply of milk, cheese, juice, cereal and peanut butter. Yet even after Congress approved the plan, the U.S. Department of Agriculture took little action to implement it. WIC's promise was unfulfilled until lawsuits and congressional pressure forced the USDA to launch the program in January of 1974. By year's end, WIC was feeding 205,000 needy people in 45 states.

Today, it's no overstatement to call WIC a raving success. The program has blossomed into a network of 9,000 clinics nationwide feeding more than 6 million people a year. WIC's benefits aren't just for those in rock-bottom poverty, but for any low-income working family at nutritional risk. And WIC gives its clients more than just calories. It dispenses medical services and nutritional advice as well—all in hopes of growing healthier children.

WIC seems to grow them very well. A flurry of studies links prenatal participation in WIC with a dramatic reduction in premature births and infant mortality and an increase in birth weight and infant head size. Research also shows that WIC participation reduces anemia and improves cognitive performance among preschoolers.

WIC brings another kind of payoff, too: It saves money that would otherwise be spent trying to salvage premature and malnourished youngsters. Over the long haul, the dividends may be eye-popping: A recent General Accounting Office report found that, in 1990, the federal government spent $296 million on prenatal WIC benefits—and thereby averted $853 million in health-related costs during the first year of life. And over the 18 years it will take the infants to grow up, the GAO estimated, that initial one-year prenatal investment will avert more than $1 billion in health-related costs—leading to a net savings of $740 million.

Despite WIC's remarkable ability to save lives and money in a fell swoop, it remains underfunded. A handful of states, including Minnesota, choose to supplement federal funding. But even so, the program serves only about 65 percent of the eligible population—leaving 3 million at-risk children and pregnant women in the lunch.

It seems foolish to scrimp on a proven cost-saver—especially one that corporate CEOs laud as "the health-care equivalent of a triple A investment." President Clinton has set the stage for capitalizing on the investment by calling for full WIC funding by the end of fiscal year 1996. By assenting, Congress can bring to full flower a budding notion from a Minnesota senator.

A TRIBUTE TO LARRY DIEMAND

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. TRAFICANT. Mr. Speaker, I rise here today to recognize an extraordinary American. Larry Diemand, a father of two, manager of the Youngstown-Warren Regional Airport, and a member of the Air Force Reserves, seeing the atrocities in Bosnia, wanted to do something for the people of the war torn city of Sarajevo. This finalized into flying a C–130 cargo plane for a 16 day relief mission.

Diemand, an Ohio University alumni, knew all his life that he wanted to fly. But just flying was not enough, he wanted to fly in the military. After taking the necessary written and physical exams Mr. Diemand was accepted into the military program and was shipped off to Alabama's Craig Air Force Base. After completing the required training, Diemand returned home to his job and family and simultaneously carried out both his civilian and military duties.

After taking a brief hiatus from the reserves from 1979 to 1984, Diemand was back training to fly a new type of plane, the C–130 cargo plane. He continued to fly with the reserves, but it was not until this past year that Diemand saw an opportunity to utilize all of the skills and training that he had received the past 20 years. The opportunity was one of service to people in dire need of relief.

Mr. Speaker, Larry Diemand's courage, and dedication to his country and the world community should be commended. Very few people would leave their comfortable lives and volunteer to fly in potentially dangerous situations to help the people of Bosnia. It is people like Larry who make me proud to be the representative of the fine people of Youngstown, OH. May God bless Mr. Diemand with health, happiness and continued success in all his future endeavors.

THE 100TH ANNIVERSARY OF THE DEDICATION OF THE SALT LAKE CITY AND COUNTY BUILDING

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Ms. SHEPHERD. Mr. Speaker, this year marks the 100th anniversary of the dedication of the Salt Lake City and County Building. It has served for a century as the symbol of local government in the Salt Lake Valley. Initially, the City and County Building served as the seat of both local government and the State of Utah. From 1896 to 1916, the Utah State House of Representatives met on the forth floor, the Senate convened in the present City Council Chambers and the Governor presided in a fourth floor suite.

The construction of the City and County Building provided needed employment in the Salt Lake Valley during the "Panic of '93" and again during the late 1980s when local craftspeople undertook an extensive restoration of the grand old building. This renewal reinforced its place as an important cultural landmark.

The architecture of the City and County Building represents the finest example west of the Mississippi of Richardsonian Romanesque, an authentic American architectural style.

As a Member of Congress, I am delighted to have such a beautiful and culturally rich building as an integral part of Salt Lake City. I commend the women and men who originally built it as well as those who later restored this extraordinary structure and I acknowledge this building's vital role as the site of local government and justice for 100 years.

ST. GEORGE ELEMENTARY SCHOOL TO PARTICIPATE IN I.S.S.E.

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. RIDGE. Mr. Speaker, I rise to inform the members of the House of Representatives about the participation of the St. George Elementary School in Erie, Pennsylvania and the Rowville Primary School in Rowville, Victoria, Australia in the International School-to-School Exchange (I.S.S.E.) program this summer. St. George Elementary School is the first school in Pennsylvania to become involved in this very exciting international exchange. It is a unique student-teacher exchange program because it is the only one which involves eleven year olds and makes them Junior Ambassadors for the state of Pennsylvania and the United States of America.

The objective of the ISSE is "to allow elementary students to interact with and learn from other children of the world, thereby fostering peace and understanding on a global basis." This is a goal that all of us around the world should work toward every day of our lives and one which the students, faculty, parents and administration of the St. George Elementary School and Rowville Primary School are putting into practice.

On June 9, 1994 seven 6th grade students and two teachers will travel to Rowville, Victoria where these students will live with a host family and attend school and other functions. They will be there until July 8, 1994 before traveling back to the United States. The teachers are Ms. Heidi Arnold and Ms. Donna Volk. The students are Stephanie DePlacido, Amanda Hale, Gregory Kress, Laura Lochbaum, Terra Smith, Alexandra Swonder and Chris Tingley.

Mr. Speaker, I want to wish these young ambassadors well on their journey half way around the world. I know that they will strengthen the bonds of friendship that this country enjoys with Australia and, in particular, with the young students at Rowville. I know that they will make lasting friendships and they will learn new ways of looking at the world around them. I am very proud to be able to represent these fine young people and teachers as their Congressman from the 21st Congressional District of Pennsylvania in the United States House of Representatives.

AWARD WINNING STUDENTS OF CAESAR RODNEY HIGH SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. CASTLE. Mr. Speaker, I rise today to congratulate teacher Bill Windett and his class from Caesar Rodney High School in Camden-Wyoming, DE, for winning the unit award at the national competition of the "We the People . . . The Citizen and the Constitution." These talented young Americans competed against 47 other classes from throughout the Nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

The students from Caesar Rodney High School were judged the best nonfinalist team for their expertise on the "Creation of the Bill of Rights."

At a time of concern that many Americans do not have a basic understanding of the history of our Nation and the principals on which our government is based, it is especially gratifying to see a group of young people recognized for their study of a key feature of our Constitution—the Bill of Rights. I ask my colleagues to join me in congratulating these talented young students for their outstanding achievement.

The members of Bill Windett's class are: Jason Badell, Jason Cahall, Eric Clesinski, James DePalma, Matthe Foskey, Jennifer Giles, Kirsten Higgins, Susanna Jean, Keisha Kersey, Elizabeth King, Courtney Laychak, Chris McGlumphy, Jennifer Morris, Jonathan Newton, Tom Noll, Heather Pfeiffer, Hilary Rhodes, Natashia Sanders, Heather Schimkaltis, Amy Schoettinger, Adam Sheridan, David Spanklin, Matthew Stump, Christine Trexler, Joshua Vaught, Brent Whitaker, Matthew Zimmerman, and Matthew Taylor. They each deserve congratulations for their hard work and achievements.

TRIBUTE TO THOMAS E. GITTINS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. KING. Mr. Speaker, I rise today to salute one of the American heroes of a truly heroic generation. Thomas E. Gittins was one of the millions of Americans who answered the country's call to duty in response to history's most severe challenge to liberty and freedom.

Thomas E. Gittins was one of our brave GI's who put their lives on the line in the titanic struggle to free Europe from the tyranny of Hitler's Germany. It is particularly fitting that we honor Thomas E. Gittins during this week when the free people of the world celebrate the 50th anniversary of D-day—June 6, 1944—the day that signaled the beginning of the end of Nazi Germany. Thomas E. Gittins distinguished himself in combat against Hitler's troops, participating in the decisive Normandy campaign.

Thomas E. Gittins displayed extreme valor in combat, sustaining a serious wound and earning the Marksman's Badge with Rifle Bar, and was honored for his courage, winning the Bronze Star with two additional citations for valor.

Thomas E. Gittins' valor on the field of battle has made him worthy of special recognition, yet his devotion to duty, courage, and determination also makes him typical of the American servicemen who fought and won the global struggle for freedom in World War II. Please join with me today in saluting Thomas E. Gittins and all of the soldiers, sailors, airmen, and marines whose courage and sacrifice won a better world for us all.

MATTHEW J. PERRY, JR. COURTHOUSE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to introduce legislation to designate the U.S. Courthouse to be constructed in Columbia, SC, as the "Matthew J. Perry, Jr. United States Courthouse".

Mathew Perry was born on Aug. 3, 1921, in Columbia, SC, and attended South Carolina State College from 1939 to 1942. His education was interrupted from 1943 to 1946, as he served on active duty in the U.S. Army during World War II.

Upon discharge from the service, Mr. Perry completed his bachelor's degree and law degree from South Carolina State, and he was admitted to the South Carolina Bar in 1951.

During the next 24 years, Mr. Perry distinguished himself in the legal community. During this time, Mr. Perry participated in the successful defense of more than 7,000 black students who were arrested because of their participation in protest activities against segregation in the South. Among the many cases in which Mr. Perry participated in this vein include the following: *Fields* v. *South Carolina; Edwards* v. *South Carolina; Henry* v. *City of Rock Hill; Hamm* v. *City of Rock Hill; Person* v. *City of Greenville; Bouie* v. *City of Columbia;* and *Barr* v. *City of Columbia.*

Mr. Speaker, it was my great honor to have been involved as a litigant in both the *Fields* and *Edwards* cases listed above. In fact, I was Mr. Perry's only witness in *Fields*, and it was during that litigation that a relationship fostered between Mr. Perry and me which continues to blossom even until this day. I can think of no living South Carolinian whom I hold in higher esteem. Matthew Perry was involved in virtually all the litigation which broke racial barriers in South Carolina during this century.

Among the other cases Mr. Perry represented were *Gantt* v. *Clemson College*, resulting in the admission of Harvey Gantt to CLemson College, which had never admitted a black student prior to this case, and *Montieth* v. *University of South Carolina*, which resulted in the admission of the first black student to the University of South Carolina since Reconstruction.

In 1975, Matthew Perry was nominated by President Ford and unanimously confirmed by the U.S. Senate, to serve as a judge on the United States Court of Military Appeals here in Washington.

Matthew Perry's ability, courage, and tenacity were further recognized on June 28, 1979, when President Carter nominated him for appointment to the U.S. District Court for South Carolina. Again, Judge Perry's confirmation by the Senate was unanimous. Upon his confirmation, Judge Perry became the first African-American to sit on the Federal bench in South Carolina.

Mr. Speaker, for his outstanding and exemplary service to his State and Nation, I am introducing this legislation to pay tribute to Judge Matthew Perry, and I ask my colleagues to join me in this effort.

COL. THOMAS M. McNISH

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, Col. Thomas M. McNish is retiring from his position as the Command Surgeon, Office of Air Force Reserve, Pentagon, Washington, DC, where he was responsible for overall programming, planning, management, and evaluation of the Air Force Reserve Medical Services.

In June 1960, following 1 year at North Carolina State University, Colonel McNish entered the Air Force Academy, and graduated in June 1964. He entered pilot training at Williams Air Force Base, AZ, and received his wings in September 1965. After completing advanced pilot training in the F–105D at Nellis Air Force Base, NV, Colonel McNish was assigned to Takhli Royal Thai Air Force Base, Thailand, in June 1966. He flew 45 combat missions over North Vietnam before being shot down and captured near Hanoi on September 4, 1966. In March 1973, he was repatriated after 6½ years as a prisoner of war in North Vietnam.

That same summer he entered pre-medicine classes at Emory University and, 1 year later, enrolled in Emory University School of Medicine, graduating in June 1978. While training as an intern and resident in the Department of Family Practice at the University of Texas Health Center at San Antonio, he served as chief resident during the third year. Completing the family practice residency in 1981, Dr. McNish began a residency in aerospace medicine at Brooks Air Force Base, TX, and graduated in June 1983. He has earned a master's degree in public health, and is board certified by both the American Board of Family Practice and the American Board of Preventive Medicine.

Prior to completing the aerospace medicine residency, Colonel McNish was selected for the USAF pilot-physician program and checked out in the T–37. In 1983, enroute from Brooks Air Force Base, TX, to his permanent duty station at Myrtle Beach Air Force Base, SC, he completed lead-in fighter training on the AT–38 at Holloman Air Force Base, NM, followed by the A–10A upgrade program at Davis-Monthan Air Force Base, AZ. He was selected as distinguished graduate in the A–10 program and was awarded the Top Gun trophy.

Dr. McNish served as chief; aeromedical services and commander of the air transportable hospital at Myrtle Beach Air Force Base, SC, from December 1983 to May 1985, when he was appointed commander, USAF Hospital Myrtle Beach from May 1985 to July 1986. While assigned to Myrtle Beach Air Force Base, Dr. McNish maintained mission-ready qualification in the A–10A, flying with the 354th Tactical Fighter Wing, and was designated by Tactical Air Commander as the weapons system flight surgeon for the A–10.

In July 1986, he was assigned as commander of the 833d Medical Group and the 833d Tactical Hospital at Holloman Air Force Base, NM. As Tactical Air Command's weapons system flight surgeon for the AT–38 and the F–5, he flew the AT–38 with the 479th Tactical Training Wing. In October 1988, he was reassigned to the Office of the Air Force Surgeon General as Chief, Flight Medicine. He was appointed senior military consultant to the Surgeon General in Aerospace Medicine, and remained active in research and education regarding the physiological effects of high G-forces on aircrew of fighter aircraft. He assumed his present position in June 1991.

Colonel McNish is a command pilot and holds a chief flight surgeon rating. His awards and decorations include the Silver Star with two oak leaf clusters, Legion of Merit, Distinguished Flying Cross, Bronze Star with "V" device for valor, Meritorious Service Medal, Air Medal with four oak leaf clusters, Air Force Commendation Medal, Air Force Achievement Medal, Presidential Unit Citation, Purple Heart with one oak leaf cluster, Prisoner of War Medal, Distinguished Unit Citation, Vietnam Cross of Gallantry, and Vietnam Service Medal with 15 campaign stars.

Colonel McNish was promoted to Colonel September 1, 1986, with same date of rank, and will retire on June 30, 1994, with 30 years of highly distinguished service in the United States Air Force.

Colonel McNish was born May 1, 1992, in Madison, TN, and graduated from Franklin

High School in Franklin, NC, in May 1959. He is married to the former Yona Gross of Montgomery, AL. They have three children: Lori, Amy, and Tommy.

A SPECIAL SALUTE TO DR. CLAIRE A. VAN UMMERSEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. STOKES. Mr. Speaker, today I take pride in saluting an individual whose contributions to higher education are unparalleled. On June 12, 1994, I will have the honor of bringing the official greetings to Dr. Claire Van Ummersen from the U.S. Congress when she is inaugurated as the next president of Cleveland State University. As president, Dr. Van Ummersen will continue a tradition of excellence at an exemplary institution located within my congressional district.

It pleases me to mention that Cleveland State University, having originated in 1870 with just a few men in attendance, has expanded to include colleges of arts and sciences, business administration, engineering, education, law, and graduate studies. In her capacity as president, Dr. Van Ummersen will be responsible for managing 561 full-time and approximately 300 part-time faculty members. In addition, she will oversee an enrollment of over 17,000 students. I am honored to participate in this special tribute to Dr. Clare Van Ummersen. I rise today to share information with my colleagues on this distinguished individual.

Having worked within the educational system for over 25 years, Dr. Van Ummersen has devoted her efforts to improving the quality of education for both students and faculty. In 1968, she began her 18-year career at the University of Massachusetts as an assistant professor of biology. Thereafter she served as interim chancellor, associate vice chancellor for academic affairs, associate dean for academic affairs and graduate program director for biology.

Mr. Speaker, under Dr. Van Ummersen's leadership, higher education has witnessed a major reconstruction. Her energies have led to innovative techniques being used to foster education and expanded services being offered. From 1986 to 1992, while serving as chancellor of the University System of New Hampshire, she managed over 29,000 students and a $300 million operating budget. In addition, Dr. Van Ummersen was responsible for launching an innovative instructional television network. Her unyielding efforts resulted in the linkage of all of the State universities and colleges by televised instruction. She was also responsible for spearheading the implementation of a doctoral program in environmental sciences.

I am also proud to mention that in addition to serving on numerous regional and national boards and commissions, Dr. Van Ummersen is an active member of several honorary societies including Phi Beta Kappa and Sigma Xi. She has also continued to host seminars on "The Impact of Global Change on Education," and "Faculty Roles and Rewards."

Mr. Speaker, I believe that Dr. Van Ummersen deserves special credit for her efforts to improve the quality and standard of education. I am more than confident that Dr. Van Ummersen will do an outstanding job as president of Cleveland State University. I take great pride in saluting Dr. Van Ummersen for her efforts and extend my warmest regards as she assumes the presidency.

HONORING THE VETERANS OF THE NORMANDY INVASION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HINCHEY. Mr. Speaker, I would like to bring to the attention of this chamber the rededication of the Veterans Memorial Flag Pole in Plattekill, NY. On June 11, the town of Plattekill seniors will hold this rededication ceremony to honor all those Americans who have fallen in the line of duty. In particular, the ceremony will honor the 50th anniversary of the invasion of Normandy by American forces.

This ceremony serves as a reminder to us all that those who made the ultimate sacrifice to their country are not forgotten. Though they are departed from this life, they live on in our hearts and memories. They live on not only as soldiers, but as husbands, brothers, sisters, sons, and friends, and now they will be immortalized by the senior citizens of our community in the Veterans Memorial Flag Pole. Mr. Speaker, I ask that this Congress assembled today, this Congress that reserves the power to declare war itself, to now join the people of Plattekill, NY, in honoring those who gave their lives to defend our freedom.

MEYZEEK'S MASTERMINDS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. MAZZOLI. Mr. Speaker, I congratulate the Meyzeek Middle School Academic Team of Louisville, KY, which won the National Academic League championship. The team came from behind to defeat Pleasant Valley Middle School of Wichita, KS, for the title in the championship, which was held via teleconference.

The 3-year-old academic games challenge sixth to eighth grade students in language arts, math, science, and social studies. They are patterned after athletic games in which the teams play regular "game" schedules throughout the year leading up to district championships. Each match consists of four quarters: roundabout, problem-solving, teamwork, and presentation.

Meyzeek Middle School emerged victorious from a series of matches held between 11 Louisville and Jefferson County schools, and moved on to competition at the national level. All of the students and coaches of Meyzeek Middle School are to be commended and congratulated for their hard work and dedication in this event.

Scholastic challenges such as this serve not only to motivate our students, but they also serve to challenge our students to become the best that they possibly can be. Each of the students from all the schools who took place in this competition is to be applauded. Meyzeek is especially to be commended for surviving through the series of intellectual matches.

I commend to the attention of my colleagues the members and coaches of the Meyzeek Middle School, National Academic League champions: Coach Tom Schmitt and Coach Regina Leitner; team members: Jason McAlister, Marc Brickley, Daniel Chang, Fred Choi, Bebecca Corder, Richard Jue, Charles Martin, Eric Russ, Justin Shuster, Justin Singer, Adam Toren, Jonathan Wampler, Gloria Choi, Cary Collins, Matt Fox, Adesina Lalude, Brian Swann, Kelly Hanlon, Lauren Kokai, and Craig Wampler.

TRIBUTE TO MRS. MADELINE THOMAS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 8, 1994

Mr. HUNTER. Mr. Speaker, I rise today to recognize the work of an outstanding citizen in my home district, Mrs. Madeline Thomas.

Originally from Pittsburgh, PA, Madeline moved to the desert town of Calexico in 1940 where she married Himes Thomas, a Calexico farmer. Over the years, Madeline distinguished herself as a strong voice in the community first by joining the Fountain Chapel AME Church and later through her diligent work with the California School Employees Associated.

Despite great personal tragedies that took the lives of her husband and four of her six children, Madeline Thomas endured through the painful times and dedicated herself to helping others. Known to her friends as "Maddie," she continued her education in the field of nutrition at Imperial Valley College and San Diego State University. She is also a member of the Neighborhood House, the Women Improvement Club, the Kiwanis Club, and the Jasper 4–H Club. In addition, Madeline represented the city of Calexico as a delegate to the White House Conference on Aging.

Such dedication to so many activities is truly rare in today's society, and underscores the importance of recognizing Madeline Thomas' accomplishments. As she continues her noble work, I would like to wish Maddie all the best.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 9, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 10

9:00 a.m.
Armed Services
To continue closed markup of a proposed National Defense Authorization Act for Fiscal Year 1995, S. 2082, to authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government, and other pending legislation.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To hold hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.
SD-562

Indian Affairs
To hold oversight hearings on activities of off-reservation boarding schools.
SR-485

10:00 a.m.
Finance
Health for Families and the Uninsured Subcommittee
To hold hearings to examine health care for early retirees.
SD-215

10:30 a.m.
Commission on Security and Cooperation in Europe Briefing on crime and corruption in Russia.
2212 Rayburn Building

JUNE 13

3:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.
SD-138

JUNE 14

9:00 a.m.
Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for Superfund programs.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on weather satellite convergence.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of Patricia Fry Godley, of Texas, to be Assistant Secretary for Fossil Energy, and Joseph F. Vivona, to be Chief Financial Officer, both of the Department of Energy.
SD-366

Judiciary
Constitution Subcommittee
To resume hearings on S. 1882, to amend title 18, United States Code, to promote the safe use of guns and to reduce gun violence.
SD-226

Small Business
Business meeting, to mark up S. 1830, to authorize funding for the small business defense conversion program of the Small Business Administration, and H.R. 4322, to revise the Small Business Act to increase the authorization for the development company program.
SR-428A

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

4:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

JUNE 15

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Clean Water, Fisheries and Wildlife Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on science and history of the endangered species conservation.
SD-406

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings to examine the licensing process of the Departments of State and Commerce for the commercial export of arms.
SD-342

Indian Affairs
To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

Finance
To hold hearings on S. 1780, to revise the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, and to protect the single-employer plan termination insurance program.
SD-215

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for foreign assistance programs.
SD-419

Judiciary
Constitution Subcommittee
To hold hearings to examine the President's constitutional authority with the use of the line item veto.
SD-226

JUNE 16

9:30 a.m.
Energy and Natural Resources
To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.
SD-366

Rules and Administration
To hold hearings on S. Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S. Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S. Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the results of the Uruguay Round of Trade Negotiations.
SR-253

Governmental Affairs
Business meeting, to consider pending legislation and nominations.
SD-342

Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the United States Commission on Civil Rights.
SD-226

2:00 p.m.
Energy and Natural Resources
To hold hearings on proposed legislation regarding Hawaiian homelands.
SD-366

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

JUNE 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the scientific and technological basis for radon policy.

SD-366

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR-301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR-301

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

SD-366

CANCELLATIONS

JUNE 15

2:30 p.m.

Indian Affairs

To resume hearings on S. 1021, to protect and preserve the rights of Native Americans to express and exercise their traditional religious beliefs, focusing on an amendment in the nature of a substitute.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, June 9, 1994*

The House met at 10 a.m.

The Reverend Michael L. Obinger, pastor, Community of Christ the Servant, Whitewater, WI, offered the following prayer:

Let us pray. Almighty God, You have taught us that the beginning of all wisdom is to give reverence to the mystery of You. You are the source of our joy and hope. By Your Spirit our spirits are continually fed. Through You the meaning of our lives is revealed, for through the knowledge of You we come to know ourselves.

Therefore, with confidence we invoke Your presence upon all who contemplate and debate within these walls, the welfare of our Nation and the welfare of our world. Give them the courage and strength to be faithful to the wisdom and knowledge they have of You.

May Your blessing be upon this House, O Lord, that its actions will always prove to be a blessing of justice and peace for all the peoples of Your world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. MILLER] please come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGES FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 238. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3313. An act to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

H.R. 4013. An act to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 761. An act to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska.

S. 1033. An act to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement:

Former Members are reminded that they are entitled to the privilege of admission to the floor of the House only if they do not have a direct personal or pecuniary interest, as determined by the Speaker, in any legislative measure pending before the House or reported by any committee of the House and only if they are not in the employ of, or do not represent, as determined by the Speaker, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative measure pending before the House—meaning those measures which either have been called up for consideration in a proper meeting of a full or subcommittee or have been the subject of a proper hearing of the full or subcommittee, whichever first occurs. A measure which has been finally disposed of adversely in committee or subcommittee is no longer considered under active consideration in committee.

The Chair is taking this opportunity to reiterate the guidelines first announced by Speaker O'Neill under clause 3, rule XXXII on January 6, 1977, and again on June 7, 1978, in order to discourage former Members from attempting to exercise their limited floor privileges when they find themselves under this restriction. Since the Chair cannot waive the restrictions of this rule, even by unanimous consent, former Members should not importune the doorkeepers to do so. Former Members should be aware that it is their status as one with a personal or pecuniary interest or as one in a lobbying position, and not their intent or lack thereof to influence legislation when going on the floor, that is the basis for the restriction in the rule.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive requests for 1-minutes from 15 Members on each side.

WELCOME TO THE REVEREND MICHAEL OBINGER

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, it is an honor and a pleasure for me today to welcome to this Chamber the Reverend Michael Obinger, who so eloquently delivered the opening prayer for today's session.

As Reverend Obinger, he is a faithful servant to God and to the people of the city of Whitewater as pastor of the Community of Christ the Servant Congregation.

He has also served on Milwaukee's Social Development Commission and its Hunger Task Force.

As citizen Mike Obinger, he ably serves the people of Wisconsin's 4th Congressional District as a constituent liaison in my Milwaukee office.

Mike has played an important role in making sure that the views and concerns of my constituents on health care are heard and understood.

He has helped Milwaukee's senior citizens get access to safe public housing.

And he has worked with the leaders of the Hispanic community to spur economic development and job creation.

Every Member of Congress should be so blessed as to have such a dedicated and thoughtful individual on their staff.

Mr. Speaker, I am proud to welcome Reverend Obinger to this Chamber, and I thank him for his inspiring benediction.

THE CLINT-STONES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. BALLENGER. Mr. Speaker, Memorial Day has passed and summer has begun. This is the season for big budget extravaganzas.

America's attention has already been captured by one that brings back the colorful characters of an imaginary prehistory and cost a fortune to make.

No, I am not talking about the Flintstones movie. I am talking about the Clint-stones' health care plan. You can be excused for confusing the two.

The Clint-stones' health care plan uses lots of elements from the movie. It uses clever stone-age contraptions to duplicate modern life—like employer mandates, price controls, and rationing.

The Clint-stones' health care plan, like the Flintstones movie, also applies prehistoric ideas to new problems—like bigger Government and Dino-size spending.

For entertainment you cannot beat the Clint-stones' health care plan with its stone-age technology and prehistoric ideology. But for solutions you cannot beat the Republicans' health care plan with its emphasis on choice, quality, and access.

THE ECONOMY

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, things cannot go bad enough for Republicans. Never mind merely predicting disaster. They need proofs of disaster under Democratic stewardship to prove their bark is not worse than their bite.

But the most recent economic figures will not teeth their empty gums. The economy is humming; 16 months after President Clinton took office the booming economy has created more than 3.1 million private sector jobs—that is 6,000 jobs a day.

Since January 1993, unemployment has dropped from 7.7 to 6 percent. Consumer confidence is at its highest in 4 years. The deficit continues to fall, and inflation is under control.

Businesses are starting up at an unprecedented rate, and confidence among business executive is at a 10 year high.

After the success of Democratic initiatives, that is all the Republicans have to work with—steady expansion, low inflation, and the creation of jobs. No wonder they keep trying to change the subject.

WAITING FOR DR. GODOT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, in the real world, nationalized health care means waiting for health care.

In Canada, waiting for health care is a way of life. Canadians wait for routine checkups. They wait for major surgery. For Canadians who describe themselves in severe pain, they wait up to 21 weeks. And for many elderly very sick Canadians, nationalized health care means waiting to die.

The waiting has become so bad that many average Canadians have resorted to the elementary school trick of queue-jumping. They cut in line. So while health care resources dwindle, the Canadian Government spends precious dollars policing health care queues.

Now President Clinton wants to bring all this to America. He wants to take the queues and the rationing and use them to hold down American health care costs. He thinks this is a good idea.

I have got bad news for Bill Clinton. Queuing-up may be a way of life in Canada, but when it comes to accessing our own health care, America will not stand for it.

THE ECONOMY: NO LONGER A 98-POUND WEAKLING

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, when George Bush was President the American economy was like a 98-pound weakling on the beach.

Any bully could kick sand in our face. Jobs were lost. Confidence was destroyed. And we were just too weak to fight back.

The American people were tired of having their economy pushed around so they elected Bill Clinton President.

Bill Clinton and the Democrats put the economy on a strict diet and exercise routine and it grew stronger.

Since the Democrats acted: Consumer confidence is up; inflation is down; the deficit has been slashed; and 6,000 jobs have been created every single day.

In fact, the result of the Democrats in Congress and the White House working together to break gridlock has been the creation of more than 3 million jobs and cutting the deficit by $60 billion.

Mr. Speaker, Bill Clinton and the Democrats have done the hard work and transformed a 98-pound economy into Charles Atlas. Every day our economy gets stronger and creates more jobs.

□ 1010

OUR SENIOR CITIZENS DESERVE BETTER

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, I rise today to express my concerns with the treatment of senior citizens in the Clinton health care plan. The senior citizens of this Nation are being forced to bankroll a foreseeably ineffective and costly health care package, even after billions of dollars in Medicare cuts. I cannot support a plan that lowers the quality of health care that our senior citizens receive.

Through price controls and global budgeting, the Clinton plan will force the rationing of health care throughout the Nation. Those most affected by this rationing will of course be the senior citizens.

Mr. Clinton's health care plan takes $180 billion out of the Medicare system and pretends that these draconian cuts will not impact quality of care. Nonsense. Senior citizens deserve better than what Clinton offers them. As the youth of America is our future, so too are the senior citizens, for they are the teachers who guide youth into greatness. We must recognize this great contribution and, as we commemorate the immense sacrifices made during World War II, we should not be saying thanks by slashing Medicare and rationing health care.

MEMBERS URGED TO COSPONSOR THE REEMPLOYMENT ACT OF 1994

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to urge my colleagues to join me in revolutionizing our unemployment system, a system which is better at issuing unemployment checks than getting people into a job so they can earn a paycheck.

As a human resources and employment consultant for over 20 years, I have consulted with too many businesses that have jobs, but cannot find workers who are appropriately trained, and I have met with too many unemployed workers that do not know where to get the training and services they need to be employed or reemployed.

I know first-hand that what we need is a system that trains people for the skilled jobs that are needed in our communities.

That is why I am a cosponsor of the Reemployment Act of 1994. This bill transforms the current unemployment system into a reemployment system that guides workers into the jobs of the future that pay a family wage.

Mr. Speaker, I urge my colleagues to cosponsor the Reemployment Act of 1994.

TREASURY-POSTAL

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, as the House considers another spending bill this week, the

American people should ask themselves if they are getting their money's worth.

Looking at the Treasury-Postal appropriations bill, the answer seems to be no.

I say, "If you are looking for oversight, you won't get it. If you want change, you'll be disappointed. If you demand a different way of doing business, you can just forget it."

Mr. Speaker, the President promised to reinvent Government. The bill reinvents more coverups.

Instead of allowing the Wolf amendment to require a financial disclosure for political consultants, the Democrats said no. Rather than voting to prohibit the use of funds for other than official travel on military aircraft, the Democrats said no.

Mr. Speaker, with this Treasury-Postal appropriations bill the American people just are not getting their money's worth.

GIVING $5 MILLION FOR PALESTINIAN POLICE—BEAM ME UP

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let me see if I can understand this:

America gives Israel $3 billion a year in foreign aid. America gives Egypt another $2.4 billion a year in foreign aid, $5.4 billion, and yesterday Uncle Sam gave $5 million to pay the wages of the Palestinian police. Five million dollars for Palestinian police; unbelievable, Congress.

We have got 25,000 murders a year in America, drive-by killings, cities on fire, police departments pleading for help, and Congress keeps giving the same old tune:

"We don't have any money for all these problems in America."

But $5 million for Palestinian police? Shame, Congress.

The trouble with the Congress of the United States of America is Congress is spending too much time worrying about the Mideast and forgetting about the Midwest in America, and the South, and the North, and the West, and the East. I say to my colleagues, "Beam me up. I'm not for one more dime going anywhere while America has problems like we have."

Think about it.

DEMOCRAT BLAME GAME

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, last week Congress was home for Memorial Day. Besides the usual holiday picnic games, like sack races and softball, the Democrats added a new one: the blame game. Amazingly they decided to tag the Republicans for President Clinton's failures.

Now there certainly is a lot of blame that needs spreading around for this administration's failures. And I guess there just are not enough people in the White House to take all of it, and one person who will not take any of it.

The problem is that the Democrats cannot include Republicans in the blame game when they have excluded us from all the others.

The fact is we have a Democrat House, we have a Democrat Senate, we have a Democrat President, and we now have Democrat gridlock. However, President Clinton wants a Republican excuse.

It is pretty disconcerting to hear the captain blaming the passengers for the ship, S.S. Democrat, floundering. I suppose come November, it will be the water's fault when it sinks.

THE BLACK HOLE OF REPUBLICAN AMENDMENTS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, published reports have confirmed the presence of a large black hole in the universe. A black hole is a force so powerful it sucks up all material around it, not even allowing light to escape.

The Rules Committee, under the domination of the Democratic majority, should be considered the black hole of good ideas in the House. It sucks up the best Republican amendments, which are never heard from again.

The rule for the Treasury-Postal appropriations bill is another example of this unnatural phenomena.

Instead of allowing Republicans to offer amendments that would strengthen needed oversight of the White House, the Rules Committee chose to stifle those amendments.

Therefore, the Wolf amendment regarding political consultants who are also on the White House staff will not be allowed. Nor will the Istook amendment requiring disclosure of the White House staffs and salaries.

Mr. Speaker, the time has come to find out what the White House is doing. Let's leave the black holes to space.

SUPPORT THE CLINTON REEMPLOYMENT ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Reemployment Act would replace our antiquated unemployment system designed in the 1930's and built for a different era. In its place, we would see a system that meets the needs of workers and businesses in the 1990's and beyond.

The Reemployment Act would at one-stop centers throughout our Nation, put in the hands of workers and businesses the information, assistance, training and counseling they need to make the connection to jobs in the 1990's—connections our unemployment system is simply just not built to help make.

Katherine Abraham, the Commissioner of the Bureau of Labor Statistics in a letter to me last week, confirmed that the most recent data we have shows that three-fifths of the jobs that are being created are in high paying fields. These good jobs are now out of reach for many of the more than 2 million workers who will be dislocated this year—workers who are being left behind without work and without hope.

We need to pass Clinton Reemployment Act and help give these workers the skills they need to compete effectively for these jobs—to make the connection to hope and prosperity that these new, good jobs represent.

□ 1020

ADMINISTRATION'S POLICY ON HAITI CONFUSED AND VACILLATING

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, the United States is the unquestioned leader of the world. We are not the global police—responding to any urgency with sirens blaring. And under the chaotic Clinton foreign policy, we could end up looking like the Keystone Kops.

Yesterday, the administration said it had not ruled out military action in Haiti. They have not ruled in a clear policy either. The President's actions with regard to Haiti are a bit like watching a good tennis match. Back and forth, back and forth. Frankly, both cause a pain in my neck.

The Clinton policy so far consists of a poorly thought out and dangerous repatriation program and a sieve-like embargo.

Our foreign policy should be driven by our national security interest and not by political pressure. Military action should be rejected. American military men and women cannot infuse democracy into the government or respect for human rights into the hearts of the tyrannical Haitian rulers.

The United States should use its leadership and respect in the community of nations to broker a resolution. We should not start a war.

THE REEMPLOYMENT ACT

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I commend the administration for its efforts in getting our economic house in order. More than 3 million new private sector jobs have been created and unemployment has dropped to 6 percent.

Despite this great news, the changing economy has left many people permanently unemployed. They lack the job skills that new, better paying jobs now require.

The confusing patchwork of programs are more a source of frustration rather than actually helping people get reemployed.

The administration's Reemployment Act provides for early intervention to prevent long-term unemployment and provides one-stop shopping that consolidates and streamlines access to career counseling, information on jobs and training programs, unemployment insurance claims processing, and other services.

Mr. Speaker, our Nation's ability to compete in the global economy depends on our willingness to invest in our people.

This bill improves our work force and in doing so, connects employers with workers and people with jobs.

I urge my colleagues to support this important legislation.

SUPPORT URGED FOR ROWLAND-BILIRAKIS HEALTH CARE PLAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, over the work week that we just had many people asked me, "With the changing of the leadership of the Ways and Means Committee, is health care dead or is the Clinton plan dead?" And I said, "No, we have 435 Members of Congress. There is a lot of depth there, there is a lot of knowledge, and there is a lot of ability there. I am confident that we can do things and do them right in terms of health care reform."

But what I am not so confident of is a good bipartisan effort. I read that a prominent Member of the other body is introducing a health care plan, but it is a partisan type plan.

We do not need that, Mr. Speaker. What the folks want back home is the best thoughts of the Republicans and the best thoughts of the Democrats, and let us put them together as the best package for the American people.

I like the Rowland-Bilirakis plan. It has the elements of preexisting illness conditions, it has some antitrust for hospital reform, it has some tort reform, it has reductions for paperwork, and it provides some building blocks for long-term health care, particularly IRA rollovers for financing long-term health care.

This is a good step. It will not do everything we all want done for health care, but it is a fundamental first step. I think what this body should do is take a very close look at the Rowland-Bilirakis bipartisan health care reform plan and move in the direction of health care reform and do it before we adjourn in August.

COMMEMORATING NATIONAL NIGHT OUT

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, our Nation's law enforcement officials have accepted great responsibility, subjected themselves to great personal risk, and often made the supreme sacrifice to keep America's streets and neighborhoods free from drugs, violence, and crime.

Law enforcement, however, cannot singlehandedly defeat the criminal elements in American society. It has been proven that when communities get involved in law enforcement, be it Neighborhood Watch or other programs, citizens demonstrate the kind of moral resolve that can often send a stronger message to criminals than anything law enforcement can do.

Today I will be introducing a joint resolution designating August 2, 1994 as "National Neighborhood Crime Watch Day" to commemorate the National Night Out.

National Night Out involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local elected officials from 8,650 communities from all 50 States, United States territories, some Canadian cities, and United States military bases worldwide. In all, it is estimated that 26.5 million people participated in National Night Out 1993.

Along the traditional display of outdoor lights—cities, towns, and neighborhoods celebrate National Night Out with a variety of events like cookouts, visits with local law enforcement, and fun programs for local youth. National Night Out has proven to be an effective and inexpensive way for communities to show that they want to help law enforcement reclaim their streets and neighborhoods.

I urge my colleagues to support this joint resolution. As we continue to work to pass significant anticrime legislation, Congress can do nothing more positive than let communities know that we support them in their efforts to take back their streets. Support National Neighborhood Crime Watch Day and National Night Out.

SIX WEEKS AND NO REPLY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I am losing my patience with our present administration.

On April 26, I forwarded a letter to Secretary of State Warren Christopher, asking him to specifically answer four questions on the administration's policy shift in Bosnia—the proposed lifting of the arms embargo.

That same afternoon I delivered a 1-minute statement on this very spot outlining the principal points in my letter to the State Department.

Four weeks later, my staff followed up with a call to the State Department Congressional Liaison's Office, and they were assured that a response was a mere day or two away.

But, to date, neither I nor my staff have received any answer—not even a postcard of acknowledgement. This is outrageous.

Why no response? Am I to assume that this is yet another example of President Clinton's foreign policy wavering? Or is this merely his lack of political common sense?

Mr. Speaker, we need to have an open discussion and free debate on an issue of this magnitude

This is not about whether or not I believe that this proposed policy shift is right or wrong—it's about open communications.

I urge all my colleagues, Republicans and Democrats alike, to join me in calling on President Clinton and the administration to not only answer my questions, but all our questions.

STOPPING DRUG SURVEILLANCE FLIGHTS IN SOUTH AMERICA

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise to strongly protest the shortsighted decision made by anonymous bureaucrats at the Pentagon to shut down our air operations against the drug lords of South America.

Stopping our surveillance in the Andean nations is unwise, untimely, and unusually dangerous. It was taken against the wishes of the State Department, against the advice of the officials on the ground who are on the front line in our fight against the scourge of drugs, and against the needs of our allies in Latin America.

And—worst of all—it directly undercuts the Clinton administration's own drug strategy. That strategy is based on two major prongs. Cutting off the supply right at the source, and cutting down demand by wise drug policies here at home.

I have been in touch with the White House to urge that this decision be reversed immediately. And I intend to offer today a strong sense of the Congress resolution asking that the President overrule the bureaucrats and get his balanced plan back on track.

Drug use is apparently beginning to rise again in America. The South American drug lords are moving into the heroin business.

This is absolutely the wrong time to make this kind of mistake.

SORE LOSERS?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, this House has passed major pieces of legislation on truly narrow margins—the President's 1993 tax bill passed by just one vote. The ban on assault weapons, by just two votes.

But those were results the majority leadership, acting in concert with the White House, wanted—so the close votes were allowed to stand. Then on May 24, this House voted by a 22-vote, bipartisan margin, to say no to military intervention in Haiti, while saying yes to the Goss safe haven plan. Yet, the powers that be on the other side did not like that result—so, guess what? Today, after a long, tortuous 2 weeks of arm twisting, the Democrat leadership is going to have a revote on the Goss amendment. I urge my colleagues to stand by their principles. Let us not flip-flop on important foreign policy where American lives are at stake. Be consistent and be correct. United States invasion of Haiti is a bad idea.

□ 1030

RECESS

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 5 minutes.

Accordingly (at 10 o'clock and 31 minutes a.m., the House stood in recess subject to the call of the Chair.

□ 1038

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 10 o'clock and 38 minutes a.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. BARCA, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 8, 1994, amendment No. 67 printed in part 1 of House Report 103–520 offered by the gentleman from Ohio [Mr. KASICH] had been disposed of.

Pursuant to House Resolution 431, it is now in order to debate the subject of Bosnia and Herzegovina.

The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, we now begin debate on a very important and serious issue, the nature of America's relationship and activities in Bosnia. There will be two amendments before the body, the McCloskey amendment in which, unilaterally, the United States would lift its participation in the arms embargo against Bosnia, would authorize up to $200 million in aid and trainers to train Bosnian soldiers on using the equipment.

There will also then be a second amendment, the Hamilton amendment, which would urge the President to consult with NATO and the United Nations regarding means of defending Bosnia which might include lifting the arms embargo, sets United States policy as one of achieving a peaceful negotiated settlement, commits the United States to work collectively to achieve these goals.

In the final moments that I have, Mr. Chairman, I would like to make the following points:

In this gentleman's opinion, the McCloskey amendment approach, to lift the arms embargo unilaterally, threatens to destroy an entire range of international agreements and efforts in which the United States has a vital interest. At a time when we are attempting to bring international resolve and a possible embargo to prevent nuclear weapons proliferation in North Korea, we would send a signal that anyone could opt out of that regime.

At a time when we are trying to sort through the endgame of war in Iraq and bring about positive changes and prevent a renewed escalation of the arms buildup and bloodletting there, we would threaten those efforts.

At a time when we would have succeeded in achieving a cease fire in Bosnia, we will throw all that away as nations collectively to respect the embargo throughout the former Yugoslavia, including Serbia. And finally, there is no doubt in this gentleman's mind, Mr. Chairman, and I hope by the end of this debate that my colleagues will agree, we must not unilaterally lift out embargo and place ourselves as a participant in the battle. It will bring more death and destruction and will result in the defeat of our goals and those of our allies.

I caution all of my colleagues to listen carefully, participate in this discussion and debate. And I hope that at the end of the day they will vote correctly.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, as with most issues associated with the conflict in the former Yugoslavia, the question of whether to lift the current arms embargo is complex. No one knows precisely how lifting the embargo against the Moslem forces will affect the attitudes and actions of the warring parties. One thing is certain, however. Policies we are considering today are certain to have an impact on the safety of peacekeepers—particularly United States peacekeepers—that may be deployed to keep the peace in Bosnia in the future. Therefore, we need to carefully consider the long-term consequences of the policies we will be voting on today.

Shortly after taking office, President Clinton committed to deploying as many as 25,000 United States military personnel to Bosnia to serve as peacekeepers in the event of a negotiated political settlement. I opposed this commitment at the time and I oppose it now. Nonetheless, if deployed, these peacekeeping forces will inevitably be asked to separate and disarm the parties, deter, and respond to military attacks, and ensure compliance with territorial settlements. We ought to factor these elements of the President's longer range commitment to deploy U.S. troops into our deliberations here today on shorter range policy options.

Mr. Chairman, the United States experience in Somalia taught us that peacekeepers seeking to mediate a civil war cannot take sides and not expect to be attacked by one or more parties involved in the conflict. Once the mission of U.S. forces evolved from ensuring the free flow of humanitarian aid to capturing General Aideed, the United States became a combatant and the peacekeepers' motto, "Take no sides, make no enemies," no longer applied. The results were tragically fatal and, unfortunately, should have been predictable.

In the case of Bosnia, the United States is already perceived by the Bosnian Serbs not as a neutral power concerned with keeping the peace, but instead, as a backer of the Bosnian Government. The President's May 1993 proposal to lift the arms embargo on the Bosnian Moslems and to carry out air attacks on Bosnian Serb targets—the short-lived "lift and strike" policy—as well as the more recent bombing of Bosnian Serb positions in and around Gorazde by United States aircraft this part April, are rightly or wrongly perceived by the Bosnian Serbs and others as evidence of a pro-Moslem bias in United States policy.

Thus, a direct consequence of unilaterally or multilaterally lifting the arms embargo in the near term could be to compound the potential danger faced by any United States military personnel dispatched to Bosnia as part of a peacekeeping force in the future. Any remaining illusion of United States neutrality would disappear if we continue down a course that increasingly aligns the United States with the Bosnian Government.

Therefore, under any circumstance I believe the House has an obligation to recognize that endorsing a policy that overtly embraces the Bosnian Moslem cause ought to simultaneously render null and void the President's commitment to deploy up to 25,000 United States troops as impartial peacekeepers anytime in the future. Perceived as pro-Moslem, future U.S. military personnel are more likely to be vulnerable targets than effective peackeepers.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding time to me. I just hope every one here listens intently to this debate.

I rise in support of the Hamilton amendment. I think it is the correct one. But listen to the coalition here. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] agree on this.

Why do they agree on this? Be very careful. It sounds wonderful to say we are going to lift the embargo, but to do that, we are doing that unilaterally, whereas we put the embargo on with our allies. And they are going to shake their head and say, there they go again, acting like the Lone Ranger.

The Hamilton amendment goes at it the right way. It says that the President should work to get the United Nations to raise the embargo the United Nations put on. The other piece of this scares me a lot, too. There is $200 million in there this time for trainers. But in the Vietnam war they were often called advisers. Once you get people in doing this, it is very easy to keep pulling and pulling and pulling more folks into that war.

I hope that we start thinking, in this post-cold-war period, about how we are going to interact with our allies. When the NATO parliamentarians got together, many of the generals who have been in Bosnia pleaded with us to work out that structure. Because you had people on the ground under U.N. command and suddenly you had NATO deciding to do its own show with air bombings that put the guys on the ground in trouble as they were taken and kidnapped.

What they were really saying is, we need someone to be there and coordinate the international structures so that we are not putting each other in jeopardy and at risk.

What would be even worse is if not only international structures are going off doing their own thing, that people who belong to those international organizations like ourselves feel they can vote in the international organization one way and then unilaterally change it later.

Please support the Hamilton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, the continuing tragedy of the conflict in Bosnia is one that should shame all who profess to believe in the principles of nonaggression, peaceful settlement of disputes, and collective security. The failure of the international community to defend the new State of Bosnia, whose borders and territorial integrity it recognized when it admitted Bosnia into the United Nations, is one for which we all share culpability.

That Bosnia has been subject to aggression from a neighboring State whose ambition is to annex most of the territory within the internationally recognized borders of Bosnia should be beyond question in this body. Also beyond question is the fact that in Bosnia the most basic and fundamental rules of the international system have been trampled on. If we have learned nothing else from the past 60 years we surely understand that aggression unanswered invites further aggression.

There are good reasons why America's Armed Forces should not become directly involved in the conflict on the ground in Bosnia. But none of those reasons excuses us from illegally, under the guise of a Security Council resolution, depriving the Government and people of Bosnia of the means to defend themselves and the borders of their country.

We have seen the results of the weak, vacillating policies that have guided the West's actions concerning the Bosnian conflict. More than 200,000 people killed and millions more driven from their homes, tortured, and maimed. We have seen the perennial peace talks over the 2 years in London, Geneva, and elsewhere which, while allowing known war criminals to legitimize themselves by sitting at the table with some of our finest statesmen, have produced nothing in the way of peace or even pointed to a settlement other than to carve up the Bosnian nation.

And what of the present peace framework now being negotiated? How long would a people forcefully driven from their homes, who have had loved ones killed, maimed, or tortured, abide by a settlement which rewards those who have committed these atrocities? What prospect for peace and stability in the Balkans would this kind of settlement really hold? What precedent would it set in other regions where ethnic groups are dissatisfied with present borders? I can only wonder at the naivety of those who suggest that this kind of peace is the best the Bosnian people, and the international community can hope for.

I also remind my colleagues that the administration has committed the Armed Forces of this country to help enforce a settlement that the parties "agree to" at the negotiating table. I ask my colleagues "What kind of settlement will the Government of Bosnia enter into if it cannot adequately defend itself?" Do we wish to see the Bosnians sign an agreement out of duress, which leaves them not even enough territory for a reasonable hope of a viable state, or do we wish them to enter into an agreement confident that it is the very best they can achieve, having been given the means to fight for their country?

The humanitarian efforts led by the United Nations in Bosnia have involved many courageous men and women and have undoubtedly saved many lives. But when compared to the specific mandates of numerous Security Council resolutions, these efforts are anemic and fall woefully short of the words and intent of the Security Council. Instead of spotlighting the strength of the international community's will, the work of UNPROFOR has only served to demonstrate our lack of resolve by exposing us to the calculated insults and manipulations of thugs and bullies.

We are also constantly reminded by the opponents of the right of the Bosnians to self-defense that our European allies oppose the measure we are about to debate. I will concede that some of the leadership in those countries with whom the United States stood shoulder-to-shoulder during the dark days of the Second World War have voiced opposition, but the public in Europe believes that present policies in Bosnia have failed. What is clear now is the urgent need for strong U.S. leadership.

It is past the time to adopt a new approach in Bosnia. An approach that will make more equal the military equation which to date has produced only further violence, death, misery, and despair among the Bosnian people. Opponents of allowing the Bosnians to defend themselves contend that more weapons will only produce more violence. To this argument, I say that a Bosnian military capable of adequately responding to aggression will be both a deterrent to further violence and an incentive for earnest efforts at the negotiating table. On the other hand, a weak and poorly armed Bosnian military only invites cynicism at the negotiating table while it sharpens the appetite of Bosnia's neighbor for further conquest.

There is still time to rescue Bosnia from the legacy of failed policy and a shameful lack of resolve on the part of the United States and our friends in Europe. International law and morality is on our side. What we need now is firmness and constancy of purpose. The aggressors in Bosnia must pay a price. It is time to lift the arms embargo on Bosnia.

I urge our colleagues to support the McCloskey-Gilman-Bonior-Hoyer amendment and to defeat the Hamilton amendment.

□ 1050

Mr. Chairman, I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, it is my pleasure to yield 2 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman for his kindness in allowing me to speak on this.

Mr. Chairman, do we not learn anything from the past? Remember Vietnam? Remember the Gulf of Tonkin? Remember how we got involved with that issue? True, we would be providing equipment and training and trainers. What difference was that between our initial involvement in Vietnam? We called them advisors.

Mr. Chairman, I am chairman of the Subcommittee on Military Forces and Personnel of the Committee on Armed Services. I have been speaking for quite some time about the shortfall of necessary military personnel to fulfill our role and our mission in defending and being successful in two major regional conflicts, and here we drain off $200 million in military services and people in uniform who should be devoting their time and energies in defending the interests of the United States of America.

Further, this lifts the embargo. It does something, lifting the embargo against Bosnia, unilaterally. Anyone else can unilaterally lift the embargoes. Do we want it done on Iraq? Do we want it done on Libya? It undermines.

If we want to unilaterally break U.N. resolutions, we will have no standing to demand compliance by anyone else with other U.S. resolutions. It infuriates our allies. We are their leader. We are the leader in NATO. We are the only superpower in this world. If we violate the embargo, we infuriate our own allies, especially Britain, Canada, France, who have troops on the ground, unlike us, and who fear this action will cause a resumption of the war with their troops stuck in between.

Mr. Chairman, I oppose the McCloskey amendment. I am for the Hamilton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, for 3 years now, we have had dithering in the Balkans. The vacuum of leadership in Western policy there has led only to slaughter.

A disastrous one-sided slaughter, perpetrated by a Communist dictatorship that inherited the preponderance of the Yugoslav Armed Forces.

This is totally unacceptable. For both strategic and moral reasons, we must lift this arms embargo, now.

There are several reasons to do this.

First, we must, especially given what is occurring in Korea right now, restore American credibility, which has suffered several blows recently, and nowhere more so than in Bosnia.

Our vacillating policy must have the Serb aggressors laughing at us.

Worse, we have let our stated favored policy—lifting the embargo—be vetoed in Paris and Moscow, sending a message of weakness to the whole world.

Only by having the courage of our stated convictions will we have credibility.

Further, by assuming a morally equivalent posture in Bosnia, what kind of message do we send to would-be imperialists in countries like Russia, and we ought to see what is going on there. I just returned from there.

Finally, Mr. Speaker, on strategy.

Everybody knows that Serbian imperialists dream of a Greater Serbia. We can see it on the maps on the walls of their offices.

Serbian ethnic cleansing in Kosovo and Macedonia means a war that could drag in Albania, Bulgaria, and two NATO allies—Greece and Turkey—on opposing sides. That is a problem for us, a big problem.

This is potentially far more harmful to NATO unity than any tiff that might ensue if we lift the embargo on Bosnia unilaterally.

And of course, morally speaking, this embargo is unconscionable. It should have been declared null and void over 2 years ago under a different administration.

And the only reason it hasn't is because of an absence of leadership. That responsibility, like it or not, devolves to us.

Vote "yes" on McCloskey-Gilman and "no" on Hamilton.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, before getting into a somewhat formal statement, I would like to say that to some degree, the debate so far is being characterized by erroneous information, particularly as to our involvement. We are involved in the sense that the United States and the West generally has been involved in imposing an illegal and immoral arms embargo on an increasingly decimated and victimized Bosnian population.

Secondarily, the provision says that any military equipment from the United States is discretionary with the President. That would have to be provided at the request of the Bosnian Government, and at the discretion of the President. It does not mandate at all any particular military involvement.

The main key to this amendment is to basically lift an illegal and immoral arms embargo on a besieged people who, by Western edict, and what right have we had to do that, have not been allowed to defend themselves.

As we all know, this genocidal course in Bosnia was preceded by the Serbian aggression in Croatia, where tens of thousands lost their lives under the auspices of UNPROFOR. In Croatia the Serbs still control some 30 percent of Croatian territory, and no Croatians have been allowed to return to their homes.

In a short time we will be debating McCloskey-Gilman-Bonior-Hoyer, which I might say has very broad-based and distinguished leadership, including people like the gentleman from Oklahoma [Mr. MCCURDY], the gentleman from Michigan [Mr. BONIOR], the gentleman from Maryland [Mr. HOYER], and in its essence it states that we tried an illegal and immoral arms embargo for 2 years. It is wrong, it has not worked, and it must change.

Mr. Chairman, I would note that an overwhelming part, nearly all U.N. Member-states, have voted to lift the arms embargo. Only several parties on the U.N. Security Council want to go on with that policy, particularly, namely Britain, France, and Russia. We know what their actions and values have been in regard to this war.

Mr. Chairman, today we will have every reason in the world why lifting the arms embargo is a bad step, but if the British, the French, and the Russians want to callously and cravenly lead the world down this path, why should we trip along? With the Bosnian-Croatian alliance, which was substantially the result of American leadership, the Government of Bosnia is a little stronger, but they are massively overwhelmed by Serbian heavy weapons, with ratios of like 9 and 10 to 12, and thousands in particular pieces of equipment.

□ 1100

As Prime Minister Silajdzic told me yesterday, their defense against Serb forces is Kalishnikov rifles and a few pieces of heavy equipment, particularly tanks that they have captured from the Serbs.

If Members want to know about Serb intentions and the importance of this amendment today, the official Serbian news agency for the Bosnian Serbs, and I also believe according to NPR this morning, Tanjug said the 4-week ceasefire is a farce. Their intentions at the end of this are to open up and obliterate the Bosnian people. We know what the Serbs have done. We are talking about a greater Serbia, ongoing Serbian aggression in the Balkans and the fact that the blood of hundreds of thousands of innocent Bosnians is on our hands, we at least have a chance to say, "no more. You shed this immoral policy."

I ask Members to please do this, vote for McCloskey-Gilman.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding me the time.

I want to urge my colleagues to proceed with extraordinary caution in this debate, and I think the sound and reasoned conclusion to come to in this is to support Chairman HAMILTON'S alternative to the McCloskey-Gilman-Bonior-Hoyer amendment.

Mr. Chairman, everybody knows this is an extremely complicated situation and it is a heck of a lot easier to say what we should not do than to come up with a magic prescription for success in this part of the world. But I believe that acting unilaterally in order to satisfy our very understandable and humane desire to do something about Bosnia, lifting the embargo unilaterally could and likely would seriously damage our U.S. foreign policy and security interests.

The rift, more than a rift, that would occur between the United States and our NATO and European Community allies, I think, is predictable and serious. But, additionally, and really uppermost in my mind as a member of the Committee on Intelligence, there are the implications that unilateral action in this instance would have in other areas of the world that are of paramount importance to the United States and our security interests.

If we move unilaterally in this instance, what credibility does the United States retain in insisting in other areas on maintaining multilateral U.N.-enforced sanctions? How do we surmount that argument with respect to Iraq where there are pressures to again circumvent and undermine the multilateral sanctions regime? How do we move forward to deal with the North Korean situation if we have essentially pulled the plug on a systematic multilateral approach in this instance? The answer is, we won't and we can't. And the further conclusion is that Mr. HAMILTON'S amendment charts by far the wiser course.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let us be clear, the war in Bosnia goes on whether we see it on the television or not. The rapes are continuing, the shelling of innocent lives goes on, and concentration camps throughout the region still have an open-for-business shingle hanging outside.

Let us be clear: The United Nations has failed these people. Now it is time for the United States to give the Bosnians the only thing they have ever asked, the ability to defend themselves and their families.

Let me be clear. By ending the arms embargo, we can in good conscience keep American ground troops out of the region, if in fact we conclude that we still have a national conscience left.

I urge my colleagues not to echo the leadership disasters of Great Britain, not to seek to emulate the leadership and moral imperatives of France, and I certainly urge my colleagues not to seek as our goal to placate the Russians. Our goal is to restore international order, to send messages to other would-be dictators in the world that at least the United States will not stand by and, yes, our goal is to save a few more innocent lives in an area called Bosnia.

My colleagues, this will not go away. We must give them the ability to defend themselves and to survive this bloody war with an ounce of integrity. It is within our grasp today.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

First I would like to say to my distinguished colleague, the gentlewoman from New York, that in the context of the debate on the amendment, we will be more than happy to address the gentlewoman's arguments in substance. The issues are not nearly so simplistic as have been articulated in the well of the House.

Mr. Chairman, let me finally in a few seconds set the record straight. I am in agreement with the gentleman from Indiana who indicated that the McCloskey amendment does not mandate military aid, but I believe that my distinguished colleague from New York [Mr. GILMAN] perhaps misspoke himself when he indicated that the bill was permissive on the issue of lifting the embargo. I would suggest that it does indeed mandate the lifting of the embargo. In the relevant part of the amendment entitled "Termination of the Arms Embargo," it states as follows:

"The President shall" and I underscore shall for the purposes of emphasis, "terminate U.S. arms embargo on the Government of Bosnia and Herzegovina upon the receipt from the Government of a request for assistance in exercising the right of self-determination under article 51 of the U.N. Charter." I just wanted to clarify that.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON], chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished chairman of the Committee on Armed Services for yielding me the time.

Mr. Chairman, let me observe today that I think the choice before us is really quite a clear one. The amendment sponsored by my friends, the gentleman from Indiana [Mr. MCCLOSKEY], the gentleman from New York [Mr. GILMAN], the gentleman from Michigan [Mr. BONIOR], and the gentleman from Maryland [Mr. HOYER], directs the President to lift the embargo unilaterally on the former Yugoslavia, but it is not just that. They also authorize the President to spend up to $200 million in military aid to Bosnia, thus starting a new foreign aid program.

Mr. Chairman, in my judgment this amendment has a lot of risks for the United States. I think as we just heard a moment ago in the briefings given to us by administration officials, that the McCloskey amendment, if it becomes law, would certainly torpedo the peace talks, it would intensify and prolong the fighting, it would jeopardize the humanitarian relief, it would Americanize the war, and it would certainly encourage others to break U.N. sanctions in other parts of the world. It would create very serious problems between ourselves and our NATO allies and between ourselves and Russia.

Mr. Chairman, I think the amendment if it becomes law would ensure that the war will continue, and it certainly will increase the risk of U.S. involvement in that area.

The amendment that I will offer, the Hamilton amendment, allows for the lifting of the arms embargo on Bosnia by the collective action of the U.N. Security Council. It protects the flexibility and supports the President's efforts to achieve a negotiated settlement, and it really leaves all of our options open, military, diplomatic, including the lifting of the arms embargo. It focuses on a collective economic, political, military, and diplomatic effort to move all of the parties toward a negotiated settlement. With all of the problems that the diplomats are now having with respect to that settlement, significant progress has been made and is being made toward that settlement.

Mr. Chairman, the Hamilton amendment will certainly enhance the defense of Bosnia through coordination with close allies and with Russia. It calls on the President working closely with NATO and the United Nations to support continued NATO collective enforcement actions in Bosnia. And, of course, it calls on the President to consult very closely with the Congress.

Mr. Chairman, I think the important thing here for Members to understand is that the choice before us today is very, very clear. The McCloskey amendment, I think, takes us down the road to more war. It takes us down the road to more direct American military involvement in Bosnia. The Hamilton amendment, we stay firmly on the path toward a peace settlement.

Mr. Chairman, I will be spelling out some of these arguments in more detail as the debate progresses.

Mr. DELLUMS. Mr. Chairman, might I inquire as to the balance of time remaining on both sides of the aisle?

The CHAIRMAN pro tempore (Mr. FIELDS of Louisiana). The gentleman from California [Mr. DELLUMS] has 3 minutes remaining and the gentleman from South Carolina [Mr. SPENCE] has 1½ minutes remaining.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield my remaining 1½ minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

☐ 1110

Mr. MCCLOSKEY. I thank the distinguished gentleman for yielding to me.

Mr. Chairman, we are going to have more time to talk about this, but basically I would note that it is the serious opinion of many, many scholars, including at least some lawyers in the Department of State, that the so-called arms embargo on Bosnia is illegal on its face.

How can the West tell a sovereign country, a sovereign people, a sovereign nation that they cannot defend themselves? If they do do that, they have to provide—and this is in the U.N. documents—adequate defense and protection. No one can say we have provided adequate defense and protection.

A better analogy would be that the United Nations, the world community right now is in the process of enforcing an arms embargo against the Kurdish people being victimized by Iraqi forces and aggression, moving into the Kurdish areas of Iraq and that region.

The Government and people of Bosnia have committed no infraction of the U.N. Charter. If anyone is an innocent victim in all of this, it is the Bosnians, who, I might note, involve all ethnic factions and peoples—Jews, Croatians, Moslems, and Serbs. There are hundreds of thousands of Serbs, Mr. Chairman, who want no part of Karadjic and Milosevic.

Maintaining an arms embargo against the Bosnians is unjust, as it punishes the Bosnian people when they have done nothing other than to assert their defense in full accordance with the Charter of the United Nations. We allegedly say they are a sovereign nation. We should act as such and conduct our diplomacy as such.

Again, I thank the gentleman for the time.

Mr. DELLUMS. Mr. Chairman, in order to conclude general debate on this side of the aisle, I yield the balance of the time to our distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, along with two members of the Committee on Intelligence, I just got back from Haiti, where we saw how the House vote sent terrible signals to the Haitian military rulers; basically, the signal being that the United States had no policy, that we did not have resolve, that we were sending mixed messages. That is why I am opposing the McCloskey amendment today, although it is well-intended and supported by some leaders on this issue for whom I have enormous respect.

If we adopt this amendment, we are going contrary to what the President of the United States wants.

The President has sent a letter opposing this amendment. What lifting the embargo unilaterally would do is prolong, widen, and intensify the war. But what it will also do is Americanize this war. We will become deeply involved in this conflict.

Remember what the American people are saying about the Bosnias, about the Haitis, about the Somalias; they are saying, "Be careful, be careful about using American troops, be careful about getting in and not being able to get out."

Lifting the embargo unilaterally will cause our British and French allies to leave Bosnia, destroying the U.N. relief effort, which now feeds 2 out of 3 Bosnians. The United States is going to take the blame and the heat.

Lifting the embargo unilaterally would jeopardize other U.N. sanctions against Iraq, Libya, Haiti, and Serbia. Lifting the embargo unilaterally is going to damage our interests, our foreign policy interests, because it is going to cause a rift between us and our NATO allies and with Russia.

The Hamilton amendment, in my judgment, is a lot better. It focuses on collective economic, political, military, and diplomatic efforts. It protects the President's flexibility. It aims to enhance the defense of Bosnia through coordination with close United States allies and with Russia. It calls on the President, working closely with NATO and the United Nations, to support continued NATO collective enforcement actions in Bosnia, including the use of air strikes. It calls on the President to consult closely with Congress on further actions in Bosnia.

Again, Mr. Chairman, the authors of the McCloskey amendment are leaders on this issue, and this amendment is a product of a lot of frustration. I have felt in the past that perhaps unilateral action should be taken. But at this particular juncture when the President needs all the flexibility he can muster, when our foreign policy has been under siege, and when you have the President having gone to our European allies to state our policy, adopting an amendment like this would send exactly the wrong signal.

On Haiti, we sent an unfortunate signal. By passing this amendment, we would send another bad signal.

The McCloskey-Gilman-Bonior-Hoyer amendment should be defeated because: Lifting the embargo unilaterally would prolong, widen, and intensify the war and drag the United States, alone, into it; lifting the embargo unilaterally will put us on the slippery slope of direct United States military intervention in Bosnia by involving United States forces in delivering the weapons, training the Moslems, and rescuing UNPROFOR forces caught in the crossfire; lifting the embargo unilaterally will cause our British and French allies to leave Bosnia, destroying the U.N. relief effort—which now feeds two out of three Bosnians. The United States will take the blame; lifting the embargo unilaterally would jeopardize other U.N. sanctions—including those against Iraq, Libya, Haiti, and Serbia; lifting the embargo unilaterally would damage U.S. foreign policy interests. It will cause a rift between the United States and its NATO allies, and with Russia.

The Hamilton substitute allows for lifting of the U.N. arms embargo by U.N. Security Council agreement.

The Hamilton amendment should be supported because: Its focus is on collective economic, political, military, and diplomatic efforts to move all parties toward a negotiated settlement of the Bosnian conflict; it protects the President's flexibility. It leaves all of our options—military and diplomatic, including lifting the arms embargo—open; it aims to enhance the defense of Bosnia through coordination with close United States allies and with Russia—while keeping the focus on the peace process; it calls on the President, working closely with NATO and the United Nations, to support continued NATO collective enforcement actions in Bosnia, including use of airstrikes; it calls on the President to consult closely with Congress on further actions in Bosnia.

Mr. Chairman, I rise today in support of the Hamilton amendment on Bosnia. The amendment calls for the President to work through NATO and the United Nations to enhance Bosnia's defense and to end the war.

This amendment makes sense. It calls for a responsible and rational policy based not only on our national interest, but also on what is best for those who seek peace and an end to the horrible bloodshed in Bosnia. Today, especially in light of the recently announced ceasefire, we must not act rashly or unilaterally. we all share to act to end the slaughter in Bosnia. But our job to act responsibly, looking at the unintended consequences of our actions as well as the results we hope for.

We must pass the Hamilton amendment and defeat the McCloskey-Gilman amendment. To act unilaterally to lift the arms embargo will have a number of negative results—it will prolong and intensify the war; it will Americanize the war in various ways: The U.S. will become responsible for rescuing and protecting UNPROFOR, the U.N. force now on the ground in Bosnia; we, as a nation, will become responsible for Bosnia's fate, potentially encouraging the Serbs to overrun the eastern enclaves and other isolated Bosnian outposts. At that point, only massive U.S. bombing or the threat of invasion could counter or prevent the Serb attack; American troops would be drawn into the war through the delivery of weapons, the need to keep supply lines open, and to train the Bosnians and, then, to protect our advisors; finally, the United States would then need to fill the gaps, providing relief to the Bosnians after a probable U.N. pullout.

Mr. Chairman, this is the kind of vote that puts our hearts and our heads in competition. We all feel in our hearts the need to act to stop the bloodshed, the warfare, and the starvation. But we need to listen to our heads, to move toward the same goals but to do it in a way that won't cause more harm, more bloodshed, or more starvation. Vote for the Hamilton amendment.

The CHAIRMAN pro tempore (Mr. FIELDS of Louisiana). All time has expired.

Pursuant to House Resolution 431, it is now in order to consider the amendments printed in part 3 of House Report 103-520 relating to Bosnia and Herzegovina, which shall be considered in the following order: (1) By Representative MCCLOSKEY, GILMAN, BONIOR, or HOYER; and (2) by Representative HAMILTON.

If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It is now in order to consider amendment No. 1 printed in part 3 of House Report 103-520.

AMENDMENT OFFERED BY MR. MCCLOSKEY

Mr. MCCLOSKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCLOSKEY: Page 308, after line 24, insert the following new title:

TITLE XII—BOSNIA AND HERZEGOVINA SELF-DEFENSE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1994".

SEC. 1202. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter and therefore is inconsistent with international law.

(2) Before deploying United States Armed Forces to defend the territorial integrity and political independence of Bosnia and Herzegovina, or to enforce United Nations mandates in Bosnia and Herzegovina, the United States should seek to permit the Government of Bosnia and Herzegovina to obtain the means necessary to exercise its inherent right of self-defense.

SEC. 1203. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

SEC. 1204. PROVISION OF UNITED STATES MILITARY ASSISTANCE.

(a) POLICY.—The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) AUTHORIZATION OF MILITARY ASSISTANCE.—

(1) DRAWDOWN AUTHORITY.—If the Government of Bosnia and Herzegovina requests United States assistance in exercising its right of self-defense under Article 51 of the United Nations Charter, the President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training in order to provide assistance to the Government of Bosnia and Herzegovina. Such assistance shall be provided on such terms and conditions as the President may determine.

(2) LIMITATION ON VALUE OF TRANSFERS.—The aggregate value (as defined in section 664(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, and military education and training provided under this subsection may not exceed $200,000,000.

(3) EXPIRATION OF AUTHORIZATION.—The authority provides to the President in paragraph (1) expires at the end of fiscal year 1995.

(4) LIMITATION ON ACTIVITIES.—Members of the United States Armed Forces who perform defense services or provide military education and training outside the United States under this subsection may not perform any duties of a combatant nature, including any duties related to training and advising that may engage them in combat activities.

(5) REPORTS TO CONGRESS.—Within 60 days after any exercise of the authority of paragraph (1) and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the defense articles, defense services, and military education and training being provided and the use made of such articles, services, and education and training.

(6) REIMBURSEMENT.—(A) Defense articles, defense services, and military education and training provided under this subsection shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to subparagraph (B).

(B) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 664(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under this subsection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, May 24, 1994, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 30 minutes, and a Member in opposition will be recognized for 30 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment offered by my colleague.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland [Mr. HOYER], a real battler for justice as to the Bosnians and the Balkans.

Mr. HOYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, nobody has fought harder on this issue than the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. Chairman, we are about to make an important decision in voting on the McCloskey-Gilman-Bonior-Hoyer amendment. It is more than a vote on whether we will or will not lift the arms embargo on Bosnia and Herzegovina. It is a vote on whether we will act according to important international principles, the right to self-defense. It is a vote on whether we will ensure that countries are not rewarded for violating international principles through forceful changing of borders, aggression, and, yes, genocide.

Let us not stand silent, let us not dissemble, let us not say as the gentleman from New Mexico has said, that it is not now time. That is what we said in the thirties: it is not time to confront aggression, it is not time to stand up for principles, it is not time to say enough of killing, enough of taking property by force, enough of ethnic cleansing, enough.

This is a vote on principle. It is not some slick foreign policy "let's deal." We have been trying to deal with the Europeans for 2 years, and they have not acted. It was the policy of the Bush administration to say that we will, in fact, have the Europeans take the lead. That, my friends, was 2½ million refugees ago. That, my friends, was 200,000 deaths ago.

Have there been more deaths in other parts of the world? There have been. Should we be concerned about those? Of course.

But, ladies and gentlemen of this House, let us not continue to send mixed, ambivalent messages, let us say clearly even if the United States will not become more involved, we will not stand aside while the Bosnians stand defenseless.

Would, if it were other Europeans—not just Moslems—being terrorized, would we stand silent? Would we stand aside and say, "Well, we enforced and imposed an embargo 2 years ago on all of Yugoslavia, on the theory that we would not exacerbate the situation?"

□ 1120

Mr. Chairman, the fact of the matter is that one party got all the arms that the Yugoslav Army had, and they have used those arms against those less able to defend themselves than the aggressors.

Our own State Department, that now does not want to act, has said that the leader of the Serbs is a war criminal, both in Belgrade and in Bosnia, Milosevic, and Karadzic. This is not something on which our State Department has minced words.

I hope that this House, whether it be the Committee on Foreign Affairs or the Committee on Armed Services, and I hope that the Members of this House, as I hope the American public, will say to those who would perpetrate aggression and genocide, that America will not stand idly by while that occurs. Had we said that in the midthirties, would we have had the tragedy at Omaha Beach? I am not sure; none of us is sure.

But the lesson of history clearly is that aggression and genocide will occur if we stand aside, and stand slient, and stand idle, and say over and over again, "Now is not the time; maybe tomorrow and tomorrow and tomorrow will be the time to act in the face of aggression, in the face of genocide, in the face of war crimes, but now, now is not the time."

Let us pass this amendment. Let us say that America is going to at least allow Bosnia to defend itself. Let us take that small step, not the deploying of American troops, not the deploying of American force, but at least this small moral step:

"Bosnians, you can defend yourselves, and we will assist you at least in that step."

And let us then reject the Hamilton amendment which says, on the other hand, we will remain with the status quo 2½ million refugees later and 200,000 deaths later.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, let us make sure we know what the issue is today. This is an issue whereby we are putting American soldiers in harm's way.

Do not be misled.

It is interesting to hear the gentleman from Maryland [Mr. HOYER], our friend and colleague, speak on this resolution and ignore a major part of the language that is in this bill, in this amendment, and that language is to provide United States military personnel to train and advise Bosnians in Bosnia concerning combat. This is a repeat of what went on in Vietnam years ago.

I ask my colleagues, Haven't we learned our lesson from that? How many American lives as advisers will be taken? How many lives as advisers in American uniforms were taken in Vietnam? Do we know the quagmire in which we are involving ourselves?

Mr. Chairman, this is not just an arms embargo lifting. It is putting American soldiers in uniform, who we cannot afford to do away with in our national strategy, into harm's way.

And where does that put us in relation to our allies? The French? The Canadians? The British who have troops on the ground there? We are in essence taking sides, and advising, providing military equipment to put them in harm's way as well.

I say to my colleagues, let's think about what we are doing today. This is a very dangerous thing. Let us not get carried away with emotion. Let us not undermine ourselves in our objectives. This undermines ourselves in Iraq, in Libya, as well as elsewhere.

Mr. MCCLOSKEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I will be very brief; just a couple of key points:

For the second time to Mr. SKELTON, really, the analogy is really not quagmire or Vietnam. The analogy really is Europe, fascist aggression and the likes of Chamberlain telling Hitler, "You can have what you want."

As even Mr. Talbot said this morning, the Serbs, as he knows, have committed international aggression. He says they are building a greater Serbia. There are problems pending in Kosovo, Macedonia, problems with Greece, Turkey, Bulgaria; just name it. The message is right now: If we do not do something, if we not shed our hands of this policy, that the Serbs can continue to get away with it.

But particularly again, I say to the gentleman from Missouri [Mr. SKELTON], this bill, this piece of legislation, says nothing about mandating any arms or equipment. It leaves it up to the President, totally at the discretion of the President, which allegedly, since Bill Clinton, President Bill Clinton, told me 2 weeks ago in Air Force One that the arms embargo should be lifted, the problem is multilaterality. But, as far as that aspect, that discretion on the part of the President, any kind of commitment to any precipice that we cannot retreat back from, that is simply not the case.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Am I not correct that the amendment specifically says that American forces cannot provide training and advising activities that may engage them in combat?

Mr. MCCLOSKEY. Nothing can be done without the express authorization of the President as to equipment or anything else.

Mr. WALKER. As I understand it, does the amendment not say, "limitation on activities," and, as I understand it, it says:

> Members of the United States Armed Forces who perform defense services or provide military education and training outside the United States, under this subsection may not perform any duties of a combatant nature, including any duties related to training and advising that may engage them in combat activities.

Mr. MCCLOSKEY. Mr. Chairman, I appreciate the gentleman pointing that out. We should keep the debate going as to what the facts are.

Mr. DELLUMS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] for yielding this time to me.

First of all, let me just say that I certainly understand why many of my colleagues in this body are ready to support the McCloskey amendment. The people of Bosnia have suffered very much in a tragic war. We in the West have been unable to stop it up to this point, and, as I have heard so many of my colleagues say, we simply have to do something. And I think many of my colleagues look upon the McCloskey amendment as a relatively cost-free, risk-free way of participating, if my colleagues would, in this war, and I have no doubt at all that they are utterly and completely sincere in their views. But I just want to say that I think the adoption of the McCloskey amendment will drag us much closer to war.

□ 1130

Now, I think these are the consequences that will flow if the McCloskey amendment is adopted. First of all, it is going to intensify the war. If we promise the Moslems arms, promise the Bosnian Government arms, they are going to have very little incentive to negotiate; they will have every incentive to fight. If we arm the Moslems, the Bosnian Government, the Serbs will move quickly to crush the Moslems before they can receive the weapons. No one disagrees with that point. Witness after witness in our committee and in discussions have said to those who want to lift the embargo that it will intensify the war and will increase the killing.

The second point or the second risk is that UNPROFOR will leave, and that will jeopardize humanitarian assistance. There is not any doubt about that. The French Prime Minister, the French Foreign Minister, and the British Foreign Minister have all indicated that they are going to pull out the UNPROFOR if we have a unilateral lifting of the embargo. Why would they not? They have suffered very greatly here, and their troops, not American troops, would be at risk. They have already suffered many casualties, and they do not want to suffer any more casualties. They will move UNPROFOR out.

UNPROFOR today feeds two of every three Bosnians. It has been an extremely successful program under extraordinarily difficult circumstances, and they will be gone. They will be gone.

Another consequence is—and our administration officials have reiterated this today—is that the peace process comes to an end. Sure, there are problems with the peace process, enormous problems, but progress is being made day by day, inch by inch. If we vote to lift this embargo unilaterally, the peace negotiations fall apart. The President has told us that.

Let me quote the President's letter: "U.S. action to lift the embargo would bring the peace process to an end." That is the President's judgment. It brings the peace process to an end.

Another risk, of course, is Balkan instability. Who can tell what would happen here? But among the successes—and they have been few, I have to acknowledge—among the successes so far has been that we have contained this conflict. There have been horrible events in Bosnia, no question about that, but we have contained the conflict. If we lift this embargo, all kinds of things begin to happen. It could reignite the war in Croatia, and it risks an explosion in Albania and in Kosovo. It could spill out into the former Yugoslavian Republic of Macedonia. So we risk instability in the Balkans.

Another consequence is that it harms U.S. ties if we lift this embargo unilaterally. Let us look at NATO. Some of us heard what the administration people said this morning, that if we lift this embargo unilaterally, the future of NATO is at risk because this is the first post-cold-war challenge to NATO. We will be walking away from NATO. We will be walking away from Britain and from France, and we will be on our own. We certainly will have a serious rift with Russia, with unpredictable consequences by the nationalist elements in Russia, and those who oppose Boris Yeltsin will be strengthened.

If we lift this embargo, another risk, of course, is that we undermine U.N. sanctions. The United States voted for this embargo. It is a solemn commitment of the United States, and if we unilaterally break our word and lift the embargo, why should we expect any other nation to keep their word on a national commitment? We break a U.N. sanction, we do not care about Saddam Hussein, so go ahead and give him materials. Many nations want to do that now. We break the U.N. sanctions, we do not care about Libyan terrorism, so go ahead and supply and trade with Libya. We break the U.N. sanctions, we do not care about Haitian democracy. How can we gain support for sanctions on Haiti or Serbian aggression or North Korea?

Now, there have been some legal arguments made here that the McCloskey amendment supporters assert that continuing the embargo on Bosnia violates the right of self-defense. But may I suggest that that interpretation is wrong. Article 51 does not provide the necessary authority to allow the United States to unilaterally lift the embargo. It states that members' rights to "individual or collective self-defense" must not "affect the authority of any responsibility of the Security Council."

That is the next sentence. They only read the first sentence. We undermine the U.N. Security Council's ability to act if we claim a higher right to simply disregard U.N. Security Council action.

The next point is that the McCloskey amendment begins a new foreign aid program, and it is an open-ended foreign aid program. With $200 million, it would make the Bosnian Government the fifth largest recipient of United States foreign aid on the military side. And moreover, the Defense Department estimates that providing that $200 million could require between 1,500 and 2,400 additional personnel to train. And if, of course, they are attacked, they have to have force protection.

If the Serbs then target UNPORFOR, American forces will be called upon to rescue them. If our allies pull out troops, the fighting intensifies, and we will be called to help. We will be called upon to send weapons in, and we will be called upon for U.S. troops to help keep the delivery routes open. But in a larger sense, we become responsible for Bosnia's fate.

Bosnia becomes a client. Our prestige and our power will have to be used to assure a Bosnian victory. We cannot go at it halfway.

Mr. Chairman, let me conclude by simply saying that I know the frustrations here. They are very, very deep. It is important to see the progress that has been made. Despite the setbacks, we and our allies now have come together. We have contained the conflict, we have reduced the killing, and in recent months there has been an end to the siege of Sarajevo and Tuzla. There has been a peace agreement between the Moslems and the Croats in Bosnia. There has been a formal cease-fire between the Crotian Government and the Serbs in Croatia. There has been a dramatic reduction in the level of fighting, and as of yesterday, with all it fragility, there is a 1-month cease-fire throughout Bosnia. And as the President stated in Europe yesterday, a wider war has been avoided and hundreds of lives have been saved.

Mr. Chairman, I urge my colleagues to oppose the McCloskey amendment.

Mr. McCLOSKEY. Mr. Chairman, may I inquire as to how much time remains on both sides?

The CHAIRMAN pro tempore (Mr. RICHARDSON). The gentleman from Indiana [Mr. McCLOSKEY] has 22½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 18 minutes remaining.

Mr. McCLOSKEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI] a subcommittee chairman of the Committee on Foreign Affairs and a man of knowledge and force.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding. There is not a Member of this House in their own lives that did not look in their parents' eyes and say, tell me about the holocaust. Tell me why it is the world sat silent.

There is not a Member of this House who does not remember during the carnage in Cambodia, how we said to ourselves, we wish that there was something we could have done. But it just was not to be.

This debate is about many things. But, more than anything, it is about this: What are you, my friends, going to say to your children and their children's children, when they say to you, where was America? When the villages were razed, women were raped, a Moslem people were subjected to genocide? Where were you, America? With those in Europe who would argue the legal restrictions, the need to stand together, or with the victims, where America always is when America is right?

The compelling logic of the Moslem people is overwhelming. What is it they want? They want to survive. They are not asking for our blood or our lives. They want to fight to defend their own families.

I know it is a change of policy. What could be more of a compelling argument for this amendment? The policy has failed. And this legislative body at its best, if it is honest with itself, will stand apart and say it was tried. But the idea of an embargo on a poor impoverished people, while allowing a military force under the same rules in Serbia, was an imbalance that was bound to create the situation. Allow ourselves to escape from it.

Now we are told that there are legal precedents. There will be complications. Well, you decide. Do you want to look at history with your own children and say you were respecting precedents, or you were standing for justice? This amendment is justice.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, it might appear this is an easy vote, give the Bosnian Moslems the right to arm themselves and fight. If it were that easy, I would be supporting it. I predict that while it may not seem to be difficult today, in the future many may find this vote haunting them. I hope that if this measure passes and actions are taken accordingly, my position is proven wrong because if I am proven right, it will mean that Americans have lost their lives. Mr. Chairman, there are too many uncertainties.

This amendment makes it clear what we are to do. We are to "go it alone." We unilaterally provide arms. Where are the weapons to come from? How long will it take to supply them and train for their use? And, who trains them? The more independent our role the more American sons and daughters are placed in Bosnia and in harm's way.

What happens if—in recognizing the potential problems of the Moslems being armed—the Serbs launch an all-out preemptive strike in an attempt to end the conflict prior to the Moslems' ability to strike back? What happens to the Americans who we have stationed there in their new role? What do we do then? How much further are we brought into this conflict?

Some military leaders on the scene have observed that an end to the arms embargo months ago would have been a different story. But ending that embargo now would create havoc.

Mr. Chairman, the American people have never lost their resolve for peace and freedom. But they do expect that before our soldiers are placed in danger, every possibility has been predetermined and plans have been made. That is not the case in this instance and until such plans have been outlined and we realize the potential American involvement and ultimately the possible American loss, I cannot support the proposal.

To the proponents, the question must be posed—do you support the introduction of Americans in Bosnia? The answer to that is yes; let us say so and make it very clear that is what we are voting on. Members supporting this amendment had better consider this vote as a call for the intervention of American sons and daughters on the ground in Bosnia.

Several years ago when the House considered the authority to go to war in the gulf, I did not cast my vote blindly as a disinterested bystander. At that time, my son went to work everyday in the Marine uniform and it was almost certain he would go to the gulf. I supported that effort then and today I am totally convinced that was the right decision.

I do not share the same conviction regarding American involvement in Bosnia today. Until we know the specific result of our actions and until we have planned for the potential reactions to our actions I would not vote to send my son to Bosnia, and I will not vote to send yours.

Mr. MCCLOSKEY. Mr. Chairman, I yield 2 minutes to my dear friend and a real courageous worker on this issue, the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think one of the most ironic parts of this debate is that at this very time, we have just finished commemorating 50 years since D-day, and that epic struggle against fascism which the Second World War represented. And one of the features of that war, which will remain indelible through history, is that feature which was the most widespread genocide occurring over a whole continent, an effort to obliterate a whole people and a whole culture. Yet we are now in the process of denial of self-defense of a people that is being subjected to genocide.

I do not think there is anybody who denies that this is an effort at genocide on the part of the Serb Chetniks. There are Roman Catholic Churches and Moslem Mosques which have been destroyed. The whole of the religious infrastructure for the two other religions that the Slavic people in Bosnia represent, great and beautiful edifices dynamited, cultural centers destroyed, museums, obliteration of a whole culture is being attempted, along with the concentration camps that we had, the indiscriminate slaughter of all ages of people because of their religion, the millions of refugees that have been created in that process.

The most basic right that people have is the right on the part of individuals and nations, the right of self-defense. Personal law, United States law, moral law, Biblical law, international law, all allows for the right of self-defense, except in Bosnia. Except in Bosnia, where there is a defense instead of a denial of that right of self-defense and weaponry to do that on the part of the people involved.

This is the only instance in 50 years of the U.N. history where direct U.N. action, deliberate U.N. action, helped and served the aggressor, made the genocide worse. Bosnia, and Croatia before Bosnia, both of them U.N. members, have been embargoed against even defensive weapons, while Serbia for 3 years supplied arms and men and all kinds of supplies and its own troops to grab as much land in an aggression in Bosnia. As much land as possible has been taken.

It has been a process of kill or drive out all the people that possibly could be killed or driven out, depending particularly on their religion. The embargo is illegal and immoral, and ought to be lifted. It is a violation of the U.N. Charter.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me talk about the practical side of lifting the embargo and the problems I have with the U.S. unilaterally lifting the embargo.

All of us have seen this tragedy unfold. Not long ago I was in Sarajevo, and I stood on the spot in the central marketplace where the mortar round hit and killed so many people, and they talked about the terrible tragedy that is going on in Bosnia.

General Rose, the U.N. ground commander, took me all through the area in Sarajevo particularly, and talked about the difficulty that the United Nations has on the ground.

For instance, in close air support, the hillsides are heavily vegetated. A tank moves back and forth, and is difficult to spot. Also, there is often cloud cover that greatly complicates air missions. So people who think you could easily expand the bombing and significantly affect military events on the ground are inaccurate. It's not an easy proposition.

General Rose told me that with the military situation that has developed, this is the very time in which negotiations must be stressed to end this ongoing tragedy. There is some momentum here.

□ 1150

He said that certain actions taken by the United States could interrupt the momentum toward a settlement and prolong the fighting on the ground if we raise false hopes.

For instance, he said that every time the United States makes a strong statement we encourage one party or the other to institute a military action. He said, "every time that happens, it endangers my U.N. people on the ground." He said:

> You don't have anybody on the ground participating in this action, and your statements precipitate military action that endangers people on the ground.

He said:

> I implore you to go back and tell the President of the United States to negotiate with the Russians and with the ECa settlement, and do it as quickly as possible. There is a window of opportunity right now to try to settle this very desperate, tragic situation.

I said, "What about lifting the embargo?"

He said:

Here is the problem. Both sides have arms. One side may have more heavy equipment than the other, but regarding the Muslims that do not have the heavy equipment, the only people that could supply it is the United States. There is nobody else in the world that could supply that equipment. And to do it, you would have to fight your way through if you took it through on the ground.

We see what happens when we get involved in that kind of a match. It escalates to the point where the United States is drawn in. We become the enemy.

The Somalia, which was a fairly primitive military situation, the United States thought it was going to go into Somalia and we would control the situation completely. We became the enemy. They killed a number of American service people trying to provide humanitarian aid, with all the good intentions in the world.

All of us have good intentions. All of us would like to see the fighting stopped, but what we would be doing is forcing one side or the other to take action against us.

A Stinger missile will fire and shoot down a C–130, or whatever type airlift airplane it happens to be, very easily. If they have hand-held missiles, believe me, they will shoot down American aircraft. The United Nations will not be able to maintain a presence in that area if we go too far.

For instance, when we went into Sarajevo, anybody who thinks that area is not controlled by the Serbs is wrong. We went through three checkpoints. They made us get out of the automobile. The Commander said to me, "Look at the hillsides. They can shoot us anytime they want to."

We sit back here and we can watch television and we can say how wonderful it is for the United States to take action in this particular situation, but if you are in Sarajevo or in Gorazde and you are serving with the U.N. forces, a unilateral lifting of the embargo means the U.N. forces and the United States are taking sides. It would be a tragic mistake for the United States to do so. We would lose our neutrality and our ability to broker a settlement.

Mr. Chairman, I would urge the Members of this Congress to vote against the amendment offered by my good friend, the gentleman from Indiana [Mr. McCloskey].

Mr. McCLOSKEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs. He is a primary coauthor of this amendment, and I am so much in his debt.

Mr. GILMAN. Mr. Chairman, I rise in strong support of the McCloskey-Gilman-Bonior-Hoyer amendment to end the arms embargo of Bosnia because we have been witnessing aggression and genocide in Bosnia on a scale not witnessed in Europe since the worst days of World War II.

Inaction in the face of this barbarism is not an option. We must take action to end this tragedy in Bosnia.

Let us no longer accept the fiction as we have in the past 2 years that all that is required is a little more patience—just a few more weeks to give the diplomats time to negotiate a settlement. For 2 years we have been patiently awaiting a negotiated settlement. But all that such waiting has brought to Bosnia is more death and destruction.

Regrettably, it is anticipated that the latest cease-fire will be no different than past cease-fires. The Bosnian Serbs have already publicly indicated that they intend to resume fighting within 30 days.

Bosnia cannot afford more patience.

If we agree that we will wait no longer and that we must do something, there really are only two options.

One is to end the arms embargo so that the people of Bosnia can acquire the wherewithal to defend themselves. The McCloskey-Gilman amendment will do precisely that.

The other option would be to send United States forces into Bosnia to end the aggression and genocide.

It appears that the administration has already started us down the road to direct U.S. military involvement. What were the United States airstrikes around Gorazde, and our shooting down of three Serbian aircraft, but the first step onto the slippery slope to direct United States military involvement? This is why the references we've heard today to Vietnam are misplaced. It is the administrations's current policy that will drag us into a Vietnam-style Quagmire, not lifting the arms embargo.

The substitute to the McCloskey-Gilman amendment originally offered by Chairman HAMILTON at least had the virtue of acknowledging that direct U.S. military involvement is the alternative to lifting the arms embargo. The original Hamilton substitute contains an authorization under the War Powers Resolution for our United States Armed Forces to engage in hostilities while conducting air operations in Bosnia. It also contemplated the deployment of United States ground forces in Bosnia.

The original Hamilton amendment was withdrawn and replaced by the weaker language which we will vote on later today. The obvious reason for this switch is that there was not sufficient support in the House for the original language.

And that is instructive. If there isn't support for the real alternative to lifting the embargo—if his House and the American people are not going to favor direct United States military involvement—then a vote against the McCloskey-Gilman amendment is in fact a vote to do nothing about the aggression and genocide in Bosnia.

And that, to my mind, is a morally untenable position to take.

There should be no question about whether ending the embargo will make a difference in Bosnia.

The Bosnian government has repeatedly asked us to take this step, knowing better than anyone else what ending the embargo will mean—both the risks it will entail and the opportunities. The Bosnians have repeatedly stated that this is the single most important step we can take to help them to resist the aggression and genocide now being inflicted upon them.

It has been the Clinton policy for over a year to end the arms embargo. Surely he would not have adopted this policy if there was any truth to the opposition's arguments.

The President's policy would make no sense if there were no way to get weapons into Bosnia; or if the Bosnian Government forces could not be trained to use the weapons; or if getting the weapons into Bosnia would not make any difference in turning back the aggression and genocide. To suggest these things is to suggest that the President's policy over the past year has been at best seriously misguided, and at worst a cruel joke—a cynical ploy to buy more time while more people die.

The only difference between the McCloskey-Gilman amendment and the President's policy is that our amendment would implement the policy unilaterally, without waiting for the U.N. Security Council to formally rescind the embargo.

Our amendment calls on the United States to provide leadership in the face of the moral crisis in Bosnia.

Opponents of the amendment are telling us we should wait for the United Nations to provide leadership.

I fear if we do that we will be waiting for a long time.

The McCloskey-Gilman amendment relies on Bosnia's right under article 51 of the U.N. Charter to defend itself against aggression as the legal basis for unilaterally ending the embargo. Those who contend that Bosnia's right to defend itself has been extinguished by the action the United Nations has taken to date do not fully understand article 51.

Bosnia is not compelled to stand by and allow itself to be annihilated because 2½ years ago the United Nations decided to impose an arms embargo on a country that no longer exists. We are not compelled to stand by, allowing that annihilation to occur.

As for the claim that our opting out of the arms embargo of Bosnia will invite other countries to opt out of U.N. embargoes we support, such as that of Iraq, all I can say is that those situations are entirely different. It is absurd to suggest that there is no difference between Bosnia, which is the victim of continuing aggression, and Iraq, which was the perpetrator of aggression.

There can be no equating Bosnia with Iraq.

In fact, there is no need for us to continue debating the question of international law presented by the arms embargo. The Congress already has had that debate and reached a decision. We already have found that continued application of the U.N. arms embargo to the Government of Bosnia violates article 51 of the U.N. Charter and is illegal under international law.

That finding was contained in section 520 of the recently passed Foreign Relations Authorization Act. That section went on to urge the President to unilaterally terminate U.S. participation in the arms embargo.

The McCloskey-Gilman amendment will implement the advice we so recently gave the President. In addition, it will authorize—but not require—the President to provide up to $200 million in military assistance by way of drawdowns from Defense Department stocks. Those drawdowns can be made without increasing our budget deficit.

Mr. Chairman, I submit we can make a difference in Bosnia, by voting in support of the McCloskey-Gilman-Bonior-Hoyer amendment.

Mr. DELLUMS. Mr. Chairman, as I understand it, the timekeeper has now corrected the amount of time, and this gentleman has 10 minutes remaining, rather than 13 minutes, am I not correct?

The CHAIRMAN pro tempore. That is correct.

Mr. DELLUMS. Mr. Chairman, I would indicate to my distinguished colleague that it would be the intention of this gentleman to close the debate.

Further, as I understand it, under the rules, this gentleman has the right to close debate. Am I not correct, Mr. Chairman?

The CHAIRMAN pro tempore. The gentleman is correct, he has the right to close debate.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. McCLOSKEY. Mr. Chairman, I would ask, is the distinguished gentleman from California [Mr. DELLUMS] saying that he is going to have one 10-minute speaker in conclusion?

Mr. DELLUMS. That is correct, Mr. Chairman.

Mr. McCLOSKEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I thank my colleague for yielding time to me. Mr. Chairman, I rise today to strongly urge my colleagues to support the McCloskey-Gilman-Bonior-Hoyer amendment, which provides for the immediate and unilateral lifting of the arms embargo against Bosnia and Herzegovina.

Let us once and for all dispel the myth that all sides are equal in what some still attempt to portray as a civil war. Our irresolute policy to date has only encouraged violence and ethnic cleansing. In short, Mr. Chairman, alternatives to lifting the arms embargo have not worked.

For over 2 years we have witnessed the ravages of aggression and genocide in Bosnia. Over 200,000 people are dead or missing and presumed dead; 85 percent of this total were civilians, and perhaps most staggering is the fact that nearly as many children have died as have combatants.

Against this backdrop, it is unconscionable that we continue to deny the Bosnians the opportunity to obtain the necessary means to defend themselves. The continued imposition of an arms embargo against Bosnia and Herzegovina, a sovereign nation, in the face of a well-armed aggressor is reprehensible and should end without further delay. Mr. Chairman, we are already a year later. As for taking sides, Elie Wiesel observes "Neutrality helps the oppressor, never the victim."

Mr. Chairman, the Bosnians have demonstrated their determination and courage to defend their country and all that it stands for. Their Prime Minister has asked for our help. I urge my colleagues to vote "yes" on the McCloskey-Gilman-Bonior-Hoyer amendment which calls for the kind of resolute action required to pave the way for a truly just and lasting peace in the former Yugoslavia. At the same time, I urge rejection of the Hamilton amendment which effectively endorses the failed status quo.

□ 1200

Mr. McCLOSKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN], the distinguished chairman of the Permanent Select Committee on Intelligence, who has been following the Balkan conflict intensely.

Mr. GLICKMAN. Mr. Chairman, I strongly support the position of the gentleman from Indiana [Mr. McCLOSKEY] and I very much respect my colleague, the gentleman from Pennsylvania, but the fact of the matter is this amendment is not inconsistent with negotiation and settlement. It actually strengthens the ability of the United States to have influence in the United Nations in getting the parties together.

I think from a standpoint of negotiation, it makes sense. But there is the old expression "Actions speak louder than words." The world has spoken against the atrocities and brutality in the Balkans but has done nothing about it. They look to us.

Mr. Chairman, I have traveled a lot in my role as chairman of the Permanent Select Committee on Intelligence and the world still looks to us. They say it is great other countries are involved in the Balkans, but only one nation has the moral leverage, the moral ability to influence the world and the power to stand behind it and get something done, and that is the Americans.

Mr. Chairman, we have got to act like a moral leader, not just talk like a moral leader, and this is a good place to begin.

It was the Italian poet Dante who said, "The darkest place in hell is reserved for those who in a period of moral crisis claim neutrality."

Mr. Chairman, it is time for us to stop being neutral about atrocities, about killing of people based upon the color of their skin or who they are or what they believe in. It is time for America to stand up. We can do it with this amendment.

There is some risk in terms of the increased arms in the region, but nothing ventured without some risk will ever make any difference to anybody, anyway. We not only owe it to the people in the Balkans but we owe it to people around the world who are facing atrocities based upon who they are or where they were born or what they believe in that America will not allow this to continue.

Mr. Chairman, I support the amendment and I hope it passes.

Mr. McCLOSKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we are told that we are dealing with ancient ethnic quarrels here that we cannot hope to fathom. The truth of the matter is that we are dealing with a classic case of aggression across an international border, against a member state of the United Nations, plus the instigation of domestic insurgency, not very different from what we faced in Kuwait.

We have twice before this century had immoral arms embargoes. In the 1930's when the Fascists revolted in Spain, we had an arms embargo against the loyalists while Hitler and Mussolini armed the Fascists. In 1948 we had an arms embargo against Israel, and thank God to the Czechoslovaks who supplied arms so that the seven invading armies did not succeed.

Now we are imposing an arms embargo against the victims of aggression and the victims of genocide while the aggressors have plenty of arms. We are told that lifting the arms embargo might lead to greater bloodshed. That is like saying that we should not have let the defenders of the Warsaw ghetto have arms against the Nazis.

Mr. Chairman, I am a member of the Holocaust Memorial Council. I have many victims of the Holocaust in my district. We always say never again, we must learn never again, but it is happening again, and what are we doing about it? At least let us arm the Bosnians. This amendment unfortunately does not do that. The amendment simply lifts the arms embargo and leaves everything else up to the discretion of the President. But let the Bosnians defend themselves against the Fascist aggressors. Let those aggressors pay a price.

We are told lifting the arms embargo could lead to destruction of the peace negotiations. What peace negotiations? As I look at them, they are simply trying to have a fig leaf for the surrender of land made free of Bosnians to the Serbian aggressors. We might as well be telling the Czechoslovaks to cede the Sudetenland to the Germans or telling England in 1940 to lay down its arms, leaving the Nazis supreme in Europe.

Let us erase the stain of neutrality with regard to genocide. Let us erase the stain of complicity with regard to genocide. Let us end this embargo which is the handmaiden of genocide.

Mr. McCLOSKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, the debate that should have taken place about 2 years ago at the end of the cold war was what was the United Nations going to be? We have sent in again to this conflagration in former Yugoslavia people dressed in suits and blue helmets and we have watched as they have been totally ineffective. Imagine what it was like for them to have been escorting the Vice President of Bosnia to the airport, in a United Nations carrier which was stopped on the street, the back door opened and the man shot to death in front of them. Time after time we have watched convoys of food and medical supplies be turned back because the Serbs would not let them go on where they were needed.

I received a letter myself from a surgeon in a Sarajevo Serbian hospital, "Please tell your President we are operating in the dark, in the cold. We have no ability to sterilize the instruments, we have no antiseptic, no antibiotics. We are using hacksaws to cut off limbs." While we have watched this for 3 years one side has been pounding the other, the other side being unarmed by U.N. decree.

The President of Bosnia was here not long ago, he looked us all right in the eye and he said, "Whether you like it or not, America, you have the moral imperative. You have always stood for that, you have always said you have it and now it is time for you to use it. You cannot get away from it and you cannot escape it."

Mr. Chairman, until we decide what the United Nations is going to be, whether they will really be able to prepare to keep the peace, it is time for us to follow what human rights organizations and most of us here believe has to be done and that is lift the embargo. Thousands of innocent people have been murdered and we just let it happen. It is indecent, inhumane, and we must not prevent people from protecting themselves. Verbal communication did nothing. The United States said at one point they were going to drop food in this area no matter what anybody thought about it. At that moment the Serbs began to rush to New York to the United Nations to talk. But did we pay any attention to that? No.

One day we have a compelling interest but the next day we do not. We have dithered back and forth with our allies making the case over and over, since we have no troops on the ground, we literally have nothing to say there. Lift the embargo and let us insist that the U.N. peacekeepers be equipped and trained to do their work.

Mr. McCLOSKEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it was said earlier in the debate that the great problem with lifting this embargo would be that it would somehow Americanize this war and it would somehow place America in the position of taking a position.

I would just like to say that in a war as brutal and vicious as this one where there is destruction of churches, where people are forced to leave their land, where there are death camps again 50 years later—there are death camps, I have seen the victims of the rape camps myself. There is ethnic cleansing. There is genocide. This is good versus evil, and if we do not want to Americanize this, then what do we want to Americanize? We have to stand for something.

Mr. McCLOSKEY. Mr. Chairman, I yield 1 minute to my dear friend, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I rise today to express my support for the McCloskey-Bonior-Gilman-Hoyer amendment to lift the arms embargo on Bosnia and Herzegovina.

The 2-year-long embargo has done little toward ending either the war or the atrocities committed against the Bosnian Moslems. Two years worth of international diplomacy have achieved almost nothing. And during this 2-year peace process/negotiating period, more than 200,000 Moslems have been slaughtered.

If we are not interested in sending in our own troops to end the conflict we can at least ensure that this besieged minority has the ability to defend itself. Two years worth of one tactic is enough: It is clear that diplomacy alone is not working.

I have heard the argument that if we lift the arms embargo we will intensify the warfare rather than end the warfare. That by providing arms to the Moslems we will enable them to launch a full-scale war against the Serbs. I admit that this might, in fact, be true.

But the alternative is to continue to allow one side to slaughter another. We have watched this happen for the past 2 years and we all know that it will continue despite diplomacy.

We come to this well every day to decry the holocaust, to express outrage about Rwanda, to complain that people are hungry and homeless and sick and poor. We complain about all of these things, yet most of us probably feel that we are powerless to help. Well we are not powerless to help. People are being killed in Bosnia. If we can't help end the war we can at least help the Moslems help themselves.

I do not want to be responsible for the deaths of hundreds of thousands of people. But neither can I stand by and watch hundreds of thousands of people die because of the status quo. Support the McCloskey amendment.

Mr. McCLOSKEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. ROHRABACHER].

□ 1210

Mr. ROHRABACHER. Mr. Chairman, we have heard a lot of talk today about America becoming involved in a conflict so far away from our shores.

Let us note that if we do not permit victims to defend themselves, we are more likely to get involved in sending our troops into conflicts like the Balkans. We do not want to Americanize this war. What we want to do is permit the people who are being victimized and slaughtered to be able to defend themselves. What could be better than that?

We should end this immoral arms embargo. It is immoral because it treats the victims and aggressors alike in the end that will drag in America's troops if, indeed, those people cannot defend themselves.

This policy has led to genocide, because it has left the aggressor with a monstrous advantage.

We are being told America cannot act. Well, America can act. We should be the leaders of the free world.

The new world order has turned into a nightmare of bungling, indecision, and cowardice. We must end this immoral arms embargo so victims can defend themselves, and the United States does not have to send troops everywhere in the world.

Please, vote "yes" for McCloskey-Gilman.

Mr. McCLOSKEY. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is said that Nero fiddled while Rome burned. For the past 2 years, we have been fiddling while the people of Bosnia have burned.

I do not want to know about diplomatic niceties. I know 2 years ago we should have been doing what I hope we are about to do now.

I went to Skopje. I met with these people. They told us atrocities that you just cannot believe.

If this were 2 years ago, perhaps there would be time for diplomatic niceties. But there is not time anymore.

If we will not help them, if we will not defend the people of Bosnia, let us let them defend themselves.

Vote to lift the arms embargo.

Mr. McCLOSKEY. Mr. Chairman, in conclusion as to our side on this very important debate, I yield 4 minutes, the remainder of our time, to the gentleman from Michigan [Mr. BONIOR], a Member for whom I hold massive esteem, a man whose great courage and integrity cannot be exaggerated.

Mr. BONIOR. Mr. Chairman, we have heard a lot of hopeful talk this morning about the Bosnian cease-fire that was signed yesterday.

We have been told that the Geneva Agreement is the beginning of a new round of peace talks.

Well, let me read to you a quote from somebody we have not heard from yet in this debate.

Let me read you what the Bosnian Serb Government had to say this morning about the 1-month cease-fire they agreed to just yesterday.

Through their news agency, the Bosnian Serb leaders said, and I quote:

> The Geneva Agreement is merely a 1-month calm before an unprecedented storm and a prelude to total conflict. After that it will become clear to one and all that there is no formula according to which two victors can emerge from this war.

That is what the Bosnian Serb leaders themselves had to say about their cease-fire.

We have heard time and time again on this floor today that now is not the time to act in Bosnia.

That now is not the time to lift the arms embargo.

That we must be patient and wait to act.

Well, I agree, Mr. Chairman. Now is not the best time to act. The truth is, we should have acted a long time ago.

But for over 2 years, we just sat back and waited.

Waited as tens of thousands of innocent civilians were starved in mass concentration camps.

Waited as thousands of young girls were systematically raped by Serbian soldiers.

Waited as Serb snipers in places like Gorazde and Sarajevo gunned down innocent children in cold blood.

And now opponents of this amendment are asking us to wait a little longer.

Mr. Chairman, how many innocent people have to die in Bosnia before we do something about it?

Are 200,000 dead Bosnians enough? Are 16,000 slaughtered children enough? That is how many have died in the past 2 years.

How many times can we turn our heads and pretend we just don't see?

There have been over two dozen ceasefires the past 2 years. The peace process has started and stalled countless times. We have watched the Serbs break agreement after agreement. And still we have done nothing.

Nothing, as Serb aggression has run unchecked as Serb tanks have rolled through the Bosnian countryside, taking town after town, village after village, and still they kept coming, turning Bosnia into a modern-day Sudetenland.

And the worst part, Mr. Chairman, is that the Bosnian people have had to face it all with both arms tied behind their backs, because the arms embargo we enforce has denied them the very weapons they need to defend themselves.

There are those who say we should not lift the arms embargo today because it will involve us in the war.

But let us be honest: We are already involved in the war.

By keeping this embargo in place for so long, not only have we forced the Bosnian people to fight tanks and mortars with guns and knives but we have helped tilt the balance of the war in favor of Serbian aggression.

To have imposed the arms embargo in the first place was incomprehensible. But to have kept it in place for so long, after so much suffering, is utterly shameful.

Mr. Chairman, the people of Bosnia are not asking us to send in troops.

They are not asking us to defend them.

They are simply asking for the right to defend themselves.

And we have no right to deny them that.

By passing this amendment today, we will simply extend to Bosnia that right which is guaranteed to every other sovereign national under the U.N. Charter—the right to self-defense, and the even more fundamental right to self-determination.

It is time the Serbs learn that the world will not stand for its aggression.

To those who say that lifting the embargo will disrupt the peace process, I say you are wrong: Lifting the embargo will not weaken the peace process, it will strengthen it.

The reason peace talks have failed the past 2 years is because the Serbs have had no reason to negotiate. They face no opposition on the battlefield, so they have had no incentive to stay at the negotiating table.

We woke up this morning to headlines of a new cease-fire and hope for peace in Bosnia.

But within hours after those headlines appeared, before the ink was even dry, the Bosnian Serbs disavowed the agreement and threatened to unleash an "unprecedented storm * * * a total conflict."

Let us never forget that we have been down this same road before.

Just 4 months ago, in early February, we applauded a cease-fire in Sarajevo. But a few hours later, we mourned as a shell ripped through a Sarajevo market, killing 68 innocent civilians.

Just 2 months ago, we welcomed three separate cease-fires in Gorazde. But then we watched in horror as Serb snipers used homeless families for target practice, and Serb shells rained down on children lying in hospital beds.

More than two dozen times the past 2 years, we have seen cease fires broken and peace talks fail.

By our actions here today, we can and must strengthen the cause for peace.

Mr. Chairman, we began this week by remembering one of the proudest days in our history.

Schoolchildren all across America learned how 50 years ago, their grandparents saved the world from tyranny and genocide.

But 50 years from now, schoolchildren will study this time.

And they will look back and wonder where American leadership was when genocide reared its ugly head again.

They will want to know why we sat back and watched children be slaughtered and families torn apart.

They will want to know why the U.S. Navy blockaded the shores of Bosnia so arms could not enter and innocent people could not defend themselves.

And somehow, the excuses that there were barriers too difficult to overcome or that we could not get our allies to go along with us will seem empty. We have a chance to change some of that here today.

Fifty years after the world said "never again"; now is our time to stand up to tyranny and genocide in the world. And we cannot wait any longer.

Because if we do not, if we do not lift this embargo and at least let the people of Bosnia defend themselves, then the blood of Bosnia is not just on the hands of the Serbs.

It is on all of us.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time for the purposes of concluding debate on this issue.

Mr. Chairman and Members of the Committee, let me make several observations.

First, good and decent human beings have arisen in the well of the House on both sides of this aisle, people whom I respect with a great sense of sincerity.

Second, Mr. Chairman, there have been a number of eloquent and articulate, compelling, and compassionate statements made during the course of this debate.

Third, Mr. Chairman, what should not be negotiable, debatable, or discussible is that all of us believe that the killing and the dying should end.

The question before us is how to do it. And, second, does the action contemplated in the amendment before the body take us to that place?

There have been a number of brilliant statements, Mr. Chairman, but let me look specifically at what this amendment does and whether it takes us to the goal and objective that has been eloquently spoken by a number of people in the well.

This amendment unilaterally, Mr. Chairman, and I underscore for the purposes of emphasis, unilaterally, the United States would lift its participation in the arms embargo against Bosnia, and it would authorize up to $200 million in aid and the trainers to train Bosnian soldiers on using the equipment.

□ 1220

So, Mr. Chairman, all of us want to end the killing and the dying. This is unilateral lifting of the embargo. This is a complex issue. This gentleman has thought long and hard on this matter, and I would like to share with you, Mr. Chairman, the significant reasons why I believe this is going down the wrong path.

No. 1, it violates the first rule of peacekeeping, Mr. Chairman. With this vote, we would effectively become Bosnia's allies. We would violate the cardinal rule of peacekeeping, "Choose no sides, make no enemies."

Mr. Chairman, we are the last peg standing, we are the great superpower. We must learn as a Nation how to engage in peacekeeping, peacemaking, peace enforcement. We must not continue to drag the baggage of the cold war into the post-cold war activity. Choose no sides, make no enemies.

Mr. Chairman, this would harm multilateral efforts generally, including Korea. This would harm multinational efforts generally, including our current effort at bringing the world community in line with bringing sanctions against North Korea for violating its obligations under the nonproliferation regime. We ought to at least try to present some cogent, consistent strategy and face to the world.

Third, lifting unilaterally weakens other embargoes. Mr. Chairman, any time the world comes together on a multinational basis to impose an arms embargo, we ought to walk gently and cautiously before we unilaterally engage in lifting the embargo. If we would lift the embargo on Bosnia unilaterally, what would stop other nations who could move to lift other embargoes such as those on Iraq and Libya? We would lose the moral high ground on this issue, Mr. Chairman, a moral and legal basis for seeking to enforce these embargoes.

What happens, Mr. Chairman, down the road a little further when some other nation decides to step outside of internationally imposed arms embargo and we rise to great moral heights and say, "Why are you doing this?" The response would be, "Why are you attempting to raise this question with us? When it served your purposes, you stepped outside of the multinational embargo."

The issue here is not whether you lift or do not lift, this amendment deals with unilateralism, and you have got to address that issue.

Mr. Chairman, fourth, it would remove our leverage with Serbia. Our unilateral lifting of the embargo on Bosnia would give the green light to others to ignore the embargo on Serbia. One would have to be a fool or naive, Mr. Chairman, to assume that lifting this embargo takes place in a vacuum. One action causes another reaction. We do not live in a vacuum.

Mr. Chairman, reacting to an action taken on this matter by the other body, the Russian Duma has already voted that it would be its sense that Russia should unilaterally lift sanctions on Serbia. While their actions will not implement such a policy, I am trying to point out that it shows the problem.

Next, I believe it would increase the bloodshed. Providing arms to Bosnia really solves nothing. But it will certainly increase the bloodshed. In the months before the Bosnians master the weaponry that we give them, the Serbs may attack all out and overrun still more Moslem territory. If the Serbs fail to do so, the Bosnians would likely use the weapons to try to settle scores. Either way, there will be more bloodletting.

Mr. Chairman, make no mistake about it, you do not walk away from this action with clean hands. There is blood. And this action, in my opinion, increases the potential of that. We ought to be about bringing people to the negotiating table. Those who have written in support of this, who are articulate spokespersons for a peaceful, diplomatic solution to the problems must understand that simply lifting the embargo and stepping away is not a neutral act, it is not an act that does not stain you with the same kind of blood because of the disincentive.

Mr. Chairman, I believe that it would derail the newly established 1-month ceasefire and the possibility for an agreement on an even longer ceasefire. We ought to be about ceasefires, to try to stop the killing and the dying and the maiming.

It would infuriate our allies: If we violate the embargo, we infuriate our own allies, especially Britain, Canada, and France, who have troops on the ground, unlike us, Mr. Chairman, and who fear this action will cause the resumption of war, with their troops stuck in between. Our allies have clearly warned us for months that we will be blamed for the deaths of their sons if we violate the embargo. We cannot turn a deaf ear to this, Mr. Chairman. We would not, if the shoe were on the other foot, want them to turn a deaf ear to us.

Mr. Chairman, humanitarian effort could be stymied: The European troops on the ground in Bosnia allow humanitarian relief to get through. If we lift the embargo and the European troops are fired upon, we can expect them to pull out, thereby effectively ending humanitarian relief effort and leading us to a swift increase in civilian deaths. Make no mistake about it.

Our allies may press us for further military actions. Let me explain. Before our angry allies withdraw, they may press us for further military actions to support their troops who may be withdrawing under fire. That must be contemplated. This would almost certainly include an escalation in air strikes flown by U.S. pilots, an action which could further entangle us in the war and would likely cause greater casualties.

Aside from that, the likelihood is that it is also a distinct possibility that we would be called upon to put American troops on the ground as a short-term defense of our withdrawing allies. We would almost be bound to respond positively, considering that it is our unilateral lift that placed them in harm's way in the first place. Such an involvement would certainly cause a serious risk of casualties and would so completely engage us in the fighting as to remove almost any possibility that we could play a role as an active broker for a negotiated solution. Mr. Chairman, that is the role of a great superpower.

It would likely kill more Bosnians. Let me further explain. This action would not save the Bosnians and may end up killing more. The Serbian reaction will likely be to resume the war immediately, before arms can be delivered and Bosnians can be trained to handle them. I would make a note, Mr. Chairman: It is not rifles and mortars that the Bosnians need, but tanks, artillery, and armored personnel carriers. It will take weeks and months to provide individual Bosnian troops with the skills on these weapons. Based upon our own training experiences, it would probably take more than a year for the Bosnians to learn the unit skills needed to employ them effectively.

Having set this train in motion, we will be morally responsible for the fate of the Bosnians. If the butchering resumes during this extended period of training, will the supporters of this amendment be willing to send U.S. troops to save the Bosnians from a fate worse than they face now?

It would seem to me that it would then become a moral imperative to do so. So, we are locked in, Mr. Chairman.

Further, it sucks us deeper into the quagmire. Some have spoke to this. If $200 million is insufficient to turn the tide, what do we do then? Will we use unilateral air power to save the Bosnians if they are being overwhelmed?

Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. OLVER). The gentleman is recognized for an additional 5 minutes.

Mr. DELLUMS. I thank the Chairman and would like to conclude my comments.

Would we use unilateral air power to save the Bosnians if they are being overwhelmed? If that does not work, will we send in ground troops? Or will we say, "Nice try," but leave the Bosnians to fate?

This could further endanger American lives. Let me further explain. This amendment authorizes us to train Bosnian troops in Bosnia, thereby increasing the threat to American troops. This makes us more an ally of the Bosnians, an escalation of taking sides.

The goal should be to seek a ceasefire. Mr. Chairman, brilliant comments notwithstanding, this is a war and intervention amendment, not a peace or peacekeeping amendment. It has those implications. We should continue to build on recent successes that brought an end to the sieges at Tuzla, Sarajevo and Garazde, to end the shelling and to continue to support this 1-month ceasefire with the hope that it would increase.

☐ 1230

Mr. Chairman, this amendment, in my opinion, is a disincentive to negotiate. It provides no incentive for the Bosnian Government to seek a negotiated settlement. In fact, the Bosnian Government could view this as an opportunity to launch offensive operations to regain territory in line with their three territorial imperatives.

Mr. Chairman, the Bosnians have three territorial imperatives. They are land locked by virtue of their fighting on the ground. They need to go south to the Adriatic Sea, north to the Danube River, and east to Sarajevo. By virtue of their coalition with the Croats, they now have access to the Adriatic Sea for trade and economic purposes. They do not have access to Sarajevo, the capital, nor to the Danube River for economic and trade purposes.

These matters, it seems to me, can be solved at the negotiating table, not on the battlefield. By lifting the embargo, Mr. Chairman, it becomes a disincentive to move to the table to stop the killing because then you give greater weapons, greater potential for greater fighting and greater struggling prior to coming to the table. The result is more people dying and more deaths.

We ought to be about negotiation. We ought to be, as a great nation, about trying to move people in that direction so those matters can be dealt with.

Mr. Chairman, it undercuts diplomatic efforts, and that has already been addressed, and I would not go further than that, but let me, in the closing part of it, try to respond to this reference to the right of self-determination. It has been raised on several occasions, but I would suggest to my colleagues that it has been taken out of context.

Proponents say we should support this amendment because the U.N. Charter gives every country the right to self-determination. They quote article 51:

"Nothing in the present Charter shall impair the inherent right of self-defense."

But, Mr. Chairman, that is only the first sentence of this article. The second sentence says:

"Measures taken by members in the exercise of this right shall not in any way affect the authority of the Security Council to take * * *" et cetera, et cetera, "such action as it deems necessary to maintain or restore international peace and security."

I would submit, Mr. Chairman, that this completely alters the meaning, so it is not about simply reading sentence No. 1. It is reading it in total context, and those in these Chambers who are students of evolution of the United Nations and the evolution of this proposition with respect to the right of self-defense must, on the basis of intellectual honesty, read that matter in its total perspective.

The intent of the U.N. Charter is in favor of collective measures for defense. Self-defense is most relevant in periods prior to collective actions, which in this case the Security Council has already taken. The U.N. Allies, allied course of collective actions, sanctions safe zones, humanitarian assistance, and a course of negotiation as the best course of defense in Bosnia.

Proponents also imply that the Security Council only placed the embargo on Bosnia accidentally because it voted on the embargo in 1991, before the full collapse of Yugoslavia. But since then the Security Council has reaffirmed the embargo on Bosnia again and again.

Mr. Chairman, in conclusion, with all of these arguments I am concluding, and all of my colleagues have listened carefully to this debate, but I say, "Take action based upon the complexity of this matter."

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. OLVER). The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, it is always a stimulating experience to hear the learned gentleman from California [Mr. DELLUMS] speak on any subject, particularly on this one. I would just like to respond to a few of the things he said.

"Choose no sides." That is the first rule of peacemaking. The first, most famous chooser of no sides was named Pontius Pilate, and he is legendary.

"I don't see any moral high ground," another good phrase in treating aggressor and victim identically. It seems to me the doctrine of moral equivalence ought to have gone out with the end of the cold war. That was Paul Warnke's idea of the Soviets and the United States being two hamsters on a treadmill.

Unilateralism. Let me tell my colleagues, "When Israel took out the nuclear reactor in Iraq, the whole world suffered from terminal ambivalence. They deplored the violation of protocol, and secretly they loved it. They loved it." Unilateralism, yes, blessed unilateralism.

I suggest that there are all kinds of peace, and peacemaking is wonderful, but the peace of the morgue, the peace of the jailhouse, is not to be suffered, and America is too important and too moral a country to aver its eyes from genocide and ethnic cleansing, and so I hope and pray that the amendment offered by the gentleman from Indiana [Mr. MCCLOSKEY] is adopted, and the subsequent amendment, about which I will have more to say later, is defeated.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. If I have any time remaining, it is a pleasure to yield to the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. First, I would like to thank the gentleman from Illinois [Mr. HYDE], my colleague, for his very generous remarks.

Second, Mr. Chairman, I simply say to my colleague that I believe the role of peacekeeper in the post-cold-war world is very important. What I was simply trying to suggest is that at the point where we take sides, or make enemies, we no longer become credible as a peacekeeper trying to bring all parties to the table. Once we choose sides we are no longer credible as a peacekeeper, and I am simply suggesting that the role of the peacekeeper is a vital and important role and an increasing responsibility we are going to be called upon to perform as the world moves toward the 21st century.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Illinois.

Mr. HYDE. One must always in justice be able to distinguish the aggressor from those aggressed against.

Mr. SPENCE. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I have been in Yugoslavia three times. I want to take my hat off to the gentleman from Indiana [Mr. McCLOSKEY] for his amendment and the support by the gentleman from New York [Mr. GILMAN], the gentleman from Michigan [Mr. BONIOR], and the gentleman from Maryland [Mr. HOYER].

Mr. Chairman, I was in East Mostar in January this year and took this picture of a young lady in the East Mostar Hospital who literally had her face blown off. People I met pleaded, "Please give us weapons whereby we can defend our husbands, our wives, and our children."

The next picture is of two elderly women. When I went down to the basement, where they were forced to live, they said, "They are mortaring us every day. The bombs come in every day. We stay in bed until 12 o'clock because they mortar, and they mortar, and they mortar, and then they take lunch, and then we can come back out again," and they cried when they said, "Give us weapons." They said, "We do not want any American soldiers here, none. Just give us weapons."

Last picture: Look at the hospital. Look at this hospital. My goodness. I say to my colleagues, the amendment by Mr. McCLOSKEY, Mr. BONIOR, Mr. HOYER, and Mr. GILMAN is one of the most defining amendments and votes that we will have in this Congress. I strongly, strongly, urge you to put yourself in the position of a husband or a wife or somebody in East Mostar village with no weapons to defend themselves. You wouldn't want to be there.

And I say to the chairman [Mr. DELLUMS], who I have great respect for, "By passing the McCloskey-Bonior amendment we will end the war faster."

And last: Believe me, these Croats and these Bosnian Moslems, they know how to use the weapons. But they have no weapons to use.

In the interest of this woman who lies in the bed with her face half off, Mr. Chairman, I strongly would urge the Members on both sides in a bipartisan way to support the McCloskey amendment, the Bonior amendment, the Gilman and the Hoyer amendment.

Imagine if the French had not come to our aid in the Revolutionary War.

□ 1240

Imagine if we had not gone to the aid of the mujaheddin in Afghanistan. Imagine that. This is an opportunity, and let us not do what the Senate did. Let us not have it both ways. Let us not be for everything for everybody.

Mr. Chairman, let us vote for this amendment and vote down the next amendment that will be coming up.

Mr. SPENCE. Mr. Chairman, I yield such time as I have remaining to the gentleman from Indiana [Mr. McCLOSKEY].

The CHAIRMAN pro tempore (Mr. OLVER). The gentleman from Indiana [Mr. McCLOSKEY] is recognized for 1 minute.

Mr. McCLOSKEY. Mr. Chairman, I thank the gentleman very much for yielding his time to me.

In conclusion, Mr. Chairman, I think we have had a fine debate here on all sides of this issue, but as to the extended statements of the distinguished chairman of the Committee on Armed Services, I think the gentleman from California [Mr. DELLUMS] knows as well as everyone that there is a moral responsibility at certain levels to violate an unjust law. We are saying that this arms embargo is unjust, it is illegal, it is immoral, and it is really nonbinding as a matter of humanitarian sense. That is common sense on its face.

Again this provision commits no troops. It remains discretionary with the President. In essence, it does nothing more in that area than the President has the right to do now.

I would note, with all this talk about the embargo, that there is no embargo, there is no interdiction, and there is nothing being forced with all those armed supplies and, yes, personnel going from Serbia into Bosnia.

Mr. Chairman, I ask the Members to vote yes on McCloskey-Gilman and vote no on Hamilton in the ensuing debate.

Mr. TOWNS. Mr. Chairman, life, liberty, and the pursuit of happiness is not only an American dream, but a universal aspiration. For 2 years, the Bosnian Moslems have been denied the right to make that dream come true. Serbian aggression has been relentless even while negotiations were in progress. Ending the arms embargo will finally allow the Bosnians to defend themselves—a right no one should be denied. The embargo, which violates international law, will be rectified by the McCloskey-Gilman-Bonior-Hoyer amendment. By enabling the Bosnians with a means to fight their aggressors, the need to send United States troops will be unnecessary. As the situation now stands, the United States, by enforcing the embargo, has already intervened. It is time to make this intervention a positive one. To stand by and allow Serbia to continue committing these atrocities is barbaric. With a country whose policy includes rape as an act of war, it is imperative that this aggression be stopped. The Bosnian Government has put the number of casualties at 220,000, with the number of women raped totaling between 35,000 to 50,000 and those who have been displaced at 1.25 million.

It is a depravity indeed that we as Americans, living according to a constitution which clearly defines our inalienable rights to life, liberty, and the pursuit of happiness, are forcing the Bosnians to live a life worse than death.

Mr. LIGHTFOOT. Mr. Chairman, I rise in reluctant opposition to the amendment. I understand and deeply admire the intent of those offering this amendment. It is difficult to view the ongoing carnage in Bosnia and not want to do something to help.

But the ramifications of this amendment, no matter how well intended, go beyond just arming the Bosnians. This debate must be based on the cold, hard reality of the current situation and not on emotion. Approval of this amendment would effect other ongoing U.N. embargo's, change the relationship between the United States and Russia and possibly put American troops at risk.

I simply do not see how this House could take action to unilaterally lift the arms embargo on Bosnia and then expect other nations to honor U.N. embargo's on Haiti, Iraq, Libya, and one day North Korea.

Further, policy changes like this do not occur in a vacuum. Surely Russia, with its ethnic ties to Serbia, could not be expected to maintain its embargo if we do not maintain ours.

Finally, I am concerned that lifting the embargo puts us on the slippery slope toward full scale intervention. The Department of Defense has concluded the type of weapons the Bosnians need could not be shipped without the willingness of other nations. Those supplying the weapons would themselves be exposed to enemy fire. And which nation would supply the training needed to effectively use the weapons?

If you believe that lifting the embargo is the only fair thing to do, then I urge you to support the Hamilton amendment.

Let me say this in conclusion. A no vote to this amendment should not be construed as support of the Clinton policy. It has been a disaster of a policy, born in the minds of people who always think they can have it both ways. This President has failed to demonstrate to the American people why intervention in Bosnia is a national interest. I will not support this amendment nor will I support American troops as peacekeepers in Bosnia.

But this House should also not attempt to have it both ways. Lifting the arms embargo is not a solution, it just makes us feel better. If you are not prepared to demonstrate our national interest in Bosnia, if you are not prepared to act on that interest, then I believe you should support a negotiated peace and stop leading the Bosnians on.

Mr. WAXMAN. Mr. Chairman, I rise toda; in opposition to the McCloskey amendment. Like all of my colleagues, I have been horrified to watch the violence and turmoil that have marked the brutal civil war in Bosnia, and I have been deeply saddened by the tragic loss of life that has occurred there. I strongly believe the United States must do all it can to end this terrible war and bring peace to this troubled region.

However, I do not believe that by lifting the arms embargo unilaterally, the United States will be promoting a peaceful resolution of this terrible conflict. The peace talks in Bosnia are currently at a fragile stage. By lifting the embargo unilaterally, the United States may undermine any possibility of achieving a diplomatic solution to the conflict. Moreover, by introducing new arms into the region the United States would effectively widen and intensify the war, increasing the killing and destruction in this already devastated area. Attempting to level the killing fields is not the key to peace in Bosnia.

We must decide as a nation whether we want to work with the international community or against it. The United States agreed to impose an arms embargo on this region as a member of the United Nations. We did not decide to impose the embargo unilaterally, and we did not impose it against our will. If we pass the McCloskey amendment, we will be telling the world that we will participate in multilateral sanctions only when it is convenient for us. This would set an extremely dangerous precedent by sending the message that compliance with United Nations resolutions is not mandated, but optional.

In a Dear Colleague letter on this matter, the distinguished chairman of the Foreign Affairs Committee dramatically illustrated the danger of the United States acting unilaterally to lift the arms embargo. In the words of the chairman,

> Just last [month], the Russian Duma voted overwhelmingly to lift economic sanctions against Serbia if the United States lifts the arms embargo. Turkey has complained bitterly about the arms it suffers through the sanctions against Iraq. It could easily use the U.S. unilateral action as justification to lift Iraq sanctions unilaterally. Compliance with the Haiti sanctions already has been called into question; how can the United States argue against the Dominican Republic's actions if we do the same elsewhere?

If the United States, as the world's only superpower, chooses to ignore international law, how can we rightfully expect other nations to comply? Why should other countries observe sanctions against North Korea, Libya, or Iraq if the United States ignores those in the former Yugoslavia?

Let's work to end the war in Bosnia, but let's do it in conjunction with the international community, and without widening the war and increasing the killing. Please join me in voting "no" on the McCloskey amendment.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the McCloskey amendment, and against the Hamilton amendment.

Mr. Chairman, one of the most memorable moments of my first term in office was to listen to Elie Wiesel's speech at the dedication of the Holocaust Memorial Museum, just 1 mile from this Chamber.

Who can forget when Mr. Wiesel turned to President Clinton and said "Something, anything must be done to stop the bloodshed (in Bosnia), Mr. President, it will not stop unless we stop it."

Well, the time has come—today—for this House to do something to try to put an end to the suffering and the slaughter in Bosnia.

I reject the argument that lifting the embargo will intensify the war.

In the first place, this really hasn't been a war at all. This conflict has consisted of wanton attacks on the civilian populations of a sovereign state that has been unable to defend itself.

As our distinguished colleague STENY HOYER has pointed out, the number of children killed is roughly the same as the number of combatants.

And, by allowing the Bosnians to defend themselves, we will decrease the possibility that U.S. troops will have to be sent in to enforce a shaky peace agreement.

Mr. Chairman, in 1948, another infant country recognized by the United States, the State of Israel, was the victim of an unjust international arms embargo.

Just as the Serbs inherited the weapons of the dissolved Yugoslavian Government, the Arab nations that surrounded and attacked Israel were armed to the teeth with the weapons left by the departing British.

It wasn't until the Czech Government broke the embargo and began shipping some arms to Israel that the balance of power tilted slightly and Israel was able to fight back and ultimately win its war of independence.

In 1948, an international arms embargo almost destroyed the fledgling State of Israel.

In 1994, another embargo is contributing to the slaughter of innocents in another independent State.

Let's take a stand today to stop the bloodshed. Support the McCloskey amendment.

Mr. MARKEY. Mr. Chairman, the war in Bosnia has raged for more than 2 years now. Over the past 26 months, we have heard reports and seen pictures of massive human suffering, organized rape and murder, deliberate targeting of innocent, unarmed civilians, and the unconscionable practice of ethnic cleansing. Two hundred thousand Bosnians have died in the fighting, 2 million have been forced from their homes and now are refugees, and 70 percent of Bosnia is occupied by Serb forces. Secretary of State Warren Christopher has called the war in the former Yugoslavia "the conflict from hell." I agree with him.

I do not agree, however, with the current policy of denying the Bosnians the right to defend themselves in the face of such relentless and brazen Serb aggression. I do not agree that the best the United States can do is hope all sides accept a fundamentally unjust peace agreement which will, in all likelihood, fall apart. And I do not agree that the United States should condone an embargo which permits the Serbs to wage a systematic and ruthless genocide on the people of Bosnia and Herzegovina.

Mr. Chairman, history is filled with examples where the action of one country, or of even one person, changed the course of events which followed. The French, during the Revolutionary War, aided the American colonists against the British. Without French support, the United States might still be under British control. President Roosevelt, during World War II, instituted the Lend-Lease Program to help the British fight off Hitler. Without United States help, Britain may have fallen and the Nazi Party today would be Europe's only political party. The United States, in the 1980's, armed the mujahidin in Afghanistan against Soviet invaders. Without these arms, the Afghan rebels would not have been able to triumph over the Soviets.

Mr. Chairman, our past teaches us that critical moments in world history require decisive action. The war in Bosnia requires a decisive response. Will historians write that if the United States had lifted the arms embargo, the disaster in Bosnia would have been avoided? I urge my colleagues to support the McCloskey amendment.

Ms. DELAURO. Mr. Chairman, we've waited long enough. The people of Bosnia and Herzegovina have waited long enough. They've held on through years of unimaginable suffering. Through mass rapes and executions. Through the endless Serb bombardments. Through the violations of countless U.N. safe zones.

They have struggled through this against staggering odds. Ill-armed, ill-equipped, haggard, and hungry, they have fought off the advances of their aggressors through sheer courage and determination. We all know. We have seen them countless times on television footage. Holding on to what is left of their country. What is left of their families.

And in all of this they have asked precious little. They want simply to defend themselves. But they can do little against the far better armed Serbs unless they have a chance to arm themselves. Yet the arms embargo against the former Yugoslavia prevents that. It keeps in place the overwhelming advantage in arms and equipment that Serb forces had when the hostilities began.

We cannot allow this to continue. To tie the hands of the victims of a new and horrific assault on the moral sensibilities of mankind—ethnic cleansing. Support the McCloskey amendment. Give the Government of Bosnia and Herzegovina the chance to defend itself. It is the very least we can do.

Mr. LEVIN. Mr. Chairman, I am voting today for the McCloskey amendment to unilaterally lift the arms embargo on the Bosnian Government. The United States must send a clear message to the Serbs that we expect their full cooperation at the negotiating table and will not tolerate their continued aggression against the Bosnian people.

It is clear that talk alone has not brought about peace. For 2 years, the United States and other democratic nations have worked for a negotiated settlement. Recently, the negotiations in Geneva have again raised hopes that a political settlement may be reached. The fact remains that 2 years of negotiations have failed to stop Serbian aggression and the horror of ethnic cleansing. More than 200,000 Bosnians have died over the past 2 years. We must do more to stop the killing.

Passage of the McCloskey amendment will keep the pressure on the Serbs to end their campaign of aggression. The United States must make it unmistakably clear that we expect the Serbs to agree to a fair peace settlement.

I urge the House to adopt the McCloskey amendment.

Mr. FRANKS of Connecticut. Mr. Chairman, for 2 years now we have been seeing footage of the fighting in Bosnia and wondering if there is any way in which Americans could help. I think that this feeling was never stronger than during the winter Olympics this year, when we were reminded of the people of Sarajevo once welcoming the Olympic athletes to their city. Today we see bombed-out buildings and the common sight of simple markers marking the graves of the citizens who were so hospitable to the world that year. And despite the presence of a United Nations peacekeeping force and the proposal of many peace plans, fighting, atrocities, and massive displacement of civilians has and probably will continue to happen in this region of the former Yugoslavia.

I am concerned with the implications of direct military intervention in the region. It may escalate the fighting and result in more loss of life. I do not support sending our troops to fight in Bosnia, especially under the United Nations. But the United States should continue to persevere with economic and diplomatic sanctions to pressure the Serbs to end their campaign against Bosnia and Herzegovina. The United States can also help by lifting our arms embargo on Bosnia.

President Clinton has been unwilling to lift this embargo. He is more interested in collective efforts with other countries in the world. The Bosnians want to defend themselves against their aggressors. The Clinton administration instead follows the will of U.N. bureaucrats. It is time for this country to take some leadership and give the Bosnians a chance to save themselves. This is why I support the McCloskey amendment to H.R. 4301.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. McCloskey].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 178, not voting 17, as follows:

[Roll No. 222]

AYES—244

Abercrombie
Ackerman
Allard
Andrews (NJ)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brown (OH)
Bryant
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Cardin
Carr
Castle
Clayton
Clyburn
Coble
Coleman
Collins (GA)
Coppersmith
Costello
Cox
Coyne
Crapo
Danner
de la Garza
de Lugo (VI)
DeLauro
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Dunn
Engel
English
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fingerhut
Fish
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hansen
Hastings
Hayes
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inhofe
Istook
Johnson, E. B.
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klein
Klink
Klug
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
McCandless
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Miller (FL)
Mink
Molinari
Mollohan
Moorhead
Moran
Myers
Nadler
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Peterson (MN)
Pickett
Pickle
Pombo
Porter
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rush
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Skeen
Slattery
Slaughter
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stearns
Stenholm
Stump
Swett
Swift
Talent
Tanner
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thurman
Torricelli
Traficant
Upton
Vento
Volkmer
Walker
Walsh
Waters
Weldon
Wheat
Wilson
Wolf
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—178

Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barrett (WI)
Bateman
Bentley
Bevill
Bilirakis
Bishop
Blackwell
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Buyer
Canady
Cantwell
Chapman
Clay
Clement
Clinger
Collins (IL)
Combest
Condit
Conyers
Cooper
Cramer
Crane
Cunningham
Darden
Deal
DeFazio
DeLay
Dellums
Derrick
Deutsch
Dicks
Dixon
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Eshoo
Evans
Farr
Fields (TX)
Filner
Flake
Fowler
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Green
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hefley
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Herger
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hughes
Hutto
Inglis
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kennedy
Kildee
Kleczka
Knollenberg
Kreidler
LaRocco
Lehman
Lightfoot
Lloyd
Mann
Manzullo
Matsui
Mazzoli
McCollum
McCrery
McDade
McKinney
Meek
Michel
Miller (CA)
Mineta
Minge
Moakley
Montgomery
Murphy
Murtha
Norton (DC)
Nussle
Oberstar
Orton
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Schroeder
Scott
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Spence
Stark
Stokes
Strickland
Studds
Stupak
Synar
Taylor (MS)
Thornton
Torkildsen
Torres
Underwood (GU)
Unsoeld
Valentine
Velazquez
Visclosky
Vucanovich
Watt
Waxman
Williams
Wise
Woolsey
Wyden

NOT VOTING—17

Barlow
Collins (MI)
Faleomavaega (AS)
Foglietta
Grandy
Huffington
Jefferson
Kopetski
Morella
Portman
Royce
Sundquist
Tauzin
Towns
Tucker
Washington
Whitten

□ 1307

The Clerk announced the following pair:

On this vote:

Miss Collins of Michigan for, with Mr. Tucker against.

Messrs. PENNY, BILIRAKIS, GENE GREEN of Texas, HANCOCK, and DUNCAN changed their vote from "aye" to "no."

Mr. BUNNING, Mrs. CLAYTON, and Mr. THOMPSON of Mississippi changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EWING. Mr. Chairman, this afternoon I inadvertently voted "yea" on rollcall No. 222, the McCloskey amendment. I had intended to vote "no," in opposition to unilaterally lifting the arms embargo against Bosnia and Herzegovina.

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was unavoidably detained on Thursday, June 9, 1994, and was not present to vote on the McCloskey amendment to H.R. 4301, the Defense Authorization Act. Had I been here, I would have voted "no" on this amendment, which was recorded in the RECORD as rollcall vote 222.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, I was unavoidably detained on the Senate side. Therefore, I missed rollcall No. 222. Had I been here, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Chairman, I missed today's vote on the McCloskey-Gilman-Bonior-Hoyer amendment. Had I been in attendance, I would have voted "aye."

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in part 3 of House Report 103–520.

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAMILTON: Page 308, after line 24, add the following:

TITLE XII—PEACE IN BOSNIA

SEC. 1201. PURPOSE OF UNITED STATES EFFORTS.

The focus of United States bilateral and multilateral economic, political, military, and diplomatic efforts should be to move all parties toward a negotiated peaceful settlement of the conflict in Bosnia-Herzegovina that provides for a viable Bosnian state.

SEC. 1202. MEASURES TO ENHANCE THE DEFENSE OF BOSNIA.

(a) RENEWED AND ADDITIONAL UNITED NATIONS AND ALLIED ACTIONS.—The President, working with the North Atlantic Treaty Organization (NATO) and the United Nations

Security Council and pursuant to the Security Council's authority to adopt measures for the maintenance and restoration of international peace and security, should take such steps as are necessary to enhance the ability of the people of Bosnia to contribute effectively to their defense, including by—

(1) continued collective enforcement actions carried out in connection with NATO; and

(2) securing additional authorization to enhance Bosnian self-defense, which may include suspension of, or a limited exception to, the international arms embargo with respect to Bosnia-Herzegovina.

(b) CONSULTATIONS.—After consulting with permanent members of the United Nations Security Council on the status of current NATO and United Nations efforts to achieve the purposes described in section 1201 and further measures that might be taken to achieve these purposes, the President should:

(1) advise the Congress on the measures taken by the United Nations Security Council to maintain international peace and security within the meaning of Article 51 of the United Nations Charter with respect to Bosnia-Herzegovina; and

(2) consult with the Congress on the further actions that would be useful to address the serious situation prevailing in Bosnia-Herzegovina.

The CHAIRMAN pro tempore. Pursuant to the order of Tuesday, May 24, 1994, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The gentleman from South Carolina [Mr. SPENCE] is opposed to the amendment, and will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, the House has just adopted the McCloskey amendment, which lifts the arms embargo on Bosnia unilaterally. The question now rises on the Hamilton amendment.

Mr. Chairman, let us be very clear with respect to the procedure here. We are operating under the king of the hill procedure. If my amendment is adopted, it, of course, prevails. If it is defeated, then we go back to the McCloskey amendment.

Madam Chairman, I say to my colleagues who voted for the McCloskey amendment, and who favor lifting the embargo, that my amendment provides a better way to do it. We can accomplish the goal without the negative impacts of the McCloskey amendment.

Mr. Chairman, if we are serious about helping the Bosnian cause, if we are serious about lifting the arms embargo and helping the Bosnian Moslems defend themselves, we should do it multilaterally in the context of the United Nations, and with, not against, our NATO allies.

My amendment leaves open the option, Madam Chairman, of lifting the arms embargo, but it also recognizes the critical need to work multilaterally with our allies and with the Russians in order to achieve a negotiated settlement to the conflict.

My amendment is very clear that the focus of U.S. policy should be to move the parties toward a negotiated settlement, and not toward war. The approach that I propose in this amendment I think has several advantages over the McCloskey amendment.

First of all, the Hamilton amendment helps the peace process, it does not torpedo it, since all of the major parties to the peace process would have to approve lifting the arms embargo.

We have heard again and again from the President and from all of his top advisers and all of our people who have been involved in the negotiations that lifting this embargo unilaterally will undercut, will destroy the peace process at the very point when this peace process is making progress. Admittedly, it is fragile, but progress is being made.

The Hamilton amendment will assure that humanitarian aid goes forward. We have had a lot of problems in Bosnia, and humanitarian aid has not always flowed smoothly, but the fact of the matter is that two out of three Bosnians today depend on that humanitarian aid.

Mr. Chairman unilaterally lifting the embargo means that the French and the British and probably the Canadians will pull their troops out. The humanitarian effort will come to an end. We will have to take responsibility for it. The advantage of my amendment is that it ensures that humanitarian aid continues.

If the United States unilaterally lifts the embargo, as we voted a moment ago, the UNPROFOR operation in Bosnia will surely collapse. The Hamilton amendment builds on the work that has been done with our allies in NATO, and it has been a tough, tortuous path, I have to acknowledge that, but it builds on the relationship we have created with Russia, moving toward a peace settlement.

Unilaterally lifting that embargo will damage our relations with key allies a crucial time. The advantage of my amendment is that we continue to work with our allies.

Does anybody believe that we are going to solve the problem in Bosnia unilaterally? Does anybody believe that we are going to solve the problem in Bosnia today without our European allies? Does anybody believe we can solve the problems in Bosnia today without the help of the Russians who are so close to the Serbs? I think not.

Madam Chairman, the Hamilton amendment will also have the advantage of ensuring that all current U.N. sanctions will remain in effect. If we go back to the McCloskey amendment, all of those sanctions against Libya, against Iraq, the sanctions against Haiti, the sanctions now in place against Serbia, the sanctions that may become in place in North Korea will be jeopardized.

My amendment will protect all current U.N. sanctions, and the sanctions I have recited, I think all in this room would agree are very much in the American national interest.

□ 1310

The Hamilton amendment will assure that we do not suddenly and without careful debate involve the United States in a massive new foreign aid program. The McCloskey amendment provides for an open-ended, very large military program of foreign assistance. My amendment does not have that. Their amendment is a down payment on a new military aid program which our Department of Defense says would go to at least $3 billion and would require 1,400 to 1,500 to 2,500 American personnel in Bosnia. If we vote for the Hamilton amendment, we are voting for the best opportunity to end this war that we have had for 3 years. I know it is delicate, I know it is fragile, but we have the best chance to stop the killing.

My friends on the other side of this question like to take the moral high ground, and I have not the slightest doubt that they are acting from the very best of motivations. But I am unwilling to concede the moral high ground to them. We are trying to stop the killing. That is what we are trying to do. Surely that is moral, is it not? All people say that if we lift this embargo, we are going to intensify the war, and by intensifying the war, that is another way of saying we are going to be killing a lot more people. I do not concede the moral high ground. This peace process is moving forward. Agreement has just been reached on a month-long cease-fire. We hope it will lead to a more durable cease-fire. We all know that we are at a very critical point.

The choice we have before us, then, remains very stark. Allowing the McCloskey amendment to stand is going to be a signal from this Congress that we want the war to go forward. Adopting the Hamilton amendment will say that we want a negotiated peace.

I urge my colleagues with one of the most important foreign policy votes of this session surely, I urge my colleagues to take a very careful look at this, look at the impact the McCloskey amendment would have on the American national interest and vote, of course, according to their best judgment, and I hope that judgment will be a ringing "aye" on the Hamilton amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SPENCE. Madam Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I just fail to see what is moral about disarming one side in a combat. I have trouble rationalizing that.

Madam Chairman, In our time we have seen the phrase "ethnic cleansing" enter the vocabulary of hate—a description even Hitler would have been proud of. Serbians have used rape on a massive scale as a cruel instrument of terror. In the surrounded enclave of Gorazde, the civilian population was subjected to relentless shelling by Serbian artillery which targeted the municipal hospital and the headquarters of humanitarian relief organizations, killing scores of innocent people.

Bosnia's map is a constantly shifting mosaic of desperate enclaves—a landlocked archipelago that is home to the most beleaguered of humanity. Heavily armed Serb invaders continue to slaughter defenseless men, women, and children, without the slightest hesitation or remorse. It is a one-sided war that grinds on unmercifully.

President Clinton argues that the United States cannot lift the embargo unilaterally, but must bow to the will of the U.N. Security Council, which remains immovable. Where is U.S. leadership? We are in a time of endless palaver, paralysis, indecision, and no follow-through.

The President and his Secretary of State have repeatedly stated that they favor lifting the arms embargo on bleeding and shell-shocked Bosnia. However, both cite U.N. Security Council resolutions as immovable obstacles to that end. I believe this is a fundamental misreading of the situation. In July 1991, our Government launched a policy of preventing the transfer of all weapons and related equipment to Yugoslavia. In January 1992, the U.N. Security Council adopted Resolution 727 applying the embargo to any successor States emerging from Yugoslavia. While these actions were designed to still the conflict, they instead denied arms to Bosnian Moslems facing already heavily armed Serbian—and later Croatian—aggressors. The ensuing slaughter goes on, unabated.

It seems, under this administration, we are losing—or have already lost—the capability and the inclination to form our own U.S. foreign policy, and instead have become an element—a mere element—of U.N. policy.

This subservience was made shockingly clear when 15 Americans died from friendly fire over Iraq this April and the Vice President offered his condolences to "the families of those who died in the service of the United Nations."

The United Nations indeed. Article 51 of the U.N. Charter acknowledges every country's inherent right of self-defense. To deny Bosnia that right is immoral and a failure of leadership on our part. If defending yourself is only just, we are now obstructing justice by keeping in place this immoral embargo.

We cannot call ourselves the leader of the free world with a straight face any more.

We see unspeakable inhumanity and we are reduced to shrugging our shoulders, furrowing our brows, and folding our arms. This embargo must be lifted. We cannot let timid and paralyzed nations and self-important U.N. bureaucrats prevent us from doing what we know is both right, and in our own self-interest.

Lifting the embargo will also reduce the likelihood that American military personnel will be called upon to risk their lives in Bosnia. Let Bosnians defend Bosnia rather than putting our military forces into the fray under the control of incompetent U.N. bureaucrats, as this administration seems eager to do.

The Hamilton amendment is entitled "Peace in Bosnia." It states that the purpose of all United States efforts in Bosnia should be to support a "negotiated peaceful settlement of the conflict." But, the only peace it offers is the peace of the graveyard. It provides not one incentive to the Serbs to negotiate seriously a just settlement of the conflict. Instead, it calls for more of the same: consultations with the U.N. Security Council and, oh yes, negotiations. It tacitly endorses the Clinton administration's strategy to pressure the Bosnian Government to accept the dismemberment of its country. Peace at any price is more than the Bosnian Government is willing to accept, and we ought to reject it too.

The Hamilton amendment is not a ringing endorsement of freedom and the right of self-defense—it is an invitation to high tea at the United Nations. Let us send our regrets. Support McClosky-Gilman-Bonior-Hoyer and reject Hamilton.

Mr. HAMILTON. Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JOHNSTON], the distinguished chairman of the Subcommittee on Africa.

Mr. JOHNSTON of Florida. Madam Chairman, I appear here in somewhat of an ambivalent position because I feel the embargo should be lifted but I do not think it should be lifted unilaterally, and I have expressed my opinions in the past to the gentleman from Indiana [Mr. MCCLOSKEY], and my frustration of what is going on in this country.

The Europeans told us 3 years ago that Yugoslavia was a European matter and that we should stay out of it. Then, when I went to the NATO conference 1½ years ago, they said, "Why aren't you invading?" We cannot do this unless we are willing to assume the sole responsibility for the events in Bosnia, the United States. We cannot do this unless we are willing to abandon our European allies that are there.

How can the President appear before the French Parliament and say, "Please keep your forces there," and then the next day for us to unilaterally pull out from the embargo and go in there and jeopardize all these people's lives? We cannot do this unless we are willing to threaten the viability of international sanctions, as the chairman said, on Haiti, on Iraq, and in 2 weeks probably the President will go to the United Nations and say we should have an international embargo on North Korea, and they turn around and say, how can we unilaterally pull out of the sanctions on this country of Bosnia?

☐ 1320

You cannot do this unless you are willing to unilaterally remove yourself from leadership that brought us the gulf war victory. Unless we are willing to risk all of these things, we must act in a multilateral basis. We must support the Hamilton amendment.

The United States is legally bound, now, listen to this, by the United Nations Charter, article 25, approved by international treaty and approved by the U.S. Senate, to support and enforce U.N. Security Council resolutions. Are we ready to abandon the foundation for all multilateral sanctions? Are we ready to abandon multilateral leadership and be the sole policeman of the world?

These are the things that are at stake.

I am frustrated, as I said earlier. But I think that this is a serious mistake legally and in the international community to unilaterally pull out of this. We must support the Hamilton amendment.

Mr. SPENCE. Madam Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Chairman, the House has just taken a courageous step. We have voted to do something about the aggression and genocide in Bosnia by unilaterally ending the arms embargo of that country.

Now the House is being invited by Mr. HAMILTON essentially to reverse itself.

The Hamilton amendment is instant oatmeal. Members now are being asked to take back the vote they have just cast and vote against ending the embargo, by voting for another amendment that pretends to do something about the arms embargo but which in fact is designed to keep the embargo in place.

Under the king-of-the-hill procedure contained in the rule, a vote for the Hamilton substitute is a vote to supersede the just-passed McCloskey-Gilman amendment. Unlike the McCloskey-Gilman amendment, which ends the arms embargo once and for all, the Hamilton substitute says only that the President should talk to the United Nations about ending the embargo.

I submit, the President has been doing just that for over a year and with nothing to show for it.

Let there be no mistake about this: the Hamilton substitute keeps the arms embargo in place.

If the House votes to approve the Hamilton amendment after having just passed the McCloskey-Gilman amendment, the House will have made a colossal flip-flop.

The American people are watching. The victims of aggression and genocide in Bosnia are waiting. Let us not flip-flop. I urge my colleagues to stand by their prior vote and vote down the Hamilton substitute.

Mr. HAMILTON. Madam Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Chairman, I hope that the Members with the many pursuits and the many requests on their time are taking the time to listen to this debate. Because I think it is one that has extremely far-reaching consequences.

I have never been to Yugoslavia, nor have I been Chairman of the Joint Chiefs of Staff. But as a member of the Committee on Armed Services, I have had the opportunity to hear a former commander of U.N. troops in Yugoslavia and to visit personally with a former Chairman of the Joint Chiefs of Staff of our Nation.

A little over a year ago, a General MacKenzie, a Canadian in charge of NATO forces in Yugoslavia, came before the Committee on Armed Services and summed up his remarks by saying, "Ladies and gentlemen, you have three serial killers. One has killed 15, one has killed 10, and one has killed 5, and I do not buy the argument that we need to rush in and save the one who has killed 5." That is a quote from General MacKenzie before the Committee on Armed Services.

Later that year, based on those disturbing words, I cornered the Chairman of the Joint Chiefs of Staff, Colin Powell, when this same Congress a year and a half ago was considering military intervention in Yugoslavia. I said, "General Powell, should we get involved militarily in the former Yugoslavia?" Being the good general that he is, he dodged the question. So I repeated the question, because again, it is not his job to make foreign policy. After four attempts, Colin Powell, Chairman of the Joint Chiefs of Staff, said, "No. We should not get involved in the former Yugoslavia."

Ladies and gentlemen, Colin Powell may well be the standard-bearer for the minority party in 2 years for President. He was a great Chairman of the Joint Chiefs. He did a wonderful job.

He went on to say that there are 10 years' worth of weapons in the former Yugoslavia that are there right now with the embargo. There are plenty of weapons in the former Yugoslavia.

Giving weapons to one side, taking sides as the chairman of the Committee on Armed Services has pointed out, putting American lives at risk is not going to help.

Let me go one step further and say that I have heard a rumor on the House floor today that some people are supporting lifting the ban because they want to embarrass the administration. Let me, as the Democrat who has the worst voting record with this administration, say something, that I hope anyone who votes for this lifting of the ban in order to embarrass the administration, if one American life is lost, has the courage to go see the family of that service person who comes home in a body bag and say, "I am sorry you lost your child, but I wanted to embarrass our President." That is no way to run our country. And those fine young men and women who serve our country right now who practice airdrops in the dark, who spend months at sea in submarines, they deserve better than that.

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. KING].

Mr. KING. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, Members of this House, I rise in strong opposition to the Hamilton amendment.

For the past 3 years Serbia has carried out brutal, naked aggression and genocide against the people of Bosnia, and tragically the West has done nothing.

Indeed, if we look at it, it is almost a tragic replay of the 1930's when Hitler was taking the Rhineland, Austria, Sudetenland, finally Czechoslovakia, and in each instance, the world leaders, specifically Neville Chamberlain, would say, "This is the last act of aggression. And besides, if we took any action, it would upset the peace process." The same argument is being made today.

The fact is the peace process has not worked. The fact is that the innocent people of Bosnia are being decimated and destroyed by the Serbian war machine. We are doing nothing. Unfortunately, both the previous administration and this administration are sending out terribly mixed signals. On one day we will bomb, light bombing of Serbian installations. The next day the President says we are not taking sides.

We should take sides, because this is a clear moral issue. If the United States is to stand for anything in the post-cold-war era, it should stand for standing up and resisting aggression.

This amendment is titled "Peace in Bosnia." It reminds me of the Roman historian Tacitus who said, "They gave us a desert and called it peace." The Serbs are giving us a desert of war in Bosnia, and we are calling it peace.

It is time to stand up for our principles. It is time for the United States to show leadership. It is time to send a message to the world we will no longer allow aggression to go unchecked.

The only action the West has taken is to deny weapons to those who are under attack themselves. How can this ever be justified morally? No wonder the leaders in Korea do not take us seriously when they see what a mixed message we are sending.

I would just ask all of my colleagues who voted for the McCloskey amendment to vote "no" on the Hamilton amendment. If you do not, you will be sending the same mixed and confusing signal that this administration has been sending day after day.

Madam Chairman, I ask my colleagues to vote "no."

Mr. JOHNSTON of Florida. Madam Chairman, on behalf of the committee chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Chairman, I rise in support of the Hamilton amendment for three reasons.

But I also have a great deal of respect for the gentleman from Indiana [Mr. MCCLOSKEY], who has been so knowledgeable and has so much passion on this issue and has visited the country so many times.

I support the resolution offered by the gentleman from Indiana [Mr. HAMILTON] for three reasons. First of all, Madam Chairman, we have been celebrating for the past 2 weeks Normandy and D-day, and we have read and we have heard about Juno and Sword beaches, of Utah and Omaha.

□ 1330

That was leadership, ladies and gentlemen, United States leadership with our allies, the Canadians and the British. That was the consummate definition of leadership; not doing it alone, but leading others, compelling others to be involved in the liberation of a continent.

So I think when we talk about leadership, we do not just talk about unilateral leadership, we talk about multilateral leadership and alliances and convincing others on the merits to get involved.

Second, timing: We have a historic agreement between the warring parties. Will it hold? There are no assurances that it will hold, we are not certain that it is going to hold, but if we are as cynical, as skeptical about the Middle East or South Africa, then we would not have seen some of the miracle that has occurred, especially in South Africa, if we had been so skeptical about what might happen in that country.

Third, I think when we have heard from so many on the Republican side about micromanagement, about telling the President he must do A, B, C, especially under President Bush, I think it is only fair to apply the same standard here and not tie President Clinton's hands in this manner.

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in opposition to the Hamilton amendment.

For 3 years we have pretended that the war in Bosnia is a civil war, rather than a war of Serb aggression.

For 3 years we have pretended that negotiations would bring an end to that aggression.

For 3 years we have somehow persuaded ourselves that we should deny arms to the Bosnian Government even as its people were systematically massacred and driven from their land.

It is time to end the charade that is our Bosnia policy.

For me, the issue we face today is a simple one. The embargo is wrong. It was wrong when it entered into force. It is wrong today.

As long as we continue to abide by this embargo, we insult the principle that is the very cradle of our Nation: The principle that, if it so decides, a people has the right to declare independence and build for itself a new future, a sovereign future, a future on its own terms and according to its own values.

Our forefathers invoked this principle over 200 years ago to justify the independence of the young United States.

The brave Bosnian people are desperately attempting to invoke that same principle today.

And the question for us is simple: Will we stand for them, or against them?

Our history, our values, our consciences allow only one answer. Vote against the Hamilton amendment.

Mr. JOHNSTON of Florida. Madam Chairman, I yield 3½ minutes to the distinguished chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding this time to me.

Madam Chairman, I would like to engage the Chair in a colloquy.

I am concerned that the language of section 1202 of the gentleman's amendment might imply a war powers authorization to the President for the use of United States military force in Bosnia. I would like for the gentleman to clarify that issue.

Mr. JOHNSTON of Florida. Madam Chairman, will the distinguished gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Florida.

Mr. JOHNSTON of Florida. I thank the gentleman for yielding, and I thank the distinguished chairman for his inquiry.

It is not my intention in offering the amendment to imply any war power authorization for United States military force to act in Bosnia. This subsection of the amendment would only have the Congress advise the President that he should continue to work with the United Nations and with NATO on collective measures to achieve our policy goals on Bosnia.

Mr. DELLUMS. I thank the gentleman for that clarification.

Madam Chairman, with that clarification, I would like to make a few points. First, as I understand the Hamilton amendment, it calls upon the President to work multilaterally to find a peacefully negotiated solution. I read this amendment, as provided in section 1, that the clear policy of the U.S. Government is to seek a peaceful negotiated settlement. This is why I can support the amendment, especially in light of the colloquy I have just had with my distinguished colleague.

In the current environment, where a cease-fire negotiation has progressed to achieve a 1-month cease-fire with the possibility of even a further extension of cease-fire, this would reiterate our commitment to seeking such solutions which are the only effective way, as I perceive it, to halt the bloodshed and to end the conflict.

It takes steps in a multilateral concept that would meet our overall current policy and national security commitments. It preserves flexibility during a period of negotiation, it protects recent goals, and finally it requires congressional consultation in this matter.

In the closing remarks, I would like to divert from just a specific consideration of the Hamilton amendment and say to all of my colleagues here that you delude yourselves when you believe that there is some midcourse that does not require a major commitment. If you want to end the killing and the dying, then whether I agree or not, at least I can respect the intellectual integrity of the position that says, "We want to go into Bosnia to wage war." That is a legitimate position. I oppose it. I believe that we ought to aggressively go in and try to help wage peace, to bring them to the negotiating table.

But, Madam Chair, you delude yourself when you believe that there is some way that you can, on a neutral basis, with clean hands, back into this situation. We should not be foolish or naive in that respect. Lifting the embargo is a commitment, but at least you ought to try to do it with your eyes open. But this midground that says we are neither fish nor fowl is bizarre in the extreme.

If you want to go in and end the killing by more killing and war, that is one thing. That is one thing. If you want to end the killing peacefully, as this gentleman chooses to do, then you take that course. But this midrange, this sort of a political stance that says, "I don't have any stains on my hands, that I can sort of neutrally walk through this and say that I am saving lives," does not make sense. At the end of the day, going down this road is a road to war.

What the Hamilton amendment is attempting to do is to put at a minimum tying the international community's hands and say that it is the policy of this Nation to try to find a peaceful negotiated settlement. We are the last peg standing in the post-cold-war world. Our responsibility ought to be to achieve peace, not encourage war.

Mr. SPENCE. Madam Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the distinguished gentleman.

I would say to my respected colleague, the chairman of the Committee on Armed Services, that he deludes himself if he thinks that this Nation can maintain a pacifist stance in light of the unlawful aggression that we see in Bosnia. You delude yourself if you think that we can avoid having to take a position between right and wrong, having to stand up against—when we know that something is right, we have to stand up for our principle even if it involves risk.

Mr. DELLUMS. Madam Chairman, as a matter of personal privilege, would the gentleman yield? The gentleman invoked this gentleman's name.

Will the gentleman yield to me?

Mr. MORAN. I did not invoke the gentleman's name, but I have some things to say, and I do not want to—I did listen for 15 minutes to the chairman.

Mr. DELLUMS. This gentleman did not personalize the debate, either.

Mr. MORAN. Well, go ahead, Mr. Chairman, I will ask for more time.

Mr. DELLUMS. That is all right.

I yield back to the gentleman. I am simply saying let us fight on the merits, not personal issues.

Mr. MORAN. The chairman is quite correct, and I accept his remarks.

Mr. DELLUMS. I thank the gentleman.

Mr. MORAN. But I will say to my colleagues that there will be a time throughout our history when we have to stand up and make a decision between what is right and wrong and when we have to take some risk.

□ 1340

Assuming a position of neutrality at a time of moral crisis is not a virtue, and we should be ashamed if we do not have the wherewithal and the will to stand up and take a position. Bosnia is fighting to maintain a multiethnic democracy. Two years ago, almost 25 months ago, Admiral Border recommended, when Dubrovnik was being shelled, that we sink the two war ships because this was pure unlawful aggression, and it would continue unless we take a stance, and the previous administration chose not to, and this is where we are today.

Madam Chairman, if we continue to avoid conflict, avoid risk, avoid making a decision between right and wrong, we will be in worse shape 2 years from now. Madam Chairman, the people listening to this should understand that Bosnia, while we have no immediate strategic interest, no particular economic interest, we have a principled interest.

I ask my colleagues, "Do you know what the Prime Minister of Bosnia is? Muslim, as is the majority of the country. But the representative of the Presidency is Serbian, the Speaker of the Parliament is Croatian, and the Bosnian Ambassador to the United States is Jewish." This is a multiethnic democracy trying to survive. They are besieged by unlawful aggression.

The concept of a greater Serbia; we know it is wrong. We have to stand up for principle. Defeat the Hamilton amendment.

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Chairman, this body just voted to lift the embargo. This vote would undermine that moral stand. It is time to lift the immoral embargo that has led to the bloodshed and genocide of Croatians and Bosnian Moslems.

Whose idea was this embargo in the first place? Does anyone really remember that? I remember whose idea it was. It was the Serbians' idea in the first place. We accepted an idea that was proposed by the Government of Yugoslavia when it was dominated by the Serbians, and now that they got their embargo, once they had it, once we put their idea into place, the tanks begin to roll, and the artillery begin to fire. The aggressor, by this embargo, was left with a total advantage in artillery and tanks.

That advantage is what caused this situation to degenerate into genocide and to degenerate into the worst bloodletting and killing of noncombatants that we have seen in decades. Madam Chairman, it is time to lift the immoral embargo. It is time for the United States to provide some leadership.

They say that we will be doing this alone. Well, no, we will not be alone. We will be on the side of women and children and not combatants who now cannot defend themselves because we have put the victim and the aggressor in the same category. That is immoral. It is an immoral embargo; it is time to lift the immoral embargo.

Madam Chairman, the United States has always stood, always stood, for principle. When we stand for this wishy-washy type of situation which we cannot take interest in, we are afraid to get involved, we will be dragged into this because what will happen is situations like this will be permitted to go from a situation of crisis into a catastrophe because innocent people are not permitted to have the weapons to defend themselves. If innocent people cannot defend themselves, eventually American troops will be dragged in.

Madam Chairman, we should lift the immoral embargo and permit the victims to defend themselves. This is the American way.

Mr. JOHNSTON of Florida. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. HOUGHTON], a former member of the Committee on Foreign Affairs.

Mr. HOUGHTON. Madam Chairman, I thank the gentleman from Florida [Mr. JOHNSTON] for yielding this time to me.

Madam Chairman, I hate to go against my leader over here, the gentleman from New York [Mr. GILMAN], but I am afraid I am going to have to, and also the gentleman from New York [Mr. SOLOMON] who, I am sure, will be very unhappy with what I am about to say, but I agree with the Hamilton amendment. I think it hits the issue headon and it does not put us all out there by ourselves. That is very, very important.

There is a tremendous amount of frustration here. As my colleagues know, we see the killing going on, we want to lift the embargo, we do not want to sit on the sidelines, obviously we want to exert some leadership. But despite this frustration, Madam Chairman, we have got to recognize that an awful lot of people would like to throw this thing right in our lap and say, "Go to it, U.S.A. You can handle it." And then where are we?

Our first responsibility is to ourselves, and we realize we cannot do anything we want, although we may want it internally. I say to my colleagues, "Once you decide to work with the allies, you have got to work with the allies because, if you don't, then when you need them, where are they?"

So now the two sides have agreed. They are going to sit down tomorrow, and U.N. mediators are going to be able to try to work out a long-term peace.

Now one can say, "Well, we have had other agreements, and they have collapsed." Why? Because there have been no provisions for enforcement, but what is the alternative? Do we go it alone? Do we want to be out there by ourselves? Do we forget the embargo? Do we split the allies? Do we widen the conflict?

Sadly, despite our strength and our basic feeling, a sort of Kennedy-esque strength, wherever there is a right, we are going to correct that wrong.

I say to my colleagues, "Please let's be part of the world. Our heart says, 'Let's vote down the Hamilton amendment.' Our head says, 'Yes, support it,' and I will go with my head."

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Chairman, there has been some concern that, if the United States acts to unilaterally end the arms embargo, then other nations will lift sanctions against other countries such as Haiti, Iraq, Libya. We will not enforce sanctions against North Korea. Let us think about this for a minute.

Haiti, Iran, Libya, Iraq, North Korea. Bosnia? What did Bosnia do to get sanctioned along with the rest of those criminal governments? My colleagues, they sought democracy, they sought freedom from communism, hardly a justifiable comparison of nations in our American response.

"Bosnia, trust the United Nations," says the Hamilton amendment this time. "Forget the violated no fly zone; Bosnia, forget the violated ceasefires; Bosnia, forget the bombardment of the safe areas, forget the over 40 broken United Nations resolutions. This time trust the United Nations to defend you as you seek democracy." The Hamilton amendment would encourage us all to trust those same U.N. decisionmakers who over 15 months ago promised a war crimes tribunal and to date has not appointed a prosecutor or investigated one case of criminality, not one.

I plead with my colleagues and say, "If you are sickened by seeing footage of 6-year-old children being slaughtered as they sleep, or 72-year-old women who are victims of rapes, and if you do not want to send American troops into Bosnia to end these atrocities, and you can no longer trust the United Nations to do the right thing, there is only one thing left. End the arms embargo. It is time for America to summon the courage to act, even, by God, if no one else in this world will."

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Madam Chairman, first, this is not to embarrass the President. The Bush administration made an equal mistake; let the record show that.

Second, there are good people on both sides, good, decent people on both sides of the issue. No one is questioning anybody's integrity.

Third, know that, when they split up, the Yugoslav army had all the weapons, all the Migs, all the tanks, all the guns, and the Moslems and the Croats had zero, nothing.

Fourth, when we act today, on the crystal set radios tonight in Croatia and in Bosnia they will listen, and they will want to see what did the people's House, the U.S. Congress, the House of Representatives—what did they do? Did they do what the Senate did and go both ways, 50/49, 50/49? No, they want to know that we stood with the people.

Fifth, the McCloskey, Gilman, Bonior, Hoyer amendment will, I believe, help bring the war to an end faster.

Last, so many have talked about American troops. The people of Bosnia told me every time I have gone there they do not want American troops, and let the record show I would never ever vote for American troops in Bosnia, or in Croatia, or in Serbia.

□ 1350

As the gentlewoman from New York [Ms. MOLINARI] said, how would you feel if you had a couple of kids and their lives were dependent on the United Nations?

This has gone on for 3 years. Do we remember Vukovar, the fall of Vukovar in September? The United Nations has been there, and nothing has happened other than several hundred thousand have died.

I say to the Members, "Don't change." If you vote one way, stay with that position so that when the people of Bosnia and Croatia turn their crystal set radios on tonight and listen to Radio Free Europe, they will know that the People's House, the United States House of Representatives, the house where nobody was ever appointed and everyone was elected, has, as representing this Nation, voted to stand for freedom and to help the people of Croatia and Bosnia.

Madam Chairman, I strongly support the McCloskey, Gilman, Bonior, Hoyer amendment and strongly oppose the Hamilton amendment.

Mr. PETERSON of Florida. Madam Chairman, I yield 3½ minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], a member of the Committee on Foreign Affairs.

Mr. OBERSTAR. Madam Chairman, I thank the gentleman for the time.

Madam Chairman, I have studied and followed events in the former Yugoslavia and since the breakup probably all my life. I was raised Slovenian of an immigrant family in northern Minnesota. I know some of the language. I know a lot of the people and the peoples that live in the land of the South Slavs.

There are bitter rivalries, ancient hatreds, a divisiveness built on a religious diversity, diversity in the way they write their language, diversity in the way they speak the language of the South Slavs, complexities of geography, and a history of suffering.

We use the word, "decimate," with somewhat reckless abandon, but in World War II the peoples of Yugoslavia were decimated. One million, seven hundred thousand of a population of 17 million died, most at the hands of the Germans but a very large number at the hands of internal war and conflict. What is going on today is an extension of conflicts that arose during World War II and that go back deep into ancient history.

Our role has been kind of a stop-and-start role. We have not managed the policy of post-Tito Yugoslavia and the South Slav peoples very well. One thing we did that was effective was to commit to air strikes. I was an early advocate of taking that action. This was not done when it should have been done back in the Bush administration, and it was not done when it should have been done in this administration, but when it was done, it was effective.

This embargo and the conflict over Bosnia were centered around the reality that in Tito's Yugoslavia was the arms production center of Yugoslavia and the Serbs wanted to get hold of the arms production area, and the reason the conflict has continued as long as it has is that the Bosnians learned how and knew how to make arms and are still doing it, and they have persisted.

If we lift the embargo, more arms will pour into the Serbs, but the real question is, where do the arms come from for the Bosnians, from Iraq, from outside sources, or from the United States? The whole burden then devolves upon the United States. We become the one that broke the embargo, and then it is our problem to resolve it.

Are we prepared to send in ground forces? Not this body. I do not see the spine, I do not see the steel rod in the back here to send in ground forces. I do not see much of a steel rod or backbone in this body to send in air strikes either.

So we must decide today whether we must keep the embargo in place and avoid sending troops in and keep America's commitment to other countries to act multilaterally rather than unilaterally.

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Chairman, first, I think this body is out to vote against the Hamilton amendment because it would be very inconsistent with the vote we just cast for the McCloskey amendment, and we just ought as a matter of institutional policy to try to keep to an absolute minimum the number of times we really look silly. I know sometimes it is unavoidable, but I do not see why we would want to venture into it voluntarily, and there is simply no rational way to be for both positions.

Second, I think the best way to get peace is in fact to offer the Bosnians a chance to buy arms. You do not break up a fight by grabbing one guy's arms. In fact, what we are trying to do here is bring peace.

As long as there is an imbalance, the Serbs are more likely to persevere, and there is the argument that says, "No, if you're for peace, you should never send one side arms." But let us think of a situation in which there is one side which we believe to be morally correct in a fight, one side which we think is threatened with aggression and where we decide that the best way to bring a secure peace is to sell arms. I am talking about Israel. The two models seems to be very similar. With regard to the Middle East, most of us believe that making American arms and other arms available to Israel has in fact meant less likelihood of war because potential aggressions were deterred by that armament.

The Serbs have shown a healthy respect for arms on the other side. Despite what the Pentagon predicted, air strikes have been a deterrent to the Serbs. So will sending in weapons. The question is not whether there will be negotiations. Ultimately there will be. The question is, from what relative positions of strength will the two sides negotiate?

The arms embargo gives the Serbs an unearned advantage. Lifting the arms embargo makes it much more likely first, that there will be negotiations right away, and second, that they will eventuate fairly.

Madam Chairman, I believe that lifting a one-sided embargo—and this is a one-sided embargo because it affects only one side—lifting that is the best way to bring about peace.

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Madam Chairman, I have great respect for the chairman of the Committee on Foreign Affairs, but I ask my colleagues to vote against his amendment.

During this morning's briefing on Bosnia, I listened with close attention to the words of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the acting Secretary of State. I must confess that I had a definite feeling throughout that hour-long session. That feeling is one that many in the British Parliament must have felt when Prime Minister Chamberlain came back from meeting with Herr Hitler at Munich. It was a feeling of disgust.

I want the Members to know that this is a bipartisan feeling of disgust, because I felt the same way during the Bush administration when that President—just as the current President—failed to take the initiative when we could have nipped a lot of this problem in the bud.

Those who argue for multilateral removal of the arms embargo are telling us it will never be removed. It should be obvious to all that the Security Council of the United Nations will never remove that embargo. It is not going to be removed. If we pass the Hamilton amendment, we are signing the death warrant for Bosnia. So much for multilateralism.

We have heard a lot about peace in Bosnia and how near it is. But what kind of peace is it? It is the peace of the dead and the conquered.

In terms of military from this country having to go to Bosnia, no one is talking about that. The Bosnians are not talking about that. What they are saying is, "We would like some arms so we can defend our men, women, and children," and they deserve those arms.

□ 1400

This problem should have been handled by our intelligence community the way we handled the Afghanistan problem when Afghanistan was occupied by the Soviet Union. We armed those freedom fighters. They drove the world's second superpower out of Afghanistan.

Madam Chairman, we should not continue to think disgusting things about the policy of this country, regardless of who occupies the administration. What we should do is vote against the Hamilton amendment and sustain the McCloskey-Gilman amendment.

Mr. HAMILTON. Madam Chairman, I yield myself 2½ minutes.

Madam Chairman, I yield myself these 2½ minutes for making a comment. The statement has been often made on the floor today that the Bosnian-Moslems are defenseless. I think it is probably accurate to say that at one time they were defenseless. But may I also suggest that that statement now is very, very much out of date.

They received nearly $2 billion in arms last year. Prior to the recent agreement that was signed between the Moslems and the Croats in March, the very well-armed Bosnian forces had the Croats on the run. And the military situation today in Bosnia, for anybody that is following it closely, knows that it has been static for months. There have been small gains and small losses by both sides. But what very clearly it is not, it is not a situation today where the Bosnian-Moslems are at a huge disadvantage and are defenseless.

Now, second, we have had the statement made very frequently here that lifting the embargo will level the playing field in Bosnia. A lot of judgments can be made about that, but let us be clear about where our U.S. military is. Their judgment is categorical. The judgment is that unilateral lifting of the embargo will not level the playing field. And, most assuredly, $200 million additional foreign aid assistance from the United States to the Bosnian-Moslems will not be sufficient. It should also be made clear that our military people believe that if you have that program, one of the options would involve 1,500 to 2,400 American military personnel on the ground, and they would have to be, of course, protected, which means additional troops.

One other point has been made, and I want to be as candid about this as I can. The statement has been made that it is not possible to lift the embargo multilaterally. I think that is an accurate statement as of today. The Security Council, however, imposed the embargo, and the Security Council can lift the embargo.

Only when the peace efforts have been exhausted can we win the necessary international support to lift the embargo. So long as those peace efforts are going forward, I think it is correct to say that it cannot be lifted multilaterally. If the peace negotiations fail, then I think the multilateral lifting of the embargo would be achieved.

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Chairman, I think that this is one of the most difficult proposals that we will have to vote on, and I have been thinking a great deal about it. I would say in terms of the practical arguments, does this help the Bosnians or not, we can hear both sides on that. But ultimately you have to listen to the Bosnians themselves. They believe it will.

So we can rationalize and debate, but the people who are asking for our help and who have been slaughtered say that it will help them. Who are we to judge that it will not?

The real argument that throws me back a little by the supporters of this resolution is the one made with eloquence by the chairman of the Committee on Foreign Affairs and the chairman of the Committee on Armed Services, and that is, shall we break our international agreements? How will this affect not Bosnia, but future agreements, where others want to break them and we say "Don't." And they will say, "But you did it here."

That is a very difficult argument to overcome. But I think we are thrown back to thinking about the Nuremberg laws, and to thinking about when is it a citizen's responsibility, whether we be citizens in this chamber or citizens on the streets and somewhere in the world community, about when it is proper and appropriate to say that world law has allowed such horror and such havoc to occur, allowed it to occur, but that we must not stick with it? And that in each legislator's case in terms of this resolution and the treaties that it involves, must be to say to himself or herself that every so often, very rarely, not lightly, heavily, in fact, we must sometimes say that those international agreements and treaties have allowed such misery and such destitution to occur, that we must ignore them, even knowing the consequences that will occur down the road.

My colleagues, this is such a case. I urge defeat of the Hamilton amendment so the McCloskey amendment can stand.

Mr SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Madam Chairman, I appreciate the time.

Madam Chairman, obviously it is with a sincere sense of qualms that I am ever at odds with my distinguished chairman, Mr. HAMILTON, on an issue of significant importance such as this.

But I would just to some degree echo other speakers and say for once in our lives, please, let us not try to have it both ways. We really cannot be both for the McCloskey amendment and the Hamilton amendment. The McCloskey-Gilman amendment tells the President, as far as our participation, the arms embargo should be lifted as to Bosnia.

Regardless of what has been said in previous debates, it commits no troops, no equipment. It is all at the discretion of the President. It is not an open-ended commitment, as the chairman said in his earlier remarks.

I would note also that it was interesting to hear from the gentleman from Minnesota [Mr. OBERSTAR] with his Slovenian antecedents, and see Mr. OBERSTAR oppose this resolution to in essence lift the arms embargo because we all know, when the Serbs went into Slovenia, they left in 9 days, and there are no Slovenians being tortured, raped, or otherwise being oppressed by Serbs, because they were run out by an armed citizenry.

Also it really beggars the imagination to compare besieged Bosnia, as the great gentlewoman from New York, [Ms. MOLINARI] referred to along the lines of Iraq and Korea and what not.

What sins have the Bosnians committed? All they ask for is the right to defend themselves. They are not really asking for the United States to be the Lone Ranger and come to their rescue. We should assert more leadership. Yes, there should be air strikes.

But one thing we should not be doing, Mr. President, is to participate, as was reported today, in a real politic to break up Bosnia, a state which we say is sovereign, which the United Nations says is sovereign, and say yes, Serbia, you can add this to a greater Serbia.

Please vote no on the Hamilton amendment. Let us have a clear voice for once.

Mr. HAMILTON. Madam Chairman, I yield the balance of my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN pro tempore (Mrs. KENNELLY). The gentleman from Missouri is recognized for 4 minutes.

Mr. GEPHARDT. Madam Chairman, I rise to favor the amendment by the gentleman from Indiana [Mr. HAMILTON], and I rise with a great respect for the Members who have supported the McCloskey amendment and the Members who want us to defeat this amendment. All of them who have spoken, and not spoken, like all of us, want the violence to end. They want children to be saved. They want the genocide to end. And that is the issue. The issue is not what we are trying to do; the issue is how to get there. And I argue that if we continue what we have been trying to do, we have the best chance to achieve peace.

□ 1410

That is what we have been doing: Peace, the end of war, the end of violence. It has not been an easy path. The sides are unequal, the desire for violence is great, the hatreds and feelings are age-old and historic. It is not so easy to do this, but with ups and downs, we have been lurching forward to greater peace. By lifting the embargo unilaterally, I argue we will have an increase in violence necessarily, and we will have the end of the efforts at peace.

I talked to Mr. Hunter, who is the Ambassador to NATO, today, and he said there is no doubt in his mind that if the embargo is unilaterally lifted by the United States, that the European countries will pull out in a moment, as quickly as they can, the entire peacekeeping apparatus which is on the ground today.

Some will argue that if we can even the sides and get military equipment in on the side of the Moslems, that will bring about a greater move towards peace, that that will end the war. I do not believe that. I believe it will increase the war making, and then we will be asking the question on this floor, should we send in more, should we become more involved, should we be using more air power, and even should we be introducing troops on the ground to be in the war itself, trying to bring it to an end.

I do not think there is anyone in our country who is prepared to answer those questions in the positive. So with the greatest respect for the people here today who are advocating the lifting of this embargo, I urge Members to vote for this resolution.

As we look at this, let us remember that we have accomplished a lot here. This awful war has not expanded to Macedonia, to Kosovo, to other places in the region. It has been contained, to the extent it has been contained. We have made progress to bringing about peace.

We are in a new world, and we truly do not know how to do this yet. I think we must continue what we have started. We must continue to stand for peace. We must continue to stand with the people who are trying to bring about a negotiated settlement, which is beginning to go forward as we speak in this Chamber today.

Madam Chairman, I urge Members to vote for this amendment. Stay the course and let us bring about peace and not war.

Mr. SPENCE. Madam Chairman, I yield my remaining time to the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 2½ minutes.

Mr. HOYER. Madam Chairman, this has been a serious and important debate, as my friend, the gentleman from the Committee on Armed Services, says so often. It is a debate about the new world order, as the majority leader has just said. It is a debate about what that new world order is.

However, I suggest that there is an old, old historical lesson, and that is the lesson that tyrants never respond to weakness. Tyrants throughout history have responded to dissembling and conflicting messages by further aggression, further genocide, further killing, further breaking of international law.

Madam Chairman, my friend, the majority leader, who has no closer ally on this floor than I, as I would suggest, nor does the President, who is my friend and who I respect, but on this issue we disagree. The majority leader raises the question how to get there. Yes, he focuses on the essence of the issue that confronts us, how to get there.

For 2 years now, perhaps 3, we have looked the aggressor in the eye and said, "If you go a step further, we will take definitive action." They took two steps and we backed up three. It is inevitable in that scenario that the aggressor will continue, because he does not see the consequences of his action.

Haris Silajdzic, the Prime Minister of Bosnia and Herzegovina, says:

> We are under assault. You must not give us help in the sense of sending people, but do not continue to prevent us from defending ourselves.

We are now ready to vote. Let us not, my friends in this House, once again say to the aggressor, to the individual branded by our Government, by our State Department, as a war criminal, let us not say to him, "This day, once again, we backed down." Let us not say, "We were pretending when we voted for McCloskey."

Let us continue to stand for principle. Let us continue to stand for strength. Let us continue to stand for the principles in almost every international document which say that we will confront aggression and genocide where we find it. Vote "no" on Hamilton.

Mr. DELLUMS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we have come to the end of a very significant and very important debate. This gentleman walked into these Chambers nearly 24 years ago, against the backdrop of the Vietnam war. I was elected to come here to raise my voice in the name of peace, not an easy thing to do in 1971, when the overwhelming majority of my colleagues were supporting the prosecution of the war in Vietnam.

I say that as a prelude to making these comments. My colleague who just preceded me in the well pointed out the need for strength. With that I do not disagree. What I would argue, as vociferously and as eloquently as I can, is that peace is also strength.

The fallacy is that some way our strength only lies in our capacity to kill and to maim, that in some way strength is in tanks and armaments and bombs and missiles. There is strength and power in the willingness to negotiate, in the ability to come together around the negotiating table to find a political solution to a problem.

Too often in these Chambers peace has been a weak idea. Too often war and killing has been seen as a strengthening idea. However, I would assert in the first few moments of my discussion that peace is also a strong idea, and one should not have to back away from the desire to attempt to wage peace in a situation where people are dying.

My second point, it is very clear that all of us in these Chambers, from left, right, and center, both sides of the aisle, want to stop the killing and the maiming. The point of it is, How do we do it?

I said earlier to the point of redundancy, if there are Members here who say, "We want to commit American troops to wage war in Bosnia," that is a position; or those of us who say, "We want to attempt to aggressively try to wage peace to end it," that is also a legitimate position.

However, Madam Chairman, to assume that the only position left for a great Nation like the United States is to say, "Lift the embargo and let them engage in self defense," I would submit that that in and of itself is an impotent act, because it says that we have no capacity on the international stage, in the world community, to bring our significant power and moral persuasion and political persuasion and economic capability to a situation to try to end the killing and the dying short of war.

My colleagues are misguided who believe that the only thing we can do is slide backward into war. That is what lifting this embargo is all about. If you are going to confront it, confront it cleanly, confront it up front, confront it head on; but to assume that the only thing you can say is "Well, here are some weapons, you go kill yourselves further, you go die further," that is not the only posture we can take. We can aggressively attempt to mobilize the world community, to try to bring the world together in the context of Bosnia to try to solve the problems finally.

☐ 1420

Madam Chairman, I hope to leave these Chambers some day with my integrity as a peace advocate intact, but it is not easy when people are dying to be a peace advocate. It is not easy to do it when people are not dying. It takes some heart, it takes some courage, it takes some dignity, it takes some integrity to stand up and say peace, nonviolence, negotiation, peaceful settlement, bringing people to the table is a way to end the killing. It is bizarre in the extreme to think that we can end killing by aggressively pursuing more killing. This is not an incentive for peace, this is not an incentive for negotiation. For those who think unilateral lifting of the arms embargo is anything other than an effort at war and an effort at intervention, they are deluding themselves.

Mr. Chairman, at a bare minimum, the Hamilton amendment needs to be accepted because it respects multinationalism in a world that is becoming increasingly multinational, but finally it embraces the notion that America's goal in that region of the world is to find a peaceful way to solve that problem.

Madam Chairman, I yield back the balance of my time.

Mr. SPENCE. Madam Chairman, I move to strike the last word.

Madam Chairman, I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Chairman, I thank my friend, the gentleman from South Carolina, for yielding.

I thank my colleagues on both sides of the aisle. The people of America should know that this has not been a partisan debate. Far from it. People from both sides of the aisle share common views on this issue.

I would say to my friend, the gentleman from California who has spoken with great eloquence and a differing point of view from my own, that he has been and still is one of the great champions of peace in this institution. Nobody can deny that. Nobody can take that away from him. I am proud that I have stood with him for the 18 years that I have served in this institution on virtually every one of his efforts. But there comes a time, as my other friend who just talked has mentioned, that peace at any price is not acceptable. It is not acceptable.

Madam Chairman, I wish the approach embodied in this amendment offered by the gentleman from Indiana would work.

I wish it would end the killing and stop the war.

But I think most of us know deep down in our heart that it won't.

And we know that for one reason: because it has not worked for the past 2 years.

The approach embodied in this amendment, not the amendment itself but the same approach, peace at any price, has led to 200,000 dead, 16,000 kids being slaughtered and 2 million homeless the past 2 years.

If you think the people of Bosnia should continue to go unarmed and outgunned, vote for this amendment.

This amendment is nothing more than an endorsement of the status quo.

But if you believe the United States has to show strong leadership in times of great moral crisis, and it is a time of great moral crisis;

If you believe the Bosnians have a right to defend themselves;

If you really believe the arms embargo must be lifted, then vote against this amendment, because the McCloskey amendment we already passed is the only measure that will truly help the people of Bosnia defend themselves.

Madam Chairman, we began this debate thinking and mentioning, many of us on the floor this afternoon, about the week past, remembering one of the proudest days in our history.

Schoolchildren all across America learned how 50 years ago, their grandparents saved the world from tyranny and genocide.

But 50 years from now, schoolchildren will study this time. And they will look back and wonder where American leadership was when genocide reared its ugly head again.

They will want to know why we sat back and watched children be slaughtered and families torn apart.

They will want to know why the United States Navy blockaded the shores of Bosnia so arms could not enter and innocent people could not defend themselves.

Madam Chairman, this body took a courageous stand to lift the arms embargo. We must not falter now. We must not send mixed signals. It is time for clear and consistent leadership. I urge my colleagues to vote "no" on the Hamilton amendment.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 242, not voting 16, as follows:

[Roll No. 223]

AYES—181

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Bentley
Bevill
Bilirakis
Blackwell
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Buyer
Canady
Cantwell
Chapman
Clay
Clement
Clinger
Collins (IL)
Combest
Conyers
Cooper
Cramer
Cunningham
Darden
Deal
DeFazio
Dellums
Derrick
Deutsch
Dicks

Dixon
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Evans
Farr
Fields (LA)
Filner
Ford (MI)
Fowler
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Green
Hall (TX)
Hamburg
Hamilton
Hancock
Hastert
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hughes
Hutto
Inglis
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski

Kaptur
Kennedy
Kildee
Kleczka
Kreidler
LaFalce
Lambert
LaRocco
Leach
Lehman
Lewis (FL)
Lightfoot
Lloyd
Long
Mann
Manzullo
Matsui
Mazzoli
McCollum
McCrery
McDade
McKinney
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Murphy
Murtha
Norton (DC)
Nussle
Oberstar
Orton
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Petri
Pomeroy
Poshard
Rangel
Reed

Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Scott
Shepherd
Shuster

Sisisky
Skaggs
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Synar
Tanner
Taylor (MS)
Thornton
Torkildsen
Torres

Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Vucanovich
Waters
Watt
Waxman
Whitten
Williams
Wise
Woolsey
Wyden
Yates

NOES—242

Ackerman
Allard
Andrews (NJ)
Archer
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Brown (OH)
Bryant
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Cardin
Carr
Castle
Clayton
Clyburn
Coble
Coleman
Collins (GA)
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Danner
de la Garza
de Lugo (VI)
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Engel
English
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly

Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hansen
Harman
Hastings
Hayes
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inhofe
Istook
Johnson, E. B.
Kasich
Kennelly
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
Laughlin
Lazio
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lowey
Lucas
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
McCandless
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek

Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Moran
Morella
Myers
Nadler
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Pelosi
Peterson (MN)
Pickett
Pickle
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rush
Santorum
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Swift
Talent
Tauzin
Taylor (NC)
Tejeda

Thomas (CA)
Thomas (WY)
Thompson
Thurman
Torricelli
Traficant
Upton
Volkmer
Walker
Walsh
Weldon
Wheat
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Boucher
Collins (MI)
Condit
Faleomavaega (AS)
Foglietta
Grandy
Hefley
Huffington
Jefferson
Kopetski
Royce
Slattery
Sundquist
Towns
Tucker
Washington

□ 1447

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Towns against.

Mr. RIDGE and Ms. ESHOO changed their vote from "aye" to "no."

Mr. LEACH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SPENCE. Madam Chairman, I move to strike the last word.

Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Chairman, I would ask why are we having another vote on Haiti today? There has been no change in the Goss amendment which passed this House on May 24. Is it because the vote is too close, as some have implied on the other side of the aisle? I say to that, "Nonsense." The Goss amendment passed 223 to 201, a 22-vote margin in a House that passed one of the biggest tax bills ever by 1 vote and the assault weapons ban by 2. That does not add up. Has the situation in Haiti changed? Yes, it has, for the worse. Especially in terms of human misery, as was predicted under the President's plan: More sanctions equal more suffering equal more refugees, and undeniably that is the situation. Has the President's policy produced positive, tangible results in Haiti? No, it has not, other than enriching the thugs in Haiti via the black market and stimulating the reinstatement of the Macoutes of Duvalier's day.

□ 1450

Other than stimulating the reinstatement of the Ton-Tons Macoutes of Duvalier's day, other than further intensifying the deep political divisions of that country, other than subsidizing the Ukrainian cruise ship industry, other than investing more United States taxpayers' dollars in infrastructure of Caicos and Turks Islands than many congressional districts will receive this year, other than taking on the relocation of an additional 3,000 Haitian refugees, other than the inducement of deals, as yet uncovered, that were likely made with the Jamaicans and the Dominican Republic, and other than spending money—and nobody knows how much yet—but boy, are we spending a lot of money for ships, and sanctions and for processing stations in various places around the Caribbean, why are we having this vote? What is this about?

Madam Chairman, I think what a reasonable observer might conclude is that it is because the President of the United States wants to invade Haiti, if not with Congress' blessing, then with Congress' silence.

If the Goss amendment fails today, Members should understand that it is worse than saying nothing about Haiti. It is a serious flipflop on our foreign policy, and it does send a message.

Supporting the Goss amendment, voting yes on that, is the only way for Members to stay on record in opposition to United States military intervention in Haiti. That is what this is about.

In addition to saying no to the military intervention, the Goss amendment is a nonbinding, nonbinding recommendation for an alternative approach to the President's plan. It is arguably a better approach in several terms. It does not punish the poorest of Haitians by offtarget embargoes as we are seeing now under the President's plan. In fact, Madam Chairman, it enables the provision of humanitarian relief and refuge for those in genuine political danger on Haitian territory in nearby Haiti, on the Ile de Gonave.

Second, the Goss plan does not require that anybody risk their life on the high seas to get to Ile de Gonave. It is only a 15 to 20 mile crossing. One does not have to go way down here to Jamaica, or way up here to some other island, or way off here to Miami.

Third, instead of putting American soldiers in harm's way to somehow create democracy at the point of a gun; the President's plan calls on us to do that; the Goss plan paves the way for long-term democracy and economic stability in Haiti by providing the opportunity to reestablish the administration that was properly elected several years ago. The moral boost across the country would be incalculable and immeasurably positive if President Aristide did indeed return to Haitian soil in Ile de Gonave.

Under the President's policy, today it is the Haitian people who are suffering, and it is not the Haitian military. Today and tomorrow it is the American taxpayers who are going to foot an ever-increasing bill, and tomorrow it could be United States personnel who are in harm's way while invading Haiti.

Vote yes, once again, on the Goss amendment. It is cheaper, more compassionate, and it is safer.

COPY OF ROLLCALL VOTE ON GOSS HAITI AMENDMENT

(IN THE COMMITTEE OF THE WHOLE, MAY 24, 1994)

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 14, as follows:

[Roll No. 197]

YEAS—223

Ackerman
Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manton
Manzullo
Martinez
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—201

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Barca
Becerra
Berman
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)

Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
LaRocco
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Barlow
Barrett (WI)
DeLay
Faleomavaega (AS)
Fish
Gibbons
Grandy
Horn
Neal (NC)
Ortiz
Santorum
Stark
Washington
Whitten

Mr. SPENCE. Madam Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Madam Chairman, make no mistake about it. This revote on the Goss amendment is about whether the United States should militarily intervene in Haiti. This House answered that question in the negative less than 2 weeks ago. To vote otherwise today is to flipflop and send a very dangerous message to everyone around this world.

Madam Chairman, the Goss amendment says there should be no intervention unless there is a clear and present danger to U.S. citizens or U.S. interests, and, my colleagues, let me read the exact language that we would be repudiating if we support the revote today.

It is the sense of Congress that the United States should not undertake any military action directed against the mainland of Haiti unless the President first certifies to the Congress that a clear and present danger to the citizens of the United States or U.S. interests require such action.

Now who in this House would disagree with that simple test?

I suggest, Madam Chairman, that we should not flipflop. The U.S. interests always come first. We should never, never take any military action unless there is a clear reason to do so. If we intervene in Haiti today, we would be put in the business of running Haiti for the foreseeable future. The last time the U.S. military was sent there, Madam Chairman, we stayed 19 years. It could get to be a lot like Somalia.

Here are just some of the questions we should be answering before we get into this kind of situation:

In the event of an invasion, what are the planned rules of engagement and disengagement?

Is there a timetable?

Are there clear rules about the use of deadly force?

Besides Cedras and Michel Francois, how many so-called elitists would have to be neutralized or removed?

How long do we stay?

How many dollars of war damage and alleged war damage will the U.S. taxpayers have to pay out to our friendly neighboring country to recover from our invasion?

If we can justify intervention in Haiti today, there is literally no limit to where the U.S. troops would be sent tomorrow.

I say to my colleagues, Pick your crisis: Bosnia, Sudan, Rwanda, Liberia. We could be involved in endless crises. Military force should only be used as a last resort, not as a substitute for real foreign policy.

Madam Chairman, I urge a rejection of the revote on the Goss amendment.

Mr. DELLUMS. Madam Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Mr. DELLUMS. Madam Chairman and members of the committee, my distinguished colleague, the gentleman from Florida [Mr. GOSS], asked the question: Why is this vote being reconsidered? I choose to answer.

No. 1, because I think the House was ill advised when it took the action it did several days ago.

No. 2, that the debate was a short debate on the substantive issue.

No. 3, Madam Chairman, I believe that a number of my colleagues acted and voted out of confusion and perhaps even ignorance.

□ 1500

So at this time, I would like to state the case, allow my colleagues to move beyond their confusion, beyond their ignorance, and also, Madam Chairman, time and circumstances have overcome this amendment. Let me argue those points.

The Goss amendment was adopted nearly 2 weeks ago, and the events in the last 2 weeks have made that amendment unnecessary. So I ask many of my colleagues here who voted for that amendment, to consider now voting against the amendment. It is not necessary. The United States has reached an agreement to process Haitian refugees off the coast of Jamaica and other islands, making the amendment moot.

Second point I would make: The Goss amendment, Madam Chairman, and hear me on this, would require the United States to use military force to seize an island off the Haitian coast and maintain that island for refugee processing.

Why do I say that? This is not American soil. This is Haitian soil. It is occupied by a number of Haitian military people now. So it would require military force. I do not think that is what we want to do.

Third, the amendment would require, and we received this from the Defense Department and others, extensive logistical and engineering commitments by the U.S. military, costly infrastructure investments by American taxpayers.

Let me summarize. The Goss amendment, Madam Chairman, is unnecessary. I ask my colleagues who voted for it to now vote against it.

No. 2, it would entangle the United States military in Haiti at this moment, seizing an island. We should not be about that. I ask them to vote against it for that reason.

Finally, it would be extremely costly to the American taxpayer to do this. Time, circumstances, and events have overcome these matters.

Finally, let me say to my colleagues, particularly those of you on this side of the aisle, let me make a personal plea to you. There are very few times when this gentleman has asked a number of you to give us a vote. Many of you have marched into the well and said this is the fairest person you have worked with. I work with all of you in this Chamber on a daily basis on a host of issues, never asking you for anything. I ask you on this one to give us a vote to defeat the Goss amendment. It was ill-conceived and ill-advised.

Mr. RICHARDSON. Madam Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Madam Chairman, over the Memorial Day recess, I joined members of the House Intelligence Committee on an official fact-finding mission to Haiti. I had the opportunity to view first hand the destruction that has been wrought on that country by a belligerent band of military thugs headed by General Cedras. Madam Chairman, it is a certainty that the horrible disrepair of our Caribbean neighbor will only worsen as long as the military junta continues to rule.

Madam Chairman, on May 24, the House considered a sense-of-Congress amendment offered by the gentleman from Florida [Mr. GOSS]. That amendment required the President to certify to Congress that clear and present danger to citizens of the United States or United States interest existed prior to the United States undertaking any military action, and to establish a temporary safehaven on the Haitian island of Ile de La Gonave for Haitian refugees escaping economic and political hardships on the mainland of Haiti. Madam Chairman, I opposed the amendment then and will oppose it today when the House reconsiders it.

Madam Chairman, the Clinton administration's new policy on Haitian refugees makes the Goss amendment unnecessary. That policy provides for both ship-board and land-based processing for refugees. To date, the Department of Defense has chartered two Ukrainian ships for the ship-board processing, and the administration has worked out an agreement with Jamaica to permit ships to anchor off the shores of Kingston for further processing. Additionally, the administration has secured the participation of the United Nation's High Commissioner for Refugees.

Returning Haitian refugees to Ile de la Gonave is to return them to Haiti. Ile de la Gonave is a 280-square mile island just west of Port-au-Prince. Ile de la Gonave is Haitian territory. Thus, the Goss amendment represents a retreat to the old Bush administration-initiated policy of returning Haitian refugees to Haiti without the benefit of any determination of their refugee status.

Additionally, Madam Chairman, the requirement that the President make certain certifications to the Congress prior to committing U.S. forces to Haiti is being used by General Cedras to consolidate his hold on power and the military reign of terror. Mr. Chairman, in the aftermath of the withdrawal of the Harlan County, the Haitian military does not believe that the U.S. has any resolve to commit any forces. The option to use force must remain open and unabated so that the Haitian military will know that the United States supports democracy and will not stand idly by in the wake of criminal anarchy in Haiti.

Madam Chairman, the administration's policy on Haiti represents a constructive effort to restore democracy to that Caribbean nation. This policy should be given every opportunity to succeed without the Congress tying the administration's hands in removing from its diplomatic arsenal the threat of military force. Madam Chairman, I urge my colleagues to oppose the Goss amendment when it is considered by the House this afternoon.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mrs. KENNELLY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, pursuant to House Resolution 431, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. DELLUMS. Mr. Speaker, I demand a separate vote on the so-called Goss amendment regarding Haiti.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of title X (page 277, after line 2), add the following:

SEC. 1038. UNITED STATES POLICY ON HAITI.

(a) FINDINGS.—The Congress finds that—

(1) the 1990 presidential election in Haiti was deemed to be both free and democratic;

(2) a military coup toppled the duly elected government in 1991;

(3) the process to restore democratic rule in Haiti agreed to at Governor's Island has stalled;

(4) the economic crisis in Haiti is worsening; and

(5) the people of Haiti are preparing in mass numbers to leave their country to seek economic and political refuge overseas.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the United States should not undertake any military action directed against the mainland of Haiti unless the President first certifies to Congress that a clear and present danger to citizens of the United States or United States interests requires such action; and

(2) that the United States should work with the Organization of American States and the United Nations—

(A) to establish a temporary safe haven on the Haitian island of Ile de la Gonave for Haitian refugees escaping economic and political hardship on the mainland of Haiti;

(B) to assist in providing humanitarian assistance and visa processing for such refugees in such safe haven; and

(C) to assist the legitimate Haitian government in establishing the long-term stability of democracy in Haiti.

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 226, not voting 13, as follows:

[Roll No. 224]

AYES—195

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLay
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—226

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Collins (MI)
Foglietta
Grandy
Huffington
Jefferson
Klein
Kopetski
Royce
Slattery
Sundquist
Towns
Tucker
Washington

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Ms. MARGOLIES-MEZVINSKY changed her vote from "aye" to "no."

Mr. BAESLER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MICHEL. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 4301 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title X (page 277, after line 2), insert the following new section:

SEC. . LIMITATION ON PLACING UNITED STATES FORCES UNDER OPERATIONAL CONTROL OF A FOREIGN NATIONAL ACTING ON BEHALF OF THE UNITED NATIONS.

(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the Armed Forces that after the date of the enactment of this Act is placed under the operational control of a foreign national acting directly on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the United Nations Charter.

(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of United States Armed Forces under such operational control if the President, not less than 15 days before the date on which such operational control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing United States Armed Forces under such operational control, the President may place such forces under such operational control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such operational control becomes effective.

(c) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (a) shall not apply in the case of a proposed placement of United States Armed Forces under such operational control if the Congress specifically authorizes by law placing United States forces under such operational control.

(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

(1) Certification by the President that—

(A) such an operational control arrangement is necessary to protect national security interests of the United States;

(B) the commander of any unit of the Armed Forces proposed for placement under the operational control of a foreign national acting directly on behalf of the United Nations will at all times retain the right—

(i) to report independently to superior United States military authorities; and

(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with; and

(C) the United States will retain the authority to withdraw United States Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

(2) A report setting forth the following:

(A) A description of the national security interest that requires the placement of United States forces under the operational control of a foreign national acting directly on behalf of the United Nations.

(B) The mission of the United States forces involved.

(C) The expected size and composition of the United States forces involved.

(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under the operational control of a foreign national.

(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

(H) The timetable for complete withdrawal of the United States forces involved.

(e) CLASSIFICATION OF REPORT.—A report under subsection (c) shall be submitted in unclassified form and, if necessary, in classified form.

(f) EXCEPTION FOR SMALL FORCES.—This section does not apply in a case in which fewer than 100 members of the Armed Forces are participating in a particular United Nations operation or activity.

(g) EXCEPTION FOR ONGOING OPERATION.—This section does not apply in the case of activities of the Armed Forces in Macedonia pursuant to United Nations Security Council Resolutions 795, adopted December 11, 1992, and 842, adopted June 18, 1993, as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR).

(h) INTERPRETATION.—Nothing in this section may be construed as authority for the President to use United States Armed Forces in any operation or as authority for the President to place elements of the Armed Forces under the operational control of a foreign national.

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, my motion to recommit this defense authorization bill with instructions would establish limits on the subordination of U.S. Armed Forces to the operational control of a foreign national acting on behalf of the United Nations.

The limits embodied in this amendment would be in effect unless:

No. 1, the President certifies to Congress the necessity of such command and control arrangement in order to protect U.S. national security interests or;

No. 2, Congress specifically authorizes such a command and control arrangement.

Mr. Speaker, the amendment would also require a report detailing the planned circumstances for such command and control.

Let me try to put this in some context, if I might.

Last year the House narrowly rejected a similar amendment. The argument at that time was that the amendment was premature and the issue was still under discussion in the administration.

Now the issue is no longer academic. A few weeks ago, President Clinton signed presidential decision directive 25 explicitly embracing the placement of U.S. forces under foreign operational control.

This amendment does not overturn such a policy but places prudent limits on it.

I think this command and control question is appropriate because at the heart of our defense authorization bill is a larger question for our country:

Does the administration's defense budget give us command and control over our Nation's destiny in the world?

I personally have come to the reluctant and troubling conclusion that the answer is no.

The level and quality of defense provided in this bill is not credible when matched against the challenges our Armed Forces might face.

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And history teaches us that a loss of credibility in the field of national security policy can be a prelude to the loss of lives on the field of battle. Inadequate resources in combination with inconsistent foreign policies and divided by confusion about peacekeeping operations are an equation for disaster.

U.S. forces have historically fought alongside forces of friendly nations in many battles. The D-day celebration reminded us of this fact: British, French, Canadian, and other troops contributed to our total victory. But when our men and women are killed on the battlefield, they do not die in the service of the United Nations, as one high-level administration official put it earlier this year.

They die in the service of the United States of America. Now, this is not just a semantic difference. It is a real difference. It is the difference between clear principles of American interests and values and vague rhetoric about multilateralism.

Questions about the national security of the United States and the direction of our Armed Forces in the field cannot be adequately addressed with earnest rhetoric, good intentions, or policy papers. That is why this amendment by way of the motion to recommit with instructions is so necessary.

Mr. Speaker, I urge my colleagues in the House to vote yes on the motion. A yes vote will be seen at home and around the world as an unmistakable sign that the United States will definitely retain command and control of our troops except in circumstances and under guidelines outlined in this amendment, and perhaps it will be the beginning of the road back to a national security policy emphasizing our Nation's interests and values sustained by sufficient resources and truly commanded and controlled by our Nation's leaders.

Again, I would urge my colleagues to vote to recommit this bill and report it back forthwith with the amendment that I have outlined in my motion.

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker and Members of the House, this motion to recommit was offered last year and defeated.

Last year I rose in opposition to the motion suggesting to my colleagues that the substantive nature of the policy contained in the motion to recommit was so extraordinarily important with such incredible potential implications down the road that we should not embrace the policy of a 10-minute debate on a motion to recommit. We said, rather, let the committee of jurisdiction look at this issue substantively and at some point in the future attempt to bring back to this body some policy recommendations with respect to the substantive nature of what is involved in the motion to recommit.

I would say to you, Mr. Speaker and Members of this body, that the Committee on Armed Services has, indeed, begun to look at this issue. Witnesses have talked back with us on this issue. But we have been placed on an incredibly fast track to bring this bill to the floor before Memorial Day, something never done in the 20-some years this gentleman has been in the House.

The time constraints and the pressure on this committee, with all of the full range of issues that we are dealing with, were so extraordinary that we have not had an opportunity to walk substantively through the total implications. We have not come to any resolution on this significant issue.

We are in a post-cold-war environment. As I have said earlier, there are no post-cold-war experts. We are all bumping our heads against a new reality.

You cannot just willy-nilly step out here making policy statements without having some carefully considered rationale for why you are taking those positions and what the implications are all about.

I continue to ask you, my colleagues, to reject this motion to recommit. Allow us to address this issue. We promise you continued hearings and some kind of effort that will ultimately lead toward a policy decision with respect to this significant issue.

I have talked with the gentleman from Missouri [Mr. SKELTON], and in a moment I will yield to him for the purposes of underscoring what I have said about a commitment to do just that.

But let me, for these few moments, read at least in part a letter signed by General Shalikashvili, Joint Chiefs of Staff, and the Secretary of Defense, Mr. Perry, written to me:

> We have serious concerns about the amendment offered to the National Defense Authorization Act severely limiting the operational effectiveness of U.S. armed forces when engaged with other forces in a U.N. operation.
>
> Americans frequently have served and are serving today under foreign operational control. In NATO and in Korea, American military personnel serve under allied commanders every day. Military leaders view unity of command as a fundamental issue. It is an essential ingredient in achieving victory at an acceptable cost.
>
> During Operation Desert Storm an entire brigade of the 82nd Airborne Division was under French operational control. This arrangement improved the efficiency of combat operations and helped reduce American casualties.

An important issue, Mr. Speaker.

> Certainly, we support the concept that U.S. forces must serve under the ablest commanders, but with clear and effective command-and-control arrangements in place. However, we disagree with the inference of the proposed amendment that foreign commanders in U.N. operations cannot effectively operate American forces when the President decides it is appropriate to make such arrangements.
>
> Our military officers are not about to recommend to the Nation's leaders that troops be placed under a commander who lacks military skills, competence, and judgment.
>
> The language of the amendment seems to assume otherwise.

The letter goes on, but I would finally conclude, "In sum, we believe this proposed legislation is ill-advised and potentially harmful to the execution of military operations.

"We urge that the House of Representatives not approve this legislation." It is signed by the Secretary and the Joint Chiefs of Staff.

Mr. Speaker, I yield briefly to the gentleman from Missouri [Mr. SKELTON], the subcommittee chair who deals with personnel issues.

Mr. SKELTON. Mr. Speaker, I wish to reiterate what the chairman said.

This whole area involving United Nations or peacekeeping issues is far more complicated and complex than the issue allows it to be.

This amendment does not differentiate between chapter 6, peacekeeping; chapter 7, peacemaking; or combat. We intend to have hearings, extensive hearings, on this very difficult and complex issue, and hopefully we will have excellent legislation to put forward in next year's bill.

We are rushing to judgment, and we might very well make a mistake if this is adopted.

Mr. DELLUMS Mr. Speaker, I urge my colleagues to defeat the motion to recommit.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 185, nays 237, not voting 12, as follows:

[Roll No. 225]

YEAS—185

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Collins (MI)
Foglietta
Grandy
Huffington
Jefferson
Kopetski
Royce
Slattery
Sundquist
Towns
Tucker
Washington

□ 1559

Mr. PORTER and Mr. BREWSTER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Speaker, first, I want to commend Chairman DELLUMS for his commitment to fairness, a commitment that has truly allowed bipartisanship to work during our deliberations on the Armed Services Committee—I have no complaints about the process.

As I said at the outset of House consideration of this bill, it is not a bad bill if you are able to consider it in isolation from the broader context of the President's dramatic reductions in the defense budget. This bill contains many provisions that I support such as: a full 2.6 percent pay raise instead of the President's proposal of only 1.6 percent; a readjustment next fiscal year of the schedule on which military retirees receive their COLA's to make it consistent with other Federal civilian retirees; an explicit prohibition against the administration's proposal to use the defense budget to fund billions of dollars worth of United Nations peacekeeping costs.

Unfortunately, the broader context of President Clinton's 6-year plan to cut defense by $156 billion outweighs and overwhelms any specific provisions of the bill. Of these $156 billion in cuts, only 10 percent have actually been enacted and the bill before us represents only an additional 10 percent. When you consider all of the people, modernization, infrastructure, and general readiness problems we are beginning to encounter after less than 20 percent of the Clinton cuts have been acted on, how can the services possibly absorb the remaining 80 percent—approximately $126 billion—in the next 4 years and not self-destruct?

As I have said on many occasions, I believe that the President's defense cuts, following on the heels of a steady decline in defense spending since the mid-1980's, ignore the lessons of our sorry history of post-conflict demobilization this century and will once again cause irreparable harm to our national and our economic security.

Specific provisions notwithstanding, the bottom line is that this bill is an endorsement of the President's agenda to dramatically reduce the defense budget. It represents another step down a road I believe is fundamentally at odds with the ability of the United States to protect and promote its national interests in the post-cold-war world. After weighing the many specifics I support versus the broader context of the Clinton defense plan which I oppose, I am unable, in good conscience, to support final passage of this bill and will, therefore, reluctantly vote "no."

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 158, not voting 16, as follows:

[Roll No. 226]

AYES—260

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clyburn
Coleman
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stenholm
Stokes
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—158

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Johnston
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Maloney
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nadler
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Portman
Pryce (OH)
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Roth
Roukema
Sanders
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stearns
Stump
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Vento
Vucanovich
Walker
Walsh
Waxman
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Clayton
Collins (MI)
Foglietta
Grandy
Huffington
Jefferson
Kaptur
Kopetski
Lehman
Royce
Slattery
Strickland
Sundquist
Towns
Tucker
Washington

□ 1618

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEHMAN. Mr. Speaker, today the House of Representatives approved H.R. 4301, the Defense authorization for fiscal year 1995.

Due to an important meeting I had with the U.S. Ambassador to Armenia, Harry Gilmore, and the U.S. Ambassador to Azerbaijan, Rich Kauzlarich, I was unavoidably detained during the vote on final passage for H.R. 4301.

Had I been present, I would have voted "aye."

□ 1620

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, concerning the vote I cast on rollcall No. 223, the Hamilton amendment, I voted "no." Though I cannot change my vote, I want my sentiments expressed that it should have been a "yes" vote.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I failed to respond in a timely manner to the last vote which was on final passage of the defense authorization bill. I want the RECORD to show that had I been here, I would have voted "yes."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4301, the Clerk be authorized to make corrections in section numbers, punctuation, and cross references, and to make such other technical, clerical, and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 4301.

The SPEAKER pro tempore (Mr. DARDEN). In there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4301, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1995

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 9, 1994, to file a privileged report to accompany a bill providing appropriations for the Department of Transportation and related agencies for fiscal year 1995, and for other purposes.

Mr. SKEEN reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1995

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 9, 1994, to file a privileged report to accompany a bill providing appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for fiscal year 1995, and for other purposes.

Mr. SKEEN reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4506, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1995

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 103-540), on the resolution (H. Res. 449) waiving certain points of order against the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4539, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ": *Provided*" on page 4, line 6, through "Treasury" on line 9; and page 87, line 3, through page 88, line 2. Where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 2. At any time after the adoption of this resolution the Committee on Appropriations may file a supplemental report on H.R. 4539 as part 2 of House Report 103-534.

The SPEAKER pro tempore (Mr. DARDEN). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 447 is the rule providing for the consideration of H.R. 4539, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1995.

Mr. Speaker, this is an open rule. It provides one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee.

The rule waives all points of order against consideration of the bill, a waiver which is necessary because the Appropriations Committee needs to file a supplemental report on its updated allocation.

The rule waives clause 2 of rule XXI against all provisions in the bill, with two exceptions. This waiver, protecting certain sections of the bill against points of order, is necessary because the bill contains appropriations for several agencies which have not yet been reauthorized.

The bill also contains a number of general provisions, most of which have been carried for several years. The request for the wavier was made by the chairman of the Treasury-Postal Subcommittee and was supported by the ranking minority member of the subcommittee.

The Committee on Rules believes this is a reasonable waiver, especially since the bill provides funding for agencies and activities for which authorizing legislation has not been finalized.

Some of the agencies that remain unauthorized are the U.S. Customs Service, the Bureau of the Mint, the Office of Special Counsel, the Federal Election Commission, and the office of the drug czar in the White House.

The bill also carries language permitting activities not authorized by law, but which have been carried in appropriations acts for many years. Many of these so-called good government and financial management provisions which, for instance, permit agencies to require reports on controversial spending items and allows transfers amongst accounts. Several new provisions are included, but all are subject to a motion to strike—as is every item in this bill.

Mr. Speaker, the Rules Committee made two exceptions to the waiver, which are clearly identified in the rule so that members are fully informed. The exceptions were made at the request of the authorizing committees with jurisdiction over the provisions; they are made in accordance with a longstanding tradition in the Rules Committee to honor such requests.

The two sections which remain unprotected from a point of order deal first, with the Treasury Forfeiture Fund, and, second, with utility rebates for certain energy efficiency and water conservation measures.

Further, the rule provides that if only a portion of a paragraph is protected, a point of order may lie only against the balance of the paragraph, and not against the entire paragraph. The rule also provides one motion to recommit.

Finally, Mr. Speaker, the rule authorizes the Committee on Appropriations to file a supplemental report on the bill as part 2 of the committee report accompanying H.R. 4539. Under the provisions of the budget resolution, the Appropriations Committee approved $405 million above the budget request for a tax compliance initiative.

As a result, the Appropriations Committee is required to file this supplemental report showing the revised

602(b) allocation. The increase is fully in compliance with the provisions of the budget resolution, and it is our understanding that it is not controversial. The filing requirement is included in the rule merely to expedite the process.

Mr. Speaker, H.R. 4539, the bill for which this rule provides consideration, is the fourth appropriation measure the House has considered this year. It appropriates a total of $23.4 billion for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies including the Federal Election Commission, the General Services Administration, and the National Archives.

The total appropriation is $1.2 billion less than the Administration's request and $824.5 million more than the fiscal year 1994 appropriation, part of which is because of an increase in funding for the Internal Revenue Service.

I commend the chairman of the subcommittee, Mr. HOYER, and the ranking minority member, Mr. LIGHTFOOT, for their good work in bringing to the House a fiscally responsible measure for financing many of the agencies that perform the everyday and necessary operations of the Government.

Mr. Speaker, to repeat, this is an open rule, and I urge my colleagues support for it so that we may proceed to consideration of the bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California [Mr. BEILENSON] has thoroughly described this rule providing for the consideration of the Treasury, Postal Service and general government appropriations bill for fiscal year 1995. I will not duplicate his explanation, and I am glad to see that the Rules Committee is improving its record of reporting out open rules.

The members of the Appropriations Committee have the thankless job of trying to make limited dollars go a long way. I would like to take this opportunity to congratulate them for bringing forth this fiscally responsible bill, which provides funding for the Treasury Department, the U.S. Postal Service, the White House and several other independent agencies.

Mr. Speaker, I include for the RECORD comparative charts of open versus restrictive rules along with the results of several rollcall votes on amendments that were offered to this rule in the Rules Committee hearing on this matter yesterday. I know many of my colleagues have serious concerns over some of the provisions of this bill and also over some provisions which are not in this bill. I will let them speak for themselves on these matters.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	70	15	21	55	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through June 9, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and Medical Leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency Supplemental Appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family Planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public Debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Natl. Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus Budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative Branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign Operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-Postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authorization	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National Defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. Statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 4539, TREASURY/POSTAL APPROPRIATIONS, FISCAL YEAR 1995

1. Amendment to waive points of order only against unauthorized provisions and to leave legislative provisions in the bill exposed to points of order. (text attached) Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

2. Solomon—Amendment to require a report to Congress on the status of the White House Drug Testing Program. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

3. Solomon—Amendment to prohibit funds under the bill from being used to study drug legalization. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

4. McDade—Amendment to offset the cost of the government-wide pay raise provided in the bill. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

5. Lightfoot—Amendment to prohibit the use of funds in the bill for non-official travel by military aircraft. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

6. Lightfoot—Amendment to prohibit the use of Office of the President funds in the bill to pay for legal counsel for private legal and financial matters. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

7. Wolf—Amendment to require financial disclosure for non-governmental employees who have White House passes, such as political consultants. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

8. Wolf—Amendment to impose deadlines on the amount of time White House staff members have to obtain their permanent White House passes. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

9. Istook—Amendment to establish a disclosure requirement for White House salaries. Vote: (Defeat 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

10. Istook—Amendment to require a report to Congress on non-governmental Presidential travel expenses. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

11. Roth—Amendment to reduce funding of Resolution Trust Corporation by $13.3 billion. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

12. Burton—Amendment to require the White House to issue a report detailing the costs and names of participants in the President's official Normandy trip. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

13. Fawell—Amendment to provide an exception from the waiver protecting unauthorized projects (clause 2, Rule XXI) for four specific projects in the General Services Administration, Public Buildings Fund. (text attached) Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not Voting: Bonior, Hall, Wheat.

14. Bachus—(A) Amendment to prohibit funds for locality pay or regional pay differential unless they conform with other executive agencies under Title V; and, (B) Amendment to prohibit funds for the RTC unless the Thrift Depositor Protection Oversight Board complies with the Federal Home Loan Bank Act. Vote: (Defeated 4-6) Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Gordon, Slaughter. Not voting: Bonior, Hall, Wheat.

AMENDMENTS TO PROPOSED RULE ON TREASURY-POSTAL APPROPRIATIONS

H.R. 4539

1. Waiving Points of Order Only Against Unauthorized Provisions & Leaving Legislative Provisions Exposed—Strike the words "clause 2 of rule XXI are waived" and insert in lieu thereof: "clause 2(a) of rule XXI are waived", and insert at the end of that sentence the following: "Any point of order against a provision in the bill for failure to comply with the provisions of clause 2(b) of rule XXI may be made only against such provision and not against the entire paragraph.".

Explanation: The purpose of this amendment to the rule is to waive points of order only against unauthorized provisions and to leave legislative provisions in the bill exposed to points of order.

FAWELL

The waiver of clause 2, Rule XXI shall not apply to the following provisions in the bill:

Page 32, line 10, (Albany, GA, Courthouse).

Page 33, line 2. (Stuebenville, OH, Courthouse).

Page 33, line 11. (Corpus Christi, TX, Courthouse).

Page 36, line 25 and all that follows through page 37, line 2. (Providence, RI, Courthouse).

Page 38, line 23, beginning with the word "the" and all that follows through the word "; and" on page 39, line 1. (all of the above).

□ 1630

Mr. Speaker, my colleagues also have concerns on the rule itself. I would like them to speak for themselves on these matters.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON], the ranking minority member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the chairman emeritus for yielding me this time.

Mr. Speaker, it is a shame that I have to stand up here and oppose this rule on what is otherwise a very good piece of legislation. It is within the budget, and that is always easy to support.

I oppose this rule because it takes a rather two-faced approach to the issue of legislating in appropriation bills, and because it shuts out some very sincere and legitimate amendments offered in the Committee on Rules yesterday by Members from both sides of the aisle, Democrats and Republicans, being denied here today. Yes, the gentleman from California is correct in calling this an open rule as far as that goes for appropriation bills, unlike the restrictive rules we had last month on the foreign operations and the legislative branch appropriation bills. And we are grateful for the fact that we can at least reduce or strike provisions in the bill. That is what is allowed under the rule of the House, and that is the way it should be.

But there are times when we ask for what we call open-plus rules, because certain amendments require a waiver of points of order, and this is one such instance, even though we traditionally do not like to waive points of order. I do not like to waive them.

Why should this rule be any different? The main reason is most of the amendments requested in the Committee on Rules go to—and you ought to listen to this, Members—go to the Executive Office of the President of the United States, which is not subject to an authorization bill. So this is really our only opportunity to offer legislative provisions affecting that office.

Let me underscore that point by putting it this way: This is our only chance to effectively exercise oversight over the White House through legislation and help clean up the mess that exists down there at the other end of Pennsylvania Avenue, and believe me, it is one messy operation.

Let me just cite some of the amendments that were submitted to the Committee on Rules and rejected on a party line vote. I myself had two amendments. One would require a status report on the White House drug-testing program, which may no longer even exist there without anybody's approval to stop it, and the other would prohibit funds in the bill from being used to study drug legalization, which is threatened by President Clinton's Surgeon General, Jocelyn Elders. She thinks it is a good idea to legalize these illicit drugs killing our kids.

The gentleman from Iowa [Mr. LIGHTFOOT], ranking Republican on the Appropriations Subcommittee, had two amendments that would prohibit use of funds in the bill for nonofficial travel by military aircraft, and we all know about the little problem there. And the second would prohibit the use of funds from the office of the President for private legal and financial matters.

The gentleman from Virginia [Mr. WOLF], sitting back here, would require financial disclosure for those nongovernmental employees, such four well-known political consultants who have temporary or permanent White House passes. The other would impose deadlines on the time—and this is so terribly important—for White House employees to obtain their passes, a continuing scandal after some 18 months of this administration.

I could go on and on.

There were some 15 Republican and another few Democratic amendments denied out of hand, and, yes, these all required waivers of points of order for them to be offered under the open-plus rule.

But, Mr. Speaker, I would hasten to point out that the Democrats did not flinch in protecting most of the 135 provisions already in the bill from points of order, including some pork-barrel projects that my friend, the gentleman from Illinois [Mr. FAWELL], wants to get at, sitting next to me here.

What this rule says then is that the appropriators are more privileged and presumably more competent and wise than the other 375 Members of this House when it comes to deciding how to legislate in an appropriation bill. How do you like that, Members?

Try to explain that to your constituents who thought each of us had equal rights on this floor.

But even more troubling, it seems to me, this rule says the Congress is not willing to exercise proper oversight of the White House when it is controlled by the same party as the Congress, Democrats at both ends of Pennsylvania Avenue. We are not willing to demand the same standards of this administration that the Congress was so willing to exercise when we had a Republican President. That should not be the case.

We are still supposed to be an independent branch of the Government, not a subsidiary of the executive branch. We are still responsible under the Constitution for appropriating tax dollars and scrutinizing their expenditures to guard against the misuse of public funds.

Let us ponder that proposition a moment before voting on this rule and then do the right thing by voting it down and bringing back a rule that allows us to fully and freely exercise those responsibilities of being watchdogs of the Treasury and guardians of the purse strings of this Government. Our constituents who pay the bills of this Government with their hard-earned tax dollars should expect no less of both of us on either side of the aisle.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule on H.R. 4539.

As the ranking Republican on the Treasury, Postal Service, and General Government Subcommittee, I offered several amendments myself, as the gentleman from New York [Mr. SOLOMON] pointed out, in both the subcommittee and the full committee markup that I would like to have offered here on the floor, but we were denied the right under the rule.

The majority denied the right for us to offer limitation amendments based on the argument that they would constitute authorizing on an appropriation bill. I would like to point out, however, that the rule also waives points of order, as the gentleman from New York [Mr. SOLOMON] mentioned, against some 135 authorizing provisions that are already contained in the bill.

The question is: Where is the logic in all of this? Clearly the Committee on Rules does not object to authorizing language in an appropriation bill. The true reason, I suspect, is the majority does not want any criticism of the White House to come out in this bill.

The reason that we are pushing on this rule is that there is just no other vehicle for White House oversight. It is a permanently authorized budgetary item. It is never discussed, and this is the only vehicle that is available anywhere in Congress to talk about the operations there.

I think that as a Congress, we have been negligent in providing some badly needed oversight.

Supporting this rule continues to slide under the rug many conflicts of interest, the ethics violations and some of the budgetary shenanigans that have been perpetrated.

If you want to continue to cover up, simply support this rule. If you want to show the American people you will not condone or ignore abuses of power and tax dollars, then oppose the rule and tell the Committee on Rules to let this body do its job on oversight over the dollars we provide for operations of the executive branch.

Whether there is agreement or disagreement on the issues, I think that Members of Congress should at least have the opportunity to express their opinion, and if in that process the amendments fail, then that is how it is supposed to work. But I think we at least should be allowed the opportunity to offer those amendments.

Mr. QUILLEN. Mr. Speaker, I yield 4½ minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in opposition to the rule.

We were foreclosed to offer two amendments.

The two amendments are as follows: One, there are a number of people in the White House, Mr. Begala, Mr. Greenberg, Mandy Grunwald, and James Carville, who have White House passes that enable them to visit the White House 24 hours a day, and they have complete rein like no other administration has had.

Now, if you have read the book by Bob Woodward called "The Agenda," let me tell you what Bob Woodward says in the book. He says:

> Howard Paster was in a slow burn as he listened to Greenberg * * * It was outrageous that the outside consultants were providing the president with major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the president, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. Valuable inside information and conflicts abounded.* * *

Now, I believe these amendments would have been helpful to save this administration and future Republican and Democratic administrations.

Now, some people say, "Well, WOLF is just being partisan." I would like to insert at this point in the RECORD a copy of a letter that I sent to President Bush on the same issue when he hired Jim Lake to work not in the White House but in the campaign.

U.S. Congress,
House of Representatives,
Washington, DC, July 8, 1992.

Hon. George Bush,
The White House, Washington, DC.

Dear Mr. President: Today I was one of the 145 House members who voted against H.R. 5100, the "Trade Expansion Act." But I wanted you to know that despite this vote in support of the Administration, I am very distressed with the Administration's apparent indifference to the role of influence peddling by Japanese companies.

With the trade deficit with Japan being one of our major economic problems, I believe the Administration would be far better served making the free trade case if they did not have high level staffers on board who have profited from lobbying on behalf of Japanese firms that continue to close their markets to the United States.

For example, Jim Lake, your current Deputy Campaign Manager, has lobbied for such clients as Mitsubishi, Suzuki, and the Japan Auto Parts Industries Association. While I consider Jim Lake personally a good person and I do not mean to assail his character in any way, I would offer, that at the least, having those who have been well paid lobbyists for Japanese corporations in high-level positions in the campaign undermines "free market" arguments and certainly gives rise to serious perception problems by the American public. I know it certainly makes it harder for me to make my case to my constituents on this important issue.

Please consider these concerns. I support the Administration's free trade initiatives, but I also believe that the free trade argument can be made best when our own House is free of foreign entanglements.

Sincerely,

Frank R. Wolf
Member of Congress.

July 9, 1992.

Mr. James Lake,
Deputy Campaign Manager, Bush-Quayle '92, Washington, DC.

Dear Jim: Enclosed is a copy of a letter that I wanted you to see that I recently sent to the President following the recent House vote on H.R. 5100, the "Trade Expansion Act."

Best wishes.

Sincerely,

Frank R. Wolf,
Member of Congress.

Enclosure.

☐ 1640

Let me just say if we had accepted this on a voice vote it would be over. I predict, I predict that the Clinton administration or Congress will fold on this issue because as the American people find out—and the Wall Street Journal has done two editorials, AP did a piece today, the Washington Post has done an editorial—as journalists and people who are interested in ethics picked this up, this administration, as any administration, they will fold. Why put them through the process, why pound and pound? I am going to write every Senator on the other side, on both sides of the aisle, asking them—they who are not encumbered with a Rules Committee—to offer the same amendment.

Second, we found out in the hearings there were a number of prominent, high-level people who had not even filed for their security background check.

Dee Dee Myers, who for a year and 2 months had not even filed the form, you could almost say we should have a Dee Dee Myers small business amendment, where small businessmen could say, "I didn't file my form because I was too busy." You see, Dee Dee said she was too busy.

Members of the Committee on Intelligence told me that when they would go down there they would be talking with Dee Dee Myers about Somalia and Bosnia and the most secretive things. Yet she had not even filed. We found out a large number of them had not filed.

The other amendment merely says in 30 days you have to file your background check with the FBI, your application. Then it has to be finished within 6 months. They usually do it much faster than that, but we say 6 months. The President has the ability to waive that.

Back in 1988, serving with the gentleman from Maryland [Mr. Hoyer] on the Helsinki Commission, Congressman Smith and I went into the last Gulag in the Soviet Union, Camp 35. When we got in the camp—and this is the camp that Scharansky was in—the men found out that we were Congressmen. Chris Smith and I said that we were American Congressmen. Well, they went on a sit-down strike until they spoke to us.

We interviewed the man on video camera and found out they had worked for the CIA. Later we found out these three men were turned in by Aldrich Ames. Aldrich Ames gave the information that put them in the Gulag Camp 35. As a result of that, 10 men have been killed.

Now, I am not inferring that there is anything like that going on in the White House, but if my constituents from DIA, CIA, NSC, if your people and many people throughout the administration, people who work for Boeing, Honeywell, and TRW have to file these forms, I say the people in the White House ought to do the same. Because we have been foreclosed, I strongly urge the defeat of this rule so they can send it back to the Rules Committee and we can offer these amendments.

Mr. Speaker, I rise in opposition to the rule for H.R. 4539. Voting to support this rule will endorse a "make [their] own rules" White House.

This is what Mandy Grunwald had to say about potential conflicts that might occur from her or other consultants working at the White House regularly with the benefit of a White House pass—

> We asked for information from the White House and DNC counsel about laws that governed us . . . we found out there were very few. So we decided to make our own rules.

We decided to make our own rules.

Yesterday, the Rules Committee in declining to allow me to offer an amendment to address this situation decided it was OK for outside consultants "to make [their] own rules." I ask you Mr. Speaker, is this what we have come to? We are going to have so little oversight of the White House under one party rule that those working at the White House can just "make [their] own rules?"

The Washington Post does not think they should be able to make their own rules. They have written in support of my efforts to start this process of more White House accountability. The Wall Street Journal also has supported this amendment. As they point out in an editorial in today's edition:

> As detailed in the [Bob] Woodward book, James Carveille, Paul Begala, Mandy Grunwald, and Stanely Greenberg constantly meet with the President and First Lady, develop policies and market them.

I might add, as detailed in the Woodward book, these outside consultants were constantly at war with many of the President's economic advisers and tried to reshape their work on numerous occasions. This would be all fine and good and just a part of the process if it were not for one thing: The President's economic advisers are held accountable—they file financial disclosure, their conflicts and possible biases are known; the consultants have not filed financial disclosure and their own biases are not known.

Mr. Woodward reveals that this potential for problems did not go unnoticed at the White House and described the reaction of Howard Paster, until recently the White House's liaison with Congress:

> It was outrageous that the outside consultants were providing the president with major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the president, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. Valuable inside information and conflicts abounded."

Mr. Paster filed a financial disclosure form. So did the economic advisers that Carville and company were constantly doing battle with. What is wrong with applying the same rules to them as apply to those they are working with day after day?

Unlike other issues where a member can go to an authorizing committee to address the matter, this bill is our only vehicle to address systemic problems at the White House. There are only approximately 50 legislative days left this year to address issues. If we do not address this problem here and now, it will not be solved. In addition to this financial disclosure problem I had also wanted to offer an amendment providing for a timely processing of White House passes. As we learned earlier this year, after repeated denials from the White House, the White House pass process was in disarray. Hundreds of staffers did not have permanent passes and many had not even filled out the paperwork to begin the background investigation process. Security clearances were not even in place for senior officials such as Press Secretary Dee Dee Myers. Chief of Staff Mack McLarty did not even get his permanent pass until March of this year.

Despite over 130 instances of legislating on appropriations within the fiscal year 1995 Treasury, Postal Appropriations bill, the Rules Committee declined to allow me to offer what I believe are very important amendments concerning White House accountability.

As The Wall Street Journal noted today:

> If the Democratic controlled House votes against Mr. Wolf today it will be sending a clear enough message: Ethics laws are meant to be enforced under some occupants of the White House, but it's OK if the Clinton White House merely waves in the general direction of disclosure as its occupants roar past to get on with their "agenda."

The rules in this Congress should not be endorsing the "make your own kind of rules policy at the White House.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], a distinguished member of the Committee on Rules.

Mr. GOSS. I thank the Chairman Emeritus for yielding this time to me.

Mr. Speaker, some of the majority members of the Rules Committee expressed frustration that the minority is opposing this rule. True, it does allow an open amendment process—something the minority has been badgering our Democrat colleagues for repeatedly. But as Mr. TRAFICANT, a member of the majority party, so eloquently stated in yesterday's Rules Committee meeting on the fiscal year 1995 Treasury/Postal appropriations bill—this should not be viewed as an open rule. Why? because this rule provides special protection to 138 provisions tucked into this bill by the appropriators—provisions that under normal Rules of the House would be subject to points of order because they violate the standing rules of this House. While it is true that Members could offer striking amendments for the line items on that list of protected provisions—that is a tougher proposition than knocking them out on a point of order. Now, it would only seem fair that if the Rules Committee is going to grant special treatment to provisions inserted by the members of the Appropriations Committee, then all Members should have that same right. And so, as Member after Member came through seeking to have the same luxury of rules waivers afforded to their amendments as was granted to the appropriations—they were denied. Never mind the fact that many of those amendments go straight to the heart of real concerns Americans have about the management practices at the White House. Members had responsible proposals to prohibit the use of taxpayers' funds for nonofficial travel by military aircraft. Who could argue with that? We had amendments to require financial disclosure for non-governmental employees with White House passes—like the political consultants who roam free in the White House today but who have no accountability to the people of the United States. But they do have conflicts of interest, it seems. Who could argue with that? We had an amendment to require disclosure of White House staff salaries, which the public pays. Who could argue with that? And we had a proposal to require the White House to detail to the public how much it cost and who traveled with the President when he took his large entourage of nonveterans to Normandy for D-day. Who could argue with that? The list goes on, but the point is, amendments proposed by Members who are not on the Appropriations Committee, who are not in the majority, and who are not powerful committee chairs of Ways and Means or Energy and Commerce were judged under a different set of criteria than all the rest of the House under this rule and that is why many of us in the minority oppose it. This Congress—and that means all 435 Members—is charged with oversight duties of the executive branch [including the White House]. But with repeated news accounts detailing management irregularities, ethical lapses, security breaches, misuse of public funds and financial conflicts of interest—the majority leadership in this House is growing increasingly squeamish about its legitimate oversight responsibility. So today we have a rule that again misses an opportunity to respond to public concerns—a rule that appears to reinforce the growing notion of a "cover-up Congress." What a shame.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong opposition to the rule because it waives all points of order against unauthorized appropriations contained in this bill. I object particularly to the funding for four unauthorized construction projects totaling over $25 million. The projects are courthouses in Albany, GA, Steubenville, OH, Corpus Christi, TX, and Providence, RI.

To the many taxpayers who are listening to the debate, discussion of the House rules may seem unimportant. It may sound "inside the Beltway" stuff.

In fact, what is at stake here is whether we allow a few powerful Members of the House to circumvent rules and spend millions of tax dollars on what I would call pork-barrel projects. Now, by pork barrel I mean that these spending projects have had no authorizations, no hearings, no determination of the need for these projects. That is a failure to, simply, follow the basic procedures of the House in regard to spending.

To taxpayers who are outraged that their tax money is wasted on pork-barrel projects I say, Watch this vote very carefully. A vote for this rule is a vote for breaking the rules of the House and in this instance allowing $24 million to be spent on what I would call pork.

The Committee on Public Works and Transportation has not authorized these projects. It violates rule XXI. Any Member of this House should have been able to strike these projects by simply rising on the floor of this House and pointing out that the rules have been violated.

The Committee on Appropriations is authorizing expenditures for a prospectus by GSA on these projects. A prospectus will, in essence, set in motion funding for these projects. But the underlying law, the Public Buildings Act of 1959, gives this power only to GSA and to the Committee on Public Works and Transportation. The Committee on Appropriations thus has usurped that power.

This is a classic case, also, of legislating on an appropriation bill, also against the House rules.

Who wants these five projects built? Not the General Services Administration, nor the Committee on Public Works which has the statutory authority to request via a prospectus; not the President of the United States. In fact, these projects are not included in the President's budget.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume, since the gentleman [Mr. FAWELL] did not have time to yield.

I want to point out to our colleagues that the gentleman under the rule can move to strike any, each, or all of the five projects to which he alludes. That is allowed under this rule. I want that to be clear to all the Members. Each of the projects about which the gentleman has a problem he may offer a motion to strike under this rule.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this rule. This bill contains four courthouse projects which have not been authorized by the Public Buildings and Grounds Subcommittee and the Committee on Public Works and Transportation. The placement of these projects in H.R. 4539 is a clear violation of clause 2(a), rule XI, which prohibits unauthorized projects from being included in an appropriation bill.

Mr. Speaker, the House Parliamentarian has read the language in the bill concerning these projects and agrees that a point of order would be appropriate if this was not waived by this rule.

In addition, as the gentleman from Illinois [Mr. FAWELL] pointed out, the General Services Administration has not requested funding for these projects.

□ 1650

This is a classic example of legislatively placing the cart before the horse. Mr. Speaker, this is not the way the people want us to do their business. Anyone who votes for this bill in its present form is voting to approve courthouses that no one knows how much they will cost. Our subcommittee, which is the primary one of jurisdiction, has not requested prospectuses. There have been no hearings. The GSA has not given its approval to these buildings.

People wonder why in the world there is so much waste in Washington. There could be no better example than this bill. We are appropriating money without knowing the total cost or even how much need there is for these buildings. All over this Nation, Mr. Speaker, people are becoming angry about Federal courthouses that are costing exorbitant amounts of money. The Boston courthouse will cost $285 per square foot, if it comes in on budget.

People wonder why. The reason is that the Congress is passing bills that have projects in it that the Members know almost nothing about. We need to go over these things with a fine tooth comb, not rush projects through that even the people in charge of Federal construction know almost nothing about.

Mr. Speaker, H.R. 4539, despite qualifying language, has the practical effect of giving final approval for funding on these projects since, once an appropriation is passed by the full House, the sponsor and the community involved understandably reach the conclusion that their project has received final approval. Reversal of the decision by the authorizing committee to proceed with funding as a practical matter becomes difficult, if not impossible.

Mr. Speaker, I urge Members to defeat this rule and maintain the integrity of the authorizing process.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, this rule fails to make in order a number of important amendments needed to bring about greater accountability in the Executive Office of the President. For that reason I must oppose the rule and urge its defeat.

For the past 18 months, as the ranking Republican on the Committee on Government Operations, I have seen first-hand the numerous management problems at the White House. Let me mention just a few: The White House argued that travel office employees were fired for gross mismanagement, but the only gross mismanagement was the way the White House handled the matter; in an attempt to convince Americans that unanswered phone calls and busy signals were not the result of mismanagement, the White House spent $27 million on a new phone system. But they violated the Competition in Contracting Act by limiting bids for the job; last June, the General Accounting Office found that the White House mismanaged the purchase of a computer system by failing to follow proper procurement procedures; 14 months into the Clinton administration, the White House admitted that more than 100 staffers lacked security clearances and one-third of the 1,044 employees did not have permanent passes. Talk about mismanagement; finally, the White House further mismanaged personnel by allowing numerous employees to double-dip, receiving double salary payments.

Even more disquieting than these management shortcomings has been the attempt by the administration to cover them up. Time and time again the White House has refused to provide information to Congress and to the public regarding the operations, expenditures, and management of the White House.

Item: On May 16, the administration refused my request for information on air missions flown in support of the White House. Incredibly, on May 24, a senior White House aide took a Presidential helicopter for a golf outing.

Item: On October 25, 1993, the White House refused my request for information on staffing levels.

Last December and several times since, the White House refused to provide information on the President's health care task force. We have since found out that the task force working groups contained 1,000 participants, not the 511 claimed by the White House. We have also found that the task force spent at least $4 million and possibly as much as $16 million on expenses, salaries, and consulting fees, not the $100,000 identified in its charter.

Somewhere along the line, this administration has come to believe that it is not subject to the rules, laws, and procedures that have applied to previous administrations. Security requirements do not apply, personnel law does not apply, procurement law does not apply, common sense does not apply.

The amendments my colleagues hoped to offer make clear the fact that this administration is subject to the laws of the land, and subject to congressional oversight. Without endorsing all of the amendments, I applaud the sponsors' efforts to enhance accountability and improve White House management. It is disappointing that the Rules Committee failed to make these amendments in order. For that reason, I oppose the rule and urge its defeat.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, I went before the Committee on Rules and offered two amendments which were ruled out of order. The first amendment would have ended an outrageous practice at the Resolution Trust Corporation.

Mr. Speaker, there are 3,000 employees at the Resolution Trust Corporation out of the 3,000,000 Federal employees. They pay themselves, first of all, 10 percent more than other Federal employees. But as if that was not enough, they then pay themselves a geographical adjuster, which is three, and four, and five times higher than other Government employees. The end result is a clerk doing the same job at the RTC makes in Washington, DC $4,000 more than a worker at the Energy Department, or the Agriculture Department, or other departments of the Government. A privileged few, a double standard, and we are not talking about a few million dollars here. We are talking about the principle of the thing.

In San Francisco, if one works for the RTC, their income, their salary, is adjusted by 31.4 percent because they live in San Francisco, and the cost-of-living is more there. But if one works for any other Government agency in San Francisco, they only receive an 8 percent cost of living increase. Now does it cost 31 percent more to live in San Francisco, or does it cost 8 percent more? I do not know, but let us end this outrageous practice. Let us treat all Federal employees with equity. And let us end this outrageous practice by the RTC.

Mr. Speaker, I would have hoped that I would have an opportunity to offer that amendment, and I think we could have all voted for it.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I am always happy when we have an open rule around this place, and today is one of those glorious days when we have an open rule. There is only one little problem, and that problem is that they waive points of order for 130-some amendments, as I recall. Was it 130-some or 30-some?

One hundred thirty-five amendments; they waived points of order for those.

And we had an amendment that we thought was very important to the American taxpayer. President Clinton went to Normandy, as he should have, to express his concern, and support and congratulations for those who served our country during the invasion of Europe in 1944. He went over there to talk about the great heroism and sacrifice. The only problem was he took 30 U.S. aircraft at an average cost of $10,000 an hour; that is $300,000 an hour for 20 hours over and back, and that is $6 million in aircraft. And he took a thousand of his closest friends, a thousand of his closest friends. I do not think the taxpayers of this country want to pay for that.

And they were not veterans. He did not ask any of the veterans organizations to send veterans. We talked to veterans who were wounded in a hospital in California who said they would have loved to have gone to see their fallen comrades, to go to those cemeteries. They were not asked, and yet the President took a thousand of his closest friends.

Mr. Speaker, I am on the oversight committee that is supposed to oversee and watch these expenditures of the White House and unfortunately, when we called the White House and said our committee would like to have this information, they stonewalled it. They said to us, "It's none of your business," even though during the Reagan and Bush administrations the same request was made, and boxes, and boxes, and boxes of information came to our committee.

This is an administration that is very arrogant as far as the Congress is concerned. They do not want to respond to us. They do not want to respond to the taxpayers of the United States. They say they are for fiscal responsibility, and yet we believe the President spent $10 to $15 million of taxpayers' money taking all these people over there for a media event when he could have gone in Air Force One and done just as well.

I am very disappointed, but more than that I am disappointed that the Committee on Rules would not allow me to propose an amendment which would cut the money out of the President's budget that we sent over there unless he gave to the Congress as complete manifest of everybody that went on that trip so that we would have a full accounting for the U.S. taxpayer.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I rise in opposition to this rule. As so many others, my concern is what is not included in this particular piece of legislation and what, under this rule, we cannot include.

As a member of the subcommittee that funds the White House and the Executive Office of the President, I have been trying to do a very, very simple thing: Find out how much they pay the people who work at the White House. They refuse to tell us.

□ 1700

Those of us who are on the committee in charge of the budget for the White House, they will not tell us how much they pay their employees.

Even though they say they have diminished the number of people who work there, they have increased the amount that it costs the taxpayers. Why? Because we are told it is a higher caliber of person who deserves a higher amount of pay. And yet they will not tell us how much it is.

If this rule is defeated, we will have the opportunity to include the very simple amendment that I have been sponsoring, to require the White House to tell us.

Now, in a couple of days we will have another piece of legislation that hopefully will require at least part of these people to have their income at taxpayers' expense disclosed. However, that will only cover about 400 of the 1,400 people who work at the Executive Office of the President. We need full disclosure of all of those.

Another bit of sunshine that needs to be shed that this rule prohibits from occurring is about reimbursement to the taxpayers for consultants and other political friends of the President who travel with him in what is called an official status when he makes trips that they may have political purpose as part of them. We are speaking about people such as James Carville, Mandy Grunwald, Paul Begala and others.

Now, the White House says pursuant to law, if they travel with the President, which they do with great frequency, they reimburse the taxpayers. Fine. Just tell us who has made the reimbursement and how much, so we can check up on it. Oh, no, they say. You cannot know that. You have to trust us.

These are the same people that spent $13,000 of the taxpayers money for a helicopter on a golf outing, and they say trust us with disclosure on travel. Defeat the rule so we can shed some sunshine on what the White House is doing with the taxpayers' money.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, next week I will be offering an amendment to strike $13,129.66 from the White House office account to demonstrate the will of the House that the White House release the logs and manifests from the Marine helicopter squadron that supports the President.

This is clearly a symbolic amendment. We would have preferred to put an amendment in that asks the White House to release this information. This is in everybody's best interests, particularly the White House's best interests, to get this information out in the public domain. If they are telling the truth that there were no other flights of this type, they will be hailed for telling that truth. If they are not telling the truth, it is to everybody's benefit to get the information out now.

This is longer from November than tomorrow will be. This is not a partisan issue. Everybody is interested in good government. We know that the amendment is a symbolic amendment, and the money can be put back in in conference if the information is released now.

In case after case, the White House has given the American people a Whitewateresque runaround on the release of documents. They have done it again in this case. They are not releasing documents. They have given misinformation, conflicting information. It does not serve the White House well; it does not serve us well. We are held in ever-decreasing esteem by the American people. We need to do something to reinstate confidence in this institution and government in general. Let us start here, please, by releasing the data. I would ask everybody's support for this very simple, important, symbolic amendment.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the distinguished subcommittee chairman.

Mr. HOYER. Mr. Speaker, let me say to the gentleman from Illinois [Mr. FAWELL], if I can, we have a close working relationship with the Committee on Public Works and Transportation. If the gentleman would look at pages 38 and 39, at the four projects to which the gentleman refers, not a nickel, other than preparing the prospectus so the Committee on Public Works and Transportation can consider it, not a nickel can be spent on any one of these four projects without the approval of the Committee on Public Works and Transportation, period. That is the same status that a lot of other projects find themselves in. Not a nickel can be spent on any one of these four projects pursuant to pages 38 and 39 of this bill without the approval of the Committee on Public Works and Transportation.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, as I tried to stress in the time I had, this was legislating in an appropriations bill, to even get into the authority of the Committee on Appropriations to even order spending to commence the prospectus process, when GSA and the committee has never asked for that, and they are the only ones under law that have a right to ask for it. You are initiating a spending process by authorizing through the appropriation law.

Mr. HOYER. Heavens forbid that the Committee on Appropriations would initiate spending. When did the last authorization bill pass the Senate? My point is, it has not passed.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I will point out to my friend, last year we had a similar understanding and indeed the Committee on Appropriations put language in that said none of the money could be spent, subject to an authorization. That made a lot of sense. But I understand in conference, that language was dropped out.

Mr. HOYER. Mr. Speaker, reclaiming my time, the gentleman is incorrect. In fact, those projects had to be approved with discussions with our committee and the Senate committee, both committees.

Mr. SHUSTER. If the gentleman will further yield, staff informed me yesterday and today that the language was dropped out in conference and there was no requirement that the authorization be approved. So we have a disagreement here. I certainly may be wrong, but I am not wrong about the fact that this is what staff clearly informed me of.

Mr. HOYER. We put language in, but that specific language was changed, because what we did in the House, which was noncontroversial, was to make it subject to approval of the House committee. The Senate objected to that and said it ought to be subject to the approval of both. The final disposition of this issue was that the construction would go forward unless disapproved by the authorizing committees, of either the House or the Senate.

Mr. SHUSTER. If the gentleman will yield further, staff tells me indeed it was dropped out. There was a change to the law. Is the gentleman willing to make the commitment that this year in conference the House will insist upon its position?

Mr. HOYER. We are not going to drop this language. I will commit to you.

Mr. SHUSTER. That is comforting, and I thank the gentleman.

Mr. HOYER. I am pleased that I could comfort the gentleman.

Mr. FAWELL. If the gentleman will yield further, I want to simply bring out the fact that for most of the people of this Congress, of this House of Representatives, our only opportunity to vote is now. We do not know what may happen in the future.

Mr. HOYER. Reclaiming my time Mr. FAWELL, you will have the opportunity. You can move, and you intend to move, to strike these projects. It is an open rule. You will have the opportunity to vote, and everybody else will have an opportunity to vote.

Mr. FAWELL. May I just add, we do not have the facts. There has been no prospectus, there has been no study. We do not know on the basis of what has been done what in the world would justify these four courthouses. Now, so we are told to vote in the dark, and then wait and hope that some day some few people out there will ultimately make a decision that is called an authorization. That is voting in the dark, and that is why we have these kinds of over spending that take place.

The prospectus could have been ordered long ago by the GSA. It could have been ordered by the authorizing committee. They saw fit not to do so. In fact, OMB turned down one of these courthouses. But there are no facts before us at this point to even debate in regard to the merit of these courthouses in the appropriations.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand the gentleman's proposition. The fact is though these projects will be subject to, and without which not a nickel can be spent, the authorization of the Committee on Public Works and Transportation. That is our process. I wanted to make that clear to the Members, that these projects have to go through the process.

□ 1710

I am not going to respond to every point that has been made about the White House, Mr. Speaker, because i think that would be time-consuming and I am not going to take that time. I will take it when this bill comes on for consideration in full.

Mr. Speaker, I do want to nip-in-the-bud this issue about these planes to Normandy. I am pleased that the gentleman from Indiana is here. In 1984 President Reagan went to Normandy from June 1 to 10, 1984.

President Clinton went to Normandy June 1 to 8, 1994, not just to Normandy but obviously to other places, as did President Reagan.

President Reagan went to Ireland, London, France, Normandy, London, and returned. President Clinton went to Italy, the United Kingdom, France, the United Kingdom, and returned, so essentially the trips were analogous.

Mr. Speaker, President Reagan had 43 people on his plane. He traveled in a smaller plane. It was before President Bush got the new plane. President Clinton had 45 people, two more. Let me reference the two additional people. We do not know how many veterans President Reagan had on his plane, but we do know that there were two veteran leaders on the plane of the President's. There was Mr. Kenneth Bargman, who is an Army veteran who enlisted in 1943 and served in the 2d Ranger Battalion. He participated in the first wave of the D-day invasion. Currently he is a project officer for the World War II 50th Anniversary Commemoration, Office of Veterans Affairs.

There was also Mr. William Hathaway, chairman of the Federal Maritime Commission. During World War II Chairman Hathaway served as a navigator on a Liberator bomber stationed in Italy with the 376th Bombardment Group. He was part of the 15th Air Force and flew 15 missions in support of the European offensive, June 2d to 24th, 1944.

The only point we would make is that, quite obviously, this was a trip that President Reagan took and that President Clinton took. Both represented our country in the commemoration of a moment in time for which our country can be very proud and for which the world can be very thankful.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield briefly?

Mr. HOYER. I am glad to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. First of all Mr. Speaker, I appreciate the gentleman taking the time to try to clarify this. The problem that we have is that there were 30 aircraft from 6 bases that were refueled at Andrews Air Force Base and flew overseas, and we estimate 1,000 people went.

All we have asked from the White House, as the committee of jurisdiction that has oversight over the executive branch, is who was on those planes, did they reimburse the Federal Government, and if not, how much did it cost the Federal Government and the taxpayers for 30 airplanes, which normally cost $10,000 to $12,000 an hour, to fly over there? We have estimated. Some of those planes were only $3,000 or $4,000 an hour, and others were $15,000 an hour. We are talking about the big transport carriers, the ones that carry the cars and everything.

We are not criticizing the President for going over on Air Force One, but he took Air Force One, a backup plane, and 28 other planes, to our knowledge.

We just want a report, as the committee that has oversight requirements in this House, we want to know, and we have not been able to get it. When we called the White House, they stonewalled us and said simply, "We do not think you are entitled to that information."

As far as veterans' groups are concerned, we called the American Legion, the Veterans of Foreign Wars, the AMVETS, Paralyzed Veterans, all of them, and they were asked to attend, but none were asked to go over there and be with the President. The six men we talked about that were in a hospital in California, those six people were indigent. They would love to have gone, and they were not asked, as many others were not.

While the gentleman is trying to explain——

Mr. HOYER. Reclaiming my time, Mr. Speaker, how many such persons were there in that situation when President Reagan went in 1984? I am sure the gentleman checked.

Mr. BURTON of Indiana. If the gentleman will continue to yield, he did not take 30 planes, he took two.

Mr. HOYER. How does the gentleman know? He took Air Force One and Air Force Two; that is correct.

Mr. BURTON of Indiana. That is two.

Mr. HOYER. And additional planes to carry equipment, his car, and other items. If the gentleman's information is that he only took two planes, he is incorrect.

Mr. BURTON of Indiana. If the gentleman might yield further, that is standard, and the gentleman knows that, but 30 aircraft, 30 U.S. aircraft?

Mr. HOYER. I do not know that to be the case. We are going to find that out. However, we do not have the information, by the way, as to how many planes President Reagan took.

Reclaiming my time Mr. Speaker, and in closing, I urge Members to vote for this. It is a rule exactly like we passed last year, almost verbatim. There is a difference. There is going to be a vote on this one. It was so noncontroversial last year, there was no vote on this rule. It was almost exactly like this one. It contained the same waivers for all these provisions that have been in this bill.

There are 21 new ones, by the way. All those the gentleman referenced, we voted on over and over again in this bill. Some were put in by Republicans, some were put in by Democrats, some were put in by the Reagan or Bush administration. I am not sure the Clinton administration has put any in.

My point is this: The rule is no different. It is an open rule. Members can strike anything in the bill. They can strike any number in the bill. I brought an open rule last year, and this is an open rule this year. I believe this is a fair rule.

I further want to say, Mr. Speaker, to my friends on both sides of the aisle, the issue is clear as to why this rule is controversial. From 1981 to 1993, including 1984, when President Reagan went over there, no Democrat asked for language in the bill to try to embarrass the White House

There are seven pages of GAO's report of John Sununu's trips to the dentist, seven pages on the GAO report. We did not ask for language.

Did we criticize it? We did. Did we write letters? We did. Did we debate it on the floor? We did. However, we did not try to involve ourselves in putting language in the bill or report for the White House.

Mr. Speaker, going into a lot of the other dates, from 1981 to 1993, not one provision did the Democrats on this side of the aisle offer for the Reagan or Bush administrations for the White House Office. As a matter of fact, as the gentleman from Indiana [Mr. BURTON] probably knows, I many times rose to the floor and said that the White House ought not to be mired in legislative second-guessing.

That was my position when Reagan was President and when Bush was President. I hope that I do not serve under another Republican President, but if I do, I will guarantee that I will continue that position.

Mr. BURTON of Indiana. The gentleman will. Will the gentleman continue to yield for 1 additional second, because I want to commend the gentleman?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just want to say I do commend the gentleman. I remember him standing tall on this side of the aisle. I think he is one of the finer Members on this side of the aisle, and maybe in the Chamber.

I think the President should have gone, and we all think he should have gone. He should have gone and shown respect, as he did. He should have gone and taken Air Force One and possibly Air Force Two, but there were 30 airplanes there. We think we deserve an explanation, and so do the taxpayers. We are going to check on that.

Mr. HOYER. Mr. Speaker, I thank the chairman of the committee, and I urge a "yes" vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield my remaining time to the gentleman from Pennsylvania [Mr. WALKER].

The SPEAKER pro tempore. (Mr. DARDEN). The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 minute.

Mr. WALKER. Mr. Speaker, I hope we will vote no on the rule. I think what we have here is some revisionist history. I do remember the Democrats offering an amendment to strike the Competitiveness Council, designed specifically to embarrass the White House, so the fact is that that kind of thing did take place under Democrats.

The thing that has changed here between last year and this year, we as Republicans now know that this White House is going to stall us and try to keep us from getting information that legitimately should be in the hands of the American people about operations in the White House.

The only time we have a chance to bring up that issue is on this bill. The fact is, on occasion after occasion, ranking members of the House of Representatives on the Republican side have asked for legitimate material from this White House and have been told time and time again, "No, you cannot have it." We lack subpoena power, so we cannot go and do what Democrats have traditionally done, ask for the information under subpoena, and Democrats are not cooperating with us in order to do it.

Let me make another point. Under the rules of the House on these open rules, the Democrats also have rules that prevent us from adding none of these funds, because we now have a motion to rise that would stop some of the abuses that we have found time after time on the part of the White House. We think that this is the occasion when we should have an opportunity to look at those White House abuses and put things in this bill to stop what is going on down there.

The White House abuse has become a national scandal. That scandal ought to be addressed in this Congress. it is obvious it is not going to be addressed through the legitimate channels, so therefore this is the bill where we have a chance to raise the issues. That is what we are attempting to do, and we are now being blocked by a Committee on Rules that will not permit it to happen.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, let me just say a few things, if I may. I want to be very clear I am very serious. This vote, in this gentleman's opinion, is a test of the good faith on the part of our colleagues across the aisle, because in fact there is no legitimate reason to vote against this rule. It is an open rule.

We have been asked on many occasions by our friends, and I think quite properly so, to offer open rules. We thought, quite frankly, coming into the Committee on Rules yesterday, that our colleagues from across the aisle would be happy with this rule.

□ 1720

We were surprised when they were not. They now apparently for the first time—at least this gentleman has heard from our friend, the gentleman from New York [Mr. SOLOMON], that the demand is for an open rule, plus. This is something new. It is not in the rules, but I guess we will be discussing this in the future. But is not something that ever had been asked for or discussed before.

Yesterday the distinguished ranking minority member, the gentleman from Iowa [Mr. LIGHTFOOT], and he is a distinguished gentleman, testified in the Committee on Rules. If I may, let me quote him:

"As you know, there are also numerous agencies in the bill which are not authorized under current law and that necessitates a rule protecting those sections of the bill against points of order. While I do not ordinarily support waiving points of order, in this case I support a rule doing so. Not doing so could create an unwieldy situation on the floor and place the House in a difficult situation in conference as was the case a few years ago. Therefore, I appreciate and support the chairman's," that is, the gentleman from Maryland, Mr. HOYER's, "request for an open rule."

Mr. SOLOMON. Mr. Speaker, will my good friend yield?

Mr. BEILENSON. Not at the moment.

Mr. SOLOMON. The gentleman really should.

Mr. BEILENSON. Not at the moment.

Mr. SOLOMON. If the gentleman will do so later, I will wait.

Mr. BEILENSON. This gentleman has not spoken much on this, although he has been tempted to on other occasions.

Mr. Speaker, why is not the gentleman on his side of the aisle? It is good to have you over here, JERRY.

Mr. SOLOMON. I did not realize I was over here. I was drawn to what the gentleman was saying.

Mr. BEILENSON. Mr. Speaker, may I finish?

Mr. SOLOMON. We have been admonished for reading from the committee's testimony. I just wondered why the gentleman was doing it. The gentleman is welcome to do it, but let us be consistent.

Mr. BEILENSON. This Member has never admonished the gentleman for doing such. I thought it might be useful to the other Members to know what the ranking minority member, the gentleman from Iowa [Mr. LIGHTFOOT], said yesterday.

Mr. SOLOMON. Mr. Speaker, I apologize for being on this side of the aisle.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me briefly?

Mr. BEILENSON. Of course. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just wanted to point out the gentleman from New York [Mr. SOLOMON] told me he was going over there so the gentleman could get used to being a member of the majority.

Mr. BEILENSON. May the gentleman from California continue?

Mr. Speaker, the gentleman from Iowa [Mr. LIGHTFOOT], however, and the gentleman from New York [Mr. SOLOMON] and others today and later yesterday complained that certain amendments were not allowed. Why were those amendments that were submitted to the Committee on Rules which have been spoken about at length today not allowed under the rule?

As I said in my statement originally and again a moment or two ago, this is an open rule. Any amendment that does not violate the rules of the House is in order under this rule. The amendments submitted to the Committee on Rules with two exceptions, the amendment submitted yesterday all violated points of order and would not be in order under an open rule.

There were two of them that could be, that do not violate the rules of the House and that in fact could be offered here today.

As we have pointed out time and again, the gentleman from Illinois, Mr. FAWELL'S concern over those 4 or 5 projects, was arrived at by offering motions to strike.

It has also been said by my good friend, the gentleman from upstate New York [Mr. SOLOMON] and a couple of others that there are 135, give or take a few, legislative amendments on this bill and that special treatment was given, therefore, to members of the Committee on Appropriations which is not fair to other non-appropriations Members in the House.

Mr. Speaker, I want Members to understand what we are talking about here, what those 135 so-called amendments are. Most of them are provisions that have been in place for years and that simply allow agencies to continue past operations. We believe that only 21 provisions of the 135 are new, that have been proposed by the committee and could be considered in any way as real legislative amendments. Most of those 21 make very minor or technical changes in the law. The eight that are more significant are as follows, just so Members know what the complaints are about and what we protected so Members do not think that members of the Committee on Appropriations have some special privilege of sneaking their own individual amendments into this bill.

One would allow for both white collar and blue collar pay raises. The second would require a report on Internal Revenue Service tax system modernization. The third would require a report from the drug czar. A fourth would make funds available for construction projects not authorized by law. The fifth would require new courthouse projects to meet certain standards. The sixth would allow agencies to finance recycling through the sale of recycled materials. The seventh would provide leave for Federal employees donating bone marrow or organs. The eighth would require reductions in staff when implementing buyout legislation.

Mr. Speaker, those are the eight major ones and not all those are major, of the 21 new. The vast majority of the 135 that people keep alluding to fall into 2 other categories:

One, agencies without authorization, which the gentleman from Iowa [Mr. LIGHTFOOT] quite properly alluded to, and the second are so-called good government provisions.

The agencies without authorization which need to be protected under the bill and which the gentleman from Iowa [Mr. LIGHTFOOT] was urging protection for yesterday are the Mint, Customs, drug czar, Federal Law Enforcement Training Center, National Historical Publications and Records Commission, the Federal Elections Commission, Merit Systems Protection Board, Office of Government Ethics, and Administrative Conference of the United States.

Finally, the so-called good government provisions which would permit agencies to use funds to operate and maintain buildings, purchase improvements, automobiles, equipment, and provide awards; require reports on controversial spending items; and, allow transfers among accounts. Those are the 135.

Mr. Speaker, to the best of the Committee on Rules' knowledge, no one had any problems with any of them. None of the testimony yesterday before our committee spoke to any of them. All of the testimony that we had and which has been alluded to and repeated today has been on behalf of amendments which violated the rules and, therefore, were not made in order. We made in order no proposed amendments that violated the rules. We are offering instead as we thought our good friends on the other side wanted and have been asking for and too often they are right and we have not sometimes in the past been so fair about these rules as we ought to have been. We are trying now to be more fair. We have proposed here an open rule. Why is it that our good friends over there do not accept that in good faith and support our efforts?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to say to the gentleman from California [Mr. BEILENSON], I know the gentleman is sincere.

Mr. BEILENSON. I am more than sincere. I am correct about that, I would say to my good friend.

Mr. SOLOMON. Mr. Speaker, the gentleman knows under the rules of the House and under the leadership of our very good and respected chairman of the Committee on Appropriations, the gentleman from Kentucky, Mr. Natcher, the gentleman always insisted that these appropriation bills be brought directly to the floor, not to our Committee on Rules, and he was adamant about it. If that were the case, we would not be trying to offer any amendments that are in the form of legislating in an appropriations bill. the reason we asked to have amendments made in order upstairs is because there are 135 instances when the Committee on Appropriations is legislating.

Let me just give the gentleman two here because these are the two I questioned, and there are 135 of them.

Mr. BEILENSON. Mr. Speaker, I just described what the 135 were. Was the gentleman not listening?

Mr. SOLOMON. The gentleman did not describe this one.

The committee has included this new provision which provides that certain pay increases will go into effect. I do not know what pay increases there are.

No. 34 says the committee has continued language which provides funds for operation and maintenance of the White House for official entertainment expenses.

Mr. Speaker, that is legislating in an appropriations bill. We want the same opportunity, to offer my amendment which says that we want to make sure that the drug testing is continued in the White House. I am denied my amendment, yet the committee stuck all these others in there. That is all. We wanted fairness.

Mr. BEILENSON. Mr. Speaker, the portion of the legislation to which the gentleman alludes may be struck by an amendment by the gentleman or anyone else. If this bill were on the floor according to the way the gentleman from Kentucky [Mr. Natcher], God bless him, used to bring bills here, the amendments which the gentleman is asking for would not be in order on the floor.

If the gentleman from Kentucky [Mr. Natcher] were carrying this bill without having gone to the Committee on Rules, none of these amendments the gentleman and his friends have been asking for would be in order on the floor.

Mr. SOLOMON. Mr. Speaker, we were asking to waive certain points of order and the gentleman knows that.

Mr. LIGHTFOOT. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. In regard to characterizing my comments I made yesterday, I believe the issues we talked about, there has been pretty much general agreement that this is what we wanted to do in order to make sure the bill flowed smoothly.

The point I did make yesterday that the gentleman did not reference to and that I made today was that we were asking for, I believe it is, clause 21, paragraph 2, whatever that is. I am not a lawyer so I am not up on all the fancy phrasing. The bottom line, we were simply asking for waiving those points of order so that Members on this side could offer some amendments that they wanted to offer as it related to the White House situation. We knew they would be ruled out of order because they would be authorizing on an appropriations package. That was what we asked for and were denied. That is the only point I was trying to make.

Mr. BEILENSON. I understand and I appreciate the gentleman speaking.

Mr. Speaker, I tried to make clear in alluding to the gentleman's testimony yesterday that he was speaking on the point that he just made quite properly.

In closing, Mr. Speaker, may I remind my colleagues, if it is at all necessary, that this is an open rule. To repeat, the waivers in the rule are there to protect agencies that are without authorization which I believe our friends in the minority would mostly fully support, and for general provisions, the great majority of which have been carried in previous bills, some of them for a good many years. While those provisions are protected against the point of order, they are still subject to the motion to strike by any of our colleagues who wish to do so and who may oppose them.

□ 1730

Providing an open rule, the Committee on Rules chose to follow regular procedures for consideration of the bill. Objections, as the colleagues have heard, to this open rule are based on the desire to have amendments made in order that would either constitute legislating on an appropriation bill or are not germane to the bill's provisions and, therefore, violate the rules of the House.

Mr. Speaker, this is, in fact, a fair rule. It is, in fact, an open rule.

I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DARDEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 177, not voting 21, as follows:

[Roll No. 227]

YEAS—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Collins (MI)
Foglietta
Grandy
Hastings
Huffington
Jefferson

Kopetski
Moakley
Nadler
Owens
Oxley
Rangel
Ridge
Royce
Slattery
Sundquist
Towns
Tucker
Washington
Weldon
Whitten

□ 1752

Ms. DUNN changed her vote from "yea" to "nay."

Mr. McDERMOTT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 146.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from California?

There was no objection.

PRIVILEGES OF THE HOUSE—PUBLIC RELEASE OF TRANSCRIPTS AND OTHER RELEVANT DOCUMENTS RELATING TO THE INVESTIGATION OF THE HOUSE POST OFFICE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 450) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

Whereas, on July 22, 1992, the House of Representatives voted to transmit to the Committee on Standards of Official Conduct the Committee Report and all records obtained by the Task Force to Investigate the Operation and Management of the House Post Office;

Whereas, the Report of the Committee on House Administration selectively included portions of the transcript of the proceedings of the Task Force in the Appendix of their Report;

Whereas, efforts in the 102d Congress to release the full transcript of the Task Force were defeated in the House on July 22, 1992 and July 23, 1992 and again on July 22, 1993;

Whereas, the former Postmaster of the House of Representatives, Robert V. Rota, from 1978 continuing until April 1992 has admitted to conspiring with other persons to commit offenses against the United States;

Whereas, the former Postmaster has pled guilty to making false statements to the Task Force and during interviews with United States Postal Inspectors and the Congressional Committee investigating the House Post Office;

Whereas, the former Postmaster admitted to engaging in a cover up of the exchange of vouchers and postage stamps for cash beginning in May 1980 and continuing throughout the House investigation of the post office;

Whereas, the integrity of the House of Representatives has been impugned by the actions of Mr. Rota and others;

Whereas, on July 23, 1993, the House approved a privileged resolution offered by the Majority Leader that stated: "That it is the sense of the House that should the United States Attorney for the District of Columbia at any time inform the House that he has no objection to the public release of the transcripts of proceedings of the former Task Force, then the House shall consider immediately the question of whether and under what circumstances the transcripts of proceedings of the former Task Force should be released to the public;"

Whereas, the United States Attorney for the District of Columbia has indicated in a letter to the Speaker and the Minority Leader that "in light of recent action by the Grand Jury in the criminal investigation, this Office no longer objects to the public release of the materials in question." Now, therefore, be it

Resolved, That the House make public in printed form all transcripts and other relevant documents from any House Administration Committee investigation of the House Post Office as soon as possible.

Resolved, further that the Majority and Minority Leader shall each designate a Member to review the materials and that these materials shall be made public unless the designees agree to the contrary.

The SPEAKER pro tempore (Mr. McCLOSKEY). The resolution presents a question of privilege, and accordingly the Chair recognizes the gentleman from Illinois [Mr. MICHEL] for 30 minutes, and the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, a year ago July I attempted to have the full transcripts and other documentation of the House Administration Task Force on the Investigation of the House Post Office released, and the majority wanted to prevent disclosure until the U.S. attorney for the District of Columbia removed his objections. As of today, Mr. Speaker, the U.S. attorney for the District of Columbia has no objections to the release of the task force material, as evidenced by the letter I received today and will here insert in total:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, June 9, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL, in a letter dated July 23, 1993, the Speaker informed this Office of the adoption of H. Res. 223. The effect of that Resolution was that the House would refrain from voting on whether publicly to release transcripts and other documents, all pertaining to the proceedings of the House Post Office Task Force of the House Administration Committee, for as long as the United States Attorney for this District continued to object to their public release. Those objections were based on the ongoing criminal investigation of matters related to the House Post Office. On behalf of the House, the Speaker urged the United States Attorney to inform the House as soon as we no longer had those objections.

I am writing to inform you, as requested, that in light of recent action by the Grand Jury in the criminal investigation, this Office no longer objects to the public release of the materials in question. We greatly appreciate the House's forbearance in maintaining the confidentiality of those materials, and in deferring to the interests of the criminal process.

We look forward to continuing to work cooperatively with the House on issues bearing on this and other criminal investigations and prosecutions, particularly regarding the advisability of parallel House inquiries of matters under criminal investigation or indictment.

Sincerely.

ERIC H. HOLDER, Jr.,
U.S. Attorney.

I, therefore, am renewing my request and am joined today by the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], and we are asking the House to permit the release of all relevant documentation from the investigations undertaken by the Committee on House Administration.

Now I understand the Committee on Standards of Official Conduct has two boxes of documents and several tapes of depositions and interviews. The Committee on House Administration still has in its possession 20 or so boxes of materials. As I understand it, these are documents supplied to the task force or created by the task force but were not thought pertinent enough to send to the Committee on Standards of Official Conduct.

Our resolution calls for the printing of these and their release unless two Members designated by the majority leader and myself agree that release serves no purpose. They will attempt to accommodate any concerns of privacy or confidentiality that may arise, and we need to put this sorry episode behind us, and the release of these documents will go a long way toward that goal.

Mr. Speaker, keeping these documents confidential no longer serves any purpose, and the public interest, such as it is, is served by their release.

My concern has primarily been about this great institution. I am not surprised why the public holds us in such low esteem. Time after time, when things go wrong, we tend to look the other way, pretend it did not happen.

□ 1800

But worse, we do not do anything to correct it. And I have done all I can to bring forward House reforms to fix what has been wrong and attempt to eliminate any temptations or the possibility for further wrongdoing.

The reorganization of the House officers was at our suggestion, and some moves have been made in the right direction. More needs to be done. Today we are taking another step toward renewing the public's confidence that we will police ourselves. I would strongly urge the majority to recognize the need to do more, and urge the adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my friend, the minority leader of this House, for joining me in introducing this resolution.

The fact is, the public has a right to see the records and transcripts of our investigation into the House Post Office.

The problems we encountered with our post office were simply unacceptable for this institution. And just as this House spared no time in getting all the facts, the public deserves those facts at the first appropriate moment.

But we also have an obligation to make sure that we do not interfere with the work of the criminal justice system—to make sure that the public's right to know does not compromise the U.S. attorney's ability to conduct a fair and thorough criminal investigation.

That is why last July was the wrong time to make these documents public.

The U.S. attorney urged us to wait until his investigation was complete, so that justice could be fully served.

In fact, the U.S. attorney wrote to the Speaker and the minority leader to express his "serious concern that the release of such materials could have [had] a significant adverse effect on the ongoing criminal investigation * * * into matters associated with the House Post Office."

So at his request, I introduced a resolution that deferred to his request, and kept these documents in the hands of the Justice Department until their work was done.

And I made very clear in offering that resolution that, "should the U.S. attorney for the District of Columbia at any time inform the House that he has no objection to [the documents'] public release * * * then the House shall consider [that issue] immediately." The bottom line is that we all wanted to act on this issue when the time was right.

Now that the U.S. attorney has finished that important work, and advised us that he now has no objection to the release of these documents, it is time for the documents to be released. And it is time for the public to be able to see them.

I believe that when they do, they will see that the House took strong action to curb past abuses even before we started this investigation.

I am proud that we have now appointed an experienced, senior-level Federal postal official to run our post office.

I am proud that we have put the post office in order, and everyone now agrees that it is being run properly and professionally.

And in doing so, I believe that we have maintained the integrity of this entire body.

I am grateful to the minority leader for agreeing that all documents will be reviewed before their release by two Members, one appointed by me, one by the minority leader.

To ensure that we do not subject the public to the burden or expense of trivial, irrelevant administrative documents, or those that compromise people's privacy, but are simply irrelevant to the issues at hand.

Only those documents important to the issues and allegations at hand will be released. But let me be very clear about this: all of the documents that are relevant to the issues and allegations will be released.

And we will continue to work very closely with the U.S. attorney's office to make sure that his ongoing criminal investigations are not compromised to the slightest degree—in this matter or in any other.

In fact, he urged us in his letter today to keep in close contact with him "regarding the advisability of parallel House inquiries of matters under criminal investigation or indictment."

Finally, let me say that by acting on this issue today—the very day the U.S. attorney removed his strong objections to the release of these documents—I believe we are doing the right thing.

I believe the House has handled this investigation with care and caution. As a result of that, justice is being served.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Michel resolution to finally ensure the public release of House Post Office investigation transcripts and documents.

As the Republican cochairman of the task force investigation, I strongly contend and believe that public release of this information has been inappropriately delayed. The time is long overdue for the House to be forthcoming.

More than 3 years ago, a House Post Office employee stole $5,000 in official funds and fled to Puerto Rico. He returned to Washington, was arrested and made serious allegations regarding the operation of the House Post Office. Including embezzlement and drug use, these allegations lead to a Capitol Hill Police investigation and a review by the U.S. Postal Inspection Service that identified potential criminal violations. Unfortunately, this entire situation, including a cursory investigation by the majority, was kept secret by the Democratic House leadership.

After reports of this coverup appeared in news stories in late-January of 1992, the Republican leadership insisted that a special counsel be created to review the matter. The Democratic leadership opposed this effort and requested that the House Administration Committee conduct its own internal review on the operation and management of the House Post Office. This review lasted 6 months and a final report, with separate Democrat and Republican sections, was reported to the House on July 22, 1992. This report was based upon testimony from 61 witnesses and numerous other documents and information.

In reviewing this information, the Democrat and Republican members of the task force disagreed on the seriousness and extent of potential wrongdoing. That is why these records should be made public and the American people should be allowed to judge the allegations and concerns.

What did the task force find?

The task force review found the House Post Office management to be both incompetent and incapable to carry out the most basic of tasks. But, more importantly, we found a system that was abusive and insensitive to employees and one that catered to the wants and desires of certain Members and staff. It was a tragic example of patronage, waste and arrogance in the operation of the House.

In addition, the testimony indicated multiple allegations of potential criminal wrongdoing and House rules violations. This list includes: Embezzlement; drug use and sales; ghost employees; abuse of personal allowances and public funds.

Already, eight former House employees have admitted to criminal wrongdoing regarding the House Post Office, including perjury before our task force.

What will the public find: When these transcripts are made public?

I submit, Mr. Speaker, that the public will find that the "house of the people" failed in its responsibility in several ways. First, Americans will see that a full 6 months passed before the post office affair was investigated. Second, they will discover the Capitol Hill Police were bullied and threatened in an effort to get the investigation quashed and that in the midst of the investigation there was a 6-week delay that raises concern in regard to evidence and procedure. What else may have been covered up? And finally they will conclude that some in the House were more interested in protecting their own interests than in getting to the truth.

These issues need to be addressed by the House Committee on Standards of Official Conduct. Unfortunately, 2 years after receiving our report and supporting documents, nothing has been done and House rules continue to go unenforced.

My colleagues, the time has come. It is time for public disclosure and it is time for the House to step up to our basic obligation of self-discipline.

□ 1810

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman, the minority leader, for yielding time to me.

Mr. Speaker, come with me back to July 1992. We were discussing the task force's examination of the conduct of employees and Members at the Post Office. As the gentleman from Kansas said, the majority and the minority, an equal number on that task force, could not come to an agreement on the basis of the facts. We issued two separate reports.

Mr. Speaker, let me read the Republican segment on the question of the exchange of stamps for cash. Remember, Mr. Speaker, Democrats and Republicans could not agree on the facts. This was the Republican position on the exchange of stamps for cash:

> A lack of standard procedures and failure to follow USPS regulations may have permitted some Members' personal and campaign offices to convert official funds to personal use by exchanging stamps for cash.
>
> While the USPS may, under certain circumstances, exchange damaged USPS stamps for new stamps, USPS regulations prohibit the exchange of stamps for cash. There have been various public reports of stamps being exchanged for cash for some Members and others. If such activity occurred, Official Expenses Allowance funds may have been turned into cash for possible personal or other use. This matter is the subject of a continuing Grand Jury investigation.

That is the Republican examination of stamps for cash.

Let me read the Democrats' examination of the same question. This is the Democrats' examination of the same facts:

> The Task Force investigated allegations made in the press that individuals exchanged stamps for cash at the House Post Office. The Task Force found instances where individuals exchanged old stamps for new stamps, either because the old stamps were damaged, or because the individual wanted special commemorative stamps. The Task Force found no evidence that any exchange of stamps for cash ever took place at the House Post Office, and considers these allegations to be unfounded.

The Democrats and the Republicans, in equal numbers on the task force, could not come to an agreement. This is a clear indication of the kinds of disagreements that we had. The Democrats wanted to make a flat-out declaratory statement that the allegations were unfounded. That in fact was the Democrats' report, that the allegations were unfounded.

The Republicans wanted to indicate that there were allegations made that there was a possibility that these events occurred, and that there was an ongoing investigation, and we wanted to make note of that. That is what the Republican report said. On and on through this task force, those were the kinds of differences we had.

I do not want to dwell on the past, Mr. Speaker. I want to look at tomorrow. I want us not to be here on a resolution over another area, such as vouchers. The Post Office was the first agency given to the new director. The second office was the Finance Office. Yet, today, Mr. Speaker, and I would say also to the majority leader, the Finance Office is not being run in a nonpartisan way. The Finance Office, including the approval of vouchers, the presentations of exceptions and the approval or disapproval of Members' privileges is being run in a partisan way.

Mr. Speaker, I do not want to be on this floor 2 years hence quoting that the Democrats said, "There is nothing wrong in this area." There are Justice Department indictments against Members because of the way in which vouchers are being held, and we once again are saying, "Gee, we wish it had been run in a different way."

Mr. Speaker, I would say to the majority leader, we have not finished the business of House Resolution 423. The resolution that created the Office of Director of Nonlegislative and Financial Services. We clearly know there are flaws in the working of the director's office. We have had one director resign because of his inability to work the system.

Can we please, in a bipartisan way, examine the nonlegislative and financial areas of this institution and set up a structure which will not allow us to go down this road again? Mr. Speaker, I would say to the majority leader, let us get it right.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the minority leader for yielding me some time.

Mr. Speaker, this is a culmination of a process that began some months ago with a resolution that I first brought to the floor, and I am pleased that we are going to have a bipartisan approval of that kind of language today.

It is being said that the bipartisan approval is based upon a change of circumstances. I guess we can all interpret that any way we want. I should say, this is not the last step, this is but another step, and there are steps yet to come, because I believe that the release of this transcript will simply provide one body of information upon which other information now will have to be built.

We do know now that there exists a tape, done by the Capitol Hill Police, that relates to this matter. What we are going to want to do is to put together the information that is in these transcripts that will be released pursuant to this resolution with the tape done by the Capitol Hill Police.

What we are going to find is discrepancies between the two accounts. In particular, we are going to find that the House counsel was in fact talking two different ways on this issue. For example, it was raised earlier by the gentleman from Kansas about what happened with the police investigation. It is clear from the police tape that at one point the police force was threatened that members of the police force would be fired if they continued to turn over information to the U.S. prosecutors. It is also clear that at one point the House counsel said on that tape that the whole police force could be replaced by Pinkerton guards. In another place on the tape, the House counsel even alludes to obstruction of justice.

Mr. Speaker, those are serious concerns, and as they relate to what we will now find in these tapes, I think we will have additional steps that need to be further investigated.

I do not know what the appropriate venue for that is, probably the Ethics Committee, but it is clear that the release of this information is not an end in itself. This is simply a way of assuring that the public now has some information off which we can now look at other information that exists in the public realm.

CNN has already broadcast some of the information that exists on that police tape. I think that this is a process that has to be ongoing. I hope we are going to find the same level of cooperation in that ongoing investigation that we have here today in the release of the tapes.

There is a necessity now, Mr. Speaker, to go beyond and find out what went wrong in the House of Representatives that led to this problem and led to the actual criminal indictments of Members of Congress.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I suppose in the climate in which we live today, anyone who talks about honor and Congress in the same breath invites hoots of derision from the cynics, but I must rise today to note that we are about to dishonor ourselves. Let me explain why.

Mr. Speaker, our job, those of us who were unfortunate enough to be assigned to serve on the committee to investigate the Post Office, was to analyze what went wrong administratively, where was the cash kept, in what drawer, who was overseeing it, and all that kind of stuff; why was that done, why was it not done better, and to recommend ways to improve that.

☐ 1820

We did find out and we did recommend, and through that and other procedures, that problem has been resolved.

But as a result of the fact that our role was simply to figure out what was going on administratively, it was not to build a groundwork for a criminal prosecution. The structure of the testimony we took was very informal, wholly inadequate for any kind of a criminal investigation. Most was not sworn. We accepted hearsay, we accepted gossip, we accepted innuendo, and, I am afraid, some lies. For our purposes, which was to understand what went on administratively, that was all right, because we could throw all that stuff out and make the kinds of general judgments we had to make and move on. But the testimony we are about to release is unreliable for virtually any other purpose. So far I may have demonstrated folly but not dishonor in the action we are about to take.

Mr. Speaker, let me go further. With many witnesses, perhaps most, assurances were given by counsel that the testimony would be off the record. Many were told, "Your testimony will be tape recorded, but it will be off the record." The records do not reveal to whom those promises were made and to whom such promises were not made. We can decide now that it was unwise to make any such commitment. We can wish we had not done it. But we did it. Those promises were made by counsel, but they were made on behalf of the whole House. People testified, they talked to us, with the understanding that it was off the record. Now we are about to renege. We are about to break our word. To whom? Nobody really important, just some employees. These people are not even staff. They are just employees. If they walked across the well right now, I doubt if any of us would even recognize them. We do not know their names, we do not know their families, we know nothing about them. It is pretty easy to do what we are going to do. A counsel we do not know gave word on our behalf to people we do not know. What is the big deal? But we gave them our word, and they acted on the word we gave them.

With the vote coming soon, we will break our word to some of those in this institution least able to object and protect themselves. We will do it for high-sounding reasons, or ruthless political advantage, or craven political cowardice, take your pick. But when we do it, make no mistake, we will dishonor ourselves and this grand institution.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, there were 61 witnesses that were deposed in the investigation. Yes, if they were to walk through right here in this well, I would recognize them. I was there for approximately 55 of these witnesses, and the reason I would recognize them was the fear that they had in their hearts suffering from a patronage system that had become so sordid that they were worried about their jobs.

I can talk to my colleagues about the Congressman's son who took off his clothes and imitated an airplane while he was on drugs and was detained by a House Post Office employee, only to be called the next day by the wife of the Congressman saying, "Why did you do this?" And transferred to a new position.

I can tell my colleagues about the witnesses who came to us as friends, worried about their jobs, worried about bomb threats, but worried that because with the patronage system, they could not do anything about it.

Yes, I know these 61 witnesses, and I share the concern of the gentleman from Washington. I understand his arguments. I do not agree with many of his points.

First and foremost, there was not an explicit or implicit guarantee of confidentiality that was given to individuals appearing before the task force. Secondly, I would argue that we had no authority to provide any such guarantee to anyone. But knowing of the concern about confidentiality, I am instructed by a group of bipartisan counsel to make this statement. Upon a preliminary review of the transcripts today that we requested as of this morning, "there is no evidence within the transcripts of the witnesses' interviews by the House Administration Post Office task force to indicate that the witnesses were told that their testimony would never be made public."

Second, I have direct testimony from these transcripts. The name of the individual will be withheld. The name of the individual who said, "How candid can I be here? How much of this is going to leave this room?"

The attorney, Mr. Mark Hathaway, our Republican attorney, said this:

"Everyone in the room, all the staff members have signed an agreement of confidentiality to keep all, everything that is said in this room, confidential. That is not to say that information that is relevant to the reporting of the operations of the Post Office back to the Congress on May 30 will not become public at some point."

I say to the gentleman from Washington [Mr. SWIFT], his staff member was present at that deposition.

Third, to further allay any concern, we recognize the sensitivity of this issue. That is why our leader and the distinguished majority leader agree that before any information is released, it shall be reviewed, efforts will be made to make certain no confidentiality agreements have been made or broken before any documents are released. We have the safeguard there.

Hopefully, this can appease my colleague's concern.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am delighted to yield to the gentleman.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the process, and I want to make it clear, there was not a consistent process used with every witness, and one of the big problems here is, I think, we cannot reconstruct who was given these assurances and who was not. But one of the procedures that went on, and this can be made to sound sinister, and I do not believe it was, but the Republican counsel said, in instance after instance, "We are going to tape record this, but it will be off the record." And then turned on the tape recorder.

As I said, one could make something sinister of that. I make no such charge. That seems to me kind of like what one does, tell them what the ground rules are, tell them it is going to be recorded, let them understand that, then turn it on.

I see no deep dark conspiracy. But it was done, and it cannot be undone, and that word was given a number of those witnesses, and they are all in the soup. We cannot take some of the water back out of the soup. It is all mixed in together. We will never be able to separate who was given those assurances and who was not. Any two people appointed by the respective leaders are not going to be able to separate the soup, either.

Mr. Speaker, the basic point that I make, I argue, is still extremely valid. There will be people, lots of them, who were given the word of the House that it would be off the record, and we are about to renege on that promise.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. Reclaiming my time, I am happy to yield to the gentleman from California.

Mr. THOMAS of California. I think we have to understand the whole question of confidentiality and who the concern about confidentiality was imposed upon.

In the official report of the majority, it says, "The task force agreed at its organizational meeting that all information on the investigation must be kept confidential until the task force filed its report.

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"Toward this end, each staff member was required to agree in writing to keep such information confidential." We were concerned about the possibility that staff could leak information. They were the ones that were required to personally sign strict confidentiality statements.

The gentleman from Washington twice now has said there is no record. The gentleman from Kansas has shown there is no record in statements made guaranteeing confidentiality to witnesses.

Let us remember who we were dealing with. We were dealing with employees of the Post Office who were there by patronage under an officer run by the majority, and they knew that officer had lied.

That was why we were concerned about confidentiality.

Today the Post Office is a professional operation. The people who are still there pass tests. They are run by a professional in a professional way.

The task force agreed until the report was made public we needed confidentiality. You have already stated, and I think there is a clear understanding, that if there is a sensitive issue, by agreement by the majority and minority person who have been or who will be appointed to vet this testimony, that clearly the information in question will not be released. We are not interested in sensationalism. We are interested in public understanding of what went on.

Mr. ROBERTS. I thank the gentleman for his contribution.

I would note already that sections of these transcripts were released as part of the Democrat section of the task force report. It seems somewhat unique to me to suggest now that all transcripts should not be released when that report included selective excerpts from them and were released 2 years ago.

I would again say, knowing of the gentleman's concern, that we have asked bipartisan counsel to review these transcripts, and they have reviewed them, and I am instructed to say there is no evidence within the transcripts of the witnesses interviewed by the House Administration Post Office task force to indicate that the witnesses were told that their testimony would never be made public. It just is not so.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. ROSE], the distinguished chairman of the Committee on House Administration.

Mr. ROSE. Mr. Speaker, I thank the majority leader for yielding me this time.

I rise in support of this resolution.

Three things have occurred that give us, in my opinion, the necessity of approving this resolution. One, the U.S. attorney has sent forward a letter saying that he has no objection.

The majority leader has correctly stated what we told the House and what was in our agreement with the U.S. attorney in the letters to him.

There is some doubt about the message of confidentiality. I know the gentleman from Washington on many occasions, when he was present at these questionings, told the people that were there that it would be confidential, and he is rightfully concerned not only about that but about the fact that it may affect our ability to get employees of the House to voluntarily give us information in any investigation wherever that may occur in the House in the future.

But I strongly support the resolution, and I would just urge that since this directs the House, not the Committee on House Administration, I would just urge the House to get this done as quickly as possible and let us get on with it.

There are many, many newspaper reporters in this town who seem to have almost full sets of these transcripts already, and I would predict that we are going to start reading this stuff in the paper almost probably tonight.

But we should get the bulk of it out as quickly as possible.

I support the resolution and encourage all Members of the House to vote for it.

Mr. MICHEL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, the long-awaited release of these documents is an important first step in the House effort to come to terms with the post office scandal.

Clearly the next step is for the Ethics Committee to fully investigate the matter—so we can clear the air and fulfill our constitutional responsibility to police ourselves.

Again and again we have heard the other side say: "Nothing happened and we can't investigate anyway because the Justice Department says so."

Well, after nine post office employees have pleaded guilty and the indictment of a Member of Congress, opponents of an investigation can no longer say: "Nothing happened."

So they are left with only one argument.

Their thesis is: "If the House conducts an investigation, it threatens the successful completion of Justice's criminal probe."

Well, as logic demands, a single contradiction to this thesis would make the argument invalid: I submit two.

First is the case of Representative Daniel J. Flood, indicted by two grand juries in 1978.

The Ethics Committee began its inquiry into whether House rules were broken by Representative Flood that same year—despite appeals by his attorney that the committee's investigation would interfere with the upcoming trial.

The result: Representative Flood was charged with 25 violations of House rules by the Ethics Committee and pleaded guilty to Federal criminal charges.

The other case deals with one of the biggest government scandals this century—Abscam.

Despite an ongoing investigation by the Justice Department that implicated six House Members, the House voted on March 27, 1980, 382–1, to compel the Ethics Committee to begin an immediate and thorough investigation into the matter.

Democrats and Republicans agreed that, while working with the Justice Department, the Ethics Committee could and should determine if any House rules were broken and then recommend possible disciplinary action.

Despite Attorney General Benjamin Civiletti's appeal to the Congress to hold up its investigation until the criminal trials were completed, both the House and Senate voted to proceed anyway.

The result: The six House Members were convicted, and the Ethics Committee recommended expulsion for those Members still serving in the House.

More recently on the matter of the Post Office, the Speaker of the House himself expressed the belief that the House could conduct an investigation without unduly interfering with the Justice Department.

In a letter dated April 2, 1992, and citing "legislative and constitutional mandates," the Speaker and other Members rejected a Justice Department plea to put the House's investigation into the Post Office on hold, by writing:

> We do not want to impair or infringe on an ongoing criminal investigation by the Department of Justice. We are confident, however, that the task force investigation will not interfere with your criminal investigation.

We must all remember that violations of House rules and violations of criminal law are two different things. As a co-equal branch of government, it is our constitutional responsibility, and not the executive branch's, to determine if our rules have been broken.

Rules of the House are supposed to be a higher standard than mere criminal law, and it is clear that while crimes have been committed at the Post Office, the House has thus far refused to look at whether our own rules have been violated.

While the House and the Ethics Committee must proceed in cooperation with the Justice Department to avoid hurting their criminal investigation, we must recognize our obligation to pursue this important matter; we do not need the executive branch's permission to meet this responsibility.

The people have waited 2 years for this release of documents and the opposition has run out of excuses. We should not wait another day before investigating this matter for ourselves—once and for all.

Today's action is a good step forward. I eagerly await a full Ethics Committee investigation so as to lay all the facts before the American people.

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Mr. MICHEL. Mr. Speaker, does the majority leader have any speakers? I believe the gentleman from Illinois here has the right to close.

Mr. GEPHARDT. I have one additional speaker.

Mr. MICHEL. We have just one more on our side.

Mr. GEPHARDT. In that case Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. I thank the majority leader for yielding to me.

Mr. Speaker and Members, I was one of the members of the Post Office Task Force. So as we talk about this preceding incident I have some knowledge, although not the greatest, because I was appointed after the task force began its deliberations.

Let me indicate again to the Members that this is a bipartisan resolution, one which I will be supporting and one which I have not supported in the past. I would think you have to ask the question "Why hasn't this issue been passed?" And "Why isn't it behind us?" Well, because at that point my friends, the issue was not right. There was an ongoing investigation by the U.S. attorney for the District of Columbia and when these resolution came up in the past we were advised, not by a Democrat, not to move ahead, but at that point it was a Republican appointee who said "Do not move ahead. This could hamper my criminal investigation of this matter."

So we heeded the advice of that U.S. attorney and the one who came after him. But, however, things have changed to the point where he did send a letter which I read today indicating that "for purposes of my investigation an indictment has been issued and now it is my belief that these records can be released." And that is what we are doing today.

So to go back over the last couple of years and continue to harp about something that did not occur, that is the reason why it did not occur. In 1992 we had 2 votes on release of the transcripts. My colleague, the gentleman from Washington [Mr. SWIFT] is correct, the minority counsel on that committee told the witnesses what I was there for, that their testimony would be held confidential. And so we had a vote on July 22, 1992 to willy nilly release all the testimony from the witnesses. And Representative SWIFT from Washington opposed that as I did, indicating "Wait a minute, folks, that wasn't the deal, that wasn't what we told these people. We told them that what they told us would be confidential." Well, what did they tell us? Everything. They snipped on the guy next door who came in late, about this guy using a vehicle, and all sorts of stuff. Then they went above and beyond that, things that had very little to do with the Post Office operation itself.

So we defeated those two attempts to just willy nilly release the testimony of those employees who were told that what they told us would be confidential.

I support the resolution today because it has one very important section. It indicates here on the last paragraph that the majority leader and the minority leader shall each appoint a Member who will sift through all those documents—and Mr. Majority Leader, do not appoint me because I do not want to sift through those documents—but someone is going to have to go through that and excise those little off-the-cuff comments which could be injurious to the fellow employee but which does not have a whit to do about the postal investigation.

I think that is important. That is an overriding phrase for this Member to support the resolution.

So I think the time is ripe, as the attorneys say; the time is ripe for us to do this and it will be done. But to go back to 1978 and tell the story about a former Representative by the name of Flood—who by the way just recently passed away—does not do two whits or does not mean a thing when it comes to the Post Office Resolution. My disadvantage is I did not know former Congressman Flood. I do not know if he was a Democrat or a Republican.

Let me further add——

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. Let me finish my comments, Mr. THOMAS. You had two kicks of the cat here and you will have many more, I am assuming.

As far as one of the new Members talking about some tapes that were aired on CNN, again, I was a member of the task force, and I do not remember any of those tapes. So if you think that tape is going to be released with these documents, I sincerely doubt it because the tapes we are going to release are testimony that we heard and nothing that I heard sitting there had anything to do with the police chief or any other people. So if the minority wants copies of that tape, I suggest you have to call CNN, because they "ain't" going to find it in the 20 boxes that you are going to have to read through.

There was another Member who indicated that the majority report indicated that there was no evidence of cash for stamps. How did the majority put that in the report? Well, we did so based on what the witnesses told us. The former Postmaster was there, and he said, "No," it did not occur. Other employees testified, and they said, "No," it did not occur.

So how in God's green Earth could the majority say "There is a lot of suspicion here that there was stamps for cash," when no one came before us and told us that? And do you know how it became part of the indictment? On a perjury charge for the former Postmaster. He lied to us.

Do we know he lied at the time? No. How did the minority put in their report that the suspicion was strong? I have to suspect, based on newspaper accounts. But the task force was not asked to judge newspaper accounts. We were there to judge what we were told by the witnesses. And the majority report reflects that without conjecture or supposition or guessing or hoping, maybe, on some people's part.

So at long last, we are going to pass the resolution because the issue is now ripe. The U.S. attorney indicates "I am done with the info, release it." For those who were protected under the confidentiality rule, two Members, one on each side of the aisle, will judge those statements to make sure no one is injured.

So let us get on with the business of this House and pass the resolution. Again, I thank the majority leader.

Mr. MICHEL. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Wisconsin [Mr. KLUG].

The SPEAKER pro tempore (Mr. MCCLOSKEY). The gentleman from Wisconsin [Mr. KLUG] is recognized for 4 minutes.

Mr. KLUG. Mr. Speaker, I would like to thank our distinguished leader for granting me this time and for taking the leadership to speak to Mr. Holder and the U.S. Attorney's Office to help move tonight's resolution forward.

Tonight I believe we take a first step, and I think it is fundamentally only a first step in restoring the public's confidence in the people's house in this body before us here this evening, the House of Representatives. But my colleagues, again I have to tell you I believe it is only the first step, because since January 1992, it is my opinion that this body has done the greatest job of stalling since Dean Smith invented the four corner offense for the basketball team of North Carolina.

From Congressmen RICK SANTORUM, BOB WALKER, our former colleague Frank Riggs, ERNEST ISTOOK, BILL THOMAS, all of us have urged this House to act responsibly and asked this House to act promptly over the last 2 years. And at every turn we have been told "Uh-huh, not yet, something might be wrong." And do you know what we have gotten from those delays? Contempt and anger and scorn from the American public.

A letter today in my office from Tacoma, WA, "I am really getting tired of our leaders who do not have to live under the same rules they set for the rest of America." From Madison, WI, "Democrat, Republican, liberal, conservative, are not we all weary of these power brokers and their smugness?" From Bronx, NY, "Let's get all this garbage into the open; and let's clean house, let's name names. Eventually the truth will shine through."

Today we are finally going to open up our files and let the American public know what an absolute open sewer the House Post Office operation really was. Its shoddy, embarrassing operation there has already led to the indictment of 9 employees of the House of Representatives and guilty pleas. And as we all watched sadly and tragically last week the indictment of one of our own colleagues.

You know, despite that embarrassment, it really cannot stop us from doing our duty. I applaud U.S. Attorney Eric Holder today for his help. But regardless of his hesitation, or regardless of his approval, we have our own responsibilities to police our own operation, to hold our own painful investigations, to perhaps hold our own painful public hearings, to do an Ethics Committee investigation, to do our own job.

As JOHN BOEHNER told you, we have done that in the past. We have done that in Abscam, we did it with the Flood case and we did it with the House Bank, when a Republican prosecutor asked us not to do it. We went ahead anyway.

We need to find out, as BOB WALKER pointed out what happened to the Capitol Hill Police investigation and charges of obstruction of justice leveled by the former chief. After today's vote the public will get its own first look at the allegations made by Frank Kerrigan, and a copy of all the transcripts connected with those charges.

□ 1850

But in the end I will guarantee my colleagues, as the gentleman from Kansas [Mr. ROBERTS] told us earlier this evening, that when these transcripts and documents get released in the weeks to come, they will not answer the questions. They will raise only more questions, questions which I believe can only be answered in the weeks ahead by a full investigation by the Committee on Standards of Official Conduct into the House Post Office scandal because, as Eric Holder said 2 weeks ago, this has never been the Dan Rostenkowski case. It has been the House Post Office investigation.

Make the right vote tonight, to release the documents. Make the right vote in the future, to support the ethics probes. And most of all, make the right vote in the weeks to come, to restore public confidence in this now, I think in some ways, disgraced body.

Mr. GEPHARDT. Mr. Speaker, I yield back the balance of my time.

Mr. MICHEL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McCLOSKEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 2, not voting 33, as follows:

[Roll No. 228]

YEAS—399

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Unsoeld
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—2

Ford (MI)
Swift

NOT VOTING—33

Bryant
Carr
Collins (MI)
Dicks
Fish
Foglietta
Grandy
Hastings
Huffington
Jefferson
Kopetski
Lambert
Laughlin
Leach
Moakley
Murtha
Nadler
Orton
Owens
Oxley
Packard
Rangel
Ridge
Royce
Skelton
Slattery
Sundquist
Towns
Tucker
Valentine
Washington
Weldon
Whitten

□ 1918

Messrs. HOKE, SENSENBRENNER, FRANK of Massachusetts, and BECERRA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ORTON. Madam Speaker, on Thursday evening, June 9, 1994, I was away on official business and missed rollcall vote 228.

Had I been present, I would have voted aye on vote 228.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably away from Washington on

Thursday, June 9, 1994, as my son, Matthew Alexander Kopetski, graduated from high school that evening and I was there.

Had I been present to vote, I would have voted "aye" on rollcall 222, the McCloskey amendment to H.R. 4301; "aye" on rollcall 223, the Hamilton amendment to H.R. 4301; "no" on rollcall 224, the Goss amendment to H.R. 4301; "no" on rollcall 225, the Michel motion to recommit H.R. 4301 with instructions; "aye" on rollcall 226, final passage of H.R. 4301; "aye" on rollcall 227, House Resolution 447; and "aye" on rollcall 228, House Resolution 450.

REASONS TO OPPOSE THE GOSS AMENDMENT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. RICHARDSON. Mr. Speaker, over the Memorial Day recess, I joined members of the House Intelligence Committee on an official fact-finding mission to Haiti. I had the opportunity to view first hand the destitute and destruction that has been wrought on that country by a belligerent band of military thugs headed by General Cedras. Mr. Speaker, it is a certainty that the horrible disrepair of our Caribbean neighbor will only worsen as long as the military junta continues to rule.

Mr. Speaker, on May 24, the House considered a Sense-of-Congress amendment offered by the gentleman from Florida [Mr. GOSS]. That amendment required the President to certify to Congress that clear and present danger to citizens of the United States or United States interest existed prior to the United States undertaking any military action, and to establish a temporary safehaven on the Haitian island of Ile de la Gonave for Haitian refugees escaping economic and political hardships on the mainland of Haiti. Mr. Speaker, I opposed the amendment then and will oppose it today when the House reconsiders it.

Mr. Speaker, the Clinton administration's new policy on Haitian refugees makes the Goss amendment unnecessary. That policy provides for both ship-board and land-based processing for refugees. To date, the Department of Defense has chartered two Ukrainian ships for the ship-board processing, and the administration has worked out an agreement with Jamaica to permit ships to anchor off the shores of Kingston for further processing. Additionally, the administration has secured the participation of the United Nation's High Commissioner for Refugees.

Returning Haitian refugees to Ile de la Gonave is to return them to Haiti. Ile de la Gonave is a 280-square mile island just west of Port-au-Prince. Ile de la Gonave is Haitian territory. Thus, the Goss amendment represents a retreat to the old Bush administration-initiated policy of returning Haitian refugees to Haiti without the benefit of any determination of their refugee status.

Additionally, Mr. Speaker, the requirement that the President make certain certifications to the Congress prior to committing U.S. forces to Haiti is being used by General Cedras to consolidate his hold on power and the military's reign of terror. Mr. Speaker, in the aftermath of the withdrawal of the Harlan County, the Haitian military does not believe that the United States has any resolve to commit any forces. The option to use force must remain open and unabated so that the Haitian military will know that the United States supports democracy and will not stand idly by in the wake of criminal anarchy in Haiti.

Mr. Speaker, the administration's policy on Haiti represents a constructive effort to restore democracy to that Caribbean nation. This policy should be given every opportunity to succeed without the Congress tying the administration's hands in removing from its diplomatic arsenal the threat of military force. Mr. Speaker, I urge my colleagues to oppose the Goss amendment when it is considered by the House this afternoon.

REASONS TO OPPOSE THE GOSS AMENDMENT

The cornerstone of the Goss amendment—the establishment of a "safe haven" on Ile de Gonave—has been rendered moot by Jamaica and the Turks & Caicos agreeing to assist the United States in the processing of refugees. Also, Venezuela and other countries in the region have agreed to accept Haitian refugees.

The Defense Department explains that turning Ile de Gonave into a safe haven would require a much greater U.S. military commitment that the amendment suggests on the surface:

The island is mostly rock and swamp and lacks basic infrastructure. Supplying the island would require the United States to make extensive and very costly investments in military logistics and engineering capabilities to transform this mosquito-infested island into a "safe haven."

Carrying out the provisions of this amendment would require the use of U.S. military force to seize Ile de Gonave, since the island is Haitian territory and now under de facto control of the Haitian military. Also, Goss' contention that Ile de Gonave could become a foothold for President Aristide's return is disingenuous. The island is isolated from the Haitian mainland, has no infrastructure, would pose a serious problem regarding communicating with the rest of Haiti. This provisions in the amendment would only serve to add to the political uncertainty and repression in Haiti, which, in turn, would lead to even greater refugee outflows.

This amendment violates international and U.S. law which prohibit the forcible return of persons fleeing persecution to the country of such persecution since Ile de Gonave is Haitian territory, and Haitians are fleeing the most brutal government in the western hemisphere.

Goss argued that the amendment would lift the current sanctions on Haiti. This is not even remotely true.

The State Department, the Defense Department, the House Leadership, the House Foreign Affairs Committee, the House Armed Services Committee, and the democratically elected government of Haiti oppose the Goss amendment.

□ 1920

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KANJORSKI). Under the Speaker's announced policy of February 11, 1994, and June 8, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

CALLING FOR RESIGNATION OF SURGEON GENERAL JOYCELYN ELDERS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, today circulating on this side of the aisle is a letter started by my colleague, the gentleman from Florida [Mr. STEARNS] asking the White House to seek the resignation of Surgeon General Joycelyn Elders. I suggested on this floor in the colder days of early spring that five people should be fired at the White House.

Two of them left shortly thereafter, Mr. Nussbaum and Mr. Web Hubbell. One of them was reduced in his duties, which included security clearances at the White House. That was William Kennedy II. One person still remains undiscovered by the national media, and that is Buddy Young, who was the chief of troopers during all of the final years during Mr. Clinton's serving as Governor. Buddy Young flew up to the White House from Denton, TX where he was promoted on July 21, 1993. By way of reference, that was the day after the Vincent Foster suicide, so things were hot. His pay was doubled from that of a trooper in the mid-$45,000 range to about $95,000 as an executive for FEMA, the Federal Emergency Management Agency, a job for which he had absolutely zero experience. And he came up to the White House, and among other things, was photographed, filmed on ABC taking a call from the White House where the attempt was made to manipulate and suppress troopers who were popping out of the woodwork with hair-raising stories about what went on in the government in Arkansas that was run like a Third World oligarchy.

The fifth one that I called for resignation way back then was Joycelyn Elders. Her conduct since then has gone from bad to absolutely horrific.

Cardinal Hickey, the Cardinal for the Archdiocese of Washington, wrote to the President asking him to denounce her remarks in a homosexual paper called "The Advocate." The Cardinal had to wait 6 or 7 weeks for a response from the White House. The White House kept saying they would respond. Finally they did. Cardinal Hickey said the response was totally unacceptable, and he wrote another tough, hard-hitting letter back to the President to which Cardinal Hickey has yet to receive a response.

Here is the Sunday Times. It is one of those insert magazines that Sunday papers across the country have, 37.5 million readers every weekend, the highest circulation weekly publication. On the cover is Joycelyn Elders with rather a smug expression on her face. That may not be her fault, because with these automatic cameras clicking away, they can catch you looking any way they want you to. It says, "Out on the Limb with Outspoken Surgeon General Joycelyn Elders."

Question: At what age should schools offer condoms to kids?

Answer: Whenever they need them.

The interview was very revealing, and I understand that since I was over in Europe with SONNY MONTGOMERY and his excellent congressional delegation to honor the heroes of 50 years ago, and that is also where Mr. Clinton was for the last 8 days, and I hope our dominant media culture will be going to the President to confirm or deny what Mrs. Elders and my brothers, and sons and daughters tell me she said to the press during this week when we were all out of town, that the President stopped her before he left and said words to the effect, "I'm following you, Joycelyn. I'm proud of you. Excellent work. Keep going."

That is hardly the response he gave to Cardinal Hickey in his weak first response. And I think that weekly if not daily she comes up with something irresponsible. If this woman is the caretaker of the Nation's health, we are in more desperate trouble than I had thought.

Mr. Speaker, I just got off of the phone with Time magazine. A story is going to be breaking all around this city in the next week or so and on television about what is probably the major scandal to hit the administration. In the beginning, just clouds, and as they like to say at the Supreme Court, the penumbra of the scandal. If Whitewater, or what our excellent prize-winning columnist Bill Safire calls Whitewatergate, if Whitewater involves tens of thousands, up to the most serious charge being former municipal court judge David Hale who is turning over state's evidence on a daily basis, up to $300,000 involving a phony SBA loan where money was circulated around, then the Dan Lasater deals involve tens of millions, upward to $160 million, a factor of a thousand to one. This, Mr. Speaker, is going to be discussed by the gentleman from Indiana [Mr. BURTON] and myself for 1 hour shortly tonight.

Mr. Speaker, I include for the RECORD the letter my colleague is circulating to send to the President, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to request that you ask for the resignation of Surgeon General Joycelyn Elders.

Throughout her careers, Dr. Elders has repeatedly made remarks and taken stands outside the mainstream of American thought. In contrast to previous Surgeons General, she has not chosen to utilize her position to advance the general health and welfare of all Americans, but rather to advocate views antithetical to the majority of Americans.

Most recently, Dr. Elders denounced the Boy Scouts and Girl Scouts of America for their alleged discriminatory policies against homosexuals. Not only were her comments offensive in mischaracterizing the policies of the Girl Scouts, but they also displayed an inexplicable hostility to two of the most valuable character-building institutions in this Nation. In the past, Dr. Elders has also recommended that the United States legalize narcotics, stated that "I tell every girl when she goes out on a date—put a condom in her purse," and condemned those opposed to abortion for "their love affair with the fetus."

Whether one agrees with these statements or not, and I suspect that the majority of Americans do not, they clearly serve to divide Americans rather than unite us behind our common interest in public health and welfare. That is directly contrary to the role that the Surgeon General should perform for the country.

There are many outstanding individuals who could perform this important role without sending America's children messages that do not reflect the values of most Americans. We ask you to request the resignation of Dr. Joycelyn Elders and hope that you nominate a Surgeon General dedicated to bringing Americans together behind our common values and interests.

Sincerely,

WORLD WAR II MEMORIAL AND COINS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the attention of the entire world this past weekend was focused on the northern coast of Europe in Normandy as we witnessed historic ceremonies and eloquent speeches all in commemoration of a day 50 years ago which is still imprinted firmly on the collective mind of the world and of America. The depth of feeling that these ceremonies tapped in the hearts of our citizens and our Nation is a priceless tribute to the heroism and magnitude of the events of that day which the world remembers as D-day. We owe our freedom to the heroic sacrifices of American men and women as well as allies from 13 nations who made that longest day unforgettable and all that followed possible.

As we remember and honor our World War II veterans and the freedoms which they preserved, we must also remember to teach our children and our grandchildren, about the true price of freedom, and honor those heroes and their contributions to liberty. The World War II Memorial now authorized by Congress, which we fought so many years to pass here in this Chamber, will give us a timeless remembrance of the allied victory, and it will be built hopefully before the 21st century here in the Nation's Capital along the Mall.

This memorial will be built without a dollar of taxpayer money being used, because proceeds being obtained from the sale of three World War II memorial coins, which I brought with me this evening here on the floor, currently being sold through June 30, this month, by the U.S. Mint will make possible the proceeds for building this memorial. They come in a set like I am holding, and they are called the World War II 50th anniversary coins. Each of these coins symbolizes an important story of the allied victory.

In watching the Normandy ceremonies I wanted to come down here this evening and share with the American people and with my colleagues the beauty of these coins and what is on them.

□ 1930

The first one is the gold $5 coin emblematic of the Allied victory itself. This is the most expensive of the coins, but it shows one of our troops on the front of the coin in a great victory shout, and on the back of the coin there is a victory logo. It says "E Pluribus Unum." It says "United States of America" at the top and then it has the Morse code on the back, the symbol for victory there, and that is the $5 coin.

In addition to that, there is a silver dollar coin, and this particular coin, even though I like them all, is really my favorite. But it commemorates the Battle of Normandy, the D-day invasion that all of us heard about over the television, and so many of our young people learned about if they have not had history yet. This particular coin shows one of our troops scaling the walls at Utah Beach, and it talks about the years on here commemorate 1991 to 1995. This period of our history is really the 50th anniversary period of our entire World War II involvement.

The coin at the bottom says "Liberty," and here it says "In God We Trust, D-Day, June 6, 1944" is engraved on the top, and on the back, and I am just going to read from this, because it has the "United States of America," it says "E Pluribus Unum, One Out Of Many." This is the dollar coin. Then it has the quote from General and President Dwight David Eisenhower, "I have full confidence in your courage, devotion to duty, and skill in battle. We will accept nothing less than full victory."

This is a particularly beautiful coin, and it is part of the three-coin set.

The final coin is a clad half-dollar coin, and this coin honors members of the five branches of the U.S. armed services, and for each of the branches, the Army, Navy, Air Force, Coast Guard, Marine Corps, there are stars here at the top of this coin. Again it commemorates this 50th anniversary period through which we are living, 1991 through 1995. The side of this coin says "Liberty." But the back of the coin, and to our Pacific veterans who watched the ceremonies and wondered if anyone remembered, yes, we certainly do, and I know our Government as well as the governments of many Allied nations will be celebrating through the period of 1995 the Allied victories in the Pacific as well.

Well, the back of this clad coin, the 50-cent coin, they have the "Victory in the Pacific," and it shows one of our troops on one of the islands there. It shows one of the soldiers being attacked from the air, bombardment there in the Pacific, and it is really a beautiful set of coins.

Let me just end by saying that this memorial that will be built here in Washington will remind future generations of the true price of our liberty and, again, to those Americans who are interested in purchasing these beautiful coins, they are on sale through the U.S. Mint through the end of this month only, June 30, and they are simply beautiful and will help contribute to a lasting memory in our country for those who gave their lives and served in the cause of liberty.

50TH ANNIVERSARY OF D-DAY

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, during the past week, the people of America and the Allied forces have paused to observe the 50th anniversary of the D-day invasion. The Speaker authorized us to lead a 27-member congressional delegation to participate in commemoration ceremonies in England, Italy, and France, and we would like to give you a brief summary of our trip.

The historic 50th anniversary ceremonies had a special meaning for several members of the Codel who participated in the invasion. Mr. MICHEL was part of the invasion force that came onto Utah Beach on D-day, plus 4. Some members of the delegation saw action in the European theater during the war. Others were involved in combat missions in the Pacific theater.

Traveling independently, Congressman SAM GIBBONS, a member of the 101st Airborne who parachuted into the Ste-Mere Eglise area the night before D-day, served as the official representative of the President at ceremonies at Utah Beach and Ste-Mere Eglise on June 5. At both ceremonies Representative GIBBONS brought greetings from President Clinton and recounted his memories of participating in D-day.

On June 6, 1944, a military force of 153,000 American, British, and Canadian troops launched the most massive assault of its kind ever attempted in the history of the world. Their goal was the liberation of Europe and the preservation and restoration of freedom in the Western World. The invasion was massive, brilliant, and successful. It was one of the most significant events in the 20th century. Few events, if any, have had such a resounding impact on the course of American and European history. The invasion was the beginning of the end of the war against Hitler.

The D-day assault involved 5,000 naval vessels and 11,000 sorties of Allied aircraft. The five separate beaches where troops landed were fiercely guarded by German defenders. The approaches were filled with underwater obstacles. The beaches were heavily mined and strewn with barbed wire. High ground above the beaches was commanded by German artillery.

The loss in both personnel and material was extremely high. D-day casualties totalled 10,200, of which American troops suffered 1,465 killed, 3,184 wounded, 1,928 missing-in-action and 26 captured.

The trip was a tribute to brave individuals who successfully completed an impossible task. Theirs is a story that is a powerful part of both our past and our future. We owe much to our service personnel and Allies for their courage and extraordinary efforts in bringing about the defeat of Hitler's armies. What we most enjoyed was the opportunity to visit and talk with so many seasoned veterans who returned to Normandy to participate in the ceremonies and to again see their buddies who were with them when they met the enemy on June 6, 1944. This past week was one we shall not forget.

Our delegation departed Andrews Air Force Base on Tuesday, May 31, arriving in London late in the evening. Wednesday, June 1, the delegation toured the Houses of Parliament and Westminster Abbey. In the evening Ambassador and Mrs. William Crowe hosted a reception at Winfield House, their residence in Regents Park.

On Thursday, members of the delegation flew to Italy and visited the United States and Allied cemeteries in Anzio. While there we received a briefing of the invasion and toured the beachhead landing area. More than 9,000 United States service personnel who died in the sweep to Rome are buried at the Sicily-Rome Cemetery in Nettuno.

Friday morning the delegation toured the Imperial War Museum. The exhibits, displays and movies give an unforgettable feeling of the terror of war and the misery it brings to all people who find themselves engaged in combat. Delegation members serving on the Armed Services Committee were invited to lunch with defense Committee MP's at Parliament. During lunch there was a discussion about the situation in Bosnia, the ongoing negotiations with North Korea, and other important issues relating to NATO. In the afternoon we visited Churchill's Cabinet War Rooms. At 4:30 p.m. we attended the SHAEF Headquarters Commemoration at Grosvenor Square. Chairman MONTGOMERY brought greetings from the House of Representatives and Mr. MICHEL read General Eisenhower's Order to the troops participating in the Normandy invasion.

On Saturday, we traveled to Cambridge to join President Clinton and Prime Minister John Major to observe the Remembrance of the AAF Air Crew Ceremony at the beautiful cemetery there. We were moved by the remarks of the Secretary of the Treasury, the Honorable Lloyd Bentson, who told of his personal experiences as a bomber pilot and the feelings of the ground crews when their planes returned safely. President Clinton and Prime Minister Major reminded us all of the sacrifices made by so many during war as they spoke to thousands in attendance with a backdrop of white crosses throughout the cemetery. Codel Chairman MONTGOMERY laid a wreath on behalf of the delegation. During the late afternoon we flew to Deauville, France.

On Sunday morning the delegation traveled to Utah Beach where we joined the President and Mrs. Clinton at the USAR Commemoration Ceremony. Following the ceremony we walked the beach with many veterans who came ashore during the early morning hours of June 6, 1944. In the afternoon we attended the 82d/101st ABN Ceremony near Ste-Mere Eglise, where we witnessed, with thousands of others, a jump by some 25 veterans who had jumped with their units 50 years earlier. The oldest veteran was 83 years of age. It was a most impressive sight, not only to see these old soldiers jump again, but to hear them talk about "how it was" 50 years earlier. In recognition of these heroes, more than 500 members of the 82d and 101st jumped to the delight of everyone attending the event.

The delegation ended the day by participating in the National Guard Association of the U.S. Commemoration Program where Chairman MONTGOMERY made remarks extolling the importance of the citizen soldier to the D-day effort. Later he and Mr. MICHEL laid a wreath at the monument honoring members of the National Guard units who participated in the invasion at Omaha Beach. Following this impressive event, we attended a reception and buffet dinner at the Vierville Chateau, hosted by the community of Vierville.

Monday, June 6th had special meaning for all of us. The World War II members of the delegation attended prayer service ceremonies aboard the U.S.S. *George Washington* before joining the rest of the group for a return to Utah Beach where we joined President Clinton and President Mitterand, for the United States/French Bilateral Commemoration Ceremony. At 5:00 p.m., we proceeded to Colleville-sur-Mer where we attended the U.S. Commemoration Ceremony at the American National Cemetery. More than 9,000 veterans are buried there. "International Herald Tribune" reporter Barry James best described the President's deep feelings for our Nation's veterans as follows: "Looking out across the cemetery where 9,386 Americans lie under trim rows of white crosses and Stars of David, the President spoke movingly of 'the fathers we never knew, the uncles we never met, the friends who never returned, the heroes we can never repay.'"

We are grateful to Speaker FOLEY for allowing us to represent you and other Members of the House this past week in honoring America's heroes of the Normandy invasion. Although the price was terribly high, we were reminded by Donald Boyce, 69, from Carmichael, CA, a jumpmaster in a C–47 that dropped one of the first sticks of paratroopers on D-day that, "Somehow or other, a bunch of people who were only civilians went out and battled a professional army and made Europe free."

LIST OF D-DAY PARTICIPANTS BY SENIORITY

Honorable G.V. Montgomery, Chairman, Honorable John Dingell, Honorable Bob Michel, Honorable Don Edwards, Honorable Jake Pickle, Honorable Kika de la Garza, Honorable George Brown, Honorable Tom Bevill, Honorable John Myers.

Honorable Henry Hyde, Honorable Austin Murphy, Honorable Ike Skelton, Honorable Earl Hutto, Honorable Bob Dornan, Honorable Tom Lantos, Honorable Mike Bilirakis, Honorable Tom Lewis, Honorable Al McCandless.

Honorable Roy Rowland, Honorable Norm Sisisky, Honorable Alex McMillan, Honorable George Sangmeister, Honorable Cliff Stearns, Honorable John Tanner, Honorable Gene Taylor, Honorable Chet Edwards, Honorable Charles Taylor.

THE SITUATION ON THE KOREAN PENINSULA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 8, 1994, the gentleman from Colorado [Mr. MCINNIS] is recognized for 60 minutes as the designee of the minority leader.

Mr. MCINNIS. Mr. Speaker, Members, I want to speak this evening about a very sobering subject, about a very dark subject, about Korea. Korea is kind of like a grizzly bear. I am referring specifically to North Korea.

Many have in the last few weeks read extensive media coverage on North Korea and the situation that we have on the Korean Peninsula. This is a situation that must be taken by every American citizen very, very seriously. It is a situation that directly involves 37,000 American soldiers, and it involves probably 14,000 to 16,000 American civilians, and if a conflict were to break out on the Korean Peninsula, it would involve the entire world, not only from an economic point of view, but certainly the stability of peace in the world as we know it.

So I would ask tonight that you bear with me as I discuss a little about Korea. We are going to talk for a few minutes about the history of Korea. We are going to talk about the politics of Korea. We are going to talk about the military readiness of Korea. We are going to talk about the nuclear situation over in Korea, and finally, talk about a few solutions.

What direction should this country take in regard to North Korea?

Let me start out by defining North Korea which, in my opinion, is a lot like a grizzly bear. I am from Colorado, and bears are a big thing back there. A grizzly bear, and grizzly, by the way, stands for the word horrible, the horrible bear. That is why the grizzly bear got its name.

Grizzly bears are sometimes predictable and sometimes not so predictable, but there are some things you can do with the grizzly bear in order to judge that behavior the best that we know how.

First of all, obviously you never pick on the cubs. Second of all, you prepare yourself for a confrontation if you are going up into the high country of Alaska or Canada where grizzly bears are known to roam. You prepare before you enter into those mountainous territories so you are not unprepared when the grizzly bear approaches.

It has always been thought that the grizzly bear can sense fear. If the grizzly bear does not sense fear, the grizzly bear turns and runs. It the grizzly bear senses fear, you have got a real problem on your hands.

Korea is not a whole lot different than that, North Korea, in my opinion.

Now, to start this evening, let me mention a couple of articles that I think would be very helpful for the average Joe and average Jane out there that want to know a little more about what is happening in Korea.

I thought Time magazine, June 13, 1994, had an excellent article. In addition to that, so that you have a geographical understanding of what North and South Korea are about and what military options might be available, I suggest that you look at the map contained in that July 13 Time magazine article. In addition, I know that many of you may not subscribe to the Heritage Foundation, an excellent foundation here in Washington, but they have a memorandum. It is No. 224, memorandum No. 224, called "Defusing North Korea's Nuclear Threat." This is written by Darryl Plunk. Darryl Plunk is an expert in Korean matters.

I know Darryl. In fact, I was in Korea. I just returned from Korea about a month ago. I spent time with Darryl over there. He is well respected. I think his article addresses very clearly the kind of challenge that we face on the Korean Peninsula.

Both of those articles I would recommend to you for some very basic knowledge on what our situation is in Korea.

Let us start out by looking at a little geography. To assist us here, I have brought down a map. As most of you know, South Korea is down on the southern end, obviously. It is divided by what is called the DMZ. The DMZ runs right along in this area. Above that is North Korea. North Korea is a very mountainous type of terrain. It has a lot of weather similar to the State of Colorado. Right now, however, the peninsula up there is going through the monsoon rains, North Korea.

The access across the DMZ is limited. Again, that map in Time magazine lays that out very well for you.

Up here on the northern end of North Korea the largest border on the peninsula is with the country of China. We are going to come back to China and discuss China a little more when we talk about economic sanctions.

To give you a little history, North Korea is a dictatorship. In my opinion, it is a Communist dictatorship. I noticed the North Koreans have recently continued to refer to themselves as a socialist society. It is a clear Communist type of dictatorship in North Korea.

The dictator in North Korea is a gentleman by the name of Kim Il-song. Kim Il-song is estimated to be 82 or 83 years old, and he was installed into power by Josef Stalin in about the late 1940's.

In 1950, in June 1950, much to the surprise of the U.S. Congress, much to the surprise of the President of the United States, President Truman, this dictator, Kim Il-song, who is the dictator that rules the country today, under the pretext of military exercises, launched a surprise attack against South Korea. There is no need to say much more about that attack, because we all know about the Korean war.

Ironically it was never declared as a war. There were still 114,000 fatalities from our country alone.

So the same dictator that ordered it is the dictator we are having difficulties with today.

Why do I bring that history up? It is important history to understand that this dictator has taken it upon himself before to immerse his people into a very intense war, and we cannot underestimate his courage, if you call it that, his insanity, if you call it that, or his just pure stubbornness, if you call it that, to launch a military attack.

Now, let us move very briefly to the military comparisons between North and South Korea. Again, I do not mean to keep referring to that Time magazine article, but I think it is necessary, because that article is very simple and lays out some of these comparisons.

□ 1940

When you look at the numbers of troops, North Korea outnumbers the South Koreans and American troops 2 to 1. Now, in South Korea we have a United Nations Command. We also have the U.S. forces. We have the South Korean forces. The combined command in the forces, the commanding general over there is a very competent, very capable, very tough general by the name of General Locke. I had the opportunity when I was in Korea to spend many hours with him and his staff. I came away from there feeling very confident about the military leadership we have got. If in fact we provide those military people with the necessary arsenal and tools to carry out their job.

Now let me give you some comparisons. North Korea, 1,200,000 troops. South Korea and the United States, about 235,000 troops. South Korea has the probability of calling out reserves of 2 million more people; North Korea, the latest numbers I saw, has the potential of calling out 6 million people in reserves. Main battle tanks: 3,700 in North Korea, and approximately 1,900 in South Korea. Artillery, 10,000—these are multiple rocket launchers—10,000 in North Korea, about 4,600 in South Korea. Air defense guns—and this is an important statistic—air defense guns and surface-to-air missiles, 18,000 in North Korea and about 1,500 in South Korea.

Let us talk for a minute about the importance of air ballistic missiles.

Korea does not need a nuclear missile to launch an attack against South Korea. In fact, I personally would be surprised if they used a nuclear weapon. My primary concern with North Korea is that they are going to sell these nuclear weapons. But they do not need a nuclear weapon to launch a very devastating, very deadly and horrible war on the Korean peninsula.

Take a look: The most strategic point you have got in South Korea is the community of Seoul, the capital of South Korea. One-half, by the way, of the country's population; one-half of the country's gross national product; and less than 30 to 40 miles away from North Korean ballistic missiles.

You do not need even more than one missile to launch into a city of 15 million people to create a panic. Can you imagine a missile going off in the DMZ, landing in Seoul, the kind of panic it would wreak? In fact, I think panic is going to be our biggest problem if, in fact—and God forbid—but if we do have a military confrontation, panic will be our biggest problem. These ballistic missiles are located along the DMZ, several key areas up here, and they have a significant ballistic missile system.

Now, a lot of people look at the Korean Peninsula, and we should all be justifiably proud about the job, the kind of operation we did in the Persian Gulf. Iraq was rumored to be this huge force that we would suffer huge casualties, that this was an army of might. The United States went into the Persian Gulf with the pride of our American people, our American service people, and we got a quick and decisive victory. Not so in Korea, not so at all.

North Korea will have a real fighting force. It is ironic that several years ago the North Koreans tried to attack the Blue House, which is the same as our White House in the United States, the home of the president in South Korea. Twenty North Koreans, 20 North Koreans attacked the Blue House. They were completely surrounded very quickly. Those 20 North Koreans had no chance, absolutely no chance of survival except through surrender, no chance. And every one of those North Koreans fought to their death, even under those circumstances.

This force has got a heavy militia. Now, we clearly have air superiority. North Korea has some of the most sophisticated tunnel systems in the world. They have a philosophy that the peninsula should be reunified. They have unaltered loyalty to their dictator, Kim Il-song. By the way, Kim Il-song's son, about 52 or 53 years old, while the loyalty is not as intense for the son there is still a following of the father/son in North Korea.

So this will be a force, and unlike the Persian Gulf, this will be, if the conflict occurs, a conflict in which we suffer immense casualties, which will require a tremendous amount of resources devoted to that peninsula to sustain that action or, hopefully not, but to retake the peninsula should the North Koreans be successful.

Enough about the military issue; let us talk about the issue that has heated up and where we are today, let us talk about the nuclear issue. We have always been concerned about a nuclear arms race over in East Asia. East Asia is a very important economic center for the entire world. The security for eastern Asia has been provided primarily by the United States since the end of World War II. For the most part, that economic security blanket and military security blanket has provided a great deal of stability. East Asia has been fairly stable. Granted, we had the Vietnam war and so on, but I am talking about the Korean peninsula and Japan and Taiwan. We have seen very prosperous economies. The economy in South Korea is a tremendous economy. There is good leadership in South Korea. North Korea has a very, very poor economy.

But the nuclear issue and what concerns us is that East Asia would get into a nuclear race. Several years ago we had a number of countries, well over 100, sign what is called the Nonproliferation Agreement. What that agreement calls for or prevents—hopes to prevent through the enforcement of an association called IAEA—remember those initials IAEA because you will hear those a lot as we talk about the nuclear issue.

The Nonproliferation Agreement was a hope that we all had that we could stop the proliferation of nuclear weapons and instead we could bring this world together as an economic center, so to speak, and that the wars and the fears of nuclear war or the fears of a nuclear weapon falling into the hands of a Third World country or a country without stability could be minimized.

Well, the only way that the Nonproliferation Agreement works, obviously, is if the participants of the Nonproliferation Agreement agree with its terms. North Korea has refused over and over and over and over again to comply with the agreement that it signed on the Nonproliferation Agreement. Our President, in response to this noncompliance, in November of last year made a very clear statement to the North Koreans: "You must never have"—excuse me, I am wrong; it is not, "You must not," it is, "You can never have a nuclear weapon."

Well, our President has spoken some very strong words. Remember my comparison to the grizzly bear? If you come face to face with a grizzly bear and you stand there and you look right at him, you do not have a gun, you have no choice, you stand and you look strong, the grizzly bear in all likelihood, unless you have a cub there, will walk away. But if the grizzly bear senses that you are going to back off, the grizzly bear knows weakness. It is the same thing with North Korea. North Korea understands two things: They understand strength, and they understand weakness. If you have a President who makes a strong statement, he needs to be able to back that statement up.

Since November—and I am not trying to be partisan, because I think when we talk about foreign affairs, we have to lift ourselves above partisanship and worry about the welfare of this country and the welfare of the entire world. But since that November statement, our country has shown, in my opinion, a great deal of weakness in its negotiations with North Korea. Example: North Korea, we know, has about nine suspect sites for the development of nuclear weapons in Korea. Now, remember we have limited intelligence in North Korea. We really rely very heavily on satellite intelligence, and satellites, of course, cannot pick up what is going on on the ground. And we have to have good weather.

North Korea is the most closed society in the world. It is very difficult to get ground intelligence out of North Korea. It is very difficult to do ground intelligence out of North Korea, very difficult to do this.

So, of the nine sites, under the Nonproliferation Agreement a team from the IAEA is allowed to go in and inspect these sites. The North Koreans have said "no," then they said "yes," then they said "maybe," then they said "no," then they said "okay," then they said "no," then they said "come on over," then they said "no," then they said "come over and look at a couple of sites," then they said "no." Then they said, "Come on over, and we will let you look at seven sites, but not the two suspect sites." This last week, they said, "You can never look at the two most highly suspect sites where you think we are developing nuclear weapons."

□ 1950

I saw a comparison. It said it is kind of like walking through the customs when one comes into this country. Walk through customs, and tell the agent, "Yeah, you can go ahead. I've got nine suitcases. You can go ahead and look at seven of them, but I'm going to point out to you which seven suitcases you can look at. The other two suitcases, which I pick, you can't look at." It is clearly flying in the face of the nonproliferation agreement, which is really much broader than the nonproliferation agreement, because we are talking about a country like Korea who soon will have the technology to do what Korea is doing, and, if we do not have an agreement that is enforceable, we will have an arms race throughout the world, an arms race that the next generation, the next generation, will have a very difficult time dealing with.

So, this agreement means a lot more than just relationships between the United States and North Korea or South Korea and North Korea. It really talks about the beginning of an arms race.

Let us talk about some of the ideas dealing with the failure of North Korea to comply with the nonproliferation agreement or the inspections. I say, "First of all, if you look at North Korea, they always pay attention, as I said earlier, when you speak from a position of strength. We, unfortunately, in the last year and a half or couple of years have shown some weakness on foreign affairs in Haiti, in Somalia, in Bosnia, and in North Korea, and so the North Koreans, I think, believe they can play cat and mouse with us. In fact, I think they rather enjoy it. It's a very dangerous game, back to the grizzly bear. It's kind of like poking a grizzly bear when it's asleep. If it's in hibernation, and you're sure it's in hibernation, no problem. If it's not, you better watch out."

So, the nonagreement of North Korea and some of the options that are available to force them back into the agreement should be discussed. One of those is, and I hear it from my colleagues, and that is to take a preemptive strike. We know, for example, up here in Yongbyon, up in that area right in here, that there is a nuclear site up there, a nuclear reactor there. In fact, that is the one my colleagues have been reading a lot about where the rods have been removed in the last couple of weeks, and there are some that would suggest we take a preemptive strike, that we certainly have the capabilities to take that facility out.

In my opinion a preemptive military strike would be crazy. It is not well thought out. A preemptive military strike against North Korea can assure us of one thing, and that is a war on the Korean peninsula, a war that will have devastating results, a war in which many of our 37,000 troops and many of the thousands of subsequent troops that we sent over to Korea will lose their lives, will pay the ultimate price.

So, a first strike is not a good option. Even if we carried out the first strike from a military point of view, it may not be successful if the key ingredients that we are trying to destroy are stored deep underground, and the probability is that they are stored deep underground. Even if we are successful, and we hit a nuclear facility, the unfortunate thing is, if we set loose radiation, the trade winds tend to go this direction, would go over Seoul—remember the population center of South Korea—and eventually make its way down over Tokyo and over Japan.

So, Mr. Speaker, a first strike, preemptive strike against nuclear facilities, is not a good option in my opinion, will simply start a war.

Well, what is the next thing?

Well, we heard the President talked a lot in the last few weeks, and we heard some very educated scholars and some very well-learned people on Korea suggest economic sanctions. There are two factors for economic sanctions to work. First of all, China has to agree that it will not veto the economic sanctions in the United Nations Security Council; and, second of all, even if China does not veto those economic sanctions, that China will agree to enforce the economic sanctions.

Remember I said earlier that North Korea is the most isolated country in the world. They do not have a lot of trade like the United States does, for example. They are not like Taiwan where they trade all over the world, or Japan. They trade primarily with one country, and that country is China.

Here is the border. Remember we looked at the border earlier. If that border is not secure, if China does not exercise the economic sanctions along that border, then economic sanctions will cost this country tens of millions of dollars. We will have very minimal impact upon North Korea, and we will not accomplish what I think is the key goal.

China in just the last couple weeks, the President, and this is incredible to me, the President, the Secretary of State, have said on and off again that China, they think they are going to get China to cooperate with us. China is not going to cooperate with economic sanctions. They are not going to let this occur. Just in the last week and a half or so ago China has said that North Korea are the, quote, blood brothers. Does that sound like the kind of talk that is going to get cooperation from China, especially after we have already given to them the most-favored-nation status so we really do not have much to swap with them?

I do not think China wants to see a conflict on the Korean peninsula, but their relationship with North Korea goes deep. Remember we were about to overrun the Koreans when we finally launched our counterattack in the Korean war in 1950. The reason that it was stopped, the reason that the Korean war came to a stalemate, is because China dumped its troops in to face us from the north. China has a long history with North Korea, and they are not about to put that aside to assist the United States with economic sanctions.

Now Japan is beginning to play a very important role in this. Many of my colleagues have probably heard the events of the last couple of days where Korea has come out and given a very clear warning to Japan:

"Back off. If you don't back off, we have got missiles that can hit your country's mainland."

This is more of a confrontation between the South and North than between the United States. We have a good ally in Japan. We have a good understanding with Japan. But look at the politics in Japan for a few minutes:

First of all, there are about a half a million Korean citizens who are now living in Japan, and these descendants of Korea came from Japan over the years between, say, about 1910 and 1945, when Japan occupied the Korean peninsula and brought slave labor into Japan, and as a result there have been descendants through the generations. So, about 500,000 Korean descendants live in Japan. They are very loyal to the Korean peninsula, and they send a great deal of money, about a billion dollars, estimated as high as $1.8 billion, in sympathetic money to Korea, to North Korea, every year.

Now the Japanese, the leadership, as my colleagues know, they have had a lot of turmoil in their leadership, and it does not appear that that leadership is entirely stable. They are going through some very trying times. We have very capable leadership in Japan, but Japan is getting a little, I think, getting a little cautious about being involved in economic sanctions against North Korea.

And Japan; we have said to Japan, "Look, you, of anybody, ought to be concerned about this. You will be, if you're not already, well within the range of nuclear Korean missiles, and those Korean missiles could soon contain a nuclear warhead. You have got to participate with us. We have got to stop this before it gets out of hand."

But, Mr. Speaker, when it comes time to really do something about it, as I said earlier, Japan is very cautious. I think they are going to have a very difficult time stepping in there and telling their citizens who are Korean descendants that they can no longer send money to their families in North Korea.

Well, what kind of options do we really have? We have talked a little about the history, we have talked about the military, we have talked about the consequences of a war on the Korean peninsula. If there were a military conflict in Korea, what kind of options do we have, and again I would refer my colleagues, I think, to Mr. Plunk's article, Heritage Foundation No. 224, and, by the way, it is dated June 2. 1994. It lays out some options. I would like to add a little to some of those options.

First of all, Mr. Speaker, our President needs to be very strong in his message to the North Koreans. I believe that our message, our President, has to go further than he has gone. Now our Secretary of Defense, Mr. Perry, I think, has done a fairly commendable job in dealing with the North Korean situation since he has come into office. But it has to go above Mr. Perry. It has to go directly to the President. The President has told North Korea that their country would be destroyed as they know it.

☐ 2000

I am not sure they take the President seriously. I do not think they took the President seriously since November when he said they cannot really have a nuclear weapon and then flip-flopped around as to whether they should have one, a few of them are OK, or so forth.

Our President needs to make it very, very clear that North Korea should not miscalculate what the intentions of the United States of America are. First of all, I think the President needs to assure North Korea that we would not take a preemptive strike against their country. But in the same statement the President needs to make unequivocally clear to North Korea that should North Korea launch an attack against South Korea and the United States that we will use whatever weapon in our arsenal is necessary to destroy their country. In other words, North Korea, a military conflict would be a gross and fatal miscalculation on your part.

So we need a firm statement from the President. We need to be prepared militarily. Again, if you are going out into the mountains up in Alaska or Canada, into that high country, you need to be prepared. If you are prepared, you are not going to have any difficulty. North Korea understands strength. We have got an excellent command force over in Korea, the South Korean forces that I met with and commanding officers, I felt were very capable, but we need to shore up our defense. We need to immediately in our opinion begin to move more naval force into the area and I think we need to do this very prominently so that people see what is going on. I think we need to shore up our capability with our air superiority. I think that we have to have a carrier task force, an additional carrier task force moved into the area. I think that we have got to prepare our troops for war. And I think our troops are prepared. But I think that North Korea needs to get the message that should they decide to engage in a war, that the United States of America is not only ready for the war but ready to end the war very quickly on our terms.

If you have a strong defense, I do not think there is any better way to stop a military conflict than that defense. It used to be in the cold war, we talked about deterrence and there is a difference between deterrence and defense. Deterrence is where, let us say there is a fellow named Mel. Mel is sitting out here and Mel has a missile and I have a missile. Now, Mel is smart enough to know that if he uses his missile against me, I can still use my missile against him. So Mel and I just kind of stay at arm's length with each other. That is called deterrence. Deterrence will not work in Korea. What will work in Korea is a strong, strong defense.

I think what we need to do in addition is the President needs to make a personal trip. I think the President needs to visit China. I think the President needs to visit Japan. Now, the President found time to visit Oxford University.

Mr. President, the most serious international problem that we have right now is Korea. The two most important allies that we have in Korea are Japan and China, and I support you 100 percent in working with those two partners. But maybe you ought to go sit down with them. Maybe you ought to tell them the importance of their cooperation in nonproliferation of nuclear weapons in east Asia. Maybe we ought to make it clear to Japan that it cannot continue to allow its citizens to send $1 billion or $2 billion a year to Korea if in turn they expect our young American soldiers to go over and be willing to give their lives in defense of Japan. I think that our President has got a lot of groundwork to cover. I think he is capable of doing it. There has been a lot of criticism about the President's military background. There has been a lot of criticism, and I happen to think a lot of this criticism is justified, on our President's weakness in foreign policy. But our President does have the capability to communicate and if ever there was a time for communication, if ever there was a time for us to get behind our President and hope that he could communicate in the clearest of terms, it is now on the Korean peninsula. To the people of this country and to my colleagues in here, this is a very, very critical situation. It is a situation that we cannot allow to continue without clear policy and a clear message and a showing of strength. We do not want a war on the Korean peninsula any more than you want to run into a wounded grizzly bear on a trail up in the mountains. You do not want that to happen.

Finally, and let me conclude with this. One of the things that I think is very important for us is to approach North Korea and say, "What's up? We know you know what is going to happen if you continue to push these nuclear weapons. You have got a lot better future for your country and a lot better future for the people of your country if you join the market. Look at what has happened in Russia. Look how much China has improved. Look at your own blood brothers down in South Korea. Look what it's done to their economy when they come into a capitalized type of system. You don't have to change from communism to capitalism. Open up your doors. Open up your doors to the rest of the world. Stop your isolation. It is a win-win deal for you, North Korea, if you stop the isolation, come into the world, start trading with the world. You're going to have, North Korea, countries throughout the entire world giving you foreign aid. You're going to have countries throughout the entire world wanting to invest in your country, to put money into your country."

What is wrong with a country like North Korea when they have such isolation? Not long ago I had an opportunity to give some graduation speeches and I talked about the difference between an 18-year-old in North Korea who would probably never taste ice cream in his lifetime, has probably never seen a TV, certainly has never flown on an airplane unless it is a military aircraft, has never owned a car, probably has never driven a car, has never had an opportunity to go to department stores and pick out clothes, has never had an opportunity to go down and buy a soda pop or enjoy some of the finer points of life. Compare that with the South Korean 18-year-old, who has had those opportunities. Ice cream is abundant. TV's. Modern life. It is there. North Korea can provide that for its citizens and keep the hierarchy that it has. They can preserve that leadership. All that leadership has to do is open up to the rest of the world.

I hope that that is what North Korea does. Every American should hope that that is what North Korea does. It would stop the proliferation at least starting on the Korean Peninsula. It would show that there is an effective way to deal with nuclear proliferation and military confrontation without missiles. I hope that is what happens. But we as a country must prepare that that may not be what happens. We as a country must be prepared not only for the best of times but for the worst of times. Right now the pendulum seems to be tipping toward the worst of times on the Korean Peninsula. Do not go to bed tonight thinking that there is going to be an attack tomorrow, but do go to bed tonight thinking about the consequences if there is an attack tomorrow and the importance of our President, of the leadership of this country, to step forward and make sure that a military confrontation on the Korean peninsula does not take place.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Yes, I would be happy to yield to the gentleman from California.

Mr. DORNAN. I did agree with your summation that people should not start to lose sleep over this but if you look at the columns of Charles Krauthammer, Bob Novak, some other very serious writers and analysts of what is happening here, we are approaching a most dangerous situation.

We have been discussing informally, and I would like your opinion, SCOTT, that the power of our country is so overwhelmingly superior to any military force in North Korea, that maybe we should consider taking the 37,000-plus Americans that we have in harm's way if North Korea does, as some believe they already have, achieve the possession of a few nuclear weapons, that we should take our troops out, indicate to the South Koreans that they have to mobilize, which they have not yet done, to a state of heightened readiness, put a naval carrier battle group off each coast with every single Tomahawk-equipped supporting ship we could, throw in a few nuclear submarines, and tell North Korea, "Don't think for an instant because we've taken our men and women out of harm's way in South Korea that you could invade with impunity."

If they do, then repeat the Clinton administration threat, "You are annihilated as a Nation"—even with conventional weapons we could do that—and it is absolute suicide for Kim Il-song and Kim Yung-il.

□ 2010

We should say this is the end of government as you know it. The peninsula will be united under democracy. There will be no China to come to your rescue, no unending supply of Soviet arms, no Soviet fighter pilots flying and instructing your air force.

But what I am shuddering at, and I am only putting this out as food for thought, is one mistake, one miscalculation, and they put one nuclear weapon into the areas where our 8th Army headquarters are, and the entire Second Division could be wiped out. Then, of course, we would destroy them totally as a society and say why did we not get our people out of harm's way when we had a chance? That is just food for thought.

Mr. MCINNIS. To the gentleman from California [Mr. DORNAN], first of all, I think you are very capable, you are very knowledgeable in those subjects. I think you, probably more than any Member in the House here, you went to Somalia, you have been at these scenes and have a good understanding.

My concern about your proposal is any indication we are withdrawing troops would be seen as a weakness, I think, by North Korea, even though at the same time, simultaneously, we bring Naval forces in, substantial Naval forces.

I think what we have to do is in fact just the opposite. We do, as the gentleman from California has pointed out, do have 37,000 young American men and women over there in harm's way. I think we need to strengthen those forces. I think we need to send in additional forces, to say look, North Korea, you are not going to wipe out 37,000 troops. If you come at us, you are not going to win. You are not going to accomplish the goals you may be able to accomplish today. We will destroy you.

But to the gentleman from California, I think your option makes a whole lot more sense than a lot of other options I have had. I am particularly pleased that the gentleman from California also agrees with me about the seriousness of this.

Mr. DORNAN. If you would yield again, I would have never proposed such an idea, because the slightest withdrawal might be misinterpreted by them as weakness, if Mr. Clinton were not the Commander in Chief. What gives me pause about leaving these thousands of young Americans in harm's way is the track record of this foreign policy so far. That I think we could encourage him to put battle groups off those coasts, and to make good on a threat if they were to dare to move across the DMZ. But with this erratic track record and the disregard that people had for the military in Somalia, jerking away their Specter AC-130 Hercules gunships, and no armor for a rescue mission in there, I have been to this South Korean peninsula four times, to North Korea once, a visit to P'anmunjom, and I may try to go with some other Members. I would love to talk to you about it, to P'anmunjom this summer during our district work break. But I do not know what to make of the White House policy up to this point.

When Charles Krauthammer writes as thoughtfully as he did, and I saw it in the overseas International Herald Tribune at D-day, MIKE BILIRAKIS, one of our great Members from Florida, passed the article to me. We were on a KC-1230 where the noise was so bad you could not hear, we had headsets on, he said, "What do you think?" I just said, "This is the major worry of our time." That is why I appreciate your very informative special order.

Do you know what all these columnists are saying? We had better prepare the country for this serious situation. That is exactly what you are doing. You are responding to these thoughtful columnist's pleas. Where is the awareness of our country, of the dangerous situation we have gotten ourselves into through dilly-dallying and dithering around with this process over the last year?

Mr. MCINNIS. Thank you to the gentleman from California. Reclaiming my time, I think it is important for the people and for all of us to understand here, this is not a partisan discussion. This is a message of cooperation to the President of this country.

Mr. President, the message needs to be clear: Tap the minds of people like Congressman SAM JOHNSON out of Texas, or Mr. DORNAN out of California. We need to get our minds together. We need to have a clear policy. We need to have a policy we are going to stand by, and we need to prepare this country in case the worst occurs.

As I have mentioned earlier, hopefully that is not a scenario we will see in the future. But if we are not prepared now, we are going to end up in a battle with the grizzly.

WHITEWATER AND DRUG-RELATED ACTIVITIES

The SPEAKER pro tempore (Mr. KANJORSKI). Under the Speaker's announced policy of February 11, 1994, and June 8, 1994, the Chair recognizes the gentleman from Indiana [Mr. BURTON] for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I want to talk tonight, along with my colleagues SAM JOHNSON of Texas and BOB DORNAN of California, about some new revelations into Whitewater-related activities as reported today in the Washington Times, and I would like to expand a little bit on the story, and I hope everybody will bear with me a little bit, because it is a very convoluted, involved story, that leads everyone who knows something about it to believe that there needs to be a complete congressional investigation involving Whitewater, as well as possible drug-related transactions.

A fellow named Jerry Seper of the Washington Times wrote, and I am going to quote the first paragraph:

> Whitewater Madison investigators are looking at a Little Rock investment firm owned by a convicted cocaine dealer to find out if drug profits were laundered through banks and other financial outlets, and later masked as campaign contributions to arch Governor Bill Clinton.

Now, what he is talking about here, and I will jump through a lot of this, is a fellow who is named Dan Lasater. Mr. Lasater is a businessman who is very successful. He started a company called Lasater & Co. And Mr. Lasater has been involved in business down in Arkansas for a long time.

Now, Mr. Lasater was a major contributor, financial supporter of Bill Clinton, as well as a personal friend, throughout much of Bill Clinton's political career.

During the time that Bill Clinton was Governor and running for reelection, as I said, Mr. Lasater gave him major contributions and major financial support.

Mr. Lasater, in 1986, was indicted and convicted of dealing in drugs, and he received a 30-month jail sentence. He was believed to have been involved in not only drugs, but laundering drug money.

At the same time, Bill Clinton's brother was involved in this alleged scheme, and he was convicted as well.

Mr. Lasater did not go to prison. He spent 4 months in a halfway house, and then I think he had 2 months under house arrest, and then in 1990, Bill Clinton pardoned Mr. Lasater, and Mr. Lasater, after being pardoned, became the chairman of the board of the Phoenix Mortgage Co.

At that time, a lady named Patsy Thomasson, who had been associated with Mr. Lasater and Bill Clinton, she was also at that time in the late eighties and early nineties head of the Democrat Party in Arkansas, Miss Thomasson was the executive vice president of the Lasater Co. and when Mr. Lasater was indicted and convicted, she took over as the chief executive officer and ran the company in his absence.

When Mr. Lasater was pardoned by Bill Clinton, Miss Thomasson became the president of the Phoenix Group. So she was an associate of Mr. Lasater before, during, and after his conviction for drug crimes.

Now, Mr. Lasater, while he was being investigated by the state police of Arkansas for being involved in cocaine trafficking, received a $664 million bond contract from the State of Arkansas signed by the Governor, and he made $1.3 million off of this transaction. This was during the time he was being investigated and later convicted for drug trafficking.

Now, a fellow named Dennis Patrick, who was county court clerk in Kentucky, and this is a convoluted story, so please bear with me, it is hard to follow, was contacted by an old schoolmate named Steven Love, and Mr. Love worked for Mr. Lasater in his brokerage house in Arkansas.

□ 2020

Mr. Love had gone to school with Mr. Patrick, and they were close friends. He called Mr. Patrick and said he wanted to take him on a fishing and hunting trip, all expenses paid, on a private jet to an exotic place. He was going to tell him how he could make a lot of money.

Mr. Patrick went with him. During the trip Mr. Love told him that he was going to try to help him, to set him up, and help him make at least $20,000 a month from bond transactions. Mr. Patrick thought this was very interesting, but he did not think anything would come of it.

A month later Mr. Love called him and told him he had made $20,000 and he ought to come down to Arkansas to visit him and the Lasater firm, because he had been the beneficiary of this $20,000.

He had not invested anything, he had not signed anything, but he thought "If I made $20,000, I would even get on skates and go down there." He went down to Arkansas. Mr. Love called over to the First American Bank, to somebody he knew over there, and told them that he was sending Mr. Patrick over there and they were opening up an account for $20,000 for him. Mr. Patrick went over and signed some papers opening up this account.

After that, subsequent to that, Mr. Lasater's firm started running through Patrick & Associates, Dennis Patrick's company, bond transactions. These bond transactions ultimately, over the next 2 years, 3 years, amounted to between $60 and $107 million. Mr. Patrick did not know anything about them. He did not know anything about them until later, when two of the principals in the agency, of the Lassister Co., came to visit him and left him with some documents that he did not understand. They were bond transactions.

These bonds were transferred without his approval, and nobody knows where the money came from to buy the bonds, and the $107 million was transferred to the Security Pacific Bank branch in New York and First American Bank in Little Rock. Mr. Patrick did not know anything about it. He did not know where the money came from. He did not know who bought the bonds, but he did find out subsequently that these transactions had taken place and the money went into Mr. Lasater's account.

Mr. Lasater, as I said, went to jail. Patsy Thomasson was the chief financial officer for that company, so that she had to know about these financial transactions. Patsy Thomasson, for those who do not know, is now the director of the President's administration at the White House. She runs the White House today. She is the lady that was the executive officer running this company, or in large part, during the time that this $197 million in bond transactions took place.

It is very possible, Mr. Speaker, very possible that this money was drug money that was being laundered through buying U.S. Treasury bonds and then sold through these two banks, Security Pacific Bank and First National, First American, and the money was then going into Mr. Lassiter's account.

We believe, we think, that it is real possible, very possible, that Patsy Thomasson knew about these transactions. She is one of the lead principles in the White House, the Director of Administration, running the Clinton White House. We think that this alone is reason enough to have a congressional investigation.

There is so much involved in this, Mr. Speaker, that it almost becomes hard to follow. My colleagues and I have been working on this all day long, but I would like to show to my colleagues copies of the transactions that took place, these bond transactions that took place in 1985 and 1986. They just came to the attention of the media and the Congress today. They are related to the entire Whitewater scandal. This Congress needs to have hearings on this.

Mr. Speaker, we know there is an investigation going on with the special counsel. Many are concerned that this is not going to get the complete hearing that it should with the special counsel's investigation. We are not trying to impugn the integrity of the special counsel. We do believe he had close ties, Mr. Fiske had close ties, and has had close ties with Mr. Nussbaum, who used to be at the White House. We know that for a fact, because they had legal dealings together on a number of cases. We know Mr. Fiske represented the International Paper Co., and International Paper sold several hundred acres to the Whitewater Development Corp. Mr. Fiske is investigating all of this.

In order to make sure that Mr. Fiske does his job properly, as well as the Congress does its job in conducting its oversight requirement under the Constitution, we believe that congressional investigations are absolutely necessary. Here is a man who was convicted of dealing in drugs. Here is a man who was pardoned by the now-President of the United States. Here is a man who, during the time he was under investigation by the Arkansas State Police, got $664 million in State bond contracts, from which he made $1.3 million. Here is a man who was very close to the President of the United States, was a major, major contributor, and went everyplace with the President. As I said before, he was pardoned.

Patsy Thomasson, who is one of President Clinton's right-hand persons at the White House, and has been for a long, long time, the head of the Democrat Party in Arkansas during his administration, she was tied to Lassiter before, during, and after the time he was convicted of drug dealing. She was running his company when all of these bond transactions, $107 million, took place, and nobody knows from when the money came, but they know the money was transferred through Dennis Patrick's account. He did not know anything about it, so it must have been an illegal transaction. That should be investigated by the IRS and the FBI. The money went to Mr. Lasater and his account in these two banks I alluded to earlier.

In order for us to vindicate the President, get all of this cleared up, in order for us to vindicate and clear up Patsy Thomasson's relations with Mr. Lasater, in order for us to protect Dennis Patrick, and I might add that Dennis Patrick's life has been not only threatened, they tried to kill him three times since all of this took place. The man has been in hiding with his family because he is afraid he is going to be killed. He was in to see us today.

In order to protect him, we need to have congressional hearings. It is absolutely imperative. This goes beyond Whitewater. It goes into drug trafficking, it goes into money laundering, it goes into all kinds of things. In order for this President to be able to do his job effectively, we think this all needs to be cleared up. The only way it is going to be cleared up is through a congressional investigation.

Mr. Speaker, let me say one more thing, and then I will yield to my colleague, the gentleman from California [Mr. DORNAN]. That is this. Some people will say this is political. I think it goes way beyond politics, but we must look back to the Reagan and Bush administration, when things that were of much less consequence than this, much less consequence than this to the American people, were investigated by congressional hearings.

Mr. Speaker, there were 23 congressional hearings during the Bush and Reagan administrations, and every time we asked for anything, any information relating to Whitewater or anything else, we were stonewalled by the administration and the entire executive branch. It was that way in the Ron Brown affair and it is that way in Whitewater, and we believe it is going to be that way in this drug investigation we are talking about right now, and the possible money laundering.

Mr. Speaker, I say to my colleagues and to anybody else who is paying attention, this is a very serious matter. It deserves congressional oversight. It deserves congressional investigation. It is our responsibility as a Congress to look into this.

I would say to my colleagues, let us get on with it. If it was a Republican administration we would have done this months ago. It is a Democrat administration, and let us do the right thing and clear this thing up.

With that, Mr. Speaker, I yield to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I would say to the gentleman, we were in this office this morning looking at documents detailing what appeared to be massive movements of money, tens of millions of dollars. As I said at the end of my 5-minute special order within the hour, if we compare all of these latest revelations with substantial documentation to back it up, some of the documents the gentleman and I have touched are original source material from banks; that we are dealing, if somebody will set up a simple fraction, with a factor of one-thousand to one in financial impropriety over the tens of thousands, up to several, $300,000 loans, that were involved with the current Governor, allegations involving the current Governor of Arkansas and the immediate prior Governor of Arkansas, Mr. Clinton.

Mr. Speaker, I believe that if the special investigator, not independent investigator but the special investigator, working under the aegis of Janet Reno, the Attorney General, if Robert Fiske fails to include a thorough and extensive investigation of these latest revelations concerning Lasater and his company, Lasater & Co., that the investigation will be fraudulent, that it will be unsatisfactory.

☐ 2030

I think we not only must request, we must demand, it is compulsory that Fiske expand his investigation to include what Mr. Dennis Patrick told us.

Mr. Dennis Patrick, who appears to be a humble and average American citizen from the State of Arkansas, if what he tells us is true, that his life was in jeopardy at several points and may be again, if this is true, then our use of his name in the Halls of this hallowed Chamber, in the legislative Chamber of the House of Representatives is in a way buying Mr. Dennis Patrick a measure of safety.

Mr. BURTON of Indiana. We sure hope so anyhow.

Mr. DORNAN. Well I hope so too, because I feel like I want to say his name over and over about 15 times. No one who is serious about the U.S. Government and these multiple, overlaying scandals can begin to comprehend the enormity of what is before us if they do not understand who Mr. Dennis Patrick is and how his net worth, at a generous high watermark was never more than $60,000, and yet how a friend, a little more clever, who he owes his life to because his life was saved during a rappelling accident with this man, Mr. Love, coming down the cliff where he was completely unhooked and hanging by one line, and Mr. Love, a lifelong friend came down, rappelled down to him and literally saved his life, then when his friend said to him, "Can we use your name and start an account to run money through, and I think we can make you some money," when he was asked by this lifelong friend, and was told to come and pick up the first check for $20,000, and as this began to escalate, once he got the paperwork in his hands it was way over $100 million through this simple man's account.

Mr. BURTON of Indiana. And he did not know about the transactions.

Mr. DORNAN. None of them.

Mr. BURTON of Indiana. Which would lead one to believe that they had to be illegal transactions. And if they are illegal transactions, the IRS and the FBI have to be involved.

The gentleman from Texas [Mr. SAM JOHNSON] and I were talking a few minutes ago, and we were talking about the requirement that any transaction involving over $10,000 has to be reported on forms to the IRS. We are talking about $100 million here. And Mr. Lasater was running this money through Dennis Patrick's firm, and Dennis Patrick did not even know about it. There have to be criminal violations there. The thing that bothers me the most is that Patty Thomasson was the chief financial officer of this firm when all of this was going on, and if that is the case, she possibly is guilty of a felony, or maybe more than one felony, and if she is, she ought to be hauled before this Congress, and we ought to have complete hearings.

Mr. DORNAN. Let me set the background a little bit again on Lasater. Months ago when the first material started to come out on Lasater, that he met Mr. Clinton's mother at the racetrack, that they developed a friendship, that they had adjoining boxes, and then he met Mr. Clinton and he raised tens of thousands of dollars for Mr. Clinton, and finally when he goes to jail as a convicted cocaine dealer for I think an 8- to 10-year sentence, all of that time, and then Governor Clinton pardoned him at the 2-year, 4-month point, and his affairs then are run by Patty Thomasson.

Mr. BURTON of Indiana. That is right. She was the chief financial officer of this firm.

Mr. DORNAN. In going over this material with my wife, Sally, I tend to underline things in red that I think are important, and I had underlined something in red and it had not even struck me what I had underlined. My wife turned to me and said, "Why did you mention to me this when you underlined it?" She said, "What's that, that Dan Lasater paid off Roger Clinton's narcotic debts, his cocaine debts?" And she gets this smile on her face and she said, "Would this mean court costs, or FBI investigative costs, or does it mean to the mob? Isn't this getting like a John Grisham novel," my wife said. She said, "Isn't this like The Firm that we just saw with Tom Cruise and Gene Hackman the other night?"

This is strange. What drug debts did Lasater pay off of Roger Clinton's when Roger Clinton was a driver for him and was himself indicted for and served prison time for cocaine abuse? This is stunning material.

Mr. BURTON of Indiana. If I might interrupt my colleague, that is of concern and of import. But even more important is we may have in the White House as the director of this administration, one of the highest offices in the land, a person who may be guilty of a felony for not reporting properly to the IRS these transactions. We do not know where this money came from. We do know it went through Mr. Patrick's account without his knowledge to the tune of up to $107 million. And if that is the case, she had to know about that, as did Mr. Lasater. And if that is the case, why are we not allowed to have congressional hearings and get to the bottom of it? If she is clean, if she is clear, then that is fine, and we will all apologize and she can go back to work at the White House. But if not, she should not be down there at 1600 Pennsylvania Avenue helping to run this country.

Mr. Speaker, I yield to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding. I think he has a number of documents of transactions both in and out of the dollars of which there is no trail.

Mr. BURTON of Indiana. Yes. The problem is that we have the sell orders, and we have the transfers from Security Pacific Bank and First American Bank transfers, but we do not know where the money came from.

Mr. SAM JOHNSON of Texas. That is right.

Let me make another point that I think is really important. As a member of the Banking Committee I think it is incumbent upon this Congress, all of us, to be sure that we do not waste taxpayer dollars, and part of the taxpayer dollars that were lost in the savings and loan debacle that we had across this country were directly attributable to Mr. Lassiter and his company which was formed. He came to Little Rock in the 1970's and formed his company in 1983. About that time the Governor formed the Arkansas Development Finance Authority, which is tantamount to a way to create money without control. The Governor appoints the board. He has the right to approve or disapprove every bond issue, no regulator, no legislative oversight. It is essentially there to create money. The dollars were put in, they flowed through the Lassiter company, as evidenced by the trade agreements that the gentleman has there. They went to S&L's which are now defunct. The taxpayers are picking up the bill.

In my view, the Committee on Banking, Finance and Urban Affairs has a responsibility of oversight on the RTC, which we have been denied hearings on. And we have a right to find out what happened to our taxpayer dollars. We have a right to protect the people's interest. I think that that is the best argument for hearings that I know of.

Mr. DORNAN. Mr. Speaker, can the gentleman kind of open up the time for a three-way colloquy?

Mr. BURTON of Indiana. Yes, we will have a colloquy.

Mr. DORNAN. Mr. Speaker, I would like to ask the gentleman from Texas, as a member of the Banking Committee, what our distinguished colleague, and really he is a good friend of mine, HENRY GONZALEZ, what is he telling you as chairman of that key committee, because all of these scandals over the last 4 or 5 years, watching a Speaker for the first time in history resign, and 15 days before he resigned the majority whip got out of town, it looked like it was one jump ahead of the sheriff only to go out and make half a million dollars a year or so up in Washington, what is the gentleman being told? I have memorized the two dates of the votes in this Chamber and in the other distinguished body, and it is pretty easy. St. Patrick's Day the Senate voted unanimously, 98 to zero. Two Members were ill or absent, 98 to zero was the vote. Five days later, on my daughter Kathleen's birthday, March 22, 408 to 15 in this Chamber. The Ides of March, the 17th and the 22d, and here we are into June. We are about 6 weeks away from our next break. I wonder what they are telling you about hearings?

Mr. SAM JOHNSON of Texas. At the same time, and I am sure the gentleman did hear the majority leader tell us that we would have hearings. To date I know of none. I know that every committee hearing in the Banking Committee has been postponed to date. We are not doing any activity in the full committee because as I understand it, they are afraid of what questions might be asked. I think that it is high time that we had hearings, that the House lived up to the vote that the gentleman spoke of, and we have a hearing in the Banking Committee, or with a special committee, it does not matter to me. But the Banking Committee does have purview over S&L's and these matters, and they are directly responsible for protecting the people's interests.

Mr. BURTON of Indiana. Let me just say one thing. This is not going to go away. Under the purview of the Banking Committee the gentleman from Iowa [Mr. LEACH] who is the ranking Republican, has been trying for a couple of months now, 3 months, to have hearings on this.

☐ 2040

And every week or so we have new revelations about this thing. This time it is the situation with the possible laundering of drug money, the illegal transactions of bonds to Mr. Lasater's bank accounts in a couple of different cities. This is not going to go away. The longer this administration, in my opinion, continues to let this fester, the worse it is going to be.

What they need to do, if they want to clean this up so the President can be effective and get on with his job as chief executive officer of this country, is to have these hearings, have the people come down and testify who need to testify, and if everything is OK, it will be cleared up. It will be over with. But if Mr. Lasater did launder $107 million in this particular case in drug money through these bond schemes and if Patsy Thomasson, the chief financial officer for that company, was involved in any way by not reporting to the IRS or not reporting these transactions, and if the President, God forbid, if the President is complicitous in some way because he had such close ties to Mr. Lasater and he gave him $664 million in bonds for the State of Arkansas when he was being investigated for drug trafficking.

Mr. DORNAN. Did he fly on Lasater's airplane?

Mr. BURTON. Yes. He was with Lasater on his plane, I think, and everything else. At least, that is what I have been told. The point is that this needs to be cleaned up, and I think the President, if he really is concerned about his effectiveness as President, should say OK, let us make a clean breast of this, get down there and have these congressional hearings and get this behind us.

Mr. SAM JOHNSON of Texas. I think he ripped off, if I may, if you would yield, I think Lasater ripped off the people out at Angel Fire, too. You keep hearing that mentioned. I happen to own some property out there, and I know that, out in New Mexico. It is in default, and the guy just sucked money out of it by a large stroke. I'm not sure it was not part of this whole arrangement.

Mr. BURTON of Indiana. Let me ask you a question: Did not President Clinton, when he was Governor of Arkansas, do advertisements as Governor of Arkansas for that project? I think he did for one.

Mr. SAM JOHNSON of Texas. He may have. I am not positive.

Mr. DORNAN. Wait a minute. I have never heard that before. First of all, a Governor is entitled to do, not entitled to do, but I mean, it is ethical for a Governor to increase his State's tourist dollars, for example, to do, and now I thought it was a little silly dressing up as a pirate, but Governor Kean in New Jersey would walk along the beaches and do some very interesting ads to increase the tourism for New Jersey. It seemed to work.

If President Clinton was saying why do you not come to beautiful Arkansas, Governor Clinton says come to beautiful Arkansas and buy real estate, buy a home here, we would love to have you, this is a very healthy business climate, we are sucking jobs out of the North because we are a—and I have got a mental block, what is the expression for a nonunion State, you know, a right-to-work State—we are a right-to-work State, but if he is talking about a project in New Mexico, a ski resort project, that is something new to this Member of Congress. I had not heard that.

Mr. SAM JOHNSON of Texas. Can I interrupt the gentleman? I would like to also point out that Patsy Thomasson was one of the three people who went into Foster's quarters or investigated that office right after that death, and I noticed that there has still been no comment from her, so she will not talk about Foster, she will not talk about Lasater, even though she is the person who was directly associated with him from the beginning to the end, and she apparently will not talk to anybody about what is going on in the White House today.

Mr. DORNAN. She appears to be a very intelligent, well-coiffed person. She is very attractive. I repeat, she is intelligent. When she came over to the Senate hearing recently, I slipped into the back of the room, and she was what the columnists would describe as a very cool, competent witness in her own behalf, very tough-minded, without being arrogant, very pleasant. I think they can only hold this off so long.

Are my colleagues aware, and this is a current issue of Newsweek that I have in front of me, not a very attractive picture of our pal, Bill Bennett, on the cover, but it does talk about the politics of virtue and the First Lady and Peggy Noonan are backing him up, all of them in halos, a provocative cover to look for, Bill Bennett.

Listen to this, and this shows why all of this is not partisan, as the gentleman from Indiana [Mr. BURTON] said, but very relevant to the prior special order on the dangers building in Korea where you, as call sign Tiger, flew dozens of combat missions, way before your less fortunate tour in Vietnam where you were a prisoner for over 7 years, but listen to this book of Bob Woodward's called "The Agenda," that comes out this very week, it says, Simon & Schuster, and Evan Thomas, a very provocative guy to watch on television. He does talking-head shows in addition to being a senior political writer for Newsweek.

In Bob Woodward's new book, "The Agenda," White House aide George Stephanopoulos comes across more like a battered wife than a key strategic adviser to the President. He has been subjected to so many senseless tirades by Bill Clinton that he has grown numb. Stephanopoulos, quoting from the book, "sometimes thought his primary function was to get yelled at first thing every morning, Woodward writes. Stephanopoulos has stopped listening to Clinton during his purple fits, because Clinton's words really do not matter. The President is not only volatile but fickle. He constantly contradicts himself, agreeing with whomever he spoke to last. The worst thing about it is that he never makes a decision, Stephanopoulos tells Budget Director Leon Panetta, our former colleague, my classmate from 1976. It will not come as news that Bill Clinton has a temper and cannot decide or that the White House is chaotic. What will get Washington talking about Woodward's latest book, 336 pages of it, to be published this week, is you-are-there immediacy.

Books and various publications, including Newsweek, routinely purport to take readers inside powerful institutions. Bob Woodward delivers on a promise, that promise, in a way journalists almost never do.

Mr. BURTON of Indiana. The speaker has informed me that he has a problem he has to deal with in just a little bit, so I would kind of like to wrap this up in about 5 to 10 minutes; if we have some summarizing comments, I'd like to do that.

Mr. SAM JOHNSON of Texas. Thank you. I wonder if we could just ask a few questions and leave them in the public's mind.

Mr. BURTON of Indiana. Sure; sure.

Mr. SAM JOHNSON of Texas. I would like to start with: What does Patsy Thomasson know about the illegal bond trading that was going on at Lasater when she was in control as an officer responsible for signing off on the daily trades? I am sure she must have noticed any account that traded $20 million in a single day. I wonder if we should not know what role she played and if any of these were illegal transactions.

Mr. BURTON of Indiana. It appears as though, according to the gentleman whose account these went through, that they were illegal transactions, because he did not know about them. If he did not know about them, how can they be legal?

Second, if they were not reported to him, they may not have been reported to the IRS. Anything over $10,000, I believe and you believe, is a felony.

Mr. SAM JOHNSON of Texas. Yes, sir. And, secondly, Lasater was convicted of drug possession and drug trafficking and sentenced to 2½ years in prison in 1985. I wonder why then-Governor Clinton pardoned Lasater after he only served 6 months of that sentence?

Mr. DORNAN. Wait a minute. I had that wrong. I said he pardoned him after 2½ years. Let me stand corrected.

Mr. BURTON of Indiana. No; no. He was only in jail, well, he was in a halfway house 4 months. He never went behind bars. A halfway house for 4 months and 2 months under house arrest, so the man never really went to jail. After that he was pardoned by the Governor, and during the time of the investigation, and this is important, he got $664 million in bonds from the State of Arkansas, and the Governor approved it.

Mr. DORNAN. Some of this money on this Dennis Patrick scandal was laundered through Cayman Island banks? Correct?

Mr. BURTON of Indiana. Well, that is another thing we are looking into right now. There were supposedly $50 million that may have been sent down there, but we have got to check into that.

Mr. SAM JOHNSON of Texas. Another question we ought to ask is I think Patsy Thomasson was executive director of the Arkansas Democratic Party from about 1992 to 1993, and during that time she also headed Lasater's Phoenix Group. I wonder what financial contributions were made and how those employees receive cash bonuses from Phoenix and where those dollars came from. And I wonder if Patsy Thomasson would fully disclose her income tax records and any continuing financial relationships she might have with Lasater.

Mr. BURTON of Indiana. In other words, Lasater's firm, when he came out of jail and was pardoned by the Governor and started as chairman of the Phoenix mortgage company, she became president under him in the Phoenix Group, or with him in the Phoenix Group, that she may have requested funds that did not come from Lasater, at least on paper, that came through possibly employees of the Phoenix Group to the Clinton campaign.

Mr. SAM JOHNSON of Texas. Yes, it has to be added the Phoenix Group is now under investigation by the Securities and Exchange Commission for insider trading involving Don Tyson of Tyson Foods and Arctic Alaska Fisheries, and I wonder what she knows about that.

Mr. DORNAN. Mr. BURTON, I had to take a phone call when you began. Did you mention in today's paper the article adjoining the other problem about the check-kiting at Whitewater?

Mr. BURTON of Indiana. I did not get into that. There is so much going on you cannot cover it all.

Mr. DORNAN. Right next to that, and this is today's Thursday, June 9, "Probe Reveals Check-Kiting At Whitewater." I heard you as I was going out mentioning Jerry Sepruz doing absolutely phenomenal investigative journalistic work here, and here is John Solomon of the Associated Press.

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I guess this story will be appearing today nationwide, whichever of our 1,700 national dailies subscribe to the AP Service. Listen to the tiny opening paragraph: "More than $100,000 in Whitewater development money checks were written with the company's account overdrawn, then were covered with deposits from firms controlled by President and Mrs. Clinton's business partner, according to a review of the land ventures finances." An Associated Press examination of Whitewater records found that it sometimes took upwards of 2 weeks to correct

Whitewater's overdrafts. That is called check-kiting. And it gives a list of all the checks. I do not know how they get hold of this at AP. Here are the checks from 1984, 1985, 1986.

Mr. BURTON of Indiana. Let me interrupt. We had the House bank scandal where a lot of Members were overdrawn. They called that check-kiting. Many of them were defeated in the subsequent election. Many of them were even possibly guilty of criminal offenses.

Here we have the allegations that the Whitewater Development Corporation was doing the same thing, and this is another reason why we ought to have a complete investigation of the whole matter.

Do my colleagues have anything else they would like to say? I would like to wind up.

Mr. DORNAN. The main reason I read that article about Woodward's book, "Agenda," is I wanted to get the title of the article, "A Blistering Book Rivals a White House in Chaos." Then last week's Time magazine, June 6, began with an article that I feel like I was part of, "Looking for a Lift, Scandals and Rivals Have Stalled Him, but Clinton Hopes to Regain Momentum by Getting out of Town." That "getting out of town" means going to the 50th anniversary of D-day, about which he appears to have known nothing because he reads mystery novels, not the histories of his Nation, particularly not military history. He has to call historians to the Oval Office to be educated. That is why, Dan, I thought you were tremendous on the House floor and very polite to our colleague, STENY HOYER, demanding again more knowledge that we are entitled to as Representatives. Everybody in this Chamber, including the Speaker, represents the same number of American citizens. And we have a right to know if in fact he did take 28, 29, 30, 33 airplanes over to D-day with hundreds of friends because in this latest Newsweek is a figure I found stunning. Forty-three percent of the American people had military experience. Fifty percent of the U.S. Senators do. And exactly 50 percent of this House. The Clinton administration has only 13 percent, and the White House staff 8 percent association with the military. Maybe that is why so many White House workers went off to Italy, France, England.

Here is my final contribution today: White House staffers anonymously advised Mr. Clinton 2 weeks ago, "You cannot make an appearance at Oxford." We know, we all found out he never even went to class the second year and never got his degree. Only 4 in his class of 32 failed to get their degree, as they, the Brits say, stand for their 4 days or 3 days of final exams. They said, "Don't go near Oxford. It would be unseemly." When we were at Cambridge, a U.S. Air Force cemetery, Sam, with a B-17 flying over, a Mustang, Spitfire, "Don't go to Oxford." He waited until all the D-day celebrations were over and popped up at Oxford yesterday, and meanwhile on the Senate side Sam Brown's appointment stalled. He had gone over to be part of the European Security and Cooperation Commission, with no ambassadorial title. Thank God the Senate stopped him. But just as they appointed Strobe Talbott, with his checkered record as giving aid and comfort to the enemy during the Vietnam war, they approved his brother-in-law, Talbott's brother-in-law, to be Ambassador to Finland, which was the entrance point for all of these collaborating hippies to go in and out of Moscow. This is a tough period in our history and these scandals may yet tear down this administration.

I will close with a remark that I have come to the conclusion this is the most corrupt administration in the 218-year history of our Nation.

Mr. SAM JOHNSON of Texas. Let me just add with that I think that adds just more fuel to the fire; we need open hearings. It does not matter whether it is Banking, Small Business, House Administration, Ethics, or Judiciary, somewhere we need to put this out in the open and get to the bottom of it.

Mr. BURTON of Indiana. I agree with both of the gentlemen. Let me just close by saying that Patsy Thomasson tomorrow will go to the White House to work, and she was the chief financial officer of Mr. Lasater's firm during the time when he was involved in drug trafficking and was convicted. She ran the firm when he was in jail. She was involved in $107 million of bond transactions, we believe. We do not know the origin of the funds, but we know they went to Mr. Lasater's account through a phony set-up account that the man did not even know about. Patsy Thomasson, Mr. Clinton's right-hand lady at the White House, is going to go there tomorrow morning and work, was a major supporter and friend of Mr. Lasater. She worked as the president of the Phoenix Group after he came out of jail. These are things that need to be answered to the satisfaction of the American people.

Bill Clinton, while he was Governor of Arkansas and while an investigation was going on into Mr. Lasater's drug trafficking, for which he was later convicted, gave him $664 million in State bonds, for which he made $1.3 million in profits for his firm. He was a major Clinton supporter. Bill Clinton fraternized with him. We need to know how far this goes under his administration.

Mr. DORNAN. Does the gentleman believe he should be subpoenaed to come before a House committee?

Mr. BURTON of Indiana. Who, the President?

Mr. DORNAN. Lasater.

Mr. BURTON of Indiana. I believe Lasater should, Peggy Thomasson most certainly should. I believe anybody else affiliated with the Lasater firm should come and explain their involvement. Here are the receipts, here are the transaction papers, $107 million—at least we have $60 million here, and we believe it is $107 million of these transactions which we believe to be illegal. If they are illegal, then let the chips fall where they may. We need to have congressional hearings. As the gentleman said before, Mr. Fiske must be pushed as hard as we can possibly push him to get to the bottom of all this.

Mr. DORNAN. If Mr. Lasater were sitting in a House committee hearing room across Independence Avenue tomorrow and I had an opportunity to say, as the guest of the Banking Committee, HENRY GONZALEZ gave me the courtesy of just one question, I would say, "Mr. Lasater, this whole thing can be so complex, it can be daunting. I would just like to ask you, out of respect for my wife, a simple question: To whom, Mr. Daniel Lasater, did you give money paying off Roger Clinton's cocaine debts? Who did you give that money to? Can you turn State's evidence and name drug dealers in your State that may have received this money that he had welched on?" That is just for openers. This is going to be one tough year. Remember, we are out the first week of October, and we are gone most of August and the first week in September. Where are we going to get the time in what is left of June, all of July, and the month of September to get all of these issues done and come up with some sort of intelligent approach to health care? It is a daunting job that we have as Representatives.

Mr. BURTON of Indiana. As we end this, might I say to my colleagues, what we need to do as Republicans in the minority is to push our leadership as hard as we can to push the Speaker of the House, the Democrat majority in this House for hearings. There are things we can do to make this happen. We need to get our leadership on the ball and push for answers to these questions. The only way we are going to get them is through congressional hearings.

Mr. DORNAN. I think on the 17th of this year we ought to create one tough legislative day because that is the 3-month anniversary from that St. Patrick's Day vote in the Senate. We ought to have a series of protest speeches from the 17th to the 22nd, the anniversary of the 3 months since the vote in this Chamber, 408 to 15, we have got to have these hearings. We cannot be pushed into the August break and then come back in September and say, "Well, the Senate is behind us on appropriation bills. We are going to be here until midnight just trying to get the appropriations work of the House done. We don't have the time. We will have hearings after the election." That is not going to work.

Mr. BURTON of Indiana. It won't work. Mr. Speaker, I know you have an emergency, so we are going to bid you adieu.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical treatment.

Mr. TOWNS (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. SKELTON (at the request of Mr. Gephardt) for today after 6 p.m. and the balance of the week, on account of family business.

Mr. ORTON (at the request of Mr. GEPHARDT) for today after 5:30 p.m. until 7 p.m. on June 13, on account of official business.

Mr. ROYCE (at the request of Mr. MICHEL) for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCINNIS) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mr. OBERSTAR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. CALVERT.
Mr. KLUG.
Mr. HORN.
Mr. EMERSON.
Mrs. ROUKEMA.
Mr. THOMAS of California.
Mr. MOORHEAD.
Mr. PACKARD.
Mr. PORTMAN.
Mr. THOMAS of Wyoming.
Mr. COLLINS of Georgia, in two instances.
Mr. OXLEY.
Mr. BOEHLERT.
Mr. GILLMOR.
Mr. BURTON of Indiana.
Mr. LEACH.
Mr. ROBERTS.

(The following Members (at the request of Mr. OBERSTAR) and to include extraneous matter:)

Mr. GEJDENSON.
Mr. REED, in three instances.
Mr. SWETT.
Mr. ACKERMAN.
Mr. REYNOLDS, in five instances.
Miss COLLINS of Michigan, in two instances.
Mr. EDWARDS of Texas.
Mr. BARLOW.
Mr. BROWN of California.
Mr. PAYNE of New Jersey.
Mr. KANJORSKI.
Mr. COYNE.
Mr. LANTOS.
Mr. VOLKMER.
Mr. MAZZOLI.
Mr. FORD of Michigan.
Mr. SANDERS.
Mr. YATES.
Mr. OLVER.
Mr. TORRICELLI.
Mr. TRAFICANT.
Mr. UNDERWOOD.
Ms. DELAURO.
Mrs. KENNELLY.
Mr. HAMILTON.
Mr. STENHOLM.
Mr. LEWIS of Georgia.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 761. An act to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska; to the Committee on Natural Resources.

S. 1033. An act to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.) the House adjourned until tomorrow, Friday, June 10, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3339. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3340. A letter from the Director, Congressional Budget Office, transmitting a report on participation agreements between the Uniformed Services Treatment Facilities [USTF's] and the Department of Defense, pursuant to Public Law 103–160, section 717(b) (107 Stat. 1693); to the Committee on Armed Services.

3341. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the annual report on the subject of retail fees and services of depository institutions, pursuant to Public Law 101–73, section 1002(b) (103 Stat. 508); to the Committee on Banking, Finance and Urban Affairs.

3342. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on troubled thrift institutions, pursuant to Public Law 102–18, section 102(a)(3); to the Committee on Banking, Finance, and Urban Affairs.

3343. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Boxing and Wrestling Commission For fiscal years 1991, 1992 and 1993," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3344. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1990 annual report of its activities, pursuant to 42 U.S.C. 2000e–4(e); to the Committee on Education and Labor.

3345. A letter from the Secretary of Health and Human Services, transmitting the second report on progress in achieving the performance goals as it relates to the collection of user fees related to the process for the review of human drug applications, pursuant to Public Law 102–571, section 104(b); to the Committee on Energy and Commerce.

3346. A letter from the Secretary of Health and Human Services, transmitting the first report on progress in achieving the performance goals as it relates to the collection of user fees related to the process for the review of human drug applications, pursuant to Public Law 102–571, section 104(a); to the Committee on Energy and Commerce.

3347. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 1993, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Energy and Commerce.

3348. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Robert A. Pastor, of Georgia, to be Ambassador to the Republic of Panama, also by George Charles Bruno, of New Hampshire, to be Ambassador to Belize, and Carl Burton Stokes, of Ohio, to be Ambassador to the Republic of Seychelles, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3349. A letter from the Acting General Counsel, U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of 13 implementing agreements negotiated by the Joint Compliance and Inspection Commission and 1 implementing agreement negotiated by the Special Verification Commission; to the Committee on Foreign Affairs.

3350. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Department's Office of Inspector General for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3351. A letter from the Director, Information Security Oversight Office, transmitting a copy of the ISOO's "Report to the President" for fiscal year 1993; to the Committee on Government Operations.

3352. A letter from the Chairman, Federal Election Commission, transmitting the 19th annual report on the Commission's activities for 1993, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

3353. A letter from the Assistant Secretary (Land and Minerals Management), Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1992 and 1993, pursuant to 30 U.S.C. 237; to the Committee on Natural Resources.

3354. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation concerning Bureau of Prisons community service projects; to the Committee on the Judiciary.

3355. A letter from the Colonel, U.S. Army District Engineer, Department of the Army, transmitting the fiscal year 1993 annual report of the Chief of Engineers of civil works activities, Portland, OR, district extract; to the Committee on Public Works and Transportation.

3356. A letter from the Lt. Colonel, Corps of Engineers District Engineer, Department of the Army, transmitting copies of the report of the Secretary of the Army on civil works activities for fiscal year 1993, Department of the Army Corps of Engineers extract report of the Walla Walla District; to the Committee on Public Works and Transportation.

3357. A letter from the Deputy Secretary of Defense, transmitting the fifth DOD report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union, pursuant to 22 U.S.C. 5955; jointly, to the Committees on Armed Services and Foreign Affairs.

3358. A letter from the Chief Staff Counsel, The U.S. Court of Appeals for the District of Columbia Circuit, transmitting a copy of a recently issued opinion; jointly, to the Committees on Natural Resources and Public Works and Transportation.

3359. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Medicare and Medicaid Data Collection Amendments of 1994"; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOYER: Committee on Appropriations. H.R. 4539. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for fiscal year ending September 30, 1995, and for other purposes (Rept. 103–534, Pt. 2.)

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3013. A bill to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs; with amendments (Rept. 103–538). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Revised Subdivision of Budget Totals for fiscal year 1995 (Rept. 103–539). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 449. Resolution waiving certain points of order against the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–540). Referred to the House Calendar.

Mr. DURBIN: Committee on Appropriations. H.R. 4554. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–542). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARR: Committee on Appropriations. H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–543). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GLICKMAN: Permanent Select Committee on Intelligence. H.R. 4299. A bill to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment; referred to the Committees on Armed Services and the Judiciary for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(C) and (l), rule X. (Rept. 103–541, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 4553. A bill to authorize the fusion energy research, development, and demonstration program at the Department of Energy, to direct the participation of the United States in the International Thermonuclear Experimental Reactor, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. DURBIN:

H.R. 4554. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

By Mr. STENHOLM (for himself, Mr. Roberts, Mr. Slattery, Mr. Gunderson, Mr. Clinger, Mr. Cooper, Mr. Emerson, Mr. Laughlin, Ms. Long, Mr. Nussle, Mr. Oberstar, Mr. Payne of Virginia, Mr. Poshard, Mr. Rowland, and Mr. Thomas of Wyoming):

H.R. 4555. A bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, to assist providers of emergency medical services in such areas, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Foreign Affairs, and the Judiciary.

By Mr. CARR:

H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

By Mr. CALVERT (for himself, Mr. Hall of Texas, Mr. McCollum, Mr. Traficant, Mr. Bilbray, Mr. Holden, Mr. Smith of Texas, Mr. Collins of Georgia, Mr. Levy, Mr. Hunter, Mr. McKeon, Mr. Gallegly, Mr. Archer, Mr. Cunningham, Mr. Lehman, Mr. Smith of Oregon, Mr. Emerson, Mr. Rohrabacher, Mr. Shays, Mr. Canady, Mr. Kim, Mr. Goss, Ms. Molinari, Mr. Gallo, Mrs. Vucanovich, Mr. Lewis of Florida, Mrs. Roukema, and Mr. Moorhead):

H.R. 4557. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to establish a program to verify employee Social Security information, and to require employers to use the program; to the Committee on Ways and Means.

By Mr. FROST:

H.R. 4558. A bill to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

By Mr. KLUG (for himself, Mr. Penny, Mr. Ramstad, Mr. Collins of Georgia, Mr. Doolittle, and Mr. Coble):

H.R. 4559. A bill to amend the Anglo-Irish Agreement Support Act of 1986 to prohibit United States contributions to the International Fund for Ireland; to the Committee on Foreign Affairs.

By Mr. OLVER (for himself, Mrs. Johnson of Connecticut, Mr. Neal of Massachusetts, Mr. Andrews of Maine, Mr. Blute, Ms. DeLauro, Mr. Gejdenson, Mr. Kennedy, Mrs. Kennelly, Mr. Machtley, Mr. Markey, Mr. McHugh, Mr. Meehan, Mr. Reed, Mr. Sanders, Ms. Snowe, Mr. Studds, Mr. Swett, Mr. Torkildsen, Mr. Zeliff, and Mr. Franks of Connecticut):

H.R. 4560. A bill to provide the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. Richardson, Mr. Bonior, Mr. Owens, Mr. Sanders, Mr. Parker, Mrs. Clayton, Mr. Rush, Mr. Abercrombie, Mrs. Meek of Florida, Mr. Olver, Mr. Dellums, Ms. Velazquez, Mr. Barrett of Wisconsin, and Mr. Edwards of California):

H.R. 4561. A bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the establishment of financial support for the development of community-based health networks and plans, to allow federally assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans, and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. STENHOLM:

H.R. 4562. A bill to require the Secretary of Agriculture to enter into appropriate arrangements with the National Academy of Sciences to coordinate the development of recommendations for public policy changes required to implement an improved inspection program for meat and poultry products; to the Committee on Agriculture.

By Mr. STUPAK:

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Mr. GALLO (for himself, Mr. Kleczka, Mr. Manton, Mr. Lipinski, Mr. Hayes, Mr. Blute, Mr. Emerson, Mr. Sanders, Mr. Lazio, Mr. Engel, Ms. Molinari, Mr. Martinez, and Mr. DeFazio):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that the amount made available for fiscal year 1995 for the program of the Department of Housing and Urban Development under section 202 of the Housing Act of 1959 for supportive housing for low-income elderly persons should not be reduced from the amount made available for fiscal year 1994; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MICHEL:

H. Res. 450. Resolution providing that the House make public in printed form all transcripts and other relevant documents from any House Administration Committee investigation of the House post office as soon as possible; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

405. By the SPEAKER: Memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to the self-employed reservists who were activated for Operation Desert Storm; to the Committee on Armed Services.

406. Also, memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to excluding any grants to college students from family income for participation purposes; to the Committee on Education and Labor.

407. Also, memorial of the Legislature of the State of Louisiana, relative to giving States more flexibility in the intrastate funding formula process; to the Committee on Education and Labor.

408. Also, memorial of the General Assembly of the State of Colorado, relative to the enforcement of Federal environmental statutes; to the Committee on Energy and Commerce.

409. Also, memorial of the Legislature of the State of Kansas, relative to crude oil production and price stability; to the Committee on Energy and Commerce.

410. Also, memorial of the Legislature of the State of Louisiana, relative to preventing the closure of the FDA's New Orleans District Laboratory; to the Committee on Energy and Commerce.

411. Also, memorial of the Northern Marianas Commonwealth Legislature of the Mariana Islands, relative to confering nonvoting status on the Resident Representative to the United States; to the Committee on Natural Resources.

412. Also, memorial of the Legislature of the State of Louisiana, relative to the development of deepwater oil and natural gas reserves in the Gulf of Mexico; to the Committee on Natural Resources.

413. Also, memorial of the Legislature of the State of Missouri, relative to the medicinal use of marijuana; to the Committee on the Judiciary.

414. Also, memorial of the Senate of the State of Illinois, relative to preserving all sources of Federal funding for MEG; to the Committee on the Judiciary.

415. Also, memorial of the Legislature of the State of Colorado, relative to restricting the Federal courts from ordering a levy or an increase in taxes; to the Committee on the Judiciary.

416. Also, memorial of the Legislature of the State of Kansas, relative to an amendment to the Constitution requiring the Federal Government to pay costs incurred by States in providing programs and services mandated or required by the Federal Government; to the Committee on the Judiciary.

417. Also, memorial of the Legislature of the State of Louisiana, relative to mail order sales taxation; to the Committee on the Judiciary.

418. Also, memorial of the Legislature of the State of Louisiana, relative to the collection of sales taxes from intrastate sales transactions; to the Committee on the Judiciary.

419. Also, memorial of the General Assembly of the State of New Jersey, relative to funding for the U.S. Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

420. Also, memorial of the Senate of the State of Illinois, relative to opposing any reduction in operating subsidies for mass transit; to the Committee on Public Works and Transportation.

421. Also, memorial of the General Assembly of the State of New Jersey, relative to the passage of H.R. 2758; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, Foreign Affairs, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. VUCANOVICH introduced a bill (H.R. 4563) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Orca*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Engel.

H.R. 123: Mrs. Fowler, Mr. Linder, Mr. Cunningham, Mr. Michel, Mr. Houghton, Mr. Quillen, Mr. Fields of Texas, and Mr. Hoke.

H.R. 193: Mr. Duncan and Mr. Sundquist.

H.R. 214: Mr. Roemer.

H.R. 291: Mr. Franks of New Jersey, Mr. Lewis of California, and Mr. Zimmer.

H.R. 300: Ms. Danner.

H.R. 799: Mr. Mica.

H.R. 911: Mr. Holden, Mr. Collins of Georgia, and Mr. Jacobs.

H.R. 1309: Mr. Inglis of South Carolina and Mr. Baesler.

H.R. 1500: Mr. Sangmeister and Mr. Andrews of New Jersey.

H.R. 1509: Mrs. Mink of Hawaii, Mr. Berman, and Ms. Velazquez.

H.R. 1671: Mr. Lantos, Mr. Pallone, Mr. Yates, and Mr. Barrett of Wisconsin.

H.R. 1712: Mr. Royce.

H.R. 1737: Mr. Engel.

H.R. 1906: Mr. Yates and Mr. Washington.

H.R. 2418: Mr. Boehner and Mr. Roth.

H.R. 2462: Mr. Hayes, Mr. Parker, and Mr. Zimmer.

H.R. 2544: Mr. Jefferson.

H.R. 2662: Mr. Cooper and Mr. Bishop.

H.R. 2708: Mr. Roberts and Mr. Manzullo.

H.R. 2898: Ms. Eshoo.

H.R. 2929: Mr. Pete Geren of Texas.

H.R. 3039: Mr. Diaz-Balart.

H.R. 3266: Mr. Tanner.

H.R. 3288: Mr. Stump.

H.R. 3320: Mr. Petri.

H.R. 3407: Mr. Deutsch, Mr. Hastings, Mr. Hall of Texas, and Mr. Brown of Ohio.

H.R. 3439: Mr. Parker, Mr. Sundquist, Mr. Lewis of Florida, and Mr. Calvert.

H.R. 3472: Mr. Foglietta, Mr. Brown of Ohio, and Mr. Engel.

H.R. 3546: Mr. Peterson of Minnesota and Mr. Hall of Texas.

H.R. 3663: Mr. Johnston of Florida.

H.R. 3715: Mr. Gallegly, Mr. Gilman, and Mr. Doolittle.

H.R. 3845: Ms. Furse and Mr. Orton.

H.R. 3871: Mr. Sensenbrenner.

H.R. 3875: Mr. Hoke, Mr. Rowland, Mr. Holden, Mr. Sarpalius, Mr. Bunning, Mr. Goodlatte, Mr. Kingston, Mr. Collins of Georgia, Mr. Crane, Mrs. Fowler, and Mr. Canady.

H.R. 3885: Ms. Slaughter, Mrs. Morella, Mr. Waxman, Mr. Lewis of Georgia, Ms. Furse, Mr. Conyers, Mr. Hinchey, and Mr. Nadler.

H.R. 3943: Mr. Franks of Connecticut.

H.R. 3978: Mr. Barton of Texas.

H.R. 3985: Mr. Porter.

H.R. 4019: Mr. Fish and Mrs. Lloyd.

H.R. 4046: Mr. Stupak.

H.R. 4047: Mr. Porter and Mr. Evans.

H.R. 4050: Mr. Filner and Mr. Chapman.

H.R. 4051: Mr. Nadler.

H.R. 4056: Mrs. Meyers of Kansas, Mr. Upton, and Mr. Herger.

H.R. 4074: Mr. Berman, Mr. Sabo, Mr. Skeen, Mr. Franks of New Jersey, Mr. Kyl, Mr. Wise, Mr. Bereuter, and Mrs. Vucanovich.

H.R. 4095: Mr. Royce and Mr. Ballenger.

H.R. 4124: Mr. Clyburn.

H.R. 4129: Mr. Schiff, Mr. Gallegly, Mr. Olver, Mr. Wise, Ms. Danner, Mr. Lehman, and Mrs. Thurman.

H.R. 4133: Mr. Upton.

H.R. 4155: Mr. Yates.

H.R. 4162: Mr. Oberstar.

H.R. 4198: Mr. Bereuter.

H.R. 4271: Mr. Quinn and Ms. Schenk.

H.R. 4279: Ms. Eddie Bernice Johnson of Texas, Mr. LaFalce, Mr. Conyers, Ms. Brown of Florida, Mrs. Morella, Ms. Norton, Mr. Meehan, Ms. English of Arizona, Mrs. Schroeder, Ms. Kaptur, Ms. Woolsey, Mrs. Johnson of Connecticut, Ms. McKinney, and Ms. Lowey.

H.R. 4285: Mr. Lewis of Florida.

H.R. 4314: Mr. Owens and Mr. Dellums.

H.R. 4316: Mr. Engel, Mr. Scott, Mr. Filner, Ms. Velazquez, and Mr. Hilliard.

H.R. 4318: Mrs. Unsoeld.

H.R. 4347: Mr. Hutchinson.

H.R. 4384: Mr. Richardson, Mr. Talent, Mr. Deutsch, Mr. Klein, Mr. Pickett, Mr. Bereuter, Mr. Borski, Mr. Traficant, Ms. Velazquez, and Mr. Holden.

H.R. 4386: Mr. Cooper, Mr. Edwards of Texas, and Mr. Kyl.

H.R. 4399: Ms. Molinari, Mr. Weldon, Mr. Deutsch, Mr. Chapman, Mr. Conyers, Mr. Rahall, and Mr. McHugh.

H.R. 4414: Mr. Neal of North Carolina and Mr. Holden.

H.R. 4434: Mr. Barrett of Wisconsin, Mr. Bereuter, Mr. Frost, and Mr. Kleczka.

H.R. 4527: Mr. Bilbray.

H.R. 4528: Mr. Deutsch.

H.R. 4540: Mr. Bishop, Ms. Brown of Florida, Mr. McHugh, Mr. DeFazio, Mrs. Lloyd, and Mr. Collins of Georgia.

H.J. Res. 1: Miss COLLINS of Michigan.

H.J. Res. 282: Mrs. VUCANOVICH.

H.J. Res. 297: Mr. SHAYS, Mr. GILLMOR, and Mr. MCCLOSKEY.

H.J. Res. 328: Mr. RAMSTAD.

H.J. Res. 332: Mr. MCNULTY, Mr. SKEEN, Mr. CRAMER, and Mr. DE LA GARZA.

H.J. Res. 359: Mr. GILMAN, Mr. HALL of Ohio, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. BILIRAKIS, Mr. EVANS, Mr. APPLEGATE, Mr. VALENTINE, Mr. KOLBE, Mr. SISISKY, Mr. LEWIS of California, Mr. HOLDEN, Mr. CASTLE, Mr. MOORHEAD, Mr. STOKES, Mr. YOUNG of Florida, Mr. MILLER of California, Mrs. BYRNE, Mr. LEVY, Mr. DEFAZIO, Mr. UPTON, Ms. FURSE, and Mr. KREIDLER.

H.J. Res. 373: Mr. SANDERS and Mr. SMITH of New Jersey.

H. Con. Res. 5: Mr. CLYBURN.

H. Con. Res. 210: Mr. HOKE.

H. Res. 255: Mr. FRANKS of Connecticut.

H. Res. 266: Mr. PAXON.

H. Res. 291: Mr. INHOFE.

H. Res. 372: Ms. ESHOO and Mr. STOKES.

H. Res. 436: Mr. ISTOOK and Mr. SHAYS.

H. Res. 448: Mr. BOEHNER, Mr. KLUG, Mrs. SCHROEDER, Mr. SHAYS, and Mr. BREWSTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 146: Mr. PACKARD.

PETITIONS, ETC.

Under clause 1 of rule XXII,

95. The SPEAKER presented a petition of the mayor of the city of Schenectady, NY, relative to crime; which was referred to the Committee on the Judiciary.

SENATE—*Thursday, June 9, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Greater love hath no man than this, that a man lay down his life for his friends.—John 15:13.

God of infinite love, grace and mercy, justice and peace, our minds and hearts have been overwhelmed this past week as we celebrated the 50th anniversary of D-day. The gathering of great crowds, the presence and words of national leaders, the testimony of veterans and the memories which were triggered, cause us to be unspeakably grateful for the unnumbered sacrifices and dedication to duty.

Gracious Sovereign Lord, we recalled how war united us as a nation and how easily we are fragmented in times of peace. Help us comprehend that self-alienation from God is the root of all alienation. It is so easy to forget the faith that inspired and guided our Founding Fathers—so easy to live as though God is unimportant or nonexistent as we allow alienation to divide and destroy our Nation and our world.

Forgive our secularism, our godlessness—restore us in the faith of our fathers and lead us in the way of truth and love and peace.

We pray in His name who was incarnate truth and love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, I would like to claim the 10 minutes that is reserved in morning business.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 2169 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HEALTH CARE REFORM PROJECT

Mr. MITCHELL. Madam President, more than 1,300 organizations and businesses across the country formally endorsed an employer-based approach to health care reform today. The endorsements, sent to Congress in a letter from the Health Care Reform Project, say, "We believe that an employer mandate is a fair, effective and practical means for achieving universal coverage. We therefore urge its adoption."

What this letter shows us is that the political clout of the forces supporting comprehensive health care reform is formidable. These forces, representing over 93 million Americans—155 times the membership of the NFIB—are standing up to let their voices be heard in the debate.

These are the voices of people who go to work each day; who pay the bills; and who suffer the indignities of the current system. This is a letter of support for the goal of universal health care coverage and, more important, a way to achieve that goal.

More than 340,000 small businesses and 100 of America's largest corporations including Heinz, Westinghouse, GM, Ford, Georgia Pacific, and others, have endorsed an employer-based system of shared responsibility as the best way to achieve comprehensive health care reform. In addition, more than 300 small businesses have independently signed this letter.

These businesses know that until everyone contributes that they will continue to pay billions of dollars in higher premiums to cover their competitors that don't provide insurance. And they know that until everyone is covered we will never get costs under control.

Millions of American workers, farmers, providers, consumers, and virtually every senior citizen in America are represented on this list. From the National Farmers Union to the Air Line Pilots; from Albany Bowling Supplies to NYNEX; from the AARP to Happy Joe's Senior Volunteers; from Archer Daniels Midland Corp. to the White Dog Cafe these groups and businesses span the width and breadth of the American populace.

They support building on today's system of shared responsibility between employer and employee because it makes sense. More than 85 percent of uninsured Americans are in working families. Eight out of ten privately insured Americans get their health care coverage where they work. A majority of businesses already offer health care coverage to their workers. Clearly, an employer-based system is the basis upon which we must build.

Passing comprehensive reform legislation that guarantees every American health care coverage that can never be taken away is a difficult task. But the millions of Americans represented in this letter are counting on the Congress to act this year. We will.

HEALTH CARE REFORM PROJECT

Mr. DASCHLE. Madam President, I am pleased to announce that today the Health Care Reform Project released a letter, signed by over 1,300 groups and organizations from States throughout the country, urging Congress to support employer-based health care reform. These groups represent combined memberships of over 93 million people—155 times the membership of the National Federation of Business [NFIB]. They want comprehensive health care reform and believe that guaranteeing coverage through the workplace makes the most sense.

Too often, we hear only from the opponents of reform. We hear of their political strength, their mass organization, and their membership numbers. Their rallying cry is that an employer mandate is politically unfeasible. This letter shows that they are dead wrong.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

These groups and businesses have stepped to the plate. They are letting their political strength, their voices, and their votes be heard. Their message is clear. They want health care for every American and they are willing to make the important choices needed to get there.

Building on the system of shared responsibility between an employer and employee is an organized and sensible way to provide coverage to uninsured Americans. More than 85 percent of uninsured Americans are in working families. Eight out of ten privately insured Americans get their health care coverage where they work. A majority of businesses already offer health care coverage to their workers and will save under reform. And, a vast majority of Americans support guaranteeing health coverage through the workplace.

The fact is there are only a few ways to accomplish the goal of guaranteeing every American health insurance. Our basic choices are a Government-run system financed by a broad-based tax; a family or individual mandate where each family is legally and financially liable for the entire cost of their insurance; or a system where employer and employee share responsibility for the cost of coverage.

Some people say that there is another choice. They say that the system is not broken so we need not fix it. But for most Americans, the status quo is the worst mandate we could possibly impose. Under the status quo mandate, businesses who provide coverage for their employees would continue to be required to pay the freight for those who do not. Businesses and workers who pay for health care coverage would continue to absorb billions of dollars in uncompensated care. and people who get up and go to work each day would continue to fear losing their health care coverage.

The groups signing this letter and the millions of Americans they represent are telling us that the status quo is unacceptable.

From the National Farmers Union to the National Council of Senior Citizens; from the Children's Defense Fund to the St. James Youth Center in Louisiana; from Albany Bowling Supplies in Georgia to the Southern California Edison Co., these groups represent a broad spectrum of Americans.

These are real people and real businesses and they have important stories.

Kurt Thompson, a constituent of mine from Britton, SD, and a member of the South Dakota Farmers Union, is a family farmer, raising wheat, corn, soy beans, hogs, and cows. He pays $300 a month for only catastrophic coverage. His deductible is $2,500 a year and he has asked his insurance company to cut his benefits to reduce his costs. As a self-employed farmer, he is only eligible to deduct 25 percent of his health care costs unlike most businesses who are allowed 100 percent. Mr. Thompson estimates that he has to sell at least three hogs a month just to pay his insurance premium. He desperately wants health care reform to help him afford health care for his family and thinks building on today's employer-based system makes the most sense.

Albany Bowling Supplies is a small family business in Georgia which employs nine people. The owner, Bud Simpson, has provided all of his workers with health care coverage for years. For all these years, he has had to pay the costs for his competitors who do not provide. Albany Bowling Supplies believes that asking all businesses to contribute to their workers health care coverage, is the most fair way to get to universal coverage.

Jerry Wilse, president of the Greater Arizona United Auto Workers Retiree Council as well as the Arizona State Council of Senior Citizens, told me that until we have comprehensive reform, none of his members can feel secure. He believes that an employer-based system is the most sensible way to get there.

Madam President, these groups and businesses are diverse and have a wide range of interests. Yet they have come together to support a sensible approach to health care reform. They want action from Congress and they have made their choice known. We should listen.

HONORING ROBERT F. KENNEDY AND HIS COMMENTS ON VIOLENCE

Mr. RIEGLE. Madam President, we can all recall the events of 26 years ago when this Nation lost a great voice for change and for hope with the death of Robert Francis Kennedy. We lost two great leaders in 1968—Martin Luther King, Jr., and Robert Kennedy—I think that it is important to reflect, some two and a half decades later, on the challenges that still face us here in our Nation's Capital and around this country.

Madam President, the day after Dr. King was killed, Senator Robert Kennedy—who was then a candidate for President—suspended his scheduled activities except for one event. That one event was a speech in Cleveland, OH. In addressing that crowd, Robert Kennedy gave a compelling speech that, tragically, rings equally true today.

As we debate crime legislation, as we discuss bills that will impact our children's future, as we argue budget priorities and as we reflect on an increasing cynicism and distrust of our political system, it is proper that we reconsider these words that were delivered at a time of great turmoil and tremendous social upheaval.

We still face the fact that we glorify violence through television and movies. We are still faced with the fact that unstable people obtain guns with ease, and we are still all too willing to excuse the building of one's life on the shattered dreams of others. Those were the concerns raised by Robert Kennedy on April 5, 1968. I think it is fitting that we reconsider this speech today and once again ask ourselves the same challenging questions he posed back then.

Madam President, I ask unanimous consent that the text of Robert Kennedy's speech delivered on April 5, 1968, be inserted into the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF ROBERT F. KENNEDY BEFORE THE CLEVELAND CITY CLUB, APRIL 5, 1968

This is a time of shame and sorrow. It is not a day for politics. I have saved this one opportunity, my only event of today, to speak briefly to you about the mindless menace of violence in America which again stains our land and every one of our lives.

It is not the concern of any one race. The victims of violence are black and white, rich and poor, young and old, famous and unknown. They are, most important of all, human beings whom other human beings loved and needed. No one—no matter where he lives or what he does—can be certain who will suffer from some senseless act of bloodshed. And yet it goes on and on and on in this country of ours.

Why? What has violence ever accomplished? What has it ever created? No martyr's cause can ever be stilled by an assassin's bullet.

No wrongs have ever been righted by riots or civil disorders. A sniper is only a coward, not a hero; and an uncontrolled, uncontrollable mob is only the voice of madness, not the voice of reason.

Whenever any American's life is taken by another American unnecessarily—whether it is done in the name of the law or in defiance of the law, by one man or a gang, in cold blood or in passion, in an attack of violence or in response to violence—whenever we tear at the fabric of life which another man has painfully and clumsily woven for himself and his children, the whole nation is degraded.

"Among free men," said Abraham Lincoln, "there can be no successful appeal from the ballot to the bullet' and those who take such appeal are sure to lose their cause and pay the costs."

Yet we seemingly tolerate a rising level of violence that ignores our common humanity and our claims to civilization alike. We calmly accept newspaper reports of civilian slaughter in far-off lands. We glorify killing on movie and television screens and call it entertainment. We make it easy for men of all shades of sanity to acquire whatever weapons and ammunition they desire.

Too often we honor swagger and bluster and the wielders of force; too often we excuse those who are willing to build their lives on the shattered dreams of others. Some Americans who preach non-violence abroad fail to practice it here at home. Some who accuse others of inciting riots have by their very conduct invited them.

Some look for scapegoats, others look for conspiracies, but this much is clear: violence breeds violence, repression breeds retaliation, and only a cleansing of our whole society can remove this sickness from our soul.

For there is another kind of violence, slower but just as deadly destructive as the shot or the bomb in the night. This is the violence of institutions; indifference and inaction and slow decay. This is the violence that afflicts the poor, that poisons relations between men because their skin has different colors. This is the slow destruction of a child by hunger, and schools without books and homes without heat in the winter.

This is the breaking of a man's spirit by denying him the chance to stand as a father and as a man among other men. And this too afflicts us all.

I have not come here to propose a set of specific remedies nor is there a single set. For a broad and adequate outline we know what must be done. When you teach a man to hate and fear his brother, when you teach that he is a lesser man because of his color or his beliefs or the policies he pursues, when you teach that those who differ from you threaten your freedom or your job or your family, then you also learn to confront others not as fellow citizens but as enemies, to be met not with cooperation but with conquest; to be subjugated and mastered.

We learn, at the last, to look to our brothers as aliens, men with whom we share a city, but not community; men bound to us in common dwelling, but not in common effort. We learn to share only a common fear, only a common desire to retreat from each other, only a common impulse to meet disagreement with force. For all this, there are no final answers.

Yet we know what we must do. It is to achieve true justice among our fellow citizens. The question is not what programs we should seek to enact. The question is whether we find in our own midst and in our own hearts that leadership of humane purpose that will recognize the terrible truths of our existence.

We must admit the vanity of our false distinctions among men and learn to find our own advancement in the search for the advancement of others. We must admit in ourselves that our own children's future cannot be built on the misfortunes of others. We must recognize that this short life can neither be ennobled or enriched by hatred or revenge.

Our lives on this planet are too short and the work to be done too great to let this spirit flourish any longer in our land. Of course we cannot vanquish it with a program, nor with a resolution.

But we can perhaps remember, if only for a time, that those who live with us are our brothers, that they share with us the same short moment of life; that they seek, as do we, nothing but the chance to live out their lives in purpose and in happiness, winning what satisfaction and fulfillment they can.

Surely this bond of common faith, this bond of common goal, can begin to teach us something. Surely we can learn, at least, to look at those around us as fellow men, and surely we can begin to work a little harder to bind up the wounds among us and to become in our own hearts brothers and countrymen once again.

TRIBUTE TO COACH NOLAN RICHARDSON AND THE 1994 ARKANSAS RAZORBACK BASKETBALL TEAM

Mr. PRYOR. Madam President, I rise today to congratulate Coach Nolan Richardson and the University of Arkansas Razorback basketball team on an exciting and brilliant season, which climaxed in a 76–72 victory over the Duke Blue Devils for the National Collegiate Athletic Association national championship on April 4, 1994.

I think I can speak for the people of Arkansas when I say that we are all bursting with pride over the Razorbacks' achievements. We want to thank them for their hard work and for representing the State with the class of true champions

Coach Richardson, in his 14th year as a major college head coach, owns a record of 339–112 for a winning percentage of .752. His percentage ranks fifth nationally among Division One active coaches who have coached at least 5 years and puts him at 13th overall. In his 9 years at Arkansas, he boasts a record of 220–75. He is the only UA coach in history to produce more than one 30-game winner. His teams have played in the NCAA tournament 10 times and the postseason NIT three times.

In the NCAA tournament, he has taken his teams to a national championship, been to the Final Four twice, the Elite Eight once, and the Sweet Sixteen once. He is the only coach in history to win national junior college, NIT, and NCAA titles. His teams have also won at least 21 games in each of the past seven seasons.

In the last six seasons, Coach Richardson led his Hogs to 168 victories, an average of 28 per year. Three different sources named him Coach of the Year. He won the Naismith Award and the CBS-Chevrolet award. He was also named Kodak's Co-National Coach of the Year with Purdue's Gene Keady, a former Arkansas assistant coach.

Madam President, the national championship crown capped off Arkansas' greatest season ever. Arkansas finished with a 31–3 overall record. The Razorbacks won the Southeastern Conference regular season championship with a 14–2 mark. It was the second overall SEC title for the Hogs in the last three seasons. For the third consecutive year, the Razorbacks won the SEC Western Division crown. On the way to the NCAA championship, Arkansas defeated North Carolina A&T, Georgetown, Tulsa, Michigan, Arizona, and Duke in the tournament.

Madam President, I am proud of the University of Arkansas Razorbacks for their hard work, dedication, and amazing talent, and I would like to say a few words about each of these outstanding basketball players.

COREY BECK

"The heart and soul of our team. He is the glue that holds us together." Nolan Richardson's view of Corey Beck exemplifies how important he was this year to the Arkansas Razorbacks and their quest for the national title.

Beck, a 6–2 junior guard, averaged 17 points per game his senior year at Memphis Fairley High School. He signed with Arkansas out of high school but spent a year at junior college in Texas where he averaged 12 points, 6 rebounds, and 3 steals his freshman season.

In Corey's first season at Arkansas, he averaged 7 points, 5.8 rebounds, and 3.6 assists per game. He took a total of 52 charges. Starting 20 of the 30 games in which he played, he led the Hogs in assists with 7 in each of 3 games during the 1992–93 season; 169 assists gives Beck the fifth highest single-season total in Arkansas basketball history; and he ranks eighth on the career list with 269. Beck also led the Hogs in steals, and he averaged 8.8 points per game.

Beck was named to the five-man All Final Four team after scoring 15 points, pulling in a career-high 10 rebounds, and dishing out 4 assists against Duke in the final game. In the six NCAA tournament games, Beck scored 60 points, pulled down 34 rebounds, gave 28 assists, and had 9 steals. Corey Beck certainly came through in the Hogs' first NCAA national championship.

KEN BILEY

As Nolan Richardson once said, "We will use [Ken Biley] in role situations; that may make him a better player for us. He can rebound and block shots." This is just what Ken Biley—a 6–6, 207-pound senior forward—has done for the Razorbacks. Ken Biley has lived up to Nolan's words by averaging four blocked shots per season, by being the high rebounder against Montevallo, and by starting the NCAA championship game.

In high school, Ken averaged 15 points per game. He led the Fighting Zebras of Pine Bluff High School to a 29–3 record and a State championship. As a senior, Biley earned All-State and All-District honors. He was named the Most Valuable Player and Naismith Player of the Year in Arkansas.

A 3-year letterman, Biley was the only true freshman in his class to play rather than being redshirted. Despite being bothered by a strained groin, he played 30 games his first season. He scored a career-high 14 points against Jackson State as a sophomore. During his junior year, he scored 12 points against Jackson State again. This game against Jackson State also marks a season-high 14 rebounds for him.

Ken Biley ended his playing career at the University of Arkansas on a great high-point of starting the final NCAA championship game. We wish Ken well in all his future endeavors and thank him for his dedication to the Hogs.

ROGER CRAWFORD

Roger Crawford, a 6–4, 175-pound guard from Carver High School in Birmingham, AL, supported the Razorback team throughout his career. Assistant Coach Brad Dunn hails Roger as "one of the best transition guards in the college game * * * often, we went to him on the bench and increased our lead. Not many teams can say that about a substitute."

Although he did not join his first basketball team until 10th grade, Crawford averaged 18 points and 9 rebounds per game as a senior. He earned All-State honors as well as being named the Carver High School team's Most Valuable Player. As a junior, he averaged 10 points and 5 rebounds.

In junior college in Walker, AL, he averaged 15 points and 6 rebounds per game, leading the team in assists as a sophomore even though he missed part of both seasons with injuries.

Last season at Arkansas, Crawford averaged almost 7 points per game. He opened the season with 18 points to help the Hogs defeat Memphis State. A career-high 25 points accompanied his first start of the season against Georgia. In the victory over Kentucky, he scored 15 points and hit 7 of his 10 shots.

This year, Roger Crawford averaged 7.4 points in only 18 minutes per game before getting injured. He broke his ankle against Georgetown in the second round of the NCAA tournament. The team dedicated the season to this senior, wearing his number 31 on their jerseys throughout the rest of the tournament. This recognition by his teammates speaks to this young man's character and leadership qualities.

ALEX DILLARD

Al Dillard, a junior from Bessemer, AL, played point guard for his high school team. Averaging 16 points per game in the final two seasons, he earned All-State and All-District honors.

He then spent 3 years out of school before attending junior college at Southern Union. As a sophomore, he averaged 30 points per game and shot 44 percent from 3-point range. At a national junior college tournament, he put up nine 3-pointers in one game. He also set a school record with 52 points in one game. After attending 2 years of junior college, he earned a spot in Division I at age 25 with the University of Arkansas.

Dillard has the deepest range of any shooter the Razorbacks have had since Richardson has been at Arkansas. His 75, 3-point field goals puts him at the third highest in school history. In the game against Delaware State, Dillard made 12-pointers, setting a school record and tying the SEC record for most trys in a game. With 12.4 minutes of playing time per game, he has a 8.9-point average. Three times this past season Alex Dillard was a high scorer. Coach Nolan Richardson said, "He may be our best shooter."

JOHN ENGSKOV

John Engskov, a 6–3, 180-pound guard from Berryville, AR, walked on as a freshman in the 1992–93 season as a redshirt. Playing guard in high school, he averaged 25 points per game as a senior and earned All-State honors. He also ran cross-country track and played for the golf team.

In his first year of eligibility, Engskov played in nine games, scoring a total of 14 points. He shot 63 percent from the field and 67 percent from 3-point range. Engskov is in the record book for making the bucket that put the Razorbacks over 100 points for the first time in the new Bud Walton Arena. An excellent student as well as an athlete, Engskov majors in administrative management. He earned All-Academic SEC honors this past year. Teammate Corey Beck says of Engskov, "John is one of the hardest workers on the team. When I play against him, I can't take anything for granted. I can't let up or he'll make a great play." Arkansans look for great things from John in the years to come.

ELMER MARTIN

Elmer Martin, a 6–8, 220-pound junior from Memphis, TN, attended Fairley High School along with teammates Dwight Stewart and Corey Beck. A knee injury cut Martin's high school basketball career short, and he missed his entire senior season after undergoing surgery. Along with basketball, Martin was also a good student, being a member of the National Honor Society.

Being a November signee with the Razorbacks, Martin redshirted during the 1990–91 season while recovering from the knee injury. In the 1992–93 season, Martin played in eleven games, starting in one. During the 1992–93 season, Martin played in 29 games, starting two. In the victory over Jackson State, he scored a career-high 10 points, including a 3-point shot. In the 1993–94 season, Martin played in 27 games, averaging 5.9 points per game. Coach Richardson called Martin the most improved player of the 1992–93 season.

CLINT MC DANIEL

Coach Nolan Richardson called junior Clint McDaniel the best defensive player on the team. At Washington High School in Tulsa, OK, he averaged 27.5 points, 9 rebounds, and 6 assists per game as a senior. He earned All-State and All-Conference honors as well as being named City Player of the Year.

In the 1991–92 season, McDaniel scored a season-high 13 points against Ole Miss. He shot 74.4 percent from the foul line and made 26 steals. In victory over Jackson State during the 1992–93 season, he scored a career-high 19 points. Against North Carolina, he hit 3 treys, a season and career high. He took a career-high 5 steals against Northeast Louisiana. McDaniel finished strong with 36 points in three NCAA tournament games.

McDaniel thrilled Hog fans the entire 1993–94 season with chaos-creating defensive moves. He made the All-NCAA Midwest regional team this year. With 7 rebounds, he was the high rebounder in the semifinals game against Michigan. He also tied his career high of 19 points against Tulsa in the Midwest regional semifinals. Clint McDaniel's knack for attack was a key to Arkansas' power season.

REGGIE MERRITT

Reggie Merritt, a 6–1, 165-pound sophomore who plays guard, attended Little Rock Central High School. An outstanding player in high school, he averaged 16 points and 4 rebounds as a senior. Merritt earned All-State, All-Conference, and All-Conference tournament honors as well as lettering three times. In one game, he hit 9 out of 12 shots from 3-point range, finishing with 35 points.

Merritt walked on and was redshirted during the 1991–92 season. During the 1992–93 season Merritt scored a career-high five points against Holy Cross in the NCAA tournament. He played in seven games, with an average of 2.1 points per outing. In the 1993–94 season, he played in nine games, scoring an average of 2.3 points. Reggie has another gift besides basketball, which is drawing. He is a talented artist.

DAVOR RIMAC

Davor Rimac, a 6–7 junior from Zagreb, Croatia, came to the United States to attend a basketball camp hosted by Nolan Richardson. When he decided he wanted to stay in the United States, Coach Richardson took him in.

Rimac played two seasons at Fayetteville High School. His averages as a junior were 18 points and 8 rebounds per game. As a senior he averaged 27 points and 8 rebounds per game, earning All-State honors. While at Fayetteville High, Rimac scored a school-record 1,245 points in two seasons. Rimac also won the 4A State championship in tennis.

Rimac redshirted in the 1990–91 season as a true freshman. During the 1991–92 season, he played 21 games. He shot 51 percent from the field and hit 13 of 14 free throws. In the 1992–93 season, Rimac hit 7 of his 8 free throws, leaving his UA career percentage at .909 from the charity stripe. Outside shooting is Rimac's most valuable strength. In the 1993–94 season, Rimac was high scorer against Texas Southern with 18 points. Against Tennessee, he scored 12 points. His 9 rebounds made him high rebounder for the game. He has started 12 times. Assistant Coach Brad Dunn said of Davor Rimac, "He's an incredible athlete."

DARNELL ROBINSON

Coach Richardson says Darnell Robinson "has a lot of potential and, as time goes by, he could be one of the best players ever at Arkansas." Robinson, a 6–11, 260-pound freshman from Oakland, CA, plays forward/center.

At Emeryville High School in California, Robinson made every All-Star team there was, including McDonald's All-America. Earning All-State honors, he was the State's Most Valuable Player. He set the State record for career scoring with 3,361 points. As a sophomore, he averaged 35.6 points and 21.1 rebounds in a 22–7 season. He led the team to a 31–5 record and the State title in his final season. Robinson shocked national recruiting experts when he signed with Arkansas in November of his senior year.

Also known as "Tank," Robinson was the high rebounder in three games during the 1993–94 season. In the Delaware State game, he had 9 rebounds. This season Robinson averaged 7.6 points and 5 rebounds per game. Arkansans look to Darnell as the "future franchise" for the Hogs.

DWIGHT STEWART

Dwight Stewart, a 6–8, 260-pound center/forward from Memphis, TN, started his road to the Final Four as a sophomore in high school, averaging 14 points and 10 rebounds per game. During his junior year, he averaged 20 points and 13 rebounds. Before graduating he helped his team to a season record of 33–2 with an average of 23 points and 14 rebounds.

A high school and junior college teammate of Corey Beck, Stewart earned his eligibility after transferring from junior college after only 1 year. In the 1992–93 season, Stewart started 24 of 31 games. He scored in double figures 12 times, and he shot 54 percent from the field. Due to the Hogs' lack of size, he played center; however, he surprised his opponents by hitting 8 of 17 3-pointers.

In the 1993–94 season, Stewart used his unorthodox "big dog" skills to place as the high rebounder in nine games. In the second round of the SEC tournament, Stewart went four for four beyond the 3-point range, and in the next round he went two for two. Opposing coaches no longer allow junior Dwight Stewart to roam freely beyond the 3-point arc.

SCOTTY THURMAN

Scotty Thurman set school records for 3-point goals in each of his first 2 years at Arkansas. With 51 seconds left in the championship game of the NCAA tournament, his long-arching 3 broke the 70–70 deadlock and proved to be the decisive shot in the Razorbacks' 76–72 victory over Duke.

This 6–6 forward from Ruston, LA, averaged 27 points and 9.2 rebounds per game as a senior in high school. In addition to his involvement in athletics, he served as president of the student council and placed on the honor roll, graduating with a 3.5 grade point average. Thurman also played the tuba in high school.

Thurman's excellence in school and basketball continues at Fayetteville. His academic record as a sophomore communications major with a 3.1 grade point average earned him a place on the SEC's All-Academic Honor Roll. Thurman has also been named to the All-SEC basketball team for the past 2 years. In the six tournament games this season, he averaged 16.2 points per game. Coach Nolan Richardson says, "The way Scotty scores in bushels, he easily could have averaged 25 or 30 points if I had played him more—and most players get most of their points against weak teams. But Scotty's just the opposite—he gets his points against the teams that can play."

CORLISS WILLIAMSON

Corliss Williamson, a 6–7, 245-pound sophomore from Russellville, AR, shows a tremendous career with the Razorbacks after only two full seasons. His basketball career began early when he shattered a backboard as an eighth grader at Gardner Junior High. In high school, Williamson earned many basketball honors in Arkansas as well as being named a McDonald's All-America. He was regarded as the top college prospect in Arkansas and a top pick in the Nation by most recruiting gurus. He averaged 28 points and 9 rebounds per game his senior year and set a school record with 52 points in one game. A three-time All-State and All-Conference selection, he was named the Most Valuable Player of the 1992 State tournament and the National Gatorade Player of the Year.

Even though Williamson missed 13 games with a stress fracture in his foot, he had an impressive freshman year. He made the SEC All-Freshman team, and he was named one of the top five freshmen players in the country. In 15 of the 18 games he played, he scored in double figures, and he has never scored less than 6 points in a game. Williamson averaged 16 points in each of three 1993 NCAA tournament games. Against North Carolina, he made all seven field goal attempts and two out of three free throws.

Williamson's success only increased during his sophomore season. He led the Razorbacks in scoring 19 times this year as well as being the high rebounder 15 times. Averaging 20.4 points per game, he claimed a total of 695 points and 262 rebounds for the 1993–94 season. As a member of the John Wooden and the Basketball America teams, Williamson became the first sophomore in school history to earn first team All-America honors. He was also second team Associated Press All-America. Named SEC Player of the Year, he was a unanimous All-Conference choice. After being named to the NCAA Midwest regional and the SEC All-Tournament teams, he gained recognition as the Final Four Most Valuable Player. His 695 points marks the fourth highest total ever at Arkansas—23 times he scored at least 20 points, and he scored in double figures 32 times. In nine career NCAA tounament games, Corliss Williamson has hit 74 of 114 shots from the field for a percentage of .649, the fourth highest of all time. It's hard to believe, but Corliss is just a sophomore. We are proud to have a player of his caliber, and we cannot wait to watch him in the years to come.

LEE WILSON

Lee Wilson, a 6–11, 250-pound center from Waco, TX, created quite a buzz around the State of Arkansas entering his freshman year. With the arrival of Wilson and another 6–11 freshman, Darnell Robinson, the Hogs appeared to be stocked at the center position.

As a high school senior, Wilson averaged 25 points and 10 rebounds per game. He earned All-State, All-District, and Parade All-America honors. Fifteen blocked shots in a game gave him the school record. As a junior, he led his team to a 30–7 season record with an average of fifteen points and eight rebounds.

In only 9.6 minutes of play per game, Wilson averaged 3.4 points. Against Memphis State and Ole Miss, he was the high rebounder with 7 and 9 rebounds, respectively. Unfortunately, an old injury to his right knee flared up again and kept him sidelined for four games while he underwent arthroscopic surgery and rehabilitation. Despite the injury, he still placed third on the team in blocked shots. In just 13 minutes of playing time against Northwestern State, he scored 11 points and pulled down 9 rebounds. While playing only 5 minutes against Duke for the national championship, he scored 4 points and pulled down 4 rebounds as a critical role player for the Hogs.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,605,625,636,684.88 as of the close of business yesterday, Wednesday, June 8. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,665.64.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Madam President, I hereby submit to the Senate the budget scorekeeping report prepared by the

Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 27, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated May 24, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effect of Congressional action on the 1994 budget and is current through May 27, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 23, 1994, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 27, 1994

[In billions of dollars]

	Budget resolution (H.Con.Res. 64)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget Authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–1998	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	311.7	−1.1
Debt Subject to Limit	4,731.9	4,519.7	−212.2
Off-budget:			
Social Security Outlays:			
1994	274.8	274.8	(3)
1994–1998	1,486.5	1,486.5	(3)
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–1998	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H.Con.Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON–BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 27, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Total enacted this session	(2,748)	(643)	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	
Total Current Level[3], [4]	1,218,395	1,217,056	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,854	1,093	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Balanced Budget and Emergency Deficit Control Act of 1985, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

TRIBUTE TO CATHERINE FILENE SHOUSE

Mr. WARNER. Madam President, I ask that my colleagues join with me today in honoring a truly great lady as she celebrates her 98th birthday: Catherine Filene Shouse.

Kay Shouse has devoted her life to enhancing the lives of others. Through public service and commitment, arts and humanities, education, and philanthropy, she has continually demonstrated that one caring individual can make an enormous difference. This is my second recent opportunity to pay tribute to Kay's many contributions. Just a few weeks ago, I was delighted to participate in the American News Women's Club event naming Kay as "Newsmaker of the Year."

Throughout her life, Kay Shouse has been a creative and innovative woman of vision, a pioneer and a leader. Her life has been marked by "firsts": first woman to receive a master's degree in education from Harvard University, first woman chairman of the first Federal prison for women, organizer of the first chamber music concerts performed in Washington museums—the Phillips Collection, among others. She has enhanced the work of the Kennedy Center, the Virginia Commission of Arts and Humanities, and the Washington College Friends of the Arts Committee. In each case, her determination and leadership have improved the quality of life for those around her.

Kay stands as an example for other women to emulate, and she has always gone out of her way to provide valuable tools and guidance to those who would follow in her footsteps. As an undergraduate at Wheaton College in Massachusetts in 1917 and 1918, she organized conferences to study and promote jobs for women with education beyond high school. Two years later, she authored "Careers for Women," updated in 1932. She also founded and chaired the Institute of Women's Professional Relations. In recognition of her commitment to promoting careers for women, Wheaton College dedicated the Filene Center for Work and Learning in 1988, and Hood College in Frederick, MD dedicated the Catherine Filene Shouse Career Center in 1993.

Her efforts on behalf of the arts have been equally fruitful. She has served in many vital capacities, including vice president of the board of the National Symphony Orchestra Association, chairman of the president's music committee, member of the executive and building committees of the John F. Kennedy for the Performing Arts—as well as honorary trustee of the Center, member of the board of the Opera Society of Washington, honorary director of the Washington Chamber Orchestra, and member of the advisory board for the Washington Conservatory.

And, of course, there is the crowning jewel among the gifts America has received from Catherine Filene Shouse, Wolf Trap Farm Park for the Performing Arts. Her generosity made possible one of Washington's great gifts to the world. In 1966, she donated 100 acres of Wolf Trap Farm to create the only national park for performing arts. Her weekend getaway has become perhaps America's favorite arts center.

Kay Shouse has been honored often and deservedly, at home and abroad, for her extraordinary efforts. Most notably, she has received our Nation's highest civilian award, the Medal of Freedom. She was the first recipient of the Governor's Award for Arts in Virginia in 1979. Queen Elizabeth II named her Dame Commander of the British Empire. France honored her as an "Officer Dans L'Ordre des Arts et des Lettres." She has received the first City of Paris Award, the Vienna Medal of Honor for assistance to Austrian youth, and she is the first woman to be similarly honored by the German Federal Republic.

And I have only begun to outline her many accomplishments.

I know that my colleagues will join with me in offering a heartfelt thank you to Catherine Filene Shouse for her talent, graciousness, charm, generosity, and determination. On this, her 98th birthday, it is truly fitting that she be honored not just in Virginia, or Massachusetts, or Washington, or on the floor of the Senate, but throughout this great country and around the world.

TRIBUTE TO FRANCISCO J. ORTEGA, SR.

Mr. DECONCINI. Madam President, I rise today to recognize a veteran who passed away May 1, 1994 in my home State of Arizona. Francisco J. Ortega, Sr., served our country gallantly during World War II at the Battle of the Bulge in Normandy.

Born and raised in Hayden, AZ, Frank was proud of his service in the Army. At the time of his discharge in December 1945, he had been awarded an American Theater Ribbon, Combat Infantry Badge, Victory Medal, Good Conduct Medal, and a Silver Star Medal. He also received a plaque from President George Bush acknowledging his heroic deeds and military service.

Frank had hoped to journey to France this year to join other veterans in commemorating the 50th anniversary of D-day. I know his spirit was present in Normandy on June 6 as the valor and courage of his fellow soldiers on D-day were honored by world leaders.

Frank was an outstanding individual and an exceptional soldier who contributed a great deal of himself to our country and to his community. I commend his gallantry in action and convey my personal sympathy to his family.

TRIBUTE TO OFFICER WILLIAM C. DAVIS

Mr. DECONCINI. Madam President, I hope my colleagues will join me in paying tribute to Officer William "Bill" C. Davis who retired from the U.S. Capitol Police on April 30, 1994, after 20 years of service to the Senate. Born on May 28, 1932, Bill has dedicated his professional life to the service of his country. Before joining the Capitol Police on April 15, 1974, Officer Davis had already served as a member of the U.S. Air Force for 20 years. His many experiences in the Air Force proved to be the source of endless entertaining and laugh-provoking stories for his colleagues. Members of the Senate will certainly miss the booming voice and big grin of Officer Davis, which have been welcome alternatives over the years to the difficult task of facing the Nation's daily problems. Bill was an endless source of wisdom and wit, qualities we see far too little of in this day and age. He was a loyal, committed, and security-minded officer who protected the Members of this body with great ability and integrity. Officer Bill Davis will certainly be missed. I am certain my colleagues will join me in thanking him for his 20 years of dedicated service to the Capitol Police, and wish him, his wife Florence, and his two children the best of luck in their future lives.

STATEMENT UNDER SECTION 27 OF THE CONCURRENT RESOLUTION ON THE BUDGET

Mr. SASSER. Madam President, on behalf of the Committee on the Budget, under section 27 of the concurrent resolution on the budget, House Concurrent Resolution 218, I hereby submit revised budget authority allocations to the Senate Committee on Commerce, Science, and Transportation and revised budget authority aggregates in connection with S. 1491, the Federal Aviation Administration Authorization Act of 1994.

Section 27 of the budget resolution states, in relevant part:

> **SEC. 27. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.**
>
> (a) * * *
>
> * * * * *
>
> (3) OUTLAY-NEUTRAL BUDGET AUTHORITY ALLOCATIONS.—In the Senate, budget authority may be allocated (as provided under subsection (c)) to a committee (or committees) for any direct-spending legislation within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed outlay reductions) the deficit or aggregate outlays in this resolution for—
>
> (A) fiscal year 1995; or
>
> (B) the period of fiscal years 1995 through 1999.
>
> * * * * *
>
> (c) REVISED ALLOCATIONS AND AGGREGATES.—
>
> (1) UPON REPORTING.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on that legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate may submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section.
>
> * * * * *
>
> (d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this concurrent resolution on the budget.
>
> (e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to sections 302(b)(2) and 602(b)(2) of the Congressional Budget Act of 1974 to carry out this section.

The Committee on Commerce, Science, and Transportation has reported S. 1491, the Federal Aviation Administration Authorization Act of 1994, with a committee amendment which it has modified. Within the meaning of section 27(a)(3) of the budget resolution, S. 1491, as reported and modified, constitutes "direct-spending legislation within that committee's jurisdiction."

S. 1491 also meets the other requirement of section 27(a)(3) of the budget resolution that:

> * * * the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed outlay reductions) the deficit or aggregate outlays in this resolution for—
>
> (A) fiscal year 1995; or
>
> (B) the period of fiscal years 1995 through 1999.

As S. 1491 complies with the conditions set forth in the budget resolution, under the authority of section 27(c)(1) of the budget resolution, I hereby file with the Senate appropriately revised budget authority allocations under sections 302(a) and 602(a) and revised aggregates to carry out this subsection.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

RESERVE FUND FILING PURSUANT TO SECTION 27(a)(3) OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

	1995	1996
AGGREGATE BUDGET AUTHORITY		
Current budget authority aggregates	1,238,300	1,308,800
Additional budget authority in S. 1491	39	119
Revised budget authority aggregates	1,238,339	1,308,919
	1995	1995–99
COMMERCE, SCIENCE AND TRANSPORTATION COMMITTEE		
Current Committee allocations (direct spending):		
Budget authority	2,620	13,152
Outlays	126	569
Additional budget authority in S. 1491:		
Budget authority	39	158

RESERVE FUND FILING PURSUANT TO SECTION 27(a)(3) OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995—Continued

	1995	1996
Outlays	0	0
Revised Committee allocations (direct spending):		
Budget authority	2,659	13,310
Outlays	126	569

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. FEINSTEIN). Morning business is closed.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 12 o'clock noon having arrived, the Senate will now proceed to the consideration of S. 1491, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Authorization Act of 1993".

SEC. 2. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" immediately after "1992,"; and

(2) by inserting ", and $18,016,700,000 for fiscal years ending before October 1, 1994" immediately before the period at the end.

(b) DISCRETIONARY FUND.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is further amended by inserting immediately after the second sentence the following new sentence: "If the obligation limitation on the amount made available under this subsection for fiscal year 1994 is less than $1,800,000,000 and not less than $1,700,000,000, then $50,000,000 of such amount shall be credited to the discretionary fund established by section 507(c), without apportionment and without regard to the distribution requirements of sections 507 and 508; and if the obligation limitation on the amount made available under this subsection for fiscal year 1994 is less than $1,700,000,000, then $100,000,000 of such amount shall be credited to such discretionary fund, without apportionment and without regard to the distribution requirements of sections 507 and 508.".

(c) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "1993" and inserting in lieu thereof "1994".

SEC. 3. DEFINITION OF AIRPORT DEVELOPMENT.

Section 503(a)(2)(B)(ii) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)(B)(ii)) is amended by inserting "(including explosive detection devices) and universal access systems" immediately after "safety or security equipment".

SEC. 4. AUTHORITY TO CONTINUE LETTERS OF INTENT.

Notwithstanding any other provision of law, the Secretary of Transportation may issue letters of intent under section 513(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)) and use Airport Improvement Program funds for planning, approving, and administering such letters of intent.

SEC. 5. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)) is amended by adding at the end the following new paragraph:

"(4) LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.—

"(A) ESTABLISHMENT OF PROGRAM.—Not later than December 31, 1993, and notwithstanding any other provision of this title, the Secretary shall establish and implement a program to purchase and reserve an inventory of precision approach instrument landing system equipment, to be made available on an expedited basis for installation at airports.

"(B) AUTHORIZATION.—No less than $30,000,000 of the amounts appropriated under paragraph (1) for each of the fiscal years 1994 and 1995 shall be available for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures.".

SEC. 6. MICROWAVE LANDING SYSTEM.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(5) MICROWAVE LANDING SYSTEM.—Notwithstanding any other provision of law, none of the amounts appropriated under this subsection may be used for the development or procurement of the microwave landing system, except as necessary to meet obligations of the Government that may arise under contracts in effect on January 1, 1994.".

SEC. 7. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

(a) IN GENERAL.—Section 313 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354) is amended by adding at the end the following new subsection:

"(g) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—The Administrator may provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 313 the following:

"(g) Assistance to foreign aviation authorities.".

SEC. 8. FOREIGN FEE COLLECTION.

Section 313(f) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting immediately after paragraph (2) the following new paragraph:

"(3) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

"(A) ESTABLISHMENT OF FEES.—Notwithstanding the limitation of paragraph (4), the Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, or review. Such fees shall be established as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States. The provisions of this paragraph do not limit the Administrator's authority to establish and collect fees permitted under section 334 of title 49, United States Code.

"(B) CREDITING OF PREESTABLISHED FEES.—Fees described in subparagraph (A) that were not established before the date of enactment of the Federal Aviation Administration Authorization Act of 1993 may be credited in accordance with paragraph (5).".

SEC. 9. REVIEW OF FEDERAL AVIATION ADMINISTRATION.

The Administrator of the Federal Aviation Administration shall conduct a review of the Federal Aviation Administration's personnel administration, procurement process, and overall organizational structure. The Administrator shall, not later than March 30, 1994, report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 10. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193; 94 Stat. 57) is repealed.

SEC. 11. DISCONTINUATION OF AVIATION SAFETY JOURNAL.

The Administrator of the Federal Aviation Administration may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal". Any existing contract for publication of the magazine shall be cancelled within 30 days after the date of enactment of this Act.

SEC. 12. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DENSITY AIRPORTS.

(a) IN GENERAL.—Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following:

"SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DENSITY AIRPORTS.

"(a) IN GENERAL.—The Secretary shall not take a slot at a high density airport from an air carrier and award such slot to a foreign air carrier if the Secretary determines that air carriers are not provided equivalent rights of access to airports in the country of which such foreign air carrier is a citizen.

"(b) DEFINITIONS.—For purposes of this section—

"(1) HIGH DENSITY AIRPORT.—The term 'high density airport' means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of an aircraft.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(3) SLOT.—The term 'slot' means a reservation, by an air carrier at an airport, for an instrument flight rule takeoff or landing of an aircraft in air transportation.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV is amended by adding at the end the following new item:

"Sec. 420. Access of foreign air carriers to high density airports.

"(a) In general.

"(b) Definitions.".

SEC. 13. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 421. AIR SERVICE TERMINATION NOTICE.

"(a) IN GENERAL.—An air carrier may not terminate air transportation from a nonhub airport included on the Secretary's latest published list of such airports, unless such air carrier has given the Secretary at least 60 days' notice before such termination.

"(b) EXCEPTIONS.—The Secretary shall not apply the requirements of subsection (a) when—

"(1) the carrier involved is experiencing a sudden or unforeseen financial emergency, including natural weather-related emergencies, equipment-related emergencies, and strikes;

"(2) the termination of transportation is made for seasonal purposes only;

"(3) the transportation subject to termination is a new service and the termination is made pursuant to an agreement between the carrier and the local airport authority concerning the circumstances under which the new service may be terminated;

"(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

"(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

"(c) WAIVERS FOR REGIONAL/COMMUTER CARRIERS.—Prior to April 1, 1994, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

"(d) DEFINITIONS.—For purposes of this section—

"(1) NONHUB AIRPORT.—The term 'nonhub airport' has the meaning that term has under section 419(k)(4).

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

"(3) PART 135 AIR CARRIER.—The term 'part 135 air carrier' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

"(4) REGIONAL/COMMUTER CARRIERS.—The term 'regional/commuter carrier' means—

"(A) a part 135 air carrier; or

"(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

"(5) TERMINATION.—The term 'termination' means the cessation of all service at an airport by an air carrier.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV, as amended by this Act, is further amended by inserting immediately after the item relating to section 420 the following new item:

"Sec. 421. Air service termination notice.
"(a) In general.
"(b) Exceptions.
"(c) Waivers for regional/commuter carriers.
"(d) Definitions.".

(b) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended by inserting "section 421 or" immediately after "$10,000 for each violation of".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning on April 1, 1994.

SEC. 14. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

(a) IN GENERAL.—Section 312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1353) is amended by adding at the end the following new subsection:

"(j) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 312 the following:

"(j) Cooperative agreements.".

SEC. 15. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.

(a) STUDY.—(1) Within 30 days after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(2) Such study shall examine—

(A) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(B) the crash of a Lear Jet on October 22, 1985;

(C) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(D) the adequacy of NAVAIDS in the vicinity of the Juneau International Airport;

(E) the possibility of confusion between the Sisters Island directional beacon and the Coghlan Island directional beacon;

(F) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(G) the need for a Terminal Very High Frequency Omni-Directional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(H) any other matters any of the parties named in paragraph (1) think appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

(b) REPORT.—(1) Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(A) details the matters considered by the study;

(B) summarizes any conclusions reached by the participants in the study;

(C) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport, or contains a detailed explanation of why no recommendations are being proposed;

(D) estimates the cost of any proposed recommendations; and

(E) includes any other matters the Secretary deems appropriate.

(2) The report shall include any minority views if consensus is not reached among the parties listed in subsection (a)(1).

SEC. 16. SOLDOTNA AIRPORT IMPROVEMENT.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 17. ROLLA AIRPORT IMPROVEMENT.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 30, 1957), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 30, 1957, or any other deed of conveyance dated after such date and before the date of enactment of this Act, under which the United States conveyed certain property to the city of Rolla, Missouri, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Rolla, Missouri, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 18. PALM SPRINGS, CALIFORNIA.

(a) AUTHORITY TO GRANT RELEASE.—Notwithstanding section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subject to the provisions of subsection (b), the Administrator of the Federal Aviation Administration shall grant releases from all of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The releases shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California, for general governmental purposes.

(b) CONDITIONS.—Any release granted by the Administrator of the Federal Aviation Administration under subsection (a) shall be subject to the following conditions:

(1) The Administrator shall waive any requirement that there be credited to the account of the airport any amount attributable to the city's use for governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of enactment of this Act for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act of 1982 or any successor Act.

SEC. 19. NOISE ABATEMENT PROGRAMS.

(a) SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS.—Section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(2)) is amended—

(1) by inserting "(A)" immediately before "to operators of airports"; and

(2) by striking the period at the end and inserting in lieu thereof "; and (B) for projects to soundproof residential buildings—

"(i) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

"(ii) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.".

(b) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—Section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)) is amended by adding at the end the following new paragraph:

"(4) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for projects to soundproof residential buildings located on residential properties, and for projects to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

"(A) if the operator of the airport involved amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

"(B) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(C) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.".

SEC. 20. RELOCATION OF AIRWAY FACILITIES.

Compensation received by the United States for transfer of the San Jacinto Disposal Area by the United States to the City of Galveston, Texas, shall include compensation to be provided to the Federal Aviation Administration for all costs of establishing airway facilities to replace existing airway facilities on the San Jacinto Disposal Area. Such compensation shall include but is not limited to the replacement of the land, clear zones, buildings and equipment, and demolition and disposal of the existing facilities on the San Jacinto Disposal Area.

SEC. 21. AUGUSTA STATE AIRPORT WEATHER SERVICES.

(a) REQUIREMENT.—(1) The Secretary of Transportation shall provide for weather observation services, including direct radio contact between weather observers and pilots, at Augusta State Airport in Maine.

(2) The Secretary of Transportation shall be responsible for the operation and maintenance of equipment necessary to carry out paragraph (1).

(b) REIMBURSABLE AGREEMENTS.—The Secretary of Transportation is authorized to enter into a reimbursable agreement with the Maine Department of Transportation for the provision of weather services pursuant to subsection (a).

SEC. 22. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the availability and effectiveness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) REPORT.—The Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

SEC. 23. EXCEPTIONS APPLICABLE TO STATE OF HAWAII.

(a) DEFINITIONS.—(1) Section 101(24) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(24)) is amended by adding at the end the following new sentence: "For purposes of title IV, the term 'interstate air transportation' does not include air transportation of passengers commencing and terminating in the State of Hawaii.".

(2) Section 101(26) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(26)) is amended by adding at the end the following: "With respect to transportation of passengers by air within the State of Hawaii, the term 'intrastate air transportation' means the carriage of persons by a common carrier for compensation or hire, by such aircraft, commencing and terminating in the State of Hawaii; except that the carriage of passengers moving as a part of a single itinerary on a single ticket for transportation on an air carrier or air carriers, beginning and/or ending outside the State of Hawaii, is deemed to be in interstate transportation.".

(b) FEDERAL PREEMPTION.—(1) Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)) is amended by adding at the end the following new paragraph:

"(3) The provisions of paragraph (1) shall not apply to any transportation by air of persons commencing and terminating within the State of Hawaii.".

(2) Section 105(b)(2) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(b)(2)) is amended by striking "(other than the State of Hawaii)".

SEC. 24. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii) and (viii) 2 ems to the right.

(b) AIRPORT PLANS.—Section 504(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2203(a)(1)) is amended by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively.

(c) CERTAIN PROJECT COSTS.—Section 513(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(4)) is amended—

(1) by inserting "or (in the case of a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States) between January 1, 1992, and October 31, 1992," immediately after "July 12, 1976,"; and

(2) by adding at the end the following new subparagraph:

"(D) That, with respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the funds described under paragraph (2), notwithstanding the provisions of sections 505(d), 511(a)(16), and 515.".

SEC. 25. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditure from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting in lieu thereof "(as such Acts were in effect on the date of the enactment of the Federal Aviation Administration Authorization Act of 1993)".

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I have the authorization of the Committee on Commerce, Science, and Transportation to modify my bill. I send that modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify it, and the committee amendment in the nature of a substitute is so modified.

The modification is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Authorization Act of 1994".

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982 AMENDMENTS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" immediately after "1993,";

(2) by striking "$15,413,157,000" and inserting in lieu thereof "$17,463,157,000"; and

(3) by inserting ", $19,663,157,000 for fiscal years ending before October 1, 1995, and $21,943,157,000 for fiscal years ending before October 1, 1996" immediately before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "June 30, 1994" and inserting in lieu thereof "September 30, 1996".

SEC. 102. INNOVATIVE TECHNOLOGY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)) is amended by striking "and" at the end of paragraph (13); by striking the period at the end of paragraph (14) and inserting in lieu thereof a semicolon; and by inserting immediately after paragraph (14) the following new paragraph:

"(15) it is in the national interest to encourage projects that employ innovative technology, concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system, and it is therefore an objective of this Act that the Secretary encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to the Act;".

SEC. 103. DEFINITION OF AIRPORT DEVELOPMENT.

Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)) is amended—

(1) in subparagraph (B)(ii), by inserting "(including explosive detection devices) and universal access systems" immediately after "safety or security equipment"; and

(2) in subparagraph (F), by striking "and if funded by a grant under this title,".

SEC. 104. PREVENTIVE MAINTENANCE.

Section 505 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204) is amended by adding at the end the following new subsection:

"(e) PREVENTIVE MAINTENANCE.—After January 1, 1995, no funds made available for an airport pursuant to a grant under this title shall be available for the replacement or reconstruction of pavement unless the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective pavement maintenance/management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.".

SEC. 105. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205 (a)) is amended by adding at the end the following new paragraph:

"(4) LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.—

"(A) ESTABLISHMENT OF PROGRAM.—Not later than December 31, 1993, and notwithstanding any other provision of this title, the Secretary shall establish and implement a program to purchase a reserve an inventory of precision approach instrument landing system equipment, to be made available on an expedited basis for installation at airports.

"(B) AUTHORIZATION.—No less than $30,000,000 of the amounts appropriated under paragraph (1) for each of the fiscal years 1994, 1995, and 1996 shall be available for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures.".

SEC. 106. MICROWAVE LANDING SYSTEM.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(5) MICROWAVE LANDING SYSTEM.—Notwithstanding any other provision of law, none of the amounts appropriated under this subsection may be used for the development or procurement of the microwave landing system, except as necessary to meet obligations of the Government that may arise under contracts in effect on January 1, 1994.".

SEC. 107. PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.

Section 506(e)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(e)(5)) is amended by striking "September 30, 1995," and inserting in lieu thereof "September 30, 1996,".

SEC. 108. MILITARY AIRPORT SET-ASIDE.

Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(5)) if amended by striking "each of fiscal years 1994 and 1995" and inserting in lieu thereof "fiscal year 1994 and each of the fiscal years thereafter".

SEC. 109. MILITARY AIRPORT PROGRAM.

Section 508(f) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(f)) is amended—

(1) by amending the subsection heading to read as follows:

"(f) MILITARY AIRPORT PROGRAM.—";

(2) by amending paragraph (1) to read as follows:

"(1) DESIGNATION.—The Secretary may designate one or more military airports to receive funds distributed under subsection (d)(5). Airports designated under this subsection prior to the date of enactment of the Federal Aviation Administration Authorization Act of 1994 shall remain eligible to receive grants under subsection (d)(5).";

(3) by striking paragraph (2);

(4) in paragraph (3)—

(A) by striking "and in conducting the survey under paragraph (2)";

(B) by striking "current or military airports" and inserting in lieu thereof "military airports listed in the reports issued by the Defense Base Closure and Realignment Commission"; and

(C) by inserting "most" immediately before "enhance";

(5) by striking the second sentence in paragraph (4);

(6) by striking "for fiscal years 1993, 1994, and 1995" in paragraph (6); and

(7) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

SEC. 110. SUBMISSION AND APPROVAL OF PROJECT GRANT APPLICATIONS.

Section 509(a)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2208(a)(3)) is amended—

(1) by striking "2 or more" wherever it appears and inserting in lieu thereof "1 or more"; and

(2) by striking "similar".

SEC. 111. REIMBURSEMENT FOR CERTAIN PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(D)(i) it was incurred (I) not more than 2 years before the grant agreement for such project was executed; (II) after September 30, 1993, and not later than September 30, 1996; (III) in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to such work if the project had been carried out after the grant agreement had been executed; and (IV) in the case of projects initiated on or after 90 days following the date of enactment of this subparagraph, after receiving the Secretary's approval of the project;

"(ii) allowable costs under clause (i) may include (I) interest payable on, and the retirement of, the principal of bonds or other evidence of indebtedness incurred to initiate the project involved and before the grant agreement for such project was executed; and (II) interest payable on, and the retirement of, the principal of bonds or other evidences of indebtedness the proceeds of which were used to finance the development work for which reimbursement is provided under this subparagraph; and

"(iii) only the sums apportioned under sections 507(a)(1) and 507(a)(2) may be obligated for project costs allowable under clause (i) of this subparagraph;".

SEC. 112. TERMINAL DEVELOPMENT.

Section 513(b) of the Airport and Airway Improvement Act 1982 (49 App. U.S.C. 2212(b)) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 113. AUTHORITY TO CONTINUE LETTERS OF INTENT.

Notwithstanding any other provision of law, the Secretary of Transportation (hereinafter referred to as the "Secretary") may issue letters of intent under section 513(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)) and use funds for planning, approving, and administering grants under the Airport Improvement Program for issuing such letters of intent.

SEC. 114. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(H) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this paragraph in the same fiscal year as the letter of intent is issued.".

SEC. 115. REPORTS ON IMPACTS OF NEW AIRPORT PROJECTS.

Section 509(b) of the Airport and Airway Improvement Act of 1983 (49 App. U.S.C. 2208(b)) is amended by adding at the end of the following new paragraph:

"(10) At least 90 days prior to the approval of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

"(A) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

"(B) air transportation that will be provided in the geographic region of the proposed airport; and

"(C) the availability and cost of providing air transportation to rural areas in such geographic region.".

SEC. 116. AIRPORT SAFETY DATA COLLECTION.

The Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2001 et seq.) is amended by adding at the end the following new section:

"SEC. 535. AIRPORT SAFETY DATA COLLECTION.

"Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data.".

SEC. 117. INTERMODAL SYSTEM PLANNING.

(a) DEFINITION.—The second sentence of section 503(a)(7) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(7)) is amended by inserting "the role which airports plan in the transportation system in a specific area," immediately after "identification of system needs,".

(b) INTEGRATED AIRPORT SYSTEM PLANNING GRANTS.—Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(4)) is amended—

(1) by inserting "(A)" immediately before "Not less than";

(2) by striking the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraphs:

"(B) Prior to the Secretary's approval of a grant to a planning agency for integrated airport system planning, the planning agency shall, insofar as its powers permit, certify that the sponsor of any airport enplaning 0.25 percent or more of the total number of passengers enplaned annually at all commercial service airports is considered to be an operator of a major mode of transportation pursuant to the section 134(b)(2) of title 23, United States Code, and that any such sponsor is a member, or will be appointed a member as soon as practicable, of such planning agency.

"(C) Where such airport sponsor is a municipality, county, or other entity of local government which already retains membership on such planning agency, such planning agency shall include an additional member from such municipality, county, or entity of local government to represent the airport. In order for the Secretary to approve a grant to a planning agency under this paragraph, the airport must be a co-applicant for such grant, and such grant shall be for planning for projects that substantially benefit the airport and shall be in proportion to the benefit it provides to the airport.".

SEC. 118. STUDY ON INNOVATIVE FINANCING.

(a) STUDY.—The Secretary shall study, as a means of supplementing financing available under the Airport Improvement Program, innovative approaches for using Federal funds to finance airport development. Mechanisms should be considered that will produce greater investments in airport development per dollar of Federal expenditure. The Secretary shall consider, among other options, approaches that would permit the entering into of agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund. The Secretary also shall consider means to lower the cost of financing airport development. The Secretary may, in considering innovative financing, consult with airport owners and operators and public and private sector experts.

(b) REPORT TO CONGRESS.—The Secretary shall report the findings of the study required by subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 12 months after the date of enactment of this Act.

SEC. 119. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall consider for approval under subpart C of part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The Charter for approval of such system shall be considered and acted upon expeditiously by the Regional Administrator of the Federal Aviation Administration in the region where such system is being developed.

SEC. 120. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 Appp. U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii) and (viii) 2 ems to the right.

(b) AIRPORT PLANS.—Section 504(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2203(a)(1)) is amended by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively.

(c) CERTAIN PROJECT COSTS.—Section 513(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(4)) is amended—

(1) by inserting "or (in the case of a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States) between January 1, 1992, and October 31, 1992," immediately after "July 12, 1976,"; and

(2) by adding at the end the following new subparagraph:

"(D) That, with respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the funds described under paragraph (2), notwithstanding the provisions of sections 505(d), 511(a)(16), and 515.".

SEC. 121. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditure from Airport and Airway Trust Fund) is amended—

(1) by inserting "or the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992" immediately after "Capacity Expansion Act of 1990"; and

(2) by striking "(as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)" and inserting in lieu thereof "or the Federal Aviation Administration Authorization Act of 1994 (as such Acts were in effect on the date of the enactment of the Federal Aviation Administration Authorization Act of 1994)".

TITLE II—FEDERAL AVIATION ACT OF 1958

SEC. 201. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

(a) IN GENERAL.—Section 313 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354) is amended by adding at the end the following new subsection:

"(g) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—(1) The Administrator may provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.

"(2) Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 313 the following:

"(g) Assistance to foreign aviation authorities."

SEC. 202. FOREIGN FEE COLLECTION.

Section 313(f) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting immediately after paragraph (2) the following new paragraph:

"(3) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

"(A) ESTABLISHMENT OF FEES.—Notwithstanding the limitation of paragraph (4), the Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, or review.

"(B) LEVEL OF FEES.—Such fees shall be established as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States; except that the Administrator may, for such services as the Administrator designates, establish fees at a level necessary to recover the full cost of providing such services.

"(C) EFFECT ON OTHER AUTHORITY.—The provisions of this paragraph do not limit the Administrator's authority to establish and collect fees permitted under section 334 of title 49, United States Code.

"(D) CREDITING OF PREESTABLISHED FEES.—Fees described in subparagraph (A) that were not established before the date of enactment of the Federal Aviation Administration Authorization Act of 1994 may be credited in accordance with paragraph (5).".

SEC. 203. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.

(a) NIGHTTIME OPERATIONS.—On and after the date of enactment of this Act, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for pilots operating under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, only if they are (1) granted clearance by air traffic control, (2) instrument-rated, (3) operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight, and (4) operating an instrument approach or departure approved by the Federal Aviation Administration. An instrument-rated pilot may operate under visual flight rules at such County Airport between 30 minutes after official sunset and 11:00 p.m., only if such pilot has completed at least one takeoff or landing in the preceding 12 calendar months at such County Airport, is granted clearance by air traffic control, and operates an instrument-certified aircraft.

(b) COMMITMENTS OF AIRPORT OWNER OR OPERATOR.—The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of the Aircraft Noise and Capacity Act of 1990 (49 App. U.S.C. 2151 et seq.) and not otherwise unjustly discriminatory when such owner or operator notifies the Administrator that such owner or operator (1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and such conditions applicable to aircraft noise certification as are currently in effect for night operations at such County Airport and (2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called "ski season exception" to its nighttime curfew. To remain in compliance, such owner or operator shall carry out both such commitments as of the effective date of the Administrator's action establishing special operating restrictions at such County Airport in accordance with subsection (a).

(c) MOUNTAIN FLYING.—The Administrator shall issue a Notice of Proposed Rulemaking on mountain flying.

SEC. 204. EXEMPTIONS FROM SLOT RULES.

(a) FINDINGS.—The Congress finds that—

(1) the issue of slot requirements imposed by Federal Aviation Administration regulations for high density airports (commonly known as the "High Density Rule") is a longstanding, significant concern to each of the affected airports, the residents of neighboring communities, and the aviation industry;

(2) such slot regulations serve many purposes, including ensuring that each airport operates efficiently; and

(3) the Secretary has announced as part of the President's Initiative to Promote a Strong Competitive Aviation Industry that the Secretary will undertake a comprehensive examination of such slot regulations and complete such examination by November 1994.

(b) STUDY.—(1) The Secretary's current examination of slot regulations, referred to in subsection (a)(3), shall include consideration of—

(A) the impact of the current slot allocation process upon the ability of air carriers to provide essential air service in accordance with section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(B) the impact of such allocation process upon the ability of new entrant air carriers to obtain slots in time periods that enable them to provide service;

(C) the impact of such allocation process on the ability of foreign air carriers to obtain slots;

(D) the fairness of such process to air carriers and the extent to which air carriers are provided equivalent rights of access to airports in the countries of which foreign air carriers holding slots are citizens; and

(E) the impact, on the ability of air carriers to provide domestic and international service, of the withdrawal of slots from air carriers in order to provide slots for foreign air carriers.

(2) The Secretary shall, not later than November 30, 1994, complete and transmit the results of such examination to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) RULEMAKING PROCEEDING.—The Secretary shall conduct a rulemaking proceeding based on the results of the examination described in subsection (b). In the course of such proceeding, the Secretary shall issue proposed regulations not later than March 1, 1995, and shall issue final regulations not later than June 1, 1995.

(d) EXEMPTIONS FOR HIGH DENSITY AIRPORTS.—(1) If the Secretary finds it to be in the public interest, the Secretary may grant exemptions from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, pertaining to slots at any high density airport except Washington National Airport, to—

(A) air carriers using Stage 3 aircraft, and commuter operators, to enable such carriers to provide essential air service under section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(B) air carriers and foreign air carriers to enable such carriers to provide foreign air transportation, using Stage 3 aircraft; and

(C) new entrant air carriers at such high density airport, only under circumstances determined by the Secretary to be exceptional.

(2) Notwithstanding sections 6005(c)(5)(C) and 6009(e) of the Metropolitan Washington Airports Act of 1986 (49 App. U.S.C. 2454(c)(5)(C) and 2458(e)), the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant to an air carrier currently holding or operating a slot an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, pertaining to slots at Washington National Airport, to enable that carrier to provide service with Stage 3 aircraft, except that such exemption—

(A) shall not result in an increase in the number of slots at Washington National Airport;

(B) shall not increase the number of operations at Washington National Airport in any 1-hour period by more than two operations; and

(C) shall not result in the withdrawal or reduction of slots operated by an air carrier.

(3) No exemption granted under paragraph (1) or (2) may be effective on or after the date on which the final regulations issued under subsection (c) become effective.

(e) WEEKEND OPERATIONS.—The Secretary shall consider the advisability of revising section 93.227 of title 14, Code of Federal Regulations, so as to eliminate weekend schedules from the determination as to whether the 80 percent standard of subsection (a)(1) of that section has been met.

(f) LIMITATION ON CERTAIN SLOT WITHDRAWALS.—Notwithstanding section 93.223 of title 14, Code of Federal Regulations, the Secretary shall not, before final regulations are issued under subsection (c) of this section, withdraw a slot from any air carrier at O'Hare International Airport for the purpose of providing the slot to another air carrier or foreign air carrier.

(g) DEFINITIONS.—For purposes of this section—

(1) The terms "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings given those terms, respectively, in section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301).

(2) The term "commuter operator" means an air carrier as described in section 93.124(c)(2) of title 14, Code of Federal Regulations (as in effect on March 1, 1994).

(3) The term "high density airport" means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of an aircraft.

(4) The term "new entrant air carrier" means an air carrier that does not hold a slot at the airport concerned and has never sold or given up a slot at that airport after December 16, 1985.

(5) The term "slot" means a reservation, by an air carrier or foreign air carrier at an airport, for an instrument flight rule takeoff or landing of an aircraft in air transportation.

SEC. 205. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

"SEC. 420. AIR SERVICE TERMINATION NOTICE.

"(a) IN GENERAL.—An air carrier may not terminate interstate or overseas air transportation from a nonhub airport included on the Secretary's latest published list of such airports, unless such air carrier has given the Secretary at least 60 days' notice before such termination.

"(b) EXCEPTIONS.—The Secretary shall not apply the requirements of subsection (a) when—

"(1) the carrier involved is experiencing a sudden of unforeseen financial emergency, including natural weather-related emergencies, equipment-related emergencies, and strikes;

"(2) the termination of transportation is made for seasonal purposes only;

"(3) the transportation subject to termination is a new service and the termination is made pursuant to an agreement between the carrier and the local airport authority concerning the circumstances under which the new service may be terminated;

"(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

"(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

"(c) WAIVERS FOR REGION/COMMUTER CARRIERS.—Prior to October 1, 1994, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

"(d) DEFINITIONS.—For purposes of this section—

"(1) NONHUB AIRPORT.—The term 'nonhub airport' has the meaning that term has under section 419(k)(4).

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

"(3) PART 135 AIR CARRIER.—The term 'part 135 air carrier' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

"(4) REGIONAL/COMMUTER CARRIERS.—The term 'regional/commuter carrier' means—

"(A) a part 135 air carrier; or

"(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

"(5) TERMINATION.—The term 'termination' means the cessation of all service at an airport by an air carrier.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV is amended by inserting immediately after the item relating to section 419 the following new item:

"Sec. 420. Air service termination notice.
"(a) In general.
"(b) Exceptions.
"(c) Waivers for regional/commuter carriers.
"(d) Definitions.".

(b) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended by inserting "section 420 or" immediately after "$10,000 for each violation of".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning on October 1, 1994.

SEC. 206. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

(a) IN GENERAL.—Section 312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1353) is amended by adding at the end the following new subsection:

"(j) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entitles that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 312 the following:

"(j) Cooperative agreements.".

SEC. 207. TECHNICAL AMENDMENTS.

Section 1112 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1512) is amended—

(1) by striking "50 per centum" wherever it appears and inserting in lieu "50 percent";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) Compensation paid by an air carrier to an employee described in subsection (a) in connection with such employee's authorized leave or other authorized absence from regular duties on the carrier's aircraft in order to perform services on behalf of the employee's airline union shall not be subject to the income tax laws of a State or subdivision thereof, other than the State or subdivision thereof of the employee's residence and the State or subdivision thereof in which the employee's scheduled flight time would have been more than 50 percent of the employee's total scheduled flight time for the calendar year had the employee been engaged full time in the performance of regularly assigned duties on the carrier's aircraft.".

SEC. 208. REVIEW OF PASSENGER FACILITY CHARGE PROGRAM.

The Secretary shall conduct a review of section 158.49(b) of title 14, Code of Federal Regulations, to assess the effectiveness of such section in light of the objectives of section 1113(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)) and shall take such corrective action as the Secretary determines to be necessary to address any problems discovered in the review.

SEC. 209. EXCEPTIONS APPLICABLE TO STATE OF HAWAII.

(a) DEFINITIONS.—(1) Section 101(24) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(24)) is amended by adding at the end the following new sentence: "For purposes of title IV, the term 'interstate air transportation' does not include air transportation of passengers commencing and terminating in the State of Hawaii.".

(2) Section 101(26) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(26)) is amended by adding at the end the following: "With respect to transportation of passengers by air within the State of Hawaii, the term 'intrastate air transportation' means the carriage of persons by a common carrier for compensation or hire, by such aircraft, commencing and terminating in the State of Hawaii; except that the carriage of passengers moving as a part of a single itinerary on a single ticket for transportation on an air carrier or air carriers, beginning and/or ending outside the State of Hawaii, is deemed to be in interstate transportation.".

(b) FEDERAL PREEMPTION.—(1) Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)) is amended by adding at the end the following new paragraph:

"(3) The provisions of paragraph (1) shall not apply to any transportation by air of persons commencing and terminating within the State of Hawaii.".

(2) Section 105(b)(2) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(b)(2)) is amended by striking "(other than the State of Hawaii)".

SEC. 210. TRANSPORTATION SECURITY REPORT.

Section 315(b)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1356(b)(1)) is amended by striking "December 31" and inserting in lieu thereof "March 31".

SEC. 211. INTERMODAL ALL-CARGO AIR CARRIERS.

(a) DEFINITION.—Section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301) is amended by redesignating paragraphs (25) through (41) as paragraphs (26) through (42), respectively; and by inserting immediately after paragraph (24) the following new paragraph:

"(25) 'Intermodal all-cargo air carrier' means—

"(A) an air carrier (including an indirect cargo air carrier, as defined in section 296.3 of title 14, Code of Federal Regulations, as in effect on March 1, 1994) that undertakes to provide the transportation described in section 105(a)(4); or

"(B) any other carrier—

"(i) which has authority to provide transportation;

"(ii) which (I) is affiliated with an air carrier described in subparagraph (A) through common controlling ownership, or (II) utilizes as principal or as shipper's agent, or is affiliated through common controlling ownership with companies that utilize, an air carrier described in subparagraph (A) at least 15,000 times annually; and

"(iii) which undertakes to provide the transportation described in section 105(a)(4).".

(b) PREEMPTION.—Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no State or political subdivision thereof, no interstate agency of two or more States, and no other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to rates, routes, or services of any intermodal all-cargo air carrier when such carrier is transporting property, pieces, parcels, or packages between States or wholly within any single State by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement).

"(B) Subparagraph (A)—

"(i) does not apply to the transportation of household goods as defined in section 10102(11) of title 49, United States Code; and

"(ii) shall not restrict safety regulatory authority. For purposes of clause (ii), the authority to regulate rates, routes, or services shall not be construed as safety regulatory authority, except the authority permitted under the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) to regulate routing.

"(C) For purposes of this paragraph, a person who is an intermodal all-cargo air carrier in any one State shall be considered such a carrier in all States.

"(D) This paragraph shall not in any way limit the applicability of paragraph (1).".

TITLE III—AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979 AMENDMENTS

SEC. 301. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193; 94 Stat. 57) is repealed.

SEC. 302. NOISE ABATEMENT PROGRAMS.

(a) SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS.—Section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(2)) is amended—

(1) by inserting "(A)" immediately before "to operators of airports"; and

(2) by striking the period at the end and inserting in lieu thereof "; and (B) for projects to soundproof residential buildings—

"(i) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

"(ii) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.".

(b) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—Section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)) is amended by adding at the end the following new paragraph:

"(4) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for projects to soundproof residential buildings located on residential properties, and for projects to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

"(A) if the operator of the airport involved amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

"(B) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(C) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.".

SEC. 303. WAIVER AUTHORITY FOR FOREIGN AIR CARRIERS.

(a) IN GENERAL.—Section 9308(b)(1) of the Aviation Noise and Capacity Act of 1990 (49 App. U.S.C. 2157(b)(1)) is amended by inserting "or a foreign air carrier" immediately after "air carrier" wherever it appears.

(b) DEFINITION.—Section 9308(h)(1) of the Aviation Noise and Capacity Act of 1990 (49 U.S.C. 2157(h)(1)) is amended to read as follows:

"(1) AIR CARRIER; FOREIGN AIR CARRIER; AIR TRANSPORTATION; UNITED STATES.—The terms 'air carrier', 'foreign air carrier', 'air transportation', and 'United States' have the meanings such terms have under section 101 of the Federal Aviation Act of 1958.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. DISCONTINUATION OF AVIATION SAFETY JOURNAL.

The Administrator may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal". Any existing contract for publication of the magazine shall be cancelled within 30 days after the date of enactment of this Act.

SEC. 402. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.

(a) STUDY.—(1) Within 30 days after the date of enactment of this Act, the Secretary, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(2) Such study shall examine—

(A) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(B) the crash of a Lear Jet on October 22, 1985;

(C) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(D) the adequacy of NAVAIDs in the vicinity of the Juneau International Airport;

(E) the possibility of inaccurate data from Sisters Island DVOR, and the possibility of confusion between Elephant Island Non-Directional Beacon and Coghlan Island Non-Directional Beacon;

(F) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(G) the need for a Terminal Very High Frequency Omni-Directional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(H) any other matters any of the parties names in paragraph (1) think appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

(b) REPORT.—(1) Within 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(A) details the matters considered by the study;

(B) summarizes any conclusions reached by the participants in the study;

(C) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport, or contains a detailed explanation of why no recommendations are being proposed;

(D) estimates the cost of any proposed recommendations; and

(E) includes any other matters the Secretary deems appropriate.

(2) The report shall include any minority views if consensus is not reached among the parties listed in subsection (a)(1).

SEC. 403. SOLDOTNA AIRPORT IMPROVEMENT.

"(a) Release.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

"(b) Conditions.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 404. ROLLA AIRPORT IMPROVEMENT.

"(a) Authorization To Grant Release.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 30, 1957), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 30, 1957, or any other deed of conveyance dated after such date and before the date of enactment of this Act, under which the United States conveyed certain property to the city of Rolla, Missouri, for airport purposes.

"(b) Conditions.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Rolla, Missouri, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 405. PALM SPRINGS, CALIFORNIA.

"(a) Authority To Grant Release.—Notwithstanding section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subject to the provisions of subsection (b), the Administrator shall grant releases from all of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The releases shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California, for general governmental purposes.

"(b) Conditions.—Any release granted by the Administrator under subsection (a) shall be subject to the following conditions:

(1) The administrator shall waive any requirement that there is credited to the account of the airport any amount attributable to the city's use of governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of enactment of this Act for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act of 1982 or any successor Act.

SEC. 406. RELOCATION OF AIRWAY FACILITIES.

Compensation received by the United States for transfer of the San Jacinto Disposal Area by the United States to the City of Galveston, Texas, shall include compensation to be provided to the Federal Aviation Administration for all costs of establishing airway facilities to replace existing airway facilities on the San Jacinto Disposal Area. Such compensation shall include but is not limited to the replacement of the land, clear zones, buildings and equipment, and demolition and disposal of the existing facilities on the San Jacinto Disposal Area.

SEC. 407. AUGUSTA STATE AIRPORT WEATHER SERVICES.

(a) Requirement.—(1) The Secretary shall provide for weather observation services, including direct radio contact between weather observers and pilots, at Augusta State Airport in Maine.

(2) The Secretary shall be responsible for the operation and maintenance of equipment necessary to carry out paragraph (1).

(b) Reimbursement Agreements.—The Secretary is authorized to enter into a reimbursable agreement with the Maine Department of Transportation for the provisions of weather services pursuant to subsection (a).

SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) Study.—The Administrator shall conduct a study on the availability and effectiveness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) Report.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

SEC. 409. AIRCRAFT SMOKE EMERGENCIES.

The Administrator shall enforce Federal Aviation Administration regulations relating to pilot vision and smoke emergencies caused by dense, continuous smoke in the cockpit on current and future aircraft and shall report to Congress within 1 year after the date of enactment of this Act on the Administration's efforts to ensure compliance with such regulations.

SEC. 410. REAL ESTATE TRANSFERS AND WEATHER OBSERVATIONS IN ALASKA.

(a) Transfer of Site in Lake Minchumina, Alaska.—The Administrator shall convey to the community of Lake Minchumina, Alaska, the Federal Aviation Administration building number 106 and a reasonable amount of land to make use of the property, at Lake Minchumina, Alaska, for the purpose of providing educational facilities, under the terms set forth in Agreement No. DTFA04–93–J–82007, between the Federal Aviation Administration and the Iditarod Area School District, and such other terms as are mutually agreed on between the Administrator and the community of Lake Minchumina.

(b) Transfer of Site in Fort Yukon, Alaska.—The Administrator shall convey to the city of Fort Yukon, Alaska, the buildings of the Federal Aviation Administration and land in Fort Yukon, Alaska (described as that portion of Lot 4, U.S. Survey 7161, within section 8, T.20 N., R.12E., Fairbanks Meridian consisting of 7.14 acres, and containing the health clinic and staff housing for the aforementioned clinic) for the purpose of providing health services, under terms that are mutually agreed on between the Administrator and the city of Fort Yukon.

(c) Weather Observation Services in Alaska.—(1) The Administrator shall provide human observers to offer real-time weather information to pilots by direct radio contact in Alaska at—

(1) Dutch Harbor, Valdez, Wrangell, Petersburg, Sand Point, and Yakutat on a full-time basis;

(2) Aniak, St. Marys, Dillingham, Unalakleet, Fort Yukon, Port Heiden, Anaktuvuk Pass, and Gustavus to replace the Automated Weather Observing System (AWOS) in the event of failures and to verify AWOS reports when the safety of aircraft is at risk; and

(3) other communities that the Administrator determines require human weather observers.

SEC. 411. STURGIS, KENTUCKY.

(a) Authorization to Grant Releases.—Notwithstanding any other provision of law, the Administrator is authorized, subject to section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subsection (b) of this section, to grant releases with respect to such parcels of land, or portions of such parcels, as the Administrator determines are no longer required for airport purposes, from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated July 13, 1948, under which the United States conveyed such property to the Union County Air Board, State of Kentucky, for airport purposes of the Sturgis Municipal Airport.

(b) Conditions.—Any release granted by the Administrator under subsection (a) shall be subject to the following conditions:

(1) The Union County Air Board shall agree that, in leasing or conveying any interest in the property with respect to which releases are granted under subsection (a), such Board will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Such Board shall use any amount so received only for the development, improve-

ment, operation, or maintenance of the Sturgis Municipal Airport.

(3) Any other conditions that the Administrator considers necessary to protect to advance the interests of the United States in civil aviation.

TITLE V—AIRPORT-AIR CARRIER DISPUTES REGARDING RATES, FEES, AND CHARGES

SEC. 501. DECLARATION OF POLICY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)), as amended by this Act, is further amended by adding at the end the following new paragraphs:

"(16) airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this Act; and

"(17) airports should be as self-sustaining as possible under the circumstances existing at each particular airport; and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 511(a)(12), including reasonable reserves and other funds to facilitate financing and cover contingencies.".

SEC. 502. AIRPORT FINANCIAL REPORTING.

(a) FORMAT FOR REPORTING.—Within 180 days after the date of enactment of this Act, the Secretary shall prescribe a uniform simplified format for reporting that is applicable to airports. Such a format shall be designed to enable the public to understand readily how funds are collected and spent at airports, and to provide sufficient information relating to total revenues, operating expenditures, capital expenditures, debt service payments, contributions to restricted funds, accounts, or reserves required by financing agreements or convenants or airport lease or use agreements or convenants. Such format shall require each commercial service airport to report the amount of any revenue surplus, the amount of concession-generated revenue, and other information as required by the Secretary.

(b) REQUIREMENT TO USE FORMAT.—Within 1 year after the date of enactment of this Act and once each year thereafter, each airport which is subject to any grant assurance under section 511(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)) shall file reports to the Secretary in the format prescribed by the Secretary under this section.

(c) ANNUAL SUMMARIES.—The Secretary shall provide annual summaries of such reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 503. ADDITIONAL ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE

(a) NEW POLICIES AND PROCEDURES.—Section 511 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210) is amended by adding at the end the following new subsection:

"(l) POLICIES AND PROCEDURES TO ENSURE ENFORCMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(9) and (a)(12) and grant assurance made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (a)(12), and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

"(2) REVENUE DIVERSION.—Such policies and procedures shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (a)(12)) through—

"(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

"(B) use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

"(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

"(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

"(3) EFFORTS TO BE SELF-SUSTAINING.—With respect to subsection (a)(9), such policies and procedures shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

"(4) ADMINISTRATIVE SAFEGUARDS.—Such policies and procedures shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(9) and (a)(12) and related grant assurances and to alert the Secretary to such possible violations.".

"(b) JUDICIAL ENFORCEMENT.—If any airport sponsor violates section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any grant assurance thereunder, or violates section 536(d) of such Act, the Secretary may apply to the district court of the United States, for any district in which such airport sponsor carries on business or in which the violation occurred, for the enforcement of such section or assurance; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such airport sponsor from further violation of such section or assurance and requiring their obedience thereto.

"(c) WITHOLDING OF APPROVAL OF APPLICATIONS FOR GRANTS OR PASSENGER FACILITY CHARGES.—Section 519 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2218) is amended by adding at the end the following new subsection:

"(c) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If after notice and opportunity for a hearing the Secretary finds a violation of section 511(a)(12), as further defined by the Secretary under section 511(l), or a violation of an assurance under section 511(a)(12), and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this Act, or any proposed modification to an existing grant that would increase the amount of funds made available under this Act to the airport sponsor, and withhold approval of any new application to impose a fee under section 1113(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)). Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.".

(d) CIVIL PENALTIES.—(1) Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended—

(A) by inserting "or (C) section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any assurance thereunder," immediately after "under this Act," in the first sentence; and

(B) by inserting a semicolon and "except that in the case of a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)), the maximum civil penalty for a continuing violation shall not exceed $50,000" immediately before the period at the end of the second sentence.

(2) Section 901(a)(3)(A) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(3)(A)) is amended by inserting ", or a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)), as further defined by the Secretary under section 511(l) of such Act, or a violation of an assurance under such section 511(a)(12)" immediately before the period at the end.

(3) Section 901(a)(3)(E) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(3)(E)) is amended by adding at the end the following new clause:

"(iv) CERTAIN VIOLATIONS OF AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982.—In the case of a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 or an assurance thereunder—

"(I) a civil penalty shall not be assessed against an individual;

"(II) a civil penalty may be compromised as provided under paragraph (2) of this section; and

"(III) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 1006 of this Act.".

SEC. 504. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

The Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 563. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

"(a) AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.—

"(1) IN GENERAL.—The Secretary shall issue a determination as to whether a fee imposed upon one or more air carriers by the owner or operator of an airport is reasonable, if—

"(A) a written request for such determination is filed with the Secretary by such owner or operator; or

"(B) a written complaint requesting such determination is filed with the Secretary by an affected air carrier within 60 days after such carrier receives written notice of the establishment, or increase, of such fee.

"(2) CALCULATION OF FEE.—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

"(3) SECRETARY NOT TO SET FEE.—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not let the level of the fee.

"(b) PROCEDURAL REGULATIONS.—The Secretary, not later than 90 days after the date of enactment of this section, shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

"(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

"(2) the standards or guidelines that shall be used by the Secretary in determining under this subsection whether an airport fee is reasonable.

"(c) DECISIONS BY SECRETARY.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

"(1) Not more than 120 days after an air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

"(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, and any specifically applicable provisions of this section.

"(3) The administrative law judge shall issue a recommended decision within 90 days after the complaint is filed or within such shorter period as the Secretary may specify.

"(4) If the Secretary, upon the expiration of 120 days after the filing of the complaint, has not issued a final order, the decision of the administrative law judge shall be deemed to be the final order of the Secretary.

"(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the courts of appeal of the United States.

"(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order shall be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

"(d) ESCROW; GUARANTEE OF AIR CARRIER ACCESS.—

"(1) ESCROW.—Any fee increase or newly established fee (except for a fee paid as part of an agreement entered into prior to June 9, 1994, under which such fee is paid under protest), which is the subject of a complaint that is not dismissed by the Secretary, shall be paid by the complainant air carrier into an appropriate escrow account maintained for such purpose, until final disposition of the matter by the Secretary. The balance of the escrow account, including any interest accumulated thereon, shall be disbursed in accordance with directions in the final order of the Secretary.

"(2) GUARANTEE OF AIR CARRIER ACCESS.—Contingent upon an air carrier's compliance with the escrow requirements of paragraph (1) and pending the issuance of a final order of the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's rates, routes, or services, as a means of enforcing the fee.

"(e) APPLICABILITY.—This section does not apply to—

"(1) a fee imposed pursuant to a written agreement with air carriers using the facilities of an airport;

"(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to the date of enactment of this section; or

"(3) any other existing fee not in dispute as of such date of enactment.

"(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

"(1) the rights of any party under any existing written agreement between an air carrier and the owner or operator of an airport; or

"(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of the date of enactment of this section.

"(g) DEFINITION.—In this section, the term 'fee' means any rate, rental charge, landing fee, or other service charge for the use of airport facilities.".

Mr. FORD. Madam President, we have worked for months—I think my distinguished ranking member, the Senator from South Dakota and his staff will understand what we have gone through; I started to say Hades; that is a pretty good word—in order to try to work out what we have today. I think it is important that I take a few minutes, maybe up to 15, to try to describe what is now in the modification that is at the desk. I understand there are several amendments to the bill, and I am perfectly willing to look at those. Some I think both of us could accept here this afternoon, and I think we could move on with the bill. Hopefully, we might get it done in the next couple hours. I am not sure we can, but I am certainly going to try. So let me take a few moments now to describe what is in the modification that is before the Senate.

Madam President, today the Senate will begin debate on an amendment in the nature of a substitute, as modified, to S. 1491, the Federal Aviation Administration Authorization Act. It has been a long journey for this legislation in that it was reported by the Committee on Commerce, Science, and Transportation on November 9, 1993. S. 1491 proposes a 3-year authorization for the Airport Improvement Program, the primary source of the Federal funds for airport development.

The Airport Improvement Program, referred to as AIP, provides funds for the construction and improvement of airports. The program is authorized through fiscal year 1996 and is considered "contract authority" under the bill. If the Congress fails to authorize this program, the FAA would be prohibited from providing any grants to airports after June 30, 1994.

Madam President, on April 19, 1994, the Senate passed S. 2024, a bill to provide temporary authority for the AIP. This bill was signed by the President on May 26, 1994, and provides for funding for airport grants until June 30 of this year. This legislation was needed in order to get funds to airports for much needed capacity projects. I did not want to miss the construction season and many projects were being delayed due to other legislative issues.

S. 2024 also imposed a freeze on airport fees during the period of the bill. As my colleagues are well aware, I have been attempting to negotiate an agreement between the airports and the airlines on the airline fee issue. I am delighted to report that a compromise has been reached which I will explain later in my remarks.

During the discussions between the House and the Senate on S. 2024, the issue of the air traffic controller pay demonstration was addressed. I know of the importance of this program to Senators from Illinois, California, and New York. The agreement is simply a stopgap measure to keep the program alive. It is my desire to address this issue later this year in an FAA reform package. The bill also required that the DOT undertake a study of management, regulatory, and legislative reforms of the air traffic control system within the FAA, not a corporation for air traffic control, which I oppose.

S. 2024 resolved the distribution of AIP funds for the duration of the authorization which will make the conference on S. 1491 much easier. S. 2024 increased the minimum AIP entitlement to $500,000 annually for small airports and reduced the set-asides for reliever and commercial service airports. The agreement on set-asides ensures that the FAA is able to meet its current and future obligations under the letters of intent program which provides for long-term funding commitments to airport projects.

The set-aside for reliever airports was dropped from 10 to 5 percent. The commercial service set-aside dropped from 2.5 to 1.5 percent. Both of these changes were suggested by the Clinton administration. The small airport fund which was created in 1990 by the turnback of entitlement from large and medium sized airports imposing passenger facility charges—known as PFC's—will make up the difference so there should be no loss to these two categories of airports.

In addition, reliever airports would be allowed to use AIP funds for terminal development and the current $200,000 cap on discretionary funds that could be used for terminal development at small commercial service airports was removed. The set-aside for integrated airport system planning, which was sought by the National Association of State Aviation Officials, was increased from 0.5 to 0.75 percent.

Madam President, I would like to take the opportunity to thank my colleagues in the House of Representatives—Representative MINETA, Representative OBERSTAR, Representative SHUSTER, and Representative CLINGER for their efforts in reaching the agreement on S. 2024. I know they would have much preferred settling all of the issues regarding the FAA in a long-term bill, but they were willing to work with me to get some funding to airports while other issues were being addressed. I am extremely grateful for their efforts.

I would also like to thank my colleagues on the Committee on Commerce, Science, and Transportation—the chairman, Senator HOLLINGS, the ranking minority, Senator DANFORTH, and above all, the ranking minority of the Aviation Subcommittee, Senator PRESSLER. These colleagues and their staff have assisted in the bill the Senate is considering today. They have provided much needed information and leadership on aviation matters. Senator EXON and his staff have also been a great source of assistance.

Turning specifically to S. 1491, the bill establishes an equipment inventory of instrument landing systems [ILS]. This is a needed provision in that presently it takes the FAA 4 years to commission an ILS. The bill authorizes the FAA to charge U.S. and foreign aircraft manufacturers for international travel to conduct certification work. This is one of the eleven sections in the bill requested by the Clinton administration. The bill limits the FAA's ability to take slots for international service by foreign carriers from U.S. carriers. The bill requires air carriers to provide 60-day advance notice to appropriate officials prior to terminating service to small cites. At the request of Senator DORGAN the bill requires needed economic study before a new airport is constructed.

S. 1491 also incorporates the provisions of S. 444, the Juneau International Airport Safety Act of 1993, and S. 1192, the Soldotna Airport Improvement Act. Both of these bills were reported by the Senate Commerce Committee in 1993. S. 1498, the Rolla [MO] Airport Improvement Act, introduced by Senator DANFORTH also is included in this legislation.

At the request of Senator INOUYE, S. 1491 allows the State of Hawaii to regulate intrastate air transportation. This section specifically defines the term "intrastate air transportation" as a passenger that commences and terminates air transportation in the State of Hawaii.

S. 1491 authorizes the FAA to enter into cooperative agreements with Federal and non-Federal entities to pursue research, engineering and development activities on a cost-shared basis.

The bill extends AIP eligibility to include explosive detection devices and universal access systems. Passenger facility charges may be used to meet Federal mandates under the Americans With Disabilities Act, the Clean Air Act, and Federal Water Pollution Control Act.

One Further issue included in this legislation is that the future procurement of the microwave landing system is prohibited. I was delighted to learn that the Administrator of the Federal Aviation Administration, David Hinson, decided to halt further development of the category 2 and 3 microwave landing systems. I know many of my colleagues agree with me that we need to move forward with the global positioning system [GPS] by curtailing spending for the microwave landing system program. Many years ago, before many of us were even Members of the Senate, MLS was originally thought to be the new generation system for tracking aircraft. MLS technology has been superseded by the GPS, which relies on a series of satellites to track the movement of aircraft.

On Monday, after several months of meetings and discussion, an agreement was reached to settle the debate on Pitkin County Airport and the FAA which has been in process for over 4 years. My colleague, Senator CAMPBELL, will be addressing this compromise during the debate. I commend the representatives of AOPA and NBAA in their efforts to resolve this issue.

There are two final issues addressed in S. 1491—intrastate trucking regulation and airport fees and charges. I know all of my colleagues have had the opportunity to hear both sides of each of these issues. It is hoped I can provide a little background and the need for both of these provisions.

Section 211 of the committee substitute has been included to address an inequity by a 1991 ninth circuit court decision which gave Federal Express the right to pick up and deliver goods between any two points in a single State. This court decision gave one freight carrier a distinct competitive advantage in serving the needs of its customers. Other transportation companies which compete with Federal Express cannot pick up and deliver between two points in those nine States unless the State has specifically assigned that company the authority to operate between those two points. This means a competitively disadvantaged carrier must tell its shippers and customers they are unable to provide the service, or cannot provide the service at the same rates as Federal Express.

In today's highly competitive transportation environment, shippers of goods often look for one company or a family of companies to meet all of their transportation needs. Some shippers no longer even have transportation departments—they · look to a single transportation company to plan their logistics and provide transportation for them. If you are a transportation provider but are not allowed to serve between two points within a State, you have a problem. If Federal Express has the authority to operate between those two points, and others do not, or if Federal Express can change or lower rates without filing with a State, they will get the business. It is just that simple.

Section 211 is an attempt to level the playing field so that corporations and their subsidiaries or affiliates that engage in various modes of transportation and that rely on air cargo as a part of their overall family of services are free to operate between any two points within a State at rates negotiable with shippers.

Section 211 will save consumers millions of dollars in shipping costs. Today transportation carriers wishing to meet customer needs, when feasible, will drive their trucks across a State line to a truck terminal, unload the truck, then reload the freight into another truck and return to the original State so that the shipment can be considered an "interstate" move and is thereby exempt from State regulation.

This circuitous routing is time-consuming, gas guzzling, environmentally unsound, adds unnecessary traffic to already overcrowded highways, makes the shipping costs of products higher than necessary, and in a global economy it is simply ridiculous.

Let me specify what section 211 does not do. It does not preempt any State's regulation of trucking safety or insurance requirements. it does not alter any responsibilities of the Interstate Commerce Commission. A company does not have to own airplanes to meet the definition of this section.

Section 211 does allow intermodal all-cargo air carriers which compete against Federal Express to have the same freedom of operation as Federal Express. Federal Express supports the amendment as it seeks certainty with the ninth circuit court decision.

Madam President, during the consideration of S. 2024 on April 19, 1994, I spent a great deal of time explaining the issues regarding airport rates and fees. There is a natural tension between airports and airlines in that the airline industry is reeling from record losses. In the past 3 years, it is estimated that the airline industry has lost $11 billion. The trend within the airline industry is to downsize. Airline projections are still flat and aviation analysts do not expect any big upturn for several years. The only growth in the airline industry is in the low cost point-to-point service.

With all of the turmoil going on in the airline industry, airports keep expanding since their costs are guaranteed. Airports plan to spend as much as $50 billion in construction during the next 5 years—double what they spent throughout the 1980's. Airports are confident that a big rise in airline traffic is just around the corner. In many cases, airports are spending millions to improve unused facilities. Airports are counting on the airline, certainly a weak revenue source, through landing and space rental fees to cover the costs of expansions.

Airport officials offer bullish predictions of a surge in air travel to justify their expansion plans. Cities often see airports as a means to promote tourism, attract jobs, and expand air service. Construction projects provide local economic and political benefits. But my colleagues are aware that the forecasts for increases in airline passengers have flopped and airports have been reluctant to adjust their predictions downward. For example, it was recently reported that in 1990, the FAA estimated passenger projections for the new Denver International Airport at 27.4 million passengers boarding in 1995. The next year, that projection was lowered 37 percent to 17.2 million passengers.

From 1982 to 1993, landing fees and rental charges per passenger increased 96 percent, while producer prices increased 25 percent.

Let me go into specific airlines. USAir's rent and landing fee budget of almost $500 million in 1994 represents 7 percent of their costs—more than mechanic's wages, flight attendants' wages, or customer service wages. In addition, rent and landing fees are the fastest growing expense for USAir as in some markets it represents 15 to 20 percent of their costs. Madam President, this is a problem just facing one airline—and an airline the press reports indicate is having financial difficulties.

Several of my colleagues have suggested that there is really no problem with airport fees and charges in that the airline can simply pass over the increases in the form of higher air fares. This is certainly not the case in that airlines price their product in order to make a profit and the new no-frills air carriers are creating a situation where there is less yield in airline fares. In 1993, Northwest Airlines paid $390 million in landing fees and terminal rental and $75 million in passenger facility charges. About $30 million of the PFC charges on Northwest could not be passed on to the customer as the PFC was on connecting flights. I am convinced there is a limit in what can be passed on to the passenger by the airlines—and that limit was surpassed when the Congress enacted the PFC in 1990 which added $12 to a round trip ticket. Airlines can no longer afford indulgences such as Italian marble floors and art collections at airports. Maybe prime business destinations can get away with such costs but the airline passenger, not the local taxpayer, is paying for these airport improvements.

At the same time that this airport building binge has been going on, local elected officials have viewed airports as potential sources of revenue to pay for unrelated municipal services. These attempts to divert airport funds have manifested in a wide variety of creative budgetary gimmicks designed to run up the cost of doing business at the airport. Funding for police, public housing—you name it—are all valuable goals, but should not be funded by airlines through airport fees.

Madam President, in an effort to learn more about airport financing my staff contacted the Congressional Research Service. CRS sent over a number of textbooks and articles on the subject. I think a few explanations of how airports are financed are in order.

First, airports in the United States, providing air carrier service are public-sector enterprises. That is, they are owned and operated as governmental facilities and are monopolistic in character. Many airports are under the impression that they are like private businesses. Yet, Federal tax legislation grants favorable treatment to bonds issued to finance airport improvement programs. For Federal income tax purposes, the interest income provided to investors from airport bonds is not calculated as an item of gross income—thus, airport bonds are said to be tax-exempt bonds. Airports have taxing authority in the form of passenger facility charges. Federal grants are awarded to airports for construction and some airports have powers of eminent domain. I cannot imagine any private entity with these sources of revenue and power. There have been discussions in the past about defederalization of the airports. I am not sure that airports are ready to give away all of the funding mechanisms in order to become a private business and quite frankly they cannot have it both ways.

S. 1491 includes language which addresses many of the problems in the airport fee and changes disputes. The bill provides a process by which airport fees and charges can be remedied. One of the reasons for legislating on this issue is that presently there are inadequate guidelines on what constitutes reasonable airport rates.

DOT just last week announced a new procedure to resolve disputes. Unfortunately, the proposal does not guarantee a fair process—the legislation does. For example, DOT would have an attorney gather facts, and present the information to the Assistant Administrator for Airports for a decision. Since the airports office within the FAA is established to promote airports and award AIP grants, I am disturbed that the Assistant Administrator for Airports could decide an airline-raised dispute with an airport. This strikes me as unfair. Instead, the bill mandates the use of an administrative law judge, with a final decision by the Secretary of Transportation in 120 days. The process is similar to that used in international route cases. Simple, straightforward, and fair—and agreed to by the airports and airlines.

The compromise would impose civil penalties for airports that illegally divert revenue. The Secretary of Transportation has wide latitude to mitigate or compromise the penalty. He could, for example, eliminate the fine if the airport agreed to recoup the diverted funds within a reasonable period.

Airport lock-outs are prohibited as a means to force payment of disputed fees. Airport surplus with no purpose are prohibited and strong revenue diversion language is included. I feel so strongly about the public nature of airports that I have included language to guarantee that airports make their books public. Even if concession revenues are not credited to the airlines as in a residual use fee, it is inconceivable to me that airlines are negotiating landing fees without having any information on other sources of revenues for the airports.

One of the greatest problems in attempting to draft a compromise on airport fees and charges is that every definition for what is reasonable was challenged by the airports as limiting the ability to utilize the compensatory fee approach. I regret that I was unable to achieve some agreement on a definition of a reasonable fee as the lack of a definition seems to be the problem in the Kent County case. The Supreme Court in Northwest Airlines et al. versus Kent County noted that the Anti-Head Tax Act [AHTA] requires that rates be reasonable but not does define what is a reasonable rate. The Supreme Court stated:

> If we had the benefit of the (DOT) Secretary's reasoned decision concerning the AHTA. * * * we would accord the decision substantial deference. Lacking guidance from the Secretary, however, and compelled to give effect to the statute's use of reasonable, we must look elsewhere.

The Supreme Court then turned to the standards used in the Evansville case. It did this even though it noted that Congress enacted AHTA because it did not like the result of the Evansville case.

I keep hearing that the Kent County decision was a big win for the airports in that it resolved the major outstanding rates and charges issues. I firmly believe it was not a win for either side, as the opinion clearly expresses the frustration in dealing with an area where DOT has jurisdiction but does not seem to have exercised that jurisdiction or provided any guidance. Also, the Supreme Court was dealing with a statute that requires reasonable rates but does not define them. I fear that this issue will never be totally resolved until a definition is in the statute. Unfortunately, no definition or list of factors to be considered in determining reasonableness was satisfactory to the airport trade associations.

Finally, Madam President, I would like to thank the Senate offices and staffs involved in the two major issues in S. 1491—airport fees and charges, and trucking. Since March, there has been a daily effort to resolve these issues in order to get S. 1491 ready for Senate floor action. I am very satisfied with the compromises reached and urge the support of my colleagues.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I would like to begin by commending the chairman of the Aviation Subcommittee, Senator FORD, for his bipartisan leadership on this important reauthorization legislation. He and his staff have done an outstanding job, and we thank them for it.

I also congratulate the ranking member and the chairman of our Commerce Committee, Senators HOLLINGS and DANFORTH, and also Senators MCCAIN, GORTON, STEVENS, EXON, DORGAN, KERRY, INOUYE, BRYAN, and others, who have worked on this legislation. Much of it has been negotiated out over the weeks, and I believe we have a bipartisan result.

This is a multiyear reauthorization bill, and we have reached the point of concession that allows this floor debate to occur.

The Airport Improvement Program [AIP] is of critical importance to airport facilities across the country. The Secretary of Transportation makes project grants for airport development and planning with the purpose of maintaining a safe and efficient nationwide system of public use airports. In short, the AIP funds the capital needs of our Nation's commercial airports and general aviation facilities.

Madam President, we should not be short-sighted in our efforts to address airport funding needs. According to the FAA, 23 airports experience flight delays of 20,000 hours or more annually. At the same time, passenger enplanements at our Nation's airports are predicted to increase from 452 million in 1991 to 861 million in 2005—6 percent annual increase over this 15-year period. In total, FAA has $8 billion in unfunded pending grant requests.

The growth in demand and the limited amount of AIP funds available places a tremendous strain on the existing aviation system. In order to meet our present and future air transportation needs, it will require a commitment to the expansion of system capacity. However, that commitment must not be limited to the needs of airports and air carriers located in large population centers. We must also address the air service needs of small, rural communities.

As my colleagues know, there was an 8-month gap without AIP authorization until a short-term bill, S. 2024, was signed by the President on May 26, 1994. S. 2024 provided temporary AIP relief by authorizing up to $800 million through June 30, 1994. During that 8-month gap, no funding assistance was provided to airports for their improvement projects.

Gaps without AIP authorization are hard on airports of all sizes, primarily smaller facilities. Such facilities depend on AIP moneys to fund development projects. Therefore, it is vital than an AIP authorization is passed before the expiration of the short-term bill. Any additional periods without authorization could cause airports, particularly those in South Dakota and the upper Midwest, to miss construction seasons.

Mr. President, I would like to take a few moments to discuss several important provisions included in S. 1491:

AIR SERVICE TERMINATION ADVANCE NOTIFICATION

Rural communities depend on adequate air service. Air transportation availability is essential to many communities' economic development initiatives and enables smaller communities to be connected to our national transportation system. Cities in South Dakota and other rural areas struggle continually to maintain jet service. This struggle becomes increasingly difficult when a carrier terminates service without providing advance notification to the affected community. Current law allows carriers to terminate air service without giving advance notice. For many communities, this lack of notification can result in an air transportation crisis.

This bill contains a provision that would prevent air carriers from terminating interstate air transportation to a nonhub airport facility—those with less than 250,000 enplanements per year, approximately 27 airports—unless the carrier gives the Secretary of Transportation a minimum of 60 days written notice before termination. Such notification would enable the affected communities to seek alternative carriers to provide air service.

However, the Secretary would be allowed to waive this notification requirement. We understand that circumstances may merit a waiver—such as when a carrier is experiencing a financial emergency.

REPORTS ON IMPACTS OF NEW AIRPORT FACILITIES

The new, $4 billion Denver International Airport has had a significant impact on air service to surrounding States. The airport has not even opened—it has failed to open four times—yet has already caused many communities in the Midwest to lose jet service or to have service reduced. Rapid City, SD, is one such city to be negatively affected by this costly new facility.

In my view, we should not build new grandiose facilities without first considering the impact of how such facilities will affect air service to surrounding areas. For example, consideration is being given currently to building a new airport facility in Minneapolis, MN. Senator DORGAN and I, along with our colleagues from North Dakota, South Dakota, and Nebraska have expressed our views to FAA Administrator David Hinson that before any decisions are made, consideration must be made to the impact on service to our states. We also contacted Richard Braun, chairman of the Metropolitan Airports Commission in Minneapolis, MN, to express our desire to be involved in this decisionmaking process.

Madam President, I ask unanimous consent that copies of our letter to Administrator Hinson and Mr. Braun be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Madam President, S. 1491 includes a provision to require the Secretary to provide to the Congress a report analyzing the anticipated impact of a proposed new airport on fees charged to carriers, air transportation in the geographic region of the proposed airport, and the availability and cost of providing air transportation to rural areas in that geographic region. This report would be due 90 days prior to approving AIP funds for such a proposal. I am hopeful that this provision will prevent another Denver Airport fiasco.

SLOT RULES

My Senate Aviation Subcommittee colleagues have listened to me time after time expressing my frustration over slots or more accurately, the airlines' possession of slots. Slots is a term for the high-density rule which is imposed on four of our Nation's airports: Chicago's O'Hare, New York's LaGuardia, New York's Kennedy, and Washington National.

Under this rule, the FAA Administrator limits the number of flight takeoffs and landings. In order to utilize one of these airports, an air carrier must have a slot or have an exemption from the slot requirement. Slots are considered valuable assets because they enable the owner of the slots to monopolize these limited markets by effectively preventing a carrier from having access to the airport.

While there may only be four high-density airports, hundreds of communities are affected by these slot rules. Unfortunately, communities which would like service to one of these four airports suffer because of the slot holder monopoly. For example, American Airlines was granted slot access at Chicago O'Hare under the agreement that they would serve communities in South Dakota and North Dakota that did not have access to Chicago. But just over a year after American was granted those slots, they pulled out of our States, yet were able to retain the slots to provide service to other communities. Is this fair to our communities?

While we must not jeopardize safety at these four airports, we should consider whether technological advances that have occurred since the slot rules were imposed merit lifting the high-density rule or other actions to expand the capacity at these airports. Currently, the Secretary of Transportation is studying the high-density rule and is to complete this study by November 1994.

S. 1491 would require the Secretary to include in that study the impact of the current slot allocation process on essential air service, new entrant carriers, and foreign carriers. The study would also examine the extent to which U.S. carriers are granted access to airports in the counties of slot holding foreign carriers and impact of withdrawing slots from U.S. carriers to provide slots for foreign carriers. The Secretary would be required to complete a rulemaking by June 1, 1995, based on this study. In addition, S. 1491 would authorize the Secretary to grant exemptions at these airports—except National Airport—for operations involving essential air service, international service, and new entrants.

AIRPORTS AND AIRLINES FEE DISPUTES

S. 1491 has been delayed by an ongoing dispute between the airports and airlines over the fees charged to airlines, such as landing fees, rental charges for gate space and baggage handling areas. Fee negotiations between airports and airlines belong at the local level and are almost always resolved locally to the satisfaction of both sides. However, in those rare instances where an agreement cannot be reached, we have provided for a dispute resolution process at the Department of Transportation.

This issue has caused a great deal of discussion and debate over the past several months. Therefore, I think it is important to review exactly what this section of the bill does and what it does not do. This bill addresses three aspects of the dispute. The following provisions are meant to keep airport money on the airport for capital improvements and will provide an expedited process for resolving rate disputes.

First, diversion. Federal law prohibits an airport from spending airport generated revenue for nonairport purposes. Despite this prohibition certain cities have attempted to use airport money for nonairport purposes. This bill would strengthen current law by directing DOT to set new diversion policies and procedures and by imposing penalties on violators.

Second, reasonableness of rates. This bill directs the Secretary of Transportation to develop procedures and policies for reviewing airport-airline fee disputes. It offers guidance to the Secretary including a requirement that the total review process of a disputed fee be completed within 120 days.

Third, lockout. In a fee dispute last winter, an airport threatened to prevent certain airlines from taking off or landing at the airport. This bill would prevent an airport from locking out an airline during the pendency of a fee dispute, provided that the disputed amount is paid into an escrow account.

To further clarify, this provision sets up an expedited review process at DOT for the resolution of fee disputes. It requires airports to submit financial information to DOT on an annual basis. It strengthens existing law relating to illegal revenue diversion and it provides additional remedies for violations. In addition, this provision prohibits an airport from locking-out an air carrier, provided that carrier is paying a disputed fee into an escrow account, pending final resolution of a dispute.

However, this bill does not provide a statutory definition of reasonableness. This is left to the Department of Transportation to determine. Nor does it allow the carriers to challenge concession revenues generated at airports and require cross-crediting of those revenues. This would constitute making facilities available to air carriers at below cost. Further, the bill does not provide de novo review of DOT decisions or a private right of action for the carriers.

Madam President, this provision required lengthy negotiations, but I believe it will go a long way in providing necessary remedies for resolving fee disputes, preventing revenue diversion, and preventing lockouts. I am pleased that the Senate has resisted the temptation to act as a ratemaking body by attempting to define reasonableness of rates and charges. This would be impossible to do properly on a national basis.

SECTION 211

The final provision in this bill that I would like to mention is section 211 which addresses intermodal all-cargo carriers. Of all the provisions contained in S. 1491, this is one which causes me concern. My concern is for those transportation companies not covered by this act. Let me start with a bit of history.

In 1980, the Trucking Deregulation Act was enacted to prohibit States from imposing economic regulation on interstate air cargo or trucking operations. However, intrastate truck movements are subject to State regulations.

A 1991 Ninth Circuit Court of Appeal's decision preempted States from imposing economic regulations on Federal Express when it is moving a package through the air or on the ground between any two points within a State under the jurisdiction of that court. The court viewed Federal Express as an air cargo carrier whose intrastate ground transportation was incidental to its main business and, thus, protected from State economic regulation.

While Federal Express was given the authority to provide direct delivery of its packages between any two points within a State free from State economic regulations, other companies that carry out essentially the same services remain regulated by State laws. These companies argue that Federal Express has an unfair competitive advantage due to this court ruling.

This bill contains a provision that would preempt State economic regulation of certain transportation providers known as intermodal all-cargo air carriers. These are air carriers, companies affiliated with an air carrier through common ownership, or carriers that utilize air cargo facilities at least 15,000 annually. Proponents of section 211 claim its purpose is to establish a level playing field.

While I can understand while carriers that would be covered under this provision strongly support it, what is the impact on those smaller carriers not affiliated with an air carrier? In my view, this question has not been thoroughly considered. No hearings were held on this issue, which I think should fall under the jurisdiction of the Surface Transportation Subcommittee. Fortunately, section 211 does not restrict State safety regulatory authority.

Again, I do not have a comfort level with this particular provision. I do not know if the carriers not covered by this provision will be at a competitive disadvantage. However, I have received some assurances from my State's public utilities commission that smaller carriers should not be adversely affected. Therefore, I will not lead a fight to strike this section of the bill. At the same time, I cannot lend my support for the provision either.

Madam President, I have covered a number of the main sections of the bill. This multiyear bill is very important to our Nation's air transportation system. I urge my colleagues to support its passage.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 12, 1994.

Hon. DAVID HINSON,
Administrator, Federal Aviation Administration, Washington, DC.

DEAR ADMINISTRATOR HINSON: We are writing to you to express our interest in plans under consideration to build a new airport in Minneapolis, Minnesota. It is our understanding that the Federal Aviation Administration [FAA] already has awarded $1.5 million to state and local entities in Minnesota to assess air service needs at the Minneapolis-St. Paul hub, including an examination of the feasibility of building a new airport. It is also our understanding that candidate site selections have been made for a possible new airport and that the FAA has awarded over $100,000 in study funds for these candidate sites.

Further, we understand that the Minneapolis-St. Paul Council of Governments has applied for an additional $229,818 in federal funds for the purpose of advancing the preparation for a new airport to replace the existing hub. It is not our intention to oppose this application at this time. However, we do want to register our concern about building a new airport in Minneapolis-St. Paul and to indicate our desire to be involved in the final decision as to whether a new airport is built.

The new Denver International Airport demonstrates clearly the impact a major new airport can have on air service. We understand that the costs per passenger have increased three-fold at the Denver hub to help defray the costs of the new airport. This cost increase has been a contributing factor in service reductions and terminations in several communities in neighboring states. We are fearful that a similar situation might arise if a new airport is built in Minneapolis-St. Paul.

The decision to build a new airport in Minneapolis-St. Paul will impact air service in many upper-midwestern states. As Senators representing states surrounding Minnesota we understand that air service to communities in our states is dependent upon access to the Minneapolis-St. Paul hub. Any decision that affects that hub also affects air service to our states.

It is our hope and request that before the FAA reaches any final decisions with respect to a new airport in Minneapolis-St. Paul, we have simple opportunity to voice our views and play a role in this important decision.

Thank you for your consideration. We look forward to working with you on this issue.

Sincerely,

BYRON L. DORGAN.
ROBERT KERREY.
KENT CONRAD.
THOMAS DASCHLE.
JAMES EXON.
LARRY PRESSLER.

U.S. SENATE,
Washington, DC, May 12, 1994.

RICHARD BRAUN,
Chairman, Metropolitan Airports Commission, Minneapolis, MN.

DEAR MR. BRAUN: We understand that consideration is being given to building a new airport in Minneapolis-St. Paul and that federal funds are being used to study the feasibility of this proposal. Since the decision to build a new airport in Minneapolis-St. Paul affects the surrounding states as well as local interests, we feel strongly that we should be involved in this important decision.

Enclosed is a copy of a letter we sent to Federal Aviation Administrator David Hinson expressing our interests and concerns regarding the possibility of building a new airport in Minneapolis-St. Paul.

As we indicated in our letter, we hope to play a role in the FAA's decision whether to approve the construction of a new airport. We are very concerned that a new airport would result in substantial increases in costs to air carriers which serve our states through the Minneapolis-St. Paul hub which, in turn, could have a direct impact on our air service.

Sincerely,

BYRON L. DORGAN.
ROBERT KERREY.
KENT CONRAD.
THOMAS DASCHLE.
JAMES EXON.
LARRY PRESSLER.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I appreciate the kind words of support of my ranking member of the committee. I look forward to continuing to work with him.

One of the things we might do to satisfy some of the problems we have with section 211 is that I hope this bill will pass—even though the Senator does not have a very high comfort level, as he stated, in the bill—and that we will have hearings and look at what is left to see if we cannot work out something in an FAA reform bill or something later on in the year.

I understand where the Senator is coming from and will be glad to do that. I think it might be helpful to all concerned.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, at the outset of the discussion on this important piece of legislation, I want to commend the chairman, Senator FORD, whom I think has done an extraordinary job in putting together a bill and bringing it to the floor.

It is very important that we move this legislation. As you know, we all have a fair number of very important projects that need to move forward. At least in our part of the country. In the Dakotas, we do not have the kind of construction opportunities that the rest of the country does. That is why we need to move this legislation so we can move forward on some of these projects.

I did, however, want to just make a couple of comments at the outset. I think the Senator from South Dakota mentioned one provision in this bill that he and I played a role in developing that deals with the notification when a major carrier is going to withdraw jet service from an airport. We have included a provision in this piece of legislation that I think is very modest, very reasonable, and is a provision that communities and people in our region of the country would well expect to have happen.

We are saying that when a major air carrier providing jet service to a small, nonhub airport is going to withdraw service, we think the community is owed 60 days' notification. That is much shorter than what I would like to see but that is what we compromised at, and even at that there are some people who are concerned about it.

We had a carrier who served North Dakota to Denver, which is a major hub, for over 30 years. For over 30 years they have connected western North Dakota with Denver. All a sudden they woke up and said they did not want to do that any longer. No discussion, no warning.

They have every right to make that decision. But I am saying a region of the country whose citizens require that service also deserve some notification of the withdrawal of the service to have the opportunity to search for its replacement. That is the reason for my amendment, which is part of this bill. The fact is we negotiated and narrowed this down so it only affects 27 airports in the country. So we have limited it, and we have so many exceptions in it, so it is very reasonable. Senator PRESSLER and others worked on it and helped create this provision and I hope if someone attacks this provision we will maintain the provision that is currently in the bill.

I will address one other provision in this bill that also is very modest. That provision says when the FAA is prepared to move toward approval of a project grant application for the construction of a new major hub airport, that 90 days prior to that approval they would submit a report to the Congress analyzing the impact of that decision. That would give us in other parts of the country an opportunity to weigh in on this question.

The point is, when a major city is going to build a hub airport, it is going to use, among other things, Federal tax dollars. But it is not just that city that is affected by the building of a major hub airport. With the hub and spoke system, it is not just the hub, it is the spokes that are affected by where the airport is built, how much the airport is going to cost, and what the new landing fees will be. That is why I want to make sure all of us play a role in these questions.

Are you going to build a behemoth $2 billion airport someplace? If so, how does that affect the smaller city out on the spoke system? How much will landing fees increase? Will that affect where the airline carriers come in and provide service? If so, we want to have a voice on that. And that is the intent of this provision, simply requiring the FAA to give 90 days' notice prior to the approval of a plan to construct a new major hub airport so other, smaller cities in that region whose futures will be affected by this decision have the right to play a role in whether or not that airport should be built.

There are other provisions I would like to speak about, but I will defer because we want to move this bill along. I did want to come to the floor to say the Senator from Kentucky [Mr. FORD] has done a masterful job, I think, and provides us today with a legislative package that we should approve as it is and move along.

Madam President, with that, let me again say thanks to my friend from South Dakota. I hope those of us who care about this 60-day notification provision will be able to resist any attempt to change it if there is an attempt on the floor on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, first of all, I want to join my other colleagues in expressing my appreciation to the chairman of the subcommittee, Senator FORD, who has done such an outstanding job in crafting what is a very difficult piece of legislation and one which has a large number of controversial issues associated with it. I believe Senator FORD has been able to weave a series of compromises which after much delay has brought this bill to the floor.

I know I speak for every Member of this body when I say it is important we move forward. As the Senator from North Dakota just mentioned, in order for them to be able to carry out much-needed projects and modernization in their facilities in his State, they have to do it while the weather is good. There are projects that have been kept on hold all over this country, awaiting this legislation. I must say I believe Senator FORD has been able to satisfy, I think, a sufficient number of us that we can now move forward and get this legislation passed.

There are some areas that may come up, such as allowing airports generating revenue to be used for other capital and operating costs. There may be some other items of controversy. However, I believe those can be resolved.

I wanted to comment on the part of the bill the Senator from North Dakota included that requires a 60-day notice for an airline using AIS from requiring a 60-day notification before that service could be terminated. I caution my colleagues, after talking to people who run airlines, that may be a demotivating factor in the planning process that an airline may use in deciding to provide service to a community. It is a laudable goal to provide airline service, especially to small cities and towns around America. I would do everything I could to encourage the airlines to do that. One of the bad effects of deregulation is that some cities, towns, especially in smaller States, have lost airline service or the cost of air fares have gone up dramatically where the cost of a ticket on a relatively short distance flight is far more than heavily used routes such as intercontinental flights.

I understand the motivation of the part of the bill that requires 60-day notification before an airline can terminate that service. But I warn my colleagues, you may be defeating the purpose for which this part of the bill is included and that is that as long as airlines are in the business of having to operate at a profit, they are going to take that into consideration as an additional cost if they are going to have to make a 60-day notification.

So, Madam President, I do not intend to make a big issue out of it. I have debated it with my colleague from North Dakota in the subcommittee. I think perhaps the law of unintended consequences may be operative in this case.

AMENDMENT NO. 1766

(Purpose: To establish a research program on the development and utilization of quiet aircraft technology)

Mr. McCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. AKAKA, proposes an amendment numbered 1766.

Mr. McCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section.

SEC. . RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY.

The Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (title III of Public Law 102–581; 106 Stat. 495) is amended by adding at the end the following new section:

"SEC. 306. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY FOR PROPELLER AND ROTOR DRIVEN AIRCRAFT

"(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration (FAA) and the Administrator of the National Aeronautics and Space Administration (NASA) shall conduct a study to identify technologies for noise reduction and propeller driven aircraft and rotorcraft.

"(b) GOAL.—The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

"(c) PARTICIPATION.—In conducting the study required under subsection (a), the Administrator of the FAA and the administrator of NASA shall encourage the participation of the Department of Defense, the Department of Interior, the airtour industry, the aviation industry, academia and other appropriate groups.

"(d) REPORT.—Not less than 280 days after enactment of this section the Administrator of the FAA and the Administrator of the NASA shall transmit to Congress a report on the results of the study required under subsection (a).

"(e) RESEARCH AND DEVELOPMENT PROGRAM.—If the Administrator of the FAA and the Administrator of NASA determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.

Mr. McCAIN. Madam President, I offer this amendment on behalf of myself and Senator AKAKA. This amendment would foster the development of technology to reduce noise from propeller and rotor driven aircraft. It is a relatively simple amendment but it is one that is very important to those who are deeply committed to reducing the noise pollution in our national parks, not only in Arizona and Hawaii but throughout the Nation.

There is no doubt that one of the great impediments to the enjoyment of our national parks, and a growing one, is the incredible increase in air tour traffic over them which, by the way, in some cases is the only opportunity that some Americans such as the elderly or the disabled have to see and enjoy our National Park System. But the fact is, it can result in a severe degradation of a park experience, to be in a national park and have the noise of loud aircraft overhead.

Madam President, in 1987, we passed legislation that was intended to "substantially restore natural quiet at the Grand Canyon." While progress has been made at the canyon, the fact is that there is still considerable noise pollution, and if we are going to comply with the law, we are going to have to further develop quiet aircraft technology. This vitally needed technology would help resolve the growing problem caused by overflights. Under this amendment, the Federal Aviation Administration and NASA would be directed to assess the status of available aviation technology to employ Federal resources on additional research deemed necessary to help bring safe and economical quiet technology to the market.

Federal agencies, notably the FAA, NASA, and the Department of Defense, have significant experience and expertise in aviation technology that could be very useful in the search for noise reducing equipment. In fact, the FAA and NASA currently conduct such quiet technology research for commercial jet aircraft.

The amendment would simply expand that program to include helicopters and general aviation aircraft, which is the equipment most often used for overflights of national parks. The National Parks and Conservation Association identified over 100 parks across the country which are affected by aircraft noise. In some areas, including the Golden Circle of Parks in the Southwest, the spectacular volcanic parks in Hawaii and the parks in the Smoky Mountains, visitors feel more like they are visiting the local airport rather than our premier natural areas. Park visitors deserve a peaceful experience, and we have an obligation to ensure they receive it.

As I said before, in 1987, Congress passed the National Parks Overflight Act to address significant noise problems at Grand Canyon National Park. The act directed the Park Service and the FAA to implement a plan to "substantially restore natural quiet at Grand Canyon."

Under the law, the agencies are required to report to Congress on the effectiveness of the plan and to recommend additional measures to ensure the timely achievement of our noise reduction goals. While the report is not yet complete, the agencies will report that the increased use of quiet technology would help us to further meet the objectives of the National Park Overflights Act at the Grand Canyon and would immeasurably strengthen efforts to restore natural quiet at other parks throughout the country.

On March 11, the Department of the Interior and the Federal Aviation Administration announced an advance notice of proposed rulemaking which sets forth alternatives to address noise problems throughout the National Park System. Among the featured options proposed for public consideration was the increased use of quiet aircraft technology.

The good news is that advanced technology will help us to balance competing uses of our parks; the bad news is applicable and affordable quiet aircraft technology is extremely limited. What technology does exist is extremely cost prohibitive and there is little in the way of retrofit equipment to help abate noise from existing aircraft. More needs to be done.

Again, this amendment would ensure that we take full advantage of the experience and expertise of the Federal Government in this effort. As I said, the program is modeled after the existing Federal research program for subsonic jet aircraft. If Congress found it necessary to establish a research program to benefit commercial jet aircraft, general aviation should be included, particularly when doing so would support a vital Federal goal of reducing noise at national parks.

The amendment differs from the existing program only in that it includes participation by experts in quiet technology from the Department of Defense. The Defense Department has an interest, expertise and resources in this area and would add immeasurably to the program. The amendment would ensure the Department of the Interior, the air tour industry and conservation groups are consulted in the process. These groups have a direct and significant interest in this technology and should be brought into the process.

While the amendment is aimed principally at reducing noise in the national parks, I must point out its benefits would extend far beyond their boundaries. In 1993, the general aviation task force studied the issue of aircraft noise. In its report, the task force concluded that noise from general aviation aircraft and the associated impacts on local communities is a problem which needs to be addressed. Noise from aircraft can disturb neighborhoods, reduce the opportunity to access certain airports and air space, and can prohibit entry into foreign markets.

I doubt there is a Member in this body who has not received complaints from constituents regarding the impacts of noisy aircraft. This amendment enjoys wide and strong support, including the Department of the Interior, conservation groups, the air tour industry, and aircraft manufacturers.

(Mr. DORGAN assumed the chair.)

Mr. McCAIN. Mr. President, I ask unanimous consent to print in the RECORD letters of support from the National Parks and Conservation Association, the Grand Canyon Trust, the Helicopters Association International, and General Aviation Manufacturers Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GENERAL AVIATION
MANUFACTURERS ASSOCIATION,
Washington, DC, June 8, 1994.

Hon. JOHN MCCAIN,
Russell Senate Building, Washington, DC.

DEAR SENATOR MCCAIN: GAMA has long supported the need for ongoing research to develop new and advanced technologies in the area of noise reduction and the environment. Your efforts through the proposed legislation are appreciated.

General aviation's commitment to developing new technologies was evidenced by the NASA/General Aviation Task Force, which I chaired. In the report, the need for research in noise reduction is emphasized as a high priority area. The task force recognized the benefit of a coordinated and well funded NASA and FAA program. General aviation appreciates the need to obtain the support and confidence of the communities in which it operates. It also recognizes the need to achieve a high level of environmental compatibility.

Thank you for the opportunity to comment on an issue that is very important to our membership.

Best regards,

EDWARD W. STIMPSON,
President.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
Washington, DC, June 9, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for sharing with us your proposed amendment to S. 1491 on quiet aircraft technology. NPCA commends you on your continued efforts to mitigate the disruption of natural quiet caused by aircraft over our national parks, especially the Grand Canyon.

As we understand it, your amendment directs the FAA and NASA to expand their research program on quiet technology to include rotor- and propellor-driver aircraft with the goal of eventually reducing the noise impact of these aircraft on the Grand Canyon and elsewhere.

We believe that natural quiet is a resource in the national parks which is as worthy of preservation and protection as wildlife, clean water and pure air. To the extent that your amendment may lead to progress in this direction, in the Grand Canyon and elsewhere, NPCA is fully supportive of your efforts.

Sincerely,

WILLIAM J. CHANDLER,
Director of Conservation Policy.

HELICOPTER ASSOCIATION
INTERNATIONAL,
Alexandria, VA, April 20, 1994.

Hon. JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Helicopter Association International (HAI) applauds your efforts to require a research program on the development and utilization of quite aircraft technology in order to "substantially restore natural quite" at units of the National Park System.

It is essential, as your amendment would establish, that the research yield technology that is safe, effective, and economically viable for the aerial tour industry to employ for both new aircraft and the retrofit to existing aircraft.

Such research conducted under the authority of the Federal Aviation Administration (FAA) and the National Aeronautics and Space Administration (NASA) would help accelerate the development of quiet engine technology and enable the industry to take advantage of such cost effective developments in the near future.

Thank you for this opportunity to comment on your proposed amendment.

Sincerely,

FRANK L. JENSEN, Jr.,
President.

GRAND CANYON TRUST,
Flagstaff, AZ, June 9, 1994.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I understand that you are introducing a research program on quiet aircraft technology amendment to S. 1491, the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992. The Grand Canyon Trust supports this amendment and commends you on your leadership in protecting natural quiet at Grand Canyon National Park.

The Grand Canyon Trust supports developing safe, effective and economical aircraft technology for substantially reducing the adverse impacts of noise from fixed-winged and rotary aircraft that fly over national parks. Your amendment would be an important step toward achieving that goal.

Less noisy aircraft would make a significant contribution toward the "substantial restoration of the natural quiet and experience of the park * * *," as required by the 1987 National Parks Overflights Act (NPOA). As you know, the National Park Service has recently concluded that this goal has not been met at Grand Canyon National Park.

As with the currently proposed amendment, the Grand Canyon Trust applauds your leadership in passing the 1987 NPOA and in your dedication toward protecting the natural values for which our country established Grand Canyon National Park in 1919. We also appreciated your inspiring words delivered before the Senate on the occasion of the park's 75th anniversary last February.

Sincerely,

ROGER CLARK,
Conservation Director.

Mr. McCAIN. Mr. President, the adoption of this amendment will foster the development of technology to preserve peaceful park experience for many Americans and help general aviation meet its responsibilities to operate as unobtrusively as possible, goals which I am sure all my colleagues share.

I would like to quote from the National Parks and Conservation Association which said:

> We believe that natural quiet is a resource in the national parks which is as worthy of preservation and protection as wildlife, clean air and pure air. Your amendment may lead to progress in this direction in the Grand Canyon and elsewhere. NPCA is fully supportive of your efforts.

The Grand Canyon Trust, which is an organization that I have worked with for many years which is committed and dedicated to the preservation and improvement of the Grand Canyon, states:

> Less noisy aircraft would make a significant contribution toward the substantial restoration and natural quiet of the park, as required by the 1987 National Park Overflights Act. As with the currently proposed amendment, the Grand Canyon Trust applauds your leadership towards protecting the natural values for which our country established Grand Canyon Park in 1919.

Mr. President, we have a coalition of all those who are users of the park in every direction. I am glad to receive all their support. I also would like to thank Chairman FORD and Senator PRESSLER for their agreement to accept this amendment.

I have no further comments. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, the Senator from Arizona makes good points. The only little thing that bothers me is that we are requiring several agencies—at least two—to do the study and then pull in other agencies as they see fit. That is a cost that will have to be funded under their present budgetary situation. I think it is appropriate.

There is one thing I want to be sure about from the Senator. It says in 280 days from the passage of this legislation, which has this amendment in it, that a report will be made. Also, there is a caveat, I think, that if additional study needs to be done, then by notification, I guess, from the entities involved, they can go on; there is no deadline on that.

I want to be sure this was not going to be a prolonged thing that would keep on going, keep on going and they would do very little research and report to us there needs to be more research done. Then they would not accomplish, I think, what the Senator's intention is. Maybe that is the only way we can get them to pay for something for which they are not being appropriated. It may be the best way to do it.

I just want the Senator to understand that I saw that little flaw, and it could be that they could prolong this study on the good Senator from Arizona, and I do not think the Senator would want that nor would I. I have no objections to the amendment and will be glad to support it. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, if I may quickly respond to my friend from Kentucky and that is, I appreciate his concerns. I would certainly not be disagreeable, I say to my friend from Kentucky, if in conference he modifies this amendment to the degree that satisfies those concerns.

I am appreciative of his support, and I am appreciative of his concern for the problem of noise pollution in our national parks.

I think he raises a couple of valid concerns, and if working with the staffs we could tighten that up, I would be more than agreeable to do so.

Mr. AKAKA. Mr. President, I rise in strong support of the amendment offered by my colleague from Arizona, Senator McCAIN, to the pending legislation, S. 1491, the Federal Administration Reauthorization Act of 1994. I am pleased to be a cosponsor of his amendment.

The McCain amendment simply expands existing research efforts on quiet jet aircraft technology to include rotor- and propeller-driven aircraft used by air tour operators. In addition, the amendment directs that an appropriate research program be established to develop safe, effective, and economical quiet aircraft technology, including retrofit technology. The amendment requires the FAA, NASA, and DOD to consult with the Interior Department, the air tour industry, and conservation groups during research and development of quiet aircraft technology. Finally, the McCain amendment requires a report to Congress on the results of the study.

Mr. President, this initiative holds special significance for Hawaii. The number of commercial air tour operations over Haleakala and Hawaii Volcanoes National Parks in the Aloha State is second only to the number in the Grand Canyon. The unique topography at these two national parks amplifies the noise from commercial air tour overflights, particularly those involving helicopters, seriously degrading the natural quiet there. Rotor- and prop-generated noise affects not only Hawaii's national parks but also wildlife refuges, State and local parks, and even residential neighborhoods. Thus, the development and implementation of quieter aircraft technology would be welcomed in Hawaii.

The positive effects of quiet aircraft technology, however, would by no means be limited to Hawaii. Almost one-third of this country's 357 national park units have reported problems with low-level overflights. Congress first recognized this issue when it passed the National Park Overflights Act of 1987, which established temporary flight restrictions at certain parks and required the Park Service to undertake a study of the problem of aircraft overflights on units of the National Park System. Unfortunately, this study is 4 years overdue, and the concerns associated with park overflights have only increased in scope and intensity.

To the administration's credit, Interior Secretary Babbitt and Transportation Secretary Peña have recognized the urgency of this issue. They recently declared that "increased flight operations at the Grand Canyon and other national parks have significantly diminished the national park experience for park visitors." Last December, they established a special interagency working group to explore ways to limit or reduce impacts from overflights of national parks. Earlier this year, as a result of the working group's efforts, the administration invited the public to comment on the overflights issue and discuss various ways to mitigate the impact of airtour operations on noise-sensitive areas. The proposal specifically encourages the development of quiet aircraft technology incentives.

Thus, Senator McCAIN's quiet technology amendment dovetails perfectly with the administration's current efforts to address the overflights problem throughout the National Park System. By requiring the FAA and NASA to jointly conduct a research program to develop new quiet technologies for helicopters and propeller aircraft, my colleague from Arizona's amendment would establish a mechanism for advancing state-of-the-art aircraft noise control. The use of quiet aircraft technology by commercial air tour operators will ultimately help us achieve a better balance between park overflights and the protection of noise-sensitive areas.

Thank you, Mr. President. I commend Senator McCAIN for his continued leadership on this issue and urge my colleagues to support this important measure.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

So the amendment (No. 1766) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. I would like to just make a brief comment on what may be coming. I intend to come back to the Chamber if the amendment is proposed that would change the very carefully crafted compromise that Senator FORD has put into this legislation concerning diversion of revenues to airports and the uses of revenues. In the Subcommittee on Aviation, we have had numerous discussions and debate about this issue, and I am concerned about any change we might make in the legislation as proposed. I would have to be convinced that there would not be abuses, that there would not be the use of the airport as a cash cow for surrounding communities, States, or cities. And I would also have to be convinced that moneys which would be spent might not be spent for construction of facilities or uses that do not directly relate to the airport or are more properly the responsibility of the surrounding communities, States, or cities.

So I do not intend to engage in extended conversation on this issue, but it has been a significant sticking point. I know that Senator FORD has heard from the mayors of major cities in this country, and I believe what has been worked out is both fair and appropriate. Whether it will achieve its desired effect or not is something that is not totally clear to me. But the fact is I have not seen any better language that could improve on what the intent of this legislation is, and that is that revenues be used to enhance facilities at the airport and not for many other uses, which has been the case in the past.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I know there is a lot going on, and Senator PRESSLER and I are sitting here hoping that Senators will come to the floor with their amendments. It appears that we only have about another 30 minutes and the bill, at that point, will have to be set aside. If we do that, then that means next week. We could pass this bill today.

We have several amendments about which we have been notified, and we are willing to accept them. If the Senators will come to the floor and offer them and not speak too long, Senator PRESSLER and I are willing to accept them. If they come over and bring the amendments and let us have an opportunity to get them on the record and get them accepted and make them part of the legislation, I am more than happy to do that.

I understand that Senator GORTON is on his way with an amendment and, in all probability, it will be accepted, with the proviso not to speak too long. If that works, we will move right on to the next one.

I have some amendments, and if Senators would just come and say it will be alright for me to present the amendments in their behalf, I would be pleased to do that, and that might help expedite the legislation. If we can get them done, we can go to third reading and have a final vote on it next week.

Mr. PRESSLER. Mr. President, I join my colleague from Kentucky in imploring Members to please come to the floor to offer their amendments, or call us and let us know if we can clear them. I am in a very ticklish spot in that I do not feel I can clear some of these amendments. If Senators' offices would call, we want to get moving, because the hour of 2 o'clock is approaching and we may be delayed.

So we have a window of opportunity, and we are calling the offices and doing everything we can to get people over here.

Mr. FORD. I thank my colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Washington, Senator GORTON.

AMENDMENT NO. 1767

(Purpose: To prohibit the installation, transportation, operation, and use of gambling devices on aircraft of air carriers and foreign air carriers and to require certain studies)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1767.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . GAMBLING ON COMMERCIAL AIRCRAFT.

(a) AMENDMENTS.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 422. GAMBLING RESTRICTIONS.

"(a) IN GENERAL.—No air carrier or foreign air carrier may install, transport, or operate, or permit the use of, any gambling device on board an aircraft in foreign air transportation.

"(b) DEFINTION.—In this section, the term 'gambling device' means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

"(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

"(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV, as amended by this Act, is further amended by inserting immediately after the item relating to section 421 the following new item:

"Sec. 420. Gambling restrictions.
"(a) In general.
"(b) Definition.".

(b) AVIATION SAFETY STUDY.—The Administrator of the Federal Aviation Administration shall, within 90 days after the date of enactment of this Act, complete a study of the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use. The study shall include an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft, and on issues relating to the method of payment. The administrator shall, within 5 days after completing the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

(c) STUDY ON COMPETITION EFFECTS.—The Secretary of Transportation shall, within 90 days after the date of enactment of this Act, complete a study of the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets. The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

Mr. GORTON. Mr. President, this amendment is designed to put U.S.-flag air carriers on an equal footing with foreign flag carriers with respect to in-flight gambling. Under current law, our carriers are prohibited from allowing in-flight gambling on international flights, but there is a loophole in our law under which foreign flag carriers competing directly with them on the same routes can do so.

Foreign carriers such as Virgin Atlantic and Singapore Airlines have announced they intend to provide exactly that.

We do not think it appropriate, and we certainly do not want the potential losses of revenues to U.S.-flag carriers under those circumstances.

So this amendment will prohibit those foreign flag carriers from engaging in those kinds of activities while they are flying to or from the United States.

However, some of our colleagues have thought that at some future time a different rule might be appropriate. So we called for two studies to examine this issue, one by DOT to study the competitive effects of the present situation, and the other by the FAA to study the safety implications of inflight gambling.

This amendment seeks to put U.S. carriers on an equal footing with foreign-flag carriers on the issue of inflight gambling. Under current law, U.S.-flag carriers are prohibited from allowing in-flight gambling on international flights; however, through an unintended loophole in U.S. law, foreign-flag carriers are not.

As I said, foreign carriers such as Virgin Atlantic and Singapore Airlines have already announced that they intend to provide in-flight gambling.

This development will put U.S. carriers at a significant competitive disadvantage. An aviation consulting firm has estimated that U.S.-flag carriers could lose $680 million a year in revenues from international passengers who decide to travel on foreign-flag carriers in order to gamble.

This competitive inequity must be redressed. U.S.-flag carriers, which are trying to rebound after 4 straight years of being battered with staggering losses, should not be forced by discriminatory U.S. laws to endure such financial hardship.

My amendment forces foreign-flag carriers to compete evenly with U.S.-flag carriers. It bans gambling devices from being transported or used on foreign-flag carriers, putting these carriers in the same position as their U.S. competitors.

In-flight gambling has raised several issues that I think need to be addressed. My amendment also calls for two studies to further examine these issues. First, the DOT is required to study the competitive effects on U.S.-flag carriers of allowing in-flight gambling on foreign-flag carriers. I am confident that this study will further emphasize my point of competitive inequity. The second study requires the FAA to examine the safety implications of in-flight gambling. I do not think it is wise for flight attendants to be burdened with collecting fees from gamblers or that safety will be enhanced when airline passengers are irate after losing hundreds or thousands of dollars on an airline flight. I know I would not want to be the guy sitting next to someone who just lost this kind of money.

I urge my colleagues to support this amendment. It restores competitive balance to a fragile industry and without allowing injury to the U.S.-flag carriers, simultaneously attempts to resolve the unanswered implications of in-flight gambling.

Mr. President, I believe this amendment has now been agreed to.

The PRESIDING OFFICER. Is there further debate?

Mr. FORD. Mr. President, we have talked with the distinguished Senator from Washington, and I talked with the ranking member prior to his presenting the amendment and it is agreeable.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1767) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I would like to engage the chairman in a colloquy concerning North Sea-Tac Park. Sea-Tac Park is located at the north end of Sea-Tac International Airport in an area where residences have been removed because of noise impacts. At the time of its planning in cooperation with local citizens and jurisdictions, it was determined that placing a park at this location would be the best use of the property. Basically, the park is considered part of the airport.

The Port of Seattle, the airport sponsor, has contributed significantly to the development of the park and then entered into an arrangement by which the city of SeaTac pays a $1 annual rent on the park. In turn, the city of SeaTac is responsible for all the maintenance costs of the park, which I understand to be several hundred thousands dollars per year.

It is my understanding that this kind of airport development, undertaken in cooperation with an adjoining municipality would not be considered a diversion of airport funds and, in fact, would not violate any of the prohibitions against diversion of airport funds contained in this bill.

Mr. FORD. The Senator is correct. The bill is not intended to prevent Sea-Tac International Airport from continuing its existing relationship with the city of SeaTac for the development and maintenance of North SeaTac Park.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, we are moving along. We have had two Senators here and we have had two amendments, and both of them have been accepted. I wish other Senators would come on with their amendments or notify us that we can go ahead and put their amendments in.

Mr. DORGAN. Mr. President, I would like to address a couple of questions to the distinguished chairman of the Aviation Subcommittee if he would agree.

I understand that section 204 of the committee substitute would authorize the Secretary of Transportation to grant exemptions from the slot limitations for certain purposes, including to enable airlines to provide essential air service. Is it the case that in passing this legislation, the Congress fully intends that the Secretary use this exemption authority to provide slots for essential air service and small community service to Chicago though O'Hare Airport?

Mr. FORD. The Senator from North Dakota is correct. If the Congress passes this language, it sends a clear signal that the Congress expects the Secretary to use this exemption authority at Chicago O'Hare Airport. I understand that cities in the surrounding area have lost service to O'Hare and other cities would like new or expanded service. The Secretary is expected to use this authority to provide slots for essential air service and small community service to Chicago via O'Hare. I should also underscore that this legislation makes it clear that the source of these additional slots will be made through the exemption process and the slots will not be taken away from carriers currently serving that airport.

Mr. DORGAN. In using the exemption authority provided under section 204 of the bill, is the Secretary expected to provide for flights at reasonable times, taking into account the needs of passengers with connecting flights?

Mr. FORD. Yes. In designating slots for essential air service at Chicago's O'Hare Airport, the Secretary is expected to provide for flights at reasonable times, taking into account the needs of passengers with connecting flights.

Mr. DORGAN. Thank you, Mr. President. I also want to thank the Senator from Kentucky and commend him for his excellent leadership on this important legislation.

Mr. CAMPBELL. Mr. President, will the Senator from Kentucky yield for a colloquy?

Mr. FORD. I am happy to yield to the distinguished Senator from Colorado to enter into a colloquy with him.

Mr. CAMPBELL. I thank the Senator, the manager of the Federal Aviation Administration Authorization Act of 1994. I appreciate his efforts in getting this bill to the floor, and I congratulate him and the committee on producing an extensive and fine piece of legislation.

I wish to discuss section 203 of this bill, which pertains to an airport in my State in the town of Aspen. I wish to thank the Senator from Kentucky and his staff for helping us with the language that is included in this bill.

As Senator FORD knows, section 203 of this bill pertains to Pitkin County Airport, located in Aspen, CO. This airport is located high in the beautiful mountains of Colorado.

Having been a pilot myself at one time, I understand the difficulty of flying in and out during particularly bad weather. Landing in those mountains is not the same as landing in States to the east, in Nebraska or Kansas.

The Aspen airport is especially difficult to fly into and out of due to the terrain and unpredictable weather and often very wicked weather conditions.

Due to safety concerns, Pitkin County Commissioners officially closed the airport to general aviation from one-half hour after sunset until 7 a.m., but certificated scheduled air carriers, meeting certain noise standards, were allowed to operate until 11 p.m.

In 1989, the Aircraft Owners and Pilots Association and the National Business Aircraft Association filed a formal complaint with the FAA charging that this curfew was discriminatory against general aviation. We have been dealing with that problem ever since.

This was a difficult situation. The county commissioners knew that the FAA is the Agency responsible for monitoring air safety and that local communities do not have this authority. However, they felt strong responsibility to ensure the safety of the traveling public and those residents living under the flight patterns and around the airport. Knowing they were entering a David versus Goliath battle with the FAA, and knowing they were at risk of losing Federal funds, the commissioners chose to retain the curfew as a matter of principle.

In January 1994, the General Accounting Office issued a report at the request of the distinguished Senator from Kentucky and my predecessor, former Senator Tim Wirth, regarding the safety risks of mountain flying. This report discussed the Aspen airport dispute specifically.

The GAO report listed several options for resolving the dispute. One of these options allowed pilots under instrument flight rule, commonly called IFR, access after dark, and prohibited those pilots using visual flight rule, commonly called VFR. We used this option as the starting point for our current negotiations.

Mr. FORD. Mr. President, could the Senator describe the response from the FAA for me, please?

Mr. CAMPBELL. Well, we have been trying to work with them and not against them in the process. We tried to schedule several meetings with officials from the FAA and representatives from Pitkin County, both in Aspen and here in Washington. We were disappointed, to say the least, at their unwillingness to move early on this issue. In fairness to the FAA, though, I understand that this would be a precedent-setting matter. It should be noted that there was never any attempt to undermine the FAA's authority. We just wanted them to recognize that Aspen airport has significant safety issues that warrant special attention that may not be found in any other airport.

After negotiations with the FAA came to a stalemate, we went to AOPA and NBAA, who had filed the complaint in the first place. After many hours of hard work, with the tenacity of dedicated people on all sides, we did work out a compromise, and that compromise is in the language of today's bill.

This compromise would allow general aviation flights to fly into and out of Aspen's airport after dark under the following conditions: The plane must be equipped and the pilot certified for instrument flight rule; if the pilot flies using visual flight rule, he or she must have the permission of the Aspen control tower and must have flown into Aspen's airport sometime during the past year.

Mr. FORD. Mr. President, I say to my friend, I understand that the Pitkin County Commissioners, the Aircraft Owners and Pilots Association, and the National Business Aircraft Association have all endorsed this compromise.

Mr. CAMPBELL. They have all endorsed this compromise.

Mr. FORD. And the issue of discrimination is resolved because the curfew has been lifted?

Mr. CAMPBELL. That is correct.

In addition, I am pleased that this agreement contains the same noise standard that the community has always had in place, so that has not changed.

Mr. FORD. I thank the Senator from Colorado for his work on this matter. It is gratifying to see people use a little common sense and that it can always be worked out.

Mr. CAMPBELL. We are not often accused of using too much common sense.

Mr. FORD. I want to accuse the Senator of using common sense, if that is all right.

Mr. CAMPBELL. I thank my friend from Kentucky, for without his help, this compromise could not have happened.

I also wish to thank the Pitkin County Commissioners, the General Accounting Office for their impartial statistics, AOPA, NBAA, and certainly the staff who worked so hard to write the language for this bill.

I yield the floor.

Mr. FORD. Mr. President, we only have a few minutes remaining, as I understand it, maybe a little bit more. We are moving right along with amendments. We could, I think, almost complete the legislation, but I need some help as it relates to amendments.

We have closed off at least five now with several colloquies, and the one I just had with the distinguished Senator from Colorado. So there are only two or three other items of significance that could be taken care of.

I just informed my colleagues to please come to the floor and let us get this legislation behind us. We need to get it passed, get it to conference, and have it done before July 1, because the previous legislation expires on June 30 that allows us to have some funding to go ahead with the construction season. The occupant of the chair made such an eloquent statement earlier about how short the window is as it relates to the construction season.

We have that money and available, but that expires now on June 30 and we need to put this into place. So it is very important that we get the bill out as soon as we can so we can accommodate the June 30 deadline.

I see no colleagues wishing the floor. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISADVANTAGED BUSINESS ENTERPRISE AIRPORT CONCESSION PROGRAM

Mr. PRESSLER. Mr. President, I would like to ask the chairman of the Aviation Subcommittee about a provision that was included in the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992. Specifically, I hope the chairman could clarify his intent concerning section 117 of the 1992 Act. That section, sponsored by the Senator from Kentucky, deals with the Department of Transportation's Disadvantaged Business Enterprise [DBE] airport concession program.

Mr. FORD. I would be happy to offer my assistance.

Mr. PRESSLER. I thank the chairman. As ranking member of the Senate Small Business Committee as well as ranking member of the Senate Aviation Subcommittee, I am very interested in the DBE airport concession program. I understand that section 117 of the 1992 act made several major changes to advance the DBE program.

Although I was not the ranking member of the Aviation Subcommittee at the time the 1992 act was considered and enacted into law, it was my understanding that the Aviation Subcommittee considered these changes in the DBE program to be critical to the success of the program. However, 20 months have passed since this measure was enacted into law and DOT has not yet finalized regulations to implement the provisions of section 117.

Mr. FORD. It greatly disturbs me that this important program has languished for months with little or no firm regulatory guidance from DOT. It was my intent as the sponsor of section 117 here in the Senate that it be implemented as soon as possible, but no later than 6 months after the 1992 act became law. That was the statutory deadline which the DOT has failed to meet.

Mr. PRESSLER. To what extent did you intend the changes in the DBE airport concession program to provide new business opportunities for DBE vendors, such as new car dealers and auto body shope?

Mr. FORD. It was my intention to provide for the fullest possible participation for all certified DBE vendors in the program. DOT must make allowances for the special characteristics of different industries in order to ensure that the program benefits the small, disadvantaged businesses as intended by Congress.

Mr. PRESSLER. Mr. President, was it the chairman's intent in crafting section 117 to provide car rental concessionaires at federally assisted airports with a second, coequal method of demonstrating compliance with an airport's DBE goal—namely, through purchases of goods and services from DBE vendors?

Mr. FORD. That was my intention. Section 117 was written to dispel any doubt as to whether the car rental industry was covered by the DBE airport concession program, and also to provide the industry with an alternative method of DBE compliance. There was no intent to create unequal methods of compliance.

Mr. PRESSLER. The language of the new DBE provision requires car rental concessionaires be permitted to include the cost of purchasing cars in their DBE goals. What credit did the chairman intend car rental concessionaires to receive?

Mr. FORD. It was my intent that car rental companies receive credit for the full purchase price for cars purchased from certified DBE new car dealers. Any other standard ignores the plain wording of the statute.

Mr. PRESSLER. I thank the chairman for clarifying these points. At this time, I would like to submit for the record a number of questions I raised with the Administrator of the Federal Aviation Administration, David Hinson, concerning this important issue during the subcommittee's hearing on S. 1491. I ask unanimous consent that a copy of these questions and Mr. Hinson's responses be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS BY SENATOR LARRY PRESSLER FOR DAVID HINSON, FAA ADMINISTRATOR

It is my understanding that the FAA is putting the finishing touches on the proposed rule to implement Section 117 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992. This proposed rule is to contain information and guidelines of vital interest to many companies in South Dakota that may wish to supply goods and services to airport concessionaires. I have the following questions about the proposed rule:

Question. It is my understanding that the purpose of the disadvantage business enterprise (DBE) airport concession program is to generate economic opportunities for DBE's from the operations of concessions at airports into which Federal tax dollars have been invested for construction or operating purposes. This program should help these firms get on their competitive feet and provide economic opportunities. Is this also the FAA's understanding of the purpose of the program?

Answer. The FAA has prepared a draft notice of proposed rulemaking (NPRM) to implement the DBE provisions found in Sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act (AAIA) of 1982, as amended. In particular, the NPRM would implement the amendments made in 1992 by the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Pub. L. 102-581). We expect the NPRM to be published in the Federal Register soon.

The FAA concurs that the purpose of the DBE airport concession program is to provide economic opportunities to DBE firms at airports that receive grants for construction and other development projects authorized by the Airport Improvement Program. We also concur that this program should generate economic opportunities for DBE's from the operations of concessions doing business at those airports which will assist such DBE firms in becoming competitive.

Question. Is the FAA aware that one of the intents of Congress in adopting Section 117 of the 1992 Act was to provide for a viable alternative method of participation within this important program for car rental concessionaires? We authorized this alternative compliance method because this industry cannot, in most instances, engage in direct ownership arrangements with DBE's. As an alternative, Congress authorized car rental firms to participate in the DBE program through purchases of goods and services from DBE vendors. In my opinion, vendor purchases are an equally important method of assuring economic opportunities for DBE vendors. Are you aware of Congress' intent on this issue, and do you believe that the rule being drafted by the FAA will be true to this intent?

Answer. The FAA is fully aware that one of the intents of Congress in adopting the 1992 amendments to the AAIA was to provide airport sponsors with a viable alternative method for obtaining DBE participation in car rental concessions. We also are aware that this alternative means was included in legislation because in many instances, airport sponsors have encountered difficulty in obtaining DBE participation through direct ownership arrangements, such as prime concessionaires, franchises, and joint ventures. Obstacles to obtaining direct DBE participation in car rental concessions include the high capital costs and high rental payments at airport locations.

The FAA is full aware of Congress' intent that vendor purchases are an important method of assuring economic opportunities for DBE vendors. Consequently, we believe that the rule, which we have drafted, is faithful to that intent. Moreover, full consideration will be given by the agency to all comments submitted by vendors and other members of the public that address these issues.

Question. There is no foundation to be found in either the statutory or the report language of the 1992 Act for favoring one form of compliance over another. In my judgement, it should be irrelevant whether the economic opportunity generated by the DBE airport concession program comes to a DBE through vendor purchases from a concessionaire at an airport, or from direct participation as a concessionaire at an airport, or from direct participation as a concessionaire—as long as the economic opportunity exists. Do you agree?

Answer: We concur with this statement as it applies to car rental concessions. Section 511(h)(3) of the AAIA provides that DBE requirements imposed by airport sponsors on car rental concessionaires may be met through the purchase or lease of goods or services from DBE's, including purchases or leases of vehicles. Alternatively, the statute allows sponsors to count DBE firms participating in car rental concessions through direct ownership arrangements.

However, for other types of concessionaires, that is, other than car rental firms, the legislation establishes a "good faith efforts" test before purchase of goods and services can be counted toward DBE goals. Section 511(h)(2) provides that as a condition precedent to counting such purchases, good faith efforts must be made by the airport sponsor and the concessionaire to explore all available options to achieve, to the maximum extent practical, DBE participation through direct ownership arrangements, including, but not limited to, joint ventures and franchises.

Question. Does the FAA intend to promulgate uniform standards for certification of firms as DBE's, which will be binding on all airports under the program, or will the FAA leave it to individual airports to certify DBE's? I am concerned the latter possibly could result in situations where a DBE would be certified at one airport but not certified at another.

Answer: Subpart F of the existing departmental DBE rule 49 CFR Part 23, contains uniform standards and procedures for certification of DBE concessionaires. Additional guidelines will be adopted, if appropriate, to address the 1992 amendments to the AAIA.

Under the current procedures, an airport sponsor may conduct its own certification or it may accept the certification of another recipient of Department of Transportation (DOT) funding. The same procedures apply to the certification of DOT-assisted contractors. In these instances, the accepting agency is ultimately responsible for the validity of the certification.

Under these procedures, one airport (or other DOT recipient) may certify a given firm, while another airport or recipient may deny certification to that same firm. When a firm is denied certification, it may file an administrative appeal with the departmental Office of Civil Rights (49 CFR 23.55).

We also point out that the Department currently is considering comments that it received to its proposal to revise all of 49 CFR Part 23. The NPRM was published on December 9, 1992 (57 F.R. 58288). Under the NPRM, recipients would be required to participate in a unified statewide certification program. The purpose of this proposal is to bring some centralization to the certification process.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

CITY OF CHANDLER AIR TRAFFIC CONTROL TOWER

Mr. DECONCINI. Madam President, I would ask my long-time friend and colleague from Kentucky, Senator FORD, the manager of the bill, if he would be willing to enter into a colloquy on a matter of great importance to the Senator from Arizona?

Mr. FORD. Madam President, I would be pleased to honor this request from my good friend and colleague from Arizona, Senator DECONCINI.

Mr. DECONCINI. I would ask Senator FORD if he is aware of a serious problem I have in my State regarding the city of Chandler Airport's attempts to secure a much needed air traffic control tower from the Federal Aviation Administration [FAA].

Mr. FORD. I would advise the Senator from Arizona that I have only recently been informed about his problem, but based on the information I have seen, I can think of no reason why the FAA should not procure an air traffic control tower for the city of Chandler Airport and include the airport in the contract tower program.

I am quite surprised that such a busy urban airport would not already have a tower. If I am not mistaken, this airport is in the heart of metropolitan Phoenix.

Mr. DECONCINI. The manager is correct. The city of Chandler is also the fastest growing city in Arizona and among the fastest in the Nation. I would add that all indications are that this growth will continue for some time. In fact, growth will very likely accelerate as the Intel Corp. has just broken ground on the second largest private corporate and industrial development in the world, a $1.7 billion Pentium-class microchip manufacturing facility, only 4 miles from the Chandler Airport. Intel's current 1.7 million sq. ft. 486-class microchip plant already employs over 7,000 workers onsite just a couple of miles away from the new site.

Mr. FORD. As chairman of the Aviation Subcommittee, I have witnessed several efforts by Congress to limit growth in the number of FAA contract towers. While there are plenty good reasons to control growth in this program, it does not appear to make sense why the FAA should not expeditiously respond in this instance. I am informed that the FAA just recently spent over $6 million dollars of the taxpayers money to add a second runway and improve the runway aprons at Chandler. However, the airport operator says it cannot safely operate both runways without a tower.

I would ask my friend from Arizona whether the FAA has provided any rationale for not proceeding with air traffic control improvements at this airport.

Mr. DECONCINI. Mr. President, I would inform Senator FORD that the FAA has indicated that a new tower at Chandler does not meet their cost-benefit ratio. However, the FAA has yet to provide any substantiation for this claim. In fact, I have been waiting a long time for information I requested as to how this ratio is computed.

The city of Chandler has sought with earnest to secure a FAA air traffic control tower for over a decade. While the city of Chandler has been very active in the past 6 years to secure a control tower, airport records show it has been trying since at least April of 1980. Each subsequent request in the past few years has been rejected by the FAA despite the fact that Chandler Airport substantially met the program criteria or even met last year's criteria. Approximately 225,000 to 255,000 operations annually, or about 500 to 700 per day, occur at this airport with no control tower.

I am growing very impatient with the FAA and the Department of Transportation. I believe that flight operations at this airport border on dangerous. The city of Chandler Airport is primarily a general aviation airport with substantial student training in multiple types of aircraft, but also serves as a primary reliever for Sky Harbor International Airport—one of the world's busiest airports. Chandler Airport is also the site of the largest heliport in the Western United States.

If it were possible for this Senator to compel the FAA to erect and operate a tower at Chandler, I would not wait for the FAA to respond. I would offer an amendment to do so today. However, I know my friend's position on such amendments and I greatly respect Chairman FORD for is unwavering adherence to that policy.

Mr. FORD. Mr. President, I appreciate the Senator from Arizona's frustration and I also thank him for his willingness to wait a little while longer for the FAA to act and forgo any attempt to amend this bill for such a purpose. Given the very close proximity of several busy airports in the Phoenix area, especially Sky Harbor International, the world's sixth busiest airport in terms of takeoffs and landing, it appears that the FAA should take swift action to abate this apparent unsafe condition. I pledge to my good friend from Arizona that I will do all that I can to assist him in this important effort.

Mr. DECONCINI. Mr. President, I am deeply grateful for the good counsel and continued assistance that my friend from Kentucky has continually provided to this Senator throughout my years here in the Senate, and I am once again indebted to him for his help to the citizens of Arizona and the city of Chandler on this important air safety project. I thank my friend and yield back the floor.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1768

(Purpose: To authorize appropriations of funds from the Airport and Airway Trust Fund for asbestos abatement and building removal at the vacant Air Force Station, Marin County, CA)

Mr. FORD. Madam President, I send an amendment to the desk, as it relates to asbestos removal, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mrs. BOXER, proposes an amendment numbered 1768.

Mr. FORD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, after line 25, add the following:

SEC. 122. ASBESTOS REMOVAL AND BUILDING DEMOLITION AND REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding subsection (d) of section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), there is authorized to be appropriated in fiscal year 1995 from the Airport and Airway Trust Fund established by such section 9502 to the account for the Department of Transportation for facilities and equipment of the Federal Aviation Administration such amount as may be necessary to permit the Administrator of the Federal Aviation Administration to carry out asbestos abatement activities and the demolition and removal of buildings at the site of vacant the Air Force station located on Mount Tamalpais, Marin County, California. The amount authorized to be appropriated by the preceding sentence shall not exceed its share of the costs of carrying out such activities, demolitions and removals.

(b) AUTHORITY TO USE FUNDS.—The Administrator may use the funds appropriated pursuant to the authorization of appropriations in subsection (a) to carry out the abatement activities and demolition and removal described in that subsection. Such funds shall be available for such purpose until expended.

Mr. FORD. Madam President, the distinguished ranking member and I have looked at this amendment. We have made a couple of corrections in it. We now both agree with it. It is my judgment we can go ahead and adopt it by voice vote.

The PRESIDING OFFICER. Is there further debate?

Mr. PRESSLER. We have no objection to this amendment, and we recommend its approval.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1768) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, if I may, Senator PRESSLER and I are making every effort to accommodate the Senators who have talked to us about amendments. We have finished six amendments. We only know the possibility of maybe four more. We can pass this legislation, and the prospects of being in tomorrow are diminished considerably if we can finish this piece of legislation.

So I encourage colleagues if, under those other three, four, maybe five amendments, that we can go ahead and maybe clear it up this afternoon, and we may want to have a rollcall vote—I am not sure. A lot of things can happen. I hope they will come over and we can move expeditiously.

I yield the floor.

Mr. PRESSLER. Madam President, I join in that plea for Senators to come to the floor to offer their amendments. We are ready to finish this bill right now, if we can just get signals from the various offices.

If there are any students of American Government watching, we are trying to move the Senate forward. All Senators are busy with committees and elsewhere. We are ready to go if we can get people here. To the various offices concerned, please call or send your Senator over. We are ready to go.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I am very pleased that the committee has accepted language authored by me under Senate bill 1491, the Federal Aviation Administration Authorization Act, to provide pilots with direct radio contact with a weather observer in Yakutat, AK.

I strongly support the language that was introduced by Senator STEVENS to provide human observers to speak to pilots in areas such as Dutch Harbor, Valdez, Petersburg, Sand Point, Wrangell and to provide human observers at eight locations that rely on the Automated Weather Observing System—AWOS, as it is termed—should that automatic equipment fail to operate.

As you know, Madam President, there are numerous times in my State of Alaska where we have very, very violent weather conditions, and aviation has to operate in those conditions.

Many of the communities are inaccessible by roads of any kind, isolated from other communities, and depend totally on aviation. Therefore, a weather observer who can communicate directly with pilots is absolutely essential.

The coverage in Yakutat and Valdez will serve as a good communication link to pilots in the Gulf of Alaska, and Sand Point and Dutch Harbor on the Alaskan Peninsula, and in Wrangell and Petersburg in southeast Alaska. Cities that are so dependent on regular air travel. And they are located in areas that experience extraordinary weather changes and are heavily trafficked to warrant full-time observers.

Providing a human observer in the AWOS locations will help general aviation and allow regularly scheduled flights to land during times when the automatic system is down.

The necessity of human observers is brought to light by accounts that we have received in talking to pilots in our State.

As an example, Madam President, in August 1993, an airplane carrying seven people was ditched in the north Pacific Ocean southwest of Nome, AK. Due to the presence of a dedicated FAA employee, those seven people were saved. The FAA chief knew where to find an off-duty helicopter pilot to fly a search-and-rescue mission. He knew who to call for the strongest individuals in the community to lift the swimming survivors to the helicopter and where to recruit help from an additional helicopter operating in the general area. A remote operator in a distant city could not have accomplished this mission. As a consequence, the people were saved.

I have heard reports of cargo planes coming in to land only to find a snowplow on the runway. One pilot told me of unknowingly landing on a snowy, unplowed runway due to an unreliable Notice to Airmen.

Air ambulances and other general aviation pilots have experienced inoperable runway lights, which have led to dire consequences. These are only some of the accounts which I have received, and the reason I requested a report from the Department of Transportation on the safety of closing flight service stations in the State that rely on automated equipment.

As a consequence of the request and the long delay in receiving the report from the Department of Transportation—it is over 120 days late, Madam President—flight service station personnel in Alaska who are and were scheduled to transfer to the automated flight service stations or out of State have been kept in place.

It is my understanding that the Alaska FAA is planning to rotate some of these personnel in and out of their stations, which will provide some relief to those whose tours of duty in these remote locations have expired.

I remind my colleagues that Alaska is not a "Roads R Us" State. We rely heavily—virtually entirely—on services that private aviation and commercial aviation provide us to get around safely in Alaska. Flight service personnel and individuals manning these stations have performed superbly. They have provided services that the automated stations and machinery will never ever be able to perform, and we all know that.

Alaskan pilots deserve the most comprehensive, up-to-the-second weather information possible. The changes provided in this legislation will ensure that the best information will be available in more places around Alaska.

I remind the DOT that the report which they have provided us does not address the consequences of reliability of the automated systems in relationship to what a human observer can see. Clearly, an automated observation device can observe a fog bank in one direction, but it may not be clear in the other. And the consequences of an automated device that may be looking in one direction where it is clear and having a fog bank in the other, and giving a report to the pilots that it is clear to the west when fog is laying in the east can be disastrous. That is why such automated devices in their current operational mode are not adequate to replace the human observer in many of these areas.

I conclude by reminding the DOT that more often than not, air travel to Alaska is not done in a pressurized aircraft at 25,000 feet. More often than not, it is in an unpressurized, single-engine aircraft at 500 to 1,000 feet. And the severity of weather conditions can be disastrous if there is inadequate and inappropriate weather reporting in those conditions.

I thank the Chair. I yield the floor and suggest the absence—

Mr. FORD. Will the Senator withhold?

Mr. MURKOWSKI. I will be happy to withhold.

AMENDMENT NO. 1769

Mr. FORD. Madam President, I have an amendment on behalf of Senators SIMON and MOSELEY-BRAUN, and I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. SIMON, for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1769.

Mr. FORD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation may approve an upward adjustment not to exceed $750,000, in the maximum obligation of the United States under an Airport Improvement Program grant issued to a reliever airport after September 1, 1989, and before October 1, 1989, in order to assist in funding increased land acquisition costs (as determined in judicial proceedings) and associated eligible project costs.

Mr. FORD. Madam President, this deals with the Aurora, Illinois Airport project. I have no objection to it. I think it is a fine amendment and will help the Senators and that airport. I recommend it be approved.

Mr. PRESSLER. Madam President, I join in those remarks. We recommend that the amendment be agreed to.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 1769) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1770

Mr. PRESSLER. Madam President, on behalf of Senator GRAMM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. GRAMM, proposes an amendment numbered 1770.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all on p. 22, lines 19 through 23, and insert the following:

"(3) The carrier involved has operated at the affected nonhub airport for 180 days or less;".

Mr. PRESSLER. Madam President, this amendment by Senator GRAMM modifies the Dorgan amendment slightly, and it is acceptable to our side of the aisle.

I recommend its adoption.

Mr. FORD. Madam President, I have discussed this amendment by Senator GRAMM of Texas as it relates to the provision of Senator DORGAN's which was placed in the legislation in the committee. Senator DORGAN has agreed to, I understand the staff has agreed to, as long as it substitutes—and I think it does—that provision in S. 1491 that Senator DORGAN placed in there. We have no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1770) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1771

(Purpose: To provide for preventive maintenance of airport runways, taxiways, and other airport pavement areas)

Mr. FORD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. MCCAIN, proposes an amendment numbered 1771.

Mr. FORD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 104 of the committee amendment, insert the following language:

"Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue such regulations as may be necessary to ensure that no product shall be used for pavement maintenance or rehabilitation under this section unless the manufacturer of such product warrants to the satisfaction of the Secretary the performance of such product.".

Mr. FORD. Madam President, the Senator from South Dakota should have introduced that amendment. I was a little anxious to get things done. But it does allow for warranties as it relates to construction and other items related to airports. I have no objections to it now. We have had some corrections as it relates to the language of the amendment, and it is satisfactory with this side.

I hope the Senate will accept it.

Mr. PRESSLER. Madam President, we support the amendment very strongly.

Mr. MCCAIN. Madam President, each year approximately 60 percent of the AIP funding is spent on pavement projects at airports throughout the country. These projects normally involve the reconstruction or replacement of airport pavements. These projects, understandably, are expensive.

I was surprised recently to learn that while the Federal Government hands out hundreds of millions of dollars each year to reconstruct or replace aging pavements, there is no requirement that airport authorities implement programs to maintain their pavements in order to be eligible to receive AIP support. The FAA encourages airport authorities to follow responsible pavement management practices, but those authorities are left to decide for themselves what, if any, course they will take. The predictable result is that some authorities aggressively manage their pavements while others make little or no effort to preserve theirs. Either way, when the pavement fails, they ask for AIP funds, and the funds are granted. This haphazard approach to pavement management results in the unnecessary expenditure of literally hundreds of millions of dollars each year.

Madam President, it costs far less to maintain a pavement than it does to replace it. And as budgets across the board continue to be squeezed, we cannot afford the extravagance of replacing every aging airport pavement that might have been preserved by a timely and effective maintenance effort. We should require that before an airport is eligible to receive AIP assistance for pavement projects, it must implement an effective pavement maintenance program.

Finally, Madam President, my amendment requires that any product applied under the AIP program for pavement maintenance or rehabilitation must carry a manufacture's performance warranty. The reason for this is simple: many products have been applied over the years with lavish claims of miracle performances which, unfortunately, too often don't come true. Some of those products have actually damaged the underlying pavement. So with my amendment we serve this simple notice: If you want to sell your product under the AIP program, you will have to guarantee its performance. The taxpayer deserves no less.

Madam President, it costs a lot of money to replace a runway, a taxiway, or a parking ramp. It costs a lot less to maintain those pavements. My amendment will encourage responsible maintenance, and, I am confident, will reduce the Federal burden of maintaining our Nation's airports.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1771) was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1772

(Purpose: To state the sense of the Senate on the issuance of a report on radar usage at the airport, Cheyenne, WY)

Mr. PRESSLER. Madam President, I send an amendment to the desk on behalf of Senators SIMPSON and WALLOP and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. SIMPSON, for himself and Mr. WALLOP, proposes an amendment numbered 1772.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41 between lines 8 and 9, add the following:

SEC. . SENSE OF SENATE ON ISSUANCE OF REPORT ON USAGE OF RADAR AT THE CHEYENNE, WYOMING AIRPORT.

It is the sense of the Senate that the Secretary of Transportation—

(1) should take such action as may be necessary to revise the cost/benefit analysis process of the Department of Transportation to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports;

(2) should require the Administrator of the Federal Aviation Administration to reevaluate the aircraft radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region; and

(3) should report to Congress within 60 days following the date of the enactment of this Act on the results of the reevaluation of the aircraft radar needs of the Cheyenne, Wyoming Airport, and of Southeast Wyoming, and explain how military figures and concerns will be appropriately solicited in future radar decisions involving joint-use airport facilities.

Mr. PRESSLER. Madam President, the purpose of this amendment is to state the sense of the Senate on the issuance of a report on radar usage at the airport in Cheyenne, WY. We have no problem with this. We support it, and I urge adoption of the amendment.

Mr. FORD. Madam President, since this is a sense-of-the-Senate resolution, our side has no objection to it.

Mr. SIMPSON. Madam President, I would express my strong concern that the FAA reevaluate an airport project in city of Cheyenne, WY. In last year's Transportation appropriations bill, my old friend and senior colleague from Wyoming—Senator WALLOP—entered into a colloquy regarding this exact same matter. Specifically, it involves the use of radar at the Cheyenne Airport. Cheyenne is the largest city in Wyoming as well as the capital city. It is also the home of Warren AFB, the heart of the ICBM defense system for our Nation. The number of enplanements and deplanements at the Cheyenne Airport have risen dramatically in the last decade. That fact, coupled with an increased joint usage by the Air Force and Air National Guard which do not have separate airports of their own, demand that the FAA clean the wax out of its ears and hear what it is we in Wyoming are saying. For the past decade the FAA has said that Cheyenne was being considered for radar installations at the existing control tower. And for more than a decade the FAA has stonewalled the Wyoming delegation and has been unresponsive and arrogant, at best, and deaf to our requests.

Last October, we called for the FAA to issue a report within 60 days—regarding the results of a reevaluation concerning the Cheyenne Airport's and southeast Wyoming's aircraft radar needs to Congress. We still have not seen that report. Indeed, there are many, many extenuating reasons for the FAA to reevaluate the Cheyenne Airport project.

I am very concerned and deeply interested in how the FAA responds to Wyoming's civilian and military aviation needs. For quite some time now, the FAA has had before it all of the most recent data from all relevant sources in order to make necessary and appropriate adjustments to its cost/benefit analysis procedures for radar installations at civilian/military airports. Yet, the agency has wholly failed to hear this plea for Wyoming's aviation needs. The time has come for the FAA to recognize that the airport in Cheyenne needs radar along with all of the necessary auxiliary equipment and that it surely should qualify for FAA assistance. I look forward to timely and decisive action by the FAA on this issue. The stall here is not becoming at all. Let's end it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1772) was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1773

Mr. FORD. Madam President, I will now submit an amendment to the desk. It pertains to Monroe, LA, in the conveying of interest in property that has been conveyed to the city. It is one of those amendments that is necessary. One, it says it must get fair market value and, two, that the money will be spent as it relates to the airport.

I now send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. JOHNSTON, proposes an amendment numbered 1773.

Mr. FORD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SEC. . MONROE AIRPORT IMPROVEMENT.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding section 16 of the Federal Airport Act (as in effect on the date of transfer of Selman Field, Louisiana, from the United States to the city of Monroe, Louisiana), the Administrator of the Federal Aviation Administration is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the 1949 deed of conveyance, or any other deed of conveyance occurring subsequent to that initial transference and before the date of enactment of this Act, under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Monroe, Louisiana, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

Mr. FORD. Madam President, I have explained the amendment. We have no problems with it on this side and hope the Senate will accept it.

Mr. PRESSLER. Madam President, we have no objection to the Johnston amendment. It appears to be a very appropriate amendment and we support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1773) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1774

Mr. FORD. Mr. President, I am sending an amendment to the desk on behalf of Senators MIKULSKI, SARBANES, and ROBB.

We have a provision in the legislation that allows for studies on the impact of aircraft noise on affected communities. All we are adding here is "shall not result in a net increase in noise impact on surrounding communities resulting from both changes in timing of operation permitted under this paragraph."

It is acceptable. Therefore, Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Ms. MIKULSKI, for herself, Mr. SARBANES and Mr. ROBB, proposes an amendment numbered 1774.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 19, strike the word "and";

On page 18, line 23, strike the word "carriers." and add: "carriers; and

(F) the impact of aircraft noise on affected communities."

On page 20, line 14, strike the word "and";

On page 20, line 16, strike the word "carrier." and add: "carrier; and

(D) shall not result in a net increase in noise impact on surrounding communities resulting from both changes in timing of operations permitted under this paragraph."

Mr. FORD. Mr. President, as I said earlier, the amendment is acceptable on this side. I think it is adequate and will not increase the noise. Therefore, we ask the Senate to approve it.

The PRESIDING OFFICER. Is there further debate?

Mr. PRESSLER. Mr. President, we support this amendment, and we ask it be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1774) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, we have been working pretty hard this afternoon. We have been here a little over 3 hours now. We are getting down to where we know of only three or four more amendments. We are hoping that those who have these amendments will come to the floor.

I think it is obvious that Senator PRESSLER and I are making every effort to work with our colleagues. If the language is not what we think it should be, we will sit down and try to work them out, and we think we have worked most of them out.

I encourage my colleagues to come with their amendments. I know there are some committees that are meeting and those Senators who have some amendments are in those meetings. If they will just advise us, we can go ahead and offer some of their amendments. We will be glad to do that and give them full credit for it.

So, again, Mr. President, I urge my colleagues to come to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I would like to direct a question to the chairman of the Aviation Subcommittee.

Mr. FORD. I would be pleased to answer my friend from Arizona.

Mr. McCAIN. I am concerned about the effect of section 204(d)(2) of the committee substitute. As I understand the provision, it's sole purpose is to allow air carriers currently operating at Washington's National Airport to move their operations from one hourly period to another, within the range expressed in 204(d)(2)(B). Is this the chairman's understanding as well?

Mr. FORD. Yes, the Senator is correct. This provision's intent is to give air carriers additional operating flexibility within the existing constraints.

Mr. McCAIN. I thank the Chairman.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I have the floor, and I would like to yield 7 minutes to the Senator from Delaware for a statement. I ask unanimous consent that at the end of his time, the floor revert back to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2173 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I thought we might have another amendment, but apparently we do not have one ready at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER (Mr. AKAKA). Objection is heard.

The clerk will continue with the call of the roll.

The assistant legislative clerk continued to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEGRATED AIRPORT SYSTEM PLANNING GRANTS

Mrs. FEINSTEIN. Mr. President, I respectfully request the chairman's reconsideration of a specific provision which has been incorporated into this important legislation.

Section 118 of the bill imposes two new conditions on the recipients of integrated airport system planning grants. First, that major airport operators be given a seat on the governing board of a recipient planning agency, even when the municipality or county which owns the airport already is represented on the governing board. Second, that major airport operators be a co-applicant for future integrated airport system planning grants. My understanding is that these provisions have not been included in the House version of aviation reauthorization which will serve as the basis for conference committee discussions.

In terms of the first condition regarding a seat on the governing board. In many cases, the municipal owners of these airports are already represented on various planning agency boards. To require additional representation could cause a serious imbalance to voting equity for those jurisdictions without a major airport.

The second proposed condition, requiring major airport operators to be co-applicants for future planning grants, would give major airports the opportunity to veto grant applications by withholding their cosponsorship from any element in a planning program with which they disagree. This condition would seriously undermine the integrity and independence of the regional airport planning process.

With these concerns in mind, I would urge the chairman not to oppose efforts by House conferees to delete these provisions. I appreciate his consideration of California's perspective. I ask unanimous consent that two letters—one from the Southern California Association of Governments and one from the Metropolitan Transportation Commission—be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

METROPOLITAN TRANSPORTATION COMMISSION,
June 3, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Attention: Matt Middlebrook.

S 1491—Aviation Reauthorization.

DEAR SENATOR FEINSTEIN: It is our understanding that Senator Wendell Ford may seek Senate floor action as early as June 8 on S 1491, a multi-year reauthorization of the Airport Improvement Program. While MTC generally is supportive of the legislation, we seek your assistance in deleting one provision in the bill which would adversely affect airport system planning activities in the Bay Area and throughout the nation.

Section 118 of the bill entitled "Intermodal System Planning" imposes two new conditions on recipients of integrated airport system planning grants: (1) that major airport operators be given a seat on the governing board of the recipient planning agency, even when the municipality or county which owns the airport already is represented on the governing board; and (2) that major airport operators be a co-applicant for future integrated airport system planning grants.

With respect to the first proposed condition, the composition of the MTC governing board is specifically established by state law and any change to our membership would require a separate action by the state Legislature. Moreover, we do not believe it is necessary to expand the membership of our board to represent the interests of our three major airport operators (San Francisco, Oakland, and San Jose), since the municipal owners of these airports already are represented on the commission. Finally, our commission is fairly small with 16 voting members; the addition of three airport seats would substantially dilute the voting strength of our existing commissioners who represent the 100 cities and nine counties of the region.

The second proposed condition essentially would give major airports the opportunity to veto grant applications by withholding their co-sponsorship from any element in our planning program with which they disagree. We believe this condition would seriously undermine the integrity and independence of the regional airport planning process.

We respectfully request that you offer an amendment to S 1491 to delete Section 118 from the bill. Our Washington representative, Thomas J. Bulger, will contact your office shortly to follow-up our request.

Thank you very much for your time and attention to our concerns.

Sincerely,

LAWRENCE D. DAHMS,
Executive Director.

Los Angeles, CA, June 1, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DIANNE FEINSTEIN: I am writing to advise you that the Southern California Association of Governments (SCAG) opposes the following new provisions of Section C related to Integrated Airport System Planning Grants in the Airport Improvement Plan "Long Bill":

(1) additional member on the Metropolitan Planning Organization's (MPO) Governing Board representing airport interests (see subparagraph C of Section 508 (d)(4) of 49 App. U.S.C. 2207(d)(4));

(2) requirement for a hub airport to be a co-applicant for any planning grant. (see subparagraph B of Section 508 (d)(4) of 49 App. U.S.C. #2207(d)(4)).

SCAG is the MPO for the region and currently has an effective means for receiving from input and advice from airport/aviation interests. Our Aviation Technical Advisory Committee (ATAC) consists of 44 members, including the United States Arms Services which is concerned with military facilities and base reuse plans. Further ATAC membership is represented on a county-by-county basis so that all airports within the six county region have a voice on the committee. Please refer to the attached roster for a complete membership list.

ATAC establishes the policy direction and makes the technical decisions pertaining to aviation systems planning for the SCAG region. This committee was created specifically to ensure that the special and unique aviation planning issues would have a focused forum and strong link to the Governing Board. ATAC's recommendations and actions are reported directly to the MPO's policy committee and Governing Board (SCAG's Transportation and Communications Policy Committee and Regional Council respectively).

Once again, we oppose the proposed language discussed above because it will dilute the airport/aviation community's valuable and direct contribution to our regional planning process and will prohibit our ability to secure planning grants.

If you have any questions, please call Nona Edelen, SCAG Principal Government Affairs Officer, at 213/236-1870.

Sincerely,

MARK PISANO,
Executive Director.

Mr. FORD. I would like to thank the Senator for her views on this issue. She is not the only Senator that has brought this issue to my attention, and I will keep her concerns, and the concerns of our House colleagues, clearly in mind as this bill goes to conference.

Mr. SARBANES. Mr. President, while this legislation, the Airport and Airway Improvement Act of 1994 is on the floor, I wanted to make some observations about certain provisions of the bill, S. 1491 as reported from the Senate Committee on Commerce, Science, and Transportation.

First, I am very concerned that the efforts to weaken the current restrictions on high-density airports, especially at Washington's National Airport, continue apace. This bill contains language which, although I believe it will result in reduced overall noise levels, tends to once again tinker with the high-density rule and the allocation of slots at National.

I opposed the 1986 airport transfer legislation at least partially due to my longstanding concern about the impact of noise generated by the operation of National Airport on the region and my constituents along the Potomac River in Maryland in particular and the loss of local control over the noise issue. Although I opposed passage of the transfer bill, I worked to ensure that it contained language mandating conformance with the existing high-density rule. I have strongly advocated that the Federal Aviation Administration seek more rapid replacement of old noisier aircraft with stage 3 planes that are significantly quieter. I am in regular contact with the FAA to ensure that the restrictions on flight operations at National including the curfew are strictly enforced.

I thought that passage of the 1986 transfer bill with its strong endorsement of the high-density rule and its limits on flight operations at National Airport would end the debate over this issue, but unfortunately, that is not the case. I would hope that efforts to realign slots and flight operations as proposed in this bill are ended. The limitations inherent in the high-density rule have been adopted by the Metropolitan Washington Airports Authority to its great credit as a fundamental operating principle, and significant planning decisions have been based on the assumption that these limitations will continue as enacted in 1986.

Along with many local jurisdictions and community groups, I support the continuation of the existing limitations in the high-density rule and will work to ensure that the ongoing efforts by many to open up operations at National are thwarted.

Mr. MITCHELL. Mr. President, awaiting the return of our colleague, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President and Members of the Senate, there have been many public statements made over the past few weeks about the so-called Whitewater matter, and there have been several private discussions between myself and the minority leader, Senator DOLE, and other interested Senators.

Several weeks ago, the Senate passed, by a vote of 98 to 0, a resolution which reaffirmed the Senate's constitutional obligation with respect to oversight and called upon the distinguished Republican leader and myself to reach agreement on how to implement those oversight responsibilities, including hearings, in a manner and at a time which did not interfere with the special counsel's investigation.

Senator DOLE and I have had several discussions since then and exchanges of letters with proposals and counterproposals. Although we had eliminated several of the disagreements between us, some remained.

I am advised that our Republican colleagues regarded the current status, as of yesterday, as an impasse which could not be resolved. I, therefore, suggested that, if we could not resolve it through negotiations, we come to the Senate floor and debate it and vote on it.

I then proposed to our colleagues a unanimous-consent agreement, which I will place in the RECORD, under which I proposed that the Senate today take up the Whitewater matter, that our Republican colleagues present their resolution, that I present an alternative and competing resolution, and that we then debate the two and vote on the two. That request for an agreement was rejected by our Republican colleagues for reasons which are unclear to me but which I am sure will become clear during the debate. The proposal, which I thought to be a reasonable and appropriate one—in which they would put up their resolution, we would put up our resolution, we would debate them, and we would vote on the two resolutions—seemed to me to be an appropriate way to resolve the matter.

In any event, Mr. President, I now ask unanimous consent that the text of the proposed unanimous-consent agreement be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that at —p.m. today the Senate turn to the consideration of a Senate resolution regarding hearings by the Senate Banking Committee which is now at the desk; that upon the reporting of the resolution the Republican leader be recognized to offer an amendment dealing with the same subject; that upon the reporting of his amendment the amendment be laid aside and I be recognized to offer an amendment also dealing with the same subject; that there be a total time limitation for debate of 3 hours on the resolution and both amendments to be equally divided between the Republican leader and myself, or our designees; that no other amendments or motions be in order; that upon the use, or yielding back of time the Senate vote on my amendment, to be followed by a vote on the Republican leader's amendment to be followed by a vote on passage of the resolution, as amended, if amended, with the preceding all occurring without any intervening action or debate.

Mr. MITCHELL. In any event, it was not accepted, and we are now at a situation where our colleagues have indicated a desire to proceed with their resolution and I have indicated a desire and intention to offer my resolution as a second-degree amendment to that of Senator D'AMATO's amendment. And I understand now that we are going to proceed in that fashion. I will yield to the Senator. My understanding is he is going to offer his resolution.

I, then, intend to use my right of recognition to—he is going to offer his resolution as an amendment to the pending bill, which of course has nothing to do with Whitewater. This is a bill that has to do with airport improvements. I am then going to offer my amendment as a second-degree to his amendment. Then we will debate the matter as fully as our colleagues want.

I simply say, as I have said from the outset, that the Senate has an important responsibility, that it would meet that responsibility in a reasonable and appropriate and responsible manner; that there would be hearings, and the resolution which I have proposed and which I will offer today, calls for hearings to begin within 30 days after the completion of the first phase of the special counsel's investigation, but in any event not later than July 30.

Our desire has been to do it in a responsible way and not to have it become a political circus. There are, apparently, some disagreements on some specific issues which will arise during the course of the debate. I welcome the debate. It has been my desire to deal with this matter—have the Senate deal with this matter, and it is my hope that we could do so now and permit the committee to proceed in that regard.

So, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader yields the floor. The Senator from New York, [Mr. D'AMATO] is recognized.

Mr. D'AMATO. Mr. President, I am sure, as the majority leader has indicated, there were efforts—and I think it is appropriate that Senator DOLE, the minority leader, responds to some of the problems that we had, our side, in accepting the proposal put forth by the distinguished majority leader. It is certainly not our intention to be unfair or not accommodate legitimate needs of all of our colleagues, Democrats and Republicans. As a matter of fact, the majority leader and the minority leader have spent considerable time and energies in attempting to come to some solution so that we could move the process forward and set up a format by which we carry out our constitutional oversight responsibilities as they relate to Whitewater.

That is easier said than done. Even people of good will, who are attempting to deal with this situation, can have legitimate disagreements. Reasonable people may disagree on some of these areas.

But I would certainly like to see us get a vote on the proposal which we have put forth—and that proposal has been outlined heretofore by Senator DOLE—which would be to set up a special subcommittee of the Banking Committee to investigate these matters, many of which are within the oversight of the Banking Committee.

That special subcommittee would be five members of the Banking Committee from each side, supplemented by three or four additional Members appointed by the respective leaders, so you would have either eight or nine. Our present resolution calls for the appointment of four by the majority leader, four by the minority leader, with five from the Banking Committee. That is done so that we could cover the various issues that fall normally and technically outside of the jurisdiction of the Banking Committee.

There are some issues that might spill into, for example the Park Service, some issues that might spill over into small business, issues within the commodities area and some that relate to the Justice Department. That was the reason for this format. It was not an arbitrary picking of four additional members.

Mr. MITCHELL. Mr. President, will the Senator yield just for a brief question?

Mr. D'AMATO. Certainly.

Mr. MITCHELL. The Senator said that he certainly hoped that there would be a vote on the resolution which he was to offer. I merely want it to be clear, and I inquire of the Senator through the Chair, does the Senator understand that the proposal which I made did provide for a vote on the Senator's resolution?

Mr. D'AMATO. Yes.

Mr. MITCHELL. I thank the Senator.

Mr. D'AMATO. Let me say that our problem—our problem was that we understand the nature of the Senator's amendment. Notwithstanding that, we believe that if we examine both proposals, we feel there is more merit to ours and—as we will argue during this debate—and that we would not have a real and legitimate opportunity to make those meaningful distinctions. As a matter of fact, what will take place is that we will have a straight party line vote. It is the nature of things. And that vote will be most Republicans, if not all, voting to accept the proposal as crafted by Senator DOLE and others on our side, and most Democrats voting against, with the understanding and assurance that the majority leader would then come forth with the proposal which he has put forth.

There are, and I will speak to them, a number of serious deficiencies, at least that we discern as it relates to accepting that methodology of moving forward.

Just to get to the essence, we have a constitutional responsibility as it relates to the oversight role of the Congress. I believe that we have been more than patient in giving to our colleagues an opportunity to craft a methodology of moving forward. And I say I think they have exercised good faith in attempting to come as far as we have. But we now hit a situation where the Democratic leadership is suggesting in essence that this Congress will not go forward with their hearings until and unless the special counsel has concluded various parts of the investigation, and that we cannot go forward until 30 days after the initial phase of the special counsel's investigation, or no later than July 30.

And those areas that we could look into are circumscribed, are limited. They do not even include an area which the special prosecutor, by way of a letter has indicated to me, quite clearly, he is not reviewing. Let me refer to that letter from Mr. Fiske of May 26. He said,

> DEAR SENATOR D'AMATO: I am responding to the two questions raised in your letter of May 23, 1994.
>
> The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

I will ask unanimous consent to have the entire letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Washington, D.C., May 26, 1994.

Hon. ALPHONSE M. D'AMATO,
U.S. Senator, Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR D'AMATO: I am responding to the two questions raised in your letter of May 23, 1994.

The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on the subject.

The White House review of Treasury documents relating to contacts between the White House and Treasury officials involves a small number of documents which will not take anyone very long to review. Because of the risk of such documents of becoming public prior to the completion of our investigation, I would prefer that you defer obtaining those documents at this time. I am confident that following that procedure will not cause any delay in any hearings you may decide to hold.

Respectfully yours,
ROBERT B. FISKE, Jr.,
Independent Counsel.

Mr. D'AMATO. But notwithstanding the special counsel saying we do not have an intent to look into that, the agreement which has been proffered by the majority leader does not give oversight responsibility, as it relates to this matter, to the committee. I would have to ask why.

Mr. MITCHELL. Would the Senator like an answer now?

Mr. D'AMATO. Yes.

Mr. MITCHELL. Because it has nothing to do with this matter. It is an obvious political fishing expedition by the Senator from New York and his Republican colleagues in an effort to embarrass the President and Mrs. Clinton. It has no legislative purpose. It only has a political purpose. That is why it is not included.

Mr. D'AMATO. I suggest we have a very real disagreement because we are talking about a pattern of abuse, and the question is whether that pattern of abuse was a pattern of power being misused in Little Rock, taken and moved right on up through the line, covering all of these areas. It is a pattern that we have a right to explore and if, indeed, there is nothing, nothing will come of it. If, indeed, people conduct themselves and the investigation in a manner that is less than credible, voters will understand and will know.

But that is a prerogative and right of the Congress, and to simply say no, that we are not going to do it because it might be politically damaging and embarrassing, seems to me something we cannot accept.

I suggest if it were the other way around, that if it were the Democratic Congress looking into a Republican in power, you would find that that matter would be fair game.

Mr. MITCHELL. Mr. President, will the Senator yield for a question?

Mr. D'AMATO. Certainly.

Mr. MITCHELL. Is it the position of the Senator from New York that when an elected official is the subject of an accusation or an allegation of wrongdoing or impropriety, that if that elected official does not publicly disclose all documents relating to the matter, it is a fair inference that the public official has something to hide?

Mr. D'AMATO. No.

Mr. MITCHELL. I thank the Senator.

Mr. D'AMATO. I do not make that inference at all.

Mr. MITCHELL. I thought that.

Mr. D'AMATO. I do not make that inference. And I suggest that this matter, as it relates to whether or not there has been a favoritism given to the Governor and to his family as it related to the initial investment of $1,000, and the apparent contradictions that have appeared thereafter, both in the public record and in those documents that have been released, that they are proper subject matter of inquiry.

Did the trader violate the law? Did the exchange violate the law? And I think Tyson Foods personnel and the broker should be called in to ascertain what, if anything, took place.

I do not make an accusation as to what did and did not take place. I say we have a right to review this. This is the process that has been set forth. I am not asking for a different process. We are asking for the same process.

So I point out to the majority leader that that is one of the problems right off the bat. Hence, our reluctance to accept his agreement. I am not suggesting that he has not attempted as best he can to deal with the political realities. Are there politics involved? Of course. The nature of the process is one where there is politics involved by both the Democratic side and the Republican side.

For people to say there is absolutely no politics would be ridiculous. But the question is the proper discharge in the proper manner of our responsibility. That is why we drafted a resolution, and I am going to ask the clerk to read the entire text of that resolution because it is important. It is substantive. It is something that the people will understand when they hear it.

So when I do put it in—and if the majority leader would like a copy now, I will be happy to provide him with that.

Mr. MITCHELL. Mr. President, if I might respond to that, what would be helpful is if the Senator would just put it in, let me put mine in, and then we can debate them. I will not ask mine be read at the time the Senator is speaking. If he wants his read, I will ask mine be read at a later time when I get recognition. Is that agreeable to the Senator?

Mr. D'AMATO. I want to accommodate the leader.

Mr. MITCHELL. If the Senator will offer his now, I will get recognition and offer mine in the second degree.

Mr. D'AMATO. Let me say this to the leader, if I might. I will ask that a copy of this be made available. I think you already have it. There may be a slight change here—I think it is very slight—in expansion of the subcommittee and the change of several words.

Mr. MITCHELL. Is there some reason the Senator does not want to offer his resolution so I can offer mine?

Mr. D'AMATO. I am utilizing the same prerogative the leader has. I am going to speak to the leader to see if he determines and thinks this is the best methodology of moving forward.

If I had my druthers, I would say let us put it out, let us have our discussion, let us have our votes. I think there are going to be lots of votes.

Mr. MITCHELL. That is fine with me. I am agreeable to have many votes. All I am suggesting is the Senator offer his resolution and I will offer mine. I will then yield the floor and he will be able to talk for as long as he wants, just as he is doing.

Mr. D'AMATO. I think there are other Members who want to speak to it, and I do not want them precluded as it relates to my amendment.

What I am concerned about is, if I put my amendment in and the leader makes a second-degree amendment, we will be able to speak to my amendment before we move to that.

Mr. MITCHELL. The answer is yes; nobody is precluded from speaking under those circumstances.

Mr. D'AMATO. I understand.

Let me say, I will put it in at this point in time. You have to fish or cut bait, and we have been doing a lot of talking.

AMENDMENT NO. 1775

(Purpose: To establish a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and other related matters)

Mr. D'AMATO. At this time, Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, Mr. COCHRAN, Mr. CHAFEE, Mrs. KASSEBAUM, Mr. SPECTER, Mr. BROWN, and Mr. GRASSLEY, proposes an amendment numbered 1775.

Mr. MITCHELL. Mr. President, if the Senator will agree, I will now offer mine in the second degree, and then if the Senator wants to have his read, I am perfectly agreeable to that. He already indicated he wants it read.

Mr. D'AMATO. I will not make that request at this time because of the methodology which you have now suggested.

Mr. MITCHELL. Mr. President, is the amendment of the Senator from New York now pending?

The PRESIDING OFFICER. The amendment has been reported but it has not been read.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the Senator's amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE ____-SPECIAL SUBCOMMITTEE ON WHITEWATER

ESTABLISHMENT OF THE SPECIAL SUBCOMMITTEE

SEC. ____01. (a) There is established a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to be known as the Special Subcommittee on Certain Allegations Concerning Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and Related Issues (hereafter in this title referred to as the "special subcommittee").

(b) The purpose of the special subcommittee is—

(1) to conduct an investigation into, and study of, all matters which have any tendency to reveal the full facts about—

(A) the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions;

(B) the relationship among Madison Guaranty Savings and Loan Association, other federally insured institutions, and Whitewater Development Corporation;

(C) the management and business activities of Whitewater Development Corporation and its shareholders, including issues of personal, corporate, and partnership tax liability;

(D) the policies of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls;

(E) the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency;

(F) the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association;

(G) the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(H) the pursuit by the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Savings and Loan Insurance Corporation of administrative and civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(I) the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association;

(J) the delayed recusal of the United States Attorney for the Eastern District of Arkansas from the investigation or prosecution of David Hale, Capital Management Services, Inc., and Whitewater Development Corporation;

(K) the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation;

(L) the Park Police investigation into the death of White House Deputy counsel Vincent Foster;

(M) the operations and underwriting activities of the Arkansas Development Finance Authority;

(N) the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton;

(O) the investment activities of Value Partners I, including the compliance of these activities with Federal laws governing conflicts of interest;

(P) any other issues related to the matters referred to in subparagraphs (A) through (O); and

(Q) any issues developed during, or arising out of, the hearings conducted by the special subcommittee; and

(2)(A) to make such findings of fact as are warranted and appropriate;

(B) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special subcommittee may determine to be necessary or desirable; and

(C) to fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

(c) For purposes of this section, the term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MEMBERSHIP AND ORGANIZATION OF THE SPECIAL SUBCOMMITTEE

SEC. ____02. (a)(1) The special subcommittee shall consist of—

(A) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the chairman;

(B) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the ranking member;

(C) 4 members of the Senate appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(D) 4 members of the Senate appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) Vacancies in the membership of the special subcommittee shall not affect the authority of the remaining members to execute the functions of the special subcommittee

and shall be filled in the same manner as original appointments to it are made.

(3) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the special subcommittee shall not be taken into account.

(b)(1) The chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs shall be cochairmen of the special subcommittee.

(2) A majority of the members of the special subcommittee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that a quorum shall not be necessary for the purpose of taking testimony before the special subcommittee or for conducting the other business of the special subcommittee.

(c)(1) The special subcommittee shall promptly adopt appropriate rules and procedures consistent with this title.

(2) The rules and procedures of the special subcommittee shall—

(A) govern the proceedings of the special subcommittee; and

(B) consistent with section ___06 of this title—

(i) provide for the security of the records of the special subcommittee; and

(ii) prevent the unauthorized disclosure of information and materials obtained by the special subcommittee in the course of its investigation and study.

STAFF OF THE SPECIAL SUBCOMMITTEE

SEC. ___03. (a)(1) Committee staff from committees having jurisdiction over matters described in section ___01(b) shall be detailed to the special subcommittee, subject to availability, as requested by the cochairmen.

(2) In addition to staff detailed pursuant to paragraph (1) and to assist the special subcommittee in its investigation and study, the cochairmen, after approval of the special subcommittee, may appoint special subcommittee staff.

(3) All staff detailed pursuant to paragraph (1) or appointed pursuant to paragraph (2) shall work for the special subcommittee as a whole, shall report to the two cochairmen and, except as otherwise provided by the special subcommittee, shall be under the direction of the cochairmen.

(b) To assist the special subcommittee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special subcommittee.

(c) The Majority and Minority Leaders of the Senate may each designate one staff person to serve on the staff of the special subcommittee to serve as their liaison to the special subcommittee.

(d) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, investigatory, material, or other appropriate assistance may be required by the special subcommittee.

PUBLIC ACTIVITIES OF THE SPECIAL SUBCOMMITTEE

SEC. ___04. (a) Consistent with the rights of persons subject to investigation and inquiry, the special subcommittee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study as described in section ___01.

(b) In furtherance of the public's and Congress' right to know, the special subcommittee—

(1) shall hold, as either cochairman considers appropriate, open hearings on specific subjects, subject to consultation and coordination within the independent counsel appointed pursuant to chapter 28, part 600, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains a description of all relevant factual determinations consistent with subsection (a) of this section and section ___01(b)(2) and which contains recommendations for new legislation, if necessary.

POWERS OF THE SPECIAL SUBCOMMITTEE

SEC. ___05. (a) The special subcommittee shall do everything necessary and appropriate under the laws and Constitution of the United States to make the investigation and study specified in section ___01.

(b) The special subcommittee is authorized to issue subpoenas for obtaining testimony and for the production of documentary or physical evidence. A subpoena may be authorized and issued by the special subcommittee, acting through either cochairman or any other member designated by either cochairman, and may be served by any person designated by either cochairman or other member anywhere within or without the borders of the United States to the full extent permitted by law. Either cochairman of the special subcommittee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the subcommittee.

(c) The special subcommittee is authorized to do the following:

(1) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special subcommittee considers necessary or appropriate.

(2) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(3) To hold hearings, take testimony under oath, and to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(4) To request a grant of immunity under section 6005 of title 18, United States Code, after approved by the independent counsel.

(5) To require by subpoena or order the attendance, as witnesses before the special subcommittee or at depositions, of any person either cochairman determines may have knowledge or information concerning any of the matters the special subcommittee is authorized to investigate and study.

(6) To take depositions and other testimony under oath anywhere within the United States, to issue orders by either cochairman or any other member designated by either cochairman which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(7) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special subcommittee, acting through either cochairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(8) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the special subcommittee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions such subcommittee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(9) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the special subcommittee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such subcommittee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the subcommittee, or at a deposition, or at any time or place designated by the subcommittee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(10) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(11) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(12) To use, with the prior consent of the chairman or ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such other Senate committee whenever the special subcommittee or either cochairman consider that such action is necessary or appropriate to enable the special subcommittee to make the investigation and study provided for in this title.

(13) To have access through the agency of any members of the special subcommittee, staff director, chief counsel, or any of its investigatory assistants designated by either cochairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the special subcommittee is authorized to investigate or study;

(B) which is in the possession, custody, or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the special subcommittee to prepare for or conduct the investigation and study authorized and directed by this title.

(14) To report violations of any law to the appropriate Federal, State, or local authorities.

(15) To expend, to the extent the special subcommittee determines necessary and appropriate, any money made available to such subcommittee by the Senate to make the investigation, study, and reports authorized by this title.

(16) Under sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, to inspect and receive for the fiscal years 1977–1992 any tax return, return information, or other tax-related material, held by the Secretary of the Treasury, related to individuals and entities named by the special subcommittee as possible participants, beneficiaries, or intermediaries in the transactions under investigation.

(d) The level of compensation payable to any employee of the special subcommittee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate. No employee of the special subcommittee may receive pay at a rate of pay in excess of the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

PROTECTION OF CONFIDENTIAL INFORMATION

SEC. ___06. (a) All staff members and consultants shall, as a condition of employment, agree in writing to abide by the conditions of an appropriate nondisclosure agreement promulgated by the special subcommittee.

(b) The case of any Senator who violates the security procedures of the special subcommittee may be referred to the Select Committee on Ethics of the Senate for the imposition of sanctions in accordance with the rules of the Senate. Any staff member or consultant who violates the security procedures of the special subcommittee shall immediately be subject to removal from office or employment with the special subcommittee or shall be subject to such other sanction as may be provided in the rules of the special subcommittee.

(c) Upon the termination of the special subcommittee pursuant to section ___09 of this title, all records, files, documents, and other materials in the possession, custody, or control of the special subcommittee, under appropriate conditions established by such subcommittee, shall be transferred to the National Archives.

RELATION TO OTHER INVESTIGATIONS

SEC. ___07. (a) In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this title;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such investigation,

the special subcommittee is encouraged—

(A) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel;

(B) to seek the full cooperation of all relevant investigatory bodies; and

(C) to seek access to all information which is acquired and developed by such bodies.

(b) The cochairmen shall meet with the independent counsel to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the special subcommittee.

(c) The Senate requests that the independent counsel make available to the special subcommittee, as expeditiously as possible, all documents and information which may assist the special subcommittee in its investigation and study.

SALARIES AND EXPENSES

SEC. ___08. Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special subcommittee under this title, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof, in accordance with section ___05(c)(9). Payment of expenses shall be disbursed upon vouchers approved by either cochairman of the special subcommittee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

REPORTS; TERMINATION

SEC. ___09. (a)(1) The special subcommittee shall make a final public report to the Senate of the results of the investigation and study conducted by such subcommittee pursuant to this title, together with its findings and any recommendations at the earliest practicable date.

(2) The final report of the special subcommittee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(b) After submission of its final report, the special subcommittee shall conclude its business and close out its affairs as expeditiously as practicable.

SUBCOMMITTEE JURISDICTION AND RULE XXV

SEC. ___10. The jurisdiction of the special subcommittee is granted pursuant to this title notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

AMENDMENT NO. 1776 TO AMENDMENT NO. 1775

Mr. MITCHELL. Mr. President, I now send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1776 to amendment No. 1775.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of my amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ___—COMMITTEE OVERSIGHT HEARINGS

SEC. ___01. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this title shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. ___02. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the hearings authorized by this title, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section ___01 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance; and

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this title.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. ___03. ADDITIONAL STAFF FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section ___02(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

SEC. ___04. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section ___01.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section ___01.

SEC. ___05. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section ___01.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no power to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this title.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section ___01(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this title. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this title.

SEC. ___06. RELATION TO OTHER INVESTIGATIONS.

(a) In order to—

(1) expedite the thorough conduct of the hearings authorized by this title;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

SEC. ___07. SALARIES AND EXPENSES.

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking "$56,428,119" and inserting "$56,828,419"; and

(2) in section 6(c) by striking "$3,220,767" and inserting "$3,620,767".

SEC. ___08. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section ___04(b) not later than the end of the 103d Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this title shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. ___09. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this title notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. ___10. COMMITTEE FUNDING AND RULE XXVI.

The supplemental authorization for the committee is granted pursuant to this title notwithstanding the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

Mr. MITCHELL. I yield the floor so the Senator may proceed.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, one thing that is clear is that unless we have hearings which are fair, which are thorough, and which give an opportunity not only to the members of whatever committee ultimately carries out these oversight responsibilities—more importantly, committees that can fairly and accurately give a picture to the American people—why, then, we are engaging in a disservice.

That is why the first thing that becomes obvious, at least to this Senator, is that by circumscribing, as the amendment of the Senator from Maine, the majority leader, does, the manner by which we can proceed, limiting the jurisdiction to that of basically stopping and starting—and it could be at the whim of the special prosecutor—it is a delegation of responsibility that goes further than we have ever seen. We would be giving to the special prosecutor powers greater than that vested in the President of the United States in vetoing actions of the Congress. We do not have a right to do that. We just do not.

If we say that we should not start this hearing until all of the work is done, then that might be one position. That we have to stop and start, though, until the special counsel reports to us, and we can only look at certain areas at certain times, I think that goes well beyond what we as a body should permit anyone—anyone—to prescribe for us. And that is, indeed, what would be taking place. It is wrong. It says that the Congress cannot and should not be trusted to work with the special counsel in dealing with the hearings in a manner in which we do not impede, or we do not jeopardize the purposes for which he has been employed.

Mr. President, are we to say that we do not trust a committee comprised of equal numbers of Democrats and Republicans to do what is right? And if I am any judge of what the final makeup and composition of the committee would be, it will have a relatively larger number of Democrats than Republicans that will represent the approximate balance of what the composition of the Congress is. And this Senator could not argue vehemently against that being a reasonable position, notwithstanding that I advocate that there be an equal division.

I will already say to the President and to the distinguished majority leader, I understand that that may be something on which we have to compromise.

But having said that, are we going to circumscribe ourselves and say that the Congress of the United States cannot go forward until the special prosecutor has signed off? I do not think that we should be doing that. I think it is wrong, and I think we are making a mockery and a sham of these so-called hearings.

I was there, met with the special prosecutor, along with Senator COHEN, and I would refer both my colleagues and the media to the exact words of the special counsel as it related to with what he was concerned. I would refer us to the fact that he talked about 3, 4, 5 weeks, and we said, well, we will give you longer as it related to conducting the initial phase. We are well past that, well past that. We are now 3 months down the road, and yet we have not even set the format from which to start the committee.

Mr. President, it would be foolish for anyone to think that we could start within 30 days. If we were to pass a resolution, an amendment, an agreement saying go forward, start your work, we would have the process of setting up the committee, of getting the investigators, looking at what areas we would be subpoenaing, consulting with Mr. Fiske as we indicated to him that we would, but certainly not prescribing ourselves to the limits that are called for in the proposed solution being put forth by the other side but, yes, with consultation.

Are we to say that the Congress and the committee cannot be trusted to undertake their responsibilities as we have pledged, as the minority has pledged and certainly that the majority would see and hold us to, to do it in a fair and in a competent way that would not jeopardize other procedures?

We were first to suggest that we would not be offering grants of immunity. Would you require us to just say in this legislation that under no circumstances would we grant offers of immunity? Supposing Mr. Fiske said, you know, by the way, that is a good idea. Maybe you should, or we have no objection: do it.

And suppose the full committee decided that in a particular case or particular witness that they should grant immunity. Are we to say that the Democratic side is not responsible enough to say, wait a minute; you are not going to grant immunity here, or that the Republican side is not responsible enough to say, no, we are not going to do it?

We have learned the lessons from the past. But supposing every member of the committee decides that there is good and sufficient reason for the grant of immunity. Are we then to say, oh, no, Congress has for all times said we will never grant immunity, because of the situation in Iran-Contra. I do not think that the most ardent supporter of saying that certainly we should be very, very, very careful and very reluctant to grant immunity would say that we should just give a blanket "no."

Will we say for all hearings in the future say that under a case where there is a special prosecutor the Congress will not determine that they deem it important, whether it be national security or some other interest?

Let me tell you, suppose you have a national security interest that comes up and you have a prosecution that might be jeopardized and this Congress determines it is more important to get the facts. Are we going to suggest that the Congress does not have the capability to make that decision? Not only do we not have the capability, we may not have the capability to exercise the judgment properly, but it is our responsibility and it cannot and should not be abdicated. That is a distinction. Think about it. I think maybe some members of the press will have difficulty discerning that, but let them think about it.

Mr. President, this is not simply a matter of a political process that is wrong. It is the matter of a political process that is part of our governmental structure. It is not politics of expedience. Indeed, this Senator has gone to great lengths in the past several months to provide an opportunity for the process of give and take, for the process of negotiation to deal with the problem. And, unfortunately, it has not. It has come to an impasse.

I think, by the way, we are a lot closer than people think, if you want to continue to push that process, to come forward with a methodology that will address some of our concerns. And again, one of those concerns is saying that we are going to surrender and we are going to move in the manner that is so circumscribed that it keeps us from looking into areas such as the commodities activities that took place, such as the Small Business Administration and their dealings.

Do you mean to tell me we have to wait for the completion of a criminal trial before we can go forward as it relates to that situation with respect to Mr. Hale and the $300,000? Is that what we are saying? Are we saying that if that takes 2 years or 3 years or 4 years, why, we will do that, that we will withhold? Will we have to wait for the appeal process to be completed before we have the ability to look into this matter?

Mr. WALLOP. Will the Senator yield for a question?

Mr. D'AMATO. Certainly.

Mr. WALLOP. I would ask the Senator if he knows of any precedent for denying the Senate of the United States or the Congress its right to investigate issues and actions of any branch of Government including itself or the executive branch?

Mr. D'AMATO. My colleague has raised a good point, and the answer is absolutely not. Congress has never delegated its oversight responsibility to an independent counsel—never. And let me respond by saying, did the Congress get permission from Archibald Cox or Leon Jaworski to hold Watergate hearings, to my friend.

Mr. WALLOP. Well, clearly not. But then the other question that I would direct to the Senator from New York is that if we are now about to do what we have not done historically and ought not to do by reason of the constitutional privileges that we possess, it seems to me that one has to begin to draw conclusions as to why now such a precedent would be important. And the only conclusion that one could draw is that there is a massive coverup, a massive desire not to allow the American people to know what has taken place, a massive desire to deny to the Congress its rightful role.

Mr. D'AMATO. Well, I would have to conclude that even the American people who have been patient in recognizing the daily exigencies, the battles for survival, say, hey, you know, there are other things, and there may be things that are more pressing and important on their mind, but they have to come to the conclusion that something is wrong in Washington and it is terribly wrong when we cannot go forward in an orderly manner. And it does bring to one's concern and one's mind that the only thing that has changed is that we have the same Democratic-controlled Congress, but now we have a Democratic White House, and they are working hard to keep facts from coming forward, facts that we have a responsibility of putting forward.

Mr. WALLOP. Will the Senator yield for another question?

Mr. D'AMATO. Certainly.

Mr. WALLOP. Was the Senator able to read in this morning's Washington Times the story of the Lasater investments on behalf of a man named Patrick, who never made any investments, and Mrs. Thomasson of the White House who was part of that?

These are clearly not things which we have been asked to avoid but ought to be a part of the role because it has to do with the subject of oversight of the Congress.

Mr. D'AMATO. I did not read the article. But I spoke to Mr. Lasater's associate, Mr. Patrick, who actually came into my office yesterday and spent quite some time with our staff. To be quite candid with you, he should be sworn in. He should be deposed. We should have a right and the people should have a right to hear his testimony and to judge. They may judge that it is not credible or they may judge that it is very credible.

But I will tell you this: There are substantial documents to show tens and tens and tens of millions of dollars being transferred through this fellow's account, a person who has absolutely no wealth, who made $22,000 initially. And the question is how? And the question is why?

Mr. WALLOP. One day $53 million passed through the account of a man who is a truck driver from Kentucky.

Mr. D'AMATO. Tens of millions of dollars, as I have indicated. Our staff has been looking. But we cannot look and examine in the manner in which we should. I would not be opposed to having a witness deposed. If it is not the kind of information that is credible, that we can go forward with—so be it.

Mr. WALLOP. The Senator is aware that there have been four verified attempts on this man's life.

I guess the point I am trying to make by all of this is that the administration suffers by having this in the realm of rumor, and it cannot lay them to rest from the realm of rumor without pure and simple and forthright oversight hearings.

Would that be a fair judgment?

Mr. D'AMATO. I believe that is more than fair judgment. I think the Senator has made the point, and notwithstanding a temporary respite from the issues that are raised—and some of them I would not be averse to saying to the distinguished majority leader and to some of the members of the media who brought them to me, are speculative, some are not worthy of repetition, so I will not attempt to repeat them today. Some of the stories we saw become so egregious that they really hurt the legitimacy of any inquiry.

So by permitting this to languish and creating this aura of speculation, we do not do the administration or anyone any good.

Mr. President, I am going to outline, if I might, some of our areas of concern.

I think the Congress has a responsibility to explore and ascertain the truth or the falsity as it relates to the potential interference by the White House with civil and criminal investigations by the RTC and the Justice Department relating to the insolvency of Madison Guaranty Savings & Loan.

In addition, there is the absolute responsibility to ascertain what, if anything, was done in connection with the Small Business Administration loans or the SBA loans that were made by Mr. Hale to Mrs. McDougal. There has been an indictment in that case. Does that mean that we cannot look at various aspects, and certainly with the cooperation of our staff and the committee in relation to Mr. Fiske and his work not looking to impede or to jeopardize that? Do we now just cloak that because there has been an indictment? I do not think we can. I do not think we should.

There is the question of the President's and Mrs. Clinton's investments in Whitewater and the potential diversion of funds from Madison to keep Whitewater afloat.

The question of whether there has been proper use of federally insured moneys in the Madison Guaranty Savings and Loan, the question of the commodities transactions and whether or not the trades were done in accordance with rules, and whether or not there has been the pattern and how long that pattern has existed, whether there is responsibility on the part of the exchange, the broker, Tyson Foods, or to the lawyers involved. We have an obligation to gather those facts.

Indeed, during my 12 years in the Senate, the Congress has not hesitated to hold oversight hearings into the conduct of the executive branch of Government. I ask you to look at the speed and the manner in which they arrived at these decisions. We have been languishing and anguishing over this Whitewater for months now. We have not even set up the vehicle by which to undertake the investigation. That is what the Senator is attempting to do in this resolution. He wants to set up the methodology for moving forward. We cannot even get that going.

I would refer us to the fact that the Congressional Research Service has identified 25 congressional investigations of alleged improprieties by administration officials or their family members between 1981 and 1992.

Yet, there have been no hearings involving Whitewater. Has the responsibilities of Congress changed? The answer is no. Has the public's right to know changed? I believe the answer is clearly no. There has only been one change; that is, a change in the political party in power at the White House.

To those who say it is the Republicans that are playing politics, the record shows that it is the Democrats who are playing politics. First, notwithstanding what they may say now, they opposed the appointment of the special counsel. They opposed it. There are no ifs, ands, or buts. If you would hear the debate that ensues, you would believe that it was the Democrats who came forward with the special counsel. It was only after a number of Democratic Senators—Senator MOYNIHAN and some others—said, "Look, we have to have a special counsel," very reluctantly dragged, kicking and screaming, did the Democrats go forward with that.

So this is not a question of "we in good faith went forward." They had to do it. They were forced to it. By the way, it was in the nature of politics. Of course, it was. There were political considerations that they had to weigh. If they had had their druthers, they would not have. I think now that they have they will use it as a shield, a shield to keep us from doing that which is our constitutional obligation.

They opposed holding hearings. Then, after finally agreeing to holding hearings, they really refused to set a time and a place and, more importantly, a course of action that is fair, that is fair to the American people, that is fair to this body, that will allow us to comport ourselves as we should.

Let me say I have no pride in authorship in the amendment that I have offered. I daresay that the distinguished majority leader could find a number of areas of disagreement, and this Senator would yield to him on some of those. I daresay I do not say that his methodology in attempting to structure an agreement of going forward has nothing that is redeeming. There are some important points that would at least get the process going. But there are some severe deficiencies that would make this a jerky, start-and-stop process where we say we are now going to be limited by the work of the special counsel unacceptable.

Are we really saying that we are not to be trusted as a committee of Congress with the responsibility of discharging our obligations in the manner which is appropriate and recognizes the special counsel's role? That is what I find somewhat egregious as it relates to the amendment which my distinguished colleague and friend puts forth as his substitute amendment.

I say let us look at the record. I repeated to Senator WALLOP before the fact that Congress had never delegated its oversight responsibility to an independent counsel; never. And the fact is that we asked ourselves did Congress get permission from Archibald Cox or Leon Jaworski to hold hearings? The answer is no. Did Congress get permission from Lawrence Walsh to review documents involving arms shipments to Iran? Of course not. Did Congress get permission from Whitney North Seymour, again another special counsel, to interview witnesses with information concerning potential conflicts of interest involving Michael Deaver? The answer is not at all.

Now, for the first time, when there are potential improprieties by a Democratic administration, the Democratically controlled Congress has decided that Congress cannot be trusted to conduct an investigation unless it is carefully circumscribed, unless the Congress literally gives to Mr. Fiske virtual veto power over congressional hearings.

This Senator has no problem with the special counsel doing his work. I have great faith in him, and I have heard colleagues raising questions about Bob Fiske, about his thoroughness, about his fairness, and the kind of person he is. I know him, and I repeat—because somehow it gets thrown back to me—this is not a question of his fairness, competence, or integrity; it is a question of Congress' proper role.

I think it is absurd to say that we should be limited in the manner in which the resolution which is now before us, the amendment now before us, would limit us to. We really are saying that, oh, no, you cannot be trusted to go forward, even if additional facts are brought forth that might bring us into other areas than those which are prescribed in this legislation authorizing us to go forward. I think that certainly was not the intent, or it should not be the intent of those who drafted it. But that is the impact of it. That is how I see it. I say that reasonable people can disagree on some of these elements contained in both proposals. I recognize that. I say in all good faith that to so limit us—and I have no problems with saying that the hearings should start no later than July 30. People can disagree and say we are going to be going out of session in a couple days thereafter. But, look, that is not a thing that I fall upon my sword for, or say that it is a critical issue. But to say we are limiting it to these few insular areas is wrong: to limit us to the Treasury area, what happened at the White House, the death of Vince Foster—in my manner of thinking, that terrible tragedy is one that was far overblown as it relates to the importance and significance of this case.

This Senator has never raised the possibility—and some have—as it relates to some foul deed in connection with his death. I think that thereafter the handling of certain aspects in the investigation may have been undertaken with a greater degree of care and concern. But, hindsight is a wonderful thing. I think there are some very real questions that have to be raised as it relates to who was permitted into his office, and why were they there, and what did they do, and how did they do it, and what about the papers, and where did the papers go, and were papers sent to Little Rock? Can we examine those partners? Were papers sent to various attorneys? There are going to be some very real questions as to attorney-client privilege that may come up regarding this situation. What were those papers doing there in the first place?

Those are some answers that, hopefully, we would be able to begin to get at. But that is rather limited. The question of reaching in and attempting to deal with whether or not there has been an attempt to get the various agencies to do certain things and to influence their actions, that is important. That is going to take time. That also, I think, is going to require us to have adequate staff to be able to investigate and to be able to swear and depose the various people who we come in contact with.

I do not believe that we can abdicate our obligations under the Constitution to engage in the oversight activities, and give the special counsel unique power that would result. I do not think Congress can give it up. I think it is a fundamental responsibility.

I am confident that this Congress can meet the challenge on how best to structure oversight hearings, while counsel investigates the various areas of activity. That is why I introduced the resolution that establishes, as I have indicated heretofore, a special subcommittee of the Senate Banking Committee to investigate and hold hearings.

By the way, are we really saying that we cannot get into the SBA matter? Or we cannot get into Dan Lasater and his stock trades? Are we saying that there are areas that the special counsel may not be involved in that we have to wait for him to determine? For example, are we going to be told that they are bringing in Mr. Lasater and ascertaining that in addition to his involvement in drugs, the records seem to indicate that huge sums of money were being churned from various accounts? Do we have a right to explore whether or not money laundering was taking place, as some have come and suggested to us? Do we have a right to explore Mr. Lasater and the connections of his former executive assistant, Patsy Thomason, who when he was in prison, ran what was left of his operation, and now is the Director of Administration at the White House, and who found herself in the office of Vince Foster on the night of his death, and what papers she did or did not take, or what action she had or did not have?

I think we have a right to examine Mr. Lasater. I think we have a right to look into the details of the bond trading that took place. I have to say that if the special counsel says, look, we are looking at the operation that was set up in Little Rock and run in 1983, 1984, 1985, 1986, right up until 1990 or 1992, that we are looking into them, and therefore we would ask that you not subpoena various people. I do not believe there would be one member of the committee who would say, yes, we should subpoena that person. We said to special counsel that we will tell you who the person is, and if you would like to examine them first—he said that to us, that there are people he would like to examine before you do. We would be willing to do this.

So it seems to me that if we are going to so limit the scope of this hearing and investigation and fragment it, why then we are kidding the American people, and we are not going to be discharging our responsibilities as we should.

I recognize that there has been good effort and good faith to a great degree in many of these areas, and I also recognize that while we may be accused of playing politics, that—and I think even the majority leader would say—there are political considerations that come from my colleagues on the other side.

I hope that we could have our debate and our argument in a manner which would not go beyond that which is necessary.

I understand that the leader has to use his rights to protect the interest of his party and of his position.

I also think in fairness to the whole congressional body, we should recognize there are politics at play here. It would be fallacious for one to say, however, that one side is engaged in politics and the other is not.

The problem is, that if we go too far in either political direction, we damage the credibility of the institution as a whole. That is not this Senator's wish. I still hold out the hope that we could develop a process to deal with some of the concerns this Senator has brought to the floor today.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments. We do disagree. And I would like to specify some of those disagreements now.

The Senator from New York spent several minutes arguing that the committee should be given the right to grant immunity to witnesses, and he suggested that it was the Democratic leadership that did not want to give the committee the power to grant immunity.

Mr. President, the Senator has evidently forgotten that on March 17 of this year, the Senate voted 98 to 0 for a resolution which includes the following statement: "No witness called to testify at these hearings shall be granted immunity."

The Senator voted for that resolution. Every single Republican Senator who voted, voted for that resolution. I repeat: The resolution stated as explicitly and as clearly as can be stated in the English language: "No witness called to testify at these hearings shall be granted immunity."

Now in a complete flip-flop, our colleagues suggest the committee should have the authority to grant immunity, and the argument is made, the words were: Will they never be able to grant immunity for all time?

Well, of course, that is not the case. That is not what our resolution says. Our resolution does what the Senate voted to do by 98 to 0. And now, having voted for that, our colleagues do a complete flip-flop and ask that the committee have the power which they just recently said the committee should not exercise, and that in itself tells the story of what is happening here.

Mr. D'AMATO. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. D'AMATO. It is only on that one point.

Mr. MITCHELL. Go ahead.

Mr. D'AMATO. I refer the majority leader to page 11 of the amendment, lines 17, 18, and 19. It says:

> To request a grant of immunity under section 6005 of title 18, United States Code, after approved by the independent counsel.

If the Senator will compare this language to the similar provision in his amendment on page 7, number (2):

> To exercise the powers of a committee under section 6005 of title 18, United States Code, for immunizing witnesses after consultation.

I have made it more difficult for the special subcommittee to grant immunity. In other words, before granting immunity, we need the independent counsel's approval. The majority leader says simply that immunity may be granted "after consultation."

So I do not see the relevance of the majority leader's argument.

Mr. MITCHELL. No.

Mr. D'AMATO. What I have said in my statement is that we go beyond what would be required to grant immunity.

We have not retreated on anything that we previously agreed to. I hope the Senator concedes that.

Mr. MITCHELL. No, I will not. Because unfortunately, as the Senator stated as he introduced his resolution, he made some changes.

Mr. D'AMATO. Yes.

Mr. MITCHELL. As we introduced ours, we made some changes.

Mr. D'AMATO. OK.

Mr. MITCHELL. The change we made was to provide that the committee shall have no power to grant immunity consistent with it.

The point the Senator made in his remarks really points up another flip-flop. He spent another 10 minutes earlier saying we should not have to do what the special counsel said; we should not be subject to what the special counsel said. That is the bulk of his argument on investigation.

Now he comes in and says: But we should give the special counsel the right to decide when immunity will be granted. I think it is another flip-flop.

On the one hand, the Senator argues that we should not be subject to the special counsel. On the other hand, he says that no immunity should be granted unless the special counsel approves it.

So it is just another example of what this is. It is a political circus. And the zigs and the zags and the backs and forths and flips and flops can be explained in only one way. There is not any consistent position here other than—other than—to criticize the President, to toss out innuendo and hope some of it sticks on President and Mrs. Clinton.

Make no mistake about it. The American people know what is going on here. Listen—just listen—to some of the words that have been spoken here in the early moments of this debate. Listen to these words: Millions of dollars went through accounts. Four verified attempts on a person's life. Money laundering. These are the most lurid of phrases. They have nothing, of course, to do with the President and Mrs. Clinton, but they are thrown onto the garbage heap in an effort to somehow make them stick.

Then the Senator from New York says, in a really classic quote:

> This Senator has never raised the possibility of some foul deed in connection with his death.

Of course, in the very denial, he is raising the possibility. We all remember those old campaigns where the candidate got up and said, "I have never called my opponent a Communist."

Mr. D'AMATO. Will the Senator yield for an observation?

Mr. MITCHELL. Sure.

Mr. D'AMATO. I do not really believe I said that. I was attempting——

Mr. MITCHELL. Did the Senator not state those words?

Mr. D'AMATO. I was attempting to illustrate the absurdity of some of the wild speculation surrounding the death. I even said, "I do not want to get into some of the details because it feeds more absurdity and more wild speculation." There have been all kinds of stories published and republished about the death—none of it proved.

Maybe the stories were titillating, but they were, for the most part, I thought, absurd. That is the spirit in which this Senator put forth his earlier statement.

Mr. MITCHELL. Mr. President, I just——

Mr. D'AMATO. I hope the leader will believe that, because if I am going to make a charge, you will know it. If I speak tongue in cheek, the leader will know that, as well.

I hope we will not belabor this point.

Mr. MITCHELL. Mr. President, let me just say that a familiar tactic has emerged in this Whitewater matter. Lurid and unsubstantiated allegations appear in print, often in so-called conservative or other types of journalism.

Then Senators get up here and repeat the accusations and say, well, the only way to dispel these is to have a full investigation. There must be some—words used today—"massive coverup." They must be hiding something.

So it becomes a self-fulfilling prophecy in a political circus. Somewhere something appears in print that contains a completely ridiculous allegation that is unsubstantiated, but is intended to cast aspersions upon the President of the United States.

And so people who oppose the President get up here and repeat the accusations and then say, "Well, now, there is this cloud over the President and we have got to help him out and somehow take this cloud away," they, having created the cloud. That is what is going on here.

I take the Senator's statement for what he just explained; that it is ridiculous. If it is ridiculous, I suggest we not repeat it on the Senate floor.

Mr. D'AMATO. If I might respond to my colleague, I believe that this is the only time I ever referred to that alleged suicide or those who attempted to put forth some kind of conspiracy theory connected to the death. Again it was only to make the point that there have been some very wild and speculative charges put forth. I have not tried to subscribe to those theories myself.

That does not deter me from saying I think we should go forward in a somewhat different manner than the leader is suggesting.

Mr. MITCHELL. I understand and accept that we disagree on that.

Mr. President, another argument was made earlier in an ostensible question and answer period. The words were, "Has the Senate ever denied itself the right to investigate something?"

Answer, "No."

"Isn't there, therefore, something wrong with our doing something which has never been done?"

Answer, "Yes."

So the argument from the other side is, if it has not been done before, we should not do it now.

Well, Mr. President, let us take a look at the resolution offered by Senator D'AMATO and apply that test, which our Republican colleagues have just presented, to their resolution.

In this resolution, the ranking member of the committee—and in plain English that is the senior member of the minority party, the senior ranking member; and in this case it is the Senator from New York, who happens to be here—would have, independently, on his own authority, the power to subpoena witnesses.

Now, will the Senator from New York tell me when that has occurred in the Senate?

Mr. D'AMATO. I indicated earlier there were areas that my friend has raised where I would be willing to consider making an accommodation on. It would seem to me that, if we did not limit the subject matter, the manner, the time, the time within which to issue a report, and other prescriptions, we could consider other accommodations—as long as we ended up with a committee that was fairly balanced.

Mr. MITCHELL. Mr. President, I take that to be a no.

Mr. D'AMATO. I am not aware that this has been undertaken before.

That was a pretty good political answer.

Mr. MITCHELL. Yes, it was. I can tell a no when I hear it in several hundred words.

Mr. D'AMATO. It was still a good political statement.

Mr. MITCHELL. The fact is, none of us knows of any such authority.

So, having applied to our resolution the standard that we should not do it because it has never been done, they include in their resolution something which has never been done.

For the first time, to my knowledge—and we are trying to research it because we are not sure about this; we are unable to find any authority for giving a ranking member of a committee independent authority to issue subpoenas. There is no such precedent. There is no precedent, at least none that I know of.

So, Mr. President, I suggest again this tells us what the real motive is here. This is not a serious effort. Everybody in America knows that. This is a political effort. This is an effort to hurt the President any way you can, because they do not have other tools at their disposal right now.

Just a couple of weeks ago, I was walking down the street in Portland, ME. A pickup truck pulled up and stopped at the red light. The driver rolled the window down and yelled out, "Hey, Senator, why don't you guys stop fooling around with that Whitewater nonsense and do some business?"

Before I got a chance to tell him that it was not me who was fooling around with the Whitewater nonsense, he rolled the window up and sped off. That is what the American people think.

Mr. President, almost a year ago, we stood out here on the Senate floor and we had a heated and controversial debate on the economic plan for this country presented by the President. Our distinguished Republican colleagues, one after the other, got up and said, "If the President's economic plan is adopted, the Federal budget deficit is going way up, unemployment will go way up, and economic growth will go way down." We all remember that debate.

Well, we passed the President's economic plan, and every single Republican voted against it.

What has happened since that economic plan passed? Why, it is the opposite of what our colleagues said. The deficit has gone down, unemployment has gone down, and economic growth is up. In fact, economic growth is so rapid and the decline in unemployment so rapid that the Federal Reserve Board has felt the need to raise interest rates four times in the past few months to slow down economic growth. That is what the people of this country care about.

But, of course, what do our colleagues have to say about that? Nothing. They do not have an economic plan for this country. They do not have a program for creating jobs in this country. They have a Whitewater program.

If you yell Whitewater often enough, if you make enough of these unsubstantiated, sensational allegations, and somehow try to create the impression that the President had something to do with them, and then suggest, "Well, my gosh, we are just trying to help the President; we look at these clouds over the White House; we have got to somehow get these clouds away"; why, Mr. President, we all know what is going on here. The American people know what is going on here—raw partisan politics.

Now I said from the beginning, and have stated consistently, that the Senate has a serious obligation under the Constitution and law to meet its oversight responsibilities. I said from the beginning, and I repeat now, we will do that and we will do it in a serious and responsible way that does not create a political circus.

That is why I and the other 97 Senators who voted—including the Senator from New York and all of our Republican colleagues—voted on March 17 that there would be hearings and "the hearings should be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr." That is what the Senate voted for, not to interfere with the ongoing investigation.

The resolution offered by our colleague from New York would do just that. It would directly interfere with the investigation of the special counsel because it would do that which the special counsel has explicitly asked not be done. It would get us into those matters that are still pending in the investigation and would thereby threaten and prejudice the investigation.

All during the debate, in answer to those accusations, they said, "Well, that will not happen because there will be no immunity." "No immunity." That was included, I believe, at the request of our Republican colleagues in the resolution.

Now here they come, just a few weeks later, and argue, "We've got to have the right to grant immunity," the very opposite of what they said and voted for just a few weeks ago.

That tells you something. That tells you that this is not a serious inquiry. This is an attempt to create a political circus.

The resolution which we have offered is consistent with and pursuant to the resolution which the Senate previously voted 98 to 0.

It implements that resolution in perfect good faith. The Republican leader and I have discussed this matter over several weeks and we reached agreement on several areas. There are some areas of disagreement. That is not uncommon. We disagree often. It is simply that reasonable people can and do disagree, and I have no criticism whatsoever of that fact. We tried hard to reach an agreement. Our positions were different. We could not reach an agreement.

But I believe that this resolution now being offered by the Senator from New York directly contradicts the resolution which the Senate previously approved by a vote of 98 to 0 and directly contradicts the stated public request of the special counsel. It would do exactly that which the special counsel has asked not be done and it would do exactly that which the Senate resolution, voted 98 to zero, said will not be done.

And, so, every Senator should understand that a vote for the resolution offered by the Senator from New York would be a reversal of vote cast on March 17. A vote for our resolution will be consistent with that resolution and would be an effort to implement it.

Mr. President, there will be a lot more talk in this debate. We know what is going to happen here. Our colleagues are going to get up and I am sure we are going to hear a lot more of these allegations in the form of non-allegations, assertions in the form of denials, and we are going to hear a lot of things said that are based upon rumor and innuendo and unsubstantiated reports.

The important thing for the American people to remember is this: a special counsel has been appointed. It was, indeed, requested by our Republican colleagues. The special counsel is himself a lifelong Republican, a man of experience and integrity, whose appointment was praised by the Senator from New York. The Senator from New York praised the special counsel as a man of integrity and honesty. He is now conducting an obviously thorough investigation. And he has asked us not to undermine his investigation. The resolution presented by the Senator from New York would do just that. It would directly undermine the special counsel's investigation in a manner which the special counsel has explicitly asked not occur. And, so, we have a special counsel, a lifelong Republican, a man of widely praised integrity, trying to do a job. And we are trying to do ours in a manner consistent with that.

The question before the Senate is very simple: Are we going to, for purely political purposes, do a complete flip-flop from the position we took in March? Do it in a way that undermines the special counsel? Or are we going to act in a responsible manner that is consistent with and implements the resolution passed by the Senate in March and, most importantly, complies with the stated request of the special counsel?

That is the issue before the Senate. I hope we can vote on this matter this evening. Let us let everybody have their say. It is my intention. We will stay here as long as it takes to have a vote, as long as any Senator wants to talk. And then we will vote the matter up or down.

I previously offered to have separate votes on my resolution and that of the Senator from New York. That was rejected. So under the procedure now we will vote on the resolution which I have presented.

I welcome the debate. I look forward to hearing from as many of our colleagues who wish to address the Senate and the American people. We want to proceed on this matter. Let us debate it. Let us vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I have other colleagues on the floor who would like to speak to this issue. Let me, if I might, point out two things.

No. 1, the March 17 resolution putting forth the compromise structured by the majority leader did not say that we would go out and capriciously grant immunity. Indeed, if you take a look at the language of this resolution, it also reflects our intent to work with the special prosecutor very clearly. On page 11 we say that we would only grant immunity after basically obtaining permission from the special counsel. The special counsel might even invite us at some point in time to grant immunity under certain circumstances. There might be any number of reasons. As I said earlier as a matter of policy we do not plan to arbitrarily and capriciously grant immunity, but that certainly should be the prerogative of the Congress.

Do I think we will exercise this authority? We probably will not—but it is not an option we want to preclude.

The majority leader says that you are not approaching this in the same spirit that you approached the March 17 resolution. I intend to read that resolution right now. Then I want to know how the resolution thwarts our previous intentions. The March 17 resolution said that the leaders would set up a procedure to proceed with an investigation, and hearings. That resolution was adopted in March. April came and went, May came and went and it is now June. If my colleagues on the other side of the aisle have their way, Congress would be out of this session and there would still be no committee. Let us not kid ourselves—this is politics and it comes from the other side. Even worse, it is stonewalling.

If we want to talk about good faith and efforts on the part of those submitting today's resolution, we should read page 18 of the resolution. Let us read it, starting on line 12:

> (A) to coordinate, to the extent practicable, its activities [that means the committee] with the investigation of the independent counsel;
>
> (B) to seek the full cooperation of all relevant investigatory bodies; and
>
> (C) to seek access to all information which is acquired and developed by such bodies.

Line 19:

> (b) The cochairmen shall meet with the independent counsel to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the special subcommittee.

This language clearly shows that we intend to work with the independent counsel.

On page 11 we limit the granting of immunity, pursuant to title 18 of the U.S. Code, to situations only "after approved by the independent counsel."

I want to know how that is at variance with the March 17 agreement? The issue we face today is whether we should have fair and comprehensive hearings. If we are going to so limit the hearings, as the resolution or the amendment put forth by the majority leader does, then we are not having fair hearings.

Let me ask, what is the difference between the language I just read and the language contained in the March 17 resolution? I will read the language again.

Line 17:

> To request a grant of immunity under section 6005 of title 18, United States Code, after approved by the independent counsel.

In our resolution of March 17, we said, "No witness called to testify at these hearings shall be granted immunity under sections 6002 and 6005, title 18, United States Code, over the objection of special counsel Robert Fiske."

Can I suggest to you that the provisions from today are one and the same with the provisions of March 17? It is written slightly differently—but the intent is clear.

I will tell you how the March 17th resolution came about.

On December 21, this Senator wrote to Chairman RIEGLE asking for a Banking Committee hearing on Madison Guaranty. On December 23, Chairman RIEGLE declined my request to hold a hearing. At that time, he did not decline because of any special counsel. At that time, we had another excuse—the Justice Department, headed by Donald Mackey, was undertaking an investigation into Madison Guaranty. That was the answer to my request for hearings back then.

In January, Senator MOYNIHAN suggested on Meet the Press that the Attorney General appoint a special counsel to investigate Madison Guaranty. We spoke about this for weeks and weeks. On January 11, Senators FEINGOLD, BRADLEY, ROBB and KERRY joined the call. On January 12, the special counsel was appointed and Senator DOLE called for the establishment of a Senate select committee.

January 12 was almost 6 months ago. Six months have passed, and we still do not have the special committee. Instead, we have a format suggested that will not do justice to creating a proper oversight committee and oversight role.

To suggest that, because we have said that we will cooperate with the special counsel and go to him for approval before granting immunity, that somehow this is disingenuous and a flip-flop simply is not accurate. Because we say we do not want to be so limited as to do this little minutiae part of the hearings does not mean we have flip-flopped. You see, Mr. President, when you hold hearings, you find that one thing may lead you to learn other things.

Under the majority leader's resolution, we could find ourselves precluded from following up these leads because we would be strictly confined from going into that other area.

Mr. BOND. Will the Senator yield?

Mr. D'AMATO. I am going to yield the floor and I do yield the floor at this time.

Mr. BOND. Mr. President, I thank my friend from New York.

It seems to me, as we pursue the questions that are legitimately a subject of oversight by the Congress, we need to be able to ask the questions and to follow up to assure people of the United States that they can have trust and confidence in those who are in high positions of authority in Washington, DC. It is, in fact, the legislative body's responsibility to exercise oversight over the activities of the executive branch. And, quite frankly, it is a matter of practical necessity—call it practical politics—people who are of the opposite political party are likely to ask the most difficult questions.

I was the one who asked Mr. Altman the questions in the banking hearing in February. Number one: Was the Madison Guaranty case handled like all other cases? He replied that it was, even though we now know and have found out that, prior to that time, there had been a special directive issued by Jean Hanson—who was to become the counsel for the Treasury—that any high-profile case be brought to the top level, to the attention of the officials in the executive branch.

I asked questions about whether there had been any contacts between the RTC or the Treasury and the White House. I was assured at the time there had not been. As we found out subsequently, there had, in fact, been contacts. It was not just a heads up given to the White House, because the special prosecutor had already been appointed, but there was a contact about the substance of the investigations. When we have to pursue questions about the activities of the officials in the RTC, the Treasury Department, for example, it makes sense that we find out what the underlying facts are.

There are questions that might legitimately be asked by majority members of the Banking Committee about how this matter was handled in the prior administration. Something very strange was going on that the Madison Guaranty questions were not being pursued. Was the previous administration concerned about the potential that it would look like politics if they raised the question of Madison Guaranty? Was there some effort prior to the current administration to keep the lid on what was going on in Arkansas? That is a legitimate question that I think Members on both sides of the aisle might want to ask, and there may be embarrassment for people, administrations of Republicans and of Democrats.

But we, I think, in the Banking Committee have a responsibility to find out whether the RTC is able to handle questions which become very sensitive, because of the nature of the individuals involved, in a way which inspires the confidence of the people of the United States.

It seems to me that the amendment put forth by our ranking member on the Banking Committee raises a number of issues which are within the oversight of the Banking Committee that should be pursued. Nobody is saying that there are criminal activities. We do not know what went on. But there are questions about the Arkansas Development Finance Authority. How was that operated? Were there questionable activities there? What about the investment activities of Value Partners One? Are these securities activities in compliance with the applicable Federal guidelines? What was the nature of the advice provided by Mr. Altman to the White House when he was heading the RTC?

Without knowing the underlying information, much of which is within the purview of the Banking Committee's oversight responsibility—some of which goes beyond—we may not be able to frame the questions properly. The Senator from New York has already raised the possibility that if the inquiry is narrowly limited in scope, perhaps there will not be an opportunity to follow up and ask questions which need to be pursued.

We do know of several instances where statements made in response to questions before the Banking Committee have had to be altered time and time again to bring them into conformity with the truth. That raises a lot of questions. I think the American people who have focused on this have a right to know what is going on. I know it has been said that some of the Members have been told, "Ah, get off the Whitewater stuff; forget it."

Well, we are going ahead—I hope we are going ahead—with important matters like health care reform and welfare reform. But we are able to do more than one thing at once, and it seems to me that there are legitimate questions which are being raised, not only in this body but by the media and certainly by people I have run into in my State, as to how the activities of the Federal regulatory bodies with respect to the activities associated generally under the umbrella of Whitewater have been carried out.

Is something wrong with the way that our Federal agencies are handling these investigations? Are there shortcomings that we need to overcome? Certainly this is one of the difficult questions that we have to face. Have we set up a structure which is adequate to search out wrongdoing or shortcomings in a Federal investigation of financial institutions?

Madison Guaranty is just one, but it has become a very interesting one because of the unusual activities in it and the interrelated nature of many of the activities.

I cannot give an answer as to what the total picture was because we have not had an opportunity to ask the questions. Maybe we will never get to the bottom of the questions. Certainly, if we rely solely on the special counsel, we will find out whether there are allegations of criminal violation. But I submit that that is not nearly enough to satisfy the legitimate questions that have been raised.

We have questions that we should pursue, that I think we must rightfully pursue, as to how the agencies assigned to administer the banking and savings and loan laws in this country, how the Resolution Trust Corporation, which was assigned to take over and carry out the resolution of failed S&L's, did their business. Did they do it properly? Did they do it without fear or favor of influence?

These, to me, are legitimate questions. We should be pursuing oversight investigations in every committee on matters that are of importance to the Government and to the people of this country. I believe this is an area where significant questions have been raised. They are not just questions about potential criminal conduct.

I hope this body will move ahead and agree that we ought to be able to follow the complicated tales of financial transactions in a committee set up to get this out in the open once and for all.

I believe the ranking member of the Banking Committee, the Senator from New York, has made it clear that he wants to do nothing that would interfere with the investigations of the special counsel. I think we all share that. But I do not imagine that the special counsel would be in a position to try to answer every question that has been raised. If it does not involve likely criminal conduct, then he should not pursue it.

But the fact that somebody's conduct is not criminal does not necessarily mean that it is appropriate for a Government official. There may be activities, and I think we have seen some, that raise real questions about the ability of those in office now to continue to serve. I hope we will have an opportunity to find out about those activities, both in terms of the credibility and the suitability of those who are now in office, and with respect to whether there are adequate guidelines, powers, authorities, and legislative directives for the regulatory agencies of the U.S. Government to pursue their duties in ferreting out wrongdoing, assuring the safety and soundness of our financial institutions, and pursuing those who might have caused a loss.

Mr. President, I hope the body will support the amendment by Senator D'AMATO. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Oklahoma, [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator BOND from Missouri, for his statement, and I also wish to compliment my friend and colleague from New York for his resolution.

Mr. President, I have spent a little time while Majority Leader MITCHELL was talking about his resolution and also condemning the resolution of the Senator from New York, and I just compared the two resolutions. The resolution of the Senator from New York is much more extensive as far as what Congress can look into it. But I have looked at the purpose of the subcommittee. It is "to conduct an investigation into, and study of, all matters which have any tendency to reveal the full facts about," and it mentions (A) to (Q), 17 different items that should be investigated, all of which are pertinent and relative to issues that have been discussed either on the floor or certainly received a lot of media attention, all of which are on issues that have not had answers. And some of us have said we should have answers.

And then I also looked at the resolution proposed by the majority leader as compared to the D'AMATO resolution, which says 17 things, mostly dealing with Whitewater. It also says we should look at the commodity tradings, and so on. That is not allowed by the majority leader. The majority leader says, well, we will look at three things: Communications between the White House and Department of the Treasury or the RTC relating to Whitewater and the Madison Guaranty Savings Loan Association—that is just communication between White House officials and RTC relating to Whitewater; Park Service investigation into the death of White House Deputy Counsel Vincent Foster; and 3, or (C), the way in which the White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

You can investigate three things under the majority leader's resolution. This is a coverup resolution. This does not allow an investigation. This does not allow an investigation into dozens, dozens of issues that have been raised where questions have been asked and have not been answered.

I do not say that lightly. I will tell my friend and colleague from Arkansas, and I told him that this was going to come up today—and I was assuming that the majority or the majority leader would come up with a resolution that would be defensible. I do not even think this is defensible. I hope the media will take a look at this resolution and see that it says in these three areas you can conduct an investigation. The Senator from New York has said that we should have an investigation considering several other things. I will just touch on them because they are not covered by the majority leader's resolution.

The Senator from New York says we should look at the operation, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions. You cannot do that under the majority leader's resolution. The relationship amongst Madison Guaranty Savings & Loan and other federally insured institutions and Whitewater Development Corporation; that is not covered by the majority leader's resolution. The management and business activities of Whitewater Development Corporation and its shareholders, including issues of personal, corporate, and partnership tax liability; policies of Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies regarding legal representations of the agencies including conflict of interest and cost controls.

Everyone in this body knows there have been a lot of allegations about conflicts of interest. We cannot touch that under the majority leader's resolution. I think we ought to have some answers. And I could go on and on. But I compliment my friend from New York. He has 17 things—and I do not even think that his list is all that exhaustive—that he says Congress should look at. Frankly, this committee, I do not think, is going to be going on wild goose chases. I do not think it is a witch hunt. But these are pertinent issues that have been raised by the media, that have been raised by countless people, and I think people are entitled to an answer and the committee is entitled to investigate.

If we pass the majority leader's resolution, it is going to be so constrictive that, frankly, it will not allow it. And I see that as a coverup. I do not even know why we would bother to do it. I see this resolution as a sham. I know I heard the majority leader say, well, Republicans are doing this—this is nothing but raw politics. I am looking at what the Senator from New York has in his resolution, and they all seem to be pertinent. Maybe if something is not, they could point it out.

I know he has one section in here dealing with commodities. That is not in the majority leader's resolution. Maybe some people think we should not have an investigation into the commodity futures trading of Mrs. Clinton. A lot of serious questions have been asked, but they have not been answered. Mrs. Clinton took a $1,000 investment and made over $100,000 in 1 year. She was dealing with a firm that was punished for directing or allocating accounts; that is, giving some favored customers the winners and giving some other customers the losers. To turn $1,000 into $100,000 in 1 year is a 10,000 percent rate of return. I have been in business all my life. I have never heard of anybody making a 10,000 percent rate of return. In the first day of trading, $1,000 was turned into $6,300—with a $1,000 investment.

That information has not been forthcoming. I have heard some discussion concerning subpoenas, and so on, and I have heard that the information is available; it just has not been made public. I think people are entitled to know the facts. I know I have heard Mrs. Clinton and President Clinton say they wanted to be forthcoming; they wanted to cooperate; they wanted to reveal this information. I think it should be revealed. I do not know how it can be revealed unless we have it covered under this resolution. It is not covered under the majority leader's resolution.

This resolution is thinly designed to cover as little as possible. You can see through it. It does not do anything. It does not allow information on commodity trading. It does not allow the committee to really ask questions. I cannot imagine this body constricting itself to such a degree.

We have had hearings on a multitude of issues and a multitude of investigations.

But we have never handicapped or handcuffed the investigators to such an extent as the majority leader would under his resolution.

I have asked questions before, like: "Were federally insured deposits of Madison Guaranty Savings and Loan diverted to President Clinton's 1994 campaign?" That is a question asked before. It will not be answered under the majority leader's resolution.

"Were federally insured Madison deposits diverted to pay the Clinton's share of Whitewater debts?" We will never get that answered under the majority leader's resolution.

"Did Bill Clinton apply pressure to obtain fraudulent federally insured Small Business Administration loans?" We can never ask that question under this resolution. And on and on.

I could go on. But the point is, I think, I have made the point. This resolution as offered by the majority leader is a sham. It says three things that you can investigate. The Senator from New York has a more extensive one. But if there is a paragraph or something that should not be in this resolution, I tell my friend and colleague from New York, I just read it recently, I would love to hear it. If this is something the Congress should not look at if one of these paragraphs A through Q is irresponsible, or goes too far, I think we should be told. Mainly, we should delete it if it goes too far.

But looking at the list—and I mentioned four or five, I could read all 17 paragraphs. It will not take that long. I will give you another one.

"F: The Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association." That is a good question that ought to have some answers.

"The pursuit by the Resolution Trust Corporation in civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association." And on.

Maybe some of these things will find no evil. That is fine with me too. I just do not think we should be restricted and say, "No, we cannot look at these things." What are we trying to hide? What is wrong if it is in this resolution? I know I heard the majority leader say this is in real conflict with the resolution that passed the Senate on March 17. I looked up the resolution that passed March 17. It says, "No witness called to testify at these hearings shall be granted immunity under sections 6002 and 6005 of title 18, United States Code, over the objection of special counsel, Robert B. Fiske, Jr." He said this resolution offered by the Senator from New York, Senator D'AMATO, undermines that. It does not.

If you look on page 11, it says "To request a grant of immunity under section 6005 of title 18, United States Code, after approved by the independent counsel." So it almost repeats what was in the resolution that passed some time ago. But the majority leader said "No, no. This undermines this resolution." No. It does not.

I might mention this is a sense-of-the-Senate resolution that passed March 17. Here we are in the beginning of June, and we have not done anything. It looks as if people are trying to say, "Well, we just want to hide behind the special counsel." If we do that, we will never get answers to questions that need to be resolved.

I would just tell my friend and colleague from Arkansas and others that have an interest in this—and I appreciate his interest—to get this behind is not to pass a resolution to limit the investigation so narrowly constricted that everybody can see that it is a sham, but to really allow the investigation to go forward, allow people to ask questions on a broad investigation, on pertinent, relevant information that has been out, to get answers, and to finish it. This resolution will never finish the so-called Whitewater episode. It hardly even scratches the surface. I think it would be a serious mistake.

I urge my colleagues to reject the resolution, the second-degree amendment, offered by the majority leader and to approve the resolution offered by the Senator from New York [Mr. D'AMATO].

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I would like to take just a moment on the majority leader's second-degree amendment to the amendment offered by the Senator from New York and point to what seems to me to be a fairly glaring technical issue in the context of this process.

I would call everybody's attention to the amendment No. 1547 which has been referred to repeatedly here this afternoon which was offered on the day of March 17, 1994 by the majority and minority leaders. It reads: "The majority leader and the Republican leader should meet and determine the appropriate timetable, procedures, and forum for appropriate Congressional oversight including hearings"—this is the important line, Mr. President—"excluding hearings on all matters related to Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, and Capital Management Services, Inc."

This is the amendment offered by the majority leader in conjunction with the minority leader, both leaders, and it said that there should be appropriate hearings on all matters—"all"—relating to Whitewater, Madison Savings & Loan, and Capital Management.

Here we are in early June, and we have a new amendment offered by the majority leader that says, "The Committee on Banking, Housing, and Urban Affairs shall conduct hearings into whether improper conduct occurred regarding communications between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to Whitewater Development Corporation and Madison Guaranty Savings and Loan Association."

So now it is "communications." It is not "all matters." Then the one today says relating to the "Park Service Police investigation into the death of White House deputy counsel, Vincent Foster." The resolution on March 17, Mr. President, does not even mention the death of Vincent Foster.

Then it says today, "the way in which White House officials handled documents in the Office of the White House deputy counsel, Vincent Foster, at the time of his death."

You would think that these two amendments were offered by two very different people.

March 17, all matters relating to Whitewater, all matters relating to Madison Savings & Loan, all matters with regard to Capital Management Services. And now today, just the communications between the White House and RTC, and for some reason we have now inserted the tragic death of White House deputy counsel, Vincent Foster.

You have to ask yourself, Mr. President, what has transpired since March 17, 1994, that would cause the majority leader to so dramatically change what he wanted the hearings to cover, from all matters relating to these subjects, to these very, very narrow items, and suddenly the inclusion of these activities regarding the tragic suicide.

I think we have questions that abound just from the reading of the two amendments offered by the same Member of the Senate. What could have transpired between March 17 and early June that would cause us to dispense with all matters, and now today we are just going to take a very fine microscope to it and talk about communications, a suicide, and the way White House officials handled or managed documents.

Just the nature of the change raises questions in terms of this overall debate.

I would contend that the amendment that was offered by the majority leader and the minority leader on March 17, which passed the Senate 90 to 0, unanimous, that all matters relating to these subjects would be subject to an appropriate hearing.

Mr. President, there has been a lot said today about these whole matters simply being nothing more than a partisan dispute. It is an internal contest, traditional politics. I do have to say that the fact that we were holding, for the last 12 years prior to this administration, about two official hearings a year, and during the 2 years of this administration there have been zero, does do damage to the credibility of those individuals arguing that suddenly the U.S. Senate has gotten into partisan matters.

The empirical evidence suggests that that is not a good argument for the other side of the aisle to make.

Mr. President, one other matter on the question of partisan or not: This is not a cloakroom exercise. The entire world has become a participant in this debate. Before the recess I pointed out that prestigious publications throughout Europe and the world are commenting on the issues. They are bringing to light new and different facets. Either these world journalists—who last I knew were not Republicans or Democrats—are savaging the United States and its leadership, or they are on to something that needs to be aired. And the only way I would suggest that we are going to quiet the world's curiosity, the world's investigation, and the world's commentary on these vast allegations, is for the Congress to accept its responsibility, have appropriate, fair, managed, hearings and put these questions to rest.

I can assure all who are interested that our having a hearing on some minuscule piece of this will have no effect whatsoever on the world's comment on this issue. Maybe we need to have our Senate staff just accumulate the volumes of accusations and allegations being made throughout the world, and particularly Europe.

Partisan, Republican, Democrat—being outlined in Europe, that does not seem logical. This is a world issue. They are talking about the leadership of the free world, and they are looking at our institutions to see if they have the capacity to resolve these matters in a civil and appropriate way, or whether we do not have the will to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think it should be noted this afternoon some of the allegations here and some of the, I guess, accusatory statements leveled at the majority leader and leveled at Members of the Senate on this side of the aisle, such as the reference, and I quote, I believe, my colleague from Oklahoma, Senator NICKLES, who called this a sham.

Mr. President, those are very harsh words. In fact, those are words that are untrue. Those words are not a proper description of this particular resolution before the Senate. As to the resolution, offered by the majority leader, I know and feel comfort and hope, certainly, that my colleagues on the other side of the aisle do not think that is a proper description.

Mr. President, we have had a lot made in the last few moments, a lot of statements made about why all of a sudden has the scope under Senator MITCHELL's resolution been narrowed—narrowed—and so, let us say, lessened compared to the scope of the resolution adopted by the Senate 97 to 0 on March 17, 1994.

Mr. President, on that point, I think that we need to look at the resolution that 97 of our colleagues voted for, including every Member of the other side of the aisle when voting. I think it should be noted, Mr. President, that we should look under the first section of the sense-of-the-Senate resolution, looking at section (D), and I quote:

> The hearings should be structured and sequenced in such a manner that in the judgment of the leaders that would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

Mr. President, what we are doing today is attempting to resolve in a reasonable and in a common sense way, and also in a way to meet our constitutional obligations and the obligations of the sense-of-the-Senate resolution of March 17, 1994, to get to the bottom of the so-called Whitewater affair. The proposal offered by the majority leader includes those areas, Mr. President, which actually go to the heart of the Whitewater issue, but no further.

For example, Senator MITCHELL in his wisdom does not introduce into the Senate a resolution that calls for a full-fledged investigation of Hillary Rodham Clinton's commodity trading and her futures trading. That is not tied to Whitewater. This is a separate issue. This is an issue which will be dealt with, I am certain, Mr. President, in another way and in another manner, I should say.

But when we look at the request at the sense-of-the-Senate resolution offered by our friend on the other side of the aisle, we see that it provides a totally, completely, unprecedented sweeping power to the ranking member to direct and to control this investigation. These powers, Mr. President, include the right to unilaterally issue subpoenas, notice depositions, to compel testimony and the production of documents, to organize the committee's hearing schedule, to hire the staff, to incur administrative expenses and to obtain IRS records.

Now, they called Senator MITCHELL's proposal a sham. I call this proposal a witch hunt. This is a witch hunt of the highest caliber, or I should say a witch hunt of the lowest caliber.

Mr. President, we have an obligation and a duty to work with the special investigator in this matter, Mr. Fiske, who, by the way, is a life-long Republican; someone that we have confidence in on this side of the aisle; someone that I am surprised that evidently the Republicans on the other side of the aisle do not have confidence in or the degree of confidence that we have on this side of the aisle.

But, Mr. President, I can only say, with regard to this, that if we adopt the proposal offered by the other side of the aisle this evening, we are going to rue the day, because we will never end in this session of Congress this so-called investigation. It is open ended. There is no limit on what we can expend, and we once again will be very, very sorry that we gave the powers to the committee of jurisdiction over this, that we granted the powers to the committee of jurisdiction that are unprecedented and certainly uncalled for.

Finally, I think that we ought to know and ought to take cognizance of the fact that, under the resolution proposed by the other side of the aisle, there is no termination date—there is no termination date whatsoever—as to when the committee of jurisdiction must even have a target for a completion of the so-called Whitewater investigation.

It includes, in addition to all of this, a request in the name of the Senate—I think the majority leader has brought this up earlier this afternoon—that "the independent counsel may make available all documents and information which may assist the committee, without regard to the potential impact on the Fiske investigation or any indication of the nature of the documents and information sought."

Mr. President, this does not sound to me like it is a cooperative effort with the independent counsel, Mr. Fiske, in trying to ascertain the facts and to present these facts not only to the U.S. Senate but also to the American people.

Precisely what Senator MITCHELL's proposal is is to get to the bottom of this matter and not have extraneous, irrelevant matter brought before the committee to unnecessarily consume the time of the committee and of the U.S. Senate.

We do have other work to do, in health care and welfare reform, in dealing with the budget, and in dealing with some 13 appropriation bills; the authorization bill for our armed services is coming before the Senate in just a few days; many, many items that are truly the first business of the Senate.

I think, Mr. President, that the majority leader has offered a reasonable resolution, one that complies with our constitutional challenges and obligations and certainly one that complies, I think, with the wishes of the American people in attempting to find out whatever facts in the Whitewater matter that would be revealing to us in this body.

Mr. President, I see other speakers seeking the floor and, at this time, for the moment, I do yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, the time has come, and this afternoon is the time for choosing. Washington is divided today in this Congress between two opposing camps. The first is made up of those who expect Congress to do its job and to exercise the oversight in this matter that it has been elected to do.

The second is made up of those who would do whatever it takes to block a complete congressional investigation—an investigation which, at the very least, would be embarrassing to the President.

While there are many cases, and there have been many, that make immediate Whitewater hearings necessary, the trail of intrigue began when people started looking into specifics of the overall Whitewater scandal, and how the failure of Madison Guaranty Savings & Loan came to cost the taxpayers of this country millions and millions of dollars.

Mr. President, when Bill Clinton was Governor of Arkansas, he appointed Beverly Bassett Shaffer, a personal friend and political crony, to head the Arkansas equivalent of the FDIC.

Mr. PRYOR. Mr. President, I wonder if the distinguished Senator from North Carolina would yield for a question.

Mr. FAIRCLOTH. Yes.

Mr. PRYOR. What is your definition of a political crony?

Mr. FAIRCLOTH. Someone who has contributed, worked in your campaign, been a political friend and worked closely with you on the same programs.

Mr. PRYOR. Is this a sinister relationship?

Mr. FAIRCLOTH. Is this what?

Mr. PRYOR. Is this a sinister relationship?

Mr. FAIRCLOTH. It is a relationship that went on with Bill Clinton and this Beverly Bassett Shaffer. She worked in his campaign. She was a personal friend. And if that does not make her a political crony, I do not know what would.

Mr. PRYOR. Is it wrong to appoint a political and personal friend to an office or to a position of public trust?

Mr. FAIRCLOTH. No.

Mr. PRYOR. Is the Senator from North Carolina saying this was wrong?

Mr. FAIRCLOTH. No, I am not saying it is wrong.

But if you will let me finish her relationship and how it turned out, it was wrong.

Mr. PRYOR. I would certainly like to listen to the accusations that I assume are forthcoming, because I can attest that this is a very fine person. She is an excellent attorney. There has never been any allegation/ of wrongdoing against Mrs. Shaffer. I look forward to hearing what the Senator from North Carolina is going to say about this so-called crony of then Governor Clinton.

Mr. FAIRCLOTH. I promise you, you will hear immediately.

In 1985, Madison Guaranty Savings & Loan was insolvent, and it should have been shut down by Beverly Bassett Shaffer, who had the authority to so do. But, instead, Madison Guaranty hired Hillary Clinton—the now President's wife, the then Governor's wife—and the Rose Law Firm to lobby Beverly Bassett Shaffer, Mr. Clinton's appointee, to allow them to use Mrs. Clinton's legal analysis that said Madison was solvent. This is documented.

Ignoring warnings from professionals inside her own department to get an outside legal opinion, rather than to accept that from the Rose Law Firm's attorney, Mrs. Clinton, Beverly Bassett Shaffer—the Clinton's friend—accepted Mrs. Clinton's legal opinion.

Incredibly, a supposedly independent regulator accepted the opinion of a $2,000-a-month lawyer for the savings and loan that was supposed to be regulated. And she did it in a letter which began "Dear Hillary."

The rest is history.

In 1989, Madison Guaranty Savings & Loan was shut down. Hillary Clinton's lobbying of her friend on behalf of Madison cost the American taxpayers some $60 million.

Yet, incredibly, after the FDIC shut down Madison, who did the Government retain to represent the taxpayers who had just been robbed? The Rose Law Firm. The same law firm that had cost the taxpayers millions now got $400,000 in fees from the Government to address the problem that they themselves had helped create.

If that sounds like playing both ends against the middle, it gets worse as you go on. The lawyer that the Rose firm put on the case was none other than Webster Hubbell—who went on to be the number three man, as we all know, in the Justice Department.

What is more, one of the largest outstanding bad loans at Madison Guaranty was owned by a man named Seth Ward, an officer in the Madison subsidiary of Madison Guaranty, and the father-in-law of Webster Hubbell.

Now, who do you think Seth Ward's partner in this venture was? None other than Webster Hubbell. What is more, documents released by Jim Leach, ranking Republican on the House Banking Committee now establish that funds from Madison Guaranty were diverted to personally benefit Governor Bill Clinton and his investment in Whitewater Development Co. Hillary Clinton, Bill Clinton, Webster Hubbell, and the Rose Law Firm used cronyism and political connections to rob the taxpayers at the beginning, the middle, and the end of the Madison Guaranty Savings and Loan fisaco. Yet the supposedly independent Resolution Trust Corporation still refuses to turn over relevant Madison Guaranty documents to Representative LEACH or to Senator D'AMATO. Additional evidence is surfacing that the Madison Guaranty scandal is not an isolated incident, but part of a larger pattern on the part of personal and political friends of the Clintons, of using access to regulators of federally insured financial institutions for personal enrichment. There are new revelations almost every day. Many have already heard about Dan Lasater, the cocaine dealer who was pardoned by Bill Clinton.

They have heard how he met Bill Clinton's mother at the horserace track in Hot Springs, AR, and how Lasater then gave Clinton's half-brother, Roger, a job and paid off his drug debts.

They know how he sponsored fundraising parties for Bill Clinton at his offices throughout the State, how he made his airplane available for Bill and Hillary Clinton, and how he bankrolled the Clinton campaign. They also have heard how he then was able to earn millions of dollars of business for his firm from the Arkansas State government as a result of personal support from the Clintons.

Before he was jailed for trafficking in cocaine, Dan Lasater was sued by First American Savings & Loan in Oak Brook, IL. The Federal regulators then hired Vincent Foster and Hillary Clinton, who then settled the case with their old friend—out of court and in a confidential settlement—sealed—that cost the taxpayers several million dollars.

In 1987, Dan Lasater began serving a prison sentence after giving Patsy Thomasson—who is today a top White House official—the power of attorney to manage his assets. Keep her name in mind, Mr. President. It will come up often.

But what many people have not heard the story of yet another soap opera involving Dan Lastater and Hillary Clinton's law firm, Home Federal Savings and Loan of Centralia, IL.

Incredibly, it turns out that the FDIC also hired Vincent Foster and the Rose law firm to represent the taxpayers in another case against their old friend, Dan Lasater. This time it was a $4.6 million suit against Lasater's company for unauthorized trading the Home Federal's Treasury Bond futures account.

As if that were not incestuous enough, Dan Lasater's defense attorney in the case was yet another lawyer with ties to the Rose law firm.

It turns out that Thomas Mars, a Rose law firm attorney who was supposed to be suing Dan Lasater in the First American Case, a few months later began defending Lasater in the Home Federal case.

Neither Vincent Foster nor Thomas Mars notified the FDIC of the conflict of interest. Because Mars had worked on the First American case, he had inside information which gave him an advantage in negotiating a settlement for Dan Lasater in the Home Federal case.

The result? Vincent Foster advised the FDIC's agent in the case, King Betz—who was not told about Lasater's ties to the Clintons—that they could not get any more than $250,000, and to settle. Mr. Betz was also never told that Thomas Mars had previously worked with Vincent Foster and Hillary Clinton on the FDIC's First American case.

I think King Betz put it best when he learned—after the fact—of the incestuous connection. He simply said, "He can't do that!" Well, Mr. President, he did. The American taxpayers picked up the check, and now they have the right to expect their U.S. Senators to at least investigate the matter.

Mr. President, Vincent Foster cannot testify about what happened with Madison Guaranty Savings and Loan. He cannot testify about what happened with Dan Lasater and First American Savings and Loan.

He cannot testify about Home Federal Savings and Loan and his 5 cents on the dollar settlement with his old associate from the Rose law firm.

Vincent Foster died under very mysterious circumstances. His office was searched for 2 hours after his death by Margaret Williams, Hillary Clinton's chief of staff, and by Patsy Thomasson—the cocaine trafficker Dan Lasater's legal agent I spoke of earlier. Patsy Thomasson is now a top White House assistant.

They were aided by Bernard Nussbaum, then the White House legal counsel, and a lawyer who specializes in white collar crime. He went through Vincent Foster's papers and did not permit investigators to examine any documents he uncovered in the search.

He then transferred files relating to the Whitewater Development Co. to a personal lawyer for Bill and Hillary Clinton.

The office was searched for a suicide note. One could not be found. Six days later, an undated and unsigned note mysteriously appeared in a briefcase that had been previously searched by Bernard Nussbaum in front of Federal agents. It was torn into 28 pieces, yet had no fingerprints on it.

Mr. President, the legal agents of President Clinton, Mrs. Clinton, and the convicted cocaine trafficker who is implicated in the two cases I just spoke of, admit that they removed documents from Vincent Foster's office which directly related to Madison Guaranty.

No one knows what other files were removed. The agency Hillary Clinton wants to put her hanging out friend Ricki Tigert in charge of, the FDIC, is investigating any number of Whitewater cases. And we want to put Mrs. Clinton's favorite hanging out friend in charge of the FDIC.

Mr. President, there are specific instances that require investigation, yet we still have no congressional hearing and no rational person can defend the coverup. The U.S. Senate should be holding hearings this afternoon. Members of Congress who are aware of many, many more facts in the whole web of intrigue that has collectively come to be known as Whitewater, know that the whole matter will not go away. There is not any way we are going to sweep it under the table. It has to be investigated.

I am proud to join my colleagues in supporting this call for immediate hearings on the matter, complete and total hearings.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, first, let me indicate that I had apparently given the majority leader sort of a consent agreement that we thought would give us opportunities to offer amendments and also to try to shorten the debates so we could maybe conclude action on this matter fairly quickly.

I ask unanimous consent that that consent agreement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHITEWATER CONSENT

I ask unanimous consent that S. 1491 be temporarily laid aside and the majority leader be recognized to offer a Senate resolution regarding Whitewater, and it be subject to the following agreement.

That following any opening statements regarding the Senate resolution by the majority leader, the Senator from New York, Mr. D'AMATO or his designee be recognized to offer a substitute amendment on which there be—hours for debate, to be equally divided in the usual form, and that no amendments or motions be in order, prior to the vote on or in relation to the D'Amato substitute.

I further ask unanimous consent that following the disposition of the D'Amato substitute, if agreed to, the Senate proceed to adoption of the Senate resolution, without any intervening action or debate.

Finally, I ask unanimous consent that if the D'Amato substitute is tabled or defeated, the resolution be open to further debate and amendments, and that no call for the regular order serve to displace the Senate resolution.

Mr. DOLE. Mr. President, it has already been referred to a number of times by colleagues on both sides what we did last March. It seems like a long time ago. By a vote of 98–0 the Senate directed the two leaders to determine the scope and the timetable and the forum for hearings into the so-called Whitewater affair.

And I will say that during the past 2½ months, the distinguished majority leader and I have attempted to fulfill this mandate. We have met numerous times. We have exchanged correspondence detailing our proposals and counterproposals. Our staffs have met and attempted to iron out the differences.

I guess it is fair to report—it has already been indicated by the action this afternoon—that we have reached an impasse. At this time, I think further discussions would probably not serve any useful purpose.

Let me add that throughout this process the majority leader has acted in good faith, and I wanted to thank him for his willingness to sit down and attempt to find some common ground. But the bottom line is, we have not found the common ground. The common ground eludes us, and we continue to disagree on several key issues.

The majority leader insists that the bulk of Whitewater falls within the jurisdiction of the Banking Committee, and I agree that the Banking Committee has a big, big stake. But there are numerous Whitewater-related issues, and I am not making any accusation of anybody. I am saying these are issues that have been raised in public. I never made any statement that would accuse anybody of anything, that I can recall.

But there are other Senate committees that have jurisdiction over some of the allegations that have been made.

The Small Business Committee has interest in diversion of SBA-backed funds from Capital Management Services to the Whitewater partnership.

The Judiciary Committee has an interest in the Justice Department handling of the RTC criminal referrals, and in the delayed recusal of the U.S. attorney in Little Rock from the prosecution of David Hale.

The Energy Committee has an interest in examining how park police handled the investigation into the tragic death of Vince Foster.

The Finance Committee has an interest in various tax issues raised by the Whitewater transaction.

The Permanent Subcommittee on Investigations has general oversight responsibilities.

And the Agriculture Committee may wish to examine the First Lady's commodities trades, which press reports indicate may have been used to pay off some of the interest on the Whitewater loans.

The majority leader insists the full Banking Committee should be the exclusive forum for a hearing. Normally around here, we have select committees. I agree with the Senator from Arkansas, we are not trying to run up the tab here, and if we had such a committee, we would have to make certain that we had staff from other committees detailed, and things of that kind, to hold down the cost.

So I do not quarrel with anybody who says the last thing we need is to give somebody a blank check and say go out and start an investigation. We proposed the creation of a special select committee equally divided between Democrats and Republicans and composed of various committees of jurisdiction, including the Banking Committee.

After this proposal was rejected, in an attempt to accommodate the majority leader's concerns, I suggested the establishment of a special subcommittee within the Banking Committee. But, unfortunately, the second proposal was rejected as well.

So I requested that we determine at the outset, with a degree of specificity, those issues that would be subject to the hearings. The majority leader has never directly responded to the specific list of hearing subjects that I proposed to him.

But I will just go back and suggest that even in the resolution passed March 17, 1994—which is on page S. 3176 of the CONGRESSIONAL RECORD—it says:

> It is the sense of the Senate that the Congress has a constitutional obligation to conduct oversight of matters relating to the operations of the Government, including any matters related to governmental investigations which may, from time to time, be undertaken.

That is the first point I would make. We have an obligation; it is in the Constitution. There are about five basic laws that give us oversight responsibilities and, in my view, we are not meeting our responsibilities. We are letting somebody by the name of Fiske decide what we will do and when we will do it and how much we will do.

> The majority leader and the Republican leader should meet and determine appropriate timetable, procedures, and forum for appropriate congressional oversight, including hearings—

And this is what we agreed to, 98–0.

> including hearings on all matters related to Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, and the Capital Management Services, Inc.

Now we have sort of narrowed the scope. By a vote of 98–0, we were going to make a thorough investigation. Now we are going to let that be determined by Robert Fiske, who somehow is going to have this veto over Congress, and he will decide what we do and when we do it.

If anybody wants to vote that way, that is certainly their prerogative. I think it may be the reason why some people think it is time for a change in the Senate of the United States. This is certainly a partisan effort by the Democrats. They have the majority. I do not think we would act the same if we were in the majority, but we would like to be given the opportunity to see what would happen. That may come, because if we are going to be limited on what we can do and when we can do it and how we can do it, and have to wait to get the approval from some bureaucrat hired by the Government to make an investigation—and he is a fine man; I have no quarrel with him, but we have some responsibilities, too.

So I want my colleagues on both sides of the aisle to understand this issue is not going to go away. We do not have the votes. The majority party has the votes. I assume this will be a party-line vote, and it will be a very limited hearing, very limited in scope, very limited in telling the American people anything about anything. Then we are supposed to accept that because we are the minority; we have 44 Members and the majority has 56.

I just say, we probably will revisit this a number of times. It is not that we do not have confidence in the Banking Committee, but we would like to have a committee where you have equal number of Republicans and Democrats.

I did not bring the chart, but we had some 27 investigations of Republican branch actions during the 12 years President Reagan and President Bush were in the White House, because the Democrats had a majority in Congress most of those years. And even in some of those years when Republicans had a majority, we investigated our administration.

Now we do not have any desire on the part of Democrats at all to have any investigation. They say, "Oh, first you want a special counsel, then you got the special counsel. Now you want something else." Nobody said if we got a special counsel that would be the end of it.

So we do not have any specificity. Everybody is going to take the Fiske, as I said. We are going to let Mr. Fiske determine what the Congress does. Mr. Fiske will tell us what we can do. If we have reached that point in the Senate of the United States, we are fairly powerless to do much of anything.

So I have never questioned the importance of cooperation when we can with the independent counsel. I have always insisted the Senate has its own job to do. On the other hand, we want to use this incremental approach, allow Mr. Fiske to be the traffic cop by telling us if and when it is appropriate to conduct our oversight hearings and on what subjects. So we have one person, one person telling the Congress of the United States, 100 Senators and 435 House Members, well, maybe next week you can investigate this little piece. Then if you are good boys and girls next week we will let you investigate this little piece. It will not be a full-blown investigation but circumscribed by an act of the Senate what you can do in the committee.

It just seems to me it is sort of a sad day in the Senate when we have to take this and like it. So he is going to tell us when to stop and when to go. Stop and go, stop and go.

And we are supposed to finish all these, according to the majority leader's resolution, by the end of this Congress. We are not even going to start until late July, or maybe even August. Then there is an August recess. Then it is September. This is an election year. We will not be here very long in October. But we are told we have to file the report no later than the end of the 103d Congress. I guess we could come back after the election and continue the hearings, and I assume that would be our hope.

About all I can say about this resolution is that it is going to be a confirmation that we are going to have some hearings, although we thought we had that confirmation on March 17 when we passed by a vote of 98 to 0 we would have hearings. So now it is March, April, May, June, and we are told we might have hearings in July.

Mr. Fiske has been out there 5 months looking around. He is probably doing a great job and maybe when he gives us permission he will write us a little note and say it is all right for the school to begin this class; if I have any problems about any of the questions asked in the committee, we will send somebody up from our office and say, "Oh, you can't ask that question, Mr. D'AMATO; you can't ask that question, Mr. MURKOWSKI." So we are going to have this special counsel running the whole show.

Now, if he wants to run for the Senate, that is fine. If he wants to be in the Senate, that is fine. But we have some responsibility, too. We got elected. We have oversight responsibilities.

What about the other issues? What about hearings on SBA loans? What about the Justice Department issues? What about the RTC's handling of criminal referrals, the Whitewater transaction itself, the important S&L regulatory issues? After all, the failure of Madison Guaranty cost the taxpayers approximately $50 million, perhaps $60 million. That is a fairly substantial sum to most Americans. Around here we throw around billions. Maybe $50 million does not deserve more than a 2- or 3-day hearing. But to the American people it deserves a 2- or 3-day hearing or 2- or 3-month hearing if necessary to find out precisely what has happened.

So does Mr. Fiske have veto authority, as I said, or is this just a sophisticated way of passing the buck?

Now, we ought to be sensitive to his investigation. We have never said we would not be sensitive. We have given him a 5-month head start. We have agreed not to grant immunity to any hearing witness over Mr. Fiske's objection, thereby solving the so-called Iran-Contra problem.

But, Mr. President, "taking the Fiske" should not become an excuse for abdicating our own oversight responsibilities.

Mr. Fiske, as I said, is no doubt a fine person and fine lawyer. But as I have said before, the independent counsel job is criminal and civil prosecution. Congress' job is full public disclosure, public oversight. Mr. Fiske was appointed by the Attorney General. We were elected by the people of the United States, whether it is Wisconsin, whether it is Kansas, whether it is Alaska, whether it is New York, whether it is Kentucky, or whether it is Arkansas.

We were elected by the people of the United States. Mr. Fiske gets his mandate from a Department of Justice regulation. Our mandate, the Senate's mandate, comes from the Constitution itself. And let us not forget there are plenty of precedents for holding congressional oversight hearings while civil and criminal investigations are underway. Michael Deaver, BNL, and BCCI all come to mind.

So, anticipating a potentially adversarial hearing, I have insisted that the rights of some Senate Republicans be protected. I have specifically requested either cochairman—Democrat and Republican—should be authorized to issue subpoenas, direct staff to obtain testimony of witnesses under oath, schedule hearings, and call witnesses to testify. But all those have been rejected.

This is going to be a majority show. The Democrats are going to determine who is called and who is subpoenaed and what the investigation is going to be about. I have urged that the Senate special subcommittee be authorized to hire additional staff, including special investigators and outside counsel, and that additional resources from the contingency fund of the Senate be made available on an equal basis to the two cochairmen. The majority leader has agreed to allowing the chairman of the committee to hire additional staff, but he has not agreed to equal distribution of these new resources.

So the point is we have agreed on some issues, but on the major issues there has been no agreement. As I have said, the bottom line is that any agreement eludes us.

This amendment reflects the last formal proposal by the Senator from New York and myself, and I think every other Republican will cosponsor this. It is virtually identical to the resolution introduced before the recess by my distinguished colleague from New York, Senator D'AMATO. What our resolution would do is to create an 18-member special subcommittee on the Banking Committee, which would be charged with conducting all aspects of the Whitewater hearings. Ten members of the Banking Committee would sit on the new subcommittee. The remaining eight members would be selected by the majority leader and myself from those committees with a jurisdictional interest in Whitewater. He would select four and I would select four. There would be nine Republicans and nine Democrats, fair. Fair, just as the Ethics Committee is three and three—fair. Do you want the perception of fairness or do you want—what is the ratio on the Banking Committee, if might ask the Senator from New York?

Mr. D'AMATO. It is 11 to 8.

Mr. DOLE. You know how many votes we will win if the Democrats have 11 and we have 8—zippo, none, unless there is a change.

So there is precedent for this approach. In 1989, the Banking Committee established a special subcommittee to investigate the alleged abuses of HUD.

In 1980, the Judiciary Committee also established a special subcommittee to investigate the so-called "Billygate" affair. The unanimous-consent agreement creating this subcommittee provided that two members of the Foreign Relations Committee could serve as subcommittee members.

The resolution does not lay out a hard and fast timetable for hearings. Instead, it establishes the forum for hearings, the scope of the hearings, the powers of the subcommittee, and then directs the two cochairmen—it seems to me this ought to be the two cochairmen—to consult with Robert Fiske about scheduling.

We are sensitive to Mr. Fiske. We are sensitive. We understand there are problems. And it should not be left to the leaders. It ought to be left to the committee that is going to have jurisdiction, the Senator from Michigan [Mr. RIEGLE] and the Senator from New York [Mr. D'AMATO]. They are both very capable, very intelligent, and will do a good job if given the opportunity.

It would have been my preference to resolve this matter off the floor of the Senate. Let me again say that we have tried in good faith with the majority leader and the Republican leader, but we have failed. In this case we could not come to agreement. And if we continue to delay, the big winners will be the stonewallers and the foot draggers, and the big losers will be the American people, who deserve nothing less than a full and complete accounting of the entire Whitewater affair.

Let us not forget—and I think we should not forget—that these hearings are in the best interests of President and Mrs. Clinton. Rather than causing more political heartburn, a full public hearing of Whitewater should stop the drip, drip, drip of allegations and put this matter to rest once and for all.

Mr. President, this amendment should pass today, but if it fails we will be back probably again and again.

Now, we understand, of course, where the votes are. But I would hope that some of my colleagues on the other side will go back and take a look at other select committees and how they were composed, and the numbers of Republicans, numbers of Democrats, the authority and the powers given to each side, and maybe somehow we can break this gridlock—this gridlock we have had month after month after month.

And I do not see the press writing about any gridlock on Whitewater. If it was something Republicans were holding up for 2 days, we would be accused of gridlock. We have been at this starting last December—December 21. So it seems to me that maybe people would counsel patience. So we were patient: January, February, March, April, May, June, and now we are told, well, maybe in July, the 29th of July. It will probably get into August. If Mr. Fiske says yes, then we can proceed on this very limited basis with hearings.

I do not see how we are going to accomplish very much. We are not going to accomplish very much, as hard as you try and as sincere as everybody is on that committee. And what is going to happen if somebody asks a question, let us just say about commodities, when there is a witness up there.

Is somebody going to say you cannot answer that question? Is Mr. Fiske going to run up and say, "Hold it. I am not investigating commodities"?

So it seems to me that we are getting ourselves in a box. We are getting ourselves in a corner. If there are going to be hearings at all, they will be right before the election. I do not think that would be the most desirable time for hearings.

But even though the press has been fairly quiet on Whitewater, the facts are there. The allegations are there. As I have said at the outset, I have never made any that I recall—if I did, I apologize—any allegations about anybody who might be guilty of any violation of any law. But that is our job to find out. And perhaps no one was in violation of any rule or any regulation or any statute. So we are not going to know, because we have to wait for the special counsel.

In speaking about the special counsel, I wanted to correct the story that appeared in the Washington Post today. I just quote. It said:

> Dole first demanded appointment of a special counsel, even though he blocked passage of legislation in 1992 to extend authority for appointment of independent counsel. Then, when one was named, he called for congressional hearings.

The reality is that my first move on Whitewater was the request for hearings in a letter to Senator RIEGLE of December 21, 1993. It was not a request for special counsel. In addition, my call for a select committee preceded by a few hours Attorney General Reno's decision to appoint a special counsel. So my opposition to independent counsel is not inconsistent with my support for a Whitewater special counsel. I opposed reauthorization of the independent counsel statute in part because it was unnecessary. The Attorney General already has the authority to appoint a special counsel in extraordinary cases, as she did in this case.

I just wanted to make that correction for the RECORD, because some people read stories in papers. Otherwise, I found no problem—well, it would be better if I had written it by myself. But, in any event, that is beside the point.

I say to the ranking Republican on the Banking Committee that I do not know how long, but I assume sooner or later we will vote.

I urge my colleagues on the other side to think about the ramifications and the precedent we are setting here today. We are setting a precedent. They are not always going to be in the majority. It may be us next year. It may be us 2 years from now. But if this is a precedent that we are going to set: When you have your own party in the White House, when you have the majority in the United States Senate, you try to shuffle this off to some little—I do not say little committee in that sense—but to some committee which does not have total jurisdiction, and let people come in and ask questions but not have any voting powers, including some from the Judiciary Committee, then I think we set a precedent that, in my view, will haunt somebody, if not this year, next year or the next year. It will come back, because what goes around always comes around.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. D'AMATO. Madam President, will the leader yield?

Mr. DOLE. I am happy to yield.

Mr. D'AMATO. The leader was intimately involved in drafting this March 17 sense-of-the-Senate resolution—I note it is a sense-of-the-Senate—to say we go forth with hearings.

I agree with the fact that it says "including hearings on all matters related to Madison Guaranty Savings and Loan Association."

Is the leader aware that the March 17 resolution was a sense-of-the-Senate resolution, and that the resolution that is before us now at the desk leads us to the point where we cannot even talk to the Federal Deposit Insurance Corporation and ask what they did or did not do with the Whitewater matter? Does the leader agree?

Mr. DOLE. I think that is correct. In the event that the resolution is adopted, I hope we will have a chance to amend it and put in the very precise language we used on March 17, which passed the Senate by a vote of 98 to 0.

Mr. D'AMATO. Under the legislation that is at the desk today, we could not even ask the Federal Deposit Insurance Corporation how they made some of their findings—nor could we ask the Office of Thrift Supervision. That is how limited this legislation is. It has prevented the Congress from doing exactly what we all said we wanted to do on March 17. That was to review all matters related to Madison Guaranty Savings and Loan Association.

So I certainly do not think it was the intent on the 17th of March when the leader sponsored this, to limit us so severely in the hearings. Was it, Mr. Leader?

Mr. DOLE. My view is that, in fact, it was a compromise, or something worked out between the leadership and others on both sides, in good faith. We were talking about all matters. Now we are talking about three matters, and only when Mr. Fiske sends us a little note telling us it is OK for those of us in the Senate, who are elected by the people of the United States, to proceed, as long as he wants us to proceed. Then he will say stop, go, stop and go. This could last for a long, long time.

Mr. MURKOWSKI. Madam President, I wonder if I could ask the Republican leader to yield on that point, because I want to make sure that I understand correctly.

The vote that we had, which was passed 98 to 0, to authorize the two leaders to address a procedure that would allow the Senate to initiate the process of investigation encompassed all matters. Clearly, that was the interpretation. But what has come out as a consequence of the proposal by the majority leader is not something that covers all matters, but something that is limited basically to three items.

In the Republican leader's discussion with the majority leader, I assume that there was no agreement on this limitation. That simply was a proposal by the majority leader as a second-degree amendment to the D'Amato matter which is before this body.

So this was initiated in a constrictive manner, just the three items, which was contrary to the Republican leader's agreement, as I understand it. Because, as I read it, it says the majority leader and the Republican leader should meet and determine the appropriate timetable, procedures, and forum for appropriate congressional oversight and on all matters regarding Madison Guaranty Savings, and so forth and so on.

Mr. DOLE. Let me just say that I think, based on the question, it might be helpful to put in the exchange of correspondence the majority leader and I have had. We have never made our correspondence public. We operate in good faith. But I do not think there would be any objection because it talks about the scope. And in my letter, I outline the scope in 12 different areas—14 different areas, including No. 14, which is "Any issues developed during or arising out of the hearings." Because something is going to come out of the blue, just as it did, and you remember Watergate. Somebody asked about recording devices. You have to have some protection there on the scope.

So I ask unanimous consent the exchange of correspondence be included in the RECORD at this point.

I modify that. I ask unanimous consent that my letters to the majority leader be included in the RECORD. He can determine whether or not his answers should be in the RECORD. So only my letters to the majority leader.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, March 22, 1994.

Hon. GEORGE J. MITCHELL,
U.S. Senate,
Washington, DC.

DEAR GEORGE: I am writing as a follow-up to the sense of the Senate resolution passed last week. The purpose of this letter is to outline what I believe to be the various options available to us as we attempt to implement the resolution.

As you know, the resolution expresses the "sense of the Senate" that the hearings should be "structured and sequenced in such a manner that . . . they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." In my view, the best way to achieve this goal is to empower a single committee with the exclusive authority to examine all of the so-called Madison/Whitewater/Capital Management allegations. As you may know, a number of committees and subcommittees have a jurisdictional interest in one or more of these allegations. These committees and subcommittees include: (a) the Committee on Banking, Housing, and Urban Affairs; (b) the Committee on the Judiciary; (c) the Committee on Small Business; (d) the Committee on Energy and Natural Resources (and more specifically, the Subcommittee on Public Lands, National Parks and Forests); (e) the Committee on Finance; and (f) the Permanent Subcommittee on Investigations.

It appears there are at least four options:

1. Special Committee. One option would be to establish a Special Committee. To ensure that no questions are raised about the Special Committee's impartiality, the Special Committee should be composed of an equal number of Democrats and Republicans and co-chaired by two Senators. One co-chairman would be chosen by you, and the other co-chairman would be chosen by me. The remaining members of the Special Committee would be designated by the Chairman and Ranking Member of each of the committees and subcommittees that have a jurisdictional interest in the Madison/Whitewater/Capital Management allegations. For example, the Chairman and Ranking Member of the Small Business Committee would each designate a member of that committee to serve on the Special Committee.

At a minimum, the Special Committee should have the authority to issue subpoenas for the purpose of obtaining testimony and for the production of documentary or physical evidence. Obviously, a more detailed description of the powers and mandate of the Special Committee would have to be outlined either in a Senate resolution creating the Special Committee, or in a mutually acceptable charter.

2. Multiple Hearings. A second option would be to allow each committee and subcommittee with a jurisdictional interest in the Madison/Whitewater/Capital Management allegations to conduct its own hearings. To expedite this process, we could both agree on a list of hearing subjects, the appropriate committee or subcommittee to conduct each hearing, and a timetable for the hearings.

3. Select Committee. A third option would be to establish a full-fledged Select Committee. Like the Special Committee, a Select Committee should be composed of an equal number of Democrats and Republicans and co-chaired by two Senators, one selected by you and the other selected by me. Unlike the Special Committee, all of the members of the Select Committee would be chosen by the two Leaders. As you know, creating a Select Committee would require passage of a Senate resolution.

Earlier this year, my staff prepared a Select Committee resolution, which I would be happy to share with you.

4. Joint Hearings with the House of Representatives. Earlier today, the House of Representatives overwhelmingly adopted a resolution that is virtually identical to the resolution passed by the Senate last week. In light of this development, perhaps the Senate and the House should conduct hearings on a joint basis. The obvious benefit of this approach is that it would minimize interference with Mr. Fiske's investigation.

George, it is my hope that we will able to settle the "timetable, procedures, and forum" for hearings shortly after we return from the Easter recess. During the recess, our respective staffs should meet to refine the process.

Sincerely,
BOB DOLE.

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, April 11, 1994.

Hon. GEORGE J. MITCHELL,
Office of the Majority Leader,
U.S. Senate, Washington, DC.

DEAR GEORGE: As a follow-up to my letter of March 22nd and our discussions prior to the Easter Recess, I am enclosing a proposal to establish a Special Committee to examine the Allegations concerning Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, and Capital Management Services.

Please let me know what you think of the proposal and how you would like to proceed.

Sincerely,
BOB DOLE.

Enclosure.

WHITEWATER SPECIAL COMMITTEE PROPOSAL—APRIL 11, 1994

The sense of the Senate resolution provides that hearings should be "structured and sequenced in such a manner that . . . they would not interfere with the ongoing investigation of Special Counsel Robert J. Fiske, Jr." The best way to achieve this goal is to empower a single committee—a Special Committee—with the exclusive authority to examine all of the allegations concerning Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, and Capital Management Services Inc., as well as other similar allegations. Creation of a Special Committee with subpoena authority requires a unanimous consent agreement or passage of a Senate resolution.

A number of Senate committees and subcommittees have a jurisdictional interest in one or more of these allegations. For example:

BANKING COMMITTEE

Jurisdiction: The independence of Federal regulatory agencies, including any improper contracts among officials of the White House, the Treasury Department, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

The RTC's internal handling of the criminal referrals concerning Madison Guaranty.

The RTC's pursuit of civil causes of action against potentially liable parties associated with Madison Guaranty.

The policies of Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls.

The operations, insolvency, and regulation of Madison Guaranty and its affiliates.

The relationship among Madison Guaranty, its affiliates and Whitewater.

JUDICIARY COMMITTEE

Jurisdiction: The Justice Department's handling of the RTC's criminal referrals concerning Madison Guaranty.

The delay recusal of the U.S. Attorney in Little Rock from the prosecution of David Hale.

Issues of public corruption, including allegations of Hobbs Act violations.

SMALL BUSINESS COMMITTEE

Jurisdiction: The relationship between the lending practices of Capital Management Services Inc. and the Small Business Administration, including the diversion of Small Business Administration funds to Susan McDougal and Whitewater.

ENERGY COMMITTEE (SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS)

Jurisdiction: The Park Police investigation into the death of White House Deputy Counsel Vincent Foster.

FINANCE COMMITTEE

Jurisdiction: Issues related to personal, corporate and partnership tax liability.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

The following is a summary description of the Special Committee, the proposed scope of its investigation, and its powers:

Membership. The Special Committee shall have an equal number of Democrats and Republicans. The Majority Leader shall appoint one co-chairman and the Republican Leader shall appoint the other co-chairman. The remaining members of the Special Committee shall be designated by the Chairman and Ranking Member of each of the committees and subcommittees that have a jurisdictional interest in the Madison Guaranty/Whitewater/Capital Management allegations.

Scope. The Special Committee shall be authorized to examine all matters related in any way to: (1) the operations, solvency, and regulation of Madison Guaranty and its affiliates, including the alleged use of federally-insured funds as campaign contributions; (2) the relationship among Madison Guaranty, its affiliates, and Whitewater; (3) the management and business activities of Whitewater, including issues of personal, corporate, and partnership tax liability; (4) the policies of Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls; (5) the independence of Federal regulatory agencies, including any improper contacts among officials of the White House, the Treasury Department, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency; (6) the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty; (7) the Resolution Trust Corporation's pursuit of civil causes of action against potentially liable parties associated with Madison Guaranty; (8) the Justice Department's handling of the Resolution Trust Corporation's criminal referrals concerning Madison Guaranty; (9) the delayed recusal of the U.S. Attorney in Little Rock from the prosecution of David Hale; (10) the relationship between the lending practices of Capital Management Services Inc. and the Small Business Administration, including the diversion of Small Business Administration funds to Susan McDougal and Whitewater; (11) the Park Police investigation into the death of White House Deputy Counsel Vincent Foster; (12) the operations and underwriting activities of the Arkansas Development and Finance Authority; (13) any other issues related to the subjects listed in sections 1–12 above; and (14) any issues developed during, or arising out of, the hearings.

Subpoena Authority. The Special Committee shall be authorized to issue subpoenas for the purpose of obtaining testimony and for the production of documentary or physical evidence. A subpoena may be authorized and issued by the Special Committee, acting through either of two co-chairmen.

Immunity. The Special Committee shall not have the authority to grant immunity to any witness over the objection of Independent Counsel Robert Fiske.

Public Hearings. The Special Committee shall conduct public hearings, unless a majority of the committee votes to conduct a hearing in closed session.

Staff. The two co-chairmen of the Special Committee shall have the authority to appoint staff. All committee staff shall work for the Special Committee as a whole and shall report to the two co-chairmen. To reduce costs, staff should be detailed from existing committees, including the Permanent Subcommittee on Investigations. The two co-chairmen shall also be authorized to appoint additional staff, including staff investigators and outside counsel.

Funding. Such sums as may be necessary shall be made available from the Contingent Fund of the Senate to enable the Special Committee to fulfill its responsibilities. Funds may be used to defray the reasonable expenses of the Special Committee, including staff salaries and travel and lodging expenses.

Public Reports. The Special Committee shall make a final report to the Senate, summarizing the results of its investigation and including any recommendations for legislative action. The Special Committee may also make any interim reports it considers appropriate.

Timetable. The Special Committee, acting through the two co-chairmen, shall conduct hearings on an incremental basis. Prior to each hearing on a separate subject, the two co-chairmen shall consult with Independent Counsel Robert Fiske to discuss how to conduct the hearing in a way that minimizes interference with Fiske's investigation.

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, April 26, 1994.

Hon. GEORGE J. MITCHELL,
U.S. Senate,
Washington, DC.

DEAR GEORGE: Thank you for your letter of April 14th.

Although I disagree with your conclusion that committees other than the Banking Committee have a "minimal" jurisdictional interest in the Whitewater/Madison Guaranty/Capital Management allegations, I am prepared to accept your proposal to allow the Banking Committee to be the exclusive forum for hearings. In order to proceed on this basis, however, we would first have to reach agreement on the following points:

a. The Banking Committee should be authorized to examine all relevant issues. For example, notwithstanding the Judiciary Committee's clear jurisdictional interest, the Banking Committee must be authorized to examine the Justice Department's handling of the Resolution Trust Corporation's criminal referrals concerning Madison Guaranty.

b. Members of other committees who would like to participate in the hearings, as well as in the Banking Committee's investigative activities, should be given this opportunity. For example, members of the Small Business Committee should be given the opportunity to attend, and question witnesses at, any Banking Committee hearing convened to examine the relationship between the lending practices of Capital Management Services Inc. and the Small Business Administration.

As an alternative, membership on the Banking Committee could be temporarily expanded during the course of the hearings. For example, each of the two Leaders could appoint two additional members to the Banking Committee. This temporary appointment would expire once hearings are concluded.

c. The scope of the Banking Committee's hearings should be as broad as the scope of the Special Committee hearings proposed in my letter of April 11th. In other words, the Banking Committee must be authorized to examine all matters related in any way to: (1) the operations, solvency, and regulation of Madison Guaranty, its affiliates, other McDougal-controlled entities, and other federally-insured institutions, including the alleged use of federally-insured funds as campaign contributions; (2) the relationship among Madison Guaranty, its affiliates, and Whitewater; (3) the management and business activities of Whitewater and its shareholders, including issues of personal, corporate, and partnership tax liability; (4) the policies of Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls; (5) the independence of Federal regulatory agencies, including any improper contacts among officials of the White House, the Treasury Department, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency; (6) the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty; (7) the Resolution Trust corporation's pursuit of civil causes of action against potentially liable persons associated with Madison Guaranty; (8) the Justice Department's handling of the Resolution Trust Corporation's criminal referrals concerning Madison Guaranty; (9) the delayed refusal of the U.S. Attorney in Little Rock from the prosecution of David Hale; (10) the relationship between the sources of funding and lending practices of Capital Management Services Inc. and the Small Business Administration; (11) the Park Police investigation into the death of White House Deputy Counsel Vincent Foster; (12) the operations and underwriting practices of the Arkansas Development and Finance Authority; (13) any other issues related to the subjects listed in sections 1–12 above; and (14) any issues developed during, or arising out of, the hearings.

d. The Banking Committee should be empowered to hire additional staff, including staff investigators and outside counsel. To reduce costs, staff should also be detailed from other committees, including the Permanent Subcommittee on Investigations.

e. To enable the Banking Committee to fulfill its responsibilities, additional resources from the Contingent Fund of the Senate should be made available on an equal basis to the Chairman and the Ranking Member.

f. The Banking Committee should conduct public hearings and make a final report to the Senate, summarizing the results of its investigation and including any recommendations for legislative action. The Banking Committee may also make any interim reports it considers appropriate.

g. As you know, the Banking Committee has the authority to issue subpoenas for the purpose of obtaining testimony and for the production of documentary or physical evidence. The Chairman and Ranking Member of the Banking Committee should each be authorized to (1) issue subpoenas on behalf of the Committee, (2) under oath, (3) schedule hearings, (4) call witnesses to testify, and (5) take other appropriate actions.

h. Last December, Chairman Riegle turned down Senator D'Amato's request for Banking Committee hearings, stating that "the present investigative efforts by the Justice Department in the Madison Guaranty case should run their course without Congressional interference. A formal investigative effort by our Committee, if authorized by the Senate, would require the subpoena of documents and witnesses and public hearings that could have the effect of undermining later prosecutorial efforts that may be undertaken by the Justice Department."

Delaying Congressional hearings until Independent Counsel Robert Fiske has fully completed his investigation would be an abdication of the Senate's oversight obligations. According to Mr. Fiske, such a delay is also unnecessary, since he himself agrees that Congress can craft a timetable for hearings that minimizes interference with his investigation. To develop such a timetable, the Chairman and Ranking, Member of the Banking Committee should consult with Mr. Fiske at the earliest possible time so that hearings can begin promptly.

George, I look forward to hearing from you.

Sincerely,

BOB DOLE.

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 24, 1994.
Hon. GEORGE J. MITCHELL,
U.S. Senate,
Washington, DC.

DEAR GEORGE: Thank you for your letter of May 23rd concerning hearings into the Whitewater affair. I am pleased that we have agreed that the Banking Committee should be the forum for these hearings.

As an alternative to the approach suggested in your letter, let me propose the establishment of a 16-member Special Subcommittee within the Banking Committee. The Subcommittee's membership would be determined as follows: The Chairman and Ranking Member of the Banking Committee would each designate five members of the Banking Committee to sit on the Special Subcommittee. You and I, in our capacities as Majority Leader and Republican Leader, would also each designate three Senators from other committees with a jurisdictional interest in Whitewater to sit on the Special Subcommittee. The Chairman and Ranking Member of the Banking Committee would serve as co-chairmen of the Special Subcommittee.

There is precedent for the subcommittee approach. In 1989, the Banking Committee established a special subcommittee to investigate the alleged abuses at the Department of Housing and Urban Development. In 1980, the Judiciary Committee also established a special subcommittee to investigate the so-called "Billygate" affair. The unanimous consent agreement authorizing the establishment of this subcommittee provided that two members of the Foreign Relations Committee could serve as subcommittee members.

As I indicated in my letter to you, dated April 26th, it is critical that the two co-chairmen of the Special Subcommittee (or the Chairman and Ranking Member of the Banking Committee, if we go that route) are each authorized to (1) issue subpoenas on behalf of the Subcommittee, (2) direct staff to obtain the testimony of potential witnesses under oath, (3) schedule hearings, (4) call witnesses to testify, and (5) take other appropriate actions.

It is also critical for the Subcommittee to have adequate resources to conduct its investigation and prepare for hearings. As a result, the Subcommittee must be authorized to hire additional staff, including staff investigators and outside counsel. Staff from other committees should be detailed to the Subcommittee with the approval of either of the two co-chairmen. Additional resources from the Contingent Fund of the Senate should also be made available on an equal basis to the two co-chairmen. Finally, the Senate Legal Counsel and the General Accounting Office should be authorized to provide assistance, if requested.

I understand your desire to delay taking any action until the House Bipartisan Leadership meets with Robert Fiske on Thursday, May 16. Nevertheless, it is my hope that we can agree on the points outlined in this letter prior to this meeting.

George, I look forward to hearing from you.

Sincerely,

BOB DOLE.

Mr. MURKOWSKI. Madam President, if I could have a clarification, the agreement that we voted on to have all matters be addressed is contrary to what the majority leader has put forth in his proposal, which is limited. So we have something that is contrary to what was agreed upon by this body by a vote of 98 to 0.

Mr. DOLE. It seems a fair reading of the resolution adopted on March 17. It leaves no other interpretation.

Let me yield the floor in just one moment.

Let me make it clear. I have no idea what Mr. Fiske will determine. I do not have any. I have never talked to Mr. Fiske. I do not think I should talk to Mr. Fiske. The majority leader, I think, has the same view. The leader should not be talking with him. Maybe he is about ready to release some report.

But I think this is a piecemeal approach where we have to beg for opportunities here from the special counsel. In effect, what can we do today, Mr. Fiske? Can we do anything tomorrow, Mr. Fiske? Can we do anything next week, Mr. Fiske? If we are good, can we do something the following week, Mr. Fiske? Would you please check us out, Mr. Fiske? And is it all right to ask this question, Mr. Fiske?

I think we are getting pretty far afield because we are setting a precedent here. If anybody can find any precedent for any kind of a Rube Goldberg committee we are setting up, then I will back off. But what we are giving is the most limited ability that is possible to conduct a hearing.

Mr. D'AMATO. Madam President, if the leader will yield just for a question, as the leader reads the legislation proposed by the majority leader, I would note that it would seem to me that even if Mr. Fiske said that he saw nothing wrong with us going into this or he had no objection—by the way he, in essence, sent the letter to me that basically says he has no objection to us going into an area. Of course, we have the Federal Deposit Insurance Corporation or the trading of commodities. We still could not do that under the very narrowly drawn legislation that is pending at the present time.

Mr. DOLE. It is not fair to the American people. You never are going to determine what happened. There are other areas where he is not going to claim jurisdiction, and we could have hearings on them right now.

Mr. D'AMATO. As the leader points out, I mention we proposed that those issues were developed during the course of hearings because it was only after we had the initial RTC hearing that we ascertained that there were contacts between the White House and the Treasury. Undoubtedly, there will come other facts. So if we were to determine other relevant facts we cannot even look into them. That is the way I read this legislation.

What is the leader's observation?

Mr. DOLE. That is why we had this number 14, this provision that said if something did come up during the hearing you could pursue it.

I would think in any event you ought to have that right. Again, who knows? Maybe Mr. Fiske could not let us do it. Of course, we cannot do anything without clearing it with Mr. Fiske.

Mr. D'AMATO. I thank the Senator.

Mr. MURKOWSKI. Madam President, if I could ask the Senator from New York a question as to how the committee would function.

The PRESIDING OFFICER. The leader has the floor.

Mr. DOLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

I wonder if I could ask the Senator from New York how he would envision the committee would function as proposed by the majority leader? Eleven to eight I believe the structure of the Banking Committee is, 11 Democrats and 8 Republicans.

Under the limited scope of three subjects proposed to be investigated, if you got into a discussion as to whether an additional matter that came up as a consequence of a question was appropriate, would you have to go to a vote each time? How would you decide how you were going to proceed in the committee as to whether or not this fell within the scope of the amendment the majority leader has proposed?

Mr. D'AMATO. There is no doubt that the amendment presently before us is so narrowly drawn, so tightly construed that there would be a very chilling impact and, as a practical matter, would make legitimate oversight all but impossible. It makes a sham of oversight.

If you read the scope, "(A) communications between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to Whitewater Development Corporation and Madison"—communications? Does it talk about ownership? Does it go into the area of oversight of thrift supervision and what was their relationship and what they observed, or can we bring them in, or the Federal Deposit Insurance Corporation and how they made certain determinations that made the selection of counsel of the Rose law firm and how they regularly made determination which reasonable people could question?

Notwithstanding that this falls right within the jurisdiction of the Banking Committee, it would seem to me the committee would have no ability to respond to these questions.

So the Senator's question I would say is not even a question of 11 to 8. It is a question of the fundamental authorization and the scope of the inquiry that denudes the committee of any ability to ascertain the facts.

Mr. MURKOWSKI. What kind of discipline could exist within the committee, this special committee structure, the Banking Committee, under the majority leader's proposal to determine whether or not you could pursue a subject? Who would make that decision?

Mr. D'AMATO. The majority leader's legislation would so inhibit the committee and even the committee chairman if you wanted to go into areas beyond as it relates, for example, to the March 17 legislation sense of the Senate. We talked about Capital Management Corp. It is not there. If anybody wanted to tie in any of the activity of the Capital Management that is the question that exists, that is the Small Business Administration loan for $300,000 and whether or not it was directed or not directed, whether funds went into Madison, we cannot go into it.

Mr. MURKOWSKI. The committee could not go into any of the facts basically.

Mr. D'AMATO. Notwithstanding, I would say, with the goodwill of the chairman of the Banking Committee, he would reasonably be precluded by saying, look the legislation will not permit us to raise that issue, and we would have votes of 11 to 8. We would be precluded. Indeed one who would read the legislation would say, "Oh, no, you cannot go into this area."

Mr. MURKOWSKI. You could potentially be tied up in a series of votes within the committee as to whether or not you can pursue a subject to find out any factual information.

Mr. D'AMATO. Undoubtedly that would be the case.

Even worse would be the fact that you would have little to argue given the severe limitations that this legislation puts on. The restrictions placed by this legislation on the committee would make even the most bipartisan nonpartisan member say and rightfully say we cannot go into this area because we do not have the authority. And that would be the ruling of the Chair, and we would effectively preclude any reasonable investigation, including other agencies that have dealt in the timely manner with even the limited area that they talk about, like the Federal Deposit Insurance Corporation.

Mr. MURKOWSKI. If I may ask the Senator from New York, if we take the third item that the majority leader has included within the limited scope of the committee's jurisdiction—the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death. What does that mean? Does that mean we can examine those documents, we can find out what those documents were, we can ask for those documents? Or what does "handled documents" mean?

Mr. D'AMATO. I see where this would raise great questions as to whether or not we were entitled to the documents, the question of privilege, et cetera.

Again, it really begs the question of ascertaining whether or not taxpayers' moneys were used and diverted from Madison into Whitewater.

By the way, when we are asked questions——

Mr. MURKOWSKI. In the Senator's opinion, could we see what was contained in the documents that were found in Vince Foster's office?

Mr. D'AMATO. I would say that the drafting of this legislation would certainly reasonably give the ability to the right of the majority to challenge whether or not we could actually see the documents.

Mr. MURKOWSKI. Because under the interpretation of the way in which White House officials handled documents would not give the scope of authority to the committee to find out what those documents were.

Mr. D'AMATO. That is correct. It leaves a question of whether we can subpoena the documents up in the air and would leave one with the ability to argue that we do not have the right to subpoena those documents. We have the right to know how they handled them but not even to see the documents. That could reasonably be inferred as a result of the drafting of this legislation in this manner.

It creates an appearance that we are going to have a committee that has oversight but then we take away the ability of the committee to conduct meaningful, comprehensive oversight in the truest tradition of the Congress, and that is to follow related matters and materials that are developed from the hearings.

We do not even have that as a provision that you would say every committee has a right. Not even that is there.

Mr. MURKOWSKI. I noted the second portion covers activities of the Park Service, police investigation into the death of White House Deputy Counsel Vincent Foster. There is no reference to the circumstances being pursued as to the cause of death. Could you have available the autopsy report that has been withheld?

It seems so narrow that one could conclude that any factual information could be simply deleted because it was not within the scope of the committee's jurisdiction under the majority leader's amendment.

Mr. D'AMATO. It could severely impede even that aspect of the investigation that probably has attracted more attention than, or at least as much attention as, any single area.

But certainly one could think of a number of questions such as whether or not you could examine the autopsy report, the questions of how when the FBI came, what the FBI was permitted to do, what the FBI was told, and what the FBI was not told.

The legislation as drafted will prevent the committee members from pursuing some of the most basic underlying questions involving even section C as outlined.

Mr. MURKOWSKI. Could this committee ask questions whether federally insured deposits at the failed Madison Guaranty Savings were, say, diverted, as has been alleged, to Governor Clinton's 1984 campaign?

Mr. D'AMATO. Absolutely not. This committee would be precluded from going into some of the basic questions that have been raised. That is what this legislation does.

This legislation does not empower a committee to undertake an examination of what took place. This legislation inhibits a committee from fully undertaking its constitutional responsibility.

Mr. MURKOWSKI. Would it be able to determine if federally insured Madison deposits were diverted to pay the Clinton's share of the Whitewater debt, which has been alleged?

Mr. D'AMATO. It absolutely does prohibit exploring this issue making it impossible to ascertain whether or not taxpayers' money went into the Whitewater project and, therefore, what Whitewater losses were incurred by taxpayers.

Mr. MURKOWSKI. Would the committee, under the majority leader's proposal and second-degree amendment, be able to determine whether, after Madison became insolvent, favoritism or conflicts of interest or falsification of financial audits presented to State regulators by the Rose Law Firm permitted Madison to remain open?

Mr. D'AMATO. The committee would not be permitted to examine the basic question of whether there were abuses by the independent regulatory authorities that permitted this situation to take place, or was there any interference by the authorities.

Mr. MURKOWSKI. Finally, would the committee be able to inquire as to whether or not Governor Clinton applied pressure to encourage the Small Business Administration to grant a loan that was not permitted to be made by the SBA?

Mr. D'AMATO. They clearly would not. The committee would also be precluded from ascertaining whether taxpayers' money from the Federal Government lost as a result of this loan was diverted to Whitewater. This is a key area and an area that would be precluded by the majority leader's legislation.

Mr. MURKOWSKI. If the Banking Committee on its own decided to hold hearings on Whitewater under the committee's traditional and basic jurisdiction, would the hearings be as restricted as those that have been proposed by the majority leader in his second-degree amendment?

Mr. D'AMATO. Absolutely not. There would be no question that we could speak to the agencies involved, such as the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, about the adequacies of their inspections, the adequacies of their reports, and whether or not there was a diversion of taxpayers' dollars.

Mr. MURKOWSKI. As I recall, although I did not listen to the entire debate when the majority leader presented his second-degree amendment, it seemed to me that there was some reaching out toward political opportunism associated with your amendment relative to its broader aspect.

I am not sure that I quite follow the rationale of the majority leader for limiting this, other than he indicated that it potentially would interfere with the special counsel.

Mr. D'AMATO. That is correct.

If one were to look at the language in the legislation that we have proposed, we talk about working in consultation with the special prosecutor. We do not give him carte blanche to simply say no to reasonable requests. In the area of grants of immunity, it is quite clear that we have followed the intent of the March 17 resolution and we even go beyond what was initially offered by the majority leader to say we would not grant immunity unless the special prosecutor authorized it.

Mr. MURKOWSKI. It is hard to believe that our colleagues on the other side would want to support such a narrow and limited activity by the special committee that obviously would not address the questions that the American people are asking and that the media has given some inconsistent attention to but have assumed that the special counsel would be releasing its finding. And I think we are generally assured, by a vote of 98 to nothing, that the U.S. Senate would proceed with meaningful investigations.

But now we are left with the reality that we have a proposal by the majority leader that limits the scope to such an extent that really the activities of the committee would be meaningless. They would not answer the questions of the American people. I question whether the American people will put up with that kind of a limited action by this body.

Mr. D'AMATO. I think the Senator is absolutely right. This becomes meaningless. It is a charade. It is a shell game. It is putting a facade on an empty building structure that cannot be supported, because it is not intended to get to the facts. It is intended to cover up what has taken place. And that is exactly what it will do. If Members think that by voting for this they can say that they voted for a real investigation, a thorough one, that is a sham.

Mr. MURKOWSKI. I thank my friend from New York for responding to the questions relative to the scope of the amendment that the majority leader has proposed. I think, again, we should reflect on what the 98 to 0 vote meant that authorized the majority and minority leaders to enter into discussions on all matters.

And, you know, it is hard, Madam President, to believe that nearly 12 weeks have passed since this body voted 98 to zero to authorize the majority and minority leaders to enter into these discussions—and, again, on all matters. That was the agreement.

Madam President, the agreement has not been adhered to. One can read English. And if you look at the limited scope proposed by the majority leader, it is just that. It is limited to basically three areas. And it would tie up the committee in an impossible situation where they would be arguing over what was appropriate and germane under the authority given by this body, as opposed to the clear intent of the March 17 resolution which was to address all matters.

I hope the American public can understand the difference. It is not a matter of taking a political stand. It is a matter of the American public recognizing that, if this body is going to go into an extended hearing process, it has to be meaningful.

And I think the media has to recognize that there is a significant difference between the amendment offered by the Senator from New York to get to the bottom of this and the limited scope of the majority leader's substitute. To suggest that it is because it is going to interfere with the special prosecutor just does not hold water.

Madam President, up until today, there has been little movement. The intent of the Senator from New York and many of us on this side of the aisle is that we wanted this process to proceed, we wanted hearings, and we felt that we would get cooperation on meaningful hearings.

Now, it is a fact, in my interpretation, that the only reason the majority leader has put forth his alternative now is because our distinguished colleague from New York would simply not back off on his demand for hearings. And there is now no agreement on the framework for such hearings, the timing of such hearings, the scope of the hearings. Really, that is yet to come. We are just arguing over what it is going to encompass.

We finally found out the intention of the other side. It is going to be very narrow.

Madam President, I do not think it is difficult for the American public to assume after all this time that there is a concerted effort to block public hearings in the unrealistic hope that the questions surrounding Whitewater will disappear. But the questions surrounding Whitewater, as we all know, will not disappear. And they are not going to be swept under any rug.

I hope the time comes soon when all of the questions relating to Whitewater will finally be answered. A time when the public will have the answers to the multiple questions surrounding Whitewater; a time when the President will be able to pursue his domestic and international agenda and have the issues related to Whitewater recede into the distant past. I say that genuinely, because we spent a lot of time on this. We are going to have to spend a lot more time. But further delay neither serves the President, serves the people, nor the interests of our Nation. It is now time to establish a timetable, a framework for the hearings, and get along with the business at hand.

The amendment offered by Senator D'AMATO would ensure that such hearings will go forward—he has proposed it in a nonpartisan manner—and they will not interfere with the concurrent investigation being conducted by the independent counsel, Robert Fiske. And Senator D'AMATO's amendment ensures all the questions—all the questions, not just some of the questions, but all of the questions—relating to Whitewater will be answered quickly and will be answered expeditiously. We will not be arguing over whether the committee has the authority to do so or not.

By contrast, the substitute, as I have said, offered by the majority leader—and I really believe this; if it comes to this, it will be interesting to go back in the RECORD—but the substitute offered by the majority leader almost guarantees that Whitewater will drag on as a public issue for years to come.

I read the majority leader's resolution. He is proposing that the U.S. Congress, a separate and equal branch of the Government, will defer its constitutional and statutory oversight responsibilities until the independent counsel, Robert Fiske, completes his investigation—or a portion of his investigation, whatever that means. In other words, this resolution grants the independent counsel the authority to determine when the American people are going to find out the facts associated with all the matters relating to Whitewater.

Mr. Fiske is engaged in a broad criminal and civil inquiry into all of the issues surrounding Whitewater. The grand jury that is investigating Whitewater may be empaneled for a year, it may be empaneled for 18 months, maybe up to 2 years. Are the American people going to have to wait another 18 months, up to 2 years, before we can piece together what actually happened with regard to the insolvency of Madison Guaranty bank, which cost the American taxpayers anywhere from $47 to $60 million.

Madam President, the amendment offered by the distinguished majority leader would permit the Banking Committee to hold oversight hearings only, as I have said, on three issues relating to Whitewater: One, communications—communications between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to Whitewater and Madison Guaranty; second, the Park Service investigation into the death of White House Deputy Counsel Vincent Foster; and, third, the way in which White House officials handled documents. What does that mean? The way they threw them in the wastebasket? Filed them?

Mr. GRAMM. The way they shredded them?

Mr. MURKOWSKI. Does it mean anything about what is in the documents? We do not know.

That is it. The committee will not be able to answer questions whether federally insured deposits at the failed Madison Guaranty Savings were diverted to Governor Clinton's 1984 campaign. Nor will it be able to determine whether the federally insured Madison deposits were diverted to pay the Clinton's share of their Whitewater debts. Nor will it be able to determine whether, after Madison became insolvent, whether favoritism, conflict of interest, and a false financial audit presented to State regulators by the Rose law firm permitted Madison to remain open. We do not know. Nor will the committee be able to inquire as to whether Governor Clinton applied pressure to encourage the Small Business Administration to grant a loan that was not permitted to be made by the SBA.

These are questions that we cannot and will not be able to get answers to because of the limited scope proposed by the majority leader. And the question is, Why? If we are going to have hearings, why are we not going to get to the questions that people have a right to know the answers to? We have an obligation to ask those questions and provide those answers.

In fact, as I read this resolution, the committee will not be able to ask a single question—a single question—concerning the underlying issues surrounding Whitewater and Madison. Not a single question. The committee can only examine issues relating to communications the White House had, not the underlying fact questions relating to Whitewater. For the underlying facts, the nuts and bolts of Madison Guaranty's failure, the American public may have to wait 6 months, a year, 2 years—as long as it takes Mr. Fiske to complete his investigation. Then we may have to put them together in a piecemeal process.

Madam President, it is unprecedented for Congress to defer oversight investigations because a concurrent investigation is being performed by special counsel. We have held simultaneous independent counsel investigations when investigations involved high administration officials. Everyone remembers Anne Burford and the EPA Superfund. We had it then. It did not create any problems. We had simultaneous hearings involving Michael Deaver and Iran-Contra. We held hearings at the same time independent investigations were being conducted into the affairs of the BNL bank and BCCI. It worked. Why is it not going to work this time?

This is something the majority leader has not really reflected on, and I think he has an obligation to do so. Because he is telling us that somehow it is different this time. Somehow it is so different that we cannot have a meaningful Senate hearing while special counsel proceeds. History just does not support that. I hope the American public picks up on it because it is important.

Madam President, the time for partisan politicking on Whitewater, in my opinion, is long gone. It is Congress' responsibility under the Constitution and pursuant to several Federal statutes to exercise responsible and meaningful oversight responsibilities with regard to the issues related to Whitewater. Surely, our March 17 unanimous vote on hearings, meaningful hearings on all matters—not three matters; all matters—binds this body, these 98 Members, to adhere to that commitment not to go off and suddenly decide they are only going to take up three subjects, and then on those subjects, general terms, not specifics, not facts. The American public demands we answer all the questions associated with Whitewater and we do it now and we get started.

So let us get this behind us. Let us complete these hearings as soon as possible. Let us review all the questions relating to Whitewater, not 3 questions this month and 4 questions in 10 months and another 15 questions 18 months from now.

I urge my colleagues to support Senator D'AMATO's amendment and reject the substitute offered by the majority leader.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Maine.

Mr. COHEN. Mr. President, if I might have the attention of the Senator from New York for the purpose of asking him just one or two questions? I am somewhat confused about the Senator's amendment versus the amendment of the majority leader. Let me precede my question by describing my understanding of where we are.

Senator DOLE indicated earlier, if we were to take the approach that has been advocated by some, that the Senate would be precluded from ever having a hearing on a matter that is under investigation by an independent counsel. That is not a precedent I think this Senate wants to set. Or, should the Senate be precluded from having hearings only when there is a Democratic President in the White House? I think that is not a precedent that should be set.

I think there is legitimate concern on the part of the special counsel, who will be, perhaps, an independent counsel, that his investigation not be undermined by congressional hearings. This is one of the reasons I joined the Senator from New York in a meeting some time ago with Special Counsel Fiske to inquire as to whether or not the Senate could fulfill its obligations to conduct an investigation into a subject matter under its jurisdiction and of interest to the American people and do so in a way that would not undermine his investigation.

At that time, Mr. Fiske stated publicly in a press conference that it would be his preference that no hearings be conducted while the matter was under investigation by his office, which is understandable. But he said that he would have no objection if he were allowed to conclude those matters pertaining to activities that occurred here in Washington and provided we would grant no immunity. Under those circumstances, even though he would prefer no hearings be held, he would not object to hearings going forward.

It was based on that understanding that I believe the Senator from New York came forward and spoke with the minority leader who in turn spoke with the majority leader to see if such a structure could be arranged. The issue was whether we could structure a committee, be it the Banking Committee, an expanded Banking Committee, a select committee, but a committee that would conduct an investigation, and "sequence"—and I am using this word tentatively—the hearings so that they would not undermine the special counsel's investigation.

It was my understanding by the use of that language of "sequencing" that a committee would be authorized to investigate all of those matters that the special counsel was investigating that occurred here in Washington. All of those matters that he was investigating that he would prefer that we defer any congressional action on were those matters that occurred in Arkansas.

That was my understanding, and I think that was the arrangement that was reached as we voted on that matter some 2 months ago.

My question is am I correct in assuming that if the amendment of the Senator from New York were to be adopted, that we envision a sequential hearing or set of hearings, dealing with events that occurred in Washington; that the special counsel would continue his investigation into Whitewater, those events that occurred many years ago, and as he concluded that investigation, we would then try to go forward at that point if appropriate?

It sounded to me at the time to be a reasonable resolution of what obviously is a very hot political issue. At the same time, it should be clear that

Congress should not be precluded by the mere appointment of a special counsel from investigating a matter.

Mr. D'AMATO. Correct.

Mr. COHEN. That is a precedent I think we should never set. Second, we do not want to have a double standard, one for Republican Presidents and one for Democratic Presidents. So I think we can agree on that.

The next issue is how do we do this and maintain the integrity of the special counsel's investigation while insisting that Congress also fulfill its constitutional responsibilities?

I thought the language that we had proposed that was agreed upon really made that clear. Now I am unclear what is going on in terms of the amendment of the Senator from New York and the second-degree amendment offered by the Senator from Maine, Senator MITCHELL, that would limit hearings to three items only. That is not my understanding of the understanding we had with Mr. Fiske, the understanding that I think we had within the Senate membership 2 months ago. Mr. Fiske asserted to us at that time that it would take a matter of just a few weeks. I remember saying, "Take a few months. Do not do it too quickly. Take a couple of months if you need a couple of months." But both he and the investigator said, no, we think we can conclude this in a matter of a few weeks and at that time, even though he preferred we had no hearing, he would have no objection to hearings provided no immunity was granted and we confined the inquiry into those matters that occurred in Washington during the Presidency, not 10 years ago, 8 years ago, 5 years ago, not long before Bill Clinton became President, not those matters down in Arkansas.

I thought that was a reasonable request on his part, and I thought our response was a reasonable one at the time. So I am somewhat confused now as to how that has been changed or interpreted or perhaps just ignored.

Mr. D'AMATO. I believe the Senator's observation is correct; that we did agree to undertake sequentially the examination of witnesses and the conduct of hearings with the cooperation and consultation of the independent counsel; that we would not just subpoena any and all witnesses. We would give him first opportunity. We would advise him as we were moving ahead. Indeed, the language that we have submitted was intended to address that.

Mr. COHEN. Just to clarify what the Senator from Alaska said—"we wanted to have full-blown hearings and investigate this time all matters pertaining to Whitewater," I think that goes beyond what our understanding was. My understanding was we would look at those matters pertaining to what occurred here in Washington during the administration because that is what Mr. Fiske was going to focus on and he felt he could conclude his investigation into those matters within a few weeks.

Mr. D'AMATO. I think what the Senator from Alaska is saying and this Senator is saying and Senator DOLE is saying is that we should not be precluded, as this resolution would do, from going into the full area as the March 17 resolution indicated. That resolution said all matters related to Whitewater. But certainly we would undertake it sequentially as the independent counsel moved along. And, after all, as the Senator recalls, he was talking about 3 to 4 weeks. You are right when we said 6 weeks, 7 weeks, make sure, and here we are 10 weeks and we have not even set up the methodology of proceeding.

Mr. COHEN. If I may make one other point. There has been some suggestion that perhaps the Senate has to wait until Mr. Fiske files an interim report. I do not know where the notion came about the interim report. Frankly, I would counsel any special counsel from filing any interim report on the basis of a few weeks' investigation. I think that it would be not foolhardy but at least risky on the part of a special counsel who only has a few weeks to conduct an investigation to file a report making a number of assertions because, as we know, that can be very shortsighted.

So I do not know that the Senate should either insist upon or await the filing of a report. I think what is required is for Mr. Fiske to indicate that he feels, as he indicated before, that he has completed his investigation into this facet of this matter and that he would like for Congress to defer hearings on those matters currently under investigation down in Arkansas.

I think that is entirely reasonable on his part, and I believe our response was a reasonable one. That is the way I would envision any kind of an investigation proceeding.

But it also should not be set in precedent that we are precluded from now or in the future conducting an investigation whenever there is a special counsel. The current situation is something that is rather unique and we ought to take that into account, and we have done so I think in our representation to Mr. Fiske and his to us.

Mr. MURKOWSKI. Will the Senator from Maine yield for a question? Relative to your understanding of the meeting with the special counsel and questions regarding events in Washington vis-a-vis events in Arkansas, I would assume that you did not have any limitation on activities in Washington being all activities or activities in Arkansas being all activities as compared to limiting somehow activities in Washington the committee might feel appropriate to complete its investigation.

Mr. COHEN. First of all, as a matter of principle, I do not think the Senate should agree to set as a precedent a limitation on the scope of its investigatory powers. That we ought not to do.

In this particular case, what Senator D'AMATO and I discussed with Mr. Fiske was that he was going to concentrate his investigation on the immediate circumstances surrounding, I assume, the suicide but also the activities of the RTC and others, inappropriate conversations, destruction of documents—all of those activities that occurred here in Washington.

He also simultaneously was going to carry on his investigation into the allegations that go back 10 years. Now, my own feeling was that we ought to focus principally on what has occurred since the President assumed the office, for the time being, and that we leave Mr. Fiske the flexibility to go forward.

Mr. D'AMATO. Will the Senator yield for an observation?

Mr. COHEN. Yes.

Mr. D'AMATO. And it is only for this reason, because I want a point of clarification. When the Senator said "for the time being"——

Mr. COHEN. Right.

Mr. D'AMATO. In other words, as a matter of moving the process forward, that we would start in an area in which he essentially felt he had examined necessary witnesses. We even added that as we then went forward in the hearings we would tell him who we intended to subpoena so he would have first opportunity, if he wanted to examine them first.

Mr. COHEN. It should always be a matter of comity, of trying to accommodate the respective interests of an independent counsel and Members of Congress.

If I might point out this issue arose during Iran-Contra. I recall when Judge Walsh came to the select committee which was investigating that matter. He made a request that no immunity be granted to several key witnesses. We listened to his arguments. We responded by saying we had a concomitant obligation to carry forward. We would try to accommodate his needs by granting him a certain timeframe to gather all of his information, postponing any public testimony on the part of Colonel North or that of Admiral Poindexter and, hopefully, trying to reach a stage where we could accommodate his needs and ours.

Now, it turned out through a court interpretation that it was not the right thing to do in the circumstances, in the sense of legally allowing this to go forward in this fashion. It precluded Judge Walch from successfully prosecuting those two individuals. But I think that the spirit was accommodation, one of comity.

That has to also obtain here. We should not lock into precedent an agreement that whenever a special counsel has been appointed we are precluded from going beyond anything he suggests we do not go beyond.

Mr. D'AMATO. Might I make an observation again just to that point, because I believe that our resolution addresses that problem—we are right on, but no one reads the legislation that we have submitted. The legislation that we have proposed, which came from this side of the aisle, the minority leader and others, deals with that. On page 18, I am just going to read two sentences:

> (A) to coordinate to the extent practical its activities with the investigation of the independent counsel.

That is designed exactly to deal with the issue and do it in a coordinated way. And then (B):

> The cochairmen shall meet with the independent counsel to obtain relevant information concerning the status of the independent counsel's investigation, to assist in establishing a hearing schedule.

It is exactly on point with the meetings and the understanding that we had with Mr. Fiske. He is now being used, unfortunately, by the Democrats as a shield. Mr. Fiske does not say do not have these hearings; you do not have to restrict it to the extent they have. He is put forth as a shield. As he said, he would, as an investigator, like to have no hearings whatsoever, but he understood our role and our responsibility, and he thought that—given the manner in which we indicated to him we thought we would proceed, as encompassed in this resolution, he thanked us for our cooperation.

Mr. COHEN. Let me finally conclude because my friend from Mississippi graciously allowed me to proceed to ask these questions. I think if we get into the business of trying to legislate specific areas which are ambiguous in themselves, it is going to create a charade during the hearings. I think the hearings will be contentious; they will be argumentative; they will not be productive. And perhaps that is the ultimate goal on the part of some. I hope that is not the case. Hopefully, the hearings are really designed to be illuminating. Obviously there is partisanship on both sides. We have to admit that. There are partisan attacks made on both sides, and there are strong political issues involved here.

But it seems to me, to lock this in as narrowly as I understand the second-degree amendment is, it is going to invite a great deal of hostility, a good deal of contention, and probably result in absolutely no illumination but end in condemnation of Congress as a body itself.

So if it has come to that, I think we just should simply defeat the amendment, or not hold the hearings, because I would not want to see any hearings held under those circumstances in which members are so constrained by ambiguous rules that you have to have a quorum call set up to get the special counsel's interpretations as to what would be appropriate or inappropriate. If that cannot be agreed on a gentleman's basis before we go in, it would be, I think futile and very damaging to hold the hearings, and I think it would be counterproductive for Congress and contrary to the interests of the American people.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the Senate, in fulfilling its constitutional duty, without question should hold hearings on this so-called Whitewater affair. There are two proposals in the Chamber for hearings as I understand it now. I regret I was not here for the discussion earlier, but I did have an Armed Services Committee markup session and could not be here for all of it.

But any proposal this body agrees to should make sure that Senators have the right to ask any question they think might be pertinent to the subject, get any information that would be necessary to fulfill our duty. I support the proposal made by our colleague from New York, Senator D'AMATO. His proposal allows Senators to have the authority and jurisdiction to truly get to the bottom of the Whitewater matter.

Now, I have heard—and I am sure it is true—that there have been over 20 different congressional investigations during the last two administrations. Some of these investigations were serious and some were frivolous. In fact, I was involved in some of them. But all were serious in the sense that they had to do with this body's constitutional responsibility to do its job.

Now, I want to know, where has the majority been when serious charges of malfeasance have been brought against this administration? You have a problem when you have one party that controls the White House and both bodies of the Congress. Where have the calls for hearings been this year? Is there any effort here by the majority to stifle hearings on Whitewater?

At long last though we are having this debate this afternoon, and that is good because now we are making the point we need to have these hearings; we are getting specific about how and what will be the process in which they will occur.

The leaders have negotiated, I am sure, in good faith, but they have been negotiating really for 12 weeks. It is long past time when these hearings should have already begun, and yet there is no resolution.

In fact, we would not even have the majority leader's resolution here this afternoon if it had not been for the Senator from New York forcing the issue by offering the appropriate resolution on how these hearings should proceed and should be conducted. If we do not have hearings and have them soon, there will only be three words applicable to the situation: blatant, partisan politics.

You have heard those words spoken earlier this year. Just a couple of weeks ago I believe we heard something to that effect. There is no justification, no reason to delay these hearings any longer. They should begin. They should begin soon. The only question is how do we arrange for that to happen.

Now, I do want to ask one question of the Senator from New York. Not only have we no time and no arrangement for having these hearings, as a matter of fact the oversight hearings have just disappeared. There have not been oversight hearings in the applicable House committees where questions could be asked about this Whitewater matter. And as I recall, the Senator from New York and others—perhaps the Senator from Texas—started asking some questions of Treasury Department officials and RTC officials, and all of a sudden the hearings stopped. No more hearings. No oversight hearings. No regular hearings.

Now, I want to inquire. We know there have not been any hearings on Whitewater, but are other hearings occurring that ordinarily would be occurring where questions could even be asked in this arena?

Mr. D'AMATO. I have to say that certainly in the House they have been stonewalled. We have had the one hearing, and while that was a hearing for a limited purpose, it resulted in the unearthing of the, I will say it, extraordinary meetings—extraordinary—between the Treasury Department and White House officials, with contacts right up to the Chief of Staff.

I have to say that if that were taking place in a Republican administration, this Chamber would have had hearings conducted, and in no way would they have been limited and circumscribed as in this legislation. If we have hearings that would be conducted under these limitations, they will be worthless—worthless. We will be attempting to fool the people.

So the Senator's observation about what we have been able to do is we have been precluding the Banking Committee and the Senate from undertaking its meaningful obligations.

Mr. LOTT. I thank the Senator for that.

Mr. President, I guess those who think, well, if we just do not let this issue be discussed in the Senate, if we do not have hearings, it will just go away. But it will not. The people are asking questions. But more importantly than that, there are key questions that have not been investigated and have not been asked. There are allegations of conflicts of interest, illegal acts, many questions in a number of areas not covered by the majority leader's resolution that will sooner or later have to be investigated in hearings, held by this body. I think we should go forward with it.

I want to make a couple of points with regard to the majority leader's specific proposal here. The scope is extremely narrow. It would limit the hearings to only White House, RTC-Treasury contacts, Park Police investigations, and White House handling of the Foster documents. As I understand it, it would be just those three areas. That does not even scratch the surface. That just barely would scratch the surface in so many areas where questions exist.

It would also limit it to the full Banking Committee, without any effort being made to have more staff, really, although I think maybe there are some additional funds here to get a select committee or even a subcommittee, or get members of other committees that are knowledgeable, that have the proper questions that should be asked.

It is not even clear to me—I guess it is clear—that if an issue is outside the jurisdiction of Banking and does not fit into one of these three categories, I guess there will be an effort to stifle questions. That will not fly. The Senate is not going to stand for that. The American people are not going to stand for it. Just think of what will happen if some U.S. Senator, representing thousands or millions of people, wants to ask a legitimate question. Is the chairman going to gavel him or her down and say they cannot ask the question? Baloney. That will not work.

Also, the timing of the hearings: It is extremely interesting to me. Not next week. Not the week after, no. It does not even come until probably July 29. There is an either/or: no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

There are so many problems with that that I will not even enumerate them all. But the interesting point is July 29. That is a curious date. I checked my calendar to see when that would be. That is a Friday. Does anyone here believe the Senate is going to have an opening hearing on the Whitewater matter on a Friday? No way. OK, so you are over to the next week. What is interesting about that, then there are only 2 weeks before the Senate goes out for the August recess work period, during which time the Senate will be gone for 4 full weeks. The goal here is to have a couple of weeks of hearings, limit the scope, do not let it get going too well, give it 2 weeks, cut it off, go home for the August recess, take a month, and everybody will forget about it.

No deal, Mr. President. If we want to change that date to make it July 11 or 12, when we come back from the July 4th recess, or within 2 weeks, as soon as the committee can be organized, that is fine. But not July 29. There is no justification for that kind of delay.

Also, on the subpoena authority, I know that in the past, for various hearings, the committee determines who the subpoenas are issued to, or the chairman does that. But the fact of the matter is, when you have the White House and both Houses in the Congress controlled by the same party, do you think that Senator D'AMATO is going to get to subpoena any of the key witnesses? Why, of course not. The majority will vote against that. The chairman will not allow that.

Are we going to have full, complete, and honest hearings that will perhaps show that the President did nothing wrong, or are we going to have a charade? That is the question.

We should vote for the D'AMATO resolution, defeat the majority leader's resolution, and get on with serious hearings.

I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I know a lot of people are listening to this debate, trying to figure out if it is reasonable that we are asking that hearings occur on this conglomerate of matters related to the suicide of a high-ranking White House official, contacts between the White House and the RTC when the RTC was engaged in a criminal investigation that might have involved the First Family, or the handling of the documents related to the White House aide who committed suicide, and the whole question of Madison Savings & Loan and Whitewater.

It seems to me that most people who are not lawyers do not know about legal precedent. So the only way they can determine whether this request is reasonable or not is by looking at what we have done in the past, what has been the standard procedure of the U.S. Congress with regard to hearings into possible wrongdoing by an administration and by people in an administration.

It seems to me, Mr. President, that that is the relevant question. Under the standards that we have used in the past, is this request by the Senator from New York and by the Republican leader for hearings, broad-based hearings, reasonable, and based on the standards that we have set in the past?

Well, we have asked the Congressional Research Service to go back and look at all of the hearings that we had during the last two administrations.

In fact, in the last two administrations, on 26 occasions, the Congress has conducted investigations into the activities of the President, the White House staff, and members of the President's administration—on 26 occasions, we have held hearings.

Much has been made out of the fact that, well, do we have a special case when there is a special prosecutor investigating similar matters? The point is, on at least four occasions in these 26 investigations, we had special prosecutors, but committee hearings were held, and investigations were wide open. They were thorough, and some of them lasted a long time.

So on 26 occasions, when Ronald Reagan was President, when George Bush was President, we had Congressional investigations. And on four of those occasions, at a minimum, we had a special counsel in place investigating roughly the same matter.

I want to remind people listening to the debate who may not remember all of those important hearings that these hearings covered a wide range of subjects.

One of them was the so-called October Surprise. I know that this sounds like I made this up. But the report of a committee was presented to Congress and the American people in November of 1992. The allegation that was being investigated was that in 1980, 12 years before, Ronald Reagan and members of his campaign had secretly conspired with the Ayatollah in Iran to keep American hostages in Iran in order to effect the outcome of the Presidential election of 1980 in which Jimmy Carter was defeated.

Two weeks ago, I found my picture on the front page of a tabloid in every grocery store in America identified as a space alien—and so did the Presiding Officer. I guess they discovered I was not from inside the beltway; I was from this far away, strange land called America. I was kind of flattered by it myself. My mother even liked it.

I do not remember that even grocery store tabloids took this story seriously enough to write about it. Maybe they did. I admit to not being a regular subscriber.

My point is this: In 1992 we had hearings on whether then Governor Ronald Reagan conspired with the Ayatollah in Iran to keep American hostages in Iran and, in fact, then-Senator AL GORE, now Vice President AL GORE, was so excited over the matter—let me read to you what he said.

> I believe the air needs to be cleared. So I am today calling for a formal investigation of these charges and allegations without prejudicing what the investigation might find but believing deeply that it needs to take place in order to establish the truth or falsehood of the allegations that have been made.

I remind my colleagues this is now the Vice President of the United States.

The date is 1992, an election year. The incredible assertion, as far as I know, did not even make the grocery store tabloids, that the Reagan campaign team and Governor Reagan might have conspired with the Ayatollah against Jimmy Carter, as if he needed any help in the 1980 elections.

Now we hold these hearings.

So anybody who asks the question is it reasonable that we are requesting that hearings be held on some of the most serious accusations that have ever been made against an administration in the modern history of the United States of America—now our colleagues on the left have said, "Well, no, it is not reasonable that we should look into this." But the point is 26 times they looked into Ronald Reagan or George Bush or appointees in their administration on such trivial matters as conspiracies against Jimmy Carter by the Ayatollah and by Ronald Reagan. In fact, Members on our left, including the now Vice President, felt so passionately about it that they demanded that hearings be held, and, of course, they were in the majority, and their demands were met.

So, if anybody is asking themselves how reasonable is this, the point is, as everyone knows, if George Bush were still President, if similar accusations had been made, we would have been having hearings for the last 3 months. Nobody in this Senate, nobody knowledgeable about American government, would in any way deny that that would be the case.

I am astounded when I read about this that I do not see more people writing the obvious truth, that we are looking at an incredible double standard here. Twenty-six times Ronald Reagan and George Bush were investigated. Hearings were held even when special prosecutors were in place about trivial matters. And yet no one could possibly claim that the accusations that have been made and the documentation that has been presented do not constitute some of the most serious charges that have been leveled in the modern history of our Government.

Now, we have not held a hearing on this matter, but we did have an RTC oversight hearing. This hearing was made up of the Secretary of the Treasury, the Deputy Secretary of the Treasury, the head of the Federal Reserve, hardly people who were actively involved in the RTC investigation of Whitewater. They were before the committee to answer questions about the RTC. They were asked one question that turned out to be relevant, and the one question was, have the people engaged in the Whitewater investigations that might be related to the First Family and those who oversee them at any time talked to the President, or the First Lady, or their staff, or people that they had hired for their defense? One question in a hearing that was not set up to deal with Whitewater, one simple question.

Now what happened as a result of that one question, when we have so many of our colleagues who say there is no reason to hold these hearings, there is no significance to them? You know what happened when that one question was asked, 12 members of the White House staff were subpoenaed. The counsel to the President of the United States resigned.

We had one question in a hearing where we did not have the relevant people, presenting nothing having to do with Whitewater, but from this 1 hearing and 1 question, 12 subpoenas and the counsel to the President of the United States resigns.

Well, that suggests to me that maybe a hearing might have some relevance. In fact, I do not remember under similar circumstances anything remotely similar to this ever happening in the years that I have been in Congress.

So how our colleagues could say, "Well, there are no questions to ask here; this is not relevant." In fact, it is very interesting because the parts of the investigation that we have been asked to delay asking more questions about came to light only because we asked the original question. I am not certain, and I see no evidence to suggest otherwise, that those questions would have ever been asked, that the subpoenas would have ever been issued, or that the counsel to the President of the United States would have resigned had not that one question at a hearing that had nothing to do with Whitewater been asked.

Now, the final point I want to make is: I do not want to hold hearings if they are not going to achieve their objective. I do not want to do this unless when it is over we have settled the matter. I think we owe it to the American people and, quite frankly, I think we owe it to ourselves not to do it unless we are going to do it right. I think that something worse than not holding hearings is to do it under circumstances where we cannot ask the relevant people the relevant questions. I think under those circumstances we do not serve the process.

I would also like to raise a point that has been made before, but I just want to set it in the context of what I am saying. It is very interesting to me that 12 weeks ago when we, in an effort for bipartisanship, voted 98 to 0 to set up a procedure to hold hearings and to have the two leaders set a timetable for the hearings, that we set out very, very broad parameters for those hearings, including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc., all matters. This was agreed to by the majority leader, who was a cosponsor of the resolution. It was voted for by 98 Members of the Senate. Nobody voted against it.

Now, after 12 weeks where absolutely nothing has happened, where, quite frankly, we have seen incredible restraint by Republican Members of the Senate, when for 12 weeks the clock has run and nothing has happened, no agreement has been reached, every offer we made has been rejected, 12 weeks later we have an offer by the majority leader that limits the scope of these hearings to three relatively insignificant areas and does not even allow us to look at Whitewater, which is what the whole process is about.

So my basic position is this: If we are not going to do it right, if we are not going to give both parties the ability to call witnesses and to subpoena, if necessary, and if we are not going to have the opportunity to look at all of the facts, I do not think we serve ourselves or the country to have these hearings.

After holding hearings on 26 occasions during the last two administrations, I know that the Lord must indemnify politicians against the sin of hypocrisy. But, quite frankly, I cannot understand, to save my life, how anybody could have supported hearings on such a ridiculous assertion as whether the Ayatollah and Ronald Reagan conspired against Jimmy Carter. By the way, when the hearings were over, and naturally, the election was over, they determined that no such conspiracy occurred. I do not know how you can say that was relevant and Whitewater is not relevant.

So here is, basically, my bottom line: We are going to vote on this every week. We are going to vote on this matter every week. We are going to vote on this matter until this is settled one way or the other. I know our colleagues are always talking about gridlock, always accusing us of gridlock, and I sometimes remind myself that, depending on the issue, gridlock may be a good lock on the smokehouse door. Maybe you need a lock on this door, I say to our Democratic colleagues.

But the American people want the door unlocked. You held hearings 26 times, on trivial matters for the most part. We are going to vote on this until finally there is an agreement. And it seems to me that when the process starts to slow down, when we are debating this thing endlessly and holding up the Senate, at some point somebody is going to say, well, this is gridlock.

Well, I just want the RECORD to note that this is not our gridlock. I simply want to have real hearings if we are going to have real hearings. I am not claiming my time is so valuable, but I think the time of the Senate is valuable enough that there is no sense in holding hearings that are limited to areas that are basically unimportant.

So I hope we can settle this, and I hope our colleagues will afford us the courtesy that they were afforded 26 times during the last two administrations. I do not have any doubt about the fact that we will ultimately hold hearings and they will be broad-based hearings. I just hope we do not end up tying up the process a long time waiting for people to come to their senses.

I thank our colleague from New York. He has exhibited a lot of courage in this matter. I want him to know that his colleagues appreciate it. I think that when this is all over and we settle the matter one way or another, the American people will appreciate what the Senator from New York has done.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to discuss some of the basic differences between congressional oversight and grand jury proceedings which show that the Congress should long ago have been proceeding to investigate the Whitewater-related matters and should not have been relegated to second-class citizenship, below the grand jury investigation, and to have waited in the wings, and now perhaps to be precluded at all from fulfilling a very important congressional constitutional responsibility.

It may not be widely understood that the role of Congress goes beyond legislation and encompasses as a very important function the oversight function, to see what is happening with the agencies of the Federal Government. The savings and loan industry has functioned at a gigantic multibillion dollar loss to the American people and is an area which is prime for investigation and determination by the Congress. And that is true regardless of who is involved, what their rank may be, or what personalities may be involved.

A grand jury has an entirely different function. It is an arm of the court and an arm of the prosecutor to bring witnesses into closed, secret proceedings to make a determination whether a crime has been committed. The enforcement of the criminal law is a very, very important process, but it is no more important than Congress' role in oversight on what is happening in the Federal Government. And the reality is that the congressional rule in oversight is much more important as a generalization than what a grand jury may be doing. A grand jury looks at matters and decides whether an individual ought to be prosecuted. The Congress looks, in oversight, to establish broad, general rules which apply not to individual matters or individuals, but to the whole panorama of Government.

If you have to accept a generalization, the generalization is only that—there may be some criminal prosecutions which are more important than laws or corrective procedures which may result in oversight. But as a generalization, the congressional investigations are more important. There have been some monumental congressional investigations, like the Army-McCarthy hearings, where there was a clash between Senator McCarthy and processes with the U.S. Army, and those oversight hearings were of enormous import, much more important than most individual criminal prosecutions.

We have had the famed Kefauver hearings, which were a little different, but matters of enormous importance. We had the famed Iran-Contra hearings. At the drop of a hat, the House of Representatives and the Senate conduct hearings. You can wander through any one of our buildings and find hearings by the dozens. Not too many people pay too much attention to most of them, but the hearing function goes on on matters which are of much less importance than the kinds of considerations which are involved here.

There has been considerable discussion on the floor of the Senate as to the deference which the Senate has given to the special prosecutor. I suggest, Mr. President, that it was overdone. The congressional hearings can be conducted in a way which will not interfere with the work of the special prosecutor, and I say that having conducted many grand jury investigations as a district attorney, not in the Federal system, but in the State system, in the Commonwealth of Pennsylvania, and they are very similar. There is no reason why a special counsel like a district attorney, or like a U.S. attorney, cannot proceed to conduct the work of the grand jury while the work of the Congress goes on at the same time.

The Senate has overextended itself in terms of being deferential, so deferential that the Senate and the Congress are really accepting second-class citizenship, which is very bad for the institution of the Congress and very bad for the American people, because an exposure and an understanding of what went on here is most likely much more important than any prosecutions which may result. I say that probably because we do not know for sure what prosecutions may arise. But whatever prosecutions are justified by the evidence, they can be preserved, and you do not have to wait until the special counsel has finished his work. If you want to be accommodating, as has been the case here, then you can take those unusual procedures, but it does not require an absence or a cessation of any investigation by congressional oversight.

What is really happening here, Mr. President, is that the institutions of Government are being subverted because of the particular personalities involved in the matter.

It really does not matter whether it is the President of the United States or any other citizen of the United States, the ordinary processes of law ought to go forward. That was established by the Supreme Court of the United States in the case of Richard Nixon on the subpoena issue. Unlike other forms of Government, no person in the United States, man or woman, is above the law.

We have sat back, and I have frankly been amazed by it, in terms of the institutional rule and the power of the Senate and the House of Representatives to conduct investigations, to allow our rights to be ignored and our responsibilities to be ignored.

The specifics, Mr. President, have been debated extensively. Senator D'AMATO has introduced a resolution calling for an investigation on 17 items, all of which are integrally related to what the Senate has already voted on 98 to 0. That resolution is worth repeating, because it would take less than a minute.

That 98 to 0 vote called for hearings on all matters related to Madison Guaranty Savings, Whitewater Development Corp., and Capital Management Services, Inc.

It is hardly consistent with that mandate for all matters to take a look at the three items specified by the amendment offered by Senator MITCHELL, which has only three items which are of much lesser import.

When the Senator from Texas made a presentation that we are going to vote every week on this matter, I do not know that that is true, Mr. President. I think there may be one vote on this matter, and that vote may occur in the congressional elections this November. The second time that a vote may occur will be in the Presidential election and the Senate and House elections in 1996.

We have on record 98 Senators. All 56 of the Senators on the Democratic side of the aisle voted in favor of the resolution to have hearings on all matters. That is a pretty plain definition.

If Senator D'AMATO's amendment is to be rejected by this body—and it is highly likely that this is going to be a party-line vote because this has turned out to be a partisan political matter—if Senator D'AMATO's amendment is to be rejected, then I would suggest that Senators who are running in 1994, and Senators who will be running in 1996, and Senators who will be running in 1998, will have some explaining to do as to why they supported a resolution calling for an investigation into all matters, but then, when the Senator from Maine, the majority leader, offers an amendment cutting it back in a very limited sphere to three matters, that they are prepared to accept that.

It may be that this whole issue will be resolved in the political arena when the matter comes to ~~a~~ vote by the electorate in November 1994, November 1996, and then beyond perhaps even to the Senators who will be up in 1998. The House Members will all be up in 1994.

I do think it is unfortunate, because the issues which are involved here are matters of tremendous public importance. They ought to be inquired into in the regular course of business, and that is the course of business through congressional hearings which are well established and have been followed uniformly.

It has already been referred to many times how many congressional investigations there were when the parties were different, when the Democrats controlled the congressional investigative process and the Republicans were in the White House. Those congressional investigations went on, in many instances, where a special prosecutor was involved.

I recall very well in November 1986, after the congressional elections, when the Democrats took control of the Senate and the prospective majority leader came into the Intelligence Committee, where I was a member. We were starting an inquiry into Iran-Contra. The declaration was made that there was going to be a select committee. And there was a select committee which was initiated in December 1986, even though special counsel was appointed in 1986.

You do not have to go back to Army-McCarthy or the Kefauver or any other hearings, because it is well within everyone's recollection that when there was a Senate and a House—focus on the Senate—controlled by the Democrats, there was a select committee which functioned simultaneously with the special prosecutor. That is the way it was, and that is in accordance with the traditions of the Senate, and that is the way it ought to be now.

We could debate this matter at enormous length. I would be delighted to be surprised and see this vote not along party lines. But I think it is going to be along party lines, because, bluntly stated, there is an interest by the Democrats in protecting the President. That is a fact of life. That is why the regular order is not being followed, and that is not the American way.

There will be other votes, but I think those votes will be at the polling place where the American people will give their response to what this Senate is doing. I think it will be a rejection of the Mitchell amendment and affirmance of the D'Amato amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

HEALTH CARE REFORM LEGISLATION

Mrs. KASSEBAUM. Mr. President, earlier today, the Senate Committee on Labor and Human Resources concluded its consideration of health care reform legislation. The vote on final passage was 11 to 6, split largely along party lines.

Our action today was the culmination of 3 weeks of lengthy committee deliberations.

I want to praise all of the committee members, and all of the staff members, who spent an enormous amount of time on an exceptionally complex piece of legislation. The Presiding Officer, the Senator from West Virginia, certainly knows how complex, comprehensive, and important this legislation is.

Although I acknowledge the commitment and serious attention which went into the effort—and it was indeed that, on the part of everyone—I am also deeply disappointed with the product of our work. Committee debate and discussions were thoughtful, and I hope that they served to clarify some of the fundamental issues involved in health care reform. Even those of us on the committee learned a great deal about the health care issue.

The quality of the debate, however, did not translate into a quality piece of legislation. I am speaking as one who recognizes a need for change in our health care system. I have believed for several years it was important for us to address this subject.

Clearly, the status quo cannot be sustained—which is why the health care system is changing itself, even in the absence of legislation. It is changing itself significantly, and it will continue to do so. This may or may not be, in the end, the best for the delivery of quality health care. Nevertheless, it is occurring, and it will continue to occur whether legislation is passed or not.

The public does seek a sense of security that health care will be available and affordable, and these concerns are real. The real question is whether we are addressing these concerns or whether we are adding to those concerns.

I think my biggest disappointment is the fact that we seem to have lost our sense of what the debate is really all about. What drew me into the health care debate several years ago was deep public concern about the cost of care. Today, the debate has lost its roots in concern about costs and, in fact, it has seemed to take a direction where cost is no object. And I am afraid that many of our proposals are simply adding more and more costs to the public.

This debate has lost its focus. We must recognize that general public concern about health care is a fragile foundation indeed. What I fear we are doing is building a luxury skyscraper on the shifting sands of a very uncertain public consensus. We have done so without knowing the cost of the building, or whether anyone wants to or can afford to move in. And, Mr. President, unless we can develop a consensus of support from the public for this health care issue, we will not be able to pull together a constructive piece of legislation.

We have to have the public's confidence in what we are doing. We have to be able to make the public feel more secure that we are indeed addressing their concerns. This must occur before we can address a comprehensive, complex, major piece of legislation in a way that is going to be constructive.

A variety of agendas, many of them contradictory, have come into play in the name of addressing these public concerns. The failure in leadership has been the failure to establish the ground upon which true consensus lies, as well as a failure to define the task in terms of what realistically can be accomplished.

We kid ourselves if we think Congress and the Federal Government, in one fell swoop, are going to be able to design and regulate every aspect of the health care system, from specifying the exact number and types of vaccinations to be covered for 3-year-olds, to the prices that a plan will charge for insurance premiums.

The public expected government to fix health care, not to run it. And that, I think, is a crucial difference.

This is where the President, I believe, went off track. President Clinton cared a great deal about this. He and the first lady raised this issue in debate. It is an important debate. It is one in which we all need to understand the terms and the root causes of the problems we are addressing. But the President, I suggest, interpreted public concern about health care as a mandate for government takeover of the system. This is a clear misreading of the situation. A sure applause line when I speak at home is to say that the Clinton bill, as such, is not going to pass. Of course, that is putting it very simplistically. It does a disservice to all of the aspects of the issue involved. But it also is a reading of where public sentiment lies on this issue.

The legislation reported by the Labor and Human Resources Committee about an hour ago is sitting at the same railway siding. After sorting through some differences in semantics, one finds the basic core of the Clinton bill has emerged unscathed.

In my opening statement when we began the debate in committee, I noted that the American public is extremely confused and skeptical about President Clinton's proposal, due to its size, complexity, and bureaucracy. The bill we reported out of the committee is just as big, just as complex, and just as reliant on government regulation as the Clinton bill.

The most troubling elements of this bill 3 weeks ago and remain in the bill today. These include: Massive government regulation, heavy employer mandates; an extensive and overly specific benefit package; rigid premium caps; countless new opportunities for lawsuits; and costly new initiatives, including four new entitlement programs.

Maintaining these features of the bill will have major consequences, intended and unintended. Let me mention just a few:

First, government regulation: Relying upon governmental regulatory structures rather than market forces as the framework for delivery of health services will bog us down in mounds of paperwork and a dizzying array of lines and boxes on organizational charts.

This is not what we mean by quality health care that is affordable, is accessible.

There is a difference between setting up a structure which allows a system to heal itself and one which takes over the control of that system. There is a difference between offering businesses the opportunity to pool themselves together in voluntary purchasing groups and demanding that they do so under an alliance structure.

Second, employer mandates: Employer mandates are extremely costly to our society as a whole. They mean lost jobs and lower wages for American workers. The precise numbers of jobs lost is certainly not particularly relevant, but the fact is that there will be jobs lost, and that there will be economic dislocations is a given. Whether you use one figure or another, we have, I think, put forward the bottom line—that jobs will be lost. Moreover, the estimated wage loss per worker could well be $1,200. Even small businesses, which might arguably be helped with subsidies and other protections, worry that what is mandated will be so rich that any short-term advantages will quickly disappear. With modifications made in committee, we have also created a cliff effect, I suggest, where the addition of even one employee to the company payroll holds major financial consequences.

I think you can tell from my remarks I do not support an employer mandate. I do not believe they are necessary to get universal coverage. And I support universal coverage. I believe it is necessary for us, in the long run, as we can pay for it, to be able to reach this goal. Of course, we must address other challenges, such as ending discriminatory prior health conditions, developing voluntary pools and cooperative arrangements, and assuring that we have portability of benefits.

Third, the benefit package: The legislation that we just passed out of the Labor and Human Resources Committee all but writes the entire plan into statute. Not only is this level of detail excessive for legislative language, but it also invites the addition of any items not already specified. It lays the groundwork for assuring that we will ultimately be unable to say no to anyone or anything.

Fourth, premium caps: I believe that cost containment is important and, in fact, I included premium increase limits in my own comprehensive legislation 2 years ago as a backstop in the event that market-based reforms alone fail. My purpose was not to wring unsustainably large sums from the system in a short period of time—which is the effect of the very stringent caps included in the committee bill. I am also increasingly troubled that these premium caps will become means to make projected subsidy and other costs appear to be much more than they are. It is alarming to consider the budget implications if we discover later that cost projections related to the premium cap turn out to be wrong. One recent analysis conducted by Peat Marwick concludes that the caps would be 50 percent effective, at best. If Peat Marwick is right, the result will be a $101 billion shortfall in financing of the President's bill in the year 2003.

Fifth, opportunities for lawsuits: Any gains we might have hoped to achieve through the modest malpractice reform in the bill have been completely overshadowed by the endless new opportunities for litigation provided by this bill. New legal remedies are available to deal with alleged violations of the numerous requirements of the bill, with additional remedies on issues of fraud and abuse. On top of that, even more remedies are provided to deal with charges of discrimination by a vastly expanded list of protected groups.

I believe we have opened Pandora's box in this area, with consequences we can only begin to imagine at this point.

Costly new initiatives: We will have to await a full Congressional Budget Office report before we get a handle on what all of this might cost. The consequences of our actions, however, will go beyond dollars and cents. As just one example, the new early retiree entitlement program is estimated to result in forcing the early retirement of 600,000 American workers.

These items reflect the biggest points of contention. Every serious attempt in committee to reshape these core elements was thwarted. Moreover, even with 3 weeks of consideration, it was difficult to do more than scratch the surface of other less visible issues, such as the creation of duplicate new programs and the treatment of graduate medical education, among others.

I had hoped that in the course of our deliberations, we would have been able to pull this bill into the mainstream. I and others put forward amendment after amendment designed to reduce regulation, streamline bureaucracy, establish a more manageable and a less specific benefits package, eliminate the employer mandate, and reduce opportunities for litigation.

Unfortunately, movement in any of these directions was minimal at best. The slight streamlining and a nod toward cost containment in the benefits package are positives, but they fall far short of the mark we need to reach.

Clearly, the Labor Committee is not the only player in the health reform debate, and the bill reported is but one step in the process. For all practical purposes, this particular proposal has reached the end of its trail because it fails to offer a middle ground upon which the public or the majority of the Senate can comfortably stand.

Mr. President, on the floor at this time is a colleague who has played a major role in the Labor and Human Resources Committee deliberations on this legislation. He is also a member of the Finance Committee, as is the Senator from West Virginia, the Presiding Officer, and the action clearly shifts there.

However, I think the Senator from Minnesota would agree with me that the work we did in the Labor Committee was not without merit, if only for educational purposes, and that we did do some extensive analysis of these various provisions. The ones I mentioned, I believe are cornerstones that are absolutely fundamental to what most of us worry about and to what will need to be addressed if we are to accomplish health reform in this Congress.

Mr. President, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I appreciate very much the comments of our colleague from Kansas. I came to the floor, as I saw her rise, to speak so that I might share with my colleagues the pleasure of someone who has been engaged since before I got here in health care reform—and I have been here for 16 years—at how well my colleague, who is the ranking member of the Labor and Human Resources Committee, represented all of us—not just the Republicans, but all of us—in the health care reform debate that took place in conjunction with the markup and reporting out of the committee the health care bill which she has talked about.

It reminds me, and I think reminds everyone, that health care reform did not begin with Hillary Clinton, as our colleague from West Virginia well knows, because he and I, and others, have engaged in health care reform, and members of the health subcommittee, for quite a long time.

The Senator from Kansas is the author of a major piece of health care reform legislation which she authored several years ago. A number of our colleagues, principally on this side of the aisle, have authored major reform legislation. Some of it goes back into the early eighties, which we all cooperated on, in the Finance Committee. Some of it is of more recent origins, since the Pepper Commission, which our colleague from West Virginia chaired, pointed out the need in this country to do major reform and to get off the sort of piecemeal reform we were trying to do through Medicare, and actually deal with the fact that a system that costs $1 trillion a year may deliver quality health services, but it is sick and it needs to be changed.

We all owe a debt of gratitude to the Senator from West Virginia for stepping in and chairing that Commission, highlighting—those six of us from the Senate and six from the House and, at that time, presumed leaders in health care reform—highlighting the need for this body and the American people and the President of the United States to engage on this issue.

I was very proud of my colleague from Kansas, and I told her that at the end of the meeting. The Labor Committee is not usually engaged in health care reform. It is usually engaged in authorizing new Federal programs to meet a variety of new needs. Even the chairman expressed this at the end of the meeting. For him, in 30 years of trying to deal with the issue of health care, this was a new experience for Senator KENNEDY as well. For me, it was a new and delightful experience to work with my colleague from Kansas, and it also was a wonderful experience to work with our colleague from Massachusetts, for whom we all have much respect, who took the lead in at least getting something going.

We all have been proposing health reform bills, saying it ought to get done, and as a committee chair, he took the responsibility of holding the very first markup, presented his own mark, took a lot of heat from those of us who disagreed with a lot of the things that were in it, and yet, at the end, I think there was a consensus that, as we finished the process this evening, we were at the end of the beginning of a process which has an end in sight, and it is not very distant.

I am in the unusual position, as the occupant of the chair knows, because we had the Labor markup in Dirksen 212, or Hart, whatever it is, on the second floor. I could walk from one of my committees to the other, and did that this afternoon at 4 o'clock. I walked up from the markup in Labor and walked over to Chairman MOYNIHAN's sort of exposing the Democrat and Republican members of the Finance Committee to his outline of his mark, and his encouragement that next week we begin the process in the Finance Committee of working our way toward a mark and a markup process.

So we are now into the second phase of reform.

I have no doubt at all in my mind that we will reach a consensus on this. We will probably reach an outline consensus on this before we come to the floor of the U.S. Senate. I suggest if anyone in authority is listening to me, that that might not be a bad idea. The Clean Air Act precedent might be a good one this time.

We learned a lot, not only about health care reform and its elements, but we learned a lot about each other during the course of the markup in the Labor Committee. I think in the Finance Committee, we will have a similar experience.

I think the Democratic leader would be well advised to suggest that at some point in time, after those two bills are out of committee, which I hope is done by the Fourth of July recess, that there be some period of time set aside in his outer office—where we did this for the clean air bill in February 1990—for the leadership of both of those committees and the main authors of some of these bills to get together with some of the people from the administration who need to understand, as my colleague from Kansas has said, that the Clinton bill, as proposed, is not going to pass; that there will be a bill with the President's name on it, perhaps the same title of the President's bill, the Health Security Act of whatever year it is, 1994; but that the reality is that what passes is a bill that hopefully will be sort of redesigned or put together at a session such as I have suggested.

Having said that, Mr. President, let me also say that my optimism comes only with some experience with health care itself, health care delivery and health care reform. I am sure for most people around this place, because of the obstacles before us—three major committees on the House side, none of which has reported yet, the Finance Committee here just starting with an outline of the chairman's mark, 30-some working days until the August recess begins—it probably looks impossible. I disagree. I think it is possible.

One thing I observe: We are not going to get a lot of help from the American people on this issue. I remember very well back in May of last year, when it became obvious the President was not going to meet his one self-imposed 100-day deadline for health care reform, he invited a group of Republicans down to have lunch. At that lunch, when it came my turn to make some comments, I complimented the President and Mrs. Clinton on taking on the responsibility for major reform. I said: It is a wonderful thing; you have these 500 people working up all these proposals, and you are going to have a terrific plan when you get through.

But one thing you have neglected. You have not spent any time trying to explain the problem or engage in a dialog on the problem with the American people. And what is going to happen here, at some point in time your plan is going to land along with this plan and that plan and that plan and the other plan and the House plan and the Senate plan and the Republican plan and the single-payer plan and the managed competition plan, and to the public out there it is going to look like the battle of the plan, which would not be so bad if they were not all invented in Washington, DC, a place the public has learned to hate, or at least distrust. And that is the environment in which we are working today.

People who do not want health care reform—and there probably are a few Members of this body who do not want health care reform—are in the ascendance, at least with the people out there because the public's interest in the subject is waning. Its disapproval of a lot of the specifics is rising, which means the challenge before us is becoming incredibly difficult because you are not going to be able to go home and find a whole bunch of people, wherever you go, saying "right on," cheering, cheering, and cheering and hollering and supporting what you are doing.

So this is not an easy task. I would say, Mr. President, that it is going to have to lend itself very quickly to some common set of principles or some common guidelines on which everyone can agree, and I am just going to suggest a couple to the people here. One is that you cannot get the universal coverage, if that is the Democratic goal, unless you do cost containment. The second is you cannot do cost containment if the Government tries to do it. It is not going to get done. It is impossible.

Every effort at Government competition or Government regulation or Government anything in this country has been a failure. You cannot control prices with premium control. You cannot do it with any other device that has been incorporated into any of these bills. So you are going to have to make the decision that markets can be made to work in health care and the only way that is going to happen is if you set some national rule so that all these local markets in Colorado and Rhode Island and Minnesota and Kansas can work. You are going to have to take down all of the rules that have been put into law in Colorado, Minnesota, Rhode Island, and Kansas that prevent competition, that prevent consumer choice, that prevent an assessment of what is good quality, and set rules that permit you to do that, because it is only through the functioning of free markets in this country that we are going to get those costs under control.

The bottom line on the President's approach or the Labor, Human Resources Committee bill approach is simply this: If we do nothing about health care costs in this country, 10 years from now in the year 2003 we Americans will be spending $2.2 trillion on health care in just 1 year. That is 20 percent of our GDP compared to 14 percent today, if we do nothing. If we did the Clinton bill, or tried to do the Labor, Human Resources Committee bill that got reported out tonight, where do you think we will be in the year 2003? We will be at $2.07 trillion, which is 19 percent of the GDP.

We do not have it. We do not have that kind of money. Right now we are taking it away from community services and other kinds of health. The deterioration in a lot of our communities and a lot of our public health and health prevention is directly attributable to the fact we are spending all our money on medical cures and miracles. You cannot go to 19 percent even in a nation as rich as ours. So you have to find a way to turn that thing around. And the answer to it is in—if anyone is willing, and I think more people are willing today than perhaps a week or a month or 2 months ago—the answer to it is here, and it is in bipartisan, agreed upon sets of principles expressed in a variety of bills that are in committee. There are bipartisan agreements on what we need to do to change this system. And one need only take a look at them, try to understand them, and I hope we will do that in the Finance Committee during the course of the next 2 weeks so that we can bring to the floor of the Senate a bill which when combined with the best in what the Labor Committee was able to produce will be a challenge to American medicine.

I am always reminded to remind others of something that I have learned from 20-plus years now of dealing with this subject, and that is American medicine is remarkably inventive, and I do not mean just the drug companies and so forth. I mean the doctors, I mean the nurses, I mean anyone who is in this field, because it is a human service, human problem kind of a field, are by nature incredibly creative. And all we need to do is turn that creative genius, which is in tens of thousands of health caregivers in this country, loose on doing it better for less. That is how we get down, instead of going to the 20 percent GDP, get it down to below 14—13, 12, 11 or even 10 percent—through creative genius.

That is how we do it with every other field of endeavor in America. Why not do it in health care? And the way to do it has been presented to us if we will look not at the Democratic plan, not at the President's plan, not the Labor Committee plan, not at the far right of the Republican Party plan, which is either there is no crises or all we have to do is give everybody $2,000 walk-around money and they will turn the system around, but look in the middle. Look where most of the people are who have a record for reform in this place, Democrats and Republicans, and I think that is where we will find our solution.

Finally and most difficult for everyone—and I say this as a person who has been engaged in reform for a long time—is really a political challenge. Most of the Democrats, the President himself, the Kennedy bill and a lot of others believe we can get to universal coverage in this country without reforming the current $400 billion plus of Federal programs. And I want to stand on the floor tonight and say you are not going to get away with it. You are not going to get the universal coverage, and I wish to get there, but you are not going to get there with an employer mandate. You are not going to get there by pretending that somehow or other all of the workers in America can carry the load for going to universal coverage and that we who have responsibility for tax subsidies, Medicaid, Medicare, and all that sort of thing do not have to do anything, because we are afraid of the elderly, we cannot touch Medicare; because we are afraid of the unions, we cannot touch the tax subsidy that enriches the rich and povertizes the poor; because we are afraid of the politics of it, we cannot take on Medicaid reform.

We are going to continue to have elderly people spend down in nursing homes because we have not got the guts to take on that program. We are going to continue to encourage young women to have children in order to get health care because we have not figured out how to take them on. And I daresay the Republican challenge to the Democrats in health care reform will be we will meet you on universal coverage; we ought to guarantee every American the right to have a private health plan that nobody can take away from you, but in return for that you are going to have to face up to the entitlement problem in this country.

Entitlements created in the 1950's and 1960's do not work in the 1990's because our children and our grandchildren cannot afford to run them the way they were contemplated to be run in the 1950's and 1960's. There is $400-+ billion this year being spent in public subsidies to put the elderly and the disabled in this country into Government-run health care programs. Take them out of creative, changing, private health plans and stick them into single-payer, Government-run systems. What kind of a nation is this? If you are elderly, at 65, we take you out of a market that gives you a choice of health plans, choice of providers, all that sort of thing and we put you in the single-payer, Government-run system like you were going to Canada. And we do the same thing in Government disability, and we do the same thing if you are poor—say, sorry, you cannot be in the market with everybody else getting the benefit of creative new plans or HMO's or whatever it is.

We are going to put you in our United States version of the Canadian system, a single-payer system. That is what it is. Think about it. Medicare is a single-payer system, like they have in Canada. The Government pays the doctors. The Government pays the hospital and pays the doctors 9,000 different fees for 9,000 different procedures and pays the hospital 468 different fees.

It is a Government-run system. It is run by Government people—535 Members of Congress, and the President of the United States. I thought the President said, "I want a system that guarantees every single American the right to a private health plan that cannot be taken away from them."

Well, if that is his promise, then let us take on Medicare. Let us guarantee every person in America 65 years and older the right to own the same kind of health plan they had when they were under 65, when they were working but with improved benefits and a different way to pay for it so they can get the same benefit of this creative new market we are talking about that everybody else gets.

Why can we not do the same thing for low-income people? It is not hard, Mr. President, to do this. But it does take political courage. People stand around and say we cannot do Medicare because we had a problem on the floor with catastrophic. Then you will not get universal coverage. People say we cannot take on the unfairness of this employer tax subsidy because somebody is going to call it a tax and fringe benefit. You will not get universal coverage. You will have to decide what you want, what is most important, and what you are willing to pay.

I think the Finance Committee is an exciting place to be. I will regret that at the end of this year not having the opportunity to serve with the people who have been on the forefront of health care reform as long as I have been here. That has been the case, and it includes Republicans and Democrats. In fact, the Democratic leader succeeded me as chairman of the Subcommittee on Health Care. Together we did the catastrophic, and together we stood here on the floor of the Senate, got the vote count up to about 46 against a repeal but we could not get it up to 51. So it backed down to 35. There is no partisanship in health care reform. It takes a lot of courage to do it.

Right now, that courage is particularly needed because the public is not going to be of any help to us. The naysayers are going to cut us down every chance they get. Then the idealists of one stripe or another will want to have it their way. There is a way. There is an American way, and everything that the President and Mrs. Clinton have said about health care that it is an American system, it takes American reform, American genius, whatever it is, that is all possible.

Yes, today, we took the first step in that process. Six of us disagreed with the conclusion that 11 of our colleagues came to about how to do it. But I think there was a consensus there that this was the first step, and the next couple of steps need to come fairly quickly.

I am grateful to have had the opportunity this evening to say what I have said, and particularly to express my appreciation to Chairman KENNEDY with 30 years of leadership on his part;

the staff; members of the committee with which I serve; and particularly to compliment, as I already have, my colleague from Kansas for the leadership she has displayed for all of us, particularly for those of us on the Republican side of the aisle.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1776 TO AMENDMENT NO. 1775

Mr. PELL. Mr. President, this proposal to stage hasty and poorly structured Senate hearings on the so-called Whitewater matter is to my mind ill-advised and ill-timed.

In my six terms here, it has been my experience that special investigations are usually exercises in political gamesmanship which reflect badly on the institution without serving a valid legislative purpose.

In this case, the matter has been referred to a special prosecutor who has specifically asked us to at least hold off until he has done his job. And the Senate, by its 98–0 vote on March 19, agreed to honor that request. So the proposal before us is ill-timed at best.

But beyond that, the proposal exceeds the spirit of the March 19 agreement both in scope and in its clear partisan intent.

The Whitewater matter involves distant dealing, 12 long years ago in a small town setting, long before the principal parties involved had any connection with Federal office. To the extent Federal interests were involved, they would appear to be marginal. If there were indiscretions or errors, they will be and should be brought to light in the normal course of the special prosecutor's investigation.

If there are issues still left which rise to the level appropriate for Senate scrutiny, they will be taken into account in keeping with the March 19 agreement and the second degree amendment of the majority leader.

In the meantime, the work of the Senate in this day and season should be focused on the big issues of our time: health care reform, economic growth and stability, reduction of crime in our cities, peace and stability around our globe, and reconstruction of the former Soviet Union. Let us be on with the business to which the Nation expects us to attend.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

MORNING BUSINESS

THE 50TH ANNIVERSARY OF D-DAY

Mr. HEFLIN. Mr. President, I had the honor of traveling to Europe last week as a member of the Senate delegation participating in the 50th anniversary commemoration of the June 6, 1944, invasion of Normandy by the Allied forces. I was also privileged to take part in the commemoration of the liberation of Rome, which took place just days before the Normandy invasion.

As virtually all the veterans, Members of Congress, Government officials, and families who traveled to Europe understand, it is particularly difficult to express in words the special meaning these tributes and events held for us and those who fought there or lost friends and loved ones there. To see the thousands of white crosses and Stars of David in the American cemeteries and to stroll along the beaches where the allied forces, led by the Americans, landed was to appreciate the enormity of the sacrifice that took place so long ago. The stark stillness and tranquility of the ocean, sand, beaches and cliffs offer their visitors a peacefulness that one cannot get from the television screen or photographs. It really must be experienced to be felt and appreciated.

It is as if this place had to undergo the Hell and fury of one of the great military battles of all time to be transformed into the quiet, hallowed ground that it is today. I think it is so fittingly poignant that the beaches of Normandy were the setting for the turning point of that great war—the place where democracy was literally saved by thousands of brave young soldiers, many of whom paid the ultimate price for that democracy and freedom that we all enjoy five decades later. Their bravery and selflessness in the face of great uncertainty and personal danger are difficult to comprehend. But we know it was there, and see it as the lasting legacy of their triumph over tyranny.

Anniversaries like the one we just observed are important to our national consciousness in several ways. For those of us who remember such events, remembrances like this are clarifying—they allow us to look back and compare the world we knew then and the dangers it carried with the relatively peaceful one we have now. Naturally, there are still dangers that plague us all over the globe, but our fundamental ideals and democratic freedoms are intact and secure. When the D-day invasion took place, we were not at all sure that we would prevail and continue to enjoy those ideals and freedoms.

Second, these observances prompt the younger generations to look back and arrive at some understanding of what took place and what the stakes were. One of the the greatest tragedies that could come out of D-day and World War II in general would be that of forgetfulness. By looking back, our sons and daughters remember, and are able to pass on the legacy to their children and our grandchilden.

Finally, these events help bond all generations together in moving ways that allow us to remember what it means to be an American and what we stand for. When we hear the speeches, witness the emotion, and feel the spirit of these events, we come to a new understanding of why America—in spite of all its problems—remains the envy of the world in so many ways.

The expression "D-day" has become firmly embedded in military history as the date on which the Allied forces invaded Normandy during World War II to press the attack on Nazi Germany. Beyond this basic, generic definition, what does D-day really mean?

Of course, there can be no one answer to this question. Everyone who participated in the recent anniversary observances came away with his or her own unique interpretation of the events that took place on D-day, what they meant to world freedom, and what they mean to us today. The observances that bring so many participants together provide the settings that allow us to explore and refine those meanings, and ultimately pass them along to those who will gather in the same place long after we have moved on.

I want to applaud all the planners of the anniversary events in both France and Italy for making our journey one we will never forget. I also salute the President for his warm and inspiring remarks in saluting the D-day veterans and capturing—perhaps as well as anyone could in words—the essence of what they gave the world on that day 50 years ago.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise today to discuss the health care crisis facing our Nation. Yesterday, Senator MITCHELL announced the support of over 1,300 businesses and groups for an employer based system. I have been a long-time supporter of universal health care coverage. In this letter, small and large businesses acknowledge their responsibility for providing health care coverage for their workers. And they recognize their role in making sure all Americans have coverage.

For over a year now, I have been presenting the stories of Michigan individuals and families to put real faces on the health care crisis. These faces illustrate the absolute need for us to pass health reform legislation that provides universal health coverage.

Today I want to share with you the story of Sherry Hamilton of Boyne City, MI., to illustrate the struggles of people whose employers do not offer insurance and must find individual coverage on their own.

Sherry is a 48-year-old secretary and the mother of two grown children. Working full time, Sherry's annual salary is $17,000. She works in a small, two person ecology consulting firm that does not provide health insurance coverage, so she does not have insurance through her job. Her employer is covered under his wife's insurance plan, offered by her workplace.

Until her divorce in 1988, Sherry received health insurance coverage through her husband. After the divorce, Sherry continued this coverage by paying the monthly $200 premium. The coverage was expensive for her, but she valued the comprehensive benefits.

Then Sherry began experiencing numbness in her hands. In January 1989, she was diagnosed with multiple sclerosis [MS], a chronic, disabling disease. Soon after, when her option to use her former husband's group rate expired, the insurance company raised her premium to $600 a month. This was a premium increase of 300 percent and represented over 40 percent of her income. She somehow managed to pay this outrageous price for 3 months while she looked for more affordable coverage.

In March 1990, Sherry found and purchased a more affordable policy through Blue Shield. The premium is only $138 a month. But it does not cover her regular doctor visits or prescription drugs. Fortunately, Sherry's case of MS is not severe right now. She does, however, experience mild attacks and endures daily the general weakness that can characterize the disease. And it is not possible to predict whether her symptoms will worsen and disable her permanently.

Last summer, the drug Betasron which relieves and prevents the symptoms of MS, became available on a limited basis. MS patients may enroll in a lottery for the drug through their physicians. The drug is then distributed to patients as their lottery number comes up. Sherry enrolled in the lottery and her number is due to come up early this summer. But Sherry's insurance does not cover prescriptions, and the drug treatment costs $10,000 a year, close to 60 percent of her current income.

The drug manufacturer does have a program to assist individuals without insurance. But Sherry is not eligible for this assistance, because she is not uninsured. Sherry falls into the terrible category of the underinsured. She purchased the only coverage she could afford, a catastrophic policy that does not cover her actual treatment needs. But having that coverage makes her ineligible for the manufacturer's assistance program. Sherry faced poor options: to go without the drug which would relieve her symptoms or to impoverish herself to become eligible for some type of assistance.

Last month Sherry was telling a friend of her dilemma. He suggested an insurance agent in town who might be able to help. To her surprise and great joy, the agent found an affordable, comprehensive group policy which was available to businesses, not individuals, through the Chamber of Commerce of a neighboring town. If Sherry's employer would subscribe to the program, Sherry could get affordable coverage which included prescriptions.

As I tell this story, Sherry, her employer, and the insurance agent are negotiating a strategy for financing a health insurance policy which will adequately cover Sherry and her employer. Sherry considers herself very lucky. She knows she could never expect to secure drug treatment if it were not for the help of her friends and her employer.

Mr. President, Sherry is indeed very fortunate to be associated with so many caring people. But individuals should not be forced to depend on the kindness of friends to finance the health care they need. Working people with chronic illnesses should not need to consider impoverishing themselves to qualify for public assistance for health care coverage. When health coverage is not provided uniformly by all employers, larger groups get better coverage at cheaper rates. It then makes sense for people like Sherry and her employer to get their insurance through their spouses, rather then directly through their own workplace. But this leaves them vulnerable.

I recently heard from B.M. Siegel, a jeweler from Grand Rapids, MI, who owns a small business. He wrote to let me know that he supports health reform with an employer mandate. He has been providing health insurance to his employees for several years. I quote from Mr. Siegel's letter:

> We feel that having employer payment for the plan would only level the playing field. Our competitors, who do not have a plan, have a cost advantage over us that is unfair . . . It hasn't put us out of business to provide a health care benefit and it shouldn't affect others . . .

Everyone, including workers in small businesses, deserves comprehensive and affordable health care coverage. Small business owners, like Mr. Siegel, want to provide this for their workers and are asking for our help to level the playing field. An employer-based system builds on what works today and gets rid of the cost shifting that penalizes the businesses that voluntarily provide coverage. Mr. President, I will continue to work with my colleagues in the Senate to pass a health reform bill that provides universal coverage.

FEDERAL ACQUISITION STREAMLINING ACT

The text of the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes, as passed by the Senate on Wednesday, June 8, 1994, is as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Acquisition Streamlining Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

Sec. 1001. References to Federal Acquisition Regulation.
Sec. 1002. Establishment or maintenance of alternative sources of supply.
Sec. 1003. Clarification of approval authority for use of procedures other than full and open competition.
Sec. 1004. Task order contracts for advisory and assistance services.
Sec. 1005. Acquisition of expert services.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Sec. 1011. Source selection factors.
Sec. 1012. Solicitation provision regarding evaluation of purchase options.
Sec. 1013. Prompt notice of award.
Sec. 1014. Post-award debriefings.
Sec. 1015. Protest file.
Sec. 1016. Award of costs and fees in agency settlement of protests.
Sec. 1017. Two-phase selection procedures.

SUBPART C—KINDS OF CONTRACTS

Sec. 1021. Secretarial determination regarding use of cost type or incentive contract.
Sec. 1022. Technical and conforming amendments.

SUBPART D—MISCELLANEOUS PROVISIONS FOR THE ENCOURAGEMENT OF COMPETITION

Sec. 1031. Repeal of requirement for annual report by advocates for competition.

PART II—CIVILIAN AGENCY ACQUISITIONS

SUBPART A—COMPETITION REQUIREMENTS

Sec. 1051. References to Federal Acquisition Regulation.
Sec. 1052. Establishment or maintenance of alternative sources of supply.
Sec. 1053. Clarification of approval authority for use of procedures other than full and open competition.
Sec. 1054. Task order contracts for advisory and assistance services.
Sec. 1055. Acquisition of expert services.
Sec. 1056. Continued occupancy of leased space.

SUBPART B—PLANNING, SOLICITATION, EVALUATION, AND AWARD

Sec. 1061. Solicitation, evaluation, and award.

Sec. 1062. Solicitation provision regarding evaluation of purchase options.
Sec. 1063. Prompt notice of award.
Sec. 1064. Post-award debriefings.
Sec. 1065. Protest file.
Sec. 1066. Award of costs and fees in agency settlement of protests.
Sec. 1067. Two-phase selection procedures.

SUBPART C—KINDS OF CONTRACTS

Sec. 1071. Agency head determination regarding use of cost type or incentive contract.
Sec. 1072. Multiyear contracting authority.
Sec. 1073. Severable services contracts crossing fiscal years.
Sec. 1074. Economy Act purchases.

PART III—ACQUISITIONS GENERALLY

Sec. 1091. Policy regarding consideration of contractor past performance.
Sec. 1092. Repeal of requirement for annual report on competition.

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

Sec. 1201. Stabilization of dollar threshold of applicability.
Sec. 1202. Exceptions to cost or pricing data requirements.
Sec. 1203. Limitation on authority to require a submission not otherwise required.
Sec. 1204. Additional special rules for commercial items.
Sec. 1205. Right of United States to examine contractor records.
Sec. 1206. Required regulations.
Sec. 1207. Consistency of time references.
Sec. 1208. Exception for transfers between divisions, subsidiaries, and affiliates.
Sec. 1209. Repeal of superseded provision.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 1251. Revision of civilian agency provisions to ensure uniform treatment of cost or pricing data.
Sec. 1252. Repeal of obsolete provision.

Subtitle C—Research and Development

Sec. 1301. Research projects.
Sec. 1302. Elimination of inflexible terminology regarding coordination and communication of defense research activities.

Subtitle D—Procurement Protests

PART I—PROTESTS TO THE COMPTROLLER GENERAL

Sec. 1401. Protest defined.
Sec. 1402. Review of protests and effect on contracts pending decision.
Sec. 1403. Decisions on protests.
Sec. 1404. Regulations.

PART II—PROTESTS IN THE FEDERAL COURTS

Sec. 1421. Nonexclusivity of remedies.
Sec. 1422. Jurisdiction of the United States Court of Federal Claims.

PART III—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

Sec. 1431. Revocation of delegations of procurement authority.
Sec. 1432. Authority of the General Services Administration Board of Contract Appeals.
Sec. 1433. Periods for certain actions.
Sec. 1434. Dismissals of protests.
Sec. 1435. Award of costs.
Sec. 1436. Dismissal agreements.
Sec. 1437. Jurisdiction of district courts.
Sec. 1438. Matters to be covered in regulations.
Sec. 1439. Definitions.

Subtitle E—Definitions and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

Sec. 1501. Definitions.
Sec. 1502. Delegation of procurement functions.
Sec. 1503. Determinations and decisions.
Sec. 1504. Undefinitized contractual actions: restrictions.
Sec. 1505. Production special tooling and production special test equipment: contract terms and conditions.
Sec. 1506. Regulations for bids.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 1551. Definitions.
Sec. 1552. Delegation of procurement functions.
Sec. 1553. Determinations and decisions.
Sec. 1554. Cooperative purchasing.

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2001. Contract financing.
Sec. 2002. Contracts: vouchering procedures.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2051. Contract financing.

Subtitle B—Cost Principles

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2101. Allowable contract costs.
Sec. 2102. Contract profit controls during emergency periods.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2151. Allowable contract costs.

PART III—ACQUISITIONS GENERALLY

Sec. 2191. Travel expenses of government contractors.
Sec. 2192. Unallowability of entertainment costs under covered contracts.

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2201. Consolidation and revision of authority to examine records of contractors.

PART II—CIVILIAN AGENCY ACQUISITIONS

Sec. 2251. Authority to examine records of contractors.

Subtitle D—Cost Accounting Standards

Sec. 2301. Exceptions to coverage.
Sec. 2302. Repeal of obsolete deadline regarding procedural regulations for the Cost Accounting Standards Board.

Subtitle E—Administration of Contract Provisions Relating to Price, Delivery, and Product Quality

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2401. Procurement of critical aircraft and ship spare parts; quality control.
Sec. 2402. Contractor guarantees regarding weapon systems.

PART II—ACQUISITIONS GENERALLY

Sec. 2451. Section 3737 of the Revised Statutes: expansion of authority to prohibit setoffs against assignees; reorganization of section; revision of obsolete provisions.
Sec. 2452. Repeal of requirement for deposit of contracts with GAO.

Subtitle F—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

Sec. 2501. Certification of contract claims.
Sec. 2502. Shipbuilding claims.

PART II—ACQUISITIONS GENERALLY

Sec. 2551. Claims jurisdiction of United States district courts and the United States Court of Federal Claims.
Sec. 2552. Contract Disputes Act improvements.
Sec. 2553. Extension of alternative dispute resolution authority.
Sec. 2554. Expedited resolution of contract administration complaints.
Sec. 2555. Authority for District Courts to obtain advisory opinions from boards of contract appeals in certain cases.

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

Sec. 3001. Requirement for independent cost estimates and manpower estimates before development or production.
Sec. 3002. Enhanced program stability.
Sec. 3003. Repeal of requirement to designate certain major defense acquisition programs as defense enterprise programs.
Sec. 3004. Repeal of requirement for competitive prototyping in major programs.
Sec. 3005. Repeal of requirement for competitive alternative sources in major programs.

Subtitle B—Testing Statutes

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Sec. 3021. Gratuitous services of officers of certain reserve components.
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Sec. 3081. Obligation of funds: limitation.
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TITLE IV—SIMPLIFIED ACQUISITION THRESHOLD AND SOCIOECONOMIC, SMALL BUSINESS, AND MISCELLANEOUS LAWS

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Sec. 4011. Simplified acquisition procedures.
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Sec. 4151. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.
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TITLE V—ACQUISITION MANAGEMENT

Subtitle A—Armed Services Acquisitions

Sec. 5001. Performance based management.
Sec. 5002. Results oriented acquisition program cycle.
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Subtitle B—Civilian Agency Acquisitions

Sec. 5051. Performance based management.
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Subtitle C—Miscellaneous

Sec. 5091. Contractor exceptional performance awards.
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TITLE VI—STANDARDS OF CONDUCT

Subtitle A—Ethics Provisions

Sec. 6001. Amendments to Office of Federal Procurement Policy Act.
Sec. 6002. Amendments to title 18, United States Code.
Sec. 6003. Repeal of superseded and obsolete laws.
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Sec. 6051. Contracting functions performed by Federal personnel.
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Sec. 6101. Armed services procurements.
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TITLE VII—DEFENSE TRADE AND COOPERATION

Sec. 7001. Purchases of foreign goods.
Sec. 7002. International cooperative agreements.
Sec. 7003. Acquisition, cross-servicing agreements, and standardization.

TITLE VIII—COMMERCIAL ITEMS

Sec. 8001. Definitions.
Sec. 8002. Preference for acquisition of commercial items and nondevelopmental items.
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Sec. 8007. Advocates for acquisition of commercial and nondevelopmental items.
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TITLE IX MISCELLANEOUS PROVISIONS

Sec. 9001. Comptroller General review of the provision of legal advice for inspectors general.
Sec. 9002. Cost savings for official travel.
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TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Sec. 10001. Effective dates.
Sec. 10002. Implementing regulations.
Sec. 10003. Evaluation by the Comptroller General.
Sec. 10004. Data collection through the Federal procurement data system.

TITLE IX—WAIVER OF THE APPLICATION OF THE PREVAILING WAGE-SETTING REQUIREMENTS TO VOLUNTEERS

Sec. 11001. Short title.
Sec. 11002. Purpose.
Sec. 11003. Waiver.
Sec. 11004. Report.

TITLE I—CONTRACT FORMATION

Subtitle A—Competition Statutes

PART I—ARMED SERVICES ACQUISITIONS

Subpart A—Competition Requirements

SEC. 1001. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 2304 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking out "modifications" and all that follows through "note)" and inserting in lieu thereof "Federal Acquisition Regulation"; and

(2) in subsection (g)(1), by striking out "regulations modified" and all that follows through "note)" and inserting in lieu thereof "Federal Acquisition Regulation".

SEC. 1002. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

Section 2304(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) would ensure the continuous availability of a reliable source of supply of such property or service;

"(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

"(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The determination required of the agency head in paragraph (1) may not be made for a class of purchases or contracts."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1) and (3)".

SEC. 1003. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 2304(f)(1)(B)(i) of title 10, United States Code, is amended by inserting before the semicolon at the end of the following: "or by an official referred to in clause (ii), (iii), or (iv)".

SEC. 1004. TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§ 2304a. Task order contracts for advisory and assistance services

"(a) AUTHORITY TO AWARD.—(1) Subject to the requirements of this section, the head of an agency may enter into a contract for advisory and assistance services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of task orders during the specified period of the contract.

"(2) Except as provided in subsection (h), the head of an agency may enter into a contract described in paragraph (1) only under the authority of this section.

"(b) LIMITATION ON CONTRACT PERIOD.—The period of a contract referred to in subsection (a), including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to such contract.

"(c) CONTRACT PROCEDURES.—(1) The head of an agency may use procedures other than competitive procedures to enter into a contract referred to in subsection (a) only if an exception in subsection (c) of section 2304 of this title applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

"(2) The notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

"(3) The solicitation shall include the following:

"(A) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

"(B) The maximum quantity or dollar value of services to be procured under the contract.

"(C) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services to be procured under the contract.

"(4)(A) The head of an agency may, on the basis of one solicitation, award separate contracts under this section for the same or similar services to two or more sources if the solicitation states that the head of the agency has the option to do so.

"(B) If, in the case of a contract for advisory and assistance services to be entered into under the authority of this section, the contract period is to exceed 3 years and the contract amount is estimated to exceed $10,000,000 (including all options), the solicitation shall—

"(i) provide for a multiple award authorized under subparagraph (A); and

"(ii) include a statement that the head of the agency may also elect to award only one contract if the head of the agency determines in writing that only one of the offerers is capable of providing the services required at the level of quality required.

"(C) Subparagraph (B) does not apply in the case of a solicitation for which the head of an agency determines in writing that, because the services required under the contract are unique or highly specialized, it is not practicable to award more than one contract.

"(5) A contract referred to in subsection (a) shall contain the same information that is required by paragraph (3) to be included in the solicitation of offers for that contract.

"(d) ORDER PROCEDURES.—(1) The following actions are not required for a task order issued under a contract entered into in accordance with this section:

"(A) A separate notice for such order under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(B) Except as provided in paragraph (2), a competition (or a waiver of competition approved in accordance with section 2304(f) of this title) that is separate from that used for entering into the contract.

"(2)(A) When multiple contracts are awarded pursuant to subsection (c)(4), all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task order in excess of $2,500 that is to be issued under any of the contracts unless—

"(i) the agency's need for the services ordered is of such unusual urgency that competition would result in unacceptable delays in fulfilling the agency's needs;

"(ii) only one such contractor is capable of providing the services required at the level of quality required because the services ordered are unique or so highly specialized;

"(iii) the task order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task order already issued on a competitive basis; or

"(iv) the order must be placed with a particular contractor in order to satisfy a minimum guarantee.

"(B) When a task order is issued in accordance with subparagraph (A), the order shall include a statement of work that clearly specifies all tasks to be performed under the order.

"(3) A protest is not authorized in connection with the issuance or proposed issuance of a task order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

"(e) INCREASES IN SCOPE, PERIOD, OR MAXIMUM VALUE OF CONTRACT.—(1) A task order may not increase the scope, period, or maximum value of the contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(4)(A) Notwithstanding the limitation on the contract period set forth in subsection (b) or in a solicitation or contract pursuant to subsection (c), a contract entered into by the head of an agency under this section may be extended on a sole-source basis for a period not exceeding 6 months if the agency head determines that—

"(i) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

"(ii) the extension is necessary in order to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

"(B) A contract may be extended under the authority of subparagraph (A) only once and only in accordance with the limitations and requirements of this subsection.

"(f) TASK ORDER OMBUDSMAN.—Each head of an agency who awards multiple contracts pursuant to subsection (c)(4) shall appoint or designate a task order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task orders when required under subsection (d)(2). The task order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the agency's competition advocate.

"(g) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the head of an agency entering into such contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

"(h) RELATIONSHIP TO OTHER CONTRACTING AUTHORITY.—Nothing in this section may be construed to limit the authority of the head of an agency to enter into single or multiple task order contracts, or single or multiple delivery order contracts, for property or services (other than advisory and assistance services) under other provisions of this chapter or under any other provision of law.

"(i) ADVISORY AND ASSISTANCE SERVICES DEFINED.—In this section, the term 'advisory and assistance services' has the meaning given such term in section 1105(g) of title 31.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Task order contracts for advisory and assistance services.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 2304 of title 10, United States Code, is amended by striking out subsection (j).

(c) CONFORMING AMENDMENT FOR PROFESSIONAL AND TECHNICAL SERVICES.—Section 2331 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 1005. ACQUISITION OF EXPERT SERVICES.

Section 2304(c)(3) of title 10, United States Code, is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end the following: ", or (C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify".

Subpart B—Planning, Solicitation, Evaluation, and Award

SEC. 1011. SOURCE SELECTION FACTORS.

Section 2305(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(i), by striking out "nonprice-related factors)" and inserting in lieu thereof "nonprice-related factors and subfactors)"; and

(B) in subparagraph (B)(ii), by striking out subclause (I) and inserting in lieu thereof the following:

"(I) either a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) In prescribing the evaluation factors to be included in each solicitation for competitive proposals, the head of an agency—

"(i) shall clearly establish the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

"(ii) shall include cost or price to the Government as an evaluation factor that must be considered in the evaluation of proposals; and

"(iii) shall disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

"(I) significantly more important than cost or price;

"(II) approximately equal in importance to cost or price; or

"(III) significantly less important than cost or price.

"(B) Nothing in this paragraph prohibits an agency from—

"(i) providing additional information in a solicitation, including numeric weights for all evaluation factors; or

"(ii) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest cost or price.".

SEC. 1012. SOLICITATION PROVISION REGARDING EVALUATION OF PURCHASE OPTIONS.

(a) OPTIONS FOR ADDITIONAL PURCHASES.—Subsection (a) of section 2305 of title 10, United States Code, as amended by section 1011, is further amended by adding at the end the following new paragraph:

"(4) The head of an agency, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in such solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the head of the agency has determined that there is a reasonable likelihood that the options will be exercised.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 2301(a) of such title is amended—

(1) by striking out paragraph (7);

(2) by inserting "and" at the end of paragraph (5); and

(3) by striking out "; and" at the end of paragraph (6) and inserting in lieu thereof a period.

SEC. 1013. PROMPT NOTICE OF AWARD.

(a) SEALED BID PROCEDURES.—Section 2305(b)(3) of title 10, United States Code, is amended by adding at the end the following: "As soon as practicable after the date of contract award, the head of the agency shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify all offerors not awarded the contract that the contract has been awarded.".

(b) COMPETITIVE PROPOSALS PROCEDURES.—Section 2305(b)(4)(B) of title 10, United States Code, is amended in the second sentence by striking out "source and shall promptly notify" and inserting in lieu thereof "source. As soon as practicable after the date of contract award, the head of the agency shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify".

SEC. 1014. POST-AWARD DEBRIEFINGS.

Section 2305(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) When a contract is awarded by the head of an agency on the basis of competitive proposals, an unsuccessful offeror, upon written request received by the agency within 3 days after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award. An employee of the agency shall debrief the offeror promptly after receipt of the request by the agency.

"(B) The debriefing shall include, at a minimum—

"(i) the agency's evaluation of the significant weak or deficient factors in the offeror's offer;

"(ii) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

"(iii) the overall ranking of all offers;

"(iv) a summary of the rationale for the award;

"(v) in the case of a proposal for a commercial item other than a commercial component, the make and model of the item being provided in accordance with the offer of the contractor awarded the contract; and

"(vi) reasonable responses to questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

"(C) The debriefing may not include point-by-point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552 of title 5, including information relating to—

"(i) trade secrets;

"(ii) privileged or confidential manufacturing processes and techniques; and

"(iii) commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information.

"(D) Each solicitation for competitive proposals shall include a statement that information described in subparagraph (B) may be disclosed in post-award debriefings.

"(E) If, within one year after the date of the contract award and as a result of a successful procurement protest or otherwise, the agency seeks to fulfill the requirement under the contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the agency shall make available to all offerors—

"(i) the information provided in debriefings under this paragraph regarding the offer of the contractor awarded the contract; and

"(ii) the same information that would have been provided to the original offerors.

"(F) The contracting officer shall include a summary of the debriefing in the contract file.".

SEC. 1015. PROTEST FILE.

Section 2305 of title 10, United States Code, is amended by adding at the end the following:

"(e)(1) If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, the head of an agency, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31 and an actual or prospective offeror so requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

"(2) Information exempt from disclosure under the section 552 of title 5 may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

"(3) Regulations implementing this subsection shall be consistent with the regulations regarding the preparation and submission of an agency's protest file (the so-called 'rule 4 file') for protests to the General Services Board of Contract Appeals under section 111 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 759).".

SEC. 1016. AWARD OF COSTS AND FEES IN AGENCY SETTLEMENT OF PROTESTS.

Section 2305 of title 10, United States Code, as amended by section 1015, is further amended by adding at the end the following new subsection:

"(f) If, in connection with a protest, the head of an agency determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the head of the agency may take—

"(1) any action set out in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31; and

"(2) may pay costs described in paragraph (1) of section 3554(c) of title 31 within the limits referred to in paragraph (2) of such section.".

SEC. 1017. TWO-PHASE SELECTION PROCEDURES.

(a) PROCEDURES AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§ 2305a. Two-phase selection procedures

"(a) PROCEDURES AUTHORIZED.—The head of an agency may use two-phase selection procedures for entering into a contract for the acquisition of property or services (other than a construction contract) when the head of the agency determines that three or more offers will be received for such contract, substantial design work must be performed before an offeror can develop a price or cost proposal for such contract, and the offerors will incur a substantial amount of expenses in preparing the offers.

"(b) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The head of the agency solicits proposals that—

"(A) include information on the offerors'—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(2) The head of the agency evaluates the proposals on the basis of evaluation criteria set forth in the solicitation, except that the head of the agency does not consider cost-related or price-related evaluation factors.

"(3) The head of the agency selects at least three offerors as the most highly qualified to provide the property or services under the contract and requests the selected offerors to submit competitive proposals that include cost or price information.

"(4) The head of the agency awards the contract in accordance with section 2305(b)(4) of this title.

"(c) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to subsection (b)(1) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (b)(3).

"(d) RESOURCE COMPARISON CRITERION REQUIRED.—In using two-phase selection procedures for entering into a contract, the head of the agency shall establish a resource criterion or a financial criterion applicable to the contract in order to provide a consistent basis for comparing the offerors and their proposals.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following:

"2305a. Two-phase selection procedures.".

Subpart C—Kinds of Contracts

SEC. 1021. SECRETARIAL DETERMINATION REGARDING USE OF COST TYPE OR INCENTIVE CONTRACT.

Subsection (c) of section 2306 of title 10, United States Code, is repealed.

SEC. 1022. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF UNNECESSARY CROSS REFERENCE.—Subsection (f) of section 2306 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—Such section is amended by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(c) NEUTERIZATION OF REFERENCE.—Subsection (e)(1) of such section, as redesignated by subsection (b), is amended in the matter above clause (i) by striking out "whenever he finds" and inserting in lieu thereof "whenever the head of the agency finds".

Subpart D—Miscellaneous Provisions for the Encouragement of Competition

SEC. 1031. REPEAL OF REQUIREMENT FOR ANNUAL REPORT BY ADVOCATES FOR COMPETITION.

Subsection (c) of section 2318 of title 10, United States Code, is repealed.

PART II—CIVILIAN AGENCY ACQUISITIONS

Subpart A—Competition Requirements

SEC. 1051. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in subsection (a)(1)(A), by striking out "modifications" and all that follows through "of 1984" and inserting in lieu thereof "Federal Acquisition Regulation"; and

(2) in subsection (g)(1), by striking out "regulations modified" and all that follows through "of 1984," and inserting in lieu thereof "Federal Acquisition Regulation".

SEC. 1052. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

Section 303(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) would ensure the continuous availability of a reliable source of supply of such property or service;

"(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

"(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The determination required of the agency head in paragraph (1) may not be made for a class of purchases or contracts."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1) and (3)".

SEC. 1053. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 303(f)(1)(B)(i) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)(i)) is amended by inserting before the semicolon at the end the following: "or by an official referred to in clause (ii), (iii), or (iv)".

SEC. 1054. TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303G the following new section:

"TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES

"SEC. 303H. (a) AUTHORITY TO AWARD.—(1) Subject to the requirements of this section, the head of an executive agency may enter into a contract for advisory and assistance services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of task orders during the specified period of the contract.

"(2) Except as provided in subsection (h), the agency head may enter into a contract described in paragraph (1) only under the authority of this section.

"(b) LIMITATION ON CONTRACT PERIOD.—The period of a contract referred to in subsection (a), including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to such contract.

"(c) CONTRACT PROCEDURES.—(1) An agency head may use procedures other than competitive procedures to enter into a contract referred to in subsection (a) only if an exception in subsection (c) of section 303 applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

"(2) The notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall reasonably and fairly describe the general scope, magnitude, and duration of the proposed contract in a manner that would reasonably enable a potential offeror to decide whether to request the solicitation and consider submitting an offer.

"(3) The solicitation shall include the following:

"(A) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

"(B) The maximum quantity or dollar value of the services to be procured under the contract.

"(C) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services to be procured under the contract.

"(4)(A) An agency head may, on the basis of one solicitation, award separate contracts under this section for the same or similar services to two or more sources if the solicitation states that the agency head has the option to do so.

"(B) If, in the case of a contract for advisory and assistance services to be entered into under the authority of this section, the contract period is to exceed 3 years and the contract amount is estimated to exceed $10,000,000 (including all options), the solicitation shall—

"(i) provide for a multiple award authorized under subparagraph (A); and

"(ii) include a statement that the agency head may also elect to award only one contract if the agency head determines in writing that only one of the offerers is capable of providing the services required at the level of quality required.

"(C) Subparagraph (B) does not apply in the case of a solicitation for which the agency head determines in writing that, because the services required under the contract are unique or highly specialized, it is not practicable to award more than one contract.

"(5) A contract referred to in subsection (a) shall contain the same information that is required by paragraph (3) to be included in the solicitation of offers for that contract.

"(d) ORDER PROCEDURES.—(1) The following actions are not required for a task order issued under a contract entered into in accordance with this section:

"(A) A separate notice for such order under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) or section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(B) Except as provided in paragraph (2), a competition (or a waiver of competition approved in accordance with section 303(f)) that is separate from that used for entering into the contract.

"(2)(A) When multiple contracts are awarded pursuant to subsection (c)(4), all contractors awarded such contracts shall be provided a fair opportunity to be considered, pursuant to procedures set forth in the contracts, for each task order in excess of $2,500 that is to be issued under any of the contracts unless—

"(i) the agency's need for the services ordered is of such unusual urgency that competition would result in unacceptable delays in fulfilling the agency's needs;

"(ii) only one such contractor is capable of providing the services required at the level of quality required because the services ordered are unique or highly specialized;

"(iii) the task order should be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to a task order already issued on a competitive basis; or

"(iv) the order must be placed with a particular contractor in order to satisfy a minimum guarantee.

"(B) When a task order is issued in accordance with subparagraph (A), the order shall include a statement of work that clearly specifies all tasks to be performed under the order.

"(3) A protest is not authorized in connection with the issuance or proposed issuance of a task order except for a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued.

"(e) INCREASES IN SCOPE, PERIOD, OR MAXIMUM VALUE OF CONTRACT.—(1) A task order may not increase the scope, period, or maximum value of the contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

"(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 303 and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

"(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(4)(A) Notwithstanding the limitation on the contract period set forth in subsection (b) or in a solicitation or contract pursuant to subsection (c), a contract entered into by the head of an agency under this section may be extended on a sole-source basis for a period not exceeding 6 months if the agency head determines that—

"(i) the award of a follow-on contract has been delayed by circumstances that were not reasonably foreseeable at the time the initial contract was entered into; and

"(ii) the extension is necessary in order to ensure continuity of the receipt of services pending the award of, and commencement of performance under, the follow-on contract.

"(B) A contract may be extended under the authority of subparagraph (A) only once and only in accordance with the limitations and requirements of this subsection.

"(f) TASK ORDER OMBUDSMAN.—Each agency head who awards multiple contracts pursuant to subsection (c)(4) shall appoint or designate a task order ombudsman who shall be responsible for reviewing complaints from the contractors on such contracts and ensuring that all of the contractors are afforded a fair opportunity to be considered for task orders when required under subsection (d)(2). The task order ombudsman shall be a senior agency official who is independent of the contracting officer for the contracts and may be the agency's competition advocate.

"(g) Inapplicability to Certain Contracts.—This section does not apply to a contract for the acquisition of property or services that includes acquisition of advisory and assistance services if the agency head entering into such contract determines that, under the contract, advisory and assistance services are necessarily incident to, and not a significant component of, the contract.

"(h) Relationship to Other Contracting Authority.—Nothing in this section may be construed to limit the authority of the head of an agency to enter into single or multiple task order contracts, or single or multiple delivery order contracts, for goods or services (other than advisory and assistance services) under other provisions of this title or under any other provision of law.

"(i) Advisory and Assistance Services Defined.—In this section, the term 'advisory and assistance services' has the meaning given such term in section 1105(g) of title 31, United States Code.".

(b) Clerical Amendment.—The table of contents in the first section is amended by inserting after the item relating to section 303G the following new item:

"Sec. 303H. Task order contracts for advisory and assistance services.".

SEC. 1055. ACQUISITION OF EXPERT SERVICES.

(a) Exception to Requirement for Use of Competitive Procedures.—Section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end the following: ", or (C) to procure the services of an expert for use, in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government, in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify".

(b) Procurement Notice.—

(1) Amendment of office of federal procurement policy act.—Section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)) is amended—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the procurement is for the services of an expert for use in any litigation or dispute (including any reasonably foreseeable litigation or dispute) involving the Federal Government in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.".

(2) Amendment of small business act.—Section 8(g) of the Small Business Act (15 U.S.C. 637(c)) is amended—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the procurement is for the services of an expert for use in any litigation or dispute (including preparation for any foreseeable litigation or dispute) that involves or could involve the Federal Government in any trial, hearing, or proceeding before any court, administrative tribunal, or agency, or in any part of an alternative dispute resolution process, whether or not the expert is expected to testify.".

(c) Repeal of Amendments to Uncodified Title.—The following provisions of law are repealed:

(1) Section 532 of Public Law 101-509 (104 Stat. 1470) and the provision of law set out in quotes in that section.

(2) Section 529 of Public Law 102-393 (106 Stat. 1761) and the matters inserted and added by that section.

SEC. 1056. CONTINUED OCCUPANCY OF LEASED SPACE.

Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) For the purposes of applying subsection (c)(1) in the case of a follow-on lease to be entered into for the purpose of providing for continued occupancy of particular space in leased real property by a Federal agency, space may be treated as being available only from the lessor of such space and may be acquired through the use of procedures other than competitive procedures (without the justification otherwise required by subsection (f)) if a written determination is made by the contracting officer that—

"(i) the occupying agency has a continuing need for the space;

"(ii) the space meets the needs of the agency; and

"(iii) the lessor is willing to continue to provide the space at a fair market price determined by the contracting officer on the basis of a market survey or an appraisal conducted in accordance with generally accepted real property appraisal standards.

"(B) The authority under subparagraph (A) to use procedures other than competitive procedures to enter into a follow-on lease may be exercised not more than once to provide for continued occupancy of particular space in real property by a particular Federal agency. The period of such follow-on lease may not exceed 5 years.

"(C) Nothing in this paragraph may be construed to prohibit the use of procedures other than competitive procedures to enter into a follow-on lease of real property for continued occupancy of particular space in real property by a Federal agency when an exception set forth in subsection (c) applies and the use of such procedures is justified and approved in accordance with subsection (f).".

Subpart B—Planning, Solicitation, Evaluation, and Award

SEC. 1061. SOLICITATION, EVALUATION, AND AWARD.

(a) Content of Solicitation.—Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended—

(1) in subsection (b)(1)(A)—

(A) by inserting "and significant subfactors" after "all significant factors"; and

(B) by striking out "(including price)" and inserting "(including cost or price, cost-related or price-related factors and subfactors, and noncost-related or nonprice-related factors and subfactors)";

(2) in subsection (b)(1)(B), by inserting "and subfactors" after "factors";

(3) in subsection (b)(2)(B), by striking out clause (i) and inserting in lieu thereof the following:

"(i) either a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) unless discussions are determined to be necessary; and"; and

(4) by adding at the end the following new subsection:

"(c)(1) In prescribing the evaluation factors to be included in each solicitation for competitive proposals, an agency head—

"(A) shall clearly establish the relative importance assigned to the evaluation factors and subfactors, including the quality of the product or services to be provided (including technical capability, management capability, prior experience, and past performance of the offeror);

"(B) shall include cost or price to the Government as an evaluation factor that must be considered in the evaluation of proposals; and

"(C) shall disclose to offerors whether all evaluation factors other than cost or price, when combined, are—

"(i) significantly more important than cost or price;

"(ii) approximately equal in importance to cost or price; or

"(iii) significantly less important than cost or price.

"(2) Nothing in this subsection prohibits an agency from—

"(A) providing additional information in a solicitation, including numeric weights for all evaluation factors; or

"(B) stating in a solicitation that award will be made to the offeror that meets the solicitation's mandatory requirements at the lowest price or cost.".

(b) Evaluation and Award.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) in subsection (a), by inserting ", and award a contract," after "competitive proposals";

(2) in subsection (c), by inserting "in accordance with subsection (a)" in the second sentence after "shall evaluate the bids"; and

(3) in subsection (d)—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) An agency head shall evaluate competitive proposals in accordance with subsection (a) and may award a contract—

"(A) after discussions with the offerors, provided that written or oral discussions have been conducted with all responsible offerors who submit proposals within the competitive range; or

"(B) based on the proposals received and without discussions with the offerors (other than discussions conducted for the purpose of minor clarification), provided that, as required by section 303A(b)(2)(B)(i), the solicitation included a statement that proposals are intended to be evaluated, and award made, without discussions, unless discussions are determined to be necessary.";

(B) by striking out paragraphs (2) and (3) and by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B), by inserting "cost or" before "price" in the first sentence.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to—

(A) solicitations for sealed bids or competitive proposals issued after the end of the 180-day period beginning on the date of the enactment of this Act; and

(B) contracts awarded pursuant to those solicitations.

(2) AUTHORITY TO APPLY AMENDMENTS EARLY.—The head of an executive agency may apply the amendments made by this section to solicitations issued before the end of the period referred to in paragraph (1). The head of the executive agency shall publish in the Federal Register notice of any such earlier date of application at least 10 days before that date.

SEC. 1062. SOLICITATION PROVISION REGARDING EVALUATION OF PURCHASE OPTIONS.

Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a), as amended by section 1061(a)(4), is further amended by adding at the end the following new subsection:

"(d) An agency head, in issuing a solicitation for a contract to be awarded using sealed bid procedures, may not include in such solicitation a clause providing for the evaluation of prices for options to purchase additional property or services under the contract unless the agency head has determined that there is a reasonable likelihood that the options will be exercised.".

SEC. 1063. PROMPT NOTICE OF AWARD.

(a) SEALED BID PROCEDURES.—Subsection (c) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by adding at the end the following: "As soon as practicable after the date of contract award, the agency head shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify all offerors not awarded the contract that the contract has been awarded.".

(b) COMPETITIVE PROPOSALS PROCEDURES.—Paragraph (2) of section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)), as redesignated by section 1061(b)(3)(B), is amended in the second sentence by striking out "source and shall promptly notify" and inserting in lieu thereof "source. As soon as practicable after the date of contract award, the agency head shall, in accordance with procedures prescribed in the Federal Acquisition Regulation, notify".

SEC. 1064. POST-AWARD DEBRIEFINGS.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) When a contract is awarded by the head of an executive agency on the basis of competitive proposals, an unsuccessful offeror, upon written request received by the agency within 3 days after the date on which the unsuccessful offeror receives the notification of the contract award, shall be debriefed and furnished the basis for the selection decision and contract award. An employee of the executive agency shall debrief the offeror promptly after receipt of the request by the agency.

"(2) The debriefing shall include, at a minimum—

"(A) the executive agency's evaluation of the significant weak or deficient factors in the offeror's offer;

"(B) the overall evaluated cost and technical rating of the offer of the contractor awarded the contract and the overall evaluated cost and technical rating of the offer of the debriefed offeror;

"(C) the overall ranking of all offers;

"(D) a summary of the rationale for the award;

"(E) in the case of a proposal for a commercial item other than a commercial component, the make and model of the item being provided in accordance with the offer of the contractor awarded the contract; and

"(F) reasonable responses to questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(3) The debriefing may not include point-by-point comparisons of the debriefed offeror's offer with other offers and may not disclose any information that is exempt from disclosure under section 552 of title 5, United States Code, including information relating to—

"(A) trade secrets;

"(B) privileged or confidential manufacturing processes and techniques; and

"(C) commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information.

"(4) Each solicitation for competitive proposals shall include a statement that information described in paragraph (2) may be disclosed in post-award debriefings.

"(5) If, within one year after the date of the contract award and as a result of a successful procurement protest or otherwise, the executive agency seeks to fulfill the requirement under the contract either on the basis of a new solicitation of offers or on the basis of new best and final offers requested for that contract, the agency head shall make available to all offerors—

"(A) the information provided in debriefings under this subsection regarding the offer of the contractor awarded the contract; and

"(B) the same information that would have been provided to the original offerors.

"(6) The contracting officer shall include a summary of the debriefing in the contract file.".

SEC. 1065. PROTEST FILE.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b), as amended by section 1064(1), is further amended by adding at the end the following:

"(h)(1) If, in the case of a solicitation for a contract issued by, or an award or proposed award of a contract by, an agency head, a protest is filed pursuant to the procedures in subchapter V of chapter 35 of title 31, United States Code, and an actual or prospective offeror so requests, a file of the protest shall be established by the procuring activity and reasonable access shall be provided to actual or prospective offerors.

"(2) Information exempt from disclosure under section 552 of title 5, United States Code, may be redacted in a file established pursuant to paragraph (1) unless an applicable protective order provides otherwise.

"(3) Regulations implementing this subsection shall be consistent with the regulations regarding the preparation and submission of an agency's protest file (the so-called 'rule 4 file') for protests to the General Services Board of Contract Appeals under section 111 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 759).".

SEC. 1066. AWARD OF COSTS AND FEES IN AGENCY SETTLEMENT OF PROTESTS.

Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b), as amended by section 1065, is further amended by adding at the end the following new subsection:

"(i) If, in connection with a protest, an agency head determines that a solicitation, proposed award, or award does not comply with the requirements of law or regulation, the agency head may take—

"(1) any action set out in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31, United States Code; and

"(2) may pay costs described in paragraph (1) of section 3554(c) of such title within the limits referred to in paragraph (2) of such section.".

SEC. 1067. TWO-PHASE SELECTION PROCEDURES.

(a) PROCEDURES AUTHORIZED.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1054, is further amended by inserting after section 303H the following new section:

"TWO-PHASE SELECTION PROCEDURES

"SEC. 303I. (a) PROCEDURES AUTHORIZED.—The head of an executive agency may use two-phase selection procedures for entering into a contract for the acquisition of property or services (other than a construction contract) when the agency head determines that three or more offers will be received for such contract, substantial design work must be performed before an offeror can develop a price or cost proposal for such contract, and the offerors will incur a substantial amount of expenses in preparing the offers.

"(b) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency head solicits proposals that—

"(A) include information on the offerors'—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(2) The agency head evaluates the proposals on the basis of evaluation criteria set forth in the solicitation, except that the agency head does not consider cost-related or price-related evaluation factors.

"(3) The agency head selects at least three offerors as the most highly qualified to provide the property or services under the contract and requests the selected offerors to submit competitive proposals that include cost or price information.

"(4) The agency head awards the contract in accordance with section 303B(d).

"(c) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to subsection (b)(1) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (b)(3).

"(d) RESOURCE COMPARISON CRITERION REQUIRED.—In using two-phase selection procedures for entering into a contract, the agency head shall establish a resource criterion or a financial criterion applicable to the contract in order to provide a consistent basis for comparing the offerors and their proposals.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1054, is further amended by inserting after the item relating to section 303H the following new item:

"Sec. 303I. Two-phase selection procedures.".

Subpart C—Kinds of Contracts

SEC. 1071. AGENCY HEAD DETERMINATION REGARDING USE OF COST TYPE OR INCENTIVE CONTRACT.

Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended by striking out the second sentence.

SEC. 1072. MULTIYEAR CONTRACTING AUTHORITY.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1067, is further amended by inserting after section 303I the following new section:

"MULTIYEAR CONTRACTS

"SEC. 303J. (a) AUTHORITY.—The head of an executive agency may enter into a multiyear contract for the acquisition of property or services if—

"(1) funds are available and obligated for such contract, for the full period of the contract or for the first fiscal year in which the contract is in effect, and for the estimated costs associated with any necessary termination of such contract; and

"(2) the agency head determines that—

"(A) the need for the property or services is reasonably firm and continuing over the period of the contract; and

"(B) a multiyear contract will serve the best interests of the United States by encouraging effective competition or promoting economy in administration, performance, and operation of the agency's programs.

"(b) TERMINATION CLAUSE.—A multiyear contract entered into under the authority of this section shall include a clause that provides that the contract shall be terminated if funds are not made available for the continuation of such contract in any fiscal year covered by the contract. Amounts available for paying termination costs shall remain available for such purpose until the costs associated with termination of the contract are paid.

"(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to modify or affect any other provision of law that authorizes multiyear contracts.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1067, is further amended by inserting after the item relating to section 303I the following new item:

"Sec. 303J. Multiyear contracts.".

SEC. 1073. SEVERABLE SERVICES CONTRACTS CROSSING FISCAL YEARS.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1072, is further amended by inserting after section 303J the following new section:

"SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS

"SEC. 303K. (a) AUTHORITY.—The head of an executive agency may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1072, is further amended by inserting after the item relating to section 303J the following new item:

"Sec. 303K. Severable services contracts for periods crossing fiscal years.".

SEC. 1074. ECONOMY ACT PURCHASES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to include regulations governing the exercise of the authority under section 1535 of title 31, United States Code, for Federal agencies to purchase goods and services under contracts entered into or administered by other agencies.

(b) CONTENT OF REGULATIONS.—The regulations prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a contracting officer of the ordering agency with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the ordering agency; or

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the senior procurement official responsible for purchasing by the ordering agency; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Administrator for Federal Procurement Policy shall ensure that, not later than one year after the date of the enactment of this Act, systems for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations prescribed pursuant to subsection (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

PART III—ACQUISITIONS GENERALLY

SEC. 1091. POLICY REGARDING CONSIDERATION OF CONTRACTOR PAST PERFORMANCE.

(a) POLICY.—Section 2 of the Office of Federal Procurement Policy Act (41 U.S.C. 401) is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(14) establishing policies and procedures that encourage the consideration of contractors' past performance in the selection of contractors.".

(b) GUIDANCE REQUIRED.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following:

"(j)(1) Congress makes the following findings:

"(A) Past contract performance of an offeror is one of the relevant factors that contracting officials of executive agencies should consider in entering into contracts.

"(B) It is appropriate for a contracting official to consider past contract performance of an offeror as an indicator of the likelihood that the offeror will successfully perform a contract to be entered into by that official.

"(2) The Administrator shall prescribe for executive agencies guidance regarding consideration of the past contract performance of offerors in awarding contracts. The guidance shall include—

"(A) standards for evaluating past performance with respect to cost (when appropriate), schedule, compliance with technical or functional specifications, and other relevant performance factors that facilitate consistent and fair evaluation by all executive agencies;

"(B) policies for the collection and maintenance of information on past contract performance that, to the maximum extent practicable, facilitate automated collection, maintenance, and dissemination of information and provide for ease of collection, maintenance, and dissemination of information by other methods, as necessary; and

"(C) policies for ensuring that—

"(i) offerors are afforded an opportunity to submit relevant information on past contract performance, including performance under contracts entered into by the executive agency concerned, contracts entered into by other departments and agencies of the Federal Government, contracts entered into by agencies of State and local governments, and contracts entered into by commercial customers; and

"(ii) such information submitted by offerors is considered.

"(3) The Administrator shall prescribe for all executive agencies guidance regarding the period for which information on past performance of offerors should be maintained and considered.

"(4) In the case of an offeror regarding whom there is no information on past contract performance or regarding whom information on past contract performance is not available, the offeror may not be evaluated favorably or unfavorably on the factor of past contract performance.".

SEC. 1092. REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON COMPETITION.

Section 23 of the Office of Federal Procurement Policy Act (41 U.S.C. 419) is repealed.

Subtitle B—Truth in Negotiations

PART I—ARMED SERVICES ACQUISITIONS

SEC. 1201. STABILIZATION OF DOLLAR THRESHOLD OF APPLICABILITY.

(a) REPEAL OF REVERSION TO LOWER THRESHOLD.—Paragraph (1)(A) of section 2306a(a) of title 10, United States Code, is amended—

(1) in clause (i), by striking out "and before January 1, 1996,"; and

(2) in clause (ii), by striking out "or after December 31, 1995,".

(b) ADJUSTMENTS FOR CHANGES IN DOLLAR VALUES.—Section 2306a(a) of such title is amended by adding at the end the following new subparagraph:

"(7) Effective on October 1 of each year that is divisible by 5, each amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

SEC. 1202. EXCEPTIONS TO COST OR PRICING DATA REQUIREMENTS.

(a) EXCEPTIONS STATED.—Subsection (b) of section 2306a of title 10, United States Code, is amended to read as follows:

"(b) EXCEPTIONS.—(1) Submission of cost and pricing data shall not be required under subsection (a)—

"(A) in the case of a contract, a subcontract, or a contract or subcontract modification, for which the price agreed upon is based on—

"(i) adequate price competition;

"(ii) established catalog or market prices of commercial items or of services customarily used for other than Government purposes, as the case may be, that are sold in substantial quantities to the general public; or

"(iii) prices set by law or regulation; or

"(B) in an exceptional case when the head of the agency concerned determines that the requirements of this section may be waived and states in writing the reasons for such determination.

"(2) Submission of cost and pricing data shall not be required under subsection (a) in the case of a modification of a contract or subcontract for a commercial item if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost and pricing data may not be required by reason of paragraph (1)(A);

"(B) the modification is not a case in which paragraph (1)(A) prohibits the head of an agency from requiring submission of cost and pricing data; and

"(C) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of a noncommercial item.".

(b) CONFORMING AMENDMENT TO REFERENCE.—Subsection (a)(5) of such section is amended by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(1)(B)".

SEC. 1203. LIMITATION ON AUTHORITY TO REQUIRE A SUBMISSION NOT OTHERWISE REQUIRED.

Subsection (c) of section 2306a of title 10, United States Code, is amended to read as follows:

"(c) LIMITATION ON AUTHORITY TO REQUIRE COST OR PRICING DATA.—When cost or pricing data are not required to be submitted under this section by reason of a $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection) or by reason of an exception set forth in paragraph (1)(A) or (2) of subsection (b), submission of such data may not be required unless the head of an agency concerned determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract to which the data relate. In any case in which the head of an agency requires such data to be submitted in accordance with the preceding sentence, the agency head shall document in writing the reasons for such requirement.".

SEC. 1204. ADDITIONAL SPECIAL RULES FOR COMMERCIAL ITEMS.

Section 2306a of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (i), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADDITIONAL EXCEPTION PROVISIONS REGARDING COMMERCIAL ITEMS.—(1) To the maximum extent practicable, the head of an agency shall conduct procurements of commercial items on a competitive basis.

"(2) In any case in which it is not practicable to conduct a procurement of a commercial item on a competitive basis and the procurement is not covered by an exception in subsection (b), the contracting officer shall nonetheless exempt a contract, subcontract, or modification of a contract or subcontract under the procurement from the requirements of subsection (a) if the contracting officer obtains, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be. The contracting officer may obtain such information from the offeror or contractor or, when such information is not available from that source, from another source or sources.

"(3)(A) In accordance with procedures prescribed in the Federal Acquisition Regulation, the head of an agency shall have the right to examine all information provided by an offeror, contractor, or subcontractor pursuant to paragraph (2) and all books and records of such offeror, contractor, or subcontractor that directly relate to such information in order to determine whether the agency is receiving accurate information required under this section.

"(B) The right under subparagraph (A) shall expire 3 years after the date of award of the contract, or 3 years after the date of the modification of the contract, with respect to which the information was provided.".

SEC. 1205. RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.

Section 2306a of title 10, United States Code, is amended by striking out subsection (g), as redesignated by section 1204(1), and inserting in lieu thereof the following:

"(g) RIGHT OF UNITED STATES TO EXAMINE CONTRACTOR RECORDS.—For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section, the head of an agency shall have the rights provided by section 2313 of this title.".

SEC. 1206. REQUIRED REGULATIONS.

Section 2306a of title 10, United States Code, as amended by sections 1204 and 1205, is further amended by inserting after subsection (g) the following new subsection:

"(h) REQUIRED REGULATIONS.—The Secretary shall prescribe regulations concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section because the price of the procurement to the United States is not expected to exceed an applicable $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection). Such information, at a minimum, shall include appropriate information on the prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.".

SEC. 1207. CONSISTENCY OF TIME REFERENCES.

Section 2306a of title 10, United States Code, as amended by section 1204(1), is further amended—

(1) in subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4), by inserting "or, if applicable consistent with paragraph (1)(B), another date agreed upon between the parties," after "(or price of the modification)"; and

(2) in subsection (i), by inserting "or, if applicable consistent with subsection (d)(1)(B), another date agreed upon between the parties" after "(or the price of a contract modification)".

SEC. 1208. EXCEPTION FOR TRANSFERS BETWEEN DIVISIONS, SUBSIDIARIES, AND AFFILIATES.

Subsection (i) of section 2306a of title 10, United States Code, as redesignated by section 1204(1), is amended to read as follows:

"(i) DEFINITIONS.—In this section:

"(1) The term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification), a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.

"(2) The term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor.".

SEC. 1209. REPEAL OF SUPERSEDED PROVISION.

Subsections (b) and (c) of section 803 of Public Law 101-510 (10 U.S.C. 2306a note) are repealed.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 1251. REVISION OF CIVILIAN AGENCY PROVISIONS TO ENSURE UNIFORM TREATMENT OF COST OR PRICING DATA.

(a) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended—

(1) in section 304, by striking out subsection (d); and

(2) by inserting after section 304 the following new section:

"COST OR PRICING DATA: TRUTH IN NEGOTIATIONS

"SEC. 304A. (a) REQUIRED COST OR PRICING DATA AND CERTIFICATION.—(1) An agency head shall require offerors, contractors, and subcontractors to make cost or pricing data available as follows:

"(A) An offeror for a prime contract under this title to be entered into using procedures other than sealed-bid procedures shall be required to submit cost or pricing data before the award of a contract if—

"(i) in the case of a prime contract entered into after the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the price of the contract to the United States is expected to exceed $500,000; and

"(ii) in the case of a prime contract entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the price of the contract to the United States is expected to exceed $100,000.

"(B) The contractor for a prime contract under this chapter shall be required to submit cost or pricing data before the pricing of a change or modification to the contract if—

"(i) in the case of a change or modification made to a prime contract referred to in subparagraph (A)(i), the price adjustment is expected to exceed $500,000;

"(ii) in the case of a change or modification made to a prime contract that was entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, and that has been modified pursuant to paragraph (6), the price adjustment is expected to exceed $500,000; and

"(iii) in the case of a change or modification not covered by clause (i) or (ii), the price adjustment is expected to exceed $100,000.

"(C) An offeror for a subcontract (at any tier) of a contract under this title shall be required to submit cost or pricing data before the award of the subcontract if the prime contractor and each higher-tier subcontractor have been required to make available cost or pricing data under this section and—

"(i) in the case of a subcontract under a prime contract referred to in subparagraph (A)(i), the price of the subcontract is expected to exceed $500,000;

"(ii) in the case of a subcontract entered into under a prime contract that was entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, and that has been modified pursuant to paragraph (6), the price of the subcontract is expected to exceed $500,000; and

"(iii) in the case of a subcontract not covered by clause (i) or (ii), the price of the subcontract is expected to exceed $100,000.

"(D) The subcontractor for a subcontract covered by subparagraph (C) shall be required to submit cost or pricing data before the pricing of a change or modification to the subcontract if—

"(i) in the case of a change or modification to a subcontract referred to in subparagraph (C)(i) or (C)(ii), the price adjustment is expected to exceed $500,000; and

"(ii) in the case of a change or modification to a subcontract referred to in subparagraph (C)(iii), the price adjustment is expected to exceed $100,000.

"(2) A person required, as an offeror, contractor, or subcontractor, to submit cost or pricing data under paragraph (1) (or required by the agency head concerned to submit such data in accordance with subsection (c)) shall be required to certify that, to the best of the person's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

"(3) Cost or pricing data required to be submitted under paragraph (1) (or in accordance with subsection (c)), and a certification required to be submitted under paragraph (2), shall be submitted—

"(A) in the case of a submission by a prime contractor (or an offeror for a prime contract), to the contracting officer for the contract (or to a designated representative of the contracting officer); or

"(B) in the case of a submission by a subcontractor (or an offeror for a subcontract), to the prime contractor.

"(4) Except as provided under subsection (b), this section applies to contracts entered into by an agency head on behalf of a foreign government.

"(5) For purposes of paragraph (1)(C), a contractor or subcontractor granted a waiver under subsection (b)(1)(B) shall be considered as having been required to make available cost or pricing data under this section.

"(6)(A) Upon the request of a contractor that was required to submit cost or pricing data under paragraph (1) in connection with a prime contract entered into on or before the date of the enactment of the Federal Acquisition Streamlining Act of 1994, the agency head that entered into such contract shall modify the contract to reflect subparagraphs (B)(ii) and (C)(ii) of paragraph (1). All such modifications shall be made without requiring consideration.

"(B) An agency head is not required to modify a contract under subparagraph (A) if that agency head determines that the submission of cost or pricing data with respect to that contract should be required in accordance with subsection (c).

"(7) Effective on October 1 of each year that is divisible by 5, each amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.

"(b) EXCEPTIONS.—(1) Submission of cost and pricing data shall not be required under subsection (a)—

"(A) in the case of a contract, a subcontract, or a contract or subcontract modification, for which the price agreed upon is based on—

"(i) adequate price competition;

"(ii) established catalog or market prices of commercial items or of services customarily used for other than Government purposes, as the case may be, that are sold in substantial quantities to the general public; or

"(iii) prices set by law or regulation; or

"(B) in an exceptional case when the agency head concerned determines that the requirements of this section may be waived and states in writing the reasons for such determination.

"(2) Submission of cost and pricing data shall not be required under subsection (a) in the case of a modification of a contract or subcontract for a commercial item if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost and pricing data may not be required by reason of paragraph (1)(A);

"(B) the modification is not a case in which paragraph (1)(A) prohibits the agency head from requiring submission of cost and pricing data; and

"(C) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of a noncommercial item.

"(c) LIMITATION ON AUTHORITY TO REQUIRE COST OR PRICING DATA.—When cost or pricing data are not required to be submitted under this section by reason of a $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection) or by reason of an exception in paragraph (1)(A) or (2) of subsection (b), submission of such data may not be required unless the agency head concerned determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract to which the data relate. In any case in which the agency head requires such data to be submitted in accordance with the preceding sentence, the agency head shall document in writing the reasons for such requirement.

"(d) ADDITIONAL EXCEPTION PROVISIONS REGARDING COMMERCIAL ITEMS.—(1) To the maximum extent practicable, an agency head shall conduct procurements of commercial items on a competitive basis.

"(2) In any case in which it is not practicable to conduct a procurement of a commercial item on a competitive basis and the procurement is not covered by an exception in subsection (b), the contracting officer shall nonetheless exempt a contract, subcontract, or modification of a contract or subcontract under the procurement from the requirements of subsection (a) if the contracting officer obtains, in accordance with standards and procedures set forth in the Federal Acquisition Regulation, information on prices at which the same or similar items have been sold in the commercial market that is adequate for evaluating the reasonableness of the price of the contract or subcontract for a commercial item, or the contract or subcontract modification, as the case may be. The contracting officer may obtain such information from the offeror or contractor or, when such information is not available from that source, from another source or sources.

"(3)(A) In accordance with procedures prescribed in the Federal Acquisition Regulation, an agency head shall have the right to examine all information provided by an offeror, contractor, or subcontractor pursuant to paragraph (2) and all books and records of such offeror, contractor, or subcontractor that directly relate to such information in order to determine whether the agency is receiving accurate information required under this section.

"(B) The right under subparagraph (A) shall expire 3 years after the date of award of the contract, or 3 years after the date of the modification of the contract, with respect to which the information was provided.

"(e) PRICE REDUCTIONS FOR DEFECTIVE COST OR PRICING DATA.—(1)(A) A prime contract (or change or modification to a prime contract) under which a certificate under subsection (a)(2) is required shall contain a provision that the price of the contract to the United States, including profit or fee, shall be adjusted to exclude any significant amount by which it may be determined by the agency head that such price was increased because the contractor (or any subcontractor required to make available such a certificate) submitted defective cost or pricing data.

"(B) For the purposes of this section, defective cost or pricing data are cost or pricing data which, as of the date of agreement on the price of the contract (or another date agreed upon between the parties), were inaccurate, incomplete, or noncurrent. If for purposes of the preceding sentence the parties agree upon a date other than the date of agreement on the price of the contract, the date agreed upon by the parties shall be as close to the date of agreement on the price of the contract as is practicable.

"(2) In determining for purposes of a contract price adjustment under a contract provision required by paragraph (1) whether, and to what extent, a contract price was increased because the contractor (or a subcontractor) submitted defective cost or pricing data, it shall be a defense that the United States did not rely on the defective data submitted by the contractor or subcontractor.

"(3) It is not a defense to an adjustment of the price of a contract under a contract provision required by paragraph (1) that—

"(A) the price of the contract would not have been modified even if accurate, complete, and current cost or pricing data had been submitted by the contractor or subcontractor because the contractor or subcontractor—

"(i) was the sole source of the property or services procured; or

"(ii) otherwise was in a superior bargaining position with respect to the property or services procured;

"(B) the contracting officer should have known that the cost and pricing data in issue were defective even though the contractor or subcontractor took no affirmative action to bring the character of the data to the attention of the contracting officer;

"(C) the contract was based on an agreement between the contractor and the United States about the total cost of the contract and there was no agreement about the cost of each item procured under such contract; or

"(D) the prime contractor or subcontractor did not submit a certification of cost and pricing data relating to the contract as required under subsection (a)(2).

"(4)(A) A contractor shall be allowed to offset an amount against the amount of a contract price adjustment under a contract provision required by paragraph (1) if—

"(i) the contractor certifies to the contracting officer (or to a designated representative of the contracting officer) that, to the best of the contractor's knowledge and belief, the contractor is entitled to the offset; and

"(ii) the contractor proves that the cost or pricing data were available before the date of agreement on the price of the contract (or price of the modification), or, if applicable consistent with paragraph (1)(B), another date agreed upon between the parties, and that the data were not submitted as specified in subsection (a)(3) before such date.

"(B) A contractor shall not be allowed to offset an amount otherwise authorized to be offset under subparagraph (A) if—

"(i) the certification under subsection (a)(2) with respect to the cost or pricing data involved was known to be false when signed; or

"(ii) the United States proves that, had the cost or pricing data referred to in subparagraph (A)(ii) been submitted to the United States before the date of agreement on the price of the contract (or price of the modification) or, if applicable under paragraph (1)(B), another date agreed upon between the parties, the submission of such cost or pricing data would not have resulted in an increase in that price in the amount to be offset.

"(f) Interest and Penalties for Certain Overpayments.—(1) If the United States makes an overpayment to a contractor under a contract with an executive agency subject to this section and the overpayment was due to the submission by the contractor of defective cost or pricing data, the contractor shall be liable to the United States—

"(A) for interest on the amount of such overpayment, to be computed—

"(i) for the period beginning on the date the overpayment was made to the contractor and ending on the date the contractor repays the amount of such overpayment to the United States; and

"(ii) at the current rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1986; and

"(B) if the submission of such defective data was a knowing submission, for an additional amount equal to the amount of the overpayment.

"(2) Any liability under this subsection of a contractor that submits cost or pricing data but refuses to submit the certification required by subsection (a)(2) with respect to the cost or pricing data shall not be affected by the refusal to submit such certification.

"(g) Right of United States To Examine Contractor Records.—For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this section, the head of an agency shall have the rights provided by section 304B(a)(2).

"(h) Required Regulations.—The Federal Acquisition Regulation shall include regulations concerning the types of information that offerors must submit for a contracting officer to consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section because the price of the procurement to the United States is not expected to exceed an applicable $500,000 threshold set forth in subsection (a) (as adjusted pursuant to paragraph (7) of such subsection). Such information, at a minimum, shall include appropriate information on the prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of a proposed contract or subcontract for the procurement.

"(i) Definitions.—In this section:

"(1) The term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification) or, if applicable consistent with subsection (e)(1)(B), another date agreed upon between the parties, a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.

"(2) The term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor.".

(b) Table of Contents.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 304 the following:

"Sec. 304A. Cost or pricing data: truth in negotiations.".

SEC. 1252. REPEAL OF OBSOLETE PROVISION.

(a) Repeal.—Section 303E of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253e) is repealed.

(b) Clerical Amendment.—The table of contents in the first section of such Act is amended by striking out the item relating to section 303E.

Subtitle C—Research and Development

SEC. 1301. RESEARCH PROJECTS.

(a) Authorized Means.—Subsection (b) of section 2358 of title 10, United States Code, is amended to read as follows:

"(b) Authorized Means.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract entered into with, grant made to, or cooperative agreement entered into with educational or research institutions, private businesses, or other persons in accordance with the provisions of chapter 63 of title 31;

"(2) through one or more military departments;

"(3) by using employees and consultants of the Department of Defense; or

"(4) by mutual agreement with the head of any other department or agency of the Federal Government.".

(b) Caption Amendment.—The caption of subsection (c) of such section is amended by striking out "MILITARY" and inserting in lieu thereof "DEPARTMENT OF DEFENSE".

(c) Advanced Research Projects.—

(1) Restoration and revision of former statement of authority.—Section 2371 of title 10, United States Code, is amended—

(A) by redesignating subsections (a), (b), (c), (d), (e), and (f) as subsections (b), (c), (d), (e), (f), and (g), respectively; and

(B) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The Secretary of Defense, acting through the Advanced Research Projects Agency and such other elements of the Department of Defense as the Secretary may designate, and the Secretary of each military department, in carrying out basic, applied, and advanced research projects, may enter into other transactions, in addition to contracts, grants, and cooperative agreements authorized by section 2358 of this title.".

(2) Conforming amendments.—Such section, as amended by paragraph (1), is further amended—

(A) in subsection (b)—

(i) in paragraph (1), by inserting "or subsection (a)" after "section 2358 of this title"; and

(ii) in paragraph (2), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)";

(B) in subsection (c), by inserting "section 2358 of this title or" after "under";

(C) in subsection (d)—

(i) in paragraph (1), by striking out "this section" and inserting in lieu thereof "section 2358 of this title or subsection (a)"; and

(ii) in paragraph (3), by striking out "this section" and inserting in lieu thereof "section 2358 of this title or subsection (a)";

(D) in subsection (e), by inserting "or subsection (a)" in the first sentence after "section 2358 of this title"; and

(E) in subsection (f)—

(i) in the first sentence, by striking out "under this section" and inserting in lieu thereof "under section 2358 of this title or subsection (a)";

(ii) in paragraph (4), by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)"; and

(iii) in paragraph (5), by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

SEC. 1302. ELIMINATION OF INFLEXIBLE TERMINOLOGY REGARDING COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out "milestone 0, milestone I, and milestone II decisions" and inserting in lieu thereof "acquisition program decisions"; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) The term 'acquisition program decisions' has the meaning given such term in regulations prescribed by the Secretary of Defense for the purposes of this section.".

Subtitle D—Procurement Protests

PART I—PROTESTS TO THE COMPTROLLER GENERAL

SEC. 1401. PROTEST DEFINED.

Paragraph (1) of section 3551 of title 31, United States Code, is amended to read as follows:

"(1) 'protest' means a written objection by an interested party—

"(i) to a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services;

"(ii) to the cancellation of such a solicitation or other request;

"(iii) to an award or proposed award of such a contract; or

"(iv) to a termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract;".

SEC. 1402. REVIEW OF PROTESTS AND EFFECT ON CONTRACTS PENDING DECISION.

(a) PERIODS FOR CERTAIN ACTIONS.—Section 3553 of title 31, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking out "one working day of" and inserting in lieu thereof "one day after"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out "25 working days from" and inserting in lieu thereof "35 days after"; and

(ii) in subparagraph (C), by striking out "10 working days from" and inserting in lieu thereof "25 days after"; and

(2) in subsection (c)(3), by striking out "thereafter" and inserting in lieu thereof "after the making of such finding".

(b) SUSPENSION OF PERFORMANCE.—Subsection (d) of such section is amended to read as follows:

"(d)(1) A contractor awarded a Federal agency contract may, during the period described in paragraph (4), begin performance of the contract and engage in any related activities that result in obligations being incurred by the United States under the contract unless the contracting officer responsible for the award of the contract withholds authorization to proceed with performance of the contract.

"(2) The contracting officer may withhold an authorization to proceed with performance of the contract during the period described in paragraph (4) if the contracting officer determines in writing that—

"(A) a protest is likely to be filed; and

"(B) the immediate performance of the contract is not in the best interests of the United States.

"(3)(A) If the Federal agency awarding the contract receives notice of a protest in accordance with this section during the period described in paragraph (4)—

"(i) the contracting officer may not authorize performance of the contract to begin while the protest is pending; or

"(ii) if contract performance authorization to proceed was not withheld in accordance with paragraph (2) before receipt of the notice, the contracting officer shall immediately direct the contractor to cease performance under the contract and to suspend any related activities that may result in additional obligations being incurred by the United States under that contract.

"(B) Performance and related activities suspended pursuant to subparagraph (A)(ii) by reason of a protest may not be resumed while the protest is pending.

"(C) The head of the procuring activity may authorize the performance of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

"(i) upon a written finding that—

"(I) performance of the contract is in the best interests of the United States; or

"(II) urgent and compelling circumstances that significantly affect interests of the United States will not permit waiting for the decision of the Comptroller General concerning the protest; and

"(ii) after the Comptroller General is notified of that finding.

"(4) The period referred to in paragraphs (2) and (3)(A), with respect to a contract, is the period beginning on the date of the contract award and ending on the later of—

"(A) the date that is 10 days after the date of the contract award; or

"(B) the date that is 5 days after—

"(i) the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required; or

"(ii) in the case of a contract for which no debriefing is required, the date on which the unsuccessful offeror receives the notification of contract award.".

SEC. 1403. DECISIONS ON PROTESTS.

(a) PERIODS FOR CERTAIN ACTIONS.—Section 3554(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out "90 working days from" and inserting in lieu thereof "125 days after";

(2) in paragraph (2), by striking out "45 calendar days from" and inserting "65 days after";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) An amendment to a protest that adds a new ground of protest, if timely made, should be resolved, to the maximum extent practicable, within the time limit established under paragraph (1) of this subsection for final decision of the initial protest. If an amended protest cannot be resolved within such time limit, the Comptroller General may resolve the amended protest through the express option under paragraph (2) of this subsection.".

(b) GAO RECOMMENDATIONS ON PROTESTS.—

(1) IMPLEMENTATION OF RECOMMENDATIONS.—Section 3554 of title 31, United States Code, is amended—

(A) in subsection (b), by adding at the end the following new paragraph:

"(3) If the Federal agency fails to implement fully the recommendations of the Comptroller General under this subsection with respect to a solicitation for a contract or an award or proposed award of a contract within 60 days after receiving the recommendations, the head of the procuring activity responsible for that contract shall report such failure to the Comptroller General not later than 5 working days after the end of such 60-day period.";

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) If the Comptroller General determines that a solicitation for a contract or a proposed award or the award of a contract does not comply with a statute or regulation, the Comptroller General may recommend that the Federal agency conducting the procurement pay to an appropriate interested party the costs of—

"(A) filing and pursuing the protest, including reasonable attorney's fees and consultant and expert witness fees; and

"(B) bid and proposal preparation.

"(2) No party (other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) may be paid, pursuant to a recommendation made under the authority of paragraph (1)—

"(A) costs for consultant and expert witness fees that exceed the rates provided under section 504(b)(1)(A) of title 5 for expert witnesses; or

"(B) costs for attorney's fees that exceed the rates provided for attorneys under section 504(b)(1)(A) of title 5.

"(3) If the Comptroller General recommends under paragraph (1) that a Federal agency pay costs to an interested party, the Federal agency shall—

"(A) pay the costs promptly; or

"(B) if the Federal agency does not make such payment, promptly report to the Comptroller General the reasons for the failure to follow the Comptroller General's recommendation.

"(4) If the Comptroller General recommends under paragraph (1) that a Federal agency pay costs to an interested party, the Federal agency and the interested party shall attempt to reach an agreement on the amount of the costs to be paid. If the Federal agency and the interested party are unable to agree on the amount to be paid, the Comptroller General may, upon the request of the interested party, recommend to the Federal agency the amount of the costs that the Federal agency should pay."; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) The Comptroller General shall report promptly to the Committee on Governmental Affairs and the Committee on Appropriations of the Senate and to the Committee on Government Operations and the Committee on Appropriations of the House of Representatives any case in which a Federal agency fails to implement fully a recommendation of the Comptroller General under subsection (b) or (c). The report shall include—

"(A) a comprehensive review of the pertinent procurement, including the circumstances of the failure of the Federal agency to implement a recommendation of the Comptroller General; and

"(B) a recommendation regarding whether, in order to correct an inequity or to preserve the integrity of the procurement process, the Congress should consider—

"(i) private relief legislation;

"(ii) legislative rescission or cancellation of funds;

"(iii) further investigation by Congress; or

"(iv) other action.

"(2) Not later than January 31 of each year, the Comptroller General shall transmit to the Congress a report containing a summary of each instance in which a Federal agency did not fully implement a recommendation of the Comptroller General under subsection (b) or (c) during the preceding year. The report shall also describe each instance in which a final decision in a protest was not rendered within 125 days after the date the protest is submitted to the Comptroller General.".

(2) REQUIREMENT FOR PAYMENT IN ACCORDANCE WITH PRIOR GAO DETERMINATIONS.—Costs to which the Comptroller General declared an interested party to be entitled under section 3554 of title 31, United States Code, as in effect immediately before the enactment of this Act, shall, if not paid or otherwise satisfied by the Federal agency concerned before the date of the enactment of this Act, be paid promptly.

SEC. 1404. REGULATIONS.

(a) COMPUTATION OF PERIODS.—Section 3555 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) The procedures shall provide that, in the computation of any period described in this subchapter—

"(1) the day of the act, event, or default from which the designated period of time begins to run not be included; and

"(2) the last day after such act, event, or default be included, unless—

"(A) such last day is a Saturday, a Sunday, or a legal holiday; or

"(B) in the case of a filing of a paper at the General Accounting Office or a Federal agency, such last day is a day on which weather or other conditions cause the closing of the General Accounting Office or Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.".

(b) ELECTRONIC FILINGS AND DISSEMINATIONS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection:

"(c) The Comptroller General may prescribe procedures for the electronic filing and dissemination of documents and information required under this subchapter. In prescribing such procedures, the Comptroller General shall consider the ability of all parties to achieve electronic access to such documents and records.".

(c) REPEAL OF OBSOLETE DEADLINE.—Subsection (a) of such section is amended by striking out "Not later than January 15, 1985, the" and inserting in lieu thereof "The".

PART II—PROTESTS IN THE FEDERAL COURTS

SEC. 1421. NONEXCLUSIVITY OF REMEDIES.

Section 3556 of title 31, United States Code, is amended by striking out "a district court of the United States or the United States Claims Court" in the first sentence and inserting in lieu thereof "the United States Court of Federal Claims".

SEC. 1422. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS.

(a) CLAIMS AGAINST THE UNITED STATES AND BID PROTESTS.—Section 1491 of title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (e);

(2) in subsection (a)—

(A) by striking out "(a)(1)" and inserting in lieu thereof "(a) CLAIMS AGAINST THE UNITED STATES.—";

(B) in paragraph (2), by striking out "(2) To" and inserting in lieu thereof "(b) REMEDY AND RELIEF.—To"; and

(C) by striking out paragraph (3); and

(3) by inserting after subsection (b), as designated by paragraph (2)(B), the following new subsection (c):

"(c) BID PROTESTS.—(1) The United States Court of Federal Claims has jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract. The court has jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

"(2) To afford relief in such an action, the court may award any relief that the court considers proper, including declaratory and injunctive relief.

"(3) In exercising jurisdiction under this subsection, the court shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

"(4) The district courts of the United States do not have jurisdiction of any action referred to in paragraph (1).".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting "**bid protests;**" after "**generally;**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1491 and inserting in lieu thereof the following:

"1491. Claims against United States generally; bid protests; actions involving Tennessee Valley Authority.".

PART III—PROTESTS IN PROCUREMENTS OF AUTOMATIC DATA PROCESSING

SEC. 1431. REVOCATION OF DELEGATIONS OF PROCUREMENT AUTHORITY.

Section 111(b)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(b)(3)) is amended by inserting after the third sentence the following: "The Administrator may revoke a delegation of authority with respect to a particular contract before or after award of the contract, except that the Administrator may revoke a delegation after the contract is awarded only when there is a finding of a violation of law or regulation in connection with the contract award.".

SEC. 1432. AUTHORITY OF THE GENERAL SERVICES ADMINISTRATION BOARD OF CONTRACT APPEALS.

The first sentence of section 111(f)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(1)) is amended to read as follows: "Upon request of an interested party in connection with any procurement that is subject to this section (including any such procurement that is subject to delegation of procurement authority), the board of contract appeals of the General Services Administration (hereafter in this subsection referred to as the 'board') shall review, as provided in this subsection, any decision by a contracting officer that is alleged to violate a statute, a regulation, or the conditions of a delegation of procurement authority.".

SEC. 1433. PERIODS FOR CERTAIN ACTIONS.

(a) SUSPENSION OF PROCUREMENT AUTHORITY.—Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is amended—

(1) in paragraph (2) by adding at the end the following new subparagraph:

"(C) If, in the case of a preaward protest, the board suspends the procurement authority of the Administrator or the Administrator's delegation of procurement authority, the Administrator or the delegate, as the case may be, may continue with the procurement action up to, but not including, the awarding of the contract if the Administrator or the delegate, as the case may be, determines that it is in the best interests of the United States to do so."; and

(2) in paragraph (3) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A)(i) If, with respect to an award of a contract, the board receives notice of a protest under this subsection within the period described in clause (ii), the board shall, at the request of an interested party, hold a hearing to determine whether the board should suspend the procurement authority of the Administrator or the Administrator's delegation of procurement authority for the protested procurement on an interim basis until the board can decide the protest.

"(ii) The period referred to in clause (i) is the period beginning on the date on which the contract is awarded and ending on the date that is 10 days after the date of the contract award or, if later, the date that is 5 days after—

"(I) the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required; or

"(II) in the case of a contract for which no debriefing is required, the date on which the unsuccessful offeror receives the notification of contract award.

"(iii) The board shall hold the requested hearing within 5 days after the date of the filing of the protest or, in the case of a request for debriefing under the provisions of section 2305(b)(5) of title 10, United States Code, or section 303B(e) of this Act, within 5 days after the later of the date of the filing of the protest or the date of the debriefing.".

(b) FINAL DECISION.—Paragraph (4)(B) of such section 111(f) is amended—

(1) by striking out "45 working days" and inserting in lieu thereof "65 days"; and

(2) by adding at the end the following: "An amendment which adds a new ground of protest should be resolved, to the maximum extent practicable, within the time limits established for resolution of the initial protest.".

SEC. 1434. DISMISSALS OF PROTESTS.

Section 111(f)(4) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(4)) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) The board may dismiss a protest that the board determines—

"(i) is frivolous;

"(ii) has been brought in bad faith; or

"(iii) does not state on its face a valid basis for protest.".

SEC. 1435. AWARD OF COSTS.

Section 111(f)(5) is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) Whenever the board makes such a determination, it may, in accordance with section 1304 of title 31, United States Code, further declare an appropriate prevailing party to be entitled to the cost of filing and pursuing the protest (including reasonable attorney's fees and consultant and expert witness fees), and bid and proposal preparation. However, no party (other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) may be declared entitled to costs for consultant and expert witness fees that exceed the rates provided under section 504(b)(1)(A) of title 5, United States Code, for expert witnesses or to costs for attorney's fees that exceed the rates provided for attorneys under section 504(b)(1)(A) of title 5, United States Code.".

SEC. 1436. DISMISSAL AGREEMENTS.

Section 111(f)(5) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(5)) is amended by adding at the end the following new subparagraphs:

"(D) Any agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds shall be submitted to the board and shall be made a part of the public record (subject to any protective order considered appropriate by the board) before dismissal of the protest. If a Federal agency is a party to a settlement agreement, the submission of the agreement submitted to the board shall include a memorandum, signed by the contracting officer concerned, that describes in detail the procurement, the grounds for protest, the Federal Government's position regarding the grounds for protest, the terms of the settlement, and the agency's position regarding the propriety of the award or proposed award of the contract at issue in the protest.

"(E) Payment of amounts due from an agency under subparagraph (C) or under the terms of a settlement agreement under subparagraph (D) shall be made from the appropriation made by section 1304 of title 31, United States Code, for the payment of judgments. The Federal agency concerned shall reimburse that appropriation account out of funds available for the procurement.".

SEC. 1437. JURISDICTION OF DISTRICT COURTS.

Section 111(f)(6)(C) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(6)(C)) is amended by striking out "a district court of the United States or".

SEC. 1438. MATTERS TO BE COVERED IN REGULATIONS.

Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is amended by striking out paragraph (8) and inserting in lieu thereof the following:

"(7)(A) The board shall adopt and issue such rules and procedures as may be necessary to the expeditious disposition of protests filed under the authority of this subsection.

"(B) The procedures shall provide that, in the computation of any period described in this subsection—

"(i) the day of the act, event, or default from which the designated period of time begins to run not be included; and

"(ii) the last day after such act, event, or default be included, unless—

"(I) such last day is a Saturday, a Sunday, or a legal holiday; or

"(II) in the case of a filing of a paper at the board, such last day is a day on which weather or other conditions cause the closing of the board or Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.

"(C) The procedures may provide for electronic filing and dissemination of documents and information required under this subsection and in so providing shall consider the ability of all parties to achieve electronic access to such documents and records.

"(D) The procedures shall provide that if the board expressly finds that a protest or a portion of a protest is frivolous or has not been brought or pursued in good faith, or that any person has willfully abused the board's process during the course of a protest, the board may impose appropriate procedural sanctions, including dismissal of the protest.".

SEC. 1439. DEFINITIONS.

(a) PROTEST.—Section 111(f)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)(9)(A)) is amended to read as follows:

"(A) the term 'protest' means a written objection by an interested party—

"(i) to a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services;

"(ii) to the cancellation of such a solicitation or other request;

"(iii) to an award or proposed award of such a contract; or

"(iv) to a termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract;".

(b) PREVAILING PARTY.—Section 111(f)(9) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) the term 'prevailing party', with respect to a determination of the board under paragraph (5)(B) that a challenged action of a Federal agency violates a statute or regulation or the conditions of a delegation of procurement authority issued pursuant to this section, means a party that demonstrated such violation.".

Subtitle E—Definitions and Other Matters

PART I—ARMED SERVICES ACQUISITIONS

SEC. 1501. DEFINITIONS.

Section 2302 of title 10, United States Code, is amended—

(1) by striking out paragraphs (3), (4), (5), and (7);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (2) the following:

"(3) The terms 'commercial item', 'commercial component', 'full and open competition', 'major system', 'nondevelopmental item', 'procurement', 'procurement system', 'responsible source', 'standards', and 'technical data', have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) The term 'simplified acquisition threshold' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means an amount equal to two times the amount specified for that term in section 4 of such Act.".

SEC. 1502. DELEGATION OF PROCUREMENT FUNCTIONS.

(a) CONSOLIDATION OF DELEGATION AUTHORITY.—Section 2311 of title 10, United States Code, is amended to read as follows:

"§ 2311. Delegation

"(a) IN GENERAL.—Except to the extent expressly prohibited by another provision of law, the head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under this chapter.

"(b) PROCUREMENTS FOR OR WITH OTHER AGENCIES.—Subject to subsection (a), to facilitate the procurement of property and services covered by this chapter by each agency named in section 2303 of this title for any other agency, and to facilitate joint procurement by those agencies—

"(1) the head of an agency may, within his agency, delegate functions and assign responsibilities relating to procurement;

"(2) the heads of two or more agencies may by agreement delegate procurement functions and assign procurement responsibilities from one agency to another of those agencies or to an officer or civilian employee of another of those agencies; and

"(3) the heads of two or more agencies may create joint or combined offices to exercise procurement functions and responsibilities.

"(c) APPROVAL OF TERMINATIONS AND REDUCTIONS OF JOINT ACQUISITION PROGRAMS.—(1) The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition and Technology from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

"(2) The regulations shall include the following provisions:

"(A) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

"(B) A provision that authorizes the Under Secretary of Defense for Acquisition and Technology to require a military department approved for termination or substantial reduction in participation in a joint acquisition program to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.".

(b) CONFORMING REPEAL.—(1) Section 2308 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2308.

SEC. 1503. DETERMINATIONS AND DECISIONS.

Section 2310 of title 10, United States Code, is amended to read as follows:

"§ 2310. Determinations and decisions

"(a) INDIVIDUAL OR CLASS DETERMINATIONS AND DECISIONS AUTHORIZED.—Determinations and decisions required to be made under this chapter by the head of an agency may be made for an individual purchase or contract or for a class of purchases or contracts. Such determinations and decisions are final.

"(b) WRITTEN FINDINGS REQUIRED.—(1) Each determination or decision under section 2306(e)(1), 2307(e), or 2313(d)(2) of this title shall be based on a written finding by the person making the determination or decision. The finding shall set out facts and circumstances that support the determination or decision.

"(2) Each finding referred to in paragraph (1) shall be final. The head of the agency making such finding shall maintain a copy of the finding for not less than 6 years after the date of the determination or decision.".

SEC. 1504. UNDEFINITIZED CONTRACTUAL ACTIONS: RESTRICTIONS.

(a) CLARIFICATION OF LIMITATION.—Subsection (b) of section 2326 of title 10, United States Code, is amended—

(1) in the subsection caption, by striking out "AND EXPENDITURE";

(2) in paragraph (1)(B), by striking out "or expended";

(3) in paragraph (2), by striking out "expend" and inserting in lieu thereof "obligate"; and

(4) in paragraph (3)—

(A) by striking out "expended" and inserting in lieu thereof "obligated"; and

(B) by striking out "expend" and inserting in lieu thereof "obligate".

(b) WAIVER AUTHORITY.—Such subsection is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if such head of an agency determines that the waiver is necessary in order to support a contingency operation.".

(c) INAPPLICABILITY OF RESTRICTIONS TO CONTRACTS WITHIN THE SIMPLIFIED ACQUISITION THRESHOLD.—Section 2326(g)(1)(B) of title 10, United States Code, is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

SEC. 1505. PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT: CONTRACT TERMS AND CONDITIONS.

(a) REPEAL.—Section 2329 of title 10, United States Code, is repealed.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2329.

SEC. 1506. REGULATIONS FOR BIDS.

Section 2381(a) of title 10, United States Code, is amended by striking out "(a) The Secretary" and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

"(a) The Secretary of Defense or the Secretary of a military department may—

"(1) prescribe regulations for the preparation, submission, and opening of bids for contracts; and".

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 1551. DEFINITIONS.

Section 309(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(c)) is amended by striking out "and 'supplies'" and inserting in lieu thereof "'supplies', 'commercial item', 'commercial component', 'nondevelopmental item', and 'simplified acquisition threshold'".

SEC. 1552. DELEGATION OF PROCUREMENT FUNCTIONS.

(a) AUTHORITY.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended—

(1) by redesignating sections 309 and 310 as sections 312 and 313, respectively; and

(2) by inserting after section 308 the following new section 309:

"DELEGATION

"SEC. 309. (a) IN GENERAL.—Except to the extent expressly prohibited by another provision of law, an agency head may delegate, subject to his direction, to any other officer or official of that agency, any power under this title.

"(b) PROCUREMENTS FOR OR WITH OTHER AGENCIES.—Subject to subsection (a), to facilitate the procurement of property and services covered by this title by each executive agency for any other executive agency, and to facilitate joint procurement by those executive agencies—

"(1) an agency head may, within his executive agency, delegate functions and assign responsibilities relating to procurement;

"(2) the heads of two or more executive agencies may by agreement delegate procurement functions and assign procurement responsibilities from one executive agency to another of those executive agencies or to an officer or civilian employee of another of those executive agencies; and

"(3) the heads of two or more executive agencies may create joint or combined offices to exercise procurement functions and responsibilities.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 309 and 310 and inserting in lieu thereof the following:

"Sec. 309. Delegation.
"Sec. 312. Definitions.
"Sec. 313. Statutes not applicable.".

SEC. 1553. DETERMINATIONS AND DECISIONS.

(a) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1552, is further amended by inserting after section 309 the following new section 310:

"DETERMINATIONS AND DECISIONS

"SEC. 310. (a) INDIVIDUAL OR CLASS DETERMINATIONS AND DECISIONS AUTHORIZED.—Determinations and decisions required to be made under this title by an agency head may be made for an individual purchase or contract or for a class of purchases or contracts. Such determinations and decisions are final.

"(b) WRITTEN FINDINGS REQUIRED.—(1) Each determination under section 305(e) shall be based on a written finding by the person making the determination or decision. The finding shall set out facts and circumstances that support the determination or decision.

"(2) Each finding referred to in paragraph (1) shall be final. The agency head making such finding shall maintain a copy of the finding for not less than 6 years after the date of the determination or decision.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1552, is further amended by inserting after the item relating to section 309 the following:

"Sec. 310. Determinations and decisions.".

SEC. 1554. COOPERATIVE PURCHASING.

Subsection (b) of section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481), is amended to read as follows:

"(b)(1) The Administrator shall, as far as practicable, provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed-ownership Government corporation (as defined in section 9101 of title 31, United States Code), or the District of Columbia, upon its request.

"(2)(A) The Administrator may provide for the use of Federal supply schedules or other contracts by any of the following entities upon request:

"(i) A State, any department or agency of a State, and any political subdivision of a State, including a local government.

"(ii) The District of Columbia.

"(iii) The Commonwealth of Puerto Rico.

"(iv) The government of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))).

"(B) Subparagraph (A) may not be construed to authorize an entity referred to in that subparagraph to order existing stock or inventory from federally owned and operated, or federally owned and contractor operated, supply depots, warehouses, or similar facilities.

"(3)(A) Upon the request of a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act, the Administrator may provide any of the services specified in subsection (a) to such agency to the extent practicable.

"(B) A nonprofit agency receiving services under the authority of subparagraph (A) shall use the services directly in making or providing an approved commodity or approved service to the Federal Government.

"(C) In this paragraph:

"(i) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(I) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3)); and

"(II) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(ii) The terms 'approved commodity' and 'approved service' mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

"(iii) The term 'Javits-Wagner-O'Day Act' means the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (41 U.S.C. 46–48c), commonly referred to as the Wagner-O'Day Act, that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), commonly referred to as the Javits-Wagner-O'Day Act.".

TITLE II—CONTRACT ADMINISTRATION

Subtitle A—Contract Payment

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2001. CONTRACT FINANCING.

(a) REORGANIZATION OF PRINCIPAL AUTHORITY PROVISION.—Section 2307 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 2307. Contract financing";

(2) by striking out "(a) The head of an agency" and inserting in lieu thereof "(b) PAYMENT AUTHORITY.—The head of an agency";

(3) by striking out "(b) Payments" and inserting in lieu thereof "(d) PAYMENT AMOUNT.—Payments";

(4) by striking out "(c) Advance payments" and inserting in lieu thereof "(e) SECURITY FOR ADVANCE PAYMENTS.—Advance payments";

(5) by striking out "(d)(1) The Secretary of Defense" and inserting in lieu thereof "(f) CONDITIONS FOR PROGRESS PAYMENTS.—(1) The Secretary of Defense"; and

(6) by striking out "(e)(1) In any case" and inserting in lieu thereof "(h) ACTION IN CASE OF FRAUD.—(1) In any case".

(b) FINANCING POLICY.—Such section, as amended by subsection (a), is further amended by inserting after the section heading the following new subsection (a):

"(a) POLICY.—Payments authorized under this section and made for financing purposes should be made periodically or, when appropriate, on an advance basis and should be so made in a timely manner to facilitate contract performance while protecting the security interests of the Government. Government financing shall be provided only to the extent necessary to ensure prompt and efficient performance and only after the availability of private financing is considered. A contractor's use of funds received as contract financing and the contractor's financial condition shall be monitored. If the contractor is a small business concern, special attention shall be given to meeting the contractor's financial need.".

(c) PERFORMANCE-BASED PAYMENTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection (c):

"(c) PERFORMANCE-BASED PAYMENTS.—Whenever practicable, payments under subsection (b) shall be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as receipt of items by the Federal Government, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(d) TERMINOLOGY CORRECTION.—Such section, as amended by subsection (a)(2), is further amended in subsection (b)(2) by striking out "bid".

(e) EFFECTIVE DATE OF LIEN RELATED TO ADVANCE PAYMENTS.—Such section, as amended by subsection (a)(4), is further amended in subsection (e) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(f) CONDITIONS FOR PROGRESS PAYMENTS.—Such section, as amended by subsection (a)(5), is further amended in subsection (f)—

(1) in the first sentence of paragraph (1), by striking out "work, which" and all that follows through "accomplished" and inserting in lieu thereof "work accomplished that meets standards established under the contract"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) This subsection applies to a contract for an amount equal to or greater than the simplified acquisition threshold.".

(g) NAVY CONTRACTS.—Such section, as amended by subsection (a)(5), is further amended by inserting after subsection (f) the following new subsection (g):

"(g) CERTAIN NAVY CONTRACTS.—(1) The Secretary of the Navy shall provide that the rate for progress payments on any contract awarded by the Secretary for repair, maintenance, or overhaul of a naval vessel shall be not less than—

"(A) 95 percent, in the case of firms considered to be small businesses; and

"(B) 90 percent, in the case of all other firms.

"(2) The Secretary of the Navy may advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations. Advances under this paragraph shall be made on terms that the Secretary considers adequate for the protection of the United States.

"(3) The Secretary of the Navy shall ensure that, when partial, progress, or other payments are made under a contract for construction or conversion of a naval vessel, the United States is secured by a lien upon work in progress and on property acquired for performance of the contract on account of all payments so made. The lien is paramount to all other liens.".

(h) RELATIONSHIP TO PROMPT PAYMENT REQUIREMENTS.—Section 2307(f) of title 10, United States Code, as amended by subsection (f), is not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law, that relate to progress payment requests, as such procedures are in effect on the date of the enactment of this Act.

(i) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CROSS REFERENCE.—Such section, as amended by subsection (a), is further amended in subsections (d) and (e) by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(2) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2307 and inserting in lieu thereof the following:

"2307. Contract financing.".

(j) REPEAL OF SUPERSEDED PROVISIONS.—

(1) PROGRESS PAYMENTS UNDER CERTAIN NAVY CONTRACTS.—

(A) REPEAL.—Section 7312 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7312.

(2) ADVANCEMENT OF PAYMENTS FOR NAVY SALVAGE OPERATIONS.—

(A) REPEAL.—Section 7364 of such title is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 637 of such title is amended by striking out the item relating to section 7364.

(3) PARTIAL PAYMENTS UNDER NAVY CONTRACTS.—

(A) REPEAL.—Section 7521 of such title is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 645 of such title is amended by striking out the item relating to section 7521.

SEC. 2002. CONTRACTS: VOUCHERING PROCEDURES.

(a) REPEAL.—Section 2355 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2355.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2051. CONTRACT FINANCING.

(a) REORGANIZATION OF PRINCIPAL AUTHORITY PROVISION.—Section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"CONTRACT FINANCING";

(2) by striking out "(a) Any executive agency" and inserting in lieu thereof "(b) PAYMENT AUTHORITY.—Any executive agency";

(3) by striking out "(b) Payments" and inserting in lieu thereof "(d) PAYMENT AMOUNT.—Payments"; and

(4) by striking out "(c) Advance payments" and inserting in lieu thereof "(e) SECURITY FOR ADVANCE PAYMENTS.—Advance payments".

(b) FINANCING POLICY.—Such section, as amended by subsection (a), is further amended by inserting after the section heading the following new subsection (a):

"(a) POLICY.—Payments authorized under this section and made for financing purposes should be made periodically or, when appropriate, on an advance basis and should be so made in a timely manner to facilitate contract performance while protecting the security interests of the Government. Government financing shall be provided only to the extent necessary to ensure prompt and efficient performance and only after the availability of private financing is considered. A contractor's use of funds received as contract financing and the contractor's financial condition shall be monitored. If the contractor is a small business concern, special attention shall be given to meeting the contractor's financial need.".

(c) PERFORMANCE-BASED PAYMENTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection (c):

"(c) PERFORMANCE-BASED PAYMENTS.—Whenever practicable, payments under subsection (b) shall be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as receipt of items by the Federal Government, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(d) TERMINOLOGY CORRECTION.—Such section, as amended by subsection (a)(2), is further amended in subsection (b)(2) by striking out "bid".

(e) EFFECTIVE DATE OF LIEN RELATED TO ADVANCE PAYMENTS.—Such section, as amended by subsection (a)(4), is further amended in subsection (e) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(f) REVISION OF CIVILIAN AGENCY PROVISION TO ENSURE UNIFORM REQUIREMENTS FOR PROGRESS PAYMENTS.—

(1) IN GENERAL.—Such section, as amended by subsection (a), is further amended by adding at the end the following:

"(f) CONDITIONS FOR PROGRESS PAYMENTS.—(1) The agency head shall ensure that any payment for work in progress (including materials, labor, and other items) under a contract of an executive agency that provides for such payments is commensurate with the work accomplished that meets standards established under the contract. The contractor shall provide such information and evidence as the agency head determines necessary to permit the agency head to carry out the preceding sentence.

"(2) The agency head shall ensure that progress payments referred to in paragraph (1) are not made for more than 80 percent of the work accomplished under the contract so long as the agency head has not made the contractual terms, specifications, and price definite.

"(3) This subsection applies to a contract for an amount equal to or greater than the simplified acquisition threshold.

"(g) ACTION IN CASE OF FRAUD.—(1) In any case in which the remedy coordination official of an executive agency finds that there is substantial evidence that the request of a contractor for advance, partial, or progress payment under a contract awarded by that executive agency is based on fraud, the remedy coordination official shall recommend that the agency head reduce or suspend further payments to such contractor.

"(2) An agency head receiving a recommendation under paragraph (1) in the case of a contractor's request for payment under a contract shall determine whether there is substantial evidence that the request is based on fraud. Upon making such a determination, the agency head may reduce or suspend further payments to the contractor under such contract.

"(3) The extent of any reduction or suspension of payments by an agency head under paragraph (2) on the basis of fraud shall be reasonably commensurate with the anticipated loss to the United States resulting from the fraud.

"(4) A written justification for each decision of the agency head whether to reduce or suspend payments under paragraph (2), and for each recommendation received by the agency head in connection with such decision, shall be prepared and be retained in the files of the executive agency.

"(5) Each agency head shall prescribe procedures to ensure that, before the agency head decides to reduce or suspend payments in the case of a contractor under paragraph (2), the contractor is afforded notice of the proposed reduction or suspension and an opportunity to submit matters to the head of the agency in response to such proposed reduction or suspension.

"(6) Not later than 180 days after the date on which an agency head reduces or suspends payments to a contractor under paragraph (2), the remedy coordination official of the executive agency shall—

"(A) review the determination of fraud on which the reduction or suspension is based; and

"(B) transmit a recommendation to the agency head whether the suspension or reduction should continue.

"(7) Each agency head who receives recommendations made by a remedy coordination official of the executive agency to reduce or suspend payments under paragraph (2) during a fiscal year shall prepare for such year a report that contains the recommendations, the actions taken on the recommendations and the reasons for such actions, and an assessment of the effects of such actions on the Federal Government. Any such report shall be available to any Member of Congress upon request.

"(8) An agency head may not delegate responsibilities under this subsection to any person in a position below level IV of the Executive Schedule.

"(9) In this subsection, the term 'remedy coordination official', with respect to an executive agency, means the person or entity in that executive agency who coordinates within that executive agency the administration of criminal, civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities.".

(2) RELATIONSHIP TO PROMPT PAYMENT REQUIREMENTS.—The amendment made by paragraph (1) is not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law, that relate to progress payment requests, as such procedures are in effect on the date of the enactment of this Act.

(g) CONFORMING AND CLERICAL AMENDMENTS.—

(1) REFERENCE.—Section 305 of the Federal Property and Administrative Services Act of 1949, as amended by subsection (a), is further amended in subsections (d) and (e) by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(2) TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by striking out the item relating to section 305 and inserting in lieu thereof the following:

"Sec. 305. Contract financing.".

Subtitle B—Cost Principles

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2101. ALLOWABLE CONTRACT COSTS.

(a) UNALLOWABILITY OF COSTS TO INFLUENCE LOCAL LEGISLATIVE BODIES.—Subsection (e)(1)(B) of section 2324 of title 10, United States Code, is amended by striking out "or a State legislature" and inserting in lieu thereof ", a State legislature, or a legislative body of a political subdivision of a State".

(b) COMPTROLLER GENERAL EVALUATION.—Section 2324 of such title is amended by striking out subsection (l).

(c) COVERED CONTRACT DEFINED.—Subsection (m) of such section is amended to read as follows:

"(l)(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by the Department of Defense, except that such term does not include a fixed-price contract without cost incentives.

"(2) Effective on October 1 of each year that is divisible by 5, the amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

SEC. 2102. CONTRACT PROFIT CONTROLS DURING EMERGENCY PERIODS.

(a) REPEAL.—Section 2382 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2382.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2151. ALLOWABLE CONTRACT COSTS.

(a) REVISION OF CIVILIAN AGENCY PROVISION TO ENSURE UNIFORM TREATMENT OF CONTRACT COSTS.—Section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended to read as follows:

"ALLOWABLE COSTS

"SEC. 306. (a) INDIRECT COST THAT VIOLATES A FAR COST PRINCIPLE.—The head of an executive agency shall require that a covered contract provide that if the contractor submits to the executive agency a proposal for settlement of indirect costs incurred by the contractor for any period after such costs have been accrued and if that proposal includes the submission of a cost which is unallowable because the cost violates a cost principle in the Federal Acquisition Regulation or an executive agency's supplement to the Federal Acquisition Regulation, the cost shall be disallowed.

"(b) PENALTY FOR VIOLATION OF COST PRINCIPLE.—(1) If the agency head determines that a cost submitted by a contractor in its proposal for settlement is expressly unallowable under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs, the agency head shall assess a penalty against the contractor in an amount equal to—

"(A) the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted; plus

"(B) interest (to be computed based on regulations issued by the agency head) to compensate the United States for the use of any funds which a contractor has been paid in excess of the amount to which the contractor was entitled.

"(2) If the agency head determines that a proposal for settlement of indirect costs submitted by a contractor includes a cost determined to be unallowable in the case of such contractor before the submission of such proposal, the agency head shall assess a penalty against the contractor in an amount equal to two times the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted.

"(c) WAIVER OF PENALTY.—In accordance with the Federal Acquisition Regulation, the agency head may waive a penalty under subsection (b) in the case of a contractor's proposal for settlement of indirect costs when—

"(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

"(2) the amount of unallowable costs subject to the penalty is insignificant; or

"(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

"(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

"(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.

"(d) APPLICABILITY OF CONTRACT DISPUTES PROCEDURE TO DISALLOWANCE OF COST AND ASSESSMENT OF PENALTY.—An action of an agency head under subsection (a) or (b)—

"(1) shall be considered a final decision for the purposes of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605); and

"(2) is appealable in the manner provided in section 7 of such Act.

"(e) SPECIFIC COSTS NOT ALLOWABLE.—(1) The following costs are not allowable under a covered contract:

"(A) Costs of entertainment, including amusement, diversion, and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(B) Costs incurred to influence (directly or indirectly) legislative action on any matter pending before Congress, a State legislature, or a legislative body of a political subdivision of a State.

"(C) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable or had pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of a false certification).

"(D) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with the Federal Acquisition Regulation.

"(E) Costs of membership in any social, dining, or country club or organization.

"(F) Costs of alcoholic beverages.

"(G) Contributions or donations, regardless of the recipient.

"(H) Costs of advertising designed to promote the contractor or its products.

"(I) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(J) Costs for travel by commercial aircraft which exceed the amount of the standard commercial fare.

"(K) Costs incurred in making any payment (commonly known as a 'golden parachute payment') which is—

"(i) in an amount in excess of the normal severance pay paid by the contractor to an employee upon termination of employment; and

"(ii) is paid to the employee contingent upon, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor's assets.

"(L) Costs of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

"(M) Costs of severance pay paid by the contractor to foreign nationals employed by the contractor under a service contract performed outside the United States, to the extent that the amount of severance pay paid in any case exceeds the amount paid in the industry involved under the customary or prevailing practice for firms in that industry providing similar services in the United States, as determined in accordance with the Federal Acquisition Regulation.

"(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States facility in that country at the request of the government of that country.

"(O) Costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the United States or a State, to the extent provided in subsection (k).

"(2)(A) Subject to the availability of appropriations, the head of an executive agency, in awarding a covered contract, may waive in accordance with the Federal Acquisition Regulation the application of the provisions of paragraphs (1)(M) and (1)(N) to that contract if the agency head determines that—

"(i) the application of such provisions to the contract would adversely affect the continuation of a program, project, or activity that provides significant support services for employees of the executive agency posted outside the United States;

"(ii) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

"(iii) the payment of severance pay is necessary in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

"(B) The head of the executive agency concerned shall include in the solicitation for a covered contract a statement indicating—

"(i) that a waiver has been granted under subparagraph (A) for the contract; or

"(ii) whether the agency head will consider granting such a waiver, and, if the agency head will consider granting a waiver, the criteria to be used in granting the waiver.

"(C) The agency head shall make the final determination regarding whether to grant a waiver under subparagraph (A) with respect to a covered contract before award of the contract.

"(3) The head of each executive agency shall implement this section with respect to contracts of that executive agency in accordance with the Federal Acquisition Regulation. The provisions of the Federal Acquisition applicable to the implementation of this section may include definitions, exclusions, limitations, and qualifications.

"(f) REQUIRED REGULATIONS.—(1) The Federal Acquisition Regulation referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) shall contain provisions on the allowability of contractor costs. Such provisions shall define in detail and in specific terms those costs which are unallowable, in whole or in part, under covered contracts. The regulations shall, at a minimum, clarify the cost principles applicable to contractor costs of the following:

"(A) Air shows.

"(B) Membership in civic, community, and professional organizations.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Actions to influence (directly or indirectly) executive branch action on regulatory and contract matters (other than costs incurred in regard to contract proposals pursuant to solicited or unsolicited bids).

"(F) Community relations.

"(G) Dining facilities.

"(H) Professional and consulting services, including legal services.

"(I) Compensation.

"(J) Selling and marketing.

"(K) Travel.

"(L) Public relations.

"(M) Hotel and meal expenses.

"(N) Expense of corporate aircraft.

"(O) Company-furnished automobiles.

"(P) Advertising.

"(2) The Federal Acquisition Regulation shall require that a contracting officer not resolve any questioned costs until the contracting officer has obtained—

"(A) adequate documentation with respect to such costs; and

"(B) the opinion of the executive agency's contract auditor on the allowability of such costs.

"(3) The Federal Acquisition Regulation shall provide that, to the maximum extent practicable, an executive agency's contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor.

"(4) The Federal Acquisition Regulation shall require that all categories of costs designated in the report of an executive agency's contract auditor as questioned with respect to a proposal for settlement be resolved in such a manner that the amount of the individual questioned costs that are paid will be reflected in the settlement.

"(g) APPLICABILITY OF REQUIRED REGULATIONS TO SUBCONTRACTORS.—The regulations prescribed to carry out subsections (e) and (f)(1) shall require, to the maximum extent practicable, that such regulations apply to all subcontractors of a covered contract.

"(h) CONTRACTOR CERTIFICATION REQUIRED.—(1) A proposal for settlement of indirect costs applicable to a covered contract shall include a certification by an official of the contractor that, to the best of the certifying official's knowledge and belief, all indirect costs included in the proposal are allowable. Any such certification shall be in a form prescribed by the agency head concerned.

"(2) The agency head concerned may, in an exceptional case, waive the requirement for certification under paragraph (1) in the case of any contract if the agency head—

"(A) determines in such case that it would be in the interest of the United States to waive such certification; and

"(B) states in writing the reasons for that determination and makes such determination available to the public.

"(i) PENALTIES FOR SUBMISSION OF COST KNOWN AS NOT ALLOWABLE.—The submission to an executive agency of a proposal for settlement of costs for any period after such costs have been accrued that includes a cost that is expressly specified by statute or regulation as being unallowable, with the knowledge that such cost is unallowable, shall be subject to the provisions of section 287 of title 18, United States Code, and section 3729 of title 31, United States Code.

"(j) CONTRACTOR TO HAVE BURDEN OF PROOF.—In a proceeding before a board of contract appeals, the United States Court of Federal Claims, or any other Federal court in which the reasonableness of indirect costs for which a contractor seeks reimbursement from the United States is in issue, the burden of proof shall be upon the contractor to establish that those costs are reasonable.

"(k) PROCEEDING COSTS NOT ALLOWABLE.—(1) Except as otherwise provided in this subsection, costs incurred by a contractor in connection with any criminal, civil, or administrative proceeding commenced by the United States or a State are not allowable as reimbursable costs under a covered contract if the proceeding (A) relates to a violation of, or failure to comply with, a Federal or State statute or regulation, and (B) results in a disposition described in paragraph (2).

"(2) A disposition referred to in paragraph (1)(B) is any of the following:

"(A) In the case of a criminal proceeding, a conviction (including a conviction pursuant to a plea of nolo contendere) by reason of the violation or failure referred to in paragraph (1).

"(B) In the case of a civil or administrative proceeding involving an allegation of fraud or similar misconduct, a determination of contractor liability on the basis of the violation or failure referred to in paragraph (1).

"(C) In the case of any civil or administrative proceeding, the imposition of a monetary penalty by reason of the violation or failure referred to in paragraph (1).

"(D) A final decision—

"(i) to debar or suspend the contractor,

"(ii) to rescind or void the contract, or

"(iii) to terminate the contract for default,

by reason of the violation or failure referred to in paragraph (1).

"(E) A disposition of the proceeding by consent or compromise if such action could have resulted in a disposition described in subparagraph (A), (B), (C), or (D).

"(3) In the case of a proceeding referred to in paragraph (1) that is commenced by the United States and is resolved by consent or compromise pursuant to an agreement entered into by a contractor and the United States, the costs incurred by the contractor in connection with such proceeding that are otherwise not allowable as reimbursable costs under such paragraph may be allowed to the extent specifically provided in such agreement.

"(4) In the case of a proceeding referred to in paragraph (1) that is commenced by a State, the agency head that awarded the covered contract involved in the proceeding may allow the costs incurred by the contractor in connection with such proceeding as reimbursable costs if the agency head determines, under regulations prescribed by such agency head, that the costs were incurred as a result of (A) a specific term or condition of the contract, or (B) specific written instructions of the agency.

"(5)(A) Except as provided in subparagraph (C), costs incurred by a contractor in connection with a criminal, civil, or administrative proceeding commenced by the United States or a State in connection with a covered contract may be allowed as reimbursable costs under the contract if such costs are not disallowable under paragraph (1), but only to the extent provided in subparagraph (B).

"(B)(i) The amount of the costs allowable under subparagraph (A) in any case may not exceed the amount equal to 80 percent of the amount of the costs incurred, to the extent that such costs are determined to be otherwise allowable and allocable under the Federal Acquisition Regulations.

"(ii) Regulations issued for the purpose of clause (i) shall provide for appropriate consideration of the complexity of procurement litigation, generally accepted principles governing the award of legal fees in civil actions involving the United States as a party, and such other factors as may be appropriate.

"(C) In the case of a proceeding referred to in subparagraph (A), contractor costs otherwise allowable as reimbursable costs under this paragraph are not allowable if (i) such proceeding involves the same contractor misconduct alleged as the basis of another criminal, civil, or administrative proceeding, and (ii) the costs of such other proceeding are not allowable under paragraph (1).

"(6) In this subsection:

"(A) The term 'proceeding' includes an investigation.

"(B) The term 'costs', with respect to a proceeding—

"(i) means all costs incurred by a contractor, whether before or after the commencement of any such proceeding; and

"(ii) includes—

"(I) administrative and clerical expenses;

"(II) the cost of legal services, including legal services performed by an employee of the contractor;

"(III) the cost of the services of accountants and consultants retained by the contractor; and

"(IV) the pay of directors, officers, and employees of the contractor for time devoted by such directors, officers, and employees to such proceeding.

"(C) The term 'penalty' does not include restitution, reimbursement, or compensatory damages.

"(l) COVERED CONTRACT DEFINED.—(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by an executive agency, except that such term does not include a fixed-price contract without cost incentives.

"(2) Effective on October 1 of each year that is divisible by 5, the amount set forth in paragraph (1) shall be adjusted to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the item relating to section 306 and inserting in lieu thereof the following:

"Sec. 306. Allowable costs.".

PART III—ACQUISITIONS GENERALLY

SEC. 2191. TRAVEL EXPENSES OF GOVERNMENT CONTRACTORS.

Section 24 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) is repealed.

SEC. 2192. UNALLOWABILITY OF ENTERTAINMENT COSTS UNDER COVERED CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the cost principle in the Federal Acquisition Regulation that is set out in section 31.205-14 of title 48, Code of Federal Regulations, relating to unallowability of entertainment costs—

(1) by inserting in the cost principle a statement that costs made specifically unallowable under that cost principle are not allowable under any other cost principle; and

(2) by striking out "(but see 31.205-1 and 31.205-13)".

Subtitle C—Audit and Access to Records

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2201. CONSOLIDATION AND REVISION OF AUTHORITY TO EXAMINE RECORDS OF CONTRACTORS.

(a) AUTHORITY.—

(1) IN GENERAL.—Section 2313 of title 10, United States Code, is amended to read as follows:

"§ 2313. Examination of records of contractor

"(a) AGENCY AUTHORITY.—The head of an agency, acting through an authorized representative—

"(1) is entitled to inspect the plant and audit the records of—

"(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of such contracts, made by that agency under this chapter; and

"(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract under a contract referred to in subparagraph (A) or under any combination of such contracts; and

"(2) shall, for the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted pursuant to section 2306a of this title with respect to a contract or subcontract, have the right to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(b) LIMITATION ON PREAWARD AUDITS RELATING TO INDIRECT COSTS.—The head of an agency may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this chapter in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

"(c) SUBPOENA POWER.—(1) The Director of the Defense Contract Audit Agency (or any successor agency) may require by subpoena the production of records of a contractor, access to which is provided to the Secretary of Defense or Secretary of a military department by subsection (a).

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority provided by paragraph (1) may not be redelegated.

"(4) The Director (or any successor official) shall submit an annual report to the Secretary of Defense on the exercise of such authority during the preceding year and the reasons why such authority was exercised in any instance. The Secretary shall forward a copy of each such report to the Committees on Armed Services of the Senate and House of Representatives.

"(d) COMPTROLLER GENERAL AUTHORITY.—(1) Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and his representatives are entitled to examine any records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract.

"(2) Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the head of the agency concerned determines, with the concurrence of the Comptroller General or his designee, that the application of that paragraph to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the head of the agency determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

"(e) LIMITATION.—The right of the head of an agency under subsection (a), and the right of the Comptroller General under subsection (d), with respect to a contract or subcontract shall expire three years after final payment under such contract or subcontract.

"(f) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section is inapplicable with respect to the following contracts:

"(1) Contracts for utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

"(g) RECORDS DEFINED.—In this section, the term 'records' includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 137 of title 10, United States Code, is amended to read as follows:

"2313. Examination of records of contractor.".

(b) REPEAL OF SUPERSEDED PROVISION.—

(1) REPEAL.—Section 2406 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2406.

PART II—CIVILIAN AGENCY ACQUISITIONS

SEC. 2251. AUTHORITY TO EXAMINE RECORDS OF CONTRACTORS.

(a) AUTHORITY.—

(1) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), as amended by section 1251(a), is further amended by inserting after section 304A the following new section:

"EXAMINATION OF RECORDS OF CONTRACTOR

"SEC. 304B. (a) AGENCY AUTHORITY.—The head of an executive agency, acting through an authorized representative—

"(1) is entitled to inspect the plant and audit the records of—

"(A) a contractor performing a cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contract, or any combination of such contracts, made by that executive agency under this title; and

"(B) a subcontractor performing any cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable subcontract under a contract referred to in subparagraph (A) or under any combination of such contracts; and

"(2) shall, for the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted pursuant to section 304A with respect to a contract or subcontract, have the right to examine all records of the contractor or subcontractor related to—

"(A) the proposal for the contract or subcontract;

"(B) the discussions conducted on the proposal;

"(C) pricing of the contract or subcontract; or

"(D) performance of the contract or subcontract.

"(b) LIMITATION ON PREAWARD AUDITS RELATING TO INDIRECT COSTS.—The agency head may not perform a preaward audit to evaluate proposed indirect costs under any contract, subcontract, or modification to be entered into in accordance with this title in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.

"(c) SUBPOENA POWER.—(1) The agency head may require by subpoena the production of records of a contractor, access to which is provided by subsection (a).

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority provided by paragraph (1) may not be delegated.

"(4) In the year following a year in which the head of an executive agency exercises the authority provided in paragraph (1), the agency head shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives a report on the exercise of such authority during such preceding year and the reasons why such authority was exercised in any instance.

"(d) COMPTROLLER GENERAL AUTHORITY.—(1) Except as provided in paragraph (2), each contract awarded after using procedures other than sealed bid procedures shall provide that the Comptroller General and his representatives are entitled to examine any records of the contractor, or any of its subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract.

"(2) Paragraph (1) does not apply to a contract or subcontract with a foreign contractor or foreign subcontractor if the agency head concerned determines, with the concurrence of the Comptroller General or his designee, that the application of that paragraph to the contract or subcontract would not be in the public interest. However, the concurrence of the Comptroller General or his designee is not required—

"(A) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its records available for examination; and

"(B) where the agency head determines, after taking into account the price and availability of the property and services from United States sources, that the public interest would be best served by not applying paragraph (1).

"(3) Paragraph (1) may not be construed to require a contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to another provision of law.

"(e) LIMITATION.—The right of an agency head under subsection (a), and the right of the Comptroller General under subsection (d), with respect to a contract or subcontract shall expire three years after final payment under such contract or subcontract.

"(f) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section is inapplicable with respect to the following contracts:

"(1) CONTRACTS.—For utility services at rates not exceeding those established to apply uniformly to the public, plus any applicable reasonable connection charge.

"(g) RECORDS DEFINED.—In this section, the term 'records' includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by section 1251(b), is further amended by inserting after the item relating to section 304A the following:

"Sec. 304B. Examination of records of contractor.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254) is amended by striking out subsection (c).

Subtitle D—Cost Accounting Standards

SEC. 2301. EXCEPTIONS TO COVERAGE.

Section 26(f)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking out ", other than contracts or subcontracts" and all that follows and inserting in lieu thereof a period; and

(3) by inserting at the end the following:

"(B) Subparagraph (A) does not apply to the following contracts or subcontracts:

"(i) Contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.

"(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

"(iii) Any other firm fixed-price contract or subcontract for commercial items which is excepted from the requirement to provide cost or pricing data pursuant to subsection (b) or (d) of section 2306a of title 10, United States Code, or subsection (b) or (d) of section 304A of the Federal Property and Administrative Services Act of 1949.

"(C) In this paragraph, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor.".

SEC. 2302. REPEAL OF OBSOLETE DEADLINE REGARDING PROCEDURAL REGULATIONS FOR THE COST ACCOUNTING STANDARDS BOARD.

Section 26(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out "Not later than 180 days after the date of the enactment of this section, the Administrator" and inserting in lieu thereof "The Administrator".

Subtitle E—Administration of Contract Provisions Relating to Price, Delivery, and Product Quality

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2401. PROCUREMENT OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS; QUALITY CONTROL.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 2402. CONTRACTOR GUARANTEES REGARDING WEAPON SYSTEMS.

Section 2403(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The regulations shall include the following:

"(A) Guidelines for negotiating contractor guarantees that are reasonable and cost effective, as determined on the basis of the likelihood of defects and the estimated cost of correcting such defects.

"(B) Procedures for administering contractor guarantees.

"(C) Guidelines for determining the cases in which it may be appropriate to waive the requirements of this section.".

PART II—ACQUISITIONS GENERALLY

SEC. 2451. SECTION 3737 OF THE REVISED STATUTES: EXPANSION OF AUTHORITY TO PROHIBIT SETOFFS AGAINST ASSIGNEES; REORGANIZATION OF SECTION; REVISION OF OBSOLETE PROVISIONS.

Section 3737 of the Revised Statutes (41 U.S.C. 15) is amended to read as follows:

"SEC. 3737. (a) No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States is concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

"(b) The provisions of subsection (a) shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, provided:

"(1) That, in the case of any contract entered into after October 9, 1940, no claim shall be assigned if it arises under a contract which forbids such assignment.

"(2) That, unless otherwise expressly permitted by such contract, any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing.

"(3) That, in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of the assignment with—

"(A) the contracting officer or the head of his department or agency;

"(B) the surety or sureties upon the bond or bonds, if any, in connection with such contract; and

"(C) the disbursing officer, if any, designated in such contract to make payment.

"(c) Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to this section shall constitute a valid assignment for all purposes.

"(d) In any case in which moneys due or to become due under any contract are or have been assigned pursuant to this section, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment.

"(e) Any contract of the Department of Defense, the General Services Administration, the Department of Energy, or any other department or agency of the United States designated by the President, except any such contract under which full payment has been made, may, upon a determination of need by the President, provide or be amended without consideration to provide that payments to be made to the assignee of any moneys due or to become due under such contract shall not be subject to reduction or setoff. Each such determination of need shall be published in the Federal Register.

"(f) If a provision described in subsection (e) or a provision to the same general effect has been at any time heretofore or is hereafter included or inserted in any such contract, payments to be made thereafter to an assignee of any moneys due or to become due under such contract shall not be subject to reduction or setoff for any liability of any nature of the assignor to the United States or any department or agency thereof which arises independently of such contract, or hereafter for any liability of the assignor on account of—

"(1) renegotiation under any renegotiation statute or under any statutory renegotiation article in the contract;

"(2) fines;

"(3) penalties (which term does not include amounts which may be collected or withheld from the assignor in accordance with or for failure to comply with the terms of the contract); or

"(4) taxes, social security contributions, or the withholding or non withholding of taxes or social security contributions, whether arising from or independently of such contract.

"(g) Except as herein otherwise provided, nothing in this section shall be deemed to affect or impair rights of obligations heretofore accrued.".

SEC. 2452. REPEAL OF REQUIREMENT FOR DEPOSIT OF CONTRACTS WITH GAO.

Section 3743 of the Revised Statutes (41 U.S.C. 20) is repealed.

Subtitle F—Claims and Disputes

PART I—ARMED SERVICES ACQUISITIONS

SEC. 2501. CERTIFICATION OF CONTRACT CLAIMS.

(a) DOD CERTIFICATION REQUIREMENT IN CONFLICT WITH GOVERNMENTWIDE REQUIREMENT.—

(1) INAPPLICABILITY OF REQUIREMENT TO CONTRACT CLAIMS.—Section 2410 of title 10, United States Code, is amended to read as follows:

"§ 2410. Requests for equitable adjustment or other relief: certification

"(a) CERTIFICATION REQUIREMENT.—A request for equitable adjustment to contract terms or request for relief under Public Law 85-804 (50 U.S.C. 1431 et seq.) that exceeds the simplified acquisition threshold may not be paid unless a person authorized to certify the request on behalf of the contractor certifies, at the time the request is submitted, that—

"(1) the request is made in good faith, and

"(2) the supporting data are accurate and complete to the best of that person's knowledge and belief.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2410 and inserting in lieu thereof the following:

"2410. Requests for equitable adjustment or other relief: certification.".

(b) RESTRICTION ON LEGISLATIVE PAYMENT OF CLAIMS.—Section 2410 of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(b) RESTRICTION ON LEGISLATIVE PAYMENT OF CLAIMS.—In the case of a contract of an agency named in section 2303(a) of this title, no provision of a law enacted after September 30, 1994, that directs the payment of a particular claim under such contract, a particular request for equitable adjustment to any term of such contract, or a particular request for relief under Public Law 85-804 (50 U.S.C. 1431 et seq.) regarding such contract may be implemented unless such provision of law—

"(1) specifically refers to this subsection; and

"(2) specifically states that this subsection does not apply with respect to the payment directed by that provision of law.".

(c) DEFINITION.—Section 2410, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(c) DEFINITION.—In this section, the term 'simplified acquisition threshold' has the meaning given that term in section 2302(4) of this title.".

(d) REPEAL OF RELATED PROVISIONS.—

(1) CERTIFICATION REGULATIONS FOR CONTRACT CLAIMS EXCEEDING $100,000.—

(A) REPEAL.—Section 2410e of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2410e.

(2) CONFORMING REPEAL.—Section 813(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2453), is repealed.

SEC. 2502. SHIPBUILDING CLAIMS.

(a) LIMITATION ON PERIOD FOR SUBMISSION.—

(1) INCREASED PERIOD.—Subsection (a) of section 2405 of title 10, United States Code, is amended—

(A) by striking out "after December 7, 1983," and inserting in lieu thereof "on or after the date of the enactment of the Federal Acquisition Streamlining Act of 1994"; and

(B) by striking out "18 months" and inserting in lieu thereof "6 years".

(2) SAVINGS PROVISION.—Notwithstanding the 6-year period provided in subsection (a) of section 2405 of title 10, United States Code, as amended by paragraph (1), the period applicable under such subsection in the case of a shipbuilding contract entered into after December 7, 1983, and before the date of the enactment of the Federal Acquisition Streamlining Act of 1994 shall continue to be 18 months.

(b) RESUBMISSION WITH CORRECTED CERTIFICATION.—Subsection (c) of such section is repealed.

PART II—ACQUISITIONS GENERALLY

SEC. 2551. CLAIMS JURISDICTION OF UNITED STATES DISTRICT COURTS AND THE UNITED STATES COURT OF FEDERAL CLAIMS.

(a) CONCURRENT JURISDICTION OF UNITED STATES DISTRICT COURTS UNDER THE LITTLE TUCKER ACT.—Subsection (a) of section 1346 of title 28, United States Code, is amended to read as follows:

"(a)(1) The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws.

"(2)(A) Except as provided in subparagraph (B), the district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any other civil action or claim against the United States, not exceeding $10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any expressed or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

"(B) The district courts shall not have jurisdiction over any civil action or claim against the United States or any Federal entity which relates in any manner to a contract to which the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) applies, including a claim that seeks to establish the existence or nonexistence of such a contract, seeks to establish that such a contract is void, or seeks to determine and construe the terms of such a contract. The district courts do not have jurisdiction over any civil action or claim described in the preceding sentence pursuant to section 1331, 1334, or 1346(a)(2)(B) of this title, any provision of law giving a Federal entity the right to sue or be sued in its own name, or any other provision of law.".

(b) JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS UNDER THE TUCKER ACT.—Section 1491 of title 28, United States Code, as amended by section 1422, is further amended by inserting after subsection (c) the following:

"(d)(1) The United States Court of Federal Claims shall have jurisdiction over any civil action or claim against the United States which relates in any manner to a contract to which the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) applies, including a civil action or claim that seeks to establish the existence or nonexistence of such a contract, seeks to establish that such contract is void, or seeks to determine and construe the terms of any such contract.

"(2) The jurisdiction of the United States Court of Federal Claims is, pursuant to section 1346(a)(2)(B) of this title, exclusive as to the district courts of the United States.".

SEC. 2552. CONTRACT DISPUTES ACT IMPROVEMENTS.

(a) PERIOD FOR FILING CLAIMS.—

(1) SIX-YEAR LIMITATION.—Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsection (a) by inserting

after the second sentence the following: "Each claim by a contractor against the government relating to a contract and each claim by the government against a contractor relating to a contract shall be submitted within 6 years after the occurrence of the event or events giving rise to the claim. The preceding sentence does not apply to a claim by the government against a contractor that is based on a claim by the contractor involving fraud.".

(2) LIMITATION ON APPLICABILITY TO EXISTING CONTRACTS.—Notwithstanding the third sentence of section 6(a) of the Contract Disputes Act of 1978, as added by paragraph (1), if a contract in existence on the date of the enactment of this Act requires that a claim referred to in that sentence be submitted earlier than 6 years after the occurrence of the event or events giving rise to the claim, then the claim shall be submitted within the period required by the contract. The preceding sentence does not apply to a claim by the Federal Government against a contractor that is based on a claim by the contractor involving fraud.

(b) INCREASED THRESHOLD FOR CERTIFICATION, DECISION, AND NOTIFICATION REQUIREMENTS.—Subsection (c) of such section is amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(c) INCREASED MAXIMUM FOR APPLICABILITY OF ACCELERATED PROCEDURES.—Section 8(f) of the Contract Disputes Act of 1978 (41 U.S.C. 607(f)) is amended by striking out "$50,000" in the first sentence and inserting in lieu thereof "$150,000".

(d) INCREASED MAXIMUM FOR APPLICABILITY OF SMALL CLAIMS PROCEDURE.—Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608(a)) is amended by striking out "$10,000" in the first sentence and inserting in lieu thereof "$50,000".

(e) REDUCED PERIOD FOR FILING ACTION IN COURT OF FEDERAL CLAIMS.—Section 10(a)(3) of such Act (41 U.S.C. 609(a)(3)) is amended by striking out "twelve months" and inserting in lieu thereof "90 days".

SEC. 2553. EXTENSION OF ALTERNATIVE DISPUTE RESOLUTION AUTHORITY.

(a) EXTENSION OF AUTHORITY.—Section 6(e) of the Contracts Disputes Act of 1978 (41 U.S.C. 605(e)) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(b) AVAILABILITY OF PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—Section 6(e) of such Act is amended by inserting after the first sentence the following: "In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute. In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.".

SEC. 2554. EXPEDITED RESOLUTION OF CONTRACT ADMINISTRATION COMPLAINTS.

(a) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall include provisions that require a contracting officer—

(1) to make every reasonable effort to respond in writing within 30 days to any written request made to a contracting officer with respect to a matter relating to the administration of a contract that is received from a small business concern; and

(2) in the event that the contracting officer is unable to reply within the 30-day period, to transmit to the contractor within such period a written notification of a specific date by which the contracting officer expects to respond.

The provisions shall not apply to a request for a contracting officer's decision under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(b) RULE OF CONSTRUCTION.—Nothing in this provision shall be considered as creating any rights under the Contract Disputes Act (41 U.S.C. 601 et seq.).

(c) DEFINITION.—In this section, the term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to that section.

SEC. 2555. AUTHORITY FOR DISTRICT COURTS TO OBTAIN ADVISORY OPINIONS FROM BOARDS OF CONTRACT APPEALS IN CERTAIN CASES.

Section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609) is amended by adding at the end the following new paragraph:

"(f)(1) Whenever an action involving an issue described in paragraph (2) is pending in a district court of the United States, the district court may request a board of contract appeals to provide the court with an advisory opinion on the matters of contract interpretation at issue.

"(2) An issue referred to in paragraph (1) is any issue that could be the proper subject of a final decision of a contracting officer appealable under this Act.

"(3) A district court shall direct any request under paragraph (1) to the board of contract appeals having jurisdiction under this Act to adjudicate appeals of contract claims under the contract or contracts being interpreted by the court.

"(4) Within ninety days after receiving a request for an advisory opinion under paragraph (1), a board of contract appeals shall provide the advisory opinion to the district court making the request.".

TITLE III—SERVICE SPECIFIC AND MAJOR SYSTEMS STATUTES

Subtitle A—Major Systems Statutes

SEC. 3001. REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND MANPOWER ESTIMATES BEFORE DEVELOPMENT OR PRODUCTION.

(a) CONTENT AND SUBMISSION OF ESTIMATES.—Section 2434 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the content and submission of the estimates required by subsection (a). The regulations shall require—

"(1) that the independent estimate of the cost of a program—

"(A) be prepared by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; and

"(B) include all costs of development, procurement, and operations and support, without regard to funding source or management control; and

"(2) that the manpower estimate include the total personnel required to train for, operate, maintain, and support the program upon full operational deployment.".

(b) TERMINOLOGY CORRECTION.—Subsection (a) of such section is amended by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development".

SEC. 3002. ENHANCED PROGRAM STABILITY.

(a) BASELINE DESCRIPTIONS AND DEVIATION REPORTING.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out paragraph (2); and

(B) in paragraph (1)—

(i) by striking out "(1)"; and

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the content of baseline descriptions, which shall include the program cost, the program schedule, and a program performance description;

"(2) the submission of reports on deviations of a program from the baseline description by the program manager to the Secretary of the military department concerned and the Under Secretary of Defense for Acquisition and Technology;

"(3) procedures for review of deviation reports within the Department of Defense; and

"(4) procedures for submission and approval of revised baseline descriptions.

"(c) BASELINE DESCRIPTION REQUIRED BEFORE OBLIGATION OF FUNDS.—(1) Except as provided in paragraph (2), no amount appropriated or otherwise made available to the Department of Defense may be obligated for a major defense acquisition program before a baseline description for the program is approved in accordance with the procedures prescribed pursuant to subsection (b)(4).

"(2) An obligation otherwise prohibited by paragraph (1) may be incurred if approved in advance by the Under Secretary of Defense for Acquisition and Technology.".

(b) TERMINOLOGY CORRECTION.—Subsection (a)(1) of such section, as redesignated by subsection (a)(1)(B)(ii), is amended by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development".

SEC. 3003. REPEAL OF REQUIREMENT TO DESIGNATE CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.

Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2430 note) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 3004. REPEAL OF REQUIREMENT FOR COMPETITIVE PROTOTYPING IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2438 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2438.

SEC. 3005. REPEAL OF REQUIREMENT FOR COMPETITIVE ALTERNATIVE SOURCES IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2439 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2439.

Subtitle B—Testing Statutes

SEC. 3011. DIRECTOR OF OPERATIONAL TEST AND EVALUATION TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Section 139(c) of title 10, United States Code, is amended by inserting after "(c)" the following: "The Director reports directly, without intervening review or approval, to the Secretary of Defense and Deputy Secretary of Defense personally.".

SEC. 3012. RESPONSIBILITY OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION FOR LIVE FIRE TESTING.

(a) CONDUCT OF LIVE FIRE TESTING.—Subsection (b) of section 139 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(6) conduct the live fire testing activities of the Department of Defense provided for under section 2366 of this title.".

(b) ANNUAL REPORT ON LIVE FIRE TESTING.—Subsection (f) of such section is amended by inserting "(including live fire testing activities)" in the first sentence after "operational test and evaluation activities".

SEC. 3013. REQUIREMENT FOR UNCLASSIFIED VERSION OF ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.

Section 139(f) of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "If the Director submits the report to Congress in a classified form, the Director shall concurrently submit an unclassified version of the report to Congress.".

Subtitle C—Service Specific Laws

SEC. 3021. GRATUITOUS SERVICES OF OFFICERS OF CERTAIN RESERVE COMPONENTS.

Section 279 of title 10, United States Code, is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) ACCEPTANCE BY SECRETARY OF A MILITARY DEPARTMENT.—Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) ACCEPTANCE BY SECRETARY OF DEFENSE.—Notwithstanding section 1342 of title 31, the Secretary of Defense may accept the gratuitous services of an officer of a reserve component (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States) in consultation upon matters relating to the armed forces.".

SEC. 3022. AUTHORITY TO RENT SAMPLES, DRAWINGS, AND OTHER INFORMATION TO OTHERS.

Subchapter V of chapter 148 of title 10, United States Code, is amended in section 2541(a) by inserting "rent," after "sell," each place it appears in paragraphs (1) and (2).

SEC. 3023. CIVIL RESERVE AIR FLEET.

(a) DEFINITIONS.—Section 9511 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "'civil aircraft'," after "'person',";

(B) by striking out "meaning" and inserting in lieu thereof "meanings"; and

(C) by striking out "(49 U.S.C. 1301)" and inserting in lieu thereof "(49 U.S.C. App. 1301)";

(2) in paragraph (2), by striking out "passenger-cargo" and inserting in lieu thereof "passenger cargo";

(3) in paragraph (3), by striking out "cargo-capable" and inserting in lieu thereof "cargo capable";

(4) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) The term 'cargo convertible aircraft' means a passenger aircraft equipped or designed so that all or substantially all of the main deck of the aircraft can be readily converted for the carriage of property or mail.";

(5) by striking out paragraph (6);

(6) by redesignating paragraph (7) as paragraph (6);

(7) by redesignating paragraph (8) as paragraph (7) and—

(A) in subparagraph (A) of such paragraph, by inserting "under section 9512 of this title" after "and who contracts with the Secretary";

(B) by striking out "or" at the end of such subparagraph (A); and

(C) by inserting before the period at the end of such paragraph the following: ", or (C) who owns or controls existing aircraft, or will own or control new aircraft, and who contractually commits all or some of such aircraft to the Civil Reserve Air Fleet";

(8) by redesignating paragraphs (9), (10), (11), and (12) as paragraphs (8), (9), (10), and (11), respectively; and

(9) in paragraph (11), as so redesignated—

(A) by striking out "interoperability" and inserting in lieu thereof "compatibility"; and

(B) by striking out "a cargo-convertible, cargo-capable, or passenger-cargo combined aircraft" and inserting in lieu thereof "an aeromedical aircraft or a cargo convertible, cargo capable, or passenger cargo combined aircraft".

(b) CONSOLIDATION OF PROVISIONS RELATING TO CONTRACTUAL COMMITMENT OF AIRCRAFT.—Chapter 931 of such title is amended—

(1) by redesignating subsections (b) and (c) of section 9512 as subsections (c) and (d), respectively;

(2) by redesignating subsection (a) of section 9513 as subsection (b), transferring such subsection (as so redesignated) to section 9512, and inserting such subsection after subsection (a);

(3) by redesignating subsection (b) of section 9513 as subsection (e) and transferring such subsection (as so redesignated) to the end of section 9512;

(4) in subsection (c) of section 9512, as redesignated by paragraph (1), by striking out "the terms required by section 9513 of this title and";

(5) in subsection (e) of section 9512, as redesignated and transferred to such section by paragraph (3), by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section"; and

(6) by striking out the heading of section 9513.

(c) USE OF MILITARY INSTALLATIONS BY CONTRACTORS.—

(1) AUTHORITY.—Such chapter, as amended by subsection (b), is further amended by adding at the end the following new section 9513:

"§ 9513. Use of military installations by Civil Reserve Air Fleet contractors

"(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

"(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

"(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

"(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

"(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of a designated installation as a weather alternate, a service stop not involving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations for commercial operations not required by the Department of Defense and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.

"(c) DISPOSITION OF PAYMENTS FOR USE.—Notwithstanding any other provision of law, amounts collected from the contractor for landing fees, services, supplies, or other charges authorized to be collected under the contract shall be credited to the appropriations of the armed forces having jurisdiction over the military installation to which the contract pertains. Amounts so credited to an appropriation shall be available for obligation for the same period as the appropriation to which credited.

"(d) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the United States from all actions, suits, or claims of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

"(e) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary or, in the case of an installation under the jurisdiction of an armed force other than the Air Force, the Secretary concerned may at any time and without prior notice deny access to an installation designated under the contract if military exigencies require such action.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 9513 and inserting in lieu thereof the following:

"9513. Use of military installations by Civil Reserve Air Fleet contractors.".

SEC. 3024. EXCHANGE OF PERSONNEL.

(a) EXCHANGE AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350k. Exchange of personnel

"(a) INTERNATIONAL EXCHANGE AGREEMENTS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary and the secretaries of the military departments are each authorized to enter into agreements with the governments of foreign countries for the exchange of military and civilian personnel of the Department of Defense and military and civilian personnel of the defense departments or ministries of such foreign governments.

"(b) ASSIGNMENT OF PERSONNEL.—Pursuant to such agreements, personnel of the foreign defense departments or ministries may be assigned to positions in the Department of Defense, and personnel of the Department of Defense may be assigned to positions in foreign defense departments or ministries. Agreements for the exchange of personnel engaged in research and development activities may provide for assignments to positions in private industry that support the defense departments or ministries. The specific positions and the individuals to be assigned must be acceptable to both the sending government and the host government.

"(c) RECIPROCITY OF PERSONNEL QUALIFICATIONS REQUIRED.—Each government shall be required under an agreement authorized by subsection (a) to provide personnel having qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

"(d) PAYMENT OF PERSONNEL COSTS.—Each government shall pay the salary, per diem, cost of living, travel, cost of language or other training, and other costs (except for cost of temporary duty directed by the host government and costs incident to the use of host government facilities in the performance of assigned duties) for its own personnel in accordance with the laws and regulations of such government that pertain to such matters.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350k. Exchange of personnel.".

SEC. 3025. SCIENTIFIC INVESTIGATION AND RESEARCH FOR THE NAVY.

(a) REPEAL.—Section 7203 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 631 of such title is amended by striking out the item relating to section 7203.

SEC. 3026. CONSTRUCTION OF COMBATANT AND ESCORT VESSELS AND ASSIGNMENT OF VESSEL PROJECTS.

(a) REPEAL OF OBSOLETE AND INTERNALLY INCONSISTENT PROVISIONS.—Section 7299a of title 10, United States Code, is amended—

(1) by striking out subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section, as redesignated by subsection (a)(2), is amended in paragraph (2) by striking out "subsection (a) or".

SEC. 3027. REPEAL OF REQUIREMENT FOR CONSTRUCTION OF VESSELS ON PACIFIC COAST.

(a) REPEAL.—Section 7302 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7302.

SEC. 3028. AUTHORITY TO TRANSFER BY GIFT A VESSEL STRICKEN FROM NAVAL VESSEL REGISTER.

Section 7306(a)(1) of title 10, United States Code, is amended by inserting "Territory," after "State,".

SEC. 3029. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended—

(1) in section 7361—

(A) in subsection (a), by inserting "AUTHORITY TO PROVIDE FACILITIES BY CONTRACT OR OTHERWISE.—" after "(a)";

(B) in subsection (b), by inserting "CONTRACTS AFFECTING THE DEPARTMENT OF TRANSPORTATION.—" after "(b)"; and

(C) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) LIMITATION ON TERM CONTRACTS.—Term contracts may be entered into for purposes of this section only after—

"(1) it has been demonstrated to the satisfaction of the Secretary of the Navy that available commercial salvage facilities are inadequate to meet national defense requirements; and

"(2) the Secretary of the Navy determines that adequate public notice of intent to exercise the authority under this subsection has been provided.";

(2) by designating the text of section 7362 as subsection (d) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(3) in subsection (d) of section 7361 of such title, as so designated and transferred, by inserting before "The Secretary" the following: "COMMERCIAL USE OF NAVAL VESSELS AND EQUIPMENT.—";

(4) by designating the text of section 7363 as subsection (e) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(5) in subsection (e) of section 7361 of such title, as so designated and transferred, by inserting before "Before any salvage vessel" the following: "CONDITIONS FOR TRANSFER OF EQUIPMENT.—";

(6) by designating the text of section 7365 as subsection (f) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(7) in subsection (f) of section 7361 of such title, as so designated and transferred, by inserting before "The Secretary" the following: "SETTLEMENT OF CLAIMS.—";

(8) by designating the text of section 7367 as subsection (g) and transferring such text, as so designated, to the end of section 7361 of title 10, United States Code;

(9) in subsection (g) of section 7361 of such title, as so designated and transferred—

(A) by inserting before "Money received" the following: "DISPOSITION OF RECEIPTS.—"; and

(B) by striking out "this chapter" in the first sentence and inserting in lieu thereof "this section";

(10) by striking out the section headings for sections 7362, 7363, 7365, and 7367;

(11) by striking out the heading for section 7361 and inserting in lieu thereof the following:

"§ 7361. Navy support for salvage operations"; and

(12) in the table of sections at the beginning of such chapter—

(A) by striking out the item relating to section 7361 and inserting in lieu thereof the following:

"7361. Navy support for salvage operations."; and

(B) by striking out the items relating to sections 7362, 7363, 7365, and 7367.

Subtitle D—Department of Defense Commercial and Industrial Activities

SEC. 3051. ACCOUNTING REQUIREMENT FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) FUNDING TO BE IDENTIFIED IN BUDGET.—Section 1105 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) The Director of the Office of Management and Budget shall establish the funding for advisory and assistance services for each department and agency as a separate object class in each budget annually submitted to the Congress under this section.

"(2)(A) In paragraph (1), except as provided in subparagraph (B), the term 'advisory and assistance services' means the following services when provided by nongovernmental sources:

"(i) Management and professional support services.

"(ii) Studies, analyses, and evaluations.

"(iii) Engineering and technical services.

"(B) In paragraph (1), the term 'advisory and assistance services' does not include the following services:

"(i) Routine automated data processing and telecommunications services unless such services are an integral part of a contract for the procurement of advisory and assistance services.

"(ii) Architectural and engineering services.

"(iii) Technical support of research and development activities.

"(iv) Research on basic mathematics or medical, biological, physical, social, psychological, or other phenomena.".

(b) REPEAL OF SOURCE LAW.—Section 512 of Public Law 102-394 (106 Stat. 1826) is repealed.

(c) REPEAL OF SUPERSEDED PROVISIONS.—

(1) TITLE 10.—

(A) REPEAL.—Section 2212 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking out the item relating to section 2212.

(2) TITLE 31.—

(A) REPEAL.—Section 1114 of title 31, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title is amended by striking out the item relating to section 1114.

Subtitle E—Fuel- and Energy-Related Laws

SEC. 3061. LIQUID FUELS AND NATURAL GAS: CONTRACTS FOR STORAGE, HANDLING, OR DISTRIBUTION.

Section 2388(a) of title 10, United States Code, is amended by striking out "liquid fuels and natural gas" and inserting in lieu thereof "liquid fuels or natural gas".

Subtitle F—Fiscal Statutes

SEC. 3071. DISBURSEMENT OF FUNDS OF MILITARY DEPARTMENT TO COVER OBLIGATIONS OF ANOTHER AGENCY OF DEPARTMENT OF DEFENSE.

Subsection (c)(2) of section 3321 of title 31, United States Code, is amended by striking out "military departments of the" and inserting in lieu thereof "The".

Subtitle G—Miscellaneous

SEC. 3081. OBLIGATION OF FUNDS: LIMITATION.

Section 2202 of title 10, United States Code, is amended to read as follows:

"§ 2202. Obligation of funds: limitation

"The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement, production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.".

SEC. 3082. REPEAL OF REQUIREMENTS REGARDING PRODUCT EVALUATION ACTIVITIES.

(a) REPEAL.—Section 2369 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item related to section 2369.

SEC. 3083. CODIFICATION AND REVISION OF LIMITATION ON LEASE OF VESSELS, AIRCRAFT, AND VEHICLES.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410l. Lease of vessels, aircraft, and vehicles

"The head of an agency named in paragraph (1), (2), (3), or (4) of section 2303(a) of this title may not enter into any contract with a term of 18 months or more, or extend or renew any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement without previously having considered all costs of such lease (including estimated termination liability) and determined in writing that such lease is in the best interest of the Government.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410l. Lease of vessels, aircraft, and vehicles.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 9081 of Public Law 101-165 (103 Stat. 1147; 10 U.S.C. 2401 note) is repealed.

SEC. 3084. SOFT DRINK SUPPLIES FOR EXCHANGE STORES.

Section 2424 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Paragraphs (1) and (2) of subsection (b) do not apply to contracts for the procurement of soft drinks that are manufactured in the United States. The Secretary of Defense shall prescribe in regulations the standards and procedures for determining whether a particular drink is a soft drink and whether the drink was manufactured in the United States.".

SEC. 3085. REPEAL OF PREFERENCE FOR RECYCLED TONER CARTRIDGES.

The following provisions of law, relating to a preference for procurement of recycled toner cartridges, are repealed:

(1) Section 630 of Public Law 102-393 (106 Stat. 1773) and the provision of law set out in quotes in that section (42 U.S.C. 6962(j)).

(2) Section 401 of Public Law 103-123 (107 Stat. 1238).

TITLE IV—SIMPLIFIED ACQUISITION THRESHOLD AND SOCIOECONOMIC, SMALL BUSINESS, AND MISCELLANEOUS LAWS

Subtitle A—Simplified Acquisition Threshold

PART I—ESTABLISHMENT OF THRESHOLD

SEC. 4001. SIMPLIFIED ACQUISITION THRESHOLD.

(a) TERM DEFINED.—Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended to read as follows:

"(11) The term 'simplified acquisition threshold' means $100,000.".

(b) INTERIM REPORTING RULE.—Until October 1, 1999, procuring activities shall continue to report procurement awards with a dollar value of at least $25,000, but less than $100,000, in conformity with the procedures for the reporting of a contract award in excess of $25,000 that were in effect on October 1, 1992.

PART II—SIMPLIFICATION OF PROCEDURES

SEC. 4011. SIMPLIFIED ACQUISITION PROCEDURES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SIMPLIFIED ACQUISITION PROCEDURES

"SEC. 29. (a) In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for contracts for acquisition of property and services that are not in excess of the simplified acquisition threshold.

"(b) Regulations prescribed pursuant to subsection (a) shall include the following provisions:

"(1) A provision that a contract with an anticipated value not in excess of $2,500 is not subject to section 15(j) of the Small Business Act (15 U.S.C. 644(j)) and section 2 of title III of the Act of March 3, 1933 (commonly known as the 'Buy America Act') (41 U.S.C. 10a et seq.).

"(2) A provision that a civilian or military official, or employee of an agency, whose contracting authority does not exceed $2,500 is not a procurement official for the purposes of section 27 of this Act.

"(3) A provision that a purchase not in excess of $2,500 may be made without obtaining competitive quotations if the contracting officer determines that the price for the purchase is reasonable.

"(4) A requirement that purchases not in excess of $2,500 be distributed equitably among qualified suppliers.

"(5) A requirement that a contracting officer consider each responsive offer timely received from an eligible offeror.

"(c) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified acquisition procedures required by subsection (a).

"(d) In using simplified acquisition procedures, the head of an executive agency shall promote competition to the maximum extent practicable.".

SEC. 4012. SMALL BUSINESS RESERVATION.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended to read as follows:

"(j)(1) Each contract for the purchase of goods and services that has an anticipated value in excess of $2,500 but not in excess of the simplified acquisition threshold and that is subject to simplified acquisition procedures prescribed pursuant to section 29 of the Office of Federal Procurement Policy Act shall be reserved exclusively for small business concerns unless the contracting officer is unable to obtain offers from two or more small business concerns that are competitive with market prices and are competitive with regard to the quality and delivery of the goods or services being purchased.

"(2) In carrying out paragraph (1), a contracting officer shall consider a responsive offer timely received from an eligible small business offeror.

"(3) Nothing in paragraph (1) shall be construed as precluding an award of a contract with a value not in excess of the simplified acquisition threshold under the authority of subsection (a) or (c) of section 8 of this Act, section 2323 of title 10, United States Code, or section 712 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656; 15 U.S.C. 644 note).".

SEC. 4013. FAST PAYMENT UNDER SIMPLIFIED ACQUISITION PROCEDURES.

(a) PAYMENT PROCEDURES.—The simplified acquisition procedures described in section 29(a) of the Office of Federal Procurement Policy Act (as added by section 4011) shall provide for use of the payment terms described in subsection (b), and for the disbursement of payment through electronic fund transfer, whenever circumstances permit.

(b) REQUIRED PAYMENT TERMS.—The payment terms for a purchase made pursuant to simplified acquisition procedures shall require payment, in accordance with the provisions of chapter 39 of title 31, United States Code, within 15 days after the date of the receipt of a proper invoice for products delivered or services performed, if—

(1) in the case of a purchase of property, title to the property vests in the Government upon delivery of the property to the Government or to a common carrier;

(2) in the case of property or services for which payment is due before the Government's acceptance of the property or services, the vendor provides commercial or other appropriate warranties assuring that the property or services purchased conform to the requirements set forth in the Government's purchase offer; and

(3) funds are available for making the payment.

(c) DISBURSEMENTS TO BE MATCHED WITH OBLIGATIONS.—The simplified acquisition procedures shall include procedures that ensure that each request for a disbursement is matched with a particular obligation before the disbursement is made under the payment terms provided for under subsection (a).

SEC. 4014. PROCUREMENT NOTICE.

(a) CONTINUATION OF EXISTING NOTICE THRESHOLDS.—Subsection (a) of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(1) in paragraph (1), by striking out "the small purchase threshold" each place it appears and inserting in lieu thereof "$25,000"; and

(2) in paragraph (3)(B), by inserting after "(B)" the following: "in the case of a contract or order expected to exceed the simplified acquisition threshold,".

(b) CONTENT OF NOTICE.—Subsection (b) of such section is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) in the case of a contract in an amount estimated to exceed $25,000 but not to exceed the simplified acquisition threshold—

"(A) a description of the procedures to be used in awarding the contract; and

"(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.".

(c) NOTICE NOT REQUIRED IN ELECTRONIC COMMERCE.—Subsection (c)(1) of such section, as amended by section 1055(b), is further amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), (E) and (F) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(2) by inserting above subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is conducted by means of electronic commerce pursuant to a system that, as determined by the Administrator for Federal Procurement Policy, has the capabilities described in subsections (a) and (b) of section 4015 of the Federal Acquisition Streamlining Act of 1994;".

(d) NOTICE UNDER THE SMALL BUSINESS ACT.—

(1) CONTINUATION OF EXISTING NOTICE THRESHOLDS.—Subsection (e) of section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(A) in paragraph (1), by striking out "the small purchase threshold" each place it appears and inserting in lieu thereof "$25,000"; and

(B) in paragraph (3)(B), by inserting after "(B)" the following: "in the case of a contract or order estimated to exceed the simplified acquisition threshold,".

(2) CONTENT OF NOTICE.—Subsection (f) of such section is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(6) in the case of a contract in an amount estimated to exceed the $25,000 but not to exceed the simplified acquisition threshold—

"(A) a description of the procedures to be used in awarding the contract; and

"(B) a statement specifying the periods for prospective offerors and the contracting officer to take the necessary preaward and award actions.".

SEC. 4015. ELECTRONIC COMMERCE FOR FEDERAL GOVERNMENT PROCUREMENTS.

(a) DEVELOPMENT AND IMPLEMENTATION OF SYSTEM.—The Administrator for Federal Procurement Policy, in consultation with the heads of appropriate Federal Government agencies having applicable technical and functional expertise, may take appropriate steps to develop and implement a Federal Governmentwide architecture or design for electronic commerce that provides interoperability among users.

(b) REQUIRED CAPABILITIES.—The requirements analysis prepared to implement the architecture or design of a system of electronic commerce referred to in subsection (a) shall have the following capabilities:

(1) The maximum practicable capability for electronic exchange of such procurement information as solicitations, offers, contracts, purchase orders, invoices, payments, and other contractual documents between the private sector and the Federal Government.

(2) Capabilities that increase the access of businesses, including small business concerns, socially and economically disadvantaged small business concerns, and businesses owned predominantly by women, to Federal Government procurement opportunities.

(3) Easy access for potential Federal Government contractors.

(4) Use of nationally and internationally recognized data formats that broaden and ease electronic interchange of data.

(5) Use of Federal Government systems and networks and industry systems and networks.

(c) NOTICE AND SOLICITATION REGULATIONS.—In connection with implementation of the architecture or design referred to in subsection (a), the Federal Acquisition Regulatory Council shall ensure that the Federal Acquisition Regulation contains appropriate notice and solicitation provisions applicable to acquisitions conducted through such architecture or design. The provisions shall specify the required form and content of notices of acquisitions and the minimum periods for notifications of solicitations and for deadlines for the submission of offers under solicitations. Each minimum period specified for a notification of solicitation and each deadline for the submission of offers under a solicitation shall afford potential offerors a reasonable opportunity to respond.

(d) LIMITATION OF PUBLICATION REQUIREMENT.—The requirement in section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) for publishing notice of a solicitation in the Commerce Business Daily shall not apply to acquisitions of a Federal agency or a component of a Federal agency that are made through electronic commerce and have a value not in excess of the simplified acquisition threshold if the Federal Acquisition Regulation contains the provisions specifically required by subsection (c) and the Administrator for Federal Procurement Policy certifies that such agency or component—

(1) has fully implemented the architecture or design referred to in subsection (a); and

(2) has procedures in place—

(A) to provide notice to potential offerors in accordance with the requirements of the Federal Acquisition Regulation prescribed pursuant to subsection (c); and

(B) to ensure that small business concerns are afforded an opportunity to respond to a solicitation of contract offers within the period specified in the solicitation.

(e) DEFINITION.—In this section, the term "simplified acquisition threshold" has the meaning given that term is section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

PART III—APPLICABILITY OF LAWS TO ACQUISITIONS NOT IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD

SEC. 4021. FUTURE ENACTED PROCUREMENT LAWS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4011, is further amended by adding at the end the following new section:

"APPLICABILITY OF CERTAIN LAWS TO CONTRACTS NOT EXCEEDING SIMPLIFIED ACQUISITION THRESHOLD

"SEC. 30. (a) IN GENERAL.—The applicability of a provision of law described in subsection (b) to contracts not in excess of the simplified acquisition threshold may be waived on a class basis in the Federal Acquisition Regulation. Such a waiver shall not apply to a provision of law that expressly refers to this section and prohibits the waiver of that provision of law.

"(b) REFERENCED LAW.—A provision of law referred to in subsection (a) is any provision of law enacted after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 that, as determined by the Administrator for Federal Procurement Policy, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government.".

SEC. 4022. ARMED SERVICES ACQUISITIONS.

(a) REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 2306(b) of title 10, United States Code, is amended by adding at the end the following: "This subsection does not apply to a contract that is not in excess of the simplified acquisition threshold.".

(b) PROHIBITION ON LIMITING SUBCONTRACTOR DIRECT SALES TO THE UNITED STATES.—Section 2402 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) This section does not apply to a contract that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(c) AUTHORITY TO EXAMINE BOOKS AND RECORDS OF CONTRACTORS.—Section 2313 of title 10, United States Code, as amended by section 2201, is further amended by adding at the end of subsection (f) the following:

"(2) A contract that is not in excess of the simplified acquisition threshold.".

(d) REQUIREMENT TO IDENTIFY SUPPLIERS AND SOURCES OF SUPPLIES.—Section 2384(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The regulations prescribed pursuant to paragraph (1) do not apply to a contract that does not exceed the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(e) PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS.—Section 2393(d) of title 10, United States Code, is amended in the second sentence by striking out "above" and all that follows and inserting in lieu thereof "in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(f) PROHIBITION ON PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.—Section 2408(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The prohibition in paragraph (1) does not apply with respect to the following:

"(A) A contract referred to in subparagraph (A), (B), (C), or (D) of such paragraph that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

"(C) A subcontract referred to in such subparagraph that is under a contract described in subparagraph (A).".

SEC. 4023. CIVILIAN AGENCY ACQUISITIONS.

(a) REQUIREMENT FOR CONTRACT CLAUSE REGARDING CONTINGENT FEES.—Section 304(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)) is amended by adding at the end the following: "The preceding sentence does not apply to a contract that is not in excess of the simplified acquisition threshold.".

(b) PROHIBITION ON LIMITING SUBCONTRACTOR DIRECT SALES TO THE UNITED STATES.—Section 303G of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253g) is amended by adding at the end the following new subsection:

"(c) This section does not apply to a contract that is not in excess of the simplified acquisition threshold.".

(c) AUTHORITY TO EXAMINE BOOKS AND RECORDS OF CONTRACTORS.—Section 304B of the Federal Property and Administrative Services Act of 1949, as added by section 2251(a), is amended by adding at the end of subsection (f) the following:

"(2) A contract that is not in excess of the simplified acquisition threshold.".

SEC. 4024. ACQUISITIONS GENERALLY.

(a) LIMITATION ON USE OF FUNDS TO INFLUENCE CERTAIN FEDERAL ACTIONS.—Section 1352(e)(2)(B) of title 31, United States Code, is amended by striking out "$100,000" and inserting in lieu thereof "the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)))".

(b) REQUIREMENT FOR CONTRACT CLAUSE RELATING TO KICKBACKS.—Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57) is amended by adding at the end the following new subsection:

"(d) Subsections (a) and (b) do not apply to a prime contract that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(c) MILLER ACT.—

(1) IN GENERAL.—

(A) CONTRACTS NOT EXCEEDING SIMPLIFIED ACQUISITION THRESHOLD.—The Act of August 24, 1935 (40 U.S.C. 270a et seq.), commonly referred to as the "Miller Act", is amended by adding at the end the following new section:

"SEC. 5. This Act does not apply to a contract in an amount that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(B) CONFORMING AMENDMENT.—Subsection (a) of the first section of such Act is amended by striking out ", exceeding $25,000 in amount,".

(2) ALTERNATIVE PAYMENT PROTECTIONS.—

(A) PROTECTIONS TO BE SPECIFIED IN THE FAR.—The Federal Acquisition Regulation shall provide alternatives to payment bonds as payment protections for suppliers of labor and materials under contracts referred to in subparagraph (C).

(B) USE OF AUTHORIZED PROTECTIONS.—The contracting officer for a contract shall—

(i) select, from among the payment protections provided for in the Federal Acquisition Regulation pursuant to subparagraph (A), one or more payment protections which the offeror awarded the contract is to submit to the Federal Government for the protection of suppliers of labor and materials for such contract; and

(ii) specify in the solicitation of offers for such contract the payment protection or protections so selected.

(C) COVERED CONTRACTS.—

(i) APPLICABILITY.—The regulations required under subparagraph (A) and the requirements of subparagraph (B) apply with respect to contracts referred to in subsection (a) of the first section of the Miller Act that are in excess of $25,000 but not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

(ii) MILLER ACT REFERENCE.—The Miller Act referred to in subparagraph (A) is the Act of August 24, 1935 (40 U.S.C. 270a et seq.), commonly referred to as the "Miller Act".

(d) CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.—

(1) IN GENERAL.—Section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 329) is amended by adding at the end the following new subsection:

"(c) This title does not apply to a contract in an amount that is not in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

(2) CONFORMING AMENDMENT.—Section 107(a) of such Act (40 U.S.C. 333(a)) is amended by inserting after "It shall be a condition of each contract" the following: "(other than a contract referred to in section 103(c))".

(e) DRUG-FREE WORKPLACE ACT OF 1988.—Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (subtitle D of title V of the Anti-Drug Abuse Act of 1988; Public Law 100-690; 41 U.S.C. 701(a)(1)) is amended by striking out "of $25,000 or more from any Federal agency" and inserting in lieu thereof "in excess of the simplified acquisition threshold (as defined in section 4(11) of such Act (41 U.S.C. 403(11))) by any Federal agency".

(f) CERTAIN PROCUREMENT INTEGRITY REQUIREMENTS.—

(1) CERTIFICATION REQUIREMENT.—Subsection (e)(7)(A) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by striking out "$100,000" and inserting in lieu thereof "the simplified acquisition threshold".

(2) CONTRACT CLAUSE REQUIREMENT.—Subsection (g)(1) of such section is amended by inserting after "awarded by a Federal agency" the following: "(other than a contract in an amount that is not in excess of the simplified acquisition threshold)".

(g) SOLID WASTE DISPOSAL ACT.—Section 6002(a) of the Solid Waste Disposal Act (42 U.S.C. 6962(a)) is amended by striking out all that follows "with respect to any" and inserting in lieu thereof "contract in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

PART IV—CONFORMING AMENDMENTS

SEC. 4071. ARMED SERVICES ACQUISITIONS.

(a) SIMPLIFIED ACQUISITION PROCEDURES.—Section 2304(g) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "small purchases of property and services" and inserting in lieu thereof "purchases of property and services not in excess of the simplified acquisition threshold";

(2) by striking out paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(4) in paragraph (2), as so redesignated—

(A) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(B) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures"; and

(5) in paragraph (3), as redesignated by paragraph (3), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures".

(b) SOLICITATION CONTENT REQUIREMENT.—Section 2305(a)(2) of title 10, United States Code, is amended by striking out "small purchases)" in the matter above subparagraph (A) and inserting in lieu thereof "purchases not in excess of the simplified acquisition threshold)".

(c) COST TYPE CONTRACTS.—Section 2306(e)(2)(A) of title 10, United States Code, is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

SEC. 4072. CIVILIAN AGENCY ACQUISITIONS.

(a) SIMPLIFIED ACQUISITION PROCEDURES.—

(1) PROPERTY AND SERVICES GENERALLY.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(A) in paragraph (1), by striking out "small purchases of property and services" and inserting in lieu thereof "purchases of property and services not in excess of the simplified acquisition threshold";

(B) by striking out paragraphs (2) and (5);

(C) in paragraph (3)—

(i) by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold"; and

(ii) by striking out "small purchase procedures" and inserting in lieu thereof "simplified procedures";

(E) in paragraph (4), by striking out "small purchase procedures" and inserting in lieu thereof "the simplified procedures"; and

(F) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

"(B) For purposes of subparagraph (A), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.".

(b) SOLICITATION CONTENT REQUIREMENT.—Section 303A(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(b)) is amended by striking out "small purchases)" in the matter above paragraph (1) and inserting in lieu thereof "purchases not in excess of the simplified acquisition threshold)".

(c) COST TYPE CONTRACTS.—Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)), as amended by section 1071, is further amended in the second sentence by striking out "either $25,000" and inserting in lieu thereof "either the simplified acquisition threshold".

SEC. 4073. OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

Section 19(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(a)) is amended by striking out "procurements, other than small purchases," and inserting in lieu thereof "procurements in excess of the simplified acquisition threshold".

SEC. 4074. SMALL BUSINESS ACT.

(a) DEFINITION.—Section 3(m) of the Small Business Act (15 U.S.C. 632(m)) is amended by striking out "'small purchase threshold'" and inserting in lieu thereof "'simplified acquisition threshold'".

(b) USE OF SIMPLIFIED ACQUISITION THRESHOLD TERM.—Section 8(d)(2)(A) of the Small Business Act (15 U.S.C. 637(d)(2)(A)) is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

PART V—REVISION OF REGULATIONS

SEC. 4081. REVISION REQUIRED.

(a) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council established by section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall review the Federal Acquisition Regulation to identify regulations that are applicable to acquisitions in excess of a specified amount that is less than $100,000. The Council shall amend the regulations so identified as necessary to provide that such regulations do not apply to acquisitions that are not in excess of the simplified acquisition threshold. The preceding sentence does not apply in the case of a regulation for which such an amendment would not be in the national interest, as determined by the Council.

(b) SUPPLEMENTAL REGULATIONS.—The head of each Federal agency that has issued regulations, policies, or procedures referred to in section 25(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(2)) shall identify any such regulations, policies, or procedures that are applicable to acquisitions in excess of a specified amount that is less than $100,000. The agency head shall amend the regulations so identified as necessary to provide that such regulations, policies, and procedures do not apply to acquisitions that are not in excess of the simplified acquisition threshold. The preceding sentence does not apply in the case of a regulation, policy, or procedure for which such an amendment would not be in the national interest, as determined by the agency head.

(c) COMPLETION OF ACTIONS.—All actions under this section shall be completed not later than 180 days after the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term "simplified acquisition threshold" has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as amended by section 4001.

(2) The term "Federal agency" has the meaning given such term in section 3(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 472(b)).

Subtitle B—Socioeconomic and Small Business Laws

SEC. 4101. ACQUISITIONS GENERALLY.

(a) REPEAL OF EXECUTED REPORTING REQUIREMENT.—Section 306 of the Trade Agreements Act of 1979 (19 U.S.C. 2516) is repealed.

(b) WALSH-HEALEY ACT.—

(1) REPEAL OTHER THAN FOR CERTAIN DEFINITIONAL PURPOSES.—The Act of June 30, 1936 (41 U.S.C. 35 et seq.), commonly referred to as the "Walsh-Healey Act", is amended to read as follows:

"SECTION 1. (a) The Secretary of Labor may prescribe in regulations the standards for determining whether a contractor is a manufacturer of or a regular dealer in materials, supplies, articles, or equipment to be manufactured or used in the performance of a contract entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment.

"(b) Any interested person shall have the right of judicial review of any legal question regarding the interpretation of the terms 'regular dealer' and 'manufacturer', as defined pursuant to subsection (a)."

(2) CONFORMING AMENDMENT.—Section 2304(h) of title 10, United States Code, is amended to read as follows:

"(h) For the purposes of the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (40 U.S.C. 276a et seq.), purchases or contracts awarded after using procedures other than sealed-bid procedures shall be treated as if they were made with sealed-bid procedures.".

(c) REPEAL OF REDUNDANT REQUIREMENT REGARDING APPLICABILITY OF THE DAVIS-BACON ACT AND THE WALSH-HEALEY ACT.—Section 308 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 258) is repealed.

SEC. 4102. ACQUISITIONS FROM SMALL BUSINESSES.

(a) SET-ASIDE PRIORITY.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by striking out subsections (e) and (f).

(b) CERTIFICATE OF COMPETENCE.—Section 804 of Public Law 103–484 (106 Stat. 2447; 10 U.S.C. 2305 note) is repealed.

SEC. 4103. CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS.

(a) PROCUREMENT PROCEDURES AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by inserting after subsection (b) the following new subsection:

"(c)(1) To facilitate the attainment of a goal for the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals that is established for a Federal agency pursuant to section 15(g)(1), the head of the agency may enter into contracts using—

"(A) less than full and open competition by restricting the competition for such awards to small business concerns owned and controlled by socially and economically disadvantaged individuals described in subsection (d)(3)(C) of this section; and

"(B) a price evaluation preference not in excess of 10 percent when evaluating an offer received from such a small business concern as the result of an unrestricted solicitation.

"(2) Paragraph (1) does not apply to the Department of Defense.".

(b) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—The Federal Acquisition Regulation shall be amended to provide for uniform implementation of the authority provided in section 8(c) of the Small Business Act, as added by subsection (a).

(2) MATTERS TO BE ADDRESSED.—The provisions of the Federal Acquisition Regulation prescribed pursuant to paragraph (1) shall include—

(A) conditions for the use of advance payments;

(B) provisions for contract payment terms that provide for—

(i) accelerated payment for work performed during the period for contract performance; and

(ii) full payment for work performed;

(C) guidance on how contracting officers may use, in solicitations for various classes of products or services, a price evaluation preference pursuant to section 8(c)(1)(B) of the Small Business Act, as added by subsection (a), to provide a reasonable advantage to small business concerns owned and controlled by socially and economically disadvantaged individuals without effectively eliminating any participation of other small business concerns; and

(D)(i) procedures for a person to request the head of Federal agency to determine whether the use of competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals at a contracting activity of such agency has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity; and

(ii) guidance for limiting the use of such restricted competitions in the case of any contracting activity and class of contracts determined in accordance with such procedures to have caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity.

(c) TERMINATION.—Section 8(c) of the Small Business Act, as added by subsection (a), shall cease to be effective at the end of September 30, 1999.

SEC. 4104. PROCUREMENT GOALS FOR SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" each place it appears in the first sentence and fourth sentences of subsection (g)(1), the second sentence of subsection (g)(2), and paragraphs (1), (2)(A), (2)(D), and (2)(E) of subsection (h) and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) in subsection (g)—

(A) by inserting after the third sentence of paragraph (1) the following: "The Government-wide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.";

(B) in the first sentence of paragraph (2), by striking out "and by small business concerns owned and controlled by socially and economically disadvantaged individuals," and inserting in lieu thereof ", by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(C) in the fourth sentence of paragraph (2), by inserting after "including participation by small business concerns owned and controlled by socially and economically disadvantaged individuals" the following: "and by participation small business concerns owned and controlled by women"; and

(3) in subsection (h)(2)(F), by striking out "women-owned small business enterprises" and inserting in lieu thereof "small business concerns owned and controlled by women".

(b) SUBCONTRACT PARTICIPATION.—Section 8(d) of such Act (15 U.S.C. 637(d)) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" both places it appears in paragraph (1), both places it appears in paragraph (3)(A), in paragraph (4)(D), in subparagraphs (A), (C), and (F) of paragraph (6), and in paragraph (10)(B) and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) by striking out subparagraph (D) in paragraph (3) and inserting in lieu thereof the following:

"(E) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, or a small business concern owned and controlled by women.";

(3) in paragraph (3), by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The term 'small business concern owned and controlled by women' shall mean a small business concern—

"(i) which is at least 51 per centum owned by one or more women; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and

"(ii) whose management and daily business operations are controlled by one or more women."; and

(4) in paragraph (4)(E), by inserting "and for small business concerns owned and controlled by women" after "as defined in paragraph (3) of this subsection".

(c) MISREPRESENTATIONS OF STATUS.—(1) Subsection (d)(1) of section 16 of such Act (15 U.S.C. 645) is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concerns owned and controlled by women'".

(2) Subsection (e) of such section is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concerns owned and controlled by women'".

(d) DEFINITION.—Section 3 of such Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(n) For the purposes of this Act, a small business concern is a small business concern owned and controlled by women if—

"(1) at least 51 percent of small business concern is owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

"(2) the management and daily business operations of the business are controlled by one or more women.".

SEC. 4105. DEVELOPMENT OF DEFINITIONS REGARDING CERTAIN SMALL BUSINESS CONCERNS.

(a) REVIEW REQUIRED.—

(1) DEFINITIONS TO BE IDENTIFIED.—The Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, as in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the small business concerns set forth in paragraph (2) for purposes of authorizing the participation of such small business concerns as prime contractors or subcontractors in—

(A) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts; or

(B) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

(2) COVERED SMALL BUSINESS CONCERNS.—The small business concerns referred to in paragraph (1) are as follows:

(A) Small business concerns owned and controlled by socially and economically disadvantaged individuals.

(B) Minority-owned small business concerns.

(C) Small business concerns owned and controlled by women.

(D) Woman-owned small business concerns.

(b) MATTERS TO BE DEVELOPED.—On the basis of the results of the review carried out under subsection (a), the Administrator for Federal Procurement Policy shall develop—

(1) uniform definitions for the small business concerns referred to in subsection (a)(2);

(2) uniform agency certification standards and procedures for—

(A) determinations of whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) under an applicable standard for purposes contracts and subcontracts referred to in subsection (a)(1); and

(B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) for such purposes; and

(3) such other related recommendations as the Administrator determines appropriate consistent with the review results.

(c) PROCEDURES AND SCHEDULE.—

(1) PARTICIPATION BY CERTAIN INTERESTED PARTIES.—The Administrator for Federal Procurement Policy shall provide for the participation in the review and activities under subsections (a) and (b) by representatives of—

(A) the Small Business Administration (including the Office of the Chief Counsel for Advocacy);

(B) the Minority Business Development Agency of the Department of Commerce;

(C) the Department of Transportation;

(D) the Environmental Protection Agency; and

(E) such other executive departments and agencies as the Administrator considers appropriate.

(2) CONSULTATION WITH CERTAIN INTERESTED PARTIES.—In carrying out subsections (a) and (b), the Administrator shall consult with representatives of organizations representing—

(A) minority-owned business enterprises;

(B) women-owned business enterprises; and

(C) other organizations that the Administrator considers appropriate.

(3) SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register a notice which—

(A) lists the provisions of law identified in the review carried out under subsection (a);

(B) describes the matters to be developed on the basis of the results of the review pursuant to subsection (b);

(C) solicits public comment regarding the matters described in the notice pursuant to subparagraphs (A) and (B) for a period of not less than 60 days; and

(D) addresses such other matters as the Administrator considers appropriate to ensure the comprehensiveness of the review and activities under subsections (a) and (b).

(d) REPORT.—Not later than May 1, 1995, the Administrator for Federal Procurement Policy shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of the review carried out under subsection (a) and the actions taken under subsection (b). The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations with regard to the matters identified under subsection (b).

Subtitle C—Miscellaneous Acquisition Laws

SEC. 4151. PROHIBITION ON USE OF FUNDS FOR DOCUMENTING ECONOMIC OR EMPLOYMENT IMPACT OF CERTAIN ACQUISITION PROGRAMS.

(a) REVISION AND CODIFICATION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2247. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs

"No funds appropriated by the Congress may be obligated or expended to assist any contractor of the Department of Defense in preparing any material, report, lists, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2247. Prohibition on use of funds for documenting economic or employment impact of certain acquisition programs.".

(b) REPEAL OF SUPERSEDED LAW.—Section 9048 of Public Law 102-396 (106 Stat. 1913) is repealed.

SEC. 4152. RESTRICTION ON USE OF NONCOMPETITIVE PROCEDURES FOR PROCUREMENT FROM A PARTICULAR SOURCE.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304 of title 10, United States Code, as amended by section 1005(b), is further amended—

(1) in subsection (c)(5), by inserting "subject to subsection (j)," after "(5)"; and

(2) by adding at the end the following new subsection:

"(j)(1) It is the policy of Congress that no legislation should be enacted that requires a procurement to be made from a specified non-Federal Government source.

"(2) A provision of law may not be construed as requiring a procurement to be made from a specified non-Federal Government source unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government source involved; and

"(C) specifically states that the procurement from that source is required by such provision of law in contravention of the policy set forth in paragraph (1).".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in subsection (c)(5), by inserting "subject to subsection (h)," after "(5)"; and

(2) by adding at the end the following new subsection:

"(h)(1) It is the policy of Congress that no legislation should be enacted that requires a procurement to be made from a specified non-Federal Government source.

"(2) A provision of law may not be construed as requiring a procurement to be made from a specified non-Federal Government source unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government source involved; and

"(C) specifically states that the procurement from that source is required by such provision of law in contravention of the policy set forth in paragraph (1).".

TITLE V—ACQUISITION MANAGEMENT

Subtitle A—Armed Services Acquisitions

SEC. 5001. PERFORMANCE BASED MANAGEMENT.

(a) POLICY AND GOALS FOR PERFORMANCE BASED MANAGEMENT OF PROGRAMS.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2219. Performance based management: acquisition programs

"(a) CONGRESSIONAL POLICY.—It is the policy of Congress that—

"(1) the Department of Defense should achieve, on average, 90 percent of the cost and schedule goals established for the research and development programs and acquisition programs of the Department of Defense without reducing the performance or capabilities of the items being acquired; and

"(2) the average period necessary for converting an emerging technology into initial operational capability for the Department of Defense should not exceed 8 years.

"(b) ESTABLISHMENT OF GOALS.—(1) The Secretary of Defense shall approve or define the cost, performance, and schedule goals for major defense acquisition programs of the Department of Defense.

"(2) The Comptroller of the Department of Defense shall evaluate the cost goals proposed for each major defense acquisition program of the Department.

"(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—Whenever it is necessary to do so in order to implement the policy set out in subsection (a), the Secretary of Defense shall—

"(1) identify and consider whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements taking into consideration—

"(A) the needs of the Department known as of the time of consideration;

"(B) the state of the technology or technologies relevant to the programs and to the needs of the Department;

"(C) the estimated costs and projected schedules necessary for the completion of such programs; and

"(D) other pertinent information; and

"(2) identify existing and potential research and development programs and acquisition programs that are suitable alternatives for programs considered pursuant to paragraph (1).

"(d) ANNUAL REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report submitted to Congress pursuant to section 113(c) of this title an assessment of the progress made in implementing the policy stated in subsection (a). The Secretary shall use data from existing management systems in making the assessment.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2219. Performance based management: acquisition programs.".

(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the defense acquisition workforce and provide an enhanced system of incentives for the encouragement of excellence in such workforce. The enhanced system of incentives shall, to the maximum extent consistent with applicable law—

(1) relate pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs of the department pursuant to section 2219(b) of title 10, as added by subsection (a)); and

(2) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs of the department pursuant to section 2219(b) of title 10, United States Code, as added by subsection (a).

(c) RECOMMENDED LEGISLATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress any recommended legislation that the Secretary considers necessary to carry out section 2219 of title 10, United States Code, as added by subsection (a), and otherwise to facilitate and enhance management of Department of Defense acquisition programs and the defense acquisition workforce on the basis of performance.

SEC. 5002. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

The Secretary of Defense shall define in regulations a simplified acquisition program cycle that is results-oriented. The Secretary shall consider including in the regulations provisions for the following:

(1) Program phases as follows:

(A) An integrated decision team meeting which—

(i) may be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) is conducted by an acquisition program executive officer; and

(iii) is usually completed within 1 to 3 months.

(B) A prototype development and testing phase which—

(i) includes operational tests and concerns relating to manufacturing operations and life cycle support;

(ii) is usually completed within 6 to 36 months; and

(iii) produces sufficient numbers of prototypes to assess operational utility.

(C) Product integration, development, and testing which—

(i) includes full-scale development, operational testing, and integration of components; and

(ii) is usually completed within 1 to 5 years.

(D) Production, integration into existing systems, or production and integration into existing systems.

(2) An acquisition program approval process for major program decisions which consists of the following:

(A) One major decision point—

(i) which occurs for an acquisition program before the program proceeds into product integration and development; and

(ii) at which the Under Secretary of Defense for Acquisition and Technology, in consultation with the Vice Chairman of the Joint Chiefs of Staff reviews the program, determines whether the program should continue to be carried out beyond product integration and development, and decides whether to commit to further development, to require further prototyping, or to terminate the program.

(B) Consideration of the potential benefits, affordability, needs, and risks of an acquisition program in the review of the acquisition program.

SEC. 5003. DEFENSE ACQUISITION PILOT PROGRAM DESIGNATIONS.

(a) PROGRAMS AND WAIVERS.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) is amended by inserting the following new section at the end of subtitle D of title VIII:

"SEC. 840. DEFENSE ACQUISITION PILOT PROGRAM DESIGNATIONS.

"(a) ELIGIBLE PROGRAMS.—The Secretary of Defense is authorized to designate the following defense acquisition programs for participation in the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note):

"(1) Defense Personnel Support Center medical, clothing and textile, and subsistence programs with respect to the following:

"(A) All contracts for processed fruits and vegetables and frozen seafood items for both depot stock and direct vendor delivery.

"(B) All contracts in the subsistence prime vendor program for grocery items.

"(C) All contracts in the Mail Order Pharmacy Program, the prime vendor programs for pharmaceuticals and for medical surgical items for delivery to military hospitals.

"(D) All contracts in the medical electronic commerce program for acquisition for depot stock and direct vendor delivery.

"(E) All contracts for the following items: dress coats (small lots), dress coats, duffel bags, Navy work clothing, general purpose tents, suitcases, gloves for electrical workers, boot flyers, socks, drawers, undershirts, and items offered under the Broad Agency Announcements for Clothing and Textiles Advanced Business Practices Demonstration Program.

"(2) The Fire Support Combined Arms Tactical Trainer program with respect to all contracts directly related to the procurement of a training system (including related hardware, software, and subsystems) to perform collective training of field artillery gunnery team components with development of software as required to generate the training exercises and component interfaces.

"(3) The Joint Direct Attack Munition program (JDAM I) with respect to all contracts directly related to the development and procurement of a strap-on guidance kit, using an inertially guided, Global Positioning System updated guidance kit for inventory 1,000 and 2,000 pound bombs.

"(4) The Joint Primary Aircraft Training System (JPATS) with respect to all contracts directly related to the acquisition of a new primary trainer aircraft to fulfill Air Force and Navy joint undergraduate aviation training requirements, and an associated ground-based training system consisting of air crew training devices (simulators), courseware, a Training Management System, and contractor support for the life of the system.

"(5) The Commercial Derivatives Aircraft program with respect to all contracts directly related to the acquisition or upgrading of civil-derivative aircraft for use in (A) foreign military sales of Airborne Warning and Control Systems to foreign governments with modifications of a type customarily provided to commercial customers, or (B) future Air Force airlift and tanker requirements.

"(6) The Commercial Derivative Engine program with respect to all contracts directly related to the acquisition of (A) commercially derived engines (including spare engines), logistics support equipment, technical orders, management data, and initial spare parts for use in the C-17A production line, and (B) commercially derived engines to support the purchase of commercial-derivative aircraft to meet future Air Force airlift and tanker requirements, including engine replacement and upgrades.

"(b) WAIVER AUTHORITY.—Subject to section 809(c) of the National Defense Authorization Act for Fiscal Year 1991, the Secretary of Defense is authorized—

"(1) to apply any amendment or repeal of a provision of law made in the Federal Acquisition Streamlining Act of 1994 to the programs described in subsection (a) before the effective date of such amendment or repeal; and

"(2) to apply to a procurement of noncommercial items under such programs—

"(A) any authority provided in such Act (or in an amendment made by a provision of such Act) to waive a provision of law in the case of commercial items, and

"(B) any exception applicable under such Act (or an amendment made by a provision of such Act) in the case of commercial items, before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of noncommercial items.

"(c) PILOT PROGRAM IMPLEMENTATION.—In exercising the authority provided in section 809 of the National Defense Authorization Act for 1991, and in accordance with sections 833 through 839 of this Act, the Secretary of Defense, shall take the following actions:

"(1) MISSION-ORIENTED PROGRAM MANAGEMENT.—For one or more of the defense acquisition programs designated for participation in the defense acquisition pilot program, prescribe and implement procedures which—

"(A) provide for interaction between the program manager and the commander of the operational command responsible for the requirement for the equipment acquired;

"(B) include provisions for a determination by the commander that items proposed for procurement fulfill the need defined in approved requirements documents; and

"(C) may include a role for the operational commander in decision making for program milestone decisions and performance of acceptance testing of items acquired.

"(2) SAVINGS OBJECTIVES.—Not later than 45 days after the date of enactment of the Federal Acquisition Streamlining Act of 1994, identify for each defense acquisition program participating in the pilot program quantitative measures and goals for reducing acquisition management costs.

"(3) PROGRAM PHASES.—For each defense acquisition program participating in the pilot program, incorporate in an approved acquisition strategy a program review process that provides senior acquisition officials with reports that—

"(A) contain essential information on program results at quarterly intervals;

"(B) reduce data requirements from the current major program review reporting requirements; and

"(C) include data on program costs estimates, actual expenditures, performance estimates, performance data from tests, and, consistent with existing statutes, the minimum necessary other data items required to ensure the appropriate expenditure of funds appropriated for that program.

"(4) PROGRAM WORK FORCE POLICIES.—With regard to the review of incentives and personnel actions required under section 836 of this Act—

"(A) not later than 60 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994—

"(i) complete the review; and

"(ii) on the basis of the review, define one or more systems that relate incentives, including pay, to achievement of budgets, schedules, and performance requirements;

"(B) not later than 120 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994—

"(i) apply such a system of incentives to not less than one defense acquisition program participating in the pilot program; and

"(ii) provide for an assessment of the effectiveness of that system; and

"(C) incorporate the results of actions taken pursuant to this paragraph into the development of regulations for the implementation of section 5001(b) of the Federal Acquisition Streamlining Act of 1994.

"(5) EFFICIENT CONTRACTING PROCESS.—Take any additional actions that the Secretary considers necessary to waive regulations, not required by statute, that affect the efficiency of the contracting process, including, in the Secretary's discretion, defining alternative techniques to reduce reliance on military specifications and standards in contracts for the defense acquisition programs participating in the pilot program.

"(6) CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.—For at least one participating defense acquisition program for which a determination is made to make payments for work in progress under the authority of section 2307 of title 10, United States Code, define payment milestones on the basis of quantitative measures of results.

"(7) CONTRACTOR PERFORMANCE ASSESSMENT.—Collect and evaluate performance information on each contract entered into for a defense acquisition program participating in the pilot program, including information on cost, schedule, and technical performance for each contractor supporting a participating program.

"(d) APPLICABILITY.—(1) Subsection (b) applies with respect to—

"(A) a contract that is awarded or modified during the period described in paragraph (2); and

"(B) a contract that is awarded before the beginning of such period and is to be performed (or may be performed), in whole or in part, during such period.

"(2) The period referred to in paragraph (1) is the period that begins 45 days after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 and ends on September 30, 1998.".

(b) RULE OF CONSTRUCTION.—Nothing in section 840 of the National Defense Authorization Act for Fiscal Year 1994, as added by subsection (a), shall be construed as authorizing the appropriation or obligation of funds for the programs designated for participation in the defense acquisition pilot program under the authority of subsection (a) of such section 840.

Subtitle B—Civilian Agency Acquisitions

SEC. 5051. PERFORMANCE BASED MANAGEMENT.

(a) POLICY AND GOALS FOR PERFORMANCE BASED MANAGEMENT OF PROGRAMS.—

(1) IN GENERAL.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 301 et seq.), as amended by sections 1552 and 1553, is further amended by adding at the end the following new section:

"PERFORMANCE BASED MANAGEMENT:
ACQUISITION PROGRAMS

"SEC. 311. (a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost and schedule goals established for the research and development programs and acquisition programs of the agency without reducing the performance or capabilities of the items being acquired.

"(b) ESTABLISHMENT OF GOALS.—(1) The head of each executive agency shall approve or define the cost, performance, and schedule goals for major acquisition programs of the agency.

"(2) The chief financial officer of an executive agency shall evaluate the cost goals proposed for each major defense acquisition program of the agency.

"(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—Whenever it is necessary to do so in order to implement the policy set out in subsection (a), the head of an executive agency shall—

"(1) identify and consider whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements taking into consideration—

"(A) the needs of the agency known as of the time of consideration;

"(B) the state of the technology or technologies relevant to the programs and to the needs of the agency;

"(C) the estimated costs and projected schedules necessary for the completion of such programs; and

"(D) other pertinent information; and

"(2) identify existing and potential research and development programs and acquisition programs that are suitable alternatives for programs considered pursuant to paragraph (1).".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of such Act, as amended by sections 1552 and 1553, is further amended by inserting after the item relating to section 310 the following new item:

"Sec. 311. Performance based management: acquisition programs.".

(b) ANNUAL REPORTING REQUIREMENT.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405), as amended by section 1091, is further amended by adding at the end the following new subsection:

"(k) The Administrator shall submit to Congress, on an annual basis, an assessment of the progress made in executive agencies in implementing the policy stated in section 311(a) of the Federal Property and Administrative Services Act of 1949. The Administrator shall use data from existing management systems in making the assessment.".

(c) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with appropriate officials in other departments and agencies of the Federal Government, shall, to the maximum extent consistent with applicable law—

(1) establish policies and procedures for the heads of such departments and agencies to designate acquisition positions and manage employees (including the accession, education, training and career development of employees) in the designated acquisition positions;

(2) extend to the acquisition workforce of the entire executive branch the acquisition workforce policies contained in chapter 87 of title 10, United States Code, relating to the acquisition workforce of the Department of Defense; and

(3) review the incentives and personnel actions available to the heads of department and agencies of the Federal Government for encouraging excellence in the acquisition workforce of the Federal Government and provide an enhanced system of incentives for the encouragement of excellence in such workforce which—

(A) relates pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 311(b) of the Federal Property and Administrative Services Act of 1949, as added by subsection (a)); and

(B) provides for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

(d) RECOMMENDED LEGISLATION.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress any recommended legislation that the Secretary considers necessary to carry out section 311 of the Federal Property and Administrative Services Act of 1949, as added by subsection (a), and otherwise to facilitate and enhance management of Federal Government acquisition programs and the acquisition workforce of the Federal Government on the basis of performance.

SEC. 5052. RESULTS-ORIENTED ACQUISITION PROCESS.

(a) DEVELOPMENT OF PROCESS REQUIRED.—The Administrator for Federal Procurement Policy, in consultation with the heads of appropriate Federal agencies, shall develop a results-oriented acquisition process for implementation by agencies in acquisitions of property and services by the Federal agencies. The process shall include the identification of quantitative measures and standards for determining the extent to which an acquisition of noncommercial items by a Federal agency satisfies the needs for which the items are being acquired.

(b) INAPPLICABILITY OF PROCESS TO DEPARTMENT OF DEFENSE.—The process developed pursuant to subsection (a) may not be applied to the Department of Defense.

Subtitle C—Miscellaneous

SEC. 5091. CONTRACTOR EXCEPTIONAL PERFORMANCE AWARDS.

The Office of Federal Procurement Policy Act, as amended by section 4021, is further amended by adding at the end the following:

"CONTRACTOR EXCEPTIONAL PERFORMANCE AWARDS

"SEC. 31. (a) ESTABLISHMENT.—There is hereby established an executive branch program to recognize and promote exceptional contract performance by Federal Government contractors.

"(b) SELECTION.—(1) The Administrator shall ensure the establishment of criteria for selection of contractors to receive exceptional performance awards under the program.

"(2) The head of an executive agency may select one or more agency contractors to receive an exceptional performance award under the program.

"(c) AWARD CEREMONY.—The Vice President, or the head of the executive agency selecting a contractor for an exceptional performance award, shall present the award to the contractor with such ceremony as the Vice President or head of the agency, as the case may be, considers appropriate.".

SEC. 5092. DEPARTMENT OF DEFENSE ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.

Section 2386 of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Technical data and computer software.

"(4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.".

TITLE VI—STANDARDS OF CONDUCT

Subtitle A—Ethics Provisions

SEC. 6001. AMENDMENTS TO OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

(a) RECUSAL.—Subsection (c) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in paragraph (1)—

(A) in the matter above subparagraph (A), by inserting "only" after "subsection (b)(1)"; and

(B) in subparagraph (A), by inserting "(including the modification or extension of a contract)" after "any procurement";

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

"(2) Whenever the head of a procuring activity approves a recusal under paragraph (1), a copy of the recusal request and the approval of the request shall be retained by such official for a period (not less than five years) specified in regulations prescribed in accordance with subsection (o).

"(3)(A) Except as provided in subparagraph (B), all recusal requests and approvals of recusal requests pursuant to this subsection shall be made available to the public on request.

"(B) Any part of a recusal request or an approval of a recusal request that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public otherwise required under subparagraph (A)."; and

(3) in paragraph (4), by striking out "competing contractor" and inserting in lieu thereof "person".

(b) APPLICABILITY OF CERTIFICATION REQUIREMENT.—Subsection (e)(7)(A) of such section is amended by adding at the end the following: "However, paragraph (1)(B) does not apply with respect to a contract for less than $500,000.".

(c) RESTRICTIONS RESULTING FROM PROCUREMENT ACTIVITIES OF PROCUREMENT OFFICIALS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) No individual who, in the year prior to separation from service as an officer or employee of the Government or an officer of the uniformed services in a covered position, participated personally and substantially in acquisition functions related to a contract, subcontract, or claim of $500,000 or more and—

"(A) engaged in repeated direct contact with the contractor or subcontractor on matters relating to such contract, subcontract, or claim; or

"(B) exercised significant ongoing decisionmaking responsibility with respect to the contractor or subcontractor on matters relating to such contract, subcontract, or claim,

shall knowingly accept or continue employment with such contractor or subcontractor for a period of 1 year following the individual's separation from service, except that such individual may accept or continue employment with any division or affiliate of such contractor or subcontractor that does not produce the same or similar products as the entity involved in the negotiation or performance of the contract or subcontract or the adjustment of the claim.

"(2) No contractor or subcontractor, or any officer, employee, agent, or consultant of such contractor or subcontractor shall knowingly offer, provide, or continue any employment for another person, if such contractor, subcontractor, officer, employee, agent, or consultant knows or should know that the acceptance of such employment is or would be in violation of paragraph (1).

"(3) The head of each Federal agency shall designate in writing as a 'covered position' under this section each of the following positions in that agency:

"(A) The position of source selection authority, member of a source selection evaluation board, or chief of a financial or technical evaluation team, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the evaluation of proposals or the selection of a source for a contract in excess of $500,000.

"(B) The position of procuring contracting officer, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the negotiation of a contract in excess of $500,000 or the negotiation or settlement of a claim in excess of $500,000.

"(C) The position of program executive officer, program manager, or deputy program manager, or any other position, if the officer or employee in that position is likely personally to exercise similar substantial responsibility for ongoing discretionary functions in the management or administration of a contract in excess of $500,000.

"(D) The position of administrative contracting officer, the position of an officer or employee assigned on a permanent basis to a Government Plant Representative's Office, the position of auditor, a quality assurance position, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the onsite oversight of a contractor's operations with respect to a contract in excess of $500,000.

"(E) A position in which the incumbent is likely personally to exercise substantial responsibility for ongoing discretionary functions in operational or developmental testing activities involving repeated direct contact with a contractor regarding a contract in excess of $500,000.".

(d) DISCLOSURE OF PROPRIETARY OR SOURCE SELECTION INFORMATION TO UNAUTHORIZED PERSONS.—Subsection (l) of such section is amended—

(1) by inserting "who are likely to be involved in contracts, modifications, or extensions in excess of $25,000" in the first sentence after "its procurement officials"; and

(2) by striking out "(e)" each place it appears and inserting in each such place "(f)".

(e) RULES OF CONSTRUCTION.—Subsection (n) of such section is amended to read as follows:

"(n) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

"(1) authorize the withholding of any information from the Congress, any committee or subcommittee thereof, a Federal agency, any board of contract appeals of a Federal agency, the Comptroller General, or an inspector general of a Federal agency;

"(2) restrict the disclosure of information to, or receipt of information by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(3) restrict a contractor from disclosing its own proprietary information or the recipient of information so disclosed by a contractor from receiving such information; or

"(4) restrict the disclosure or receipt of information relating to a Federal agency procurement that has been canceled by the agency and that the contracting officer concerned determines in writing is not likely to be resumed.".

(f) TERM TO BE DEFINED IN REGULATIONS.—Subsection (o)(2)(A) of such section is amended—

(1) by inserting "money, gratuity, or other" before "thing of value'"; and

(2) by inserting before the semicolon "and such other exceptions as may be adopted on a Governmentwide basis under section 7353 of title 5, United States Code".

(g) TERMS DEFINED IN LAW.—Subsection (p) of such section is amended—

(1) in paragraph (1) by striking out "clauses (i)-(viii)" and inserting in lieu thereof "clauses (i) through (vii)";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out clause (i);

(ii) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), and (viii) as clauses (i), (ii), (iii), (iv), (v), (vi), and (vii), respectively; and

(iii) in clause (i) (as redesignated by subclause (II) of this clause), by striking out "review and approval of a specification" and inserting in lieu thereof "approval or issuance of a specification, acquisition plan, procurement request, or requisition"; and

(B) in subparagraph (B), by striking out all after "includes" and inserting in lieu thereof the following: "any individual acting on behalf of, or providing advice to, the agency with respect to any phase of the agency procurement concerned, regardless of whether such individual is a consultant, expert, or adviser, or an officer or employee of a contractor or subcontractor (other than a competing contractor)."; and

(3) in paragraph (6)(A), by inserting "nonpublic" before "information".

SEC. 6002. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 208(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Except as permitted"; and

(2) by adding at the end the following new paragraph:

"(2) Whoever knowingly aids, abets, counsels, commands, induces, or procures conduct prohibited by this section shall be subject to the penalties set forth in section 216 of this title.".

SEC. 6003. REPEAL OF SUPERSEDED AND OBSOLETE LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) Sections 2207, 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 281 of title 18, United States Code.

(3) Section 801 of title 37, United States Code.

(4) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218).

(b) CLERICAL AMENDMENTS.—

(1) TITLE 10.—Part IV of subtitle A of title 10, United States Code, is amended—

(A) in the table of sections at the beginning of chapter 131, by striking out the item relating to section 2207; and

(B) in the table of sections for chapter 141, by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) TITLE 18.—The table of sections for chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) TITLE 37.—The table of sections for chapter 15 of title 37, United States Code, is amended by striking out the item relating to section 801.

(4) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents for the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

SEC. 6004. IMPLEMENTATION.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, regulations implementing the amendments made by section 6001 to section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), including definitions of the terms used in subsection (f) of such section, shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405 and 521) after coordination with the Director of the Office of Government Ethics.

(b) SAVINGS PROVISIONS.—

(1) CONTRACTOR CERTIFICATIONS.—No officer, employee, agent, representative, or consultant of a contractor who has signed a certification under section 27(e)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)(1)(B)) before the effective date of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(2) FEDERAL PROCUREMENT OFFICIAL CERTIFICATIONS.—No procurement official of a Federal agency who has signed a certification under section 27(l) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(l)) before the date of enactment of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(c) INSPECTOR GENERAL REPORTS.—Not later than May 31 of each of the years 1995 through 1998, the Inspector General of each Federal agency (or, in the case of a Federal agency that does not have an Inspector General, the head of such agency) shall submit to Congress a report on the compliance by the agency during the preceding year with the requirement for the head of the agency to designate covered procurement positions under section 27(f)(3) of the Office of Federal Procurement Policy Act (as added by section 6001(c)).

Subtitle B—Additional Amendments

SEC. 6051. CONTRACTING FUNCTIONS PERFORMED BY FEDERAL PERSONNEL.

(a) AMENDMENT OF OFPP ACT.—The Office of Federal Procurement Policy Act, as amended by section 1092, is further amended by inserting after section 22 the following new section 23:

"CONTRACTING FUNCTIONS PERFORMED BY FEDERAL PERSONNEL

"SEC. 23. (a) LIMITATION ON PAYMENT FOR ADVISORY AND ASSISTANCE SERVICES.—(1) No person who is not a person described in subsection (b) may be paid by an agency for services to conduct evaluations or analyses of any aspect of a proposal submitted for an acquisition unless personnel described in subsection (b) with adequate training and capabilities to perform such evaluations and analyses are not readily available within the agency or another Federal agency, as determined in accordance with standards and procedures prescribed in the Federal Acquisition Regulation.

"(2) In the administration of this subsection, the head of each agency shall determine in accordance with the standards and procedures set forth in the Federal Acquisition Regulation whether—

"(A) a sufficient number of personnel described in subsection (b) within the agency or another Federal agency are readily available to perform a particular evaluation or analysis for the agency head making the determination; and

"(B) the readily available personnel have the training and capabilities necessary to perform the evaluation or analysis.

"(b) COVERED PERSONNEL.—For purposes of subsection (a), the personnel described in this subsection are as follows:

"(1) An employee, as defined in section 2105 of title 5, United States Code.

"(2) A member of the Armed Forces of the United States.

"(3) A person assigned to a Federal agency pursuant to subchapter VI of chapter 33 of title 5, United States Code.

"(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to affect the relationship between the Federal Government and a federally funded research and development center.".

(b) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council established by section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall—

(1) review part 37 of title 48 of the Code of Federal Regulations as it relates to the use of advisory and assistance services; and

(2) provide guidance and promulgate regulations regarding—

(A) what actions Federal agencies are required to take to determine whether expertise is readily available within the Federal Government before contracting for advisory and technical services to conduct acquisitions; and

(B) the manner in which personnel with expertise may be shared with agencies needing expertise for such acquisitions.

SEC. 6052. REPEAL OF EXECUTED REQUIREMENT FOR STUDY AND REPORT.

Section 17 of the Office of Federal Procurement Policy Act (41 U.S.C. 415) is repealed.

SEC. 6053. INTERESTS OF MEMBERS OF CONGRESS.

Section 3741 of the Revised Statutes (41 U.S.C. 22) is amended to read as follows:

"No member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.".

SEC. 6054. WAITING PERIOD FOR SIGNIFICANT CHANGES PROPOSED FOR ACQUISITION REGULATIONS.

(a) INCREASED PERIOD.—Section 22(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 418b) is amended—

(1) by striking out "30 days" and inserting in lieu thereof "60 days"; and

(2) by adding at the end the following: "Notwithstanding the preceding sentence, such a policy, regulation, procedure, or form may take effect earlier than 60 days after the publication date when there are compelling circumstances for the earlier effective date, but in no event may that effective date be less than 30 days after the publication date.".

(b) TECHNICAL AMENDMENT.—Section 22(d) of such Act is amended by designating the second sentence as paragraph (3).

Subtitle C—Whistleblower Protection

SEC. 6101. ARMED SERVICES PROCUREMENTS.

(a) WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.—Section 2409 of title 10, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—(1) If the Secretary of Defense determines that a defense contractor has subjected a person to a reprisal prohibited by subsection (a), the Secretary may take one or more of the following actions:

"(A) Order the defense contractor to take affirmative action to abate the reprisal.

"(B) Order the defense contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the defense contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorney's fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the Secretary.

"(2) Whenever a person fails to comply with an order issued under paragraph (1), the Secretary shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

"(3) Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the Secretary's order. Review shall conform to chapter 7 of title 5.".

(b) RELATED LAW.—

(1) REPEAL.—Section 2409a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2409a.

SEC. 6102. GOVERNMENTWIDE WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 5091, is further amended by adding at the end the following new section:

"CONTRACTOR EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION

"SEC. 32. (a) PROHIBITION OF REPRISALS.—An employee of an executive agency contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of the agency or the Department of Justice information relating to a substantial violation of law related to an agency contract (including the competition for or negotiation of an agency contract).

"(b) INVESTIGATION OF COMPLAINTS.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency. Unless the Inspector General determines that the complaint is frivolous, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor concerned, and the head of the agency. In the case of an executive agency that does not have an inspector general, the duties of the inspector general under this section shall be performed by an official designated by the agency head.

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—(1) If the head of an executive agency determines that an agency contractor has subjected a person to a reprisal prohibited by subsection (a), the agency head may take one or more of the following actions:

"(A) Order the contractor to take affirmative action to abate the reprisal.

"(B) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorney's fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the Secretary.

"(2) Whenever a person fails to comply with an order issued under paragraph (1), the agency head shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

"(3) Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the agency head's order. Review shall conform to chapter 7 of title 5, United States Code.

"(d) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

"(e) COORDINATION WITH OTHER LAW.—This section does not apply with respect to the Department of Defense. For the corresponding provision of law applicable to the Department of Defense, see section 2409 of title 10, United States Code.

"(f) DEFINITION.—In this section, the term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978.".

TITLE VII—DEFENSE TRADE AND COOPERATION

SEC. 7001. PURCHASES OF FOREIGN GOODS.

(a) REPEAL OF EXECUTED REQUIREMENTS.—

(1) REQUIREMENT FOR POLICY GUIDANCE.—Title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), commonly referred to as the "Buy American Act", is amended in section 4(g) (41 U.S.C. 10b-1(g)) by striking out paragraphs (2)(C) and (3).

(2) REPORTING REQUIREMENT.—Section 9096(b) of Public Law 102-396 (106 Stat. 1924; 41 U.S.C. 10b-2(b)) is repealed.

(b) REPEAL OF REDUNDANT PROVISION.—

(1) CONSIDERATION OF NATIONAL SECURITY OBJECTIVES.—Section 2327 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2327.

SEC. 7002. INTERNATIONAL COOPERATIVE AGREEMENTS.

(a) TERMINOLOGY REVISIONS.—Section 2531 of title 10, United States Code, is amended—

(1) in the subsection captions for subsections (a) and (c), by striking out "MOUs AND RELATED" and inserting in lieu thereof "INTERNATIONAL";

(2) in subsection (a), by striking out "proposed memorandum of understanding, or any existing or proposed agreement related to a memorandum of understanding," in the matter above paragraph (1) and inserting in lieu thereof "proposed international agreement, including a memorandum of understanding,";

(3) by striking out "memorandum of understanding or related agreement" each place it appears and inserting in lieu thereof "international agreement";

(4) in subsection (b), by striking out "memorandum or related agreement" each place it appears in the second sentence and inserting in lieu thereof "international agreement"; and

(5) in subsection (c)—

(A) by striking out "A" after "AGREEMENTS.—" and inserting in lieu thereof "An"; and

(B) by striking out "memorandum or agreement" and inserting in lieu thereof "international agreement".

(b) EXPANDED SCOPE OF AGREEMENTS.—Section 2531(a) of title 10, United States Code, is amended by striking out "research, development, or production" in the matter above paragraph (1) and inserting in lieu thereof "research, development, production, or logistics support".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2531 of title 10, United States Code, is amended to read as follows:

"§ 2531. Defense international agreements".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of such title is amended to read as follows:

"2531. Defense international agreements.".

SEC. 7003. ACQUISITION, CROSS-SERVICING AGREEMENTS, AND STANDARDIZATION.

(a) LIMITED WAIVER OF RESTRICTIONS ON ACCRUED REIMBURSABLE LIABILITIES AND CREDITS FOR CONTINGENCY OPERATIONS.—Section 2347 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Secretary of Defense may waive the restrictions in subsections (a) and (b) for a period not to exceed 180 days upon a written determination that the armed forces are involved in a contingency operation or that involvement of the armed forces in a contingency operation is imminent. Upon making such a determination, the Secretary shall transmit a copy of the determination to the Committees on Armed Services of the Senate and House of Representatives.".

(b) COMMUNICATIONS SUPPORT.—Section 2350f of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Nothing in this section shall be construed to limit the authority of the Secretary of Defense, without a formal bilateral agreement or multilateral arrangement, to furnish communications support and related supplies to, or receive communications support and related supplies from, an allied country in accordance with this subsection.

"(2) The Secretary of Defense may furnish or receive such support and supplies on a reciprocal basis for a period not to exceed 90 days—

"(A) in order to meet emerging operational requirements of the United States and the allied country; or

"(B) incident to a joint military exercise with the allied country.

"(3) If interconnection of communication circuits is maintained for joint or multilateral defense purposes under the authority of this subsection, the costs of maintaining such circuits may be allocated among the various users.".

TITLE VIII—COMMERCIAL ITEMS

SEC. 8001. DEFINITIONS.

Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), as amended by section 4001(a), is further amended—

(1) by striking out "Act—"and inserting in lieu thereof "Act:";

(2) by capitalizing the initial letter in the first word of each paragraph;

(3) by striking out the semicolon at the end of each of paragraphs (1), (2), (3), (5), (6), (7), (8), and (9) and inserting in lieu thereof a period;

(4) in paragraphs (4) and (10), by striking out "; and" at the end and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraphs:

"(12) The term 'commercial item' means—

"(A) property, other than real property, that is of a type customarily used by the general public or by nongovernmental entities in the course of normal business operations for purposes other than governmental purposes and—

"(i) has been sold, leased, or licensed to the general public;

"(ii) has not been sold, leased, or licensed to the general public but has been offered for sale, lease, or license to the general public; or

"(iii) is not yet available in the commercial marketplace but will be made available for commercial delivery within a reasonable period;

"(B) any item that, but for—

"(i) modifications of a type customarily available in the commercial marketplace, or

"(ii) minor modifications made to meet Federal Government requirements,

would satisfy the criteria in subparagraph (A);

"(C) any combination of items meeting the requirements of subparagraph (A), (B), or (D) that are of a type customarily combined and sold in combination to the general public;

"(D) installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in subparagraph (A), (B), or (C) and if the source of such services—

"(i) offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and

"(ii) offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public; and

"(E) any item, combination of items, or service referred to in subparagraph (A), (B), (C), or (D), regardless of whether the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor.

"(13) The term 'nondevelopmental item' means—

"(A) any commercial item;

"(B) any previously developed item of supply that is in use by a department or agency of the United States, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

"(C) any item of supply described in subparagraph (A) or (B) that requires only minor modification of the type normally available in the commercial marketplace in order to meet the requirements of the procuring department or agency; or

"(D) any item of supply currently being produced that does not meet the requirements of subparagraph (A), (B), or (C) solely because the item—

"(i) is not yet in use; or

"(ii) is not yet available in the commercial marketplace.

"(14) The term 'component' means any item supplied to the Federal Government as part of an end item or of another component.

"(15) The term 'commercial component' means any component that is a commercial item.".

SEC. 8002. PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS AND NONDEVELOPMENTAL ITEMS.

(a) PREFERENCE REQUIRED.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 6102, is further amended by adding at the end the following new section:

"PREFERENCE FOR ACQUISITION OF COMMERCIAL ITEMS AND NONDEVELOPMENTAL ITEMS

"SEC. 33. (a) PREFERENCE.—The head of each executive agency shall ensure that, to the maximum extent practicable—

"(1) requirements of the executive agency with respect to a procurement of supplies are stated in terms of—

"(A) functions to be performed;

"(B) performance required; or

"(C) essential physical characteristics;

"(2) such requirements are defined so that commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items may be procured to fulfill such requirements; and

"(3) offerors of commercial items and other nondevelopmental items are provided an opportunity to compete in any procurement to fill such requirements.

"(b) IMPLEMENTATION.—The head of each executive agency shall ensure that procurement officials in that executive agency, to the maximum extent practicable—

"(1) acquire commercial items or other nondevelopmental items to meet the needs of the executive agency;

"(2) require prime contractors and subcontractors at all levels under the executive agency contracts to incorporate commercial items or other nondevelopmental items as components of items supplied to the executive agency;

"(3) modify requirements in appropriate cases to ensure that the requirements can be met by commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items;

"(4) state specifications in terms that enable and encourage bidders and offerors to supply commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items in response to the executive agency solicitations;

"(5) revise the executive agency's procurement policies, practices, and procedures not required by law to reduce any impediments in those policies, practices, and procedures to the acquisition of commercial items; and

"(6) require training of appropriate personnel in the acquisition of commercial items.

"(c) PRELIMINARY MARKET RESEARCH.—(1) The head of an executive agency shall conduct market research appropriate to the circumstances—

"(A) before developing new specifications for a procurement by that executive agency; and

"(B) before soliciting bids or proposals for a contract in excess of the simplified acquisition threshold.

"(2) The head of an executive agency shall use the results of market research to determine whether there are commercial items or, to the extent that commercial items suitable to meet the agency's needs are not available, other nondevelopmental items available that—

"(A) meet the executive agency's requirements;

"(B) could be modified to meet the executive agency's requirements; or

"(C) could meet the executive agency's requirements if those requirements were modified to a reasonable extent.

"(3) In conducting market research, the head of an executive agency should not require potential sources to submit more than the minimum information that is necessary to make the determinations required in paragraph (2).".

(b) REPEAL OF SUPERSEDED PROVISION.—

(1) SEPARATE STATEMENT OF PREFERENCE FOR DEPARTMENT OF DEFENSE.—Section 2325 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2325.

SEC. 8003. ACQUISITION OF COMMERCIAL ITEMS.

(a) REQUIRED FAR PROVISIONS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 8002, is further amended by adding at the end the following:

"FEDERAL ACQUISITION REGULATION PROVISIONS REGARDING ACQUISITIONS OF COMMERCIAL ITEMS AND COMPONENTS

"SEC. 34. (a) CONTRACT CLAUSES AND OTHER CLAUSES.—(1)(A) The Federal Acquisition Regulation shall include one or more sets of contract clauses containing the required terms and conditions for the acquisition of commercial items and commercial components by executive agencies and by contractors in the performance of contracts of executive agencies.

"(B) The contract clauses referred to in subparagraph (A) shall include only—

"(i) those clauses that are required to implement provisions of law or executive orders applicable to acquisitions of commercial items or commercial components, as the case may be;

"(ii) those contract clauses that are essential for the protection of the Federal Government's interest in an acquisition of commercial items or commercial components, as the case may be; and

"(iii) those contract clauses that are determined to be consistent with standard commercial practice.

"(2) Subject to paragraph (3), the Federal Acquisition Regulation shall require that, to the maximum extent practicable, only the contract clauses referred to in paragraph (1) be used in a contract, or be required to be used in a subcontract, for the acquisition of commercial items or commercial components by or for an executive agency.

"(3) The Federal Acquisition Regulation shall provide that a contract or subcontract referred to in paragraph (2) may contain contract clauses other than the contract clauses referred to in that paragraph only if the other clauses are essential for the protection of the Federal Government's interest in—

"(A) that contract or subcontract, as determined in writing by the contracting officer for such contract; or

"(B) a class of contracts or subcontracts, as determined by the head of an agency concerned, unless the determination of that head of an agency is disapproved by the Administrator.

"(4) The Federal Acquisition Regulation shall provide standards and procedures for waiving the use of contract clauses required pursuant to paragraph (1), other than those required by law, including standards for determining the cases in which a waiver is appropriate.

"(b) MARKET ACCEPTANCE.—(1) The Federal Acquisition Regulation shall provide that under appropriate conditions the head of an executive agency may require offerors to demonstrate that the items offered—

"(A) have either—

"(i) achieved commercial market acceptance; or

"(ii) been satisfactorily supplied to an executive agency under current or recent contracts for the same or similar requirements; and

"(B) otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation relating to the contract.

"(2) The Federal Acquisition Regulation shall provide guidance to ensure that the criteria for determining commercial market acceptance include the consideration of—

"(A) the minimum needs of the executive agency concerned; and

"(B) the entire relevant commercial market, including small businesses.

"(c) USE OF FIRM, FIXED PRICE CONTRACTS.—The Federal Acquisition Regulation shall include a requirement that firm, fixed price contracts or fixed price with economic price adjustment contracts, be used, to the maximum extent practicable, for the acquisition of commercial items.

"(d) CONTRACT QUALITY REQUIREMENTS.—The Federal Acquisition Regulation shall include provisions that—

"(1) permit, to the maximum extent practicable, a contractor under a commercial items acquisition to use the contractor's existing quality assurance system as a substitute for compliance with a requirement for the Federal Government to inspect or test the commercial items before the contractor's tender of those items for acceptance by the Federal Government;

"(2) require that, to the maximum extent practicable, an executive agency accept commercial warranties (including extended warranties) offered by offerors of commercial items to commercial customers and use such warranties for the repair and replacement of commercial items; and

"(3) set forth guidance to executive agencies regarding the use of past performance of items and sources as a factor in contract award decisions.

"(e) TREATMENT OF TRANSFERS BETWEEN AFFILIATES.—The Federal Acquisition Regulation shall provide for a transfer of commercial items from one division, subsidiary, or affiliate of a contractor to another division, subsidiary, or affiliate of the contractor to be treated as a subcontract for purposes of section 35 of the Office of Federal Procurement Policy Act and the provisions of law amended by section 8005 of the Federal Acquisition Streamlining Act of 1994.".

(b) DEFENSE CONTRACT CLAUSES.—

(1) TERMINATION OF DOD AUTHORITY.—Section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2325 note) shall cease to be effective on the date on which the regulations implementing section 34 of the Office of Federal Procurement Policy Act, as added by subsection (a), become effective.

(2) SAVINGS PROVISION.—Notwithstanding section 34(a) of the Office of Federal Procurement Policy Act (as added by subsection (a)), contracts of the Department of Defense entered into before the date on which section 824(b) ceases to be effective under paragraph (1), and subcontracts entered into before such date under such contracts, may include clauses developed pursuant to paragraphs (2) and (3) of section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2325 note).

SEC. 8004. CLASS WAIVER OF APPLICABILITY OF CERTAIN LAWS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 8003, is further amended by adding at the end the following:

"CLASS WAIVER OF APPLICABILITY OF CERTAIN LAWS TO ACQUISITIONS OF COMMERCIAL ITEMS

"SEC. 35. (a) IN GENERAL.—The applicability of a provision of law described in subsection (c) that is enacted after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 to contracts for the acquisition of commercial items may be waived on a class basis in the Federal Acquisition Regulation. Such a waiver shall not apply to a provision of law that expressly refers to this section and prohibits the waiver of that provision of law.

"(b) WAIVER OF APPLICABILITY TO SUBCONTRACTS.—(1) The applicability of a provision of law described in subsection (c) to subcontracts under a contract for the acquisition of commercial items or a subcontract for the acquisition of commercial components may be waived on a class basis in the Federal Acquisition Regulation. Such a waiver shall not apply to a provision of law that expressly refers to this section and prohibits the waiver of that provision of law.

"(2) Nothing in this subsection shall be construed to authorize the waiver of the applicability of any provision of law with respect to—

"(A) any contract with a prime contractor; or

"(B) any subcontract under a contract with a prime contractor who does not substantially transform the commercial items supplied under the contract.

"(c) COVERED LAW.—A provision of law referred to in subsections (a) and (b) is any provision of law that, as determined by the Federal Acquisition Regulatory Council, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government.".

SEC. 8005. INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.

(a) ARMED SERVICES ACQUISITIONS.—

(1) PROHIBITION ON CONTINGENT FEES.—Section 2306(b) of title 10, United States Code, as amended by section 4022(a), is further amended by inserting before the period at the end of the sentence added by section 4022(a) the following: "or to a contract for the acquisition of commercial items".

(2) REQUIREMENT TO IDENTIFY SUPPLIERS AND SOURCES OF SUPPLIES.—Paragraph (2) of section 2384(b) of title 10, United States Code, is amended to read as follows:

"(2) The regulations prescribed pursuant to paragraph (1) do not apply to a contract that requires the delivery of supplies that are commercial items, as defined in section 2302 of this title.".

(3) PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS.—Section 2393(d) of title 10, United States Code, as amended by section 4022(e), is further amended by adding at the end the following: "The requirement shall not apply in the case of a subcontract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(4) PROHIBITION ON LIMITATION OF SUBCONTRACTOR DIRECT SALES.—Section 2402 of title 10, United States Code, as amended by section 4022(b), is further amended by adding at the end the following new subsection:

"(d)(1) An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under such contract that restricts sales by such subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the United States in violation of the provision included in such contract pursuant to subsection (a) if the agreement does not result in the Federal Government being treated differently with regard to the restriction than any other prospective purchaser of such commercial items from that subcontractor.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(5) CONTRACTOR INVENTORY ACCOUNTING SYSTEMS: STANDARDS.—Section 2410b of title 10, United States Code, is amended—

(A) by inserting "(a) REGULATIONS REQUIRED.—" before "The Secretary of Defense"; and

(B) by adding at the end the following new subsection:

"(b) INAPPLICABILITY TO ACQUISITIONS OF COMMERCIAL ITEMS.—The regulations prescribed pursuant to subsection (a) need not apply to a contract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).".

(6) PROHIBITION ON PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.—Paragraph (4) of section 2408(a) of title 10, United States Code, as added by section 4022(f), is amended—

(A) by inserting after subparagraph (A) the following:

"(B) A contract referred to in such subparagraph that is for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."; and

(B) by inserting "or (B)" before the period at the end of subparagraph (C).

(b) CIVILIAN AGENCY ACQUISITIONS.—

(1) RESTRICTIONS ON SUBCONTRACTOR SALES TO THE UNITED STATES.—Section 303G of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253g), as amended by section 4023(b), is further amended by adding at the end the following new subsection:

"(d) An agreement between the contractor in a contract for the acquisition of commercial items and a subcontractor under such contract that restricts sales by such subcontractor directly to persons other than the contractor may not be considered to unreasonably restrict sales by that subcontractor to the United States in violation of the provision included in such contract pursuant to subsection (a) if the agreement does not result in the Federal Government being treated differently with regard to the restriction than any other prospective purchaser of such commercial items from that subcontractor.".

(2) PROHIBITION ON CONTINGENT FEES.—Section 304(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a)), as amended by section 4023(a), is further amended by inserting before the period at the end of the sentence added by section 4023(a) the following: "or to a contract for the acquisition of commercial items".

(c) ACQUISITIONS GENERALLY.—

(1) FEDERAL WATER POLLUTION CONTROL ACT.—Section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1368) is amended by adding at the end the following new subsection:

"(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(2) CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.—The Contract Work Hours

and Safety Standards Act (title I of the Work Hours and Safety Act of 1962 (40 U.S.C. 327 et seq.)) is amended by adding at the end the following new section:

"SEC. 108. (a) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement in this title.

"(b) In subsection (a), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT REQUIREMENT RELATING TO PROCUREMENT INTEGRITY CERTIFICATIONS.—Section 27(e)(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by adding at the end the following new subparagraph:

"(C) This subsection does not apply to a contract for the acquisition of commercial items.".

(4) CERTAIN PROVISIONS OF THE ANTI-KICKBACK ACT OF 1986.—

(A) REQUIREMENT FOR CONTRACT CLAUSE.—Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57), as amended by section 4024(b), is further amended by inserting before the period at the end of subsection (d) the following: "or to a prime contract for the acquisition of commercial items (as defined in section 4(12) of such Act (41 U.S.C. 403(12)))."

(B) INSPECTION AUTHORITY.—Section 8 of such Act (41 U.S.C. 58) is amended by adding at the end the following: "This section does not apply with respect to a prime contract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))."

(5) DRUG-FREE WORKPLACE ACT OF 1988.—Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (subtitle D of title V of Public Law 100–690; 41 U.S.C. 701(a)(1)), as amended by section 4024(e), is further amended by inserting after the matter inserted by such section 4024(e) the following: ", other than a contract for the procurement of commercial items (as defined in section 4(12) of such Act (41 U.S.C. 403(12))),".

(6) CLEAN AIR ACT.—Section 306 of the Clean Air Act (42 U.S.C. 7606) is amended by adding at the end the following new subsection:

"(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

(7) FLY AMERICAN REQUIREMENTS.—Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1517) is amended by adding at the end the following new subsection:

"(e)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the transportation of commercial items in order to implement a requirement in this section.

"(2) In paragraph (1), the term 'commercial item' has the meaning given such term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).".

SEC. 8006. FLEXIBLE DEADLINES FOR SUBMISSION OF OFFERS OF COMMERCIAL ITEMS.

(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENT.—Section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is amended by adding at the end the following new paragraph:

"(4) The requirements of paragraph (3)(B) do not apply to contracts for the purchase of commercial items. The Administrator shall prescribe for such contracts appropriate limits on the applicability of a deadline for submission of bids or proposals that is required by paragraph (1). Such limits shall be incorporated in the Federal Acquisition Regulation. The Federal Acquisition Regulation shall specify a minimum period for submission of a response to a solicitation of offers for a contract for the acquisition of commercial items.".

(b) SAVINGS PROVISION.—The deadlines for submission of offers that are in effect in accordance with section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall continue to apply to contracts for the purchase of commercial items until the limits prescribed pursuant to paragraph (4) of section 18(a) of the Office of Federal Procurement Policy Act (as added by subsection (a)) are incorporated in the Federal Acquisition Regulation, as required by such paragraph.

SEC. 8007. ADVOCATES FOR ACQUISITION OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS.

(a) RESPONSIBILITIES OF THE ADVOCATE FOR COMPETITION.—Section 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(c)) is amended to read as follows:

"(c) The advocate for competition for each procuring activity shall be responsible for promoting full and open competition, promoting the acquisition of commercial items and other nondevelopmental items, and challenging barriers to such acquisition, including such barriers as unnecessarily restrictive statements of need, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 28 of such Act (41 U.S.C. 424) is repealed.

SEC. 8008. PROVISIONS NOT AFFECTED.

Nothing in this title shall be construed as amending, modifying, or superseding, or as intended to impair or restrict authorities or responsibilities under—

(1) section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), popularly referred to as the "Brooks Automatic Data Processing Act";

(2) title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.), popularly referred to as the "Brooks Architect-Engineers Act";

(3) subsections (a) and (d) of section 8 of the Small Business Act (15 U.S.C. 637); or

(4) the Act of June 25, 1938 (41 U.S.C. 46–48c), that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), popularly referred to as the "Javits-Wagner-O'Day Act".

SEC. 8009. COMPTROLLER GENERAL REVIEW OF FEDERAL GOVERNMENT USE OF MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on the use of market research by the Federal Government in support of the procurement of commercial items and nondevelopmental items.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A review of existing Federal Government market research efforts to gather data concerning commercial and other nondevelopmental items.

(2) A review of the feasibility of creating a Government-wide data base for storing, retrieving, and analyzing market data, including use of existing Federal Government resources.

(3) Any recommendations for changes in law or regulations that the Comptroller General considers appropriate.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 9001. COMPTROLLER GENERAL REVIEW OF THE PROVISION OF LEGAL ADVICE FOR INSPECTORS GENERAL.

(a) REVIEW AND REPORT REQUIRED.—Not later than March 1, 1995, the Comptroller General of the United States shall—

(1) conduct a review of the independence of the legal services being provided to Inspectors General appointed under the Inspector General Act of 1978; and

(2) submit to Congress a report on the results of the review.

(b) MATTERS REQUIRED FOR REPORT.—The report shall include the following matters:

(1) With respect to each department or agency of the Federal Government that has an Inspector General appointed in accordance with the Inspector General Act of 1978 whose only or principal source of legal advice is the general counsel or other chief legal officer of the department or agency, an assessment of the extent of the independence of the legal advisors providing advice to the Inspector General.

(2) A comparison of the findings under the assessment referred to in paragraph (1) with findings on the same matters with respect to each Inspector General whose source of legal advice is legal counsel accountable solely to the Inspector General.

SEC. 9002. COST SAVINGS FOR OFFICIAL TRAVEL.

(a) The Administrator of the General Services Administration, no later than 120 days after enactment of this section, shall issue guidelines to ensure that agencies promote, encourage and facilitate the use of frequent traveler programs offered by airlines, hotels and car rental vendors by Federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) Within one year of enactment of this section, the Administrator shall report to the Congress on efforts to promote the use of frequent traveler programs by Federal employees.

SEC. 9003. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-Federal auditors, six months after receipt of the report by the Federal Government.

SEC. 9004. UNIFORM SUSPENSION AND DEBARMENT.

(a) Within six months after the date of enactment of this Act, regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) The Regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

(c) Definitions.—For the purposes of this part—

(1) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(2) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) "Agency" refers to executive departments and agencies.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 10001. EFFECTIVE DATES.

(a) Effective Date of Act.—Except as otherwise provided in this Act, this Act shall take effect on the date of the enactment of this Act.

(b) Effective Date of Amendments.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date on which final implementing regulations are prescribed in accordance with section 10002.

SEC. 10002. IMPLEMENTING REGULATIONS.

(a) Proposed Changes.—Proposed changes to the Federal Acquisition Regulation and such other proposed regulations (or changes to existing regulations) as may be necessary to implement this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) Public Comment.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) Final Regulations.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) Applicability.—(1) The amendments made by this Act shall apply, in the manner prescribed in such final regulations, to any solicitation that is issued or any unsolicited proposal that is received on or after the date described in paragraph (3).

(2) The amendments made by this Act shall apply, to the extent and in the manner prescribed in such final regulations, to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) The date referred to in paragraphs (1) and (2) is the date specified in such regulations, which—

(A) shall not be earlier than the end of the 30-day period that begins on the date the regulations required by subsection (c) are published; and

(B) shall not be later than October 1, 1995.

(e) Requirement for Clarity.—Officers and employees of the Federal Government who prescribe regulations to implement this Act and the amendments made by this Act shall make every effort practicable to ensure that the regulations are concise and are easily understandable by potential offerors as well as by Government officials.

(f) Savings Provision.—Nothing in this Act shall be construed to affect the validity of any action taken or any contract entered into prior to the date specified in the regulations pursuant to subsection (d)(3) except to the extent and in the manner prescribed in such regulations.

SEC. 10003. EVALUATION BY THE COMPTROLLER GENERAL.

(a) Evaluation Relating to Issuance of Regulations.—Not later than December 1, 1995, the Comptroller General shall submit to the committees referred to in subsection (c) a report evaluating compliance with the requirements in section 10002, relating to the issuance of implementing regulations.

(b) Evaluation of Implementation of Regulations.—Not later than December 1, 1996, the Comptroller General shall submit to the committees referred to in subsection (c) a report evaluating the effectiveness of the regulations implementing this Act in streamlining the acquisition system and fulfilling the other purposes of this Act. The report shall include the Comptroller General's evaluation of the extent to which the departments and agencies of the Federal Government, in implementing this Act and the amendments made by this Act, are reducing acquisition management layers and associated costs.

(c) Committees Designated To Receive the Reports.—The Comptroller General shall submit the reports required by this section to the Committees on Armed Services and on Governmental Affairs of the Senate and the Committees on Small Business on Government Operations of the House of Representatives.

SEC. 10004. DATA COLLECTION THROUGH THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) Data Collection Required.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect from contracts in excess of the simplified acquisition threshold data pertaining to the following matters:

(1) Contract awards made pursuant to competitions conducted pursuant to section 2323 of title 10, United States Code, or section 8(c) of the Small Business Act (15 U.S.C. 637(c)).

(2) Awards to business concerns owned and controlled by women.

(3) Number of offers received in response to a solicitation.

(4) Task order contracts.

(5) Contracts for the acquisition of commercial items.

(b) Definition.—In this section, the term "simplified acquisition threshold" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

TITLE XI—WAIVER OF THE APPLICATION OF THE PREVAILING WAGE-SETTING REQUIREMENTS TO VOLUNTEERS

SEC. 11001. SHORT TITLE.

This title may be cited as the "Community Improvement Volunteer Act of 1994".

SEC. 11002. PURPOSE.

It is the purpose of this title to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration (including painting and decorating) of public buildings and public works funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs that might not otherwise be possible without the use of volunteers, by waiving the application of the otherwise applicable prevailing wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) to such volunteers.

SEC. 11003. WAIVER.

(a) In General.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in subsection (d), and the provisions relating to wages, in any federally assisted or insured contract or subcontract for construction, shall not apply to any individual—

(1) who volunteers—

(A) to perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b)), but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from an employer;

(2) whose contribution of service is not for the benefit of any contractor otherwise performing or seeking to perform work on the same project; and

(3) who is not otherwise employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

(b) Expenses.—Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) if the Secretary of Labor determines, after an examination of the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities of the specific federally assisted or insured project, that such payments are appropriate. Subject to such a determination—

(1) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(2) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(3) a nominal fee may not be used as a substitute for compensation and may not be tied to productivity.

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be made on a case-by-case basis and in the context of the economic realities of the situation involved.

(c) Economic Reality.—For purposes of subsection (b), in determining whether an expense, benefit, or fee described in such subsection may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary of Labor shall not approve any such expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(d) CONTRACTS EXEMPTED.—For purposes of subsection (a), the Acts or provisions described in this subsection are the following:

(1) The Library Services and Construction Act (20 U.S.C. 351 et seq.).

(2) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) Section 329 of the Public Health Service Act (42 U.S.C. 254b).

(4) Section 330 of the Public Health Service Act (42 U.S.C. 254c).

SEC. 11004. REPORT.

Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

(1) identifies and assesses, to the maximum extent practicable—

(A) the projects for which volunteers were permitted to work under this title; and

(B) the number of volunteers permitted to work because of the compliance of entities with the provisions of this title; and

(2) contains recommendations with respect to Acts related to the Davis-Bacon Act that could be addressed to permit volunteer work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2790. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans" Benefits Income Verification Amendments of 1994"; to the Committee on Veterans' Affairs.

EC–2791. A communication from the Deputy Secretary of Veterans' Affairs, transmitting, pursuant to law, a report of a summary paper relative to Travis Air Force Base, California; to the Committee on Veterans' Affairs.

EC–2792. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a cost estimate of the impact of versions of campaign finance legislation; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 1270. An original bill to provide a more effective, efficient, and responsive Government (Rept. No. 103–281).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. CAMPBELL, Mr. DURENBERGER, and Mr. CONRAD):

S. 2169. A bill to require the Secretary of Agriculture to conduct a study of cooperative marketing of United States and Canadian grain for export, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GLENN:

S. 2170. An original bill to provide a more effective, efficient, and responsive Government; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. CONRAD:

S. 2171. A bill to amend the Immigration and Nationality Act to waive the foreign country residence requirement with respect to foreign medical graduates; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2172. A bill to amend chapter 17 of title 28, United States Code, to provide that bankruptcy judges and magistrates may receive cost-of-living adjustments to their annuities after ceasing the practice of law, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. LAUTENBERG):

S. 2173. A bill to improve the protection of intellectual property rights through the implementation of the Uruguay Round Agreements, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 2174. A bill to provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 2175. A bill to urge the renegotiation of prisoner transfer treaties in order to relieve overcrowding in Federal and State prisons; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. 2176. A bill to amend title XVIII of the Social Security Act to provide for a five-year extension of the medicare-dependent, small, rural hospital payment provisions, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2177. A bill to ensure effective Congressional oversight of overseas military base support carried out by NATO host countries for the United States as payments-in-kind for release of United States overseas military facilities to such countries and to reduce the deficit; to the Committee on Armed Services.

By Mr. PRYOR:

S.J. Res. 198. A joint resolution designating 1995 as the "Year of the Grandparent"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL:

S. Res. 220. A resolution recognizing Portugal's special relationship with the United States, and the contribution of Portuguese Americans to American life; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. CAMPBELL, Mr. DURENBERGER, and Mr. CONRAD):

S. 2169. A bill to require the Secretary of Agriculture to conduct a study of cooperative marketing of United States and Canadian grain for export, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

GRAIN EXPORT COOPERATIVE MARKETING STUDY ACT OF 1994

Mr. DORGAN. Madam President, I would like to introduce today, on behalf of myself, Senator DASCHLE, Senator CAMPBELL, Senator DURENBERGER, and Senator CONRAD, a bill that will require the U.S. Department of Agriculture to conduct a study. That, in itself, is not very exciting news, but I would like to describe why I think this legislation is important for our country.

Many will know, especially those from my region of the country, about the substantial fight we have going on with Canada over grain trade. The Canadians are literally flooding this country with unfairly subsidized grain exports. It does not mean very much to anybody in this country, unless you are a farmer on the American side and you see unfair competition flooding in and you cannot compete with it. It means lower prices for you and less income.

Farmers on the U.S. side fully expect our Government to take action to stop it. This administration, the Clinton administration, is taking action. We expect on July 1 to have something in place to begin restricting the flow of grain coming from Canada that is unfairly subsidized.

Our trouble with grain imports comes from the United States-Canada Free-Trade Agreement, which was trumpeted as a major trade policy advancement that would link together our interests and the Canadians' interests. Of course, at least with respect to wheat and barley, it has not worked out that way.

Let me first emphasize that we will solve this grain trade dispute, and then we will put it behind us. At that point the question is, then what? Business as usual? Or can we expect, on behalf of American farmers, to get some benefit out of the United States-Canada Free-Trade Agreement?

Today, I am introducing a bill that is an attempt to explore whether we can chart new directions and find new opportunities after we have solved this grain trade dispute with Canada.

It is interesting, if you take a look at our trade agreement with Canada and the North America Free Trade Agreement, one would expect some benefits from those agreements to flow to producers in our country.

Well, those who are agricultural producers really do not get much benefit. What happens is you have two very dissimilar systems for marketing grain. The Canadians have a national Wheat Board, which is largely farmer-affiliated and quasi-governmental. And in our county we simply have a privately-controlled market which is controlled at the neck of the bottle by some very large grain firms. And those firms have no interest in changing the present system.

But I want to propose that we take a look at a new approach. If you take a look at the United States and Canada together, our farmers, year after year, produce over 50 percent of all the wheat that is in the international export pipeline. We produce over 90 percent of the durum wheat that is in the international export pipeline. Together, if we jointly marketed our exports around the world, we could command a much better price for our farmers.

Instead, we have a system in which American farmers are pitted against Canadian farmers and so we compete in international markets. Then the American and Canadian farmers do not get the income they should, and the big grain exporting firms are fat and happy and they are moving a lot of grain at low prices. They could care less what the farmers get.

My bill is very simple. It asks the United States Department of Agriculture to analyze the feasibility of United States farmers and Canadian farmers joining together in a strategy to develop some kind of a North American grain board in which we could jointly market our grain around the world and command a better price for it. We certainly would have the bulk of the wheat. As I said, over 50 percent of the wheat in the international pipeline would come from us.

If we joint market instead of competing against each other to drive up grain prices for both sides of farmers, we would, it seems to me, achieve something good for both countries and for farmers that live on both sides of the border.

That is what this bill does. This bill says to the USDA, let us try to understand what we might do to jointly market our grain with Canada in the export markets around the world.

Now, this problem is as old as almost any issue: How to market grain so that the farmers get a decent price.

I represent a State that has a long border with Canada. Farmers on both sides of the border suffer the same kind of trouble. The fact is, we do not get enough income for the grain we produce.

Again, most of this is very abstract to people. People do not understand what all this means.

Consider Durum wheat. It is the wheat from which we produce semolina flour, from which we produce macaroni and pasta products. We do not think much about the price of the Durum wheat when we go to buy elbow macaroni at the grocery store. The fact is that farmers do not get much of the price of elbow macaroni.

Durum wheat goes from $6 per bushel to $2, and back and forth. When you go into the grocery store after the farmer's price for Durum wheat has dropped from $5 to $3, do you think you will see a decrease in the price of elbow macaroni? Not on your life. It simply does not happen.

The fact is, the farmers on both sides of the border are whipsawed back and forth by the big food processors and large grain export firms. Although we command a major part of what is exported in wheat and Durum wheat, our farmers get too little.

And the question is, could we extract more in the international marketplace to benefit our farmers and benefit our country? That is the purpose of this bill.

I am joined by four Members of the Senate and hope that others will join me as well, and I expect that we will get from this study some good information from the Department of Agriculture. I look forward, if we can move this year, to a Department of Agriculture evaluation of how we would proceed to benefit American farmers in exporting their grain.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF COOPERATIVE MARKETING OF UNITED STATES AND CANADIAN GRAIN.

(a) FINDINGS.—Congress finds that—

(1) the United States-Canada Free Trade Agreement forced the creation of a single North American grain market without adjustments to harmonize the marketing system and relative Federal commodity programs of the 2 nations;

(2) trade conflicts between the United States and Canada over grain trade have arisen, and continue to escalate since the negotiation of the Agreement;

(3) better harmony between the United States and Canadian grain marketing system is needed;

(4) Canadian producers have cooperatively marketed their grain for 50 years, and have an established collective marketing system;

(5) United States producers should have the opportunity to market their grain cooperatively when the producers find it in their best interest; and

(6) it is in the interest of harmonious trade with Canada, and in the possible economic interests of United States grain producers, to investigate the advantages and disadvantages of marketing grain in a cooperative exporting venture with Canada, and for the United States to discuss such a venture with Canada.

(b) STUDY.—The Secretary of Agriculture shall conduct a study of cooperative marketing of United States and Canadian grain for export. The study shall—

(1) evaluate the desirability and feasibility of the United States entering into negotiations with Canada to establish a cooperative venture to conduct the marketing;

(2) evaluate, as alternative marketing ventures, the collective export marketing of durum wheat, barley, all wheat, or all wheat and barley;

(3) describe and evaluate the structures of collective grain export marketing ventures that are most economically advantageous to United States grain producers;

(4) describe the changes in United States and Canadian law that may be necessary to proceed with each of the marketing ventures that are described in paragraphs (2) and (3), including changes in United States law necessary to authorize the Secretary to issue and amend marketing orders under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to facilitate the collective marketing of grains; and

(5) evaluate the likely effects of each venture on United States commodity programs for grain and recommend necessary and appropriate changes in the programs that would be—

(A) most beneficial and profitable for grain producers;

(B) least costly to the Federal Government; and

(C) most harmonious with the marketing system and commodity programs of Canada.

(c) REPORT.—The Secretary shall report the results of the study to Congress not later than August 15, 1995.

By Mr. CONRAD:

S. 2171. A bill to amend the Immigration and Nationality Act to waive the foreign country residence requirement with respect to foreign medical graduates; to the Committee on the Judiciary.

IMMIGRATION AND NATIONALITY ACT AMENDMENT ACT OF 1994

• Mr. CONRAD. Mr. President, today I introduce legislation that will help increase the supply of physicians in rural America. Our Nation has spent the last year and a half debating about broad concepts like managed competition, shared responsibility, insurance reforms, and more. But while rural America, like the rest of our Nation, needs insurance reforms and relief from escalating health care costs, access to health care providers is also an extremely high priority.

The State of North Dakota, along with many other States, has learned the necessity to turn every stone and explore every avenue in identifying providers who can care for our people. Many of my colleagues would find it difficult to believe that 85 percent of the counties in my State have been designated, either in part or in total, as health professional shortage areas.

One way North Dakota's hospitals have found to augment their physician supply is through a process known as a J-1 visa waiver. We often have highly qualified foreign physicians who practice in our communities under a J-1 visa. Those visas allow international medical graduates to practice in the United States under an educational exchange program for as many as 7 years. When the visa expires, these physicians are required to return to their country of origin to fulfill a 2-year foreign residency requirement. But when a physician returns to fulfill the requirement, the community in which he or she has been practicing loses a needed medical professional.

There is currently a process through which the 2-year requirement can be eliminated. That process is the so-called J-1 visa waiver. But the process is a mess. Under current law, a hospital facility in North Dakota that desperately needs a physician must find an interested Federal agency that is willing to state that the hospital resides in an area that needs a physician. Without such a finding by a Federal agency, no waiver may be granted.

In practical terms, the current system is extremely inequitable. Certain parts of the country have developed mechanisms that enable them to snap up physicians through J-1 visa waivers almost at the drop of a hat. Other parts of our country have much more difficulty.

In North Dakota, we have managed to help several communities obtain waivers for doctors who are now providing much-needed access to health care to the people of my State. My office has worked or is working to help hospitals and clinics in and around several North Dakota communities—Oakes, Tioga, Minot, Lisbon, Langdon, Stanley, Center, and Elgin—obtain such physicians.

But the requirement that an interested Federal agency declare the area to be in need of a physician creates enormous problems. The Department of Health and Human Services has historically been difficult to work with on this issue. Consequently, offices like mine have been required to work with other Federal agencies. The most logical agency, given its connection to rural America, is the Department of Agriculture. The Agriculture Department has been as responsive as possible, but is receiving more requests than it can handle. And quite frankly, there are other departments of the Federal Government, and of State governments, that are better equipped to make these determinations.

Because of the difficulty of this process, one facility in North Dakota was forced to use the Coast Guard as an interested Federal agency. I was extremely pleased that the Coast Guard, which has a small station in LaMoure, was willing to assist the local community in obtaining a needed medical professional. But, Mr. President, when the Coast Guard has to be the agency to declare an area of North Dakota in need of a physician, something needs to change.

The bill I am introducing today would allow an interested State agency to make the recommendations that until now could only be made by a Federal agency. Under my legislation, the Governor could simply designate a State agency—maybe the State health department or some other similar entity—to determine whether the situation in a particular community merited the use of an international medical graduate. This would provide a central place to which hospitals and other facilities that needed physicians could go to seek assistance. And it would relieve Federal agencies that are being increasingly burdened with requests coming from many facilities in many States of a burden that many agencies should not have to bear. My proposal would do nothing to alter the right of the Immigration and Naturalization Service and the U.S. Information Agency to determine whether the waiver should be granted. And it would also ensure that the physician's country of origin would retain a right to object to the waiver if it had funded the physician's training through its own resources.

In order to receive the waiver, a physician would be required to agree to serve the community for at least 3 years. If he or she failed to fulfill that commitment, the physician would be subject to immediate deportation. The physician would have to practice in a community that is short of physicians. And no more than 1,000 such slots would be available each year.

My proposal is by no means the entire solution to our health care needs in rural America. We must do more to reform our graduate medical education system so that our Nation produces more primary care practitioners. And we must provide additional incentives for physicians, nurse practitioners, physician's assistants, and others to practice in rural America. But the proposal I am introducing today will make a very real contribution to augmenting the physician supply in rural areas that need qualified physicians.●

By Mr. COCHRAN:

S. 2172. A bill to amend chapter 17 of title 28, United States Code, to provide that bankruptcy judges and magistrates may receive cost-of-living adjustments to their annuities after ceasing the practice of law, and for other purposes; to the Committee on the Judiciary.

RETIRED BANKRUPTCY JUDGES AND MAGISTRATES ANNUITIES COST-OF-LIVING ADJUSTMENT ACT OF 1994

Mr. COCHRAN. Mr. President, I am pleased to introduce a bill that will correct what I believe to be an unintended inequity in Public Law 100-659, the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988.

That act provides that bankruptcy judges and magistrates are eligible to retire upon attaining the age of 65 with 14 years of service and receive an annuity which may be adjusted for future increases in the cost-of-living.

The act also provides that a retired magistrate or bankruptcy judge may elect to practice law following retirement, but upon such an election, his or her annuity will be irrevocably frozen at the level in effect at that time.

It is my understanding that this penalty of potential loss of cost-of-living adjustments in a retiree's annuity was intended to discourage retired bankruptcy judges and magistrates from the post-retirement practice of law.

Mr. President, the inequity in the law arises, in my view, from the irrevocable nature of the penalty. Even though the retired judge or magistrate may cease to practice law and return to a fully retired status, his or her annuity remains frozen and not subject to future cost-of-living adjustment.

Mr. President, I believe that when a retired bankruptcy judge or magistrate ceases to practice law, their annuity should be restored to the same status as before the election was made. The bill I am introducing today will amend Public Law 100-659 to provide that upon the cessation of post-retirement law practice, annuities of retired bankruptcy judges and magistrates could once again be adjusted for future increases in the cost of living.

The legislation is not retroactive and a retiree would not receive any benefit or adjustment in their annuities for cost-of-living increases that occurred during the time following retirement when they were engaged in the practice of law. It would apply only from the point at which the annuitant ceases to practice law and returns to a fully retired status.

By Mr. ROTH (for himself and Mr. LAUTENBERG):

S. 2173. A bill to improve the protection of intellectual property rights through the implementation of the Uruguay Round Agreements, and for other purposes; to the Committee on Finance.

INTELLECTUAL PROPERTY RIGHTS PROTECTION ACT OF 1994

Mr. ROTH. Mr. President, I rise to introduce legislation on an issue of great importance to our Nation's global competitiveness and innovative strength—the protection of U.S. intellectual property in overseas markets. This legislation builds on the recently concluded Uruguay Round Agreement on Trade-Related Aspects of Intellectual Property Rights—TRIPS Agreement—and establishes a post-Uruguay round strategy for expanding and improving intellectual property protection in major markets abroad where serious infringement and other problems exist. It is my intention to pursue this legislation in the context of implementing the Uruguay round, and I am pleased that Senator LAUTENBERG [is joining me in this endeavor as a cosponsor of the bill.]

The vigorous pursuit of strong international protection of intellectual property is a longstanding and well-established trade policy objective of the United States. Such protection is essential to our competitive edge and economic growth because many of the goods and services in which we excel are founded on America's ability to create new ideas and invent new products. The lack of full intellectual property protection imposes an enormous burden on the U.S. economy in terms of lost, well-paying jobs, lost U.S. sales, and lost research and development opportunities. The increasing globalization of production and economic interdependence of the world economy has made this problem ever more urgent and acute.

A few facts and figures underscore the gravity of the problems we face as leading owners of intellectual property rights. The lack of full patent protection, for example, costs the U.S. pharmaceutical industry an estimated $5 billion per year, which, in turn, lowers R&D investment by $700 to $900 million on an annual basis. Our copyright industry, which includes computer software and entertainment products and leads the world in sales and exports, annually loses an estimated $15 to $17 billion from piracy and infringement. The costs to our economy are self-evident from just these few examples and underscore why effective and adequate protection of intellectual property is of supreme importance to our Nation.

For at least a decade now, the United States has pursued a bilateral, protection of U.S. intellectual property. We have been most active on the bilateral front, particularly through our "Special 301" trade law. This law, which was enacted as part of the 1988 Omnibus Trade and Competitiveness Act, created an annual investigatory mechanism for identifying countries that deny adequate and effective protection of intellectual property or deny fair and equitable market access to U.S. persons that rely upon intellectual property protection. It has been a very useful and productive law which has resulted in raising intellectual property standards in several countries. As USTR general counsel, Ira Shapiro, recently testified, Special 301 has been "[p]erhaps the most useful statutory tool we have available to promote the protection of intellectual property * * *." This year's Special 301 announcement underscores that point—37 countries were identified in varying degrees of seriousness as failing to provide adequate and effective intellectual property protection or market access to persons relying on intellectual property protection.

The North American Free-Trade Agreement [NAFTA] exemplifies the success we have had regionally in securing major advances in Mexico's and Canada's intellectual property regimes. While not perfect, NAFTA, in fact, contains the highest standards of intellectual property protection and enforcement so far achieved in any international trade agreement.

The TRIPS Agreement, which was recently concluded as part of the Uruguay round, is our latest accomplishment in pursuit of our trade strategy for intellectual property protection. It represents the main multilateral thrust of our strategy, and is a very significant accomplishment because it will establish relatively high standards on intellectual property protection in the over 115 members of the new World Trade Organization [WTO]. This new agreement will, in effect, provide a multilateral baseline of protection. Unfortunately, however, we did not achieve all of our negotiating objectives in this agreement, and we even agreed to some weakening of certain provisions in the final days of the negotiations.

I am extremely disappointed that the agreement allows up to 10 years for developing countries to adopt the key provisions of the agreement. The TRIPS Agreement will actually prohibit for the next 5 to 10 years effective action against developing countries that haven't met their Uruguay round obligations. There are other serious gaps in the agreement, such as the lack of full national treatment for U.S. copyright holders.

With the conclusion of both NAFTA and the Uruguay round, we have reached a turning point in our trade-related strategy for improving and expanding the protection of U.S. intellectual property in overseas markets. We must now develop and implement a post-Uruguay-round strategy. Such a strategy should build on past successes by establishing higher levels of protection where necessary, rectifying problems in existing agreements, and eliminating specific cases of continued and egregious piracy of U.S. intellectual property wherever it might exist.

The legislation I am introducing today will establish such a strategy. It contains several elements, some of which I would like to summarize briefly.

The first element of this forward-looking strategy on the international protection of intellectual property is the need to clearly identify our Nation's principal international objectives in the post-Uruguay-round era. One such objective must be to accelerate developing countries' full implementation of the TRIPS Agreement. We simply cannot afford to sit on our laurels and wait 10 years for important developing countries to fully implement this new multilateral regime for intellectual property protection. We also must go beyond the TRISP Agreement of baseline protection to attain higher levels of protection where necessary, particularly with respect to new and emerging technologies. This will require ongoing bilateral, regional, and multilateral efforts based on strong U.S. leadership. Another objective should be to ensure the United States is actively involved in the new WTO intellectual property regime; this requires, among other things, close monitoring of the way the regime is being implemented by all WTO member countries—agreements are worth very little if they are not fully implemented and enforced. These and other critically important objectives are set forth in the legislation I am introducing today.

In pursuit of these important objectives, the legislation also makes certain essential changes to Special 301. These changes update and clarify Special 301 to take into account the new TRIPS Agreement and will ensure that Special 301 remains the viable and effective trade tool it has become.

Another provision calls for the full adoption of the TRIPS Agreement and an expressed willingness to agree to even higher standards of intellectual property protection by any country that seeks to enter into a future free trade agreement with the United States.

An additional key provision requires the U.S. Trade Representative [USTR] to develop and maintain a model intellectual property agreement, which will represent our Nation's negotiating objectives on intellectual property protection. The goal of this provision is to make certain we establish the highest and most comprehensive levels of protection in future intellectual property agreements. Neither NAFTA, or TRIPS, nor any other bilateral agreement we've negotiated to date offers an appropriate model for future negotiations. Technologies change and create new intellectual property problems and require new solutions. Establishing and updating periodically a model agreement will help assure that our negotiators secure the best possible protection overseas for U.S. owners of intellectual property rights.

Mr. President, I have outlined briefly some of the key elements of this legislation. It already has the support of a broad-based coalition of leading U.S. companies, all of which depend on effective and adequate protection of intellectual property for their survival.

I look forward to working with my colleagues and the executive branch to ensure that the critical issues raised in this legislation are adequately addressed in the Uruguay round implementing legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION OBJECTIVES.

The principal objectives of the United States regarding international protection of intellectual property rights are—

(1) to accelerate the full implementation of parts I, II, and III of the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereafter referred to as the "Agreement on TRIPS");

(2) to seek enactment and effective implementation by foreign countries of standards for protection and enforcement of intellectual property rights that supplement and strengthen the standards and obligations contained in the Agreement on TRIPS and the North American Free Trade Agreement, including, but not limited to—

(A) supplementing and strengthening such standards and obligations through bilateral and multilateral agreements to assure the protection of new and emerging technologies, and new methods of transmission, distribution, and use, and

(B) eliminating discrimination, unreasonable exceptions, or preconditions with respect to the protection, enforcement, or commercial enjoyment of the full economic benefits arising from any use or exploitation of intellectual property rights;

(3) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons holding intellectual property rights, including rights that are currently or that may later be granted by a foreign country to its own nationals with respect to the use or exploitation of intellectual property;

(4) to take an active role in the development of the intellectual property regime under the World Trade Organization (hereafter referred to as the "WTO"), particularly with respect to monitoring implementation of the regime by WTO members and use of the WTO dispute settlement procedures;

(5) to take an active role in the World Intellectual Property Organization (hereafter referred to as the "WIPO") and to ensure that the WIPO and the WTO work together in a mutually supportive fashion;

(6) to establish and maintain a Model Intellectual Property Agreement which sets forth a high level of intellectual property rights protection and to ensure that all future international trade agreements entered into by the United States are based on the Model Intellectual Property Agreement;

(7) to make protection of intellectual property rights a priority factor for determining eligibility to participate in future free trade agreements and the generalized system of preferences;

(8) to ensure that countries or fast-growing economic entities that seek to accede to the WTO agree to full and effective implementation of parts I, II, and III of the Agreement on TRIPS and resolve any major outstanding intellectual property-related issues of concern to the United States prior to accession;

(9) to require that United States diplomatic missions abroad include intellectual property rights protection as a priority objective of the mission; and

(10) to take appropriate action, including the establishment of technical cooperation committees, to encourage and help foreign countries improve the protection of intellectual property rights.

SEC. 2. REQUIREMENTS FOR ENTRY INTO NEW FREE TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may not negotiate any new free trade agreement with a foreign country, unless the President first determines that such country—

(1) is fully implementing parts I, II, and III of the Agreement on TRIPS, and

(2) is willing to enter into an agreement with the United States to provide intellectual property rights protection in line with the protection set forth in the Model Intellectual Property Agreement developed pursuant to section 6.

(b) UPGRADING EXISTING FREE TRADE AGREEMENTS.—If, after the date of the enactment of this Act, the United States enters into a free trade agreement with a foreign country that provides greater protection of intellectual property rights than a free trade agreement previously negotiated with another country, the President shall seek to amend such previously negotiated agreement to provide for such greater protection of intellectual property rights.

(c) NOTICE TO CONGRESSIONAL COMMITTEES.—The President shall provide written notice to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of—

(1) any determination made under subsection (a), and

(2) any progress made in amending a previously negotiated free trade agreement under subsection (b).

SEC. 3. IDENTIFICATION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OR MARKET ACCESS FOR INTELLECTUAL PROPERTY RIGHTS.

Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended—

(1) in subsection (a)(1)—

(A) by striking "or" at the end of subparagraph (A),

(B) by striking "and" at the end of subparagraph (B) and inserting "or", and

(C) by adding at the end the following new subparagraph:

"(C) deny the opportunity to enjoy on a nondiscriminatory basis full commercial benefits associated with exercising rights in protected works, fixations, or products embodying protected works, and";

(2) in subsection (b), by adding at the end the following new paragraph:

"(4) In identifying a priority foreign country under subsection (a) (1) and (2), the Trade Representative shall take into account—

"(A) the history of intellectual property protection laws and practices of the foreign country, including any past identification of the country under such paragraphs (1) and (2), and

"(B) the history of the efforts of the United States and the responses of the foreign country to achieve adequate and effective protection of intellectual property rights."; and

(3) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

"(2) A foreign country denies adequate and effective protection of intellectual property rights, if—

"(A) the foreign country is not implementing parts I, II, and III of the Agreement on TRIPS, or

"(B) in the case of a foreign country that is implementing parts I, II, and III of the Agreement on TRIPS, or has entered into any other bilateral, regional, or multilateral agreement with respect to the United States, the foreign country—

"(i) continues to deny adequate and effective opportunity for persons who are not citizens or nationals of such foreign country to secure, exercise, and enjoy full commercial benefits with respect to intellectual property rights, or

"(ii) does not enforce rights relating to patents, process patents, registered trademarks, copyrights and related rights, trade secrets, and mask works.";

(B) by amending so much of paragraph (3) as precedes subparagraph (A) to read as follows:

"(3) A foreign country denies fair and equitable market access if the foreign country effectively denies access to a market for a product protected by a patent, process patent, registered trademark, copyright or related right, trade secret, or mask work through the use of laws, procedures, or regulations which—"; and

(C) by adding at the end the following new paragraphs:

"(4) A foreign country denies the opportunity to enjoy the commercial benefits associated with exercising rights in protected works, fixations, or products embodying protected rights, if the foreign country grants access to methods of distribution or collection of revenues generated from the use or fixation of a product embodying protected rights, or any other benefit relating to such works, fixations, or products embodying protected rights, on terms more advantageous to its own nationals than to nationals of another country.

"(5) The term 'Agreement on TRIPS' means the Agreement on Trade-Related Aspects of Intellectual Property Rights entered into as part of the Uruguay Round Agreements resulting from the multilateral trade negotiations conducted under the auspices of the General Agreement on Tariffs and Trade.".

SEC. 4. EXPANSION OF TRADE SANCTIONS.

(a) IN GENERAL.—Section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)) is amended by adding at the end the following new paragraph:

"(7) The President is authorized to take such other action with respect to the United States relations with a foreign country as is necessary and appropriate to enforce the rights of the United States under any trade agreement or to eliminate an act, policy, or practice described in subsection (a) or (b).".

(b) UNREASONABLE ACTS, POLICIES, OR PRACTICES.—Section 301(d)(3)(B)(i)(II) of such Act (19 U.S.C. 2411(d)(3)(B)(i)(II)) is amended to read as follows:

"(II) provision of adequate and effective protection of intellectual property rights, without regard to whether the country is fully implementing parts I, II, and III of the Agreement on TRIPS or the obligations of any other bilateral, regional, or multilateral agreement, or".

(c) CONFORMING AMENDMENT.—Section 301(d) of such Act (19 U.S.C. 2411(d)) is amended by adding at the end the following new paragraph:

"(10) The term 'Agreement on TRIPS' means the Agreement on Trade-Related Aspects of Intellectual Property Rights entered into as part of the Uruguay Round Agreements resulting from the multilateral trade negotiations conducted under the auspices of the General Agreement on Tariffs and Trade.".

SEC. 5. ELIGIBILITY FOR GSP TREATMENT.

Section 504(b) of the Trade Act of 1974 (19 U.S.C. 2464(b)) is amended to read as follows:

"(b) CHANGED CIRCUMSTANCES AND IDENTIFICATION UNDER SECTION 182(a).—

"(1) IN GENERAL.—The President shall, after complying with the requirements of section 502(a)(2), withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines—

"(A) that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b), or

"(B) such country has been identified under section 182(a) and, after completion of an investigation under title III, such country has not implemented measures to eliminate the reason for such country's identification under section 182(a)(1).

Such country shall cease to be a beneficiary developing country on the day on which the President issues an Executive order or Presidential proclamation revoking his designation of such country under section 502.

"(2) REDESIGNATION.—Subject to the provisions of section 501, the President may redesignate a country as a beneficiary developing country if—

"(A) such country's designation was withdrawn or suspended pursuant to paragraph (1)(B), and

"(B) such country is taking action to eliminate the reasons for which it was identified under section 182(a)(1).".

SEC. 6. MODEL INTELLECTUAL PROPERTY AGREEMENT.

(a) IN GENERAL.—The United States Trade Representative, in consultation with appropriate United States Government agencies and the private sector, shall—

(1) develop and maintain a Model Intellectual Property Agreement which contains provisions for a high level of protection of intellectual property rights that supplement and strengthen the standards and obligations contained in the Agreement on TRIPS and the North American Free Trade Agreement, and

(2) review periodically the Model Intellectual Property Agreement to ensure that it reflects adequate protection for new and emerging technologies.

(b) USE OF MODEL.—The Model Intellectual Property Agreement shall represent the negotiating objectives of the United States in all international negotiations involving the protection of intellectual property rights.

SEC. 7. ANNUAL INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION REPORT.

Section 163(a)(2) of the Trade Act of 1974 (19 U.S.C. 2213(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (J), and

(2) by striking the period at the end of subparagraph (K) and inserting: ", and

"(L) a review of the efforts undertaken during the preceding calender year by each agency of the United States in support of international protection of intellectual property rights.".

SEC. 8. PRIVATE SECTOR INVOLVEMENT IN INTERNATIONAL DISPUTE SETTLEMENT.

Not later than 90 days after the date of the enactment of this Act, the United States Trade Representative shall develop and implement a procedure for interested persons from the private sector to participate in the preparation for dispute settlement proceedings which involve intellectual property rights and with respect to which the United States is a party.

S. 2173—SECTION-BY-SECTION SUMMARY

Section 1. International Intellectual Property Objectives.—Sets forth ten principal objectives regarding the international protection of intellectual property rights. Included among these objectives are the following: to accelerate the full implementation of the Uruguay Round's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement); to negotiate international agreements providing intellectual property protection greater than that contained in the TRIPS Agreement and the NAFTA; to play an active role in the development of the intellectual property regime in the World Trade Organization (WTO); to establish a Model Intellectual Property Agreement; and, to ensure that countries seeking to accede to the WTO fully implement the TRIPS Agreement as part of their terms of accession.

Section 2. Requirements for Entry Into New Free Trade Agreements.—Requires a country to fully implement the TRIPS Agreement and to be willing to enter into negotiations to provide greater intellectual property protection than the TRIPS Agreement prior to entering into free trade negotiations with the United States. Encourages upgrading previously-negotiated FTA provisions on intellectual property when higher levels of protection are achieved in future agreements.

Section 3. Modifications to Special 301.—Clarifies and updates Special 301 to take into account the TRIPS Agreement, especially with regard to a country's lack of full and effective implementation of the agreement's key provisions. Also more clearly addresses the problem of discriminatory treatment towards U.S. copyrights holders.

Section 4. Changes to Section 301.—Allows discretionary action under Section 301 against countries that have fully implemented the TRIPS Agreement, but continue to deny adequate and effective intellectual property protection. Underscores that the President has existing authority to take non-trade action in relation to a Section 301 and Special 301 investigation.

Section 5. Eligibility for GSP Treatment.—Calls upon the President to eliminate GSP treatment for a beneficiary country which has been identified as a "priority foreign country" under Special 301 and, after the completion of a formal investigation, has not implemented measures to eliminate the reason(s) for the identification. If such country takes subsequent action to eliminate the reason(s) for the Special 301 identification, GSP treatment may be reinstated.

Section 6. Establishment of a Model Intellectual Property Agreement.—Requires the United States Trade Representative (USTR) to develop and maintain a Model Intellectual Property Agreement. The model agreement will provide a "NAFTA-plus" level of intellectual property protection and will represent U.S. negotiating objectives in future international trade negotiations.

Section 7. Annual Reporting Requirement on Intellectual Property Protection.—Calls for including a review of U.S. government efforts in support of international intellectual property protection in the President's annual trade agreements and trade policy report.

Section 8. Private Sector Role in WTO Dispute Settlement Process.—Requires the USTR to develop and implement a procedure for interested private sector representatives to participate in preparing for intellectual property-related dispute settlement proceedings.

• Mr. LAUTENBERG. Mr. President, I am pleased to be an original cosponsor of this bill to address a problem that costs American industry and workers billions of dollars every year: piracy of American intellectual property rights by foreign countries. The administration has placed an annual price tag on foreign piracy of American ideas and inventions at $50 billion. Every dollar lost to foreign violations undermines our economy and puts American jobs at risk.

For many years I have been concerned about the inadequate protection of America's ideas and inventions. The bill Senator ROTH and I are introducing today is intended to strengthen our laws and create greater incentives for the countries of the world to provide greater protection.

Mr. President, the negotiators at the Uruguay round of the GATT achieved some real progress in the area of intellectual property rights. The round's agreement on Trade-Related Aspects of Intellectual Property Rights—commonly called the TRIPS Agreement—represents an important milestone in the pursuit of strong worldwide intellectual property protection. For the first time, it establishes important international intellectual property standards.

Unfortunately, the agreement gives foreign countries a very long time—up to 11 years in some cases—to comply with those standards although the United States has only 1 year to come into compliance with the TRIPS obligations under the GATT.

This bill is intended, in part, to bring countries into compliance in a more timely way. I know the administration shares our goal of securing greater protection. When I discussed this issue with USTR Kantor at a hearing last year in the Commerce, Justice, State Appropriations Subcommittee, he said the administration "should look at the possibility of using every tool at its disposal to convince countries that they should protect intellectual property as well as investment as well as live up to their agreements in a way that would be beneficial not only to our workers and our business but beneficial to them if they expect to receive the kind of assistance that they have been receiving." I want to help the administration convince these countries to provide such protection in a timely way.

I hope the Finance Committee will approve this proposal, in addition to one I, along with Senator ROTH previously introduced on this issue, S. 2041, as part of the GATT implementing legislation.•

By Mr. AKAKA:

S. 2174. A bill to provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes; to the Committee on Energy and Natural Resources.

HAWAIIAN HOME LANDS RECOVERY ACT

Mr. AKAKA. Mr. President, I rise today to introduce legislation which seeks to address longstanding land issues between the Federal Government and native Hawaiians.

Since the introduction of westernization in the Hawaiian islands in 1778, and the subsequent political and economic developments which followed, the native people of Hawaii suffered a steady deterioration in social and economic conditions.

Congress responded by enacting legislation—the Hawaiian Homes Commission Act of 1920—to provide homestead opportunities so that native Hawaiians could once again enjoy their traditional lifestyle; 203,000 acres were set aside for this purpose.

From its inception in 1921, the Hawaiian Home Lands Program was destined to fail. The program, and the manner in which it was administered, is a case study on the failure of the Federal Government to safeguard the interests of native Hawaiians.

A pattern of self-dealing and illegal land transfers by the Federal Government during Hawaii's territorial period has deprived native Hawaiians of housing, economic development, and the opportunity to achieve self-sufficiency. Territorial governors, under orders from Washington, displayed gross negligence in the handling of assets entrusted to them, as well as a willful disregard for the interests of native Hawaiian beneficiaries.

Between 1921 and 1959, the Federal Government, acting through the territorial governor, systematically withdrew large portions of Hawaiian Home Lands. The most useful and productive lands were taken from Hawaiians by the Federal Government, leaving marginal lands, far from essential infrastructure, that often were too poor to support housing or agriculture.

While the majority of these lands were returned in 1984, the Federal Government never provided compensation for lost use and currently retains the most valued parcels.

To correct this injustice, the Hawaiian Home Lands Recovery Act would establish a process to restore or replace lands taken by the Federal Government that are still outstanding, as well as to provide for lost-use compensation for lands already returned and those still held. Where return is not possible, the bill would transfer Federal land of equal value as a replacement.

The bill would also set a deadline for the completion of recovery negotiations between the Secretary of the Interior, the State of Hawaii, and native Hawaiian beneficiaries.

I look forward to working with my colleagues in resolving these longstanding issues.

By Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 2175. A bill to urge the renegotiation of prisoner transfer treaties in order to relieve overcrowding in Federal and State prisons; to the Committee on Foreign Relations.

THE PRISONER TRANSFER EQUITY ACT

• Mr. LAUTENBERG. Mr. President, there are thousands of criminal illegal aliens who are serving time in our State and Federal prisons. They contribute to prison overcrowding, and they cost the American taxpayers approximately $1.2 billion each year.

These criminal illegal aliens have committed two strikes against us—They have broken our immigration laws in coming here and they have been convicted of crimes once here in America.

We should send criminal illegal aliens in our prisons back to their native countries to serve out their sentences. It is my hope that the legislation we are introducing today will begin this process.

Today, I am introducing the Prisoner Transfer Equity Act. I am pleased to be joined by Senators FEINSTEIN and GRAHAM in this effort. This legislation will direct the President to renegotiate existing prisoner transfer treaties and enter into new treaties to have countries take back greater numbers of criminal illegal aliens who are currently serving time in our Federal and State prisons.

While we have treaties with over 25 countries to do this, they are not working.

This legislation gives the President and the Secretary of State a stick to increase the flow of criminal illegal aliens back to their native countries. This bill requires the President to withhold up to 10 percent of a country's foreign aid if they do not make progress towards taking back more of their criminal illegal aliens.

If the country does not receive foreign assistance, then the President is authorized to use other approaches, like trade sanctions.

Let me be clear: the problem that we are confronting today is not legal immigration. As you know, I am the son of immigrants. I know first hand that immigrants have helped to make America great.

The problem is what to do with illegal aliens who have committed crimes in our country and are serving time in our Federal and State prisons.

They aren't here legally.

They committed illegal acts.

But punishing them costs U.S. taxpayers approximately $1.2 billion per year.

Why should they serve their time here rather than in their own country—where their taxpayers must pick up the tab?

Nationwide, there are an estimated 58,000 convicted criminal aliens currently in our prisons—21,000 in Federal prisons and 37,000 in State prisons. Many of these convicted criminal aliens are illegal aliens as opposed to legal aliens, but we do not have data on exactly how many. This legislation focuses on sending criminal illegal aliens back to their native countries.

At the same time, there are only 2,500 Americans serving time in foreign prisons.

This surplus of prisoners is not only a burden on the Federal prison system but the State systems as well. For example, the State of New Jersey has estimated that it costs approximately $35 million in one time capital costs and $12 million a year in operational costs to incarcerate approximately 485 convicted criminal aliens, many of whom are illegal aliens, who are now serving time in its prisons.

Since 1977, the United States has entered into prisoner transfer treaties with over 25 countries. These treaties were designed not only to bring American citizens back here to serve out their time, but also to transfer criminal illegal aliens out of our prisons.

These treaties have not solved our problems. Since 1977:

The U.S. transferred approximately 1200 prisoners back to their native countries.

But at the same time we took back 1,400 Americans serving time in foreign prisons. This has only added to our problem of prison overcrowding.

Last week, Attorney General Reno announced that the Mexican Government had agreed to take back 53 of its citizens back to serve out their sentences. I commend her for these efforts. However, this is just a drop in the bucket.

The legislation that we are introducing should increase the numbers of criminal illegal aliens going back to their native countries by using the power of the purse—foreign aid—as a negotiation tool.

It's not fair to ask taxpayers to bear the total cost of jailing criminal illegal aliens who have broken our laws twice—once by entering or staying in our country illegally and again by breaking our laws.

I urge my colleagues to cosponsor this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prisoner Transfer Equity Act".

SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons by providing for the transfer of criminal aliens convicted of crimes in the United States back to their native countries to serve the balance of their sentences.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The cost of incarcerating an illegal alien in a Federal or State prison can cost as much as $25,000 per year.

(2) There are approximately 58,000 convicted criminal aliens serving in American prisons, including 37,000 convicted criminal aliens serving in State prisons and 21,000 convicted criminal aliens serving in Federal prisons.

(3) Many of these convicted criminal aliens are also illegal aliens, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of convicted criminal aliens is approximately $1,200,000,000, including—

(A) for State governments, $760,000,000; and

(B) for the Federal Government, $440,000,000.

(4) There are approximately 2,500 American citizens serving in prisons outside the United States.

(5) The United States has entered into over 25 prisoner exchange treaties. Since 1977, under these treaties, the United States sent 1,200 prisoners to other countries but has received 1,400 prisoners that it had to imprison. This has added to United States prison overcrowding.

SEC. 4. PRISONER TRANSFER TREATIES.

No later than 90 days after the date of enactment of this Act, the President should begin to negotiate prisoner transfer treaties, or renegotiate existing prisoner transfer treaties, with countries that currently have more prisoners in United States prisons than there are United States citizens in their prisons, to carry out the purpose of this Act. The focus of these negotiations should be on the transfer of illegal aliens who are serving in United States prisons.

SEC. 5. REPORT; WITHHOLDING OF ASSISTANCE.

(a) REPORTS.—Not later than 180 days after the date of enactment of this Act, and not later than March 30 each year thereafter, the President shall submit a report to Congress on the progress of negotiations undertaken under section 4 since the date of enactment of this Act or the date of submission of the last report, as the case may be.

(b) WITHHOLDING OF ASSISTANCE.—Whenever—

(1) a report submitted under subsection (a) indicates that no progress has been made in negotiations under section 4 with a foreign country, and

(2) the United States continues to maintain a surplus of prisoners who are nationals of that country;

then, for the remainder of the fiscal year, and each fiscal year thereafter until progress is reported under subsection (a), not less than one percent or more than 10 percent of United States assistance allocated for that country (but for this provision) shall be withheld from obligation and expenditure for that country.

(c) DEFINITION.—As used in this section, the term "United States assistance" includes—

(1) assistance under the Foreign Assistance Act of 1961; and

(2) sales and sales financing under the Arms Export Control Act.

SEC. 6. WAIVER AUTHORITY.

The President may waive the application of section 5(b) if such an application would jeopardize relationships between the United States and a foreign country that the President determines to be in the national interest. Whenever the President exercises the waiver authority of this section, the President shall submit a statement in writing to Congress setting forth the justification for the exercise of the waiver.

SEC. 7. DIPLOMATIC EFFORTS.

For each country that does not receive United States assistance and for which the conditions of sections 5(b)(1) and 5(b)(2) apply, the President should use such diplomatic offices and powers as may be necessary to make progress in negotiating or renegotiating a prisoner transfer treaty.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to alter or affect the existing immigration, refugee, political asylum laws of the United States nor any Federal, State, of local criminal laws.•

• Mrs. FEINSTEIN. Mr. President, Americans know about trade deficits, but we have another type of deficit, a prisoner deficit. The United States imports more foreign prisoners than we export. The size of this prisoner deficit is immense.

There are now an estimated 58,000 convicted criminal aliens in U.S. prisons, many of whom are illegal aliens. These prisoners can fill almost 20 San Quentins. Meanwhile, there are only 2,500 American prisoners in foreign prisons.

The bill Senator LAUTENBERG, Senator GRAHAM, and I are presenting today takes important steps to address this prisoner deficit.

Let me talk for a moment about the very serious problem of illegal immigration.

California estimates that 18,000 illegal immigrants will be in California's prisons in the next year, at a cost of an estimated $375 million. Los Angeles County estimates that 23,000 deportable prisoner aliens pass through its prison system annually, at a cost of $75 million.

The Federal Government ought to guarantee States do not have to pay the huge costs of incarcerating illegal immigrants.

The Congressional Budget Office estimates that it would currently cost the Federal Government $600 million to reimburse States and localities for incarcerating criminal illegal aliens. Four States are suing the Federal Government for reimbursement of the costs incurred due to illegal aliens—for their education, health care, and incarceration.

Since 1977, the United States and over 30 countries have entered into treaties to transfer foreign national prisoners, allowing the prisoners to return to their home countries to carry out the balance of their prison terms. These treaties not only allow prisoners to return to their homeland, but they also reduce the financial burden that is placed on countries who must bear the burden of incarcerating foreign nationals. Despite these treaties, we still have a surplus of foreign nationals in our prisons.

The United States houses prisoners from over 55 nations, largely from Mexico, Colombia, the Dominican Republic, Jamaica, and Canada.

While 30 countries have signed prisoner transfer treaties with the United States, only some 1,000 prisoners have been returned to their home country prisons since 1977. And, some 1,300 U.S. prisoners have been returned to the United States.

Again, it is the criminal illegal alien that I am concerned with. That's why:

First, I have worked with Attorney General Reno to tighten border patrol. And I closely monitor the progress the INS is making to improve the effectiveness of the border patrol.

Second, I have also supported the Graham bill that would fully reimburse States for the costs of incarcerating illegal aliens. And, I am pushing for the Appropriations Committee to act on the administration's request to appropriate $350 million to the States to reimburse them for incarcerating illegal aliens.

Third, I am working on my legislation and working with other Senators on legislation to improve border patrol and improve our alien deportation system.

And, today, Senator LAUTENBERG and I are introducing the Prisoner Transfer Equity Act, to reduce the number of illegal alien criminals in our prisons. The Prisoner Transfer Equity Act asks the President to renegotiate existing prisoner transfer treaties and to begin negotiating treaties with countries that have not already agreed to participate in this international program.

To encourage countries to enter into prisoner transfer treaty negotiations, our bill asks the President to withhold—until progress is made—up to 10 percent of a country's foreign aid.

The States and Federal Government cannot sustain the costs of incarcerating illegal aliens. This legislation will start a process for improving the International Prisoner Transfer Program, which will help reduce the burden placed on our criminal justice system, and on the taxpayers, by the large number of criminal illegal aliens.•

By Mr. GRASSLEY:

S. 2176. A bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the medicare-dependent, small, rural hospital payment provisions, and for other purposes; to the Committee on Finance.

THE MEDICARE DEPENDENT HOSPITAL PROGRAM EXTENSION ACT OF 1994

• Mr. GRASSLEY. Mr. President, I am introducing today a bill to extend the Medicare Dependent Hospital Program for 5 years. I also intend to support, as part of the Senate Finance Committee's health system reform legislation, and expansion and modification of the Essential Access Community Hospital Program which would enable these hospitals to use the breathing space provided by an extension of the Medicare Dependent Hospital Program to modify and rescale their missions.

My legislation would not extend the program as it was originally enacted by the Omnibus Budget Reconciliation Act of 1989; rather it would extend for 5 years the provisions contained in the Omnibus Budget Reconciliation Act of 1993. That legislation provided reimbursement for these hospitals at 50 percent of the reimbursement authorized under the original law and ended the program as of October 1994. The OBRA '93 provisions were originally introduced by Senator DOLE and myself in the 102d Congress as S. 3117. These provisions were included in H.R. 11, which was vetoed by President Bush. They were finally enacted in OBRA '93.

The Medicare Dependent Hospital Program was originally designed to assist small—100 beds or less—rural hospitals with not less than 60 percent of inpatient days or discharges attributable to Medicare.

So, the hospitals benefiting from this program are small rural hospitals providing an essential point of access to hospital or hospital-based services in rural areas and small towns around Iowa.

Obviously, as those of my colleagues who have followed and participated in our debates about the health care needs of rural areas know only too well, if we lose these hospitals, we will also have a hard time keeping physicians in those communities.

When Senator DOLE and I, with the help of Senator BENTSEN, crafted the extension contained in OBRA '93, we assumed that the coterminous phasing out of the urban-rural differential would provide additional reimbursement for these hospitals that would make up for what might be lost by the phasing out of the Medicare Dependent Hospitals programs.

That assumption was wrong. At least it was very wrong for Iowa. We have 44 hospitals in Iowa which fall in the Medicare dependent hospitals category. Twenty-five of those hospitals receive a higher reimbursement than they would if they used the regular reimbursement formula.

When this program ceases in October this year, these 25 hospitals will lose a total of $3 million, according to estimates made by the Iowa Hospital Association. The losses for individual hospitals will vary from a low of $3,635 to a high of $248,000. Fourteen of these hospitals are projected to lose more than $100,000.

Thirteen of these hospitals had negative operating margins in 1992. Those negative margins included whatever benefit these hospitals were realizing from the Medicare Dependent Hospital Program. Those negative operating margins varied from minus $13,000 to minus $726,000.

So, obviously, if the projections are correct, those hospital with negative margins are going to have even larger negative margins. Worse, all but 10 of the hospitals will end up with negative margins. And the 10 with positive margins will find those margins very substantially reduced.

The bottom line is that many, probably most, of these hospitals are going to have a very difficult time continuing to exist when this program expires.

Mr. President, in addition to introducing this bill and working for its passage, I am working with a group, convened by Senator DASCHLE, of other Senate Finance Committee members to develop a number of rural health initiatives that we hope can be included in the Finance Committee's health system reform plan.

Among those initiatives is one which would expand and modify the Essential Access Community Hospital and Rural Primary Care Hospital Program. My hope is that this initiative, if enacted, would enable these Medicare dependent hospitals in Iowa to modify and rescale their operations so they could still qualify for participation in the Medicare Program but would not have to remain full-scale hospitals with the expensive overhead that entails.

So, to repeat, an extension of the Medicare Dependent Hospital Program, together with an expansion and modification of the EACH/RPCH program, would enable these hospitals to modify their missions in a deliberate and nondisruptive way and continue to provide essential health care services in their communities.•

By Mr. LAUTENBERG:

S. 2177. A bill to ensure effective congressional oversight of overseas military base support carried out by NATO host countries for the United States as payments-in-kind for release of United States overseas military facilities to such countries and to reduce the deficit; to the Committee on Armed Services.

RESIDUAL VALUE PAYMENTS ACT OF 1994

Mr. LAUTENBERG. Mr. President, I rise to introduce a bill dealing with a problem I have been studying for many months: residual value payments. Now that may not sound interesting. But it sure is important. Because "residual value" refers to the money we are supposed to get from our Allies in exchange for the infrastructure we leave behind in Europe as we withdraw our troops and turn our bases over to host nations.

The bill I am introducing today is intended to accomplish three goals. First, it would put the Senate on record as supporting negotiations which would result in residual value payments being made in cash rather than in-kind contributions. Second, it would ensure that any in-kind contributions are used as a substitute for American taxpayer dollars to pay for projects specifically requested in the defense budget. Third, it would guard against potential wasteful spending by requiring that only projects specifically authorized by Congress can receive in-kind contributions.

Mr. President, the United States has invested $6.5 billion in the military infrastructure in NATO countries. As part of an overall plan to reduce United States troop strength in Europe from 323,432 in 1987 to 100,000 by the end of 1996, the Pentagon announced plans to close or reduce our presence at 867 military sites overseas. Most of the military sites overseas announced for closure are in Europe, where America has already closed 434 military sites.

When the United States closes bases in Europe, we bring our troops home, but we leave a valuable infrastructure—buildings, roads, sewers, and other physical improvements—behind. Through a series of residual value agreements, some Allies have agreed to pay the United States for the value of what we leave behind.

Although our military drawdown has increased since 1990, our European Allies have been slow to provide residual value payments. So far, the United States has recouped only $33.3 million in cash, and most of that was recovered in 1989.

Although we have already turned over 60 percent of the military sites scheduled for closure in Germany to that government, and although the value of those sites is estimated to be approximately $2.7 billion, the German Government has only budgeted $25 million this year to compensate the United States for its investment.

Mr. President, in order to defend Europe, the American taxpayer invested billions in the infrastructure of NATO countries over the years. As we bring our troops home and turn over facilities to host nations, the American people deserve to be fairly compensated for the value of their investment in the defense of Europe.

To establish a system for securing cash contributions, Congress created the Department of Defense military facility investment recovery account several yeas ago. Cash from residual value negotiations was to be deposited in the account, and the Congress was to subsequently appropriate those funds to meet DOD needs. Congress later gave the administration the authority to negotiate for in-kind contributions, recognizing that there might be times when the administration would be unable to recover contributions in cash.

Mr. President, while I am aware that these negotiations are difficult, I believe the Department of Defense has too easily abandoned negotiations for cash in favor of in-kind contributions that the administration will too easily accept in-kind contributions from Germany, where the DOD now says our investment on facilities to be turned over is $2.7 billion.

Although the American economy has been sagging, administration officials have continually sited German economic problems and political considerations as a reason to seek in-kind contributions. This same thinking pervades our burdensharing negotiations, and is why, I believe, the administration has been unable or unwilling to encourage the Allies to increase their cash contributions to cover a greater share of our overseas basing costs in Europe.

In Germany and elsewhere, the administration ought to be tough in its negotiations on behalf of the American taxpayer. It ought press hard for cash. In-kind contributions should be accepted only as a last resort.

To this end, the bill I am introducing today states that as a matter of policy, the administration should enter negotiations with each host nation with a presumption that payments to compensate the United States for our capital investment will be made in cash and deposited into the Department of Defense overseas military facility investment recovery account. It states that the administration should only enter into negotiations for in-kind payments as a last resort and only after negotiations for cash payments have finally failed.

Mr. President, the bill I am introducing today would also create a stronger link to the budget process.

Currently, there is no apparent connection between the administration's negotiations for in-kind contributions and the budget process. Although negotiations are underway for hundreds of millions of dollars worth of projects, the Pentagon is not required to return directly to the U.S. taxpayer's what it gets from other countries. In theory, what we get from them ought to be substitute for what we would have had to pay for ourselves. Instead, it appears that what we get from the Allies is added to what the Pentagon gets from us—and the net result is more spending overall and less spending under the direct control of the Congress.

For example, in fiscal year 1995, the administration is asking the Congress to provide approximately $230 million for the NATO infrastructure account. Although the administration is seeking hundreds of millions and ultimately billions of in-kind contributions from our allies in Europe to cover residual value obligations, the allies are not being asked to apply those contributions to the NATO infrastructure account so the United States will need to contribute less.

Nor are the allies being asked to offset the tens of millions of dollars worth of military construction projects the administration has asked the Congress to fund in Europe. Instead, they are being asked to pay for construction projects the Pentagon has decided are priorities completely outside the budget process.

In Germany, for example, the administration has submitted a budget which asks the Congress to authorize and appropriate approximately $22 million for military construction projects. Although residual value negotiations should generate hundreds of millions of dollars worth of in-kind contributions for military construction projects, the Pentagon is not asking the Germans to pay for any of the $22 million worth of projects it has identified as priority projects in the budget.

Mr. President, if the administration secures in-kind contributions through residual value obligations, it ought to tell the Congress and the American people that we need to spend less on other programs—military construction, NATO infrastructure, real property maintenance—that the Pentagon has identified as priorities in the budget process. It ought to be an active partner in the effort to help reduce the deficit and return to the taxpayers some of their significant financial investment in Europe.

To this end, the bill I am introducing would state that, as a matter of policy, to the extent that in-kind contributions are secured in lieu of cash payments, they should be used to directly offset costs that would otherwise be incurred by the Department of Defense.

Under current law, the Pentagon is required to submit a written notice to the congressional defense committees containing a justification for entering into negotiations for payments-in-kind with the host country before it seeks in-kind contributions. The bill I am introducing today would require the Pentagon, at the same time it submits this justification, to identify the areas of the budget for overseas requirements—either the current year or in the upcoming year—that could be reduced if such in-kind contributions are secured. Finally, 30 days before the Pentagon enters into an agreement with a host country to accept an in-kind contribution, the bill would require the Pentagon to submit a rescission request, identify the areas of the budget for the upcoming year in which appropriations could be reduced as a result of in-kind contributions, or some combination of the two.

The bill I am introducing today would also require a congressional authorization for military construction projects secured through in-kind contributions.

Mr. President, the Congress is required to approve military construction projects by law. It is not the role of the German Government or any foreign government to set our budget priorities. If residual value payments were secured in cash from the Allies, the Congress would authorize and appropriate those funds. The Congress should play the same role in approving military construction projects secured as in-kind contributions.

There has been abuse in the system even with congressional oversight. Without congressional oversight and with billions of dollars' worth of in-kind projects at stake, we do more than invite waste, fraud, and abuse—we virtually require it.

Look at what happened at the Ramstein Air Base in Germany in the late 1980's. In 1989 the Department of Defense Office of the Inspector General found that the Ramstein Air Base had inappropriately used taxpayer money at officers' clubs to buy a $6,800 snooker table, to buy party equipment—like cocktail, champagne, and wine glasses—and to upgrade the officers club.

I'd like to keep Ramstein Air Base a unique example. I fear it will be all too common unless we get control over the use of the purposes for which in-kind contributions can be used.

I am not, of course, arguing against giving our military the kind of facilities they deserve. That isn't the point. The point is simply that even with oversight, fraud can happen. Wasteful spending can slip through the cracks. The system can be abused. Imagine what could happen with little or no congressional oversight.

My bill is intended to ensure the Congress will have oversight of the system in an effort to guard against wasteful spending. I want to ensure that tax dollars will not be inappropriately used on pool tables at officers' clubs. I want to be sure that the German Government will not be determining our budget priorities. To accomplish this goal and ensure appropriate oversight, the Congress needs to authorize all military construction projects, even if they are secured as in-kind contributions from the Allies for the billions they owe us.

Mr. President, I urge colleagues to support this bill, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) The United States has invested $6,500,000,000 in military infrastructure in North Atlantic Treaty Organization (NATO) countries.

(2) As part of an overall plan to reduce United States troop strength in Europe from 323,432 in 1987 to 100,000 by the end of 1996, the Department of Defense plans to close or reduce United States military presence at 867 military sites overseas.

(3) Most of the overseas military sites announced for closure are in Europe where the

United States has already closed 434 such sites.

(4) When the United States closes military sites in Europe, the United States brings the military personnel home but leaves buildings, roads, sewers, and other real property improvements behind.

(5) Through a series of so-called "residual value" agreements, some allies have agreed to pay the United States for the value of the real property improvements left behind.

(6) Although the United States military drawdown has been rapid since 1990, European allies have been slow to pay the United States the residual value of the sites released by the United States.

(7) As of 1994, the United States has recouped only $33,300,000 in cash, and most of that was recovered in 1989.

(8) Although the United States has released to Germany over 60 percent of the military sites planned for closure by the United States in that country and the current value of United States facilities to be returned to the German government is estimated at approximately $2,700,000,000, the German government has budgeted only $25,000,000 for fiscal year 1994 for payment of compensation for the United States investment in such improvements.

SEC. 2. POLICY.

It is the sense of Congress that—

(1) the President should redouble efforts to recover the value of the United States investment in the military infrastructure of NATO countries;

(2) the President should enter into negotiations with the government of each NATO host country with a presumption that payments to compensate the United States for the fair market value of improvements will be made in cash and deposited in the Department of Defense Overseas Military Facility Investment Recovery Account;

(3) the President should enter into negotiations for payments-in-kind only as a last resort and only after informing the Congress that negotiations for cash payments have not been successful; and

(4) to the extent that in-kind contributions are received in lieu of cash payments in any fiscal year, the in-kind contributions should directly offset costs that would otherwise be incurred by the Department of Defense for overseas base support that has been approved by Congress or for overseas base support requested by the President in the budget submitted to Congress for the succeeding fiscal year.

SEC. 3. REQUIREMENTS AND LIMITATIONS RELATING TO PAYMENTS IN KIND.

(a) REQUIREMENT FOR JUSTIFICATION FOR NEGOTIATIONS FOR PAYMENTS-IN-KIND.—Subsection (e) of section 2921 of the National Defense Authorization Act for Fiscal Year 1992 (10 U.S.C. 2687 note) is amended—

(1) by inserting "(1)" after "NEGOTIATIONS FOR PAYMENTS-IN-KIND.—";

(2) by striking out "a written notice" and all that follows and inserting in lieu thereof "to the congressional defense committees (and one additional copy to each of the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives) a written notice regarding the intended negotiations."; and

(3) by adding at the end the following new paragraph:

"(2) The notice shall contain the following:

"(A) A justification for entering into negotiations for payments-in-kind with the host country.

"(B) The types of benefit options to be pursued by the Secretary in the negotiations.

"(C) The specific overseas base support activities (for which funding has either previously been approved by Congress or requested in the latest budget transmitted by the President to Congress pursuant to section 1105(a) of title 31, United States Code) that could be curtailed, eliminated, terminated, or withdrawn to reduce the amount of United States overseas base support spending by an amount not less than the fair market value of the improvements to be released to the host country in exchange for the payments-in-kind.".

(b) DEFICIT REDUCTION THROUGH PAYMENTS-IN-KIND.—Such section is amended by adding at the end the following new subsection:

"(h) DEFICIT REDUCTION THROUGH PAYMENTS-IN-KIND.—(1)(A) Not less than 30 days before the Secretary of Defense enters into an agreement with a host country to accept from the host country any improvement as a payment-in-kind, the President shall—

"(i) submit to Congress a request for rescission of appropriations for overseas base support;

"(ii) submit to Congress a message recommending a reduction in the request for appropriations for overseas base support that is set forth in the budget transmitted to Congress pursuant to section 1105(a) of title 31, United States Code, for the fiscal year that begins in the year that the President submits the message to Congress; or

"(iii) a combination of actions under clauses (i) and (ii).

"(B) The total amount of the reductions proposed to be achieved in the proposed actions submitted pursuant to subparagraph (A) in the case of a payment-in-kind of a host country may not be less than the fair market value of the improvements to be released to the host country in exchange for such payment-in-kind.

"(2) The Secretary of Defense may not accept as a payment-in-kind any improvements to real property that, if undertaken to be made by the Department of Defense, would be subject to—

"(A) the requirement for authorization of appropriations for military construction set forth in section 114(a)(6) of title 10, United States Code, and

"(B) the requirement set forth in section 2802 of such title, relating to authorization of military construction projects by law,

unless such improvements comprise a military construction project that is authorized by law.".

(c) OVERSEAS BASE SUPPORT DEFINED.—Such section, as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(i) OVERSEAS BASE SUPPORT DEFINED.—In subsections (e) and (h), the term 'overseas base support' means—

"(1) military construction (as defined in section 114(b) of title 10, United States Code) outside the United States;

"(2) maintenance of real property outside the United States for the Department of Defense; and

"(3) contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code.".

ADDITIONAL COSPONSORS

S. 187

At the request of Mr. BURNS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 187, a bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 1494

At the request of Mr. BOND, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1494, a bill to amend the Social Security Act to improve the exchange of information relating to health care services, to provide for measurement of health care quality, and for other purposes.

S. 1587

At the request of Mr. SMITH, his name was added as a cosponsor of S. 1587, a bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1830

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1830, a bill to authorize funding for the Small Business Defense Conversion Program of the Small Business Administration, and for other purposes.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 1924

At the request of Mr. HATCH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1943

At the request of Mrs. KASSEBAUM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1943, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

S. 1981

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1981, a bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such Acts relating to orphan drugs, and for other purposes.

S. 2070

At the request of Mr. KOHL, the names of the Senator from Tennessee [Mr. MATHEWS] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2070, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation.

S. 2085

At the request of Mrs. HUTCHISON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2085, a bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such Act, and for other purposes.

S. 2102

At the request of Mr. STEVENS, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 2102, a bill to amend the Public Health Service Act to expand cancer screening and cancer treatment research, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 185

At the request of Mr. PELL, the names of the Senator from Illinois [Mr. SIMON], the Senator from California [Mrs. FEINSTEIN], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from North Carolina [Mr. HELMS], the Senator from Washington [Mr. GORTON], the Senator from Alabama [Mr. HEFLIN], the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 185, a joint resolution to designate October 1994 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 187

At the request of Mr. HOLLINGS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 187, a joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

SENATE JOINT RESOLUTION 193

At the request of Mr. LAUTENBERG, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Nevada [Mr. REID], the Senator from Washington [Mrs. MURRAY], the Senator from Illinois [Mr. SIMON], the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 193, a joint resolution to designate May 1995 "Multiple Sclerosis Association of America Month."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maryland [Mr. SARBANES], the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children [WIC] so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes.

SENATE RESOLUTION 220—RELATIVE TO PORTUGAL

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 220

Whereas June 10, Portugal's National Day, celebrates the life and work of the 16th century poet Luis Vaz de Camões of Portugal, whose work extols the courage and exploits of Portuguese explorers who sailed to points beyond the horizon;

Whereas thousands of Portuguese have embarked on their own voyages to the United States, and today over 2,000,000 Americans are able to trace their ancestry to Portugal;

Whereas Portuguese Americans have distinguished themselves as honest, hard-working, patriotic, and family-oriented;

Whereas Portuguese Americans have achieved an important place in American culture through their participation in the arts, commerce, academics, sports, politics, and religion;

Whereas Portugal and the United States have had friendly and cordial relations since American independence;

Whereas Portugal and the United States continue to work together, cooperating through their membership in the North Atlantic Treaty Organization, to promote peace and to adapt to the challenges of a changing world in light of the lifting of the Iron Curtain;

Whereas Portugal and the United States have a relationship based on mutual respect and a sharing of interests and ideals, particularly a deeply held commitment to democratic values; and

Whereas it is appropriate to honor Portuguese Americans and celebrate the unique contributions both have made throughout the history of the United States; and

Whereas it is appropriate to honor Portuguese people and their national day: Now, therefore, be it

Resolved, that Portugal is hereby recognized for its special relationship with the United States, and that Portuguese people are hereby recognized for their special contributions to the United States.

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

McCAIN (AND AKAKA) AMENDMENTS NO. 1766

Mr. McCAIN (for himself and Mr. AKAKA) proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the appropriate place insert the following new section.

SEC. . RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY.

The Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (title III of Public Law 102-581; 106 Stat. 495) is amended by adding at the end the following new section:

SEC. 306. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY FOR PROPELLER AND ROTOR DRIVEN AIRCRAFT

"(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration (FAA) and the Administrator of the National Aeronautics and Space Administration (NASA) shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

"(b) GOAL.—The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

"(c) PARTICIPATION.—In conducting the study required under subsection (a), the Administrator of the FAA and the administrator of NASA shall encourage the participation of the Department of Defense, the Department of Interior, the airtour industry, the aviation industry, academia and other appropriate groups.

"(d) REPORT.—Now less than 280 days after enactment of this section the Administrator of the FAA and the Administrator of the NASA shall transmit to Congress a report on the results of the study required under subsection (a).

"(e) RESEARCH AND DEVELOPMENT PROGRAM.—If the Administrator of the FAA and the Administrator of NASA determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct, an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.

GORTON AMENDMENT NO. 1767

Mr. GORTON proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . GAMBLING ON COMMERCIAL AIRCRAFT.

(a) AMENDMENTS.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 422. GAMBLING RESTRICTIONS.

"(a) IN GENERAL.—No air carrier or foreign air carrier may install, transport, or operate, or permit the use of, any gambling device onboard an aircraft in foreign air transportation.

"(b) DEFINITION.—In this section, the term 'gambling device' means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

"(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

"(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV, as amended by this Act, is further amended by inserting immediately after the item relating to section 421 the following new item:

"Sec. 420 Gambling restrictions.

"(a) In general.

"(b) Definition.".

(b) AVIATION SAFETY STUDY.—The Administrator of the Federal Aviation Administration shall, within 90 days after the date of enactment of this Act, complete a study of the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use. The study shall include an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft, and on issues relating to the method of payment. The Administrator shall, within 5 days after completing the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

(c) STUDY ON COMPETITION EFFECTS.—The Secretary of Transportation shall, within 90 days after the date of enactment of this Act, complete a study of the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets. The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

BOXER AMENDMENT NO. 1768

Mr. FORD (for Mrs. BOXER) proposed an amendment to the bill S. 1491, supra; as follows:

On page 13, after line 25, add the following:

SEC. 122. ASBESTOS REMOVAL AND BUILDING DEMOLITION AND REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding subsection (d) of section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), there is authorized to be appropriated in fiscal year 1995 from the Airport and Airway Trust Fund established by such section 9502 to the account for the Department of Transportation for facilities and equipment of the Federal Aviation Administration such amount as may be necessary to permit the Administrator of the Federal Aviation Administration to carry out asbestos abatement activities and the demolition and removal of buildings at the site of the vacant Air Force station located on Mount Tamalpais, Marin County, California. The amount authorized to be appropriated by the preceding sentence shall not exceed its share of the costs of carrying out such activities, demolitions, and removals.

(b) AUTHORITY TO USE FUNDS.—The Administrator may use the funds appropriated pursuant to the authorization of appropriations in subsection (a) to carry out the abatement activities and demolition and removal described in that subsection. Such funds shall be available for such purpose until expended.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 1769

Mr. FORD (for Mr. SIMON for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill S. 1491, supra; as follows:

Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation may approve an upward adjustment not to exceed $750,000, in the maximum obligation of the United States under an Airport Improvement Program grant issued to a reliever airport after September 1, 1989, and before October 1, 1989, in order to assist in funding increased land acquisition costs (as determined in judicial proceedings) and associated eligible project costs.

GRAMM AMENDMENT NO. 1770

Mr. PRESSLER (for Mr. GRAMM) proposed an amendment to the bill S. 1491, supra; as follows:

Strike all on page 22, lines 19 through 23, and insert the following:

"(3) The carrier involved has operated at the affected nonhub airport for 180 days or less;".

McCAIN AMENDMENT NO. 1771

Mr. FORD (for Mr. McCAIN) proposed an amendment to the bill S. 1491, supra; as follows:

At the end of section 104 of the committee amendment, insert the following language:

"Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue such regulations as may be necessary to ensure that no product shall be used for pavement maintenance or rehabilitation under this section unless the manufacturer of such product warrants to the satisfaction of the Secretary the performance of such product.".

SIMPSON (AND WALLOP) AMENDMENT NO. 1772

Mr. PRESSLER (for Mr. SIMPSON for himself and Mr. WALLOP) proposed an amendment to the bill S. 1491, supra; as follows:

On page 41 between lines 8 and 9, add the following:

SEC. . SENSE OF SENATE ON ISSUANCE OF REPORT ON USAGE OF RADAR AT THE CHEYENNE, WYOMING AIRPORT.

It is the sense of the Senate that the Secretary of Transportation—

(1) should take such action as may be necessary to revise the cost/benefit analysis process of the Department of Transportation to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports;

(2) should require the Administrator of the Federal Aviation Administration to reevaluate the aircraft radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region; and

(3) should report to Congress within 60 days following the date of the enactment of this Act on the results of the reevaluation of the aircraft radar needs of the Cheyenne, Wyoming Airport, and of Southeast Wyoming, and explain how military figures and concerns will be appropriately solicited in future radar decisions involving joint-use airport facilities.

JOHNSTON AMENDMENT NO. 1773

Mr. FORD (for Mr. JOHNSTON) proposed an amendment to the bill S. 1491, supra; as follows:

SEC. . MONROE AIRPORT IMPROVEMENT.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding section 16 of the Federal

Airport Act (as in effect on the date of transfer of Selman Field, Louisiana, from the United States to the city of Monroe, Louisiana), the Administrator of the Federal Aviation Administration is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the 1949 deed of conveyance, or any other deed of conveyance-occurring subsequent to that initial transference and before the date of enactment of this Act, under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Monroe, Louisiana, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

MIKULSKI (AND OTHERS) AMENDMENT NO. 1774

Mr. FORD (for Ms. MIKULSKI for herself, Mr. SARBANES, Mr. ROBB, and Mr. WARNER) propsed an amendment to the bill S. 1491, supra; as follows:

On page 18, line 19, strike the word "and"; On page 18, line 23, strike the word "carriers." and add: "carriers; and

(F) the impact of aircraft noise on affected communities." On page 20, line 14, strike the word "and"; On page 20, line 16, strike the word "carrier." and add: "carrier; and

(D) shall not result in a net increase in noise impact on surrounding communities resulting from both changes in timing of operations permitted under this paragraph."

D'AMATO (AND OTHERS) AMENDMENT NO. 1775

Mr. D'AMATO (for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, Mr. COCHRAN, Mr. CHAFEE, Mrs. KASSEBAUM, Mr. SPECTER, MR. BROWN, and Mr. GRASSLEY) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following new title:

TITLE ___—SPECIAL SUBCOMMITTEE ON WHITEWATER

ESTABLISHMENT OF THE SPECIAL SUBCOMMITTEE

SEC. ___01. (a) There is established a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to be known as the Special Subcommittee on Certain Allegations Concerning Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and Related Issues (hereafter in this title referred to as the "special subcommittee").

(b) The purpose of the special subcommittee is—

(1) to conduct an investigation into, and study of, all matters which have any tendency to reveal the full facts about—

(A) the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions;

(B) the relationship among Madison Guaranty Savings and Loan Association, other federally insured institutions, and Whitewater Development Corporation;

(C) the management and business activities of Whitewater Development Corporation and its shareholders, including issues of personal, corporate, and partnership tax liability;

(D) the policies of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls;

(E) the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency;

(F) the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association;

(G) the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(H) the pursuit by the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Savings and Loan Insurance Corporation of administrative and civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(I) the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association;

(J) the delayed recusal of the United States Attorney for the Eastern District of Arkansas from the investigation or prosecution of David Hale, Capital Management Services, Inc., and Whitewater Development Corporation;

(K) the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation;

(L) the Park Police investigation into the death of White House Deputy counsel Vincent Foster;

(M) the operations and underwriting activities of the Arkansas Development Finance Authority;

(N) the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton;

(O) the investment activities of Value Partners I, including the compliance of these activities with Federal laws governing conflicts of interest;

(P) any other issues related to the matters referred to in subparagraphs (A) through (O); and

(Q) any issues developed during, or arising out of, the hearings conducted by the special subcommittee; and

(2)(A) to make such findings of fact as are warranted and appropriate;

(B) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special subcommittee may determine to be necessary or desirable; and

(C) to fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

(c) For purposes of this section, the term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MEMBERSHIP AND ORGANIZATION OF THE SPECIAL SUBCOMMITTEE

SEC. ___02. (a)(1) The special subcommittee shall consist of—

(A) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the chairman;

(B) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the ranking member;

(C) 4 members of the Senate appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(D) 4 members of the Senate appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) Vacancies in the membership of the special subcommittee shall not affect the authority of the remaining members to execute the functions of the special subcommittee and shall be filled in the same manner as original appointments to it are made.

(3) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the special subcommittee shall not be taken into account.

(b)(1) The chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs shall be cochairmen of the special subcommittee.

(2) A majority of the members of the special subcommittee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that a quorum shall not be necessary for the purpose of taking testimony before the special subcommittee or for conducting the other business of the special subcommittee.

(c)(1) The special subcommittee shall promptly adopt appropriate rules and procedures consistent with this title.

(2) The rules and procedures of the special subcommittee shall—

(A) govern the proceedings of the special subcommittee; and

(B) consistent with section ___06 of this title—

(i) provide for the security of the records of the special subcommittee; and

(ii) prevent the unauthorized disclosure of information and materials obtained by the special subcommittee in the course of its investigation and study.

STAFF OF THE SPECIAL SUBCOMMITTEE

SEC. ___03. (a)(1) Committee staff from committees having jurisdiction over matters described in section ___01(b) shall be detailed to the special subcommittee, subject to availability, as requested by the cochairmen.

(2) In addition to staff detailed pursuant to paragraph (1) and to assist the special subcommittee in its investigation and study, the cochairmen, after approval of the special subcommittee, may appoint special subcommittee staff.

(3) All staff detailed pursuant to paragraph (1) or appointed pursuant to paragraph (2) shall work for the special subcommittee as a whole, shall report to the two cochairmen and, except as otherwise provided by the special subcommittee, shall be under the direction of the cochairmen.

(b) To assist the special subcommittee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special subcommittee.

(c) The Majority and Minority Leaders of the Senate may each designate one staff person to serve on the staff of the special subcommittee to serve as their liaison to the special subcommittee.

(d) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, investigatory, material, or other appropriate assistance may be required by the special subcommittee.

PUBLIC ACTIVITIES OF THE SPECIAL SUBCOMMITTEE

SEC. ___04. (a) Consistent with the rights of persons subject to investigation and inquiry, the special subcommittee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study as described in section ___01.

(b) In furtherance of the public's and Congress' right to know, the special subcommittee—

(1) shall hold, as either cochairman considers appropriate, open hearings on specific subjects, subject to consultation and coordination within the independent counsel appointed pursuant to chapter 28, part 600, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains a description of all relevant factual determinations consistent with subsection (a) of this section and section ___01(b)(2) and which contains recommendations for new legislation, if necessary.

POWERS OF THE SPECIAL SUBCOMMITTEE

SEC. ___05. (a) The special subcommittee shall do everything necessary and appropriate under the laws and Constitution of the United States to make the investigation and study specified in section ___01.

(b) The special subcommittee is authorized to issue subpoenas for obtaining testimony and for the production of documentary or physical evidence. A subpoena may be authorized and issued by the special subcommittee, acting through either cochairman or any other member designated by either cochairman, and may be served by any person designated by either cochairman or other member anywhere within or without the borders of the United States to the full extent permitted by law. Either cochairman of the special subcommittee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the subcommittee.

(c) The special subcommittee is authorized to do the following:

(1) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special subcommittee considers necessary or appropriate.

(2) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(3) To hold hearings, take testimony under oath, and to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(4) To request a grant of immunity under section 6005 of title 18, United States Code, after approved by the independent counsel.

(5) To require by subpoena or order the attendance, as witnesses before the special subcommittee or at depositions, of any person either cochairman determines may have knowledge or information concerning any of the matters the special subcommittee is authorized to investigate and study.

(6) To take depositions and other testimony under oath anywhere within the United States, to issue orders by either cochairman or any other member designated by either cochairman which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(7) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special subcommittee, acting through either cochairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(8) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the special subcommittee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions such subcommittee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(9) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the special subcommittee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such subcommittee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the subcommittee, or at a deposition, or at any time or place designated by the subcommittee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(10) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(11) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(12) To use, with the prior consent of the chairman or ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such other Senate committee whenever the special subcommittee or either cochairman consider that such action is necessary or appropriate to enable the special subcommittee to make the investigation and study provided for in this title.

(13) To have access through the agency of any members of the special subcommittee, staff director, chief counsel, or any of its investigatory assistants designated by either cochairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the special subcommittee is authorized to investigate or study;

(B) which is in the possession, custody, or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the special subcommittee to prepare for or conduct the investigation and study authorized and directed by this title.

(14) To report violations of any law to the appropriate Federal, State, or local authorities.

(15) To expend, to the extent the special subcommittee determines necessary and appropriate, any money made available to such subcommittee by the Senate to make the investigation, study, and reports authorized by this title.

(16) Under sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, to inspect and receive for the fiscal years 1977–1992 any tax return, return information, or other tax-related material, held by the Secretary of the Treasury, related to individuals and entities named by the special subcommittee as possible participants, beneficiaries, or intermediaries in the transactions under investigation.

(d) The level of compensation payable to any employee of the special subcommittee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate. No employee of the special subcommittee may receive pay at a rate of pay in excess of the rate of pay payable for a position at level III of the Executive

Schedule under section 5314 of title 5, United States Code.

PROTECTION OF CONFIDENTIAL INFORMATION

SEC. ___06. (a) All staff members and consultants shall, as a condition of employment, agree in writing to abide by the conditions of an appropriate nondisclosure agreement promulgated by the special subcommittee.

(b) The case of any Senator who violates the security procedures of the special subcommittee may be referred to the Select Committee on Ethics of the Senate for the imposition of sanctions in accordance with the rules of the Senate. Any staff member or consultant who violates the security procedures of the special subcommittee shall immediately be subject to removal from office or employment with the special subcommittee or shall be subject to such other sanction as may be provided in the rules of the special subcommittee.

(c) Upon the termination of the special subcommittee pursuant to section ___09 of this title, all records, files, documents, and other materials in the possession, custody, or control of the special subcommittee, under appropriate conditions established by such subcommittee, shall be transferred to the National Archives.

RELATION TO OTHER INVESTIGATIONS

SEC. ___07. (a) In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this title;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such investigation,

the special subcommittee is encouraged—

(A) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel;

(B) to seek the full cooperation of all relevant investigatory bodies; and

(C) to seek access to all information which is acquired and developed by such bodies.

(b) The cochairmen shall meet with the independent counsel to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the special subcommittee.

(c) The Senate requests that the independent counsel make available to the special subcommittee, as expeditiously as possible, all documents and information which may assist the special subcommittee in its investigation and study.

SALARIES AND EXPENSES

SEC. ___08. Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special subcommittee under this title, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof, in accordance with section ___05(c)(9). Payment of expenses shall be disbursed upon vouchers approved by either cochairman of the special subcommittee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

REPORTS; TERMINATION

SEC. ___09. (a)(1) The special subcommittee shall make a final public report to the Senate of the results of the investigation and study conducted by such subcommittee pursuant to this title, together with its findings and any recommendations at the earliest practicable date.

(2) The final report of the special subcommittee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(b) After submission of its final report, the special subcommittee shall conclude its business and close out its affairs as expeditiously as practicable.

SUBCOMMITTEE JURISDICTION AND RULE XXV

SEC. ___10. The jurisdiction of the special subcommittee is granted pursuant to this title notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

MITCHELL AMENDMENT NO. 1776

Mr. MITCHELL proposed an amendment to amendment No. 1775 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ___—COMMITTEE OVERSIGHT HEARINGS

SEC. ___01. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this title shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. ___02. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the hearings authorized by this title, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section ___01 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance; and

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this title.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. ___03. ADDITIONAL STAFF FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section ___02(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

SEC. ___04. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section ___01.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section ___01.

SEC. ___05. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section ___01.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no power to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this title.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section ___01(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this title. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this title.

SEC. ___06. RELATION TO OTHER INVESTIGATIONS.

(a) In order to—

(1) expedite the thorough conduct of the hearings authorized by this title;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

SEC. ___07. SALARIES AND EXPENSES.

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking "$56,428,119" and inserting "$56,828,419"; and

(2) in section 6(c) by striking "$3,220,767" and inserting "$3,620,767".

SEC. ___08. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section ___04(b) not later than the end of the 103d Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this title shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. ___09. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this title notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. ___10. COMMITTEE FUNDING AND RULE XXVI.

The supplemental authorization for the committee is granted pursuant to this title notwithstanding the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 9, 1994, at 2:30 p.m., in SD–628, on rural health care.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 9, 1994, at 8:30 a.m. and 2 p.m. in closed session, and on June 10, 1994, at 9 a.m., in closed session, to mark up the National Defense Authorization Act for fiscal year 1995 and other pending legislation before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, June 9, at 10 a.m. to hold a hearing on the Chemical Weapons Convention—Treaty Document 103–21.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on June 9, 1994 at 8 a.m., recessing at 12 noon, and reconvening in the afternoon and evening, for an executive session to consider the Health Security Act, and S. 1513 (H.R. 6), Improving America's Schools Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the fiscal year 1995 construction authorization for the Department of Veterans Affairs at 2:30 p.m. on Thursday, June 9, 1994. The markup will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, June 9, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE COURTS AND ADMINISTRATIVE PRACTICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on the Courts and Administrative Practices of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 9, 1994 at 2 p.m., to hold a hearing on the EEOC's harassment guidelines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., June 9, 1994, a continuation of its June 8 hearing to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO EAST WINDSOR VOLUNTEER FIRE COMPANY AND LADIES AUXILIARY 25TH ANNIVERSARY

• Mr. LAUTENBERG. Mr. President, I rise today to commend the members of the East Windsor Volunteer Fire Company No. 1 and Ladies Auxiliary on the occasion on the 25th anniversary of their incorporation.

Like many of our New Jersey towns, East Windsor relies on volunteer fire companies to protect its citizens and their property, and Fire Company No. 1 is one of the proudest and finest units currently operating in our State.

These dedicated men and women devote thousands of hours of their own time every year in training, drills, support activities, and in fighting fires. They respond willingly day and night, whenever they are needed, and they put their lives on the line frequently. Their only rewards are the gratitude of the citizens they help and the satisfaction of a job well done.

Mr. President, the extraordinary efforts of all volunteer fire fighters are deserving of our respect and commendation, but I am particularly proud today to be able to congratulate East Windsor Fire Company No. 1 and its Ladies Auxiliary on 25 years of outstanding work.•

OBJECTION TO APPOINTMENT OF CHARLES M. SEARCY TO POW/MIA SLOT

• Mr. SMITH. Mr. President, I rise today to express my complete opposition to efforts by the Clinton administration to politicize the Defense POW/MIA Office by appointing Charles M. Searcy, an anti-Vietnam war activist and Clinton/Gore fundraiser, to that office. According to a recent Washington Post story, sources at the Pentagon see this appointment to the unnamed high-ranking job as a political payoff for his campaign organizing and fund-raising. It has also been reported that the Assistant Secretary of Defense for International Security Affairs, Ambassador Charles W. Freeman, has appealed to Deputy Secretary John Deutch to stop this appointment.

It would be an unconscionable insult to the families of those still missing from the Vietnam conflict and to our Nation's veterans if the White House proceeded with this appointment. I would think President Clinton would be interested in healing his relations with the military and our veterans rather than causing greater divisiveness.

This potential appointment has already attracted widespread opposition from the National League of Families of Americans Missing and Prisoner in Southeast Asia, the national commander in chief of the Veterans of Foreign Wars, the national commander of AMVETS, and the national commander of Jewish War Veterans.

Mr. President, I ask that the statements in opposition to this appointment by each of these POW/MIA family and veterans organizations be entered into the RECORD following my remarks.

According to Mr. Searcy's résumé which he prepared in April 1994, Mr. Searcy states that he has a strong interest in POW/MIA families. It is clear that the largest POW/MIA family organization has no interest in Mr. Searcy.

Mr. Searcy, again according to his own résumé, was also involved in a fundraising effort among United States corporations designed to support the lifting of the United States embargo against Vietnam. As my colleagues know, President Clinton's subsequent decision to lift that embargo brought widespread condemnation from the Nation's largest veterans organizations and the POW/MIA families. For the White House to now add insult to injury by putting an anti-Vietnam war, normalization advocate in the office charged with accounting for our POW/MIAs is deeply offensive.

Mr. President, it is my sincere hope that the White House will not politicize the POW/MIA issue and offend our veterans and the POW/MIA families any more than he has already by proceeding with such an outrageous appointment.

The statements follow:

VFW CHALLENGES POW/MIA APPOINTMENT

WASHINGTON, DC, May 18, 1994.—An effort by the Administration to appoint a former Vietnam War protester to a highly sensitive Pentagon post dealing with the POW/MIA issue is being challenged by the Veterans of Foreign Wars.

The VFW Commander-in-Chief, George R. Cramer of Woodridge, Illinois, today said: "I am appalled the Administration would appoint Charles Searcy, a Vietnam anti-war protester, to the office responsible for recovering our wartime POW/MIAs. We do not believe anti-war protests provided aid and comfort to our POWs or hastened their release. Instead, these actions played into the hands of their communist captors. How did Mr. Searcy show his concern for our POWs by being an anti-war protester? Further, how has he shown his concern for the issue prior to his appointment and since the end of the war?

"We acknowledge that Mr. Searcy was a fundraiser and campaign worker for President Clinton during the election. However, his involvement in partisan politics certainly does not qualify him for appointment to a position this important and this sensitive. We believe Mr. Searcy's appointment is irresponsible and insensitive to a large number of veterans and most especially to those of us who fought the Vietnam War. It clearly is not 'politically correct.'

"The POW/MIA Office is no place for political patrons. Since there are many people available and well qualified for this office, selecting one of the very few veterans who was an anti-war protester is a slap in the face to the rest of us. The President should be able to do better and we urge him to do so."

POW/MIA FAMILIES OBJECT TO CLINTON APPOINTMENT

The League opposes the Clinton Administration's appointment of Charles Searcy to the Department of Defense POW/MIA Office. According to League Chairman of the Board Sue Scott, "In view of Mr. Searcy's background, it defies logic that he would be nominated for any POW/MIA-related position."

Alluding to Searcy's participation in antiwar protests as "the right of every American," Mrs. Scott stated, "Such behavior does not inspire confidence of family members and veterans that Mr. Searcy can objectively pursue POW/MIA accounting goals."

Searcy's active involvement with American business corporations interested in lifting the U.S. embargo against Vietnam also brought strong condemnation. According to Mrs. Scott, "The POW/MIA criteria set forth by President Clinton on July 2, 1993 still have not been met, yet Mr. Searcy advocated that the embargo be lifted. If the Clinton Administration wants to reward Mr. Searcy for his campaign support, some other appointment would be more appropriate," said Mrs. Scott, referring in part to the reported $160,000 raised by Searcy for the Clinton/Gore campaign.

JEWISH WAR VETERANS
OF THE U.S.A.,
Washington, DC, May 23, 1994.

President BILL CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Jewish War Veterans of the United States of America (JWV), this nation's oldest, active national veterans' organization opposes the appointment of Charles Searcy to head the Pentagon's POW/MIA Office.

Mr. Searcy was a Vietnam anti-war protestor, and by these actions, did not help in providing aid and comfort to our POW's in Southeast Asia. In fact, his actions buoyed the Communists and their mistreatment of our POW's.

His appointment is an insensitive act to veterans, and most especially those Vietnam veterans and those family members who still have loved ones unaccounted for in Southeast Asia. They are owed more than this irresponsible appointment.

The POW/MIA office is no place for political patronage. There are plenty of distinguished military personnel capable of handling the duties of this office. An anti-war protestor increases the perception, along with the lifting of the economic boycott against Vietnam, that this government is uncaring about the plight of this nation's veterans' community, their dependents and those who are still unaccounted for.

This decision should be reconsidered.

Sincerely,

EDWARD D. BLATT,
National Commander.

MAY 17, 1994.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express AMVETS' concurrence with Senator Thurmond and our strongest possible opposition to the appointment of Mr. Charles Searcy to any position within the Defense POW/MIA Office (DPMO).

The one quality required of anyone assigned to the DPMO is that of credibility. Unfortunately, Mr. Searcy's actions following his service in Vietnam have fatally damaged any possibility that he would be viewed as an honest broker on POW/MIA issues. Many families of those still missing sincerely believe that the kind of anti-war activities conducted by Mr. Searcy contributed to the loss of additional American lives and lengthened the captivity of many POW's. His appointment to the DPMO will only increase the appearance of government insensitivity to the strongly held beliefs of those involved with POW/MIA issues.

Since the actions of the POW/MIA Office have a great impact on the families, AMVETS feels the compassionate and wise decision would be to find another position within the government for Mr. Searcy.

Mr. President, AMVETS looks forward to your reply and your continued support for America's veterans.

Sincerely,

DONALD M. HEARON,
National Commander.●

ARIZONA ACHIEVERS IN THE 1994 "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

● Mr. DECONCINI. I would like to extend my congratulations to a class of students from Corona del Sol High School in Tempe, AZ, who competed in the "We the People . . . The Citizen and the Constitution" program. The class was among the top 10 winners at the national competition, held in Washington, DC, April 30 to May 2, 1994.

The Center for Civic Education administers the competition to help students understand the history and principles of the U.S. Constitution and the Bill of Rights. A simulated congressional hearing equips students with the tools to participate responsibly in our system of government.

The class from Corona del Sol demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional Government. Led by teacher Frank Mirizio, these young students competed against 47 classes from throughout the Nation: Camila Alarcon, Sean Aldous, Suping Ang, Alia Beard, Caroline Bentley, Brad Bowen, Carrie Brackett, Bonnie Brooke, Stacey Burdick, Marty Davis, Chris Dible, Shannon Dietz, Marney Dillon, Shaudi Divsalar, Mike Garcia, Erin Hansen, Stephanie Hartin, Craig Hayden, Brian Hofer, Becky Kimball, Jennifer Landis, Coby Larsen, Marie Letellier, Phil McKeown, Zac Mortensen, Andy Price, Jeff Rensel, Nathan Sandvig, Johnathan Scheid, Karalee Scholes, Jared Speicher, Michelle Stalter, Nghi Vuong, and Erik Youngblood.

As we all know, the future of this Nation lies in the hands of our youth. These students exemplify the finest of Arizona's and our Nation's youth and deserve to be commended for their achievements. It is a pleasure to know that many of these students will become the future leaders of tomorrow. I ask my colleagues to join me, along with many Arizona citizens, in honoring Mr. Mirizio and his class for participating in this event and for their remarkable achievement. They are very proud of their accomplishments and we know our future is in good hands.●

NATIONAL WOMEN IN AGRICULTURE DAY

● Mr. DASCHLE. Mr. President, I want to take this opportunity to praise American agriwomen, and the role they play in modern agriculture. Whether working in the fields, operating farm machinery, keeping the books, or accomplishing a number of farm chores, America's farm women have been equal partners in making American agriculture the most productive in the world today.

Also, I want to point out that President Clinton issued a proclamation recognizing today as "National Women in Agriculture Day." I am proud that the idea for this proclamation came from a constituent of mine, Carol McKenna, of Zeona, SD. Mrs. McKenna is a former longtime member of the South Dakota Farmers Union Board of Directors and a National Farmers Union delegate to the Agricultural Women's Leadership Network 1994 Agricultural Women's Forum. The forum is being held this week in Washington, DC, where the delegates will participate in seminars on health care reform, trade policy, and other issues critical to rural America.

It is appropriate that "National Women in Agriculture Day" occur during this meeting when women from all parts of rural America get together to discuss rural issues.

Mr. President, I ask to include the proclamation as part of the RECORD.

The proclamation follows:

NATIONAL WOMEN IN AGRICULTURE DAY, 1994

(By the President of the United States of America)

A PROCLAMATION

Few images are more traditionally American than the vast geometric tapestry of plowed fields and lush crops that carpet our country. Since our Nation's founding, farms have defined both the topography of our land and the steadfastness of our national character. Farm families take particular pride in knowing that women—as field workers and financial managers, as mothers and homemakers—have been a vital, driving force in sustaining this essential enterprise from its beginnings.

Today, American agriculture encompasses farm more a quiet picture of pastoral beauty. Our Nation's farmers grow the food that feeds the world. Merging old-fashioned know-how with the latest innovations in production technology, farmers across the United States work to ensure that our markets are filled with low cost, high-quality goods. With wise leadership and firm support, women in their myriad roles in our agriculture industry reflect the proud American commitment to excellence.

As we celebrate National Women in Agriculture Day 1994, we recognize new ways in which women's energy and determination are helping to keep our agricultural system strong. Whether in investigating the ecosystem of a Brazilian rain forest or in exploring new opportunities in international trade, women are working to enhance efficiency and competitiveness in American agribusiness—a mission that benefits all of the Earth's people.

With an abiding love for their families and a deep understanding of the challenges farmers face, women have urged our Nation to action in areas from environmental protection to providing health care to every one of our citizens. Their personal experiences of hard work and cooperation have made the world of American agriculture thrive. Just as important, they have demonstrated to all of us the strength of compassion and the power of perseverance. For this lesson and for the gifts of their labor we enjoy every day, our Nation's women in agriculture have our heartfelt gratitude.

Now, therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 9, 1994, as "National Women in Agriculture Day." I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

In witness thereof, I have hereunto set my hand this thirty-first day of May, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and eighteenth.●

IN RECOGNITION OF OREGON MUTUAL INSURANCE CO.

● Mr. HATFIELD. Mr. President, I thank my colleagues for this opportunity to share with them the story of a successful company well known to the people of Oregon.

The Oregon Mutual Insurance Co. has served Oregonians for 100 years since its founding in 1894. It began as the Oregon Fire Relief Association, started by early pioneers interested in creating a mutual insurance company in which all policyholders would agree to protect one another during times of need.

Today, the Oregon Mutual Insurance Co. carries on in the same pioneering, resilient spirit upon which the company was founded, extending neighborly assistance to those in need. Sustaining a strong, viable company for 100 years is an admirable accomplishment. With assets of nearly $100 million and a staff of 270, Oregon Mutual now serves policyholders throughout Oregon, Idaho, Washington, and California.

Maintaining a strong foundation in local communities, Oregon Mutual takes great pride in living up to its responsibilities as a good corporate citizen. Oregon Mutual has served the public well by protecting the interests of policyholders. Oregon Mutual Insurance Co. has a proud heritage and a solid foundation to carry the company into the future.●

MEASURES INDEFINITELY POSTPONED—S. 1111, S. 483, AND S. 1159

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Nos.

234, 237, and 238 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, June 10; that following the prayer the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that immediately following the announcement of the Chair, the Senate vote on a motion to instruct the Sergeant at Arms.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I ask that following a colloquy with Senator FORD I be recognized to address the Senate, and that upon the completion of my remarks, the Senate stand in recess, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. If the majority leader will yield for a minute, we have the airport improvement reauthorization bill, and the Whitewater amendment, and the amendment in the second degree on this bill. I am trying to maybe find out how we are going to operate tomorrow or next week, and if we could, tomorrow, attempt to limit the number of amendments as it relates to the aviation part of the legislation. Does the majority leader think that might be doable tomorrow?

Mr. MITCHELL. I believe we should attempt to do that, and we will attempt to do that.

Mr. FORD. That is fine. I want to expedite it. I believe we have Senator METZENBAUM and Senator HARKIN with the only amendment, and Senator DOLE has a colloquy he wants to insert in the RECORD. So we are very close to being finished with that bill. I would like to do that as rapidly as possible, as would, I am sure, the majority leader. I appreciate his help.

I thank the Chair and the majority leader.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, in the last several hours, several Republican Senators have come to the Senate floor to discuss the so-called Whitewater matter. I want to take a few moments to respond to some of the statements which have been made.

Before doing so, I want to note that a funny thing happened on the way to the Senate floor. For weeks, our Republican colleagues have been giving speeches and holding press conferences and issuing statements demanding a vote in the Senate on the Whitewater matter. The chant became a veritable mantra: We want a vote on the Whitewater matter.

Well, Mr. President, here we are in the Senate, and we have debated the Whitewater matter for several hours. We are prepared to vote, we would like to vote, and now our Republican colleagues will not permit a vote to occur.

After all of these weeks, and all of these statements, and all of these demands, and all of these ultimatums, saying they want to vote on Whitewater, here we are ready, willing, able, and eager to vote on Whitewater, and our Republican colleagues now will not permit a vote on it.

In effect, they are filibustering their own issue. They have apparently become so addicted to the filibuster to delay matters in the Senate, that they are now delaying their own issue. They are preventing a vote from occurring on the very issue on which they have been demanding a vote for weeks.

Why is that so? Why, the American people may ask, would a group of Senators who have been saying for weeks we want a vote, we demand a vote, we insist on a vote, now when they have a chance for a vote, not only refuse to vote but will not let anyone else vote on it?

The answer is obvious. They are not interested in a vote on the Whitewater issue. They are not interested in an investigation of the Whitewater issue. They are interested in a political circus to attack President Clinton.

Otherwise unexplainable actions, some others of which I will describe here in a moment, all become understandable and explainable when you realize the motive behind this is raw partisan politics. Any weapon they have to throw at President Clinton they will do so. And that is what this is all about.

Nearly 70 percent of the American people in poll after poll have confirmed that they know—they know—that the Republican effort on Whitewater is purely political, that they are not really interested in an investigation, and everything that has occurred on the Senate floor today confirms that judgment. This is a political circus. It is not a serious inquiry. This has one motive and one motive only, and that is to attack President Clinton.

A year ago we in this Senate debated the important and controversial issue of our Nation's economic policy, and Republican Senator after Republican Senator—many of the same Senators who stood here today—got up and said if the President's economic plan passes the deficit will go up, unemployment will go up, and economic growth will go down. And every single one of them voted against the President's economic plan.

It passed. And what has happened since then? The opposite of what they said would happen. The deficit has gone way down, unemployment has gone way down to the lowest level in many years, and economic growth is way up.

In the first year of President Clinton's administration, more jobs were created in America than in the previous 5 years of Republican administrations. And the economic growth in the country has been so rapid that the Federal Reserve Board has raised interest rates four times in the last months to try to slow down economic growth.

Well, of course we have seen the long faces on the Republican side of the aisle as the good economic news has come rolling across the country. They do not have an economic program, they do not have a program to create jobs in America. I would like to ask this question: Everybody in America knows the Republican program on Whitewater. Is there a single person in America who knows the Republican program for economic growth and job creation? The answer is no, because there is not one.

For all colleagues this Whitewater issue is like manna from heaven. Lacking any program of their own to deal with the serious problems of the country, not having anything positive to say, here comes Whitewater and it is great ammunition to throw sticks and stones at President Clinton.

That is what it is all about. That is what it is all about. They figure if they throw enough at him some of it will stick.

We have heard here on the Senate floor today some wild statements, reckless statements, in an attempt by innuendo to criticize President Clinton. Americans have heard the word "innuendo" a lot. If you look it up in the dictionary what it says is it is a veiled reference to criticize someone's character or reputation.

Ladies and gentlemen of America, we have seen innuendo in action here in the Senate all day today. Statements like this: millions of dollars through accounts; four verified attempts on a person's life; money laundering, none of which has anything to do with President Clinton, but all of which were stated by Republican Senators in an effort to suggest by innuendo that President Clinton has something to do with these matters.

Mr. President and Members of the Senate, we are seeing raw partisan politics. The American people know what is going on here, and everything that has occurred here this afternoon has confirmed their judgment.

Let me respond to some of the comments that were made here today before making a few concluding remarks.

First, how many times have we heard speeches by Republican colleagues criticizing investigations that are open ended with no time limit, no spending limit, that go on too long and cost too much? Dozens, hundreds of times. Yet, here come our Republican colleagues with a resolution to have an investigation with no time limit, no money limit, and virtually no limit on the scope, completely open ended; the opposite of their statements on the subject.

With respect to the length of time, we were told today that for just this preliminary phase of the investigation, going to the end of this year is not long enough, half a year is not long enough to have an investigation on these limited subjects. And yet, when we had the Iran-Contra matter before us, the Republican position was that the entire investigation should be completed in 2 weeks. That was the position advanced by Republican Senators in Iran-Contra, that the entire investigation should be completed in 2 weeks. And the same Republican Senators now come and say that the rest of this year is not long enough to investigate the limited subjects before us.

It was argued here today by our colleagues that the resolution approved by the Senate by a vote of 98 to 0 on March 17 of this year offered support for their contention that the scope of our resolution is too narrow. And in support of that they quoted from section (B) of that resolution which provided for appropriate congressional oversight, including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc.

What they did not quote was paragraph (D) of the same resolution which provides the hearings should be structured and sequenced—and sequenced—in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

That is precisely what the resolution we have offered proposes to do, structure the hearings in a sequence that does not interfere with the special counsel's investigation. So that this phase of the Senate hearings would be limited to those phases of the special counsel's investigation that are completed, and remaining hearings would occur when the remaining phases of his investigation are completed.

The resolution we have offered is precisely consistent with, and directly implements, the resolution passed by the Senate by a vote of 98 to 0 and supported by every Republican Senator who voted on it. By contrast the resolution offered by our Republican colleagues would directly contradict the resolution of March 17 and directly interfere with and undermine the special counsel's investigation.

Furthermore, the resolution offered by our Republican colleagues creates a new and unprecedented power that in the time we have had to research it has never been granted in the Senate.

And when I asked the author of the resolution if there was any authority or precedent for this power, he said he knew of none. That is the power in their resolution that would give the ranking Republican member on the committee independent authority to issue subpoenas. We can find no record of that having occurred in the Senate before.

And yet, this brand new, sweeping, unprecedented power is requested in their resolution. Why? For obvious reasons. They know that legitimate subpoenas will be authorized in accordance with the Senate's rules and established procedures and Senate precedents. They want the right to go on completely independent fishing expeditions. That is what this is, a fishing expedition— "Let's see if we can find something else to throw at President Clinton. Maybe somewhere there is something that somebody can use to attack the President's character or reputation."

That is what this is all about, and Americans know it.

Mr. President, of all of the statements that were made today by our Republican colleagues, perhaps the one that is the most incredible and most difficult to accept was the statement made by our colleagues that they are really doing this to help President Clinton.

Now, we have all heard some tall tales told in the U.S. Senate. But I ask, is there a Member of the Senate who believes that the Republican Senators are demanding this Whitewater investigation because they really want to help President Clinton? Is there a person listening to this debate who believes that? Is there a person in America who believes that? I do not think there is a single American who believes the statement made today by our Republican colleagues that they are pushing this Whitewater investigation because they really want to help President Clinton.

I can only say this to President Clinton: With friends like these, you do not need any enemies.

Mr. President, that is so obviously incorrect, so transparent, I am surprised people can stand up and say it with a straight face. But I suppose, having said all of the other things that they have said, it should not be surprising.

Let me repeat now what I have said over and over again privately and publicly. The Senate has a serious constitutional and legal responsibility to meet in this matter. It will do so. It will do so at a time and in a structure and under a circumstance which does not interfere with or undermine the special counsel's investigation. We will not be a party to a political circus, no matter how hard our colleagues try to make it one.

Our Republican colleagues asked for the appointment of a special counsel. A special counsel was appointed. He is a Republican, a lifelong Republican, an experienced prosecutor, whose appointment was praised by our Republican colleagues. They heaped lavish praise on his integrity.

But no sooner had he assumed the position when they reversed themselves and began to ask for immediate congressional hearings, even though that special counsel, in public and private statements and in writing, asked that there not be a congressional investigation that interferes with his ongoing investigation.

Having got what they wanted in the special counsel, having praised the special counsel, they then shifted gears to demand immediate congressional hearings.

And this zigging and zagging, flipping and flopping, shifting back and forth is all understandable if you understand that they are not serious about an investigation.

What they really want to do is to use it as a weapon to attack President Clinton. That became clear on the issue of immunity.

Mr. President, nothing said here today exposes more clearly the motive involved on the other side. In the resolution approved by the Senate in March by a vote of 98 to 0, it is stated, "No witness called to testify at these hearings shall be granted immunity"—no witness shall be granted immunity. And that was put in at the request of our Republican colleagues.

Now, today, the author of the Republican amendment spends a great deal of time arguing why the committee should have the authority to grant immunity. After they requested that there be no immunity, after they all voted for a resolution which says explicitly, as clearly and plainly as the English language can be used, "No witness called to testify at these hearings shall be granted immunity," now, today, they tell us, "Oh, well, there really ought to be the power to grant immunity." It is a complete flip-flop. It is a complete zig-zag. It is a complete reversal.

It is understandable only if you understand the motive of what is going on here. The motive is not a serious investigation. The motive is to attack President Clinton any way they can.

Mr. President, I regret that we cannot vote on this matter tonight. I am disappointed that, after weeks and weeks of our colleagues demanding a vote on the matter, that, when we say, "OK, let's us vote," they say, "No, no, no; we can't vote."

They are actively preventing a vote from occurring on the very issue which they themselves have been publicly demanding a vote for several weeks. As I said, that is explainable only if you understand that they are not serious about a vote, not serious about an investigation but want only to keep the issue alive as a way of criticizing President Clinton.

Well, he is going to get past this and we are going to get past this. And at some point they will have to vote on their own issue or simply withdraw it. But I think their action in that regard makes clear the motive and the purpose here.

I hope my colleagues will decisively reject their alternative and will approve the resolution we have submitted to do the responsible, reasonable, appropriate thing, consistent with the Senate's legal obligation, consistent with the vote in the Senate of March, and consistent with and not undermining the special counsel's investigation.

Mr. President, I yield the floor.

RECESS UNTIL TOMORROW AT 10 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 9:48 p.m., recessed until Friday, June 10, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1994:

DEPARTMENT OF STATE

ELIZABETH FRAWLEY BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

BRIAN J. DONNELLY, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TRINIDAD AND TOBAGO.

CLAY CONSTANTINOU, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

DEPARTMENT OF JUSTICE

JOHN R. SCHMIDT, OF ILLINOIS, TO BE ASSOCIATE ATTORNEY GENERAL, VICE WEBSTER L. HUBBELL, RESIGNED.

FEDERAL RESERVE SYSTEM

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF 14 YEARS FROM FEBRUARY 1, 1994, VICE WAYNE D. ANGELL, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOSEPH W. ASHY [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CARYL G. MARSH [redacted]

EXTENSIONS OF REMARKS

INTRODUCTION OF THE ACCESS TO COMMUNITY HEALTH CARE ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. RANGEL. Mr. Speaker, I rise today to introduce the Access to Community Health Care Act, a vital component of any health care reform legislation the Congress enacts.

For health care reform to succeed—particularly the goal of cost containment—it must provide universal access to primary and preventive health care services as well as universal coverage. As we know all too well from our experience over the years with Medicaid, the possession of an insurance card will not necessarily guarantee Americans access to health care. Nowhere is this more true than in our innercity and rural medically underserved communities.

Underserved communities desperately need health reform to improve access to care. They must have facilities that offer high-quality care regardless of a person's health or social status or his or her ability to pay for services; and that are accessible, in terms of location or hours of service, for those who do not have private transportation or cannot take time off from the workday. They must have adequate numbers of highly trained, culturally competent health professionals to staff these facilities. They must have the assurance that the facilities will not be driven out of business because of excessive financial risk or inadequate reimbursement, simply because they care for those who are sickest and hardest to reach.

Many of the proposals introduced in Congress, including the President's, make great strides toward reforming and improving the health care delivery system in the areas that need it the most. But none go nearly far enough in meeting the needs of the communities many of us represent, be they innercity or rural. For these communities, universal coverage is desperately needed, but it is not enough. They need improved access to care, as well.

I strongly believe that health reform should build on what works. Among the programs that have worked best for the underserved are the community, migrant, and homeless health center programs. Over the past 30 years, health centers have established an unparalleled, uniquely successful record of providing quality, cost-effective primary and preventive care to the hardest-to-reach populations across our Nation, recruiting and retaining health professionals where they are most needed, and empowering communities to develop long-range solutions to their health needs. Health reform should invest in such successes, by preserving and building upon these programs in preparation for the implementation of reform, so that universal coverage will truly guarantee access to quality care for everyone.

Mr. Speaker, there are 43 million medically underserved people in this country, people who do not have adequate access to health care services and have poor health status. It is critical that health reform include special measures to meet their needs if our goal of cost containment is to be realized. The underserved are exactly the ones who end up on emergency room doorsteps. Studies have shown that up to 80 percent of emergency room visits in underserved areas are for nonurgent care. If the underserved do not have their preventive and primary health care needs met in health reform, our goal of cost containment will be unattainable. Health centers have shown that we can give top-quality care and constrain costs for our communities:

Inpatient hospital admission rates for health center patients have been up to 67 percent lower than for those served by other providers, including hospital outpatient departments or private physicians.

The length of stay for hospital patients served by health centers has been found to be only one-third as long as that for patients who are seen by outpatient departments and half as long as that of patients served by private physicians.

Studies have shown that regular use of a health center has produced a 33-percent savings to Medicaid, on both a per case and per person year basis, this is for total costs for all services.

And health centers are the only Federal Government program that empowers the communities they serve to take charge, to craft long-range solutions to their health problems. By law, health centers must be governed by a board of directors, a majority of whom must be patients of the facility. Only through the health center programs are consumers in the driver's seat of their primary care delivery site, and only through health centers are underserved communities assured that their primary care provider will respond to their specific needs.

It is for these reasons that health centers alone have attracted such broad bipartisan support. Every major health reform proposal—from the single-payer bill to the legislation introduced by our colleague, the distinguished minority leader—includes funding and other provisions for community health centers. That means that over 200 Members of this body—from both sides of the aisle, innercity and rural—have stated that they think health centers are the best hope for addressing the needs of underserved populations. When it comes to access to care, health centers are something we can all support.

The Access to Community Health Care Act would amend the Public Health Service Act and the Social Security Act in three specific ways:

First, it calls for a significant expansion of the Community Health Center Program, including flexible authority to make grants to other community-based providers and to establish Health Empowerment Systems, community-owned and operated networks and plans consisting of essential community providers. It gives preference to community-directed organizations, which have typically had insufficient capital to effectively participate in organized health care systems. It would also guarantee funding equal to the President's proposed levels for these new activities. This is a critical feature of this legislation: only H.R. 1200 makes health center funding mandatory, recognizing that caps on discretionary spending will make spending on this essential program increasingly prohibitive. We will never be able to control health care costs unless we make the appropriate, assured investment up front in health reform to provide access to primary care in medically underserved areas. This feature is lifted from the single-payer bill, and I ask my colleagues on both sides of the aisle who have strongly supported this program over the past 30 years to join me in calling for guaranteed funding for it.

Second, it calls for strengthening the current Medicaid safeguards by ensuring inclusion of, and a reasonable payment rate to, health centers under section 1115 or 1915 Medicaid waivers, modeled after methods already used by several States, such as Maryland, Wisconsin, and Minnesota, to make sure these providers are not put at undue risk. This will preserve the existing safety net primary care infrastructure in underserved areas and assure their full participation in the new health system.

Third, it facilitates the inclusion of health centers in health professions education and training by providing direct payment to cover the cost of their training efforts. Current Medicare GME law only assures funds to those entities that operate accredited training programs—in effect, locking in the available funding to existing medical schools and teaching hospitals only. This will ensure that primary health care professionals are trained and practice in underserved areas, where they are most needed.

This is a critical juncture for the medically underserved inner city and rural communities of our Nation. The economics of underserved communities have supported solo health practitioners. We need those who have been there to serve those in need to be able to serve. The history of the health center programs is that to get health care to the people who cannot afford it, the Federal Government must provide a critical share. It comes in the form of health center operating grants. The best action we can take for those health professionals who want to give something back to their communities is to ensure a broad base of federally-assisted, community-based providers in underserved areas. This will give these professionals a place to train and practice, with a quality-care environment and all the supports they will need.

Mr. Speaker, the William Ryan Community Health Center in my district in Manhattan is a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

jewel of our community that could—and should—be replicated in underserved areas across the country. It's cost-effective, responsive to the community's needs, and the patients love it. Whatever shape health reform takes, whether it's managed competition, market reforms, or single-payer, the Access to Community Health Care Act can be incorporated into it, and can play a crucial role in extending access to care for the underserved and furthering our collective goal of restraining health care costs. I urge my colleagues on both sides of the aisle to join in support of this legislation. It may be the best investment health reform makes.

TRIBUTE TO ZIRITA CARAVAN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great organization in my congressional district, the Zirita Caravan No. 182 chapter of the national order of the Alhambra. Attached is a proclamation I issued the Zirita Caravan membership commending them for their work.

PROCLAMATION

Whereas, the Zirita Caravan #182 Chapter of the national order of the Alhambra was chartered on January 28, 1969 in Calumet City, IL, by the Reverend Earnest Wysocki, pastor of the St. Andrew the Apostle Parish, and First Grant Commander William Kowalski; and

Whereas, the high purpose of the order of the Alhambra is to conduct charitable activities to benefit mentally and physically handicapped persons, such as fundraising, sponsoring social events for handicapped persons, the purchase of handicapped-aided equipment, and direct contributions; and

Whereas, the Zirita Caravan cooperates with other organizations that help the handicapped, in 1994 sponsored outings to the circus, ice shows, a Christmas party, dinners, and were pleased to serve as escorts on each outing, the Caravan donated special equipment for the house of a handicapped person; and

Whereas, the current officers of the Zirita Caravan are Richard Magno, Grand Commander, John Reuse, Chamberlain, Reverend Raymond Wheeler, Chaplain, Bennie Magno, Scribe of the Exchequer, and David Drown, Grand Scribe, leading a chapter of more than fifty members, celebrating twenty-five years of service for this dedicated chapter: Now, therefore be it

Resolved, that the Congress of the United States of America wishes to acknowledge and honor the accomplishments of the Zirita Caravan of the national order of the Alhambra, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

IN TRIBUTE TO HARRY A. GALINSKY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mrs. ROUKEMA. Mr. Speaker, our schools and our educators hold the key to the future of our Nation. They unlock the potential in each and every child. They nurture the curiosity of future scientists; they ecourage the compassion of future doctors; and, they launch future business leaders toward building a more prosperous America.

I rise today to ask my colleagues to join with me in paying tribute to a special educator, Dr. Harry A. Galinsky, who will be honored Sunday, June 12, for his years of dedicated service to the education community.

Born and raised in Hoboken, NJ, Dr. Harry A. Galinsky received his bachelor's degree from Rutgers University, his master's degree from New York University, and his doctoral degree from Rutgers University. He began his teaching career in 1949 in Hoboken, NJ. He has since served as a teacher, a high school guidance counselor, an elementary and high school administrator, the assistant to the superintendent, and as superintendent of schools. His service has taken him from the school systems in Hoboken to Morris to Paramus.

Dr. Galinsky has dedicated his career to developing and implementing programs aimed at the most vulnerable children in our school systems. He has established a successful dropout prevention program; and early childhood program to identify at-risk students at ages three and four; and, a multifacet approach to educating a growing number of non-English-speaking students.

Dr. Galinsky's excellence in education has earned him statewide and national attention. Under his leadership, the Paramus Public School system was selected by Gov. Tom Kean to be one of 16 districts nationwide to serve as models for the National Governor's Association's "Time for Results" project. Dr. Galinsky was also one of three superintendents to meet with President Reagan to discuss his "Quest for Excellence Plan for Public Education."

Mr. Speaker, this country relies heavily on our teachers to instill in our children basic American values: respect for educational excellence, a sense of community, an obligation to citizenship, and respect for people of all races and creeds. These are the lessons to which Harry Galinsky has dedicated his life. I ask my colleagues to join with me in saluting his 45 years in public education. This country needs more Harry Galinsky's to reform and inspire education in America.

CONGRATULATIONS TO NEW EAGLE SCOUTS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REED. Mr. Speaker, I rise today to salute six distinguished young men from Rhode Island who have attained the rank of Eagle Scout in the Boy Scouts of America. They are William Rhodes, IV, Benjamin J. Sinwell, Craig Jackson, Daniel J. Hopkins, Archibald Jackson, IV, and Nicholas DiVozzi of Troop 101 in Foster, RI, and they are honored this week for their noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements, in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For their Eagle Scout projects, Daniel and Archibald removed debris alongside the path of the North/South Trail; William cleaned the interior of a log cabin and Nicholas re-built a stone fireplace at the Woody Lowden Recreational Center; Craig cleared brush and fixed headstones at a local historical cemetery; and Benjamin organized the ushers for a religious conference at a local college.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scouts William Rhodes, IV, Benjamin J. Sinwell, Craig Jackson, Daniel J. Hopkins, Archibald Jackson, IV, and Nicholas DiVozzi. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that William Rhodes, IV, Benjamin J. Sinwell, Craig Jackson, Daniel J. Hopkins, Archibald Jackson, IV, and Nicholas DiVozzi will continue their public service and in so doing will further distinguish themselves and consequently better their community. I join friends, colleagues, and family who this week salute them.

TRIBUTE TO SENATOR DAVID S. HOLMES, JR.

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Miss COLLINS of Michigan. Mr. Speaker, I would like to pay tribute to the late State Senator David S. Holmes, who served in the Michigan Senate for 20 years and the Michigan House of Representatives for 14 years.

Senator Holmes started in politics with a mission to serve the underprivileged in his community and continued that tradition until his untimely death. Few men have been held in as high esteem as he was for so many years and few can say that they truly belonged to all of us. Senator Holmes will be remembered as a treasure in Michigan because his politics were based solely on putting people first.

Although he was an outspoken Democrat, he was an individualist, who served according to his convictions and not according to partisanship. Many will remember his sense of humor, which proved that a man of serious purpose need never take himself too seriously.

As politicians, we can learn a great deal from the life of David Holmes. He knew that his political friends were not always his allies and that his adversaries were not necessarily his enemies. He knew how to make the process of democracy work and loved the intricate workings of the democratic system. But above all else, he understood that words were weapons and that his word was his bond.

As we do honor to his memory, let us never forget the single quality that made him unique, the quality that made him powerful, and made him beloved—the quality of character.

Those who were privileged to be his friend can take comfort in the fact that Senator David Holmes, in the rich evening of his life, his leadership unchallenged as chairman of the Democratic caucus, his mind sharp, could look back on his life and say, I fought the good fight and now can rest and be at peace.

HEALTH CARE

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. KLUG. Mr. Speaker, I rise today to thank the members of my Small Business Advisory Council, who working in Wisconsin for nearly 8 months, have developed their own recommendations for health care reform.

While Washington lobbyists and policy analysts are greatly involved in the current debate, I asked the people who would be most directly affected by the changes to offer their suggestions. As small business owners in Wisconsin's Second Congressional District, they are on the front lines dealing with health care concerns every day. That's why it's especially important to listen to what they have to say.

I congratulate the 39-member working group for their diligence and hard work. In Congress, we know how difficult it is to craft new ideas, reach a consensus and draft a plan. My constituents shared many of the same frustrations we face in Washington, but were committed to producing a product that would add to this debate. Their concepts and conclusions, which follow, clearly meet that goal. I wanted to share their work with you and have forwarded the report to President and Mrs. Clinton for their review.

WISCONSIN SECOND DISTRICT SMALL BUSINESS ADVISORY COUNCIL OFFERS HEALTH CARE RECOMMENDATIONS

INTRODUCTION

The Health Care Working Group of the Second Congressional District Small Business Advisory Council finalized its recommendations to Congressman Scott Klug and his colleagues on March 9, 1994. This ended several months of hard work. The group met four times to develop its proposal.

The group worked under the assumption that health care system reform will occur in the near future. Under these circumstances the group felt it was not only necessary to offer a critique of the Administration's plan, but to offer a framework and constructive alternative of its own. As the health care discussion continues in Washington, the group hopes that the concerns of small business will be heard throughout the debate.

CONCEPTS

Discussion began on what the group felt should be included in health care reform:

(1) Universal access to coverage

There was a strong feeling that access to reasonable health care coverage be available to everyone that wants it. Barriers should be removed and direct assistance should be provided to the poorest families who would have the most difficulty in attaining coverage.

(2) Portability

Members of the group agreed that portability is a necessary part of any plan. If an individual changes a job, his/her insurance should follow them to the new position. There would be a ban to barring one's access to insurance based on pre-existing conditions.

(3) State control/flexibility

Members recognize that most programs are more efficiently managed at the state and local level rather than by the federal government. Federal regulations should not damage a state's ability to tailor its health care policies to the needs of its residents. If a state has devised a plan with good standards, the federal government should do nothing to stand in its way. The group recognized that there will have to be certain national standards to cover issues such as portability when an individual takes a new job in another state.

(4) Individual responsibility

The health care legislation should not be so comprehensive as to be a burden on the taxpayer and the economy. Individuals should still be partially responsible for their coverage. The group felt it is not unreasonable to provide for deductibles and copayments.

(5) Target plan to those currently uninsured

Statistics show that currently about fifteen percent of the population is uninsured. Of those who are insured, about eighty-five percent are relatively satisfied with their coverage. There was a general feeling that under these conditions, it is unnecessary for the entire health care system to be overhauled. Direct subsidies should be provided to those who are uninsured because they cannot afford coverage. Also serious consideration should be given to requiring individuals who do not have insurance (but who can afford it) to purchase some kind of coverage. If these individuals are uninsured, the rest of society ends up paying the bill.

(6) Tax incentives

The working group recognizes that it is far more preferable to create incentives for coverage rather imposing mandates. Tax incentives should be offered to encourage contributions and saving for health insurance. This could be very similar to the medical IRA proposal currently introduced in Congress. Currently there are Cafeteria Plans or Section 125 Plans which utilize this principle. The proposal should preserve and expand on what is working in the current system. The plan should not destroy the incentives this creates for individuals merely for the sake of trying to find additional revenue sources to fund a new bureaucracy.

(7) Standardization of forms/reductions of excess paperwork

The group firmly believes that health insurance applications and claim forms should be standardized. This would save time and money both for individuals and businesses who file these forms. Hopefully this would result in less paperwork. Other initiatives to achieve greatly reduced paperwork should also be aggressively pursued.

(8) Meaningful tort reform

The group understands that a significant contributor to rising health care costs is exorbitant awards being provided in malpractice and liability lawsuits and the associated increase in premiums physicians and other health care professionals must pay for insurance. It is no surprise that much of this cost is passed along to the health care consumer. While members agree that reasonable monetary redress should be given to individuals who suffer damages, they also feel that many of these awards have gotten out of hand. Limits and stricter guidelines should be established on these awards.

(9) Personal responsibility for one's own health

There was some disagreement as to who will set the standards which determine what is healthy behavior and what is not, and how far the legislation should go in promoting this. For example, people who do not smoke should have lover premiums (as is currently the case in many health insurance policies). But how would one determine what is overweight or what level of exercise a person should do every day? While many felt that some incentives should be offered, others cautioned that the wording in any such legislation should be limited and carefully written so not as to abridge individual rights or privacy. Some believed this should not be a part of the legislation at all.

PROPOSALS

After discussing the basic framework of the plan, the group wanted to go on record to make sure policy makers knew what pending health care legislation should avoid:

(1) No new mandates/payroll taxes

The group unanimously opposed the imposition of any new mandates on business or new payroll taxes. Members feel that these would cause one or any combination of the following:

(a) Businesses closing down.

(b) Layoffs.

(c) Reductions in other fringe benefits.

(d) Salary/wage cuts.

(e) Increased prices for consumer goods and services.

This is the part of the Administration's plan which is most fervently opposed. Many of the business owners cannot understand why they would be targeted with increased taxes and mandates at a time when they are struggling to break even.

(2) Do not penalize firms with own solutions

If there is a business that has found a creative solution to provide health care coverage to its employees, the government has no business interfering with that company's operations. One example is Stoughton Trailers, Inc. which has developed a system of its own. The company pays for half the premiums of its employees. There is a $100 deductible per person and $300 per family. There is a 200% co-pay required for the first

$2000 per person. Everything is covered beyond that figure. With a few exceptions, most health care services are included in Stoughton Trailers' plan. Cost for an individual is approximately $62 per month or $150 per family. Company officials estimate that the Administration's health care proposal will cost them $1,000,000 more per year and be a significant financial burden.

(3) No new bureaucracy

Council members feel that any new plan should result in less bureaucracy and red tape. They are particularly concerned about the National Health Board and vast regional alliances that will be established if the Administration's plan becomes law. Members feel this will only create a massive new bureaucracy and will result in increased costs, just the opposite of the intended effect.

STATUS IN CONGRESS

In the spring of 1994, the Administration and the Congressional leadership had set a goal of Memorial Day for the legislation to be reported out of the various committees. Memorial Day passed and the Administration was unable to achieve this goal. The date for committee action has been revised to come before the July 4th recess with votes taken by both Houses prior to the August recess. Most of the delay appears to center around the opposition of many members of Congress from both sides of the aisle to an employer mandate as envisioned by the Administration. The Administration has given no indication as of this writing that it will drop or substantially modify the employer mandate requirement.

Plans have been reported out of the House Ways and Means Committee and the House Education and Labor Committee on the subcommittee level. The full committees are expected to act shortly. The House Energy and Commerce Committee is currently deadlocked. Similar committee work is processing in the Senate.

SUMMARY

The Working Group believes that serious health care problems exist in this country. The group wants to be part of the debate and offer constructive solutions. The foundation of the plan should be universal access to coverage and should include portability and a ban on pre-existing condition exclusions. Personal responsibility and prevention should be key parts of the plan. The plan should target those who are uninsured, rather than try to impose solutions on those parts of the system which are currently functioning well. The program should result in less bureaucracy and no new mandates or payroll taxes should be imposed on small business.

SECOND DISTRICT SMALL BUSINESS ADVISORY COUNCIL HEALTH CARE WORKING GROUP

Jeff Raymond, Madison (Chairman), The Raymond Group.

Stephen J. Byrne, Monroe Bytec Management, Inc.

Richard Zondag, Randolph J.W. Jung Seed Co.

Ray Francois, Belleville Francois Sales and Service.

Mike Flint, Madison Mallatt Pharmacy.

James Eldridge, Madison America Family Insurance Group.

Carol Koby, Madison Koby Communication Services, Inc.

Michael Sherry, Stoughton Sherry Pharmacy, Inc.

Ron Birkett, Blanchardville Ron Birkett Insurance.

Rick Unbehaun, Richland Center Pratt Funeral Service.

Gary Fusch, Reedsburg Farmers and Merchant Bank.

Marv Conney, Madison Conney Safety Products.

William Meddings, Madison Ray W. Baer and Sons, Inc.

Hans Lenzlinger, New Glarus New Glarus Hotel, Inc.

Donald Pierce, Baraboo Pierce's Pic-N-Save, Inc.

Don Wahlin, Stoughton Stoughton Trailers, Inc.

Byron Wickham, Lodi Wickham's Water Service, Inc.

Jack Crescio, Randolph Jack's Pride Farm, Inc.

Larry Swalheim, Cottage Grove Cenex.

Gerry Ayers, Ridgeway Ayers Furniture.

Ken Kopp, Madison Kopp's Grocery.

Donald Lichte, Reedburg Lichte Insurance, Inc.

Neil Kruschek, Waunakee Neil's Village Liquor.

Paul Paulson, Monroe Paul's Mens Wear, Ltd.

Brian Mitchell, Spring Green.

Mitchell Construction.

Marge Powell, Madison Marge's Amoco.

Jim Isenberg, Baraboo Isenberg's Hardware.

Dennie Jax, Mazomanie Mazomanie Quick Stop.

Daniel Kessenich, Cottage Grove, Kessenich's General Store.

Mr. Jerry Fabick, Madison, Mr. J. Gibbons, Fabco Equipment, Inc.

Jan Fedler, Madison.

Marly Van Camp, Mt. Horeb Her Closet.

John Jeffery, Middleton Winter Silks.

Paul Meyer, Sauk City.

Paul Ernst, Middleton Harbor Athletic Club.

Steve Slinde, Stoughton, Tom Kosmicki, Nelson Industries.

Paul and Annie Brewer, Sun Prairie C.R.S.I.

John Ingrisano, Mazomanie Custom Communications.

CONGRATULATIONS AND THANKS TO MARLAN AND ROSEMARY BOURNS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. CALVERT. Mr. Speaker, our country has achieved many great things because Americans have had the vision to dream great dreams and the courage to make these dreams come true. And, once their dreams have become realities, they have not stopped dreaming. Rather, they have dreamed newer, bolder dreams and reached out to help others achieve dreams of their own.

My State of California has always been home to many of America's most daring dreamers and entrepreneurs. It is the home of pioneers in the fields of aviation, electronics, and computers. And, it is home to many of America's greatest universities where research into today's dreams produces tomorrow's technologies.

Today in Riverside, CA, the University of California at Riverside will become the beneficiary of a gift of $6 million in honor of two California dreamers who solved the problem of accurate electrical measurement of position which was critical to the growing aerospace industry. Their invention was a device called a linear-motion potentiometer.

The couple who developed this technology, Marlan and Rosemary Bourns, began building prototypes of the instrument in their garage in Altadena, CA, and in 1950 they moved their new company, Bourns, Inc., to Riverside. And over the last 40 years, the Bourns have never stopped dreaming. The little business they started in their garage is now a $250 million international corporation specializing in the design, manufacture, and marketing of high technology products for the computer, telecommunications, appliance, automotive, medical, instrumentation, and audio markets. With world-wide headquarters in Riverside, it has design centers and manufacturing facilities in California, Utah, Illinois, Mexico, Ireland, Scotland, Taiwan, and Costa Rica.

The gift to UCR's college of engineering from the Bourns Foundation was the idea of Rosemary's and Marlan's four children, Gordon Bourns, Linda Bourns Hill, Anita Bourns Macbeth, and Denise Bourns Moyles. They wanted to recognize the significant contributions their parents have made to the electronics industry and to the advancement of technology, and to honor them as role models.

Throughout their lives, the Bourns have demonstrated the spirit of entrepreneurship and generosity that have made America the great country that it is. In addition to contributing their own ideas and talents to advance technology, they have also given freely of their time, talents, and financial resources to help young Americans develop their own talents. By providing engineering scholarships at UCR and sponsoring events such as Science and Engineering Day for bright high school students, the Bourns have tried to encourage others to achieve their visions for the future.

On behalf of the citizens of California's 43d Congressional District, I want to add my heartfelt congratulations and thanks to Marlan and Rosemary Bourns for their long-time support of the University of California at Riverside, and particularly for their gift of $6 million for use at UCR's new Bourns College of Engineering. This gift will enable a new generation of Californians to dream great dreams and accomplish great things.

THE INTRODUCTION OF THE RURAL HEALTH DELIVERY SYSTEM DEVELOPMENT ACT OF 1994

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. EMERSON. Mr. Speaker, I rise today to note the introduction of the Rural Health Delivery System Development Act by members of the Rural Health Care Coalition. As a steering committee member of this coalition and an original cosponsor of this legislation, I want to stress the importance of rural health care delivery in the context of health care reform.

The Rural Health Care Coalition, since its inception in 1987, has been a staunch advocate for improving access to and affordability of health care for residents of rural areas. Health professional shortages, inadequate reimbursement schemes, and depleted resources continue to plague our rural health care delivery system. Rural health problems are unique—thus requiring unique solutions. I believe this legislation being introduced today offers creative solutions to some of these problems by creating flexible grant programs and providing technical assistance and incentives for health professionals to practice in rural areas. These solutions start from the ground up—that is, they allow community leaders and State and local governments to determine the needs and priorities of their particular communities—not the Federal Government. A top-down approach has not worked in the past and it will not work now. This bill offers unique, innovative solutions to rural health problems. I urge careful consideration of the strategies put forth by this legislation by committee members debating health care reform.

RETIREMENT OF LARRY TABER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. THOMAS of California. Mr. Speaker, this year marks the end of an era for the California League of Food Processors. After over three decades of service with the league, President Larry Taber has decided to retire.

Larry's work on trade and other issues affecting the food processors' industry is well known to those of us who have helped the industry overcome trade problems. His service on the U.S. Agricultural Technical Advisory Committee on Fruits and Vegetables as well as his efforts on agricultural trade associations gave many people in Federal Government access to the insights needed to understand and accommodate the unique needs of California's tomato, olive, and other specialty crop industries.

Having worked with Larry to address the industry's concerns when the United States-Israel Free-Trade Agreement and generalized system of preferences reforms were developed, I can attest to the value of his knowledge and experience.

With his retirement, Larry leaves behind a league that is very different—in many ways stronger—than the organization he joined in 1963. California's food processing industry confronts a number of hurdles today that will require the industry to plan and work together toward reasonable solutions. Larry's counsel will be missed but the example Larry Taber set will help the industry prepare for and meet the challenges of the future.

TRIBUTE TO REV. ANTHONY VAN ZANTEN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Anthony Van Zanten of the Roseland Christian Ministries Center and Church. Attached is a proclamation I issued Reverend Van Zanten commending him for his work.

PROCLAMATION

Whereas, the Reverend Anthony Van Zanten is a native of the State of Iowa, he matriculated at Calvin College, Grand Rapids, Michigan earning the Bachelor of Arts and the master of Divinity degrees. He is a family man, married to Donna Van Zanten who shares her husband's love for the church and community, She is part of the church music staff and is a full time teacher at Roseland Christian School. The Lord has blessed the Van Zanten's with two children, Anthony Kent and Cami Cee who is married and is the mother of two; and

Whereas, Reverend Van Zanten is a pioneer in Urban Ministry, serving a congregation as Minister of Evangelism in Harlem, New York, and pastor of an urban congregation in Patterson, New Jersey. In 1976 Reverend Van Zanten established the Roseland Christian Ministries Center; and

Whereas, Reverend Van Zanten is a church and community leader, member, Calumet Family Center Advisory Board-United Charities, Developing Communities Project, Greater Roseland Area Planning Commission, Vice President, Roseland Clergy Association, Board Member Roseland Christian School, Board Member, Roseland Christian Community Homes Corporation, Member Roseland Christian Health Ministries, Board Member, The Apprenticeship School for Urban Ministry, Christian Reform Church in North America, Region Board of Missions, African-American Church Development Committee, and Co-Chairman, Urban Missions Board; and

Whereas, The Roseland Christian Ministries Center and Church has maintained a community focus through service, worship and training. The church's ministries include a Boys and Girls Club, Teen Time, Senior Citizens Club, Hot Lunch Program, Overnight Shelter, Drop in Center, Thrift Store, Neighborhood Home Repair, Self help Jobs Program, Housing Rehab Corporation, Alcoholics Anonymous and Narcotics Anonymous (four groups), a Volunteer program that attracts suburban, and rural residents from around the country to learn about urban ministry: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Anthony Van Zanten and the Roseland Christian Ministries Center and Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

IN TRIBUTE TO THE PASSAIC COUNTY, NJ, DARE PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mrs. ROUKEMA. Mr. Speaker, substance abuse, and the crime it breeds, remain a real and terribly dangerous threat to our communities, our neighborhoods, and our families. In order to win the war on abuse we need aggressive interdiction, vigorous enforcement, and more importantly, effective treatment and tireless education. No one is more aware of this fact and no one has worked harder to fight the scourge of drug abuse than the men and women who dedicate their time and energy to the Passaic County Drug Abuse Resistance and Education Program.

The Drug Abuse Resistance Education Program, known more commonly as DARE is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25 million youths in school from kindergarten to 12th grade. The DARE curriculum was originally developed by the Los Angeles Police Department and the Los Angeles Unified School District. Today, it is taught by veteran police officers throughout the world. After completing 80 hours of specialized training, each officer enters the classroom where they provide children with the skills and self-esteem needed to resist the peer pressure and temptation to use drugs.

The DARE Program is clearly a success. Independent research has found that DARE substantially impacts students' attitudes toward substance use. It has also worked to help students improve study habits, achieve higher grades, decrease vandalism and gang activity, and gain a greater respect for police officers. I can testify that among the police departments and educators in my district, DARE is unanimously singled out for the highest praise.

On Sunday, June 12, the Passaic County DARE family will celebrate the program's ongoing success in their communities by hosting a parade and rally. It will be the fourth scheduled Passaic County DARE parade. DARE students, police officers, teachers, public officials, and members of local civic and fraternal organizations from 16 municipalities will march together to send the message loud and clear that we will not tolerate substance abuse in our communities and schools.

Today, I ask my colleagues in the House to join with me by showing our appreciation for the dedication of the thousands of DARE volunteers in Passaic County that have made a life and death difference for countless young people in their communities. They have made us all proud.

TRIBUTE TO GREGG P. KWIDER

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Gregg P. Kwider of Troop 100 in Pascoag, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Gregg removed debris and brush from alongside the banks of the Pascoag River in Rhode Island.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Gregg P. Kwider. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Gregg P. Kwider will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

A TRIBUTE TO ROLAND H. GAINES

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Miss COLLINS of Michigan. Mr. Speaker, I would like to pay tribute to Mr. Roland Gaines, a man who dedicated years to serving his family and community in Detroit. Mr. Gaines' leadership will be sorely missed by the Detroit community.

Roland Gaines helped shape the future of many people in Michigan, young and old. He was generous not only in a financial way, but also in a moral way. He sponsored various athletic activities, such as the kronk boxing team, baseball summer league, basketball, Little League, and billiard teams. He was also a lifetime member of the NAACP and contributed to the National Jewish Defense Fund, believing that political empowerment was just as important as community involvement.

In recognition of his many professional and civil contributions, Mr. Gaines received numerous awards, including the Detroit Mayor's Award in 1976 and the Spirit of Detroit Award in 1985.

For me, Roland has become the test of human worth; others may resemble and approach him, but his life remains the standard whereby all people should be measured.

He was a friend of the unfortunate and truly believed that he could make a difference—and he did. We should not view his accomplishments as our standards, but his aim as our standard. Roland taught us that we should help our fellow man. He understood that the future of this country rests in the hands of our young people and that we must invest in them.

I pay tribute to my dear friend, Mr. Roland Gaines, with words today, but I realize that he demanded work and labor and sacrifice from us. I will continue that tradition in his memory.

INTRODUCTION OF A BILL TO CREATE THE NORTHEAST INTERSTATE DAIRY COMPACT

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. OLVER. Mr. Speaker, I rise today to introduce a bill to approve the Northeast interstate dairy compact. Its purpose is to restore vitality to the region's dairy industry.

The Northeast interstate dairy compact is the product of 6 years of cooperative work by the New England States. Despite their potentially divergent interests, the four milk importing, or consumer, States of Connecticut, Massachusetts, New Hampshire, and Rhode Island have united behind this common purpose with the two exporting, or producer, States of Maine and Vermont. The successful harmonizing of the producer and consumer interests, along with the needs of dairy processors, led to the uniform passage of this compact by the six New England States.

As required by the Constitution, prior to its submission to Congress, the text of the compact contained in this resolution has been enacted into law by the five States of Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont and approved under law by the State of Maine.

I am joined by Representative NANCY L. JOHNSON of Connecticut and Representative RICHARD NEAL of Massachusetts in introducing this legislation which is cosponsored by 17 other members of the New England delegation and Mr. MCHUGH of New York. Senator LEAHY has introduced an identical bill in the Senate which is supported by all 12 members of the New England Senate delegation. This unified support is further testimony to the compact's effective balancing of the consumer and producers interests.

The State action and our unified support makes clear the historic importance of the dairy industry to our region. The New England dairy industry has long played a central role in our economy and culture. Beyond the provision of a local supply of pure and wholesome milk, the industry is part of our industrial base, and a critical component of our economy.

Instability in the dairy industry emerges more subtly then in other industries. Farmers sell out individually, and we tend to think only about the single farm that has been lost. Local dairies close and probably only the local community will notice. But the fact is that for every dairy farm that goes out of business it is estimated that 3.4 people lose their jobs through the multiplier effect. Over the past 10 years our region has lost more than 8,000 jobs.

In 1984, the Northeast had 6,668 farms, 663 of which were in Massachusetts. The region also had 51 fluid processing plants, most of which were located in Massachusetts, and 13 manufacturing plants.

Today, the Northeast has about 4,303 farms. About 366 of those farms are in Massachusetts. I say "about 366" because just as of last month we lost the last dairy farm in the town of Granby in western Massachusetts. The numbers in my State are dropping right before our eyes. This has resulted in there being only 24 processing plants and 7 manufacturing plants in the region.

The multiplier effect goes beyond farms, processors, and plants. The shock waves are felt continuously throughout the rural economy. In Vermont's Franklin County, for example, in just the last 13 years, the number of equipment dealerships has fallen from 13 to just 2. Feed dealerships, veterinarians, and other businesses dependent on dairy farms have been similarly affected. In Massachusetts, we are on the verge of losing forever this basic infrastructure for dairy farming.

The three States of Maine, Massachusetts, and Vermont share common interests in the direct importance of the dairy industry to each of their economies. The success of this compact, however, depends on those States which have little economic dependence on the production or processing of milk. With passage of the compact, Connecticut, New Hampshire, and Rhode Island have recognized that it is consumers who ultimately bear the burden of an unstable dairy industry. Milk is a perishable product. It can be moved long distances only at a high cost. The consumers in New England, wherever located, are thus dependent on a stable, local supply of fluid milk.

Instability in the industry is traceable in large measure to the persistent fluctuations in the price paid by processors to dairy farmers. Federal and State governments have together regulated this price since the 1930's. Federal law establishes a comprehensive system of minimum price regulation called the Federal milk marketing order system. This law allows States to regulate above the minimum price when necessary.

However, milk crosses State lines much more than it did in the 1930's. In New England, two States produce almost all of the milk consumed by the region. Therefore, most of the milk consumed in our region crosses State lines and becomes affected by the interstate commerce clause. This hampers individual State efforts to regulate above the Federal minimum price. The compact restores the ability of our region to exercise this traditional egulatory authority.

The compact creates an interstate commission composed of farmers, processors, and consumers from each New England State. The commission is required to weigh all of the represented interests and regulate the price paid to farmers by fluid processors throughout the regional marketplace. The amount of this prices that is greater than the Federal minimum price is pooled and paid to the region's dairy farmers.

The interstate commission is also responsible for preventing overproduction of milk in our region. Should overproduction precautions fail and the Commodity Credit Corporation [CCC] removes any extra fluid milk from the market, the region is required to reimburse the CCC.

Mr. Speaker, the Framers of the Constitution contemplated long ago the need for interstate cooperative action by including the interstate commerce clause. Consistent with their vision, I believe I am representing both the interests of my constituents and working in common purpose with my fellow cosponsors from throughout New England, by sponsoring this bill to approve the Northeast interstate dairy compact. I look forward to working with members of the House Judiciary Committee in security its ratification.

THE NORTHEAST INTERSTATE DAIRY COMPACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. GEJDENSON. Mr. Speaker, I rise as an original cosponsor of legislation to grant congressional consent to the Northeast interstate dairy compact. I commend the gentleman from Massachusetts, Representatives OLVER, for introducing this important bill.

Mr. Speaker, dairy farmers across the Northeast, especially those in my district in eastern Connecticut, operate under some of the most difficult circumstances of any across the country. Labor costs and property taxes are among the highest in the Nation. As suburbs continue to push out from our urban centers, thousands of acres of rented crop land are divided into building lots and sold. Farmers in the Northeast must import many feed products from the Midwest and the South, thereby driving up the prices of those commodities. Farmers are barely able to cover their production costs at current milk prices.

Dairy farm income has been eroded over the last decade. The Northeast Dairy Compact Committee did a study comparing the prices farmers receive for their products and the prices for several other food products from 1985 to 1993. The study compared price changes using the Consumer Price Index with the period between 1982 and 1984 as a base. The study concluded that the price farmers received for their milk was lower in actual terms in all years of the study except 1990 than in the base years. Recent figures compiled by the U.S. Departments of Labor and Agriculture covering the period from 1973 to 1992 backed this up. The Departments concluded that in 1973 dairy farmers received an average return of $7.14 per hundredweight of milk. In 1992, farmers received an average of $5.86 per hundredweight in 1973 dollars. In addition, the Departments study concluded that farmer's share of the retail costs of all dairy products fell from 50 percent in 1982 to 36 percent in 1992. It is obvious that the retailers are profiting at the expense of our dairy farmers.

The bill we are introducing today would authorize the New England States to negotiate in an attempt to boost dairy farmer income. I want to make it very clear that this bill does not increase the price of milk in and of itself. It merely authorizes States to come together and explore methods of improving dairy farm income.

When drafting the bill, we were very aware of the importance of providing for participation of consumers and for protecting their interests. Under the bill, each State will appoint three to five representatives to serve as the State's delegation to the Northeast Dairy Compact Commission. The delegation must include a farmer and a consumer representative. A majority vote of the State delegation is required to endorse any agreement. Moreover, for a price increase to be initiated in New England, the agreement must be approved by two-thirds of the States participating. In the case of New England, since Vermont and Maine are the primary States which export milk, at least two States, which are primarily consumer States, must vote for any agreement for it to become effective. Furthermore, any State may elect to exempt itself from the price agreement even if two-thirds of the States approve the agreement.

Every New England State legislature and Governor has endorsed the compact process. The Connecticut House of Representatives and Senate enacted the compact into law by overwhelming margins. Farmers strongly support the compact and consumer groups have raised no serious objections.

Mr. Speaker, the New England States are completely united in their support of the compact. I firmly believe that Congress should provide these States with the opportunity to explore how to improve farmer income. I believe the process set forth in this bill is very balanced and I urge my colleagues to support it.

NORTHEAST DAIRY COMPACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mrs. KENNELLY. Mr. Speaker, I join together with several of my colleagues from New England to introduce the Northeast interstate dairy compact. This compact was approved by all six New England legislatures and will now move toward formal approval by the Congress, as required by the Constitution.

The Northeast dairy compact will provide the opportunity to stabilize the dairy industry in the Northeast through interstate cooperation, at no cost to the Federal Government. For many years our country's agriculture strength has declined. I am hopeful that this compact will bring stability to the region's dairy industry, and therefore provide a model for the rest of the Nation. Let us remember that our Nation was built on the foundation of a strong agriculture and it is important that we maintain that important agricultural base as we move into the next century.

I am hopeful that this compact will allow the dairy industry and consumers to work together through the participating States commissions to forge a partnership that maintains stable prices for the farmer, processor, and consumer.

IN SUPPORT OF LEGISLATION TO ESTABLISH THE NORTHEAST INTERSTATE DAIRY COMPACT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REED. Mr. Speaker, today I rise to join my colleagues from across New England in support of legislation to establish the Northeast interstate dairy compact. This legislation is the culmination of years of hard work by the New England dairy farming community. I salute their efforts. These are men and women who are working dawn to dusk trying desperately to save their farms and the rural heritage of the region.

This compact represents a unique Federal, State, and interstate partnership that has been approved overwhelmingly by every New England State legislature. One persuasive argument for enacting this legislation of this agreement will be the stability it will bring to the dairy industry in the region. No longer will farmers and consumers be subject to frequent fluctuations in dairy product prices. These price swings have played havoc both with farmers seeking to preserve their livelihood and with consumers trying to make the most of their hard earned dollars at the supermarket.

Over the past decade, approximately 65 percent of the dairy farms in Rhode Island have shut down. This attrition rate threatens not only the supply of locally produced dairy goods, but also the rural character that contributes so much to the quality of life in New England.

That being said, I urge my colleagues to join me in supporting this important legislation.

TRIBUTE TO REV. MARLENE WOODSON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Woodson of the Altgeld Garden Presbyterian Church, the New Hope Baptist Church and the Christian Vision Center. Attached is a proclamation I issued Reverend Woodson commending her for her work.

PROCLAMATION

Whereas, The Reverend Marlene Woodson is a native of Chicago, Illinois matriculated at DuSable High School, Trinity Christian College, Palos Heights earning the Bachelor of Science in accounting with a minor in theology, Governors State University, University Park, Illinois, earning the Bachelor of Arts in Social Work, became a Certified Public Accountant in 1980, currently she is a candidate for the Master of Arts Degree in Christian Education from the Northern Baptist Theological Institute, Lombard, Illinois and the Moody Bible Institute of Chicago, Illinois, and

Whereas, Reverend Woodson has distinguished herself in marketing and sales working for major corporations such as the Equitable Corporation and Bankers Life earning her membership in the prestigious "Million Dollar Roundtable Club," and

Whereas, Reverend Woodson has dedicated many years of her life to serving people through Human Services in direct client services, program development, substance abuse, community education, homeless services, and the Director of Social Work at the Miller Beach Terrace in Gary, Indiana, and

Whereas, Reverend Woodson was ordained in 1988 serving as supply minister at the Altgeld Garden Presbyterian Church of Chicago, Illinois and assistant minister at the New Hope Baptist Church of Chicago Heights, Illinois; and today broadening her ministry through founding of the Christian Vision Center, a shelter for women in need: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Marlene Woodson by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

IN TRIBUTE TO THE SHOTMEYER BROTHERS PETROLEUM CORP. AND THE PASSAIC COUNTY, NJ, DARE PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mrs. ROUKEMA. Mr. Speaker, substance abuse, and the crime it breeds, remain a real and terribly dangerous threat to our communities, our neighborhoods and our families. In order to win the war on abuse we need aggressive interdiction, vigorous enforcement, and more importantly, effective treatment and tireless education. No one is more aware of this fact and no one has worked harder to fight the scourge of drug abuse than the Passaic County Drug Abuse Resistance and Education Program and the many people, including the Shotmeyer family, who support them.

The Drug Abuse Resistance Education Program, known more commonly as DARE, is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25 million youths in school from kindergarten to 12th grade. The DARE curriculum was originally developed by the Los Angeles Police Department and the Los Angeles Unified School District. Today, it is taught by veteran police officers throughout the world. After completing 80 hours of specialized training, each officer enters the classroom where they provide children with the skills and self-esteem needed to resist the peer pressure and temptation to use drugs.

The DARE Program is clearly a success. Independent research found that DARE substantially impacts students' attitudes toward substance use. It has also worked to help students improve study habits, achieve higher grades, decrease vandalism and gang activity, and gain a greater respect for police officers. I can testify that among the police departments and educators in my district, DARE is unanimously singled out for the highest praise.

In Passaic County, NJ, local businesses have stepped up to the plate and have made an extra effort to ensure the success of the DARE Program. One such business is the Shotmeyer Brothers Petroleum Corp.

Under the leadership of Henry Shotmeyer, Sr. and his sons Charlie and Henry, Jr. the Shotmeyer Brothers Petroleum Corp. has joined in a partnership with DARE by encouraging local participation in the program. The Shotmeyers have used their local gas stations in Hawthorne, Pompton Lakes, North Haledon, Prospect Park, West Milford, and elsewhere to help the DARE Program. During special promotional events, the Shotmeyers have donated 2 cents to DARE for every gallon of gasoline sold. The Shotmeyers have even convinced local mayors, policy chiefs and patrolmen to donate an hour or two to pump gas in order to promote the effort.

The Shotmeyers clearly epitomize the virtues that have made our country great.

On Sunday, June 12, the Passaic County DARE family will celebrate the program's ongoing success in their communities by hosting a parade and rally. It will be the fourth scheduled Passaic County DARE parade. DARE students, police officers, teachers, public officials, and members of local civic and fraternal organizations from 16 municipalities will march together to send the message loud and clear that we will not tolerate substance abuse in our communities and schools.

Today, I ask my colleagues in the House to join with me by showing our appreciation for the dedication of the Shotmeyer family and the thousands of other DARE volunteers in Passaic County that have made a life and death difference for countless young people in their communities. They have made us all proud.

GOOD NEWS AMERICA

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. BARLOW. Mr. Speaker, every day it seems we wake up to bad news about our society. Violent and petty crimes are reported in all the media. In our Nation's Capital we see stories that put Washington, DC, and its surrounding communities and suburbs in a bad light. But every so often, the press takes it heart to report good news.

I want to share with my colleagues in the House an article that appeared in the April 9, 1994, edition of the Mayfield Messenger. Two months ago a group of Girl Scouts from my district traveled to Washington to learn about America's history and Government. One of the Scouts lost her wallet in downtown Washington. A good samaritan found the wallet and returned it to her by contacting her home in Mayfield, KY.

Neighborliness and good actions are carried out every day by good people in our society. Working men and women in our country fulfill their responsibilities as citizens, day in, day out, to watch out and care for each other. Unfortunately, we do not hear their stories because they are not sensational.

Here is some good news for America. There is good news in our Nation's Capital. There is good news in America's cities. There is good news in the countryside. We treasure America as a nation of good people.

[From the Mayfield (KY) Messenger, Apr. 9, 1994]

LOSING WALLET IN NATION'S CAPITAL TURNS OUT TO BE A SURPRISING EXPERIENCE

(By Julie Agnew Thomas)

Twelve Girl Scouts work hard and raise money to make the trip of a lifetime, one week in Washington, D.C. It's the first big journey some have ever taken out of their friendly little hometown, and they're a bit apprehensive—after all, the nation's capital isn't exactly famous these days for its hospitality to innocent travelers.

Not half-way into the trip, on Easter Sunday, one little girl loses all her cash, all her travelers' checks, nearly $300. A catastrophe? It could have been, but for the confidence of her faith and the kindness of a stranger.

The dozen Scouts of Troop 1476 and their four counselors left Mayfield on March 31 and had been to Gaithersburg, Md., for Sunday dinner and church services. They were on their way back to their Roslyn, Va., motel on the Washington area commuter railroad known as the Metro, and the girls were keeping busy on the long ride by fixing each others' hair.

Summer Reynolds said that was how she must have lost the pouch hanging around her neck, when she changed seats to work on another girl's hair. It held about $260 in cash and checks, and an identification card with the seventh-grader's name and address. It was all the money she had, despite counselor Carol Covington's admonition not to have all their funds with them at one time.

"I was really scared," Reynolds said. Covington said the counselors and other Scouts were devastated; the 13-year-old with all the trouble seemed unruffled. "She said, 'It's all right. I've turned it over to God,'" Covington said.

Reynolds continued, "I started praying, and I asked the other girls to pray with me."

An Alexandria, Va., businessman and his wife were coming home from an afternoon outing in Washington. David Petry said he and Kelli had decided to go into the city "just for something to do." About a minute and a half into the trip, he said he noticed the wallet wedged between a seat and the train's wall, and asked a woman sitting nearby if it was hers.

When she said no, he picked it up and opened it. Inside he found the money and ID card. The Petrys took the package home and telephoned information to find the Reynoldses that lived in or near Mayfield. They found 10.

Petry's first call was to Joseph W. Reynolds in Farmington. The man is a minister at Trinity Christian Church in Murray, and had just returned from services there. Petry explained the situation, and Reynolds volunteered to make the rest of the calls trying to locate Summer's parents for the Alexandria man. "There's still a few honest people in this world," he said.

On his second try, Reynolds found Summer's parents, Mayfield dentist Mack Reynolds and his wife, Sheila. While he was on the line telling them about Petry's find, Covington and Summer turned up on call-waiting to report the wallet missing. "If the good Lord didn't make that connection, I don't know who did," the minister said.

"Carol was really happy," Summer said. Since the travelers' checks already had been voided, Sheila Reynolds made arrangements to wire her daughter some money, and gave them Petry's telephone number there in Virginia. When they contacted him, he offered to bring the pouch to their hotel on Monday.

"It made me feel good," Petry said. "I know what it feels like to be without." The 24-year-old said he's left his own wallet in an Alexandria hospital after taking an employee in, and Kelli had lost her purse just shortly after moving to Virginia from Maryland several months ago.

TRIBUTE TO ROSE P. BOGHOSIAN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. YATES. Mr. Speaker, I want to take a moment today to tell the House that my constituent, Rose P. Boghosian, is retiring after 41 years of exemplary Federal service. The recipient of numerous awards and certificates of appreciation, Mrs. Boghosian is greatly admired by her many friends and coworkers at the 928 Airlift Group for her energy, knowledge and dedication. I am pleased to join with them in wishing her a most productive and successful retirement with her family and friends in Chicago.

A FLASHY CHAMPION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Champion High School women's softball team, the 1994 champions of the State of Ohio. The lady Flashes' led by a solid core of cagey veterans, as well as a strong pitching staff finished with an astounding 29 to 2 record. The Flashes' tenacious defense held their final two opponents scoreless throughout their championship weekend.

I also wish to commend Coach Gene Cheredar on his leadership of this talented squad. His development of a cohesive, well focused team was intrical in the capturing of the State title. The teamwork and discipline displayed by these fine young women is a shining example of the value of high school athletics.

Mr. Speaker, I am proud to honor these fine young women, I am proud of their accomplishments and I am proud of the way they represent Ohio's 17th Congressional District. May they be blessed with health, happiness and continued success.

JERSEY CITY'S SENIOR COMPANIONS GREAT ASSETS TO OUR COMMUNITY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, Friday, June 10, 1994, will mark the 20th anniversary celebration of Jersey City, New Jersey's Senior Companion Program. The Senior Companion Program was authorized in 1973 as part of the Domestic Volunteer Service Act. The program was established to provide individualized support and create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over. Senior companions provide assistance to elderly adults experiencing difficulty with one or more activities of daily living. As part of a comprehensive care team, they help homebound persons live independently.

Jersey City's program was one of the country's original 18 projects started in 1974. At that time Jersey City had 27 volunteers and 1 volunteer station. Now there are 94 active volunteers and 19 volunteer stations, serving over 250 clients in the home and institutions.

When we talk of unsung heroes or heroines, the senior companions come to mind. They are ever vigilant, providing these supportive person-to-person services. Mr. Speaker, I would like to thank and congratulate these extraordinary individuals. They are Saturnio Acevedo, Antoinette Alfono, Elizabeth Atkins, Lula Bailey, Louise Barnes, Virginia Batista, Yesne Baycin, Charlotte Bennett, Aurora Berrios, Hennie Boyd, Julianna Boylan, Emily Brown, Eliza Bryant, Aquilino Cagaoan, Jaime Calungsud, Irene Capers, Willie Mae Cobbs, Alice Davis, Ann Dorsey, Maria Estevez, Betty Fahey, Martha Faulkner, Pedro Ferrer, Benigna Figueroa, Manuel Flores, Eleanor Fuller, Santa Funes, Orfelina Garcia, Helen Gardner, Nancy Giannotti, Agnes Giordano, Manuel Gomez, Vicente Gonzales, Mamie Green, Lucie Greene, Dora Gresham, Betty Guess, Frances Harrell, Ernestine Harris, Hazel Henderson, Alice Hicks, Edna Horne, Maggie Hurt, Maggie Jenkins, Alfred Johnson, Helen Johnson, Ramonita Journet, Mildred Krenitsky, Louise Lee, Maggie Legrand, Mary Littleton, Luisa Lugardo, Esther Mack, Rena Mack, America Maisonett, Anna Marchetta, Earl Martin, Elenora McPhatter, Lavinia Meyer, Bobby Mitchell, Angela Molina, Elfreida Mulvaney, Carrie Neal, Dorothy Netterman, Margaret Norman, Margaret Parker, Lillie Pennix, Estelle Pipkins, Rose Prosnak, Josephine Reid, Azalee Rice, Carmen Rodriguez, Maria Rodriguez, Jesus Salas, Ramona Sanchez, Gloria Santiago, Maria Santos, Ann Sexton, Annie Stitt, Damasa Torres, Maria Torres, Martha Trinidad, Julia Tuell, Amelia Tuosto, Annie Mae Wailes, Mary Watson, Betty West, Izetta White, Samuel White, Emma Wichman, Geneva Wilson, Mary Wilson, Florence Williams, Marie Williamson, Clara Wooten, and Margaret Younger.

Mr. Speaker, Hazel Henderson and Maria Rodriguez are to be commended for the 20 years of service they have provided. I would also like to congratulate and commend Louise Layton, project director, for her years of dedicated service to our community.

HONORING TEMPLE KEHILLATH SHALOM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Temple Kehillath Shalom. Located in the hamlet of Cold Spring Harbor, Long Island, this is a synagogue of no more than 200 families that is undertaking a task that speaks of their moral and ethical commitment to this generation and beyond. Kehillath Shalom has embarked on an effort to restore and expand the modest white frame house, estimated to be between 120 and 150 years old, that has been their congregation's home for over a quarter century.

Far more important than merely improving brick and mortar however, this synagogue recognizes its crucial role in providing the spiritual leadership that is making a positive and profound difference in the lives of people in the community regardless of whether they are men or women, black or white, Jew of gentile. From their financial support of a broad range of community and interfaith programs to their physical labor on behalf of Habitat for Humanity, the congregation of Kehillath Shalom has been a beacon for hope, charity, and understanding.

Kehillath Shalom is a part of the reconstructionist movement that was founded by Rabbi Mordechai Kaplan. The movement is based on Rabbi Kaplan's belief that, "A people can live as long as it can reconstruct its life to meet the changing conditions." The congregation is engaged in forging a community by using the values and tenets of the 5000 year tradition of the Torah. Their mission is described as "a creative enterprise and a labor of love" by the synagogue's president, Carol Rubin.

Rabbi Arthur Schwartz has been at the pulpit of Kehillath Shalom for 15 years. Under his spiritual leadership the congregation has developed a threefold method of accomplishing its goals for its members and the community.

Their first method is to study and understand the past to preserve values that can be transmitted to future generations. Kehillath Shalom has established an education program for children and an adult education program, with the understanding that the learning process never ends. The congregation also has a book club that studies the works of Jewish authors or Jewish themes and Friday night forums where speakers are invited to discuss Jewish issues.

Kehillath Shalom stresses the need for community. Its members believe that this can best be achieved by growing to know first themselves and then others and in this way increase the collective good. They celebrate the holidays and perform the traditional rituals and also concentrate on fundraising to bring the congregants together to work for the good of the temple. This small congregation of 183 families is incredibly dedicated to their synagogue. They have formed over 26 committees ranging from the newsletter to consciousness raising groups.

The members of the congregation express their devotion to the community by fulfilling their need to do good deeds, so that by healing themselves they can heal the world. They have supported many charitable institutions with their labor and their money. They have concentrated on the Huntington Coalition for the Homeless, the Jewish Nutrition Network, Habitat for Humanity, the Jewish Association for the Aged, and the Long Island AIDS Action Coalition.

Kehillath Shalom recognizes the need for interfaith cooperation and has developed a close relationship with the churches in their area. The congregation has depended on some of these churches, particularly St. Hugh of Lincoln, to provide room for their congregants for high holy day services when their small sanctuary was not large enough. Rabbi Schwartz also led an interfaith Holocaust Memorial service at St. Hugh's and Jews and these congregations joined together to mourn the loss of Catholics and Jews during World War II. Rabbi Schwartz also joined forces with an Episcopalian minister and a Catholic priest to teach a class at C.W. Post University comparing the works of Kirkegaard, Buber, and Merton, thinkers representing their three faiths.

As this small synagogue expands its home and reaches another important milestone, let their efforts serve as proof positive that it is the size of one's heart that dictates our ability to touch the lives of our neighbors.

Mr. Speaker I ask all my colleagues in the House of Representatives to join me now in paying tribute to Temple Kehillath Shalom on the occasion of its groundbreaking for a new sanctuary and to wish its members the best of luck and continued success in their mission to improve their community and our country.

MONSIGNOR DONALD A. McANDREWS HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an outstanding individual and a personal friend, Monsignor Donald A. McAndrews on the occasion of the 40th anniversary of his ordination to the priesthood. This weekend, the Wilkes-Barre community will gather to honor the exemplary career of this humanitarian.

Father McAndrews was ordained on June 5, 1954 in Scranton, PA and began his religious life as an assistant pastor. Father's leadership qualities became apparent when, in 1961, he assumed the role of chaplain of College Misericordia and executive director of Catholic Social Services, a position he held for more than 30 years. While at Misericordia, he also taught sociology for many years. In 1968, with my good friend, Dr. Jule Ayers, he helped to establish Ecumenical Enterprises, an interfaith housing program which provides housing opportunities for low- and moderate-income families in the Wyoming Valley.

In June 1972, when the Wyoming Valley was ravaged by the floods accompanying Hurricane Agnes, Father McAndrews rose to the challenge, along with many other community leaders, to work for recovery on the Flood Recovery Task Force. In 1973, father continued to serve the Valley With A Heart by organizing the Bridge, a prevention program for area youth. He also created several other drug and alcohol awareness and prevention programs, and the local Big Brothers/Big Sisters Program. In 1978, Father McAndrews founded the St. Vicent de Paul Kitchen which continues to serve meals to more than 300 people daily. In 1984, father opened the Gabriel House which, to this day, provides low-cost housing to single women. His community involvement broadened when, in 1986, he organized the Labor/Management Council of Greater Wilkes-Barre and served as its chairman.

The list of both social service and community leadership accomplishments of this inspiring man is practically endless. The community has long recognized his innovative leadership and has honored Father McAndrews many times over the years. Some of father's awards include the Social Worker of the Year Award from the National Association of Social Workers, an honorary degree of doctor of humanities from King's College, and the Citation of Distinction by the Wyoming Valley Interfaith Council. Most recently, Father McAndrews received the prestigious Greater Wilkes-Barre Chamber of Commerce Award in 1992.

In 1992, Father McAndrews stepped down from his position of executive director of Catholic Social Services after 31 years of service and was honored by his friends and colleagues at a retirement celebration. Now, as Father McAndrews celebrates yet another milestone, we honor the outstanding life and career of our good friend. I am pleased to have this opportunity to do so again.

TRIBUTE TO REV. ANDREW WILLIAMS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Andrew Williams of the True Temple of Solomon. Attached is a proclamation I issued Reverend Williams commending him for his work.

PROCLAMATION

Whereas, the Reverend Andrew Williams was born in Yazoo City, Mississippi, where he graduated from the William Penn High School, he served his country in the United States Army 1954–1956; and

Whereas, Reverend Williams is a Family Man, he is married to Hazel Williams, they have enjoyed the covenant of Holy Matrimony for thirty-five years and they are the parents of six children; and

Whereas, Reverend Williams studied and served under the late Prophet Peter Banks, who is the Founder of the True Temple of Solomon, established in 1962 in the rich tradition and doctrine of the ancient Coptic Church in Egypt; and

Whereas, Reverend Williams was Ordained by Prophet Peter Banks in 1986, and Called to Pastor the True Temple of Solomon in 1991, he has been a Mason for thirty years, he is a 32nd degree Mason and serves as the Worshipful Master of the King Solomon temple Lodge # 1. Reverend Williams is a man of humility, dedication, hard work, and is a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Andrew Williams, Pastor of the True Temple of Solomon, by entering these Accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

CROP INSURANCE REFORM FOR OUR FARMERS

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. BARLOW. Mr. Speaker, I applaud the administration for coming forward with a proposal for reform of Federal crop insurance, H.R. 4217. I look forward to working with the Committee on Agriculture toward passage of legislation to improve crop insurance. Farmers shoulder one of the riskiest businesses, making a bet each year against insects, disease, and the weather. We owe it to our farmers to provide a safety net when disaster strikes. A sound, careful crop insurance structure is one of the ways we can ensure the survival of the family farm. One bad year should not cost a producer his or her operation. Yet in today's highly competitive, investment intensive farming, with loan payments the order of the day, this can happen in a year of natural disaster. Most agree that our current crop insurance system does not establish a satisfactory level of financial protection for farm households.

The current crop insurance system currently loses money—roughly $700 million a year. The United States spends approximately an additional $1 billion per year for ad hoc disaster assistance. But for all the money we spend to help farmers—almost $2 billion annually—we don't have a fair, effective, reliable, and cost efficient system. The lack of a reliable and cost efficient system hurts farmers applying for loans and leads to uncertainty in times of trouble. It is time to establish a sensible, cost efficient, and effective crop insurance program.

I believe that the basic framework of the administration proposal is sound. The proposed changes will remove the uncertainty and the unfairness of the current process without reducing the needed levels of assistance producers receive. However, there are a number of issues that still need to be explored.

I am concerned among other things that Congress not give up its ability to help producers on an ad hoc basis before we learn how well the new system works. It must be absolutely certain that, in the face of a natural disaster, producers in need will receive the assistance they require in a timely manner.

Also, we need to ensure help to producers who are willing to innovate with nonstandard and nonprogram crops. We in Kentucky are moving to diversify our agricultural base in order to improve farm income and the ability to withstand problems in a year with any one crop. But growing new crops requires significant investment and entails considerable risk, especially in early years of trial and error.

Let me focus on one area where Kentucky farmers have sought to diversify. There are only a handful of apple and pear orchards in western and southern Kentucky. One of our orchard operations, owned by Dudley and Margaret Lacy of Christian County, has in the past been unable to get federally reinsured insurance for their apples and pears exactly because there are so few orchards in the area. This past year they lost nearly half of their crop in a storm, but received no assistance whatsoever. This shortcoming in the current insurance program sends a message to people who want to break new ground not to bother, because the Government doesn't care to be there in their initial years of trial and greatest risk. We need to reduce the risk of disaster for these pioneering producers if we want to give them a chance to find alternatives to traditional cash crops.

Again, I look forward to working with the administration, the subcommittee and the committee on these and other issues.

TRIBUTE TO HELEN BROWN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a special friend and outstanding citizen of Port Clinton, OH. Helen Brown retires this week from Bataan Elementary School after 30 years of teaching. While her achievements and accomplishments over this time span are too numerous to mention, she has brought a devotion and caring to the classroom that will be missed by all.

Commitment to civic service is a hallmark of Ohio and one of the reasons it is such a wonderful place to live. Helen's dedication to teaching greatly enhance this commitment and should be commended. She has instilled in her many students over the years the notion that learning is a lifelong experience and that academic pursuits can be a positive influence in their lives.

Helen is one-half of a team of educators that has brightened the lives of children in Port Clinton for a combined 60 years. Her husband Tom served as guidance counselor at Port Clinton High School for 30 years before accepting a new challenge as my senior district representative. Since I have known them, I have grown to know and respect Tom's and Helen's commitment to their country and eagerness to seek out and help others.

Recently, Tom and Helen were forced to confront one of their greatest challenges yet when Helen experienced a sudden and totally unexpected heart attack. I am happy to say she is well on her way to full recovery and is looking forward to a wide range of adventure. This includes visiting their son Mike and daughter-in-law Kim and their grandchildren in Korea while Mike serves as a newly commissioned captain in the U.S. Army. They also plan to visit their daughter Kim in Charleston, TN.

Mr. Speaker, Helen Brown's career has been a model of excellence and her life is an inspiration to us all. I ask my colleagues to join me in paying a special tribute to Helen's record of personal accomplishments and wishing her all the best in the future.

FUSION ENERGY RESEARCH AUTHORIZATION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. BROWN of California. Mr. Speaker, today I have the pleasure of introducing the Fusion Energy Research Authorization Act of 1994. The act would provide for authorization of appropriations and for program direction for the Department of Energy's fusion energy research program.

Mr. Speaker, in our current concern over the deficit and Government spending, it has become too easy for us to react to short-term pressures and to cut spending in the types of scientific research that promise only intangible long-term payoffs. Certainly, in some cases, those of us who support these investments have done a poor job of explaining what may often appear to be the obscure and arcane benefits of scientific research.

But the goal of fusion energy research should be abundantly clear to all of us. Simply put, the problem is this: How are our future energy needs going to be supplied? As the world's population grows to 10 billion and more over the next 50 years, most experts expect worldwide energy demand to at least triple. The demands of ten billion people for decent housing, reliable transportation, dependable and safe food supplies, communications, and health care, will drive the demand for the energy that makes meeting all of those needs possible.

Where will all of this energy come from? The world's stock of oil will likely be depleted. Burning coal at that scale would cause massive environmental degradation. Concerns about weapons proliferation and waste storage will continue to plague nuclear fission reactors. Conservation and solar and renewable energy resources will certainly play a greater role, but few experts believe that we can supply the world's energy needs through those means alone.

The prospect of a world of ten billion people fighting for scarce energy resources should not be a prospect to appeal to any of us.

Fusion energy research holds the prospect of harnessing the power of the sun to provide us with a future source of abundant, affordable, environmentally sound, and dependable energy. The primary fuel for fusion comes from water. It doesn't produce carbon dioxide or other air pollutants. The nuclear reaction is inherently safe: if something goes wrong, the reaction simply stops. While some parts of the reactor will become radioactive over time, requiring special handling and disposal, the volume of waste and level of radioactivity will be much lower than fission reactors and should not pose difficulties.

Enormous progress has been made over the last 10 years by fusion scientists. Just last week, scientists at DOE's Princeton Plasma Physics Lab shattered the world record by briefly producing 9 million watts of fusion energy. In the last 10 years, scientists have improved the power output of fusion reactors 10 million-fold, a record of improvement that would inspire envy even in the computer industry. To date, the experiments give the scientists every confidence that fusion can be a viable source of future energy.

But significant technical and scientific challenges remain before fusion can be demonstrated as a commercially viable energy source. The next step is to build the next generation of fusion reactors which can demonstrate a self-sustaining, extended fusion reaction that produces net energy. These investments will be expensive, and there is no guarantee of success. The economic and technical risks are simply too high, and the potential payoffs too far away, to attract industry investment. If we want to pursue the potential of fusion, we need to understand that it will be largely at Government expense, and it is likely to require a sustained investment for decades to come.

With the fusion energy research budget now down to half of what it was only 10 years ago, and given continuing budget pressures, it is more important now than ever that DOE's fusion research program be focused and carefully invested in ways that are most likely to contribute to the longer term goal of developing fusion as a commercially viable energy source. It must be part of a broader and balanced program in the DOE's research budget that is similarly focused on the development of nonfossil fuel technologies to help meet long-term energy needs of this Nation and the world.

The bill I have introduced today is intended to guide the DOE's fusion energy research program over the next 5 to 10 years, when the Agency faces critical decisions about the next steps in the fusion program. Clearly, the single most important focus of the program should be participation in the International Thermonuclear Experimental Reactor, or ITER. ITER is a joint scientific project of the United States, the European Community, Japan, and Russia. Each of the four international partners is participating in the design and funding of ITER, which is intended to be the first fusion reactor to demonstrate a self-sustaining fusion reaction. Design is expected to be completed by 1998 with operation scheduled to begin in 2005.

In our recent debates on science projects, we have frequently urged greater international participation and cost-sharing of large scientific facilities. ITER is perhaps the preeminent example of where we are doing just that. Each participating partner has carried out significant fusion research on its own and came to the independent determination that something like ITER was the next step. By participating in ITER, all of the partners, including the United States, can sharply reduce their costs of fusion research. Indeed, without ITER, it is doubtful whether we would be willing to build a fusion reactor on our own that could duplicate fusion's intended functions.

But ITER faces difficulties. Our international partners are committed to ITER. Yet our international partners are skeptical of the ability of the United States to stick to its long-term financial commitments. In the wake of the SSC, and the continuing political problems of the space station, they have every right to be concerned. But if we cannot collaborate on ITER, where can we collaborate?

In the next few years, the partners will need to decide where to site ITER, and since each partner is likely to have a qualified site, there is concern that political squabbling over this decision will jeopardize the project. On this issue, as on the issue of long-term financial commitment, the Fusion Energy Research Authorization Act calls for an early and accelerated administration commitment to ITER. In this regard, my bill shares the goals of S. 646, sponsored by Senator BENNETT JOHNSTON, the distinguished chairman of the Senate Energy Committee, which passed the Senate last year.

Much attention has been placed on the economic benefits of locating ITER in the United States. While any large construction project like ITER will bring jobs in the area where it is built, it is important for us to understand the economic and technological benefits that will accrue to the United States even if ITER is not built in this country. For example, many of the major components and subsystems of ITER, including the superconducting magnets, could be manufactured in the United States and shipped to the ITER construction site in another country. Other research facilities needed to support ITER could be located in this country even if ITER were built abroad.

For this reason, the Fusion Energy Research Act calls for a report from DOE examining the economic costs and benefits, as well as the scientific and technological advantages and disadvantages, of siting ITER in the United States. In addition, the act calls for the selection of a country site for ITER by the international partners before DOE begins an expensive, politically contentious, and perhaps unnecessary site competition in the United States. Most importantly, the act directs the Secretary to ensure that any agreement on the siting of ITER include provisions which will distribute the economic and technological benefits of ITER equitably to all of the international partners, and to ensure the participation of U.S. industry in all aspects of ITER. Finally, the act conditions appropriations for the construction of ITER on a certification by the Secretary that all such conditions have been met and on a report by the Secretary on the expected cost of ITER construction based on site-specific engineering designs.

To meet the justified international concern about the ability of the United States to meet its long-term financial commitments to international scientific projects, the act establishes a special trust fund to pay for the United States' contribution to the design and construction of ITER and associated facilities, as well as the Tokamak Physics Experiment. The fund would be financed by a .1 mills per kilowatt hour fee on electricity generation, which is estimated to generate about $300 million per year; the fee would expire when the fund had a sufficient balance to pay for the U.S. share of construction costs of ITER and the other authorized fusion facilities.

I recognize, of course, that taxes and fees are not popular, and that the utilities may feel that it is unfair to ask them—and, ultimately, their rateholders—to pay for research on an energy technology that will be of no direct benefit to them. But I have included this provision in order to begin what is a needed public debate: How do we get out of our perpetual year-to-year financing bind and get on with the job of providing secure multiyear funding for essential facilities that serve a critical public purpose? How can we demonstrate our credibility to a skeptical world scientific community and show that the United States can be a reliable international partner in scientific cooperation? How do we finance the high-risk research needed to develop new sources of energy for the next century? A fund like the one proposed here may be a solution.

The DOE's fusion energy research program has been criticized for its overdependence on Tokamak fusion reactors. Given the limited resources available to the fusion energy research program, the focus of DOE's program on Tokamaks is understandable. To date, Tokamaks have been the most successful technology for confining the hot plasma gases involved in magnetic fusion. As one witness at a recent Science Committee hearing testified, "The only thing worse than putting all your eggs in one basket is to not put enough eggs in any basket."

Nevertheless, I share the concern that promising alternative fusion technologies are not getting adequate support. While these alternative technologies are not nearly as well developed as Tokamak technologies, and face technical obstacles at least as significant as those faced by Tokamaks, they may ultimately provide a more commercially viable source of fusion energy than Tokamaks. For those reasons, the bill calls on the National Academy of Sciences to conduct a comprehensive and independent review of existing fusion concepts, including Tokamak technology, to determine the relative advantages and disadvantages of those technologies in achieving the goal of commercial viability. In addition, the bill establishes a separate program office for alternative fusion technologies and provides a separate line item authorization for alternative fusion research.

One alternative fusion research concept with particular promise is inertial confinement. The bill authorizes research and development needed to build and test an induction linac systems experiment for the purpose of developing heavy ion inertial fusion energy. It also directs the Secretary of Energy, in cooperation with the Secretary of Defense, to explore the possibility of closer cooperation and resource sharing with the DOD fusion research program to enhance the civilian energy applications of the defense program.

The bill also authorized the construction of the Tokamak Physics Experiment, or TPX, as a follow-on to the successful Tokamak Fusion Test Reactor at the Princeton Plasma Physics Laboratory. The TPX is an important adjunct to the ITER reactor. ITER is an experimental reactor intended to prove the physics of fusion power and its design is necessarily conservative; TPX is intended to test a unique compact and efficient reactor design that responds to the commercial need for a smaller reactor. It will also advance the understanding of fusion physics and contribute to the ITER program. Building TPX will also give U.S. industry important experience in building superconducting magnets and other components that will be useful in competing for the construction of ITER and its components. The bill also calls for the Secretary to report to Congress on the feasibility of conducting a parallel design effort on the TPX to augment the capabilities of the TPX in the event that ITER does not move forward.

Mr. Speaker, we are at a critical crossroads in the fusion program. The fusion scientists have shown tremendous progress, but further progress to develop fusion as a viable energy source will require further investments and an understanding that the benefits will not be to us, but to the future generations whose energy supply we may secure.

I urge my fellow colleagues to cosponsor this legislation.

ST. ALOYSIUS CHURCH—RESTORATION CELEBRATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. MAZZOLI. Mr. Speaker, the Great Church of St. Aloysius Gonzaga has stood proudly and nobly on North Capitol Street at I Street since its dedication in 1859.

At the time of its dedication, the New York Times described it in these words: "In internal architectural beauty, it is said not to be surpassed by any church in the world."

In its rich history, it has been the mother church for the priests of the Society of Jesus, more widely known as the Jesuit Fathers. Moreover, it has been held in its embrace and been the scene of countless religious and educational ceremonies for all the many generations of young men attending Gonzaga College High School whose several buildings, new and old, occupy the same parcel of land as does St. Aloysius.

St. Aloysius Church has also acted as the parish church for Catholic Christians in its area of Washington and a place of sanctuary and comfort to people of all faiths for 135 years.

In recent years, Mr. Speaker, this grand place grew a bit weary and lost some of this earthly luster, though its heart and soul remained strong and vibrant. Because of structural and mechanical failures, the Great Church has been closed to worshipers for the past few years.

Last year, the Reverend Bernard Dooley, S.J., president of Gonzaga College High School, felt that the time was right for a thorough, professional, artistic and architecturally sensitive restoration of the Great Church. Candidly, Mr. Speaker, over the years there have been efforts to restore St. Aloysius Church which have been well-intentioned but lacking in grace, and perspective and accomplishment.

Father Dooley in his 20 effective years at the helm of Gonzaga High School has never left anything to chance. And, the school—which was in the doldrums in the 1960's when Father Dooley arrived at 19 I Street—reflects his genius and leadership, and is now bustling with students, is replete with new, state-of-the-art equipment and facilities, and is recommitted to religious, educational, and social excellence for its students for all the years to come.

Father Dooley has approached the task of restoring St. Aloysius Gonzaga Church with the same zeal, vision, and skill as he has the revitalization of Gonzaga School. And, so, Mr. Speaker, the renewed and restored and reborn St. Aloysius Gonzaga Church will be rededicated on June 12, 1994.

The careful, painstaking and artistically superlative restoration includes the refurbishing of several paintings by Constantine Brumidi, the renowned artist whose work decorates our own beautiful U.S. Capitol.

St. Aloysius Gonzaga is the patron saint of youth. But, during its 135 years of existence, St. Aloysius Gonzaga Church has served well both young and old, Catholic and non-Catholic. And, because of this grand restoration, St. Aloysius Church is once again able to serve the people of God of whatever age, and to stand, once more, proud, beautiful, and welcoming. Congratulations to Father Dooley and to all whose talents, time, and treasure brought about this great and wonderful restoration.

Mr. Speaker, I include at this point the text of an article which appeared in the Washington Times on June 1, 1994, describing the restoration of St. Aloysius Gonzaga Church.

[From the Washington Times, June 1, 1994]

RESTORATION OF ST. ALOYSIUS GONZAGA CHURCH

[By Eleanor Kennelly]

The huge painting inches up the wall as the man with the rope strains to hoist the heavy load.

Young St. Aloysius Gonzaga, receiving his first Holy Communion, dangles over the white marble altar. Twelve arms reach up to guide him carefully into the plaster wall frame.

Protective plastic panels are lifted quickly from the painting. Done. The sanctuary of St. Aloysius Church rings with applause.

"It doesn't look like the same painting," marvels architect Franklin Duane, staring up at the saint. "It was terribly dirty and rippled from humidity. This painting is so bright!"

Now, that is.

The painting is the centerpiece of an eight-month restoration of St. Aloysius, the city's oldest Roman Catholic church in continuous use. Adjoining Gonzaga College High School at North Capitol and I streets NW, it opened in 1859; at the time, its internal beauty was considered unsurpassed "by any church in the world."

But poor heating and cooling, decline in use and the ravages of time changed that.

The vast upper church was rarely used throughout the 1980s except for big Gonzaga events, such as graduation. It was too hot there in the summer, too cold in the winter, and the lights were dim.

For Sunday Mass, a small sanctuary in the basement served a dwindling number of local parishioners who could never afford to fix the whole place.

Mr. Duane—an alumnus of Gonzaga, which shares a city block with St. Aloysius and Jesuit staffers—helped oversee the restoration, which centers on the altar painting by Constantino Brumidi, an Italian-born artist best known for the fresco some 10 blocks away under the U.S. Capitol's dome.

Gonzaga's president, the Rev. Bernard Dooley, raised more than $1 million from alumni for the restoration. He had already transformed Gonzaga into one of the most competitive schools in the Archdiocese of Washington—a school where students can study the Greek classics and get credit for working in a soup kitchen.

As shepherd of this flock for the past 20 years, he has seen Gonzaga build a new conference center, modernize its gym and buy an old five-story apartment building from the city and turn it into office and classroom space. (The top floor is used by Higher Achievement Program, a gifted-and-talented program for District youths.) It also enlarged the football field, no minor accomplishment along busy North Capitol Street.

But one task remained undone: St. Aloysius Church.

Confident that the money would come, Father Dooley told contractors to start work last year before the cash was in hand.

The Gonzaga Mother's Club raised $45,000 at a Christmas dinner-auction to pay for the Brumidi/altar restoration, which involved designing a new aluminum support for the piece.

It took Father Dooley less than eight months to raise the rest.

"I approached about 500 people with letters, phone calls and visits. I knew I could raise the money because the boys of Gonzaga have a sense of the sacred," says Father Dooley, who announced last fall that he's stepping down at the end of this school year.

"Father Dooley brought me into the upper church, and I looked up in amazement. It was so big. In terrible shape. One relief column against a wall had so much water damage it had basically disappeared," says Steve Ferrandi, who knocked on St. Aloysius' door two years ago while canvassing churches here, trying to drum up business for his Baltimore firm, Church Services Restoration.

Mr. Ferrandi, whose company T-shirt reads "We Specialize in Caring for God's House," and his team began work in October 1993.

The pews came out. The Brumidi painting came down. The scaffolding went up.

With a ceiling 60 feet above, the altar and an open, airy nave, it took an erector set of platforms to reach the roof.

Installing giant air-conditioning and heating units and getting rid of the lead-based paint meant dismantling elaborate ceiling panels and fancy medallions that had to be entirely recast—in plaster and fiberglass—and repainted.

Getting the altar painting down and out for restoration meant taking down an old-fashioned weather wall at the back of the church. The change opened up the vestibule, bringing in more light, so the restorers left the wall out for good.

Bringing the priest and congregation closer together, the trend in new Roman Catholic liturgies, meant removing a communion rail and extending the sanctuary floor into the nave.

To match the original stone of the floor, sienna and travertine marble was cut in Italy, marked for place and flown in by Lufthansa—all in about 60 days.

When the church was dedicated in 1859, the New York Times wrote,

"In internal architectural beauty it is said not to be surpassed by any church in the world."

But some decorative additions made over the years were simply ugly. Such as the faux serpentine marble laminate panels at eye level around the whole nave.

When workers pulled off the laminate to pop holes in the wall for duct work, they found the outline of a classical rolling frieze.

Rather than cover it again, Bob Thuman, a Baltimore gilder who had been an apprentice on a renovation in 1959, went to work repainting the swirling pattern of flowers and fruits in the church's new tones of pearl, mushroom and gold.

He also gilded more than 200 flowers the size of dinner plates, antiqued grapevine molding that climbs the walls of the sanctuary and gave the columns a faux marbling.

"The old painting scheme reminded me of a '50s Buick," Mr. Ferrandi says. "Very faddish and glitzy. The altar area was painted bright yellow with blue-green trim. The ceiling was pink. There was almost no gold in the church, all silver."

The restoration committee settled on shades of blue for the ceiling and the carpet, colors that match the flowing tint in the baby-blue stained glass.

"We wanted colors that reflected our theme of light and youthfulness," says art dealer Bob Murray, a Gonzaga alumnus who acted as "aesthetic director" of the project. "The line of color in the ceiling brings the eye to the dome of the sanctuary, then to the Brumidi painting, our major focal point," he says.

Skipping around the altar, checking different views, Arthur Page, chief conservator, seems thrilled.

"They don't get much bigger than this. Remember, this is an easel painting 15 feet tall. Brumidi painted it on one piece of canvas in a studio," he says.

He explains that the painting appears "infinitely more colorful" because the restorers removed surface grease and grime as well as a heavy yellow varnish.

"It's obviously the same painting, but it's alive now," says Terry Matan of Kensington, a Mother's Club member whose three sons attended Gonzaga.

"I touched it when they first took it down," she says, "and my hand looked like I had changed a tire."

"I think it's ab-so-lute-ly beautiful," marvels "Doc" Watson, who used to sleep at the shelter for the homeless in the church basement but now helps prepare hot meals there for others.

Admiring the painting and the church spread before it, he stands in bluish light cast by a stained glass window of the infant Jesus 70 feet above the sanctuary.

The infant had been buried under three inches of dirt until he was rediscovered during the ceiling cleaning, waiting patiently in his cloud to be rescued.

Mr. Page's assistant, Laurence Ullmann, points to the only female figure in the painting. "There were big problems with the lace headpiece worn by Mrs. Douglas," he says. (Mrs. Stephen Douglas, wife of a senator and a member of the parish, posed as Aloysius' mother for the painting.

"In an earlier restoration, probably 1959, someone took a doily and spray-painted her mantilla on. It came off when we cleaned with organic solvents. We had to repaint the subject there, reconstruct one priest's cossack and fix his legs.

"Luckily, we had enough information, enough brush strokes, to pick up the pattern and re-create it from the original," he adds.

The final touches are being added to S. Aloysius in time for Gonzaga's Friday graduation, at which former Education Secretary William Bennett (Gonzaga '61) will give the commencement speech.

Two niches in the back of the church, where plastic palm trees used to stand, are being painted with murals by Armen Kankanian, an Armenian painter who came to the United States in 1990.

In the front of the church, a decorative painter from Kiev, Leonid Kitelman, another recent immigrant, is finishing a column. "I am glad my small labor is part of this big project," he says. He and Mr. Kankanian met on this job; now they're friends.

The restoration has not gone perfectly, though. A worker who was finishing the ceiling stepped backward * * * and fell nearly 60 feet to the floor. After several weeks in a coma, he is recovering at a rehabilitation hospital.

"The amazing thing is that he lived," Father Dooley says. "That is a miracle."

And the priest turns to look back up at St. Aloysius.

UPON THIS PLOT A CHURCH ROSE

When Ambrose Lynch donated land at North Capitol and I streets NW to the Jesuits in the mid-1800s, it was a field on a country road.

In honor of his son, a pioneering local priest, Lynch gave the plot for a new Catholic church, rectory and school.

St. Aloysius Church—named for the patron saint of youth who was studying to become a Jesuit at the time of his early death from the plague—was completed in 1859.

Though St. Patrick's is the oldest Roman Catholic Church in Washington, St. Aloysius is the oldest in continuous use.

It was designed by Father Benedict Sestini, a Florentine philosophy professor at Georgetown University who dabbled in architecture.

Sestini was friendly with fellow Italian Constantino Brumidi, a fresco painter who decorated the U.S. Capitol's walls for 25 years. The architect asked the painter to do a piece for the new church; Brumidi produced the altar painting of St. Aloysius.

Three thousand people, including President James Buchanan, attended the 1859 dedication, according to the New York Times.

Gonzaga College was originally named Washington Seminary. It opened in 1821 at F and 10th streets NW as a day school for lay students and moved 50 years later to I Street. It was empowered by Congress to grant degrees—hence the name "college"—but became a secondary school exclusively by the turn of the century.

The school lays claim to many illustrious graduates, including former White House spokesman Patrick Buchanan; former Education Secretary William Bennett; actor John Heard; the late Jeremiah O'Leary, a former White House correspondent and columnist for The Washington Times; and Time magazine write Lance Morrow.

SECRET GSP DEAL FOR CHINA A BAD IDEA

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. SANDERS. Mr. Speaker, I rise today to express my outrage over the administration's proposal to change the criteria for designating a country as a GSP beneficiary. This change would directly benefit the Chinese. The Clinton administration is quietly greasing the skids to unilaterally extend duty-free tariff treatment to billions of dollars of Chinese imports.

Apparently it is not enough to give China most-favored-nation [MFN] treatment for its current $30 billion in exports to the United States. Now the USTR is trying to sneak into the GATT Uruguay round implementing legislation a marked change in current law. This change would allow the President to unilaterally give China duty-free access to our market through the generalized system of preferences [GSP] Program, upon peremptory notice to the pertinent congressional committees, at any point in time.

Currently, section 502(b)(1) of title V of the Trade Act of 1974, as amended, requires the following:

> The President shall not designate any country a GSP beneficiary country under this section—
>
> (l) if such country is a Communist country, unless (A) the products of such country receive nondiscriminatory [MFN] treatment, (B) such country is a contracting party to the General Agreement on Tariffs and Trade and a member of the International Monetary Fund, and (C) such country is not dominated or controlled by international communism.

The administration's proposal reads: Amend section 502(b) to strike clause (1) and substitute the following:

> The President shall not designate any country a beneficiary development country under this chapter—
>
> ( ) if the Column 2 rate of duty [non-MFN] in the Harmonized Tariff Schedule is applied to the products of such country.

Let us be clear about what could happen here. China is clearly prohibited now from receiving GSP benefits under current law because it is not a signatory to the GATT. Even if Congress does not overturn the President's recently announced decision to seek extension of MFN for China, I doubt the USTR would be prepared to claim, under existing law, that China is no longer dominated or controlled by international communism.

But if the USTR gets its current GSP proposal approved in the Ways and Means informal markup of the GATT bill in the next few weeks, then the door will be wide open for the President to extend GSP benefits to China at any time, provided that China's MFN status is renewed.

I think, GSP benefits for China should be out of the question for several reasons:

First, GSP is a trade program whereby the United States extends to developing countries trade preferences that are decidedly more generous than nondiscriminatory [MFN] treatment. It is the difference between zero tariffs and the prevailing tariff rate for most of the countries with which we trade.

Second, extending GSP benefits to China will add billions of dollars to our Federal deficit because of the significant loss of tariff revenue presently imposed on Chinese imports.

Third, the United States is currently running a $21 billion trade deficit with China. Extension of GSP to China will only worsen our second biggest trade imbalance.

Fourth, taking this action fresh on the heels of extending MFN treatment to China would make a complete mockery of our Nation's longstanding commitment to fundamental human rights, including worker rights, in the eyes of the Communist Chinese leaders.

I urge my colleagues to take two immediate actions to prevent China from becoming eligible for GSP benefits:

First, tell our colleagues on the Ways and Means Committee, especially those who serve on the Trade Subcommittee, of your opposition to China becoming eligible for GSP benefits. Urge them to reject the USTR's misguided proposed changes and to retain current law which prohibits the extension of GSP benefits to China.

Second, cosign the letter that I am sending to President Clinton to express our strong opposition to any extension of GSP benefits to China and urging them to withdraw his pending legislative proposal.

ALLOW THE BOSNIAN MOSLEMS TO DEFEND THEMSELVES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. PACKARD. Mr. Speaker, recently, the world celebrated the heroic liberation of Europe from the tyranny of Hitler and his genocidal policies. U.S. troop landing on the beaches of Normandy stood as a shining example of the strength of this Nation and as representatives of freedom and democracy.

Europe once again faces bloodshed within its borders—this time, within the former Yugoslavia. Since 1991, war has racked this region at a cost of tens of thousands of lives.

However, the world stands by as Bosnian Moslems, legally barred from obtaining the arms they need to defend themselves, face daily slaughter. Where is the United States this time? President Clinton's vacillating policy in Bosnia abrogates the United States preeminent position in the world arena. We appear to all the world as afraid, timid and tentative.

Is this Nation, which once stood squarely against persecution and oppession, going to undermine its leadership position in the world? The embargo is a misguided policy. The United Nations continues to argue that this embargo is an effective tool in curtailing the carnage in the region, I do not agree. It is this very policy which has encouraged the continuation of this 3-year-old struggle. Weakness invites war. A strong defense is the surest way to peace.

The McCloskey, Gilman, Bonier and Hoyer amendment is a moral imperative. The United States cannot claim its ethical veracity unless it takes the lead and shows the world this murderous campaign is an intolerable circumstance.

I urge my colleagues to rise in support of the McCloskey, Gilman, Bonyer and Hoyer amendment in order to ensure an equal playing field that allows the Bosnian Moslems an opportunity to defend themnselves. The United States can no longer turn a blind eye to the carnage in this region.

THE 100TH ANNIVERSARY OF ROSE HILL BAPTIST CHURCH

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. VOLKMER. Mr. Speaker, I rise to pay homage to Rose Hill Baptist Church which has reached another milestone in its history, 100 years of service to God and its community. I join in celebrating the centennial of its founding which occurred three decades after the Emancipation Proclamation on land given to slaves and the sons and daughters of slaves.

True to its motto, The church with a purpose, Rose Hill has stood as a bulwark in the community of Villa Ridge from the time its members trudged along dusty narrow trails to worship until today. The history of Rose Hill is inextricably linked to slavery in Missouri, and particularly in Franklin County where records show that 1,500 slaves were held. One of these slaves was an early officer of the church who despite being the victim of physical abuse and personal indignities at the hand of his owners, never faltered in his service to God. This pioneer leader and his Christian example is still closely tied to the church through decendants who are still members of the Rose Hill congregation today.

Under the leadership of 13 pastors, the church has prospered and grown over the century. This growth and development is due in great measure to a nucleus of devoted and dedicated members who have given tirelessly of their time, energy, and money to carry out the church's mission of service to the community, fellowship, as well as, religious and spiritual guidance.

The accomplishments of Rose Hill Baptist Church over a period of 100 years are too numerous to mention. Strengthened by the past, guided by the future, and anchored to faith in God, Rose Hill Baptist Church will continue to be a monument to God and a testimony of what faith, hard work, and determination can do. For 100 years the membership of this church has made significant contributions to all areas of service to its community. What has been done will be overshadowed only by what will continue to be done in order to further God's work during the next 100 years. I commend Rose Hill Baptist Church for their community efforts and longevity. I join with them in their celebration and hope they continue their efforts into the next century of service.

PHILIPPINES INDEPENDENCE COMMEMORATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. UNDERWOOD. Mr. Speaker, this coming June 12, the Republic of the Philippines and Filipinos all over the world will commemorate the 96th anniversary of the proclamation of their independence.

Back in June of 1898, outside the group of ecstatic, enlightened, and freedom-loving patriots from within the archipelago's more than 7,000 islands, few people were even remotely aware of the implications of that summer day's events. Now, almost a century later, we recognize the significance of that proclamation made 96 years ago. It has come to symbolize a people's aspirations, desire, and capacity to stand their ground, take control of and choose their own destiny.

We also have been made aware that the desire to be a free republic is not a uniquely Western concept. The day General Aguinaldo first unfurled the Filipino flag amidst the inspiring strains of the Philippine National Anthem signaled the birth of the first republic in Asia, an event witnessed by jubilant Filipinos and curious foreign observers alike. For the first time, a political system dedicated to the ideals of democracy and popular representative government was instituted in this part of the world, where despotism had always been a mainstay.

Although short-lived, this first republic had always been a testament to this freedom-loving nation's devotion to the ideals of liberty and democracy. The proclamation of independence directly rejected tyranny and foreign domination and has served as an inspiration to other peoples suffering from colonialism.

As the delegate from Guam, I recognize the fact that the island and people that I represent share deep cultural and historical ties with the Philippines. As a matter of fact, my constituency includes a large number of Filipino immigrants. Over the years, as in numerous other locales, they have integrated themselves with the island community and made themselves a vital force in the development and growth of Guam.

This year's celebration is extremely significant. As part of the Filipino community's Independence Day festivities, the people of Guam will be honored with a visit from former Philippine President Corazon C. Aquino. Having been the driving force in the overthrow of a dictatorial regime, she has become a living symbol to all the freedom-loving people of the world of the very same ideals that led the original Filipino Nationalists to the declaration of their independence.

On behalf of the people of Guam I would like to congratulate the Filipino people and join them in the celebration of the 96th anniversary of their independence.

CONGRATULATING RAY LOSORNIO, JR., ON 34 YEARS WITH THE U.S. ARMY CORPS OF ENGINEERS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. EDWARDS of Texas. Mr. Speaker, today I wish to congratulate Mr. Ray Losornio of Fort Worth for 34 years of dedicated service to the U.S. Army Corps of Engineers. Mr. Losornio recently ended his distinguished career with the Corps. I hope Members will join with me today to thank Mr. Losornio for his contributions to the Corps of Engineers, his local community and the country.

Ray Losornio began his career with the Corps of Engineers in 1959 as an engineering aid in the Tulsa, OK, district. His time with the Corps of Engineers was unbroken except for a stint serving in the U.S. Marine Corps from 1962 to 1965. In 1975, he transferred to the Fort Worth District and took a position as a civil engineer.

Over the next 19 years, Ray Losornio, a graduate of Oklahoma State University, moved his way up the management ladder. At the time of his retirement, Ray Losornio served as an administrative officer in the Forth Worth District executive office. During his career, Ray Losornio received 14 performance and achievement awards. He was also presented the prestigious Superior Civilian Service Award. The justification for the award read:

> Mr. Losornio consistently provided outstanding service in the relationship with the public and Congressional Members and their staffs, involving controversial and complex issues.

That, Members, sums up why Ray Losornio will be missed by the Corps of Engineers, members of the Texas congressional delegation and his country. I want to wish Ray and his wife Norma every success in the future.

QUAKER VALLEY SCHOOL DISTRICT BLUE RIBBON AWARD WINNER

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. COYNE. Mr. Speaker, I am pleased today to inform the Members of the House that the Quaker Valley School District's Osborne Elementary School has been selected as a Blue Ribbon Award winner by the U.S. Department of Education.

I am proud of the fact that Osborne Elementary School, which is located in the 14th Congressional District that I represent, has been selected for this honor. It should be noted that Osborne Elementary is one of 276 schools nationwide and one of only 12 in the Commonwealth of Pennsylvania to win this prestigious Federal award. At a time when our country needs to focus on achieving excellence in education, Osborne Elementary has been doing exactly that by providing its students with a truly outstanding environment for learning.

Osborne Elementary School serves 462 students in grades K through 6 from six municipalities in the Quaker Valley area north of the Ohio River in Allegheny County. The success of Osborne Elementary School's educational program for these students is a tribute to the teachers, school administrators and the parents of the school's children. I want to note in particular the efforts of Dr. R. Gerald Longo, superintendent; Dr. Nancy B. Auer, principal; Saundra Waseleski, head teacher; Donna Bell, intermediate teacher; and Patty Coleman, past president, Osborne Home and School Association.

The Quaker Valley School has given Osborne Elementary the administrative flexibility to implement an educational program directly attuned to the needs of its students. Teachers at this school have responded by displaying an innovative spirit that promotes an exciting learning environment for Osborne's students. Finally, parents have been recognized as a vital resource contributing to the success of the school's basic educational mission. The parents' commitment to their child's educational development has been welcomed and the active participation of parents in the school's daily programs has been encouraged.

I want to commend the teachers and administrators of Osborne Elementary School and the Quaker Valley School District for their first-rate efforts to provide a superior educational experience for the students of this school. I also want to salute the parents of students at Osborne Elementary School for their active participation in the education of their children.

Mr. Speaker, it is fitting that the U.S. House of Representatives should join the Department of Education in recognizing our Nation's best schools. I am pleased to do so at this time by recognizing Osborne Elementary School, one of America's Blue Ribbon Schools.

AGRICULTURAL RESEARCH REMAINS A FOREIGN AID PRIORITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. HAMILTON. Mr. Speaker, the demands on U.S. foreign assistance far exceed the resources. The U.S. Aid agricultural programs have made substantial contributions to sustainable development broadly, and to the reduction of hunger and poverty specifically. The following article underscores the need for sustained commitment to agriculture, even in an era of intense fiscal pressure.

The United States has a unique capacity for agricultural research. This research is critical for fueling advancements in agricultural productivity, necessary to keep pace with growing world population and food demand. This capacity was successfully demonstrated by the significant improvements in agricultural productivity spawned by the green revolution.

As the following article by Jessica Mathews from the Washington Post, June 7, 1994 describes, these dramatic improvements in agricultural production brought about by the Green Revolution have, for the most part, reached a plateau. The growing Malthusian imbalance between high rates of population growth in much of the developing world and a relatively low rate of increase in agricultural productivity, calls for a renewed effort to improve agricultural productivity through agricultural research.

I recommend the following article as a quick education on the importance of agricultural research in meeting world food and nutrition needs and contributing to stability in the developing world.

MALTHUS'S WARNING

(By Jessica Mathews)

You've got to hand it to Malthus. It isn't everyone who can start a debate that's still going strong after 200 years.

So far, food supplies have not, as he predicted, been overtaken by human numbers. Science has provided the means to more than keep pace. Nutrition in the developing world has improved, life expectancy has grown, and infant mortality has been cut in half. For a while, in the 1960s and '70s especially, the outlook seemed rosy.

Yet there is still no reason to be confident that Malthus was wrong in more than his timing. Already, 700 million people are malnourished, and an appalling 40,000 die every day of hunger and hunger-related diseases. There is unmistakable evidence of overstress in land and water. And, despite falling birthrates, the world is about to experience growth on an unprecedented scale: 3 billion more people in 30 years—one India each decade—nearly all in the developing countries.

A growing number of experts now believe that governments were misled by the transitory success of the Green Revolution into an unwarranted and dangerous complacency about the adequacy of future food supplies. They warn that absent an urgent effort to refill the agricultural research pipeline, the trend of a steadily improving human condition that we have come to take for granted could turn sharply downward in the early decades of the next century.

They feel this way because although global agriculture far outstripped population growth (now at 1.7 percent per year) in the '60s and '70s, production per person suddenly stopped growing in the mid-'80s.

Statistically, it is too soon to tell whether the curve is flat or actually heading downward. But it is clear that growth rates in the yields of major crops have fallen sharply in key regions. In China, for example, which is by far the largest rice producer, yields (production per hectare) grew by 4 percent annually in the 1970s. In the 1980s, the figure was 1.6 percent.

The easiest ways to expand production have been almost fully exploited. Nearly all of the suitable land and the best irrigation sites are in use. More fertilizer will provide some boost, but in the major growing areas its use is already at optimal levels.

At the same time, the natural productivity of the land is falling. Since 1945, 11 percent of the earth's vegetated surface—an area the size of India and China—has been degraded through soil erosion, salinization from poorly managed irrigation and overgrazing. Some of this land is permanently destroyed. Some could be expensively reclaimed. On the rest, agricultural potential is greatly reduced. By allowing nature's contribution to be destroyed while buying water and fertilizer to replace it, the world has, in effect, been running up a down escalator.

Given these trends, there is only one way to triple agricultural production in the next half-century. (Tripling is needed to keep up with doubled population, alleviate extreme malnourishment and meet the rising demand for meat.) That is to sharply raise yields through research on improved crops and farming methods that will allow far more intensive production with far less environmental loss.

Developing countries lack the size and scientific capacity to do this on their own. Products for poor farmers provide insufficient commercial motive. The work can only be done through an international, publicly funded effort, located in the developing world. Happily, such a system exists—a network of 18 research centers launched in 1972 that go by the almost-memorable acronym of CGIAR. Their early projects—new varieties of rice and wheat—have provided food for more than 1 billion people.

Unhappily, the system is now in crisis, its funding in free fall. The centers have lost a third of their researchers since 1989, and 20 percent of their funding in the last two years alone. Their ability to recruit top talent is in jeopardy. And all this because of a shortfall of $50 million a year—a speck, a pittance—six-thousandths of one percent of world military spending, to be exact.

Those who think about agriculture's prospects cannot fathom why governments have ceased to count it a priority. While there are no end of research opportunities, breakthroughs take 15 years or more to develop and distribute. Even conservative projections (not counting uncertain but not unlikely stresses like climate change) of the situation in 2020 are scary. The World Bank estimates that Africa's food shortage then will be 20 times what it is today.

On moral, economic or geopolitical grounds, the case for an amply and securely funded program is overwhelming. Few investments produce comparable economic rates of return. Emergency relief, by contrast, produces none. In human terms, everything begins with adequate nutrition—health, the capacity to learn, the capacity to work and declining fertility rates (which do not fall until after death rates fall). And nothing is as sure a spur to ethnic hatred, splintering societies and swelling tides of refugees, as competition for a shrinking supply of food, water and workable land.

Much as ideologues love to fight over him, the verdict on Malthus will have to stay out for some years yet. Most likely, the outcome will depend not so much on whether mankind has the technical capacity to feed itself as whether it can muster the foresight and the requisite political will. Early indicators to watch will be the results of this fall's Population Summit in Cairo and the fate of a rescue plan for the CGIAR.

TRIBUTE TO S. SGT. WALTER D. EHLERS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. MOORHEAD. Mr. Speaker, as D-day was recognized around the world, it is fitting that we remember the events which immediately followed the initial Normandy invasion. Today marks another significant anniversary. I wish to commend the recognized heroic deeds, 50 years ago today, of then S. Sgt. Walter D. Ehlers.

On June 9, 1944, outside Goville, France, 23-year-old Sergeant Ehlers and his squad, having 3 days prior been among the thousands that landed at Omaha Beach, pressed on in their inland assignment of reporting information about German defense. His duties first and foremost in his mind, Sergeant Ehlers was also concerned about his brother, Roland. The brothers had been through campaigns together in Africa and Sicily and were separated for the first time at Normandy.

In a countryside surrounded by the enemy and without waiting for orders, Ehlers crept ahead of his squad to spot and neutralize German forces. This action led his men against a heavily defended enemy strong point. Sergeant Ehlers personally killed four enemy patrol who attacked him on his mission. He then led his squad through a haze of mortar fire to stop the German mortar section, himself killing three more men. Ehlers, again covered by his men, was next responsible for singlehandedly knocking out a German machinegun nest. Walter Ehlers was a spearhead of the Allied invasion and before the fighting was done, his colleagues called him a "one-man platoon."

On June 10, having advanced deep into enemy territory, the platoon of which Sergeant Ehlers was a member, was ordered to withdraw. The men were under continuous enemy fire. Ehlers stepped into the middle of the fighting to divert most of the hostile action on himself so that his squad could withdraw. Although the Sergeant was wounded by sniper fire, he was still able to carry a squad member to safety and then, under heavy fire, went back to retrieve his rifle which he was forced to leave behind.

The courageous and aggressive actions taken by S. Sgt. Walter D. Ehlers earned him the highest of honors. On December 11, 1944 in Paris, the newly promoted Lieutenant Ehlers was awarded the Medal of Honor. The citation for bravery which accompanied the medal details his heroic deeds. These actions remain an inspiration to us all today.

Although Ehlers did not lose a single member of his squad during the landing at Omaha Beach, he found out later that his beloved brother, Roland, was killed by an enemy shell before he was able to set foot on the beach. A company commander explained that Roland and Walter had been intentionally separated as the chances of one of them surviving the invasion would be greater.

Today, Walter Ehlers is 73 years old and is one of three living Medal of Honor recipients who received this honor for their actions during the Normandy invasion. In July, the Navy League of the United States and the Air Force Association will honor Ehlers at a special ceremony.

TRIBUTE TO REV. CARL L. WHITE, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Carl L. White, Jr., of the Victory Christian Assembly Church. Attached is a proclamation I issued Reverend White commending him for his work.

PROCLAMATION

Whereas, the Reverend Carl L. White, Jr. is a native of Winchester, Arkansas, a family man he is married to Joanne White and they have four wonderful children. He matriculated in the Chicago Public Schools, Chicago City Colleges-Malcolm X College, Moody Bible Institute, Chicago, Illinois, United States Army Training School, a certified teacher of the Evangelical Teacher Training Association, and

Whereas, Reverend White has served as a Pastor for over fourteen years, first at the First Union Missionary Baptist Church, Ford Heights, Illinois, subsequently on June 7, 1987 under the guidance of the Holy Spirit he organized the Victory Christian Assembly Church Baptist. Reverend and Mrs. White host a twice weekly radio program focusing on the family, Reverend White ministers through four weekly radio broadcasts, the church also provides housing for homeless persons, just a few of the over thirty ministries of the Victory Christian Assembly, and

Whereas, Reverend White is a church and community leader who constantly gives of himself, he is a member of the Far Southside NAACP, The National Negotiating Board of Operation PUSH, the Advisory Board of Rezin Orr High School, the South Suburban Ministers Fellowship, member of the Southern Baptist Convention, and the Black Pastors Fellowship of the Southern Baptist Convention, and

Whereas, Reverend White is a dynamic revivalist and speaker throughout the United States preaching in Florida, Virginia, Baltimore, Los Angeles, Detroit, Kansas City, Louisville. He is a regular speaker at the annual National Christian Education Conference for Urban Ministries: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Carl L. White, by entering these accomplishments into Record and Archives of the One Hundred and Third Congress of the United States.

TRIBUTE TO CANDLE-LIGHTERS AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE CEREMONY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. SWETT. Mr. Speaker, just a few weeks ago in the rotunda of the U.S. Capitol, the U.S. Holocaust Memorial Council organized the annual National Civic Commemoration to remember the victims of the Holocaust. The ceremony was held in connection with the annual Days of Remembrance and is a key part of that yearly observance in memory of the 6 million victims of Nazi Germany.

This year the commemoration was dedicated to the Hungarian Jewish community decimated in the Holocaust, because March 19 of this year marks the 50th anniversary of the beginning of the Holocaust in Hungary—the time in 1944 when the deportation of Jews began there. Shortly after German troops began the occupation of Hungary, Adolf Eichmann arrived in Budapest personally to supervise the imposition of the final solution in Hungary. Under Eichmann's vicious leadership, the number of Jews in Hungary dropped from approximately 750,000 before 1944 to just 139,000 some 10 months later when Budapest was liberated by the Soviet Army in January 1945.

The tragic events that took place in Hungary half a century ago, events which were solemnly and sadly recalled this year in the great rotunda here in our Nation's Capitol Building, have a special significance for me, Mr. Speaker. As my colleagues, my wife is the daughter of our distinguished colleague, TOM LANTOS of California, the only survivor of the Holocaust elected to Congress, and of Annette Lantos, also a survivor of the Holocaust in Hungary. If my wife and six children had lived in Hungary in 1944, they would have been declared racially unfit to live. They would likely have been among those forced into cattle cars by Nazi soldiers or Hungarian Arrow Cross troops and sent to Auschwitz, as TOM LANTOS' mother was. Or they might have been lined up on the banks of the Danube River, and shot in the back and pushed into the river, as Annette Lantos' father was.

Mr. Speaker, as a part of the National Civic Commemoration this year and in previous ceremonies, six candles are lit, two individuals jointly light each candle—a symbolic gesture performed in memory of the 6 million who died during the Holocaust.

I would like to recognize the 12 individuals who were honored this year, Mr. Speaker, and I invite my colleagues to join me in paying tribute to these individuals. These 12 are:

Dr. Laszlo N. Tauber, who was liberated from the Budapest Ghetto and who is now a prominent Washington, DC, physician and philanthropist; and Orwin Talbott, representing the 90th Infantry Division, liberators of Flossenburg concentration camp, Washington, DC.

Aniko Lorber, a Hungarian child survivor, now of Los Angeles, CA; and Arthur Chaitt, representing the 1st Infantry Division, liberators of Falkenau concentration camp, of Philadelphia PA.

Eugene Gluck, a Hungarian survivor of Auschwitz, now of Forest Hills, NY; and Bill Bay, representing the 4th Infantry Division, liberators of a Dachau subcamp, of Washington DC.

Judith Leiber, liberated from the Budapest ghetto, and now a noted accessories designer in New York City; and Frank Varelli, representing the 82d Airborne Division, liberators of Woebbelin concentration camp, of Washington, DC.

Thomas Margittai, a survivor of Bergen-Belsen concentration camp and now a prominent restaurateur in New York City; and William A. Duna, a Hungarian-American Rom and member of the United States Holocaust Memorial Council, of Minneapolis, MN.

Leopold Page, saved by Oskar Schindler and now of Los Angeles, CA; and Jan Nowak, a member of the Polish underground, now of Annandale, VA.

The 12 candle-lighters were assisted by Theresa Godla, a 13-year-old American Rom of Hungarian Gypsy heritage. She carried a rose in memory of the Rom and Sinti victims of the Holocaust.

Mr. Speaker, it is a singular distinction to be selected to participate in the candle-lighting ceremony at the National Civic Commemoration of the Days of Remembrance. I invite my colleagues to join me in honoring these distinguished individuals, representing both the victims and their liberators of one of the most horrible chapters in human history—a chapter that we must commit ourselves shall never again take place.

CONGRATULATIONS TO COMMITTEE 20TH OF MAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my most sincere and heartfelt congratulations to the Committee 20th of May on its successful commemoration of the 92d anniversary of the establishment of the Cuban Republic.

After centuries of Spanish domination which dated from its 1492 founding by the Spanish-backed explorer Christopher Columbus, Cuba was liberated in its 1898 struggle for independence. In 1902, after 4 years under United States protection, Cuba declared itself a republic and joined the ranks of democratic nations throughout the world.

Thanks to the hard work and dedication of the Committee 20th of May—under the able leadership of its president, Mr. Alfredo Chumaceiro—both the parade and general celebration of the 20 de mayo provided a poignant reminder of the importance of this watershed occasion. Although Cubans now find themselves subjected to the despotism of a ruthless dictator, the committee's celebration offered an appropriate forum for the recognition of the courageous men and women who sacrificed their lives in bringing freedom to the Pearl of the Antilles. More importantly, the celebration instills in us the hope that after decades of tyrannical oppression, Cuban democracy will once again reign supreme.

I applaud the efforts of el committee 20 de mayo, and I thank its members for having made this celebration of Cuban democracy such an enormous success. As we look to the future, we remain confident that the spirit of liberty and democracy will remain in the hearts of all Cubans throughout the world, and that one day—not so far off in the future—we will be able to commemorate this historic event on Cuban soil.

Mr. Speaker, I am proud to pay tribute to the exceptional men and women who organized this important event, and I call on all of my colleagues to join me in voicing support for the restoration of Cuban democracy.

A TRIBUTE TO TWO SCHOLARS AND THEIR SCHOOL—SUNY LAY, AERLYN DAWN, AND LONG BEACH POLYTECHNIC HIGH SCHOOL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. HORN. Mr. Speaker, many times, my fellow House colleagues have stood in this Chamber paying tribute to young people who have brought honor to themselves, their families, schools, and hometowns. I have always applauded these words because it is crucial that we in Congress acknowledge the achievements of our young people and the institutions which have guided them. By doing so, we not only offer encouragement to their efforts in creating the future, but we provide role models for the children who will follow.

Today, I rise to acknowledge two such outstanding young people from my district in southern California and the school they attend—Suny K. Lay and Aerlyn G. Dawn of Long Beach Polytechnic High School. Suny and Aerlyn were recently named to USA Today's All-USA High School Academic Team, a singularly impressive achievement. Only once before in the history of the USA Today all-USA School Academic Team competition have two students been named from the same school. And, in addition to Suny and Aerlyn, Poly High student Michael Kaminsky was given an honorable mention.

For each of the past 8 years, USA Today, the national daily newspaper, has honored 20 high school students for their exceptional scholarship, intellectual achievement, and leadership roles. This year, more than 5,000 nominees from all 50 States and U.S. school districts overseas were considered by a panel of judges representing such organizations as the National Education Association [NEA], the National Association of Secondary School Principals, and the American Association of School Administrators.

Both Suny and Aerlyn are seniors at Poly High where, in addition to being part of the school's highly respected PACE honors program, they have been actively involved in their communities. They both volunteer at the Cabrillo Marine Museum and serve on the Long Beach Mayor's Youth Task Force and the Poly Community Interracial Committee. Suny is principal violist with the All-District Honor Orchestra and Aerlyn is a member of the school's vocal and instrumental jazz ensembles. Suny uses her fluency in Khymer and Spanish to help non-English-proficient parents complete forms to register their children for school. Aerlyn founded a political debate society.

The USA Today judges were particularly impressed with Suny and Aerlyn's interest in sharing their talents with their communities. Suny, concerned that the judicial system was a mystery for her fellow citizens, worked with local judges, lawyers, and students to organize a citywide moot court competition that familiarized community members with the justice system. Aerlyn, while working on a research project at the National Institutes of Health, discovered a correlation between genetic mutation and the onset of cerebellar ataxia, a neurological disease.

Sharing in this distinction is Long Beach Polytechnic High School, a venerable institution in my district which has produced scholars and champions for almost 100 years. Indeed, both of my children are graduates, as are two of my staff members.

Suny, Aerlyn, and Michael, as well as their teachers, staff, and administrators at Poly High, are to be congratulated for their achievements. USA Today is to be thanked for shining the light of recognition on these efforts. The work of these students and educators represents our hope for the future.

HONORING THE SANDUSKY CLUB ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to The Sandusky Club in Sandusky, OH. The yacht club is one of the oldest and finest boating clubs on the Great Lakes and is celebrating its 100th anniversary.

Exactly when the Sandusky Yacht Club had its first beginning is lost in history, but newspaper clippings prove that there were pleasure craft races on Sandusky Bay in 1857, and probably earlier. We do know that the club has been in existence continuously under its present name since April 13, 1894, and in that summer it was a charter member of the Inter-Lake Yachting Association. In 1898, the Sandusky Yacht Club Band played for the Put-In-Bay Regatta and the club received its corporate existence on February 21, 1899.

This first clubhouse was completely demolished in the tornado of 1924, and not one piece of the structure was ever found. For 6 years following the tornado the members were homeless, but they kept their organization alive. Then, in 1930, a determined effort was made to breathe new life into the club. Money being scarce in those depression days, the members built the quarters with their own hands and such materials as they could scrounge. Enthusiasm ran high and the club seemed well on its way to a new lease on life, when a fire struck the club and gutted it beyond repair.

Not to be daunted, the club immediately established itself on the second floor of a former marine garage on Speers Island and it continued its vigorous comeback. After scouring the entire waterfront for a suitable site, it was finally able to lease the land on East Water Street on which the existing clubhouse is situated. The center core of its present building was constructed in 1937 and 1938. The clubhouse was completed in January 1939, and the formal dedication celebration party was held on May 31, 1939.

From then on, nothing could stop the club's progress. In March 1942, it purchased its leased land; in the spring of 1948, it sheetpiled its dock; in the 1970's it acquired the Frohman property immediately to the west of the club; and in 1985, it acquired the land to the west of the original land and built the new addition on the north side of the club.

Mr. Speaker, the Sandusky Club has been a source of civic pride for a century now. A monument such as this does not survive on structure alone, however. The building is a testament to the dedication of the people of the yacht club in preserving links to our heritage. As the yacht club marks its 100th year of service, we commemorate the past and celebrate the future. I ask my colleagues to join me in honoring this special organization.

MEAT AND POULTRY INSPECTION REFORM

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. STENHOLM. Mr. Speaker, I am introducing legislation to facilitate the development of a legislative and regulatory framework for improving the U.S. Department of Agriculture's meat and poultry inspection program.

I want to emphasize that this bill does not call for another scientific study, or a new commission, which might rightly be characterized as simply postponing needed action on inspection reform. Rather, the bill is intended to foster an environment where reforms can move forward more expeditiously.

In 1985 and 1987 reports, the National Academy of Sciences spelled out the elements needed to remake the program into a health-focused, scientifically credible, and risk-based system. The key findings of those studies have been endorsed over and over again by industry, government, consumer, and scientific groups.

The issue is that after nearly a decade, these elements are still not in place. There is widespread criticism of the slow pace and direction of the U.S. Department of Agriculture's own efforts to implement the NAS scientific recommendations. In addition, some legislative and resource constraints may prevent USDA moving from a primarily visual, carcass-by-carcass, inspection system to one that focuses on documented public health risks, especially microbiological contamination, today's chief health hazard.

What is needed is a more expeditious process for translating the NAS scientific recommendations into a concrete package of legislative and regulatory changes. Such a plan must be credible and acceptable to as wide a spectrum of interests as possible. We must have a plan that cannot be criticized as the product of any special interest.

My legislation will require the Secretary of Agriculture to enter into an agreement with the National Academy within 60 days. The Academy would in turn be asked to present to Congress, within 6 months, a report that among other things:

Provides recommendations on the USDA management structure and resources necessary for training the current inspection workforce to move from a visual inspection system to a risk-based one, and for implementing such a system;

Describes the legislative and regulatory changes needed to implement the above recommendations.

I envision that the NAS role would primarily be as a facilitator. It would be responsible for the development of an objective background paper laying out the issue in detail and proposing a range of legislative and regulatory options. It would then provide a venue where all interests would be invited to work, in a cooperative and constructive manner, to review, critique, and refine these options. An ensuing report to Congress, representing the best consensus that could be attained, would form the basis for changes to be approved and implemented as early as possible in 1995.

THE SITUATION IN MOZAMBIQUE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. BURTON of Indiana. Mr. Speaker, the situation in Mozambique, much to our satisfaction has improved quite a bit over the past year. A cease-fire agreement signed by the government and RENAMO is holding well, and elections are scheduled for this October. This beautiful country and its people deserve peace and all its benefits.

Afonso Dhlakama, leader of RENAMO and its candidate for president is currently visiting the United States for the first time. He is playing a constructive role in laying the groundwork for a new peaceful Mozambique. I encourage the administration to support the peace process in Mozambique.

I commend to my colleagues' attention this excellent article by Shawn McCormick of the Center for Strategic and International Studies which appeared on Monday in the Washington Times.

A CHANCE TO BOOST MOZAMBIQUE PEACE

(By Shawn McCormick)

Conflict resolution and peace-keeping face troubled times in the United Nations and in the Clinton administration. Last week U.N. Secretary General Boutros Boutros-Ghali urged the world to get more involved while President Clinton answered by further narrowing the conditions under which the United States will participate. This week the Clinton administration has a unique opportunity to contribute to the peaceful resolution of the situation in Mozambique without risking any American lives or spending a single dollar.

The leader of the Mozambican opposition party, RENAMO, Afanso Dhlakama, will be in Washington (his first visit to the United States) to boost support for the delicate peace process under way in his country where 6,700 United Nations peacekeepers are currently working to ensure that the 17-year-old war—which has cost a million lives—will come to an end. Some in the administration point to RENAMO's past behavior to urge that Mr. Khlakama meet with nobody higher than Assistant Secretary of State for African Affairs George Moose. This would not only be a mistake, but it is out of step with African and other diplomatic initiatives toward Mozambique.

There is no question that RENAMO's past is grim. It was constructed from a variety of disaffected elements of the Mozambique government by the Rhodesian intelligence service following Mozambican independence in 1975. The Rhodesians had only one purpose in mind—to undermine the then-Marxist FRELIMO government in Maputo. The South African government took over external control of RENAMO following Zimbabwe's independence in 1980 and greatly extended RENAMO's ability to kill and destroy. Unlike most guerrilla movements in Africa, RENAMO failed to effectively articulate an ideological position.

RENAMO carried out this mission that Salisbury and Pretoria urged and, with considerable assistance from FRELIMO's governance and economic mismanagement, they succeeded in paralyzing most of Mozambique. For more than a decade, the world watched as this poor nation slipped into further economic and human misery. There were violations of human rights by both sides and, all too often, the victims were innocent civilians.

Horrific human rights abuses by RENAMO were recorded in detail by Robert Gersony in a 1987 report prepared for the State Department. While some question the methodology of that report, few question the bottom line concerning the dreadful acts carried out by RENAMO. Times have changed since the Gersony Report was completed and the two former combatants have reconciled their differences. In October 1992, they signed the General Peace Accords negotiated by the Vatican lay organization Sant' Egidio. The agreement is being guaranteed by the United Nations. After a difficult first month, no significant violations of the peace accord have occurred. Indeed, many Mozambique-watchers are guardedly optimistic that the two military forces will be integrated before nationwide elections are held Oct. 27–28.

The current strategy of key African leaders is to put the past behind and to engage—not isolate—Mr. Dhlakama in the democratization process. Last March in Harare, Mozambican President Joaquim Chissano and Zimbabwean President Robert Mugabe urged African leaders to put aside hostility toward Mr. Dhlakama and to welcome him into the fold. They were determined to avoid the "Savimbi Syndrome"—the shunning of Angola's UNITA by most leaders in Africa made it easier for him to renew the war following his electoral defeat in September 1992.

Another positive signal is that the former colonial power, Portugal, has welcomed both leaders to Lisbon since the signing of the accord. Mr. Boutross-Ghali recently visited Mozambique to add his support to the reconciliation effort. Even Pope John Paul II has met with both Messrs. Chissano and Dhlakama to show his encouragement.

If key African and world leaders can change their attitude and approach toward Mr. Dhlakama, then surely so can the Clinton administration. It makes no sense for the United States to cling to the past images and reports in order to continue the policy of isolating RENAMO.

Such a meeting or series of meetings with senior Clinton administration officials is also fully justified in view of the massive commitment by the last three administrations to assist this war-ravaged country with more than $1 billion in humanitarian and developmental assistance. This does not include the more than $150 million the United States is currently contributing to the U.N. peacekeeping effort.

It is important to remember that the RENAMO of today is not the RENAMO of the Gersony Report; it is the RENAMO of the General Peace Accords. The Mozambican citizenry have realized this and so should American decision makers. This should not be seen as an appeal to accept this historical record of RENAMO, but rather an effort to underscore the ending of the ideological Cold War struggle in Washington.

The reconciling of old foes that marked the recent transition in South Africa should encourage the Clinton administration to attach appropriate significance to the opportunity presented by Mr. Dhlakama's visit today. Through symbolic action, the United States can enhance the prospects for long-term peace, democracy and stability in another part of Southern Africa.

THE STORIES OF THE NORTHERN FRONTIER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. BOEHLERT. Mr. Speaker, last fall, Mr. Robert Moss, of Troy, NY, addressed a town meeting I held in Herkimer, NY, sponsored by the Northern Frontier Project and Herkimer College for citizens and students interested in the history and culture of central New York.

Mr. Moss tells of the remarkable struggle for survival on America's first frontier, from the time of first contact between the Iroquois and Europeans through the Revolution. Those times hold precious stories of cooperation between cultures, but also of intense privation and suffering. These stories, of the building of America and its multi-ethnic society, are not well known. That makes their retelling urgent.

Robert Moss: I was born on a different frontier as you can probably hear. I'm an Australian, and I grew up in the bush cheek by jowl with a different native culture, that of Australian Aboriginals. But in the seven years I lived in Upstate New York I have become passionately interested in the story that this part of the world has to tell. It is a rich exciting story and I think that your past is actually going to be a dynamic part of your future. In the senses that the Congressman BOEHLERT has talked about and in other senses.

"History may be servitude, history may be freedom" words from a British poet, American born, T.S. Eliot. The history of this part of the world is poorly understood, and often poorly recounted. We have a problem with history; school kids often think it's boring, that it's merely a chronicle of facts and figures.

I was told a story by a history teacher in my present neck of the woods, Troy, New York, which reveals the dimension of this problem. She is in the classroom, and she is throwing out questions to the class, and she says at one point, "Give me liberty or give me death * * * who said that?" Resounding silence. She looks lynx-eyed around the class, "Can nobody answer this question?" One hand finally goes up. It's the Japanese exchange student, who says, "Paul Revere." Somebody else from the back of the class yells, "Screw the Japanese" or words to that effect. The teacher, really on the case now, and she says, anger boiling in her, "Who said that?" Up goes the Japanese exchange student's hand, "Please ma'am, Harry Truman, 1945."

I am a storyteller. I've been working with the vehicle of historical fiction; the book that Wanda Burch held up is the first of a cycle that I'm doing involving the history of the Iroquois frontier, from first contact to the War of 1812, probably right up through the heyday of the Erie Canal. Let me give you a sense from my varied wanderings, about the themes that I feel are emerging from all of this. It might be relevant to the work of the Northern Frontier committee and to the preoccupations of all of you.

One can say, as a historically accurate statement, that it was here in this part of North America that the United States was born. Not just in one sense, but in several senses. First of all, it was here that the decisive encounter between Native Americans and newcomers from the old world took place. By the time the confrontation, the encounter between whites and the American Indians gets out into the west of Hollywood, out into the Great Plains, it's over for Native Americans in terms of demographics and the balance of firepower and so on.

But on this frontier, the Iroquois were never actually defeated. They suffered some bad losses and some heavy casualties, and those who sided with the British suffered as a result of the American Revolution. That those who sided with the Americans suffered even more quickly is one of the ironies of the history of this people.

But, the Iroquois were never decisively defeated by the white man. And for a while, what was played out on this frontier, was a success story in terms of the mutual understanding between different cultures and communities. A success story made possible by extraordinary individuals, because giants walked on this earth. And to recognize them, to honor item, to re-quicken the living memory of what they did, not just the dry chronicle of facts and statistics, is not only a worthwhile exercise, it will not only draw tourists and intelligent travelers from all over the country and all over the world, it will rebuild pride, and a deeper sense of the importance of where we are.

One of those characters, one with whom I spent a lot of time in my imagination for many years now, was one that Wanda Burch mentioned: Sir William Johnson, the King's Superintendent of Indians. This is no stuffy servant of the crown, although he bore the title of baronet after he beat the French at the Battle of Lake George in 1755. William Johnson was an Irishman who never set foot in England; he never saw the king who was the source of his honors and authority. He was a joiner, he was a man who lived close to his neighbors, to the Germans, to the Dutch, to the Irish, the Scots of the valley, and above all, to the Mohawks and Iroquois Indians. He was the only white man who was ever permitted to wear the ceremonial deer antlers of office, the living bones of a traditional chief of the Six Nations of the Longhouse, the Iroquois Confederacy.

In Johnson's time, under this aegis, an extraordinary collaboration came about between Native Americans and whites that has never been equaled in the history of this continent. It's a local story. It's a story about a hometown boy so to speak, or the boy who gave us several home towns in this area. He did it because of his rich gift of humanity beyond anything else. As Mohawks like to say, he was "a man who spread himself." He was willing to dance with Indians, sing with them, run with them, fight with them—love their women—good Lord he left about 100 Indian or half-Indian children behind him. He was a joiner of perhaps in too many senses for the Victorian historians who prudishly tried to clean up the Johnson story, and couldn't quite succeed, because the man outlives them, he is bigger than his biographers.

I'm not going to give a lecture on Johnson tonight, but I have to recall his name, because it is such an extraordinary one.

On the Indian side of this encounter, you have characters like Hendrick Tehayanokenn. Hendrick, "he whose paths fork," who died at the ripe old age of 80, still a warrior on the warpath in the Battle of Lake George when he and Johnson, played amateur general, defeated Baron Dieskau, the commander-in-chief of all French forces in Northern America, and saved the province of New York from being turned into a French Colony.

Let me spend a word on Hendrick, and give you the feel for some of the players from the Native American side. Hendrick, in his relative youth, went to London to see the Queen back in 1710. It was a storied visit, they wrote ballads about it—they being British and their agents in these colonies, Peter Schuyler at Albany—invited four Indian chiefs to go to London. The idea was to entertain the British with the sight of "savages" from North America, and to impress the savages, so-called, with the power and might and the invincibility of the British Empire.

So you see, here is Hendrick, already a warrior with many notches on his war club. This, by the way, in case you are wondering what I am carrying with me, is an Oneida war club. We're in Oneida territory tonight, so I thought it was appropriate to bring an Oneida war club, it was carved by one of the Chrisjohn family. It is a ceremonial war club, if it were the real thing it would be twice as big and several times as heavy; there is no better instrument for killing at close quarters in the woods. Those of you who have seen the "Last of the Mohicans" have seen a fairly realistic depiction of how the clubs are used in action, although the clubs aren't always historically accurate. This honors the deer. The deer is in the name of Skenandon, the famous Oneida chief, who was on the American side of the revolution, it has the cloven hoof of the deer. It has antler prongs set above the head—a very useful device if you were at very close quarters and you were within reach of the enemy's eyes. That is just to explain what I am waving at you.

Back to the four chiefs to give you a feel for the Indian players. Here is Hendrick, a young man, relatively speaking, for as many victories—about thirty—going to London, invited by the Brits who want to show off the power and might of the imperial throne. He and his companions are tasked by the clan mothers of the Mohawk nation to take counting sticks with them, and when they are at London, to count all the white people they see so the Mohawks will be able to gauge how many newcomers may be coming to America, and whether it is possible to drive them back to the sea.

Well, you can picture the scene, they arrive in London, the whites are as many as the stars in the sky, or leaves in the forest, so they throw away their counting sticks, and they realize, what clever Iroquois statesman had long realized in fact, that they have to deal with this new presence, with this pressure of population coming from the old world, by diplomacy, by politics, by cunning. There are too many to deal with by sheer force of arms.

While the so-called "Four Indian Kings" are in London, one of the entertainments staged for them is a production of Macbeth in a theater in the Haymarket. The crowd was so excited by the Indians—with their gunpowder tattoos and their war clubs and their costumes—that they weren't looking at the actors. So they took the Indians up on stage behind the spikes. They had metal spikes on the London stage, to stop an irate audience from grabbing the actors they didn't like and doing them some bloody injury.

So here are the Indians, sitting here like this distinguished panel tonight, up on stage behind the spikes, and everybody is gaping at them. At the end of the play, MacDuff carries the plaster head of MacBeth across the stage. And in one of the novels I have in the pipeline, I picture Hendrick the Mohawk jostling one of the (Indian) neighbors in the ribs and saying, "They call us savages, but we just take a little bit of skin and hair, these white people take the whole head!"

I am just giving you some vignettes, because the nature of the exercise of the Northern Frontier group, and for Moss the teller of tales, are similar in this respect: It is to make the bones live. It is to bring out the human stories of surviving and thriving and flourishing that are rich on this frontier.

TRIBUTE TO THE WORK OF THE SCIENCE STUDENTS OF WEST BRANCH MIDDLE SCHOOL, WEST BRANCH, IA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. LEACH. Mr. Speaker, I rise today to invite the House's attention to the outstanding achievements of the students of West Branch Middle School, West Branch, IA, and their extraordinary teacher, Mr. Hector Ibarra.

During the 1992–93 school year, Mr. Ibarra challenged his students to determine how much water they could save at home and at school through the use of low-flow showerheads and sink aerators. The answer: A combined total of 40,000 gallons a week.

This past year, all 210 students at the school participated in "Student Research: An Investment in the Future." The program was funded by an Iowa Science Foundation Grant in partnership with local utilities. In addition to the water use tests, the students measured the energy savings achieved through the use of fluorescent lights, insulation blankets and lower settings for hot water heaters, and more efficient refrigerators and freezers.

In designing the program, Mr. Ibarra integrated the disciplines of mathematics, language arts, and social studies. They not only went out into the community to take their measurements, the students reported their findings to school district officials and community leaders.

More importantly, this project is just the beginning; experiments with solar power, the setting up of a school radio station, and a computer internet with schools in Stavropol—Iowa's sister State in Russia—are all on the drawing board.

The students' efforts earned them the Environmental Protection Agency District 7 1993 President's Environmental Youth Award. For his part, Mr. Ibarra has been widely recognized as one of America's outstanding teachers.

When Mr. Ibarra and 10 of his students came to Washington earlier this year to accept their award, they embarked on an informal energy efficiency tour of the Capitol. Needless to say, the seat of our national government failed their test. Everyone is familiar with the fable about children observing that the emperor has no clothes. These Iowa middle school students have made it clear that the people's House is a kindergarten when it comes to conservation practices.

Mr. Speaker, I would like to extend my congratulations to Hector Ibarra and the students of West Branch Middle School for their commitment to excellence in the classroom and in their community. With the leadership and community support they have, the sky is the limit for these young people.

THE 85TH ANNUAL CONFERENCE OF THE SPECIAL LIBRARIES ASSOCIATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. LEWIS of Georgia. Mr. Speaker, because of the invaluable role that special libraries play in society, I am honored to announce to my colleagues that Atlanta will be the host of the 85th annual conference of the Special Libraries Association, June 11–16, 1994.

More than 5,000 of the world's leading information resource experts and their guests are expected at the conference, appropriately titled, "Information Vision." The offerings include approximately 350 educational programs, special events, and field trips to many Atlanta-area businesses, museums and libraries. In addition, there will be a 400-booth exhibit of the newest hardware, software, online databases, and other products and services that are revolutionizing the information and telecommunications industries.

The Special Libraries Association is an international professional association serving more than 14,000 members of the information profession, including special librarians, information managers, brokers, and consultants. The association has 56 regional/State chapters in the United States, Canada, Europe and the Arabian Gulf States, and 28 divisions representing subject interests or specializations. Special libraries/information centers can be found in organizations with specialized or focused information needs, such as corporations, law firms, news organizations, government agencies, associations, colleges, museums, and hospitals.

On behalf of its members, the Special Libraries Association has long been involved in information policy issues at all levels of government, in the private sector, and the international arena. Founded in 1909, it is headquartered in Washington, DC.

Staff and members of the association are examining the role to be played by special librarians/information professionals on the information superhighway about which we have heard so much.

The Special Libraries Association has made it clear that the role of the information professional is a pivotal one and must not be overlooked in this planning process. Special librarians, who are used to help their clients retrieve information, will be educators in the new networked environment by helping end-users increase their awareness of what is available over the networks, work with them to improve their information retrieval skills as well as assist—as they do now—in the analysis, packaging and presentation of the material.

Sound decisions are based on experience, instinct, and, most importantly, current, accurate information—the kind provided by special librarians. These information resource experts use the latest advancements in computer and telecommunications technology to collect, monitor, organize, analyze, evaluate, package, and disseminate information within their organizations.

Special librarians are going to be critical navigators on the rapidly-developing national information superhighway. Therefore, I'm most proud that Atlanta and its citizens will have the opportunity to host these individuals, who are on the cutting edge of the information age.

HONORING FORT JENNINGS HIGH SCHOOL ON THEIR INCLUSION IN THE OHIO STATE HIGH SCHOOL BASEBALL TOURNAMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to the Fort Jennings' High School baseball team. Located in Putnam County, OH, the Musketeers advanced to the State tournament in Columbus recently, where they came up short against eventual champions Steubenville Central Catholic.

With one of the smallest enrollments in the State of Ohio, Fort Jennings has only 34 students in this year's senior class, no sports team has ever been in contention for a State championship. This fact makes their run at a State title all the more remarkable. Despite the small enrollment, the team achieved tremendous success against larger schools and compiled an overall record of 15–11.

The players' dedication and hard work has inspired not only the school but the community at large. The final game against Central Catholic was watched by a record crowd who stuck with their team until the final out. Although they played well, the Musketeers came up on the short end of the 4 to 2 final score.

Baseball has been synonymous with America since the turn of the century. It is America's pastime and a link between generations. The cracking of bats and the pounding of gloves are the surest sign winter is over and spring has arrived. And as each new season begins, players and fans alike will predict who will contend and who will not.

Americans also like to root for the underdog. At the start of this season, Fort Jennings was the epitome of the underdog. By the end of the tournament, the Musketeers had distinguished themselves as one of Ohio's best teams.

Mr. Speaker, I ask my colleagues to join me in honoring the Fort Jennings' High School baseball team for their accomplishments and to encourage the student body at large to continue to set and strive to reach the highest goals possible.

INTRODUCTION OF THE RURAL HEALTH DELIVERY SYSTEM DEVELOPMENT ACT OF 1994

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. STENHOLM. Mr. Speaker, I am extremely pleased to advise you that on behalf of my colleagues PAT ROBERTS, STEVE GUNDERSON and JIM SLATTERY, as well as other members of the House Rural Health Care Coalition, I am today introducing The Rural Health Delivery System Development Act of 1994.

Now in the fourth year of my tenure as co-chairman of the House Coalition, I continue to feel that this organization has been one of the most effective and enjoyable institutional experiences of my congressional career. I have found that the nonpartisan, can do attitude of Members and staff of this Coalition have served it, and more importantly rural America, extremely well.

Recognizing that we are just one small piece of the larger health reform picture, we nonetheless have felt that during this period of reform it is absolutely critical that the concerns and needs of rural America be heard, respected and responded to.

Those of us that are part of the House Rural Health Care Coalition would like to emphasize that rural communities are not looking for hand-outs. They're not asking for the Federal Government to solve their problems. They don't want the Federal Government to parachute in with magic answers.

What rural Americans would appreciate is some help with the tools they need to deal with their local problems. They want to be able to create the systems that meet their local needs. This is true whether we are talking about health care, business development, education, or any other aspect of rural life.

During a conference entitled "Implementing Health Care Reform in Rural America," Dr. Bruce Amundson last year wrote "* * * the primary goal of reform must be to enhance the ability of rural communities to do what communities have historically done in America—assume responsibility for the services and institutions that serve their residents. This argument simply recognizes the natural tendency in a democracy for populations to govern themselves, thereby mobilizing the immense energy, power, and creativity of communities to address their needs." He continues to explain that what health reform should ensure for rural communities is community-owned and integrated delivery systems that organize the rest of the system from the bottom up.

That philosophy is precisely at the core of the bill we are introducing today. Building on the foundation of programs which we know have worked in the past and incorporating some new ideas of what we believe will work in the future, we are seeking not to prescribe the magic answer for the thousands of rural communities across our country, but rather to enabling them to come up with their own answers. In taking this approach, we not only enable individual rural communities to take responsibility for their own answers; we also give them the tools to go beyond the piecemeal approach of some past rural programs, equipping them to respond comprehensively to their rural health needs.

We used two additional criteria in developing this bill. First, we focused on consensus concepts agreed to in a bipartisan fashion. Second, we included only provisions structured uniquely for rural areas. We should mention that there are a number of excellent new proposals which aid rural areas as part of their effect, and individually many of us support those proposals. However, in compiling this bill under the auspices of the House Rural Health Care Coalition, we attempted to keep centered on rural beneficiaries.

In the Rural Health Delivery System Development Act, we give special attention to those chronically underserved rural areas which, in spite of existing Federal and State programs, continue to lack access to affordable, high quality health care services. Even though the Health Personnel Shortage Area [HPSA] designation was designed to aid communities most in need, some areas consistently remain unserved. Our goal is to catch those communities which previously have fallen through safety nets, encourage their own self-developed plans and enable them to coordinate services to their residents. Through grants and technical assistance to those communities, they will be better equipped to develop the networks which will increase their access to health care.

In other efforts to respond to the need for additional health professionals in rural areas, we also amend the National Health Service Corps Program, allow for student loan deferrals, Medicare bonus payments, and better utilization of nonphysician providers. Also in this regard, we will fund demonstration projects to increase primary care physician residence training in rural areas. Through these measures we believe that we can increase the supply of health care professionals to rural areas.

We strengthen two other programs which have shown effectiveness in rural areas in the past: Community and Migrant Health Centers and Essential Access Community Hospitals [EACH/RPCH].

Finally, by amending hospital antitrust laws, we hope to make it easier for rural hospitals to engage in the cooperation which everyone believes reduces duplication and waste, and assures better access to care.

The financing mechanism we have included in the bill is applying an affluence test to Medicare part B premiums. Those individuals making over $100,000 or couples with incomes of more than $125,000 would be asked to pay a greater share of their monthly premiums for part B Medicare. Although this provision would affect only 2 percent of the Medicare population, it would generate revenues of more than $4 billion over 5 years.

According to the best estimates we have the bill's financing fully covers the costs of the programs. Given CBO's tremendous workload currently in scoring health legislation, we have not yet gotten a final CBO score. However, the primary sponsors of this bill are committed to full financing this bill. Should later scoring show an unexpected shortfall, we will make adjustments in the bill as necessary.

With crystal-ball gazing having still not developed into an exact science, the authors of this bill make no presuppositions about what form health reform will take in the 103d Congress. With a coalition of more than 150 Members, rural health supporters come down all across the ideological spectrum on those larger issues of health reform. Where we remain united is in our support of rural health empowerment. We believe that this legislative package we are introducing this week will fit into any larger health reform picture. The package has advocates on all of the major House committees dealing with health reform and our hope is to see these provisions moved forward out of those committees. If necessary, we also stand ready to offer any remaining provisions as an amendment on the House floor.

As always it has been a pleasure to work with my colleague PAT ROBERTS on this bill. In addition, the co-chairs of the Health Reform Task Force, Representatives GUNDERSON and SLATTERY, have been most helpful, as have other members of the Coalition's Task Force. I look forward to working with all of my colleagues in seeing these provisions enacted into law.

RURAL HEALTH DELIVERY SYSTEM DEVELOPMENT ACT OF 1994

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1994

Mr. ROBERTS. Mr. Speaker, it is obvious we need to improve our health care delivery system. Many farm and rural associations certainly know this. Health plans sponsored by commodity associations operate in 21 States, insure more than 45,000 people, and have benefited farmers for over 20 years. Rural communities have been forced to develop solutions to their unique problems. However, they need the proper tools. I don't believe vast sums of money or regulatory schemes are the tools they are looking for. I do believe in ensuring that the limited Federal health care pie is sliced fairly, and that rural priorities are given fair consideration.

Compromise is a way of life for rural Americans. Rural residents have fewer choices of physicians or hospitals. There is generally little choice if the patient wishes to be treated near home. Rural physicians must settle for fewer medical colleagues to rely on for consultation and support. Rural facilities utilize less-sophisticated hospital equipment.

It is obvious that the rural health care delivery system deserves special attention. The important components of a rural health system must be clearly defined and understood by every Member of this Congress. Giving rural communities the tools they need must be the cornerstone of any bill that is passed. For this reason, Mr. STENHOLM and I are introducing today a package of sensible rural health provisions that must be included in health care reform. The Rural Health Delivery System Development Act of 1994 includes provisions that the coalition has previously endorsed, as well as additional programs to encourage voluntary network development in rural and underserved areas.

Today, I would specifically like to point out some of the incentives and assistance we have included for rural health providers and facilities.

NATIONAL HEALTH SERVICE CORPS PROGRAM

The shortage of health care professionals in rural areas continues to be the main barrier to the access of health care services in rural areas. For example, while the United States averages 2.4 physicians per 1,000 residents, 82 of Kansas' 105 counties have less than 1.0 physicians per 1,000 residents.

Many programs aimed at improving access to health care and attracting physicians to rural areas are tied to the National Health Service Corps. In determining assignments for National Health Service Corps personnel, areas that have been designated as Health Professional Shortage Areas [HPSAs] are given priority. In many areas, this designation is the most important criteria for determining whether rural physicians are eligible for additional incentives in rural areas.

Unfortunately, recent studies have indicated that the HPSA designation is deficient in its ability to adequately define underserved populations. This legislation would:

Amend the HPSA definition to take into account the high concentrations of Medicare, Medicaid and uninsured patients found in rural areas as additional criteria to indicate underserved populations.

Extend bonus payments for 3 years to physicians in rural health shortage areas that lose their designation.

Increase funding for the National Health Service Corps.

PRIMARY CARE INCENTIVES

The Nation's supply of doctors grew nearly 3.5 times as fast as the general population during the past decade. Yet the percentage of physicians trained in primary care has been falling steadily, reaching as low as 32 percent in the last few years. This shortage of primary care doctors constitutes one more barrier to access to health care in rural areas. This legislation includes the following additional incentives to encourage physicians and other health care professionals to enter primary care:

Defer student loans for interns and resident doctors in primary care training programs.

Adjust the geographical indices to correct for lower reimbursement of rural physicians' services.

Expand the training of mental health professionals and nurses in rural areas.

Redirect Medicare-supported Graduate Medical Education [GME] funds to support state demonstration projects to encourage primary care and rural-based educational experiences.

ASSISTANCE FOR RURAL HEALTH FACILITIES

Hospitals and health clinics face special problems in meeting the needs of rural areas. This legislation would assist rural facilities by:

Expanding options for hospitals to provide emergency care in rural areas.

Establishing a Federal Office of Emergency Medical Services to develop regional emergency care networks.

Enhancing systems for the air transport of rural victims of medical emergencies.

Adding flexibility to the current Essential Access Community Hospital [EACH/RPCH] regulations.

Increasing funding for Community and Migrant Health Center programs.

TELEMEDICINE

Telemedicine is particularly important to rural health delivery systems. It assures less professional isolation for rural physicians, a critical component needed to recruit more health providers to rural areas. This bill expands telecommunications options for rural medical facilities, allowing them to establish links with larger, more technologically advanced facilities.

Mr. Speaker, not all rural areas are alike. Rural Kansas is different from rural New York and each community must have the flexibility to structure health delivery systems that take into account special circumstances. This legislation will help to ensure that all rural areas are given the opportunity to expand services and develop networks utilizing the facilities and providers that exist in each particular community.

This legislation is not intended to restructure the current health care delivery system or create new bureaucracies. It is crafted to support ongoing efforts, including establishing tax fairness for all the self-employed, to make health care more accessible and affordable for rural areas. Congress cannot afford to pass a national health care reform plan that does not take into account the special needs of the rural health delivery system. Rural folks deserve access to the same quality health care as those living in urban areas.

Again, thanks for letting me share this information with the committee. I appreciate your interest in rural health and look forward to working with you to improve our Nation's health care system.

SENATE—*Friday, June 10, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mrs. MURRAY].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Come unto me, all ye that labor and are heavy laden, and I will give you rest.—Matthew 11:28.

Gracious Lord, we thank You for this loving invitation and pray that all who have need will respond. In our large Senate family, many may be hurting and most of us know nothing about it. This morning we pray for every person among the Senators and their families, all the staffs and their families, the pages and their families.

God of love and mercy, be with those who are ill—in home or hospital. Make them conscious of the presence of the Great Physician. May they experience His healing power. Be with any who may have lost a loved one. Comfort them in their grief. Be with every family that is experiencing alienation. Lead them in the way of reconciliation and the restoration of relationships. We pray for husbands and wives who are struggling with their own relationships, with their children, or with their financial situation.

Loving Savior, give each one who has a need, the grace to receive Your rest and strength and let Thy blessing abide upon all who labor here and their loved ones.

In the name of the Great Physician, we pray. Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

VOTE ON MOTION TO INSTRUCT THE SERGEANT AT ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to vote on a motion to instruct the Sergeant at Arms to request the presence of absent Senators.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 13, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—78

Akaka
Baucus
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Stevens
Thurmond
Wellstone
Wofford

NAYS—13

Burns
Craig
D'Amato
Helms
Kempthorne
Lott
McCain
McConnell
Murkowski
Nickles
Specter
Wallop
Warner

NOT VOTING—9

Bennett
Biden
Boren
Faircloth
Gramm
Hutchison
Inouye
Lautenberg
Robb

So the motion was agreed to.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) D'Amato amendment No. 1775, to establish a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitewater Development Corp., Madison Guaranty Savings & Loan Association, and Capital Management Services, Inc, and other related matters.

(2) Mitchell amendment No. 1776 (to Amendment No. 1775), in the nature of a substitute.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Madam President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending question is the Mitchell amendment No. 1776.

Mr. MITCHELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE MEN OF D-DAY

Mr. DOLE. Madam President, earlier this week I had the honor to be present for ceremonies commemorating the 50th anniversary of D-day. I stood at Utah Beach, Omaha Beach, and the American cemetery at Colleville, reflecting on the sacrifice of Americans, Poles, British, Canadians, French, and many more who fought and died on the beaches of Normandy. Earlier, I was in Italy for ceremonies commemorating the landings at Anzio and Nettuno, and for the liberation of Rome.

The importance of the ceremonies was brought home to me when a young American lady—traveling with her grandfather, a veteran of D-day—said to me: "I never understood the meaning of American leadership until I came to Normandy."

Leadership is what D-day was all about and it is a lesson that spans generations. Many nations contributed, but D-day never would have happened without American leadership—at all levels. American leadership from the man from Abilene, Dwight David Eisenhower, who commanded allied forces on D-day, to Walt Ehlers, a humble sergeant from Junction City, KS.

We all know the story of General Eisenhower—his careful planning, and his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

agonizing decision to move ahead with the landing despite a less than ideal weather forecast. However, other stories of American leadership in D-day are not as well known.

The story of Walt Ehlers is told in a pamphlet I read this week, describing Congressional Medal of Honor winners during the Normandy campaign. The stories of heroism and bravery are in the finest tradition of American military leadership. The story of Lt. Col. Leon Vance who landed his bomber despite serious wounds which prevented him from even looking out the plane's windshield. The story of Lt. Jimmie Montieth who rallied troops in the critical first hours at Omaha Beach, led tanks through minefields, and made the ultimate sacrifice on June 6, 1944.

All American military units had their share of heroes. The 10th Mountain Division in which I served in Italy, had many. Men like Pvt. John McGrath, the 10th's only Medal of Honor winner. On hill 909 on April 14, 1944, Private McGrath captured two German machinegun positions and led his company after the commander had been killed. Private McGrath lost his life later that day trying to gather a casualty report of his fallen comrades.

Much has been said and written about D-day in the last few weeks. But no stories are more eloquent than the stories of the Normandy Medal of Honor winners. Last Saturday after the liberation of Rome ceremonies, and again last Monday before the Omaha Beach ceremonies, I had the honor and the privilege of meeting Walt Ehlers, the hero from Kansas, and the only surviving Medal of Honor winner from the Normandy campaign. The world watched last Monday as Walt Ehlers spoke on Omaha Beach exactly 50 years after he landed on the shores of Europe. Walt Ehlers lost a brother that day in the fighting. Today, he is a grandfather who speaks not of the glory of war, but of the honor of scarifice—sacrifice which made the world safe for his grandchildren and for future generations of Americans.

I salute all the veterans of World War Two—those of Normandy and the European theater, those in my part of the war in Italy, and those in the Pacific theater.

Madam President, I ask consent that the stories of the American heroes who were awarded the Medal of Honor in the Normandy campaign be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From "The Congressional Medal of Honor: The Names, the Deeds"]

HEROES

D-DAY

Vance, Leon R., Jr. (Air Mission)

Rank and organization: Lieutenant Colonel, U.S. Army Corps, 489th Bomber Group.

Place and date: Over Wimeraux, France, 5 June 1944.

Entered service at: Garden City, N.Y.

Born: 11 August 1916, Enid, Okla.

G.O. No.: 1, 4 January 1945.

Citation: For conspicuous gallantry and intrepidity above and beyond the call of duty on 5 June 1944, when he led a Heavy Bombardment Group, in an attack against defended enemy coastal positions in the vicinity of Wimeraux, France. Approaching the target, his aircraft was hit repeatedly by antiaircraft fire which seriously crippled the ship, killed the pilot, and wounded several members of the crew, including Lt. Col. Vance, whose right foot was practically severed. In spite of his injury, and with 3 engines lost to the flak, he led his formation over the target, bombing it successfully. After applying a tourniquet to his leg with the aid of the radar operator, Lt. Col. Vance, realizing that the ship was approaching a stall altitude with the 1 remaining engine failing, struggled to a semi-upright position beside the copilot and took over control of the ship. Cutting the power and feathering the last engine he put the aircraft in glide sufficiently steep to maintain his airspeed. Gradually losing altitude, he at last reached the English coast, whereupon he ordered all members of the crew to bail out as he knew they would all safely make land. But he received a message over the interphone system which led him to believe 1 of the crewmembers was unable to jump due to injuries; so he made the decision to ditch the ship in the channel, thereby giving this man a chance for life. To add further to the danger of ditching the ship in his crippled condition, there was a 500-pound bomb hung up in the bomb bay. Unable to climb into the seat vacated by the copilot, since his foot, hanging on to his leg by a few tendons, had become lodged behind the copilot's seat, he nevertheless made a successful ditching while lying on the floor using only aileron and elevators for control and the side window of the cockpit for visual reference. On coming to rest in the water the aircraft commenced to sink rapidly with Lt. Col. Vance pinned in the cockpit by the upper turret which had crashed in during the landing. As it was settling beneath the waves an explosion occurred which threw Lt. Col. Vance clear of the wreckage. After clinging to a piece of floating wreckage until he could muster enough strength to inflate his life vest he begain searching for the crewmember whom he believed to be aboard. Failing to find anyone he began swimming and was found approximately 50 minutes later by an Air-Sea Rescue craft. By his extraordinary flying skill and gallant leadership, despite his grave injury, Lt. Col. Vance led his formation to a successful bombing of the assigned target and returned the crew to a point where they could bail out with safety. His gallant and valorous decision to ditch the aircraft in order to give the crewmember he believed to be aboard a chance for life exemplifies the highest traditions of the U.S. Armed Forces.

Roosevelt, Theodore, Jr.

Rank and organization: Brigadier General, U.S. Army.

Place and date: Normandy Invasion, 6 June 1944.

Entered Service at: Oyster Bay, N.Y.

Birth: Oyster Bay, N.Y.

G.O. No.: 77, 28 September 1944.

Citation: For gallantry and intrepidity at the risk of his life above and beyond the call of duty on 6 June 1944, in France. After 2 verbal requests to accompany the leading assault elements in the Normandy invasion had been denied, Brig. Gen. Roosevelt's written request for this mission was approved and he landed with the first wave of the forces assaulting the enemy-held beaches. He repeatedly led groups from the beach, over the seawall and established them inland. His valor, courage, and presence in the very front of the attack and his complete unconcern at being under heavy fire inspired the troops to heights of enthusiasm and self-sacrifice. Although the enemy had the beach under constant direct fire, Brig. Gen. Roosevelt moved from one locality to another, rallying men around him, directed and personally unfaltering leadership, assault troops reduced beach strong points and rapidly moved inland with minimum casualties. He thus contributed substantially to the successful establishment of the beachhead in France.

Pinder, John J., Jr.

Rank and organization: Technician Fifth Grade, U.S. Army, 16th Infantry, 1st Infantry Division.

Place and date: Near Colleville-sur-Mer, France, 6 June 1944.

Entered service at: Burgettstown, Pa.

Birth: McKees Rock, Pa.

G.O. No.: 1, 4 January 1945.

Citation: For conspicuous gallantry and intrepidity above and beyond the call of duty on 6 June 1944, near Colleville-sur-Mer, France. On D-day, Technician 5th Grade Pinder landed on the coast 100 yards off shore under devastating enemy machinegun and artillery fire which caused severe casualties among the boatload. Carrying a vitally important radio, he struggled towards shore in waist-deep water. Only a few yards from his craft he was hit by enemy fire and was gravely wounded. Technician 5th Grade Pinder never stopped. He made shore and delivered the radio. Refusing to take cover afforded, or to accept medical attention for his wounds, Technician 5th Grade Pinder, though terribly weakened by loss of blood and in fierce pain, on 3 occasions went into the fire-swept surf to salvage communication equipment. He recovered many vital parts and equipment, including another workable radio. On the 3rd trip he as again hit, suffering machinegun bullet wounds in the legs. Still this valiant soldier would not stop for rest or medical attention. Remaining exposed to heavy enemy fire, growing steadily weaker, he aided in establishing the vital radio communication on the beach. While so engaged this dauntless soldier was hit for the third time and killed. The indomitable courage and personal bravery of Technician 5th Grade Pinder was a magnificent inspiration to the men with whom he served.

Monteith, Jimmie W., Jr.

Rank and organization: First Lieutenant, U.S. Army, 16th Infantry, 1st Infantry Division.

Place and date: Near Colleville-sur-Mer, France, 6 June 1944.

Entered service at: Richmond, Va.

Born: 1 July 1917, Low Moor, Va.

G.O. No.: 20, 29 March 1945.

Citation: For conspicuous gallantry and intrepidity above and beyond the call of duty on 6 June 1944, near Colleville-sur-Mer, France. 1st Lt. Monteith landed with the initial assault waves on the coast of France under heavy enemy fire. Without regard to his own personal safety he continually moved up and down the beach reorganizing men for further assault. He then led the assault over a narrow protective ledge and across the flat, exposed terrain to the comparative safety of a cliff. Retracing his steps across the field to the beach, he moved over to where 2 tanks were buttoned up and blind under violent enemy artillery and machinegun fire. Completely exposed to the intense fire, 1st Lt. Monteith led the tanks on foot through a minefield and into firing positions. Under his direction several enemy positions were destroyed. He then rejoined his company and under his leadership his men captured an advantageous position on the hill. Supervising the defense of his newly won position against repeated vicious counterattacks, he continued to ignore his own terrain under heavy fire to strengthen links in his defensive chain. When the enemy succeeded in completely surrounding 1st Lt. Monteith and his unit and while leading the fight out of the situation, 1st Lt. Monteith was killed by enemy fire. The courage, gallantry, and intrepid displayed by 1st Lt. Monteith is worthy of emulation.

Barrett, Carlton W.

Rank and organization: Private, U.S. Army, 18th Infantry, 1st Infantry Division.

Place and date: Near St. Laurent-sur-Mer, France, 6 June 1944.

Entered service at: Albany, N.Y.

Born: Fulton, N.Y.

G.O. No.: 78, 2 October 1944.

Citation: For gallantry and intrepidity at the risk of his life above and beyond the call of duty on 6 June 1944, in the vicinity of St. Laurent-sur-Mer, France. On the morning of D-day Pvt. Barrett, landing in the face of extremely heavy enemy fire, was forced to wade ashore through neck-deep water. Disregarding the personal danger, he returned to the surf again and again to assist his floundering comrades and save them from drowning. Refusing to remain pinned down by the intense barrage of small-arms and mortar fire poured at the landing points, Pvt. Barrett, working with fierce determination, saved many lives by carrying casualties to an evacuation boat lying offshore. In addition to his assigned mission as guide; he carried dispatches the length of the fire-swept beach; he assisted the wounded; he calmed the shocked; he arose as a leader in the stress of the occasion. His coolness and his dauntless daring courage while constantly risking his life during a period of many hours had an inestimable effect on his comrades and is in keeping with the highest traditions of the U.S. Army.

Peregory, Frank D.

Rank and organization: Technical Sergeant, U.S. Amy, Company K, 116th Infantry, 29th Infantry Division.

Place and date: Grandcampe, France, 8 June 1944.

Entered service at: Charlottesville, Va.

Born: 10 April 1915, Esmont, Va.

G.O. No.: 43, 30 May 1945.

Citation: On 8 June 1944, the 3d Battalion of the 116th Infantry was advancing on the strongly held German defenses at Grandcampe, France, when the leading elements were suddenly halted by decimating machinegun fire from a firmly entrenched enemy force on the high ground overlooking the town. After numerous attempts to neutralize the enemy position by supporting artillery and tank fire had proved ineffective, T/Sgt. Peregory, on his own initiative, advanced up the hill under withering fire, and worked his way to the crest where he discovered an entrenchment leading to the main enemy fortifications 200 yards away. Without hesitating, he leaped into the trench and moved toward the emplacement. Encountering a squad of enemy riflemen, he fearlessly attacked them with handgrenades and bayonet, killed 8 and forced 3 to surrender. Continuing along the trench, he singlehandedly forced the surrender of 32 more riflemen, captured the machine gunners, and opened the way for the leading elements of the battalion to advance and secure its objective. The extraordinary gallantry and aggressiveness displayed by T/Sgt. Peregory are exemplary of the highest tradition of the armed forces.

DeGlopper, Charles N.

Rank and organization: Private First Class, U.S. Army, Co. C, 325th Glider Infantry, 82d Airborne Division.

Place and date: Merderet River at la Fiere, France, 9 June 1944.

Entered service at: Grand Island, N.Y.

Birth: Grand Island, N.Y.

G.O. No.: 22, 28 February 1946.

Citation: He was a member of Company C, 325th Glider Infantry, on 9 June 1944 advancing with the forward platoon to secure a bridgehead across the Merderet River at La Fiere, France. At dawn the platoon had penetrated an out line of machineguns and riflemen, but in so doing had become cut off from the rest of the company. Vastly superior forces began a decimation of the stricken unit and put in motion a flanking maneuver which would have completely exposed the American platoon in a shallow roadside ditch where it had taken cover. Detecting this danger, Pfc. DeGlopper volunteered to support his comrades by fire from his automatic rifle while they attempted a withdrawal through a break in a hedgerow 40 yards to the rear. Scorning a concentration of enemy automatic weapons and rifle fire, he walked from the ditch onto the road in full view of the Germans, and sprayed the hostile positions with assault fire. He was wounded, but he continued firing. Struck again, he started to fall; and yet his grim determination and valiant fighting spirit could not be broken. Kneeling in the roadway, weakened by his grievous wounds, he leveled his heavy weapon against the enemy and fired burst after burst until killed outright. He was successful in drawing the enemy action away from his fellow soldiers, who continued the fight from a more advantageous position and established the first bridgehead over the Merderet. In the area where he made his intrepid stand his comrades later found the ground strewn with dead Germans and many machineguns and automatic weapons which he had knocked out of action. Pfc. DeGlopper's gallant sacrifice and unflinching heroism while facing unsurmountable odds were in great measure responsible for a highly important tactical victory in the Normandy Campaign.

Ehlers, Walter D.

Rank and organization: Staff Sergeant, U.S. Army, 18th Infantry, 1st Infantry Division.

Place and date: Near Goville, France, 9–10 June 1944.

Entered service at: Manhattan, Kans.

Birth: Junction City, Kans.

G.O. No.: 91, 19 December 1944.

Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 9–10 June 1944, near Goville, France. S/Sgt. Ehlers, always acting as the spearhead of the attack, repeatedly led his men against heavily defended enemy strong points exposing himself to deadly hostile fire whenever the situation required heroic and courageous leadership. Without waiting for an order, S/Sgt. Ehlers, far ahead of his men, led his squad against a strongly defended enemy strong point, personally killing 4 of an enemy patrol who attacked him en route. Then crawling forward under withering machinegun fire, he pounced upon the guncrew and put it out of action. Turning his attention to 2 motars protected by the crossfire of 2 machineguns, S/Sgt. Ehlers led his men through this hail of bullets to kill or put to flight the enemy of the mortar section, killing 3 men himself. After mopping up the mortar positions, he again advanced on a machine gun, his progress effectively covered by his squad. When he was almost on top of the gun he leaped to his feet and, although greatly outnumbered, he knocked out the position singlehanded. The next day, having advanced deep into enemy territory, the platoon of which S/Sgt. Ehlers was a member, finding itself in an untenable position as the enemy brought increased mortar, machinegun, and small-arms fire to bear on it, was ordered to withdraw. S/Sgt. Ehlers, after his squad had covered the withdrawal of the remainder of the platoon, stood up and by continuous fire at the semicircle of enemy placements, diverted the bulk of the heavy hostile fire on himself, thus permitting the members of his own squad to withdraw. At this point, though wounded himself, he carried his wounded automatic rifleman to safety and then returned fearlessly over the shell-swept field to retrieve the automatic rifle which he was unable to carry previously. After having his wound treated, he refused to be evacuated, and returned to lead his squad. The intrepid leadership, indomitable courage, and fearless aggressiveness displayed by S/Sgt. Ehlers in the face of overwhelming enemy forces serve as an inspiration to others.

DeFranzo, Arthur F.

Rank and organization: Staff Sergeant, U.S. Army, 1st Infantry Division.

Place and date: Near Vaubadon, France, 10 June 1944.

Entered service at: Saugus, Mass.

Birth: Saugus, Mass.

G.O. No.: 1, 4 January 1945.

Citation: For conspicuous gallantry and intrepidity at the risk of his life, above and beyond the call of duty, on 10 June 1944, near Vaubadon, France. As scouts were advancing across an open field, the enemy suddenly opened fire with several machineguns and hit 1 of the men. S/Sgt. DeFranzo courageously moved out in the open to the aid of the wounded scout and was himself wounded but brought the man to safety. Refusing aid, S/Sgt. DeFranzo reentered the open field and led the advance upon the enemy. There were always at least 2 machineguns bringing unrelenting fire upon him, but S/Sgt. DeFranzo kept going forward, firing into the enemy and 1 by 1 the enemy emplacements became silent. While advancing he was again wounded, but continued on until he was within 100 yards of the enemy position and even as he fell, he kept firing his rifle and waving his men forward. When his company came up behind him, S/Sgt. DeFranzo, despite his many severe wounds, suddenly raised himself and once more moved forward in the lead of his men until he was again hit by enemy fire. In a final gesture of indomitable courage, he threw several grenades at the enemy machinegun position and completely destroyed the gun. In this action, S/Sgt. DeFranzo lost his life, but by bearing the brunt of the enemy fire in leading the attack, he prevented a delay in the assault which would have been of considerable benefit to the foe, and he made possible his company's advance with a minimum of casualties. The extraordinary heroism and magnificent devotion to the duty displayed by S/Sgt. DeFranzo was a great inspiration to all about him, and is in keeping with the highest traditions of the armed forces.

Cole, Robert G.

Rank and organization: Lieutenant Colonel, U.S. Army, 101st Airborne Division.

Place and date: Near Carentan, France, 11 June 1944.

Entered service at: San Antonio, Tex.

Birth: Fort Sam Houston, Tex.

G.O. No.: 79, 4 October 1944.

Citation: For gallantry and intrepidity at the risk of his own life, above and beyond the call of duty on 11 June 1944, in France. Lt. Col. Cole was personally leading his battalion in forcing the last 4 bridges on the road to Carentan when his entire unit was suddenly pinned to the ground by intense and withering enemy rifle, machinegun, mortar, and artillery fire placed upon them from well-prepared and heavily fortified positions within 150 yards of the foremost elements. After the devastating and unceasing enemy fire had for over 1 hour prevented any move and inflicted numerous casualties, Lt. Col. Cole, observing this almost hopeless situation, courageously issued orders to assault the enemy positions with fixed bayonets. With utter disregard for his own safety and completely ignoring the enemy fire, he rose to his feet in front of his battalion and with drawn pistol shouted to his men to follow him in the assault. Catching up a fallen man's rifle and bayonet, he charged on and led the remnants of his battalion across the bullet-swept open ground and into the enemy position. His heroic and valiant action in so inspiring his men resulted in the complete establishment of our bridgehead across the Douve River. The cool fearlessness, personal bravery, and outstanding leadership displayed by Lt. Col. Cole reflected great credit upon himself and are worthy of the highest praise in the military service.

Butts, John E.

Rank and organization: Second Lieutenant, U.S. Army, Co. E, 60th Infantry, 9th Infantry Division.

Place and Date: Normandy, France, 14, 16 and 23 June 1944.

Entered service at: Buffalo, N.Y.

Birth: Medina, N.Y.

G.O. No.: 58, 19 July 1945.

Citation: Heroically led his platoon against the enemy in Normandy, France, on 14, 16, and 23 June 1944. Although painfully wounded on the 14th near Orglandes and again on the 16th while spearheading an attack to establish a bridgehead across the Douve River, he refused medical aid and remained with his platoon. A week later, near Flottemanville Hague, he led an assault on a tactically important and stubbornly defended hill studded with tanks, antitank guns pillboxes and machinegun emplacements and protected by concentrated artillery and mortar fire. As the attack was launched 2d Lt. Butts, at the head of his platoon, was critically wounded by German machinegun fire. Although weakened by his injuries, he rallied his men and directed 1 squad to make a flanking movement while he alone made a frontal assault to draw the hostile fire upon himself. Once more he was struck, but by grim determination and sheer courage continued to crawl ahead. When within 10 yards of his objective, he was killed by direct fire. By his superb courage, unflinching valor and inspiring actions, 2d Lt. Butts enabled his platoon to take a formidable strong point and contributed greatly to the success of his battalion's mission.

Ogden, Carlos C.

Rank and organization: First Lieutenant, U.S. Army, Company K, 314th Infantry, 79th Infantry Division.

Place and date: Near Fort du Roule, France, 25 June 1944.

Entered service at: Fairmont, Ill.

Born: 19 May 1917, Borton, Ill.

G.O. No.: 49, 28 June 1945.

Citation: On the morning of 25 June 1944, near Fort du Roule, guarding the approaches to Cherbourg, France, 1st Lt. Ogden's company was pinned down by fire from a German 88-mm. gun and 2 machineguns. Arming himself with an M1 rifle, a grenade launcher, and a number of rifle and handgrenades, he left his company in position and advanced alone under fire, up the slope toward the enemy emplacements. Struck on the head and knocked down by a glancing machinegun bullet, 1st Lt. Ogden, in spite of his painful wound and enemy fire from close range continued up the hill. Reaching a vantage point, he silenced the 88-mm. gun with a well-placed rifle grenade and then, with handgrenades, knocked out the 2 machineguns, again being painfully wounded. 1st Lt. Ogden's heroic leadership and indomitable courage in along silencing these enemy weapons inspired his men to greater effort and cleared the way for the company to continue the advance and reach its objectives.

Kelly, John D.

Rank and organization: Technical Sergeant (then Corporal), U.S. Army, Company E, 314th Infantry, 79 Infantry Division.

Place and date: Fort Du Roule, Cherbourg, France, 25 June 1944.

Entered service at: Cambridge Springs, Pa.

Birth: Venango Township, Pa.

G.O. No.: 6, 24 January 1945

Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty. On 25 June 1944, in the vicinity of Fort du Roule, Cherbourg, France, when Cpl. Kelly's unit was pinned down by heavy enemy machinegun fire emanating from a deeply entrenched strongpoint on the slope leading up to the fort, Cpl. Kelly volunteered to attempt to neutralize the strongpoint. Arming himself with a pole charge about 10 feet long and with 15 pounds of explosive affixed, he climbed the slope under a withering blast of machinegun fire and placed the charge at the strongpoint's base. The subsequent blast was ineffective, and again, alone and unhesitatingly, he braved the slope to repeat the operation. The second blast blew off the ends of the enemy guns. Cpl. Kelly then climbed the slope a third time to place a pole charge at the strongpoint's rear entrance. When this had been blown open he hurled handgrenades inside the position, forcing survivors of the enemy guncrews to come out and surrender. The gallantry, tenacity of purpose and utter disregard for personal safety displayed by Cpl. Kelly were an incentive to his comrades and worthy of emulation by all.

LOST IN CYBERSPACE

Mr. DOLE. Madam President, telecommunications policymaking is like our space program. We are exploring the unknown. But while Houston ground control keeps our spacecraft from getting lost, Congress cannot seem to do the same for our telecommunications policy. In fact, it seems that our proregulator friends are lost in cyberspace. "Earth to regulator. Come in regulator." I have been waiting for years, and still no answer.

News stories across the Nation confirm my fears. I came across a story in the New York Times entitled, "Goals Collide in Cable TV Rate Plan." It is virtually impossible to regulate lower prices without stagnating the development of new services. No doubt about it, the FCC could have made the process a whole lot simpler. But Congress is to be blamed, too. After all, it was Congress which told the FCC to devise a regulatory scheme.

For instance, the cable law requires the FCC to develop regulations that would simulate price structures if a cable TV system had competition. The idea was we all knew competition brings lower prices and better services. However, instead of taking the straightforward approach of injecting real competition, which I advocated, Congress saw fit to create the most complicated, confusing way of mimicking competition imaginable. I guess today they call that virtual reality. Well that is fine if we are writing science fiction. But Congress writes policy. And to set good policy, we should deal in reality.

The fact is that technology is developing faster than Congress can respond. The fact is that competition should replace monopoly regulation. The fact is that current regulatory policy shackles American communications companies. The fact is that all forms and levels of government have confused communications businesses to the point that sound, long-term decisions cannot be made.

Madam President, we will be judged by how we respond to these realities. One thing is certain, we should not use the Cable TV Act as the model.

CABLE TV REGULATIONS ARE IMMENSE

Almost 2 years have gone by since we passed that law. Officially, cable rate regulations went into effect on May 15. However, most consumers will not see any changes until July 14, 1994. It is my understanding that the FCC allowed this phase-in period because it realized that its rules were so complicated.

This is amusing in light of FCC Chairman Hundt's assurances that the rules were not complicated. In fact, his chief of staff insisted that the FCC's cable regulations were only 14 pages long and that I misrepresented the Commission's work when I stated that the paper trail exceeded 500 pages.

Well, he would be correct if he was only referring to the Commission's 14-page ruling on benchmarks. However, I was also including the 11-page ruling on cost of service, the 475 pages of supporting documents and new proposals, the 93 pages of forms and instructions that every cable operator must read and fill out, and the additional 54 pages of forms and instructions for those who choose cost-of-service regulation. That is 647 pages of paperwork. Stack those pages end to end and they would be taller than the Washington Monument. And, it does not stop there. The Commission has released corrections, and it is my understanding that form 1211 and its instructions have yet to be released.

REGULATIONS STAGNATE INNOVATION

Madam President, the Cable TV Act and our current forays into communications policy reminds me of those crazy Rube Goldberg contraptions. You know, let us see how complicated we can make a simple task like opening a door. The problem is that instead of opening the door to future innovation, regulators are slamming it shut.

We all know the most recent cable TV rate rollback helped scuttle major deals. But what is business supposed to do when the Government establishes contradictory, arbitrary rules and later changes them? Instead, we should establish clear-cut policies that will provide these companies the security to make long-term investments. If we do not construction of the so-called information superhighway will face unwarranted delay.

In fact, the regulatory road we are heading down right now will wreck some companies that would have survived under competition. Chairman Hundt was certainly correct when he stated that "some firms will enjoy tremendous success. Others may fail. Our job is not to guarantee success. Our job is to make sure that the opportunities are there." But he should have—and did not say—that it is not the FCC's job to drive honest companies out of business. Let us face it, in the coming months we will see several cable companies, large and small, go under. Not because they were bad operators, but because a 17-percent rate cut will eliminate their profits and hinder them from meeting their financial obligations. I hope that my colleagues are prepared for the backlash when consumers turn on their TV's one day, only to find that their service has been cut off—and it will not be coming back any time soon.

ESTABLISHING CLEAR COMMUNICATIONS POLICY

Madam President, like many of my colleagues I have been concerned for some time about the courts setting communications policy. That is our role, not theirs. As we move forward on current communications legislation, I would urge the Congress to establish clear-cut policy and ignore fancy mechanisms that we all know will end up being challenged in court.

As I noted earlier, the cable TV rate regulation went into effect on May 15. Ironically, that is the same day that the Supreme Court invoked the Sherman Antitrust Act and dissolved Standard Oil 83 years ago. It seems to me that as we move forward on future communications legislation, we should be thinking more along the lines of the Sherman Act, not the Cable TV Act. This will limit the court's role in communications, and will reestablish Congress as the policymaker. No doubt about it, this will make some proregulators Greene with envy—Judge Greene that is. But that is what happens when Congress steps up to its responsibilities.

CUBA

Mr. DOLE. Madam President, last weekend, a boat with dozens of Cubans fleeing Castro's tyranny was attacked by Cuba's Coast Guard. Four people were wounded by gunfire in the attack, at least one of them a child. The ship was eventually rescued by the U.S. Coast Guard in interntional waters, and made it to safety. The Cuban Government will even attack children fleeing Castro's island prison.

This is just the latest example of what more than 30 years of repression has done to the Cuban people. But after three decades, Castro's dictatorship is teetering. He has lost his patrons in the Soviet Union. His efforts to spread revolution in Latin America failed dismally. His troops are out of Africa. The Cuban economy is in a shambles while the Cuban jails are full.

It is no wonder discontent with Castro's rule is higher than ever. The Cuban Air Force knows the flight path to Key West and regularly flies in. Refugees are fleeing at a rate of 500 a month. Now is the worst possible time to ease the pressure on Cuba. If the West had not held firm in the cold war, the Soviet Union would still exist. Yet, there are some who want to lift the embargo in Cuba. Madam President, the embargo is working. Pressure is working. Castro's options are reduced every day. And every day, Cuba's freedom grows closer.

The embargo on Cuba is fundamentally different from the embargo on Haiti. Haiti has not seized American property. Haiti has not destabilized its neighbors, or built armed forces able to project power around the world. Haiti has not, fortunately, descended into the totalitarian nightmare of Cuba. Human rights violations in Haiti are deplorable, but the Haitian Government has not fired on boats of Haitians leaving. In Haiti, the border with the Dominican Republic is not mined the way approaches to Guantanamo Bay in Cuba are. Haitians build boats to flee without interference from the army or police. No one should compare the two situations.

I hope that maintaining the embargo on Cuba is a foreign policy promise this administration keeps. And if they do not, I believe the Congress will ensure there is no weakening or lifting of the embargo against Castro's Cuba. America should not bail out Fidel Castro and Cuban communism.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Madam President, noting the presence of the distinguished Republican leader on the floor, I wonder if I might direct an inquiry to him.

As the distinguished leader knows, we debated several hours yesterday the resolution on the Whitewater matter. We were prepared to vote last evening but were told our colleagues would not permit a vote to occur and are prepared to vote today.

I would like to inquire of my colleague whether or not the Republican colleagues will be prepared to permit a vote to occur today on the matter.

Mr. DOLE. I hope that will be the case, I say to the majority leader. We will be discussing it in our Cloakroom. A number of our colleagues have come in who have been outside the city.

We hope we can accommodate this request and, of course, accommodate the majority leader.

So I will get back to the majority leader within the next 30 minutes.

Mr. MITCHELL. I appreciate that very much.

I thank my colleague.

I yield the floor.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VERMONT'S HEALTH CARE PLAN

Mr. DOLE. Madam President, I would like to bring to the attention of my colleagues a rather compelling article in today's New York Times—"Vermont Shows How Health Care Can Fail."

What struck me about this article is that a State, like Vermont, with relatively low medical costs, few illegal aliens, an uninsured population of about 11½ percent, compared to 15 percent nationwide, and generous social welfare benefits—qualities conducive to comprehensive health care reform—could not enact such legislation.

Vermont is also unique in that it is the only State whose Governor—Howard Dean—is a physician. I have had the pleasure of meeting with Governor Dean and was impressed with his knowledge of health care. But, despite his expertise, the plan collapsed.

Madam President, it was not the fault of the Governor. And, it was not the fault of Democrats, or the fault of Republicans, that health care reform did not pass in Vermont. It was due to the very nature of the legislation that was being considered, the enormity of its costs, and its lack of public support.

What Vermont tried to pass is very similar to the President's plan and to democratic bills currently before the

Congress—the plan had mandatory alliances, global budgets, employer mandates, and a one-size-fits-all basic benefit package—the very same elements that are cause for concern for many Americans and for many of our colleagues—on both sides of the aisle.

One of the most compelling parts of this article, Madam President, was the statement made by the majority leader of the State Senate. In essence, he said the plan lost support in the end because officials refused to discuss the unpleasant financing details in the beginning.

I think this may be the very same trap we may be heading for here. I am hopeful that there will be enough of us to put together a reasonable, sensible, bipartisan package. Maybe this is not an example of what would happen here, but it seems to me that if you do not have the public's support, as we learned here on catastrophic coverage a few years ago, if it is not there when you act, it is not going to be there after something passes.

What this experience tells me, and what I hear from constituents in Kansas, is: Go slow and get it right. Congress comes back every year, and every year there is going to be somebody here—100 Senators—and they are going to be dealing with the issues of the day. We can do some this year and some next year.

The Finance Committee has a reputation of being a consensus committee, not a partisan committee. I think if anybody would go back and look at all the measures going through the Finance Committee—health care or anything else—you will find that in nearly every case it was either a unanimous voice vote, or 16-4, or something like that maybe, on amendments. Rarely on final passage have we had a strict party-line vote. So there is still some hope.

Yesterday, the chairman of the Finance Committee, Senator MOYNIHAN, gave us a nine-page document, and we are in the process of examining that. It seems to me that, just on first blush, it is about $190 billion in new taxes, and a lot of mandates, and a lot of people are going to be denied the right to self insure.

There are problems, but as the chairman pointed out, I think it is a place to start, and we will see what happens in the next several weeks.

I ask unanimous consent that a New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VERMONT SHOWS HOW A HEALTH BILL CAN FAIL

(By Robert Pear)

MONTPELIER, VT., JUNE 4.—For years, Vermont set an example to the nation, showing how to regulate health insurance to control prices and expand coverage. Now it offers a different lesson, showing the perils of trying to enact a health care overhaul that is both ambitious and complex.

Gov. Howard Dean, a doctor who is vice chairman of the National Governors' Association and who will soon be the group's chairman, listed health care as his top priority in January. He asked the General Assembly to pass legislation very similar to that proposed by President Clinton. But the Governor's plan collapsed last month, spurned by liberal Democrats who said it did too little and by Republicans who said it did too much.

"We tried to do too much too quickly," said State Representative Sean P. Campbell of Saxtons River, a Democrat who is the majority leader of the House and chairman of a special committee that drafted a health care bill. "It was too big. We couldn't swallow it. We ended up spitting it out."

Over and over, when Vermont residents describe their experience, they liken it to the national struggle over health care. They wonder how Congress can pass comprehensive legislation if it has proved impossible in a state like this, where the politics are much less complicated, the lobbying is more restrained and the Governor has a high approval rating as well as a large store of political capital.

State Senator Matt Krauss of Barre, a moderate Republican, said: "Early this year there was a great expectation that we would pass a comprehensive health care bill. But the more the public learned about the details and the cost, the more nervous they became. The general public soured on health care reform. In the month before our vote in the Senate Finance Committee, it became clear that the bloom had gone off the rose.

"Our mind-set was that we were going to revamp the health care system from top to bottom," Mr. Krauss continued. "In retrospect, that was a bad mistake. We should have been more realistic and targeted. We should have taken health care reform in small, modest doses, in doable increments. By trying to tackle everything, we ended up accomplishing nothing."

Like the President's plan, Governor Dean's proposal would have required employers to help pay health insurance premiums for their employees. As in the Clinton plan, most people would have obtained coverage through a purchasing pool, or alliance, and the government would have set an annual budget for all health spending.

A compromise bill that included new taxes to finance coverage for the uninsured died in the Senate Finance Committee. The vote was 7 to 0 against the bill, with four Republicans joining three Democratic backers of a Canadian-style system in which the government pays for the health care of its citizens.

One of those Democrats, State Senator Elizabeth M. Ready of Bristol, said she still supported "single payer" approach, financed with tax revenue. "I'm not wavering in that," she said. "It's clear and true vision."

But she has concluded that "We must take small, deliberate steps, an evolutionary rather than a revolutionary approach, because we're not going to get the whole enchilada."

In an interview, Governor Dean, a Democrat, asserted that "an unholy alliance of the far left and the far right killed a bill that would have guaranteed health insurance to everybody in the state."

Vermont has 15 hospitals, 1,000 practicing doctors, comparatively low medical costs, two major private health insurers, 68,500 uninsured people (out of a population of 576,000) and a history of bipartisan cooperation by conscientious public officials. The state takes pride in its quality of life and in its comparatively generous social welfare benefits.

Vermont residents are widely conversant with the complexities of overhauling health care, having studied the issue for four years. Vermont was among a half-dozen states that could not wait for the Federal Government to act on health care; it passed its own laws in 1991 and 1992. These measures require insurers to sell coverage at standard rates to people regardless of their medical histories, and they set annual spending goals for each hospital.

State Senator John Carroll of Norwich, a Republican who is majority leader of the Senate, supported that legislation. This year he was ready to vote for new taxes to finance coverage of the uninsured, and he supported a plan requiring employers to contribute to the cost of coverage for their employees—two ideas opposed by many Republicans in Congress.

Mr. Carroll says the health care plan died here mainly because public officials delayed discussing unpleasant financial questions.

"The most important questions about health care reform are financial: How much does it cost, and who pays?" said Mr. Carroll. "There was a persistent tendency to put off those questions to the end. It was a fatal mistake. Those are the toughest questions, and we should have confronted them at the beginning."

Analyzing what they describe as their "health care meltdown," many Vermonters agree with State Senator Althea Kroger of Essex Junction, a Democrat and assistant minority leader of the Senate, who said: "We underestimated the complexity of the issue. We underestimated the opposition."

And many are asking, in the words of Norman E. Wright, president of the Vermont Hospital Association, "Did we have a dream bigger than our ability to perform?"

State Senator Peter E. Shumlin of Putney, a Democrat, said: "This is as much our fault as the special interests. We all collectively share the blame for telling voters this would be simple, easy, painless and free."

On the other hand, Governor Dean said that Vermont's failure showed the need for Federal action. "We really need a Federal framework," he said in the interview. The Federal Government, he said, should define a standard set of health benefits for all Americans and should prescribe some method of financing, whether through premiums or taxes, but should let states decide the best way of delivering health care.

Moderate Republicans, an endangered species in Washington, have dominated the Republican Party in Vermont. Likewise, the left wing of the Democratic Party is more influential here than in Washington. Nevertheless, Mr. Dean sees many similarities between Montpelier and Washington. Negative advertising frightened many consumers. Here, as in Congress, there was intense pressure to make the benefits package more generous and therefore more expensive.

Asked why health legislation has died this year, State Representative Robert J. Harris of Windsor, a Democrat, said, "The cost, pure and simple."

The Vermont House seriously considered raising income and payroll taxes to help pay for health care. Local newspapers published tables showing that state income taxes would double for many people. "It scared the daylights out of the public," Governor Dean said.

People generally did not realize that the new taxes would replace premiums they were already paying for health insurance. House members, deluged with complaints, beat a hasty retreat. The bill that was eventually passed by the House did not specify a level of benefits or a means to pay for them; it called for a study of those questions.

"The opponents of health care reform were much more motivated than the supporters," the Governor said. "Businesses that favored health care reform sat on their hands."

On the other hand, Mr. Dean said, many advocates of a single payer health system used what he called "slash and burn tactics" to block a compromise.

"They were incredibly inflexible," he said. "They were more interested in ideological purity than in actually providing health care to the uninsured."

Alan Hark, a lobbyist for the Vermont Low-Income Advocacy Council, said some single payer advocates "did a disservice to their constituents, especially those who are uninsured, because they were so rigid and inflexible."

State Senator Cheryl P. Rivers of Bethel, a leader of the liberal Democrats, rejected such criticism but acknowledged that "we formed an alliance with the most conservative Republicans who didn't want anything."

"Instead of standing up to the special interests and getting efficiencies from the health care system, the Senate bill would have required middle-class people and small businesses to pay for health care reform," she said. "It would have taxed the benefits of people already insured, and it would have created a new welfare-like program for the uninsured."

WAITING FOR A CONSENSUS

When a bill dies, legislators often say they ran out of time. But State Senator Jan Backus of Brattleboro, a Democrat who is chairwoman of the Senate Committee on Health and Welfare, said that "in some ways, we had too much time"—people found more to dislike as they studied the legislation more closely.

It became evident, as Senator Ready said, that "we as Vermonters, we as a nation, have not come to a consensus on what to cover or how to pay for it."

Some Republicans said that rather than devising its own health insurance scheme, Vermont should wait to see what Congress does.

But as the legislature crawled toward adjournment, State Representative Margaret F. Martin of Middlebury, a Democrat who heads the House Committee on Health and Welfare said: "I'm battered and bruised and very, very disappointed. What happened here is, I fear, what will happen nationally."

COMMENDING SENATORS MOYNIHAN AND KENNEDY FOR THEIR HEALTH CARE PROPOSALS

Mr. MITCHELL. Madam President, I want to commend Senator MOYNIHAN, the chairman of the Finance Committee, for his leadership in presenting a detailed and positive proposal yesterday. I also commend Senator KENNEDY and the members of his committee for their action in reporting a bill yesterday. Both have demonstrated extraordinary leadership in moving this process forward.

I think it is fair to say that not a single Senator agrees with every single provision in any bill. Some want changes in the President's bill; some want changes in the Labor Committee bill; some want changes in Senator MOYNIHAN's bill; some want changes in the bills presented by Senator CHAFEE and our Republican colleagues; and those offered by Senator BREAUX and Congressman COOPER. There are a lot of proposed changes. It is heartening to see the process moving forward, and that would not have occurred but for the leadership of Senators KENNEDY and MOYNIHAN. I commend them for their actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I ask unanimous consent to speak for 4 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-CANADIAN FISHERIES RELATIONSHIP

Mr. MURKOWSKI. Madam President, one of the more important natural resource arrangements that we have with our northern neighbor, Canada, is the Pacific Salmon Treaty, with which the Chair is well familiar. This is a treaty under which both our countries have agreed to share the benefits of salmon production along the west coast of the United States. However, today the treaty is in serious trouble, as the Canadian Government decided on unilateral action against the interests of the United States.

This year, negotiations intended to renew several annexes to the treaty broke down, with Canada's refusal to participate in a key negotiating session in January of this year, and subsequent refusal to reopen meaningful discussions on the important conservation measures, unless the United States agreed to Canadian demands for an equity agreement that would be to Canada's advantage and the United States' disadvantage.

The main goal of the Canadian strategy appeared to be to attempt to gain United States agreement to closing or severely limiting traditional United States fisheries in both Alaska and Puget Sound. In doing so, the Canadians would have succeeded in gaining unprecedented concessions, limiting our own jurisdiction over salmon in our waters, which under both the Magnuson Act and the Law of the Sea should remain solely in our hands. That is in the hands of the United States.

Canada has complained that the United States has not been willing to negotiate an equity agreement. This is not the case at all. As the State Department noted yesterday, the United States proposed a framework for resolving this highly complicated matter and ensuring that, as the treaty requires, each country gains benefits equivalent to production of salmon from its waters. Canada, however, was not willing to approach this task in an organized, logical fashion, and instead insisted that the United States simply accede to the demands of Canada. Ultimately, they refused to meet further.

Canada's actions, and Canada's actions alone, led to the failure of our two countries to agree on annexes needed to protect stocks of salmon from rivers on both sides, including endangered and depressed salmon from the Columbia and Snake Rivers, and from other coastal streams in the United States.

Canada's solution to the impasse was to attempt to force the issue into a political arena, where it hoped the administration would attempt to override the democratic process established for treaty-related decisions, and join the Canadians in forcing the Canadian view down the throats of the States of Washington, Oregon, California, and Alaska, and of the treaty Indian tribes of the Pacific Northwest, all of whom, under the implementing legislation for the treaty, are entitled to a say in what happens. In other words, they are the decisionmakers, as well.

To the great credit of the administration, it has refused to give in either to the blandishments or the blackmail, and has firmly stood to protect the rights of Americans, the role of American States and tribes, and the U.S. national interest in control of its own resources.

However, things have progressed today so that Canada has announced the first of what it says would be a series of initiatives designed to manage its fisheries, in the words of the Canadian Minister of Fisheries, "to their own advantage and the United States' disadvantage."

The first action came yesterday, with the announcement that Canada intends to charge, Madam President, United States fishing vessels approximately $1,100 for each trip traversing Canada's waters between Puget Sound and my State of Alaska. In other words, boats entering the Canadian waters would be charged $1,100 one way. This has nothing to do with the realities associated with meeting and resolving our difference of opinion on the Pacific Salmon Treaty. This is a unilateral action by the Canadian Government through the Minister of Fisheries to simply level a fine for boats transiting what had been traditional free passage through Canadian waters in transit from Puget Sound in the State of Washington to my State of Alaska.

In my opinion, this move is an absolute violation of international law which ensures the protection and the right of free passage, and may well be in violation of the North American Free-Trade Agreement and of other measures to which Canada had previously committed itself in a cooperative manner with the United States.

Worse, it potentially endangers the lives of Americans who would, if barred from the sheltered waters of the Inside Passage, have to take their small boats on the outside of Vancouver Island, offshore to the rough and unpredictable and dangerous open ocean.

Madam President, I call on the President of the United States and the State Department to protest this outrageous and illegal action in the strongest possible terms, and on other Agencies of the United States to take whatever action is necessary to protect the lives, safety, and economic interests of United States citizens jeopardized by Canada's unwarranted and inappropriate behavior.

If necessary, Madam President, I would call for the State Department to advise the U.S. Coast Guard that, if necessary, the Coast Guard should be authorized to accompany U.S. fishing vessels traversing from Puget Sound to Alaska. Obviously, unless the Canadian Government sees fit to withdraw this, we are going to have an incident. A vessel will be stopped and then we will have to face up to the threats of the Canadian Government.

It is my hope that the State Department will advise the Canadian Government of its intent to ensure free passage in the traditional manner that we have enjoyed, traversing our vessels between Puget Sound and Alaska, and ask that they reconsider before such situation develops where we do have an incident.

If necessary, again, Madam President, I think it is appropriate that our Coast Guard be alerted, and I know Senator STEVENS has already initiated that contact. I have alerted the State Department of our concern to ensure that we immediately get a review of the international law which would encompass questions such as this, and that we communicate to the Canadian Government our intention to maintain the right of free passage as we have traditionally had it in the past.

I thank you, Madam President, and I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I rise to address the issue of section 211 of the Federal Aviation Administration Act and its effects on the trucking industry of our Nation. I am concerned that apparently the Senate is going to move forward on what appears to be a major shift in the way the Federal Government looks at the issue of regulation of the trucking industry, which has long term and far-reaching implications, in the guise of an amendment to a bill dealing with our Nation's airlines. I feel it is inappropriate for the Senate to take such a major step in this area without the benefit of full discussion and a serious examination of the ramifications of this action. I wish the Senate could have hearings on this matter so that the interests of all parties affected could be fully aired. As it stands, many individuals whose lives may be impacted by this legislation are not even aware of the details as the Senate proceeds in a unconventional manner to address the issue of trucking regulation.

Several aspects of the current process disturb me. First, I question the forum. Is an airport improvement bill, which has been held up for many months in the congressional process due to many contentious issues, the appropriate place to deal with the Nation's trucking system? I know that the issue has been couched in the terms of adjusting the definition of "intermodal all-cargo air carriers" for the purposes of exemption from some State regulation, but the current language that is scheduled to come before the Senate goes well beyond those limits. In an attempt to satisfy interests of large trucking firms across the Nation, the bill has been continuously expanded. First the bill was to deal with Federal Express and United Parcel Service; then the definition broadened to include those other large trucking interests whose voices speak loudly in the Halls of Congress. My colleagues have rushed to expand the definition of air carriers to levels that stretch the imagination with the apparent objective of assuring that any major trucking firm in their State is also an air carrier. This is no way to address this important matter.

I also would question the wisdom of our approach to this issue. Perhaps in a hearing process some of my concerns could be addressed, but I must say that in this context many serious questions come to mind. It would appear that this legislation would unduly restrict the legitimate and constitutional prerogative of the States to place limits and restrictions on intrastate movement of goods. The Constitution gives the Federal Government the ability to regulate only interstate commerce. The scope of this legislation would appear to raise serious concerns about the intrusive hand of big brother stepping into an arena that is best left to our State officials. While the issue of excessive Federal mandates has been rising in prominence—rightly so I might add—it is just as intrusive and inappropriate for the Federal Government to step in and tell States what they cannot do. It is important that we not unduly restrict the ability of the States to make decisions regarding the movement of goods and the regulation of services within their own borders when those restrictions are reasonable. I fear that the Senate is acting hastily and carelessly on this issue and I would urge that we step back from this decision and consider the matter with the deliberation and thoughtfulness it deserves.

Madam President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

Madam President, I thank my friend and colleague from Iowa for his remarks which I have been listening to with regard to the bill that is before us. I share some of his concerns. The bill before us is must-pass legislation. While there may be some legitimate differences of opinion as to what amendments are attached thereto, this bill, because of its vital concern for aviation, is going to pass, should pass, and certainly this Senator is not going to do anything to stand in the way of passing that measure.

However, I will simply say that my friend from Iowa and this Senator and others have discussed this from time to time. I will say, as the chairman of the Surface Transportation Subcommittee of the Commerce Committee, that I have offered, and offer again now if it is appropriate, and if there is sufficient interest, we can still hold some hearings on this matter in the Commerce Committee, either at the subcommittee or the full committee level, if there is sufficient interest in the body for that to happen.

I might add a little bit more to the history of what brought us to this place.

It all started some time ago by an action by a Federal court that basically said Federal Express, which is primarily an air freight carrier with local distribution, was not controlled by the existing statutes with regard to truck regulation because they were, essentially, as I understand the court's interpretation, an air transportation carrier and not a local carrier in the generally accepted context of those rules and regulations and laws.

When that happened, of course, it allowed Federal Express as the one and only carrier of its type to get out from under the State regulations. Whether you can argue that is right or wrong, it is very clear it gave Federal Express an advantage that their competitors did not have.

So the Congress, in its wisdom, or lack thereof, rather than enacting legislation that could have been enacted, in my view, to place Federal Express on the same playing field as all of the other carriers, the Congress, in its wisdom, or lack thereof, has decided to take the opposite route, which is to make the court mandate, the court decision, applicable to everyone else that is in the trucking industry, basically, that owns an airplane. That is a pretty broad interpretation, but I believe that in layman's language is what we are coming to.

In essence then, I think we should understand that to a large extent this is a massive deregulation of many of our very large carriers that transport goods in one fashion or another—basically, those that have parcels or packages or freight that go part way by airplane, and then have to be delivered by truck at the local level.

All kinds of problems come up in this regard. I, too, have heard from many of my small and smaller local truckers who are very much concerned about this. Strangely enough, at least this Senator has not heard from the National Governors Association on this matter. The Senator from Iowa clearly indicated that there may be some concerns in this area. We have not heard from the individual Governors to any significant extent, nor have we heard from the National Governors Association. I suspect that we will be hearing from them as we go on. All too often the National Governors Association, of which I was once a member, reacts rather than acts, after we have taken action on legislation.

I should also like to recognize the comments that were made a day or two ago by my friend and colleague from South Dakota, who I note is in the Chamber at this time, expressing some of the same concerns that have been expressed by others. I believe that given the situation we face, the action suggested by the Senator from South Dakota, and just a few moments ago by the Senator from Iowa, is very much appropriate, had to be said in this context and in that regard.

I would, therefore, hope that if there once again is sufficient interest in this, after this measure passes, which I think it will, and for which I will vote in support, if there is sufficient interest by any and all parties, there would be nothing wrong or inappropriate for us to hold appropriate hearings on this matter before this measure eventually becomes law in some form.

There is a dual problem here. While I have some concerns, as do my colleagues, about the actions that have resulted from the Federal Express court decision in their favor, and while it might well be we should have deregulation of some of these larger carriers, it has potentially a very dramatic and possibly significant effect on the interests of the States and the responsibilities that they have as outlined constitutionalitywise by the Senator from Iowa. Therefore, I believe that we are all similarly situated in this.

Let me say that while there may be some concerns about the big truckers, whatever their shipping modus operandi is, there may be some good reasons that this further deregulation—and that is what it is under whatever guise—might be a step in the right direction from the interest of the consumers. Some of the smaller truck lines throughout the United States may have, as some maintain, too exclusive, too much protection in the interest of consumers on certain lines. So there are all kinds of conflicting economic situations that come into play here, and it might well be that at least we could ferret out some of those in some type of a hearing under some appropriate body of the Senate.

With that, I thank Senator FORD and the other leaders of this measure for recognizing the fact that we have waited far too long and had far too much delay on the matter that directly affects the quality and costs of airplane travel in the United States, so they are moving basically in the right direction, while I would agree with my colleagues that there is some concern about the matter that has been appropriately raised with regard to how far we are going in deregulation or how far we are not going in that area.

Madam President, I thank the Chair, and I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Madam President, I thank my friend from Nebraska for his kind words. Senator PRESSLER and I have worked very, very hard to put together a piece of legislation that would try to meet everybody's concerns. I do not think we are perfect, so therefore we do not have a perfect piece of legislation. Particularly when one would have a view and others have a view, you try to get a majority view.

But I say to my friend from Iowa, I do not know anything unconstitutional about what we have done. That is speculation. The Senator's interpretation of it being unconstitutional is just as good as mine. I am not a lawyer, and as my father told me, a little knowledge of the law is dangerous, so get a good lawyer and stay with him or her. That is what I try to do.

We had a court case here that hurt the people in Iowa. They have a major installation there. What do we do to try to eliminate the problem as it faces the Senator's State, my State, and other States. That was pretty tough. For 8 months we labored with this. We talked to the leaders on that side, leaders on this side. We talked to companies. We talked to everyone we knew of to talk to.

The United Parcel people, under the ruling, would have to take packages from Iowa, cross the border into an adjacent State, take the packages out of that truck and put them into another one and then drive back in order to meet the rules which applied to them but did not apply to the other companies.

That created two problems. One, it increased costs; if the consumer used them, it would cost more. And secondly, it would be, maybe, so high that it would put them out of business. So something had to be done in order to try to level the playing field.

As the Senator mentioned, some carriers got an airplane and figured that would do. So we had to find a shakedown part where we could get a consensus that would be acceptable.

Now, my friend from Nebraska, Senator EXON, and I have been friends for a long time and there is nothing we do but what we do not try to share everything. He has some concerns, as the Senator does, as I do. We have lowered the number of packages in the bill from 50,000 to 15,000, which I think is about as broad a door as you can walk through as it relates to the problems we faced prior to this piece of legislation.

We have not interfered with ICC in this legislation. I do not think we have interfered with any kind of safety, insurance problems, et cetera. There are bound to be problems that we will face. But as Senator EXON has said, he is willing to hold hearings. We will have a reform bill as it relates to FAA before the year is over. We will have plenty of time to get into minute detail.

I wish to tell the Senator, when you go day and night for weeks and months and you try to work this thing out—now for 8 months—I think the package we have satisfies more people than we had when we started. So I am hopeful that under section 211, if we will be able to move forward, we have leveled the playing field and created competition which will be better for the consumer.

Whatever problems the Senator may have, the Senator is not on the committee and the Senator said he did not know about all these other things, and so he is talking about what his view is there rather than what we have really been doing. Senator PRESSLER and I and our staffs have just labored monumentally to try to arrive at where we are today.

I think if we were not doing this, the problems would be greater than they will be after the legislation is passed. And then we say to the Senator that we will be more than willing to get back with Senator EXON, if they need hearings, to work with him 110 percent. The FAA reform legislation, a lot of things can be included in that. So I hope the Senator would not make a judgment on this without looking through it in minute detail.

Mr. GRASSLEY. Madam President, will the Senator yield?

Mr. FORD. Madam President, I will be glad to yield for a question.

Mr. GRASSLEY. As to the comment where the Senator said that if we would look at this, we would be better off if we were not doing anything, I do not have any disagreement as that applies to Federal Express or UPS. What the Senator said there is what I am asking the question about.

Does the Senator extend that to reducing the packages down from 50,000 to 15,000 to accommodate other trucking companies?

Mr. FORD. Madam President, that is part of the effort we have made here, I might say, to accommodate those that have been creating problems for the Senator from Iowa. We have opened the wide door now as it relates to their ability to participate. If you are not in the 15,000 category, my judgment is it may not be that you would be in the business or want that kind of business or be able to handle that kind of business, anyhow.

So I think there is a level of stability and a level of accommodation. I am hoping that what we have done here, once it gets into place, and the reality of what we have done with not eliminating any ICC, or other approaches—as the Senator from Iowa mentioned in his statement earlier, we have not touched ICC. We just have new rules under which they operate.

Mr. GRASSLEY. I thank the Senator.

Mr. FORD. I thank the Senator, and I thank my friend from Nebraska, and I look forward to working with them in any way.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

ORDER OF PROCEDURE

Mr. PRESSLER. Madam President, I ask unanimous consent to speak as if in morning business for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE IN CENTRAL ASIA: PLEDGING TO END CONFLICT AMONG ARMENIANS AND AZERIS

Mr. PRESSLER. Madam President, today I rise to call attention to the continuing conflict among Armenians and Azeris over the Nagorno-Karabakh region of Azerbaijan in Central Asia. This is not the first time I have brought this issue to the Senate floor. I repeatedly have urged my colleagues, and the current, past, and present administrations, to help ease the suffering in Armenia. Yet, the fighting continues.

Together, with several of my colleagues, I recently signed a letter to President Clinton imploring him to continue efforts to end the fighting in the Transcaucus region of Central Asia. In this letter, we urged the President to remain vigilant in providing human aid and technical assistance to help improve living conditions for war-ravaged Armenians.

After a long winter, wrought with conflict and resource depletion, Armenians have a pressing need for foreign assistance if they are to move forward in their fight for democratic and economic reforms.

Since 1988, Armenians and Azeris have battled violently for control of the Nagorno-Karabakh region. Armenians in Nagorno-Karabakh have fought for independence from the Azeris, who in turn have defended the territorial integrity of the region. The fighting rages on as the two ethnic factions remain unable to reach agreement over the now war-torn Nagorno-Karabakh enclave.

Our world has remained unstable and troubled even as animosities among the superpowers has dissipated. Citizens in the Transcaucus region continue to search for peace. We must do all we can to help them achieve this goal.

Madam President, I remain committed to helping the Armenians and Azeris find lasting peace. Members of the Congress, along with the President, must not ignore the suffering and longstanding fighting in Azerbaijan. We must pledge our humanitarian support and encourage an end to the bloodshed.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, I respectfully request the chairman's reconsideration of a specific provision which has been incorporated into this important legislation.

As the chairman knows, section 211 of S. 1491 deregulates intrastate trucking for small-package carriers. Concerns have been raised that it could eliminate States' authority over safety and insurance aspects of the affected carriers. The California Public Utilities Commission is concerned that economic and safety regulations are often intertwined, and as a result, this legislation could preempt State safety regulating authority, thereby jeopardizing the State's ability to protect public safety on highways.

It is my understanding that it is not the intent of this legislation to exempt the carriers affected by this bill from the relevant safety regulations; nor was this bill designed to impede States and their pertinent subdivisions from adopting, implementing, and enforcing highway safety and insurance standards. Mr. President, I hope the chairman will correct me if I am wrong, but although this bill deregulates the intermodal carrier industry, I have interpreted section 211 as being crafted with the implicit understanding that the authority of States or their relevant subdivisions to enact or enforce any law, rule, regulation, standard, or other provision functioning as law intended to protect and safeguard the public from the unsafe operations of motor carriers on public highways would be preserved; including, but not limited to the requirement that any persons engaging in the transportation of property by motor carrier, whether such property has had or will have a prior or subsequent air movement, obtain and keep effective operating authority issued by a State or relevant political subdivision.

Mr. FORD. The Senator from California is correct in her interpretation of section 211 of S. 1491. It was not my intent upon introduction of this legislation to in any way erode the State safety and insurance regulatory control over small-package carriers, but rather, merely to deregulate the intrastate trucking aspect of such carriers. My provision would serve specifically to regulate economic, not safety matters. I would like to thank the Senator for clarifying any misunderstanding relating to this feature of the bill.

QUORUM CALL

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Ford
Mathews
Mitchell

The PRESIDING OFFICER. A quorum is not present.

The Senator from Maine.

Mr. MITCHELL. Mr. President, during the morning we have had discussions attempting to reach an agreement on how to best dispose of the matter. We have not been able to do so. We continue to request that there be a vote today on the Whitewater matter. Colleagues have indicated that they will not permit that to occur.

Therefore, I am now going to have another vote to instruct the Sergeant at Arms. This will be the last vote today. We will not be in session on Monday. There will be another such vote at 10 a.m. on Tuesday. Senators should be prepared to be here at 10 a.m. on Tuesday. We will resume consideration of the bill and this amendment.

Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from California [Mrs. BOXER], the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. NUNN], and the Senator from Virginia [Mr. ROBB] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 13, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—70

Akaka
Baucus
Bingaman
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Coverdell
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kohl
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Wellstone
Wofford

NAYS—13

Bond
Burns
Craig
D'Amato
Helms
Kempthorne
Lott
McCain
Murkowski
Nickles
Smith
Wallop
Warner

NOT VOTING—17

Bennett
Biden
Boren
Boxer
Cochran
Dodd
Faircloth
Gramm
Hollings
Hutchison
Inouye
Kerry
Lautenberg
McConnell
Nunn
Robb
Specter

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I will yield to the Senator from Rhode Island for 1 or 2 minutes, not losing my right to the floor after the Senator from Rhode Island is finished.

The PRESIDING OFFICER. The Senator from Rhode Island.

CONTAINING NORTH KOREA'S NUCLEAR THREATS

Mr. PELL. Mr. President, North Korea's refusal to comply with its obligations under the Nuclear Non-Proliferation Treaty has provoked a grave international crisis. No one should doubt the seriousness of the situation or the gravity of its test of the mettle of President Clinton and his foreign policy team. The critical nature of the dilemma, however, should not be aggravated by loose talk and false bravado.

For the past several years, under both President Bush and President Clinton, the objectives of the United States and the International Atomic Energy Agency [IAEA] have been: First, to determine North Korea's past nuclear weapons activities, and second, to limit future North Korean weapons development.

It has become clear that North Korea's objective has been to use their apparent nuclear weapons program to gain political legitimacy in the West, principally the United States, while rebuffing pressure from the international community to end their nuclear program.

North Korea does not want its nuclear past exposed. Its decision to change fuel rods in its 5-megawatt nuclear reactor at Yongbyon at this time and in an accelerated fashion, precluded IAEA analysis, was evidently intended to keep its nuclear past cloaked in mystery. Without proper examination of the fuel rods during their withdrawal from the reactor, international experts cannot verify if North Korea withdrew plutonium at an earlier period.

We must presume the worst as long as we do not know what North Korea has done in the past. That worst, at a minimum, means as reported in the press one to two nuclear weapons.

North Korea may now consider that it has the best of both worlds. Because we do not know the extent of its nuclear arsenal, we must assume it has one, thus gaining for North Korea the attention it so obviously craves. It has served their purpose of ending their more than 40 years of diplomatic isolation. There is nothing North Korea may fear more than being ignored.

For several months, the United States has held talks with North Korea to seek their agreement to nuclear inspections by IAEA officials. I have always preferred talk to conflict, and I supported this effort, although it has not thus far achieved its stated objectives. But we must also recognize that the United States is not the only interlocutor. Regional states such as China, South Korea, and Japan all have a role as well as the United Nations, including the U.N. Command in South Korea.

In addition to the obvious threat of conflict including the use of nuclear weapons, there are three reasons why we must remain vigilant:

An active North Korean nuclear weapons program may provoke a similar response by South Korea and Japan, both of whom have remained out of the nuclear arms race;

Such a program could eventually lead North Korea to export nuclear weapons to terrorists or to rogue countries such as Libya and Iran, as North Korea now does with its conventional weapons; and

North Korea's nuclear program combined with its expanded missile program may result in a potential nuclear threat to the United States.

I am concerned that regional states do not appear to have a sufficient fear of North Korea's nuclear program. Japan is reportedly reluctant to have an embargo placed on North Korea and hesitates to curb financial remittances by Koreans residing in Japan to North Korea, although these transactions may add close to $2 billion annually to the North's reserves. While South Korea appears more concerned than Japan, they are also reluctant to provoke a confrontation which would risk a conflict, or to increase tension that could hurt their economic prosperity.

North Korea is not the only country with the potential to threaten nuclear terrorism. We urgently need to develop practical means to enforce our admirable commitment to restrain the international proliferation of weapons of mass destruction.

The eventual threat posed by the North Korean development of intercontinental ballistic missiles capable of carrying nuclear warheads has been monitored closely by the United States, and needs to be factored now in our strategic defense planning.

Given the dire consequences of another war on the Korean peninsula, nuclear or conventional, I believe there are a number of measures that we should take now. These include:

Suspending bilateral talks at any level between the United States and North Korea. The International Atomic Energy Agency and the U.N. Command in South Korea should be the principal interlocutors with the North until such time North Korean deeds match their promises in terms of compliance with the Nuclear Non-Proliferation Treaty;

Reassessing the American military force structure in South Korea and Japan;

Moving ahead with Japan to build a theater missile defense system in the region;

Reassessing South Korean defensive capabilities to establish that they are sufficient to meet the North's threat, and to verify that their forces continue to complement United States forces in South Korea, under U.N. Command;

Working with our allies on international efforts to end trafficking in weapons of mass destruction. It is time to use all the means at our disposal to shred the veil of hypocrisy that now covers the world arms trade; and

Taking such measures, either through the United Nations or with our allies, to enforce economic sanctions on North Korea, particularly to constrain international financial transactions.

I hope that such measures would bring North Korea to its senses. If they do, and if the regime is prepared to come out of its self-imposed isolation, then there is a real possibility that peace and stability in the region can be enhanced. But they may not and I would say with all seriousness that we must prepare the American people for the possibility that force may need to be used at some time in the future to ensure our own national security, as well as that of South Korea and other countries in the region.

The PRESIDING OFFICER. The Senator from Arizona.

KEEPING THE CSCE USEFUL

Mr. DECONCINI. Mr. President, many articles have been written and pronouncements made in recent months about the future security order in Europe and the former Soviet Union. Fancy phrases such as "interlocking institutions" and "European security architecture" have been used repeatedly, masking the uncertainty of the experts who toss them about and the policymakers who draw inspiration from using such phrases.

The area faces a fundamental dilemma—how to make newly independent governments and newly powerful movements play by the rules of civilization when there is uncertainty what those rules are and whether world powers, particularly the United States, are willing to enforce those rules when they are broken. This uncertainty has brought us war in the Balkans, war in the Caucasus, bloody civil conflict in Tajikistan, just to mention a few of the areas in conflict.

So long as this dilemma persists, lasting resolution of the crises in the region is unlikely. Some small and promising beginnings in preventing conflict, and in helping local citizens live together, have emerged, I am proud to report. Some of these have come from the efforts of the Conference on Security and Cooperation in Europe [CSCE], or Helsinki Process. Its High Commissioner on National Minorities monitors and promotes solutions to national minority-related tensions in several states, notably the Baltics. Although they have not been given sufficient resources or political support to facilitate resolutions to crises, its missions report on and work to ease local tensions which can blow up into international conflict and, indeed, has in Bosnia and Herzegovina. Training, legal assistance, and seminars work to educate officials and activists in human rights standards and implementation, promoting harmonious societies to prevent conflicts. These are the kinds of activities that our citizens understand and support in this country. We are based on that rule of law and that kind of a system. An international organization with such a pragmatic focus is a good investment for the United States and we should continue to support the CSCE.

However, some CSCE states are less interested in the efforts themselves than in promoting to have grand designs for the future and sometimes expansion of their territories. The temptation of strategies and architectures is always with us; but they mean nothing to the everyday people caught in the crossfire of ethnic hatred and economic deprivation.

I would urge this administration to keep this in mind as it responds to the latest initiative for CSCE, put forward by the German and Dutch Foreign Ministers last month. Their view of the future for CSCE involves increasing the powers and centralization of its bureaucracy, a step which has had disastrous results at the United Nations and which this Congress is still trying to reverse; passing off more CSCE activities to that same overburdened and overbureaucratized United Nations; and pursuing arms control initiatives conceived at the end of the cold war and negotiated, continuously but with diminishing returns, ever since this occurred. We have to be careful, and I hope the administration pays heed to this suggestion.

The CSCE can accomplish more for us than providing employment for diplomats and window-dressing for national inaction. The United States should take the lead in presenting initiatives that would make use of CSCE's experience on the ground, broad membership, and comprehensive mandate to work for peace, democracy and stability. These might include, and I cite these as examples because planning for CSCE's Budapest Review Conference is at an early stage: support for the activities of the War Crimes Tribunal for the former Yugoslavia and for efforts to build democracy and guarantee human rights in the Bosnian Federation; education programs on international humanitarian law, to prevent the recurrence of the kind of repulsive violence we have seen in the Bosnian conflict; and more attention to the human rights issues so often at the root of conflict. Efforts to prevent and resolve conflict would be more effective if states worked out common approaches to the problems of peacekeeping and self-determination. The United States, which does not always give CSCE the attention the organization deserves, should act to prevent it from becoming a shadow organization, suited only for grandiose but empty gestures.

I thank the Chair, and I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

COMMITMENT TO INNOVATION AND EXCELLENCE

Ms. MOSELEY-BRAUN. Mr. President, last week I visited a school in Chicago that has not been front-page news but, frankly, should be. I visited a school the other day where the floors were so clean that you could eat off them. I visited a school where the walls were decorated with pictures and projects from the various classes at that school. This was an elementary school, and it was situated right in the heart of the Robert Taylor Homes, a housing development in Chicago that has made national news and captured international attention for the problems, for the violence, for the degradation in that community, that has gripped that community.

I was at the Beethoven Elementary School to learn about their Bank-at-School Program. I found a wonderful project in a wonderful school in the middle of a troubled and violent public housing complex. Beethoven School should be in the news because it is an example of what can be done and what is being done by principals, teachers, parents, and students to make learning possible.

I was there to take part in an award ceremony for 15 student bank tellers of the Bank-at-School Program. In this program, a bank—in this case it was the Cole Taylor Bank—partners with the school. The bank trains students to be tellers, to take deposits, and to keep track of accounts. Their money is then deposited in the Cole Taylor Bank, where it earns interest.

The Illinois Bank-at-School Program was organized by the Illinois treasurer's office with the assistance of 170 Illinois banks; 45,000 elementary school students currently participate in the program.

In all, Illinois students have saved a total of $152,000 through the Illinois Bank-at-School Program. At the Beethoven School, 110 students have saved $1,673.59 at Cole Taylor Bank, and I can assure you, Mr. President, they keep track of every penny.

The Bank-at-School Program has been operating at the Beethoven School now for some 2 years, and some students of Beethoven still come back to do their banking at the school or send deposits in to the school bank with their younger brothers or sisters.

Bank-at-School has been such a great success in large part because of the commitment of Beethoven School's principal, Ms. Lula Ford, and the teachers and, of course, the students.

This commitment is illustrated in another project that was part of or associated with Bank-at-School—the eighth grade store. Students are placed in positions of management and power. They decide on the products, they price those products, they sell sample products which are donated from the Merchandise Mart and other vendors in Chicago to fellow students, to teachers, and to parents.

I must say, I bought a little vase for a planter from the store while I was there. They handle inventory, price markups, and even markdowns when the inventory is not selling. In short, they become entrepreneurs as part of the school store.

The students in the process teach themselves about money and put their academic knowledge to practical use. The profits from the store are deposited in the Bank-at-School bank.

Mr. President, these young people are, by this initiative, being provided a glimpse of how money works in ways that might not otherwise be available to them. They are being given tools to enter the economic mainstream that they might not otherwise have. The Bank-at-School Program is a stellar example of how hope can be kept alive in even the most difficult environments when people care.

I want to congratulate the school's leadership, the State treasurer and Cole Taylor Bank executives for their vision and for their caring. I want to congratulate the students of Beethoven School for showing us all what they can do given a chance.

Mr. President, I visited a school the other day in the middle of Robert Taylor Homes with a bank, a store, and a commitment to innovation and excellence. I visited a school that should be front-page news, and I hope that this glimmer of hope becomes a beacon to guide our collective efforts to keep the American dream alive.

Thank you. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION AMENDMENTS ACT OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 432, H.R. 1758, a bill to revise and codify certain laws relating to transportation; that the bill be read a third time and passed, the motion to reconsider laid upon the table, and any statements thereon appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1758) was passed.

POKAGON BAND OF POTAWATOMI INDIANS FEDERAL SERVICES RESTORATION ACT OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 434, S. 1066, a bill to restore Federal services to the Pokagon Band of Potawatomi—I am sure I am not correct on that—Indians.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1066) to restore Federal services to the Pokagon band of Potawatomi Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no consideration, the Senate proceeded to consider the bill.

AMENDMENT NO. 1777

(Purpose: To make technical changes)

Mr. FORD. Mr. President, on behalf of Senator INOUYE, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. INOUYE, proposes an amendment numbered 1777.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 2, strike "(25 U.S.C. 461 et seq.)" and insert "(25 U.S.C. 461 et seq.; commonly referred to as the 'Indian Reorganization Act')".

In section 8, after "Indian Child Welfare Act", insert the following: "of 1978".

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 1777) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Pokagon Band of Potawatomi Indians is the descendant of, and political successor to, the signatories of the Treaty of Greenville 1795 (7 Stat. 49); the Treaty of Grouseland 1805 (7 Stat. 91); the Treaty of Spring Wells 1815 (7 Stat. 131); the Treaty of the Rapids of the Miami of Lake Erie 1817 (7 Stat. 160); the Treaty of St. Mary's 1818 (7 Stat. 185); the Treaty of Chicago 1821 (7 Stat. 218); the Treaty of the Mississinewa on the Wabash 1826 (7 Stat. 295); the Treaty of St. Joseph 1827 (7 Stat. 305); the Treaty of St. Joseph 1828 (7 Stat. 317); the Treaty of Tippecanoe River 1832 (7 Stat. 399); and the Treaty of Chicago 1833 (7 Stat. 431).

(2) In the Treaty of Chicago 1833, the Pokagon Band of Potawatomi Indians was the only band that negotiated a right to remain in Michigan. The other Potawatomi bands relinquished all lands in Michigan and were required to move to Kansas or Iowa.

(3) Two of the Potawatomi bands later returned to the Great Lakes area, the Forest County Potawatomi of Wisconsin and the Hannahville Indian Community of Michigan.

(4) The Hannahville Indian Community of Michigan, the Forest County Potawatomi Community of Wisconsin, the Prairie Band of Potawatomi Indians of Kansas, and the Citizen Band Potawatomi Indian Tribe of Oklahoma, whose members are also descendants of the signatories to one or more of the aforementioned treaties, have been recognized by the Federal Government as Indian tribes eligible to receive services from the Secretary of the Interior.

(5) Beginning in 1935, the Pokagon Band of Potawatomi Indians petitioned for reorganization and assistance pursuant to the Act

of June 18, 1934 (25 U.S.C. 461 et seq., commonly referred to as the "Indian Reorganization Act"). Because of the financial condition of the Federal Government during the Great Depression it relied upon the State of Michigan to provide services to the Pokagon Band. Other Potawatomi bands, including the Forest County Potawatomi and the Hannahville Indian Community were provided services pursuant to the Indian Reorganization Act.

(6) Agents of the Federal Government in 1939 made an administrative decision not to provide services or extend the benefits of the Indian Reorganization Act to any Indian tribes in Michigan's lower peninsula.

(7) Tribes elsewhere, including the Hannahville Indian Community in Michigan's upper peninsula, received services from the Federal Government and were extended the benefits of the Indian Reorganization Act.

(8) The Pokagon Band of Potawatomi Indians consists of at least 1,500 members who continue to reside close to their ancestral homeland in the St. Joseph River Valley in southwestern Michigan and northern Indiana.

(9) In spite of the denial of the right to organize under the Indian Reorganization Act, the Pokagon Band has continued to carry out its governmental functions through a Business Committee and Tribal Council from treaty times until today.

(10) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Band from 1795 until the present.

SEC. 2. FEDERAL RECOGNITION.

Federal recognition of the Pokagon Band of Potawatomi Indians is hereby affirmed. Except as otherwise provided in this Act, all Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), shall apply with respect to the Band and its members.

SEC. 3. SERVICES.

Notwithstanding any other provision of law, the Band and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the Band or the location of the residence of any member on or near an Indian reservation.

SEC. 4. TRIBAL MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Band shall submit to the Secretary membership rolls consisting of all individuals eligible for membership in such Band. The qualifications for inclusion on the membership rolls of the Band shall be determined by the membership clauses in the Band's governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

SEC. 5. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct, by secret ballot and in accordance with the provisions of section 16 of the Act of June 18, 1934 (25 U.S.C. 476), an election to adopt a constitution and bylaws for the Band.

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Band.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Band adopts a constitution and bylaws pursuant to subsection (a), the Secretary shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's constitution. The election shall be conducted according to the procedures described in subsection (a), except to the extent that such procedures conflict with the Band's constitution.

(2) INTERIM GOVERNMENT.—Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing body shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Band.

SEC. 6. TRIBAL LANDS.

The Band's tribal land shall consist of all real property, including the land upon which the Tribal Hall is situated, now or hereafter held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such real property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

SEC. 7. SERVICE AREA.

The Band's service area shall consist of the Michigan counties of Allegan, Berrien, Van Buren, and Cass and the Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko.

SEC. 8. JURISDICTION.

The Band shall have jurisdiction to the full extent allowed by law over all lands taken into trust for the benefit of the Band by the Secretary. The Band shall exercise jurisdiction over all its members who reside within the service area in matters pursuant to the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), as if the members were residing upon a reservation as defined in that Act.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Pokagon Band of Potawatomi Indians;

(2) the term "member" means those individuals eligible for enrollment in the Band pursuant to section 4; and

(3) the term "Secretary" means the Secretary of the Interior.

Mr. FORD. Mr. President, I move to reconsider and table the motion to reconsider.

The motion to lay on the table was agreed to.

UNITED NATIONS AND TAIWAN RESOLUTION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 438, Senate Resolution 148, a resolution relating to the participation of Taiwan in the activities of the United Nations, that the resolution be agreed to, and the motion to reconsider laid upon the table, that the preamble be agreed to, and, that any statement relating to this measure be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 148) was considered and agreed to.

The preamble was agreed to.

The resolution and the preamble are as follows:

S. RES. 148

Whereas the United States has had a long history of friendship with the government of the Republic of China, more widely known as Taiwan;

Whereas Taiwan has the largest foreign reserves of any nation and a strong, vibrant economy, and now has the 20th largest gross national product in the world;

Whereas Taiwan has dramatically improved its record on human rights and now routinely holds free and fair elections in a multiparty political system;

Whereas agencies of the United States Government or the United Nations working with Taiwan does not prevent or imperil a possible voluntary union between the People's Republic of China and Taiwan any more than recognizing separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany;

Whereas Taiwan has much to contribute to the work and funding of the United Nations;

Whereas governments of other nations that maintain diplomatic relations with the People's Republic of China such as France and Norway, have also had ministerial-level exchanges with Taipei; and

Whereas it is in the interest of the United States and the United Nations to maintain good relations with a government and an economy as significant as that on Taiwan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Permanent Representative to the United Nations, should encourage the United Nations to permit representatives of Taiwan to participate fully in the activities of the United Nations and its specialized agencies; and

(2) Cabinet-level exchanges between Taiwan and the United States should take place in the interests of both nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

RECOGNIZING PORTUGAL'S SPECIAL RELATIONSHIP WITH THE UNITED STATES, AND THE CONTRIBUTION OF PORTUGUESE-AMERICANS TO AMERICAN LIFE

Mr. FORD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 220, a resolution recognizing Portugal's special relationship with the United States; that the resolution and the preamble be agreed to; that the motions to reconsider be laid upon the table en bloc; and, that any statements thereon appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 220) was considered and agreed to.

The preamble was agreed to.

The resolution and the preamble are as follows:

S. RES. 220

Whereas June 10, Portugal's National Day, celebrates the life and work of the 16th century poet Luis Vaz de Camões of Portugal, whose work extols the courage and exploits of Portuguese explorers who sailed to points beyond the horizon;

Whereas thousands of Portuguese have embarked on their own voyages to the United States, and today over 2,000,000 Americans are able to trace their ancestry to Portugal;

Whereas Portuguese Americans have distinguished themselves an honest, hard-working, patriotic, and family-oriented;

Whereas Portuguese Americans have achieved an important place in American culture through their participation in the arts, commerce, academics, sports, politics, and religion;

Whereas Portugal and the United States have had friendly and cordial relations since American independence;

Whereas Portugal and the United States continue to work together, cooperating through their membership in the North Atlantic Treaty Organization, to promote peace and to adapt to the challenges of a changing world in light of the lifting of the Iron Curtain;

Whereas Portugal and the United States have a relationship based on mutual respect and a sharing of interests and ideals, particularly a deeply held commitment to democratic values; and

Whereas it is appropriate to honor Portuguese Americans and celebrate the unique contributions both have made throughout the history of the United States; and

Whereas it is appropriate to honor Portuguese people and their national day: Now, therefore, be it

Resolved, That Portugal is hereby recognized for its special relationship with the United States, and that Portuguese people are hereby recognized for their special contributions to the United States.

Mr. CAMPBELL. Mr. President, I submitted a resolution that recognizes the special relationship between Portugal and the United States, and recognizes the special contribution that Portuguese people have made and continue to make to this country.

Mr. President, my native American heritage is pretty well known. What many people do not know is that I have a lot of Portuguese blood in me as well.

The occasion for this resolution is Portugal's National Day. Portugal celebrates its National Day on June 10. On this day, Portuguese people remember their heritage of exploration and their long, colorful national history.

Mr. President, I just had the chance to visit Portugal for the first time.

This is a good time, in honor of Portugal's National Day, to recognize the unique relationship between the United States and Portugal, and to show our appreciation for Portugal's support of our country ever since American independence.

This is also a good time to honor the 2 million Americans who trace their ancestry to Portugal. Portuguese-Americans contribute to all aspects of American life, in the arts, commerce, academics, sports, politics, and religion. We have added our own special flavor to our large and multifaceted Nation.

This resolution has been cleared by the Senate Foreign Relations Committee. I would like to thank Senator HELMS for his support and help. I especially want to thank Senator PELL for his help in bringing this bill to the floor on such short notice because of its timeliness. Senator PELL is a great friend to Portugal, and represents a good number of Portuguese-Americans in his State, and I know he particularly appreciates their contributions to American life.

COMMEMORATING PORTUGAL'S NATIONAL DAY

Mr. PELL. Mr. President, today, as Portugal celebrates its National Day, I believe it is a good opportunity to pay tribute to the people of Portugal as well as to the more than 2 million Americans who trace their ancestry to that country.

Yesterday, Senator CAMPBELL, who is himself a Portuguese-American, submitted a resolution to recognize Portugal's special relationship with the United States as Portugal celebrates its National Day. I commend Senator CAMPBELL for his efforts to bring this important day to the Senate's attention. I am pleased to join him in cosponsoring this resolution.

I would note that I, too, have a strong bond to Portugal and its people. My father, Herbert Pell, served as U.S. Minister to Lisbon from 1937 to 1941, and I remember the friendly and warm welcome I always received when I visited my father while he held that post. My home State of Rhode Island boasts a large and energetic Portuguese population, and Portuguese-Americans have contributed greatly to the commercial, religious, and political life not only of Rhode Island, but of the Nation.

Sea trade, for example, was the most important aspect of United States-Portuguese relations during the last century, and New England fishermen regularly visited the Portuguese islands of Cape Verde and the Azores. Many Portuguese mariners joined the crews of the United States ships and eventually many of these sailors emigrated to Rhode Island towns, where their ancestors are leaders in our State's fishing industry.

I would also note that the first synagogue in the United States—the Touro Synagogue in Newport, RI—was dedicated in 1763 by Portuguese and Spanish Jews.

Portugal's National Day celebrates the life and work of the 16th century poet Luis Vaz de Camoes, demonstrating the high regard the Portuguese have for culture and the arts. Indeed, Portuguese Americans have made many important contributions to America's cultural life. For example, composers John Philip Sousa and Joe Raposo, writers Emma Lazarus and John Dos Passos were Portuguese-Americans.

Three years ago, we celebrated the bicentennial of United States-Portuguese relations. At that time, I sponsored a resolution marking that anniversary and noted that our political and diplomatic ties with Portugal, a NATO ally and trusted friend, were strong. I am pleased to report that during the past 3 years, in the midst of a great deal of upheaval in Europe—war in the Balkans, the break-up of the Soviet Union, a reexamination of NATO's role—the ties between the United States and Portugal have remained solid. Our two countries continue to share a commitment to democracy, freedom and peace—values which are important not only as we confront a changing Europe—but as we approach challenges in the Middle East and Africa. Portugal is a great friend of the United States, and on this important day, I would like to pay tribute to Portugal and Portuguese-Americans.

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open today until 3 p.m. for the introduction of legislation and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2793. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial statements of the Pension Benefit Guaranty Corporation for fiscal years 1992 and 1993; to the Committee on Labor and Human Resources.

EC–2794. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of enforcement and budget activities for fiscal year 1990; to the Committee on Labor and Human Resources.

EC–2795. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the appropriate Federal role in assuring access by medical students, residents, and practicing physicians to adequate training in nutrition; to the Committee on Labor and Human Resources.

EC–2796. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend and extend the authorization of appropriations for the Family Support Center Program under the Stewart B. McKinney Homeless Assistant Act, and for other purposes; to the Committee on Labor and Human Resources.

EC–2797. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the implementation of the Age Discrimination Act during fiscal year 1993; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. AKAKA):

S. 2178. A bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf War; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. AKAKA):

S. 2178. A bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war; to the Committee on Veterans' Affairs.

PERSIAN GULF WAR VETERANS' COMPENSATION ACT OF 1994

• Mr. DASCHLE. Mr. President, almost 4 years ago, the nation of Kuwait was invaded by Saddam Hussein, and then-President George Bush ordered the deployment of American forces to the gulf. Fighting alongside other coalition forces, American service men and women defended Saudi Arabia against a possible Iraqi invasion and went on the drive Hussein's forces out of Kuwait.

From the homefront, the Persian Gulf war seemed like a rather neat and tidy conflict. The ground war lasted a mere 4 days. American casualties were relatively few, thanks to our technologically advanced weaponry. And our first troops were on their way home just 7 months after the conflict began.

Unfortunately, this picture does not reflect the true nature of the Persian Gulf conflict. Many American soldiers were in the Persian Gulf long after the war had ended. And to paraphrase Jesse Brown, Secretary of Veterans' Affairs, this was actually a very dirty war.

Those who served in the gulf during Operation Desert Shield/Desert Storm were potentially exposed to a wide range of toxins and environmental hazards. The list includes possible exposures to: smoke from oil well fires set by retreating Iraqi soldiers; industrial chemicals and pesticides; depleted uranium used in munitions; diseases endemic to the Persian Gulf; vaccines to prevent anthrax and botulism; antinerve agent pills; and chemical and/or biological agents.

After all that, is it really any surprise that many gulf war veterans are now sick?

We've all heard about their mystery illness, which has become known as Persian Gulf syndrome. Common symptoms include extreme fatigue, joint and muscle pain, short-term memory loss, diarrhea, unexplained rashes, night sweats, headaches, and bleeding gums. In addition, women veterans have experienced chronic or recurring yeast infections and menstrual irregularities.

So far, a single cause for all these problems has yet to be found.

To add to the mystery, these health problems are no longer limited to those who actually spent time in the gulf. Many ill veterans have watched helplessly as their spouses and even their children have become afflicted with unexplained ailments. There have also been many reports of miscarriages by military wives and birth defects in children born after the gulf war.

I do want to acknowledge that many research efforts are underway to determine the cause or causes of these illnesses. But we are far from any answers. At a recent symposium sponsored by the National Institutes of Health and the VA experts concluded that the complex environment in the gulf war theater caused complex adverse health effects, and that it thus appears these veterans have multiple illnesses with overlapping symptoms and causes.

And in the meantime, while we wait for those answers, veterans and their families are suffering.

The men and women who served in the Persian Gulf war did so with distinction and with honor. They were summoned to a distant country by their government and they went, leaving their loved ones behind and putting their lives on hold. Their government needed their help, and they responded.

Now many of these fine soldiers are ill as a result of their service in the gulf. They are having difficulty receiving quality and timely health care from the VA. Many cannot pay their bills because they are too sick to work.

These veterans need help from their government, and I believe the government has an obligation to respond.

Under title 38 of the United States Code, a veteran is entitled to compensation for "disability resulting from personal injury suffered or disease contracted in the line of duty." At present, however, the VA will not provide such a compensation unless a veteran's health problems can be explained by a specific diagnosis. This is true even if the veteran was clearly healthy before being deployed to the gulf and became disabled by sickness upon return.

Secretary Brown believes that the VA does not have the authority to extend compensation to gulf war veterans suffering from undiagnosed illnesses. Yesterday, however, he announced that the administration would support legislation giving that authority to the VA.

I was encouraged by Secretary Brown's announcement. Never before has our government embraced the principle of providing compensation to veterans for illnesses which have not yet been defined.

However, I disagee with the Secretary on the issue of VA's authority. Like the other members of the Senate Veterans' Affairs Committee, I believe that the VA already has the authority to compensate for undiagnosed illness. The requirement of a diagnosis is a convention adopted by the VA to make its compensation decisions easier. It is not a requirement of law.

Nevertheless, my good friend Senator AKAKA and I have decided to introduce legislation on this issue for two reasons. First, our bill will make it clear that VA is to provide compensation to ill gulf veterans, even if we don't yet know what is making them sick. This will clear up the current disagreement over VA's authority in this area.

Second, our bill goes beyond the approach that was endorsed by Secretary Brown and the administration. To them, it is acceptable to cut off compensation after 3 years and to limit it to veterans who get sick within 2 years after coming home from the gulf.

To us, that approach is too limited.

The legislation we are introducing today would require the VA to provide compensation to veterans disabled by undiagnosed illnesses which have become manifest within 3 years of their return from the gulf. Further, it would specify that VA must pay this compensation until such time as it can show that a veteran's illness is unrelated to his or her gulf war service.

Our bill also seeks to expand outreach and research efforts by the VA. It would require the establishment of a program to keep Persian Gulf veterans and their families informed of ongoing research activities, as well as the services and benefits to which they are entitled. Specific measures would include the creation of a newsletter to be sent to those on the VA Persian Gulf Registry and a toll-free information line.

Additional funds for scientific research would be authorized. Specifically, the bill would provide funding for an epidemiological study by the National Academy of Sciences on the health risks and health effects of gulf war service on veterans and their families. A minimum of $7.5 million per year for fiscal years 1995 through 2000 would be authorized for this purpose. Annual reports to Congress on the study's progress would be required. This legislation would also authorize $5 million per year for fiscal years 1995 through 1998 for other research relating to the health effects of gulf war service.

I would like to note that this legislation is identical to H.R. 4540, which was introduced in the House on Wednesday by my friend, Representative LANE EVANS. Representative EVANS and I have worked closely over the years on veterans' issues, and I want to commend him for his leadership on issues of concern to gulf war veterans.

Mr. President, for more than a decade, I fought to gain compensation for veterans whose illnesses were caused by their exposure to the toxic herbicide agent orange during the Vietnam war. This battle was eventually won on the basis of scientific evidence which showed an association between agent orange and these illnesses. But for the more than 10 years it took to discover this connection, ill veterans and their families suffered needlessly. We must not allow the same scenario to happen here.

I ask that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans' Compensation Act of 1994".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) The United States bears responsibility for the care and treatment of illnesses and disabilities connected with service in the Armed Forces. When the etiology of a specific condition occurring in veterans is unknown, it is the Government's responsibility to give veterans the benefit of the doubt and to provide appropriate treatment and compensation until the scientific evidence warrants otherwise.

(2) During the Persian Gulf War, members of the Armed Forces (A) were exposed to numerous potentially toxic substances (including fumes and smoke from petrochemicals and depleted uranium), to infectious agents, to chemoprophylactic agents, and to indigenous diseases, (B) received multiple immunizations and (C) may have been exposed to various chemical and biological warfare agents. Threats of enemy use of chemical and biological weapons heightened the psychological stress otherwise associated with the military operation.

(3) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illnesses, that cannot (as of the enactment of this Act) be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected for purposes of benefits administered by the Secretary of Veterans Affairs.

(4) The Technology Assessment Workshop on the Persian Gulf Experience and Health conducted by the National Institutes of Health found that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that it appears as if there is no single condition or illness among affected Persian Gulf War veterans, but rather multiple illnesses with overlapping symptoms and causes.

(5) That workshop concluded that the data concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations are very limited and that such data were collected only after a considerable delay.

(6) In response to concerns regarding the health care needs of Persian Gulf War veterans, particularly those who suffer from undiagnosable conditions or illnesses, the Congress, in Public Law 102-585, directed the establishment of the Persian Gulf War Veterans Health Registry, authorized health examinations for Persian Gulf War veterans, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the theater of operations during the Persian Gulf War and to develop recommendations for research on such health consequences. In Public Law 103-210, Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. In Public Law 103-160, Congress provided funding for the establishment of a specialized environmental medical facility for the conduct of research into the potential health effects of low-level chemical exposure and for research on the potential health effects of battlefield exposure to depleted uranium.

(7) The workshop referred to in paragraph (4) noted that well-designed epidemiological studies have not been conducted to link the conditions or illnesses of the military personnel with exposures in the theater of operations during the Persian Gulf War and found that the absence of such studies has hampered efforts to provide treatment and compensation to veterans of the Persian Gulf War. Accordingly, further research and studies should be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill and whose illness may be related to their military service should receive compensation benefits to offset the impairment in earnings capacities they may be experiencing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to require the Secretary of Veterans Affairs to provide compensation to Persian Gulf War veterans who have disabilities resulting from an illness or illnesses that cannot (as of the enactment of this Act) be diagnosed or defined and for which other causes cannot (as of the enactment of this Act) be identified until such time as scientific evidence demonstrates that the illnesses are unrelated to military service during the Persian Gulf War;

(2) to require the Secretary of Veterans Affairs to develop case assessment protocols and case definitions for such illnesses;

(3) to establish an outreach program to Persian Gulf War veterans and their families to inform them of ongoing research activities as well as the services and benefits for which they are eligible; and

(4) to authorize further research activities, including an epidemiological study, on the health risks and effects of military service in the Southwest theater of operations during the Persian Gulf War.

SEC. 4. DEVELOPMENT OF CASE ASSESSMENT PROTOCOLS AND CASE DEFINITIONS.

(a) UNIFORM CASE ASSESSMENT PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform case assessment protocol that will ensure thorough assessment, diagnosis, and treatment of all Persian Gulf War veterans suffering from illnesses the origins of which are (as of the enactment of this Act) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) If such a uniform case assessment protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

(b) CASE DEFINITIONS.—(1) The Secretary shall develop case definitions or diagnoses for illnesses, the origins of which are (as of the enactment of this Act) unknown and that may be associated with service in the Persian Gulf War.

(2) If such case definitions and diagnoses are not developed before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such case definitions and diagnoses have not yet been developed.

(c) CONSULTATION.—Subsections (a) and (b) shall be carried out in consultation with the Secretary of Defense and the Secretary of Health and Human Services.

SEC. 5. OUTREACH TO PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

(b) NEWSLETTER.—The outreach program shall include a newsletter which shall be updated and distributed at least annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act.

SEC. 6. COMPENSATION FOR DISABILITIES RESULTING FROM ILLNESSES ASSOCIATED WITH SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—

(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter I the following new section:

"§1117. Compensation for conditions or illnesses of unknown origin associated with service during the Persian Gulf War

"(a) The Secretary shall pay compensation under this subchapter to a Persian Gulf War veteran suffering from a disability resulting from an undiagnosed illness, or combination of illness, that becomes manifest to a degree of 10 percent or more within three years of separation from active military, naval, or air service.

"(b)(1) The Secretary shall issue, within 90 days of the date of the enactment of this section, preliminary regulations governing the award of such compensation.

"(2) The percentage of disability that equals 10 percent shall be described as 'mild impairment of social and industrial adaptability'.

"(3) The percentage of disability that equals a total or 100 percent rating shall be described as 'demonstratively unable to obtain or retain substantial gainful employment'.

"(4) In determining the rating schedule for such disability, the Secretary should examine analogous ratings.

"(5) In determining eligibility for compensation under this section, the Secretary shall give due consideration to 'lay evidence', including testimony provided by the claimant, supporting witnesses, and independent medical experts.

"(c) Not later than 60 days after the date on which the Secretary issues any proposed regulations pursuant to this section, the Secretary shall issue final regulations under this section. Such regulations shall be effective on the date of issuance.

"(d) A disability for which compensation under this section is awarded shall be considered to be service connected for purposes of all other laws of the United States.

"(e) Compensation may not be paid under this section for a disability occurring in a veteran—

"(1) where there is a preponderance of evidence that the disability was not incurred by the veteran in the Southwest Asia theater of operations during the Persian Gulf War; or

"(2) where there is a preponderance of evidence to establish that an intercurrent injury or illness which is a recognized cause of the disability was suffered by the veteran between the date of the veteran's most recent departure from the Southwest Asia theater of operations while on active duty and the onset of the disability.

"(f) For purposes of this section, the term 'Persian Gulf veteran' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

"(g) Payments shall be made under this section to a veteran until such time as the scientific evidence demonstrates that the illnesses for which compensation is awarded under this section are not connected to service in the Southwest Asia theater of operations during the Persian Gulf War. The Secretary may cease payments under this section only after providing a report describing the Secretary's intentions, as well as the scientific basis for ceasing such payments, at least 90 days before implementation of such action to the Committees on Veterans Affairs of the Senate and House of Representatives.

"(i) Compensation awarded under this section shall not preclude a veteran from receiving retroactive compensation for a benefit claim that was filed before the date of the enactment of this section if the veteran's illness or illnesses are later found to be service connected.

"(j) The Secretary shall consider having all claims for compensation under this section adjudicated on a priority basis at a single Department facility in order to better ensure the consistency of rating decisions.

"(k) The Secretary shall have all claims for service-connected benefits connected to an undiagnosable illness or illnesses in veterans of the Persian Gulf War that were denied before the date of the enactment of this section reopened and adjudicated as original claims. In such a case, the date of claim shall be considered to be the date on which the original claim was filed.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:

"1117. Presumption of service connection for illnesses associated with the Persian Gulf War.".

(b) EFFECTIVE DATE.—Section 1117 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1994.

SEC. 7. RESULTS OF EXAMINATIONS AND TREATMENT OF PERSIAN GULF WAR VETERANS WITH UNDIAGNOSABLE ILLNESSES.

(a) ACCESS TO DATA.—The Secretary of Veterans Affairs shall enter into an agreement with the Secretary of Defense to have access to all clinical data of the Department of Defense on veterans of the Persian Gulf War who remain on active duty.

(b) ONGOING COMPILATION OF DATA.—The Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data obtained on veterans of the Persian Gulf War in connection with examinations and treatment furnished by the Department of Veterans Affairs and the Department of Defense that are likely (1) to be scientifically useful in determining the association between the undiagnosable illnesses of veterans and their service in the Southwest Asia theater of operations during the Persian Gulf War, and (2) to be useful in the development of case assessment protocols or case definitions.

(c) ANNUAL REPORT.—The Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (b);

(2) the Secretary's analysis of such information;

(3) a discussion of the incidence of illnesses identified or treated by the Department of Veterans Affairs in the case of veterans referred to in subsection (b); and

(4) the Secretary's explanation for the incidence of such illnesses and disabilities.

SEC. 8. EPIDEMIOLOGICAL RESEARCH.

(a) CONTRACT.—The Secretary of Veterans Affairs shall enter into a contract for the conduct of an epidemiological study designed to assess both the short- and long-term health consequences of service in the Southwest Asia theater of operations during the Persian Gulf War on veterans of the Persian Gulf war and their immediate family members.

(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the Academy for (A) the review of proposals to conduct the research specified in subsection (a), (B) oversight of such research, and (C) review of the research findings.

(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to access and make available to the contractor under subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor, considers relevant to the study.

(d) STATUS REPORT.—Within 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the status of the contract specified in subsection (a).

(e) AUTHORIZATION.—There is authorized to be appropriated to the Department $7,500,000 for each of fiscal years 1995 through 2000 for the conduct of the research specified in subsection (a). In addition to amounts for such research appropriated pursuant to the preceding sentence, the Secretary may provide funds for such research from any funds appropriated for any fiscal year after fiscal year 1994 for the purpose of research sponsored by the Department.

(f) ANNUAL REPORT.—For each year of the study, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report accompanying the budget for that year containing—

(1) the methodology and status of the study specified in subsection (a); and

(2) any preliminary analyses of the information compiled in accordance with subsection (a), including that provided by the National Academy of Sciences.

(g) FINAL REPORT.—At the conclusion of the study, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report accompanying the budget containing—

(1) the methodology of the study specified in subsection (a);

(2) the analysis of the information compiled in accordance with subsection (a), including that provided by the National Academy of Sciences;

(3) a discussion of incidence of illnesses observed in veterans of the Persian Gulf War and their families;

(4) the National Academy of Sciences conclusions concerning the health consequences of service in the Southwest Asia theater of operations during the Persian Gulf War on veterans and their immediate family members; and

(5) the Secretary's explanation for the incidence of such illnesses and disabilities and recommendations for future action.

SEC. 9. AUTHORIZATION FOR OTHER RESEARCH.

There is authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for each of fiscal years 1995 through 1998 for the conduct of research which the Secretary, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, determines could advance understanding of health risks and effects of service during the Persian Gulf War and the means of treating those health effects.•

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. COHEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 1096

At the request of Mr. SIMPSON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1096, a bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1826

At the request of Mr. KERRY the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1826, a bill to reduce the deficit for fiscal years 1994 through 1998.

S. 1910

At the request of Mr. JOHNSTON, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1910, a bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers, and for other purposes.

S. 1972

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1972, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize inclusion in a community policing grant of funds to pay 25 percent of the cost of providing bulletproof vests for 100,000 police officers.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from North Carolina [Mr. HELMS], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mrs. FEINSTEIN], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. PELL, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 185, a joint resolution to designate October 1944 as "National Breast Cancer Awareness Month."

AMENDMENTS SUBMITTED

POKAGON BAND OF POTAWATOMI INDIANS RESTORATION ACT OF 1994

INOUYE AMENDMENT NO. 1777

Mr. FORD (for Mr. INOUYE) proposed an amendment to the bill (S. 1066) to restore Federal services to the Pokagon Band of Potawatomi Indians; as follows:

In section 2, strike "(25 U.S.C. 461 et seq.)" and insert "(25 U.S.C. 461 et seq.; commonly referred to as the 'Indian Reorganization Act')".

In section 8, after "Indian Child Welfare Act", insert the following: "of 1978".

NOTICES OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, the Senate Rules Committee will meet on Thursday, June 16, 1994, at 9:30 a.m., in SR-301, to continue its markup of legislation on legislative reorganization and consider three original resolutions to amend the Standing Rules of the Senate with respect to committee procedure, floor procedure, and germaneness of amendments.

The hearing previously scheduled for Thursday, June 16, at 9:30 a.m., on Senate Resolutions 69, 157, and 158, to amend the Standing Rules of the Senate with respect to unfunded Federal mandates, has been canceled. It is the understanding of the Senate Rules Committee that the Senate Committee on Governmental Affairs plans to consider legislation on unfunded Federal mandates at a markup on June 16. Any rescheduling of a Rules Committee hearing on this matter is subject to the actions of the Governmental Affairs Committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Friday, June 10, 1994 at 10 a.m., to hear testimony on health care for nonworking people between the ages of 55 and 64.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Friday, June 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on off-reservation boarding schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Nutrition and Investigations be allowed to meet during the session of the Senate on Friday, June 10, 1994, at 9:30 a.m., in SD-562, on S. 1614, the Better Nutrition and Health for Children Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MILFORD, NH

• Mr. GREGG. Mr. President, I rise today to recognize a special town in my home State of New Hampshire. As our Nation prepares to celebrate the 218th anniversary of our Declaration of Independence, it is appropriate and timely for us to recognize the contributions the people of the great town of Milford, NH, have made to our heritage.

Milford's origins and growth closely mirror that of our country. In 1764, Thompson Maxwell moved into the area that was to become known as Milford. In 1773, he took part in the Boston Tea Party and, later, fought along side 15 other future Milford citizens at the Battle of Bunker Hill. Fortunately, none of those patriots were killed or seriously wounded, although Lieutenant Maxwell reported he lost one fine shirt and one powder horn.

In 1794, the residents of the southwestern portion of Amherst, NH, and the northwestern section of Hollis, petitioned the New Hampshire General

Court for their independence and to be "invested with all the powers, privileges, and immunities which towns in this State are entitled to enjoy." That year, Augustus Blanchard became the first chairman of the Milford Board of Selectmen and served with Jacob Flinn and Benjamin Hutchinson in a tradition that continues to this day.

Some of the earliest opposition to slavery was heard in Milford. In 1841, Rev. Humphrey Moore, in a speech on the New Hampshire State Senate floor, denounced the institution of slavery. Several prominent town residents, including Benjamin Gooden and Elizabeth Hutchinson, took the name of "come-outers" as a result of their opposition. One hundred and ninety-six Milford citizens volunteered to serve in the War Between the States to preserve the union of the States. Sixty lost their lives. Col. Oliver W. Lull, after being gravely wounded, said, "Thank God I die for my country."

As the railroads connected the town to Nashua and Boston, Milford grew into a thriving industrial center in the later 19th century. The mills an factories along the Souhegan River produced textiles, furniture, shoes, and lumber. The layer of granite underneath Milford gave it the nickname "The Granite Town of the Granite State." It has been said that here is hardly a town or city in the United States that does not contain some Milford granite in its buildings, monuments, and in the curbing that makes up its streets. In fact, the columns in the U.S. Treasury Building are made of granite cut from Lovejoy's Quarry in 1908.

Today, Milford has stretched to a community of almost 12,000 people with diversified interests but a common goal. On the bicentennial of the founding of Milford, we salute its citizens and honor their accomplishments, their love of country, and their spirit of independence.●

DON'T PANIC ABOUT EGYPT

● Mr. SIMON. Mr. President, the moves toward peace in the Middle East have encouraged all of us who have hoped for that for so long.

Many countries have played a role in that.

Norway, clearly, played a brokering role in bringing the Palestine Liberation Organization [PLO] and Israel together. Tunisia played a key role in being willing to host the PLO during this transition period and giving an example of a moderate government that is successful to the PLO leaders.

Less well-known is the leadership of President Mubarak in Egypt. In a recent article I saw in the Jerusalem Report on June 2, 1994 titled, "Don't Panic about Egypt," Leslie Susser tells in some detail what is happening in the Middle East and provides additional details about President Mubarak's leadership.

I join many others in being grateful to President Mubarak for that leadership.

I ask that the Jerusalem Report article be inserted into the RECORD at this point.

The article follows:

DON'T PANIC ABOUT EGYPT

(By Leslie Susser)

Well after midnight on May 4, just hours before the planned signing ceremony of the Israel-PLO peace deal, President Hosni Mubarak swept dramatically into the sideroom assigned to the Israeli negotiating team in Cairo's Al-Itihad Palace. He put his arm around Prime Minister Yitzhak Rabin, took him aside and whispered, "You must give Arafat the Muasi area on the Gaza coast (south of Gaza city)." Rabin agreed.

During the ceremony 10 hours later, when Arafat refused to sign the maps attached to the agreement, it was Mubarak who, once offstage with the PLO leader, gave him a brutal tongue-lashing and cowed him into putting pen to paper.

Not for nothing was the signing staged in Cairo. Egypt has played a crucial role in helping Israelis and Palestinians surmount innumerable obstacles on the way to agreement. According to Tel Aviv University's Prof. Shimon Shamir, a former Israeli ambassador in Cairo and an expert on Egypt, Mubarak's role was "decisive."

Rabin himself has long recognized the importance of Egypt. Within two weeks of forming his coalition government in July 1992, he traveled to Cairo, his first trip abroad as prime minister. Because of its peace treaty with Israel, Rabin sees Egypt as uniquely placed to bridge differences between Israel and the Arab world, in particular the Palestinians.

The prime minister's aides speak of the Rabin-Mubarak relationship in glowing terms. They say when problems surfaced with the Palestinians, Rabin would automatically pick up the phone to the Egyptian leader. Says one senior aide: "Rabin and Mubarak are both military men, and respect each other's blunt speech, ability to stick the point and to solve problems in a practical way. Mubarak often praises Rabin's honesty and contrasts it with what he saw as former prime minister Yitzhak Shamir's deviousness."

Rabin was understandably concerned about reports earlier this year that the threat to Mubarak's regime from Islamic radicals was growing. He even speculated in closed meeting about Mubarak's vulnerability to an assassin's bullet and, when word got back to Mubarak, apologized to the Egyptian leader for seeming to doubt his regime's stability.

The height of the apocalyptic reporting on Egypt was a London Sunday Times spread on February 20, quoting American and Israeli intelligence sources as saying that the Egyptian regime was in danger. The report was prompted by abortive assassination attempts in November on both President Mubarak and Prime Minister Atef Sidki, and an intensification of fighting between Egyptian armed forces and Islamic militants, especially in the South, where the fundamentalists hold sway in large areas.

The Americans quickly made it clear that while they believed there could be a long-term threat to the regime, it was not tottering. And Israeli intelligence pooh-poohed the whole story. By their reasoning, even if the radicals manage to assassinate Egyptian leaders, they do not have the organizational infrastructure or the military support to effect a full-scale coup. They have infiltrated the army, but only at junior officer level. Without the generals they cannot succeed.

After last November's plot, seven of the would-be assassins were rounded up and hanged, and a huge arms cache was found in Cairo, complete with underground bunkers, explosives and vast quantities of weaponry, including RPG rockets. The find, gloated Hasan al-Alfi, Egypt's minister of the interior, was a death blow to the radicals. But other Egyptian officials saw the arms cache as a worrying sign of unanticipated organizational capacity on the part of the militants.

Egypt's Foreign Minister Amr Moussa denounced the Western reports of a threat to the regime as stemming from "sheer ignorance of the Egyptian situation." Shimon Shamire agrees: "A regime that has half a million people in the internal security services, a strong bureaucracy and a firm tradition of governmental control can hardly be said to be tottering."

Israli Foreign Ministry assessments are also upbeat about Egypt's ability to remain the leader of the Arab peace camp. "Even in the unlikely event of a different regime coming to power, it will still need Western money to fight poverty. And that means continuing the peace orientation," says a senior official on the Egyptian desk.

Meanwhile, Egyptian radicals are not having things all their own way, even among the poor, where their hold is strongest. Attacks on tourists have sparked something of a backlash—critical articles in the press, a greater effort by the Islamic establishment to distance itself from them. Shamir points out that 10 million Egyptians earn a living from tourism—which, before the radicals struck, had become the country's top foreign currency earner, head of the Suez Canal and oil.

But what most encourages Israel's Foreign Ministry is the spread of a new liberalism among Egypt's leading intellectuals. With the collapse of the Soviet empire, Marxist ideology, the main intellectual prop for Arab nationalism, increasingly has given way to the new ideology. And for Egyptians, this entails a pro-Western, pragmatic, free-market orientation—a package that includes peace and economic cooperation with Israel.

And the intellectuals, Dr. Said al-Nagar, Mustapha Fiqy, Ali Salem and Sa'ad Adin Ibrahim among them, have not stopped there. They have coined a new concept, "Middle Easternism," which they see as a substitute for Arab nationalism. In facing up honestly to the problematics of the region, they argue, non-Arab power brokers have to be taken into acocunt—Iran, Turkey and Israel.

Although strongly supported by the liberals, the regime has never openly endorsed them. Indeed, according to Shamir, the Egyptian leadership is somewhat embarrassed by their support because of their outspoken secularism in what is still basically a religious society.

The regime has chosen rather to fight fundamentalism by delegitimizing it in Islamic terms. "The radicals have nothing in common with true Islam," Foreign Minister Moussa thundered in a recent interview. In line with this approach, theology professors from Al-Azhar university often appear on TV to lend their support to the government line. And whenever militants cross over to the other side, they are put on television to denounce radical practices.

Although the liberal intellectuals are a relatively small group, the pragmatism they advocate is widespread. An April survey in the newspaper Akhbar al-Yawm showed an astounding 80 percent of Egyptians in favor of warmer ties with Israel—out of Egyptian self-interest.

The survey showed that although there is still a great deal of distrust where Israel is concerned, Egyptians today put economic self-interest before ideological feuding. There is even heated debate—in the press and the coffee shops—over fears that other Arab countries, particularly in the Gulf, may rush toward normalization of ties with Israel and leave the Egyptians, the pioneers, behind when the fruits of peace begin to ripen.

Senior Foreign Ministry officials in Jerusalem, believe the key to comprehensive peace in the Middle East—and to Israel's integration into the region—lies in Damascus. But once that peace is achieved, they say, the road to the new Middle East will almost certainly run through Cairo.•

GETTING RWANDA WRONG

• Mr. SIMON. Mr. President, Herman Cohen, the former Assistant Secretary of State for Africa in the Bush administration, recently had a column in the Washington Post on the Rwanda situation.

I described the response of this administration and the Bush administration to Bosnia as "anemic" and, I regret to say, the response to Rwanda has been the same.

The op-ed piece by Herman "Hank" Cohen outlines what a sensible policy should be.

I ask that the Herman Cohen article be entered into the RECORD. I also ask unanimous consent that the letter sent by Senator JAMES JEFFORDS and myself to President Clinton on Rwanda be inserted into the RECORD. We sent this letter after talking to the Canadian general in charge of the U.N. military operation in Rwanda.

One of the points that Herman Cohen makes in his column is that the United Nations has to be modified so that it can move quickly on the world emergencies.

I could not agree more.

I urge my colleagues, who may have been out of town when the Herman Cohen op-ed piece appeared in the Washington Post, to read it now.

The material follows:

[From the Washington Post, June 3, 1994]

GETTING RWANDA WRONG

(By Herman Cohen)

American policy on Rwanda is difficult to understand. Statements made by Madeleine Albright, the U.S. ambassador to the United Nations, indicate that Rwanda is viewed as a traditional peace-keeping problem, when it is really a "Call 911!" problem. Traditional peace-keeping calls for a negotiated cease-fire followed by the arrival of lightly armed multilateral forces who monitor and observe. Rwanda, on the other hand, is a case of planned, systematic murder of men, women and children who happen to belong to a particular group—the Tutsi.

Both the self-proclaimed government of Rwanda, which has armed the death squads who are doing the ethnic killing, and the rebel Rwanda Patriotic Front fighters, do not want to stop fighting until they can finish the genocide or dominate militarily. Waiting to intervene until there is "progress toward a cease-fire," in Albright's words, is like a doctor telling a heart attack victim, "Take two aspirins, and call me in the morning." Giving one or both of the fighting groups in Rwanda a veto on international intervention is the height of folly. If anything is going to destroy the credibility of the international community in the area of conflict resolution, the American policy is going to do it.

The Rwandan crisis has all of the characteristics of a situation requiring urgent action:

Rwanda is inflicting emotional and financial pain on the world community. Let's face it, whatever we do in Rwanda, there will be a bill to pay one way or another.

Rwanda has become simultaneously a failed state and a delegitimized state. It has failed because the previous government has self-destructed into semi-anarchy. It is delegitimized because the new self-proclaimed government is by definition a pariah because of its determination to exterminate an entire ethnic group.

A significant population is at risk. Indeed, in areas controlled by the death squads, the Tutsi have essentially been wiped out. Genocide is qualitatively a lot worse than any of the normal human rights situations we worry about around the globe—China, for example.

For the above three reasons, the appropriateness of international intervention could not be more apparent. The fighting is clearly not susceptible to an early cease-fire, and even if a cease-fire could be arranged, the endangered populations would still be endangered wherever there are death squads still roaming the countryside.

In addition to the demand that a cease-fire be on hand before the dispatch of troops, the United States is making matters worse by insisting that any U.N. troops work from the outside to protect Rwandans fleeing the fighting in camps in the border areas. That tactic would only increase the number of refugees spilling over into neighboring countries, which cannot handle the ones already there. The only way what is left of the Tutsi population can be saved is for troops to work from the center so that death squads will be intimidated into melting into the general population.

By standing in the way of African troops intervening in Rwanda under "combat" terms of engagement, the United States is effectively imposing upon the Security Council the same rule that it applies to itself. That is to say, the administration sees no vital American interest engaged in Rwanda, and therefore does not want U.N. troops to have a muscular mandate even though African troops would be willing to take on such a difficult and dangerous assignment. Is the U.S. government worried that such an operation would constitute a slippery slope to eventual American troop involvement if the military situation gets worse rather than better? With such a "what if" policy, the United Nations is effectively paralyzed from doing anything except traditional peace-keeping, which is exactly where it was during the Cold War.

It may be too late to save the Tutsi of Rwanda. After three weeks of systematic killing that must be called "genocide," we can probably only learn some lessons for the "new world order," which seems to be eluding us.

First, we should remember that while five big powers in the Security Council can veto action, they cannot force the Security Council to take action. That takes nine votes. When the Americans sought Security Council approval for military action against Iraq after it invaded Kuwait, a majority vote was not ensured. The non-aligned members of the council were dubious at first. Thanks to the hard work and support of Ethiopia and Zaire, the council voted to use force against Iraq. After the current wimpish approach to the genocide in Rwanda, will the three African Security Council votes be with us in the future when we need support for an action we consider to be in America's vital interest? It may not be a sure thing.

Second, Rwanda and Bosnia appear to be setting a new ugly pattern in post-Cold War politics. Small groups of determined fanatics are willing to ride a wave of hatred and ethnic fear in order to obtain power or remain in power regardless of the human cost. Former communists in Serbia are now ethnic nationalists. Hutu extremists in Rwanda saw democracy coming and decided that genocide was the price to pay for remaining in power. Where there is a history of ethnic animosity, it only takes a simple "Kill them before they kill us" to set off the powder keg. International inaction in Rwanda and insufficient action in Bosnia are sending a signal to nasty people everywhere: "You can get away with it now."

Finally, the United States and other important powers should start working to give the United Nations the ability to put out fires while they are still smoldering. The U.N. secretary general proposed such a rapid reaction capability in the "Agenda for Peace" proposal of July, 1992, which has so far received very little attention. If the Agenda for Peace cannot be implemented throughout the world, why not start it at least in Africa?

At the opening of the Holocaust Museum, President Clinton pledged that "we will never allow another Holocaust." Another Holocaust may have just slipped by, hardly noticed.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, May 13, 1994.

President WILLIAM J. CLINTON,
White House,
Washington, DC.

DEAR MR. PRESIDENT: We are concerned about the continuing disaster in Rwanda, and the failure of the international community to halt or even diminish the slaughter taking place there.

We have been consulting with those who work with the refugee community including a Rwandan who barely escaped from the disaster; General Romeo Dallaire, the Canadian military leader in charge of the remnant of United Nations troops in the capital city of Kigali; and others.

We suggest the following action be considered immediately and acted upon swiftly:

1. The United States should send a signal to the present government, such as it is, and to those who rebel, that a government which does not strive to halt the civil war, eliminate the massacres, and assist in getting food to hungry people, regardless of ethnic background, will not receive assistance from the United States, and we will encourage the community of nations to follow a similar policy.

2. The United States should take steps to discourage the importation of arms into Rwanda.

3. The United States should press the United Nations Security Council to immediately

approve an increase in authorized UN force levels of the United Nations Assistance Mission to Rwanda (UNAMIR). General Dallaire, the UN forces commander in Rwanda, has indicated that a minimum of 5,000 troops would be necessary to ensure a credible UN presence. He believes a force of 8,000 would effectively achieve the desired results. The force should have the mandate to (a) stop the massacres; (b) protect civilians throughout the country; and (c) facilitate the delivery of humanitarian assistance. General Dallaire believes a force of that size could effectively achieve the desired result. Obviously there are risks, but an end to the slaughter is not possible without this action. These can be primarily African-nation troops, though some non-African troops should participate.

The United States should assist the United Nations with finances and provide some basic equipment to some of the less well equipped forces.

Delays, or simply doing nothing, are not acceptable substitutes for a foreign policy of leadership. Human life is at stake, and swift and sound decision-making is needed.

We request that you ask your top military and diplomatic personnel to immediately analyze the soundness of our proposals, and to report back to you quickly so that timely action can be taken.

Sincerely,

PAUL SIMON,
U.S. Senator.
JIM JEFFORDS,
U.S. Senator.●

BEHIND THE PAULA JONES STORY

● Mr. SIMON. Mr. President, I am a journalist by background, and I confess I am concerned by the lack of proportion that seems to be too often typical of the coverage of events.

I read the accounts—and I have no way of knowing their accuracy—that the hitting of the knee of Nancy Kerrigan and all that followed received three times as much media attention as the fall of the Berlin Wall, and that the Whitewater matter has received three times as much coverage as health care reform. It would not surprise me if those figures are accurate. The Columbia Journalism Review said that the weekday coverage devoted to Whitewater by ABC, CBS, and NBC in the first quarter of 1993 amounted to 284 minutes, and the weekday coverage devoted to health care debate in the first quarter of 1993 by the same three networks was 90 minutes or less than one-third of the attention devoted to Whitewater.

Recently, I read an editorial column by Mortimer B. Zuckerman, editor-in-chief of U.S. News & World Report, commenting on the role of the media in our democracy.

He comments: "The sad fact is that the news cycle works in such a way that allegations alone, without proof, burst into the headlines. It is all very well to say the accused later went free without a stain on his character." Then he quotes from a character portrayed by Anthony Trollope, who was acquitted but was made to feel guilty whenever he went into the House of Commons:

> He had been so hacked and hewed about, so exposed to the gaze of the vulgar, so mauled by the public, that he could never more be anything but the wretched being who had been tried for the murder of his enemy. He could never more enjoy that freedom from self-consciousness, that inner tranquility of spirit which [is] essential to public utility.

Mort Zuckerman, to his credit, says that the field of journalism needs a better perspective on things.

I agree.

I ask that his editorial be placed into the RECORD at this point.

The editorial follows:

[U.S. News & World Report, May 23, 1994]

BEHIND THE PAULA JONES STORY

(By Mortimer B. Zuckerman)

Every time you think politics and the media cannot get sleazier, there's a nasty surprise around the corner. The escalation of the depressing and disgusting charge of sexual harassment leveled at President Clinton epitomizes how much downscale tabloid values now pervade American discourse. No doubt the alleged scene will soon be on Court TV in some form with a motion picture to follow. The bandwagon everybody wants to jump onto is a garbage truck.

It does not pass the smell test. Paula Corbin Jones, then a state employee, says that when Bill Clinton was governor of Arkansas he used a state trooper to invite her to a hotel room in Little Rock during a state-sponsored conference and put pressure on her to engage in a sexual act. Why didn't she yell foul the next day? Why did she fail to make the charge during the six months required under law for such charges? Why did she keep silent during the presidential campaign when Clinton's relations with women were a hot issue? Why now? What we have is the moral and legal equivalent of a late hit in football.

The odor intensifies with the information about attempts to profit from the alleged incident. According to an affidavit signed by a Little Rock businessman, one of Jones's lawyers tried to send word to Clinton that he should reach a settlement with Jones or be publicly embarrassed and that "it would help if President Clinton would get Paula a job out in California," where the president has Hollywood friends. (The lawyer claims he was misunderstood.) Only when Clinton refused was the suit filed.

Can anybody doubt that this suit would not have been filed if Paula Jones was not counting on the press being right outside the door, salivating to cover the case and offer her money? The down-and-dirty tabloids and that new affliction, tabloid TV, have no qualms about such a story. Digging up dirt, or manufacturing it, is their business. That is not new. What is new is the alacrity with which the mainstream press and television seem to feel obliged to regurgitate the bile.

Cliff Jackson, the perennial Clinton hater, understood this well. He saw how Clinton's enemies could seize the suit as a political weapon. He recognized that this is a feminist era: The general presumption is that a woman would not claim sexual harassment unless it were true. Otherwise, why would she expose herself to the publicity? Wendy Kaminer has analyzed it in the *Atlantic Monthly*. "Sexual violence," she writes, "is a unifying focal point for women. . . . It is heresy, in general, to question the testimony of self-proclaimed victims of date rape or harassment. . . . All claims of suffering are sacred and presumed to be absolutely true."

That sexual harassment exists is unquestionable, but that many minor acts of sexual misconduct are overdramatized is also true. To avoid trivializing those who suffer the real thing, we must reject the idea that any unwanted advance or remark constitutes harassment. There is a difference between an unwanted encounter, which may upset a woman, and pressure applied—such as threatening a woman's job security—or ongoing demeaning treatment. Those wrongly accused have their own kind of ordeal trying to prove a negative.

The sad fact is that the news cycle works in such a way that allegations alone, without proof, burst into the headlines. It is all very well to say the accused later went free without a stain on his character. The reality was more accurately portrayed by Anthony Trollope in his account of Phineas Finn, who was acquitted but could never go into the House of Commons without being made to feel guilty: "He had been so hacked and hewed about, so exposed to the gaze of the vulgar, so mauled by the public, that he could never more be anything but the wretched being who had been tried for the murder of his enemy. He could never more enjoy that freedom from self-consciousness, that inner tranquility of spirit which [is[essential to public utility."

That is the cost to the public in the degradation of standards we are witnessing today. We can do more than regret this. We can take a public stance against the abuse of the courts for political and personal purposes. Let us oblige the plaintiffs to pay all or part of the legal costs of both sides if their claims are found wanting. And it is high time the media forbore to give such claimants a victory in the court of public opinion before they are heard in a court of law.●

WANT TO REALLY HONOR INDIANS? DROP THE NICKNAMES

● Mr. SIMON. Mr. President, one of the ways we continue to overtly show racism in our country is to continue to use American Indian nicknames for our athletic teams.

I have offended a great many people in Illinois by being opposed to the use of Chief Illiniwek for the University of Illinois, and I'm pleased that gradually the movement is away from that stereotyping.

To equate American Indians with animals, as we do when we use a term like the Washington Redskins along with the Los Angeles Rams and the Chicago Bears, is grossly insensitive.

What reminded me of this again is an excellent column in the Chicago Tribune written by Barry Temkin, which deals with this subject.

I ask that the Barry Temkin article be inserted into the RECORD at this point.

The article follows:

[From the Chicago Tribune, May 8, 1994]

WANT TO REALLY HONOR INDIANS? DROP THE NICKNAMES

(By Barry Temkin)

One of the more baffling aspects of American sport is how strongly people defend their schools' use of Indian nicknames.

You would think schools would be lining up to dump names that were born of stereotypes and that insult an entire people, but suggest jettisoning them and educators, students and alumni react as though you had advocated boarding up the gym.

So while some schools have changed their nicknames, progress is slow. College and high school directories (including Illinois') still feature plenty of Indians, Redskins, Braves, Chiefs and Warriors, all of which keeps the nickname debate in the news.

Just in the last month, the University of Iowa Athletic Board voted to ban from the school's athletic events mascots depicting American Indians, and Wisconsin's superintendent of public instruction asked more than 60 districts to consider dropping Indian nicknames and mascots.

John Teller watches all this activity with interest and irritation. He is a Menominee Indian, a sophomore at Menominee Indian High School in Keshena, Wis., about 40 miles northwest of Green Bay.

Teller plays on the school's basketball and baseball teams, and he has competed against Chiefs and Indians. He has heard the rationalizations used to justify those and other Indian nicknames, and he doesn't buy any of them.

The main justification white people give for using Indians as mascots is that it somehow honors Native Americans. Teller would like to decline the honor.

"White people, when they run around doing the tomahawk chop and dressed up as a toy Indian, they think that brings pride to Indians, but it doesn't," said Teller, whose parents teach at his high school. "I consider those acts very demeaning to our ancestral culture."

Teller understands that most white people mean no disrespect toward American Indians in their use of nicknames, but he also understands that's not the point. Insults are as much a matter of perception as intent. If Indians perceive these nicknames as insulting, then they are.

People who deny that ignore the fact that most of these nicknames stem from a century-old stereotype of Indians as warlike savages. It may be convenient for them to forget history, but Indians don't have that luxury.

Reminders, after all, are as close as Oct. 2, when the Cowboys will battle the Redskins in the NFL.

Teller says it's no coincidence that Indians and animals provide so many of our athletic nicknames.

"It's not a problem when you make fun of a bird or an animal," Teller said, "but when you make fun of a proud people, it dehumanizes them. You're putting Indians in the same category as animals, and we're not animals."

White people, Teller says, believe they understand the complexities of American Indian culture when they don't. Menominee Indian High School's nickname, for example, is Eagles, but the school's mascot is raccoon.

"The eagle is sacred to us," Teller said, "so using one as a mascot would be demeaning. In our culture, the raccoon is a trickster, a joker. At our games, the raccoon mascot does somersaults and spins and makes everyone laugh."

Lately, defenders of Indian nicknames have tried to trivialize the debate by labeling their critics as advocates of political correctness.

The fight against these nicknames, however, predates the so-called PC movement. It isn't just some knee-jerk reaction to a minor item of propriety, but rather a response to a remnant of a sad chapter in U.S. history.

People become fiercely attached to their schools' nicknames and are loath to give them up. Not wanting to lose their athletic heritage, they unintentionally thumb their noses at the Indians' heritage instead and continue our tradition of believing we're doing Indians a favor when we're actually doing anything but that.

Defenders of Indian nicknames point out that not all Native Americans mind them. Many, however, do, and when an honor-roll student such as John Teller admits it bothers him to play against teams with Indian nicknames and to watch them on TV, it's time for all you Indians and Redskins out there to pay attention.

Some of you say you get misty-eyed watching your schools' mascots dance up and down the sidelines. In reality, it's a crying shame.•

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the distinguished Senator from West Virginia [Mr. ROCKEFELLER], that the Senate stand in recess as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I might be allowed to proceed for several minutes as in morning business.

The PRESIDING OFFICER. The Chair notes that the Senate is in morning business.

The Senator is recognized.

HEALTH CARE REFORM

Mr. ROCKEFELLER. Mr. President, as we are being reminded every minute of every day now, we are at a critical juncture of health care reform. As the clock ticks, the Congress still has to make the key decisions that will shape the final bill. Will Congress enact reform that guarantees universal coverage and that guarantees strong cost containment, or will we not? That is still a question, Mr. President.

I am here to tell how one particular family, a West Virginia family, hopes and prays that we in the U.S. Senate answer that question positively. Last week, I visited a young family in Martinsburg, in what we call the eastern panhandle of West Virginia. I was reminded in the clearest terms possible just why we must stay focused here in the Senate, why we must succeed here in the Senate, and why we must keep our promise of real health care reform.

Leslie and Michael Saunders, Mr. President, are an all-too-typical American family. They are working hard; they are playing by the rules; they are raising their young children. Yet, they are still getting crushed by their health care needs. Michael is an associate church pastor and suffers from Crohn's disease. Leslie had both her gall bladder and her appendix removed in the last year—something that can happen to any one of us at any time. On top of all that, they are still dealing with the cost of the births of their two children, Bethany and Seth, neither of whom have particularly good health. These medical needs are not extraordinary when you have something called health insurance. But these medical needs turn into absolute nightmares when health insurance is not there, when it disappears at the wrong time, for whatever reason.

About 6 years ago, when Leslie, the mother, was pregnant with Bethany, the church that employed Michael felt that it had to switch health plans. The Saunders were assured that even with their preexisting condition—his Crohn's disease, that is, and as outrageous as it sounds, her pregnancy, which is considered a preexisting condition—and most times in this country, if you do not have health insurance and you become pregnant, you cannot buy health insurance because your pregnancy is considered a preexisting condition, and that was the case with Leslie. So they had been assured that, even with the Crohn's disease and her pregnancy, they would be covered by health insurance. That sounded like everything would be OK. But that insurance company then went bankrupt.

Just a few months later, the Saunders found themselves where millions of other Americans fall every day: Working, working hard, playing by the rules, but with no health care insurance.

For Michael and Leslie, the result was especially costly because she had just had a baby. Because they lost their health insurance, Mr. President, just when they needed it, the Saunders family is swimming in debt; they owe many thousands. I know this because I went and visited and talked with them in their home, as I do every day I am in West Virginia; I go and visit some family that has a health insurance crisis, or feels that it is going to have a health insurance crisis, so that I can see health care through the eyes of the people that I serve and that I represent see that they cannot afford to buy health insurance, Mr. President. Each month they try to do the best they can. Out of his earnings they pay $25 to the hospital each month—that is all they can do, but they do it regularly—$25 to make good on their huge medical debts.

They put off other medical needs, like their children's allergies because they cannot afford the $400 for treatment. And they pray for the good health of each family member.

Mr. President, we talk around here often about families not having enough of this or that so they have to trade between health insurance and food. This family does. This family has to give their two small children less food and poor quality food because they cannot afford to do otherwise. And because they do not have health insurance, and they are paying this amount of money a month, they are on the edge all the time.

In the next weeks, as Congress ponders the key issues in health care reform, everybody should stop and think about families like the Saunders family. I will be thinking about them all the time. They define what real health care reform is about, guaranteed coverage for all Americans, for working families like the Saunders, families who were doing everything right; playing by the rules, paying their taxes, and trying to pay off their medical bills. Affordable coverage, so the employees like the tiny Tri-State Church in Charles Town, WV, can do their share in covering the people who work for them like Michael Saunders does.

The idea that pregnancy can be considered as a preexisting condition would be a joke, Mr. President, if it were not so true and so wrong. The idea that a hardworking family, a church pastor cannot find health insurance in a country called America is an outrage; and the idea that young parents have to cut corners on health care, have to cut corners on food for their children is nothing short of tragic.

Mike Saunders put the debate over health care reform into pretty clear terms as far as this Senator is concerned when he sat in his living room and he said: "In Washington health care is about politics, but remember we are out here with our real lives."

That is what he said. That is something that we cannot and dare not lose sight of. We have to enact a health care plan in response to the real worries and the real needs that are part of real life that the Saunders are living with every day; that is about making sure that every American has guaranteed private insurance that can never be lost or can never be taken away; that those Saunders kids will be able to eat what they ought to be eating and they will never have to worry about health insurance; that nobody—nobody—can intervene in their life and take their health insurance away.

There are some who say that universal coverage, health insurance for all Americans is not necessary; that if we set our sights lower, to goals like aiming to cover 90 percent of Americans, that that is still real reform, that is still acceptable and we should finish the year with that declaring success.

Mr. President, Leslie and Michael Saunders respectfully disagree. If we give up on universal coverage, here is what happens: Wealthy Americans will keep their health care. All of us, of course, in Congress will keep our health care and still have little to worry about when they need a doctor. That will be for the wealthy and those of us who serve in Congress. We will do well. Poor Americans will get free health insurance because they belong to something called Medicaid and they will get a decent benefits package and it will be entirely free.

For the rich, fine; us, fine; the poor, fine. But working class Americans will still have to fear being left out in the cold. Any day, any week, they will have that fear, and so will young families, and so will people when they switch jobs.

I suggest that millions of families just like Michael and Leslie Saunders will be unable to get or to afford health insurance. They will have to continue cutting corners, postpone seeing a doctor, and walk into a hospital emergency room when they are seriously ill to get treatment, too late for treatment, where the cost of their care will be shifted right onto the bills of insured patients.

So, Mr. President, as we continue to debate and discuss health care reform—as we caucus and meet in our committees and start putting together bills—I ask my colleagues, I beg of my colleagues, to think about the families in their own States who are just like Michael and Leslie Saunders of West Virginia.

I suggest we do our final work on health care reform with young, hardworking, hopeful families as our moral compass. Because, if we fail to pass real reform with universal coverage, we will doom those families and many, many more young families, to sleepless nights worrying that a daughter's cough might require a visit to the doctor, which they cannot afford and do not have insurance for; and to afternoons watching, for example, a son's Little League game in fear that a bad hop on a ground ball might mean a couple of stitches, and you have to pay for stitches; and to anguish over what should be a joyous pregnancy. For Heaven's sake, pregnancy, a preexisting condition.

You are a young woman in the United States and you do not have health insurance because you think you are going to live forever. You get married. You get pregnant. You do not have health insurance. You apply for health insurance. You cannot get it because you were pregnant, because that is something called a preexisting condition.

That is what we are offering people in the United States of America today, Mr. President.

No other industrial country, no other civilized country—I used to say that only the United States and the Union of South Africa treated people the way we do in health care. Now I am not so sure, because I think Nelson Mandela is promising universal health insurance to his people. So it may be us alone if we do not do our work correctly as Republicans and Democrats here in the U.S. Congress and particularly here in the U.S. Senate.

Remember what Michael Saunders told me. Health care reform is not about politics, it is about people.

Visit with the Saunders families of the various States that my colleagues come from, and universal coverage is no political buzzword. Universal coverage is not just a phrase that can be defined the way it is easiest for Congress to achieve. It is the heart of health reform. It is the way to promise security to all Americans so they can work, raise their children, have a baby, and contribute to their community and to the strength of the country that they love and work for.

I thank the Chair and I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. What is the pending business?

Mr. ROCKEFELLER. Will the Senator yield? I was just handed something.

Mr. DOMENICI. I yield.

Mr. ROCKEFELLER. I thank the Senator from New Mexico.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 321, Everett M. Erhlich, to be Under Secretary of Commerce for Economic Affairs.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, I will not object. But when that is finished, would I have a chance to propound a unanimous consent that I might speak as if in morning business?

The PRESIDING OFFICER. The Senator will be recognized.

Mr. DOMENICI. I have no objection.

Mr. ROCKEFELLER. I thank the Senator.

I further ask unanimous consent that the nominee be confirmed, that any statement appear in the RECORD as if read, that upon confirmation, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF COMMERCE

Everett M. Ehrlich, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.

STATEMENT ON THE NOMINATION OF EVERETT MICHAEL EHRLICH

Mr. HOLLINGS. Mr. President, I rise to support the nomination of Everett Ehrlich to be Under Secretary for Economic Affairs at the Department of Commerce. If confirmed, Dr. Ehrlich will advise Secretary of Commerce Brown on the economic status of the country and will supervise the statistical and economic analysis activities within the Department. In his capacity as Under Secretary for Economic Affairs, he will oversee both the Bureau of the Census and the Bureau of Economic Analysis.

Hopes for economic recovery will be short lived unless the U.S. Government develops an economic strategy that will preserve our manufacturing base, protect it from predatory trade practices, assist it in developing new technologies, and foster a spirit of cooperation between business and government. In these endeavors, it is important that U.S. policy be founded on accurate, useful, and timely economic data.

As the Under Secretary for Economic Affairs, Dr. Ehrlich would bring qualifications and experience to this task. For 5 years, he served as vice president for economic and financial planning at Unisys Corp. in Blue Bell, PA, a Fortune 50 company and the third largest computer systems manufacturer in the country. At Unisys, Dr. Ehrlich was the executive responsible for corporate transactions involving assets valued in excess of $1 billion. He also was a key player in developing corporate strategy, with particular responsibility for expanding the civilian business of its defense subsidiary. During his tenure with the Unisys management team, the company generated $1 billion in cash flow as part of the company's financial recovery.

Prior to his employment with Unisys, Dr. Ehrlich worked for the Congressional Budget Office [CBO] from 1977 to 1988, where he was promoted to the position of Assistant Director for the Natural Resources and Commerce Division. Dr. Ehrlich will be able to draw on his experience in government and in the private sector to ensure that the Department's economic analyses are responsive to the needs of both policymakers and American business.

Dr. Ehrlich said at his confirmation hearing and in his written responses to the committee's questions that, if confirmed, his top priority would be to plan for the 2000 decennial census. We all know that there were major problems with the 1990 decennial census. In addition, Dr. Ehrlich has indicated that he would work to make the Bureau of the Census and the Bureau of Economic Analysis models of innovative efficient, and effective information collection and dissemination while preserving their integrity and adherence to the missions specified for them by the Congress. This is the kind of good government we need at the Census Bureau.

Dr. Ehrlich was nominated on May 24, 1993, and a hearing was held on his nomination by the Commerce Committee on June 23, 1993. His nomination was favorably reported by the committee on August 3, 1993. Dr. Ehrlich has responded to both pre-hearing and post-hearing questions by the committee. Dr. Ehrlich has been waiting since August 3—over 10 months—for his nomination to be considered and voted on by the full Senate. It is high time that we consider this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

A GENUINE HERO

Mr. MOYNIHAN. Mr. President, I rise today to recognize the passing of a beloved New Yorker, Alberto Alonzo Tubbs. I ask that the memorial, written by Mr. Tubbs's family, be included in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

A GENUINE HERO

Our Hero passed away at 3:30 p.m. today June 5, 1994. He was a quite man, asking very little always giving all he could. A coal miner to the age of 43, foreseeing that oil would replace coal as our energy source, he mastered a new job, auto worker for GM until retirement at age 63. He took early retirement, so as to create one job (the most he could give) to the younger generation. Baseball being his favorite sport, as a pitcher he had a wicked fastball that dropped straight down right in front of home plate. Pneumonia during his late teens prevented him from trying out for the major leagues.

Leta and Sonny being already with you God, they already know and we have to ask: Why did you pick today to call him home? It being a beautiful Sunday afternoon, the day before the 50th anniversary of D-day. Was it because he always felt guilty of being too old (33) and having the responsibility of a wife and 5 children to serve. Maybe it was to show how proud he was of the three boys and one daughter who served during the Korean conflict, his baby girl being too young to serve. Could it be because he was a strong believer in unions and as president of the Bloomington local of the UMWA he was forced to strike during WW II. When the Government took over the coal mines he unhesitatingly led the workers back to work as they raised the flag over every coal mine in the United States. Or was it simply sending the message to the world that you wanted peace not war among your family of nations. Maybe you wanted the world to remember that the individual family is the real backbone of your Kingdom and the secret to peace is asking for very little while giving as much as you can.

This genuine hero is our father Albert Alonzo Tubbs.

The surviving immediate family are Gary, Billy Boy, Patty, and his baby girl Becky.

STOP THE GENOCIDE IN RWANDA

Mr. MOYNIHAN. Mr. President, I rise today to address a matter of the utmost gravity, namely the genocide being committed even as we speak in Rwanda. This weekend, Roger Winter, director of the U.S. Committee for Refugees, published a chilling account of the slaughter in the Washington Post entitled "Journey Into Genocide: A Rwanda Diary." He writes:

> Go deep inside Rwanda today and you will not find gas chambers or massive crematoria. But you will find genocide. And if you linger amid the bodies and stench at Rwanda's human slaughter sites long enough, you will gain—as I did—a horrified sense that in some ways this frenzied attempt to annihilate an entire population contains scenes eerily reminiscent of the "Final Solution" attempted 50 years ago.
>
> This is not a comparison I make for cheap shock value. After 15 years of reporting on the violence that produces refugees around the world, I am familiar with the carnage of war, the smell of dead bodies and the butchery of innocent civilians. What I saw in Rwanda two weeks ago was different from anything I have ever seen before.
>
> This was not a conventional bloodletting. What happened in Rwanda—and still is happening—is qualitatively different.

I am not aware of anyone who actually disputes the conclusion that this is, in fact, genocide. Not just horrible violence to which some have attached the label "genocide" without any real understanding of the meaning of the term. But genocide in fact. The calculated, methodical effort to destroy a people in whole or in part.

There being no reasonable grounds to debate whether this is genocide, there is no need to debate the appropriate response. The Senate had that debate several years ago. It had that debate when it chose to ratify the U.N. Convention on the Prevention and Punishment of the Crime of Genocide. Not the tragedy of genocide; the crime of genocide. The United States—with the advice and consent of the U.S. Senate—voluntarily accepted the obligation under article I of the convention to prevent and to punish the crime of genocide.

The slaughter in Rwanda is continuing because the murderers have no fear of international retribution. So far, their contempt for world opinion has been most sadly justified. The distinguished journalist and commentator Roger Rosenblatt has written a gripping article entitled "Rwanda Therapy" in the New Republic. In that article he recounts a conversation among journalists concerning the gross atrocities they have witnessed during their careers. He recounts this story told by Els Detemmuman, a television journalist from Belgium:

> She told of something she had seen only a few days before in northern Rwanda. She was traveling with her TV crew when their truck was stopped by Hutu militia. Ahead of them, in the middle of the road, some twenty-five Tutsi men, women and children had been

> herded into a circle. Then the militia waded in with machetes, hacking at the people until they all were dead and many lay in pieces * * *.
>
> "Why didn't the militia kill you and your crew?"
>
> "They were entirely indifferent to what the world would think," she said. "When they finished, they signaled us to move ahead and we drove on through the blood."

To repeat: "They were entirely indifferent to what the world would think."

Mr. President, we must act with great vigor to support the efforts of the United Nations and Rwanda's neighbors to halt this slaughter. And to prevent the further disaster awaiting the hundreds of thousands who have fled. There is a definite mission in Rwanda. It is set forth in the Convention on Genocide: To prevent and punish those who are even now committing this crime.

I cannot close without adding two comments. First, the world has known far too much of genocide in this century. And we cannot afford to continue to shrink from the obligation we have undertaken to stop it. When the controlling factor of the cold war was removed, there was waiting, in the superb phrase of the eminent scientist Edwin O. Wilson, "a coiled and ready ethnicity . . ." We must act so that those who would undertake genocide in Rwanda, to commit ethnic cleansing in Bosnia, to use systematic rape as a weapon of war anywhere do have a concern for the opinion of the world. How the world responds to genocide in Rwanda will perforce be a precedent, for good or for ill. To date, the precedent is deeply discouraging.

Finally, let me say that the Congress must be prepared to provide the funds that are required to participate effectively. I have served as the U.S. permanent representative to the United Nations. I have been the President of the Security Council. No one knows better than I of the need to bring fiscal discipline to the United Nations. And we should pursue reform with tenacity. But we have chosen to attempt to enforce fiscal discipline at the United Nations by undermining our own moral authority there. That is the ironic result of flaunting our voluntarily assumed legal obligation to pay our dues to the United Nations. For some years now we have been the leading deadbeat at the United Nations, in the company of some of the worst pariah states in the world. How we can be a leader at the United Nations and simultaneously the leading deadbeat is a mystery. When our representatives at the United Nations urge the Security Council to create a war crimes tribunal for Bosnia or to intervene in Rwanda they must be able to do so with clean hands, with the confidence that the United States will live up to its commitments. Yes, the United Nations must learn to live within its budget and its mandate. But there are areas where it should—indeed, must—act, and it needs the resources to do so.

Mr. President, action taken today will be too late for hundreds of thousands. The mind can hardly comprehend the scope of this crime. But vigorous, multilateral action taken today with strong U.S. support will not be too late for many hundreds of thousands more. They await our action.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Thursday, June 9, the Federal debt stood at $4,601,856,248,523.77. This means that on a per capita basis, every man, woman, and child in America owes $17,651.18 as his or her share of that debt.

ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I further ask unanimous consent that Senator DOMENICI be recognized to address the Senate and that at the conclusion of his remarks the Senate stand in recess, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

The PRESIDING OFFICER. The Senator from New Mexico.

PRODUCTIVITY LEADS GROWTH

Mr. DOMENICI. Mr. President, last Friday, with the release of May's employment statistics, this administration attempted, as I viewed it, to take complete credit for the current economic recovery. The President's economic policy adviser, Robert Rubin, and the economic council head, Laura Tyson, linked the good employment news with the administration's budget plan that passed last August. But nothing could be further from the truth.

As we have learned from recent excerpts from the book named "The Agenda," by Bob Woodward, the administration's strategy for selling their budget, a budget described by the President himself as "a turkey," has been to just shout, "it's the best," over and over again. I cannot let the political-economic spin masters get away with this. Saying it, does not make it so. So let me begin with a little history of facts and observations by those who know more than most of us about the American economy and the budget.

First, the economy of the United States is so gigantic, so enormous, so big that it does not respond quickly to decisions made here on the Hill. And it did not, last fall, despite claims that the budget plan passed just last August, created all these wonderful economic results.

Second, low inflation, low interest rates, and high productivity—very significantly higher productivity growth than in past recoveries—took root under the past administrations, and were pushed in a positive manner by a responsible Federal Reserve Board. These are factors that have shifted the economy into a quickening pace. Let me repeat them: Low inflation, low interest rates, and high productivity growth which took root over the last 12 years, and a responsible Federal Reserve Board are the true contributors to this economic recovery. They are part of it. They made it happen.

Third, the factors motivating business today began in the 1980's, when the Government revamped policy to foster a low-cost, low-overhead, low-inflation business environment where Government gets out of the way.

It is most interesting to note, for those who frequent Europe these days, the papers are full of new politicians asking why is the European economy stagnant? Why is it not producing any new jobs—literally? Why is unemployment so high? The average is 10 percent around Europe, including the better economies like the German economy. And the conclusion they are all coming up with is it is the enormous regulatory burdens on business and the enormously high costs imposed upon labor—that is, businesses have to pay an inordinate amount as fringe benefits and indirect costs of labor, and they are all busy trying to change this situation so they can compete again.

So the low-overhead, low-inflation business environment started shortly after Ronald Reagan took office, and the days of enormously high inflation which preceded his coming to office are gone now, and that is probably the most significant positive effect on the American economy, on the confidence of business, and on jobs in the United States.

So while this administration attempts to lay claim to the successes created by low inflation and high productivity growth, the facts show that they are really reaping the benefits of seeds sown in prior years.

Moreover, while administration officials embrace current growth, they advance policies that would interject Government further into the business sector.

Incidentally, I might add, some of the health care bills that are winding around the Halls of the Congress and committees would have a tax on American business as high as 10 percent of payroll. I submit, it is precisely that kind of cost that is causing the European economies to stagnate, to create no jobs, and to have their people throwing governments out of office on the basis that inflation is coming back, there are no new jobs and what is happening to our future.

In fact, if we are not careful, we may unwittingly and unknowingly be promoting what is currently being called

Eurosclerosis—European sclerosis—and they put it into one word and call it Eurosclerosis. It is kind of loosely defined as the rigid, overburdened business environment that has been debilitating Europe for a number of years now and is reaching its peak in the situation I just described a few moments ago.

Just this week, an OECD study recommended cutting costs and increasing European labor market flexibility. Europe's finance ministers gathered and agreed to use deregulation instead of public spending to counter their employment crisis. We should take heed.

Part two of what I want to discuss for a moment is what are the keys to this expansion and what are the keys to continuing it so that Americans will, once again, have real confidence that there will be jobs in the United States and that their future and their children's future are not as bleak as many millions think today.

What is clear is that the keys to this recovery are, No. 1, low interest rates—the result of the Federal Reserve policy and low inflation—and, No. 2, high productivity. I will discuss why this is true.

I addressed the importance of the Federal Reserve's action 3 weeks ago on this floor, and I complimented them on their efforts to create a neutral monetary policy for this country, neither stimulative nor restraining, because it will keep this recovery growing and going much longer than previous ones.

Between the mid-1990's and the end of 1992, the Federal Reserve reduced interest rates from 8.3 percent to 3 percent, a 64 percent decline, the biggest prolonged percentage drop in recent U.S. history. And all of that reduction occurred prior to the end of 1992, not in 1993, and not immediately after the President's so-called deficit reduction budget package which essentially, as you look at it in terms of this year and next year, is nothing more than a tax package in terms of deficit reduction. Interest rates were reduced way before the package. They were reduced continuously and consistently for 2½ years by the Federal Reserve Board.

These lower interest rates set up conditions for the sustained recovery we are experiencing. But a second shoe needed to drop. The economic environment needed to change to make the best use of these lower interest rates. That second shoe generating today's recovery, I believe, was the resurgence of U.S. productivity; that is, our ability to produce more efficiently and competitively.

Our productivity successes have been impressive. During 1992, Mr. President, nonfarm productivity—the best measure of economy-wide worker efficiency—rose 3.6 percent, the biggest 1-year increase since early in the 1970's. The President's budget package was not even in existence when this phenomenon was occurring. That increase, that dramatic increase, occurred in 1992. Moreover, during this recovery, productivity gains have accounted for 90 percent of the gross domestic product, far outstripping average contributions of the past.

What I am saying is that the most significant component of the increase in growth in the United States and the increase in pay and the increase in material produced and sold and services delivered, the biggest increase occurred because our productivity increased. In fact, 90 percent of the increase was attributable to productivity increases. In past recoveries and positive business cycles, only 50 to 55 percent of the growth was attributable to productivity increases.

Increases in productivity are the result of long-term sustained policies or activities, and essentially they imply lower costs of production. For example, manufacturing production costs have declined 9.3 percent in real terms since the expansion began in 1991. You produce the same or more but it costs less because productivity is up.

The best news of all, business cost efficiencies are translating into higher incomes. After declining during the recession, real incomes climbed $632 per person during 1992, the largest 1-year increase in 8 years. More income coupled with lower interest rates already in place led to increased purchases and production. Starting in mid-1992, auto and home purchases took off and businesses invested in new capital equipment at a torrid pace. Now jobs are picking up to meet that increased production demand.

Third, let me discuss for a few moments how productivity has led to this growth. I have only one chart today, and it is a rather simple one. This chart shows the chain of events very clearly. First came the productivity gains. Then came the income gains, the second line—after dipping, they are starting up. And now the creation of new jobs is starting to be moved upward, albeit rather slowly.

This chart also shows clearly that the gains are not the result of last August's budget plan. They instead reflect the inertia of successes with inflation, interest rates, productivity, and income.

Now, let me spend just a few moments discussing the effect of low inflation on productivity, lifestyles, and job growth. In testimony before the Banking Committee 2 weeks ago, Chairman Alan Greenspan made a very important point pertinent to this. Referring to the reasons for evolving a balanced economy, he stated:

> There is a quite robust relationship between the rate of inflation and the rate of growth of productivity. We are increasingly persuaded that it is the low rate of inflation which is inducing a higher rate of growth in productivity.

If that is true, and I believe it is, again you do not have these two qualities occurring because a bill or budget is passed. Rather, because of an American policy sustained over a period of time in this country, led by a low-inflation policy that started when Ronald Reagan took office in 1980. And believe you me, to get that inflation down we suffered a giant recession, and he sat in office for almost 2 years with a dreadful recession to get the inflation out of the economy—inflation that was generated over the previous 4 years.

There is no mystery about all this. We learned the lesson in the late 1970's when inflation reached double-digit levels. Negotiating favorable price increases to beat the next round of inflation became an all-encompassing focus of businesses. The low inflation environment established over the last 10 years has spurred business to return to cutting costs, raising productivity, and increasing the quality of their products. With this focus on cost and efficiency, instead of price increases, America began to regain its competitive position as the world's largest exporter.

It is significant that we have succeeded while the European countries have not. During the 1980's, our private sector created 16½ million new jobs. Between 1980 and 1988, the European Community produced no—none, zero—net new jobs in their private sector. All new jobs were in their public sector.

Also, a leader in productivity research, the McKinsey Group, finds that the European nations lag behind the United States in their entrepreneurial efforts across the board. In their recent international productivity report, they concluded that the difference in productivity among the major trading partners are "ultimately caused by differences in economic policy and regulation."

So to repeat, the important lessons are clear: First, despite claims to the contrary by this administration, the budget plan passed last August did not create this recovery. The momentum was created well before this administration came to office, and clearly is made up of the subjects I have discussed here today. Low inflation, low interest rates, and high productivity growth fostered over a number of years under Republican administrations are the factors that shifted the economy into a quickening pace. And it is now paying off in more jobs, higher paying jobs, and sustained gross domestic product growth.

Taking credit for the current recovery without an acknowledgment of how past policies got us to this place may well be leading this administration to make wrong economic policies today.

That is really why I made this speech today. I will say more about it. We should not associate the wrong policies for the current success in the American economy, or we are apt, unwittingly, to impose on it a policy that will restrain its growth because we will be acting under the false premise as to why we got to where we are.

I yield the floor. I thank the Chair.

ORDER FOR RECESS FROM 12:30 P.M. TO 2:30 P.M. ON TUESDAY, JUNE 14, 1994

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that on Tuesday, June 14, the Senate stand in recess from 12:30 p.m. to 2:30 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 14, 1994

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m., Tuesday, June 14; that, following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that, immediately following the announcement of the Chair, the Senate vote on the motion to instruct the Sergeant at Arms.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECESS UNTIL TUESDAY, JUNE 14, 1994, AT 10 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 10 a.m. on Tuesday, June 14, 1994.

Thereupon, the Senate, at 1:29 p.m., recessed until Tuesday, June 14, 1994, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 10, 1994:

DEPARTMENT OF COMMERCE

EVERETT M. EHRLICH, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Friday, June 10, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 10, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all those who devote themselves to their responsibilities that assure that the concerns of this place will go forward, and we recognize that many people use their talents and abilities in devoted service with this institution. On this last day of service by our pages, we remember them for their dedication and commitment, for their long hours of labor and for their lively spirit and attitude. May Your blessing go with them in the days ahead as they return to their homes and may Your benediction be with them and each of us, this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from Massachusetts [Mr. OLVER] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. OLVER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A MOMENTOUS 50TH ANNIVERSARY COMMEMORATION OF THE NORMANDY LANDING

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as the author of the resolution commemorating the 50th anniversary of the Normandy landing, in my wildest dreams, I did not expect the occasion to be as historic, as moving, as momentous as it turned out to be.

I want to pay tribute to you, Mr. Speaker, for leading with great distinction and effectiveness the bipartisan congressional delegation, and I want to recognize the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL], a hero of the landing, for his contributions to the festivities. I want to say a word about SAM GIBBONS, our colleague who landed in Normandy before the D-day invasion with the first wave of paratroopers, who represented the President as a personal representative at many of the ceremonies.

But most of all, Mr. Speaker, I want to pay tribute again to those heroes 50 years ago who saved civilization and free and open and democratic societies.

I must add that the President and Mrs. Clinton represented our Nation with enormous dignity, effectiveness, and brilliance. I had the privilege of attending many of the memorial functions with them, but the most moving perhaps was the one at Colleville-sur-Mer the last day at the American national cemetery. As the International Herald Tribune reported, the President expressed his deep feelings for our Nation's veterans, as follows:

> Looking out across the cemetery where 9,386 Americans lie under trim rows of white crosses and Stars of David, the President spoke movingly of the fathers we never knew, the uncles we never met, the friends who never returned, the heroes we can never repay.

We will remain in permanent debt to the heroes of Normandy and all the heroes of the Second World War who stood up against tyranny and made democracy triumph.

ARE THE TAXPAYERS REALLY GETTING THEIR MONEY'S WORTH?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, there are some pretty good reasons why the polls continue to show a growing shift away from the Democratic Party among those Americans who have families.

It is because they see more and more of their hard-earned income going to fund more and more inefficient Government programs.

And they realize that because of the tax, spend, regulate, and mandate mentality espoused by their leaders in Washington, their children are going to have a much tougher time of it when it comes time to go to college or go to work.

And they see little evidence that they are getting their money's worth out of Washington.

And they are beginning to realize that it is the Democratic Party that has controlled this House for the last 40, long years.

Mr. Speaker, the Democrats have had a long run. But time is running out. The working families out there have had it. And they are not going to take it much longer.

OUR ECONOMY IS COMING BACK TO LIFE

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, across the country the economy is coming back to life, good news after that long, hard, Bush recession.

More jobs have been created in the last 16 months than in the previous 4 years combined, inflation is low, the deficit has been cut in half, the unemployment rate has dropped steadily.

Even in my district of western and central Massachusetts, that traditionally lags in recovering from recession, the economy is picking up steam.

And this House should take pride in contributing to these improved conditions.

But, Mr. Speaker, it is not enough.

We must now work for a health care system that is always there for every citizen, not just a privileged few, and for job training that works by getting people back to work.

Let us capitalize on the growth of our economy and help Americans become more secure in their jobs, their health, their futures.

WELFARE REFORM: QUINCY'S WAITING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. SMITH of Texas. Mr. Speaker, next week the President will introduce his long-awaited, much-anticipated, but so far undebated, welfare reform bill.

Supposedly, recipients will only be able to get welfare for 2 years if they haven't made a good-faith effort to find work.

America is eager to see it and one American in particular. His name is Quincy; he is an auto mechanic in McLean, VA.

Last week he told me he was a Republican and that he could never vote for a Democrat. I asked him why. Quincy told me that he doesn't have any money. But Quincy knows he will someday because he works hard every day. And he believes when he makes his money, the Democrats will just take it and give it away.

Bill Clinton has talked about welfare reform to Americans like Quincy for 2 years. Now America and Quincy are waiting to see what it looks like.

NAFTA IS WORKING FOR MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, first the good news: Customs officials on the United States-Mexican border say trade is booming. After only 6 months of NAFTA, ladies and gentlemen, trade is literally jumping across the border. That is the good news.

Now, the bad news: Mexican trade is booming. Mexican imports have increased 10 percent.

Now, check this out: Sara Lee; we all know about Sara Lee, all the good food items, they are going to cut 8,000 jobs. They have a plant in Martinsville, VA, and a plant in Mexico. Martinsville versus Mexico.

None of the jobs will be cut in Mexico, but people in Martinsville, VA, will be in unemployment lines.

Ladies and gentlemen, NAFTA is working all right. It is working for Mexico. I think Jesse Jackson was right on target. This is not NAFTA, this is SHAFTA.

Think about it.

THE KOREAN PENINSULA SITUATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today's Washington Post has a front-page story stating that Japan and China are resisting United States efforts to impose sanctions against North Korea.

Yesterday the Scripps-Howard News Service published a column by B.J. Cutler, its chief foreign affairs columnist, which accurately states what our position should be. He wrote this:

> Before we take a collision course to armed conflict, a number of issues should be clarified for Americans. How many lives are we prepared to sacrifice given recent trends in South Korea? Seoul is not spending enough on its own defense. Its youth is increasingly anti-American, and its bureaucrats discriminate against the United States in trade.
>
> Korea is often described as a dagger pointed at the heart of Japan. Please note, "at Japan's heart." Not America's heart. What is Japan going to do militarily if the peninsula erupts? In Korea and in World War I, the answer is: Nothing, except to profit by selling supplies to the American people.
>
> Can the American people trust President Clinton and his team, who have shown modest diplomatic and military skills, to effectively wage a land, naval and air war in Asia? The United States should stop boasting that it is "the only superpower" and "the leader of the free world"; it should convene a conference of the foreign and defense ministers of Russia, China, Japan and South Korea to gain their advice. We should say, "It's your neighborhood, you know North Korea better than we do. What should be done? What will you do?" And, for once, we should listen.

☐ 1010

WALK THE WALK WITH OUR PERSIAN GULF VETERANS

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, for too long this country has talked the talk about how important our veterans are to us, but not walked the walk with followup support. A good example is the struggle that the Vietnam war veterans have had with Agent Orange syndrome.

Well, I am proud to report my President and his Veterans Affairs Secretary Jesse Brown are going to walk the walk with the Persian Gulf veterans. They support a piece of legislation offered by the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY], of which I am a cosponsor. This important legislation will compensate victims of the mysterious Persian Gulf syndrome ailments. My New Hampshire office is collecting data from veteran surveys to assist in getting treatment to these brave men and women. This first step toward treatment of these serious ailments is unprecedented.

Secretary Jesse Brown, the Veterans' Administration, and the President deserve praise for the action they are taking.

Mr. Speaker, all Persian Gulf veterans who are suffering these symptoms should come forward so that more can be learned and so that they can receive treatment or compensation which is available to them.

PUT OUR VETERANS FIRST

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, the repeated flip-flops in the Clinton administration's policy toward Haiti are no longer only an issue for front-page debate.

The failure of this policy has now become a matter of critical personal concern for many veterans in Florida.

You see, Mr. Speaker, many of the medical professionals employed at MacDill Air Force Base in Tampa have been moved to Guantanamo Bay to assist with the processing of Haitian refugees.

In its haste to devise a plan to implement its most recent Haitian refugee policy, the Clinton administration decided to raid hospital staff from a facility used by many veterans.

Veterans in my district report that their regular checkups have either been rebuffed at the door or canceled by phone.

This is an outrage.

Charles Gurey, a veteran from Brandon, FL, said it all:

> What irks me is, I'm having something taken away from me that I earned and it's being given to someone overseas. We need to be taken care of first and then the rest of the world.

Mr. Gurey is right. He and all of west-central Florida's veterans deserve better.

Put MacDill's medical professionals back where they belong: serving American veterans and active-duty personnel.

ASSISTING OUR VETERANS EVERYWHERE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, this has kind of become a veterans issue morning with respect to the previous 1-minutes.

Mr. Speaker, I say to the gentleman from Florida [Mr. CANADY] that we will be glad to work with him in my capacity as chairman of the House Committee on Veterans' Affairs.

Mr. Speaker, I had not heard of that problem, and we certainly will be glad to work with him.

Also, to the gentleman from New Hampshire [Mr. SWETT], who mentioned the Persian Gulf veterans bill compensation which I have introduced, it is good legislation, and I would hope that more Members would sign onto it. It is needed.

THE 50TH ANNIVERSARY OF D-DAY

My final subject, Mr. Speaker, is to follow up on the remarks of the gentleman from California [Mr. LANTOS], about our trip to Normandy. I certainly hope there would not be too much criticism. That was one of the most important events in the 20th century of our Nation and of the world, the Normandy invasion. We honored the gentleman from Florida [Mr. GIBBONS], who represented the President of the United States, who is a Member of this House, and was a representative of the President.

Mr. Speaker, we had 27 Members from Congress, the House of Representatives, and we honored the minority leader, BOB MICHEL.

Certainly, President Clinton, in my opinion, was well prepared. He made the proper remarks at the different sad ceremonies at Normandy. It was a great event, and we should all be proud of it.

WORLD WAR II MEMORIAL AND COINS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the intention of the entire world this past weekend was focused on the northern coast of Normandy as we witnessed historic ceremonies and eloquent speeches, all in commemoration of the day 50 years ago which is still imprinted firmly on the collective mind of the world and of America. The depths of feeling that these ceremonies tapped in the hearts of the citizens of our Nation is a priceless tribute to the heroism and magnitude of the events of that day which the world remembers as D-Day, the turning point of the most important battle that turned the world toward freedom and toward ultimate allied victory.

Mr. Speaker, one way to remember and to honor our World War II veterans and the freedom which they preserved is to support the construction of the World War II memorial now planned here in our Nation's capital. This memorial will be built with funds that are being collected from the sale of these three commemorative 50th anniversary World War II coins being sold through June 30 of this month through our U.S. Mint here in Washington. The $5 gold coin is emblematic of the allied victory, the silver coin commemorates the Battle of Normandy, and the clad half-dollar coin honors members of the five branches of the U.S. armed services who fought in that war.

Mr. Speaker, I purchased this set in memory of my own uncles, who fought both in the Atlantic and Pacific campaigns, and I would urge all citizens who are watching—and Members of Congress who may not be aware—that these coins are only being sold through June 30 of this month, to contact your Member of Congress or the U.S. Mint in order to purchase your coins and help contribute toward the construction of the memorial here in our Nation's capital.

INSTABILITY ON THE INTERNATIONAL SCENE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I thank the gentleman in the chair for his remarks about Normandy.

My colleagues, we live in a dangerous world. It is a world in which there is continuous instability in the Middle East; the former Soviet Union has broken down into at least four former Soviet states which still have nuclear weapons, many of which are still directed at us.

China has taken an increasingly aggressive attitude in the South China Sea and, probably most alarming, North Korea is developing and building nuclear weapons.

We could be at war in North Korea on the Korean Peninsula in a fairly short period of time.

Against this backdrop of a dangerous world, the Clinton administration has continued to cut the national defense budget to a dangerously low level.

□ 1020

We now have about 50 percent of the fighter force that we had a few years ago. We are slashing people out of the military. Young people are being terminated at the rate of 1,700 per week, 6,000 a month, 72,000 a year, and yet we have these dangerous situations like Korea, where the President is going to need options, and one of those options requires a strong American military. Unfortunately the House joined the President in slashing the defense budget to a dangerously low level yesterday by passing a drastically reduced defense budget.

We need to reverse that course, my colleagues. The President of the United States needs to remember we achieved peace in the last 10 years by being strong, not by being weak.

NOTIFICATION OF AVAILABILITY OF CLASSIFIED MATERIAL ACCOMPANYING H.R. 4299, INTELLIGENCE AUTHORIZATION BILL FOR FISCAL YEAR 1995

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I want to notify all Members of the House that the classified schedule of authorizations and the classified annex to the report accompanying H.R. 4299, the intelligence authorization bill for fiscal year 1995, are now available for review in the offices of the Intelligence Committee, room H-405 in the Capitol. Access to these documents, which is restricted to Members, will be provided from Monday through Friday between the hours of 8:30 and 5 p.m.

The schedule and annex contain the committee's recommendations on the fiscal year 1995 budget for intelligence and intelligence-related activities. These budgetary matters, and the issues associated with them, cannot be discussed publicly. The intelligence authorization will be on the floor within the next few weeks. In order to increase understanding about the actions the committee is recommending for the programs and activities covered by the bill, I urge Members to take time to thoroughly review these classified documents. The committee staff will be available to provide any assistance necessary to facilitate the review of these materials.

THE WELFARE PLAN

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, it appears that the Clinton administration is getting ready to unveil its welfare reform plan in the next 2 weeks. It is about time. When President Clinton was still candidate Clinton, he promised to end welfare as we know it. Let us hope the administration's plans is as good as its rhetoric.

How can we tell if the Clinton welfare reform plan is any good? Here are some guides:

Will it get people off the Government dole and on to real jobs? Will it shrink the size of government? Will it encourage people to take responsibility for their own lives? Will it save the American taxpayers money?

Unfortunately, it appears that this plan, like all of the President's proposals, will be looking for new taxes, for $9 billion in increased spending.

THIRD CIRCUIT RULING ON CHILD PORNOGRAPHY IS WELCOME

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, on yesterday, Thursday, the Third Circuit Court of Appeals sitting in Philadelphia reinstated an earlier decision it had reached concerning a child pornography case, the now famous Knox child pornography case. In a 40-page opinion, which I have not yet had time to fully read, I am well advised that the court told the Justice Department of the United States that it was off-base in the decisions it reached and in the position that it took concerning this child pornography case.

Basically the Justice Department's position, which I objected to in a letter to Janet Reno, the Attorney General of the United States, was basically that the children depicted in these films had to be provocatively posed or lasciviously acting, and had to be unclothed or scantily and revealingly clad or the case of pornography had to be dropped. The court has set that aside, and I think now we are on a better track because if there is any activity which is absolutely heinous and grievous and cries to the Lord for retribution, it is that of people who engage in child pornography and the damage that they cause psychologically and physically to their models and to the people depicted in their degraded materials.

Mr. Speaker, I am glad the court reached its position. I hope that becomes the position taken from now on by the U.S. Justice Department.

REPRESENTATIVES OF DESERT COMMUNITIES TREATED UNFAIRLY BY COMMITTEE ON NATURAL RESOURCES

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, Members, I believe that the House knows me to be largely a person who does not involve himself in an overt way in pure partisan politics. I must say that I share with the public their concern about ofttimes the debate around here being dominated by the extreme voices, the shrill voices, of partisanship. But today we have on the House floor, one more time, the natural resources product dealing with my desert communities.

Mr. Speaker, if indeed there is a reflection of partisan rhetoric in extreme, it is the way the four Members of the House who represent the desert communities, who have been elected to represent it, have been treated by this committee. In my years of public service I have never seen such arbitrary action. It brings forth this reminder, Lord Acton's quote; that is, "Power corrupts, and absolute power corrupts absolutely." In this case, this committee reflects the problem of one party dominating the House for over 50 years.

Mr. Speaker, I hope the public will look with interest as we go forward with this debate today.

AMENDMENTS TO THE SMALL BUSINESS AND MINORITY PROCUREMENT OPPORTUNITIES ACT OF 1994

(Ms. MARGOLIES-MEZVINSKY asked and was given permission to address the House for 1 minute.)

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise this morning to applaud the other body for passing the procurement goals for small business concerns owned by women amendment to the Federal Acquisition Streamlining Act of 1994. I applaud Senators KAY BAILEY HUTCHISON and CAROL MOSELEY-BRAUN for working for the concerns of women-owned small business.

I have introduced a similar amendment to H.R. 4263, the Small Business and Minority Procurement Opportunities Act of 1994, in the Committee on Small Business. I applaud the leading organizations across the country representing women's business interest, lead by the National Women's Business Council, in joining together to make sure that procurement reform contains provisions to assist women-owned business to gain access to Federal Government procurement.

Currently, there are more than 6.5 million women-owned small businesses. These businesses employ more workers than the Fortune 500 and are found in all industry sectors. This number has grown by more than 60 percent in the past 5 years. In the same period, total receipts for women-owned small businesses have nearly tripled—raising to $278.1 billion in 1987 and projected to reach $1 trillion in 1995.

However, one of the major obstacles faced by women business owners is the lack of access to Federal procurement contracts. The U.S. Government is the world's largest buyer of goods and services. Each year, the Federal Government contracts billions of dollars out to businesses, but women rarely are the recipients of these luractive agreements. In fiscal year 1992, women received only 1.5 percent of the $190 billion in Federal contracts awarded that year. Women-owned businesses must be granted the opportunity to compete fairly in the Federal marketplace.

I hope that here in the House we will all work in a spirit of cooperation and bipartisanship in order to achieve "measurable goals" for women-owned business. The time is now.

CONSERVATIVE STYLE UNIVERSAL COVERAGE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I introduced a conservative health care plan in November 1993. This was a plan that was developed by the Heritage Foundation, a conservative think tank here in Washington. They developed this plan over a 7-year period. What it does is to offer taxpayers and all Americans universal coverage. It is the only Republican plan here Congress on the House side that offers universal coverage. Senator NICKLES has offered this plan on the Senate side.

But what I have done, Mr. Speaker, is to improve this bill, and I dropped this bill 2 days ago. It is now H.R. 4550, and what is important about my bill now is that it is completely voluntary.

Make no mistake about it. This is something that every Republican and every Democrat could support. Also still provides universal coverage.

Another feature is that it makes a broader range of insurance plans eligible for tax credits, and that is how we do it, all through the tax credit system. In order to provide the most affordable insurance options, the deductible limits of $1,000 for any individual and $2,000 for a family has been deleted. The bill would limit out-of-pocket expenses for both insurance premiums and medical expenses to $5,000 or 10 percent of the adjusted gross income. In order to preserve the bill's budget neutrality I have decided to push back the effective date to January 1, 1998.

In addition, Mr. Speaker, I have added a provision to ensure that the tax credits do not grow faster than private health expenditures.

With these changes I ask my colleagues to look at this bill, H.R. 4550. It is an alternative that provides universal coverage. It is the conservative approach, and I firmly believe it delivers on the idea of increasing access and affordability for all Americans without new taxes and without any mandates.

□ 1030

THE CLINTON REEMPLOYMENT ACT OF 1994

(Ms. PELOSI asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, since President Clinton took office, his economic policies have produced 6,000 new jobs a day. That is 6,000 new jobs a day, every day, including Saturdays and Sundays.

Imagine the sigh of relief in the homes of America where people know they are going to be able to pay the rent, make the house payments, buy food, and meet the needs of their families. More, of course, needs to be done, and that is why I am proud to work under the leadership of Congresswoman ROSA DELAURO in promoting President Clinton's Reemployment Act of 1994, which will help even more workers make job connections.

The Reemployment Act presents a comprehensive reemployment proposal that includes early intervention to prevent long-term unemployment through rapid response to mass layoffs, one-stop shopping that consolidates and streamlines access to career counseling information on jobs, training, unemployment insurance claims processing and other services, universal access to reemployment services for all workers seeking new or better jobs, individual reemployment plans worked out with career counselors to help workers find new jobs, and a national labor market information system.

Mr. Speaker, the President's election gave us hope, his economic policies gave people confidence, and now his policies will give people jobs. We need again to pass the President's reemployment proposal in order to spread those jobs around.

THE D-DAY CELEBRATION—NO PLACE FOR PARTISANSHIP

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, as someone born after World War II, it is hard for me to put into words my feeling about the 50th anniversary of D-day. As a member of the Committee on Armed Services and the Committee on Veterans' Affairs, I was proud to have been part of the congressional delegation representing the United States there.

To meet the veterans of D-day, to hear their firsthand stories, to see the beaches where so much American blood was spilled in the name of freedom—all of this gave me a deepened lifelong sense of gratitude and respect for the courage and sacrifices of American veterans.

Mr. Speaker, if there was ever a time to put patriotism above partisanship, it should have been in the commemoration of our World War II veterans. I am saddened and sickened that some Members of this House have chosen to criticize President Clinton for his efforts to ensure that the world would never forget D-day. For the world not to have sent its leaders there to that historic event would have been unconscionable.

To those Members who would politicize D-day's anniversary for cheap partisan political publicity, I say to you that you do a disservice to yourself, to this House, and, most importantly, to the men who died on the beaches of Normandy 50 years ago.

THE REAL MEANING OF THE D-DAY COMMEMORATION—NO TIME FOR PARTISANSHIP

(Mr. DINGELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I was one of those American veterans and Members of this body who joined hundreds of thousands of others, Americans, Britons, French, Belgians, Poles, Czechs, and others in assembling on the beaches of Normandy to celebrate an event of great courage and of great moment in the history of this world.

I am proud that our President led that delegation.

I am proud that he remembered D-day. I am proud that he joined us in honoring those great Americans and soldiers and veterans of other nations in the great crusade led by General Eisenhower. A bipartisan group of Members of this body joined the President at the site of this great invasion. It was one of the greatest and most moving celebrations of courage, of human dedication to freedom and liberty, that I have ever had the privilege of seeing. And it was an event in which there was no whit of partisanship.

It was an event which commemorated an event 50 years ago in which thousands of Americans, British, French, and others died for liberty and freedom. It was an event which was celebrated every place in this country, and it was an event in which the leaders of every Nation involved in the Allied effort was present.

Our President went, and he led the commemoration on behalf of the people of this country. In his addresses, he restored in good part the memories of that great even which are now growing dim with the passage of time. He helped Americans and others understand why we were there. He helped Americans to understand what it is that we must do in the future so that we do not have to have more D-days, so that we can have a national and international dedication of freedom and liberty, and so we can prevent the kind of events that led to that unfortunate day.

It is a proud event, and it was an event that was worthy of this country, the leadership of this country and the leadership of others in the free world. It was an event which set in place 50 years of freedom.

I understand there are some who are now carping in a partisan fashion about the fact that the President and others, veterans, Members of this body, Members of the Senate, Democrats and Republicans, in a bipartisan fashion, went to celebrate this event. To those who are saying this, I say, Shame. It is clear you do not understand what took place on D-day. It is equally clear you do not understand why D-day took place. It is perhaps even clearer that you have no great desire to forge the national consensus and the international consensus that this Nation and this world needs to avoid that kind of unfortunate event.

Mr. Speaker, to those who would make a political event of criticizing this kind of occurrence, I say, "Shame."

THE D-DAY CELEBRATION—A REMINDER THAT PEACE IS PRESERVED THROUGH STRENGTH

(Mr. HANSEN asked and was given permission to address the House for 1 minute.)

Mr. HANSEN. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wanted to respond to the distinguished gentleman who just talked about the visit to the D-day celebration by Democrats and Republicans, and let me just say as one Republican that I concur in his statement that it is important to those who celebrate D-day to remember that this country needs to be strong, to remember that we preserve peace through strength, and from my perspective, I would like to see every single American go to Normandy and understand that the few dollars we save by cutting the defense budget may be paid for ultimately in American blood when we are found to be weak by an adversary or a potential adversary and that weakness is exploited.

I think D-day is a reminder to all of us that America needs to stay strong, and I am reminded that after World War II, after D-day, after we had the mightiest military in the world and we started to demobilize, General Marshall was asked one day, "How is the demobilization going?" He said, "This isn't a demobilization; this is a rout."

I would suggest that what we are doing in slashing the defense budget, as we did yesterday, is exactly the same thing we did after World War II, and we are not going to be prepared for what happens in the Korean Peninsula and we are not going to be prepared for what happens in the Balkans, and it is going to accrue to the detriment of the American people.

I would like to see everybody in the White House, everybody in the administration, and every American have a chance to set foot in Normandy and understand what occurred and why it occurred.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

☐ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

☐ 1040

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 17, 1994, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title is considered as read.

No amendment to the substitute shall be in order except those amendments printed in that portion of the

CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII prior to consideration of the bill.

The amendment caused to be printed in the CONGRESSIONAL RECORD by the gentleman from Idaho [Mr. LAROCCO] relating to an east Mojave preserve may amend portions of the bill not yet read for amendment.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Desert Protection Act of 1994".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archaeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching, and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archaeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

The CHAIRMAN. Are there amendments to section 2? If not, the Clerk will designate title I. The text of title I is as follows:

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3", dated January 1989, and which shall be known as the Argus Range Wilderness.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area, and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated May 1991, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Cady Mountains Wilderness.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred fifty-eight thousand nine hundred and fifty acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated January 1989, and which shall be known as the Chuckwalla Mountains Wilderness.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated September 1991, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as Clipper Mountain Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", dated February 1986 and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986 and which shall be known as Golden Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Grass Valley Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated May 1994, and which shall be known as the Indian Pass Wilderness.

(29) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated May 1991, and which shall be known as the Kiavah Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred forty-nine thousand three hundred and sixty-eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed", numbered in the title one through four dated May 1994, and which shall be known as the Kingston Range Wilderness.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(35) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated May 1994 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated October 1991, and which shall be known as the Old Woman Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand four hundred and eighty acres, as generally depicted on a map entitled

"Orocopia Mountains Wilderness—Proposed", dated May 1994, and which shall be known as the Orocopia Mountains Wilderness.

(46) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" dated February 1986 and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Pahrump Valley Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as the Piper Mountain Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(55) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(56) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness.

(57) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88–577 and 98–425.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98–425.

(61) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheep Hole Valley Wilderness—Proposed 1", dated July 1993, and "Sheep Hole Valley Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-four thousand four hundred and ten acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated October 1991, and which shall be known as the Slate Range Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stepladder Mountains Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated May 1991, and which shall be known as the Trilobite Wilderness.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(71) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

GRAZING

SEC. 104. Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96–560 (16 U.S.C. 133 note).

BUFFER ZONES

SEC. 105. The Congress does not intend for the designation of wilderness areas in section 102 of *this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.*

MINING CLAIM VALIDITY REVIEW

SEC. 106. The Secretary of the Interior shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within any wilderness area designated under section 102, and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

FILING OF MAPS AND DESCRIPTIONS

SEC. 107. As soon as practicable after enactment of section 102, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 108. (a) The Congress hereby finds and directs that except for those areas provided for in subsection (b), the public lands in the California Desert Conservation Area, managed by the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1782), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness:

(1) Certain lands which comprise approximately sixty-one thousand three hundred and twenty acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991.

(2) Certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989.

(3) Certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991.

(4) Certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986.

(c) Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto, and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 109. In furtherance of the provisions of the Wilderness Act, certain public lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.

SUITABILITY REPORT

SEC. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 111. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural Resources and Merchant Marine and Fisheries of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

The CHAIRMAN. Are there any amendments to title I?

Mr. THOMAS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of California: On page 6, delete lines 13 through 22 and insert the following in lieu thereof: "(1) Certain lands in the California Desert Conservation Area, the Bureau of Land Management which comprise approximately seventy-four thousand two hundred and fifty acres, as generally depicted on a map entitled 'Argus Range Wilderness—Proposed 1', dated May 1991, and two maps entitled 'Argus Range Wilderness—Proposed 2', dated January 1989, and Argus Range Wilderness—Proposed 3', dated May 1994, and which shall be known as the Argus Range Wilderness."

Mr. THOMAS of California. Mr. Chairman, this is both a substantive discussion and perhaps an illustrative and graphic one of the process that we are operating under.

The substance is there is an exciting new technology by which we will be able to recharge satellites' batteries using a laser from Earth. As most of us know, those batteries on satellites now need panels to soak up the solar light to power the batteries. They are very heavy. It is a load that has to be sent into space. The idea is that you would need smaller batteries because you would be powering them by a laser beam from Earth. It also means you could possibly move to electron or ion electric motors for thrust to the adjuster rockets, it could save as much as $72,000 per pound in terms of thrust lift capability.

It is a technology that has a chance of being perfected in the California desert. The Naval Air Warfare Center at China Lake is obviously an ideal location because of the number of days a year it is clear—over 260. In addition to that, there is a functioning geothermal site on the base that not only supplies the power for the base, but has excess power currently going into the Pacific Gas & Electric power grid in that area. So we have a source of power and an emerging technology.

The only problem is as we examined the desert bill, and to give you an idea of the scale of the discussion, this piece of blue paper is 1 mile. The entire discussion has been the question of the deletion of 1 square mile from wilderness.

This is the Naval Weapons Center current boundary. This is the proposed wilderness in which this intrusion would not be wilderness. This area would be wilderness. Once again, the interlocking relationship between wilderness and non-wilderness.

The only problem is, the bill, as it was written, would provide access road to the site location, proposed site location, along a 2,000-plus-foot ridge, when if we did a 1 square mile deletion, they could run a road through a wash which had less than an 800-foot elevation shift through the entire area.

It made perfect sense to me. On May 2, I wrote a letter to the author of the bill, the gentleman from California [Mr. LEHMAN], indicating the facts and the requested amendment. I never got a reply. I thought I was following the procedure that was appropriate.

That is why, on May 16, I offered an amendment to the bill to in fact delete 1 square mile.

Following the filing of the amendment, I waited, and it was 10 days before we were able to negotiate a discussion about the possibility of doing something other than deleting the 1 square mile.

The original counter offer from the staff on the committee was that we will allow the opportunity over a 5-year period. We are talking about an emerging 21st century technology, which is in its infant stages. We are dealing with the development of a new type of laser with a new type of energy source combined with a new type of satellite. And they said a 5-year window is what you are going to get.

We countered with a 25-year window, which was, after all, in the original bill that was in the other body by the Senator from California [Mrs. FEINSTEIN], because that is what they said was going to be available for grazing rights. It seemed to us that if cattle and grazing rights had a 25-year window, that emerging 21st century technology ought to have the same window.

That, of course, was not acceptable.

On June 9, we had a second redraft of the proposal which then put a 15-year window into the structure. The problem was that along with the 15-year window came the language that the road route had to be necessary.

Well, we all know the ability to interpret necessary, and it seemed to me I was getting 15 years, and you may get the runaround forever on the definition of necessary. That entered into additional negotiations, and we are now into June, in which I was able to get the suggestion that you change necessary to desirable, because then, obviously, if you have to expend enormous sums of money building a road along a ridge, verses when less than half a mile away there is a route for millions of dollars less.

The CHAIRMAN. The time of the gentleman from California [Mr. THOMAS] has expired.

(By unanimous consent, Mr. THOMAS of California was allowed to proceed for 3 additional minutes.)

Mr. THOMAS of California. If you are going to have to build a road along a ridge, when less than half a mile away was a route that would save the taxpayers an enormous amount of money, then I would prefer desirable, rather than necessary. The counter offer was, yes, you can have desirable but you have to add their language "and such road be located so as to have the minimum practical impact on wilderness values."

Now they gave me desirable, but it has to have minimal impact. It is entirely possible the ridge route, which was the unacceptable route, may be the one with the desirable impact. On the one hand they give you 15 years, and on the other they take it away with new language that had to be put in there. The dance continued.

I said why is it you cannot understand that all I wanted is the opportunity to save taxpayers money in building a road in an area less than 1 square mile? My original amendment was to simply delete the 1 square mile. The deletion of even 1 square mile produced this ongoing marathon language dance to try to indicate that they would hold in front of me a promise that I could not tell people honestly that I could deliver. Deleting the 1 square mile was certainly way to do it.

We have now come to the point where in the negotiations, the language is desirable. Not necessary, but desirable. Desirable so that the taxpayers could save money. And the closing sentence is: "Now, so far as practicable any such road shall be aligned in a manner that takes into account the desirability of minimizing adverse impacts on wilderness values." Not that it was necessary or absolutely required, but so far as practicable.

Over a month of waltzing with language about 1 square mile, which is, using our mileage gauge, less than 1 mile away from an area that is nonwilderness to begin with is exempted from day one, is a graphic example of the kind of relationship Members who represent the area in this bill have to carry on in a working relationship.

□ 1050

Remember, my initial discussion with the author of the bill was left unresponded to, an ongoing discussion over word games, which frankly I thought was a bit much, to preserve the possibility for a 21st century technology, up until just 1 hour before the beginning of the bill on the floor of the House. This is as graphic an example as I can give the Members of the kind of working relationship that has gone on in this institution. It is the area I represent, and I resent the way in which I have been treated.

Mr. LEWIS of California. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, this is going to be an extended discussion, probably over several days, regarding this desert wilderness and park bill. Fundamental to the discussion that we are going to have relative to the amendments that will be before us today is for people of the House to understand exactly what has taken place here on the part of the committee and the way it has been dealing with Members who are elected to represent this vast territory.

Mr. Chairman, there are four Members of the House who represent the California desert. All of them happen to be Republican. All of them are very interested in the desert, having represented it for years and spending much of their lives in the region. Yet it is very, very apparent to me as a Representative of the region that those Members have not just been almost entirely ignored, they have been arbitrarily rolled over by this committee.

I said earlier in our discussions that it is reflective of the thought that in this process, often power does corrupt, but absolute power corrupts absolutely.

Many years ago, approximately 20 years ago, the House addressed itself first to the question of desert wilderness and eventual park development in this region. The House recognized it to be a very complex subject, a subject of critical interest to our national defense, a subject that was very important in terms of the natural resources available to the country's interest, a subject that at least deserved the attention of those who have an understanding of all of the mix of this complexity. So, the House passed what is known as FLPMA, the Federal Land Policy and Management Act which essentially says the complexity is important enough for the country to address. We are going to create a commission that will review this in great depth and make recommendations to the House.

Mr. Chairman, that commission was formed by House action in 1976. It was made up of people who represented all of the interests: The miners, grazers, the environmentalists, all citizens who care about the desert. They met for several years. There were some 40,000 individual comments.

Near the end of the process, a very small group of people, people that I can only describe as elite environmentalists, decided they were opposed to the work of this public commission, and so going back, kind of like throwing mud at the wall, they took all of their wish list in terms of future park and wilderness and put it into a bill. For all intents and purposes, this legislation—H.R. 518—is a reflection of that arbitrary action.

Indeed, this amendment today, Mr. Chairman, represents the extremes to which those extreme environmentalists have gone. We are talking about, out of over 7 million acres proposed in this bill for park and/or wilderness, considering only 640 acres to be placed in wilderness study area status.

Let me share with the Members the significance of this arbitrariness. SELENE is the Greek word for moon, an acronym for space laser electric energy. The purpose of SELENE, a National Aeronautics and Space Administration program, is to develop and test and then provide the technology for beaming laser energy through the atmosphere to high altitude space-borne vehicles, satellites, lunar facilities, and other extraterrestrial objects. I happen to serve as the ranking member of the subcommittee on the Committee on Appropriations that deals with NASA programs. I know of the significance of this effort to not just our national defense, but indeed, the edges of our technology.

As the gentleman from California [Mr. THOMAS] has indicated, this location is an ideal location for our going forward with this technology. The SELENE Program calls for an array of six ground stations that would provide nearly complete global coverage of space. The first site is sited for the Naval Weapons Station at China Lake, CA, an area that has involved this sort of activity for many, many years. Remember, 640 acres is what this is about.

Arbitrarily this committee played games with the author of this amendment, who happens for many years to have lived in, loves, understands, and represents the desert. It is very important for us to know that what we are about here is not just fighting for the sake of fighting. There is not a Member of this body, not a Member, Democrat or Republican alike, who would not be outraged if they were treated like this in terms of their district, as this committee has arbitrarily rolled over those of us who represent the desert.

Indeed, it is incredible to me that we could go forward in this fashion and allow a little outside group to dominate the debate within the committee in such a fashion, and in turn, the interests that are truly American interests, as well as the interests of the people.

Indeed, the very thought that a committee would act in this fashion ought to be unacceptable to the entire House. In the years I have been here, I have never seen this process so tainted.

In the Committee on Public Works and Transportation, where I have served in the past, we have a bipartisan environment; indeed, in the Committee on Appropriations, none of this extreme arbitrary action: No consultation of significance with any of those four Members of this body.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent (at his own request) Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, that is totally unacceptable, and I would hope the Democrats of the House would think "How would I react if this chairman or this committee treated me this way?"

Mr. DREIER. Will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding to me.

I would simply ask my colleague a question. As we look at this map my colleague from Bakersfield has in the well, we are talking about a 7 million acre plan here.

Mr. LEWIS of California. Correct.

Mr. DREIER. If the gentleman will yield further, at the same time we are seriously jeopardizing the national security interests of this country and the space program over a minor part of that, a total of 640 acres, is that correct?

Mr. LEWIS of California. The gentleman is correct.

Mr. DREIER. Mr. Chairman, if the gentleman would continue to yield, how in the world could the committee have done this without having adequate consultation with the Committee on Armed Services and others who are very involved in national security questions?

Mr. LEWIS of California. I certainly cannot begin to answer that question. They will suggest that there has been some consultation here or there.

The gentleman in the well is a gentleman who is the author of this amendment because he represents the territory and knows it very well. I would appreciate it if he would use the balance of my time, the additional time I have asked for, to explain some of those details.

Mr. THOMAS of California. Mr. Chairman, would the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, this is an emerging technology. As the Navy began looking at sites where they could locate the SELENE with the understanding of laser sight lines and energy resources, this area adjacent to the Naval Weapons Center was found to be appropriate.

As we began examining, and as you might imagine, this is a very, very large scaled map of only several square miles, and when we look at most of the maps provided by the Sierra Club or other groups that people have relied on, you tend not to get this kind of scale in your general examination.

We have found, however, that when we went to the topographical lines, which show us elevations, the only available route for the Navy was along a ridge route, which was an extremely expensive way to go. Members need to understand if this technology is perfected the Navy will build the road. They will build it either along the ridge, at an expense of millions of dollars beyond what it would have been for the taxpayers, and they would have preferred to have gone through the wash area, so I notified the committee, I notified the author, that this was in fact a problem we discovered. I did it in a timely fashion, prior to the consideration of the bill's final passage in the committee, and this was not considered. It was not brought up.

I suggested to the author in the letter, and I will include this in the RECORD, that the letter be made part of the RECORD to examine this point.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DREIER. I ask unanimous consent that the gentleman from Redlands, CA, be given 3 additional minutes.

The CHAIRMAN. Which gentleman from California?

Mr. DREIER. The gentleman from Redlands, CA. There is only one gentleman from Redlands, CA, here, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, I know the gentleman from California [Mr. DREIER] recognizes that. I am not sure that the chairman of the committee understands that, but I do appreciate it.

(By unanimous consent, and at the request of Mr. DREIER, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. THOMAS of California. Mr. Chairman, will the gentleman continue to yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. THOMAS of California. The point was, Mr. Chairman, I went what I thought was the appropriate pattern of notifying the committee that this was a concern. I got no response back.

That is the reason why I introduced the amendment to delete the one square mile, only for the purposes of providing an option for the route of the road and saving the taxpayers money. There ensued this waltz of amendment language basically trying to get me to accept language which in fact did not do what I wanted to do in the first place.

☐ 1100

Mr. DREIER. Mr. Chairman, will the gentleman yield so I might ask my friend a question?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. DREIER. I would like to ask my friend, we have the saline project which is an emerging technology. If we in fact do not pass the amendment offered by my friend, the gentleman from Bakersfield, CA, what happens to the saline program?

Mr. THOMAS of California. It will go forward. The road will be built along the access structure that was provided, which will mean taxpayers will be spending millions of dollars more than they would have if we had not come to an accommodation on 1 square mile of area that was otherwise to be classified as wilderness, which I might point out again, once again, is exactly abutted with areas that were excluded from the beginning from wilderness. I am not talking about pulling a pristine heart out of a big chunk of wilderness. I am talking about an area adjacent to the Naval Weapons Center and adjacent to areas that had always been designated nonwilderness. I was simply looking at a corner of access to save the taxpayers money.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the gentleman from California [Mr. THOMAS] testified before the subcommittee on the issue of the California desert. The gentleman at that time was not aware apparently of this particular emerging need and problem, is that correct?

Mr. THOMAS of California. Yes, more than several years ago I testified. I just said, perhaps the gentleman was not on the floor at the time, but I said it became apparent to us when we examined the final iteration of the maps.

Mr. VENTO. Mr. Chairman, I was on the floor.

Mr. THOMAS of California. I wrote a letter on May 2 prior to the final consideration of the committee.

Mr. VENTO. Mr. Chairman, if the gentleman will yield, did the gentleman write a letter to the subcommittee chairman or the chairman of the committee?

Mr. THOMAS of California. I wrote a letter to the author of the bill.

Mr. LEHMAN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am very happy to yield to my colleague, the gentleman from California, to explain why he did not respond to the letter.

Mr. LEHMAN. Mr. Chairman, the letter arrived in my office the night before the markup in the subcommittee.

Mr. LEWIS of California. Mr. Chairman, this is only 1 acre out of 7 million. It was the night before the subcommittee's markup.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, there was no amendment offered in the subcommittee or the full committee consideration of it. I think the thing is that we have obviously tried to make an effort here to accommodate the concerns of the gentleman. I understand the chairman has a second degree amendment which will address this issue.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I am happy to yield to my colleague, the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, perhaps the chairman of the subcommittee was not on the floor when I indicated to him that this was something that came up when we got to maps that more precisely allowed us to more fully understand where the area was. I wrote a letter to the author of the bill on May 2 and did not get a response.

The first paragraph says, "It is my understanding that the Natural Resources Committee will be marking up your California desert legislation, H.R. 518, on May 4, 1994. I would like to take this opportunity to request that you consider offering an amendment to this bill on this subject that is brought before the committee."

Mr. Chairman, I then go into an extensive explanation of why the amendment is needed. I got no response on that letter. I tried to follow the process. I introduced the amendment on May 16. I do not believe the gentleman was here when I reiterated that on May 25, there was a proposal which was unacceptable. On May 26, we countered with what we thought we wanted to do. On June 2, there was a reoffer which was unacceptable. On June 9 there was another counter. Later on June 9 there was a counter back, and today we have had two exchanges along the way over less than 1 square mile to try to save the taxpayers a couple of million dollars.

Mr. Chairman, if the gentleman wants to enlarge discussion to the more than 7 million acres that are in the bill itself, this can be magnified just as this map was to discover all kinds of problems like this. I discovered this problem in a timely fashion, I thought I had offered a possible solution, and we have gone through all of this rigamarole to the point that we are here today.

Mr. Chairman, that is the only point I tried to make, in trying to point out the ability to save the taxpayers millions of dollars by offering an alternate route. What I got was language back which denied me, although it looked like I had the ability to offer that as an alternate route, that denied me the ability to do it.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I say to the gentleman from California, I flew this area with the Bureau of Land Management for a number of days, and I think I know the location. But would the gentleman explain the terrain involved in the 1 acre under discussion and what it might entail relative to the border as it now exists?

Mr. THOMAS of California. Mr. Chairman, if the gentleman would yield further, I will tell the gentleman it is not 1 acre, it is 1 square mile, 640 acres, it represents the 1 square mile area that we want to delete out of the wilderness.

Once again, it is adjacent to an area that is not and never has been designated as wilderness. It is, as the gentleman knows, in that area which is very arid desert that has a lot of erosion that has gone on over the years, natural erosion, and that there are peaks and valleys, there are gullies that are dry washes, and that within a hundred yards of two points, there is an elevation change of 1,500 feet, sometimes 2,000 feet.

The problem was that the area that had been designated as access for the taxpayers to build a road has an average elevation of over 2,500 feet.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(On request of Mr. McCANDLESS, and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from Riverside, CA.

Mr. THOMAS of California. Mr. Chairman, if the gentleman will yield further, the area adjacent to it has an average elevation of 800 feet in relation to the saline project. There are millions of dollars saved by this little finger being excluded.

Mr. McCANDLESS. Mr. Chairman, what we have is a cut through an area that offers drainage from a higher elevation to a lower elevation.

Mr. THOMAS of California. The gentleman is correct.

Mr. McCANDLESS. It is a dry wash in the vernacular of desert terminology. There is nothing in the way of pristineness about it, the acre in question. It is simply a matter of geography and the ability to reach the site in question?

Mr. THOMAS of California. It is geography. But I also pointed out in the letter and to the folks on the committee that the amendment did not block in any way the application of the Endangered Species Act or other laws. I just wanted to keep the option open for building a road in an area that would save the taxpayers money. There was no game-playing on my part.

I thought it was a simple addition because of a failure, frankly, to examine in greater detail, the area.

It only came to my attention, no question, at the 11th hour. That is why there is only the 1 square mile. I did not offer 100 square miles, I did not offer an area adjacent to the Naval Weapons Center running over several other areas that the road could be built. I talked about 1 square mile.

Mr. McCANDLESS. Let us go back to the terrain, if the gentleman will permit.

If we build the road on the area in question, being proposed by the committee, and we are building this road at a higher elevation, is that my understanding?

Mr. THOMAS of California. It is to preserve the option of building it along several routes. If we do not have the amendment, there is only one route.

Mr. MCCANDLESS. That one route would then be at a higher elevation?

Mr. THOMAS of California. The gentleman is correct.

Mr. MCCANDLESS. Which would then be a paved road.

Mr. THOMAS of California. The gentleman is correct.

Mr. MCCANDLESS. Which would create an additional erosion problem at the lower elevations.

Mr. THOMAS of California. In all likelihood. When it rains in the desert, it rains hard, and if it rains on that pavement, it will run off and it will run off down a slope which will cause greater erosion.

Mr. MCCANDLESS. Mr. Chairman, what we have here, then, is actually something that will create greater erosion to the area in question than we would do with what is being recommended by the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, that is the dialog we have had all along. The fact is they wrote the bill, it was in it and they were not going to let it come out all along no matter what. It was the question of losing 1 square mile, not necessarily where it was, it was the loss of 1 square mile. Most of the discussions I have had with these folks is over bulk acreage. No one objected to certain sites which everyone agreed were appropriate wilderness areas. It is this mass grab for bulk acreage that is so difficult for someone like myself to understand who wants to preserve areas that clearly should be preserved. It just came home to me in trying to deal with 1 square mile. They would not give language which would allow it to occur.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time and closing my remarks regarding this amendment, it is very obvious that there are two points to be made here:

First to the Members of the House, if this were their district, how would they react to this treatment that is so arbitrary and capricious? First, our national defense is involved. The cutting edge of our technology is involved. I deal daily with NASA's programs, and this is absolutely ludicrous treatment of that part of the process. Above and beyond that, a Member's district who knows it best.

Mr. Chairman, I would urge the Members to seriously consider how they would react to this kind of arbitrary treatment.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. THOMAS OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California to the amendment offered by Mr. THOMAS of California: Revise the amendment to read as follows:

On page 6, line 24, after the period add the following:

If at any time within 15 years after the date of enactment of this Act the Secretary of the Navy notifies the Secretary of the Interior that permission has been granted to use lands within the area of the China Lake Naval Air Warfare Center for installation of a space energy laser facility, and that establishment of a right-of-way across lands within the Argus Range Wilderness is desirable in order to facilitate access to the lands to be used for such facility, the Secretary of the Interior, pursuant to the Federal Land Policy and Management Act of 1976, may grant a right-of-way for, and authorize construction of, a road to be used solely for that purpose across such lands, notwithstanding the designation of such lands as wilderness. So far as practicable, any such road shall be aligned in a manner that takes into account the desirability of minimizing adverse impacts on wilderness values.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, what we have been treated to here over the last 20 to 30 minutes is a discussion between the Members on the other side of the aisle about an amendment that the committee has agreed to accept. When the gentleman from California [Mr. THOMAS] came to me with this amendment, I believe after Committee on Rules, I said that we would take care of it, that we would work it out, and, in fact, we have worked it out.

When the gentleman from California [Mr. THOMAS] came to me this morning and said that he thought the staffs were being somewhat nitpicking, I said, "Let me take a look at the language, we will work it out," and we have, in fact, worked it out. But rather than discuss this amendment on its merits and the need to accept it and to take care of the problem, they have chosen to try to use this amendment to stigmatize the presentation of this bill and the process by which this bill has been brought to the floor.

□ 1110

Now, the Members of the House were treated to the same debate and discussion during the consideration of the rule, and at that time the suggestion was that somehow the Committee on Natural Resources and its chairman, me, were somehow steamrolling the Members from this area of which this bill is so important to and in fact it is.

At that time I relayed to Members of the House that none of these Members has ever asked me for a meeting, a discussion, or any other type of dialog on this legislation or amendments thereto. That stands true as we stand here today.

It may be very important to them, but apparently not important enough to come and to talk to me about their concerns or their problems. That has not happened.

So let us not try to use this amendment to stigmatize a process that has been very open during these deliberations.

This amendment apparently was known at the subcommittee and was not offered at the subcommittee. This amendment was known at the full committee and was not offered at the full committee, where each and every member of the committee was entitled to offer any amendment they sought.

The gentleman from California [Mr. LEWIS], who spoke on behalf of this amendment, was present during the consideration of this bill in that committee, and the amendment was not offered.

So I appreciate what is going on here to try to stigmatize the bill, because they have not been able to carry the day on the merits of the legislation and the protection of the California desert that is overwhelmingly desired by the citizens of California, a bill that has passed the Senate by 69 Senators voting for it and, I believe, 29 voting against it, a rule that passed overwhelmingly here. This has been, in fact, an open process.

The Committee on Natural Resources at each and every markup protects each and every member of that committee with the right to offer those amendments. That is the way we run the committee, and that is the way it should be run for the committee, for the benefit of all Members, be they majority or minority. The same is true with respect to the consideration of this bill on the floor.

We went to the Committee on Rules, and we asked for an open rule, as we have, I believe, each and every time that we have come to the floor. We have been in request of an open rule.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. When I am done; when I am done. I sat here and let the gentlemen have their debate, and their argument, and now it is my time on the amendment. So the fact is that the record is replete that this has been an open process, and that is the way it will continue today as we consider through the amendments.

We have had negotiations over this amendment. We have had negotiations on other amendments, and that is the legislative process, and the fact is it has worked out in that vein.

So I would hope that the Members who are listening to this debate would understand that is how this bill has been considered, that is how each and every bill was considered in the Committee on Natural Resources, no matter how complex the bill or how simple. Members are entitled to have their say, to get their vote, to get a rollcall, however, in fact, they desired.

Now, those who were not on the committee apparently think they know a lot more about the committee than the members of the committee, but that is how this committee is run, and that is why we continue to come to the floor and ask for open rules, because, in fact, you cannot protect us from anything that would not be considered in the committee, because that is the basis on which we consider legislation in our committee.

So I would hope that we would, rather than trying to dredge up an old stigmatizing of the committee, that was attempted during the discussion of the rule, that we would get on with the discussion of the amendments and get to votes if that is required, to work them out if we can, and get on with the consideration of the legislation.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would simply like to clarify this issue of open rules.

You know, I have regularly praised my friend from Martinez, who has come before the Committee on Rules and requested open rules. In fact, I enjoy calling him "Mr. Open Rule." But the fact of the matter is the preprinting requirement which was imposed under this rule, does, in fact, deny Members from having the opportunity to offer amendments under the standard open amending process. I think the RECORD should show that.

Mr. MILLER of California. Reclaiming my time, the gentleman knows that, in fact, each and every Member of this House was entitled to offer amendments. There was no preclusion.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, each and every Member was entitled to offer those amendments. We made our case for preprinting of the amendments because of this very exact point that the gentleman from California [Mr. THOMAS] stands there with the map. We needed to know the impact of the amendments on the land base which is the subject of this legislation. We are able to go to the map and look at this.

In this case, the gentleman from California [Mr. THOMAS] makes a case that is far more expensive if you have to build a road through the mountains.

At the same time we want to also make sure that, you know, we have problems with this and concerns with this bill and issues that have been raised all along the boundaries, because the boundaries have to be drawn somewhere. So that was the purpose of preprinting, not to preclude Members' rights to offer amendments. We have some 60 amendments, I think, that were offered.

Mr. DREIER. And yet there was a similar situation in Montana but there was no preprinting requirement.

Mr. MILLER of California. Mr. Chairman, it is my time. Regular order.

The CHAIRMAN. All Members will be recognized for debate only by the Chair.

Mr. MILLER of California. Mr. Chairman, I just wish the gentlemen would show some of the courtesy that they complain so hard about. We have rules of debate in this House. Nobody is going to preclude you. You will be yielded to. You do not have to interrupt the gentleman from California. We can go along in regular order, and we can hash this out, and we can have our votes, and you will win and lose.

The gentleman from California [Mr. THOMAS] came here and said he had a time problem. He wanted to know if I was going to recognize members of the committee first. I said, "BILL, go ahead and offer your amendment. You have got to go to the Ways and Means Committee. You have the trade representative over there. Fine, go ahead."

This is a wonderful response to that kind of courtesy, to that kind of deference. But we have come to expect it from the other side.

The fact is we will shortly, when this debate ends, we will accept the amendment of the gentleman from California [Mr. THOMAS] as modified by my amendment, which will allow the road to go through, if necessary, if the technology proves itself out, and in fact this land base is needed, so that is what has been going on here.

At some point I would hope we would vote on the amendment to the amendment as perfected.

Mr. THOMAS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California oftentimes gets on a roll, and that I think he properly criticizes the fervor of some Members in terms of interrupting him, and then in the next breath he criticizes this gentleman from California because I refused to deny or talk other Members out of their right to strike the last word and have 5 minutes.

I did not go beyond any more than the gentleman went beyond in his time limit.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I am happy to yield to the gentleman from California.

Mr. MILLER of California. No, I have not criticized anybody.

Mr. THOMAS of California. No? You clearly left the inference that I wanted to get on here and get out of here, and then through subterfuge wanted to spend the rest of the time here. The rest of the time, after my initial statement, was not of my doing.

Mr. MILLER of California. I am trying to point out we have not tried to prejudice Members' presentations of the amendment. That was not a characterization of what followed.

Mr. THOMAS of California. Reclaiming my time, if you will check what you said in the CONGRESSIONAL RECORD——

Mr. MILLER of California. I know what I said.

Mr. THOMAS of California. You expected that kind of behavior from this side of the aisle, clearly indicating, when I came to you and asked if I could go first, you said the chairman of the subcommittee had en bloc amendments. I said if he shows up at the beginning of the process, certainly, let him go first. I would like to try to be accommodated. He did not make it here.

Mr. MILLER of California. You were accommodated.

Mr. THOMAS of California. He did not make it here. I was accommodated. I used my time, and then the chairman goes ahead, and this is typical of the way in which you turn things. The chairman goes ahead and then, in inference, accuses me of sandbagging the operation.

And the only way I could have not had this extended was to cut off Members who, under the rules of the House, have every right to carry on debate under the 5-minute rule. That is all I want to point out.

Mr. MILLER of California. You have really lost the sun in this debate. You have absolutely lost the sun; if that is your characterization, then your vision is badly distorted.

Mr. THOMAS of California. I have the time. I thought he said he wanted to make sure the rules were honored, and here clearly he violates the rules that he wants to use to stop us. That is an example of the kind of duplicity that goes on around here. You cannot have it both ways. Either you want this side to honor the rules, then your side has to honor the rules. You use that as an argument to silence the gentleman from California [Mr. DREIER] and then you go ahead after I said I reclaim my time yet you continue talking, because you believe you have the right not to have to follow the rules, and I resent the kind of double standard that you use on the floor all the time.

All I wanted to do was point out that a simple amendment offered timely to the author of the bill was not considered. I offered an amendment which solved the problem.

□ 1120

I offered an amendment which solved the problem. We went through six alliterations of a change. And somebody who was not as stubborn as I was would have given up. What we finally did at the 11th hour was beat you back to a minimally acceptable language because frankly if you did not want to go to the one-square mile question of an amendment, I was willing to do that and you knew it and so I got the language that was minimally acceptable. And that is what has been done on every square mile in this desert bill. Your behavior on the floor clearly indicates, and the amendment process here clearly indicates, what we have had to go through and, frankly, this gentleman from California resents it.

Mr. VENTO. Mr. Chairman, I rise in support of the amendment to the amendment and move to strike the last word.

Mr. Chairman, the issue before us in terms of the one-square mile road is of some concern. The basis for some of the negotiations, I might say, are directly related to the military withdrawal of China Lake which has been a long-time military reservation. The issue in the negotiations went on eliminated from perpetuity to a 15-year time period exactly matches those of what we are advocating as the House position in terms of the Engle pact and the withdrawals we have to renew every 15 years. That is the basis of the compromise.

Furthermore, this, of course, is a speculative project. I know some of my colleagues are convinced of the space-age technology and so forth, think that this is and they are absolutely convinced that this is going to become a reality. I do not know as much about it as some of the Members apparently who are present who obviously were trying to work in a fashion that will leave a window of opportunity so that if this goes forward the technology could be developed on such public land area.

I might further say that one square mile area, through a wilderness area, especially a road with the attendant type of activities that go on on roads is has a fairly significant impact on a much broader area than just the one-mile square area. As the gentleman from California [Mr. THOMAS] well knows, who has worked on wilderness with this gentleman before, and on other land use questions, roads have a significant impact in terms of the delivery and access to individuals.

So the question about this really impacts a whole wilderness area, an area that, of course, is in a natural state now. Many of us know, and I know many of the Members on the other side, too, share the view that these wildernesses are not wasteland, that they are not lands that are worthless but are sensitive and should receive our care. So the concern and care with which we approach this—this gentleman was not aware of the gentleman's amendment about which he said he sent a letter. I saw the letter—and he is correct—to Mr. LEHMAN. But we were not contacted and it was not offered. So I was not aware until it was printed in the RECORD. So I instructed staff, along with Chairman MILLER's instruction to work on the issue.

Mr. Chairman, I yield to my friend, the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. I thank the gentleman for yielding. Perhaps the gentleman was not here when I pointed out that the 1-square mile that was suggested for deletion was directly adjacent to a corridor that abuts the Naval Weapons Center which is nonwilderness and that a significant finger to carve out a mine, is adjacent to the other side of the 1-square mile.

So the comments about that I think, need to be looked at in light of the map. Finally, the gentleman said 15 years in the amendment is the appropriate number because of other things that you have done. If that is the case, why was not the 15 years offered originally? Why did your staff come back with a 5-year window?

Mr. VENTO. Reclaiming my time, I think the concern was to eliminate, if there is so much certainty with regard to this, why was not 5 years enough? In other words, once the execution of this was to taken place, the window that is open here, once the execution takes place then the road would, of course, be used, or I assume this site would be used in perpetuity. So that is the basis of the decision. We thought the project was—the concern is how imminent is the project? Of course, that is the degree of confidence that the gentleman apparently did not have with 5 years, and it is 15 years now in the compromise. But the 15 years obviously is the China Lake situation, so there is some symmetry here.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman.

Mr. THOMAS of California. I thank the gentleman for yielding.

The original offer was 5 years.

Mr. VENTO. I understand that.

Mr. THOMAS of California. Then the counter was 15. But the 15 years then was accompanied by language which made it an absolute necessity or it would not be approved. So it was not just the 15-year addition. It was additional language which limited the options and then there was a discussion over what is necessary. We got it too desirable. You then came with another sentence which made it impossible for the phrase desirable to work.

So the gentleman's characterization that we simply came back with 15 years is not borne out by all the facts as between the staffs. I thank the gentleman for yielding.

Mr. VENTO. The gentleman is welcome to the time.

The point with regard to the 15 years I did not characterize with the other language, but I do not agree with the gentleman's interpretation of the argument over "necessary" and or "desirable" in terms of what the impact would have been. The concern, of course, is that we wanted to go forward. I am supporting the chairman's amendment to the amendment of the gentleman from California [Mr. THOMAS] and would just suggest that this is a workable, a reasonable alternative in terms of addressing this particular issue. The other ancillary suggestions, of course, are something that came up late, was not offered in committee and, therefore, we are trying to work it out here on the floor today and I hope that that would be accomplished.

I might say too the gentleman from California has repeatedly stated that the gentleman from Minnesota was not here when he conducted his debate. This gentleman has been here throughout the debate. The gentleman from Minnesota has been here throughout the debate.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. I thank the gentleman for securing this time for me.

Mr. Chairman, this gentleman from Minnesota has been here throughout the debate on the matter, although I did arrive after the amendment was read and entered into the RECORD. I did hear the entire explanation of the gentleman from California [Mr. THOMAS].

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I must say the point the gentleman is making is an important point. This is precisely the point that caused these Members who represent the desert to object so strenuously to the fact that the chairman of the full committee, the night before the full committee markup brought in a substitute that was his substitute without benefit of these Members seeing it beforehand. Rather than having the subcommittee deal with complex details like this, he chose to arbitrarily deal with it in the full committee.

I would submit the least that could have happened with 14 new Members on your committee, that you could have had a subcommittee hearing on this process during this session of the Congress.

Mr. VENTO. Reclaiming my time, the subcommittee, as the gentleman knows—and he testified before the subcommittee—did have a hearing on the California desert bill.

Mr. LEWIS of California. Not on the substitute.

Mr. VENTO. Reclaiming my time, if the gentleman would restrain, I would be happy to yield as time permits.

The point is that the procedure that was followed here is the usual procedure in the committee. Although there is no requirement to submit amendments of substitutes that are substantive, are very significant changes, as the gentleman is aware, there is a practice of trying to submit those to the minority and to the majority Members the day before, as early as possible. Obviously, with a complex bill that is sometimes late. But there is no requirement.

Indeed, of course, many of the amendments being offered today, are on the day of the markup, were not submitted.

If the gentleman will withhold, I will yield as time permits. I would ask for additional time myself if necessary. But the point is there is nothing unusual about this process. It is difficult for Members, I realize it is difficult to keep up with all the issues that we have before us, especially if the Member is not on the committee. But this process is the usual process, it is an open process and it is a difficult process.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

I must say that you are clearly making my very point about the way the committee does operate. It is suggested that the committee often operates in this fashion, submitting substitutes at the last minute. This is a very complex subject, it involves the districts of four Members of this House. An entire substitute at the full committee the night before, on complex issues like this, surely that might have been better handled at the subcommittee level.

Mr. VENTO. Reclaiming my time, I might say that the Natural Resources Committee is one of the most productive committees and produces—works on a lot of different proposals that are complex. The types of changes included in this substitute, I might add, were very much a mirror of what had been introduced by Congressman LEHMAN in the initial bill, and were provisions that had been included in the Senate-passed measure. I do not believe that there were very many issues that were not dealt with by Members.

□ 1130

Now I understand for Members to go home and read a couple hundred pages of material at night is difficult. I must say that, if I want to play the role that I have to play, it is not uncommon occurrence for me, or for other Members around here, to do that. I say, "If you want to be a participant in this type of process, this is the sort of assignment that we get on a regular basis day in and day out."

So, I would just say, "Furthermore, this bill came up the next day, the substitute, all with unanimous consent."

Now I am not saying that our Members were happy with the circumstances, that they had this load of work and this particular prospect facing them. I am just suggesting to my colleagues that this is a process in terms of that we have to deal with, and clearly, in writing this, these subjects have been dealt with by the committee for the last 7 or 8 years. Here on the committee table before us is a whole record of hearings, of issues, almost all—I do not know of any that had been entirely new. There may be different policy initiatives and compromises in here, but all of which, I might say, also went in the direction of the gentleman from California [Mr. LEWIS] in terms of some of the suggestions.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I have one very brief question.

In this committee that operates in such a democratic fashion (small d; big D perhaps) just how frequently has there been a discharge of a measure of this significance in the full committee without a subcommittee markup?

Mr. VENTO. Reclaiming my time, Mr. Chairman, this is not unusual. We have done it for any number of proposals before the committee, the Columbia Gorge, many others, with the concurrence of the subcommittee chairman and the unanimous consent request. This was a unanimous consent. Where any Republican or any Democrat could have objected if he wanted to take on that particular responsibility.

Mr. LEWIS of California. And I presume the gentleman understands that none of the four Members who represent the desert serve on the committee.

Mr. VENTO. I am aware of that, and I think it is regrettable. I wish the gentlemen had taken the time and would have the opportunity to do so, but admittedly I think there are many Members who are friends of the gentleman that do serve on the committee and are associates, and I think, as the gentleman even talks to the Members, and that is big D on this side, but they would have responded. Maybe not in agreement, but I think in fairness.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. MILLER] to the amendment offered by the gentleman from California [Mr. THOMAS]. The minority accepts this. We think it is a good amendment. It adds perfection to the bill.

Mr. Chairman, I yield to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN], the distinguished ranking member of the subcommittee, for yielding this time to me.

Mr. Chairman, I rise in a generic sense and not with specific reference to this bill. The gentleman from Minnesota [Mr. VENTO] said that there is nothing unusual about this process, and that is true. There is nothing unusual about this process except that the whole process is unusual in that there is very little comity extended to the Members whose districts are affected if their point of view happens to be different from that of the elitist majority. I know; I used to be a member of the subcommittee. I have cooperated with the gentleman from Minnesota, and I have opposed the gentleman from Minnesota.

However, Mr. Chairman, the fact of the matter is this House could not and would not pass an omnibus national wilderness bill because, if we had such a bill, every Member of the House would be affected in the manner that the four gentleman from southern California are talking about. Everyone would have problems of this sort to be resolved, and consequently everyone would vote against it because they would not be accommodated in their representative capacity.

The way we go about passing wilderness legislation in this body is generally district by district by district, and it is easy for everybody to gang up on one individual Member; in this case, four individual Members, because it does not affects us. It only affects them.

I know. I had a wilderness bill, it only affected my district, the Irish wilderness bill. I know the gentleman will remember it back in 1983. The language of the law, as I recall, the enabling act of 1964, says that wilderness must be pristine, untrammeled by man, no manmade structures. Well, we made wilderness out of this area in my district that once had been totally denuded, completely logged. A great forest has arisen there again because of good multiuse management by the Forest Service, and at this point they wanted to make a wilderness out of it. We had manmade ponds in this wilderness area that had been built to collect water to be used by the steam engines to haul the logs out. There were barbed wire fences all over the place and fallen-down farm buildings, but still it was designed a wilderness because it happened to be the next best place in Missouri, which produces 94 percent of all of the lead produced in the United States, to find lead. It happened to be the next best place in the country to look for lead and zinc. I realize how unpopular lead and zinc is in this body, but I want to tell my colleagues it provides a lot of jobs in Missouri, and it is worth about $2 billion to our economy. But the elitist interests wanted to shut down this industry and succeeded pretty well. We have got more mines closing every day.

So, Mr. Chairman, I want to say that my sense of empathy and comity for the gentlemen from southern California has been greatly aroused as I listened to this debate. I really believe it would be the better practice of the House to listen in the early instance, the first instance, to concerns of Members who represent the district in which the wilderness is proposed to be located. There are some very serious representational rights involved here that I believe should have the opportunity to come to the top and to be heard, and I do not believe that our process allows for that.

I understand where the gentleman from California, the chairman of the committee, and the gentleman from Minnesota, the chairman of the subcommittee, are coming from. Their point of view happens to be different from those of us on the other side of these issues. So, I raise the point I do because I think it is instructive for the whole House. I say to my colleagues, "Remember that what is happening here, should the Thomas amendment fail, is something that could happen to any single one of you if they want to put a wilderness in your district. Local interests need to be accommodated."

Mr. HANSEN. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN] for having yielded this time to me. Let me just follow up briefly with the general defect and flaw of this plan.

The CHAIRMAN. The time of the gentleman from Utah [Mr. HANSEN] has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. HANSEN was allowed to proceed for 2 additional minutes.)

Mr. HANSEN. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, as my colleagues know, we have a problem in California right now, and the problem is that the people who live in California and the businesses that operate in California, and even the Government presence, the Federal Government presence in California, senses that we represent absolutism and extremism with respect to the heavy hand of Government suppressing any attempt to accommodate either people, or business, or even in some cases national security interests, and because of that the U-Haul trailers are heading in a one-way stream out of California, and it saddens me that we have this situation where there is never bipartisanship, there is never cooperation.

We have 7,000,000 acres that are being proposed in wilderness, and yet the gentleman from California [Mr. THOMAS] in whose district this 640 acres, roughly one ten-thousandth of the land proposed for wilderness, is not accommodated when he makes a very compelling argument, and I just want to recount for my colleagues, who also have lots of good blue-collar constituents who work in the aerospace industry, and the high-technology industry, and many of these businesses that are leaving California, the fact that we would never see this, perhaps, in other States; in Texas for example.

Mr. Chairman, I have some relatives here from Texas today watching these proceedings, and their Democrats would accommodate the Republicans, and they would sit down with the people whose districts were being affected, and I just want to recount for my friends on the other side, because I think it is an important California problem because our people have to eat, they have to put food on the table, they have to send their kids to college, the words of one of our aerospace leaders who made a statement last year: "I will never build another plane in California because of the heavy hand of government."

Mr. Chairman, we are seeing this manifestation of this heavy hand of government in the treatment of the gentleman from California [Mr. THOMAS] and his district.

□ 1140

There is a lot of difference here. I wish we had a relief map here which is 3-dimensional where we could see the extreme difficulty of trying to build this one access road to get to this very important site that the gentleman from California [Mr. THOMAS] has described to us in this debate. There will be a lot of extra expense, and the committee could have accommodated the gentleman from California [Mr. LEWIS], and they did not. I think that was a tragedy.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to H.R. 518, the so-called California Desert Protection Act.

The proponents of this bill claim to represent the people of California when in fact Californians affected by it support a bill that has over 15 years of study behind it, and that is the bill of the gentleman from California [Mr. LEWIS]. The gentleman from California [Mr. LEWIS] and I urge my colleagues to support that bill.

Under the substitute, 2.1 million acres of wilderness would be protected as a result of the studies that include on-the-ground inventories, many public meetings, and the completion of environmental impact statements and mineral reports on such areas recommended for wilderness. Yet the proponents of this bill neglect to tell us about that.

In contrast, H.R. 518 is nothing more than blatant special interest legislation that will negatively impact millions of Californians. Only these few environmental groups support H.R. 518.

The economic impact of H.R. 518 is of great concern to me. The bill comes at a time when our State is in a deep recession. The Bureau of Land Management estimates that management costs for just the South Algodones for law enforcement, equipment, materials, and maintenance in the first year would be $1.2 million. Thereafter annual costs would be $604,000 just for the South Algodones, which is a very small portion of the millions of acres involved.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will yield at the end of my statement.

Mr. VENTO. What I have to offer is related to the statement the gentleman just made.

Mr. CUNNINGHAM. I will yield if I have the time, and I will be happy to do that in just a moment.

But for just the South Algodones, if we have to appropriate additional funding, that is no problem for this body because we do spend money that we do not have, but I guarantee that the check will bounce.

The Bureau of Land Management and the Department of the Interior have identified $6 billion in costs. This is the Department of the Interior, not a Republican group. It is the Interior Department itself.

Moreover, with the existing National Park boundaries, there are private lands totaling 336 areas that have long been authorized for acquisition, but we could not afford to buy the land. If we pass this bill, we still cannot afford to buy it, but the Federal Government is going to have to come up with new appropriations to buy these lands. That is no problem for this body which loves to spend money.

Mr. Chairman, I now yield to my friend, the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank my friend for yielding.

I would just point out that on the South Algodones, the land the gentleman referred to is deleted by an amendment for wilderness in committee, and, therefore, it is not designated as wilderness in this bill.

Mr. CUNNINGHAM. Mr. Chairman, I thank, the gentleman. As a matter of fact, we have hundreds and thousands really of people all over this community who are affected by this.

Mr. VENTO. May we now, with that information, convince the gentleman to support this bill?

Mr. CUNNINGHAM. As I said, that is just one small portion of the total, I would point out to the chairman of the subcommittee.

There are further fiscal hardships on Yellowstone and Glacier National Parks. These parks need adjustment. How can we add 30 million new acres when we are having trouble managing the 80 million we already have?

From a local standpoint, with the unemployment in Imperial County over 22 percent, this legislation would certainly aggravate a serious economic situation. Historically, the desert of California has afforded many of us uses—wildlife habitat, military training, mining, ranching, and farming. And I want to say also that I ride three-wheelers, and I appreciate the gentleman restricting the South Algodones from this bill.

Recreational use in the desert has provided a way of life, as my friend, the gentleman for California [Mr. HUNTER], said, for the blue-collar worker who cannot afford to go on rich hunts. Let us not lock out our people. Let us not lock people out of the desert.

Let us support the bill of the gentleman from California [Mr. LEWIS] that provides for the recreational purposes and for all of the needs we are looking for in the future.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentioned the substitute we will be considering later, and I think it is important that the public as well as the Members understand that the four Members from the desert, who represent the desert, are not opposed to wilderness and they do support our Park System.

Our substitute, which is the item the gentleman mentioned, would still create the largest wilderness legislation in the lower 48 States separate from Alaska by designating 62 areas covering 2.3 million acres. My legislation would also increase the size of Death Valley National Monument an the Joshua Tree National Monument by transferring 108,00 acres from the BLM to the Park Service for Death Valley and 4,800 acres from BLM in the Joshua Tree. These are areas I represent.

The public should know that currently there is a backlog of 22,000 acres that have been authorized for wilderness that have not been acquired. The Santa Monica Mountains alone would cost some $500 million. It is very apparent the public in California is concerned about these kinds of expenditures and they are not ready to produce the money. We just had the defeat of a major parks bill that was on the ballot in California. Indeed that proposition that would create funding for parks was defeated in the very district of the chairman of this committee who is proposing that we add millions and millions of unneeded parkland to the park system.

Mr. Chairman, I appreciate my colleague's yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment offered by the gentleman from California [Mr. THOMAS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. THOMAS], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 1, not voting 42, as follows:

[Roll No. 229]

AYES—396

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
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Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
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Kennedy
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NOES—1

Gonzalez

NOT VOTING—42

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Collins (MI)
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Skelton
Slattery
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Tucker
Washington
Weldon
Whitten
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□ 1206

Mr. GRAMS changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall vote 229, the Thomas of California amendment, as amended, I was unavoidably detained in committee and entered the Chamber as the vote was being announced.

Had I been present, I would have voted "aye."

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I have four amendments that were printed in the CONGRESSIONAL RECORD in accordance with the rule, and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MODIFICATION TO AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the amendments be modified.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments, as modified.

The Clerk read as follows:

Amendments, as modified, offered by Mr. VENTO:

Page 11, line 1, after "a road" insert "and utilities".

Page 16, lines 18 and 19, strike "two hundred forty-nine thousand three hundred and sixty-eight acres" and in lieu thereof insert "two hundred nine thousand six hundred and eight acres".

Page 17, line 4, strike "May 1991" and in lieu thereof insert "July 1993".

Page 32, after line 2 insert a new paragraph, as follows:

(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future Wilderness," dated May 1994.

Mr. VENTO. Mr. Chairman, the modifications in the amendment, and incidentally, I appreciate the cooperation of the minority members of the Committee on Natural Resources and other members, the modifications merely correct the page and line references. They have already been discussed with the minority and they had no objections.

These amendments respond to a number of concerns raised by the Department of Defense. The first of the en bloc amendments would make clear that the authority for a right-of-way between Fort Irwin and the Twenty-Nine Palms area could also be used for utilities.

□ 1210

Mr. Chairman, there is already language about a road there, but there was some question from the Department of Defense whether or not utilities could also be placed based on the language in the bill, so we have clarified that in the first en bloc amendment.

The other three en bloc amendments would change the wilderness designation to leave a number of areas immediately adjacent to Fort Irwin in wilderness study status. The effect of this is to defer decisions about the designation of these areas until Congress acts on the proposals for the expansion of Fort Irwin. We expect these proposals will be forthcoming later.

This is the same as the Senate bill. I might add, Mr. Chairman, that the initial wilderness study areas and the designation decisions and so forth were made early in the process over a period of 6 or 7 years, and obviously events have evolved and Fort Irwin is in a plan and they are looking at perhaps seeking further withdrawals and other modifications that would impact if we designated this as wilderness.

That is to say, we have historically not taken wilderness areas and withdrawn them for military purposes. The effect of this is to leave it in wilderness study status where it will be managed as wilderness but leaves the possibility open for any expansions or modifications to withdrawals for Fort Irwin.

Mr. Chairman, these amendments, I think, are noncontroversial.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to my colleague, the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the minority has looked at this particular amendment. We support it. I believe it is supported by the DOD, and I remember the Committee on Armed Services supported this, we feel it takes care of the problems that we are having with the military issue on this particular piece of legislation.

Mr. VENTO. Mr. Chairman, I thank the gentleman for his support.

Mr. MCCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MCCANDLESS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I was not able to catch the first part of the gentleman's dialogue relative to this amendment. I would ask to engage in a colloquy.

My specific question is, there has been an expression on the part of the Marine Corps at the Twenty-nine Palms Base to have access to the north for a main rail spur which then they would be able to move on the rails the tanks that are a part of the activity there and the training exercises to the west coast or to some location in a rapid deployment procedure as well as to have a means by which to deploy into the Fort Irwin area and vice versa. It is roughly about a 22-mile corridor.

Have we been able to accommodate this?

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's question.

The first part of the en bloc amendment dealt with utilities as well as a road. That was the first en bloc amendment. The remainder keeps the areas around Fort Irwin in wilderness study status. Based on our discussions with the Department of Defense, the bill and the modified version that we are making here with regards to this will meet any of their concerns at this time. I have a letter which so states. We will later be adding, of course, another title, noncontroversial, I think, with the concurrence of the gentleman from California [Mr. FARR], the gentleman from California [Mr. HUNTER], and myself on the withdrawals.

As far as we know, there has been no additional or new requests made. But if a request is made, these lands around here will be wilderness study so a request can be made and studied at that time. So far we have no such request for the withdrawal of the corridor that the gentleman has pointed out. So far as we know, the bill meets all the concerns and considerations of the Department of Defense at this time.

Mr. MCCANDLESS. Do I understand, then, that the language of the bill as it currently exists, in the event that the armed services wish to proceed with what it is that I have discussed earlier, that the language of the bill would accommodate that as it now exists, or would this require an act of Congress to readjust the wilderness boundaries?

Mr. VENTO. Reclaiming my time, we have accommodated the corridor between Twenty-nine Palms and Fort Irwin in this legislation. We have taken other areas and placed them in the wilderness study rather than in the wilderness designation, so if there are further withdrawals, some of those withdrawals would have to come before Congress, being over 5,000 acres under the Engle Act and the bill when we finally conclude it based on the amendments that we have agreed to, that is, by the gentleman from California, Mr. FARR, myself and others, will, in fact, deal with the concerns that the military has raised.

Mr. McCANDLESS. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding.

I want to ask a general question, for I am not sure the House understands the reason for our focusing upon items relative to military land available in this region.

This area is the home of the National Training Center for the Army, that territory which General Schwarzkopf described as the most important in terms of the training required for us to be successful in the Middle East. Adjacent to it by about 30 miles as the crow flies is the Twentynine Palms training base. There are plans in the future to coordinate those activities extensively.

Can the gentleman give me some specific indication as to how many acres would be available under this measure just to the east, if there is a need to move to the east, in terms of Fort Irwin's operation?

Mr. VENTO. The gentleman is aware, of course, there are literally millions of acres of BLM land that is not designated as wilderness or park in the measure that is before us. Immediately in this area, of course, there was a concern in terms of designating wilderness in some area, 100,000 acres. What we are doing in this instance with this amendment is keeping it not as a wilderness designation but as a study area. The concern, as the gentleman from California knows, is that the military, the Army and the Department of Defense, have not requested or asked us for withdrawal or sought a withdrawal of any other land as of this time.

We do not know what the request will be, if there will be a request forthcoming. We are going the extra mile by obviously recognizing that this is in the planning stages at various points, and in this particular instance responding by not designating it, by treating it as wilderness study. Potentially we will have this decision before us when it is sought for withdrawal under the Engle Act as required, over 5,000 acres, and/or we would have it before us at such time as potential consideration of wilderness or nonwilderness.

We are really keeping it in a holding pattern at this time based on the Vento amendment.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield further, I guess the chairman understands the reason for my question. I am very, very concerned that even the current military who may be operating the facility do not have a full recognition of its long-term potential in terms of the training and retraining that we are going to need.

To the east of Fort Irwin is a sizable piece of territory that, as I understand it, is within the part designation. It was territory where we had the training and retraining of troops that were involved in World War II.

Is there a significant number of acres just to the east of Fort Irwin that would be available for expansion under this provision?

Mr. VENTO. Reclaiming my time, yes.

Mr. LEWIS of California. Could the gentleman give me an indication of the number of those acres?

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. I would suggest to the gentleman, I do not have the exact acreage number before me, but it is more than 170,000 acres. We responded to the Defense Department's requests concerning lands available for wilderness by leaving these areas in wilderness study area or undesignated lands and it is adequate to what the request is of the Department of Defense as to the amount.

Mr. LEWIS of California. Mr. Chairman, I have one additional question for the gentleman.

Mr. VENTO. I yield to the gentleman for one additional question.

Mr. LEWIS of California. It is apparent to the membership that this vast area has huge potential in terms of activity that involves flight and overflight, very important to the military. This is territory where the stealth airplanes fly, for example.

What kinds of provisions does the gentleman have in this bill limiting overflight in terms of military activity?

□ 1220

Mr. VENTO. Reclaiming my time, there are no provisions in the current bill. The plan is with regards to adding another title that deals with the military withdrawal, which would, of course, provide for continual operation and ensure a compatibility with the designations made in the bill.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, this particular language and these designations would not restrict the military flights. I would point out to the gentleman though that the gentleman from Minnesota and others have introduced legislation dealing with the overflights issue.

As a matter of fact, it is a very significant outstanding issue, and I know that the chairman, the gentleman from Oklahoma [Mr. McCURDY], of the Armed Services subcommittee, is interested in it, was planning a hearing next week, but had to postpone it. But the subcommittee on Natural Resources, Parks, Forests, and Public Lands, will have a hearing next Friday. So there is a continuing focus on the overflights issue over public lands with regards to all sorts of aircraft in BLM and Forest Service lands.

Mr. LEWIS of California. I appreciate the chairman's response. If I could just comment further. This is important for the membership to understand.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

(At the request of Mr. LEWIS of California and by unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. It is very important the membership understand, but especially the membership of the Committee on Armed Services and the appropriate Appropriations subcommittees, there is little doubt that there is serious potential impact to our ability to prepare for the national defense in this bill. It is my view this bill should have been designed in a fashion to deal with those questions straightforward, that is, in the bill, so it would have gone to the Committee on Armed Services. There is no question it was designed to bypass that committee in terms of this debate. It is very important that the membership know that we need to look at this very carefully.

Mr. VENTO. Reclaiming my time, we have worked very closely with them. We have passed separate bills on these withdrawals. We have passed separate bills in the previous instance and worked with the committee. We have received a letter of correspondence which I will place at this point in the RECORD from the chairman, the gentleman from California [Mr. DELLUMS]. There has been an absolute close working relationship here.

The prerogatives and the powers and the needs of the military, the Department of Defense, are dealt with, will be dealt with in this bill in a way that is noncontroversial and completely supportive of the U.S. military capability and training.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 1994.

Hon. GEORGE MILLER,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed Mr. Vento's proposed amendment to H.R. 518, the California Desert Protection Act. This amendment addresses all of the matters that are the subject of H.R. 880, a bill which was jointly referred to the Committees on Armed Services and Natural Resources. Although Mr. Vento's amendment does involve matters within the legislative jurisdiction of this committee, the Armed Services committee will interpose no objection to Mr. Vento's amendment if it is offered on the House floor, assuming that you will not object to a perfecting amendment that Mr. Farr will offer regarding military overflights.

Thank you for your cooperation on this matter, and if I may be of further assistance to you, please do not hesitate to contact me.

Sincerely,

RONALD V. DELLUMS, *Chairman*.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

(At the request of Mr. MCCANDLESS and by unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I appreciate the gentleman yielding.

I do not want to belabor the issue, but we talked about the posture of the Defense Department.

Although this is not directly in my territory, it is aligned to my territory, meaning my constituency, and the problem we have here over the last couple of years in discussing this corridor is that those in the defense family at the management levels in the area have said in so many words, "We need to incorporate something like this into the plan that you fellows are discussing at the Congress," but because of what one fellow described, and this is nothing to do with the gentleman in question, but because of the buzz saw complexity of the way that discussion is taking place and has taken place over the years, "I cannot necessarily get some of my superiors to get involved because of the complexity of what has taken place in the way of a desert plan."

I thank the gentleman for yielding, and that is the explanation that I got from the Defense Department not getting involved.

The CHAIRMAN. The question is on the amendments, as modified, offered by the gentleman from Minnesota [Mr. VENTO].

The amendments, as modified, were agreed to.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 34, after line 25, insert the following:

LAW ENFORCEMENT ACCESS

SEC. 112. Nothing in this Act, including the wilderness designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as wilderness by this Act.

Mr. HUNTER. Mr. Chairman, my colleagues, we have a complication with respect to the border that is manifest in the Desert Protection Act.

Let me tell you what it is: A number of the smugglers' routes that cocaine smugglers, marijuana smugglers, and alien smugglers use to come into California across the international boarder abut and are adjacent to these proposed desert wilderness areas that come right down to and touch the international border.

As the bill was being developed, we solicited comments from the Border Patrol agencies, and let me tell you what they said to us. They said we have to maintain vehicularized access and aircraft access to these smugglers' routes, even though they now will overlay wilderness areas, because we regularly go in with four-wheel-drives, off-road vehicles, aircraft, to not only pursue smugglers that are going through the wilderness areas, coming back up into the United States, but also "to check our sensors which, out in the boondocks, out in the country, are necessary. These are sensors that allow us to know when large numbers of people, either illegal aliens or narcotics smugglers, are moving north," so it is very, very important that we maintain the right for Federal, State, and local law enforcement officials to pursue smugglers of illegal aliens and narcotics, even though they are coming across now into what will be called wilderness areas which heretofore were not wilderness areas.

Let me just tell you what has happened with respect to the narcotics smuggling industry immediately to the south of San Diego, CA. We have built a steel fence, and the gentleman from San Diego, the gentleman from California [Mr. CUNNINGHAM], has been a partner in building this fence. We have built a steel fence now that covers 14 miles from the Pacific Ocean to the coastal hills. That steel fence has stopped all the drivethrough drug traffic. We had some 300 drug trucks a month that were coming through roaring across the international border with cocaine, going up and hitting the major freeway arteries at highway 5 and 805, going north to Los Angeles, going north to Sacramento, going to Portland, OR, going to every major city in this country, with a cargo that kills our children: cocaine.

Now we have built this steel fence made out of Desert Storm landing mat that is now 15 miles long, and the smugglers initially were interdicted in massive numbers. We increased cocaine interdiction by 1,000 percent when we built the fence, because there were still a few gaps in the fence, and we were able to concentrate our Boarder Patrol and drug enforcement agents at this fence. We were able to catch 10 times as smugglers the year after we built the fence than we had the year before.

However, the smugglers got smart. They moved out into the desert area to flank the fence. Because of that, in Imperial County where these proposed desert areas lay, the narcotics interdiction went from about $113 million worth of narcotics 2 years ago to almost $600 million worth of narcotics last year. That means they have gone up fourfold because the smugglers are now exploiting the desert area.

Now, I have on this map some of the smuggling routes that they are using right now to bring cocaine to our children. One of these smuggling routes that we got from the Border Patrol goes right through the Jacumba Wilderness Area. Another one comes straight up the Imperial Valley and comes up into the Chuckwalla Wilderness Area. Another one comes up right along the Colorado River Valley right into the Pacacho Peak Wilderness Area, the Indian Pass and Julian Wash proposed wilderness areas. Now, I want to read to you just for a second the statement from Manuel Cazares, Deputy Chief Patrol Agent in Imperial Valley with respect to the desperate need to maintain vehiclularized access by law enforcement officials.

He said that for a successful interdiction program:

> We must have total and unlimited access to these areas. We have gone on record stating that we will assist any law enforcement agency in enforcing whatever restrictions are finally arrived at in these areas. Since 1985, there have been 31 deaths in these desert areas. Our officers have rescued 81 people that would have died had our officers not rescued them when they did.

□ 1230

These people were already dehydrated and in bad shape. So in many cases you have illegal aliens coming across the border, getting dehydrated in the desert and it is only because our border patrol is able to come in and save them, either by coming in with helicopters and landing and giving them emergency service before the mobile units or the 4-wheel-drives arrive, and by working the area and finding them they were able to save 31 a year. In addition, though, about 31 a year die in the desert.

So we are going to have a lot of bodies out in this desert if we do not allow the Border Patrol to have continued access.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Agent Carreras says further,

> We are in the Jacumba and also Fish Creek areas almost daily with either 4x4 vehicles or

aircraft. The purpose being to detect the illegal entry of aliens and drug smugglers. We do this by looking for tracks of both people and vehicles and by utilizing electronic detection devices, which have to be checked and serviced on a regular basis.

My friends, it is desperately important that we not, in putting this desert bill together, which is well intentioned, that we do not open up drug havens, safe havens for drug smugglers, because they are very flexible. They will exploit any safe alley created by this act. Unless we maintain the status quo, which is vehicular access, we are going to see people dying in the desert, we are going to have massive doses of narcotics come across this line that destroy our American children.

I would be happy to yield first to my colleague from San Diego, Mr. CUNNINGHAM, and second to my colleague from California, Mr. MCCANDLESS, who has been very concerned about this matter.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Chairman, it is important in pointing out as in Florida when the antidrug efforts put a lot of pressure on the dealers, they moved. With the 300 drug trucks coming through just the San Diego area, we are putting pressure, the gentlemen from California and myself and several others, we supported 6,000 border patrol in the crime bill and we got 600 border patrol last year working with Janet Reno. That will help.

What we are going to do is see them move away from the population areas to the desert. There has also been news in the San Diego press about illegal attempts, because we are shutting them off at those drug corridors and they are attempting to come through the desert. That flow will increase if we do not allow access to the border patrol and law enforcement agents.

The second thing is that aircraft will make low-level flights there if there is no one there protecting it. This is why it is important, and I ask my colleagues to support this amendment.

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, generally I think that first of all wilderness permits emergency and lifesaving and so forth and does permit the use of motorized vehicles in those instances. There is a unique problem here, a dilemma, apparently, in essence.

I just want to ask a question of the sponsor. On page 6 of his amendment his talks about "before the enactment of this act." In other words, he is talking about a date immediately before the enactment of the act. Is that the concern here? In other words, the standard here is what are the activities immediately, the activities that have gone on for 50 years? I think there is some misinterpretation here.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(On request of Mr. VENTO and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. I yield further to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I believe the gentleman understands my question: The language, "before the enactment of this act," we are talking about the immediacy, the status quo which is taking place now.

Mr. HUNTER. Yes. In other words, we are talking about the fact that in asking law enforcement agents to tell us what they are doing, they have come back and told us that they are in the wilderness areas daily with 4-wheel-drive vehicles, and with aircraft, I might add. But that is the status quo. That is what we are referring to, that we continue to have the access.

Let me just say to my friend that as the drug smugglers flank the efforts being made to stop them in the coastal area and they come into the desert in increasing numbers, with increasing sophistication, we may need more of these thousands of new border patrol agents that Democrats and Republicans agree we need, and perhaps more vehicles, more 4x4 vehicles.

Mr. VENTO. If the gentleman would yield further, I appreciate his clarification. I understand that nobody wants to create a safe haven here for anymore by virtue of limiting ourselves in terms of the tools that law enforcement officers need to challenge the illegal aliens and, tragically, those who find themselves in a life-threatening situation because of an action of an illegal entry into the country in this area.

So the issue is a tough one, but I just want to be certain as to what the gentleman precisely means. I appreciate the gentleman yielding and thank him for his clarification.

Mr. HUNTER. I yield to the gentleman from San Diego once again.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

One quick point: There is emergency language, emergencies to allow these vehicles to get in, but if you take those border patrol law enforcement agents out of there, you are not going to have as many people in the field to find those people, and deaths would result.

Mr. HUNTER. I yield to the gentleman from California.

Mr. LEHMAN. I thank the gentleman for yielding.

The gentleman's amendment does not set any precedent here. It deals with a unique situation that we have in this desert area. It allows for those activities to continue, at least not be restricted, that are being engaged in today. It makes sure that nothing in the bill will hamper or restrict or hinder law enforcement in that area.

Mr. Chairman, I commend the gentleman for his amendment. I think he has an excellent way of dealing with the problem here.

I point out this is different than the Senate solution, which would restrict the language to just the three wilderness study areas on the border. This would apply to the entire region as well.

Mr. HUNTER. Yes; I think it is important to read the Border Patrol's answer where they say, "We must have access to all areas because the smugglers would quickly identify which areas are areas in which vehicular access might be restricted." They also find meth labs in this area.

I thank the gentleman for his support and the efforts he has made in putting together this idea that we need to maintain law enforcement capability in the wilderness areas.

I yield to the chairman of the full committee.

Mr. MILLER of California. I thank the gentleman for yielding. I thank the gentleman for offering the amendment. We have had a chance to review the amendment, and we would accept the amendment.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Utah.

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, the minority also accepts the amendment and feels it is an excellent amendment as an addition to the bill.

Mr. MCCANDLESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a little confusion here on the part of the issue, as I see it, and that is why I wish to comment on it.

First and foremost, we have to clarify the separate issue. We are concerned here with existing activities in the desert on the part of narcotics, smugglers, and other types of illegal activities, not the least of which are meth laboratories and a number of other facilities which are stationary but temporary, until they are caught.

Now, if there are meth laboratories established and operating in what is currently a proposed wilderness area, to be made into wilderness under this bill, then without this amendment, law enforcement is hampered by the fact that it cannot move into the wilderness area for enforcement purposes. Therein lies a problem that I have.

The purpose of this amendment is simply to insure that local enforcement agencies will be able to continue their diligent work in these areas. To quote the sheriff of Riverside County, it is "absolutely critical" that they retain unrestricted access to all wilderness areas that are to be created by this bill.

In the desert, it is a well-documented fact that the bad guys are not going to conduct their illegal activities according to the land uses in this bill. Under this bill, Congress will designate 8 million acres of California desert as protected wilderness. How long do you think it will take for drug makers to figure out where to set up their meth labs, or illegal alien smugglers to figure where to hide their human contraband? That certainly is not rocket science. Without regular access by law enforcement, there areas will be congressionally designated "safe havens" for criminal activity.

□ 1240

It is, therefore, essential that law enforcement be provided unrestricted access to all wilderness, all wilderness which will be created by this bill, including the use of motorized vehicles. Let me read for my colleagues two quotes from law enforcement agencies which provide some detail as to the nature of criminal activity in just one part of the desert:

> The Riverside County Sheriff's department, in conjunction with federal authorities, recently conducted Operation Range Rover. This was a coordinated effort to stem the flow of narcotics through the Riverside County Desert Area. The scope of the project was from the Mexican border, north to Interstate Highway 10, between Blythe and Indio. As a result of this operation, we confirmed intelligence indicating that this area is a major thoroughfare for illegal narcotics, including marijuana, cocaine, and heroin. This path is chosen by smugglers to avoid detection by law enforcement authorities. There is also the problem of illegal immigration through the area.—Cois Byrd, Sheriff.

I would point out that two of the wilderness areas to be designated in Riverside County, the Orocopias and the Chuckwallas, are part of the area in which we are now discovering criminal activity taking place, and would be convenient passages north from the border in Imperial County. Therein lies the reason I am standing here.

I wish to do another quote here:

> I can tell you that smugglers of both aliens and narcotics often attempt to circumvent our traffic check operation located on Highway 111, north of Niland, California. They do this by walking and driving vehicles through the Chocolate Mountains Naval bombing range utilizing existing roads that cut through the Chuckwalla Mountains and eventually intersect with Interstate 10, which carries them into the Los Angeles area and points outward. On July 11, 1993, we seized 899 pounds of cocaine worth $28 million attempting to traverse this area.—(Johnny Williams, Chief Patrol Agent, U.S. Border Patrol)

These are wide open and rugged areas, interlaced with designated wilderness areas in this bill. To patrol them effectively, we need to maintain a constant enforcement presence. In order to bust heavily armed drug traffickers, our law enforcement people cannot hike into a wilderness area on foot, nor can they charge up on horseback. Regular motorized access is essential to interdiction and enforcement operations in this kind of terrain.

It should be clear by now that these deserts are a major conduit for the narcotic garbage that is polluting the youth of our country. Much of these drugs go on to the big cities, but I can tell my colleagues that far too much of it stays in my district. I have seen the effects of these drugs in what used to be sleepy rural communities, and most of my colleagues can tell similar stories. So, I cannot be convinced that we can get by with less than this amendment. Do not tell me that, "We are serious about stopping the flow of drugs, but we have to tie the hands of the law enforcement personnel who are on the front lines."

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has expired.

(By unanimous consent, Mr. McCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. McCANDLESS. "Absolutely critical." Those are the words that best define this amendment. Without unrestricted access into wilderness areas, local law enforcement officers can't do their jobs right. The Hunter-McCandless amendment will send two strong messages. The first is one of unqualified support to the men and women in the field on our behalf. The second will signal that it is now open season on those who would commit crimes in the California desert. Help us send this message. Nothing else measures up.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I would like to commend my colleagues, the gentlemen from California, Mr. HUNTER and Mr. McCANDLESS, for their fine work on what I consider to be a very excellent amendment. Each and, I think, every Member of this body has heard from local law enforcement officials about their struggles in the ongoing war against crime and drugs. This amendment cuts right to the heart of their concerns.

As the law is currently interpreted, Mr. Chairman, local, State, and Federal law enforcement agencies are severely hampered in their efforts to prevent the manufacturing of illicit drugs in wilderness areas—not just near the border but throughout the California desert. As if the job of the desert rangers, Border Patrol agents, and county sheriffs is not tough enough already, the bill that relates to the desert, as it was produced by this committee, and actually as it is designed in the other body, the bill ensures that one of the most notorious drug and alien smuggling corridors in the United States remains just the way it has been.

It is very important that the Members recognize that this amendment not only should pass, but it should pass substantially, and we should insist upon this language in the conference. This amendment is different from the bill as it passed the other body in the sense that all 71 safe havens for these drug producers is affected. The 71 wilderness areas, minus the three along the Mexican border, in the Senate bill is a drug lord's dream in my judgment. I say, "If you can only patrol the area on foot or horseback in much of the desert, then certainly you can't expect the law enforcement will be able to effectively enforce the law as it currently stands."

Keep in mind that this desert terrain is extremely rugged.

Recently, Mr. Chairman, I had occasion to travel to an area in the boondocks in my own district, to visit a facility of the kind that we are talking about not too long, not too far distant, from Needles, CA. I was taken to what would appear to be an out-in-the-country wilderness home. It turned out to be a 5,000-square-foot home that literally had not been used for family living. I wondered why we were visiting this facility, and we went downstairs, and there was 10,000 square feet of basement, a very, very elaborate electrical and watering system. The place had been designed in little squares, and they grew various stages of marijuana within this facility because it is in the countryside. It was designed perfectly for this kind of drug producer as well as being a smuggler haven.

So, I say to my colleagues, "It's very important that all of these wilderness areas be addressed as this bill goes forward. Instead of our just paying lip service to the hard-working men and women of the Border Patrol and other law enforcement agencies, it's very important that we address directly the serious drug problems."

Mr. Chairman, drug manufacturing, drug smuggling and illegal alien smuggling need a tourniquet. These problems are out of control in the desert.

Those of us who represent the areas are very, very concerned about making sure we do not send a message that just is lip service to law enforcement.

The message that they want us to pass along to our colleagues is to give them the authority to do the job and do it well. They need access to the wilderness areas. This problem does not just affect communities like Barstow, Needles, Twentynine Palms, and Lone Pine. The drugs that are manufactured in these safe havens in wilderness areas are sold in the inner cities. So, Mr. Chairman, it is all of our problem.

Mr. Chairman, I am going to enter into the RECORD the two very specific letters that I have received from sheriffs in my own territory, Dick Williams of San Bernardino County and Allan George of Inyo County, who very strongly feel we need to maintain this kind of language reflected in this amendment throughout the process.

San Bernardino County sheriff, Dick Williams, says:

> * * * The illegal drug trade has used our desert areas as aircraft landing sites and as

the location for illegal drug manufacturing laboratories. It could literally take days for our officers to hike into some of these isolated locations where drug laboratories have been found and suspects have been arrested * * *

Inyo County sheriff, Allan George, says:

Our department is asking you to seek an amendment to allow local law enforcement access the areas covered in S. 21 and H.R. 518 by using motorized vehicles to preserve the area, and better serve the citizens which use these lands.

Sheriff George goes on to say:

Without being allowed to access to immediately respond to these calls, we will not be able to provide protection and will limit our duty to carry out the protection of life and property.

☐ 1250

Whether or not it is the intent of the other body in their legislation, they have severely restricted law enforcement in connection with dealing with safe havens, and it certainly should go through the entire process. I hope the Members of the House will insist that this amendment go through the entire process. It should not be tinkered with in conference.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to thank the gentleman from California, Mr. LEWIS, along with my other colleagues from California, Mr. MCCANDLESS, Mr. CUNNINGHAM, and Mr. CALVERT, who are very concerned about this issue and who cosponsored this amendment. I want to thank the gentleman for all the attention and effort he has given this problem, because so often we move ahead with legislation that seemingly solves one problem and we find out shortly thereafter that we have massive bureaucratic problems in another area.

Let me say that the drug war is one place where we cannot afford to make mistakes. The guys on the other side who are shipping this stuff are very smart, and they will take advantage of any loopholes that can be exploited. The gentleman is absolutely right when he says that wilderness areas, should they be considered to be off limits for motorized vehicles, will instantly be exploited as havens not only for the transport of drugs but, I think, also for manufacturing. We are finding the meth-labs now in wilderness areas.

I want to thank the gentleman for rounding up the experts in his area who know what is happening and getting their comments on record.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much the comments of my colleague, and I will not take any additional time except to say that the public out there that is worried about drugs and manufacturing and the illicit use of territories like this should be aware of the fact that we are not talking about a small territory. My desert alone in San Bernardino County is large enough to hold four eastern States. We have to give law enforcement the kind of tools they need, and I am very concerned that we will end up finally in conference having language like the other body has produced instead of this very fine amendment.

Mr. Chairman, I submit for printing with my remarks the following letters from law enforcement officials addressed to me:

MAY 5, 1994.

Hon. JERRY LEWIS,
House of Representatives,
Washington, DC.

Subject: S. 21 (Desert Protection Act).

DEAR CONGRESSMAN LEWIS: Throughout the process of Senate Bill 21 moving from the House of Origin to the House of Representatives, I and my staff have continued to raise the issue of law enforcement access to the areas being designated as wilderness area for the purposes of performing legitimate law enforcement functions.

I have attempted on many occasions to educate other members of the congress about the unique nature of San Bernardino County which contains a large portion of the area to be designated as a wilderness area.

San Bernardino County is the largest county in the continental United States with over 20,000 square miles of land mass. A major portion of that area will be effected by Senate Bill 21. Each year the San Bernardino County Sheriff's Department responds to hundreds of calls for search and rescue of lost hikers, and mine explorers. In a desert environment, time is critical in the mortality rate of the victims.

Over the years, modern motorized equipment (i.e., modified motorcycles, trucks with wenches and helicopters with heat-seeking devices) have sped up our response to these emergency situations. This measure, as currently proposed, would prevent the use of this modern equipment in the saving of lives of individuals who find themselves injured or lost in this wilderness area.

An additional concern of ours is that the illegal drug trade has used our desert areas as aircraft landing sites and as the location for illegal drug manufacturing laboratories. It could take literally days for our officers to hike into some of these isolated locations where drug laboratories have been found and suspects arrested. Our experiences have found that many of these drug manufacturers will be heavily armed. The chemicals and solutions they use in the manufacture of narcotics are considered hazardous waste which would make the cleanup almost impossible, by preventing motorized vehicles to enter into the site to remove these dangerous substances from this wilderness area.

I am asking you to seek an amendment to allow an exemption for local law enforcement to enter these areas utilizing motorized vehicles in order to preserve the area for the law abiding public to utilize. It is important to note that currently in several national forests, especially in the Northern California area, drug dealers have taken over large tracts of property to grow illegal crops. The federal government is unable to respond to this problem and must rely on local law enforcement to conduct the investigations and eradication of these illegal crops.

The argument has been put forth that local law enforcement can operate in these areas if they are working in conjunction with federal officers. There is simply not enough federal officers available 24 hours a day, 365 days a year to provide protection to the citizens from both illegal activities and life-threatening emergencies in the area proposed in the desert protection act. Local law enforcement will be receiving the first calls for service and accordingly, should respond appropriately. Without this exemption, we will not be able to provide safety to the public.

We urge you to make our concerns known and for you to request of your colleagues that they not tie our hands in the enforcement of drug trafficking laws by providing a safe zone for drug manufacturers to set up in isolated areas.

I have assigned my legislative liaison, Sgt. Paul Curry to assist you or your staff in resolving these concerns. Please feel free to contact Sgt. Curry at (909) 387-0632.

Sincerely,

DICK WILLIAMS,
Sheriff.

COUNTY OF INYO,
SHERIFF'S DEPARTMENT,
Independence, CA, May 9, 1994.

Congressman JERRY LEWIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEWIS: This letter is to express our concern with Senate Bill 21 and the issue of law enforcement assess to the areas being designated as wilderness for the purpose of performing legitimate law enforcement functions.

Inyo County is one of the largest counties in the Continental United States with over 10,000 square miles. Our primary industry is tourism and our department responds to hundreds of calls for search and rescues of lost hikers and mine explorers.

Our department is dependent on motorized vehicles, 4x4 vehicles, motorcycles, helicopters, and fixed wing aircraft to locate victims where time is of the essence to their survival in a desert type terrain.

Another concern is the use of our lands in Inyo County for illegal drug activities such as labs and landing sites. We feel that in closing the access to these areas by law enforcement vehicles will open the door for illegal Drug Manufacturers and traffickers to use federal lands for this purpose. It would take hours and in most cases days to access these areas by foot and expose our personnel to risks' of being detected by these normally heavily armed suspects. Also, the chemicals used by drug manufacturers are very hazardous and would limit the clean-up activities if motorized vehicles into remote areas were eliminated.

Our department is asking you to seek an amendment to allow local law enforcement to access the areas covered in Senate Bill 21 by using motorized vehicles in order to preserve the area, and better serve the citizens which use these lands.

This bill will affect a large portion of our country and currently much of our county is BLM, U.S. Forest Service, and Death Valley monument property. Our experience working with the Federal Law Enforcement has been a positive one, however they are unable to provide the services 24 hours a day 7 days a week. Our department is usually the first notified and responding agency to any calls for service in these remote area's. Without being allowed access to immediately respond to these calls for service we will not be able to provide protection and will limit our duty to carry out the protection of life and property.

We urge you to make our concerns known and to inform your colleagues of our concerns. This situation will effect each and every citizen visiting the proposed area.

Sincerely,

ALLAN B. GEORGE,
Sheriff,
WILLIAM R. LUTZE,
Undersheriff.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I speak, southern California is being invaded. Invaded by drug dealers—and invaded by illegal aliens—tens of thousands each and every year.

We cannot afford to lose any weapons in the arsenal we use to keep dangerous drugs and illegal aliens out of our country.

But, that is exactly the effect the California Desert Protection Act would have. It would prevent the U.S. Border Patrol and other law enforcement officials from using motorized vehicles within the Coyote Mountains, Fish Creek Mountains, and Jacumba wilderness areas.

I strongly oppose this legislation, but I would plead with my colleagues to support the Hunter amendment to make sure—if this bill passes—that law enforcement officials will be able to patrol these areas and use motorized vehicles if necessary.

The U.S. Border Patrol has identified five popular smuggling corridors running through the proposed Jacumba wilderness area alone.

Please do not make our border more of a sieve than it already is. I plead with you to help our law enforcement personnel by supporting the Hunter amendment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from California [Mr. CALVERT] for his work on this particular amendment and his cosponsorship of this amendment.

I am reminded that the gentleman's district is very close to these wilderness areas where narcotics are coming through on a daily basis. The young children and all the gentleman's constituents in Riverside are very much affected, and there is a very large cocaine and marijuana market in Riverside, in the gentleman's district, that is fed and supplied by these narcotics dealers and the drug lords that are moving this train of narcotics across the international border in these wilderness areas, ultimately up through the roads past Palm Springs and the Palm Springs district, up through the Banning area and ultimately into the gentleman's district. I want to thank the gentleman for his hard work on this issue, and I hope we can continue to work together on it.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the amendment is better crafted than the Senate amendment, but I think the Senate amendment also represents very strong language on this matter. But I am sure that if this amendment is adopted, the conferees on the part of the House will do their best to uphold the House position on the better crafted amendment. But both amendments will have been offered, and that subject is necessary to be addressed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 389, noes 0, not voting 50, as follows:

[Roll No. 230]

AYES—389

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—50

Bacchus (FL)
Ballenger
Barton
Bevill
Bishop
Blackwell
Clay
Collins (MI)
Cooper
Dicks
Faleomavaega (AS)
Fields (TX)
Flake
Foglietta
Frost
Gejdenson
Grandy
Hastings
Hilliard
Johnston
Kleczka
Laughlin
Machtley
McCurdy
Meek
Meyers

Moakley
Murphy
Murtha
Orton
Packard
Pickle
Rangel
Ridge
Roberts
Romero-Barcelo (PR)
Royce
Sanders
Schumer
Shuster
Skelton
Slattery
Solomon
Sundquist
Thompson
Tucker
Washington
Weldon
Wheat
Whitten

□ 1315

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENTS OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer amendments, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. POMBO:

—Page 34, after line 25, add the following:

ACCESS ROADS

SEC. 112. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Argus Range, WSA 132B, Attached Map #7, Desert Map #3–5 & D12 (now Argus Range and Death Valley National Park Proposed—12):

Bendire Canyon Road, 18 Acres, Cherrystem 3 Miles;

Bruce Canyon Road, 12 Acres, Cherrystem 2 Miles;

Knight Canyon road, 18 Acres, Cherrystem 3 Miles;

Kopper King Springs Road, 12 Acres, Cherrystem 2 Miles;

Stone Canyon Road, 24 Acres, Corridor 4 Miles;

Water Canyon Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (74,890) 82,400 – 105=82,395—18 Miles.

Bighorn Mountains, WSA 217, Attached Map #8, Desert Map #8:

Rattlesnake Canyon Road, 36 Acres, Corridor 6 Miles;

WSA Acreage (39,200) 39,200 – 36=39,164—6 Miles.

Big Maria Mountains, WSA 321, Attached Map #9, Desert Map #9:

Move north boundary to Quien Safe Road, Loss of appx. 4,480 acres):

Maria Mountain Road, 12 Acres, Corridor 2 Miles;

Quien Sabe Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (47,570) 49,700 – 42=49,658—7 Miles; Or 49,700 – 4,480=45,220 – 12=45,676—2 Miles.

Bright Star, WSA 160B, Attached Map #11, Desert Map #12:

Cortez Springs Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (9,520 10,800 – 30=10,770—5 Miles.

Cady Mountains, WSA 251, Attached Map #12, Desert Map #14:

Afton/Basin Loop, 54 Acres, Boundary 9 Miles;

Canyon Crest Road, 66 Acres, Cherrystem 11 Miles;

Hector Road, 36 Acres, Boundary 6 Miles;

North Canyon Road, 30 Acres, Cherrystone 5 Miles;

South Canyon Road, 36 Acres, Cherrystem 6 Miles;

Valley Center Road, 102 Acres, Corridor 17 Miles;

WSA Acreage (85,970) 122,000 – 324=121,676—54 Miles.

Chemehuevi Mountains, WSA 310, Attached Map #14, Desert Map #16:

Blue Boy Mine Road, 24 Acres, Cherrystem 4 Miles;

Picture Rock Road, 12 Acres, Cherrystem 2 Miles;

Red Rock Falls Road, 30 Acres, Cherrystem 5 Miles;

Studio Spring Road, 30 Acres, Cherrystem 5 Miles;

Trampas Canyon Road, 66 Acres, Cherrystem 11 Miles;

WSA Acreage (64,640) 95,820 – 162=95,668—27 Miles.

Chuckwalla Mountains, WSA 348, Attached Map #16, Desert Map #19–21:

Lost Pony Mine Road, 12 Acres, Corridor 2 Miles;

WSA Acreage (80,770) 86,400 – 12=86,399—2 Miles.

Cleghorn Lakes, WSA 304, Attached Map #19, Desert Map #22:

Bullion Mountains Road, 24 Acres, Boundary 4 Miles;

Copper World Mine Road, 12 Acres, Cherrystem 2 Miles;

WSA Acreage (34,380) 42,020 – 36=41,984—6 Miles.

Coso Range, WSA 131, Attached Map #20, Desert Map #24:

Joshua Flats Road, 54 Acres, Cherrystem 9 Miles;

WSA Acreage (50,520) 53,940 – 54=53,886—9 Miles.

Dead Mountains, WSA 276, Attached Map #21, Desert Map #27:

Ibis Road, 30 Acres, Cherrystem 5 Miles;

Picture Canyon Road, 24 Acres, Boundary 4 Miles;

WSA Acreage (48,850) 57,200 – 54=57,146—9 Miles.

Funeral Mountains, WSA 143, Attached Map #25, Desert Map #33 & D18 (now Funeral Mountains & Death Valley National Park Proposed—18):

Funeral Mountain Pass, 30 Acres, Corridor 5 Miles;

WSA Acreage (28,110) 28,100 – 30=28,070—5 Miles; Originally 65,000, 36,890 went to DVNP.

Golden Valley, WSA 170, Attached Map #26, Desert Map #34:

Golden Valley Pass, 54 Acres, Corridor 9 Miles;

Steam Well Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (37,700) 37,700 – 84=37,616—14 Miles.

Granite Mountains, WSA 256, Attached Map #27, Desert Map #35, 36 & M7 (now Bristol Mountains & Mojave National Park Proposed—7):

Heritage Trail, 60 Acres, Corridor 10 Miles;

Onyx Mine Road, 18 Acres, Cherrystem 3 Miles;

WSA Acreage (na) 84,980 – 78=84,902—13 Miles; Originally 134,900, 49,920 went to MNP.

Grass Valley, WSA 173A, Attached Map #28, Desert Map #37:

Bird Spring Road, 54 Acres, Corridor 9 Miles;

Grass Valley Road, 24 Acres, Corridor 4 Miles;

WSA Acreage (31,720) 33,000 – 78=32,922 13 Miles.

Ibex, WSA 149, Attached Map #31, Desert Map #40 & D21 (now Death Valley National Park Proposed—21):

American Mine Road, 18 Acres, Cherrystem 3 Miles;

Confidence Road, 18 Acres, Boundary 3 Miles;

Gladstone Mine Road, 48 Acres, Cherrystem 8 Miles;

Rusty Pick Road, 12 Acres, Cherrystem 2 Miles;

Sheephead Pass Road, 60 Acres, Corridor 10 Miles;

WSA Acreage (26,460) 26,460 – 156=26,304—26 Miles; Originally 53,500 27,040 went to DVNP.

Indian Pass, WSA 355, Attached Map #32, Desert Map #41:

Julian Wash Road, 60 Acres, Corridor 10 Miles;

WSA Acreage (35,015) 40,400 – 60=40,340—10 Miles.

Inyo Mountains, WSA 120/122, Attached Map #33, Desert Map #42–44, D6 & 7 (now Inyo Mountains and Death Valley National Park Proposed—6 & 7):

Blackrock Well Road, 48 Acres, Cherrystem 8 Miles;

Blue Monster Mine Road, 66 Acres, Cherrystem 11 Miles;

Bunker Hill Mine Road, 18 Acres, Cherrystem 3 Miles;

Burgess Well Road, 42 Acres, Cherrystem 7 Miles;

Pat Keyes Canyon Road, 24 Acres, Cherrystem 4 Miles;

Seep Hole Spring Road, 30 Acres, Corridor 5 Miles;

Side Hill Spring Road, 48 Acres, Corridor 8 Miles;

Squaw Spring Road, 18 Acres, Corridor 3 Miles;

WSA Acreage (205,020) 205,020 – 294=204,726—49 Miles; Originally 266,300 61,290 went to DVNP.

Jacumba Mountains, WSA 368, Attached Map #34, Desert Map #45:

Easy Pickins Mine Loop Road, 78 Acres, Corridor 13 Miles;

WSA Acreage (34,550) 37,000 – 78=36,922—13 Miles.

Kelso Dunes, WSA 250, Attached Map #35, Desert Map #46–48 & MB (now Kelso Dunes and Mojave National Park Proposed—7):

Bristol Mine Road, 42 Acres, Cherrystem 7 Miles;

Hytem Spring Pass Road, 96 Acres, Corridor 16 Miles;

Hytem Spring Road, 18 Acres, Cherrystem 3 Miles;

Natural Arch Road, 48 Acres, Cherrystem 8 Miles;

WSA Acreage (129,580) 129,580 – 204=129,376—34 Miles; Originally 215,100 85,520 went to DVNP.

Kiavah, WSA 159, Attached Map #37, Desert Map #49 & 50:

McIvers Spring Road, 36 Acres, Cherrystem 6 Miles;

Cholla Canyon Road, 42 Acres, Corridor 7 Miles;

WSA Acreage (88,290) 90,200 – 78=90,122—13 Miles.

Kingston Mountains, WSA 222, Attached Map #38, Desert Map #51–54:

Eastern Star Mine Road, 42 Acres, Cherrystem 7 Miles;

Kingston Wash Road, 60 Acres, Corridor 10 Miles;

Old Salt Lake Trail Road, 84 Acres, Corridor 14 Miles;

Shadow Valley Road, 60 Acres, Corridor 10 Miles;

WSA Acreage (249,368) 269,500 – 246=269,254—41 Miles.

Little Chuckwalla Mountains, WSA 350, Attached Map #40, Desert Map #55:

Little Chuckwalla Pass Road, 18 Acres, Corridor 3 Miles;

Teague Well Road, 48 Acres, Corridor 8 Miles;

WSA Acreage (46,460) 53,000 – 66=52,934—11 Miles.

Little Pichacho, WSA 356, Attached Map #41, Desert Map #56:

Copper Basin Road, 6 Acres, Corridor 1 Mile;

Hess Mine Road, 12 Acres, Cherrystem 2 Miles;

Marcus Wash Road, 24 Acres, Corridor 4 Miles;

Senator Pass Road, 48 Acres, Corridor 8 Miles;

WSA Acreage (36,440) 41,940 – 90=41,850—13 Miles.

Mecca Hills, WSA 343, Attached Map #43, Desert Map #59:

Hidden Spring Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (24,280) 25,360 – 24=25,336—4 Miles; Originally 35,280 9,920 was deleted on map.

Mesquite, WSA 225, Attached May #44, Desert Map #60:

Mesquite Pass Road, 42 Acres, Corridor 7 Miles;

WSA Acreage (47,330) 57,800 – 42=57,758—7 Miles.

Nopah Range, WSA 150, Attached Map #46, Desert Map #63:

Chicago Valley Road, 48 Acres, Boundary 8 Miles;

Old Traction Road, 90 Acres, Boundary 15 Miles;

Pahrump Peak Road, 24 Acres, Cherrystem 4 Miles;

Shaw Mine Road, 12 Acres, Cherrystem 2 Miles;

WSA Acreage (110,880). 116,000 – 174=115.826—27 Miles

North Mesquite Mountains, WSA 223, Attached Map #48, Desert Map #66:

Cub Lee Road, 6 Acres, Corridor 1 Mile;

Old Salt Lake Trail Road, 12 Acres, Boundary 2 miles;

WSA Acreage (25,540) 27,800 – 18=27,782—3 Miles.

Old Women Mountains, WSA 299, Attached Map #50, Desert Map #67 & 68:

Delete from Wilderness Consideration – 146,070=0 (entire area); or

Black Metal Mine Pass Road, 60 Acres, Corridor 10 Miles.

Enterprise Mine Road, 24 Acres, Cherrystem 4 Miles.

Heritage Trail Road, 36 Acres, Corridor 6 miles.

Mercury Mountain Road, 18 Acres, Boundary 3 Miles.

Old Woman Loop Road, 66 Acres, Corridor 11 Miles.

Painted Rock Loop Road, 18 Acres, Corridor 3 Miles.

Sweetwater/Paramount Road, 36 Acres, Corridor 6 Miles.

Willow Spring Road, 12 Acres, Cherrystem 2 Miles.

WSA Acreage (146,070) 191,000 – 270=190,830—45 Miles.

Orocopia Mountains, WSA 344, Attached Map #51, Desert Map #69:

Orocopia Pass, 54 Acres, Corridor 9 Miles;

Red Canyon, 42 Acres, Boundary 7 Miles;

WSA Acreage (40,770) 56,140 – 96=56,044—16 Miles; originally 77,900 21,760 deleted on map.

Owens Peak, WSA 158, Attached Map #52, Desert Map #70–72:

Cow Canyon Road, 18 Acres, Cherrystem 3 Miles;

Sand Canyon Road, 24 Acres, Cherrystem 4 Miles;

Three Pines Canyon Road, 18 Acres, Cherrystem 3 Miles;

Walker Well Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (74,640) 78,200 – 84=78,116—14 Miles.

Pahrump Valley, WSA 154, Attached Map #54, Desert Map #73;

Blackwater Well Pass, 72 Acres, Corridor 12 Miles;

Old Traction Road, 78 Acres, Boundary 13 Miles;

Pahrump Valley Road, 54 Acres, Boundary 9 Miles;

WSA Acreage (74,800) 79,000 – 204=78,796—34 Miles.

Palen/McCoy, WSA 325, Attached Map #55, Desert Map #74 & 75:

Sand Draw Road, 24 Acres, Corridor 4 Miles;

Tank Spring Road, 36 Acres, Corridor 6 Miles;

WSA Acreage (214,149) 225,300 – 60=225,240—10 Miles.

Palo Verde Mountains, WSA 352, Attached Map #56, Desert Map #76:

Clapp Spring Loop Road, 18 Acres, Boundary 3 Miles;

Flat Top Road, 18 Acres, Cherrystem 3 Miles;

WSA Acreage (32,320) 32,320 – 36=32,284—6 Miles.

Picacho Peak, WSA 355a, Attached Map #57, Desert Map #77:

Bear Canyon Road, 18 Acres, Corridor 3 Miles;

Carrizo Falls Road, 18 Acres, Boundary 3 Miles;

WSA Acreage (7,700) 10,499 – 36=10,364—6 Miles.

Piper Mountain, WSA 155, Attached Map #58, Desert Map #79:

Horse Thief Canyon Road, 48 Acres, Boundary 8 Miles;

Lime Hill Pass Road, 48 Acres, Boundary 8 Miles;

Mount Nunn Road, 36 Acres, Cherrystem 6 Miles;

Piper Pass, 42 Acres, Corridor 7 Miles;

Soldier Pass Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (72,600) 86,200 – 204=85,996—34 Miles.

Piute Mountain, WSA 288, Attached Map #59, Desert Map #80;

Fenner Pass Road, 48 Acres, Corridor 8 Miles;

Piute Mine Loop Road, 36 Acres, Cherrystem 6 Miles;

WSA Acreage (37,800) 52,800 – 84=52,716—14 Miles.

Resting Spring Range, WSA 145, Attached Map #61, Desert Map #81:

Old Traction Road, 36 Acres, Boundary 6 Miles;

WSA Acreage (78,868) 84,000 – 36=83,964—6 Miles.

Rice Valley, WSA 322, Attached Map #62, Desert Map #82:

Eagle Nest Mine Loop, 60 Acres, Corridor 10 Miles.

Riverside Mountains, WSA 321A, Attached Map #63, Desert Map #83:

Gold Rice Mine Road, 36 Acres, Corridor 6 miles;

Old Blythe/Vidal Road (Big Wash), 24 Acres, Corridor 4 Miles;

WSA Acreage (22,380) 25,300 – 60=25,240—10 Miles.

Sacatar, WSA 157, Attached Map #64.5, Desert Map #85 & 86:

Sacatar Trail, 42 Acres, Corridor 7 Miles;

WSA Acreage (51,900) 52,600 – 42=52,558—7 Miles.

Santa Rosa Wilderness, WSA 341, Attached Map #66, Desert Map #89:

Pinyon Alta Flat Road, 42 Acres, Cherrystem 7 Miles;

WSA Acreage (53,240) 78,200 – 42=78,158—7 Miles.

Sawtooth Mountains, WSA 060, Attached Map #67, Desert Map #90:

Canebrake Road, 18 Acres, Corridor 3 Miles;

Potrero Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (35,400) 35,610 – 42=35,568—7 Miles.

Sheep Hole Valley, WSA 305, Attached Map #69, Desert Map #91 & 92:

Delete from Wilderness Consideration – 174,800=0 (Entire Area); or

Make Sheep Hole Valley Road northeast Boundary =51,200; or

Sheep Hole Valley Road, 86 Acres, Corridor 16 Miles;

WSA Acreage (174,800) 208,900 – 96=208,804—16 Miles.

Stepladder Mountains, WSA 294, Attached Map #75, Desert Map #100:

Chemehuevi Valley Road, 60 Acres, Corridor 10 Miles;

East Stepladder Mountain Road, 60 Acres, Corridor 10 Miles;

North Pass Road, 36 Acres, Corridor 5 Miles;

WSA Acreage (81,600) 85,300 – 156=85,144—26 Miles.

Turtle Mountains, WSA 307, Attached Map #78, Desert Map #104 & 105:

Castle Rock Road, 36 Acres, Cherrystem 6 Miles;

Heritage Trail Road, 90 Acres, Corridor 15 Miles;

Virginia May Mine Road, 18 Acres, Cherrystem 3 Miles;

Horn Peak Well Road, 36 Acres, Cherrystem 6 Miles;

WSA Acreage (144,500) 189,300 – 180=189,120—30 Miles.

Whipple Mountains, WSA 312, Attached Map #79, Desert Map #106:

Whipple Well Road, 30 Acres, Cherrystem 5 Miles.

—Page 39, after line 4, add the following:

ACCESS ROADS

SEC. 208. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Greenwater Range, WSA 147, Attached Map #29, Desert Map #D19 & D20 (now Death Valley National Park Proposed—19 & 20):

Greenwater Pass Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na), 163,900 – 48=163,852, 8 Miles.

Greenwater Valley, WSA 148, Attached Map #30, Desert Map #D24 (now Death Valley National Park Proposed—1):

Virgin Spring Road, 48 Acres, Cherrystem, 8 Miles;

WSA Acreage (na), 54,600 – 48=54,552, 8 Miles.

Hunter Mountain, WSA 123, Attached Map #30.5, Desert Map #D25 (now Death Valley National Park Proposed—2):

Dodd Springs Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na), 26,400 – 48=26,352, 8 Miles.

Ibex, WSA 149, Attached Map #31, Desert Map #40 & D21 (now Death Valley National Park Proposed—21):

American Mine Road, 18 Acres, Cherrystem, 3 Miles;

Confidence Road, 18 Acres, Boundary, 3 Miles;

Rusty Pick Road, 12 Acres, Cherrystem, 2 Miles;

Sheephead Pass Road, 60 Acres, Corridor, 10 Miles.

Inyo Mountains, WSA 120/122, Attached Map #33, Desert Map #42–44, D6 & 7 (now Inyo Mountains and Death Valley National Park Proposed—6 & 7):

Blue Monster Mine Road, 66 Acres, Cherrystem 11 Miles;

Pat Keyes Canyon road, 24 Acres, Cherrystem 4 Miles.

Last Chance Range, WSA 112, Attached Map #39, Desert Map #D4:

Cottonwood Creek Road, 24 Acres, Boundary, 4 Miles;

Last Chance Road, 42 Acres, Boundary, 7 Miles;

WSA Acreage (na), 44,900−66=4,834, 11.

Manly Peak, WSA 124, Attached Map #42, Desert Map #D16, (now Death Valley National Park Proposed—16):

Redlands Canyon Road, 24 Acres, Cherrystem, 3 Miles;

WSA Acreage (16,105), 20700−24=20,676, 3 Miles;, Originally 27,100, 4,595 went to DVNP and 6,400 deleted on map.

North Death Valley, WSA 118/119, Attached Map #47, Desert Map #D5 (now Death Valley National Park Proposed—5):

Oriental Road, 24 Acres, Boundary, 4 Miles;

WSA Acreage (na), 50,200−24=50,176, 4 Miles.

Owlshead Mountains, WSA 156, Attached Map #53, Desert Map #D17 (now Death Valley National Park Proposed—17):

Lost Lake Road, 48 Acres, Cherrystem, 8 Miles;

Owl Lake Road, 30 Acres, Cherrystem, 5 Miles;

Owlshead Mountain Road, 78 Acres, Corridor, 13 Miles;

Quail Spring Road, 36 Acres, Cherrystem, 6 Miles;

WSA Acreage (na), 136,100−192=135,908, 32 Miles.

Saline Valley, WSA 117/117A, Attached Map #65, Desert Map #D8–10 (now Death Valley National Park Proposed—8):

Eureka Dunes to Saline Valley via Marble Bath, 180 Acres, Corridor, 30 Miles;

WSA Acreage (na), 486,300−180=486,120, 30 Miles.

Surprise Canyon, WSA 136, Attached Map #76, Desert Map #101 & D15 (now Surprise Canyon and Death Valley National Park Proposed—15):

Hall/Jail Canyon High Road, 36 Acres, Cherrystem 6 Miles;

Tuber Canyon Road, 30 Acres, Cherrystem 5 Miles;

WSA Acreage (29,180), 29,180−66=29,114, 11 Miles; Originally 66,200, 37,020 now in DVNP.

Slate Range/So. Panamint, WSA 137/142, Attached Map #71, Desert Map #D16 (now Death Valley National Park Proposed—16):

North Windgate Pass Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na), 86,420−48=86,372, 8 Miles; Originally 106,900, 20,480 deleted on map.

—Page 43, after line 12, add the following:

ACCESS ROADS

SEC. 308. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Eagle Mountain, WSA 334, Attached Map #22, Desert Map #J3, (now Joshua Tree National Park Proposed—2):

Big Wash Road, 72 Acres, Corridor, 12 Miles;

Storm Jade Mine Road, 48 Acres, Corridor, 8 Miles;

WSA Acreage (na) 67,500−120=67,380—20 Miles.

—Page 54, after line 4, add the following:

ACCESS ROADS

SEC. 416. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Castle Peaks, WSA 266, Attached Map #13, Desert Map #M2, (now Mojave National Park Proposed—1):

Coats Spring Road, 12 Acres, Cherrystem, 2 Miles;

Crescent Peak Road, 36 Acres, Boundary, 6 Miles;

Dove Spring Road, 90 Acres, Corridor, 15 Miles;

Indian Spring Road, 12 Acres, Cherrystem, 2 Miles;

Juniper Spring Loop, 48 Acres, Cherrystem, 8 Miles;

WSA Acreage (na) 49,700−186=49,514—31 Miles.

Cima Dome, WSA 237/238, Attached Map #17, Desert Map #M3, (now Mojave National Park Proposed—2):

Deer Spring Loop, 48, Corridor, 8;

WSA Acreage (na) 28,600−48=28,552—8 Miles.

Cinder Cones, WSA 239, Attached Map #18, Desert Map #M4, now MNP—3):

Cane Spring Road, 24 Acres, Corridor, 4 Miles;

Club Peak Road, 48 Acres, Corridor, 8 Miles;

Granite Spring Road, 78 Acres, Corridor, 13 Miles;

Indian Spring Road, 12 Acres, Cherrystem, 2 Miles;

WSA Acreage (na) 63,300−162=63,138—27 Miles.

Fort Piute, WSA 267, Attached Map #23, Desert Map #M6, (now Mojave National Park proposed—5):

Piute Mountains Road, 36 Acres, Boundary, 6 Miles, (Use road as Boundary, loss of 2,480 acres):

WSA Acreage (na) 72,400−36=72,364—6 Miles, Or 72,400−2,480=69,920−0=69,920—0 Miles.

Kelso Mountains, WSA 249, Attached Map #36, Desert Map #M9, (now Mojave National Park Proposed—8):

Kelso Mine Road, 24 Acres, Cherrystem, 4 Miles;

Old Baker to Kelso, Road, 72 Acres, Corridor, 12 Miles;

WSA Acreage (na) 80,500−96=80,404—16 Miles.

Granite Mountains, WSA 256, Attached Map #27, Desert Map #35, 36 & M7, (now Bristol Mountains & Mojave National Park Proposed-7):

Heritage Trail, 60 Acres, Corridor—10 Miles;

Midhills, WSA 264, Attached Map #45, Desert Map #M13, (now Mojave National Park Proposed—2):

Wildcat Springs Road, 36 Acres, Corridor—6 Miles;

WSA Acreage (na) 22,900−36=22,864—6 Miles.

Old Dad Mountains, WSA 243, Attached Map #49, Desert Map #M10, (now Mojave National Park Proposed—9):

Mojave Road Wet Weather Loop Road, 54 Acres, Corridor—9 Miles;

WSA Acreage (na) 100,560−54=100,506—9 Miles.

Providence Mountains: WSA 263, Attached Map #60, Desert Map #M15:

Barber Well Road, 12 Acres, Cherrystem, 2 Miles;

Beecher Canyon Road, 12 Acres, Cherrystem, 2 Miles;

Summit Spring Road, 12 Acres, Cherrystem, 2 Miles;

Tough Nut Spring Road, 36 Acres, Corridor, 6 Miles;

Whiskey Spring Road, 12 Acres, Cherrystem, 2 Miles;

WSA Acreage (na) 64,400−84=64,316, 14 Miles.

South Providence:

Mountains, WSA 262, Attached Map #74, Desert Map #M8, (now Mojave National Park Proposed—7)

Quail Spring Road, 36 Acres, Corridor, 6 Miles;

WSA Acreage (na) 25,700−36=25,664—6 Miles.

Table Mountain, WSA 270, Attached Map #77, Desert Map #M17, (now Mojave National Park Proposed—6):

Woods Wash Road, 24 Acres, Corridor 4 Miles;

WSA Acreage (na) 10,000−24=9,976, 4 Miles.

Woods Mountain, WSA 271, Attached Map #81, Desert Map #M18, (now Mojave National Park proposed—7):

Black Canyon Connection Road, 18 Acres, Corridor, 3 Miles;

Hackberry Mountain Loop Road, 48 Acres, Corridor, 8 Miles;

Watson Wash Road, 24 Acres, Corridor, 4 Miles;

Woods Wash Road, 36 Acres, Corridor, 6 Miles;

WSA Acreage (na) 79,400−126=79,274—21 Miles.

Mr. POMBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Chairman, I want to take some time to correct some of the misinformation circulating around about this amendment. This is not an off-road vehicle amendment. We are not trying to open up the desert to people who want to abuse the land. On the contrary, we are merely trying to maintain the rights of everyday people to use the roads that have been in existence for decades.

Mr. Chairman, I would like to remind my friends who have never visited the California desert that this is a magnificent country, but nothing like the mountains of the East. We are not talking about a wilderness area with a scenic trail running along a mountain stream.

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The desert is unforgiving and can be deadly without adequate water and transportation.

Without this amendment, rock collecting, hiking, picnicking, camping, and exploring are all activities that would be much more difficult if not impossible to enjoy in the desert.

Mr. Chairman, let me cite some examples. As the bill now stands, prime rock collecting areas usually in the mountains will be miles from the nearest roads.

Furthermore, many rock collectors are older Americans who will be unable to walk great distances to pursue their hobby. This is also true for the most scenic hiking, camping, and picnicking areas. The Cady Mountains, a very popular place for day hikers, will no longer be accessible without this amendment. The interior is 6 miles from the nearest road, 6 in and 6 out, an impossible distance without a reliable source of water and vehicle transportation.

Mr. Chairman, another popular pastime, exploring historic trails and ghost towns, will no longer be possible in many wilderness areas. For example, the old Spanish trail through the Kingston Mountains, the main route from Salt Lake City to Los Angeles during the last century, will be closed. The bottom line is common sense. In the desert, when access is cut off, the real losers are the people. The desert is hot and dry and not a good place unless one is in excellent physical condition. Closing roads that have been in use for years is bad policy.

Mr. Chairman, the bill's sponsors say that the valid existing rights and privileges are protected in H.R. 518. While this is true, access to the existing claims and permitted allotments will be denied. For example, Russ Sparrow has a valid existing mining claim in an active mine over 100 years old. Under this bill, the Porter Mine Road which leads to the mine will be off limits. The Pombo amendment simply would permit Mr. Sparrow to drive to his existing claim.

Another example is that on the Onyx Mine Road which leads to a privately owned, valid mining claim in the Bristol Mountains, it would be off limits under this bill.

Mr. Chairman, my amendment seeks to guarantee that ordinary citizens will be able to reach their valid, existing mining claims.

This bill would also negate existing privileges, specifically existing grazing allotments. For example, the bill closes Steamwell Road and Golden Valley Road. These routes provide the only access to the region. Without access to his federally permitted grazing allotment, Billy Mitchell will not be able to maintain the land upon which his cattle graze.

Similarly, Dave Fisher's grazing allotment in the Rodman and Newbury Mountains will be useless unless he is able to maintain and develop the water resources there.

Mr. Chairman, there are examples too numerous to mention of access to mining and grazing claims which would not be permitted under the current use of this bill. Desert wildlife, especially the larger mammals such as deer and bighorn sheep are supported by watering developments placed in remote areas over the years by volunteers. Maintenance to these wildlife guzzlers will be impossible without this amendment.

The roads left open by this amendment are not new. The vast majority have been used for most of this century. They just do not meet the strict definition of a road used in the wilderness inventory. Desert roads are not regularly scraped or otherwise maintained because they become more prone to washout during a rainstorm. All of the roads are clearly marked, all of the roads that I am proposing to leave open are clearly marked in USGS topographical maps and many appear in the Auto Club of Southern California's maps.

Mr. Chairman, now to one of the most important reasons why I feel that we should leave these roads open, and, that is, private property. Property owners are likely to see their land values decrease as a result of being designated within this protected area. To add insult to injury, many private property owners will not be able to reach their property because under H.R. 518, the existing roads will be closed to vehicle traffic. Wilderness areas designated by the bill are approximately 50 percent private property. For example, the townships of Nipton and Goffs, both made up of 100 percent privately owned property, will fall within the boundaries of a national park.

Simply put, many people who own private property in the desert will not be able to reach it under this bill. The weekend cabin of many will be unreachable by car. Property owners who had planned to build a retirement home will lose their chance to do so without vehicle access. There just will not be a way to get to the property located in the wilderness area.

June Southcot will not be able to drive to her property in the Table mountain wilderness. She has been building a cabin there. While the owners of Panamint Springs Store will still be able to reach their property, access to the store's water supply will be cut off. The store will have to close. Even if the property owner wants his property to be included in the national park designation, he should be guaranteed access to it. This amendment will provide that guarantee. Without it, this bill will prohibit many desert property owners access to that property.

The CHAIRMAN. The time of the gentleman from California [Mr. POMBO] has expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 2 additional minutes.)

Mr. POMBO. Mr. Chairman, I have here on a map the Cady mountain wilderness area, the proposed area. If Members will see where the bright spots are, they represent 640 acres of privately owned property. In between these borders, there are no roads currently existing within the bill. What my amendment would propose to do is leave open these existing roads through the middle of this proposed wilderness area so that these private property owners will have access to their property. It does no good to tell the property owners that they are going to be able to maintain their private property and maintain ownership, continue to pay taxes, continue to pay their mortgage if we do not allow them to have access to it.

Mr. Chairman, this is the same thing that we have seen over and over again in many bills that have been put before this House and before these committees, is that they put up the false hope that someone is going to be able to maintain ownership of their private property but in reality it is a taking by the Federal Government of the private property rights of these owners, because we are, No. 1, diminishing the value without just compensation of their property, and, No. 2, we are refusing to allow them to have access to property that in many instances has been in a family for generations just in an effort to lock off this property from the valid private property owners who exist there.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I asked the gentleman to yield only because the map the gentleman has before us is so important and makes such an important point.

Members can see if they will look at existing roadways through a very, very significantly and vast territory of open land that deserves access, in this case along with the roads, and in many areas just like this, it will be put in park and wilderness. For goodness sakes, there are power lines and high lines that go through it. In this bill they are proposing designations like this that has no sense in terms of what we traditionally think of as park or wilderness.

The CHAIRMAN. The time of the gentleman from California [Mr. POMBO] has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. POMBO was allowed to proceed for 3 additional minutes.)

Mr. POMBO. If Members will look at these valid private property areas that are included in this one map, and I have many others if anybody would like to see the others, they will see that without this guaranteed access, without leaving these roads out of the wilderness area and the road only out of the wilderness area, these property owners would have no access to those properties.

As an example, this person right here would be 6 miles from the nearest road in order to reach his private property. How would that person possibly have access to what he pays taxes on, to what he pays the mortgage on without leaving open just these roads? To put it in perspective, each one of these dots on the map represents a square mile. We are not talking about lots in the city. We are not talking about a subdivision here.

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We are talking about every one of these represents a square mile, and you can see that in this region here where many people, many older Americans from my district, go to gather rocks for their hobby of rock collecting and mineral shows, they would have to walk several miles in the desert in order to maintain their private property and maintain their habit of collection.

The other thing that I would like to point out on this map, since I have it up, is these two white dots here represent wildlife guzzlers that were manufactured and are maintained by volunteers in order to supply water in the desert for the abundant wildlife which currently exists and will continue to exist in this area. Without access to carrying supplies and equipment to maintain these guzzlers for the wildlife in this region, those will fall into disrepair and no longer exist, because the volunteers who currently maintain those, without access to these roads, would not be able to maintain that.

So I think that that is another extremely important reason for us to maintain the current and existing roads, not all of them, just the ones that I have outlined in my amendment, so that we can have reasonable access to private property, to valid mining claims, to valid grazing permits that exist in the area, as well as allowing the amount of recreation that currently exists in the California desert to continue and flourish.

Because it makes no sense to set aside this area as a park, as a wildlife preserve, and try to tell people that you are going to increase recreational opportunities in the area at the same time that you are limiting their access to the area. Because if the people who are interested in recreating in the California desert do not have access, you are cutting them off from that opportunity.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is difficult to tell a friend that he has got an ugly kid, but many of us have had to do that, and I am not telling any of my friends across the way that they have ugly kids, but this mother of all ugly bills is ugly, and the kids of it are ugly, and this is a chance to make one of those kids not quite so ugly.

The amendment offered by the gentleman from California [Mr. POMBO] does just that. First of all, not all off-roaders' vehicles, and this is not an off-road-vehicle amendment, but I would like to correct my friend at least by perception that all off-road-vehicle drivers are not destructive to the desert.

As a matter of fact, many of those fees and registration fees go to protect the deserts, and many individual groups actually repair a lot of the desert that has been damaged from natural causes as well.

But 85 percent of the roads in the amendment offered by my friend, the gentleman from California, 85 percent of those roads access private property, and most of us are concerned about private-property rights. That affects every single State of the Union, not just California, as well.

One classic example: In this bill there is one Member, not in my district, but it was brought to my attention by a phone call from the gentleman, who owns a salt lake that he harvests the salt out of that lake. Of course, there is a road that accesses that lake, and under this bill, that gentleman still has the rights to keep his lake, he can still harvest the salt, but, "Oh, by the way, he cannot use the road to get it out."

This is a private-property matter. And we need to address this. Eighty-five percent of these roads access private property.

Most of the time that bills come on the House floor we take a look and say, "Well, does this really affect my constituents, or does it not?" In many cases, bills like this, other Members will say, "Well, it is a green vote. I will vote for it, because it does not affect me." Let me clarify some of these issues. First of all, private-property rights affect every single American, I do not care what State you are from. The cost-shifting and managing of nearly 8 million acres will affect every park in every State, and when your constituents come forward and find that their property and their parks have depreciated because of the cost-shifting required to maintain nearly 8 million acres, which is recommended by this, or give the Interior Department, nearly $6 billion to do that, those costs are going to be taken out of your parks and your recreation and your State.

In addition, the purchase of 336,000 acres of private land, which by the way the gentlewoman from the other body worked a sweetheart deal with one of her big supporters to exclude that group, and under a private and separate authorization will pay for that land, but yet when we have already millions of acres that have been authorized but we cannot purchase today because there are budgetary shortfalls, these additional acres will be added to that.

And guess who pays for it? The taxpayers in all of the States of this country.

Do we want to lock people out of the parks when they are forced to shut down because they do not have the dollars? Just think of what the billions of dollars of adding 8 million acres which, by the way, covers, if you would add many of the Eastern States together, they do not encompass 8 million acres.

California today, Mr. Chairman, over 48 percent of all of California is owned by the Federal Government, and now they want to add 8 million acres to that 48 percent.

And then who has to take care of it? Again, the Federal Government.

But I do not guess that is any problem for this body, because we write blank checks, and quite often those checks bounce.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the discussion surrounding this amendment is an incredible mischaracterization of the bill, the suggestion that somehow the bill would deny access to private-property owners when, in fact, the law demands that they be given access to their property would continue.

The notion here is the suggestion that somehow that if we provide a road to private property for their access that somehow that has got to become a public road. We can provide access to private property and not make that a public road for everyone to use.

The fact is in this legislation, is it currently stands before us, there are over some 33,000 roads that can be used. This goes far beyond what the off-road-vehicle users have asked for. It opens up areas the previous administration, the Bush administration, had recommended be closed. There is no prohibition on hiking, as the gentlemen would lead you to believe. There is no prohibition on access to grazing permits, as the gentlemen would lead you to believe. There is no prohibition, in fact, the law denies a prohibition on access to private property within these inholdings.

We have all experienced that in wilderness areas throughout the country.

Se they are trying to mix apples and oranges here, when in fact what they want to do is open a whole series of roads that the BLM has recommended because of management, because of habitat, because of endangered species, because there are other roads that provide parallel access or access to the same areas, that those roads be closed, and people use those other ones.

So we have opened up hundreds of thousands of acres to continue to be used for motorcyclists, for off-the-road vehicles, for Jeeps, based upon historical use in this area. And I think the Pombo amendment goes far beyond what the Senate agreed to do, what the agreements over there were about the access for public use of these roads, recognizing that there are serious management and habitat problems within this area for various wildlife that has to do with endangered species.

This bill in no way, in no way denies dramatic access to roads for those individuals who enjoy using the desert with off-the-road vehicles or motorcycles or, in some cases, their family car, that people come out and enjoy this, too.

One of the things we did in the committee was to open up the Algodones area that was originally in the bill that was restricted for use, but was actually between two areas where usage was allowed. It just looked like a management headache. People had historically used that area, and I think in some cases they are mainly for motorcycles, and we opened that up also.

So I think that this amendment was rejected in the committee, and far exceeds what anybody has suggested would be necessary or even desired in terms of public access to some of these roads that simply must be closed for the sake of management, and where they are redundant to other roads in that area.

□ 1340

I would hope we would reject the amendment.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. POMBO. I thank the gentleman for yielding.

Mr. Chairman, in my statement I did not say that we were not allowing the grazing, the mining, the private property owners, the hiking, the rock collecting and such to continue, because the bill does specifically allow those activities to continue. But what I was trying to point out in my statement is that it is a false promise to tell people that these activities are going to continue if the access to those activities to no longer allowed. That is the reason for my amendment.

Mr. MILLER of California. Reclaiming my time, at one point the gentleman suggested you could not get to your grazing permit, and the fact is that the bill and the law allow you and do provide for access to that. That was my point. The notion—and obviously what we are doing here and what the Senate did was to create a wilderness area, is not the exact experience that you have in your city park where you can simply drive, get out of the car and do something alongside of the road. That is the purpose of designating this area.

But the suggestion here is that somehow or other hikers, rock collectors will not be able to collect rocks because they will not have access. They are going to have access to millions of acres of land as the bill is currently proposed. They can do that from roads, and as I said, in excess of 33,000 miles of road that continue to remain open for the pursuit of those activities.

Mr. POMBO. If the gentleman will further yield, the gentleman is probably more aware than anybody on this floor that 33,000 miles of road are predominantly in agricultural regions, not the urban areas surrounding the area.

Mr. MILLER of California. That is not correct. In fact, it runs through many of these areas.

Mr. POMBO. There are those that do run through the area.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may, I would like to ask the sponsor of the legislation, the gentleman from California: These red shiny dots here are all privately held lands?

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. POMBO. I thank the gentleman for yielding.

Yes, they are. All of the shiny dots currently represent a section of property which is privately owned; a section of property being 640 acres, or 1 square mile.

Mr. YOUNG of Alaska. The areas that look like roads it allows those roads to continue to be used without——

Mr. POMBO. Yes. Those are current roads, currently being used for access by those property owners. This bill would prohibit the use of those roads.

Mr. YOUNG of Alaska. The gentleman's amendment allows that.

Mr. POMBO. That is correct.

Mr. YOUNG of Alaska. Now if I may ask the chairman, the gentleman from California, is he telling this body that this bill closes these roads off?

Mr. MILLER of California. If the gentleman would yield, it may close those roads off for public use, but not necessarily for access to go to those lands.

Mr. YOUNG of Alaska. The question is: What is necessary? Well, why do you not accept an amendment that says these roads, which are identifiable, already mapped, shall remain open for those private landholders?

Mr. MILLER of California. That is what the law provides, that access.

Mr. YOUNG of Alaska. That law means nothing, because the Park Service does not do as they have been told to do. I know of which I speak because the gentleman from Minnesota told me, as Mr. Seiberling told me, that there would be no problem with access to mining claims in the McKinley Park or Denali Park. There would be no problems in Glacier Park with the existing mining claims that are there, that you would have access. And that is not true. You can no longer go to those areas without getting permission from the Park Service, and they do not issue that permission.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, the problem here is principally with regard to BLM wilderness lands.

Mr. YOUNG. of Alaska. Well, wait a minute. It is under the Department of the Interior, is it not? I am saying if you want to solve this problem where we have existing valid rights here, where people own their lands, retirement homes, mining claims and grazing areas, they have existing roads—we are not talking about building any new roads to accommodate the gentleman from California. These people, who happen to be American citizens, they want to say in the bill that these roads shall be available for those who have valid existing rights in this area. Now, what is wrong with that?

Mr. VENTO. If the gentleman would yield further, I would point out some of the concerns with regard to Glacier Bay, I am informed that the claims are under the glacier.

Mr. YOUNG of Alaska. It makes no difference. You have no access to it. You cannot mine. You know that, Mr. Sloss, they cannot start in the mining area.

Now, wait a minute, it's my time, my time.

They denied the right to that area. We were told in committee, "Don't worry about it, your claims will be protected." But the Park Service says, "No, no," they have a huge deposit, and it cannot be used, and they lost the value of that. I was on this floor when they did it. You talk about this great California wilderness bill; try 147 million acres in one fell swoop. Try that for size.

Then we go to Denali Park or Glacier Park, if you wish to call it that, we have miners in there. Now the solution is, may I remind my good friend, the solution is we are going to take tax dollars from the American citizens and buy those claims out not because they want to sell them but because they have to because they cannot operate in there with the Park's restrictions. They are no longer compatible. But we were told, "Don't worry about it, existing rights shall remain with those that have them. Don't worry about it. We will take care of you." The check is in the mail.

Now, I am just asking one little simple amendment to have Mr. POMBO's amendment accepted or say any roads in this area shall be available, shall be available for those private landholders. Now, what is wrong with that? I listened to this debate over in my office, I watched what was going on here, and it is absolutely true. We have too many acres today in parks that are not being taken care of. This is not a wilderness, by the way. We have power lines, roads, and access here, and we are making a wilderness out of it. As the gentleman from Missouri said, the Irish wilderness was not a wilderness until they found lead. It was an area that had roads and farms and everything in it, but when they found lead, it became a wilderness.

It is the same case with this so-called California wilderness bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG. of Alaska. I would gladly yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding and the gentleman who is in the well who is the ranking Member and has had to deal with this committee and the issue for many years——

Mr. YOUNG of Alaska. Twenty-two years.

Mr. LEWIS of California. We have similar frustrations, that which we have experienced. I must say in this discussion the question the gentleman is asking about individual property owners, a section of land, access to their land. Why not a bill that says, "You shall have access"? I wonder if you could ask that question not of the chairman of the committee or the chairman of the subcommittee but the author of the bill, Mr. LEHMAN, who has yet to speak to this issue. I would like to know what he thinks about individual property owners having access.

Mr. YOUNG of Alaska. Well, he will have his own time.

I want to suggest the key to this body has been representing the private landholder, and I said——

The CHAIRMAN. The time of the gentleman from Alaska [Mr. YOUNG] has expired.

(By unanimous consent, Mr. YOUNG of Alaska was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. The private landholder, I am not asking to change the definition of the bill here. I am saying let us give them some consideration. What right does this body have to impose our will on those people who have done no wrong, that have this land under present law? For some reason we have forgotten what the Constitution says and what our role in Congress is.

Yes, we want to protect the environment, but do we want to lose the rights of individuals to protect the environment? We are not asking much. I am just asking Mr. POMBO's amendment be accepted, giving access over existing roads, no new roads, no new trails, existing roads to be left intact. That is all he is asking. If we take that away, this body has lost sight of the American way. Regardless of what you may say and all these interest groups—the Sierra Clubs, the friends of yours, all 57 of these leeches around this area of Washington, DC, dictating to the Members of this body as to what they should do with their lands, and not the people in the area. That is what upsets me about all this legislation. This is not driven by the people at home, it is driven by the people out of L.A., San Francisco, it is driven by the people belonging to these organizations.

If you are doing this right, make this a recreational area and protect those people who have those rights given to them under law. Protect them. Don't say protect them and then not do it. That is wrong. That is what we have been doing in the past, time after time.

I yield to the gentleman from California.

Mr. MILLER of California. The gentleman knows what the Wilderness Act, under which this is a proposal for wilderness, provides for that access. Section 5(a) in fact does. What it does not provide is what Mr. POMBO wants, which is general public access on those roads. That is not necessary to protect those individual's rights to their property. In fact, what the gentleman——

Mr. YOUNG of Alaska. Reclaiming my time, the gentleman knows, Mr. Chairman, as I do, never has that right been used by the agency—it has not, it has not, it has not—I am saying, accept Mr. POMBO's amendment that they shall have that right, no question. Not at the discretion of BLM, not at the discretion of the Park Service or a Secretary of Interior. No Government agency should have that right over the private landholder. That is a simple way to go. Let those people have their rights under our Constitution. Do not say to the agency that we have a law that protects them. Sure, you can go to court, some agencies can file suit and say you cannot do it. Some interest groups will file suit that say you cannot do it. There will be some who say you can do it.

I am saying let us protect these little people. That is what America is about, the little people. It is not these huge organizations.

I hear people condemn the mining interests and the timber industry. But the biggest organization in the United States today is the so-called elite environmental community that is driving this Congress to taking land out of the productive role.

☐ 1350

That is the group we should be fighting. Let us think about the American worker and the little person, not the large group of environmental groups.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. POMBO], and let me first make very clear that this amendment really does not have anything to do with private property rights. Those rights are protected. Those rights are protected for the people who own their property, and access to the property is protected. It is protected under common law, and it is protected under the various aspects of this bill.

What is attempting to be done here is, first of all, exactly as the chairman described, an attempt to open these roads up for general public use. But what concerns me more here is the eleventh hour attempt to undo the lengthy, careful and deliberative process I and others have undergone for 4 years now to try to make incremental, piece-by-piece, road-by-road determinations as to what ought to be left totally open for all use, what ought to be left simply for the use for which the road was probably created in the first place, and what is needed to ensure access to property. It does not make any sense to have certain roads out there, because many cause nuisances, because many are counter to the provisions of this act, or because in many cases, there are other ways of getting to the same place, and we do not need to police that many areas at the same time.

I would point out that the amendment that the gentleman from California [Mr. LEWIS] will offer as a substitute, contained 62 wilderness areas in it, and will close many roads off to public use itself. So, the issue here is not pro-private property rights versus anti-private property rights. What we are talking about with the substitute of the gentleman from California [Mr. LEWIS] and with the proposal before the House is how many wilderness areas there are going to be. These bills treat those areas the same way with respect to the same wilderness areas.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. When I finish, Mr. Chairman, I will yield to the gentleman. I have not interrupted anyone here today.

We have in this bill probably the most permissive language regarding grazing in a national park ever to come before the House. It allows grazing in perpetuity under this law and, indeed, is opposed by some members of the Natural Resources Committee, and they may try to take that out later in this bill but the language in this bill totally allows everyone with a grazing right today to maintain that right in perpetuity into the future.

We have looked at every one of these areas time and time again and will continue to look at them from now through the conference. As recently as the full committee meeting, Mr. Chairman, this Member authorized a successful amendment that took 59,000 acres of private land out of the bill. At my request, and at the request of the gentleman from California [Mr. HUNTER] over here, the chairman took language into the bill that took 62,000 acres of high quality recreation area in the South Algodones Dunes out of the bill. Two years ago, when this bill was on the floor, the gentleman from California [Mr. HUNTER] in fighting for that language at that time said that a hundred thousand people would be closed out unless we deleted it.

Well, in the bill that is before the House today, Mr. Chairman, we have made that adjustment. We have been making adjustments as the bill goes on where the case is substantial and where we are certain about what we were doing, and we will continue to do so.

I lost on one amendment in the committee myself. Talk about an open process. I offered an amendment that I thought made a reasonable extension of some roads going to about a third of what is in the proposal of the gentleman from California [Mr. POMBO] here that I thought was reasonable. I lost that in committee. The sponsors asked me not to bring that amendment back up on the floor today, thinking, we will discuss it in conference, which we will. But to go about it in this fashion today, to indiscriminately open these wilderness areas up without knowing what we are doing is not smart, when the fact is, which was pointed out in a recent McClatchy newspaper editorial, we have 500,000 miles of these roads in California. So this is certainly not going to destroy any industry or anybody's recreation.

If the case can be made that this is necessary, Mr. Chairman, then let us look at it on a case-by-case basis, and I would be happy to work with the gentleman to try to do it, just as there are additions other than this that I would like to see made in the bill as well.

The industry with the most stake in this issue frankly is the utilities in California because they have rights-of-way all over the State. They have gas lines; they have electricity transmission lines. Where are they on this bill? None of them are opposed to this bill. In fact, Mr. Chairman, most of them are actively supporting the bill that is on the floor before us today because they are certain that their access to those areas is already guaranteed under the provisions of this act. And believe me, they have got the lawyers to tell them otherwise if that were the case.

We have gone about this deliberatively, carefully, cautiously, and where we thought there was a doubt, frankly we tried to err on the side that the gentleman from California [Mr. POMBO] is coming from. But the bill, as it is written, now makes sense. Yes, it can probably go somewhat further in my opinion, but this is not a private property issue.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to just point out that we have private inholdings on the wilderness on a regular basis. I mean it is not very common in this area as almost all of it is public land, but somebody has some claim or maybe even a patented area. But the point is that in terms of national consistency should we treat the question here as from a national wilderness system? Are we going to have a national wilderness system? Are we going to treat the California desert in a different way, in a way that is absolutely unique? That is really what the question is here with regard before the body. If we are going to treat this in a way that is completely different, it is not the case today, and I thank the gentleman for having yielded to me.

The CHAIRMAN. The time of the gentleman from California [Mr. LEHMAN] has expired.

(By unanimous consent, Mr. LEHMAN was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I think the gentleman from Minnesota [Mr. VENTO] makes an important point.

First of all, I just visited a wilderness area where people had access in those inholdings by airplane, by boat, by motor vehicle, to mining claims, to hunting lodges, to resorts, to private residences all throughout one of the largest wilderness areas in this country, in Idaho, in the Frank Church. And the fact is that all over the country we have wilderness in national parks with inholdings that have access to those private properties because the Congress has never had the desire to deny those individuals access to that.

That is not what the amendment offered by the gentleman from California [Mr. POMBO] is about. The Pombo amendment is about a lot of people who would not agree with the American Motorcycle Association, would not agree with the bipartisan agreement on the Senate side on the roads that they thought were necessary to continue that and wanted just to open up all of the existing roads for whatever purposes available, and that simply is incompatible with the purposes of this bill, and the intent and the support the Californians have for this bill. So, as my colleagues know, to suggest that somehow this is to change the scale and people are not going to get access is simply to deny history and to deny the law that says, "You shall be." "You shall be," section 5(a), "You shall be given access."

The CHAIRMAN. The time of the gentleman from California [Mr. LEHMAN] has expired.

(By unanimous consent, Mr. LEHMAN was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I certainly would like to have the author of the bill have as much time as he would like. I appreciate my colleague for yielding.

My colleague is, I believe, very sensitive to the problems of grazers, et cetera. I know he comes from a farming district. I do know he also knows that these environmental groups from the urban centers, often go to excess, and I gather from the gentleman's statement that it is his intent this grazing be provided in perpetuity in his bill.

Is that correct?

Mr. LEHMAN. That is what the bill before the House does.

Mr. LEWIS of California. I beg to differ with the author, for I would refer to page 46 in the bill under section 409 that deals with grazing. The language specifically says the privilege of raising domestic livestock on lands within the park shall continue to be exercised at no more than the current levels subject to applicable laws and National Park Service regulations.

The gentleman knows full well the Park Service does everything it can to cut the throat of the grazers who might want to use that land. Clearly the grazing community is unhappy with the language that is involved here.

Mr. LEHMAN. Well, I object to the gentleman's characterization of the Park Service, and this land is in the park. Previous language in the bill originally did not allow any grazing. We amended that in the bill 3 years ago to make it 25 years that they could graze. Now we have taken the further step of permitting it, at my request I would point out, in perpetuity in the park area.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield further?

Mr. LEHMAN. I yield to the gentleman from California.

Mr. LEWIS of California. If that is the gentleman's intent, it would not be difficult to simply design a minor amendment that would allow for grazing in perpetuity in this territory. Would the gentleman be willing to accept such an amendment?

Mr. LEHMAN. This is what is in the bill.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from California.

Mr. MILLER of California. I would just say that the gentleman is quite correct. That is what the legislation allows. Those people who have those permits will be allowed to continue them, as they currently do under existing law, and the designations of these areas will not impair that, and they will have to comply with the laws of the United States of America like every other citizen.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Minnesota.

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Mr. VENTO. I would just point out that existing permittees today, people permitted to graze, only have assurances from 5 to 10 years for the option for a permittee under present law. The issue here, of course, is one I disagree with in terms of the "in perpetuity."

In essence, what you are saying is that the Park Service would not have the discretion that the BLM has today. Your zeal to help and satisfy some of these sort of questions that are being raised, which I think are really off the wall, I think we have gone too far. I intend to address that.

The truth is, of course, that these are hot desert areas, they are sensitive areas. These cows get more miles than your old Chevrolet. They are running around competing with the desert tortoise, and so forth. I want to assure my friend from California, you are going to have a debate on grazing in the parks here today. But the issue of that in perpetuity is not long enough, that 25 years is too short. The truth of the matter is you are taking away the power and discretion that the BLM and Park Service would have today under the normal course of things. These are just per my test. There is no intransigent right to graze.

Mr. LEHMAN. Mr. Chairman, if the gentleman will yield further, the chairman has indicated his purpose is to eliminate grazing from this language.

Mr. HANSEN. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this particular amendment. I have been on that committee for 14 years now and I have passed a wilderness bill in my home State of Utah. I still remember the distinguished gentleman from Ohio, Mr. Seiberling, making some comments on how certain roads would be. Unfortunately, that has not come about.

I am always astounded as we stand here upon this particular floor and talk about wilderness bills, because we fly in the face of the 1964 Wilderness Act. I took it upon myself to go back and read all of the information that happened in the Wilderness Act. Like a court would say, the dicta. What was said on the floor, what was said in committee.

It came down to when it said untrammeled by man, pristine, as if man had never been there, we talked about cattle ponds, we talked about roads, we talked about power lines. And even one person said that roads meant two tracks. I do not know if that is correct, but that is what some people said.

Now, we come in with bills like this, and the Pombo amendment goes right to the heart of it, flies in the face of the 1964 Wilderness Act. The question Members should be asking is why are we even looking at an area that has homes in it, that has roads in it, that has cattle ponds, that has all of these things in it. It should not be in wilderness to started with.

The gentleman is trying his very best to do what he can to take care of a situation. I do not know which chairman, said that this is already taken care of in existing law. Let us read the existing law and see if it is taken care of.

Here is what the existing law says regarding this issue. In any case where State-owned or privately owned land is completely surrounded by national forest lands—let me repeat, national forest lands—within areas designated by the act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land.

But it does not say BLM, it does not say park. The law is silent on that point. Because the law is silent on that point, it is necessary, and I think it was very intelligent for the gentleman from California [Mr. POMBO] to take it upon himself to say we are lacking somewhere in this bill. We have not covered our bases, in order to take care of access for these people who have a perfect right to go to their ground. We have to come up with some way to do it.

So the gentleman has done this by putting that in there.

Mr. VENTO. Mr. Chairman, if the gentleman will yield, I did not want to interrupt the gentleman's presentation, but if he looks at page 28 of the bill, I realize I was saying the bill was 200 pages long, it is only 69 pages long, but nevertheless, page 68, section 103, the general powers of the Secretary of Agriculture requirements are also deemed to be exercised by the Secretary of Interior for the purpose of administration of wilderness areas.

So the gentleman is correct in terms of his observation with regards to national forest lands and the Secretary of Agriculture. But the same rules apply. This is apparently a general instruction that is used and has been used in wilderness bills. As far as I know, they have the discretion in those circumstances.

Mr. HANSEN. Mr. Chairman, I thank the gentleman for his comment. Let me respectfully say, I remember the days that James Watt walked in as the Secretary of Interior and the gas position that some of our colleagues had regarding that. Some folks did not think he lived up to it.

I remember when our current Secretary of Interior came in. Frankly, I am having a very difficult time feeling comfortable with our current Secretary of Interior when it comes up to leaving it up to the discretion he may have. I do not want to put that kind of power in any secretary that comes along, because the difference between these two individuals is as night and day. If we have to wait for a personality clash with the Secretary of Interior, to me it would be much more intelligent to have it in the law and lay it to rest at this particular point.

The CHAIRMAN. The time of the gentleman from Utah [Mr. HANSEN] has expired.

(By unanimous consent, Mr. HANSEN was allowed to proceed for 3 additional minutes.)

Mr. HANSEN. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding. I just would point out this is not a discretion. It says it shall be administered in the same manner as the secretary. So it is a mandated requirement on page 28 of the bill, section 103.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I appreciate that comment. I also have those reservations because of practically seeing how it happened in the States of Utah, Colorado, Wyoming, and Montana. I think we can put it in the law.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. Mr. Chairman, I am happy to yield to my friend from California.

Mr. CUNNINGHAM. It has been mentioned several times that the South Algodones has been removed from the area. I would like to thank the gentleman from California [Mr. MILLER], the chairman, for doing that, because a lot of people came. There are still a lot of folks upset. I think to provide access to these things, you know, even the gentleman from California [Mr. LEHMAN] mentioned that he had in the bill, though the process was not served, of only about one-third of the roads. So there evidently is a problem that the gentleman from California [Mr. LEHMAN] wants to clarify one third of the roads. Then we need to support the gentleman amendment of the gentleman from California [Mr. POMBO].

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I think it is important for us to realize one fact the gentleman from California [Mr. POMBO] made earlier. There are a lot of folks that cannot put a backpack on their backs and walk 10 miles out to enjoy the paloverde tree or the ironwood tree or campsite they have been going to for 20 to 30 years. In my district you have people who have visited the same campsite for two or three generations.

You have to have vehicles to enjoy the desert. The point is we are not taking vehicles off road. The Pombo amendment allows people to access the same roads they have been using. So we have got roads in strategic places where a person like Ida Little can conduct the wild flower tours she has been conducting for the last 20 years or so. She cannot put a backpack on at over 70 years of age and stride off into the sands to do that.

The desert is a great resource, not just for the young, strong people who have subscriptions to Backpacker magazine, but also senior citizens and people that have been going there for generations. If you take away their right to those roads and their vehicles, then you have taken them out of the desert.

Mr. HANSEN. Mr. Chairman, reclaiming my time, let me just say that the gentleman from California [Mr. POMBO], the roads he has put in there, 1,000 miles of this is designated on AAA maps. Golly, that is just like putting I–15 or Route 66 on it. To say we are going to close these roads that have been used for years, I personally think this is ludicrous. We are taking away access for so many people. Southern California, southern Nevada, all of those people have used these roads.

I think the gentleman has come up with an excellent amendment. I would hope the Members listening to this in their offices would take into consideration, this may be California, but it may be your State next. I would hate to see you throttle down this access.

Mr. McCANDLESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with a great deal of interest to these definitions of roads. I would like to share with my colleagues a little truth and fact relative to access to private property. The Santa Rosa Mountains are the backdrop for the valleys and areas of the Cahuilla Valley and the cities therein.

□ 1410

The BLM, ever since I can remember, has denied access to private property, access to private property, in those areas.

Let us get back to the desert bill. If this desert bill goes through in its present form, there are a number of popular destinations for family or community activities between the communities of Indio and Blythe, south of I–10, that would no longer be available or accessible because of the wilderness designation. The fact is that these people will no longer be able to go through roads they can now, to get to in-holdings where people actually own property.

For example, in the district that I represent, we have a number of clubs, and let me give you one in particular, the El Jamel four-wheel-drive club, a family and community-based organization. They do not have enough money to go out fly fishing in New Zealand. They use the desert for recreational purposes.

They collectively over the years, and it has been so long I cannot even remember, purchased 40 acres of land, which under this bill will no longer be accessible to them. I repeat that, it will no longer be accessible to them, because they have to get to where they are going through what we are designating as a wilderness area.

The BLM has not let people in the same area, up in the Orocopias, go to their private property, so I must take exception with the analysis given, unless there is something here that I have missed.

Mr. Chairman, I want to make a point about these people. They are fine, community people. They are not a bunch of wild, beer-drinking bikers, tearing the desert apart. They take a great deal of pride in their activities, and actually clean up the desert in many of the projects.

These people are going to be denied, by the definitions that we have looked at specific to this property, to their 40 acres, and the large number of people within the community of Indio who belong to this one club, will be denied access to their desert by the Bureau of Land Management.

How much more can we talk about, that disputes what it is that the gentleman is bringing forward as being an idea that, well, if we have a piece of property, the Federal Government must give us access? What about these sections of property in the Orocopias that people have not been able to get to by vehicle?

One fellow says, "I will build a road on BLM property, on the alignment of the section. I will not go across it." He is told: "Sorry, you cannot build on the line of property there or anywhere else."

This is the problem we are having. This is why, without the Pombo amendment, we are going to deprive people such as I have referred to, who look at the desert as a recreational outlet for their families, who do not have the money to do other things, access to the property they and their parents and their grandparents have had for years.

Let me give the kicker here. There were two main routes east and west into California during the 1800's. There was the Butterfield Stage Route that connected Yuma and went through the Imperial Valley and ultimately ended up on the coast. You had the Bradshaw Trail, which parallels I–10 south of Blythe and goes into the Salton Sea area. In both cases, those roads have been there since the 1800's, and in both cases, we will no longer be able to traverse those roads as a recreational activity.

Herein lies the problem, and this is why the Pombo amendment to me is an answer to this. We are not going to build a freeway through pristine areas. We are trying to give people an opportunity to enjoy what they have enjoyed for years, and those that follow.

Mr. MILLER of California. Mr. Chairman, might I make an inquiry as to how many Members want to speak? We are getting questions on both sides of the aisle as to intent on time.

My understanding is that the intent was originally that the committee would rise by 3 o'clock. I know the gentleman has Mr. LEWIS, and Mr. VENTO has not spoken, and Mr. DOOLITTLE has not spoken.

Mr. HANSEN. Mr. DOOLITTLE.

Mr. MILLER of California. That is fine, and we can go to a vote and they can have their 5 minutes.

The CHAIRMAN. The gentleman from California [Mr. DOOLITTLE] is recognized for 5 minutes.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this bill, without this amendment, will cut off long-established access routes. This is the old Spanish Trail, this route that goes up along here from west to east. That has been available for use for over 100 years.

Under this bill, without this amendment, the people will not have access to that any longer. This is just one example, of how detrimental this piece of legislation is going to be, cutting off something that has been in continuous use for over 100 years.

Also, Mr. Chairman, the reality is that the bill is going to cut off access basically to these publicly owned lands, and the response is no, if you are within 3 miles, which the bill guarantees, we deem that to be adequate access.

Mr. Chairman, if we stop and think about it, when is the last time we took our family, say, up to a piece of undeveloped property, and it does not have water so you have to carry water. If I remember correctly that is about six pounds a gallon or more, and you have to have or you usually want to bring a cooler with food and so forth in it which weighs a certain amount.

If there are very small children, they are not going to be able to walk themselves the 3 miles, so, of course, sure, you can strap them on your back if you can find room alongside the water and alongside the food and stuff you have in your pack to maybe take them along, but 3 miles out in the desert sun at about 110 degrees in the sand is not going to be too appealing. It might tend to suggest that you will in effect restrict access, even while proclaiming to guarantee access.

Yes, there is a type of people that have been mentioned; DUNCAN HUNTER mentioned one lady in her seventies who conducts a wildflower tour. Older people are going to have difficulty going in those conditions for 3 miles in order to have what this bill claims will be adequate access.

Mr. Chairman, I would just represent that this is really an effective denial of access. That is what the Pombo amendment is intended to address, so that we can really enjoy the land our tax money is paying for, instead of having it roped off to us, and cutting off established public access routes, like the old Spanish Trail, which have been in effect for over 100 years.

Talk about an extreme piece of legislation, this is it. This Pombo amendment is a very reasonable remedy to make these provisions work so we protect what is desired to be protected, and we continue to ensure the public the use.

Mr. Chairman, we have heard about access to private lands. That is guaranteed by language in here. Let me ask, how many of the Members would like to go hat in hand to the Park Service or the BLM begging for access to your own land? How many of the Members would like to hire an attorney at *x* number of thousands of dollars and *x* number of months or years, in order to secure that right? Oh, yes, there is language in here that supposedly allows it, but the reality is it is going to cost thousands of dollars for the private property owner and months if not years in order to lay claim to that right. So it is not right at all.

For that reason, Mr. Chairman, we should all vote to support the Pombo amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Pombo amendment. What this amendment is all about is whether or not we are going to have a national wilderness system or not, and whether or not it is going to apply to these lands in California, these substantial lands that are being designated both as wilderness and nonwilderness in this area.

Mr. Chairman, clearly the Federal Government in this case stands in the place of the American public. They, in fact, represent the public ownership and the rights of the public in general to stewardship and to a legacy of natural heritage that exists in this Mojave Desert and other areas in this vast California desert area.

The fact is that there apparently is a school of thought here that one cannot trust the Federal Government, one cannot trust the land managers; that the Federal Government cannot do anything right, and therefore, we are not satisfied with what rights a private individual may have with regard to the Constitution, we are satisfied with the rights that exist with the Wilderness Act that apply to all the other 49 States, and obviously there are differences.

The question is, it is going to be the lowest common denominator. if someone does not agree with what a land manager is doing, whether it is the Department of Agriculture, Park Service, BLM, or some other wilderness area, the Fish and Wildlife Service, therefore we are going to come in here with a bulldozer type of attitude with regard to public policy, not one that is rooted in the Constitution, other than by the definition of those that are trying to define that, because if that were the case, that would be established and that would be a court case and they would win.

☐ 1420

They cannot apparently prevail in that particular instance. No, we are going to come in here with this amendment that provides another thousand miles of roads in this area to these sites over public land. The issue here, of course, is what the type of access is gong to be. Under the aegis of private property rights, of course, we are not just going to have the individual access, we are going to have the off-road vehicles that are going to be in there, that are going to be going down those roads, the various motorcycles, a whole host of various things that are going to obviously cause a significant impact in these sensitive desert areas that we are trying to preserve as wilderness. The wilderness, I might say, which is the legacy of not just the people in California but of our Nation.

Mr. Chairman, these laws and rules apply, the Constitution and the rules of wilderness apply in all the other States and in some cases, apparently unhappily, it is not the type of fit that Members want, it is not the lowest common denominator. They cannot always take their four-wheel-drive vehicle down there, they cannot pave it, they cannot do a variety of other things they would like to do. The fact is that this bill provides access to almost any private property that is no more than 3 miles away from a road.

Mr. Chairman, there are in this bill in this desert area, vast area, some 35,000 miles of road, not 33,000 as we are reporting, there is at least 35,000. Plus, through the work of the gentleman from California [Mr. LEHMAN], the work of Senator FEINSTEIN, the work of the gentleman from California [Mr. MILLER], in making agreements, they have expanded that area even more in the committee, so there has been a conscientious effort here to be sensitive to this, to deal with it. But we are not going to, and I would ask to reject the issue here, provide access to all of these irrespective and to make it a public access so it will not just be used by the private landowner but by all these recreation vehicles. That will really cause the demise and the degradation of these wilderness areas that are trying to be protected.

I ask the Members of this House to vote no on Pombo and to stand up for these areas and to stand up to keep the California wilderness in as good a condition as we can, as the other areas in this country, to vote no on the Pombo amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, frankly I was a little disconcerted there a moment ago, for throughout this debate I have been wanting to mention the name of California's senior Senator, Mrs. FEINSTEIN from California, but I did not think our rules allowed it, but since our chairman used it, the senior Senator has been very much involved in this catastrophe we are talking about today, and I wanted to make sure the House was aware of that.

Mr. Chairman, I would like to make it very clear to Members of the House that none of the four Members who were elected to represent the desert communities of California is opposed to desert wilderness or to desert planning or to adequate park availability or to supporting our monuments. Indeed, we have been involved in that very work for our careers.

Mr. Chairman, I was the author of the first legislation in California to attempt to do something about people who abused the land and the vegetation of the desert. We increased law enforcement access to many an area that prevented people from across State lines coming in to steal much of the flora and fauna of the desert. I was the chairman of a standing environmental quality committee that dealt with air quality in the region as well as southern California while in the legislature. I have carried amendments here to increase the numbers of employees available to protect the desert lands.

Mr. Chairman, the four Members who represent the desert are complaining today only because this bill does not reflect appropriate public policy process. It is an arbitrary action on the part of this committee that overrode the public process. It is very important for the membership to know that this House some years ago created a public commission that held almost endless hearings, years of hearings, some 40,000 individual comments, to make sure that the grazers were listened to, the environmentalists were listened to, that miners were listened to, that people who had recreational interests had an adequate voice, and that entire process led to a plan that indeed we have introduced on more than one occasion and strongly support.

That legislation itself will involve over 2.3 million acres of land with some 62 areas that are wilderness.

Mr. Chairman, we are not opposed to protecting the desert. But excess action on the part of a few members of the committee who represent what I describe as the urban leeches in the environmental movement, who do not understand the desert, are what we are opposed to, and they have no explanation as to how we are going to pay for this.

Currently, Mr. Chairman, we all know that our National Park System is in desperate shape. Yellowstone, for example, cannot even begin to service the needs that are there. My constituents during the last recess, yours, too, complained and complained about lack of access to parks because of inadequate funding. We are not able to take care of the parks that are absolutely unnecessary with no funding mechanism whatsoever.

Mr. Chairman, remember that this bill has gone forward with no consultation of any nature, of any significance with the Members who are elected to represent the desert and that is where we begin and our fundamental complaint. The desert is our territory, we care about it and our people understand it and love it the most.

I think before going any further regarding the general debate, Mr. Chairman, it is important that we address for a moment in a little different way the amendment of the gentleman from California [Mr. POMBO], before us, for while the gentleman does not specifically represent the desert territory, the gentleman is clearly a man of the West and understands the importance of access. The significance of his amendment in terms of improving this bill should not be underestimated. I would hope it would receive overwhelming support in the House.

Mr. Chairman, let me just discuss with Members why access is important. If one is an outdoor enthusiast who enjoys hiking, camping and taking in wilderness experience, access is important. If one is a rock hound who enjoys climbing up into the hills and mountains of our desert, they need access.

There are territories that are bigger than an eastern State, and we cannot walk there, so we need access.

If one's job is to maintain guzzlers and ample water sources for bighorn sheep or other animals in the desert, access is important to maintaining those species.

The list, my friends, goes on and on. Access is critical to maintaining and preserving the desert.

Mr. Chairman, I would like to take Members for a walk in the desert for just a moment. It is largely my territory. If one has never visited the California desert, he will find that it is nothing like the wilderness experience one would have in the Appalachians or in the Rockies.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, the outdoor experience in the desert is a far cry from taking a walk through a wilderness area along a scenic trail or a mountain stream. The desert environment is often very unforgiving. Indeed, it can be deadly without an adequate water source and transportation. It is very important for the Members to know that those involved in the desert will find their access almost entirely cut off unless this amendment is adopted.

Just take rock collecting, for example. H.R. 518 as it now stands, the best rock collecting areas that are usually in the mountains will be miles from the nearest road. Many rock collectors, including older Americans, constituents of mine who live in the desert, will be unable to have access they need if they need to walk additional distances to pursue that hobby. This also holds true for the most scenic hiking, camping and picnicking areas in the desert.

Mr. Chairman, one of the most popular hiking areas known as the Cady Mountains will be off limits without the passage of this amendment.

The interior of this wilderness area is 6 miles from the nearest road each way. Is the average senior citizen or disabled person going to be able to traverse some way those 6 miles?

Exploring many of California's historic trails and ghost towns will be no longer possible without this amendment.

The old Spanish trail has been mentioned, which brought pioneers from Salt Lake City to Los Angeles in the 19th century, would be lost forever, and perhaps forgotten to those who live in the urban center.

Mr. Chairman, I would like to correct for my colleagues some of the misinformation that is being fed by the opponents of the Pombo amendment. This is not in any way an off-road vehicle amendment. I repeat, this is not in any way an off-road vehicle amendment. Frankly, I have had problems with motorcycles between Barstow and Las Vegas and they would suggest that is what this bill is about. It is not what this bill is about. The Pombo amendment does not open up areas of the desert to be misused or abused. On the contrary, this amendment is to maintain the rights of average citizens to use 1,037 miles of roads, largely in my district, that have been in existence for decades.

□ 1430

These roads are spread over five counties in an area the size of the State of Virginia. In my own district, you can put four Eastern States, as I have said, in easily. In fact, many of the roads included within this amendment, as has been suggested by the gentleman from California [Mr. POMBO], are on all of the AAA maps. Craziness is involved in this legislation.

While it is true access to the existing claims and allotments would be denied by H.R. 518, it is important for us to know that foremost in our mind's eye are the rights and privileges of individual citizens to travel over roads whether they own land there or not that they traveled over for years.

Hundreds of individuals with small mining claims would be prohibited access to their claims. One such constituent of mine who currently uses the Porter Mine Road, which leads to a 100-year-old active mine, would be denied use of the road he has used for years. Likewise, without this amendment, access to federally permitted zigzag allotments would be eliminated.

David Fisher, whose family has raised cattle on the desert range for five generations, would be essentially out of business without access to maintain water sources for his livestock and other desert species.

California's senior Senator, Mrs. FEINSTEIN, promised Mr. Fisher he would be able to continue cattle ranching into perpetuity. However, as this bill is presently written without access, he will be regulated out of business.

The proponents of this legislation have claimed that no location in wilderness under H.R. 518 is more than 3 miles from a road. That is simply not the case. Mr. Chairman, for instance, the Saline-Eureka Valley area in the proposed Death Valley National Park is at least 24 miles across. Only the most elite endurance athlete could survive this type of hiking wilderness experience, on horseback, or while carrying any significant amount of water.

One of the most disturbing elements of H.R. 518, as presently written, is that it will restrict private-property owners' access to their own property. This dramatically impacts, Mr. Chairman and Members, hundreds of families of my own constituents.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. The small landowners, the small miners, Mr. and Mrs. America of the West would be most dramatically affected by this bill without this amendment. The gentleman from California [Mr. POMBO] points to many existing roads used by those average citizens, and full well he makes clear they will be closed to those citizens in terms of their use to access.

Property owners like June Southcaught, who has been building a cabin in the Table Mountain Wilderness, will not be able to complete her home. Others who had planned to build a retirement home will lose the chance to do so without access. Citizens would be guaranteed access to their private property if it is to be included in a national park. We owe them that much at least.

My colleagues, we certainly owe them that much.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I am only asking, because we are getting besieged by Members who claim they have planes at 3 o'clock or whatever. Can the gentleman give us some indication?

Mr. LEWIS of California. If the gentleman will yield, I am asking for 3 additional minutes, and I am going to take 30 seconds and yield the balance to the gentleman so he may close.

Mr. MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LEWIS]?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I must say to you that I only take this extra time because there is a tendency for Members to easily vote for what is considered to be an environmental vote for urban city Members when it does not affect their district. This dramatically affects four Members' districts who have not been consulted about this matter.

It is important for you to know that essentially this legislation overwhelmingly impacts their ability to deal effectively with their district without that consultation.

The gentleman from California [Mr. POMBO] is simply attempting to make sure many of my citizens have adequate access to their property.

Mr. Chairman, I yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to, on closing, bring the debate back to where I started quite some time ago.

What we are talking about here is guaranteeing access for a number of recreational activities as well as access to private property. That is what my amendment is guaranteeing, now, regardless, whether or not off-road vehicles, whether they be four-wheel-drives or motorcycles or what, they are included in the ability to access.

What we are talking about on this map in specifics is about 15 to 20 miles across where the off-road vehicles would be allowed is on the part that is white. That is an existing road that is currently being used. That is where they would be allowed. They would not be allowed to enter into the wilderness area. They would be restricted to the areas which I am requesting be removed from the wilderness area which are the existing roads.

Going back to this map which shows a number of private-property owners which are included, it was mentioned in the debate that this does not directly affect my district. Well, it does directly affect my district, and I will tell you why, because what is happening to these private-property owners in my district and in your district.

The Federal Government comes in and puts restrictions like this on top of the property, and in effect is taking the private property away from those owners without just compensation. They are not being allowed to have the full use of their property because of legislation like this and other legislation which has been effected by this Congress this year and in past years. It does affect my district and it affects your district, whether you think it does or not.

There are four Members here today whom this directly affects now, because it is their district, because every one of you who sits on this floor and who will be coming down here to cast a vote on this motion know that this affects your districts directly, because these are the private-property rights that need to be protected.

Please, support the amendment.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague's contribution.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. POMBO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 191, not voting 79, as follows:

[Roll No. 231]

AYES—169

Allard
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fowler
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Ortiz
Oxley
Paxon
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Regula
Rogers
Rohrabacher
Roth
Rowland
Sangmeister
Santorum
Schiff
Sensenbrenner
Shaw
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torres
Traficant
Upton
Valentine
Vucanovich
Walker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—191

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clayton
Clement
Clyburn
Collins (IL)
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gutierrez
Harman
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Ravenel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schenk
Schroeder
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (NJ)
Snowe
Stark
Studds
Swett
Swift
Synar
Thornton
Torricelli
Towns
Underwood (GU)

Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—79

Bacchus (FL)
Baker (CA)
Ballenger
Barton
Bevill
Bilirakis
Bishop
Blackwell
Boehlert
Clay
Coleman
Collins (MI)
Conyers
Cooper
Deal
Dickey
Faleomavaega (AS)
Fields (TX)
Flake
Foglietta
Frost
Gejdenson
Gephardt
Grams
Grandy
Hall (OH)
Hamburg
Hastings
Hilliard
Jefferson
Johnston
Laughlin
Lloyd
Machtley
McCurdy
McNulty
Meehan
Meek
Meyers
Moakley
Montgomery
Murphy
Murtha
Obey
Orton
Packard
Parker
Penny
Pickett
Pickle
Quillen
Rangel
Ridge
Roberts
Romero-Barcelo (PR)
Royce
Sanders
Sarpalius
Schaefer
Schumer
Shuster
Sisisky
Skelton
Slattery
Smith (IA)
Solomon
Spratt
Stokes
Sundquist
Tanner
Tauzin
Taylor (NC)
Thompson
Tucker
Walsh
Washington
Weldon
Wheat
Whitten

☐ 1457

The Clerk announced the following pairs:

On this vote:

Mr. Orton for, with Miss Collins of Michigan against.

Mr. Tanner for, with Mr. Deal against.

Mr. Baker of California for, with Mr. Jefferson against.

Mr. Barton for, with Mrs. Meek against.

Mr. Bilirakis for, with Mr. Rangel against.

Mr. Taylor of North Carolina for, with Mr. Slattery against.

Mr. Quillen for, with Mr. Tucker against.

Mr. FARR, Ms. WATERS, and Messrs. FIELDS of Louisiana, NADLER, and MARTINEZ changed their vote from "aye" to "no."

Mr. OXLEY and Mr. TORRES changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. GEJDENSON. Mr. Chairman, I rise in strong support of H.R. 518, the California Desert Protection Act. I want to commend Representative LEHMAN, Chairman VENTO and Chairman MILLER for all their hard work on this issue.

The California Desert is one of this Nation's most spectacular, and fragile, natural resources. I believe it is also among one of our most threatened due to its close proximity to millions of people in southern California. The desert provides valuable habitat to more than 600 species of animals and nearly 2,000 species of plants. Some species, including the bighorn sheep and the desert tortoise, are protected under the Endangered Species Act. The desert, especially the area which will be designated as the East Mojave National Park, contains a special combination of high and low altitude areas, lava beds and an incredible sand dune system. In the Mojave area alone, three desert ecosystems—the Sonoran, Mojave and Great Basin—converge creating a unique habitat.

H.R. 518 would designate approximately 3.9 million acres currently managed by the Bureau of Land Management [BLM] as wilderness. It would expand the Death Valley and Joshua Tree National Monuments and make them national parks. It would create the East Mojave National Park on approximately 1.5 million acres. Furthermore, the legislation designates about 4 million acres within the new parks as wilderness, which will ensure their pristine character will be protected for generations to come.

Representative LEHMAN and Chairman MILLER have gone the extra mile to ensure this is a balanced bill. Grazing at current levels will be protected in Death Valley and Joshua Tree and valid, existing mining claims will be honored. Hundreds of miles of roads are exempt from the bill and nearly 400,000 acres were carved out to provide a free play area for offroad vehicle enthusiasts. Numerous acres were also exempt to accommodate several companies. The gentleman from Minnesota [Mr. VENTO] will offer an amendment which will provide the military with a 15-year extension for land withdrawals for China Lake Naval Weapons Center and Chocolate Mountain Aerial Gunnery Range. Mr. VENTO's amendment will also make it clear that nothing in this bill in any way affects or restricts low-level military flights over the parks and wilderness areas established by this bill. Furthermore. Mr. LEHMAN will offer amendments which will make it clear that Federal law enforcement and State wildlife officials have broad access to the wilderness areas to carry out their official duties. I believe this amendment goes above and beyond the call of duty because the Wilderness Act in no way precludes these activities.

Mr. Chairman, I would just like to comment on one amendment which I strongly believe would undermine the entire bill if accepted by the House. The amendment I am concerned about will be offered by Representative LAROCCO and would designate the East Mojave as a national preserve rather than a national park. While I have great respect for Representative LAROCCO, I urge my colleagues to oppose this amendment. As Chairman MILLER, Chairman VENTO, and Representative LEHMAN made clear during markup in the Natural Resources Committee, the entire purpose of this bill would be undermined if the East Mojave was designated as a preserve because it would not be afforded the degree of protection it deserves. As I mentioned above, the East Mojave contains a special mix of resources which definitely make it eligible for national park status. National Park Service Director Roger Kennedy and Secretary of Interior Bruce Babbitt have expressed their strong support for an East Mojave Park. Nearly every major environmental group supports park designation. More importantly, polls show that a majority of residents in the desert area support making East Mojave a national park.

One of the reasons for designating East Mojave as a preserve is to allow hunting to continue in the area. I do not believe hunters will be adversely affected by the bill as reported by the Natural Resources Committee. Hunting in the area has been sparse at best for the last several years with hunters taking an average of 20 to 30 deer and 5 sheep in the region each year. Moreover, about 10 million acres of desert will remain open to hunting. In addition, hunting is incompatible with units of the park system due to heavy use by the public. While hunting is allowed in several preserves, the majority are in Alaska where I do not believe the number of visitors can compare with those in southern California. According to NPS Director Kennedy, it would cost $500,000 more to administer the East Mojave as a preserve than as a park due to law enforcement concerns. Furthermore, a poll conducted by the Field Institute in early 1993 found that 66 percent of households with hunters supported making East Mojave a national park even though hunting would not be allowed there. This amendment would defeat the purpose of this legislation and should be rejected.

Mr. Chairman, by passing H.R. 518 the House can join the Senate in protecting some of our country's most impressive and varied natural resources. I urge my colleagues to support this important bill and oppose any weakening amendments.

Ms. PELOSI. Mr. Chairman, the California desert legislation, before us today, has come to fruition after years of debate and negotiation spanning the life of several Congresses. This final product will bring millions of acres of desert land into the protection of wilderness and national park designation, ensuring that these areas will continue to exist as they do today for the enjoyment of generations to come.

It is a tribute to Senator FEINSTEIN that this measure has now been transported on its long journey through the Senate and to the House. Representatives MILLER, VENTO, and LEHMAN are to be commended for their successful efforts in bringing H.R. 518 before us today. Their work on this initiative will long be remembered by the many who will find beauty and refuge in the open lands that will be preserved forever through this legislation.

The California desert possesses a unique and varied ecosystem that spans over 25 million acres. H.R. 518 will guarantee the protection of endangered species and other rare plant and animal habitats in the key areas of this acreage while also allowing livestock grazing and multiple-use recreation.

The Mojave meets all the important criteria for a national park and deserves this greater level of protection. National park status would also provide greater protection for the Mojave's visitors through the prohibition on hunting in national parks. Seventy-five percent of the people in California support protection of the Mojave as a national park without hunting.

This landmark legislation is the greatest effort to preserve our public domain in almost 15 years since the celebrated Alaska lands bill in 1980. It will protect almost 4 million acres as wilderness as well as designating over 3 million acres as national park land. H.R. 518 is an essential investment in the future that will preserve these exceptional lands for all time, for all people.

Mr. VENTO. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BYRNE) having assumed the chair, Mr. PETERSON of Florida, Chairman of the Committee of the Whole House on the

State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GEJDENSON. Mr. Speaker, on Friday, June 10, I was absent from the House to sponsor a trade conference in my district with Secretary of Commerce Ronald Brown, Export-Import Bank Chairman Kenneth Brody, and Trade and Development Agency Director Joseph Grandmaison. As a result, I missed three rollcall votes on amendments to H.R. 518, the California Desert Protection Act. Had I been present, I would have voted as follows: rollcall No. 229—Aye, rollcall No. 230—Aye, rollcall No. 231—No.

PERSONAL EXPLANATION

Mr. PENNY. Mr. Speaker, on the afternoon of Friday, June 10, I missed a vote on Representative POMBO'S amendment to the California Desert Protection Act. This amendment would continue public access to 200 roads and trails in designated wilderness areas.

I was in the middle of a teleconference with members of the Citizens Jury in my district; 18 of my constituents were brought together in Winona, MN to study welfare reform. Friday afternoon was the culmination of 6 days of indepth study with nationally recognized experts. The jurors were presenting to me their specific recommendations for reform of the welfare system. I regret that I had to miss a vote, but the jurors' observations were invaluable. I only wish that every Member of Congress was given the opportunity to hear from his or her constituents utilizing this truly democratic process.

I would have voted "yea" on the Pombo amendment, as I feel it is important for private property owners to maintain easy access to their property.

PERSONAL EXPLANATION

Mr. ORTON. Madam Speaker, on Friday, June 10, 1994, I was away on official business and missed rollcall votes 229, 230, and 231.

Had I been present, I would have voted aye on vote 229, and aye on vote 230. I was paired on vote 231.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I missed rollcall votes 229, 230, and 231. Had I been present, I would have voted "yea" in support of the Thomas amendment, "yea" in support of the Hunter amendment, and "yea" in support of the Pombo amendment to the California Desert Protection Act.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Madam Speaker, I have asked for this 1-minute for the purpose that I might inquire of the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], the program for next week.

Mr. BONIOR. Madam Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Michigan.

□ 1500

Mr. BONIOR. I thank the gentleman from Illinois [Mr. MICHEL], the minority leader, for yielding.

The schedule for next week is as follows. On Monday, June 13, the House will meet at 10:30 a.m. for morning business, and then will meet officially at noon. There will be four bills for suspension that afternoon, H.R. 3013, to establish a center for Women's Veterans in the Department of Veterans Affairs; S. 1904, Board Of Veterans' Appeals Administration Procedures and Improvement Act; H.R. 1015, Fair Credit Reporting Act; and H.R. 4246, Panama Canal Commission Authorization Act.

Then we plan to go back to the California Desert Protection Act, the bill which we have just been working on. We do not expect votes until after 5, and we do expect to finish our work at around 7 o'clock on Monday.

On Tuesday we meet at 10:30 for morning business, and then meet at noon for a session.

For Wednesday, Thursday, and Friday, we will begin at 10 a.m. The legislation to be considered Tuesday through the rest of the week is the energy and water development appropriations bill, the Treasury authorizations bill, the Transportation appropriations bill, the Agriculture appropriations bill, and we also hope to complete work on the Independent Counsel Reauthorization Act.

On Tuesday we would like to finish by 6 because of a dinner that we understand will be attended by a large number of our colleagues. On Wednesday and Thursday, we can expect late nights, late, late nights on Wednesday and Thursday. On Friday we will be out by 3.

Mr. MICHEL. Will there definitely be a session on Friday?

Mr. BONIOR. There certainly will be on Friday, and we will be going until 3 o'clock.

Mr. MICHEL. Monday's votes on the suspensions will be delayed until 5 o'clock?

Mr. BONIOR. That is correct. Let me correct myself, if the gentleman will yield further. The suspensions, I misspoke, will be rolled until Tuesday. We will go back to the California Desert Protection Act at 5 o'clock.

Mr. MICHEL. Assuming we get through with the suspensions before 5, will there be an interval there?

Mr. BONIOR. We anticipate a hiatus, a recess, yes.

Mr. MICHEL. I see. How long would we go on Monday?

Mr. BONIOR. Until about 7.

Mr. MICHEL. So there could be rollcall votes between 5 and 7, if we are taking up the controversial bill we have just handled.

Mr. BONIOR. We may start the debate on the California desert amendments at four, but Members should understand that we will not have any votes prior to 5 o'clock.

Mr. MICHEL. I thank the gentleman. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I thank the distinguished Republican leader for yielding to me. I would simply like to inquire of my very good friend and fellow Committee on Rules Member what the schedule could be on the issue of congressional reform. As the gentleman knows, last year we put into place the Joint Committee on the Reorganization of Congress charged specifically with bringing about a wide range of recommendations.

We were told last fall that the measure would be brought to the floor. We were told early this year that because we did not get it to the floor before the end of calendar year 1993 we could see it on the floor in the spring. We have been told we will have it the early summer. Now there is rumor it will be broken up and we will not have H.R. 3801, the measure reported out just before Thanksgiving of last year, charged with bringing about the reorganization of this Congress which Members in a bipartisan way wanted to address.

I wonder if my friend could tell me as to when we could expect to see that on the floor?

Mr. BONIOR. As the gentleman knows, the Committee on Rules on which we both serve is deliberating on this bill. It is a very important piece of legislation. We expect to take this bill up some time after the Fourth of July recess. That is the intention as of today.

Mr. DREIER. If my friend would continue to yield, I would just like to state that yesterday, the Senate Rules and Administration Committee began its markup on this issue. Next week I understand the Committee on House Administration is scheduled to begin its markup simply on the issue of congressional compliance, beginning this process of breaking up congressional reform. We have had some hearings up in the Committee on Rules on this, but, unfortunately, we have not really seen any action. I understand this is going to be brought up after the Fourth of July break?

Mr. BONIOR. That is the intention right now, that is correct.

ADJOURNMENT TO MONDAY, JUNE 13, 1994

Mr. BONIOR. Madam Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next.

The SPEAKER pro tempore (Mrs. BYRNE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONTINUATION OF SPECIAL ORDER TRIAL PERIOD

Mr. BONIOR. Madam Speaker, I ask unanimous consent when the trial period established on February 11, 1994, for recognition for special order speeches be continued for the duration of the 103d Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair announces that the Speaker's policy for recognition for special order speeches announced on February 11, 1994, will be extended for the duration of the 103d Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 8, 1994, and today and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROSTATE CANCER AWARENESS

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORN. Mr. Speaker, June 10, 1994 just over 2 weeks ago, I had a very successful surgery for prostate cancer. My surgery was performed by Doctors David G. McLeod and Stephen Sihelnik and their highly skilled staff at the Walter Reed Army Medical Center. I thank them all for their dedication.

This experience taught me just how important it is for all men over the age of 40 to be tested for prostate cancer. It is the most common cancer in American men. One out of every ten men will develop it at some time in his life. According to the American Cancer Society 200,000 men will be diagnosed with prostate cancer in 1994; 38,000 will die. I am now one of those 200,000.

I was lucky. Though I had no symptoms indicating a problem, a simple, inexpensive test known as the prostate-specific antigen or PSA test showed that I needed additional testing. My prostate cancer was discovered early and successfully removed. I strongly urge other men to make the PSA part of their annual physical examinations.

Mr. Speaker, for the RECORD, I submit the following Ann Landers column of June 7, 1994, on the need for annual prostate cancer testing.

> [From the Washington Post, June 7, 1994]
>
> ANN LANDERS
>
> Dear Ann Landers: Please print something again about the importance of having a PSA (prostate-specific antigen) blood test to detect prostate cancer. One of my dearest friends recently died from this terrible disease, and a relative is now bravely fighting it.
>
> Every year 35,000 men in the United States die from prostate cancer. If it is detected early enough, it can be cured. Every man 40 and older should have an annual physical examination. After 50, men should also have a simple PSA blood test to detect prostate cancer that the doctor cannot feel during a digital exam. The PSA test can be done in a doctor's office. Please tell your readers, Ann. It could save lives.—Your Faithful Reader in Fort Worth.
>
> Dear Fort Worth:
>
> We spoke with Jerome Richie, surgeon in chief in the division of urology at the Brigham and Women's Hospital in Boston. He said your information is correct. The PSA is the most accurate and predictive prostate cancer test. Richie cautioned, however, that the PSA can produce false negatives and false positives, and he recommended follow-up testing. In other words, don't rely on a single test.
>
> Richie also emphasized that men with a family history of prostate cancer should have an annual digital examination and PSA starting at age 40 instead of 50.
>
> Remember, early detection will increase the chances for survival. To my women readers, I say, if you love the man in your life, nag him until he makes an appointment.

TRIBUTE TO DEPARTING CLASS OF PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, today marks the occasion on which we say good-bye to the current class of pages who have served us so ably and well throughout the duration of this school year. When we return on Monday, we will have another group of pages in their place.

I wanted in particular to pay tribute to the fine group who has been here to service us in the 1993–94 school year. A number of Members have asked to have a word here, and I would like, first of all, to yield to the distinguished chairman of the Page Board, the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the pages who have served us so well, some for the full year, some for the last semester, will be leaving back for their homes tomorrow or Sunday, and they will be missed. They have served us well. I have been chairman of the Page Board for a number of years, and I cannot recall a group of pages better than the group we have had this semester and this year.

Each and every one of you have my admiration, and you have my thanks. Some of you may return here some day as Members of this body, as Mr. EMERSON did, a former page. Some will return in other capacities in government. But all of you, I am sure, will be better citizens for having served here. You have seen Congress close up. You have seen us with our good points and our bad points, our weak points.

□ 1510

However, you have seen democracy in action here. I myself am a better person for having come in contact with the pages, because I see America and I see America's future in them. I wish God's blessing upon all of you.

Mr. EMERSON. I thank the distinguished gentleman for his comments.

I yield to the gentleman from Maryland [Mr. HOYER], the distinguished chairman of the Democratic caucus.

Mr. HOYER. I thank the gentleman for yielding.

Young people, this has been a terrific experience for all of you, I know, and what DALE KILDEE, Congressman KILDEE from Michigan, the chairman of the Page Board, just said is true: You have had a great experience and you have learned a lot.

I tell the pages, I was president of the Maryland Senate for 4 years in the 1970's, and we had a page program. The seniors throughout our State got one week shorter time. We had a 10-week session, and they came, and sometimes we met late and they saw members with short tempers, and they saw members sometimes late at night who might have nodded off.

However, generally speaking, I think they saw members of both sides of the aisle, Republicans and Democrats, they saw conservatives and liberals and moderates. They saw people who had been selected by their neighbors to come to Annapolis, as you have seen those selected by your neighbors from all over the United States to come here to Washington.

I hope the lesson that you have learned is that those who have come here care very deeply about their responsibilities. There is only, as you know, one way to get here to the House of Representatives, and that is to be elected. It is unlike almost any other body in the United States.

You cannot be appointed to the House of Representatives. Our Founding Fathers said they wanted people to serve in this body one way only, and that is by democratic vote, to be selected by their neighbors to come and serve in this body. We swear an oath to uphold the Constitution of the United States. The Constitution, of course, provides for the general welfare of our people.

I hope that you have concluded, as I have concluded throughout my years of service with people a lot different than me, from constituencies a lot different than mine, that you have concluded that irrespective of party, irrespective of ideology, that almost to a person—are there exceptions, yes, there are—but almost to a person they are here with a deep commitment to that oath and a deep commitment to their country and a deep commitment to the welfare of their Nation.

You have been given an opportunity, pages, that few young Americans ever get. That is at a young age, when you are deeply immersed in education, to come here and to learn firsthand, to see for yourselves, not filtered by the media, not filtered by candidates who run against this institution, some of whom are Members of this institution and some of whom are not, not filtered by rumor, not filtered by a third party hearsay, but you have seen firsthand.

I hope you have concluded that the Founding Fathers established a body in a democracy that works as they planned; not that it solves every problem in a timely fashion, but it works mightily to do so in the framework of a crucible of democracy that brings different ideas and different interests into conflict for resolution.

Because you have been given this special opportunity, I suggest to you young people that you also have a special responsibility. Because you have seen firsthand, I hope that every one of you will go back to your schools, your high schools, and then into your work place or your college or your technical school or your job, wherever you may go in the future, and talk to your fellow citizens, talk to your generation, talk to them about democracy working, and talk to them about participating in their democracy.

Congressman EMERSON went back and he was elected to the Congress, but there are millions and millions and millions of people who participate intimately in democracy, never running for elected office. They do so by supporting, by working on behalf of issues, by making sure that their democracy works through the exercise of that vigilance which freedom requires.

You have been given a special opportunity and a special responsibility. The Page program is very good for you individually, but it is much, much bigger than that. It is good for our country. It is good for our country because it hopefully, and I believe does, energizes young people, bright, able, energetic young people, to continue to nurture democracy. Godspeed. Thank you.

Mr. EMERSON. I thank the gentleman for his eloquent statement, an inspiration to all of us. Thank you, STENY.

I yield to a very distinguished former page, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman from Missouri [Mr. EMERSON] for yielding.

Like my good friend and colleague, the gentleman from Missouri, I got my start here as a page. That may be good news or bad news to those of you who are here as pages, in terms of your own ambitions and hopes and dreams.

I want to say thank you to each and every one of you for the wonderful job that you have done for us. You have served us extraordinarily well during this last year, some of you for a semester and many of you for the whole year.

It is very easy for us, I think, here to take for granted the job that the pages do. They play such an important role in helping to make this place run smoothly.

We really could not do the job, and we certainly could not do it as well or as easily, if it were not for the outstanding job that you do cheerfully, day in and day out, sometimes long hours, sometimes some pretty tough things going on around here. Yet you do it and you do it well for us.

At a time when I think that a lot of us in America despair for the future of our country and a lot of us despair for the future of the generation of young Americans that we see, it is good to have this group of young Americans here today as role models for other young Americans, as role models, really, for all of us. I just wish every American that is listening and hearing us here today could be looking at you as well.

Mr. Speaker, I want to pay special tribute to the page I have been able to have this last year, Kristen Brandon, who will be a senior at Saguaro High School in Tucson, AZ, this next year; but to each of you, and I mean this very sincerely, how grateful we are for what you have done.

I know, I can say this with some certainty because of my own experience here, I know that you will look back on this experience through the course of your lives as being one of the most important experiences you will have had. No matter what you do, whether you are ever involved in government, whether you ever serve in Congress, whether you ever serve in any elected office, this will be one of those defining moments for your life in terms of shaping how you think and what you do the rest of your life. I know you will come to see it that way.

You have seen this institution, as my good friend and colleague, the gentleman from Maryland [Mr. HOYER] said, you have seen this institution sometimes at its best, sometimes at its worst. You have seen the people in this institution in their good moments and in their bad moments.

I hope that you go away from this with a sense of the strength of American democracy and what this House of Representatives means for that democracy. Really, I see it as the central institution in our American democracy.

I hope you will go home with that better understanding, as my friend, STENY HOYER, said; that you will take as your responsibility an obligation to communicate with your families, with your friends, with your fellow students in your schools and the lives that you are all going to be going through for so many years, I hope you will take an opportunity to communicate something of what you have learned and an appreciation for that democracy.

Obviously, this is not the time, really, for a long civics lesson. You have had those and you will get many more of them. I just want to say thank you so much for what you have done. God bless each and every one of you, and Godspeed.

Mr. Emerson, I thank the gentleman from Arizona.

I yield to my dear friend and distinguished colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank my friend from Cape Girardeau for yielding me this time. I am going to be very brief, to simply echo the remarks by my friend, the gentleman from Arizona [Mr. KOLBE], who very clearly pointed to the fact that we get a great deal of news on a regular basis about the problems that exist among young people.

As we think about the future of this country, it obviously lies with many of the people who are here in this Chamber right now, who will be future leaders of this country, because while we do have very serious problems that exist among young Americans, there is not doubt in my mind that like these fine people here today, there are great, capable, hardworking, diligent, thoughtful young people out there. I think it is very important for our colleagues to know that, but obviously, among those who are out there, we have, I believe, some of the best and most capable here who have served, worked very hard, as was said earlier, in a very cheerful manner. I know that this has been a great opportunity for them to serve here, just as it is for my friend, the gentleman from Cape Girardeau, Mr. EMERSON, and me to serve in the greatest deliberative body known to man.

□ 1520

Mr. EMERSON. Mr. Speaker, I thank the gentleman from California for his comments.

The gentleman from Pennsylvania [Mr. KANJORSKI] had advised me that he wished to be here. It so happens that Mr. KANJORSKI and I were pages together in the 83d Congress, and he wanted to be here to extend his own best wishes.

Also I see on the floor at this time the distinguished Clerk of the House of Representatives to whom I cannot yield, because he is not an elected Member, but certainly Mr. Anderson is a devoted member of the Page Board and himself a former page, one who cares a great deal about the system, always trying to make it better and more meaningful for our pages. Mr. Anderson has penned a brief tribute to the pages which I will include in the RECORD.

Finally, Mr. Speaker, I want to say to the pages a hearty thank you for all that you have done in the course of this semester and this past year. I think you have been an outstanding group of pages. On behalf of all of our colleagues, I wish you a lifetime filled with happiness and success and achievement. I know that my own experience as a page now so many years ago remains to me the premier educational experience of my life. It was an opportunity to learn by absorption, by seeing and participating and listening, to learn things that one cannot learn from textbooks. I hope that this has been your experience and that you will put to very good use the lessons that you have learned here.

As you go forward, I want to extend to you my own best wishes, the best wishes of the entire House, and wish you Godspeed in all of your endeavors.

Mr. Speaker, I include for the RECORD the tribute by Donnald Anderson, Clerk of the House, as follows:

FAREWELL TO THE HOUSE PAGE CLASS OF 1994

(Remarks of the Honorable Donnald K. Anderson, Clerk of the House)

I am grateful to Congressman Bill Emerson for the opportunity to add to his tribute to the House Page Class of 1994.

As a fellow alumnus of the House Page Program, I share Mr. Emerson's deep regard for the program and gratitude to this class of Pages for their commitment and devotion to their duties.

The House Page Program provides our American youth with an unsurpassed experience in citizenship. Once the blue uniform is donned for the first time, a young person ceases to be a passive observer of a seemingly faraway and unknown process. The teenager is transformed into a Page, and with it, becomes immersed in the American legislative process—a system by which two hundred and sixty million Americans govern themselves through elected representation.

Everybody is a lesson for the Page. Governing ceases to be just a textbook notation, but comes alive as a daily drama. The Page quickly learns that with the responsibility of self-governance comes the responsibility of reconciling the ideal with the practical.

Our pages have learned their lessons well. They will return to their schools and communities across American prepared to share their knowledge and talents for the common good.

I have come to know each Page personally, through daily conversations on the House Floor, chaperoning their social events, and participating in their school seminars and field trips. They are the ideal and future of our great Nation.

I wish to extend my heartfelt thanks for the excellence of their service and kindness to me in so many thoughtful expressions. I wish them lives filled with constancy, purpose, contentment and peace. Thanks for the memories, God Bless you, young Americans, and farewell.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE BATTLE OF NORMANDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, before I begin my remarks on what I will call the Battle of Normandy, not just D-day which was only the first day, before the pages leave the floor, I would also want to add to the remarks of my colleagues how much we have enjoyed this class of pages. It almost seems like they just get better with each passing year, which is almost impossible because the pages when I was first here in 1977 when I represented a totally different district, I met some fine young men and women that are now already through law school, out practicing, practicing medicine, some of them have already attained the rank of captain, men and women in our military. You tend to think except when you run to catch a bus that you are ageless once you hit that plateau of about 25 and when you meet somebody, you say, "Don't I know you?"

"Yes, I was your intern in 1978 or 1979."

Mr. Speaker, I do not know what it is like for our Members who have been here for 52 years like our distinguished colleague, the gentleman from Mississippi [Mr. WHITTEN], but you certainly feel a sense of the passing of time when you meet pages who are out there in the world. I have yet to meet the first page who has attained State office, although I understand it has happened, from those that I met here as a serving Member, and I look forward to the day when I come back and I see one of you sitting here in the chairs as a Member of Congress and I am back here for a former members day.

If you are not rushing off to something, let me teach you a little something about the history of your country here on the Battle of Normandy, and I appreciate some of you pages remaining.

Mr. Speaker, 13 days ago I took the well to talk about the coming 50th anniversary of D-day and I remarked with some sadness that there were no celebrations on this floor with, not my participation, but the senior Members like the gentleman from Florida [Mr. GIBBONS], the Senator from South Carolina [Mr. THURMOND], the gentleman from Alabama [Mr. BEVILL], all of them officers, many Members here who were enlisted men in various parts of the world in World War II. On the 60th anniversary, probably they will have all retired by then, with the exception of one or two, and certainly by the 75th anniversary, none of them will be here.

There was no memorial service on this House floor or I understand in the other body, in the Senate, and it is a tragedy. I spent 7 days over there, I have mixed feelings about whether it was a celebration, which it certainly was not, a memorial, a celebration for victory, but a memory for those young men who gave everything.

Mr. Speaker, in the remaining 3 or 4 minutes here, I can only tell my colleagues that I would like to come back for an hour next week and give just a stream of consciousness on some of the key memories and some of the key conversations I had with vets.

I was there outside of Sur-Mer-Eglese when 41 veterans, all 50 years on top of whatever their age was when they bailed out, the youngest was an 18-year-old, so he was 68 when he bailed out again, of a C–47 and another adjoining smaller Canadian twin Otter, the oldest had been a 33-year-old officer when he jumped out, so he was 83 years of age when I watched him parachute out in those same fields on the afternoon of June 5 where he had been flying that night of June 5th 50 years ago to bail out just after 1 o'clock in the morning.

It was incredible to go up and shake the hands of these 41 veterans who had for the short moment, one of them suffering a severe back injury doing it, recaptured their youth.

At the end of the week, I broke away from the codel and went out into Colleville-Sur-Mer, the cemetery, which is 172 acres of American territory, given to us by the French Government forever. I was looking for the graves of the 33 pairs of brothers who are buried side by side, particularly for the graves of the sons of Theodore Roosevelt, our President in 1901 through 1908. I finally found the Roosevelt brothers' graves, looking for the gilded lettering on Teddy Roosevelt, Jr. because he received the Medal of Honor as the highest ranking officer on the Utah Beach, a brigadier general. He died D-day plus 36 days in the chow line with his men, without knowing he was going to get the Medal of Honor. He died of a heart attack from the stress of 36 days of combat.

He was the one who said on the beach, "Let the war begin here, we are going through that small V-shaped gap in the sand dunes."

Mr. Speaker, when I looked at his grave, there were three wreaths of flowers around it given by the Fourth Division veterans that had come back, and I looked at the grave of his younger brother, Quinton, who had died 26 years earlier in his fighter plane over the trenches of France. My dad, Harry Joseph Dornan, was in those trenches as a combatant captain and officer, and he crashed near our trenches, so they retrieved his body. He died on Bastille Day, which is the Fourth of July for France, that is July 14th, their Freedom Day, their national celebration, trying to liberate or keep France from being overrun, he died on Bastille Day. His older brother, Teddy Roosevelt, Jr., 26 years later, short 2 days, July 12, he died this time liberating all of France. I thought of the words that a three-star general, Vernon Walters, our former Ambassador to Berlin, told me not a half hour before in the presence of another Medal of Honor winner, Adm. John Bulkeley, who took MacArthur off Corregidor. I was talking to Bulkeley about his job after the Solomon islands, commanding our PT boats off the beaches of Sicily in July 1943, a few months later off the beaches of Salerno, Italy, again Anzio, and brought up to command 67 PT boats off the coast of Normandy.

Keep in mind here John F. Kennedy lost his PT boat on his first mission, not his fault, but his first mission. Here was Bulkeley, hundreds of combat missions and PT boats, and in his esteemed presence General Walters tells me the following story:

When former President Roosevelt was told one of his young boys, Quinton, had died for his country and for France, Teddy Roosevelt looked down, his eyes filled up with tears, and he looked up and said, "When you have raised your sons to be eagles, you can't expect them to be doves."

The word "dove" had as much resonance then as I guess it did during the Vietnam war when some people let high school graduates go in their place so they could continue their higher education in a foreign land demonstrating against their country's objectives to keep half of Vietnam free and to prevent the killing fields and give aid and comfort to a vicious Communist worldwide effort to crush liberte, equalite, fraternite.

□ 1530

Mr. Speaker, I will be back to tell you about the other 32 pairs of brothers and the colonel father and his lieutenant son who died in the battle for Normandy which was raging heavily today outside the little town of Carentan 50 years ago.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

The SPEAKER pro tempore. (Mr. JOHNSON of South Dakota). Under the Speaker's announced policy of February 11, 1994, and June 8, 1994, and because there is no designee of the majority leader, the gentleman from California [Mr. DREIER] is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, on this beautiful Friday afternoon in Washington, as many of our colleagues have taken off for their districts and we honor the pages who are the future of this country, I am taking this time out to talk about one of the most challenging years of my life, and that was calendar year 1993.

In August 1992, in the wake of the many problems that existed, and I hesitate to use the word "scandals," because that is really a pejorative, but quite frankly, there were scandals that surrounded the House Bank, the Post Office, the restaurant, and a wide range of other areas, we, in a bipartisan way, reported out a resolution that called for the establishment of the Joint Committee on the Organization of Congress.

Mr. Speaker, now, it was the first time in nearly half a century, since 1947, when what was known as the Monroney-LaFollette Committee brought about major reforms of the institution in a bipartisan, bicameral way that a committee such as this was put together.

Mr. Speaker, this committee, one of the exciting things about it, was it was in place for 1 year and 1 year only. It went into effect on January 1 of 1993. It went out of existence on December 31 of 1993.

We had a very distinguished panel of Republicans and Democrats, an equal number of Republicans and Democrats. The only other committee where that is the case is the Committee on Standards of Official Conduct, the ethics committee. We had an equal number of Republicans and an equal number of Democrats, so we could, in a bipartisan way, bring about reform of this institution. We had an equal number of Senators, an equal number of House Members, making it challenging, but a real opportunity to come together and deal with the difficulties that often exist between the House and the Senate.

During the calendar year of 1993, we had the chance to put together the largest compilation of information on this body that has ever been gleaned. In fact, we had 37 hearings, over 240 witnesses, and a wide range of our colleagues, former Members of Congress, outside people, former Vice President Walter Mondale, Ross Perot, people from interest groups all over Washington, and across the country came to testify before this committee, and they did so because they were very encouraged at the fact that we were going to finally bring about the kinds of reforms that the American people want.

I believe that they want a greater degree of accountability here. I believe truly, as I said during the special order of the gentleman from Missouri [Mr. EMERSON], honoring the pages, they want this truly to be the greatest deliberative body known to man.

We went through a very frustrating markup following all of these hearings. We had a 2-day meeting in Annapolis last summer, almost a year ago now, and then just before we adjourned after having a conflict that existed between the House and the Senate, the Senators wanted to proceed, and unfortunately Members here in the House on the majority side did not want us to proceed, but finally, unfortunately, taking separate paths between the House and Senate, we here in the House had our markup.

My colleague, the gentleman from Missouri [Mr. EMERSON], was a very important part of that markup. He and I were the only two Republicans who, at the very end of a very unsatisfactory procedure, voted to report out this measure. I did so believing that it was an extraordinarily weak package, one that I could not support, but I did so based on the fact that from commitments I had from people in the majority leadership we would move ahead, that we would move ahead and, in fact, consider this measure under what has been described by my cochairman, the gentleman from Indiana [Mr. HAMILTON], as a very generous rule.

Now, I and the gentleman from Missouri [Mr. EMERSON] joined in doing that, because when we looked at 25 amendments that had been offered on our side, 25 amendments that were offered, we unfortunately lost those amendments on a 6-6 tie vote. As I said earlier, an equal number of Republicans and an equal number of Democrats, but because I was not able to have enough input in what we called the chairman's mark that came about, it really was designed by the majority, we had to get at least one member of the majority to vote with us in support of an amendment that we had.

Well, it was an interesting process, because throughout the markup we had just before Thanksgiving and before our adjournment, we had a wide range of Members who would say privately to the gentleman from Missouri [Mr. EMERSON], to me, to the gentleman from

Pennsylvania [Mr. WALKER], to the gentlewoman from Washington [Ms. DUNN], to the gentleman from Colorado [Mr. ALLARD], to the gentleman from New York [Mr. SOLOMON] that "We are not going to support you here, but these are amendments that we will support when they get to the floor." So it was based on that indication that the gentleman from Missouri [Mr. EMERSON] and I voted to move the process along so that we could, in fact, bring the issue of congressional reform to the floor of this House.

We were told that it would first be considered on the floor of the House, and actually this was our markup, was supposed to have first taken place right in early September of last year. We were told we would have the reform package on the floor of the House in October of 1993, 3 months before the Joint Committee on the Organization of Congress was scheduled to go out of existence, and then when we had that markup, the weekend before Thanksgiving, we were told by many of our colleagues that we would have this considered shortly after the first of the year, and then in January or February, we had this delay, and all kinds of issues that had to be addressed here, and so we were told it would be addressed in the spring, and we had been told then, because of other conflicting items and the fact there is some disagreement here, that it would be considered in the early summer.

Just a few weeks ago we got an indication that there is, in fact, a plan brewing that would separate out one particular issue, the issue which Members on both sides of the aisle know is a hot button, that being congressional compliance, the fact that we in Congress regularly exempt ourselves from the laws that are imposed on the American people. We were told that that would be separated out and that the other recommendations of the Joint Committee on the Organization of Congress, including those 25 amendments which I stated that were defeated on a tie party-line vote and would, if we would have a generous rule, be able to be offered here on the House floor, and Members would go on record casting their votes for or against these, that all of that would be put aside, and we would simply bring up the proposal that was reported out in our measure on congressional compliance.

Unfortunately, the congressional compliance provision that was reported out of our committee is extraordinarily weak. Now, I know that Members on both sides of the aisle, when they go home, they hear from their constituents that, unfortunately, Congress has had this pattern of being above the law, and I have yet to meet anyone who believes that Congress should continue to exempt itself from the laws that we impose on the American people.

So Democrats and Republicans hear that, and the majority leadership knows that that is the one issue, the one issue that is a real hot button out there and potentially could be a real hot button as this coming November election approaches.

So they want to bring out a package which would basically do the following, and this is what we reported out of our committee. H.R. 3801 calls, in dealing with the issue of congressional compliance, for the establishment of a commission, a panel which would make recommendations back to us as to what regulations we might consider complying with ourselves.

□ 1540

I was talking about this Office of Compliance, which would be set up under the proposal that would move forward. The Office of Compliance, this commission would basically make these recommendations, they would look at what regulations we should consider complying with, then they would send those recommendations to us here in the Congress, and we would then make a determination as to what laws we might consider complying with.

Obviously, that is an extraordinarily weak proposal. It is nothing more than a fig leaf and provides a tremendous loophole for this institution to continue to place itself above the law on such things as OSHA and a wide range of other items. My colleagues, Messrs. SHAYS and SWETT, have been working diligently to move forward on this issue of compliance. My colleague on the Joint Committee on the Reorganization of Congress, Mr. ALLARD, has spent a great deal of time working on the issue of compliance. The gentleman from Missouri [Mr. EMERSON] has also worked hard on that issue. Unfortunately, the package coming forward is very, very weak.

Just yesterday, Mr. Speaker, the Senate Committee on Rules and Administration began its markup on the congressional reform issue, and they will continue their markup until next Thursday and yet, as I said there really was no indication—I had an exchange earlier with the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], on this issue, and he said the plan is to now have this issue come up sometime after the 4th of July district work period. We have been told this before, and I will believe it when I see it. I hope very much we have the real bill, if it does come up at that point. Next Tuesday the House Administration Committee, chaired by the gentleman from North Carolina [Mr. ROSE], is scheduled to have a hearing on one issue, the issue of congressional compliance, again demonstrating that the majority leadership wanted to move in the direction of dealing with nothing more than the question of congressional compliance.

So as we look at the commitments that have been made to me and other on our committee, if we look at the desire of the American people which I believe is out there to create a more accountable and deliberative body, we need to do everything that we possibly can to encourage that.

One of the hardest-working and most diligent members of the Joint Committee on the Reorganization of Congress who, as I said earlier, got his start as a page right here in this body in the early 1950's, is the gentleman from Cape Girardeau, Mr. EMERSON. I am pleased to yield to him at this time.

Mr. EMERSON. I thank my good friend and colleague, a very valuable colleague, for his very kind remarks about me. I want to reciprocate by commending him for the outstanding leadership that he demonstrated as cochairman, House cochairman of the Joint Committee on the Reorganization of Congress, together with Mr. LEE HAMILTON, of Indiana, who was the other cochairman. The two of them did indeed conduct the business of the committee in a statesmanlike manner.

I think both of them deserve an enormous amount of credit for moving us along as far as we have got.

I share the gentleman's frustration in our not having had our recommendations seriously considered by the House before this date. However, I have some optimism based on knowledge of the gentleman's persistence and the assurance of Mr. HAMILTON, who is a statesman, a fair gentleman, that he would lend his efforts to seeing our recommendations come to the floor under a very generous rule.

I am an optimist because I believe that the gentleman from California will, and the gentleman from Indiana will be persistent, will see this package come to the floor under a generous rule that would permit some additions to what our committee has recommended and consideration also of some other ideas for reform that could be very beneficial to this House.

The gentleman from California heard me say many times in the course of our deliberations in the committee that one of the problems here in Congress is we are always dealing with perceptions, and we know that in politics perception has a way of becoming reality. But I believe that if we would in fact deal with reality, the perceptions would take care of themselves.

There are some things about this place that are not all that complicated, that would be simple, I believe, to fix. Congressional compliance, to which the gentleman has referred, is a rather sticky wicket in a constitutional sense, but I believe there are ways we can address the constitutional problems. We do have to regard the doctrine of separation of powers, we cannot be frivolous, we do have to have the means of executing the law unto ourselves that for the rest of the population would be executed by the executive branch. We have got to find the means here to have enforcement of ourselves by the legislative branch because frankly the doctrine of separation of powers is very important and we would not want that doctrine to be seriously tampered with.

I thank that is the biggest impediment really: How do we proceed without violating the doctrine of separation of powers?

Mr. DREIER. If the gentleman would yield, in the hearings that we had on this issue, this question was always at the forefront. I happen to believe there are ways in which we could comply with more of the laws imposed on the American people and not violate that very important constitutional separation of powers.

Mr. EMERSON. I agree with the gentleman that is doable. That is always raised when someone wants to tell us it cannot be done. But I believe it can be done.

As the gentleman and I noted throughout the process of our deliberations last year, there were never-ending efforts to derail and to thwart the general reform thrust of what we were trying to accomplish. Since we made our report to the House, these efforts have been continued.

There are some false starts toward reform from time to time that I personally believe are efforts to derail and confuse and obfuscate the fundamental issues at stake here. I believe that is, unfortunately, a practice being rather highly engaged in at the moment, else we would have seen our recommendations on the floor prior to this time.

But what else are we talking about? There are a lot of things. It does not have to be complicated. A lot of things, in my view, that we could do that would help restore the confidence of the American public in this institution, relating to the committee structure and so forth. It could stand some revision. We could reduce the number of subcommittees. A lot of reform could be made in the budget process.

I personally think we should go to a 2-year budget cycle. I think Congress needs to exercise far more diligently than it has in recent years its oversight function. And we have made recommendations in that regard.

Mr. DREIER. If we could expand briefly on a couple of those items: My friend mentions the need to reduce the number of committees and subcommittees that exist here. I do not think there are too many Americans that are aware of the fact that there are, between the House and Senate, 266 committees and subcommittees for the 535 of us. In fact, I have said it a million times before, when you walk down the hallway and those of us in the minority who see a member of the majority and who may not remember the name, we say, "How are you, Mr. Chairman," because chances are he chairs some committee or subcommittee here. What we have witnessed with the proliferation of committees in this process of building fiefdoms and jurisdictional overlap which has made it virtually impossible for people to move ahead with many very important items which should be addressed. Through the committee structure here, we play a role in exacerbating gridlock, which is a term we hear time and time again. It seems to me as we look at the need to bring about the reduction of committees, it would allow members to be more deliberative and focus their attention on more issues.

□ 1550

Mr. Speaker, I was on a television program with my very distinguished colleague, the gentleman from Indiana [Mr. HAMILTON], who, as the gentleman said, was cochairman of the committee, and one of the things that he said was that early on in his career here, about 30 years ago, there was not a committee in existence to deal with environmental issues, for example, and he listed several other issues and said we have seen committees established to deal with all of those, and yet there has been no commensurate cut in other committees, no reduction, and interestingly enough, in the first several decades of the existence of the Republic, when each census was taken every 10 years, Mr. Speaker, there would be a rearrangement and a restructuring of the committee procedure here in the House. The last time that was really done was, as I said, nearly five decades ago.

Now I am one who does not believe that reform itself is going to, by any stretch of the imagination, be a panacea for all the ailments that exist out there, but I believe that there are some institutional reforms that we could make here that would create a great benefit, and this issue of the number of committees and restructuring committees is, I believe, one of the most important ones, and I'm happy to yield to my friend.

Mr. EMERSON. Mr. Speaker, if the gentleman would yield further, adding to that, and what the gentleman said is absolutely correct, but adding to that is the need for scheduling reforms to complement the committee reforms. We need to establish deadlines, particularly as it relates to the budget and to the authorizing and appropriations process, that are met, that are kept, and we need to make the system here more family friendly in terms of when we meet, and how late in the evening we meet, and we also need, I think, a master schedule to prevent avoidable conflicts.

Mr. Speaker, I am on two major standing committees of the House. Between those two standing committees I am on 6 subcommittees. And it has occurred that they have all met at the same time. Now, as hard as I may try, I can only be at one place at one time, and I believe that these are simple problems that with the use of modern technology that we could work out, and the end result would be that we would be more deliberative.

Too often, Mr. Speaker, Members are diverted and distracted. How many times have we been in committee, to have the bells ring, which summons us to the floor of the House for a vote? We have to unfocus on what we are doing in committee, come to focus here on the floor on what is going on here, unfocus here, go back to the committee, and we do that 4 or 5 times, or 5 or 10 times in the course of a day. What we have really done is spend half our time running back and forth across the street.

Now that just does not make sense. There is a better way than that to be organized around here so that our time can be spent more productively.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Missouri [Mr. EMERSON] for that very helpful contribution, and I totally concur with him.

I should take time here to echo one of the statements that my friend made throughout the hearing process, and I think it would be very timely to mention it now. It was a statement that was made at our first hearing by our Speaker, the gentleman from Washington [Mr. FOLEY], that, as we address the issue of reform, it was his hope that members of the majority would proceed as if they were members of the minority, and members of the minority would proceed as if they were members of the majority, and one of the reasons that it is very timely to mention it today is that with the victory in two special elections which took place within the past few weeks, and all kinds of rumors about a possible change in the makeup of this House and what the three of us certainly hope will be a change for the first time in four decades of the majority status of Republicans in this House, it is our quest, as we proceed with this, to deal with the issue of reform as if we are members of the majority party because unfortunately, the way the structure is today, Mr. Speaker, it really proves that Lord Acton was right on target when he said, "Power corrupts, and absolute power corrupts absolutely," demonstrating that there is, more often than not, little regard for the minority and minority rights.

And I say that from my perspective of spending a large part of my life just upstairs on the third floor as a member of the Rules Committee, and I think one of the most important things we should also do is work towards a greater degree of democratization within the Rules Committee.

We have been joined by a very hardworking Member who is working diligently to ensure that the issue of congressional compliance is addressed. I spoke before he came about this as an item which the majority at this point seems to want to move ahead on, and frankly in a very weak manner, but I know that my colleague, along with his Democrat colleague, the gentleman from New Hampshire [Mr. SWETT], have worked very diligently to ensure that we can move forward with congressional compliance, and I am happy to yield to the gentleman from Connecticut [Mr. SHAYS] at this time.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

I first want to thank the gentleman from California [Mr. DREIER]. I was in my office, and I noticed that the gentleman asked the majority whip when we would be taking up the bipartisan bill, done by the Joint Committee on the Organization of Congress, and I was just struck by the fact that the majority whip's response to the gentleman really provides some doubt in my mind as to when we will—

Mr. DREIER. I am sorry. Would the gentleman repeat that? I was talking.

Mr. SHAYS. I just was making the point that I was grateful that the gentleman asked the majority whip, the gentleman from Michigan [Mr. BONIOR], when the committees, the Joint Committee, on the organization of Congress' bill, H.R. 3801, is going to come to the floor of the House, and his basic response was that it will hopefully, or it is our intention, that it come after the July break, sometime this summer basically, or before, I think, maybe he said. I am not quite sure. Maybe the gentleman can tell me what he said.

Mr. DREIER. If I can reclaim my time, what he said was it is his intention at this point to bring it up following the Independence Day district work period, which means following the Fourth of July up until we are scheduled to adjourn for the month of August, and I know the scheduled adjournment is somewhere around the second week in August, and then we know that during this time one of the big challenges we have is to deal with all the appropriation bills.

Mr. SHAYS. Well, if I could ask the gentleman to yield, the reason why I am on the floor is, one, to thank the gentleman for asking the question and just to express for the RECORD my concern because this is legislation that has been worked on for over a year on a bipartisan basis. We were told that it would come up sometime in the late wintertime. Then we were told it was the intention to come up during the springtime. We were told that it would come up before the Memorial break. Now we are told it is going to come up—and then we were told that at least then it would come up by the July break, and now we are told that hopefully our intention is for it to come up before the August break.

Mr. Speaker, it is getting to the point now where we are going to have to work very hard, I think, to have a full and open debate on this legislation. I think part of the challenge is there is a disagreement on how extensive this bill should be. I know the gentleman worked very hard with other Members to have it be an extensive bill. It has some strengths to it, but it is not strong. It is not the kind of reform that I thought we would see.

We do see a number of committees, maybe, dealing with seniorities in committee and making sure they do not have one chairman for so long that they act in such an autocratic way. It was my hope that we would have more open rules on the floor of the House and also that we would deal with congressional accountability, getting Congress to address—

Mr. DREIER. If I could reclaim my time on that point, I simply say on the issue of open rules that it is fascinating to observe that every time there has been any kind of reform proposal dealing with this institution brought to the floor over the past several decades, it has come up under an open amendment process, and while the gentleman from Indiana [Mr. HAMILTON] has said to me that he would not request that our Rules Committee grant a completely open rule that would be my first choice.

He did indicate that it is his hope that our Rules Committee will allow at least all of the items which were brought up in the 25 amendments that have been defeated on party lines, 66 titles, to be considered here on the House floor, and I think that is the real point that my friend is making, that the bill itself, H.R. 3801, is very weak. Some things in it, and I have congratulated my colleagues in support of those good things in it, but it is still very weak and not what the American people want, and not, of course, including the issue where my friend has worked so diligently in congressional compliance, but unfortunately it is so weak we have to allow the Members of this body to work their will and cast the votes that they believe are right on the issue of congressional reform on an overall basis.

I am happy to yield further to the gentleman from Connecticut.

Mr. SHAYS. What concerns me is that not only may we not have an open rule, but then they are talking about dividing up what is in this bill, and taking it piecemeal, and maybe, for instance, taking up an issue that I feel very important about, concerned about, congressional accountability, getting Congress to live by the same laws that the private sector and the executive branch have to live by, which makes sense.

□ 1600

I am concerned that there might be an attempt to separate that from a total reform bill. This is just one part. As concerned as I am about congressional attainability, I want the record to show it has to be part of a whole. The part of the whole are so many other reforms to this House.

Mr. DREIER. The real fear, of course, is if it is broken up, the majority leadership would clearly have the ability to then say we have addressed the issue of congressional reform, ignoring all of these very important items that were referred to by Mr. EMERSON earlier, in which he mentioned the fact of reality versus perception, that if we take care of the real things, we will take care of the perception. Some of these items, which all of the people cannot necessarily relate to, are key to the issue of congressional reform. And if they do agree to take out congressional compliance and simply utilize that as an issue, ignoring those other very important, very real things that should be addressed, we would allow the majority to have cover, if you will, basically stating that they have dealt with the issue of congressional reform. And that is one of the reasons I feel so strongly, and I appreciate the support of my friend, in working as hard as we can to keep this package together and consider all of these items together.

Mr. SHAYS. One challenge is to keep the package together. The other challenge is to actually have a vote on it. The next challenge is to make sure we are allowed to work our will and provide meaningful amendments to this bill. Because as the bill is now, I have a hard time imagining that I could support it and vote for it, because it simply does not do enough. It is not significant enough.

Let us just take one part of the bill. Let us just take one part of this important legislation dealing with reform, that part that is called congressional attainability. Just in congressional accountability, it does not include all the laws of Congress. So we are going to say the Congress is going to comply with the laws the private sector has to live with, but a number of them have been left out, like OSHA, Freedom of Information, and so on, a number of other parts of it. It has also left out some of the parts of Congress. The Library of Congress would not be part of it. It leaves out the Architect's Office.

So just within one segment of reform, congressional accountability, there is need to upgrade it and improve it.

Then, as the gentleman has pointed out in the work he has done in other parts, there is the need to strengthen and make sure we deal with proxy voting and openness and so on.

My hope was, and maybe it was a bit unrealistic, that we would establish a principle that we would not have as many closed rules come to the floor of the House. Obviously we want this particular issue to be dealt with in an open way, but we want other issues to be dealt with in an open way as well.

If I could continue, I am struck by the fact that one of the healthy parts about this is, and I think it is healthy for people to make an assumption that Republicans or Democrats may win or lose elections, that they may end up controlling this House and the possibility that Republicans will gain control of this Chamber, if Republicans gain control of this Chamber, by the mere process the gentleman has been involved in, you have set the record pretty straight on what we would do if we were in the majority.

It is very clear if we were in the majority, that we would allow for far more open votes in committee; that we would get rid of proxy voting; that we would reduce the number of committees. And I think it is a healthy thing we have been part of this debate, because we are on record, and we would have to be pretty hypocritical if we did not live up to that if we were in the majority. But hopefully it will not come to that.

Mr. DREIER. Hopefully we will be in the majority.

Mr. SHAYS. But hopefully it does not come to the fact it will take us to have this kind of reform take place.

Mr. DREIER. I thank my friend for his very helpful contribution. I appreciate the fact that he wants to keep this issue together, recognizing that having spent 1 entire year with I think a couple of hearings where my friend testified, at least two occasions, we have received the very helpful input that has been provided.

As I said before the gentleman came over, there were 240 witnesses who testified before this committee, and we have put together the largest compilation of information on the Congress ever assembled. And it seems to me that we have gotten to the point where it is very tragic that this issue has been, unfortunately, cast to the side, and is getting very little attention.

There are some who believe that gosh, if we can have lobbying reform and campaign finance reform, that all of a sudden takes care of the problems that exist right here in the Congress. But, unfortunately, as we look at the low level of esteem with which the American people hold this institution, I believe that enhancing the level of accountability, dealing with reality, as Mr. EMERSON said, and creating a greater degree of deliberation through complying with the laws, reducing the number of committees. There are 38,000 staff members at all levels here in the legislative branch. I recognize that includes the Capitol Police and the support agencies. But I think that 38,000 as a level of staffing is still probably a little higher than the Founding Fathers had envisaged in establishment of this, the first branch of government.

I do believe very strongly that changes need to be made here. The power of incumbency itself is something else which is very great. One of the reasons we see such a high reelection rate among incumbents is we have these humongous staffs and tremendous budgets here, and a lot of attention has been focused on that in the past several weeks because of problems some of our colleagues are having. If we could have a greater degree of accountability there, it would also be very beneficial.

More open meetings. You mentioned proxy voting. The issue of proxy voting is very important, because what we frankly see on a regular basis is a committee hearing that could have——

Mr. SHAYS. Maybe the gentleman would define proxy voting. There are some people that use the term, and I am not sure everybody knows it.

Mr. DREIER. What proxy voting consists of, we frequently have a committee hearing where a markup is taking place, legislation is being prepared to report out, and every member of the minority could be sitting in the room offering very thoughtful amendments, and there could be one majority member of the committee there, the chairman. And when amendments are offered by a minority member, thoughtful amendments designed to reduce the size and scope of government, to try and bring about a greater degree of fiscal responsibility, those amendments can be offered, the vote taken, and even though every minority member of the committee is there and only one majority member, the chairman can reach into his desk and pull out the proxy votes, casting the votes for members who have not even shown up to the committee to listen to the debate, to hear about the idea. Those proxies basically allow for voting without members being present.

We cannot vote here on the House floor without being present. Members regularly say, gosh, I have so many committees and subcommittees that I can't possibly attend every markup. But that is why we need to reduce the number of subcommittees, the number of full committees, so that we can bring about a greater degree of deliberation.

Mr. SHAYS. I would like to focus a second on that, as you mentioned proxy voting. When I was elected in 1974 to the State house in Connecticut, we eliminated proxy voting, in 1974, 20 years ago, in committees, because previous to that we were allowed to vote. And it was done on a bipartisan basis. Republicans and Democrats alike, agreed this was the wrong process.

While I am on the subject of Connecticut, and I am struck by the whole issue of committees, Bill Simon, the Secretary of Treasury, pointed out that when he had to testify, he had to testify before eight committees on one subject, and he would spend days saying the same thing to different committees. In some cases it would be the same committee members who just served on different committees, the same individuals serving on different committees, that he would go before.

In Connecticut, we do something unique to the country. House and Senate Members meet jointly. We have joint committees. One of the advantages is we do not have these conference reports at the end where the House passed the bill in the Senate and then you come into conference. Not only do we have so many committees in the House and Senate, but a lot of the work in Congress is decided behind closed doors when the House and Senate have to get their two bills to agree.

If I could, before I leave, I just want to reiterate again the fact that I am pleased that you asked the question of the majority leader about this legislation. I think it is important that we make it very clear that it must come up. I am disappointed that he said it would not come up before the break in July. There is no need to keep postponing this issue. I would have liked him to say it will, you have my word on it, come up after.

By the way, was it the majority leader or the whip?

Mr. DREIER. It was the majority whip, Mr. BONIOR.

Mr. SHAYS. Mr. BONIOR, making the point it would come up sometime after the break.

☐ 1610

I want to express concern about that, and just to thank the gentleman again for the work he has done on this committee, and to say that today a number of Republicans and Democrats, because we do think this is a bipartisan concern, and one that should be addressed on a bipartisan basis, the gentleman from New Hampshire [Mr. SWETT], and I, and the gentleman from Massachusetts [Mr. TORKILDSEN], and the gentleman from Arkansas [Mr. DICKEY], and the gentlewoman from Florida [Mrs. FOWLER], and the gentleman from Maryland [Mr. BARTLETT], and the gentleman from Ohio [Mr. FINGERHUT], the gentleman from Tennessee [Mr. COOPER], the gentleman from Ohio [Mr. MANN], the gentleman from Pennsylvania [Mr. MCHALE], and the gentleman from California [Mr. MCKEON], wrote to the Speaker and said, "We want this bill to come up. We want to know when your reform package is going to come up done by the committee, this bipartisan committee."

We have asked him within the next 2 weeks to give us a date, or we are going to be forced to petition out one part of that legislation. Mr. Speaker, I want to make it clearly understood that it is our hope and expectation that we will get a date certain from the Speaker, and that we can continue to work to hold this bill together, and then amend it to improve it, which is clearly in the advantage of Republicans and Democrats alike. It is the right thing to do for our country to bring forward these reforms. It is the right thing politically for Democrats to do, the right thing for Republicans. I see no negative at all in moving forward.

I am puzzled that we are seeing people drag their feet, and I just pledge that I am going to continue to work with the gentleman, as are Republicans and Democrats alike, to move this forward.

Mr. DREIER. Mr. Speaker, I thank my friend for his very helpful contribution, and let me simply say, Mr. Speaker, in closing, that as I said at the outset, we are honoring the pages today. Their graduation is this evening, and they are the future of this country, the young people who are going to be the future leaders of the United States.

It seems to be a very sad commentary that there are so many Members here who thrive on the status quo that they are unfortunately blocking the attempt to bring about the kind of reform that will make this institution better and more accountable and more deliberative, not only for the people of today, but for future generations.

It seems to me that as we look toward that challenge, this is the opportunity. After all, we sit here today with 117 new Members of this institution, the two most recent having been elected within the past few weeks. There are indications we will have another large group of new Members coming in.

Now is the time to bring out major change and reform of this institution. It is for these young people, Mr. Speaker, that we do this, because unfortunately, many of the problems that lie here and continue to be reported in the news are due to the fact that we will not bring this institution into the 20th and then the 21st century.

We are sitting here just 6 years away from the millennium. It seems to me that now is the most important time to do it. Let us do it now. We have put it off way too long. I believe this truly can once again, be reaffirmed as the greatest deliberative body known to man.

NOTIFICATION OF ISSUANCE OF EXECUTIVE ORDER NO. 12920, PROHIBITING ADDITIONAL TRANSACTIONS WITH HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–271)

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701 *et seq.*) and section 301 of the National Emergencies Act ("NEA") (50 U.S.C. 1601 *et seq.*), President Bush exercised his statutory authority to issue Executive Order No. 12775 of October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 of October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c), I exercised my statutory authority to issue Executive Order No. 12853 of June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under United Nations Security Council Resolution 841 of June 16, 1993.

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 of October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. On May 7, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12914 of May 7, 1994, to impose additional economic measures with respect to Haiti. On May 21, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12917 of May 21, 1994, to impose economic measures required by Resolution 917. These latter actions were taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under the provisions of United Nations Security Council Resolution 917.

On June 10, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12920 of June 10, 1994, prohibiting additional transactions with Haiti.

This new Executive order:

—prohibits payment or transfer of funds or other assets to Haiti from or through the United States or to or through the United States from Haiti, with exceptions for activities of the United States Government, the United Nations, the Organization of American States, or foreign diplomatic missions, certain payments related to humanitarian assistance in Haiti, limited family remittances, funds for travel-related expenses, and payments incidental to exempt shipments of food, medicine, medical supplies, and informational materials;

—prohibits the sale, supply, or exportation by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of any goods, technology, or services to Haiti or in connection with Haitian businesses, or activities by United States persons or in the United States that promote such sale, supply, or exportation, except for the sale, supply, or exportation of informational materials, certain foodstuffs, and medicines and medical supplies;

—prohibits any transaction that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and

—authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to tighten the embargo against Haiti with the goal of the restoration of democracy in that nation and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 10, 1994*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BALLENGER (at the request of Mr. MICHEL) for today on account of personal reasons.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 12 noon on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 1 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. KOLBE) to revise and extend his remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. CRANE in five instances.

Mr. BURTON of Indiana in two instances.

Mr. EWING.

Mr. BOEHLERT.

Mr. HASTERT.

Mrs. MORELLA in two instances.

Mr. TALENT.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. SANGMEISTER.

Mr. MILLER of California.

Mr. KLEIN.

Mr. BONIOR in three instances.

Mr. GEJDENSON.

Mr. BORSKI.

Mr. VISCLOSKY.

Mr. LEVIN.

Mr. LANTOS.

Mr. SWETT.

Ms. ENGLISH of Arizona.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. HORN in two instances.

Mr. GILLMOR.

Mr. SWETT.

Mr. CLINGER.

Mr. LEWIS of California.

Mr. SERRANO.

Mr. STARK.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 965. An act to provide for toy safety and for other purposes.

H.R. 1632. An act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references.

H.R. 3863. An act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office."

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, June 13, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3360. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require meat and poultry slaughter and processing establishments to pay the cost of Federal inspection for extra shifts; to the Committee on Agriculture.

3361. A letter from the Federal Housing Finance Board, transmitting the Board's Annual Enforcement Report covering the period of January 1, 1993 through December 31, 1993, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3362. A letter from the Chairman, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993 through March 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3363. A letter from the Director, United States Arms Control and Disarmament Agency, transmitting a draft of proposed legislation entitled, "Chemical Weapons Convention Implementation Act of 1994"; jointly, to the Committees on Foreign Affairs, the Judiciary, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWETT:

H.R. 4564. A bill to reorient the Department of Energy's fusion energy research program toward development of commercially visable fusion power systems, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. ENGLISH of Arizona:

H.R. 4565. A bill to provide for the establishment of business accounts for air travel by Federal employees to maximize costs savings, and for other purposes; jointly, to the Committees on Government Operations and House Administration.

By Mr. TALENT (for himself, Mr. HUTCHINSON, Mr. CANADY, Mr. ARMEY, Mr. BAKER of California, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COBLE, Mr. COLLINS of Georgia, Mr. COX, Mr. CRANE, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. EWING, Mr. GRAMS, Mr. HANCOCK, Mr. HASTERT, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KINGSTON, Mr. LEVY, Mr. LINDER, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. POMBO, Mr. ROHRABACHER, Mr. ROTH, Mr. SOLOMON, Mr. STEARNS, Mr. STUMP, Mr. WALKER, and Mr. ZELIFF):

H.R. 4566. A bill to restore the American family, reduce illegitimacy, and reduce welfare dependence; jointly, to the Committees on Ways and Means, Education and Labor, Agriculture, Banking, Finance and Urban Affairs, the Judiciary, Energy and Commerce, Government Operations, Rules, Natural Resources, and Public Works and Transportation.

By Ms. ENGLISH of Arizona (for herself, Mr. FINGERHUT, Ms. SHEPHERD, Mr. FRANK of Massachusetts, Ms. MARGOLIES-MEZVINSKY, Mr. COPPERSMITH, Mr. KOLBE, Mr. KYL, and Mr. BECERRA):

H. Res. 451. Resolution requiring that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel; to the Committee on House Administration.

By Mr. SCHUMER (for himself and Mr. SENSENBRENNER):

H. Res. 452. Resolution expressing the sense of the House of Representatives that United States should resume support of operations for the interdiction of illegal drug trafficking in Andean and other foreign nations; jointly, to the Committees on Armed Services and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

422. By the SPEAKER: Memorial of the Senate of the State of North Carolina, relative to the physical desecration of the U.S. flag; to the Committee on the Judiciary.

423. Also, memorial of the Legislature of the State of California, relative to the California State University; to the Committee on Armed Services and Education and Labor.

424. Also, memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to the Free Trade Agreement; jointly, to the Committee on Ways and Means and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GILCHREST introduced a bill (H.R. 4567) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 702: Mr. LEVY.

H.R. 1016: Mr. RANGEL, Mr. BAESLER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LIPINSKI.

H.R. 1099: Mr. BEREUTER.

H.R. 1155: Mr. MACHTLEY.

H.R. 1627: Mr. MCCURDY.

H.R. 1883: Mr. SMITH of Iowa, Mr. MCHALE, and Ms. ROS-LEHTINEN.

H.R. 2447: Mr. HINCHEY, Mr. VALENTINE, and Mrs. SCHROEDER.

H.R. 2623: Mr. THOMAS OF WYOMING.

H.R. 2672: Mr. EWING.

H.R. 2720: Mr. EMERSON and Mrs. MEYERS of Kansas.

H.R. 2826: Mr. CARR, Mr. SAXTON, Mr. TOWNS, Mr. FLAKE, Mr. MOORHEAD, and Ms. ROYBAL-ALLARD.

H.R. 2866: Mr. HOCHBRUECKNER.

H.R. 2918: Mr. FALEOMAVAEGA, Mr. QUINN, Mr. MINETA, Mr. TUCKER, and Mr. YATES.

H.R. 3087: Ms. LAMBERT and Mrs. MALONEY.

H.R. 3392: Mr. VALENTINE and Mr. WISE.

H.R. 3507: Mr. EHLERS and Mr. INGLIS of South Carolina.

H.R. 3523: Mr. LIVINGSTON, Mr. KLUG, and Mr. HUTCHINSON.

H.R. 3561: Mr. ENGEL.

H.R. 3658: Mr. BAKER of California.

H.R. 3705: Mr. LEWIS of Florida, Mr. HUTTO, and Mr. HASTINGS.

H.R. 3835: Mr. HALL of Texas, Mr. STUMP, and Mr. ROTH.

H.R. 3838: Mr. JOHNSTON of Florida.

H.R. 3906: Mr. UPTON, Ms. KAPTUR, Mr. TRAFICANT, Mr. TOWNS, and Mr. CHAPMAN.

H.R. 4015: Mr. LANTOS.

H.R. 4036: Mr. COOPER, Mr. LANTOS, Mr. MILLER of Florida, and Mr. SWETT.

H.R. 4057: Mr. HOAGLAND, Mr. BAKER of Louisiana, Mr. CANADY, Mr. ROHRABACHER, and Ms. FURSE.

H.R. 4095: Mr. THOMAS of Wyoming.

H.R. 4135: Mr. LIPINSKI, Mr. GRANDY, Mr. FOGLIETTA, Mr. GOODLING, Mr. RIDGE, Mr. WALKER, Mrs. MALONEY, Mr. CASTLE, Mr. HOBSON, Mr. HASTERT, Mr. MCDERMOTT, Ms. DUNN, Mr. VALENTINE, Mr. ROMERO-BARCELO, Mr. SMITH of Iowa, Mr. LIGHTFOOT, Mr. ROTH, Mrs. ROUKEMA, Mr. MCCRERY, Mr. MILLER of Florida, Mr. GILCHREST, Mr. UPTON, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. KINGSTON, Mr. EHLERS, Mr. PICKLE, Mr. KLEIN, Mr. COLEMAN, Mr. PETERSON of Florida, Mr. HUTTO, Mr. VENTO, Mr. ARMEY, Mr. BARTON of Texas, and Mr. SAM JOHNSON.

H.R. 4136: Mr. BILIRAKIS, Mr. THOMAS of Wyoming, Mr. BACHUS of Alabama, Mr. MACHTLEY, Mrs. VUCANOVICH, Mr. MILLER of Florida, Mr. ANDREWS of New Jersey, Mr. QUINN, Mr. SOLOMON, and Mr. BLILEY.

H.R. 4142: Mr. MEEHAN.

H.R. 4161: Mr. PETRI, Mr. MICA, and Mr. EMERSON.

H.R. 4206: Mr. MURTHA, Mrs. BENTLEY, Mr. VISCLOSKY, Mr. OBERSTAR, Mr. POSHARD, Mr. QUINN, Ms. KAPTUR, Mr. MOLLOHAN, Mr. MURPHY, Mr. APPLEGATE, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, Mr. LAROCCO, Mr. MANTON, Mr. LAFALCE, Mr. FINGERHUT, Mr. CRAPO, Mr. BORSKI, Mr. TRAFICANT, Mr. RIDGE, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. SANGMEISTER, Mr. STOKES, Mr. STRICKLAND, Mr. KLINK, and Mr. MCDADE.

H.R. 4280: Mr. MILLER of California, Mr. SYNAR, Mr. WYNN, and Mr. GEJDENSON.

H.R. 4291: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GOODLING, and Mr. COYNE.

H.R. 4343: Mr. HUTCHINSON.

H.R. 4365: Mr. BALLENGER.

H.R. 4400: Mrs. UNSOELD, Mr. TOWNS, Mr. PAYNE of New Jersey, and Mr. ENGEL.

H.R. 4404: Mr. WYNN and Mr. EDWARDS of California.

H.R. 4466: Mr. SHAYS.

H.R. 4507: Mr. DORNAN and Ms. NORTON.

H.R. 4542: Mr. BROWDER.

H.J. Res. 90: Mr. ZIMMER, Mr. QUILLEN, and Mr. YOUNG of Florida.

H.J. Res. 131: Mr. LIGHTFOOT.

H. Con. Res. 17: Mr. BALLENGER, Mr. HOUGHTON, Mr. GIBBONS, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. PORTER, Mr. MCDADE, Mr. WHITTEN, Mr. BOEHLERT, Mr. BOEHNER, Mr. SAM JOHNSON, Mr. FIELDS of Texas, Mr. THOMAS of California, Ms. DUNN, Mr. REGULA, Mr. MINETA, and Mr. GOODLING.

H. Con. Res. 111: Mr. PAYNE of New Jersey, Mr. SAWYER, and Mr. UNDERWOOD.

H. Con. Res. 148: Mr. SCHAEFER and Mr. PAYNE of New Jersey.

H. Con. Res. 166: Mr. KLECZKA.

H. Con. Res. 210: Ms. ROS-LEHTINEN.

H. Con. Res. 245: Mr. MARTINEZ.

H. Res. 234: Mr. GALLO and Mr. MEEHAN.

H. Res. 446: Mr. LANCASTER, Mr. MCMILLAN, Mr. KLUG, Mr. SENSENBRENNER, and Mr. DEAL.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. McCOLLUM on H.J. Res. 38: Ron Lewis.

Petition 5 by Mr. STEARNS on House Resolution 156: Jack Fields.

Petition 10 by Mr. McCOLLUM on House Resolution 295: Jack Fields.

Petition 11 by Mr. RAMSTAD on House Resolution 247: Jack Fields and Bob Livingston.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Y. Tim Hutchinson, Tom Lewis and Peter Blute.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Jack Fields, Peter A. DeFazio, Ken Calvert and Bill Baker.

Petition 17 by Mr. SHAW on House Resolution 386: Jack Fields.

Petition 18 by Mr. HASTERT on House Resolution 402: Tom Lewis, Joe Knollenberg, Stephen Horn, Bob Livingston, Dan Burton, Scott McInnis and David Dreier.

Petition 19 by Mr. EWING on House Resolution 415: Jack Fields, Bob Inglis, Howard P. "Buck" McKeon and John Linder.

Petition 20 by Mr. SANGMEISTER on H.J. Res. 131: Tom Lewis.

Petition 21 by Mr. HANSEN on House Resolution 405: Harold Rogers, Jay Dickey, Jack Fields, Bud Shuster, Bill K. Brewster, Pete Geren, Wally Herger, Michael N. Castle, Joseph M. McDade, George E. Brown, Jr., Ron Packard, Jim Saxton, John M. McHugh, Robert K. Dornan, Stephen Horn, Sherwood L. Boehlert, Herbert H. Bateman, Floyd Spence, Helen Delich Bentley, Amo Houghton, Henry J. Hyde, Ron Lewis, Y. Tim Hutchinson, Frank R. Wolf, Dan Schaefer, C. W. Bill Young, David A. Levy, George W. Gekas and Spencer Bachus.

EXTENSIONS OF REMARKS

TRIBUTE TO RABBI AND MRS. SAMUEL DAVID RAICHIK

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. WAXMAN. Mr. Speaker, on June 22, 1994, the Jewish community in Los Angeles will pay tribute to our close friends, Rabbi and Mrs. Samuel David Raichik, for their enormous contributions to our community.

Rabbi and Mrs. Raichik were among the fortunate Polish Jews who survived the Holocaust. Both saw the virtual destruction of their families. Since that time, they have pursued with all their energy the values reflected in the lives of their learned and pious families.

From the time of his youth, Rabbi Raichik has been a devoted follower of the Chabad-Lubavitch School of Chassidism. He studied at the Lubavitcher Academy for Advanced Talmudic Studies near Warsaw, Poland. He was personally involved in the escape of the late Lubavitcher Rebbe, Joseph Isaac Schneerson, from German-occupied Poland in 1940. Rabbi Schneerson guided the entire academy eastward across the Soviet Union into China and finally to their city of refuge—Japanese-occupied Shanghai.

Mrs. Leah Raichik—nee Rapaport—is a descendant of one of the most illustrious families in all of Jewish history. Her father, the late Abraham Abba Rapaport, was a renowned Talmudic scholar, a key figure in the Court of the Gerer Chassidim, a major manufacturer and wholesaler of textiles, and economic adviser to the prewar Polish Government. Mr. Rapaport died shortly after the German invasion of Poland. His wife, Sabina, and four Rapaport daughters spent the entire war hiding in the barn that belonged to friendly gentile farmers. The constant search by German troops for Jews placed them in perpetual danger until the liberation of Poland.

Following the war, Rabbi and Mrs. Raichik settled in Brooklyn, NY. With the blessing and approval of the late Rabbi Joseph I. Schneerson, they were married in 1948. Rabbi Schneerson dispatched the young couple to represent him and the Lubavitcher movement on the west coast. He designated Rabbi Raichik as his personal emissary and entrusted him with a wide range of spiritual and material responsibilities.

Within a short time, the Chabad-Lubavitch movement became familiar to most Orthodox Jews and many Jews of other orientations. The non-Jewish community came to respect the Chabad movement for its integrity, compassion, and special emphasis on the needs of young people.

The Raichiks first settled in the Boyle Heights area of Los Angeles and subsequently moved to the Beverly-Fairfax section, where they have lived for 42 years.

Rabbi Raichik has been involved in every area of Jewish communal life. He is universally respected for his gentle, compassionate, and accepting approach to matters and is renowned as a leader who "loves peace and pursues it."

After the passing of Rabbi Joseph Schneerson, the mantle of leadership fell upon his son-in-law who became the Lubavitcher Rebbe, Rabbi Menachem Mendal Schneerson. The present Rebbe renewed Rabbi Raichik's appointment as personal emissary to the west coast and expressed his prayer and blessing that the work of Chabad Lubavitch would grow and flourish.

In the ensuing years, the Chabad Lubavitch movement has indeed grown and there has been an even greater expansion of Chabad's work. The expansion program has included the founding of Cheder Menachem and the opening of numerous Chabad Houses throughout the State. Chabad now has branches in such far-flung places in California as San Diego, Westminister, Torrance, Santa Monica, San Fernando Valley, and the Bay Area.

In all his years as an emissary, Rabbi Raichik has never recognized a distinction between his public and private lives. He has no office. He keeps no appointment book. His home is a gathering place for visiting dignitaries, for troubled youth, for divided families, and for spiritual seekers. His days are filled with service to his Creator and loving service to the community. To fulfill their mission, Rabbi and Mrs. Raichik and their family have sacrificed privacy, luxury, convenience, and comfort.

Every Chabad Rabbi turns to Rabbi Samuel David Raichik for guidance in his personal life and in his communal work. Each recognizes Rabbi Raichik's unique ability to put every issue in the context of Torah thought and the teachings of the Lubavitcher Rebbe.

All those who seek out Rabbi Raichik's well-known Edinburgh Avenue home are accepted and nourished physically and spiritually. Rabbi Raichik brings the teachings of the Torah, the wisdom of Chabad philosophy, and the instructions of the Lubavitcher Rebbe into homes, offices, and synagogues across the city. When he visits prisoners in California jails, he takes not only his message, but foods and baked goods prepared by his wife.

Rabbi and Mrs. Raichik are the proud parents of 10 children, all of whom are devout Lubavitcher Chassidim and devoted followers of the Lubavitcher Rebbe. They are also the grandparents of many grandchildren, some of whom already have become Bar Mitzvah.

We ask our colleagues to join us in saluting Rabbi and Mrs. Samuel David Raichik for their years of service to the city of Los Angeles and to wish Cheder Menachem continued success in educating and guiding its students in the ways of the Torah. The Raichiks ask the community to join in prayers for their ailing leader, Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe. Finally, please join us in wishing Rabbi and Mrs. Raichik long life, good health, continued success in their communal roles, and spiritual satisfaction from the achievements of their children and grandchildren.

HEALTH CARE REFORM DOUBLE TALK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. CRANE. Mr. Speaker, as President Clinton has tried to build support for his health care package, he has developed confusing and misleading terminology to hide the radical nature of his health plan. In an editorial from the February 1994 issue of "Family Practice," Dr. Edward R. Annis examined this jargon to give us a realistic view of the Clinton plan and its Socialist origin. I strongly urge my colleagues to read this alarming editorial and to support health reform alternatives which place power in the hands of the private sector, not the bureaucratic government.

WHAT IS CLINTON REALLY TALKING ABOUT?

(By Edward R. Annis, MD)

It is becoming increasingly difficult to interpret the pronouncements of the con artists in the Clinton administration. When they say investments, they really mean taxes; when they say global budgets, they really mean price controls; when they say alliances, they really mean new bureaucracies; and when they say premiums or contributions, they really mean forced payments. Their health-care vocabularies include euphemisms such as crisis, universal coverage and rights. This double talk is aimed at creating the perception that their intentions are altruistic.

Clinton and his henchmen, who have long tried to bring all health care under government domination, have admitted that the American people won't buy socialism. Therefore, to shield from voters their Socialist objectives, the Clintonites cleverly twist words to delude the public.

Government officials claim that we face a crisis because too many people do not have access to proper medical care. The real problem is that health care is too expensive because lawyers and alleged victims abuse the tort system, bureaucrats burden doctors and hospitals with excessive rules and regulations and the government has broken its promises to adequately finance care for the elderly and the poor.

Most medical professionals have always provided medical care to those who needed it, regardless of whether they could pay for it. However, when politicians use the term universal coverage, they refer to an entitlement assured by government, not to medical

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

care provided by caring physicians. Secretary of Health and Human Services Donna Shalala recently said her department would be glad to take over the entire health-care system. HHS already is trying to move in that direction, increasing its authority not by legislation but by publishing rules and regulations in the Federal Register.

Robert Novak recently reported that at a bipartisan White House dinner, Clinton said if Republicans would accept the concept of universal coverage, everything else in his health plan would be negotiable. If the president's political opponents agree to such a plan, they will be giving socialism a foot in the door.

A concept gaining acceptance in this country is that everyone has a right to medical care. No one has a right to the knowledge, skills and services of another. If people who needed food or clothing simply helped themselves, they might face criminal charges.

The proponents of socialized medicine are intentionally trying to deceive the American people. Physicians should alert their friends and patients to Bill and Hillary Clinton's carefully crafted fabrications.

A SALUTE TO SEVERAL AMERICAN WAR HEROES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BURTON of Indiana. Mr. Speaker, I rise today to salute several decorated World War II veterans, and raise several questions about the apparent cold shoulder turned to all veterans by the White House during its recent excursion to Europe to celebrate the 50th anniversary of the Normandy D-day invasion.

Mr. Speaker, I was moved by a story I saw on the CBS Evening News on Monday, June 6, 1994. While our President was hopscotching around Europe to attend various ceremonies honoring American participation in the Allied invasion of Europe, many veterans were left at home—forgotten by the Clinton administration. As a member of the House Veterans' Affairs Committee, I took particular interest in this story. In the segment, three of the California Veterans' Home's D-day vets were interviewed.

I contacted the California Veterans' Home, and collected information on these vets, as well as several others. Here is a list of these brave men which I am saluting today:

Mr. Jess Ergle—was in the 1st Division, "Bloody One". He stormed Omaha Beach, and was in the first wave. He was from Los Angeles, and was 26 at the time.

Mr. Frank D. Elwess—was in the 82d Airborne Division, 504 Regiment, Company B. He jumped behind enemy lines at night the day before the invasion, June 5, 1944. He is from Ionia MI, and was 19 at the time.

Mr. James Brumm—was in the U.S. Navy, the Atlantic Amphibious Unit, Flotilla 10, LST 494. He was in the first wave to hit the beach at Omaha. He was from Los Angeles, and was 18 at the time.

Mr. Dick Kennedy—was in the 4th Infantry Division, the 12th Infantry, 2d Batallion, and was a motor officer. He stormed Utah Beach. His hometown was Abbotsford, WS, and he was 23 at the time.

Mr. Clarence Schwarz—was on the Coast Guard transport *Bayfield*, which helped storm Utah Beach. He was from Omaha, NE, and was 25 at the time—said they called him "Pops" because he was the oldest one on his boat and had a wife and kids.

Mr. George Richmond—was mentioned in the CBS segment, but unavailable to speak with me.

Mr. Speaker, it is because of great men like these that we have the freedom we all cherish. It is because of their heroism and bravery that we have this great country we live in. I am sure there are thousands of men just like Frank, Clarence, Jess, James, Dick, and George, all across this country who would have liked to have been reunited with old buddies, and once again walked across those beaches. However, as Frank Elwess stated, "I would have loved to have gone, but I just can't afford to."

It is at this point Mr. Speaker, where I would like to point out for those who don't know, that at the request of our President, there were at least 27 passenger carrying Air Force planes which made the trip to and throughout Europe. One these planes, an estimated group of more than 1,000 people were shuttled around to the various ceremonies. My question is quite simple, "Who were these people?"

Mr. Speaker, I asked that question of the White House. They would not respond. I then asked, "Are there any veterans going with the President?" They would not respond. I contacted several veterans' service organizations, such as the VFW, the American Legion, and AMVETS, none of which had received an invitation to travel with the President.

Mr. Speaker there were more than a thousand people who deserved to be on those planes. Those people were not invited. The people who deserved, and should have been invited, were the veterans who stormed the beaches and jumped out of the planes in France that cold and rainy day some 50 years ago. At the very least, representatives from the veterans' service organizations should have been invited. After all, it is because of those men that we even had a celebration.

Mr. Speaker, despite all of the hype which surrounded the President's trip through Europe, it is quite clear that even in remembering some of those who fought and died at Normandy—something was forgotten. That something was the service of Jess Ergle, Clarence Schwarz, Frank Elwess, James Brumm, Dick Kennedy, George Richmond, and the thousands of others the President chose to leave behind. Mr. Speaker, I have not, and will not forget the service of these six men, nor the service of the many others who fought and died protecting our freedoms. These men, although unrecognized by the White House, are real American heroes.

TRIBUTE TO DR. HAROLD C. SIEBERT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Dr. Harold C. Siebert, deputy superintendent of the L'Anse Creuse Public Schools. Dr. Siebert is retiring after nearly 25 years of personal and professional devotion to the people of the L'Anse Creuse school district.

At the local, county, and State level, Dr. Siebert has been recognized as an expert in special education. Responsible for developing many innovative programs, Dr. Siebert has been instrumental in implementing appropriate curricula to meet the needs of every child in L'Anse Creuse.

Dr. Siebert's attention has focused primarily on the needs of special education students. However, his vision led to the implementation and promotion of computer technology in classrooms throughout the district. Dr. Siebert recognized early the importance of exposing all students to computer technology.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Dr. Siebert has devoted himself to this task through both his civic and professional endeavors. His commitment to education is second to none and yet he dedicates much of his time to civic and social organizations. The Clinton Township Kiwanis Club, the Lutheran church, and many other groups have all benefited from Dr. Siebert's passionate commitment to excellence.

I have known Dr. Siebert for many years and I am sure he will be missed by both his colleagues and students. He richly deserves all the best in retirement. I ask that my colleagues join me in offering heartfelt congratulations and a sincere thank you for a job well done.

A TRIBUTE TO CHEVY CHASE ELEMENTARY SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the achievements of Chevy Chase Elementary School on receiving national recognition as a Blue Ribbon Award winner. Chosen by the U.S. Department of Education from nominees throughout the State and Nation, Chevy Chase Elementary embodies excellence in education.

The students of Chevy Chase Elementary represent many backgrounds. Taking advantage of the varied population within its district, Chevy Chase concentrates on providing a multicultural education. As part of a dedication to integrated education, Chevy Chase works with another nearby elementary school providing equal opportunity for minority students. Both communities take advantage of resources from the schools and enjoy greater diversity because of this exchange. With the school about 10 miles from the Nation's Capital, staff and students also use local resources for enrichment.

Chevy Chase Elementary specializes in science, math, and technology as part of its magnet school program. Over 100 highly gifted children from around the country are challenged by state-of-the-art programs. Integration of the magnet programs into the rest of the school allows all the students at Chevy Chase Elementary to benefit. Assuring the highest possible quality of education for all its students; the staff maintains high standards through continual training programs.

Under the leadership of principal Stephanie Jackson, students and faculty have won numerous awards for excellence, including recognition at the county and State levels. Students have implemented a school-wide recycling program and adopted a local stream to heighten awareness of the environment. They have also been featured in local concerts and national news programs as part of the Presidential Inauguration; the school choir was even nominated for a Grammy Award. This Blue-Ribbon Award represents a crowning achievement in which we take great pride. Mr. Speaker, I am happy to draw attention to their continuing high standards and wish them every success in the future.

CONGRATULATIONS TO A REMARKABLE SINGLE MOM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. HORN. Mr. Speaker, I would like to commend the outstanding accomplishment of Ms. Donna Millar, a single mom who will be graduating this month summa cum laude from National Louis University in McLean, VA. Donna is a former constituent and resident of Long Beach, CA and now currently resides in Fairfax, VA.

What makes her accomplishment so remarkable are the obstacles Donna overcame to accomplish this lofty goal. She was a gifted student her entire life, but despite her academic achievements she was unable to attend college due to the commitments of a young family. At an early age she was faced with the difficult choice of raising two daughters and postponing her further education.

This choice was made even more difficult by the fact that following a divorce she was forced to raise these girls alone. Without a degree, Donna entered the work force and made a career for herself with little or no resources. After many years and the birth of her third child she decided to return to school at night despite the challenge of balancing a demanding job and raising an infant. It took 6 years, attending college part time, but Donna will graduate on June 18, 1994, with a BA in business. The ceremony will take place at the American University campus in Washington, DC.

As a single mother, Donna managed to create an environment for her children which included a beautiful home, tireless help with homework assignments, holidays and birthdays filled with cheer, and an endless supply of affection. The struggles were plentiful but she managed by the sheer motivation of her selfless love for her family. Now, 20 years later, she has succeeded in fulfilling a lifetime goal.

So today, Mr. Speaker, her children have asked me to share with the world how proud they are of their beloved mother and of all that she has accomplished.

BELLEFONTE AREA MIDDLE SCHOOL IS WINNER OF NATIONAL ENERGY EDUCATION DEVELOPMENT AWARD

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the Bellefonte Area Middle School which has been named National Energy Education School of the Year for the junior division for 1994.

A group of 20 active Energy Club students selected the main goals of the school for the energy education project. These goals included raising funds for the purchase of trees and shrubs which were planted in the Talleywood Park by the students, running a newspaper recycling project throughout the school, and keeping the school updated on energy activities by showing a video produced by Energy Club members. The club also led an energy education workshop for students and teachers from several area school districts.

Because of this honor, representatives of the school will be attending the National Youth Awards for Energy Achievement Conference in Washington, DC. These students will also be recognized at an awards reception for their outstanding performance in energy education coupled with their commitment to energy awareness.

Mr. Speaker, it is my distinct honor to recognize the Bellefonte Area Middle School and their Energy Club as award winners in the National Energy Education Development Project. I offer them my sincere congratulations for their individual as well as group efforts to help increase energy awareness and education.

ADDRESS BY HON. RUTH B. MANDEL, VICE-CHAIRMAN OF THE U.S. HOLOCAUST MEMORIAL COUNCIL, AT THE DAYS OF REMEMBRANCE CEREMONY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. SWETT. Mr. Speaker, recently in the rotunda of the U.S. Capitol, the U.S. Holocaust Memorial Council organized the annual National Civic Commemoration to remember the victims of the Holocaust. The ceremony was held in connection with the annual Days of Remembrance and is a key part of that yearly observance in memory of the 6 million victims of Nazi Germany.

Mr. Speaker, one of the principal speakers on that solemn occasion was Hon. Ruth Mandel, the vice chairman of the U.S. Holocaust Memorial Council. Dr. Mandel has a distinguished academic career, during which she has made substantial contributions to the study of women in politics. Presently, Dr. Mandel serves as director of the Center for the American Woman and Politics of the Eagleton Institute of Politics at Rutgers University.

During the National Civic Commemoration, Vice Chairman Ruth Mandel introduced the lighting of the six candles during the ceremony—a symbolic gesture performed each year on this occasion in memory of the 6 million who died during the Holocaust.

Mr. Speaker, a number of our colleagues were not able to attend this important solemn occasion because the Congress was in recess at the time. For this reason, I ask that the remarks of Hon. Ruth Mandel, vice chairman of the Holocaust Council, be placed in the RECORD, and I urge all of my colleagues to read and reflect upon her remarks.

DAYS OF REMEMBRANCE 1994

(By Ruth B. Mandel)

Mr. Vice President, Distinguished Guests and Friends, of the millions silenced forever, some few poetic voices survived even when the writers themselves did not. These precious monuments to memory are in our charge to preserve and share with others. It is fitting that we do so on the Days of Remembrance.

Especially poignant are the voices of young victims. Robbed of their years in the sun, they achieve another kind of longevity through the words they left behind.

Today, I echo two such voices. First, Hannah Senesh. Fifty years ago, in 1944, at age 23 she was executed in a prison in Budapest.

In her diary, Hannah Senesh had written: "There are stars whose radiance is visible on earth though they have long been extinct. There are people whose brilliance continues to light the world though they are no longer among the living. These lights are particularly bright when the night is dark. They light the way for Mankind."

A few years earlier, Lajos Gabor, a thirteen year old Gypsy, expressed his awareness of the fate that awaited him and other Roma, and the awful loneliness of confronting one's mortality.

Little bird, Little bird
Fly far, carry the message
Say that I am always afraid.

German camp, how painful it is.
The guards so cruel.
Oh Hitler may you be damned,
And may God blacken your face
Like a chimney sweep

The big guns go off
They follow me too close.
God, send me a little luck
Give me some of yours
Help me on the road not traveled.

God, send a little soft rain
Mix it with snowflakes
So that the soft grass will grow
so that it will cover my track
That I may find some peace

My God, how you've punished me,
No one else has ever endured so much

German camp, German camp
The guns still rumble there
My family was killed there

I lost my family
I lost my family
What to do, alone I remained
What to do, alone I remained.

"They light the way for Mankind," these people who are no longer with us—A twenty-two year old and a thirteen year old, Hungarian Jew, and Gypsy. Martyred voices of youth sounding across the decades from a past of unspeakable horror into our present—a present in which we must remember and give honor. The words fuel the torch of memory which is our obligation and our privilege to carry forward. We pass it on as a sign of our commitment to a future in which the voices of youth and the words of poetry can celebrate life and hope and love.

Will the candlelighters please rise and encircle the candle holder.

Today we are assisted in the memorial candle lighting by another thirteen year old, Theresa Godla, an American Rom of Hungarian Gypsy heritage. She carries a rose in memory of the Rom and Sinti.

TRIBUTE TO BERT COFFEY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. MILLER of California. Mr. Speaker, I rise to announce to the House, with great sadness, the passing of one of the giants of recent California and Democratic political history, Bert Coffey.

Every politically active person in California, and many others throughout this Nation, knew and respected Bert as one of the most significant Democratic strategists of the last half century.

Last Wednesday was the post-election day in my lifetime that Bert Coffey wasn't around to analyze the results. Instead, it was the day many of California's political figures gathered to lay Bert Coffey to rest.

Most Californians—most Democrats, for that matter—never heard of Bert: one more example how many who shape our lives remain anonymous. But for my family and for legions in California politics, Bert was a central force for nearly half a century.

His career in Democratic politics began with his association with my father's first race for the State assembly in the late 1940's. They won that campaign, and many successive ones. Bert and my father not only taught me much about politics, but much about the responsibilities of public service.

Critics, and even friends, liked to characterize Bert as a "political boss" whose "Coffey Machine" dominated the electoral machinations of Contra Costa County for decades. Bert, a product of the rough and tumble world of union organizing in the 1930's laughed off the stigma. Born in Brooklyn, Bert knew what real machine politics was all about, and he thought the comparison amusing. Besides, he had confronted charges of being a Communist in the 1940's and took on the fearsome House Un-American Activities Committee. What was a little name calling after that?

Power was never the goal in Bert Coffey's political strategy. It was all about results—winning office to get something done for the people. In the blow dried, spin doctored, sound bite world of contemporary American politics, such motives sound corny. But Bert was a serious man.

Bert's beliefs were heartfelt and unshakable: a commitment to civil rights and civil liberties that involved him in genuine interracial coalitions two decades before Selma, Montgomery and the March on Washington. Perhaps it was his Jewish heritage or his admitted leftist inclinations as a younger man, but Bert unflaggingly put himself on the side of the powerless, the disenfranchised, and the oppressed. No man loathed bigotry more.

His political axiom was concern for the economic well-being of the American worker. "Jobs, jobs, jobs" was drilled into my head decades before "It's the economy, stupid" was coined. He recognized the primary importance of assuring financial security before voters would be willing to address less tangible issues. He was an old school labor man who supported unions not because they had PACs but because they fought for working people.

He had an infallible sense of the politically important, not just the politically opportune. Bert will never be remembered as a militant feminist or radical environmentalist, yet he genuinely understood the critical importance and value of these emerging political trends in the 1960's, and he welded them to his more traditional platform for social change.

He had a hard bit partisan who penned withering campaign attacks, but who could put aside the combatativeness and enjoy a drink with longtime rivals. He was an opinionated and assertive man who remained inquisitive and thirsty for information, interpretations, and insights from those in the midst of the political battle. He rose from refinery organizer to chairman of the largest Democratic party in the United States, became a valued adviser to mayors, legislators, Congressmen, Senators, and Presidents, but remained fiercely devoted to improving his hometown of Richmond.

Bert never ran for elective office. He lived modestly, his home a disheveled melange of books, photographs of himself with political superstars but more importantly, his three children and grandchildren, and a warehouse of political memorabilia. His indifference to financial security for himself wore off on those he influenced: no hints of scandal, no living high on the hog, no cashing in on fame or prestige. A high caloric lunch at Trader Vic's in Emeryville was Bert's idea of stepping out.

Just before my father, a State senator, died in 1969, he asked Bert to be sure to look out for me should something happen to him. He knew Bert would encourage me to follow in "Senator Miller's footsteps," but first, he pleaded, "make sure the kid finishes law school and gets his shingle."

I was a 23-year-old law student when Bert encouraged me to seek my late father's Senate seat, maybe breaking faith with his old friend. As usual, Bert ran a great campaign, but untypically, we lost this one, so Bert conscientiously sent me back to law school and a training session in the legislature with another of his confidants, George Moscone, before helping me win a congressional seat in 1974.

Throughout my career, as a campaign manager, staffer, and adviser, Bert Coffey continued to share with me the unparalleled perspective and wisdom gleaned of a lifetime of activism and political involvement. There wasn't a major decision I made where he wasn't consulted, and there won't be a day that goes by that I won't miss his wise counsel.

TRIBUTE TO ROBERT VALDEZ: EMPLOYEE OWNER OF THE YEAR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. LANTOS. Mr. Speaker, I rise to honor the outstanding achievements of Robert Valdez of San Bruno, CA. On May 19, Mr. Valdez received the honor of being named the "Employee Owner of the Year" by the Employee Stock Ownership Plan Association, for his outstanding efforts to promote employee ownership.

Mr. Valdez was chosen from among thousands of employee owners across the Nation through a very selective process, first as the nominee from California, then as the national award recipient. A graduate of San Francisco State University and a Navy veteran, Mr. Valdez embodies the spirit of employee ownership and hard work.

After holding several positions in printing companies in the San Francisco area, Mr. Valdez joined Bofors, Inc., a printing company in San Mateo, CA, where he has distinguished himself in many instances over the past year as an estimator.

He almost singlehandedly established the employee newsletter at Bofors, and continues to write and edit much of its copy. He is an active participant and leader in Bofors employee owner meetings, and shares his knowledge of how to create an ownership culture with his fellow employee owners in a highly effective manner.

Mr. Valdez has assisted the California chapter of the ESOP Association by writing an employee owner column in the ESOP's newsletter. He has as well actively participated in the California group meetings.

In 1993, Mr. Valdez completed a course in employee ownership for nonmanagement employees sponsored by the ESOP Association and in which he distinguished himself in such discussions.

Mr. Valdez has been an excellent example to his fellow workers through his hard work, his leadership, and his initiative in promoting employee ownership. He shows commitment and dedication both to his work and his family.

Mr. Speaker, I extend my most heartfelt congratulations to Mr. Valdez, Employee Owner of the Year, for his leadership and dedication.

FEDERAL SUBSIDY AND THE COLLAPSE OF HIGHER EDUCATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. CRANE. Mr. Speaker, I have argued for many years that an informed citizenry is crucial to the maintenance of liberty. Education not only determines which students will succeed in a competitive society, but which countries will thrive in a world united in the pursuit of free enterprise. Because proper education of tomorrow's leaders is so critical, I contend that there should be less involvement on the part of the Federal Government in education; especially in higher education.

The Federal subsidy of higher education is yet another example of the liberal tax and spend tactics of a dying political agenda. Federal subsidies have actually caused the cost of college education in the United States to skyrocket. Experience should have taught us a very valuable lesson: Throwing money at a failing system does not solve its inherent problems. It is with this lesson in mind that I call the attention of my colleagues, to a recent editorial in the Conservative Chronicle by Cal Thomas entitled "More Money Doesn't Mean Better Education." It provides an astute and thoughtful assessment of the latest publication by my friend Dr. George Roche, the celebrate president of Hillsdale College.

For 150 years, Hillsdale has dedicated itself to the presentation of the "traditional values of Western civilization, and especially those fundamental to a free society of responsible citizens." Under the leadership of Dr. Roche, tiny Hillsdale continues to educate its students in the tradition of the American experiment of self-governance with the understanding that hand in hand with Federal funding comes Federal control. With this premise in mind Hillsdale refuses to accept Federal funds in any form.

In the article, Thomas notes that in "The Fall of the Ivory Tower: Government Funding, Corruption, and the Bankrupting of American Higher Education" [Regnery Publishing], Dr. Roche denies that Federal subsidy of higher education is the solution to the current state of ineffectiveness in the education system. In fact, according to President Roche, the cost of higher education in the United States is rising nearly three times faster than inflation due to the Federal subsidies received. As a result, some schools, desperate for students, are discounting tuition by as much as $7,000 a year. Obviously, Government subsidy and control have been more damaging than anyone had previously thought.

As a member of Hillsdale College's Board of Trustees, but most significantly as a proud alumnus, I encourage colleges and universities around the Nation to heed the warning set forth by Hillsdale College and its president. This book is a must-read for anyone who seeks to rectify the currently deplorable condition of America's educational system. I have included Mr. Thomas' article and I commend it to your attention.

MORE MONEY DOESN'T MEAN BETTER EDUCATION

(By Cal Thomas)

HILLSDALE, MI, March 17.—American colleges and universities are approaching financial, intellectual and moral collapse—with profound consequences for students and the nation. So concludes Hillsdale College president George Roche in his new book, "The Fall of the Ivory Tower: Government Funding, Corruption, and the Bankrupting of American Higher Education" (Regnery Publishing).

Roche refutes the argument that more money means better education by noting that the budget for college-level education has increased from $7 billion in the early 1960s to its present $172 billion.

"In spite of the massive infusion of money," he writes, "tens of thousands of college seniors do not know when Columbus sailed to the new world, who wrote the Declaration of Independence or why the Civil War was fought. Businesses rightly complain that they must re-educate college graduates in such basic academic skills as grammar, spelling and practical math."

Roche says that while '60s-style radicalism lingers in many universities, that is not the entire reason for their deplorable condition. Government subsidy and control, he says, have been more damaging than anyone realizes.

Despite massive infusions of government money, including student financial assistance (which is in default, in growing numbers of cases), most colleges and universities are teetering on the brink of collapse. Why? "They are overcommitted to entitlements in exactly the same way as is the federal government."

A few examples: Harvard ran a $42 million deficit in 1991–92 and has lost millions in speculative investments; Yale has deferred $1 billion in maintenance on its physical campus; the city University of New York system wants to cut $40 million from its budget; UCLA is closing four professional schools and must cut $38 million from its budget by the end of this year; the University of Maryland is getting rid of 56 academic departments, is reorganizing 59 others and has closed one entire college.

Abuse, fraud and mismanagement due to "internal control weaknesses" within the federally administered Stafford Loan program and currently eating up more than 54 percent of total program costs. There are also record deficits in the Pell Grant program, which even gives tuition money to convicted criminals while they are serving time in prison.

Roche says we are witnessing "an S&L-style financial crisis . . . (featuring) vast instability and corruption." He faults politicians for turning their backs on the crisis (as they did with the S&Ls) and pouring good money after bad—for example, abandoning financial need requirements for the Stafford Loans, conferring eligibility upon everyone.

As more federal money comes into the universities, they jack up their prices. Why should students care about high tuition charges at Harvard when two-thirds of its undergraduates receive financial aid?

In addition to the financial crisis, there are the continuing academic and moral crises. "Colleges and universities have increasingly adopted a 'cattle-car' approach to education," Roche says. "Classes crammed with 500 to 1,000 students are now commonplace. And many colleges have drastically reduced the number of classes they offer. The University of Wisconsin has been known to close courses in the first hour of registration—even for seniors in their major field of concentration. At the University of Texas, nearly 1,000 students were turned away from a required English course."

Recently a student tracking the education of more than half a million students at 300 institutions documented that only about half were able to earn a bachelor's degree within six years.

The average professor is in class only six to nine hours a week. Growing numbers of introductory classes are taught by teaching assistants. Sixty percent of all college faculty members have never written or edited a book and one-third have never published a single journal article.

Those that are printed include absurd works like "The Sexual Politics of Meat," "The History of a Lesbian Community," "Staying Tuned: Contemporary Soap Opera Criticism" and, my personal favorite, "Men, Women and Chainsaws: Gender in the Modern Horror Film."

Roche contends that the moral crisis in academia makes the others pale in comparison. The moral development of college students has not only been abandoned, it is being aggressively undermined. Many universities promote "condom weeks," complete with free samples and "taste tests." Students are not allowed to request transfers out of rooms in which roommates behave in heterosexual or homosexual ways that offend. This is viewed as discrimination.

"The University of Massachusetts Amherst," says Roche, "has defined pedophiles as a protected minority within its non-discrimination code. At Cornell University, resident adviser job applicants have been forced to watch movies of men engaged in sex in order to be evaluated for 'homophobic' tendencies."

This is a blockbuster book that ought to be read by everyone who cares about American college students. It can also serve as a warning to parents to select wisely and well when their children go to college.

A TRIBUTE TO THE INDIANA PACERS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BURTON of Indiana. Mr. Speaker, I rise to salute a group of men who have achieved greater success than anyone would have expected. Many of these men live in my district, the Sixth District of Indiana. The group I am talking about is the Indiana Pacers.

After the All-Star break, the Pacers had one of the best records in the NBA. The Pacers defied the odds, and since April 8, when they started the longest home winning streak in Market Square Arena history, they lost only one home game, on June 3. Mr. Speaker, that's almost 2 months!

The Pacers have never before gone beyond the first round of the NBA playoffs, but this year they went all the way to the seventh game of the Eastern Conference finals. Every step of the way, they faced what seemed to be insurmountable obstacles, and much like David did to Goliath, they overcame the roadblocks with flying colors. The Pacers emerged as the surprise of the 1994 NBA season.

There are comparisons between the Pacers' season and the great basketball movie, "Hoosiers," which is about an Indiana high school basketball team. The Pacers were very much like the Hickory Huskers, a team no one gave much of a chance to make it. Larry Brown is like Norman Dale, a well-traveled coach with a record of success everywhere he goes, and Reggie Miller sure shoots the ball like Jimmy Chitwood. The Huskers season ended with the entire town behind them, much like the Pacers who gathered unparalleled support from the Indianapolis area.

The Pacers' season is one which everyone from Indiana can be proud of. The team was spectacular, and we can't wait until next year. Mr. Speaker, I tip my hat to the entire Pacers organization, especially to the players and coaches who helped represent my State and my district very well. Go Pacers!

TRIBUTE TO DR. FRANCIS A. HIGGINS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Dr. Francis A. Higgins, superintendent of the L'Anse Creuse Public Schools. Frank is retiring after nearly 40 years of personal and professional devotion to public education.

I know that Dr. Higgins' strong sense of family led him to pursue a career in education. In fact, I believe that Frank views everyone in the L'Anse Creuse school district as part of his extended family. His personal motto is to provide an opportunity for everyone, through education, to live a better life.

Frank's enthusiasm has made him a favorite among his colleagues and students. And, his commitment extends well outside the classroom. It is not uncommon to see Frank at school-related events in the evening and on the weekend. Education was not simply a job to Dr. Frank Higgins, it was an avocation.

As with any good leader, Frank leads by example and is always a team player. His vision and commitment to excellence have opened opportunities for all his students through the development of vocational, adult, community, cultural exchange, and many other programs. Additionally, several teachers and four schools have received recognition during his tenure.

Not only is Frank a gifted educator, but he is also a highly competent administrator. Back in 1979, when Frank first assumed his role as superintendent, the school district faced severe financial difficulties. Fifteen years later, L'Anse Creuse is not only an excellent school system, but one that is in excellent financial shape. This feat is largely due to Frank's leadership—leadership that is characterized by vision and a spirit of cooperation.

As a former member of the Board of Education once said, "He is a person of high values and morals, a devoted family man, an excellent listener, an outstanding educator and friend. He has instilled a sense of pride and commitment within the entire school district. He is a credit to his profession."

I have known Dr. Higgins for many years and he has always been a good friend. He richly deserves all the best in retirement. I ask that my colleagues join me in offering heartfelt congratulations and a sincere thank you for a job well done.

A TRIBUTE TO BURTONSVILLE ELEMENTARY SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mrs. MORELLA. Mr. Speaker, it is with great pleasure I rise to pay tribute to Burtonsville Elementary School. Burtonsville earned a Blue-Ribbon Excellence in Education Award this year from the U.S. Department of Education for providing students, faculty, and parents with an environment rich in opportunity and resources for development. Burtonsville has been chosen a Blue Ribbon winner from nominees across the country because of its effective ideals and practices.

In the last few years, Burtonsville has undergone considerable changes in the school's population and enrollment. More than 600 students ranging from Head Start to fifth grade attend the school. Encompassing a new district, students represent the diverse community surrounding the school. Minority students compromise almost half the school's enrollment; there is a large ESOL program to help over a dozen foreign students.

This year, Burtonsville modernized and expanded its facilities. Undaunted by the necessary displacement while the construction went on, the staff and students united to involve the community in a 40th birthday celebration. They concentrated on the history of their school, the relocation turned into a celebration of the community's past. Moving into the new building proved a great success, culminating with a wonderful birthday celebration.

"Success for every student," the motto of Burtonsville Elementary, can best be seen in the emphasis not only on academic life, but also on extracurricular and special programs. Led by Principal Dawn Ellis, the staff devotes time and energy to create special activities meant to build students' self-esteem. parents and members of the community contribute to this success through hours of volunteer service. The support network around Burtonsville ensures that children will have many exciting opportunities inside and outside the school.

I commend the staff, students, and parents for their hard work and dedication in making Burtonsville Elementary School a Blue Ribbon winner.

LIFE-LONG LEARNER—SALUTE TO A SENIOR CITIZEN SCHOLAR—PEARL SHAFFER SWEET

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. HORN. Mr. Speaker, as the former president of California State University Long Beach, I have always found the spring graduation ceremonies at that institution a time of celebration and inspiration. I continue to be impressed, not only with the quality of the university's graduates, but also with the determination that so many of them show in pursuing and completing a degree.

At a time in life when many among us would be at home, taking it easy, perhaps watching a little television or reading, 89-year-old Pearl Shaffer Sweet of Seal Beach, CA, has shown us that the golden years are definitely not the sunset years.

I have known Mrs. Sweet for two decades. She was in the first group of students participating in the Senior Citizen Education Program. That program was based on an idea I recommended to several State legislators in the early 1970's. Led by State Senator Alfred E. Alquist, San Jose, and coauthored by State Senators George Deukmejian, Long Beach, and Joseph Kennick, Long Beach, a simple idea became reality. The idea was to provide an opportunity for seniors to interact and keep learning. Everyone who would admit to being 60 years of age would be admitted to the State university. That senior student would pay only $3 per semester to take a full academic load on a space available basis. It would be a way for the State to pay back many senior citizens whose taxes had helped build the Nation's first system of higher education. Beginning at Long Beach and San Jose State University, the trustees later opened all campuses to senior citizens such as Pearl Sweet.

This past month, Mrs. Sweet received a master's degree in history from California State University Long Beach—becoming the oldest person to receive a degree from the university.

The road to a graduate degree has been long for Mrs. Sweet, a widow with seven grandchildren and 14 great grandchildren. She graduated from Stockton, CA, High School in 1923. Shortly thereafter, while working in a candy shop, she fell through an open trap into the store's basement. The resulting injury seriously affected her health for the rest of her life. But Mrs. Sweet did not submit to the pain.

Though she had begun classes at the University of the Pacific in Stockton in 1924, her health problems prevented her from earning her bachelor's degree until 1976—more than 50 years later. In between, she raised two sons and began compiling the history of her family and church.

Mrs. Sweet began studying for her master's degree in 1984. Because her family had strong ties to the Methodist Church—and because she had been researching her family and her church for decades—her graduate studies focused on Methodist higher education in California.

When asked about the importance of education in her life, Mrs. Sweet told a reporter, "It's been my therapy. I have been inspired. I have been soothed in the worst of illness. No matter how much pain I had, I had a goal."

Mrs. Sweet's resolve to overcome pain and her dedication to learning reached an emotional climax at the recent CSULB graduation ceremonies. According to a newspaper account, she made a dramatic entrance onto the stage in a wheelchair lift. When she shook hands with interim CSULB President Karl Anatol, the audience gave her a standing ovation. As she was lowered in the wheelchair life, she waved to the crowd with both hands—like the champion she truly is.

Earning a master's degree will not be the end for this vibrant senior citizen. Mrs. Sweet plans to continue studying history and composing poems. It is through her poetry that she teaches the secret to a long and active life. I submit an example and celebrate the spirit of its inspirational author, Pearl Shaffer Sweet.

I need another mountain, Lord
Although my step is slow
I gained some peaks with lovely views and now I want to go
Along more trails I glimpse ahead

There is more beauty here
With you nearby to hold my hand
There's nothing I need fear.

FRED LEBOW, FOUNDER OF THE NEW YORK CITY MARATHON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Fred Lebow, the founder of the New York City Marathon, who in this 25th anniversary year of the marathon, is to be honored with a life-sized statue of his likeness, which will be placed in Central Park this fall.

Mr. Speaker, it may seem only natural, as someone who has lived in New York since childhood and who has had the great pleasure of running in the New York City Marathon, that I would take a special interest in this event. But the New York City Marathon is not simply a source of parochial pride and personal nostalgia. With some 25,000 participants from more than 90 countries around the globe, it is the world's largest marathon, and the model for the dozens of internationally recognized marathons that have sprung up in the last 20 years.

But Fred Lebow's story is larger than the marathon. His is the story of an orthodox youth—born Fischel Leibowitz—who escaped Hitler's meticulous extermination of Eastern Europe's Jews and the Soviet tyranny that followed the war to begin a new life, first in Europe, and then in the United States.

In 1969 Fred Lebow was a successful garment manufacturer and a regular on the jogging track that circles New York's Central Park Reservoir. At the urging of a fellow jogger he entered his first race, which was sponsored by the New York Road Runners Club [NYRRC] and wound around Yankee Stadium. Although he finished next to last, he was captured by the exhilaration of the sport and soon became an active member of the NYRRC.

The very next year, at Fred Lebow's suggestion and then under his direction, the club changed the route of its big race, and the first New York City Marathon was held in Central Park.

Mr. Speaker, that first New York City Marathon had only 126 participants. But each year since 1970, under the guidance of its director, Fred Lebow, the New York City Marathon has grown in size and prominence. As president of the NYRRC Fred expanded the marathon to encompass all five boroughs of New York City. By 1976, its over 2,000 entrants made the New York City Marathon the world's largest. Moreover, some 500,000 people came out on race day to cheer the runners along the course. In honor of these achievements Mayor Abe Beame proclaimed January 12, 1977, Fred Lebow Day.

After 20 years as president of the New York Road Runners Club, Fred Lebow was recently promoted to the club's chairmanship. His leadership has seen the growth of the NYRRC from a small group of avid runners to the largest and most active running organization in the world, with a membership of 28,000 members, a program of more than 100 events annually for athletes of all ages and levels of ability, and a full-time professional staff of 45—supplemented by prominent fitness experts—who hold clinics and classes year-round and provide technical assistance to sporting events around the world. In addition, the NYRRC's Central Park Safety Programs give invaluable support to New York City police and park personnel in promoting the safety of all visitors to Central Park.

Mr. Speaker, I am one of many thousands of people indebted to Fred Lebow and the NYRRC for their encouragement. Grete Waitz, a nine-time winner of the New York City Marathon who ran—and won—her first New York City Marathon at Fred's urging, is another. I hope my colleagues will join me in honoring Fred Lebow, whose likeness is to be unveiled in Central Park this fall.

MORE STORIES FROM THE NORTHERN FRONTIER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BOEHLERT. Mr. Speaker, I believe that sacrifices by pioneers and their Oneida Indian allies on the northern frontier of central New York during the struggle for independence are not well known or understood.

That is unfortunate. These stories are rich in heroism and cooperation between cultures.

In a time when we really need to reflect on the values and partnerships which made our country great, these stories, as told by author Robert Moss of Troy, NY, are invaluable.

They will lend to greater national pride, education, and understanding. They will teach us how our ancestors survived and thrived under very difficult conditions, so that we may be free today. They will also make us more determined to secure that freedom for the future.

Last fall, Robert Moss addressed a town meeting I held in Herkimer, NY, sponsored by the Northern Frontier Project and Herkimer College for citizens and students interested in the history and culture of central New York. Here are excerpts from his speech.

Robert Moss: Let me pursue the general themes a little further. First of all, this is where the decisive encounter took place between Native American and whites, and as I say, thanks to the quality of leadership on both sides, this was for a time a unique success story in terms of relations between an immigrant group and the native population. On the white side that success story has a lot to do with Sir William Johnson, who became a great protector of the Iroquois, and on the Indian side, it had a great deal to do with the personal caliber of Iroquois leadership up until the time of the American Revolution, which I'll come to in a moment when the confederacy falls apart and loses its compass.

This is one sense in which America was born on the Northern Frontier. A second sense in which America was born here is this: This is where the first mass immigration of people from the old world took place. Some of you may be descended from them. The Palatine German refugees who came, two or three thousand of them in the year 1710, the same year the "four kings" went to London, was the largest single influx of white immigrants to North America that had ever taken place. They fan out up through the Hudson Valley, through Mohawk Valley, some of them go onto Pennsylvania. With this tide we begin to see emerging the multi-culture, multi-ethnic society that America has gone on to become.

The stories of these pioneers are rich in heroism against the odds, rich in the simple heroism of surviving day by day in first growth forest which had never heard a metal axe, on the edge of the wilderness with raiding parties from French Canada coming down, with the wolves and bears homing in for something to eat, in winters so cold that the ink froze in the ink wells, and the Madeira or rum, if they could run to it, froze in the keg in the cellar, and the bread had to be chopped with hatchets. Rich in stories of survival. Better than the stories you learn in "Little House on the Prairie." Stories that deserve to be told and retold.

There is a third sense in which this is where America was born. This is where the war for independence was won, or lost, according to your point of view. The Battle of Saratoga was a turning point. The year 1777 means a lot around here, or ought to. It was the year of a second failed British operation involving the Battle of Oriskany, and a very clever piece of psychological warfare mounted by the great American patriot leader Benedict Arnold, shortly after the Battle of Orinskany.

Let me focus on this for a moment. I'll just underscore the general point before I give you a couple of vignettes to take you into the scene of a battle that took place just down the road here. The American Revolution was won or lost in the year 1777 in the Mohawk Valley and at Saratoga in Upstate New York because the British losses in these battles persuaded the French that the Americans had a shot at winning and brought the French in. And once the French came in, the clock was really ticking away for the British hold on North America.

But before Saratoga, there was the Battle of Oriskany, and at the Battle of Oriskany, on August 6, 1777, we see in its naked savagery and brutality, the face of the first American Civil War. Another phrase you might want to think about. They made a wonderful movie about Gettysburg; I've rarely seen Hollywood actors so deeply involved in getting inside historical scenes, characters, the minutiae of their parts as happened with this Ted Turner production. I hope one day of doing something similar with the Battle of Oriskany. It is after all, the bloodiest engagement in terms of people killed within a few hours of the whole American Revolution. It took place right here.

I would like to see Hollywood do the same for this region. I know I am digressing a bit, but the best conversations often wander like the old Iroquois trail, that never went straight. You come to a protruding root, a boulder, a rock, you go around it, you don't just plow straight ahead. Getting lost, for the matter, can be awfully interesting; sometime the direct way is not the most magical way.

I want to see a very good movie made about the battles of the colonial and revolutionary war periods in Upstate New York, in the places where these things actually happened, rather than down in Blue Ridge mountains or somewhere else which looks very glamorous. If you have seen "Last of the Mohicans," it looks sort of plausible, but we have the Adirondacks, we have the sites, why not use them?

The force the British sent to Oriskany was part of a pinch movement by which the British commander hoped to split New York, and so then split the American colonies. You have a force including: Sir John Johnson, William Johnson's son and heir; Joseph Brant, Tory Mohawk, war leader of redoubtable fame and notoriety; and led by Barry St. Leger, a hard drinking bottle man, who was slaying wine and rum in quantities that even William Johnson, who liked to tipple himself, would have found stupendous in the course of warfare. Here they are marching down toward Fort Stanwix, and they hoped to take it without much of a fight, because they had been misinformed about the strength of Stanwix and the resolution of its defenders.

Fort Stanwix had very good officers, (Col. Peter) Gansevoort and (Col. Marinus) Willett, good soldiers; they've prepared their position. They've got more men than the British expected. On the British side you've got, basically, an Iroquois Indian fighting force. The Iroquois are coming into the revolution now. And they're coming in ways that they hadn't necessarily planned and calculated on thoroughly. The Senecas are just being brought in as a result of a meeting with John Butler up near Rochester, at Irondequoit, where a lot of rum was drunk and the Senecas are taking the war path without firelocks, without guns, just with spears, and war clubs, and so on. And you have a relief party being sent post haste under Nicholas Herkimer, who gives this community his name. Interesting family, the Herkimer's to relieve the now beleaguered garrison at Fort Stanwix surrounded by the Indian and Tory fighting force commanded by St. Leger.

You probably know what happened, it happened down the road. It's worth having a look at the site. One of the Indian names for the site of the Battle of Oriskany is "the place where the road is submerged." The place where the road goes under the water. In those marsh lands, in that ambush, in that bloody encounter in the forest, more men died in the space of a couple of hours than I believe died in any other engagement in the course of the American Revolution. About 200 on the patriot side, a much smaller number on the Tory and Indian side. And old Nicholas Herkimer bled to death. I don't have time to take you thought the whole story. The point I want to make: When you look at what is going on here, you see the face, the savage face, of civil war.

Here's old General Herkimer, leading the relief column to Stanwix. Here with a Tory force, is his brother, John Herkimer, who was an officer of the Indian Department, and the man charged with clearing Wood Creek so the British could get their forces along it. You take family by family, you find there is a brother fighting on the other side, not just with the whites but with the Indians, and personal tragedies were involved in all of this. Here is Joseph Brant, the famed or notorious Joseph Brant. On the Oneida side, and the Oneidas are marching with Americans, is Brant's former father-in-law, the father of his first wife, old Skenandon, who is an adopted Oneida, a very brave war chief, a respected politician, now in his seventies, who lived to be one hundred and ten, who is won over to the American side by his relationship with a Presbyterian missionary, Samuel Kirkland.

Here is Herkimer, facing his brother. Here is Joseph Brant, facing his former father-in-law. This is a doorstep war, as one person once called such things. There is nothing as savage as a civil war, nothing really perhaps as fascinating in terms of the storm of personal interest, emotions, loyalties, ideologies that became engaged. This is a story to be relived, honored without false partisanship. We can tell in a truthful way now, there are villains and heroes on both sides. On that the question of villains and heroes, the real victor of Oriskany, where the field of battle, although held by the Americans at the end of the engagement, really, really belonged to the British, because they'd done most of the killing.

The real victor of this campaign in the Mohawk Valley was Benedict Arnold. Marching with an American relief column, too few to overwhelm the British, who'd just cut up the Americans on the field of battle, but smart enough, wily enough—Benedict was always clever to use a psychological warfare trick to send false information by two different runners to the British so they'd be confused about the size of his column. Arnold used a mental defective (according to some of the accounts), a captive Tory, to take one of the messages doubling the size of his force so the British would think that they were about to be overwhelmed. Then he used an Oneida Indian to take another message telling the British, John Johnson in particular, but he had three thousand men instead of the nine hundred he had with him. The British commander was sozzled, scared, confused. He simply cut and run, left his tents, left his stores and gave the Americans the victory they hadn't earned on the battlefield, but earned through cleverness. Another story from the frontier.

Such stories need to be told and retold, generation to generation. They're worth honoring, they're worth telling in ways that reach people and touch their hearts, set their hearts beating a little faster. They're relevant to you and me today, because they're stories about what it means to be a human being: what it means to survive and thrive under very difficult conditions. Choices of family versus greater causes that come up in the course of one's life. This is why history is worth studying. I believe that these are the stories that will fulfill Congressman Boehlert's very worthy ambition to bring the right kind of tourism to this area in spectacular ways.

I think it can be spectacular. Some of you have been to Civil War sites, from the second American Civil War. Some of you have been to Gettysburg, or to Manassas, and so on, and you've seen the kinds of crowds that come. The population of America was a little bit smaller in the 18th century than it was in the nineteenth, but this is where the United States itself was conceived. At Fort Stanwix the stars and stripes were unfurled for the first time in American history, three days before the Battle of Oriskany. This is a pretty big drum to beat, and it can be heard from one corner of this continent to another. Canadians are also passionately interested in these things. I am constantly impressed by the number of travellers who come from every part of the world to sites like Johnson Hall: Japanese, Germans, Australians. Sometimes they seem to know more about local history than the locals. There is nothing all that surprising about that; sometimes it takes a newcomer or an outsider with a freshness of vision to see things which are quite obvious but which people living right next door to a national treasure like Johnson Hall or other sites we've mentioned, have stopped thinking about or don't understand in terms of living history.

Again, "History may be servitude, history may be freedom." I certainly think that this history, which contains some most exciting stories in the history of this nation, is going to be a powerful magnet for interested people from all over this country and from further-a-field.

IN HONOR OF DR. WALTER KRAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Dr. S. Walter Kran for his outstanding service to the people of the East Bay. After 26 years of living and practicing in San Leandro, CA, Walter Kran is retiring.

Walt began his medical studies at the University of Chicago Medical School. Upon his graduation he served his internship at Henry Ford Hospital in Detroit and residencies at M.D. Anderson Hospital in Houston and Wilford Hall Hospital in San Antonio. Dr. Kran is board-certified in radiology and nuclear medicine.

Following the completion of his formal studies, Dr. Kran has a distinguished military career. He was chief or radiology at Travis Air Force Base and chairman of the Department of Radiology at Clark Air Force Base in the Philippine Islands.

For many years, Walt was chief of the radiology departments at Humana and Laurel Grove Hospitals. He is a past president and long-time board member of the East Bay Radiological Society, and a past president of the California Radiological Society. He has served in numerous leadership positions at area hospitals, most recently as chairman of the board of trustees at Humana Hospital in San Leandro.

A fellow of the American College of Radiology, Walter Kran has served our community with distinction for many years. I have had the pleasure of corresponding with him on medical issues and many facets of health care reform. Before health care reform became the issue of the day, he was providing valuable insight into local and national issues.

Mr. Speaker, on June 18, 1994, colleagues and friends of Dr. Walter Kran will hold a retirement celebration honoring his many years of outstanding service in the medical community. He will be greatly missed in the East Bay medical community and I would like to join in wishing him good health and happiness in retirement.

TRIBUTE TO JEANNE BUSSE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. LEVIN. Mr. Speaker, I rise today to recognize Jeanne Busse of Warren, MI, for her tireless service and unfailing commitment to her community. The list of Jeanne's accomplishments and contributions to the Warren area is long and impressive. Her work as a charter member of the Friends of the Warren

Public Library and her service over the past 40 years through her parish, St. Anne's of Warren, only begin to tell the story of Jeanne's dedication to the community.

Jeanne's work in education, spanning over 40 years, has had tremendous impact, and will continue to be a force in education both locally and statewide. Her work in the schools in Warren is well known—she served first as secretary, then treasurer, and then as the first female president of the Warren Consolidated School District Board of Education. She also served as president of the Macomb County School Board of Education, and has won numerous awards and honors for her skillful work and selfless contributions. In addition to her administrative leadership on the school boards, Jeanne has worked for the benefit of our youth as a member of the Governor's Commission for Michigan Youth Corp Opportunities Group.

As Jeanne retires from the Warren Consolidated School District Board of Education after serving 16 years, I would like to take this opportunity to thank Jeanne for all her efforts. They are much appreciated by the entire community. I would also like to wish her the best in her retirement, although I know that for Jeanne, retirement means only that she'll have more time to devote to her many activities.

TRIBUTE TO MRS. MARY SECZAWINSKI

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Mrs. Mary Seczawinski, a woman who has dedicated the past 32 years of her life to the Passaic, NJ school system. It is with great pride that I join the students and staff of Passaic High School in honoring the devoted foreign language teacher and trusted friend.

Mrs. Seczawinski's teaching achievements reflect the scope of her influence and commitment to her students. In 1991, she received The Governor's Award for Excellence in Teaching. Through the recommendation of a former student, she was honored at the William Paterson College of New Jersey in 1993. The nomination cited Mrs. Seczawinski as the teacher who had a great affect on her life. Her students have followed a variety of career paths, becoming everything from attorneys and physicians to teachers and musicians, including the recording artists "The Shirelles."

Her efforts on behalf of Passaic High School extend beyond academic education. Mrs. Seczawinski has served not only as a teacher, but as a friend and adviser as well. She has been called upon by individual students a countless number of times, and always responded to the young adults' needs with consideration and care. Mrs. Seczawinski has instilled respect and responsibility in her students, and the Passaic schools have greatly benefited from her positive influence.

For decades, Mrs. Seczawinski has demonstrated her dedication to Passaic High School, and I know she will be deeply missed by both students and staff. I am proud to have the opportunity to ask my colleagues to join me in wishing here continued success on this distinguished occasion.

MORE REGULATORY REDTAPE

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. TALENT. Mr. Speaker, I rise today to speak about yet another regulatory burden which some would like to place on financial institutions. Several members of the Banking Committee plan to offer an amendment to H.R. 3838, the Housing and Community Development Act of 1994, which would require a licensed or certified appraiser to appraise any loan of $250,000 or less.

The authors of this amendment would serve only to increase the costs of real estate transactions for mid- and lower-income borrowers and place greater regulatory burdens on financial institutions. This appraisal amendment flies in the face of everything that administration and Congress have been trying to do to cut regulatory redtape and to end the credit crunch.

Just 2 years ago, Congress authorized the banking regulators to raise the level of real estate transactions below which a licensed or certified appraiser need not be employed as long as there were no threats to the safety and soundness of financial institutions by such action. Just last year, as an integral part of this plan to reduce the credit crunch, President Clinton directed bank regulators to raise appraisal thresholds if there were no safety and soundness considerations. As a result, all bank regulators have implemented a rule to increase appraisal thresholds from $100,000 to $250,000.

The proposed appraisal amendment would essentially reverse the action just taken by regulators to help bring the credit crunch to an end. Mr. Speaker, I urge my colleagues on the Banking Committee to vote against this amendment. It would significantly increase costs to borrowers and place a greater regulatory burden on financial institutions without any corresponding benefit for consumers.

TRIBUTE TO MS. WARDELLA ROBY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to call to your attention today, the accomplishments of Ms. Wardella Roby, a resident of the First Congressional District of Indiana.

Ms. Roby will be honored on Friday, June 10, at a retirement celebration commemorating a 42½-year career in education.

A graduate of Indiana University, she received her bachelor's and master's degrees in education and became a member of the Phi Delta Kappa Honorary Society for educators. Wardella began her career of teaching first and second grade in 1949 as one of the premiere teachers at George Washington Carver School in Gary, IN. She then moved west and taught at George Washington Elementary School in Compton, CA for 3 years before returning to Gary, IN.

Upon her return, Wardella obtained a position at Horace S. Norton School in Gary, IN where she taught for almost 20 years. Wardella will be retiring from Jaques Marquette Elementary School where she was both respected and admired by her peers and administrators for her dedication and commitment to educating America's youth. Wardella Roby has opened the doors to the tower of knowledge for hundreds of children, who may not have had the same opportunities under different tutelage.

Mr. Speaker, I ask you and my colleagues to join me in honoring Wardella Roby for her outstanding achievements. I am confident that Ms. Wardella Roby's retirement celebration will prove to be a most joyous event.

THE WRONG CHOICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. CRANE. Mr. Speaker, in efforts to reform education in our country, some people have proposed tuition vouchers. This system would allot a certain amount of money to parents for all schoolage children which would be applied toward tuition at any school, public or private. Although the tuition voucher system can provide an opportunity for stronger education for those who normally could not afford private education, the following article, "The Wrong Choice" by George Roche, warns about the possible danger involved with this system. We should proceed cautiously in reform as private schools may become obliged to comply with Federal rules if students accept Federal funds. As an advocate of school choice, I believe that educational reform is important, yet we should not endanger the quality of private education by subjecting it to the same standards as public schools. I recommend this article to my colleagues as a warning against some potential pitfalls of this otherwise worthy idea.

THE WRONG CHOICE

(By George Roche)

The recent defeat of the education reform initiative in California was no surprise, since public employee unions spent some $17 million to fight an idea that would have brought dramatic change to the way schools are funded and run: education tuition vouchers.

Had the measure passed, parents would have received a $2,600 voucher for each school-age child, to be applied toward tuition at any school in the state willing to accept it—any public school or any private school. Giving parents such economic leverage would have delivered a crushing blow to the state education monopoly, which poll after poll has shown Californians are convinced is a dismal failure.

One factor in the resounding defeat (70 percent of voters said 'No!') was that the initiative would have provided a windfall for private schools. For instance, within three years, some $1.3 billion in tax money could have gone to students already in private education. And everyone knew that, with cash in hand, countless more California families would have abandoned the public schools at first chance.

The opposition pointed out that private schools receiving voucher money would not be bound by the rules under which public schools function. Indeed, the initiative stipulated that any proposed private school regulation would require a three-fourths vote of the legislature. So the unions, naturally, promoted the idea that vouchers were blank checks to any crackpot with a theory of what a school should be.

Of course, the fact that private schools have been largely free from the onerous mandates and regulations that have undermined public education is what makes the voucher idea attractive in the first place. But is it realistic to believe that private education could remain free, if government money started pouring in? Perhaps a personal experience could be illuminating. . .

In the mid-1970's, the federal government demanded that colleges and universities report statistics on the ethnic and gender makeup of faculty, staff and students. Hillsdale College refused to comply on the grounds that we received no federal funds and had maintained an equal admissions policy for women and minorities since our founding in 1844.

The government countered that since some Hillsdale students had federal loans and scholarships, the College was an 'indirect recipient' of government funds and, therefore, obligated to comply with federal rules. The Supreme Court upheld that position. So, Hillsdale took the unprecedented step of declining to accept student money derived from federal loans and scholarship program based on endowments and special funding provided by foundations, companies and individual donors.

The lesson we learned from this experience is that, when government is involved, there are no guarantees. No one imagined that federal money given to a student could subject a college to regulation by the government. But that's what the Court decided. And in an age when there are few scruples about twisting the law to achieve any goal, it's impossible to predict the consequences of any action, no matter how well-intentioned.

The education reform movement will go on, despite this setback in California. But school-choice advocates should proceed cautiously. It would be a tragedy if, in the end, all the nation's private schools are re-formed into the image of the very public schools that have failed so miserably. That would definitely be the wrong choice.

TRIBUTE TO DR. ANNA MAE BURDI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Dr. Anna Mae Burdi, assistant superintendent for community services in the L'Anse Creuse public school system. Dr. Burdi is retiring after nearly 40 years of personal and professional devotion to public education.

During her tenure at L'Anse Creuse, Dr. Burdi devoted her talents to serving the needs of adult and community education. Her vision is responsible for expanding a program that served 125 students to one that meets the demands of over 7,000 child care and adult students.

While Dr. Burdi has concentrated on serving older students, she has positively impacted students of all ages. Her varied career in education has allowed preschoolers to senior citizens, and everyone in between, to profit from her expertise.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Dr. Burdi has devoted herself to this task through both her civic and professional endeavors. Her commitment to education is second to none and yet she dedicates much of her time to civic and social organizations. The Girl Scouts of America, the Northeast Interfaith Center for Racial Justice, and many other groups have all benefited from Dr. Burdi's passionate commitment to excellence.

I have known Dr. Burdi for many years and I am sure she will be missed by both her colleagues and students. She richly deserves all the best in retirement. I ask that my colleagues join me in offering heartfelt congratulations and a sincere thank you for a job well done.

THE OFFICIAL TRAVEL REFORM RESOLUTION AND THE GOVERNMENT TRAVEL COST REDUCTION ACT

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today to introduce the Official Travel Reform Resolution and the Government Travel Cost Reduction Act.

THE OFFICIAL TRAVEL REFORM RESOLUTION

Mr. Speaker, in September 1991, the rules of the House were changed to allow Members and staff to make personal use of free travel awards that accrue from frequent-flier mileage programs earned as a result of official travel. Mr. Speaker, this rule change was a mistake. We should reverse this policy. And that's what the Official Travel Reform Resolution would do.

Under the resolution, members and staff would no longer be able to make personal use of free airline tickets they earned by flying at taxpayer expense. They would only be able to use these free travel awards for regular official travel, to improve the cost-effectiveness of their offices.

The U.S. House of Representatives is the only organization in the entire Federal Government that allows its members and officials to use travel awards earned as a result of official travel for personal gain. These free travel awards that are earned as a result of official travel should be used for official travel. They should be used to cut costs and improve service. This is the policy of every executive branch department. It is the policy of the judicial branch. It is the policy of the Senate. And it should be our policy too.

Mr. Speaker, this is a simple, straightforward issue. I argue that the point is not that taxpayer funds are not really being used to fund these free tickets and therefore, what's the harm if a Member gets free vacation travel as a result of his or her position? I argue the real point is that we Members of Congress have a choice.

We can continue to capitalize on our position of enrich ourselves and our families. Or, we can choose to reject personal gain for greater cost-effectiveness and better constituent service. I believe, Mr. Speaker, the latter is the right choice. We should change the rules of the House. We should pass the Official Travel Reform Resolution without delay.

THE GOVERNMENT TRAVEL COST REDUCTION ACT

Mr. Speaker, there is a second part to this story. Frequent-flier travel programs offer the Federal Government tremendous potential cost savings. The problem is it is often difficult to make efficient use of these programs to capitalize on these potential savings.

The Government Travel Cost Reduction Act seeks to address this problem by requiring airlines that serve the Federal Government to establish a separate business frequent-flier account for travel on official business. This would allow Federal employees to separate their official and personal frequent-flier accounts.

The bill would also allow for the pooling of frequent-flier miles by various administrative units of the Federal Government and Congress. That means the travel manager for a Federal office or agency would be able to pool the frequent-flier miles of all employees in that office or agency, allowing much greater flexibility in capitalizing on these programs to save money. The same would be true for Members of Congress and their employees.

The Federal Government spent about $1.8 billion on official travel last year. Millions of dollars could be saved, Mr. Speaker, without reducing services or laying people off, if only we could more effectively manage frequent-flier travel award programs. The Government Travel Cost Reduction Act would give Federal travel managers the tools necessary to realize these savings. I urge support for this legislation.

TRIBUTE TO JOHN P. LARUE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. BORSKI. Mr. Speaker, I want to bring to the attention of the House an outstanding public servant who has ably led the Philadelphia Regional Port Authority since its establishment in 1989. His name is John P. LaRue and he has recently been named executive director of the Port of Corpus Christi, TX. Mr. Speaker, Texas' gain is truly Philadelphia's loss.

Over the many years I have known John, he has provided focused leadership that has inspired those associated with him to give their very best. He has brought the Philadelphia Regional Port System into a new era by presiding over an extensive capital program and bringing to Philadelphia skilled professionals who have advanced Philadelphia's competitive position in international maritime commerce.

John is a builder. As I have indicated, he has built one of the best professional staffs of any port agency in the country. He has built strong relationships with steamship lines around the world. He has built extraordinary contacts with international shipping interests. He has built and maintained for the Port of Philadelphia remarkably close ties with government officials around the world, but most especially in South America, never forgetting that Philadelphia is a gateway port for that continent.

One story will illustrate that last point. When the then-President of Chile, Patricio Aylwin, visited the United States on a state visit, President Bush honored him with a state dinner at the White House. Customarily, for these important events, the visiting head-of-state is given the privilege of inviting his own guests. In this case, President Aylwin was allowed 10 couples. One of those couples was John and Diane LaRue.

I witnessed John's remarkable stature in the Republic of Chile when he accompanied me on a recent visit to that dynamic and important country. His insights and advice enabled me to come to a deeper understanding about Chile, its role in South America and its relationship with the United States.

Mr. Speaker, John P. LaRue is my close friend. I join with hundreds of Philadelphians in wishing him great luck in his new home and express my personal wish that he will never lose entirely his connection to Philadelphia and to the many people there who value his friendship and revere his service to the community.

A TRIBUTE TO THE JOLIET JUNIOR COLLEGE MEN'S BASEBALL TEAM ON WINNING THE NJCAA DIVISION III WORLD SERIES

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to an outstanding group of young men and their coaches who have reaffirmed the reputation of Joliet, IL, as the city of champions.

The Joliet Junior College Baseball Wolves, led by Coach Wayne King, won the National Junior College Athletic Association's Division III World Series May 26 in Jamestown, NY. The Wolves took the title with a sparkling 3-hit, 6 to 0 shutout tossed by Series Most Valuable Player Tony Pasch against North Lake College of Irving, TX.

In recognition of his team's title, outstanding 46–11 overall record and excellent coaching abilities, Mr. King was named the NJCAA Division III Coach of the Year.

I should also mention that the World Series triumph marks the second national championship for my alma mater this year. In March, the men's basketball squad won the NJCAA Division II crown.

Mr. Speaker, I congratulate Coach King and his players for this outstanding triumph, and wish the team continued success in the future representing Joliet Junior College and the city of champions.

HONORING ST. JOHN'S EVANGELICAL LUTHERAN CHURCH ON THE OCCASION OF THEIR 125TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an enduring and vibrant church in my district. This Sunday, St. John's Evangelical Lutheran Church in Oak Harbor, OH will celebrate its 125th anniversary. The church will hold an anniversary service and celebration to mark this tremendous accomplishment.

St. John's traces its ministry to the 1860's, when the Reverend George Cronwett did missionary work in 12 settlements located in northern Ohio. The church itself was formally organized in 1869 at a meeting presided over by Rev. C. Raths. At this time, the congregation adopted its first constitution and began its legacy as a symbol of faith in Ohio.

Over the years, St. John's has expanded its membership and the church has been a source of civic pride for over a century. The unique design of the building solidifies its place as a local landmark, while the unique commitment of its members is renowned throughout the area.

A celebration such as this does not occur because of a structure alone, however. The church is a testament to the dedication of the people of St. John's in preserving links with our heritage.

Mr. Speaker, as St. John's marks its 125th year of service, we commemorate the past and celebrate the future. A new generation of members continues the exemplary record of community service that distinguishes northern Ohio. I ask my colleagues to join me in honoring this special congregation.

AMERICA'S RELATIONSHIP WITH PANAMA AFTER THE YEAR 2000

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 10, 1994

Mr. CRANE. Mr. Speaker, it hardly seems possible but, in the short space of 5 years, an era will come to an end. After December 31, 1999, the United States will no longer have any responsibility for the Panama Canal or its defense. Nor will Uncle Sam be entitled to maintain either military bases or Armed Forces in what was the Canal Zone unless some new understanding is reached.

With the rise of the supertanker and the fall of communism, there are those who will say "what difference does it make." However, 15 percent of United States overseas trade and 5 percent of all the world's trade still transits the Panama Canal. Moreover, if either the lessons of history or a survey of current events tells us anything, it is that peace cannot be taken for granted.

Terrorists, and the nations who harbor them, are just as much of a threat today as were the revolutionaries of yesteryear. Drugs, and the violence they spawn, are more of a problem now than ever. Civil unrest, with its capacity for mayhem, is still an everyday fact of life in parts of Central and South America. And the forces of communism in Russia could overthrow the pro-democratic government of Boris Yeltsin just as they did the pro-democratic government of Kerensky just over 75 years ago. In short, the world is still a threatening place, much as we might like to think otherwise. And the choke points of world commerce, such as the Panama Canal, rank high on the list of places where the potential for mischief is the greatest.

That fact alone argues persuasively for a continued United States military presence in Panama long after the turn of the century. But there are other reasons for such a presence as well, not the least of which are the economic benefits that would flow to Panama as a consequence. Currently, the presence of United States Armed Forces means roughly 6,000 direct jobs and $200 to $700 million a year in additional income for Panamanians. Absent a base lease arrangement, which might or might not include the Canal itself, those figures would shrink substantially. But with such an understanding they could be augmented by lease payments to the Government of Panama for use of the facilities covered. Also, the continued existence of the United States Southern Command in the area could lessen, or even eliminate altogether, the need for Panama to shoulder the substantial expense of maintaining its own military defense force.

Logic notwithstanding, the prospects for reaching an understanding of this nature are only as good as the public support for it is strong in the United States and Panama. But, if recent public opinion surveys taken in both countries are any barometer, those prospects should be very good indeed. In Panama, polls taken over the past 2 years have indicated consistently that at least two thirds of the Panamanian people support a continued United States military presence after the turn of the century. And, in the United States, a nationwide survey conducted in mid-March by the Marketing Research Institute [MRI] suggests that nearly two thirds of all Americans feel that same way. When asked if the United States should maintain or remove our military bases in the Canal Zone, 65.5 percent of those responding said we should maintain them.

Mr. Speaker, this is a very significant finding. What it demonstrates is that the people of the United States and Panama are of a like mind. By a strong majority, they are signalling their support for an arrangement that would benefit both nations without compromising the sovereignty or interests of either. That being the case,the time has come for use, as representatives of the Nation that should make the first move, to take the next step and indicate our interest in opening negotiations.

To that end, I have introduced a resolution, House Concurrent Resolution 17, that, if adopted, would do just that. Since it has attracted 83 cosponsors so far and is consistent with contemporary public opinion in both the United States and Panama, I would urge my colleagues who have not signed on to do so at their earliest convenience. Five years may seem like a lot of time, but with everything that is required to complete and implement an agreement of this nature, it is not a moment to soon get the process started.

HOUSE OF REPRESENTATIVES—*Monday, June 13, 1994*

The House met at 10:30 a.m. and was called to order by the speaker pro tempore [Mr. BAESLER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 13, 1994.

I hereby designate the Honorable SCOTTY BAESLER to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

THE CASE AGAINST EMPLOYER MANDATES

Mr. GOSS. Mr. Speaker, with solid majorities in both Houses of Congress, you would think the President would be able to pass a health reform plan. But things are not quite that cut and dry. Why? Let us look at two of the most troubling words in the President's plan: Employer mandates. These two words mean that business must pay up to 80 percent of the health insurance costs of their employees. The President wants us to believe this is simply making business pay their fair share. But even many members of the President's own party are skittish about this—they see past his simple rhetoric. If you move beyond the labels, you see that mandates are really payroll taxes that will raise the cost of labor for nearly three-quarters of American companies, and discourage future job growth. A study conducted by the CONSAD Research Corp. estimates the Clinton employer mandate payroll tax will eliminate at least 850,000 existing jobs and adversely impact another 23 million workers by causing loss of wages, restricted benefits, or longer work hours. Lewin-VHI, Inc., has concluded that low-wage jobs will be especially hard hit—with more than 200,000 jobs lost. Other studies by the nonpartisan Congressional Budget Office and the American Legislative Exchange Council estimate total job losses could exceed 1 million. As the cost of labor is arbitrarily inflated by this tax, other business alternatives become more attractive. Instead of paying more than $5,000 a year in benefits to workers—businesses will increasingly turn to depreciable machines wherever possible or even contemplate moving jobs to cheaper labor markets overseas. Small firms with fewer than 100 employees will also suffer. While these firms are the backbone of growth in our economy, they are also the riskiest ventures. Profit margins are generally small and operating losses common among these firms, which have to bear high-startup costs while attempting to establish themselves in the market. With the Clinton health plan's mandates, nearly half of the expected job losses would come from this sector. This is like killing the goose that lays the golden eggs. Small business creates four out of every five new jobs in America. Imposing job-killing payroll taxes on this sector will not only constrain the job market, it will threaten the very heart of our economic recovery. While making business pay may offer a good sound bite, it doesn't make for good policy. All Americans will end up paying—many with their jobs. It is true, most Americans already get health coverage through their employers. But the strength of our current policy is that benefits are voluntarily provided—through negotiation with labor and the flexibility of the free market. Mandates convert this voluntary dynamic into a compulsory one, making Government the sole arbiter. And there are other problems with mandates—chief among them that they allow Government direct control over nearly 400 billion additional dollars a year. Unquestionably, this would constitute the single largest tax increase in our history. And the benefits people receive in return for these onerous taxes would be decided not by the market—but by Congress or a National Health Board. This is a dramatic shift in decision-making authority—and it is something many Americans rightfully fear. Mr. Speaker, we reject mandates because they threaten jobs and give Government too much control over our health and our workplace decisions. There is a better way to reform health care. In a bipartisan manner, we have introduced bills to make insurance more affordable for all businesses and individuals—but retain individual freedom to choose the kind and source of coverage. Another study by Lewin-VHI confirms we can cover 97 percent of the population with such voluntary reforms. I urge my colleagues and the public to consider the facts. If the employer mandate is such a great idea, then why does it kill hundreds of thousands of jobs? And why is it that even Democrats in Congress are so hesitant to support their President on this issue?

TRIBUTE TO JACK VAUGHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. DARDEN] is recognized during morning business for 5 minutes.

Mr. DARDEN. Mr. Speaker, I rise today to pay tribute to Representative Jack Vaughan, one of the youngest and brightest members of the Georgia House of Representatives. Jack died on Saturday at the age of 33 after battling brain cancer for 4 years.

Mr. Speaker, Jack Vaughan started in politics with a mission to serve the people and he continued that mission until his untimely death. He amazed his colleagues and his constituents when he returned to the work of the people at the State capitol only 2 weeks after surgery earlier this year.

During his three terms in the State house, Jack became well-known as a tireless worker and a coalition builder. He worked with his colleagues, regardless of their party, to get things done for the people. His example of leadership is one we here should all follow.

I had the pleasure of knowing Jack virtually all of his life. His family and my family attend the same church—the First United Methodist Church of Marietta, GA. At one time, I was Jack's Sunday school teacher during his senior year of high school.

He always impressed me with his sincerity, integrity, and enthusiasm. Also, I had the pleasure of knowing his loving wife, Diane, before her marriage to Jack. Several years ago I was thrilled to learn that they planned to marry and make their home in Marietta. They have a young son, John Dixon Vaughan III, who was the pride of Jack's life. Jack was a sixth-generation Mariettan and I have had the privilege of knowing three of those generations going back to his grandparents, the Griggs and the Vaughans.

I want to extend my deepest sympathies to his wife Diane and son John, his parents Jack and Gretchen, his sisters Sally and Mary, his brother Hal, and all his wonderful family in this very difficult time.

I submit for the RECORD an article from the June 12, 1994, edition of the Marietta Daily Journal.

JACK VAUGHAN, "COMMITTED," "COURAGEOUS," DIES AT 33—STATE LAWMAKER FROM WEST COBB LOSES 4-YEAR BATTLE WITH CANCER

(By Bill Kinney)

State Rep. Jack Vaughn, R-west Cobb, died Saturday at the age of 33 after succumbing in a four-year battle with cancer.

Rep. Vaughan's brain tumor was diagnosed in May 1990 during his first term in the House. After surgery, he recovered quickly and did not miss any of the session.

He underwent a second operation in early January when the tumor reappeared.

He recently spent two days at Emory University Hospital undergoing tests he jokingly called a "tune up," saying afterwards that he felt "great."

On April 25, Vaughan announced he would not seek a fourth two-year term in the Georgia Legislature, citing the need to devote more time to his family and the possibility of entering Candler School of Theology at Emory University this fall.

Rep. Lynda Coker, R-east Cobb and chairwoman of the Cobb delegation, was Rep. Vaughan's House seatmate for four years and said the news of his death "left me just kind of empty."

Over the past few months of Rep. Vaughan's illness, she said she has had an opportunity to reflect "not only on the courage that Jack, his wife Diane and the family have shown to us, but also the wonderful things about him."

Rep. Coker, who has been involved in local and state politics for more than a decade, said she has "never met anyone more committed to serving the people. That was the most important thing to Jack, his opportunity to serve. He was proud of that."

Rep. Vaughan was first elected to the state House in 1988 after defeating Marietta lawyer Ronnie Knighton in the Republican primary, then in the general election won over Democrat and Marietta lawyer Irma Glover.

Rep. Vaughan met his wife, Diane, while both were working in Washington, he as an aide to both Rep. Newt Gingrich, R-east Cobb, and former Sen. Pete Wilson who is now governor of California.

Rep. Gingrich said Saturday he was proud to call Rep. Vaughan a friend and even prouder to say "that Jack launched his political career as an interim in my Washington office and later served as press secretary."

He described Rep. Vaughan's career in the state Legislature as "one of service to Cobb County," and added that even in his long battle with cancer "Jack was an inspiration as he continued to serve the public and sought service rather than sympathy.

"Our heartfelt sympathy goes to Diane and their son, as well as his parents and family," Rep. Gingrich said.

Had he run this summer for a fourth term, Rep. Vaughan was not expected to have opposition either from within his party in the July 19 GOP primary or from the Democratic Party in the general election.

A Marietta native, Rep. Vaughan graduated from Marietta High School in 1979. The Marietta High School Foundation recently named him its "Alumni of the Year" for 1994.

He graduated in 1983 from Asbury College in Wilmore, Ky., with a degree in English.

Rep. Vaughan served six years in the Georgia House of Representatives. His committee assignments included the influential Ways and Means, Health and Ecology, Natural Resources and Environment, Industrial Relations and Retirement. Rep. Vaughan was an insurance executive with The Insurance Store of Marietta.

He served on the administrative board of the First United Methodist Church of Marietta, as well as serving on the finance and usher committees and played in the church's wind ensemble.

He was a 1987 graduate of Leadership Cobb and served on the board of the North Cobb Unit of the American Cancer Society. He was a member of Marietta Kiwanis Club, the Cheatham Hill and Red Rock Community clubs and many other civic associations.

Funeral services will be 11 a.m. Tuesday at Marietta First United Methodist Church, with the Rev. Charles A. Sineath Jr. officiating. Burial will be in Kennesaw Memorial Park Cemetery in Marietta.

The body will be at the church at 10 a.m.

A sixth-generation Mariettan, Vaughan is survived by his wife, Diane Brown Vaughan; son, John Dixon Vaughan, III; parents, Jack and Gretchen Vaughan of Marietta; two sisters, Sally Reichert of Marietta and Mary Fortenberry of Kennesaw; brother, Hal Vaughan, of Acworth and grandmother, Sarah Frances Griggs of Austell; and several brothers-in-law and sisters-in-law, as well as nieces and nephews.

His late grandparents include Harold Griggs and Otis and Katherine Vaughan, all formerly of Marietta.

The family will receive friends from 2 to 4 p.m. and 6 to 9 p.m. Monday at Mayes Ward-Dobbins Funeral Home in Marietta.

In lieu of flowers donations may be made to the American Cancer Society, Cobb County Unit, 1256 North Cobb Parkway, Suite 102, Marietta, Georgia 30062.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 38 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that Your gracious spirit of understanding will touch every needy person in our homes and communities and in our world. We pray that any who experience chaos or violence in their lives will find peace; that those who are hungry will be fed; that those who are homeless will find shelter; that those who are lonely and battle by themselves the issues of the day will find support; that those who are caught up in the turmoil and tangle of competing ideas and values, will know accord, and that all people will be secure in the knowledge of Your will and the power of Your grace. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Washington [Ms. DUNN] please come forward and lead the House in the Pledge of Allegiance?

Ms. DUNN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NORMANDY

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, I was fortunate enough to attend the ceremonies last week marking the 50th anniversary of the landing in Normandy.

Mr. Speaker, I cannot begin to describe the emotional impact of the celebration.

We all were so proud of the eloquence of President Clinton. When it was over, the different generations of Americans who witnessed the ceremonies were brought together as one. At the sunrise ceremony aboard the aircraft carrier *George Washington*, President Clinton, accompanied by three World War II veterans, paid homage to the lost destroyer U.S.S. *Cory*, destroyed by mines that fateful morning and still lying in the waters below the carrier.

At Colesville Cemetery at Omaha Beach, accompanied by French President Mitterrand, President Clinton thanked the heroes of Normandy with these simple but profound words: "They saved the world."

Yes, Mr. Speaker, it was a privilege to share this moment with my veteran colleagues, thousands of other veterans, American, British, and French, and our President, who represented us so well with dignity and respect.

EVEN A TAXPAYER IS INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. In 1988, Mr. Speaker, the IRS said Jack and Wanda Biggars owed back taxes. Their son later said the IRS pressured them, intimidated them, frightened them and, ultimately, confiscated the family home. They auctioned it off. In hopelessness the mother and father committed suicide.

The son said, "The IRS told them, 'Pay or we'll take your house, we'll take everything you have, and there's not a damn thing you can do about it.'"

I say to my colleagues, "Is this what it has come to? The IRS can wreck your life? Wreck your business? Drive families apart? Intimidate? Pressure?"

Mr. Speaker, this does not seem like America to me. This sounds like the KGB, and Congress ought to be ashamed of themselves when it takes discharge petition No. 12 to get a bill to the floor that says an American is innocent until proven guilty, even a taxpayer.

Shame, IRS, and shame on the Congress that allows them to rip off the American people.

Think about it.

STRANGLING SMALL BUSINESS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, imagine a pair of giant hands around your throat. Now imagine those hands slowly but surely starting to squeeze, constricting your air passages and impairing your ability to breathe.

Not a pretty picture, is it?

Well, this is how small businesses feel about the President's employer mandates in health care reform: The Government's big hands choking the life out of our small business sector.

Mr. Speaker, there is a better way to health care reform.

Rather than kill millions of jobs, let us simply fix the problems of our current system. Rather than giving Government a death grip on our small businesses, let's simply make adjustments that will provide universal access, allow portability, and prohibit preexisting conditions.

Mr. Speaker, the President's employer mandates will strangle many small businesses. I urge my colleagues to break the grip and oppose employer mandates.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EDWARDS of California). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 14, 1994.

TO ESTABLISH A WOMEN'S BUREAU IN THE DEPARTMENT OF VETERANS AFFAIRS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend rules and pass the bill (H.R. 3013) to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 3013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTER FOR WOMEN VETERANS.

(a) IN GENERAL.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§318. Center for Women Veterans

"(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are veterans who are women, in conjunction with the outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research and the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of the medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting women's health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"318. Center for Women Veterans.".

(b) CONFORMING AMENDMENT.—Section 317(c) of such title is amended—

(1) by striking out "who is—" and inserting in lieu thereof "who is any of the following:";

(2) by striking out the semicolon at the end of paragraphs (1) through (4) and inserting in lieu thereof a period;

(3) by striking out "; or" at the end of paragraph (5) and inserting in lieu thereof a period; and

(4) by striking out paragraph (6).

SEC. 2. MEETINGS OF ADVISORY COMMITTEE ON WOMEN VETERANS.

Section 542(a) of title 38, United States Code, is amended by adding at the end the following:

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration as well as on the next bill of the Committee on Veterans' Affairs on the schedule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3013 would establish a Center for Women Veterans in the Department of Veterans Affairs. The center would be headed by a director appointed by the Secretary. The director would serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting women veterans.

The bill is designed to focus more attention on the needs of women veterans and how those veterans can obtain benefits and services on a timely basis.

I want to commend the distinguished gentlewoman from California [Ms. WATERS] for introducing H.R. 3013, and will recognize her shortly to explain the bill.

Women now comprise about 12 percent of our active duty Armed Forces and constitute the fastest growing segment of the veteran population. This year women are expected to account for a full 20 percent of the Army's enlistees. As the roles and responsibilities of women who serve in the Armed Forces change, so will their needs for VA health care and other services. I think more can be done to help women who are being discharged from service.

□ 1210

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 3013, legislation to create a Center for Women Veterans within the Department of Veterans Affairs. I am pleased to have sponsored this legislation and I want to commend the committee staff for their work. I would like to thank my chairman, SONNY MONTGOMERY, and my subcommittee chairman, LANE EVANS, for their strong support of H.R. 3013 and their leadership in moving the bill through committee. I especially want to thank Vietnam Veterans of America and all the women veterans who worked for and stood firm in their support of H.R. 3013.

H.R. 3013 will establish in the Department of Veterans Affairs a Center for Women Veterans and appoint a Director who reports directly to the Secretary of Veterans Affairs or the Deputy concerning the activities of the center. The Director will serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women, make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits and other Department officials for the establishment or improvement of programs in the VA for eligible women veterans; and promote the use of veterans benefits by women veterans and the conduct of outreach activities in conjunction with outreach activities carried out under chapter 77 of title 38.

The Director will also be responsible for disseminating information and serving as a resource center for the exchange of information regarding innovative and successful programs which improve services available to women veterans. The Director will conduct and sponsor appropriate social and demographic research on the needs of women veterans and the extent to which veterans programs meet the needs of such veterans; analyze and evaluate complaints made by, or on behalf of, women veterans about the adequacy and timeliness of services provided by the VA; advise the appropriate official of the VA of the results of such analysis or evaluation and advise the Secretary when laws or policies have the effect of discouraging the use of benefits by women veterans. The Director will publicize the results of medical research of particular significance to women veterans; advise the Secretary and other appropriate officials on the effectiveness of the VA's efforts to accomplish the goals relating to the inclusion of women and minorities in clinical research and of particular health conditions affecting women's health which should be studied as part of the VA's medical research program and promote cooperation between the VA and other sponsors of medical research of potential benefit to women veterans. The Director will provide support and administrative services to the advisory committee on women veterans.

I believe this legislation is long overdue. The Veterans' Affairs Committee has on many occasions urged the VA to improve health care and other services for women veterans and to recognize and respond to the legitimate needs of this growing veterans population. In some cases this advice has been heeded, in others it has not. The VA Office of Inspector General reported last year that many fundamental problems continue to hamper VA's delivery of gender specific services to women veterans. Secretary Brown's commitment to improving VA's responsiveness to women veterans is evidenced by his appointment of a Director of VA's Office of Women Veterans. However well intentioned, this Office falls short of addressing the issue of equality for women veterans in a comprehensive manner. In testimony before the Veterans Affairs Oversight and Investigations Subcommittee we heard women veterans and advocacy groups tell us that while they applaud the actions of Secretary Brown, they felt the provisions of H.R. 3013 were still warranted.

H.R. 3013 provides a built-in mechanism to improve VA's accountability to women veterans. H.R. 3013 will create a permanent and prominent position for women veterans in the hierarchy of the VA. H.R. 3013 will ensure that past accomplishments in women veterans services are not eroded.

Women constitute the fastest growing segment of the veterans population. It is projected that by the year 2004 about 12 percent of veterans will be women. We cannot continue to treat these veterans as second-class. H.R. 3013 will send a clear message that Congress will no longer tolerate indifference and disregard for the implementation of programs legislated to improve care of women veterans. Mr. Speaker, the need for a change in policy regarding women veterans has never been greater. The time for change is now.

I urge my colleagues to join me in voting for passage of H.R. 3013.

Mr. Speaker, I would like to take a moment to thank the ranking minority member, the gentleman from Arizona [Mr. STUMP], for his support of the legislation. I would like to say to the House that we do not oftentimes have such cooperation from both sides of the aisle, but we had no opposition and we have had strong advocacy from the other side of the aisle, thanks to the leadership of the gentleman from Arizona [Mr. STUMP]. I would like to take note of that, and say I am very appreciative of the work the gentleman did in supporting this legislation.

Mr. MONTGOMERY. Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Chairman MONTGOMERY for his leadership and advocacy on behalf of all veterans and in particular, women veterans.

In the past several years, this committee has dramatically improved the services provided to women veterans through passage of H.R. 3313 last session and Public Law 102–585. I hope that this legislation coupled with the committee's past improvements will go a long way toward meeting the needs of women veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to commend the gentleman from Arizona [Mr. STUMP] for his support of this legislation, and again I want to thank the gentlewoman from California [Ms. WATERS] for bringing this bill before the House. I hope we can get a strong vote on this legislation. I know we will.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 3013, legislation that establishes a women's bureau within the Department of Veterans Affairs. I commend my colleague from California [Ms. WATERS] for introducing this legislation, which I believe is long overdue.

According to research conducted by the Women's Research and Education Institute, since the all male draft ended in 1973, and the All Volunteer Force began, the percentage of women in the military has dramatically increased. In fact, in 1993, the percentage of women in the military had risen to an astonishing 11.8 percent. This increase translates to a force of almost 200,000 women soldiers in the Army, Navy, Marine Corps, and Air Force.

I believe that the Department of Veterans Affairs should adapt to accommodate the changing needs of our women veterans. From providing consultative services to coordinating existing VA women's programs, H.R. 3013 will ensure that our women veterans receive the services, the benefits and the training that they need.

I am pleased to support this measure and I urge my colleagues to join me in ensuring its final passage.

Mrs. LLOYD. Mr. Speaker, in the past when this country has honored its veterans, too often it has remembered to honor only the men who have served their country. When this country has spoken of its veterans, too often it has spoken proudly of only the men who have served their country. When this country has made an effort to care for its veterans, too often it has only provided care for only the men who served their country.

Today, we are changing these scenarios, because today we are going to move to also honor, speak of, and care for the women who have served their country. At a time when women have assumed more roles and responsibilities in the U.S. military than ever before, and at a time when there are more women veterans than ever before, the Congress of the United States seeks to bring equal treatment for and recognition of the growing population of women veterans.

Establishing the women's bureau in the Department of Veterans Affairs is a positive step in showing the women of this country—if you serve, you will not be forgotten. This bill is long overdue. It is time this country thinks of women as veterans too. It is time we honor them, speak of them, and care for them. H.R. 3013 does this and I strongly urge my colleagues to vote for this legislation and correct the discrimination women veterans have felt for so many years.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EDWARDS of California). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3013, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to establish a Center for Women Veterans in the Department of Veterans Affairs."

A motion to reconsider was laid on the table.

BOARD OF VETERANS' APPEALS ADMINISTRATIVE PROCEDURES IMPROVEMENT ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1904) to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals, as amended.

The Clerk read as follows:

S. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994".

SEC. 2. NUMBER OF MEMBERS OF BOARD OF VETERANS' APPEALS.

Section 7101(a) of title 38, United States Code, is amended by striking out "(not more than 65)".

SEC. 3. ETHICAL AND LEGAL LIMITATIONS ON CHAIRMAN.

Section 7101(b)(1) of title 38 United States Code, is amended by inserting after the first sentence the following new sentence: "The Chairman shall be subject to the same ethical and legal limitations and restrictions concerning involvement in political activities as apply to judges of the United States Court of Veterans Appeals.".

SEC. 4. ACTING AND TEMPORARY MEMBERS OF BOARD OF VETERANS' APPEALS.

(2) IN GENERAL.—Subsection (c) of section 7101 of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1)(A) The Chairman may from time to time designate one or more employees of the Department to serve as acting members of the Board. Except as provided in subparagraph (B), any such designation shall be for a period not to exceed 90 days, as determined by the Chairman.

"(B) An individual designated as an acting member of the Board may continue to serve as an acting member of the Board in the making of any determination on a proceeding for which the individual was designated as an acting member of the Board, notwithstanding the termination of the period of designation of the individual as an acting member of the Board under subparagraph (A) or (C).

"(C) An individual may not serve as an acting member of the Board for more than 270 days during any one-year period.

"(D) At no time may the number of acting members exceed 20 percent of the total of the number of Board members and acting Board members combined.";

(2) by striking out paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated, by striking out "the number of temporary Board members" and all that follows through the period at the end and inserting in lieu thereof "the number of acting members of the Board designated under such paragraph (1) during the year for which the report is made.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended by striking out "a temporary or" and inserting in lieu thereof "an".

(2) Subsection (d)(3)(B) of such section is amended by striking "section 7103(d)" and inserting in lieu thereof "section 7101(a)".

SEC. 5. CHAIRMAN'S ANNUAL REPORT ON BOARD ACTIVITIES.

Section 7101(d)(2) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the number of employees of the Department designated under subsection (c)(1) to serve as acting members of the Board during that year and the number of cases in which each such member participated during that year.".

SEC. 6. DECISIONS BY THE BOARD.

(a) ACTION BY BVA.—Section 7102 and 7103 of title 38, United States Code, are amended to read as follows:

§ 7102. Assignment of members of Board

"(a) A proceeding instituted before the Board may be assigned to an individual member of the Board or to a panel of not less than three members of the Board. A member or panel assigned a proceeding shall make a determination thereon, including any motion filed in connection therewith. The member or panel, as the case may be, shall make a report under section 7104(d) of this title on any such determination, which report shall constitute the final disposition of the proceeding by the member or panel.

"(b) A proceeding may not be assigned to the Chairman as an individual member. The Chairman may participate in a proceeding assigned to a panel or in a reconsideration assigned to a panel of members.

"§ 7103. Reconsideration; correction of obvious errors

"(a) The decision of the Board determining a matter under section 7102 of this title is final unless the Chairman orders reconsideration of the decision in accordance with subsection (b). Such an order may be made on the Chairman's initiative or upon motion of the claimant.

"(b)(1) Upon the order of the Chairman for reconsideration of the decision in a case, the case shall be referred—

"(A) in the case of a matter originally heard by a single member of the Board, to a panel of not less than three members of the Board; or

"(B) in the case of a matter originally heard by a panel of members of the Board, to an enlarged panel of the Board.

"(2) A panel referred to in paragraph (1) may not include the member, or any member of the panel, that made the decision subject to reconsideration.

"(3) A panel reconsidering a case under this subsection shall render its decision after reviewing the entire record before the Board. The decision of the panel shall be made by a majority vote of the members of the panel. The decision of the panel shall constitute the final decision of the Board.

"(c) The Board on its own motion may correct an obvious error in the record, without regard to whether there has been a motion or order for reconsideration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking out the item relating to section 7103 and inserting in lieu thereof the following:

"7103. Reconsideration; correction of obvious errors.".

(a) IN GENERAL.—(1) Section 7107 of title 38, United States Code, is amended to read as follows:

"§ 7107. Appeals: dockets; hearings

"(a)(1) Each case received pursuant to application for review on appeal shall be considered and decided in regular order according to its place upon the docket.

"(2) A case referred to in paragraph (1) may, for cause shown, be advanced on motion for earlier consideration and determination. Any such motion shall set forth succinctly the grounds upon which it is based and may not be granted unless the case involves interpretation of law of general application affecting other claims or for other sufficient cause shown.

"(b) The Board shall decide any appeal only after affording the appellant an opportunity for a hearing.

"(c) A hearing docket shall be maintained and formal recorded hearings shall be held by such member or members of the Board as the Chairman may designate. Such member or members designated by the Chairman to conduct the hearing shall, except in the case of a reconsideration of a decision under section 7103 of this title, participate in making the final determination of the claim.

"(d)(1) An appellant may request that a hearing before the Board be held at its principal location or at a facility of the Department located within the area served by a regional office of the Department.

"(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in the order in which requests for hearings within that area are received by the Department.

"(3) In a case in which the Secretary is aware that the appellant is seriously ill or is under severe financial hardship, a hearing may be scheduled at a time earlier than would be provided for under paragraph (2).

"(e)(1) At the request of the Chairman, the Secretary may provide suitable facilities and equipment to the Board or other components of the Department to enable an appellant located at a facility within the area served by a regional office to participate, through voice transmission or through picture and voice transmission, by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location.

"(2) When such facilities and equipment are available, the Chairman may afford the appellant an opportunity to participate in a hearing before the Board through the use of such facilities and equipment in lieu of a hearing held by personally appearing before a Board member or panel as provided in subsection (d). Any such hearing shall be conducted in the same manner as, and shall be considered the equivalent of, a personal hearing. If the appellant declines to participate in a hearing through the use of such facilities and equipment, the opportunity of the appellant to a hearing as provided in such subsection (d) shall not be affected.".

(2) The item relating to section 7107 in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"7107. Appeals: dockets; hearings.".

(b) CONFORMING AMENDMENTS.—(1) Section 7104(a) of such title is amended by striking out the third sentence.

(2) Section 7110 of such title is repealed.

(3) The table of sections at the beginning of chapter 71 of such title is amended by striking out the item relating to section 7110.

SEC. 8. CROSS-REFERENCE CORRECTION.

Section 7104(a) of title 38, United States Code, is amended by striking out "211(a)" and inserting in lieu thereof "511(a)".

SEC. 9. REVISION TO INCOME VERIFICATION REQUIREMENTS.

(a) PARENTS DIC.—Section 1315(e) of title 38, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in the second sentence—

(A) by striking out "file with the Secretary a revised report" and inserting in lieu thereof "notify the Secretary"; and

(B) by striking out "the estimated".

(b) PENSION.—Section 1506 of such title is amended—

(1) in paragraph (2)—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in paragraph (3)—

(A) by striking out "file a revised report" and inserting in lieu thereof "notify the Secretary";

(B) by striking out "estimated" each place it appears; and

(C) by striking out "such applicant's or recipient's estimate of".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1220

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure reflects a compromise agreement between the House and Senate Veterans' Affairs Committees on urgently needed legislation that will allow the VA's Board of Veterans' Appeals to operate in a more efficient manner.

Last November, as part of H.R. 3400, the reinventing Government legislation proposed by the administration, the committee favorably reported, and the House passed, a number of provisions that are similar to those embodied in the compromise agreement.

Mr. Speaker, according to the VA, there is a growing backlog of pending appeals which, without our actions, will become much worse. Right now, there are about 40,000 appeals pending before the Board. A veteran filing an appeal today would have to wait over 2 years for a decision. That is not right, and we need to act to reduce that time.

The compromise we have worked out with our colleagues in the other body will permit individual Board members to decide veterans' appeals. The law now requires that all cases be decided by a panel of members. The VA believes such a change will result in a 25-percent improvement in the Board's productivity.

The agreement also lifts the current 65-member cap on the number of BVA Board members. This will allow the Board to grow to a size necessary to conduct hearings and dispose of appeals properly before the Board in a timely manner, as the law requires.

The agreement also authorizes the chairman of the Board to develop and utilize new means for conducting hearings on appeals, including use of video conferencing, to reduce delays in scheduling hearings and to make it easier for veterans to present their cases at hearings closer to their homes.

Finally, the agreement relaxes current requirements in law regarding the submission of annual income questionnaires for means-tested programs such as VA pension. In about 75 percent of these cases, the VA can now verify an individual's income to determine eligibility for these benefits through the Internal Revenue Service.

There follows a joint explanatory statement which reflects the agreement between the committees:

JOINT EXPLANATORY STATEMENT ON S. 1904

S. 1904 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These are Subtitle D of Title XII of H.R. 3400, which the House passed on November 22, 1993 (hereinafter referred to as "House bill"), and S. 1904, which the Senate passed on April 21, 1994 (hereinafter referred to as "Senate bill").

The Committees on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of S. 1904 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement on the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

NUMBER OF MEMBERS OF BOARD OF VETERANS' APPEALS

Current law

Section 7101(a) of title 38, United States Code, specifies that the Board of Veterans' Appeals may be comprised of more than 65 members in addition to the Chairman and Vice Chairman.

House bill

Section 12301(a) of the House bill would revise and restate the provisions of section 7101(a) of title 38. As part of that revision, section 12301(a) would eliminate the 65-member limitation on the number of members who can serve on the Board of Veterans' Appeals in addition to the Chairman and Vice Chairman. In addition, the House bill would codify the position of Deputy Vice Chairman of the Board, to be designated by the Chairman.

Senate bill

Section 1(a) would delete the language in section 7101(a) which provides that the number of Board members, in addition to the Chairman and Vice Chairman, may not exceed 65.

Compromise agreement

Section 2 follows the Senate bill.

ETHICAL AND LEGAL LIMITATIONS ON CHAIRMAN

Current law

Provisions relating to the Chairman of the Board of Veterans' Appeals (hereinafter referred to as "Chairman") are found in section 7101 of title 38. There are no provisions in current law that place ethical or legal limitations or restrictions on the Chairman specifically with respect to political activities.

House bill

Section 12301(b) would provide that the Chairman of the Board is subject to the same ethical and legal limitations and restrictions regarding involvement in political activities as judges on the United States of Veterans Appeals. These limitations and restrictions are found in Canon 7—A Judge Should Refrain from Political Activity—of the Codes of Conduct for Judges and Judicial Employees, issued by the Judicial Conference of the United States.

Senate bill

No provision.

Compromise agreement

Section 3 follows the House bill.

ACTING AND TEMPORARY MEMBERS OF THE BOARD OF VETERANS' APPEALS

Current law

Section 7102(a)(2)(A) authorizes the Chairman to designate an employee of the Department of Veterans Affairs (hereinafter referred to as "Department" or "VA") to serve as an acting member on a section of the Board, for a period not to exceed 90 days. The Chairman may designate an acting member to serve on a section if the section is composed of fewer than three members due to the absence of a member, a vacancy on the Board, or the inability of a member assigned to the section to serve on that section. Under section 7102(a)(2)(B), an acting member may not serve for more than 270 days in any 12-month period.

Section 7101(c) authorizes the Chairman to designate Department employees to serve as temporary members for a period of not more than 1 year. Temporary members may be designated when there are fewer than 65 members of the Board and may not serve for more than 24 months during any 48-month period.

House bill

As part of a revision of section 7101, section 12301(c) of the House bill would remove the limitation on the period of time acting members are allowed to serve and would remove the authority of the Chairman to designate temporary members.

Senate bill

Section 1(b) would amend section 7101(c) to eliminate the authority to designate temporary members. The provision authorizing the Chairman to designate acting members would be amended and moved from section 7102 to 7101. The new section 7101 provision would be substantively identical to the current provision in section 7102 governing acting members, limiting such service to 90 days at a time and a total of no more than 270 days during any 1-year period. The new section 7101 would add a provision to permit an acting member to continue to serve in that capacity, notwithstanding the time limitations, with respect to any proceedings for which the acting member was designated.

Compromise agreement

Section 4 follows the Senate bill, with an amendment limiting the number of acting members who can serve at any time to 20 percent of the total number of regular and acting Board members combined.

CHAIRMAN'S ANNUAL REPORT OF BOARD ACTIVITIES

Current law

Section 529 of title 38 requires the Secretary of Veterans Affairs (hereinafter referred to as "Secretary") to submit an annual report to Congress including a financial accounting, a description of all work accomplished by the Department, and the activities of the Department during that fiscal year. Section 7101(c)(3) requires the Secretary to include in this report the number of temporary and acting Board members designated during the fiscal year covered by the report.

Section 7101(d) requires the Chairman to prepare a report, to be submitted with the Secretary's budget request to Congress, at the end of each fiscal year on the activities of the Board during that year and the projected activities for the fiscal year in which the report is prepared and the following fiscal year. Section 7101(d) does not require the Chairman to include any information concerning acting or temporary members designated during the year covered in the report.

House bill

Section 12301(d) would remove the requirement that the Secretary include information concerning temporary members in the annual report to Congress, to conform with the removal of the authority to designate temporary members. Section 12301(e) would require that the Chairman's annual report include the names of acting Board members designated during the year and the number of cases in which each acting member participated.

Senate bill

Section 1(b) would remove the requirement that the Secretary include information concerning temporary members in the annual report to Congress. Section 1(c) would require the Chairman's annual report to include only the number of acting members designated during the year and the number of cases in which each acting member participated.

Compromise agreement

Section 5 follows the Senate bill.

DECISIONS BY THE BOARD

Current law

Section 7102(a)(1) authorizes the Chairman to divide the Board into sections of three members and assign members to the sections.

Section 7102(c) provides that the Chairman will assign proceedings to sections of the Board. A section will make a decision concerning any proceeding assigned to the section, including any decision regarding motions filed in connection with such a proceeding, and make a report of the section's decision, which will be the final disposition of the proceeding.

Section 7103(a) states that a decision of the majority of the section will be the decision of the section, which is final unless the Chairman orders reconsideration of the case.

House bill

Section 12302(a) would amend section 7102 to authorize assignment of a proceeding to an individual Board member or to a panel of Board members, other than the Chairman, who would render a decision on the proceeding and make a report on the determination. Section 12302(a) would provide that decisions of a panel are to be made by a majority of the members of the panel.

Senate bill

Section 1(d) is substantively similar to section 12302(a) of the House bill, except that it would specify that a panel must consist of at least three members and it would not exclude the Chairman from participating in a decision on a proceeding, either individually or on a panel.

Compromise agreement

Section 6 would authorize assignment of a proceeding to an individual Board member or to a panel consisting of at least three members. The Chairman would be permitted to participate in a proceeding or reconsideration of a decision, but only as a member of a panel.

RECONSIDERATION

Current law

Section 7103(b) provides that when the Chairman orders reconsideration of a case, the decision on reconsideration is made by an expanded section of the Board. A decision of the majority of the expanded section is final.

House bill

Section 12302(a) would require that after the Chairman orders reconsideration of a case, the matter must be referred to a panel of at least three members where the original decision was rendered by an individual member, and to an enlarged panel where the original decision on appeal was rendered by a panel of members. This section would prohibit the original decisionmakers from participating in the reconsideration. The decision of a majority of the members of the reconsideration panel would be final.

Senate bill

Section 1(d) is substantively identical to the House bill.

Compromise agreement

Section 6 of the compromise agreement contains this provision.

HEARINGS

Current law

Section 7102(b) provides that a hearing docket will be maintained and that hearings will be held by the member or members designated by the Chairman, who must be a member or members of the section which will make the final decision in the case. Section 7104(a) states that the Board must afford a claimant the opportunity for a hearing before a decision is rendered in the case. Section 7110 provides that a claimant may request a hearing before a traveling section of the Board, to be held at a location within the area served by a regional office of the Department. Hearings before a traveling section of the Board are scheduled in the order in which the requests for such hearings in a particular area are received by the Department. Section 7107 governs the docketing of appeals.

House bill

Section 12304 would amend the heading of section 7110 to reflect that it contains all provisions governing hearings. This section would make it clear that an appellant may request a hearing at the Board's principal location in Washington, D.C., or at a regional office of the Department. Section 12304 also would add authority for the Board to schedule a hearing at a time earlier than it would otherwise be held, if the claimant is seriously ill or is under severe financial hardship. This section also would provide authority for the Secretary to provide facilities and equipment to the Board for purposes of allowing an appellant located at a facility in an area served by a regional office to participate in a hearing with a Board member who is at the Board's principal location, through voice transmission or picture and voice transmission, by electronic or other means. This section also would require, however, that the appellant be given the opportunity for a hearing in Washington, D.C. or before a traveling member of the Board, if the appellant chooses either method over a hearing through the use of electronic means.

Senate bill

With respect to hearings, section 1(e) contains substantively identical provisions as in the House bill. However, section 1(e) would repeal section 7110 and would move the hearing provisions to section 7107, thereby combining the provisions governing the docketing of appeals and the scheduling of hearings into one section. Provisions of existing section 7107 would remain substantively the same. Provisions relating to hearings in existing sections 7102, 7104, and 7110 would be included in the amended section 7107. The Senate bill would provide that hearings held before a traveling member or members of the Board would be held at a location within the area served by a regional office of the Department, not necessarily at the regional office.

Compromise agreement

Section 7 follows the Senate bill, except that with respect to hearings held before a traveling member or members of the Board, it would specify that such hearings would be held at a facility of the Department in the area served by a regional office of the Department. In addition, section 7 would add an exception to the requirement that the hearing be held before a member or members of section that will make the final determination, to exclude cases in which the Chairman orders reconsideration. Section 7 also would remove a redundant provision in 7104(a), which states that the Board will make a decision in a case only after the appellant has been given the opportunity for a hearing. Under section 7 of the bill, that requirement would appear in amended section 7107.

ANNUAL INCOME QUESTIONNAIRES FOR RECIPIENTS OF PENSION AND PARENTS' DEPENDENCY AND INDEMNITY COMPENSATION

Current law

Section 1506 of title 38 directs VA to require annual income reports for purposes of pension eligibility. Any applicant for or recipient of VA pension must file with VA a report containing information on the individual's annual income received during the previous year and on the corpus of the individual's estate at the end of the year, as well as the income and estate of any spouse or dependent child. The report must also contain an estimate of the individual's income for the current year and any expected increase in the value of the corpus of his or her estate.

For a surviving child, in addition to the above information, the report must include an estimate of the current year's annual income and any expected increase in the value of the corpus of the estate of any person who is legally responsible for the support of the child and with whom the child is residing.

Section 1506 also requires that any applicant or recipient of pension, or any person who is legally responsible for the support of a surviving child applying for or receiving pension, must promptly file a revised report whenever there is a material change in estimated annual income or in the estimated value of the corpus of that individual's estate.

Section 1315(e) directs VA to require an annual income report as a condition of an award or of continuation of parents' dependency and indemnity compensation (DIC), except in the case of a parent who has reached the age of 72 and has been receiving DIC during 2 consecutive calendar years. The report must show the total income expected in that year and the total income received in the previous year. The recipient must file a revised report whenever there is a material change in estimated annual income.

House bill

Section 12305 would amend section 1506 to eliminate the statutory requirement for income reports for purposes of pension eligibility, thereby giving VA discretionary authority to require the submission of income questionnaires. Section 12305 would also amend section 1506 to provide that when there is any change in income or in the value of the corpus of the individual's estate, the individual would be required to notify VA of the change, rather than file a revised income report.

Senate bill

No provision.

Compromise agreement

Section 9 includes the provision in the House bill, with a minor technical amendment.

Section 9 of the compromise agreement also includes a provision that would eliminate the statutory requirement for income reports for purposes of eligibility for parents' DIC, thereby giving VA discretionary authority to require the submission of an income report.

Mr. Speaker, the provisions contained in the bill, as amended, is strongly supported by the administration and I urge my colleagues to support the agreement we have reached with the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the amendment in the nature of a substitute to S. 1904, the Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994.

I commend Chairman MONTGOMERY for his leadership in quickly bringing this needed bill to the floor.

Also, I commend Mr. SLATTERY, the chairman, and Mr. BILIRAKIS, the ranking minority member, of the Subcommittee on Compensation, Pension and Insurance for their hard work in crafting the compromise with the other body which led to this bill.

I urge my colleagues to support our bipartisan effort to help reduce the rapidly growing backlog of appeals at the VA's Board of Veterans Appeals.

Mr. Speaker, at the rate appeals are piling up at the VA's Board of Veterans Appeals, by the end of the next fiscal year, veterans could be faced with the prospect of waiting up to 6 years to have their claims appeals decided. Of course, it is preposterous to expect that kind of a wait for a veteran appealing some aspect of the Government's decision on a claim for a service-connected disability or some other benefit to which the veteran may be entitled.

The amendment in the nature of a substitute to S. 1904 would allow a number of structural and operational improvements for the Board without requiring any additional funding. Possibly the most important change would be to allow decisions on appeals by single members of the Board. Current law requires three member decisions. It is not a panacea, but it should at least improve an unacceptable situation by reducing the number of required decisionmakers for each claim in the appeal process.

My colleagues should bear in mind that this legislation would not by itself solve the problems at the Board of Veterans Appeals. The Board desperately needs more staff to handle the volume of appeals and I intend to continue to press for funding to expand the Board's staff.

Mr. Speaker, I am pleased the differences on this legislation could be worked out in a very constructive fashion with the other body. S. 1904 has moved more quickly than anything else for veterans that I can recall in the past several years, and hopefully we can follow suit with other needed veterans legislation as well.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished ranking member, Mr. STUMP from Arizona, for yielding me this time.

Mr. Speaker, I rise in very strong support of S. 1904. The world has just witnessed a very moving and well-deserved tribute to the heroes of D-day. President Clinton and a very large entourage of distinguished people visited Normandy to visibly underscore and reconfirm the gratitude that our Nation owes.

We all saluted all veterans of all wars for the enormous sacrifice and the honor which they deserve, which comes from their service for our Nation. But our words are really only as good as the deeds we apply to back them up. And it remains to be very disturbing that there are still huge gaps in the coverage and care we reasonably should provide our Nation's veterans, including outpatient clinics, nursing homes, and other promised services.

Today, this House considers legislation to address one small part of a big problem, the growing backlog of claims now pending before the Board of Veterans' Appeals. I urge all colleagues to support S. 1904, because the current bureaucracy in the veterans compensation system has gotten out of hand. In fact, that is an understatement. It has gotten out of sight.

The average appeal in the DVA in Florida now takes more than 1 year, and sometimes 2 years, to resolve. These are legitimate claims, and this is not just Florida, I am sure. It is elsewhere in our country, as I understand the testimony has indicated. Meanwhile, the lives of veterans who served our country in its highest calling are being put on hold until this bureaucracy deals with it somehow.

I have written Secretary Brown about this matter, and I am very happy to be standing here today to commend the work of the gentleman from Mississippi [Mr. MONTGOMERY], the chairman, and the gentleman from Arizona [Mr. STUMP], the ranking member, and all the members who participated in this. Colleagues in the other body we know brought this legislation back.

It is great we have got a beginning to solving this problem. There is no question that we should have done this some time ago, but the fact that we are doing it today appears to me that we are going in the right direction and there is some hope.

The gentleman from Mississippi [Mr. MONTGOMERY] has outlined most of the improvements that are there: Streamlining eligibility, making the system work for the veterans rather than working against them.

As I recall, the Board of Veterans' Appeals was established to give our Nation's veterans the due process all Americans expect from their Government, plus to give the veterans the benefits of the doubt, which at the very least we owe them in our Nation.

Certainly S. 1904 is not going to solve all these problems, but it should help our veterans get better treatment as they seek to collect on the benefits they have earned and they deserve.

As I stand here today, and I think back, was it only a week ago that President Clinton reminded us of the valor of these men and women? Dare we forget that, today or ever.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for his statement. Once again, I thank the chairman of the committee, my good friend, the gentleman from Mississippi [Mr. MONTGOMERY], for the hard work he does on behalf of the veterans and leadership he provides on this committee.

Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

I would like to thank the ranking minority member, the gentleman from Arizona [Mr. STUMP], for helping us bring this legislation to the floor. It certainly will, we believe, close up the time now that a veteran has to wait on compensation and pension claims, and also the subcommittee chairman, the gentleman from Kansas [Mr. SLATTERY], and also the ranking minority member on that committee, the gentleman from Florida. [Mr. BILIRAKIS], that this bill is here today.

To the gentleman from Florida [Mr. GOSS], we know the problems in Florida with veterans. More veterans are moving into Florida than any other State. Older veterans are following the sun and going to Florida. We did in our veterans construction bill have more funds for Florida for the different projects, so we know about Florida. We are trying to do our best.

Mr. GOSS. Mr. Speaker, if the distinguished chairman will yield for the purpose of me acknowledging that indeed we are most grateful for the efforts of the distinguished chairman and the ranking member to try and cope with a program and problem in Florida that we all now understand is out of control, we are most grateful for the efforts you have made on our behalf.

Mr. BILIRAKIS. Mr. Speaker, throughout the 103d Congress, the Veterans' Subcommittee on Compensation, Pension, and Insurance has held numerous hearings on the problems plaguing the VA claims processing system. I would like to take this opportunity to commend subcommittee chairman, JIM SLATTERY, for his attention to this important matter. Also. I wish to thank full committee Chairman MONTGOMERY and ranking minority member BOB STUMP for bringing S. 1904 to House floor so quickly.

Earlier this year, the Chairman of the Board of Veterans' Appeals, Charles Cragin, testified that, based on the statistics from the first quarter of fiscal year 1994, the Board was looking at an averaging response time of 2,397 days by the end of fiscal year 1995. Clearly, a response time of 6½ years is unacceptable. The Nation's veterans deserve to have their cases resolved in a timely manner.

Therefore, I am pleased that we are taking the first steps toward improving the claims process by addressing the current claims backlog at the Board of Veterans' Appeals [BVA]. S. 1904 contains numerous changes that will hopefully allow the BVA to operate more effectively.

S. 1904 will provide the Board with greater flexibility to deal with its large volume of pending claims. For example, the legislation removes the current 65-member limitation on the number of members who can serve on the Board of Veterans' Appeals. S. 1904 also provides authority for single member decisions—a change which should significantly increase the productivity of the Board.

Current law requires the VA to require annual income reports for purposes of eligibility for a pension or parents' dependency and indemnity compensation [DIC]. S. 1904 eliminates this statutory requirement for income reports, giving VA discretionary authority to require the submission of income questionnaires. The elimination of the income reports will free up VBA employees to handle veterans' claims.

While S. 1904 is a step in the right direction, I believe more must been done. At the end of March, three more Board members resigned from the Board in order to accept administrative law judge [ALJ] positions with the Social Security Administration. This means that, since July 1993, a total of six Board members have left BVA for ALJ positions. Overall, in the last 8 months the Board has lost approximately 10 percent of its current membership to the Social Security Administration.

Perhaps even more alarming, an additional 20 Board members have submitted applications for ALJ positions, and Board chairman Charles Cragin recently informed me that another eight Board members have already interviewed for ALJ positions.

Since the Social Security Administration plans to hire a total of 500 ALJ's over the next 3 years, if we do not act, losses to the Board may be expected to continue, perhaps even accelerate. If this were to happen to the VA, it will take many years to regain the knowledge, experience, and expertise departing Board members take with them.

The loss of experienced Board members will only compound the problems currently facing the Board. The current cadre of Board members possess skills and experience that simply cannot be duplicated and that are essential to make judicial review work in a timely manner.

One of the main reasons members are leaving the Board is the pay differential between Board members and ALJ's. At one time, the Board members were recognized as performing professional responsibilities at least comparable to those of administrative law judges, particularly those GS–15's who reviewed entitlement to Social Security benefits.

However, since the Federal employees Pay Comparability Act of 1990, ALJ's have been placed on a pay scale that awards them compensation averaging at least $20,000 more per year than that of the average Board member.

I have introduced legislation, H.R. 69, that restores pay comparability between Board members and ALJs. I am pleased that the veterans service organizations support my legislation. I am hopeful that the Congress will take action on H.R. 69 before the 103d Congress adjourns.

In closing, I would like to urge my colleagues to support S. 1904.

Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of S. 1904, legislation that improves the organization and procedures of the Board of Veterans' Appeals.

As a staunch supporter of the rights of our Nation's service men and women, I believe this legislation is long overdue. This measure will streamline the operations of the Board of Veterans' Appeals, the administrative appeals board for claims adjudicated by the Veterans Benefits Administration.

Specific provisions of this measure include: Removing the current 65-member limit on the size of the Board; requiring the chairman of the Board to comply with the same ethical standards and legal restrictions as do the judges on the U.S. Court of Veterans Appeals; eliminating the chairman's current authority to designate temporary Board members; authorizing the chairman the authority to assign an appeals case to an individual Board member or to a panel of at least three members; and, stipulating that any appellant may request a hearing at the Board's headquarters in Washington, DC or at a regional VA office.

I am optimistic that these improvements, to the current system, will ensure that our Nation's veterans receive the compensation and the benefits that they have valiantly earned and deserve.

I am pleased to rise in support of this important measure.

□ 1230

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EDWARDS of California). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the Senate bill, S. 1904, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PANAMA CANAL COMMISSION AUTHORIZATION ACT, FISCAL YEAR 1995

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4246) to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Commission Authorization Act, Fiscal Year 1995".

SEC. 2. AUTHORIZATION OF EXPENDITURES.

(a) OPERATION, MAINTENANCE, AND IMPROVEMENT.—Except as specified in subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, and to be derived from the Panama Canal Revolving Fund, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.), for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1995.

(b) ADMINISTRATIVE EXPENSES.—For fiscal year 1995, the Panama Canal Commission is authorized to make expenditures from the Panama Canal Revolving Fund for administrative expenses, not to exceed $50,030,000, including—

(1) not to exceed $11,000 for official reception and representation expenses of the Board of the Commission;

(2) not to exceed $5,000 for official reception and representation expenses of the Secretary of the Commission; and

(3) not to exceed $30,000 for official reception and representation expenses of the Administrator of the Commission.

(c) MOTOR VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 43 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle. These vehicles must be manufactured in the United States.

SEC. 3. SCHOOL REIMBURSEMENT.

Section 1321(e)(2) of the Panama Canal Act of 1979 (22 U.S.C. 3731(e)(2)) is amended by inserting after "schools in the Republic of Panama" the following: "or in the United States".

SEC. 4. IMMIGRATION.

Section 101(a)(27)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(F)) is amended in clause (ii) by inserting after "subsequently" the following: "continues to be so employed or".

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from New York [Mr. KING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4246 authorizes the Panama Canal Commission to make necessary expenditures from the Panama Canal Revolving Fund to maintain, improve, and operate the Panama Canal during fiscal year 1995. The bill was ordered reported by the Committee on Merchant Marine and Fisheries on May 11, 1994, in our traditional bipartisan fashion.

The Panama Canal Commission, an agency of the United States Government, was established by the Panama Canal Treaty of 1977 to operate and maintain the canal and to provide for its smooth transition to the Republic of Panama on December 31, 1999.

The Commission is a unique Government agency—it actually pays for itself by collecting tolls from merchant, passenger, and recreational vessels transiting the 51-mile-long canal. These revenues are deposited in a revolving fund in the Treasury and their expenditure for the operating and maintenance costs of the canal must be authorized by the Congress. That is what this bill does.

The bill, as amended, includes a provision requested by the Commission to address a personnel issue. The Immigration and Nationality Act is amended to allow long-time employees of the canal to apply for U.S. immigration status prior to their retirement. This provision is within the jurisdiction of the Committee on the Judiciary, has been reviewed by that committee, and Chairman BROOKS has no objection to its inclusion. I wish to thank the distinguished chairman of the Judiciary Committee for his help and cooperation and will include his letter on this matter in the RECORD at this point.

I urge the Members to support this utterly noncontroversial bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 19, 1994.

Hon. BILLY TAUZIN,
Chairman, Subcommittee on Coast Guard and Navigation, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, DC.

DEAR BILLY: Thank you for your correspondence regarding a provision you wish to add to H.R. 4246, the Panama Canal Commission's Fiscal Year 1995 Reauthorization Act. The provision relates to the time of eligibility of certain Commission employees for special immigration benefits.

As you know, this is a matter within the jurisdiction of the Committee on the Judiciary, through its jurisdiction over the Immigration and Nationality Act. However, because of the narrowly-tailored nature of the provision which affects the timing of benefits and not the class of persons eligible for immigration benefits, I would have no objection to the inclusion of this provision in H.R. 4246 on the House floor.

I am glad I could be of assistance in this matter. With every good wish, I am

Sincerely,

JACK BROOKS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. KING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4246, the Panama Canal Commission Authorization Act for fiscal year 1995.

Mr. Speaker, the Merchant Marine and Fisheries Committee reported this bill unanimously on May 11 of this year. The bill is noncontroversial and deserving of the support of the House.

The Panama Canal Commission is an independent agency which relies on revenues generated by the Canal's users, not by taxpayer funds. The Commission is required to run on a break-even basis and once again has presented a budget which will ensure that it does so.

Mr. Speaker, this legislation makes two other minor changes which will help the Commission retain its valuable workers. The first will allow employees to use their educational assistance funding outside of Panama should the Department of Defense Dependent Schools [DODDS] close its doors in Panama.

The second change will allow certain eligible employees to start processing their immigration paperwork before their actual retirement date. This provision has been cleared by the Judiciary Committee and by the minority.

Mr. Speaker, the Panama Canal Commission should be commended for continuing to submit budgets which require no U.S. taxpayer funding.

Mr. FIELDS of Texas. Mr. Speaker, I rise in strong support of H.R. 4246, a bill to authorize appropriations for the Panama Canal Commission for fiscal year 1995.

The Panama Canal Commission is a unique Federal agency—its ability to balance its expenditures and revenues is truly remarkable. The Commission and its work force should be commended for operating this major international transportation entity without the use of U.S. tax dollars.

H.R. 4246 is a noncontroversial and straightforward authorization, which simply allows the Commission to spend the funds it collects from the users of the Panama Canal. By approving this measure, we will ensure that the Panama Canal will function safely and efficiently during the next fiscal year.

While section 3 of the Committee substitute makes a substantive change in Public Law 96–70, the language is budget neutral because the amount of educational assistance is capped at the same level now received by children of Commission employees who attend

Department of Defense Dependent Schools [DODDS] in Panama. This change is necessary because of the downsizing of our military presence in Panama and the likelihood that some, if not all, DODDS schools will be closed in the near future.

Furthermore, the Committee substitute would amend the Immigration and Naturalization Act to allow long-term employees of the Panama Canal Commission to apply for U.S. immigration status prior to their retirement. This provision has been worked out with, and approved by, the House Judiciary Committee.

Finally, I am pleased that the President has submitted a series of recommended changes to the Panama Canal Act of 1979, which are designed to improve the administrative and financial structure of the Panama Canal Commission. These changes are the result of extensive interagency discussion and a report issued by the General Accounting Office, which were mandated in legislation I sponsored in the last Congress. During the next several months, I intend to carefully study these proposed modifications and to introduce legislation to incorporate those ideas which I believe are beneficial to the future operation of the Panama Canal.

I compliment the chairman and the ranking Republican member of the Subcommittee on Coast Guard and Navigation, my good friends, BILLY TAUZIN and HOWARD COBLE, for their leadership in moving this important legislation forward.

Mr. Speaker, again, I urge my colleagues to vote "aye" on H.R. 4246.

Mr. CRANE. Mr. Speaker, I rise today in support of this bill and to suggest to my colleagues that further action may be necessary on their part if its full potential is to be realized. As reported, H.R. 4246 authorizes improvements to the Panama Canal, as well as expenditures for its operation and maintenance. Which is as it should be given the fact that 15 percent of America's trade, and 5 percent of the world's, transits that 51-mile-long waterway. However, for the full benefit of those improvements to be obtained, adequate provision for the long-term defense of the canal is a must.

Right now, defense of the canal is largely in the hands of the U.S. military, which maintains bases and troops nearby. But, under the terms of the 1977 Panama Canal Treaty, of all those bases are to be turned over to the Republic of Panama by noon on December 31, 1999, and our armed forces are to be out of the country by that time—unless, of course, a new agreement can be reached which will enable us to maintain a military presence in Panama after the turn of the century.

Polls taken in both the United States and Panama indicate there is substantial public support in both nations for reaching such an understanding. However, it has not yet been possible to negotiate one since the Endara regime in Panama felt that the matter should be left to the government resulting from the elections in Panama last month. But now that those elections are history, the time has come to take the initiative and bring the matter of negotiations to the fore. To that end, I have introduced a sense of Congress resolution, House Congressional Resolution 17, calling upon the President to negotiate a 21st century military base rights agreement with Panama. So far, 83 Members have cosponsored and I urge those who have not to consider doing so at this time. Such a step would be a logical and important complement to the Panama Canal Commission authorization legislation we are appropriately considering here today.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance to my time.

Mr. KING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4246, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONSUMER REPORTING REFORM ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1015) to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Consumer Reporting Reform Act of 1994".

SEC. 102. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'adverse action'—

"(1) has the meaning given to such term in section 701(d)(6) of the Equal Credit Opportunity Act; and

"(2) includes—

"(A) any denial of, increase in any charge for, or reduction in the amount of, insurance for personal, family, or household purposes made in connection with the underwriting of insurance;

"(B) any denial of employment or any other decision for employment purposes which adversely affects any current or prospective employee; and

"(C) any action taken or determination made—

"(i) in connection with an application which was made by, or a transaction which was initiated by, any consumer; and

"(ii) which is adverse to the interest of the consumer.".

(b) FIRM OFFER OF CREDIT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (k) (as added by subsection (a) of this section) the following:

"(l) The term 'firm offer of credit'—

"(1) means any offer of credit to a consumer that, except as provided in paragraph (2), will be honored if the consumer is determined, based on information in a consumer report on the consumer, to meet the specific criteria used to select the consumer for the offer; and

"(2) includes an offer of credit described in paragraph (1) for which extension of credit may be conditioned solely on any combination of the following:

"(A) The consumer being determined, based on information in the consumer's application for the credit, to meet specific criteria bearing on creditworthiness that are established—

"(i) before selection of the consumer for the offer; and

"(ii) for the purpose of determining whether to extend credit pursuant to the offer.

"(B) Verification—

"(i) that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the consumer's application for the credit, or other information bearing on the creditworthiness of the consumer; or

"(ii) of the information in the consumer's application for the credit, to determine that the consumer meets the specific criteria bearing on creditworthiness.

"(C) The consumer furnishing any collateral that is a requirement for the extension of the credit that was—

"(i) established before selection of the consumer for the offer of credit; and

"(ii) described to the consumer in the offer of credit.".

(c) CREDIT TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (l) (as added by subsection (b) of this section) the following:

"(m) The term 'credit transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

(d) STATE.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (m) (as added by subsection (c) of this section) the following:

"(n) The term 'State' means any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.".

(e) EXCLUSIONS FROM DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence in clause (A)—

(1) by inserting "(i)" after "(A)";

(2) by inserting before the semicolon at the end the following: ", (ii) any communication of that information among persons related by common ownership or affiliated by corporate control, or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by corporate control if it is clearly and conspicuously disclosed (I) with the application that the information may be communicated among such persons and the consumer consents, or (II) with respect to existing customers, at any time prior to the time that the information is initially communicated, that such information may be communicated among such persons and the consumer is given the opportunity, prior to the time that the information is initially communicated, to direct in writing that such information not be communicated among such persons";

(3) in clause (B) by striking "or" after the semicolon at the end;

(4) in clause (C) by striking the period and inserting a semicolon; and

(5) by adding at the end the following: "or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(4)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction, or with respect to existing customers, the consumer has not directed in writing that the report may not be used for the transaction, in accordance with section 615(d)(4)(C).".

(f) Exclusion of Certain Communications by Employment Agencies From Definition of Consumer Report.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)) is further amended—

(1) in subsection (d), as amended by subsection (e) of this section, by adding at the end the following: "The term also does not include a communication described in subsection (o)."; and

(2) by adding at the end the following:

"(o) Communications by Employment Agencies Excluded From Definition of Consumer Report.—A communication is described in this subsection if it is a communication—

"(1) that, but for the 3rd sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer, or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in paragraph (2) (A) or (B);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, within 3 business days after the receipt of the consent by that person;

"(B) the person that makes the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person that makes the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, within 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer that is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

(g) Clerical Amendment.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the first sentence—

(1) by inserting "(1)" after "in whole or in part for"; and

(2) by striking "(1)" before "credit or insurance".

SEC. 103. FURNISHING CONSUMER REPORTS; USE FOR EMPLOYMENT PURPOSES.

(a) Furnishing Consumer Reports for Business Transactions.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by inserting "(a) In General.—" before "A consumer reporting agency"; and

(2) in subsection (a)(3) (as designated by paragraph (1) of this subsection) by amending subparagraph (E) to read as follows:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that is initiated by the consumer.".

(b) Furnishing and Using Consumer Reports for Employment Purposes.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsection:

"(b) Conditions for Furnishing and Using Consumer Reports for Employment Purposes.—

"(1) Certification from user.—A consumer reporting agency may furnish a consumer report for employment purposes only if—

"(A) the person who obtains such report from the agency certifies to the agency that—

"(i) the person has complied with paragraph (2) with respect to the consumer report, and the person will comply with paragraph (3) with respect to the consumer report if paragraph (3) becomes applicable; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) Disclosure to consumer.—A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer unless—

"(A) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

"(B) the consumer has authorized in writing the procurement of the report by that person.

"(3) Conditions on use for adverse actions.—In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description in writing of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

"(C) a reasonable period (not required to exceed 5 business days following receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer, and notice in writing of the opportunity for the consumer to respond in that period.

"(4) Limitation on purposes.—Subject to paragraph (1), a consumer reporting agency may furnish a consumer report, and a person may use a consumer report, for employment purposes only under the following circumstances:

"(A) The employment requires or is expected to require a security clearance issued by an agency of the United States as a condition for employment.

"(B) The employment requires or is expected to require an employee to be covered by a fidelity bond.

"(C) The employment requires or is expected to require an employee, on a regular basis and as part of the normal duties of employment—

"(i) to handle or otherwise have access to substantial amounts of cash or other things of value of the employer: or

"(ii) to engage in any conduct or activity with respect to which the employee has a fiduciary duty.".

SEC. 104. AMENDMENTS RELATING TO USE OF CONSUMER REPORTS FOR PRESCREENING; PROHIBITION ON UNAUTHORIZED OR UNCERTIFIED USE OF INFORMATION.

(a) In General.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 103, is further amended—

(1) in subsection (a) by striking "A consumer reporting agency" and inserting "Subject to subsection (c), any consumer reporting agency"; and

(2) by adding after subsection (b) (as added by section 103(b)) the following new subsections:

"(c) Furnishing Reports in Connection With Credit Transactions Not Initiated by the Consumer.—

"(1) In general.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) in connection with any credit transaction which is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit;

"(ii) the consumer reporting agency has complied with subsection (d); and

"(iii) the consumer has not elected in accordance with subsection (d)(1) to have the consumer's name and address excluded from lists of names provided by the agency pursuant to this paragraph.

"(2) Limits on information received under paragraph (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) Information regarding inquiries.—Except as provided in section 609(a)(5), a consumer reporting agency shall not furnish to any person a record of inquiries in connection with credit transactions which are not initiated by a consumer.

"(d) Election of Consumer To Be Excluded From Lists.—

"(1) In general.—A consumer may elect to have his or her name and address excluded from any list provided by a consumer reporting agency in connection with a credit transaction which is not initiated by the consumer, by—

"(A) notifying the agency, through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit transaction which is not initiated by the consumer; and

"(B) returning to the agency a signed written notice of the election, if provided by the agency in accordance with paragraph (2).

"(2) Provision of written notice to consumer.—A consumer reporting agency shall

provide to a consumer a written notice for purposes of paragraph (1)(B), by not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) NOTIFICATION SYSTEM.—Each consumer reporting agency which furnishes a consumer report in connection with any credit transaction which is not initiated by a consumer, shall—

"(A) establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency for such a transaction; and

"(B) publish by not later than 12 months after the date of the enactment of the Consumer Reporting Reform Act of 1994, and at least annually thereafter, in a publication of general circulation in the area served by the agency—

"(i) a notification that information in consumer files maintained by the agency may be used in connection with such transactions; and

"(ii) the address and toll-free telephone number for consumers to use to notify the agency of the consumer's election under subparagraph (A).

Establishment and maintenance of a notification system (including a toll-free telephone number) and publication by a consumer reporting agency on its own behalf and on behalf of any of its affiliates in accordance with this paragraph is deemed to be compliance with this paragraph by each of those affiliates.

"(4) AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system for purposes of paragraph (3) jointly with other such consumer reporting agencies.

"(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the later of—

"(i) the date on which the consumer notifies the agency in accordance with paragraph (1)(A); or

"(ii) the date on which the consumer returns to the agency a signed written notification of the election in accordance with paragraph (1)(B), if provided by the agency;

"(B) shall not be effective after the date on which the consumer notifies the agency (through the system established by the agency under paragraph (3)) that the election is no longer effective; and

"(C) shall be effective with respect to each affiliate of the agency.".

(b) FURNISHING CONSUMER REPORTS FOR CERTAIN DIRECT MARKETING TRANSACTIONS PROHIBITED.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

"(e) FURNISHING CONSUMER REPORTS FOR CERTAIN DIRECT MARKETING TRANSACTIONS PROHIBITED.—Except as provided in subsection (a)(2) and subsection (c), a consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction which is not initiated by the consumer to whom the report relates.".

(c) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding after subsection (e) (as added by subsection (b) of this section) the following new subsection:

"(f) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report.".

(d) FIRST NOTIFICATIONS BY CONSUMERS.—A consumer may notify a consumer reporting agency through a notification system established and maintained by the agency under section 604(d) of the Fair Credit Reporting Act, as amended by subsection (a), on or after the date which is 455 days after the date of the enactment of this Act.

SEC. 105. CONSUMER CONSENT REQUIRED TO FURNISH CONSUMER REPORT CONTAINING MEDICAL INFORMATION.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by sections 103 and 104, is further amended by adding at the end the following:

"(g) FURNISHING REPORTS CONTAINING MEDICAL INFORMATION.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit transaction, a consumer report which contains medical information about a consumer, unless the consumer consents to the furnishing of the report.".

SEC. 106. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL LARGE-DOLLAR EXCEPTIONS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) in subsection (a) by striking "(a) Except as authorized under subsection (b), no" and inserting "(a) INFORMATION EXCLUDED FROM CONSUMER REPORTS.—No"; and

(2) by striking subsection (b).

(b) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(b) RUNNING OF REPORTING PERIOD.—(1) The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a 3d party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.

"(2) Paragraph (1) applies only to items of information added to a consumer report on or after the date that is 455 days after the date of the enactment of the Consumer Reporting Reform Act of 1994.".

(c) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (b) (as added by subsection (b) of this section) the following new subsection:

"(c) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency which furnishes a consumer report which contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(d) INDICATION OF CLOSURE OF ACCOUNT; INDICATION OF DISPUTE BY CONSUMER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (c) (as added by subsection (c) of this section) the following new subsections:

"(d) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.

"(e) INDICATION OF DISPUTE BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(3) that information regarding a consumer that was furnished to the agency is disputed by the consumer, the agency shall indicate that fact in each consumer report that includes the disputed information.".

(e) PROHIBITION ON MAINTAINING OR FURNISHING CERTAIN ACCOUNT INFORMATION.—

(1) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(f) CERTAIN ACCOUNT INFORMATION.—

"(1) EXCLUSION FROM CONSUMER REPORT.—A consumer reporting agency shall not maintain in the file of a consumer, or furnish a consumer report on a consumer which contains, any information regarding a failure of the consumer to make any payment on an account of the consumer that became due in a period during which the consumer was receiving assistance pursuant to a declaration of an emergency by the President under The Robert T. Stafford Disaster Relief and Emergency Assistance Act, or unemployment compensation under the laws of any State (or but for the exhaustion of benefits would be entitled to receive such compensation), if—

"(A) the consumer requests in writing that the consumer reporting agency exclude the information from either the file or such reports;

"(B) the consumer provides to the agency appropriate documentation which demonstrates that the consumer was receiving such assistance or was receiving (or would so be entitled to receive) such compensation during that period; and

"(C) the account is maintained in a current status during the 1-year period ending on the date of the submittal of the request.

"(2) APPROPRIATE DOCUMENTATION.—The Federal Trade Commission shall prescribe what constitutes appropriate documentation for purposes of paragraph (1).".

(g) CLERICAL AMENDMENTS.—

*(1) The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "**Obsolete information**" and inserting "**Requirements relating to information contained in consumer reports**".*

(2) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 107. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer, if adverse action against the consumer has been taken, or is contemplated, by the user based in whole or in part on the report.".

(b) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—

"(1) NOTICE REQUIREMENT.—A consumer reporting agency shall provide to any person—

"(A) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(B) to whom a consumer report is provided by the agency;

a notice of such person's responsibilities under this title.

"(2) CONTENT OF NOTICE.—The Federal Trade Commission shall prescribe the content of notices under paragraph (1).".

(c) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or any information in the report) unless the person discloses to the consumer reporting agency which originally furnishes the report—

"(A) the identity of the ultimate end-user of the report (or information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the ultimate end-user of the report (or information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person which procures a consumer report for purposes of reselling the report (or any information in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by requiring that each person to which the report (or information) is resold—

"(i) identifies each prospective user of the resold report (or information);

"(ii) certifies each purpose for which the report (or information) will be used; and

"(iii) certifies that the report (or information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 108. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended to read as follows:

"(3)(A) Identification of each person (including each ultimate end-user identified under section 607(e)(1)) who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; or

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) DISCLOSURE OF PERMISSIBLE PURPOSES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is further amended by adding at the end the following:

"(4) The permissible purpose for which each person identified under paragraph (3) procured a consumer report.".

(d) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding after paragraph (4) (as added by subsection (c) of this section) the following:

"(5) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit transaction which was not initiated by the consumer.".

(e) DISCLOSING THE FACTS REGARDING CHECKS UPON WHICH ADVERSE CHARACTERIZATION IS BASED.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding after paragraph (5) (as added by subsection (d) of this section) the following:

"(6) The dates, original payees, and amounts of any checks upon which is based any adverse characterization of the consumer included in the file at the time of the disclosure.".

(f) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, the toll-free telephone number established by the agency pursuant to section 607(f).

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(g) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) IN GENERAL.—

"(1) PROPER IDENTIFICATION.—A consumer reporting agency shall require, as a condition of making the disclosures required under section 609, that the consumer furnish proper identification.

"(2) DISCLOSURE IN WRITING.—Except as provided in subsection (b), the disclosures required to be made under section 609 shall be provided under that section in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—If authorized by a consumer, a consumer reporting agency may make the disclosures required under 609—

"(A) other than in writing; and

"(B) in such form as may be—

"(i) specified by the consumer in accordance with paragraph (2); and

"(ii) available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone;

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended by adding at the end the following:

"(f) SIMPLIFIED DISCLOSURE.—The Federal Trade Commission shall prescribe the form in which a consumer reporting agency shall make the disclosures required under section 609(a), for the purpose of maximizing the comprehensibility and standardization of such disclosures.".

(3) CONFORMING AMENDMENTS.—

(A) Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681h(a)) is amended in the matter preceding paragraph (1) by striking "and proper identification of any consumer" and inserting "and subject to section 610(a)(1)".

(B) Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "**and form**" after "**Conditions**".

(C) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 109. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATIONS OF DISPUTED INFORMATION.—

"(1) REINVESTIGATION REQUIRED.—

"(A) IN GENERAL.—If the completeness or accuracy of any item of information contained in any consumer's file at any consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(B) EXTENSION OF PERIOD TO REINVESTIGATE.—Except as provided in subparagraph (C), the 30-day period described in subparagraph (A) may be extended if—

"(i) the consumer reporting agency receives information from the consumer within that 30-day period that is relevant to the reinvestigation; and *"(ii) the consumer reporting agency has provided clear and conspicuous notice to the consumer, in a disclosure under section 609(c), of the circumstances that may cause such an extension.*

The period, as extended, shall end not later than 15 days after the last date the agency receives such information.

"(C) LIMITATIONS ON EXTENSION OF PERIOD TO REINVESTIGATE.—Subparagraph (B) shall not apply to any reinvestigation in which, in the 30-day period described in subparagraph (A), the information that is the subject of the reinvestigation is found to be inaccurate or incomplete or cannot be verified.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—

"(A) IN GENERAL.—Before the end of the 5-day period beginning on the date a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall provide notification of the dispute to any person that provided any item of information in dispute, at the address and in the manner established with the person. The notice shall include disclosure of the date on which the consumer reporting agency received notice of the dispute from the consumer and all relevant information regarding the dispute that the agency has received from the consumer.

"(B) PROVISION OF OTHER INFORMATION FROM CONSUMER.—The consumer reporting agency shall promptly provide to the person that provided the information in dispute all relevant information regarding the dispute that is received by the agency from the consumer after the period referred to in subparagraph (A) and before the end of the period referred to in paragraph (1)(A).

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed information.

"(B) NOTICE OF DETERMINATION.—Upon making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer within 5 days of such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

"(i) the reasons for the determination under subparagraph (A); and

"(ii) identification of any information required to investigate the disputed information.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1)(A) with respect to such disputed information.

"(5) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, after any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or incomplete or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file. The information deleted shall consist solely of the information that was disputed by the consumer and shall not include any portion of the same item that was not disputed.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file by the consumer reporting agency unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file, the consumer reporting agency shall promptly notify the consumer of the reinsertion in writing or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(iii) ADDITIONAL INFORMATION.—As part of or in addition to the notice under clause (ii), a consumer reporting agency shall provide to a consumer in writing within the 5-day period beginning on the date of the reinsertion—

"(I) a statement that the disputed information has been reinserted;

"(II) a notice to the consumer that if requested by the consumer the agency shall provide to the consumer, within 15 days after the date of the request, the name, business address, and telephone number of any furnisher of information contacted, or of any furnisher of information which contacted the consumer reporting agency, in connection with the reinsertion of such information;

"(III) the toll-free telephone number of the consumer reporting agency if the agency is required to maintain such a number under section 607(f), or a telephone number that the consumer can use to contact the agency with respect to obtaining the information described in subclause (II); and

"(IV) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the disputed information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(D) FREE CONSUMER REPORT DURING 12-MONTH PERIOD AFTER DELETION OF INFORMATION.—Upon the request of a consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer at least once during the 12-month period after the consumer receives a notification under paragraph (6) or paragraph (8) of the deletion of information that is found to be inaccurate or cannot be verified.

"(E) Any nationwide consumer reporting agency that maintains files on a consumer on a nationwide basis that is subject to this section, shall report the results of a reinvestigation that finds incomplete or inaccurate information in a consumer's file to all other such agencies.

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall provide written notice to a consumer of the results of a reinvestigation under this subsection within 5 days after the completion of the reinvestigation, by mail or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing within the 5-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a notice that the consumer has the right to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.

"(8) EXPEDITED DISPUTE RESOLUTION.—If a dispute regarding an item of information in a consumer's file at a consumer reporting agency is resolved in accordance with paragraph (5)(A) by the deletion of the disputed information by not later than 3 business days after the date on which the agency receives notice of the dispute from the consumer in accordance with paragraph (1)(A), then the agency shall not be required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the agency—

"(A) provides prompt notice of the deletion to the consumer by telephone;

"(B) includes in that notice, or in a written notice that accompanies a confirmation and consumer report provided in accordance with subparagraph (C), a statement of the consumer's right to request under subsection (d) that the agency furnish notifications under that subsection; and

"(C) provides written confirmation of the deletion and a copy of a consumer report on the consumer which is based on the consumer's file after the deletion, within 5 days after making the deletion.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 110. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§612. Charges for certain disclosures

"(a) REASONABLE CHARGES ALLOWED FOR CERTAIN DISCLOSURES.—Except as provided in subsections (b), (c), (d), and (f), a consumer reporting agency may impose a reasonable charge on a consumer—

"(1) for making a disclosure to the consumer pursuant to section 609, which—

"(A) shall not exceed $8; and

"(B) shall be indicated to the consumer prior to making disclosure; and

"(2) for furnishing a notification, statement, summary, or codification to any person designated by the consumer pursuant to section 611(d), which—

"(A) shall not exceed the charge that the agency would impose on each designated recipient for a consumer report; and

"(B) shall be indicated to the consumer prior to furnishing such information.

"(b) FREE CONSUMER REPORT AFTER ADVERSE NOTICE TO CONSUMER.—Each consumer reporting agency that maintains a file on a consumer

shall make all disclosures pursuant to section 609 without charge to the consumer if, within 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609.

"(c) FREE CONSUMER REPORT UNDER CERTAIN OTHER CIRCUMSTANCES.—Upon the request of the consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer if the consumer certifies in writing that the consumer—

"(1) is unemployed and intends to apply for employment in the 60-day period beginning on the date the certification is made;

"(2) is a recipient of public welfare assistance; or

"(3) has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.

"(d) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge for—

"(1) providing any notice to a consumer required under section 611; or

"(2) notifying a person pursuant to section 611(d) of the deletion of information which is found to be inaccurate or which can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6) or 611(a)(8).

"(e) REFUND OF CHARGE IN CASE OF DISPUTE.—A consumer reporting agency shall refund to a consumer any charge assessed to the consumer for providing a consumer report in the 60-day period ending on the date on which the consumer notifies the agency in accordance with section 611(a)(1), if after a reinvestigation under that section any information in the file of the consumer is found to be incomplete or inaccurate.

"(f) ANNUAL CONSUMER REPORT UPON REQUEST AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once in any 12-month period, at the charge specified in paragraph (2).

"(2) CHARGE SPECIFIED.—The charge for disclosures under paragraph (1) shall be an amount that does not exceed the lesser of—

"(A) the total cost incurred by the consumer reporting agency in making the disclosures; or

"(B) $3.".

SEC. 111. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS AND DUTIES OF AFFILIATES SHARING CERTAIN INFORMATION.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer in connection with any transaction initiated by the consumer or any employment determination, which is based in whole or in part on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer in writing, the name, address, and telephone number of the consumer reporting agency (including any toll-free telephone number established by the agency pursuant to section 607(f)) which furnished the report to the person; and

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2) and from any other consumer reporting agency that maintains a file on the consumer and maintains files on consumers on a nationwide basis, which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) DUTIES OF USERS WHO MAKE CERTAIN CREDIT SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report on any consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit shall provide with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit may not be extended if, after the consumer responds to the offer, the consumer does not meet the criteria used to select the consumer for the offer or any applicable criteria bearing on creditworthiness or does not furnish any required collateral;

"(D) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency from being used in connection with any credit transaction which is not initiated by the consumer; and

"(E) the consumer may exercise the right referred to in subparagraph (D) by notifying a notification system established under section 604(d).

"(2) DISCLOSURE OF ADDRESS AND TELEPHONE NUMBER.—A statement under paragraph (1) shall include the address and toll-free telephone number of the appropriate notification system established under section 604(d).

"(3) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit to a consumer under a credit transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, all criteria bearing on creditworthiness that are the basis for determining whether or not to extend credit pursuant to the offer, and any requirement for the furnishing of collateral as a condition of the extension of credit, until the end of the 3-year period beginning on the date on which the offer is made to the consumer.

"(4) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person using the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is—

"(i) consented to by the consumer in writing, or

"(ii) with respect to existing customers, the consumer has been afforded the opportunity to direct in writing that the report may not be provided to or used by persons who are affiliated in the manner described in subparagraph (A) and has not done so.".

(c) ADVERSE ACTIONS BY AFFILIATES BASED ON CERTAIN INFORMATION.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding after subsection (d), as added by subsection (b) of this section, the following new subsection:

"(e) DUTIES OF AFFILIATES TAKING ADVERSE ACTIONS BASED ON CERTAIN INFORMATION.—Whenever an adverse action is taken in connection with any transaction initiated by a consumer or any employment determination, which is based in whole or in part on information that was furnished to the user of the information, other than in a consumer report, by a person related by common ownership or affiliated by common corporate control to the user and that bears upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of the information shall—

"(1) notify the consumer in writing of the action, including a statement that the consumer may obtain the information in accordance with paragraph (2) and may contact the toll-free telephone number required by paragraph (3);

"(2) upon a written request from the consumer received within 60 days after transmittal of the notice required by paragraph (1), disclose to the consumer in writing the nature of the information on which the adverse action was based by not later than 30 days after receipt of the request; and

"(3) make available a toll-free number at which personnel are available to communicate with the consumer regarding the action during normal business hours.".

(d) CONFORMING AMENDMENT.—Section 615(c) of the Fair Credit Reporting Act (15 U.S.C. 1681m(c)) is amended by striking "subsections (a) and (b)" and inserting "this section".

SEC. 112. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE, GENERALLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(b) MINIMUM CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.—Section 616(1) of the Fair Credit Reporting Act (15 U.S.C. 1681n(1)) is amended to read as follows:

"(1)(A) any actual damages sustained by the consumer as a result of the failure; or

"(B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, such damages or $1,000, whichever is greater;".

(c) CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(d) ATTORNEY'S FEES.—

(1) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award

to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

(2) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by adding at the end the following:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

SEC. 113. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 623 as section 624 and inserting after section 622 the following new section:

"§623. Responsibilities of furnishers of information to consumer reporting agencies

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) PROHIBITIONS.—A person shall not furnish any information to any consumer reporting agency if the person knows or should have known the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who—

"(A) regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about the person's transactions or experiences with any consumer; and

"(B) has furnished to a consumer reporting agency information that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate, and shall not thereafter furnish to the agency any of the information that remains not complete or accurate.

"(3) DUTY TO PROVIDE NOTICE OF DISPUTE.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency is disputed to such person by a consumer, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly and in the ordinary course of business furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the voluntary closure of the account by the consumer, in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.

"(b) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—

"(1) IN GENERAL.—After receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(A) complete an investigation with respect to the disputed information;

"(B) review all relevant information provided by the consumer reporting agency pursuant to section 611(a)(2);

"(C) report the results of the investigation to the consumer reporting agency; and

"(D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information.

"(2) DEADLINE.—A person shall complete all investigations, reviews, and reports required under paragraph (1) regarding information provided by the person to a consumer reporting agency, before the end of the period under section 611(a)(1) within which the consumer reporting agency is required to complete actions required by that section regarding that information.

"(c) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with subsection (a), except as provided in section 621(c)(1)(B).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 623 and inserting the following:

"623. Responsibilities of furnishers of information to consumer reporting agencies.

"624. Relation to State laws.".

SEC. 114. INVESTIGATIVE CONSUMER REPORTS.

Section 606 of the Fair Credit Reporting Act (15 U.S.C. 1681d) is amended—

(1) in subsection (a)(1) by striking "or" after the semicolon at the end and inserting "and";

(2) by striking subsection (a)(2) and inserting the following:

"(2) the person certifies to the consumer reporting agency that—

"(A) the person has made the disclosures to the consumer required by paragraph (1); and

"(B) the person will comply with subsection (b).";

(3) in subsection (b) by striking "shall" the second place it appears; and

(4) by adding at the end the following:

"(d) PROHIBITIONS.—

"(1) CERTIFICATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report unless the agency has received a certification under subsection (a)(2) from the person who requested the report.

"(2) INQUIRIES.—A consumer reporting agency shall not make an inquiry for the purpose of preparing a consumer report on a consumer if the making of the inquiry by an employer or prospective employer of the consumer would violate any applicable Federal or State equal employment opportunity law or regulation.

"(3) PUBLIC RECORD INFORMATION.—A consumer reporting agency shall not furnish an investigative consumer report which includes information which is a matter of public record unless the agency has verified the accuracy of the information within the 30-day period ending on the date the report is furnished.

"(4) CERTAIN ADVERSE INFORMATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of such item of information, unless—

"(A) the agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information; or

"(B) the person interviewed is the best possible source of the information.".

SEC. 115. INCREASED CRIMINAL PENALTIES FOR OBTAINING INFORMATION UNDER FALSE PRETENSES.

(a) OBTAINING INFORMATION UNDER FALSE PRETENSES.—Section 619 of the Fair Credit Reporting Act (15 U.S.C. 1681q) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

(b) UNAUTHORIZED DISCLOSURES BY OFFICERS OR EMPLOYEES.—Section 620 of the Fair Credit Reporting Act (15 U.S.C. 1681r) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

SEC. 116. ADMINISTRATIVE ENFORCEMENT.

(a) AVAILABLE ENFORCEMENT POWERS.—The 2d sentence of section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective"; and

(2) by inserting ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule" before the period.

(b) AGENCIES RESPONSIBLE FOR ENFORCEMENT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (a), by inserting "ENFORCEMENT BY FEDERAL TRADE COMMISSION.—" before "Compliance with the requirements"; and

(2) in subsection (b), by striking the matter preceding paragraph (1) and inserting the following:

"(b) ENFORCEMENT BY OTHER AGENCIES.—Compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information who are subject to section 615(e) shall be enforced under—".

SEC. 117. STATE ENFORCEMENT OF FAIR CREDIT REPORTING ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

"(B) may bring an action on behalf of its residents to recover—

"(i) damages for which the person is liable to such residents under sections 616 and 617 as a result of the violation;

"(ii) in the case of a violation of section 623(a), damages for which the person would, but for section 623(c), be liable to such residents as a result of the violation; or

"(iii) damages of not more than $1,000 for each willful or negligent violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such action upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission or appropriate Federal regulator shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION.—Whenever the Federal Trade Commission or the appropriate Federal regulator has instituted a civil action for violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission or the appropriate Federal regulator for any violation of this title that is alleged in that complaint.".

SEC. 118. FEDERAL RESERVE BOARD AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (d) (as redesignated by section 117) the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Federal Reserve Board may issue interpretations of any provision of this title as it may apply to any persons identified under subsection (b) (1), (2), and (3), or to the holding companies and affiliates of such persons, in consultation with Federal agencies identified in subsection (b) (1), (2), and (3).".

SEC. 119. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding after subsection (e) (as added by section 107(c) of this Act) the following new subsection:

"(f) ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish (and thereafter maintain) a toll-free telephone number for the purpose of making agency personnel accessible to consumers for communicating with the agency during normal business hours.".

SEC. 120. PREEMPTION OF STATE LAW.

Section 624 of the Fair Credit Reporting Act, as redesignated by section 113(a) of this Act, is further amended—

(1) by striking "This title" and inserting "(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title"; and

(2) by adding at the end the following:

"(b) GENERAL EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State—

"(1) with respect to any subject matter regulated under—

"(A) subsection (c) or (d) of section 604, relating to the prescreening of consumer reports;

"(B) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

"(C) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

"(D) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit;

"(E) section 605, relating to obsolete information, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; or

"(F) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

"(2) with respect to the exchange of information among persons affiliated by common ownership or common corporate control; or

"(3) with respect to the form and content of any disclosure required to be made under section 609(c).

"(c) DEFINITION OF FIRM OFFER OF CREDIT.—Notwithstanding any definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(d) LIMITATIONS.—Subsections (b) and (c)—

"(1) do not affect any settlement, agreement, or consent judgment between any State Attorney General and any consumer reporting agency in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; and

"(2) do not apply to any provision of State law (including any provision of a State constitution) that—

"(A) is enacted after January 1, 2003;

"(B) states explicitly that the provision is intended to supplement this Act; and

"(C) gives greater protection to consumers than is provided under this Act.".

SEC. 121. ACTION BY FTC.

(a) MODIFICATION OF REQUIREMENTS BY FTC AUTHORIZED.—

(1) IN GENERAL.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (e) (as added by section 118 of this Act) the following:

"(f) MODIFICATION OF REQUIREMENTS BY FTC AUTHORIZED.—If it considers such action necessary for the protection of consumers, the Federal Trade Commission may, after consultation with each Federal agency referred to in section 621(b) and with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose requirements—

"(1) that are more stringent than those imposed under—

"(A) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

"(B) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

"(C) section 615(d), relating to the duties of persons who use a consumer report on a consumer in connection with any credit transaction which is not initiated by the consumer and that consists of a firm offer of credit; or

"(D) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency; and

"(2) with respect to the form and content of any disclosure required to be made under section 609(c).".

(2) CLERICAL AMENDMENTS.—

(A) The heading for section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended to read as follows:

"§621. Administrative enforcement and authorities; State actions".

(B) The table of contents at the beginning of the Fair Credit Reporting Act is amended by striking the item relating to section 621 and inserting the following:

"621. Administrative enforcement and authorities; State actions.".

(b) DEADLINE TO PRESCRIBE MATTERS.—The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by that Commission, before the end of the 300-day period beginning on the date of the enactment of this Act.

SEC. 122. EFFECTIVE DATES OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall be effective after the 455-day period beginning on the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) NOTIFICATION SYSTEM.—Section 604(d)(3) of the Fair Credit Reporting Act, as amended by section 104(a), shall be effective after the 365-day period beginning on the date of the enactment of this Act.

(2) FTC AUTHORITY.—Subsection (a) shall not affect the authority of the Federal Trade Commission to prescribe matters under the amendments made by this title.

SEC. 123. FURNISHING CONSUMER REPORTS TO FEDERAL BUREAU OF INVESTIGATION FOR COUNTERINTELLIGENCE PURPOSES.

(a) PERMISSIBLE PURPOSE.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended in subsection (a) (as designated by section 103(a)(1) of this Act) by adding at the end the following:

"(4) To the Federal Bureau of Investigation in response to a court order issued under section 625.".

(b) REQUIREMENTS FOR FEDERAL BUREAU OF INVESTIGATION TO OBTAIN AND USE CONSUMER REPORTS.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

"§625. Requirements for Federal Bureau of Investigation to obtain and use consumer reports

"(a) COURT ORDER.—If requested in writing by the Director of the Federal Bureau of Investigation or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(c))) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) USE OF CONSUMER REPORTS PROCURED BY FEDERAL BUREAU OF INVESTIGATION.—

"(1) LIMITATION ON USE AND FURNISHING OF CONSUMER REPORTS BY FBI.—The Federal Bureau of Investigation—

"(A) shall not use a consumer report procured under section 604(a)(4) for any purpose other than the investigation for which the consumer report was procured; and

"(B) shall not furnish the consumer report or any information obtained from the consumer report to any other person, except to an officer or employee of the Department of Justice as necessary for approval or conduct of the investigation.

"(2) LIMITATION ON FURTHER DISSEMINATION BY DEPARTMENT OF JUSTICE.—An officer or employee of the Department of Justice shall not provide a consumer report or information obtained from a consumer report to any person except for purposes of the investigation for which the consumer report was procured under section 604(a)(4).

"(3) NOTIFICATION REGARDING COMPLETION OF INVESTIGATION.—The Federal Bureau of Investigation, within 6 months after the completion of an investigation for which a consumer report is procured under section 604(a)(4), shall notify the consumer reporting agency that furnished the report that the investigation is completed.

"(4) FURNISHING INFORMATION PURSUANT TO SUBPOENA, COURT ORDER, OR ENFORCEMENT PROCEEDING NOT PROHIBITED.—Nothing in paragraph (1) or (2) shall be construed to prohibit the furnishing of information pursuant to a subpoena or court order, or in connection with a court proceeding to enforce this title.

"(c) PROHIBITIONS ON DISCLOSURE.—

"(1) COURT OFFICER OR EMPLOYEE.—An officer or employee of a court shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained a consumer report under section 604(a)(4), except to the court or another officer or employee of the court in connection with the issuance of an order under subsection (a) with respect to the report.

"(2) CONSUMER REPORTING AGENCY OFFICER OR EMPLOYEE.—An officer or employee of a consumer reporting agency shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained a consumer report under section 604(a)(4), except—

"(A) for the purpose of furnishing the report to the Federal Bureau of Investigation; or

"(B) to the court or an officer or employee of the court in connection with the issuance of an order under subsection (a) with respect to the report.

"(3) PENALTY.—A person that knowingly and willfully violates paragraph (1) or (2) shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both.

"(d) DISCLOSURE TO CONSUMER.—

"(1) NOTICE OF COMPLETION OF INVESTIGATION REQUIRED.—Notwithstanding section 609(a)(3) and subject to paragraph (2), a consumer reporting agency shall not disclose under that section the identity of the Federal Bureau of Investigation or that the agency has furnished a consumer report to the Federal Bureau of Investigation, unless the consumer reporting agency has received from the Federal Bureau of Investigation a notice under subsection (b)(3) of the completion of the investigation with respect to which the report was furnished.

"(2) DISCLOSURES REQUIRED.—A consumer reporting agency shall include with a disclosure to a consumer under section 609(a) information in its files on the consumer regarding the furnishing of a consumer report to, or the making of any inquiry by, the Federal Bureau of Investigation with respect to an investigation for which the consumer reporting agency received from the Federal Bureau of Investigation a notice of completion of the investigation in the year preceding the request from the consumer for the disclosure.

"(e) CIVIL LIABILITY FOR VIOLATIONS.—For each violation of subsection (b) (1) or (2) with respect to a consumer report on a consumer, the Federal Bureau of Investigation or the Department of Justice, respectively, is liable to the consumer for an amount equal to the sum of—

"(1) the greater of—

"(A) actual damages sustained by the consumer as a result of the violation and such amount of punitive damages as the court may allow; or

"(B) $500; plus

"(2) in a successful action to enforce any liability under this section, the costs of the action and reasonable attorneys' fees as determined by the court.

"(f) INJUNCTIVE RELIEF.—Any person may bring an action to enjoin a violation of this section.

"(g) EXCLUSIVE REMEDIES.—No action for relief for a violation of subsection (b) (1) or (2) may be brought except under subsection (e) or (f).

"(h) SEMIANNUAL REPORTS.—The Attorney General shall, on a semiannual basis, fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made by the Director of the Federal Bureau of Investigation or a designee of the Director for a court to issue an order under this section directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.), as amended by section 113(b) of this Act, is further amended by adding at the end the following:

"625. Requirements for Federal Bureau of Investigation to obtain and use consumer reports.".

(c) REPEAL OF PROVISIONS.—

(1) REPEAL.—The following provisions of the Fair Credit Reporting Act, as amended by this section, are repealed:

(A) Section 604(a)(4).

(B) Section 625.

(C) In the table of contents at the beginning of the Fair Credit Reporting Act, the item relating to section 625.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 5 years after the date of the enactment of this Act.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.
"411. Statute of limitations.
"412. Relation to State law.
"413. Effective date.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are as follows:

"(1) To ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services.

"(2) To protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title—

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating; or

"(ii) providing advice or assistance to any consumer with regard to any activity or service described in clause (i); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) any attorney-at-law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered which are within the scope of regulations applicable to members of such bar or such licensees.

"(4) CREDIT.—The term 'credit' has the meaning given to such term in section 103(e) of this Act.

"SEC. 404. PROHIBITED PRACTICES.

"(a) IN GENERAL.—No person may—

"(1) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the *credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's creditworthiness, credit standing, or credit capacity to—*

"(A) any consumer reporting agency (as defined in section 603(f) of this Act); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(2) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse information that is accurate and not obsolete to—

"(A) any consumer reporting agency;

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(4) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"(b) PAYMENT IN ADVANCE.—No credit repair organization may charge or receive any money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Any credit repair organization shall provide any consumer with the following written statement before any contract or agreement between the consumer and the credit repair organization is executed:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. You are entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment in the next 60 days, if you are a recipient of public welfare assistance, or if you have reason to believe that there is inaccurate information in your credit report due to fraud.

"'You have a right to sue a credit repair organization that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair organizations.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that the information they report is accurate. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate or incomplete information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If the credit bureau's reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include a summary of your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

The Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is signed by the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—No services may be provided by any credit repair organization for any consumer—

"(1) unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer; or

"(2) before the end of the 3-business-day period beginning on the date the contract is signed.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees of performance; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the 3rd business day which begins after the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in bold face type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day which begins after the date the contract is signed by you.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [name of credit repair organization] at [address of credit repair organization] before midnight on [date]

"'I hereby cancel this transaction,
[date]
[purchaser's signature].'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any person who fails to comply with any provision of this title with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member,

without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 409 as a result of the violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF COMMISSION.—

"(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

"(B) INTERVENTION.—The Commission shall have the right—

"(i) to intervene in any action referred to in subparagraph (A);

"(ii) upon so intervening, to be heard on all matters arising in the action; and

"(iii) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this title that is alleged in that complaint.

"SEC. 411. STATUTE OF LIMITATIONS.

"Any action to enforce any liability under this title may be brought before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this title,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 412. RELATION TO STATE LAW.

"This title shall not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with any law of any State except to the extent that such law is inconsistent with any provision of this title, and then only to the extent of the inconsistency.

"SEC. 413. EFFECTIVE DATE.

"This title shall apply after the end of the 6-month period beginning on the date of the enactment of the Credit Repair Organizations Act, except with respect to contracts entered into by a credit repair organization before the end of such period.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognized the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill before the House today is one of the most important consumer protection bills of the session, the Consumer Reporting Reform Act. This legislation represents a long-overdue overhaul of our Nation's credit information system.

Credit bureaus today amass mountains of sensitive financial information about each one of us. They know how many and what type of credit cards we carry. They know who owns our mortgages. They know when we make a late payment, do not pay our property taxes, or declare bankruptcy. Nearly every decision made about us—whether to approve a loan, rent an apartment, insure property, or offer a job—could involve a credit report. Credit bureaus and the companies that supply information to them do wield great power over our lives. Thus, they absolutely must get it right.

I am sure my colleagues recognize the anguish consumers feel when a credit bureau computer wrongly labels them deadbeats. Worse yet, imagine the permanent damage that a bureau can do by refusing to correct an error. I know many Members of this House have experienced the frustration of an unresponsive credit bureau firsthand, or have heard the anger of their constituents. Over the past several years, the Banking Committee has been inundated with such horror stories. For example, we heard about families who could not buy a home because someone else's bad debts mysteriously appeared in their credit files. There were job applicants who remained unemployed because the company consulted an inaccurate credit report without their knowledge. On one occasion an entire Vermont town was shown delinquent on their taxes because of a data-entry error.

H.R. 1015 would tighten up the rules for both credit bureaus and the companies who supply information to them. It requires credit bureaus to investigate disputed information within 30 days and it lowers the charge consumers currently have to pay to view their own files. The bill would also give consumers more control over who can access their information. For example, employers could no longer look at potential employees' credit records without their consent. And consumers who do not want to receive preapproved credit cards can direct credit bureaus not to share their information for these purposes.

I want to commend Chairman KENNEDY, ranking member MCCANDLESS, and the members of the Banking Committee on both sides of the aisle who worked diligently to bring this bill to the floor today. A very similar credit reporting bill—S. 783—recently passed the Senate by a vote of 87 to 10, and I hope the House can do the same. I urge an "aye" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Fair Credit Reporting Act of 1970 was passed to ensure the accuracy and completeness of information about consumers that is collected, maintained, and reported by credit bureaus. Although the credit reporting industry has changed dramatically over the last 20 years, the Fair Credit Reporting Act has not been substantially amended since its passage.

Not surprisingly, the Fair Credit Reporting Act is out of date. It was written when credit reporting was a very local business activity. Today, however, credit reporting is a nationwide industry that utilizes the very latest in technology. Credit reporting is carried out today in ways that were not foreseen in 1970.

Although you might think that coming up with a bill to reform and modernize the Fair Credit Reporting Act would be a relatively straightforward proposition, it has been quite an effort. We have had to reconcile a variety of concerns; concerns that sometimes seemed irreconcilable.

First, there were privacy issues to consider. For example, we needed to determine just what type of information was appropriate for credit bureaus to collect. We also needed to decide at what point certain information became obsolete.

Second, there were market issues to consider. We had to figure out a way to make credit reports available to those who truly need them without requiring credit bureaus to just give away their product.

Finally, there were regulatory issues to consider. We had to decide how the Fair Credit Reporting Act should relate to existing State laws, how the Federal statute could best be enforced, and by whom. For any of my colleagues who were here in the 102d Congress, you know that I am speaking of the "preemption" issue.

H.R. 1015 was reported by the Banking Committee earlier this year along party lines largely due to differences of opinion on the issues I just mentioned. However, since the bill was reported, we have arrived at a compromise version of the bill that I think can be supported by Democrats and Republicans alike.

I do not want to give you the impression that the bill is perfect. It is not. There are provisions that I would like to see drafted differently. Overall however, I think that it is a satisfactory piece of legislation

I want to take a few more minutes to discuss two issues that have in the past been obstacles to reforming the Fair Credit Reporting Act.

PREEMPTION

The issue over whether the Federal Fair Credit Reporting Act should preempt more stringent State laws or whether it should permit States to enact tougher credit reporting statutes has been one of the single toughest issues for the Banking Committee to tackle. On the one hand, many of our Members like the idea of a uniform national standard. On the other, we do not want to tie the hands of State legislatures. I think that this compromise bill resolves the issue of preemption to most everyone's satisfaction.

The Fair Credit Reporting Act, as amended by this compromise bill, will be the law of the land for the next 8 years. It will provide consumers across the country with greater protection than is currently offered by any existing State statute. A uniform national standard will make compliance more straightforward and will facilitate the extension of credit to consumers. States will be able to enact more stringent legislation if necessary after 8 years.

There are two exceptions to the general rule on preemption. State laws concerning obsolete information and reinvestigation time periods in existence upon the date of enactment will be grandfathered. Finally, settlement agreements and consent orders between State authorities and credit bureaus will not be affected by this compromise bill.

FREE CREDIT REPORT

The issue of whether consumers should be entitled to free copies of their credit reports each year has been another issue with which the Banking Committee has had to grapple. One the one hand, it is important that consumers have access to their credit reports. On the other, we cannot require an industry to just give away its product.

Under this compromise bill, three groups of consumers will be eligible to receive free copies of their credit reports upon request: Those who are unemployed, those who receive public assistance, and those who believe they have been the victim of fraud. All other consumers will be eligible to request one copy of their credit report for $3 annually.

All in all, I think that this compromise bill is a piece of legislation that Republicans and Democrats can support. I urge my colleagues to suspend the rules and pass this bill.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I compliment the gentleman from California [Mr. McCANDLESS] for the great job he did, together with the gentleman from Massachusetts [Mr. KENNEDY] and others.

Also, one of the original sponsors and authors when he was chairman of the Subcommittee on Consumer Credit and Insurance of the Committee on Banking, Finance and Urban Affairs, the gentleman from California [Mr. TORRES] is here.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I thank the gentleman from Texas [Mr. GONZALEZ] for yielding time to me.

Mr. Speaker, I rise in support of the Consumer Reporting Reform Act of 1994, H.R. 1015. This bill may be the most important consumer legislation considered by this Congress. It will increase the accuracy of consumer reports and better protect the privacy of those reports.

The Fair Credit Reporting Act [FCRA] of 1970 was enacted to ensure that the Nation's consumer reporting system functioned fairly, accurately, and without undue intrusion into the consumer's privacy. But our country has changed dramatically over the past 23-years. The present state of technology and the volume of credit transactions that fuel the American economy have rendered the FCRA dangerously ill-equipped to meet the needs of today's consumers.

The FCRA sought to achieve a balance between the legitimate business need to obtain accurate consumer credit information and the right of consumers to protect the accuracy and privacy of their personal and financial records. That delicate balance has been lost.

Today, consumers' lives are an open book. Sensitive personal and financial data is bought and sold with little or no regard for the privacy of the consumer. Workers are denied employment or even blackballed because of erroneous information in their files. Inaccurate credit information is almost impossible to correct.

The human consequences of these abuses can be devastating. Moreover, virtually every adult in America is at risk of falling victim to an industry that is out of control. Whenever you apply for a loan, rent an apartment, buy a house, purchase insurance, or apply for a job, you are at the mercy of the consumer reporting industry—an industry that is responsible for untold horror stories. This bill will put an end to the pain and suffering that the consumer reporting industry is causing thousands of decent and responsible Americans.

Many people have contributed to the development and promotion of this legislation. Our former colleague, Frank Annunzio, began the process of reforming the FCRA over a decade ago. Congressman RICHARD LEHMAN held a number of hearings on the issue and introduced comprehensive legislation to reform the FCRA almost 6 years ago. As the former chairman of the Banking Subcommittee on Consumer Affairs and Coinage, I took Congressman LEHMAN's efforts a step further and brought a reform bill to the House floor at the end of the 102d Congress.

But the two most important contributors to the development and promotion of this legislation are unquestionably Banking Subcommittee Chairman JOSEPH KENNEDY and Chairman HENRY B. GONZALEZ. On February 18, 1993, Chairmen GONZALEZ and KENNEDY joined me in introducing this legislation. Since that time they have worked tirelessly to advance the bill to the House floor. Against great odds, and the opposition of some of the most powerful interests in this country, they have massaged and refined this bill to make it acceptable to both consumer and industry representatives, as well as Democrats and Republicans alike. They are the true heroes of this reform effort.

Finally, I would be remiss if I did not acknowledge the efforts of the staff who have worked behind the scenes on this legislation. I particularly want to acknowledge the work of Banking Committee counsel Amy Friend, who has labored on this legislation for almost 4 years. Without her superb efforts I seriously doubt that we would be considering this bill today.

Mr. Speaker, I urge my colleagues to vote for this critical piece of consumer legislation.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 1015, the Consumer Credit Reform Act. Congress first enacted the Fair Credit Reporting Act in 1970 in response to the then-rapidly growing credit reporting industry. Credit reporting agencies or credit bureaus, as they are sometimes called, are responsible for maintaining accuracy in credit reports, which provide information about consumer credit histories to creditors, employers, and other users.

In recent years, however, advances in the computer and communications technology have provided increased availability of these credit reports, raising concerns about their accuracy, confidentiality, and relevance. Serious errors, abuses, and breaches of privacy have accompanied this explosion of consumer information, costing people jobs, homes, and credit. H.R. 1015 is a direct response to the public outcry about the credit reporting industry.

The Consumer Credit Reform Act will improve the accuracy and confidentiality of the credit reporting industry by requiring that consumers are informed of their rights, and ensuring that credit reports are only used for proper purposes. This legislation requires reporting agencies to disclose to consumers all information in their file, including all persons who have received a copy of their report. It forces credit bureaus to investigate and delete inaccurate information within 30 days and holds banks and retailers accountable for information they provide to the credit bureaus.

Mr. Speaker, H.R. 1015 makes important improvements to the Fair Credit Reporting Act, a law that has failed to keep pace with the technological advances of the last two decades and is long overdue for an overhaul. More importantly, this legislation provides hard working Americans with the kind of meaningful consumer protection that they deserve. I urge my colleagues to join me in supporting the Consumer Reporting Reform Act.

Mr. DOOLEY. Mr. Speaker, I want to take this opportunity to thank Chairman GONZALEZ and Congressman KENNEDY for their hard work and for the cooperation they have shown in drafting the legislation we are considering today. In my view, the legislation we have before us increases consumer safeguards without imposing overly burdensome regulatory requirements on businesses involved in the credit industry.

I am particularly pleased with the affiliate sharing and civil liability provisions in the legislation before us today.

H.R. 1015 does not allow affiliated entities to establish their own credit bureaus. The bill allows subsidiaries to share experience information with each other, as well as information from a consumer's credit application provided that the sharing of information is clearly and conspicuously disclosed to the consumer and the consumer consents to the sharing. The legislation also requires businesses to provide consumers with notice of any adverse action taken by an affiliate as a result of shared information, so that the consumer will have the opportunity to correct any inaccurate information.

In addition, the civil liability provisions of H.R. 1015 will allow companies to continue their current practice of furnishing valuable credit information to credit bureaus. Consumers depend on their credit history to secure new credit lines and it is vital that credit information be provided to bureaus. The purpose of liability is to punish businesses that knowingly make mistakes or fail to correct mistakes that are pointed out to them. This bill preserves those consumer protections by maintaining the Attorney General's and Federal Trade Commission's ability to file suit and the individual right to sue if proper reinvestigation does not occur.

Again, I commend Chairman GONZALEZ and Mr. KENNEDY for their hard work on this legislation. I believe the bill makes responsible reforms in credit reporting. I urge my colleagues to support H.R. 1015.

Mr. MCCANDLESS. Mr. Speaker, I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 1015, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4 p.m.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 4 p.m.

□ 1605

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 4 o'clock and 5 minutes p.m.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

□ 1606

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, June 10, 1994, the amendments en bloc offered by the gentleman from California [Mr. POMBO] had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 34, after line 18, insert the following:

SEC. 112. FISH AND WILDLIFE MANAGEMENT.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies, particularly where such agencies deem vehicular access is necessary to maintain water sources constructed to preserve desert bighorn sheep and other wildlife.

Mr. HUNTER. Mr. Chairman, this is an amendment that is offered by myself and by my colleague, the gentleman from California [Mr. MCCANDLESS] who represents the desert area just to the north of my district, and my district and the affected area that brought about this amendment is a desert area. It has about 1 inch of rainfall a year, and large portions of this desert, this southern California desert, are actually below sea level. It is extremely arid, and it is the area that is to the east of the coastal range of mountains that are immediately adjacent to Riverside and San Diego Counties, and most of the area in my district that is affected by this issue is Imperial County, and of course the area of the gentleman from California [Mr. MCCANDLESS] just to the north is in Riverside County, and what we are asking to do here is to maintain a very important status quo, and that status quo is this:

We discovered, when we developed Imperial County, which is a farming area located in the bottom of the desert, again south of Palm Springs, that in bringing in waters from the Colorado River in the canal system, in the great canals, the All-American canal system in the Coachella canal system, we essentially changed the environment of that entire desert in that we cut off with these massive canals, we cut off the free flow of animals, the desert bighorn sheep, and mule deer and other species from water sources that were in the Imperial Valley that are now being farmed.

☐ 1610

We made it more difficult for them to get water. To provide water for big game species and other species, the State of California developed a real expertise in building water holes. A great group of volunteers in my district, Desert Wildlife, Unlimited, which also has members from Mr. McCANDLESS' district, with other conservation organizations, like the society for the Preservation of Bighorn Sheep, went out in 120 degree weather and built over 50 water holes in the California desert.

Now, in building these water holes, they discovered a couple of things. I have a couple of pictures I would like to show to my colleagues to illustrate what we are doing here.

First, if you look at this picture and you look at the bottom, you will see the desert bighorn sheep, which are the primary focus of this desert water hole program. If you look just in the middle here of my chart, you will see a dead sheep that is lying in the bottom of a natural water hole that is called a tinaga. That is a deep crevice in the rocks where the sheep work their way down through this crevice and may find water at the very bottom of the crevice.

The reason that bighorn sheep is dead and floating in that water hole is because it was such a vertical fall going down that tinaga, that crevice in the earth, that once the sheep got down, it lost its footing and ground and was unable to escape from the water hole.

Desert Wildlife, Unlimited, along with the California Department of Fish and Game, realized they had to do some things to make our water holes more available to bighorn sheep, and also to create some water holes in some good habitat areas where the sheep population could increase, and also desert mule deer and quail and all of the other populations that need water. so they used motorized entry into this desert country, that will now be wilderness if this bill passes. They took jeeps and pickups and trucks and they took in equipment, like jackhammers, to jackhammer stairs, literally, that go down these tinagas, out of the hard rock, so that the sheep can now walk down the tinaga, and a bighorn sheep can walk into this crevice, to the water hole, get a drink of water, and walk back out. That keeps our sheep from drowning in the water holes.

The other aspect of the program is this: Before we drilled or made these 55-plus water holes, the game would move to the Coachella canal, which is an irrigation canal that separates the desert part of Imperial County from the agriculture part. So the sheep, in order to get water, might travel 30 or 40 miles a day to try to get water. When they got to the canal, it was cement-lined. They would slide down the canal banks, they would try to drink, to slake their thirst, and then they would try to escape. And they could not escape, and they would literally wear out their hooves trying to climb back up the canal banks.

I have here a picture of a deer trapped in one of these death traps in the Coachella canal. If you look at this, the blue line marks is the Coachella canal. The small object in the middle is a deer that cannot get back out of that canal. At the bottom you see one of the wildlife volunteers holding the leg of a dead bighorn sheep that has obviously worn out its hooves trying to climb back up these very steep concrete embankments.

We found that if we did not dig and maintain water holes in the desert, the wildlife would go to the All-American canal, the Coachella canal, slide down the side, and be unable to escape, and hundreds and hundreds of them were lost.

Well, over the years we developed an expertise with our State fish and game department working with these great volunteer organizations like Desert Wildlife, Unlimited, founded by Leon Lethica, a volunteer in Imperial County, and a number of other wonderful people.

Let me tell you, the people who belong to Desert Wildlife, Unlimited, give of their time, and they do not ask for a dime for what they do. All they want to do is maintain our wildlife populations.

What we are asking for in my amendment is the right for the State of California, which provides the motorized access that Desert Wildlife, Unlimited, operates under, to continue to have motorized access to these 55 water holes so that they can continue to save the lives of desert bighorn sheep and our mule deer populations.

AMENDMENT OFFERED BY MR. VENTO AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HUNTER

Mr. VENTO. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO as a substitute for the amendment offered by Mr. HUNTER: Revise Hunter amendment to read as follows:

Page 34 after line 25, insert the following:

WILDLIFE MANAGEMENT

SEC. —. In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations may be carried out within wilderness areas designed by this title, where consistent with relevant wilderness management plans and in accordance with appropriate policies and guidelines (including policies and guidelines related to use of motorized equipment) such as those cited in section 101(h) of Public Law 101-628.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I have listened to the suggestions of our colleague from California [Mr. HUNTER] concerning the amendment for maintenance of the guzzlers in the California desert. Today, of course, with the concurrence of BLM and with the concurrence of the public land management agencies, these water facilities have been maintained.

Even with that concurrence, even with all the wisdom apparently of the BLM and the State of California and the voluntary organizations, which I commend for their efforts with regards to the bighorn sheep, although some of them may have ulterior motives, in essence they may also want to maintain them as a game species. But in any case, I commend them for their efforts.

The fact is, though, the BLM today and the Federal land manager has a voice in terms of the wildlife policies that occur on Federal land. These are Federal lands.

The question here, I think, is one of general agreement. That is to say, the State of California has a role, that the volunteer organizations have a role. But so does the BLM. This is Federal land.

What we are doing in this legislation, of course, is designating some of this area as wilderness. That means that there could be a change with regard to how the guzzlers, how the water holes are basically maintained.

I think that we all concur that there is a need for some motorized, some mechanized type of utilization. The language I am offering, that is being presented here to revise the Hunter amendment, is to conform to the Senate bill that passed and to the Arizona Desert Wilderness Act. The effect would be to make clear that wildlife management activities can continue in wilderness areas under relevant policies and guidelines that were referenced in the Arizona legislation that is now law.

That would be referenced as well in this bill. These policies and guidelines were developed through cooperation with the Federal and land management agencies and the International Association of Fish and Wildlife agencies, which is the group representing the various State fish and wildlife agencies, including California.

So indirectly, although not specifically, California has, of course, through its fish and wildlife agencies, agreed to this particular sharing of responsibilities, the power to make such decisions. In 1986, the guidelines were adopted by the international association, as well as by the BLM and the U.S. Forest Service.

We agree completely with the gentleman from California [Mr. HUNTER] that wildlife management activities by State agencies are important and should continue in these areas. The question is whether we should continue to provide for a cooperative relationship between the State agency and the Federal land managers, or whether the State agencies should be given more leeway in the wilderness areas than we have in nonwilderness areas.

In terms of the State being able to unilaterally decide only the means of carrying out various wildlife management activities, such policy would unacceptably undercut the ability of the Federal land managers to do their job. As revised by the Vento substitute amendment, however, the proper balance between the Federal and State responsibilities would be maintained.

I might say, of course, that in listening to the presentation of my colleague from California [Mr. HUNTER], one wonders what the bighorn sheep did prior to the invention of the internal combustion engine and some of the other power mechanisms. As a matter of fact, of course, they got along a lot better because we did not have the canals and some of the other manmade obstacles and traps.

I concede we probably will need to use motorized and other types of power equipment to maintain these 50 guzzlers or so, and frankly, that is acceptable. All we are trying to do under the provisions of the Wilderness Act and the amendment is to keep the BLM on an equal footing, keep a Federal BLM role with regard to wilderness. When we designate wilderness, we should not reduce the voice of the BLM. If anything, it probably is more important than ever that the BLM be involved.

The California wilderness should be a first-class wilderness. We have a national wilderness system, not a different policy for Arizona than we have for California or for Minnesota, my home State. We have the same policies apply to wilderness in each of these instances. I think because of the special problems here, this language similar to Arizona, which is working in Arizona, although they obviously have had their disagreements, as scientists will disagree, they have been able to work it out.

□ 1620

I think that we see the mistakes that may have been made in California with regards to some loss of wildlife when policies changed. The same can occur if the State of California and others are doing it unilaterally. We do not always have a precise and perfect record of dealing with wildlife species because of our limited knowledge in some instances.

I am certain that this amendment will accomplish the goal but will keep the BLM in a role of responsibility that is appropriate for Federal lands, which, incidentally, are being proposed to be wilderness in this measure.

Mr. MCCANDLESS. Mr. Chairman, I wish to offer an amendment to the Hunter amendment. It is a perfecting amendment to the Hunter amendment.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. Mr. Chairman, we have an amendment pending to the Hunter amendment at this time.

The CHAIRMAN. The gentleman from Minnesota has an amendment which is in the form of a substitute. Therefore, a perfecting amendment to the Hunter amendment is still in order.

Mr. VENTO. Mr. Chairman, I thank the Chair for the explanation.

PERFECTING AMENDMENT OFFERED BY MR. MCCANDLESS TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. MCCANDLESS. Mr. Chairman, I offer a perfecting amendment to the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. MCCANDLESS to the amendment offered by Mr. HUNTER: strike out all after line one and insert:

SEC. 112. FISH AND WILDLIFE MANAGEMENT.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.

Mr. MCCANDLESS (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCCANDLESS. Mr. Chairman, the need for the Hunter-McCandless amendment is made even clearer by the precedent which has been set in Arizona, California's neighbor to the east. When the Arizona Wilderness Act was enacted, there was an understanding to the effect that the State would retain its authority for maintenance and management of wildlife and related functions. Assurances were given in this regard.

Since that time, however, in practice, conflicts have arisen between the Federal agencies which administer the wilderness areas, and the Arizona Department of Fish and Game, which is more oriented toward wildlife conservation and management.

Much of the conflict has centered around the creation of new water sources for bighorn sheep and other animals, including bats, deer, and wild turkeys. Again, the issue was and is one of access. In order to service these much needed water sources, motorized transport is occasionally necessary. However, the State has, in the words of one Fish and Game official, "had to fight tooth and nail," in order to access these areas and carry out its mission. In one wilderness area, the Fish and Game Department had to rent a haywagon—a nonmotorized vehicle pulled by horses—in order to transport the heavy equipment and tools needed to construct or improve water sources in that area.

On another occasion in the late 1980's, a disease broke out among one population of bighorn sheep, which inhabited a particularly rugged and remote area of the Arizona desert. It was thought that the disease had been contracted by contact with Mexican cattle, but the cause is still unclear. Attempts by fish and game personnel to access the region to determine mortality levels and collect tissue samples were stymied by Federal officials. The reason? Again, resistance to allowing motorized access, even in what was clearly a health crisis situation.

My intent here is not to point fingers or assign blame; my intent is to point out that we should not create a situation in California by which these kinds of conflicts will repeat themselves. We should learn from past experience, and benefit from past mistakes. Without the Hunter-McCandless amendment, California will surely flounder through these same kind of situations which Arizona has experienced. The result will be that much of the fine conservation work which has been done in the desert, and the wildlife which benefits from it, will suffer irreparable damage.

A common theme among the fish and game personnel who provided my office with this information was one that we have already mentioned today—the fact that man has, like it or not, forced these animals from their natural habitat, or otherwise permanently altered it. In light of this, in order to sustain their populations, water sources must be developed and maintained. Given the harsh climate and rugged conditions of the desert, motorized access is necessary to carry out these functions.

It is not enough to merely declare that the State of California will retain authority over fish and wildlife management, but without the tool of motorized access. It is not enough to say that the State can continue its management practices, provided that "these activities are consistent with applicable wilderness management plans or other management plans." These are blueprints for bureaucratic squabbling and interagency infighting. While the agencies argue, the wildlife suffers.

If we are serious about preserving wildlife in these desert areas, then it only makes sense that the California Department of Fish and Game, whose job it is to do so, is not restricted from doing that job properly. Again, we are talking about careful, responsible vehicle use, when necessary, to benefit wild animals. Plain and simple. If you want wildlife to continue to thrive in the desert areas affected by this bill, then please support our amendment.

Mr. Chairman, I would like to quote a letter that I have here written on June 13, 1994, signed by Duane L. Shroufe, director of the Game and Fish Department of the State of Arizona, in which, quoting him,

> In order to avoid conflicts with federal management guidelines in wilderness areas, our operations efforts have become very creative. In most instances how we access wilderness areas and the tools we propose to use are the main points of contention. For instance, to deliver materials over an existing road for a maintenance project, we are forced to rent horses and wagons to avoid the use of motorized equipment.

The director has included in this letter a Western Association Fish and Wildlife Agency resolution relative to the California Desert Protection Act in which he addresses this problem.

Mr. Chairman, I include for the RECORD this letter from the Game & Fish Department.

GAME & FISH DEPARTMENT,
Phoenix, AZ, June 13, 1994.

Representative ALFRED A. MCCANDLESS,
Rayburn Building,
Washington, DC.

Re California Desert Protection Act.

DEAR REPRESENTATIVE MCCANDLESS: In response to your request for information pertaining to our experiences with regard to balancing objectives for wilderness values, established by federal land management agencies, and our Department's wildlife management objectives, the following is provided.

Although Congressional direction has been very clear, land managers at various levels in the federal government continue to attempt to usurp the State's authority to manage resident wildlife populations in Wilderness Areas. Recent examples include the following:

Existing wildlife habitat improvements, such as water catchments for desert bighorn sheep and mule deer, continue to be considered "non-conforming structures" in wilderness areas. In addition, the opportunities for development of new habitat features have been restricted due to access and minimum tool guidelines.

Draft Wilderness Management Plans have attempted to restrict population transplants of desert bighorn sheep by establishing artificial criteria for population levels that reduce transplant opportunities.

Draft wilderness plans, currently in preparation, have indicated that habitat enhancement actions intended to increase population levels in order to provide additional hunting opportunities are not compatible with wilderness objectives.

In order to avoid conflicts with federal management guidelines in wilderness areas, our operations efforts have become very creative. In most instances how we access wilderness areas and the tools we propose to use are the main points of contention. For instance, to deliver materials over an existing road for a maintenance project, we were forced to rent horses and wagons to avoid the use of motorized equipment.

In closing, please find attached a copy of a recent resolution adopted by the Western Association of Fish and Wildlife Agencies. The position adopted the Western Association recommends establishing a National Recreation Area or Preserve, rather than a National Park in order to allow land management flexibility and preserve traditional public uses on federal lands in the California Desert.

Sincerely,

DUANE L. SHROUFE,
Director.

Attachment.

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Resolution: California Desert Protection Act, Adopted May 18, 1994

Whereas, the proposed Desert Protection Act will have major impacts on land management, wildlife and habitat enhancement and public use in a large area of the Mojave Desert in California by creating an East Mojave National Park and wilderness area; and

Whereas, such designation will prohibit traditional wildlife management practices, including habitat enhancement and public uses, such as regulated hunting; and

Whereas, the California Department of Fish and Game has a substantial investment in wildlife habitat enhancement, and the people of the United States benefit from the ability of the department to actively manage wildlife, including the most productive bighorn sheep population in the state which is the source of relocation stock for establishing new populations in historic range; and

Whereas, alternative designations, including National Recreation Area and National Preserve would allow land management flexibility and traditional public uses on federal lands in the California desert: Now, therefore, be it

Resolved that the Western Association of Fish and Wildlife Agencies supports the recommendation of designating lands in the proposed East Mojave National Park as a National Recreation Area or a National Preserve in which wildlife management and habitat enhancement activities can continue, and where public uses, including regulated hunting, trapping and fishing may continue;

Be it further resolved that the Western Association of Fish and Wildlife Agencies support the amendment to HR 518 proposed by Mr. LaRocco of Idaho to designate the proposed East Mojave National Park as the East Mojave National Preserve.

(On request of Mr. HUNTER, and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank my friend, the gentleman from California [Mr. MCCANDLESS] for his work in this area, because he understands what the problem is. The objective here is to save several species. The first species is the desert bighorn sheep in California, which is very important to us. Other species are the desert mule deer and the quail and all the other wild game in the desert and protected game in the desert that desperately needs water.

We should not care if a turf battle is resolved in the wrong way and, God forbid, the State Department of Fish and Game is allowed to maintain access to these desert lands where they have done such a superb job of keeping our desert bighorn sheep alive. We want to keep the animals alive.

Let me tell my colleagues, the Hunter - McCandless - Cunningham - Lewis amendment is supported by Desert Wildlife Unlimited. It is supported by the Society for the Conservation of Bighorn Sheep. Those are not a bunch of sheep hunters. Let me say to the gentleman from Minnesota [Mr. VENTO], who is my good friend, there is no open season on desert bighorn sheep in the Imperial Valley Desert.

My constituents, these people that we see scrambling around in the rocks in the 120-degree weather building these water holes for desert bighorn sheep are not getting a big hunt out of this, as was the implication. They are our there doing that because they are conservationists. They want to preserve the species.

I do not think we can argue with the fact that there is, under present law, where it has been applied in places like Arizona, there is a squabble.

□ 1630

In one place where we had a serious disease breaking out in Arizona with our bighorn sheep, killing a lot of the sheep, what happens? What happens in government?

The State wanted to go in immediately and start getting some tissue samples so they can stop the disease. The doggoned Feds came in and said you cannot do that because you cannot have motorized vehicles in the wilderness area.

The State guy says, "It looks to us like you can." The Federal guy, analyzing the regs, says, "It does not look to me like you can, and I am the boss, and you are not going in." We had dozens of bighorn sheep die. We could not do anything about it.

Mr. Chairman, in the North Algodones dunes we have already had a sample of that in California. I am told by State Fish and Game that over 250 deer died in an area where the Feds took over the maintenance of that particular area. They let the waterholes go to pot, and because of that, 250 head of desert deer died.

Mr. McCANDLESS. Mr. Chairman, we had windmills operating in that area, pulling water from the ground, putting it in tanks for these mule deer. Because it was a wilderness area, the Federal Government ordered us to pull those windmills out and do away with that source of water.

Therefore, what my colleague, the gentleman from California [Mr. HUNTER], is talking about is, no longer were those mule deer area supplied with artificial water through windmills, because it was designated a wilderness area. This is not right. This is not something any of us are trying to accomplish here. That is what we are looking at.

Mr. VENTO. Will the gentleman yield?

Mr. McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I am trying to determine what the difference is between the perfecting amendment and the Hunter amendment. The only difference I note, I might suggest to the gentlemen from California, is the deletion of the last sentence. That is to say, there is still no authority in here, in other words, that would permit the State of California to basically manage the wildlife on public lands and Federal lands without any concurrence from the Federal Government.

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has expired.

(On request for Mr. HUNTER of California and by unanimous consent, Mr. McCANDLESS was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Will the gentleman continue to yield?

Mr McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I am just trying to discover the difference. I understand that the gentleman wants the State of California to be able to move in without agreement from the BLM or any other agency with wilderness that happens to be where they are doing a maintenance, but the intent remains the same; in other words, there is no concurrence here, there is no cooperation.

Mr. McCANDLESS. As I had pointed out earlier in my written remarks, in order for these watering holes, and there are all types, dealing with little float valves, with underground tanks, that supply the water, and then the tanks are filled when it does rain, there are all kinds of ingenious types of things out in the middle of nowhere that have been developed, but they need to be maintained. They are too far from any kind of a location.

What we are saying here, Mr. Chairman, is that all we want is for the Fish and Game of California, along with the various other agencies and volunteer agencies, such as Quail Unlimited, we have talked about the Desert Wildlife Association, the California Wildlife Federation, the Society for the Conservation of Bighorn Sheep, all of these people who devote time to these projects, and at no cost to any Government agency, they would not be permitted under your law if the Federal Government said you cannot use motorized vehicles.

Mr. VENTO. Will the gentleman yield to me further?

Mr. McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, my concern is that you would have basically two policies. You would have one on regular BLM lands and a different one on wilderness. The concern is that motorized use would not be allowed on wilderness, but we concede that would be allowed under the Vento amendment to the Hunter amendment or under the McCandless amendment.

The question here is not whether motorized use would be used; the question is how it would be used. The question is, if you are going to have motorized use on regular BLM land and the Federal Government has to concur, you ought to have the same on wilderness, and the same from one State to the other. Of course, it is always easier to decide on your own without having the two parties involved. That is what the hub of the issue is here.

Mr. HUNTER. Will the gentleman yield?

Mr. McCANDLESS. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me answer my friend, the gentleman from Minnesota [Mr. VENTO].

Of course, both Federal agencies right now under the 1964 Wilderness Act arguably have the right to take motorized vehicles into wilderness areas. Theoretically they can do that, but they have not given that right historically in places like Arizona, where they decided the right of the Arizona Fish and Game to go in and save a bighorn sheep population. They did not allow them to go in, and in another case they forced them to rent hay wagons to carry in equipment to keep these waterholes open.

The gentleman and I want to keep the waterholes open, so we are not preventing the Federal Government from coming in, but we certainly do not want to have, in this 120 degree heat during the summer time, we do not want our desert bighorn sheep dying.

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. McCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Will the gentleman continue to yield?

Mr. McCANDLESS. I am happy to yield further to the gentleman from California.

Mr. HUNTER. Mr. Chairman, we do not want to have our animals dying while you have a turf war between the Federal Government and its interpretation and the State government. The State government obviously is doing a great job. They have quadrupled the desert bighorn sheep population in these desert areas with their waterholes, so we all applaud them. I am sure Mr. VENTO applauds them.

What we want is a guarantee they will be able to continue to have motorized access, and that is all that this amendment says. This amendment does not take the Federal Government out of wilderness areas. They are already there by virtue of the 1964 Wilderness Act.

Mr. VENTO. Will the gentleman yield to me further?

Mr. McCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's patience. I did not mean to imply that everyone who was trying to promote the bighorn establishment and health were all hunters. They certainly are not. There may be some that perhaps do have that interest as well, which is just fine.

The point that I was trying to get across here, of course, is that the Federal Government should have a voice in this particular process, and indeed, in the case of Arizona I have numerous examples here where there have been differences between the different names for all the right reasons.

I do not think we want to completely preempt them. This is not just the bighorn sheep; this applies to all the nongame and game species in these wilderness areas. You are going to treat them completely differently.

Mr. McCANDLESS. Mr. Chairman, reclaiming my time, for the life of me, when two people are trying to accomplish the same objective, the State Wildlife, the Bureau of Land Management, the Federal agencies involved, we are all trying to create an ecological system, we are all trying to create and save what we have in the way of natural resources. It is not like a bunch of bandits going in from the State without conferencing with the Federal authorities.

Mr. Chairman, these are reasonable people who have a goal and objective who have been kept out of this by Federal authorities in the State of Arizona. When the gentleman talks about hoof and mouth disease in Mexico, and the possibility that that was a reason for the demise of the bighorn sheep, you are talking about a major threat to the cattle industry which, if this happened to be the case, needed to be put down immediately and steps taken. The hoof and mouth disease can be devastating if it comes through wild animals into domestic animals.

Mr. VENTO. Will the gentleman yield to me?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the concern here is that any time you have domestic sheep coming in contact with bighorn you have a problem. They have to be completely separated.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 3 additional minutes.)

Mr. VENTO. If the gentleman will continue to yield, I will finish my statement.

Mr. MCCANDLESS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Therefore, Mr. Chairman, there has to be a separation in terms of those types of overlap, but the point I would make is we are giving the Federal land manager a job here in terms of wilderness. We have to permit him to have the tools and have the voice to be part of the process.

I wish everyone always got along. It probably is not even the case with regard to the California State Fish and Wildlife Service, that everyone there does not always get along. The concern is that anyone can make a mistake, and heaven forbid California can make a mistake, private groups can make a mistake. Maybe in the case of Arizona, the Federal Government made a mistake.

I note that in the example with one, that there was. The truth is, however, we are giving them a job and classifying this land. You may disagree with the classifications, but here we should agree that they ought to have a voice in managing the lands under their jurisdiction and the species, not a primacy voice, but one which is collaboratively working. That is why they have endorsed this amendment.

In 1986 all the States got together, the Fish and Wildlife management on an international basis, really, and they agreed with the BLM and Forest Service on the language I am presenting. That is why I am pushing that language.

The amendment the gentleman has takes us back and sets California off by itself. No other State has, as far as I know, that type of control over its wilderness areas, national wilderness areas.

Mr. MCCANDLESS. Reclaiming my time, Mr. Chairman, the problem I have has been demonstrated by the fact that we had to take down the windmills in the mule deer territory as a result of a Federal agency pact which severely hampered and caused a lot of death of mule deer. There was no reason in the world in my mind why the Federal agency had the right, the moral right, to take those windmills down and do away with that water source that was the very life blood of the mule deer that perished.

Therein lies one of my problems.

Mr. VENTO. If the gentleman will continue to yield, it is my understanding that while it was controversial, that there was concurrence on the removal of those windmills with the Federal and with other responsible entities. Therefore, really placing it, I expect, or pointing the finger at only the Federal Government or the BLM in that instance may not be appropriate.

Mr. HUNTER. Will the gentleman yield?

Mr. MCCANDLESS. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

This is a valuable discussion we are having here. Let me just point out the problem with the argument of my friend, the gentleman from Minnesota [Mr. VENTO].

What the gentleman wants in his amendment basically retains the right of the Federal Government to veto State access by motorized vehicle. That means that if those waterholes are going down and the gentleman gets the wrong guy in the wrong place in the Federal Government, he can tell the State, which has painstakingly put in 55 waterholes to keep these desert bighorn sheep alive, that they cannot come in with motorized vehicles and maintain those waterholes. The time you need the waterholes is in the summer time when it is 120 degrees in the shade.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 2 additional minutes.)

☐ 1640

Mr. MCCANDLESS. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for continuing to yield.

The time that we need these watering holes according to Desert Wildlife Unlimited, Leon Leseka, Joe Brauna with the State Fish and Game has done a marvelous job. It is needed in the summertime and one cannot get into that desert on foot in the summertime. One cannot carry enough water on his back, much less the jackhammers that one has to have to maintain the steps going down these tinagas to keep desert bighorn sheep like this one from drowning.

Mr. Chairman, I do not know why the gentleman has this problem. This is basically a turf problem. I want the gentleman to analyze at least what we are saying. We listened to him very carefully.

Mr. MCCANDLESS. Mr. Chairman, I have a comment I would like to make which I think is relevant to this discussion and as my colleague said, the discussion is a good one.

Mr. VENTO. Mr. Chairman, I agree.

Mr. MCCANDLESS. Let me propose what it is you are saying here: That in the case of Arizona, it is all right to take cement and other heavy equipment by horse and hay wagon into an area, but we cannot use a 4-wheel drive or other vehicle to do the same thing.

Mr. Chairman, I have a little trouble with that, so as I yield I would be happy to have the gentleman explain that to me.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in my amendment, it includes policy guidelines relating to the use of motorized equipment.

I specified that we fully expect in the guidelines, in the law and in the policy to provide for the use of motorized equipment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, is that by the State agencies?

Mr. VENTO. By the BLM, the State agencies and others that are authorized to maintain the wildlife.

Mr. HUNTER. Mr. Chairman, let me ask the gentleman a question. Is the interpretation of the gentleman's language that if the State determines they have to go in with a 4-wheel drive to maintain water holes to keep the bighorn sheep from dying of thirst in a given area they can go even if a Federal manager says, "I do not like any motorized vehicles"? Could the gentleman answer that question? It is an important one.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the issue, of course, is we expect the Federal Government, the BLM, the manager of that land, would concur with that for that particular purpose.

Mr. HUNTER. What if he did not concur?

Mr. VENTO. If he did not concur, there is a disagreement that has to be resolved, which is generally what happens when someone has a public property right.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. MCCANDLESS. Mr. Chairman, I am glad to continue to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the other hand is if that was necessary, the State of California disagreed with that particular route, the BLM manager could do it as well. The point is, either the BLM or the State can be wrong about the diagnosis that they have in terms of what the proper treatment and care of such species are. It is not just a one-way street. It is a two-edged sword.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the problem is the gentleman has described a system in which the Federal managers can veto a 4-wheel drive vehicle going in to open a water hole that is literally life or death for the bighorn sheep. I guess my question would be, if we have two entities that are capable of delivering a lifesaving capability, that is, opening up water holes for desert species, why is either agency interested in cutting and having the power to cut the other one off?

What happened in Arizona was we did have a Federal manager who did disagree that the Wilderness Act gave the right in this case to have motorized transport go in and we had a lot of animals die. In the North Algodones Dunes, we had a Federal manager who thought all the lifesaving windmills had to be taken down and a lot of animals died. We are doing things right in California. We have quadrupled the herd of desert bighorn sheep and the Federal Government should be anxious to have volunteers that want to go out in 120 degree heat at no pay and maintain these watering holes. That is all we are asking.

Mr. MCCANDLESS. Mr. Chairman, reclaiming my time, one of the cornerstones of this position is that the courts have established that in the management of wildlife, in the case Kleppe versus New Mexico, that the States predominate over Federal in the management of wildlife. The gentleman is probably quite familiar with that.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think there is a role here that States have. I do not think there is any question but the States have a very important role, recognized by that court case.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has again expired.

(By unanimous consent, Mr. MCCANDLESS was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would like to say, we have been listening to this debate now for 45 minutes and the fact is there is no disagreement among the parties. What the Hunter amendment would do without the Vento amendment is simply cede all of the decisions on Federal lands, in this case a Federal wilderness area, to the State Fish and Game Department, and that simply is inconsistent with the management of those Federal lands as they would be designated under this legislation. The gentleman may disagree with that and I understand that, but the point is what we have done is joined the notion here with the Vento amendment that we do not believe the use of motorized vehicles in this case for the preservation of wildlife in this area is inconsistent with the purposes of this legislation and/or the Wilderness Act.

Mr. Chairman, the working out of how that is to be done between the State and Federal Government is the consultative process that takes place. The Federal Government, if anybody reads the CONGRESSIONAL RECORD, is clearly on notice that there is bipartisan support within our delegation, within this committee, across the aisle here that this project and the restoration and the preservation of this wildlife is to go forward. This is a fairly strong mandate.

Mr. MCCANDLESS. Mr. Chairman, reclaiming my time, I would pose to the gentleman a question.

For purposes of the terrain, what is the difference between a wagon pulled by horses to an area for purposes of maintaining a guzzler and a 4-wheel drive vehicle?

Mr. MILLER of California. If the gentleman will continue to yield, the difference is that the Wilderness Act specifically discusses motorized equipment of any kind out and the desire to keep those motorized equipments of any kind out of those wilderness areas. The fact is as we have created wilderness, and in many areas there is really very little inconsistent with that. As we move to create wilderness now in 1994, we find these kinds of problems in those areas because of preexisting uses. That is why we have got to recognize that. I do not think we should nor can we go back to suggesting that that is pristine in that sense.

The CHAIRMAN. The time of the gentleman from California [Mr. MCCANDLESS] has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. MCCANDLESS was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if I can just continue that, or that it is in fact untrampled, because it is not. There are these activities that are there as we create this wilderness area. This is an effort to strike a medium, recognizing that this activity should in fact go forward.

I think what the Vento amendment does is allow us to go ahead and to do that, and if it does not work out, clearly that is going to be unacceptable, I think almost to all of us in the California delegation, it is going to be unacceptable to a wide array of people around this area who are aligned with similar causes or, in fact, this particular cause in wildlife preservation and conservation. We then have to deal with it.

Mr. Chairman, the gentleman is suggesting we simply cede all of this decisions to the State. We cannot and are not going to do that on Federal lands.

Mr. MCCANDLESS. Mr. Chairman, reclaiming my time, that is your interpretation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. MCCANDLESS. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to take one second. I know my colleague, the gentleman from San Diego, California wants to discuss this, also.

Let me just say to my friend, the gentleman from California [Mr. MILLER], that our wildlife managers in California, and I am reading from the game and fish department, the director of game and fish, Duane L. Shroufe has said:

"Although congressional direction has been very clear," and that is what the gentleman from California [Mr. MILLER] is trying to establish about vehicular access to these water hole areas, "land managers at various levels in the Federal Government continue to attempt to usurp the State's authority to manage resident wildlife populations in wilderness areas."

Mr. Shroufe goes through a series of examples. The facts are people are not perfect, we have turf wars. The problem is when we have a turf war in 120 degree heat and these animals have 20, 30 miles to go to alternate water sources, they die. We cannot afford to have a turf war in the California desert after game and fish has painstakingly brought back the population.

Mr. Chairman, I know the gentleman from California [Mr. CUNNINGHAM] has a few things to say.

Mr. MCCANDLESS. Mr. Chairman, reclaiming my time, I would like to quote from the letter of the director of the game and fish department of the State of Arizona:

> Existing wildlife habitat improvements, such as water catchments for desert bighorn sheep and mule deer continue to be considered nonconforming structures in wilderness areas. In addition, the opportunities for development of new habitat features have been restricted due to access and minimum tool guidelines. Draft wilderness management plans have attempted to restrict population

transplants of desert bighorn sheep by establishing artificial criteria for population levels that reduce transplant opportunities. Draft wilderness plans currently in preparation have indicated that habitat enhancement actions intended to increase population levels in order to provide additional hunting opportunities are not compatible with wilderness objectives.

□ 1650

We are not interested in wilderness hunting. We are interested in maintaining the guzzlers and the source of water to maintain the basic structure of what has been developed over a period of time in maintaining the natural habitat.

Mr. Chairman, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

My friend, the gentleman from California [Mr. MILLER], and I, we have worked on a lot of issues together, and I think we have the same intent in what we are trying to do with this amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. McCANDLESS] has again expired.

(By unanimous consent, Mr. McCANDLESS was allowed to proceed for 1 additional minute.)

Mr. McCANDLESS. Mr. Chairman, I will continue to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, personally I do not really care who provides the water for game and nongame animals as long as it gets done, but I love to hunt and fish, and I also know that I believe there should be areas where only foot should touch and not motorized vehicles and those kinds of things, but in the event that we are trying to get specifically to a spot to provide water, to me that is what is proper care and treatment of a species.

You know, in California, 48 percent of all of California is owned by the Federal Government. With this 8 million acres, it is going to boost it up to 52 percent. I would think the State has the right to provide for the ecosystems and for game animals, and I know that it is not just bighorn sheep.

We have got gnatcatchers out there that prove a big problem for California as well, and I imagine they like a little drink of water. So I would ask the gentlemen, the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER], help us with this amendment. Because, you know, the intentions on both sides of this are very, very good.

Mr. VENTO. Mr. Chairman, I rise in opposition to the perfecting amendment that is before us.

Mr. Chairman, I will be happy to yield to my colleagues if they want to continue on the dialog.

I just think it is necessary to put in perspective that we are all talking about cooperation and collaboration, but then the amendment here really puts the State of California in a position where it does not have to receive permission to do these activities on Federal lands with regard to maintenance of these guzzlers.

The amendment goes really in a sense further than that. I do not think it is limited at all to simply the guzzlers. It talks about the entire maintenance and restoring fish and wildlife population and habitat, support population. So it is not specific to game, to nongame species. It simply means the State of California can go onto the BLM land and do appropriately what they think is responsible.

I am certain in 99 percent of the time there would not be any disagreement. But the fact is, because there have been some agreements, some spectacular problems that have occurred where a lot of people have put in work with desert bighorn and apparently with mule deer, the concern is that these mistakes are apparently visited all upon the BLM.

As an example, in the discussion in terms of the BLM from California sent me information talking about the windmills and pumping of water to provide and to feed the guzzlers that we are talking about, and that issue was raised by my friend and colleague, the gentleman from California [Mr. McCANDLESS].

But the information I have from BLM is that both groups, both the wildlife, and local wildlife officials—and I assume that means the State—and the BLM agreed to remove the windmills because they were expensive to operate, there were some objections to them in terms of being prone to break down, and that apparently there was some complaint about the windmills. So that is the information that I have here, you know.

So, I mean, it is not a question, but there was generally agreement here.

Now, I just want to point out that the amendment that I am offering was agreed to. This is the international wildlife groups, all the States got together to have this organization; they have agreed to this type of language for each State. It is in place in Arizona, and, as my colleagues have pointed out, there have been some disagreements, but a lot of success in Arizona. They have transplanted bighorn desert sheep in Arizona. They have had a lot of success.

You pointed out the one problem. Even in a case where there was a bighorn problem in terms of monitoring the health of them, and they wanted to do, and most of this, incidentally, was done by, or monitoring by helicopter or fixed-wing aircraft trying to monitor bighorn, because, of course, the range of the bighorn sheep is very great. After some initial problems that occurred, they did relent and did do the monitoring by fixed-wing aircraft.

There are all sorts of studies they have done in terms of mountain lion studies, feeding habitats, and there is just a lot of success that has gone on here as well as some disagreements.

I want to point out that the Vento amendment to this does provide for use of motorized equipment or mechanical transport as required. It does require, of course, approval of the BLM when you go on public lands, when you go onto wilderness areas.

There is no disagreement. You end up establishing two different policies, one for BLM wilderness, and a different policy for BLM lands. You would have a different policy for California, a different policy within California.

I just do not think there is any excuse for these two agencies not to get together and to do their job without necessarily disregarding in essence what the Federal land manager might have, the responsibility for basically hundreds of thousands of acres. The State properly would insist on giving permission for others to carry on such activities on State lands. We are not suggesting that the Federal Government be able to go in and dictate to the States what the wildlife policies are on State lands.

We hope this relationship would be cooperative and collaborative. That is fully what we expect in the case of wilderness.

Mr. Chairman, I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the problem is this: The problem is that this land right now that we are speaking of that will transform into wilderness under this bill is presently the land where these species live, and it is land where their populations were brought back by a combination of volunteers and State fish and game management, and this is a very fragile population, these desert bighorn sheep and the desert mule deer. The water is very precious to them. They cannot stand 2 weeks in the summertime of bureaucratic wrangling over whether or not the 1964 Wilderness Act provides for motorized access.

The facts are what we are trying to do is just maintain the status quo. The game has got water right now. We want to keep them in water. One thing the gentleman does concede is you are presenting some danger, because you are giving a veto power to the Federal Government, and if you get the wrong guy in that position——

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, I will continue to yield to the gentleman.

Mr. HUNTER. Mr. Chairman, let me finish the last sentence. And I would like the gentleman to respond to this.

You are giving a Federal bureaucracy, as you did in Arizona, the opportunity to veto vehicular access by a State fish and game person who thinks that these populations may be in extreme danger. Is that not true?

Mr. VENTO. But I would just suggest to the gentleman that is the status quo. The fact that they have been successful in transplanting and initiating populations of desert bighorn sheep here is that they have done so in conjunction and in agreement with the BLM who is the land manager in this particular area. So what the gentleman's amendment would do it is to say no, we are going to throw that out, because you are designating this wilderness. We will no longer permit the BLM to have a voice in what we are doing in managing these populations. I am trying to maintain the status quo.

The difference in the equation, the difference that there is an uneasiness on the part of the gentleman and others is because they have this Wilderness Act which suggests we do not have motorized use.

The gentleman should take great comfort in the fact that the gentleman from Minnesota is saying motorized use will be permissible in this particular instance. So you could have the same problem you have today. You could have the BLM go off the deep end and not agree to do something. On the other hand, I could have the same problem with the State of California and other principals involved.

Mr. HUNTER. Does the gentleman have motorized vehicle use in his amendment?

Mr. VENTO. The amendment speaks to the motorized use. It talks about such policies, and I appreciate the gentleman, including policies and guidelines relating to the use of motorized equipment. I fully specified to the point that that means motorized equipment.

Mr. HUNTER. Let me respond to the gentleman. To some Federal managers, the policies regarding motorized equipment, at least in Arizona cases, have been you cannot use them, and you have to use hay wagons.

□ 1700

So by referring to the status quo or the existing dispute between State and Federal people, the gentleman does not clear those up.

Mr. VENTO. Reclaiming my time, it is clear that could happen today within the study areas and within other areas. What we mean, of course, is that motorized use where it is necessary will be provided.

Mr. HUNTER. So things will be different from now on.

Mr. VENTO. It is a wilderness designation.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. We intend for that to occur. It is occurring today in Grand Wash Cliffs wilderness.

Again, we provide an opportunity for motorized use, extensive use of EA drafts, public involvement in use of choppers to bring in and to drop off and to transplant. So it is not just motorized use for 4-wheel vehicles, it is a lot of different tools that are used and have been used to maintain these populations under the Arizona law, under the agreement that the State of California and others, State wildlife management agencies have agree to.

So we can accomplish that without necessarily writing off the BLM or ceding powers to the State.

I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. On that point, again, the current land managers are the same land managers you will be dealing with under the designation of this as wilderness, allowing this practice to go forward on Federal lands. Also, the Joshua Tree National Monument, you have extensive preservation and servicing of these guzzlers by helicopters, which they have chosen to use rather than 4-wheel-drive vehicles because they have less impact on the land, open up lesser land to the general public access by motorized vehicles. So the history is long in these areas.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. I would just point out that I think the problem that we have here is that we are trying to basically write the rules on the floor as to whether the State of California is going to be able to do what it wants to do, whether BLM is going to be able to do what it wants to do; there is no effort here in terms of trying to overcome that. The Vento amendment as proposed leaves that status to be worked out; the present status is what it is today. In terms of an agreement recognizing that we are reclassifying and designating these lands.

I for the life of me do not understand why you would want to take the professional BLM manager out of the picture in terms of having a voice with regard to lands that are all Federal lands in terms of the BLM. I believe they should have a voice. We understand the State has an important role in fish and wildlife with regard to management. We just are simply talking about how this is accomplished here. Where there have been problems in the past, there could be problems in the future, but that is not the basis to completely eliminate the Federal land management.

Mr. Chairman, I yield to my friend from California.

Mr. MCCANDLESS. I thank the gentleman for yielding.

Going back to the gentleman's amendment, this is the problem area: Where you speak of management plans and in accordance with appropriate policies and guidelines, there is a parenthesis, "(including policies and guidelines relating to the use of motorized equipment)." Then the parenthesis closes, "such as those cited in section 101(h) of Public Law 101-628," which I understand to be the Arizona Act, which then we go back to guidelines related to the use of motorized equipment, which then further presents the problem which this is all about.

Mr. VENTO. Reclaiming my time, that is what we are talking about. It means they can use it where it is necessary. The concerns here do not just relate to what is appropriate for the desert bighorn, it is what is appropriate if you have burros or you have cattle. As we know, we have grazing in wilderness areas. So what they are tying to do is avoid the conflicts where they are going to have those conflicts meeting the needs of the desert bighorn without creating more problems.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I think we all need to listen to what the gentleman from California said that these species, animal and bird species, have been brought back from near extinction by private groups and by the State. Now, the Federal Government is coming in under this bill and adding 8 million new acres, basically taking State land. In California, over 50 percent of the land in the State of California. Also, in ruling out the State's rights to go in. They are operating now with motorized vehicles in this area.

Under this bill, when you talk about you want to change the law, you are changing the law by the bill itself by restricting current use of the land to motorized vehicles to supply these water areas.

That is what they are doing right now. If anybody is changing the rules and doing things different, it is this bill itself. We would like to set and allow currently the way people are providing for these species. The Government comes in and says, "Look, you cannot do that, State. We are going to take 50 percent of your land, but you do not have any control over it when you want to do it." That is what we are doing right now, we are currently using motorized vehicles in this area. Your bill changes that.

All we are trying to do is say that we will continue to protect these species by using motorized vehicles to go in.

Mr. Chairman, I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I am reading from the gentleman's language substitute to my amendment. It does not give the weight of the argument in favor of encouraging the State to use motorized vehicles to save the lives of desert sheep there. It does not do that. What it says is that activities to maintain these populations may be carried out "where consistent with relevant wilderness management plans (including policies and guidelines relating to the use of motorized equipment)." That could be interpreted by the same people, the same manager who forced people to use hay wagons in Arizona and kept State people from going in and saving the population.

That same section can be cited by him to keep the State out of those waterholes with their motorized equipment. This is not a concession the gentleman is offering; this is what can be interpreted by a certain Federal manger as an objection to the State coming in.

I think my friend stated it best: We preserve the species; the key is to preserve the species; the goal is to preserve the species. The status quo is those people going in when it was not wilderness, presently, going in with these volunteers, spending a lot of difficult hours creating waterholes for these populations. We are afraid of what has happened in other parts of the country where areas have been made wilderness and Federal managers have come in and said, "You can't do that any longer."

While we have letters going back and forth in Washington, DC, trying to get Mr. VENTO on the phone to assure everybody that the colloquy allowed motorized vehicles, we are going to have desert species like the bighorn sheep floating dead in the waterhole, die. Do you know what that sheep dead in the waterhole represents? It represents gridlock the State and Federal Governments not being able to try to figure our who gets what. That is what those 250 dead deer represent in the North Algodones Dunes, where the Feds came and knocked out all the watering holes. We want to keep these species alive, and they cannot tolerate 2 weeks of gridlock between Federal and State Governments.

Right now the Federal Government has a right, if you can scare up some Federal managers who want to go in and build waterholes, fine; I have not seen them doing that in many years out there. The people who build them have the expertise, they volunteer, are Californians. The great groups, like Desert Wildlife Unlimited, the Society for the Preservation of the Bighorn Sheep, Quail Unlimited, and others. We want to maintain that status quo, and that means life for our game species. What the gentleman is offering here is fine words; they are great words, but they are going to result in the death of our species as soon as we have gridlock between the Feds and the State. We have already had that in other States. We know it is going to happen. Why do we not just cut it off by preserving in the States their right to go in with volunteers—it does not cost the taxpayer any dollars—and maintain those waterholes?

I thank the gentleman for yielding.

Mr. CUNNINGHAM. Reclaiming my time, I would like to make a quick statement. As it was stated, private volunteers and State agencies have maintained these species by providing water. That is important to the host species.

We are coming in and changing the rules. What the Hunter amendment attempts to do is to maintain the status quo so that we can still protect those species by using motorized vehicles, which we are doing today. But this bill changes that. So we are attempting under the Hunter amendment to support that position. We would like the support of the other side of the aisle on this. To me it is not something that we are trying to change. We are trying to keep it just the way it is so that we can provide the water.

Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

The concern is that you are not keeping it like it is. That is the concern. I will not object to the McCandless amendment. I know it basically attempts to perfect the Hunter amendment, but it has the same basic flaw in that it excludes the Federal land managers from having a voice in what happens to Federal lands. In this case we are saying——

Mr. CUNNINGHAM. I would not want the Federal Government not to have a say in it; I just do not want them to be able to override it.

Mr. VENTO. That is what the amendment does. It eliminates the——

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has again expired.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent that I may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, reserving the right to object, we have been on this amendment an hour and 10 minutes now. In spite of all the debate, there is an agreement of the minds but apparently not an agreement on the resolution. Can we have some indication of how much longer? Otherwise I am going to have to start objecting.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Further reserving the right to object, I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I was hoping that the time would go on because a number of questions and my own commentary to this amendment relate to the author of the bill itself, who has yet to arrive on the floor. I really want to see if we can extend it long enough so that we can see what his intent is regarding these questions that are before us.

Frankly, I am not sure how we get back to that, but it is unusual for an important bill like this to be before us and the author not be on the floor.

□ 1710

That really complicates what I might want to do with this bill.

Mr. MILLER of California. I understand that. I still need to know how much time.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I have one short part that I would like to use here in a comparison nature between the amendment offered by the gentleman from Minnesota [Mr. VENTO] and my amendment, and then I will be finished.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I will not object at this time. I just want to inform the chairman and others that in the future I think that the Chairman of the Committee of the Whole House, unfortunately, is going to have to start objecting after extended, extended unanimous consent requests because we are just simply never going to get through the list of amendments.

Perhaps that is the intention of some of our colleagues.

Mr. McCANDLESS. This is important to the gentleman from Minneapolis.

My amendment, I think, addresses an issue here by a simple word that is included in the amendment.

Management activities to maintain or restore fish and wildlife populations and habitats to support such populations may, may, be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies, particularly where such agencies deem vehicular access is necessary to maintain water sources constructed to preserve desert bighorn sheep and other wildlife.

My point of bringing this to my colleague's attention is we have a "may" there in the beginning which the Federal Government has control over. Once the Federal Government says, "Yes, you may go in there," then we are saying we are entitled to use motor vehicles rather than hay wagons.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from California [Mr. CUNNINGHAM] for yielding to me, and let me just say to my friend, the gentleman has used the word "consult" over and over again. It wasn't consultation that killed the bighorn sheep in Arizona. It wasn't consultation with the Feds that killed the 250 deer in the North Algodones Dunes. It was a veto by the Federal Government, and we don't want to have to see that veto arising here.

And to the gentleman from California [Mr. MILLER], my friend, who is concerned about the time, I just want to tell my friend, I've got a lot of friends in Imperial County who have put hundreds of hours of their lives into building this watering system. This is important to them. My amendment, and I think Mr. MCCANDLESS' amendment, didn't arise out of us trying to figure out how we could scuttle this bill. It arose from letters and meetings with our constituents in Imperial County who looked over into what's happening in Arizona and said, "Don't let that happen in our area. We don't want to see our wildlife killed."

Mr. Chairman, these dead sheep floating in these watering holes because of poor management on the Feds' part are real.

I thank the gentleman from California [Mr. CUNNINGHAM] for having yielded to me.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from California [Mr. MCCANDLESS] to the amendment offered by the gentleman from California [Mr. HUNTER].

The perfecting amendment was agreed to.

The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO] as a substitute for the amendment offered by the gentleman from California [Mr. HUNTER].

Mr. MCCANDLESS. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. First the Chair will put this to a voice vote.

Those in favor of the amendment offered by the gentleman from Minnesota [Mr. VENTO] as a substitute for the amendment offered by the gentleman from California [Mr. HUNTER] will say "aye"; those opposed, "no".

In the opinion of the Chair, the ayes have it.

Mr. MCCANDLESS. Mr. Chairman, I am a little bit lost here on the protocol. I asked for a recorded vote on my amendment, and the Chair went on to the next amendment. I wanted a vote on my amendment even though it passed by voice vote. That was where I was at.

The CHAIRMAN. The Chair did not understand that the gentleman from California [Mr. MCCANDLESS] was standing for that purpose.

POINT OF ORDER

Mr. MCCANDLESS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MCCANDLESS. Mr. Chairman, I rose to request a recorded vote, and then the Chair went on to the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The CHAIRMAN. Does the gentleman from California [Mr. MCCANDLESS] make a unanimous consent request for a recorded vote?

Mr. MCCANDLESS. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Reserving the right to object, Mr. Chairman, could the Chair explain to me where we are right now? I thought we already had a vote on the amendment offered by the gentleman from California [Mr. MCCANDLESS]. Then the question was put on the amendment offered by the gentleman from Minnesota [Mr. VENTO], and then at that point the gentleman stood and asked for a vote.

I ask, does this request for a recorded vote not come too late?

Mr. MCCANDLESS. With all due respect, Mr. Chairman, I was standing and asking for the vote.

The CHAIRMAN. At this point, the gentleman must gain unanimous consent to get a recorded vote on his amendment to the amendment offered by the gentleman from California [Mr. HUNTER].

Mr. MCCANDLESS. Mr. Chairman, I ask unanimous consent for a recorded vote on my amendment to the amendment offered by the gentleman from California [Mr. HUNTER].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. The Chair hears an objection.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Under parliamentary procedure, Mr. Chairman, the gentleman had an amendment. He was standing, and, as the Chair was going through the deliberations, he asked for a vote prior to you ever talking about the amendment offered by the gentleman from Minnesota [Mr. VENTO]. Now, under parliamentary procedure, is he not granted the right for a vote on his own amendment?

The CHAIRMAN. The Chair did not recognize the gentleman for a recorded vote because the gentleman was not seeking recognition at that point.

Mr. CUNNINGHAM. Mr. Chairman, that is the Chair's problem of not recognizing the gentleman. The gentleman was standing, and I would point out that could be done every time, and the Chair would just not identify someone who is asking for a vote on their amendment.

Mr. Chairman, this is the Chair's problem and not the gentleman's. He was following procedure by standing and asking for a vote.

Mr. MILLER of California. Mr. Chairman, I withdraw my objection so that the gentleman from California [Mr. MCCANDLESS] can have a vote on his amendment.

Mr. MCCANDLESS. Mr. Chairman, I renew my demand for a recorded vote on my amendment.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for the electronic votes, if ordered, without intervening debate, on the substitute amendment offered by the gentleman from Minnesota [Mr. VENTO] and on the original amendment offered by the gentleman from California [Mr. HUNTER].

The vote was taken by electronic device, and there were—ayes 360, noes 0, not voting 79, as follows:

[Roll No. 232]

AYES—360

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor

Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastings
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Pallone
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Ramstad
Reed
Regula
Richardson
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Sanders
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thurman
Torkildsen
Torres
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Vento
Visclosky
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—79

Andrews (TX)
Baker (LA)
Barton
Bilirakis
Blackwell
Carr
Clay
Collins (MI)
Cooper
Coppersmith
Danner
DeLay
Derrick
Dingell
Engel
English
Fields (TX)
Flake
Ford (MI)
Ford (TN)
Frost
Furse
Gingrich
Grams
Green
Gutierrez
Hansen
Hastert
Hayes
Hochbrueckner
Inhofe
Johnson (CT)
Kennedy
Kleczka
Kopetski
Lehman
Lewis (FL)
Lowey
Machtley
Maloney
Manzullo
McCollum
McCurdy
Neal (NC)
Owens
Packard
Parker
Payne (NJ)
Pelosi
Pryce (OH)
Rangel
Ravenel
Reynolds
Ridge
Roberts
Rostenkowski
Roth
Royce
Rush
Sabo
Sangmeister
Santorum
Serrano
Slattery
Snowe
Stupak
Sundquist
Swett
Thomas (WY)
Thornton
Torricelli
Towns
Velazquez
Volkmer
Washington
Wheat
Whitten
Wise
Zeliff

☐ 1741

So the perfecting amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we certainly do appreciate the attention of the House. Mr. Chairman, with this number of Members present, it seems to me that as I rise to address an amendment proposed by my colleague, the gentleman from Minnesota [Mr. VENTO], it would be most appropriate to say to the House that this is an issue before us, that is, the entire bill before us is an issue of critical importance to four Members of the House who happen to be Members who are elected in the State of California, to represent the citizens who live in the California desert.

The reality is that often when we have environmental issues before the House, Members tend to look to see if that environmental issue touches their district at all, and when they find it does not oftentimes one just casts a vote, what is called a green vote around here, to make sure their environmental record looks good to those people who might view it from outside.

However, Mr. Chairman, this issue before us, the issue of the California desert, is fundamental to the constituencies represented by those four Members elected from the California desert.

Mr. Chairman, I have said on an earlier occasion that this Member is outraged by the way this bill has been handled by the committee, and indeed, by the House. It is a fact of life that those of us who represent the four districts in the desert all happen to be on the minority side of the aisle, but our constituencies make up some 3 million Californians, Democrats and Republicans, independents, the entire mix of the California population. Those people do not view the issues that relate to their territory in partisan terms, but indeed, in this process in the House, particularly in the committee, their voice has been all but stifled.

Mr. Chairman, I wanted the Members to know that I am not just lightly outraged by the process that has gone on before us. I think the Members know, I believe the Members know, that this Member of the House does not rise with any frequency by way of extreme voice. I abhor the extremes that often dominate the debate on the floor.

However, in this case, Mr. Chairman, it is clear to me that the kind of excess of the committee that has been demonstrated in this case is one of the reasons why Members feel they must come to the well and often carry the debate to the extreme. Mr. Chairman, I believe the American people are sick and tired of those shrill voices. In this instance, the people of California have had their voice essentially cut off by the committee process.

Mr. Chairman, while I rise essentially to express my own support for the amendment that just passed, that is, the Hunter-McCandless amendment dealing with wildlife preservation, at the same time I rise in opposition to the Vento amendment, which essentially contrasts an amendment that reflects a States rights kinds of focus upon the individual citizens' concerns about the desert who live and work in that desert.

Mr. Chairman, essentially I am rising to oppose the amendment offered by my colleague, the gentleman from Minnesota [Mr. VENTO], which essentially is a "trust me" amendment. It is our concern that while people suggest that there will be no change essentially in the way this territory is being managed, that the reality is that there is plenty of history that would indicate major problems between the way various practical agencies deal with such territory.

Mr. Chairman, if I could ask my colleague, the gentleman from California [Mr. HUNTER], to assist me, the Members may not be able to see it, but in the middle of that water channel there, if the House would focus on my colleague, Mr. HUNTER, in the well, a man of no extreme, Mr. HUNTER would point to a deer in the middle of that water channel.

That deer is treading water there as it is awaiting more than one Federal agency, as a result of the Vento amendment, to make up its mind which way it should go, whether it should allow the State to be involved or not to be involved. Mr. Chairman, I fear for the life of that deer, but indeed, we fear more for those people who would choose to live in the desert.

Mr. HUNTER. Will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, for those Members who have come in just a few moments ago, this is the essence of this debate. The State of California and a lot of volunteers have motorized access to the watering holes they have developed in the California desert. It saved a lot of wildlife. The Federal Government in some States has cut off motorized access that would be used to maintain watering holes.

We have now a large number of bighorn sheep and deer that have had their populations expanded in these proposed desert wilderness areas because of volunteers.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(Mr. LEWIS of California, at the request of Mr. HUNTER, was allowed to proceed for 3 additional minutes.)

□ 1750

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, the volunteers in Desert Wildlife Unlimited and the Society for the Preservation of Bighorn Sheep, Quail Unlimited, many groups throughout California have gone out in 120 degree heat and built watering holes for these desert animals. We want to maintain the motorized access that allows them to go out and keep these waterholes open.

This deer has had to come to the Coachella Canal because the waterholes have been destroyed in parts of the desert, they slide down the steep banks and they literally wear their hooves out trying to climb back up those banks and they drown.

For that reason, this is an unusual amendment. The Hunter-McCandless-Lewis position is supported by Desert Wildlife Unlimited, a conservation group, The Society for the Preservation of Bighorn Sheep, Quail Unlimited, a conservation group, and these groups feel that the Vento amendment which gives veto power to the Federal Government for motorized access will result in the death of many wildlife species.

The conservation vote here is against the Vento amendment and for the McCandless-Hunter amendment that just passed. If Members voted yes on the amendment that just passed, they should vote no on Vento because Vento guts what Members of the House just did.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for his comments. I think it is very important that the Members understand what my colleague just said. We have just passed by unanimous vote an amendment that would essentially clarify our purpose here, that is, to make certain that the California State Government, the agency of Fish and Game that for years has managed these territories along with any number of volunteer groups, will continue to be able to operate in the way they have in recent years.

It is very important for us to know that there is a significant difference between the way volunteer preservation groups, the State Fish and Game Department and other agencies would treat this territory versus what we can expect from the Park Service.

Mr. Chairman, let me illustrate that point by the following:

In 1978, when the Oregon Pipe National Monument in Arizona was designated as wilderness, there were a number of wildlife guzzlers in the wilderness very, very important to the preservation of the life of many a species in the desert. Since then, all guzzlers have been phased out in accordance with Park Service policy. The National Park Service could be expected to carry out the same policy in East Mojave National Park, the Death Valley National Park, as well as the Joshua Tree. It is our concern about that pattern of policy of the Park Service that causes us to oppose the Vento amendment.

In a straightforward fashion, we have just passed an amendment that assures the State's involvement as well as volunteer private sector involvement in maintaining the various resources that are very important for the preservation of species that live in the desert.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, one of the most important components of the mission of the State Park and Wildlife Service is the maintenance of wildlife guzzlers. Those Members not familiar with guzzlers, they provide an artificial water supply in areas where much of the traditional water supply has disappeared. Water in this area has always been a scarce commodity. The result of this lack of water has been the steady decline of wildlife populations. That is, until the conservation efforts of those who build and continue to maintain the guzzlers.

These guzzlers have been the central reason for the reinvigoration of the bighorn sheep. However, it is very apparent that gamble quail, chucker, partridge, jack rabbits and lizards are all beneficiaries of guzzlers, as well. Without the extensive guzzler system that exists throughout the California desert, the majority of these animals would cease to exist in this region. I am uncertain as to whether or not that is the goal of the two gentlewomen from California and the gentleman from California [Mr. LEHMAN], the chairman, and the gentleman from California [Mr. MILLER], the authors of this bill before us.

Mr. Chairman, I do know that the Members have a tendency as the hours grow late to become impatient with extended debate. I hope this will not be extended, but I would say to my colleagues, it is relatively rare for me to rise on this floor and discuss extensively any subject, but in this case we are talking about a subject that is fundamental to those who live in and love the desert. We do appreciate your assistance as well as your attention.

To maintain existing guzzlers or build new ones, motorized access to the desert regions involved is essential. We are talking about construction materials ranging from water storage tanks to heavy-duty piping. This material, simply put, cannot be carried on foot or horseback to the areas that are involved. Motorized access is essential if we are serious about maintaining or even expanding existing wildlife populations. At the very least, 4-wheel drive vehicles are necessary to access these remote areas. In many instances, helicopters are necessary to move bulky and cumbersome equipment into the areas concerned.

Mr. Chairman, the point I am trying to make here is that currently the State of California serves as the lead agency in the maintenance and expansion of these wildlife populations. It is a fact that the Park Service has a different charge and mandate under Federal law. If the Park Service is able to veto access to these areas on the part of State agencies or voluntary groups, we are very concerned that the preservation of species involved could indeed be cut off and undermined.

I will repeat to the Members, it was in 1978 when the Oregon Pipe National Monument in Arizona was designated as a wilderness. There were a number of wild guzzlers in the wilderness. Since then, all those guzzlers have been phased out in accordance with park policy. We are trying to make absolutely certain that such arbitrary action does not take place and undermine the conservation and preservation of these endangered species. I think it is important for Members to know that conservation groups such as Quail Unlimited, the Desert Wildlife Association, the Wildlife Federation, the Society for the Conservation of Bighorn Sheep as well as others support our position.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, the following preservation and conservation groups support essentially our position; that is, to make sure that these lands are managed in the future as they have been in recent years.

Those groups include the following: Conservation groups such as Quail Unlimited and the Desert Wildlife Association.

□ 1800

Mr. VENTO. Mr. Chairman, if the gentleman will yield, the gentleman has constantly referred to the Park

Service management, but this amendment has nothing to do with the National Park Service. It has to do with the Hunter amendment, the slightly perfected Hunter amendment by the gentleman from California [Mr. McCANDLESS], and the amendment that I have to deal with the Bureau of Land Management and its management of Federal lands for which it is responsible.

The real issue here is not one of whether or not we are going to have mechanized use. And it would permit the wildlife management activities within BLM wilderness.

In fact, the illustrations that our colleague showed us here is, in fact, the existing circumstances where BLM has a voice. The fact is, if you want to do something about that canal, you had better fence it in, because it is going to happen again. You are going to see more deer floating in there, no matter what language you put in these amendments.

In accordance with the policies we all agree there is going to be mechanized use. We are talking about a policy that works in Arizona. We are not talking about a National Park Service unit.

But what the essence of this amendment is, it takes the Federal Government out of the loop. Here we have Federal lands, BLM wilderness lands, and you are just taking them out so you have the State of California that would not have to consult. It would not have to occur with the Federal land management. That is the essence of what this amendment is about. Therefore, the Vento amendment ought to be adopted, which keeps the status quo rather than creating a separate standard for California as we have with the rest of the Nation.

Mr. LEWIS of California. Mr. Chairman and my colleagues, let me say that there are four Members of Congress who represent these territories. Those Members have been essentially kept out of the loop here in the whole process whereby the committee worked its will.

It is very apparent to us the Park Service policies have not worked in Arizona in terms of concerns that we have about preserving these wildlife. We want to make certain that as these lands are managed by a combination of Bureau of Land Management, the Park Service, and hopefully some involvement of the State Department of Fish and Game, that it will be different than the story that has developed in Arizona.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me say to my colleague, the gentleman from Minnesota [Mr. VENTO], why do we want to fix something that is not broken? The State of California, with the wildlife groups, maintains this.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. LEWIS of California was allowed to proceed 3 additional minutes.)

Mr. LEWIS of California. I am happy to continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, this system that these volunteers in California, with the wildlife, the Fish and Game Commission, have developed, works. Now, the doggone system the Feds have put in place in Arizona does not work where they have hay wagons bringing equipment out. The system that we have in place in California works. We have quadrupled the bighorn sheep herd on these areas that now are going to become wilderness. As they become wilderness, the same Federal managers who have vetoed vehicular access to these watering-hole sites will be on the job. They will be, I think we can anticipate, vetoing the State going in in certain areas with motorized vehicles to keep these water holes open. That is what results in game coming down to the Coachella Canal and dying, wearing their hooves out trying to get out of the canal.

This sense in Washington that we have that nobody knows anything except the Federal managers is wrong. We have people doing this work for free in California, not costing any Federal taxpayer dollars, and the amendment that I offered with the gentleman from California [Mr. McCANDLESS] that was passed by, I believe, 380 to 0, allows our people to have continued access.

Vote against Vento.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding so I can respond.

First of all, the policies which have been developed which developed these guzzlers were done with the concurrence of the BLM, with the concurrence of the Federal land managers.

What happens in the status quo is the Hunter amendment, as slightly modified by McCandless, has the same basic law in terms of excluding consultation with the Federal Government. They are going to go ahead without approval, and the fact is that the gentleman from California [Mr. LEWIS] says four of you represent the desert.

Well, all of us represent the public lands in this body. Four hundred thirty-five of us represent the BLM. So I appreciate the concern of the gentleman for his constituents that live close to those public lands.

We want to do what is right. But the question is: Excluding the National Government from having a voice on lands that are under its control is a formula for a problem. It is a formula for a problem.

Mr. LEWIS of California. Reclaiming my time if I might, I understand the gentleman's point. But I would suggest that in no way, shape, or form have we even begun to make a dent in arbitrary way in which this bill was handled in your committee.

I mean, clearly it is apparent that Minnesota knows a lot more about the desert than people who come from California.

But in turn, it is very important that people realize that in terms of this amendment which has just been unanimously passed by the House, and in fact the gentleman, I believe, voted for it. The gentleman voted for the amendment, I believe.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Yes. I have no objection to the gentleman from California [Mr. HUNTER] having his amendment put in the shape he wanted. The amendment was marginally better with the addition, but it still has the same basic flaw.

As far as the gentleman knowing something about the desert, I make no apologies for that. The fact of the matter is each of us in this body specializes in land use and other types of issues, just as the gentleman does in other areas of expertise. While I want to listen to the gentleman and I have sat here and listened for quite some time, I also think we ought to be talking about what this amendment does. This amendment takes the BLM out of the loop in terms of being involved in making decisions on the Federal lands.

You cannot classify lands, you cannot put the BLM in charge, and then withdraw them from the decisionmaking process. That is what the gentleman's amendment does.

The Vento amendment goes for a proven policy, one that we are using in Arizona in which we have transplanted an increase in bighorn sheep population. The gentleman's amendment defeats that.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I would like to call to the attention of the subcommittee chairman my amendment which was passed.

We are not taking anybody out of the loop. My amendment said that populations and habitats to support such populations may be carried out within wilderness areas designated by this title, may be. What we are saying here is if they are carried out, then we shall be able to use motorized vehicles by the appropriate agencies for that purpose.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, any my colleagues, I did have originally about a 5-minute statement, and with a combination of the order of the House and otherwise, I have not quite completed that statement.

Mr. Chairman, if any of you in your districts have been treated by way of your constituency as we have been treated by the committee of the House that handled this bill, you would be outraged.

The fact is that none of the four Members who represent the desert territories have been consulted in this process. It is very, very apparent that the committee has a preconceived notion as to the way the desert world ought to work, and the people who represent the desert essentially be damned. If you were treated in this fashion in the majority, there would be a revolution going on around here.

Mr. Chairman, I must say, and Members, while you have been more than courteous with your time, what we are attempting to do in this amendment is essentially to undermine current policies that are working very well on behalf of those animals that are currently threatened in the desert environment.

The presence of water sources created by man, the use of voluntary groups and the State agencies that have been so effective will essentially over time by excluded if the Vento amendment is passed.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will try to do this quickly.

Mr. Chairman, this amendment is fundamental to the Federal stewardship of Federal wilderness lands. The purpose of this bill is to convert lands that are currently under BLM jurisdiction to BLM wilderness lands.

What are colleagues on the other side of the aisle would do is to have you throw the Federal Government off the very lands over which it has title and jurisdiction. They would do so, and to make the wilderness in California essentially a second-class wilderness.

This is not done in Idaho wilderness, this is not done in Montana wilderness, this is not done in Colorado wilderness, Arizona wilderness, Utah wilderness, or any of the other wildernesses created in this country.

☐ 1810

The fact is that this amendment, the Vento amendment, is needed to provide for stewardship and management of those lands, of the habitat, and of the wildlife of those lands. The fact is that this amendment was never offered in committee. The fact is the author of this amendment never discussed it with the chairman of this committee or any other Member representing this area has ever discussed this with this member of the committee. I would hope that you would understand how important this is.

Mr. VENTO's amendment, Mr. VENTO's amendment preserves the right of the State of California with respect to its being the lead agency with respect to fish and wildlife, and it allows motorized vehicles, whatever is necessary to preserve those guzzlers. Everybody agrees on a bipartisan basis that these guzzlers would be preserved. I would hope you would vote for the Vento substitute.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I will just take a minute. My friends, we are passing a desert act, that is fairly clear; but it is also clear we should proceed with common sense. Last week when we had an amendment offered to allow the border patrol and drug enforcement agencies to take motorized vehicles into the wilderness area, we did not say, "Stop, the wilderness is pristine, so we are going to allow drug dealers to use these as safe havens to move cocaine." We said we allowed Federal, State, and local agencies to go into these wilderness areas. By the same token, we are allowing here State agencies to go in and save the desert bighorn sheep population just like we have been doing for the last 20 years. As the gentleman from California [Mr. LEWIS] said, you have got this deer that is treading water in the Coachella Canal and that represents what will happen when you get a turf war between the Federal agency and the State agencies as to "can you take vehicles in?" And the State boys who say, "We want to take them in to save the wildlife populations."

Vote for common sense. Let me say if you just voted "yes" on the Hunter-McCandless amendment, and everybody voted "yes" on that amendment, including Mr. VENTO, the Vento amendment guts what you just voted "yes" on. If you just voted "yes," you need to vote "no" on the Vento amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding.

The gentleman from California [Mr. MILLER] says this system does not exist in any other State. But the Federal Government is taking under this bill 8 million acres. You could put 5 Eastern States in those acres.

Mr. MILLER of California. These are already Federal lands.

Mr. CUNNINGHAM. They are not——

Mr. MILLER of California. They are not taking it from anybody. These belong to the taxpayers.

The CHAIRMAN. All debate will be handled through the Chair.

Mr. CUNNINGHAM. I thank the Chairman.

Mr. Chairman, there are existing systems in which State agencies—we are not asking for mass populations to invade the desert, we are asking for State agencies, fish and game, which are today now servicing those water areas, to continue to be allowed to use motor vehicles to those. That is all this amendment does.

Mr. VENTO's amendment guts that and allows the Federal Government to override what the State is already doing.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I disagree. The Federal amendment maintains the status quo. Just like we did last week with respect to law enforcement, it does not make sense to designate these lands wilderness and then take the BLM out of having any voice in what happens and hand it over to the State. No one knows what the Federal Government, you know, will do; I think they are going to make prudent judgments in this case as they have in the past when you put guzzlers in.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. MFUME. I thank the gentleman for yielding.

Mr. Chairman, let me say to the four Members from California on the other side of the aisle that they have made a rather compelling and convincing argument and many of us on this side of the aisle would like to vote with them. However, as the argument goes on and because of its unending nature, that momentum is shifting the other way.

So, I would advise Members on that side that perhaps they would want to call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO] as a substitute for the amendment offered by the gentleman from California [Mr. HUNTER], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 189, not voting 67, as follows:

[Roll No. 233]

AYES—183

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Cramer
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Frank (MA)
Franks (CT)
Franks (NJ)
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Klein
Klink
Klug
Kreidler
LaFalce
Lancaster
Lantos
Levin
Lewis (GA)
Long
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Oxley
Pallone
Pastor
Peterson (FL)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reed
Regula
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sanders
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Swift
Synar
Thompson
Tucker
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Waters
Watt
Waxman
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—189

Allard
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Gallegly
Gallo
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lambert
LaRocco
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Manzullo
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mfume
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Ortiz
Orton
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Portman
Poshard
Quillen
Quinn
Rogers
Rohrabacher
Rose
Rowland
Sangmeister
Sarpalius
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thurman
Torkildsen
Torres
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)

NOT VOTING—67

Andrews (TX)
Baker (LA)
Barton
Blackwell
Carr
Clay
Collins (MI)
Cooper
Coppersmith
Danner
DeLay
Dingell
English
Flake
Ford (MI)
Ford (TN)
Frost
Furse
Gingrich
Glickman
Green
Gutierrez
Hansen
Hayes
Hochbrueckner
Inhofe
Kennedy
Kleczka
Kopetski
Lehman
Lewis (FL)
Lowey
Machtley
McCurdy
Neal (NC)
Owens
Packard
Payne (NJ)
Pelosi
Pryce (OH)
Rangel
Ravenel
Reynolds
Ridge
Roberts
Rostenkowski
Roth
Royce
Sabo
Santorum
Slattery
Snowe
Stupak
Sundquist
Swett
Thomas (WY)
Thornton
Torricelli
Towns
Velazquez
Volkmer
Washington
Wheat
Whitten
Wise
Young (FL)
Zeliff

□ 1833

The Clerk announced the following pairs:

On this vote:

Ms. English for, with Mr. Barton of Texas against.

Mr. Rangel for, with Mr. Roth against.

Mr. SANGMEISTER and Mr. TORRES changed their vote from "aye" to "no."

Mr. POMEROY changed his vote from "no" to "aye."

So the amendment, as amended, offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HUNTER] as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will designate title II.

The text of title II is as follows:

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated May 1994 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the

Park and the Director of the National Park Service, Department of the Interior.

WITHDRAWAL

SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

GRAZING

SEC. 207. (a) The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

Mr. SCHAEFER. Mr. Chairman, I rise today to express my concerns about a particular aspect of H.R. 518, the California Desert Protection Act. As you know, this legislation will designate nearly 8 million acres of desert wilderness throughout California. My comments here involve only a small portion of the legislation—a few tiny acres.

One of my Colorado constituents, Luther Eggertsen, owns the mineral rights to the Lucky Mine, located within the proposed Mojave National Park. As I understand it, access to this mine was included in the Senate-passed California desert bill, S. 21, through the inclusion of a cherrystem of the current access roads to nonwilderness property. This would ensure that access to the area is not in any way impeded by the new wilderness designation. I am including a copy of the correspondence I have received from Mr. Eggertsen in this regard.

LUTHER E. EGGERTSEN,
Englewood, CO, May 11, 1994.

Hon. DAN SCHAEFER,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

Re H.R. 518. Lucky Mine and Old Dad Mine, WSA [CDCA-243] Unit of Mojave National Park Boundary and Wilderness-Proposed. M-10.

DEAR REPRESENTATIVE SCHAEFER: Reference is made to my correspondence and enclosures of September 30, 1993 and February 9, 1994, all with regard to the "cherry-stemming" of the Lucky Mine and its access roads out of the proposed National Park/Wilderness as the subject items appear in HR 518 and S21. We have proposed that in consideration of the "cherrystemming" of the Lucky Mine and its access roads out of the Park and Wilderness, the mining claims covering the Old Dad Mine would be quitclaimed to the United States and the 2½ mile east-west access road to that mine could be closed. Our proposal has passed the Senate with S21.

It is my understanding that HR 518 will make it to the floor of the House this next week. It is of vital importance that this matter be given immediate consideration such that if HR 518 is passed it will include our proposal. Your assistance is earnestly solicited.

The following statement of facts will, perhaps, shed additional light on my client's (Idora Silver Mines, Inc.) proposal:

LUCKY MINE (GOLD/SILVER QUARTZ VEIN DEPOSIT)

1. The Lucky Mine is a "major gold mine" according to the U.S. Bureau of Mines.

2. Significant production of gold and silver ore has occurred since its discovery in 1937 according to published U.S. Government reports.

3. The Lucky Mine has not produced for several years because of the low price of gold and inadequate financing of the mining operations.

4. Present gold prices provide justification for beginning operations. Sampling and assaying provide additional motivation. Mining operations will commence only if sufficient reserves are found.

5. Access roads have been used since operations began in 1938.

6. Both the Lucky Mine and the Old Dad Mine used the 4 mile NW-SE access road which remains in use today.

OLD DAD MINE/(IRON)

1. The Old Dad Mine has been classified by the U.S. Bureau of Mines as a "principle ore body" with estimated reserves of 500,000 tons having a value in 1956 of $17,000,000.

2. At the present time, because of the depressed iron ore market, it is not economically feasible to start operations at the Old Dad Mine. This could change at any time, however,

3. There is no question but what operations, if started, would be "open-pit".

4. The Old Dad Mine and its access roads of 6½ miles have been "cherrystemmed" out of the Park/Wilderness.

PROPOSAL

We propose that the Lucky Mine and its access roads be "cherrystemmed" out of the Park/Wilderness (see attached plat), and in consideration therefore the FE lode mining claims covering the Old Dad Mine would be quitclaimed to the United States. This will foreclose any future development of the Old Dad Mine and permit the closing or removal of the short easterly 2½ mile access road to that mine.

The net effect of this proposal is:

1. To remove a potential major open-pit mining operation from the proposed Park/Wilderness and provide for the "cherrystemming" out of the Park/Wilderness and underground quartz vien gold/silver mine and its access roads;

2. To remove from Park/Wilderness a potentially expensive acquisition. If The U.S. Government should decide to acquire the Old Dad Mine it would be faced with a cost that might run as high as $50,000,000 in 1994 dollars. It could go even higher if ongoing inflation and the development of new reserves are taken into consideration; and

3. To provide the Park/Wilderness with a substantially better long-term management situation.

There is no question but what the Lucky Mine and the Old Dad Mine mining claims will withstand a "validity" examination. Accordingly, absent approval of our proposal we would have to consider filing applications for patent which will in the long run frustrate the Wilderness/Park objectives and purposes as well as ours.

The House measure does not include a similar cherrystem. In my opinion, this is a severe shortcoming. Having been heavily involved with the development of Colorado's recent wilderness legislation, I am quite familiar with the problems associated with not taking into account the real difficulties created by wilderness inholdings. Not incorporating access to the Lucky Mine and similar property inholdings will lead to an endless grind of paperwork, litigation, and public relations nightmares for the National Park Service employees tasked with managing the area.

This is not an idle speculation on my part. One need look no further than my State of Colorado for examples of the additional costs involved with not ensuring access. On numerous occasions, inholders have threatened development of their properties, even using helicopters to ferry in building materials. Such behavior is much more distressing to the community than if the inholding were recognized at the front end of the process and access incorporated into the legislative package.

I am hopeful that my California colleagues will take a lesson from our past experience in Colorado. In this specific case, it means the simple addition of a cherrystem on a map to ensure continued access to the Lucky Mine. If this step is not taken now, with a minimum of effort, the cost of ensuring this legal access may take its toll on both the mine owners and the Federal Government.

A poor result can be easily avoided at this point. As the California Desert Protection Act moves to a conference committee, I urge my colleagues to keep this in mind.

Mr. DE LUGO. Mr. Chairman, I rise in support of H.R. 518, the California Desert Protection Act and in opposition to any amendments that would weaken it. I want to also commend my colleagues on the Natural Resources Committee, in particular the chairman of the committee, Mr. MILLER, as well as the chairman of the Parks and Public Lands, Mr. VENTO, and the chief sponsor of H.R. 518, Mr. LEHMAN, for their tireless efforts and leadership in bringing this important bill to the floor today.

Mr. Chairman, H.R. 518 was reported out of the Natural Resources Committee, on which I serve, on May 4. It is similar to bills which have been under consideration by the Congress since 1985. During the 101st Congress, the Natural Resources Committee held numerous public hearings on this issue, including three field hearings in California, where we heard from no less than 600 witnesses. On the bill before us today, our committee held six hearings.

If enacted, H.R. 518 would formally protect nearly 8 million acres of desert wilderness in the southeastern quarter of California. The bill designates 71 wilderness areas on Bureau of Land Management [BLM] lands, establishes three new national parks, and designates wilderness areas within these parks. Over 6 million acres of BLM lands in the California desert are already being managed as wilderness study pending formal authorization by the Congress.

The California desert area, Mr. Chairman, spans some 25 million acres. it is a home to some 760 diverse species of wildlife including the endangered desert tortoise and the bighorn sheep. It also boasts the oldest known living organism, as well as the world's largest Joshua tree forest and over 700 species of flowering plants.

During the last Congress, our committee reported similar legislation which would have designated over 8 million acres of wilderness in the California desert. That bill passed the House by an overwhelming margin, but unfortunately, did not become law. This year, for the first time, the Senate through the efforts of Senator FEINSTEIN, approved legislation to protect the California desert.

I urge my colleagues not to let this opportunity, to finally achieve protection of this sensitive and magnificent area, pass us by. H.R. 518 represents a very balanced compromise between preservation of the California desert and continued private use. It is a good bill and worthy of our support. I ask my fellow Members to join me in supporting its passage and to reject any amendments that would seek to weaken it.

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. UNSOELD) having assumed the chair, Mr. PETERSON of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, due to weather conditions in Illinois, I was delayed in returning to Washington. As a result, I was not present for rollcall No. 232, the McCandless amendment to H.R. 518.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. COPPERSMITH. Mr. Speaker, I was unavoidably detained en route back to Washington on June 13, and on rollcalls 232 and 233, had I been present, I would have voted "aye" on both rollcalls.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was away on official business and was not present for rollcall 232 and rollcall 233. Had I been here, I would have voted "yea" on 232 and "nay" on 233.

PERSONAL EXPLANATION

Mr. KLECZKA. Mr. Speaker, I was unavoidably detained for rollcall votes 232 and 233. Had I been present, I would have voted "aye" on both.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was away from the floor on Monday, June 13, 1994. Had I been present, I would have voted "aye" on rollcall 232, the Hunter amendment to H.R. 518; "no" on rollcall 233, the Vento amendment to H.R. 518.

APPOINTMENT AS MEMBER TO NATIONAL EDUCATION GOALS PANEL

The SPEAKER pro tempore laid before the House the following appointment of a Member to serve on the National Education Goals Panel:

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 13, 1994.

The Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 202(b)(3)(D), Public Law 103-227, I hereby appoint the following Member of Congress to serve on the National Education Goals Panel:

Representative William F. Goodling of Pennsylvania.

Sincerely,

BOB MICHEL,
House Republican Leader.

□ 1840

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. UNSOELD). Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FREE ENTERPRISE, PRIVATE OWNERSHIP OF PROPERTY AND INDIVIDUAL FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the Friedman magazine is the monthly publication of the Foundation for Economic Education. I think it is one of the finest publications dealing with economic and political issues available on the current political scene today. Certainly, it is an organization and a magazine which promotes those things which made this country great: Free enterprise, the private ownership of property and individual freedom.

After all, that is what most debates in this Congress boil down to, a debate between those who favor the people and more freedom for them and those who favor the Government.

In the current issue of the Friedman magazine, Mr. Lawrence W. Reed, who is the president of the Mackinac Center for Public Policy, a free market research and educational organization headquartered in Midland, MI, has an outstanding article. I would like to read a portion of this article into the RECORD at this time.

> Politicians love to promise the future and ignore their own handiwork of the past. They typically spend much more time concocting new schemes for intervention than they spend searching for old ones that deserve to be repealed.

How true that is. I was a lawyer and a judge before I came to Congress. We have so many millions of laws and rules and regulations on the books in this country today that no computer can keep up with all of them, much less a human being. That is certainly one of the points made by Mr. Reed.

He goes on to say several things that I think are worth repeating.

> What really deserves our attention are those specific barriers to economic opportunity erected by government—regulations, taxes, licensure laws, unfunded mandates, building and zoning codes, special privileges for organized labor, subsidies to business, chronic budget deficits that consume needed capital, a welfare system that puts a premium on idleness and a penalty on work, and an education monopoly that fails to teach children as it vacuums their parents' wallets, to name a few.
>
> Each 1 percent increase in the Federal tax burden, report economists William Dunkelburg and John Skorburg, results in a 1.8 percent decline in national output and a 1.14 percent decline in national employment—a loss of about 1.5 million jobs.

I would like to repeat that estimate by these economists: Each 1 percent increase in the Federal tax burden results in a loss of about 1.5 million jobs.

> A study from the National Center for Policy Analysis points out that a 1 percent decrease in the tax rates on all savings and investment income would generate enough new investment to increase the Nation's output by $25 billion.

So a 1-percent tax increase results in the loss of about 1½ million jobs.

Madam Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Madam Speaker, I think the gentleman for yielding. He is one of the most astute Members of the House.

I think that his point is a point that should not be lost on this Congress or any Congress, and that is that if the private sector keeps a few bucks in their pocket and does not have to give it to Uncle Sam in the case of increased taxes, they can use those dollars to buy machinery, hire more people. And those people that they hire will then be paying income to the Federal Government. They will be paying withholding taxes. It would make the entire economy expand by cutting taxes and letting free enterprise create a few jobs.

I thank the gentleman for bringing this very important issue to us this afternoon.

Mr. DUNCAN. I thank the gentleman from California. He makes an important point, because all money that we can leave in the private sector, most economists estimate will create about two-and-a-half times the number of jobs created by government.

I remember a few months ago, when we had the so-called jobs bill that the President set forth, and by the administration's own estimates, it was going to create 219,000 jobs but 144,000 of those jobs were temporary summer jobs. And even those temporary summer jobs were going to cost $89,000 each.

One of the things that disturbs me the most about the President's health plan, Time magazine, a few months ago, had an article that said, prognosis, lost jobs. And they said the administration itself has an internal working paper that estimates that if the President's health plan goes forward or some version thereof, that it could cost as many as a million jobs lost over the next 5 years.

Some estimates, as you know, are even higher. But I do not think that we should be passing any law in this Congress that is going to destroy a million jobs over the next 5 years. I am sure that the gentleman shares that opinion.

But this article that I have referred to today, it continues in vain. It makes some points that I think are worth making at this time.

Mr. Reed says:

> That dozens of studies have shown that excessively restrictive zoning laws, building codes and property taxes constitute the greatest obstacles to affordable housing for the poor. Minimum wage laws, by making it illegal to employ people whose skills are worth less than Congress decrees, keep hundreds of thousands from getting a start in the job market. Endless regulations designed to curtail entry into markets from trucking to taxis freeze out many a would-be entrepreneur from creating new businesses.

I think that is such an important point. Big government helps those with power and influence and wealth. But big government hurts the poor and working people of this country worst of all.

Mr. Reed goes on:

> I'm not talking about basic laws which prevent or punish harm to others. I'm talking about the primary social disease of our age—government beyond its proper bounds, playing Robin Hood, Santa Claus and Mother Hen all at the same time, inflicting real damage to real people who have victimized no one. Economists, at least, are increasingly taking a critical eye to such policies.

Madam Speaker, I include for the RECORD the article from which I have quoted.

ECONOMIC OPPORTUNITY NEEDS A MORAL DIMENSION

(By Lawrence W. Reed)

In this Congressional election year, expect to be barraged with rhetoric about "getting America moving again," "creating jobs, jobs, jobs," and "stimulating the economy.

Politicians love to promise the future and ignore their own handiwork of the past. They typically spend much more time concocting new schemes for intervention than they spend searching for old ones that deserve to be repealed.

What really deserves our attention are those specific barriers to economic opportunity erected by government—regulations, taxes, licensure laws, unfunded mandates, building and zoning codes, special privileges for organized labor, subsidies to business, chronic budget deficits that consume needed capital, a welfare system and puts a premium on idleness and a penalty on work, and an education monopoly that fails to teach children as it vacuums their parents' wallets, to name a few.

Each 1 percent increase in the federal tax burden, report economists William Dunkelburg and John Skorburg for the Cato Institute, results in a 1.8 percent decline in national output and a 1.14 percent decline in national employment—a loss of about 1.5 million jobs. A study from the National Center for Policy Analysis points out that a 1 percent decrease in the tax rates on all saving and investment income would generate enough new investment to increase the nation's output by $25 billion.

Dozens of studies have shown that excessively restrictive zoning laws, building codes, and property taxes constitute the greatest obstacles to affordable housing for the poor. Minimum wage laws, by making it illegal to employ people whose skills are worth less than Congress decrees, keep hundreds of thousands from getting a start in the job market. Endless regulations designed to curtail entry into markets from trucking to taxis freeze out many a would-be entrepreneur from creating new businesses

I'm not talking about basic laws which prevent or punish harm to others. I'm talking about the primary social disease of our age—government beyond its proper bounds, playing Robin Hood, Santa Claus, and Mother Hen all at the same time, inflicting real damage to real people who have victimized no one. Economists, at least, are increasingly taking a critical eye to such policies.

It must be understood, however, that economic analysis will not by itself make the case for ridding ourselves of these man-made obstructions. It is powerful, but still not enough, to simply tote up the numbers and show how many jobs are erased by particular actions of government. It is not enough to produce graphs and models that plot the fluctuations in Gross National Product.

What is sorely needed in the discussion is a recognition of the moral backwardness that so many of these barriers to economic opportunity represent. Dismantling the barricade requires that we who advocate freedom of enterprise seize the high ground. We must appeal to what most people instinctively know is right, not just what makes the cash register sing. We must learn to speak of the deleterious actions of government in terms of trampled rights, broken dreams, and ruined lives.

For instance, when the city of Detroit in my state imposes—as it does—a tax burden that is seven times the average burden in Michigan municipalities, that is not simply bad economics. It is an affront to every citizen of that city who wants the best for his family, who wants simply a chance to be productive. Those high taxes should evoke visions of hungry children, of a boarded-up business that was once someone's dream, of homes torn apart because of the breadwinner's inability to pay the bills of irresponsible politicians.

In case a reader might think I'm dealing in generalities, let me provide a very specific example—also from my state of Michigan. As is the policy in 41 other states which regulate the business of trucking, the "authority" to haul goods within the state is granted by state government. The Michigan Public Service Commission is empowered to determine who can be in the trucking business, what goods they can and can't transport, where they can haul them, and what rates they can charge their customers. Doing business as a Michigan trucker means playing an elaborate and costly game of "Mother, May I?" with state bureaucrats—filing forms and begging permission every step of the way.

The regulatory apparatus is not designed to protect the public from any harm. Rather, it is a means by which some of the regulated firms discourage newcomers and keep rates artifically high. One company, known as Federal Armored, Inc., ran afoul of these rules recently. A Public Service Commission ruling stripped the company of its right to do intrastate business in Michigan, resulting in its severance of more than 160 employees.

There were no public health or safety questions involved, no alleged fraud, and no complaints against Federal Armored by any of its customers or employees. The company's "crimes" boiled down to nothing more than charging customers less than the fixed rate and failing to file worthless paperwork with state regulators. The PSC itself brazenly asserted, "the absence of shipper objection . . . is irrelevant to Federal Armored's fitness" to do business in Michigan!

Why is it that people who go to work for government as officeholders or bureaucrats are known as "public servants"—even when highly paid? Why isn't "public servant" a term reserved for those entrepreneurial heroes in the private sector who create jobs, invent machines, cure illnesses, building businesses, serve customers, and pay the bills of government through their taxes? When the barriers erected by "public servants" crush the self-reliance of citizens like those at Federal Armored, where is the outcry of righteous indignation from the public or the press?

What regulators did to Federal Armored—and what countless other acts of government may inflict upon people every day—is morally repugnant. Such deeds are throwbacks to less enlightened times when the common thief and the uncommon prince were indistinguishable but for their robes.

The campaign to restore our liberties and enhance our economic opportunities must incorporate a personal, moral dimension at its core. A law which suffocates the aspirations of enterprising men and women is more than bad economics. In a free society, it ought to be a moral outrage.

TRIBUTE TO EDWARD WHITE, CHIEF CLERK OF THE HOUSE REPORTERS OF DEBATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Madam Speaker, with the retirement last March of Edward White, Chief Clerk of the House Reporters of Debates, a 29-year history of Government service came to an end. If his absence from the front desk has been little noted in the past weeks, it is probably because Ed insisted on having a smooth-working, well-trained staff that could function under any circumstances.

A native of Newton, MA, Ed attended St. Bonaventure College in western New York State. During the Korean conflict he served with the U.S. Army in Germany, where he learned to drive a tank. What was so remarkable about that, he recounted, was that when he was assigned the tank, no one thought to inquire whether he had received any training in tanks. He had not, so he became a true rarity—a self-taught tank operator.

After the Army, Ed followed a career in hotel management, mainly in the Washington, DC area, and in 1965 he was appointed as one of the Clerks to the Reporters of Debates. In 1980, he became Chief Clerk.

Nothing is truly unique, they say, but the position of Clerk and Chief Clerk to the House Reporters of Debates comes close to being the exception. In the production of the CONGRESSIONAL RECORD, the Clerks are a universal liaison between and among the Members, the Reporters of Debates, the Government Printing Office, the Parliamentarian and his staff, and staffs of Members and of committees, as well as key personnel on the front desk.

It is almost as though the new term, "Information Highway," had been coined with the Clerks in mind. The Clerks' position is one of those that looks so easy. But it is not. It demands a high degree of concentration, the ability to make split-second decisions, a working knowledge of parliamentary procedure, and the capacity to work under pressure during the busiest legislative sessions.

Ed has always been fascinated by politics, but he has had no political, aspirations himself. He is a voracious reader, and the Boston Red Sox will certainly now reclaim one of their most loyal disciples for Ed and his wife, Pat, plan to make their home in the Cape Cod area. They have two sons Teddy and Patrick, who are now or will also be residents of Massachusetts.

Madam Speaker, for his long and valuable service, the House owes thanks to Ed White. He fulfilled his duties with such devotion and care over the years, that he truly set the standard for excellence in a position that calls for expertise, but offers little in the way of glamour.

□ 1850

DECEPTION IN CRIME LEGISLATION

The SPEAKER pro tempore (Ms. SHEPHERD). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. TAYLOR of North Carolina. Madam Speaker, I am here tonight to speak about a subject that I think is bothering constituents all over the United States. In a single word, that is deception, deception that is tied in to much of the legislation that is enacted in Congress. All Congressmen are not guilty of this deception, and not everyone in the administration is guilty of this deception, but it is widespread enough that the public feels frustrated, and it is the thing that is turning them against voting. It is the thing that destroys the trust they have with their public officials.

Mr. Speaker, let us talk about some of the examples. People will go to the election and hear politicians speak about A, and how important it is to work for A, and they vote for them to get A, and then when they come to the House they see them voting and they get B.

The recent crime bill is a good example. What do people in this Nation want? Why is crime such a top priority for the people in this country? If we read last month's National Review, they go over a variety of statistics. Those statistics start by saying "The average time for a list of crimes has been reduced dramatically in the last 30 years."

For instance, a crime committed in 1962, that identical crime today, you would be 90-percent less likely to serve time for that identical crime as you would have been in 1962; that 40 percent of all crimes are plea-bargained from the beginning; that 70 percent of all crimes are reduced, the sentence or the crime itself is reduced before sentencing; that for armed robbery, they had a period of time of 3 to 6 days; car theft, 3 to 6 days. The average time spent for rape was less than 6 months, and the average time spent for murder was less than 2 years.

We know, Madam Speaker, that two-thirds of all crime is committed by repeat offenders. We know almost 70 percent of all violent crime is committed by roughly 7 percent of those repeat offenders and those violent criminals.

Knowing all of those statistics, the fact that the great portion of crime is repeated over and over again, that people see light sentences that have evolved over the last 30 years, sentences that really are meaningless, in fact, it puts a whole sense of hypocrisy about the three strikes and you're out.

People certainly want folks to be incarcerated after a period of time, but the National Review article points out that their study showed that people who commit a crime and are convicted of that crime usually have committed between 7 and 9 crimes prior to that. Those crimes were either pled down or dismissed or perhaps the criminal was not caught.

In that case, instead of 3 strikes and you're out, you really would have to say 27 strikes and you're out, if you follow that review.

Mrs. SCHROEDER. Madam Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I want to compliment the gentleman for bringing this up. I think the gentleman's statistics are correct vis-a-vis the apprehension of criminals, but I hope the gentleman is not implying we are not doing anything about it.

I think one of the most exciting things that happened was the April 20 signing of the memorandum of understanding between the Department of Justice and the Department of Defense to try and get some of this equipment transferred from defense to law enforcement, because law enforcement basically has no more tools than Wyatt Earp had except that they have a car rather than a horse.

Madam Speaker, I think that is the type of thing we are trying to do in the crime bill, and trying to do on this side of the aisle. I hope the gentleman would be applauding that, because our law enforcement people tell us that is long overdue, and they have been waiting, where have we been.

Mr. TAYLOR of North Carolina. Madam Speaker, that is a mere Band-Aid for the need that is out there. I do certainly support the efforts to give law enforcement officers the tools with which to fight crime. However, if we talk to law enforcement officers, they are frustrated about what the so-called crime bill has done. Law enforcement officers, policemen on the street, I talked with district attorneys, and the National Association of District Attorneys have spoken out on it. Let us see why it is. It goes back to the heart of what we are talking about in the area of deception.

Madam Speaker, I would like to unfold the case altogether, and then the gentlewoman may see where there would be opportunities for her to make suggestions.

Mrs. SCHROEDER. Madam Speaker, if the gentleman does not mind, I would appreciate that. That would be very good.

Mr. TAYLOR of North Carolina. Madam Speaker, the crime bill itself was brought forward, I think, because crime was, as I indicated, a high priority on people's minds. If we take that priority, and we in the Legislature who represent those people try to respond to it, how should we be responding? If we go back to the statistics I gave a moment ago, the fact that there has been a gradual eroding of imprisonment, incarceration for violent crimes over the last 30 years, as the statistics I just showed, that obviously the public would be well-served by us focusing in that area, by us focusing in a way that would give them some assurance that they would have a longer sentence for a rapist than 6 months, that they would have a longer sentence for a murderer averaging more than 2 years, that they would have a longer sentence for armed robbery than a matter of days. That, I think, they wanted to see.

Madam Speaker, we did some positive things in the crime control bill, but we did not do the things that we should have done altogether.

Madam Speaker, I would like to talk about one aspect of it in the beginning, some of the good things that are outlined, and they were put in mostly by amendments. Some of the amendments were defeated.

The three strikes and you're out were toughened from the original bill. While it is not a solution, it is something that the public wanted, and I think it is something that makes a difference.

Despite the administration's cutting the FBI, the EPA, and the Drug Enforcement Agency, that subcommittee has added almost 1,000 new Border Patrol agents, has increased the number in the FBI, and also has increased it in the other law enforcement areas, which will greatly strengthen law enforcement. It was not in the original bill, it was done inside the Appropriations Subcommittee, not in the original legislation.

Madam Speaker, the amount of money going to police, something close to $3 billion to be used to hire police officers for various community policing programs, is certainly helpful, but it is not what people had in mind, and it certainly is not a significant part of a $28 billion price tag for the crime bill—$3 billion is just a little over 10 percent, and most people thought a great portion of that $28 billion would be used for police and incarceration, and it is not.

Madam Speaker, if we want to look at today's Wall Street Journal, an article by Stephen Moore of the Cato Institute, and I am quoting from it, if I may, Madam Speaker, it says, "Don't look now, but after 18 months in office Bill Clinton is finally going to get his long-awaited fiscal stimulus bill through Congress." This was the stimulus bill they are referring to that was defeated about 18 months ago when it was first presented by President Clinton.

It says, "This year the White House and big-city mayors have used an ingenious market strategy. They call it a crime bill. In fact, it is a well-kept secret of Capitol Hill that this crime bill is the largest urban cash program to come through Congress since Richard Nixon invented revenue-sharing. The current price tag," they point out, is $28 billion over 5 years.

They point out that "The bill attacks a number of areas that have nothing to do with crime." They say that the Federal Government abolished, for instance, the Urban Development Action Grant, the UDAG program of some years ago, because of the wasteful outlay of funds, billions of dollars, they point out, that include building tennis courts and luxury hotels, and yet it says the crime bill is equivalent to adding 10 new UDAG programs, or three new CETA, that is, Federal job training programs, to the budget.

□ 1900

"It's easy to understand the temptation facing the urban lobby. Although more than half of the money in this bill is dedicated to prisons and policemen, much of the rest expands our social welfare programs, the kind which it has been argued contributed to building the kind of society that permits crime in the first place. Unlike most of the great social welfare legislation of the 1960s and early 1970's, this bill does not even make the pretense of starting small."

They point out that almost $10 billion would be earmarked for prevention and rehabilitation programs, "including such proven successful crime busting initiatives as education programs to increase the self esteem of young criminals and provide youth with life skills, funding for cultural programs, arts and crafts, health, education and dance programs."

They go on with the list of programs that are involved in the bill. As Mr. Moore pointed out, some of the program's funds that are being used in this $28 billion will go toward incarcerations and police, but almost half of it, as pointed out here, goes to social programs that have little impact and have been proven to have little impact on crime.

I favor job training, but we have 150 federally funded job training programs now. Adding a 151st does not give me an assurance that it will do much for crime.

Most people do not realize what is in this legislation. We go on and see that another factor in the legislation is the abolition of the death penalty.

I am not just saying this, although I have read it, and I see where if the bill certainly is enforced it will abolish the death penalty. But the National Association of District Attorneys has said, "This legislation with the racial quota sections in it will effectively abolish the death penalty." I would think that the National Association of District Attorneys would have studied this legislation and have a pretty good feel for it. We can go on and explain how this would bring about that change, but I think that fact is evident.

Then we find that if the crime bill abolishes capital punishment and gives 3,800 convicted felons on death row an opportunity for appeal, is that what the American people thought they were getting in this crime bill?

The crime bill also abolishes the mandatory sentencing for drug pushers. There are some 16,000 in the Federal penitentiaries and they say these 16,000 will now have a chance for appeal and a chance for release. And the mandatory drug sentencing will be abolished.

The Attorney General, at her own volition, has already abolished the mandatory action that was involved for using a gun in the commission of a crime. But that was hardly necessary because part of what happens in that area with the use of guns in crimes is that there is no conviction usually which results. In fact, I will go back to the National Review study. They point out that most solicitors, district attorneys, U.S. attorneys will not prosecute where a gun violation is involved. Certainly if they see that they are getting only a matter of days for an armed robbery, then they are not going to spend the court's time prosecuting for someone carrying a gun before they commit an armed robbery. So they point out that there are few, almost no prosecutions and convictions or incarcerations for the use of a gun or carrying a gun violating existing gun laws.

This takes me to another area of deception, and that is in order to push this bill through, in order to push $28 billion in expenditures over 5 years in the name of crime, when almost half of it is being spent for social programs, in order to push a crime bill through that abolishes capital punishment, in order to push a crime bill through that abolishes mandatory sentencing for drug pushing, the presenters of this legislation had to keep your eyes on something. They did not want you to read and study this bill, because I do not think the people of this country would go for this kind of legislation under the guise of crime control.

The deception was in the area of gun control. Now the first presentation in the area of gun control comes with the understanding that you have to accept, and it is not true, but it is put out as a premise that there is no gun control out there, that people are running rampant without any laws dealing with guns. The first thing we know is that there are some 22,000 regulations and laws dealing with guns in this country already.

I recently visited a small store that sold hunting ammunition and shotguns, and I looked at what they had to comply with, and this was before we had passed the crime bill or the Brady bill or any of these other things we have talked about. They had 219 pages of regulations they had to follow. The print is very small for each of those pages. They have to follow that with numerous forms, all of which are criminal acts if they fail to comply with those regulations, and that was to sell what would be regular hunting ammunition, and certainly weapons that are not considered to be other than those to be used for hunting.

In addition to that, I asked our local law enforcement officers about the Brady bill in North Carolina. They say it will be a nightmare for them, and it will probably weaken North Carolina's law. North Carolina has had for nearly 60 years a statute that requires a purchasing permit before you can buy a handgun. To get the purchasing permit you go to the clerk of court or the sheriff, it alternates depending on the local legislation, and request that permit. The clerk, for instance, can give the permit immediately if she knows you, knows your character and background, and that sort of thing, she may issue the permit immediately, or she may take 5 days, or 30 days, or as long as she wants, or never issue it under North Carolina's law that is over 60 years of age.

The authorities tell us now that although there was an effort to exclude State laws in the Brady bill that it is entirely possible that the Federal law will overshadow our State law, and in fact may require the clerk now to produce a permit or not produce it in 5 days, greatly weakening the law that we have had on the statutes for 60 years. That is not a movement in the right direction, and I think that without the funding that we have now where we are bringing about some instantaneous check, the 5-day waiting period was not very useful, but I wanted to point that out to show an effort, well-meaning perhaps, to strengthen a gun law may result in weakening it in one State.

With the numerous gun bills that we now have, the numerous pieces of legislation that we now have on the books that we are not enforcing, is there a need for an additional gun control piece of legislation?

The public perceives that we are doing something about automatic weapons. We are not doing anything about automatic weapons. Automatic weapons have been outlawed since 1934 in this country by a Federal act. The semiautomatic weapons that are used in crime, according to police authorities that I have talked with, are usually adjusted. In other words, they do not come out with a semiautomatic weapon that does not fire automatically at that time. It fires one shot after the other. The semiautomatic weapon is adjusted. You can make mechanical changes in it. People with minimal skills can do that and turn the semiautomatic into an automatic weapon. That is the type of weapon that people see on the street, the street sweepers and these other types of weapons of that nature. But when you make that change from a semiautomatic weapon to an automatic weapon, which most criminals do, you violate the 1934 law. You have committed a felony. Can we make it more illegal? That is what the perception was in the gun control section of the crime bill, was to make something more illegal. But what we are not doing, as I mentioned a moment ago, we are not prosecuting the violations of the gun laws now. Will we prosecute them in the future? We have sufficient legislation now to take the street sweepers off the street, to take most of the so-called what we think of as assault weapons off the street.

There was a poll done with some 3,000 policemen in our State, and 86 percent were not in favor of the gun control bill because they saw it as a useless piece of legislation. They see that we are not enforcing today's gun laws, we are not incarcerating violent criminals, and putting another law that will overlap present gun control laws will not do much for crime. In the legislation itself we have to look back and ask what is an assault weapon.

□ 1910

Well, a rock can be an assault weapon. The weapons that we think of that were listed in the press, I think they said some 19 assault weapons would be taken off the streets. The 19 weapons that were stated in the press to be taken off the street were weapons that, according to law enforcement agents, are responsible for less than a quarter of a percent of the homicides that we now have.

So that if we took them all off the street, and most of them are there illegally anyway. These are not legal weapons that were brought onto the street but a good portion are brought on illegally. If we took them off, it would adjust the homicide rate less than a quarter of a percent, and if, in fact, you convict the person using the weapon of a crime and you go back to the average period of the crime, less than 2 years, what have we done then by adding additional weapons?

If you read the legislation in the crime bill, if you read the legislation you get a definition of what an assault weapon is. There is a list of criteria for rifles. There is a list of criteria for shotguns. If you trigger any two of those criteria, then you have created an assault weapon under the statute.

The Treasury Department says that they have identified something close to 187 weapons now that trigger that assault weapon section of the statute, and they think that is just the beginning. There are many more.

I have three sons. They all are hunters. They all are Scouts. They have had training programs in the use of firearms, and they enjoy hunting. My youngest son has a shotgun. It is a shotgun that he uses for turkey hunting.

When you look it up and look at the criteria for that shotgun, it is an assault weapon. It has a carved handle that is just before the stock, which is one of the criteria, and it holds six shots, which is a second criterion. If it holds more than five shots, then it is an assault weapon. It also has a third criterion, that it does not even need to be an assault weapon.

His shotgun, which he uses for turkey hunting, which is probably a simple form of shotgun as you might find, is an assault weapon.

If you look at the 187 guns already listed, you will find a lot of weapons that are plain hunting weapons that will meet the assault weapon criteria either for shotgun or for rifle. Now, that goes far beyond what most people think was intended in the assault weapon. The press played out 19 basic weapons, some of which are not as dangerous unless they are adjusted. In other words they do not do the rapid firing without an adjustment which violates the Federal law when the adjustment is made.

So I go back to the beginning of my statement: Instead of coming forward honestly with the people, what we are trying to do in the area of crime control, in an area of answering the basic needs proven by the statistics that we need to be very firm in incarcerating violent criminals, that we need to move, justice needs to be fair, but it must be swift, that it is not the feeling of the people of this country to abolish the death penalty as this legislation would, instead of moving in that direction, we have, in fact, created a deception where we do have some valuable parts of it for law enforcement, but we have loaded down billions and billions of dollars in social programs that should not be in this bill, that should be debated outside. They should be debated out in other legislation. They should be approached in the whole area of welfare reform that I hope this body will get to soon.

In the area of gun control, we have baldly, deceptively tried to tell the people that we are providing protection that we are not. We have removed the mandatory sentencing for the use of a gun in a crime, which is probably the best medicine that we would have for preventing use of guns in violent crimes, that we have ignored the fact that there are thousands of regulations and laws already on the books dealing with guns, most of which are not enforced, most of which are not prosecuted, most of which no one ever goes to jail for violating.

In fact, the President made a statement in Congressman SENSENBRENNER's district about a police chief who was killed in a bank robbery, and he used that as an example, and some other people were injured during that fight. That, of course, was very unfortunate. But we failed to tell the American people, and Congressman SENSENBRENNER has pointed out, that the gun used in that assault was not covered in this legislation at all. That was a different weapon, and that the most important thing was the perpetrator or the alleged perpetrator who has been apprehended had been arrested for a gun violation some weeks before and had been released.

In fact, if we had not abolished the mandatory sentencing that was in place at the time, or just prior to that, the perpetrator of that crime or the alleged perpetrator of that crime would be in prison and would not have been there robbing a bank.

So we are trying again through deception to say that if we control firearms in this country, if we will just enact one more gun control act, maybe it will be 22,011, that will be the solution; we are going to try to make it more illegal to use a gun in that particular crime. This is the deception that I am talking about. This is keeping your attention on one side while we put $28 billion of programs, almost half, according to Mr. Moore of the Cato Institute, we would have roughly half of that go to social programs that should never be in a crime bill.

I would like to mention one last item in the area of what I think is where we need to be more straightforward and less deceptive. I am looking at Time magazine. It is the last issue, the D-day issue, that was put out. Inside, four or five pages inside, they have a card that says that they have placed inside the book that says that Time staffers will be on Capitol Hill periodically while the U.S. Congress is in session. The purpose is to inform individual subscribers how their Senators and Representatives vote on key pieces of legislation and to advise readers of future votes, thereby providing them with an opportunity to influence the outcome.

Now, I think publishing how we vote in this body is very important. I wish Time would publish every vote of this Congress. I wish they would put it in a section where people could see it. I wish major newspapers in our districts would do that, not just on a piece every now and then, but a synopsis of each bill and how we vote, but they put a card so that you can write your Congressman about health care, and in that they give you a preference to pick one of the health care plans.

There are seven health care plans before us now ranging from those most liberal, being the McDermott plan, the Clinton, and Cooper plans, over to those that I think are conservative, the Gramm, Rowland, Bilirakis, Michel; Gramm, Rowland, Bilirakis perhaps being on the more conservative side. That is a spectrum. That is reality. I am not saying which one you favor, but I am here to tell you that this magazine in asking you to send to your legislator which health plan you think is most important gave you only the liberal plans. They did not talk about the other plans. You get to pick the McDermott plan or the Clinton plan or the Cooper plan. You do not get to pick anything else unless you write it in on the side somewhere.

Then it talks about welfare, that new programs should be paid for by cuts in aid to legal immigrants. What about cuts in aid to illegal immigrants? We are paying hundreds of millions of dollars in aid to illegal immigrants, and I think that is what people are concerned about. Most people support legal immigration in this country. It is the great flow of illegal immigration that gives them concern.

Now, this presentation in this magazine hopefully is an effort to get people understanding what is happening in government. They cannot understand if they only get the liberal side.

This magazine and other publications owe it the American people to show a full spread of health legislation that is before us and to show the fact that there are other options for legislation. To do otherwise is deceptive.

Now, I will be glad to yield momentarily to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for allowing me to come in with the other side.

But I really want to say I think the gentleman's words about this being deception and other such things are very, very out of line when you look at this bill.

First of all, let me tell you we do up death penalty crimes and procedures. It establishes the death penalty for any number of Federal crimes including first-degree murder, kidnaping, taking hostages, drive-by shootings, carjackings. I am reading out of the bill.

□ 1920

The gentleman did not yield to me. If you would let me finish, I will finish my statement and yield.

Madam Speaker, the gentleman has been castigating this bill as a do-nothing bill.

Mr. TAYLOR of North Carolina. Madam Speaker, I reclaim my time.

Madam Speaker, I would remind the gentlewoman that the National Association of District Attorneys point out that this bill would effectively abolish the death penalty. The fact that we may add extra categories of the death penalty use inside is meaningless if we are in fact abolishing the death penalty with this legislation.

THE SPECIFICS, PROS AND CONS, OF THE CRIME BILL

The SPEAKER pro tempore (Ms. SHEPHERD). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 60 minutes.

Mrs. SCHROEDER. Madam Speaker, I found it very painful to sit here and listen to the distortions about the crime bill. I am on the Committee on the Judiciary, and that committee worked very hard and this body worked hard, very hard, because the American people are tired of the same old crime bills we have seen year after year that did not do the job.

Now, everyone knows we have had crime bill after crime bill after crime bill in this body, and crime has gone the wrong way, it went up instead of down. This year we have put together one of the most thoughtful crime bills around after consulting with all sorts of people, and I think it makes an incredible amount of sense. I am very saddened to see people come down and take pot shots at it and not really want to get into a give-and-take about specifics. They want to give you language, but they do not really want to deal with the specifics.

Let me tell you what is in this crime bill. No. 1, even the gentleman from North Carolina [Mr. TAYLOR] side half of it, half of it goes directly to law enforcement. It goes for prisons and it goes for police. These are very important things to remember.

Now, where does the other half of it go? The other half of it goes directly targeted at those things that communities told us would help prevent crime. You might call them social programs, but I happen to think they are the best crime prevention we have seen. A significant amount of that money goes to police violence against women, violence against women. The gentleman was talking about the rape sentencing not being tough enough; you want to believe that I do not believe that? Of course I believe that. You know what he should do if he wants to do something about that? He should have supported this bill because in this bill we have the Violence Against Women Act, which says States must up the sentencing statistics and sentencing terms of people who create and do violence against women, whether it is rape, domestic violence, or whatever.

Now, that may be termed a social program, but let me tell you what the statistics say. The statistics say that any child who sees violence in the home is 700 times more likely to end up being a violent criminal themselves than a child who does not see violence in the home.

We know that most States have winked at domestic violence and winked at violence against women. So you can call that a social program, but I call that the biggest prevention of violence in the future we could possibly do, and almost everyone who has looked at and studied that agrees.

We also increase the penalties for violent acts against children. We increased the penalties for anybody who is perpetrating violent acts on children. If this society cannot protect its children, what can we do?

I think most people are absolutely for that.

When look at my own State, what were we doing? We spent $300 million in my State for prisons and only $4 million for prevention. There is something wrong with that formula because we cannot build prisons fast enough.

So what do we do in the name of "social programs"? It says here there shall be money available to cities with high crime areas for jobs, for jobs and job creation, and to get youth into those jobs.

I think if you keep them busy, that is a very good thing to do. It goes to community policing, it goes to all sorts of new things that are being tried, such as boot camps, drug courts, on and on and on.

Now, those do not sound like social programs to me; they sound like very practical things that people out in the streets have been talking about and saying they need, they need, they need. They really have not been getting them because all we have been doing in this Congress is having a bidding war and we will get tougher, get tougher, get tougher, but we never gave them the money. Please do not forget, most of the crime is at the local level.

So this is trying to recognize that and encourage them to get tough or get better, have more prisons, have more programs that work and move in the proper direction.

There are also some very exciting other programs that we have done that were not even in here. We have the troops-to-policemen program that we put in the defense bill. That is, that as we downsize the military, we are trying to transfer as many who want to go into law enforcement to law enforcement, and we will pick up half the price of those policemen because everyone knows the number of crimes per policemen have gone up significantly. That is a very costly event, getting policemen out there and getting them well trained. If we have got them in the services who are trained, the city can have them and they pay half and we pay half.

We had that in the defense bill.

We are also trying to get them much more equipment. When we talk in defense, we talk about a soldier and what can we do for force enhancement so that the soldier can be as effective as possible. We have never utilized that concept on the law enforcement side. So we went roaring out there, we have great equipment for defense, and we won the cold war. Guess what? We lost the war in the streets.

So this crime bill is dealing with the fact that we lost the war in the streets. I would think everybody would be happy about this crime bill because it is picking up what we have done in putting the Department of Defense with the Department of Justice and looking at the things the Department of Defense has that they can transfer to police forces all over.

In fact, on June 20, I say to all of you who want to trash this crime bill, go downtown because the Department of Justice is having a showcase of what they have been able to get already out of the Defense inventory that we are going to be able to transfer to local communities to be able to solve some of these things.

Let me give you some examples: Soft-body armor for policemen which keeps them from getting shot. Every time we save a policeman, we save over $1 million in training for any community. And we save so much in the morale. How absolutely disheartened we are every time that happens.

That has been a terrific thing.

Safe gun procedures, they have not got; we have stuff that will show you wherever gunfire is going off and they can go; we have detection for explosives, we have all sorts of things coming up, sticky foam, on and on and on and on.

There is going to be that showcase downtown, and they are inviting law enforcement officials from all over America to come and see this. That is because of this crime bill. I do not consider that a social program.

I consider that a terrific oversight by this Government that we have been so busy defeating the Russians, which of course we should have done at the time of the cold war, but we forgot to look at home and we lost the war in the streets.

So this is about that, and I just cannot believe anybody would take the floor and call these things social programs. It really troubles me because it toughens things up. It adds the things that we want, it does all sorts of added gravitas, I guess, for State and local government to act out and connect together with other States so they can start tracking guns, so they can start trying to make sure their police are better armed than the criminals.

Right now, show me a jurisdiction where the criminals are not better armed than the police. Something is wrong with that picture.

So, yes, we went after assault weapons because we do not think that is right.

The policeman has a pistol, and the people on the street have assault guns. Now, I am sorry, I do not know who wants to argue the other way around on that one. But not only that, you can say, "Well, a knife could be an assault weapon and a rock could be an assault weapon," but I never heard of a drive-by knifing or a drive-by rocking, but I have heard of drive-by shootings with weapons that have wiped out all sorts of people.

So, we went after the very practical thing in here. The same with the Brady bill. How can anybody be against the Brady bill? Who is for criminals getting guns? All this does is set up a nationwide check to try and prevent people with a record from getting guns.

□ 1930

Madam Speaker, I would find it very surprising that someone would be for that, so I must say it saddens me when I hear people come to the floor and talk about these things and then not really want to engage in debate about what the specifics are. There are some wonderful specifics. Of course we did not get everything down we would like to do. There are always more things that one would like to do. But whether it is three strikes you're out, whether it is State prison grants, whether it is increasing the death penalty, whether it is reforming habeas corpus so you only get to do it once, and you must do it within a year after the State acts, so we expedite that, whether it is crime prevention, whether it is trying juveniles as adults on cases of murder, assault, rape and robbery; I think all of those things are the things the American people wanted.

And let us try this, let us try this because we do need a little prevention put in there, too, and it is targeted prevention, it is the right kind of prevention, and I sincerely hope a year from now, or so, we are really going to begin to see the numbers change for the first time.

So I must say I was pleased that this crime bill, I thought, was one of the best ones I have seen in the 12 years we have been doing it since I have been here, and I think we have got the most sensible balance, and I think that is why cities backed it, that is why Governors backed it, that is why most of the people in this body backed it, and it saddens me very much to come to the floor and hear somebody did not back it, Madam Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today, on account of medical treatment.

Mr. ROTH (at the request of Mr. MICHEL), for today, on account of official business.

Mr. ROYCE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCCANDLESS) to revise and extend his remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at the request of Mr. HASTINGS) to revise and extend his remarks and include extraneous material:)

Mr. MOAKLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. LEWIS of California in two instances.

Mr. TALENT.

Mr. BILIRAKIS.

Mr. GEKAS.

Mr. DORNAN in two instances.

Mr. SCHAEFER.

Mr. GUNDERSON.

Mr. GILLMOR.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. STARK.

Mr. DE LUGO.

Mr. PENNY.

Mr. TRAFICANT.

Mr. GONZALEZ.

Mr. FORD of Michigan.

Mr. CARR of Michigan.

Mr. ACKERMAN.

Mr. BLACKWELL.

Mr. DIXON.

Mrs. LLOYD.

Mr. GEJDENSON.

Mr. HOYER.

Mr. REED.

Mr. WAXMAN.

Mr. SKELTON.

Mr. BROWN of California.

(The following Member (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. ROEMER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 978. An act to establish programs to promote environmental technology, and for other purposes; to the Committees on Science, Space, and Technology and Energy and Commerce.

ADJOURNMENT

Mrs. SCHROEDER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 14, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3364. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "D.C. Public Schools' Vendor Delivery Verification Process," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3365. A letter from the Secretary of Energy, transmitting notification of the delay of the report entitled "Adequacy of Management Plans for the Future Generations of Spent Nuclear Fuel and High-Level Radioactive Waste"; jointly, to the Committees on Natural Resources and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARR: Committee on Appropriations. Supplemental report on H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–543, Pt. 2).

Mr. CONYERS: Committee on Government Operations. H.R. 2238. A bill to amend laws relating to Federal procurement, to authorize functions and activities under the Federal Property and Administrative Services Act of 1949, and for other purposes, with an amendment (Rept. 103–545 Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4003. A bill to authorize appropriations for fiscal year 1995 for certain maritime programs of the Department of Transportation, to amend the Merchant Marine Act, 1936, as amended, to revitalize the United States-flag merchant marine, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than July 15, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 103–544, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 4568. A bill making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

By Mr. CONYERS (for himself and Mr. CLINGER):

H.R. 4569. A bill to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992; to the Committee on Government Operations.

By Mrs. SCHROEDER (for herself, Ms. SNOWE, Mrs. ROUKEMA, Mrs. KENNELLY, Ms. WOOLSEY, Mrs. MORELLA, Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Ms. DELAURO, Ms. ESHOO, Ms. MARGOLIES-MEZVINSKY, Mrs. LOWEY, Ms. NORTON, Mrs. MALONEY, Mrs. MEEK of Florida, Ms. HARMAN, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Mrs. BYRNE, Ms. SLAUGHTER, Ms. SHEPHERD, Ms. MOLINARI, Ms. VELAZQUEZ, Ms. ENGLISH of Arizona, and Ms. WATERS):

H.R. 4570. A bill to improve and strengthen the child support collection system; jointly, to the Committees on Ways and Means, the Judiciary, Banking, Finance and Urban Affairs, Education and Labor, Armed Services, Foreign Affairs, and Post Office and Civil Service.

By Mr. DE LUGO:

H.R. 4571. A bill to designate the U.S. post office located at 103–104 Estate Richmond in Saint Croix, VI, as the "Wilbert Armstrong United States Post Office"; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (by request):

H.R. 4572. A bill to amend the definition of disabled veteran in chapter 42 of title 38, United States Code, for purposes of employment and training benefits; to the Committee on Veterans' Affairs.

By Mr. RAHALL:

H.R. 4573. A bill for the purposes of providing for the full and complete disclosure of information relating to applications for mineral patents under the Mining Law of 1872; to the Committee on Natural Resources.

By Mr. STEARNS (for himself, Mr. KLUG, Mr. CANADY, Mr. LEWIS of Florida, and Mrs. FOWLER):

H.R. 4574. A bill to amend part B of the Individuals with Disabilities Education Act to provide that the requirement regarding the continued educational placement of children with disabilities in public schools during the pendency of certain proceedings shall not apply with respect to disciplinary proceedings against those children for possession of firearms or other deadly weapons or assault with deadly weapons; to the Committee on Education and Labor.

By Mr. MONTGOMERY (by request):

H.J. Res. 375. Joint resolution designating September 21, 1994, as "National Wartime Nurses Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (by request):

H.J. Res. 376. Joint resolution designating the third Friday of September of each year as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Ms. SLAUGHTER (for herself, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mrs. SCHROEDER, Mrs. THURMAN, Ms. ROYBAL-ALLARD, and Mrs. MEYERS of Kansas):

H. Con. Res. 254. Concurrent resolution expressing the sense of the Congress concerning the trafficking of Burmese women and girls into Thailand for the purposes of forced prostitution; to the Committee on Foreign Affairs.

By Mr. HASTINGS:

H. Res. 453. Resolution expressing the sense of the House of Representatives with respect to the situation in Rwanda; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 302: Mr. Mollohan.

H.R. 411: Mr. Hall of Texas.

H.R. 615: Mr. Brown of Ohio.

H.R. 911: Mr. Oxley, Mr. Crane, Mr. Smith of Iowa, and Mr. Horn.

H.R. 1056: Mr. Flake, Mr. Emerson, Mr. Barcia of Michigan, Mr. Spence, and Mr. Taylor of North Carolina.

H.R. 1277: Mr. Kasich.

H.R. 2147: Mr. Sangmeister.

H.R. 2188: Mr. Filner, Mr. Synar, and Mr. Hilliard.

H.R. 2216: Mr. Hall of Texas.

H.R. 2326: Mr. Glickman, Mr. Myers of Indiana, and Mr. Bonior.

H.R. 2551: Mr. Slattery.

H.R. 2612: Mr. Moorhead and Mr. Lehman.

H.R. 2623: Mr. Saxton and Mr. Filner.

H.R. 2862: Mr. Sensenbrenner and Mr. Linder.

H.R. 2873: Mr. Inslee, Mr. Ballenger, Ms. Furse, Mr. Neal of Massachusetts, and Mr. Saxton.

H.R. 2929: Mr. Deal.

H.R. 2969: Mr. Murphy and Mr. Rangel.

H.R. 3064: Mr. Stump.

H.R. 3246: Mr. Dellums, Mrs. Schroeder, Mr. Clay, Mr. Diaz-Balart, Mr. Andrews of Maine, Mr. Bachus of Alabama, and Mr. Ackerman.

H.R. 3309: Mr. Lewis of Georgia.

H.R. 3660: Mr. Barca of Wisconsin.

H.R. 3705: Mr. Nussle and Mr. Deutsch.

H.R. 3762: Mr. Rohrabacher.

H.R. 3812: Mr. Bateman, Mr. Hilliard, and Mr. Faleomavaega.

H.R. 3866: Mr. Wise, Mr. Engel, and Mrs. Thurman.

H.R. 3940: Mr. Ackerman, Mr. Baker of California, Mr. McHugh, and Mr. Cooper.

H.R. 3951: Mr. Ewing and Mr. Bilirakis.

H.R. 4024: Mr. Lewis of Georgia and Mrs. Unsoeld.

H.R. 4050: Mr. Holden and Mr. Stokes.

H.R. 4109: Mr. Hinchey.

H.R. 4195: Mr. Hilliard.

H.R. 4224: Mr. Quillen and Mr. Hayes.

H.R. 4260: Mr. Kopetski and Mr. Jefferson.

H.R. 4271: Mr. Frank of Massachusetts and Mr. Murphy.

H.R. 4386: Mr. Taylor of Mississippi, Mr. Brown of Ohio, Ms. Brown of Florida, Mr. Swett, Mr. Smith of New Jersey, Mr. Quinn, Mr. Bevill, Mr. Canady, Mr. Collins of Georgia, Mr. McHale, Mr. Hefner, Mr. Machtley, Mr. Coyne, and Mrs. Johnson of Connecticut.

H.R. 4400: Mr. Hughes.

H.R. 4464: Mr. Blute, Mr. Rowland, Mr. Hall of Texas, Mr. Hutto, Mr. Deal, Mr. Taylor of Mississippi, Mr. Hayes, Mr. Rose, Mr. Beilenson, Mr. Matsui, Mr. Lehman, Mr. Livingston, Mr. Rohrabacher, Mr. Kildee, Mr. Vento, Mr. Thomas of California, Mr. Hyde, Mr. Kolbe, Mr. Walker, Mr. Emerson, Mr. Glickman, Mr. Reed, Mr. Brewster, Mr. Hoyer, Mr. Castle, Mr. Levy, Mr. Gonzalez, Mr. Hinchey, Mr. Andrews of New Jersey, Mr. Payne of Virginia, Mr. Olver, Mr. Moran, Mr. Scott, Mr. Ackerman, Mrs. Byrne, Mr. Sarpalius, Mr. Orton, Mr. Pallone, Mr. Sabo, Mr. Ravenel, Mr. Knollenberg, Mr. Flake, Mr. Wynn, Mr. Slattery, Mr. Fields of Louisiana, Mr. Deutsch, Mr. Berman, Mr. Ford of Michigan, Mrs. Johnson of Connecticut, Mr. Diaz-Balart, Mr. Bachus of Alabama, Mr. Meehan, Mr. Boucher, Mr. Bateman, Mr. Barrett of Wisconsin, Mr. Evans, Mr. Borski, Mr. Frost, Ms. Brown of Florida, Mr. Durbin, and Mr. Johnson of South Dakota.

H.R. 4497: Ms. Lowey, Mr. Hastings, Mr. Deutsch, Mr. Engel, Mr. Nadler, Mr. Vento, Mr. Cramer, Mrs. Meek of Florida, Mr. Emerson, Mr. Sabo, Mr. Borski, Mr. Hilliard, Mr. Manton, Mr. Ackerman, Mr. Dornan, Ms. Margolies-Mezvinsky, Mr. Owens, Mr. Reynolds, Mr. Klein, Mr. Torres, Mr. Lazio, Mr. Schiff, Mr. Cardin, Ms. Norton, Mr. Pallone, Mr. Andrews of Maine, Mr. Towns, Mr. Gutierrez, Mr. Brewster, Mr. Grams, Mr. Gilman, Mr. King, Mr. Shays, Mr. Boehlert, Mr. Franks of Connecticut, Mr. Berman, Mr. Hinchey, Mr. Swett, Mr. Matsui, Mr. Franks of New Jersey, Mr. Barrett of Wisconsin, Ms. DeLauro, Mr. Armey, Mr. Quillen, Mr. Stupak, Mr. Fingerhut, Mr. Torkildsen, Mr. DeFazio, Mr. Bishop, Mr. Greenwood, Mr. Ortiz, Mr. Tejeda, Mr. Gene Green of Texas, Mr. Meehan, Mr. Levin, Ms. Velázquez, Mr. Condit, Mr. Pastor, Mr. Inhofe, Ms. Woolsey, Mr. Blackwell, Mrs. Maloney, Ms. Molinari, Mr. Saxton, Mr. Knollenberg, Mrs. Byrne, Mr. Linder, Mr. Lipinski, Ms. Cantwell, Mr. Browder, Mr. Stearns, Mr. Bliley, Mr. Castle, Mr. Strickland, Mr. Flake, Ms. Harman, Mrs. Unsoeld, Mr. Becerra, Ms. Snowe, Mr. Bachus of Alabama, Mr. Waxman, Mr. Andrews of New Jersey, Mr. Sangmeister, Ms. Shepherd, Mr. McCollum, Mr. Sawyer, Mr. Camp, Mrs. Morella, Mr. Richardson, Mr. Johnson of Georgia, Mr. Paxon, Mr. Hoyer, Mr. Serrano, Mr. Hamburg, Mr. Hastert, and Mr. Talent.

H.R. 4519: Mr. Ewing, Mr. Bunning, Mr. McHugh, Mr. Baker of Louisiana, Mr. Hastert, Mr. Upton, and Mr. Parker.

H.J. Res. 343: Mr. Livingston, Mr. Emerson, Mr. Waxman, Mr. Pastor, Mr. Rangel, Mr. Flake, Mr. Quinn, and Ms. Brown of Florida.

H. Con. Res. 84: Mr. Wilson and Mr. Hobson.

H. Con. Res. 179: Mr. Bachus of Alabama.

H. Con. Res. 215; Mr. Hughes, Mr. Wilson, Mr. Washington, and Mr. Skeen.

H. Con. Res. 239: Mr. Hinchey.

H. Res. 255: Mr. Coppersmith.

H. Res. 430: Mr. Engel.

H. Res. 446: Mr. Bateman, Mr. Thomas of Wyoming, and Mr. Cooper.

EXTENSIONS OF REMARKS

IF WE WAIVE BUDGET RULES FOR GATT, THEN WE SHOULD WAIVE THEM FOR HEALTH BILL WHICH ALSO INVESTS IN FUTURE OF AMERICA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. STARK. Mr. Speaker, a number of people are raising the idea of waiving the budget rules in order to pass the GATT Uruguay round agreement. The administration estimates that implementation of the treaty will cost about $14 billion over 5 years and $40 billion over 10 years. Press reports indicate that the administration has only found about $3.4 billion in savings to pay for the legislation.

Thus proponents argue that since the treaty will lead to so much expansion in world trade that it will more than pay for itself in a healthier economy, increased employment, and increased tax collections, that we should therefore not worry about the $14 billion.

Fine with me. But what's good for the goose should be good for the gander.

In the health bill, we are offering amendments for preventive health, for more mammograms, colorectal screening, for immunizations for children, for first dollar well-baby care, and on and on.

We should waive the budget rules for these programs too.

Can anyone argue that having healthier people, cutting down the number of assembly line sick days, and saving trained workers from early death won't help the economy, won't make America more productive, won't help us compete better in the world economy?

Good health care for all Americans is as good investment in the economy as lower tariffs on our exports.

Waive on!

A TRIBUTE TO DR. RON FRANKLIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring your attention to the fine work and scholarly leadership of Dr. Ron Franklin of Redlands, CA. Dr. Franklin who has demonstrated remarkable dedication to the education of young people throughout his career will be honored at the University of Redlands on June 25 as he retires from his position as Redlands Unified School District superintendent of schools.

Dr. Franklin's career began in 1956 at the El Rancho Unified School District in Pico Rivera, CA where he held nine different positions, beginning as a teacher and later becoming the superintendent. In 1970 he became the superintendent of schools in the Novato Unified School District. Following this, in 1987 he became the superintendent of schools in the Redlands Unified School District.

Dr. Franklin's dedication to education and to his community went far beyond his position as superintendent. In his efforts to improve and reform education through the revitalization of programs he has participated as a member on the board of directors of various organizations such as the Rotary Club of Redlands, the Redlands Education Partnership Foundation, and the Redlands Boys and Girls Club. Other facets of the community that Dr. Franklin has been involved in include the United Way, the Redlands Music Association, and the Redlands Symphony Association.

Mr. Speaker, I ask that you join me, our colleagues, Dr. Franklin's family, fellow administrators, teachers, students and community in honoring this dedicated individual for his extensive service to his community and to the field of education. Throughout the years Dr. Franklin has touched the lives of many people in our community, and it is only fitting that the House recognize him today and wish him the best of luck in the years ahead.

LOOKING BEYOND D-DAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. DORNAN. Mr. Speaker, as we continue to remember the 50th anniversary of World War II including the recent ceremonies at Normandy, I would like to include in the RECORD the following editorial by former German Chancellor Helmut Schmidt entitled, "Looking Beyond D–Day."

LOOKING BEYOND D–DAY

(By Helmut Schmidt)

Historians, looking back on the decisive acts and events which shaped our bloody century, see June 6, 1944, as a watershed. The invasion of Normandy by American, British and Canadian troops certainly marks a turn in the fortunes of the century. Without it, domination of much of Europe by Stalin would have been a menacing probability. Hitler and his empire were likely to be crushed anyway. But the presence of the American Army and Air Force prevented the replacement of one dictatorship by another hardly less cruel.

It was worse than bitter that the Polish nation, the three Baltic nations, the Czechs and Slovaks, the Hungarians and many others, including one quarter of the German people, could not be saved from Soviet oppression and supremacy. But without D-Day and what followed, all of Central Europe and possible parts of Western and Southern Europe as well would have fallen into the lap of Soviet imperialism. For had the United States not effectively become a European power in 1944—which Brezhnev finally accepted in Helsinki three decades later—even the eventual collapse of the Soviet Union a few years ago might not have led to the freeing of Eastern Europe.

As the elderly Westerners who participated in the Normandy landings and the march to Berlin look back, it is natural that they should remember their victory with pride. But the wish of a few German politicians who are too young to have been drafted into Hitler's *Wehrmacht* to be invited to the grand anniversary seems to me quite inappropriate.

Thanks to the Marshall Plan, to John McCoy (the United States' postwar High Commissioner in the Federal Republic), and to enormous American help towards shaping a normal society and democracy in Germany, the will for reconciliation on the side of the American victors has been apparent to me for decades. Having been a conscripted German soldier at that time, I have long been a convinced and co-operative ally and friend of the United States. And the same is true of millions of German combatants who are still alive. We don't need any symbolic handshakes so late in the day.

Nevertheless, it might still be interesting for the descendants of the soldiers on either side to know how German troops of that time understood the significance of the Normandy invasion. From my school history, I knew that Charles XII of Sweden and Napoleon had both been defeated when they undertook to invade Russia. So was I convinced as soon as Hitler invaded the Soviet Union that Germany in turn would be defeated. To me, after June 1941, it was just a matter of time, and also a question of how great the sacrifices would prove to be. The disastrous end was inevitable; only the timing was uncertain.

To those of us fighting under such conditions, the arrival of the Americans on the European continent did not make a significant difference. During the Battle of the Bulge, I suggested to my commander that we should let the Americans come as far east as they wished, instead of fighting them, and instead push back "Ivan", who had already entered German territory.

I was not court-martialled for that remark, since the commander was a sensible man, but my tragedy was to be fighting only because of a deeply ingrained sense of duty to my country. This was the tragedy of innumerable Germans at the time: we did not believe in Hitler's genius and leadership, nor in his Third Reich. We had not believed in him for quite some time—but nevertheless we did as we were told by our superiors. A parallel to this psychological and moral complex can perhaps be found in the brave behaviour of French and American soldiers in Vietnam two decades later.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Owing to the invasion of Normandy, the United States was able to contain Soviet imperialism through four decades of Cold War. The reconciliation between France and Germany which Winston Churchill encouraged in his speech at Zurich in 1946 (when he also envisaged the creation of a united states of Europe) was, like the initiatives of Jean Monnet and Robert Schuman—made politically possible by the American presence in Europe.

Today, after the Soviet Union's collapse due to domestic exhaustion and decay, almost half a century of global bi-polarity has come to an end. But Russia will remain a world power, and it is still necessary for Germany to bind itself into the European Union, so that the horrors of a great war on this continent can never be repeated.

And we in the West—whether in Washington or London, Paris, Bonn or one of the other great capitals, whether in NATO or in the European Union—must still define our roles pragmatically in a world where local, regional, ethnic or religious conflicts have surfaced once again, now that the threat of East-West conflagration has been lifted. The Atlantic Charter ought to stand, but it will not suffice.

TRIBUTE TO DR. JESTER HAIRSTON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to Dr. Jester Hairston, who will celebrate his 93d birthday on July 9, 1994. In celebration of his life and in commemoration of his outstanding accomplishments, the Holman United Methodist Church of Los Angeles—Dr. Hairston's spiritual home—is sponsoring a gala affair in his honor on July 8th and 9th, 1994. I am pleased to share with my colleagues just some of the reasons why Jester Hairston is held in such high esteem by many throughout the world.

A distinguished and world-renowned artist, Dr. Hairston's music has been stirring souls for over 60 years. He has written and arranged numerous Negro spirituals including such all-time favorites as "Amen," "Mary's Little Boy Child," and "I Want Jesus To Walk With Me." Whether working with a group of classroom students or an international choir of 25,000, Jester Hairston possesses a gift for evoking melodious symmetry that at once transports and uplifts those experiencing it. Inspired arranger, brilliant composer, spirited choir director, versatile actor, ardent story teller, and lover of life; these are just a few phrases used to describe a man who has devoted over six decades to enriching the wealth of African-American folksongs and sharing his knowledge with future generations of every culture.

Born at the turn of the century in North Carolina, he grew up in a small steelmill town in Pennsylvania. Until beset by financial difficulties, Dr. Hairston attended and was the star quarterback at the University of Massachusetts. Due to his exposure in the university's glee club, a wealthy New England aristocrat, Ms. Anna Laura Kidder, convinced Jester to pursue a singing career and financed his musical studies with private instructors in Boston. Jester Hairston graduated cum laude from Boston's Tufts University in 1929, and also studied extensively at the Juilliard School of Music in New York.

For 13 years he was assistant conductor of the famous Hall Johnson Negro Choir of New York. It was under Mr. Johnson's tutelage that Jester developed aspirations of preserving the old Negro spirituals. During this time he trained choirs for many Broadway and radio shows with such outstanding artists as Don Voorhees, Andre Kostelanetz, and the late Al Jolson and Alfred Wallenstein.

Accompanied by Hall Johnson, Dr. Hairston moved to Hollywood in 1936 to arrange the chorus music for the motion picture "The Green Pastures." Subsequently, the choir went to work with Dimitri Tiomkin on "Lost Horizon," which proved to be an Academy Award-winning score. When Johnson fell ill, Jester took charge of the group; he hit it off with Tiomkin and produced his arrangements for the next 20 years. In 1943, he organized a racially diverse choir and arranged the background music for many of Hollywood's outstanding films including "Land of the Pharaohs," "Friendly Persuasion," "Carmen Jones," and "Band of Angels." During this time, he became closely associated with Walter Schumann, and together they molded one of Capitol Records' most versatile singing groups "The Voices of Walter Schumann."

Jester also performed as an actor in order to supplement his musician's income. He is well known for his character, Leroy, on the radio and television versions of Amos and Andy. More recently, Jester starred as Rolly on the television series "Amen." Dr. Hairston's film credits include "Tarzan's Hidden Jungle," "The Alamo," "To Kill a Mockingbird, "Lady Sings the Blues," and "The Last Tycoon." Additionally, he dubbed Sidney Poitier's voice in "Lillies of the Field." Although some of the more stereotypical roles were painful, Jester finds strength in knowing that they formed the basis of the broader roles available to African-Americans today.

Dr. Hairston's tireless dedication and enthusiasm for helping young people also has earned him the reputation as a gifted music instructor. For more than half a century, he has given lectures and conducted hands-on workshops to improve the understanding and quality of African-American music. At the young age of 92, he continues to give generously of his time as a guest conductor and teacher, in the United States and abroad.

In acknowledgement of his extraordinary talent, a number of his overseas missions have often been on behalf of the U.S. Government. Furthermore, Jester has been awarded honorary doctor of music degrees from the University of the Pacific and Tufts University. He is also the recipient of the doctorate of fine arts degree from the University of Massachusetts.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in honoring Dr. Jester Hairston on his 93d birthday, and especially in paying tribute to a lifetime devoted to preserving a significant aspect of African-American culture and our country's history. I join his family, friends, and the members of Holman United Methodist Church in wishing, Dr. Jester Hairston many more years of continued joy, harmony, and prosperity.

A TRIBUTE TO THE EMPLOYMENT PROJECT GRADUATES—A PROGRAM TO EDUCATE PHILADELPHIA'S HOMELESS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. BLACKWELL. Mr. Speaker, I come before this body today to share good news as I invite my colleagues to join me in extending heartfelt congratulations to 27 Philadelphia adults who have overcome numerous obstacles and many hardships to achieve the honor that will soon be bestowed upon them.

On June 11, 1994, 27 homeless but not hopeless adults who currently reside in Philadelphia's homeless shelters will graduate from the employment project's Employability Skills Training Program. This program is successful because of the strong leadership of its director, Ms. Leona Smith, and the unwaivering support of the assistant director, Mr. Lee Valenti Wilson; Ms. Ida M. Flanders, who is an instructor; and Ms. Renee Outin, who serves as a job specialist. The employment project was established to provide homeless individuals the means by which to become self sufficient in their struggle to survive daily and especially with their desire to obtain employment as they work their way back into the mainstream of our society.

Mr. Speaker, please join me in extending congratulations to each of the following graduates: Mr. Tyrone Cain, Ms. Sharon Dantzler, Mr. Kevin Ruthland, Mrs. Lana Waters, Ms. Loretta Burns, Mr. Joseph Franklin, Ms. Eileen Robinson, Ms. Lillie Armstrong, Ms. Loretta Henderson, Mr. Calvin Hines, Ms. Carol Johnson, Ms. Alicia Morgan, Mr. Keith Rollins, Ms. Donna Walton, Ms. Brenda Cerdan, Mr. Raymond Jones, Mr. Beauford Sewell, Ms. Melissa Allen, Ms. JoAnn Cross, Mr. Conrad Garland, Mr. Kevin Williams, Ms. Linda Harper, Mr. Michael Henderson, Ms. April Jackson, Mr. Floyd McKinney, Ms. Christine Pepe, and Ms. Dawn Wood.

Words cannot describe my delight as I give praise to God for lifting these men and women to a most honored place in their lives. The advancement of these individuals will send a clear message to others in the community, that all is not lost for the good news of this graduation will carry these individuals far as they struggle to improve the quality of their lives.

Mr. Speaker, the employment project participants can now realize that there is always hope for those who are serious, determined and committed to the goals and objectives they seek. The situation in life should never stand in the way of progress and each of these graduates are living witnesses. If we all work together to uplift the spirits, and motivate and encourage the many individuals who are less fortunate, I am confident that the good news will echo throughout the world prompting others to follow in the footsteps of these 27 graduates. Thomas Jefferson once said that if we "Enlighten the people generally * * * tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day." Good news, Mr. Speaker, good news.

Again, I ask my colleagues to rise and join me in honoring, and sending forth encouragement for each individual to be strong and keep up the good work.

HONORING CANTOR LOUIS TEICHMAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the members of the Conservative Synagogue of Jamaica Estates [CSJE] in honoring Cantor Louis Teichman who after more than two decades of service to the CSJE and the communities of Jamaica, Jamaica Estates, Holliswood, and Hillcrest has decided to retire.

As a truly self-effacing person, Louis Teichman began his career as a student cantor in pre-World War II Hungary. He came to the United States to continue his studies at the Cantorial College and graduated to serve as an assistant chaplain in the U.S. Army during World War II.

Cantor Teichman began his first post as cantor serving the community of Silver Spring, MD. He later moved to New York City and assumed the post as cantor of the Jamaica Jewish Center, one of the largest synagogues in New York City. It is here where Louis Teichman took root and became recognized as a bulwark of the religious community of Jamaica, NY. His boundless energy and steadfast dedication led to the creation of a synagogue music program that served as the basis for educating and enlightening the congregation's members. It was through his efforts that the synagogue's religious school developed both a religious and secular approach expanding its children's religious experience.

In 1974, with the merger of the Jamaica Jewish Center with the Hillside Hollis Hebrew Center, the Conservative Synagogue of Jamaica came into being with Louis Teichman as the unanimous choice to serve as the new congregation's cantor. For the past 20 years, Cantor Teichman has served the new synagogue with a dynamism and vitality that resulted in the creation of a choir, a musical education program and a religious training program that has educated and uplifted hundreds of boys and girls these past years.

Mr. Speaker, the single adjective that always comes to mind in describing Cantor Louis Teichman is humility, a most rare and sought-after attribute. It is, therefore, most compelling that I ask my colleagues to rise today in acclamation of this most unique individual.

CHIEF ENGINEER WAYNE MURI RETIRES AFTER 38-YEAR CAREER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize Mr. Wayne Muri, chief engineer of the Missouri Highway and Transportation Department. Mr. Muri retires on July 1 after a 38-year career, and I would like to express my appreciation to him for his dedicated service to the State of Missouri.

Wayne Muri is a native Missourian. He was born in Jamestown and attended the University of Missouri-Columbia. Beginning in 1956, he has worked for the Missouri Highway and Transportation Department in 17 different posts.

A professional engineer, Mr. Muri became the department's chief engineer in 1986. Since that time, Mr. Muri has served as head of the State agency responsible for constructing and maintaining Missouri's 32,000-mile highway system, which is the Nation's sixth largest.

In addition to his fine work in Missouri, Mr. Muri is recognized as a national leader in his field. He is past chairman of the Transportation Research Board at the national level. He is also immediate past president of the American Association of State Highway and Transportation Officials, which involves all the State transportation departments.

I have had the privilege of working with Wayne through the years and I wish him all the best as he begins his retirement.

A TRIBUTE TO REV. STANLEY JAZBEC

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring your attention to the fine work and spiritual life of Rev. Stanley Jazbec of Joshua Tree, CA. Father Jazbec, who has demonstrated a remarkable dedication to the Catholic Church throughout his life will be celebrating his golden jubilee as a Roman Catholic priest this year.

Father Jazbec began his service to the church by serving as a chaplain to his people in Yugoslavia during the German occupation of World War II. Due to the intolerance of the Catholic Church under Tito's Communist regime the reverend was forced into exile. It was during this time that he served as the auxiliary chaplain of the Underground until May 1945, when he escaped to Austria and then to Italy as a refugee. In 1948 he served as a spiritual director for Slovenian students studying at various universities in Spain.

Following his time in Spain, Father Jazbec came to the United States where he served in the diocese of Bismark in North Dakota. In 1954 he was accepted by Bishop Buddy to come to the diocese of San Diego, and in 1978 he was asked by Bishop Straling to join the new diocese of San Bernardino. During this time Father Jazbec became a citizen of the United States, and he was dedicated to serving many areas throughout the low desert where he is currently the pastor emeritus of the St. Christopher of the Desert Catholic Church.

Mr. Speaker, I ask that you join me, our colleagues, the Catholic Church, and the members of the parishes that Father Jazbec has served throughout his life in honoring his extensive dedication to the church and its communities throughout his life time. Over the years Father Jazbec has touched the lives of many people in our community and our State and it is only fitting that the House recognize him today.

REMEMBERING THE VETERANS OF SOMALIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. DORNAN. Mr. Speaker, I would like to include in the RECORD today and throughout the next week the stories of 26 modern day heroes, soldiers killed in combat in Somalia last year. I hope these stories, reprinted from a May 30, 1994, Army Times article, will remind everyone of the ultimate sacrifice each and every member of our Armed Forces are prepared to make in service to our Nation.

WE REMEMBER

This Memorial Day, *Army Times* remembers 26 soldiers who were killed in combat in the last year. All died in Somalia.

They came from everywhere: the South, the East, New England, the Midwest, Southwest and the Far West. Their private lives were as varied as the American nation.

The Army has recognized their sacrifice and honored their memory with the posthumous award of the Purple Heart and several Silver Stars, Distinguished Flying Crosses, Bronze Star Medals. On May 23, two will receive the country's highest military honor, the Medal of Honor.

The defining criterion for inclusion in this tribute was the Purple Heart, America's oldest military decoration. These soldiers posthumously received the Purple Heart from April 30, 1993, to May 1, 1994, according to the Total Army Personnel Command.

PFC MATTHEW K. ANDERSON

When Somali gunmen brought down PFC Matthew K. Anderson's UH-60 Black Hawk helicopter during a night reconnaissance mission over Mogadishu, they robbed the world of a "brilliant" wit with a great future as a writer, according to his friends.

"The things we'll miss the most are his witty comments," says PFC Thomas Romano. "He always had a witty comment for everything."

Romano and Matthew Anderson both joined the Army May 21, 1992, and since then their careers were inter-twined until Sept. 25, when a rocket-propelled grenade hit the latter's helicopter as it flew over the Somali capital.

The pair completed basic and advanced individual training together at Fort Benning, Ga., and from there they both joined B Company, 9th Battalion, 101st Aviation Regiment, Fort Campbell, Ky., as Black Hawk door gunners.

They also became roommates, which gives Romano a lot of experience of his buddy's laid-back approach to life. "His answer to any problem was 'Don't worry about it, man,'" says Romano.

When he wasn't working or playing practical jokes on his colleagues, Matthew Anderson expressed his wit through his writing, says Spec. James Houchin, another of B Company's door gunners. "He had a really weird sense of humor," Houchin says. "He'd write . . . off-the-wall stories and read them to us for something to do, especially over there [in Somalia]." He specialized in writing poetry and fiction, with a particular emphasis on science fiction, his colleagues say.

"He wanted to be a writer," Houchin says. "He came in the Army for the experience of doing it, for something to write about." There's no doubt in his friends' minds that Matthew Anderson would have achieved his literary ambitions had he lived.

Romano's life was to have one final, fatal link with that of his friend Sept. 25. "I was supposed to take his flight that night," Romano remembers, "He was tired, and I told him, 'No, I'm up, why don't you let me fly it for you?'" But his friend's commitment to the mission overcame his fatigue. "He wouldn't let me take it. It would have been me instead of him."

CW3 DONOVAN L. BRILEY

As a child growing up in North Little Rock, Ark., CW3 Donovan L. Briley, 33, always wanted to climb higher. If he wasn't in a tree or atop a roof, he was looking for one, says his widow, Sharri Briley.

As an adult, he wouldn't have been happy doing anything other than flying.

Donovan Briley graduated from flight school in 1985 and joined the Army Reserve, Later that year, he was piloting Drug Enforcement Administration (DEA) agents and state troopers on a marijuana detection mission when the helicopter crashed. Three DEA agents were killed, and Donovan Briley sustained burns and back injuries. But within four months, he was back flying.

"He never wanted to stop flying," Sharri Briley said. "He was a better pilot from that experience."

In December 1987, Donovan Briley went on active duty a month after his daughter, Jordan, was born. One of four brothers, he was proud of his Cherokee heritage and had an uncommon dedication to his work, Sharri Briley said. "His main interest was always studying for how he could better himself. He was always trying to be a better pilot."

He deployed to Somalia with the 160th Special Operations Aviation Regiment, and was killed Oct. 3 while serving with Task Force Ranger in Mogadishu.

During his career, Donovan Briley was awarded the Distinguished Flying Cross, two Bronze Stars, two Purple Hearts, two Air Medals with "V" devices, two Air Medals, Good Conduct Medal, National Defense Service Medal, Armed Forces Expeditionary Medal and Army Service Ribbon.

SSGT. DANIEL D. BUSCH

Early last summer, SSgt. Daniel D. Busch—known as "Rambusch" to his high school buddies from Portage Senior High School—took leave to visit his mother in Barabou, Wis. He had a heart-to-heart talk with her to explain that his unit, Army Special Forces Command at Fort Bragg, N.C., was being deployed on a mission.

"He told me his unit was going some place later than summer, but he couldn't say where," his mother, Virginia Johnson, says. "He just told me not to worry. He said, 'I know this job is dangerous, but remember that it keeps me close to God. A Christian soldier is just a click away from heaven in this type of work.'"

Virginia Johnson says she understood. "He was always trying to reassure us, because he could never tell us exactly what he did," she says.

After that talk, they went fishing, something Busch always looked forward to. That visit was the last time Virginia Johnson saw her son. The 25-year-old light weapons infantry specialist was killed Oct. 3 in Mogadishu, Somalia, in the bloodiest single battle for American troops since Vietnam.

The Army posthumously awarded Daniel Busch the Silver Star and the Purple Heart. A combat veteran of Operation Just Cause in Panama, he received other awards during his seven-year Army career, including the Bronze Star, Meritorious Service Medal, Combat Infantryman Badge and National Defense Medal.

But family members and close friends all say Daniel Busch got his real reward when he took his last breath: The opportunity finally to meet God, someone Busch spent a lot of time talking to.

Daniel Busch joined the Army right out of high school in 1986. Something about serving God, country and fellow man appealed to him, his mother says. But he was still planning on getting out in September 1995.

His wife, Traci Busch, 23, says that her husband wanted their 14-month-old son, Mitchell, "to grow up in an atmosphere that had nothing to do with the Army and the constant deployments and moving around."

In a letter to his son, dated Sept. 29, Daniel Busch talked of his desire that his son grow up to be a man of morals and values. "It's very important for you to grow up to be a Christian," he wrote. "Listen to your mother."

The family has established a scholarship fund for students who want to pursue a career in conservation. For information, write Virginia Johnson, 707 7th Street, Barabou, Wis. 53913.

SPEC. JAMES M. CAVACO

Spec. James M. Cavaco could have gotten out of deploying to Somalia with his Ranger unit. But his dedication wouldn't let him, says his mother, Barbara Cavaco, James Cavaco was among the American soldiers killed in the Oct. 3-4 firefight in Mogadishu.

When James Cavaco enlisted in 1991 at age 24, he was a little older than most recruits. He decided that since he couldn't find fulfilling work in the civilian world, he could find it in the Army.

James Cavaco had an associate's degree from Cape Cod Community College and worked at several jobs, but the sagging New England economy couldn't provide him a job with a future. "He just made up his mind—'This is it, I've had enough of this, I'm not going to live like this, I'm not going to be a bum, I'm going to be the best I can be and that's it,'" his mother says.

James Cavaco not only enlisted, he volunteered for the Rangers. Barbara Cavaco says her son quit smoking and drinking and started an exercise program to meet the high Ranger standards.

Ranger training didn't phase him. "As brutal as Ranger School was, he loved it," Barbara Cavaco says. "He thought it was great."

To break the tension, he fell back on his hobby, playing rock music on the guitar. "He was really into that; he was quite good," his mother says, adding with a laugh, "He used to drive all the guys crazy in the barracks."

When James Cavaco got the word that his company was to deploy to Somalia, he had been notified of a death in the family. Barbara Cavaco still weeps when she recalls her son's selfless response to leaving his unit.

"He refused to come home," says his mother. "What he said was, 'I have to do what I have to do to effect mission success and to see that my men don't get hurt.'"

On Oct. 3, James Cavaco was riding in a convoy of Humvees battling through the tight streets of Mogadishu to rescue soldiers in a downed helicopter. He was killed in a rain of automatic weapons fire and grenades. He was posthumously awarded the Bronze Star Medal for valor.

Barbara Cavaco has no grudge against the Army. "He had faith in his officers, in his unit, his equipment, his training," she says. "He was totally dedicated. He felt that the men he was with were the best, that the selection process was such that he was surrounded by the best he could be surrounded by.

"That was his thing, to do the best he could."

CONGRESSIONAL TRIP TO WORLD WAR II COMMEMORATIVE EVENTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. BROWN of California. Mr. Speaker, on June 9, a Member from the other side of the aisle criticized the expenditure of taxpayer funds for the trip that Members took to help represent the United States in commemorating D-day and the Allied liberation invasions of Italy and France.

I was proud to be a member of that congressional delegation and would like to comment on the trip.

Mr. Speaker, it is probably natural and right that we question the worthiness of spending of personal or public funds on commemorative and symbolic events. For example, one can question whether the expenditure by a family of several thousand dollars on a wedding is worthwhile, or whether the family should spend those funds on what might be considered more tangible necessities of life. In public life, one might question the worthiness of the expenditure of several million dollars in taxpayer funds on events like the inauguration of a President, a state funeral for a fallen President, or something like the 50th anniversary of D-day and the Allied invasions of Italy and France.

The reason that both individuals and nations sometimes spend significant amounts of money on selected commemorative and symbolic events is that these events enrich and add meaning to our lives, be it as individuals and families at a wedding or as individuals and citizens experiencing a national commemoration.

Mr. Speaker, I think that most Americans believe that the 50th anniversary of D-day and the Allied invasions of Italy and France qualified as the kind of rare and very important event that adds significant character and meaning to each of our lives as Americans. While the President alone could have represented the United States at these ceremonies, I strongly believe that it was fitting and appropriate that Congress, as the elected representative body of each of the 50 States and each region of the Nation, send a delegation to join in representing our Nation. In short, I think that the congressional delegation added to the event's symbolism. And, while each member of the congressional delegation should speak for his or her self, I also suspect that the congressional delegation members who attended will bring back a renewed spirit and sense of national responsibility and purpose based on what they experienced at the ceremonies. In that sense, I believe that the congressional delegation attendance at the D-day events will, in some small way, enrich and add greater meaning to Congress and help make us better Representatives for our people.

In conclusion, I believe that the recent World War II commemorative events in Europe were the equivalent to our Nation of a wedding or funeral to a family. It was fitting and right, and will ultimately be beneficial to us all, that our Nation sent an appropriate delegation of representatives.

BEHAVIORAL POVERTY LEADS TO WELFARE DEPENDENCY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. TALENT. Mr. Speaker, ending welfare as we know it is just rhetoric unless we recognize and change what is fundamentally wrong current welfare policy—its promotion of self-destructive behaviors that lead to dependency. As the following analysis by the Heritage Foundation's Robert Rector makes clear, illegitimacy, and nonwork are at the root of welfare dependency because they make self-sufficiency so difficult to attain.

Rector offers three goals to pursue in formulating policies that will actively discourage welfare dependency: Create a system in which recipients are expected to contribute something back; control welfare costs; and reduce illegitimacy and encourage marriage. I encourage my colleagues to real the full op-ed article that recently appeared in the Washington Times.

[From the Washington Times, May 14, 1994]

WELFARE REFORM RHETORIC AND REALITY

BEHAVIORAL DESTITUTION

(By Robert Rector)

For welfare reform to work, it must focus on the root behavioral problems of illegitimacy, divorce and nonwork—not merely on the superficial symptom of welfare dependence.

But despite a rhetorical commitment to "end welfare as we know it," the Clinton administration appears unprepared to take the serious steps needed to deal with this "behavioral poverty."

Despite its rhetorical commitment to dealing with "root causes," the White House's reform rhetoric poses the problem of welfare backwards, seeking to devise schemes to prod and assist individuals to leave welfare rather than seeking to reduce the self-destructive behavior that leads to dependence in the first place.

This approach is self-deluding; and it won't work. No array of government programs is going to make a 20-year-old woman with little or no education who has had one or two children out of wedlock "self-sufficient." Nor, despite her best efforts, is that single mother likely to be able to provide a truly healthy social environment for her children.

Societies through the ages have recognized that it takes the efforts of at least two people, a father and a mother, to provide the economic and psychological support needed to raise children. That's why societies historically have gone to great lengths to encourage marriage and, conversely, to discourage illegitimacy.

Current U.S. welfare policy reverses this wisdom by aggressively subsidizing single parenthood and penalizing marriage. The results of this experiment have been disastrous.

For the well-being of American children and the safety of society, a sense of responsible parenthood must be restored, based on the principle that it is immoral to have children, unless you are fully prepared to raise them.

To be fully prepared to raise children means three simple things. First, the mother and father must be married and committed to a life together. Second, the parents must be mature and psychologically ready for the difficult task of raising the young. And third, the parents should be economically productive and self-sufficient, able to sustain a family without large amounts of ongoing financial support from outside sources.

The welfare system mainly involves failed attempts to pick up the pieces for an ever-increasing number of individuals who have violated the above rules.

Government policy not only must stop subsidizing and promoting such irresponsible behavior, it must actively discourage it. To do that, we need to pursue three goals:

We need to promote individual responsibility by converting welfare from a one-way handout into a system in which recipients are expected to contribute something back for temporary aid received.

We need to control welfare costs.

Most importantly, we need to dramatically reduce the illegitimate birthrate and increase the marriage rate.

Achieving these goals will require a broad array of policy changes. In some cases it will require eliminating welfare benefits that promote harmful and antisocial behavior. In other cases, it may be sufficient to require welfare recipients to perform community service work in exchange for benefits. In some circumstances, welfare benefits may be converted into loans, which the recipient will be expected to repay at a future time.

Serious reform also should include new incentives that encourage positive behavior.

All welfare reform must be undergirded by firm budgetary controls on the growth of future welfare spending. Welfare bureaucracies are prolific in inventing new programs that allegedly promote self-sufficiency but that accomplish nothing or actually draw more people into welfare dependency.

Without definite limits on the funds flowing into the welfare system, such counterproductive "reforms" will merely produce more of what we have today: a War on Poverty that can't be won.

TRIBUTE TO TIMOTHY S. TEHAN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Timothy S. Tehan of Troop 2 in Barrington, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Timothy removed brush, landscaped surrounding property, and constructed a bridge over a brook that is located at La Salle Academy in Providence.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Timothy S. Tehan. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Timothy S. Tehan will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO CAPTAIN BUD WENKE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in saluting a dedicated public servant, Capt. Bud Wenke, who has retired from the Los Angeles County Sheriff's Department after 32 years of service.

For 17 of those 32 years, Captain Wenke represented the Los Angeles County Sheriff's Department, Los Angeles County, and the Nation's public safety agencies in Washington, DC. I had the great pleasure of working with Captain Wenke on numerous occasions during that time.

Captain Wenke worked to ensure that public safety would be given priority in the Federal allocation of radio spectrum, and he spearheaded the national effort by public safety organizations to obtain the radio frequencies they need to do their jobs. He is responsible for Federal legislation that resulted in an allocation of 120 new radio channels nationally and 240 channels in the Los Angeles area.

Further, Captain Wenke developed and managed a $100 million radio and data network for Los Angeles County. As representative of the Nation's public safety microwave licensees, he worked with the Federal-private working group to develop the U.S. position for the World Administrative Radio Council that prevented a loss of microwave frequencies used by local governments and public safety agencies.

Captain Wenke has twice earned the Sheriff Department's Distinguished Service Award. He is also a recipient of the Associated Public-Safety Communications Officers [APCO] Presidents Award, and the California Peace Officers Association's [CPOA] Recognition Award.

Captain Wenke represented the county of Los Angeles in Washington with distinction and grace. He is one of the most articulate and straightforward individuals with whom I've had the pleasure of working since I have been in Congress. Los Angeles County has some big shoes to fill with his departure.

I ask my colleagues to join me in congratulating Captain Wenke on his many years of distinguished service and in wishing him happiness, good health, and continued success in all future endeavors.

A TRIBUTE TO CHARLES MARTIN

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. ROEMER. Mr. Speaker, I rise today to honor the memory of Charles Martin. He will be deeply missed by our community and by all of those who worked with him.

Charles labored long and hard to sow the seeds of hope in the youth of our community. I had the opportunity to work with him on numerous occasions building positive role models for our youth, and none that I have encountered tackled the task with more energy or dedication than Charles. He was always looking to build a bridge between individuals to conquer differences in age, race, or one's economic station in life.

It will take the efforts of 10 people to replace the energy of Charles in his pursuit of an even chance for every child. It is a challenge that we will all accept and take to heart. Charles would never have given up, and neither must we. He, better than anyone else, knew that our very future as a people and a Nation depends on bridging racial and economic gaps to help our children grow up healthy, proud and feeling they can achieve their dreams if they work hard and follow their hearts.

Mr. Speaker, we shall miss Charles, but we shall not forget the challenge he left to us. May God bless Charles, his wife Patricia and his children Charles Jr., Roderick and Jenelle, and strengthen us as we tackle the task at hand under his shining example. We will not let him down.

OUTSTANDING STUDENTS HONORED

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. TALENT. Mr. Speaker, I rise today to recognize three outstanding students from my district who have been honored by the Creve Couer-Olivette Chamber of Commerce and the Creve Couer Lions Club. Ashraf Abdelkerim, Jennifer Horton, and Rebecca Kerman have each earned special recognition as scholarship recipients by the chamber and Lions Club and are being recognized for their fine high school careers.

The chamber and Lions Club annually award scholarships for area high school students. This year's award was very special because of a tie for first place. Ashraf Abdelkerim and Jennifer Horton will share the first place honors and will each receive $1,625. Rebecca Kerman deserves special recognition for her second place finish in this year's competition.

Ashraf Abdelkerim is currently a student at Mary Institute and St. Louis Country Day School. Ashraf has been extremely active in athletics, as a member of the school's baseball, football, and track teams. Along with his athletic accomplishments, Ashraf has excelled in the classroom as well. He is currently ranked in the top 10 percent of his class. He has been honored as a member of the Signet Society, as well as being selected as an A.P. Scholar. Ashraf has also served as the president of the St. Louis chapter for the Moslem Youth of North America. His dedication to classroom excellence and community service stands as evidence to his leadership abilities.

Jennifer Horton will be graduating this June from Westminster Academy. Jennifer has excelled in her academic endeavors. She has been named to the President's List for 4 consecutive years. She is a current member of the National Honor Society and has also received recognition as a National Merit Commended Scholar. She has excelled in foreign languages and in 1993 was the high scorer at the National Association of Teachers of French Competition. Jennifer has an accomplished record of community service. She has served as a peer counselor for the past 2 years, as well as extensive involvement in musical ensembles. She has participated in American Sings, the Milliken Vocal Festival, a Touring Ensemble, and the Westminster Christian Academy Vocal Festival. Her hard work in the classroom and school service stand as evidence of her promise as a future leader.

Rebecca Kerman will be graduating this June from Watkins High School. Rebecca has combined a fine academic career with an impressive record of community service. She has served as a writer and editor for her school newspaper, as well as being a member of the National Honor Society. Rebecca has volunteered for the Special Olympics, the Big Sister Organization, Students Against Drunk Driving [SADD], Peers Are Listening Organization [PALS], and has served as a member of the Principal's Leadership Cabinet. She has also volunteered for the St. Louis AIDS Foundation, the Central Agency for Jewish Education, and has served as an executive and regional board member for Youth Group Involvement. Her dedication to others and her community places Rebecca among the future leaders of tomorrow.

Mr. Speaker, I wanted to take this opportunity to recognize these outstanding young adults. It is the promise of our children that brightens our country's future, and these three young people exemplify that promise.

ALTERNATIVE MEDICINE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. GEKAS. Mr. Speaker, the Congressional Biomedical Research Caucus held its 27th briefing recently on an important aspect of the practice of medicine, namely, bringing science to alternative medicine.

Dr. Joseph Jacobs, of the NIH office of Alternative Medicine, Dr. Richard Friedman of SUNY at Stony Brook, and Dr. Herbert Benson of Harvard discussed how mind/body interventions have been scientifically proven to be therapeutically effective to offer prevention and cost effectiveness. Because of the scientific studies documenting efficacy, many alternative therapies have already become part of routine, mainstream medical care and they serve as a model for how alternative approaches can be incorporated into the practice of medicine.

I would like to share with my colleagues the enlightening remarks of Dr. Benson and Dr. Friedman.

ALTERNATIVE TO MAINSTREAM MEDICINE: SCIENCE AS THE ARBITER

HERBERT BENSON, M.D.

Throughout history medicine and healing has relied heavily on non-specific factors such as the placebo effect. In other words, what patients believe, think and feel has profound effects on the body. Thus, physicians and other healers have historically appreciated the injurious effect of negative thoughts and emotions and have also recognized the healthful effects of positive thoughts and emotions.

Modern medicine has largely disregarded the importance of mind/body interactions. Starting with the work Dr. Louis Pasteur about 150 years ago, the Western tradition of incorporating these non-specific factors in treatments was progressively replaced with an almost total reliance on specific remedies for specific illnesses. Insulin and antibiotics took the place of the power of the mind to heal. The specific therapies were so dramatically effective that they became the sole treatments utilized. They also changed our attitudes toward the nature of healing. Rather than using a combination of specific and non-specific therapies to promote healing, medicine began to value and rely exclusively on the specific effects of pharmacological and surgical interventions. The non-specific effects of beliefs, thoughts and emotions were devalued.

For many of the medical problems facing our society today, specific drug and surgical interventions alone are not effective. For example, between 60 to 90% of visits to physicians are prompted by conditions related to stress which are poorly treated by drugs and surgery. To better treat this vast number of conditions, there is an understandable movement to utilize alternative treatments. Unfortunately, many alternative treatments are without scientific foundation and we could fall prey to the influence of charlatans and quacks. It is thus very important to distinguish between the alternative therapies that have been scientifically tested from those that have not.

Some so-called alternative treatments, have however been scientifically examined with similar standards used to test accepted drug and surgical interventions. Our work related to the relaxation response is a prime example of how a treatment previously considered to be nonspecific and alternative has evolved into an acceptable therapy for these extremely prevalent stress-related disorders as a result of scientific research.

To best understand the relaxation response, let me first describe the physiology of its counterpart, the stress response. Stress has been defined as the perception of threat or danger that requires behavioral change. It results in increased heart rate, increased blood pressure, increased metabolism, increased rate of breathing and increased blood flow to the muscles. These internal physiologic changes prepare us to fight or run away and this stress reaction has been named the "fight or flight" response. The "fight or flight" response was first described by the Harvard physiologist, Dr. Walter B. Cannon earlier in this century. It is mediated by an increase in the activity of the sympathetic branch of the autonomic nervous system which releases adrenalin and noradrenalin.

Building on the work of Swiss Nobel laureate Dr. Walter R. Hess, my colleagues and I over 20 years ago described a physiological response which is the opposite of Cannon's fight or flight response. It results in decreased heart rate, blood pressure, rate of breathing, and metabolism. We labelled this opposite reaction the "relaxation response."

The relaxation response differs from the fight or flight response in another way. The fight or flight response occurs without requiring the use of a technique. Two steps are usually required to elicit the relaxation response. They are: (1) the repetition of a word, a sound, a prayer, a phrase or a muscular activity and (2) when other, everyday thoughts occur, there is a passive return to the repetition.

As scientific evidence has established that many medical diseases result from repeated exposure to stress, scientific evidence has established that regular elicitation of the relaxation response results in alleviation of these stress-related medical disorders. Specifically, the relaxation response has been demonstrated to be effective in the treatment of hypertension, cardiac arrhythmias, chronic pain, insomnia, anxiety, hostility, depression, premenstrual syndrome, infertility, and the symptoms of both cancer and AIDS. In fact, to the extent that stress causes or exacerbates any condition, the relaxation response is effective. Because of the scientifically documented efficacy, a physiological basis for millennia-old techniques has been established and the relaxation response has become a part of mainstream medicine.

Approximately 60% of US medical schools now teach the therapeutic use of relaxation-response techniques and it is frequently recommended therapy in standard medical textbooks. Therapies such as the relaxation response are now not alternative or unconventional, but are accepted within the academic medical establishment. Their widespread clinical use is a direct result of scientific studies that document the physiologic basis and therapeutic utility. Age-old, self-care, mind/body techniques became validated.

In summary, as we broaden our concept of medical care to embrace non-drug and non-surgical self-care interventions, we need not and should not compromise scientific standards. Rather, science can be utilized to separate the wheat from the chaff.

RICHARD FRIEDMAN, PH.D.

Dr. Benson has indicated that scientific evidence supports the efficacy of the relaxation response, a non-drug, non-surgical self-care intervention. It is an example of what was previously considered to be an alternative medical intervention becoming a part of mainstream medicine. There are other practical issues which should be addressed regarding the integration of the relaxation response and other proven mind/body, self-care interventions into medical care.

Consider for a moment that I were here today discussing a new drug and that scientific evidence indicated that this new drug could treat a very wide variety of prevalent medical conditions—conditions that lead to 60 to 90% of visits to physicians. Furthermore, this new drug could also prevent these conditions from occurring and recurring. And, the new drug was demonstrated to reduce the total costs of health care by as much as 30%. The discovery of such a new drug would be front page news and immediately embraced. Scientifically-validated mind/body therapies have resulted in such clinical and economic benefits, but as yet have not been so enthusiastically embraced. I'll discuss the reasons for this later.

First, I'll provide examples of how mind/body interventions such as the relaxation response can be successfully integrated with mainstream medicine. I'll start with one particularly common and expensive medical complaint, chronic pain. When integrated with routine biomedical care, mind/body approaches can result in the better treatment of chronic pain and in significant economic benefits. Millions of Americans are in chronic pain, which by definition, is pain that cannot be eliminated, but must be managed. Chronic pain sufferers, motivated both by medical and emotional factors, often become frequent users of the medical system. The treatment of chronic pain becomes extremely costly and frustrating for patients and health care providers. In one study, we assessed clinic usage among chronic pain patients at an HMO who participated in our outpatient behavioral medicine program, of which the relaxation response was an integral part. There was a 36 percent reduction in clinic visits for over two years in the patients who participated in the behavioral medicine program as compared to their clinic usage prior to the intervention. In 109 patients, the decreased visits projected to an estimated net savings of $12,000 for the first year following treatment and $23,000 for the second year. These savings did not include those realized by the decreased use of medications.

Next, I'll focus on another extremely common disorder, insomnia. I'll present how these very same mind/body interventions can result in better medical care and also effect cost savings. Approximately 35 percent of the adult population experiences insomnia. Half of these insomniacs consider it a serious problem. Billions of dollars are spent each year on sleeping medications, making insomnia an extremely expensive condition. In fact, the direct costs to the nation are approximately $15.4 billion yearly and actual costs are astronomical in terms of reduced quality of life, lowered productivity and increased morbidity. Although frequently employed, the chronic use of sleeping pills is ill-advised. The shortcomings of such drug therapy, along with recognition of the role of behavioral factors in insomnia, have prompted our development of mind/body behavioral interventions for this condition. We studied the efficacy of a multifactor behavioral intervention for insomnia that included relaxation-response training. Compared to controls, those subjects who received behavioral and relaxation response treatment showed significantly more improvement in sleep patterns. On the average, before treatment it took patients 78 minutes to fall asleep. After treatment, it took 19 minutes. Patients who received behavioral and relaxation response treatment became indistinguishable from normal sleepers. In fact, the 75% reduction in sleep-onset latency observed in the treated group is the highest ever reported in the literature.

To return to the issue I raised earlier—Why, given results such as these, have mind/body therapies such as the relaxation response not been more effectively integrated? Barriers to integration include bias against the shift to self-care approaches; the lack of knowledge of the existing scientific data among health care providers, patients and policy makers in government and private industry; a bias against mind/body interventions in medical care as being too "soft"; and inadequate insurance payments for these treatments.

Overcoming the barriers to integration requires a continued commitment to scientific rigor and a willingness to adopt and advocate what is scientifically proven to be therapetucially effective and to offer cost savings. The full integration of mind/body, self-care medicine is thus completely compatible with the health care reform agenda we are currently confronting. This is a prime example of science being the arbiter of bring so-called alternative medicine into mainstream medicine.

GOVERNMENT PRESSURE ON BELARUSAN MEDIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. HOYER. Mr. Speaker, among the former Soviet Republics, Belarus has been one of the more conservative. The old Communist Party nomenklatura remains in power, and very little economic reform has taken place. True, there have been no ethnic conflicts or violence in Belarus, nor have we seen any harsh physical repression of the opposition. But there has been little movement away from Soviet-era structures and, for the most part, Soviet mentality since Belarus became independent.

Belarus will hold its first presidential elections on June 23. Unfortunately, I have to note with concern that, according to Russian and Belarusan sources, the Belarusan Government appears to be launching a campaign to restrict media outlets that do not toe the government line. A Government spokesman has charged the Minsk newspaper Svaboda—the largest circulation opposition newspaper—with national extremism. He announced that the Government is revising relations with Svaboda, taking into account numerous requests from citizens. The Government printing house has refused to print this awkward newspaper, and the Ministry of Communications is refusing to circulate it.

It is important to remember that in post-Soviet Belarus, all the major media are dependent, to one degree or another, on the Government. The printing houses are state enterprises and the circulation process is controlled by the State. Newspapers are expected not to print anything that upsets the Government.

Moreover, according to a press conference held by Belarusan Media representatives, two Belarusan radio programs have been suspended since May 28. One of them had been planning to feature a live interview with a Government official opposed to the planned merger of the Belarusan and Russian monetary systems. The suspension of these programs is allegedly due to the transformation of the National Television and Radio Company into the Television and Radio Committee of the Belarusan Council of Ministers, which will strengthen State control of the media. This committee is apparently not planning to renew the programs.

Ideally, the Government of Belarus would stop subsidizing the media entirely. If readers object to what they read or watch, they can take their patronage elsewhere. But barring that in the immediate future, as Belarus moves toward its first post-Soviet Presidential elections, the Government should ensure that the media remain free to publish the entire range of opinions in the country.

The opposition Popular Front has accused the authorities of creating unequal conditions for the election. Specifically, opposition activists charge that the State-controlled Belarusan media plan to broadcast remarks by democratic forces at inconvenient hours, and, in general, to skew the coverage of the campaign in favor of the Prime Minister, who is the leading candidate for the Presidency. The Helsinki Commission, which I am proud to cochair, plans to send observers to the Belarusan Presidential election. They will investigate whether restrictions on the media have influenced the outcome of the election and will issue a report on their findings.

TRIBUTE TO VVA MICHIGAN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. CARR of Michigan. Mr. Speaker, I appreciate this opportunity to speak about the Michigan State Council/Michigan Charter of Vietnam Veterans of America.

Michigan, which was the first State to have its own veterans' center, has the largest VVA organization in the United States. I am proud that my State's VVA has been a leader in addressing issues of national importance. For example, Michigan VVA led the fight for legislation on agent orange, and led the fight for judicial review with the Veterans Administration.

Our State has many unique chapters, such as chapter 9, the first chapter in the State; chapter 180, the first chapter to be established in Michigan's Upper Peninsula, and chapter 371 at the Egeler Correctional facility, which has assisted greatly in fundraising for charitable organizations.

Michigan VVA has assisted in raising money for many charitable organizations across the country, including the Salvation Army, Meals on Wheels, the Special Olympics, and Boy Scouts of America. It has also worked to help the victims of recent natural disasters—Hurricane Andrew, the Mississippi River Flood, and the California earthquakes.

I would also like to acknowledge the State council president, Jack McManus, for his outstanding leadership over the past 4 years. I commend him for his commitment and dedication to Michigan VVA, and for his sensitivity to the needs of veterans not only in Michigan, but across our Nation.

Mr. Speaker, it is fitting that the House of Representatives honor outstanding organizations such as the Michigan VVA. Please join me in recognizing their many years of leadership and service in Michigan and throughout the country.

IN TRIBUTE TO KNOX BANNER

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. GONZALEZ. Mr. Speaker, I rise today to bring to the attention of our colleagues and to commemorate the life, achievement and dedicated service of the late Knox Banner. Mr. Banner died on April 9 in his home State of Texas.

It may seem cliche to say that Knox Banner's legacy lives on, but nothing could be more true. The fruits of his long years of hard work are with us each and every day here in our Nation's Capital. At the helm of the National Capital Downtown Committee—better known as Downtown Progress—Knox Banner strove to save and revitalize the heart of downtown in the District of Columbia. This was especially true of downtown in the District of Columbia. This was especially true of the Pennsylvania Avenue corridor between the Capitol and the White House.

He served from 1960 to 1977 as executive director of Downtown Progress and for the next 3 years as the District's business and economic development director. Many specific achievements can be attributed during this time to Mr. Banner, including contributions to the world-class Metro system, the Martin Luther King Memorial Library, the restoration of Ford's Theatre, and many others. These accomplishments continue to benefit all of us that live and work in the District of Columbia and all of the millions of people who come from around the world to visit our Nation's Capital. More than this, his spirit and vision for improvement live on in the continued efforts to keep the city a vital place.

My correspondence with Mr. Banner goes back to the first month of my service in the U.S. House of Representatives—November 1961. Mr. Banner was a friend to many in Congress and throughout the city. I share with him professional roots in service in housing and community agencies, experience which still motivates me today as I continue to serve in the House of Representatives, particularly as chairman of the House Subcommittee on Housing and Community Development.

It is this drive and vision that makes Knox Banner stand out. In my hometown of San Antonio, TX, there were similar individuals whose dedication and work have indelibly changed and improved the life of the city there. One such person was the architect O'Neil Ford who contributed to the restoration of the historic La Villita; helped design much of Trinity University—including the use of construction techniques that were revolutionary at that time; participated in the design of the first phase of the University of Texas at San Antonio; and designed the Tower of the Americas that stands in Hemisfair Plaza, home of the 1968 World's Fair, which I worked hard to make sure came to fruition in San Antonio.

Included in the same distinguished category was a planner, who worked with O'Neil Ford, by the name of Sam Zisman. These individuals not only had the necessary talent and vision, but they also possessed the drive, dedication and motivation to put these into action. Our lives are better today for the likes of Knox Banner, O'Neil Ford, and Sam Zisman. I continue to be deeply impressed, indebted and thankful for their efforts. They also continue to inspire my own work, especially in the capacity of my charge as chairman of the House of Representative's committee and subcommittee dedicated to community development and improvement. I believe they can be an inspiration to us all

Mr. Speaker, I wish to submit here for the RECORD three recent articles on the life and achievement of Knox Banner.

[From the Washington Post, Apr. 11, 1994]

KNOX BANNER, KEY FIGURE IN EFFORTS TO REVITALIZE DOWNTOWN D.C., DIES

(By Richard Pearson)

Knox Banner, 80, a retired director of the D.C. Office of Business and Economic Development and longtime head of the Downtown Progress organization, died of pneumonia April 9 at a nursing home in Dallas. He had diabetes.

Mr. Banner, who had lived in Dallas since leaving Washington two years ago, was named executive director of Downtown Progress, a private organization whose formal name was the National Capital Downtown Committee when it was created in 1960. He held that post until the organization disbanded in 1977, then served as the city's business and economic development director until January 1980.

He made his greatest impact as head of Downtown Progress, a private, nonprofit development organization that planned and promoted the revitalization and renewal of the city's downtown business core and sought to modernize and brighten the Pennsylvania Avenue corridor between the White House and the Capitol.

During his years as executive director of Downtown Progress, Mr. Banner spoke out for changes that ranged from the majestic to the mundane to improve downtown. He spoke of underground corridors for delivery trucks to ease traffic congestion and called for mini-buses that could run more quickly and more often, causing fewer traffic snarls than regular buses. He worked for a world-class subway system and a modern convention center.

He also once told reporters that his vision of a new, majestic "city on the hill" most certainly did not include the used-furniture store displays on the sidewalks of Pennsylvania Avenue.

Over the years, Downtown Progress was instrumental in such projects as the Metro subway system, improvements at the Martin Luther King Memorial Library, the restoration of Ford's Theatre, plans for tourmobiles and the establishment of the F Street Plaza. The organization also worked for passage of D.C. urban renewal plans in Congress.

In 1977, Mr. Banner was appointed by Mayor Walter Washington as the city's first business and economic development director. His job was to work to retain businesses in the city and help attract new ones. His appointment was applauded by many who pointed out that he had the confidence of the mayor, the Board of Trade and City Council President Sterling Tucker. Mr. Banner stayed on in office after Marion Barry was elected mayor, resigning at the end of 1979.

Barry accepted his resignation "with great regret" and praised Mr. Banner for fostering a "spirit of Co-operation . . . between the public and private sectors" of Washington.

Mr. Banner, a Texas native, was a 1935 Phi Beta Kappa graduate of Rice University. Before World War II, he worked for what is now the Social Security Administration in Texas. During the war, he served with the Navy in the Pacific.

After the war, he worked for the Public Housing Administration. He spent three years as assistant to its regional director in Fort Worth before serving from 1954 to 1960 as executive director of the Little Rock (Ark.) Housing and Redevelopment Authority.

In 1956 and 1957, he was national president of the National Association of Housing and Redevelopment Officials. From 1965 to 1969 he served on the First Lady's Committee for a More Beautiful Capital. He had served on the board of the National Housing Conference and was a member of the National Urban League.

He had lectured at George Washington University.

His first marriage, to Mary Banner, ended in divorce. His second wife, Myrtle Banner, died in 1992.

Survivors include two children from his first marriage, Tim and Susan Banner, both of Dallas; and four grandchildren.

[From the Washington Post, Apr. 15, 1994]

KNOX BANNER

There was Pierre L'Enfant, there was Benjamin Banneker and then there was the faithful guardian of this capital city's grandeur—20th century Washington's Mr. Downtown—Knox Banner. His devotion to the life and looks of the central hub became marvelously apparent over the two decades he labored to improve it. Mr. Banner, who died last week at the age of 80, worked both outside and inside avenues of power—first with a private, nonprofit development organization and then with the city government—to rejuvenate the heart of Washington at a critical time in its physical history. His mission: to retain as well as recruit business downtown in appealing surroundings. Given the pressures of change on living patterns and business decisions, it was to prove a mission without end but not without critical successes.

Mr. Banner came to it initially as a kind of lobbyist/representative for local business leaders made anxious by the drift of people and stores from the city to the suburbs in the late 1950s. F Street, the city's premier shopping center in the 1940s, was battling deterioration. The once bustling pathway to the grand department stores, the big stage-show-sing-along and first-run-movie palaces and the first-class historic hotels were running down. The concerned business leaders formed the National Capital Downtown Committee—better known as Downtown Progress—and Mr. Banner became the evangelist of delivery from urban decay.

Uptown as well as downtown, on the Hill, in the District Building and wherever he found ears of influence, Mr. Banner shared his vision of a brighter, livelier Pennsylvania Avenue linking the streets and personalities at each end; and he talked vividly of a city with a world-class subway system, a modern convention center, a public library filled with residents from all walks of local life, a plaza, a lively Chinatown and a reborn Willard Hotel. Sound familiar? At that time, it sounded doubtful. But Mr. Banner hammered relentlessly on merchants of little faith to stay the course, to organize and to work for new retail commerce and tourist attractions.

Today on the streets where Knox Banner toiled, the struggles for urban vitality continue. Some of the big stores are gone, but The Shops are there. The Warner is back. The Willard impresses, and the Old Post Office bustles. Mr. Banner would like what he would see. And he would be talking up a downtown home for the Bullets, Caps, Hoyas, Colonials and other attractions galore. And as others in years ahead look out and like what they see, it will be in no small part the legacy of the man who not only worked for, but also delivered, Downtown Progress.

[From Sallyport magazine June/July 1993]

A BANNER ALUM

When Knox Banner retired from urban planning in 1979 he made a list of things he hoped to do with his newly acquired leisure time.

"For years," he wrote, "I have been wanting to . . . go to the Air and Space Museum again . . .; Spend a month on Lake Balaton in Hungary and catch and eat fogás, washed down with Badacsonyi Szürkebarát . . .; Find the crappie hole in the Potomac between Fletcher's Boathouse and Thompson's Boathouse and fish it and fish it and fish it. . . ."

After spending more than four decades making life more enjoyable for city dwellers in the nation's capital and other cities, Banner deserved a few fishing trips.

Banner was born in Fort Worth and came to Rice in the early 1930s. He supported himself during his college years by working long hours as a biology lab assistant, as a grader for the history department and, for three years, as a waiter for the seniors' table. His exertions took their toll. He developed a habit of napping in Latin class, much to the chagrin of the professor.

"When the bell was about to ring," says his daughter Susan, "the professor would turn to the student next to him and say, 'Would you please wake Mr. Banner so the bell won't startle him?'"

Banner still made top marks in Latin and in his other courses. In 1935 he received a B.A. in liberal arts with distinction and was elected to Phi Beta Kappa.

After college, Banner worked for the U.S. Social Security Board, the U.S. Public Housing Administration and the Housing and Redevelopment Authority in Little Rock, Arkansas. In 1960 he became executive director of the National Capital Downtown Committee, better known as Downtown Progress. This nonprofit corporation was created to revitalize downtown Washington between the White House and the Capitol—an area that was rapidly being abandoned by business and residents when Banner arrived.

Under Banner's direction, Downtown Progress reversed the trend of decay that was turning the capital into a ghost town. He played a critical role in developing the METROrail subway system, restoring Ford's Theater, revitalizing the Pennsylvania Avenue area, developing the F Street Plaza as a precursor of Streets for People, renovating the old Post Office and constructing the Martin Luther King Jr., Library and the Washington Convention Center.

Banner also helped establish and direct Jubilee Support Foundation, a subsidiary of the Jubilee Ministries. Jubilee Ministries is a nonprofit organization that works to improve the quality of life for low-income residents in the Adams-Morgan neighborhood of Washington, DC. Banner was especially instrumental in launching Jubilee's job and housing programs.

"Jubilee gave him every award they had," Susan says, "and they wanted to give him another, so they made up a new one."

Susan, who has been companion and assistant to her father since her stepmother died last year, says her father has "a great love" for Rice. "It gave him some of the best memories of his life and prepared him for all the successes he has had," she says.

Banner has generously supported Rice throughout his career and has made provisions for a bequest to the university in his will. In his dedication to Rice he exemplifies the spirit of the Captain James Addison Baker Society and the spirit of support that has helped make Rice what it is today.

By the way, he hasn't found the crappie hole in the Potomac yet.

EFFORTS TO REFORM POLICIES IN THE NORTHERN MARIANAS EXPLAINED BY LIEUTENANT GOVERNOR BORJA

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1994

Mr. DE LUGO. Mr. Speaker, a conference on relations between the United States and its insular areas was held here during the last few days before the last district work period.

It brought together leaders from the areas—American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands—academicians from the islands, Federal officials, and others.

The gathering was one of the most stimulating, informative, and serious series of discussions concerning insular issues that I have participated in or witnessed.

One of the speakers at the conference was the new Lieutenant Governor of the Northern Mariana Islands, Jesse Borja.

As Members should be aware, the people of that Commonwealth are the only U.S. citizens who are not represented in this House. I think that fact imposes a special responsibility on us to consider the views, needs, and circumstances of the people of the Northern Marianas as policy that will substantially affect them is developed.

To give Members a better perspective on the Commonwealth and the issues concerning it, I want to share with them remarks that Lieutenant Governor Borja made at the conference.

Before I do, however, I want to put his speech in greater context.

Much of the discussion that has occurred in this House regarding the Northern Marianas over the past couple of years has concerned the Commonwealth's tax and alien labor policies as well as the relationship between these policies and the special assistance that the Federal Government has provided for the development of what is the newest member of the U.S. political family.

Members have objected to the policies: because of their substance; because they are not really in the interests of the people of the islands or the Nation; because they have been inconsistent with understandings reached in the agreement which established the Commonwealth in political union with the rest of the Nation; and because they have been subsidized by special Federal assistance.

Last year, the people of the islands chose to reform these objectionable policies by electing Lieutenant Governor Borja and the head of the administration in which he serves, Gov. Froilan Tenorio.

This new leadership of the Commonwealth took office in January and has moved aggressively to institute the needed reforms in local policies. It has instilled confidence in me, as chairman of the subcommittee with jurisdiction over most matters concerning the insular areas, and in our distinguished colleague from California who chairs the full committee, GEORGE MILLER.

In the remarks that I will include in the RECORD, Lieutenant Governor Borja says that,

> Our new Administration is built on reform. We are committed to making our reforms work. Not only will the reforms be directly beneficial to our people, they will also improve our relationship with the Federal Government.

We should respond to the courageous steps that they—and others—are taking to improve policies in the Northern Marianas with understanding and support.

To better enable Members to understand the situation, let us now turn to Lieutenant Governor Borja's speech. It gives the background of, outlines, and explains the Federal-Commonwealth relationship; it discusses issues in the relationship with honesty and insight; and, as I noted, it states the new insular administration's commitment to improve policies of concern.

Lieutenant Governor Borja's remarks follow:

PRESENTATION REMARKS OF LT. GOV. JESUS C. BORJA AT THE: SECOND NATIONAL CONFERENCE: "LOOKING TO THE FUTURE": RELATIONS BETWEEN THE UNITED STATES AND AMERICAN SAMOA, GUAM, THE NORTHERN MARIANAS, PUERTO RICO, AND THE UNITED STATES VIRGIN ISLANDS

Thank you, Mr. Rosenblatt.

Talofa, Lieutenant Governor Tauese Sunia. Hafa adai, Governor Joseph Ada. Buenas Dias, Secretary of State Baltasar Corrado Del Rio.

Good morning, Governor Alexander Farrelly.

Good morning also to the legislative delegates from our Commonwealth, American Samoa, Guam, and the Virgin Islands; the Resident Commissioner of Puerto Rico, and the Resident Representative of our Commonwealth; Congressman DE LUGO; Assistant Secretary Leslie Turner; the president or representative of: the Community College of American Samoa, the University of Guam, the University of Hawaii at Manoa, the Northern Marianas College, the University of Puerto Rico, and the University of the Virgin Islands; other distinguished guests; ladies and gentlemen.

In the Northern Marianas we say, "hafa adai" to greet friends, so today on behalf of Governor Froilan C. Tenorio, I extend a warm "hafa adai" to all of you here. I am very pleased to be here at this conference. As an Associate Justice of the Commonwealth Supreme Court, I attended the first national conference last year. It is good to be here again.

First, allow me to give some background on the Northern Marianas.

BACKGROUND

The Northern Mariana Islands are a chain of 14 small volcanic islands located north of the Island of Guam in the Western Pacific. Saipan, Tinian, and Rota are the three main islands. Most of the population, and the business and government centers are on Saipan. Saipan is about 120 miles north of Guam.

The Northern Marianas have been an American Commonwealth since 1976. Before we became a Commonwealth, our islands, together with five other Micronesian Island groups, made up the Trust Territory of the Pacific Islands, a United Nations Trusteeship with the United States as administrator. Prior to that, the Northern Marianas was governed over a period of about four centuries by Spain, Germany, and Japan, in that order.

In 1972, the NMI began separate political negotiations with the United States. Our people desired a closer political relationship with the United States than the free association status favored by the other Micronesian Islands. On June 17, 1975, in a plebiscite, the people of the Northern Marianas approved the "Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America."

The United States approved the covenant through a joint resolution of Congress on March 24, 1976. For the United States, the covenant represented a new method of expanding the jurisdiction of the United States—not by conquest, purchase, or treaty with another foreign power—but with the consent of the people wishing for a closer relationship with it. On January 9, 1978, our Constitution came into effect. This was the date that our constitutional government was established.

Under our covenant, the United States Federal Government clearly controls our defense and foreign policy. The United States military leases approximately two-thirds of our island of Tinian, and maintains the option of acquiring other land in the Northern Marianas for strategic purposes.

We are proud to be Americans. We have chosen to become a part of the United States. At the same time, our unique culture is very important to us.

In the preamble of our Constitution, it is stated that the people of the Northern Mariana Islands "ordain and establish this constitution as the embodiment of our traditions and hopes for our Commonwealth in political union with the United States of America." Our Constitution mandates that our indigenous culture be preserved.

While we want to preserve our culture, we have become a member of the American political family. Our relationship with the United States is equally important. Our Constitution states our hopes with regard to our relationship with the Federal Government. A delicate balance must be achieved, and we firmly believe that with patience and understanding, it can be done.

As the newest member of the American political family, and experiencing self-government for the first time in over four hundred years, we have had our share of growing pains. These have manifested themselves in problems involving alien labor, immigration, and tax administration, among others. We have already taken serious steps to address the problems and will achieve effective solutions within a reasonable time.

The covenant is the basis of our relationship with the United States.

The covenant was approved in 1976, with certain provisions coming into full force and effect at that time.

The NMI Constitution came into full force and effect in 1978, triggering other provisions in the covenant into effect. The remaining portions of the covenant came into full force and effect in 1986. One provision of special importance to the CNMI people is American citizenship, which was granted to our people at that time.

For purposes of the relationship between the CNMI and the United States, all three dates are important. All three dates effectuated provisions of the covenant that govern our relationship.

For example, section 105, dealing with the legislative power of the United States over the Commonwealth, came into effect in 1976. Sections 102 and 103, dealing with the covenant as the supreme law of the land regarding the relationship, and local self-government, respectively, came into effect in 1978. Section 101, establishing the Commonwealth, came into effect in 1986.

Our relationship is yet a very young one. Even if we date it from the time the United States Congress approved the covenant in 1976, it is only 18 years of age. In terms of relationships between peoples, we are still getting to know one another.

Our covenant and its meanings are still being explored. Neither one of us has yet fully grasped the subtleties and significance of the sections and clauses. We reach for these understandings from different backgrounds, but believe patience, goodwill, and mutual respect will resolve our differences.

The covenant is a unique document. Nobody will dispute this. The exact nature of the relationship that it created between the United States and the CNMI is still being developed. It has been interpreted to some degree in the courts, e.g., the Inspector General case.

In any discussion of the relationship under the covenant, it is important to emphasize that the relationship was created between two sovereigns. It must be pointed out that the United States, prior to the execution and implementation of the covenant, never had sovereignty in the Commonwealth. No other Nation had sovereignty, not even the United Nations. The only conclusion then must be that the Commonwealth had sovereignty when it negotiated and executed the covenant.

We believe the relationship is clear. In matters of defense and foreign affairs, the

United States has sovereignty. In other matters, while the United States has sovereignty, it has agreed to limit the exercise of that sovereignty. While the covenant is clear that the United States has the authority to enact laws affecting the Commonwealth, the covenant is also very clear that it cannot do so unilaterally with regard to certain fundamental matters.

As stated in the 1993 Commonwealth Supreme Court case of *Sablan* v. *Inos*, "where it appears that a Federal law violates a fundamental provision of the covenant, such law should be scrutinized to determine whether it in fact contravenes any such fundamental provisions. If it does, then the covenant negates its applicability to the CNMI."

In other words, the Federal Government has sovereignty in the Commonwealth to the extent it is not limited by a provision in the covenant, e.g., by the articles and sections specifically stated in section 105. We firmly believe that the plenary powers that the United States Congress has over the CNMI, from whatever source—the Territorial Clause, the Supremacy Clause, the Commerce Clause, and the like—is limited by these fundamental provisions of the covenant. These fundamental provisions can only be changed by mutual consent.

This limitation is new to the United States. It will take time and persistence to convince the United States of this unique relationship. The United States is still not convinced that its plenary powers are limited. But this is clear under our covenant.

Section 105 of our covenant, which I mentioned earlier as giving the United States the authority to enact laws according to its constitutional processes that will affect our islands, specifically states: "In order to respect the right of self-government guaranteed by this covenant, the United States agrees to limit the exercise of that authority so that the fundamental provisions of this covenant, namely articles I, II, and III and sections 501 and 805, may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands."

We will continue in our attempt to persuade the United States of the meaning of section 105. We must be persistent and firm in our position.

The covenant is a permanent, binding, and solemn agreement entered into between two sovereign peoples. On the one side is "the people of the Northern Mariana Islands" and on the other side is "the United States of America."

Section 102 of our covenant states: "The relations between the Northern Mariana Islands and the United States will be governed by this covenant."

The covenant is not just a simple contract. It is the product of years of negotiations between the representative of the people of the United States of America—through the President—and representatives of the people of the Northern Marianas. Its composition is complex and its identity unique. It is a binding commitment by two peoples with certain provisions being so sacrosanct as to be unchangeable without the consent of both parties.

The purpose of the covenant, as set forth in its preamble, states that the parties, "Have entered into this covenant in order to establish a self-governing Commonwealth for the Northern Mariana Islands, and to define the future relationship between the Northern Mariana Islands and the United States."

It further states, "This covenant will be mutually binding when it is approved by the United States, and by the people of the Northern Mariana Islands, constituting on their part a sovereign act of self-determination."

When we voted for the covenant we were exercising our sovereign right to enter into a political status agreement with the United States. Many of the problems we are encountering today in our relations with the United States stem from a lack of understanding or misinterpretation of the covenant. Our relationship will be on firm footing once all parties have a clear grasp on the true meaning of our covenant.

We believe we can agree that the legal aspects can be summed up thus: The covenant was entered into by two sovereigns. The Commonwealth had sovereignty when it negotiated and executed the covenant but gave it up. The Federal Government has sovereignty in the Commonwealth to the extent that it is not limited by other provisions in the covenant. It voluntarily agreed to limit the sovereignty it was obtaining.

The covenant, along with applicable provisions of the constitution, laws and treaties of the United States, is the supreme law of the Northern Mariana Islands. The covenant serves as the foundation of our relationship with the United States. It also defines how we govern ourselves as a self-governing Commonwealth. It sets the limits of our authority and power.

The rights and privileges we enjoy in the covenant are unique in the American political family. And while we do not enjoy all the privileges that Americans enjoy in the fifty States, we also have rights that are exclusive to the covenant, such as the alienation of land and the equal representation for each of the chartered municipalities in the senate of our legislature. These provisions run contrary to the U.S. Constitution, yet were included as further evidence that we negotiated the agreement as equals.

There are provisions in the covenant which can be amended only by mutual consent. But we must understand that much of the covenant can be modified by the unilateral action of the United States.

The covenant was designed to include features that compensate for deficiencies in the CNMI's geography, demography, and education. Local control of immigration, minimum wage, taxes, headnote 3(A) status are a few examples. These features were intended to promote political, social and economic development in the Commonwealth.

Issues of local control over immigration, minimum wage, and taxes have been a bone of contention in our relations with the Federal Government. Over the years the debate has focused on the manner in which these programs have been administered. There is no doubt that we have a number of failings in this regard.

However, this cannot detract from the proposition that we have a continuing need for local control over these programs. We believe that adequate justification, coupled with comprehensive reforms, will persuade the United States Congress that local control remains of critical importance to continued socio-economic development in our islands.

Many of these problems would disappear if there was a grasp of the covenant. We have local self-government, but we must learn to exercise that right effectively.

For instance, there is a common misperception in our Commonwealth that multi-year financial assistance is a right and that assistance will flow indefinitely. It is not a right. The covenant states that the initial period shall be for seven years, and indicates that the United States Congress may continue or discontinue such assistance at its discretion. Section 704(d) reads: "* * *guaranteed annual direct grant assistance * * * will continue until Congress appropriates a different amount or otherwise provides by law." Multi-year financial assistance is in jeopardy, because we have not demonstrated any fiscal responsibility and have not justified our need for it.

Take another example, headnote 3(a): Duty free status was extended to the Commonwealth to create local employment opportunities in the local marketplace. Instead, the industry employs nonresidents in large numbers. Although technically legal, this is not the purpose of headnote 3(a). The chief objection of the Congress to the CNMI's position on headnote 3(a) is that it violates the spirit of the program, which was intended to promote local employment.

Labor abuses in the industry have sparked outrage and have prompted the Congress to explore the withdrawal of headnote 3(a) privileges from the Commonwealth. We believe that we would not be in this position had we made good on promises to increase the level of local employment requirements.

Similarly, we stand to lose local control over minimum wage and immigration, because we have failed to regulate both effectively. In these instances, the Congress is not intruding in the exercise of local self-government. Local control over minimum wage and immigration are not rights guaranteed in the covenant; rather, they are privileges granted and subject to change by the United States Congress. If we had recognized this distinction, we may have chosen to deal with these issues differently.

We have experienced problems in the past, because of the difference between the two sides in their perceptions of the self-government and sovereignty provisions of the covenant. We want our relationship with the Federal Government to be based on fairness, mutual respect, understanding, and cooperation. This can be achieved by a clear and definitive understanding of the covenant.

We want a better relationship with the Federal Government. We are firm, but fair in our insistence that we live up to our covenant. Our covenant is the document that governs our relationship with the Federal Government. We will make demands when our covenant gives us such a right. But we will ask for assistance when our covenant does not give us the right.

We have reached a new political maturity in the Northern Marianas. We want a partnership with the United States Government. We will seek help when we need it, and be independent otherwise.

OUR NEW ADMINISTRATION IS BUILT ON REFORM

The administration of Governor Tenorio and myself was elected on a platform of reform. Since taking office in January, we have begun to address some of the problems that affected the previous administration. Those problems concerned alien labor, immigration, and tax policies.

We are committed to making our reforms work. We are confident that they will work. Not only will the reforms be directly beneficial to our people, they will also improve our relationship with the Federal Government.

NON-VOTING DELEGATE SEAT

Recent efforts to promote a non-voting delegate seat are supported by our administration. We would, however, require a certain proviso in the statute allowing it, stating that the granting of such a seat will in no way adversely affect any other provisions of the covenant.

CONCLUSION

Governor Tenorio and I want to achieve a more positive relationship with the United States. We believe that our relationship can be restored to one of fairness mutual respect. Our working reference would be the covenant.

We give plain meaning to the terms of the covenant. We recognize the applicability of Federal laws as long as they are consistent with our covenant. And if the United States enacts a Federal law applicable in the Commonwealth pursuant to the covenant, the United States has an obligation to monitor and enforce that law.

We have the right to local self-government, but we also recognize that there are responsibilities inherent in the exercise of self-government and we would not shirk from those responsibilities. We are confident that the Federal Government will be responsive to our needs as long as we act in good faith. Such privileges as headnote 3(a), for example, might be extended if we make a good faith effort to comply with the spirit of the law.

We are hopeful of our relationship, and we see a good working relationship in the future. Si yuus maase and thank you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 14, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on science and history of the endangered species conservation.

SD-406

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to examine the licensing process of the Departments of State and Commerce for the commercial export of arms.

SD-342

Judiciary

Constitution Subcommittee

To hold hearings to examine the President's constitutional authority with the use of the line item veto.

SD-226

Indian Affairs

To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.

SR-485

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce.

SR-253

Finance

To hold hearings on S. 1780, to revise the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, and to protect the single-employer plan termination insurance program; to be followed by a hearing and consideration of the nomination of Valerie Lau, of California, to be Inspector General, Department of the Treasury, and to consider the nomination of Ronald K. Noble, of New York, to be Under Secretary of the Treasury for Enforcement.

SD-215

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for foreign assistance programs.

SD-419

Labor and Human Resources

Business meeting, to mark up S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act, and to consider pending nominations.

SD-430

2:30 p.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the District of Columbia court system and school system.

SD-192

Judiciary

To hold hearings on proposed legislation to reform the immigration system.

SD-226

JUNE 16

9:30 a.m.

Energy and Natural Resources

To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.

SD-366

Rules and Administration

To hold hearings on S. Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S. Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S. Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

SR-301

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the results of the Uruguay Round of Trade Negotiations.

SR-253

Governmental Affairs

Business meeting, to consider pending legislation and nominations.

SD-342

Judiciary

Constitution Subcommittee

To hold hearings on proposed legislation authorizing funds for the United States Commission on Civil Rights.

SD-226

2:00 p.m.

Armed Services

To hold hearings on the nominations of Gen. J.H. Binford Peay III, USA, for reappointment to the grade of general and to be Commander in Chief, U.S. Central Command, Vice Adm. William J. Flanagan, Jr., USN, for appointment to the grade of admiral and to be Commander in Chief, U.S. Atlantic Fleet, Maj. Gen. Anthony C. Zinni, USMC, for appointment to the grade of lieutenant general and to be Commanding General, I Marine Expeditionary Force, and Maj. Gen. Paul E. Stein, USAF, for appointment to the grade of lieutenant general and to be Superintendent, U.S. Air Force Academy.

SR-222

Energy and Natural Resources

To hold hearings on proposed legislation regarding Hawaiian homelands.

SD-366

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

JUNE 17

10:00 a.m.

Finance

Deficits, Debt Management and Long Term Economic Growth Subcommittee

To hold hearings to examine the United States' saving crisis and implications for security and long-term growth.

SD-215

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation relating to public rights of way.

SR-253

JUNE 23

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the scientific and technological basis for radon policy.

SD-366

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR-301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR-301

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the implementation of the Central Valley

Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

SD-366

JUNE 29

2:30 p.m.

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings on S. 2120, to authorize appropriations for the Corporation for Public Broadcasting for fiscal years 1997 through 1999.

SR-253

CANCELLATIONS

JUNE 14

10:00 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1882, to amend title 18, United States Code, to promote the safe use of guns and to reduce gun violence.

SD-226

JUNE 15

2:30 p.m.

Indian Affairs

To resume hearings on S. 1021, to protect and preserve the rights of Native Americans to express and exercise their traditional religious beliefs, focusing on an amendment in the nature of a substitute.

SR-485

SENATE—*Tuesday, June 14, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The prayer this morning is one with which General Washington concluded a letter to the Governors of the 13 States when he resigned his commission from the Army in 1783.

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy Holy protection, and wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation."

Patient Lord, grant that the faith of our fathers may be our faith as a Nation, lest we lose the incredible legacy they left us.

In His name Who is Incarnate Truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Madam President, the Senate will shortly vote on a motion to request the Sergeant at Arms to obtain the presence of absent Senators. Immediately following that vote, the Senate will resume consideration of the pending bill, the Airport Improvement Act, and the amendment pending thereto. It is my hope that we can get a vote on that amendment today.

As I indicated, we were prepared to vote on the matter on Thursday, we were prepared to vote on Friday, and we are prepared to vote today. I hope my colleagues will permit us to proceed to a vote on that matter today and then to complete action on the airport improvement bill as soon as possible.

The Appropriations Committee is beginning to mark up appropriations bills today, and we will begin shortly a very intense and busy period in which action will be required on a large number of measures and it will, I believe, be helpful to the Senate as an institution and to individual Senators, if we can complete action on the pending measure as soon as possible.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON MOTION TO INSTRUCT THE SERGEANT AT ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to vote on a motion to instruct the Sergeant at Arms to request the presence of absent Senators.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—86

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—13

Breaux
D'Amato
Faircloth
Gramm
Helms
Jeffords
Lott
McCain
McConnell
Murkowski
Nickles
Smith
Wallop

NOT VOTING—1

Specter

So the motion was agreed to.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) D'Amato amendment No. 1775, to establish a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitehouse Development Corp., Madison Guaranty Savings & Loan Association, and Capital Management Services, Inc. and other related matters.

(2) Mitchell amendment No. 1776 (to amendment No. 1775), in the nature of a substitute.

AMENDMENT NO. 1776 TO AMENDMENT NO. 1775

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 1776 offered by the majority leader, the Senator from Maine [Mr. MITCHELL].

The Senator from Maine.

Mr. MITCHELL. Madam President, I note the presence of the distinguished junior Senator from New York on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

floor. I would like, if I might, to direct a question to the Senator through the Chair.

Madam President, the Senator has for some time been urging a Senate vote on the issue of hearings on the Whitewater matter. As the Senator knows, we were prepared to vote on Thursday. At that time he indicated that he and his Republican colleagues would not permit a vote to occur on Thursday. We were similarly prepared to vote on Friday. He indicated the same thing. It is now, of course, Tuesday. I inquire of the Senator whether it is his disposition and that of our Republican colleagues to permit a vote to occur on the pending amendment on the Whitewater matter?

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Madam President, let me say that I want there to be a vote on the Whitewater hearings. Without getting into the merits of the amendment, I do not believe that this is the kind of hearing that the American people deserve. I could not participate in a limited hearing like this, to be quite candid with you, because it is not a hearing that will do justice to the process. It is not the type of hearing which is in keeping with the tradition of comprehensive, truly probing hearings that the Senate has had in innumerable instances. It is too circumscribed.

However, having said that, I certainly think there will be a vote. I am not going to delay this. I believe there may be a vote sometime early this afternoon, when we come back from our respective caucuses. I will seek an opportunity to caucus with the Members on my side as to how they wish to progress. I am fairly certain that we will take this to a vote.

It would be my recommendation that we offer amendments, continue to offer amendments until we can resolve some issues. Hopefully, the leadership can still work this out and resolve the differences between the pending amendment and that which the Republicans have introduced. That would be my hope.

Mr. MITCHELL. Madam President, I, of course, would be perfectly agreeable to entering into an agreement now to have a vote at whatever time the Senator from New York chooses.

Mr. D'AMATO. Let me say to the majority leader, I am not in a position to agree to a time certain for a vote until I speak to the caucus.

It will not benefit any of us to delay the vote because only after the vote may we offer our amendments and possibly come up with a format in the process of negotiation, a format that will make it possible for us to set up a methodology for the hearings. But it would be my recommendation that we vote on this as soon as we come back in. I cannot agree to a time certain now but that is my recommendation. I do not mean to mislead the leader. I want to be very candid with him.

(Mr. MATHEWS assumed the chair.)

Mr. MITCHELL. Mr. President, I will simply say that our colleagues should be prepared to have someone on the floor and debating, because if there is not anyone, the Chair will put the question, of course. It is the burden of those who do not want the vote to occur now or now agree to a time certain for a vote to debate the matter, and I simply want our colleagues to be on notice in that regard.

We will be prepared to proceed and discuss the matter further following the recess, as the Senator from New York has suggested.

Mr. D'AMATO. May I suggest this to the leader: That we put in a quorum call, and I would like an opportunity to consult with the Republican leader—maybe we can agree to a time certain—and some of the others. That would be my recommendation. I have an extra 20 minutes, half hour.

Mr. MITCHELL. That is perfectly fine.

Mr. D'AMATO. Or maybe we can have a time for morning business.

Mr. MITCHELL. Why do I not do that, and Senators can speak in morning business. I will wait to hear from the Senator from New York.

Mr. D'AMATO. Fine.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, accordingly, I now ask unanimous consent that there be a period for morning business until the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

THE ARMY OWES FULL DISCLOSURE

Mr. WELLSTONE. Mr. President, I rise to speak on the floor of the Senate about a matter that is of urgent importance in my State of Minnesota, but I think this may be a matter of urgent importance in many other States as well.

This past weekend was one of the most painful times that I have had in my few years in the U.S. Senate. Yesterday, I met with Diane Gorney, Carol Thomas, and Linda Wait. These were three women who, when they were younger, were schoolgirls attending Clinton Elementary School in south Minneapolis.

What we now know, and the U.S. Army has confirmed, is that it sprayed zinc cadmium sulfide over Minneapolis in 1953, a chemical which is a potential carcinogen.

These women and other women who have called our office who attended this school—one of the sites where the spraying took place—have had very difficult lives, Mr. President. Some have reported sterility. Some have reported abnormal childbirth. Some have reported other diseases and illnesses. So it is not just a question of what has happened to them, but also what has happened to their children as well.

I am not a doctor, and I am not a public health expert. But I ask anyone who is listening to me how they would feel if you had been 7 years old in the second grade, the Army did this spraying as a part of figuring out what the effects would be of chemical warfare, never consulted you, never consulted your parents, never told anybody about it, and then, later on, your children were born with serious defects, serious disabilities. How would you feel? You would be convinced that that spraying is what caused your problems and, in any case, you would want to know what happened.

Mr. President, we all owe a great debt of gratitude to the exceptional work of Melody Gilbert at KTCA who has done this investigative work. The Army has now confirmed that they did this spraying and it has been reported—and I want my colleagues to listen—that this spraying may also have taken place in other cities throughout the country, including Dallas, TX, Raleigh, NC, Columbia, SC, San Francisco, CA and, as it turns out, in Rosemount, MN, and also in the Chippewa National Forest in Minnesota as late as 1964.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. WELLSTONE. Madam President, I cannot answer Minnesotans and other citizens when they ask me why this spraying took place. Presumably, it was to determine how chemicals used in biological warfare would penetrate various structures in different neighborhoods. But I can tell you this, whether it be Minneapolis or Rosemount or the Chippewa National Forest, or other communities in other States, the Department of Defense and the Army owe the people full disclosure.

Tomorrow, Congressman SABO and I will be meeting with the Department of Defense people, and we want answers to questions. We want to know where, when, and how much the Army sprayed. We want to know what are the short- and long-term health effects, if any, caused by exposure to zinc cadmium sulfide. We want to know what the environmental effects are to the water supply, to the topsoil, to the air. We want to know what records the U.S. Department of Defense has relating to the spraying and its effect on the health of humans and the environment. We want to know, Madam President, whether or not the Department of Defense plans to release this information and, if so, we want to know the time line and the plan for doing so.

An Army spokesman reportedly stated last week, and I quote:

> It is virtually impossible to determine any medical relationship between the testing in 1953 and any current health adversity experienced by citizens in the area.

We want to know what medical or scientific proof the Army has to back up such a claim. And, finally, Madam President, we want to know how many residents in Minneapolis and Rosemount and in northern Minnesota, and in other cities throughout the country have come in direct contact with zinc cadmium sulfide as a result of this spraying, and how many of those citizens are now suffering from what might very well be related health care problems.

Madam President, I say to my colleagues, this was done in 1953. Secretary O'Leary has done, I think, a wonderful job of beginning to insist on full disclosure of radiation experiments on human subjects. Those people never knew it was being done to them.

I also have been doing this heartbreaking work with atomic veterans. They went to Mercury, NV; they went to ground zero. They measured the radiation. They were in harm's way. Nobody ever told them about the danger, but what happened to them, their children, and their grandchildren is heartbreaking, and they are still waiting for some kind of justice and compensation.

This was a period of time in our country where I guess the end justified the means, and maybe it was all done in the name of national security. But, Madam President, you know what is interesting, in the last several days as this story has broken in Minnesota, everywhere I go, people come up to me and say, "PAUL, is this being done now?" The only honest answer I can give is: "I don't know. I certainly hope not."

I cannot believe that would be the case, but the one way we can be sure that we do not continue to do this is to hold Government accountable and, for God's sake, at least provide full documentation and full disclosure of the extent of these tests, where they took place—in my State and other States—and what the effects were on the people.

Madam President, no one asked these elementary schoolchildren whether or not they would be willing to be guinea pigs in these experiments. No one asked their mothers or fathers. No one asked the people in Minnesota. Nobody told people in Minnesota that they were in harm's way.

Now we know more about cadmium. We now know that it is probably carcinogenic, but we knew in the 1930's that it was possibly unsafe. When the Government does not know for sure, what side does it err on? Do you not err on the side of caution and protecting citizens? Do you ever, ever in a democracy have the right to conduct such experiments, spraying chemicals, without letting people know? I think the answer is clear.

So, Madam President, we will be meeting tomorrow with the Department of Defense. As more information comes out and I have further information about spraying in other cities—and I listed some cities where I have been notified this probably took place—I will be talking to other colleagues as well.

I cannot even explain to you the emotion of this past weekend, and I will do everything I can to find out what happened. If it turns out that this spraying was the cause of these illnesses, then I will do everything I can to make sure the Government pays for the damage that it has caused.

We do not know what damage there is. We do not even know exactly what happened. One step at a time. First, full disclosure. I certainly hope the Department of Defense and the Army will cooperate. I am sure this administration will. I think it has become much more open in terms of releasing records. Then maybe congressional hearings. Then understanding the full extent of what has happened, and at the very minimum the people in Minnesota and around the country are entitled to know.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from California.

THE WORK OF THE SENATE

Mrs. BOXER. Madam President, we have a great deal of work to do in this Senate. The Senator from Minnesota has just given us an example of that work. How many of our citizens have been exposed to harmful toxins throughout our history, and what are we going to do about it? What are we going to do about the gulf war syndrome, so many of our veterans coming home sick.

We have work to do, Madam President, and this is just one example of work we have to do that involves the health and the safety of our people.

Now, no one believes that the Federal Government can or should solve every problem facing our people. But most Americans agree, and I certainly know most Californians agree, that the Federal Government should act on a strategy of cooperation with the private sector, with other levels of Government, and with our citizens to make life better for our people.

That is why, Madam President, it is so distressing to me to see the Senate grind to a halt because my Republican friends and colleagues want to hurt the only President we have.

Madam President, I have had the privilege of serving in the Congress for almost 12 years now, 10 years on the House side, and now the deepest of honors to serve in the Senate representing 31 million people, the people of California. I was sent here to work for Californians, to fight for a better economy, for good jobs, for a decent education for our children, for a clean environment, to fight for an opportunity for every child in our Nation, to fight for a health care system that does not walk out on our people after they get sick, that does not artificially cap benefits at a certain number.

Madam President, 80 percent of our people face those caps in their insurance policies, so when they get sick, if it is a serious illness and they use up that cap, they are no longer covered by health insurance.

I wish to fight to make sure that our workers can move to new jobs, and they do not have to stay in jobs they do not like because they fear losing their insurance. Twenty-five percent of our citizens are in job lock today. They are afraid to leave their jobs even though they do not like it. Even though they want to do something new and exciting in their life, they are afraid they will not have health insurance so they are stuck in a job they do not want. We do not want to continue a health care system that keeps people on welfare and costs an absolute fortune because the emergency room too often substitutes as the first line of care.

Madam President, we have a lot of work to do here. Is it complicated? Yes, it is complicated work. Is it difficult work? Yes, it is difficult work. Will there be give and take and compromise and arguments and debates? Yes. But, Madam President, let us work. Let us have the debate. Let us not sit around here while our Republican friends stop us from voting on their own resolution on Whitewater.

They offer an amendment to the airport bill. Is it relevant to that bill? No. No, not at all. Airports around the Nation need their Federal grants, for safety, for expansion, for other purposes, but we have a Whitewater amendment on this bill. OK, so let us vote on it and get on with the airports bill. And let us vote on the alternative offered by the majority leader.

But let us vote and let us work. I was waiting since Thursday to vote and get on with the airport bill. Well, our Republican friends—not all but many—are trying to hurt this President, the only President we have in this Nation.

I have to tell my friends, we have one President at a time. I served with three Presidents. I disagreed with President Reagan's trickle-down economics because I thought it was unfair to the middle class and I thought it was unfair to the poor. I disagreed with President Reagan's proposed budget cuts because they hit children's programs, environmental programs, education programs. I disagreed with President

Bush's economic policies, which failed to create any jobs whatsoever and led to stagnation and recordbreaking deficits.

I disagreed with these two Presidents as much as my Republican friends disagree with President Clinton. I respect their disagreements. I know they want to return to the priorities that prevailed before President Clinton and the Democratic Congress passed family medical leave to help our families so they do not have to choose between a sick kid and a job. I know they want to go back to those days of vetoes on every domestic program. I know they do not like the motor voter bill, which extends voter participation. I know that. They said it. I understand it, and I respect them. I know they did not like the deficit reduction plan. Oh, they said it would lead to higher deficits and lead to job losses. Well, we have lower deficits, and we have job creation because of the Clinton plan for which this Senate stood up and voted.

The fact is they want to go back to the days when domestic priorities, priorities of this country took a back seat. But I have to tell you, I understand my colleagues' frustration; I had it for a long time myself, but I never tried to stop the work of the Congress, because I knew the people elected those Presidents with whom I happened not to agree. But it was my job to be the loyal opposition, to point out the problems and move on.

Whitewater is being addressed by a Republican special counsel who has been widely praised for his thoroughness and his skill; by a team of Federal agents; it will be addressed by the Senate in hearings. We voted 98 to nothing to address it in the Senate, and the amendment of the majority leader follows along that route. Let us vote on it and let us vote on the Republican idea, which I will oppose because it interferes with the prosecution.

I am not going to go home to my people in California and say I stood up to Mr. Fiske and allowed Senators to make political points in committees by going into issues that are under investigation, at which the special counsel told us not to look.

So, as I said earlier, I served under two Presidents with whom I did not agree. But I respected the office, I respected this country, I respected my Republican colleagues, and I respected the people who sent me to Congress enough to know that there is a difference between doing your work in Congress and getting out on the campaign trail. We have Presidential elections every 4 years, not every 4 days. Let us get the politics out of here, and let us do the work we were sent here to do.

We have one President, a President who stepped up to issues long before. Even if you do not agree with him, you have to admire the guy. Health care, welfare, voter participation, the deficit, the information superhighway, trade, education—these are the issues this President is addressing with this Democratic Congress, issues long ignored. For the sake of the country, let us debate these issues. Let us be tough in these debates.

Sure, I love a tough debate. Let us get on with our work. We should be respectful of each other as we find our way. We should respect the Presidency as we find our way. We were sent here to work. Let us work.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. In the interest of being respectful to one another, the Senator from Idaho had requested recognition before the Senator from California spoke.

I now give recognition to the Senator from Idaho.

Mr. CRAIG. Thank you very much, Madam President. I will be brief. Others wish to come to the floor to speak in morning business.

I appreciate the comments of my colleague from California. We all recognize the importance of the U.S. Senate voting, and that is all that we are asking for here, an up-or-down vote on whether this Congress, in a reasonable time, is going to convene open and thorough hearings to see whether this Presidency or any part of it is involved in the obstruction of justice.

That is a simple request. That is what the American people want. Most assuredly, that is what all Senators want. But I am not here today to speak of Whitewater.

TRIBUTE TO THE FLAG

Mr. CRAIG. Madam President, I am here today because today is Flag Day, and I rise to pay tribute to the flag of our Nation. There are a lot of stories that could be told about today's celebration of our flag. There is a story about how our flag was fashioned for the first time, and how it has changed over the years. There is a story about how our flag came to be set aside to honor the United States. There is a story of recent flag deliberations right here in the Congress of the United States and in the courts, and how people could handle it and use it or abuse it. And there are innumerable stories about how our flag has inspired common people to do extremely uncommon and valorous deeds.

There is also a great story about something that I want to relate at this moment. The story I would like to tell today is a tribute to the men and women across this country who have disagreed with the Federal courts of our country and believe we ought to change our Constitution; who believe, as all Americans do, that the flag is the ultimate symbol of our country. It is the unique fiber that holds together a diverse and different people into a nation we call America and the United States.

This group of people talking to each other as Americans continued to debate the issue of flag and flag desecration long after the U.S. States Congress spoke several years ago. They debated it in coffee shops, in classrooms, and in American Legion halls. They talked across the back fence. They talked over phones and on CB radios and through computer networks. How do I know? Well, I was not a part of that debate. But there is a clear record of that debate. That is important for the Congress of the United States to know.

The transcript of the great American debate can be found recorded in memorial after memorial that the State legislatures of our country have sent to the Congress just in the last few years. That debate was simple: Honor the American flag and protect it inside the Constitution of our country so that it can no longer be used as an expression of free speech beyond the normal margins of free speech; so that it cannot be burned or desecrated as has been done in the past and, as our courts have ruled, can be in the name of free speech constitutionally.

As of May of this year, 1994, 43 State legislatures have memorials to the U.S. Congress urging action to protect the American flag from this physical desecration. Those legislatures represent nearly 229 million Americans, more than 90 percent of our country's population.

I ask unanimous consent to place in the CONGRESSIONAL RECORD copies of these memorials from the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"STATE OF ALABAMA, H.J. RES. NO. 88

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the Legislature of Alabama, both Houses thereof concurring, the Senate concurring, That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the congressional delegation from the State of Alabama."

"STATE OF ALASKA, H.J. RES. NO. 27

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our nation soul as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

"Whereas, in the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, in the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

"Whereas, the American Flag symbolizes the ideas that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

"Whereas, the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; be it

"Resolved by the Alaska State Legislature That the Congress of the United States is requested to prepare and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress and the legislatures of the several states the power to prohibit the physical desecration of the Flag of the United States; this request does not constitute a call for a constitutional convention; and be it further

"Resolved, That the legislature of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

"Copies of this resolution shall be sent to the Honorable Al Gore, Vice-President of the United States and President of the Senate; the Honorable George J. Mitchell, Majority Leader of the U.S. Senate; to the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the governors of each of the several states; the presiding officers of each house of the legislatures of the several states; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the Honorable Don Young, United States Representative, members of the Alaska delegation in Congress."

"STATE OF ARIZONA

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and that is committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency.

"Wherefore, your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the United States Congress propose to the people an amendment to the Constitution of the United States, as provided by law to add to the Constitution of the United States, an article providing as follows:

ARTICLE—

"Section 1. The Congress and the states have power to prohibit the physical desecration of the flag of the United States.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

"STATE OF ARKANSAS, S.J. RES. NO. 6

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the Senate of the Seventy-eighth General Assembly of the State of Arkansas and by the House of Representatives, a majority of all members elected to each House agreeing thereto, That the General Assembly of the State of Arkansas respectfully urges the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states; specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the Congressional Delegation from the State of Arkansas.

"STATE OF CALIFORNIA, ASSEMBLY JOINT RESOLUTION NO. 55

"Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

"Whereas, In the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, In the Civil War the American Flag symbolized the vision of those patriots who fought and died for a single union, one and inseparable, where human beings could not be bought and sold; and

"Whereas, In the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, The American Flag symbolizes the ideals that good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, The American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

"Whereas, The American Flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, The law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, Jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved*, That the Secretary of State transmits copies of this resolution to each Senator and Representative in the Congress of the United States."

"STATE OF COLORADO, H.J. RES. NO. 91

"Whereas, the right of free expression is part of the foundation of the United States Constitution. Although the courts have drawn very careful limits on expression in specific instances as legitimate means of maintaining public safety and decency, as well as orderly and productive public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national unity such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"*Resolved* by the House of Representatives of the Fifty-eighth General Assembly of the State of Colorado, the Senate concurring herein: That the General Assembly hereby petitions the Congress of the United States to propose an amendment to the Constitution of the United States which would forbid physical desecration of the United States flag, and to submit such amendment to the state legislatures for ratification; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and all members of the congressional delegation from the State of Colorado."

"STATE OF CONNECTICUT, H.J. RES. NO. 73

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved*, That the legislature of the State of Connecticut respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved*, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and to all members of the congressional delegation from the State of Connecticut."

"STATE OF DELAWARE, HOUSE RES. NO. 28

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"*Resolved* by the House of Representatives of the 136th General Assembly of the State of Delaware, the Senate concurring therein, respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved* That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the Congressional Delegation from the State of Delaware."

"STATE OF FLORIDA, HOUSE MEMORIAL 129

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate, and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others, and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor, and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal, and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state, and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency, Now, therefore, be it

"*Resolved by the Legislature of the State of Florida,* That the Congress of the United States is requested to propose an amendment of the United States Constitution, for ratification by the states, specifying that the Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That copies of this memorial be forwarded to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

"STATE OF GEORGIA, H.R. NO. 105

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"*Resolved by the General Assembly of Georgia,* That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to authorize criminal sanctions for certain disrespectful acts involving the flag of the United States or the flags of the several states; be it further

"*Resolved,* That this application by the General Assembly of the State of Georgia constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V but, if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution before January 1, 1992, this petition for a constitutional convention shall no longer be of any force or effect; and be it further

"*Resolved,* That the Clerk of the House of Representatives is authorized and instructed to transmit a duly attested copy of this resolution to the Secretary of the Senate of the United States Congress, to the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation."

"STATE OF IDAHO, SENATE JOINT MEMORIAL NO. 102

"Whereas, although the right to free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"*Resolved by the members of the First Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein,* That the Congress of the United Stats submit for ratification by the states, an amendment to the United States Constitution, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, "That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the Legislatures of the several states of these United States."

"STATE OF ILLINOIS, H.R. NO. 322

"Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The Flag of the United States was nobly born in the struggle for independence that began with 'The Shot Heard Round the World' on a bridge in Concord, Massachusetts; and

"Whereas, In the War of 1812 the Flag of the United States stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, In the Second World War the Flag of the United States was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, The Flag of the United States symbolizes the ideals for which good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, The Flag of the United States was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, The Flag of the United States to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, The law as interpreted by the United States Supreme Court no longer accords to the 'Stars and Stripes' that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration of the 'Stars and Stripes' of a proper station under law and decency; therefore, be it

"*Resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Illinois,* That we respectfully urge the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"*Resolved,* That suitable copies of this preamble and resolution be presented to the Speaker of the House of Representatives, the President of the U.S. Senate and all members of the congressional delegation from the State of Illinois."

"STATE OF INDIANA

"Whereas, although the right of free expression is part of the foundation of the

United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency.

"Whereas, The desecration of the flag of the United States gives aid and comfort to our enemies which should not be allowed; Therefore, be it

"Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:

"Section 1. The Indiana General Assembly respectfully memorializes the Congress of the United States to pass a proposed amendment of the United States Constitution for ratification by the States, specifying that Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States.

"Section 2. That the Secretary of the Senate is directed to send copies of this resolution to the leadership of both houses of Congress and to each member of Congress representing the citizens of the state of Indiana."

"STATE OF KANSAS, H. CON. RES. NO. 5006

"Whereas, The Flag of the United States is the most recognized symbol of a grateful nation and no other American symbol has been as universally honored as the American Flag; and

"Whereas, The United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality and expression; and

"Whereas, While the right of expression is a principal freedom provided by the United States Constitution, very carefully drawn limits of expression in specific instances have long been recognized as legitimate means in maintaining public safety and decency, as well as providing order and value to public debate; and

"Whereas, Certain actions, while related to an individual's right to free expression, nevertheless raises issues concerning public decency, peace, rights of expression and the values of others; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Flag the reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the flag of a proper station under law and decency; and

"Whereas, More than 500 Kansas veteran, fraternal and civil organizations have joined many city and county bodies of Government in signing resolutions calling upon the Kansas legislature to approve a resolution petitioning the Congress of the United States to propose a Constitutional Amendment to allow states the authority to pass laws prohibiting the physical desecration of the Flag of the United States; and

"Whereas, Kansans believe the right to express displeasure with government is a cherished right protected by the First Amendment, however, Kansans also believe that the desecration of the American Flag is an atrocious act which should be prohibited: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein,* That the Legislature petition the Congress of the United States to submit an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"*Resolved,* That the Secretary of State be directed to send enrolled copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the congressional delegation from the State of Kansas."

"STATE OF LOUISIANA, H.R. NO. 2

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although related to a person's right to freedom of expression, interfere with public peace, public decency, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag is still an honorable and worthy banner of a nation which is thankful for its strengths and, committed to curing its faults, and remains the destination of millions of immigrants who are attracted by the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the "Stars and Stripes" the reverence, respect, and dignity befitting the banner of this most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere lend their voices to a forceful call for the American Flag to be restored to a proper station under law and decency; Therefore, be it

"*Resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the Congressional Delegation from Louisiana."

"STATE OF MAINE, HOUSE OF REPRESENTATIVES AND SENATE RESOLUTION 1991

"Whereas, the American flag is a symbol of national unity, provides a beacon of hope and liberty for every nation in the world, is a source of tremendous national pride and is cherished as the embodiment of our country's history, traditions and ideals; and

"Whereas, our Armed Forces have defended our country's freedoms under the banner of the Stars and Stripes from the Revolutionary War to the present day; and

"Whereas, the American flag is also a symbol of the fundamental framework of individual rights laid down in the Constitution and is a symbol of the political heritage of this most noble experiment, our nation; and

"Whereas, this is the bicentennial year of the passage of the Bill of Rights and as the individual rights guaranteed by those amendments to our nation's Constitution constitute the very essence of our political heritage of liberty and freedom; and

"Whereas, the Bill of Rights has stood unchanged since its adoption on December 15, 1791 and, as a result, has served as the unvarying bulwark that protects individual liberty in this country; and

"Whereas, any change to the Bill of Rights may create a dangerous precedent and may open the door to incremental erosion of the basic rights enjoyed by all Americans; now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to take appropriate action to ensure that proper respect and treatment will always be accorded to the American flag and to ensure that desecration of our flag will be prevented while continuing our nation's long and proud history of preserving the integrity of the Bill of Rights to the Constitution of the United States; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and each Member of the Maine Congressional Delegation."

"STATE OF MARYLAND, H. RES. NO. 6 AND S. RES. NO. 4

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Strips of a proper station under law and decency; now, therefore, be it

"*Resolved by the General Assembly of Maryland,* That the General Assembly respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That copies of this resolution be transmitted by the Department of Legislative Reference to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate; and be it further

"*Resolved,* That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation."

STATE OF MASSACHUSETTS

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Therefore be it

"*Resolved,* That the Massachusetts general court respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the States, specifying that Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"*Resolved,* That copies of these resolutions be forwarded by the clerk of the Senate to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

"STATE OF MICHIGAN, H. CON. RES. NO. 122

"Whereas, The United States Supreme Court has ruled in a 5-4 decision that popular legislative assemblies' attempts to curtail those acts that are an affront to the American people by protecting national symbols through local legislation may be unconstitutional if they go beyond the fine-line of the First Amendment; and

"Whereas, The desecration of national symbols through acts which are beyond the free speech essentials of our laws that allow the expression of diverse ideas or opposition to national policy that is political in nature, should be defined in law in order to protect against offensive acts which may incite or encourage violence or counterproductive activity of other citizens; and

"Whereas, Veterans' groups, expressing the sentiment of our people, have called for action to ban the desecration of the American flag. Indeed, to ignore the effect of this decision would be an affront to everyone who has been committed to the ideals of our nation in times of war and in times of peace: Now, therefore, be it

"*Resolved by the House of Representatives (the Senate concurring),* That the members of the Michigan Legislature hereby memorialize the United States Congress to pass an amendment to the United States Constitution to prohibit the desecration of the American flag; and be it further

"*Resolved,* That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation."

"STATE OF MINNESOTA, RESOLUTION NO. 5

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults; and

"Whereas, the country represented by the Stars and Stripes remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of the United States: Now, therefore, be it

"*Resolved by the Legislature of the State of Minnesota,* That it urges the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

"STATE OF MISSISSIPPI, H.RES. NO. 60

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and one that remains the destination of millions if immigrants attracted by the universal power of the American ideal; and

"Whereas, the American flag is our national ensign, a proud and courageous symbol of our nation's precious heritage and, as such, it has been carried and defended in battle, revered and cherished by its citizens, and viewed as a beacon of hope, freedom, equal opportunity, religious tolerance and goodwill by people throughout the world; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: "Now, therefore, be it

"*Resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein,* That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States of America; and be it further

"*Resolved,* That copies of this resolution be forwarded to the Mississippi Congressional Delegation and that copies be made available to the Capitol Press Corps."

"STATE OF MISSOURI

"RESOLUTION

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Strips of a proper station under law and decency; Now, therefore, be it

"*Resolved*, That we, the members of the Missouri House of Representatives of the Eighty-sixth General Assembly, the Senate concurring therein, hereby respectfully memorialize the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved*, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Congressional Delegation."

"STATE OF MONTANA, SENATE RESOLUTION NO. 19

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on the expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression, and the sacred values of others; and

"Whereas, there are symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag, to this day, is the most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and that remains the destination of millions of immigrants attracted by the universal power of the American ideals; and

"Whereas, the law, as interpreted by the United States Supreme Court, no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of the most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate and the House of Representatives of the State of Montana*, That the Legislature of the State of Montana respectfully petition the Congress of the United States to consider an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved*, That the Secretary of State send copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate, and each member of Montana's Congressional Delegation."

"STATE OF NEBRASKA, LEGISLATIVE RESOLUTION NO. 319

"Whereas, the United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality, and expression; and

"Whereas, while the right of expression is a principal freedom protected by the United States Constitution, very narrowly drawn limitations on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency; and

"Whereas, certain actions, while relating to an individual's right to freedom of expression, nevertheless raise issues concerning public order; and

"Whereas, the flag of the United States is a recognized national symbol: Now, therefore, be it

"*Resolved by the members of the Ninety-Third Legislature of Nebraska, Second Session:*

"1. That the Legislature encourages the Congress of the United States to consider an amendment to the United States Constitution, to be ratified by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and the President pro tempore of the Senate of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States."

"STATE OF NEVADA, S.J. RES. NO. 5

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's freedom of expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes of our American Flag that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the American Flag to a proper station under law and decency; now, therefore, be it.

"*Resolved by the Senate and Assembly of the State of Nevada, Jointly*, That the Nevada Legislature memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the National Headquarters of The American Legion; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

"STATE OF NEW HAMPSHIRE, H.RES. NO. 57

"Whereas, the American flag is a sacred symbol of the United States of America; and

"Whereas, there is a legitimate public interest in preserving the sanctity of "Old Glory"; and

"Whereas, the desecration of "Old Glory" is abhorrent and reprehensible to most Americans; now therefore, be it

"*Resolved by the House of Representatives:*

"That the Congress of the United States is requested to institute procedures to amend the Constitution of the United States and to prepare and submit to the several states for ratification an amendment to prohibit flag desecration; and

"That copies of this resolution be forwarded to the President of the United States, to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation to the United States Congress; and

"That copies of this resolution be prepared and forwarded to the secretaries of state and to the presiding officers of the legislatures of the several states with the request that they join this state in making application to the Congress of the United States to pass such an amendment."

"STATE OF NEW JERSEY, ASSEMBLY CONCURRENT RESOLUTION NO. 82

"Whereas, There are national symbols, such as the Washington Monument, the United States Capitol Building, and the Lincoln Memorial, which belong to every American and which should be protected from desecration and dishonor; and

"Whereas, The American flag is not only such a symbol but is also an integral part of this nation's history and spirit; and

"Whereas, Our flag was born in the struggle for independence that began with "The Shot Heard Round the World" in Concord Massachusetts; and

"Whereas, During the War of 1812, the American flag symbolized the stand of a young and brave nation against foreign invasion and inspired our national anthem; and

"Whereas, During World War II, the Stars and Stripes was the banner that led American forces against fascist imperialism, from the depths of Pearl Harbor to the mountaintop on Iwo Jima and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, Old Glory symbolizes the ideals for which good and decent people fought and died in Vietnam, often suffering cruel condemnation at home in that effort; and

"Whereas, Our flag stands for the democratic values which were advanced in the struggle for civil rights for all Americans; and

"Whereas, The American flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, The American flag is the honorable and worthy banner of a nation which is thankful for its strengths, committed to curing its faults, and which still remains the beacon of hope for millions of immigrants attracted by the American dream; and

"Whereas, The United States Supreme Court has mistakenly decided to take away from the Stars and Stripes the protection and respect which it deserves; and

"Whereas, The right to free speech was never intended to mean that our flag should be subject to desecration and dishonor under the guise of freedom of expression; and

"Whereas, It is fitting and proper that people everywhere lend their voices to a forceful call for the protection of Old Glory under the laws of the federal and state governments: Now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey (the Senate concurring):*

"1. The Congress of the United States is respectfully memorialized to propose an amendment to the United States Constitution, for ratification by the states, providing that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice-President of the United States, the Speaker of the House of Representatives, and every member of Congress elected thereto from the State of New Jersey."

"STATE OF NEW MEXICO, H. RES. NO. 20

"Whereas, freedom of speech is a cherished right conferred by the first amendment of the constitution of the United States; and

"Whereas, the guarantee of freedom of speech is not absolute but must be balanced against threats to the national peace and to the maintenance of law and order; and

"Whereas, the United States flag is a cherished symbol of our nation's history and the struggle for freedom, liberty and justice in world, and the desecration of that flag is the desecration of those basic ideals upon which our country is based; and

"Whereas, the United States flag has symbolized hope for a brighter future and a chance for equal justice and opportunity for all; and

"Whereas, the United States flag has rallied our troops in times of peril and overwhelming odds; and

"Whereas, Americans have died defending the freedoms represented by the flag, and in their honor the dignity of the flag should not be demeaned, but the flag should be treated with respect; and

"Whereas, the flag symbolizes our national unity and inspires others to pursue the goals of democracy, freedom, liberty and justice; and

"Whereas, the United States supreme court in United States v. Eichman held that burning the flag was a form of speech, protected by the first amendment; and

"Whereas, two joint resolutions are now pending in the United States house of representatives proposing an amendment of the constitution of the United States:

"*Now, therefore, be it Resolved by the House of Representatives of the State of New Mexico,* that the United States congress be requested to propose an amendment to the constitution of the United States to be ratified by the states specifying that congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this memorial be transmitted to the speaker of the United States house of representatives, the president pro tempore of the United States senate and all members of the New Mexico congressional delegation."

"STATE OF NEW YORK, S. RES. NO. 466

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, the Tomb of the Unknown Soldier, the Vietnam Memorial and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved,* That this Legislative Body respectfully urge the New York State Congressional Delegation to propose an amendment to the United States Constitution, for ratification by the States, specifying that Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"*Resolved,* That copies of this Resolution, suitably engrossed, be transmitted to all members of the Congressional Delegation from the State of New York."

"STATE OF NORTH CAROLINA, H. RES. NO. 230

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the House of Representatives:*

"Section 1. The House of Representatives respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"Sec. 2. The Principal Clerk of the House of Representatives shall transmit a certified copy of this resolution to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Carolina congressional delegation.

"Sec. 3. This resolution is effective upon adoption."

"STATE OF NORTH DAKOTA, S. CON. RES. NO. 4021

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the Flag of the United States to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the flag of the United States that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the flag of the United States of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate of North Dakota, the House of Representatives concurring therein:* That the Fifty-second Legislative Assembly urges the Congress of the United States to propose to the several states for ratification an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That the Secretary of State forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the North Dakota Congressional Delegation."

"STATE OF OHIO, H. RES. NO. 9

"Whereas, The United States Supreme Court recently held that the First Amendment to the Constitution of the United States protects from criminal prosecution those who burn or otherwise desecrate the American flag as a form of political protest; and

"Whereas, Since the Grand Union flag was the first raised over Cambridge, Massachusetts, by George Washington on January 2, 1776, the American flag has waved over our great nation as a symbol of freedom, inspiring Americans with an intense pride and often inspiring peoples of other nations with a deep longing for freedom; and

"Whereas, Our forefathers had a dream of a country based on principles of truth and justice, a country, strengthened by the aspirations of many individuals, and a country that would shine as a beacon of hope and democracy for the people of the world, and the American flag has stood as a symbol of this dream and of the love of country, strong sense of duty, and dedication to the ideals of democracy that are the heritage of every American citizen; and

"Whereas, During the War of 1812, on the night of September 13-14, 1814, a young American attorney, Francis Scott Key, watched the battle of Fort McHenry as he stood trapped aboard a British ship in Baltimore harbor and was so moved by the sight of the Stars and Stripes waving over the fort at the dawn that he wrote a poem, "The Star-Spangled Banner," whose words became our national anthem and represent the strength, determination, and pride of our people; and

"Whereas, By its ruling the United States Supreme Court has sanctioned the desecration and mutilation of the symbol that inspired Francis Scott Key, the symbol that has led millions of Americans into battle in protection of this land, and the symbol that today leads the cause of freedom in other nations; therefore be it

"*Resolved*, That we, the members of the 19th General Assembly of the State of Ohio, in adopting this Resolution memorialize the Congress of the United States to take the action necessary to propose, and submit to the several states for ratification, an amendment to the Constitution of the United States that would prohibit the desecration of the American flag; and be it further

"*Resolved*, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the Speaker and Minority Leader of the United States House of Representatives, to the President Pro Tempore and Minority Leader of the United States Senate, and to each member of the Ohio congressional delegation."

"STATE OF OKLAHOMA, S. RES. NO. 46

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful to Divine Providence for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate of the 2nd Session of the 44th Oklahoma Legislature, the House of Representatives concurring therein:*

"That the Oklahoma Legislature respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"That copies of this resolution be distributed to the Speaker of the United States House of Representatives, the President of the Senate and each member of the Oklahoma Congressional Delegation."

"STATE OF PENNSYLVANIA, H. RES. NO. 161

"Whereas, Since Revolutionary times, the American flag has been an honored emblem chosen to symbolize our nation; and

"Whereas, Like our nation itself, the American flag represents the dedication and courage of all who have worked, sacrificed and given their lives to establish and preserve this nation and the American way of life; and

"Whereas, As an expression of the public's profound sense of outrage at acts of desecration toward this national symbol to which we offer a 'Pledge of Allegiance,' the Commonwealth of Pennsylvania, 47 other states, and the Federal Government have enacted laws prohibiting and punishing flag desecration; and

"Whereas, The United States Supreme Court, by a vote of five to four, rendered a decision of June 21, 1989, which effectively held unconstitutional these state and Federal laws prohibiting flag desecration; therefore be it

"*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to vote to propose an amendment to the Constitution of the United States in order to authorize state and Federal governments to enact laws prohibiting and setting penalties for flag desecration; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

"STATE OF RHODE ISLAND

"Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy or protection from desecration and dishonor; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains of the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, The law as interpreted by the United States Supreme Court no longer accords to that Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

"Resolved, That the Legislature of the State of Rhode Island respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the secretary of state be and she hereby is authorized and directed to transmit duly certified copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the Rhode Island Congressional Delegation."

"STATE OF SOUTH CAROLINA

"Whereas, in the Second World War the American flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, the American flag symbolizes the ideals for which good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, creed, or national origin; and

"Whereas, the American flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the American flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American flag, even now, is the rallying flag for those of the world who would protect its people from the heinous crimes and inhumanity of a despotic ruler and is, for civilized nations, the symbol of resistance to this tyranny and oppression in the Middle East; and

"Whereas, it is only fitting that the people should blend their voices in a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate, the House of Representatives concurring*, That the members of the General Assembly memorialize Congress to propose an amendment to the United States Constitution for ratification by the states specifying that Congress and the states may prohibit the physical desecration of the flag of the United States of America; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the President of the United

States Senate, the Speaker of the United States House of Representatives, and the members of this state's congressional delegation."

"STATE OF SOUTH DAKOTA, S. CON. RES. NO. 8

"Whereas, the United States Supreme Court, in Texas vs. Johnson, declared unconstitutional a state statute prohibiting the burning or other desecration of the American flag; and

"Whereas, for more than two hundred years, the American flag has occupied a unique position as the symbol of our nation; and

"Whereas, at the time of the American Revolution, the flag served to unify the thirteen colonies at home while obtaining recognition of national sovereignty abroad; and

"Whereas, hundreds of thousands of courageous Americans have given their lives in defense of the principles that the American flag stands for; and

"Whereas, the American flag symbolizes the nation in peace as well as in war; and

"Whereas, a country's flag symbolizes more than nationhood and national unity, but signifies the ideals that characterize the society that has chosen that emblem, as well as the special history that has animated the growth and power of those ideals; and

"Whereas, the American flag is more than a proud symbol of courage, the determination, and the gifts of nature that transformed thirteen fledgling colonies into a world power, but is a symbol of freedom, of equal opportunity, of religious tolerance and of good will for other peoples who share our aspirations; and

"Whereas, sanctioning the public desecration of the flag will tarnish its value to an extent unjustified by the trivial burden on free expression occasioned by requiring that an available, alternative mode of expression, including uttering words critical of the flag, be employed; and

"Whereas, the ideals of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln; school teachers, like Nathan Hale and Booker T. Washington; the Philippine Scouts who fought at Bataan; and the soldiers who scaled the bluff at Omaha Beach; and

"Whereas, if those ideals are worth fighting for, and our history demonstrates that they are, it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration: Now, therefore, be it

"*Resolved, by the Senate of the Sixty-fifth Legislature of the state of South Dakota, the House of Representatives concurring therein,* That the Legislature of the state of South Dakota respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution specifying that Congress and the states may prohibit the physical desecration of the flag of the United States."

"STATE OF TENNESSEE, H.J. RES. NO. 638

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, in the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, in the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, the American Flag symbolized the ideals for which good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American Flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency. Now, therefore, Be it

"*Resolved, by the House of Representatives of the 96th General Assembly of the State of Tennessee, the Senate concurring,* respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the Speaker of the United States Senate and all members of the congressional delegation from the State of Tennessee."

"STATE OF TEXAS, H. CON. RES. NO. 18

"Whereas, The United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, any more than we would allow desecration of the Declaration of Independence, Statue of Liberty, Lincoln Memorial, Yellowstone National Park, or any other common inheritance which the people of this land hold dear; and

"Whereas, The United States Supreme Court, in contravention of this postulate, has by a narrow decision held to be a First Amendment freedom the license to destroy in protest this cherished symbol of our national heritage; and

"Whereas, Whatever legal arguments may be offered to support this contention, the incineration or other mutilation of the flag of the United States of America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

"Whereas, The members of the Legislature of the State of Texas, while respectful of dissenting political views, themselves dissent forcefully from the court decision, echoing the beliefs of all patriotic Americans that this flag is our flag, and not a private property subject to a private prerogative to maim or despoil in the passion of individual protest; and

"Whereas, As stated by Chief Justice William Rehnquist, writing for three of the four justices who comprised the minority in the case, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning"; and

"Whereas, This legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire; now, therefore, be it

"*Resolved,* That the 71st Legislature of the State of Texas, convened in First Called Session, hereby petition the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from willful desecration and exempting such desecration from constitutional construction as a First Amendment right; and, be it further

"*Resolved,* That official copies of this resolution be prepared and forwarded by the Texas secretary of state to the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to that congress, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

"*Resolved,* That a copy of the resolution be prepared and forwarded also to President George Bush, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment; and, be it finally

"*Resolved,* That official copies likewise be sent to the presiding officers of the legislatures of several states, inviting them to join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence."

"STATE OF UTAH, STATE CONCURRENT RESOLUTION NO. 3

"Whereas, the U.S. Supreme Court decision legalizing the burning of the American flag as a form of symbolic political speech poses a threat to the ideals the flag represents;

"Whereas, Americans hold the flag in high respect because it is a symbol of the many freedoms made available to us through our democratic system of government, and stands as a reminder of the men and women who fought and died to protect these freedoms;

"Whereas, in the words of the President, "Flag burning is wrong, dead wrong, the flag is very special to all loyal Americans";

"Whereas, in the words of the National Commander of the American Legion, "Many a Gold Star mother cherishes the carefully folded triangular bundle of red, white, and blue as the closest link to a fallen hero son";

"Whereas, Americans in Utah and throughout this great land should not stand silent on this issue, but should let our voice be heard until our elected leaders constitutionally protect the American flag; and

"Whereas, many members of Congress give bipartisan support to a constitutional amendment designed to make illegal the physical desecration of the American flag as a form of protected symbolic political speech: Now, therefore, be it

"*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urges Utah's congressional delegation to support a constitutional amendment forbidding the physical desecration of the flag as a form of protected symbolic political speech; and be it further

"*Resolved* That copies of this resolution be sent to President Bush, the leadership of the United States Congress, and Utah's congressional delegation."

STATE OF VIRGINIA, S.J. RES. NO. 101

"Whereas, for over 200 years, the flag of the United States has symbolized our nation; and

"Whereas, on June 14, 1777, the Continental Congress resolved that the flag represents the United States and its ideals of liberty and justice for all its citizens; and

"Whereas, the flag served to unite the 13 colonies and obtain recognition of America's national sovereignty; and

"Whereas, during the British attack on Fort McHenry in the War of 1812, the flag inspired Francis Scott Key to compose the song which became our national anthem; and

"Whereas, at the end of the War Between the States, the American flag again stood for the indestructible union of the United States; and

"Whereas, during the First World War, thousands of Americans died on foreign soil fighting for the American cause symbolized by the flag; and

"Whereas, during the Second World War, thousands of Americans again followed the flag into battle, where many lost their lives in an effort to preserve freedom; and

"Whereas, the flag served to boost the morale of American soldiers in the Korean and Vietnam conflicts, as they fought to preserve democracy; and

"Whereas, Americans of every state, political party, race, creed, and national origin regard the flag as the unifying symbol of the pluralism evident in the United States; and

"Whereas, on June 21, 1989, the Supreme Court reached a 5-4 decision in the case *Texas* v. *Gregory Lee Johnson* holding that physical desecration of the American flag is constitutionally protected free speech; and

"Whereas, the Supreme Court recognized in its decision that "the flag is constant in expressing beliefs Americans share, belief in law and peace and that freedom which sustains the human spirit," and that "the flag as readily signifies this Nation as does the combination of letters found in "America"; and

"Whereas, on June 11, 1990, the Supreme Court, again by a 5-4 decision, in *United States* v. *Eichmann* held that the Flag Burning Act of 1989 was unconstitutional as applied to prosecute defendants for burning the flag and thus overturned the attempt by Congress to respond by statute to protect the flag; and

"Whereas, a majority of both houses of Congress in 1990 then voted to propose a constitutional amendment to enable the states and Congress to enact legislation to ban desecration of the flag, but the vote of 254 to 177 in the House and 58 to 42 in the Senate fell short of the two-thirds majority vote required for Congress to submit the amendment to the states; and

"Whereas, the Virginia General Assembly has recognized the unique status that the American flag holds in the eyes of United States citizens by prohibiting the desecration of the flag pursuant to the Virginia Uniform Flag Act; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the General Assembly of the Commonwealth of Virginia memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States thereby recognizing the status the flag holds as the unique symbol of nationhood and national unity; and, be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the U.S. House of Representatives, the President of the United States Senate and the members of the Virginia delegation to the Congress in order that they may be apprised of the sense of the Virginia General Assembly."

"STATE OF WEST VIRGINIA, H. RES. NO. 28

"Whereas, There exist federal and state penal codes to protect the flag of the United States from desecration; and

"Whereas, The flag of the United States is a living symbol of all our freedoms, morally obligating all responsible citizens to preserve, protect and venerate the flag. Neither our founding fathers, members of Congress nor state legislators ever intended that anybody should be allowed to desecrate and mutilate the United States Flag; and

"Whereas, Protecting of the flag of the United States from desecration can only be assured by the enactment of a constitutional amendment; therefore, be it

"*Resolved by the House of Delegates*, That the Congress be hereby urged to propose and adopt an amendment to the Constitution of the United States protecting the flag of the United States from desecration; and, be it further

"*Resolved*, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to each member of the United States Congress."

"STATE OF WISCONSIN, H. RES. NO. 27

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the stars and stripes of a proper station under law and decency: now, therefore, be it

"*Resolved by the Assembly, The Senate concurring*, That the legislature of the state of Wisconsin proposed to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the state of Wisconsin requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, prohibiting the physical desecration of the flag of the United States; and, be it further

"*Resolved*, That a duly attested copy of this joint resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to each member of the congressional delegation from this state, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution by the 1991 legislature of the state of Wisconsin."

"STATE OF WYOMING, ENROLLED JOINT RESOLUTION NO. 3

"Whereas, the United States Supreme Court in the decision *Texas v. Johnson*, 109 S. Ct. 2533 (1989), held that a conviction under a state statute for flag burning as a means of expressive conduct is inconsistent with the First Amendment;

"Whereas, the United States Flag is a visible symbol of the nation's fight for freedom, signifies peace and pride of America, and is regarded with respect and affection by millions of Americans;

"Whereas, the United States Flag is used as a symbol of respect, pride and honor on postal stamps, courtroom decor, ships, public buildings and caskets of deceased members of the armed forces;

"Whereas, the desecration of the United States Flag by any means and for any reason is disgraceful and cannot be tolerated or go unpunished as it is offensive to the majority of Americans who respect the ideas inspired by the Flag and who desire to preserve the reverence of the Flag: Now, therefore, be it

"*Resolved by the members of the Legislature of the State of Wyoming:*

"Section 1. That the Congress of the United States propose an amendment to the United States Constitution for ratification by at least three-fourths of the state legislatures which grants power to the Congress and the states to regulate, protect and prohibit the desecration in any manner and for any purpose of the United States Flag and to impose criminal penalties.

"Sec. 2. That the Secretary of State send copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Wyoming Congressional Delegation."

(Mr. CAMPBELL assumed the chair.)

Mr. CRAIG. Mr. President, I urge my colleagues to read these memorials, especially the ones from their States. They are an inspiring record of America rediscovering our national symbol and our national soul.

On Flag Day 1994, today, it is extraordinary to know that the sight or mention of our flag still has the power to awaken the spirit of the American patriot across this country.

Mr. President, that is my story—at least the part of the story as far as I know. I have a feeling that we are about to start a new chapter. But in any event, there is one thing I know: This is a story that will never end as long as U.S. citizens have the right to salute Old Glory. Today, I am proud to be one of them. I honor all of those States that have memorialized Congress, and I ask the Congress to move in the direction of recognizing a constitutional amendment once and for all to protect our great flag.

Mr. President, I yield the remainder of my time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX].

THE PRESIDENT'S WELFARE REFORM PACKAGE

Mr. BREAUX. Mr. President, today will be a very historic day because today will be remembered, I think, as the day the President has come through on a campaign promise to end welfare as we know it. Today, the President of the United States will introduce his welfare reform package.

We all remember during the campaign one of the things that distinguished candidate Bill Clinton from many of the previous Democratic candidates was his willingness to tackle difficult and tough issues. And one of those issues that he was very forceful and very articulate on was his commitment to end welfare as we know it.

There is a lot of agreement on welfare, Mr. President, in this country. Nobody likes it. Nobody thinks it works very well. If you talk to people who are more fortunate, who are actually paying for our welfare programs through their tax dollars, they will tell you they do not think their tax dollars are being well spent. Then if you talk to people who are the recipients of welfare, they would agree with that taxpayer, that welfare does not serve their needs very well at all.

So there is a general agreement, I think, in this country, no matter where you happen to sit, whether you are a recipient of welfare or whether you are paying for welfare, that the welfare system in this country is not working like Americans would like to see it work.

After you have agreement by most Americans that it is not working, you then have a lot of disagreement on what should be done about it. There are many conservatives who think that we should spend much less money on welfare without making any fundamental changes in how welfare works. They would argue just spend less money and that will solve the welfare problem.

There are liberals on the other hand, Mr. President, who too often simply argue or have argued for more money to be spent in the welfare programs without making any fundamental changes in the welfare system as we know it.

I think both of those approaches are clearly wrong. Both of those approaches represent the arguments that we have had for decades in the past on how to change the welfare system. In fact, neither side was arguing for real fundamental change—to try to change the welfare program from a program that gives out a check to a program that allows the recipients to earn a check by working for it.

Mr. President, President Clinton's proposal today represents fundamental changes in the welfare system as we have known it for the past several decades. It is a major step in the right direction. Some will argue that it is too much too soon, while others will argue it is not nearly enough and it should be done much more quickly.

I think the concept of trying to phase in these fundamental changes that the President's program is attempting to accomplish is the right way to approach this problem. It is, hopefully, the type of approach that will allow both Republicans and Democrats to come together and join forces and quit the arguments about nothing being done and come together with a positive approach toward solving the problem.

I think the people who have worked with the President very closely in this area, particularly his assistants and advisers—Bruce Reed, David Ellwood, and Mary Jo Baines—have really taken the time and effort to meet with all types of groups and interest groups, State program people, welfare recipients, and Members of Congress and, yes, they have met with Democrats and, yes, they have met with Republicans to try and see where everybody is coming from, to try to put together on paper a proposal that has a real opportunity to pass and get signed into law this year. And also, at the same time, I think they have looked at a program that will get the job done. They are to be given a great deal of credit, and the President is to be given a great deal of credit for insisting that this new proposal be done and introduced in this Congress and, hopefully, adopted and signed into law in this Congress.

First of all, the President's proposal calls for term limits. Some say, no, term limits are bad and you are going to cut people off of welfare. I think I work better when I think there is a time limit within which I have to get something done. I think we are all like that if we know there is no deadline for turning in a school paper, or finishing work on a piece of legislation, or ending debate here in the Senate if we know we can go on forever and ever. I think the same thing is true about welfare.

The President has proposed that all new welfare recipients born in 1972 or later, who would be under 22 years old in 1994, would be subject to these new time limits on receiving welfare benefits. They know they will have to be involved in a program to seek job training and education and get their high school diploma, because after 2 years, they are going to be cut off of the welfare rolls. I will guarantee you that if someone knows there is a time limit within which they have to accomplish something, the chances are that they are going to be more diligent, more active, and more aggressive in training themselves and taking advantage of those benefits that are being offered in order to put them into a position of getting off of welfare and start earning a check instead of just getting a check.

The program that the President has proposed also calls for new, tough sanctions on welfare parents who refuse to play by these new rules. It is not enough just to have new rules if you do not have an enforcement mechanism. The proposal says clearly that people in these programs must stay in school, work, must look for work, or attend job training. If they do not, they are going to be subject to suspension from welfare and run the risk of losing half of their grants. That is going to be a real strong incentive for people who participate in the program to get off of welfare instead of staying on. It ends welfare as a way of life and introduces the concept that people should work for a check and that the Government cannot continue to just give them a check.

It also calls for a great deal of State flexibility. We in Washington clearly do not know all of the answers to all of the problems. The President's proposal gives great flexibility to the States to design the type of program that best fits their particular needs. What works in Louisiana may not work in New York, and what works in New York may not work in California, and you can say that for every State. So we do not need a national bureaucratic set of regulations when it comes to different types of requirements under the welfare program. Let us set the broad guidelines but let the States design the work programs and the training programs that can best fit their needs.

In addition, it calls for strong child support enforcement mechanisms at a time in our country's history when we see the breakdown of the family, more and more divorces in families, and we see more and more children being born every day into families without a father, with a single parent, maybe do not know where the father happens to be, or paternity has not been proven. We absolutely have to address this problem on a national level.

Under the President's proposal, we will be required to name and to help find a child's father before receiving benefits. Hospitals will be required to establish paternity at birth when the child is born in their facility. For fathers who refuse to pay, wages will be withheld from their paychecks where they are working, and professional and occupational driver's licenses will also be suspended. There are going to be some tough enforcement mechanisms that will go into effect under the Clinton welfare reform proposal.

In order to try and get absentee fathers to recognize their obligation to support the child they have fathered, the legislation will allow the States to require the absentee parents to participate in work programs. We have never been able to address the question of absentee fathers. We have a handle on mothers because we can say: You are not going to get the welfare check unless you participate in the program. But for every mother, there is obviously a father somewhere whom we have not been able to reach out to and bring in and say: Yes, you have an obligation and you must work and, yes, you must pay for this child support. It is not just the burden of the mother or the burden of the Government to take care of your children. Absentee fathers will have a real responsibility to participate in helping to solve this problem.

So we will hear a lot of debate. Liberals will say: It is too strict, too soon, too much requirements. Conservatives will say: It is not enough, and the only thing we need to do is cut off the money and the problem will be solved.

Well, we have tried that for decades, Mr. President, and that obviously has not proved to be the answer. The President has come up with a step-by-step approach to this problem, and it is one that I think merits our consideration. As a member of the Finance Committee which has jurisdiction over legislation of this nature, I say that we intend to move as aggressively as we possibly can. Our chairman, Senator MOYNIHAN, had made an incredibly important contribution to welfare reform in the late 1980's with the Family Support Act. Under his leadership and with the help of Members on both sides of the aisle, we have the ability to make a difference.

I think the President's proposal is a very important step, a very important recommendation. All of the essential ingredients of real reform are contained in this proposal. I commend it to all of my colleagues on both sides of the aisle.

I yield the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

COMMEMORATION OF FLAG DAY, JUNE 14, 1994

Mr. THURMOND. Mr. President, 217 years ago today, the United States was engaged in its War for independence. I note that the American Continental Army, now the U.S. Army, was established by the Continental Congress, just 2 years earlier on June 14, 1775. I express my congratulations to the U.S. Army on its 219th birthday.

At the start of that war, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–77. This flag had 13 alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that "the Flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars white in a blue field representing a new constellation."

No record exists as to why the Continental Congress adopted the now-familiar red, white, and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: red—for hardiness and courage; white—for purity and innocence; and blue—for vigilance, perseverance, and justice.

The stripes, symbolic of the Thirteen Original Colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed 12 stars in a circle with the 13th star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the 13 stars in a circle.

Mr. President, as our country has grown, the stars and stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated:

> A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth.

Old Glory represents the land, the people, the Government and the ideals of the United States, no matter when or where it is displayed throughout the world—in land battle, the first such occurrence being August 16, 1777 at the Battle of Bennington; on a U.S. Navy ship, such as the *Ranger*, under the command of John Paul Jones in November 1777; or in Antarctica, in 1840, on the pilot boat *Flying Fish* of the Charles Wilkes expedition.

The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the Moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Mr. President, today we pause to commemorate our Nation's most clear symbol—our flag. An early account of a day of celebration of the flag was reported by the Hartford Courant suggested an observance was held throughout the State of Connecticut in 1861. The origin of our modern Flag Day is often traced to the work of Bernard Cigrand, who in 1885 held his own observance of the flag's birthday in his one-room schoolhouse in Waubeka, WI. This began his decades-long campaign for a day of national recognition of the flag. His advocacy for this cause was reflected in numerous newspaper articles, books, magazines and lectures of the day. His celebrated pamphlet on "Laws and Customs Regulating the Use of the Flag of the United States," received wide distribution.

His petition to President Woodrow Wilson for a national observance was rewarded with a Presidential proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted:

> Things that the flag stands for were created by the experience of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Mr. President, it is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

> Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

Mr. President, today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our flag, observing its 217th birthday, and the 219-year-old Army which has so proudly and valiantly defended it and our great Nation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. I thank the Chair.

WELFARE REFORM

Mr. LIEBERMAN. Mr. President, in a short while, I believe in about an hour, President Clinton will be unveiling his welfare reform proposal in Kansas City.

I rise to thank the President for the leadership he has shown by making this proposal because he is putting forth a proposal that is tough, that is sensible, and that I believe will be effective.

Mr. President, with his emphasis on work, family, and responsibility, President Clinton will give us today a blueprint that really will change welfare as we know it and really will end welfare as a way of life.

I think we have to start by facing some hard facts as we talk about this issue. Welfare, as we know it in America today, is a disaster for the people who are on it, as well as for the rest of us who pay for it.

Under our system of welfare, if you are born to an unmarried teenage mother who has not finished high school, which is usually the case, the odds are you will spend the rest of your childhood in poverty. Although 70 percent of those on welfare leave within 2 years, the sad fact is that most of them, and I say that specifically, most of them will eventually return to the welfare rolls.

Welfare has become a revolving door of poverty for generation after generation of the same American families, and its failure has a relationship directly to so many of the other serious problems facing our country today, from illiteracy to crime, from illegitimacy to unemployment.

Mr. President, we all know there has been a great deal of debate within the Clinton administration about the scope and shape of the President's welfare reform plan. I was among those who urged the President to hang tough and produce a plan that offers meaningful change.

Today I rise to say to my colleagues in the Senate that the President has fulfilled his promise to the American people and remained true to his own beliefs by giving us a plan that will end welfare as we know it.

As a result of the President's leadership today, millions of Americans in years ahead will be moving off of welfare, either by working hard and earning an education and a job, or by being kicked off of welfare for failing to play by the same rules that most of America plays by.

The features of the President's welfare reform plan that I believe make a great deal of common sense and should have broad support in the Congress and the Nation are as follows:

A requirement that people who go on welfare start their search for work on day one when they apply for welfare. Too often the system has become one of paperwork for determining eligibility for welfare. What we ought to be doing in the system from the day a person applies is figuring out how we can find that person a job.

The President's program also includes a time limit of 2 years for most people on welfare. A good proposal, a so-called 2-years-and-out proposal. But do not be confused by it. The focus of this program is not to give people 2 years of a free ride on welfare. The focus of the President's program is to say from the day somebody walks into the welfare office to apply for welfare, "How are we, working together, going to find you a job and a better way of life for our country and your kids?"

In the President's program, parents who do not stay in school, look for work, or refuse to go to job training will have welfare payments taken away.

Anyone who turns down a private sector job will be removed from the welfare rolls.

In another area of real concern, illegitimacy and the irresponsibility of fathers of the out-of-wedlock children, hospitals will have to establish the identity of every child born, and the mothers will be required to name and help find their child's father or else they will not receive welfare benefits.

States will be allowed to limit additional benefits for children born of parents on welfare; in other words, capping those benefits after the first child, as some States are already doing.

Fathers who refuse to pay child support will be subject to harsher penalties, including suspension of their driver's license.

Welfare offices will be streamlined, with funding levels tied to the ability of welfare workers to help people on welfare find jobs and get child support.

Many people on welfare will be able to get the support they need to join the work force, including job training, child care, and job search assistance.

And perhaps long-term, as important as anything else, this program of President Clinton's begins a national campaign—I would call it a national crusade—against teenage pregnancy, which must go hand in hand with our welfare reform efforts. If we want to change welfare as a way of life, we have to deal with out-of-wedlock births. Because the simple fact is that a family qualifies for welfare when there is no father in the house, when a child is born to a family without a parent—almost always the father—in the house, and that is what we must stop.

We must make it clear that these births out of wedlock are not only morally wrong, they are sociologically and personally devastating, particularly to the children and also to the rest of society that bears not only the payments for those children but the consequences of their impossible childhood which often expresses itself in criminal behavior.

This campaign against teen pregnancy must begin with the Government, but the Government has to involve religious leaders, the private sector, schools, and families to turn the tide against this devastating, outrageous number of children born to unmarried teenage parents.

Simply put, Mr. President, we must infuse America's welfare system with the values that made America great—family, faith, responsibility, and hard work. Welfare must reinforce and reconstruct families. It must reward responsibility and it must result in work. President Clinton's plan does all of that.

Now, I know it will not get through the legislative process unchanged. I, myself, expect to introduce some amendments to the President's program. But the plan that he is announcing in Kansas City today must be the beginning of an effort that passes welfare reform in this Congress—and the sooner the better—the sooner we can give the American people a system of welfare that is nothing more than temporary aid for those who have no job, not a permanent trap for those who have no hope, the better America will be.

Mr. President, finally, in March of this year, I introduced the Welfare Reform Through State Innovation Act. I am very proud and grateful that some of its provisions are in the President's plan; some others are not. They are designed to complement the administration's national changes in welfare by giving the States wider latitude to experiment with the kinds of cutting-edge reform ideas that, frankly, are not ready to be implemented at the national level because we do know what impact they will have on people's lives.

I hope that, as we consider and pass a national welfare reform plan, we will include in it such ideas for State experiments. In that way, we can prepare the way for additional national changes in the years to come and build on the critical and courageous process of national welfare reform that President Clinton begins today.

Mr. President, I thank the Chair and I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote on my amendment numbered 1776 at 3 p.m. today; that, upon the disposition of that amendment, the Senate vote on Senator D'AMATO's amendment numbered 1775, as amended, if amended; that the preceding occur without any intervening action or debate; and that the time for debate between now and 3 p.m. be equally divided between Senator D'AMATO and myself.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, am I correct in my understanding that, under a previous order, the Senate will be in recess between 12:30 p.m. and 2:30 p.m. to accommodate the respective party conferences?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Accordingly, Mr. President, the time between now and 12:30 and then again between 2:30 and 3 will be for debate on the pending amendments, my amendment and that of Senator D'AMATO, and the time will be controlled by Senator D'AMATO and myself.

I note my colleague from Iowa is standing. Does he wish to address this subject?

Mr. GRASSLEY. I have no objection. I was hoping for 6 minutes for morning business. That is all.

Mr. D'AMATO. I have no objection to that.

Mr. MITCHELL. Mr. President, does the Senator from New York yield 10 minutes of his time to the Senator from Iowa?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator from Iowa is recognized as in morning business for 10 minutes.

Mr. GRASSLEY. First of all, I thank the distinguished majority leader and my colleague from New York for their indulgence.

GAO REPORT ON THE ADVANCED CRUISE MISSILE

Mr. GRASSLEY. Mr. President, I want to speak about a General Accounting Office report just out that deals with the advanced cruise missile, the ACM program.

This is a continuation of a series of speeches on how the ACM program has been mismanaged by the Air Force.

The GAO report verifies and confirms my worst fears and suspicions, those fears and suspicions expressed last year and earlier this year.

The GAO report is entitled "Strategic Cruise Missiles: Issues Regarding Advanced Cruise Missile Program Restructuring." If anybody wants to read it, and I hope they will, it is report No. 94–145, dated May 31 of this year.

The pick-and-shovel work on this report, Mr. President, was done by a Mr. Matt Monigin.

Mr. Mongin is one of GAO's best auditors—along with Mr. Larry Logsdon, who works in another part of GAO.

Mr. Mongin and Mr. Logsdon like to get on the audit trail and stay there until they get to the heart of the problem and crack the nut. They are very effective. They are always thorough and careful to document each point. Their audit results are always precise and very much to the point.

This report is no exception. All the key points are there.

Unfortunately, I am sorry to say, you have to dig a little bit to find the meat in the report.

The sharp point on Mr. Mongin's spear was ground down during the cumbersome GAO inside review process.

This report was heavily massaged by the higher ups at GAO headquarters like Mr. Rob Stolba, who may have a bad case of weak knees when it comes to really criticizing what is wrong at the Defense Department.

But it does not matter. Every point that needs to be made about the mismanagement of the ACM Program is there. Of course, you just have to work a little harder to find it, thanks to Mr. Stolba and company.

This is how I read that report. The Air Force experienced serious cost overruns in the fiscal year 1987 and 1988 production contracts on the ACM. General Dynamics was the contractor. Unfortunately, the Air Force had no money to cover the cost overruns; the Air Force had exhausted all the money in those accounts and was thus in violation of the Anti-Deficiency Act. And the Air Force knew about the money shortfall even before the contract was signed.

The Air Force is required by law to report and to investigate any violation of the Anti-Deficiency Act, and it is supposed to request a deficiency appropriation from the Congress so we keep our hands on the purse strings.

The Air Force did none of these. It ignored the law. Instead, the Air Force developed a devious, destructive and wasteful plan to conceal a violation of this law. The Air Force is still continuing to hide the violation, even this very day.

In May 1992, the Air Force began terminating contracts to generate cash to pay the contractors for the cost overruns way back there in the 1987 and 1988 contracts. The Air Force had bills to pay. They had no money to pay them. Obligations exceeded available appropriations.

That is a serious matter for any manager. So the Air Force terminated the fiscal years 1990, 1991, and 1992 production contracts to pay the bills for the in 1987 and 1988 contracts.

The fiscal year 1990 to 1992 missiles were thus sacrificed to save the 1987- and 1988-year missiles. Since the law forbids the use of fiscal year 1990 to 1992 moneys to cover cost overruns on fiscal year 1987–88 contracts, the Air Force then devised a very clever money laundering scheme.

First the Air Force terminated 1987–88 contracts 1 day and then immediately reawarded a new one to the very same company.

That is called "reprocurement." It is a laundry operation, however. It was a way of trying to make old work look like new work. You douse the old work with a little perfume and, presto, it smells and looks like new work.

The Air Force even gave the contractor, believe this, $587,000 to relabel the old missiles. That was another futile attempt to make the work and the money match up.

But that did not quite do it. You can put a new label on an old missile but, Mr. President, it is still an old missile.

What was the job that had to be done? That is the question. The answer is simple: Just plain and simple, finish 144 fiscal year 1987–88 missiles. Fiscal year 1990 to 1992 dollars, that is 3 years, were used to finish those 144 old missiles. That is a violation of section 1501, title 31, United States Code.

The net result of this illegal maneuver was the loss of 60 missiles. Can you believe that? The loss of 60 missiles.

These missiles were partially completed when their contracts were terminated. None of the terminated missiles were ever completed. They were left for scrap on the factory floor. They remain in bonded storage at a Hughes plant in San Diego, CA.

Now the General Accounting Office estimates that the stored ACM material is worth $227 million, but suggested that some portion of this material could be used for spare parts. That does not make sense to me because those spare parts should be excess to requirements.

The Air Force bought enough spares to support all operational ACM missiles. So more spares are redundant.

Having unneeded spares in no way lessens waste and mismanagement in the program. It just covers up a problem. The excess spares are nothing more than ACM missiles that were never assembled and never delivered. The Air Force paid for all-up missiles, but got nothing of value. That is the bottom line—nothing of value.

The Air Force threw at least 60 ACM missiles on a scrap heap —in effect into a scrap heap—to conceal a blatant violation of law. That is destructive. That is very, very wasteful. At $5 million a shot, that amounts to at least $300 million poured down a rat hole. When termination costs and everything else is included, the total loss on ACM contracts could easily approach $400 million or more.

Bottom line, hence my taking time here on the floor, is simply to call for accountability. Those responsible for such mismanagement and waste must and should be identified and must and should be removed from office. They must be held accountable.

I yield the remainder of my 10 minutes.

The PRESIDING OFFICER. Who yields time?

The Senator from New York [Mr. D'AMATO] is recognized.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, the question of hearings into the Whitewater affair is once again before us. I think there are some very real and very legitimate issues that have to be considered. That is why I am going to take some time to speak to the issue of why I believe the majority leader's amendment is deficient. It is not, I believe, the way in which to have real oversight hearings. It is a pretense, and it falls significantly short of the standards which the Senate has used repeatedly.

Today, the American people are going to learn whether or not Congress, controlled by the Democratic Party, is capable of fulfilling its constitutional oversight responsibilities when there is a Democrat in the White House. The American people, who have watched the Congress during the past 12 years of Republican administrations, know only too well that Congress is capable of thorough, comprehensive, and extensive oversight. Indeed, over the 12 years of the Reagan and Bush administrations, the Congress launched full-scale oversight activities on at least 25 occasions in an effort to scrutinize the conduct of administration officials and their families.

During those 12 years of Republican administrations, there were impassioned speeches by Democratic Members of this body about the solemn obligations of the Congress under the Constitution to search far and wide for truth and to lay all the facts before the American people.

In fact, when the Senate held hearings on the Iran-Contra affair, this is what Senator MITCHELL said.

> We have a solemn responsibility to present all the facts, to bring the full truth to the American people as thoroughly and as fairly and as promptly as possible.

He went on to say,

> It is now time to begin the process of laying the facts before the American people. If, when we finish these hearings, they know the truth, we have been successful.

I suggest that we use this same standard.

During those 12 years of Republican administrations there were several independent counsel investigations. Never once during that time did the Democrats in Congress suggest that Congress should step aside and abandon or postpone its constitutional oversight responsibilities while the independent counsel conducted an investigation. Never once during that time did the Democrats in Congress suggest that the independent counsel should be able to dictate the scope or the timing of congressional oversight activities.

Today, the American people who watched Congress over the past 12 years of the Republican administrations are not going to believe their eyes or their ears. Because today, the same Democrats that stood steadfastly behind the principle that Congress has an independent obligation to investigate the facts and to lay the truth before the American people are probably going to support a coverup, a whitewash, a phony and transparent effort to engage in sham oversight activities.

Mr. President, that is exactly what would take place if we proceeded under the methodology suggested by the amendment that is now being considered. Today, Americans are going to see our Democratic colleagues support an amendment authorizing oversight activities into the Whitewater affair that is so limited and so unfair, that it would have been rejected out of hand by the same Democrats during the past 12 years of Republican administrations.

Today I am going to ask my colleagues in the Senate and the American people to engage in their own oversight of this amendment and let them decide whether or not this amendment provides for the same thorough, fair, and prompt oversight of a Democratic administration that was demanded during the 12 years of Republican administrations.

During Republican administrations, the majority leader's amendment would have called for, and I quote: "An investigation into, and a study of, all matters which have any tendency to reveal the full facts about the Whitewater affair".

Let me give an example. You might ask, "Isn't it overreaching to call for an investigation and a study into all matters which have any tendency to reveal the full facts about the Whitewater affair?" The response is no. As a matter of fact, that standard was used for prior investigations. The limited scope described in this amendment is a farce. There is nothing in this amendment that gives us the ability to look into any matter developed at the hearing.

For example:

> The Senate Iran-Contra Committee was given the authority to investigate and study any activity, circumstance, material, or transaction having a tendency to prove or disprove that any person engaged in any illegal, improper, unauthorized or unethical conduct in connection with the shipment of arms to Iran or the use of proceeds from arms sales to provide assistance to the Nicaraguan rebels.

Listen to those words: "Any activity, circumstance, material, or transaction having a tendency to prove or disprove."

In this amendment before the Senate, here we have a piece of sterile, stripped-down legislation which authorizes us to do what?

It authorizes us to:

> * * * (a) look into communications between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to Whitewater; (b), the Park Service police investigation into the death of Vince Foster; (c), the way in which White House officials handled documents in the Office of the White House Deputy Counsel, Vince Foster, at the time of his death; and then make such findings of fact as are warranted and appropriate.

This is a travesty. This does not constitute real oversight or real investigation. If we wanted to simply whitewash the issues, we could simply accept whatever findings the special counsel put forth. Why do we not simply wait for him to complete his investigation, say that we have no jurisdiction in this matter and be bound by his findings? Then we would be surrendering our constitutional responsibilities.

Let me refer to another committee, the Senate Watergate Committee, which was specifically authorized to investigate—and let me quote:

> Any activities, materials or transactions having a tendency to prove or disprove that persons engaged in any illegal or improper or unethical activities in connection with the Presidential election of 1972.

And yet, my colleagues in the Senate and the American people will search the amendment at the desk in vain for any reference to an investigation or study, let alone an investigation or study of all matters which have a tendency to reveal the full facts.

Do we want the full facts? Do we really want them, or are we so desperate to keep anything that might be embarrassing to the administration from coming forth? Because this Senator wants the full facts revealed, this Senator must oppose this amendment.

I have no illusions. I understand what is going to happen. It is going to be a party-line vote, and we are going to adopt this amendment. I will then be forced to offer a number of amendments—some 47 that we have drafted—to the bill so that we can attempt to put forth a methodology for the hearings.

This canard—and it is—should stop, and we should develop a methodology of going forth using the same methodology that we have used in the past, with basically the same kind of ratios on the committee, not 11 to 8. I will address that issue also.

It appears that the congressional authority to investigate matters dealing with Presidents are gone, now that a Republican administration is gone. On March 17, 98 Senators said that it was the sense of the Senate that there should be "appropriate congressional oversight, including hearings on all matters—and I repeat—all matters related to Madison Guaranty Savings and Loan, Whitewater Development Corporation, and Capital Management Services, Inc."

Yet, today, the majority leader will urge his Democratic colleagues to support an amendment that fails to cover all matters relating to Whitewater, Madison, and Capital Management. Indeed, it only covers three very, very limited areas.

My Senate colleagues and the American people should ask whether Democrats in Congress would accept oversight hearings with such a limited scope if there was a Republican President in the White House. Of course not. Yet, they will probably support it today.

The amendment being considered appears to acknowledge that there are at least six committees or subcommittees in the Senate with oversight responsibilities over issues raised by the Whitewater affair: The Banking Committee, the Small Business Committee, the Judiciary Committee, the Finance Committee, the Public Lands and Parks Subcommittees, and the Permanent Investigation Subcommittee.

During Republican administrations, if the Senate was to engage in serious oversight involving all of these various committees and subcommittees with legitimate constitutional oversight responsibilities, I think the majority leader's amendment probably would have called for the establishment of a select committee with either equal or closely bipartisan membership. In 1991, when the Senate established a select committee to look into the issue of POW-MIA's left in Vietnam, it created a bipartisan committee with six Democrats and six Republicans.

The 1982 select committee created to investigate the undercover activities of the Justice Department was also bipartisan, with four Democrats and four Republicans.

The 1987 Iran-Contra investigation was conducted by a Senate select committee of 11 members, six Democrats and five Republicans. The Senate created a special subcommittee of the Judiciary in 1980 to look into the links between Billy Carter and Libya. The subcommittee had five Democrats and four Republicans.

I quote these so that we can look at precedents and what has been the established norm. Notice, Mr. President, we are talking about committees either totally balanced or committees with ratios giving to the majority one more member than the minority.

The 1975 select committee investigating alleged improper activities by our intelligence agencies was composed of, again, six Democrats and five Republicans.

The Senate Watergate Committee was composed of four Democrats and three Republicans.

So I think there is ample precedent to suggest that we not have a committee with an 11-to-8 ratio. Yet, the appointment pending today requires that the Whitewater hearings be conducted in the Banking Committee, which has 11 Democrats and eight Republicans. No other committee in the Senate has a larger difference between the number of Democrat members and Republican members. Similarly, there is ample precedent to suggest that we have a committee that is authorized to do the work of the people, to investigate all relevant material and all facts derived, and to follow any leads from the committee's work.

In light of the refusal to come forth with a bipartisan select committee, which was suggested by the Republican leader, the American people might conclude that the Democrats in Congress want to ensure that they control the conduct and outcome of Whitewater oversight hearings by insisting that the Democrats have a three-vote margin over Republicans.

The majority leader is likely to suggest that the Banking Committee is the logical choice for holding Whitewater hearings because of its jurisdiction over issues dealing with the failure of Madison Guaranty. But the majority leader's amendment prevents the Banking Committee from examining any issues relating to the failure of Madison Guaranty. If you realized the scope of Madison Guaranty and its failure, there is no language that gives the Banking Committee the ability to really examine the causes of what took place.

Indeed, the amendment insists that the hearings be held in the Banking Committee, even though two of the three issues that can be examined under the amendment deal, first, with the Park Service investigation of the death of Vince Foster under the jurisdiction of the Energy Committee and second, the way in which White House officials handled documents in the office of Vince Foster, which is under the jurisdiction of the Judiciary Committee and the Governmental Affairs Committee.

My Senate colleagues and the American people should ask whether the Banking Committee was chosen because of its expertise in these areas or because the Democrats have a larger majority of members in that committee.

During a Republican administration, the majority leader's amendment would have made certain that congressional oversight committees had access to all of the information necessary to conduct a complete investigation. During a Republican administration, this amendment would have contained an express provision granting authority to order Federal and State governments to produce all relevant documents. The amendment would have also contained an express provision granting access to any relevant evidence in the control of the Government.

These specific authorities are not something that I have created, Mr. President. These specific authorities were given to the Senate Select Committee investigating Iran-Contra, the select committee to investigate the Justice Department's undercover activities, established in 1982, and the Senate Select Committee investigating Watergate. Yet, today, these specific powers, which are absolutely necessary if one is going to hold a real and meaningful oversight hearing, are absent.

To what conclusion can one come? I would say that the only difference today is that we have a Democrat in the White House. The amendment at hand ignores prior precedent. It should have contained these express provisions empowering us to gather information from others and give us access to relevant documents. It seems to me that when the Senate established the Select Committee on Iran-Contra, it concluded with a similar statement encouraging the committee to obtain information acquired or developed by other investigatory bodies, and that directive is missing in this amendment. It should be here. Why should not evidence or facts developed by other relevant investigatory bodies, whether they be State or Federal, not be available to the Congress?

During Republican administrations, this amendment would have contained a provision requesting the independent counsel to make relevant evidence available to the oversight committees to assist the Congress in conducting a thorough investigation in an expeditious fashion.

Now, I do not just say it would have been for no reason. Let me tell you why I come to this conclusion. Because such a provision in the resolution establishing the Senate Iran-Contra Select Committee in 1987 existed but it is not here. Why? What is different? Have our responsibilities changed? Has the Constitution changed? No. The only difference is that there is a Democrat in the White House and so now we do not empower the Congress to do what it has done for 20-plus years.

Today, my Senate colleagues would search the majority leader's amendment in vain for any indication that the independent counsel should make available his evidence to the Whitewater Oversight Committee. You mean to tell me if he has developed information that could aid and assist us, information that might not be of a criminal nature but would be important to this committee and its work, that with the millions of dollars which will be spent for and by the independent counsel, the people should not have access through their representatives and through a special committee to review that information and to determine whether or not there are relevant facts that should be put forth?

Mr. President, it is time for my Senate colleagues and the American people to ask, would the Democrats in Congress accept an amendment with all these glaring deficiencies if they were conducting oversight hearings with a Republican President in the White House? I do not think so. As a matter of fact, they never have. Perhaps if the Senate for just one moment could pretend that there was a Republican in the White House, then it could determine what should be the authorizing scope of the committee. Should it have access to relevant documents contained by State officials and by others and information developed by special counsel? If the Senate could pretend that there was a Republican in the White House then possibly they could muster the courage to vote to defeat this amendment instead of merely pretending to provide a thorough and fair Whitewater oversight hearing.

The amendment at hand is a pretense, and it is a poor one. It does not do this body or the American people justice. It does not empower us to conduct fair, thorough, and impartial hearings. And it is a very poor pretense at that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). Who yields time?

Mr. D'AMATO. I yield whatever time the Senator from Missouri needs.

The PRESIDING OFFICER. The Senator controls 12½ minutes. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair. I thank my ranking member for his great leadership on this issue and also for his kindness in allocating me some time.

Mr. President, I wish to spend a few minutes discussing the amendment offered by the Democratic leader. As observers of this debate should know by now, we have before us one serious proposal to fulfill our constitutional oversight responsibilities and hold full and complete hearings on the Whitewater-Madison affair and related activities. And we have a substitute proposal offered by the Senate majority leader which should not be considered serious. One proposal says look at the facts. The other says look only at these select facts. Do not ask anything beyond that and do not ask about motives or purposes or content or background.

The serious proposal, that of the Senator from New York, understands that to limit the scope of the hearings is to continue the stonewalling. The sham proposal understands that as well but apparently it hopes to get away with it.

Let me go over what the Mitchell fig leaf amendment would allow those of us on the Banking Committee to do. We could:

> Conduct hearings on whether improper conduct occurred regarding the three following issues:
>
> (A) Communications between officials of the White House, the Department of Treasury and the Resolution Trust Corporation relating to the Whitewater Development Corporation and Madison Guaranty Savings and Loan Association;
>
> (B) The Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and
>
> (C) The way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

And then we can make such findings of fact which are warranted and appropriate.

What does that mean? Let me review the point. First, communications. The Mitchell amendment would allow us to ask questions about the heads-up briefing given by Secretary Altman to White House officials. We could ask potentially why he was interfering with the special prosecutor's investigation by having this meeting, any subsequent phone calls 2 weeks after the special counsel was appointed. We could ask to whom he talked, when, and who made the decision to brief the White House.

We could then question Treasury Counsel Jean Hanson about her improper briefings about the RTC criminal referral. We could ask who briefed her, who else discussed the referrals, who asked for the briefings. We could ask who directed her to inform the White House, who initiated the contacts, and who else she may have talked to about the criminal referrals. But we could not ask what was in the referrals. We could not ask why the tip offs and heads up were so important that Federal officials would violate their own procedures in order to divulge information. If I were to ask: Well, what was in the referrals that was worth jeopardizing your career, it would be totally in order under the Mitchell amendment for the chairman of the Banking Committee to say: Sorry, out of order; it does not pertain to the communications. It pertains to the content.

We could also not follow up on questions I asked this past February about whether the RTC has a special system for handling politically sensitive cases, as we now know they do. But when was it developed? How often is it used? Were other politically connected people given special treatment as the First Family?

This line of questions is clearly relevant to how the RTC does its job and how it may or may not have fallen down on the job in the Madison Guaranty case. But the Mitchell amendment would not allow these legitimate background-setting questions to be asked.

What about the Department of Justice? At the time of the second briefing at the White House, Justice had the criminal referrals. Do you mean to tell me that when we hold these hearings to get at the facts we cannot ask the simple question: Did anyone at the White House talk to anyone at the Department of Justice about these referrals? How ludicrous is that?

This administration has shown they were willing to take extraordinary steps to manage and control the Whitewater-Madison case. They had a team of people at Treasury keeping tabs on it. How do we know there was not another team at Justice?

Remember Assistant Attorney General Webb Hubbell in Little Rock or U.S. Attorney Paula Casey? Paula Casey handled the first RTC criminal referral on Madison Guaranty and had successfully buried it by deciding not to prosecute. And the Department of Justice had received the second referral a week before the second RTC-Treasury White House briefing. Thus, while the White House was meeting on the referral, the Department of Justice already had it. Surely, the White House would have wanted to know what the Justice Department was planning to do.

So did Webb Hubbell or his staff talk to the White House? Were there meetings between Justice and the White House? Had Justice told the White House or the Clintons about the first referral they had killed off? Did they inform them about the second set?

And do not forget, after the press brought this issue to the attention of the country, both Webb Hubbell and Paula Casey determined that they were so close to the case that they both recused themselves. However, I must note that these recusals came a month after Justice received the second referral—but only a week after the referral's existence became public. So why the delay? What instructions did they give prior to their recusals? Did they violate Justice policies on recusals because of their delay? How could they have been involved in the first referral—to such a degree that Paula Casey made the final decision not to prosecute—but then decide to bow out and recuse themselves on the second set of referrals? What was different in the two instances?

Unfortunately, the Democratic leader's amendment would not allow these questions. Under the Mitchell amendment, this part of the Washington story would just stay swept under the rug.

Mr. President, this leads to an interesting question. Why would this topic not be included—instead, in fact, be specifically excluded?

It is not part of the Arkansas portion that Fiske continues to work on. In fact one of the potential key players, Webb Hubbell, has already resigned. So if the leadership is serious about this, as they say they are, what possible reason could there be for telling Congress that we cannot ask one question about how Justice handled this entire matter? And even more interesting, during our one hearing in the Banking Committee, I submitted a series of questions to the RTC asking about timing and the handling of criminal referral. Let me go over some of these questions and the responses from the RTC.

Question 3B:

> I am particularly troubled by the fact that it took over a year for the RTC to receive an official response in the initial criminal referral. Also, is it normal RTC practice to send additional investigators for further investigation on a matter before hearing that status of the first referral?

Answer from the RTC:

> There is no standardized procedure in this regard. Any questions concerning responses from the Department of Justice in this matter should be directed to the Department of Justice.

The next question has two parts to Mr. Altman about a memo from the Criminal Division of the Department of Justice which concluded that the criminal referral did not appear to warrant initiation of criminal questions. I asked, A, how the decision was made.

> B: Who was responsible for communicating these decisions?

The answer, No. 4—and I will read it in full—is as follows:

> A: This question should be directed to the Department of Justice.
>
> B: This question should be directed to the Department of Justice.

There were four separate responses from the RTC saying these questions should be directed to the Department of Justice. But the majority leader's proposal continues to block us from getting these answers from the Department of Justice.

Now those are just a few of my concerns about the communications provisions of the Mitchell amendment. The second topic is the Park Service Police investigation. My reading of this is we could not ask one question about why the FBI was not immediately put on the case. We could not interview or question the FBI agents who stood around waiting for permission from the White House counsel to look for evidence in Foster's office. We could not ask whether it was the White House or someone else who made the decision to use the Park Police rather than the FBI.

Instead we would be restricted to interviewing or questioning those Park Service personnel involved in the investigation. Again, I must ask why?

And third, and perhaps the most flagrant example of why the Mitchell amendment deserves the sham label is the category the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

This is almost the theater of the absurd. For this means we could ask whether staff used their right or left hand to handle or pick up the files. We could ask as to whether they were in manila or cream colored folders? Were they in boxes, or inside other accordion files? Were they heavy or light? Were they then placed in a box or other file in order to remove them secretly? Were they handed off to anyone? If so who? And did that person hand them to someone else, et cetera, et cetera.

But we could not ask the obvious question—what was in the files? The Mitchell amendment makes that fundamental question outside the scope.

Mr. President, I kind of wonder. Now why would high level White House staffers be searching Vince Foster's office hours after his death? What were they looking for? Did they find it? Why did they conceal this information from the investigators? Under the Mitchell amendment we are supposed to be happy with the conclusion that these were motiveless acts.

And equally important, what were Whitewater/Madison files doing in Foster's office in the first place? Who, besides Foster, knew of their existence? Did anyone else work on them or have access to them? These would also be questions that would be outside the scope under the majority leader's amendment.

Mr. President, any fair minded person who reviews this record would come to the conclusion that the Mitchell amendment is simply not serious. It is only an effort to give lip service to hearings, while fulfilling its real goal of providing political cover to this administration.

What is needed is a balanced panel, with the authority to review the relevant questions. It should coordinate with Special Counsel Fiske, but not be controlled by it, and it should have as its goal placing all the facts on the table—the whos, whats, wheres, whens, whys and hows.

The majority leaders proposal fails this test.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York controls 37 seconds; the majority leader controls 40 minutes, 58 seconds.

Mr. MITCHELL. Mr. President, and Members of the Senate, for several months the public opinion polls have shown that more than two-thirds of the American people, over 70 percent in some polls, believe that Senate Republicans are not seriously interested in the Whitewater matter but are doing this for purely political purposes.

Almost every word spoken on the floor of the Senate today by our Republican colleagues confirms that judgment by the American people.

What our colleagues want is a political circus. They are not interested in a serious investigation. They want a political circus for two reasons.

First, as a vehicle to attack the President. Week after week after week we have seen the most flagrant use of innuendo on the Senate floor as one Republican Senator after another makes unsubstantiated, unproven, reckless allegations about the President and Mrs. Clinton, all in an effort to talk about these hearings, all in an effort to damage the character and reputation of the President and First Lady of the United States. That is what is behind all this—raw partisan politics.

The second reason for all of this dust thrown in the air is to divert attention from the complete absence of any Republican program to address the problems confronting this country. Every American knows the Republican position on Whitewater. But there is not a single American who knows the Republican position on economic growth and creating jobs in this country, and that is because there is not one.

I challenge any American listening to these words today to write down what is the Republican program for economic growth and job creation. There is not one.

Last year—just a year ago—we stood on this Senate floor and debated the President's economic plan, and the very people who have been standing here arguing about Whitewater stood up and said if we passed the President's economic plan economic growth will go down, the deficit will go up and unemployment will go up.

We passed it, and every Republican voted against it. And what has happened since then? It is the opposite of what they said. Economic growth has gone way up, unemployment has gone way down, and the deficit has gone way down. And as the economy has improved, the faces of our Republican colleagues have grown longer and longer. They do not have anything to talk about. They do not have a program for economic growth. They do not have a program for creating jobs. They do not have a program for dealing with health care reform.

Well, here comes manna from heaven in the form of Whitewater. So now they have a program. You could write the entire Republican platform in one word—Whitewater. That is it.

On March 17, 98 Senators voted 98 to 0 for a resolution which said that there should be hearings, and "The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr."

Now my colleague from Missouri just stood up and said, "Well, we can ask about the referrals by the RTC but we cannot ask about the content of the referrals." That is exactly right, because the special counsel has strongly urged that there not be inquiries about the contents of the referrals at this time because it will jeopardize his investigation.

On March 9, in a press conference, he said expressly that. After meeting with the Senator from New York and other of our colleagues, he said: "When they finish the first phase of the investigation, we would have no objection to congressional hearings at that point so long as something can be done to protect against having the contents of the RTC referrals themselves come out in those hearings."

That is precisely the point.

So when the Senator from Missouri says we want to get out the contents of those referrals, he is contradicting his own vote for the resolution of March 17 and directly contradicting the specific request orally and in writing of the special counsel. In other words, not only are our colleagues so desperate for political circus that they will make unsubstantiated and reckless allegations about the President and the First Lady of the United States, but they are prepared to contradict themselves. Almost every position taken with respect to this resolution directly contradicts a prior position by our Republican colleagues.

On the subject of the referrals, as I have just noticed; on the subject of immunity; on almost every other subject they have zigged and zagged and flipped and flopped and have gone back and forth. And why is that? Because there is no consistent principle behind their position. All they want to do is to be able to throw sticks and stones at the President and Mrs. Clinton. And if it takes a zig to be able to throw stones at the President, they will zig; if it takes a zag to be able to throw stones at the President, they will zag; if it takes a flip to throw stones at the President, they there will flip; if it takes a flop to throw stones at the President, they will flop. Zig and zag, flip and flop, one position today, another position tomorrow, a third position next day, a fourth position the next day. There is simply no consistent principle behind their views.

And that makes it clear. It is an effort to attack and undermine the character and reputation of the President of the United States and to divert attention from their own lack of any meaningful program to deal with the problems of this country.

Mr. President, I want to address the question of the scope of the investigation. I have said right from the beginning publicly here on the Senate floor, in press conferences, and privately in discussions with our colleagues that the Congress will meet its responsibility of oversight in this matter in a serious responsible way. We are not going to participate in and condone a political circus, as our colleagues want. We are going to do it in a serious way.

This resolution provides for hearings on those matters that are to be completed in the investigation of the special counsel at this time. There can and should be no doubt that the remainder of the matters will also be the subject of hearings at a time when it does not interfere with or undermine the special counsel's investigation, and the best evidence that that will occur is that we are now going to have these hearings. The same people who are here now saying we will not have hearings in the future also said we would not have these hearings. They were dead wrong on that, and they are dead wrong on the statements today.

The question is whether the Senate will now honor its resolution, passed 98 to 0 on March 17, that the hearings shall be structured and sequenced in such a manner that they would not interfere with the ongoing investigation of the special counsel.

Let me repeat once again, lest anyone has forgotten. Our Republican colleagues called for the appointment of a special counsel. He was appointed. The special counsel is a Republican, a lifelong Republican, a man of total integrity and with a high reputation. His appointment was praised by our Republican colleagues, including the Senator from New York. But not 5 minutes after he took office, they began to ask for congressional hearings, which the special counsel has said will, if conducted as they wish, undermine his investigation. Once again, a complete flip-flop in position, a zigging and zagging, all for the purpose of trying to undermine the President and First Lady of the United States.

That is what this is all about. How else could someone take a position one day and reverse it the next, take a position one week and reverse it the next, take a position one month and reverse it the next?

There have been more zigs, more zags, more flips, more flops by our Republican colleagues on this issue than I have seen on almost any other issue that has come before the Senate. And that is what happens when you do not have a consistent principle motivating your actions.

When your only objective is political, when your only objective is partisan, when your only objective is to attack and undermine the President of the United States, then, of course, flips and flops and zigs and zags do not mean anything. That is why our colleagues take one position one day and reverse the next day. That is why they cast a vote unanimously on March 17 and then take an opposite position when they come before the Senate here.

The American people know that. They understand it very well. That is why our colleagues are not scoring any points on this. I know it is frustrating to them. But nobody is paying attention to this.

The fact of the matter is, the people know what is going on. They know that our colleagues only want a political circus to attack the President and divert attention away from their lack of having any meaningful program to deal with the problems facing this country.

Mr. President, I conclude by asking the American people again—you know the Republican program on Whitewater; they have talked about it enough—is there a single American who knows the Republican program for economic growth or job creation? The answer is no, because there is not one. That tells you the story right there.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the order is that the Senate will now stand in recess.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate be allowed to continue for 10 minutes, so that I might speak as if in morning business.

The PRESIDING OFFICER. Is their objection?

Mr. MITCHELL. Mr. President, we have a caucus and we have to have a presiding officer.

Might I suggest that our colleague come back? The Senator from New York is out of time in this debate. I was going to give him some of my time additionally afterward.

Would he agree to give that time to the Senator from Mississippi?

Mr. LOTT. If I could inquire of the Chair, on the time agreement, has there been a time entered into for a vote at a specific time?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. That was divided in such a way that Senator D'AMATO's time has all been used?

Mr. MITCHELL. That is correct.

Mr. LOTT. I would like to ask, Mr. President, if I could take advantage of the offer that the distinguished majority leader has made. I would like to come back at the appointed time of 2:30 and I would like to have an opportunity to speak at that time, if he would be kind enough to yield such time, because I do feel like the leader made some points I would like to comment on. I would appreciate his assistance so that I may have that opportunity.

Mr. MITCHELL. Let me be clear. The time was divided 41 minutes each. The Senator used up all of his 41 minutes before I said a word. I have 30 minutes left. The Senator has no time left. He asked me if I would accommodate him and give him an additional 5 minutes of time during the remaining period. I told him I would do so.

I would be pleased to do that and I would be glad to extend that to 10 minutes, if the Senator would like some time. But that would be from 2:30 to 2:40. In other words, I will give you more of my time.

Mr. LOTT. I thank the majority leader for that offer. I would like to take advantage of it.

The PRESIDING OFFICER. The Chair will observe that the Senator from New York controls 37 seconds.

Mr. MITCHELL. Mr. President I ask unanimous consent that the Senator from New York control the time from 2:30 to 2:40 and that I control the time from 2:40 to the vote at 3 p.m.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:30 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. DORGAN). Under the previous order, the time until 2:40 p.m. is under the control of the Senator from New York [Mr. D'AMATO].

Who seeks recognition.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, we divided the time up in such a way that the Republicans had used all of their time prior to 2:30, and the remaining half-hour was under my control.

I then agreed to cede to our Republican colleagues 10 minutes of my time between 2:30 and 2:40, and then I would take from 2:40 until 3.

Our colleagues are not present so I will suggest the absence of a quorum and ask the time be charged against our colleagues——

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. MITCHELL. I see the Senator on the floor and the Senator has until 2:40 on the matter.

Mr. LOTT. I thank the majority leader. I appreciate his generosity, giving us this opportunity.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. President, I cannot help but wonder that the majority leader protests too much. He says there is, you know, no real push to have these hearings. He says there does not appear to be a lot of interest in it—or at least that was my interpretation of what he was saying before the noon hour.

I think all we are trying to do is to reach an agreement whereby we can have these hearings, some process to make sure that we have the hearings and that there is a reasonable amount of time allowed for it and that there is a committee that is designated and has the ability to ask any legitimate questions about what is involved in Whitewater. That is all we are trying to do here, is to get some process agreed to.

I was looking at this resolution that has been referred to several times that passed overwhelmingly. What that resolution said, when we passed it some several weeks ago—it says, among other things, "including hearings on all matters related to 'Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services Inc.'"

That is pretty broad. The resolution that the majority leader has offered, it would seem to me, would not allow for all matters related to Madison Guaranty Savings & Loan to be included in these hearings. So I think we should get serious about reaching an agreement on what the time would be and recognize these hearings are going to go beyond these very narrow, restricted areas that are in the majority leader's resolution.

What are we going to do if we get in the Banking Committee and a Senator asks a legitimate, related question to Madison Guaranty Savings & Loan? Is he going to be cut off by the chairman? Why, of course not.

If it does run into some conflict with the Fiske investigation, I am sure the committee leadership, the chairman and the ranking member, will make every effort to accommodate that. But to say it is going to be limited to these very narrow areas, we cannot get into other related issues, is just not going to be acceptable.

It is being said here this is just playing politics. That is all that is involved—just politics. As a matter of fact, I have a number of quotes here from the past on other issues. You remember a few years ago we had the Iran-Contra hearing? This is a quote from the leader at the time.

> This investigation need not and will not paralyze government or permanently damage the presidency. Instead, it can demonstrate anew the strength of democratic government conducted openly; it can reaffirm the important principle that in America no one is above the Constitution and everyone must obey the law.

Well said. And I would think it would be applicable to this set of circumstances. Some of us remember the so-called October Surprise. I do not know there has ever been a more bogus issue, but we had this October Surprise that was supposed to happen in 1992. There was some concern that maybe this was just playing politics because, after all, it was involving the Presidential election. I have here a statement from the Speaker of the House, Speaker FOLEY, and the majority leader in the Senate, Senator MITCHELL.

> We have no conclusive evidence of wrongdoing. But the seriousness of the allegations and the weight of the circumstantial information compel an effort to establish the facts.

It seems to me that should be the situation here. To have a committee with a reasonable amount of time to do their job without restricting and tying their hands to find the facts is our constitutional responsibility.

So I do not feel at all that anybody is trying to play politics with this. In fact, it looks to me like the politics is on the other side. We have been talking about having these hearings for weeks now, and I know negotiations have gone on between our respective leaders, Senator DOLE and Senator MITCHELL, but they have not come to a conclusion. Now we are told, if you do not take it the way we have offered it where the hearings do not even begin until after, probably, July 30, and with these very strict limitations, then you are not serious about having a hearing. We are serious. I think with just a couple of changes our leaders could get together and set up a process that would go forward. So I urge that be done.

But to think that we are just going to have to take what the majority leader has offered here, the way he offered it, whole hog, and just go with it—that is just not going to happen. We have a right to expect a fair and complete hearing but not a sham.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New York controls 3 minutes 10 seconds.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I am wondering, since I only have 3 minutes and some odd seconds, if the majority leader might not use some of his time? I think Senator DOLE would like to speak. So I would like to offer him that

3 minutes, if he would like. I cannot find him right now. Let us say, if we could speak up to the last 3 to 5 minutes? I know the majority leader would want to wrap up.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine, the majority leader.

Mr. MITCHELL. Mr. President, I have already yielded 10 minutes of my time to my Republican colleagues, and I will be pleased to yield more to accommodate the distinguished Republican leader.

I would like to have it so that, as is our regular practice, the minority leader makes the next-to-the-last statement and the majority leader makes the last statement.

Mr. D'AMATO. That was my intent. We sent out for the minority leader, to let him know that he does have 3 minutes to speak.

Mr. MITCHELL. I just point out, in this debate today, Republican Senators have spoken for about 50 minutes and Democratic Senators have spoken for about 10 minutes.

I want to be accommodating. I want to be fair. I think fairness suggests there be something like reasonable equity in time. But why does my colleague not proceed for whatever couple of minutes he has. I will speak and then I will yield to the Republican leader when he comes in. Here he is now. If he would like to speak?

Mr. D'AMATO. The Republican leader is here, and I am prepared to yield him whatever time I have, the 3 minutes you gave me.

The PRESIDING OFFICER. The Chair would advise the Senator from New York that the Senator from New York controls the time until 2:40, which is 1 minute 20 seconds, after which the majority leader controls the time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Republican leader be recognized for 5 minutes of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas, the Republican leader, for 5 minutes.

Mr. DOLE. Mr. President, I thank the majority leader.

We have agreed to vote at 3 o'clock. I think there is no doubt about the outcome of that vote. But I wanted to go back to the resolution we passed on March 17, as I recall, by a vote of 98 to zero.

In that vote we endorsed hearings on all matters— all matters—"all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services Inc."

As I said in the past, the majority leader and I tried to get together. We both acted in good faith. We could not work out an agreement. This is a very politically sensitive matter. We did not make a great deal of progress.

So today we are deadlocked. You might call it Whitewater gridlock. In effect, we are being told, "Well, that vote in March did not really mean anything because we don't want to have hearings on all the matters; we want to have hearings on just some of the issues."

So we have a choice here. We have two amendments: One seeks a full airing, and one seeks a limited airing. The D'Amato amendment, in effect, directs us to fulfill our oversight responsibilities. The amendment by the distinguished majority leader, in my view—and you can argue about it, I guess—abdicates too much responsibility to Mr. Fiske, to an unelected bureaucrat, a good lawyer, appointed by the Attorney General, and he, in effect, will determine when Congress can have hearings and what we can ask witnesses and what the scope will be. So it seems to me that it is fairly clear.

We are the minority, and maybe the minority should not have any rights. I guess that is what this vote is all about. We will have to accept as a minority whatever we get; we ought to be thankful we are going to have very limited hearings and a committee that is controlled 11 to 8 by the Democrats and a resolution that says we have to complete our work by the end of this Congress.

We do not know when we are going to start the hearings. Maybe not until August. It seems to me it is particularly bad precedent that, in effect, Republicans in this case—because in my view the minority-majority can change—but at this time in history, the Republicans are the minority and the Democrats have the majority. Under the resolution we are going to be asked to vote on, we would not be allowed to examine the Justice Department's handling of the RTC criminal referrals. That is outside the scope.

We would not be able to look at how Madison Guaranty was treated by the S&L regulators, because that is outside the scope.

We would not be able to look into the SBA loans that somehow found their way into the Whitewater partnership because that is outside the very limited scope of the hearings.

We would not be able to look into anything on commodities, because that is outside the scope, even though, as I understand, the independent counsel is not even going to look into the commodities issue. But we cannot look into it, either.

We would not be able to ask the U.S. attorney in Little Rock why she delayed so long in recusing herself from the prosecution of David Hale.

So it seems to me we have a problem on this side of the aisle. We do not want to frustrate the majority leader nor the majority, but it seems to me if a party—in this case the Republican Party—has any rights at all, if you are the minority, we had better demonstrate what we believe those rights are now, because next year the shoe may be on the other foot.

So this is a very important issue, as far as this Senator is concerned. And as I said before, I never accused anybody of anything in the so-called Whitewater affair; I never made any accusation. I heard the Senator from Arkansas, I think properly, say a lot of accusations are being made. But not by this Senator.

What about the 25 hearings during the Reagan and Bush administrations, was that just politics, too? When we had Republican Presidents, all those hearings by a Democratic Congress, 25, was that all politics?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I ask if I may have 1 minute of my leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, so whether it was the October Surprise, or something else, I do not think a political circus standard was then in effect. I still hope we can resolve some major areas of disagreement that would give the American people a right to have us conduct fair hearings, and they can sort it out. The American people are very smart and sophisticated. They are going to determine what is fact and what is fiction.

So, Mr. President, I hope none of my colleagues vote for the pending amendment. This is bad precedent. Today, it is the Republicans who are being penalized. Next year, it could be the other party that might be penalized if this becomes a precedent.

Robert Fiske's job is criminal prosecution. Our job is public disclosure. And I hope, in this case, we will have public disclosure on a bipartisan basis.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks recognition?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, do I have about 2 minutes?

The PRESIDING OFFICER. The Senator from New York has 1 minute 17 seconds remaining.

Mr. D'AMATO. Mr. President, that is probably more than enough time.

Let me say it is our constitutional responsibility to the American people to search for the truth about the Whitewater affair and to provide the facts to the public, and we cannot do that without the proper tools.

But the pending amendment does not give us that ability, does not provide us with the ability to go forward. Indeed, it is an empty toolbox.

There is no way we can do our jobs unless we improve this amendment. I hope that we will have that opportunity. This amendment is going to be adopted. I hope we can improve upon it, either legislatively or by way of accommodation with the majority.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, the issue today is whether the Senate will meet its constitutional obligations in a serious and responsible manner, or whether the Senate will participate in a political circus. That is the issue.

The resolution on which we will vote at 3 p.m. is consistent with the resolution adopted by a vote of 98-0 in the Senate on March 17 and will, in fact, provide precisely what the Senator from Mississippi has asked: Hearings before an appropriate committee that will permit legitimate questions and establish the truth. What it will not permit is the kind of political circus that our colleagues want to engage in for the sole purpose—the sole purpose—of attacking the President and the First Lady of the United States.

Mr. President, the distinguished minority leader said the issue is whether the minority should not have any rights. But the fact is that the resolution offered here by our Republican colleagues provides for rights that are broader and more expansive than ever before granted in the history of the U.S. Senate. Never in the more than 200 years of history of this Senate, as far as we have been able to determine through research, and I asked the Senator from New York and he could not confirm it, has the minority been given the power that they seek in their resolution.

They want to expand powers not just to have any rights but just to have total rights, to be able to conduct independently a political circus. Never before in the history of this Senate have these rights been granted to the minority, whether it was Democrat or Republican.

And so let us be clear about it. The issue is not whether the minority is to have any rights; the issue is whether the minority is to have rights that are without precedent, that have never before been granted, for what is obviously an effort to make this into a political circus.

The statement was made we do not know whether they will start until August. But, Mr. President, by its very terms, the resolution I have offered requires the hearings to start not later than July 30, and sooner if the special counsel shortly concludes his investigation.

With respect to the scope of the hearings, the resolution passed by the Senate by a vote of 98-0 in March said, and I quote:

> The hearings should be structured in sequence in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

That is what the resolution said that every Senator voted for. We are now going to conduct hearings on the phase of the investigation being completed by the special counsel consistent with that resolution, and we will have hearings on the remainder of the subjects when the special counsel completes the remainder of the investigation.

Our colleagues are pursuing a course of action which, if adopted, would very likely undermine and negate the special counsel's investigation and make it impossible for full justice to be done. Everyone in the Senate recalls the Iran-Contra matter which has been raised several times by our colleagues. Arising out of that the matter, former Marine Col. Oliver North was indicted and convicted on three felony counts, and those convictions were then overturned by the court of appeals. In its decision, the court of appeals set forth a test for witnesses testifying under congressional immunity which effectively precludes their subsequent prosecution. And as the special counsel in that case and many others have since said, it is clear Congress must now make a choice: either have congressional investigations or permit investigations by counsels and prosecutors to go forward, and in that investigation, I repeat, let the chips fall where they may. If there has been wrongdoing, the special counsel will find it and prosecute and punish the appropriate people.

In order to meet that objection, at the time we debated the March resolution and before, our colleagues were very firm in their position that no immunity should be granted. On March 9, Senator D'AMATO in a press conference following a meeting with Mr. Fiske said, "We have made it clear to Mr. Fiske that under no circumstances do we intend to grant immunity."

"Under no circumstances." Mr. Fiske said, following the same meeting, "I've been assured that immunity will not be granted to any witness in any of these investigations. That is an extremely positive assurance as far as we're concerned from the point of view of our investigation and we're very grateful to hear that."

Now our colleague comes in and proposes a resolution that would permit the granting of immunity, and the Senator from New York spent a long time in the Chamber requesting, arguing for the right to grant immunity with the approval of the special counsel. But there was no question about approval in these statements in March. "Under no circumstances" means under no circumstances. It does not mean after someone else's approval.

And so, Mr. President, I say this is a good example of the kind of zigging and zagging and flipping and flopping that comes from the fact that there is no consistent principle behind my colleague's resolution.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. MITCHELL. No, I will not. We had 82 minutes, and I have given the Republicans 60 of those minutes—more than 60 of those minutes. I would like to have a chance to say a few words.

Mr. D'AMATO. Certainly.

Mr. MITCHELL. I thank the Senator.

Now, Mr. President, what we have had is going back and forth because the purpose motivating this is to embarrass the President and Mrs. Clinton. And the American people know that. The polls are consistent. Up to 70 percent of the American people report and conclude that our Republican colleagues are doing this for political purposes; that they are not seriously interested in this matter; that it is political in nature.

Finally, another difference: Who would conduct the investigation? We have a committee structure in Congress. We have a committee with jurisdiction over this matter. We have a committee in which all prior discussions and hearings on this matter have been held. But our colleagues do not want that. Now they want a special committee, one which itself has no precedent, one which would have equal membership and have a Republican cochairman who would be invested with powers that have never previously been granted in the Senate's history.

That tells you the intention is not to conduct a serious investigation within the established practices based upon the procedures and precedents of the Senate, in the committee which has jurisdiction, but to create this new mechanism which has not previously existed with powers that have never been granted so that a political circus can occur, and innuendo and accusations can be hurled against the President as we have heard on this Senate floor in the last few days.

Reference is made to "four verified attempts on a person's life." Reference is made to "money laundering." Reference is made to all kinds of lurid matter that have nothing to do with President Clinton but are raised in the debate and tossed out there in an effort to create by innuendo the suggestion that somehow the President has something to do with this when in fact there is no evidence, no substantiation, no basis for making such accusations.

That is why they want the independent power in this committee, and that is why that power should not exist. We ought to have an inquiry. It ought to be responsible. It ought to be consistent with the practices and procedures of the Senate and the legislative processes of the Senate. It ought to concentrate in this first phase on the first phase completed by the special counsel. That is what the Senate voted for 98 to zero in March. And when the special counsel completes the rest of his investigation, then there ought to be hearings on the rest of the subject matters as well. And the best evidence that will occur is that the very people now protesting it will not occur are the same people who protested that these first hearings would not occur. Proven wrong once they make the same argument and will be proven wrong again because we are going to proceed with this matter, and we are going to do it in a responsible and a thoughtful way.

I want finally to repeat what I have said before. The special counsel was appointed at the request of Republican Senators. The special counsel is himself a Republican, a lifelong Republican. His appointment was praised by our Republican colleagues, including the Senator from New York, who stated that he is a man of integrity, a man of experience. That special counsel has now asked this Senate in writing and orally not to take actions which will undermine his investigation. And I believe we ought to honor that request. I am confident that if there is wrongdoing, he will find it, he will prosecute it, and the persons involved will be punished.

But if we now take actions which undermine that investigation, it is a course which we will later regret. It is not the responsible course of action. It is the political course of action. It is not the right course of action. It is the partisan course of action. And it is ironic that after publicly urging the appointment of a special counsel, our Republican colleagues within 5 minutes after his appointment reversed course again and began clamoring for an investigation even though he requested in writing and personally that no hearings occur which might undermine his investigation.

So the issue here is—and it is a very simple one before the Senate—are we going to have a serious, responsible inquiry by the Congress, including public hearings, or are we going to have a political circus? I urge my colleagues to vote for a serious, responsible inquiry and not to vote for a political circus.

Mr. LOTT. Will the distinguished majority leader yield for a question?

Mr. MITCHELL. I certainly will.

Mr. LOTT. I listened very carefully. As I understand it, the Senator's resolution says that this all would terminate at the end of the year, the end of this Congress. If that is true, how and when would the second set of hearings which the Senator has assured us we would have occur? If this round under his resolution does not begin until July 30, or perhaps earlier but not later than July 30, which I believe is a Friday, that would go, I am sure, until we go out on the August recess. Then when we come back, we only have 1 month before we would go out for the election. When would this next round of hearings occur?

Mr. MITCHELL. As soon as the special counsel's investigation of the remaining phase is completed, we will have the hearings on the remaining phases. And I would point out to my colleague, when he talks about the amount of time, when we debated the resolution on the Iran-Contra matter, the position of the Republican Senators was that that investigation should occur in its entirety in 2 weeks.

They wanted a time limit of 2 weeks on the entire investigation. Now my colleague is saying that 6 months is not long enough for this limited debate. I think that demonstrates what is at issue here.

Mr. LOTT. In other words, we would have to have the second phase in September. Is that correct?

Mr. MITCHELL. If the special counsel's investigation of the remaining phase is completed, I believe we should have the hearings thereafter in a manner consistent with this resolution; that is to say, within 30 days after that investigation is completed.

Mr. LOTT. But all of this would expire at the end of this year under that resolution. Is that correct?

Mr. MITCHELL. Then there will be another resolution whenever he completes his investigation. That is the very purpose. Are we going to act in a way that undermines the special counsel's investigation, or are we going to act in a manner that does not undermine it and is consistent with the Senate resolution previously voted 98–0?

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1776, offered by the majority leader, Mr. MITCHELL. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Hatfield

So, the amendment (No. 1776) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I rise in support of the Dole-D'Amato resolution. I view it as a necessary measure to end the delays which have thus far kept the Senate from exercising its constitutional responsibility to investigate the Whitewater affair.

The majority leader has characterized these efforts as "raw partisan politics." But I would argue that those very strong words much better describe the efforts by partisans on the other side of the aisle who have to this date prevented the establishment of any guidelines or timetable for hearings which we approved 98–0 nearly 3 months ago.

Mr. President, I understand that many Democrats say they "want the truth to be told" and agree with the notion that we ought to have hearings. We voted 90–0 in this Chamber to hold hearings. But I am beginning to wonder how seriously that vote was taken by many of my colleagues. It is one thing to say you are in favor of hearings, and quite another to help establish a process to make them a reality.

The appointment of a special counsel to investigate the Whitewater controversy received bipartisan support. We have been careful in crafting this amendment to ensure that there will be proper consultation and coordination with the special counsel. The hearing need not inhibit his investigation nor jeopardize his findings in any way. It will, however, permit Congress to properly do its job and to meet its oversight responsibilities.

What I find truly puzzling is that during those "ugly dark days" of the Reagan-Bush years, Congress held 25 hearings on alleged wrongdoing. Most of those hearings were conducted with the full support of both Republicans and Democrats. For 6 of those years, indeed, Republicans controlled this Chamber.

Yet the majority leader calls the effort to hold hearings on Whitewater "raw partisan politics." I am under no illusion that politics does not so often play a part in how things are done in this body. However, conducting hearings on Whitewater, like oversight hearings in other areas, is the nature of our job here. Politics need not have reared its head in this debate.

In 1986 and 1987, both Republicans and Democrats called for a select committee to investigate Iran-Contra. Republicans and Democrats at that time were able to put party differences aside and we agreed that it was in the best interest of the American people to conduct hearings. Finding out the truth was the only thing that mattered.

Unfortunately, it seems that many Democrats have decided that protecting a President of the same party has a higher priority. These are many of the very same Democrats who supported numerous congressional hearings between 1981 and 1992. So please spare us all the prattle, babble and patronizing riffle about how Republicans are working with only one motive, that being politics. The sudden change of heart among Democrats is proof enough that the shoe fits the other foot much more comfortably.

Mr. President, Republicans have been asking for hearings since the snow-filled, icy-cold days of January, and we are now well into the hot and humid days of June. Today, we still do not have even the simplest explanations of the Whitewater matter.

In the 1992 elections, the Clinton campaign stoked voter outrage over the status quo. We all remember the dominating themes of "change" and "reform."

Many people thought if Bill Clinton were elected, our tomorrows would be filled with hope and change and reform. If this blatant exercise in foot-dragging is the "reform" that we are likely to continue to see during the rest of the administration, then the American people will once again experience disillusionment over the ever widening gap between rhetoric and reality.

For those who say that "Whitewater is a distraction from the real issues," think again. This may be a very real issue. We need to know more about what laws may have been violated by those in the highest levels of power in our country.

We must do our jobs as Republicans and Democrats in Congress with the same fortitude that we did during the Reagan and Bush years. We must never be selective in our judgment and must always strive to find the truth—no matter who may be resident in the White House. I urge my colleagues to support the Dole-D'Amato amendment.

AMENDMENT NO. 1775, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1775, as amended.

Mr. MITCHELL. Mr. President, I inquire of my colleague from New York whether it would be agreeable to voice vote the next amendment, since it would be a vote on the identical matter on which we just voted.

Mr. D'AMATO. I think we can voice vote it.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to amendment No. 1775, as amended.

The amendment (No. 1775) as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

AMENDMENT NO. 1778

(Purpose: To authorize hearings on the operations, solvency, and regulation of Madison Guaranty Savings & Loan Association, including the alleged use of federally insured funds as campaign contributions)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1778.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1779 TO AMENDMENT NO. 1778

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1779 to amendment 1778.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent I may be allowed to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S WELFARE REFORM PLAN

Mr. DODD. Mr. President, I want to discuss with my colleagues the welfare reform proposal that President Clinton unveiled this afternoon in Kansas City. I think it is a very thoughtful and creative package that will provide us with a critical framework for reform either in this Congress or in the next.

Let me, at the outset, commend the President and his staff for launching us on what I hope will prove to be a constructive and fruitful debate of how to change the present welfare system in this country so that we may put people to work and inject responsibility into the lives of each and every citizen. In fact, for me, the entire debate over welfare reform orbits this one word, "responsibility": the responsibility of teenagers not to bring children into the world if they cannot care for them; the responsibility of parents not to walk away from the children that they create; the responsibility of adults to work and to earn a paycheck; the responsibility of the private sector to try and create more jobs and job opportunities; certainly, the responsibility of each and every one of us in the public sector to help people on welfare find their way to those jobs.

It is time for all of us to meet these responsibilities. It is time for all of us to save the children who are suffering today because, frankly, we have not.

When I think about the importance of responsibility, I think about the young woman I met in Bridgeport, CT, when I was touring the Private Industry Council job training program there. I spoke with this woman, who was sitting behind a computer terminal, trying to learn this new trade. I asked her why she was there, why she was working so hard to find a job rather than simply staying on welfare.

She paused for a short period of time as I asked the question, and then looked me straight in the eye, and said, "Mr. Politician" —because she had no idea about what position I held. She said, "Mr. Politician, I've got a 4- and a 5-year-old at home and I want them to see their mother going to work in the morning. That is something that I never saw growing up and I want my children to see it in their mother."

This woman understood the word "responsibility," understood the meaning of it, and was determined to become a responsible parent and adult.

She was taking responsibility for her life, and she was taking responsibility for her children's lives.

As we embark on this process of welfare reform, I hope that we will remember that welfare reform should not just be a campaign slogan or the title of an issue brief. Welfare reform should be about people and, in the case of Aid to Families with Dependent Children, AFDC, most of those people are children. In fact, AFDC was created almost six decades ago for the principal purpose of assisting needy children without fathers.

While our society has changed dramatically since that time, the purpose of the program has not. Two-thirds of welfare recipients today are children in this country. If the system fails, Mr. President, it fails their parents, but far more important, it fails someone else: It fails their children.

That is what is happening today in every part of this country. We—all of us—are failing our children. This point has been driven home in recent months with the release of a couple of studies that painted a rather devastating portrait of young America. A report that I requested from the General Accounting Office showed that the number of poor children under the age of 6 in America increased by more than 25 percent during the 1980's. This was during a decade we are told was one of great prosperity and growth.

These numbers are worse in urban areas. Forty-seven percent of young children living in the capital of my home State of Connecticut are poor, making Hartford the American city with the second-highest child poverty rate in the country, after Detroit; 33 percent of the children in New Haven between the ages of 0 and 3 are growing up in poverty. Another study by the Carnegie Foundation found that 1 in 4 children between the ages of 0 and 3 are growing up poor in the United States.

I do not know of anyone who can look at statistics like these and not recognize that something is seriously wrong in our Nation and that our children are being punished for it. It is time, Mr. President, for everyone to stop pointing the finger of blame at someone else for this state of affairs. Liberals should stop blaming everything on society, which they so conveniently point to; conservatives have to stop blaming the mythical individuals called "welfare queens" for everything that is wrong; and people on welfare have to stop blaming others for circumstances that they can personally take the initiative to change and correct.

I want to emphasize, if I can, that the President's announcement today does not represent the end of a process, but only the beginning. This is a highly complex issue, and we do not want to leap before we understand entirely what we are about to do.

With that caveat in mind, I think the President's plan includes a number of valuable provisions: Work requirements, time limits, and better linkages to job training programs are all ideas worthy of serious and careful consideration.

I am especially pleased about the strong child support enforcement component of the President's plan. The poverty rate for single-parent families headed by women is nearly 33 percent in this country. This compares to a poverty rate of under 8 percent for two-parent families. The lack of child support is a major cause of poverty among single-parent families in this Nation and, too often, those families going without support end up on welfare.

The link between the lack of child support and poverty is clear and overwhelming, as the Census Bureau illustrated when it estimated that between 1984 and 1986, approximately half a million children fell into poverty after their fathers left home. The President's proposal contains, I think, some valuable tools to change this situation and to demand that absent fathers step up to the plate and take responsibility for their children. I was pleased that the President incorporated a number of provisions from child support legislation that I introduced earlier this year.

The President's initiative also recognizes that reducing teen pregnancy is integral to cutting into welfare dependency. Between 1960 and 1988, the percentage of births in America to unmarried mothers rose from 5 percent to 26 percent, and the poverty rate for children raised in such settings is terrible. For children of single Hispanic mothers, the rate approaches 75 percent. We must state, Mr. President, in clear, unmistakable terms to teenage boys and girls, that they best not create a life unless they are willing to take responsibility for that life. The President envisions a concerted national campaign to achieve that end, and I applaud him for it.

Finally, the President's plan contains a modest child care component. The lack of quality affordable child care is often the most serious obstacle to young women's efforts to enter the work force and to stay in the work force once they get there. I am pleased that the administration recognizes this fact by including child care in its proposal and by making provisions of the child care and development block grant that I authored in 1990 the standard for Federal child care. But I am concerned about the modest scope of this provision. By including only a very limited expansion of child care for the working poor, the President's plan may very well be pennywise and pound-foolish. We may save money in the shortrun by not providing more generous child care benefits but lose money—serious money—down the road if women who have successfully made the transition from welfare to work go back to welfare after a year due to the lack of affordable quality child care.

I do understand the daunting fiscal pressures the administration faced in drafting this plan, and I want to reiterate that, taken as a whole, I think it is a creative and constructive proposal. In the months ahead, we will be carefully examining each part of this proposal, and I look forward to working with my colleagues on this exciting endeavor.

This country, Mr. President, so great and strong, the most productive economic power in the world, surely has the will and the know-how to end welfare dependency. When we are finished with this process, I hope we will demand more of everyone in this country. I hope we will demand that each and every American accept responsibility for his and her actions. And I hope we will demand that our children not be raised in intolerable conditions.

I know one thing: The American people are demanding that we reform welfare and that we do it right. We have a responsibility as elected representatives to respond to that demand, and I am eager to roll up my sleeves along with my colleagues to get started on this project.

Mr. President, I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

AMENDMENT NO. 1779, AS MODIFIED, TO AMENDMENT NO. 1778

Mr. MITCHELL. Mr. President, is it in order for me to modify my amendment at this time?

The PRESIDING OFFICER. The Senator retains the right to modify his amendment.

Mr. MITCHELL. Mr. President, I notify my colleague that it is merely a typographical change, an insertion of a colon and capitalization of a letter.

I ask that my amendment to be modified to insert a colon after the word "hearings" and then capitalize the following word, "in."

The PRESIDING OFFICER. The Senator has that right. The amendment will be so modified.

The amendment, with its modification, is as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I have been advised by the distinguished Senator from New York that he and his colleagues are agreeable to having a vote on this amendment at 4:15 p.m. today.

I, therefore, ask unanimous consent that the vote on my amendment occur at 4:15 p.m. today; that the time between now and then be equally divided, under the control of Senator D'AMATO and myself, and that following the disposition of that amendment, the Senate proceed, without any intervening action or debate, to dispose of the underlying D'Amato amendment, to which my amendment has been offered as a second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN].

Mr. COHEN. Mr. President, I had not intended to take the floor this afternoon to discuss this matter, but I could not help but respond when my friend and colleague from Maine pointed out during the debate on Iran-Contra that the Republicans wanted the hearings concluded within 2 weeks.

The PRESIDING OFFICER. If the Senator will withhold. The Chair presumes the Senator from Maine is speaking on the time controlled by the Senator from New York.

Mr. D'AMATO. Yes. I yield him such time as my colleague needs.

Mr. COHEN. And the Chair's question did not diminish that time?

The PRESIDING OFFICER. Not at all.

Mr. COHEN. Mr. President, my colleague from Maine suggested that you can tell how political this really is by looking back at the Iran-Contra investigation and seeing that Republicans wanted the hearings concluded in 2 weeks. Let me say for the RECORD that that was never my position.

I did not believe that fair hearings could be concluded in 2 weeks. Indeed, I did not think they could be concluded in several months. But I might point out that the majority of the Democrats wanted no time limitation whatsoever. So if one is going to point political fingers back and forth across the aisle, you could say that the Democrats were interested only in embarrassing President Reagan by keeping the hearings going as long as possible with no limitation on time. As happens in most of these cases, a compromise was struck in which we agreed that we would try to move forward as quickly as possible and conclude the investigation within a period of roughly 9 months.

I do not think it behooves any of us to point at the other side and say, you see, here is another example of how political this is because they wanted a short timeframe, because on the other side the Democrats wanted none whatsoever.

I would also point to the Iran-Contra Committee as an example of perhaps the way this matter should be approached; namely, to set up a small select committee with its members chosen on a selective basis with jurisdiction of their committees involved. That is precisely what was involved in Iran-Contra. We had a situation with overlapping committee jurisdiction. The select committee was put together to resolve that dispute so that we would not undertake a sequence of hearings. I would like to come back to the theme of whether principle or politics is involved. I think it is a measure of both, and I think it applies to both parties. It is important that Republicans talk about the double standard that exists and that has existed for some time. The number of investigations conducted during the entire Reagan-Bush period, some 12 years, has been talked about at some length. I believe that the Democrats would call for an investigation at the drop of a Dow Jones point. Those investigations were conducted, the hearings were held, the witnesses were called, and the public was exposed to the issues involved. It seems that if you have a Republican President in the White House, you attack him, raise allegations, level charges—false charges. It does not matter; whatever it takes, keep on attacking—October Surprise, whatever the charge may be. And then when you have a Democrat in the White House, the policy seems to be stonewall—deny, delay, charge the Republicans with partisanship. This seems to be the tactic that is currently underway.

The reason that the Republicans asked for a special counsel is not because they wanted a special counsel. That is the irony. The Republicans finally asked for a special counsel because the majority would not allow hearings. No matter what the allegations, no matter what they involved, no matter what the committee jurisdiction, the answer was no hearings, period. It was only after there were a series of some rather embarrassing revelations and questions about whether the Justice Department was being used by the White House in a way that was compromising their independence that, finally, after all the revelations, they said OK, you Republicans can finally have a special counsel.

I disagreed with that decision. I did not think there should have been a special counsel appointed in the first instance. I did not believe the allegations rose to that level which required the appointment of a special counsel, or independent counsel.

I might say that I am more of a solitary voice over here because I was the one who urged the Republican minority to continue the Independent Counsel Act over the objection of my colleagues. I recall standing in the well saying that we would come to rue the day that we allowed this act to expire because there is going to be a Democrat in the White House at some point and we may very well be called upon to request the appointment of a special counsel.

Nevertheless, I did not want to see a special counsel appointed under those circumstances. It was an act of desperation on the part of the Republicans. And, again, I think it was a mistake to raise the allegations to the level of a criminal investigation, but the fact is that it was the only option available at that time.

Since the appointment of the special counsel, there have been a number of other allegations. Frankly, I have my doubts about a number of them in terms of their import or consequence. But, nonetheless, I think that both the majority and the minority know that there is no substitute for public hearings. That is the only way the public really comes to understand the nature of the allegations, can see for themselves the truth or falsity of them, can see for themselves the sincerity or the political motivation of the individuals conducting those hearings. The camera tells the public that very clearly.

Notwithstanding the allegations made here, that somehow we have to correct the mistakes made in Iran-Contra, I do not believe it was a mistake to hold public hearings on Iran-Contra. And do not think it was a mistake to have granted immunity to Colonel North and Admiral Poindexter. At that time it was far more important to get their stories out.

I know the majority leader disagreed. He did not think we should have granted immunity. He felt that Colonel North and Admiral Poindexter wanted to testify, that they would have testified, and that we should not have caved in as easily as we did. That was his view then and I think it was a legitimate view. Nevertheless, I do not believe it was a mistake to get as much of the testimony as we did. And much of the 7 years of investigation by Mr. Walsh did not contradict the work of the committee or added much to it.

My problem with what we are doing today is that we seem to be setting a precedent that from the moment an independent counsel is appointed, Congress is hamstrung and will have to go through this sort of procedure to determine whether we will ever have a congressional hearing. We are putting ourselves in the position of having a hearing only if the special counsel or independent counsel agrees to it. That is a very dangerous precedent for this body.

We should not put ourselves in the position of saying OK, you may have congressional hearings but only if the special counsel extracts a promise from you not to grant immunity under any circumstances. To do so is to give up a very serious responsibility on the part of this institution.

So I have problems not only with the majority leader's proposal but also with that of my colleague from New York.

As I said the other day, we ought to proceed on the basis of comity, of recognizing there are areas that we should not go into. That has been done on many, many occasions with a number of committees, particularly on the Permanent Subcommittee on Investigations, where we have these informal understandings. But to structure the hearings in a way in which we say you can ask here but not here is going to lead to a good deal of contention, confusion, and combativeness. Ultimately it is going to lead to a degradation of the congressional process itself.

I would hope that some middle ground can be found between the majority leader's proposal and the one offered by this side. Some politics are involved, but it is involved on both sides. I think the majority leader has an obligation to defend the President, to defend the administration. That is his job, and he is doing a very good job. But we also have an obligation over here. It is not fair to say, well, you are zigging and you are zagging, you are flipping and you are flopping, because it is pure politics on your side. I have never approached any congressional hearing on the basis of trying to exploit an issue to embarrass the President. I do not want to try to embarrass President Clinton or Mrs. Clinton. I have said time and time again that I am not sure that when the hearings are all over they will prove to have been justified, or whether they will solidify in the minds of the American people whether there was wrongdoing. But it is important that the hearings be held and that they be held as quickly as possible. I do not contemplate this matter going well into the next year.

I certainly do not think that you can conduct a hearing within a couple of weeks. As my colleague from Maine pointed out, some Republicans—not all of them—wanted the Iran-Contra hearings confined to 2 weeks. And the response of the majority was no time limit whatsoever.

Ultimately, we had to compromise on a period of 9 months. That was the way the Iran-Contra Committee was structured. It was a good model then and it is a good model today.

I hope that in order to avoid a series of what appear to be purely partisan votes, with the Democrats controlling the majority, that we might find some changes that could be made to accommodate the interests of the minority.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New York.

Mr. D'AMATO. Mr. President, I hope we can build on the remarks of my distinguished colleague from Maine as it relates to again coming forth with a structure that will be credible to this institution and to the work we are supposed to do. I think we can do it. I know an effort has been made. We have not been able to come to that agreement, but I do not think we are that far apart. I do not say we have to take my methodology. It seems to me that we are pretty close to it.

Rather than to continue and insist on a way of legislative amendments that will be defeated but will be attempted to make the point, I hope that we can begin that process sooner rather than later.

Mr. President, the fundamental question which was posed in my underlying amendment was whether Congress should find out the cause of Madison Guaranty Savings & Loan—which was a federally insured savings and loan—costing the taxpayers $67 million. Is that a legitimate subject for oversight? I believe it is. I believe the American people deserve to know if taxpayers' funds were used for improper purposes. After all, they were taxpayers' funds. They should find out where the money went. Did it go into Whitewater? Did it go into campaign activities? That is the purpose of the underlying amendment.

The majority leader's amendment would prohibit Congress from examining the causes of Madison's failure until the independent counsel basically said it is OK for Congress to examine the issue. I think Senator COHEN has argued quite eloquently as to the, I think, poor policy that would set—that this Congress delegate its constitutional oversight role to an employee of the Justice Department.

Did Congress give the independent counsel a right to veto congressional oversight activities? Do we want to do that? I think that would be a mistake.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader has 12 minutes remaining.

Mr. MITCHELL. Mr. President, has the Senator from New York used all of his time?

The PRESIDING OFFICER. The Senator from New York has used all of his time plus some.

Mr. MITCHELL. Would the Senator from New York like a couple of additional minutes from my time? I indicated earlier I would give him some of my time. I am prepared to offer him 2 additional minutes.

Mr. D'AMATO. Mr. President, I thank the leader.

Let me state, using that 2 or 3 minutes, that I hope we can set up the process which I think Senator COHEN suggested in his remarks, and by which I have indicated we could move the process forward. I know that we have worked hard at it. The majority leader and the minority leader have worked. And I think it is worthwhile pursuing this with all the vigor possible. We have some bright staff members who know some of the concerns. I think and hope we can do that.

I do not want to see us in a situation where Congress has to ask the permission of the special counsel, or wait for him to say yes, it is OK to start. I think we can do it with comity.

I notice again the majority leader speaks to the issue of whether or not we would grant immunity, and zigging and zagging. We wrote out an amendment looking to the March 17 resolution where it said that no one who is called to testify would be granted immunity under title 18 over the objection of the special counsel.

Our wording was just slightly different, but the same thing. We said to request a grant of immunity under title 18, it would have to be approved by the independent counsel.

So I say that in the way of explanation. I do not think we are trying to zig and zag on this. I think there are some honest differences of opinion. I do not think they are all so partisan. But I hope that we can get about setting up the structure in a committee that we can all be proud of.

I thank the leader for granting me additional time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, let me deal first with the subject of immunity, as the Senator himself raised.

On March 9, 1994, Special Counsel Robert Fiske met with Senator D'AMATO and Senator COHEN. After the meeting, they came out of that press conference. Here were their statements.

Senator D'AMATO said:

> We have made clear to Mr. Fiske that under no circumstances do we intend to grant immunity.

Senator COHEN said, among other things:

> There will be no immunity granted to witnesses.

Mr. Fiske said:

> I have been assured that immunity will not be granted to any witness in any of these investigations.

Those are the statements on March 9. Now, Senator D'AMATO has spent a lot of time here arguing about why they should have the right to grant immunity under certain circumstances, such as not over the objection of Mr. Fiske. But the statement on March 9 could not be any more clear:

> Under no circumstances do we intend to grant immunity.

My understanding of the English language is "under no circumstances" does not mean "under some circumstances." It means "under no circumstances." That is the point I have made here all along. I do not think there is any consistent principle behind this effort.

Mr. D'AMATO. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. D'AMATO. That statement was made on March 7.

Mr. MITCHELL. I had March 9. But if it is March 7, I stand corrected.

Mr. D'AMATO. On March 17, we voted 98–0, all of us, and the two leaders voted. Section C of the resolution contains the language that no witness who testifies in these hearings "shall be granted immunity over the objection of special counsel."

So it was in that light that I drafted an amendment to encompass the will of the majority, which was voted on 98 to nothing. I think it really meets the intent that we were not going to go out and grant immunity. Whether we said no immunity or whether we said we will not do it without permission of the special counsel seems to me to almost be splitting hairs. But certainly, on the 17th, this body made it clear by saying we will not grant immunity unless or over the objection of special counsel.

Mr. MITCHELL. I understand that. I agree with that. I just say that my good friend and colleague—and he is really my good friend, Senator COHEN, my colleague from Maine—has just said he does not agree.

Mr. President, if I might address the immediate amendment, this is really the same issue that was just voted on in the broader resolution. This is the scope of the investigation. I want to make clear again, so there can be no misunderstanding, the Senate voted 98 to nothing to have hearings "structured and sequenced in such a manner that they would not interfere with the ongoing investigation of the special counsel."

The resolution the Senate has just approved does just that. It is consistent with the special counsel's request, and with the vote of the Senate on March 17.

I have also made clear that we fully, explicitly, and categorically will have hearings on the remaining matters after the special counsel completes his investigation of the remaining matters.

What our colleagues are trying to do is to put the whole thing into this resolution now in a manner that I believe is inconsistent and contradicts the action of the Senate taken in March by a vote of 98–0.

Mr. President, let me describe once again why this issue of immunity is important. Prior to Iran-Contra, the legal issue of the subsequent criminal prosecution of a person who had testified before a congressional committee under a grant of immunity was governed by a case known as the Kastigar case. He was the person involved. And in the Kastigar case, the Supreme Court set out a standard which a prosecutor would have to meet in order to prosecute a person for actions arising out of acts which are also the subject of testimony under a grant of immunity before a congressional hearing. The test was a difficult one, but it could be done. In the Iran-Contra case, former Marine Colonel Oliver North testified before Congress under a grant of immunity. As Senator COHEN rightly said, we had a reasonable difference of opinion. I did not favor the granting of immunity, but it was granted. He testified, and he then was indicted on felony charges, tried, and convicted of three felonies. He then appealed the convictions, and the court of appeals agreed with Colonel North that he could not have been prosecuted because of his prior testimony to Congress under a grant of immunity. And in that case, North versus United States, the court of appeals here set a new and much higher standard to be met by prosecutors in such circumstances, the practical effect of which, according to special counsel in the Iran-Contra case and other commentators, is that both cannot now happen. Effectively, Congress must choose. We must choose whether to have congressional hearings and have witnesses testify under a grant of immunity, or we must choose to let the investigation by a prosecutor occur to see if wrongdoing happened and, if it did, to prosecute and punish it.

So we are now operating under a law that is different from what it has ever been and has been different since 1990 when the court of appeals decided Colonel North's case. The irony of this debate is that our Republican colleagues, who were so insistent on the appointment of a special counsel—a special counsel, who is himself a lifelong Republican and whose appointment was praised by Republican Senators—are now deriding the special counsel and demanding that the Senate act in a way that will in fact undermine the special counsel's investigation, in effect, saying that the Senate should make a choice of having the hearings even if it undermines the subsequent investigation.

Mr. President, what we are trying to do, and what my resolution does, is to say that we can do them both, provided we do them in a reasonable and orderly way that does not grant immunity, and that does not undermine the special counsel's investigation. The fact of the matter is—and I repeat this as a former prosecutor and former Federal judge—if there has been wrongdoing, those who committed the wrongdoing, should be prosecuted and punished. And the way to do that is to let the special counsel do his job. Not a single Member of this Senate has challenged the integrity or ability of the special counsel. He is, I repeat, a lifelong Republican, appointed at the request of Republicans and praised by Republicans.

Now we have the irony of Republican Senators coming in and proposing a process which that special counsel has warned against and which would undermine the very investigation that our colleagues requested. That is why I have said it is political, and that is why I believe it is political. What we should do is vote for the amendment that I have proposed, which is consistent with the previous action of the Senate just a short time ago, and which will permit the Senate to meet its legal and constitutional obligations to conduct a thorough, careful, reasonable investigation in a manner that does not undermine the special counsel's investigation and yet also meets our responsibilities and is consistent both with the resolution approved in the Senate by a vote of 98–0 in March and with the repeated requests of the special counsel that the Senate not take any action to undermine his ongoing investigation.

Mr. President, I see that my time is up.

I yield the floor, and we are prepared to vote.

The PRESIDING OFFICER. The question occurs on amendment No. 1779 offered by the majority leader.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announced that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Coverdell

So the amendment (No. 1779), as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1778, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 1778, as amended.

The amendment (No. 1778), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I believe the Senator from New York has an amendment he is going to offer, and I am going to offer a second-degree amendment to that.

AMENDMENT NO. 1780

(Purpose: To authorize hearings on the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings & Loan Association)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1780.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

AMENDMENT NO. 1781 TO AMENDMENT NO. 1780

Mr. MITCHELL. Mr. President, I send an amendment to the desk and asked that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1781 to amendment No. 1780.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, by a coincidence unrelated to this bill, a number of Members of the Senate have an important commitment this evening that I would like to accommodate and, therefore, I am going to momentarily ask unanimous consent that there be a vote on this amendment at 5 p.m. to accommodate our colleagues. That would be the last vote today.

However, I do want to say that I am advised that there will be a number of similar amendments offered to the measure and, in that event, we will be in session very late tomorrow evening and on Thursday evening and all day Friday, if necessary. We have to complete action on this bill because it is very important to every State which has an airport, which I assume to be every State.

In addition, we want to take up and pass this week the first of the appropriations bills that must be enacted, and there are some nominations which have been pending on which we hope to obtain final action.

So, as is our practice to accommodate Senators when they have a commitment of the type that exists this evening, we will do so. But that means that Senators should be prepared for a very lengthy session tomorrow, Thursday, and all day Friday unless we are able to move along more promptly to get action on this and the other measures to which I referred.

Mr. President, is it agreeable to the Senator now, in accordance with our previous discussion, that the vote on this amendment occur at 5 p.m.?

Mr. D'AMATO. Yes.

Mr. MITCHELL. I ask unanimous consent that the vote on my amendment now pending occur at 5 p.m. today; that the time between now and then be equally divided—

The PRESIDING OFFICER. Will the majority leader yield? There will be order in the Chamber. There will be order in the Chamber.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, that the time between now and 5 p.m. be for debate on both the second-degree amendment which I have offered and the first-degree amendment by the Senator from New York, equally divided and under the control of the Senator from New York and myself; that following this vote, the underlying D'Amato amendment be disposed of without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I repeat, the upcoming vote—if I might inquire of the Senator from New York, as we have on the previous two votes, I assume it will be acceptable to the Senator that, in the event my amendment is adopted, we can voice vote the underlying amendment as amended?

Mr. D'AMATO. Absolutely.

Mr. MITCHELL. Therefore, Mr. President, I repeat the upcoming vote at 5 p.m. will be the last vote today. I thank my colleague for his cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, this amendment, the underlying amendment, which I submitted and which the leader added his amendment to—let me explain to you what my amendment would do. It would expand the scope of the investigation to include—that is hearings—to include the pursuit of the Resolution Trust Corporation as it relates to those civil causes of action against potentially liable parties associated with Madison Guaranty Savings & Loan Association. This amendment would authorize the committee to investigation whether Federal banking laws or regulations were violated in connection with the failure of Madison Guaranty and whether these potential violations have been pursued by the RTC.

Has the RTC been vigorously pursuing potential civil actions to recover funds from wrongdoers who contributed to the failure of Madison? What has caused the RTC's considerable delay in completing its investigation into the failure of Madison? These are critical questions that must be addressed. I think congressional hearings are absolutely essential.

However, the amendment which my distinguished colleague has offered today would, once again, prevent us from undertaking this until the investigation of this area has been completed by Mr. Fiske. The question is, How long do we wait? When will this occur? Will it be completed next week? This next month? Next year? Or longer?

Are we really going to say that Congress has now delegated its oversight and investigatory responsibilities, whether it be of the Madison—and if, by the way, this is a precedent, will this be a precedent for all oversight hearings where special counsel is appointed, that we wait until special counsel has completed a particular phase? Who advises us? Are we going to work in comity, as we have indicated in our resolution of March 17? Or are we going to simply abdicate and say that, no, we will not undertake hearings until the special counsel has signaled the all clear?

I make note that when we talked to the special counsel back in early March, we talked about cooperating. We talked about advising him as to witnesses that would be subpoenaed and agreeing not to subpoena those that he would want to examine first. It was with that kind of approach that we went forward.

I do not believe that, by going into a situation where we say that any additional hearings should be structured and sequenced in such a manner that in the judgment of the two leaders they would not interfere with the ongoing investigation—with all due deference to the two leaders, it would seem to me that the committee, in cooperation, working on behalf of the entire Congress, would be making those determinations. It just seems to me that now we are going to be giving to—and by the way, when I spoke to the special counsel, he indicated to me that he would prefer there be no hearings. But he understood that Congress had its role and its responsibility. I am suggesting now, at this point in time, we are utilizing the fact that there has been special counsel as a shield, as a shield against going forward. I think that is an abdication of our responsibility.

So I hope once again—I have no illusions about the outcome of this vote—but I certainly hope that sooner rather than later we could structure a compromise that would permit the committee to do its work in a manner which would not interfere with the special counsel's work but would give us the ability to start moving and undertaking these hearings and whatever investigations they might lead to.

I yield the floor.

Mr. MITCHELL. Mr. President, about the only thing I agree with in my colleague's remarks is that we know the outcome of the vote. That is because we are voting on the same thing for the third time. We have already voted on this twice before and now we are voting for the third time. Even in the Senate, I think there is a reasonable degree of predictability that is possible, when you vote on the same thing over and over again, you are going to have the same outcome. This is the same issue. We debated it. We voted it earlier. The proposal was rejected.

We then revoted it a second time. The proposal was rejected. We are now going to revote it a third time, and I suppose there is no limit to the number of times we can vote on the same issue. But I believe it is important that Senators and the American people understand what is involved here.

Our Republican colleagues loudly insisted on the appointment of a special counsel to investigate this matter. A special counsel was appointed. He is himself a Republican, a lifelong Republican of great ability and experience and character. His appointment was applauded by Republican Senators.

That special counsel has requested that the Congress not conduct hearings which would interfere with or undermine his investigation. Five minutes after that special counsel was appointed, at the request of the Republican Senators, and himself a Republican, our Republican colleagues began to ask for precisely the type of investigation that would undermine his investigation. So that is where we are.

Alternately, the Senator from New York has said we should not be subject to the special counsel, and then a few minutes later said, but we ought to work in cooperation with the special counsel. Once again, we are seeing inconsistent arguments and zigging and zagging and flipping and flopping by our colleagues because there is not a consistent principle here.

The motivation is to attack the President and Mrs. Clinton. The issue before the Senate on this vote is exactly the issue that was before the Senate on the two previous votes. The resolution which I have offered will enable the Senate to meet its constitutional obligations in a serious and responsible way, consistent with the resolution passed by the Senate in March by a vote of 98 to 0, consistent with the repeated requests of the special counsel, both orally and in writing.

Alternatively—the alternative offered by our colleagues—is for a political circus. It is for an inquiry that would undermine the special counsel's investigation, an inquiry that is inconsistent with the resolutions passed by the Senate by a vote of 98 to 0; an inquiry that would, in effect, create a political circus. That is the issue. It has been the issue all long.

I have said this many times. I want to repeat it so there can be no misunderstanding. We are going to have hearings on all of the matters involved, and we are going to have hearings at a time and under a structure that does not undermine or interfere with the special counsel's investigation. That commitment is firm, and that is what we will do if we proceed in the manner suggested by the amendment which I have offered.

We have a committee of the Senate. It has appropriate jurisdiction. It is where we have always conducted the matters relevant to these amendments. Our colleagues come in with the request for a completely new structure, one that does not exist and ask for legal authority that is without precedent in the more than 200-year history of the Senate. I have asked our colleagues who authored the amendment, who support the amendment; I have asked staff; I have asked everyone: Has there ever been a situation where the powers created under the Republican resolution existed in the past? And the answer is no; no precedent for it. We have never had that situation.

And so, rather than conducting the business of the Senate in an orderly, responsible way in accordance with the jurisdiction of the Senate, with the practices of the Senate, with the procedures of the Senate, our colleagues want some wholly new enterprise with powers that have previously not existed.

Democrats have been in the minority before. Republicans are in the minority now. Never has the minority been granted the powers—ever—that our colleagues seek in their resolution.

So, Mr. President, I urge my colleagues again—this has gotten to be quite repetitious because the subject is repetitious—that we should vote for the amendment which I have offered and reject the amendment of my colleague from New York, because we ought to proceed to do this in a serious and responsible and orderly way that permits the Congress to meet its constitutional obligations and permits the special counsel to conduct his investigation so that, in the end, if there is, in fact, any wrongdoing, those who committed the wrongdoing should be prosecuted and punished.

That is what we ought to be thinking about here, and I believe the best way to do it is to proceed as I have suggested.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. WALLOP. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 35 seconds remaining.

Mr. WALLOP. Mr. President, I ask unanimous consent to direct a question to the majority leader without it being charged.

It is my understanding he wants now to have the vote at 5:15 instead of 5 p.m.

Mr. MITCHELL. Mr. President, I have just been asked by the Finance Committee, which is now in a meeting on health care, if I would postpone the vote to 5:15. I asked them to check with Senator DOLE, and I am just advised he is agreeable to that and I will, therefore, now put a request to have the vote at 5:15, with the additional 15 minutes equally divided.

Mr. WALLOP. I thank the Senator. That is what I was inquiring about, actually.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the vote scheduled under the previous order to occur at 5 p.m. in fact be held at 5:15, with the additional 15 minutes to be equally divided between the Senator from New York and myself, and that all other terms of the unanimous-consent agreement remain in force.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WALLOP. Mr. President, therefore, I ask my colleague to yield me 5 minutes.

Mr. D'AMATO. Yes; certainly.

Mr. WALLOP. Mr. President, I am bewildered by the resistance of the majority party to holding hearings of any substance and meaning. If you look at the majority leader's second-degree amendment, it basically just says that the Congress of the United States is the tool of the special prosecutor. We are to abide by and live by whatever judgments he makes, and we are devoid of the ability and the responsibility of making our own.

I am a little distracted, and I am glad the majority leader is here because last week there was an argument as to what the Senate resolution, which we passed 98 to 0 on March 17, stated. And with respect to the issue of granting immunity, subsection (c) of that resolution stated in its entirety:

> No witness called to testify at these hearings shall be granted immunity under section 6002 and section 6005 of title 18, United States Code, over the objection of Special Counsel Robert B. Fiske.

Then, on Thursday afternoon, the majority leader, on the floor of the Senate, made this statement in its entirety:

> Mr. President, the Senator—

From New York—

> has evidently forgotten that on March 17 of this year, the Senate voted 98–0 for a resolution which includes the following statement: "No witness called to testify at these hearings shall be granted immunity."

Mr. President, that statement is simply not the truth. It is simply not complete. By deleting the last portion of the text of the subsection, the majority leader effectively changed its entire meaning. But he proceeded, again, to level the same charge, and I quote again:

> Every single Republican Senator who voted, voted for that resolution. I repeat: The resolution stated as explicitly and as clearly as can be stated in the English language: "No witness called to testify at these hearings shall be granted immunity."

Once again, the majority leader deleted the operative phrase "over the objections of Special Counsel Robert B. Fiske, Jr."

So, in an attempt to correct the impression left by the majority leader, the Senator from New York, a short time later, read into the RECORD the full text of the original subsection. Nevertheless, later that same evening, the majority leader again misrepresented the text of that package. He stated, and I quote again from the RECORD:

> Mr. President, nothing said here today exposes more clearly the motive involved on the other side. In the resolution approved by the Senate in March by a vote of 98–0, it stated, "No witness called to testify at these hearings shall be granted immunity"—no witness shall be granted immunity. And that was put in at the request of Republican colleagues.

Mr. President, that is not the entire text of the subsection. That is a distortion of the resolution, and it is unfair to accuse the Senator from New York and the Republicans of disingenuity on the basis of a change that never took place. It is a misquote.

The majority leader then went on to state the following:

> After they requested that there be no immunity, after they all voted for a resolution which says explicitly, as clearly and plainly as the English language can be used, "No witness called to testify at these hearings shall be granted immunity," now today they tell us, "Oh, well, there really ought to be the power to grant immunity." It is a complete flip-flop. It is a complete zig-zag. It is a complete reversal.

Mr. President, my point is this is simply and specifically not what took place, not what the Senate voted on. It is a misstatement of the fact.

And now here, with this amendment, we are coming along and once again saying that the majority leader would have the Senate abdicate its role, its responsibility, to Mr. Robert B. Fiske. Somehow or another, it is clear that the majority party is engaging in a coverup as complete and specific as possibly can be contrived over the issue of Whitewater, Madison Guaranty, the Lasater affair, and other such matters.

The public is entitled to know. And if, as is always the case stated downtown, there is no reason to suppose that the President and his people have done anything, then, Mr. President, there is no reason for the coverup.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WALLOP. I thank the Senator for yielding.

Mr. MITCHELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. MURRAY). The Senator controls 9 minutes.

Mr. MITCHELL. I yield 9 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank the Senator from Maine, the majority leader, for yielding. I have not weighed into this debate in the past, not because I did not have strong feelings about it, not because I did not have a provincial interest in defending the President, who happens to be from my home State, not because I do not believe in the President, who has been a close friend of mine for 20 years, but because the arguments have been so insufferably repetitious and so partisan, I just did not see much use in taking up additional time by adding my voice to the endless hours of debate on something which is obviously perceived by my friends and colleagues on the other side as redounding to their political benefit.

As recently as 48 hours ago, the President and First Lady spent 2½ hours with the independent counsel—no special favors requested, none granted; 2½ hours under oath; the special prosecutor being there because virtually every Democrat, I think every Democrat in the Senate, voted for the appointment of the independent counsel.

At that time we were told by our friends on the other side of the aisle that this is what they wanted. They wanted an independent counsel to investigate these matters. They said they wanted an independent counsel to investigate an investment made by two people who were about 31 and 32 years of age, respectively, a relatively small investment in a real estate venture which failed and which now everybody on that side of the aisle portrays as Armageddon. It is one of the most incredible things I have ever witnessed. When I think of not only what has happened, but what needs to happen in the Senate between now and the end of the year, I think about how many hours we have spent on this absolutely fruitless debate.

The majority leader has made the point over and over and over again we are going to have hearings. And that is all the original request was, to have an independent counsel to investigate it. Democrats agreed. I voted for it. Now Democrats are also agreeing to the Republicans' request for a hearing, but not in a timeframe that would poison the well of the investigation. I do not think anybody wants to bring this to a conclusion and tell the American people precisely all there is to know about it more than the President of the United States.

Mr. President, why do our friends on the other side of the aisle not point out to the American people that the deficit for next year is going to be $171 billion—$80 billion less than it was when Bill Clinton became President. And if we do our work here the way he wants us to do it, the deficit will still be less in 1996. Go to the American people and ask "Which is more important to you, Whitewater or getting the deficit down? What is more important to you, getting the unemployment rate from 7.1 percent to 6 percent and creating more jobs in 1 year than George Bush created in 4 or Whitewater?" Ask the American people if they want this economy to grow while interest rates remain steady and the inflation rate remains under control. Is that what you want or do you want to talk some more about Whitewater? Everybody here, Republican and Democrat alike, knows what the answer to that is.

Madam President, I will just close with this observation. I went to Normandy last week. I did not serve in Normandy. I did not serve in the European theater. I was a Marine. My service was in the Pacific. And yet the war in Europe has always been a matter of acute interest to me. The Civil War has been, too. But the invasion on the Normandy coastline where 18-, 19-, 20-year-old kids—if you were 25, you were one of the old men—jumped out of those troop transports baring their chests to German machine guns, some of them drowning because they had 50- to 90-pound packs on their back and jumped into water over their heads. Normandy and the beaches was such an emotional experience for me. I was almost sorry I went.

At Anzio, the President came up to me and related a story to me. He said, "I was walking through the cemetery a moment ago," where there are 10,000 white crosses and Stars of David. Incidentally, this was before the ceremony started, and we were visiting after the ceremonies. He says, "A man came up to me and said, 'Mr. President, I landed here at Anzio with a man from Arkansas who became my best friend. We fought all the way from the south to the north of Italy together. And his name was Clayton Little.'"

That name does not mean anything to you, but Clayton Little was in the legislature when I was Governor. He was in the legislature when Senator PRYOR was Governor. And he was in the legislature when Bill Clinton was Governor, a wonderful man who died 2 years ago.

And the President said, "I had to tell this man that our mutual friend, Clayton Little, had died." The man went ahead to say, and this has nothing to do with the story, he said, "You see that grave right over there?" The President said, "Yes." He said, "I should be lying in that grave. I was going out on a patrol one night. I was a sergeant. He was just a private. He said, 'Let me go in your place. I'm going stir crazy in this foxhole.' I finally said, 'Go ahead.' And he went, and he got ambushed by the Germans. He was killed."

I heard story after story after story like that. And at Omaha, 10,000 more white crosses and Stars of David. As I walked through that cemetery and looked down at that awesome beach where so many brave men gave their lives, I thought it's good that I am here because it gives me a good insight into how insignificant Whitewater and Paula Jones and all the rest of it is. In the scheme of things, it does not amount to very much. The point is, we have a great Nation, and the people expect us to act like it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has 5 minutes and 20 seconds. The Senator from New York.

Mr. D'AMATO. Madam President, let me say, first of all, that I find the remarks of my friend and colleague from Arkansas to be very moving as it relates to his recounting of the sacrifices and tragedies—and they were individual tragedies—as a nation we feel, and obviously when we go back to the sites of historic battles and occasions of great things performed by young men, heroic deeds and actions, truly in the totality of things one could actually say what really matters, what is important. I understand that.

But I could also raise, by way of example, that if we are going to use that as a standard, then we never would have had an Iran-Contra Committee set up. We would never have had a Watergate committee set up. We would never have had the number of committees that have been set up to review, to look, and to ascertain whether or not there has been an abuse of power. I would say that there are certainly more potentially important things that we could deal with on a day-by-day basis. That is not the question here. There is no doubt that the question as to what may or may not take place in North Korea is a very important one. But that is not a good and sufficient reason for saying we should not then go forth.

Every administration after this one could then use that as the rationale for saying we should not have hearings. Every administration from this point on could say, no, oversight should not be conducted when we have special counsel.

By the way, there is a difference. I would note this. The majority leader has spoken about "subject to." I say we are not "subject to." We should not be subject to the special counsel or his work. We should be mindful of it. We should look to work with him in a cooperative effort as opposed to "subject to." They are distinguishable. And it is just that point that I think we have to arrive at.

Let me say this, with all due regard to the sincerity with which my colleagues on the other side raise the issue of the special counsel, if it is raised in this manner, if we say we cannot set up a methodology by going forward without legislation prohibiting us from going into relevant matters, then the special counsel appointment is just being used as a shield to keep us from doing what we should be doing and in a timely manner.

Mr. WALLOP. Mr. President, will the Senator yield for a question at that moment?

Mr. D'AMATO. Yes.

Mr. WALLOP. It seems to me, as I listened to the Senator from Arkansas and "beating a dead horse" and holding a "fruitless debate," if it is a "dead horse" in a "fruitless debate," it is only because we are not allowed to get into the debate and get into the operation of a truly open set of hearings.

I would say that those who fought so that we could debate, and not be abused for the process of doing it—and if it is insignificant—would my friend not admit that if it is insignificant, as the Senator from Arkansas said, then why not open it up and be done with it? Why not let us go ahead and have the hearings and be done with it? If it is insignificant, it will show. If it is not insignificant, people are entitled to know.

Would that not be a fair assessment?

Mr. D'AMATO. I believe it is. I agree with my colleague. I think he really comes to the gravamen of the issue.

I would conclude by saying, when we talk about working with special counsel, I believe we can and should. But that, again, is different from being "subject to." That means that Congress must seek permission from the special counsel. And if the special counsel dictates how and when congressional hearings will be conducted, I do not believe we should be making that kind of delegation. It is something that we will regret. It is a precedent that we have never followed, nor should we at this point in time.

I yield the floor.

The PRESIDING OFFICER. All time has expired on the pending amendment.

The question now occurs on amendment No. 1781 offered by the majority leader. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Coverdell

So, the amendment (No. 1781), was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1780, as amended.

The amendment (No. 1780), as amended, was agreed to.

The majority leader.

Mr. MITCHELL. Madam President, as I earlier indicated, there will be no further rollcall votes this evening.

With respect to the schedule tomorrow, I have discussed the matter with the distinguished Senator from New York, and we have agreed on the following procedure:

At 10 a.m. tomorrow, Senator D'AMATO will offer another amendment. I or my designee will then offer a second-degree amendment, following the pattern that has developed today. And then those two amendments will be debated. There will be no vote prior to 11:15 a.m.

The joint leadership has a meeting at the White House at about 10 a.m. tomorrow. To accommodate all those involved in that meeting, there will not be a vote prior to 11:15, and that is why Senator D'AMATO has agreed that the second-degree amendment may be offered by my designee at that time. Indeed, he graciously offered to offer the second-degree amendment himself. But that will not be necessary, as another Senator will be here as my designee managing the bill.

So we will be back on this subject with another amendment by Senator D'AMATO and another second-degree amendment by myself beginning at 10 tomorrow, with no vote prior to 11:15.

I anticipate that there should be a vote at or shortly after 11:15, and then we will proceed with the measure thereafter.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

STATEMENT OF NICKI NICHOLS GAMBLE'S 20TH ANNIVERSARY AT PPLM

Mr. KERRY. Madam President, I want to take this opportunity to pay tribute to one of the most extraordinarily effective women I know, Nicki Nichols Gamble. On June 22, the Planned Parenthood League of Massachusetts will honor her for her 20 years as its president.

She has taken what was, in 1974, a small advocacy and educational organization with a budget of $200,000 and built it into an advocacy, education, social service, and medical services organization with an annual budget of $4,500,000, a staff of 130, and 3 sites. She opened the first comprehensive reproductive health clinic in Worcester, MA in 1982, despite vigorous and abusive antiabortion harassment and litigation; she litigated the State's parental/judicial consent statutes and designed a nationally replicated intervention model in response to the first State statute in this area; and she organized an effective collaboration between Planned Parenthood and the Women's Bar Association.

Nicki's leadership in organizing education, pregnancy prevention, and HIV/AIDS prevention programs has made the Planned Parenthood League of Massachusetts one of the Nation's most influential organizations in the area of reproductive health. For her work, she has been honored with the Roger Baldwin Award from the Civil Liberties Union of Massachusetts, the Debs-Thomas-Bernstein Award from the Democratic Socialists of America, the Abigail Adams Award from the Massachusetts Women's Political Caucus, and the Ruth Green Award by the National Executive Directors' Council of Planned Parenthood.

In addition she has been a good friend and staunch ally for many years. Her 20 years at Planned Parenthood of Massachusetts have been remarkably productive and I wish her well for the next 20.

CHATHAM HIGH SCHOOL STUDENTS

Mr. KERRY. Madam President, I would like to take a moment tc recognize the accomplishments of the Chatham High School students who participated in the We the People . . . The Citizen and the Constitution competition.

Although we frequently hear discouraging words about the state of our public education system, these students from Chatham High have given us reason to be hopeful.

Recently these 19 students from Chatham High School in Chatham, Massachusetts distinguished themselves along with students from 47 other classes throughout the Nation in the We the People . . . The Citizen and the Constitution national competition held in Washington, DC from April 30 to May 2, 1994.

Administered by the Center for Civic Education, the program is designed to help students understand the history and principles of the U.S. Constitution and Bill of Rights and to learn to participate competently and responsibly in our political system.

For their accomplishments in this competition and their commitment to excellence in the classroom, I would like to recognize Stephanie Agnew, Christina Cox, Alison D'Elia, Trevor Davis, Brendan Doherty, Noah Farnham, Courtney Harris, Denis Hynds, Kate Murdoch, Baralee Murphy, Sarah Norcross, Richard Parrent, Erica Peltier, Rachel Shields, Joshua Stello, Nick Szado, Richard Torres, Karen Wright, Jennifer Zibrat, and their teacher Tom Flaherty.

TRIBUTE TO PORTLAND GENERAL ELECTRIC CO.

Mr. HATFIELD. Madam President, today I would like to pay tribute to Portland General Electric Co., the largest electric utility provider in my State, and a company which over the past 18 months has undergone a rather remarkable transformation.

For 17 years Portland General Electric Co. operated the Trojan nuclear power plant in Rainier, OR, which, when it began commercial operation in 1976, was the largest nuclear plant in the Nation. Over its operating life, this 1,100 MW reactor provided Oregon with nearly one-quarter of its electric energy needs. But in January 1992, PGE's management and board of directors were facing costly steam generator repairs and made the very difficult and painful decision to cease operation of Trojan nearly 18 years before the end of its operating license.

Shutting down a generating plant the size of Trojan so far ahead of schedule posed some significant challenges for PGE and its employees in Oregon. I am happy to say, however, that under the direction of Ken L. Harrison, chief executive officer, and Richard G. Reiten, president and chief operating officer, PGE has met these challenges head on and has achieved significant success. For example, within 60 days of closing Trojan, PGE was able to secure long-term natural gas contracts to fuel a new 200 MW natural gas-fired cogeneration plant to be built at the Port of Morrow, OR. PGE also secured short-term replacement power from other utilities in the Pacific Northwest and areas as far away as Arizona.

The transformation of which I speak, however, is not just about finding replacement power and bringing new generating resources on line. Rather, it is about the manner in which both the management and the employees at Portland General Electric seem to have embraced a new nonnuclear culture and a new set of values and priorities about their role in Oregon's energy future.

This has happened for a variety of reasons, not the least of which is good management and a sound business plan. Nevertheless, as I will illustrate in a moment, Portland General Electric seems to be succeeding largely because their employees also share a commitment to a collaborative process which includes working with other community leaders, environmental interest groups and state regulators in planning the State's energy future. There are no better examples of this commitment than the many programs PGE has initiated related to energy efficiency and the environment.

After the closure of Trojan in January 1992, PGE was the first utility in the United States to market the Power Smart program, a comprehensive educational and labeling campaign which now covers over 30 product categories at nearly 80 retail outlets in the greater Portland area. Power Smart is designed to create win-win situations for utilities and electric users by teaching consumers that energy efficiency products are convenient to use and contribute to an improved lifestyle and environment.

During 1993, Portland General Electric also continued to provide benefits to its customers and shareholders under a regulatory incentive program with the Oregon Public Utilities Commission. This program allows the utility, after meeting an energy efficiency benchmark, to earn a profit on demonstrated energy savings. With the help of these incentives, PGE has assisted its customers in achieving over 18 average megawatts of permanent savings. This cooperative venture with the state PUC and the new ethic of treating energy efficiency like other generating resources is what I am proud to see happening.

Madam President, this point about treating energy efficiency programs like other supply-side programs is currently under siege in many utility circles across the Nation as energy conservation becomes more costly due to increased competition and cheap supplies of natural gas, even when adjustments are made for environmental impacts. Portland General Electric, however, has been a leader in delivering some of the most cost effective energy conservation programs in the entire Western United States. While many utilities are delivering efficiency programs at $2,000 to $3,000 per megawatt, Portland General Electric's conservation program's average cost over the last 2 years was only $1,000 per average megawatt.

Finally, Madam President, this past year Portland General Electric was only the second utility in the country to issue what is called a "renewables only" request for new resources. This solicitation for 50 average megawatts of power was limited to renewable energy technologies only and has resulted in further discussions with four companies offering a wide range of wind, geothermal, hydro, and biomass technologies. Much work remains to put these resources in place, but cooperation and commitment have accomplished much, already.

Similar examples of PGE's new corporate culture exist on the environmental side as well. Upon closing the Trojan nuclear power plant, Portland General Electric secured its possession only license from the Nuclear Regulatory Commission in less time than any other previous utility. Still today, PGE is under budget and ahead of schedule in removing several large low-level waste components and filing a total decommissioning plan with the NRC by the end of this year.

Madam President, this final environmental example seems to exemplify my point perhaps more poignantly than others regarding the turnaround in this company. Just this past month, Portland General Electric along with Concordia College, a community-based undergraduate college in northeast Portland, announced the creation of an entire 4-year, undergraduate degree program in environmental technology and remediation which will use classrooms and labs located right at the Trojan nuclear power plant. The opportunity to study alongside the decommissioning of a civilian nuclear power reactor has generated enough excitement that program participants also include four other universities, at least four other corporate sponsors, the Oregon Department of Environmental Quality and two environmental activist organizations. When those first graduates receive their diplomas a few short years from now it will truly be a story of turning a perceived liability into an outstanding educational opportunity.

In conclusion, without the commitment and dedication of management and the employees of Portland General Electric, and without the support and involvement of other government and community leaders, this remarkable transformation could not have taken place. I want to congratulate all those individuals who have contributed to these efforts. Best of luck and continued success.

SAINT MARIA GORETTI HIGH SCHOOL "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION COMPETITION"

Ms. MIKULSKI. Madam President, I rise today to recognize the students from Saint Maria Goretti High School in Hagerstown, MD who competed in the "We the People . . . The Citizen and the Constitution" national competition here in our Nation's capital from April 30th through May 2. The students involved in this competition showed a rare dedication to the principles on which our country was founded.

In this competition, these students demonstrated a remarkable grasp of the fundamental ideals and values of American constitutional government. Through their spirit of competition and commitment to learning, they have set an example for us all.

Mr. President, I salute the participating students from the Saint Maria Goretti High School, and all those who took part in this competition, for their hard work and commitment. The character, perseverance, and leadership that enabled them to reach this goal are an inspiration for everyone striving for success in their own lives.

TRIBUTE TO STAFF SGT. DAVID M. ABRAMS

Mr. STEVENS. Madam President, I want to call to the Senate's attention the achievements of Staff Sgt. David M. Abrams, a member of the 6th Infantry Division (Light) stationed at Fort Wainwright, near Fairbanks, in my home State, Alaska.

On Flag Day, June 14, 1994, Sergeant Abrams received the Thomas Jefferson award for excellence in military journalism at a ceremony at the Pentagon.

This is not the first time that Sergeant Abrams has been honored for his journalistic talent.

Not too long ago, when I was present at a military appreciation dinner in Fairbanks, it was announced that Sergeant Abrams was selected as the Paul D. Savanuck Military Print Journalist of the Year for 1993.

In addition, he was named the 1992 and 1993 Military Journalist of the Year for the U.S. Army Pacific Command.

On top of these honors, Sergeant Abrams received several Fourth Estate Awards from Headquarters, Forces Command in conjunction with the Keith L. Ware Army journalism competition. His entries in the competition included first place in the news articles category, second place in features, and third place in special achievement in print media.

Above and beyond his numerous journalism awards, Sergeant Abrams has also earned and been decorated with the Meritorious Service Medal, Army Commendation Medal, second oak leaf cluster, and the Army Achievement Medal (second oak leaf cluster), and the Army Conduct Medal.

It is with admiration that I pay tribute to Staff Sergeant Abrams, a remarkable member of our outstanding military forces.

TRIBUTE TO JOANN J. MILLER

Mr. STEVENS. Madam President, today, I want to recognize Ms. JoAnn J. Miller, of Fairbanks, the Golden Heart city of my home State, Alaska, for her volunteer efforts.

Ms. Miller was recently recognized for community service with the First Lady's Volunteer Award, presented by the First Lady of Alaska, Mrs. Ermalee Hickel, wife of Governor Walter J. Hickel.

Ms. Miller has just completed an 8-year term as volunteer president of the Farthest North Girl Scout Council, where she has a total of 16 years of service.

Her leadership has made a significant difference to the Girl Scouts in my State. A decade of hard work, planning and coordination have resulted in a permanent Girl Scout Center in Fairbanks. She has become known as the institutional memory of the organization as the board of directors' composition changed over the years.

Girl Scouts have honored her with their "Thanks Badge II," a tribute to those who have received the Thanks Badge and continue to give outstanding service that is so significantly above the call of duty that no other award would be appropriate.

I feel that JoAnn Miller's outstanding efforts have greatly enriched the lives of others, and have made our great State of Alaska a better place in which to live, setting an example of community service for each of us.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are just too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Monday, June 13, at the close of business, the Federal debt stood—down to the penny—at exactly $4,604,542,562,566.93. This debt, mind you, was run up by the Congress of the United States, because the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the nonsense from politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. The are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crises was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,604 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at four trillion, 604 billion, 542 million, 562 thousand, 566 dollars and 93 cents.

THE INDIAN STUDIES CHAIR: AN ACADEMIC VENTURE

Mr. PRESSLER. Madam President, I commend the establishment of an India Chair at Columbia University. In the endeavor to create the Indian Studies Chair at Columbia's Southern Asian Institute, supporters for this project have raised over $360,000. However, an estimated $1.5 million is needed to endow the chair

I applaud the efforts of those who are working hard to establish this Indian Studies program. Specifically, I commend Dr. Rajendra Bansal and Dr. Thomas Abraham, co-chairpersons of the endowment campaign for Chair in Indian Studies, as well as Dr. Manjula Bansal, secretary of the campaign. They have labored many hours to transform a dream into reality.

The India Chair at Columbia University will offer students the opportunity to learn from and to study with great scholars of Indian culture, history, and contemporary issues. This will allow students to better understand and work with our Indian allies. I urge my colleagues to show support for this important academic endeavor.

Madam President, I ask unanimous consent to place several related newspaper articles from India Abroad in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From India Abroad, Dec. 10, 1993]

MRS. ONASSIS SUPPORTS INDIA CHAIR

(By Shailaja Neelakantan)

The campaign for endowing a chair for Indian Studies at Columbia University got a boost with the presence of Jacqueline Kennedy Onassis at the launching of Naveen Patnaik's book, "The Garden of Life."

The Dec. 2 reception was held at the Indian Consulate under the auspices of Doubleday, publisher of the book, and the Consulate General of India. With a virtual Who's Who of New York present, the event was a stimulus for an India chair at Columbia's South Asia Institute. Mrs. Onassis was present in her capacity as senior editor at Doubleday.

About $1,000 from sales of the book during the reception was donated to the campaign for an India chair, according to Pallavi Shah, who runs Our Personal Guest, a public relations firm. She said $10 from every sale of the book (it costs $35) would continue to go towards the endowment for the chair. Air-India provided additional support for the reception.

Endowed chairs are a prominent feature of America's private universities. Interest from an endowment enables support for salary and benefits of a senior member of the faculty. This chair will promote a better appreciation of India."

She said Columbia University was a virtually automatic choice because it is the most urban and international of America's Ivy League universities. "Dr. B.R. Ambedkar earned his doctorate there before going on to head the committee that wrote the Indian Constitution," she said.

The government of Pakistan has already endowed a Quaid-e-Azam Distinguished Professorship at Columbia. Several other communities in the United States, including the Japanese, German and Armenian, have also endowed chairs of Columbia.

The reception for Patnaik's book, which deals with the healing plants of India, was attended by supporters of an Indian chair and New York literary and social figures. Patnaik is a founding member of INTACH—the Indian National Trust for Art and Cultural Heritage.

The guests included Stephen Rubin, president and publisher of Doubleday; Bianca Jagger, Sonny and Gita Mehta, Carly Simon, Mr. and Mrs. Sam Peabody, Kenneth Lane, Diandra Douglas, Caroline Herrara, Francesco Clemente, Fernando Sanchez, Aroon Shivdasani, Anjali Mathrani, Mr. and Mrs. Feroze Talyarkhan, Mr. and Mrs. Purnendu Chatterjee, Zach Zacharias and Thomas Abraham, among others.

Mrs. Onassis did not address the gathering, but Doubleday's publisher, Stephen Rubin, in a short speech voiced support for the endowment of an India chair at Columbia.

He said the Indian American community had made valuable contributions to America and that a chair at a premier institution like Columbia would go a long way in fostering a better understanding of the country.

As Dr. Manjula Bansal, secretary of the managing committee for the India chair, said: "The best way to make sure India does not remain peripheral is to endow chairs and programs representing India at America's great universities."

An endowment of $1.5 million would be required for an India chair, of which the account currently has $200,000. Pledges of $150,000 more have been made, according to Dr. Rajendra Bansal, co-head of the managing committee for the India Chair.

Our Personal Guest arranged the food for the evening—a combination of champagne and Indian hors d'ouvres. Dhoklas, pieces of roti with baingan ka bharta and several other dishes, made with herbs mentioned in Patnaik's book, were served. Completing the picture, Indian women wearing traditional ghaghra-cholis served paan, another culinary plant described by Patnaik.

A report in the April issue of Publisher's Weekly described Patnaik's latest book as well his previous one—the lavishly illustrated "A Second Paradise: Indian Courtly Life 1590–1947—as particular favorites of Mrs. Onassis.

[From India Abroad, Feb. 4, 1994]

BOOST FOR INDIA CHAIR AT COLUMBIA

NEW YORK.—The American Express Foundation recently presented a check for $50,000 toward the endowment of an India Chair at Columbia University. At a function held in the Indian Consulate here, Sreedhar Menon, deputy president, American Express Bank Ldt., handed over the check to Prof. Jack Hawley, director of the Southern Asian Institute at Columbia.

Hawley said at the presentation, "We are deeply grateful to American Express for this tangible expression of support for the study of India in the U.S." He praised Menon for his efforts saying, "Mr. Menon is a persuasive spokesperson for this effort in corporate circles and I want also to acknowledge his role in securing the gift."

The amount needed to endow an India Chair at Columbia is $1.5 million. Menon commented: "The cause is especially worthy, in my view, since it stands to benefit the Indian American community for years to come."

[From India Abroad, Apr. 15, 1994]

$360,000 FROM DONATIONS AND PREMIERE

(By Nirmal Mitra)

NEW YORK.—About $360,000 was raised last week in the first major fund-raiser for the India chair at Columbia University, with $250,000 coming from the premiere of Ismail Merchant's film "In Custody," corporate sponsors and individual donors.

A sum of $100,000 was also pledged by Kurian and Mary Chacko, owners of Balogh Jewelers, Madison Ave., Manhattan, and another $10,000 by another individual.

The film, Merchant's directorial debut, was screened at the Paris Theater April 7. Some 586 people turned up for the premiere, including former U.S. ambassador to India, Senator Daniel Patrick Moynihan, his wife and daughter, and about 600 for the reception at the Rose Room of the Trump Plaza Hotel that preceded the screening.

Speaking at the reception, Senator Moynihan lauded the campaign for the India chair and praised the farsightedness of the Indian-American community in establishing themselves in their adopted homeland. He saluted Ismail Merchant for pledging the proceeds of the premiere of the film to the chair. He had never seen so many people gathered in the Plaza Hotel, he said. Moynihan reaffirmed his love for India and recalled the association of his family with India.

The Columbia president Mr. George Rubb spoke very highly of the Indian community and was very grateful that they had selected Columbia for the establishment of the chair, further enriching its academic traditions.

"It was very satisfying to see that the gala benefit premiere had cut across all sections of the Indian community," said Dr. Manjula Bansal, secretary of the India Chair Campaign Committee.

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He recalled his past when he came to America from India. "I came to New York first and took a job in the consulate as a messenger, shuttling between it and the United Nations," he said. "I have very fond memories."

On meeting the fund target for the chair, he said: "It is time to demand things from big businessmen and big houses. We cannot just say we need it, to make the film. And I'm very happy for that."

Shashi Kapoor played the lead role in the film, which is about an Urdu poet whose works are discovered by a journalist.

"When I read Anitaji's book quite a few years ago, I liked it but did not think it could be made into a film. And when Ismail said he was going to make it, I said he couldn't.

"But he persisted. He is a very persuasive man. Once he decides to do something, he does it.

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"Out of this interaction, there will be a greater and closer understanding, and I think this chair is an attempt in that direction."

Dr. Manjula Bansal, said, "It was our great fortune that Ismail Merchant deemed fit to associate with this cause. Last year, when he completed the film, in which he made his directorial debut, he offered it to us. Mr. Merchant is part of the advisory committee of the chair."

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MANY INDIAN STUDENTS

"These days, our student life is full of Indian Americans. The Spectator, our newspaper, features a number of Indian-American students, as do a number of other student organizations.

"Just this last year, we saw the founding of the South Asian Business Association, which has sponsored a trip to India for their members and members of other university business communities. Also set up recently was SALSA, the South Asian Law Students Association.

"With all this interest in India, we were hoping to be able to cap it with an Indian chair. Universities, particularly private universities, run in strange ways. They depend upon support by contact with other people of the community.

"The way that support is most succinctly expressed is in the form of a chair. It is an endowment, in this case one whose target is $1.5 million, with which we will be able to support the salary of a professor. It will mean that Indian studies can be taught at Columbia in perpetuity.

"We thought of two possible areas for this chair—Indian civilization on the humanities side, or Indian political economy on the social studies side. We have a large faculty of some 50 scholars interested in and active in South Asian affairs. But of those, there is none who occupies a chair specifically for the study of India. Yet the Japanese, the Armenians, Jews and others have endowed chairs at Columbia and other great institutions of this country.

Holly said that Columbia's national resource center for South Asian studies was among eight centers selected by the federal government to serve a national

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Asked if he planned any more fundraisers to meet the target of $1.5 million by the end of 1994, Dr. Rajendra Bansal, co-chairperson of the Indian Chair Campaign Committee, said: "We have no immediate plans. But the premiere has created a lot of awareness in both the American and Indian communities. And now we expect to collect a lot in donations from individuals and corporate concerns. That is what we are going to do. And it seems to be doing very well."

He went on: "Moynihan put it very well when he said this was the best way of bridging the gap between the two countries is through such efforts in the field of education, which would insure a better understanding of India."

Dr. Bansal added: "One thing is for sure, there is no dearth of money in the Indian community. And it is only a matter of convincing them and making them aware of the need for an India Chair. And that is what the premiere has done. And I think now it will be an easier task for us to go an appeal to them. And we hope to collect the funds by the end of the year."

He said that efforts were on to hold more events. "Deepak Chopra, the prominent physician, has already said that he is willing to give a talk show for the benefit of the chair some time in October-November. Murari Bapu, known for his katha-recitals, is coming in July-August, and has said he is willing to do a one-day program for the benefit of the chair. Also, Dada Vaswani, has made an appeal, as a result of which the Vaswani section of the Sindhi community has promised a donation."

Earlier last week, at a press conference held by the cast of "In Custody" at the Indian Consulate Merchant said it was time to exhort businessmen and big business houses to contribute to the cause of an India chair at Columbia University.

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Desai, talking about the film, said: "The book was written so long ago that I thought it was quite forgotten. It had faded, really, till Ismail took it up and decided to film it.

"It took us many years to get it started. I often thought it wouldn't happen at all. It didn't seem likely because Merchant Ivory got busier and busier and more and more famous."

"I was very surprised when it did happen. And it was purely by coincidence, really, that it turned out to be the perfect time to make the film. When I wrote it, nobody thought of the Urdu language or Islamic culture being in any way threatened in India. It wasn't seen as having any political importance at all.

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Kapoor went on: "Quite rightly, the film has been associated with a marvelous cause like this. I am glad that Ismail, on behalf of all of us, has promised to achieve this target by the end of the year. And I hope this will not be the end of it."

AZMI RAISES QUESTION

Shabana Azmi, the actress, said the question "is not why there should be an India chair, but why so late."

"India is a unique country, but unfortunately suffers from a perception in the West of being a magical, mystical country, despite famine and drought," she noted. "There is a mythology here about what India is all about. I think this needs to be shed."

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"The existence of an India chair at Columbia would make sure that over the course of time, not just next year or the year after that, but in perpetuity, someone in Columbia would be able to field questions like that," he said. "We hope that the chair will be worthy of the support we have received from the Indian-American community as a whole."

TRIBUTE TO CAPT. ROBERT D. MULLINS, U.S. NAVY

Mr. INOUYE. Madam President, I rise today on behalf of the people of the State of Hawaii, to express our gratitude to Capt. Robert D. Mullins, who is retiring from active duty in the U.S. Navy after 26 years of distinguished service.

Capt. Robert Mullins started his naval career as a flight instructor at NAS Corpus Christi, TX, after graduating from the U.S. Naval Academy at Annapolis in 1969, and receiving his wings in 1971. His first operational assignment was with Air Anti-Submarine Squadron 29 at NAS North Island, CA. While there, he participated in the first operational deployment of the S-3A Viking to the Western Pacific aboard the U.S.S. *Enterprise*.

He graduated from the U.S. Naval Test Pilot School in 1977, and served as engineering test pilot at the Naval Air Test Center until 1980. Captain Mullins was one of the first test pilots to perform out-of-control and spin flight testing on the T-34C training aircraft. During this time he also earned a MS degree in systems management from the University of Southern California.

His next assignment took him to NAS Cecil Field, FL, where Capt. Mullins served as safety officer, and subsequently operations officer, during deployments to the Indian Ocean and Eastern Mediterranean aboard the U.S.S. *Independence*. He was named VS Wing One's "Tailhooker of the Year" in 1981 and "Top Hook" in Carrier Air Wing 6 in 1982.

Upon returning to Maryland in January of 1983 as chief flight instructor at the U.S. Naval Test Pilot School, Capt. Mullins rewrote the test flight syllabus and managed the training curriculum. He assumed command of the "Attack Frogs" in 1987. During his command tour, his squadron received the CNATRA Golden Anchor Award for retention and the Towers Award for aviation safety excellence.

In 1989, Captain Mullins was selected to attend the Defense Systems Management College at Fort Belvoir, VA. After completing the program managers course, he reported to Washington, DC, where he served as assistant program manager for systems and engineering at Naval Air Systems Command. It was here that he received his first Meritorious Service Medal for his management of system upgrades to the S-3B airplane, and the engineering development of a new aircraft, the ES-3A Shadow.

In 1991, Capt. Mullins assumed command of the Pacific Missile Range Facility [PMRF] at Barking Sands on the Island of Kauai. Under his command, PMRF was the first recipient of the Commander, Naval Base Pearl Harbor "Good Neighbor Award" and was singled out from among 50 Hawaii commands as winner of the Personal Excellence Partnership of the Year Award in 1993.

Hurricane Iniki devastated the Island of Kauai in 1992. The personnel at PMRF were among the first to offer their expert services and perform relief tasks for the people of Kauai. For their dedication to the Kauai community, PMRF personnel received the "Humanitarian Service Medal" for post hurricane work on Kauai.

Under the leadership of Capt. Mullins, PMRF was awarded two Golden Anchor Awards for retention. Capt. Mullins earned his second Meritorious Service Medal, and was named as the Honolulu Council, Navy League of the United States, "Military Man of the Year" in 1993.

Capt. Robert Mullins has shown a tremendous dedication to his country, to the Navy and to the people of Hawaii. As he leaves his command at PMRF, he will be sorely missed. However, Capt. Mullins will remain a familiar face to all Kauai residents, as he and his wife Madeline will be retiring to Kalaheo, Kauai.

We, the people of Hawaii, would like to express our deep gratitude to Capt. Robert Mullins for his leadership of PMRF, his dedicated service to our country, and his involvement in the Kauai community. We wish him and his family the very best for the future, and welcome them to the civilian Kauai community with open arms.

THE CRITICAL SYRIAN DRUG PROBLEM

Mr. DECONCINI. Madam President, there is an issue of great importance which I feel needs to be addressed immediately.

The drug production and trafficking in Syria is critical. Ninety percent of all arable land in Syria's Bekaa Valley is being used to cultivate narcotics and Nigeria is being used as the main transfer point for narcotics from this area.

The Bekaa Valley has become one of the most concentrated areas of marijuana and opium production in the world and the drug trafficking throughout Syria is escalating at an alarming rate.

Madam President, we have failed to address the serious implications of corruption in the Syrian Government. The only way that narcotics can exit Syria is with the cooperation of the Syrian Government. Thousands of tons of narcotics are passing under the noses of government officials, and not a peep of protest is being made by administration officials. How can we work so hard to prevent drug trafficking in neighboring countries, and yet close our eyes to it in Syria? I am outraged that other United States foreign policy considerations appear to take precedence over holding Syria accountable for its illicit drug trade. Soon, Mr. President, we will have to face the perilous drug problem in Syria, and by then it may be too late.

We need to strike at the heart of the problem and immediately confront President Assad and pressure him to take action against the traffickers operating throughout the country. We need to take action to prevent this situation from mushrooming into something much worse.

Policemen in the Bekaa Valley make $500 a year. After receiving bribes from drug kingpins, however, for the transfer of drugs through the country, income for these policemen rises to $50,000 per year. This sort of blatant corruption cannot be allowed in this day and age, Mr. President, and it is our duty to confront the administration of Syria with these grievances.

One continuing point of tension between the United States and Syria has been United States refusal to remove Syria from our list of terrorist countries, due to their long-standing history of harboring terrorist groups from the Middle East and beyond. While the CIA states that there is no evidence of Syrian terrorist attacks since 1986, I, for one, hope that we will not even consider removing Syria from that list until Syria renounces all terrorist activities, improves its human rights record, and cleans up its drug problems.

Initiating antidrug programs in Syria must rank near the top of United States foreign policy agenda. The time to act is now, before the situation becomes unmanageable. We cannot stand by and let this situation continue. Affirmative action must be taken.

IN MEMORY OF RABBI MENACHEM MENDEL SCHNEERSON

Mr. DURENBERGER. Madam President, I rise to express my deep sadness upon the death of Rabbi Menachem Mendel Schneerson, the seventh rebbe of the Lubavitch Hasidic movement.

The rebbe's death on Sunday at the age of 92 comes 4 months after he suffered a massive stroke. Rabbi Schneerson led the Lubavitch movement, one of the world's largest orthodox Jewish communities, for more than 40 years.

There are a significant number of Lubavitchers in the Saint Paul area. Throughout my years in the Senate, I have benefited greatly from their perspectives concerning the U.S. policy in the Middle East, as well as other issues of concern.

A refugee first from Stalinist Russia and then from Nazi Germany, Rabbi Schneerson studied philosophy and engineering in Berlin and Paris.

He became leader of the Lubavitch Hasidim in 1951, settling with members of the movement in Crown Heights. Unlike other Orthodox Jewish movements which operated in nearly complete seclusion, the Lubavitchers under Rabbi Schneerson's leadership sought to reach out to secular Jews. Over the 43 years of his tenure, the headquarters of the Lubavitch movement in New York City has become a center of over 2,000 educational, social, and rehabilitative institutions.

For the past 16 years, we in the Congress have designated his birthday as "Education and Sharing Day, U.S.A." in recognition of his extraordinary efforts in pursuit of the ideals of scholarship, teaching, ethics, and charity.

As members of the Lubavitch movement seek out the leadership necessary for their future, I encourage all of those who followed the rebbe's teachings to continue the important work he began.

He was a powerful force for good in American society—and I join people of all faiths in Minnesota in extending our warmest condolences to all who learned from his example of piety and hope.

Thank you, Madam President. I yield the floor.

WESTERN ASSISTANCE TO FORMER SOVIET EMPIRE

Mr. DECONCINI. Madam President, lately, we have seen, both within and outside the Senate, growing attention to the issue of United States assistance to the New Independent States and Central/Eastern Europe. This Senator, along with many of my colleagues, has expressed concern over the direction and scope of this assistance and urged a more thoughtful approach in understanding the admittedly complex dynamics of the post-Communist transition. Our assistance programs should be focusing more on hands-on programs to train managers and public officials capable of replacing Communist institutions and attitudes with democratically-oriented reforms. This is especially important given the still prominent role of ex-Communists in the vast majority of the NIS and Central and East European countries.

A recent article on the subject addresses many of the concerns that have been expressed on this important subject. I urge my colleagues to read Adrian Karatnycky's "How the East Was Lost—Western Donors Ignore Faith in Favor of Finance" which appeared in the June 12 Washington Post, and ask that it be submitted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 12, 1994]

HOW THE EAST WAS LOST—WESTERN DONORS IGNORE FAITH IN FAVOR OF FINANCE

(By Adrian Karatnycky)

Today, out of 22 states in central and eastern Europe and the former Soviet Union, there are only five—Albania, Armenia, the Czech Republic, Estonia and Latvia—in which former Communists do not hold power or significantly share in governance. Yet the startling political comeback of ex- and neo-Communists excites little concern in the United States and western Europe. Many of the new ex-Communists are viewed as pragmatic, go-slow reformers committed to playing by the rules of the market and of democracy—a characterization that is more apt in some cases than in others.

Democratic activists in the region do not share the West's lack of concern. Those in Ukraine, for example, report a palpable shift in the attitudes of the media and among academics since the takeover by Socialists and neo-Communists of the country's newly elected parliament. "We are beginning to see a hardening of positions among many Communists who were lying low over the last two years," observes Ilko Kueheriv, director of the Democratic Initiatives polling center. "Now they feel much more self-assured; they are on the offensive."

And that is legitimate cause for alarm, since there is no denying that many self-styled reformers were cogs in a system which for decades proscribed human rights, suppressed religious liberties and crushed opposition. Even more worrying is the fact that many of the millions who voted for them did so out of a nostalgic hope for a return of social and economic security, even if that meant a return to authoritarian order.

To be sure, the difficult transition from statist economies to a market system could have been expected to push millions of disgruntled industrial workers and pensioners to the left. What surprises is that they turned to the old ex-Communist left and not to the new social-democratic parties. How did this come about?

First, the West vastly underestimated the psychological damage inflicted by decades of statism. Communist rule destroys the ideas of voluntarism, self-help and cooperation and with them any sense of authentic community. It is also now clear that the old Communist *nomenklatura* never really relinquished influence over politics and economics, especially in the former Soviet Union. And in central Europe, where privatization has made remarkable progress, much of the power of the ex-Communists was retained through a tightly controlled process of privatization that, accompanied by rampant corruption, seemed to discredit capitalism and economic reform.

The West further underestimated the solidarity of ex-Communists who had worked in the upper and middle reaches of the Communist Party, women's, youth and trade union organizations. Those potent networks remained intact despite confiscation of much party property.

Central Europe's economic difficulties were also greatly aggravated by the selfishness of the European Community, which denied Eastern bloc nations what they really wanted: market access. The EC covered its protectionism with bogus explanations: One sick sheep from Poland was cited as justification for prohibitive quotas on all sheep from anywhere. Not surprisingly, Poland and her neighbors responded with duties of their own, hurting the economics of both areas—but plunging central Europe into political turmoil as well.

Above all, the ex-Communists clawed their way back to power because anticommunists lost their moral voice. Organizations like the National Endowment for Democracy were pushed aside as the big boys from the international financial institutions—the European Bank for Reconstruction and Development, the International Monetary Fund, the World Bank—managed the transition to a convertible currency, and in the process helped make finance ministers the focus of media attention.

When the genuine leaders of democratic movements steeped in the values of human rights and moral courage were replaced on the airwaves by cold-blooded economic surgeons, the public was encouraged to think about reform exclusively in material terms. Detached, pragmatic Eurocrats and Beltway Bandits recoiled at such unifying forces as nationalism and religious revival, which are central to the fragile rebirth of civil society. Instead, nationalism was equated with xenophobia and ethnic hatred—a dangerous threat to stability which, as the former Yugoslavia shows, is often cynically mobilized by ex-Communists.

Richard Rose, of the University of Strathclyde in Glasgow, has been tracking public attitudes toward the transition in most post-Soviet bloc countries. He has found that citizens appreciate the improvements in political rights and civil liberties, the fact that they can now worship in the church and vote for the party of their choice, speak their minds freely and choose television shows and newspapers that are more truthful and open. Yet the democratic revolutionaries who led the movement to secure these new rights failed to remind the public of these tangible gains. Had they done so, they might have withstood the populist and materialist onslaught of the ex-Communists and brought more time for the economic transition.

Can this trend be reversed? Clearly the pendulum will again swing. The ex-Communists who have staged their remarkable comeback are aware that if they return to their old ways they can again be swept out of power. There are economic constraints, as well—among them, the emergence of a true middle class and increased trade links with the industrial democracies.

Yet the worrying signals from the post-Communist world suggest that Western aid programs should be redirected away from their nearly exclusive focus on market mechanisms and local administration. Aid programs should aim at the strengthening of independent media, democratic education of the young and the dissemination of books and journals that promote respect for political freedoms. Help should also be targeted to independent trade unions that give voice to the interests of ordinary working people and so stern the rise of pro-Communist and profascist sentiments among those who have borne the brunt of the harsh economic transitions.

Just three years ago, AFL-CIO President Lane Kirkland met with Sandor Nagy, the leader of what had been Hungary's state-controlled Communist trade union. Nagy told him: "There are three major currents in Hungary today—the Christian Democrats, the liberals and the Social Democrats." Kirkland, who has spent a lifetime fighting totalitarianism, looked him in the eye and asked: "What happened to all the Communists?" Nagy, Kirkland recalled, turned a deep red. Now, he and his cronies are back near the levers of power.

As a lifelong anti-Communist surveying the dismal political landscape of the former Soviet bloc, I am depressed by what I see. But in the post-Cold War world, everyone must make accommodations. And so, I too have abandoned my old faith. Now I am an anti-post-Communist.

U.S. SENATE PRODUCTIVITY AWARDS RECOGNIZED

Mr. REID. Madam President, from long before that April morn in 1777 when the minutemen unfurled their flag at Concord and Lexington, this Nation has based its growth and survival on the willingness of her people to rise en masse whenever danger threatens. That the first pilgrims survived at all was due to their willingness to share; that spirit was epitomized in the first Thanksgiving.

Now, Madam President, as then, we have so much for which to be grateful. Not the least of those blessings is the continued willingness of Americans to recognize problems, roll up their sleeves, and strive for a solution.

In 1982, this body passed Senate Resolution 503 to establish the U.S. Senate Productivity Award. Its adoption was prompted by the drastic fall in U.S. economic productivity from its traditional high rate, and the fact that competing nations had higher economic productivity rates. Since then, several States have adopted this or similar programs—all toward the same end; they recognize organizations with outstanding quality and productivity initiatives as examples for improving our economic productivity and our position in global competition.

Nevada's U.S. Senate Productivity Award Program began in 1988. Our awards recognize Nevada organizations whose management and operations have progressed to a leading level of quality and productivity. Such award programs take a tremendous amount of volunteer effort and donated funding to be run with integrity and to provide useful, critical feedback to the awards applicants.

All of the States which administer such programs deserve our thanks for their hard work and leadership. Their efforts do indeed contribute to the continued competitiveness of the U.S. economy and to the renewed sense of pride our people have in their roles as working contributors to our society.

Senator BRYAN and I are particularly proud of Nevada's quality recognition program because our program is administered by volunteers. Today we want to recognize and thank two gentlemen who have provided outstanding leadership and undaunting commitment to Nevada's U.S. Senate Productivity Awards. During the last 2 years, Mr. Ted Atencio, vice president of Citibank (Nevada), and J. Robert Grant of E.G. & G. Energy Measurements, Inc., have not only managed the administration of this program, but have led major strides toward improvement and visibility of Nevada's program within the State.

As just one example, under their guidance, the criteria used to evaluate organizations were upgraded and expanded. In 1993, the awards program incorporated the seven criteria used by the National Quality Awards Program, the Malcolm Baldrige award.

Ted Atencio and Bob Grant have given freely of their time, often over 20 hours a week, to lead the volunteers and create a solid foundation for Nevada's continuing quest for quality. On behalf of the U.S. Senate and over 60 other volunteers who worked under their fine leadership, we thank Ted Atencio and Bob Grant for their extraordinary volunteer efforts and commend them for the difference they have made in Nevada organizations' quality and competitiveness.

Their commitment to voluntarism, a central theme of America's success story, exemplifies that which is and always has been best in our Nation. As long as our country has men and women of their stature and drive, we will stay the course and continue to walk that path of service first trod by the pilgrims over 300 years ago.

PIKE-HUSKA AMERICAN LEGION AUXILIARY UNIT NO. 230

Mr. PRESSLER. Madam President, I would like to take a moment to recognize an American Legion Auxiliary unit in my home State of South Dakota. I recently was informed that Pike-Huska Unit No. 230 of Aurora, SD, has taken steps to remind voters of the importance of being informed about civic matters. Faced with a town council election in which several of the candidates were not well known by the voters, the American Legion Auxiliary held an election forum to clarify the platforms of all the candidates running for mayor or alderman.

I am proud there are people in South Dakota who work to inform voters. I ask unanimous consent that the information sent to me by the organization's secretary, Margaret Allstot, be placed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN LEGION AUXILIARY, PIKE-HUSKA UNIT #230.

Aurora, SD, May 24, 1994.

Hon. LARRY PRESSLER,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SIR: In April of this year, our small town was faced with an election of several candidates for our town council. Because some were not well known, there was concern expressed as to what their platforms were. As a result, our American Legion Auxiliary Unit voted to hold an election forum so the public could meet and question each of the candidates and so be better informed when they went to the poll.

We made all of the arrangements, contacted a member of the Women's League of Voters for a Moderator, obtained someone to be timer and printed up copies of the agenda. The event was well attended and both the candidates and those attending were pleased to have the information made available. Response was favorable enough to anticipate further forums in the future for council elections. Enclosed is a copy of the agenda.

I am proud to be a part of an organization who holds it as their responsibility to help perpetrate knowledge in our freedom of casting votes. I request that this project be placed in the Congressional Record. Thank you.

Sincerely,

MARGARET ALLSTOT,
Secretary.

KNOW YOUR CANDIDATES FORUM: CITY ELECTION, APRIL 12

When? Thursday, April 7, 7:30 p.m.

Where? Little Hall, Aurora.

Candidates:

Mayor: John Barthel, John Wright, Fred Weeks.

Aldermen: Ward 1: Jack Hansen, Jan Geise. Ward 2: Bob Anderson.

For the Mayoral Candidate:

Why do you want to be mayor?

What do you see as his/her duties?

What do you see as a goal for your term?

For the Alderman Candidate:

Why do you want to be elected?

What, in your opinion, are the duties of an Alderman?

What issues do you have in mind to accomplish?

For both Mayor and Alderman:

What is your opinion of each of the following?

1. The town's maintenance? Suggested improvements/changes

2. The law enforcement contract? Suggested improvements/changes

3. The garbage disposal? Suggested improvements/changes

4. Aurora's form of government? Is there balanced representation of various wards? Suggested improvements/changes

5. Business and/or residential growth in Aurora? Suggested ideas for either or both.

6. What do you see in Aurora's future?

Sponsored by American Legion Auxiliary Unit #230, Aurora.

TRIBUTE TO DONNA MILLAR

Mr. WARNER. Madam President, I would like to commend the outstanding accomplishment of Ms. Donna Millar, a single mom who will be graduating this month summa cum laude from National Louis University in McLean, VA.

The difficulties of parenting this day and age are immeasurable. It is unfortunate that so many parents must manage this role alone. What makes her accomplishment so remarkable are the obstacles Donna overcame to complete her education. She was a gifted student her entire life, but despite her academic achievements, she was unable to attend college due to the commitments of a young family. At an early age, she was faced with the difficult choice of raising two daughters and postponing her further education.

As a young woman, Donna entered the work force and made a career for herself with little or no resources. After many years and the birth of her third child, she decided to return to school at night despite the challenge of balancing a demanding job and raising an infant. It took 6 years, attending college part time, but Donna will graduate on June 18, 1994, with a bachelors of arts in business. The ceremony will take place at the American University campus in Washington, DC.

As a single mother, Donna managed to create an environment for her children which included a beautiful home, tireless help with homework assignments, holidays and birthdays filled with cheer, and an endless supply of affection. The struggles were plentiful but she managed by the sheer motivation of her selfless love for her family. Now, 20 years later, she has succeeded in fulfilling a lifetime goal.

Today, Madam President, her children have asked me to share with the world how proud they are of their beloved mother and of all that she has accomplished.

PRESIDENT CLINTON'S WELFARE REFORM PROPOSAL

Mrs. KASSEBAUM. Madam President, today in Kansas City, President Clinton is unveiling his long-awaited proposal to end welfare as we know it. Without question, the current welfare system has helped sustain the lives of millions of American children. It is also without question that we have done so at enormous expense.

The real tragedy of our present welfare system is not merely its cost to taxpayers—important as that is. Rather, it is that the present system is failing millions of children and families. Welfare was never intended to be a way of life, but in too many cases that is the reality we face. I believe there is a growing feeling in this country that the costs of welfare—financial and human—have grown too large.

After 60 years and hundreds of billions of dollars, Federal welfare efforts have never come close to winning the war on poverty. Today, one out of five children live in poverty. Five million families, including ten million children, receive welfare assistance. Each year, half-a-million children are born to unwed teenage mothers, the vast majority of whom will end up on welfare.

That is why I believe the stakes in welfare reform are extremely high. Our failure or success will determine, to a large extent, whether millions of children get a fighting chance to lead healthy, responsible, productive lives.

President Clinton has proposed several changes which have the potential for improving the Federal welfare system. The provisions which permit State flexibility in the design of the Aid to Families with Dependent Children [AFDC] Program are good. They include a mixture of expanded State options for the most widely used State waiver requests and continuance of the waiver process. This flexibility will permit each State to tailor programs to the particular needs of welfare recipients in that State.

Provisions dealing with teen mothers and out-of-wedlock births emphasize the need for both parents to contribute to the support of their children. I share the administration's belief that teen mothers should be required to reside with a parent or other responsible adult. Additionally, the child support clearinghouse can help with the enforcement of interstate child support, which has been a continual problem in current child support enforcement efforts. Today's technology will enable us to track and monitor noncustodial parents who fail to support their children.

However, some provisions in the proposal do not live up to the rhetoric that we have heard since the campaign. What is being billed as "two years and out" by President Clinton is not really a time limit on the receipt of Government assistance. First, it only applies to youngest age group of AFDC recipients—about one-third of the current AFDC caseload. Second, after 2 years the benefits will not end. Rather, the recipient will be required to work at a created job. Most, if not all, of these jobs will be in the public sector. With any make-work program there is a great danger that little productive work will be done.

Few would argue with the proposition that moving people from welfare dependency to work should be the guiding principle of any effort to restructure welfare. However, I believe that the first basic question to be addressed is not how to reform welfare, but who should do the reforming. My main reason for focusing on this question is simple. I believe a critical flaw in the present system is not only a lack of personal responsibility—it is a lack of responsibility at every level of government.

Our largest welfare programs today are hybrids of State and Federal funding and management. The States do most of the administration while the Federal Government provides most of the money. The result is a hodgepodge of State and Federal rules and regulations, conflicting eligibility and benefit standards, and constant push-and-pull between State and Federal bureaucracies.

In this joint system—which is continued in the Clinton proposal—no one has real power to run any welfare program, and no one is ultimately responsible for any result. This may suit the needs of Government bureaucracy. It clearly is not meeting the needs of children in poverty.

That is why I introduced the Welfare and Medicaid Responsibility Exchange Act of 1994, S. 1891. This so-called swap bill would transfer full responsibility for welfare and nutrition programs to the States in exchange for Federal responsibility for the Medicaid Program.

All of the innovation in welfare reform has originated at the State and local level. States throughout the country are passing welfare reform legislation. Although the methods differ from State to State, they are aimed at moving people from welfare to work, ending the cycle of dependence on public assistance, and encouraging personal responsibility.

These State efforts can draw upon the unique strengths of each area and focus their resources on specific barriers hindering the transition from welfare to work. How does a Federal one-size-fits-all welfare system deal with the problems the decades of poverty in Appalachia or the unemployment caused by the economic recession in parts of New England?

The choice of Kansas City, MO, was not an arbitrary one by President Clinton. The Missouri Legislature passed a major welfare reform package this year. The Commerce Bank, in whose lobby the President is delivering his speech, has been an active participant in the Futures Program and the Women's Employment Network—two initiatives designed to help people make a successful transition from welfare to work.

Since 1991, the Futures Program, a public-private partnership, has placed 240 welfare recipients into private sector jobs. The Women's Employment Network, operating since 1986, is a private nonprofit organization, receiving little Government funding. It has served 1,500 women and placed 785 in private sector jobs.

I believe that a major factor in the success of these programs has been the level of commitment and responsibility engendered by local and State ownership in the design of the program—

something which cannot be instilled by the Federal Government, even with an extensive list of options and waivers.

We must face the fact that Washington does not have a magic answer to the welfare problem. Our experience over the past two decades suggests that when the Federal Government takes over a problem, local responsibility begins to wither, local concern fades away, and local initiative is stifled.

Genuine and effective welfare reform will require a great deal more than money and ingenious legalisms. True welfare reform will require a renewal of local and State responsibilities for children and families in need. That can only happen if the Federal Government steps aside and allows States to get on with this work.

FLAG DAY

Mr. DOLE. Madam President, George Washington once said of the Nation's flag, and I quote, "Let us raise a standard to which the wise and honest can repair." As I am sure all of my colleagues know, today is Flag Day. I think it's only appropriate for us to take a few moments to honor Old Glory and everything that it represents: freedom, hope, opportunity, and strength.

Today is a day for us to reflect on history's greatest democracy. Our Nation may not be perfect, it may have some flaws, but no other nation has embarked on such a great experiment in government. If we fail to remember our past and the ideals on which our country is founded we risk our own freedom and liberty.

Today is also a day for us to remember those who have paid the ultimate sacrifice to preserve this Nation and our ideals. We have just commemorated the 50th anniversary of the invasion at Normandy, the beginning of the great crusade to restore freedom and liberty. I can not help but be reminded of the importance of American leadership. It is just as vital to the survival of liberty today as it was 50 years ago this month.

Theodore Roosevelt stated, "There can be no fifty-fifty Americanism in this country. There is room here for only hundred percent Americanism." So, Mr. President, today is a day for every American to renew their pledge to our flag; and to recite openly and proudly the pledge of allegiance. Let us pledge today that we truly are "one nation, under God" and "indivisible." In the home, in the classroom, in the meeting hall, or wherever Americans gather, let us make a renewed pledge of allegiance to our flag and to the principles for which it stands.

TRIBUTE TO CHARLES M. WHITNEY

Mr. D'AMATO. Madam President, I rise today to pay tribute to Charles M. Whitney, president and CEO of the New York State Credit Union League and its affiliates. Chuck recently marked 20 years of service to the credit union movement, and it's a milestone that I believe should not go unrecognized.

His career supports the idea that history is biography. To tell his story is to tell the success story of the credit union movement in New York over the last 20 years—one of extraordinary vision and undaunted spirit in the face of change.

In 1974, Chuck joined the staff of the New York State Credit Union League as administrative services manager. By striving to meet the needs of credit unions, Chuck recognized that there were numerous other services the league could provide to enable credit unions to better serve their members. The opportunity to follow through on those goals came when he was named president in 1985.

Chuck marshaled support and helped create a broad spectrum of services to meet credit unions' needs. Plans for a mortgage service corporation, a credit card operation, a statewide automated teller machine [ATM], network and shared service centers were visions soon realized.

During Chuck's tenure with the credit union movement, a financial institution also evolved at which credit unions in New York pooled their resources to provide high-quality, cost-effective investment services for each other—in short, a credit union's credit union.

In less than a decade, Empire's Corporate Federal Credit Union's assets passed the billion-dollar mark, and due in large part to Chuck's stewardship, the corporate credit union established a standard of excellence that remains second to none.

Today, with Chuck at the helm, the league and its affiliates provide a broad spectrum of products and services to its more than 700-member credit unions. While adding new services on the cutting edge of technology. Chuck maintained an array of programs to assist credit unions with their day-to-day operations. In short, the vision Chuck had—one of a central entity where credit unions can find virtually every service they need—is a reality.

Credit unions are far more viable today because Chuck set plans in motion years ago. Consumers have been the ultimate benefactor. Some 3.2 million New Yorkers owe Chuck a debt of gratitude for his efforts to make their credit union the alternative, cooperative resource of choice for financial services.

In addition to his involvement on the State level, Chuck was recently elected as chairperson of U.S. Central Credit Union. U.S. Central is the main depository for the Corporate Credit Union Network, comprised of Empire and 41 other corporate credit unions that provide financial services to the 13,000-plus credit unions across the country.

Chuck is a thrift representative of the Advisory Board of the New York Federal Reserve Bank, is vice chairman of the Association of Credit Union League Executive [ACULE], and chairman of the Credit Union Legislation Action Council [CULAC]. He also serves on various Credit Union National Associations [CUNA] and ACULA committees.

Throughout the credit union movement, Chuck has nurtured something without which no organization can long endure: a sense that problems are tractable. He has done the most important thing a president and CEO of an organization can do: given the people to whom he is responsible, hopeful, and yet creative, outlook toward the future.

Madam President, if you wonder who real leaders are, you only need to look to those who have real followers. Persons who follow a leader onto a path of life, those who adopt careers where they navigate by stars someone else taught them to see—are what makes a real leader. Chuck is one such person.

For the past 20 years, credit unions have been embellished by his vision and undaunted spirit in the face of change. Mr. President, I ask that my colleagues pause from today's deliberations and join with me to pay tribute to Chuck Whitney.

THE PASSING OF GRAND REBBE MENACHEM SCHNEERSON

Mr. D'AMATO. Madam President, I rise today to comment on the passing of Grand Rebbe Menachem Schneerson. Sunday, I again visited Crown Heights. This time, it was to join with the Jewish community in saying goodbye to a towering religious figure. I saw the tremendous grief etched on the faces of the mourners. The Jewish community and the world have lost an inspiring individual whose primary credo was to exhort all people, of all faiths, to undertake acts of kindness toward others. I have had many conversations with the Rebbe, and I know the force of his personality, as well as his great devotion to mankind.

Menachem Mendel Schneerson leaves a great void, but also a worldwide legacy. The Lubavitch movement not only brought Jews closer to their faith, but contributed significantly to communities around the world.

It is my fervent hope and belief that the leadership of Lubavitch will continue along the path of kindness and good will to all humanity.

TRIBUTE TO EUGENE BUTLER

Mr. HEFLIN. Madam President, I want to take a moment to recognize a distinguished individual who will pass a great milestone very soon. Eugene

Butler is the editor-in-chief emeritus of Progressive Farmer and he celebrated his 100th birthday on June 11. Mr. Butler means a great deal to rural communities of the South. Throughout his career he has played a tremendous role in improving the lives of our farmers.

Born in Starkville, MS, Eugene's father Dr. Tait Butler was a cofounder of Progressive Farmer. He received degrees from Mississippi State, Cornell, and Iowa State Universities. In 1992, he was named an honorary doctor of agriculture by North Carolina State University.

Eugene has been with Progressive Farmer for over 75 years. He became editor of the Texas division in 1922 where he stayed for 40 years. From 1953–69 he served as president of the publication, and in 1958 he became editor-in-chief. In 1964, he became chairman of the board of directors, serving in this capacity for two decades. He never really retired, often still coming to his office in Dallas.

However, Eugene's contributions do not stop with Progressive Farmer. He was a catalyst for change in the agricultural community as a whole. His contributions helped farmers all over the South as he worked tirelessly for soil improvement through the use of organic matter, legumes, and fertilizer. His efforts also helped to eradicate the cotton boll weevil. He also worked to improve rural health care. In this sense, he was many years ahead of his time.

I salute Eugene Butler for all that he has given us over the years. Whether it was in journalism or agriculture in general, he improved the lives of our farmers. We owe him a tremendous debt of gratitude.

I also extend my best wishes for many more happy birthdays. To have lived a century is to have seen many things. Eugene has lived through six major wars, the cold war, and the Great Depression. He was born when Grover Cleveland was President of the United States, and he has lived through 17 successive Presidents. All the best to Eugene as he passes the Century mark. I hope that he will continue to brighten people's lives for many years to come.

CONGRATULATIONS TO STUDENTS OF THE SHADES VALLEY RESOURCE LEARNING CENTER

Mr. HEFLIN. Madam President, I want to take a moment to salute and congratulate a teacher and a group of students from the Shades Valley Resource Learning Center in Birmingham, AL. They recently won an award for their expertise in the area of extension of rights at the national competition of the "We the People . . . The Citizen and the Constitution Program."

They competed against 47 other schools from all across America. The students exhibited a remarkable understanding of the fundamental values of American constitutional government. Schools receive the award by competing in national finals in each of the six units of the "With Liberty and Justice for All" text. The competition, which simulates a congressional hearing, was held in Washington, DC, April 30, to May 2, 1994. The program is administered by the Center for Civic Education, and is the most extensive of its kind to help students understand American Government.

The Shades Valley students who received this honor were Roger Armstrong, Katie Bates, Kelly Bearden, Emily Bell, Melissa Bess, Kate Bishop, Kevin Chance, Roy Clarkson, Minal Delwadia, Jonathan Denton, Sarah Eastman, Julie Ezelle, Clay Farris, Alisa Fyfe, Carin Glover, Howard Hsu, Pam Jackson, Jason Lagory, Sima Lal, Reed Lochamy, George Ma, Patrick Morgan, Supriti Paul, David Pitts, Shoshana Potts, Krista Poole, Dawud Rasheed, Carla Segars, Cheryl Sellers, Sara Shepherd, Jemeka Stallworth, Brett Stanley, and Bryan Woods. Their teacher Linda Mays Jones did an outstanding job preparing her class for the competition.

These students' achievement reflects what is best about American education. Their hard work and determination paid off in the form of this well deserved recognition.

ACTION OF THE ARMED SERVICES COMMITTEE ON A NAVY PROMOTION LIST

Mr. NUNN. Madam President, the Committee on Armed Services today reported to the Senate a list of 30 Naval officers who have been nominated for promotion to rear admiral, lower half.

In reporting that list, we did not include the nomination of Capt. John B. Padgett III, whose nomination will remain pending before the committee. As is well known from media accounts, Captain Padgett was the Commandant of Midshipmen at the time of the recent cheating scandal. The committee has been notified that the issue of his accountability, if any, is under review by the Navy.

The committee normally does not act on a list until all nominations on the list are ready for consideration. Prior to acting on this particular list, the committee received a letter from Secretary of the Navy John Dalton. Secretary Dalton requested that the committee act on the promotion list, except for Captain Padgett, so that the promotion of the other officers would not be delayed while Captain Padgett's situation is under review by the Navy. The committee has reluctantly acceded to Secretary Dalton's request. I want to emphasize, however, that the action of the committee is not intended to prejudice Captain Padgett's situation, and is not intended in any way to prejudge our deliberations on his nomination. His nomination will remain pending in the committee. It will receive full and fair consideration once the Navy advises the committee through the proper executive branch channels of its disposition and recommendations after completing its review concerning Captain Padgett.

IN MEMORY OF RABBI MENACHEM MENDEL SCHNEERSON

Mr. MOYNIHAN. Madam President, Jews throughout the world are in mourning today for Rabbi Menachem Mendel Schneerson, the charismatic Lubavitcher rebbe who was buried next to his venerable predecessor and father-in-law, Rabbi Joseph Schneerson, yesterday afternoon in New York City.

Much has been said and written about the rebbe's remarkable contributions, particularly by the tens of thousands of us who were privileged to meet with him during his more than 40 years of leadership of the Lubavitch Chassidic movement. Each of us has our own memories of this special man. One of my lasting memories is of my last visit with the rebbe, in the spring of 1990, when I brought him a gift from the Jewish community of Morocco. We spoke at the time about the small Jewish community of Morocco, and about the connection between this body and the Lubavitch movement, a bond that has its roots in the relationship between the Rabbi's predecessor and one of this century's towering Senatorial figures, the late William Borah of Idaho.

Some Members of the Senate may not be familiar with the role that Senator Borah played in securing the release of Rabbi Joseph Schneerson from a Soviet prison and the emigration of his entire immediate family, including the current rebbe, from Stalin's Russia. The intervention of Senator William Borah of Idaho on behalf of this beleaguered Chassidic family stands as a noble example of courageous moral leadership. All of us in public life would do well to ponder Senator Borah's oft-repeated explanation as to his "motive" in leading an international campaign to save an apparently obscure religious leader in a faraway land: "I like to do things that get me votes in the next election in Idaho but every so often I do something that assures me of votes in that final election will we will all have to stand for someday."

I thought of Senator Borah in January 1990 when I visited Morocco in my capacity as chairman of the Senate Foreign Relations Committee's Subcommittee on the Middle East and South Asia.

When I met with the Jewish leaders of Morocco and toured several of their synagogues and civic centers I discovered two pictures in every building—His Majesty King Hassan II and the Lubavitcher rebbe, Rabbi Menachem Mendel Schneerson.

This should not surprise anyone who is familiar with the rebbe's historic role in supporting Jewish education and Jewish continuity throughout the world. The Members of the Senate are familiar with Lubavitcher activities in their own States but Lubavitch is also deeply involved in over 100 nations around the globe—including many where it is the only official Jewish presence and the only source of Jewish educational and religious training. And, some day, hopefully soon, the full story will be told of Lubavitch's heroic role in keeping Judaism alive in lands of cruel tyranny where teaching the Bible is a crime and uttering a public prayer is rewarded with a prison sentence.

For over 40 years these remarkable activities—the publicized and the clandestine; the Chanukah lamp lighting on television and the underground matzah baking under the noses of Communist secret police, the young women giving out Sabbath candles on Fifth Avenue, and the Yeshiva schools in Arab lands—have been directed and inspired by Rabbi Menachem Mendel Schneerson.

At the end of my meeting with the Moroccan Jewish leadership they gave me one of their most precious possessions, a rare Hebrew prayerbook, one of the first ever printed in their country. They had one request: to give this heirloom to the Lubavitcher rebbe as a token of their appreciation for "caring about us when almost everyone else had forgotten."

When I visited the rebbe and gave him the prayerbook he kissed it gently and told me that "they are very kind, but how can I not care about them."

For 44 eventful years he cared. He taught and inspired several generations of Jews on all continents while helping to write a major chapter in contemporary Jewish history. New Yorkers of all faiths are proud that the rebbe lived among us for all these years. He will be missed. I ask that I may place in the RECORD a brief biography of Rabbi Schneerson and a description of his career prepared by the Lubavitch Youth Organization. I am sure that the entire Senate joins me in marking the passing of this exceptional spiritual leader who lived his life with an eye on that "final election" which Senator Borah alluded to.

THE REBBE

The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, world leader of the Chabad-Lubavitch Movement, has been described as one of the most respected Jewish personalities of our time. To his hundreds of thousands of Chassidim and numerous followers and admirers around the world, he is "the Rebbe," today's most dominant figure in Judaism and largely responsible for stirring the conscience and spiritual awakening of world Jewry.

From his office at Lubavitch World Headquarters in New York, the Rebbe generates a constant flow of optimism, strength and instruction that unites and inspires world Jewry. Indeed, many of the Rebbe's innovations are so deeply ingrained in Jewish life today that they often are no longer identified as Lubavitch in origin.

EARLY YEARS

Rabbi Menachem Mendel Schneerson is seventh in the dynastic lineage of Lubavitcher leaders. The Chabad-Lubavitch Movement was founded in the 18th century by Rabbi Schneur Zalman of Liadi (1745–1812), author of the basic work of Chabad philosophy—Tanya, and the Schulchan Aruch—the Code of Jewish Law.

The Rebbe was born in 1902, on the 11th day of Nissan, in Nikolaev, Russia. He is the son of the renowned Kabbalist and Talmudic scholar, Rabbi Levi Yitzchak Schneerson, and Rebbetzin Chana, an aristocratic woman from a prestigious Rabbinic family. He is also the great-grandson of the third Lubavitcher Rebbe, and his namesake, Rabbi Menachem Mendel of Lubavitch. At the age of five he moved with his parents to the Ukrainian city of Yekatrinislav, now Dnepropetrovsk, where his father was appointed Chief Rabbi.

From early childhood the Rebbe displayed a prodigious mental acuity and soon had to leave the cheder because he was so far ahead of his classmates. His father engaged private tutors for him, and after that, taught him himself. By the time he reached his Bar Mitzvah, the Rebbe was considered an illuy, a Torah prodigy. He spent the rest of his teen years immersed in the study of Torah.

The Rebbe met the previous Lubavitcher Rebbe, Rabbi Usaf Yitzchak Schneersohn, in 1923, in Rostov, Russia. In 1929 Rabbi Menachem Mendel Schneerson, married the second daughter of Rabbi Usaf Yitzchak Schneersohn, the late Rebbetzin Chaya Moussia, in Warsaw.

He later studied in the University of Berlin and then at the Sorbonne in Paris. It was there that his formidable knowledge of mathematics and the sciences began to blossom.

ARRIVAL IN U.S.A.

In 1941 he emigrated to the United States. His father-in-law, who arrived in the United States a year earlier, appointed him to head his newly founded organizations: Merkos L'inyonei Chinuch, the educational arm of the Lubavitch movement; Machne Israel, the movement's social service organization; and Kehot Publication Society, the Lubavitch publishing department.

Shortly thereafter the future Rebbe began writing his scholarly notations to various Chassidic and Kabbalistic treaties, as well as a wide range of response on Torah subjects. With publication of these works his genius was soon recognized by Jewish scholars the world over.

LEADERSHIP

After the passing of Rabbi Usaf Yitzchak Schneersohn, on the 10th Shevat, in 1950, Rabbi Menachem M. Schneerson, ascended to the leadership of the flourishing movement. Labavitch institutions and activities soon took on new dimensions. The outreaching philosophy of Chabad-Labavitch, based on the biblical: "and you shall spread forth to the West and East and to the North and to the South" (Genesis 28:14) was immediately translated into action as Chabad-Lubavitch Centers were opened in dozens of cities across the United States.

Motivated by a profound love for the Jewish people, the Rebbe launched an unprecedented program to reach every Jew. His shluchim—the Lubavitch emissaries—were charged with establishing Chabad-Lubavitch centers in every corner of the world. These dedicated men and women reflect the commitment of Lubavitch to the entire Jewish people. With open minds and open hearts, they respond to the needs of their respective communities through religious, educational and social-service programs. It is no wonder that, for many communities, Chabad-Lubavitch has become the central address for Yiddishkeit.

ONE THOUSAND POINTS OF LIGHT

During the Rebbe's four decades of inspired leadership Lubavitch has become the world's largest Jewish outreach organization, maintaining centers in almost every Jewish community on the globe.

Today, some one thousand Chabad-Lubavitch institutions span dozens of countries on six continents, and those countries and communities that have no Chabad-Lubavitch institution in place are visited and cared for by the closest existing facility.

These educational and social-service institutions serve a variety of functions for the entire spectrum of Jews, regardless of background or affiliation. Indeed the programs geared to humanitarian endeavors reach out beyond the Jewish community to all mankind.

In the United States alone, more than 180 centers serve every state in the Union.

In Israel, the "Chabadniks" are particularly endeared to all. Their programs reach all segments of the community, and enjoy the respect of the population, regardless of affiliation. From the soldier stationed at the isolated army post to the farmer on the kubbutz—all have come to admire the personal attention given to him by Rebbe through his emissaries.

Kfar Chabad, near Tel Aviv, is one of several Lubavitch cities in Israel, and serves as the Lubavitch headquarters there. Its unique educational institutions and outreach facilities have become a lifeline of spirituality for tens of thousands of Israeli citizens.

It was in Russia that Chabad-Lubavitch was born more than 200 years ago, and since nurtured there by its Rebbes in each generation.

The heroic efforts of Chabad-Lubavitch in maintaining Judaism there under the most difficult conditions before and especially after the Bolshevik revolution are legion, and have yet to be told.

Those knowledgeable as to the maintenance of Judaism in the Soviet Union during the past century know that Lubavitch and its Rebbes played a major role in keeping the fires of Judaism aglow under the most oppressive and excruciating circumstances conceivable.

Now that perestroika has arrived, the work continues publicly. The Rebbe has established more than twenty institutions for Jewish learning. Dozens of emissaries have taken up residence there, and as soon as developments will allow, Jewish institutions under the aegis of Lubavitch will begin to mushroom throughout the U.S.S.R. and Eastern Europe.

In other countries, Lubavitch institutions have been established in Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, England, France, Holland, Hong Kong, Hungary, Italy, Morocco, Paraguay, Peru, Scotland, Soviet Union, South Africa, Spain, Switzerland, Tunisia, Uruguay, Venezuela and West Germany.

These institutions monitor the pulse of Jewish life in their respective communities, and contribute to their spiritual vitality and stability. Directors report regularly to Lubavitch World Headquarters in New York, so that the Rebbe is constantly aware of what is happening in Jewish communal life around the world.

Under the Rebbe's guidance, the Lubavitch publishing house, Kehot Publication Society, has become the largest Jewish publishing house in the world. It publishes and distributes millions of books, pamphlets, cassettes and educational materials in Hebrew, Yiddish, English, Russian, Spanish, French, Portuguese, Italian, Arabic, Farsi, Dutch, and German.

The central library and archive center of Agudas Chassidei Chabad-Lubavitch, at Lubavitch World Headquarters, is one of the world's most precious repositories of Jewish books and literature, containing a collection of rare books and manuscripts.

REVERSING THE TIDE

The Rebbe has often been heard saying that "we dare not rest until every Jewish child receives a Jewish education."

The Jewish day-school system, of which Lubavitch was the pioneering force, has displaced across a wide spectrum the once-prevalent ideology that Jewish education was a kind of dutiful appendage to the real business of acquiring a secular education. Jewish day schools have since been accepted and fashionable. This, as well as some of the outreach programs of Chabad-Lubavitch have served as a guide for others to emulate.

The Rebbe has continually emphasized the need to reach out to alienated youth and young adults to bring them back to their Jewish roots. He has seen to the establishing of special educational facilities for them.

From full-time yeshivas for Jewish men and women with little or no background in Torah study to literally tens of thousands of classes at Chabad-Lubavitch centers and synagogues around the world—the Rebbe has been, and continues to be, the vital life-force behind an outreach process that has affected the entire spectrum of Jewish life.

His widespread Mitzvah and festival campaigns, have ignited in the masses a flame of devotion and commitment to Judaism, and has created a virtual spiritual revolution among those previously alienated from Judaism.

The Lubavitch Mitzvah-Mobiles, of the "Jewish Tanks to combat assimilation," as the Rebbe refers to them, have become a familiar sight on the streets and by-ways of urban and suburban communities around the world. Offering "Mitzvahs on the spot for people on the go," these "tanks" encourage their visitors to participate in a Mitzvah, and prompt them to come closer to their precious Jewish heritage.

From Melbourne to London, Casablanca to Los Angeles, through the many Lubavitch schools, youth centers, institutions, agencies and activities established and maintained through the Rebbe's efforts, countless Jews have found their way home.

CONCERN FOR ALL

There is a story told about the Rebbe's early life that seems to be almost symbolic of much that was to follow. When he was nine years old, the young Menachem Mendei, dived into the Black Sea to save the life of another boy who had fallen from the deck of a moored ship. That sense of other lives in danger, seems to dominate his conscience. Jews "drowning," and no one hearing their cries for help; Jewish children deprived of Jewish education; Jews on campus, in isolated communities, under repressive regimes—all in need of help.

The Rebbe continually strives, ceaselessly and untiringly, to reach out to all Jews. He moves and motivates all those whom he reaches to take part in this task to reach out to others, to help them, to educate them and bring them together.

REVOLUTIONARY THINKER

The Rebbe is a systematic and conceptual thinker on the highest level. His unique analytical style of thought has resulted in a monumental contribution to Jewish scholarship. His brilliant approach to the understanding of the classic Biblical commentary of Rashi, for example, has revolutionized Bible study.

More than 125 volumes of his talks, writings, correspondence and response have been published to date.

For all this scholarship, he consistently exhorts that intellectual understanding must bring to action and good deeds.

LETTERS AND CORRESPONDENCE

The Grot Caddish series, a chronological collection of the Rebbe's correspondence and response, is now in the midst of publication. Volume 16 has just been published, and brings the total of letters published to more than 6,000, written up to the winter of 1958. The series contains only his correspondence in Hebrew and Yiddish; his prolific correspondence in English is now being prepared for publication.

The writings in the Grot Caddish series shed some light on the Rebbe's genius and the success of Lubavitch under his leadership. His correspondents include Rabbinic scholars and statesmen, homemakers and educators, chief rabbis and Bar/Bat Mitzvah youngsters, scientists and laborers, communal leaders and laymen, men and women from all walks of life.

The breathtaking sweep of topics covered in these letters encompasses every sphere of interest, and every field of human endeavor. They range from mysticism, Talmud and Classidic philosophy, to science and world events, from guidance in personal matters to advice in education and social and communal affairs.

It is a veritable treasure chest of profound Rabbinic, Talmudic, Kabbalistic and Chassidic teachings, exuding encouragement, inspiration and direction, reflecting the Rebbe's remarkable insight into human nature.

It is perhaps the case that his fame as a leader and innovator of widespread mitzvah campaigns and communal projects is a result of his originality as a thinker, and his ability to unite the conceptual with the pragmatic. Essentially, with the Rebbe these two facets are one—the comprehensiveness of his thought and action are part of the same drive: the unity of Torah, the unity of the Jewish people, the unity of mankind in fulfilling the ultimate purpose of creation.

FARBRENGEN

A "Farbrengen," Chassidic gathering at which the Rebbe speaks publicly, is an unforgettable experience.

The Rebbe speaks extemporaneously, usually for hours, without referring to any notes, on a wide range of subject matter, from profound Talmudic and Chassidic teachings, to matters affecting the quality of Jewish life, to events of vital national and international concern. The Rebbe teaches, guides and elevates.

During the brief intermissions in the Rebbe's talks the thousands in attendance join in Chassidic signing, and raise their cups in greetings of "L'Chayim" to the Rebbe.

Amidst the thousands of Chassidim in attendance at a Farbrengen at Lubavitch World Headquarters in New York, one can find people from literally all walks of life, young and old, communal leaders and plain folk, rich and poor.

When the Rebbe speaks on weekdays his talk is transmitted live via satellite to Chabad-Lubavitch centers and to cable TV stations across North America and parts of South America, and often to Israel, Europe, Africa and Australia, bringing the Rebbe's message into millions of Jewish and non-Jewish homes.

A special telephone hookup system also relays the Rebbe's talk live to Lubavitch Centers around the world.

A simultaneous English translation of his talk in Yiddish is provided for the television audience. Those personally attending the Farbrengen can use wireless receivers providing simultaneous translations in English, Hebrew, Spanish, French and other languages as well.

The Rebbe's Farbrengen has been described as a "unique blend of intellectual profundity and joyous celebration; an uplifting experience that enlightens and motivates."

PILLAR OF LIGHT

Those who consult or visit the Rebbe for the first time—usually do so because of his reputation as a man of encompassing vision. They tend to emerge somewhat unnerved, taken by surprise. They might expect, the conventional type of leader, imposing his presence by the force of his personality. What they find is difficult to define. The Rebbe, despite the enormous complexity of his involvements and concerns, is totally and humbly engaged with the person he is speaking to. It is as if nothing else exists.

Every Sunday morning, huge crowds of men, women and children gather at Lubavitch World Headquarters and patiently wait their turn to meet the Rebbe face-to-face, whereupon they receive his blessing. The Rebbe gives each individual a crisp, new dollar bill to be given to a charity of their choice.

This custom attracts people from all walks of life who sometimes travel thousands of miles just for this momentary, yet profoundly special, unforgettable encounter.

UNIVERSAL MESSAGE

Responding to the demands of the time, the Rebbe has reached out beyond the Jewish community with a universal message to all peoples of the world.

The Rebbe has consistently called for greater awareness of the crucial importance of education of all mankind, stressing that the goal of education is not only to provide a child with information, but more essentially to develop a child's character, together with his intellectual ability, with emphasis or moral, spiritual and ethical values. Only as a result of such education will individuals recognize the need to abide by fundamental human rights and societal obligations.

The Rebbe has continuously maintained that modern, secular man has an enduring need for moral values and religious philosophy by which to live.

He often speaks of the obligation of all humankind to adhere, and live by, the "Seven Noahide Commandment"—the universal code of Biblical morality and ethics, given go all at Sinai. This, the Rebbe insists, is of the utmost necessity to bring sanity and stability to a perplexed world.

A HEALTHY MAJORITY

Mr. COCHRAN. Madam President, yesterday there was an interesting article in the Commercial Appeal of Memphis, TN, which I thought would be of interest to Senators. This is in the section of the paper entitled "Bygone Days."

In this article, things that happened of interest 45 years ago and 50 years ago were repeated. This is a particular piece datelined Washington, DC, June 13, 1919.

The thrilling sport of joyriding in airplanes has completely captivated most Members of Congress. Every day, many seats in the Capitol are empty while lawmakers soar aloft in Government planes piloted by Army pilots, all this notwithstanding the margin between Republicans and Democrats in the Senate is only 2 votes and the loss of a single Republican Senator would bring about a tie on a test of party strength.

So solicitous is Senator Henry Cabot Lodge, Republican leader, for the health of Republican Senators, that he recently announced that no Republican Senator should take an air voyage unless accompanied by at least two Democratic Senators.

As we work toward the elections this year, there is a good deal of speculation about how Republicans will pick up some seats in the Senate, and we may find ourselves in the situation where we have nearly the same number of Democrats and Republicans. So we might find this illuminating as to the responsibilities for the leadership not only to have a majority, but to keep a majority and to keep them healthy.

Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. REID. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1569), a bill to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1569) entitled "An Act to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minority Health Improvement Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFFICE OF MINORITY HEALTH

Sec. 101. Revision and extension of programs of Office of Minority Health.
Sec. 102. Establishment of individual offices of minority health within agencies of Public Health Service.

TITLE II—PRIMARY HEALTH SERVICES

Sec. 201. Migrant health centers; community health centers.
Sec. 202. Health services for the homeless.
Sec. 203. Health services for residents of public housing.
Sec. 204. Grants to States for loan repayment programs regarding obligated service of health professionals.
Sec. 205. Grants to States for operation of State offices of rural health.
Sec. 206. Demonstration grants to States for community scholarship programs regarding obligated service of health professionals.
Sec. 207. Programs regarding birth defects.
Sec. 208. Healthy start for infants.
Sec. 209. Demonstration projects regarding diabetic-retinopathy.

TITLE III—HEALTH PROFESSIONS PROGRAMS

Sec. 301. Primary care scholarships for students from disadvantaged backgrounds.
Sec. 302. Scholarships generally; certain other purposes.
Sec. 303. Loan repayments and fellowships regarding faculty positions.
Sec. 304. Centers of Excellence.
Sec. 305. Educational assistance regarding undergraduates.
Sec. 306. Student loans regarding schools of nursing.
Sec. 307. Federally-supported student loans funds.

TITLE IV—RESEARCH

Sec. 401. Office of Research on Minority Health.
Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.

TITLE V—NATIVE HAWAIIAN HEALTH CARE

Sec. 501. Clarification of 1992 amendments.
Sec. 502. Amendment of Native Hawaiian Health Care Improvement Act to reflect 1992 agreement.
Sec. 503. Repeal of Public Health Service Act provision.

TITLE VI—WOMEN'S HEALTH

Sec. 601. Establishment of Office of Women's Health.
Sec. 602. Women's scientific employment regarding National Institutes of Health.
Sec. 603. Information and education regarding female genital mutilation.
Sec. 604. Study regarding curricula of medical schools and women's health conditions.

TITLE VII—TRAUMATIC BRAIN INJURY

Sec. 701. Programs of Centers for Disease Control and Prevention.
Sec. 702. Programs of National Institutes of Health.
Sec. 703. Programs of Health Resources and Services Administration.
Sec. 704. Study; consensus conference.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Technical amendment to Indian Health Care Improvement Act.
Sec. 802. Health services for Pacific Islanders.
Sec. 803. Technical corrections regarding Public Law 103–183.
Sec. 804. Certain authorities of Centers for Disease Control and Prevention.
Sec. 805. Establishment of public health analytical laboratory.
Sec. 806. Administration of certain requirements.
Sec. 807. Revisions to eligibility requirements for entities subject to drug pricing limitations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Effective date.

TITLE I—OFFICE OF MINORITY HEALTH

SEC. 101. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of minority groups, the Secretary shall carry out the following:

"(1) In consultation with the advisory council under subsection (c), establish goals and objectives regarding disease prevention, health promotion, service delivery, and research, and coordinate all activities within the Department of Health and Human Services that relate to such goals and objectives.

"(2) In consultation with such council, enter into interagency agreements with other agencies of the Service, and under such agreements provide amounts to such agencies, to carry out the following:

"(A) Support research, demonstrations and evaluations to test new and innovative models of delivering services.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(D) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(3) Establish by contract a center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4)(A) Establish by contract a center for the purpose of carrying out programs to improve access to health care services for individuals who lack proficiency in speaking the English language by developing and carrying out programs to provide bilingual or interpretive services.

"(B) In carrying out subparagraph (A), ensure that—

"(i) the center under such subparagraph conducts research, develops and evaluates model projects, and provides technical assistance to health care providers; and

"(ii) such center is not operated by the entity that operates the center established under paragraph (3).

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on carrying out paragraphs (1) and (2) of subsection (b) for each minority group.

"(3) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B) and the nonvoting, ex officio members designated under subparagraph (C).

"(B) The voting members of the Committee shall be appointed from among individuals who have expertise regarding the health status of minority groups and the access of such groups to health services, which individuals are not officers or employees of the Federal Government. The appointed membership of the Committee shall be broadly representative of the various minority groups.

"(C) The Secretary shall designate as ex officio members of the Committee the heads of the minority health offices referred to in section 1707A.

"(d) APPROPRIATE CONTEXT OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) EQUITABLE ALLOCATION OF SERVICES.—The Secretary shall ensure that services provided under subsection (b) are equitably allocated among the various minority groups.

"(f) CONSULTATION WITH INDIVIDUAL MINORITY HEALTH OFFICES.—In carrying out subsection (b) regarding a specified agency, the Secretary shall consult with the head of the minority health office of the agency. For purposes of the preceding sentence, the terms 'specified agency' and 'minority health office' have the meaning given such terms in section 1707A(f).

"(g) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of minority groups. Each such report shall include the biennial reports submitted to the Secretary under section 1707A(e) for such years by the heads of the minority health offices.

"(h) DEFINITION.—For purposes of this section, the term 'minority groups' means African Americans, American Indians, Asian Americans, Hispanics, and Pacific Islanders.

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $21,000,000 for each of the fiscal years 1995 through 1997.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(D).".

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended in the heading for the section by striking "ESTABLISHMENT OF".

SEC. 102. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

"INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE

"SEC. 1707A. (a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

"(b) SPECIFIED AGENCIES.—

"(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The Agency for Health Care Policy and Research.

"(C) The Health Resources and Services Administration.

"(D) The Substance Abuse and Mental Health Services Administration.

"(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office' includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

"(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of minority groups, no such group is disproportionately represented.

"(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to—

"(1) determine the extent to which the purposes of the programs are being carried out with respect to minority groups;

"(2) determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

"(3) make recommendations to the head of such agency on carrying out the programs with respect to such groups.

"(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

"(1) the extent to which the minority health office of the agency employs individuals who are members of minority groups, including a specification by minority group of the number of such individuals employed by such office; and

"(2) the manner in which the agency is complying with Public Law 94-311 (relating to data on Americans of Spanish origin or descent).

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

"(2) The term 'minority group' has the meaning given such term in section 1707(h).

"(3) The term 'specified agency' means—

"(A) an agency specified in subsection (b)(1); and

"(B) the National Institutes of Health.

"(g) FUNDING.—

"(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

"(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.".

TITLE II—PRIMARY HEALTH SERVICES

SEC. 201. MIGRANT HEALTH CENTERS; COMMUNITY HEALTH CENTERS.

(a) MIGRANT HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting "(i)" after "(C)";

(ii) in clause (i) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following clause:

"(ii) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in paragraph (7)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended by adding at the end the following paragraph:

"(8) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one migrant health center in a catchment area in any case in which the Secretary determines that in such area there are workers or other individuals described in subsection (a)(1) (in the matter after and below subparagraph (H)) who otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 329(a) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(9) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize migrant health centers to provide services at locations other than the center.".

(4) AMOUNT OF GRANT; USE OF CERTAIN FUNDS.—Section 329(d)(4) of the Public Health Service Act (42 U.S.C. 254b(d)(4)) is amended to read as follows:

"(4)(A) The amount of a grant under paragraph (1) or under subsection (c) for a migrant health center shall be determined by the Secretary, taking into account (for the period for which the grant is made)—

"(i) the costs that the center may reasonably be expected to incur in carrying out the plan approved by the Secretary pursuant to subsection (f)(3)(H), and

"(ii) the amounts that the center may reasonably be expected to receive as State, local, and other operational funding (exclusive of amounts to be provided in the grant under this section) and as fees, premiums, and third-party reimbursements.

"(B)(i) Subject to clause (ii), the Secretary may not restrict the purposes for which a migrant health center expends the amounts described in subparagraph (A)(ii) (including restrictions imposed pursuant to Federal cost principles).

"(ii) The Secretary may require that amounts described in subparagraph (A)(ii) be expended for purposes that are consistent with the purposes specified in this section.

"(C)(i) Payments under a grant under this section shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary. Adjustments in such payments may be made for overpayments or underpayments, subject to clause (ii).

"(ii) If, for the period for which a grant is made under paragraph (1) to a migrant health center, the sum of the amount of the grant and the amounts described in subparagraph (A)(ii) that the center actually received exceeded the costs of the center in carrying out the plan approved by the Secretary pursuant to subsection (f)(3)(H), then the center is entitled to retain such excess amount if the center agrees to expend such amount only for the following purposes:

"(I) To expand and improve services.

"(II) To increase the number of persons served.

"(III) To acquire, modernize, or expand facilities, or to construct facilities.

"(IV) To improve the administration of service programs.

"(V) To establish financial reserves.

"(D) With respect to funds that are amounts described in subparagraph (A)(ii) or excess amounts described in subparagraph (C)(ii), this paragraph may not be construed as limiting the authority of the Secretary to require the submission of such plans, budgets, and other information as may be necessary to ensure that the funds are expended in accordance with subparagraph (B)(ii), or clauses (I) through (V) of subparagraph (C)(ii), respectively.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 329(h) of the Public Health Service Act (42 U.S.C. 254b(h)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1998"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1998".

(b) COMMUNITY HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 330 of the Public Health Service Act (42 U.S.C. 254c) is amended—

(A) in subsection (a)(3)—

(i) by inserting "(A)" after "(3)";

(ii) in subparagraph (A) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following subparagraph:

"(B) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in subsection (b)(2)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 330(b) of the Public Health Service Act (42 U.S.C. 254c(b)) is amended by adding at the end the following paragraph:

"(7) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one community health center in a catchment area in any case in which the Secretary determines that there is a population group in such area that otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 330(b) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(8) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize community health centers to provide services at locations other than the center.".

(4) AMOUNT OF GRANT; USE OF CERTAIN FUNDS.—Section 330(d)(4) of the Public Health Service Act (42 U.S.C. 254c(d)(4)) is amended to read as follows:

"(4)(A) The amount of a grant under paragraph (1) or under subsection (c) for a community health center shall be determined by the Secretary, taking into account (for the period for which the grant is made)—

"(i) the costs that the center may reasonably be expected to incur in carrying out the plan approved by the Secretary pursuant to subsection (e)(3)(H), and

"(ii) the amounts that the center may reasonably be expected to receive as State, local, and other operational funding (exclusive of amounts to be provided in the grant under this section) and as fees, premiums, and third-party reimbursements.

"(B)(i) Subject to clause (ii), the Secretary may not restrict the purposes for which a community health center expends the amounts described in subparagraph (A)(ii) (including restrictions imposed pursuant to Federal cost principles).

"(ii) The Secretary may require that amounts described in subparagraph (A)(ii) be expended for purposes that are consistent with the purposes specified in this section.

"(C)(i) Payments under a grant under this section shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary. Adjustments in such payments may be made for overpayments or underpayments, subject to clause (ii).

"(ii) If, for the period for which a grant is made under paragraph (1) to a community health center, the sum of the amount of the grant and the amounts described in subparagraph (A)(ii) that the center actually received exceeded the costs of the center in carrying out the plan approved by the Secretary pursuant to subsection (e)(3)(H), then the center is entitled to retain such excess amount if the center agrees to expend such amount only for the following purposes:

"(I) To expand and improve services.

"(II) To increase the number of persons served.

"(III) To acquire, modernize, or expand facilities, or to construct facilities.

"(IV) To improve the administration of service programs.

"(V) To establish financial reserves.

"(D) With respect to funds that are amounts described in subparagraph (A)(ii) or excess amounts described in subparagraph (C)(ii), this paragraph may not be construed as limiting the authority of the Secretary to require the submission of such plans, budgets, and other information as may be necessary to ensure that the funds are expended in accordance with subparagraph (B)(ii), or clauses (I) through (V) of subparagraph (C)(ii), respectively.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1998"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1998".

SEC. 202. HEALTH SERVICES FOR THE HOMELESS.

Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and 1994" and inserting "through 1998".

SEC. 203. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) of the Public Health Service Act (42 U.S.C. 256a(p)(1)) is amended by striking "and 1993" and inserting "through 1998".

SEC. 204. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338I(c) of the Public Health Service Act (42 U.S.C. 254q–1(c)) is amended by adding at the end the following paragraph:

"(4) PRIVATE PRACTICE.—

"(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

"(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.".

SEC. 205. GRANTS TO STATES FOR OPERATION OF STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 206. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) by striking "health manpower shortage" each place such term appears and inserting "health professional shortage";

(2) in subsection (e)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(C) in paragraph (1) (as so redesignated), by inserting after "the individual" the following: "who is to receive the scholarship under the contract";

(3) in subsection (k)(2), by striking "internal medicine, pediatrics," and inserting "general internal medicine, general pediatrics,"; and

(4) in subsection (l)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 207. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to support primary birth-defect prevention, including information and education to the public on the prevention of such defects;

"(3) to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects;

"(4) to carry out demonstration projects for the prevention of such defects; and

"(5) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, African Americans, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 208. HEALTHY START FOR INFANTS.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Part D of title III of the Public Health Service Act (42 U.S.C 254b et seq.), as amended by section 104 of Public Law 103-183 (107 Stat. 2230), is amended in the heading for subpart VIII by striking "Bulk" and all that follows and inserting the following: "Miscellaneous Provisions Regarding Primary Health Care". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103-183.

(b) HEALTHY START FOR INFANTS.—Part D of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end of subpart VIII the following section:

"HEALTHY START FOR INFANTS

"SEC. 340E. (a) GRANTS FOR COMPREHENSIVE SERVICES.—

"(1) IN GENERAL.—The Secretary may make grants for the operation of not more than 19 demonstration projects to provide the services described in subsection (b) for the purpose of reducing, in the geographic areas in which the projects are carried out—

"(A) the incidence of infant mortality and morbidity;

"(B) the incidence of fetal deaths;

"(C) the incidence of maternal mortality;

"(D) the incidence of fetal alcohol syndrome; and

"(E) the incidence of low-birthweight births.

"(2) ACHIEVEMENT OF YEAR 2000 HEALTH STATUS OBJECTIVES.—With respect to the objectives established by the Secretary for the health status of the population of the United States for the year 2000, the Secretary shall, in providing for a demonstration project under paragraph (1) in a geographic area, seek to meet the objectives that are applicable to the purpose described in such paragraph and the populations served by the project.

"(b) AUTHORIZED SERVICES.—

"(1) IN GENERAL.—Subject to subsection (h), the services referred to in this subsection are comprehensive services (including preventive and primary health services for pregnant women and infants and childhood immunizations in accordance with the schedule recommended by the Secretary) for carrying out the purpose described in subsection (a), including services other than health services.

"(2) CERTAIN PROVIDERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in making any arrangements under which other entities provide authorized services in the demonstration project involved, the applicant will include among the entities with which the arrangements are made grantees under any of sections 329, 330, 340, and 340A, if such grantees are providing services in the service area of such project and the grantees are willing to make such arrangements with the applicant.

"(c) ELIGIBLE GEOGRAPHIC AREAS.—The Secretary may make a grant under subsection (a) only if—

"(1) the applicant for the grant specifies the geographic area in which the demonstration project under such subsection is to be carried out and agrees that the project will not be carried out in other areas; and

"(2) for the fiscal year preceding the first fiscal year for which the applicant is to receive such a grant, the rate of infant mortality in the geographic area equals or exceeds 150 percent of the national average in the United States of such rates.

"(d) MINIMUM QUALIFICATIONS OF GRANTEES.—

"(1) PUBLIC OR NONPROFIT PRIVATE ENTITIES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a State or local department of health, or other public or nonprofit private entity, or a consortium of public or nonprofit private entities.

"(2) APPROVAL OF POLITICAL SUBDIVISIONS.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection only if—

"(A) the chief executive officer of each political subdivision in the service area of such project approves the applicant for the grant as being qualified to carry out the project; and

"(B) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of such area so approves the applicant.

"(3) STATUS AS MEDICAID PROVIDER.—

"(A) In the case of any service described in subsection (b) that is available pursuant to the State plan approved under title XIX of the Social Security Act for a State in which a demonstration project under subsection (a) is carried out, the Secretary may make a grant under such subsection for the project only if, subject to subparagraph (B)—

"(i) the applicant for the grant will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or private entity under which the entity will provide the service, and the entity has entered into such a participation agreement under the State plan and is qualified to receive such payments.

"(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) A determination by the Secretary of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(e) STATE APPROVAL OF PROJECT.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection to the applicant involved only if—

"(1) the chief executive officer of the State in which the project is to be carried out approves the proposal of the applicant for carrying out the project; and

"(2) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of the service area of the project so approves the proposal.

"(f) ELIGIBILITY FOR SERVICES PROVIDED WITH GRANT FUNDS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees as follows:

"(1) With respect to any authorized service under subsection (b), if the service is a service that the State involved is required or has elected to provide under title XIX of the Social Security Act, the grant will not be expended to provide the service to any individual to whom the State is required or has elected under such title to provide the service.

"(2) The grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(A) under a health insurance policy or plan (including a group health plan or a prepaid health plan);

"(B) under any Federal or State health benefits program, including any program under title V, XVIII, or XIX of the Social Security Act; or

"(C) under subpart II of part B of title XIX of this Act.

"(g) MAINTENANCE OF EFFORT.—

"(1) GRANTEE.—With respect to authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if the applicant involved agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the applicant for fiscal year 1991.

"(2) RELEVANT POLITICAL SUBDIVISIONS.—With respect to authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if each political subdivision in the service area of the demonstration project involved agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1991.

"(h) RESTRICTIONS ON EXPENDITURE OF GRANT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of health services or mental health services; or

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment (other than mobile medical units for providing ambulatory prenatal services).

"(2) ADMINISTRATIVE EXPENSES; DATA COLLECTION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that not more than an aggregate 10 percent of the grant will be expended for administering the grant and the collection and analysis of data.

"(3) WAIVER.—If the Secretary finds that the purpose described in subsection (a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(C).

"(i) DETERMINATION OF CAUSE OF INFANT DEATHS.—The Secretary may make a grant under subsection (a) only if the applicant involved—

"(1) agrees to provide for a determination of the cause of each infant death in the service area of the demonstration project involved; and

"(2) the applicant has made such arrangements with public entities as may be necessary to carry out paragraph (1).

"(j) ANNUAL REPORTS TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, for each fiscal year for which the applicant operates a demonstration project under such subsection the applicant will, not later than April 1 of the subsequent fiscal year, submit to the Secretary a report providing the following information with respect to the project:

"(1) The number of individuals that received authorized services, and the demographic characteristics of the population of such individuals.

"(2) The types of authorized services provided, including the types of ambulatory prenatal services provided and the trimester of the pregnancy in which the services were provided.

"(3) The sources of payment for the authorized services provided.

"(4) The extent to which children under age 2 receiving authorized services have received the appropriate number and variety of immunizations against vaccine-preventable diseases.

"(5) An analysis of the causes of death determined under subsection (i).

"(6) The extent of progress being made toward meeting the health status objectives specified in subsection (a)(2).

"(7) The extent to which, in the service area involved, progress is being made toward meeting the participation goals established for the State by the Secretary under section 1905(r) of the Social Security Act (relating to early periodic screening, diagnostic, and treatment services for children under the age of 21).

"(k) COMMUNITY PARTICIPATION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in preparing the proposal of the applicant for the demonstration project involved, and in the operation of the project, the applicant will consult with the residents of the service area for the project and with public and nonprofit private entities that provide authorized services to such residents.

"(l) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

"(m) REPORT TO CONGRESS.—Not later than February 1, 1998, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report—

"(1) summarizing the reports received by the Secretary under subsection (j);

"(2) describing the extent to which the Secretary has, in the service areas of such projects, been successful in meeting the health status objectives specified in subsection (a)(2); and

"(3) describing the extent to which demonstration projects under subsection (a) have been cost effective.

"(n) LIMITATION ON CERTAIN EXPENSES OF SECRETARY.—Of the amounts appropriated under subsection (p) for a fiscal year, the Secretary may not obligate more than an aggregate 5 percent for the administrative costs of the Secretary in carrying out this section, for the provision of technical assistance regarding demonstration projects under subsection (a), and for evaluations of such projects.

"(o) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means the services specified in subsection (b).

"(2) The terms 'Indian tribe' and 'tribal organization' have the meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'service area', with respect to a demonstration project under subsection (a), means the geographic area specified in subsection (c).

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(q) SUNSET.—Effective October 1, 1997, this section is repealed.".

(b) CERTAIN PROVISIONS REGARDING REPORTS.—

(1) FISCAL YEAR 1995.—With respect to grants under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the Secretary of Health and Human Services may make a grant under such section for fiscal year 1995 only if the applicant for the grant agrees to submit to the Secretary, not later than April 1 of such year, a report on any federally-supported project of the applicant that is substantially similar to the demonstration projects authorized in such section 340E, which report provides, to the extent practicable, the information described in subsection (j) of such section.

(2) FISCAL YEAR 1997.—With respect to grants for fiscal year 1997 under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the requirement under subsection (j) of such section that a report be submitted not later than April 1, 1998, remains in effect notwithstanding the repeal of such section pursuant to subsection (q) of such section.

(c) LAPSE OF FUNDS.—Effective October 1, 1997, all unexpended portions of amounts appropriated for grants under 340E of the Public Health Service Act (as added by subsection (b) of this section) are unavailable for obligation or expenditure, without regard to whether the amounts have been received by the grantees involved.

(d) USE OF GENERAL AUTHORITY UNDER PUBLIC HEALTH SERVICE ACT.—With respect to the program established in section 340E of the Public Health Service Act (as added by subsection (b) of this section), section 301 of such Act may not be construed as providing to the Secretary of Health and Human Services any authority to carry out, during any fiscal year in which such program is in operation, any demonstration project to provide any of the services specified in subsection (b) of such section 340E.

SEC. 209. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the National Eye Institute, may make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to

the eye disorder known as diabetic retinopathy, activities regarding information, identification, dissemination, education, and prevention.

(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that are at significant risk of contracting diabetes mellitus.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.

TITLE III—HEALTH PROFESSIONS PROGRAMS

SEC. 301. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended to read as follows:

"SEC. 736. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

"(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending schools of medicine or osteopathic medicine, schools of dentistry, schools of nursing (as defined in section 853), graduate programs in mental health practice, and programs for the training of physician assistants.

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is from a disadvantaged background.

"(2) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

"(3) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

"(c) PREFERENCES REGARDING AWARDS; SPECIAL CONSIDERATION.—In awarding scholarships under subsection (a), the Secretary shall—

"(1) give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship; and

"(2) give special consideration to eligible individuals who received scholarships pursuant to this section, section 737, or section 740(d)(2) for fiscal year 1993 or 1994 and are seeking scholarships for attendance at eligible schools that received a grant under any of such sections for any of such fiscal years.

"(d) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means an individual described in subsection (b).

"(2) The term 'eligible school' means a school or program specified in subsection (a).

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $28,000,000 for fiscal year 1995, $38,000,000 for fiscal year 1996, and $48,000,000 for fiscal year 1997. Such authorization is in addition to the authorization of appropriations established in section 740(e).

"(2) ALLOCATIONS BY SECRETARY.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available—

"(A) 20 percent for scholarships under subsection (a) for attendance at schools of nursing; and

"(B) 15 percent for scholarships under such subsection for attendance at graduate programs in mental health practice.".

(b) CERTAIN PROGRAMS OF OBLIGATED SERVICE.—

(1) REPEAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not terminate agreements that, on the day before the effective date under section 901, are in effect pursuant to section 795 of the Public Health Service Act. Such agreements continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services (whether provided pursuant to other agreements with the Federal Government or whether provided otherwise) counts toward satisfaction of the requirement of practice pursuant to such section 795.

SEC. 302. SCHOLARSHIPS GENERALLY; CERTAIN OTHER PURPOSES.

(a) RELEVANT HEALTH PROFESSIONS SCHOOLS.—Section 737(a)(3) of the Public Health Service Act (42 U.S.C. 293a(a)(3)) is amended—

(1) by striking "medicine," and all that follows through "dentistry,"; and

(2) by striking "allied health," and all that follows and inserting "allied health.".

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 737(a)(2) of the Public Health Service Act (42 U.S.C. 293a(a)(2)) is amended to read as follows:

"(2) ELIGIBLE INDIVIDUALS.—An individual referred to in paragraph (1) is any individual meeting the following conditions:

"(A) The individual is from a disadvantaged background.

"(B) The individual is enrolled (or accepted for enrollment) as a full-time student in a health professions school specified in paragraph (3).

"(C) The individual enters into the contract required pursuant to subsection (e) as a condition of receiving the scholarship under paragraph (1) (relating to an agreement to provide services).".

(2) CERTAIN REQUIREMENT.—Section 737 of the Public Health Service Act (42 U.S.C. 293a) is amended—

(A) in subsection (a)(1), by striking "subsection (e)" and inserting "subsection (f)";

(B) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(C) by inserting after subsection (d) the following subsection:

"(e) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Except as inconsistent with this section, and subject to paragraph (2), the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(2) CERTAIN INDIVIDUALS.—

"(A) In the case of an individual who receives a scholarship under subsection (a) for attendance at a school of veterinary medicine, the contract referred to in subsection (a)(2)(C) is a contract under which the individual agrees that, after completing training in such medicine, the individual will, in accordance with requirements established under subparagraph (B), conduct or assist in the conduct of research regarding human health or safety. Except as inconsistent with this section, the provisions specified in paragraph (1) with respect to title III apply to such a scholarship to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

"(B) The Secretary shall establish requirements regarding contracts under subparagraph (A).".

(c) FUNDING.—Section 737(i) of the Public Health Service Act, as redesignated by subsection (b)(2) of this section, is amended—

(1) in paragraph (1), by inserting before the period the following: ", and $6,000,000 for each of the fiscal years 1994 through 1997"; and

(2) in paragraph (2)(A), by striking "30 percent" and all that follows and inserting the following: "50 percent for such grants to schools of allied health; and".

SEC. 303. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

(a) LOAN REPAYMENTS.—Section 738(a) of the Public Health Service Act (42 U.S.C. 293b(a)) is amended—

(1) by striking paragraphs (4) and (6);

(2) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(3) in paragraph (4) (as so redesignated), by amending subparagraph (B) to read as follows:

"(B) the contract referred to in subparagraph (A) provides that the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING LOAN REPAYMENTS AND FELLOWSHIPS.—Section 738(c) of the Public Health Service Act (42 U.S.C. 293b(c)) is amended by striking "there is" and all that follows and inserting the following: "there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.".

SEC. 304. CENTERS OF EXCELLENCE.

(a) REFERENCES TO SCHOOLS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c) is amended—

(1) by striking "health professions schools" each place such term appears and inserting "designated health professions schools"; and

(2) by striking "health professions school" each place such term appears and inserting "designated health professions school".

(b) REQUIRED USES OF FUNDS.—Section 739(b) of the Public Health Service Act (42 U.S.C. 293c(b)), as amended by subsection (a), is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by inserting before paragraph (2) (as so redesignated) the following paragraph:

"(1) to collaborate with public and nonprofit private entities to carry out community-based programs to recruit students of secondary schools and institutions of higher education and to prepare the students academically for pursuing a career in the health professions;";

(4) in paragraph (5)—

(A) by striking "faculty and student research" and inserting "student research"; and

(B) by inserting before the period the following: ", including research on issues relating to the delivery of health care"; and

(5)(A) in paragraph (4), by striking "and" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(6) to carry out a program to train students of the school in providing health services

through training provided at community-based health facilities that provide such services to a significant number of disadvantaged individuals and that are located at a site remote from the main site of the teaching facilities of the school.".

(c) REQUIREMENTS REGARDING CONSORTIA.—

(1) IN GENERAL.—Section 739(c)(1) of the Public Health Service Act (42 U.S.C. 293c(c)(1)), as amended by subsection (a), is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "specified in subparagraph (B)" and inserting "specified in subparagraphs (B) and (C)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following subparagraph:

"(C) The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health professions school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium. The grant involved may be expended with respect to the other schools without regard to whether such schools meet the conditions specified in subparagraph (B).".

(2) CERTAIN REQUIREMENTS.—Section 739(e) of the Public Health Service Act (42 U.S.C. 293c(e)), as amended by subsection (a), is amended to read as follows:

"(e) PROVISIONS REGARDING CONSORTIA.—

"(1) REQUIREMENTS.—For purposes of subsection (c)(1)(C), a consortium of schools has been formed in accordance with this subsection if—

"(A) the consortium consists of—

"(i) the designated health professions school seeking the grant under subsection (a); and

"(ii) 1 or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section.

"(2) AUTHORITY REGARDING NATIVE AMERICANS CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(A) the school has formed a consortium in accordance with paragraph (1); and

"(B) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.".

(3) CONFORMING AMENDMENTS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c), as amended by subsection (a), is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by inserting ", subject to subsection (c)(1)(C)," after "agrees"; and

(B) in subsection (d)—

(i) in paragraph (3), by striking "(e)" and inserting "(e)(2)"; and

(ii) by adding at the end the following paragraph:

"(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3) regarding a consortium under subsection (e)(2), a health professions school that does not meet the conditions specified in subsection (c)(1)(B) may not be designated as a center of excellence for purposes of this section. The preceding sentence applies without regard to whether a grant under subsection (a) is, pursuant to subsection (c)(1)(C), being expended with respect to the school.".

(d) DEFINITION OF HEALTH PROFESSIONS SCHOOL.—

(1) GRADUATE PROGRAMS IN MENTAL HEALTH PRACTICE.—Section 739(h)(1)(A) of the Public Health Service Act (42 U.S.C. 293c(h)(1)(A)), as amended by subsection (a), is amended by—

(A) by striking "or" after "dentistry"; and

(B) by inserting before the period the following: ", or a graduate program in mental health practice".

(2) LIMITATION.—During the fiscal years 1995 through 1997, the Secretary of Health and Human Services may not make more than one grant under section 739 of the Public Health Service Act directly to a graduate program in mental health practice (as defined in section 799 of such Act).

(e) FUNDING.—Section 739(i) of the Public Health Service Act (42 U.S.C. 293c(i)), as amended by subsection (a), is amended to read as follows:

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $28,000,000 for fiscal year 1995, $30,000,000 for fiscal year 1996, and $32,000,000 for fiscal year 1997.

"(2) ALLOCATIONS BY SECRETARY.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (2)(A) of subsection (c).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 65 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)(2)).

"(C)(i) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 35 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (5) of subsection (c).

"(ii) With respect to a fiscal year, a grant under subsection (a) that includes amounts available under subparagraph (A) may not include amounts available under clause (i) unless each of the following conditions is met:

"(I) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(3), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(II) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(4), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(III) In the case of amounts available under clause (i) and included in grants made pursuant to subsection (c)(5) (exclusive of grants that include amounts available under subparagraph (A) or (B)), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(IV) The aggregate amount of grants under subsection (a) made from amounts available under subparagraph (B) and clause (i) (other than grants that include amounts available under subparagraph (A)) is, in the case of fiscal year 1995, not less than the sum of such aggregate amount for fiscal year 1994 and the total amount by which grants are required under subclauses (I) through (III) to be increased; and is, in the case of fiscal year 1996 and each subsequent fiscal year, not less than such aggregate amount for the preceding fiscal year.".

(f) CONFORMING AMENDMENTS.—Section 739(c) of the Public Health Service Act (42 U.S.C. 293c(c)), as amended by subsection (a), is amended—

(1) in paragraph (3)(B), by striking "the designated health professions school" and inserting "the school"; and

(2) in paragraph (4), in each of subparagraphs (B) and (C), by striking "the designated health professions school" and inserting "the school".

(g) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—In the case of any entity receiving a grant under section 739 of the Public Health Service Act for fiscal year 1994, the Secretary of Health and Human Services shall, during the period specified in paragraph (2), waive any or all of the additional requirements established pursuant to this section for the receipt or expenditure of such a grant, subject to the entity providing assurances satisfactory to the Secretary that the entity is making progress toward meeting such requirements.

(2) RELEVANT PERIOD.—In the case of any entity receiving a grant under section 739 of the Public Health Service Act for fiscal year 1994, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 305. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 293d) is amended to read as follows:

"SEC. 740. ASSISTANCE REGARDING HEALTH PROFESSIONS AS CAREER CHOICE.

"(a) IN GENERAL.—

"(1) ACADEMIC PREPARATION OF STUDENTS.—Subject to the provisions of this section, the Secretary may make grants and enter into contracts for purposes of—

"(A) identifying individuals who—

"(i) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

"(ii) are from disadvantaged backgrounds; and

"(iii) are interested in a career in the health professions; and

"(B) providing to such individuals academic assistance, counseling, and other services to prepare the students to meet the academic requirements for entry into health professions schools.

"(2) RECIPIENTS OF GRANTS AND CONTRACTS.—The Secretary may make an award of a grant or contract under paragraph (1) only if the applicant for the award is a nonprofit private community-based organization or other public or nonprofit private entity. Such other entities include schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, and include graduate programs in mental health practice.

"(3) CERTAIN USES OF AWARDS.—The purposes for which the Secretary may authorize an award under paragraph (1) to be expended include the following:

"(A) Assisting elementary and secondary schools and institutions of higher education in developing or improving programs to prepare

students to meet the academic requirements for entry into health professions schools.

"(B) Establishing arrangements with nonprofit private community-based providers of primary health services under which students are provided with opportunities to visit or work at facilities of such providers and gain experience regarding a career in a field of primary health care.

"(C) Developing or improving programs to enhance the academic preparation of advanced, prehealth professions students or postbaccalaureate individuals to successfully enter a health professions school.

"(D) In the case of an award under paragraph (1) that the Secretary has authorized to be expended for the purpose described in subparagraph (B) or (C), paying such stipends as the Secretary may approve for individuals from disadvantaged backgrounds for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount of $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

"(b) Minimum Requirements for Awards.—

"(1) Assurances regarding financial capacity.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant provides assurances satisfactory to the Secretary that, with respect to the activities for which the award is to be made, the applicant has or will have the financial capacity to continue the activities after the eligibility of the applicant for such awards for such activities is terminated pursuant to subsection (d).

"(2) Collaboration among various entities.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant for the award has entered into an agreement with any schools, institutions, community-based organizations, or other entities with which the applicant will collaborate in carrying out activities under the award, and the agreement specifies whether and to what extent the award will be allocated among the applicant and the entities.

"(3) Matching funds.—

"(A) With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award of a grant or contract under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities), in cash, non-Federal contributions toward such costs in an amount that—

"(i) for any second fiscal year for which the applicant receives such a grant, is not less than 20 percent of such costs;

"(ii) for any third such fiscal year, is not less than 20 percent of such costs;

"(iii) for any fourth such fiscal year, is not less than 40 percent of such costs;

"(iv) for any fifth such fiscal year, is not less than 60 percent of such costs; and

"(v) for any sixth or subsequent such fiscal year, is not less than 80 percent of such costs.

"(B) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

"(C) The Secretary may not require non-Federal contributions for the first fiscal year for which an applicant receives a grant under subsection (a).

"(c) Preference in Making Awards.—

"(1) In general.—Subject to paragraph (2), in making awards of grants and contracts under subsection (a), the Secretary shall give preference to any applicant that has made an arrangement with 1 or more elementary schools, an arrangement with 1 or more secondary schools, an arrangement with 1 or more institutions of higher education, an arrangement with 1 or more health professions schools, and an arrangement with 1 or more community-based organizations, the purpose of which arrangements is to establish a program as follows:

"(A) With respect to the elementary schools involved, the program carries out the purposes described in subsection (a)(1).

"(B) After a student identified pursuant to paragraph (1) enters the secondary school involved, the program continues to carry out such purposes with respect to the student.

"(C) After graduating from the secondary school, the student enters the institution of higher education involved, subject to meeting reasonable academic requirements, and the program continues to carry out such purposes with respect to the student.

"(D) After graduating from the institution of higher education, the student enters the health professions school involved, subject to meeting reasonable academic requirements.

"(2) Requirement regarding schools and institutions.—For purposes of paragraph (1), an applicant may not receive preference unless the schools or institutions with which arrangements have been made are schools or institutions whose enrollment of students includes a significant number of individuals from disadvantaged backgrounds.

"(d) Limitation on Years of Funding for Particular Activities.—With respect to a particular activity carried out under paragraph (1) or (3) of subsection (a) by an entity, the Secretary may not, for the activity involved, provide more than 6 years of financial assistance under such subsection to the entity.

"(e) Funding.—

"(1) Authorization of appropriations.—For the purpose of carrying out this section and section 736, there are authorized to be appropriated $32,000,000 for fiscal year 1995, $36,000,000 for fiscal year 1996, and $38,000,000 for fiscal year 1997.

"(2) Allocations.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than 20 percent for carrying out subsection (a)(3)(B) and not less than 20 percent for providing scholarships under section 736.".

(b) Transitional and Savings Provision.—In the case of an entity that received an award of a grant or contract for fiscal year 1994 under section 740 of the Public Health Service Act, the Secretary of Health and Human Services may continue in effect the award in accordance with the terms of the award, subject to the duration of the award not exceeding the period determined by the Secretary in first approving the award. The preceding sentence applies notwithstanding the amendment made by subsection (a) of this section.

SEC. 306. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

SEC. 307. FEDERALLY-SUPPORTED STUDENT LOAN FUNDS.

(a) Authorization of Appropriations Regarding Certain Medical Schools.—

(1) In general.—Subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.) is amended—

(A) by transferring subsection (f) of section 735 from the current placement of the subsection;

(B) by adding the subsection at the end of section 723;

(C) by redesignating the subsection as subsection (e); and

(D) in subsection (e)(1) of section 723 (as so redesignated), by striking "1996" and inserting "1997".

(2) Conforming amendments.—Section 723 of the Public Health Service Act (42 U.S.C. 292s), as amended by paragraph (1) of this subsection, is amended in subsection (e)(2)(A)—

(A) by striking "section 723(b)(2)" and inserting "subsection (b)(2)"; and

(B) by striking "such section" and inserting "such subsection".

(b) Authorization of Appropriations Regarding Individuals From Disadvantaged Backgrounds.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended to read as follows:

"(1) In general.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), other than the student loan fund of any school of medicine or osteopathic medicine, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1995 through 1997.".

TITLE IV—RESEARCH

SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 of the Public Health Service Act (42 U.S.C. 283(b)) is amended by adding at the end the following subsections:

"(c) Plan.—Subject to applicable law, the Director of the Office, in consultation with the advisory committee established under subsection (d), shall develop and implement a plan for carrying out the duties established in subsection (b). The Director shall review the plan not less than annually, and revise the plan as appropriate.

"(d) Advisory Committee.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Committee').

"(2)(A) The Committee shall be composed of nonvoting, ex officio members designated in accordance with subparagraph (B) and voting members appointed in accordance with subparagraph (C).

"(B) The Secretary shall designate as ex officio members of the Committee the Directors of each of the national research institutes and the Deputy Assistant Secretary for Minority Health (except that any of such officials may designate another officer or employee of the office or agency involved to serve as a member of the Committee in lieu of the official).

"(C) The Director of the Office shall appoint as voting members of the Committee not fewer than 12 and not more than 18 individuals who are not officers or employees of the Federal Government. The appointments shall be made from among scientists and health professionals whose clinical practice, research specialization, or professional expertise includes significant expertise in research on minority health. The appointed membership of the Advisory Committee shall be

broadly representative of the various minority groups.

"(3) The Director of the Office shall serve as the chair of the Committee.

"(4) The Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5)(A) The Advisory Committee shall prepare biennial reports describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) Each report under subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403 for the period involved.

"(e) Representation of Minorities Among Researchers.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which the various minority groups are represented among administrators, senior physicians, and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) Requirement Regarding Grants and Contracts.—Any award of a grant, cooperative agreement, or contract that the Director of the Office is authorized to make shall be made only on a competitive basis.

"(g) Definitions.—For purposes of this section:

"(1) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient clinical research involving such individuals as subjects or insufficient clinical data on such individuals.

"(2) The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) The term 'minority groups' has the meaning given such term in section 1707(h).".

SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by amending subsection (b) to read as follows:

"(b) Requirements With Respect to Certain Populations.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, minority groups, and the elderly."; and

(2) in section 926(a), by adding at the end the following sentence: "Of the amounts appropriated under the preceding sentence for a fiscal year, the Administrator shall reserve not less than 8 percent for carrying out section 902(b)(2).".

SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups.".

TITLE V—NATIVE HAWAIIAN HEALTH CARE

SEC. 501. CLARIFICATION OF 1992 AMENDMENTS.

(a) Clarification of Date of Passage.—Section 9168 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1948) is amended by striking "September 12, 1992," and inserting "August 7, 1992,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of October 6, 1992.

SEC. 502. AMENDMENT OF NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT TO REFLECT 1992 AGREEMENT.

Effective on the date of enactment of this Act, the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"SEC. 2. FINDINGS; DECLARATION OF POLICY; INTENT OF CONGRESS.

"(a) Findings.—The Congress finds that—

"(1) the United States retains the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of Public Law 86–3 (73 Stat. 6; commonly referred to as the 'Hawaii Statehood Admissions Act');

"(2) in furtherance of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians, contributions by the United States to the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of Native Hawaiians are consistent with the historical and unique legal relationship of the United States with the government that represented the indigenous native people of Hawaii; and

"(3) it is the policy of the United States to raise the health status of Native Hawaiians to the highest possible level and to encourage the maximum participation of Native Hawaiians in order to achieve this objective.

"(b) Declaration of Policy.—The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest possible health level; and

"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

"(c) Intent of Congress.—It is the intent of the Congress that the Nation meet the following health objectives with respect to Native Hawaiians by the year 2000:

"(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

"(2) Reduce stroke deaths to no more than 20 per 100,000.

"(3) Increase control of high blood pressure to at least 50 percent of people with high blood pressure.

"(4) Reduce blood cholesterol to an average of no more than 200 mg/dl.

"(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

"(6) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(7) Increase Pap tests every 1 to 3 years to at least 85 percent of women age 18 and older.

"(8) Increase fecal occult blood testing every 1 to 2 years to at least 50 percent of people age 50 and older.

"(9) Reduce diabetes-related deaths to no more than 34 per 100,000.

"(10) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease to no more than 1.4 in 1,000.

"(B) Blindness to no more than 1.4 in 1,000.

"(C) Lower extremity amputation to no more than 4.9 in 1,000.

"(D) Perinatal mortality to no more than 2 percent.

"(E) Major congenital malformations to no more than 4 percent.

"(11) Reduce infant mortality to no more than 7 deaths per 1,000 live births.

"(12) Reduce low birth weight to no more than 5 percent of live births.

"(13) Increase first trimester prenatal care to at least 90 percent of live births.

"(14) Reduce teenage pregnancies to no more than 50 per 1,000 girls age 17 and younger.

"(15) Reduce unintended pregnancies to no more than 30 percent of pregnancies.

"(16) Increase to at least 60 percent the proportion of primary care providers who provide age-appropriate preconception care and counseling.

"(17) Increase years of healthy life to at least 65 years.

"(18) Eliminate financial barriers to clinical preventive services.

"(19) Increase childhood immunization levels to at least 90 percent of 2-year-olds.

"(20) Reduce the prevalence of dental caries to no more than 35 percent of children by age 8.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children age 6 through 8 and no more than 15 percent among adolescents age 15.

"(22) Reduce edentulism to no more than 20 percent in people age 65 and older.

"(23) Increase moderate daily physical activity to at least 30 percent of the population.

"(24) Reduce sedentary lifestyles to no more than 15 percent of the population.

"(25) Reduce overweight to a prevalence of no more than 20 percent of the population.

"(26) Reduce dietary fat intake to an average of 30 percent of calories or less.

"(27) Increase to at least 75 percent the proportion of primary care providers who provide nutrition assessment and counseling or referral to qualified nutritionists or dieticians.

"(28) Reduce cigarette smoking prevalence to no more than 15 percent of adults.

"(29) Reduce initiation of smoking to no more than 15 percent by age 20.

"(30) Reduce alcohol-related motor vehicle crash deaths to no more than 8.5 per 100,000 adjusted for age.

"(31) Reduce alcohol use by school children age 12 to 17 to less than 13 percent.

"(32) Reduce marijuana use by youth age 18 to 25 to less than 8 percent.

"(33) Reduce cocaine use by youth age 18 to 25 to less than 3 percent.

"(34) Confine HIV infection to no more than 800 per 100,000.

"(35) Reduce gonorrhea infections to no more than 225 per 100,000.

"(36) Reduce syphilis infections to no more that 10 per 100,000.

"(37) Reduce significant hearing impairment to a prevalance of no more than 82 per 1,000.

"(38) Reduce acute middle ear infections among children age 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(39) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals age 25 and younger to 0.

"(B) Tetanus among individuals age 25 and younger to 0.

"(C) Polio (wild-type virus) to 0.

"(D) Measles to 0.

"(E) Rubella to 0.

"(F) Congenital Rubella Syndrome to 0.

"(G) Mumps to 500.

"(H) Pertussis to 1,000.

"(40) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(d) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 9, a report on the progress made toward meeting each of the objectives described in subsection (c).

"SEC. 3. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. The master plan shall be based upon an assessment of the health care status and health care needs of Native Hawaiians. To the extent practicable, assessments made as of the date of such grant or contract shall be used by Papa Ola Lokahi, except that any such assessment shall be updated as appropriate.

"SEC. 4. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

"(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—(1)(A) The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians.

"(B) In making grants and entering into contracts under this paragraph, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations, and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.

"(2) In addition to paragraph (1), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

"(b) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is a Native Hawaiian health care system.

"(c) SERVICES TO BE PROVIDED.—(1) Each recipient of funds under subsection (a)(1) shall provide the following services:

"(A) Outreach services to inform Native Hawaiians of the availability of health services.

"(B) Education in health promotion and disease prevention of the Native Hawaiian population by (wherever possible) Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

"(C) Services of physicians, physicians' assistants, or nurse practitioners.

"(D) Immunizations.

"(E) Prevention and control of diabetes, high blood pressure, and otitis media.

"(F) Pregnancy and infant care.

"(G) Improvement of nutrition.

"(2) In addition to the mandatory services under paragraph (1), the following services may be provided pursuant to subsection (a)(1):

"(A) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

"(B) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

"(C) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 10, which are not specifically referred to in paragraph (1) of this subsection.

"(3) The health care services referred to in paragraphs (1) and (2) which are provided under grants or contracts under subsection (a)(1) may be provided by traditional Native Hawaiian healers.

"(d) LIMITATION ON NUMBER OF ENTITIES.—During a fiscal year, the Secretary under this Act may make a grant to, or hold a contract with, not more than 5 Native Hawaiian health care systems.

"(e) MATCHING FUNDS.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under subsection (a)(1) to an entity—

"(A) in an amount exceeding 75 percent of the costs of providing health services under the grant or contract; and

"(B) unless the entity agrees that the entity will make available, directly or through donations to the entity, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under paragraph (2)) for each $3 of Federal funds provided in such grant or contract.

"(2) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining the amount of such non-Federal contributions.

"(3) The Secretary may waive the requirement established in paragraph (1) if—

"(A) the entity involved is a nonprofit private entity described in subsection (b); and

"(B) the Secretary, in consultation with Papa Ola Lokahi, determines that it is not feasible for the entity to comply with such requirement.

"(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

"(1) for any purpose other than the purposes described in subsection (c);

"(2) to provide inpatient services;

"(3) to make cash payments to intended recipients of health services; or

"(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that, whether health services are provided directly or through contract—

"(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

"(2) the entity will impose a charge for the delivery of health services, and such charge—

"(A) will be made according to a schedule of charges that is made available to the public, and

"(B) will be adjusted to reflect the income of the individual involved.

"SEC. 5. FUNCTIONS OF, AND GRANTS TO, PAPA OLA LOKAHI.

"(a) FUNCTIONS.—Papa Ola Lokahi shall—

"(1) coordinate, implement, and update, as appropriate, the comprehensive health care master plan developed pursuant to section 3;

"(2) to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians;

"(3) provide for the training of the persons described in section 4(c)(1)(B);

"(4) develop an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out this Act;

"(5) serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification of and research into diseases affecting Native Hawaiians;

"(C) the availability of Native Hawaiian project funds, research projects, and publications; and

"(D) the timely dissemination of information relating to Native Hawaiian health care systems;

"(6) perform the recognition and certification functions specified in sections 10(6)(F) and 10(6)(G); and

"(7) provide technical support and coordination of training and technical assistance to Native Hawaiian health care systems.

"(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

"(c) GRANTS.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

"(1) carrying out the functions described in subsection (a); and

"(2) administering any special project funds received under the authority of subsection (b).

"(d) RELATIONSHIPS WITH OTHER AGENCIES.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to Native Hawaiian health care systems.

"SEC. 6. ADMINISTRATION OF GRANTS AND CONTRACTS.

"(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

"(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

"(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

"(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

"(3) with respect to providing health services to any population of Native Hawaiians a substantial portion of which has a limited ability to speak the English language—

"(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

"(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

"(A) if the entity will provide under the grant or contract any such health services directly—

"(i) the entity has entered into a participation agreement under such plan; and

"(ii) the entity is qualified to receive payments under such plan; and

"(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

"(i) the organization has entered into a participation agreement under such plan; and

"(ii) the organization is qualified to receive payments under such plan; and

"(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the utilization and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

"(d) CONTRACT EVALUATION.—(1) If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 4, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such entity and is authorized to enter into a contract under section 4 with another entity referred to in section 4(b) that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this subsection.

"(2) In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of evaluation under this section.

"(3) All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

"(4) Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

"(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except for grants and contracts under section 5(c), the Secretary may not make a grant to, or enter into a contract with, an entity under this Act unless the entity agrees that the entity will not expend more than 10 percent of amounts received pursuant to this Act for the purpose of administering the grant or contract.

"(f) REPORT.—(1) For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi a quarterly report on—

"(A) activities conducted by the entity under the grant or contract;

"(B) the amounts and purposes for which Federal funds were expended; and

"(C) such other information as the Secretary may request.

"(2) The reports and records of any entity which concern any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of Health and Human Services, and the Comptroller General of the United States.

"(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

"SEC. 7. ASSIGNMENT OF PERSONNEL.

"(a) IN GENERAL.—The Secretary is authorized to enter into an agreement with any entity under which the Secretary is authorized to assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

"(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under the authority of subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

"SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

"(a) ELIGIBILITY.—The Secretary is authorized to make scholarship grants to students who—

"(1) meet the requirements of section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)); and

"(2) are Native Hawaiians.

"(b) TERMS AND CONDITIONS.—(1) Scholarship grants provided under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship grants provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), except that—

"(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

"(B) in selecting scholarship recipients, the Secretary shall give priority to individuals included on a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate; and

"(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in—

"(i) any one of the five Native Hawaiian health care systems which, during the fiscal year in which the obligated service requirement is assigned, has received a grant or entered into a contract pursuant to section 4; or

"(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii.

"(2) The Secretary shall enter into a cooperative agreement with the Kamehameha Schools/Bishop Estate under which such organization shall provide recruitment, retention, counseling, and other support services intended to improve the operation of the scholarship program established under this section.

"(3) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

"SEC. 9. REPORT.

"The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress the report required pursuant to section 2(d).

"SEC. 10. DEFINITIONS.

"For purposes of this Act:

"(1) DISEASE PREVENTION.—The term 'disease prevention' includes—

"(A) immunizations,

"(B) control of high blood pressure,

"(C) control of sexually transmittable diseases,

"(D) prevention and control of diabetes,

"(E) control of toxic agents,

"(F) occupational safety and health,

"(G) accident prevention,

"(H) fluoridation of water,

"(I) control of infectious agents, and

"(J) provision of mental health care.

"(2) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome,

"(B) cessation of tobacco smoking,

"(C) reduction in the misuse of alcohol and drugs,

"(D) improvement of nutrition,

"(E) improvement in physical fitness,

"(F) family planning, and

"(G) control of stress.

"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) birth records of the State of Hawaii.

"(4) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian health center' means an entity—

"(A) which is organized under the laws of the State of Hawaii,

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable,

"(C) which is a public or nonprofit private entity, and

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

"(A) which serves the interests of Native Hawaiians,

"(B) which is—

"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians, and

"(ii) certified by Papa Ola Lokahi as having the qualifications and capacity to provide the services, and meet the requirements, under the contract the organization enters into with, or grant the organization receives from, the Secretary under this Act,

"(C) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services, and

"(D) which is a public or nonprofit private entity.

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

"(A) which is organized under the laws of the State of Hawaii;

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

"(C) which is a public or nonprofit private entity;

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

"(E) which may be composed of as many Native Hawaiian health centers as necessary to meet the health care needs of Native Hawaiians residing on the island or islands served by such entity;

"(F) which is recognized by Papa Ola Lokahi for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians under this Act; and

"(G) which is certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements of a contract entered into, or a grant received, under section 4.

"(7) PAPA OLA LOKAHI.—(A) Subject to subparagraph (B), the term 'Papa Ola Lokahi' means an organization composed of—

"(i) E Ola Mau;

"(ii) the Office of Hawaiian Affairs of the State of Hawaii;

"(iii) Alu Like Inc.;

"(iv) the University of Hawaii;

"(v) the Office of Hawaiian Health of the Hawaii State Department of Health;

"(vi) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i and Ni'ihau;

"(vii) Ke Ola Mamo, or a health care system serving the island of O'ahu;

"(viii) Na Pu'uwai or a health care system serving the islands of Moloka'i and Lana'i;

"(ix) Hui No Ke Ola Pono, or a health care system serving the island of Maui;

"(x) Hui Malama Ola Ha'Oiwi or a health care system serving the island of Hawaii; and

"(xi) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians, and upon satisfactory development of a mission statement in relation to this Act, including clearly defined goals and objectives, a 5-year action plan outlining the contributions that each organization will make in carrying out the policy of this Act, and an estimated budget.

"(B) Such term does not include any organization identified in subparagraph (A) if the Secretary determines that such organization does not have a mission statement with clearly defined goals and objectives for the contributions the organization will make to Native Hawaiian health care systems and an action plan for carrying out such goals and objectives.

"(8) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

"(A) services of physicians, physicians' assistants and nurse practitioners;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care;

"(F) preventive dental services; and

"(G) pharmaceutical services, as may be appropriate for particular health centers.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(10) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Hawaiian ancestry, and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals, and

"(B) whose knowledge, skills, and experience are based on a demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders, and

"(ii) oral traditions transmitted from generation to generation.

"SEC. 11. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

"SEC. 12. COMPLIANCE WITH BUDGET ACT.

"Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 13. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000 such sums as may be necessary to carry out the purposes of this Act.

"SEC. 15. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

"Notwithstanding any other provision of this Act, no person shall, on the basis of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this Act.".

SEC. 503. REPEAL OF PUBLIC HEALTH SERVICE ACT PROVISION.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 206 of this Act, is amended by repealing section 338K and redesignating section 338L as section 338K. Such repeal shall not be construed to terminate contracts in effect under such section on the date of the enactment of this Act. Any such contracts shall continue according to the terms and conditions of such contracts.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the enactment of this Act.

TITLE VI—WOMEN'S HEALTH

SEC. 601. ESTABLISHMENT OF OFFICE OF WOMEN'S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 704 of Public Law 103–183 (107 Stat. 2240), is amended by adding at the end the following section:

"OFFICE OF WOMEN'S HEALTH

"SEC. 1710. (a) IN GENERAL.—There is established an Office of Women's Health within the Office of the Assistant Secretary for Health. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Women's Health, who shall be the head of the Office of Women's Health. The Secretary, acting through such Deputy Assistant Secretary, shall carry out this section.

"(b) DUTIES.—

"(1) IN GENERAL.—The Secretary may conduct or support programs and activities regarding women's health conditions. In carrying out the preceding sentence, the Secretary shall—

"(A) monitor the programs and activities of the agencies specified in paragraph (2) in order to determine the extent to which the purposes of the programs and activities are being carried out with respect to women's health conditions (as defined in section 486);

"(B) provide advice to the heads of such agencies on improving programs and activities that relate to such conditions; and

"(C) coordinate such programs and activities of the agencies.

"(2) SPECIFIED AGENCIES.—For purposes of paragraph (1), the agencies referred to in this paragraph are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The National Institutes of Health.

"(C) The Agency for Health Care Policy and Research.

"(D) The Health Resources and Services Administration.

"(E) The Substance Abuse and Mental Health Services Administration.

"(F) The Food and Drug Administration.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 602. WOMEN'S SCIENTIFIC EMPLOYMENT REGARDING NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"WOMEN'S SCIENTIFIC EMPLOYMENT

"SEC. 404F. (a) IN GENERAL.—The Director of NIH shall—

"(1) establish policies for the National Institutes of Health on matters relating to the employment by such Institutes of women as scientists;

"(2) monitor the extent of compliance with such policies, including through the implementation of an accountability system under the Federal Equal Opportunity Recruitment Program; and

"(3) establish and maintain a process for responding to incidents of noncompliance with such policies.

"(b) CERTAIN POLICIES.—In establishing policies under subsection (a)(1), the Director of NIH shall provide for the following policies regarding the employment of women as scientists at the National Institutes of Health:

"(1) A policy on the granting of tenured status.

"(2) A policy on family leave.

"(3) A policy on the recruitment of minority women.

"(4) A policy on the inclusion of women scientists in intramural and extramural conferences, workshops, international congresses, and similar events funded or sponsored by such Institutes.

"(c) AVAILABILITY OF POLICIES.—The Director of NIH shall ensure that copies of policies established under subsection (a) are available to scientists of the National Institutes of Health.

"(d) DEFINITION.—For purposes of this section, the term 'Federal Equal Opportunity Recruitment Program' means the program carried out under part 720 of title 5, Code of Federal Regulations (5 CFR 720).".

(b) STUDIES.—

(1) PAY EQUITY.—The Director of the National Institutes of Health shall provide for a study to identify any pay differences among men and women scientists employed (both tenured and untenured) by the National Institutes of Health. The study shall include recommendations on measures to adjust any inequities, and on making available information on salary ranges to all scientists of such Institutes.

(2) STUDY ON TERMINATION OF EMPLOYMENT.—The Comptroller General of the United States shall conduct a study for the purpose of determining the reasons underlying the employment termination of scientists of the National Institutes of Health. The study shall be carried out with respect to male and female scientists, and with respect to voluntary and involuntary terminations.

(3) REPORTS.—Not later than 240 days after the date of the enactment of this Act, the studies required in this subsection shall be completed, and reports describing the findings and recommendations of the studies shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

SEC. 603. INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the Deputy Assistant Secretary for Women's Health and the Deputy Assistant Secretary for Minority Health collaborate for the purpose of carrying out the following activities:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(b) DEFINITION.—For purposes of this section, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

SEC. 604. STUDY REGARDING CURRICULA OF MEDICAL SCHOOLS AND WOMEN'S HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study for the purpose of determining the contents of the curriculum of schools of medicine and osteopathic medicine and whether such curriculum provides adequate education to students on women's health conditions.

(b) CONSULTATIONS.—The Secretary shall carry out subsection (a) in consultation with the Deputy Assistant Secretary for Women's Health and the Director of the Office of Research on Women's Health (of the National Institutes of Health).

(c) REPORT.—Not later than April 1, 1995, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study and containing any recommendations of the Secretary regarding such findings.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "women's health conditions" has the meaning given such term in section 486 of the Public Health Service Act.

TITLE VII—TRAUMATIC BRAIN INJURY

SEC. 701. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Section 301(a) of Public Law 103–183 (107 Stat. 2233) is amended by striking "(42 U.S.C. 242 et seq.)" and inserting "(42 U.S.C. 243 et seq.)". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended pursuant to subsection (a) and as amended by section 703 of Public Law 103–183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317G. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 702. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 704. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidences of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. TECHNICAL AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.

The last sentence of section 818(e)(3) of the Indian Health Care Improvement Act (25 U.S.C. 1680h(e)(3)) is amended—

(1) by striking "services," and inserting "services"; and

(2) by striking ", shall be recoverable." and inserting a period.

SEC. 802. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (5) and (6);

(B) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively;

(C) in paragraph (2)—

(i) by inserting "substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems"; and

(D) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end and inserting a semicolon; and

(2) in subsection (f)—

(A) by striking "There is" and inserting "There are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for each of the fiscal years 1995 through 1997".

SEC. 803. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 804. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 701 of this Act, is amended by inserting after section 317G the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"SEC. 317H. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such

programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(b) EFFECTIVE DATE.—This section takes effect July 1, 1994.

SEC. 805. ESTABLISHMENT OF PUBLIC HEALTH ANALYTICAL LABORATORY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting as appropriate through the Director of the Centers for Disease Control and Prevention or through other agencies, may make a grant for the establishment and operation of a laboratory to protect the public health through analyzing human, wildlife, air, water, and soil samples. The laboratory shall be established within the United States at the central point of the international border between the United States and Mexico (as determined by such Secretary), and the laboratory shall serve the border region.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for fiscal year 1995 and each subsequent fiscal year.

SEC. 806. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) SENSE" and all that follows through "In the case" and inserting the following:

"(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case";

(2) by striking "(2) NOTICE TO RECIPIENTS OF ASSISTANCE" and inserting the following:

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 807. REVISIONS TO ELIGIBILITY REQUIREMENTS FOR ENTITIES SUBJECT TO DRUG PRICING LIMITATIONS.

(a) TREATMENT OF CERTAIN OUTPATIENT CLINICS AS COVERED ENTITIES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following subparagraph:

"(M) A diagnostic and treatment center owned and operated by the New York City Health and Hospitals Corporation.".

(b) LIMITATION ON EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(1) in clause (i), by striking "under this title" and inserting "under title XIX of such Act"; and

(2) in clause (iii), by inserting before the period at the end the following: ", other than the Health Services Purchasing Group under the control of Los Angeles County".

(c) CLARIFICATION OF EFFECTIVE DATE OF EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—The Secretary of Health and Human Services may not find that the hospital system for the Dallas County Hospital District of Texas (commonly known as Parkland Memorial Hospital) fails to meet the requirements for a covered entity under paragraph (4)(L) of section 340B(a) of the Public Health Service Act solely because the hospital used a group purchasing organization or other group purchasing arrangement to obtain a covered outpatient drug before the effective date of the entity guidelines published by the Secretary pursuant to section 602 of the Veterans Health Care Act of 1992 if, at the time the hospital purchased the drug, the manufacturer of the drug did not offer to furnish the drug to the hospital at the price required to be paid for the drug under paragraph (1) of such section.

(d) EFFECTIVE DATES.—Subsections (a) and (b) take effect as if included in the enactment of the Veterans Health Care Act of 1992. Subsection (c) takes effect on the date of the enactment of this Act.

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act takes effect October 1, 1994, or upon the date of the enactment of this Act, whichever occurs later.

Amend the title so as to read: "An Act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes.".

Mr. REID. Madam President, I move that the Senate disagree to the House amendment, agree to the request for a conference, and that Chair be authorized to appoint conferees.

The PRESIDING OFFICER. If there is no objection, the several motions are agreed to.

The Presiding Officer appointed Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mrs. KASSEBAUM, and Mr. HATCH conferees on the part of the Senate.

AMENDING TITLE 11, D.C. CODE, TO CLARIFY THAT BLIND INDIVIDUALS ARE ELIGIBLE TO SERVE AS JURORS IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

AMENDING THE DISTRICT OF COLUMBIA SPOUSE EQUITY ACT OF 1988

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of H.R. 4205 and H.R. 3676, just received from the House; that the bills be deemed read three times, passed, and the motion to reconsider laid upon the table en bloc; and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 4205) to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

So the bill (H.R. 4205) was deemed read three times and passed.

The Senate proceeded to consider the bill (H.R. 3676) to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

So the bill (H.R. 3676) was deemed read three times and passed.

COMMENDING THE RAZORBACKS OF THE UNIVERSITY OF ARKANSAS FOR WINNING THE 1994 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 222, a resolution to congratulate the Arkansas Razorbacks for having won the 1994 NCAA men's basketball championship, introduced earlier today by Senators BUMPERS and PRYOR; that the resolution and preamble be agreed to and the motion to reconsider laid upon the table; and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 222) was deemed agreed to.

The preamble was agreed to.

The resolution (S. Res. 222), with its preamble, reads as follows:

SENATE RESOLUTION 222

Whereas the men's basketball team of the University of Arkansas at Fayetteville had an outstanding and successful season;

Whereas Arkansas Razorback Head Coach Nolan Richardson was the recipient of the 1994 Naismith Coach of the Year Award;

Whereas Arkansas Razorback Forward Corliss Williamson was named 1994 NCAA Final Four's Most Valuable Player;

Whereas the University of Arkansas and the Arkansas Razorbacks christened the newly erected Bud Walton Arena with their best season to date;

Whereas the Arkansas Razorbacks handed the Duke Blue Devils a 76–72 defeat, winning the 1994 NCAA men's basketball championship: Now, therefore, be it

Resolved, That the Senate commends the Razorbacks of the University of Arkansas at Fayetteville for having won the 1994 National Collegiate Athletic Association Men's Basketball Championship.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on June 10, 1994, during the recess of the Senate, received the following message from the President, transmitting a nomination; which was referred to the Committee on Foreign Relations.

(The nomination received on Friday, June 10, 1994, is printed in today's RECORD at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE ADDITIONAL SANCTIONS REGARDING THE NATIONAL EMERGENCY WITH REGARD TO HAITI—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 124

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on June 10, 1994, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701 *et seq.*) and section 301 of the National Emergencies ("NEA") (50 U.S.C. 1601 *et seq.*), President Bush exercised his statutory authority to issue Executive Order No. 12775 of October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 of October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c), I exercised my statutory authority to issue Executive Order No. 12853 of June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under United Nations Security Council Resolution 841 of June 16, 1993.

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 of October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. On May 7, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12914 of May 7, 1994, to impose additional economic measures with respect to Haiti. On May 21, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12917 of May 21, 1994, to impose economic measures required by Resolution 917. These latter actions were taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under the provisions of United Nations Security Council Resolution 917.

On June 10, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12920 of June 10, 1994, prohibiting additional transactions with Haiti.

This new Executive order:

- —prohibits payment or transfer of funds or other assets to Haiti from or through the United States or to or through the United States from Haiti, with exceptions for activities of the United States Government, the United Nations, the Organization of American States, or foreign diplomatic missions, certain payments related to humanitarian assistance in Haiti, limited family remittances, funds for travel-related expenses, and payments incidental to exempt shipments of food, medicine, medical supplies, and informational materials;
- —prohibits the sale, supply, or exportation by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of any goods, technology, or services to Haiti or in connection with Haitian businesses, or activities by United States persons or in the United States that promote such sale, supply, or exportation, except for the sale, supply, or exportation of informational materials, certain foodstuffs, and medicines and medical supplies;
- —prohibits any transaction that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and
- —authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to tighten the embargo against Haiti with the goal of the restoration of democracy in that nation and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 10, 1994.*

ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1993 annual report of the Federal Prevailing Rate Advisory Committee.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 14, 1994.*

MESSAGES FROM THE HOUSE

At 3:57, p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment; in which it requests the concurrence of the Senate.

S. 1904. An act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1015. An act to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the Act, and to improve enforcement, and for other purposes.

H.R. 3013. An act to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs.

H.R. 4246. An act to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 3013. An act to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 4246. An act to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the Calendar:

H.R. 1015. An act to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the Act, and to improve enforcement, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2798. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2799. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2800. A communication from the Attorney General, transmitting notice of a resolution concerning the conduct of criminal investigations overseas; to the Committee on the Judiciary.

EC-2801. A communication from the Director (National Legislative Commission), of the American Legion, transmitting, pursuant to law, the report of financial statements for calendar year 1993; to the Committee on the Judiciary.

EC-2802. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2803. A communication from the Assistant Attorney General, transmitting a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes; to the Committee on the Judiciary.

EC-2804. A communication from the Assistant Attorney General, transmitting a draft of proposed legislation relative to Bureau of Prisons community service projects; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2182. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 103-282).

By Mr. REID, from the Committee on Appropriations, with amendments:

H.R. 4454. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-283).

By Mr. BUMPERS, from the Committee on Small Business, with an amendment in the nature of a substitute and an amendment to the title:

S. 1830. A bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Robert M. Parker of Texas, to be U.S. Circuit Judge for the Fifth Circuit;

Diana Gribbon Motz, of Maryland, to be U.S. Circuit Judge for the Fourth Circuit;

Denise Page Hood, of Michigan, to be District Judge for the Eastern District of Michigan;

Richard A. Paez, of California, to be District Judge for the Central District of California;

Paul L. Friedman, of the District of Columbia to be District Judge for the District of Columbia;

Gladys Kessler, of the District of Columbia to be District Judge for the District of Columbia;

Emmet G. Sullivan, of the District of Columbia, to be District Judge for the District of Columbia;

Richardo M. Urbina, of the District of Columbia to be District Judge for the District of Columbia; and

William F. Downes, of Wyoming, to be District Judge for the District of Wyoming;

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, for the Committee on Armed Services, I report favorably a list of naval officers, beginning Capt. Timothy Robert Beard to the rear admiral (lower half), which appeared in full in the CONGRESSIONAL RECORD of January 26, 1994. List reported minus one name: Capt. John Bramwell Padgett III.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. PACKWOOD (for himself, Mr. BAUCUS, and Mr. HATCH):

S. 2179. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Finance.

By Mr. HATCH:

S. 2180. A bill to define certain terms for purposes of the Federal Land Policy and Management Act of 1976, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (by request):

S. 2181. A bill to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NUNN:

S. 2182. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mrs. HUTCHISON (for herself and Mr. ROBB):

S. 2183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S. 2184. A bill to amend title 38, United States Code, to authorize the employment of social workers in the Veterans Health Administration on a fee basis; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2185. A bill to require the Secretary of the Treasury to transfer to the Administrator of General Services the Old U.S. Mint in San Francisco, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 2186. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 2187. A bill to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgement against an annuitant for physically or sexually abusing a child; to the

COMMITTEE ON GOVERNMENTAL AFFAIRS

By Mr. INOUYE (for himself and Mr. SIMON):

S. 2188. A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2189. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and force other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. WOFFORD):

S. 2190. A bill to direct the Office of Personnel Management to establish an interagency placement program for Federal employees affected by reduction in force actions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COCHRAN (for himself and Mr. LOTT):

Senate Joint Resolution 199. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. HEFLIN):

Senate Resolution 221. Resolution expressing the sense of the Senate regarding the case of United States v. Knox; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself and Mr. PRYOR):

Senate Resolution 222. Resolution to commend the Razorbacks of the University of Arkansas at Fayetteville for having won the 1994 NCAA Men's Basketball Championship; considered and agreed to.

By Mr. INOUYE (for himself and Mr. SIMON):

Senate Resolution 223. Resolution to refer S. 2188 entitled "A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes," to the Chief Judge of the United States Court of Federal Claims for a report on the bill; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2180. A bill to define certain terms for purposes of the Federal Land Policy and Management Act of 1976, and for other purposes; to the Committee on Energy and Natural Resources.

LOCAL GOVERNMENT PLANNING INVOLVEMENT ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation to assist local government involvement in the land use planning activities of certain Federal agencies.

I have mentioned to my colleagues many times on this floor, most recently during consideration of S. 455, the Payments-In-Lieu-of-Taxes Act, that the overwhelming majority of Utah's land is managed by the Federal Government. In fact, according to the Bureau of Land Management [BLM], 70.2 percent of Utah's total acreage is owned by a Federal agency, such as the BLM, National Park Service, U.S. Forest Service, Fish and Wildlife Service, and Department of Defense.

Any Federal agency that needs real estate to perform its mission, more than likely, owns an acre of Utah land. A review of Utah's land ownership scenario resembles a checkerboard. This is typical of most Western States, with Federal land intermingled in every region with private and State lands. Many times, this situation breeds confrontation when the missions and activities of the various Federal agencies run counter to the activities of private citizens and local governments.

The Federal Land Policy and Management Act of 1976 [FLPMA] requires the Secretary of the Interior to undertake planning exercises for the management of our public lands. It is a thorough process that requires considerable time and effort on the part of agency officials. And, while the end product of these exercises may undergo considerable review and public scrutiny, the impacts can be far reaching for surrounding communities and engender controversy. In a State like Utah with significant public lands, the breadth and depth of these impacts can be startling.

The preparation of the Dixie Resource Management Plan [DRMP] by the BLM in southwestern Utah, primarily in Washington County, has brought this issue to the forefront. The situation in Washington County demonstrates why I believe changes in FLPMA—the law that gives Federal agencies the power to make decisions that will determine an area's economic future—are necessary.

Basically, the DRMP is a blueprint for the future uses of lands managed by the BLM in this designated area. I will not take my colleagues' time to discuss every detail related to the preparation of this DRMP, which has been in the works since 1987, but I will point out that this area of Utah confronts significant land use issues. These include rapid urban growth and expansion, retention and protection of public lands for cultural resources, riparian values, threatened and endangered species—specifically, the desert tortoise—scenic values, and recreational opportunities. The DRMP is also reviewing proposed water storage projects in the area, including conducting an inventory of all river segments eligible for designation as wild and scenic rivers.

As the BLM has developed the DRMP, several alternatives have been identified. Unfortunately, the majority of these alternatives are in substantial conflict with the needs identified by local residents and their elected officials, and these citizens have called for a new round of public scoping meetings to provide the BLM with constructive input on a plan that is consistent with the BLM's legal directives and meets local needs.

The Washington County Board of Commissioners and the Washington County Water Conservancy District have attempted during the past 2 years to review the supporting documentation used by the BLM to construct the DRMP and thus provide meaningful comments on the same to the agency as provided in section 202(c)(9) in FLPMA. These requests have been heard, but not adequately fulfilled.

In Iron County, UT, which is immediately north of Washington County, concerns are being raised regarding the potential impact of similar issues within that county, particularly the potential for designating rivers located on U.S. Forest Service lands as wild and scenic rivers. There are a myriad of other examples of Federal land use planning in my State. And, the key word here is "Federal." Too often, local interests and concerns are being paid lipservice or being ignored altogether.

My bill will modify FLPMA to provide more input by local entities in the land use planning process mandated by section 202. I use the word modify intentionally, because this legislation is not an effort to overhaul FLPMA. It does not represent an attempt to rewrite this major Federal law that, among other things, provides a blueprint for the management of Federal lands. It is an attempt to give key words used in the law further definition to ensure that the intent behind these key words is achieved.

For example, under this legislation, the term "local governmental entity" would include local political entities created or recognized pursuant to State law, including county commissions, special service districts, water districts, cities, towns, and regional and local government associations.

The other primary section of my bill further defines the word "coordinate," which is contained in section 202(c)(9) of FLPMA, that is now subject to the interpretation of the Secretary of the Interior. These interpretations have only caused controversy and conflict. In my opinion, the best way to avoid similar situations in the future is to qualify and expand the coordination activities that must be undertaken by the Secretary with State and local governments.

This legislation will require notification by the Secretary to the appropriate State or local official, including the Governor, of the intent to begin land use activities within that State or local area. Upon request of these leaders, State and local employees will be included in the inventory and planning activities of the Federal managers, and the plans, inventories, and other information related to these activities, including long- and short-term work plans, will be made available to these employees. Again, in this manner, the full intent behind section 202(c)(9) requiring coordination of Federal land use plans with the land use planning and management programs of the States and local governments within which the lands are located can be realized.

This bill does not give State and local governments overriding authority or veto power over Federal land use plans. Let me be clear about that. The Secretary will continue to develop these plans as required under law, obtaining input and comments from all interested parties as these plans are developed, and altering the plans where appropriate. This bill will not foreclose any party from participating in this process. However, FLPMA does expressly direct the Secretary to coordinate the activities involved in land use plans "to [an] extent consistent" with local land use plans. My legislation is designed to promote this directive so that consistent plans, local and Federal, are developed.

Mr. President, I believe these modifications to FLPMA are appropriate and consistent with the underlying purpose of the act to ensure the proper and legal role of State and local governments in Federal land use planning activities. I encourage my colleagues to support this legislation.

By Mr. JOHNSTON (by request):

S. 2181. A bill to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

NORTHERN MARIANA ISLANDS CONSTRUCTION PROJECTS

• Mr. JOHNSTON. Mr. President, at the request of the Department of the Interior, I send to the desk a bill to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

I ask unanimous consent that the bill, the communication, and an agreement of the special representatives on future Federal financial assistance for the Northern Mariana Islands which accompanied the proposal be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Act of March 24, 1976 (Pub. L. 94-241, 90 Stat. 263), as amended, is amended by—

(1) adding the following section at the end thereof:

"SEC. 6. There are authorized to be appropriated for the Government of the Northern Mariana Islands for capital infrastructure $18,000,000 to become available on October 1, 1995, notwithstanding the first paragraph of section A of Part II and section B of Part III of the Agreement of the Special Representatives on Future Federal Financial Assistance for the Northern Mariana Islands, executed on December 17, 1992: Provided, that such amounts shall become available only to the extent that matching funds are provided, on a project-by-project basis, by the Government of the Northern Mariana Islands in the amounts of $9,000,000 for fiscal year 1995 and $18,000,000 for fiscal year 1996. No funds are authorized to be appropriated for the purposes of this Act for any fiscal year thereafter. Such federal assistance shall be provided through annual grants according to the remaining terms of such Agreement, except that the duration of the Agreement shall be two years."; and

(2) repealing section 4(b) upon enactment of appropriations to the Secretary of the Interior for the Government of the Northern Mariana Islands.

AGREEMENT OF THE SPECIAL REPRESENTATIVES ON FUTURE FEDERAL FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

Whereas, under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant), the Government of the United States (Federal Government) and the Government of the Commonwealth of the Northern Mariana Islands (Commonwealth Government) desire to further their mutually beneficial relationship through the development of the economic resources of the Commonwealth, which, over the next seven years, are expected to meet the financial needs of local self-government; and

Whereas, the current guaranteed annual levels of direct grant assistance expire at the end of fiscal year 1992; and

Whereas, the Covenant provides for the appointment of special representatives to consider and make recommendations regarding future Federal financial assistance to the Commonwealth Government; and

Whereas, President George Bush and Governor Lorenzo I. De Leon Guerrero appointed such special representatives who have considered such future Federal financial assistance;

Now, therefore, we, Stella Guerra, Special Representative of the President of the United States, and Benjamin T. Manglona, Pedro R. De Leon Guerrero, Joseph S. Inos, Eloy S. Inos, David M. Sablan, and Mike W. Naholowaa, Special Representatives of the Governor of the Commonwealth of the Northern Mariana Islands, agree as follows:

PART I. POLICY STATEMENT

The Special Representatives mutually agree that economic growth in the Commonwealth of the Northern Mariana Islands has progressed so that the Commonwealth Government is now capable of fully financing its government operations, and will phase in local financing for all capital development projects according to the schedule in this agreement, with the goal of self-reliance by the end of the period of this agreement.

PART II. FUNDING

A. Guarantee Funding Schedule. Subject to the minimum matching contributions by the Commonwealth Government, the Federal Government pledges the full faith and credit of the United States to the appropriation of $120 million in capital development funding in accordance with the following schedule:

Fiscal year	Federal contribution	Commonwealth contribution	Matching and ratio	Commonwealth Capital Development Fund
1994	22,000,000	9,000,000	71/29	31,000,000
1995	21,000,000	14,000,000	60/40	35,000,000
1996	20,000,000	16,000,000	56/44	36,000,000
1997	18,000,000	18,000,000	50/50	36,000,000
1998	16,000,000	20,000,000	44/56	36,000,000
1999	14,000,000	21,000,000	40/60	35,000,000
2000	9,000,000	22,000,000	29/71	31,000,000
Total	120,000,000	120,000,000	50/50	240,000,000

The Special Representatives agree that the final appropriated amount for fiscal year 1993 will be granted in accordance with the terms described in Parts II and III of this agreement, except that the matching contributions by the Commonwealth Government will be 25 percent of the Federal contribution.

The Special Representatives agree that the interest earnings on funds contributed under the Second Financing Agreement may be applied to the total of the Commonwealth Government matching requirements for fiscal years 1993 through 1995. These earnings will be made available when the terms of the grant pledge agreements entered into under the Second Financing Agreement are met.

Any non-Federal funds appropriated by the Legislature in the internal Commonwealth budget process constitutes local revenue for the purpose of complying with the Commonwealth Government contribution requirements for specific projects delineated in Part II B of this Agreement.

B. Capital Development. The Commonwealth Government shall develop and maintain an integrated list of priorities for new and reconstructed capital infrastructure to serve the residents of the Commonwealth. Each listed project shall have a cost estimate with identified sources of financing. Projects may be phased over two or more years. Such list may be revised as deemed appropriate by the Commonwealth Government. Copies of the list and any revision shall be submitted to the Assistant Secretary of the Interior for Territorial and International Affairs.

Projects shall be funded in accordance with an annual grant that specifies the required Federal Government and Commonwealth Government contributions for the projects.

The islands of Rota and Tinian shall each receive no less than a ⅙th share and the island of Saipan shall receive no less than a ⅔th share of the total Commonwealth Capital Development Fund.

C. Debt Financing. The Federal contribution provided in accordance with this agreement may be applied or directed by the Commonwealth Government for the repayment of debt instruments issued by the Commonwealth Government for purposes of capital development, subject to the approval of the Assistant Secretary of the Interior for Territorial and International Affairs.

PART III. ADMINISTRATIVE PROVISIONS

A. Reporting and Accountability. The Federal financial assistance provided under this agreement shall be subject to applicable Federal grant regulations (the Common Rule: 43 CFR 12a, OMB Circular A-102, and OMB Circular A-128).

Prior to the contribution of funds under this agreement, the Federal Government and the Commonwealth Government shall enter into a Subsidiary Agreement on Audit Resolution describing the procedures for resolution and follow-up of all audit recommendations related to financial assistance provided pursuant to Section 702 of the Covenant.

B. Performance Review. Prior to the beginning of the third and fifth years of this agreement, representatives of the Commonwealth Government and the Federal Government shall meet to review progress in carrying out this agreement.

C. Prerogative. This agreement may be amended by mutual agreement in writing, or may be voided by either party prior to ratification by the Congress. In recognition of mutual compromise in exhaustive discussions leading to this agreement, and the Governor of the Commonwealth shall communicate his endorsement of this agreement to the Congress concurrently with the Administration's formal transmission and endorsement.

For the United States of America:

STELLA GUERRA,
Special Representative of the President.

For the Commonwealth of the Northern Mariana Islands:

BENJAMIN T. MANGLONA,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

JOSEPH S. INOS,
Special Representative of the Governor of the Commonwealth of the

Northern Mariana Islands.

DAVID M. SABLAN,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

PEDRO R. DELEON GUERRERO,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

ELOY S. INOS,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

MIKE W. NAHOLOWAA,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 2, 1994.

Hon. ALBERT GORE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation to authorize the appropriation of funds for construction projects under the financial provisions of the *Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America* (Covenant) (Public Law 94-241).

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

The Northern Mariana Islands have experienced rapid economic growth over the past decade. This rapid growth, however, has severely taxed the physical infrastructure of the Commonwealth. As a result of the December 17, 1992, Agreement of the Special Representatives on Future Federal Financial Assistance for the Northern Mariana Islands (enclosed), arrived at pursuant to section 702 of the Covenant, legislation was forwarded to the Congress proposing a seven-year $120 million program for capital infrastructure improvements. Under the agreement, annual rates of Federal contribution would decline from $27.7 million to $9 million. Some members of the Congress suggest that the funding in the agreement is too generous and that the seven-year funding period is too long.

Therefore, to address these concerns the Administration proposes draft legislation to authorize the appropriations of $18 million for fiscal year 1995 and $9 million for fiscal year 1996 for only the highest priority capital infrastructure construction in the Northern Mariana Islands. These appropriations are conditioned on the Government of the Northern Mariana Islands matching with $9 million for fiscal year 1995 and $18 million for fiscal year 1996. Under the full two-year program the federal and Northern Mariana Islands matching shares would be equal. Except for the funding provision, all major aspects of the 1992 agreement would remain the same.

Absent new legislation, however, the Northern Mariana Islands will continue to receive $27.7 million, annually. Section 4(b) of Public Law 94-241, as amended, provides that the Government of the Northern Mariana Islands shall continue to receive $27.7 million until the Congress otherwise provides by law.

The need for capital infrastructure improvements in the Northern Mariana Islands continues unabated. In an effort at compromise, the Administration proposes a program devoted exclusively to capital infrastructure development. We urge early action by the Congress.

The Office of Management and Budget has advised that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

LESLIE M. TURNER,
Assistant Secretary,
Territorial and International Affairs.•

By Mrs. HUTCHISON (for herself and Mr. ROBB):

S. 2183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945; to the Committee on Banking, Housing, and Urban Affairs.

WORLD WAR II PEACE ACCORDS COMMEMORATIVE COIN ACT

Mrs. HUTCHISON. Mr. President, I introduce today S. 2183, the World War II Peace Accords Commemorative Coin Act. I am joined by the distinguished Senator from Virginia, Senator ROBB. This bill authorizes the minting of a commemorative coin to honor the signing of the historic peace accords which ended World War II.

Last week, we celebrated the 50th anniversary of D-day, commemorating the Allied invasion of Normandy which turned the tide of World War II in Europe. The beachhead established on the coast of France that day helped to pave democracy's road to victory over the tyranny of Adolf Hitler. Thousands of miles away, our Armed Forces would soon make similar sacrifices on very different beaches—beaches in the South Pacific. The courageous efforts of our troops in both Europe and the South Pacific provided decisive victory for the Allies and culminated in the historic signing of the peace accords abroad the U.S.S. *Missouri* on September 2, 1945.

My bill authorizes the minting of a commemorative coin recognizing the 50th anniversary of this momentous event and all those who sacrificed to make it possible. While the minting of the coin will not cost the Federal Government a single penny, proceeds from the coin's sales will fund an expansion of the nonprofit Nimitz Museum of the Pacific War in Fredericksburg, TX. Fleet Adm. Chester Nimitz was raised by his grandfather in Fredericksburg and later became one of America's greatest leaders during World War II. The museum which bears his name is the only museum in the United States dedicated to telling the complete story of the Pacific War. Upon completion, the expansion will house a number of irreplaceable war relics—including a PT boat similar to the one commanded by President Kennedy and a torpedo bomber like the one piloted by President Bush.

In addition, our colleagues in the House of Representatives have overwhelmingly supported a similar bill sponsored by Congressman LAMAR SMITH from San Antonio which has obtained 229 cosponsors only 6 weeks after introduction. I believe the Members of the Senate will show similar support for this legislation.

On September 2, 1995, we will celebrate the 50th anniversary of the end of the greatest war the world has ever known. I urge my colleagues to join Senator ROBB and myself in honoring those who sacrificed to provide the freedom we now enjoy.

By Mr. INOUYE:

S. 2184. A bill to amend title 38, United States Code, to authorize the employment of social workers in the Veterans Health Administration on a fee basis; to the Committee on Veterans' Affairs.

LEGISLATION ON THE VETERANS HEALTH ADMINISTRATION

• Mr. INOUYE. Mr. President, I am introducing legislation today to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical social workers in the Veterans Health Administration.

Clinical social workers have a long history of providing high quality care to veterans and their families through the Veterans Health Administration of the Department of Veterans Affairs. Social workers in the Veterans' Administration [VA] are credentialed, have clinical privileges, and provide direct patient care services on an independent basis. Clinical social work services provided to veterans include psychosocial assessment, diagnosis, and treatment; preadmission planning; discharge planning and post-discharge follow-up case management; and health education. These services are critical to the overall operation of VA medical centers and provide a significant contribution to VA initiatives related to homelessness, substance abuse, and post-traumatic stress disorder.

It has come to my attention that the current system of recruiting, hiring, and retaining professional social workers to Veterans' Administration facilities is fraught with long delays, loss of desirable applicants, low salaries, and a lack of career advancement opportunities for members of this important profession. I believe that these kinds of problems ultimately compromise the quality of patient care, and I believe that this situation needs to be corrected.

Mr. President, the legislation I am introducing today would correct these

problems by transferring the recruitment and appointment of social work staff in the VA to title 38, a system that was designed to address professional issues of patient care. Indeed, many other patient care professionals within the VA have already been placed under the jurisdiction of title 38, and this conversion has ameliorated problems for those professionals that were similar to the problems which currently exist for social work.

I believe it is important to ensure that the special expertise and skills social workers possess continue to be made available to our Nation's veterans and their families. I believe that the conversion of social workers to a hybrid title 38, as proposed by this legislation, would provide relief for the current difficulties and enhance the quality of care for veterans.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO EMPLOY SOCIAL WORKERS.

Paragraph (2) of section 7405(a) of title 38, United States Code, is amended—

(1) redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) social workers.•

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2185. A bill to require the Secretary of the Treasury to transfer to the Administrator of General Services the Old U.S. Mint in San Francisco, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION TO TRANSFER THE OLD U.S. MINT

• Mrs. BOXER. Mr. President, today I am introducing legislation to require the Secretary of the Treasury to transfer to the Administrator of General Services the Old Mint Building in San Francisco.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF U.S. MINT, SAN FRANCISCO.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the Administrator of General Services, without consideration, the property referred to as the "Old U.S. Mint", located at Fifth and Mission Streets, San Francisco, California, together with any improvements, structures, and fixtures located on the property.

(b) OBTAINING OF OTHER SPACE.—Notwithstanding any other provision of law, using authority and funds available under section 5134 of title 31, United States Code, the Secretary of the Treasury may obtain by lease or purchase other space for the operations of the United States Mint carried out, prior to the date of transfer under subsection (a), at the Old U.S. Mint.

(c) SPACE AND SERVICES CHARGES.—

(1) IN GENERAL.—In accordance with section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j)), the Administrator of General Services shall charge persons who are furnished space and services in connection with the property transferred under subsection (a) for the space and services.

(2) DEPOSIT OF CHARGES COLLECTED.—Notwithstanding any other provision of law, the Administrator of General Services shall deposit in the Federal Buildings Fund established by section 210(f) of such Act the amounts collected under paragraph (1).•

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 2186. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Environment and Public Works.

LAFARGE DAM LEGISLATION

• Mr. FEINGOLD. Mr. President, I am pleased to join with my good friend and colleague from Wisconsin, Senator KOHL, in introducing a bill to bring to a close some unfinished business begun by the Federal Government in our State in 1962. Identical legislation is being introduced today in the House of Representatives by our colleagues from Wisconsin, Congressmen GUNDERSON and PETRI.

Mr. President, approximately three decades ago, plans were made to build a dam across the Kickapoo River, near the village of LaFarge, which is located in southwest Wisconsin.

The dam was proposed to provide flood control to a valley which continues to experience frequent floods today. In addition, local residents were told of the economic benefits the planned lake and other improvements would bring in terms of tourism.

Federal legislation was passed authorizing construction by the Army Corps of Engineers in 1962. One hundred and forty families were evicted from homes and farms and construction began in 1971. Construction ended in 1975 leaving the proposed dam only partially built.

The economic and flood control benefits were never realized because there is no lake, and no lake exists because the dam was never completed. In fact the only legacy of the project today lies in some scattered remains of former farm homes, and a 103 foot tall, three-quarters completed dam, with the Kickapoo river flowing unimpeded through a 1,000 foot gap.

The legislation we are introducing today attempts to bring this chapter of the history of LaFarge to a close, but not through finishing dam construction. Even the local residents who once had a vested interest in seeing the dam complete concede this is not a feasible approach, and further, there is now widespread consensus the dam project should not continue.

Mr. President, the legislation introduced today is the result of united community efforts to overcome the past. For the past 3 years, members of the local community, the Army Corps of Engineers, University of Wisconsin-Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historical Society, the Governor's office, State legislators, Wisconsin environmental groups, and the members of the congressional delegation who join in introducing this legislation, have collaborated together on a plan to take the impacted lands into protection under a combination of State and local control.

I am proud to introduce legislation which is the fruit of these labors. The legislation I offer with Senator KOHL today has three main components.

First, it deauthorizes the dam and accompanying 8569 acres of federally-owned land.

Second, it maintains and slightly modifies authorization for improvement projects which were included in the original designs. These improvements include the upgrading of three roads, and construction of a visitor and education complex including buildings, parking areas, recreational trails and canoe facilities. The legislation also provides for some environmental clean-up and site restoration of abandoned wells and farm sites.

Finally, the legislation transfers these lands and improvements to the State of Wisconsin to be managed under State and local protection.

The Wisconsin State legislature recently passed legislation to take over management of the Kickapoo valley lands in readiness for this kind of Federal action. It provides that the deauthorized land will be managed as a reserve under the auspices of the newly created Kickapoo Valley Governing Board. The board is charged with the following objectives:

(3) OBJECTIVES.—The board shall manage land in the Kickapoo valley reserve to preserve and enhance its unique environmental, scenic and cultural features, to provide facilities for the use and enjoyment of visitors to the reserve and to promote the reserve as a destination for vacationing and recreation.

Strong environmental protections are included in the State legislation including limits on development and an outright ban on any mining activities. In addition the board is required to consult with the State Historical Society and Wisconsin Indian tribes in managing the historical and cultural content of the lands.

In other words, Mr. President, the deauthorized land would be in very good hands, and for the first time since the 1960's, local residents would regain some control of their own destiny.

Mr. President, when building of the LaFarge Dam was first proposed by the Army Corps of Engineers, two other Federal agencies were expressing their interest in the area for quite different reasons. The U.S. Fish and Wildlife Service was considering designating a "Driftless Area National Wildlife Refuge," and the upper Kickapoo watershed—which was untouched by the levelling effects of glaciation—was a likely target. At the same time, the Natural Park Service was interested in the area due to its unique terrain and diverse plant and animal populations.

The Kickapoo Valley is a lovely area filled with water-carved sandstone cliffs, stands of white pine and hemlock, and rugged ridges surrounding narrow valleys. It is home to many rare plants and several State threatened and endangered animals, as well as more than 400 archeological sites.

It is these very attributes which contributed to the demise of dam plans, and which were long regarded to be standing in the way of progress. Now, the local community has embraced protection of these natural treasures as a means to revitalize the region.

Mr. President, when the 140 families were forced to leave their homes in the 1960's, many of them left the region entirely. Many of those who stayed in the area lost income and the land they once owned was removed from the local tax base. Local businesses which once relied on these customers, suffered, and the school system lost property tax funding along with one-third of its students.

Today, the economic results are still felt in this valley where the median income is only slightly above half of the State average. And the heartfelt bitterness toward what is widely considered an irresponsible Federal boondoggle has been tempered only recently with plans for Federal deauthorization.

Mr. President, that is why I am convinced the legislation we offer today is the best course for this region. It allows for responsible local and State control, and fulfills the Federal Government's responsibility to this area.

The Army Corps of Engineers estimates that if the LaFarge dam were to be completed today, the total cost would be $102 million of which $18.6 million has already been expended. The legislation we offer completes only the related promised improvements to the area at a cost of $17 million—a savings of $66.4 million over costs for dam completion.

In closing, Mr. President, I would like to extend my thanks to my colleagues who are joining me in introducing this legislation today. I would also like to recognize the many people from all levels of government and many different walks of life who have committed long hours of hard work to developing a workable proposal.

And finally, I would like to recognize the personal and collective sacrifice demanded of the people of the Kickapoo Valley in the past 30 years, by finally fulfilling old Federal promises and by returning management of their land to State and local control.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KICKAPOO RIVER, WISCONSIN.

(a) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in paragraph (2), including all works, structures, and other improvements on the lands.

(2) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraph (1) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TERMS AND CONDITIONS.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(4) DEADLINES.—Not later than July 1, 1995, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this subsection. The offer shall provide for the transfer to be made in the period beginning on November 1, 1995, and ending on December 31, 1995.

(5) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(6) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in subsection (a) until the date of the transfer under this subsection.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State Highway Route 131 and County Highway Routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the road right-of-way through the Kickapoo Valley in existence on the date of enactment of this Act.

(B) Construction of a visitor and education complex to include buildings, parking areas, recreational trails, and canoe facilities substantially in accordance with plans contained in Design Memorandum No. 3, Preliminary Master Plan for Resource Management, Kickapoo River, Wisconsin, dated May 1967, and Design Memorandum No. 7, Master Recreation Plan for Resource Management, LaFarge Lake Kickapoo River, Wisconsin, dated July 1974.

(C) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(D) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features identified in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) COSTS.—The cost of the project referred to in subsection (a) is modified to authorize the Secretary to carry out the project at a total cost of $17,000,000, with a first Federal cost of $17,000,000.

SEC. 2. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.●

● Mr. KOHL. Mr. President, we in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. But one thing that we can probably all agree on is that one appropriate role of the Federal Government is to rectify its past mistakes. I know that all of my colleagues can list many instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today I join with my colleague from Wisconsin, Senator FEINGOLD, in introducing a bill to address one of those mistakes that happened some 30 years ago in the Kickapoo River Valley of Wisconsin. And I'm proud to say that the "fix" to this problem also saves the taxpayers millions of dollars.

In the mid-1960's, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant blow to the local economy.

With the loss of economic activity, the community eagerly awaited the completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But I am proud to say that the introduction of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the State of Wisconsin, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The LaFarge Dam legislation would modify the original LaFarge Dam authorization, returning the federally condemned property to the State of Wisconsin. Anticipating this action, the State legislature and Governor Thompson acted earlier this year to authorize the use of this 8,500 property as a State recreational and environmental management area.

The highway repairs envisioned by the original act would remain. Because the original act required an area to be flooded, the highway was targeted for relocation. The project has been in limbo all these years, the relocation never took place, nor have any improvements or needed maintenance been done on the highway. Now, over 30 years later, the road has fallen into extreme disrepair, and this bill would authorize the necessary road improvements.

The bill also reauthorizes the construction of a recreational facility to help interpret the surrounding environment for the visitors.

While the original dam and flood control project, in today's dollars, would have cost the Federal Government $102 million, the modified project as authorized by this bill would only cost $17 million.

Mr. President, I look forward to working with my colleagues on the Senate Energy and Natural Resources Committee, and ultimately in the full Senate, to pass this legislation. The identical legislation is also being introduced today on the House side by Congressman STEVE GUNDERSON.•

By Mr. INOUYE:

S. 2187. A bill to amend title V, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically or sexually abusing a child; to the Committee on Governmental Affairs.

CHILD ABUSE ACCOUNTABILITY ACT

• Mr. INOUYE. Mr. President, today I am introducing the Child Abuse Accountability Act of 1994. This legislation would hold child abusers accountable for their actions by allowing their victims access to the Federal pensions of persons convicted of child abuse.

It is estimated that in 1992 almost 3 million children were reported to Child Protection Services [CPS] agencies as alleged victims of child maltreatment—3 million children, in 1 year, in this country. About 25 percent of these reports are incidents of physical abuse and about 15 percent are incidents of sexual abuse.

The nationwide trend in increased CPS reports over the past few years—due partially to increased public awareness and willingness to report, but also to economic stress and substance abuse—is alarming. The current CPS system is overwhelmed by the demands placed on it.

The effects of child physical and sexual abuse are far-reaching. Appropriate treatment is often extensive, sometimes requiring intervention at each developmental stage throughout the lifespan, years after the abuse itself has ceased, to enable the victim to work through the issues surrounding the abuse with cognitive and emotional skills acquired in that stage of development.

In acknowledgement of the devastating effects of abuse of children, courts have often awarded monetary damages to victims of physical and sexual abuse. Unfortunately, convicted abusers often avoid payment by liquidating assets and relocating. And the Federal Government has, to date, protected the pensions of these abusers by refusing to pay court-ordered awards. This legislation would correct that injustice.

I urge my colleagues in the Senate to join me in support of the Child Abuse Accountability Act, and my colleagues in the House in support of H.R. 3694 introduced by Representative PATRICIA SCHROEDER on November 22, 1993.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Accountability Act".

SEC. 2. GARNISHMENT AUTHORITY.

(A) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8345(j) of title 5, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1)(A) Payments under this subchapter that would otherwise be made to an employee, Member, or annuitant based on service of that individual shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of—

"(i) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(ii) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered for physically or sexually abusing a child against such employee, Member, or annuitant.

"(B) Any payment under this paragraph to a person bars recovery by any other person.

"(C) If the Office is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.";

(2) in paragraph (2) by inserting "other legal process," after "order,"; and

(3) by amending paragraph (3) to read as follows:

"(3) For the purpose of this section—

"(A) the term 'court' means any court of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court;

"(B) the term 'judgment rendered for physically or sexually abusing a child' means any legal claim perfected through a final enforceable judgment, which claim is based on whole or in part upon the physical abuse or sexual abuse of a child, whether or not that physical abuse or sexual abuse is accompanied by other actionable wrongdoing, such as sexual exploitation, gross negligence, or emotional abuse; and

"(C) the term 'child' means an individual under 18 years of age.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) Payments under this chapter that would otherwise be made to an employee, Member, or annuitant (including an employee, Member, or annuitant as defined in section 8331) based on service of that individual shall be paid (in whole or in part) by the Office or the Executive Director, as the case may be, to another person if and to the extent expressly provided for in the terms of—

"(A) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(B) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered for physically or sexually abusing a child against such employee, Member, or annuitant.

"(2) Any payment under this subsection to a person bars recovery by any other person.

"(3) If the Office is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.";

(2) in subsection (b) by inserting "other legal process," after "order,"; and

(3) by adding at the end the following new subsection:

"(c) For the purpose of this section—

"(1) the term 'judgment rendered for physically or sexually abusing a child' means a legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical abuse or sexual abuse of a child, whether or not that physical abuse or sexual abuse is accompanied by other actionable wrongdoing, such as sexual exploitation, gross negligence, or emotional abuse; and

"(2) the term 'child' means an individual under 18 years of age.".

SEC. 3. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall apply with respect to any decree, order, or other legal process or any notice of agreement received by the Office of Personnel Management on or after the date of enactment of this Act.●

By Mr. INOUYE (for himself and Mr. SIMON):

S. 2188. A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes; to the Committee on the Judiciary.

RELIEF OF THE POTTAWATOMI NATION IN CANADA

● Mr. INOUYE. Mr. President, I am pleased to introduce today a bill to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims. The resolution that accompanies this bill would refer this claim to the chief judge of the U.S. Court of Federal Claims, and requires the chief judge to report back to the Senate, at the earliest practicable date, providing such findings of fact and conclusions that are sufficient to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, including interest computed at the rate of 5 percent interest per annum, which may be legally or equitably due from the United States to the claimant and which would have been compensable under the Indian Claims Commission Act—section 70 title 25, United States Code.

Mr. President, the origins of this claim begin in the latter part of the 18th century, and are inextricably intertwined with claims of the Pottawatomi Tribes in the United States previously acted upon by the Indian Claims Commission which was established in 1946. The claim brought by the Wisconsin Pottawatomi Tribes originally included the claims of the Pottawatomi Indians residing in Canada. However, because the Canadian Pottawatomis were forced to leave the territorial boundaries of the United States and resettled in what is now Canada, their claims against the United States were held to be barred on jurisdictional grounds. *Hannahville Indian Community, et al.* v. *United States*, 4 Cl. Ct. 445, 456 (1983), aff'd, 732 F.2d 167 (Fed Cir.), cert. denied, 469 U.S. 824 (1984). The members of the Pottawatomi Nation in Canada are descendants of the Pottawatomi Nation who were aboriginal inhabitants of the United States. This was an Indian nation with which the United States dealt with by numerous treaties. Prior to their removal to Canada, they shared a common status with the Wisconsin Pottawatomis. The exclusion of the claims of the Canadian Pottawatomis from consideration by the Claims Court, while required by law because of their current Canadian residence, has worked a grave injustice.

In the 101st Congress, I introduced a similar bill, which would have permitted the Court of Federal Claims to consider the merits of the claim of the Pottawatomi Nation in Canada. At that time, the Pottawatomi Nation in Canada was urged to exhaust their legal remedies by bringing suit in the Court of Federal Claims, under the Tucker Act. In 1992, the Court of Federal Claims ruled that the Pottawatomis were barred under a statute of limitation. Again, the merits of the claim were not heard. *Pottawatomi Nation in Canada* v. *United States*, 27 Fed.Cl. 388 (1992).

Mr. President, members of the Pottawatomi Nation in Canada have diligently sought to enforce their rights under the solemn treaties they entered into with the United States. This bill seeks to uphold those obligations of the United States by waiving technical legal defenses and permitting the Chief Judge of the U.S. Court of Federal Claims to consider the merits of the claim. For the record, I will briefly describe more of the details of this claim.

Mr. President, from 1795 to 1833, the United States entered into 12 treaties with the Pottawatomi Indians who resided on lands located in what are now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. The treaty making culminated with the September 25, 1833 Treaty of Chicago when the Pottawatomi Nation ceded lands on the western shore of Lake Michigan in return for reservation lands west of the Mississippi River and annual payments in perpetuity.

The Wisconsin Pottawatomi were not signatories to the Treaty of Chicago and refused to move west. About 2,000 to 3,000 fled to Canada, with 500 remaining in Wisconsin and Michigan. The Indians who did move west received 5 million acres of land near what is now Council Bluffs, IA, along with other monetary and nonmonetary considerations. The Wisconsin Pottawatomis declared that the bands who negotiated the treaties had no right to cede homes and lands in Wisconsin. As is true with many other American Indian tribes, the forced removal westward was devastating.

According to one document prepared by a tribal attorney:

> Over one-half of the Indians who were removed West pursuant to per capita Government contracts died en route. Those who reached Iowa were almost immediately removed to inhospitable parts of Kansas. About one-half the Indians removed West and nearly all the remainder fled to Canada. Official files of the Canadian and United States Governments disclose that the Indians who fled to Canada were in a substantial number of cases pursued by troops and departed without their horses or any of their possessiuns other than the clothes on their backs. (Page 3, of memo of 10/7/49 prepared by tribal attorney in response to questions raised in hearings conducted by the House Committee on Public Lands on 6/7/49 and 7/6/49 on H.R. 4726, a bill that would have sent the claim to the newly established Indian Claims Commission.)

The Congress learned in 1864 that the Pottawatomi Indians who had not removed to the west had not received their share of tribal funds. The Secretary of the Interior concluded that the failure to remove to the west had worked a forfeiture of claims to annuities or other payments and had disbursed no funds to these Indians. By the act of June 25, 1864 (13 Stat. 172) the Congress declared that no forfeiture had occurred and directed that the share of the Pottawatomi Indians who had refused to relocate to the west "should be held in the Treasury and retained to their credit until such time as they might remove to the then home of the tribe in Kansas." (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949).

In 1903, the Wisconsin Pottawatomi tribes petitioned the Senate for failure to receive payments as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the act of June 21, 1906 (34 Stat. 380) the Congress directed the Secretary of the Interior to investigate claims made by the Pottawatomi Indians of Wisconsin and report on:

> * * * what number of said Indians continued to reside in the State of Wisconsin after the Treaty of 1833, their proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong, in which the claimant Indians have not shared, the amount of such moneys retained in the Treasury of the United States to the credit of the claimant Indians as directed the provision of the Act of June 25, 1864 * * *.

Dr. Wooster of the then Office of Indian Affairs, Department of the Interior was appointed to head up this effort and he spent two years on investigation. The results of his investigation were set forth in the letter report to the Congress from Secretary of the Interior James R. Garfield, dated April 1, 1908. (H.R. Doc. No. 830, 60th Cong., 1st Sess. (1908).) During the course of his investigation, Dr. Wooster made an enrollment of 2,007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1,550 in Canada. He concluded that the proportionate share of annuities due the Pottawatomi of Wisconsin and unpaid, for the period 1838 through 1907 was $447,339. Dr. Wooster also concluded that the proportionate share of annuities due the Pottawatomi Nation in Canada, for the same period, was $1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to pay the claims of those Wisconsin Pottawatomis residing in the United States. Those Pottawatomis who resided in Canada were never paid their share of the tribal funds although, as stated above, the legislative history of the 1906 Act demonstrates that the Congress believed the tribe's failure to move West did not constitute a forfeiture of its entitlement.

In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomi Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked by more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act granted the Commission jurisdiction over so-called ancient claims, or those arising before the jurisdictional cut-off date of 1951. The act created five broad classes of claims, including claims based upon fair and honorable dealings.

In 1948, the Pottawatomis brought suit before the Indian Claims Commission for recovery of damages. *Hannahville Indian Community* v. *U.S.*, No. 28 (Ind.Cl.Comm. filed May 4, 1948). The Canadian band was included in the original pleading but the Indian Claims Commission dismissed their part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside the territorial limits of the United States. *Hannahville Indian Community* v. *U.S.*, 115 Ct.Cl. 823 (1950). The claim of the Wisconsin Pottawatomis residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Pottawatomis by the U.S. Claims Court in 1983. *Hannahville Indian Community, et al.* v. *United States*, 4 Cl. Ct. 445 (1983). The Court of Claims concluded that the Wisconsin Pottawatomis' proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago, was $447,339; but also finding that most of this amount was offset by payments actually appropriated and received. The court also concluded that the Wisconsin Pottawatomis were entitled to a proportionate share of funds in the amount of $187,758 agreed upon by the Pottawatomi Tribe of Kansas and Wisconsin as a capitalization on the basis of 5 percentum of perpetual annuities provided in the various treaties. The court also found that the Wisconsin Pottawatomis were entitled to a proportionate share of certain other funds of minor magnitude arising out of the various treaties.

There are about 10,000 Pottawatomi descendants now living in communities surrounding Lakes Huron, Erie, and Ontario in Canada. The Pottawatomi Nation in Canada is represented politically by an executive council. The executive council receives its direction and mandate from the members of the Pottawatomi Nation who meet at general councils every other month. The priorities of the Pottawatomi Nation lie in areas of language, culture and tribal organizational matters. Both the Forest County Pottawatomi community and the Hannahville Indian Pottawatomi community support the efforts the Canadian Pottawatomi to have their claims against the United States settled.●

By Mr. HATFIELD:

S. 2189. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes; to the Committee on Energy and Natural Resources.

ECOSYSTEM MANAGEMENT ACT OF 1994

Mr. HATFIELD. Mr. President, ecosystem management and watershed protection are the buzz words for a new generation of land management philosophies and techniques. A number of Federal land management agencies are now working to implement ecosystem management on a landscape level, including the Bureau of Land Management, the Forest Service and the Bureau of Reclamation. For example, in 1992 the BLM released its resource management plans for western Oregon which developed the first comprehensive strategy for management of forest ecosystems and watersheds in the Nation. Since that time, the Forest Service and Interior Department joined in the act with the development of the Forest Ecosystem Management Assessment Team report, better known as Option 9, for the forest ecosystems of the Pacific Northwest. In addition, Interior is continually working on ecosystem management plans for other areas of the Nation, such as the Florida Everglades and the area inhabited by the southern California gnatcatcher.

While this work is admirable and perhaps necessary in the evolution of land management policy, a great deal of apprehension and concern still surrounds this method of managing our water, air, land, and fish and wildlife resources on a large scale. As keepers of the taxpayers' purse strings, Congress is required to provide the funding to allow the agencies to engage in this type of management.

Unfortunately, we as legislators and appropriators understand little about this new and innovative land management technique. Each Federal Government agency, State agency, interest group, and Congressperson has his or her own idea of what ecosystem management means for the people and ecology of their particular State or region. As appropriators, we are required to fund these actions with little more than faith that the agencies' recommendations are based on sound science and a firm understanding of the needs of ecosystems and the people who live there.

Numerous additional questions surround not only the integrity but the functionality of the ecosystem management boat we have already launched. For example, what is ecosystem management, how should it be implemented and who should be implementing it? How does the ecosystem-oriented work of the Federal agencies, States, municipalities, counties, and interest groups mesh? And is the existing structure of our Government agencies adequate to meet the requirements of managing land across which State and county lines have been drawn? Finally, with a decreasing resource production receipt base, how shall we pay for ecosystem management? Direct Federal appropriations? Consolidation of Federal, State, local, and private funds? And if we determine how to pay for ecosystem management, who coordinates collection of these funds and how are they distributed?

I do not disagree with the theory that holistic, coordinated management of our natural resources is necessary. On the contrary, I and many of my Senate colleagues are prepared to move in that direction. It makes eminent sense to manage resources by the natural evolution of river basins and watersheds rather than according to the artificial boundaries established by counties, States and nations. Nevertheless, as our Nation's funding resources become more scarce and our Government agencies, States, localities, and private interests seek to coordinate their ecosystem restoration efforts, Congress and the executive branch need to avail themselves to the best information in order to make educated, informed decisions about how ecosystem management will affect our Nation's people, environment, and Federal budget.

To help answer these questions, I am introducing legislation today to create an ecosystem management study commission. This bipartisan commission will be composed of the chairmen and ranking minority members of following Senate committees: Energy and Natural Resources; Appropriations; Interior and Related Agencies Subcommittee of Appropriations; and the Public Lands, National Parks and Forests Subcommittee of Energy and Natural Resources. In addition, chairman and ranking members from the following House committees will also serve: Natural Resources; Appropriations; Interior Subcommittee of Appropriations; and the National Parks, Forests and Public Lands Subcommittee of Natural Resources.

The commission will submit a report to Congress 1 year after enactment which: defines ecosystem management; identifies constraints and opportunities for coordinated ecosystem planning; examines existing laws and Federal agency budgets to determine whether any changes are necessary to facilitate ecosystem management; identifies incentives, such as trust funds, to encourage parties to engage in the development of ecosystem management strategies; and identifies, through case studies representing different regions of the United States, opportunities for and constraints on ecosystem management.

To assist the ecosystem study commission with its report, a 13-member advisory committee will be appointed by the Secretary of the Interior, and would include two tribal nominees, three nominees from the Western Governors Association, two members of conservation groups, two members from industry, two members from professional societies familiar with ecosystem management, and two members of the legal community.

I expect this commission and its advisory committee to build the base of knowledge and data surrounding ecosystem management that we in Congress so desperately need in order to make intelligent, informed decisions on legislations and funding issues relating to ecosystem management. At the very least, this exercise will bring people and groups together who often find themselves in adversarial positions on natural resource management issues, much as the Northwest salmon summit did back in 1990 with environmental, State and industry interests.

It is time to look beyond the polarized positions of economic growth and environmental protection which have crippled our system of land management planning and implementation in recent years. Instead we must work toward the creation of cooperative, regionally based, incentive-driven planning for the management of our water, air, land, and fish and wildlife resources in perpetuity.

The quest for ecosystem management becomes even more urgent as we realize that the world's population will double from 5.5 to 11 billion people over the next 40 years, and the resources to support those people will come under increasing demand, especially as they become more scarce. We have learned since childhood that food, water, shelter, and clothing are basic to human survival on this planet. Equally important is a clean environment, healthy ecosystem, and an understanding of their interdependence and integrated nature. This knowledge is crucial for the depolarization of our current land management framework and to the reempowerment of our citizens with the task of preserving the health and welfare of the river basins and watersheds in which the future generations of their families will live and work.

I urge my colleagues to join me in establishing the ecosystem management study commission contained in the legislation, and in paving the way for a greater understanding of ecosystems, their dependent parts and the tools necessary to implement true, on-the-ground ecosystem management for the good of both our human and our natural resources.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTLINE AND SECTION-BY-SECTION ANALYSIS

AMENDS TITLE II OF THE FEDERAL LANDS AND POLICY MANAGEMENT ACT OF 1976

I. Principles

Set Ecosystem Management principles, including: A recognition of human needs; The need for partnerships and cooperation between public and private interests; The importance of resource stewardship; The importance of public participation; The need for the use of the best available science.

II. Commission

Establish an Ecosystem Management Commission to:

A. Advise the Secretary and Congress concerning policies relating to ecosystem management on public lands;

B. Examine opportunities for and constraints on achieving cooperative and coordinated ecosystem management strategies between the Federal Government, Indian tribes, states, and private landowners.

III. Membership

Membership of the Commission includes the Chairman and Ranking Members from the following Congressional committees:

Senate: Energy and Natural Resources Committee; Public Lands, National Parks and Forests Subcommittee of the Senate Energy Committee; Appropriations Committee; Interior and Related Agencies Subcommittee of the Appropriations Committee.

House: Natural Resources Committee; Subcommittee on National Parks, Forests and Public Lands of the Natural Resources Committee; Appropriations Committee; Interior Subcommittee of the Appropriations Committee.

IV. Report

The Commission shall submit a report to Congress with recommendations one year after enactment which:

1. Defines "ecosystem management;"
2. Identifies constraints on and opportunities for coordinated ecosystem planning;
3. Examines existing laws and federal agency budgets affecting public lands management to determine whether any changes are necessary to facilitate ecosystem management;
4. Identifies incentives, such as trust funds, to encourage parties to engage in the development of ecosystem management strategies;
5. Identifies, through case studies that represent different regions of the U.S., opportunities for and constraints on ecosystem management.

V. Advisory Committee

An Advisory Committee shall be appointed to assist the Commission not later than 90 days after enactment. Members of the Advisory Committee shall include 13 members appointed by the Secretary of the Interior:

Two tribal nominees;

Three nominees from the Western Governors Association;

Two members of conservation groups;

Two members from industry with public lands concerns;

Two members from professional societies familiar with the concept of ecosystem management;

Two members of the legal community.

VI. Appropriations

Authorized appropriations are $10 million.

By Mr. LAUTENBERG (for himself and Mr. WOFFORD):

S. 2190. A bill to direct the Office of Personnel Management to establish an interagency placement program for Federal employees affected by reduction in force actions, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL SERVICE PRIORITY PLACEMENT PROGRAM ACT

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Federal Service Priority Placement Program Act of 1994. I am pleased to be joined in this effort by my colleague from Pennsylvania, Senator WOFFORD.

In simple terms, Mr. President, this legislation requires the Office of Personnel Management [OPM] to establish a demonstration program that will create a mandatory interagency placement program for Federal employees affected by reduction in force actions.

Let me explain why this program is needed.

As Federal employment decreases, an increasing number of talented and skilled and dedicated employees lose their jobs. In an effort to be responsive to their human needs, and to continue to use their talents in public service, different departments, and agencies in the Federal Government have developed their own placement programs to help former employees. The Department of Defense's Priority Placement Program [PPP] is, by far, the most successful placement program in the Government. Since PPP's inception in 1965, over 100,000 Defense employees have been successfully placed elsewhere in the Department.

But there are problems with the existing system. First, as jobs decline, so does the success of placement programs. In a 1992 report, the General Accounting Office [GAO] noted that the PPP in the Department of Defense was not able to meet demand for placements because fewer job opportunities were available. This remains the case—there are presently more than 17,000 registrants in the program. The placement rate for the PPP has declined, falling from a high of 48 percent in 1989 to 23 percent in 1991. This problem will continue to grow both in the Defense Department and other Federal agencies: After all, over the next 5 years of the total Federal civilian work force will be reduced by 272,000 employees. We cannot eliminate the jobs with one hand and rehire the workers on the other.

Second, intraagency placement programs fail to maximize opportunities for workers. It is fine for the Defense Department to offer its former workers priority consideration for new DOD jobs—but it would be even better if those workers had priority placement rights or at least extra consideration for jobs they are qualified for throughout the Federal Government.

There are some steps being taken in that direction now. The Office of Personnel Management currently operates two Governmentwide placement programs that supplement the individual efforts of Federal agencies. But the program is severely restricted According to a 1992 GAO report, OPM's programs had only 4,433 registrants and made only 110 placements in fiscal year 1991. Although OPM has made some improvements to its programs since 1992, there clearly remains a need for a coordinated, mandatory governmentwide placement program.

That is precisely what this bill will create. It will require all Federal agencies to offer any opening to a well-qualified, dislocated Federal worker located within the commuting area of such opening prior to making an offer to a non-Federal Government employee.

The Federal Service Priority Placement Program will not supersede intraagency placement programs. Only when an agency is unable to fill a position internally through its own placement program will the Federal Service PPP go into effect. Furthermore, to ensure the Federal employee who is offered a position with another agency will not be misplaced, this bill requires that the worker be well qualified for that position.

We want to reinvent government. We have to reduce Federal employment. But we do not need to sacrifice the skills and talents and dedication of employees arbitrarily. By facilitating a Federal employee's effort to maintain a position with the Federal Government through the creation of a mandatory interagency placement program, I believe that this legislation will minimize the disruption created by reinvention and maximize the ability of existing Federal workers to continue to make a contribution to this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Service Priority Placement Program Act of 1994".

SEC. 2. INTERAGENCY PLACEMENT PROGRAM FOR FEDERAL EMPLOYEES AFFECTED BY REDUCTION IN FORCE ACTIONS.

(a) Definition.—For purposes of this section the term "agency" means an "Executive agency" as defined under section 105 of title 5, United States Code, and—

(1) includes the United States Postal Service and the Postal Rate Commission; and

(2) does not include the General Accounting Office.

(b) Establishment of Program.—No later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall establish a Government-wide demonstration program to facilitate employment placement for Federal employees who—

(1) are scheduled to be separated from service under a reduction in force pursuant to—

(A) regulations prescribed under section 3502 of title 5, United States Code; or

(B) procedures established under section 3595 of title 5, United States Code; or

(2) are separated from service under such a reduction in force.

(c) Interagency Placement Program.—The placement program established under subsection (b) shall—

(1) coordinate with programs established by agencies for the placement of agency employees affected by a reduction in force action within such agency; and

(2) provide a system to require the offer of a position in an agency to an employee of another agency affected by a reduction in force action, if—

(A) the position cannot be filled through the placement program of the agency in which the position is located;

(B) the employee to whom the offer is made is well qualified for the offered position;

(C)(i) the classification of the offered position is equal to the classification of the employee's present or last held position; or

(ii) the basic rate of pay of the offered position is equal to the basic rate of pay of the employee's present or last held position; and

(D) the geographic location of the offered position is within the commuting area of—

(i) the residence of the employee; or

(ii) the location of the employee's present or last held position.

(d) Agency Programs Unaffected.—The interagency placement program established under this section shall not affect the priority of placement of any employee under the agency placement program of such employee's employing agency.

(e) Termination of Demonstration Program.—The demonstration program established under subsection (b) shall terminate 5 years after the date on which the Director of the Office of Personnel Management determines such program is first operable.•

By Mr. COCHRAN (for himself and Mr. Lott):

S.J. Res. 199. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RESTORING THE RIGHT TO THE FREE EXERCISE OF RELIGION

• Mr. COCHRAN. Mr. President, today I am introducing a joint resolution that proposes an amendment to the Constitution to guarantee that the right of all citizens of the United States to the free exercise of their religion shall not be denied or abridged by the United States or any State.

Mr. President, the fact that the guarantee of the free exercise of religion is the first of the fundamental rights protected in our Bill of Rights indicates the importance the Framers assigned to it.

In recent years there appears to have developed an official or politically correct negative view of individuals who express openly their religious views. Many Americans are convinced that the intentions of our Constitution's Framers on religious freedom are not only misunderstood and misinterpreted, but are, in fact, under attack by the very government established to guarantee it. Many Americans also fear that if these trends continue the Constitution's guarantee of religious freedom will be undermined completely.

Mr. President, following the Supreme Court's school prayer decision and other court cases, such as the 1990 decision in Employment Division, Oregon Department of Human Services versus Smith have put the state of the law on religious freedom under a cloud. In Smith, the Court abandoned its strict scrutiny standard, which had required that government must show that a compelling public interest was at stake in its actions affecting free exercise, and replaced it with a test by which any government action burdening free exercise would be constitutional, so long as it is religiously neutral and uniformly applied.

The Smith decision was considered by many as a major erosion in the Constitution's protection for free exercise and by some as the subordination of free exercise to a much broader range of potential Federal, State and local government actions than the Framers could ever have imagined.

The case has become a catalyst that has brought many different religious groups and individuals together to push for restoration of the strict scrutiny test. The passage last November of the Religious Freedom Restoration Act was believed by many to have solved the problem by restoring the strict scrutiny standard abandoned in Smith.

In my view, Mr. President, the Religious Freedom Restoration Act is, at best, only a partial solution to the much broader problem manifested in the antireligion sentiments and actions that are becoming more and more common in our society and institutions.

Prof. Douglas Laycock of the University of Texas Law School, has described the act as:

> An attempt to create a statutory right to the free exercise of religion, pursuant to Congress' power under Section 5 of the Fourteenth Amendment to enforce the Fourteenth Amendment and therefore presumably to enforce all the rights incorporated in the Fourteenth Amendment.

It is Professor Laycock's assessment that in combination with Smith the Religious Freedom Restoration Act means that "most religious litigation henceforth will be under the statute rather than under the Constitution, or maybe under State constitutions rather than under Federal law, but the principal Federal claim will be statutory." He further raises the possibility that if an unpopular religion should prevail in court, it is conceivable that Congress could amend the act to cut that religion out from its protection.

Mr. President, I don't believe that this is protection of the free exercise that our Framers had in mind. In fact, the Framers would probably have great difficulty in understanding how we have arrived at the current state of the law with regard to the free exercise of religion. They would likely find it ironic that questions arising as to Government actions that burden free exercise—the fundamental right to which they gave such special standing in the Bill of Rights—should now turn on what Congress may have intended in making a law.

Mr. President, it is time we restored to its proper place in our Constitution the guarantee of every individual's right to the free exercise of their religious beliefs. That is why today I am introducing a joint resolution proposing an amendment to our Constitution which will, when adopted, restore that guarantee.

The proposed amendment reads as follows:

> The right of citizens of the United States to the free exercise of religion shall not be denied or abridged by the United States or by any State.

Mr. President, if given the opportunity, I believe the American people will, through their State legislatures, support a constitutional amendment to restore the fundamental right of every individual to exercise their religious beliefs, free from Government intervention, and I invite my colleagues to join as cosponsors of this joint resolution.

I ask unanimous consent that copies of two recent articles on this subject in the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHURCH AND STATE

In this holy season of Easter and Passover, it's an appropriate time to consider the status of religion's role in the public sphere.

Some of the most difficult problems facing U.S. society today—crime, welfare, illegitimacy, broken families—are ones that in the past were mitigated by religious influence, not the state. These are preponderantly moral concerns, and a consensus seems to be emerging that their solutions will depend on reviving the moral sense.

It won't be easy. After the Supreme Court made school prayer illegal, anything remotely religious disappeared from public life, often because of litigation by the ACLU but as often driven off by an overbearing secularism that, for instance, began stripping out religious references from textbooks.

In time, the media essentially ignored religion, though allegations of pederasty against Catholic priests would cheerfully be kicked through the news media for weeks. (It must be acknowledged that our major religious institutions contentedly handed over many of their traditional social functions to the government, then became lobbies for state tax collections.)

There are signs now that this may be changing, albeit slowly. Religion seems to be working its way more often into the public discourse. We have a President who unabashedly talks about his beliefs. One of the most influential books of last year was Yale Law Professor Stephen Carter's "The Culture of Disbelief," which argues that American culture, law and politics discriminate against religion. James Q. Wilson's "The Moral Sense" was widely discussed, and William Bennett's "The Book of Virtues," well received in both conservative and some liberal publications, rose to the top of the best-sellers' lists. Jesus is on Newsweek's cover.

Congress overwhelmingly passed the Religious Freedom Restoration Act last fall, after vigorous lobbying efforts from virtually every part of the religious spectrum. The act protects religion from restrictive laws, unless government can show a compelling interest and imposes the restriction in the least burdensome way. A few weeks ago a provision in a House bill that could have forced home-schoolers to obtain the same teaching credentials required of public school teachers died a swift death when congressional switchboards were flooded with calls of protest from home-schooling constituents, many of them evangelical Christians fed up with the educational and moral standards of the public schools.

One of the most significant political developments of the past year or two is the emerging alliance between Roman Catholics and evangelical Protestants (joined sometimes by Orthodox Jews). Last week a group of prominent clergy from both groups issued a statement pledging to cooperate on political issues of common concern such as abortion, school choice and strengthening the traditional family. The statement cites "a growing convergence" on such issues.

There are 58 million Catholics in the U.S. and 24 million evangelicals—a large segment of the electorate. "This is the wave of the future," says Ralph Reed, executive director of Pat Robertson's Christian Coalition. "It is as significant a coalition to the future of American politics as the unification of blacks and Jews during the civil rights struggle."

Last year the Supreme Court ruled in favor of a religious organization that wanted to rent a local public school auditorium for an after-hours function. States, especially in the South, are trying to legislate prayer back into the schools in the wake of a favorable federal Court of Appeals ruling in 1992.

The Supreme Court's most important religious case this term concerns the constitutionality of a public school in New York State established to educate the disabled children of Kiryas Joel, a village of Hasidic Jews. In arguing his case before the Court last Wednesday, Nathan Lewin, the attorney for Kiryas Joel, said, "It turns the Constitution on its head to say that the free exercise of religion becomes the one impermissible vice."

All this will agitate those most ardent for church-state separation. But there are some realities they ought to try to come to grips with. The United States remains one of the most religious nations on earth and by far the most religious country in the Western world; nine out of 10 Americans profess a belief in God.

Yet we are also a nation that in the wake of the school prayer decision, spent the three decades actively expunging every vestige of the religious impulse from public life and discourse. It is hardly a coincidence that this same period saw the rise of many social pathologies. A reaction from this country's religious tradition was inevitable. It has arrived.

FREE TO PRAY

Last week a Mississippi judge struck a blow for prayer in the schools when he reinstated school principal Bishop Knox, who had been suspended for allowing a student to read a prayer over the school's public-address system. Below, excerpts from the opinion by Judge Chet Dillard of the Hinds County Chancery Court in Jackson, Miss.:

This case involves our most treasured freedoms—concerning our schoolchildren, our Constitution, and our religion. Therefore, a short reference to constitutional history is appropriate.

"The sacred rights of mankind are not to be rummaged for among parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself, and can never be erased or obscured by mortal power." In the beginning Alexander Hamilton so expressed his views on the value of constitutional rights.

We have completely missed the main objective of the Founding Fathers of our country when we reach the point where we construe our Constitution to allow students to have abortions yet forbid them to pray in our schools. . . .

The Constitution was designed to preserve a wholesome, regulated, orderly, moral way of life. It was not to destroy the very way of life our forefathers loved, enjoyed, and wanted to guarantee for future generations when it was adopted. Since the ratification of the Bill of Rights in 1791 by the states until recent times, abortion was a criminal act. Most all states had a death penalty for murder, and prayer was the beginning and end of nearly every honorable endeavor. In just a relatively few years, beginning in the '60s, it has become a constitutional right to have an abortion, avoid the death penalty for at least 10 years, but unconstitutional to pray in school except under very limited circumstances. . . .

There is a valid argument being made that the attempt to prevent the freedom to offer prayer in school has led to the loss of moral values in public education. This seems to be true as reflected by the violence, lack of respect for authority, and criminal acts such as carrying concealed weapons, assaults, drug traffic and even murder. All citizens of this country should be concerned enough to help prevent what happened to religion in the Soviet Union. This was brought about by the courts' interpretation of their constitution. That is the reason we must give as much weight to the Free Exercise Clause as we do the Establishment Clause. They must balance.●

ADDITIONAL COSPONSORS

S. 295

At the request of Mr. MACK, his name was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky [Mr. MCCONNELL] was withdrawn as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 586

At the request of Mr. GRASSLEY, the name of the Senator form Arizona [Mr. DECONCINI] was added as a cosponsor of S. 586, a bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1266

At the request of Mr. MACK, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes.

S. 1350

At the request of Mr. INOUYE, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricane, earthquakes, and volcanic eruptions, and for other purposes.

S. 1539

At the request of Mr. INOUYE, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Connecticut [Mr. DODD], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1830

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1830, a bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

S. 1842

At the request of Mr. MACK, his name was added as a cosponsor of S. 1842, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1964

At the request of Mr. METZENBAUM, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1964, a bill entitled the Reemployment and Retraining Act.

S. 2030

At the request of Mr. MACK, his name was added as a cosponsor of S. 2030, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

At the request of Mr. ROTH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 2030.

S. 2080

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 2080, a bill to designate a site for the relocation of the public facility of the National Museum of Health and Medicine, and for other purposes.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2148

At the request of Mr. FEINGOLD, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 2148, a bill to delay procurement of the CVN-76 aircraft carrier.

S. 2162

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2162, a bill to provide protection from sexual predators.

S.J. RES. 165

At the request of Mr. COCHRAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S.J. Res. 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

S.J. RES. 178

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Missouri [Mr. BOND], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S.J. Res. 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

S.J. RES. 189

At the request of Mr. ROTH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S.J. Res. 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

S.J. RES. 192

At the request of Mr. KOHL, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], and the Senator from

Tennessee [Mr. MATHEWS] were added as cosponsors of S.J. Res. 192, a joint resolution to designate October 1994 as "Crime Prevention Month."

S. RES. 70

At the request of Mr. D'AMATO, his name was withdrawn as a cosponsor of S. Res. 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

S. RES. 148

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. Res. 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE RESOLUTION 221—RELATING TO UNITED STATES VERSUS KNOX

Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. HEFLIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 221

Whereas the United States Congress has passed legislation to protect children against the evils of child pornography, including the Child Protection Act of 1984, and provided for the enforcement of those laws;

Whereas on November 4, 1993, the United States Senate, by a vote of 100-to-0, denounced as improper the United States Justice Department's new, narrow interpretation of the Federal child pornography statutes as delineated by the Solicitor General in the case of United States v. Knox and implored the Justice Department to properly enforce the law and protect our Nation's children; and

Whereas, on June 9, 1994, the United States court of appeals for the Third Circuit in the case of United States v. Knox rejected the Justice Department's narrow interpretation of the Federal child pornography statutes and reinstate the conviction of Stephen Knox: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Justice Department should accept the persuasive opinion of the United States Court of Appeals for the Third Circuit in the case of United States v. Knox and that the Justice Department should vigorously oppose any effort by the defendant in that case, or any other party, to overturn the decision in that case.

Mr. ROTH. Mr. President, I rise today to commend the Third Circuit Court of Appeals for reaffirming its earlier decision to protect children and for rejecting the administration's attempt to weaken Federal child pornography laws. Last November, the Senate by a vote of 100 to 0, passed the Roth-Grassley amendment to the crime bill. In that amendment, we denounced the Justice Department's proposed new, narrow interpretation of the Federal child pornography statutes in the case of United States versus Knox. We implored the Justice Department to enforce the law and to protect our children. The Justice Department did not listen to us. Fortunately, the third circuit has stepped up where the Justice Department fell short. Having now heard from both the Court of Appeals and the Senate as to the proper interpretation of the Federal child pornography laws, I sincerely hope the administration gets the message and recognizes that we need to protect children, not pedophiles and pornographers.

To underscore the importance of the third circuit's decision in this case, I am submitting today a sense-of-the-Senate resolution urging the Department of Justice to accept the third circuit's persuasive opinion in the Knox case and to vigorously oppose all efforts by this convicted child pornographer to overturn this decision. I would urge my colleagues to support this resolution to ensure the administration gets the message.

But I want to bring to the Senate's attention another deplorable situation in which the U.S. State Department appears to have ignored that message—in the process possibly placing at least one and perhaps more American young people at risk. Shortly before Christmas last year, the United States embassy in Guatemala placed a 14 year-old American boy in an orphanage in Guatemala run by an American named John Wetterer. The embassy took this action despite knowing that Mr. Wetterer has been indicted by a Federal grand jury in the United States for sexually abusing young boys at his orphanage. U.S. Embassy officials took this action despite the fact that the U.S. Justice Department has been attempting to extradite Mr. Wetterer for the past 3 years to face the criminal child molestation-related charges pending against him in New York.

Mr. Wetterer has been indicted in New York for mail fraud and interstate transportation of stolen property for allegedly raising money for this orphanage under false pretenses. The indictment alleges, among other things, that Mr. Wetterer used his orphanage to "induce, entice and persuade the boys to submit to his sexual activities." A Federal investigator, in a sworn affidavit, asserted that Wetterer "regularly molests young boys who reside at [his orphanage] and on whose behalf he solicits charitable contributions in the United States."

In a letter he sent out to his supporters last Christmas, Mr. Wetterer referred to the American boy sent to his orphanage as one of "two gifts" he received from the United States Embassy in Guatemala. The second was a visit from U.S. Marines bearing gifts for children in his orphanage.

In that same letter, Wetterer asserted that the U.S. Embassy had previously placed at least three other U.S. residents at his orphanage in the past.

As unbelievable as this sequence of events may sound, it gets worse. On February 28, 1994, an American foreign service officer in Guatemala wrote Wetterer a "thank you" note on embassy stationery. This is the same embassy that had been involved in the efforts to either expel or extradite Wetterer. According to a report published in Newsday, when Justice Department officials asked the State Department to have the letter withdrawn, the U.S. Ambassador refused. Now Justice Department officials are concerned that these actions risk undermining the efforts being made by the Justice Department to apprehend and convict Wetterer.

What is going on here? On March 9, 1994, I wrote to Secretary of State Christopher requesting an explanation of this situation, but I have yet to receive a written reply. My staff has been informed that the State Department has neither referred this matter to its inspector general for investigation nor initiated any formal investigation to find out how this deplorable situation occurred and to take appropriate disciplinary action. Whether through ignorance or arrogance, the State Department's actions in this case are reprehensible. I have written a letter to the State Department's inspector general, requesting he immediately initiate a complete investigation of this matter.

What we have here is a situation wherein one hand of the U.S. Government has indicted Mr. Wetterer for sexually abusing children and is seeking his extradition, while the other hand is placing American children under the care of this man and writing him thank you notes. Just as in the Knox case, the administration is divided against itself. Just as the third circuit has done in the Knox case, we must ensure that justice is done. The administration must get the message that our children must be protected.

I ask unanimous consent that my letter to the Secretary of State and an article appearing in Newsday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, March 9, 1994.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: I wish to bring to our attention a matter of great concern to me.

As you may know, a United States citizen by the name of John H. Wetterer has operated an orphanage (known as "Mi Casa") for boys in Guatemala since the late 1970s. On several occasions, according to press accounts, Guatemalan and U.S. authorities have alleged that Mr. Wetterer sexually abused boys at his orphanage. In 1991, Mr.

Wetterer was indicted by a federal grand jury in the Eastern District of New York for fraudulently collecting hundreds of thousands of dollars to support his alleged sexual abuse of children. The indictment alleges, among other things, that Mr. Wetterer used Mi Casa to "induce, entice and persuade the boys to submit to his sexual activities." (A copy of the indictment is attached for your review.) The indictment is still pending.

I was recently made aware of a letter signed by Mr. Wetterer. In the letter, which I have attached for your review, Mr. Wetterer states that the U.S. Embassy recently brought two boys to his orphanage which he refers to as, "gifts from the U.S. Embassy." The letter maintains that one of the boys is a U.S. citizen. If children were, in fact, delivered to Mi Casa with the assistance of any U.S. Embassy personnel, I find such action outrageous. While one hand of the federal government has indicted Mr. Wetterer for sexually abusing children, another hand may be placing children in Mr. Wetterer's care.

Please advise me whether anyone associated with the U.S. Embassy in Guatemala has, in fact, placed children in the care of Mr. Wetterer. If so, how many such children have been so placed, when and under what circumstances?

I trust that this matter will be given your immediate attention, and I look forward to hearing from you as soon as possible.

Sincerely,

WILLIAM V. ROTH, JR.,

Ranking Minority Member, Permanent Subcommittee on Investigations.

[From Newsday, June 8, 1994]

NEW TWIST IN WETTERER CASE

(By Robert E. Kessler)

In what has become a major embarrassment for two federal departments, the U.S. embassy in Guatemala housed a homeless American boy at the orphanage run by a former Massapequa man alleged to have sexually abused boys at an orphanage he runs and raises money for in Guatemala.

Justice Department officials, who are prosecuting a fraud case against orphanage director John Wetterer, were astonished by the State Department's action this winter and concerned it may undermine their case, sources said. The officials were scheduled to meet in Washington late yesterday to discuss what to do next.

"At the very least, it looks as if one part of the United States government doesn't care what another part is doing; at the very worst, that one part of the United States government doesn't mind some accusations of a little child molestation," said one official involved in the situation.

State Department officials in Guatemala declined to comment. But sources said that Wetterer was the only person the embassy could find in what they described as an emergency to care for the 14-year-old, an American citizen, who was found living on the streets of a Guatemalan slum.

The boy stayed at Wetterer's Guatemala City orphanage, Mi Casa, for two months from December to the end of February before he was transferred to a foster home in Los Angeles, according to several sources. Federal agents in Los Angeles yesterday were seeking to locate and question the boy about how Wetterer treated him, according to the sources.

Wetterer was indicated in 1990 on mail fraud charges for allegedly falsely claiming in the United States that he raised money to help the more than 500 children at his orphanage. Based on interviews with former orphanage residents, Postal Inspector John McDermott wrote in a deposition supporting the indictment that Wetterer "regularly molests young boys who reside at Mi Casa, and on whose behalf he solicits charitable contributions in the United States."

Wetterer has denied all accusations, saying residents made up the stories because they wanted political asylum in the United States. Guatemalan courts have refused to extradite him, and Guatemalan authorities say their own investigation cleared him of molestation charges.

In a telephone interview Monday, Wetterer said that he did not feel any need to vindicate himself because he had done nothing wrong. But Wetterer said the situation was "rather ironic."

It showed that "American embassy people down here in country know more than Long Island post office" workers, he said. The investigators in the case are federal postal inspectors based on Long Island.

A high-ranking Justice Department official in Washington, who did not wish to be identified or quoted directly, said that the state department's actions have created a major problem in any future legal actions against Wetterer since it now appears that one branch of the government is, in effect, undermining the Justice Department's position.

In court papers filed in federal court on Long Island, Wetterer and his supporters are using the situation both to refute the charges brought against him and also to help recover $70,000 that had been seized from the orphanage's bank accounts in the United States. A federal magistrate in Brooklyn ruled two weeks ago that the money had been raised, mainly on Long Island, under false pretenses. But Wetterer's supporters are appealing the ruling.

In a letter to supporters he sent out last Christmas, Wetterer referred to the boy as one of "two gifts" he received from the United States embassy at Christmastime. The second was a visit by Marines from the embassy bringing toys, Wetterer wrote.

When the Justice Department first learned in February that the boy was sent to Wetterer's orphanage, a meeting was held in Washington to get Justice and State Department officials to act in unison, the justice official said.

But subsequent to the meeting, the official and other law enforcement officials said, the Justice Department learned that an American diplomat had sent a letter thanking Wetterer for his help with the boy, and also that wives of United States officials in Guatemala regularly volunteer at Mi Casa.

In the letter dated Feb. 28, foreign service officer Carolyn Gorman wrote to Wetterer on embassy stationery: "I would like to thank you for accepting the American citizen child . . . Thanks to your flexibility and willingness to help a child in a desperate situation, [he] was able to escape the dangerous environment in which he had been living for the past year."

Justice Department officials asked the State Department to have the letter withdrawn as an obvious mistake, since embassy officials had been involved in an unsuccessful attempt to get Wetterer extradited from Guatemala. But embassy officials declined, saying that the foreign service officers involved knew about Wetterer's background when they placed the child with him, according to several sources familiar with the situation.

State Department officials regularly kept in touch with the boy who assured them he was okay, the sources said. The sources said that the State Department could not bar wives of embassy officials from volunteering to help at the orphanage. Reached at the embassy, Gorman declined to comment.

SENATE RESOLUTION 222—COMMENDING THE UNIVERSITY OF ARKANSAS RAZORBACKS

Mr. BUMPERS (for himself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas the men's basketball team of the University of Arkansas at Fayetteville had an outstanding and successful season;

Whereas Arkansas Razorback Head Coach Nolan Richardson was the recipient of the 1994 Naismith Coach of the Year Award;

Whereas Arkansas Razorback Forward Corliss Williamson was named 1994 NCAA Final Four's Most Valuable Player;

Whereas the University of Arkansas and the Arkansas Razorbacks christened the newly erected Bud Walton Arena with their best season to date;

Whereas the Arkansas Razorbacks handed the Duke Blue Devils a 76–72 defeat, winning the 1994 NCAA men's basketball championship: Now, therefore, be it

Resolved, That the Senate commends the Razorbacks of the University of Arkansas at Fayetteville for having won the 1994 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 223—RELATING TO THE POTTAWATOMI INDIANS

Mr. INOUYE (for himself and Mr. SIMON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 223

Resolved, That S. 2188 entitled "A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Federal Claims. The Chief Judge shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, providing such findings of fact and conclusions that are sufficient to inform the Congress of—

(1) whether the claims against the United States of the Pottawatomi Nation in Canada that would have been compensable under the Indian Claims Commission Act (25 U.S.C. 70 et seq.) but for the residence of the Pottawatomi Nation in Canada and outside of the territorial limits of the United States are legal or equitable in nature;

(2) the amount of damages (if any) that the Pottawatomi Nation in Canada would have been entitled to receive under such Act but for the residence of the Pottawatomi Nation in Canada and outside of the territorial limits of the United States that is payable to the Pottawatomi Nation in Canada in accordance with section 1(1) of S. 2188; and

(3) the amount of interest that is payable on the amount referred to in paragraph (2) in

accordance with section 1(2) of S. 2188, calculated at a rate of 5 percent per year.

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1993

D'AMATO AMENDMENT NO. 1778

Mr. D'AMATO proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, and principal shareholders.

MITCHELL AMENDMENT NO. 1779

Mr. MITCHELL proposed an amendment to amendment No. 1778 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

D'AMATO AMENDMENT NO. 1780

Mr. D'AMATO proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following: Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MITCHELL AMENDMENT NO. 1781

Mr. MITCHELL proposed an amendment to amendment No. 1780 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

NOTICES OF HEARING

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on June 15, 1994, to review arms export licensing.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Rick Goodman at 224-2254.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Wednesday, June 15, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2036, the Indian Self-Determination Contract Reform Act of 1994.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Nutrition and Investigations will hold a hearing on S. 1614, Better Nutrition and Health for Children Act of 1993. The hearing will be held on Friday, June 17, 1994, at 10 a.m. in SD-562. Senator TOM HARKIN will preside.

For further information, please contact Mark Halverson at 224-3254.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on nominations pending before the committee. The hearing will be held on Monday, June 20, 1994, at 8:30 a.m. in SR-332.

For further information, please contact Christine Sarcone at 224-2035.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation will hold a field hearing on Tuesday, July 5, 1994, in Rapid City, SD. The hearing will be held at 1 p.m. in the Howard Johnson Hotel, 2211 LaCrosse Street, Rapid City, SD, to review the new Forest Service appeal regulations.

For further information, please contact Maureen McBrien at 224-2321.

NOTICE OF HEARING RESCHEDULING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Committee on Energy and Natural Resources on June 16, 1994, at 9:30 a.m. has been rescheduled. It will now take place on June 17, 1994, at 9:30 a.m.

The purpose of the hearing is to receive testimony on implementation of DOE's alternative fuel vehicle and fleet programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 14, 1994, at 10 a.m. on weather satellite convergence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet on June 14, 1994, immediately following the 2:30 p.m. nomination hearing on S. 2132 and oversight and reauthorization of rail safety programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 14, 1994, at 2:30 p.m. on the nomination of Dharmendra K. Sharma to be Administrator of the Research and Special Programs Administration of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., June 14, 1994, to receive testimony from Patricia Fry Godley, nominee to be Assistant Secretary of Energy for Fossil Energy, and Joseph F. Vivona, nominee to be Chief Financial Officer for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, June 14, at 10 a.m. to hold a hearing on the World Trade Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, June 14, at 9:30 a.m. for a hearing on: Reauthorization of the FEMA Emergency Food and Shelter National Board Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, June 14, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business be permitted to hold a meeting for the purpose of marking up S. 1830 at 10:20 a.m. on June 14, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 14, 1994, at 4 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling, and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, beginning at 9 a.m., to conduct a business meeting to consider the chairman's mark of the Superfund Reform Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADOPTION OF SENATE RESOLUTION 148, UNITED STATES POLICY TOWARD TAIWAN

• Mr. SIMON. Mr. President, I would like to thank the 40 cosponsors of Senate Resolution 148, which I introduced last October and which the Senate adopted by voice vote last Friday, as well as the four other Senators who asked to be associated with the resolution. The names of the cosponsors and Members associating themselves with the resolution appear at the end of this statement.

It is time to bring our relationship with Taiwan more into harmony with important United States commercial, security, and political interests in Taiwan. Taiwan, in contrast to the People's Republic of China, is democratic and prosperous, and has a positive human rights record. It vies with Japan as the world's largest holder and currency reserves, and it buys roughly twice the United States exports we send to the People's Republic. These facts speak for themselves. We should configure our policy toward Taiwan accordingly.

Senate Resolution 148 is important because of its timing as well as what it says.

It reaffirms the sense of the Congress contained in section 508 of the Foreign Relations Authorization Act, Public Law 103-236, which the President signed on April 30, to the effect that the United States should support Taiwan's participation in the United Nations and that the United States should be open to Cabinet-level exchanges with Taiwan. On May 16, the State Department issued a statement rejecting the section 508 language regarding high-level visits and Taiwan's participation in multilateral organizations. The State Department also lobbied against Senate Resolution 148 on grounds that it might offend Beijing on the eve of the President's decision to extend China's MFN status. Nevertheless, on May 25, the day before the President's announcement on China's MFN status, the Foreign Relations Committee adopted the resolution unanimously.

Soon, the administration may release the details of its long-delayed review of United States policy toward Taiwan. Most of us in the Senate hope that the policy review will provide for meaningful progress toward a more normal United States relationship with Taiwan which is more in keeping with United States interests. Senate Resolution 148 reminds the administration of the Senate's belief that support for Taiwan's participation in the United Nation and willingness to undertake Cabinet-level exchanges should be two significant elements of United States policy toward Taiwan.

Following are the 40 cosponsors of Senate Resolution 148: Senators REID, PELL, MOSELEY-BRAUN, WOFFORD, HOLLINGS, FORD, FEINGOLD, CAMPBELL, DECONCINI, LIEBERMAN, BOREN, BROWN, HELMS, CRAIG, GRAMM, LUGAR, GORTON, PRESSLER, MACK, NICKLES, JEFFORDS, MURKOWSKI, BURNS, CHAFEE, BOND, COATS, D'AMATO, SIMPSON, THURMOND, LOTT, WALLOP, ROTH, COHEN, DURENBERGER, GRASSLEY, GREGG, KEMPTHORNE, DOLE, HATCH, and COVERDELL.

Following are the four Senators associating themselves with the resolution: Senators INOUYE, SASSER, MCCAIN, and HUTCHISON.•

TRIBUTE TO MELVIN D. GEORGE, PRESIDENT, ST. OLAF COLLEGE

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Melvin D. George, who has served with distinction as president of St. Olaf College, Northfield, MN. President George is retiring this year after 9 years of leading this outstanding liberal arts college.

It is true that one of the primary missions of a college president is to raise the sights of the academic staff, draw alumni closer to the campus, and build the endowment to strengthen the college. Mel has accomplished all of that with great success. In addition, Mel George has been very instrumental in the establishment of the highly regarded Nobel Peace Prize forums.

But as president of St. Olaf, Mel George is also renowned for his relationship with students. He has an exceptional gift of connecting and interacting with students. Mel and his wife Meta host receptions for first year students that enable each student to get to know their president personally. Many students recall the time he stayed in the dorm with freshmen during orientation week. He is known to read students bedtime stories, upon request. His own favorite is Daniel Pinkwater's "Uncle Mel." And there was the time that Mel promised the 1993 graduating class that, should they reach their fundraising goal, he would shave their numerals in his head. He was able to keep that promise just in time for graduation and the college choir's trip to Norway, Austria, and Czechoslovakia.

Mel is an accomplished musician on a college campus filled with accomplished choristers, organists, and instrumentalists. Mel joins the tenor section of the chapel choir, plays flute from time to time in the college band, and has given a piano performance in a Mozart festival recital.

Another friend of mine, the late Fr. Colman Barry, who was president at St. John's University, my alma mater, said in a commencement address at St. Olaf in its centennial year, 1974, "For a college to preserve and impart a genius of its own will be, fearfully, a very radical idea in the future. There is a danger that no more than a core corps of private colleges may survive as exceptions.''

Mr. President, 20 years after Fr. Colman's speech, St. Olaf continues to impart its own special genius. It has done that through the leadership of Mel George. Through his tenure, Mel has affirmed the values of the college. He has prepared St. Olaf to face the 21st century with confidence. And this college will not lose touch with its source of strength and heritage, as a college of the Lutheran Church, it embraces a global perspective.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that during the last week, 18 people were killed in New York City by gunshot, bringing this year's total to 443.•

THE 50TH ANNIVERSARY OF FOUR FREEDOMS MONUMENT

• Mr. MACK. Mr. President, I rise today to commemorate the 50th anniversary of the dedication of the Four Freedoms Monument. This monument, located in Madison, FL, was erected not only to honor the first hero of World War II, but also to symbolize the rights and freedoms our country has fought to reserve for so many years.

The Four Freedoms Monument was inspired by the four freedoms outlined in a speech which Franklin D. Roosevelt made to Congress on January 6, 1941. It was in this speech that President Roosevelt coined the phrase, "Four Freedoms," citing the "four essential human freedoms: the freedom of speech and expression; the freedom of every person to worship God in his own way; the freedom from want; and the freedom from fear.''

The monument is designed so that each of the four freedoms is represented by angels standing atop a square pedestal. The freedom of speech and expression is represented by an angel holding a scroll. An angel standing with hands clasped represents the freedom of religion and worship. The angel holding a bread basket represents freedom from want. The freedom from fear is represented by an angel bending a sword.

Fifty years ago today, the Four Freedoms Monument was dedicated to Capt. Colin P. Kelly, Jr., in recognition of being the first hero of World War II. On December 9, 1941, Captain Kelly, a native of Madison County, FL, and his crew in their B-17 bomber had just completed a successful raid on the flagship of the Japanese Third Fleet and was returning to Clark Field in the Philippines when they were attacked by several Japanese fighter planes. The bomber suffered severe damage, and Captain Kelly ordered the crew to bail out. Captain Kelly failed in a heroic attempt to land the crippled aircraft and was killed in the crash landing. Appropriately, Captain Kelly was named the first hero of World War II and the Four Freedoms Monument was dedicated in memory of this valor.

I know my colleagues join me in commemorating the 50th anniversary of the Four Freedoms Monument. It is an important symbol which stands for the bravery displayed by Captain Kelly, for the values and freedoms we as Americans have always fought to protect and for the true spirit of our Nation in the world today.•

TRIBUTE TO JIM BROCK

• Mr. DECONCINI. Mr. President, I rise today on behalf of all Arizonans to recognize the great loss of Jim Brock, one of the best college baseball coaches the game has ever seen. Sunday night, June 12, 1994, Jim passed away when he lost his fight against liver cancer. Jim will not only be remembered for the way in which he died, with dignity and compassion for those he left behind, but also for the way in which he lived, particularly the personal contributions, accomplishments, and pride that he brought college baseball fans.

The list of current and past baseball players he coached over the years is a veritable "Who's Who" list among professional ballplayers. Barry Bonds, Hubie Brooks, Floyd and Alan Bannister, Chris Bando, Alvin Davis, Mike Devereaux, Oddibe McDowell, Bob Horner, and many others learned professional and personal lessons from Jim Brock.

Over the course of his career, Jim was sometimes described as a hard, nonsense coach. However, if you were to ask his closest friends, they would describe him as a "softy," one that cared too much to show it.

Arizona State fans and adversaries alike have always had the utmost respect for his coaching abilities. Only recently have many begun to understand the man behind such a great program. In 23 years at Arizona State University, Coach Brock took the Sun Devils to the College World Series 13 times, winning 2 national titles. Sun Devil fans always hope to see their team in the College World Series and Coach Brock rarely disappointed them.

Jim Brock will live on in the history books as the seventh-winningest coach in major college baseball with 1,100 victories. He will live on in the hearts of his family, friends, and fans as a great husband, a great father, a great friend, a great coach, a great teacher, and a great citizen of Arizona.

Coach Brock, thank you for the wonderful memories.•

LINCOLNSHIRE GRAD WINS BIOTECHNOLOGY SCHOLARSHIP

• Mr. SIMON. Mr. President, I want to congratulate Daniel Ryklin, a senior at Adlai E. Stevenson High School in Lincolnshire, IL, who won a $1,500 scholarship for his essay entitled "How Will Biotechnology Affect the Lives of Individuals in the 21st century Through Medicine.'' Daniel plans to use the scholarship to attend Northwestern University this fall.

The winning essay was chosen from among 130 submissions from 29 different high schools located in 17 States. In addition to Daniel, seven other students received scholarship awards. The purpose of the competition was to encourage young people to learn more about the field of biotechnology, particularly how biotech applications do and will affect our lives. Students were asked to focus on one of these three areas: health care, agriculture, and the environment.

All of us in Illinois are proud of Daniel Ryklin for his achievement.•

CHINA'S RECENT NUCLEAR TEST

• Mr. SIMON. Mr. President, China's explosion of a nuclear weapon last Friday—its second test in defiance of an international moratorium on nuclear testing—demonstrates again that China is not a responsible member of the international community.

Like its nuclear tests, China's continued occupation of Tibet, destabilizing sales of missiles and advanced weapons to other countries, arrests of dissidents, suppression of trade unions, and exploitation of labor characterize a regime that puts its narrow and misperceived self-interest well ahead of international norms.

Experience has taught responsible governments—ours included—to refrain from testing nuclear weapons. They are no longer justified by national security requirements in the post-cold-war era. They stimulate an international climate characterized by the possibility of nuclear destruction.

China is an important country. If we are to treat it normally, and with full respect, it will have to behave responsibly. In 1993, I called upon President Clinton to consider suspending the sale of the Cray supercomputer that China so badly wanted, a highly complex computer that could be used for military purposes. I call again on the Clinton administration to devise a better response to China's refusal to join our nuclear moratorium than it has to date.•

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

EXECUTIVE SESSION

THE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 921 and Calendar No. 922.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that upon confirmation the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Michael K. Wyrick [redacted] Regular Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Arlen D. Jameson [redacted] U.S. Air Force.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m. on Wednesday, June 15; that, following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each with the following Senators recognized for the time limits specified and in the order listed, if present: Senator MURKOWSKI for up to 10 minutes; Senator BRADLEY for up to 20 minutes; and Senator LEAHY for up to 15 minutes; and, that at 10 a.m. the Senate resume consideration of S. 1491, the Airport and Airway Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Madam President, and Members of the Senate, as I indicated earlier today, at 10 a.m. Senator D'AMATO will be present to offer another amendment, and brought pursuant to an agreement which we have reached. A designee of mine will be present to then offer a second-degree amendment to that amendment, and debate will then occur on those amendments.

Since we have not yet received a copy of Senator D'AMATO's amendment, there is likely to be a brief period of time after he offers the amendment before the second degree is offered so we can review his amendment and prepare an appropriate second-degree amendment to it. Debate will then follow on both of those amendments, and I expect a vote to occur on my amendment to be offered by my designee. However, no votes will occur prior to 11:15 tomorrow, as a number of Senators will be attending a meeting at the White House and engaged in other activities.

CORRECTION OF RECORD

Mr. MITCHELL. Madam President, during debate on the pending matter, I referred to a provision dealing with immunity of witnesses which was contained in the resolution passed by the Senate on March 17. I inadvertently omitted the last clause of that provision. I was relying on statements on the subject which had been made on March 9 by Senators D'AMATO and COHEN and Special Counsel Fiske to the effect that immunity would not be granted under any circumstances. Even though inadvertent, the omission was regrettable. I did not learn of it until much later, and I am pleased now to make this correction.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:29 p.m., recessed until tomorrow, June 15, 1994, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate June 10, 1994, under authority of the order of the Senate of January 5, 1993:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

THOMAS W. GRAHAM, JR., OF MARYLAND, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT MATTERS, UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, WITH THE RANK OF AMBASSADOR, VICE PAUL H. NITZE.

Executive nominations received by the Senate June 14, 1994:

FARM CREDIT ADMINISTRATION

DOYLE COOK, OF WASHINGTON, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR THE TERM EXPIRING MAY 21, 1998, VICE HAROLD B. STEELE, RESIGNED.

IN THE ARMY

COL. ANTHONY E. HARTLE FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE U.S. MILITARY ACADEMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(B).

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER OF THE U.S. MARINE CORPS FOR PERMANENT PROMOTION TO THE GRADE OF MAJOR UNDER SECTIONS 624 AND 628 OF TITLE 10, UNITED STATES CODE:

To be major

CAPT. JOHN C. BURLINGAME, [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTIONS 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. HUNTER E. BLACKMON, [redacted] 2/5/94
MAJ. STEVEN R. BLATT, [redacted] 2/22/94
MAJ. LARRY R. BORTON, [redacted] 2/6/94
MAJ. JERRY L. CARROLL, [redacted] 2/16/94
MAJ. STEPHEN W. DEE, [redacted] 2/6/94
MAJ. EUGENE J. DELGADO, [redacted] 2/4/94
MAJ. RAYMOND A. EBERLING, [redacted] 3/4/94
MAJ. DONALD N. EDMANDS, JR., [redacted] 1/30/94
MAJ. TONY K. EPLER, [redacted] 3/4/94
MAJ. DANIEL D.J. FOREMAN, JR., [redacted] 1/2/94
MAJ. ANITA R. GALLENTINE, [redacted], 1/22/94
MAJ. NICOLAS J. GUTIERREZ-JIMENEZ, [redacted] 2/4/94
MAJ. DAVID W. HURSH, [redacted] 1/8/94
MAJ. JAMES F. JENKINS, [redacted] 2/13/94
MAJ. ROBERT N. KIRBY, [redacted] 3/4/94
MAJ. JACKIE N. KNIGHT, [redacted] 2/23/94
MAJ. JOSEPH E. LAMENDOLA, [redacted], 1/27/94
MAJ. PAMELA J. LONG, [redacted] 2/13/94
MAJ. DAVID F. MCNEILL, JR., [redacted] 1/15/94
MAJ. BENJAMIN V. PETRONE, [redacted] 2/6/94
MAJ. SCOTT C. RAE, [redacted] 2/13/94
MAJ. JOHN H. REED III, [redacted] 1/27/94
MAJ. ALLEN G. REEVE, [redacted] 2/11/94
MAJ. MICHAEL L. ROBBINS, [redacted] 1/14/94
MAJ. EDOUARD D. SENDRAL, [redacted] 2/1/94
MAJ. ALAN L. STEEFES, [redacted] 2/22/94
MAJ. EDMUND H. STERN, [redacted] 3/4/94
MAJ. KURT W. SYER, [redacted], 2/17/94
MAJ. GERAND L. WALKER, [redacted] 2/23/94
MAJ. SHERI L. WETEKAM, [redacted] 2/18/94
MAJ. LARRY D. WILSON, [redacted] 2/6/94

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. DOUGLAS B. ROBINSIN, [redacted] 2/5/94

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. ERIK L. SMITH, [redacted] 2/2/94
MAJ. TIMOTHY R. WILLIAMS, [redacted] 1/21/94

BIO-MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. WILLIE H. CHILDRESS, [redacted] 2/6/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. DAVID B. SILLS, [redacted] 2/5/94

DENTAL CORPS

To be lieutenant colonel

MAJ. ERIC C. SCHLANSER, [redacted], 2/18/94

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

CHARLES F. ADAMS
DAVID P. ADKISON
DANIEL ALBRECHT
THOMAS A. ALLINGHAM
STEVEN L. BAILEY
RICHARD A. BEANE
DAVID J. BEARDSLEY
MARK A. BEATTIE
JENNIFER S. BERG
JEFFERY D. BONDESSON
JOHN L. BOSSIAN, JR.
OSCAR S. BRANN
WAYNE A BREER
JEFFREY R. BRINKER
JAMES D. BRUCKNER
WILLIAM T. BUSCH
LYDIA CANAVAN
DANIEL J. CARUCCI
VICTORIA A. CASSANO
JONATHAN E. CAYLE
ARNOLD R. CHRISTOPHER
JOHN P. CLAYTON
FREDERICK J. COLE
JOHN J. COLLINS
KELLY R. CONATY
DAVID H. COOK
TIMOTHY J. CRAIG
SUSAN CROWLEY
JERRI CURTIS
JOHN C. DANIEL
PAUL DATO
JOSEPH W. DEFEO
KEVIN DELAHANTY
DAVID M. DELVECCHIO
JEFFREY M. DESIMONE
THOMAS A. DOWGIN
JAY DUDLEY
RODNEY A. DUNSEATH
KIRK T. ECKLUND
RICHARD W. EMERINE
CLINTON F. FAISON
LESLIE H. FENTON
WESTBY G. FISHER
RANDALL C. FLOYD
RILEY D. FOREMAN
HAROLD A. FRAZIER
KATHLEEN A. FRECHEN
ALBERT T. GILPIN
JOHN D. GOBER
ANTHONY GOETTING
JOHN GORMAN
JAMES E. GREENSMITH
THOMAS A. GRIEGER
BARTON C. GUMPERT
STEVEN J. HAGER
GREGORY A. HAINES
WILLIAM J. HALL
ANDREW R. HAMILTON
JOHN C. HARRINGTON
DAVID L. HIGGINS
RANDALL D. HIGHTOWER
KAREN J. HOFFMEISTER
MICHAEL R. HOLTEL
WHITNEY H. HOWARD
KATHERINE L. IMMERMAN
GYDIA JEFFERSON
IGOR A. JERCINOVICH
NATHAN H. JORGENSEN
DIANE L. KALLGREN
RICHARD M. KEATING
MICHAEL A. KEEFE
LAURENCE R. KELLEY
THOMAS J. KERSCH
ELIAS E. KHALFAYAN

THOMAS J. KILLIAN
KELLY K. KOELLER
ROSS S. LEVINE
DIANE C. LUNDY
CYNTHIA T.I. MACRI
LAUREL A. MAY
TIMOTHY D. MCGUIRK
DOUGLAS H. MCNEILL
JOHN A. MCQUESTION
ROGER J. MCSHARRY, JR.
PAUL G. MERCHANT
RICHARD C. MILLER
MARC E. MITCHELL
JOHN F. MONROE
STEPHEN E. MORROW
GORDON S. MOSHMAN
NATHAN H. MULL IV
GERALD S. MURPHY
THOMAS A. NEWTON
NIPONT N. NITA
RUSSEL J. OLSON
RALPH C. PENE, JR.
GEORGE M. PEREZ
RICHARD S. PERREN
ROBERT H. PETTY
JOHN K. PFAFF
KATHLEEN M. PIACUADIO
MARK PICKETT
PAUL J. PONTIER
KEVIN R. PORTER
EDWARD J. POSNAK
GREGORY N. POSTMA
JAMES C. POWERS
JAMES L. ROBERTS
DOUGLAS H. ROBINSON
STEPHEN L. ROBINSON
ALAN E. ROLFE
DANIEL G. ROSS
GLENN ROSS
TIMOTHY S. ROUSH
KENNETH M. SAMPLE
JOSE SAMSON
JEFFREY M. SANDLER
DAVID F. SCACCIA
STEVEN SCHALLHORN
CARL T. SCHLEICH
CHRISTOPHER P. SCHMIDT
GEORGE J. SCHMIEDER
GERALD S. SCHOLL
PETER F. SHARKEY
TRUEMAN W. SHARP
ANN M. SIEFERT
DOUGLAS D. SLATEN
MARK L. SOBCZAK
ERIC W. SPAK
MICHAEL Q. STEARNS
DAVID J. STROH
LISA A. SWANN
FRANCIS M. SWEENEY
LESLIE J. TENARO
ROBERT P. THIEL
ELVIRA TOMESCU
PETER K. TRUE
ELMO G. TUCKER
KENNETH W. TUTTLE
DOUGLAS C. WALLACE
ROBERT D. WALLACE
SHARON K.N. WALLACE
HENRY C. WONG
JAMES M. WOODWORTH
ROBERT A. WYMER
SCOTT L. YAGEL
ANN K. YOSHIHASHI

SUPPLY CORPS OFFICERS

To be commander

HENRY C. BALANZA
DOUGLAS R. BALLOU
KENNETH C. BITTER
MAX A. BLACK
JIMMY BOBBITT
JEFFREY D. BRADLEY
JOHN D. BREWSTER, JR.
WILLIAM A. BROWN
RODNEY E. BRYANT
WOLFGANG J. BUCK
STEVEN G. CARVER
CHRISTOPHER A. CLAYTON
BRIAN J. COWAN
CURTIS G. STEVENS
CHARLES F. DONNEY
JOHN M. DOSWELL
ROBERT F. DUDOLEVITCH
KATHLEEN M. DUSSAULT
JOSEPH J. EBLE
DAVID C. ENGLAND
BENNY A. FEGURGUR
WILLIAM W. FIFTER

ROBERT M. FINK
GERALD L. FRANCOM
VON W. FREEMAN II
LOUIS J. FRYMIRE, JR.
JOHN LOUP GEBHART
DOMINGO GONZALES
CHRISTOPHER M. GRABARZ
RUTH GRAHAM
BASIL F. GRAY III
DANNY R. GRENIER
GARY G. GUSTAFSON, JR.
JAMES A. HAJEK
MARK F. HEINRICH
JAMES C. HOGE
KARL W. JENSEN
ARTHUR W. KING III
JOHN R. LANTELME
CHARLES M. LILLI
MICHAEL T. MADDEN
GEORGE A. MARENTIC
GREGORY MARTIN

JOHN J. MARTIN
MICHAEL P. MARTIN
MICHELLE M. MCATEE
JON E. MCIVER
DONALD C. MCNEELEY, JR.
WILLIAM V. MILHEIM
JOHN I. MORRIS
RONALD S. MOSLEY
EDWIN E. MYHRE
JAMES P. NABER
EDWARD P. NARANJO
CRAIG W. O'CONNOR
ROBERT J. PALMQUIST
KENNETH A. PIERI
NICHOLAS D. PISANO
WILLIAM J. PLATT
STANLEY Z. PRICE
LANE L. PRITCHARD
DONALD E. RATTZ
DONALD J. REITER

JERRY L. ROGERS
JOSEPH SCARPA
DON F. SCHADE
FRED O. SCHELLHAMMER
NEIL E. SEIDEN
RORY L. SOUTHER
SUZANNE K. SPANGLER
WILLIAM D. SPROW
JOSEPH E. SPURGEON
PAUL C. STANFIELD
THOMAS J. SUMMEROUR, JR.
JOHN M. SZYDLOSKI
MICHAEL L. SZYMANSKI
EDWIN A. VICTORIANO
STEPHEN R. VONHITRITZ
DENNIS E. WILSON
RANDY A. WOLF
MICHAEL W. ZABAROUSKAS

CHAPLAIN CORPS OFFICERS

To be commander

BARRY W. BRIMHALL
TERRY W. COOK
DONALD M. CRAMBLIT
GARY A. DALLMANN
ULYSSES DOWNING, JR.
THEODORE W. EDWARDS
CHRIS E. FOSBACK
KELVIN C. JAMES
DUDLEY V. JOHNSON, JR.
RICHARD B. LEIBOVITZ
DONALD F. LEROW
WILLIAM P. LESAK

JAMES JOSEPH MACNEW
EDWARD L. MILLINER, JR.
BERTRAM E. MOORE, JR.
SAMUEL F. MORGAN
TOMMY B. NICHOLS
RICHARD A. PUSATERI
CURTIS D. SCHMIDTLEIN
BRIAN L. SIMPSON
RONALD A. SOUTIERE
VIRGIL J. TILLMAN
RICHARD C. YAGESH

CIVIL ENGINEER CORPS OFFICERS

To be commander

ALBERT J. BANKS, JR.
PAUL BOSCO
MARGARET L. BROWN
KENNETH P. BUTRYM
RONALD J. CLARK
THOMAS M. DESTAFNEY
MICHAEL P. DOYLE
WILLIAM S. DUFFY
ROBERT W. EADIE
STEPHEN T. ECKEL
FREDRICK K. GERHEISER
WILLIAM K. GRAY
ALVIN E. GRIMMIG, JR.
BRIAN K. HARRIS
THOMAS S. HOLLINBERGER
KHALID C.R. KHAN
ROBERT H. KING
PAUL M. KUZIO
LARRY D. LINN

LARRY J. MACIAS
RICHARD L. MARRS
DAVID W. MATHIAS
KENNETH G. MONCAYO
MICHAEL J. MURTHA
MERRITT W. PEDRICK III
SAMUEL J. PENA
STUART E. PERRITT
JAMES E. POWER
ROBERT B. RAINES
CHRISTOPHER J. ROTH
WAYNE G. SHEAR
WILLIAM F. SMITH, JR.
ALAN M. TERPOLILLI
DOUGLAS P. TOMLINSON
FREDERICK G. TRUMMER
DAVID L. WATTS
DENNIS W. WILBORN
CHRIS M. WILLIS

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

ALBERT A. ABUAN
JAMES N. BOND
CARLETON R. CRAMER
JANET L. FISHER
JOYCE E. KING
CHARLES A. MEADE
DAVID M. MORRISS

CAROL G. RICCIARDELLO
WILLIAM F. ROOS
ROGER D. SCOTT
DONALD J. SHERMAN
PETER J. STRAUB
DAVID A. WAGNER

DENTAL CORPS OFFICERS

To be Commander

HOWARD H. ANDERSON
MICHAEL A. ARROW
WILLIAM H. AYERS
THOMAS M. BARANSKY
LANCE S. BAUMGARTEN
GREGORY S. BENSON
CURTIS R. BERGEY
RONALD L. BIXLER
JAMES M. BOYLE II
TIMOTHY J. BRADY
PAUL T. BROERE
TERRILL L. BROWN
MICHAEL J. CHUTICH
MARTIN T. CLARK
STEVEN R. CLARKE
DENNIS J. CONLON
PAUL R. DAVID
CHARLES L. EDWARDS
KIRK F. ENGEL
JOHN FIDLER
ROBERT K. FRISK
GODFREY J. FUNARI
GARY J. HAMMOND
DAVID W. HAMULA
JEFFREY V. HAYS
ROGER A. HOUK
KENNETH HUNTER
MARY E. JOHNSON
KIRK D. KALLANDER
KEVIN S. KAMINSKE

JAMES V. KEENAN
ROBERT L. KENNEY
TODD C. KINCER
KENT G. KNUDSON
SUSAN D. LEARY
TERRANCE C. LEARY
MICHAEL E. LEVINE
JOHN A. LEWIS
MICHAEL T. LEWIS
JAMES H. MANN, JR.
JAMES S. MATTHEWS
MICHAEL F. MCNAMARA
JON MOLES
GREGORY MORANDO
MARY A. MUELLER
SCOTT S. NAGATANI
GREGORY G. NELSON
EDWARD J. NIEBERLEIN
MARK P. ORTH
GREGORY E. OXFORD
DAVID K. OYSTER
JOHN S. PAUL
SCOTT R. PECK
ANDREW D. PETERS
LEO PRUSINSKI
JAMES C. RAGAIN
BRUCE A. RANNIN
ROBERT S. RHODES
JOSEPH E. RUSZ, JR.
JIMMY M. SAIKU

ROBERT W. SCHUTT
ROBERT G. SHERMAN
ROBERT TAFT
MELANIE A. TARY
DARRYL L. TAYLOR
EDGAR W. TURNER
JAMES J. WARE

FRANK H. WHITE
LARRY N. WILLIAMS
STEVEN M. WOLFF
ROBERT L. WREN
ANDREW K. YORK II
FREDERICK G. YOUNG

MEDICAL SERVICE CORPS OFFICERS

To be commander

WILLIAM J. ADAMS
VONDELL ALLRED
ANDREW H. BELLENKES
CHARLENE D. BRASSINGTON
RICKY BROWN
ERIN H. CARLSON
JOHN S. CLASS
FRANK L. CRYMES
MICHAEL E. DOBSON
RICHARD C. FOSTER
ARTHUR W. FOX
CONNIE A. GLADDING
NANCY N. GODFREY
GLENN M. GOLDBERG
CHARLES E. GUNN
RICHARD L. HABERBERGER
RICHARD J. HACKMAN
THOMAS W. HALLIWELL
RANDAL G. HELLER
TRENA J. HENSON
PAUL M. HOFFMAN

ROBERT M. KELLOGG
SHARI H. KIRSHNER
KELLY J. MCCONVILLE
GLENN E. MCNEES
CHARLES F. MERBITZ
RAHN Y. MINAGAWA
KATHLEEN L. NAWN
ROBERT L. NETZER
ELIZABETH A. NOLAN
JAMES A. NORTON
CHARLES P. J. PUKSTRA
WILLIAM H. ROBERTS
RICHARD S. SAVOY
AL L. SORENSEN
WILLIAM R. STOVER
SHARON R. THOMAS
DAVID C. THOMPSON
RICHARD J. THOUNE
JOHN G. WALLACE, JR.
STEPHAN R. WILSON
HARRIS WYATT
LAWRENCE ZOELLER

NURSE CORPS OFFICERS

To be commander

WILLIAM E. ALLEN
KATHRYN M. BEASLEY
TERESA A. BOHUSZ
SALLY A. BULLA
DENNIS J. BUTTERWORTH
MARY E. CHAIMOWITZ
JEAN S. COHN
TERRY M. COOK
RANDEEN L.CORDIER
CATHERINE L. COSTIN
PATRICIA H. CRADDOCK
THERESA A. DANSCUKSLOAN
JOHN M. DELISLE
JAN H. DOUGLAS
MICHAEL R. ESLINGER
ANTHONY ESPOSITO
JUDITH A. FIDELLOW
JACQUELYN M. FINLEY
JAMES R. FRALEY
DAWNE C. GABRIELSON
KEVIN J. GALLAGHER
PATRICIA J. GOODIN
ANDREA M. HARGRAVES
PHILLIP L. HARRISON
SUSAN B. HERROLD
MARGARET A. HOLDER
DIANA M. HOLMES
RICHARD J. HREZO
JUDITH J. HUDDLESTON
DENNIS L. JEPSEN
OFELIA B. JEPSEN
CAROLYN A. KELMECKIS
DENISE R. LAUER
STEPHEN K. LINDSEY
BARBARA B. LONG

KAREN MAHER
CYNTHIA L. MASSIE
JANE E. MEAD
PAULA L. MILLER
PATRICIA A. MILLINGTON
JEANNETTE C. MOORE
CAROL J. MORONES
ELIZABETH S. NIEMYER
ERNESTO E. ORNELAS
ELLEN L. ORR
MARY E. OWENS
KATHY A. PARE
ROBERT A. PETERSON
FAYE M. PYLES
SANTIROGERS DARLENE
GRACEANN E. SCHARTNER
SHARON R. SEBBIO
NANCY J. SILKI
NANCY A. SIMMONS
LISA D. STEPHENS
AMY L. SUGGS
PAULINE L. SUSZAN
MICHAEL S. TIERNEY
JENNIFER L. TOWN
TERESA S. TRIPP
CHARLES A. VACCHIANO
JEFFREY J. VIAU
RICHARD A. VROMAN
CATHERINE A. WILSON
MARGARET G. WILSON
MARCIA I. WINCHESTER
JULIE G. WOODRUFF
DANNY G. WRIGHT
KATHLEEN J. YOUNG
BARBARA J. ZUELZKE

LIMITED DUTY OFFICERS (STAFF)

To be commander

GREGORY HLINKA
AUBREY E. LANE

CONFIRMATIONS

Executive nominations confirmed by the Senate June 14, 1994:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. MICHAEL K. WYRICK, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ARLEN D. JAMES. [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, June 14, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1758. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians; and

S. 1587. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not exceed 30 minutes, and each Member, other than the majority and minority leaders, limited to 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

THE THREAT FROM NORTH KOREA

Mr. RICHARDSON. Mr. Speaker, in this country we have politicized the Bosnia issue, we have politicized Somalia, we have politicized the Haiti issue. But, Mr. Speaker, let us not politicize the North Korean issue. Here is an opportunity where the Congress and the President can act in concert along with the international community.

Mr. Speaker, yesterday North Korea moved a step closer to disastrous confrontation with the rest of the world by announcing its withdrawal from the International Atomic Energy Agency and by banning IAEA inspectors from its territory. Although they have not yet carried out their threat, this is a very, very serious provocation that could fatally compromise the administration's efforts to resolve the nuclear dispute peacefully.

Mr. Speaker, the Clinton administration has tried to keep diplomacy alive with our Asian allies, but we must not flinch. We should proceed now with a plan to ask the U.N. Security Council to enact a series of phased sanctions.

Mr. Speaker, as the world moves toward sanctions, it cannot afford to abandon diplomacy. In this connection we have to act in concert with Japan. We have to act in concert with South Korea. And we have to ask our friends in China to help. The President has gone out on a limb and said that he wants to extend MFN to China in light of China's miserable human rights record. He has gambled and said that he is ready to proceed with that relationship. Now it is up to China to show that it is a responsible member of the international community and work with the West in order to help Asia and to moderate North Korea's behavior.

Mr. Speaker, North Korea has been lying. They have been playing games with, not just the IAEA, but with their allies in Asia, with the United Nations, and with the United States, all of whom have acted in good faith. Mr. Speaker, even though Pyongyang continues to assert that its nuclear program is peaceful and that the whole crisis can be resolved by the direct talks with the United States, the United States should be careful to engage in an effort that does not include our allies in Asia. It is very important that we proceed with negotiations, but these negotiations should be multilateral. They should involve our Japanese friends. They should involve South Korea. And I think the Congress is going to be watching to see what China's role is on this issue.

But, Mr. Speaker, the reason that I have taken the floor this morning is to say, "Let's not politicize the North Korea issue. U.S. vital interests are at stake. The lives of American troops are at stake. The stability of Asia is at stake. The future of Japan and South Korea is at stake. The relationship the outside world has with China is at stake. North Korea has sent a provocation, and we must not blink, but at the same time we should pursue every diplomatic and other initiative to ensure that we don't end up in a conflagration in that part of the world. We don't have vital interests as strong in Bosnia, or Haiti, or Somalia. But there is no question that we do in North Korea."

Mr. Speaker, North Korea is courting confrontation. While we must not blink, it is critically important that the Congress in a bipartisan fashion support the good, sensible policy that the administration is following.

Mr. Speaker, this morning our Nation and our allies face a very real threat from North Korea. As we all know, North Korea recently announced that it planned to withdraw from the International Atomic Energy Agency, the IAEA. The Pyongyang government also announced that it was banning IAEA inspectors from its territory.

This move is a very dangerous one that moves North Korea a step closer to a dangerous confrontation with the rest of the world. Our dispute with North Korea is very deep and longstanding. North Korea appears to be systematically working to develop and sell both nuclear weapons and missiles that carry those nuclear warheads.

I don't believe that we, as a nation, are overreacting. In fact, I believe that North Korea's actions over the last 10 years demonstrate the seriousness of this issue. These are the facts. North Korea is building larger nuclear reactors and plutonium separators that have only military capabilities. If all goes as they plan, North Korea will most likely have the ability to produce enough plutonium to build 10 bombs a year by the turn of the century.

Mr. Speaker, President Clinton is currently involved in a diplomatic effort to resolve this dispute with North Korea peacefully. Obviously, the stakes are very high and the recent actions by North Korea make that effort much more difficult. Nonetheless, he is on the right track. In a nonpartisan, well-concocted effort, President Clinton is attempting to resolve the conflict diplomatically. He is leading the world and, last week, the IAEA announced that it would suspend most international technical assistance to Pyongyang. China did not oppose that move and now we must continue to encourage the U.N. Security Council to impose sanctions on North Korea. In addition, President Clinton has dispatched former President Jimmy Carter to South and North Korea. President Carter will meet with Kim Il-song, North Korea's leader, to lay out what the North has to gain from participating in the IAEA and abandoning its nuclear program.

Mr. Speaker, without a diplomatic solution, North Korea poses a grave threat to South Korea, Asia, the Middle East, Europe, and the United States. President Clinton's efforts are on target and will, hopefully, bear fruit.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE NORTH KOREAN SITUATION

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. MCCOLLUM] is recognized during morning business for 5 minutes.

Mr. MCCOLLUM. Madam Speaker, I rise today to note that we are approaching an auspicious anniversary, one that is taking on a terrifying relevance. On June 25, 1950, 60,000 troops from North Korea crossed the 38th parallel, invaded South Korea and began the Korean war. It was a war that involved over 20 nations and cost millions of lives, including almost 34,000 Americans killed. Some have called the Korean war of 1950–53 the forgotten war, but Madam Speaker, the memories are now beginning to recur.

We face on the Korean Peninsula the most ominous developments. The unstable dictator Kim Il-sung, the very man who launched the 1950 conflict, is passing the baton to this equally unstable son. Against this backdrop, North Korea is developing nuclear weapons, and indeed, as a Republican terrorism task force report that I am submitting to the record will show, may already have several weapons and the means to deliver them.

In addition to all of this, the Pyongyang regime is playing a diplomatic cat and mouse game. First North Korea signs the nuclear nonproliferation treaty, then it threatens to withdraw from that very same treaty. First Pyongyang agrees to allow its nuclear facilities to be inspected, then it threatens to expel the inspectors already in North Korea and indeed it goes so far as to quit the International Atomic Energy Agency.

Madam Speaker, this is the most dangerous game, and it pains me to say that the danger has increased because of the actions of this Government and this administration. We have, as Churchill said, decided to be indecisive and to be resolute in our irresolution. First, we proclaimed that we would not allow North Korea to become a nuclear state, then we declared that we would permit the north to have a few weapons. We make threats and then back down with compromises and soothing words. And this follows a foreign policy pattern of vacillation and confusion by the Clinton administration all around the world. How can we expect the North Koreans to believe the President when he does talk tough?

Madam Speaker, American men, 30,000 strong, of the United States 2d infantry division, are sitting on the most precarious border in the world, and President Clinton vacillates and dithers, confusing our friends and encouraging our foes. My colleagues, this is not foreign policy, it is confusion and it must come to an end before it gets us into an unnecessary war.

At the present time, the North Korean Armed Forces are on their highest war footing in 20 years. The Pyongyang regime has threatened that if we impose economic sanctions there will be war, and that Seoul, South Korea's Capital, will be turned into a sea of fire. Against this, the President has taken few concrete steps, and predictably, our allies, without our leadership, have been left in total and utter confusion. They are, and not without reason, unsure of our leadership and consequently the whole of Northwest Asia is in crisis.

The President and the American people must review the facts. We have mutual security treaties with Japan and South Korea, as binding as those we have with our NATO allies. If either state is attacked, it must be considered, by this government, as an attack upon the United States. Madam Speaker, the President and public must know, this is not an option, we are committed.

Thus, we must insist that our allies adopt a course of action that is consistent with both their security needs and our treaty obligations. South Korea must be assured of our support and end its own diplomatic dance. The Seoul regime has tried appeasement and then a resolute stand. Now South Korea must be assured of our support and then encouraged to take a firm position. the concessions to North Korea must end and the Pyongyang regime warned that its threats will not go unanswered.

We must also turn to our allies in Japan. We must tell them that the time for diplomatic sweet talk is over and that no amount of pacifism will protect them should North Korea gain a credible nuclear force. To that end, they must join with us in tough economic sanctions against the North and bring full diplomatic pressure to bear on the People's Republic of China to follow suit.

I must also digress, at this moment, to make one more point.

We face at this moment with our friends in Japan a great irony. As the Japanese Constitution now stands, the Japanese military, unless directly attacked, cannot support the United States in any action other than peacekeeping. This is absurd. Thus it is time for Japan to amend her Constitution, which was our handiwork, to allow her to join with us in defending the security of the Far East. I am mindful that this cannot be done overnight, that the pacifism of the Japanese people is deeply rooted in the memories of Hiroshima and Nagasaki, and I am mindful of the security implications of what I suggest.

Nonetheless, it is time the other nations of the Far East realize that Japan is a great power and that she must play a role in the world equal to her economic might. We must assure them that a rearmed Japan—a nation that already is the sixth largest military spender in the world—is no threat to their security. What is more, it is time that the Japanese people recognize that while we in the United States will always be their friend, it is their first obligation, and not ours, to defend their own country, or at least to stand beside us while we help defend them.

In any case, that is for the future, for the moment we must deal with the crisis at hand. thus, we must begin to deploy stronger forces to South Korea. In the Persian Gulf war it took us nearly 6 months to deploy our forces. If North Korea should attack, particularly if she has nuclear weapons, we may not get that breathing space. Thus, we must move quickly to bolster our forces and organize our supply networks both so that our deterrent is credible and so that lives may be saved if it should come to war. Indeed, I would go so far as to say that we must prepare the American people for the possible use of tactical nuclear weapons by U.S. forces, though, of course, I hope it does not come to that.

We must then warn North Korea that if she attacks, her forces will be defeated and her regime will not be allowed to survive. From that point on we must begin to demand that North Korea accept the regimen of the Nuclear NonProliferation Treaty or face the consequences of a slowly strangulating economy and ever tougher sanctions.

Madam Speaker, I quoted Winston Churchill once and I should like to do so again. That Great British statesman once said, "We shall see how the counsels of prudence and restraints may become the prime agents of mortal danger; how the middle course adopted from desires for safety and a quiet life may be found to lead right to the bull's eye of disaster." It is time that our allies, and most of all our President, remember that terrible lesson, paid for with the blood of thousands of Americans, and begin, at last, to recognize the reality of the danger facing us in northwest Asia.

Now I must add the footnote that we would not be in this terrible position if the Democrat leadership in Congress had not killed the Strategic Defense Initiatives of Presidents Reagan and Bush. With SDI we would have been able to shoot down nuclear missiles launched anywhere in the world, but we have no SDI and must look down the barrel of direct nuclear confrontation.

NORTH KOREA'S NEW BALLISTIC MISSILES

A close examination of the North Korean involvement in the ballistic missile development program in Iran, as well as the record of the joint missile development effort between the DPRK and the PRC, provides strong evidence that North Korean ballistic missile technology is far more advanced than the recent reports suggest. The following paper will briefly outline the latest developments regarding North Korea's missile program, placing an emphasis on the Chinese-North Korean connection.

The current DPRK ballistic missile program has four distinct operational components (not counting the brief Sino-North Korean development of the DF-61 in 1975-76):

1. Reverse engineering and modest modification of the basic Soviet R-17E (SCUD-B)—the NK-SCUD-B and NK-SCUD-C.

2. Major up-grading and improvement of the basic Soviet design principles and technologies in medium-range SSMs—the NoDong-1, NoDong-1 up-grade, and NoDong-2.

3. A new generation of two-stage intermediate range ballistic missiles largely based on integration of relatively advanced, though fully proven, Chinese technology—the TaepoDong-1 and TaepoDong-2, and;

4. A new generation of multiple-stage long range ballistic missiles based on the latest Russian and Chinese technologies—the NoDong-X.

MISSILE DESIGNS

The NoDong family of SSMs represent a very straightforward form of engineering technology. The NoDong-1 itself is a direct outgrowth of basic NK-SCUD-C technology and has a range of 1,000 km with an 800-1,000 kg warhead. Additionally, the NoDong-1 was modified, mainly for use by Iran, to reach a 1,300 km range and to be equipped with a nuclear warhead.

The NoDong-2 is the product of a several-phased development of the NoDong-1. The current NoDong-2 is the result of subsequent refinements of the basic model designed in order to strengthen the missile-cone and increase the payload. Consequently, the NoDong-2 has a range of over 1,500 km with a 800-1,000 kg warhead, reaching up to 2,000 km with a smaller warhead of 500-800 kg.

By contrast, the TaepoDong family of SSMs are the first of a new generation of two-stage SSMs that rely heavily on the integration of relatively advanced Chinese technology. The most significant components of this weapon are mainly pumps for the clustered rocket engines and stage separation technology. That said, the TaepoDong SSMs nevertheless include largely test proven components of previous SSMs, both Chinese and North Korean.

The TaepoDong-1 has a range of over 2,000 km with a 1,000 kg warhead. According to JANE's, it is a combination of a NoDong-1 [first stage] and a NK-SCUD-B/NK-SCUD-C [second stage]. In comparison, the TaepoDong-2 has a range of over 3,500 km, and can carry a 1,000 kg warhead. According to JANE's, the TaepoDong-2 is a 32m long SSM, and is a composite derivative of the PRC's DF-3/CSS-2 missile and the NoDong-1, but with a rounded nosecone. Given this technology, the TaepoDong-2 with a small warhead of around 500 kg, can attain ranges of up to 9,600 km, which puts it in the class of an ICBM.

Indeed, the TaepoDong family of SSMs are actually far more sophisticated and lethal than is generally understood. This stems from the fact that the TaepoDong is a by-product of the Iranian ballistic missile development program which has been run jointly with North Korea and the People's Republic of China since 1990 and is based in the city of Isfahan. In fact, based on comparative analysis and judging from its overall dimensions and estimated performance, the TaepoDong-1 appears to be a North Korean version of the Iranian Tondar-68.

The Tondar-68 is based on Chinese and North Korean technology, and is of two versions: The first with a range of 1,200-1,500 km, is capable of reaching Israel from launchers inside Iran. The second, with a range of some 2,000 km, is for wider theater use. The Tondar-68 is a two-stage weapon based on a Chinese M-11 ballistic missile installed on top of an Iran-700 missile, the latter itself being a derivative of the North Korean NoDong-1

In March 1991, Iran undertook two test launchings of the Tondar-68 system over the Semnan desert. In the first test launch the missile flew over 700 km, and in the second over 1,000 km. These two tests are believed, respectively, to have been launches of prototypes of both the basic system (Iran-700), as well as the complete multiple-stage weapon—a Tondar-68 made of the Iran-700 and the M-11.

Subsequently, in 1992, the PRC provided Iran technology for the development of an intermediate-range ballistic missile, including the production of an Iranian version of the M-11 in Isfahan. Later, in January, 1994, a high level North Korean military delegation visiting Iran reaffirmed the DPRK's commitment to provide Iran with the latest missile technologies.

THE CHINESE CONNECTION

The integration of the Chinese M-11 weapon into the TaepoDong family of SSMs is of crucial significance. The M-11, classified as the DF-11 in the Chinese arsenal, is a new ballistic missile introduced into operational service in the late 1980s. Originally developed for tactical nuclear warheads in the mid-1980s, the M-11 was fitted with both High Explosive and Chemical warheads soon after its initial introduction in order to make it marketable for export. The first model of the M-11, with a 135 km range, was introduced in 1988 and was soon modified into a "SCUD substitute" with a range of 290-320 kms and a 500-800 kg warhead.

The M-11 is a single stage SSM fueled with solid propellant, 9 meters long with a 1 meter diameter and a rounded-up top cone rather than a cylinder and cone as found with the SCUD. This modified cone provides improved aerodynamics and ballistic qualities. Additionally, the original model M-11 has terminal guidance, including an inertial mid-course guidance system, which insures vastly improved accuracy. The integration of modern Global Positioning System (GPS) technology known to have been purchased by the DPRK and the PRC and installed in the NoDong-1, should not be ruled out.

Further, as it is solid fueled, the M-11 relies on fully mobile Transporter Erector Launcher [TEL] vehicles, specifically the Russian MAZ-543 TEL vehicle, and can be reloaded and readied for launching in about 45 minutes by a crew of less than 10 troops. The PRC itself is also using the M-11 as the upper stage in its development of a theater ballistic missile called the M-11. Fully mobile, the M-11 is a "stretched M-11" with two stages of solid fuel.

The installation of the M-11 as the upper stage of the TaepoDong family of SSMs drastically changes the capabilities of the TaepoDong without altering its external appearance of dimensions. This is significant because solid fuel missiles, like the M-11, are easy to handle as upper stage components since they are relatively simple to store, do not require fueling, and are relatively insensitive to separation by explosive-bolts.

Furthermore, by using the M-11 rather than the NoDong-1 for its upper stage, the TaepoDong gains dramatically increased accuracy and range. (It is noteworthy that, according to JANE's, the TaepoDong-2's upper stage is a NoDong-1 with a rounded nosecone, a characteristic also of the M-11.)

Further, the TaepoDong-1 is made of an M-11 missile installed on top of a booster-derivative of the NoDong-1. With this configuration, the TaepoDong-1's range of over 2,000 km with a 1,000 kg warhead remains unchanged, but the accuracy improves markedly. Similarly, the TaepoDong-2 is an M-11 installed on top of a booster-derivative of the DF-3/CSS-2. Again, the basic range of over 3,500 km with a 1,000 kg warhead remains unchanged. As discussed above, with the TaepoDong-2's DF-3-based booster, the TaepoDong-2 can reach a range of 9,600 km.

SOME HISTORY

In assessing the likelihood of the availability of such advanced Chinese strategic technologies to North Korea, it should be emphasized that both countries have been cooperating in missile production and development since the early 1970s. Moreover, the DPRK and the PRC now closely cooperate on the development of new missiles as a result of a series of agreements reached in 1988 (and October 1991) for the joint development of a new generation of weapons.

Indeed, in 1988, the first delegation of 90 North Korean ballistic missile experts was dispatched, pursuant to the aforementioned agreement, to the PRC to work on these joint missile projects. Most important among these projects was the development of a MRV-equipped Medium Range Ballistic Missile (MRBM), optimized for nuclear warheads, with a range of 800 km. A prototype of this MRBM was successfully test launched in Yinchuan, China, in the Fall of 1991.

Furthermore, in 1989-90, the DPRK dispatched some 230 additional military experts from its ground forces, navy and air force to the Dalian base, on the Liaodong peninsula, for study and cooperation in the development of various advanced missile technologies, mainly ship-to-ship missiles, various surface-to-surface missiles (ballistic and cruise), and surface-to-air missiles. Later, in October 1991, during Kin Il-Song's visit to China, the DPRK and the PRC reiterated their commitment to the joint development of a ballistic missile technology uniquely applicable for nuclear warheads, especially MRVs and MIRVs.

A major component of the 1991 agreement was Pyongyang's decision to shop for advance missile technologies to up-grade ballistic missiles in the USSR/CIS and share them with the PRC. Further, in the late-1980s, USSR-DPRK cooperation arrangements were expanded to include advanced SSMs. Consequently, in June 1991, the USSR transferred at least 10 KY-3s [SCUD-Cs] to North Korea for use as samples in the reverse engineering research that is crucial to facilitating the production of advanced models of ballistic missiles.

Unlike the basic R-17 [SCUD-B], the KY-3 has a longer range, solid fuel, and most importantly, a completely new guidance system with "pinpoint accuracy" that can be adapted to all types of SCUDs and their derivatives. The availability of these technologies significantly enhances the scientific-technological basis of the ballistic missile industry of both North Korea and China. Indeed, the KY-3 technologies are ideal for integration into the M-11-type ballistic missiles and would vastly improve their performance.

Thus, at present, with the Sino-Korean MRBM as an upper stage, the PRC is developing a mobile intercontinental ballistic missile capable of striking at the continental US. This ICBM relies heavily on Soviet technology, mainly that of the rail-based SS-24 and the vehicle-based SS-25 ICBMs. Although the original range of the Soviet ICBMs is around 10,000 kms, the Chinese ICBM may have a shorter range and be capable of carrying 8-10 MRVs. (It should also be added that the October 1993 testing at the Lop Nor test site involved a warhead, estimated at 70-90 kt, for the MRV.)

The North Korean version of this Chinese strategic missile, the NoDong-X, is a vast technological improvement over the NoDong and TaepoDong SSMs. Indeed, in its development, the DPRK also utilized the latest Russian technology obtained from numerous Russian engineers and technicians working in North Korea. Consequently, through miniaturization of the warhead and adaptation of solid fuel, the NoDong-X, in its initial form, may be capable of achieving a range of over 6,000 km. This would allow it to hit parts of the continental US. Indeed, the Russian assessment is that the NoDong-X is "a long-range assault weapon." ROK's Deputy Prime Minister Yi Yong-Tok also called the NoDong-X "a strategic weapon."

Considering the intensity of the development work in the PRC and the DPRK, the NoDong-X may be operational by 1996-97.

Thus, any assessment of the TaepoDong family of SSMs must be based on the premise that the upper stage is a derivative of the M-11. It therefore appears quite likely that North Korea possesses a weapon with far greater accuracy and reliability than anything previously available to it.

□ 1040

RECOGNITION OF MEN'S HEALTH WEEK AND CHILD SUPPORT ENFORCEMENT ACT

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, let me first quickly answer the gentleman's statement.

I chair Research and Development in the Committee on Armed Services. I want to tell the gentleman that nobody killed SDI. We are still funding it. It has not gotten as far as we had hoped it would because we just have not had the breakthroughs in laser technologies and other such things. But it is absolutely wrong to say that it is not being funded and funded in a very healthy, robust manner, which some people think is much too robust in this day and age. It is just that we cannot push science where science is not ready to go.

Madam Speaker, that is not what I came to the well to talk about. I came to the well to talk about my role as cochair of the Congressional Caucus on Women's Issues, and what we want to talk about this week going into Father's Day.

First of all, we are very pleased that this week is known as Men's Health Week. It is very, very critical. Usually the caucus is in here talking about Women's Health Week, so this is something a little different. But whether we look at adult women or adult men, there is something we all have in common. Even the toughest, meanest of us all kind of turn to putty when somebody says, "It is time to go get your physical." Yet I hope at every dinner table in America this Father's Day, they are all looking at each other saying, "Did you get your physical?" Because we are seeing many, too many people my age with this gray hair in their fifties coming down with breast cancer or prostate cancer or colon cancer or whatever, and those lives would have been saved had they gone to get their physical. So let us have part of Father's Day being beefing each other up to all march in to the doctor's office together. The poll I have always wanted them to run is to see whether adults my age are more fearful of dentists or doctors.

It probably will not make much difference. I think we are equally fearful of all of them, and to those who say they are terribly afraid to fund these preventive services in health care bills because we will all be down there every day getting prostate checks or mammograms or whatever, they do not understand human nature. It is not about paying, it is about the fact that we really do not want to go. We ought to be funding it in health care, we ought to be encouraging prevention in every way, but it takes more than just funding and covering. We have to keep nagging to make sure that our loved ones get there.

Madam Speaker, I hope everyone in this country really takes Men's Health Week very seriously. As they talk about the men in their family that they really respect and revere, make sure they are healthy and they stay with us, because we really see many, too many men in this country dying much too early and much of it did not have to happen. I think that is important.

Madam Speaker, the other thing the caucus is doing this week is that we have put in our Child Support Enforcement Act. It is the toughest, meanest thing we have seen yet. Yes, the President is doing welfare reform today and that is very important, but this is welfare prevention. There is over $34 billion a year in child support orders that are not paid in this country. That is criminal. That is totally unfair to the parents who are paying for their kids, because what they are doing is not only paying for their kids but paying for other people's kids who decided they did not want to accept the responsibility, thank you very much.

It is not just men; women do this, too. Many people have learned how to use State lines to play economic hide and seek from the families they are trying to get away from and from the family responsibility they are trying to get away from. We changed this in other areas; we are going to work very hard to change it here.

Madam Speaker, I encourage everyone, all the responsible fathers and all the responsible mothers and parents in the country to get behind this legislation and once and for all say parenting is a very serious responsibility and that people should not be allowed to duck it and just throw it off on the American taxpayer, because children need both of those parents. That is why we celebrate Father's Day and that is why we really want to get this legislation done.

Let us all celebrate Men's Health Week and let us get the Child Support Enforcement Act passed, and I think we will be a long way toward solving a lot of problems that American families have been dealing with.

TIME FOR A CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Madam Speaker, I rise today to talk about change, to talk about change here in the Congress. It is time that we change the way Congress does business.

□ 1050

I am a supporter of that. We need procedural changes that will bring about changes in results. Nearly everyone here goes home and talks to their constituents about the debt, talks to their constituents about the deficit. We talk about too much regulation and too much control. And, yet, in order to bring about some changes, we have to make some procedural changes here and come back, and they are not willing to do that. They are not willing to do that.

Our constituents and voters, for a good reason, talk about the things that happen here that ought to be changed. They talk about the results that are not the kind of results that you and I want: Too much taxes; too much government; too much regulation.

But we do not bring about the changes to that, because, indeed, there need to be some structural changes in order to do it. You cannot expect different results by continuing to do the same thing. And we have an opportunity to do that.

I guess my point is, we talk and talk and talk about it, but it is right here. We can do it. It is on the floor. The bills are here to make the changes.

I am talking about changes that make the Congress serve under the same laws that apply to everyone else. I am talking about term limits. I am talking about balanced budgets. I am talking about budgetary reforms, procedural reforms that will allow the results to be different.

Let us talk a little bit about limiting the terms of Members. A number of States have taken the initiative to do this. Of course, it is not going to come from the Congress. The Congress will never endorse that issue, until forced by the States and by the voters. And I will admit, it is not an easy issue. Intellectually, I was opposed to that issue for a long time. I thought that is not the right thing to do. Why should we limit the voting privileges of you and I as voters, when we have in the House every 2 years a chance to do that? But having been here a while, I have noticed that doesn't happen. It is a peculiar type of thing.

A high percentage of the Members of the House have been here a relatively short time, but some have been here forever. And we see the arrogance of longevity. We see it last week. We see it next week. We see people have been here so long and been in control of this House for 40 years, and have been led to believe that the rules do not apply to them. And I know of no other way to do it than to have a nationwide term limitation. I think it has merit and that we can do that. We can move forward on that.

Line item veto. Almost everyone in this place would agree with line item veto. They talk about line item veto. President Clinton talked about line item veto in his campaign. He came here, and the leadership of the House and Senate said, oh, no, we are not going to do that. We will come up with sort of a wimpy little thing that says you can override it by a majority vote. That is not a line item veto. Veto means two-thirds. We could have a line item veto right away, if we wanted to do that.

Talk about deficit reduction. There are bills here that would say that if you reduce spending in one category, instead of shifting it to another category, that it would reduce the deficit. It would be dedicated to deficit and debt reduction. What is wrong with that? President Clinton talked about all the cuts in his budget last year. The fact is, it was a $30 billion increase. It wasn't cuts at all. It was transfers of spending from one category to another. If you are going to cut, we ought to dedicate that to deficit reduction.

The balanced budget amendment. Some call it a gimmick. The fact is that we have not had a balanced budget for years and years and years in this House. The fact is we do not do it without a balanced budget amendment. The fact is you do need the discipline of a balanced budget amendment, to say here is the amount of money we have, here is revenue, and you have to balance revenue with income. We do it in my State of Wyoming. Of course, it is painful from time to time. But what it does is it calls us to take account of benefits versus costs. And if it is worth having, if it is worth paying for, you have it. If it isn't, you don't. You cannot simply max out your credit card, as we have been doing in the past.

We need structural changes, we need procedural changes. They can be done. They can be done, if the majority will stop opposing the changes in the procedure that will bring about changes in the results.

WORLD WAR II COINS

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Ohio [Ms. KAPTUR], is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, just a few days ago the world was focused on the coast of Northern Europe as we watched the reenactment of ceremonies that honored those who fought in our Nation's defense with several other allied nations and preserved the freedoms that we enjoy today as citizens of the United States.

Here in Washington, the World War II Memorial that has been authorized by Congress will be built here and will give us a timeless remembrance of that allied victory.

This memorial is intended to be built with proceeds obtained from the sale of three World War II commemorative coins that have been minted by our U.S. Mint and are on sale through the Mint through June 30 of this year.

The coins' designs were selected through a national competition, and all five winning artists are veterans of our Armed Forces, including two who served our country during World War II.

Each coin symbolizes an important story of the allied victory. The gold $5 coin depicts an American serviceman with his rifle raised, celebrating victory, with the reverse featuring a V for victory and then with that spelled out in Morse Code. The gold coin, which can be purchased separately, is the most expensive.

The silver dollar coin, which is my favorite and probably I think costs around $11 if it is purchased individually, commemorates the Battle of Normandy, which we watched celebrated last week, and it features an American soldier advancing on the Normandy Beach, with a quote from General Eisenhower on the reverse side, along with the Atlantic Campaign button. And it reads, "I have full confidence in your courage, devotion to duty, and skill in battle. We will accept nothing less than full victory."

This is simply a beautiful coin, and on the front of the coin it has the entire World War II commemorative period that we are honoring in our country, 1991 through 1995, and it also has for a lot of our D-day veterans that are interested, the date June 6, 1944. That is emblazoned across the top of the coin.

The third coin is a clad half dollar coin, and it depicts the various branches of the service, all five of them, and on the front it has the individual branches. You can see the various members of the Armed Forces here that have their own uniforms on, and it has a V for victory in the background.

Again, it commemorates the 1991 through 1995 period, and it says "In God we trust." Then the back of the coin, and this is of particular interest to our Pacific war veterans who may have felt that the country had not noticed that they participated in World War II, but of course those commemorative ceremonies will be held over the next year, the back of the coin indicates the Pacific Campaign, and it portrays an American soldier moving up on one of the islands in the Pacific with landing craft, a ship, and a fighter plane appearing in the background.

One of my own uncles fought in that campaign, and this is a beautiful coin, and certainly affordable to any family in America.

So I would encourage all Americans to do something of value, to remember the Americans who served overseas and on the home front and preserved the freedoms that we enjoy here today that give us the right to speak out here in the well of this Chamber on many topics of interest to the American people.

The Mint will be selling these coins, again, through June 30 of this year, and for further information, citizens can just call the U.S. Mint here in Washington. It has an 800 toll free number, 1-800-533-8888. That is 1-800-533-8888. You can obtain additional information. These are only on sale through the end of the month. All proceeds from the sale of these coins will go to fund a World War II Memorial here in our Nation's Capital.

Under the legislation we passed, some of those funds have already been taken over to Europe because these coins have been sold over the past year, and they have gone to build a peace garden in Normandy in back of the Museum of Peace in Caen, which is very close to the Utah Beach and Omaha Beach areas where we saw the President of our country and many Members of Congress and thousands of American's veterans travel a week ago.

So for those Americans who have already purchased their commemorative coins, that peace garden has been built. It is already being visited by thousands and thousands of people from around the world, and we are just waiting for the day when the World War II Memorial can be built here in our Nation's capital along the Mall.

RETROACTIVE TAXES

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Minnesota [Mr. RAMSTAD] is recognized during morning business for 3 minutes.

Mr. RAMSTAD. Madam Speaker, sports fans, concerned taxpayers of America, the ball is back in our court. Yesterday the Supreme Court threw the ball on retroactive taxes squarely back into the court of Congress.

The Court, while barely affirming the authority of Congress to pass retroactive taxes, said clearly, and I am quoting now, "The wisdom of such legislation remains within the exclusive province of the legislative and executive branches."

Are retroactive taxes wise? That is the question the Congress must now answer. Are retroactive taxes fair? That is the question that Congress must now answer. Are they good economics? Of course not.

Are they fair? Of course not.

Taxpayers simply cannot plan their household finances, if the rules can be changed after the game starts. Small business owners who create 85 percent of the jobs cannot make business plans if Congress passes taxes after the games starts?

Retroactive taxes are clearly unfair, unwise, and bad economics.

Madam Speaker, as I see it, we now have two choices: One, we could view the decision, and I am sure some will, as a green light to raise retroactive taxes retroactively whenever the money gets tight. Of course, the way Congress spends money, that means all the time. That is a frightening prospect around here. So I think the better alternative is to take steps to ensure that Congress never again raises taxes retroactively.

That is why I introduced House Resolution 247, to amend the House rules to prevent this body from ever again passing retroactive taxes.

In light of the Carlton decision yesterday, it is now more important than ever for all Members to join 160 of our colleagues already on both sides of the aisle who already support this bill that I have introduced which would outlaw future application of retroactive taxes.

But to get the ball into play, we must sign Discharge Petition No. 11.

Madam Speaker, it is now up to us to protect the American taxpayers. It is now up to us to say no to retroactive taxes ever again. The voters and the taxpayers of America are watching all of us. They are watching to see if we will sign Discharge Petition No. 11 as we do not fumble the ball on retroactive taxes.

COL. CHARLES BECKWITH REMEMBERED

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. HUTTO] is recognized during morning business for 3 minutes.

Mr. HUTTO. Madam Speaker, yesterday, June 13, Col. Charles Beckwith died at home in Austin, TX. Many will not remember Colonel Beckwith for his 30 years of dedicated Army service or for the many successes, most of which the public will never know of, as a commander of the Army's elite antiterrorist Delta Force. Many will only remember Colonel Beckwith as the commander of the ill-fated mission to rescue 52 American hostages from Iran in 1980.

It is true the mission code-named "Eagle Claw," or as some will remember, "Desert One," was not one of the Army's or our Special Forces finer hours. However, Madam Speaker, there was a very significant victory achieved by Colonel Beckwith and the other valiant members of the rescue effort.

The failure of this mission was, in my view, preordained. Some of the official conclusions investigators established as causes for the failure was that the Army, Air Force, Marine personnel participating in the operation had not trained together prior to the actual mission and that the operation lacked a clear chain of command.

The failures experienced at Desert One was a wake-up call for the American public and, indeed, for Congress. Led by the efforts of the late Representative Dan Daniel of Virginia, and many other interested Members of Congress, the entire structure of Special Operations has been changed. Command and control, funding, and other necessary adjustments have been accomplished. The whole approach to joint operations has been changed due to the establishment of the U.S. Special Operations Command through the Goldwater-Nichols Act.

Colonel Beckwith's victory at Desert One was to dramatically illustrate to the American public that changes were needed. Those needed changes have been made and the successes of our Special Operations Forces since that time are a tribute to Colonel Beckwith.

I join with all my colleagues in offering our condolences to Colonel Beckwith's wife Katherine and his entire family. Colonel Beckwith was truly a great American and soldier. We shall miss him.

OSHA REFORM—H.R. 1280

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Madam Speaker, I want to take this time today to discuss the OSHA reform legislation that is proceeding through this Congress. I would start out by stating the premise that I believe labor and management agree that work place safety is of paramount importance. Unfortunately, that is about the extent of where agreement exists on the OSHA reform legislation.

I think we are on the wrong track with the legislation that is moving through Congress. It is known as the Proposed Comprehensive Occupational Safety and Health Act, COSHA, H.R. 1280.

While creating lots of new regulations and rules, I think it will do very little to improve work place safety.

The Employment Policy Foundation estimates that the Ford-Kennedy OSHA proposal will cost the private sector $63 billion. Members, the private sector is you and I.

The impact on small business and family farms of COSHA will cost small business and farmers approximately $40 billion per year.

The bill establishes broad new agricultural safety and health standards. The bill will result, I believe, in de facto union organization of farm workers throughout this country, because it mandates safety and health committees be formed.

The bill will require that farm employees be provided lifetime medical monitoring and health evaluation for their work force.

Members, it is has been the policy of many administrations to have cheap and reasonable food for the American people. We cannot add enormous costs in the billions of dollars on agriculture and expect to continue to have a reasonable, cheap food policy. It is more legislative interference, I am afraid, the bottom line of all this legislation is more legislative interference in labor-management relations.

I really resent when Members come to Congress, such as the sponsors or the promoters of this legislation do, to get through legislation what they cannot get at the bargaining table.

My colleagues, I would just talk a little bit about the excessive regulation in government. Probably nothing infuriates the American people more. Recently, though, as far as environmental issues, we had a 6-year-old Robyn Lerman of Highland Park, IL. This young lady had to go to the dentist to have a couple of teeth extracted. She was terrified at the prospect of this, but was reassured that the tooth fairy would visit her and she could put these teeth under her pillow and that made her feel better.

Well, she went to the dentist and the teeth were taken out. And she survived, of course. But the dentist would not give her parents the teeth. The teeth had been classified by OSHA as on a list of potentially biologically hazardous material and were taken from the family and the young lady went home without her teeth and without the opportunity to put those under her pillow for the tooth fairy.

□ 1110

We can carry regulation, government bureaucracy, much too far. The OSHA reform bill does that. I hope that this Congress will look closely at it, and that we will listen to our constituents and to the business community as we examine this legislation so that we can achieve the goal we do agree on: workplace safety for every American workers, in a way that we can afford, and one that will not increase government interference in business and in our lives.

RECESS

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 10 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the emotions that flood the human heart, we pray, O gracious God, that our hearts and minds and souls will be filled with gratitude and praise as we think of the mighty acts of Your spirit. For peace in our lives we offer thanks; for deeds of justice and acts of charity, we offer praise; for the gifts of reconciliation between peoples and for new understanding between adversaries, we laud Your name. May we be worthy of all Your gifts to us, O God, and ever be aware of the needs of others. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Florida [Mr. JOHNSTON] if he would kindly come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSTON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

STAND UNITED AGAINST NORTH KOREA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, now that North Korea has pushed the United States to the brink of confrontation by refusing nuclear inspections, it is critically important that we back the President and not politicize the North Korea issue here in the Congress, as we have Bosnia, Haiti, and Somalia. American vital interests are at stake here, and we cannot appear divided to Kim Il-Song.

Mr. Speaker, one reason why things are politicized around here is that nobody wants to talk about the fact that the projected deficit is down for 3 years in a row for the first time since Truman was in the White House; the fact that our deficit as a percentage of national income is now the lowest of any major economy in the world; and the fact that after the first 16 months of President Clinton's administration, we have created more than 3.1 million private sector jobs, nearly 1 million more jobs than those created in the 4 years of the Bush administration.

FLAG DAY, JUNE 14, 1994

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today is Flag Day. It also is the 180th anniversary of the Star Spangled Banner, as well as the 15th anniversary of the Pause for the Pledge. At 7 p.m., by joint resolution of the Congress, the entire Nation should pause to pledge allegiance to the flag. It is an act of patriotism which was begun in Maryland by one person, Louis Koerber, chairman of the National Flag Day Foundation. Supported by the Congress, it encourages all Americans to think of what that Star Spangled Banner has meant to generations of persons, from every nation and every walk of life, who recognize the freedoms the Stars and Stripes represent.

Maryland's long history of proprietary interest in the Stars and Stripes include Mary Pickersgill's needlework, which gave us the flag which flew over Fort McHenry and inspired Francis Scott Key to write about the flag's still "gleaming in the dawn's early light," while on a boat out in Chesapeake Bay during the War of 1812.

The history includes Barbara Fritchie's heroic stance, protecting the flag from southern troops at Frederick during the Civil War. Our flag is called Old Glory, as a symbol of our sovereignty.

It is an honor to pledge allegiance to this flag tonight, to rededicate ourselves to the glory that is America.

HEALTH CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this Congress is very close to passing one of the most significant pieces of legislation in our history—health care reform. The American people are demanding action on this issue. But, even in the face of overwhelming public sentiment, there are some members of the Republican party who cling to the old traditions of gridlock and politics as usual.

Opponents of health care reform will try to tell the American people that health care reform is dangerous. And, if it sounds like a familiar theme, it should.

It is the exact same argument Republicans used to try to torpedo the President's budget package. They said the budget agreement was dangerous too, and that it would hurt our economy. But, now that the dust has settled, we can see clearly through their overblown political rhetoric to the truth. The budget package has created jobs, lowered the deficit and boosted consumer confidence: What is dangerous is the use of overblown rhetoric and parliamentary procedure to thwart the public will. It hurts our people and our country and it is time to set partisan rhetoric aside and work together to pass health care reform. That is what the public wants.

BROKEN PROMISES AND UNACCEPTABLE LEGISLATION BY DEMOCRATS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, there they go again. The President of the United States has come to the American people with a legacy of unfounded promises, broken promises, unacceptable legislation on health care, mythical legislation on welfare reform. The President and his party cannot get anything done because they cannot get together with the American people.

Now the Democrats, with their control of the White House, their control of the House sufficient to pass any bill they wanted, plus an extra 40 votes, their control of the Senate, with ability to pass any bill they wanted, plus 6 extra votes, are screaming and hollering about Republican guardians of gridlock.

Mr. Speaker, when we watch our beloved Dallas Cowboys once again come to Washington and beat the Redskins, people in this town will look at the Cowboys defense and talk about the guardians of gridlock. But, Mr. Speaker, what America will see is fine Christian young men doing the Lord's work against a wicked force in an evil city.

Democrats need to understand, they cannot come to the American people with broken promises, false promises, and failed ability, and blame it on the Republican minority. They got to go to work.

□ 1210

CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, China enjoys a $20 billion trade surplus with America, second only to Japan. Year after year, Congress gives carte blanche, red carpet, most favored nation trade status to China, average wage 17 cents an hour.

But right now the question is, where is China?

In a moment of need, will China support Uncle Sam or will China support another Communist dictatorship in North Korea that not only has nuclear weapons but may be willing to sell them to our enemies. And to make it even worse, North Korea looks right in our face and says, shove your sanctions, Uncle Sam, up your Chinese trade deficit, because we are not going to budge.

I think it is time, my colleagues, to look at our trade policies that not only are killing American jobs but may be financing the next world war. Think about it.

ALL THE KING'S MEN

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Madam Speaker, like Humpty-Dumpty, all the President's men have been trying to put our welfare system back together again. Not change as we know it, but put it back together again.

But, Madam Speaker, all the king's men could not make our welfare system work well. The President needs to do what he promised and to replace our welfare system with something that works for all Americans. We need to stop tinkering and start working to end welfare as we know it.

The people should ask themselves if the Clinton plan meets these standards:

Would it save the American taxpayers money? Would it get people off of the government dole and onto real jobs? Will it shrink the size of government? Will it encourage people to take responsibility for themselves?

Madam Speaker, if the President's plan does not meet these criteria, it is not welfare reform. Certainly, it is not ending welfare as we know it.

D-DAY

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Madam Speaker, 50 years and 1 week ago yesterday, the greatest sea-launched invasion in the history of the world took place on the beaches of Normandy. Many young men, some only 18 or 19 years of age, from the United States of America, Britain, Canada, and other allied countries, stormed the beaches and dropped from the skies, and many thousands lost their lives.

One week ago yesterday, many of those who survived that horror returned to observe the 50th anniversary of that event.

I had the opportunity to be there and I was greatly honored to be in the presence of those who were a part of that magnificent victory.

I was pleased that many of the leaders of the free nations that were part of it were there to acknowledge the sacrifice that had been made by those who gave their lives and those who still live.

I especially appreciate our President Bill Clinton, and the words he spoke, which brought a sustained standing ovation from those veterans present at the American National Cemetery at Colleville-Sur-Mer.

As one who fought in Europe after D-day, I believe his words touched the hearts of those brave and dedicated men.

THE PRESIDENT'S WELFARE PLAN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Madam Speaker, today the President will unveil his welfare reform plan. If it is anything like his health care plan, we can all expect to be on welfare by the end of the century. I urge my colleagues and the American people to look closely at the President's welfare plan with some of these questions in mind.

Will it save the taxpayers money? Will it end the cycle of dependency? Will it stop giving handouts and begin giving a hand up? Will it solve the problem of teen-age illegitimacy? Will it cut down on bureaucracy or will it create more bureaucrats?

Madam Speaker, these are the questions we all must ask of the President's plan. When the President promised to end welfare as we know it, he acknowledged the essential failure of our Nation's welfare system. Now is the time for him to live up to his promise.

Tinkering is not enough. We need to find a new way. I am very troubled that the President's plan is simply more of the same way.

THE CLINTON WELFARE REFORM PROPOSALS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, this afternoon President Clinton will unveil his welfare reform proposals. I am anxious to see his legislation and hope the congressional leadership will proceed with hearings this summer.

Congress should look carefully at the President's welfare reform plan, and be sure it meets some basic, common sense objectives.

First, welfare reform should result in less Government bureaucracy, not more. Social welfare programs should not simply redistribute wealth, that has been tried for many years and has failed miserably. We do not need new expensive spending ideas to help people in poverty, just some good old fashioned common sense on how to beat poverty.

Second, welfare reform should provide incentives for those who are out of work to find work. A 2-year limit on welfare recipients is absolutely essential. There should be no loopholes which allow recipients to stay on welfare for generations.

Finally, welfare reform should restore the confidence of the taxpayers who are financing this system. The American people are demanding it. The taxpayers should believe that their money is being spent wisely and should not be asked to pay higher taxes to finance more welfare as we know it.

JOBS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Madam Speaker, jobs. That is the reason that commonsense people oppose employer mandates.

The President's health care reform plan will kill millions of jobs, close thousands of small businesses and raise the costs of hiring new employees. The President has made the employer mandate the cornerstone of his entire health care plan. But that cornerstone cannot withstand the weight of reason and the pressure of reality.

Any reasonable person knows that sacrificing a million jobs in any health reform process is not worth the effort. And in reality, the President's employer mandate will kill a million jobs.

Madam Speaker, to reform our health care system, we need a stronger cornerstone than employer mandates. We need to fix the problems that plague our current system without killing jobs and hurting quality. That is why the common sense approach is to oppose employer mandates.

WELFARE REFORM

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Madam Speaker, saying the right thing but doing the wrong thing. That just about sums up the Bill Clinton Presidency.

Today the President will unveil his welfare reform plan. He is going to give a terrific speech about how we need to end welfare as we know it. But then in a couple of weeks he is going to introduce a bill which will preserve welfare as we know it.

This is not unusual for Bill Clinton. Remember when he talked so tough on crime and then supported quotas for the death penalty. How about when he promised us that middle-class tax cut and then gave us a middle-class tax hike. Just another example of saying the right thing but doing the wrong thing.

Madam Speaker, it is very effective to say what the people want to hear. It makes for great applause lines and popular speeches. But the great Presidents actually meant what they said, and we could count on them to do the right thing all of the time.

So far, Bill Clinton has fallen far short of that standard.

LET ME COUNT THE WAYS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, employer mandates: Why do Republicans loathe these? Let me count the ways.

We loathe these with depth and breadth and height. To protect the jobs they will kill, we are willing to fight.

We loathe these with foreboding and fear. It is a huge payroll tax, that much is clear.

We loathe these because the small businesses they will close. And that will only be the start of our economic woes.

We loathe these for those who won't be hired. And the economic slump for which we soon will all be mired.

We loathe these for reasons few can doubt. We know we're better off going a different route.

Let me say to the President as we proceed to the health care debate: If you want Republican support, take out your employer mandate.

□ 1220

URGING A PROMPT CONSENSUS ON CRIME LEGISLATION IN CONFERENCE

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Madam Speaker, I rise today to urge our colleagues in both Chambers to seek a prompt consensus in the ongoing conference committee dealing with the crime bill. The crime bill is not a magic solution that will eradicate crime from our streets.

Nevertheless, we must pass this landmark legislation and let our fellow Americans know that we, along with the President, care deeply about the crime wave ravaging our communities, and that we are providing much needed tools and resources that are needed in this crusade against crime.

Just a week ago my district, Puerto Rico, lost a great public servant in a senseless act of violence. Jose Jaime Pierluisi, a 28-year-old model citizen, succumbed to the bullets of an assassin during a carjacking. Jose, known by countless friends and relatives as "Pilu," was an exemplary role model to America's youth. A member of a family of public servants, his father is a former Secretary of Housing in Puerto Rico, and his brother, Pedro, is currently Secretary of Justice in Puerto Rico.

Pilu, an affable young man, serious in his work and always willing to assist in commendable causes, had dedicated himself to forge a better Puerto Rico. In his latest role as the Governor's Economic Adviser, he sought to create better jobs and education opportunities for his fellow citizens.

Pilu, we render tribute to you in this Chamber. On behalf of your 3.6 million brothers and sisters in Puerto Rico, we thank you for your service and dedication.

THE REAL CONSEQUENCES OF VOTES CAST ON THE HOUSE FLOOR

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Madam Speaker pro tempore, the fact is that the votes we cast here often do have consequences. Last week the Democratic leadership lined their people up to vote against the Goss amendment to the defense appropriations bill, an amendment that was designed to keep us from committing troops to Haiti.

Madam Speaker, now we find out that in the Commerce-State-Justice appropriation bill, there is $25 million for peacekeeping activities in Haiti. What do peacekeeping activities in Haiti mean? That means a commitment of U.S. troops to that island.

Madam Speaker, we are on the verge of having a vote we cast the other day give a signal to this administration that they can put troops into Haiti and then have that confirmed with $25 million of moneys that will be voted on by this Congress to sustain those troops in Haiti. This is a disaster as a policy and it is a true sign that the votes that we cast in this Congress have consequences, real consequences.

IMPORTANCE OF SCREENING AND EARLY DETECTION OF PROSTATE CANCER

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, I join a number of my colleagues today in urging men over the age of 40 to schedule regular screening for prostate cancer. In 1993, an estimated 35,000 men died from prostate cancer, and the disease will affect 1 out of 10 men by the time they reach age 85. However, with early detection, the survival rates improve significantly; in the past 30 years, they have increased from 50 to 78 percent. It is critical that we get the message out that regular screening can save lives. This has been the mission of US–TOO, an organization working for increased funding for prostate cancer research and prevention efforts.

Father's Day is Sunday, June 19, and this week also has been designated "Men's Health Week." Let us take this occasion to support our fathers, sons, brothers, and friends in seeking regular prostate cancer screening. Early detection will save lives; we need to invest more in public education and research funding for this disease.

SETTING THE RECORD STRAIGHT ON MISSILE DEFENSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I would like to commend to my colleagues' attention an article in this week's Defense News concerning a critical missile defense test in 1984 that some Members of Congress have alleged was faked by the Department of Defense.

I bring this up this morning because in view of what we saw in the gulf war and the situation we are facing today in Korea, you would think every Member of this body would want to move forward aggressively in missile defense research, testing, and deployment. However, allegations of this faked test have been cited on the House floor as a major reason why we have cut funding for these programs.

Today's report states that the GAO's investigation completely supports the Pentagon. There was no cheating by DOD on these critical tests. Instead, the tests proved that missile defense can work; that is, SDI.

We are cutting defense too much too quickly, and in recent years, we have cut vital research into missile defense technology by too much. During the recent D-day commemoration, it was often said that our greatest responsibility is to hand down a safer world to our children. I strongly agree. One way we can do that is through making missile defense a reality.

NEW TAXES AREN'T THE ANSWER

Mr. KNOLLENBERG. Madam Speaker, we have all heard the heart-wrenching stories from our constituents about the problems with our present health care delivery system, but I have yet to hear from a majority of people from my district or across America who want to pay more in taxes.

On both sides of Capitol Hill, the Democrat leadership is at it again—asking hard working Americans to dig even deeper into their pockets for yet another big Government proposal.

And when I say deep, numbers upward of $190 billion cannot help but strike fear into the hearts of the American public.

The people who elected us do not want unfunded mandates. They do not want new taxes. And they certainly do not favor increasing Government bureaucracy for a system that would be costly, untested, and unretractable.

Our friends and neighbors on Main Street, U.S.A., want a common sense approach that not only fixes those parts of our health care delivery sector that are broken, but also saves the best of our present system.

Madam Speaker, the American people want health care reform, and I wholeheartedly agree, but I refuse to place yet another burden on their backs, just to relieve another. This is non-negotiable with the American people. The American public is taxed too much not too little. I know it, and the Members of this House know it.

WELFARE REFORM PROGRAM WILL CONTINUE TO ENSLAVE ANOTHER GENERATION

Mr. MICA. Madam Speaker, today, the administration is announcing its welfare reform proposal. If Members are holding their breath that it will end welfare as we know it, they should not hold their breath. If they are hoping it will cut spending on welfare, think again. If they are hoping it will create more jobs in the private sector, they are about to be disappointed.

Here is what it does, Madam Speaker. It spends billions more for Government programs. It proposes to take welfare recipients, and, I might add, a small percent, and it takes them off of one Government program and it puts them on another Government program. The Clinton welfare reform program is another Government-based program to continue the enslavement of another generation.

Why not create real full-time jobs in the private sector? Why not promote investment, capital expansion, and real opportunity? Why continue to extinguish the American dream with more Government-based solutions, with more make-work jobs, with more shell games for the taxpayers' hard-earned dollars?

Only when we look at realistic solutions will we really end welfare as we, unfortunately, know it.

REMEMBERING JOHN H. BRADLEY ON FLAG DAY

Mr. ROTH. Madam Speaker, today is Flag Day, a very important day for all of us. Last Saturday, the largest Flag Day parade in America was conducted in Appleton, WI.

It is only appropriate that that city, Appleton, WI, dedicated the Flag Day to John Bradley. John Bradley was the last of the six servicemen who placed the flag on Mt. Suribachi after the Battle of Iwo Jima. Mr. Bradley in that photo was unforgettable, along with the other five, because of the Pulitzer Prize winning photo of 1945.

Mr. Bradley was a 21-year-old pharmacist's mate, second class. Mr. Bradley is one of the real heroes of our country. Mr. Bradley was greatly loved and respected in his hometown of Appleton, WI, and he was greatly loved and respected in Antigo, WI, where he lived and worked.

Consequently, with what has taken place on January 11, the Bradley family and the people of northeast Wisconsin and the American people lost a great patriot. However, as Admiral Nimitz said at that time, for those men and women in uniform, "uncommon valor was a common virtue."

AMERICA'S RETREAT FROM ITS COMMITMENT TO THE PRINCIPLE OF FREEDOM

Mr. ROHRABACHER. Madam Speaker, with the cold war over, one would have expected America to emerge as an even more aggressive champion of human rights and democracy. Instead, in recent days we have seen a retreat from America's commitment to freedom as a fundamental principle.

Madam Speaker, this administration not only supports most-favored-nation status for Communist China, in spite of massive human rights violations and cultural genocide in Tibet, but the administration also has decoupled, totally decoupled, the discussion of trade and human rights with this monstrous violator or of human liberty. It was the most destructive setback for human liberty in decades.

Madam Speaker, this administration has rushed ahead to lift the embargo, the economic embargo on Vietnam, without demanding any democratic reform or any new respect for human rights.

□ 1230

Now word comes that President Li of the Republic of China returning back to the Republic of China from a diplomatic mission in Latin America asked to spend the evening in Hawaii instead of just having to refuel for a few moments. He was denied permission to do so. It is an insult to democracy. He deserves an apology. The American people deserve better leadership.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4506, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

H. RES. 449

Resolved, That during consideration in the Committee of the Whole House on the state of the Union of the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, all points of order against provisions in the bill for failure to comply with clause 2 or 6 or rule XXI are waived. The amendment printed in section 2 of this resolution may be offered only by Representative Bevill of Alabama or his designee, may amend portions of the bill not yet read for amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 2. The amendment that may be offered only by Representative Bevill of Alabama or his designee is as follows:

Page 21, line 24, strike "$3,164,369,000" and insert "$3,201,369,000".

Page 23, line 10, strike "$1,879,204,000" and insert "$1,842,204,000".

The SPEAKER pro tempore (Ms. DELAURO). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 449 is an open rule waiving points of order against provisions of the bill, H.R. 4506, the Energy and Water Development Appropriations for Fiscal Year 1993. Since general appropriations bills are privileged under the rules of the House, the rule does not provide for any special guidelines for the consideration of the bill. Provisions related to time for general debate are not included in the rule. Customarily, Madam Speaker, general debate time is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to the consideration of the bill.

The rule waives clause 2 of rule XXI against all provisions of H.R. 4506. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in general appropriations bills. The waiver is necessary because the annual authorizing legislation for many of the bill's agencies and programs is not in place. In addition, it is necessary because of provisions in the bill affecting the Corps of Engineers and Bureau of Reclamation's important work affecting their ongoing responsibilities for water resources. The rule also waives clause 6 of rule XXI prohibiting reappropriations in a general appropriation bill against all provisions in the bill. This is necessary to allow the transfer of prior year unspent funds.

Finally, Madam Speaker, this rule provides that the Bevill amendment printed in section 2 of the rule may amend portions of the bill not yet read for amendment, if offered by Representative BEVILL or his designee. The Bevill amendment is not subject to a demand for a division of the question. This is an amendment which reflects the administration's amended budget request for the Department of Energy's national security programs and allows the transfer of funds between accounts within the Atomic Energy Defense Activities. It will not affect the total budget authority or outlays in the bill.

Madam Speaker, this is a carefully crafted bill which funds many activities of the Department of Energy and other agencies which are vital to our environment and national security. The bill, along with the Bevill amendment, are critically needed for the Energy Department's Mound Plant, in Miamisburg, OH, which I have the privilege of representing.

Madam Speaker, under the normal rules of the House, any amendment which does not violate any House Rules could be offered to H.R. 4506. The rule received unanimous support in the House Rules Committee, and I urge my colleagues to adopt it.

Mr. GOSS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that this rule allows for an open rule, an open amendment process whereby any Member can come to the Chamber under the normal procedures of the House and present an amendment to cut funding levels in this bill. That is a breath of fresh air and I congratulate those involved for allowing it to happen.

As a fiscal conservative myself, deeply concerned about the enormous Federal debt and the track record of this House to spend beyond our means, I am encouraged that Members will have a chance to debate the merits of the individual spending proposals in this $20 billion bill. Of course, Members should be reminded that appropriations bills are, in fact, privileged, meaning that they do not even need to go through the Committee on Rules to come to the floor and be subject to the open amendment process. That is always an option open. As the late Chairman Natcher believed, the standard operating procedure for appropriations bills should be, in fact, to bypass the Committee on Rules and take their chances under the normal procedure of the House rules coming to this floor. But lately the exception has become the rule as the appropriators keep running into little pesky problems on points of order which seem to be triggered by repeated violations of the standing House rules. If today's energy and water appropriations bill had come straight to the floor, for example, in normal fashion, it would have been vulnerable to a series of points of order against unauthorized projects and legislating on an appropriations bill. If Members turn to the actual report that we have from pages 133 to 136 for any Members who are interested, they will see under the title changes in application of existing law several areas that needed to be protected under the points of order. Likewise, we do not speak to the unauthorized projects which, of course, are not listed in the report specifically that way. That means any Member will have to go through the whole bill to figure out those things.

Madam Speaker, the Committee on Rules has tried to guard against that. In this case I feel we have got a good bill and a good rule because I do not think there is anything particularly serious in there that is going to cause any Member any trouble, but I urge them to look if they wish.

Rather than risk any kind of a floor fight on it, the chairman and the ranking member sought and received waivers from the Committee on Rules. As I say, this was a relatively straightforward process, it was not contentious. There was not a lot of disagreement. I think we have got a good product in this case and again I congratulate all those involved for doing the best job possible, carrying on the different challenges that we all have to get this legislation to the floor in an appropriate way.

Madam Speaker, judging by the frequency with which this type of end run problem of having to waive these points of order occurs, it is clear that we have a problem in our legislative process that needs to be changed. We seem to spend an awful lot of time these days waiving rules rather than complying with them and as we come up against one example after another on the need for reform, I urge the majority leadership, and I really mean this, to allow changes in the committee structure and the budget process. Right now we have got a bunch of recommendations from the Joint Committee on the Reform of Congress that are just sort of laying waiting. I hope they do not become permanent shelf items. There is an opportunity to change the way we do business. I think it would be a big improvement, and I think that the trend that I have outlined that as good as this rule is and as well intentioned and as well crafted as it is as my friend the gentleman from Ohio has said, we could have a better process and we have some recommendations that we at least ought to deliberate about. This is just an opportunity to remind us of that.

In the meantime, Madam Speaker, while we do not oppose this rule, I would like my colleagues to know that the minority members of the Committee on Rules did seek to improve it and ultimately impose greater fiscal discipline by leaving the unauthorized provisions in this bill vulnerable to points of order. Not surprisingly, that effort failed. As I say, I do not think any real damage was done except perhaps to the principle. We can only hope that eventually the majority too will tire of the cumbersome and inefficient way of doing business we have with the waiving of points of order. Then at last reform may finally come, and I think it is time that it did. An awful lot of energy has been put into the question of reform and we have not seen anything come out yet in the way of result.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1240

GENERAL LEAVE

Mr. BEVILL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4506, the bill now under consideration, making appropriations for energy and water development for 1995, and that I be permitted to include extraneous material.

The SPEAKER pro tempore (Ms. DELAURO). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1993 annual report of the Federal Prevailing Rate Advisory Committee.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 14, 1994.*

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1995

Mr. BEVILL. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, and pending that motion, Madam Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Thee was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from New Jersey [Mr. HUGHES] as Chairman of the Committee of the Whole, and requests the gentleman from Mississippi [Mr. MONTGOMERY] to assume the chair temporarily.

□ 1241

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, with Mr. MONTGOMERY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today for your favorable consideration the bill H.R. 4506 making appropriations for energy and water development for the fiscal year 1995. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship to fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentleman from California [Mr. FAZIO], the gentleman from Texas [Mr. CHAPMAN], the gentleman from Florida [Mr. PETERSON], the gentleman from Arizona [Mr. PASTOR], the gentlewoman from Florida [Mrs. MEEK], the gentleman from New Jersey [Mr. GALLO], and the gentleman from Kentucky [Mr. ROGERS]. I want to also thank Chairman OBEY, a member of the subcommittee, and Mr. MCDADE for their assistance. All of these members worked very hard in a bipartisan manner to bring this bill to the House floor for your consideration.

Mr. Chairman, at the outset, I want to point out to Members of the House that this bill is within the section 602(b) allocation for both new budget authority and outlays. It is right at the 602(b) allocation for outlays, and $17,378,000 below the 602(b) allocation for budget authority. I caution Members that any amendments offered to increase appropriations for any programs in this bill will put it over our allocation amount as we are right at our ceiling for outlays.

Mr. Chairman, the committee believes that this is the best bill that could be developed within the severe budget constraints that we faced. The bill before the committee today would provide $20,355,622,000 to the Army Corps of Engineers, the Department of the Interior, the Department of Energy, and nine independent agencies and commissions. This amount is $157,128,000 lower than the President's budget and $1,333,725,000 lower than the fiscal year 1994 appropriation.

I would like to note that the total amount recommended in the bill is $20,525,510,000 in budget authority. However, the Congressional Budget Office has scored the bill at a total amount of $20,355,622,000 due to various adjustments needed to compensate for $169,888,000 of excess revenues and other adjustments credited to accounts in this bill. The $20,355,622,000 is less than the subcommittee's 602(b) allocation for budget authority.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital navigation, flood control, shore protection, water supply, irrigation, environmental restoration, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together cooperatively to foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $3,452,434,000 for the Corps of Engineers which provides for 528 water resource projects in the planning or construction phases. This is $524,696,000 less than last year's appropriation.

Title II includes $883,620,000 for the Department of the Interior and the Bureau of Reclamation which provides for 93 water resources projects in the planning or construction phases. This is $16,824,000 less than last year's appropriation.

Titles I and II also provide for research and development activities, other studies which are not project specific, and projects in the operation and maintenance category.

TITLE III—DEPARTMENT OF ENERGY

In title III, for the Department of Energy, the recommendation provides a total of $15,820,065,000. This is $1,144,775,000 less than last year's appropriation. The recommendations for energy programs include many changes in the request which are summarized in the report. I will mention a few items.

For solar and renewable energy programs, we are recommending $402,050,000, an increase of $54,666,000 over last year's funding level.

The magnetic fusion program was funded at $376,563,000, an increase of $28,968,000 over last year's funding level.

For environmental restoration and cleanup activities at Department of Energy defense and nondefense facilities, the committee recommendation is $6,173,579,000, which is $12,074,000 below the fiscal year 1994 appropriation.

For nuclear energy R&D, the recommendation is $259,628,000, a decrease of $81,736,000 from the fiscal year 1994 level. The committee has agreed to the administration's request to terminate the Advanced Liquid Metal Reactor Research Program, but has continued limited funding of the gas turbine-modular helium reactor.

For General Science and Research, the committee recommendation provides a total of $989,031,000, a decrease of $626,083,000 from the fiscal year 1994 appropriation. The committee recommendation provides $44,000,000, the same as the budget request, to construct an asymmetric B-meson production facility—B-Factory, and also provides additional funding to increase the use of existing facilities.

The recommendation for defense programs of $10,301,214,000 is $559,594,000 below the fiscal year 1994 appropriation and $244,218,000 below the budget request. The recommended level includes increased funds for defense waste cleanup as I noted previously.

At the appropriate time, I will be offering an amendment to this bill. On June 8, 1994, the President submitted an amended budget request for the national security programs of the Department of Energy. The committee has reported H.R. 4506 before the President's request was received, but we felt it was important to consider this request when the bill was brought before the House. Working with the Armed Services Committee, we reviewed this budget amendment and identified those portions which are critical to meet the near-term national security requirements of the Department.

My amendment would increase the weapons activities appropriation by $37,000,000 and decrease the materials support and other defense programs appropriation by $37,000,000. This will not affect the total budget authority or outlays in this bill. This amendment was made in order by the Rules Committee and has been approved by the Armed Services Committee. I have included a table summarizing the specific funding adjustments.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $369,391,000 for nine independent agencies. This is the same as the budget request, and $63,727,000 below last year's appropriation.

We have provided $187,000,000 for the Appalachian Regional Commission; $136,856,000 for the Tennessee Valley Authority; $17,933,000 for the Defense Nuclear Facilities Safety Board; $2,664,000 for the Nuclear Waste Technical Review Board; $1,000,000 for the Office of the Nuclear Waste Negotiator, and $1,938,000 for the three river basin commissions.

The committee recommendation provides $540,501,000 for the Nuclear Regulatory Commission, which is offset by revenues of $518,501,000, resulting in a net appropriation of $22,000,000 which is financed from the Nuclear Waste Fund.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the Members to look through it.

I would like to include a table showing the total funding in the bill by program.

This is a good bill. I recommend its adoption.

FY 1995 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL (H.R. 4506)

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	207,540,000	147,850,000	179,062,000	-28,478,000	+31,212,000
Construction, general	1,400,875,000	956,147,000	1,023,595,000	-377,280,000	+67,448,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	348,875,000	319,918,000	334,138,000	-14,737,000	+14,220,000
Operation and maintenance, general	1,688,990,000	1,608,184,000	1,646,535,000	-42,455,000	+38,351,000
Regulatory program	92,000,000	109,916,000	101,000,000	+9,000,000	-8,916,000
Flood control and coastal emergencies	20,000,000	14,979,000	14,979,000	-5,021,000	
Emergency supplemental appropriations	70,000,000			-70,000,000	
General expenses	148,500,000	156,255,000	152,500,000	+4,000,000	-3,755,000
Oil spill research	350,000	625,000	625,000	+275,000	
Total, title I, Department of Defense - Civil	3,977,130,000	3,313,874,000	3,452,434,000	-524,696,000	+138,560,000
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	14,920,000	22,839,000	22,839,000	+7,919,000	
Fish, wildlife, and recreation mitigation and conservation	4,850,000	11,133,000	11,133,000	+6,283,000	
Utah reclamation mitigation and conservation account	5,000,000	5,000,000	5,000,000		
Program oversight and administration	1,000,000	1,191,000	1,191,000	+191,000	
Total, Central Utah project completion account	25,770,000	40,163,000	40,163,000	+14,393,000	
Bureau of Reclamation					
General investigations	13,819,000	12,600,000	14,190,000	+371,000	+1,590,000
Construction program	464,423,000	380,906,000	432,727,000	-31,696,000	+51,821,000
Operation and maintenance	282,898,000	284,165,000	286,521,000	+3,623,000	+2,356,000
Loan program	13,500,000	3,600,000	9,600,000	-3,900,000	+6,000,000
(Limitation on direct loans)	(21,000,000)	(10,915,000)	(23,000,000)	(+2,000,000)	(+12,085,000)
General administrative expenses	54,034,000	54,191,000	54,034,000		-157,000
Emergency fund	1,000,000	1,000,000	1,000,000		
Colorado River Dam fund (by transfer, permanent authority)	(-7,168,000)	(-7,472,000)	(-7,472,000)	(-304,000)	
Central Valley project restoration fund	45,000,000	45,385,000	45,385,000	+385,000	
Total, Bureau of Reclamation	874,674,000	781,847,000	843,457,000	-31,217,000	+61,610,000
Total, title II, Department of the Interior	900,444,000	822,010,000	883,620,000	-16,824,000	+61,610,000
(By transfer)	(-7,168,000)	(-7,472,000)	(-7,472,000)	(-304,000)	
TITLE III - DEPARTMENT OF ENERGY					
Energy Supply, Research and Development Activities:					
Operating expenses	2,812,840,000	2,864,932,000	2,869,527,000	+56,687,000	+4,595,000
Plant and capital equipment	411,070,000	452,343,000	432,643,000	+21,573,000	-19,700,000
Total	3,223,910,000	3,317,275,000	3,302,170,000	+78,260,000	-15,105,000
Uranium Supply and Enrichment Activities:					
Operating expenses	246,992,000	72,210,000	72,210,000	-174,782,000	
Plant and capital equipment	100,000	1,000,000	1,000,000	+900,000	
Subtotal	247,092,000	73,210,000	73,210,000	-173,882,000	
Gross revenues	-70,000,000	-9,900,000	-9,900,000	+60,100,000	
Net appropriation	177,092,000	63,310,000	63,310,000	-113,782,000	
Uranium enrichment decontamination and decommissioning fund	286,320,000	301,327,000	301,327,000	+15,007,000	
General Science and Research Activities:					
Operating expenses	1,329,785,000	834,670,000	713,570,000	-616,215,000	-121,100,000
Plant and capital equipment	285,329,000	275,461,000	275,461,000	-9,868,000	
Total	1,615,114,000	1,110,131,000	989,031,000	-626,083,000	-121,100,000
Nuclear Waste Disposal Fund	260,000,000	254,800,000	304,800,000	+44,800,000	+50,000,000
Isotope production and distribution fund	3,910,000	7,300,000	11,600,000	+7,690,000	+4,300,000
Environmental Restoration and Waste Management:					
Defense function	(5,181,855,000)	(5,217,424,000)	(5,128,211,000)	(-53,644,000)	(-89,213,000)
Non-defense function	(1,003,798,000)	(1,045,368,000)	(1,045,368,000)	(+41,570,000)	
Total	(6,185,653,000)	(6,262,792,000)	(6,173,579,000)	(-12,074,000)	(-89,213,000)
Atomic Energy Defense Activities					
Weapons Activities:					
Operating expenses	3,248,656,000	2,936,916,000	2,863,717,000	-384,939,000	-73,199,000
Plant and capital equipment	346,542,000	323,752,000	300,652,000	-45,890,000	-23,100,000
Total	3,595,198,000	3,260,668,000	3,164,369,000	-430,829,000	-96,299,000
Defense Environmental Restoration & Waste Management:					
Operating expenses	4,552,278,000	4,560,010,000	4,530,547,000	-21,731,000	-29,463,000
Plant and capital equipment	629,577,000	657,414,000	597,664,000	-31,913,000	-59,750,000
Total	5,181,855,000	5,217,424,000	5,128,211,000	-53,644,000	-89,213,000

FY 1995 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL (H.R. 4506)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Materials Support and Other Defense Programs:					
Operating expenses	1,654,246,000	1,742,015,000	1,714,309,000	+60,063,000	-27,706,000
Plant and capital equipment	309,509,000	195,895,000	164,895,000	-144,614,000	-31,000,000
Total	1,963,755,000	1,937,910,000	1,879,204,000	-84,551,000	-58,706,000
Defense Nuclear Waste Disposal	120,000,000	129,430,000	129,430,000	+9,430,000	
Total, Atomic Energy Defense Activities	10,860,808,000	10,545,432,000	10,301,214,000	-559,594,000	-244,218,000
Departmental Administration:					
Operating expenses	393,458,000	389,792,000	400,417,000	+6,959,000	+10,625,000
Plant and capital equipment	7,780,000	6,895,000	6,895,000	-885,000	
Subtotal	401,238,000	396,687,000	407,312,000	+6,074,000	+10,625,000
Miscellaneous revenues	-239,209,000	-161,490,000	-161,490,000	+77,719,000	
Net appropriation	162,029,000	235,197,000	245,822,000	+83,793,000	+10,625,000
Office of the Inspector General	30,362,000	26,465,000	26,465,000	-3,897,000	
Power Marketing Administrations					
Operation and maintenance, Alaska Power Administration	4,010,000	6,494,000	6,494,000	+2,484,000	
Operation and maintenance, Southeastern Power Administration	29,742,000	22,431,000	22,431,000	-7,311,000	
Operation and maintenance, Southwestern Power Administration	33,587,000	21,316,000	21,316,000	-12,271,000	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	277,956,000	265,885,000	224,085,000	-53,871,000	-41,800,000
(By transfer, permanent authority)	(7,168,000)	(7,472,000)	(7,472,000)	(+304,000)	
Total, Power Marketing Administrations	345,295,000	316,126,000	274,326,000	-70,969,000	-41,800,000
Federal Energy Regulatory Commission					
Salaries and expenses	165,375,000	166,173,000	166,173,000	+798,000	
Revenues Applied	-165,375,000	-166,173,000	-166,173,000	-798,000	
Total, title III, Department of Energy	16,964,840,000	16,177,363,000	15,820,065,000	-1,144,775,000	-357,298,000
(By transfer)	(7,168,000)	(7,472,000)	(7,472,000)	(+304,000)	
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	249,000,000	187,000,000	187,000,000	-62,000,000	
Defense Nuclear Facilities Safety Board	16,560,000	17,933,000	17,933,000	+1,373,000	
Delaware River Basin Commission:					
Salaries and expenses	333,000	343,000	343,000	+10,000	
Contribution to Delaware River Basin Commission	488,000	478,000	478,000	-10,000	
Total	821,000	821,000	821,000		
Interstate Commission on the Potomac River Basin:					
Contribution to Interstate Commission on the Potomac River Basin	498,000	511,000	511,000	+13,000	
Nuclear Regulatory Commission:					
Salaries and expenses	542,900,000	540,501,000	540,501,000	-2,399,000	
Revenues	-520,900,000	-518,501,000	-518,501,000	+2,399,000	
Subtotal	22,000,000	22,000,000	22,000,000		
Office of Inspector General	4,800,000	5,080,000	5,080,000	+280,000	
Revenues	-4,800,000	-5,080,000	-5,080,000	-280,000	
Subtotal					
Total	22,000,000	22,000,000	22,000,000		
Susquehanna River Basin Commission:					
Salaries and expenses	308,000	318,000	318,000	+10,000	
Contribution to Susquehanna River Basin Commission	298,000	288,000	288,000	-10,000	
Total	606,000	606,000	606,000		
Tennessee Valley Authority: Tennessee Valley Authority Fund	140,473,000	136,856,000	136,856,000	-3,617,000	
Nuclear Waste Technical Review Board	2,160,000	2,664,000	2,664,000	+504,000	
Office of the Nuclear Waste Negotiator	1,000,000	1,000,000	1,000,000		
Total, title IV, Independent agencies	433,118,000	369,391,000	369,391,000	-63,727,000	
Scorekeeping adjustments	-586,185,000	-169,888,000	-169,888,000	+416,297,000	
Grand total:					
New budget (obligational) authority	21,689,347,000	20,512,750,000	20,355,622,000	-1,333,725,000	-157,128,000
(By transfer)					

AMENDMENT SUMMARY

Program	Request	Recommendation
WEAPONS ACTIVITIES		
Weapons Stockpile Support		
Additional stockpile support activities at the Kansas City Plant, Missouri	$31,000,000	$31,000,000
Assure safety and environmental compliance during shutdown of the Mound Plant, Ohio ($28,000,000 total with $13,000,000 reallocated from within the program)	15,000,000	15,000,000
Additional stockpile activities at the Y-12 Plant, Tennessee	30,000,000	30,000,000
Assure safety and environmental compliance during shutdown of the Pinellas Plant, Florida	12,000,000	12,000,000
Capital equipment to implement nonnuclear reconfiguration at Sandia National Laboratory, New Mexico	3,000,000	3,000,000
Replace Aviation Facility, Albuquerque, New Mexico	2,000,000	0
Total, Stockpile Support	93,000,000	91,000,000
Use of Prior Year Balances	(54,000,000)	(54,000,000)
TOTAL, WEAPONS ACTIVITIES	39,000,000	37,000,000
MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS		
Fissile Materials Control and Disposition		
National Resource Center for Plutonium, Amarillo, Texas	9,000,000	9,000,000
Materials Support		
Disassembly Basin Upgrades, Savannah River, South Carolina	13,000,000	0
Capital Equipment	(13,000,000)	0
Use of Prior Year Balances	(48,000,000)	(46,000,000)
TOTAL, MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS	(39,000,000)	(37,000,000)

□ 1250

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the committee, first I want to thank our chairman, the gentlemen from Alabama [Mr. BEVILL], for the kind remarks that he made about the work of this committee, and I also want to thank the staff who worked so hard, who do the best job we could with the limited resources we had.

Mr. Chairman, as the gentleman from Alabama [Mr. BEVILL] has said, and he did an excellent job in presenting what is in the bill, it is a good bill, but it is a far cry from being an excellent bill.

I never thought, Mr. Chairman, that I would come to the floor and complain about a bill being too little and too short of adequate funding. As most of my colleagues have heard through the years, I have been trying to freeze all the appropriations at the previous year's level, but this bill goes way below the freeze.

Every appropriations bill is certainly important to our country, but this one particularly, years ago when the chairman and I first came to the committee, was called the all-American bill because it touches every community. These are investments in our future. If our children and grandchildren are to have an adequate source of electric energy for the future, if we are to have the ports that are capable of shipping our exports to foreign countries, giving jobs to Americans in the future, if we are to have the inland waterways which are now 25,000 miles, are going to be adequate and taken care of maintenance-wise, that came through this committee's work.

This year we had a difficult job, as the chairman has already stated. First, the President's budget was inadequate to fund some of the programs, particularly in energy research for the future, and then, when our 602(b) allocation, coming through from the Committee on Appropriations; once again it was a far cry from what is needed to adequately fund the research that is needed so badly if we are to have the energy resources for our future. The chairman has discussed these shortcomings, but the bill is $1.7 billion, a billion 750 million, below on budget authority from last year, a big cut.

Mr. Chairman, some of the cuts that have been made have already been described here; in general there was in research and advanced physics. We were 5 percent below last year. It was the other cuts that have been made here; the administration requested a 14-percent decrease in the medium-energy physics. We were able to restore some of this research, but, Mr. Chairman, really not enough to do an adequate job, and I want to speak to those who for the last several years voted to do away with the SSC, to eliminate that investment.

As my colleagues know this committee did not support eliminating the SSC, but the cry on the House floor here for years was, if we do not have that investment, the SSC, there will be money available for other research. Well, that has not happened. We take the research dollars out of the SSC, and we have cut other programs, too, so this year killing the SSC certainly did not provide extra money for the research that should be made.

In closing, Mr. Chairman, I will support this committee's work this year. I compliment our colleagues for doing a difficult job. But I am somewhat sorry that we did not adequately fund some of the programs that are so badly needed. It is a penny-wise-and-pound-foolish year. We just did not invest money in future research, particularly for the needed energy that our country is going to need for the future. We just did the best job we could with the limited resources. But this bill, if I described it, is a good bill, but it suffers from anemia. It is kind of weak.

So, Mr. Chairman, reluctantly I do support this bill, but I wish we could have done better.

Mr. Chairman, I reserve the balance of my time.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from Arizona [Mr. PASTOR], a member of this subcommittee.

Mr. PASTOR. Mr. Chairman, I rise in support of this appropriation bill.

As the gentleman from Alabama [Mr. BEVILL], our chairman, and our ranking member, the gentleman from Indiana [Mr. MYERS], have told us, this subcommittee, first of all, had to deal with reducing this bill by $1.3 billion from last year. As my colleagues heard, the subcommittee has dozens of volumes of testimony from people who are concerned about the future of America. Moneys from this bill help appropriate the Department of Energy, and to my colleagues, Mr. Chairman, I want to tell them that we are doing some good things in this appropriation.

One of the things that this subcommittee has done is appropriate moneys for initiatives in renewable fuels, which means additional money for the conversion of solar energy into power, a conversion of thermal energy into power, and also taking wind, that energy, and transforming that into power. This is in the hopes that the investment in renewable fuels will take us away from the dependence that we have on fossil fuels.

Mr. Chairman, this committee is also very much concerned with some of the waste that we have throughout this Nation, and so this bill does a lot to begin addressing the problem of nuclear waste and other waste that we have throughout this country and finding means to clean up our environment.

We also are investing a little, a little more, but very little, in basic research through the Department of Energy. We are now asking that the national labs work with community colleges and the private sector so that we can begin converting that technology that was based on defense to that technology that deals with nondefense.

We are also dealing with the Corps of Engineers. This bill is dealing with how we stabilize river banks, what do we do to ensure that communities who have had the problem of flooding in the past resolve that problem so that they will no longer feel the threat or the danger of flooding.

We also are funding the Bureau of Reclamation to ensure that we have the energy and the water systems that many areas of our country so desperately need.

□ 1300

Mr. Chairman, this is a good bill. It is a good bill because it took a reduction of $1.3 billion and began setting priorities through the testimony of various Members, State officials, and people who have an interest in the future of America. I would ask my colleagues to support this bill because it is a bill that aims to ensure a better future.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in strong support of this legislation. This Member would also like to direct commendations to the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the Energy and Water Development Subcommittee, and the distinguished gentleman from Indiana [Mr. MYERS], the ranking member of the subcommittee, and all the subcommittee members, for their exceptional work in bringing this bill to the floor.

It is obvious that extremely tight budgetary constraints have made the chairman and the ranking members' task more difficult by forcing this subcommittee to recommend a 7-percent reduction in spending for the Department of Energy, a 13-percent reduction for the Army Corps, and a 4-percent reduction for the Bureau of Reclamation. Therefore, in light of these budgetary constraints, this Member would like to express his appreciation to the subcommittee and formally recognize that the energy and water development appropriations bill for fiscal year 1995 includes funding for several related water projects that are important to Nebraska.

Importantly, the bill provides funding for two Missouri River projects which are designed to remedy problems of erosion, loss of fish and wildlife habitat, and sedimentation. First, the bill provides $10.1 million for the Missouri River mitigation project for a four-State area. This funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are largely gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

Second, the bill provides $100,000 for operation and maintenance and $100,000 for construction of the Missouri National Recreation River Project. This project addresses a serious problem in protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

In addition, the bill provides funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, last year's flooding temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, NE. Therefore, this Member is extremely pleased the committee agreed to provide funding for the Lower Platte River and tributaries flood control study. This study should help to formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries. Additionally, the bill provides continued funding for a floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln, and it enables the completion of a flood control study of the Burt Water Drainage District in Burt and Washington Counties.

Finally, Mr. Chairman, this Member recognizes that the bill also provides operation and maintenance funding for the Missouri River Water Control Manual as well as funding for Army Corps and Bureau of Reclamation projects in Nebraska's other two congressional districts at the following sites.

Again Mr. Chairman, this Member commends the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the subcommittee, and the distinguished gentleman from Indiana [Mr. MYERS], the ranking member of the subcommittee for their continued support of these projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River basin.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK], a very distinguished member of this subcommittee.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman very much for yielding time to me, and I rise in support of the fiscal year 1995 appropriation bill for energy and water development.

Mr. Chairman, I would like to say to the Members of the House that this particular bill is certainly worthy of the support of the Members and worthy of their vote. The subcommittee chairman, the gentleman from Alabama [Mr. BEVILL] and our ranking member, the gentleman from Indiana [Mr. MYERS], have worked together, and we work as a unit in this committee, not on partisan levels, but we work together as Members working for the good of the American public.

Mr. Chairman, the subcommittee had a difficult time bringing forward this bill, but it is a good bill that deserves the support of the Members. It is about $1.74 billion under the fiscal year 1994 appropriation.

This bill is good for the environment. Funds are provided for environmental restoration activities throughout each section of the bill and throughout the Nation.

The development of vital transportation infrastructure is continued through funding for port development and improvements in the inland waterway system. The fact of the matter is that the United States operates in a global economy and without an efficient transportation system, our workers and companies will not be able to compete.

Efforts to address the complex problems of flood control are continued. Some may look upon this as an inappropriate activity for the Federal Government, but when one part of our Nation suffers the rest is negatively impacted. Let us not forget the negative impacts of the mid-western floods on the unemployment rate and other economic activity. Those floods shut down a vital inland waterway transportation artery for weeks. Ships had to wait at ports for cargo with the resulting increase in charges.

This bill continues the efforts to increase research in solar and renewable energy technologies. This legislation addresses the energy needs of the next century. If we do not do it today, we will have destroyed the economic future of our grandchildren.

Your subcommittee has increased the funds for the Nuclear Waste Disposal Fund by $44 million over last year's appropriation. This is commonly called the Yucca Mountain project. About 75 percent of the States have civilian nuclear power plants which are storing, on site, spent nuclear fuel. The buildup is approaching a crisis stage. This program has received much attention from your subcommittee and we seek to move it as quickly as possible, but I want to caution that it will be some years before this facility is ready assuming that all the site characterization efforts do not discover insurmountable problems. The boring machine is on site and the test tunnel is designed so that it can be used as part of the permanent facility if the site characterization studies prove positive.

The magnetic fusion program is continued. There have been breakthroughs in this program over the past year. This Nation cannot afford to turn its back upon the advancement of science.

In the budget resolution conference report, Congress decided to reducing spending $13 billion below the President's requested level. This resulted in some difficult choices being made.

This bill deserves the Members' support. It is a good bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. GALLO], a long-time, hard-working member of this subcommittee.

Mr. GALLO. Mr. Chairman, I rise today in support of H.R. 4506 making appropriations for energy and water development for fiscal year 1995. As a member of this subcommittee, I would like to thank Chairman BEVILL and ranking member JOHN MYERS for their leadership. I would also like to thank the subcommittee and minority staff for their expertise and knowledge on these important issues.

Again this year we had a difficult task balancing our Nation's energy and water needs due to the fact of the tight budget restraints. Even though this is not a perfect bill, it is one that will continue to move this country toward energy independence and help to provide the technology base that the United States has enjoyed in the past.

This bill is $1.3 billion below last year's appropriation and is $157 million below the President's request.

With this bill, we have made a significant long-term commitment to the development of new energy sources for our future needs. Oftentimes we find it very difficult to look to the future for our energy needs. However, we must make the commitment now. We must provide the economic opportunities today. Without this investment we are dooming our future generations to a lower standard of living.

I believe this bill takes that necessary step. Within this bill we have funded programs that will make this country less dependent on foreign sources of energy. We have funded scientific research that will give us the capability to take this country into the 21st century. We have also funded cleanup programs that will continue to address the environmental concerns surrounding our defense programs waste.

I am also pleased that the committee fully funded the fusion energy program and the renewable energy research program. The investment in these technologies will allow our country to become the leader in this field.

In addition, this bill provides funding for a number of critical flood control projects throughout the United States.

The projects contained in this bill will help to prevent property damage and loss of life. But even more important, this report includes projects that will prevent floods from occurring. The proper planning done by the Army Corps of Engineers has proven to be very effective. The Army Corps is to be commended for their dedication and hard work.

Preparing for our future needs is never easy, but H.R. 4506 provides the insight and programs that will make it a little easier. I urge the adoption of this important bill.

□ 1310

Mr. BEVILL. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 4506, making appropriations for Energy and Water Development for fiscal year 1995.

I thank the chairman of the Subcommittee on Energy and Water Development, Mr. BEVILL, and the chairman of the full Committee on Appropriations, Mr. OBEY, for their leadership and hard work in moving this bill to the floor.

This bill provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay Area of California. I appreciate the committee's continued support for these projects. I also appreciate the continued support for the long-term management strategy to resolve dredging problems in San Francisco Bay.

I also thank the chairman and the committee for responding positively to my request that you not provide Western Area Power Administration funding of the Navajo transmission project.

H.R. 4506 and the accompanying committee report also raise several issues which I will address in my capacity as chairman of the Committee on Natural Resources.

First, H.R. 4506 will fund important individual projects and program activities of the Bureau of Reclamation. The principles of the administration's Reinventing Government initiative are demonstrated for the first time in this bill, which incorporates many significant reforms to the Bureau of Reclamation's programs.

As chairman of the Committee on Natural Resources, I will continue to support those aspects of the Bureau of Reclamation Program that reflect an accelerated transition from a water resources development agency to a contemporary water resources management and protection agency. I specifically note that H.R. 4506 properly reflects reductions in funding for certain construction activities and the reevaluation of the loan program. The new initiatives in water conservation and reuse, environmental restoration, and water supply needs included in H.R. 4506 indicate a sound new direction for the Bureau's programs.

Second, H.R. 4506 includes significant funding to implement various programs authorized by Public Law 102-575, the Reclamation Projects Authorization and Adjustment Act of 1992. This law affects dozens of Bureau of Reclamation projects and establishes many new policies for managing water resources in the Western United States. At the same time, the law presents many challenges and opportunities for our committees, for the Bureau of Reclamation, and for cities, environmentalists, and water users throughout the West. I will enthusiastically continue to support funding for programs authorized by Public Law 102-575. However, I must make clear my determination that all matters pertaining to implementation of this complex law be considered in consultation with the authorizing committee.

In particular, title 34 of the law, the Central Valley Project Improvement Act, includes many innovative measures to conserve water and restore fish and wildlife habitat that has been adversely affected by the development of water and power projects in California. Water marketing, changes in project operations and water allocations, incentives for conservation, and specific goals for fish and wildlife restoration are all included in this title. I wish to assure the chairman of the Committee on Appropriations and the Subcommittee on Energy and Water Development that they will have my full cooperation as implementation of this important law continues and particularly in the event further legislative authority is needed.

Third, with regard to the repayment of costs of cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program, I advised this committee of my concerns in a letter dated March 28, 1994. I include for the RECORD a copy of this letter at this point.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 28, 1994.

Re FY 1995 Budget Request for Bureau of Reclamation.

Hon. TOM BEVILL,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During testimony before your subcommittee earlier this month, Commissioner of the Bureau of Reclamation Daniel P. Beard referred to a soon-to-be-released study by the Department of the Interior. This congressionally mandated study reviews the substantial costs associated with extensive studies and mitigation efforts designed to address severe environmental and wildlife damage at Kesterson Reservoir in California.

As you know, former Secretary of the Interior Donald Hodel acted in 1985 to close Kesterson Reservoir as a dumping ground for contaminated irrigation wastewater from the Westlands Water District following reports of bird malformations and other serious problems related to intake of selenium from the drainage water. The Department then initiated a program of studies to document drainage contamination problems in the San Joaquin Valley and throughout the Western United States, where additional examples of selenium contamination have been recorded.

The issue of the Kesterson contamination and mitigation has been the subject of extensive hearings and investigations by the Committee on Natural Resources and its subcommittees. We have been awaiting completion of the drainage study in order to determine whether any legislation need be considered by the Committee of jurisdiction. Since the study has not yet been released, we are not prepared to make any determination as to the need for additional legislation at this time.

The questions of the drainage program, including its repayment, are components of complex and ongoing investigations and studies by this Committee, and may not be considered in the absence of other related matters. Although it is my understanding that some efforts may be made to address the repayment obligations of Central Valley Project contractors in your forthcoming appropriations bill, such action would be inappropriate and premature. The disposition of any funding and financing recommendations associated with the cleanup of Kesterson Reservoir and the irrigation drainage study programs in California and elsewhere is wholly within the jurisdiction of the Committee on Natural Resources.

As always, I look forward to working cooperatively with you and the members of your subcommittee to assure that timely and comprehensive attention is paid to this subject. In the meantime, I request that you oppose any attempt to include in the FY 1995 Energy and Water Development Appropriations bill any provision that conflicts with the legislative jurisdiction under the purview of the Committee on Natural Resources, including the Kesterson repayment matter.

Thank you for your kind attention to this matter.

Sincerely yours,
GEORGE MILLER,
Chairman.

My colleagues will recall that significant costs have been incurred for the cleanup of Kesterson Reservoir, a series of ponds in the San Joaquin Valley that were built to contain subsurface irrigation drainage water collected from farms in the Bureau of Reclamation's San Luis Unit, part of the Central Valley Project. The Kesterson facility was closed in March 1985 by then-Secretary of the Interior Donald Hodel because the drainage water was so contaminated with selenium and other chemicals that many migratory birds using the Kesterson ponds were being killed in violation of the Migratory Bird Treaty Act. Other birds were hatched with grotesque deformities caused by selenium poisoning. Congress has appropriated tens of millions of dollars to clean up this mess on behalf of the project beneficiaries in the Westlands Water District, and we have also funded extensive multidisciplinary and multiagency studies to how to reduce or eliminate irrigation drainage contamination.

There is no legislative language in H.R. 4506 that would amend current law regarding repayment responsibilities for cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program. I am grateful to the committee for agreeing to my request that this legislative matter be left to the authorizing committee. The report accompanying H.R. 4506, however—House Report 103-533, refers to a forthcoming report from the Department of the Interior, and contains the following statement regarding the subject of Kesterson and drainage study repayment:

> It was and is the intent of the Committee that the [forthcoming Interior Department] report be used as a resource to assist in the fair and just apportionment of Kesterson and other drainage related costs and not serve as a method of delaying indefinitely repayment obligations.

I am concerned that this statement in the committee report might incorrectly and inappropriately be interpreted as an indication that the Secretary of the Interior has not received any guidance from Congress regarding repayment of these costs. I am also concerned that the language incorrectly implies Congress is somehow required to pass a new law, amend an existing law, or take some other action in response to a report submitted by the administration. This, of course, is not the case.

The following facts are offered so that the record clearly shows the current situation and the applicability of current law to the repayment of these cost:

The costs of cleaning up Kesterson and conducting drainage studies now exceeds $110 million;

The solicitor of the Department of the Interior has determined that under the Reclamation Projects Act of 1939 and other Reclamation laws, the water users are responsible for most of the repayment costs, and the inspector general has agreed;

Because of the emergency nature of the Kerterson cleanup, repayment was not pursued as an issue until 1990, although it was discussed years earlier at hearings of the Committee on Natural Resources and the Committee on Appropriations;

Since fiscal year 1991, House Appropriations Committee report language has directed the Department specifically not to collect payments from water users pending completion of a report on how Kesterson and drainage costs and repayment are allocated. Four years later, that report still has not been submitted to Congress for review, although it is now in its final review stages and should be sent to the Hill very soon.

In summary, the Central Valley Project and San Luis Unit water users are accountable by current law for the money that has been spent on Kesterson cleanup and the San Joaquin Valley Drainage Program.

The authorizing committees and the full House and Senate and the President will have an opportunity to review information on cleanup costs and decide whether changes to current law are appropriate. However, as of October 1, 1994, the Secretary of the Interior is obligated to begin collecting payments from users liable for repayment under current law. Since the study has not yet been released, we are not prepared to make any determination as the need for addition legislation at this time.

The committee report accompanying H.R. 4506 also raises the subject of water spreading as it pertains to the Columbia Basin Project in the State of Washington. The report language apparently is an attempt to exempt certain nonirrigable lands in the Columbia Basin Project from the definition of "water spreading" if certain conditions are met.

It is well-known that class 6 lands and rights-of-way are being irrigated in the Columbia Basin Project, and probably in many other Bureau projects throughout the West although these lands are not eligible to receive water from the Bureau. Whether the term "water spreading" is applied to these lands or not is immaterial because the use of project water on such lands is illegal for the simple reason that the lands have not been classified as irrigable by the Bureau, as is required by law. The illegal irrigation of these lands means that these lands are probably not being counted toward project repayment and perhaps not even being included in calculations of operation and maintenance expenses or acreage limitations, as required by reclamation law. The illegally irrigated lands may also be using project water that might otherwise be used for a variety of purposes including instream fishery purposes. Reclamation Reform Act enforcement issues are also of concern with regard to the illegal uses of water on Bureau project lands. I wish to assure my colleagues that all information relevant to a prompt resolution of the water spreading issues and other matters pertaining to the illegal uses of project water will be considered by the Committee on Natural Resources at an oversight hearing next month. In the meantime, however, these practices are not legal and nothing in this bill can alter existing law that makes their irrigation illegal.

The scope of this problem will not be known, even to the Bureau of Reclamation, for quite some time. It is my intention to work closely with my colleagues whose constituents are served by Bureau of Reclamation irrigation facilities to understand fully the scope of this problem and to devise appropriate remedies. I also will encourage the Bureau of Reclamation to act aggressively in determining the scope of the water spreading problem, and to take appropriate steps, including land reclassifications, as may be needed to resolve the water spreading problems. The work of the Bureau's water spreading task force in the Pacific Northwest will be especially important as these investigations proceed.

I have several additional observations regarding this Columbia Basin Project report language:

This is committee report language, it is not legislative language. As such, the language is not enforceable, and it has no meaning in reclamation law;

The term "water spreading" is not yet formally defined in reclamation law. A working definition of the term is under consideration by the Bureau of Reclamation's water spreading task force, a cooperative effort in the Pacific Northwest involving the Bureau, Indian Tribes, States, water users, and environmental interests. The report of that task force will be released later this year, and will be useful to the Committee on Natural Resources in formulating congressional policies to address water spreading problems.

The Committee on Natural Resources is very much aware of the water spreading problem, and has scheduled an oversight hearing for July 19, 1994, to receive testimony from affected organizations and individuals. Any and all issues associated with water spreading and other illegal uses of water on Bureau of Reclamation projects will be considered by the committee at this hearing.

Again, I thank Chairman OBEY and Chairman BEVILL for their contributions to this bill, and I urge my colleagues to support H.R. 4506.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], a member of the subcommittee that spent many hours receiving testimony.

Mr. ROGERS. Mr. Chairman, I thank the ranking member for this time.

Mr. Chairman, I urge the adoption of this bill, and I rise in strong support of the energy and water development appropriations bill. I want to thank the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking member, the gentleman from Indiana [Mr. MYERS], for the very hard work that they and their staffs have put into this bill over the past several months in listening to the testimony and then allocating a very limited budget.

Clearly, Mr. Chairman, this is the most austere allocation for this subcommittee in memory. Yet the subcommittee listened intently to the interests of hundreds of local and State officials, and, of course, many colleagues here from this body, who were concerned about local projects to provide flood protection, improve waterways for commercial transportation, and who were concerned with energy research that will keep our country competitive in the future, or for the very vital defense activities for which this subcommittee has enormous responsibility.

This subcommittee protects these interests, and, consequently, those of our country, Mr. Chairman, as they develop this bill each year. The collective experience of the chairman and ranking member and the other members of the subcommittee is one of the great assets, in my opinion, of this House.

This bill deserves the support of the Members for many reasons. I will mention very quickly a few. First, the bill is fiscally responsible.

As the gentleman from New Jersey [Mr. GALLO] mentioned, we are $157 million below the amount as proposed by the President, and $1.3 billion less than last year. That is $1.3 billion.

Second, the bill continues programs that we cannot do without, the Army Corps of Engineers programs, and particularly the flood control programs, which protect businesses and communities throughout the Nation. I am very pleased this bill provides for badly needed flood protection work in several eastern Kentucky communities. Taming the rivers in my region of the country is a major undertaking, and I am most grateful to the leadership of this subcommittee for supporting these efforts.

The bill provides for essential energy resource programs, promoting our ability to provide for long-term energy security. Both the civilian and defense sides of vital nuclear energy programs are contained in the bill, promoting both military and energy security.

Finally, I want to commend the panel for including funds which will continue work of the Appalachian Regional Commission, Mr. Chairman, an agency that helps needy areas in my district and throughout the Appalachian States of our country. ARC provides seed funds for basic infrastructure, educational projects, or any number of initiatives designed to give our poorest communities a chance to grow, a chance to develop, a chance to compete equally with those more privileged parts of the country.

Mr. Chairman, this bill does not meet every goal, as our panel would have preferred, but it has been developed responsibly, and, I might add, conservatively, and it deserves the solid support of all the Members of this body.

I urge the adoption of the bill, Mr. Chairman.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

□ 1320

Mr. STENHOLM. Mr. Chairman, I want to rise today to offer an amendment which would address a very serious, even life-threatening situation in San Angelo, TX, which is in my district as well as my colleague LAMAR SMITH. Twin Buttes Dam, which is a Bureau of Reclamation project, was built in the early 1960's. Due to poor design and construction of the dam, it seeps water. Although the Bureau has attempted to correct the problem, the seepage has grown worse over the years to the point where last December the water level of the reservoir was lowered well below conservation level to prevent a breach of the dam.

In fact, Twin Buttes Dam is rated the least safe dam subject to failure in the Bureau's inventory. As you can imagine, repairing Twin Buttes Dam is vitally important for several reasons, not the least of which is the fact that the lives and homes of the 40,000 people who live below the dam are endangered. Also, Twin Buttes Reservoir is the water source for 90,000 residents of San Angelo and the surrounding area. For these reasons, the dam must be fixed as quickly as possible. Furthermore, because it was faulty construction on the part of a Federal Government project, the expense of the repairs should also be the responsibility of the Federal Government.

I will not offer my amendment today because it will be held nongermane—correctly—as authorizing-type language to an appropriation bill. However, due to the life-and-death nature of this matter, I felt compelled to bring this to the attention of my colleagues so that this situation can be remedied as quickly as possible. We are asking the authorizing committee, which is the Committee on Natural Resources, and its chairman, my friend GEORGE MILLER to look at the rationale for action. I look forward to the continued input of these members as we seek to resolve this critical problem.

I do understand that my amendment would correctly be ruled nongermane to this appropriations bill because it is of an authorizing nature. I appreciate Chairman BEVILL and the committee for allowing me an opportunity to raise before this body the dangerous situation which exists in my district. My hope is that the other body and that Chairman BEVILL and Chairman MILLER will then take a compassionate position toward this cause in conference.

I am submitting for the RECORD on behalf of myself and LAMAR SMITH the amendment along with a brief history of the problems associated with Twin Buttes Dam, the recommended remedy, and rationale for why we believe that it is an equitable solution, and I appreciate the opportunity to bring this concern before the House of Representatives.

Amendment to H.R. 4506, as reported offered by Mr. STENHOLM of Texas: Page 13, line 4, strike "Act." and insert "Act: *Provided further*, That the costs relating to repairs correcting seepage problems at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof). Such repairs shall include the design and construction of a positive cut-off trench, foundation treatment, drainage, and instrumentation work.".

SAN ANGELO, TX,
February 24, 1994.

Mr. DANIEL BEARD,
Bureau of Reclamation, 1849 C Street NW., Washington, DC.

DEAR MR. BEARD, attached are summary positions held by the City of San Angelo regarding cost share requirements for any corrective action for Twin Buttes Dam.

I have included a memorandum from the city attorney which addresses some procedure points as well as legal aspects regarding the city position that it is not liable for any cost of correction work at Twin Buttes Dam.

In addition the city also contacted former U.S. Congressman, Tom Loeffler, who is associated with Arter & Hadden Law Firm.

Mr. Loeffler, an attorney, was San Angelo's congressional representative and drafted federal legislation that passed in 1984 and 1985 regarding Twin Buttes Reservoir corrective measures.

Mr. Loeffler also enlisted the services of Ron Newbury, an associate with his law firm, to do additional research regarding the legislative intent which exempted San Angelo from cost sharing of corrective measures at Twin Buttes then and now. Those conclusions are attached.

I have also included copies of appropriate laws, congressional committee reports, budgetary reports, as well as testimony before appropriate House and Senate committees which clearly show that is was the intent of Congress to have the federal government pay the cost of dam corrective action.

I appreciate the opportunity to provide this information which you requested and welcome the opportunity to discuss this further.

Sincerely,

STEPHEN BROWN,
City Manager.

Memorandum

Re: Summary of legal points with regard to Twin Buttes Dam.
To: Stephen Brown, city manager.
From: Mindy Ward, city attorney.
Date: February 24, 1994.

Please be advised that the following information is a summary only and does not address all procedures necessary to advance the City's claim. This is an outline of theories upon which our position is based.

On April 28, 1959, the United States, acting through the Secretary of the Interior (Government), and the San Angelo Water Supply Corporation (Corporation) entered into a contract for the construction of Twin Buttes Dam (Dam). The City of San Angelo (City) in turn contracted with the Corporation for water, agreeing to pay an amount identical to the Corporation's obligation to the Government and, as principal beneficiary of the Dam Project, guaranteeing Corporation's performance under the contract. The United States agreed to construct the Dam while the Corporation agreed to pay a portion of the construction costs and to operate and maintain the Dam upon completion of construction.

When the reservoir filled with water several years later, it was discovered that the Dam leaked. The seepage was attributed to the improper removal of soil from the reservoir, exposing a porous gravel strata, and to the government's failure to build a positive cut-off trench in the area of the Dam where the seepage was occurring. The City had protested these acts and omissions to no avail. Neither the City nor the Corporation had any significant control or input into the design or construction of the Dam.

The City's legal claims arise under contract and by virtue of the Reclamation Safety of Dams Act Amendments of 1984. As described above, the City is principal beneficiary and guarantor of Corporation's contract. Government agreed to build the Dam and by agreeing to undertake the project impliedly promised to build the Dam such that it would perform as expected. In fact, the Dam was not built correctly, and has never performed as expected. This constitutes a breach of the contract on the part of the Government, actionable under 28 USCS Section 1491, which provides remedies for injuries under express or implied contracts with the United States and allows the U.S. Claims Court to remand appropriate matters to government officials with directions that the Court deems proper and just.

It should be noted that there have been attempts to fix this problem but with little success. In the instance where grouting was tried, the City paid for some of the corrective work but was forgiven for the rest under the 1984 legislation which made work on Twin Buttes Dam nonreimbursable. This is important because while the Government has attempted to perform under the contract by fixing the seepage problem, it has not fully "healed the breach". In this case, it would seem logical that if a final solution satisfactory to the City both in cost allocation and method cannot be agreed upon, a lawsuit should be initiated under the above-referenced statute. With appropriate proof, it is feasible that the U.S. Claims Court could order the Bureau to remedy the original design flaw with a positive cut-off trench and order the Government to bear the entire cost.

The second legal basis for our position is the Reclamation Safety of Dams Act Amendment of 1984. This legislation does not address the type of solution needed but does state that the work will be nonreimbursable. The question has arisen as to whether the legislation is applicable to the current proposed solution because of some admittedly ambiguous language in the final legislation. I believe Mr. Loeffler's response, which I understand will be attached to this memo, deftly turns aside any argument that the legislation would not apply to work done today. In addition, it is interesting to note that the sources quoted by Mr. Loeffler support our contractual argument that the required work is not in the nature of maintenance or repair, but rather correction of an original design flaw.

For the reasons stated above, it is my opinion that the City of San Angelo is not liable for the cost of correction work at Twin Buttes Dam. Additionally, it is feasible that, should it be necessary to litigate this matter, a Court would order the Bureau to use a positive cut-off trench to comply with its contractual obligation to build a safe, properly functioning, reliable dam.

Memorandum

Re: Background on Twin Buttes Dam.
To: Stephen Brown.
Through: Tom Loeffler.
From: Ron Newbury.
Date: February 18, 1994.

I delved into the matter we discussed and was able to generate the following information. The final legislative vehicle for the provision benefitting the Twin Buttes Dam was actually the Energy and Water Development Appropriations Act of 1985 (H.R. 5653/P.L. 98-360), and not H.R. 1652. H.R. 5653 was passed into law July 16, 1984. The language in H.R. 5653 differed slightly from that in H.R. 1652. Whereas H.R. 1652 stated, "* * * shall be nonreimbursable and nonreturnable under Federal reclamation law," H.R. 5653 states, "* * * shall be nonreimbursable under Federal reclamation laws."

Though H.R. 1652 was not the final vehicle for resolution of the Twin Buttes Dam problem, certainly the intent of the Congress was explicitly expressed in the bill and its attendant House Report No. 98-168, as follows: "Additionally, the cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes Dam in Texas would be made nonreimbursable under Federal reclamation law. Due to a construction deficiency, seepage at the base of the dam has endangered the stability of the Twin Buttes facility. Because the seepage is not attributed to age, normal deterioration or nonperformance of reasonable and normal maintenance of the structure, the committee believes that the cost of the repair work should be nonreimbursable. Since the act does not make reference to construction deficiencies, this provision will clarify the reimbursement status of this safety modification work."

Under the Congressional Budget Office-Cost Estimate of the same report, in paragraph 4, it is stated, "* * *; stipulates that the cost of safety modification work planned or underway on the Twin Buttes Dam, Tex., will be borne solely by the Federal Government; * * *"

In Reagan Administration testimony in the form of an April 25, 1983, letter to House Interior and Insular Affairs Committee Chairman Udall, Interior Department Assistant Secretary Garrey Carruthers calls for a change in existing law as an amendment to H.R. 1652 to specifically include the following; "The cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes, Texas, shall be nonreimbursable and nonreturnable under Federal reclamation law."

Senate Report 98-258, which followed H.R. 1652's companion, Senate bill 672, then said, "* * * 3. This Amendment strikes reference to Twin Buttes Dam in Texas as the related safety work included in the bill as introduced was authorized by the Energy and Water Appropriations Act of 1984." (It is believed they meant FY1985.)

Though introduced in the House and Senate in February and March of 1983, H.R. 1652, as amended, was actually passed in August of 1984.

Responsibility for certain repairs to Federal dams was addressed again early in 1984 by President Reagan and his appointees in response to queries from Senator Paul Laxalt of the Senate Appropriations Committee and in testimony before the House Appropriations Subcommittee on Energy and Water Development. In President Reagan's response to Senator Laxalt, dated January 24, 1984, the President states, "Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary. Criteria to determine dam safety designation shall be developed by an interagency technical team in consultation with non-Federal parties."

In testimony before the aforementioned House committee, Reagan Administration official Gianelli, in response to a question from Representative Myers, said, "* * * The President addressed himself to the problem of dam safety, and as I recall what the President said in his letter, that if there is truly a safety problem at a Federal dam, the Federal Government ought to repair it at Federal expenses." "* * * So this is a subject which I think the Administration has got to give considerable attention to. I think it intends to, as indicated by the President's letter, and I think I want to make it clear that where there is strictly a safety problem, and everyone agrees that there is a safety problem, and it is a Federal dam, we certainly don't want to compromise. We want to fix that at the earliest possible date."

I have enclosed a copy of all the supporting documents referenced here. If we can be of further assistance, please do not hesitate to call.

Memorandum

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Billings, MT, May 16, 1994.

To: Regional Director, Great Plains Region; Attention: GP-430
From: Richard K. Aldrich, Field Solicitor, Pacific Northwest Region (Billings).
Subject: Reimbursement requirement for proposed safety of dams modifications at Twin Buttes Dam, San Angelo Project, Texas.

In your memorandum of May 6, 1994, you requested our opinion as to the legal basis for your position that the Project beneficiaries repay 15 percent of the cost of the proposed safety of dams work at Twin Buttes Dam in accordance with the 1978 Reclamation Safety of Dams Act as amended in 1984. We conclude that there is a legal basis for your position and provide the following opinion.

The 1984 amendments to the 1978 Safety of Dams Act specifically address Twin Buttes Dam. Section 205 of Public Law 98-360, the Energy and Water Development Appropriation Act of 1985, reads as follows: "The cost of foundation treatment, drainage, and instrumentation work planned or under way at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws."

The question is whether the above amendment covers the currently proposed positive cut-off trench.

The first rule of statutory construction asks whether the proposed action is specifically mentioned in the statute. As one can see, a positive cut-off trench is not mentioned.

The next rule of statutory construction asks whether the statute lacks sufficient clarity as to what it covers, so that the reviewer must resort to background material to ascertain the statutes meaning (and hence its coverage). We believe that the key words in the above amendment are "foundation treatment" and "planned and underway". We conclude that neither term has the clarity needed to ascertain their meaning by merely reading the statute. Thus we are allowed to go behind that statute to determine its legislative intent.

Legal Counsel for the City of San Angelo did provide one document that we had not previously reviewed, House Report No. 98-168. The pertinent provision within that report is as follows: "Additionally, the cost of *foundation treatment*, drainage and instrumentation work *planned or underway* at Twin Buttes Dam in Texas would be made nonreimbursable under Federal reclamation law. Due to a construction deficiency, seepage at the base of the dam has endangered the stability of the Twin Buttes facility. Because the seepage is not attributed to age, normal deterioration or nonperformance of reasonable and normal maintenance of the structure, the *committee* believes that the cost of the repair work should be nonreimbursable. Since the act does not make reference to construction deficiencies, this provision will clarify the reimbursement status of this safety modification work." (emphasis added)

We note, as did legal counsel, this report is not the report for the proposed legislation that eventually became law. However, it is contemporaneous and probably is applicable. We believe that within this report the major indication of intent is that "the committee believes that the cost of the repair work should be nonreimbursable." If this had been in the Report alone, it would be a major force in supporting the City's position. However, the above phrase is preceded by language similar to that found in the 1984 amendments "foundation treatment" and "planned or underway". We conclude that a reviewer must take these phrases into consideration to determine the full intent.

We conclude that the "committee" believed that foundation treatment planned or underway would solve the safety problem. From the facts as we understand them, the foundation treatment planned or underway was the pressure relief well system. We do not have any information that would indicate that a positive cut-off trench was planned, at this time.

Using the above Report as the indicator of legislative intent, we believe a good faith argument can be made that Congress did not intend for any and all subsequent safety of dam work at Twin Buttes Dam to be nonreimbursable. Therefore, the costs of construction of a positive cut-off trench would not be grandfathered back to the 1978 Act and would be reimbursable under the 1984 amendments.

Please contact this office if you have any other questions.

JOHN C. CHAFFIN,
For the Field Solicitor.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

I might respond to the gentleman from Texas [Mr. STENHOLM], the committee is aware of the problem. We will try to work with the gentleman from Texas [Mr. STENHOLM] and help. I speak for the committee.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of the legislation.

I want to certainly thank the gentleman from Alabama for his extremely hard work and long commitment to making difficult choices with respect to energy policy in this country, with the assistance of our distinguished Member, the gentleman from Indiana [Mr. MYERS], the ranking member. Both deserve a great deal of credit from the country.

I particularly wanted to thank them for their continued effort to support renewable programs, which they have done well in this year's appropriations bill.

I do want to ask the gentleman from Alabama [Mr. BEVILL] one question about the liquid metal reactor program.

Am I correct in understanding that the funding provided in the bill by the committee is for termination of this program as described in the Department of Energy fiscal year 1995 congressional budget request issued in February 1994, which outlines spending for termination of this program which includes the Experimental Breeder Reactor II, the Integral Fast Reactor and the Actinide Recycle Program, and that funds provided are for termination activities only?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman from Indiana is correct. It is the intention of the Committee to terminate this program as requested in the budget.

Mr. SHARP. Mr. Chairman, I thank the distinguished gentleman for his response.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

I want to respond to the gentleman from Indiana [Mr. SHARP]. This committee has always supported the advanced liquid metal reactor as well as the IFR program and believe that this is one of the ways that we can take some of the waste and recycle it into a usable product.

This administration has not favored continuation of this program. I personally think it is a mistake to drop these two programs, which I think are very vital to working out and helping to take care of some of our waste. Nevertheless, we had put the money in for termination. I would be pleased if somebody along the line changed our mind. It is going to cost just as much to terminate this program as it would to complete it. So it seems like it is kind of not the proper way to go, but the committee has supported the termination.

Mr. BEVILL. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the Energy and Water Development Subcommittee's decision to join with the House to terminate funding for the continuation of the Department of Energy advanced liquid metal reactor program. I believe that decision is the wisest one for the budget, for the environment and for nonproliferation reasons, and I salute the subcommittee and its distinguished chairman for that decision.

Mr. Chairman, I rise in support of the Energy and Water Development Subcommittee's decision to terminate funding for continuation of the Department of Energy's Advanced Liquid Metal Reactor program and associated activities. As the distinguished chairman clarified in his colloquy with the gentleman from Indiana, funding provided in the bill for these programs is for termination only, in accordance with the administration's budget request for this year.

This House voted overwhelmingly to kill the ALMR on two occasions: First, on a specific vote on this bill last year, and second, as part of H.R. 3400, the "reinventing government" bill which passed the House last November. Despite those statements of the will of the House, the ALMR not only survived last year, but received even more funding than the previous year because the other body continued to provide funding despite all the economic, environmental, and proliferation problems which continued to plague this program.

Now the time has come to make sure our votes stick and to kill the ALMR once and for all. The case against this program has gotten even stronger since the House first voted to terminate it last June. From a policy perspective, even stronger evidence now exists that the ALMR makes no sense for any mission. Last year, knowing that the ALMR is not economic for energy production, proponents of the program argued that we should develop the system as an option for disposing of surplus weapons plutonium. Since then, though, the Office of Technology Assessment and the National Academy of Sciences both have seriously criticized this approach. The National Academy of Sciences was most explicit: its study on excess weapons plutonium firmly declared that the ALMR "should not be specifically developed or deployed for transforming weapons plutonium * * *, because that aim can be achieved more rapidly, less expensively, and more surely existing or evolutionary reactor types."

From a national security perspective, the alarming developments in North Korea have made the proliferation problems the ALMR poses even more urgent. As Secretary of Energy O'Leary noted in a speech this March, the administration has proposed to terminate the ALMR/IFR program because it is "inconsistent with the President's non-proliferation priorities." The ALMR/IFR requires both plutonium separation and use of plutonium for civilian energy production, both of which the administration is discouraging other countries around the world from doing. Most importantly, as Secretary O'Leary stated, the ALMR/IFR was designed to be a breeder reactor which could produce new supplies of plutonium. As the Secretary concluded, "continued support of the IFR would make it difficult, if not impossible, for the United States to help lead the world toward reducing the threat of plutonium proliferation.

From a budget perspective, too, the case against the ALMR/IFR has become clearer and stronger. The Department of Energy has confirmed that it has spent nearly $9 billion on liquid metal reactor technology since 1948, but the technology is still from commercial viability. DOE estimates that taxpayers will have to foot the bill for well over $3 billion more over the next 14 years before industry even will consider building ALMR for commercial use. And those estimates are low, because they do not include the money needed to close out the development facilities, whose termination costs will be substantial, no matter when the program ends.

This House had a thorough debate on this program last year and wisely decided to kill the ALMR because of its serious economic, environmental, and national security problems. Since, then, the scientific and technical experts have added even more evidence to the arguments against the program, and the President and Secretary of Energy have agreed the ALMR must go. I thank my colleagues on the Appropriations Committee for agreeing to termination of the program. I urge them and the rest of my colleagues to stand firm until this misguided program is dead, for good.

Mr. SKAGGS. Mr. Chairman, I'd like to commend Chairman BEVILL, Representative MYERS, and the other members of the Energy and Water Subcommittee for their work on this bill. As a former member of the subcommittee, I know that it was an extremely difficult task for them to make the choices they had to make under such tight budget constraints.

I'd like to thank the committee for a few items of particular interest to me. First, the subcommittee has included report language directing the Department of Energy to allocate $11.415 million, which the administration requested, to protect the public drinking water supplies from the towns of Westminster, Thornton, Northglenn, and Broomfield from possible contaminated runoff from the Rocky Flats Plant.

This will be the fifth and final year of Federal funding for this important project. Fiscal year 1994 was to be the final year of Federal funding, however, due to fiscal constraints, it was agreed that project funding would be extended for 1 more year. I'm grateful that the committee was able to accommodate this project in past years and has also been able to commit the resources necessary to complete the Federal Government's obligation this year.

Second, I want to point out that the committee has included $5.1 billion included for DOE's Environmental Restoration and Waste Management Program. While this is less than the administration requested, and less than I would have like to have provided, the tight budget we have to live with required that this program receive less than last year. This is the first time in several years that we've had to reduce funding in this important account, and I am, of course, concerned that this not set a trend. With the shift from production to cleanup now well underway, it is critical that DOE have the resources necessary to fully make this transition. DOE's budget should reflect the fact that cleanup is now the primary mission in its nuclear weapons programs. While we couldn't fulfill the administration's entire request, I believe that the committee has done all that it can under the circumstances.

It is noteworthy that the new administration has placed a premium on performing all of the requirements under the various agreements with States and other entities for environmental cleanup at its nuclear weapons facilities. DOE's environmental management request was, according to DOE, adequate to fulfill those requirements. The committee's action is consistent with meeting our obligations under these agreements, including those made by the Department in the Federal Facility Agreement and Consent Order, entered into by DOE, the Environmental Protection Agency, and the Colorado Department of Health on January 22, 1991, and the Agreement in Principle, entered into by DOE and the State of Colorado on June 28, 1989, for independent monitoring and oversight of activities taking place at Rocky Flats. For this, I want to thank the committee for ensuring that DOE has the resources necessary to meet the commitments it's made to clean up the mess at these facilities.

Third, I wish to express my appreciation to the committee for funding—at $402 million—that goes beyond the administration's fiscal year 1995 budget request for DOE's solar and renewable energy programs. These programs are a critical part of an investment in our future. They hold substantial benefits for our economy and the environment by helping to reduce our dependence on imported oil, to create jobs, to increase trade, and to decrease the emission of greenhouse gases. Most of the increase is aimed at cost-shared initiatives with industry, a step that is vital for helping mature renewable technologies prove themselves under actual conditions in the market.

Finally, I am pleased with the committee's support for the administration's request for Bureau of Reclamation programs and activities within and affecting Colorado, including funds for Colorado River Basin salinity control and for recovery of endangered fish species in the Colorado River Basin.

Again, I'd like to commend and thank the members of the subcommittee, and I urge all of my colleagues to support this bill.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the fiscal year 1995 energy and water appropriations bill. Facing severe budget constraints, the subcommittee has produced a good and responsible bill.

The bill is $1.3 billion below the fiscal year 1994 appropriation and $157 million below the amounts contained in the President's budget submission. To get to this point, the subcommittee had to make some painful decisions and not include funding for some important projects.

The bill does provide funding for a number of key projects in southern Arizona and the State. The bill fully funds the administration's request for completion of the central Arizona project [CAP] and related safety of dams work. I am especially supportive of supplemental funding and accompanying report language for design work and land acquisition for CAP system reliability for southern Arizona terminal storage. This language will help ensure a reliable supply of municipal and industrial water for southern Arizona water users pursuant to the terms of the plan six agreement.

In addition, this bill provides funding for critical flood control work at Rillito River, Clifton, Tucson Arroyo/Arroyo Chico, and the lower Santa Cruz River, among others.

This has been a difficult process for the subcommittee members. What has emerged from that process is a bill that is fiscally responsible and fair. I commend the chairman, Mr. BEVILL, and the ranking member, JOHN MYERS, for their leadership and the entire subcommittee for their work.

Mr. GUNDERSON. Mr. Chairman, today, I join the citizenry of Wisconsin in bringing to fruition its effort during the past 2 years to resolve an unhappy situation of the past 30 years.

In western Wisconsin, there is the small village of LaFarge. Often inundated by spring floods, the village sought assistance to control this periodic devastation. The Federal Government promised to help by authorizing $5.5 million to construct a reservoir and dam in 1962; thus, the LaFarge dam and lake project was born.

In pursuit of this goal, by 1969, 144 families were up-rooted from their farms, and the local school system suffered major losses in attendance. Over 8,500 acres were acquired and plans were initiated for the construction of a dam and reservoir for flood control, general recreation, and fish and wildlife purposes. Plans included the reconstruction of State Highway 131 and the construction of an educational/visitors center.

When the environmental impact statement was reviewed, concerns were raised over water quality impacts and the effects on rare species. Numerous archaeologic and historic sites were identified. For environmental reasons, work on the dam was suspended in July 1975, leaving 61 percent of the dam uncompleted, while 80 percent of the land had been acquired.

By 1990, it was estimated that annual losses resulting from the removal of family farms and the unrealized tourism benefits anticipated with the completion of the reservoir and education center totaled over 300 jobs and $8 million for the local economy.

But to continue to look back at the losses only dimmed the potential for a vision for the future.

Recognizing the tragic circumstances in which several generations of families in the area had found themselves, in 1991, Governor Thompson, State Senator Rude, State Representative Johnsrud, and I urged the residents in the Kickapoo Valley to form a citizens advisory committee to initiate a plan for a positive resolution. Governor Thompson appointed Alan Anderson of the University of Wisconsin-Extension as coordinator for the Kickapoo Valley Advisory Committee. The Wisconsin Department of Natural Resources, Department of Transportation, and the State Historical Society provided professional assistance in the spirit of true cooperation. Over a span of 2 years the committee forged a consensus and recommended the establishment of the Kickapoo Valley Reserve. The State of Wisconsin concurred in their recommendation and passed legislation creating the Kickapoo Valley Reserve and Governing Board.

Today, I introduced federal legislation with Representative THOMAS PETRI to modify the LaFarge dam project and to bring this project to a proper conclusion. This legislation will transfer to the State of Wisconsin the lands associated with the project. The legislation also formally terminates, or deauthorizes the construction of the lake and dam portions of the original authorization. The modification will authorize the $17 million necessary to require the corps to complete two central parts of the original project: finishing the relocation of State Highway 131 and county Highway routes "P" and "F", along with the construction of a visitor and education complex, recreational trails, and canoe facilities.

If the original project were to be completed today, the Corps of Engineers estimates the cost would be $102 million. Since the original authorization of the project in 1962, the corps has expended $18 million. Under the legislation introduced today, the Federal responsibility to conclude the original activities would be for $17 million, creating a savings of $66 million to Federal taxpayers.

With the introduction of this legislation we bring renewed hope to the people that Government can right a wrong.

I thank the chairman and the gentleman from Indiana [Mr. MYERS] for their understanding by again fully funding to the Environmental Management Program [EMP] on the Upper Mississippi River (section 1103, PL 99–662). I especially appreciate the effort of Energy and Water Subcommittee Chairman TOM BEVILL and ranking member JOHN MYERS at sustaining the EMP, despite the severe fiscal constraints placed on the subcommittee. I'm very pleased to say that with your support the EMP has been and continues to be a great success.

As you know, the EMP was established in 1986 to foster a comprehensive and cooperative approach to management of the multiuse and interjurisdictional resources of the Upper Mississippi River. The program is directed by the Army Corps of Engineers and funded through the corps' general construction budget. It focuses on habitat rehabilitation and enhancement projects—habitat projects—and long-term resource monitoring—resource monitoring—in and around the river. I am extremely pleased that the committee appropriated the full amount for the EMP because this 15-year program is not cost indexed for inflation.

THE EMP HAS RECEIVED BROAD-BASED SUPPORT

The EMP is on the cutting edge of river management, and has won broad-based support from many in the industry. The National Research Council said the EMP should serve as a model for Federal-State partnerships on other rivers, stating: "It is among the first in the Nation to address conflicting Federal mandates for large interstate rivers and to redress habitat degradation caused by alteration within the rivers and their drainage basins."

Similarly, the corps in testimony before Congress and the Director of the U.S. Fish and Wildlife Service have praised it as an important model for future programs in this country and abroad. In fact, in July international experts will convene at the program's Environmental Management Technical Center to study the program as part of a conference on river management.

The new National Biological Survey [NBS] created by Secretary of the Interior Babbitt has goals and objectives nearly identical to the EMP's Resource Monitoring Program, and the Resource Monitoring Program will form the foundation for expanded ecosystem analysis by the National Biological Survey on the Upper Mississippi River.

Most important of all, the EMP is critical to maintaining the environmental and economic health of the Upper Mississippi River region. The river is used by millions each year for recreation, swimming, boating, fishing, and hunting. The upper river alone has over 200 boat harbors, 445 recreation sites, and thousands of acres of wildlife refuges. The corps recently completed its study of the "Economic Impacts of Recreation on the Upper Mississippi River System" which conservatively estimated that recreation produces $1.2 billion in economic benefits (in 1990 dollars) and 18,000 jobs nationwide. For the 76 counties along the upper river, recreational activity supported $400 million in output and 7,200 jobs.

The construction of 16 habitat projects has been completed and another 7 are under construction. In addition, Mr. Chairman, I am happy to report that the habitat projects performed as designed during the flood of 1993. As a result of monitoring completed habitat projects, the EMP will allow up to improve new habitat designs to compensate for navigation effects on the river. Information we have gathered will help us design future navigation systems that are more compatible with the environment, especially with regards to hydropower, sedimentation, fish and wildlife, and water pollution. One example, the Bertom and McCartney Lakes project in Wisconsin, has succeeded in sufficiently raising dissolved oxygen levels in the backwaters. The number of fish species in the backwater areas has increased as a direct result.

The EMP is and has been recognized as a unique partnership that works. The Bureau of Reclamation, the Tennessee Valley Authority, and managers from many other river systems are enthusiastic about the EMP and it application elsewhere, including in the National Biological Survey.

In fact, with the active encouragement of State, Federal, and local environmental and wildlife agencies, I have introduced legislation, H.R. 2500, which builds on the success of the EMP by applying the same principles for interjurisdictional river resource management to the entire 28-state Mississippi River drainage basin.

FULL FUNDING FOR EMP

Last year, the third year in a row, the administration requested and Congress provided full funding of $19.46 million for the EMP. As I have explained before, maintaining full funding for the program is especially critical at this stage, given the shortfalls in funding during the program's early years. For your information, I have included a table which illustrates the program's funding history:

Year	Authorized	Appropriated [millions]	Shortfall
1988	16.72	$5.168	$11.55
1989	18.56	7.9	11.06
1990	19.95	14.86	5.09
1991	19.46	17.0	2.46
1992	19.46	19.46	0
1993	19.46	19.46	0
1994	19.46	19.46	0
1995	19.46		
1996	19.46		
1997	19.46		
Total	191.45	83.994	30.16

You can see by the figures that EMP funding to date has fallen short by $30 million. For this reason, I am extremely grateful that the House has appropriated the authorized amount for fiscal year 1995.

THE 1993 FLOOD DELAYS EMP PROJECTS

As my midwestern colleagues know, spring flood of 1993 affected all who lived along the river. It also affected the progress of construction projects under the program. On the bright side, those habitat projects that had been completed or under construction weathered the flood well, sustaining only minor damage. The flood interrupted construction at three sites and delayed the awarding of contracts at another three, however. Reassignment of corps personnel to flood response duties also hampered planning and design activities. Consequently, the corps has allowed the program to carry forward into fiscal year 1994 $3.3 million in unexpended funds. In prior years, such carryovers were not at all certain. This setback is yet another reason why full funding in fiscal year 1995 is necessary.

The flood validated the investment that has been made in the monitoring component of the EMP, however. Data gathered under the resource monitoring programs played a key role in the White House sponsored Floodplain Scientific Assessment and Strategy Team efforts to analyze the effects of the flood. Resource monitoring personnel from both the Environmental Management Technical Center and the State-operated field stations participated on the team. These personnel continue to play the key roles on the team as recommendations are formulated.

DELEGATED AUTHORITY ACCELERATES APPROVAL OF PROVEN PROGRAMS

The corps recently streamlined its approval process for small-scale projects in order to administer EMP funds more efficiently. In December, the corps delegated to the commander of the north central division the authority to approve small-scale habitat rehabilitation or enhancement projects. This authority applies to individual projects with estimated construction costs of $2 million or less. To qualify, projects must be typical or previously approved and must clearly fall within policy parameters established by previous decisions. The delegation will speed up construction of small-scale projects because it will decrease approval time by 50 percent. In addition, 20 of 50 remaining programmed projects—or 40 percent of the remaining projects—could qualify under this authority.

SUMMARY

In closing, I thank the chairman, Mr. OBEY, and Chairman BEVILL for realizing the importance of the EMP, both to the Upper Mississippi River region and as a model for future programs in the United States. The committee and the subcommittee deserve credit for the foresight that has been associated with the program. We need now only to maintain the program's authorized funding level, and take the minimum steps to ensure that those funds are put to their maximum good use.

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of committee's recommendation that $600,000 be appropriated for construction of flood protection along the Ramapo River in Oakland, NJ. This appropriation will enable construction of the necessary flood control gate to begin slightly ahead of schedule and save the Federal Government money.

More importantly, however, this funding will save property and possibly even lives. In the wake of several catastrophic natural disasters of the past few years, every Member in this body is acutely aware of the devastation and suffering natural disasters can inflict. The area of Oakland receiving assistance under this act has suffered 11 floods in the last 24 years. In fact, the 1984 flood, alone, caused over $8 million in property damage. When considering the modest authorization recommended in this legislation, in the context of even one major floor, it is a small price to pay.

The Ramapo River flood control project was first authorized in the Water Resources Development Act of 1986. The preconstruction engineering and design work has been completed and the general design memorandum [GDM] is awaiting imminent approval. The residents of Oakland are anxious to have this project completed, and the U.S. Army Corps believes construction can be completed over the next few years.

Clearly, each year that passes without a major flood, in this region, is tempting fate. I hope this project can be fully funded and completed, before another disaster occurs.

Mr. Chairman, on behalf of the citizens of Oakland, NJ, I want to thank the committee for including the Ramapo River flood control project in this bill, and for all their hard work on this legislation.

Mr. DE LA GARZA. Mr. Chairman, included in the fiscal year 1995 energy and water appropriations package are two projects of great interest to me for which I want to express my support for funding. They are as follows:

Corpus Christi Ship Channel, TX, is a navigation project which is budgeted for operation and maintenance at $8,489 million. Continued funding of this project is essential due to the impact on the local economy. The project provides for widening and deepening the existing channels—40.5 miles—and basins from the the Gulf of Mexico to deepwater ports at Harbor Island, Ingleside, and Corpus Christi, and a branch channel to the port of La Quinta to provide a project depth of 45 feet. It also includes the construction of mooring areas and dolphins at Port Ingleside, one mooring area and six dolphins constructed initially with seven others deferred to be constructed when required.

Lower Rio Grande Basin, South Main Channel, TX, is a comprehensive flood control-drainage project which is budgeted at $900,000. It provides the major outlet component of an overall flood protection plan for Willacy and Hidalgo Counties. The authorized plan calls for construction of a major channel extending from near McAllen to the Laguna Madre, and related fish and wildlife mitgating measures. The authorized plan would provide 2-year protection to rural areas which drain into the South Main Channel; 100-year flood protection to the cities of Edinburg, McAllen, and Lyford; and 50-year flood protection for the cities of La Villa and Edcouch.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4506, the fiscal 1995 energy and water development appropriations bill.

I wish to commend subcommittee chairman TOM BEVILL and ranking member JOHN MYERS for their superb efforts in crafting this legislation. Once again, they have done an outstanding job of bringing this bill in under the President's budget request, and significantly lower than last year's funding level.

Indeed, the bill is some $1.3 billion below the fiscal 1994 appropriations level. It is a lean and responsible measure which funds only the Nation's highest priority energy and water development projects.

What's more, the hundreds of projects nationwide which are funded under this bill will help create jobs, generate tax revenues, enhance the environment, and protect property.

These investments in our Nation's infrastructure will strengthen our economy, while assuring that we have something to show for the money after it has been spent.

It is equally important to note that these projects serve more than just the parochial interests of the States or communities which sponsor them. They also help to fuel our Nation's economic engine.

Putting people to work, and enlarging our economic pie, is the best way to reduce the budget deficit and get our country moving forward again. That's what this bill will accomplish.

I am especially pleased that the legislation provides funding for some 11 important navigation, beach erosion, and flood control projects in my district in southern New Jersey.

All of these projects are intended to enhance the multibillion dollar tourism, boating and commercial shipping industries, which are the major industries in my region.

Among the projects funded under this bill are: beach replenishment in Cape May City and Ocean City; maintenance dredging along the intracoastal waterway, Cold Spring Inlet, and Salem River; and the deepening of the Salem River to 18 feet.

In addition, the bill provides for feasibility studies along Brigantine Inlet, Townsends Inlet, Great Egg Inlet, the Delaware Bay coastline, and the Lower Cape May Meadows-Cape May Point.

I am especially pleased that the committee has directed the Army Corps to initiate construction of the Salem River project.

The Salem Port is already one of the busiest feeder ports along the entire Northeast, and is an important transshipment point to the Caribbean. The deeper water will enable the port to reach its full potential in the years ahead.

I am also pleased that the feasibility study along Great Egg Harbor Inlet to Townsends Inlet will finally be getting underway.

This survey will lay the groundwork for a remedial plan to address the severe beach erosion problems along the southern end of Ocean City, Ludlams Island, Upper Township and Sea Isle. It is the only phase of the New Jersey shore protection master plan which is not yet underway.

All of these projects will help support the basic industries in my district, which depend on clean, sandy beaches and navigable waterways.

In addition to providing significant economic benefits, the beaches are our last line of defense against the forces of nature.

It is important that we protect and maintain these natural resources, and that the Federal Government be a full partner in this effort.

Incidentally, I am probably one of the few, if not only, Members of Congress who asked the committee not to fund a project in my district which was included in the President's budget.

While it is a good project, I felt it could wait until we get a better handle on our fiscal problems in Washington.

I urge a "yes" vote on the bill.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the H.R. 4506, the bill providing for energy and water development appropriations for fiscal year 1995. This bill is the product of many hours of hard work, and I urge my colleagues to support it.

Mr. Chairman, the Energy and Water Development Subcommittee took a tremendous hit this year in the budget allocation process. The fiscal year 1995 allocation for energy and water is $1.3 billion below our 1994 allocation. The total new budget authority provided in this bill is $157 million less than the administration's request and $17 million below the target 602(b) allocation.

As we often hear, we are all asked to do more with less. I believe that this bill represents the most we could do with much less than we need. I want to commend the chairman, Mr. BEVILL, and the ranking member, Mr. MYERS, for their hard work. As usual they have done a fine job of working with the Members and their constituents. I also want to thank the chairman's outstanding staff for once again making the seemingly impossible happened by putting together a bill that addresses our needs within our severe fiscal constraints.

Let's look at some of those fiscal constraints. Of the Department of Energy's $16 billion budget, $6 billion is dedicated solely to environmental cleanup. That's 37 percent of the DOE's total budget that is completely unavailable for productive scientific initiatives. This $6 billion represents almost 30 percent of the subcommittee's total allocation of $20.4 billion.

To use a budget analogy, the subcommittee's environmental cleanup costs are like nondiscretionary entitlements in the overall Federal budget. As those cleanup costs grow, there is simply no discretionary money left for the projects so important to the Members and their constituents.

Despite these constraints, the committee has put together an outstanding bill. The bill includes funding for the U.S. Army Corps of Engineers' flood control projects in every State in the Union. As the recent floods in the Midwest prove, flood protection is the imperative. Public safety demands that we look for immediate solutions to protect the people's lives and livelihoods. In addition, the bill provides funding to pursue the corps' new environmental mission of restoring and enhancing riparian habitat along America's waterways.

Funding for the Bureau of Reclamation also reflects the changing face of western water policy. In the past, Bureau of Reclamation projects were seen as projects exclusively for cities, industry, and agriculture above all else. Today, we recognize that there is no way to separate the issues of water use and the environment. The bill continues the Bureau's transition from a construction agency to a resource management agency by funding water delivery systems that take into consideration the impacts on the environment.

The Department of Energy's budget is also included in this bill. In particular, the bill recognizes the role of advanced and renewable energy technologies by providing funding for research, development and most importantly, the commercialization of these technologies. I believe that we have really turned the corner with advanced and renewable technologies. We are finally seeing the work of DOE come to fruition as these technologies move from the laboratory to commercial application.

We have also sent an important signal to the international community with this bill. That signal fortifies our commitment to maintaining our position as the world leader in high energy physics. I recently had the opportunity to meet with several Nobel Prize laureates about the future of high energy physics in America. I heard their stories of economic hardship and lack of job opportunities for our country's young physicists. This bill provides opportunities for these young physicists to work on smaller projects so they can continue to contribute to our standard of living by breaking new scientific ground.

In like fashion, this bill represents the hard work of the committee to craft an energy policy that includes fusion energy programs. Fusion offers the potential for abundant, environmentally attractive large-scale energy production. The fusion process does not produce undesirable combustion products and greenhouse gases that damage air quality. We are all looking forward to the day when we see commercial application of fusion energy. The program we have put in place in this bill moves us closer to that day.

Mr. Chairman, this bill is a balanced approach. It is the product of hard work and tough choices. We have been asked to do more with less. The committee has met that mandate. I strongly urge a "yes" vote.

Mr. FINGERHUT. Mr. Chairman, I wish to commend Chairman BEVILL and the members of the House Appropriations Subcommittee for their work on the energy and water development appropriations bill for fiscal year 1995. This bill included provisions critical to the environmental and economic well-being of my congressional district in northeastern Ohio.

Of special importance is funding exceeding $4 million in fiscal year 1995 for Army Corps of Engineers operation and maintenance activities at the Ports of Conneaut, Ashtabula, and Fairport Harbor, OH. This traditional Federal program remains a critical element of the recreational and commercial navigation activities on the shores of Ohio.

Additionally, I would like to compliment Chairman BEVILL for including funding of $500,000 for section 401 of the Water Resources Development Act. This innovative program will assist local communities in the implementation of remedial action plans toward environmental restoration on a cost share basis. I am especially proud that Ashtabula, OH is positioned to be the first community in the Nation to ever use this important program. It is the critical first step to cleaning and dredging a river that has not been maintained for over 33 years

Mr. FAWELL. Mr. Chairman, I have concerns about fiscal year 1995 Energy and Water Development appropriations bill, H.R. 4506, especially the funding included in the bill to initiate construction and capital equipment acquisition for the Advanced Neutron Source, or ANS.

I want to elaborate on the reasons for my concerns for what is basically a scientifically meritorious and much-needed project. First, I will provide some background information on the ANS. I will then proceed to discuss a number of troubling issues that, in my mind, call into question the wisdom of proceeding with ANS construction and capital equipment acquisition in fiscal year 1995.

BACKGROUND

The Advanced Neutron Source [ANS], to be sited at Oak Ridge National Laboratory, is designed to be the world's highest flux—that is, numbers of neutrons per unit area per second—research reactor for producing beams of subatomic particles called neutrons for research in the physical, chemical, and biological sciences, as well as for the production of radioisotopes for use in medicine. It is to be a user facility available to industry, university, and government researchers, and 5 to 10 times more powerful than the best existing facility, the ILL reactor in France. The ANS is intended to replace the high flux isotope reactor at Oak Ridge National Laboratory and the high flux beam reactor at Brookhaven National Laboratory, which began operation in the 1960's and are nearing the end of their useful lifetimes.

The ANS has been under development for more than a decade and has strong support from the neutron-user community, who total around 1,000. It has been endorsed by National Academy of Sciences and Department of Energy [DOE] scientific panels. The most recent review, by a 1992 DOE scientific committee, recommended completion of the design and construction of the ANS, as well as the development of competitive proposals for the design of a 1-megawatt pulsed spallation neutron source.

The current ANS design assumes the use of nuclear-weapons grade highly enriched uranium—enriched 93 percent in the isotope uranium-235—fuel and heavy water as a coolant/moderator. Its current estimated cost during the period of construction is $2.9 billion and estimated operational costs for a 40-year life span are $6.2 billion, for a total of $9.1 billion. However, as detailed below and further elaborated in attachment 1, this cost estimate is highly uncertain, and could easily exceed $13 billion, making the ANS the most expensive scientific project since the superconducting super collider.

The ANS was first proposed as a construction start in DOE's fiscal year 1994 budget request, and was included as one of President Clinton's fiscal year 1994 "Investment Proposals." The fiscal year 1994 DOE request totaled $39 million, including $12 million for operating expenses, $1 million for capital equipment, and $26 million for construction. The House approved a total of $22 million in fiscal year 1994 Energy and Water Development appropriations bill—$10 million for operating expenses and $12 million for construction. The Senate deleted ANS construction funding, and instead provided $17 million in operating expenses for continued design and research. During the conference deliberations, Office of Management and Budget Director Panetta sent a letter to Senator HATFIELD on October 13, 1993, stating:

> The Department of Energy has decided to defer the construction of the ANS. This will allow the Department to continue its efforts to study the impact on ANS performance goals if low or medium-enriched uranium fuel is used; highly enriched uranium fuel is assumed in the current design. This course of action will require only the $12 million originally requested for research and development in FY 1994.

The conference committee adopted the Senate-passed $17 million for ANS operating expenses, stating:

> The conferees support the continuation of the Advanced Neutron Source and the conference agreement provides $17,000,000 for the project. This is the amount needed for the continuation of essential research and development, reactor safety and regulatory compliance tasks. This will include work on the draft Environmental Impact Statement, completion of advanced concept design studies and updates to the appropriate baseline documentation and applicable activities to position the project to proceed. The conferees expect a construction start next year upon accomplishment of this required work.

The House and Senate approved the conference report on October 26 and October 27, 1993, respectively, and President Clinton signed the fiscal year 1994 Energy and Water Appropriations Act on October 28, 1993—Public Law 103–126.

The fiscal year 1995 DOE request for the ANS totals $40 million—$12.3 million for operating expenses, $1 million for capital equipment, and $26.7 million for construction. The House Appropriations Committee has recommended a total of $21 million—$10 million for operating expenses, $1 million for capital equipment, and $10 million for construction.

ISSUES

There are several ANS issues that should be reviewed prior to the initiation of construction funding and capital equipment acquisition for the project: One, cost; two, nuclear nonproliferation concerns; three, spent fuel management; and four, regulatory concerns. I will discuss each of these in turn.

1. COST

The ANS has been under development for more than 10 years, first as an upgrade to the existing high flux isotope reactor at Oak Ridge National Laboratory. In a February 26, 1984, Oak Ridge group's presentation to the Major Materials Facilities Committee of the National Research Council, the cost of what was then called the high flux isotope reactor upgrade [HFIR–II] was $254 million. By the time of the first construction request in fiscal year 1994, the DOE estimated the ANS's total project cost to be $2.75 billion—over 1,100 percent increase, compared to a little over 37 percent cost-of-living increase during the same period. In the fiscal year 1995 request, DOE increased the ANS cost to $2.88 billion—over a $134 million increase in only one year. By the end of fiscal year 1994, the ANS will have received a total of $103.3 million—more than 40 percent of the original estimated cost of $245 million.

In addition, DOE estimates the reactor is to have a 40-year life, with an annual operating cost—in year 2004 dollars—of $155.1 million. This will require an additional $6.2 billion over the life of the reactor.

Furthermore, DOE cost estimates are based upon a design using nuclear-weapons grade highly enriched uranium fuel. If, because of nuclear nonproliferation concerns—discussed below—a low-enriched uranium fuel is used, DOE estimated, in 1993, that the project's construction cost will increase by at least $600 million and require an additional $60 million annually in operating costs. And DOE's ANS cost estimates also do not include costs for spent fuel disposal and for decontamination and decommissioning [D&D] activities, which have been estimated at about $500 million and $150 million, respectively, by a 1992 review committee. As shown in attachment 1, inclusion of all the terms would increase the cost of the ANS to $12.9 billion.

Finally, it should be noted that DOE's $12.9 billion cost estimate may well be understated for at least three reasons. First, DOE cost estimates include only one-third of the cost of the project's required experimental equipment. Second, DOE cost estimates assume that the heavy water, used as a coolant/moderator, will be provided at no cost from current stocks in DOE's nuclear weapons program. Third, DOE cost estimates do not provide any role for the Nuclear Regulatory Commission [NRC] in the ANS's safety reviews or operations—and based on commercial nuclear powerplant experience, NRC involvement would likely result in significant construction delays, design changes, and cost increases.

2. NUCLEAR NONPROLIFERATION CONCERNS

As noted above, the current design for the ANS uses nuclear-weapons-grade highly-enriched uranium [HEU] fuel. United States policy since 1978 has been to diminish and eventually eliminate the use of HEU fuel in civilian nuclear power programs worldwide. In pursuit of this objective, the United States has encouraged other countries to move from nuclear-weapons-usable HEU to low-enriched uranium [LEU] fuel for research reactors under the aegis of the Reduced Enrichment for Research and Test Reactors [RERTR] Program.

The RERTR Program has been very successful. Of the 42 foreign research reactors that depend on imported U.S. HEU fuel, the RERTR Program has developed the fuel necessary to convert all but three reactors located in Germany. In addition, since 1980, all research reactors worldwide, with the exception of the FRM–II reactor in Germany, have been designed to use LEU cores—and the U.S. State Department has been strongly encouraging Germany to use LEU fuel in the FRM–II reactor. Attachment 2, a May 12, 1994, article from Nature magazine, provides further background on the FRM–II situation.

It is also important to note that the above HEU fuel policy, which has been endorsed by four Presidents—two Republicans and two Democrats—was reinforced by section 903 of the EPAct, which prohibits the export of HEU fuel—defined in the act as any uranium fuel enriched to 20 percent or more in the isotope uranium–235—for foreign research reactors unless three conditions are met:

One. The reactor must be technically incapable of using any of the LEU fuels currently available;

Two. The recipient of the fuel must agree to use an LEU fuel when it becomes available; and

Three. The United States must be actively developing an LEU fuel that can be used in that reactor.

DOE has, however, been resisting the use of LEU in the ANS, arguing that the use of LEU fuel has been studied and "found to lead to a design which would not meet the scientific requirements for this facility." As noted above, DOE also estimated, in 1993, that the use of LEU fuel would add approximately $600 million to the ANS's construction cost and $60 million to its annual operating cost.

The State Department disagrees strongly with the DOE's position. In a September 7, 1993, letter to Dr. John G. Keliher, Director of DOE's Office of Intelligence and National Security, Robert L. Gallucci, Assistant Secretary of State for Politico-Military Affairs, stated:

> * * * In order to implement this policy effectively, we [the U.S. Government] will need to make sure we are taking all reasonable steps to assure that LEU is used in our domestic programs. Failure to do so would send a powerful, negative signal to governments in Western Europe, Canada, Australia, and Japan which have been cooperating with us in the effort to reduce the use of HEU worldwide. The message would not be lost on the Russian Government, which could be expected to ignore any U.S. pleas not to step in and start selling HEU for research reactors and medical isotopes to customers around the world.
>
> In particular, I would like to ask you to consider four major steps: (1) conversion of DOE's existing research reactors to low enriched fuels; (for older reactors, an announcement of a schedule of closings would seem appropriate); (2) postponement of the proposed plan to have Los Alamos begin production of molybdenum 99 from HEU targets for medical isotopes; (3) cooperation with us to devise ways to encourage foreign producers of molybdenum 99 to use LEU fuel in order that we can all compete on a level playing field; and (4) reconsideration of a program to develop high density LEU fuels for use in DOE reactors, three West European reactors, and Soviet designed research reactors.
>
> The Reduced Enrichment for Research and test Reactor (RERTR) program, which DOE established at Argonne to develop low enriched uranium fuels for use in research and test reactors and to provide conversion assistance to U.S. and foreign reactor operators has been very successful. Only three research reactors abroad have been unwilling to convert their reactors to low enriched fuels.
>
> The original intention had been that DOE convert its research reactors. However, for a variety of reasons this did not occur. The fact that DOE did not plan to convert its own reactors was used by the three European reactor operators as justification for their refusal to undertake conversion.
>
> Another factor argues for a re-examination of a research and development program for high-density LEU fuel. In Russia, several other CIS republics, Eastern Europe, North Korea and elsewhere, there are numerous Soviet-designed reactors operating on HEU which cannot use low density LEU fuel developed under the RERTR program in the 1980's. We understand that much of the developmental work for high density fuels would be directly applicable to new LEU fuels for Soviet reactors. Given the importance of converting Soviet reactors to LEU fuels and of gaining Russian [sic] cooperation on reducing or eliminating HEU in civilian programs, the cost of developing high density LEU fuels may now be worthwhile.

The complete text of this letter is included as attachment 3.

DOE has under way a study of determining the reduction in performance of the ANS using LEU fuel with varying degrees of enrichment and density, but has made no decision with regard to its use in the ANS.

Congressional approval of starting construction of the ANS using HEU fuel would be a major blow to U.S. credibility in the nuclear nonproliferation arena. The United States cannot credibly urge others not to use nuclear weapons-grade HEU fuel if it intends to use that fuel in the ANS. Such an action would clearly undercut ongoing U.S. State Department efforts to convert numerous Soviet-designed reactors and Germany's FRM–II reactor to LEU fuels. In short, it would provide an excuse for all other nations to oppose international efforts to end the use of HEU fuels.

3. SPENT FUEL MANAGEMENT

The current ANS design is based on the assumption that its spent fuel later will be sent to Savannah River, and has provided for only 2 years of spent fuel storage in the reactor building. Spent fuel shipments to Savannah River were suspended in April 1992, and DOE currently has under way a programmatic spent fuel management environmental impact statement [EIS] that will not be completed until June of next year. The outcome of that EIS could greatly influence the cost and management of the ANS spent fuel.

4. REGULATORY CONCERNS

The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974 exempt all DOE facilities from Nuclear Regulatory Commission [NRC] licensing requirements except for facilities that produce electricity or specific facilities to be built and operated for the purpose of demonstrating the suitability for commercial applications. The ANS, with no commercial power operation potential, clearly falls in the exempt category.

Given that DOE's past self-regulatory efforts have been inadequate, NRC involvement is under consideration by DOE's upper management. If DOE turns over ANS reactor safety and operations to the NRC, it is likely to result in significant construction delays, design changes, and significant cost increases.

SUMMARY

The four ANS issues—cost, nuclear nonproliferation concerns, spent fuel management, and regulatory concerns—argue for possible deferral of ANS construction and capital equipment acquisition in fiscal year 1995. A 1-year pause would provide an opportunity for in-depth congressional hearings, and for DOE to review a number of ANS issues. It would also give the scientific community a chance to reexamine the ANS.

As a prudent course, I would recommend that total ANS funding in fiscal year 1995 be limited to $17 million in operating expenses only, the same as for fiscal year 1994. A year's delay would give DOE time to fully explore the use of LEU fuel in the ANS and to resolve a number of other ANS issues, including its escalating and uncertain costs, and the potential for internationalizing the project.

Attachment 1. Advanced Neutron Source (ANS)—Detailed cost estimate

Item:	*Billions*
Sunk cost: Department of Energy (DOE) estimate of ANS funding through fiscal year 1994	$0.1
Construction cost: DOE estimate of ANS's cost for construction through a completion date of late 2003	2.2
Other project costs during construction: DOE estimate of ANS's other construction-related costs through a completion date of late 2003	.6

	Billions
Operational cost: DOE estimate of operational cost of ANS, computed at $155.128 million a year for a 40-year life span	6.2
Subtotal	9.1
Other items:	
Spent fuel disposal: December 1992 estimate by the DOE Office of Nuclear Energy Project Management Subcommittee's review of the ANS Conceptual Design Report	.5
Decontamination and decommissioning: December, 1992, estimate by the DOE Office of Nuclear Energy Project Management Subcommittee's review of the ANS Conceptual Design Report	.2
Total	9.9
Additional cost of ANS design based on low enriched uranium core: August 1993 Acting Director of DOE's Office of Nuclear Energy estimate of additional ANS cost	.6
Additional operational cost of ANS with low enriched uranium core: August 1993 Acting Director of DOE's Office of Nuclear Energy estimate of additional ANS operational cost, computed at $60 million a year for a 40-year life span	2.4
Potential total ANS cost	12.9

Attachment 2

[From Nature, May 12, 1994]

URANIUM FUEL SPARKS GERMAN-U.S. CONTROVERSY

MUNICH.—More than 20 of Germany's top physicists have sent a letter to ministries, politicians and licensing authorities in Germany expressing concern over the proposed use of highly enriched uranium (HEU) in a new research reactor planned for construction in Garching near Munich.

Their main complaint is that the so-called Forschungsreaktor München II (FRM–II) would as currently planned undermine attempts led by the United States to eliminate the world-wide use of HEU in research reactors, and to substitute it with the less energy efficient but safer low enriched uranium (LEU).

The United States, at present the west's only supplier of HEU, has introduced strict controls on the distribution and use of this fuel, quoting its commitments under the terms of the Nuclear Non-Proliferation Treaty (NPT), which came into effect in 1970. In addition, over 50,000 individuals in Germany, including many scientists, have backed a demand that the FRM–II be redesignated to use LEU fuel.

But the scientists at Munich's Technical University who have designed the FRM–II argue that converting it from HEU to LEU would be extremely costly. They also claim that such a move is unnecessary, as Germany is a signatory of the NPT, and thus has strict controls on the use of nuclear fuels.

Last week saw the opening of an inquiry into the planned reactor, which will provide high energy neutrons for researchers in materials and medical sciences. German physicists have been trying to establish a new national neutron source since the late 1970s, as the country's four working research reactors are aging, and have neutron fluxes too low to meet all current research needs.

Planned for construction next to Munich university's existing research reactor, known as the Atom-Ei (atomic egg) because of its shape, the new reactor would have a high neutron flux (80010^{12} per second per cm^{2}) and would cost DM525 million, two thirds paid by the federal government, and the rest by the state of Bavaria.

Wolfgang Gläser, professor of experimental physics in Munich and former director of Europe's most powerful research reactor at the Institut Laue-Langevin in Grenoble, France, says that the use of HEU, made up of 93 per cent ^{235}U and 7 per cent ^{238}U, is needed to achieve the required neutron flux at a power of 20 megawatts.

If the new reactor is required to use a mixture of only 20 per cent ^{235}U (and 80 per cent ^{238}U), he says, it would have to operate at twice this power, raising annual running costs from DM20 million to DM30 million. In addition, conversion is likely to cost an estimated DM200 million.

Gläser also argues that LEU provides a similar security risk to HEU, as ^{238}U in the fuel is converted to plutonium. But Werner Buckel, former president of the German Physics Society, says that sophisticated reprocessing technology is required to extract this plutonium, which is already at low levels, and that the risks are therefore not comparable.

The United States has established a programme to develop alternative high density LEU fuels. Its overall policy, intended to reduce the risks of nuclear proliferation, was reinforced by the Schumer amendment to the 1992 Energy Policy Act, which specifies three conditions for the supply of HEU to research reactors.

First, the reactor must be technically incapable of using any of the LEU fuels currently available. Second, the relevant national government must agree to use an alternative, compatible LEU fuel type, if one becomes available. Finally, the United States must become involved in developing an LEU fuel type that would be compatible with the specified reactor.

Despite the extra costs incurred by reactors using LEU fuel, the policy has so far been highly successful. Thirty eight of the 42 research reactors outside the US which depend on imported US fuel have already switched, or are preparing to switch, to LEU. These include Germany's four current research reactors in Berlin, Hamburg, Julich, and the Atom-Ei in Garching. One of the remaining four is now considering switching, and the other three are not technically capable of conversion.

Given this virtually universal compliance with the policy, as well as Germany's ultrasensitivity to 'green' issues, the country's insistence on using HEU at Garching has generated widespread surprise.

Government officials deny that the use of HEU will increase the risk of nuclear proliferation. They point out that strong security measures have been incorporated into the FRM-II plans to meet the demands of both the European Atomic Energy Community (Euratom) and the International Atomic Energy Agency.

But Robin Delabarre from the US State Department's section on nuclear affairs says that this is not the point. "The German safeguards are fine," he says. "But it is not a problem specific to Germany; there is a general concern about the risks of international transport and use of weapons-grade materials."

The US is particularly worried that, by breaking ranks, Germany could encourage those responsible for research reactors in other countries to reconvert their reactors to use the cheaper HEU fuel. If that happened, however, a new question would arise concerning the origins of the fuel.

Gläser says he is confident that the US will agree to supply FRM-II with HEU, accepting the reactor as an exception to its general rules on the grounds that a redesign to use LEU would be uneconomic. But Delabarre says that economic reasons are not sufficient to allow an exception, and that a request for HEU from Garching would "most likely not be approved".

The State Department has been urging the Garching team—so far unsuccessfully—to work with US scientists at the Argonne National Laboratory near Chicago on low enriched fuel that would be both technically and economically acceptable.

If the US refuses to supply the HEU (no such fuel has been exported from the US since 1992) and the reactor is not converted to use LEU, its fuel will have to be sought elsewhere. It will have to be ordered through Euratom, as nuclear installations in Germany, as in all other countries of the European Union, are obliged to do.

A spokesperson for Euratom admits that US policy has put its HEU supplies "in grave doubt in the near future". The organization is considering new sources—possibilities include the United Kingdom, France, and Russia—but will not discuss the options it is considering.

The public hearing, which is part of the nuclear license procedure for FRM-II, is likely to continue for several weeks. Bavaria's prime minister Edmund Stoiber says he would like to see a (positive) licensing decision taken before the state elections in September. But few expect a decision much before Christmas.—Allson Abbott

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Attachment 3

U.S. DEPARTMENT OF STATE,
Washington, DC, September 7, 1993.

Dr. JOHN G. KELIHER,
Director, Office of Intelligence and National Security, Department of Energy, Washington, DC.

DEAR DR. KELIHER: I am writing you regarding USG policies involving use of highly enriched uranium in civil programs.

As you know, it has been U.S. policy since the Carter Administration to discourage the use of highly enriched uranium in civil programs both domestic and foreign. In order to implement this policy effectively, we will need to make sure we are taking all reasonable steps to assure that LEU is used in our domestic programs. Failure to do so would send a powerful, negative signal to governments in Western Europe, Canada, Australia, and Japan which have been cooperating with us in the effort to reduce the use of HEU worldwide. The message would not be lost on the Russian Government, which could be expected to ignore any U.S. pleas not to step in and start selling HEU for research reactors and medical isotopes to customers around the world.

In particular, I would like to ask you to consider four major steps: (1) conversion of DOE's existing research reactors to low enriched fuels; (for older reactors, an announcement of a schedule for closings would seem appropriate); (2) postponement of the proposed plan to have Los Alamos begin production of molybdenum 99 from HEU targets for medical isotopes; (3) cooperation with us to devise ways to encourage foreign producers of molybdenum 99 to use LEU fuel in order that we can all compete on a level playing field; and (4) reconsideration of a program to develop high density LEU fuels for use in DOE reactors, three West European reactors, and Soviet designed research reactors.

The Reduced Enrichment for Research and Test Reactor (RERTR) program, which DOE established at Argonne to develop low enriched uranium fuels for use in research and test reactors and to provide conversion assistance to U.S. and foreign reactor operators has been very successful. Only three research reactors abroad have been unwilling to convert their reactors to low enriched fuels.

The original intention had been that DOE convert its research reactors. However, for a variety of reasons this did not occur. The fact that DOE did not plan to convert its own reactors was used by the three European reactor operators as justification for their refusal to undertake conversion.

Another factor argues for a re-examination of a research and development program for high density LEU fuel. In Russia, several other CIS republics, Eastern Europe, North Korea and elsewhere, there are numerous Soviet-designed reactors operating on HEU which cannot use low density LEU fuel developed under the RKRTR program in the 1980's. We understand that much of the developmental work for high density fuels would be directly applicable to new LEU fuels for Soviet reactors. Given the importance of converting Soviet reactors to LEU fuels and of gaining Russian cooperation on reducing of eliminating HEU in civil programs, the cost of developing high density LEU fuels may now be worthwhile.

The issue of the use of HEU targets for molybdenum 99 (MO–99) production for medical isotopes has come up recently in discussions with the South African Government on disposition of the SAG's stockpile of HEU from dismantled nuclear weapons.

After initially announcing their interest in selling to the U.S. or another nuclear weapons state their HEU, the South Africans recently told us that they wanted to keep their HEU for fuel for the SAFARI research reactor. Argonne National Laboratory (ANL) experts familiar with SAFARI are confident that the reactor can be converted to use LEU fuel. However, the South African AEC argues that one of the main uses for SAFARI is and will continue to be nuclear medicine, and that HEU targets are required to produce MO–99.

DOE and Argonne National Laboratory (ANL) have been working to reestablish ANL's program for development of LEU targets for the production of medical isotopes, particularly (MO–99), to meet a key 1992 Energy Policy Act criterion for approval of HEU exports for target use. To assist in this effort, Argonne has increased its contacts with AECL Chalk River Laboratory in Canada which has an active LEU target development program. Isotope production is a highly competitive industry operating on tight margins. Use of LEU targets will increase costs and complexity of isotope production because more nuclear material is needed and irradiated LEU produces more high level waste including plutonium. LEU targets are technically feasible but must also be commercially feasible. Our objective should be to obtain agreement among all producers of MO–99 to use LEU rather than HEU. In this way all would be competing on a level playing field. We recognize, of course, that the LEU target must be licensable by national nuclear regulatory authorities and the MO–99 product must be certified by the Food and Drug Administration or its equivalent in other countries as medically safe.

Chalk River-Nordion of Canada and IRE Flauris of Belgium are the major world suppliers of MO–99. At present, there is no U.S. producer of MO–99. DOE has been working to develop a MO–99 production capability by 1994 at Los Alamos National Laboratory using HEU targets and the Omega research reactor. While development of a U.S. production capability will reduce U.S. industry concerns about possible interruptions of foreign supply, clearly, Canada, Belgium and South Africa will not use LEU targets if Los Alamos uses HEU. Furthermore, the existence of two foreign producers of MO–99 and the prospective emergence of at least one other foreign supplier should assuage any possible concerns about supply availability.

I would appreciate hearing from you on these matters in the near future.

Sincerely,

ROBERT L. GALLUCCI,
Assistant Secretary of State
for Politico-Military Affairs.

Mr. FRANKS of Connecticut. Mr. Chairman, the Energy and water bill before us this year helps to continue the relationship between the Federal Government and private enterprises. It contains over $1.7 billion in funding for energy research. Companies in Connecticut have played an important role in the development of new fuel cell technology and other energy projects designed to be more environmentally sound. The bill will keep the United States and a world leader in research and development of useful technology. I will support this bill.

This bill differs from last year's bill in that we are no longer able to debate funding for the superconducting super collider. Last year the house voted to eliminate the super collider, and I voted against the final version of the bill as a result. I hope that in the future Congress will reconsider the ill-advised decision to end this project. The super collider would have provided vital research for atomic medicine and superconductivity. While I have consistently supported prudent cuts in the programs, of the Department of Energy, I felt that the super collider would have provided valuable research to give our country a technological edge.

Today we will vote on one amendment offered to cut spending in this bill. I will support the Byrne amendment to eliminate the bill's proposed $12 million appropriation for the Gas Turbine-Modular Helium Reactor Program. This Helium Reactor Program was developed in the early 1970's with the theory that it would be a cost-competitive way to generate electricity. This has not proven to be the case. But Congress can never admit that its old decisions were wrong, and here the program is again for our approval. Taxpayers do not want to pay for programs that will not be useful for the future. This amendment had clear bipartisan support, and I will vote for it.

Mr. MYERS of Indiana. Mr. Chairman, I yield back the balance of my time.

Mr. BEVILL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in section 2 of House Resolution 449 may amend portions of the bill not yet read for amendment and is not subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H.R. 4506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $179,062,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Los Angeles County Water Conservation and Supply, California, $700,000;

Norco Bluffs, California, $400,000;

Indianapolis, White River, Central Waterfront, Indiana, $4,000,000;

Ohio River Greenway, Indiana, $900,000;

Lake George, Hobart, Indiana, $260,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $150,000;

Kentucky Lock and Dam, Kentucky, $2,000,000;

Hazard, Kentucky, $500,000;

Mussers Dam, Pennsylvania, $200,000;

Hartsville, Trousdale County, Tennessee, $95,000;

West Virginia Comprehensive, West Virginia, $350,000; and

West Virginia Port Development, West Virginia, $800,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,023,595,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, Arkansas and Louisiana, $6,000,000;

Red River Below Denison Dam Levee and Bank Stabilization, Arkansas and Louisiana, $1,500,000;

West Sacramento, California, $500,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

Sacramento River Flood Control Project (Deficiency Correction), California, $3,700,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Central and Southern Florida, Florida, $11,315,000;

Kissimmee River, Florida, $9,000,000;

Casino Beach, Illinois, $1,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $4,000,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $20,000,000;

Middlesborough (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,200,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $3,000,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $800,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $12,500,000;

Ste. Genevieve, Missouri, $3,000,000;

Hackensack Meadowlands Area, New Jersey, $2,500,000;

Ramapo River at Oakland, New Jersey, $600,000;

Salem River, New Jersey, $1,000,000;

Carolina Beach and Vicinity, North Carolina, $2,800,000;

Fort Fisher and Vicinity, North Carolina, $900,000;

Broad Top Region, Pennsylvania, $1,000,000;

Lackawanna River, Olyphant, Pennsylvania, $1,100,000;

Lackawanna River, Scranton, Pennsylvania, $1,000,000;

South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $7,000,000;

Wallisville, Lake, Texas, $1,000,000;

Richmond Filtration Plant, Virginia, $2,000,000; and

Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $1,500,000:

Provided, That of the offsetting collections credited to this account, $71,000 are permanently canceled.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $334,138,000, to remain available until expended, of which $3,000,000 is provided for the Eastern Arkansas Region, Arkansas, project.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,646,535,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which $37,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), and of which funds are provided for the following projects in the amounts specified:

Tucson Diversion Channel, Arizona, $2,500,000;

Jeffersonville-Clarksville, Indiana, $750,000;

McAlpine Lock and Dam (Ohio River Locks and Dams), Kentucky, $1,000,000; and

Raystown Lake, Pennsylvania, $5,330,000:

Provided, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That of the offsetting collections credited to this account, $1,000 are permanently canceled.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $14,979,000, to remain available until expended: *Provided*, That of the offsetting collections credited to this account, $5,000 are permanently canceled.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, $625,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, and the Water Resources Support Center, $152,500,000: *Provided*, That not to exceed $56,480,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the Division Offices.

PERMANENT APPROPRIATIONS

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $4,000.

RIVERS AND HARBORS CONTRIBUTED FUNDS

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $16,000.

ADMINISTRATIVE PROVISIONS

During the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), $38,972,000, to remain available until expended, of which $22,839,000 shall be to carry out the activities authorized under title II of the Act and for feasibility studies of alternatives to the Uintah and Upalco Units, and of which $16,133,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $11,133,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out the activities authorized under title III of the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,191,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $14,190,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $432,727,000 of which $23,272,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $153,793,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $286,521,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $9,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $23,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $600,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $37,232,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102-575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $54,034,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

WORKING CAPITAL FUND

Of the offsetting collections credited to this account, $863,000 are permanently canceled due to reduced GSA rental charges and $1,848,000 are permanently canceled due to efficiencies in the procurement process.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 11, line 25, strike "$432,727,000" and insert in lieu thereof, $402,727,000".

Mr. MILLER of California. Mr. Chairman, my amendment deletes $30 million in funding from the Bureau of Reclamation's construction account for the Garrison Diversion Unit, ND.

As many of my colleagues will recall, this large water project was completely redesigned and reformulated by Congress in 1986. Many expensive and environmentally destruction features of the project were eliminated. Much of the original irrigation was deauthorized. In place or the irrigation, the reformulated project would supply thousands of North Dakota residents with high quality drinking water from the Missouri River. Wetlands would be restored.

Since the 1986 reformation, Congress has appropriated well over $100 million to construct the newly reformulated Garrison project. I have supported each and every one of those funding requests.

Unfortunately, however, local sponsors of the project, the Garrison Diversion Conservancy District, have repeatedly attempted to rewrite history and the law by repudiating the 1986 Garrison Reformation Act. Their obvious intent is to resurrect the old Garrison project, complete with outdated, expensive, and wasteful irrigation.

Late last year, North Dakota leaders and the Garrison Diversion Conservancy District asked Reclamation Commissioner Beard to initiate yet another new process to determine North Dakota's contemporary water development needs. The Commissioner, with the concurrence of all North Dakota political leaders, insisted that all North Dakotans internally reach consensus on any proposed changes to the 1986 act. When the Governor's proposal was issued just a few weeks ago, it was promptly rejected by the North Dakota congressional delegation.

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Eight years after we passed the Reformulation Act, the delegation has advised the United States that "Our State is owed this project," and that "North Dakota will not have to reimburse the Federal Government for major features of this project."

Mr. Chairman, if the State of North Dakota and its congressional delegation are not interested in constructing a major water resource project for the benefit of their citizens, I see no reason why Congress and the taxpayers should be expected to force the project upon them.

Mr. Chairman, I intend to convene a hearing of the Committee on Natural Resources to receive testimony on legislative proposals to further reform and perhaps even deauthorize the Garrison project.

Mr. Chairman, I would say that I have been given a letter that has been written to Michael Whittington, the area manager of the Bureau of Reclamation, by the delegation, which has a statement by the congressional delegation that they plan to go back to start a new collaborative effort to produce concurrence among all of the interests in North Dakota and to produce consensus legislation that they will introduce in Congress to modify the Garrison Reformulation Act. That is clearly their right to do so. I would welcome and would participate with them, if necessary, with the Committee on Natural Resources.

Mr. Chairman, I must say, however, in that same letter dated May 12 to Mr. Whittington, that I am deeply disturbed by the suggestion that somehow this project is owed to North Dakota and that they should not have to pay for what they should receive as compensation.

This project, when it was passed in 1986 as a reformulated project, was very narrowly passed by the Congress by a handful of votes. Those handful of votes were secured by the effort of myself and many others to represent to the Members of the Congress that there would be consensus, that there would be a fundamental reformulation, and there would be repayment of this project. That is what we did in 1986 after long negotiations on both the House and Senate side.

To now suggest that somehow unilaterally one party or the other within North Dakota is going to change the purposes and the intent of this act is simply unacceptable. I hope that perhaps this letter is more reflective of the desire to enter into a true consensus, rather than simply a one-sided discussion within the State about changes that some may seek or think are advisable in this act.

Mr. Chairman, I include for the RECORD the letter to Mr. Whittington with regard to the Garrison diversion reform proposal:

U.S. SENATE,
Washington, DC, May 12, 1994.

Mr. MICHAEL WHITTINGTON,
Bureau of Reclamation,
Bismark, ND.

DEAR MR. WHITTINGTON: We are writing to tell you that we do not support the Garrison Diversion reform proposal, called the "Strawman proposal," announced recently by Governor Edward Schafer.

The proposal is seriously flawed in several respects. Moreover, the drafting and release of this proposal was not a part of the collaborative process that we had agreed to with Bureau of Reclamation Commissioner Dan Beard. Let us briefly explain our concerns.

First, the governor's proposal has been advanced as unilaterally accepting the imposition of new water taxes on residents in eastern North Dakota cities supplied by Garrison Diversion. According to the governor's office, the plan anticipates that these residents would see their water bills hiked by $2.00 to $12.00 more a month.

We feel strongly that North Dakota's interests are not served by surrendering on the subject of which costs of a revised Garrison Diversion Project are nonreimbursable. Our state is owed this project as compensation for economic losses incurred by hosting a one-half million acre, permanent flood behind the Garrison Dam. North Dakotans should not have to pay for what they should receive as compensation.

Consequently, we intend to insist that, to the extent possible, North Dakota will not have to reimburse the federal government for major features of this project.

Second, while the governor's proposal borrows some good ideas developed in the collaborative process, it nonetheless proposes to spend tens of millions of dollars more than is necessary on some components of the project.

Third, specific costs and priorities on major component parts of the system were advanced by the governor's proposal outside of the collaborative process, and put forth without consultation with the other parties. In contrast, the many decisions that need to be made in reformulating this Garrison project must be done in a thoughtful and deliberative way, and include the input of all of the various North Dakota interests.

We need to agree on proposed changes to the current authorized Garrison Diversion Project in North Dakota. There's no question about that. But the governor's plan is not well constructed. It uses cost estimates that are, in some cases, far too high. It acquiesces to tax increases for some North Dakotans that we are not willing to support.

Instead, we intend to make a fresh start to collaborate in a way that produces concurrence among all of the interests in North Dakota. We intend to produce consensus legislation that we will introduce in Congress to modify the Garrison Diversion Reformation Act. In doing so, we will continue to consult with the governor, the State Legislature, the Garrison Diversion Conservancy District, Indian tribes, environmental groups and many other interests in North Dakota. Thank you.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.
KENT CONRAD,
U.S. Senator.
EARL POMEROY,
Member of Congress.

In that spirit, Mr. Chairman, I will ask unanimous consent to withdraw the amendment that I have offered, but I want to serve notice that we will not continue to send funding to this project if people think they are going to use, or somehow believe they are going to use, this money at cross-purposes to the intent of the 1986 act to reformulate this project.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any other amendments to title II?

The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), $3,302,170,000, to remain available until expended.

AMENDMENT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEVILL: Page 21, line 24, strike "$3,164,369,000" and insert "$3,201,369,000".

Page 23, line 10, strike "$1,879,204,000" and insert "$1,842,204,000".

Mr. BEVILL. Mr. Chairman, the President on June 8th submitted an amendment to the fiscal year 1995 budget request for the Department of Energy. There are copies of his request and a table reflecting that the request and our recommendation available on both sides for the Members' review.

The President requested additional funds for recently identified requirements within the nuclear weapons complex and proposed to offset the funding requirement by using funds previously appropriated for various Department of Energy activities.

The committee had reported H.R. 4506 before the President's request was received, but we felt it was important to consider this request when the bill was brought before the House.

Working with the Committee on Armed Services, we have reviewed this budget amendment and identified those portions which are critical to meet the near-term national security requirements of the U.S. Department of Energy.

Mr. Chairman, my amendment would increase the weapons activities appropriation by $37 million, and decrease the materials support and other defense programs appropriation by $37 million. This will not affect the total budget authority or outlays in the bill.

Mr. Chairman, I submit a table for the record showing the specific funding adjustments. I ask for the Members' support for this amendment.

The table referred to is as follows:

AMENDMENT SUMMARY

Program	Request	Recommendation
WEAPONS ACTIVITIES		
Weapons stockpile support:		
Additional stockpile support activities at the Kansas City Plant, Missouri	$31,000,000	$31,000,000

AMENDMENT SUMMARY—Continued

Program	Request	Recommendation
Assure safety and environmental compliance during shutdown of the Mound Plant, Ohio ($28,000,000 total with $13,000,000 reallocated from within the program)	15,000,000	15,000,000
Additional stockpile activities at the Y–12 Plant, Tennessee	30,000,000	30,000,000
Assure safety and environmental compliance during shutdown of the Pinellas Plant, Florida	12,000,000	12,000,000
Capital equipment to implement nonnuclear reconfiguration at Sandia National Laboratory, NM	3,000,000	3,000,000
Replace Aviation Facility, Albuquerque, NM	2,000,000	0
Total, stockpile support	93,000,000	91,000,000
Use of prior year balances	(54,000,000)	(54,000,000)
Total, weapons activities	39,000,000	37,000,000
MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS		
Fissile materials control and disposition:		
National Resource Center for Plutonium, Amarillo, TX	9,000,000	9,000,000
Materials support:		
Disassembly Basin Upgrades, Savannah River, SC	13,000,000	0
Capital equipment	(13,000,000)	0
Use of prior year balances	(48,000,000	(46,000,000)
Total, materials support and other defense programs	(39,000,000)	(37,000,000)

Mr. MYERS of Indiana. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 5 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield to the gentleman from Florida [Mr. YOUNG], a member of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me, and for introducing this amendment, and to restate that it is not an increase of dollars, but it just provides for a far better management of our diminishing nuclear capabilities.

Mr. Chairman, I rise in support of Chairman BEVILL's amendment and to thank him and the members of the committee for following through so quickly to incorporate the Secretary of Energy's budget amendment into this legislation.

This budget neutral amendment adds $93 million to the Department of Energy's weapons activities account to provide urgently needed additional resources for our Nation's nuclear weapons support complex.

Mr. Chairman, the administration's original budget request called for a sharp 15 percent reduction in the Department's weapons activities programs. As I have discussed with the Secretary and her staff, if enacted, this $270 million reduction in these activities will have a severe impact on our national security. Despite what some would have you believe, our nuclear weapons program is still a vital part of our national security strategy and we must continue to produce, modernize, and service these weapons.

During the hearings of our Appropriations Subcommittee on National Defense, the Department of Defense's witnesses who are the Department of Energy's customers for these weapons shared my concerns about the impact this sharp reduction in funding for weapons activities would have on our readiness and our ability to ensure the reliability and accuracy of our nuclear weapons and our stockpile.

One of the principal facilities in the Department of Energy's nuclear weapons complex is located in Pinellas County, FL, which I represent. The employees at this facility have devoted the past 40 years to protecting our national security through their work to produce state of the art components for our nuclear weapons. This amendment will increase by one-third, or $12 million, the funds available for the employees at the Pinellas plant to carry out their important mission.

These funds also will be used to begin the process of securing this facility whose mission will soon change from one dedicated to providing for our national defense to one dedicated to strengthening our Nation's industrial and technological base. Although, as this budget amendment reflects, there is still an ongoing need to maintain and service our nuclear weapons stockpile, there is a declining need for the production of new weapons. Therefore, the Department of Energy has undertaken a plan to consolidate the operation of its nuclear weapons complex, thereby eliminating the need for three of its facilities including Pinellas.

To the Secretary of Energy's credit, however, from her early days in office she has agreed with my long stated belief that these facilities still have an important mission. That is to convert the wide array of state-of-the-art technology we have developed for the production of nuclear weapons to commercial uses for a variety of products that will find their way into the marketplace.

Already efforts are underway to begin this process at the Pinellas plant and the funds included in this bill and this amendment will begin cleaning up and securing the plant in preparation for its new commercial mission. These funds will also enable the plant to complete its defense mission to ensure that enough components and spare parts are produced to support our nuclear weapons stockpile during the transition process.

Mr. Chairman, in closing, I again want to thank the Secretary of Energy for her recognition of a major shortfall in her 1995 budget request and for sending this budget amendment forward in time to be incorporated into this legislation. Also, I want to thank Chairman BEVILL and my colleague from Indiana, Mr. MYERS, for responding so quickly to this request and accepting this amendment today.

This amendment addresses an important national security problem and sets in motion the process for converting the skills and technologies our Nation has developed in the employees and facilities of our nuclear weapons complex and begins the process of successfully converting these skills and technologies to the commercial marketplace.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the committee, the gentleman from Alabama [Mr. BEVILL], does the usual good job in explaining the necessity for this amendment. The Republicans offer no objection.

The CHAIRMAN. Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Alabama [Mr. BEVILL].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE: Page 17, line 19, strike "$3,302,170,000" and insert "$3,290,170,000".

Mrs. BYRNE. Mr. Chairman, I rise today to offer an amendment to terminate another wasteful program funded by the Federal Government, the so-called high-temperature gas reactor, now known as the gas-turbine modular helium reactor or GT–MHR. This program is an example of pork barrel spending at its best and what has become corporate welfare.

It was tried once in the commercial marketplace two decades ago and failed. Now, they're coming back for more. And, they're asking the taxpayer to pick up the check.

President Clinton scheduled this program for termination. The Department of Energy did not request a dime for it in their budget request to Congress.

Last session, the other body decisively terminated this program. It is now our turn to deliver on promises that we have made to our constituents to end business-as-usual.

Two years ago, the National Academy of Sciences conducted a review of the reactor program. This study was done at the request of Congress in order to reevaluate the goals and priorities in nuclear energy.

I know of few individuals that are better qualified to evaluate the GT–MHR than the panelists at the National Academy of Sciences. One is hard pressed to find an occasion when the Academy rejects funding for their own science projects.

And yet, after reviewing the facts, they concluded that "no funds should be allocated for development of HTGR technology." Even though we in Congress asked the Academy to make their recommendation, some members now want to throw their suggestions our the window.

The Department of Energy hasn't been taken-in by the claims of the industry either. I would read from a letter I received from Energy Secretary Hazel O'Leary dated June 13 stating that "given the current budgetary constraints, this reactor's low market potential and its estimated high development costs, we support your amendment to terminate the program." I believe we should heed their expert advice.

The GT–MHR has become a self-perpetuating program. Since 1978, the Federal Government has wasted over $900 million. Now the GAO, in a report issued last year, maintains that it will cost $5.3 billion to complete R&D and to build a prototype which might not be ready until sometime after 2010. Even the industry acknowledges that it will cost between $2 and $2.5 billion. That is not a small fraction as some claim.

Supporters say, "it's too soon to tell" and that they need more time, while others argue that "it's too late to stop." The industry claims they are making progress. They are not making progress. The same vendor that is out there today lobbying for this technology is the one that was pushing for this in the 1970's, when it did not work. It's deja vu all over again.

No utility wants to order one of these reactors until the prototype is built. Industry representatives claim that the technology will become a commercial candidate only after several years of performance as a demonstration project. In other words, let the Federal Government spend over $2.5 billion on finishing R&D and building a prototype before we see if any industry will place an order.

In 20 years, the gas-cooled reactor has evolved from a commercial venture ready to go on line into a research program that might produce an economically competitive plant sometime in the 21st century. Even then, they might not find any buyers for it. I suggest that, with a $4.5 trillion national debt, we look before we leap.

As long as Congress is will to put up the money for the GT–MHR, the special interests will fight change. They don't care that the experts at the Department of Energy and the National Academy of Sciences reject the GT–MHR. They don't care about the Federal deficit and how we can not afford a program that will cost over $2.5 billion and that has already failed in the commercial marketplace. They continue to lobby for money. It is our duty to say enough is enough.

Let us come down on the side of the energy experts and the taxpayers by making the fiscally responsible choice of ending this self-perpetuating program that has not lived up to its promises.

□ 1340

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand the desire that many have to find places to cut in the appropriations process. We all understand the appropriateness of that on occasion and certainly the political benefit that is derived on each case, win or lose. But our committee has made some tough choices and we believe that we frankly should be supported by our colleagues here on the floor when they understand the degree to which we have rigorously reviewed the fission research that remains in the Department of Energy's budget, and frankly there is very little left because of the very practical fact that the public sector, the utility industry's ability to absorb much of this research and produce new energy for the future is much more limited than it was in the 1950's and 1960's and on into the 1970's when this particular program was initiated. But we believe the GT–MHR, the gas reactor, deserves support, in part because, and Members will hear from Chairman BROWN in a few minutes, it has long been supported by the Committee on Science, Space, and Technology, certainly a guidepost for our subcommittee.

Mr. Chairman, the gas reactor was authorized as part of the landmark Energy Policy Act as recently as 1992. Developed in accordance with criteria established by the Committee on Science, Space, and Technology, the gas reactor meets the stringent criteria set forth by the committee to make nuclear power acceptable in the United States. The gas reactor is, therefore, safe, small, modular, and economical.

The gas reactor features a passive safety design that precludes severe core damage without relying on operator action. Put another way, human error cannot lead to a meltdown of the gas reactor. It is passively safe and meltdown-proof. Certainly the public's concern since Chernobyl in this area requires us to move forward only in cases where we can make this argument.

Much of the criticism of the gas reactor is based on earlier work done on this evolving research and development program. As such, much of the criticism is simply outdated. As the program has evolved, the gas reactor has been improved over time.

Mr. Chairman, let me cite exactly where we can see this improvement:

The gas reactor we are dealing with here today produces 70 percent more power than the earlier system discussed by the gentlewoman from Virginia [Mrs. BYRNE] for the same size reactor.

The current design is 25 percent more efficient than the earlier system.

The unit cost is 30 percent lower, and the cost of electric power is some 35 percent lower than the earlier system which proved not to be the solution.

So, Members can see, much of the criticism of the gas reactor is really no longer relevant to what we are bringing to the floor today.

Mr. Chairman, the gas reactor offers power efficiencies that are higher than other similar technologies. The gas reactor has an efficiency rating of 48 percent which is almost 50 percent more efficient than conventional reactor systems that are currently in use.

In addition, the gas reactor's modular design permits incremental additions to generating capacity. This gives the gas reactor users the ability to add small amounts of power as needed to adjust to changing market conditions, something that the traditional nuclear powerplant could not accommodate. We are talking here about incremental additions of power, not a huge base power costly plant that requires almost more demand and consumption if it can be economical to build in the first place.

Mr. Chairman, the gas reactor also has the potential to become a major export technology, especially for developing countries with high growth demands for electricity. Those of us who are concerned about global warming in the Third World need to understand the relevance of that. The gas reactor has the potential to reduce energy costs, reduce environmental degradation, and create jobs both here and abroad.

Mr. Chairman, the Byrne amendment regrettably threatens to set us back in a time when we are moving forward toward being a world leader in advanced, passively safe, environmentally sound reactor design.

For those reasons, I ask my colleagues to keep this important R&D program alive. Do not throw away the investment that we have made. Let us finish the job for once. This committee has far too often been required to kill programs that really, I think, end up being a greater waste in the sense that we do not follow through on the public investment, in this case of over a decade. Respect the tough choices made by this committee. Vote "no" on the Byrne amendment. Provide a very limited amount of money, $12 million is a very small sum, even in this bill, which is much tighter than it has been in prior years. Let us continue to get a return on our investment and let us continue to look at fission as part of our energy future but in a way that is far safer to our citizens and far more acceptable to the utility industry.

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, for those of us who have been around this body for some time, when we hear the rare news that an appropriations bill is on schedule and on budget we know it can mean only one thing—Chairman BEVILL's energy and water appropriations legislation. And this year is no different. In his customary fashion, with little fanfare, Chairman BEVILL and his ranker, JOHN MYERS, have managed to absorb a massive hit to their levels yet still keep the train on the tracks.

I want to note the committee's continued support of a project of great benefit to my district, the Richmond water filtration plant flood control project. Over the past 20 years, the Richmond area has suffered from 100-year floods on three separate occasions. These floods have threatened the water filtration plant and the water supply for over 800,000 people. The worst incident knocked the plant out for nearly 4 days leaving our citizens without a healthy water supply, damaging our firefighting abilities, and closing many industries. The completion of the flood protection project will guard against this dangerous situation occurring. The committee's support of this local/Federal partnership is greatly appreciated.

Again, Mr. Chairman, a tip of my hat to Chairman BEVILL and his colleagues for their fine efforts. I urge my colleagues to support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] and the gentleman from Wisconsin [Mr. KLUG] to strike the $12 million which would fund the gas turbine modular helium reactor.

Mr. Chairman, in a time when our Nation is facing a $4.5 trillion debt, we cannot continue to spend tax dollars on costly, unproven research and development projects.

The Sierra Club, the Friends of the Earth, Citizens Against Government Waste, Public Citizen, and the National Taxpayers Union all agree that the GT–MHR should be terminated. In addition, the Department of Energy and President Clinton have also requested termination of this project.

Nothing has changed since last year when the Senate killed this program. The National Academy of Science says that the core technology is essentially the same. The Byrne amendment is an important step toward eradicating wasteful government spending. Passing this amendment is the right thing to do. As Mark Twain said, "Always do right. This will gratify some people, and astonish the rest."

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I would like to address the full bill and express my sincere gratitude and admiration for the chairman, the gentleman from Alabama [Mr. BEVILL] and ranking member, the gentleman from Indiana [Mr. MYERS], on the remarkable work that they have done in crafting this piece of legislation. I particularly am grateful the gentlemen have addressed several issues in my district that were extremely important and have been incorporated into the bill. Obviously the Santa Ana mainstem river project, the largest flood control project west of the Mississippi involving literally thousands of businesses and hundreds of thousands of homes, is crucial and I appreciate the funding level they have included, and there are several other projects, the sand bypass project in Oceanside in which the gentlemen have been historically helpful to me, as well as beach erosion and a variety of other issues.

Mr. Chairman, now to the specific amendment before us, the Byrne amendment, I would like to speak to.

Mr. Chairman, we have worked for a long time to try to develop a strong research base in this country and as we downsize the military budget, and as we downsize the aerospace budget, for heaven's sake, let us not downsize the research, scientific, and technological work that is being done in this country. That would be the most shortsighted thing we can do. I strongly oppose this amendment.

□ 1350

It would literally abandon the gas turbine modular reactor program, and that is truly an ill-conceived concept. It is totally inconsistent with our long-term energy policy established by the Energy Policy Act of 1992, and I believe that this program has tremendous promise.

It is designed to be a passive, safe reactor. This means that it cannot meltdown because of temperature of the reactor as it gets higher, and the nuclear reaction shuts off automatically, a great protective process. That would allow the country to produce safe, environmentally sound, efficient energy which would insure our long-term energy independence.

In fact, this program has already produced design developments which have yielded 50 percent more efficiency over other reactors.

Furthermore, with the end of the cold war, our ability to dismantle and dispose of nuclear materials is critical to our future security.

This gas-turbine technology offers an attractive option for destroying nuclear weapons material, which is a crucial problem for us now. General Atomics, located in southern California, has been among the leaders in developing this reactor. Many of the employees and researchers are in my district, and the elimination of this important program would mean not only the termination of vital research but it would also lose many jobs in an already economically depressed area.

First of all, I would like to extend my congratulations and my gratitude to the chairman of the Energy and Water Subcommittee, TOM BEVILL, for working in the spirit of bipartisanship and forging a fine piece of legislation.

I would also like to thank our ranking member, JOHN MYERS, for his work on this bill on behalf of the citizens of California and the citizens of the Nation.

This bill funds vital water projects in my district in southern California, and throughout California.

Included in the bill is $66 million for the Santa Ana River flood control project. This appropriation represents the continuation of a project which is vital insurance against catastrophic loss of life and property should a major flood hit the region.

I am also pleased that the committee chose to fund the successful oceanside sand bypass at $1.5 million. These funds, which were not included in President Clinton's fiscal year 1995 budget request, will be used to pump sand from the floor of Oceanside Harbor onto beaches to mitigate beach erosion, and save the taxpayers money.

Finally, the bill contains $600,000 to fund a beach erosion study in San Diego County.

I truly appreciate the chairman and ranking member's attention to the needs of my constituents and look forward to working with them on future bills.

Finally, I would like to urge my colleagues to defeat the Swett and Byrne amendments. They represent an abrogation of our long-term energy strategy established by the Energy Policy Act of 1992.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding.

I want to join with him in supporting the GT–MHR, and agree it is the major advance in nuclear power generation. It combines enabling state-of-the-art technology in aircraft and industrial gas turbines, high efficiency, compact recuperators, and magnetic bearings with unique high-temperature capability of a modular helium reactor. It provides the highest thermal efficiency you can possibly find.

It is the most environmentally compatible. It also gives us the economics.

For all of those reasons and all the reasons my colleague, the gentleman from San Diego, has laid out, this would be absolutely a mistake by the House to kill this very important project.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for his comments.

There are few people in this body who are more conservative on fiscal issues than the gentleman from California [Mr. HUNTER], who has just spoken, and myself. Our voting record has constantly been looking for ways to make Government more efficient and to decrease the deficits that we struggle with in this body.

But this is the wrong place and the wrong process in order to try to balance the budget. For heaven's sakes, let us not downsize our preeminence in research and development in this country, and this would be a giant step in that direction.

Mr. DERRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by Mrs. BYRNE. The gas turbine, gas cooled reactor takes the next step in advanced reactor development that this Nation sorely needs. Advanced reactors, which were encouraged to be developed in the Energy Policy Act, offer significant technological and safety advancements over the current generation of reactors.

A shortsighted attempt at eliminating this funding will not only eliminate a potential future power reactor but would also limit potential defense applications.

The gas turbine reactor is currently under study by the Department of Energy as a possible option to dispose of excess plutonium. As a multipurpose reactor, the gas turbine reactor could burn plutonium, produce tritium, and produce power which could be sold to offset costs.

I urge my colleagues to vote no for the Byrne amendment.

Ms. SCHENK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would also like to express my appreciation to the chairman of the committee, the gentleman from Alabama [Mr. BEVILL], and his outstanding staff for their cooperation and their support.

Mr. Chairman, I rise in opposition to this amendment for two reasons. First, should the Byrne amendment pass and we terminate the gas turbine-modular helium reactor, we would once again relinquish our Nation's lead in an emerging technology to our foreign competitors. Second, the GT–MHR provides us with a unique capability for the elimination of weapons grade nuclear materials.

Over the past couple of decades, we have all watched while technologies developed with American expertise and resources have come to commercial fruition in other countries. In the coming years, the production of electricity by fission reactors will continue to be a technology adopted around the world, especially in less developed countries. The GT–MHR can provide a safe and efficient technology for the generation of electricity. Rather than the individual, makeshift designs required of light water reactors, the modular reactor design allows for standardized manufacturing methods. This means significant increased safety in addition to the inherent safety of the technology itself.

We have a choice. The United States can produce safe, efficient, modular reactors and ship them around the world, or we can give up on this technology and allow our international competitors to again perfect and profit from our technological innovation.

The second reason we should continue support for the GT–MHR—and this reason should give pause to the most ardent antinuclear activist—is that the GT–MHR provides the capability of eliminating weapons grade plutonium.

Studies performed for the Department of Energy indicate that the GT–MHR can be the most effective reactor design for the destruction of weapons grade plutonium. A GT–MHR in combination with an accelerator can consume over 80 percent of its plutonium fuel and as much as 99 percent of the plutonium 239 isotope required for weapons grade material.

The Russians have proposed a cooperative development program with the United States for the GT–MHR. They have expressed a particular interest in using the technology for the consumption of their surplus plutonium. Given our concern over the fate of the Russian nuclear stockpile, it would be foolish to terminate the gas-cooled reactor program.

Mr. Chairman, the Byrne amendment proposes to strike the very program upon which this plutonium consumption system is built.

Nuclear proliferation is a greater threat today than ever before, and as we stand down from the cold war, our ability to dismantle and dispose of nuclear materials will be critical to our future security. I urge my colleagues to oppose the Byrne amendment.

Mr. Chairman, as you heard from my colleagues from San Diego, the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. PACKARD], this is a nonpartisan, bipartisan issue, and I strongly urge its defeat.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. SCHENK. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank my colleague from San Diego for making such an articulate case for this program and to thank her for all the great work that she has done on behalf of the program. She has really been our leader.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Byrne-Klug amendment.

Rarely do we see such broad support for an amendment.

Friends of the Earth, the League of Conservation Voters, the Sierra Club, and most of the major environmental organizations support this amendment.

The National Taxpayers Union wants it cut. Citizens Against Government Waste wants it cut.

The National Academy of Sciences says the helium reactor is unnecessary and not needed.

Even President Clinton and the U.S. Senate want to get rid of it.

Mr. Chairman, with a $4.4 trillion Federal debt, it is time to put our fiscal house in order.

It is time to help our children and grandchildren by stopping the hemorrhaging of red ink.

It it time to slaughter this bureaucratic hog and slice this pork out of the Government.

It is time to terminate the helium reactor program once and for all.

It is time to vote "yes" on the Byrne-Klug amendment and save $12 million in fiscal year 1995 and $2.5 billion overall by cutting this program.

□ 1400

The taxpayers of America deserve nothing less.

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, I do want to commend the gentleman from Alabama [Mr. BEVILL] chairman of the subcommittee, for his efforts in bringing this bill before us today. His bipartisan effort with the gentleman from Indiana [Mr. MEYERS] have fashioned a funding bill for programs that are key to our Nation's technological future.

I want also to thank the staff for the work they have done. I know this has been a hard year, there are many programs that you would like to have included. I do not think they have ever worked so hard to bring such a good bill before us. I do thank them.

Mr. Chairman, in a time when we know that technology is a driver of economic growth, it is imperative to make necessary investments in our scientific and technology base to ensure our Nation's prosperity. The programs included in this bill include the basic and applied research that will result in the technologies of the 21st century.

For example, research in materials, engineering, biosciences, the humane genome and environment will result in improved health care, new leading edge industries, as well as meet environmental commitments within a framework of sustainable development.

Developing such tools as the advanced neutron source will create the technology that will shape our everyday lives—from automobiles, construction materials, computer chips and high technology plastics.

The bill before us also provides increased funding for solar and renewable technologies. Several of these technologies supported by DOE are now emerging into more mainstream applications which will augment our traditional sources of energy supply.

Many of the technologies being developed have significant export potential. Funding a strong research and development program will expedite their introduction into world markets. Every day we see the impact of our international competition. We must not be left behind by other countries who know how to develop and establish preeminent science and technology capabilities.

This bill assures we will lead in energy technologies critical to our Nation.

Mr. Chairman, I rise in opposition to the Byrne amendment. The gas turbine modular helium reactor program was fully authorized in the Energy Policy Act of 1992. The program underwent severe scrutiny during those deliberations, and new program criteria was put in place as well as deadlines for decision making.

With the shutdown of the advanced liquid metal program, we must maintain a midterm reactor technology in order to preserve our nuclear option in the energy mix.

The Committee on Science, Space, and Technology, of which I am a member, has routinely reviewed this program and has consistently supported it. There is likely to be a 50-year gap in nuclear technology without this important program.

I urge my colleagues to oppose this amendment. Vote "no" on Byrne.

Mr. HOCHBRUECKNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to speak in opposition to the Byrne amendment. We all have to realize that there is a lot more at stake here today than just some several millions of dollars in an appropriations bill. If this project continues, clearly what it will do is to allow a future joint venture between a United States company and Russia for the use of the high-temperature gas reactor in disposing of plutonium.

Why is that important? A high-temperature gas reactor is probably the best way to dispose of plutonium through one pass through the system. Now, what is the problem? We have had very successful negotiations between our Nation and Russia to reduce nuclear weapons around the world. Certainly, when they reduce their nuclear weapons and we reduce ours by what we have already agreed on in the SALT talks, we are talking about both Russia and the United States having probably in the neighborhood of 50 tons of surplus plutonium.

Plutonium has a half-life of 21,000 years. While I am reasonably confident that we in the United States will be able to maintain our plutonium in terms of keeping track of it and assure that none of it falls into the wrong hands, I am not so confident that Russia will have the same success.

So the best thing we can do for the people on this Earth is to get rid of the plutonium.

There are only four ways to dispose of plutonium: You can blow it up, which we want to avoid at all costs; we do not need a nuclear war.

You can glassify and bury it, but it can easily be recovered.

You can transmute it, which is something we have been working on but we have not perfected, where you change plutonium so that it cannot be used for weapons.

Or you can burn it as fuel in a nuclear reactor. That is what we are talking about today, the future of that program continuing to exist. That is what is at stake today. We need to get rid of the plutonium.

Obviously, there is an advantage to the Russians if we keep this program intact because if the joint venture goes forward, as we hope it will, they will be able to burn plutonium. They can build such a plant that will produce about 1,200 megawatts a year for 40 years, consuming the 50 tons of plutonium, we are done with the problem and we do not have to worry about that plutonium for the next 21,000 years.

Also, it helps the Russians move away from the Chernobyl kind of power plants. We know how dangerous Chernobyl-type power plants can be. They are committed to fission power. We need to move them into a new direction to provide electricity, and a high temperature gas reactor is the way to do it.

Also, we are very concerned that other nations are hiring Russian scientists and using them to develop nuclear weapons. So we need to keep Russian scientist busy. This program in the joint venture form will do just that.

So the fact of the matter is that there are great benefits and advantages to keeping this program alive. As a member of the House Committee on Armed Services and one of the few engineers in this Congress, let me tell you this is the kind of program we should be doing. It makes sense to put research and development money into this kind of program. Look what we can do for the people of this world if we can eliminate that plutonium both in Russian and in this country in the years ahead.

So, my colleagues, this is a good program, this is a program that we clearly ought to keep. I do not understand the concern that the environmentalists have. But I think what they are looking at is the fact that in this country the first round of nuclear fission electricity power plants is over. There are presently 110 operating nuclear plants in this country; but the age of boiling water reactors is over. We have not had a new order for a fission nuclear reactor electricity-producing plant in 18 years.

Whether we do or don't have a second generation of nuclear fission power plants in this country is not the issue. The issue today is shall we continue to have the opportunity for this joint venture in Russia? Shall we dispose of this plutonium?

On this floor 8 years ago I fought very hard to stop the nuclear power plant at Shoreham—which we did stop; that plant did not open, and it is in my district.

I am proud that I helped stop that plant. But let me tell you something: I am not excited about another generation of nuclear fission in the United States, but please do not stop us from pursuing this important program which can help eliminate the plutonium on this Earth and protect our children. I say that to the environmental community. That is the long-range environmental program that they should be looking at and supporting.

Mrs. BYRNE. Mr. Chairman, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to the gentlewoman from Virginia.

Mrs. BYRNE. I thank the gentleman for yielding.

Mr. Chairman, does the gentleman know there was a study done January 24 of this year where the National Academy of Sciences said that the gas-cooled reactors are not competitive for the mission of disposing of plutonium, because of the possible delay of their development, licensing, and construction?

Mr. HOCHBRUECKNER. There are many studies out there on which I disagree and would argue in engineering terms any day in the week. Please my colleagues, join me in opposing the Byrne amendment.

Mr. KLUG. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the Byrne-Klug amendment to help kill the gas turbine modular helium reactor program. I have heard a lot of arguments to help save this program, but this is the first time I have ever heard foreign aid kind of sneak in the back door.

Let us approach this in a number of different ways; first of all, in terms of the commercial potential and application of this research and, secondly, in terms of the scientific evidence for the project's continuation.

In the early 1970's this technology was first launched, and there were five orders for commercial projects. Just a few years after that, four of the orders were canceled. In fact, only one of these plants was ever built, where it operated in Colorado for 16 years at 14-percent capacity and eventually closed down and closed down for good because it did not work.

By the time it did shut down, it actually had the worst operating record for any civilian nuclear plant in the entire United States.

Now, the Electrical Power Research Institute, located just outside of San Jose, CA, is the place in this country to take a look at technology and its application. EPRI, in its study which was just released last year, said that by the time this plant finally came on line by the year 2010, it would not be a cost-competitive option. So the nuclear industry orders five of these, only builds one of them, and closes it down, and EPRI says it has no application.

So let us look at what the utility industry has done. Since 1978 the utility industry has contributed about $25 million to this research and the taxpayers kicked in $450 million. That is an 18-to-1 research allocation, where we are spending most of the money, and if EPRI and the electric industry had any interest in it whatsoever, they would be talking with their wallets and not with their mouths.

□ 1410

So, Mr. Chairman, the utility industry is not very fond of it, so there are these arguments going on on both sides, and there are arguments for studies going on back and forth, and so what do we do?

Now I am not a rocket scientist either literally or figuratively, and I am not a nuclear scientist either. Nobody else in this room is. So we asked the National Academy of Sciences, Congress asked the National Academy of Sciences, to review this project, and they came back, as my colleagues heard our colleague from Virginia say a couple of minutes ago, and said, quote, "No funds should be allocated for the development of this technology." They looked at all the nuclear options in this country in terms of commercial viability and looked at all the options in this country in terms of disposing of plutonium, and they said, "It's a waste of money. Don't spend another buck on it."

Now why did they say that? One of the reasons they decided not to spend any money on it was because of legitimate environmental reasons. The passive cooling system employed in this technology does not have the traditional conventional containment structure, so there is a real danger of a release of contaminants, and the chairman of the advisory committee on reactor safety for the Nuclear Regulatory Commission said that there was a major problem with containment strategy used in this entire piece of research because it involved what he called a major safety tradeoff.

Now we have already spent, as my colleagues heard, nearly $450 million to look at this technology. The National Academy of Sciences says it has no application, and in the short run we will save with the amendment before us this afternoon $12 million, but, as my colleagues know, in the long run it will be a $2.5 billion savings to taxpayers because, first, we have got to fund the research. Then we have got to fund the prototype. And then we have to, finally, build the plan. Then, and only then, can we go back to the power industry which since the early 1970's has said no thanks. Only then can we go back one more time and see if anybody wants to buy these.

Now the Clinton administration, as my colleagues have heard, has already said they do not want the project. They have zeroed it out. The Department of Energy, which is charged with looking at energy research projects said they do not want it and are not interested in it whatsoever. And in fact, for all of my Republican colleagues listening to this debate, the Reagan administration tried to kill this same program some years ago. And for those of my colleagues who voted for the Penny-Kasich amendment, including my colleagues, the gentleman from California [Mr. HUNTER] who voted for the project's continuation of funding and the gentlewoman from California [Ms. SCHENK] who said it was a terrific idea to continue funding this project, the Penny-Kasich amendment, which we voted on this year, would have terminated funding. The National Academy of Sciences is opposed to it. The National Taxpayers Union is opposed to it. The Citizens Against Government Waste is opposed to it. Last year the Senate voted to kill it, and, as my colleagues know, we were silent on it. So, the Senate votes to kill it, and the House does not say anything, and funding gets restored in the committee.

Now I know the final argument we are going to have at the close of this debate says, "You can never kill a research project which has potential," and then, as my colleagues know, 2 years from now they will be saying, "Well, you can never kill a research project because we are too far along in the research. You can't kill it before we complete it."

The bottom line is the only time we face this afternoon is the time to finally kill this. It is not too soon, and it is not too late. It is simply too much money that we spent over a far too long timeframe.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before making a few brief remarks about the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] I would like to rise in support of the bill before us and commend the gentleman from Alabama [Mr. BEVILL] and the committee for their efforts.

Mr. Chairman, I am pleased with the substance of the bill as it pertains to those programs within the jurisdiction of the Committee on Science, Space, and Technology. With respect to the substance of the bill, the committee has produced a bill consistent with the administration's request for energy R&D and consistent with the Energy Policy Act of 1992. These R&D investments are critical to raising the Nation's productivity and standard of living. They are too often, as in the case of the amendment before us, singled out for reduction or elimination by zealous deficit cutters who overlook their longer term payoffs in order to achieve a short-term budget savings.

I would commend the gentleman from Alabama [Mr. BEVILL] this year, as I did last year, for his efforts to keep academic earmarking under control at levels well below those prevailing when I and others on the Committee on Science, Space, and Technology first began investigating this practice, and, although he has not achieved a hundred percent yet, he is doing very well, and I am going to attach a short list of earmarks which are included in the bill:

LIST OF ACADEMIC EARMARKS CONTAINED IN THE ENERGY AND WATER APPROPRIATIONS REPORT

$300,000 for Corps of Engineers work at Indiana University at South Bend, p. 18.

$300,000 for the Construction Technology Transfer Project between the Corps of Engineers and Indiana State University, p. 19.

$1,000,000 for cooperative research between the Corps and the University of Miami, Florida, p. 28.

$600,000 from Department of Energy (DOE) to support the Florida Solar Energy Center (work is carried out by the University of Central Florida and the University of Oregon), p. 71.

$1,000,000 from the DOE for electron beam sterilization research (work that is intended for the University of Miami, Florida), p. 72.

$3,200,000 from DOE for the Midwest Superconductivity Consortium (which includes Indiana University, Iowa State University, Ohio State University, Purdue University, University of Missouri, University of Notre Dame and the University of Nebraska), p. 75.

$5,900,000 from DOE for the Florida State University's Super Computations Research Institute, p. 76.

$4,000,000 from DOE for Lawrence Berkeley Laboratory, the Ana G. Mendez Educational Foundation, and Jackson State University to enhance computer science and scientific research at all three institutions, p. 76.

$4,000,000 from DOE for the University Research Program in Robotics (a consortia composed of University of Florida, University of Michigan, University of Tennessee at Knoxville and University of Texas at Austin), p. 77.

Now, Mr. Chairman, with regard to the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE], I rise in opposition to it. I applaud the decision of the gentleman from Alabama to fund the gas turbine modular helium reactor program, which was formally authorized in the Energy Policy Act of 1992 after very careful deliberation.

I commend the statement made by the gentleman from New York [Mr. HOCHBRUECKNER], our distinguished colleague, just a few moments ago with regard to his analysis of the program. We have been, in the Committee on Science, Space, and Technology, following this, reviewing it annually now since the mid-1980's, and I might add: So have many utilities. I will tell this audience that I have not hesitated to oppose what I consider to be unnecessary R&D programs in the past, and even as my distinguished colleague from Tennessee will remember, I opposed the molten metal fast breeder reactor in Tennessee to her regret at that time. So, I am not an unalloyed supporter of every new technology that comes down the road. In this case I believe that this technology, when fully developed, has the potential to constitute a major new advancement in the nuclear energy field. It has very strong export potential. There is no question but what we can work closely with scientists in Russia to develop this to the stage of marketability and that it will enhance our balance of trade and enhance our relationship with the Russians if we can accomplish this.

Mr. Chairman, I believe that for all of these reasons that this is a program which should be continued. Those who argue that they can save money by eliminating this program, either in the short term or in the long term, have failed to grasp the fact that any programs eliminated in an appropriations bill, the money for them is distributed to other appropriations bills and gets spent. I have not seen any way to reduce the annual expenditures by striking out a program that I did not happen to like. There are other ways to get at this matter of how to save money, but eliminating a program at this stage is not going to achieve what its sponsors hope that it will achieve, perhaps to my regret as much as my colleagues.

The program is worthy of support, and I urge that the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] be defeated.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to follow up on the comments of the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology, and also rise to speak in response to the comments of the gentleman from Wisconsin [Mr. KLUG], who observed that he was not a rocket scientist or a nuclear scientist and that there was not one in the Chamber.

Just a slight correction, Mr. Chairman. I happen to be a nuclear physicist, and so there is one in the Chamber.

I rise to speak against the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] not simply because I am a nuclear physicist. In fact, I agree with the previous speaker and his comments about the liquid metal reactor, which I was very skeptical about for a number of years; and that project should not have continued. I am pleased it did not. But in this case I think we have a viable project which certainly bears further investigation and continuation, and I urge that we defeat the Byrne amendment for that reason.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I appreciate the gentleman pointing out my mistake because I did not see him in the Chamber at the time.

But what would the gentleman say in response to the National Academy of Science review of this program that indicated it should be terminated because the technology had very little potential or benefit?

Mr. EHLERS. Mr. Chairman, I cannot respond to that because I have not seen the NAS report, and I would certainly be happy to read it, and review it and discuss it further.

□ 1420

My comment at this point is simply that I do believe it is important for us to get into the plutonium reactor business. I believe that is where the potential is for the future, and if the project does fly, if it does work, I do believe this is more promising than the uranium-based reactors we have been using for some time.

In addition, the French have demonstrated successfully that reactors of this type can be built and operated. Theirs is a somewhat different approach. I think it is worth pursuing the approach that is envisioned in the legislation before us to see whether or not it can succeed and whether or not we can develop a technology that is useful in this Nation and can be marketed abroad.

So, Mr. Chairman, I rise to speak against the amendment, and I urge that we defeat it at this time.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I have no tie to this program. I am not a nuclear engineer by any stretch of the imagination. I am just an old lawyer—a country lawyer at that. But for about 5 or 6 years I have followed the course of this program because I have chaired a panel of the Committee on Armed Services which has been very much interested in a new production reactor for tritium production, and consequently this has been in the forefront of our budget every year.

We have spent a lot of money on it so far. We have spent $471 million apparently on this program. The question before us right now is whether we should spend $12 million more, a modest sum of money, and we are asking ourselves, even at that level, are we throwing good money at the bad?

First of all, this is late in the debate, but let me attempt to explain what this gas turbine modular helium reactor—GTMHR—is. If we compare it to something we know, the lightwater reactor, it has fuel rods with fuel pellets within it.

This particular reactor, instead of having these fuel pellets clad in aluminum, which will burn, by the way, under certain circumstances, has carbonized pellets within it, small fuel particles that are carbonated and pyrolytic. They have been refracted and carbonized so that they have a huge resistance to transients of heat, and they give off heat very slowly. That is one key difference which makes them safer than lightwater reactors.

Second, in place of lightwater as a coolant and a moderator in a typical lightwater reactor, this reactor has helium. Chemically, it is inert. It does not combine with other elements. It does not create crud that has to be cleaned out, that gums up the system. Eutrophically, it is also stable. It does not lead to the production of stray neutrons within the reactivity of the reactor itself. So again this is a passive safety feature built into the design of the system.

Third, it has what engineers call a negative coefficient because the higher the temperature of the reactor, there is a transient in power and a transient in heat, a runup that might lead to a meltdown in critical catastrophic circumstances. When the reactor core negatively reacts, it begins to shut down. It reacts less rather than more with a runup of heat. So this negative coefficient leads to the most important passive safety feature of this reactor, and that is the reason, through it has been plagued with problems in the past, scientists and engineers and the Department of Energy have continued to pursue it because they see it, if they can put it over the threshold of all these problems, as truly the next generation reactor, something we want to choose and something we want to use.

Now, there is another and final feature to this system which is a recent addition and which overcomes some of the problems the National Academy of Sciences has pointed to and that other commercial operators of the system have discovered in trying to apply it to a commercial application, namely, we now have a design with a direct drive system. Instead of running the helium up to a certain heat and then running it through a heat exchanger where it heats water and the water is gasified to steam which drives the turbine, the helium here will be released from the reactor vessel, it will rush through the turbines, and this will generate electricity and we will have a much higher conversion ratio of power within the reactor to the power output, the electric output, of the turbine system.

Now, why, if it has all these pluses, has the Department of Energy apparently abandoned it? The answer to that is that the DOE, the Department of Energy, did not abandon it. Going back to 1988, the Department of Energy decided that we needed a new tritium production source because those old reactors at the Savannah River were nearing 40 and 45 years old, so we needed to build a new reactor. They looked at two different design possibilities, a heavy water reactor like the ones we have at Savannah River and their possibility of pushing them aside and going into something completely new, a modular, high-temperature gas-cooled reactor. Just about at the completion of that process, Dominic Monetta, who was in charge of the program, the new production reactor program, having spent the better part of several years and millions of dollars looking at two choices intensively, was ready to recommend hands down that the high-temperature gas-cooled reactor should be the choice, the preferred candidate for the new production tritium reactor for the Department of Energy.

What happened? That was in the fall when Bush and Gorbachev began getting together, and they made totally unexpected and totally unprecedented, almost unilateral and bilateral reductions in nuclear weapons on both sides. As a result, the demand for tritium went down dramatically because we were not going to be bringing on the nuclear weapons for our stockpile that we had anticipated, and furthermore because we were going to be making dramatic reductions in our nuclear stockpile, we were freeing up tritium and making it available from the tritium bottles from weapons that were being retired. Consequently, we did not need the tritium, and Secretary Watkins said, after spending millions of dollars, "We are going to defer this decision. We are going to sidetrack this decision. We cannot justify an investment of several billion dollars at this point for tritium that we don't need.

But they deferred it. They did not say that we do not need it now, and as a matter of fact, Secretary O'Leary has testified that she has got to make a decision within the next year or two, probably in the next year, as to the new production source.

Mrs. BYRNE. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. Let me complete my point first.

When that decision is made, Mr. Chairman, I would like to see the Department of Energy have all the available choices before it.

The other choice for the reactor is an accelerator, and the labs would love to build an accelerator because that is their technology. They know it, and they understand it. But here is a report of March 1989, issued by the two labs, Los Alamos and Brookhaven, on an accelerator production technology. The cost, this says, would be about $2.3 billion, allowing for a $600 million contingency. But wait. There is also an additional cost, because to operate it you need a 770-megawatt backup generator to power the reactor. And what is that going to cost? Somewhere between $160 million, if you can buy that at Bonneville rates, and $270 million a year. So we have a substantial life-cycle operating cost.

As for the high-temperature gas-cooled reactor, it has a downstream benefit because it can be used, and indeed it is designed for the purpose of producing power.

So surely, it would probably cost $3.5 billion to build. That would include a containment structure, but after it is built it would have downstream benefits. It would have a cash flow that would come with it, that would not only help us recover the capital cost but also would offset some of the operating expenses.

Mrs. BYRNE. Mr. Chairman, will the gentleman yield now?

Mr. SPRATT. Yes, I yield to the gentlewoman from Virginia.

Mrs. BYRNE. Mr. Chairman, is the gentleman aware that I have a letter from Secretary O'Leary that says, "We support your amendment to terminate the program," dated yesterday? I cannot imagine anything more recent, given all the information we know. They do not support it because of the cost, because of the ineffective potential of it, and as of yesterday the Secretary is saying that they support the Byrne amendment to terminate the gas modular regulator.

Mr. SPRATT. Mr. Chairman, I would reclaim my time.

I am the chairman of this subcommittee, and along with others who have followed this matter closely and have spoken on the floor, I have been following this project for 5 years. Secretary O'Leary has done a great job. She has been in office for 1 year, and she has now made this decision.

We say, here is $12 million to look at this candidate. Before you go out and buy an accelerator for tritium production, look at this other candidate which has this other potential of producing power, recovering your capital, offsetting operating expenses, and maybe proving the potential of the next generation nuclear reactor with passive safety features.

That is what we are encouraging the Department of Energy to do, to spend $12 million on top of the $471 million already spent and see if this is not a technology worth employing.

☐ 1430

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am concerned that there may be some people out there that think by voting for this amendment they are actually going to save some money. Let us be clear, this is not an amendment about saving any money whatsoever. It is actually an amendment about costing money, and it is really an amendment aimed at killing off some more good science.

Let us talk about the money savings first. This amendment claims to save $12 million. Now, we all know that under the appropriations process it will save nothing. This appropriations subcommittee is going to go to conference. They are going to work out their pool of money. Ultimately, they are going to spend that pool of money, whatever they were allocated.

All we are doing is making a determination about what is going to be in the pool from which they work. We save no money here at all. There is no savings of $12 million.

Now, the problem here is that not only do you not save $12 million, it actually ends up costing you money. Because if you terminate this program and you actually do what this amendment purports to do, it is going to cost us $21 million to terminate the program. So instead of saving $12 million, we end up having to spend $21 million to terminate the program.

That makes absolutely no sense, unless what we were talking about was a program that was bad science. But that just cannot be sustained by anyone either.

Mrs. BYRNE. Will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Virginia.

Mrs. BYRNE. Is the gentleman aware that, even though we have close-down costs, that this program is slated to cost $5.3 billion? Isn't that enough savings for the gentleman?

Mr. WALKER. I think the gentlewoman does not understand the program, from what she is saying. The specific contract under which we are now working is for this R&D project, which can be completed in 5 years, and costs not more than $100 million for the total program.

Now, the gentlewoman wants to talk about the next phase, when you actually go out and try to build a commercial plant. That is $2.5 billion, or, if you want to put it in containment, it comes up to the kind of figures the gentlewoman talks about. That can all be paid for privately. There is absolutely nothing in this program that binds us to doing that with public money. The commercial industry can pick up after this research is done and do every penny of that additional money privately.

Now, it may well be that the Federal Government would decide at some future time to make a commitment, but there is absolutely no commitment in this program to go to that kind of spending. So you are absolutely wrong to suggest that that kind of money is involved in this particular program.

This program is aimed at giving us the good science we need on which to build the future program. So it is absolutely wrong to suggest that this is $12 million being spent in pursuit of $2.5 billion or the $5.8 billion figure you want to pull out of the air. It has absolutely nothing to do with this particular program.

Mrs. BYRNE. If the gentleman will yield further, they are not out of the air. They are from the studies that had been done by the GAO, by the National Academy of Sciences, who evaluated this for Congress. I would ask the gentleman, if this project is so worthwhile——

Mr. WALKER. Again, the gentlewoman does not know what she is talking about.

Mrs. BYRNE. Well, the gentleman says the National Academy of Sciences does not know what it is talking about either. I am asking the gentleman if indeed we have such a worthy project here, why does not the private industry fund its own R&D, if they are going to make so much money on it at the taxpayers' expense?

Mr. WALKER. The fact is we have long funded advanced R&D and risky R&D in this country. It is what good science is all about. The gentlewoman, I know, does not want this Nation to kill off all good science in this country. But the gentlewoman is aiming in that direction.

But let us talk about the National Academy of Sciences. The National Academy of Sciences has never looked at the gas turbine reactor. They have looked at the high temperature reactor, gas reactor, and so on. This was back in the late 1980's. The gentlewoman is relying on data at least now 6 years old, and they have never looked at this particular mechanism.

We have in fact had a number of major advances since that time that make this a much more worthy project than anything the National Academy of Sciences has looked at. So you cannot cite the National Academy of Sciences studies.

The GAO studies are a series of studies that have looked at the totality of the economics. But once again, GAO has never suggested that the Federal Government is going to be obligated for all of this money. They cannot suggest that, because there is nothing in the contract to show that.

The bottom line is that the only thing this obligates us to do is to do the further research on the reactor, which is a total of $100 million spread out over a 5-year period. If at the end of that time the industry feels as though they have got a project that they can go ahead with, they can come to the Federal Government and ask for some money. We do not have to give it to them. We can do exactly as the gentlewoman suggests at that point and say to them fine, we now have proven technology, and you can expend your own money, if you think this is something good to do. We do not have to fund it at those kinds of rates.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. I would say the gentlewoman is wrong on those counts as well. I would like to discuss a little bit about the science if I could. That is actually why I came here.

Mrs. BYRNE. If the gentleman would yield further, I am a little bit puzzled by the gentleman's response, since the gentleman voted for Penny-Kasich and that was in it. Why did he vote for it then?

Mr. WALKER. There were many things in Penny-Kasich that I had some problems with. I voted for it as an overall kind of message which I thought was a very, very good idea in terms of cutting overall funding. I would have preferred to see all of that money cut. We did not get there. Your leadership, in fact, basically undermined our ability to do Penny-Kasich. I am sorry about that. But on individual choices, I think this is not a responsible individual choice, particularly since it is going to end up costing us money, and that does not make any sense to me at all.

I would also point out to the gentlewoman, that when the Republicans had a chance to do our own version of that, which was the Republican budget initiative for 1995, the actual Kasich bill, the termination of the gas reactor was not a part of that budget. In fact, the GTMHR was fully authorized in Public Law 102-486, the Energy Policy Act of 1992 that President Bush signed into law. So this is a fully authorized project, it was not included in the Republican budget alternative, and it is a program which, in my view, is one where you can point to the science as being a good, worthy kind of science that gives us something that commercial industry can build off of.

Now, I think we need to look a little bit at some of that science. Because if we are in fact going to have a reasonable chance of competing in world markets with nuclear energy in the future, it seems to me we have to be a part of the advanced reactor concept.

The GTMHR, one of its great advantages is it cannot melt down. With its inherent properties and inert helium coolant, ceramic fuel, and a low power density core and large negative temperature coefficient, and heat conduction and radiating geometry, the GTMHR would shut itself down on its own in the event of a loss of coolant or a catastrophic failure of all the man-made active safety systems. In laymen's terms, once the reactor core gets too hot, nuclear fission cannot naturally occur.

It seems to me that is something we want to be about as a nation, if we believe nuclear power has any kind of place in our mix in the future. It would be devastating for us not to be a part of doing that.

Now, I understand. We have a Department of Energy at the moment that wants to commit us to only one kind of advanced reactor work. So you now get a letter from the Secretary of energy, because she has made a commitment to going only one direction.

We have long found out in research and development that going only one direction is a bad idea. When you are doing R&D, you ought to have a number of options that are available to you. It seems to me this is an option we ought to keep. I would hope we would vote against the Byrne amendment. It is a bad amendment that costs us money, not saves us money.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Byrne amendment. This year I have looked at the cancellation of the super collider, which I still do not know if it was any good or not, if the billions of dollars we put into it would be effective. I also look at the space station, and I think there is an area in science where we really have made a mistake on the House floor by not supporting it. The gentlewoman I think would take a look at even the space station for things that we wanted for men's and women's cancer research.

This is not about cancer research, but I had a group in my office just 20 minutes ago that are looking to ship Alaskan oil out to foreign countries, and they know we are importing oil. I can remember gas lines back in the eighties, and we were all concerned on this floor about energy sources. We look at different types of fuels that we can use. I do not think there is a Member on this floor that does not believe that in the near future we are not going to have alternative sources of energy in this country.

□ 1440

Oil is going to go away. Nuclear power is not the answer for everything. And so I support the gas turbine-modular helium reactor. Take a look at my colleague, the gentlewoman from California [Ms. SCHENK], the committee chairmen who have studied the issue throughout the years. I would say that their knowledge, their expertise on this issue warrants taking a look at it. I ask my colleagues to oppose the Byrne amendment. Support what I think is a very good investment to give us alternative energy sources in the future.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have probably heard more this afternoon than we really want to know about the gas reactor. But there have been a lot of statements made this afternoon, mixing apples and oranges and some other things into this mix.

First off, certainly it has been true that this committee has been burned a number of times through the years of going down the wrong path only to have the rug jerked out from underneath us and on reactor research for the future. What concerns me there is an old saying that we should never put all of our eggs in one basket.

This is what the Department of Energy is doing today for the future of electric generation, nuclear generation. It is the advanced light water reactor. The light water reactor has been the workhorse in the production of electricity from nuclear powerplants in this country and the advanced light water reactor is a far improvement from what we had before, both in safety as well as efficiency. It is one that we need to continue.

But at the same time we need also to continue the research for alternative sources sometime in the future. This reactor is just exactly what we have felt in this committee is meeting that demand.

Let us look at the future here. Can Members see this chart? We are talking about the future needs for our children and grandchildren. This has been produced by the World Energy Commission, meeting in Madrid, the 15th World Energy Commission, having more than 250,000 experts from various disciplines from all over the world. They came up with these projections for the next 30 years.

Where is electricity energy going to come from? The big producer is going to be coal. That is probably not true in this country but worldwide coal is still going to be the most important. Next is nuclear. Then down to natural gas, then some oil, some hydro, most Members on this floor would not propose any hydro production. They do not want to build one more dam anyplace that could produce hydro power. In a very small projection here for the so-called renewals that most people like to, pie in the sky, say, we are going to use up the waste and hopefully that will be true. But it is not going to be the big producer of the future.

So let us look at coal. What luck would we have today to build a coal reactor in this country, a coal fired power generating station? About the same as we are going to have with nuclear. Natural gas, we ran out of natural gas just a few years ago. So the one nuclear. Why do we not continue to look at this new gas reactor, the gas turbine that we are talking about here today? It is passively safe, as has already been said. It cannot melt down. It is inherent in the system. Even if all the coolant is lost, all the power is lost, it automatically closes down without any meltdown. We will not have meltdown, the traditional reactor fission materials.

Second, it is more efficient, even shown here, more efficient than any other reactor we have today, from 50 to 70 percent more efficient than any other nuclear reactor.

Then the third thing, as has been argued here, about the study, that January study of the gentlewoman. I have read a review of that. That study was made back in 1988–89. It was made on one thing, not $5.3 billion, not to build a commercial reactor for electric production. But it was to replace the trillion in our nuclear stockpile. All the facilities, not just the reactor itself but all the facilities, all the other things have got to be built into building this military defense replacement. It was not for a commercial nuclear reactor that we are talking about.

So let us look at this small modular something that anybody who is a chief executive officer of a generating company today, producing electricity, they are in danger today of going very deep into producing a nuclear request. But this is small and modular. This same study said that we will need 1,000 new reactors between now and 2030, nuclear reactors to produce the world's power.

Where is it going to come from? The utility companies do not have the money today. But with the small modular, modular means that you put a small one in this day, 2 years from now, 5 years from now, production requirements for more generation are needed, then you can add one more modular next to it. A small investment. You keep adding modulars as you need them. For world export, there is a lot of small, very high density countries that do not have the electric power that they need for the future. This small modular can be sold to them, small, safe modular generator.

It can be exported to foreign countries. This is the chance today we have to continue this research, and it will not take $5.3 million. We will have proven the process, $12 billion was not quite enough; $12 million was not quite enough. The request was for 25. But because of the austere program this year, we had to cut it to 12.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, the gentleman brought up a very good point.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(On request of Mr. CUNNINGHAM, and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 1 additional minute.)

Mr. CUNNINGHAM. Mr. Chairman, if we take a look at what would have happened at Desert Storm if we would have lost the oil source in the cost of goods, when we talk about interest rates in this country and we look at construction, everything else that we depend on energy, take a look, if we have an edge on the market of energy production around the world. And when the gentleman talks about export, we are talking about jobs. We are talking about energy security in the future. To me that is very, very important.

I know the gentlewoman is well-intentioned, but I think we need to look a little bit further down the road.

Mr. MYERS of Indiana. Look at the small islands we have in the Pacific now that we are responsible for. Today they do not have the capacity to generate the electricity they need. This modular generator would be perfect for small countries and small islands like this.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I am going to make the brief, because we have heard now from the chairman of the Committee on Science, Space, and Technology here who is very much opposed to this amendment. We have heard from the gentlewoman from Tennessee [Mrs. LLOYD], the subcommittee chairman. We have heard from the gentleman from South Carolina [Mr. SPRATT], chairman of the panel on the Armed Services Committee. We have heard from one of our Members, a physicist, and so I see nothing that I can add.

I just urge everyone to vote against this amendment and not kill the funding for this project.

Mr. BARCA of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

I will not prolong the debate too long but there have been a couple points that have been made that I want to provide some clarification.

First of all, one of the previous speakers stated that the study that was done by the National Academy of Science was done some 5 or 6 years ago. That simply is not the case. In fact, the committee learned in mid-1991 that the GT–MHR design had been changed and they reviewed those changes. And they have said that the committee is not aware of any changes to the fundamental principles underlying the concepts being discussed in the GT–MHR proposal.

The point being, Mr. Chairman, that the National Academy of Sciences was well-aware of some of the changes that were being discussed, and we are not talking about fundamental changes in the concept of what they are trying to accomplish. They have been on record in opposition to this.

Second, a number of Members have stated that this is a priority of the private utility industry. Obviously, it is not a priority. Ninety-seven percent of the cost of this program is coming from the taxpayers. That does not sound like a priority to me.

I am sure that is why President Clinton and former President Reagan, their administrations are opposed to this. I would hope that we would move forward and support this amendment.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. BARCA of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, just a few points to close the argument on our side.

First of all, we have heard arguments about the cost. Remember, let me say this one more time, there are only two phases of Government projects—it is too soon to tell and it is too late to stop it. Again, that is where we find ourselves on this debate

☐ 1450

The Department of Energy estimates that it will cost $700 million in research and development funds if we continue this project, just to get the information we need to know if we need a demonstration reactor, and then if we build a demonstration plant, the Department of Energy says it will cost $18 million more.

My colleagues from Virginia and Wisconsin are absolutely correct in the amount of money it will cost in the long run. As the chairman of Southern Nuclear said years ago, "We believe it will become a commercial candidate only after several years of performance," so again, even after we do the research and even if we do the prototype, unless there is a demonstration needed, if there is no demo, there are no buyers.

Where are we going with this? The Clinton administration, the Reagan administration, the National Academy of Sciences, the National Taxpayers Union, the Citizens Against Government Waste, and the Department of Energy as late as yesterday said kill the project.

One final time, Mr. Chairman, I urge my colleagues, especially those who voted for the Penny-Kasich amendment, to vote for the Byrne-Klug amendment, to kill a long-outdated and unnecessary project.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE].

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mrs. BYRNE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 241, not voting 10, as follows:

[Roll No. 234]

AYES—188

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Barca
Barcia
Barrett (WI)
Becerra
Berman
Blackwell
Blute
Boehlert
Boehner
Brewster
Brown (OH)
Bryant
Bunning
Byrne
Camp
Cantwell
Castle
Coble
Collins (GA)
Condit
Cooper
Coppersmith
Costello
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Duncan
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fingerhut
Fish
Fowler
Frank (MA)
Franks (CT)
Furse
Gejdenson
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goodling
Goss
Grandy
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hefley
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Hutchinson
Inhofe
Istook
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
McCrery
McHale
McHugh
McInnis
McKinney
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Nadler
Neal (MA)
Nussle
Oberstar
Obey
Olver
Oxley
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Reed
Richardson
Roberts
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Schaefer
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shepherd
Slaughter
Smith (MI)
Snowe
Stark
Stearns
Stenholm
Strickland
Studds
Stupak
Swett
Synar
Talent
Tanner
Thurman
Torkildsen
Torres
Underwood (GU)
Unsoeld
Upton
Vento
Waters
Watt
Waxman
Weldon
Williams
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—241

Abercrombie
Ackerman
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Combest
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Derrick
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Foglietta
Ford (MI)
Ford (TN)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gingrich
Gonzalez
Gordon
Grams
Green
Gunderson
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kim
King
Knollenberg
Kolbe
Kyl
Lambert
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Lloyd
Lucas
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McKeon
McMillan
McNulty
Meek
Mica
Michel
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (NC)
Norton (DC)
Ortiz
Orton
Owens
Packard
Parker
Pastor
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Price (NC)
Quillen
Rahall
Rangel
Regula
Ridge
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Rowland
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stokes
Stump
Swift
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torricelli
Towns
Traficant
Tucker
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Whitten
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Collins (IL)
Conyers
Danner
Flake
Reynolds
Royce
Slattery
Sundquist
Washington
Wheat

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Messrs. ARCHER, LAZIO, LEHMAN, POMEROY, and DURBIN changed their vote from "aye" to "no."

Mr. FRANK of Massachusetts, Mr. DELLUMS, Ms. KAPTUR, Mr. RUSH, and Mr. PALLONE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to associate myself with the earlier remarks of the gentleman from Texas [Mr. STENHOLM] on Twin Buttes Dam and thank him for all of his good efforts.

Also, I want to thank the chairman and Mr. MYERS. They have been most gracious in their willingness to work with us to resolve this matter.

I understand that the amendment that we would have liked to offer is not germane, and Mr. STENHOLM and I are prepared to work with the authorizing committee. We will introduce legislation shortly.

The matter of Twin Buttes Dam in San Angelo, TX, is one that concerns me greatly. Much is at stake. First and foremost is the safety of Twin Buttes Dam—and the safety of San Angelo, TX, and its residents. The dam continues to deteriorate because of its original, faulty design and construction in the 1960's.

Today, Twin Buttes is ranked the No. 1 safety risk among dams under Bureau of Reclamation control.

Time is something that we no longer can afford to apply to the problems of Twin Buttes.

I was pleased to be a part of the successful effort to work out a technical solution with the Bureau of Reclamation. Now, a prompt resolution of the funding issue is critical so that that action to correct this situation may begin.

A gross injustice would be done to the citizens of San Angelo by requiring them to pay for a mistake that the Bureau made decades ago.

That must not be allowed to happen.

I only add that I appreciate the good will and leadership of the chairman and Mr. MYERS as we continue to address this matter.

AMENDMENT OFFERED BY MR. SWETT

Mr. SWETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWETT: Page 17, line 19, strike "$3,302,170,000" and insert "$3,235,470,000".

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire [Mr. SWETT] for 5 minutes.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto be limited to 40 minutes, equally divided between the proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GALLO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. GALLO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, the purpose of this amendment is to strike $67 million in funding for construction of the tokamak physics experiment, a planned new tokamak fusion reactor at the Princeton Plasma Physics Laboratory in Princeton, NJ.

Before I proceed, I would like to clarify what this amendment is about because there has been an attempt by some to muddy the waters and make unclear the intentions.

First of all, this amendment is not about our Nation's energy problems. I am sure we agree that we have a long-term energy problem which requires us to look for promising new energy technologies, including fusion energy.

Second, this amendment is not about supporting or opposing fusion. I, like many Members, strongly support basic fusion research. In fact, one of the reasons I am offering this amendment is precisely because I am concerned about the effect that construction of the tokamak physics experiment could have upon basic fusion research. This amendment is not about basic fusion research.

Third, this amendment is not about U.S. participation in international fusion energy research. This amendment would still leave $309 million in fiscal year 1995 for the U.S. Fusion Energy Program, including funds which will go toward international fusion energy research.

Mr. Chairman, this amendment is about whether or not U.S. taxpayers should pay billions of dollars for commercial development of one particular fusion technology, the tokamak, when the expected development costs are tens of billions of dollars, and when there are clear indications that a tokamak is not going to succeed commercially.

If we had unlimited funds, then building the tokamak physics experiment would be reasonable. We do not have unlimited funds, which is why we need to eliminate wasteful spending such as construction for the tokamak physics experiment.

Mr. Chairman, a tokamak is a fusion technology invented by Russians back in the 1960's. Over the years, tokamaks have been tremendously successful at advancing the science of fusion, most recently at the Princeton Plasma Physics Laboratory.

Tokamaks, however, do not make sense as a commercial energy source, which is why we should stop the tokamak physics experiment. There are four main reasons why we should stop this experiment.

First, as I mentioned, tokamaks do not make sense as a commercial power source. Recent studies from DOE's Lawrence Livermore National Laboratory and Los Alamos National Laboratory have highlighted the tokamaks' problems with cost, complexity, unreliability, and radioactive waste. A tokamak fusion powerplant would cost more than a fission plant, and it would still create radioactive waste. No utility is going to want to buy a huge, complicated nuclear fusion reactor which costs more than a nuclear fission reactor and still emits radioactive waste.

Second, the tokamak's project development costs are astronomical. The economics do not make any sense, which is why this amendment is supported by groups such as the National Taxpayers Union and Citizens Against Government Waste. The projected total program cost over the next 45 years is $40 billion. In a time of tight budgets, it doesn't make sense to waste billions of taxpayer dollars pursuing a technology which does not show commercial promise.

Third, construction of the tokamak physics experiment threatens basic fusion research. The tokamak physics experiment has a total estimated cost of $2.2 billion. $700 million for construction costs plus operational costs of $150 million/year for 10 years. Building the tokamak physics experiment will take away scarce funds from basic fusion research.

The DOE has effectively squeezed out all non-tokamak research. Alternative fusion gets just 3 percent of the fusion budget, effectively putting all our eggs in one basket. This squeezing out of potentially cleaner, cheaper fusion concepts is contrary to recommendations from utility panels, fusion researchers—even DOE's own fusion advisory boards.

Fourth, tokamak reactors do not make environmental sense, which is why this amendment is supported by groups such as the Sierra Club, the Nature Resources Defense Council, Friends of the Earth, and the Safe Energy Communication Council.

Tokamaks as currently planned would produce more radioactive waste than a fission plant.

If our goal is a commercially viable electric energy source, then it does not make sense to build the tokamak physics experiment.

Finally, Mr. Chairman, I would like to say a few words about the process here. Needless to say, a floor amendment to an appropriations bill is not anyone's preferred means of making policy. In a perfect world, authorization debates would always precede appropriation debates, and there would always be time for extensive debate on every issue.

I firmly believe, however, that when taxpayer dollars are being wasted, we should not wait. If we cannot stop wasteful Government spending wherever and whenever we find it, we are never going to get our budget under control.

Mr. Chairman, Congress stopped construction of the tokamak physics experiment last year. Congress should stop it again this year.

Mr. Chairman, to repeat myself, this amendment is not about basic fusion research. This amendment is about whether, in an era of tight budgets, it makes sense to spend billions of taxpayer dollars trying to commercialize one particular fusion technology—the tokamak which does not show commercial promise.

I urge Members to join me in supporting the amendment.

□ 1520

Mr. Chairman, I reserve the balance of my time.

Mr. GALLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose the Swett amendment. I am sure my colleagues have heard of the recent successes in fusion energy research. Fusion energy is the only long-term energy supply option that the world has and America must continue to support this program. Energy is fundamental to everything that we do.

Unfortunatly, energy use strains the environment, and that is why scientists around the country and around the world are working to harness fusion energy.

This amendment does not make any sense. It targets the tokamak concept and the tokamak physics experiment in particular. Tokamaks are the central focus of every major fusion program in the world.

The collective wisdom of the scientists and engineers from Japan, the European Community, America and Russia cannot all be wrong. I accept the scientific expertise of these people and the Department of Energy which has put forward a fusion development plan. The plan has been on the books through the last three administrations—it is clear and it is focused, and the next major step for the United States is the TPX project.

Energy security is at the heart of this program. But harnessing the energy of the sun and stars is not easy.

The Wright Brothers didn't invent the passenger airplane, but they took the first huge step. American scientists and engineers at universities and laboratories around the country—at MIT, the University of Wisconsin, the University of California, the University of Texas, Columbia, Auburn University, University of Colorado, Cornell, Lawrence Livermore National Lab and Princeton are working on fusion and they will work on TPX.

The supporters of this amendment talk about the need to support alternatives to Tokamaks. I have noticed that they are careful to say that these other concepts may be cheaper and may be better. I call those maybe ideas.

These alternative concepts have apparently not been able to withstand scientific review in this country or abroad. For several years now, Congress has been insisting that scientists get out of their sandboxes and into the real world. Well the real world supports tokamaks because it is a proven technology that works.

TPX is a smart step for America because it is the first tokamak to address commercial issues—how to make fusion power plants smaller and more compact. Future generations are going to need a stable, environmentally clean source of energy.

If we shortchange our research and development programs, we will pass along to the next generation energy problems that could be solved if we invest in new technologies now. Fusion is that investment.

I urge a "no" vote on the Swett amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SWETT. Mr. Chairman, I yield 5 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, if we stop this program today, we will save $67 million and $30 billion over the coming years on an energy source that is presently not showing any commercial viability.

Advancement in basic scientific research is important to the maintenance of our competitive edge. I represent the University of Florida, a premier institute for the study of science and technologies. I recognize the role such projects play in protecting our country's economic security and standing in the international arena.

I have no doubt that the Tokamak physics experiment would make an important contribution to our Nation's wealth of scientific knowledge. I have listened to the respected supporters of the program and understand that the TPX would be unique among world fusion programs.

Today, however, we find ourselves at a crossroads. Our national spending must come under a higher standard of scrutiny. The question of whether or not to fund the Tokamak goes beyond the question of its pure research value.

The real context of this debate is defined by the twin imperatives of reducing the Federal budget deficit and funding research in an area that will create a commercially viable energy source.

Look at the facts and listen to what the experts have to say. A study done by Los Alamos National Laboratory last year for the Department of Energy's Office of Fusion Energy, concluded, "Our present, conventional Tokamak approaches will not lend to attractive commercial reactor products able to compete in the energy marketplace of the 21st century."

The Tokamak physics experiment is not a good investment. It is a program that we can not afford right now. Because we have limited resources, we must freeze, cut, or terminate many projects. As Members of Congress we do not enjoy doing this, but this is the reality. While reviewing budget requests, we must look at two things: the merits of a project and its costs. Mr. Chairman, because of its high cost and low commercial potential, this project fails on its merits and is not a good investment.

Let us be objective and start by looking at the issue of costs.

The costs of developing the Tokamak are astronomical. At best, the DOE hopes to see an electricity generating commercial Tokamak reactor by the year 2040. By 2040 the total estimated cost to the U.S. taxpayer is expected to be at least $40 billion.

So we get to 2040 after spending $40 billion on 80-year-old technology and what do we have? According to recent studies from Department of Energy laboratories, a huge nuclear fusion reactor, which costs more than a fission reactor and still creates radioactive waste.

Focusing everything on the Tokamak would make sense if the project looked promising commercially, but it does not. Tokamaks are not commercially viable because of cost, complexity, reliability, and radioactive waste. It is clear that this is not a commercial source of power for the future. If we stop the funding now, we will save taxpayers $700 million in construction costs plus $1.5 billion in operating costs; a total of $2.2 billion.

The second question I ask is whether the merits of the program justify the costs? The joke in scientific circles about nuclear fusion is that commercial use is about 30 years away and always will be. Realistically, most scientists agree that it is at least 50 to 60 years away. This amendment does not attempt to stop all research in nuclear fusion but just one experiment that most scientists believe is a commercial nonstarter.

Given recent advances in energy alternatives like wind and solar power, renewable and sustainable forms of energy should be the direction in which we are focusing our attention. I applaud the administration and the committee for their efforts and vision in increasing the budgets for these programs. These alternative sources have the potential to help meet the Nation's energy needs. Moreover, they do it without the adverse environmental effects of creating contaminating radiation. Still, these alternative energy sources supply us with less than 1 percent of the Nation's electricity. These are technologies that we know work and are clean. Furthermore, we have the capability to use these technologies in commercial settings.

Mr. Chairman, in our present budgetary condition, I cannot support a program that asks so much of us and gives back so little in return. Simply put, the Tokamak physics experiment does not meet the contemporary test of budgeting. Its cost are astronomical; it is crowding out other valuable research programs; and it simply does not offer enough benefits. I hope there will be a day when we can afford programs like the Tokamak but this is not that day. I urge my colleagues to vote for the amendment.

□ 1530

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in strong opposition to the Swett amendment to cut $66.7 million for a national fusion energy device, the Tokamak physics experiment—also known as TPX.

I find it inconceivable at a time when we are searching for new energy options that we are contemplating cutting the one program that can offer our Nation a steady supply of unlimited energy.

As recently as this May, we were cheering the record-breaking experiments at the Princeton Plasma Physics Laboratory. Now we are discussing dismantling this future component of our energy independence.

I am aware of the arguments against the TPX at Princeton. Critics state that TPX power plants do not make environmental sense. I disagree.

The fuel for a fusion power plant comes from ordinary water—ordinary water. One pound of fusion fuel contains the energy equivalent of 12 million pounds of coal or 25,000 barrels of oil. Fusion does not contribute to acid rain or global warming and fusion energy does not generate long-lived high-level radioactive waste. Fusion powerplants are inherently safe, with no possibility of meltdowns or Chernobyl-type events.

A mix of clean energy technologies—solar, renewables, and fusion—will provide the energy of the future. Fusion supplements the others by being capable of steady central station electricity generation. The environmental consequences of continued reliance on fossil fuels is too great, and to eliminate this element in our future energy mix is extremely shortsighted.

As a Member of Congress dedicated to a secure energy future, I urge you all to oppose this amendment.

Mr. GALLO. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I am going to ask the Members of this body to vote against this amendment which would strike out the funding from this bill for the TPX or Tokamak physics experiment at Princeton. I could make a very long and detailed case for this, but let me just say a couple of things more or less anecdotally.

Mr. Chairman, when I came to this great institution back in 1963 I guess it was, one of the first things I did was to correspond with the chairman of the Joint Committee on Atomic Energy and complain that we were not funding the fusion energy program as much as we should. I say that to illustrate how long we have been involved in this argument, and it was going on before 1963, Mr. Chairman, I can assure my colleagues.

There is universal recognition that probably the most promising long-range future resource for this country and the world is the fusion program. We have been involved in a cooperative program to design a fusion reactor plan for a decade or more. It involves the United States, the Russians, the Europeans, and the Japanese. We are in the last stages of engineering design for an experimental reactor. That will be the prelude then to a commercial reactor which will be probably in line sometime around 2010 or 2015. Between now and then we need to do a great deal more research on how to most effectively develop that commercial reactor.

Mr. Chairman, the Tokamak physics experiment is one part of our efforts to develop this. This has been a very successful program. Probably some of my colleagues recall the press reports of just a few weeks ago that this machine, the current machine at Princeton, produced a new record amount of sustained power from the machine that they have there.

Mr. SWETT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New Hampshire.

Mr. SWETT. Mr. Chairman, I think it is only proper to make note that the record amount of energy realized at the Princeton facility was not a net benefit but was still threefold more energy input than output and only for a minor fraction of a second, and, although this is making progress, it is not certainly where the program is projected to be at this time and certainly, I think, did not bode well for future successes.

Mr. BROWN of California. The gentleman is correct about the net energy yield, but the point is all of these measures are relative. This was the best that has been achieved. It surpassed the expectations that the scientists had at the time, and it is worth continuing to improve this process.

Now, Mr. Chairman, this fusion program is based upon the work of a relatively small number of scientists throughout the country. One of these great centers of excellence, of course, is at Princeton. Others are in other parts of the country including California, Illinois, and so forth. The community is such that it is small enough so that it is highly dependent upon a reasonable continuity in the support for this program. The TPX is conceived as a way of providing that reasonable continuity between the work that is currently being done and the time when we get to actually building the experimental reactor, which is still 10 or 15 years off.

So, for a number of reasons, including the success of the existing work, the need to maintain continuity, the importance of fusion energy as the ultimate power source for the world, it is important that we continue this, and, despite the qualms that my good friend, the gentleman from New Hampshire [Mr. SWETT] has, I urge that we proceed along the path which has been established here and hope that it continues to be successful in the future as it has been in the past.

Mr. SWETT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, for the past 30 years, we have spent billions of dollars on Tokamak fusion technology which has yielded nothing as far as energy production is concerned. Over the next 50 years, the Department of Energy plans to spend $30 billion more in hopes of producing energy for commercial use. There are no guarantees this will ever happen and, if it does, the experts say it will be too expensive to be commercially viable. We should not support funding for a questionable program that divides us when we are unable to fund programs, for example, in agriculture which are proven and everybody agrees on.

Let us not repeat the mistake of the superconducting super collider. Terminating the Princeton Tokamak physics experiment before construction begins will save the taxpayers $67 million this year and $2.2 billion in the long run without adversely affecting, in my opinion, our existing DOE fusion program.

This amendment has the support of many taxpayers and environmental groups including: National Taxpayers Union, Citizens Against Government Waste, The Sierra Club, and Natural Resource Defense Council.

Please support the Swett-Shays-Peterson-Thurman amendment.

Mr. GALLO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO] who is also a member of the Subcommittee on Energy and Water.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding this time to me.

□ 1540

Mr. Chairman, I rise as perhaps the chief advocate on this subcommittee of renewable energy, and one who is frustrated by the fact that this bill is $1.7 billion below where we were last year. Yet I am still here as an advocate of Tokamak and of fusion research and an opponent of the effort to eliminate this particular fusion program.

Of course, the objections are said to be not to the basic research concept, but only to this particular design of the Tokamak. I think that flies in the face of the facts.

The Tokamak design has been chosen by an international panel of fusion experts as the main vehicle for developing magnetic fusion energy. These experts have told the world energy community that the Tokamak design is an important step toward making fusion a commercially viable energy source.

You may recall the recent world record set at DOE's Princeton's Plasma Physics Laboratory. That success demonstrates our steady progress toward the goal of demonstrating fusion as commercially viable as an electric power source.

While much work remains, this achievement moves us closer to the day when fusion might provide us with an inexhaustible supply of clean, safe, environmentally sound electric power production.

Opponents of this type of fusion claim that the design is too large and too costly. It is important to remember what the Princeton TPX program is and what it is not. This is a research and development program. This is not meant to be a commercial reactor. What we learn from this important research and development program with Tokamak's design should help us find ways to build smaller, more efficient, safe fusion reactor.

Fusion energy is important to our Nation's economic health. The Tokamak program is vital to establishing the scientific and technical foundation necessary for the ultimate commercialization of fusion energy.

In short, the TPX is part of the foundation for an integrated U.S. fusion program that will evolve over the years.

Mr. Speaker, the U.S. fusion program is a vital part of our long-term energy security. As we all know, our energy security is intertwined with our national security. Those of us who worry about global warming realize that we cannot continue to rely on fossil fuels. We need a long-term program as well as a short-term energy program, and it has to be balanced.

We cannot overrely on our, perhaps, immediate enthusiasm for renewables. We cannot forget the efficient programs. We have debated them here today. They are barely contained in this budget any more, but they are still important. And while we cannot cut short our investment in fusion energy, we have put too much in this.

I say let us oppose this amendment. Perhaps it is healthy to have this debate periodically so people can be reminded of the importance of this effort. But look to the chairman of the Committee on Science and Technology, who will be bringing a fusion authorization to this floor. Support him and support the committee in opposition.

Mr. SWETT. Mr. Chairman, I yield myself 1 minute for rebuttal

I would like to just bring to the attention of the body that this is not a cessation of the Tokamak program. This is a reorientation away from commercial engineering development, back to more basic science, where this money could be more appropriately used to expand on alternative technologies.

If I can quote Martha Krebs, Director of the Department of Energy, at a hearing here on Capitol Hill the other week, she said:

> The fusion development program is in a period of major transition from a program focused on research to one focused on engineering development.

That concerns me, because we ought to be promoting basic science here in the Federal Government, and not commercial engineering development.

Mr. FAZIO. If the gentleman would yield, I have a high regard for Martha Krebs, and it is my belief she supports Tokamak. She believes this R&D effort is important to the fusion research program in general. I do not think we should be mistaken by taking a quote out of context.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I rise in strong opposition to the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong opposition to the Swett amendment which would cut all Federal funding for the centerpiece of the Nation's magnetic fusion energy program—the Tokamak physics experiment [TPX].

For decades, as Chairman BROWN pointed out a few moments ago, the Federal Government has invested in a fusion energy program as part of a comprehensive plan to provide for America and the world's long-term energy needs. By the year 2050, annual world energy demand is expected to triple from 10 trillion watts to 30 trillion watts. To meet these needs, we must broaden our capability to successfully access alternative and renewable energy sources. While this includes exploration of solar, hydropower, and similar sources, fusion energy is the only source capable of being the linchpin of this plan.

Today's investment in fusion—the nuclear reaction that powers the sun—is an investment in our children and grandchildren. We owe it to them to fully explore this exciting energy option.

Mr. Chairman, the scientific feasibility for broad commercial use of fusion power, although it is long-term, does have a very compelling aspect to it. The Tokamak fusion test reactor [TFTR]—predecessor to the TPX—recently set a world record by producing 9 million watts of fusion power. It is particularly notable that a commercial grade fuel mixture was used for the first time in accomplishing this impressive feat. Princeton Plasma Physics Laboratory—which has operated a comprehensive fusion energy research and development program since 1974 through Department of Energy funding—indicates that a number of other records were set as well, including plasma ion temperature, central fusion power density, and fusion energy per pulse. Princeton scientists expect that the first demonstration fusion power plant can be built by 2025 with widespread commercial use of fusion power by 2035.

Clearly, Mr. Chairman, we are on an important threshold. Cutting funding for the TPX would be shortsighted and without benefit. The TPX has long been heralded within the scientific community as the step necessary to make the advances in fusion research come together in an economical and manageable way.

Mr. Chairman, America needs to invest in the TPX if it is to remain competitive. Both Japan and the European Community are investing 50 percent more than the United States in fusion energy efforts. The major international fusion programs—Japan, the European Community, and Russia—are focusing their efforts and investment capital in Tokamaks. The international thermonuclear experimental reactor [ITER]—an international cooperative effort to advance fusion research and development is also centered around a Tokamak reactor.

The effective development of Tokamak reactors will enhance U.S. industrial capability in fusion, thereby enabling American businesses to bid on ITER and capitalize on the eventual commercialization of this very promising energy technology. If fusion power plants are built here, the technology can be exported abroad to the substantial energy markets of the developing world.

That means jobs—perhaps hundreds of thousands of jobs—for Americans and less dependence on fossil fuels, fission, and other less environmentally sound alternatives.

Mr. Chairman, the administration's request of $66.7 million for the preliminary design and construction of the TPX was heartily supported by the bipartisan Appropriations Committee which met this request in full. Secretary of Energy Hazel O'Leary expanded on the importance of this project yesterday:

> This is the kind of program that exemplifies the Department's mission to provide the Nation with more productive and competitive economy, and improved environmental quality.

Some of the environmental benefits of fusion power are quite profound. One pound of fusion fuel contains the energy equivalent of 12 million pounds of coal or 25,000 barrels of oil. The fact that the fuel for a fusion power plan comes from ordinary water helps to explain why fusion energy does not generate long-lived high-level radioactive waste. There is no risk of meltdowns or Chernobyl-type events with fusion reactors either.

In the United States, we currently spend about $450 billion annually on energy. Since the United States spends less than one-tenth of 1 percent of our energy expenditures on fusion research, I believe this is a very cost effective and forward looking expenditure.

Another means of putting this cost in context is to look at the increased energy costs that United States taxpayers incurred during the Persian Gulf war. Between August 1990 and January 1991 we spent an additional $30 billion on energy, more than the entire anticipated cost of developing fusion energy as a commercial power source. Clearly, the United States and its allies need to make significant strides toward energy independence so that our economic future is not held hostage by hostile or unstable governments.

TPX is a smart step for America and it is also an important project for New Jersey. Princeton University estimates that the project would provide an estimated 1,000 design, construction, and operation jobs. It would add an estimated $1.6 billion to the New Jersey economy over the 7 years of construction and the 10 to 15 years of operation.

Princeton University officials also estimate that without a new project, the Princeton Plasma Physics Laboratory [PPPL] will have to cut back drastically on its operations. This will cause a loss of national leadership in this scientific field and approximately 400 high technology jobs.

While I recognize that there are budgetary constraints which force us to make tough decisions about funding, it is important that we make these decisions wisely and with foresight. Fusion energy holds great promise in helping us to meet our energy needs cleanly, safely, economically, and without perpetuating our dependence on fossil fuels. Let's not toss it over the side.

Mr. Chairman, the TPX is clearly worthy of our support. Therefore, I strongly urge my colleagues to vote against the Swett Amendment.

Mr. SWETT. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the Swett-Shays-Peterson-Thurman amendment to reduce funding in the Energy and Water appropriation bill by $66.7 million. This is the amount in the bill for the Tokamak physics experiment, a fushion reactor project which Congress refused to fund last year. The amendment would still leave over $300 million in this legislation for fusion research and development.

Mr. Chairman, this project is simply too expensive to be a viable and attractive source of energy to private utilities in the United States. The U.S. utility industry ended its own investment in Tokamak physics in the early 1980's. In fact, even the Department of Energy claims that fusion reactors would rank 22 out of 23 in a list of energy technologies ranked according to economic and environmental criteria.

This amendment is supported by the Electric Power Research Institute, the electric utility industry's research arm, as well as the National Taxpayers Union and other groups.

I urge Members to vote in favor of the Swett-Shays-Peterson-Thurman amendment.

Mr. GALLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have had a little sadness since I listened to this debate today, because if we look back, we will see, on all of our fiscal responsibility votes, that our energy programs have borne the burdens of our fiscal responsibility. It is really not a lot to write home and be proud about, because we are no closer to long-term solutions to our energy needs than we were two decades ago.

One of the reasons that we have not seen the progress that we would love to see in the fusion program is we have consistently had to cut back in these programs, because we have not seen the immediate results.

☐ 1550

I do want to commend this committee for the excellent job that they have done to continue this funding. I regret that they have not had more support, because fusion energy is the only long-term research and development effort under way that is suitable to provide central station electric power. It does represent an energy source that is free from the adverse environmental side effects of fossil fuels and the waste disposal problems of nuclear power.

My colleagues, harnessing this power will not be easy, nor will we experience instant success. The road is long and the road is difficult. But we have made continued and significant progress. We are on the path that will lead to a demonstration power plant, and the TPX represents an important step on this developmental path.

It will allow us to test new designs and modes of operation that can lead to a more streamlined system for power production. Now we must stay the course. This is the time to strengthen our resolve and make a commitment to see this program through.

I urge my colleagues to oppose this amendment and to support the committee's position.

Mr. SWETT. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I want to thank the gentleman from New Hampshire [Mr. SWETT] and his staff and the gentleman from Minnesota [Mr. PETERSON] and the gentlewoman from Florida [Mrs. THURMAN] for their work on this amendment.

We need to shift our energy priorities towards energy efficiency and clean, renewal energy sources. We should not let the Tokamak drain our resources and keep us from investing in other types of energy research. We are going to have a $1.6 trillion debt in the next 5 years, and there has been a lot of talk about amendments A to Z. I am one of those who signed a petition up at the front desk of 178. There are Members who have co-signed the bill of over 218. We have signed onto this bill, a process. And in my judgment, this is one of the first from A to Z.

This amendment would eliminate $66 million in funding for construction of the new fusion reactor called the Tokamak physics experiment, but that $66 million is this year. What about the $700 million ultimately during the course of the life of construction and the $1.5 billion of operating costs, the $2.2 billion that we are ultimately talking about?

If Members are for A to Z and they are for other ways to cut spending, I simply have a hard time understanding why this would not be first on their list. It is not a program that has promised any near run or even in the long run, a future hope for energy. Promises keep getting extended as the program continues to fail.

Now is the time to cut this program. I know it will be cut eventually. It will be cut eventually because it is not going to qualify as a means to spend money efficiently.

I urge my colleagues to vote for this amendment.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. ROEMER], a member of the Committee on Science, Space, and Technology.

Mr. ROEMER. Mr. Chairman, I rise in opposition to the Swett amendment.

Mr. Chairman, although I have the greatest respect and deepest admiration for the gentleman from New Hampshire, I must rise to oppose his amendment today. Fusion is a critical and necessary component of the world's future energy supply, and this Nation must not surrender our lead in this scientific field as we did in particle physics when we killed the supercollider.

Mr. Chairman, the world petroleum supply may expire in as little as 60 years. Where will the world energy supply come from then? How will our children and grandchildren continue to maintain our quality of life?

The world is growing and maturing. But in order for our quality and standards of living to continue, our levels of energy production must continue to grow. In order for Third World countries to evolve, they must have a number of things: modern medicine, improved transportation and simple things that they do not now have, such as clean water. You do not have any of these things, not even pure drinking water, without energy.

And in order to have that energy supply for much of the world, we need a plentiful, inexpensive source. Fusion might be the answer. With commercialization just a few decades away, this scientific investment in our future is one of the most critical efforts we can conduct for future generations. Fusion fuel is as plentiful as seawater, and fusion reactors will be safe and productive.

Japan, Europe, and the Russians are poised to seize the lead in fusion from this country. Fusion is quality science, and its potential is something we must not abandon. Otherwise, in just a few decades, we might be purchasing our energy from abroad.

We must invest in those steps that will take us to commercial fusion energy production. Finally, Tokamak is connected to the international thermonuclear energy reactor, or ITER, which is based on the Tokamak concept. In order to produce the ITER, we must continue work on the Tokamak physics experiment, or TPX, at Princeton University.

The TPX will be an advanced fusion reactor that will be the first major fusion machine to operate continuously. For this country to maintain its global position in the fusion market, the Tokamak physics experiment must continue.

Mr. GALLO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER], who is very interested in this particular subject as a member of the Committee on Science, Space, and Technology.

Mr. ZIMMER. Mr. Chairman, this amendment is not about a simple budget cut. But rather it is about a choice—a choice between developing fusion as a viable commercial energy source or simply giving up.

The sponsor of this amendment says he supports fusion research, but his amendment would pull the plug on the only major fusion research project planned in this country.

He says he would like more money spent on alternative fusion research. So would I. But his amendment would not result in one additional cent going to alternative fusion research.

The need for a commercial fusion energy source is clear. Fossil fuels are exhaustible and cause pollution. Nuclear fission creates radioactive by-products that take literally eons to break down, creating serious disposal and nuclear proliferation problems. The public fear of a meltdown or a Chernobyl-type accident has prevented any new fission plants from being built here in decades. In contrast fusion energy has a nearly inexhaustible source of fuel and it will not cause meltdowns or result in by-products that can be used in nuclear weapons.

The goal of the Swett amendment is to eliminate funding for the Tokamak physics experiment called TPX. The TPX machine will be the first new fusion reactor built in the United States in 10 years.

Only the Tokamak approach, which uses superconductors to hold plasma in a doughnut shaped reactor vessel, is far enough along in the research and design process to even sustain a debt on whether or not its concept is commercially viable.

There is a consensus throughout the world's scientific community to focus development on Tokamak machines and, in fact, every major fusion reactor experiment in the world—including the international thermonuclear experimental reactor [ITER] project that the United States has been involved with since 1985—are Tokamaks.

So in truth, if the United States abandons our commitment to the Tokamak system it would be tantamount to abandoning virtually all our fusion energy research. The Europeans and the Japanese spend significantly more on fusion research than the United States and in many ways their machines are more advanced than ours. Building TPX would allow the United States to again be a real player in fusion; canceling it would greatly diminish our role in the process and it could kill any chance of siting ITER in the United States.

The TPX machine is specifically designed to complement the much larger ITER which the sponsor says his amendment will not touch. TPX will test the engineering and technology concepts necessary to develop a compact and economic commercial plant.

TPX will replace the enormously successful Tokamak fusion test reactor project which for the first time used a commercial-grade fuel, and exceeded expectations on every test. TPX will also be the first fusion reactor to operate continuously—a vital step in developing a self-sustaining fusion reaction.

Fusion is one of the most successful research endeavors ever undertaken by the United States. According to the magazine Science:

> Despite * * * budget cuts, the fusion power record has quietly risen a million-fold over the last decade. Progress in fusion power, which has increased by a factor of 10 every 2 years for the past decade, exceeds even the much-touted improvements in computer memory chips, which have grown ten-fold in capacity every five years.

I would also like to quote from a letter received from David E. Baldwin, Associate Director of Lawrence Livermore National Laboratory.

> In a recent "Dear Colleague" letter, Congressman Swett has quoted material developed here at Livermore to attack the Tokamak in the nation's magnetic fusion program. [This misconstrues both the content and intent of our work. We specifically recognized that the Tokamak had made great scientific strides and might, itself, be appropriate as a fusion reactor. Livermore supports the Tokamak program and to see our views used as an argument for abandoning that which is succeeding, the Tokamak, before it is tested is to truly misunderstand our intent.]

Supporters of this amendment are putting the proverbial cart before the horse. The Office of Technology Assessment is currently reviewing our fusion research priorities and is scheduled to present its findings this summer. Also, the chairman of the Science, Space and Technology Committee has introduced a bill to formally authorize the Department of Energy's fusion research program. The bill orders the National Academy of Sciences to conduct an independent evaluation of fusion technologies, including non-Tokamak systems.

We should support these studies, but we should not stop our fusion research in its tracks. Vote against the Swett amendment.

Mr. SWETT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Hampshire [Mr. SWETT] is recognized for 2½ minutes.

Mr. SWETT. Mr. Chairman, I want to reemphasize that we are in agreement with regard to the value of fusion research. This is one program within the fusion research programs that I believe is not going to pan out, is not going to become commercially viable.

Mr. Chairman, this amendment is about whether or not U.S. taxpayers should pay billions of dollars for commercial development of one particular fusion technology versus putting that money into basic research where we have hopefully a much greater chance of reaching a successful reward in the years ahead.

Let me read to my colleagues from a study known as the ARIES study from the Los Alamos National Laboratory.

I quote:

> All of the Tokamak designs would not be competitive with respect to advanced light water fission reactors. The ARIES designs are uneconomic because the fusion power core is too massive and too expensive. Thermal conversion efficiency can be no better than for conventional fission or fossil power plants. Tokamak based power cannot use enhanced environmental safety and health merits to resolve the economic issue.

Mr. Chairman, this study should raise the red flag. This should help make it apparent that there is a problem with the direction of the current program. If the DOE were a business, these studies would constitute a clear message from the R&D development that the Tokamak has serious problems and further funds should not be spent on Tokamak until these problems have been worked out.

Beyond that, this is not the only Tokamak project that is currently being looked at.

We have the international project, the ITER, which is being funded as we speak. And that has the cooperation of the international bodies that are putting money into a large Tokamak project.

The science in this TPX follows on after that, and yet we have not even completed engineering nor sited the international Tokamak project.

I reiterate that the Swett/Shays/Peterson/Thurman amendment has been endorsed by scores of citizens and taxpayers, including the National Taxpayers Union, Friends of the Earth, Citizens Against Government Waste, the Sierra Club and many others. Congress has rejected this in previous years. I urge the Congress to do so again this year.

□ 1600

Mr. GALLO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong opposition to the Swett amendment.

Mr. Chairman, I rise today in strong opposition to the amendment offered by Representative DICK SWETT to strike the $66.7 million appropriation for construction of the Tokamak fusion experiment [TPX] at Princeton University in New Jersey. Unlike the previous amendment to strike the GT–MHR, the TPX has the full support of the Secretary of Energy, and it is the next vital step in development of a sound and practical U.S. fusion energy program.

Over the last year, the fusion program at Princeton University Plasma Physics Laboratory has achieved a series of milestones with its existing Tokamak fusion reactor, the TFTR. The achievements include a record energy burst of 9 million watts of fusion power using a commercial grade fuel mixture. Construction of the TPX will produce even greater results in a more compact fusion reactor unit.

The TPX is the next step to making fusion power a viable and cost effective commercial power option. Contrary to the arguments from the opponents of the TPX, fusion energy does not generate high level radioactive waste. The fuel supply is derived from ordinary water, and it is safe! Finally, development of reliable fusion power plants will help free our Nation from dependence upon foreign oil.

In conclusion, Mr. Chairman, the TPX is a scientifically-sound research program. It is safe. It is one of the very best long-term energy options for the future of the United States and the international community. I urge my colleagues to cast a vote for the future and reject the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I want to first of all congratulate the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for a very, very fine bill.

Mr. Chairman, I rise today in strong opposition to the amendment offered by our colleague, Representative DICK SWETT, to eliminate $67 million in funding for construction of the Tokamak physics experiment [TPX] at Princeton University.

I understand where our colleague is coming from, for we are faced with a number of difficult choices in an effort to save money for the short term. But, the present energy situation has forced us into a sense of false security.

Since the 1980's, the world population has grown to 5 billion people. Population and economic aspirations of the developing world are the key ingredients fueling energy demand around the globe. By the middle of the next century, the world population is expected to double from 5 to 10 billion, and world energy demand is expected to triple. There is no doubt that the world will need an adequate supply of energy in order to accommodate this increasing demand.

To avoid environmental disaster from reliance exclusively on fossil fuels, new forms of clean and affordable energy need to be developed for the next century. In order to make the transition from a global energy system dominated by fossil fuel to one based on alternative and renewable energy sources, we must provide a broad range of technology options to energy producers and consumers. This requires an investment today in the development of alternative energy sources such as solar, wind, and fusion power as long-term options.

Fusion in one of the few environmentally sound long-term energy options that are capable of central station power generation. Fusion power is clean and does not generate high level radioactive waste products. Fusion reactors are inherently safe, with no possibility of meltdowns. The fuel for a fusion reactor comes from ordinary water. Therefore, there is no acid rain resulting from a fusion reactor.

Fusion has been the "Holy Grail" of energy sources. Since its inception in the 1950's, the Tokamak concept has proven to be the most effective confinement system. That is why our competitors, such as Japan, the European Community, and Russia have invested 50 percent more than the United States in fusion energy. These countries have continued to build new fusion machines and have made major upgrades to existing facilities.

The Tokamak fusion test reactor [TFTR] at the Princeton Plasma Physics Laboratory recently broke world records in the production of fusion power. The TFTR topped world records for achieving 9 million watts of fusion power in a single nuclear burst.

The U.S. participation in the development of fusion energy is part of a multilateral fusion research program, the international thermonuclear experimental reactor [ITER]. This program is an outstanding model of international cooperation on large, complex scientific and technical projects. The United States is collaborating and sharing costs with the European Community, Japan, and the Russian Federation.

In light of the recent historic breakthrough at Princeton University and our current involvement with the ITER, how can we now eliminate the fusion research program and renege on our international collaboration in the energy community? Obviously, we cannot; it would be terribly shortsighted.

The United States has not built a fusion test reactor in over 10 years. TPX will be unique among world fusion programs as the first alternative to the current generation of pulsed Tokamaks. TPX will be the first Tokamak in the world to operate continuously. This is the path to commercialization for fusion and the right choice for our country.

America cannot afford to be left behind. I urge my colleagues to reject the Swett amendment to delete $67 million in funding for the TPX.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, I rise in opposition to the Swett amendment.

Mr. Chairman, I rise today to express my strong opposition to the Swett amendment to H.R. 4506 and my support for the water resources and energy projects included in the fiscal year 1995 energy and water development appropriations bill. While I commend the gentleman from New Hampshire for his concern to reduce the size of our bloated Federal deficit, cutting fusion research at this critical juncture would be pennywise and pound foolish.

As I am sure my colleagues will recall, the world's record in fusion power production was set last December at the Princeton Plasma Physics Laboratory in my home State of New Jersey. The U.S. fusion program made scientific history when the Princeton Tokamak reactor produced more than 6 million watts of fusion power. For a few brief seconds, Lawrenceville, NJ, the site of the lab, was the hottest place in the solar system, even hotter than the core of the Sun. Only last month, this astounding record was surpassed by 50 percent when over 9 million watts of fusion power were generated.

By using for the first time a fuel mixture likely to be used in a commercial powerplant, these experiments are moving the Nation closer to practical fusion power. Continued research is crucial if we are ever to realize the full potential of fusion energy.

Mr. Chairman, New Jersey is the home to many great scientific firsts that have changed the world. They have included: the light bulb, the movie camera and projector, the transistor, the phonograph, the air-conditioner, and the solar photovoltaic cell, to name but a few. With the support of Congress, practical commercial fusion energy will someday be added to that list. I urge my colleagues to support fusion energy research by voting "no" on the Swett amendment.

Mr. Chairman, I also want to bring to my colleagues' attention my strong support for the Green Brook flood control project, which was included in H.R. 4506. This project was authorized by Congress under the Water Resources Development Act of 1986—Public Law 99–662, section 401. During the past 9 fiscal years, Congress has appropriated over $16 million for this project. In fiscal year 1986, Congress appropriated $484,000; in fiscal year 1987, $1.37 million; fiscal year 1988, $1.4 million; fiscal year 1989, $1.5 million; fiscal year 1990, $1.2 million; fiscal year 1991, $2 million; fiscal year 1992, $3.169 million; fiscal year 1993, $3.5 million; and fiscal year 1994, $2.8 million. For fiscal year 1995, I respectfully requested that the House Energy and Water Development Appropriations Subcommittee provide $2 million to continue the following tasks: preconstruction engineering and design—including hydraulic and hydrologic analysis; environmental investigations and data collection; topographic mapping; and layout of levee alignments. I am pleased that the Subcommittee has fully funded my request.

This project also has the support of the administration, which included $2 million in his fiscal year 1995 budget for this project. This represented the first time in 3 years this project was included in the President's budget. Furthermore, I was pleased to broker an agreement between the Green Brook Flood Control Commission and the Army Corps that affected this project. This agreement roughly stipulated that the upper portion of the project would be put on hold and work would be concentrated on the lower basin. In consideration for downsizing this project, the corps agreed to recommend this project for the fiscal year 1995 Clinton budget.

I would also like to take this opportunity to admonish the New York district of the Army Corps of Engineers for the slow pace of this project. Every year, we in Congress have done our part to provide the funding for this needed project, yet fruition of this project is still years away. I am growing increasing impatient with the lack of urgency accorded this project by the corps, and I am hopeful that corrective action, such as transferring this project to the Philadelphia district, will not be necessary.

Finally, Mr. Chairman, although I am a supporter of this legislation, I was disappointed the restoration of the Robinson's Branch Reservoir Dam in Clark, NJ, was not included in this bill.

Robinson's Branch Reservoir is a small body of water in my congressional district that provides inland freshwater marsh, lake, and associated woodland habitat for an already documented 86 species of resident and migratory birds. The reservoir is a shallow tributary of the Rahway River, which feeds from the surrounding towns of Woodbridge and North Edison. Unfortunately, this 151-acre tract of land is maintained by a 95-year-old dam that does not meet the revised requirements of the Federal Dam Safety Act of 1976 regarding its ability to safely pass an anticipated worst-case-scenario flood flow.

At this time, the dam has been designated a high hazard by the Army Corps of Engineers and, if it failed, there would be a potential for loss of life downstream in the case of a storm of extreme magnitude, according to the New Jersey Department of Environmental Protection and Energy's Dam Safety Section. The dam does not have the spillway capacity to handle 20 inches of rainfall in 10 hours, as mandated by regulations pursuant to the act.

It would cost an estimated $1.5 million for the necessary improvements in order for this dam to comply with the act. To decommission the dam, the costs would exceed $2.6 million. Clearly, it is more cost-efficient and environmentally sound to upgrade this structure than to decommission the 95-year-old dam.

While the Robinson's Branch Reservoir and dam is currently owned by the Middlesex Water Co., its chairman of the board and president, J. Richard Tompkins, has stated his intension to deed property to the township of Clark for $1 should Federal funding be secured for the upgrade. The future maintenance of this dam and surrounding park land would be the responsibility of the township of Clark.

It is my understanding that the subcommittee did not reject this project on its merits, but rather because of a lack of authorization. As a member of the House Public Works and Transportation Committee, I may offer an amendment to the Water Resources Development Act of 1994 to authorize funding for this project, if the committee considers that legislation this year. I am hopeful that should Congress authorize this project, funding will be available for it next year.

Mr. Chairman, these projects, and the others included in H.R. 4506 are vital to our Nation. For that reason, I urge my colleagues to support H.R. 4506 and oppose any weakening amendments.

Mr. GALLO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong opposition to the amendment. I want to cut spending, wasteful spending, just as much as anyone in this House. However, we also have to invest in our future.

The Tokamak fusing project offers the best hope for the Nation and the world to provide an abundant, clean source of energy and rid us of dependence upon foreign oil. Tokamak has met every milestone, both financial and timewise, that it has established.

When we talk about costs, remember those rising oil prices during Operation Desert Storm? The total cost to our Nation's economy from Desert Storm alone by those rising oil prices exceeded the entire cost of the Tokamak project.

Do Members want American jobs in the 21st century? We have to be the leaders in world technology in the most vital area of the worlds' economy, and that is energy. Tokamak gives us the opportunity to do that.

Mr. GALLO. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in opposition to the Swett amendment.

The United States requires a national energy strategy which emphasizes our need for greater energy independence. Implementation of such a strategy will decrease U.S. demand for oil while increasing development of our domestic energy sources.

For this reason, I do not support the amendment offered by Congressmen SWETT. This amendment would strike funding for the Tokamak physics experiment, commonly known as TPX. This device is vital for the continued exploration of advanced, superconducting fusion technology.

Fusion energy is one of the long-term energy options for the future. The fuel for this energy source is water. This means that it is an inexhaustible resource which is safer and cleaner to produce than any of the energy resources we currently possess.

One of the leading developers of this technology, general atomics is located in southern California. Loss of this program would mean the end of the road for the evolution of TPX technology and would mean the loss of jobs for people in my district who are dedicated to exploring this vital energy resource.

The United States is a leader in the production of fusion technology. The successful production of fusion devices known as Tokamaks has allowed this country to produce more fusion energy than any other country in the world. The TPX Program represents a first step toward the commercial development of this most vital energy resource.

I urge my colleagues to consider the impact this technology will have for this country's economic prospects and long-term prosperity. Our continued preeminence in the world arena is bolstered by greater energy independence and technological prominence. I urge defeat of this amendment.

Mr. GALLO. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Hampshire [Mr. SWETT].

Fusion energy is one of the very few long-term energy options we have. In the next 30 years, the population of the world is expected to increase from 5 billion people in 1993 to over 9 billion people. World energy needs will triple. In order to meet those needs without inviting an environmental catastrophe by overusing fossil fuels, we must find a clean mix of energy sources—including solar, renewables, and fusion energy.

Fusion power may be the most challenging and ambitious scientific endeavor we have ever undertaken. It is also, potentially, one of the most important. If we can achieve the ability to produce energy from the clean and abundant fuels used in fusion reactors, we will take a significant step to assure our national environmental and energy security.

Some of my colleagues who support this amendment oppose Tokamak technology as the main vehicle for fusion research. They think our fusion program should be more diversified. Over the past 40 years, however, there has been a vigorous scientific competition within international fusion programs to develop the most cost-effective methodology to harness fusion energy. The Tokamak concept has proven to be the most effective confinement system and all major fusion programs around the world are investing in Tokamaks as the primary vehicle to develop fusion power. I believe it would be a mistake for Congress to reject such an international scientific consensus.

Fusion research is a highlight of large international scientific cooperative programs. For instance, the international thermonuclear experimental reactor [ITER]—one target of this amendment—is a multilateral fusion research program in which the United States is collaborating and sharing costs with the European Community, Japan, and the Russian Federation, the model we want to follow. ITER engineering design activities was signed by the four parties. This protocol allows the project to proceed with completion of design activities. It is essential that the United States be considered as a reliable partner in projects such as this. Passage of this amendment could jeopardize our participation in the ITER project. The Tokamak physics experiment [TPX] is an important complement to this international collaboration and will place U.S. industry in a competitive position to bid on ITER and build fusion powerplants in the future.

It is our responsibility to provide future generations with a fusion energy option. I urge my colleagues to vote against the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, as one of the two scientists in the Congress, I rise in strong opposition to the amendment offered by my distinguished colleague, the gentleman from New Hampshire [Mr. SWETT], which would do great harm to a very important scientific and national security interest program.

Mr. GALLO. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, during the energy crisis of the 1970's and the Persian Gulf war of the 1980's there was not a Member of this House who did not stand in this well and vow to change America's future, to answer our dependencies with science and with research. That will not be done with words, Mr. Chairman. Our future will be secured with science.

Mr. Chairman, this vote is about that confidence, that American willingness to take risks, and yes, even if the rewards are not for the next generation, even if they are a generation away, to care enough about this future of this country to make that investment. That is the choice before this House.

Mr. GALLO. Mr. Chairman, to close out debate on this issue, I yield 30 seconds to the gentleman from Alabama [Mr. BEVILL], the distinguished chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment, and I urge that we vote it down.

For the long term, the Nation needs to diversify energy sources. Fusion energy plays an important role in the Nation's long-term energy strategy and needs to be strongly supported.

The Tokamak physics experiment [TPX], which will be located at Princeton University, will be the focal point for the domestic fusion research program to make major improvements over today's designs.

The purpose of TPX is to develop the scientific basis for an economical, more compact, and continuously operating fusion design needed for the next step to develop a fusion demonstration power plant.

TPX's mission is complementary to that of the international thermonuclear experimental reactor [EATER] project which is part of an international effort of the United States, Europe, Japan, and Russia aimed at producing over 1 billion watts of power and the testing of fusion components.

I urge a "no" vote on the amendment.

Mr. MINETA. Mr. Chairman, I rise today in opposition to the amendment being offered by my colleague from New Hampshire.

Mr. Chairman, one of the most pressing problems our Nation will face in the next century is the need for adequate supplies of energy.

As our demand for energy continues to increase, the finite supplies we depend on continue to decrease. Unless we begin to develop alternative sources of energy now, we cannot expect to have adequate supplies in the future.

For this reason, it is essential that we continue the development of renewable sources of energy such as solar and wind.

It is equally important that we pursue the development of fusion energy. Fusion holds the potential for an inexhaustible, clean-burning source of energy that will help meet our demand in the 21st century.

While we all must be concerned about cutting the deficit and getting the most for our money, it does not make any sense to be pennywise and pound-foolish.

The Tokamak physics experiment is an essential step in the development of fusion energy, and it is an investment we must be willing to make.

I urge my colleagues to defeat the Swett amendment.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from New Hampshire [Mr. SWETT].

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; purchase of passenger motor vehicles (not to exceed 11 for replacement only), $73,210,000, to remain available until expended: *Provided*, That revenues received by the Department for residual uranium enrichment activities and estimated to total $9,900,000 in fiscal year 1995, shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1995 so as to result in a final fiscal year 1995 appropriation estimated at not more than $63,310,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $301,327,000 to be derived from the fund, to remain available until expended.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), $989,031,000, to remain available until expended: *Provided*, That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract.

NUCLEAR WASTE DISPOSAL FUND

For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $304,800,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $6,000,000 may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That of the amount herein appropriated, not more than $8,500,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For Department of Energy expenses for isotope production and distribution activities, $11,600,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 104, of which 103 are for replacement only, including 22 police-type vehicles), $3,164,369,000 to remain available until expended, of which

$20,765,000 shall be available only for program activities at the University of Rochester, Rochester, New York; and $8,750,000 shall be available only for program activities at the Naval Research Laboratory, Washington, District of Columbia.

Defense Environmental Restoration and Waste Management

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 87 of which 67 are for replacement only including 6 police-type vehicles), $5,128,211,000, to remain available until expended: *Provided*, That funds previously made available under this head in the Energy and Water Development Appropriations Act, 1992, to assist the State of New Mexico and affected local governments in mitigating the impacts of the Waste Isolation Pilot Plant are available for any authorized purposes under this head.

Materials Support and Other Defense Programs

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,879,204,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $129,430,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $407,312,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $161,490,000 in fiscal year 1995 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1995 so as to result in a final fiscal year 1995 appropriation estimated at not more than $245,822,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,465,000, to remain available until expended.

Power Marketing Administrations

Operation and Maintenance, Alaska Power Administration

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $6,494,000, to remain available until expended.

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the purchase, operation and maintenance of two rotary-wing aircraft for replacement only, and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1995, no new direct loan obligations may be made.

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $485,000.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $22,431,000, to remain available until expended.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $21,316,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $3,935,000 in reimbursements, to remain available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $224,085,000, to remain available until expended, of which $202,512,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, within available funds, $5,135,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,472,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

Federal Energy Regulatory Commission

Salaries and Expenses

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $166,173,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $166,173,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1995, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $187,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Salaries and Expenses

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $17,933,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

Salaries and Expenses

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $343,000.

Contribution to Delaware River Basin Commission

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $478,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

Contribution to Interstate Commission on the Potomac River Basin

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91–407), $511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $540,501,000, to remain available until expended, of which $22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $518,501,000 in fiscal year 1995 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1995 appropriation estimated at not more than $22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,080,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1995 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,664,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended by Public Law 102–486, section 802, $1,000,000 to be derived from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $288,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $136,856,000, to remain available until expended.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 34, line 14, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 34, after line 14, insert the following new title:

TITLE V—GENERAL PROVISIONS

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 501. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, we have no objection to the amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the author has discussed this amendment with the Republicans, and we have no objection.

Mr. TRAFICANT. Mr. Chairman, I thank the committee. We have a fine bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, some months ago when the House ran into terrible tragedies in the Midwest with the flooding and with earthquakes in Los Angeles, we came to the point that the only way we could handle these matters was by passing emergency supplementals, which meant, of course, add-on spending.

At that point, a number of us felt that the House ought to prepare itself better for those kinds of contingencies by setting aside money as part of the regular appropriations process, and thereby assuring that money was consistently available when emergencies arose.

Mr. Chairman, I have an amendment that I would like to offer later on, that would be subject to a motion to rise, that essentially gets us to that point. What my amendment would do is set aside 1 percent of this bill, and then my hope would be to offer it on other appropriations as well, to set aside 1 percent of the appropriations to be used for emergencies, should emergencies arise.

If the emergency did not take place, the money would remain available to be committed by those agencies. However, once we got to an emergency under this approach, the President would have the ability to reach into these accounts and get the money that is needed to meet the emergency needs.

Mr. Chairman, it seems to me that that is planning much more in the way that families plan, that they set aside some rainy day funds in case there is something that happens which is bad.

Mr. Chairman, this House should move in that direction as well. What I would like to see is us move to do that kind of thing. As I say, Mr. Chairman, under this amendment it would be subject to a motion to rise, so I will have to be cognizant of the will of the House on that particular matter, but I am hopeful that the House will at some point look toward this as a way of dealing with this whole problem of national emergencies in a way that does not force us to constantly come up with supplemental appropriations in emergency circumstances.

□ 1610

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I think we all certainly concur and agree that something has to be done. This frequency of national disasters is happening rather regularly now. We have always come through, but it comes out of the hide of the American taxpayers every time because we are never prepared for it. We always go off budget in emergencies. We are not opposed to helping people. We have discussed this in the past. Something has to be done.

Mr. Chairman, I would point out two things: First, I understand the Speaker is appointing, if he has not already, a task force to study this issue. Something like this has to be done, but it possibly ought to be done through budget resolution rather than through each appropriations bill, would be a more reasonable place. Everyone would agree, but I think this is probably not the right vehicle.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WALKER. Mr. Chairman, I appreciate the gentleman's statement. There are a number of ways of addressing this. The budget resolution would be another one. The fact is each year, we fail to take the action and then we are faced with emergency supplementals. As the gentleman well knows, the problem with the emergency supplementals is they have gotten to the point where we not only spend the money for the emergency but then we do some add-on kind of things that have absolutely nothing to do with the emergencies. I have not forgotten last year when we had the Midwest flood money up here and we added on a section to pay people for good grooming in Los Angeles. We cannot do this kind of thing over a long period of time without it having a very detrimental impact. This would be a far better way to go, I think, for the country as a whole to set aside the money in advance for emergencies that we know are probably going to arise.

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will continue to yield, each time we bring up the issue, yes, we want to help, but let us pay for it. Let us offset spending someplace else just as the gentleman and I have to do or every other business has to do when emergencies come up.

We are constantly here saying, "Yes, we agree, but not now, sometime later." I completely agree, I think most of us do agree, we need to do something, but the vehicle, there ought to be a study, hopefully the Speaker has appointed that task force.

Mr. WALKER. Mr. Chairman, the gentleman is right.

That would be the far better way to do it. Otherwise we have to do it on each appropriation bill. If we did it as part of the budget resolution, that would be the best way to handle the matter. Until we get to that point, we may have to look at this kind of mechanism.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 1995."

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 29, not voting 12, as follows:

[Roll No. 235]

YEAS—393

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston

Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—29

Allard
Armey
Boehner
Coble
Collins (GA)
Crane
Crapo
Dreier
Duncan
Fawell
Grams
Hancock
Inglis
Jacobs
Klug
Knollenberg
McCollum
Miller (FL)
Minge
Paxon
Petri
Ramstad
Roth
Sensenbrenner
Shays
Smith (MI)
Solomon
Stump
Zeliff

NOT VOTING—12

Collins (IL)
Conyers
Danner
McHugh
Murtha
Reynolds
Royce
Slattery
Sundquist
Washington
Waters
Wheat

☐ 1634

The Clerk announced the following pair:

On this vote:

Mr. Slattery for, with Mr. McHugh against.

Mr. MILLER of Florida changed his vote from "yea" to "nay."

Mr. UPTON and Mr. FIELDS of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McHUGH. Mr. Speaker, after 3:30 p.m. today, it will be necessary for me to attend and testify at an official public meeting conducted by the U.S. Air Force in Plattsburgh, NY, relative to the closing of Plattsburgh Air Force Base.

If I were present and voting, I would vote as follows: "No" on final passage of H.R. 4506, Energy and Water Development appropriations for fiscal year 1995.

☐ 1640

FLAG DAY, JUNE 14, 1994

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, today, the 14th of June, 1994, is Flag Day, as well as the 180th anniversary of the "Star Spangled Banner," and the 15th anniversary of the "Pause for the Pledge."

At 7 p.m., by a Joint Resolution of the Congress, all Americans should pause to pledge allegiance to the flag. It is an act of patriotism, started in Maryland and supported by the Congress which encourages all Americans to think of what that "Star Spangled Banner" has meant to generations of Americans.

There is a long history of Maryland's proprietary interest in the stars and stripes—Mary Pickersgill's needlework gave us the flag that flew over Ft. McHenry. The very flag that inspired Francis Scott Key to write of it still gleaming in the dawn's early light. The flag which is still on display at the Smithsonian. Barbara Fritchie's heroic stance—protecting the flag from Southern troops at Frederick during the Civil War—was recorded for posterity by John Greenleaf Whittier.

It is an ancient tradition to celebrate a nation with a standard. Prehistoric excavations have documented the display of banners in the earliest of civilizations, identifying their country, hearalding their sovereignty.

The flag which we salute today came into being in 1818, when President Monroe designated 13 stripes, one for each of the original colonies—instead of the 15 shown in the Ft. McHenry flag—assigning one star for each State—allowing for new States to be recognized as they entered the Union.

The name "Old Glory" began to be spread when a mother stitched together a flag for her son, a ship's captain named William Driver. When he raised it above his first command, he told his sailors, "This is Old Glory, boys."

So Old Glory sailed the world until Captain Driver retired in the late 1850's to his hometown of Nashville, TN. When the Civil War broke out, the captain sewed Old Glory up in his mattress cover to protect it from being seized by Confederate troops.

Toward the end of the war, when the Union Army broke through to liberate the city, Captain Driver took the flag out and flew it over his house to welcome the Army. The Union soldiers were so excited at seeing one of their flags, they took up the cry that it's Old Glory and spread the story of the flag and its name across the country as they returned home after the victory.

To every citizen of this country, the flag has a unique meaning. In 1992, the former Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, spoke about the meaning it had to him—as a soldier. He suggested it "captures the soul of a nation and its people."

That it absorbs "the blood of patriots into its crimson stripes."

But, when carried into battle, when flown over the Capitol of the United States or over any public building, it is a sign of the sovereignty of this Nation. Of the power of the American people over their own destiny.

It carries the hope of freedom to all of the oppressed in the world. I have been told by refugees—from behind the old Iron Curtain—of how, when they finally reached the refuge of an American Embassy, looking up at the Stars and Stripes, they fell to their knees—thanking God for all it represented to them.

We must never forget what this wonderful banner means to the image of freedom around the world. It represents the land of the brave and the free to millions of the oppressed.

In the current times it is a real worry to me that this flag and what it represents is threatened by preemption by the flag of the United Nations. That our men and women should serve under a flag other than their own—leaders other than their own—representing nations other than their own should not be happening by a mere expansion of actions taken during the Gulf war.

As we pause for the pledge tonight—let us each and every one think deeply—about what these actions will mean to this Nation and to this flag in the future. The passing of this power should not be made lightly—and the preeminence of the stars and stripes above our troops and their commanders should not be given up.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 446

Mr. McKEON. Madam Speaker, I ask unanimous consent that the name of the gentleman from Ohio [Mr. HALL] be removed as a cosponsor of House Resolution 446. His name was erroneously added to the list of cosponsors submitted on June 8, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

INSURANCE REFORM AND UNIVERSAL COVERAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Washington [Mr. McDERMOTT] is recognized for 30 minutes as the designee of the majority leader.

Mr. McDERMOTT. Madam Speaker, as you know, I have made an effort to talk to my colleagues almost every week about key issues in health care reform and to explain how these issues will affect the American people directly—in plain terms that everyone can understand.

I have spoken previously on why every American needs universal health insurance, not just the uninsured. And I have spoken on why system-wide managed care is the wrong approach to health care reform. I will speak on both of those issues again.

Tonight I want to talk about a proposed compromise in health care reform that is being widely discussed in the media—because I believe that the American people are being very much misled on the workability of this compromise.

This compromise is like the emperor's new clothes. There are a lot of people admiring the silk, but in reality, there is nothing there.

I am talking about the idea of just doing, quote, "insurance reform" and dealing with universal coverage later.

Well, there is one problem with that. Insurance reform only works if you have universal coverage guaranteed. If you do insurance reform without universal coverage, the result is that the price of insurance premiums go up, period. Employers stop offering insurance because the price is too high, and people lose insurance rather than gaining it.

This is not just theory. It has happened in the real world. In New York State, in an attempt to improve access to coverage by the middle class employed, instituted community rating and eliminated the preexisting condition exclusion. In other words, it became illegal to exclude people from insurance if they already had a physical problem or illness. But New York did not require universal coverage.

And what was the result? Insurance premium prices escalated, employers dropped insurance, and after the insurance reform, they have more uninsured people in New York than they did before insurance reform.

Why? Because all the young healthy people left the insurance pools when community rating came in. This made the insurance pools even more expensive, causing a death spiral of higher premiums, people unable to afford insurance unless they know they will use it, and ever-worsening insurance pools which in turn become more expensive.

The only way to prevent this is to do universal coverage first or simultaneously with insurance reform. Then the insurance pools stay mainly healthy and insurance premiums have at least some possibly of becoming affordable.

Insurance reform without universal coverage is a sham! It will give Americans the illusion that we have done something for them on health care reform, when in fact we will have made matters worse.

What could be worse than enacting reform that will cause people to lose their health insurance coverage? And that's exactly what insurance reform without universal coverage will do. Mr. Speaker, I urge my colleagues to reject out of hand such proposals. The American people will figure this out in a very short amount of time and they will come looking—with great justification—for the culprits who did it.

There is another concept being floated as a potential compromise that is equally ludicrous. In fact, I saw the distinguished Senate minority leader, Mr. DOLE, advocating this in a television commercial on health care reform.

And that is the notion of giving Americans, quote, "portability" without universal coverage. Now, I've been working on health care reform for 30 years and I cannot for the life of me figure out what portability without universal coverage is.

Portability means that you can take your health insurance with you wherever you go no matter how your employment or personal situation changes.

How can you do that if there is no universal coverage? What is the vehicle, the mechanism of portability? What are they saying? That if you lose your job or move, they'll let you buy your own insurance at full price in the individual market? Most Americans have the right to do that now. They don't need a new law to do that. The reason they don't do it is because they can't afford to do it.

You don't have portability if you leave a job that has insurance and your next employer doesn't offer it.

You don't have portability if you get divorced and are no longer on your spouse's insurance policy and have to pay for insurance yourself.

You don't have portability if your spouse dies.

You don't have portability if you move or change jobs or lose a spouse that carried insurance when family health policies today cost $5,000 to $6,000 a year.

If you don't have a system that guarantees you coverage and a way to pay for it, you don't have portability, period.

Now, it's time to stop throwing words at the American people and pretending that words are solutions.

The American people are not fools and they know that some shortcuts are more trouble than they are worth. We can't take shortcuts on health care reform.

We can't take shortcuts—not because it would be immoral or inhumane or undemocratic. We can't take shortcuts because they simply won't work. We must have universal coverage because you can't get insurance reform or portability or cost-containment without it. Health care reform without universal coverage simply is not worth doing. In fact, it will probably make matters worse.

Madam Speaker, I am concerned that we are conveying the impression that health care reform is just too hard to do. This is unworthy of the American people.

When we look around the world and the events of the last few years, we see historical developments of almost biblical proportions. The Berlin wall has come down and Russia is a struggling democracy.

Unbelievably, South Africa has ended apartheid and has completed its first nationwide democratic election.

Our fellow industrialized countries are climbing—and scaling—the Mount Everests of political challenges. Compared to the challenges these nations have embraced, the difficulty of reforming our health care system so that we can finally get everyone into the system is so small. It is not Mount Everest. It is not even a hill.

We are the greatest Nation in the history of the world. We are the richest and we are the most democratic.

To say that we cannot do something as relatively simple as get all our citizens in the largest health care system in the world in less time than it took for de Klerk to end apartheid or Gorbachev to bring down the Berlin wall is unworthy of the American people.

Since when are the American people so weak or so small that we cannot meet our own challenges?

We have witnessed ordinary people around the world in the transformations of recent years and weeks rise to the stature of giants. The American people are every bit their match and we should never concede otherwise.

Universal coverage is the house of health care reform. We all know that it is better to own your own home than to rent an apartment. But what usually keeps people from buying their own homes? The downpayment.

We have to come up with a downpayment—the way to get into the house—or, as a nation, we will just have to keep on renting this inadequate and over-priced apartment.

An apartment that is too small, that doesn't suit our needs, that drains our resources and keeps us from ever being able to afford the house.

So how do we get into the house? There is no question that the cheapest, the quickest, the most efficient way to get into the health care house is through single-payer reform.

This is the way every other country in the industrialized world got into the house, and they are living there much more comfortably than we are in our poor apartment.

Single-payer is the way to absolutely guarantee 100 percent universal coverage within 1 year. Even Senator DURENBERGER, who is not a single-payer supporter, acknowledged that only single-payer could achieve full universal coverage with every "i" dotted and every "t" crossed.

Only single-payer guarantees unrestricted free choice of provider and eliminates insurance company interference in the physician-patient relationship. Only single-payer guarantees that you can have a lifetime relationship with your doctor if that is your choice.

Only single-payer provides complete benefits including preventive care, all outpatient and hospital services, prescription drugs, children's dental care, mental health services, and comprehensive long-term care. It takes care of the coverage part of universal coverage.

How is single-payer able to do all this? Very simply.

If Americans paid their health insurance premiums to a single national health security fund instead of to all their different insurance companies, and then that single national fund reimbursed health care providers directly for their services the way insurance companies do now, we would save enough money on insurance administration to pay for universal coverage and comprehensive benefits for all Americans.

With single-payer, we get to universal coverage immediately. So don't let anyone tell you we have to phase it in over 5 years, or to the end of the century, or beyond.

We don't need to wait that long. And remember, every year we postpone it, we lose money because we can't control costs. Every year it will cost more to fix the problem. Every year more people will lose their insurance and we will all have more to worry about.

And every year universal coverage is delayed, the chances are greater that something will intervene in Congress to just keep on pushing it back. We will simply lose it.

We can have universal coverage by 1997, and the American people should settle for no less.

I urge all of you who want the guarantee of universal coverage for yourselves and for your families to insist on universal coverage by 1997 so that we can finally move into the house that will give us security for the future.

□ 1700

THE BIBLE

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Madam Speaker, I do not want to be too satirical or sarcastic here, because my intent is serious. But just for the sake of capturing your attention and the attention of the 1,200,000 or 1,300,000 good caring Americans who follow the proceedings of this House electronically or those who go to their public libraries a week hence and look at the written transcript of these proceedings, I am tempted to be mirthful at the beginning and point out that I have come across a shocking example of the violation of the wall of separation between church and state, something that is so horribly politically incorrect that I called it to the attention of my colleagues and all of the distinguished men and women of the other body, the U.S. Senate.

Madam Speaker, our tax dollars have been spent to create a religious book, a religious bible of Christians, not even the Old Testament, but just the New Testament, the written words of Matthew, Mark, Luke and that fourth one, the youngest one who had the effrontery to show up at the crucifixion of his Lord and leader, Jesus Christ. This is a tiny New Testament, and it was put in my hand in the American cemetery on the bluff above Omaha Beach at the Colleville-sur-Mer, that unbelievably tranquil spot of American soil 172 acres given to us forever by the government and grateful invasion of France.

This little Bible says on its cover, with the beautiful golden emblem of the patch that General Eisenhower had designed in early 1944 for the SHAEF headquarters, the Supreme Headquarters of the Allied Expeditionary Force to liberate Europe from the Nazi jackboots of Adolf Hitler, it says that this New Testament is a commemorative edition for the Normandy invasion 50th anniversary.

I looked at this and realized that this was taxpayer money going for this Christian endeavor. I looked at the back page. It said, "Everything in the scriptures is God's word." Second Timothy, 3:16.

And then I opened it up and was I ever shocked at the political incorrectness of President Franklin Delano Roosevelt, because I realized that this commemorative edition was a perfect replica of the 1941 edition. And there is a letter from the Chief Executive, the White House, Washington, dated January 15, 1941, that is only 5 days into FDR's third term, the only President to ever run for or get elected to a third term, the first President sworn in on January 20, because his first two terms, as it had been all the way back to our second President, Presidents were sworn in on March 4. This Congress moved it because the delay was too great between the election date and the inauguration so they moved it up to January 20, 1941.

Five days later, the draft had only been in existence for 2 years, passed by one vote, one vote in this Chamber. That one vote also encouraged the Japanese to attack Pearl Harbor at the end of 1941.

So here is Roosevelt, writing to every single young member of the armed services before we were in the war 10 months later. Listen to what he says. This is shocking, Madam Speaker.

"To the Armed Forces:

"As Commander-In-Chief I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries men of many faiths"—he forgot to say women—"men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul.

"Very sincerely yours, Franklin Delano Roosevelt."

Of course, Madam Speaker, I love this, I will be doing this on Cal Thomas' show tonight nationwide on CNBC. What have we lost in the heritage of our country?

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–546) on the resolution (H. Res. 454) waiving certain points of order against the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. ROYCE (at the request of Mr. MICHEL), for today, on account of illness.

Mr. MCHUGH (at the request of Mr. MICHEL), after 3:30 p.m. today, on account of his participation in a public hearing on the planned closing of the Plattsburgh Air Force Base.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TALENT) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes each day, on June 15, 16, and 17.

Mrs. BENTLEY, for 5 minutes, today.

(The following Member (at the request of Mr. MCDERMOTT) to revise and extend his remarks and include extraneous material:)

Mr. HUTTO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TALENT) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. HASTERT.
Mr. GUNDERSON.
Mr. DORNAN.
Mr. HORN in three instances.
Mr. TAYLOR of North Carolina.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. MONTGOMERY.
Mr. POSHARD.
Mr. COPPERSMITH.
Mr. KLEIN.
Mr. FINGERHUT.
Mr. TRAFICANT.
Mr. NEAL of Massachusetts in two instances.
Mr. SWIFT.
Mr. SERRANO.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. ROBERTS.
Mr. SOLOMON.
Mr. SWETT.
Mr. FRANKS of New Jersey.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians; to the Committee on Natural Resources.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.) the House adjourned until Wednesday, June 15, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3366. A letter from the Secretary of Health and Human Services, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of Health and Human Services, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3367. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1994, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–272); to the Committee on Appropriations and ordered to be printed.

3368. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's Defense Manpower Requirements Report for fiscal year 1995, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on Armed Services.

3369. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of the District of Columbia Public Schools' Central Investment Fund [CIF]—An Off Budget Discretionary Revenue and Spending," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3370. A letter from the Secretary of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3371. A letter from the Secretary of Education, transmitting notice of Final Funding Priorities—Knowledge Dissemination and Utilization Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3372. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 94–19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3373. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1994, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

3374. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Brian J. Donnelly, of Massachusetts, to be Ambassador to Trinidad and Tobago, also by Clay Constantinou, of New York, to be Ambassador to Luxembourg, and Elizabeth Frawley Bagley, of the District of Columbia, to be Ambassador to the Republic of Portugal, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3375. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled, "Federal Employee Mileage Reimbursement Act of 1994"; to the Committee on Government Operations.

3376. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's views on H.R. 518, the "California Desert Protection Act of 1994" as reported by the Committee on Natural Resources; to the Committee on Natural Resources.

3377. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, "Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act"; to the Committee on Natural Resources.

3378. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, "Rail-Highway Grade Crossing Safety Act of 1994"; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3379. A letter from the Chairman, United States Securities and Exchange Commission, transmitting a draft of proposed legislation entitled, "Securities and Exchange Commission Authorization Act of 1994," pursuant to 31 U.S.C. 1110; jointly to the Committees on Energy and Commerce and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. House Resolution 454. Resolution waiving certain points of order against the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–546). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2680. A bill to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions, with an amendment; referred to the Committee on Government Operations for a period ending not later than August 12, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X (Rept. 103–547, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. GUNDERSON (for himself and M. PETRI):

H.R. 4575. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. TRAFICANT:

H.R. 4576. A bill to designate the Federal building located at the northeast corner of the intersection of 14th Street and Independence Avenue, SW., in Washington, DC, as the "Jamie L. Whitten Federal Building"; to the Committee on Public Works and Transportation.

By Mr. TRAFICANT:

H.R. 4577. A bill to designate the Federal building and United States courthouse located at 242 East Main Street in Bowling Green, KY, as the "William H. Natcher Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mrs. Roukema, Mr. Frank of Massachusetts, and Mr. Kennedy):

H.R. 4578. A bill to amend the Stewart B. McKinney Homeless Assistance Act to revise and extend programs providing urgently needed assistance for the homeless, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

By Mrs. CLAYTON (for herself, Mr. Clyburn, and Mr. Thompson):

H.R. 4579. A bill to amend Title V of the Housing Act of 1949 to make necessary reforms to the Section 515 Rural Housing program; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Ms. KAPTUR:

H.R. 4580. A bill to establish the Geno Baroni Commission on Neighborhoods and provide for a White House Conference on Neighborhoods, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

425. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to Pease Air Force Base; to the Committee on Armed Services.

426. Also, memorial of the House of Representatives of the State of New Hampshire, relative to the Federal Mandates Relief Act of 1993; to the Committee on Government Operations.

427. Also, memorial of the House of Representatives of the State of New Hampshire, relative to campaign spending and unalterable records of proceedings; to the Committee on House Administration.

428. Also, memorial of the House of Representatives of the State of New Hampshire, relative to urging the President and the Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States of America; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Mann, Mr. Saxton, and Mr. Glickman.

H.R. 163: Mr. Shays.

H.R. 173: Mr. Shays.

H.R. 300: Mr. Huffington.

H.R. 425: Mr. Orton.

H.R. 427: Mr. Orton.

H.R. 494: Mr. Sundquist.

H.R. 500: Mr. DeFazio, Mr. Evans, and Mr. Bonior.

H.R. 830: Mr. Bilirakis.

H.R. 1164: Mr. Kleczka, Mr. Hinchey, and Mr. Glickman.

H.R. 1192: Mr. Shays.

H.R. 1322: Mr. Martinez and Mr. Dellums.

H.R. 1483: Mr. Shays.

H.R. 1671: Mrs. Schroeder, Mr. Brewster, Mr. Cardin, and Mr. Bacchus of Florida.

H.R. 1897: Mr. Mollohan.

H.R. 1910: Mr. Huffington.

H.R. 2145: Mr. Berman, Mr. Calvert, Mr. Brown of California, Mr. Doolittle, and Mr. Murtha.

H.R. 2292: Mr. Sabo.

H.R. 2648: Mr. Dellums and Mr. Hamburg.

H.R. 2837: Mr. Fingerhut.

H.R. 2898: Mr. Becerra.

H.R. 2929: Mr. Mann.

H.R. 2985: Mrs. Schroeder.

H.R. 3075: Mr. Mineta.

H.R. 3128: Mr. Johnston of Florida.

H.R. 3269: Mr. Goss and Mr. Rangel.

H.R. 3271: Mr. Knollenberg.

H.R. 3630: Mr. Darden and Mr. Gunderson.

H.R. 3646: Mr. Oxley, Mr. Parker, Mrs. Mink of Hawaii, Mr. Everett, Mr. Michel, and Mr. Ewing.

H.R. 3927: Mr. Kopetski.

H.R. 4051: Mr. Evans.

H.R. 4091: Mr. Sharp, Mr. Hinchey, Mrs. Collins of Illinois, and Ms. Eshoo.

H.R. 4106: Mr. Hilliard.

H.R. 4189: Mr. Petri.

H.R. 4213: Mr. Hinchey.

H.R. 4350: Mr. Hancock.

H.R. 4371: Mr. Ravenel and Mr. Cunningham.

H.R. 4386: Mr. Gordon, Mr. Skelton, Mr. Walsh, Mr. Rahall, Mrs. Meek of Florida, Mr. Boehlert, Mr. Callahan, Mr. Myers of Indiana, Mr. McCurdy, and Mr. Orton.

H.R. 4393: Mr. Towns, and Mr. Frost.

H.R. 4399: Mr. Bonior, Mr. Holden, Mr. Borski, Mr. Blackwell, and Mr. Foglietta.

H.R. 4400: Mr. Brown of California.

H.R. 4404: Mr. Washington, Mrs. Morella, Mr. Quinn, and Mr. McKeon.

H.R. 4441: Mr. Kasich and Mr. Oxley.

H.R. 4481: Mr. Oberstar and Mr. Hinchey.

H.R. 4491: Mr. Knollenberg, Mr. Schiff, Mrs. Meyers of Kansas, Mr. Cramer, Mr. Sensenbrenner, Mr. Solomon, and Mr. Torkildsen.

H.R. 4507: Mr. Lipinski and Mr. Rangel.

H.R. 4514: Mr. Kreidler, Mrs. Unsoeld, and Mr. Borski.

H.R. 4517: Mr. Traficant.

H.R. 4540: Mr. Lipinski, Mr. Martinez, Mr. Wilson, Mr. Frost, Mr. Ridge, Mr. McCurdy, and Mr. Rangel.

H.R. 4560: Mr. Moakley.

H.J. Res. 90: Mr. Doolittle.

H.J. Res. 160: Mr. Hoekstra.

H.J. Res. 209: Mr. Johnson of Georgia.

H.J. Res. 328: Mr. Dellums.

H.J. Res. 364: Mr. Bonior, Mr. Lantos, and Mr. Barrett of Wisconsin.

H. Con. Res. 90: Mr. Shays.

H. Con. Res. 148: Mr. Wise.

H. Con. Res. 166: Mr. Talent and Mr. Stump.

H. Con. Res. 209: Ms. McKinney.

H. Res. 291: Mr. Taylor of North Carolina.

H. Res. 434: Mr. Sensenbrenner and Mr. Herger.

H. Res. 437: Mr. Franks of Connecticut.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

96. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to memorializing Congress to discontinue Federal subsidies to tobacco growers; to the Committee on Agriculture.

97. Also, petition of the Legislature of Rockland County, NY, relative to memorializing Congress in support of S. 993 and H.R. 140, the Federal Mandate Relief Act of 1993; to the Committee on Government Operations.

98. Also, petition of the General Court, Commonwealth of Massachusetts, relative to memorializing the Department of the Interior to retain the National Park Service Regional Headquarters in Boston, MA; to the Committee on Natural Resources.

EXTENSIONS OF REMARKS

A TRIBUTE TO AMERICA AND ITS FLAG ON FLAG DAY, 1994

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, I submit this for all Members.

A TRIBUTE TO AMERICA

(By J. Morgan Haynes, Arden, NC)

I love America. I was blessed to be born in America. I am honored to be an American. What a privilege and honor for me to stand under the shadow of Old Glory, whose colors have never run, whose trumpet has never sounded retreat, and for whose principles and ideals men, women and children have paid the last full measure of devotion to protect and preserve.

This wonderful old flag with its magnificent design and colors represents the greatest country that the God of this universe ever created. It gives forth a message of freedom, hope and opportunity that is known throughout the world.

The colors of this flag were not picked at random. Red was chosen because it stood for courage, bravery, and willingness of the American people to give their life for their country and its principles. The white was selected because it represents integrity and purity, while the blue was decided upon because it portrays vigilance, perseverance and justice. The stars in the original flag were placed there to tell the world that a new constellation had arisen in the skies and on the horizon of the world. Thus, this flag has become a rallying point and a source of inspiration to every true American wherever it is displayed.

I believe in the democratic process and voice. During a time like we are now experiencing in our nation, we are all moved with deep passion and emotion. But I think it is time we unite in support of allegiance for those who represent our country on the front-line of battle.

We need an allegiance of loyalty. There is no greater encouragement for our men and women on the front-line than to know we are "behind them" and in support of our country here at home.

We need an allegiance of patriotism. I am not ashamed of this flag because it represents my country, which is my country first, last, and always. When I see our flag being desecrated and burned, I am greatly disturbed, even though I know this is an expression of our democratic "voice."

We need an allegiance to equal responsibility. We hear a lot today about equal rights and that is well and good but equal responsibility always precedes equal rights, and the sooner we learn this lesson the better off we will be. There is no such thing as a free lunch and something for nothing. If this country provides us with the opportunity for food, clothing, education and freedom, then we are honor bound to defend it and its democratic principles, when called upon, even with our lives.

We need an allegiance of military preparedness. The reason we have been respected in the past is because we operated from a position of strength. The reason we are laughed at as "a paper tiger" and scorned by the world in recent times is because we have been operating from an anemic position of weakness. We have become the object of ridicule because as a great power and representative of democracy, we have let dictators who chose to, spit on us and rub refuse in our face. Then we have bowed and scraped and meekly offered our apologies for ever being in his way. I submit to you it is time to stand for democratic principles and freedom and "get the job done."

"I pledge allegiance" . . . and I pray, with God's help, we will proudly honor our country, never cowardly desert it and never cease to defend it.

COPING WITH AIDS—NATIONAL RECOGNITION OF AN ANSWER AT ST. MARY MEDICAL CENTER

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. HORN. Mr. Speaker, the social stigma of the horrible disease known as AIDS creates an additional pain that its sufferers must regrettably bear—being ostracized by friends, family, and community. Unlike patients who are terminally ill with other afflictions such as cancer, the AIDS patient frequently must suffer alone without support services and systems.

Recognizing this, the St. Mary Medical Center in Long Beach, CA, began an effort in 1986 to provide for the health, social, and daily living needs of AIDS patients. Now, after 8 years of helping AIDS patients cope with their disease, the Comprehensive AIDS Resource Education, or C.A.R.E., program at St. Mary has received the National recognition it so richly deserves. At a ceremony in Philadelphia last week, the Catholic Health Association bestowed its highest honor on St. Mary's C.A.R.E. program.

The C.A.R.E. program is unique in the State of California. It has succeeded in cutting down both the length and number of hospital stays for AIDS patients. And of equal importance, the C.A.R.E. program has enlightened the community about the reality of AIDS as a disease. According to Carolyn Carter, a representative of the St. Mary Medical Center, when the program started, people were still leaving trays for AIDS patients outside their doors because they were afraid to touch them. Now, C.A.R.E. offers a buddy-training service that links people with AIDS to those who can help run errands and perform other tasks for them.

In addition, the C.A.R.E. program provides free home health care for AIDS patients, as well as free psycho-social counseling, grief therapy and a medical clinic for all HIV-infected clients.

AIDS sufferers deserve our compassion and support. Programs like C.A.R.E. do just that—and in the process, teach us about caring for others. That is why I rise today to hold up the C.A.R.E. program at St. Mary Medical Center which has been nationally recognized as a model for the rest of the Nation by the Catholic Health Association.

GERARD L. MALOUIN, COMMUNITY LEADER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to honor a man whose service to his community cannot be underestimated. That man is Gerard L. Malouin. At the end of this month, Mr. Malouin will be retiring as president and CEO of Brightside for Families and Children, a position he has held for the past 16 years. During that time Brightside has grown from a residential child-welfare agency to a successful, complex, managed behavioral health network. Mr. Malouin has been instrumental in the growth of this nonprofit organization which touches the lives of over 250,000 people in western Massachusetts.

Mr. Malouin grew up in western Massachusetts. He attended schools in Chicopee and Easthampton, earned a B.A. from St. John Seminary College, and an M.S.W. from the University of Connecticut. Before his tenure at Brightside, Mr. Malouin taught clinical administration to doctoral students at Smith College for 6 years. He is the proud father of two children: Matthew is a freshman at the U.S. Air Force Academy, and Laura is a junior at Northampton High School.

As president of Brightside, Mr. Malouin has been instrumental in obtaining millions of dollars in Federal grants, as well as hundreds of thousands of dollars in foundation grants, and over $1 million annually in financial support from the community. He has been an experienced and knowledgeable administrator in a broad range of areas including operations, planning, program development, marketing, and system design. He has directed Brightside to a leadership position in the advancement of child welfare behavioral health services.

Mr. Malouin has decided to leave Brightside in order to explore new challenges and leadership opportunities, but his impact on Brightside and on the community will not soon be forgotten. As Brightside Board of Trustees Chairman Dennis Fitzpatrick stated, "His dynamic leadership has transformed Brightside into a center that creates innovative cutting-edge programs to help families and children." Mr.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Malouin has been a pillar of the western Massachusetts community, and deserves the utmost respect for all he has done with Brightside. I wish him luck in all his future endeavors.

CROATIAN OPPOSITION LEADERS SUPPORTING LIFTING OF ARMS EMBARGO ON BOSNIA AND DEMOCRATIC REFORMS WITHIN CROATIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. TRAFICANT. Mr. Speaker, I rise to take this opportunity to share with my colleagues two informative letters written by members of the opposition within the Croatian Parliament. The first letter was written by Messrs. Mesic and Manolic at the time they were the Presidents of the House and Senate chambers. Their exact status at this moment is the subject of much debate within the Parliament. What is not debatable, however, is that they have split with President Tudjman's ruling party—of which they were cofounders—and formed a new opposition party called the Croatian Independent Democrats. They have expressed strong disagreement with President Tudjman's authoritarian style in domestic policy and opposition to his war of expansion against Moslems in Bosnia. The second letter is from Dobroslav Paraga, who is well-known to Members of the U.S. Congress as a fighter for democratic rights within Croatia.

At this point, I wish to include the text of these two letters which follow:

SABOR REPUBLIKE
HRVATSKE—PREDSJEDNIK,
Zagreb, Republic of Croatia, June 4, 1994.

MEMBERS,
U.S. Congress, House of Representatives.

Starting from general democratic principles and in view of the current political situation facing the Republic of Croatia and the Republic of Bosnia and Herzegovina, as well as the circumstances of continued Serbian aggression against these two sovereign States, we, as presidents of the Croatian Parliament Sabor, of its two chambers, hereby join in the initiative launched by the U. S. Congress and Senate, concerning the lifting of the embargo on arms imports imposed on the sovereign and internationally recognized Republic of Bosnia and Herzegovina. This is the most effective way for stopping the Serbian aggression and bringing war in that country to an end. Lifting the embargo on arms imports in the Republic of Croatia, which is also a victim, still threatened by the Serbian aggression and occupation, should be considered in the same context, too.

After the Washington accord was signed, a conclusive polarization has taken place on the Croatian political scene: included in the division are those preventing its implementation, and those ardently supporting its consistent implementation. A consequence of the process is the final split in the Croatian Democratic Union, the Republic of Croatia's ruling party, and the emergency of the party of Croatian Independent Democrats.

As presidents of the parliamentary chambers of the Croatian Sabor, we believe no real democratization can be effected in Croatia until the Washington accord has been brought to life, whereby the demands of the Croatian people and citizens of Croatia would be realized, in actual fact. As far as this question is concerned, our position is the same as the one held by the legal authorities in Bosnia and Herzegovina, which is, undoubtedly, supported by most of the citizens of that State. Since we are assured that the ruling party in the Republic of Croatia—President Tudjman's party and its exponents in Bosnia and Herzegovina will sabotage the implementation of the Washington accord, for reasons including also internal political developments in Croatia, where President Tudjman's ruling party has blocked the country's democratization, we have established the new party—Croatian Independent Democrats, which has parted from the ruling party. We have immediately been subjected to attacks by the authoritarian and undemocratic mechanisms of the authorities. The Croatian Independent Democrats has already become the second strongest party of the opposition.

By the same token, in a situation when the international community is incapable of containing Serbian aggression, even where exclusion zones, "safe havens" (so-called enclaves, e.g. Goražde) are concerned, on the eve of democratic elections in the Republic of B&H, an effective step is called for, one needed for stabilizing the two neighbor States, which would simultaneously shut out prospects concerning a continuation of Tudjman's regime's negotiations with the Serbian one, as well as a cooperation in disagreement with the democratic will of the population and contrary to the very spirit and provisions of the Accord. We, therefore, believe that the lifting of the embargo on arms imports in the Republic of B&H would yield several positive effects in seeking lasting solutions for settling the crisis in the areas concerned.

In the first place, it would be an expression of determination vis-a-vis the implementation of the Washington accord, a meaningful contribution to its realization in face of attempts at thwarting it being equally made by the Belgrade regime and the authorities in the Republic of Croatia. The former was the first to start an aggression against the Republic of Bosnia and Herzegovina, and the latter, by accepting that the sovereign Republic of B&H be divided, have brought the Republic of Croatia from the position of being a victim of the aggression into that of being a co-aggressor.

The lifting of the embargo may also come as a solution in the present situation of the United Nations and all relevant international actors being stalemated while seeking more permanent and peaceful solutions to the crisis in our territories. In the act of the embargo being lifted we do not see a threat of a further escalation of the war, but we see it as a precondition for crushing the aggression on the Republic of B&H, leading—indirectly and in practical terms—to the crushing of the occupation of parts of Croatia and to a peaceful integration of the areas concerned in the state and legal system of the Republic of Croatia. Orientations such as these are the constant of our political action.

We have found ourselves before the possibility of the Washington accord being brought to life by solving a question that is crucial for the survival of a sovereign and integral Republic of Bosnia and Herzegovina. After it has carried out free elections, it could enter into a confederation-type relationship with the Republic of Croatia. It would, in turn make an impact on democratization in the Republic of Croatia and the establishment of a rule-of-law State and a full-fledged constitutional system. For the above reasons, our initiative is hereby submitted to the U.S. Congress for serious consideration.

STJEPAN MESIĆ,
President of the Sabor of the Republic of Croatia
JOSIP MANOLIĆ,
President of House of Županije of the Sabor of the Republic of Croatia.

HRVATSKA STRANKA PRAVA,
ZAGREB, REPUBLIC OF CROATIA,
June 7, 1994.

MEMBERS,
U.S. Congress,
House of Representatives.

More than a year ago, 13th May 1993, twelve members of the U.S. Congress addressed a letter to the President of the USA, the respected Mr. Bill Clinton. They briefly presented the trouble that was facing the Republic of Croatia at that time, they simply stated their comments towards the "autocratic aims of Franjo Tudjman, the president of Croatia".

Since that time Croatia has been faced with an escalation of those autocratic aims, so much so that at the present time Croatia finds itself in a parliamentary crisis and a crisis within the government itself, to further illustrate the force of the previously mentioned tendencies. That is the reason why once again I am compelled to contact the Congress, at that time the when at the order of the day at the House of Representatives we are faced with the question of lifting the arms embargo on Bosnia and Herzegovina.

At the time when the parliamentary crisis in the Republic of Croatia has reached a climax, at that time the two presidents of both houses of the Croatian parliament wrote to the U.S. Congress, as adjudicators of law to plead for the lifting of the arms embargo. Due to these letters Franjo Tudjman's regime used this to discredit these two presidents of parliament, charging them with treason and dishonor, bar their democratic rights to write and consul the parliament of a friendly Nation. Furthermore, this was used to remove and relieve them of their duties in such a way that does not conform to the rules of a parliamentary democracy. Not only was criticism not accepted as a democratic gesture, but was used to banish political nonconformists.

Governmental crisis, not only exists but is covered up, mainly due to non existence of freedom of the media, the facts stand that certain ministers during the parliamentary crisis overstepped their powers and roles that they are supposed to be limited with and openly rallied in the name of the ruling party in a way to favour the ruling party during the parliamentary crisis. This new demonstration in itself shows that shared and responsible government does not exist in Croatia, that ruling party influences regularly emerge over the law making bodies.

All of this is of no wonder when it is revealed that the president misuses his power and has practically installed his own family as an oligarchy in all matters of every day life. Tendencies of embedding the ruling party in the governmental apparatus, which is directly contradicting the Conference of European Security and Co-operation and democratic principles, proceeded in a process of establishing an oligarchy, and not only has the ruling party categorically halted the opposition parties by non democratic means, but has started a "witch hunt" on the critics and non conformists amongst it's own ranks.

The way that then oligarchy plans to resolve the parliamentary crisis is by a one party 'parliamentary' rule, namely, without democratic legitimacy is in direct contravention of the constitution of the Republic of Croatia and the rules of the parliament. The president of the Republic of Croatia himself is already in contravention of the constitution clause 103, which states that at least once annually the president of the Republic must himself personally address the parliament, inform the parliament of the political situation in the Republic of Croatia and state his activities; that he has failed to comply with. In itself this is a proof that at least for a period of two years he has persisted in weakening parliamentarianism in Croatia and is hijacking the powers of parliament.

What's more, during the parliamentary crisis, speaking to the members of croatian parliament of his own party, he bluntly acknowledged insurging in the internal affair of the neighbouring Republic of Bosnia and Herzegovina, pointing out that through his minister of defence as the person that he carried out his political aims into the Republic of B&H, meaning that his policy was war against the Muslims and division of the recognised Republic of B&H, including the physical liquidation of political non conformists and persecution of all that refused to be pushed into a war of non survival against a natural ally. I initiated personally and in the name of my party—Croatian Party of Rights—an initiative for a parliamentary investigation into the conduct of the president of the Republic of Croatia. My criticism and wishes that the disregard of constitutional powers and limitation be dealt with democratically means were misinterpreted as "against national interests and subversive", but the escalation of the parliamentary crisis has in effect halted further insistence of the before mentioned initiative.

The letter of the twelve congressmen marked to the attention of the respected Bill Clinton, the contents refer to the physical liquidation on leaders of the opposition, that is the continuing political practice of the Tudjman's regime. These days, the leader of the opposition Drazen Budisa faces threats and physical liquidation, due to this he has asked for special protection, the same applies to other respected members of opposition parties such as Stjepan Mesic, Vladimir Bebic and others, and certainly I am still exposed to the same threats.

The assassins of Ante Paradzik were tried, but the investigation did not allow the unravelling of who(m) was behind the scene, that is, the person(s) that ordered the assassination. Murders of Marina Nuid, Blaz Kraljevio, Reichl Kir and others as yet are unsolved, nor are any investigations being conducted in these matters. The regimes campaign against the freedom of the press and media in general have long been completed, the situation is far worse than when the congressmen last sent their letter in 1993.

All of these mentioned results are due to the fact of absence of multi party control on result counting and observation during the last 1992 and 1993 elections, as in the wishes of the regime to non democratically halt emergency elections brought about due to the crisis, which is consistent with the conclusions of the congressmen's letter the previous year. In today's situation emergency elections, parliamentary and presidential, in the Republic of Croatia would even be condition sine qua non for the lifting of the arms embargo, so as to prevent misuse of the lifting of the mentioned embargo.

At this moment as you consider the lifting of the arms embargo for the Republic of Bosnia and Herzegovina, I draw your attention to the situation in the Republic of Croatia. Lifting of the arms embargo would seriously rock Tudjman's plans to establish an oligarchy strong enough to keep a hold over Croatia, it would strengthen the prospect of realisation of the Washington Accord, with that to once again awaken the process of democratisation in Croatia. Finally, lifting of the arms embargo on the two neighbouring countries—Republic of B&H and Republic of Croatia—USA, UN, NATO and other factors would not grant these two countries anything that they are not entitled to: their fundamental right is to self defense from the existing aggression and occupation, and when that is associated with the right for democratic development there should not at all be any dilemma in the decision, in which no doubt you will agree to same.

DOBROSLAV PARAGA,
Member of Croatian Parliament and President, Croatian Party of Rights.

FURTHER RECOGNITION OF THE VETERANS OF SOMALIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. DORNAN. Mr. Speaker, I would like to include for the RECORD today additional stories of some of the brave fighting men who lost their lives in combat in Somalia last year.

S.SGT. WILLIAM D. CLEVELAND JR.

A GUY WHO NEVER SAID NO TO ANYBODY

S.Sgt. William D. Cleveland Jr. was just the sort of guy you'd want as your crew chief on an MH-60 special operations Black Hawk helicopter: experienced, competent and totally reliable.

During his roughly 16 years in the Army, these qualities had helped Cleveland rise to the position of section sergeant in 1st platoon, D Company, 1st Battalion, 160th Special Operations Aviation Regiment, Fort Campbell, Ky. Cleveland—"Bill" to his friends—was the crew chief on the second Black Hawk shot down during the Oct. 3 firefight in Mogadishu, Somalia, and was awarded the Silver Star posthumously for his actions during the battle. Only CW2 Michael Durant survived the crash.

He is remembered by his colleagues as a man who could always be counted on both personally and professionally.

"Before he'd leave to go home, if I'd given him a task to do, he'd get it done, and there were no short cuts about it,"says SFC Gregory Cogman, his platoon sergeant.

Like the model NCO he was, Cleveland was always there for his troops. "You could always ask him for anything," Cogman says. "There wasn't anything that he wouldn't do for any of the guys in the platoon, even if it was on his own time."

For example, when one of the platoon's soldiers needed some trees cutting down in his yard, Cleveland brought over his own chainsaw and truck one weekend and did the job himself, according to Cogman. "No charge, no nothing, no questions asked," Cogman said. "He never said no to anybody."

SGT. THOMAS J. FIELD

THIS SOLDIER CAME HOME TO A HERO'S FUNERAL

Hundreds of mourners attended the burial of Sgt. Thomas J. Field, 25, the crew chief on a Black Hawk shot down over Mogadishu Oct. 3. Small yellow ribbons adorned St. Anne's Roman Catholic Church in Lisbon, Maine, where he was buried with military honors.

"It was a true, hometown-hero funeral," says Georgie Asbury, Thomas Field's fiancee. "The streets were lined with people. The VFW and American Legion were out with their color guard."

Thomas Field, the youngest of three brothers, made friends easily, loved action films, country western music and ice hockey.

"This guy was perfect," his fiancee says. "He's from a wonderful community. Once I'd met his family, I realized why he was such a wonderful person."

Thomas Field was serving with the 160th Special Operations Aviation Regiment when he died in Mogadishu. He also was a veteran of Operation Just Cause in Panama. He joined the Army in 1988 and graduated from Airborne and Air Assault schools.

During his Army career, he was awarded the Silver Star, Bronze Star, Purple Heart, Air Medal with "V" device, Good Conduct Medal, National Defense Service Medal, Armed Forces Expeditionary Medal and the Army Service Ribbon.

SFC EARL R. FILLMORE, JR.

FOR HIM, THE MILITARY WAS A FAMILY TRADITION

When SFC Earl R. Fillmore Jr. joined the Army under the Delayed Entry Program, he followed the paths of many of the men in his life. His grandfather, father and two uncles all served in the military.

A childhood friend said they often played soldiers. Earl Fillmore was 18 when he left Derry, Pa., for basic training at Fort Jackson, S.C. At 24, he became the youngest soldier chosen for Delta Force, part of the Army Special Forces Command at Fort Bragg.

Before his assignment with the U.S. Army Special Forces Command (Airborne), Earl Fillmore served with A Company, 1st Battalion, 7th Special Forces Group (Airborne). He was a veteran of Operation Just Cause (Panama) and Operation Desert Shield (Saudi Arabia).

He was killed Oct. 3 while serving as a medic with Task Force Ranger in Mogadishu. He was 28.

Earl Fillmore was awarded the Purple Heart posthumously. During his career, he also received the Bronze Star, Meritorious Service Medal, Combat Infantryman Badge and Ranger tab.

CW4 RAYMOND A. FRANK

BADLY INJURED IN A CRASH, HE VOWED TO FLY AGAIN

CW4 Raymond A. Frank, 45—"Ironman" to his buddies for his iron will and determination to return to duty after sustaining serious injuries in a helicopter crash—was also a talented artist, seamster, golfer, pianist, carpenter and mechanic, said his widow, Willi Frank, of Clarksville, Tenn.

"He was just great at so many thing," she says. "He could play anything he heard on the piano," and would play for hours on the grand piano in their Clarksville home.

The Franks had been married for more than 20 years. Willi Frank says her husband was her best friend and confidant.

"He had blue eyes that seemed so wise and always laughing," she says. "He had a smile that. . . could melt the coldest heart."

They met on Willi's birthday at a bar where she worked. He had just returned from a tour in Vietnam. She waited on him and offered him a piece of her birthday cake. He declined and took her out to dinner instead after she got off work. They were married soon after, Willi Frank says.

In 1990, Raymond Frank was seriously injured in a helicopter crash at Fort Chaffee, Ark. His left leg was crushed and three vertebra were shattered. It took three surgeries to get him back on his feet, but he was determined to fly again.

"His flying skills in that incident saved the lives of seven other crew members," Willi Frank recalls. His determination to return to duty was an inspiration to other soldiers, she says. "He was totally dedicated to this country."

Raymond Frank was killed Oct. 3 after he was captured by Somalis when his aircraft was shot down over Mogadishu.

SGT. CHRISTOPHER K. HILGERT

IN TIME, HE'D HAVE BEEN 'ONE HELL OF A SOLDIER'

"A model son" is how Sgt. Christopher K. Hilgert, 27, is described by his father, Earl Hilgert.

"I never had a bit of trouble out of him. He was an avid sports fan . . . He was just a good kid."

Christopher Hilgert had served with an armored company in Germany, but decided he wanted to become a military policeman to learn a skill he could use outside the Army.

He went to college on scholarship, had been a member of the National Honor Society and was a top marksman, his father says. He'd been out of MP school just eight weeks when he learned he would be going to Somalia.

Christopher Hilgert died with three other MPs Aug. 9 on a routine patrol through Mogadishu. The Humvee they were traveling in ran over a remotely detonated bomb.

"Given a little more experience and time, he would have been one hell of a soldier," Earl Hilgert says.

PFC JAMES H. MARTIN JR.

'OUR FAMILY HAS PAID MORE THAN ITS SHARE'

One could say that James H. Martin Jr. had itchy feet. The sense of adventure that saw him enlist in the Army in early 1992 and eventually took him to Somalia in August 1993 had its beginning more than 20 years ago in a three-year-old from Collinsville, Ill.

That toddler would occasionally take off on his own to visit his grandmother some 2½ miles down the road, or go to a nearby lake just to watch the ducks.

"He was a handful," says his mother, Karen Martin, who still lives in Collinsville. Years later, after joining the Army but still very much family oriented, James Martin talked of trying to get posted in Kansas so he could live closer to his family, his favorite fishing spots and his friends.

Joining the Army was something James Martin had thought about for many years, says Karen Martin. After all, she says, his father, James H. Martin Sr., served in the Korean War and his grandfather and an uncle died in service in World War II. "I didn't want him to go in, but I wasn't surprised," Karen Martin says. "Our family has paid more than its share."

When he went off to Fort Drum, N.Y., James Martin took with him his love of music. He liked to write his own music, and liked the oldies, says his wife, Lori. "His favorite was Buddy Holly." He took his guitar and harmonica with him to Fort Drum, but only took his harmonica to Somalia. "He was concerned his guitar would get beat up, so we were going to send him a cheap one," his mother says, "but we never got the chance."

James Martin, 23, was assigned to A Company, 2d Battalion, 14th Infantry, 10th Mountain Division (Light Infantry). Members of the company, part of the quick-reaction force in Somalia, had been sent to rescue Rangers exchanging fire with Somalis in the streets of Mogadishu Oct. 3. James Martin was killed when the company's convoy was ambushed.

When she was asked about her husband's final mission and the dangers he faced in Somalia, Lori Martin says: "If it meant saving someone's life, he would do it. That's the kind of person he was."

Of her only son, Karen Martin says simply: "He was perfect."

MSGT. TIMOTHY L. MARTIN

JUST SHORT OF 20 YEARS, HE'D THOUGHT OF RETIRING

MSgt. Timothy L. Martin was accustomed to the military life. He was the son of a career Air Force sergeant and traveled around the country before moving in with his grandmother in Aurora, Ind., at the age of 16.

So his decision to join the military after graduating from Aurora High School in 1974 wasn't much of a surprise to his family. Before he was killed Oct. 3 while serving with Task Force ranger, Timothy Martin had an accomplished military career.

He was well-trained, having completed Airborne Ranger School, Jungle Warfare Training, Jumpmaster Training, Special Forces Qualifications, Combat Engineer, Special Forces Underwater Operations. His decorations included the Bronze Star, Purple Heart, Defense Meritorious Service Medal, two Meritorious Service Medals, Combat Infantryman Badge and Ranger tab.

Timothy Martin left behind his wife, Linda, and three girls when he left for Somalia. Before he deployed, he said he was thinking about retiring and starting a small business. He would have completed 20 years of active duty service in June.

SGT. KEITH D. PEARSON

'BEST MAN' WAS PICKED FOR DEPLOYMENT VACANCY

Sgt. Keith D. Pearson, 25, wasn't originally scheduled to deploy to Somalia, but ended up filling a vacancy with the 977th Military Police Company, Fort Riley, Kan.

"His commanding officer said he picked the best man to go," says his father, Burton Pearson, after his son's death in Somalia Aug. 9, 1993.

"He was a very compassionate young man," his father recalls. "He loved his job, and he loved his country."

A gregarious person and a formidable Dallas Cowboys fan, Keith Pearson is remembered by his family and friends as someone who would stand up for people who needed help, and one who went out of his way to make other people feel comfortable.

He and his wife, Jody, went out of their way to include single soldiers in social events. Jody had planned to tape football games for her husband while he was in Somalia.

Before he was married, Keith Pearson lived for a time with his older brother, Eric. "He was more than a brother; he was a friend," Eric Pearson says.

Keith Pearson died with three other MPs when the Humvee they were traveling in ran over a remotely detonated bomb.

SGT. FERDINAN C. RICHARDSON

HE DIED ON A MISSION TO PROTECT HIS COMRADES

Sgt. Ferdinan C. Richardson, 27, an intelligence analyst with the 10th Mountain Division's 10th Aviation Brigade, gave his life trying to protect his fellow soldiers from the threat of rocket-grenade launchers that were concealed by Somali militiamen in the back streets of Mogadishu.

Ferdinan Richardson, of Watertown, N.Y., was one of five soldiers who boarded a UH-60 Black Hawk helicopter on the night of Sept. 26 to investigate a report that launchers had been deployed near the new port area of the city.

As he scanned the area below, ground fire reached up to strike the fast-moving helicopter. The pilot managed to crash-land the Black Hawk in a street. Ferdinan Richardson, the door gunner and the crew chief were killed; the pilot and co-pilot were injured, but escaped the hostile mob that gathered at the crash site.

SGT. LORENZO M. RUIZ

HIS MOTHER IS AT PEACE, PLEASED HE'D SERVED WELL

Sgt. Lorenzo M. Ruiz, 27, knew the potential peril of service as a Ranger, but he didn't scare easy. His brother, Jorge Ruiz, of El Paso, Texas, said his older brother "wouldn't back away from anything."

"He liked his job as a Ranger and he liked danger," Jorge Ruiz told *Army Times* after Lorenzo Ruiz's death in the Oct. 3 firefight. His actions during that clash earned him the Bronze Star for valor.

Lorenzo Ruiz indicated that he believed he was going to die in his last letter home. "He told me not to worry about him, and that the Rangers are the best," Jorge Ruiz said. "And he told me to take care of grandmother and my mother.

After his death, his mother Maria Contreras, told The Associated Press she was at peace. "He was over there doing what his country wanted him to do," she said.

SGT. EUGENE WILLIAMS

HE LIVED FOR TWO LOVES, FLYING AND SOLDIERING

Sgt. Eugene Williams, 26, loved flying and living the soldier's life. He died doing both when the Black Hawk helicopter he was traveling in was shot down Sept. 26 over Mogadishu.

"He kept his eye on the prize, and the prize was to be a soldier," the Rev. Thomas Jackson, Eugene Williams' long-time pastor, told the Associated Press.

He wore his first uniform as a member of an Explorer Scout troop, later, he would don an Army uniform and serve seven months in the Persian Gulf war as a helicopter mechanic. The second eldest of four, Eugene Williams grew up on Chicago's West Side and made his parents proud.

"He was dedicated," his father told the Associated Press. "It's not a consolation, but one thing that makes me feel better is he did some things that he wanted to do. The Army was his choice."

CW4 CLIFTON P. WOLCOTT

'HE CALLED AND SAID, PACK ME A BAG'

In just three years, CW4 Clifton P. Wolcott, 36, would have retired to the farm he and his wife bought in the rolling hills of Kentucky's North Carolina County, about an hour from Fort Campbell.

"We were starting to learn to raise cattle, and he was quite a good horseman," says his widow, Christine Wolcott. He would take his 12-year-old son, Robert, dove hunting.

"He was really a good husband and always put his family first," Christine Wolcott says. "He was sweet and considerate. Robert and I knew we were the main focus of his life.

As an Army brat, Clifton Wolcott grew up in Germany, hiking in the Alps with his mother while his father served in Vietnam. The family later moved to upstate New York before he joined the Army.

"Clif was totally devoted to his parents; he loved them very much. I think that says a lot about the way he was raised," Christine Wolcott says. "I've seen guys that love their country and say they are patriotic, but Clif lived it."

Typical of special operations missions, the family had no warning when Clifton Wolcott deployed to Somalia Aug. 11. "It was one of those days where I came home from work, and he called and said, 'Pack me a bag,' " His widow says.

She talked to him twice by phone after he arrived in Somalia. "He didn't talk about the mission. . .[but he said] everybody there was very sharp and all the people he worked with were really outstanding. He really was proud of the men he worked with."

Clifton Wolcott was killed Oct. 3 while serving with Task Force Ranger in Mogadishu.

CONGRATULATIONS TO EDGAR AND MARIE HOLLEY ON THEIR 65TH WEDDING ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to Edgar and Marie Holley of Mode, IL, who celebrate their 65th wedding anniversary today. In an era when families find it harder and harder to stay together, the Holleys are certainly deserving of this recognition for their 65 years of companionship.

Edgar, known to his friends as "Bud," worked as an Illinois farmer for over 50 years. Marie Holley devoted her life to raising their son, Gerald, who has grown up to be a fine young man. Edgar and Marie are active members of the Free Methodist Church in Cowden, IL.

Their commitment to those around them and to each other is a shining example of what is good and right about our Nation. I wish Edgar, Marie, their son Gerald and his family great happiness on this very special day. May we all live such rich and distinguished lives as Edgar and Marie Holley.

FOUR NEW YORKERS WALK FROM NEW YORK CITY TO WASHINGTON TO SUPPORT ANTI-FLAG DESECRATION AMENDMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. SOLOMON. Mr. Speaker, today, I greeted four veterans from New York on the House steps of the Capitol. These dedicated Americans spent the last few weeks walking the 260 miles between New York City and Washington, DC.

Why did they make that sacrifice? They did it because they wanted to express their strong support for a constitutional amendment to ban flag desecration. Led by Ron James, a retired Marine from the Bronx, the group included James Fagan, a Korean war veteran who fought at the Chosin Reservoir; Frank McCosh, who walked in honor of his uncle who fought at Normandy, and Jim Mullarkey, a Vietnam veteran who served in the 82d Airborne Division.

I salute them for the many miles they walked. Their efforts honored our country's flag and the many Americans who fought and died for the flag and the constitutional rights and values it represents.

Let's not let their walk be in vain. The time has come to listen to the 43 States which have passed resolutions calling on Congress to pass a constitutional amendment to prohibit flag desecration.

THE C-17 TAKES ANOTHER SURE STEP

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. HORN. Mr. Speaker, I want to bring to the attention of my colleagues an editorial which appeared in the St. Louis Post-Dispatch of June 3, 1994. This editorial points out the wisdom of what this body decided by a 330-to-100 vote: The C–17 is a good airplane and it is needed.

It is difficult to add to all the good things that have been said about the C–17 on this floor. However, it is important to remember that the C–17 is the best solution to America's air transport needs—not just for today, but well in the 21st century.

[From the St. Louis Post-Dispatch, June 3, 1994]

THE C-17 FLIES ON

The House has sensibly restored full funding for the six C–17s requested by the Pentagon for the next fiscal year. The House Armed Services Committee had cut the funding to four planes, arguing that the aircraft wasn't really needed or fully perfected or that McDonnell Douglas hadn't resolved the program's management defects.

In fact, the plane is a key part of the Pentagon's ability to put troops and equipment in battle areas efficiently. Using wide-bodied 747s and DC–10s is a doubtful alternative pressed only by those who don't think the C–17 will ever perform as its specifications demand. But it is making progress toward that goal.

The C–17 is a good plane, and it is needed. If Congress accepts the judgment and is willing to pay for any more C–17s, it should be willing to build the six aircraft the Pentagon is seeking.

HARRY J. COURNIOTES' SILVER ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to honor a great educator and intellectual. Harry J. Courniotes is completing his 25th year as president of my alma mater American International College in Springfield, MA. Dr. Courniotes has dedicated 48 years of his distinguished professional career to AIC. He started at the college in 1946 as an associate professor and moved his way up the academic ladder to professor, dean, vice president, and finally president in 1969. Dr. Courniotes' list of accomplishments have established him as a premier educator and professional scholar.

There have been many highlights to Dr. Courniotes stellar academic career. From being the No. 1 ranking student in his graduating class at Boston University in 1942, he went on to graduate study at Harvard University where he received an MBA with highest distinction in 1947. In 1976 he was given an honorary doctorate of commercial science from Western New England College.

Dr. Courniotes has also had a distinguished professional career. In addition to being a top educator for the past 50 years, he has been a certified public accountant and a member of the Massachusetts' Society of CPA's since 1952. Dr. Courniotes joined the military in 1943 as a private and left the military service in 1946 as a first lieutenant. His service to his community has never faltered. He service as a corporator for the Springfield Boys and Girls Club, on the regional board of advisors for the New England Congressional Institute, as an advisory board member for the World Affairs Council, and as an executive committee member of the Springfield Adult Education Council are just a few positions he has held that illustrate his strong sense of civic duty.

He has received numerous awards over the years including the Outstanding Servant of the Public Award in 1983 and the National Human Relations Award in 1984. He has biographical listings in the "Community Leaders of America", "The International Who's Who of Intellectuals", and "Biography International" just to name a few. However, his greatest accomplishments have come while serving as president of American International College.

During Dr. Courniotes 25 years as president, AIC has risen to prominence as one of the finest local colleges in New England. The college has expanded academically to include a nursing program, a School of Psychology and Education, and an MBA program, as well as physically as Dr. Courniotes has overseen the construction of three new educational buildings.

The contributions that Dr. Courniotes has made to his community as an educator and a local leader cannot be underestimated. He has dedicated his life to the betterment of those around him. His 25 years as president of American International College have been extremely productive and fruitful years for the college and its students. I speak as an alumnus when I say that I look back in pride on what Dr. Courniotes has done with the college. One can only hope that the students that have graduated from AIC in those 25 years turn out to be half as successful as Dr. Courniotes. I congratulate him on his anniversary with the college.

ARTICLE BY PROF. ALFRED DE ZAYAS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to submit part of an article regarding the case of John Demjanjuk recently printed in the Globe, the International and Immigrant Law Section newsletter published by the Illinois State Bar Association. Mr. Speaker, as you know, the Israeli Supreme Court acquitted John Demjanjuk of the charges of being Ivan the Terrible last September. Yet, the Justice Department still hounds Mr. Demjanjuk and threatens to deport him. Most recently, the Justice Department filed a petition with the Supreme Court to have the Court overturn a ruling by the 6th Circuit Court of Appeals which found that Justice Department attorneys had committed fraud on the court by withholding exculpatory evidence during Demjanjuk's extradition hearing in 1986. The courts ruling also effectively nullified his extradition order.

Mr. Speaker, over the next few days, I will submit for the RECORD an article by Prof. Alfred de Zayas J.D. Ph.D, that deals with the Demjanjuk case.

[From the ISBA Globe, January 1994]

HUMAN RIGHTS IMPLICATIONS OF THE DEMJANJUK CASE

(By Prof. Alfred de Zayas)

After 17 years of investigations and legal proceedings in the United States and Israel, the Ukrainian born retired auto worker from Cleveland, John Demjanjuk, 74, is bracing for further litigation. Vindicated of the charge of being the infamous Ivan the Terrible of Treblinka, now he is being accused of being a lesser war criminal, and the Justice Department has moved to have him stripped of his American citizenship and deported from the United States. As some demonstrators outside his house in Cleveland have shouted: "If not Ivan the Terrible, at least a terrible Ivan."

On 30 December 1993, federal prosecutors filed briefs in Federal District Court in Cleveland and in the Federal Court of Appeals in Cincinnati, contending that Mr. Demjanjuk had lied on his immigration papers and had served as a Nazi S.S. guard in German death camps in Poland. Mr. Demjanjuk claims to have been a prisoner of war in Germany and denies ever having served as a Nazi camp guard.

This constitutes a remarkable shift in legal strategy on the part of the Office of Special Investigations (O.S.I.), which for years had insisted that Mr. Demjanjuk was identical with the barbaric Ivan the Terrible, who according to witnesses tortured his victims before pumping gas into the chambers where as many as 800,000 men, women and children perished. It took the Israeli Supreme Court to prove the U.S. prosecutors wrong.

The history of this case is full of bitterness and recrimination. As understandable as the abhorrence we all feel against the Nazis is, judicial guarantees of due process are there to prevent the "lynching" of persons suspected of authorship or complicity in particularly offensive crimes. We owe it to ourselves and to our system of justice to give Mr. Demjanjuk all those procedural rights which the Nazis never gave to their victims.

It is in this sense that we should understand the tenor of the November 17, 1993, decision of the Sixth Circuit Court of Appeals in Cincinnati setting aside its 1986 order to extradite Mr. Demjanjuk to Israel to face murder charges as Treblinka's Ivan the Terrible. The unanimous court held that crucial evidence had been withheld from the court and from Demjanjuk's lawyers, concluding that "the O.S.I. attorneys acted with reckless disregard for their duty to the court" and that they had committed "fraud on the court." These are strong words that should make the Department of Justice review the methods used by the Office of Special Investigations not only in the Demjanjuk case, but in the more than 500 cases currently being investigated or tried.

While the Sixth Circuit Court has shown that U.S. justice can exercise self-regulation and provide a measure of redress in cases of miscarriage of justice, let us not forget that Mr. Demjanjuk was indeed extradited in 1986, tried, sentenced to death, and that he spent over five years on death row. In fact, he would have been executed long ago but for the courage of his Israeli defense lawyer. Yoram Sheftel, and the integrity of the Israeli Supreme Court, which quashed the earlier judgment in July 1993 and returned him to the United States in September 1993.

The question arises whether it serves any purpose to prolong Demjanjuk's 17-year ordeal, and whether in the light of the passage of time and the difficulty of obtaining reliable evidence, it might not be better to discontinue the proceedings in Cleveland and Cincinnati. At the very least, we should be conscious of the arguments set forth in the judgment of the Court of Appeals for the Sixth Circuit, signalling the imperative need to watch for misconduct on the part of overzealous prosecutors. We should also devote some time to reflect more broadly on the human rights implications of the Demjanjuk and other O.S.I. cases.

Human rights principles are tested not on "consensus victims" or on "politically correct" victims, but rather on unpopular individuals. It is frequently the controversial case, where hardly anyone wants to recognize the person in question as a victim, that creates good law.

Nearly 100 years ago, Emile Zola exposed and condemned the failures of French justice in his article "J'accuse." We remember that in 1894 Alfred Dreyfus, a French officer of Jewish descent, had been falsely accused and convicted of betraying military secrets. He was sent to Ile du Diable. French Guiana, to serve a sentence of life imprisonment. Evidence of his innocence was uncovered but suppressed by the military. Zola's uncomfortable advocacy forced even the politically correct to reassess the case, and Dreyfus was finally vindicated.

Applying the Dreyfus precedent to the Demjanjuk case, we start from the premise that everyone accused of a criminal offence is entitled to the presumption of innocence. While we all agree that Nazism was one of the most inhuman systems the world has known, and that criminals like Ivan the Terrible ought to be prosecuted, we also recognize that justice requires that only the guilty be punished. In the instant case, it appears that Mr. Demjanjuk is not Ivan the Terrible and it remains to be proven that he was a Nazi guard at all. In any event, he has rights to due process under the U.S. Constitution which must be respected. Moreover, an "international minimum standard" on human rights has emerged, which has been laid down in regional and universal instruments, notably in the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the International Covenant on Civil and Political Rights of 1966 and the American Convention on Human Rights of 1969.

While readers of this commentary may be very familiar with U.S. constitutional guarantees, they may be less aware of international human rights standards, in particular those norms that apply by virtue of U.S. ratification of international treaties.

The most important treaty in this field is the International Covenant on Civil and Political Rights, which the United States signed in 1977 during the Carter administration and ratified in 1992 during the Bush administration.

Article VI of our Constitution stipulates that treaties made under the authority of the United States shall be the supreme law of the land and that judges shall be bound thereby. Thus, in all criminal matters and in suits at law pursuant to the 1979 Holtzman Amendment in denationalization and deportation cases, judges ought to take international law into consideration, including the obligations undertaken by the United States pursuant to the Covenant on Civil and Political Rights.

Although upon ratification in 1992 the U.S. introduced a declaration that the provisions of the Covenant: "are not self-executing," this does not render the Covenant meaningless or invite judges to disregard its provisions. It means that the United States ought to adopt appropriate legislation and ensure that inconsistent federal and state laws are repealed, so that the U.S. will not be in violation of its international obligations under the Covenant.

Mr. Demjanjuk's 17-year ordeal, his detention, extradition proceedings, surrender to Israel (also a party to the ICCPR since 1992), trial in Israel, "death row phenomenon" (from 1988 to 1993), continued detention after acquittal, and further proceedings in the United States following his return raise numerous issues not only under the U.S. Constitution, but also under the Covenant.

PERMANENTLY NONWORLDWIDE ASSIGNABLE MEMBERS OF THE MILITARY—READINESS, COST, AND FAIRNESS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. DORNAN. Mr. Speaker, I would like to include in the RECORD a copy of a letter from the Non Commissioned Officers Association [NCOA] and an article from Navy Times on the issue of permanently nonworldwide assignable members of the U.S. military.

Non Commissioned Officers Association of the United States of America,
Alexandria, VA, June 7, 1994.

Hon. Robert K. Dornan,
House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Mr. Dornan: The Non Commissioned Officers Association of the USA (NCOA) strongly supports the proposal contained in the House version of the FY 1995 Defense Authorization Bill (H.R. 4301) that ensures that all members of the military be physically and medically worldwide deployable.

During a time when manpower levels of the military services have been and continue to be reduced to minimum levels, NCOA believes that the taxpayers of this country should reasonably expect that all servicemembers serving in the military services be able to serve wherever and whenever needed. If necessary readiness capabilities are to be realized from a "boots-on-the-ground" standpoint, everyone in uniform must be eligible for deployment under field conditions. NCOA further believes that failure to adhere to such a policy presents false strength indicators and will undoubtedly result in unfair assignment practices and rapidity for those who meet and maintain established deployability criteria.

NCOA is opposed to any legislative effort to reduce or lessen the deployability requirements of H.R. 4301.

Sincerely,

Michael F. Ouellette,
Director of Legislative Affairs.

[From the Navy Times, June 6, 1994]

READINESS FUELS DEBATE OVER TROOPS WITH AIDS

(By Rick Maze)

Washington.—There is new ammunition for those seeking to discharge service members whose medical conditions make them unable to deploy overseas: readiness.

A new report on reserve readiness released by the General Accounting Office, Congress's investigative arm, concludes that medical or physical problems either prevented or hindered the deployments of thousands of reservists during the Persian Gulf crisis.

The report comes just days before the House is to debate a provision in the 1995 defense authorization bill that would force the discharge of anyone who has been unable to deploy for medical reasons for more than a year.

The provision was not the Pentagon's idea, but was added by the House Armed Services Committee when it wrote its version of the defense budget. It is aimed mostly at service members with the AIDS virus.

There are a few exceptions in the committee proposal:

No one within two years of being eligible for retirement would be discharged.

If the medical condition resulted from combat or an heroic peacetime act, the service member could be retained.

Anyone with a critically needed skill could remain in the service under a waiver.

Sponsored by Rep. Ike Skelton, D-Mo., chairman of the armed services subcommittee on military forces and personnel, the legislation allows for a review of every discharge to allow for more exceptions.

The General Accounting Office report appears to contradict service contentions early this year that keeping nondeployable troops on board is not a problem.

Government investigators found that the Army had 22,000 people in the reserve components in 1992 with permanent medical problems that prevented them from marching, running, crawling or being near gunfire, says the report to the House Armed Services subcommittee on readiness.

About 8,000 Army Guard and Reserve personnel were found unfit to deploy during operations Desert Shield and Desert Storm, the report says. Among the problems were cancer, heart disease, double kidney failure and muscular dystrophy. One soldier had a gunshot wound to the head.

Problems were much smaller for the other reserve components, the report says. The Navy, for example, had 333 people who were not activated for medical reasons, mostly temporary conditions such as broken bones, being overweight or pregnancy.

The Department of Defense and the services have opposed the House legislation, arguing they see no problems with their policy, which allows more discretion than the legislation would in determining when a service member should be discharged.

Committee member Rep. Jane Harman, D-Calif., plans to offer an amendment to the defense bill in June that would water down the restrictions by giving the services the power to offer sweeping waivers without a case-by-case review. Harman's alternative has the support of Rep. Ronald V. Dellums, D-Calif., the committee's chairman, but is opposed by Skelton and by Rep. Robert K. Dornan, R-Calif., the committee member who first raised the issue in connection with service members who have the AIDS virus.

Testifying in March before Skelton's subcommittee, defense officials said that less than one-fifth of 1 percent of active-duty service members have permanent medical conditions that make them nondeployable. This is such a small number, it has no impact on readiness, they said.

Of the 3,560 service members who are permanently unable to deploy for medical reasons, about half have AIDS or are infected with the human immunodeficiency virus, which causes AIDS, officials said.

Skelton has tried to extend the debate beyond AIDS, arguing that while the military is getting smaller the services cannot afford to give up valuable billets to people who cannot now deploy and will never be fit to deploy in a contingency.

"The compassionate thing might be to keep someone with a serious heart condition or other medical problem on active duty because he's a nice guy who has worked hard, but the fact is that this person cannot go anywhere and do anything," said a Skelton aide. "This person is a liability."

ALASKAN ESSAY WINNERS SHOW CONCERN FOR NATURAL RESOURCES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. YOUNG of Alaska. Mr. Speaker, the Resource Development Council, located in Anchorage, AK, is a membership organization comprised of individuals, communities, groups, and businesses interested in the sound use of our natural resources. RDC is dedicated to allowing Alaskans from all walks of life to come together to work for the common cause of sensible and progressive resource development.

For the past 3 years, RDC has sponsored a statewide essay contest for students on topics related to resource development. Recently, I had the honor of presenting awards to this year's winners: Miss Shannon Siemens, a sixth grader at Kodiak Junior High School; and Miss Sharlene Chang, a student at Diamond High School in Anchorage. These two exceptional young ladies had their essays chosen from over 70 entries

As a former teacher, I am proud to see such hard work and interest in the future that was exhibited by all of the young Alaskans who participated in the essay contest. In order to share the winning entries with the Members of the House, I submit the essays to be printed in the Record.

WHAT IS THE ESSENTIAL ROLE OF NATURAL RESOURCES IN SOCIETY?

By Shannon Siemens

The essential role of natural resources in society is to supply humans with everyday materials that he needs to survive and use. I will tell about the necessity of each of these natural resources.

Sunshine is the most valuable resource of all. We need it to keep healthy and warm. It gives us Vitamin C. Since moving to Kodiak, there is not much sunlight, and I have been sicker more often because of the lack of Vitamin C. Also, to see, you need light from the sun.

Water is another important resource. We need it, as do plants and animals, so we do not become dehydrated. About 75 percent of our body is made up of water. We are supposed to drink at least eight glasses of water a day. We clean ourselves with it in the bathtub or shower. Our teeth are brushed with sink water. We flush remains in toilet water. In the kitchen, it is used in preparing food, such as cakes. Dishes and clothes are cleaned in water, too. It is also needed to put fires out.

Electricity is produced from hydro-electric plants that use water. Where this natural resource is found, many plants exist. This water is kept in dams, with waterfalls nearby.

Gas is another necessary natural resource. Air is the most common gas. It is made up of mostly two gases—oxygen and nitrogen. The nitrogen is not needed, but oxygen is vital for our survival. If there were no air, there would be no oxygen, and we would die in a few minutes. Other less important gases are ammonia and chlorine for cleaning, and methane for cooking food and heating homes.

Oil is a rich natural resource. It gives us 90 percent of the energy we use in modern life. Without oil much of our present way of life could not exist. It is used to make gasoline, diesel oil and jet fuel. My dad burns 769 gallons of fuel per hour flying his C-130 plane. Synthetic fibers from oil are used to make clothing. Asphalt, wax and lubricants are all oil products.

Plants are a crucial natural resource. We breathe in oxygen, and breathe out carbon dioxide. Plants take in carbon dioxide, transform it into oxygen and the cycle repeats itself. Plants are the only living thing that can produce food. They receive energy from the sun to make starches, sugars, fats and proteins. Sometimes we eat the stem, seed or fruit. We can even eat the flower, leaf or root. Cereal grains such as wheat, corn, oats, rice, barley and rye are important to our health. They come from sources in plants. Years ago, the pioneers discovered every food plant. But today, man has improved them by selection and crossbreeding.

Many necessary materials also come from plants. Some of these include rope, wood and cotton. People need to shelter themselves, make clothes to keep warm, and make life more comfortable. Plant materials can do all this.

Some medicines are produced from plants. Others come directly from the natural chemicals found in plants. The opium poppy plant is used to make morphine as a pain killer. This was offered to my mother after cancer surgery. Cortisone is used to help people who are crippled with arthritis, like my grandpa. It comes from a Mexican yam and an African plant called strophanthus. Cocaine comes from the coca plant in South America. It's used as a natural resource in medicine.

Many people don't think of animals as a natural resource, but in fact, they are. Coral are beautiful animals commonly found in reefs. Coral is important as a home for many fish. If all the coral is gone, then so is their home. Another sea animal is the anemone. This animal also dwells in the coral reefs. It shares a symbiotic relationship with the clownfish. They are hurtful to anything except for the clownfish. This fish cleans out the anemone's tentacles and the anemone finds food for the clownfish. A sponge is a simple animal. It is also a natural resource. When I lived in Florida, I visited the sponge docks in Tarpon Springs, where natural sponges were brought up from the reefs and sold. It can reproduce like the starfish and can be used as a "cleaning cloth" because it can hold water well. Game animals and fish are also necessary for man's survival. However, man needs to be cautious! For example, the Grand Banks of Newfoundland, Canada are no longer so "grand" for fishing. Fishermen there are paid over $300 a month (by the government) NOT to fish. This "freeze" will last until May 1994.

Minerals exist everywhere. These raw materials include gold, silver, copper, iron, zinc, lead and tungsten. Most are used for money. You can receive supplies from other countries that your country doesn't produce. They are in demand for making products to sell and trade with other countries.

Some non-metallic minerals are gravel, cement, salt and sand. Man uses them in a variety of industries. For example, the Morton Salt Plant in Great Inagua, Bahamas produces salt for use on food, icy roads, medicine and for making roads. Liquid sodium from salt is used as a cooking agent in nuclear powerplants. Salt is even used to soften water and give to animals.

In Columbia, South America there's a "salt cathedral" in Zipaquira. This church is built in a salt mine, and is entirely made out of salt. The central altar is a block of salt weighing 18 tons! Did you even imagine that salt could make something so interesting?

Rocks are another natural resource. You can build with rocks, for example, limestone. Years ago, huge limestone "wheels" were carried around on sticks in Yap. They were used for money and trading. When he visited Yap in the South Pacific, my dad photographed these wheels. They are now used for village property and have ceremonial value. Some of the Lesser Antillies in the West Indies are made completely out of limestone and volcanic rock. The ground itself is a natural resource! The hardest of rocks, diamonds are commonly used in jewelry, and very expensive. These are probably the two most important examples of rocks.

Natural resources are needed by you, me and the whole world. As individuals and as a nation, we all have basic needs—to breathe, eat, have shelter, stay healthy and be happy—to survive!

NATURAL RESOURCES: SOCIETY'S DRIVING FORCE

(By Sharlene Chang)

Natural Resources. When one thinks of natural resources, they think of precious oil, gas and coal, among many other things as well. Society is fueled by natural resources. They are what propels us through the twentieth century, and leads us into the twenty-first.

As our knowledge of natural resources grows, society grows along with it. Society has come to depend greatly on natural resources. Looking around, one can see the effects of natural resources on our every day lives. The heat in our homes and the fuel for our cars are supplied by our advanced technology and our extensive knowledge of natural resources.

The natural resources industry supplies many people with jobs and incomes for themselves and their families. Even people that are not employed by the natural resources industry can feel its effects. With the money that the industry's millions of employees earn, they buy other goods and services to provide for their well-being. In this way, natural resources affect not only the person as an individual, but society as a whole.

The essential role of natural resources is to provide the American society with their incredibly high standard of living. Little do many Americans realize the comfort and luxury that is provided to them, due to the utilization of our many natural resources. Central heating, gasoline, grocery store shelves stacked with different foods and electricity are all examples of the products of natural resources. Many other nations are lacking in these things that we take for granted every day.

We are blessed because America is bountiful in natural resources. A wide variety of resources come from all regions of the United States, from coast to coast. Factories that convert these raw resources into consumable products provide high paying jobs to many Americans, so that we can afford further luxuries.

With every passing day, our natural resource technology increases. This means many things. We can produce more efficiently. We can find better uses for our resources, that may be more economical and environmentally-safe. Continual research and technological development is necessary in order to provide for an ever-changing society such as ours.

Natural Resources: the driving power behind society.

RETIREMENT OF JOHN GALVIN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Mr. John J. Galvin who is being honored for his outstanding commitment to the Township of Bloomfield, NJ. Mr. Galvin has announced his retirement after 26 years of service as township clerk and planning coordinator.

Mr. Galvin received his degree in business administration from St. Peters College. He continued his education at Syracuse University and Salve Regina College, where he received his clerk's certification.

Previously serving as municipal clerk and treasurer in Saddle Brook, Mr. Galvin has held the position of municipal clerk and planning coordinator of Bloomfield since 1968. He has been actively involved with municipal clerks associations at both the county and national levels. Mr. Galvin has served as president of the Essex County association twice, and has recently completed his term as president of the State association.

After a lifetime of service, I ask my colleagues to join me in wishing Mr. Galvin and his wife, Rosemary, many more wonderful years and continued success.

AN EXAMPLE FOR ALL—THE RAYMOND COLLINS ELEMENTARY SCHOOL DESIGNATED DRUG-FREE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. HORN. Mr. Speaker, I rise today in recognition of the efforts of the faculty, staff, and students of the Raymond Collins Elementary School in being designated 1 of only 90 Drug-Free Schools nationwide.

The school was chosen by the U.S. Department of Education for its effective strategies in helping students resist the influence of drugs and improving school safety. In evaluating the qualifications of the Raymond Collins School for this honor, various programs were cited, including student conflict management training, a schoolwide discipline plan, the Just-Say-No Club, and a collaborative school climate.

One example of the outstanding efforts of the school is found in the Just-Say-No Club. Coordinator Vivian Majeed and student members of the club are actively involved in fighting drugs. Prospective members must sign a pledge to remain drug and alcohol free. Club members then train their peers in the importance of following a drug-free lifestyle. The club has been actively involved in antidrug campaigns at the national level, recently attending a rally with former President and Mrs. Reagan.

Clearly the Raymond Collins School has made significant progress in helping its students to become involved in creating a bright future. Among others, Principal Dee Stephens, Facilitator Claudette Powers, and Student Council President Samuel Faoliu are to be commended for their efforts.

VA MEDICAL CENTER IN DANVILLE, IL HONORED

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. MONTGOMERY. Mr. Speaker, on a number of occasions I have acknowledged the outstanding service rendered to veterans by doctors, nurses and other health providers at our VA medical centers. I believe the staff at VA medical centers are among the best anywhere.

I recently received a letter from the Honorable Harry N. Walters, who headed the Veterans Administration for a number of years, telling me about the excellent care his father-in-law received at the VA Medical Center in Danville, IL, prior to his death on March 11, 1994, at the age of 86.

The staff at Danville care about their patients and I am grateful that the former Administrator has acknowledged their good work. I would like to share with my colleagues the following communication Mr. Walters sent to the Secretary of Veterans Affairs, on April 26, 1994:

WILLIAMSBURG, VA,
April 26, 1994.

Hon. JESSE BROWN,
Secretary of Veterans Affairs, Washington, DC.

DEAR SECRETARY BROWN: My father-in-law, George V. Bernshausen, was a patient in the DVA Hospital at Danville, Illinois, from May 1992 to March 1994. He died in the hospital on March 11, 1994, at the age of 86. He was a WWII, non-service connected, Category A veteran and had suffered a broken hip, numerous strokes and several heart attacks.

He was a proud man who retired at age 62 as a lifelong automobile mechanic in Pekin, Illinois. His wife of 49 years, Helen Bernshausen, age 81, was unable to care for him at home because of her own poor health conditions. George had been treated at the DVA outpatient clinic in Peoria, Illinois, for a number of years preceding his first major stroke.

On behalf of his wife and daughter, I am writing to extol the care he received from the outpatient clinic and at the Danville Hospital and to express the gratitude of our entire family. In particular, I would like to commend Dr. Lewis Winters, Dr. S. Jong, head nurse, Ward 98, Josephine Thompson, head nurse, Ward 5, Linda Kelsey, and Social Services Director, Peter Durry. The entire staff was responsive, caring and helpful during his illness. He died in his sleep with dignity among friends, family and a superb medical staff.

His association with fellow veterans in the hospital also gave him great comfort.

Please feel free to distribute this letter to the DVA outpatient clinic in Peoria and to the DVA Hospital in Danville. They all were remarkably professional.

I am compelled, however, to add that ironically on the day he died, March 11, 1994, the long term care ward to which he was assigned, was closed permanently and combined with two other wards where supposedly veterans with much different illnesses will be treated in the same ward. Some VA hospital personnel expressed genuine concern about the future of long term care at Danville and some even expressed concern about the future of the entire complex. I do not know whether or not their concerns will become reality but their concerns remind me of our obligations to aging veterans. The demographics of the aging population are overwhelming evidence of the need for more support not less support for the aging veteran. Accessibility, adequate budgets and efficiencies will all be needed. We don't hear very much about the aging veteran, but as my family can personally attest, the Danville hospital does a better job caring for them than anywhere else in Illinois. I hope my affidavit and that of our family can be helpful to you as you pursue what I know to be challenging work.

America is No. 1 thanks to our veterans.

Most Sincerely,

HARRY N. WALTERS.

A CODE OF CONDUCT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. SWIFT. Mr. Speaker, I have received many letters from my constituents who are worried about our Nation's crime problem, and Congress has had vigorous debates on the best solutions to stop this violence. We need to find a way to make sure our children become productive members of society and not callous criminals. Yet, there are limits to what Congress can do to stop violence. Individuals need to take personal responsibility for their actions—to step back and see that how they treat others directly impacts our society. Mrs. Nordica Wiggins, of Everett, WA, has developed a code of conduct which she calls the American Code, which we should all take the time to read. Her code provides a valuable guide for individuals, families, and communities to follow in order to return to those positive values of decency, courtesy, and respect.

I am submitting a copy of her letter for the RECORD.

EVERETT, WA,
February 22, 1994.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The violence and crime in our beautiful country are becoming more and more unacceptable. There seems to be a lack of conscience and an ignorance of right and wrong.

Instead of trying to pin the blame, do you think a Code of Behavior for Americans might help, please?

If a revised and approved version of the below draft were a required posting on every school room wall, every government office and meeting place and in every public conveyance, on accommodating TV screens and newspaper pages, maybe it could start the pendulum swinging back to a nation where decency, courtesy and respect for each other became habitual to one and all.

THE AMERICAN CODE

As an American and entitled to all the benefits and privileges of citizenship,

1. I will respect my fellow Americans in speech, attitude and behavior.
2. I will not kill.
3. I will not steal.
4. I will not bear false witness against a fellow citizen.
5. I will protect children.
6. I will be kind to animals.
7. I will protect the environment.
8. I will obey the laws and pay the taxes that pertain to me.
9. I will not discriminate against others who differ from me in appearance, beliefs and customs.
10. I will respect and protect the American flag.

Sincerely,

(Mrs.) NORDICA WIGGINS.

MORRISANIA REVUE DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. SERRANO. Mr. Speaker, I rise to honor Bronx Community Board Three and the Community Action Committee of the Consortium of At Risk Youth Agencies [CAYA], who last Saturday, June 4, 1994, held "Morrisania Revue Day" in the South Bronx.

CAYA and Community Board Three collected some of the great talents of the fifties, such as Lillian Leach and the Mellows, the Chantels, the Chimes, the Chords, the Crickets, Veretta Dillard, Norman Fox and the Rob-Roys, the Heartbreakers, the Limelights, Ruth McFadden, Robert & Johnny, the Twilighters, the Wrens, and the Supremes for a joyous celebration of the revitalization of our community and its people.

Mr. Speaker, I have had the pleasure of working with Community Board Three and CAYA, on this event and on other projects of concern to our community. I ask my colleagues to join me in recognizing them for their much appreciated contributions.

RECOGNITION OF THE LEE RICHARDSON ZOO

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. ROBERTS. Mr. Speaker, I wish to call to my colleagues attention the Lee Richardson Zoo and its outstanding contributions to world wildlife conservation. During the month of June, the Lee Richardson Zoo, along with over 160 other institutions nationwide, will be celebrating "Zoo and Aquarium Month," a month-long observance that strives to raise public awareness of the conservation practices of North American zoos and aquariums.

Since the early 1970's zoos and aquariums have made monumental changes to dedicate themselves toward educating the public on the importance of habitat conservation. In some cases, these facilities have become the last stand for many species near extinction. These facilities have modeled themselves as entire ecosystems instead of a handful of displays of different animals. In return, the general public has become much more aware of the important balance between animals and their natural environment. Zoos and aquariums are preserving wildlife and their habitat for future generations. I am especially proud of the numerous improvement projects currently underway at the Lee Richardson Zoo, including Wild

Asia, a major new exhibit funded by the nonprofit support group, Friends of Lee Richardson Zoo.

Additionally, construction will soon begin on the Finnup Center for Conservation Education, a state-of-the-art facility that will enhance environmental education through a partnership involving the zoo, two local school districts, and the Garden City Community College. Last year the zoo's educational programs reached over 11,000 people from a three-State area. These numbers should increase significantly with the completion of the new facility.

I urge my colleagues to join me in recognizing June as "Zoo and Aquarium Month," and I urge my colleagues to visit their local zoo or aquarium with the family and friends.

THE OLD SOLDIER AND THE PARADE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. QUILLEN. Mr. Speaker, today is Flag Day, and in honor of this noble occasion, I would like to bring to my colleagues' attention the following poem, which was written and given to me by my constituent, Mr. L. Wayne Harless, of Kingsport, TN. I commend this poem to all who love our flag and who wish it to continue to be honored as the symbol of our unity as a nation.

THE OLD SOLDIER AND THE PARADE

The Old soldier stood at stooped attention, as the flag was passing by,
and for a moment he thought,
of the battles he'd fought, and the comrades he'd seen die,
He swelled his chest, now medal bedecked, awards for valor in war,
as he remembered the friends,
who fought til the end, and he knew they'd given much more.
He swallowed the lump, that rose in his throat, Old Glory'll do that you know,
she's a symbol of pride,
that wells up inside, and causes the tears to flow.
He knows that some just can't understand, the meaning of this great flag,
some cry "let it burn,
till all men can learn, that it's nothing more than a rag."
But he knows by the love God put in his heart, for a country born to be free,
that he'd use his last breath,
gladly fight to the death, that even these might have liberty.
So hush now my friend, and show some respect, Old Glory is passing by,
Lay your hand on your breast,
vow to God that your quest, will be to hoist this great banner high!!

—By L. Wayne Harless, 7/4/93

IN MEMORY OF JUDGE H. CLIFTON MCWILLIAMS, JR.

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to pay tribute to the memory of Judge H. Clifton McWilliams, Jr., of Johnstown, PA, who died suddenly last month. I knew Judge McWilliams and his wife personally, for he and my late father were partners together in their law firm in Johnstown for a decade until the Judge's election to the bench.

An article from the Johnstown Tribune-Democrat may provide a sense of the character, integrity, and kindness of Judge McWilliams. He served his community wisely and well, and was and will remain an inspiration to me and so many others who knew him.

CAMBRIA MOURNS SUDDEN DEATH OF LONG-TIME JUDGE

(By Kathy Mellott)

EBENSBURG.—Senior Cambria County Judge Clifton McWilliams of Westmont died Tuesday, two days before his 76th birthday.

"It was a shock to everyone," said Janice McWilliams the judge's wife of 32 years.

"He didn't look or act his age."

Mrs. McWilliams said her husband died of a massive heart attack.

McWilliams, who played golf on Monday, still served on the Cambria County bench after his official retirement, handling nearly 600 drunken-driving and first-time-offender cases a year, and worked as a visiting judge in a number of surrounding counties.

The judge's death came as a shock to his friends and colleagues, who said he will be remembered as a good person and a fair judge.

Cambria President Judge Gerard Long said it will be difficult to fill the gap created by McWilliams' death.

Last week, county work crews completed renovations of McWilliams' chambers on the third floor of the courthouse, work for which he was very appreciative, Long said.

"There wasn't a mean bone in that man's body," the president judge said.

"He was really a gentleman's gentleman."

Senior Judge Eugene Creany had lunch with McWilliams in Ebensburg Monday and said he appeared to be in excellent spirits.

"He loved lawyers and he went to all ends to try to satisfy everybody," Creany said.

"He had a quality that he hated to hurt anybody."

He called McWilliams a "very good judge."

Carl Harrison of Middle Taylor Township said he met McWilliams when the judge was traveling around the county with his father, the late H.C. McWilliams, one of Cambria County's first farm agents.

In 1955, when McWilliams was appointed to the bench, he brought Harrison to Ebensburg to work as his court officer, a position Harrison held for 33 years.

In recalling his years in the courtroom, Harrison said it was not unusual for McWilliams to seek Harrison's opinion on the credibility of witnesses, especially when hearing non-jury trials.

"He would often ask me which one I thought was lying," Harrison said.

McWilliams was a 1940 graduate of Pennsylvania State University, where he was captain of the men's basketball team and was named outstanding senior.

He earned a law degree from the University of Pennsylvania and attended Harvard for one year before returning to Cambria County to practice law.

He was a naval officer in the Pacific during World War II.

In January 1955, McWilliams was appointed to a one-year unexpired term on the Cambria County Court. He was a candidate for a full term as judge in the general election in November of that year, but lost in a close race to Alton McDonald.

In 1963, McWilliams was elected to the court.

He was named president judge in 1974, a post he held until stepping down in 1988.

SENATE—*Wednesday, June 15, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Chaplain of the Senate, the Reverend Dr. Richard C. Halverson, will lead the Senate in prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Eternal God, righteous and just in all Thy ways, help Thy servants, whom Thou hast ordained to leadership in the Nation, to take seriously the word of the prophet Micah. Grant them the wisdom, the determination, and the courage to do justly, love mercy, and walk humbly before the Almighty.

In their deliberations and decisions, liberate them from the pressures which tempt them to do less than God requires. Give them grace to reject the temptation to depart from the Divine standards. Encourage them in the conviction that what is right with God is certain to be right with the Nation.

In the name of Jesus and for His glory we pray. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for 10 minutes, under the order previously entered.

BREAST AND CERVICAL CANCER SCREENING

Mr. MURKOWSKI. Good morning, Mr. President. I wish you and all of my colleagues a very good day.

Let me share with you a sense-of-the-Senate resolution I introduced on May 25, supporting the ability of women to receive and physicians to provide appropriate breast cancer and cervical cancer screening under health care reform.

Mr. President, this resolution simply states that any comprehensive health care reform measures passed by the Senate shall not establish artificial limits on early detection and preventive screening for breast and cervical cancer. Rather, screening should be provided in a manner consistent with sound scientific research, allowing for a physician's discretion.

Mr. President, every year 45,500 women are diagnosed with cervical and uterine cancers, and approximately 10,000 die from these diseases. Breast cancer afflicts even greater numbers of women. Each year 183,000 women are diagnosed with breast cancer and 46,000 die from it.

One in eight women will develop breast cancer in her lifetime, and it is now the leading cause of death in women between the ages of 35 and 54.

In my State of Alaska, we have a high incidence of these diseases. Breast cancer is the No. 1 cause of death in Alaskan women, while cancer ranked as the second leading cause of death in Alaskan men and second for both sexes nationally. In 1986 and 1987, Alaska was ranked 23d among all States in breast cancer mortality, and when analyzed by race, we tied with New York for the second highest rate of breast cancer mortality in Caucasian women.

While cervical cancer deaths have declined overall in the past 40 years, during the decade of 1980 to 1989, the rate of cervical cancer for Native Alaskan women was four times greater than the non-Native rate.

The American College of Obstetrics and Gynecology, the American Cancer Society, and other notable physician and scientific organizations, recommend annual Pap smears and pelvic examinations for women who are 18 years of age and older.

Further, Pap smears are inexpensive tests, particularly when compared with other cancer screening measures. When there are many cancers that physicians are not capable of detecting except through the most expensive tests, it seems appropriate that Congress would support, not limit, preventative screening measures, like Pap smears, that provide the most effective means of early detection.

I, and many of my colleagues, recently became concerned with the National Cancer Institute's change in position regarding mammography screening for women between the ages of 40 and 49. The National Cancer Institute no longer recommends that baseline mammography occur at age 40. Instead they believe age 50 is adequate. Yet, just last month, a study conducted at Case Western Reserve University found that younger breast cancer victims tend to have more aggressive and deadly forms of cancer. Those under the age of 45 were determined to have more rapid recurrences of the disease and shorter survival time. While there is some controversy surrounding age appropriate screening, what is not disputed is that mammograms are the only method available to detect breast cancer at the earliest stages when it is most curable and that mammography has been proven to reduce mortality for women when breast cancer occurs.

Mr. President, of course, these are not partisan issues. We may have our differences regarding the managing and financing of health care reform, but I think we all endorse accessible and affordable health care that preserves the patient's choice and the physician's discretion. For years, Members of both parties have supported increased funding for research, education, and preventative screening services for breast cancer and cervical cancer. My wife Nancy was the founding director of the Breast Cancer Detection Center in Fairbanks, AK, back in 1974, and both she and I continue to support this center's mission to provide free mammograms to low-income and underserved women in the interior part of Alaska. Our commitment to maintaining these services and expanding them to more remote areas of our State remains strong and is our objective.

As Congress pursues reforms on the health care system, it is of the utmost importance that we ensure appropriate screening for breast and cervical cancers and make it available to women when they want them or when their doctor determines they may need them.

So the purpose of this resolution, Mr. President, is not to mandate one service at the expense of another, but to simply express the sense of the Senate that it is not the role of the Federal Government to place artificial limitations on these services, particularly when physicians and scientific organizations do not concur with these limitations.

Again, the resolution simply states that any comprehensive health care reform measure passed by the Senate not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

establish artificial limits on early detection and preventive screening for breast and cervical cancers. Rather, screening should be provided in a manner consistent with sound scientific research, allowing for physician discretion.

I am pleased to include Senators COCHRAN, LUGAR, and STEVENS among the original cosponsors of this resolution.

TAXES AND THE URUGUAY ROUND TRADE AGREEMENT

Mr. MURKOWSKI. Mr. President, recently, the Wall Street Journal reported that the administration is considering proposing a series of tax increases to pay for the lost tariff revenues that will result as a consequence of the implementation of the Uruguay round GATT trade agreement.

According to the Journal, the following tax increases may soon be on the table: $4.8 billion from a 4-percent tax on radio and television stations and others for the use of the radio spectrum; $1.5 billion by reauthorizing the Superfund hazardous waste cleanup tax and using part of a surplus that has accumulated; $1.3 billion from changing the inventory accounting rules for retailers; $600 million from a gambling tax on gambling that exempts State lotteries; $500 million from taxing employer-provided parking, and we have had some experience with this in this body; $500 million from requiring companies that take advantage of the possession tax credit—section 936—to file quarterly taxes; and $200 million from taxing more chemicals as ozone depleting chemicals in that category.

In addition to the $9.4 billion in tax increases that will be needed over the next 5 years, the administration is considering cutting agricultural export subsidies by $1.6 billion and farm subsidy payments by $1.5 billion. It should be noted that these spending cuts are effectively mandated by the terms of the GATT agreement.

So what we have, Mr. President, really, is the specter of nearly $10 billion in tax increases that will be necessary to implement the GATT agreement. I question the wisdom of this approach.

In a letter President Clinton sent me on May 3, he stated: "This agreement will create hundreds of thousands of American jobs and new economic opportunities at home." According to a booklet the President included with his letter, the Uruguay round, when fully implemented, should add $100 to $200 billion to the U.S. gross domestic product annually. In addition, the Commerce Department's International Trade Administration recently estimated that over the next 10 years, the output of goods and services in the United States will increase by more than $1 trillion as a result of the GATT agreement.

Mr. President, there is little doubt in this Senator's mind that the GATT agreement will significantly benefit this Nation's economy because it will reduce barriers blocking our access to world markets and create a more fair and comprehensive set of world trade rules. If the administration is correct in its estimate that the GATT agreement will increase GDP annually by $100 billion, it is almost a certainty that increased Federal revenues from income and corporate taxes will far exceed the revenue loss that will result from the reduction in tariffs.

Currently, individual income and corporate income taxes are slightly more than 10 percent of GDP. This percentage is projected to remain fairly steady at 10.3 percent of GDP over the next 5 years. If, in the first few years of the phasein of the GATT agreement, our added GDP is merely $20 or $25 billion a year—not the $100 to $200 billion that the administration estimates after full implementation—individual and corporate tax revenues will easily offset the revenues lost by tariff cuts.

If we are to believe the administration's $100 billion annual GDP gain, corporate and individual income tax revenues would rise by more than $10 billion a year.

The reason the administration is scrambling to find ways to pay for the GATT agreement is because our budget pay-as-you-go rules require offsets when legislation reduces Federal revenues. Yet, I believe that we should not have to find new sources of revenue to pay for the GATT agreement because I believe it will bring in far more in income and corporate income taxes than will be lost through tariff cuts. If not, something is wrong and perhaps we better stop spending and cut spending in specific areas.

I hope that when the Congressional Budget Office estimates the effect that the GATT will have on Federal revenues, its analysis will reflect the economic growth that will surely result from implementation of the agreement. Narrow economic analyses that ignore such feedback to the economy should not be used as a basis to require unwarranted tax increases.

Clearly, I think all Americans expect that the increased trade resulting from GATT should be a sufficient stimulus to the economy which should more than make up for the cost of the lost revenues.

I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey, under the order entered previously, is recognized now to speak for up to 20 minutes.

Mr. BRADLEY. I thank the Chair.

RACE FOR THE CURE OF BREAST CANCER

Mr. BRADLEY. Mr. President, breast cancer steals our wives, our mothers, our daughters, our coworkers, and our friends. For those who it does not kill, it changes forever.

I speak as the spouse of a wife who has experienced mastectomy and chemotherapy regimens. Once a family has brushed up against breast cancer, it is never quite the same. It is changed forever.

During 1994, an estimated 182,000 new cases of breast cancer will be detected in women. In New Jersey an estimated 6,800 cases will be detected. And this year 46,000 women will die because of breast cancer. And in my home State, approximately 1,700 women this year will die from breast cancer.

The 5-year survival rate—which includes all women living 5 years after diagnosis, whether the patient is in remission, disease free, or under treatment—for localized breast cancer is 93 percent. If the cancer has spread—usually meaning involvement with lymph nodes—at the time of diagnosis, the 5-year survival rate is only 72 percent, and for persons with distant metastases—meaning cancer has spread to other parts of the body—at the time of diagnosis, the 5 year survival rate is a terrifying 18 percent.

As a nation, we cannot afford to wait any longer to lead the battle against the primary killer of women ages 35 to 54. For in the year 2000, over half of the women in the United States will be in this age group. The Federal Government has the power and the responsibility to allocate the necessary resources to prevent and treat breast cancer. We have begun to make significant strides. Federal funding for breast cancer research has quadrupled since 1990. However, the $410 million we will spend on research pales in comparison with the billions of dollars of medical costs and personal anguish and suffering breast cancer will cause our Nation and millions of its citizens this year.

I am deeply committed to finding a cure for breast cancer. We cannot, however, simply sit back and wait for the cure. Each and everyone of us must help in the fight against breast cancer. One way to help in this fight is to participate in the fifth annual National Race for the Cure this Saturday, June 18. The purposes of the Race for Cure is to raise both money and public awareness about early detection and mammograms so as to increase the survival rate for breast cancer victims. Since the first race in 1990, this annual event has raised close to $2.5 million for breast cancer research, screening mammograms for low-income women; and public education programs.

The Race for the Cure is a unique opportunity to bring together women and their families and friends who have been affected by breast cancer. In the words of Ellen Barnett, founder of the Advocacy Committee for Breast Cancer survivors,

> Women who live with breast cancer every day of their lives know better than anyone

the importance of education, research and effective means of early diagnosis and treatment. Many breast cancer survivors live silently with their concerns, without the support and camaraderie available from being with other women with similar concerns. The public image of thousands of women survivors running together tells all women that they are not alone and they need not endure the trauma of the disease in silence.

I will join the estimated 20,000 runners, walkers, and wheelchair participants expected this year. I will join my family—my wife will participate—and my staff, those who choose to participate. I will join the survivors of breast cancer wearing pink visors. I will join the walkers and runners with pictures of loved ones they have lost to breast cancer pinned to their chests. And I will join those who have the names of survivors written on their backs to participate in the Race for the Cure of breast cancer that takes place this Saturday.

Mr. President, I encourage all of my colleagues in the Senate to enter the race. So far, nine Senators have said they will race for the cure. The Vice President will race for the cure. I urge all of them and their staffs to participate in an effort to help to find a cure for breast cancer. With all of our help and the help of the American people, this race will not only be the best ever, but it will also put us on the right track to finding a cure.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Let me wish the President pro tempore a good morning.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized for not to exceed 5 minutes.

RACE FOR THE CURE

Mr. DASCHLE. Mr. President, this weekend marks the 5th year that Washingtonians will participate in the Race for the Cure. I am informed that sponsors are expecting as many as 20,000 participants to commemorate this year's anniversary of Washington's first Race for the Cure to combat breast cancer.

In the past, the Race for the Cure has helped raise critical funding for medical research and for mammograms. Much of this money remains in the local area to support research institutions and provide mammograms for women who could not otherwise afford them.

The Race for the Cure is also an exceptional tool for raising public awareness about breast cancer and of alerting women to the importance of early detection measures.

Many of Saturday's race participants will actually be breast cancer survivors. Many more will be the spouses, the siblings, or the friends of both breast cancer survivors and, I am sad to say, the many women who have not survived their battle with this terrible disease. It is for all these individuals that we race on Saturday, and it is for them that we continue our efforts to support research and public awareness, in the hope that one day all women who face this disease will be survivors.

Although we have made significant strides in combating breast cancer, we are far from the finish line. Medical research into the causes, cure, and prevention of breast cancer is essential to this effort. I am pleased that President Clinton has expressed his commitment in this regard by including in his budget proposal a 4.7-percent increase for biomedical and behavioral research to be conducted by the National Institutes of Health. This funding will be targeted in part toward women's health and especially toward breast cancer research.

Public awareness and prevention efforts are also critical components of our battle against breast cancer. Today doctors strongly recommend monthly self-examinations to check for the early warning signs of breast cancer, but sometimes these early warning signs are not early enough. That is why it is so important for women at risk to have mammograms. A portion of the proceeds from the race this Saturday will be devoted to providing mammograms for women who would otherwise not be able to obtain them, and I am hopeful that one day we will be able to detect all breast cancer at an early stage.

But I am even more hopeful, however, that we will someday have a cure. Over 70 percent of all women who have breast cancer do not exhibit any of the known risk factors. This year, 182,000 women will be diagnosed with breast cancer and, unfortunately, 46,000 women will die from this terrible disease. So we must find a cure.

Sometimes the most effective movements are born of tragedy. The Race for the Cure is no exception. This race is a tribute to all women who have not survived their battle with breast cancer. It is in their memory that we continue our efforts to increase support for medical research and to raise public awareness about this important issue.

This race is also a tribute to all those women who are surviving their battle with breast cancer. It is in their honor that we stand with them, walk with them, and run with them—it is in respect that we race with them—to find a cure for breast cancer.

I yield the floor.

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Vermont [Mr. LEAHY] is recognized to speak for up to 15 minutes.

THE RACE FOR THE CURE

Mr. LEAHY. Mr. President, I appreciate the comments made by many of my colleagues on the Race for the Cure here this morning. Both my wife and I will take part in that this weekend. I think it is something extremely important.

LANDMINES

Mr. LEAHY. Mr. President, I want the Senate to know about a hearing I held on May 13. I held it under the auspices of the Senate Appropriations Committee, chaired by the distinguished President pro tempore, and in the Foreign Operations Subcommittee. We talked about landmines. In fact, this hearing was the first hearing on the problem of landmines in the Congress.

Among the witnesses was an American from Boulder, CO, named Ken Rutherford. Last year, he was working for the International Rescue Committee in Somalia. Ken was in Somalia on an errand of mercy. He was helping the Somali people rebuild their country after years of devastating war. And, on December 16, just a short while before Christmas, he was driving along a road, a road that looked safe, when the vehicle he was in exploded. It exploded from a landmine that was on that road. Ken's right foot was torn off. Part of his leg had to be amputated. In fact, his left foot was so badly damaged that it was saved only as a result of seven surgical operations.

Losing a foot is a horrifying experience for anybody. In his testimony, Ken said that in many ways he was lucky. He had a radio. He could call for help. He was airlifted to a hospital. He received excellent medical treatment. Insurance is going to cover about a quarter of a million dollars in the bills from this one incident.

Ken would agree that the hundreds of thousands of people who have had a leg or an arm blown off by landmines are rarely so lucky. Many of them bleed to death on the spot—especially, and tragically, more and more, they are children whose bodies are less able to survive the blast, because landmines are being used more and more as a weapon of terror against civilian populations.

Others who are injured by landmines are faced with trying to survive in places like Cambodia, Angola, and Nicaragua, where physical labor is a way of life. There is no welfare. There are no disability payments. Certainly, there is no insurance to pay the medical bills. In fact, oftentimes it is a society where the disabled are treated with loathing.

Landmines kill or maim over 1,200 people every single month of the year.

Most of the victims are innocent civilians. If a Somali had stepped on the mine that destroyed Ken Rutherford's leg, he or she would almost certainly have died.

Think of the number—1,200 killed or maimed each month. Patrick Blagden, a retired British general who heads the United Nations demining program, testified that every 15 minutes he hits his desk and thinks, "There goes another one."

Mr. President, I want to quote from Ken Rutherford's testimony, and let me tell you, when he said this, there was dead silence in that hearing room. He said:

> I looked down at my feet. I saw a white bone sticking out where my right foot used to be. My other foot was still attached. I had lost a toe and the top part of my foot, and like an x-ray, I could see the bones going to the remaining toes.
>
> I am lucky to be an American. To have the best medical care, therapy and prosthetics available. What about the Somalis who are hurt by landmines? Who will help them?
>
> When I was helping the Somalis, I made a point to say that the money came from the American people. In the future, I would also like to say that we—

Americans

> were instrumental in setting the standard in the fight against landmines.

Ken went on to tell us of sitting there with his foot in his hand trying to reattach it, and of the shock, the loss of blood and the pain. He had no warning there was a landmine or who put it there. In fact, to this day, he does not know who put the landmine there. But, really, what difference does it make? It is the horrible result that matters. Landmines are strewn by the thousands. They speak of sowing landmines as though it were a farmer in my own State of Vermont sowing a crop to feed people. They sow landmines by the thousands that kill and maim indiscriminately.

Mr. President, there are 100 million active landmines in over 60 countries—100 million landmines waiting to explode from the pressure of a footstep. What madness is this? Last year, the United Nations cleared a total of 75,000 landmines, at a cost of tens of millions of dollars. It also cost the lives of nearly 100 deminers who died in clearing those 75,000 landmines. Tens of millions of dollars, 100 people dead, 75,000 cleared, but in that same period, in the former Yugoslavia and Cambodia alone, over 2 million new mines were laid—over 2 million. It is like Sisyphus trying to stop this: We get rid of 75,000 and just two countries alone lay down 2 million more.

I have rarely met anyone as courageous and eloquent as Ken Rutherford. He suffered terrible injuries. He is going to live with these injuries for the rest of his life. But rather than lament his fate or harbor regrets, he asked us to act to save others from suffering the same fate.

At that hearing, we also heard testimony from the U.N. High Commissioner for Refugees; the head of UNICEF who testified that more children, far more children than soldiers, are killed and maimed by mines—children who pick them up and think they are a toy and then have their hand blown off or their leg or their arm or their face, literally their face.

We heard from an American veteran who lost his arm from an American landmine in Vietnam. I remember later watching part of the hearing on television when he said even if you survive, it stays with you forever, and then the camera moved down to the hook where his arm used to be.

Statements were submitted by U.N. Secretary General Boutros Boutros-Ghali, by former President Jimmy Carter, and by Elizabeth Dole, the president of the American Red Cross. Each one of them called for an international ban on antipersonnel landmines.

We cannot solve this problem by ourselves, Mr. President. But without U.S. leadership, we are going to continue to watch this slow-motion slaughter.

Last year, 100 U.S. Senators—Republicans and Democrats, conservatives and liberals—voted for my amendment for a moratorium on exports of antipersonnel landmines from the United States. I want to tell my colleagues in this body, all of whom on this floor voted for that, that we set a standard, and eight countries followed our lead and stopped exports: Germany, France, Poland, The Netherlands, South Africa, Belgium, Slovakia, and Greece. Four more—Canada, Taiwan, Peru, and the Czech Republic—are expected to soon, following the moral leadership of the United States. And because of our leadership, negotiations have started in Geneva to seek international limits on the production and use of these weapons.

This next year of negotiations is a crucial opportunity for the United States to show leadership. Over 50 countries produce landmines, some 10 million new mines every year. I will soon introduce legislation imposing a 1-year moratorium on the production of antipersonnel landmines by the United States and to authorize funds for technical assistance and equipment for mine clearing. It is far less than a total ban many are calling for. Nor does it seek to dictate what U.S. policy should be. That is going to be determined by our negotiators in Geneva. But my legislation will put the United States in a strong position to press other countries to follow our example. That is the only way we are ever going to be able to deal with a problem which the State Department has said may be the most toxic and widespread pollution facing mankind.

Mr. President, I ask unanimous consent that Ken Rutherford's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

GLOBAL LAND MINE CRISIS

(Testimony of Ken Rutherford, International Rescue Committee, before the Foreign Operations Subcommittee, May 13, 1994)

My name is Ken Rutherford. I am employed by the International Rescue Committee (IRC). My hometown is Boulder, Colorado. I am an amputee as a result of a land mine accident in Somalia.

First, I would like to thank you for your support for Operation Restore Hope. It did just that and more. It not only restored the hope of the Somali people, but also saved tens of thousands of their lives. For that many will be eternally grateful. No other country in the world's history has ever attempted such a humanitarian operation.

Second, I gladly accept your invitation to testify before you. I hope that I can accurately reflect the pain and suffering of tens of thousands of land mine victims, both dead and alive, around the world. Today, I will be expressing to you a real life land mine nightmare. I feel privileged to have this opportunity because I'm an American and alive. Unfortunately, all other Americans who hit land mines in Somalia are no longer with us.

You know the statistics. You know the facts. How long does the parade of victims have to be? Please help make the world safer for all of us. I hope that my loss prevents a similar story.

Last December 16th, my life was changed forever. We had received over 80 donkey cart applications at the Lugh credit union. We wanted to support the donkey cart operations since that is the main water supply. By funding these operations we hoped to reduce the price of water so that the recently returned refugees and poor would be able to afford it. The day before we had posted a notice in the town for all donkey cart applicants to come to the credit union at 8 a.m. the next morning, the purpose being that we wanted to match each application with the applicant and donkey cart.

The applicants came in slowly. The staff recommended that we wait longer since we would be causing more problems for ourselves by not allowing enough time for the other donkey cart owners to appear. To make good use of this down time, we decided to conduct site visits to the four approved lime producers whose manufacturing locations were several miles outside the town. The applicants got in the land rover back seat, while the union manager and Abdulahi Farah Ali got in the far rear seats. I sat in the front seat between my IRC driver and Duale, an IRC colleague.

About 10 minutes into our excursion, the land rover lurched forward a little, and the inside filled with dust. I slowly looked at Duale, whose face was covered with dust, then down to my feet. I saw a white bone sticking out where my right foot used to be. At first, I wondered if that was my bone or Duale's. It was mine.

My first instinct was to get out of the land rover. But, my lower legs were not working. I grabbed the steering wheel to pull myself out of the car hitting the ground with my back. The radio landed several feet from me.

Fortunately, before getting in the land rover at the credit union, I had attached my radio to my belt, rather than the usual practice of carrying it in my book-bag at the base of my feet.

I crawled for the radio, whereupon Abdulahi handed it to me. I said, "Kilo

Romeo for Kilo Tango" (Kilo Romeo was my call sign, while Kilo Tango is the call sign for Ken Turk, IRC Lugh Team Leader) "I've run over a land mine. I'm bleeding. I'm "O" positive. Send for an airplane."

I crawled the few feet back to the car and used my arms to place my legs on the seat. Abdulahi adjusted my legs on the seat then tied tourniquets around both my ankles. A bone was sticking out where my right foot used to be. The actual foot itself was hanging by stretched skin toward my knee. Twice I did a partial situp so that I could reach up and hit the bottom of my foot with the back of my hand hoping that it would flip up and over onto the protruding bone. It kept on falling back down.

My left foot was still attached. I had lost the fourth toe and top part of my foot. Like an X-ray, I could see the bones going to the remaining toes.

Abdulahi, unhurt, stayed with me the whole time. At the time I wasn't feeling any pain, just uncomfortable. I knew that I was in a serious accident and that my right foot was gone forever.

Up to this point I never thought about dying, but I was thinking what a blessed life that I've had. Great parents. The best of friends. The realization of a dream that I did the things that I wanted to do. And that even what I was doing in Somalia was a dream. How many people have the opportunity to do what they've wanted to do since being a kid? What could be a better feeling than helping and assisting people start their lives again after a civil war? I enjoyed having the opportunity to physically visit each applicant's project site, and help them. Some days I couldn't believe that I was getting paid for what I was doing.

Soon I spit up blood, and then I thought, due to possible internal injuries, I could be dying, and that every breath I took could be my last. The only sad thought I had was that I wouldn't be able to marry Kim, my fiance of two months. That we wouldn't have children, whom, I believe and hope, would make a positive contribution to this world. I then resolved in myself that if I could pace my strength, energy and mind until I reached medical care, then I would live. I started breathing slowly, and calming myself down.

I looked up at Abdulahi and my other IRC Somali staff and said that I had enjoyed working with them and that we did our best.

Help arrived 15-20 minutes later. The first "rescuer" down the ridge was Ken Turk. I asked him if he could put my right foot back on. I meant it in a humorous way because I already realized that it would be nearly impossible to have a normal foot again, and that it hurt too much to cry.

He and the Somali rescuers picked me up in a cradle position and, then, placed me in the back of a pick up truck with my head on the lap of an Islamic Fundamentalist soldier. He held my head and his machine gun at the same time. My left hand was held by another soldier sitting on the side of the pick up truck with both of us squeezing each other's hands. Ken was trying to keep my right foot on the leg while trying to maintain his balance in the bouncing truck.

I remember thinking how great it was that Somali Islamic Fundamentalists were trying to save my life. Only several hundred miles away, in Mogadishu,they were trying to kill Americans. Here they were going over the same road that I had hit a land mine on to get me to the hospital.

Once in the truck, the pain set in fast. The hospital room was full of Somali medical personnel and Tamera Morgan, an American nurse with extensive trauma experience. My forehead was being pressed down, and Somali men were holding down my arms in a cross position to keep me from moving to much. I kept struggling to deal with the pain and to try and raise myself up so that I could look at my mutilated feet. I couldn't believe that they were so destroyed.

About 30 minutes later I was taken back out to where the pick up truck had remained during my time in the hospital. Several men transferred me from the table to the truck. Before the transfer I could feel the large numbers of people that had crowded into the hospital courtyard and beyond. I told myself not to make a face of agony, pain, fear, or suffering, but to present an appearance that everything was OK—no problems. I didn't want them to think that I was just another American or international relief worker leaving out of fear or warning.

Before the accident I wanted to prove that Americans and Somalis could work, productively and cooperatively, together to provide many with a new start in life, and that the events in Mogadishu between Americans and Somalis have no influence on our work. I believed that it was important for me and other international relief workers, primarily Americans, to show that we were there to work shoulder to shoulder for long term and sustainable development.

Lying in the back of the pick up, I remember Somalis touching my legs and arms saying "sorry." I thought to myself "who is going to help these people? Who is going to continue the credit union work here? Is this the end? John Irons, my lone American IRC counterpart, can't do it all by himself.

During the flight to Nairobi, I almost died. To keep me alive both Tamera and a French doctor gave me blood from their own bodies to mine by direct transfusions. I only remember moaning and mumbling "Oh my god" so much from the pain that I thought the pilot must hate me since I was probably giving him headaches.

I started begging to save my right leg, knowing very well that it was gone but trying to protect my left leg. I figured that if I let my right leg go easily, then it would be much easier for them to cut off my left. I was twisting and struggling from the pain. The hospital staff then strapped both my arms stretched out to each side. The last thing I remember before the operation was a nurse apologizing as he cut away my maroon T-shirt—the one that I wore at the Somali going away party in Colorado that my family and friends had given me before my departure five months earlier.

I woke up with the doctor's hands holding down my shoulder explaining that they had to cut off my right leg to save my life. I asked him if I still had my left. When he said yes I started saying the first of my many thank yous to him and the nurses.

Before my departure, the nurse wheeled Dulae in. It was the first time that we had seen each other, at least consciously, since the accident. I stretched my left arm towards him for I couldn't roll over to give him my right. He took my hand, and we held each others' hands.

What I remember most about my post-operation was that whenever I woke up, there were IRC personnel by my bedside offering encouragement and support.

I was flown to Geneva on an SOS evacuation flight. In the plane, I was laid on a stretcher with sheets covered by a belt. Every three hours I was allowed a morphine shot. That last hour went by so slowly. The pain was incredible.

We stopped to refuel in Egypt, and I was looking out the plane window at some Egyptian soldiers. I was thinking "What am I doing? I'm on a plane in Egypt; I've lost my right leg; my left leg is in jeopardy * * * and yesterday I was working and fine. Our lives can change in a split second—anybody's.

The arrival in Geneva was at night. Out of my small window I saw Kim, my father, and Steve Richards, the IRC Executive Vice President, plus airport security guards and ambulance personnel. Once the door opened, Kim rushed onto the plane. As I saw her coming in the hatch, I took off the oxygen mask, then we hugged.

I was immediately taken in the ambulance to the hospital. My first memories of the hospital were getting X-rays of my foot, and then being put under. We didn't know if I would come out with one foot or not. This was the first of three operations in five nights in Geneva to save my left foot.

For the next five days, I was in tremendous pain and agony. My father, Kim, and Steve Richards, would visit several times each day. Yet, I was so tired, and trying to cover up the pain that I was feeling. Moans would unconsciously come out of me. I couldn't control them.

On December 22, 1993, I was flown to Denver, Colorado, then transferred by ambulance to the Institute for Limb Preservation at Presbyterian/St. Lukes Hospital. After reviewing X-rays of my foot, and the actual foot itself, the doctors were not optimistic. There was an 80 percent chance that they would cut off my foot, or that if they saved it, it would be so nonfunctional that I would request that they cut it off. One doctor said that it was the worst foot that he had ever seen still attached to a human body.

Over the next six days I had three more operations. The last one lasting 12 hours. The doctors had used my stomach muscle to replace the lost foot tissue. They sewed the blood vessels together. They also moved the pinky toe to the place of my missing fourth toe.

Thus far, I had been in four hospitals in four countries in one week. Within 12 days in three countries, I had had my right leg amputated and seven operations on my left foot.

I was transferred to my fifth hospital, Boulder Community Hospital Mapleton Center in mid-February. I remained there for three weeks. Since that time I've continued to visit Mapleton Center three to four times a week as a physical therapy outpatient. I am learning how to walk, move my foot, care for my stump, and get my body into shape. Initially, it took two physical therapists 15 minutes to stretch my legs since they were tight from being in a bed and in a wheelchair for so long. Now we work on strengthening the foot, massaging to reduce swelling, and working the toes. To date I can only move two of the remaining four. I also work with a therapist to strengthen my spine and torso to prepare me for walking. Recently, I've begun physical therapy in the swimming pool.

The doctors state that there is no question that I will require further operations. I broke, smashed, or lost 25 of the 26 bones in the foot. They would like to try to fill in the gaps and reset some of the bones. Additionally, the plastic surgeon would like possibly to reshape my foot, especially where the stomach flap is located. They say that I will have pain the rest of my life. To what level they do not know yet.

The good news is that I may be able to keep my foot. That I will have it the rest of my life. I will no longer be able to run or jump, but I will be able to walk, play golf, and hike eventually.

But the point that I would like to make today is what about the other land mine victims? I am so lucky. I am lucky to be an American. To have the best medical care, therapy, and prosthetics available. Thus far, medical care costs are in the neighborhood of $250,000. What about the Somalis who are hurt by land mines? Who is going to help them? Who is going to pay for their care and therapy? There are thousands around the world in places where having one's legs and arms are key to economic survival. They are the farmers, herders, traders, merchants, who need their limbs to work. These people do not have access to any medical facilities, let alone the quality of medical care that we have here.

I was able to contact help by my hand held radio. The IRC had the organizational capabilities to get me evacuated to receive excellent medical treatment. Their support has been instrumental in my recovery. Most do not have such blessings. As you have learned, the medical consequences of my injuries requires prompt and repeated surgical care, not so readily available for civilians in the developing world.

The IRC has implemented land mine awareness programs in Thailand, Malawi, and Pakistan. Its purpose was to assist refugees in protecting themselves from land mine risks. However, it is clear, that the resources devoted to promote land mine awareness and demining programs are not sufficient to keep pace with the present deployment rate.

I make my living by using my head and not by my feet. My goals have always required the use of my head. I don't need my feet to make a living. What about the other land mine victims who do? With deaths or injuries of bread winners, their families are usually left destitute. Unfortunately, as you have heard today, land mines are not designed to target discriminately. In most cases, the victims are civilians.

Article 3(2) of the Land Mines Protocol prohibits the direct use of mines against civilians. The 1977 Additional Protocol I, article 50 states a "civilian is anyone who is not a member of the armed forces or an organized armed group of a party to the conflict." I have never been a member of the military or an armed group. Yet, unfortunately, due to the indiscriminate nature of land mines, this article of the Land Mines Protocol is violated on a regular basis. Thus, I received no protection or consideration.

The Protocol goes on to prohibit in Article 3(3) the indiscriminate use of land mines. This is also violated regularly. For example, I arrived in the Lugh area 18 months after the hostilities in the area had ended. Yet now, as evidenced by my accident, land mines remain even though they have outlasted their military functions.

It is obvious that the provisions of the Land Mines Protocol are not adhered to seriously. Only the institution of a complete prohibition can be effective. Thankfully, the United States, led by the strength and tenacity of Senator Leahy and others, are taking a leadership role in this area. I urge you to continue your good works.

From the moment my vehicle hit the land mine, I found myself in a position that is not familiar to me in my role as a relief worker. I had become a victim.

Like so many others who have been victimized, I found myself questioning. But, I have never been bitter or depressed about my condition. On the contrary, I am grateful to have had the opportunity to assist so many people to help start their lives again after the civil war. I chose to do what I loved: to assist refugees in getting on their feet again.

When processing and disbursing the loans to Somalis to assist them with their lives, I made it a point to say that may money came from the people of the United States of America. In the future, I would also like to say that we were instrumental in setting the standard in the fight against land mines.

Land mines are used as a destabilization weapon by mining areas such as agricultural fields and trading routes, making them economically unproductive for future generations. This leads to populations being permanently displaced, economic devastation, and political turmoil, all contrary to U.S. strategic foreign policy objectives.

Land mines maim and kill relief workers and their constituents all too frequently—in fact at least 1,200 people per month. The U.S. State Department estimates that there are some 100 million unexploded land mines in over 60 countries. Millions more are stockpiled in warehouses, waiting to be deployed. The State Department also emphasizes that land mines may be the most toxic and widespread pollution facing mankind.

In closing, I would like to say that there is something that you can do. Many have spoken on the horrors of land mines to civilian communities. Now it is for you to continue to set an example to the world.

As an American, I feel that we should promote and support a complete international ban on the production, and export, and deployment of land mines. It is a tremendous opportunity to confirm our humanitarian principles and leadership in the world.

In the interim, a permanent ban on all United States land mine development, export, and production sets the standards for the behavior of nation states. It will help bring international attention to the land mine problem and stimulate activity toward a complete international ban.

Thank you.

Mr. LEAHY. Mr. President, I will, during the coming weeks and months, speak again on this issue. I feel so very strongly about it. I felt that way the first time I met a victim of a landmine, a little boy who lost his leg in the jungle of Honduras, who was forever doomed to live on the handouts of others.

I started, with the help of the distinguished Presiding Officer and my colleagues on the Appropriations Committee, and others, a war victims fund to aid these people worldwide. It has been used in over a dozen countries.

We are aiding the victims—building artificial arms or legs or wheelchairs, or teaching them to walk again or help those who have been blinded. But, Mr. President, how much more we could do if we stopped it from happening in the first place.

This is not a new problem. There are parts of Europe today where people cannot walk because of landmines from the Second World War. But in Third World nations where it can cost hundreds of dollars to remove one of these $5 or $10 mines in a country where the per capita income is only a couple of hundred dollars a year, you see what we face.

So, Mr. President, I will continue to speak on this, and I thank those Senators who have joined me in trying to stop it.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER [Mr. KOHL]. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes, and I be allowed to speak therein for that period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD PORNOGRAPHY

Mr. GRASSLEY. Mr. President, two branches of Government have now spoken: The Justice Department's view of child pornography is wrong.

Last November, this body voted 100 to 0—just think of that, 100 to zero—to repudiate the Reno Department of Justice's interpretation of the Child Protection Act. The House of Representatives by an overwhelming majority agreed this spring. Last week, a second branch of Government, the Judiciary, unanimously rejected the Government's position.

The case of United States versus Knox was before the Supreme Court when the Clinton administration's Department of Justice changed its mind about what the Child Protection Act outlaws. Through their own administrative action, the Solicitor General overturned consistent 8-year interpretations of previous Justice Department interpretations of the statute. For the first time, Solicitor General Days argued in a turnaround that illegal child pornography required nude depictions of children who themselves intended to act lasciviously. Under Mr. Days' interpretation, Knox, twice convicted, would go free.

When the Supreme Court heard the argument, they remanded the case to the Third Circuit for consideration of the new position presented by the Clinton administration. Forty Members of this body and 194 Members of the other body joined an amicus brief urging that Knox's conviction be affirmed notwithstanding the Justice Department's changed position in the litigation.

In its decision, the Court flatly rejected the arguments invented—I wish to emphasize, invented—by Solicitor General Days and his team. First, the Court ruled that nudity or discernable body parts are not required for materials to constitute child pornography. The videos the Government sought to declare legal were described by the Court as "clearly * * * designed to pander to pedophiles."

In light of the statutory language and the harms caused to children who are subjected to production of these materials, because in 1984, we sought to protect the young children of America, the Court found that clothed genitals fall within the statute. And that is what Solicitor General Days was trying to have the Supreme Court say was not covered. The Government acknowledged that its proposed standard would protect boys more than girls. Obviously, Congress, in 1984, adopted no such standard, and we reaffirmed this in that 100 to 0 vote last year.

Second, the Court rejected the Government's argument that child pornography requires the child to act lasciviously. The Court held, correctly, that the statute requires that the point of view of the pedophile to whom these videos are directed be the decisive one. Again, that is entirely within congressional intent, I can say, as I was involved in the writing of that legislation in 1984.

A spokesman for Attorney General Reno admitted that the Court rejected the Department's arguments. It was a total defeat for the arguments of the Clinton Justice Department and the Solicitor General, a total defeat. They struck out completely. The spokesman indicated that the Department has made no decision regarding a position to take if Knox again appeals to the Supreme Court.

I have cosponsored a resolution with Senator ROTH and Senator HEFLIN calling on the Justice Department to argue that Knox's conviction be upheld when he again petitions the Supreme Court to review his case.

I hope that the Department has now learned a lesson—that these videos fall within the child pornography laws, and that a broad reading of those laws satisfies the Constitution. Congress has acted to prohibit child pornography to the fullest extent allowable under our Constitution. The Justice Department should and has a responsibility to enforce that congressional policy.

I am astonished that there would still be any question in the Justice Department whose side to take on this appeal. Certainly, an administration that would adhere to the position that has been so thoroughly discredited by two branches of Government, I would have to assume was on a crusade for smut.

HOUSE AND SENATE CRIME BILLS

Mr. GRASSLEY. Mr. President, I expect that conferees will begin to meet soon to reconcile the House and Senate crime bills. In the past, the Senate has passed good and tough anticrime legislation, only to discover that what emerges from conference is weak and unworthy of the previous support we have given the bill. As a conferee this year, I do want to set straight my objections to various provisions in the House bill that I hope will not appear in the conference report.

The Racial Justice Act is at the top of that list. The Racial Justice Act will prevent the death penalty from being imposed without the imposition of racial quotas. The American Criminal Justice System is based on individual punishment. By contrast, the Racial Justice Act is premised on group rights and statistics. It is also premised on false notions about the way the death penalty is administered by our courts. We all support principles of nondiscrimination in applying the death penalty. The Racial Justice Act has nothing to do with those concerns. Instead, it is a way to abolish the death penalty in practice. The Racial Justice Act would do permanent damage to the Criminal Justice System. If it appears in any form in the conference report, I will oppose that conference report.

The House crime bill also added $10 billion in so-called crime prevention money. What it really did was fund all the social programs that have been on some people's wish lists for a decade. Spending money on infrastructure will not prevent crime. Nor will spending money on public works, lighting, self-esteem, and public transportation prevent crime. What passed the House is not the tough anticrime legislation the American people want and deserve. Spending money on these failed feel-good programs will not be tough and will not be smart.

There is nothing we can do to prevent crime more than building prisons to keep violent criminals off the street and to fund additional police.

If the crime conference report spends billions of dollars on pork barrel projects that have nothing to do with crime, I will not support the conference report. We have tried these kinds of programs before, going back to the Great Society days. These programs say it is society's fault that there is crime, not putting blame on the shoulders of the individual in America and making individuals responsible for their own actions.

We have been following the root cause theory since the 1960's, and we have had disastrous results from that philosophy. Crime rates rose as we stopped building prisons. They have stabilized as we have built more prisons. Unless the thugs are first removed from the crime-infested areas, social spending of the type contained in the House bill will be wasted.

We must do more to support law enforcement, and we must stop spending enormous sums on all sorts of projects that have nothing to do with controlling crime. The American people will be watching the actions of the conference committee, and they will be expecting a tough product from that conference.

I yield the floor.

I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MFN FOR RED CHINA: A TRAGIC MISTAKE

Mr. HELMS. Mr. President, President Clinton's decision to renew most-favored-nation trading status for Communist China is another tragic chapter in the President's foreign policy failures. Despite Red China's having deliberately flaunted the conditions laid out by Mr. Clinton himself for MFN renewal—through the May 1993 Executive order—the President is discarding what he once proclaimed to be steadfast principles. And he is doing it in a shameful kowtow to China's Communist emperors.

This latest foreign policy disaster should be no surprise. From the start, Mr. Clinton's China policy has been fraught with contradiction. As a candidate, Mr. Clinton viciously attacked George Bush for "coddling the dictators in Beijing" and publicly endorsed human rights conditionality for MFN. However, once in office, President Clinton preferred Mr. Bush's soft approach—and tried to adopt it in a very flawed way. Bill Clinton's attempt to reconcile his opposing positions has resulted in the worst possible outcome, today's ineffective policy of appeasement masquerading behind a human rights facade.

The basis of my criticism of Mr. Clinton is not partisan politics. I consistently and publicly expressed my disdain for President Bush's being soft on China. I voted to override the Bush veto of legislation I cosponsored—and Congress passed—conditioning China's MFN.

I therefore welcomed President Clinton's 1992 get-tough campaign rhetoric. It was a policy change long overdue. While I had hoped that nonproliferation and fair trade conditions also would be mandatory requirements for China's MFN renewal, I nonetheless supported President Clinton's Executive order which linked human rights progress to MFN as an encouraging first step in the right direction.

But, Mr. President, it is now clear that the Executive order turned out to be nothing but a bluff—and an amateurish one at that. By elevating human rights through this defective plan to the primary MFN renewal condition, all other concerns, including the equally important nonproliferation and unfair trade problems, have been cast aside receiving no attention at all. Assessing correctly from the beginning that despite all its human rights bluster the Clinton administration would not revoke MFN, China has balked at improving human rights and has been let off the hook on every other issue thanks to the administration itself.

Mr. President, instead of recognizing this policy to be a failure, and changing course, the Clinton administration has turned to appeasement in a desperate attempt to get something—anything—from China. Knowing the administration needs some human rights gesture to justify MFN renewal, the Chinese have been able to extort—and get—whatever they want. The administration has succumbed almost daily to this blackmail. Oh, how the Chinese Communists must enjoy seeing the United States beg and grovel. How they must enjoy yanking the U.S. chain. It is humiliating.

Recognizing that the United States accounts for 40 percent of China's exports—96 percent of which are covered by preferential MFN tariffs—and that the United States provides Beijing with its only significant hard currency, MFN is a reward that the United States bestows upon China, not the other way around. How the Chinese must be relishing the irony of it all.

Mr. President, among some of the more blatant examples of appeasement, the administration has:

Weakened nonproliferation sanctions despite China's continued nuclear testing and lack of positive action on other nonproliferation concerns;

Failed to impose any penalties for China's gross violation of textile quotas;

Failed to even cite—let alone penalize—China for the piracy of intellectual property rights;

Failed to prosecute Chinese caught engaging in industrial espionage in the United States;

Upgraded military relations and offered Chinese military experts unprecedented access to America's most sensitive defense laboratories despite China's continued, aggressive military modernization and continued sale of weapons to brutal regimes like those in Burma and Iran;

Approved the transfer of new super computers and sensitive satellite launch technology that could be used to improve Red China's offensive, strategic nuclear missiles arsenal despite China's refusal to join the current nuclear testing moratorium or adhere to missile technology controls;

Sanctioned Taiwan—but not mainland China—for inadequate endangered species convention enforcement;

Insulted the democratically elected President of America's long-time friend and ally on Taiwan at the behest of the Communist Chinese ambassador in Washington;

And insulted the U.S. Congress—the elected representatives of the American people—in an effort to placate Beijing's dictators.

What has all of this gotten the United States? Nothing. Even on human rights, the one issue on which the Clinton administration staked its entire policy, the result is failure.

The State Department's own 1993 human rights report chronicles abuse after abuse by Beijing. China's human rights record has deteriorated further with the arrest and disappearance of many formerly free dissidents. According to Human Rights Watch, while China has freed 25 political prisoners over the past year—something the State Department highlights, the Communists have turned around and arrested over 100 more. Where I come from, that is known as regression, not progress.

In Tibet, Chinese colonization and the methodical destruction of Tibet's distinct heritage continue at full speed. Even after the Dalai Lama met the Chinese precondition for talks, namely that the Tibetans would not raise the issue of independence, the Communists still refuse to negotiate.

Yet, despite the obvious lack of significant, overall progress as called for in the President's own executive order, China's MFN is being renewed.

Mr. President, the manner in which the administration has pandered to the Communist Chinese is embarrassing and degrading to the United States. We are not eunuchs required to kowtow to every demand of the Chinese emperor.

The ramifications of this debacle go way beyond the Great Wall. Why should North Korea take seriously our threats of sanctions should they continue to refuse inspections of their nuclear facilities? It's no wonder two-bit generals in Haiti laugh at us. American credibility is being lost and I fear that the cost President Clinton will incur to regain respect is the unnecessary loss of American lives in some ill-defined military (mis)-adventure somewhere.

It is time for President Clinton to learn from mistakes and craft a more effective policy that recognizes China as the tough, Communist competitor that it is. Instead of allowing the Chinese ambassador in Washington to dictate our China policy, Foggy Bottom ought to stand up and fight for American interests. No relationship is too sensitive or fragile to be a fair relationship.

Truly successful Sino-American relations must be based on respect. Mr. President, how can the United States effectively pressure the Chinese to address satisfactorily unfair trade, nonproliferation and human rights concerns if we succumb repeatedly to Chinese blackmail and make hollow threats, like MFN revocation, for which we have no intention of carrying out? China will only start treating American interests with respect when this administration begins to act in ways that command respect. Renewing MFN under today's hypocritical standards is a poor way to start commanding respect.

TRIBUTE TO MR. LEE FLEETWOOD POWELL

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian, Mr. Lee Fleetwood Powell, who passed away April 6, 1994. Mr. Powell, a longtime resident of Paducah, KY, will long be remembered for his dedication to his community.

Mr. Powell's outstanding leadership qualities first became recognizable when he attended Abilene Christian University, where he played on the basketball team and served as captain of the 1932 football team. Throughout his life Mr. Powell continued to strongly support the university while pursuing a distinguished career with his family's business, Old Hickory Clay Co. of Paducah.

In 1963, Mr. Powell was named to the Abilene Christian College National Development Council and was honored as Outstanding Alumnus of the Year. He also served as president of the ACU Alumni Association, chairman of the ACU Advisory Board, and he received an honorary doctor of letters from the university in 1984. Two years later he was inducted into the Abilene Christian Athletic Hall of Fame. In 1993, following a gift from Mr. Powell to construct the 5,000 square-foot facility, the Lee Powell Fitness Center was dedicated.

Mr. Powell was also actively involved in athletics within the community. He served as a football and basketball coach in Texas and in Fulton, KY. Mr. Powell left coaching in 1935 when his father-in-law, Ralph Scott, asked him to take over Old Hickory Clay Co. After serving as president for a number of years, Mr. Powell sold the business to his children and grandchildren in 1988.

Mr. Powell gained respect in Paducah by offering his time and service to the community. He was appointed to the Paducah City School Board in 1939 and served on the board for 19 years, including 15 years as chairman. Mr. Powell was also active in the Paducah Chamber of Commerce, the Rotary Club, the Kentucky Council on Economic Education, and Lions Club, where he served as president. He was also a member of the Paducah Broadway Church of Christ, where he was an elder over 40 years and the church treasurer for 25 years.

Lee Fleetwood Powell was a man who strived to serve his community. He continuously offered his time and his resources, and his efforts have left a strong impression on the Paducah community. He was an outstanding leader, inspiration, and driving force in the Paducah economy and the community, and I commend him for his dedication and service.

THE DEATH OF MARY ELLEN MONRONEY

Mr. BOREN. Mr. President, in early May, the State of Oklahoma lost one of its finest citizens, and the U.S. Senate family lost one of its most beloved members with the death of Mary Ellen Monroney. For many of us from Oklahoma and indeed, for many Senators and their spouses, having Mary Ellen Monroney as a friend was like having a second mother in Washington.

She was the widow of the late Oklahoma Senator A.S. [Mike] Monroney who was for three decades an outstanding member of the Congress and the architect of the post World War II reform of this institution.

Mary Ellen Monroney was a remarkable person in her own right. She was a confidant and adviser to First Ladies, Presidents, foreign leaders, and diplomats. She set high standards for herself and never compromised them. She was full of courage, spirit, and determination. The trials of life never defeated her. Complete honesty was her trademark and to say that she was candid was an understatement. It is no wonder that young people especially were drawn to her and were inspired by her example, her standards, and her spunk. She was herself forever young, forever open to new ideas, forever curious and learning more each day.

I was deeply honored to be asked by her son, Mike Monroney, Jr., and her family to share a few words about her at a memorial service at the National Cathedral on May 10, 1994. Mr. President, I know that I speak for all Members of the Senate when I extend our sincere sympathy to the Monroney family and our gratitude for the friendship and life of Mary Ellen Monroney.

I ask unanimous consent that the text of my remarks at the memorial service be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator David L. Boren at the Memorial Service for Mary Ellen Monroney, Bethlehem Chapel, Washington National Cathedral, May 10, 1994

We come together today to pay tribute to a truly remarkable person, Mary Ellen Monroney. We come to console each other especially Mike Jr., Michael, Erin, Alice, and Susanna, her son and grandchildren, all of whom she loved very much.

We will all miss her. To many of us, as DeVier Pierson told an audience in Oklahoma over the weekend, she was our second mother; our mother in Washington. We'll miss her terribly—her wit, her curiosity—her commentary on the world around us.

But, we also come today to celebrate. We know today that heaven is not a boring place with Mary Ellen there. We chuckle as we think that Our Heavenly Father had better not ask Mary Ellen's opinion on any subject if He isn't prepared to hear it straight out.

Recalling the special feature in the Readers' Digest, there are many who would say that "Mary Ellen was my most unforgettable character."

One of her closet friends, Mary Eddy Jones of Oklahoma City, said to me recently that Mary Ellen was teaching all of us how to die and she did by facing her last illness with courage, dignity, and incredible grace.

Above all, she taught us how to live. So many of us seem to keep waiting to live. We put it off. We plan to really live some time in the future. Mary Ellen always lived in the present. She found zest in every moment. She prepared for the future and she especially cared about young people, but she enjoyed the preparation itself.

Mary Ellen was adventuresome. I wasn't surprised to hear Michael tell the story of his grandmother's urging him to walk up the gangplank of a foreign ship to look around.

She was descended from pioneers who made the 1889 land run in Oklahoma. Mary Ellen had tremendous energy and a childlike curiosity about everything around her.

Who else would have taken an African safari at the age of 86?

Who else would have gotten a speeding ticket at age 85 for driving herself 90 miles per hour passing over the Italian Alps to visit her friend Lady Bird Johnson who is here with us this morning?

She lived an exciting life filled with the events of times. If she and her mother had not overstayed their time in Europe by shopping too long, she would have been a passenger on the fatal Titanic voyage on which she had a ticket. With Mary Ellen looking over his shoulder and giving him orders, the captain might never have hit the iceberg. She danced with Fred Astaire who complimented her as a dance partner. She was a frequent guest at the polo outings of Will Rogers. She was even offered a movie contract by Samuel Goldwyn. Hollywood would never have been the same had she accepted.

Mary Ellen had many wonderful qualities. She was determined. Having heard the former governor of New Hampshire, John Winant suggest to husband Mike that he should run for Congress, Mary Ellen didn't stop until he ran in spite of the fact that he had no intention of doing so. When he balked, she leaked his candidacy to the newspaper and got so many of his friends to ask him to become a candidate that he finally did so.

Her honesty was legendary. Senator Monroney once advised her merely to say "Indeed! Indeed!" when confronted with a controversial statement so that no one could quote her comment on either side of the issue. As we all know, Mary Ellen never said "Indeed! Indeed!" in her entire life.

Her openness was constantly refreshing. Once when she was in a dispute with a famous Washington hostess, Mary Ellen was in a group of women who were discussing the person in question in an unfavorable light. Finally one spoke up attempting to be somewhat kind and said "Well, the poor dear is her own worst enemy." To which Mary Ellen replied, "Not when I'm around she isn't."

She had high standards and was a perfectionist, whether she was giving a dinner party or learning all she could about an issue.

She was a loyal and caring friend driving friends to the hospital, visiting those who needed her and helping her former employees long after they had retired.

She could be very sensitive beneath her outward manner. Susanna talked about how her grandmother often squeezed her hand under the table at dinner parties and she felt her love and strength. We have all felt it in crucial moments.

She was a mentor to countless Senate wives and an advisor and confidant to many including First Ladies Bess Truman, Barbara Bush, and Lady Bird Johnson.

She took time for young people and always spoke to my college interns from Oklahoma each summer. Venturing into a controversial area, she would pause and say, "Well, I shouldn't tell you about that." The students would beg, "Oh please Mrs. Monroney, tell us!" She always relented.

And so today we celebrate the life of a truly unforgettable character—an unforgettable friend, mother and grandmother.

A person known as Mary Ellen, George Miksch Sutton, a professor at the University of Oklahoma, was a great ornithologist, scholar, painter, and poet. Near the end of his life, he wrote some words which I want to share with you:

A very little time shall pass—
A white-crowned sparrow's song or two, a rustle in the grass—
Ere I shall die: ere that which now is grief and sense of loss
And emptiness unbearable shall vanish
As curved reflections vanish with the shattering of a glass.
By the wind shall be scattered
Up and down the land,
By strong waves strewn along the farthest shore;
No part of the dear world shall I not reach and, reaching, understanding,
No thing that I have loved shall I not love and more.
No bird of passage shall fly north or south
Breasting the stiff wind or pushing through the fog,
But I shall be there, feeling the deep urge
That drives it otherwhere at summer's ending,
And otherwhere once more with spring's return;
No creature the world over shall experience love—
Drying its wings impatiently while clinging to the old cocoon,
Leaping the swollen waterfall, yapping to the desert moon,
Looping the loop above some quaking bog,
Pounding out drum music from some rotting log,
But I shall be there in each sound and move—
Now with the victor, now with the vanquished.
A thousand thousand times I shall suffer pain,
And that will be a mere beginning.
A thousand thousand times I shall die,
Yet never finally, never irrevocably,
Always with enough left of life to start again: to be born,
To grow, give battle, win, lose, laugh, cry, sing and mourn, to love,
Never quite losing the feeling of surprise
That it is good to live and die;
Learning to forget the word 'finally,'
Learning to unlearn the word 'ultimately,'
Learning, the long stretch of eternity having just begun.

In recalling George Sutton's words, we celebrate the fact that Mary Ellen will always be with us.

When we face a challenge, she'll be there saying, "Meet it! Don't give up!"

When we are tempted to compromise she will be there saying, "Keep those high standards!"

When we are truly happy, we will remember her zest for life.

Mary Ellen, we will love you—always.

AMERICA'S ROLE IN THE WORLD

Mr. HATCH. Mr. President, I wish to take a few moments to say a few words about the American role in the world. With the end of the cold war, many believed that the United States could stand down from its leadership in the world and that the burdens of our global responsibilities would diminish.

In my view, the cold war officially ended on Christmas Day in 1991, when the red flag of the Soviet Union was lowered for the last time over the Kremlin. Yet during the next 2½ years, the demands for United States leadership have not abated. In some respects, they have increased.

To be sure, the challenge is different. We are not faced by a global threat from an ideological rival. Instead, we face the challenge of increasing global disorder and political instability. The threat is not one of conquest and intimidation by a rival power. Instead, it is one of increasing regional and civil conflicts that will demand responses from the international community.

The world will become engaged in these conflicts not purely out of altruism. It will also do so because they will affect the interests of the international community. Conflicts can produce thousands if not millions of refugees, unleash militants willing to use terrorism to achieve their goals, create military threats to vital resources such as oil, breed drug trafficking in war-torn areas, and even lead to environmental terrorism as the world saw during the Persian Gulf war.

Because the international community will not be able to remain indifferent in the face of such threats, the question then becomes how the world will mount a response. I firmly believe that the world will not be able to mobilize an effective response without strong U.S. leadership.

As the world's only military, economic, and political superpower, the United States must lead. During the cold war, we wrote the book on leading as a superpower. Without such leadership, the international community will flounder in responding to the new challenges we face.

Some argue the United States should turn over the reins of leadership to the United Nations. We could make no greater mistake than to heed that advice. In fact, the two most egregious failures of policy over the last 2 years are largely attributable to the United Nations.

Mr. President, let us look at the example of the U.N. operation in Somalia. We went into Somalia on a humanitarian mission. Our forces were configured and equipped to perform that task. Yet, through the United Nations, our responsibilities expanded.

Within 6 months, the United Nations was declaring that our troops were also in Somalia to engage in nation building—that is, to fix Somalia's internal problems so that we would leave behind a stable and democratic government. But military forces are not suited to such a mission. Moreover, when the United Nations transformed our goal, it did not simultaneously transform the size and configuration of our forces.

Our mission and our forces were totally mismatched. In large measure, the subsequent disaster in Mogadishu was the result of ceding leadership over the Somalia mission to the United Nations.

An even more tragic example of muddled U.N. leadership is the situation in Bosnia. In 1991, when the dissolution of the former Yugoslavia began, the United States delegated its leadership role to its European allies and to the United Nations. We have all seen on television the tragic result of unchecked Serbian aggression and ethnic cleansing.

What went wrong? The United Nations opted for a course of action based on diplomacy unsupported by the judicious use of power. It imposed an arms embargo on all of the countries emerging from the former Yugoslavia and launched an unending series of negotiations among the combatants. However, because Serbia inherited the armed forces and munitions industry of the former Yugoslavia, the effect of the arms embargo was to keep the victims of aggression weak and to facilitate Serbia's aggression.

In addition, the United Nations unwillingness to recognize that negotiations alone would not stop Serbia was ruthlessly exploited by Serbian leaders, who feigned a desire to reach a settlement only to undermine any movement within the United Nations to take stronger action and to create a smokescreen for continuing aggression and ethnic cleansing.

The real tragedy was that this outcome could have been avoided through sensible policy. If the United States had exercised wise leadership, it could have lifted the arms embargo against Croatia and Bosnia—the victims of aggression—in order to create a balance of power on the ground. That, in turn, would have given the Serbs a genuine incentive to negotiate and reach a just peace settlement.

It is not too late to adopt such a course. But U.S. policy is hamstrung by its delegation of power to the United Nations, and the United Nations cannot lead because of conflicting views among its members and its continuing myopia about how to resolve the conflict.

Mr. President, the United Nations has not led effectively and cannot lead effectively in the future. Turbulent times in a changing world cannot be managed through leadership by committee. It is time for the United States to abandon its apparent belief that the United Nations can be the substitute for American leadership.

The issue of leadership would not matter if the stakes were small. But great opportunities will be forfeited unless the United States leads. In the former Soviet Union, 15 new countries are struggling to consolidate their independence and, in many cases, to develop working democratic institutions amid the economic ruins left in the aftermath of communism.

After the Soviet Union was dissolved in December 1991 and Yeltsin launched his reforms in January 1992, the United States and the West were shockingly complacent. It took more than 6 months before an assistance package was put together. What's worse, very little of the assistance was ever delivered. As a result, the opportunity to jump start free market economics and democracy in Russia might have been lost.

The failure of leadership was even worse with respect to the non-Russian states of the former Soviet Union. To this day, the West has not adopted an activist approach to help these new countries transform their economic and political systems and to provide for their own security.

To be sure, one of the problems is that there is no model for transforming a command economy into a free market economy. There is no road map for the policies that need to be adopted. However, without U.S. leadership, no creative effort to develop such a model will likely take place. The Europeans, whose economies are saddled with even more bureaucracy than ours, cannot preach what they do not practice. The Japanese are not trusted by the Russians. Only the United States can lead the way in this vital task.

It is vitally important that we do so because of the consequences should reforms fail. Russia could become a reactionary, expansionist power, as the recent parliamentary elections have suggested it might. Economic crisis in the non-Russian states could result in weak, vulnerable states along Russia's periphery. I cannot imagine any formula more certain to produce dangerous political and military instability in Eurasia, particularly after the feckless response to Serbian aggression in the former Yugoslavia.

Great opportunities and potential dangers also exist in Asia, where free-market economics have created the fastest growing economies in the world but where the lack of a security structure creates the threat of arms races and political rivalry. Every year, the amount of new GDP created by the growing economies of the Pacific basin is larger than the entire economy of Germany. Moreover, the successful developing countries of Asia can serve as models for market-driven development in other parts of the third world.

As these economies have grown, however, so have military budgets. East Asia exceeds any other region in the world in terms of increasing defense spending. Countries that used to be minor players or weak regional powers will have the resources to play wider roles and to assert wider interests. As they do so, the potential for clashing interests will increase.

China is an example of the opportunities and dangers we face. The economic reforms adopted by China since 1978 have unleashed tremendous growth. Over time, the erosion of state control over the economy and erosion of the dependence of individuals and families on the state for basic necessities will open the door to peaceful political change in China.

Incidentally, that's one reason we should not revoke China's most-favored-nation trade status. To do so would undercut the very economic development that holds the greatest promise for the peaceful transformation of China's political system.

This economic growth has not only internal but also external political consequences. Regardless of our views of China's human rights record, we cannot afford to create irreconcilably hostile relations with a country whose foreign policies will be critical to long-term stability in Asia.

Today, China is a nuclear power, a major arms exporter, and a regional power. If China's growth continues, it will become the world's second largest economy in the next century and could well become the dominant military power in East Asia. Although we should speak out on China's human rights abuses, we must not hinge the entire Sino-American relationship on this issue. Too much is at stake in the long term to forfeit opportunities for cooperation and constructive engagement with China.

As the potential developments in East Asia show, those who say the end of the cold war means the United States can afford to put lower priority on security issues are wrong. We have vital interests at stake in Europe, East Asia, the Persian Gulf, and the Western Hemisphere.

Potential threats to those interests continue to exist. For example, Saddam Hussein's regime still poses a long-term threat to our interests in the Persian Gulf. His military capabilities were only partially destroyed in the gulf war. Iraq retains the ability to mount a nuclear weapons program. The economic embargo and no-fly zones imposed on Iraq cannot topple his regime. Since the international community's determination to keep these sanctions in place will wane over time, we must maintain the military capability to protect Western interests in the gulf.

In addition, I believe that we could do more to undermine Saddam's grip on power. We could tighten the sanctions by pressing Jordan to cut off commercial traffic to Iraq. We could build up the political stature of the Iraqi National Congress, the umbrella organization of the Iraqi opposition. We could provide the Kurds in the north and Shia Arabs in the south with arms for self defense.

In a broader sense, we have a vital interest in global stability. Total U.S. trade accounts for more than 35 percent of the U.S. gross domestic product, and international trade depends on stability. The enormous expansion of trade over the past 40 years was made possible by the security umbrella provided by U.S. global military capabilities.

Some say that in the future arms control alone can achieve such stability. I do not agree. Nations acquire arms to assert or defend conflicting interests, not because of the absence of arms control treaties.

During the cold war, no issue consumed more time on the part of American Presidents but produced fewer results than arms control. All the United States-Soviet negotiations and summit meetings produced agreements that only slightly altered the military spending and weapons procurement programs of the two countries. Once the cold war was over—that is, once the democratic revolution in Russia made Moscow a potential friend rather than an adversary—the major arms reductions under Start I and Start II become possible.

Thus, the lesson of the cold war is that it is not arms control but concrete political interests and relationships that will determine military spending and stability.

That has implications for many post-cold-war arms control issues. It would be a mistake, for example, to pursue a total ban on nuclear weapons testing. The fact is that we continue to depend on nuclear weapons as part of our military posture. As long as we do so, we must conduct sufficient tests to ensure the safety and reliability of those weapons.

Efforts to reduce the international arms trade must also be realistic. The problem is not the level of trading in military equipment but the effect of such sales on regional balances of power. There is nothing wrong with selling arms to Israel and other friendly and non-aggressive states. United States efforts to constrain the flow of arms should be focused on keeping weaponry and munitions out of the hands of international outlaws, such as Syria, Libya, Iraq, Iran, and North Korea.

Proliferation of weapons of mass destruction and the means to deliver them will become increasingly important. So far, U.S. policy has been short-sighted. Too often, we focus solely on export controls designed to block the acquisition of critical Western technologies by would-be proliferators. Export control is important, and the Clinton administration has erred in loosening export control in ways that will facilitate such evasions.

More important, vulnerable states can be persuaded not to develop or retain weapons of mass destruction by enhancing their security. Ukraine, for example, has been tempted to retain nuclear weapons because of the potential security threat from Russia. Therefore, the most effective route to ensuring that the democratic government of Ukraine forgo the nuclear option would be to develop policies and security relationships in the former Soviet Union that alleviate Kiev's potential fears.

The greatest problem is not proliferation by countries such as Ukraine but proliferation by rogue states that might actually use such weapons. North Korea comes to mind here. No one should underestimate the difficulty of controlling proliferation in such situations.

Although we should spare no political and economic instruments of power, we have very little leverage vis-a-vis North Korea. Even a total embargo will likely not be decisive against one of the most isolated governments in the world. The only viable option is to work with China, Japan, and South Korea to persuade and pressure North Korea to allow international inspections of its nuclear facilities that would prevent diversion of nuclear materials to a weapons program.

Beyond these security issues, the international community will face many problems related to unstable multinational states, ethnic conflicts, and containing interstate tensions. The progress in the Palestinian-Israeli peace process is encouraging. The democratic breakthrough in South Africa is hopeful but fragile.

In these and other cases, the United States should not be a passive observer but an active participant in advancing peaceful progress. It should do so because no other state has the standing and resources to play a positive role. It should do so most of all because the other side of the coin of progress is the potential for horrific violence, as we have witnessed in Bosnia and in Rwanda.

At the same time, the United States must lead if the international community is to address novel issues brought about by increasing international interdependence. These include international environmental issues, such as protection of endangered species.

It also includes developing concerted responses to international criminal organizations that are having an ever-greater effect on American life. Such organizations include not only drug cartels but also financial fraud operations and other types of criminal activity. The international community will never get a handle on this challenge unless the United States leads the way in developing strategies and capabilities to neutralize these organizations.

Mr. President, I have outlined here some of the reasons why strong American international leadership is imperative. In closing, I would like to note one additional reason why only the United States can play this role: The United States is the only major power viewed around the world as an honest broker. Around the world, others come to the United States for assistance not only because of our power but also because they understand that our polices are guided in part by a sense of what's right and wrong. We often take that for granted, but historically American leadership—guided by idealism—is the exception but not the rule. In a turbulent world, it is a positive influence that the international community cannot afford to lose.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let's have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Tuesday, June 14, the Federal debt stood—down to the penny—at $4,605,761,962,704.33. This means that every man, woman, and child in America owes $17,666.16, computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

TRIBUTE TO LT. GEN. ROBERT A. TIEBOUT ON HIS RETIREMENT FROM THE U.S. MARINE CORPS

Mr. SASSER. Mr. President, today, I want to congratulate Lt. Gen. Robert A. Tiebout, Deputy Chief of Staff for Installations and Logistics, U.S. Marine Corps, on the occasion of his retirement from the corps.

During his 33-year career, General Tiebout has served in nearly every area of logistics throughout the corps and has distinguished himself as being the first marine engineer ever to achieve three star rank. He has been categorized as a marine's marine. His career has been marked by his dedication to country, corps and the marines and civilians serving our country. He practiced total quality leadership long before it came in fashion. He has commanded marines in peace and war at every rank from second lieutenant to major general.

Whether he was in the jungle of the Republic of Vietnam or directing procurement during Operation Desert Shield/Desert Storm, General Tiebout's leadership has been marked by honesty, integrity, and a common sense approach to every decision. His most recent assignment was in a position of great responsibility where many Senators and senior staff members had discussions with him regarding his testimony during hearings on subjects ranging from base closure to Marine Corps readiness. His credibility and devotion to duty are unsurpassed.

Mr. President, I ask our colleagues to join me in congratulating General Tiebout and his wife, Lil, on their transition to civilian life. I am pleased to note that they have chosen to return to Tennessee, where I know each of them will continue to contribute their many talents, but now for the people of Tennessee. I know all of us thank him for his dedicated, professional, and selfless service to the United States of America and to the men and women of our Marine Corps.

PAN AM 103

Mr. MOYNIHAN. Mr. President, I rise to discuss the supposed confession recently made by Youssef Shaaban, who claims to have carried out the 1988 terrorist bombing of Pan Am flight 103. Many understandably view this abrupt and unexpected confession with skepticism. We must of course fully investigate Mr. Shaaban's claims. As we should pursue every lead that might help bring to justice the criminals who murdered the Pan Am 103 victims.

In doing so, we must not let our investigation of Mr. Shaaban's allegations distract us from maintaining pressure on Libya to comply with extradition requests for the already indicted suspects, Abdel Basset Ali Megrahi and Lamen Khalifa Fhimah so that they may stand trial. Libya continues to twist and turn in their efforts to avoid complying with the Security Council's demands. Stronger sanctions—specifically, an oil embargo—are needed.

I note that during the debate on China's MFN status there were some troubling comments made concerning the Clinton administration's views on the use of sanctions generally, for instance R. Jeffrey Smith's May 31, 1994, article in the Washington Post. As chairman of the Senate Foreign Relations Subcommittee on Near Eastern Affairs I would like the administration to understand that there must be no blinking in using sanctions to force Libya to surrender the suspects in the bombing of Pan Am flight 103. This matters. Congress has not forgotten, nor have the American people. Nor shall we.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived and passed, the Senate will now resume consideration of S. 1491, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

Mr. D'AMATO. Mr. President, yesterday on a straight party line vote, Senate Democrats trampled our constitutional responsibility to engage in meaningful congressional oversight of the executive branch of Government. During 12 years of Republican administrations, the Congress kept a bright spotlight of congressional oversight on the White House searching far and wide for any sign of potential wrongdoing. Well, yesterday, congressional Democrats voted unanimously to turn the lights out. Yesterday, 56 Senators abandoned a 200-year tradition of thorough and fair congressional oversight in favor of a new policy: See no evil, hear no evil, speak no evil.

When it comes to advancing the programs of the administration, it is fair to expect congressional Democrats to carry the President's water. But when it comes to our constitutional oversight obligations, the American people do not want Congress to carry his Whitewater, too. Make no mistake about it: yesterday, 56 Senators voted to place a short leash on the congressional watchdog and handed it over to the independent counsel. Never before has Congress stepped aside and abandoned or postponed its constitutional oversight responsibilities while an independent counsel conducted an investigation.

Never once in our history has Congress authorized an independent counsel, or anyone else, to dictate the scope or timing of congressional oversight activities—that is, never before yesterday.

Did Congress get permission from Archibald Cox or Leon Jaworski to hold Watergate hearings? No. Did Congress postpone Iran-Contra hearings because of concerns that hearings might interfere with Lawrence Walsh's ongoing investigation? Absolutely not. Yet, this is exactly what Senate Democrats have done in the case of Whitewater.

Yesterday, after Senate Democrats voted against my amendment for full and fair Whitewater oversight hearings, I began the process of giving our colleagues an opportunity to, at a minimum, authorize meaningful oversight activities. I plan to continue that process today by offering amendments that would provide the same tools to the Banking Committee that were provided to countless other oversight committees in the past.

Under the amendment adopted yesterday, it would be impossible to conduct genuine oversight activities. Yesterday's amendment does not expressly grant authority to order Federal and State Governments to produce all relevant documents. Yet, this authority was given to the Senate select committee investigating Iran-Contra, the select committee to investigate Justice Department undercover activities, established in 1982, and the select committee investigating Watergate.

How is that? Why is that? Why was that authority necessary in those cases and yet explicitly deleted from yesterday's amendment? I will be offering an amendment asking for that same authority.

Yesterday's amendment does not expressly provide for access to any relevant evidence in the control of the Federal Government's agencies or departments. Yet, this authority was given to the Senate select committee investigating Iran-Contra, the select committee to investigate the Justice Department undercover activities, and the Senate select committee investigating Watergate. We are going to ask for that same authority.

Mr. President, there is an established procedure but we have trampled over it by providing such a limited scope to the hearings so that these hearings would be worthless.

Yesterday's amendment does not encourage the oversight committee to seek access to information acquired or developed by other investigatory bodies. Yet, when the Senate established a select committee on Iran-Contra, it included a statement encouraging that committee to obtain information acquired or developed by other investigatory bodies. That same methodology should be part and parcel of this committee and of all oversight committees undertaking these kinds of investigations.

Yesterday's amendment does not request the independent counsel to make relevant evidence available to the oversight committee to assist the Congress in conducting a thorough investigation in an expeditious fashion. Yet, it is interesting that there was such a provision in the resolution establishing the Senate Iran-Contra select committee.

Why have we not followed the normal prescription? How is it that we have now come to a point where we have stripped down and made impotent any hearings that could have a meaningful inquiry? After having insisted that the Senate wait to hold hearings until the independent counsel has completed its first phase of investigation, the amendment adopted yesterday fails to request that the independent counsel make available his evidence to the Whitewater oversight committee.

Why? What do we have to hide?

Mr. President, I will offer an amendment to address those obvious deficiencies in the legislation which is now being considered.

Mr. President, yesterday, one of my colleagues called the amendment supported by Democrats a "fig leaf." I think that was too generous for a transparent effort to prevent meaningful and fair congressional oversight of the Whitewater affair.

The American people can see right through that. I believe they will come to understand that that was not a bona fide effort to give people the hearings that they are entitled to.

AMENDMENT NO. 1782

(Purpose: To authorize hearings on the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1782.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the circumstances surrounding and the propriety of the committees-futures trading activities of Hillary Rodham Clinton.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed as if in morning business for not to exceed 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRANBERRY WETLANDS

Mr. GORTON. Mr. President, shortly before the Senate left for the Memorial Day recess, the chairman of the Senate Environment and Public Works Committee announced that the Senate would soon consider legislation to reauthorize the Clean Water Act. In anticipation of the consideration of this legislation, I have been working with the chairman and ranking Republican member of the committee to address the unique concerns that cranberry growers have with the wetlands title in the committee's legislation.

Washington State is certainly not the largest of the cranberry producing States, but when the growers of my State asked for help in trying to make the Clean Water Act work for them, I listened to their concerns. I told the Washington State growers that I would do what I could to help them because I know that the jobs of the workers in cranberry processing plants, and the ability of individual growers to provide jobs and economic opportunities to families in committees along the coast of Washington State, depend upon making the Clean Water Act work for these growers. The growers and I have worked hard with the committee over the past several months in an attempt to develop a compromise that will address the concerns of cranberry growers. I continue to hope that a compromise can be worked out, but in the event that it cannot, I am prepared to offer an amendment on the floor on behalf of the growers of my State and of other States.

Mr. President, a few months ago several environmental groups sent a letter to Senators suggesting that cranberry wetlands were not "good" wetlands. The April 18 letter from the National Wildlife Federation is full of many inaccuracies on cranberry wetlands, and today I will clear up these inaccuracies and set the record straight.

Inaccuracy No. 1: The letter asserts that cranberry growers are seeking an exemption from the Clean Water Act.

After several discussions with committee staff it became clear that an exemption, while preferable to the growers, was of some concern to that committee—so the growers compromised. Today we are working with the committee to make nationwide permit 34, which has already been granted for cranberry growing operations, more workable for individual growers.

Inaccuracy No. 2: The letter falsely states that cranberry wetlands "degrade water quality * * * harm fisheries * * * and reduce water quantity."

A 1991 study by the Environmental Protection Agency and the Massachusetts Executive Office of Environmental Affairs on Buzzards Bay stated that the cranberry bog system "plays an increasingly important role in the preservation of open space, water storage and conservation, ground water recharge, and in providing wildlife habitat."

Those unfamiliar with cranberry growing operations may not realize that for every acre of active cranberry wetlands, a grower has an average of 10 acres of surrounding land that is not farmed, but left relatively untouched to support the cranberry wetlands.

I am continually amazed to read statements by environmental organizations that attempt to paint all of agriculture as destroyers of the land and the environment. Nothing could be further from the truth. Cranberry growers—together with the rest of our Nation's agriculture community—have a vested interest in the land from which they make their livelihood. And, in the opinion of this Senator, to make statements to the contrary does a great disservice to the families across Washington State and the Nation who provide a great and important contribution to our Nation's economy and food supply.

Inaccuracy No. 3: The letter states that "cranberry growers already receive streamlined review for converting wetlands and streams into cranberry beds under nationwide permit 34."

Mr. President, if only this statement were true. In fact, cranberry growers cannot effectively use this nationwide permit because Federal and State agencies are not allowing growers to use it as it was intended. Consequently, growers are not seeking an exemption from section 404 permitting process, but rather a legislative solution to allow the nationwide permit to work in practical terms.

In fact, prior to the Memorial Day recess, EPA Administrator Carol Browner stated in testimony before the House Public Works and Transportation Committee that,

> The administration believes that the concerns of cranberry growers can be addressed without creating new exemptions from permitting requirements, and in ways that not only meet the needs of the potential applicants, but also provide for appropriate State roles and adequate environmental protection.

This is exactly what cranberry growers in Washington State want and need. I want to make clear that the legislative solution that the growers seek is not an exemption from section 404 permitting process, but rather a way to allow for modest expansion of existing operations, as allowed for under nationwide permit 34.

Mr. President, I hope that I have cleared up any misconceptions about cranberry wetlands that may have come about as a result of the letter from national environmental groups. Although both the growers and I would prefer to have this issue ironed out and included in a managers amendment to the committee's clean water legislation, I am prepared to offer an amendment on behalf of Washington State's cranberry growers, and those of other States, when the legislation comes to the floor.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the National Wildlife Federation, dated April 18, 1994.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL WILDLIFE FEDERATION,
Washington, DC, April 18, 1994.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We are writing you because we are deeply concerned that §404 of the Clean Water Act will be seriously weakened by exempting the conversion of wetlands into cranberry beds.

A statutory exemption for expansion of cranberry production would have devastating effects on the environment. Cranberry beds are so intensively managed that they are reduced to biological wastelands, virtually bereft of any flora and fauna beyond the cranberry vines themselves. In fact, most cranberry beds do not even meet the regulatory definition of wetlands. Furthermore, the impacts of converting wetlands to cranberry production can degrade water quality (adding sediments, nutrients, fertilizers and pesticides to downstream waters, sometimes in acutely toxic amounts); harm fisheries (altering cold water fisheries and impeding migration of anadramous fish); and reduce water quantity (by diverting flows from rivers, streams and wetlands).

This exemption would expose literally thousands of acres of wetlands to development with no environmental review. In just a seven-year period, from 1982 to 1989, the U.S. Army Corps of Engineers authorized the conversion of over 5,000 acres of wetlands to cranberry beds in Wisconsin alone.

Moreover, there is no need for a statutory exemption for expansion of cranberry facilities. Contrary to popular belief, cranberry beds do not need to be constructed in wetlands. A recent U.S. Fish and Wildlife Service study demonstrates that over 66% of the new cranberry beds constructed in Massachusetts between 1977 and 1986 were constructed on upland.

If cranberry growers are exempted from regulation under Section 404 of the Clean Water Act, many other industries and associations will demand similar treatment. In fact, the potential cranberry exemption has already sparked demands from such groups as the Texas Farm Bureau for statutory exemptions for rice and aquaculture.

Finally, it is important to note that the cranberry growers already receive streamlined review for converting wetlands and streams into cranberry beds under nationwide permit 34 (NWP 34). NWP 34 virtually automatically authorizes cranberry growers to convert up to 10 acres of natural wetlands and streams—the equivalent of 7 football fields.

A statutory exemption for converting wetlands to cranberry production would strip away existing state authority, under Section 401 of the Clean Water Act, to condition or deny water quality certification for NWP 34. The states' rights to act to preserve quality of their waters must not be abrogated by amending the Clean Water Act to exempt conversion of wetlands to cranberry production.

We urge you to oppose any amendments or bill provisions that would exempt conversion of wetlands to cranberry production. Such an exemption would undermine the effectiveness of the Clean Water Act and would harm the quality and quantity of the waters within your states.

Thank you for your attention to this matter.

Sincerely,

Terry Schley, Counsel, Fish & Wildlife Resource Division, National Wildlife Federation.
Ken Bierly, Wetlands Program Manager, Oregon Director of State Land.
Bob Adler, Senior Attorney, Natural Resources Defense Council.
Sally A. Zeilinski, Executive Director, Massachusetts Association of Conservation Commissioners.
Steve Moyer, Legislative Director, Trout Unlimited.
Pam Goddard, Legislative Representative, Sierra Club.
Carolyn Hartmann, Staff Attorney, U.S. Public Interest Research Group.
Dawn Martin, Director, Washington, D.C. Office, American Oceans Campaign.
Clark Williams, Legislative Representative, National Audubon Society.
Tim Searchinger, Attorney, Environmental Defense Fund.
Lisa Kahn, Legislative Representative, Friends of the Earth.

Mr. GORTON. Mr. President, I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes Senator DASCHLE.

AMENDMENT NO. 1783 TO AMENDMENT NO. 1782

Mr. DASCHLE. Mr. President, I have an amendment to the amendment offered by the Senator from New York, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE], for Mr. MITCHELL, proposes an amendment numbered 1783 to the D'Amato amendment No. 1782.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In lieu of the matter proposed insert the following:
>
> (1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.
>
> (2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. DASCHLE. Mr. President, this amendment is the same amendment offered by the majority leader yesterday. It passed, as we all know, on a party-line vote. It is an amendment that builds upon the legislation offered last March 17.

The amendment then offered by the majority leader is consistent and responsive, and I believe ought to be considered today as it was yesterday.

The resolution on March 17, just to remind my colleagues, stated that:

> The hearings should be structured and sequenced in such a manner that in the judgment of the Leaders they would not interfere

with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. President, that is really the issue here. The issue was debated thoroughly yesterday. I suspect it will be debated again today.

Unfortunately, we are covering a lot of old ground with the deliberations once again before us, legislation frankly that keeps us from getting to the investigation we all say we want.

Under the majority leader's approach, approved yesterday by the Senate, hearings will commence on the first phase of the Whitewater matter in the Banking Committee approximately 30 days after the special counsel indicates that such hearings would not interfere with his investigation, or by July 29, whichever is earlier.

Let me repeat that, just to be sure everyone understands what we did.

The Senate hearings will commence on the first phase of the Whitewater matter in the Banking Committee, as we all have recognized has jurisdiction, approximately 30 days after the special counsel indicates that such hearings would not interfere with his investigation. If they have not commenced prior to July 29, they will commence on that date, regardless.

The President has moved forcefully to address questions which have arisen about the so-called Whitewater matter. He has faced questions from the media on several occasions, including a major press conference. He has reassured the American people. And he has taken necessary steps to assure that there will not be even the appearance of interference in the investigation by anyone in the White House. The First Lady has also addressed the matter in an unprecedented and extensive major press conference.

Just this past Sunday, the President answered special counsel Robert Fiske's questions, under oath, for 90 minutes, and Mrs. Clinton answered Mr. Fiske's questions, also under oath, for about an hour. According to press reports, the questioning was limited to first-phase matters.

So the investigation by the special counsel is underway; it is continuing. It is doing what we hoped it would do when we called for the special counsel several months ago.

It is a serious matter. It is being conducted by a serious man. Mr. Fiske, as everyone in this room has attested, is a man of unquestioned ability and a very strong prosecutor. He is a Republican. He was named pursuant to the request led by congressional Republicans for a special counsel.

His appointment was applauded by virtually every single Senator in this body. The junior Senator from New York, for example, stated:

> Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people.

Unearth the truth, that is what we are really trying to do here. If we are to unearth the truth in a meaningful way, in a way that is subject to some process, then we have no choice but to let Mr. Fiske do his job. That is what we said last March 15; that is what we said again yesterday, as we confirmed the scope of the inquiry by the Senate Banking Committee.

Many of the same Republicans who called for a special counsel unfortunately shifted partisan gears just as soon as he was named, and began calling for congressional hearings. Even in the face of that very counsel's opposition to such hearings, they continue to demand that the Congress go forward in a way that risks damage to the investigation, which we all state we want done. Even as we move carefully and deliberately toward congressional hearings which do not interfere with the investigation, now they complain that we are not moving fast enough; that we are stonewalling. This willingness to demand public hearings at any cost seems to me, Mr. President, to be further evidence that the purpose of all of these calls by some is merely political.

The special counsel wrote on March 7 of this year to the chairman and the ranking member of the Senate Banking Committee. In that letter, he made a very specific request. That request in part was, and I quote:

> That the committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving fairness, thoroughness, and confidentiality of the grand jury process.

He further stated:

> We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough and impartial investigation. Inquiry into the underlying events surrounding MGS&L, Whitewater, and CMS by a congressional committee would pose a severe risk to the integrity of our investigation.

So that was a letter directed to the chairman and the ranking member of the Senate Banking Committee asking for time, asking for an opportunity to do the work that we asked them to do, asking for the credibility to be protected, asking for the ability for him to sort fact from fiction, and give us an honest, complete, and thorough investigation in a timely manner.

And then, on March 9, in a public press conference, Mr. Fiske stated his position that once his investigation into communications between White House officials and Treasury Department or Resolution Trust Corporation officials about Whitewater-related matters and his investigation into the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster is complete, he would have no objection to congressional hearings on those matters.

In other words, Mr. President, what he was saying is that there are phases here that we have talked about now at some length. The first phase would be completed, upon which he would turn to the second phase.

At the press conference related to that second phase, he said:

> [T]he position that I've expressed in the letters and in the meetings has been fairly consistent, that we are concerned about the impact of congressional hearings on the investigations that we are conducting as long as those investigations are in progress. [As] you know, there are really two separate investigations. There's the one that I started with [at] the end of January that's reflected in the regulation that was drafted, which is looking into the activities in Arkansas in the 1980s relating to Madison, Whitewater, and Capital Management, and then here in Washington * * * inquiring into all of the circumstances relating to the death of Vincent Foster.
>
> The disclosures in recent days about the meetings between the White House officials and the Treasury officials led us to initiate an additional investigation into the circumstances surrounding those meetings, but I think that that investigation relating to those meetings is separable from the other investigations that we started with in January. And I have told Senator Riegle and I've told Senators D'Amato and Cohen that when we are finished with the White House, which I'm quite confident we can be finished with considerably faster than we can the underlying investigation, we would have no objection to congressional hearings at that point so long as something can be done to protect against having the contents of the RTC referrals themselves come out in those hearings.
>
> * * * * *
>
> But with respect to the underlying investigation, the one that we started with, we are concerned about the impact of congressional hearings on that investigation.

Mr. President, it is very clear that Mr. Fiske over and over and over again has demonstrated his conviction in writing, in statements to the media, and in his comments to each of us that it is very critical he be given the opportunity to continue and to finish his work; that there is a sequencing here that is very important to the legal as well as to the legislative process.

The bipartisan leadership of the House of Representatives met with Special Counsel Fiske on Thursday, May 26. At that meeting Mr. Fiske stated that by the latter half of June, barring unforeseen developments, his office's inquiry into three matters, the first phase of the Whitewater matter, will be completed: Communications between White House officials and Treasury Department or Resolution Trust Corporation officials about Whitewater-related matters; the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

These are the matters which the Senate yesterday voted to authorize the

Banking Committee to begin hearings on; in other words, the first phase of the investigation will begin in July, as we stipulated in the resolution passed yesterday.

The majority leader, as we debated that resolution, made it very clear and emphasized in both public and private statements that he and the Senate are and have been firmly committed to meeting the obligation that is represented in those hearings, a constitutional obligation to conduct proper oversight. We are determined to conduct that oversight in an appropriate way which will avoid interfering with the investigation now being conducted by Special Counsel Fiske that he has so adamantly asked us to do.

Efforts to go beyond this and, frankly, artificially impose timetables for additional hearings concerning the matters which are subject to the underlying investigation, clearly run counter to Mr. Fiske's requests in his letter of March 7. They run counter to his statements in news conferences and in meetings with Senators and Congressmen alike. They are counterproductive, they are political, and they obfuscate our opportunity to provide a clear answer to the outstanding questions relating to this matter.

So, Mr. President, I certainly hope at some point on this day we can resolve these issues, that we can finally get on with it, that we can recognize that we have a job to do, a constitutional responsibility to conduct oversight hearings in a proper way, recognizing the authority of the special prosecutor, recognizing his unique need to finish his work first.

That is what this debate is all about.

So, as we continue today, I hope people will come to that conclusion and share with us a determination to do our work and to do it properly.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. FAIRCLOTH].

Mr. FAIRCLOTH. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. I am happy to respond to a question.

The Senator from North Carolina has the floor, so it is not necessary for me to yield. But I would certainly answer whatever question he may propound.

Mr. FAIRCLOTH. If Mr. Fiske has no objection to hearings on the commodity trades, would the Senator be willing to go immediately into Banking Committee or special committee hearings on the commodity trades? I mean immediately, if Mr. Fiske has no objection?

Mr. DASCHLE. The commodity trades are not a direct result of the Whitewater investigation. There is no connection between commodity trades and the Whitewater investigation.

The issue before us has to do with the Whitewater investigation. It has to do with coming to grips with our constitutional responsibility to directly involve ourselves with proper oversight.

I do not know whether the Senator from North Carolina has ever participated in commodity trades. He certainly would have a right, as any American has, to participate in commodity trades. I do not believe, if he were to do so, that he would feel it necessary for the Senate to oversee his transactions in any personal way.

It is certainly the right of the Senate to get involved in transactions if they perceive there to be some wrongdoing. But there has been no wrongdoing in this matter. I suspect that it would be appropriate for us to do as the prosecutor has suggested, which is to stay with the issue, to get on with the investigation, and to conduct our oversight in a meaningful way. I think that is what the Senate will do.

Mr. FAIRCLOTH. Has the Senator ever dealt in commodity trades?

Mr. DASCHLE. I would answer the Senator that I have not.

Mr. FAIRCLOTH. I would answer that I have, and that is the exact reason that I feel the dealings with Mrs. Clinton are so in need of investigation. And I think anybody that has ever had any connection with the commodity market would have extreme suspicion from her trades. It is an impossible thing to believe.

Mr. President, the U.S. Senate needs to examine the Whitewater affair. The amendment the Senate adopted yesterday was a total sham.

I have a letter from Mr. Fiske saying that he has no objection to the Senate looking into Mrs. Clinton's commodity trades. I would hope that we could get on with that immediately. He says he has no objection.

But the commodity trades are just one aspect of a convoluted trading and dealing that went on during this time period we are talking about.

"Whitewater" is a term which not only describes a failed land development. It has also come to describe a web of interconnected scandals involving personal and political friends of the President.

Lurid tale after lurid tale has emerged. They involve a mind-boggling range of subjects, from drug dealers, to insider trading, to document shredding, and more. One subject might seem to have nothing to do with the other, except for one thing—the same names keep popping up in story after story.

We are frequently told that while these things do not look too good, we have to understand that is the way things are done in Arkansas. Everyone knows each other, everything is connected to everything else. Nothing is wrong, it just looks bad.

Yet the very same people who say "everything is connected" in Arkansas to excuse the likes of Patsy Thomasson working for a drug dealer on one day, and in the White House on the next, want to limit the Whitewater hearings. They do not want the U.S. Senate to look into the interconnected scandals which have collectively come to be known as Whitewater.

Mr. President, the examples of the interconnected scandals which require that the Senate hold full—not limited—Whitewater hearings are legion.

For instance, we now know that the drug dealer Dan Lasater, did much more than just give Clinton's half-brother Roger a job. We also know that Dan Lasater did much more than hold fundraising parties for Bill Clinton, fly the Clintons around in his jet, and fly celebrities to Hillary Clinton's charity parties.

We now know that Dan Lasater told the FBI that he had paid off Roger Clinton's drug debts—after Roger told him that cocaine dealers were, "putting the heat on him and something might happen to his brother and his mother."

You may recall that Lasater had first met the mother of the Clinton brothers, the late Mrs. Virginia Kelly, at the horse rack track in Hot Springs, AR.

We now know that Federal and State law enforcement documents describe widespread cocaine use among Lasater, his employees, business associates, and friends. Some of Dan Lasater's employees, business associates, and friends now occupy high places in this administration.

Those same law enforcement documents describe parties at which vials of cocaine were distributed as party favors. Ashtrays filled with cocaine were spread among the hors d'oeuvres, and cocaine was served on the Lasater corporate jets.

Yet after Bill Clinton was reelected to the Governor's mansion, despite the fact that Lasater had been censured by the Arkansas State Securities Commissioner and by the National Association of Securities Dealers, Lasater was put on the select list of firms eligible to underwrite State of Arkansas bonds. That designation made millions for Dan Lasater.

The most infamous bond underwriting issue that Lasater did for Governor Clinton was $30.2 million issue for a new State Police radio system. That contract alone earned Lasater $750,000 of taxpayer's money.

What many have not heard is how Lasater got the contract. He began by arranging a partnership with another brokerage house that had recently pled guilty to a multimillion-dollar check kiting scheme in New York. Then he went to his friend Bill Clinton.

In fact, FBI documents obtained by the Los Angeles Times quote one of Lasater's partners, a retired Democrat State Senator, as crediting Lasater's political support for Clinton for winning the State bond contract.

In May 1986, a board made up of Clinton appointees awarded the contract to Lasater. A week later, however, a joint committee of the Arkansas Legislature balked. With the project hung up, Bill Clinton became personally involved.

At least three Democrat Arkansas State legislators have said that they were personally lobbied by Clinton on behalf of the Lasater partnership. One said, "I remember he lobbied all of us on this," and then credited Clinton with switching his vote. In June, Dan Lasater was awarded the contract.

But the story does not end there. In fact, the next phase of the story actually began 5 years earlier, in 1981, when the President's half-brother Roger was arrested for selling drugs to an undercover police officer. Roger Clinton pled guilty to conspiracy to distribute cocaine.

After his guilty plea, Roger Clinton was sentenced to 2 years in prison. It was a reduced sentence, which he received for agreeing to testify against a boyhood friend named Sam Anderson.

Sam Anderson was tried in February 1985. Testifying on his own behalf, Anderson said that Roger Clinton had told him that he had been approached by State police investigators and that he was, and I quote "Very, very frightened * * * totally frightened to death." He said that Roger had informed him that the investigators had told him that they wanted to set up three people for drug arrests, including Dan Lasater.

The director of Bill Clinton's Arkansas State Police sent an investigator to interview Lasater at that time—the same time that the Arkansas State Police Commission was considering Dan Lasater's bond proposal. According to State and Federal documents, Lasater told the investigator during that interview that he had used cocaine.

But despite the fact that Dan Lasater had just confessed to the investigator sent by the director of the State police that he was a cocaine user, he was awarded the contract to finance the Arkansas State Police radio system.

Six months after he was awarded the bond contract, Dan Lasater formally became the target of a joint State-Federal drug task force investigating cocaine distribution in Little Rock. FBI documents show that he later confessed to using cocaine, and to giving it away to friends, employees, and business associates on more than 180 occasions.

It has now been revealed that during this investigation, which ran through the spring and summer of 1986, Col. Tommy Goodwin, Bill Clinton's director of the Arkansas State Police, was routinely briefing the Governor on the investigation.

Bill Clinton, who had been bankrolled by Lasater, who had been flown around Arkansas on the Lasater jet, and whose brother's drug debts had been paid by Lasater, was now receiving confidential briefings on the Lasater criminal investigation.

Mr. President, Colonel Goodwin says he only did it because Bill Clinton was curious, not because he had any special interest in the case. We do not know.

But what we do know is that—from Tommy Goodwin and the Lasater case, to Roger Altman and the RTC criminal referrals—it seems that Bill Clinton has a special fondness for private heads up from supposedly independent agencies.

In October 1986, Dan Lasater was indicted for possessing and distributing cocaine. The U.S. attorney said that Lasater and his associates were blatant in their drug use. Lasater maintained a supply of cocaine in his pockets and even snorted it at his office.

He pled guilty, and as part of his plea he agreed to make detailed statements about his cocaine use. He also agreed to identify the people he gave cocaine to during parties, during business meetings, and as part of his business entertainment.

Mr. President, there are many people in high places in the White House who associated with Dan Lasater. The public should also know that after all this time, many top people at the White House still have not yet gotten national security clearances—another brewing scandal. In light of that fact, the U.S. Senate should have Dan Lasater's cocaine list now.

Mr. President, I would like to stop this sorry tale right there. But one more point has to be made.

Dan Lasater is out of jail. He is not just a free man. He is a pardoned man. Mr. President, the man who admitted to carrying pockets full of cocaine was pardoned by Bill Clinton.

In his application to Bill Clinton for a pardon, Dan Lasater excused his criminal behavior, saying that the cocaine was used in social situations. He compared it to—and I quote—"paying for dinner and drinks for my friends."

And, as you know Mr. President, a pardon is necessary before any convicted felon can apply to get a firearms license. So Dan Lasater went on to say that he wanted the pardon to restore his rights to carry firearms, so that he could teach his sons—and again I quote—"the skills of the woods."

Mr. President, Bill Clinton—the leader of the free world, and the man who says that he wants to get firearms out of the hands of criminals—issued a pardon to a man who gave out vials of cocaine as party favors, and who told him in advance that he wanted the pardon so that he could get a gun.

Mr. President, this is shameful. I was not in the Senate in the 1980's. I do not know, and I do not care, how many times the Democrats investigated the Republicans. Frankly, that is ancient history.

But if this Senate does not have full Whitewater hearings, hearings that get to the bottom of the Dan Lasater mess, the Travelgate mess, the commodities trading mess, and all the other fiascos that have been transplanted here to infect our Nation's Capital, then the American people will cry cover up. And they will be right.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from New York.

Mr. D'AMATO. Mr. President, let me speak to the amendment.

First of all, let me thank my colleague for touching on matters that might create some consternation with some people. These matters focus on: Lasater and his dealings, Patsy Thomasson, who ran Mr. Lasater's company for 2 years when he was not present, and the manner in which that company operated.

The amendments to be submitted are necessary because for too long these matters have been shrouded. Certainly, it would seem that this is the intent of the underlying legislation: To keep us from examining these issues so the people can see what is taking place.

I find it rather disconcerting that Patsy Thomasson, who ran Mr. Lasater's company for 2 years while he was in prison, is the Director of Administration at the White House. I find it incomprehensible, to be quite candid with you. I am shocked to have that kind of situation and I wonder how that came about.

Having said that, I would like to turn to the amendment that I offered. This amendment would give us the opportunity and the ability to look into the commodities trading activities that led to Mrs. Clinton making a profit of $100,000.

There is nothing wrong with making $100,000. But there seems to be some very real question as to how, on the initial day when she deposited $1,000 into her account, she sold short 10 cattle futures contracts worth $220,000. That is on the very first day of trading.

The margin requirement at that time for one cattle contract was $1,200. To make that initial trade, Mrs. Clinton would have needed to have $12,000 in her account. I think it is very fair to ask: If the margin requirement for one contract, valued at $22,000, is $1,200, how could she buy even one contract with $1,000 on margin, let alone 10. How did that happen?

If you were a good customer, and if you had good financial resources and capabilities, you would have to have a minimum of $12,000 in order to be able to make that purchase. Who put up the money? Did Tyson Foods take the losses, and this particular account take the wins? Are we entitled to that information? Of course we are.

The majority has repeatedly argued that we cannot look at this issue until the special counsel does his work. Well, I spoke to the special counsel. As a result, he sent Senator RIEGLE and me a letter dated May 26. He wrote:

> I have no present objection to any hearings which Congress might wish to hold on the subject * * * talking about the commodities transaction.

Let me read further:

> I am responding to the two questions raised in your letter of May 23.

On May 23 we wrote a letter. And, among the other things, we raised the question of whether or not he would have any objection to us looking into this matter.

Mr. Fiske wrote:

> The commodities transactions of Mrs. Clinton occurred during the period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would, nonetheless, make this trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on the subject.

So I have to ask why this second-degree amendment would make it impossible for us to go forward? Why? I have to say, Mr. President, it is because this amendment's intent is to avoid looking at anything that might prove embarrassing to the administration. It is an attempt to circumscribe and to keep a committee of Congress from doing its job. That is just simply intolerable. It is wrong. That is why we cannot accept the proposed methodology of going forward. That is why I said that Congress has really done itself a great disservice by negating a 200-year tradition of thorough and fair congressional oversight hearings, notwithstanding our tradition over the years.

We are attempting now to offer amendments that would deal with the deficiencies. One such deficiency is that there is no provision in the legislation providing us with the ability to look into the commodities trading. I would daresay any fair-minded person would say that we should examine these trades.

Did Tyson Foods, by the way, deduct losing trades illegally after a possible allocation of trades by the broker? I do not know. But I think we are entitled to those records to see exactly where the moneys came from.

This is just one illustration. There are many others. The fact is that on the very day of inception there was an account of only $1,000, and that this account, which could not even buy one futures contract, bought 10. It cannot be done. It absolutely cannot be done. We are not talking about a corporation of great wealth saying, "Don't worry. We will send you the money later." We are talking about $1,000 from someone who admitted they did not have great resources. This was all the account had. Yet on the first day cattle futures contracts worth $220,000 were traded, which would have called for a minimum margin requirement of $12,000. Where did the money come from? Where did the profit come from? Did Tyson Foods, on that day, absorb a loss? Did Tyson buy on both sides? Were the profits then assigned to the account? Did they take writeoffs on this? Did the Clintons come into Whitewater to shelter the income that they made from the commodities transaction? It has been suggested that that may have been one of the reasons they initially went into Whitewater, as a means of sheltering the profits from the commodities trades. How much of the income from the commodities trading was sheltered by way of Whitewater? I do not know.

But again, Mr. Fiske indicated that his investigation did not encompass the commodities trades, and as a result this is an area that the committee can and should be investigating.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded..

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate vote on the Mitchell amendment No. 1783 at 2:30 p.m.; that upon the disposition of that amendment, the Senate vote on Senator D'AMATO's amendment No. 1782, as amended, if amended, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Do I hear objection? Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that pending amendments be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1784

(Purpose: To authorize hearings on the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1784.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place, insert the following:
>
> Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1785 TO AMENDMENT NO. 1784

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE], for Mr. MITCHELL, proposes an amendment numbered 1785 to amendment No. 1784.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In lieu of the matter proposed insert the following:
>
> (1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.
>
> (2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I believe I have a pending amendment that has been second degreed by my friend from South Dakota, the floor manager.

I would like to speak on my amendment.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 1784

Mr. MURKOWSKI. Mr. President, the amendment I am offering would expand the scope of the Banking Committee's jurisdiction to include an examination of the Resolution Trust Corporation, or the RTC, and its handling of criminal referrals relating to the failure and the ultimate taxpayer bailout of the Madison Guaranty Savings & Loan Association.

The failure of Madison has cost the American taxpayer at least $47 million, and estimates are now that that could exceed $67 million. I think the American people are entitled to know why Madison failed. Why Madison was allowed to stay open as long as it did, and why there was a failure to bring civil or criminal charges in connection with this failure, recognizing that there are oversight responsibilities associated with the operation of any financial institution by appropriate State and Federal authorities. So it is legitimate that we seek these answers.

It has been 5 years since the Federal Savings & Loan Insurance Corporation was appointed conservator of Madison, and yet 5 years later the American people still have no answers concerning its failure.

Further, it was suggested yesterday by our majority leader, as well as some of my colleagues on the other side of the aisle, that the requests that we have had for hearings are designed for raw, partisan politics. It was further suggested that some on our side, the Republican side, want to hold these public hearings because we do not have a program for economic growth and we do not have a program for health care reform. In fact, many who listened to my colleagues from the other side of the aisle speak yesterday might be led to believe that the House and Senate have not considered health care and economic reform on either floor because the Congress has been tied up with Whitewater.

Mr. President, you and I know that nothing could be further from the truth. Let us set the record straight. Republican requests for Whitewater hearings have had nothing to do with the failure of the Senate or House to consider the President's health care reform.

Here is the President's health care proposal, 1,363 pages of fine print. The majority leader can bring this bill up at any time. He can add it as an amendment to this bill or any other bill, for that matter. But we all know why we are not considering the President's health care bill. It is because it cannot command a majority of Democrats, much less a bipartisan majority of Democrats and Republicans. So, in reality, the fact is the President's bill as it is structured in the 1,363 pages, is dead. So is the employer mandate. And everybody knows it.

Moreover, the suggestion that Republicans do not have a program for health care is simply not true. Senator CHAFEE has introduced legislation that has both Republican and Democratic support. Senator NICKLES has introduced health insurance reform legislation. The House Republicans have introduced similar health insurance reform bills. It is just not true to state the Republicans do not have a program for health insurance reform now.

I suggest there is a bit of disarray on the other side of the aisle with regard to their uniform position on health care reform. Whitewater has nothing to do with the inability to move on health care. Whitewater and that whole issue are separate.

During the last 24 hours, on three separate occasions, the majority leader has succeeded in thwarting the efforts of Senator D'AMATO and other Republicans to broaden the scope of the Whitewater hearings. Under the majority leader's amendment, the Banking Committee would hold oversight hearings on only three issues relating to Whitewater—only three issues. One of those would be communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to Whitewater and Madison Guaranty; second, the Park Service investigation into the death of Whitehouse Deputy Counsel Vincent Foster; and, third, the way in which White House officials handled documents in Foster's office at the time of his death. That is it.

This committee will not be able to answer such questions as whether federally insured deposits at the failed Madison Guaranty Savings & Loan Association were diverted to Governor Clinton's 1984 campaign, nor will it be able to determine whether federally insured Madison deposits were diverted to pay the Clintons' share of their Whitewater debts; nor will it be able to determine, when the Madison institution became insolvent, whether favoritism, conflict of interest, or false financial audits were presented to State regulators by the Rose law firm which permitted Madison to remain open; nor will the committee be able to inquire as to whether or not Governor Clinton applied pressure to encourage the Small Business Administration to grant a loan that was not permitted to be made by the Small Business Administration.

In fact, the committee will not be able to ask a single question concerning the underlying issues surrounding the Whitewater and Madison cases. Not one single question. The committee can only examine issues, under the majority leader's proposal, relating to communications that the White House had, not the underlying fact questions relating to Whitewater. For the underlying facts, the nuts and bolts of Madison Guaranty's failure, the American public is going to have to wait 6 months, perhaps a year, 2 years, or as long as Special Prosecutor Fiske takes to complete his investigation.

It is unprecedented for the Congress to defer oversight investigations because of concurrent investigations being performed by a special counsel. We held hearings simultaneously with the independent counsel when investigations involved Anne Burford and the EPA Superfund. We all recall that. We held simultaneous hearings involving Michael Deaver and Iran-Contra. We all recall that. We held simultaneous hearings at the time independent investigations were to be conducted into the affairs of the BNL Bank and the BCCI.

So, if there is some partisan politics being played in this institution, I suggest perhaps it comes from the other side. As previously shown, we Republicans have demonstrated a willingness to support oversight hearings when they related to matters affecting a Republican administration, as I have just cited. But in the case of Whitewater, oversight will be deferred—perhaps months, perhaps years. I think it is fundamentally wrong to proceed in such a narrow fashion when the public is entitled to full disclosure.

One aspect of Whitewater that I believe must be investigated immediately relates to the RTC's handling of criminal referrals concerning Madison. I want to emphasize that this aspect of the oversight investigation will cover RTC's activities under both the Clinton and the Bush administrations.

The underlying amendment will enable the committee to investigate whether the RTC had appropriate procedures in place to refer possible criminal conduct involving Madison Guaranty and whether it had appropriate procedures in place to follow up on any criminal referrals made.

Mr. President, since the RTC was established to resolve failed institutions in 1989, we have seen the RTC resolve some 700 individual cases in some 700 institutions.

One of the greatest tragedies of the savings and loan crisis was the cost to the taxpayer. The RTC has estimated that the cost of resolving some 700 failed institutions has been over $81 billion. Many savings and loans, such as Madison Guaranty, failed because of criminal misconduct by insiders. Part of the RTC's duties include making referrals to appropriate criminal authorities to apprise them of possible wrongdoing.

The American taxpayer, who has so far paid some $81 billion to resolve these failed savings and loans, basically has a right to know whether the

RTC's internal procedures regarding criminal procedures have been carried out in an adequate and prudent manner.

The taxpayer also has a right to know specifically what transpired with respect to the criminal referral involving Madison. Did the RTC have adequate procedures in place to deal with criminal referrals? Were these procedures followed in the case of Madison Guaranty? It is appropriate that we have the right and the opportunity to ask these questions.

Mr. President, on September 2, 1992, the RTC made a criminal referral alleging a $1.5 million check kiting scheme among Madison, Jim McDougal, and entities under Jim McDougal's control. The referral was sent to the U.S. attorney for the Eastern District of Arkansas.

This is material that has come out of the investigation so far. I think it is germane to the authority of the committee to expand and ask these pertinent questions, and others.

About 6 months after the referral was sent to the U.S. attorney for the Eastern District of Arkansas, in March 1993, the RTC senior investigator of Madison was informed that the U.S. attorney in Arkansas had sent this initial Madison criminal referral to Washington because the referral was politically hot.

What does that mean? We ought to know precisely what that means.

Remarkably, when the RTC investigator attempted to determine the status of the Madison criminal referral, she was told by the U.S. attorney's office that there was no record of the referral in the Arkansas U.S. attorney's office. So it took until May 1993 to determine where the Arkansas U.S. attorney had sent the referral to Washington, DC, claiming that he felt it was a conflict of interest. The main Justice Department in Washington ultimately returned the referral to Arkansas deciding there was "no basis for recusal of the U.S. attorney," and lack of conflict of interest.

Were the RTC criminal referrals regarding Madison pursued by the Justice Department? Well, in October 1993—October 8, to be exact—the RTC sent nine additional referrals to the U.S. attorney and the FBI. Two weeks later, the new Clinton-appointed U.S. attorney, Paula Casey, wrote to the RTC to indicate the referrals had been declined.

These matters involve critical questions about the RTC procedures and the manner in which criminal referrals were handled at the Justice Department.

So it remains unclear what the timing was of the Justice Department's decline of the Madison-related criminal referrals.

The committee—once the committee is established and functional—simply must investigate these matters; some of them are new, some of them have been around—and report to the American taxpayers about how criminal referrals are handled by the RTC and the Justice Department and whether they were handled properly in the Madison case.

The American taxpayers should not have to pay one more dollar than necessary to bail out the savings and loans, and until we get the hearing process up and operational and have it broad enough so that we can address questions that will come up as a consequence of new information that comes about from the testimony of various witnesses, anything less than that is subterfuge of the investigative process with which we have an obligation to proceed.

So I urge my colleagues to reflect on the significance of my amendment to provide the American public with answers to questions that are out there. Until this body initiates a hearing process that is open and broad enough to obtain the type of information that the American public is going to demand, why, we are simply going through a meaningless process.

I urge my colleagues to support the amendment and recognize the significance of what we are attempting to do here, and that is get this entire issue resolved and behind us so that we can proceed with the public business at hand.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from South Dakota.

Mr. DASCHLE. Madam President, the Senator from Alaska made reference to what he argued was the need for broader scope in this whole affair. I would differ with the Senator from Alaska in that it is not a matter of scope, it is a matter of timing; a question of timing. That is really what a lot of this debate has been about: What is the appropriate timing?

We can get into matters of scope at some point, as we will perhaps be required to do. But as we consider what is appropriate for us now, if we are to follow the advice given us by the special prosecutor—who, again, as I indicated earlier, in his news conference earlier this spring, noted how important it was that we respect his prerogatives as an investigator, we must understand the importance of timing.

Again, let me relate to our colleagues what Mr. Fiske said:

> We should be very concerned that so long as something can be done to protect against having the contents of the RTC referrals themselves come out in hearings, we need to protect scope.

That is really what this issue is all about. It is protecting the scope of the investigation so as to enable him to complete his work, that we may later do ours.

Let me relate our response to Mr. Fiske's specific concerns, outlined in as many ways as possible in the text of the amendment that is now in the nature of a second degree to the amendment offered by the Senator from Alaska.

That amendment, which we have voted on before and on which we will do so now again, says:

> In lieu of the matter proposed—

By the Senator from Alaska.

> * * * in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate on a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.
>
> (2) Any additional hearings should be structured and sequenced in such a manner that, in the judgment of the two leaders, they would not interfere with the ongoing investigation of the Special Counsel Robert B. Fiske, Jr.

Madam President, in essence, the amendment in the second degree to the amendment offered by the Senator from Alaska is the same amendment, the same intent, the same desire, the same hope, that has been expressed by Special Prosecutor Fiske that we do things in a timely way; that we take on the responsibilities that we agreed were necessary yesterday; that we follow through with the actions in the Banking Committee in July as we agreed yesterday; and, that any additional hearings, any additional scope, any other questions of timing relating to anything related to this issue come at a time after that. That is all we are asking—proper timing in accordance with the special prosecutor's request.

Let there be no doubt about what it is we have to do as a result of the actions taken yesterday. The majority leader's amendment lays out precisely what our responsibilities are: that hearings and oversight ought to take place regarding, first, all communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corp. and the Madison Guaranty Savings & Loan Association; second, the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and, third, the way in which the White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

We related further in the authorizing resolution yesterday that the committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct a hearing specified in this section. It is authorized to exercise all powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act to issue subpoenas for the attendance of witnesses or the production of documentary or physical evidence before the committee.

We make reference to the fact that the committee shall procure temporary or intermittent services of individual consultants and organizations; to use other governmental department personnel to report violations of any law to the appropriate Federal, State, and local authorities; to expend the extent to which the committee determines necessary and appropriate any money that will be made available to such committee by the Senate to conduct these hearings; to require by subpoena or order attendance as witnesses before the committee or at any deposition persons who may have knowledge or information concerning matters specified in this section to take depositions under oath; to issue commissions; and to notice depositions for staff members.

Madam President, my point is that we have very specifically delineated what the investigation ought to entail, and we have given extraordinary powers to the committee to do so —to do its work in proper sequence with proper appreciation and sensitivity to the ongoing investigation by Mr. Fiske.

That is what he asked for. That is what we agreed to do last March 17 on a unanimous vote. That is what we again reaffirmed in our vote yesterday—to do this with proper timing, to do this with an appreciation of our responsibilities for oversight and an understanding that we cannot and shall not interfere with the ongoing investigation by Mr. Fiske.

So, Madam President, we really have no choice here. Our work is very clear. Our responsibility is very clear. The amendment in the second degree gives us the opportunity to expand that responsibility should we see fit at some point in the future.

So I would hope that we all understand what is going on here. Madam President, this is not a question of scope. If anything, I think this amendment would slow down our work, confuse our work, obfuscate our responsibilities. It is important for us to understand that, with a clear delineation of scope, with a clear understanding of the authority now given to the Banking Committee, we have every opportunity to do our work in a meaningful way.

I hope Senators will recognize that at the appropriate time when we vote.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank the Chair.

Madam President, I listened to my good friend from South Dakota as he indicated the issue of scope versus timing. I think we ought to reflect a little bit on the record. What did we do basically in this body on March 17 when we voted 98 to 0 to initiate an action by this body to proceed on the Whitewater issue?

I quote from the RECORD, Madam President.

> The majority leader and the Republican leader should meet and determine the appropriate timetable, procedures, and forum for an appropriate congressional oversight including hearings on all——

The word all, a-l-l.

> matters related to Madison Guaranty Savings and Loan Association [MGS&L], Whitewater Development Corporation, and Capital Management Services, Inc. [CMS].

As we talk about timing and scope, let us look at the authority that we invested in that vote. It was an authority covering all matters. Yet, the majority leader and the Democratic majority have seen fit to indicate that somehow we should start off with a very narrow scope limited to the areas that I have outlined in my comments.

It is rather inconsistent with the procedure to get the answers so the American public can understand the facts that we should limit the scope of this.

Let us talk a little bit more about consistency. The amendment that is pending for a vote at 2:30 by Senator D'AMATO would authorize the investigation of commodity trades by Mrs. Clinton.

My colleague from South Dakota says that this is not the time that this amendment or my amendment should be taken up.

I ask unanimous consent that a letter from Robert B. Fiske, Jr., independent counsel, dated May 26, 1994, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, May 26, 1994.

Hon. ALFONSE M. D'AMATO,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR D'AMATO: I am responding to the two questions raised in your letter of May 23, 1994.

The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

The White House review of Treasury documents relating to contacts between the White House and Treasury officials involves a small number of documents which will not take anyone very long to review. Because of the risk of such documents becoming public prior to the completion of our investigation, I would prefer that you defer obtaining those documents at this time. I am confident that following that procedure will not cause any delay in any hearings you may decide to hold.

Respectfully yours,
ROBERT B. FISKE, JR.,
Independent Counsel.

Mr. MURKOWSKI. Madam President, I think this letter clearly counters the position taken by the Senator from South Dakota relative to the objection and inappropriateness of proceeding when special counsel is still working.

I read the second paragraph:

> The commodity transactions of Mrs. Clinton occurred during a time period which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would, nonetheless, make that trading relevant to our investigation.

Here is the part which I think points out where we have this inconsistency.

Mr. Fiske's letter reads further:

> I have no present objection to any hearings which Congress might wish to hold on that subject.

So there, Madam President, you have the answer. Clearly, the independent counsel does not object to holding hearings on the matter which is the pending D'Amato amendment.

So I think we clearly have a legitimate question of when is the timing going to be right? Well, those on the other side can suggest at some point in time when the special counsel proceeds with more activity. But it is clearly not a pattern of the U.S. Senate to suggest that it cannot hold hearings while special prosecutors do their job. As I have noted time and time again, we have had simultaneous hearings going on while special prosecutors do their work.

So I just do not accept the explanation given by the Senator from South Dakota as this being a rational reason to limit the scope to the three areas that the majority leader has recommended to this body.

I encourage my colleagues to continue to ask the question: If the time is not right now to pursue the hearings in the broadest scope, and if indeed the special prosecutor cites by letter that he has no objection to proceeding with an investigation relative to hearings that Congress might wish to hold on that subject, what in reality is the argument that my colleagues on the other side continue to proclaim as justification for not expanding the hearings to include those items that the special prosecutor has no objection to. That is one of the votes we are going to take today at 2:30.

I encourage my colleagues to ask themselves whether the American public is going to be fooled by this charade—the charade is limiting the scope of the investigation—using the excuse that we cannot do anything because the special prosecutor has not completed his investigation.

I urge my colleagues to again examine what we are doing here. Just how long is the American public going to put up with this kind of activity that does not present the facts to them?

I urge, Madam President, that we ask ourselves the question of scope versus timing and conclude it with: If not now, when?

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. DASCHLE], is recognized.

Mr. DASCHLE. Madam President, I will not belabor the point, but I think a couple of comments in response to the distinguished Senator from Alaska may be required here.

First, the Senator from Alaska made reference to our vote on March 17. While he talked about the first section of that particular resolution regarding the obligation of Congress to conduct oversight matters relating to all operations of Government, he failed to address the last section, which I am told happens frequently in reference to this particular resolution in comments made by Senators on the other side. Let me read for our colleagues that particular section, because that is really the essence of the concern expressed so often by Members here.

> The hearings should be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert W. Fiske, Jr.

That is the final section. That is the section that I addressed as I expressed my concerns a moment ago about timing and sequence and scope. Obviously, the scope is a very important matter.

Relating to a second concern expressed by the Senator from Alaska, which is that somehow it is relevant for us to be considering expanding the scope to issues completely unrelated to Whitewater, I suspect that Mr. Fiske understood that when he responded that he had no objection because there is no relevance. Obviously, it is not difficult for him to express himself in that manner; that is, that he has no objection to things that are irrelevant. I am sure if we were to ask him today, given the revelation that Mrs. Clinton made yesterday that she once attempted to get into the U.S. Marines and was turned down, were we to want under the scope of this investigation to find out the reasons why the Marines turned down Mrs. Clinton's application for membership in that distinguished organization, we could find out. I will bet you anything that if we were to ask Robert Fiske, "Do you have any objections to our query about the rejection by the Marines of Mrs. Clinton in 1975," he would probably write back, "No, go ahead." But what relevance does that have to Whitewater? What relevance does that have to the real intent we have all so consistently expressed about our desire to get to the bottom of the questions that are pending relating directly to the Whitewater investigation? I could come up, in 5 minutes, with a number of different opportunities for us to have oversight investigations on any one of a range of things, because that is our prerogative and we can do so. But the question is: How does that affect the scope of this matter? How does that go directly to the questions that we have before us relating to Whitewater?

The closer they get to Whitewater, the more importance that last section has with regard to timing. If it is a Whitewater issue, Mr. Fiske said, "I then become very concerned about what you do. I want you to take notice about my concerns, and I hope you will consider timing." So the reference in our second amendment really is to timing and the importance of sequence.

So I hope our colleagues will not be confused, Madam President. Any references to investigations unrelated to Whitewater certainly will expand scope, but they do not have any effect on the quality or the manner with which we ought to be conducting ourselves relating to Whitewater. I hope that these amendments and the opportunity to vote on them later this afternoon will make that clear, as well.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I further ask unanimous consent that I may be permitted to speak for up to 10 minutes, as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

LINE-ITEM VETO

Mr. SPECTER. Madam President, I have sought recognition to comment about a very interesting and important hearing in the Judiciary Committee Subcommittee on Constitutional Law relating to the line-item veto, which I believe may soon be coming before the full Senate. It is worthy of a few comments at this time to summarize some of the testimony from a very distinguished panel of constitutional law experts.

The resolution which I had introduced calls for a sense of the Senate to encourage the President to exercise the line-item veto on the legal proposition that the President currently has authority to exercise the line-item veto. That follows an interpretation of the Constitution which has been endorsed by a number of prominent legal scholars, one of whom is Prof. Forrest McDonald from the University of Alabama, who has written extensively and persuasively on the subject.

Professor McDonald is a leading constitutional expert, historical expert, who has recently published a book on the Presidency which has been widely acclaimed. It is his analysis and the analysis of others, in which I concur, that the key clause, article I, section 7, clause 3 of the U.S. Constitution gives the President currently line-item veto.

That clause was extracted from the Massachusetts Constitution, which has as its origin the effort of the Massachusetts lawmakers, the constitutional authorities, to limit excessive spending. And clause 3 follows clause 2, which is the President's general veto authority. So that, as a matter of constitutional interpretation, this clause was added to give the President the authority to exercise the line-item veto.

In this morning's hearings, there were a number of authorities who testified on both sides of the issue, as you might expect on a controversial constitutional question. It is well known that there are splits of authority on issues like this, with the Supreme Court of the United States very frequently dividing on a 5-to-4 basis.

We know a very distinguished former Chief Justice of the Supreme Court of the United States, Charles Evans Hughes, made one of the statements which has been frequently referred to, that the Constitution is what the Supreme Court says it is. It is not quite that broad. The Supreme Court cannot pull an interpretation from the air. But there are many clauses in the Constitution which are subject to various interpretations, and when that occurs the frequent course of action is for a test case to be brought. It is my hope that we will have a test case brought and that a sense of the Senate, saying to the President we submit there is a constitutional basis for exercising the line-item veto, would be most appropriate.

For those who may be listening on C-SPAN and for those in the gallery—there are not too many Senators on the floor, only two of us; you, Madam President, presiding, and I, speaking—the line-item veto is the authority which would give the President power to strike a given line from the appropriations bill and strike a given line on any legislation which passes the Congress.

Frequently, the President of the United States will receive appropriations bills, sometimes in an omnibus appropriations bill, in the form of a continuing resolution which sometimes is a foot thick. Some of our viewers may recall one of President Reagan's State of the Union speeches, where he was complaining to the Congress about receiving enormous appropriations bills, which gave him the Hobson's choice of either signing the entire bill, where there were many provisions which he did not like, or vetoing the entire bill, which would have brought the Government to a close.

I recall one speech of the President to a joint session of the Congress, where he had legislation which was about a foot thick, balanced—I thought precariously—on the edge of the podium. And I was worried because I thought—and probably many others watching television were worried—it was going to fall. Then I got the point. President Reagan was keeping us in suspense. He was a master of that. And he had control of that hefty pile of papers. But he was illustrating the point about a massive appropriations bill: He should not have to, in effect, take it or leave it all.

Since that time, the Congress has been better in submitting 13 separate appropriations bills. But, still they are very thick and they contain many, many spending items. It is my view, and the view of many, many others, that at the time when we have a national debt of $4.5 trillion, and last year had a budget deficit of $255 billion, and knowing the ways of the Congress in including many items which are excessive expenditures—the one referred to very frequently in today's hearing was a major appropriation for a tribute to Lawrence Welk—which hardly warrant borrowing.

There are many items, and Members do what they think is in the interests of their own constituents—in the House, their own districts; in the Senate, their own States—where the appropriations simply do not measure up to a standard of national importance, sufficient to borrow money on. I think that is the standard which we have to apply when we pass bills. Is this item, is this appropriation, sufficient for us to borrow money? Because, when we have a budget of $1.5 trillion—and those are astronomical figures, hard to really quantify or understand what they mean—but against a budget of $1.5 trillion, when the deficit is $255 billion, that means we spend $255 billion more than we take in in revenues—the question has to be asked, is a given item worth borrowing money for? I think, if we put it to that test, many times if we had this isolated, we would say that it was not worth paying for.

There have been many efforts to have a constitutional amendment for a line-item veto. Those efforts have failed because you have to come to a two-thirds vote. But I do think that if we voted on these items individually—some of the constitutional amendments proposed that if the item was vetoed on a line item by the President, they would come back and would have to be overruled only by a simple majority as opposed to two-thirds—I think many of those items, if exposed to that kind of specific vote, would not survive. But even if you have the line-item veto interpreted under the existing clause of the Constitution, that the Congress can still override the President's veto if we felt strongly about it. But I think many, many of those items would not be overridden on a congressional vote.

The specifics, for just a minute, on the legal interpretation, turn on the Massachusetts Constitution of 1780, adopted some 7 years before the U.S. Constitution. That Constitution had a provision which was first implemented in 1733, to give the Governor a check on unbridled spending by the Colonial Legislature which had put the Colony in serious debt. It sounds very much like the United States of America today.

That clause was lifted totally, article I, section 3, clause 7, and put in the U.S. Constitution. There is history in the Federalist, comments by Alexander Hamilton, who wrote that the constitutional provision tallies exactly with the revisionary authority of the Council of Revision in New York, which, according to Professor McDonald, had the power to revise appropriations bills very similar to the line-item veto.

James Madison noted the comments of Roger Sherman, of Connecticut, that "The only purpose of article I section 7, clause 3, was to take money out—was to eliminate votes which took money out of the Treasury." So that, unless clause 3 had the intent of being a line-item veto, authority for the line-item veto, there would be no purpose for the clause, clause 3, in addition to clause 2, which provided for the President's general veto power.

Madam President, I had an opportunity to discuss this issue with President Bush and urged him to exercise the line-item veto. President Bush said that his lawyer told him he did not have any authority. When he said that, I made the suggestion that he change lawyers, then I added not to tell the bar association because that might not be too good, one lawyer commenting about another lawyer and some of the rules of our profession.

I had the chance to bring the issue up with President Clinton. I wrote to him on the subject, provided an authority, got a nice reply back where President Clinton said he did not think it appropriate to exercise the line-item veto and, in fact, a representative from the Attorney General's office testified today, Assistant Attorney General Walter Dellinger, head of the Office of Legal Counsel testified that he thought the President did not have the line-item veto authority. But Professor Dellinger did say that it was a matter of which reasonable minds could differ. It would be pretty hard for him not to say that, considering the fact Senator THURMOND testified in favor of it and I testified in favor of the line-item veto and a number of others had said there was constitutional authority for the line-item veto.

So it is not a matter which has a foregone conclusion, but in the context of the very serious deficit which we have and in the context of the very major national debt which we have in this country, that there is sufficient authority for the line-item veto.

So I submit that it ought to be exercised by the President and there ought to be a court test case.

Madam President, although I have introduced this into the RECORD before, I think it is worthwhile at this point not to submit all of the documents, but to submit the article by Prof. Forrest McDonald setting forth the constitutional authority for the line-item veto so that those who read the CONGRESSIONAL RECORD will have a fuller statement as to the constitutional authority of the President to exercise the line-item veto. I ask unanimous consent to print that article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FRAMERS' CONCEPTION OF THE VETO POWER

(By Prof. Forrest McDonald)

I must begin by making a couple of demurrers or disclaimers. I am by no means an expert on budgetary processes. And I have no policy recommendations to make.

What I can claim some expertise in and what I propose to address is how the Framers thought, what was going on in the eighteenth century, and what their conceptions of a number of subjects were, including the veto. When we speak of the veto power, historically and at present, we are actually dealing with two different subjects—closely, intimately related, but still different subjects. The one is executive control over spending; the other is the executive share in legislation. Historically, these were two different things.

The Framers were learned in history. They knew from Roman history of models of a veto that were derived from the ancient tribunes. But for the most part when they talked of vetoes, when they thought of the subject, they thought of British history. How things had evolved in England, how things had evolved in their own colonial experience and, to a lesser extent, their more immediate state experience since 1776, made up their thinking about vetoes.

In England, the king always had a veto, which was in the form of his power to say no. If he said no or if he didn't approve of a proposed body of legislation, it was not enacted. Thus did he exercise a share in, and a control over, the legislative power. The veto did not, however, extend to spending bills. It did not extend to spending bills because of the peculiar nature of taxation and appropriation.

Sir William Blackstone had clearly defined taxes as they had come to be understood in the English-speaking world. "Taxes," he said, "are a portion which each subject contributes of his property in order to secure the remainder." Thus, taxes in the Anglo-Saxon scheme of things, were held to be a voluntary gift from the people to the sovereign. It made no sense, therefore, for the king to have a veto power over the gifts that the subjects were giving to him. What he did have, however, was total discretionary power as to how to spend it.

As to the veto of legislation, again, Blackstone makes clear what it meant: "We may apply to the royal negative what Cicero observes of the negative of the Roman tribunes, that the Crown has not any power of doing wrong, but merely of preventing wrong from being done." That remains the way to think of a veto. In England, however, by the eighteenth century, the veto had become pretty well obsolete. The last king actually to exercise it on a large sale was King William in the 1690s. Queen Anne vetoed one measure and that raised such a storm of protest that it nearly disappeared.

But interestingly enough, what came along in lieu of it was the Crown's control over spending. The Prime Minister, as evolved in the eighteenth century, was always a member of Parliament who, if he was in the House of Commons, was Chancellor of the Exchequer; if he was in the House of Lords, he was the Lord Treasurer. By their use of the appropriations which came into the treasury, they influenced legislation—usually in a highly corrupt way to which most Americans eventually objected. Beyond the development in England, in the colonies there was direct experience with the veto in three different ways. To understand the colonial experience, one must remember that there were different kinds of colonies; proprietary, corporate, and royal.

Two colonies, Pennsylvania and Maryland, were proprietary colonies. The Penn family and the Calvert family owned the land, and the government was whatever government they established. Two other colonies, Connecticut and Rhode Island, were "corporate" colonies; self-governing entities. The other nine colonies were royal colonies; ruled by the Crown through his agents. The governors of those colonies were always agents of the king.

Now, to some extent the experience was different in each of the three types of colonies. The royal governors did not exercise a veto at all, except in one respect, and that was then the lower house of the legislature nominated or actually appointed the members of the upper house of the legislature. The upper house was sort of a combination of today's presidential cabinet and the Senate, an upper house as well as an advisory executive council. The royal governor had a veto—line-item veto, as it were—over any one of those appointed. The royal governors were not required to accept or reject the whole slate. If there were fifteen names on a list, they could eliminate one or more.

The second kind of veto development in the proprietary colonies. Originally, under the charter of government (the Charter of Liberties) which William Penn granted to the prospective citizens or subjects of Pennsylvania, the veto was a direct copy of the ancient Roman system. In ancient Rome, the senate legislated, and the people, through the tribunes, had the veto power. Penn and his advisors proposed legislation. It went out to the people (through their tribunes, in effect) and if the people accepted it, it was law; if they did not accept it, it was not law.

By the middle of the eighteenth century, this system had changed. The Penn family, as colonial governors, or their designates as colonial governors, had come to have and to exercise repeatedly a line-item veto. They could take out a particular comma, a particular passage, a particular appropriation. The veto in Pennsylvania by then applied to both appropriations and to normal legislation and was selectively applied. It was, in other words, a line-item veto, though the phrase had yet to be coined.

In 1696, His Majesty's Privy Council created an administrative body called the Board of Trade, which came to exercise the third kind of veto. The Board of Trade reviewed all legislation passed by the colonies from 1696 to 1776. During the course of that eighty-year period the Board reviewed 8,563 pieces of legislation. The members made clear almost from the beginning, in 1702, that the veto that they were exercising in the name of the Crown was a selective veto, a line-item veto. They vetoed all or part 469 pieces of legislation in the eighty years in which the Board of Trade oversaw the colonies.[1]

The period after 1776, however, is the period of greatest interest in understanding the veto power that came to be part of the Constitution. In regard to government spending, from the very beginning and growing out of colonial experience, appropriations were always made by legislatures. But appropriations were always permissive, not mandatory. A legislature voted a sum, and the governor, or whoever was charged with spending it; but he spent it at his discretion, so there was, built into the appropriations process, a kind of selective veto. Normally, the constitutions of several states indicated that expenditures were to be disbursed at the disrection—the sole descretion—of the governor.

Francis Newton Thorpe's seven volumes of colonial charters and state constitutions provide an absolutely crucial set of documents for understanding this formative period. For instance, North Carolina's first state constitution, that of 1776, made it explicit that no money could be taken out of the public treasury except at the discretion of the governor. The Virginia constitution of 1776 said the same thing. The Pennsylvania constitution, the Massachusetts constitution of 1780, the New Hampshire constitution of 1784, and so on, all made that clear.

In practice, legislatures made large, lump-sum appropriations. Appropriations that were made by the state legislatures of Virginia, North Carolina, and New York during this period, 1776 to 1787, each had a maximum number of nine headings. That would be for the civil list and for paying veterans' bonuses or invalid veterans' pensions and the like. Still the funds were allocated in broad, blanket grants of money, and it was left to the executive authority, usually the governor, to spend as he pleased within the legislatively established limits.

In regard to the veto power over legislation, the experience of the states in the early years ran as follows. Most states were loath to provide a veto because of the reaction against executive power that was built into independence itself.[2] Two states did, however, provide a veto power—New York and Massachusetts—and both used the word "revision." The word "revision" is significant because the American conception of the veto power was originally a revising power, not merely a nay-saying power.[3] It is also significant because in *Federalist No. 69*, Hamilton describes the presidential veto as differing from the "absolute negative of the British sovereign"; rather, its power "tallies exactly with the revisionary authority of the council of revision" of New York.

The New York Council of Revision consisted of the governor of the state and certain judicial officers, and together they reviewed all legislation that came before, or that was passed by, the New York Assembly. In fact, they reviewed it twice. The legislation was proposed, and lest anybody act hastily, it had to be read three times. Then it went to the Council of Revision, and the Council looked it over selectively, and sent it back to the legislature, not approved or disapproved in total, but with recommendations for revision. Normally the legislature would then take the proposed revisions into account and enact the bill into law. After it was enacted into law, it would come back to the Council of Revision, and now the Council had a selective veto, a line-item process.

The Massachusetts case is rather more interesting, and here one sees the background of the now famous Clause 3 of Article 1, Section 7 of the United States Constitution. In 1721, the legislature of Massachusetts, seeking to get around the prospective veto of the Board of Trade, had made its appropriations for the year by resolution, not by act. The Board of Trade was empowered to review all acts of colonial legislatures, but a resolution, said the House of Representatives, was not an act. They made appropriations that way—and got away with it—until 1729, when the Board of Trade said that was unacceptable.

The House then decided to do it a different way. Rather than pass any resolutions, they undertook to pass "votes," to make appropriations by votes. And in 1730 and 1731, the Massachusetts legislature made appropriations through votes, and significantly, it also disbursed the funds by votes, getting around the royal governor as well as the Board of Trade.

Then an interesting thing happened, as always happens when legislative spending has no effective external restraint. The public debts of the colony of Massachusetts became absolutely intolerable. The colony was going broke, and by 1733, the House of Representatives decided to give the governor a check. Throughout the remainder of the colonial period, the finances of the colony of Massachusetts were kept under control because the legislators had had this earlier experience; they had learned that when legislatures are left to spend freely, they go beserk.

This background makes it easier to understand the veto provisions of the Constitution. During the Constitutional Convention of 1787, various proposals were made. Some people, Alexander Hamilton for instance, indicated early on that they wanted an absolute veto; others, Benjamin Franklin in particular, opposed any kind of veto. The Convention decided on a qualified veto. Then, on August 14th and 15th, the delegates got around to the phraseology of the veto. There was some confusion on the 14th, and on the next day, Governor Edmund Randolph of Virginia made a proposal, essentially taken from the Massachusetts constitution of 1780, to incorporate the language dealing with resolutions and acts. The idea was to control the Congress by providing for a veto against resolutions as well as acts.

The language of Article I, Section 7, Clause 3, like the first clause of the section, is taken directly from the Massachusetts constitution. Both paragraphs, like their Massachusetts prototype, were designed to prevent the Congress from running amok, to make responsibility lie in the presidency.

During the course of the contests over ratification of the Constitution, interestingly enough, there was very little comment about the veto in any way. Two Anti-Federalist tracts against the Constitution objected to the Constitution, among other reasons, because Article I, Section 7, Clause 3 made too strong a line-item veto in the hands of the President.

The only Federalist speaking in a ratifying convention who addressed the subject was Governor James Bowdoin of Massachusetts. Bowdoin spoke in favor of the veto in such a way as to suggest that he understood it to be a power of revision and, therefore, a selective power. He did not say so explicitly, but it is clear in light of the Massachusetts experience.

When the government was formed under the Constitution in 1789, and for the first two or three years, the Congress followed the same procedure that had been followed by the colonies and by the several state governments, that is to say, it voted general, lump-sum appropriations under headings of three or four departments. The veto power was assumed to have a dual nature. One was the power of revision of regular legislation, the other the power to control or prohibit spending in particular areas. The dual nature of the veto experience of the Americans was sometimes separate, sometimes the same; but in both areas, the experience was that the negative was essentially a line-item, a specific thing.

Secretary of the Treasury Alexander Hamilton and President Washington both took the position that appropriations were, again, permissive, not mandatory. They often shifted funds around and there were considerable hassles on occasion over such shifting. Indeed, the Anti-Federalists, who now were calling themselves Republicans in opposition to the way Hamilton was running the Treasury Department, began to make investigations. They argued that Hamilton was improperly transferring funds. But Hamilton had always gone to Washington for approval. There was only one very sticky time when Washington could not remember that he had given the approval to Hamilton; but the point is that it was assumed that Washington, as President, had the power.

More interesting is the experience of Thomas Jefferson. By 1801, line-item appropriations had become something like the norm. Jefferson himself had an interesting conception of what his veto power and what his powers were in relation to finances, and it was clearly a line-item power.

In one famous instance Jefferson announced that he refused to spend $50,000 on gunboats as appropriated by Congress. There was a good reason for Jefferson's decision in that instance. We were expecting war with Spain when the appropriations were made. Then, things cooled off. To Jefferson's way of thinking there was no longer any point in building the gunboats. That was not, strictly speaking, a reversal of the policy of Congress. It was merely a matter of seeing that the circumstances had changed and assuming that Congress would have changed also had it been in session.

On another occasion, Jefferson again used a line-item veto to refuse to expend money. This he announced in his first annual message to Congress in 1802. Congress has appropriated a considerable sum of money to build various fortifications. Nothing had changed, as it had in the other example, but Jefferson thought the fortifications unnecessary, a wasteful use of public funds. So he announced to Congress that he had decided to "suspend and slacken the expenditures." He changed Congress' policy in this regard. Jefferson sent the legislation back to Congress to be reconsidered. During this time, he held it up; he refused to spend the money for a year. Congress did not reappropriate the money. The point is that Jefferson, in his sole discretion as President, assumed he had the power to decide whether the appropriated monies should be spent or not.

It is not just at the national level where we see the original understanding behind the veto power. The experience of the states after the adoption of the federal Constitution is important to understanding the experience of the federal government for two reasons. First, what the states did immediately after the adoption of the federal Constitution is an indication of their understanding of what the veto power was and what, particularly, Clause 3 meant. A number of states, upon the ratification of the Constitution, adopted constitutional amendments to make their constitutions square with the new federal charter. Several states adopted new constitutions from scratch. Georgia did in 1789, Pennsylvania in 1790, and Delaware in the early 1790s. Kentucky's first constitution was in 1792. Vermont revised its constitution. Tennessee got a new one, and so on. In each case, they adopted the phraseology of Article I, Section 7 and the governors began immediately to exercise the veto in a line-item fashion. That was their understanding of what Article I, Section 7 meant when they incorporated it into their own constitutions.

The second reason that the experience of the states is important is that in the states the real spending occurred. The volume of expenditure by government in the United States through the late eighteenth and throughout the nineteenth centuries was not overwhelming; the big bucks were spent at the state and local levels. As late as 1990, for example, state and local expenditures were ten times that of the federal government. In the middle of the nineteenth century, they would have run twenty or thirty times as much. Thus, if we want to know how the people and governmental institutions coped during the early years with the problem of big spending or excessive spending or whatever, we must turn to the state experience.

By the 1820s and 1830s, spending at the state level had become enormous. It had gotten out of hand because legislators had the capacity to collect taxes on a sufficient scale to spend on boondoggles—all kinds of public and quasi-public projects—and governors, except in the few states which had adopted the equivalent of the federal Constitution's line-item veto, were powerless to cope. There was a collapse cycle in government spending in the United States throughout the nineteenth century. After each major financial panic—1837, 1857, and 1873—states found themselves virtually bankrupt because of overspending, and each time this happened, there would be a new round of constitutional checks on the legislative power to spend.

One of the things that most of the states adopted at some point was a requirement that a bill which becomes an act must have only one subject.[4] Some of them went so far as to declare that every bill had to have a title, that everything in the bill must pertain to the title, and that anything not pertaining to the title was automatically annulled.

Several states required that any appropriations for what was called the civil list (the government payroll for ordinary, full-time employees) must be made in lump sums but that everything else had to be in separate and single bills. By the 1840s, the idea of a line-item veto to control fiscal irresponsibility in the legislatures was coming to prominence. It did not originate in the Confederate constitution as some have suggested. There were three Northern states which had already adopted the line-item veto before the Civil War.[5] It became very common after the Civil War.

The lesson that was learned in the states during the early years of the Republic was the lesson Alexander Hamilton had endeavored to teach in one of the Federalist essays. The more people there are involved in the decision-making process, the less responsible any one is, and a legislature, being a numerous body, in the nature of things, cannot restrain itself. It is so numerous as to be politically blameless. It ceases to be responsible because no one is accountable. It ceases to exercise control over a budget. It appropriates in vague and general terms. And, while the people will eagerly vote out of office those elected representatives of the people who tax to an extreme, they will not vote them out for spending excessively.

The only way effectively to check the excessiveness of a legislature at any level, national or state, is to have responsibility vested in one person so that that one person takes all of the heat if things go out of control. That is the essence of accountability; that is the fount of responsibility.

Let me close with a quotation from Alexander Tytler, an obscure but perceptive figure in the Scottish Enlightenment. (He had a relative who was the sole author of the second edition of the Encyclopaedia Britannica, but he himself was a quite secondary figure.) Tytler expressed a thought which every American in the founding generation would have shared, because they knew their history.

"A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy."

This is the lesson we most need to remember today.

FOOTNOTES

[1] Notice—8,563 pieces of legislation. That's all of the laws enacted by nine legislatures in the course of 80 years. That comes out to be 80 a year; that is nine laws per year. This is significant. The Framers' concept was that legislation was a simple, clear, direct and straightforward thing. It was limited. That generation did not have such things as omnibus bills.

For example, the State of Virginia ordered a man named Hening to pull together all of the statutes that had been enacted by Virginia since 1607, nearly 200 years. It took only 13 small volumes to print all of the laws of 200 years. Today, statutes coming out of Congress tend to be long, complicated and detailed.

[2] Though, in the Declaration of Independence, after the Preamble and when it gets down to all of the "he hases," most of the accusations against George III stemmed from the King's failure to exercise the veto power when he should have. In the Declaration, Jefferson took George III to task for vetoing certain legislation, but also for not vetoing other or parts of other pieces of legislation.

[3] As for the use of the word "revision," see the constitutions of New York, 1777, §III; Massachusetts, 1780, ch. 1, art. III, §1; Georgia, 1789, art. II, §10 and 1798 art. III, §10; Vermont, 1793, ch. II, §16.

[4] Some states had adopted such provisions from the beginning; see, e.g., the Maryland constitution of 1776.

[5] New Jersey Constitution of 1844, art. V, §7; Ohio Constitution of 1851, art. II, §16, P3; Kansas Constitution of 1859, art. II, §14.

Mr. SPECTER. I thank the Chair and yield the floor. And in the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DORGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have spoken on occasion before about the question of Whitewater and the appropriate way that the Senate should proceed with respect to it. I have some observations to make again today as we find ourselves at a point of impasse.

I hope that the Senate can move forward on this. I think it is not particularly productive for the institution or for the country to have us tied up in the kinds of procedural wrangling that is going on at the moment. I want to make clear my position with respect to this whole question.

First, I will summarize again my overall view of the entire Whitewater question. I know that staff has been digging very assiduously into the past in an effort to come up with all of the details of what happened with respect to Madison Guaranty and the Whitewater investment, what the participation of the Clintons were, what was the participation of the McDougals, et cetera, et cetera, et cetera.

I could rehearse all of those details here, and I suppose they will be rehearsed at one point or another as this thing goes on. I am not sure that is particularly useful, although I understand why people do it.

For me, the whole Whitewater thing has come down to two basic questions. The first one—a troubling one that has been raised in the press, perhaps not in this distinct a fashion but overall—has to do with the behavior of the administration of the State of Arkansas during the period of time that Bill Clinton was the Governor.

Very specifically, the question is this: Was the governorship of Arkansas for sale during the period of time that Bill Clinton held it? Or, as some of my friends have suggested, maybe not for sale, just for rent. That is a matter of degree.

Did special interests decide to take advantage of their relationship with the Governor of Arkansas to their own benefit in such a way that would be considered unfair or improper? And was the currency with which the purchase may have been made in the form of favors for investment opportunities or, as has been raised in the case of Mrs. Clinton, investment advice?

I do not know the answer to that, Mr. President, and I am not prejudging the case, but I think it is a serious question that needs to be examined and needs to be answered.

We have in the legal system in this country two levels of proof: The first before a grand jury, the level of reasonable suspicion of wrongdoing, and the second level, the removal of reasonable doubt. They are two steps. It is easier to get an indictment than it is to get a conviction. I think that is appropriate.

I am not suggesting, as some of my friends in the media have, that the President and his wife are due for a conviction. I think it is very clear that any case that would answer the question—Was the governorship of Arkansas for sale?—has not been answered to the point of reasonable doubt. But I do think to the grand jury threshold of whether or not there should be an investigation of that first question, enough has been raised to justify going forward.

A special counsel, independent counsel, has been appointed to go forward to examine these details out of which we can get, perhaps, the ultimate answer to the question: Was the governorship for sale?

There are those who say until the special counsel reports, the Congress has no responsibility at all to investigate this matter. And that is the crux of what it is we are debating today and have been debating for past days and perhaps will continue to debate until we can arrive at some kind of solution to this situation.

If we frame the question in the overall manner that I have proposed here, there are some aspects of this that do not fall within the purview of the independent counsel.

Very specifically, the question of Mrs. Clinton's profits in commodity trading fall outside of the jurisdiction of the special counsel.

I have a letter which was addressed to Senator D'AMATO, the ranking member of the Banking Committee, signed by Robert Fiske, the special counsel or independent counsel, in which he makes it clear that that issue falls outside of the purview of his investigation. He says:

> The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would, nonetheless, make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

I ask unanimous consent that the entire letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, May 26, 1994.

Hon. ALFONSE M. D'AMATO,
Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR D'AMATO: I am responding to the two questions raised in your letter of May 23, 1994.

The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

The White House review of Treasury documents relating to contacts between the White House and Treasury officials involves a small number of documents which will not take anyone very long to review. Because of the risk of such documents becoming public prior to the completion of our investigation, I would prefer that you defer obtaining those documents at this time. I am confident that following that procedure will not cause any delay in any hearings you may decide to hold.

Respectfully yours,
ROBERT B. FISKE, JR.,
Independent Counsel.

Mr. BENNETT. Mr. President, there are those who say the statute of limitations has run. Why therefore should Congress look at it?

I return to my earlier question. Was the governorship of Arkansas for sale or for rent to special interests during the period of time when Governor Clinton held it? In that context, the commodity transactions of Mrs. Clinton are very relevant, and they are relevant today. They may not be available for any kind of disciplinary action be taken against her or her broker if indeed anything went wrong or anything was improper. But that is not the point. They are appropriate in answering the overall question because, if indeed the governorship of Arkansas was available to be purchased, this might have been the currency that was used to make that purchase. I stress again the words "may" and "might" because nothing has been proven, and we are not in any way to the point of making conclusions beyond a reasonable doubt.

Mrs. Clinton herself recognized the appropriateness of public interest in this issue when she went before the Nation in a press conference, and answered any and all questions with respect to this. She believes that her answers were sufficient that the matter should now be closed. I respect the way in which she handled herself. But I have read carefully the answers that she gave. And I think there are still areas that for her own benefit need to be illuminated further. If they cannot be illuminated in a press conference, it is appropriate that they be illuminated in a congressional investigation.

As I have said on this floor before, there is a second question which arises with respect to this. So what? Why does it concern the U.S. Senate if the governorship of a single State was handled in a way that may have transcended certain boundaries some years ago? What is the legislative purpose on the part of the U.S. Senate to investigate these kind of things? And I recall the comments that have been made in the past with respect to Senate investigations to the effect that we should not engage in any investigation that does not have a clear legislative purpose. Indeed, there were those who tried to discipline Senator Joseph McCarthy when he was conducting his investigations by saying these may produce interesting information, but they do not lead to legislative action. And, unless a Senate investigation leads to a legislative purpose, it is not sanctioned under the rules of the Senate.

I would be happy to live by that rule if indeed it had not been repealed by precedent. In the Congress of the United States long since the time of Joseph McCarthy, the standard has been changed over and over again by precedent the Congress has demanded and exercised the right to go beyond legislative purpose in its investigation.

The most egregious example of that, which I hope we would not ever return to, was the investigation into the so-called October Surprise where millions of dollars of taxpayers' money was spent trying to find out whether or not George Bush was in Paris on a certain date. Since he was under Secret Service protection at the time as a candidate for the Vice-Presidency, it would seem to me a very simple matter to determine by asking the Secret Service to produce their logs. But the Congress in its wisdom decided that was worthy of a full investigation, and they went forward and conducted the investigation. By allowing that to happen along with other investigations that we have seen documented here on the floor in great detail, we have by precedent changed the rule.

I think it inappropriate for Members of this body to now say that since the individual who would be investigated under the rule established by the precedents happens to be a Democrat, we must go back to the old rules and say no, that is out of bounds. Once a precedent has been established, it is lived by. And I believe that the Congress under the precedent established here in the Senate and in the House over the last 10 to 12 or 15 years clearly has an appropriate role to play in this circumstance.

There is a second question which arises out of the first. Has the Clinton Administration used its position to prevent examination of the first question? As I say, the first question is: Was the governorship of Arkansas for sale or rent? Now the second question: In an effort to discourage people from answering the first question, has the Clinton administration acted improperly? Now we go to the questions that the independent counsel is examining. That is what has produced the subpoenas, the depositions, and in some cases the resignations that have occurred within the White House staff.

There are those who say it is clearly improper for Congress to examine any of that because that is within the purview of the independent counsel. I believe you cannot cut this seamless web. If you are going to conduct a complete investigation, you must do it on the basis of both questions, keeping them linked as they inevitably must be, and examining them in the proper way.

So, Mr. President, I rise in support of the amendment of the ranking member of the Banking Committee, Mr. D'AMATO, who is saying let us move ahead with at least an investigation of the details of Mrs. Clinton's commodity transactions in an effort to get to the bottom of this affair.

We make a few observations about those transactions which I think will come as no surprise to anyone who is familiar with the commodities market. This also goes to why I think Mrs. Clinton's press conference, admirable as it was, falls short of the full disclosure that I think the American people were seeking when they tuned in on that Friday afternoon.

I have been involved in commodities transactions myself. I found them much too rapid for my stomach to handle. I have invested in the stock market most of my life. I bought some bonds. I dabbled in real estate. I tried commodities I think for about 2 or 3 weeks. I decided this is too fast a game for me. I am going to go back to the relative quiet of the stock market because the commodity market moves so rapidly. The margin requirements are such that you can lose everything in a matter of a few minutes. It is not something that I want to undertake on a part-time basis.

I have talked to people who have made their living in the commodities market. Indeed, they have come to me voluntarily. They have said, Senator, we believe it is highly unlikely to the point of being impossible for someone to do what according to the press Mrs. Clinton was able to do on a part-time basis reading the Wall Street Journal and making up her own mind.

The White House and Mrs. Clinton have subsequently changed the initial report that she did it all by herself. That is "no longer operative," to quote one White House staffer. But even so, in the minds of those familiar with the way the commodities market works, there is a lingering suspicion that there is still something that we have not been told. As I say, reading the answers Mrs. Clinton gave at her press conference, I find that that suspicion does not go away. Am I accusing her of illegal activity? No, I am not. I am suggesting, however, that she and we would benefit from a further airing of all of the circumstances. It is very simple, Mr. President, to get that airing, because these transactions do not take place in a corner, as it were. They take place in an atmosphere of documentation and preservation of archives.

I understand that the people at the Chicago Mercantile Exchange, where these transactions took place, have maintained full records of every one of the transactions. People at the Chicago Merc have been asked to provide those records to the members of the Banking Committee. They have responded that they cannot do so, under their regulations, without the permission of the individual involved. I can understand that, and I can applaud that. I think it is appropriate that we have that degree of privacy for individuals involved in financial transactions. But if indeed the desire stated by Mrs. Clinton at her press conference, which was to put this matter entirely behind her, what better way to do it than to produce not her spoken version of what happened, but the available written confirmation of what happened? And if it happened and she remembers that it happened, the written confirmation will prove that. If it happened in a slightly different fashion, I am willing to grant her that her memory could be faulty this many years later, and any kind of innocent deviation between the written record and her spoken record would, in my view, be completely understandable.

However, the refusal to provide any of the written record does leave in the minds of some the suggestion that the written record might indeed be damaging to her overall case. If I were advising Mrs. Clinton, I would say: You do not want to leave that impression in anybody's mind. Review the written records yourself first, by all means, but then if indeed they correspond to what you have said to the American people, make them available to the American people, and make them available in the forum that will give you the highest credibility, which is the Senate Banking Committee. The request has been made; the request has not been responded to.

I respectfully suggest that the way to see that it is responded to, for Mrs. Clinton's benefit, as well as the country's, is for the amendment offered by the Senator from New York [Mr. D'AMATO], to pass and for the Banking Committee to be allowed to pursue its request for these written records.

Mr. President, that is really all I have to say about the substance of the matter. I cannot resist, however, since I have the floor, making a somewhat more whimsical comment in this circumstance out of a personal observation here.

I am one of those who cannot really begin the day without visiting the comics page and getting my fix from "Calvin and Hobbes" and "Doonesbury." "Calvin and Hobbes" is currently in remission, if you will, the author of that strip being on extended sabbatical and recycling old strips, all of which I have read. And so I turn to "Doonesbury" for my daily dose of humor.

Unfortunately, "Doonesbury" is spending its time these days talking about medieval church documents relating to marriage ceremonies. I regret the fact that Mr. Trudeau's politics prevents him from treating this matter with the same sense of humor that he brought to Vice President Quayle's experience with the National Guard, or President Bush's membership in Skull and Bones at Yale. Can you imagine how much fun we would have with "Doonesbury" if Webb Hubbell had been named Ed Meese, or how much delight we would have about the actions of Mr. McDougal, if indeed his name had been Neil Bush? I can only speculate as to how much fun "Doonesbury" and his characters would have with the White House if Nancy Reagan had fired the chief usher and the chef.

I would hope that at some point soon we would have a Republican administration so that "Doonesbury" can once again start dealing with political matters instead of spending all of his time in medieval marriage ceremonies. I would hope that Mr. Trudeau would somehow find it in his heart to at least see some humor in the way this whole thing is playing out instead of giving us a complete blackout of his ability to skewer the important and the mighty.

I realize as I say this I run the risk of being skewered myself as Mr. D'AMATO has been, but I take solace in the fact that I am neither as important nor as mighty as Senator D'AMATO and it will take me some years before I rate any kind of a mention in the "Doonesbury" strip.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised by my staff that this has been cleared, and they have been advised by Republican staff that this has been approved.

Mr. President, I ask unanimous consent that upon the disposition of Senator D'AMATO's amendment No. 1782, the Senate vote on Senator MITCHELL's amendment No. 1785; that upon the disposition of amendment No. 1785, the Senate vote on Senator MURKOWSKI's amendment No. 1784, as amended, if amended, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, this means that there will be two rollcall votes beginning at 2:30, on the second-degree amendment which I have offered to Senator D'AMATO's amendment, and the second-degree amendment which I have offered to Senator MURKOWSKI's amendment. My hope is that if our colleagues have additional amendments, they will present them and we can put those in line for a vote as well at 2:30.

We are making little progress on this bill, and I merely repeat what I said yesterday afternoon, that we will be in session this week until we complete action on this bill and on the legislative appropriations bill and, hopefully, on one or more nominations. It appears now that it will require a very late session this evening, at the rate we are proceeding on this bill, and a very late session tomorrow evening, and all during the day on Friday. I hope that does not occur, but I want everyone to be aware of that so that they can adjust their schedules accordingly. Finally, I encourage our colleagues that if they have amendments, it is better to offer them during the day and get some work done during the day, rather than wait and have so many amendments and votes in the evening.

So I encourage our colleagues, who I am advised do have other amendments, to come forward and offer them, and let us debate them and vote on them.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it is not appropriate for a Senator to stand on the floor of the U.S. Senate and to specifically address those in the gallery. But I do think, Mr. President, it is appropriate and I think justifiable that a Senator stand on the Senate floor and explain to those watching this performance of the U.S. Senate this afternoon and to educate the citizenry on exactly what is taking place in the greatest deliberative body in the world.

What we have before this body this afternoon is an amendment offered by some of our colleagues on the Republican side of the aisle. The contents, or 98 percent of the contents, of this particular amendment have already been dealt with and basically disposed of in another amendment offered by the Senator from New York [Mr. D'AMATO].

After his amendment basically went down, our colleagues on the other side of the aisle devised a way to basically stop all legislative business from being conducted by the U.S. Senate, attempting, second, to embarrass the administration, and, third, to make certain that no legitimate business, such as welfare reform and health care and appropriations measures that we do have an obligation to attend to, to make certain, Mr. President, that none of those important matters that truly affect every American in this country are considered by the U.S. Senate at this time.

Well, under the rules of the Senate, as the distinguished Presiding Officer fully knows, any Senator basically can stop this body in its tracks, not only with a filibuster but also with the threat of a filibuster. That is known. That is a part of the rules of this body. Whether we like them or not, whether we agree with them or not, that basically would be the rules of the U.S. Senate.

Mr. President, this is a different situation from that. Here we have our colleagues on the other side of the aisle offering a series of amendments to take up the Senate's time, to waste the Senate's time, to waste the taxpayers' time of this body, and to make certain that we do nothing which is meaningful and constructive for this country.

The Senator from New York [Mr. D'AMATO], our good friend, our distinguished colleague from New York, has stated that this is not the only amendment that is going to be brought up in this manner; that he might have—and I think I am quoting correctly; I was not here earlier in the day—but I think Senator D'AMATO is intimating that he may have from 44 to 45 or 46 variations of this amendment.

Well, once again, for the benefit of the public, so that they will know what our rules of the Senate are, we have, Mr. President, for their information, a 15-minute rollcall vote. That is how long we have to get from our committees and our offices and our other functions and duties from around the Capitol and on Capitol Hill or our homes or wherever we might be. We have to come to the floor and we have 15 minutes to answer our name or we are marked absent.

So if the Senator from New York has 45, let us say, amendments remaining, one, I wish he would be here and offer them so we would know what they would be. Second, I wish the Senator from New York would be here this afternoon with the rest of us—there is only 1 percent, by the way, of the U.S. Senate in the Chamber at this time; the rest are gone. But Senator D'AMATO and his friends should be here, I think, offering amendments, debating amendments, talking about what he wants to do or does not want to do.

But he is absent without leave. He is a.w.o.l., Mr. President. He is gone. He has fled.

What we have here is a vote coming up at 2:30, and another following that. And then we only assume that the Senator from New York, or other of his colleagues, will start offering 44 or 45 other amendments, at 15 minutes each. At 15 minutes each on a rollcall vote, Mr. President, it does not take a rocket scientists to figure out that, from that point forward, when those amendments are offered, we are going to see the Senate in a state of total and complete paralysis. We will be doing nothing but voting. We will be voting all night and all day and all night and all day; and, Mr. President, the business of the country, the real business of the country, will be suffering.

Mr. President, what is this amendment all about and why is this amendment being offered?

It is being offered basically to delay. It is being offered by those on the other side to prevent us, as I have said, from doing anything constructive. But, more importantly, it is being offered in an attempt to embarrass this administration and to elongate this process, this very complicated process, of the Whitewater investigation.

Once again, Mr. President, for the benefit of all of us, we should all know that on March 17, by a vote of 98 to nothing, this Senate adopted a resolution which proclaimed without one dissenting vote that we were going on record in cooperating with Mr. Fiske, the special counsel in the Whitewater investigation; that we were in good time going to have a hearing and that that hearing would be one that would completely and totally comply with the other aspects of this investigation.

The reason that this side of the aisle wants to make certain that compliance is made available to Mr. Fiske and his staff is because, hopefully, we have learned lessons from the past. Those lessons from the past were that our country, even trying to exert our good intentions, even though trying to find facts and bring evidence to the forefront, actually did damage to several legal processes in the past.

I think the majority leader, in his very eloquent manner, has succinctly stated what this issue is all about. This particular issue today that we are debating is an issue that reflects a total lack of a policy or a program on the economy, on the appropriations measures that will be coming before the U.S. Senate, on health care, on welfare reform, on crime—a total lack of a policy or a program, as the majority leader has said. The only program at this point that is forthcoming from the other side is Whitewater. Whitewater. Whitewater.

How many times over the past several months have we heard Whitewater on the floor of the U.S. Senate? I am sure we will hear it a lot more. I am sure in the next days and nights of long and perhaps all-night sessions when our colleagues on the other side bring forth their 40-some-odd amendments, that we will hear a lot more discussion about Whitewater.

Mr. President, I think today we should set the record straight as to what this debate is all about, why it has been instigated, why we are here this afternoon basically doing nothing, treading time. We are talking on a treadmill, hour after hour after hour. I am afraid we are not getting any results or any advantages from it.

I hope we can talk our friends on the other side into basically a limitation of some amendments so we can pass this bill. This, by the way, Mr. President, as all of us know, is the airport bill. There are a lot of issues encompassed, embodied in this particular legislation that affect many of the Nation's smaller airports—our communities. I am sure they are anxiously awaiting us to complete this basically nonsensical parade of amendments that have been and will be offered to this legislation so we can get on with the substance of what the U.S. Senate ought to be attempting to accomplish.

Mr. President, in just a moment, I am going to come back and seek recognition and make a very, very brief announcement. Until that time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE ARKANSAS RAZORBACKS

Mr. PRYOR. Mr. President, this is a very brief announcement for the benefit of our colleagues in the Senate. It gives me great pleasure on behalf of my senior colleague, Senator DALE BUMPERS, and myself, to announce that the Members of the U.S. Senate are invited at 4:30 p.m. this afternoon to room S-146 to receive and to mix and mingle with and to meet the national champion basketball team, the Arkansas Razorbacks. In S-146 we will be honoring the Razorbacks. As we speak now, the Razorbacks are attending a function, being honored by the President and Mrs. Clinton at the White House. And at 4:30 they will be here and we cordially invite all of our colleagues to come by and meet those great champions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. STEVENS. May I inquire, is it proper for me to introduce a bill at this time, Mr. President?

The PRESIDING OFFICER. It will require unanimous consent as in morning business.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to introduce a bill and make a 30-second comment about that bill at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 2191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I rise to make several observations concerning the so-called Whitewater investigation that we are now considering before the Senate.

One is my real disappointment in the tactics that are employed by the majority leader to prevent consideration of Republican amendments, amendments that are offered on this side. Basically, most all of these amendments are to expand the very narrow scope of the investigation that is now proposed by the majority leader.

The majority leader has only three narrow areas that can be investigated. The Senator from New York has proposed 17 areas. We have amendments that would allow two additional areas to be examined by the investigation.

I have looked into a little bit of history and find that almost all the investigations that we have had and the hearings that we have had in the past have been fairly broad, as they should be. Really, when you begin an investigation, you do not know where it is going to lead, but to have one so conscripted as to not allow you to get into basic issues and answer basic questions, I think, is misleading the American public.

I think it is trying to say, yes, we are going to have hearings but, in reality, the hearings proposed by the majority leader are so narrow in scope that I do not even know why we would bother.

I have looked a little bit into hearings. I notice when we had the ABSCAM hearings, investigations, when we passed a resolution calling for it, it said "such other related matters as the Select Committee deems necessary in order to carry out its responsibilities."

In looking, in addition, to the Senate Iran-Contra Committee, the committee was given authority to,

> * * * investigate and study any activity, circumstance, material or transaction having a tendency to prove or disprove that any person engaged in any illegal, improper, unauthorized or unethical conduct in connection with the shipment of arms to Iran or use

of the proceeds from arms sales to provide assistance to the Nicaraguan rebels.

The Senate Watergate Committee was specifically authorized to,

> * * * investigate any activities, materials or transactions which have a tendency to prove or disprove that a person engaged in illegal, improper, or unethical activities in connection with the Presidential election of 1972.

In other words, there was very broad discretion given to the committee to investigate the allegations. That is not the case in the so-called Whitewater investigation resolution proposed by the majority leader. It is conscripted, very narrow, very defined, very limited and does not allow the committee to go into other areas.

Now, some people might say this is a witch hunt but far from it. I am looking at several items, a couple of the amendments that we have pending, one of which is RTC's internal handling of Madison criminal referrals. Why should not Congress look at that? Why in the world would we even say that we are going to have Whitewater hearings if we cannot look at RTC's referral of criminal investigations?

I think that the Mitchell resolution is a sham. I think it is a coverup. I am really disappointed.

I might just mention a couple of things. One, I do not know that one party or the other party is going to maintain control of the Senate. I have only been in the Senate for 14 years. I have been in the Senate when Republicans have been in control, and I have been in the Senate when Democrats have been in control. But I cannot recall any time where we have tried to restrict an investigative committee or hearings and limit their scope as so narrowly proposed by the majority leader.

I look at other things the Senator from New York suggested we look into: The relationship between Madison and other federally insured institutions and Whitewater Corp.

Now, people are calling this the Whitewater hearings or investigation, but why can we not look at the relationship between Madison Guaranty and Whitewater?

Madison Guaranty lost millions of dollars and the taxpayers had to bail it out. I am not sure exactly how many millions but I have heard $50, $60-some million—millions of dollars. They lost a lot of money. They were involved in financing Whitewater. President and Mrs. Clinton owned half of Whitewater, but yet we are precluded from looking into Madison Guaranty and their operation and their connection with Whitewater? We should not call them Whitewater hearings if we are not going to investigate some of the facts pertaining to Madison Guaranty and Whitewater Corp.

As a matter of fact, in the resolution the majority leader has proposed, there is almost no mention of Whitewater. I am looking at Senator MITCHELL's resolution. It says, "Whether improper conduct occurred regarding communications between officials of the White House and the Department of Treasury or RTC regarding Whitewater and Madison" but not really did Madison bail out Whitewater.

What happened to those millions of dollars? Were there some illegal activities? Were campaign contributions made from Madison Guaranty to President Clinton's campaign? Can those be investigated? Not under the majority leader's resolution.

There have been a lot of allegations. I am not going to repeat all the allegations. I am not saying they are substantiated. But certainly they should not be precluded from the investigation. Possibly the investigation would clear up a lot of the allegations that have been made favorably to the Clintons. They should want that to happen. We should want all the facts to be made known, be made public and really get this issue behind us. We cannot do this under Senator MITCHELL's resolution.

There are several other questions. Should we investigate the management and business activities of Whitewater including personal, corporate and partnership tax liability? Should we investigate conflicts of interest and cost controls in the representation of the RTC and other Federal banking agencies or other regulatory agencies? That is a legitimate oversight responsibility of Congress, and yet we are going to be precluded from asking questions about RTC and their oversight and possible conflicts of interest? How can we call this a hearing? I think we should be ashamed if we have so-called Whitewater hearings but we are going to have the scope so narrowly defined as proposed by the majority leader.

A couple other comments, Mr. President, I want to make and that concerns the tactics which are now employed by the majority leader in preventing Members of this side of the aisle from offering amendments. The majority leader right now—and I wish to be corrected if I am incorrect—has offered the same amendment three or four times as a second-degree amendment to whatever first-degree amendment the Senator from New York or the Senator from Alaska or a Member from this side of the aisle have offered.

The amendments that have been offered on this side of the aisle have been to expand the scope of the investigation, so it would not be a sham, it would not be a coverup. But in every case the majority leader has offered amendments that strike whatever amendment is offered on this side and inserted new language, and that new language is the same language we have already passed. And it basically says let us have the hearings, let us have them at the end of July, let us have them conclude no later than the end of this session, and let us keep them narrowly focused to these three items. In other words, no expansion whatsoever in the hearings.

So by the majority leader doing that—he has proven he has the votes. He has had 56 votes on 3 or 4 occasions already—he is precluding this side from offering any amendment.

Now, I have been here 14 years, and I know that both sides have played the game. They will have a first degree and maybe a second degree to get a vote on their amendment. Well, the majority leader is precluding us from any votes, period. And he is using a so-called policy of prior recognition of the majority leader. I do not think that is a rule. I might mention to the Chair and I might inquire later of the Parliamentarian if that is a Senate rule. I think it is more of a Senate custom.

I will make a parliamentary inquiry. Is it a Senate rule that the majority leader is automatically recognized or is the Senate rule such that the President of the Senate would recognize whichever Senator seeks recognition first?

The PRESIDING OFFICER. The Chair responds to the Senator from Oklahoma by telling the Senator that if recognition was sought simultaneously, then the majority leader would be recognized first. Otherwise, the Senator who seeks recognition is given recognition by the Chair.

Mr. NICKLES. I thank the Chair, and that is my recollection, too, that whichever Senator seeks recognition first should be so recognized by the Chair.

I might mention I am not sure that is what is happening right now. I might also mention to my colleagues, a couple of whom are on the opposite side of the aisle and may wish to speak on this issue, that they should remember a couple of things. If the practice that the majority leader is trying to follow—and I hope not successfully—should be extended to this and other issues, then the minority party has no right to offer any amendments, or has no right to have their amendments considered because the majority will come in and offer second-degree amendments which strike or strip the first-degree amendment.

Now, that in its most narrow interpretation means, minority, you cannot offer an amendment because whatever you do, we are going to offer a second-degree amendment, even if we have to pass the same amendment 10 times or maybe 17 times. Or the Senator from New York has 47 amendments. Maybe we are going to spend 3 weeks on this bill because the majority leader wants 47 votes on his amendment. But some of us feel very strongly. We think it is important to have a Whitewater investigation. We think it is important to have a decent investigation, not a coverup or a sham and have it have some authority to look into serious issues.

But I will tell my colleagues that I think it is even more important that we have the minority rights respected and not have a parliamentary procedure where basically, if you are in the minority party, your amendments are not going to be recognized.

I mention this for a couple of reasons. One of my colleagues on the other side may well be in the minority. I happen to be one who kind of believes in fighting for the rights of the minority. It is one of the good things about being in the Senate. This is not the House of Representatives. I do not want it to be the House of Representatives. The minority has very little authority or very little opportunity to offer amendments in the House. I think that maybe should go under review. They are looking at trying to get us to change our rules concerning extended debate. I think they might look at their rules and allow the minority to offer some amendments.

But that is not my purpose in speaking today. My purpose is to say: Wait a minute. We should not get into a procedure where we allow, in effect, the majority to automatically recognize themselves for the purpose of offering second-degree amendments, precluding the minority from offering and having votes on their amendments.

Some of us, I might mention, are going to be willing to spend a little time to try to protect minority rights so we can offer amendments. It may be on this bill. It may be on some other bill. But we should not find ourselves in a situation where no matter what the amendment is, no matter how meritorious, we are not going to get a vote on it because the majority leader or his designee says no, we are not going to have a vote on that; we will just have a vote on our second-degree amendment.

I think if we fall into that pattern, that is a serious mistake and a real loss to the Senate as an institution, as a legislative body. I just hope we do not allow that to happen. I hope we do not set the precedent for that happening on this particular issue.

One final comment. I see two of my colleagues wish to speak. Whitewater is important. It is important that we get the facts out. It is important that we have the hearings and we get all these issue resolved. There is no way in the world we can get it resolved with Senator MITCHELL's resolution. I hope the press has a chance to look at what little his resolution calls for as far as the investigation. If they can call that an investigation in good conscience, I think they are sadly mistaken are or misled.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

Mr. President, I was listening intently to my good friend, Senator NICKLES from Oklahoma. If my memory serves me correctly—I think it does, and I hope it will—last week, in negotiations with the Senator from New York [Mr. D'AMATO], with regard to a potential series of amendments that would be offered by the Senator from New York and/or Senators from the other side of the aisle relative to the Whitewater investigation, it is this Senator's understanding that the Senator from New York was offered the opportunity—I repeat, that the Senator from New York was offered the opportunity—by the majority to have any and all of the amendments that he would bring forth before the Senate to be disposed of by an up-or-down vote. He had one amendment, according to good information, that encompassed everything, and that he is now bringing separate, I say before the Senate at this time.

So Senator D'AMATO from New York had an opportunity to have an up-or-down vote.

Mr. NICKLES. Will the Senator yield?

Mr. PRYOR. I will be glad to yield.

Mr. NICKLES. To get a definitive answer, I think you may need Senator MITCHELL and Senator D'AMATO. It is my understanding that Senator D'AMATO was not offered the opportunity to have a vote on his amendment without it being subject to second degree by the majority leader, and also was not offered the opportunity to have individual second-degree amendments to expand the scope of the investigation.

Mr. PRYOR. Mr. President, let me respond to my friend from Oklahoma. Fine; if we want to get any confirmation from the majority leader and the Senator from New York, that is fine. It is my understanding that the proposal was put to Senator D'AMATO that if there was a resolution considered, if a resolution were considered, that there would be an up-or-down vote on the resolution offered by the Senator from New York.

To me, this is a very fair balance. It was something the majority offered to the Senator from New York. The Senator from New York turned this proposal down. Therefore, it only makes sense that every time the Senator from New York now offers an amendment which takes out one little segment at a time—we understand he has 45 amendments left to go—that it is only natural that from this side of the aisle, we would attempt to second-degree these amendments.

The Senator from New York had that opportunity. He turned that opportunity down, and therefore put himself and the Senators on the other side of the aisle in the condition or in the predicament, you might say, that the Senator from Oklahoma is now referring to.

Mr. President, we are going to vote, I understand, in about 5 or 6 minutes. But on a related matter, the Senator from Oklahoma was talking about a huge loss by the Madison Guaranty. I think the loss, Mr. President, was $46 million. To me, that is a huge loss. That is a lot of money. No one is proud of that loss. But I say to the Senator from Oklahoma that if he wants to investigate Madison Guaranty for a $46 million loss, then why do we not go ahead and investigate all of the S&L's in the State of Oklahoma that lost 100 times that much? Why do we not just include those in the resolution, and investigate those criminal referrals, if they were, and all of the activities surrounding RTC and the failed S&L's in the State of Oklahoma?

I think that might be a fair proposition. What is good for the goose is good for the gander.

So if we are going to enlarge the scope, let us go ahead and go full blast with it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was presiding for an hour and listening to some of the discussion on the floor. When people talk about minority rights in the Senate, I would observe for all who watch the Senate proceedings that the minority rights include the ability since last Thursday, and now it is Wednesday, to prevent the Senate from doing virtually anything. For those who wonder what the Senate is doing, it is considering a bill reauthorizing the FAA, which has to do with building airports. But is that what we are discussing since last Thursday? No, we are not. The minority has the right to do what they are doing.

So when someone stands up and says somehow minority rights have been abrogated, I think what a lot of nonsense. The minority rights have not been abrogated. We are tied up precisely because they are exercising the right they have on the floor to prevent the Senate from moving on the bill that is on the floor.

I said last week—and I think it bears repeating—that we live in a time when scandals are jet propelled. Any scandal gets wings of its own through the media and through the political system. We have a sophisticated political system now in which its participants understand it is far easier to motivate people to be against something than for something. What is happening—and it is happening with this discussion about Whitewater—is that we use careless language; we use innuendo. Mark Twain once said, "A lie travels halfway 'round the world before the truth gets its shoes on."

I think we ought to figure out what the facts are on Whitewater. We have a special counsel appointed, a Republican, investigating Whitewater. We have agreed to hold hearings on Whitewater. None of that is an issue. That is not what this is about. This is about politics out here on the floor of the Senate for 5 days, holding up the important business of the Senate.

Lest anybody wonder, may I remind some of where we are in this country? There are 23,000 murders a year; 110,000 rapes in a year; 1.1 million aggravated assaults in America in a year. We have 10 million people out of work and 25 million people living on food stamps. We have 35 to 40 million people with no health insurance. We have 4 million babies born a year in this country, and 1.25 million are born without two parents present.

Does anybody think much about these problems which we face? Or are we going to be content to tie this body up in knots over Whitewater?

I would not encourage those who say, well, Whitewater is unimportant and we have too many important things to consider. It is not unimportant. But that is not the way it is being treated. We have a special prosecutor. And we have agreed to hearings.

Let us not use Whitewater as a political circus to obscure and delay dealing with all of the other issues that confront us in this country. Let us get to the facts and get to the bottom of Whitewater—and we will, and we should. But let us also get to the business of the U.S. Senate in dealing with some of the other crucial problems we face in this country.

I inquire of the Chair, is the vote on hand at 2:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I yield the floor.

VOTE ON AMENDMENT NO. 1783

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1783 offered by the Senator from South Dakota [Mr. DASCHLE] for the majority leader.

Mr. PRYOR. Mr. President, I ask for the yeas and nays on amendments numbered 1783 and 1785, en bloc.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the amendment (No. 1783) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1782, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment numbered 1782, as amended, offered by the Senator from New York [Mr. D'AMATO].

The amendment (No. 1782), as amended, was agreed to.

AMENDMENT NO. 1785 TO AMENDMENT NO. 1784

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment numbered 1785 offered by the Senator from South Dakota [Mr. DASCHLE] for the majority leader, Mr. MITCHELL].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Breaux

So the amendment (No. 1785) was agreed to.

VOTE ON AMENDMENT NO. 1784, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question recurs on amendment No. 1784, as amended, offered by the Senator from Alaska [Mr. MURKOWSKI].

The question is on agreeing to the amendment.

The amendment (No. 1784), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand there are some other items about to take place. I will not take long with my colleagues.

A friend called me last night from Vermont and asked: "What in heaven's name is going on in the U.S. Senate? I watch this march up the hill, down the hill, up the hill, down the hill on the same issue over and over again."

He said does anybody think that they are getting some kind of credit with the public by constantly raising the issue of Whitewater when they know that there is a special prosecutor looking into this subject, when they know there is going to be, by resolution, that we voted 98–0 for oversight hearings.

We are going to have such a hearing. We are going to have such an investigation. He said, "Could it possibly be that there are some who do not want you to reach debates on bills involving the airports in the United States, appropriations bills, health care, or other issues?"

He said, "What in heaven's name—what is this costing?"

I said, "Well, actually hundreds of thousands of dollars by the time you figure in the cost of everybody from staff to those who run the Senate to the printing of the RECORD to say the same thing over and over again."

He said, "Frankly, it makes very little sense."

I mention this, Mr. President, because my friend is a Republican and a partisan Republican. He cannot see why in heaven's name this constant drumbeat on the attack of the President on an issue that is going to be determined one way or the other goes on at a time when we ought to be carrying out the real business of this country: health care reform; vote for it or not. We hear some say they intend to filibuster any kind of health care reform. He is frankly very disturbed by this.

It is kind of manufactured gridlock. He said we may disagree on certain issues, and he and I disagree on a lot of issues, but vote them up or down. One side wins, they win; one side loses, they lose. But this manufactured gridlock is what it is; it is a partisan manufactured gridlock and, frankly, in my 20 years here with five different Presidents—Republicans and Democrats—with the Senate controlled at one time by Democrats and at another time Republicans, I have never seen anything like this in 20 years where you have manufactured gridlock day after day after day after day.

We are here to be the conscience of the United States. Being in the Senate should be a great honor. We ought to be able to rise above petty partisan politics and do the Nation's business. We are given 6-year terms. There are only 100 of us to represent 260 million Americans. Frankly, to use the Senate not to do the Nation's business but to try to score incremental, petty, picayune, partisan points does nobody any good. It does not do the Senate good. It does not do the country good. We ought to stop this baloney and get on with the Nation's business. I have respect for the special prosecutor, a well-known Republican. Nobody questions his integrity. And frankly, as a former prosecutor, if I was in that position as an investigator, I would not want a legislative body muddying up the waters while I am trying to figure out what is going on.

Mr. President, we ought to call it for what it is. It is a partisan charade that has gone on, frankly, long enough. And the American people ought to ask each one of us which one of us is willing to go forward with the Nation's business. Lord knows, there is plenty of that business to do.

I thank the distinguished Senator from Kentucky, who stepped aside for me to be recognized, and I yield the floor at this point.

AMENDMENT NO. 1786

(Purpose: To require Whitewater hearings to begin no later than July 15, 1994)

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1786.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 15, 1994.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1786

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1787 to amendment No. 1786:

The amendment is as follows:

Strike the matter proposed and insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation, whichever is the earlier.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I had discussed privately with the distinguished Senator from Mississippi the possibility of a time agreement with respect to a vote, and I inquire is the Senator prepared to do that now or would he prefer to wait for a moment?

Mr. LOTT. If I may respond to the majority leader, we do need to make just a couple checks. I think that is a reasonable time. As I indicated, I would be happy to agree to that. I think 4:15 would be fine. But we would like to make a couple checks, and maybe we could make that request in just a few minutes.

Mr. MITCHELL. I thank my colleague.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. A question was asked, what are we doing here? I think that is a legitimate question. I would like to know that. I do not think it is necessary for us to be here having these amendments one after another. What we want is a reasonable agreement of how and when hearings will go forward on the so-called Whitewater matter. That is what the Senate voted on March 17, 98 to 0. We said we would have hearings and that our leaders would meet, respective leaders of our two parties, and try to work out the details.

Well, they did, over a long period of time, but no agreement was reached. No agreement was reached over, I guess, approximately 100 days. That is how we got to this point. In fact, I guess you could say that something has already been accomplished in that there will be some kind of hearings based on what Senator MITCHELL offered and on what the Senate voted. But I am not sure there would really be any hearings under the resolution passed. We cannot participate in a charade, a sham, that so tightly constricts what the scope of these hearings would be, so limits who the witnesses could be, so compacts the time that would be available for these hearings. That is not a logical solution.

I agree we should not be here. Our two respected leaders should get together off the floor of the Senate and come to an agreement with which we all can live. It would be very easy. I suspect there are a lot of Senators on both sides of the aisle who are scratching their heads thinking, yes, I think maybe they could come to some agreement.

Now, I do not propose this as a solution, and I know there are a lot of ramifications involved, and I realize there are some rights that Republicans would like to have that are just fundamentally not going to be given to us, but could we at least agree on a couple of things? Could we at least agree that the scope has to be broader than the very narrow three points included in the majority leader's resolution? We have talked about this a great deal, but it limits what the hearing could do to only three areas: Communication between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings & Loan Association. That is (A). (B), the Park Service Police investigation into the death of the White House deputy counsel Vincent Foster. And (C), the way in which White House officials handled documents in the office of White House deputy counsel

Vincent Foster at the time of his death.

That is it. The argument would be, well, that is all the special investigator or prosecutor, Mr. Fiske, is working on now and we could not get into these other matters because at some subsequent point he may get in some of these other matters. Maybe he will be through with these three and we could have a very tight, limited, narrow hearing on just these points because maybe he will be doing some other things and we will not want to in any way get in his hair with his investigation.

Time and time and time again the Congress has summarily rejected that sort of thing. We have had and we could have a hearing that would not interfere with Mr. Fiske's investigation. There are many areas that could be covered. He has already specified—in an earlier vote today—on getting into the question of the cattle futures investment by the First Lady. He has indicated he was not going to be investigating that.

It would be OK if some legitimate questions were asked about that. But, oh no, the majority said you cannot ask questions about that. Just now the Murkowski amendment—it looks to me like his amendment which was once again defeated basically on a party line vote—clearly, it looks to me like what he was asking for was covered under the resolution we passed March 1994, March 17, 1994. That resolution said 98–0 that leaders would get together on appropriate timetable procedures and forum for an appropriate congressional oversight including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc.—"all" matters related to, not so tightly defined in scope as those in the majority leader's resolution.

Senator MURKOWSKI had an amendment that would authorize hearings on the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings & Loan Association, clearly, within the scope of what the resolution said we passed on March 17, 1994, 98–0. Should we not at least be able to or are we not expected to ask questions about what happened to criminal referrals? Why would they be dealt with over weeks and months? At a minimum, we should be allowed to do that. But, no, no, the Senate is not inclined to go along with that either.

So leaders clearly have not reached an agreement with regard to scope. This has got to be greatly expanded. We are dealing with grown men and women here, my colleagues. The Banking Committee or whatever respective committee will do a responsible, fair, and reasonable job. I am astounded that we would say in the Senate that we are going to limit it to only one committee. What about the jurisdiction of the Agriculture Committee? What about the jurisdiction of the Small Business Administration Committee?

There have been allegations—mind you, only allegations—but allegations which should, must, and will be investigated in hearings at one committee or another. But are we all just abdicating our constitutional responsibility? No hearings in the Small Business Committee, no hearings in the Agriculture Committee, no hearings, no hearings on Whitewater anywhere but in Banking, and, oh, by the way, only in these three narrow areas?

The American people see through this. This is a stonewall. This is a requiem for a stonewall. This is how you design in advance the death music of a hearing. That is what is involved here. This is an effort to guarantee that there will never be full hearings into the Whitewater-related matters. So far it has been successful.

But surely leaders could get together and say, look, this scope is too narrow. It will take time to get into it. You cannot begin a hearing—you cannot say we are going to have a resolution passed today, we will begin it next week. It takes time to get into it. You have to have staff. You have to talk to Fiske. You have to get a lot of investigation, a lot of paperwork. It takes time. But you have to get started. We are not started.

Expand the scope, No. 1.

No. 2, allows enough time for a somewhat reasonable job to be done. This resolution does not do that. It does not. It is a prescription for the death of a very brief hearing.

As I understand the language in the leader's resolution that passed—it was added to this bill—on the timing, this is what it says:

> The hearings authorized by this title shall begin on a date determined by the majority leader, in consultation with the minority leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

I think what that says is maybe sometime between June 29 and, the truth of the matter is, August 1 these hearings will occur. You might say, wait a minute. It says July 29. Let us just look at July. July 29, red letter day under this resolution. It is a Friday. How many here think that we will begin hearings on a matter of this importance on a Friday? It is not going to happen.

I heard it used a couple of days ago, I believe on the floor of the Senate: Well, it would begin not later than July 30. A Saturday? When is the last time you remember a Senate committee having a major hearing on Saturday? Maybe they did during the October Surprise—that was important—or Iran-Contra. But that is not very likely.

What you are really talking about is August 1. That is the goal. That is the plan. These hearings will begin, if ever at all, on a very limited scope on August 1. So I will come back to that in a moment.

The leader might say, well, maybe it appears that Mr. Fiske is getting at the end of this phase of the investigation. He is taking sworn testimony from the President and the First Lady. And it looks like maybe he is wrapping it up. Maybe he will wrap it up by, I do not know, another week or so. Then within 30 days after that, let us just say maybe he wraps it up next week, the 22d or the 24th. I guess conceivably you could get to the hearings sometime around the 25th or 26th of July. I think it is very unclear. I mean Mr. Fiske is taking his time. That is the way it should be. He has a job, an important job, a serious job. We do not want to rush him too much. But we have a job to do, too. We can do our job without interfering with his job.

But if the leaders would sit down and agree to a reasonable amount of scope and for an earlier time for this matter to begin, we could get an agreement that would be acceptable, we could go forward with the hearings, and we would go forward with this bill.

But it has gone on too long now. I fear that the true intent is to have no real hearings, only a little 2-week period on phase 1. And the truth of the matter is we will not get to the second phase of the hearings. I will talk about that with the use of the calendar here in a minute.

Let me quote from a great American with regard to another hearing but one that I think is applicable here. Upholding a standard of congressional hearings that are thorough and fair is not new. When the hearings were held on Iran-Contra, this is what Senator MITCHELL, the majority leader said:

> We have a solemn responsibility to present all the facts, to bring the full truth to the American people as thoroughly and as fairly and as promptly as possible. It is now time to begin the process for laying the facts before the American people. If when we finish these facts and these hearings they know the truth, we will have been successful.

I think that applies here. We have been dithering around on this for months now. Nothing has happened—no hearings, even very few normal oversight hearings. It is time—now, not in 6 weeks—to begin the process of laying the facts before the American people. I really think the President is entitled to that. Let us get this matter investigated and get it over with.

If we finish the hearings and the American people know the truth, then we will have been successful. We have a constitutional responsibility to go forward with this, and we have not been doing it.

My amendment is very simple. It would just require Whitewater hearings to begin no later than July 15, 1994. Why can the leaders not get together and agree? That is the reason we are going through this exercise, because they will not come to a reasonable, responsible agreement. They could end this any time they want to, if they will get together and make that decision. Let me go back over the calendar and make my point about what is really going on here.

This is not a new issue. Whitewater and all of its tentacles has been talked about, discussed; the American people have heard a lot about it. Whitewater has become a watchword for a lot of things not even in Whitewater. It has been around a long time. Under pressure, the Senate did vote on the resolution March 17 and said we were going to have hearings on all related matters, and our leaders were going to get together and agree on procedures, time, and so forth, and the committee will do it. It was 98–0.

What happened after that? The leaders, I guess, talked a little bit and exchanged some letters. I do not know what they said. It is not my place to know. I am sure they were working in good faith but just could not come to an agreement. So the rest of March went by.

April. Nothing. No red-letter days in April, no agreement, nothing.

May. No agreement.

By the way, for those saying this is interfering with the business of the country, we were working all along. The Senate has not been doing anything on Whitewater hearings. We have been having legislation right along. But again, in May, no agreement.

Finally, in frustration, the ranking Republican on the Banking Committee said, "We have to bring this thing to a head. There has to be an agreement." That is why we are right here on June 15. It has been 3 months since that vote of 98–0—March, April, May, and halfway through June. Nothing is scheduled in June. No hearings. No preliminary preparation. No staff arrangements. No hearing room. No hearings—that is the plan—or very limited ones.

So are we finally going to do something? Well, we will have the Fourth of July work period. We will all be home for our Fourth of July events.

Finally, it may be earlier, but not later than July 29 when the hearings will begin. That is the end of the month of July, 6 weeks from now—6 weeks from now—they will supposedly start to get ready, or maybe they will begin hearings. Maybe Fiske will have gotten through earlier and they will have started preparations. But my guess is that there will be no real hearings before the week of August 1. That is very significant. Not only have we now compressed the scope to three narrow areas; we are now compressing the schedule to no more than 10 days. Maybe you can say 2 weeks, but the truth of the matter is it would be the 1st through the 5th and 8th through the 12th—2 weeks, a very limited, narrow scope, very little time to prepare for getting into the serious questions that are hanging out there as allegations. And then on August 12, the Senate, the Congress, will go out for the August recess period.

We will be out the rest of August, and the first 11 days of September. Supposing we are going to come back in on the 12th, but we have a religious holiday on the 15th, so it is going to be pretty hard to see much happening in there. And so you only have 3 weeks before we are scheduled to adjourn for the year for the elections. So even if they were going to have some more hearings after the August recess period, again it is limited to probably somewhere around 3 weeks. And then what happens? That is it. Elections are the 8th. Are we going to have a lame duck session and come back to have hearings on Whitewater? I do not think so.

And then also the majority leader is going on his great reward. He will not be here next year. When he said yesterday, well, look, this is just the first round, it is limited in scope and it will only be these three areas. So we will not interfere with Fiske, and we can have hearings limited in those three areas, and after that, we will have a second round of hearings.

When? When are we going to do it? Is the second round going to come in September? If it is, that means that the first round will have been completed in only 10 days, the first 2 weeks in August. So the idea is to do that in 2 weeks there, and to have a second round when Mr. Fiske completes all of the rest of his work. Will he be through in September? If he is not, we are not going to have a second round, not this year. And the majority leader will be gone next year—I am sure having a grand time doing a great job at whatever he is doing.

So I fear that this is a requiem for the death of real hearings. This is a prescription for 2 short weeks of limited scope, and that is it. Will we ever get to the second round? Will there ever be full, complete hearings on a number of other related matters, as described in the resolution that was passed March 17? I do not think so.

Believe me, I am not advocating this, but I look at the calendar and the resolution, and I do not see how they fit, how we can do it. We have all these issues the leader wants us to take up. We have five or six appropriations bills that we need to do before the Fourth of July period; we have striker replacement legislation pending; we have a telecommunications bill pending; we have a water resources bill pending; we have defense authorization pending; we have health care and welfare, all of them. They are good and important issues that we ought to take up and get done. In fact, some of them we must get done. All of the appropriations bills and defense authorization and, hopefully, a number of others.

So I do not see how it happens. That is why I offered my resolution. I hope that the leader will, in his generosity—and he is always very cooperative, and I mean that sincerely—say that is not a bad idea. Let us just back it up a couple weeks and get the ball rolling. The chairman of the Banking Committee and the ranking member can tell you that you could not start from ground zero in a week or two. With the resolution we pass and the narrow scope, nothing is going to happen. It would be such a restricted sham of an exercise, people are not going to participate, because they know how restricted and how limited it really is.

So could we not at least back it up a couple of weeks? Just a couple of weeks. I am not asking for the Moon. I am just asking for instead of 2 weeks right before the August recess, right when we always break out in a sweat because it is hot and humid outside, but also because we have a lot to do and little time to do it, with appropriations bills one right after the other, let us back it up to the 15th of July.

That would give us this 2 weeks in late July and the first 2 weeks in August for the first phase, but a first phase certainly broader than what is in this limited resolution we have.

Now, I hope there will be a second phase. Perhaps that could come in September. Maybe we could go ahead and agree on that. We will have the first phase the last 2 weeks in July and the first 2 weeks in August, and we would go to the second phase as soon as we come back in September.

But that is all I am really asking. When I look at the resolution and I look at the calendar, it is obvious to me what is afoot here. Limit the scope, limit the time, and hope that the issue will just die and wither away.

We do have a constitutional responsibility. The time is now to begin to exercise it. I think it ought to begin, really, June 15, today, June 15. But let us give it a month to get ready, to get the leaders to agree on all the details, to let the committee begin to get their staff lined up, and to allow Mr. Fiske more time to wrap his work up and report. So I am trying to be reasonable and fair, but to guarantee we have at least a month to work on this issue.

Again, I invite the distinguished majority leader and the Republican leader to take this cup from our lips, get together, and come to an agreement. Let us do this thing. Let us do it now. Let us not wait a month or 2 months or forever.

Mr. President, I see the leader is on his feet, and I am sure he has lots he would like to respond to, so I will yield the floor at this time.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the Senator from Mississippi has spoken for 25 minutes and has had no response from our side. If we were to have a vote at, say, 4:20, may I ask that that time be divided, 8 more minutes to the distinguished Senator from Mississippi and 20 minutes on our side, giving him a total of 33 minutes and us a total of 20 minutes?

Mr. LOTT. That sounds all right. We have checked and there is no objection to getting the vote at a specified time. I think 4:20 would be fine.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that a vote on the Mitchell amendment now pending occur at 4:20 p.m.; and that immediately following that vote, without any intervening action or debate, a vote occur on the underlying amendment, as amended, if amended; and that the time between now and then be divided, 8 minutes under the control of the Senator from Mississippi and 20 minutes under my control or that of my designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Senators should be aware, and I ask the staffs on both sides to notify Senators' offices, that a vote will occur at 4:20.

Mr. President, I would like to make a few comments in response to the Senator's remarks, which I found very interesting.

The first point to make is that all of this supposed rush to get hearings by the Republican Senators is inconsistent with the delaying tactics they are using. We were ready to vote on this matter last Thursday, and although the Republican Senators proclaimed loudly that they want to have a vote on Whitewater and they want to have hearings on Whitewater, they prevented a vote from occurring for 5 days. If they had not engaged in the delaying tactics in which they are now engaging, we could have voted on this matter last Thursday and the Banking Committee could be getting ready for hearings. They would have been under instructions to do that which the Senator from Mississippi says he wants them to do, or that which he is preventing them from doing by participating in what is obviously a filibuster by amendment.

So what we have on the one hand is a group of Republican Senators saying over and over again they want to have hearings on Whitewater, and then doing everything possible to prevent the passage of the legislation that would permit the preparation for the hearings and require the hearings to be held.

Why is that, one would ask? Why would Senators say one thing and do another?

That is because what they say is not what they really want. They are not interested in hearings. They are not interested in serious investigation. They are interested in a forum to attack the President and Mrs. Clinton. They are interested in creating a political circus to inflict as much political damage as they can on the President and the First Lady of the United States.

The American people know that. The polls show consistently that more than two-thirds of Americans, as many as 70 percent, believe that the Republicans are doing this for political purposes. There is no serious intent here, and what is happening in the last 5 days demonstrates that. We have had 5 votes spread over a couple of days on the same issue over and over and over again, trying to delay that which they say they want done.

Now, I listened with amusement to the remarks of the Senator from Mississippi about the upcoming recess. A neutral observer might have understood that to be a complaint about so many recesses. But from my experience, the Senator from Mississippi has been a very vigorous critic whenever I have suggested delaying recesses or staying in session during otherwise scheduled recess periods to do the business before us. And so we can get this done in a proper, orderly way, if our Republican colleagues will stop stalling, let us have a vote. Let us get the hearings on track.

On March 17, the Senate voted 98 to 0 to conduct hearings in such a manner. It said:

> The hearings should be structured and sequenced in such a manner that in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

That is what the timing in our resolution does. It sets up the hearings so that they will occur in a manner not to interfere with the special counsel's ongoing investigation.

We have been advised that the special counsel expects to complete his investigation in the first phase this month. So what our resolution provides is that the hearings in the Banking Committee will begin within 30 days after the special counsel completes his investigation but, in any event, no later than July 29.

So the hearings will occur, if our Republican colleagues will stop stalling and let us vote on a resolution that will direct the hearings to occur. But every American should understand that the very people who are saying let us begin the hearings are the people who are preventing us from voting on a measure to require hearings. In other words, their words are inconsistent with their deeds. What they are saying is the opposite of what they are doing.

Of course, that is what has occurred throughout this process. First, they called for the appointment of a special counsel, and a special counsel was appointed. The special counsel is a Republican, a lifelong Republican, of high integrity and great experience. Five minutes after he was appointed, they reversed their field and began demanding a congressional hearing, even though the special counsel, appointed upon their request, himself a Republican, requested that hearings not be held at a time and under circumstances which would undermine his investigation.

But, once again, one would ask how is it our colleagues will take one position 1 day and then another position another day? The reason is obvious: That there is no consistent principle behind what they are doing. All they have in mind is to damage the President and the First Lady of the United States. That is the only objective. And so, if it takes a zig to bash the President, they will zig. If it takes a zag to bash the President, they will zag. If it takes a flip to bash the President, they will flip. If it takes a flop to bash the President, they will flop. Zig and zag, flip and flop, so long as they can bash the President; bash the First Lady; try to inflict damage upon them.

That is what is going on here. The American people know it, and it is obvious a clear majority of the Senate knows it.

This amendment, I say to my colleague with all due respect, is inconsequential. The hearings are going to begin sometime in July, and they are going to begin hopefully after the special counsel has completed an investigation, and with time for the Banking Committee to prepare.

But, I will say again to my colleagues, we need to pass the resolution to give direction and authority to the Banking Committee to conduct the hearings. And the longer our Republican colleagues stall and obstruct and delay, as they are now doing, the less time the Banking Committee will have to prepare for the hearings that our colleagues say they want.

So what they should do is to stop the delay; stop the obstruction; stop acting in a manner inconsistent with their words. Let us vote on this; let us pass it; and let us tell the Banking Committee to get going to prepare for these hearings.

That is the obvious course. But, of course, that is not the political course of action and, therefore, I do not expect my colleagues to leap to agreement with the suggestion.

But, we have already voted five times on the same issue. So there is no reason why we cannot vote another five times on the same issue if that somehow pleases our colleagues or makes them think that they are gaining some kind of a political advantage here.

We will just keep going. We are going to stay steady on course. We are going to get through this. We are going to pass the airport improvements bill. I know my friend from Kentucky, the manager of that bill, would like to see it passed and may have a few words on that. We will stay in session tonight for as long as it takes to get it done.

I thank my colleagues, and I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I would like to comment further on some of the remarks of the distinguished leader.

First of all, I heard it several times stated that, "Oh, it was just Republican Senators that called for a special counsel."

Yes, Republican Senators did, a number of them. But I was there. I remember also some Democratic Senators said that they thought there should be a special counsel. I remember specifically the Senator from New York, Senator MOYNIHAN, on one of the Sunday morning talk shows said he thought absolutely we should have one. I could be wrong, but I thought the Senator from New Jersey made a similar call.

So it was not just a partisan call. Although the leader has said several times it was Republican Senators that called for a special counsel, well, yes; so did some Democrats. But there was no deal there that if you had a special counsel that the Congress would then abdicate, totally abdicate, its responsibility, its role, to have appropriate hearings into a number of questions that have been raised.

Now, as far as bashing the President and the First Lady, you have not heard me say anything against either one of them.

All I am saying is that there should be a hearing, a fair, open, complete hearing and get this matter behind us.

I remember other hearings. I remember how quickly we had complete, total, full hearings on Watergate, Irangate, the October Surprise. Then it was fine to go forward and have these complete hearings. But now, "Oh, wait a minute here. We don't want to have complete hearings this time."

Now it is political. Boy, I have heard it all. It is political because we say that there ought to be some hearings, but it was not political all the hearings we have had over the past 20 years, especially that ridiculous thing we had called October Surprise in 1992. That was the most blatant, partisan political thing I ever saw in my life.

So, now the shoe is on the other foot. When we say we ought to have full, open, fair hearings, "Oh, you're political."

The temerity of the assertion that it is political when we say let us have hearings—not an inquisition, not a trial, but hearings—on laws that may have been broken, agencies or departments that may have been abused.

We are not alleging who might have done that. But we are saying that there are so many questions out there, so many violations that have been suggested, that they should go forward.

So, I do not believe the American people are going to buy this deal that now it is political, but all these other hearings, oh, they were not political. Baloney.

Now, look. We may be a little slow. Just because you got the cheese sitting out there in the trap saying, "Come on, let's us go forward; let's have the hearing; come on in here," you do not think we are going to look at the trap.

Here is the trap—a mechanism that guarantees there will not be real full hearings. That is the trap.

The leader says, "Oh, yes, you Republicans, if you really want a hearing, let us have a hearing. But we are not going to allow but one committee to be involved. No extra staff, no subcommittee involvement, no Senators from other committees with related jurisdiction, no other committee with jurisdiction, one committee, the Banking Committee, that is all. And we are going to fix it where, more than likely, it is going to last 2 weeks, maybe. And we are going to limit the scope to three narrow slivers of jurisdiction."

My colleagues, this is a guarantee that there will be no real hearings. That is what is involved here. Why, this is a total sham, and we know it.

That is why I keep urging the leaders to get together and come up with a serious agreement that we can go forward with. We are not going to walk into this trap and be told, "Oh, we will have a hearing, but you are going to do it our way and that is all."

We cannot even call witnesses. Well, you say, oh, well, Republicans have never been given the ability to call witnesses, to have subpoena power. How in the world are we ever going to get our witnesses before the committee? Do you think the majority is going to give it to us? Do you think the chairman is going to give it to us? No.

I will tell you one other fundamental difference. This time the White House, where the allegations are lodged, and the House and the Senate are controlled for the first time in a long time, except for the 4 years in the late 1970's, by the same party.

How do you get a full, fair investigation if you cannot even subpoena witnesses? None. Senator D'AMATO will not be able to call any witnesses. Who believes that? Is this going to a fair hearing? Is this going to a real hearing? Absolutely not.

We want to pass this bill. We want to have a fair hearing. We are willing to make a reasonable agreement. Let us do it.

The allegation is made that we do not want real hearings—we want a circus. I think our integrity is questioned here.

And do not question the motives for trying to block total, fair, and open hearings.

I know what is going on. But if we try to get hearings that are structured in such a way that we could get in all the scope of what is involved in this issue and call witnesses and have adequate time for the hearings—oh, you want to make it a circus.

I agree. Let us begin the hearings now. There is nothing to prevent the committee from going ahead right now and getting ready for these hearings. If they really want to have full-blown hearings, they could be doing that while we debate this issue.

This is a process to guarantee that there are not real hearings. There should be an agreement on that.

We are not going to give up on this issue. We have no choice. We cannot agree to hearings that will not be hearings, that will be a total sham.

In the alternative, if we do not use whatever mechanisms we have to try to get a reasonable, responsible agreement, once again, we are abdicating our responsibility.

I urge my colleagues to talk to our leaders and let us get a real hearing agreed to. I think we can do that. And then we can get on with the other business.

But we are using this vehicle because we have no other. This is the only way we can get a hearing. This is the only way we can point out to the American people that there will never be real hearings.

And there are a lot of people—I mean, I do not know exactly what the polling numbers are on it; I am not alleging that you have people running all over our State saying, you know, you must have hearings on this—but there are a lot of people that want to know what really is going on.

My question is: What is going to be the process to find out and when will it be? It will not be this year under this process.

I yield the floor.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator's time has expired.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized. The Senator has 10 minutes and 54 seconds.

Mr. FORD. Mr. President, I am not a lawyer and I take the advice of my father that a little knowledge of the law is dangerous, so get you a good lawyer and stay with him.

That is what I thought occurred when Mr. Fiske was named as the special counsel. I did not know Mr. Fiske. I know a little bit more about him today than I did early on. But I could not understand the euphoria from my Republican colleagues about the appointment. They beat their chests. What a great fellow he was.

Now they have a special counsel, he is one of theirs, he is a Republican. We found that he was fair, a lot of integrity, and that was significant, I think. But Mr. Fiske's approval came basically from the Republican side of the aisle. So I felt maybe we had been reasonably fair in the selection of the special counsel.

I do not think anyone yet has said Mr. Fiske is not a good attorney, not a good prosecutor, not a man of integrity. All those things he is.

That got me back to what my dad told me: Get a good lawyer and stay with him.

So now we have Mr. Fiske attempting to do the kind of job that he was requested to do and he would be expected to do by all of us. We, those Members in the leadership, discussed with Mr. Fiske—regarding his ability to do the right thing to complete the job in the manner that would be expected of him—on how best to proceed.

Mr. Fiske suggested that the Senate not hold hearings, nor the House hold hearings, until such time as he could complete phases of his investigation. And only when he completed a phase would he suggest that we hold hearings because it would be detrimental to him in his process. With 23 FBI agents and I do not know how many lawyers working to do all of this, that it would be detrimental to his ongoing investigation if we brought witnesses into the hearing room and to question them publicly before he had a chance to complete his job.

That is all he has ever asked. In spite of that, the man who was approved by my colleagues on the other side, a man who has a wonderful reputation of being able to do a thorough and good job, his opportunity is now being jeopardized by those who are trying to make political capital.

Do not tell me you are not trying to damage the President and First Lady. You say I know what is going on. We know what is going on, too. That makes both sides know what is going on, so that kind of makes us equal.

But the process that we have now guarantees hearings based on the recommendation of the special counsel that was approved by the Republican side of the aisle. What is wrong with that? I do not think anything. We asked for a reasonable, responsible agreement. I think the special counsel has to be a part of that agreement. He has made his views known—privately and publicly: Do not question the witnesses in public before I have an opportunity. Do not delve into areas until I complete my job, because when I complete it, I want it to be a good one, I do not want it to be jeopardized. And now we are trying to jeopardize it.

But we have before the Senate a procedure to guarantee hearings. If he says tomorrow—tomorrow is the 16th—that he is completed with this phase and you can go and have your hearings in that area, that means it will be somewhat earlier, it will be the 16th of July instead of the 29th. So it could come sooner than later.

What we are hearing now is speculation—his interpretation, my interpretation. We are asking for a hearing in conformance with the special counsel's request. I think that is a fair way to do it, because we see what we did in previous major open hearings; immunity was given and those who were convicted, by a technicality are not serving their convictions. So we have to be careful, if there are to be convictions, if there are to be trials, that we do not jeopardize the ability to do it.

Mr. President, I am chairman of the Aviation Subcommittee on the Committee of Commerce, Science, and Transportation. My colleague from Mississippi is on that committee. Last November we reported out of that committee an Airport Improvement Reauthorization bill for 3 years. For the last 8 months I have been trying to work out the ability to bring that piece of legislation to the Senate floor and get it passed. Many of my colleagues on both sides of the aisle have been accommodated in that bill so we might do what we feel is in the best interests of everybody. Sure, there are going to be some things some people do not agree with. We are not perfect, so therefore we do not produce perfect products. There is only one person who is perfect and we try to be like him.

So here we stand now for 5 days, delaying me from getting this bill passed. I had to introduce an interim piece of legislation so we could get funding to the States for their airport improvements so we would not lose a construction season. We worked closely with the presiding officer, the distinguished Senator from Colorado. We were able to work out, in this bill, something that has been going on for 4 years. Only because he was willing to sit down—and others—do we have an agreement in this bill.

It has been held up. Last year the State of New York, for instance, got $81 million based on Airport Improvement Trust Funds on their allocations and discretionary funding. When this bill passes I have to take it to conference with the House, get it back, get it passed and to the President so we do not lose the rest of the construction season.

Already this year under the interim bill that expires June 30, New York has received $12.5 million. I picked out New York because the propounding of these major amendments have been carried on by the distinguished Senator from New York. The entitlements that New York will have are now held in abeyance: $25 million this year, $25 million next year, and $25 million the next year. They are being held up. And the good citizens of New York, who are now paying their taxes, cannot get their money to improve their economic development because we are here arguing about Whitewater, whether we have a hearing on July 15 or July 30. And we are holding up this bill.

There are only three or four more amendments before I can get the bill passed. I have labored hard, Mr. President, and others on my subcommittee and the full committee have labored hard to try to make things work. But we run into something called Whitewater, that does not amount to a hill of beans to the people wanting new airports in their community or an expansion of their airport or to do the things that are in the best interests of this country and what the flying passengers in this country have paid for. So now they are being held up.

I do not know what else to do. They keep bringing up these amendments. There has not been but one vote change in the last five or six votes, and that was because one Senator was necessarily absent. He was not here, today he is back, and the votes have not changed one iota. And they are not going to change.

Whatever it takes, we will work it through. But I want you to know, and I want my colleagues to know, that they are holding up an important bill. If you hold it up much longer I have to have another interim piece of legislation to try to help the States so they will not lose this construction season as it relates to their airport improvements.

Airports may not be too important to people. Maybe political damage to the President and the First Lady is more important than doing things for your States. Maybe that is true. But I just want you to know I have worked hard and I want this bill passed. If it takes all night tonight, all day tomorrow, all night tomorrow night, all day Friday, all night Friday night, all day Saturday—I am ready to stay. If they take my advice, I would say get out the cots and the blankets because it is about time we stopped these charades and we stayed here until we got it done.

I do not imagine I will prevail, but if I had my way about it, we would stay here until we finished it. Maybe that is the reason they did not want me over here leading this side. I would just say, "Let's get the cots out." And get the cots out we will, if I have something to do with it, and we will get this thing over with. One of these days they will want to go home, and we will just stay here until it is over.

Mr. President, I see you picking up the gavel and time is about to expire. But I wanted you to know that there is more here than Whitewater amendments that is the same vote time after time after time. There is an underlying bill that is being delayed, and construction and help for all 50 States in this bill has already been delayed 5 days.

I yield the floor.

VOTE ON AMENDMENT NO. 1787 TO AMENDMENT NO. 1786

The PRESIDING OFFICER. Under the previous order, the hour of 4:20 p.m. having arrived, the question occurs on agreeing to amendment No. 1787, offered by the majority leader.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1787. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

So the amendment (No. 1787) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment numbered 1786, as amended.

The amendment (No. 1786) was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am advised by our colleagues on the other side of the aisle that they have another amendment but it is not quite ready; that the Senator who is to offer it is detained for a few moments.

Therefore, I ask unanimous consent that the Senator from Washington be recognized to address the Senate as if in morning business for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I anticipate that by that time our colleagues will be ready with another vote.

The PRESIDING OFFICER. The Senator from Washington is recognized for up to 7 minutes.

Mrs. MURRAY. Thank you, Mr. President.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 2193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

AMENDMENT NO. 1788

(Purpose: To authorize hearings on the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1788.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

AMENDMENT NO. 1789, TO AMENDMENT NO. 1788

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1789 to amendment No. 1788.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. MITCHELL. Mr. President, may I inquire of the distinguished Senator from Pennsylvania, through the Chair, whether it is agreeable to have a time limitation for debate on the amendments just offered and a vote on the second-degree amendment?

Mr. SPECTER. Mr. President, I would be glad to enter into a time agreement.

Mr. MITCHELL. Might I suggest 5:30?

Mr. SPECTER. That is acceptable to this Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that a vote on the pending Mitchell amendment occur at 5:30 p.m. today, and that the time between now and then be equally——

Mr. SPECTER. Reserving the right to object, I have been advised that there may be a problem on our side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I withdraw my request, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be 45 minutes for debate on the amendments offered by Senator SPECTER and myself, equally divided between Senator SPECTER and myself; that at the conclusion of that debate, the two amendments be set aside and that Senator BOND or his designee be recognized to offer an amendment; that immediately upon the reporting of Senator BOND's amendment, I be recognized to offer a second-degree amendment to that amendment, and that there then be 45 minutes for debate on those two amendments, equally divided and under the control of Senator BOND or his designee and myself; that at the conclusion of that time, or rather, that at 6 p.m. the Senate vote on the pending Mitchell amendment in the second degree to the Specter amendment; that following disposition of that amendment without any intervening action or debate, the Senate proceed to vote on the Specter amendment, as amended, if amended; that upon disposition of the Specter amendment, that the Senate then without any intervening action or debate vote on the then-pending Mitchell amendment to the Bond amendment; that upon the disposition of that amendment, the Senate proceed to the disposition of the Bond amendment, as amended, if amended, again without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, then for the information of Senators, there will now be a period of 45 minutes for debate on the amendments offered by Senator SPECTER and myself at which time that will be set aside. Senator BOND or his designee will then offer another amendment. I will then offer a second degree to that. Those will be debated for 45 minutes, and at 6:30 p.m., there will occur two rollcall votes. Senators should be prepared for that and should adjust their schedules. So there will be two rollcall votes at 6:30 p.m., this evening. There will be no rollcall votes between now and then.

By that time, it is my hope that we will have been able to discuss and work out a procedure for the time immediately following those votes with respect to the offering of amendments, debate, and votes.

Madam President, I thank my colleague for his cooperation, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, for those who might be watching on C-SPAN and those in the gallery, you have just heard a unanimous consent-agreement which predicts a second-degree amendment to the Bond amendment. For those who might not understand the legalese of the Senate procedure, the distinguished majority leader has already stated in advance without having seen the Bond amendment that there will be a second-degree amendment to it, which follows the pattern on the second-degree amendment to my amendment which will, in effect, nullify under the majority leader's efforts the thrust of my amendment and what is anticipated to be whatever may be in Senator BOND's amendment.

My amendment is an effort to broaden the scope of the investigation into Whitewater to conform with a 98-to-0 vote taken by the Senate in March and try to set the stage for an appropriate Senate inquiry into what has happened in Whitewater and related matters.

It is unfortunate that the Senate is now engaged in a series of amendments and debates which are highly charged and highly partisan, with all the Democrats lining up on one side and all of the Republicans lining up on the other side.

That does not give a very good impression for the American people as to what is going on in the U.S. Senate which is touted or perhaps which touts itself as the world's greatest deliberative body when there is so much of the Nation's business to be accomplished and there appears to be a wrangling approach to what is a very, very important matter of public policy.

As I say, I regret that, and we are searching for some way to accommodate the public interest in a nonpartisan or bipartisan way to get to the underlying facts of Whitewater which everyone concedes is a matter which requires a mandate urgently necessary for this investigation and congressional hearing, as evidenced by the March vote which was all encompassing on a resolution for all matters relating to Whitewater.

And then when Senator D'AMATO had offered an amendment with a broad sweep, the distinguished majority leader, Senator MITCHELL, came back with an amendment which was carried on a party-line vote which very drastically limits the scope of the Senate inquiry to three very narrow items.

The importance of the congressional inquiry—House inquiry, Senate hearings—goes far beyond the import of a grand jury investigation, which is now being conducted by independent counsel, also known as the special prosecutor, Mr. Fiske.

The purposes of a grand jury are totally different from a congressional inquiry. A grand jury focuses on allegations which may lead to indictments on criminal conduct, and those hearings are conducted in secret, and they are not available for the public interest.

Contrast that with a Senate inquiry or a House inquiry or a joint congressional inquiry which goes into matters in a public way with a public disclosure inquiring that the matter of broad public policy and broad public policy interests as to what happened on the savings and loan investigation, on a savings and loan matter which amounted to billions of dollars in losses to the American taxpayers.

I have offered an amendment today which would broaden the scope of what the distinguished majority leader has very narrowly circumscribed in the provision of his amendment which is as follows, "Communications between officials of the White House and the Department of Treasury or Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association," to a broader statement to have an inquiry "into, study of, and hearings on all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency."

The difference in those approaches is obvious on their faces, where the amendment that I am offering is much broader and in line with the amendment in March which the Senate approved on a 98-to-nothing vote.

There was disclosed in the press in late February or early March the details of a meeting between members of the White House staff and officers of the Resolution Trust Corporation, which led me to write to the President asking him to terminate the employment of the individuals who were involved in those discussions unless his personal inquiry satisfied the President, as I say, personally that there was no impropriety involved, and if he made that determination, then I asked the President to make a disclosure as to what those extenuating and exonerating facts should be.

When the RTC and officials of the Department of Treasury are involved in an investigation, it is absolutely, positively inappropriate for them to brief members of the White House staff on that matter. The investigators or those privy to an investigation should absolutely not have contacts or make disclosures to any individuals who may be the subject of an inquiry. That is a very, very basic rule of investigations which requires a little elaboration about not talking to those who are subject to an investigation because that compromises the investigation.

And it seemed to me that those individuals ought to be summarily fired. Before asking the President to summarily fire them, I included an escape clause that if he was satisfied that there was some extenuating circumstance which exonerated them from what appeared to be a total cause for firing, so be it. The President is their chief and if he makes that decision and makes a disclosure of his reasons, then we would take the matter from there.

As of this moment, some 3 months later, I have not had any reply to my letter of March 3, and later in the course of this amendment, I will read the letter and put it into the RECORD.

But on the face of this matter, the limitations which are contained in the amendment offered by Senator MITCHELL are much too restrictive on their face, and the broader scope of this amendment I think would provide the public with the kind of assurance and confidence that the matter would be investigated in an appropriate way.

On the second-degree amendment offered by the distinguished majority leader, it simply says that there will be further inquiry, or may be a further inquiry, as the majority leader and the Republican leader may agree to. And that says nothing, because without the agreement of the majority leader, there is going to be no further inquiry.

Based upon the scope of the investigation which is contained in his amendment, the inquiry is very, very sharply circumscribed as to be virtually meaningless. It is for that reason that I have offered this amendment.

I might say, Madam President, I have no illusion about the outcome of the vote, considering the party-line result. But, when there is an impasse of this sort between the Democrats and the Republicans, this is our only course. It is unfortunate that this is tying up an important airport bill which really ought to proceed in the public interest and be disposed of.

But the fact is that the only available pressure point for Republicans in Washington, DC, today in the Federal Government is the ability of 44 Republicans, if we are sufficiently united with 41, to stop legislation from moving through this body. I hope that that will not be necessary, because gridlock works to the disadvantage of the American people and it gives a big black eye to the Senate of the United States.

So it is my hope that, when we discuss these matters, flush them out and talk about the scope of the investigation and the reasons for it, we will find some accommodation in this Chamber so that we can proceed to transact the business of the country.

Madam President, I inquire as to how much of my time remains.

The PRESIDING OFFICER. The Senator has 11 minutes and 45 seconds remaining.

Mr. SPECTER. I thank the Chair.

I yield the floor and reserve the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I thank my colleague for his comments.

What is occurring is the following: Senator D'AMATO offered an amendment dealing with the so-called Whitewater matter and included in his amendment a very broad description of the proposed subject matters of a congressional hearing.

It is our view that the broad interpretation in that amendment directly contradicts the request of the special counsel and also directly contradicts the Senate's previous action when, on March 17, the Senate voted 98 to zero to have congressional hearings structured and sequenced in a way that does not interfere with the special counsel's investigation.

We believe that the appropriate course which will permit the Senate to meet its constitutional and legal responsibility and permit the special counsel to go forward with a meaningful and effective investigation is to conduct hearings on the first phase of the special counsel's investigation when he completes that first phase, but in any event the hearings would begin no later than July 29 of this year, and then to conduct hearings on the remaining phases of his investigation when he completes those remaining phases. That is the special counsel's request. That is consistent with what the Senate has voted 98 to zero on March 17.

When Senator D'AMATO offered his amendment and then I offered an alternative amendment, I proposed to Senator D'AMATO and our Republican colleagues that we take them up separate from any other bill—freestanding, in the jargon of the Senate—and that we debate them and we vote on both of them; that there would be a vote on my amendment and there would be a vote on Senator D'AMATO's amendment. The Senate would be then in a position to express its will on which of the competing procedures it wished to adopt. That request was rejected by Senator D'AMATO and our Republican colleagues.

He then offered it as an amendment to the airport improvements bill. Of course, this subject has nothing to do with the airport improvements bill. Many Americans will no doubt wonder why we are debating Whitewater in connection with a bill that is to provide funds for airport improvement. The rules of the Senate permit that, of course, since there is no restriction on the right of amendment.

Following his offering of the amendment, I offered mine as a second degree to his. The Senate then effectively chose mine over his by adopting mine by a vote of 56 to 43.

Subsequently, what has happened is our Republican colleagues are taking each of the individual provisions in Senator D'AMATO's amendment and offering them as separate amendments. That is the amendment we have before us.

In Senator D'AMATO's amendment, for example, in section—and this is hard to follow because of all the numbers and letters—but it is 1(b)1(A). That was offered as a separate amendment and the Senate rejected it by adopting an alternative. The same is true of subsection (F), subsection (G) of that amendment, as well as subsection (N) of that amendment.

And now we have before us what is a verbatim copy of subsection (E) of the D'Amato amendment.

So, in effect, the Senate is debating the same issue which it has debated on five previous occasions and votes, the first being the broader amendment as to the scope and then following that a series of amendments dealing with individual provisions in the broader D'Amato amendment.

So, while the language of this amendment is different, reflecting a subsection that is different from those previously pending, the issue is the same. The issue is: What should the scope of the congressional hearings be at this time?

And there it is our view that, consistent with both the Senate's resolution of March 17 and the request of the special counsel himself, the hearings by the Senate now should be limited to those subjects that are to be completed in the first phase of the special counsel's investigation. And the special counsel has been quite clear and consistent in that request, both in writing and orally in meetings with Members of the Senate and in other public statements. His concern is that hearings that go beyond the first phase now will undermine his investigation into the remaining matter.

So, while the words are different from the previous amendment, the issue is identical to those of the previous amendment, except for the immediately preceding amendment which dealt with the date on which the investigation or the hearings will begin.

Madam President, I would like, if I might, to take a moment to respond not to the remarks of the Senator from Pennsylvania but rather to remarks made earlier by the Senator from Mississippi when we dealt with his amendment. That has to do with what he called whether there is going to be a free and fair hearing.

The implication of his remarks is that the procedure contained in my resolution will not permit a free and fair hearing and we would have to adopt procedures of Senator D'AMATO's resolution to have such a hearing. I suggest the opposite is the case.

First, the procedure set forth in my resolution is that the hearing be held, as are all Senate hearings, in accordance with the rules, practices, precedents, and procedures of the Senate.

Today, this very day, committees of the Senate held hearings under those rules. I know of no one who has suggested that those hearings were not free and fair or that there is some reason to think that we cannot have free and fair hearings under the Senate's rules.

The one difference is, of course, the limitation on the scope to accommodate the request of the special counsel.

Now, the procedure proposed in Senator D'AMATO's alternative resolution, by contrast, is one that has no precedent in the more than 200 years of Senate history. We are presented with, as an alternative, a procedure which has never occurred.

I have asked Senator D'AMATO and others in our staff, and we can find no precedent for it. It establishes a process that is outside the rules of the Senate, that is not consistent with the prior practices and procedures of the

Senate, and that creates certain powers in certain members of the special committee that are without any precedent in the Senate.

So I did not have a chance to respond earlier and I want to make it clear, lest there be any misunderstanding, the way to have a proper and thorough hearing consistent with the Senate's practices and consistent with the request of the special counsel is to do what the Senate has already done. That is, to adopt the resolution which I have proposed and to reject the alternative which has been proposed by Senator D'AMATO, as the Senate has done.

So, Madam President, I urge my colleagues to vote for the substitute amendment which tracks the previous substitute amendments and makes clear that we are going to have hearings and we are going to do them in a manner that is consistent both with the Senate's resolution adopted 98 to 0 in March and the request of the special counsel, and in addition, the practices and procedures of the Senate.

Madam President, I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader has 11 minutes and 5 seconds remaining and the Senator from Pennsylvania, 11 minutes and 45 seconds remaining.

Mr. SPECTER. Madam President, I believe the amendment which I have just offered is substantially different than anything which has been discussed heretofore because of the very substantial factual background leading to this amendment. These are materials provided, some from hearings and some from media accounts, and I believe they are accurate, but they are subject to that limitation. But the information is that on September 28, 1993, Treasury general counsel, Jean Hanson, briefed White House counsel Bernard Nussbaum on the RTC's plans to make a criminal referral to the Justice Department relating to the failure of Madison Guaranty Savings and Loan Association and reportedly told Mr. Nussbaum that President Clinton and First Lady Hillary Clinton would be mentioned as potential beneficiary of Madison's failures.

There was later a meeting on October 14, 1993, among Treasury and White House officials in Mr. Nussbaum's office. There was later, on February 2, 1994, a meeting initiated by Mr. Roger Altman, and Miss Jean Hanson with Mr. Nussbaum to "describe the procedural reasons for the then impending February 28th deadline as far as the statute of limitations was concerned." And a few days following the February 2 meeting, Mr. Altman discussed his possible recusal with Mr. Ickes in person, Mr. McLarty by telephone.

The Office of Thrift Supervision Acting Director Jonathan Fiechter and acting general counsel Carolyn Lieberman allegedly turned down a request of the senior lawyer in the Midwest region who would handle the OTS investigation of Silverado Savings & Loan to open a formal investigation into Madison. The decision not to pursue the investigation was reportedly made by senior political appointees at Treasury. However, Mr. Fiechter has stated that he had "no involvement in the matter and that neither he nor OTS staff had consulted with Treasury Department officials on enforcement matters."

If I might have the attention of the majority leader? On the amendment which I have offered, I have included the Office of Thrift Supervision, which I think is a very important agency, which is not mentioned in the amendment of the majority leader.

I ask the majority leader what reason he would have for excluding the Office of Thrift Supervision from being specified as an Agency whose conduct ought to be subject to investigation?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, we believe the resolution we presented is precisely consistent with the request of the special counsel and the previous action by the Senate; that it embraces those subjects which should be covered now; and that will not interfere with the special counsel's investigation.

Mr. SPECTER. If I may pursue this with the majority leader, in the timing which the majority leader has established, procedures are designed to allow the special counsel to proceed. I disagree with that. I think you can have an investigation, an inquiry by the Senate, without interfering with special counsel.

But assuming the majority leader has his way on it—which appears to be the case with 56 votes on his side of the aisle—what harm is there in including the Office of Thrift Supervision within the scope of that paragraph of his scope of investigation?

Mr. MITCHELL. Madam President, my understanding is that the allegation of improper conduct related to the Resolution Trust Corporation and not to the Office of Thrift Supervision. I think if we said we were going to include that, there would, of course, be no limitation on any agency or office which could be included.

Mr. SPECTER. Madam President, I do not think that is true. If you specify the Office of Thrift Supervision, it is just that.

I would like to know what other agencies may be involved. In the course of an inquiry it is entirely possible that other agencies may be mentioned. We just do not know. So that is why there is a catch-all provision in my amendment. But with respect to the Office of Thrift——

Mr. MITCHELL. If I may just comment on that?

Mr. SPECTER. I will be glad to yield.

Mr. MITCHELL. To follow that argument to its logical conclusion—although there is no evidence involving anyone in the Office of Thrift Supervision, the Senator says they should be included because something might develop about them. We could put the entire Federal Government into this. We could say, well, even though we have no evidence of improper action by a particular agency—let us say the Department of Defense—we ought to include them in it because there might be some evidence that would be developed, implicating them.

I do not agree with that.

Mr. SPECTER. The majority leader misunderstands me. You may not have heard my reference because you may have been conversing at that point before I specifically attracted your attention. But I had referred to the specific of the Office of Thrift Supervision Acting Director, Jonathan Fiechter, and Acting General Counsel Carolyn Lieberman had allegedly turned down a request from a senior lawyer in the Midwest region to open a formal investigation into Madison.

So there are specific factual allegations in the public domain involving the Office of Thrift Supervision. It seems to me that even under the narrowest of interpretations, which I submit the distinguished majority leader has in his resolution, the Office of Thrift Supervision ought to be included.

Mr. MITCHELL. Madam President, the alleged contacts which are the subject of the first phase of the special counsel's investigation, involved contacts in Washington and do not involve matters outside of Washington.

If and when those are the subject of the special counsel's investigation, and he completes that investigation, then I believe it will be appropriate to have a hearing on that matter.

I believe we should limit the hearings to those matters which are embraced in the first phase of the special counsel's investigation, so, in his words, as to not to take any action which would undermine or interfere with his subsequent investigation.

Mr. SPECTER. I am delighted, Madam President, to join issue specifically with the majority leader on that point, because I think that illustrates the fallacy of the limited scope, the fallacy of limiting our inquiry, the Senate's inquiry, into what the special counsel has to work on.

There is no magic as to what occurs in a Washington investigation contrasted with what occurs in an investigation outside of Washington.

When the Office of Thrift Supervision in the Midwest region has made an inquiry into an Arkansas transaction and all the indications are that it is directly related to even the matters which the majority leader would have subject to investigation—what has been done with the Resolution Trust Corporation and the officials of the Department of Treasury—I think it shows the inappropriateness of having such a narrowly circumscribed inquiry.

When the majority leader talks about not including other Federal agencies, like the Department of Defense, I think that is unanalogous. You have agencies like the Department of Justice, which I would not want to name specifically because we do not know what may or may not have been involved, but there are contacts from the Department of Justice, and if some of the leads move in that direction, there ought to be breadth of scope so that you can pursue that.

When investigations are conducted by grand juries or investigations are conducted by congressional committees, there is characteristically a sufficiently broad mandate to pursue matters without having it specified and coming back to the originating body.

I know very well that the distinguished majority leader is experienced in this field. He has been an assistant U.S. attorney. He has been a Federal judge. He has participated in congressional investigations.

Mr. MITCHELL. I just correct the RECORD at one point—U.S. attorney.

Mr. SPECTER. What did I say you were?

Mr. MITCHELL. Assistant.

Mr. SPECTER. I did not mean to demote Senator MITCHELL. I stand corrected.

Mr. MITCHELL. A small point, but I am proud to have served.

Mr. SPECTER. If you called me U.S. attorney, I would have interrupted as well. I was a district attorney. Sometimes precision can be added, and I thank the majority leader. But the substantive point remains that you have such a tightly drawn charter and here you have a situation where there are specific matters in the field in the Office of Thrift Supervision, and a Senate hearing may come upon a matter which is directly related to the Office of Thrift Supervision.

Who knows, some Senator who might be sitting on the right side of the aisle may ask a question and the chairman may say, "I'm sorry; that is out of order. We have an amendment from Senator MITCHELL here which precludes it."

We talk about a lot of generalized matters which are a little hard to follow in the public arena. But I raise this issue because there is specific information involving the Office of Thrift Supervision which touches these matters directly and that seems to me ought to be at least within the scope of what would be agreed to by the majority leader.

Mr. MITCHELL. Madam President, has the Senator concluded his remarks?

Mr. SPECTER. I have.

The PRESIDING OFFICER. The Chair will tell the Senator from Pennsylvania, he has 26 seconds remaining. The majority leader has 11 minutes and 1 second remaining.

Mr. MITCHELL. Would the Senator like a few more minutes of my time?

Mr. SPECTER. I thank the majority leader for that offer. It depends on what happens.

Mr. MITCHELL. Madam President, let me make a couple of points.

First, so there can be no misunderstanding in the Senate about the fact that we are voting on the same thing we have previously voted on, I want to read the paragraph of this amendment and then read the paragraph of the D'Amato amendment which the Senate has previously debated and voted on, and by adopting the alternative rejected. Just so all Senators understand that.

Here is what this amendment says beginning at line 4, after appropriate introductory language, in referring to the committee:

> * * * conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

The language of the D'Amato amendment is:

> * * * conduct an investigation into and study of all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

A listener will note they are identical. So we are debating and voting on an amendment which we have already debated and voted on as part of a larger amendment.

Second, the Senator has focused on and has raised a good point on the Resolution Trust Corporation, but his amendment also includes the words, "other Federal regulatory agencies, banking agencies, and any other Federal agency." That is a license for an unlimited fishing expedition.

"Other Federal regulatory agencies, Federal banking agencies and any other Federal agency." It seems to me those words make clear that the purpose here is to permit inquiries into any subject involving any Federal agency.

And so while the Senator argues—and I respect him and his point of view—that my resolution is too restrictive, I do not share that view. I respectfully disagree. I would argue that this amendment is way too broad. That is the problem. That is the disagreement we have.

Our colleagues want right now to have hearings that will get into every conceivable aspect of this matter and be able to involve any Federal agency.

We want to heed the request of the special counsel to limit the hearings to those subjects which are involved in the first phase of his investigation so as not to undermine the remainder of his investigation. That is the point that is at issue, and that has been at issue from the beginning of this discussion.

The Senator suggests that, in his words, there is a fallacy in the argument that we ought to limit it to those matters being covered in the first phase of the special counsel's investigation. I disagree, again, respectfully, but I note that if there is a fallacy, it is a fallacy adopted by the Senate by a vote of 98 to 0 in March. I do not know if the Senator was present then, but if he was, he voted for it. And it says, in subparagraph D:

> The hearing should be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

So the Senate, by a wide vote, expressed itself clearly on the Record as not wanting to conduct hearings in a manner that would interfere with the special counsel's investigation.

Mr. SPECTER. Will the distinguished majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. SPECTER. I was present, and I disagree with the interpretation to this effect: That as you have structured your amendment, you have done so in a way calculated not to interfere with the special counsel's inquiry. I do not think it has to be, but you have done that.

My point is, why not add the Office of Thrift Supervision? When you talk about the Washington matters, I believe that that relates to matters which occurred during the term of President Clinton's occupancy in the White House, as opposed to something which is geographical in nature.

When I refer to the Office of Thrift Supervision and what happened in the Midwest branch, it is not a matter of geography, it is a matter of timing; that those matters occurred, as I understand it, while President Clinton has been in office.

So that would be comprehended within the Washington phase of the inquiry. Although the Senator may disagree with the Federal banking agencies, Federal regulatory agencies, and other Federal agencies, because that reaches every conceivable aspect of the matter, it seems to me that is exactly what we are trying to do, is reach every conceivable aspect of the matter so long as we are investigating the matter.

But why not at least—and these are my questions—why not at least include the Office of Thrift Supervision within the confines of the Senator's parameters? The second question is, is it not appropriate to include matters which occurred, although geographically in the Midwest, in time when President Clinton was in office, which is the substantive designation of the Washington scope?

Mr. MITCHELL. Madam President, if I might respond, it was the special counsel himself who stated that his investigation had two phases, one being a Washington phase and one being a so-called Arkansas phase, and that the Washington phase embraced those matters which he identified and on which our resolution is based.

Mr. SPECTER. Was not that based upon matters, the Washington phase, when Mr. Clinton was in the White House, when William J. Clinton was President? The Office of Thrift Supervision matters occurred while he was President as opposed to being linked to his activities while he was Governor in Arkansas.

Mr. MITCHELL. Right. But my point is that we are honoring the request of the special counsel, and we have accepted his description of the subject matter that is the first phase of his investigation and his request not to go beyond that.

Mr. SPECTER. But as I understand it, he has not asked us to stay out of what happened with the Office of Thrift Supervision in the Midwest region.

Mr. MITCHELL. That is true. He has not asked us to stay out of offshore drilling in California. He has not asked us to stay out of whatever. We had this debate earlier in connection with another amendment. We are stating it in the affirmative in accordance with what the special counsel indicated is in the first phase of his investigation.

Now, we had an earlier amendment dealing with Mrs. Clinton's commodity trading, and the same argument was made: Well, Mr. Fiske did not object to that.

Of course, he did not. It has nothing to do with it. And I think the comment was made, well, Mr. Fiske did not object—he did not say he objected to congressional investigation into Mrs. Clinton's attempt to join the Marines. Does that mean we do it here?

I think we approach it from a different context. We are not saying that merely because Mr. Fiske did not object to something it ought to be included in the hearing. There is a universe, almost infinity of things that Mr. Fiske did not object to, but what we are saying is that we are taking those things that he has affirmatively stated constitute the subject matter of the first phase of his investigation.

Mr. SPECTER. But has not——

Mr. MITCHELL. Let me finish the sentence. And we are including those in the first phase of the congressional hearings. And then when the second phase of his investigation is completed, it would then be, in my judgment will be appropriate and mandatory that the Senate conduct hearings on the remaining matters that are the subject of the remainder of his investigation.

Mr. SPECTER. But has not Mr. Fiske said that the first phase of his investigation is the Washington phase, meaning what happened while the President was in office? And is not the incident of the Office of Thrift Supervision that I referred to part of the first phase so that it ought to be included even within the limited scope of what the majority leader has proposed?

Mr. MITCHELL. No, I do not agree with that.

Mr. SPECTER. Why not?

Mr. MITCHELL. I do not think it should be included because it is not included in the first phase of his investigation. So we are limiting ourselves to those matters which are in the first phase of his investigation. And if that is a subject of the second or later phase of his investigation, then, of course, we will have hearings on those matters after he has completed that phase of his inquiry.

Mr. SPECTER. If I am able to satisfy the majority leader——

The PRESIDING OFFICER. The Chair will announce that the majority leader has used his time, and the Senator from Pennsylvania has 26 seconds remaining.

Mr. SPECTER. I am ahead of the game.

Mr. MITCHELL. I will give the Senator a final word.

Mr. SPECTER. If I may finish the question to the distinguished majority leader. If I am able to show the Senator factually that the matters related to the Office of Thrift Supervision are a part of the first phase of Mr. Fiske's investigation, would he be willing to amend the charter to include the Office of Thrift Supervision?

Mr. MITCHELL. I will listen to anything the Senator has to say and review it carefully and seriously, as I do all matters that he suggests. I do not make a commitment to what course of action I might take.

Mr. SPECTER. I take that as a qualified yes.

Mr. MITCHELL. That is not a qualified yes. It is an agreement to hear what the Senator says.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. I ask unanimous consent that the letter I wrote to the President dated March 3, 1994, be made a part of the record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 3, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I noted media reports of meetings between Treasury Department and White House personnel concerning the investigation of the Madison Guaranty Savings & Loan.

Given the facts surrounding that investigation, there is a strong inference that those meetings have compromised the investigation and have obstructed the investigation of a financial institution in violation of federal law.

Unless your personal review clears the parties of wrongful conduct, then I call upon you to terminate their employment forthwith without awaiting any criminal investigation by the Special Prosecutor.

If you do not terminate their employment, I ask you to advise me of the specifics of precisely what occurred in all meetings and conversations between the Treasury Department and White House personnel concerning the Madison investigation.

Sincerely,

ARLEN SPECTER.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Under the previous order, it is my understanding that Senator BOND was going to be present with his amendment or he was going to have it available for Senator SPECTER or another designee to offer. And I inquire through the Chair of the Senator from Pennsylvania if he is prepared now to offer Senator BOND's amendment or if he would like a brief quorum call while he reviews that?

Mr. SPECTER. If I may respond, I do not have the information. I think Senator BOND may be on his way over. So I think the appropriate course would be to have a quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1790

(Purpose: To authorize hearings on the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association)

Mr. BOND. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1790.

Mr. BOND. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1791 TO AMENDMENT NO. 1790

Mr. MITCHELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1791 to amendment numbered 1790.

Mr. MITCHELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed, insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. MITCHELL. Madam President, as the Senator from Missouri may be aware, under a prior agreement, we will debate this amendment until 6:30. I, therefore, ask unanimous consent that the time between now and 6:30 be for debate on the amendment offered by the Senator from Missouri and the amendment offered by myself with the time equally divided between the Senator from Missouri and myself.

Mr. BOND. That is agreeable. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I inquire whether the yeas and nays have been ordered on my amendment to the preceding Specter amendment.

The PRESIDING OFFICER. They have not been.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Madam President, if it is in order, I ask for the yeas and nays on my amendment just offered to the Bond amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, since it is likely, given what we have seen in the past, that we will be blocked out from having a vote on the amendment which I just offered—this is the practice that we have gone through—I thought it would be helpful for my colleagues and those who are interested in this to know specifically what we are attempting to examine, and the vote which will occur along straight party lines, if the past is prologue to the history, and if prologue will prevent our consideration.

The amendment I sent to the desk, which has a second degree, would simply authorize the committee to investigate the Justice Department's handling of the RTC's two sets of criminal referrals involving Madison Guaranty. Many savings and loans, such as Madison Guaranty, failed because of criminal misconduct by insiders. Part of the RTC's duties include making referrals to criminal authorities to apprise them of possible wrongdoing.

Congress also expects RTC criminal referrals sent to the Justice Department to be thoroughly and expeditiously reviewed. The American taxpayers, who so far have paid approximately $81 billion to resolve failed savings and loans, should be confident that the Justice Department is pursuing criminal referrals received from the RTC. The taxpayers also have a right to know specifically what happened to the RTC criminal referrals involving Madison that were sent to the Department of Justice in 1992 and 1993.

Did the Department of Justice have adequate procedures in place to deal with criminal referrals it received from the RTC, and were those procedures followed in the case of Madison Guaranty?

(Mr. CONRAD assumed the chair.)

Mr. BOND. On September 2, 1992, the RTC made a criminal referral to Justice alleging a $1.5 million check kiting scheme among Madison, Jim McDougal, and entities under Jim McDougal's control. The referral was sent to the U.S. attorney for the Eastern District of Arkansas. About 6 months later, in March 1993, the RTC senior investigator of Madison was informed that the U.S. attorney in Arkansas had sent this initial referral to Washington because the referral was a politically hot one.

Remarkably, when the RTC investigator attempted to determine the status of the Madison criminal referral, she was told by the U.S. attorney's office that there was no record of the referral in the Arkansas U.S. attorney's office.

Something happened. Do we in this body not have a right to ask what happened? Why not?

It took until May 1993 to determine that the Arkansas U.S. Attorney had sent the referral to Washington, DC claiming that he felt there was a conflict of interest. The main Justice Department in Washington ultimately returned the referral to Arkansas, deciding there was no basis for recusal of the U.S. attorney and a lack of conflict of interest.

Documents reveal there were no specific procedures in place at the Justice Department to monitor the disposition of RTC's criminal referral, nor does Congress know whether the Justice Department has specific procedures in place for criminal referrals it determines are politically hot.

Mr. President, I asked questions of the RTC about similar referrals, and what they did with politically hot cases, when the RTC was before the Banking Committee. I got a misinformation answer the first time, and as part of the result of that question and that answer, we got 10 subpoenas to the White House. But we have not had an opportunity to ask the Department of Justice similar questions.

This seems to me to be just another classic example of the stonewall, this time on behalf of Congress. Did the Justice Department adequately review the RTC criminal referrals regarding Madison?

On October 8, 1993, the RTC sent nine additional referrals to the U.S. attorney and the FBI. Two weeks later, the new Clinton-appointed U.S. attorney, Paula Casey, wrote to the RTC to indicate that the referrals had been declined.

In that declination letter Paula Casey also indicated that the matter was concluded before she began working in this office. It is unclear who at Justice reviewed the RTC criminal referrals relating to Madison, and at what point the decision was made not to pursue the referrals.

Mr. President, these matters involve critical questions about the Justice Department's procedures for handling criminal referrals from the RTC. It also remains unclear what the timing was of the Justice Department's declination of the Madison criminal-related referrals.

I believe that for a thorough investigation of this matter, we must make a determination and report to the American taxpayers about how the criminal referrals are handled by the Justice Department and whether they were handled properly in the Madison case. The American taxpayers should not have to pay one more dollar than necessary to resolve Madison Guaranty. This clearly relates to the Washington phase of the investigation. We are apparently, based on the discussions previously, going to be precluded from asking the Department of Justice about this case on the theory that the special counsel did not look into it; therefore, we cannot look into it. Well, the only reason we got the special counsel into it in the first place was that we had officials before the Banking Committee who represented the RTC and Treasury, and we were able to ask the questions. Sometimes asking questions and exposing these materials to the light of day can bring some amazing consequences.

Are we to be shut out from asking how the Department of Justice handled this, and how all of the appointees of the Clinton administration handled them? Well, if the second-degree amendment by the majority leader is adopted, we will not even get a chance to vote on this issue.

Mr. President, I suggest that the American people ought to sense that somebody has a real desire to keep Congress and the American people from knowing what went on. We have seen in the past in this body vigorously pursued investigations of the administration, the executive branch, when it was in Republican hands. Somehow that zeal for investigation has waned with the change of party in the White House.

I urge my colleagues to disapprove the second-degree amendment, to show some courage, and to say that, yes, we would like to know whether the Justice Department acted properly in handling these referrals, and whether they had any contacts, communications, or other transactions with the White House during the time that these criminal referrals were under consideration, and afterward.

Mr. President, these are very serious matters. The American people have a right to know, and I think we can do better than stonewall them and say: You cannot ask the Department of Justice anything, because the special counsel, Mr. Fiske, was not involved in investigations of the Justice Department.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that the time be equally charged to both sides under the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I ask how much time is remaining.

The PRESIDING OFFICER. The Senator's side of the aisle controls 5 minutes 15 seconds, and the majority side has 16 minutes 30 seconds.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the issue before us is once again identical to the issue which we have previously debated and voted on in the Senate over the past few days. I believe this will now be the sixth or seventh vote that will deal with the same issue.

As I stated earlier, Senator D'AMATO offered an amendment which attempted to establish a broad scope for the hearings far beyond that of the subjects covered in the first phase of the special counsel's investigation.

I believe his amendment directly contradicts the action taken by the Senate by a vote of 98 to 0 in March, and directly contradicts the request of the special counsel that the hearings to be conducted at this time be limited to those subjects which are covered in the first phase of the special counsel's investigation.

I offered to our Republican colleagues to have a vote on Senator D'AMATO's amendment and one on mine. They refused that. Therefore, Senator D'AMATO offered his amendment to the airport improvements bill, and I then offered mine as a second-degree amendment to his.

The Senate adopted my amendment by a vote of 56 to 43, thereby rejecting Senator D'AMATO's amendment.

Now what has happened is our colleagues have come in and are offering as separate amendments individual provisions out of Senator D'AMATO's amendment, and this is, I think, the fifth or sixth time they have done that.

The amendment offered by Senator BOND appears at page 4, lines 8 through 11, and page 6, lines 4 through 9, of the D'Amato amendment. That is to say, it is virtually word for word lifted out of an amendment that the Senate has already rejected in a manner identical to that pursued in the previous amendment by Senator SPECTER, and by the various other amendments offered earlier.

So there really is not much to say. We are now having the same debate for the seventh time, and we will have the same vote for the seventh time. And I guess we will have it as long as our Republican colleagues want to continue to offer amendments in the same pattern and debate the same issue and vote on the same issue.

Let me, if I might, in just a few minutes explain again what I believe the proper course of action should be.

A special counsel was appointed to investigate the so-called Whitewater matter. The special counsel is himself a Republican, a life-long Republican, a man of experience and integrity, whose appointment was praised by Republican Senators.

He has requested in writing and in meetings with Senators and other public statements that the Senate not conduct hearings which could interfere with or undermine his investigation, and he has specifically requested that since his investigation is being conducted in two phases, the Senate's hearings be conducted in phases, and that the first phase of the Senate hearings be limited to those subjects covered in the first phase of his investigation.

The amendment offered by Senator D'AMATO, already rejected by the Senate, specifically contradicts the special counsel's request by attempting to have the hearings now go far beyond the subjects covered in the first phase of the special counsel's investigation, and also contradicts the vote in the Senate in March where, by a vote of 98 to 0, the Senate voted:

> The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

In the amendment preceding this one, a new twist was given to the matter. It was suggested that since the special counsel had not specifically objected to a certain subject, it ought to be included in this investigation and, therefore, the preceding amendment permitted an inquiry into Federal banking authorities, Federal regulatory authorities and, in the words of that amendment, any Federal agency.

I think that demonstrates the extreme nature of the unlimited fishing expedition that is being proposed here. There is an almost infinite and unlimited number of subjects to which the special counsel has not specifically objected. If we adopt that line of theory, we could have a hearing that could investigate the subject of gravity, offshore drilling for oil off California, Mrs. Clinton's childhood schooling—almost anything.

The real issue is, are we going to conduct a serious and responsible investigation that will, in fact, be consistent with both the actions taken by the Senate in March by a vote of 98 to 0, and the specific written and oral requests of the special counsel that our hearings not delve into matters beyond the scope of the first phase of his investigation.

That is really the issue. It has been the issue all along. The Senate has already voted on it several times.

I urge my colleagues to again reject the approach contained in this amendment, and I hope at some point we will be permitted to proceed and get on with the Senate's business. We are now in the 4th full day of this matter, stretching over a period of 6 calendar days, and I think that we have an important bill, the airport improvement bill, which provides funding for airports all across the country. This has nothing to do with that.

I proposed that we take this matter up freestanding and unrelated, and that we have a vote on the Republican amendment and a vote on mine, and our colleagues rejected that offer and insisted instead that it be offered as an amendment to an unrelated bill, thereby delaying the airport improvement bill, and I think unwisely and needlessly delaying the Senate.

We have now been 4 full legislative days debating the same issue, voting on the same issue, over and over and over again, and the Senate has expressed itself clearly and consistently.

I hope that the Senate will do so again in the case of these two amendments.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require.

I would like to ask if the distinguished majority leader would be willing to answer several questions I have, to help me understand his position.

Mr. MITCHELL. I apologize. I was discussing another matter with my staff.

Does the Senator seek my attention? Certainly.

Mr. BOND. I thank the majority leader.

Mr. President, I ask the majority leader, since the special counsel is not investigating contacts by the Department of Justice, under the second-degree amendment offered by the distinguished majority leader, would I be allowed to ask the Justice Department officials about how they handled the referral under his amendments?

Mr. MITCHELL. The Senator would be permitted to ask questions that are related directly to the subjects covered in the first phase of the special counsel's investigation.

I will, in just a moment, if I can, get a copy of the amendment in my hand and read those to you.

Page 2 of the amendment includes the following matters which are concurrent with the subjects of the first phase of the special counsel's investigation. They involve:

First, communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corp. and the Madison Guaranty Savings & Loan Association; second, the Park Service police investigation into the death of White House Deputy Counsel Vincent Foster; and, third, the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

Any questions that are reasonably related to those subject matters would obviously be permitted.

Mr. BOND. Mr. President, I would ask the majority leader, since the White House special counsel's investigation is not relating to the Department of Justice contacts, and since, as I laid out on the floor yesterday four specific requests I made of the RTC and they said that any questions about this matter must come from the Department of Justice, why will we not be able to ask those questions under the amendment proposed by the majority leader, why will we not be able to ask about the activities of Mr. Web Hubbell, Mrs. Paula Casey, and why we should not be able to do so under our general oversight authority?

Mr. MITCHELL. Mr. President, I will be pleased to answer that question again. I have done so several times over the past few days.

The special counsel has made clear that it is his desire that the hearings conducted at this time be limited to the subjects of the first phase of his investigation.

Now, it is quite clear, and we have a respectful disagreement, that my colleague and our Republican colleagues want to go beyond that. In fact, the amendments offered would permit inquiries into virtually any subject involving any Federal agency and involving a wide range of subjects that we believe do not have anything to do with this matter; that the purpose is to engage in a fishing expedition for political reasons.

Now, that is what we have discussed. That is what we have debated. That is what we voted on. We can debate it and ask and answer questions from now, in the colloquial phrase used in Maine, until the cows come home, but it is not going to change the issue.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader has time remaining.

Mr. MITCHELL. I will be glad to yield some of my time to the Senator from Missouri if he wants to take a few more minutes.

Mr. BOND. I appreciate that generous offer. I had just a few more questions to ask the majority leader and I would be honored to do so on his time.

The majority leader referred to a broad fishing expedition. The amendment I offered relates to the full facts about the Department of Justice's handling of the Resolution Trust Corporation criminal referrals relating to the Madison Guaranty Savings & Loan Association. To me, this is not a broad fishing expedition.

But, is it not the case, I would ask the majority leader, that Congress traditionally has the right to ask questions about any area of Federal Government activity? I ask that as the first question.

The second question is: When the special counsel has not begun any investigation into the Department of Justice contacts, why would Mr. Fiske want to preclude us from asking questions? The questions that we asked in the Banking Committee of the RTC started this investigation. We might be able to bring more light on the subject through questions.

I would ask if there is any specific indication the majority leader has had from the special counsel that we should not pursue questions that are not the subject of his investigation?

Mr. MITCHELL. Mr. President, I have had no discussion or contact whatever with the special counsel, so my impression of his position is drawn from his public statements and documents.

We have made a complete circle and we are right now back at the beginning. This is almost word for word the discussion I had previously with Senator SPECTER. I respect the fact Senator BOND was not here then, but we have been through the same discussion.

The approach taken by the Senator in his question is that if the special counsel has not objected specifically to a subject, we ought to get into it. This came up earlier today when we had an amendment asking for an investigation into some transactions that Mrs. Clinton engaged in 10 to 15 years ago. He has not objected to that because it has nothing to do with this.

The comment was made then, not by me but by someone else, well, the special counsel has not specifically objected to the fact that Mrs. Clinton tried to join the Marines. And I suppose, under the Senator's reasoning, we should now have an investigation of her efforts to join the Marines.

We approach it from the opposite point of view; that is, from the affirmative point of view. And it is that these hearings should be conducted in a manner that they are structured and sequenced so as not to interfere with his investigation and be limited to the subjects of his investigation. That is what we have done.

Now, we are really right back at the beginning where the Senator wants to get into other matters. We have amendments here for any Federal agency, all banking authorities, all regulatory authorities.

We just disagree. I understand the Senator's desire that it ought to go broader.

Let me say finally, because our time is up and we are going to vote in just a minute, that the Senator just made a point that the Banking Committee previously conducted the hearings into this matter. I know the Senator from Missouri is a member of that committee. And it affirms my point in another difference between us on where these hearings should be conducted.

We think the Banking Committee is the appropriate committee. According to the Senator's own assertion, it has previously held hearings on this matter. Unfortunately, our colleagues do not want it held in the Banking Committee and under the established rules, practices, and procedures of the Senate, but want to create an entirely new committee, one without precedent in the Senate, and want to invest powers in the minority members of the committee that have never been granted to minority members in the more than 200-year history of the Senate.

I appreciate his comments with respect to the Banking Committee, because I interpret them—although I understand he may have not intended them that way—as supportive of the position we have taken on another major difference between us; that is to say, that these hearings ought to be conducted in accordance with the rules, the practices, and the procedures of the Senate. That is what we have proposed.

We have a committee which has jurisdiction over these matters which, according to the Senator from Missouri, is the committee which has held previous hearings on the matter and, according to him, has developed valuable information in the conduct of that hearing.

Now along come our colleagues who say, "We do not want the hearings to be held there. We don't want it to be held in accordance with the regular rules, practices, and procedures of the Senate. We want to create this whole new mechanism which is without precedent, and we want to create new rules and create new powers which have never existed in the more than 200 years of the Senate's history."

That is another major difference between us.

I thank the Senator for his comment.

Mr. President, has my time expired?

The PRESIDING OFFICER. The Senator has about a minute remaining.

Mr. MITCHELL. Well, I will conclude, Mr. President, by repeating for the umpteenth time—I threatened earlier that since all of these amendments say essentially the same thing, and since the debate is the same thing, and since I have said it so often, that to test my memory, I am going to recite this statement backward at one of these points, because we really have here the same issue that has been discussed, that has been debated, and that has been voted on by the Senate.

It deals with the proper scope of the investigation. I understand the arguments made by my colleagues. I respectfully disagree. I think that the resolution which the Senate has already voted on is the proper way to proceed, consistent with the Senate's rules, consistent with the Senate's practices, consistent with what the Senate has already done on this subject, and consistent with the Senate's vote in March, and consistent with the special counsel's request.

By contrast, our colleagues propose a procedure that is inconsistent with all of the above: inconsistent with the Senate's rules, inconsistent with the Senate's practices and procedures, inconsistent with the Senate's previous vote, and inconsistent with the special counsel's request.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on amendment No. 1789 offered by the majority leader. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

The result was announced, yeas 55, nays 44, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Harkin

So the amendment (No. 1789) was agreed to.

VOTE ON AMENDMENT NO 1788, AS AMENDED

The PRESIDING OFFICER. Next we will vote on the underlying Specter amendment, amendment No. 1788, as amended.

So the amendment (No. 1788), as amended, was agreed to.

VOTE ON AMENDMENT NO. 1791 TO AMENDMENT NO. 1790

The PRESIDING OFFICER. Under the previous order, amendment No. 1791 is now in order. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Harkin

So the amendment (No. 1791) was agreed to.

Mr. MITCHELL. Mr. President, am I correct that under the previous order the Senate will now vote on the underlying amendment, as amended?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The question occurs on the underlying amendment.

The amendment (No. 1790) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, the Senate has now debated and voted on the same issue about seven times. I do not know how many more times the Senate will be asked to do so. My hope is that, given the fact that the Senate has already voted on the same issue seven times and voted clearly and consistently in the same manner, the Senate can proceed to complete action on this amendment, which would establish the authority for the hearings our colleagues say they want and then would permit us to complete action on the very important bill dealing with airport improvements, which will provide funding for airport improvements around the country.

As I have previously indicated, the Senate will remain in session this week until we complete action on the airport improvement bill and on the legislative appropriations bill, even if that requires a very late night tonight and a very late night tomorrow night and a very long day on Friday.

We are soon reaching the point where the press of business on the Senate will be immense. We are required by law to act on 13 appropriations measures prior to the end of the fiscal year. Those are the essential work of the legislative branch of Government, and we are going to begin the first one tomorrow, if we can finish this bill this evening.

I recognize that there is a difference of opinion on this, but I believe we have now reached the point where a continuation of this practice of offering amendments, which are obviously going to be defeated, which are clearly repetitious of the subject previously debated and decided, is unjustified and wasteful of the Senate's time and the money it costs to operate the Senate.

Obviously, under the rules of the Senate, any Senator can offer any amendment any time he or she wants, and we have now become accustomed to the tactic of effectively filibustering by offering an unlimited number of amendments. But I think there is not even a pretense here, since the amendments deal with essentially the same subject that has been discussed, debated, and voted on so many times.

I hope very much that we can complete action. I regret the inconvenience to Senators that we will have to remain in session as late as we are now and will have to later this evening. But I simply state that, if we are going to keep having these amendments, we are going to keep voting.

It is not my intention that there be unlimited delay without votes. Several Senators, both Republicans and Democrats, have commitments in the evening and have asked for a period of time within which no votes will occur, and I have assured them and advised the minority staff, so they have advised Republican Senators as well, that there will be no votes this evening prior to 8:30. That is to say, Senators may be assured that for the next 1 hour 15 minutes there will not be any votes. The next vote may not occur at 8:30; it may be later than that. I hope that we can, as we have this afternoon, have amendments called up, debated, and have two or three votes stacked at a time certain, and that will make it less inconvenient for Senators who are engaged in other matters this evening.

I have asked that our colleagues on the other side, who indicate they have amendments to offer, be prepared to do so during this period. In the meantime, the Senator from Washington has an important matter that he wishes to address the Senate on.

I ask unanimous consent that Senator GORTON be recognized to address the Senate as in morning business for 10 minutes, following which I hope we will be prepared to proceed with one or more amendments, and at that time I hope to set the schedule for the next vote or votes in the Senate.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Washington is recognized for up to 10 minutes as in morning business.

THE UNITED STATES-CANADA PACIFIC SALMON TREATY

Mr. GORTON. Mr. President, my colleagues are well aware of the important place that the Pacific salmon occupies in the economy and culture of the Pacific Northwest. I have spoken often on this floor about our difficult struggle to enhance declining salmon runs without devastating families and communities, many of which have come to depend on the same water and habitat as the salmon.

I have discussed this issue over the years with a myriad of fisheries experts within the region. Many have differences on individual recovery measures, but nearly all agree that it is critical for the United States and Canada to manage effectively the harvest of each other's native salmon stocks. In fact, the recovery team commissioned by the National Marine Fisheries Service to draft a recovery plan for threatened and endangered Snake River salmon stocks identified reducing Canadian harvest as a high priority.

Since 1985, this harvest has been managed under the provisions of the United States-Canada Pacific Salmon Treaty. I played a role in negotiating and implementing this treaty during my first term in the Senate, so it is particularly disappointing to me that negotiations on annexes to the treaty have collapsed. Canada has walked away from the negotiating table, asserting that the United States has not bargained in good faith with regard to equity—a seemingly simple principle of the treaty that in reality is highly complex.

Among other things, Canada wants a reduction in the United States harvest of Canadian fish in Puget Sound and southeast Alaska. The United States wants to reduce the Canadian take of fragile coho and chinook runs that originate in Washington, Oregon, Idaho, and California. There are numbers of ways by which we can reach these goals, but they must all eventually be determined at the negotiating table.

Canada cannot and should not expect to reach agreement with the United States by going outside the treaty process. But that is nevertheless what Canada has announced it will do—and is now doing.

United States net fishermen were outraged to learn last week that Canada intends to charge each American vessel $1,100 to travel through the Canadian Inside Passage on its way to Alaskan fishing grounds. This action seems clearly to be a violation of international law, and imposes a severe safety hazard on those boats that choose not to pay the fee and instead travel to Alaska through the dangerous open waters west of Vancouver Island.

Arguments about the United States-Canada treaty are best left for the negotiating table—that is where they belong. The outrageous decision taken by the Canadian Government does not facilitate those negotiations, it is not consistent with the long tradition of peaceful and amicable relations between our nations; it is unworthy of the government of Canada.

It divides us. It tears apart our fishing communities, and makes it more difficult for us to resolve the highly complex problem of jointly managing our salmon fisheries.

It is also dangerous. I have received news in the last several hours that Canada has seized one or more American vessels and is holding them in Canadian ports. Rumors are rampant in the United States fishing community, and tempers are flaring.

Mr. President, nothing good can come of this. Some have said that it is not time to point fingers at the Canadians. I disagree. Canada has implemented a policy that the United States State Department has determined to be illegal. Canada has seized at least one United States vessel. While it is certainly not time for irresponsible action, it is time for strong action. The President must take a leadership role.

I am therefore about to introduce a resolution to protest the transit license fee. The resolution calls for U.S. fishermen to be reimbursed for payment of the fee from the fishermen's protective fund, and calls for the Fishermen's Protective Act to be amended so that vessels do not have to be seized to permit reimbursement.

The resolution also calls on the President to provide for the safety of the United States fishing fleet, and to take actions necessary to encourage Canada to discontinue the transit license fee.

Finally, the resolution calls on the President to redouble his efforts to negotiate an agreement with Canada that provides for appropriate management and conservation of both countries' fisheries.

We need the hand of presidential leadership to steer us toward a resolution of the issues. Only the President can speak for all of the United States. Only the President can express our deep concern with the grave and provocative actions of the Canadian Government. The President must act now.

This resolution now represents my views and those of Senator STEVENS, Senator HATFIELD, Senator MURKOWSKI, Senator PACKWOOD, Senator CRAIG, and Senator KEMPTHORNE. We will defer the introduction of the resolution, however, to secure more and bipartisan sponsorship up and down the Pacific coast, and in order to seek the unanimous consent necessary to pass the resolution promptly, support which we urge from all of our colleagues.

The resolution demonstrates that Washington, Oregon, Idaho, and Alaska will not be divided by punitive illegal measures such as the transit license fee that endangers U.S. citizens. We are united on this matter and will work together to ensure this outrageous policy and the seizures are reversed.

The resolution also makes it absolutely clear it is at the negotiating table and not anyplace else that Canada and the United States can make a deal on the Pacific Salmon Treaty that will protect salmon for both countries.

I ask my colleagues for their support of this resolution and ask for its prompt consideration.

I thank the majority leader for his courtesy in granting me the time.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, the distinguished Senator from Missouri and I have discussed how best to proceed now, and I merely wanted to confirm our understanding that he is going to speak for some minutes and then offer an amendment. Am I correct in my understanding?

Mr. BOND. Mr. President, that is correct.

Mr. MITCHELL. Mr. President, at that point I will put in a quorum call and be prepared with a second-degree amendment, and I will appreciate the Senator notifying me when he gets to the point where he intends to do so.

Mr. BOND. Mr. President, I will be happy to consent to that for the convenience of the majority leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Thank you very much, Mr. President.

Mr. President, we discussed at length some very important matters in the debate on the last amendment, and I thought it might be helpful to go over the status of these discussions, where they are, and how we got to this point.

The majority leader made a very eloquent argument against the D'Amato amendment. But the amendment that was essentially vitiated by his second-degree amendment was not a broad fishing amendment. It was not designed to go far afield. In fact, as I stated at the time, it said that the committee should conduct an investigation into, study of, and hearings on, matters having a tendency to reveal the full facts about the Department of Justice handling of the Resolution Trust Corporation criminal referrals relating to Madison Guaranty Savings & Loan Association.

My point was that this was clearly relevant to the issues of what was done in Washington by this administration with respect to the activities in Arkansas generally lumped under the category of Whitewater. This was a very specifically targeted amendment dealing with what had gone on with the Department of Justice. The majority leader's second-degree amendments and proposals have specifically excluded inquiry into the activities of the Department of Justice.

As I understood the majority leader to say, number one, this was somehow outside the scope of the resolution adopted by this body 98 to 0 on March 17, 1994.

So I went back to get a copy from the CONGRESSIONAL RECORD of that resolution. It says in part (B):

> The majority leader and the Republican leader should meet and determine the appropriate timetable, procedures, and forum for appropriate congressional oversight, including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc.

And I end my quotation of that resolution.

My amendment was not a broad fishing expedition. It was not an attempt to go beyond the Washington activities related to Whitewater and Madison Guaranty Savings & Loan Association. It specifically asked that we be allowed to question representatives of the Department of Justice about whether they knew about Whitewater, what they did about Whitewater, who did they discuss the Whitewater investigations with, the Madison Guaranty Savings & Loan Association, and other activities.

The first set of criminal referrals to the Department of Justice arrived sometime in September 1992.

Now the President's very close friend and confidant, Webster Hubbell, arrived at the Department of Justice with the new administration early in 1993. Are we to believe that he did not know anything about a criminal referral potentially involving the President in his prior capacity? If he knew, did he, in fact, take any steps with respect to that referral? Did he, in fact, advise the President of it?

I understand that the President said the first he learned about the possibility of criminal referrals was sometime in the fall of 1993. This may be true but, Mr. President, I think there are some very legitimate questions we ought to ask. It was pursuing questions like this that we uncovered the contacts between the RTC, the Treasury, and the White House which led to the subpoenas and led to significant inquiries.

These are legitimate questions that we need to know the answers to in order to determine, in our role of congressional oversight, whether there was any wrongdoing with respect to the handling by this administration of the matters relating to Whitewater.

As a result of the second-degree amendment which was adopted on a party line vote, we will be precluded from asking the questions and the public will be precluded from hearing the questions and the answers.

Now, we further understand from the statements of the majority leader that he has not spoken to Mr. Fiske about these amendments being offered today and the previous days on this measure, the D'Amato amendment. Therefore, I can assume it is from information, press statements, and letters. We have not been advised of any directive from Mr. Fiske saying that he has any objection to our questioning the Department of Justice about their handling of these matters.

My amendment to expand the majority leader's narrow scope at least to include the Department of Justice's handling of the RTC criminal referrals on Madison was defeated based on what I guess we can call intuition as to what Mr. Fiske wants or does not want.

This is beginning to be a transparent charade.

No. 1, we are to limit hearings to things Mr. Fiske is finished with without even knowing what he is doing. No.

2, we are then to limit the hearings to those things he addresses in phase II. And, three, somehow we are never allowed hearings on things that Mr. Fiske does not address.

Now, we talk about unprecedented activities. To say that Congress, in its oversight role looking at the activities of the administration of the Federal Government, is somehow limited to doing a review and grading of the special counsel's work is, I think, a novel precedent.

Our oversight is supposed to be limited to what the special counsel is investigating for criminal wrongdoing? I think not. I think there are many other questions that we could and should and must address.

My amendment was very specifically targeted to those questions from the Department of Justice that could be relevant.

Yesterday, I discussed at some length my questions to the RTC. The questions which brought about the subpoenas revealed the contacts between the RTC and the Treasury and the White House. I subsequently submitted written questions to the RTC.

I asked, first, is it normal RTC practice to send additional investigators for further investigations on a matter before hearing the status of the first referral?

The answer to that by the RTC: "There is no standardized procedure in this regard. Any questions concerning responses from the Department of Justice should be directed to the Department of Justice."

Further questions I addressed to the RTC focused on a March 19, 1993, memo from the criminal division of Justice, concluding the initial RTC criminal referral on the Madison probe did not appear to warrant initiation of criminal investigations. I asked: "A, how was this decision made in terms of the decisionmaking procedure and the underlying legal theory and, B, who is responsible for communicating these decision?"

The RTC response to me was: "A: This question should be directed to the Department of Justice. B: This question should be directed to the Department of Justice."

I then asked the question about press reports that the local Federal attorney in Little Rock was concerned that in 1992, because Bill Clinton was included in a referral of the decision to pursue, the case should be made in Washington. And he sent an urgent letter on October 7, 1992, asking for assistance. I asked, "Are the press reports accurate?" And the answer to this one was, "The question should be directed to the Department of Justice."

I further asked about Attorney General Barr in the previous administration, his concern that pursuing the case 1 month before the leaks would look as if the Justice Department was being politicized. So he sent the referral to career people. I asked the RTC, "Is this the RTC's understanding of the events? If not, what is your understanding?" The answer was, "These questions should be directed to the Department of Justice."

Now, Mr. President, these are questions that we have been told by the RTC, whom we sought to question before the Banking Committee and in written questions following up on their testimony, these are questions the RTC said can only be asked of the Department of Justice.

As I understood the distinguished majority leader in his response to my questions, I would not, under his proposal, be permitted to ask the Department of Justice about these specific items to which I was referred by the RTC for the very strange and unusual reasoning that they were not included in the special counsel's investigation.

This is absurd, Mr. President. Congress is supposed to hold oversight hearings to ensure that programs are running fairly, that people are not abusing the power they hold, that special favors are not being handed out to the select.

Now we are told: Too bad if it turns out that the Department of Justice grossly misused its powers in this case; too bad if it turns out that Webb Hubbell or others misused their authority to protect the President; too bad if the politically powerful got special favors from the Department of Justice. Congress is not going to be allowed to ask questions because Mr. Fiske, an appointee of the Justice Department, says so. To me this is an outrage.

These facts, more than any others, show why this entire hearing proposed by the Democratic majority is a charade and a political sideshow.

The majority leader has now come out and said he does not believe a 98-to-nothing resolution, which says all matters relating —and this is the test he created, one that has taken 4 days of debate to ferret out—and that is, if Mr. Fiske does not care, the majority does not care; and if Mr. Fiske is not finished, Congress cannot start.

I have introduced this amendment and I will shortly propose another amendment dealing specifically with the items in that 98-to-nothing resolution of March 17. Because if the limited scope of hearings proposed, and reiterated and reiterated and reiterated by the majority leader, is not changed, there will be no ability to ask these very relevant questions relating specifically to the Washington phase of the Whitewater investigation.

I do not intend to submit my list of questions to Mr. Fiske to get his approval. I also expect that we will have an opportunity to address those questions.

I have been taken with the compelling nature of several quotations which we have previously brought to the floor. A very thoughtful statement in 1991 on the need for congressional hearings on a proposed October Surprise:

> We have no conclusive evidence of wrongdoing, but the seriousness of the allegations, and the weight of circumstantial information, compel an effort to establish the facts.

And the powerful statement came from the majority leader and the Speaker of the House.

Another statement on November 22, 1991, in this body said:

> That is what this inquiry is intended to establish. I think it raises a question, a fundamental question, in everyone's mind. If one is so opposed to trying to find out the facts, the question arises: What are they trying to hide? Why are they so afraid of an inquiry? What is it that they are trying to conceal?

Those were made by the distinguished majority leader on November 22, 1991, in a floor speech on the October Surprise.

Mr. President, I think those questions are very appropriate questions to raise now.

AMENDMENT NO. 1792

(Purpose: To authorize hearings on the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corp.)

Mr. BOND. Now, to accommodate the majority leader, I have assured him that, as we just discussed, there will be an opportunity to follow the procedure which we have developed, with which I do not agree, but that is the procedure that we are following.

I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WOFFORD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1792.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1793 TO AMENDMENT NO. 1792

Mr. MITCHELL. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1793 to amendment No. 1792.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. MITCHELL. Mr. President, I would like to direct a question to the Senator from Missouri through the Chair.

Did I understand that the Senator has a second amendment which he will offer?

Mr. BOND. Mr. President, one of my colleagues has an amendment. We have not been able to reach him. He was planning to be here by about 8:30. We are attempting to contact him to see if he has that amendment ready. I am not at this point able to produce that amendment. I apologize, but I have not been able to reach him.

Mr. MITCHELL. Mr. President, I am trying to reduce the inconvenience to other Senators, and my effort is to have two amendments debated and then have those votes stacked in succession to give those Senators who are not present and attending to other duties a longer opportunity to do so.

What I would like to suggest is that we agree on a time limit on the amendment of the Senator from Missouri of 30 or 40 minutes, equally divided, and then at or before the expiration of that time, if the Senator would be ready either on his own or in behalf of another Senator with a second amendment, we could have that amendment presented and debated for a similar length of time and then vote on both of those at about 8:45 to 9.

I wonder whether that is satisfactory to the Senator?

Mr. BOND. Excuse me, Mr. President, I was conferring with some others. I did not get the full import of the majority leader's statement.

I would agree to 45 minutes, equally divided, which would put us at 8:30, when my colleague would be ready to offer his amendment.

If the majority leader wishes to set a later time for the vote on the two amendments, I at this point know of no objection on our side. If the majority leader wishes to do that, I will look for any contrary indication.

At this point I seem to see none.

Mr. MITCHELL. Mr. President, in order to accommodate the largest number of Senators, what I will do momentarily is to propose that we do 40 minutes, equally divided, on our amendments, at which time another Senator or designee be recognized on that side to offer an amendment which would also be the subject of a 40-minute agreement, and then Senators would have the assurance that there would be two votes after the expiration of the 80 minutes.

Is that agreeable? May I have some assurance that there will be a second amendment after the 40 minutes of debate on this amendment has expired?

Mr. BOND. Mr. President, I am advised that the Senator from Kentucky, Mr. MCCONNELL, will have an amendment and will be ready to proceed about 8:30.

I will certainly do all I can to see that that amendment proceeds in an expeditious fashion.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Then, Mr. President, I ask unanimous consent that there now be 45 minutes for debate on the amendments offered by Senator BOND and myself with the time equally divided between us; that at 8:30 p.m., the Bond amendment and my amendment to that amendment be set aside and that Senator MCCONNELL or his designee be recognized to offer an amendment, that I or my designee be recognized to offer a second-degree amendment to that amendment, and those amendments then be debated for 40 minutes and that at the completion of that 40 minutes, or at 9:10 p.m. this evening, the Senate vote on the pending Mitchell amendment; following the disposition of that amendment the Senate vote on the underlying Bond amendment as amended if amended; that following the disposition of that the Senate vote on the Mitchell amendment to the McConnell amendment; and that following the disposition of that amendment the Senate vote on the McConnell amendment as amended if amended; all of the above to occur without any intervening action or debate after 9:10 p.m.; and that the time, the 40 minutes of time for debate on the McConnell amendment and my amendment to his amendment, be equally divided between the Senator from Kentucky or his designee and myself or my designee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the benefit of Senators who are not present—and I assume some in their offices have been watching this—we now have pending an amendment by Senator BOND and my amendment to it. We have an assurance that Senator MCCONNELL or his designee will be here at about 8:30 to offer another amendment and I or my designee will offer an amendment to that. That debate will go on until 9:10. So Senators should be notified that we now expect two votes to occur at 9:10 p.m. And that following those votes, if there are to be more amendments on this bill, then we are going to stay in session and consider those other amendments and have additional votes.

I thank my colleagues.

Does the Senator now wish to address his amendment? I will be pleased to yield the floor to him.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, for the RECORD, let me explain what my amendment, were it not to be second-degree, would do. This amendment is one very directly relating to the issues surrounding Whitewater. As the terms of the March 17, 1994 resolution, adopted 98 to 0, say, we shall have hearings "on all matters related to Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, and Capital Management Services, Inc."

This is the Capital Management Services, Inc. portion of the request. This amendment expands the scope of the investigation to include matters relating to the sources of funding, the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation.

This amendment would authorize the committee to investigate all transactions involving David Hale and his SBA-licensed small business investment company, which is Capital Management Services, Inc., including the circumstances involving Mr. Hale's recent plea bargain with Special Prosecutor Fiske. David Hale, a former Arkansas municipal court judge, appointed by then-Governor Clinton, controlled Capital Management Services, Inc. Capital Management was a special small business investment company authorized to make loans to businesses at least 50-percent owned, controlled, and managed by socioeconomically disadvantaged individuals.

Judge Hale allegedly made a $300,000 loan to Master Marketing, a company owned by one of the principals of Whitewater, one Susan McDougal. Part of the loan's proceeds may have been used to fund Whitewater-related activities.

On September 15, 1993 the SBA placed Judge Hale's company, Capital Management Services, in receivership for capital impairment.

Why is this of interest to this body? Why is this of interest to the people of America? Because the SBA, on whose oversight committee I happen to serve—the Small Business Committee—the SBA estimates that Capital Management's insolvency will cost the American taxpayers $3.4 million. The taxpayers will have to pay the $3.4 million cost of Capital Management's failure, and they have a right to know whether loans were improperly made and whether certain loan proceeds were used to fund Whitewater activities.

One of the questions involving Capital Management and David Hale that taxpayers need an answer to include: Were federally guaranteed SBA loans made directly or indirectly to fund Whitewater-related activities?

In March 1986, Whitewater entered into a contract to purchase an 810-acre tract of land south of Little Rock from International Paper Realty Co. One month later, in April of 1986, Capital Management made Susan McDougal's company, Master Marketing, a $300,000 SBA-backed loan. According to a document provided by David Hale, $193,000 of the $300,000 loan to Susan McDougal was intended to be used to develop the land Whitewater had just purchased from International Paper.

Judge David Hale allegedly claims that Bill Clinton and James McDougal pressured him into making the $300,000 loan to Susan McDougal. The $300,000 loan to Susan McDougal's company was never repaid, and the SBA closed Capital Management in 1993.

To lay out the facts raises the kind of fundamental questions in everyone's mind that we in this body have sought to answer in previous congressional investigations of the executive branch. What I want to know in the offering of the second-degree amendment which is designed to wipe out and preclude the Banking Committee from asking these Whitewater-related questions of the SBA and others is, what is the amendment trying to hide? Why are its proponents so afraid of an inquiry? What is it that they, in this instance the majority, are trying to conceal?

If past practice is indicative, there will be a party-line vote to adopt a second-degree amendment that will wipe out all of the questions that I just asked.

These questions were questions that were initially approved by this body in the March 17, 1994 resolution which said that we should look into all matters relating to Whitewater and the Capital Management Services. These are questions that I think must rightfully be asked. I think the people of America have the right to expect to get clear answers from those who were involved, those who put taxpayers' money at risk and those who caused a loss to taxpayers.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate will now debate and vote for the eighth time on the same issue. The Senator from Missouri used three words that I think represent the best description of his amendment better than any I could use, and I will quote them: Absurd, charade, sideshow.

The Senate has now reached a point of an absurd charade that is a sideshow. We are now on the fourth full legislative day, stretching over 6 calendar days debating and voting over and over and over and over and over and over again on the same issue. This is a waste of time. It is a waste of taxpayers' money. It subjects the Senate to the kind of ridicule to which, unfortunately, the American people have become so accustomed.

An American citizen watching the Senate over the past several days might well ask: "Is this all they have to do? Do our Senators in Washington, DC, our Nation's Capital, have nothing better to do than to debate the same issue over and over and over again eight times and vote on the same issue over and over and over again eight times with the same result eight times?" And they would be right.

Let me go back and set the context of this amendment.

Earlier this year, our Republican colleagues requested the appointment of a special counsel to investigate the so-called Whitewater matter. A special counsel was appointed. He is a Republican, a lifelong Republican whose appointment was praised by our Republican colleagues. We were told by them that he is a man of experience and integrity, and they applauded his appointment.

Following his appointment, that special counsel, a lifelong Republican whose appointment was applauded by Republican Senators, requested in writing on his own initiative that the Senate not conduct hearings into matters that were the subject of his investigation because to do so might undermine his investigation and might make it impossible for him, if he finds wrongdoing, to prosecute and punish those responsible for the wrongdoing.

But immediately after the appointment of the special counsel, our Republican colleagues completely reverse their course and begin calling for precisely those hearings which the special counsel asked not occur.

Why, Americans might ask, would they do such a thing? Why would they completely reverse their position on this matter after having gotten the appointment that they said they wanted of a person who is a member of their party and whose appointment they praised?

The answer has become clear in the subsequent events. They are not interested in a serious investigation. They want a political circus in which to attack and demean and harm the reputation of the President of the United States and the First Lady of the United States. That is what this is all about, and the American people know that.

Consistently, month after month, public opinion polls have reported that a large majority of Americans believe that the Republicans are doing this only for political purposes. What has happened in the last few days provides overwhelming evidence that the American public is right.

After they requested immediate hearings, contrary to the stated desires of the special counsel, whose appointment they initially praised, the Senate debated and discussed the matter. On March 17, the Senate voted by a vote of 98 to 0 that there would be hearings. "The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." That was the Senate vote.

Now, along come our Republican colleagues, having voted for that resolution, and completely reverse their position again. They are demanding that hearings occur structured and sequenced in a way that would directly interfere with the investigation of the special counsel—another complete reversal of position.

In behalf of the Republicans, Senator D'AMATO offered an amendment to conduct hearings way beyond what the special counsel requested.

He asked that since his investigation is divided into two phases, the hearings conducted by the Congress be divided into two phases. And that when he finished the first phase of his investigation, the Congress hold the first phase of its hearings. And that when he then finished the second phase of his investigation, the Congress have hearings on the second phase.

The amendment offered by Republican colleagues did not do that. It wanted all of the subjects included in the first phase of the hearings, exactly what the special counsel asked not be done.

I then offered an alternative amendment which was consistent both with the Senate's vote of March 17 and with the special counsel's request, and I offered to our Republican colleagues to bring the matter up as a separate bill and to let them have a vote on their amendment and we would have a vote on my amendment, and whatever the Senate voted would be accepted.

They rejected that offer. They did not accept an agreement under which they would get a vote on their amendment and we would have a vote on my amendment as a separate bill unrelated to other legislation.

Instead, they chose to offer their amendment to an unrelated bill, an airport improvements bill. I then offered my amendment as a second-degree amendment to theirs. We were ready to vote on it last Thursday. But after they, for weeks, said we want a vote on Whitewater, we want hearings on Whitewater, when we were ready to vote, they would not vote. They delayed a vote for 4 days, prevented a vote from occurring. The reason, when we got to the vote, was obvious. Their amendment was decisively rejected, and the alternative, which I proposed, was accepted.

Now what has happened since then, having lost on their amendment, they have now taken each paragraph of their overall amendment, lifted them out and offered them as separate amendments. That is to say, a subject which the Senate has already debated, voted on and rejected, is now being raised in separate, individual amendments for the obvious purpose of delay and obstruction.

The amendment which the Senate has already approved provides that we will have hearings on the subjects that are the first phase of the special counsel's investigation. That is what we voted to do in March, and that is what the special counsel has requested.

Our colleagues, by contrast, have come in here—this amendment is a perfect example—and sought to include in the first phase of the hearings the very subjects which the special counsel has said he does not want included in the first phase of these hearings because they are involved in the second phase of his investigation.

Now, over and over again our colleagues, and the Senator from Missouri himself, have called the proposal that I have made a sham. He has used that word several times.

Mr. President, just a few moments ago the bipartisan leadership of the House of Representatives has agreed to conduct hearings under an agreement which is virtually identical, almost word for word, with the proposal that I have made and the Senate has adopted.

Is it the Senator's contention that the House Republicans are participating in a sham? This agreement exposes our Republican colleagues in the Senate as engaging in obstruction, in absurd practices, solely for the purpose of delay and solely for the purpose of attacking the President and First Lady of the United States. That is their motive.

They have now had 4 days of flinging accusations at the President, some—and not the Senator from Missouri; I wish to make it clear—some making reckless, unsubstantiated, unproven allegations trying to link the President and Mrs. Clinton to lurid activities. So we heard here on the Senate floor in the course of this debate there have been four verified attempts on a person's life. We heard here on the Senate floor during this debate about "money laundering," and a number of other lurid accusations that are unsubstantiated, that there is no relationship whatsoever to the President and First Lady of the United States, but tossed out there in a classic example of innuendo.

All Americans have heard the word innuendo. Some may wonder what it actually means. The dictionary describes it as a veiled attempt to injure a person's character or reputation. That is what we have seen out here during the course of some of this debate by some of our colleagues.

Mr. President, we ought to get on with the business of the Senate and the country. The House Republicans and the House Democrats have reached an agreement to hold hearings that are in a form virtually identical to that which I have proposed and which the Senate has adopted. Why then, I ask, are our Republican colleagues in the Senate engaging in such obstruction and delay, wasting time, wasting taxpayers' money for no useful purpose, in a manner inconsistent with the vote of the Senate itself, for which our colleagues themselves voted, and inconsistent with the request of the special counsel?

Mr. President, lest there be any doubt about the actions of the House, I am going to read the statement from the joint leadership of the House. I ask my colleagues to compare it with the words of my amendment which the Senate has already adopted.

The bipartisan House leadership has reached agreement on holding several days of public hearings on three aspects of the so-called Whitewater investigation now being conducted by Special Counsel Robert B. Fiske, Jr. This agreement is consistent with the provisions of H. Res. 394, adopted by the House on March 22, 1994, which states that any hearings conducted by the House committees should be structured and sequenced so that they will "not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." and is based on Mr. Fiske's statement to the bipartisan leadership that his review of those three areas is very close to conclusion and that Congressional inquiry into those three areas, once he has completed investigation into them, will not impede his overall investigation. Mr. Fiske has specifically asked the bipartisan leadership to refrain from Congressional inquiry into the other aspects of his investigation for now.

The three subjects of the public hearings will be: the White House contacts with Treasury/RTC officials about "Whitewater"-related matters; whether the death of Assistant White House Counsel Vincent Foster was a homicide or a suicide; and the White House's handling of the contents of Foster's office during the investigation into Foster's death.

The bipartisan leadership has agreed that hearings on these three areas will be held by the Committee on Banking, Finance and Urban Affairs and that all Members of the committee will have timely, equal access to necessary documents and may be assisted by staff of other committees of the House.

The hearings will begin within 30 days of notification by Mr. Fiske that he has completed his investigation into these three areas.

Mr. President, I repeat. This is almost exactly what I have proposed, what the Senate itself has adopted, and which our Republican colleagues in the Senate simply will not accept. Instead, after first clamoring for a vote, when confronted with the reality of a vote and the prospect of defeat, they delayed it for 4 days. And now that the vote has occurred, with an outcome contrary to their wishes, they have engaged in obstructionist tactics, wasting time, wasting money, wasting effort. For what end? The only end is to attack the President and Mrs. Clinton.

Well, I say to my colleagues that 4 days to attack the President and Mrs. Clinton, I think, is about enough. Why do we not pass the resolution that we have already voted on? The House Democratic and Republican leadership have completed agreement on it. They are going to proceed as I have suggested. If it is such a bad idea, why did they accept it in the House by the leadership of both parties?

Let us get on to complete action on this. Let us pass the airport improvement bill. Let us get to the rest of the work of the Senate. The American people expect us to do our work. We have to do 13 appropriations bills before the end of this fiscal year. I hope to start on one tomorrow.

We have to do health care. We have to do welfare reform. We have to do a crime bill. They did not send us here to debate and vote on the same issue 8 or 18 or 80 times. In their lives and in our Nation's business, when we make a decision, we make a decision, and we accept it and we go on. But we have made a decision, and I urge our colleagues to accept it. We have had the vote. In fact, we voted eight times, the same subject. Now we are going to vote on it two more times at 9 p.m. and 10 p.m. We will vote the 9th and 10th times on the very same issue.

Mr. President, I hope our colleagues will agree that 10 times voting on the same issue is enough, and that we not waste any more of the Senate's time, that we not waste any more of the country's time, that we not waste any more of the taxpayers' money, that we complete action on this, that we emulate the House leadership and act in a responsible and reasonable way—not try to engage in a political circus, but act in a responsible and reasonable way to get this investigation underway, to get this bill behind us.

Mr. President, I yield the floor.

I reserve the remainder of my time.

I ask unanimous consent that the statement issued by the House of Representatives entitled "House Hearings on Whitewater" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE HEARINGS ON WHITEWATER

The bipartisan House leadership has reached agreement on holding several days of public hearings on three aspects of the so-called Whitewater investigation now being conducted by Special Counsel Robert B. Fiske, Jr. This agreement is consistent with the provisions of H. Res. 394, adopted by the House on March 22, 1994, which states that any hearings conducted by House committees should be structured and sequenced so that they will "not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." and is based on Mr. Fiske's statement to the bipartisan leadership that his review of these three areas is very close to conclusion and that Congressional inquiry into these three areas, once he has completed investigation into them, will not impede his overall investigation. Mr. Fiske has specifically asked the bipartisan leadership to refrain from Congressional inquiry into the other aspects of his investigation for now.

The three subjects of the public hearings will be: the White House contacts with Treasury/RTC officials about "Whitewater"-related matters; whether the death of Assistant White House Counsel Vincent Foster was a homicide or a suicide; and the White House's handling of the contents of Foster's office during the investigation into Foster's death.

The bipartisan leadership has agreed that hearings on these three areas will be held by the Committee on Banking, Finance and Urban Affairs and that all Members of that Committee will have timely, equal access to necessary documents and may be assisted by staff of other committees of the House. The hearings will begin within thirty days of notification by Mr. Fiske that he has completed his investigation into these three areas.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Missouri.

Mr. BOND. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, several items that were raised by the distinguished majority leader I think merit some comment. He was correct saying that I did use the terms "absurd", "charade", "sideshow." I think I probably even used "fig leaf" and "sham." Those were all terms that I believe I applied to the effort to second-degree all of the amendments offered on this side which are designed specifically to get at information which I believe this body has an obligation to explore because they relate to very clear potential acts of misdoing, wrongdoing by the administration.

I could not say it any better than the majority leader said it when he was arguing for investigations of the "October Surprise," and other things.

I call to my colleagues' attention that even when there were Republicans in the White House and Republicans in control of the Senate, we led full investigations on Iran-Contra, John Fedders at the SEC, Charles Wick at the USIA, and William Casey of the CIA. We were even able to walk and chew gum at the same time because we held concurrent investigations with the independent counsel and Congress. It is possible. We can do two things at once in this town. The EPA Superfund and Anne Buford were investigated by both an independent counsel and Congress. So was Michael Deaver, and so was Iran-Contra.

So it is quite possible that we can go forward with investigations even though the special counsel has undertaken investigations.

Let me be clear on one thing. The very first call, I believe, from our distinguished Republican leader, Senator DOLE, on December 21, 1993, was for full congressional hearings on the Whitewater matter. When the Department of Justice acted subsequently to appoint a special prosecutor—and certainly I was one who said, from everything I had heard about his reputation, that he is a very qualified person—when they appointed a special prosecutor to pursue and ferret out potential criminal wrongdoing, we thought that was a good step. But it did not change in any way the obligation that this body has to conduct oversight hearings into agencies over which we have authorizing legislative authority and appropriations authority. We have already set out in a number of instances why and where we believe that improper actions were taken in Washington, DC.

The majority leader has just developed a very powerful argument against an amendment I did not raise, against charges that I did not make. The special counsel did not look into contacts between the Department of Justice and the White House with respect to the criminal referrals or any of the matters relating to Whitewater. I believe that we have a responsibility to ask those questions. The special prosecutor has not been involved in those areas, to my knowledge.

To my knowledge, he certainly has not asked me, and according to the majority leader, he did not ask him not to hold investigations which question the Department of Justice, its officials, or former officials. That special prosecutor who said no when we asked, "Mother, may I?" does not work for the Department of Justice investigations. The special prosecutor does not have any veto over what we can look into.

The majority leader makes much of the actions he reports from the House of Representatives. So be it. If that is what that body wishes to do, that is fine. I believe that we have a responsibility to ask other questions. And that is why I have proposed an amendment, which was just second degreed out of existence, to interview the Department of Justice to look into their activities and now to get into what the SBA was doing with respect specifically to Capital Management Services.

When we look at the money the taxpayers lost, it was not only through the federally insured savings and loan, it was also through an SBA-backed firm called Capital Management. It was not until the spring of 1993 that SBA determined the extent of problems that existed within Capital Management, and an internal investigation was begun of David Hale's practices.

On May 20, 1993, the SBA inspector general made a criminal referral on Capital Management Services to the Justice Department which then initiated an investigation. On July 20, 1993, the FBI received approval of a search warrant, and on July 21, they raided CMS and seized a series of loan files. Among the loan files seized was Master Marketing, the firm operated by Susan McDougal. Then on September 15, 1993, the SBA placed Capital Management Services, Inc. in receivership because of capital impairment. On September 23, David Hale was indicted for fraud.

What is important and relevant about these events? Why do we believe they should include a thorough review of David Hale and Capital Management Services? Well, Mr. Hale has claimed that the President's business partner in Whitewater Development, Jim McDougal, approached him about making a $150,000 loan from CMS to McDougal. He then claims that shortly after that conversation, in early January 1986, he bumped into then-Governor Clinton and was asked by the Governor if he was going to be able to "help Jim out." Mr. Hale stated publicly that he was told that these funds were needed by McDougal to handle some irregularities which would otherwise show up in the next savings and loan audit of Madison Guaranty.

The Federal Home Loan Bank Board audit was due to occur in the March-April time period of 1986, and it became the audit which caused McDougal's ouster from the S&L and led, eventually, to the entire board being removed, as well as a series of prosecutions in which the head of Madison's board pleaded guilty to falsifying loan records. Hale also claimed that in mid-February of 1986, he received a call from McDougal asking whether he would meet with him and then-Governor Clinton. Hale states that he met with them and was urged to help them out by making the loan.

It seems to me that as we try to get to the bottom of the case, Congress should have the right to ask questions about those alleged meetings and conversations. Criminal prosecutions have already gone forward in those areas. We are not looking at areas which might interfere with the special prosecutor's investigation because criminal charges have already been brought. The statements by Mr. Hale have been disputed both by the White House and McDougal. Thus, it makes sense to have an opportunity and a forum in which to lay out the claims and sort out the truth.

While there may be disputes about who talked to whom, there is no dispute as to what occurred next. On April 3, 1986, CMS loaned the $300,000 to Susan McDougal. It was the largest loan made in the 7 years of CMS's existence, twice the size of previous loans. It was a 12-percent promissory note for $300,000, a payment of interest only of $36,000 for the first and second years, then $14,000 a month, including interest, in subsequent years.

The check was deposited into a McDougal account at Madison Guaranty and, within days, over $150,000 was drawn out to pay other McDougal land deals. We believe that $25,000 was used as a downpayment on a second Whitewater Development Corp. land purchase south of Little Rock, and that over $111,000 was transferred into another McDougal project called Flowerwood Farms. None of this money went to the working capital of Master Marketing.

All of this leads to questions about the SBA and their activities. Note very clearly that this is a question that goes to the functioning of the Small Business Administration. How can an SBA program designed for one purpose be allowed to go so far afield? Should the SBA tighten up its regulation and supervision of the small business investment companies? I believe Congress clearly has an interest in reviewing and potentially revising the way this program is administered.

Mr. President, it is important to realize that the $300,000 loan made to Master Marketing was improper in just about every way.

One, the recipient was clearly not disadvantaged.

Two, the money was not used for its stated purpose.

Three, the money was used for real estate purchases, which violates the prohibition on the use of SBIC funds for real estate.

Four, it was never repaid.

Fifth, the Federal Government and the U.S. taxpayers ended up holding the tab.

This means, once again, that the taxpayers were paying the tab for activities in the Whitewater field. I believe the number of questions all this raises, once again, shows why hearings are so important and why the Mitchell second-degree amendment, with its narrow scope, designed to preclude our inquiry into these matters, is totally off the mark.

Mr. President, the people of the United States have the right to get some answers, and I do believe it is a sham and a fig leaf to keep blocking the inquiry, or even a vote on these questions, by offering the same second-degree amendment. These are issues that will be explored; these are issues that need to be brought out; and I cannot understand, in light of the very strong commitment of the majority leader, shown in investigating acts of wrongdoing or potential wrongdoing in previous Republican administrations, why they should be so objectionable and so feared that they need to be second degreed out before this body can vote on them.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. How much time is left on each side?

The PRESIDING OFFICER. One minute 40 seconds on each side.

Mr. FORD. Does the Senator want to finish his 1 minute 40 seconds?

Mr. BOND. I will yield first to my colleague from Kentucky.

Mr. FORD. I thought so.

Mr. President, let me make two quick points, if I may. We have heard these arguments over and over again. They are getting so repetitious that we know them by heart now. So it does not take long to just keep on, keep on, keep on. What we are doing is seeing that this side is beginning to get pushed into a corner. Even the joint leadership in the House have agreed basically to what we are trying to do, which the special counsel has said is basically fair and meets his goal.

So now we find that everybody, basically, except this group—and maybe they will keep right on—has seen that this is the best route to go in fairness and in completion and in competent investigation.

Mr. President, we have had eight votes, I believe, and we are getting ready to have two more, and probably some more before the night is over, and we are delaying millions and millions of dollars that ought to be going to every State to build airports, to help their airways, to see that those people who paid a 10 percent tax on their airline ticket—their money that has gone into entitlements, any airport improvement, and many other things in the bill. But we are delaying and preventing the construction season to get underway. We are preventing the people from taking advantage of the tax dollars and the time.

So, Mr. President, I hope they get off this bill, let me get it passed so I can go to conference and have it done before July 1.

Mr. BOND. Mr. President, with respect to the votes that we have had here, we have attempted to focus an investigation that we believe is in the best interest of the American people. We have seen millions of dollars lost. There have been substantial indications of lax practices by agencies, financial agencies in the Treasury, the RTC, perhaps even wrongdoing in the Department of Justice or failure to follow procedures.

Certainly, in the amendment before us right now we have practices by the SBA, the Small Business Administration, which are not defensible.

I simply ask our colleagues to allow us to ask questions in this Whitewater-related matter that would help us determine whether there are changes that need to be made in the SBA.

House Republicans were forced to accept a very limited scope amendment. Of course, they were. Everybody knows that the Rules Committee in the House does not allow the minority party to have votes or to conduct investigations.

In the past, this body has on a Democrat and Republican basis had the opportunity to debate issues on a much broader basis, raise questions and generally to get an up-or-down vote. We are being denied an up-or-down vote. But the people of America should know that a vote for the second-degree amendment is a vote not to investigate the SBA and Capital Management Services just as a vote for the second-degree amendment on the last issue was a vote not to look into the Department of Justice contacts with the White House.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the junior Senator from Kentucky was to be recognized.

Mr. FORD. Mr. President, since obviously the junior Senator from Kentucky is not now present in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, has the Bond amendment been temporarily laid aside?

The PRESIDING OFFICER. It has. The bill is open to amendment.

AMENDMENT NO. 1794

(Purpose: To authorize hearings on any issues developed during, or arising out of, the Whitewater oversight hearings)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1794.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about any issues developed during, or arising out of, the hearings conducted by the Committee on Banking, Housing, and Urban Affairs under this Act.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1795 TO AMENDMENT NO. 1794

Mr. FORD. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. MITCHELL, proposes an amendment numbered 1795 to amendment No. 1794.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment to dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. FORD. We have already voted on it nine times.

The PRESIDING OFFICER. The Senator from Kentucky has 17½ minutes.

Mr. McCONNELL. Mr. President, the underlying amendment that I sent to the desk continues our rather lengthy discussion about the appropriate way in which the Congress and particularly the Senate should exercise its oversight responsibility in what has been widely described as the Whitewater affair.

Mr. President, at this rate the big scandal voters will take into the voting booth with them this November, I fear, is not Whitewater but whitewash. Operation Whitewash. The congressional coverup.

Understandably, members of the President's party, and the White House, would like to sweep it all under the rug, pretend Whitewater never existed, deride as politics any effort by Republicans to explore the matter in a congressional forum. That is, Mr. President, as if politics was somehow an alien presence in this place.

Not that politics had anything to do with the 25—I repeat—25 congressional investigations of administration matters during the Presidencies of Ronald Reagan and George Bush. Twenty-five times, Mr. President, 25 times during those 12 years frustrated Democrats hoped in vain that each was political manna. Oh no, it was said, those were instances where Congress needed to "do its job," protect the American people, it was said, air the issues, explore the charges, conduct oversight on behalf of the American people.

That is what was said by our friends on the other side of the aisle when it was a Republican in the White House, Mr. President. We are just trying to make the point here that what is good for the goose is good for the gander, and it is pretty hard to explain away those 25 congressional investigations in terms of what has been happening here when the occupant of the White House happens to be of a different party.

Mr. President, I do not think the whitewash will wash with the American people. Congressional Democrats can delay, dawdle, deny, dither, and detour ad infinitum—because they run this place. All of it—the House and the Senate. But do not think people will not sit up and take notice.

Democrats hold the keys to open the door to the truth. But at most, at least so far, they are willing only to put the keys in the door after they are darn sure the deadbolt and chain have been firmly put in place.

The voters, Mr. President, want us to kick the door in, all the way in, wide open. They want the whole truth. They want it all out on the table where everybody can take a look at it. They want to judge for themselves, Mr. President, whether it is all political, whether it is all media hype, as our friends on the other side contend. Americans are tired of the spin. It is not enough to hold rigged hearings, carefully crafted to avoid airing troublesome issues contained under the Whitewater umbrella.

Now, Mr. President, the underlying amendment which I have sent forward assures that when hearings are held—it is a very simple amendment—when hearings are held, whether according to the Democrat or Republican blueprint, if any new issues develop during the hearings or arise out of them, the oversight committee could pursue them.

Let me repeat, Mr. President. It is not complicated here.

In fact, I suspect it is the way every congressional hearing we have ever had around here has been conducted; that is, if any new issue arose, no matter which set of guidelines were adopted, a majority set of guidelines for the hearings or a Republican set of guidelines for the hearings, no matter which set of guidelines we were pursuing, if a new issue developed, the oversight committee would be free to pursue them.

I suggest, Mr. President, that no other approach to the matter makes any sense whatsoever. For any committee investigating any subject to conclude in advance that some new item brought to light by testimony before the committee had to be ignored is utter nonsense.

So what I am suggesting, Mr. President, in the underlying amendment is that the committee, no matter which set of guidelines the Senate ultimately adopted to pursue the oversight hearing, be free to go into any matter brought to light by the hearing.

That is why we have hearings—to learn. Frequently in public hearings, as a matter of fact, virtually all of the time in a public hearing around this place or any other legislative body, new things come to light. That is why we have hearings.

So I want to make it clear, Mr. President—and I would hope the Senate would share that view—that no matter what the parameters of the hearings in the beginning, that any new matter brought to light could be pursued. This would at least, Mr. President, partially loosen the straitjacket that the majority leader's proposal seeks to put the committee in. Bear in mind, the Democratic leader, the majority leader's proposal, puts the committee in a straitjacket, allows it to pursue only certain items.

I am sure it will be discussed here on the floor tonight that the House Republicans have essentially agreed with the majority over in the other body to the same stipulations that the majority leader is offering us here.

I would say that this is not the House. This is the Senate. And, of course, the minority in the House is in a very poor negotiating position. As we all know, the House of Representatives is largely like a triangle. At the top of the triangle is the Speaker and the chairman of the Rules Committee, and they can run the place because House rules simply do not allow the kind of latitude, either to individual House Members or to the minority party, that you have here in the Senate. So the poor House Republicans have to take the best deal they can get and are not in a position, under the rules of the House, to leverage anything better. So the House Republicans speak for themselves on this matter. We all understand the constraints within which they operate because of House rules.

Here in the Senate, it is different. There are some levers available to the minority, one of which we have been pursuing over the last week or so, to try to get an open, objective evaluation of what may or may not be a problem with regard to the Whitewater matter.

Now the independent counsel, Mr. Fiske, was given more latitude and authority than the congressional oversight committee is granted under the majority leader's proposal that we were discussing, and a similar one the House Republicans acceded to on their side because of their rules. The independent counsel was given a mandate to investigate allegations or evidence "developed during, connected with or arising out" of his primary investigation.

Mr. President, if the independent counsel is given this authority, the Senate certainly ought to be provided the same latitude. Our opportunities under the proposal by the majority leader are considerably more circumscribed than that of the independent counsel. It seems to me a most unfortunate restriction.

Let us not forget that public knowledge of the White House interference with the ongoing RTC investigation of Madison Guaranty arose out a routine oversight hearing earlier this year. That sort of illustrates the point I am trying to make here with my amendment, Mr. President; that you cannot entirely anticipate what is going to come up in a hearing. You have witnesses who come before it. Are they going to tell the truth? Senators are going to ask questions in a variety of areas. You cannot just decide in advance that you are going to ignore new information that may arise.

So the purpose of the underlying amendment that is at the desk is to give the committee the authority to pursue any new matter which might arise during the course of the hearing, regardless of what kind of blueprint for the hearing was adopted in the beginning.

It would be ludicrous, perfectly ludicrous, Mr. President, to confine a committee, any committee, in its investigation of Whitewater. That is why, as I said earlier, it could be rightly construed as whitewash. If you have such a narrow line of inquiry that it simply hogties the committee and allows it not to pursue legitimate areas of inquiry, one could only call that whitewash.

Mr. President, I am afraid that is what it would come down to if we pursued this matter with these kinds of rigid guidelines. The main issue is, are we going to pursue the truth, or are we going to maintain some kind of coverup here by so restricting whatever committee is ultimately established in the inquiry?

At this juncture, Mr. President, I think it is important to remember that Whitewater, if it is a problem, is the President's problem. If the Congress, and in particular if the Senate, continues to stonewall over full and fair hearings, then whitewash will be the problem of the Senate. Whitewater will be the President's problem; whitewash will be our problem.

It seems to me, Mr. President, regardless of party affiliation, the last thing the Senate would want to engage in is drawing itself into this Whitewater matter by engaging in activities that the public could rightly construe as whitewash. We do not make Whitewater any better by having whitewash here in the Senate.

In closing, I am reminded of the countless times we have heard from people on both sides of the aisle here, mainly on the other side. I remember, during the Reagan and Bush years I used to hear, "What are the Republicans afraid of?" "What are the Republicans afraid of?"

I think it is fair to ask folks on the other side, our good friends: What are the Democrats afraid of? What is the White House afraid of? If there is no problem here, Mr. President, why do we not go ahead and have the oversight hearings?

We did it 25 times. Twenty-five times during the Reagan-Bush years we had oversight hearings. I do not recall any of them being restricted. I do not remember every single one of them. I did not serve here all of that time, but I remember many of them. They ranged far and wide and made a legitimate attempt to get all the questions out there and to get as many answers as they could get.

So, Mr. President, I hope that we will allow the kind of inquiry that the American public demands. And, just because the administration may have a Whitewater problem—may not; we do not know yet—let us not create a whitewash problem for us here in the Senate.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, how much time does each side have left now? We vote at 9:10; is that correct?

The PRESIDING OFFICER. The Senator is correct, 9:10.

The senior Senator from Kentucky has 17 minutes and 20 seconds, and 3 minutes and 50 seconds remain for the other side.

Mr. FORD. Mr. President, I find myself in an awkward position, since all these lawyers get up and argue all the many proposals and ways of doing things. They are pretty good word merchants—pretty good word merchants. It is difficult for me, sometimes, to try to find a way to express myself that would be sufficient for the general public to understand what I am honestly trying to do and what I think is honestly trying to be accomplished here.

The amendment that we have before us, the underlying amendment, is perhaps the classic example of the process the Senate has been going through, that has been ongoing for the last several days. I would have to ask the lawyers. My dad always said a little knowledge of the law is dangerous. Get you a good lawyer and stay with him—or her. But as I read this amendment, you can do anything, anytime, anywhere that you want to. This is not limited to anything. It is wide open. It just says they authorize hearings on any and all issues.

They did not say limit it to Whitewater. It does not say limited to X, Y, or Z. But the amendment says "to any and all issues that might arise."

I do not know what issues are going to arise. They do not, either. But, boy, it sure does give them a broad door to go through. And I do not think that that is what we are trying to do.

So I hope what we are trying to do here is not make the mistakes of the past, but to be sure that what we do in our hearings just does not jeopardize any prosecution in the future—which we have experienced in the past. What you see in the amendment of the majority leader that I sent to the desk reflects that March 17 resolution. Full hearings will be conducted. I do not think there is any doubt about that, that full hearings will be conducted. But they will be done in phases. I think that is proper. The special counsel has said: This is what I would like for you to do in order for me to conduct a complete and thorough investigation. If I find wrongdoing, proceed to the courts.

I think that is straightforward. We will have full hearings and they will be conducted, but they need to be conducted in phases to be sure we do not jeopardize the special counsel's pursuit of information.

This amendment would authorize hearings on any and all issues that might—that might—arise, as the Senate conducts its hearings, with no limit, with no necessary reliance on anything that is before the Senate as a resolution, to get into whatever is there. Broad. Get in. Reach. The special counsel has asked us not to do that.

We have been going for some time and I guess we are getting ready to vote the 9th and 10th times on the identical language. As I said earlier, there has only been one vote different, and one Senator was necessarily absent from the Senate Chamber and that Senator did not vote, so that was one change. That Senator is now back and the votes, I believe, are identical. They have been that way for every vote.

I have worked since last November to put together an airport improvement reauthorization bill that has many things in it for many States. Every State in the Union will have entitlements. Every State in the Union will be entitled to discretionary money. Since the junior Senator from New York has been the leader in this, I have tried to explain to him that last fiscal year, New York received $81 million from this bill and next year it probably will be more; that he is now stopping the entitlements that are due that State under the law—$25 million this year, $25 million next year, and $25 million the year after that. All States have that. That is in this bill.

I could go down the line. I think I have tried to accommodate in this bill every Senator on both sides of the aisle. In fact, we had one come tonight who wanted a colloquy, wanted to get it in. We read it, improved it, changed a word or two. I am ready to get it in. I guess I could do it now, but it would get all mixed up in this debate that has been going on, now, for days.

I would like to get the bill behind us. It seems to me we have been repeating and repeating and repeating and repeating the same thing. If you think the House is the House and the Senate is the Senate, and the House over there, they have it under control and forced the Republicans into doing something—I have never known the Republican leader in the House, BOB MICHEL, to be led into anything—let alone NEWT GINGRICH. If you forced NEWT GINGRICH to stand up in front of the press over there and agree with the Democrats when he does not want to, that is not the Congressman from Georgia I know.

So when they agreed to it, and come publicly with it, that tells me that this is on the right track. The majority leader's amendment, the majority leader's suggestion, is on the right track.

You can say this is the Senate and that is the House. But I still go back to the fact when the Congressman from Georgia, Congressman GINGRICH, stands up and says something, that he was forced to do it just does not wash with this Senator. And I do not believe it washes with those on the other side.

So it is getting down to a point where everybody, basically, is beginning to agree we are on the right track. We are agreeing with the special counsel. We vote and vote and vote, and delay and delay and delay. After 8 months of hard labor, it is tough to stand here and see this happen on a piece of legislation that helps all of the Senators, helps all the States.

Do you want to know something? The bill that they are delaying is a jobs bill. It is a jobs bill because every airport that is built, every runway that is expanded, everything that is done creates jobs for our people back home. But we have stopped it for days and days and days, and it appears they are going to continue to do that. Every day we miss on the construction season is a job lost back home. Keep on losing jobs for American people, but standing up here and filibustering by amendment. You just say to the American people that we do not want you to have jobs; we do not want you to get your airport fixed.

After 8 months of hard work and putting it all together and getting basic agreement, you are getting ready to pass it with two or three amendments and then, bam, all of a sudden you get these amendments day after day after day. And that money put there by the taxpayers to help the airways and improve the economic conditions—the best economic development tool you have in a community is an airport, for those blue chippers to fly in there and not have to be driven for an hour or 2 to see your industrial site.

So, Mr. President, I hope sometime soon the shackles can be taken off of this piece of legislation by those who are trying to not vote on what they have asked for; not vote on what they have asked for all these weeks.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER [Mr. SIMON]. The junior Senator from Kentucky has 3 minutes and 50 seconds.

Mr. McCONNELL. Mr. President, the resolution we passed, I believe it was by 98 to nothing, back on March 17 of this year, indicated that the procedure, in terms of matters allowed to be inquired into, would involve—and this is a direct quote from the resolution of March 17, 1994—"hearings on all matters." So the proposal of the majority leader at this juncture is a step back, as I understand it, from the March 17, 1994, 98-to-0 resolution which authorized hearings on all matters to limit that to three: Vince Foster's suicide, White House handling of Foster documents, and White House-RTC contacts regarding Madison Guaranty.

So what we have had here, Mr. President, is a further narrowing of an original 98–0 Senate vote which anticipated hearings on all matters—all matters.

Let me just say further, it seems to me it would be without precedent—maybe it has happened some time in the history of the Senate—it seems to me it would be without precedent for a hearing to be proceeding and for a Senator to ask a follow-up question and for the gavel to come down somewhere, "Oh, you can't answer that," and the chairman sits there and reads some prescribed parameters that seem to prevent a logical inquiry into a new fact that arose during the hearing. That is what the underlying amendment is about.

It is simply making the point that if everybody is sitting there listening to the witness and he brings up some new area, that regardless of what the original prescription for the hearing was, like on every other hearing conducted around here on every other subject since time began, the Senator would be free to ask and the witness would be free to answer any question on any new area that might arise during the course of the hearing.

To do anything other than that, Mr. President, I would argue can only be called a whitewash. Why do we want to have a scandal here in the Senate? I do not even know if the administration has one. There has been a lot of talk about Whitewater. I personally have no preconceived notions about it at all. I assume the President is not going to put it on his resume when he runs in 1996. Beyond that, we do not know if this is a scandal or not. We cannot even ask any questions.

There were 25 investigations during the Reagan-Bush period into every conceivable newspaper allegations of impropriety, and here we have what appears to be at least a legitimate inquiry on the part of the Congress carrying out its oversight responsibility, and the majority wants to so restrict the inquiry that it can only be concluded by any reasonable person taking a look at the facts to be a whitewash.

Why in the world the Senate would want to taint itself by restricting its inquiry in such a manner is beyond me.

The PRESIDING OFFICER. Time of the Senator from Kentucky has expired.

Mr. McCONNELL. So, Mr. President, I hope the second-degree amendment will not be approved and the underlying amendment will be. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. FORD. Mr. President, it is always uncomfortable to be on the other side of my colleague. It does not bother me a whole lot, but it makes me uncomfortable. And when he uses terms that really are not comfortable for the institution, talking about fraud, a scandal here when we are just debating an issue, is part of the innuendoes we have been hearing now for several days.

We talked about and he referred to the March 17 resolution that was voted 98–0. There is one paragraph that I think is pretty straightforward:

> The hearings shall be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

That is all it is.

What this amendment does is it is opened up to everything. Somebody said, "Well, I went over and smoked at Lizard Lounge with John Jones and he told me so and so." Well, that leads into something else.

I just think this is too broad. But my colleague said that the resolution said that it shall look into all matters, include hearings on all matters. That was a good statement. He forgot to say, "related to."

That is what happens after you have been in politics for a while. They take your statements out of context, and he just did not finish the sentence. All hearings, but he forgot to say "related to." That is in the resolution, that 98 of us voted for; 98 to zip—98 to zip.

So, Mr. President, sure, that is what it said, but you have to finish the sentence. You have to add those other two words to make it whole. What we had was a statement that was not quite completed: all items related to; including all matters relating to. And they set those out.

There is an honest difference here, regardless of what you say, whether the Democrats will not let Republicans do it, Republicans are trying to get the Democrats, or we are trying to do this or we are trying to do that.

One thing for sure, I have never heard a man more complimented than Robert B. Fiske, Jr. when he was appointed or selected than from the Republicans. And in 24 hours, they turned on him through this process on the Senate floor. That process we have seen today and yesterday and the day before of on and on and on.

So I think it will be seen for what it is, regardless of the sound bites that might come out of here. The sound bites are always good, but we get tired of them. They may come back to haunt you.

Congressman Udall made the statement—and I have to watch myself quite often; I get worked up about these things and I should not do it—but Congressman Udall said, "Dear Lord, make my words soft and sweet for some day I might have to eat them." Therefore, I have to be very careful.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. FORD. I do not know that I ought to. I think I will just keep the time and try not to get into anything more.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes and 52 seconds remaining.

Mr. FORD. Mr. President, let me just encourage my colleagues on the other side—I see the distinguished ranking member of the Commerce, Science, and Transportation Committee who has worked very hard on airport improvement in his State, particularly in the city of St. Louis. We included a whole bill in this particular piece of legislation, and I hope some others believe we worked very hard. We have the airport reform bill after that in case we made some mistakes, we can clean them up.

Mr. President, this is a jobs bill that is being held up—the construction of new airports, the construction of new runways, the roads that lead in, the sewers, the lighting. All these things are important to communities.

It is a jobs bill, and we are stopping a jobs bill and we are costing millions of dollars. Just look at the pages, at $480 a page that is being printed, that costs just to debate. I wonder how many dollars just in print for the legislative RECORD we have cost the taxpayers over eight consecutive votes. Now we are getting ready to have number 9 and number 10, and we have voted on the same thing for days.

So I implore my colleagues, let us get on with the business of the people here, and let us get this piece of legislation out. If we do not and it goes past July 1, everything ceases.

We do not have any entitlements for the States. They stop. We do not have any funding for airports. We do not have any funding for various and sundry items. We do not help the trucking business. We do not help the airline industry. We do not do these things; we are just delaying.

And so, Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on amendment 1793.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1793, offered by the majority leader. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Chafee

So the amendment (No. 1793) was agreed to.

The PRESIDING OFFICER. The question occurs on amendment No. 1792, as amended.

The amendment (No. 1792), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays have not been requested.

Mr. MITCHELL. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on amendment No. 1795 offered by the majority leader.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Chafee

So the amendment (No. 1795) was agreed to.

The PRESIDING OFFICER. The question occurs now on the amendment No. 1794, as amended.

So the amendment (No. 1794), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and Senator DURENBERGER to respond to discussion that occurred late last week on the Senate floor concerning a proposed new airport at Minneapolis-St. Paul, MN.

Our colleagues from North Dakota, South Dakota, and Nebraska have recently expressed concerns that a new hub airport for the Minneapolis-St. Paul area could have adverse impacts on the air service and air travel costs to their States. These Senators wrote to the Administrator of the Federal Aviation Administrator [FAA] and to Minnesota's Metropolitan Airports Commission [MAC] to convey their concerns.

We would like to take this opportunity to assure all of our colleagues that neither MAC nor the State legislature has made the decision that a replacement hub airport is needed. The legislature established a dual-track planning process to investigate whether the existing hub airport should be expanded or whether construction of a replacement airport will be necessary. The legislature is not scheduled to make any decision on this matter until 1996 at the earliest.

Before any recommendation is made to the legislature, there will be exhaustive efforts, including public hearings by MAC and other State agencies to consider all views on both of these options. Again, this process is a technical evaluative one and neither choice is preordained. The FAA will be undertaking its own environmental impact statement to assure that any State decision fulfills the requirement of the Federal environmental laws.

MAC Chairman Richard Braun recently responded to the letter of our colleagues and indicated MAC's willingness to consider the views of all interested parties, within and outside Minnesota, on the potential impacts of any new replacement hub airport. Mr. President, I hope that in clarifying MAC's position in this matter, I can also reassure our colleagues that no new hub would be built without first considering the spokes.

Mr. KOHL. Mr. President, once again I would like to commend the leadership of my esteemed colleague from Kentucky, Senator FORD, chairman of the Senate Subcommittee on Aviation. As you know, Mr. President, the Airport Improvement Program [AIP] is a valuable source of much needed funds for airport construction and maintenance. And when it looked as if other political issues might stall passage of this bill and obligation of these much needed funds, Senator FORD moved swiftly to develop and pass a 60-day extension bill. The bill allowed approximately half of the total fiscal year 1994 funds for the Airport Improvement Program to be obligated to states during the 60-days after the bill was signed. In Wisconsin, this extension was particularly important because our short summers only allow for a limited construction season. The longer AIP funds are delayed, the more narrow that window of opportunity becomes.

Let there be no mistake, however, Mr. President, that the 60-day extension only released half of the funding, and many airports are still waiting for vital funding. Yet here I stand, speaking on behalf of quick consideration of the bill, while many of my colleagues are engaged in debate on an entirely unrelated issue. Mr. President, I am not commenting on the importance of the Whitewater issue. Some Wisconsinites and Americans are concerned about this issue, and they are asking that the facts be made clear. If my colleagues want to debate this issue on the Senate floor, let them. But I ask that they not do it at the expense of airports and air passengers.

Therefore, I join the majority leader in asking that the Whitewater issue be resolved—one way or the other. If it must be considered now, then let us vote on any proposals; otherwise, let us consider this issue after work on the Airport Improvement Program legislation is completed. Either way, let us do what is right for airports and air passengers across the country—let us release the Airport Improvement Program funds and get on with the business of improving the lives of Americans.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that it be in order at any time to proceed to the nomination of Lauri Fitz-Pegado, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service, Ex. Cal. 899, that the Senator from North Carolina [Mr. FAIRCLOTH] be recognized to offer a motion to recommit the nominee to the Committee on Banking, Housing and Urban Affairs, that there be 2 hours for debate on the motion to recommit, to be divided as follows; 1 hour controlled by the chairman of the Banking Committee and the chairman of the Commerce Committee, or their designees, and 1 hour under the control of the Senator from North Carolina [Mr. FAIRCLOTH] or his designee, that following the conclusion or yielding back of time, the Senate vote on the motion to recommit without out any intervening action; that if the motion is not adopted, the Senate then vote on the nomination, without any intervening action or debate; that if confirmed the motion to reconsider be laid upon the table and the President be notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object but I need to make one additional inquiry before I can withdraw the reservation.

Mr. MITCHELL. Mr. President, I withhold my request and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I withdraw the reservation.

Mr. MITCHELL. I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I discussed with the distinguished Republican leader and the distinguished majority whip the best way to proceed with respect to the pending bill and the matter that we have been discussing today. I have concluded that it would be best to proceed as follows.

The agreement just obtained provides me with the authority to proceed to the nomination of Lauri Fitz-Pegado at any time and it is my intention to proceed to that nomination at 9:30 a.m. tomorrow. That nomination will be the subject of debate for 2 hours and then, at 11:30 a.m. tomorrow, the Senate will vote on a motion to recommit that nomination.

Following that vote, the Senate will return to consideration of the airport improvement bill for the purpose of considering amendments which are unrelated to the Whitewater matter. There are several such amendments which Senators have indicated they intend to offer and Senator FORD will manage the bill at that time in an effort to complete action on all amendments pending to the bill which are not related to Whitewater. The understanding which the distinguished Republican leader and I have reached is that as those amendments are considered there will not be any Whitewater-related amendments.

Senator DOLE has requested the opportunity to meet with his colleagues for purposes of discussing how they deem it best to proceed, and of course as always I wish to accommodate him and during the day tomorrow there will be a Republican caucus for that purpose as we are considering the remaining amendments to the bill that are unrelated to Whitewater.

During that time, following their caucus, Senator DOLE will advise me of their intentions with respect to the Whitewater matter, and we will then proceed to complete action on the airport improvement bill either with or without further Whitewater-related amendments. That would depend upon the discussion that occurs tomorrow.

As I have stated previously, we will remain in session this week until we complete action on this bill, however long that takes, and on the legislative appropriations bill, however long that takes. It is my hope and expectation that it will not take a great deal of time to consider and complete action on the legislative appropriations bill. Of course, I hope the same is true with respect to this bill, although as I said, that will depend upon the caucus of our Republican colleagues tomorrow.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, in any event, there will be no further rollcall votes this evening. The next vote will be at 11:30 a.m. tomorrow on the motion to recommit the Fitz-Pegado nomination, and then I expect there will be several votes during the day on the non-Whitewater-related amendments to the airport improvement bill.

I do want to state that we will remain in session this week until we complete action on this bill, however long that takes—Thursday, Friday, Saturday—whatever it takes, and on the legislative appropriations bill.

I hope and expect that it will not take those days and that we can complete action on it tomorrow. But we simply are going to have to complete action on it before we recess for the week.

Mr. President, I would like to invite the distinguished Republican leader to comment, first to correct me if I misstated any portion of our discussion, or to make any other comments that he wishes to make.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I say to the majority leader, I think he accurately reflects our discussion. I think there is one additional thing. If we should have some further negotiations on our side tomorrow after completion of the non-Whitewater amendments, it might be possible to take up legislative appropriations so we would not be losing any time. I think we discussed that also.

So I think the majority leader has indicated he will stay here tonight, through Friday, whatever, until action is completed on the bill and that will be conveyed at our conference which we hope to convene—we have not yet cleared it with the conference chairman, Senator COCHRAN—we hope to convene the conference at 1 o'clock.

Mr. MITCHELL. Mr. President, I thank my colleagues. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair has an announcement.

Mr. MITCHELL. I withdraw my request.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and after consultation with the Republican leader, pursuant to Public Law 102–375, as amended by Public Law 103–171, appoints the following Senators as members of the Policy Committee to the White House Conference on Aging:

The Senator from Arkansas [Mr. PRYOR], from the Special Committee on Aging;

The Senator from Maryland [Ms. MIKULSKI], from the Committee on Labor and Human Resources;

The Senator from New York [Mr. MOYNIHAN], from the Committee on Finance; and

The Senator from Maine [Mr. COHEN], from the Special Committee on Aging.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I ask unanimous consent that I be allowed to speak in morning business for no more than 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I inquire of the Chair, are we in morning business?

The PRESIDING OFFICER. We have before us the pending bill.

Mr. FORD. I ask unanimous consent there now be a period for morning business with Senators allowed to speak therein up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: calendars numbered 852, 853, and 965 to and including 974. I ask further unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation the motions to reconsider be laid upon the table en bloc; the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994.

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997.

THE JUDICIARY

Robert M. Parker, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Diana Gribbon Motz, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

Denise Page Hood, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Richard A. Paez, of California, to be United States District Judge for the Central District of California.

Paul L. Friedman, of the District of Columbia, to be United States District Judge for the District of Columbia.

Gladys Kessler, of the District of Columbia, to be United States District Judge for the District of Columbia.

Emmet G. Sullivan, of the District of Columbia, to be United States District Judge for the District of Columbia.

Ricardo M. Urbina, of the District of Columbia, to be United States District Judge for the District of Columbia.

William F. Downes, of Wyoming, to be United States District Judge for the District of Wyoming.

NAVY

The following-named captains in the line of the United States Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Timothy Robert Beard, xxx-xx-xxxx U.S. Navy

Capt. David Lawren Brewer, III, [redacted] U.S. Navy

Capt. Stanley Walter Bryant, [redacted], U.S. Navy

Capt. Toney Michael Bucchi, [redacted], U.S. Navy

Capt. Robert Stanley Cole, [redacted], U.S. Navy

Capt. William Winston Copeland, Jr., [redacted] U.S. Navy

Capt. John Wilbur Craine, Jr., [redacted], U.S. Navy

Capt. James Beaty Ferguson, III, [redacted] U.S. Navy

Capt. Edmund Peter Giambastiani, Jr., [redacted], U.S. Navy

Capt. John Joseph Grossenbacher, [redacted] U.S. Navy

Capt. James Bruce Hinkle, [redacted], U.S. Navy

Capt. Gordon Stallings Holder, [redacted], U.S. Navy

Capt. Richard George Kirkland, [redacted], U.S. Navy

Capt. Peter Avard Chipman Long, [redacted], U.S. Navy

Capt. Martin Jules Mayer, [redacted], U.S. Navy

Capt. Barbara Elizabeth McGann, [redacted] U.S. Navy

Capt. Patrick David Moneymaker, [redacted] U.S. Navy

Capt. Charles William Moore, Jr., [redacted] U.S. Navy

Capt. John Bernard Nathman, [redacted], U.S. Navy

Capt. William Lund Putnam, [redacted], U.S. Navy

Capt. Thomas Russell Richards, [redacted], U.S. Navy

Capt. David Putnam Sargent, Jr., [redacted] U.S. Navy

Capt. William Robert Schmidt, [redacted], U.S. Navy

Capt. Donald Alan Weiss, [redacted], U.S. Navy

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. John Anthony Gauss, [redacted], U.S. Navy

Capt. Thomas John Porter, [redacted], U.S. Navy

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Robert Wayne Smith, [redacted], U.S. Navy

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

Capt. Harry Winsor Whiton, [redacted], U.S. Navy

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

Capt. Lowell Edwin Jacoby, [redacted], U.S. Navy

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

Capt. Paul Golden Gaffney, II, [redacted], U.S. Navy

STATEMENT ON THE NOMINATION OF WILLIAM F. DOWNES

Mr. SIMPSON. Mr. President, I would make a comment with regard to calendar item No. 973, the nomination of William F. Downes to be U.S. District Judge for the District of Wyoming.

This is a very excellent nomination by the President. I have known Bill Downes for many years. He is a splendid man. He will do a very fine job. It is very pleasing to the bench and bar and citizens of Wyoming as he now will take up his residence in Casper, WY, where we have prepared the facilities, remodeled the district court, very beautifully done.

It was done several years ago to accommodate a judge in that area of Wyoming. Bill Downes will now be the Federal District Judge in the Federal courthouse in Casper, WY, and he will serve with great distinction and do as fine a job on the bench as he has done during his practice of law. He and his wife, Cathy, are splendid people.

I am very pleased to see this result for our citizens of Wyoming, for the attorneys, and others of the bar and the bench in Wyoming.

Thank you very much.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE HOUSE

At 5:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4301. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4506. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that pursuant to section 202(b)(3)(D) of Public Law 103–227, the Minority Leader appoints Mr. GOODLING of Pennsylvania to serve on the National Education Goals Panel on the part of the House.

MEASURES REFERRED

The following measure was read the first and second times by unanimous and referred as indicated:

H.R. 4506. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4301. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2805. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on programs to counter terrorism; to the Select Committee on Intelligence.

EC–2806. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Egg Products Inspection Act to recover the full costs for inspection of egg products performed at times other than an approved primary shift; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2807. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2808. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require meat and poultry slaughter and processing establishments to pay the full cost of Federal inspection for extra shifts; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2809. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Packers and Stockyards Licensing Fee Act of 1994"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2810. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Livestock Dealer Trust Act of 1994"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2811. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93–01; to the Committee on Appropriations.

EC–2812. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of a technical violation of the Antideficiency Act in the Administration for Children and Families' Children and Families Services Program appropriation; to the Committee on Appropriations.

EC–2813. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92–80; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 222. A concurrent resolution authorizing the placement of a bust of Raoul Wallenberg in the Capitol.

S. Res. 196. A resolution to authorize the printing of additional copies of a Senate report entitled "Developments in Aging: 1993".

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 224. An original resolution to amend the Standing Rules of the Senate for the use of the recording studio and mass mailings with respect to uncontested elections.

S. Res. 225. An original resolution relating to the purchase of calendars.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Bonnie O'Day, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 1995.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be admiral

Adm. Charles R. Larson, xxx-xx-xxxx U.S. Navy.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. GORTON):

S. 2191. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen who must pay in advance what the United States considers an illegal fee to navigate waters; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself, Mr. SASSER, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. SPECTER, Mr. SIMON, Mrs. BOXER, Mr. KENNEDY, and Mr. BOND):

S. 2192. A bill to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 2193. A bill to amend the Fishermen's Protective Act of 1967 to require the Secretary of State to reimburse owners of certain fishing vessels for certain fees paid by such owners to governments of foreign countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MIKULSKI (for herself, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LIEBERMAN, Mr. GRASSLEY, and Mr. SARBANES):

S. 2194. A bill to require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 2195. A bill to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself and Mr. BURNS):

S. 2196. A bill to assure fairness and choice to patients and providers under managed care health benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 2197. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 224. An original resolution to amend the Standing Rules of the Senate for the use of the recording studio and mass mailings with respect to uncontested elections; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 225. An original resolution relating to the purchase of calendars; from the Committee on Rules and Administration; placed on the calendar.

By Mr. GORTON (for himself, Mr. STEVENS, Mr. MURKOWSKI, Mr. PACKWOOD, and Mr. HATFIELD):

S. Res. 226. A resolution expressing the sense of the Senate relating to negotiations under the Pacific Salmon Treaty; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. GORTON):

S. 2191. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen who must pay in advance what the United States considers an illegal fee to navigate waters; to the Committee on Commerce, Science, and Transportation.

THE FISHERMEN'S PROTECTIVE ACT AMENDMENT OF 1994

Mr. STEVENS. Mr. President, Canada has announced a $1,500 license fee for United States fishermen to transit through the Inside Passage off the Pacific coast of Canada. This action is a clear violation of international law, including the U.N. Conventions on the Law of the Sea. Senator MURKOWSKI, Senator GORTON, and I are introducing this bill to amend the Fishermen's Protective Act of 1967 to allow United States fishermen to be reimbursed if they pay this illegal Canadian fee in advance.

The Fishermen's Protective Act of 1967 provides for the reimbursement of fees paid by U.S. fishermen to secure the release of a vessel which has been seized. The act does not, however, allow fishermen to be reimbursed for fees paid in advance to avoid seizure. United States fishermen whose boats are seized for failure to pay this illegal fee will face significant expense and delay because the fee may only be paid in two ports on the Pacific coast of Canada, which means that they will have to travel from the point of seizure to those ports.

The bill we are introducing today—the Fishermen's Protective Act Amendment of 1994—would allow U.S. fishing vessel owners to be reimbursed for fees paid in advance to a foreign government to avoid seizure. The fees would be reimbursable if the United States considers the foreign government's fee to be inconsistent with international law. Because the State Department now agrees with my analysis that the Canadian fee violates international law, our fishermen would be reimbursed under this bill.

We need to act quickly to pass the amendment. Fishermen who cannot afford to pay the Canadian fee, and whose safety depends on access to the sheltered Inside Passage off British Columbia, need our immediate help. I hope that other Members will join in cosponsoring this bill to reimburse United States fishermen who are forced to pay this illegal Canadian fee.

Mr. MURKOWSKI. Mr. President, earlier today, I joined with Senator STEVENS and Senator GORTON in sponsoring a bill to amend the Fishermen's Protective Act of 1967. This bill would allow the Secretary of State to reimburse fishermen who are, as a consequence of Canadian action, now forced to pay a transit fee for moving fishing vessels through the inland passage of British Columbia, that portion of Canada on the West Coast that separates the Puget Sound area in the State of Washington and southeastern Alaska.

It is the opinion of the Senator from Alaska that this action is illegal and discriminatory.

Mr. President, as you may or may not know, Canada, as of yesterday, required an $1,100 fishing vessel transit license for United States fishing vessels engaged in innocent passage through Canadian waters. The Canadian action was taken to try and force the United States to agree on a Canadian fisheries proposal that would be contrary to the best interests of our

Nation and, again, in the opinion of the Senator from Alaska, this is a flagrant discriminatory violation of international law and serves only to discourage rational debate on important conservation issues.

I have called for strong reaction by the United States Government, our State Department, including, if necessary, the use of the United States Coast Guard, to protect American fishing vessels transiting that area.

Let me note that I do not like the idea of our Government agreeing to this type of an outrageous charge which is, as I have said, a challenge to the free flow of navigation, traditionally in waters that have always enjoyed access by U.S. fishing vessels.

Such a fee is strictly illegal, as I have said, and I am confident that Canada is going to have to ultimately accept this fact and will be required under law to reimburse any person who is forced to pay it. However, the important thing right now is to avoid disruptions in our U.S. fisheries. I recognize as well that the United States Government is in a better position, perhaps, to recover these inappropriate charges from the Government of Canada than are the individual fishermen. Hence, the amendment of the Fishermen's Protective Act of 1967 which, as I indicated earlier, has been introduced earlier today by my colleague Senator STEVENS and Senator GORTON.

This amendment to the bill would allow for the Government of the United States to bear the responsibility if, indeed, a U.S. vessel is stopped from entering Canadian waters and seized or otherwise issued a violation.

So it would put our Government as the intermediary, if you will, Mr. President, between the actions of the Canadian Government and our individual fishermen rather than our Government, and I think it is appropriate that this action be taken on the basis which I have outlined because clearly it puts a government-to-government negotiation where it belongs to resolve this unfortunate action taken by the Government of Canada.

Now, the main goal of the Canadian strategy is to attempt to limit negotiations on the Pacific Salmon Treaty. It has announced it will begin taking a series of steps that will be, in the words of the Canadian Minister of Fisheries, to the advantage of Canada and United States disadvantage.

I would hope, Mr. President, that the Canadian Fisheries Minister will reconsider that statement if, indeed, that is his statement because clearly this matter can only be resolved by negotiations at an appropriate level and not by taking unilateral actions such as have been taken.

Further and finally, the transit license to which this bill responds, as I have indicated, is a violation of international law which protects the right of innocent passage. It very well could endanger the lives of Americans who would, if barred from sheltered waters of inside passage, have to take their small boats into rough, unpredictable and dangerous open ocean around Vancouver Island.

So for that reason the bill has been amended. I would call on my colleagues for their support and again repeat my call on Canada to abandon its efforts to coerce an agreement from the United States. If Canada wants an agreement, it must return to the bargaining table and negotiate in a responsible manner government to government.

I thank the Chair. I yield the floor.

By Mr. BENNETT (for himself, Mr. SASSER, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. SPECTER, Mr. SIMON, Mrs. BOXER, Mr. KENNEDY, and Mr. BOND):

S. 2192. A bill to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE UNLISTED TRADING PRIVILEGES ACT OF 1994

• Mr. BENNETT. Madam President, I introduce a small but important piece of legislation: the Unlisted Trading Privileges Act of 1994. This bill bears testimony to the fact that when the Government and the private sector work together, we can produce positive, helpful legislation. The Unlisted Trading Privileges Act strikes at the heart of two issues that I promised my constituents I would address when I came to represent them in Washington, DC—regulatory relief and capital formation.

I am pleased to take a moment to clarify the background and intent of this legislation which reforms a procedure that has been in place since 1934 and has stifled competition in the sales of initial public offerings. I would like to take a moment to pause and thank the parties that have been involved in creating what I believe to be a singularly well crafted piece of legislation. Through the long and dedicated work of the New York Stock Exchange, the Securities and Exchange Commission, and the Regional Stock Exchanges, the Philadelphia, Chicago, Boston, and Pacific, we were able to create a bill that is acceptable to all of them. In this regard I would like to give special thanks to SEC Chairman, Arthur Levitt whose staff reflects his strong commitment to honor his Commission's mandate to, in his own words, "see to it that competition works not just for the benefit of a particular institution, but protects the interests of the investor."

Through many months of hard work, and over 20 different drafts of this legislation, the Securities and Exchange Commission worked in conjunction with a bipartisan congressional staff and the representatives of the New York Stock Exchange and the Regional Stock Exchanges to create a bill which will remove outdated regulatory barriers which currently prevent an open and more liquid market by giving the SEC the authority level the playing field in the sale of securities.

This bill will amend section 12(f)(1) of the Securities and Exchange Act of 1934 to revise the conditions under which exchanges extend unlisted trading privileges to most registered securities, a procedure which can often take many weeks under the current system, with absolutely no benefit gained by anyone associated with the transaction. The new section 12(f)(1) will enhance the opportunity for competition among exchanges by removing regulatory delays caused by exchange application, notice, and Commission approval requirements.

The maintenance of orderly markets is the central issue contained in this legislation. This bill charges the SEC with the creation of such regulations as are appropriate to allow the earliest possible national trading of a security, while maintaining fair and orderly markets and protecting investors and the public interest.

Since its inception it has been the SEC's mission to foster competition in the marketplace and eliminate all exchange rules and procedures that impose unnecessary burdens on the creation of competition. It is in the spirit that this bill allows every attempt to expose orders and order flow to the best existing market at the earliest possible time.

The current procedure inhibits some markets from effectively entering the competition. It causes decisions regarding the direction of order flow to be made without the benefit of the best suited market. And while, once made, the order flow decisions can be changed, the damage will have been done in the first few days of trading when the volume is historically at its peak.

In the end, it is the public/customer who is at risk in having orders exposed to trade in markets that are not as competitive as they could otherwise be. By allowing all markets to compete effectively, at the earliest possible time, the public/customer has more opportunity to receive the best price in his trades.

The current rules impair the ability of the regional specialists to compete in a timely fashion. They also cost nonmembers of the primary markets the added expense of executing their orders. All of this is contrary to the progress that has been made so far toward the development of a national market system.

My bill will accomplish three basic goals. First, it improves liquidity in the markets by allowing greater access to floors on which each stock can be traded. Second, it creates five specialists in each stock issue instead of one. Finally, it increases competition in per-share pricing for brokers and therefore creates a more competitive environment in which brokers can pass savings on to their customers.•

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 2193. A bill to amend the Fishermen's Protective Act of 1967 to require the Secretary of State to reimburse owners of certain fishing vessels for certain fees paid by such owners to governments of foreign countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FISHERMEN'S PROTECTIVE ACT

Mrs. MURRAY. Mr. President, we have a wild salmon crisis in the Pacific Northwest. Not only are we facing declining wild salmon stocks, and an emergency closure of salmon fishing off of the Pacific Coast due to El Niño, we also are facing a breakdown in negotiations with Canada over the Pacific Salmon Treaty.

As a result of this impasse in the negotiations, the Canadians announced last week that they would start collecting a fee from United States fishing boats sailing through the Inside Passage off the west coast of British Columbia. As of midnight last night, all commercial United States fishing boats sailing through Canadian waters will now have to pay about $1,100 each way.

The State Department has said they believe the fee is illegal. However, while the legal issues are debated, United States commercial fishing boats will be required to stop and pay the fee before sailing through the Inside Passage. I am introducing a bill today to help provide relief to these commercial fishing boat owners.

Mr. President, many of the fishing boats traveling through the Inside Passage are from my home State of Washington. The fishers have families depending on their ability to catch fish for their livelihoods. It is not fair that they should be fined for trying to make a living. They did not break off the negotiations, and they should not have to pay.

The Bellingham Herald reported yesterday that one Washington State skipper sold 8,500 pounds of halibut in Canada, so he could head back to Alaska without paying $1,100 to leave Canadian waters. He had intended to sell the fish to his long-time customers in the Bellingham area—something he has been doing for the past 10 years. He told the newspaper that he was afraid the situation was deteriorating and he did not want to get caught up in a struggle between the two countries. He was afraid he would lose a week of sockeye fishing if he risked going back to Washington State, and then was unable to get back through Canada.

Mr. President, it certainly is not a good message to send to hardworking people in my home State, that the United States and Canada cannot agree on fish policy.

Our commercial fishers need to know that there is some immediate relief, and they need to know that the Clinton administration understands the importance of this issue to people in the Pacific Northwest and in my state. I plan to do two specific things in this regard:

First, I am introducing a bill that will provide relief to commercial fishermen. I am committed to working with my colleagues in both Houses of Congress to move this bill through the process as quickly as possible. The bill amends the Fishermen's Protective Act to allow the United States Government to reimburse fishing boat owners who pay fees to Canada under protest. In turn, the United States Government will recover the fees from Canada when the treaty negotiations resume. This seems to be the first short-term solution to a larger problem.

I do not believe we should punish fishermen—many of whom come from Seattle, Port Angeles, Bellingham, Everett, and other Washington State cities along the coast.

Second, I believe it is time to move this issue to a higher level. I have asked for a meeting with Vice President GORE on this issue, because I firmly believe this issue should be on the front burner in the Clinton administration. If we are to come to agreement with Canada on the Pacific Salmon Treaty, it may have to be done on the President to Prime Minister level.

Mr. President, we do not want a fish war or a boat war with Canada. What we really need is for all parties to come back to the negotiating table, so they can come to an agreement. Charging the fishermen who travel through the Inside Passage is not going to solve the larger problem.

I am aware that a similar bill was introduced today by several of my colleagues from the Pacific Northwest and Alaska. The only real difference in the bills is that my bill does not include findings which lay blame on Canada. This is not the time to point fingers at each other. The most important thing now is for the parties to return to the bargaining table and conclude an agreement. I will continue to work with my colleagues to achieve that goal.

I ask unanimous consent that my bill as introduced be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT AND RECOVERY OF FEES.

(a) IN GENERAL.—The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

"SEC. 11. (a) Subject to subsection (c), the Secretary of State shall reimburse an owner of a commercial fishing vessel of the United States for the amount of any fee described in subsection (b) that is collected from the owner.

"(b) Subsection (a) applies to any fee collected from an owner of a vessel referred to in that subsection by the government of a foreign country in order to permit the vessel to navigate in waters of the country that connect with waters of the United States if—

"(1) the owner pays the fee under protest; and

"(2) the Secretary determines that the collection of the fee is contrary to applicable international law.

"(c)(1) An owner of a commercial fishing vessel seeking reimbursement for the amount of a fee under this section shall submit to the Secretary a request for reimbursement of the amount of the fee.

(2) The request shall include any information with respect to the payment of the fee that the Secretary determines appropriate, including—

"(A) a copy of the receipt indicating payment of the fee; and

"(B) an affidavit attesting that the owner paid the fee under protest.

"(3) The owner shall submit the request not later than 90 days after the payment of the fee.

"(d) The Secretary shall take any actions that the Secretary considers appropriate in order to recover from a foreign country the amount of any reimbursement made by the Secretary under this section with respect to a fee collected by that country.

"(e) For purposes of this section—

"(1) The term 'commercial fishing vessel of the United States' means any vessel of the United States engaged in commercial fishing activities or operations.

"(2) The term 'owner', in the case of a commercial fishing vessel, includes any charterer of the vessel.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect on June 15, 1994.

(2) An owner of a commercial fishing vessel who pays a fee referred to in subsection (b) of section 11 of the Fishermen's Protective Act of 1967, as added by subsection (a), during the period beginning on June 15, 1994, and ending on the date of the enactment of this Act shall submit to the Secretary of State a request for reimbursement for the fee under such section 11 not later than 90 days after the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LIEBERMAN, Mr. GRASSLEY, and Mr. SARBANES):

S. 2194. A bill to require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes; to the Committee on Government Affairs.

ARCHITECT OF THE CAPITOL HUMAN RESOURCES ACT

• Ms. MIKULSKI. Mr. President, I introduce the Architect of the Capitol Human Resources Act. Introducing this legislation with me today as cosponsors are Senators REID, MOSELEY-

BRAUN, LIEBERMAN, GRASSLEY, and SARBANES. This legislation is also being introduced today in the House of Representatives by Congresswoman NORTON along with her cosponsors Representatives MFUME and WYNN.

The Architect of the Capitol employs 2,300 employees who maintain our buildings and our grounds. For years these employees have complained to me and to others about the appalling conditions—truly a plantation mentality—under which they must work.

I want to relate a story, Mr. President. We will never forget the week in the spring of 1992 when riots swept Los Angeles following the verdict in the Rodney King beating trial. That week, a very agitated member of the Senate plumbing shop came to see me in my office. He told me that when he reported to work, he found a hangman's noose in the locker room. When he reported it to his supervisor, he was told that "some of the guys" were joking around. Several days later, another hangman's noose was found in the Senate paint shop.

Other employees have told me and my staff of working 23 years with no promotion or opportunity for promotion, of employees being sexually and racially harassed, and of a climate of fear.

I have heard from many employees who seek to be promoted based on merit and their job performance, but have not been able to do so because the Architect's office doesn't operate that way, they say. They say you get promoted only if you are friends with the supervisor or if you have accrued a lot of unused vacation and sick leave. What kind of standard is this for promotions?

Many are the employees who have shared their stories to me. And, I have heard some terrible stories.

Employees tell me that when they go to see their supervisor to tell him there's a problem, they're told: You're the problem. And because you're the problem, we're going to make sure you never create more problems. And by doing that, we're going to make sure no other employee ever creates a problem again. Because of reports like these, of a racially charged atmosphere, a hostile working environment and a work force in fear of reprisal, I asked the General Accounting Office to review the Architect's operations.

On Friday, April 29, the GAO issued its report on the Architect of the Capitol's personnel system. I have read that report, and, I've made it clear that I am appalled at GAO's findings.

I have appreciated GAO's continuing assistance with the drafting of this legislation. I'm pleased that this legislation will address each of the shortcomings identified in the GAO's report.

This legislation requires the Architect to establish and maintain a personnel management system that: ensures that hiring, promotions, and assignments will be based on merit and fitness and will include open competition for all employees; creates a formal performance job evaluation system based on objective criteria—something which these 2,300 employees do not have now; establishing an equal opportunity program that ensures an affirmative employment program for employees and applicants; creates a solid training program for Architect employees to increase opportunities for employee advancement; and gives all Architect employees the ability to appeal their complaints to the General Accounting Office Personnel Appeals Board. This provides the fair and independent grievance procedure now lacking in the Architect's operations.

Let me make it clear for the benefit of those who don't know, exactly who the Architect of the Capitol is, and what the office of the Architect of the Capitol does.

Mr. George White is the Architect. He has held this position for the last 23 years. As the Architect, Mr. White oversees a work force of approximately 2,300 people.

The Architect's responsibilities are to maintain the structural and mechanical aspects of the U.S. Capitol Buildings and Grounds, including: the U.S. Senate and House of Representatives, Library of Congress, and Supreme Court buildings, and the Capitol Power Plant; 825 of the 2,000 employees work at various Senate facilities and 90 percent of them are blue-collar workers. These employees perform very labor intensive work, including food service, general cleaning, upholstering, painting, carpentry, and repair work.

So, let's be clear. The Architect of the Capitol is not a man sitting in the Capitol Building, with a staff of two, drawing pictures. He runs a large and important organization. The Architect is responsible for the smooth operation of congressional buildings and maintenance of its grounds and the 2,300 employees that do the actual work.

Although the Architect's Office recently stated that it recognizes the deficiencies in its system and is attempting to make some modifications, this isn't something that last minute changes can fix. Every change implemented by the Architect has come within the last 2 years in response to pressure from me, from GAO and from other Members of Congress. And this Architect has been on the job since 1971.

Because I am a Senator from Maryland, many of the blue-collar workers at the Capitol have come to me, Congresswoman NORTON, and Congressman AL WYNN telling us their stories. Every day, I continue to hear from them. I have become the EEO office for the Architect of the Capitol.

Mr. President, that isn't my job.

It is clear to me that only through this legislation will the Congress—and these employees who have struggled for so long to maintain their dignity—achieve the systemic change which must occur.

We introduce this bill today because these employees have suffered long enough. It is time we act to implement the same basic, fundamental management principles that any large organization should have in place. This legislation will—finally—bring the Architect of the Capitol into the 1990's. And I mean the 1990's, not the 1890's.

I ask unanimous consent that the text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Architect of the Capitol Human Resources Act".

SEC. 2. FINDING AND PURPOSE.

(a) FINDING.—The Congress finds that the Office of the Architect of the Capitol has not kept pace with human resource management practices common among other Federal and private sector organizations.

(b) PURPOSE.—It is the purpose of this Act to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

SEC. 3. PERSONNEL MANAGEMENT SYSTEM.

(a) ESTABLISHMENT.—The Architect of the Capitol shall establish and maintain a personnel management system.

(b) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(1) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(2) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(3) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(4) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(5) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(6) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(7) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(8) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

SEC. 4. IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.

(a) DEVELOPMENT OF PLAN.—The Architect of the Capitol shall—

(1) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of section 3;

(2) submit the plan to the Congress not later than 90 days after the date of enactment of this Act; and

(3) implement the plan not earlier than 30 days and not later than 90 days after the plan is submitted to the Congress, as specified in paragraph (2).

(b) EVALUATION AND REPORTING.—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of section 3 and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Congress on an annual basis the results of its evaluation under this subsection.

(c) APPLICATION OF LAWS.—Nothing in this Act shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this Act.

SEC. 5. DISCRIMINATION COMPLAINT PROCESSING.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "employee of the Architect of the Capitol" or "employee" means—

(A) any employee of the Architect of the Capitol;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(2) The term "violation" means a practice that violates subsection (b) of this section.

(b) DISCRIMINATORY PRACTICES PROHIBITED.—

(1) IN GENERAL.—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(A) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(B) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(C) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

(2) INTIMIDATION PROHIBITED.—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(c) PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.—

(1) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD.—(A) Any employee of the Architect of the Capitol alleging a violation of subsection (b) may file a charge with the General Accounting Office Personnel Appeals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751–55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(B) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(C) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this section.

(2) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD OR OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(d) AMENDMENTS TO THE GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—

(1) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(2) Section 753(a) of title 31, United States Code, is amended—

(A) in paragraph (7) by striking "and" at the end of the paragraph;

(B) in paragraph (8) by striking the period and inserting "; and"; and

(C) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under section 4(b) of the Architect of the Capitol Human Resources Act."

(3) Section 755 of title 31, United States Code, is amended—

(A) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(B) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".•

By Mr. INOUYE:

S. 2195. A bill to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL PUBLIC TELECOMMUNICATIONS INFRASTRUCTURE ACT OF 1994

• Mr. INOUYE. Mr. President, today, I am pleased to introduce the National Public Telecommunications Infrastructure Act of 1994.

Congress has a longstanding policy of facilitating access for the delivery of public telecommunications services. The legislation I am introducing today will bring Congress' public access policy under a consistent framework, and apply it uniformly to communications technologies that will make up our Nation's telecommunications system.

The opportunities that will emerge from connecting all Americans to one system of interconnected communications media are extraordinary. This legislation provides a framework for accomplishing those goals.

The legislation, among other things, will ensure that all citizens of the United States have access to noncommercial, governmental, educational, informational, cultural, civic and charitable services through all appropriate telecommunications networks.

It will facilitate widespread public and civic discourse on a range of concerns between and among all Americans and ensure that the greatest possible diversity of voices can be heard on the national information infrastructure [NII].

The legislation will permit citizens to engage in interactive conversations with their elected officials; it will allow students and teachers to enteract with their libraries and schools; it will provide small town and rural residents, as well as low-income citizens, minorities and individuals with disabilities to access important information about their communities and the political process; and provide avenues for the creation of new applications for public and educational broadcasting services, particularly at the local level.

Telecommunications networks have long benefited from their special access to public rights-of-way. The public benefits being conferred on builders and operators of the new information highway include new uses of public property and electromagnetic frequencies of various types and capacities, wires, fiber, and other forms of communication. There is no question that those who use these public rights-of-way can and should be required to confer appropriate benefits on the public in return.

The National Public Telecommunications Infrastructure Act of 1994 would require telecommunications networks that benefit from this special access to public rights-of-way to tender a benefit to the public—a public right-of-way on the information superhighway. More specifically, it would require those facilities to reserve up to 20 percent of their capacity—to eligible entities for the provision of free educational, informational, cultural, civic, or charitable services to the public.

Eligible entities would include State, local, and tribal governments, accredited educational institutions, public telecommunications entities, public and nonprofit libraries, and recognized nonprofit organizations specifically formed to provide public access to noncommercial educational, informational, cultural, civic, or charitable services.

The bill would apply to those telecommunications networks that receive the benefit of public rights-of-way that provide the end user the opportunity to choose from a range of communications that are available contemporaneously and that are intended for the public. Such networks would include common carrier video platforms, cable television networks and direct broadcast satellite [DBS] systems. The bill, however, provides for a transition from the current public interest requirements that are embodied in the cable act's DBS set-aside, noncommercial must carry and public, educational, and governmental [PEG] use provisions to the new public right-of-way requirements.

It is my intent that the legislation not apply to the commercial must carry requirements that are currently set forth in section 614 of the Communications Act, the Internet, point to point telephone communications that are not intended for the general public and terrestrial broadcast stations and networks.

In order to ensure that capacity is reserved and that it is applied consistently throughout the Nation, the legislation would assert concurrent Federal jurisdiction over public rights-of-way used in providing telecommunications.

The bill directs the Federal Communications Commission [FCC] to adopt regulations and guidelines which would require owners and operators of telecommunications networks to reserve capacity on their networks in accordance with the certain provisions. The legislation reburies the FCC to presume that 20 percent of the network capacity is appropriate, but allows the FCC to establish a lower or scaled amount based on considerations such as the type of technology used by the network and barriers to access. It also permits the FCC to reduce the amount of public capacity that a telecommunications network would be required to reserve if it finds that the capacity is likely to go unused.

In addition, the owners and operators of the telecommunications networks would have no control over or liability for the content carried on the portion of the network reserved for public uses.

The bill requires the FCC, in allocating the reserved capacity to establish block allocations to State and local governments for redistribution among eligible entities. The legislation directs the FCC to establish a public telecommunications infrastructure fund to support the eligible entities' use of reserved capacity and to implement it at the State, local, or tribal level.

The bill provides for a sunset of the set-aside requirement when the FCC determines that a telecommunications network is fully open and that there are no economic and technological barriers to access. This provision makes it clear that the reservation of capacity is intended to be a transitional measure that becomes unnecessary once telecommunications networks are truly open and accessible.

The principles incorporated in this bill are not new. They have deep roots in the history of America. Indeed, it is not uncommon for the Government to request something in exchange for allowing a private party the use of public property. For instance, when the Government was engaged in distributing public lands, it allocated portions for land grant colleges. When the Federal Government has granted right-of-way on public lands, it has on occasion required private users to make appropriate benefits available to the public as well. And when the Government allocated radio and television frequencies for commercial broadcasting, it set aside certain channels for public radio and television stations and imposed obligations to serve the public interest. Indeed, approximately 30 percent of television channels were reserved for public television—benchmark which makes a set-aside of up to 20 percent for a much broader range of users modest by comparison.

In the Public Telecommunications Act of 1992, Congress stated its intent that citizens be provided access to public telecommunications services through multiple telecommunications services. In adding section 396(a)(9) to the Communications Act, the Congress stated that:

> It is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies.

The National Public Telecommunications Infrastructure Act of 1994 seeks to accomplish this goal.

Mr. President, nearly 100 educational, public broadcasting, library, civil rights, labor, local government, and disability rights organizations and others have expressed their support for the principles outlined in this legislation. This broad-based coalition believes that the reservation of public capacity on all appropriate telecommunications networks is essential to the full participation of all Americans on the NII.

It is important to note that many of the principles embodied in this bill will further the goals outlined in the Goals 2000: Educate America Act that President Clinton signed earlier this year; goals such as school readiness, mathematics and science achievement, teacher education and professional development, and adult literacy.

Vice President AL GORE endorsed the public right-of-way concept in a speech last year on telecommunications and the NII. Mr. GORE stated:

> We cannot relax restrictions from legislation and judicial decisions without strong commitments and safeguards that there will be a "Public right-of-way" on the information highway. We must protect the interests of the public sector.

Mr. President, the Federal Government must continue to honor the concept and principles outlined in this bill as new technologies evolve and as we build our Nation's information infrastructure.

Existing telecommunications technologies have already permitted development of diverse community based programming that has increased civic discourse and expanded access to informational, educational and health related services. These start-up programs are flourishing, but their opportunities will be limited if increased access and funding is unavailable.

Let me cite a few examples and tell you how the public right-of-way bill could benefit our society. Thanks to Congress' investment, public television owns six fully digital ku band transponders on Telstar 401, the satellite launched in December by AT&T. This satellite, which incorporates the latest digital technology for video, voice, and data, in combination with V-Sat equipment, will be capable of delivering a broad range of interactive educational services to local public broadcast stations for delivery to homes, schools, and universities.

But public broadcasters face a serious problem in distributing these services over the last mile to homes and schools. Stations are generally restricted to a single broadcast channel to distribute their services. With access the land-based distribution networks that will make up the information superhighways, public stations would have the ability to distribute the wide range of educational services that will be available to Telstar 401 to people nationwide, when and how they need them.

For example, mathline, a video, data, and voice communication system devoted to improving the math achievement of American students, and ready-to-learn—an early education childhood development service, aimed at helping parents and childcare providers raise children who are ready to learn, will be available on Telstar 401 for distribution by local public broadcast stations. Access to telecommunications networks would facilitate the delivery of these and other services to our Nation's schools, day care centers, and homes.

PBS Online—A two-way interactive telecommunications network—is another service that will make use of the satellite. This interactive learning service will link students and teachers across the Nation and enable them to send and receive voice, data, and text messages.

Today, South Carolina educational television delivers live interactive seminars on early childhood education to Head Start teaching teams serving rural, migrant, native Americans and Alaskan village populations in 26 States. Access to telecommunications networks could expand the reach of this service throughout the country.

In Chicago, IL, the Chicago Chapter of the Black Nurses Association [CCBNA] uses live, interactive programming to send basic health care information to Chicago's homes with cable television. The series gives Chicagoans access to information about hypertension, nutrition, cancer, and drug testing in the workplace. This health care intervention tool has helped the CCBNA address many community health care problems and to obtain feedback and provide answers to many everyday questions.

The Satellite Educational Resources Consortium [SERC], a partnership of State public television networks and departments of education, distributes interactive distance learning courses to 5,000 high school students in 28 States. These courses bring math, science, and foreign language instruction to rural and disadvantaged schools. Access to new interactive telecommunications networks would facilitate the delivery of such distance learning courses nationwide.

Another example is WTVS in Detroit, MI. WTVS has developed an 18-channel community telecommunications network [CTN]. The system includes the working channel [TWC], which carries basic skills and job related information from such agencies as the Michigan Employment Security Commission and the Veterans' Administration, as well as a wide variety of graduate and undergraduate level courses aimed at improving employees in the workplace. WTVS now must rely on the voluntary carriage of the working channel by cable systems. The public right-of-way legislation would provide WTVS with a reliable distribution mechanism for these services to homes, schools, and workplaces throughout the State.

In Portland, OR, Portland's senior community video project produces Agewise, a series for local nonprofits, public and community service agencies. Currently, Agewise is a noninteractive series the efficacy of which would be significantly enhanced by the use of advanced technologies to permit senior citizens to ask questions and engage in important discussions about health care and other relevant issues.

Access must be reserved for these institutions so that they and their users will be able to take full advantage of the information infrastructure. But access alone will not bring the information superhighway to every public library and classroom. Funding for noncommercial use of the national information infrastructure is vital.

At a recent hearing on S. 1822, the Communications Act of 1994, before the Senate Commerce Committee, Secretary of Education Richard Riley expressed support for public access legislation and funding for noncommercial use of the NII. Secretary Riley stated:

> The principle of "free" public education for all children is the bedrock of our democracy. Not cheap, inexpensive, or available for a fee but in its essence "free".

The public right-of-way bill does just that. It authorizes the commission to promulgate regulations to establish a public telecommunications infrastructure fund [PTIF] which will provide eligible entities with additional economic support to assist in providing noncommercial services for the public. It also sets forth guidelines with respect to contributions, allocations, and distributions of the fund.

Funds from the PTIF could help support training for librarians, teachers, and school administrators so that library users and students—many of whom do not have computer access in their homes—will become active participants in the information age.

Mr. President, this legislation will not solve all of the public access problems on the NII, however, I believe it is a step in the right direction toward making sure that all Americans have meaningful access to the NII. I look forward to working with the Senate, the administration and the Federal Communications Commission on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Public Telecommunications Infrastructure Act of 1994".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States Government has consistently encouraged the development and dissemination of public telecommunications services in broadcast and nonbroadcast technologies through, among other things, the Public Broadcasting Act of 1967, the Public Telecommunications Financing Act of 1978, and the Public Telecommunications Act of 1992, wherein Congress found that "it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies . . ."

(2) The Government has a compelling interest in ensuring that all citizens of the United States have access to noncommercial governmental, educational, informational, cultural, civic, and charitable services through all appropriate telecommunications networks.

(3) New telecommunications technologies will enhance the ability of schools, libraries, local governments, public broadcast institutions, and nonprofit organizations to deliver and receive noncommercial governmental, educational, informational, cultural, civic, and charitable services throughout the United States.

(4) It is in the public interest that these entities be granted access to capacity on telecommunications networks for the purpose of disseminating and receiving noncommercial governmental, educational, informational, cultural, civic, and charitable services throughout the United States.

(5) It is necessary and appropriate that these entities have access, without charge, to the capacity on telecommunications networks to enable the public to have affordable access to the governmental, educational, informational, cultural, civic, and charitable services provided by such entities.

(6) Telecommunications services, including cable television programming, basic telephone service, and telecommunications services not yet available, are likely to become an increasingly pervasive presence in the lives of all Americans.

(7) Most Americans are currently served by telecommunications networks that lack sufficiently open architecture, sufficient capacity, and adequate nondiscriminatory access terms necessary to provide open access to a diversity of voice, video, and data communications.

(8) Private telecommunications carriers are likely to control access to telecommunications networks that lack sufficiently open architecture, sufficient capacity, and adequate nondiscriminatory access terms. Without narrowly tailored governmental intervention, the existence of these private "gatekeepers" is likely to restrict access to these networks.

(9) Private telecommunications carriers respond to marketplace forces, and therefore are most likely to exclude those members of the public and institutions with the fewest financial resources, including but not limited to small town and rural residents, low income people, minorities, individuals with disabilities, the elderly, and noncommercial organizations such as schools, libraries, public broadcasters, and nonprofit community and civic organizations.

(10) To facilitate widespread public discourse on a range of public concerns between and among all Americans, the Government has a compelling interest in providing broad access to telecommunications networks for a diversity of voices, viewpoints, and cultural perspectives, including access for members of the public whose voices are most likely to be excluded by private telecommunications carriers.

(11) Assuring access to a diversity of voices, viewpoints, and cultural perspectives over telecommunications networks benefits all members of the public who use telecommunications networks to disseminate or receive information.

(12) Government support and encouragement of a diversity of voices, viewpoints, and cultural perspectives over telecommunications networks furthers a compelling governmental interest in improving democratic self-governance, and improving and facilitating local government services and communications between citizens and elected and unelected public officials.

(13) Telecommunications networks make substantial use of public rights-of-way in real property and in spectrum frequencies.

(14) Because of the Government's compelling interest in ensuring broad and diverse access to telecommunications networks for the purposes of disseminating and receiving noncommercial educational and informational services, and in exchange for the use of public rights-of-way accorded telecommunications networks, it is appropriate for Congress (through the assertion of concurrent Federal jurisdiction over rights-of-way held or controlled by State or local governments) to require that owners and operators of telecommunications networks reserve capacity on such networks for public use.

(15) The least restrictive means to ensure that those members of the public whose voices are most likely to be excluded from telecommunications networks can access those networks is to require those networks to reserve a portion of their capacity for that access.

(16) It is in the public interest that reserved network capacity for public use be accompanied by funding to facilitate use of such capacity to provide noncommercial governmental, educational, informational, cultural, civic, and charitable services for the public.

SEC. 3. PUBLIC RIGHTS-OF-WAY.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 714. PUBLIC RIGHTS-OF-WAY.

"(a) DEFINITIONS.—As used in this section:

"(1) The term 'telecommunications network' means any group of facilities that has been granted the right to occupy any public right-of-way to transmit or carry telecommunications for the public, and provides the consumer or end user the opportunity to choose from a range of telecommunications that are available contemporaneously to the public. A terrestrial radio or television broadcast station licensed pursuant to Title III shall not be considered a telecommunications network by reason of its use of its assigned spectrum.

"(2) The term 'public right-of-way' means any right-of-way, including use of the electromagnetic spectrum, that is held or otherwise controlled by Federal, State, or local governments on behalf of the public, and is used in the transmission or carriage of telecommunications.

"(3) The term 'telecommunications' means communications of any form transmitted or carried by any means, including analog or digital electromagnetic signals.

"(b) REQUIREMENT FOR RESERVED CAPACITY.—Within 365 days after the date of enactment of this section, the Commission shall promulgate regulations to require owners and operators of telecommunications networks to reserve, for public uses, capacity on such networks for use free-of-charge by eligible entities. The reserved capacity shall be considered public property subject to disposition pursuant to regulations promulgated by the Commission, and the owner or operator of any affected telecommunications network shall have no control over, and no liability for, the communications content of such capacity.

"(c) RESERVATION OF CAPACITY.—

"(1) AMOUNT OF CAPACITY TO BE RESERVED.—The Commission shall presume that a reservation under this section of 20 percent of the capacity of a telecommunications network is appropriate, but may require a reservation of a lower amount or an amount to be phased-in not exceeding 20 percent, upon consideration of the type of technology used by the network, barriers to accessing the network, and such other factors as the Commission considers appropriate. Telecommunications networks shall not be required to reserve public capacity in excess of that required under this paragraph.

"(2) TEMPORARY REDUCTIONS.—If the Commission determines that any portion of the amount of public capacity that a telecommunications network is required to reserve under this section will go unused, the Commission may temporarily reduce the reserved amount by such unused portion. During the period when the reserved public capacity of a telecommunications network is temporarily reduced, an eligible entity described in subsection (d) may request use of any of the portion by which such reserved capacity was reduced and the Commission shall, within 30 days after the request, provide sufficient capacity to meet the request.

"(3) QUALITY.—The quality of telecommunications capacity reserved for public uses under this section shall be equivalent to the best quality of available capacity of the affected telecommunications network in all respects, including accessibility, channel positioning, interconnection access rights, network capabilities, and such other factors as the Commission considers appropriate.

"(4) REDUCTION OR ELIMINATION OF OBLIGATIONS.—The Commission may reduce or eliminate obligations upon a telecommunications network imposed under this subsection, if the Commission determines on the record after notice and opportunity for comment, that, throughout its entire service area, such network has clearly sufficient open architecture, capacity, and nondiscriminatory access terms to ensure that economic and technological barriers to access by eligible entities described in subsection (d) are eliminated.

"(5) EFFECT ON FRANCHISE FEE COLLECTION.—Nothing in this section is intended to affect the power of any franchising authority to collect a franchise fee authorized under section 622.

"(d) ALLOCATION OF CAPACITY.—

"(1) ELIGIBLE ENTITIES.—The following entities are the entities eligible for access to the public capacity reserved under this section:

"(A) State, local, and tribal governments and their agencies;

"(B) accredited educational institutions open to enrollment by the public;

"(C) public telecommunications entities;

"(D) public and nonprofit libraries; and

"(E) nonprofit organizations described under section 501(c)(3) of the Internal Revenue Code of 1986 that are formed for the purpose of providing nondiscriminatory public access to noncommercial educational, informational, cultural, civic, or charitable services.

"(2) TERMS AND CONDITIONS OF ACCESS.—Such eligible entities shall have access to such public capacity at no charge (for installation or service) if using such capacity only for the provision of educational, informational, cultural, civic, or charitable services directly to the public without charge for such services. Telecommunications capacity allocated pursuant to this section shall not be sold, resold, or otherwise transferred in consideration for money or any other thing of value.

"(3) ALLOCATION.—The Commission shall determine appropriate mechanisms and guidelines for allocating such public capacity. In so doing, the Commission shall establish block allocations to State, local, or tribal governments for redistribution among eligible entities pursuant to telecommunications plans submitted by State, local, or tribal governments, and ensure that the intent of Congress, as expressed in section 396(a), is served.

"(4) TRANSITION.—The Commission, as telecommunications network capacity expands, shall provide for a transition within a reasonable period of time from requirements under sections 335, 611, and 615 to requirements under this section.

"(e) PUBLIC TELECOMMUNICATIONS INFRASTRUCTURE FUND.—

"(1) ESTABLISHMENT.—Within 365 days after the date of enactment of this section, the Commission shall promulgate regulations to establish a Public Telecommunications Infrastructure Fund to provide eligible entities described in subsection (d) with economic support to use the capacity reserved on telecommunications networks under this section to provide noncommercial governmental, educational, informational, cultural, civil, and charitable services for the public. Such regulations shall provide a mechanism for financing the Public Telecommunications Infrastructure Fund by means of—

"(A) contributions, on a competitively neutral basis, by owners and operators of telecommunications networks (including those regulated under titles II, III and VI, except that nothing in this subsection may be construed as affecting the power of any franchising authority to collect a franchise fee authorized under section 622);

"(B) contributions from a designated portion of any universal service fund, as may be established under this Act;

"(C) contributions from such other sources as the Commission may determine to be sufficient and appropriate for such purposes; or

"(D) any combination of the contributions described in subparagraphs (A), (B), and (C).

"(2) CONTENT OF REGULATIONS.—The regulations promulgated under this subsection shall—

"(A) provide that contributions to the Public Telecommunications Infrastructure Fund shall begin no later than 365 days after promulgation of the regulations;

"(B) determine appropriate mechanisms and guidelines for allocating the funds collected pursuant to this subsection to such State, local, or tribal governments as the Commission considers appropriate;

"(C) establish guidelines for the distribution of such funds by State, local, or tribal governments to provide eligible entities described in subsection (d) with sufficient economic support to use the network capacity reserved under this section to provide noncommercial governmental, educational, informational, cultural, civic, and charitable services for the public; and

"(D) require that each State, local, or tribal government authorized to distribute funds pursuant to subparagraph (c) establish a public advisory commission that—

"(i) shall be composed of members representing the interests of eligible entities described in subsection (d); and

"(ii) shall ensure that the funds are distributed to a broad cross section of eligible entities in accordance with the guidelines established pursuant to subparagraph (C).".•

By Mr. WELLSTONE (for himself and Mr. BURNS):

S. 2196. A bill to assure fairness and choice to patients and providers under managed care health benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

THE PATIENT PROTECTION ACT

• Mr. WELLSTONE. Mr. President, I am pleased to introduce the Patient Protection Act today, with my colleague Senator BURNS as an original co-sponsor. As Congress considers health care reform, I believe we must focus very seriously on the importance of assuring the highest quality of care for patients. This act sets out landmark protections for patients and health care givers that should be incorporated in any health care reform proposal.

Any health care reform bill that is passed must have strong protections for consumers from the dangers of monopoly medicine. There is tremendous consolidation of economic power by the insurance industry, even as we consider reforming our system. The largest managed care companies are integrating vertically and horizontally, and are dominating an ever larger piece of the health care market. This morning's news let us know that two of the largest companies, Metropolitan Life and Travelers, are planning to merge their operations, bringing the "big five" of the Alliance for Managed Competition down to the "big four."

I hear over and over again from the people around the country about what this means to their own health care. People, consumers and caregivers alike, are unhappy, frustrated, and frightened as a result of the merger of giant insurance plans that have left the health care market in the hands of an oligopoly.

What has come across very strongly, and has surprised me the most, is the growing voice of the doctors in sounding the alarm on the abuses of the emerging system. I have worked closely with the American Medical Association on developing this bill, as well as with consumer groups, and when it comes to protecting consumers and protecting the role of physicians and other health caregivers in making clinical decisions, the American Medical Association and I have much in common.

The AMA represents the physicians on the inside who are looking out, who have experience with managed care. And we're coming to the same conclusions. Some of what is happening is simply not in the best interests of maintaining choice and providing sensitive, high quality health care.

I have already proposed many of the elements of the Patient Protection Act as amendments to the Health Security Act that we reported out of the Senate Committee on Labor and Human Resources, and they are already part of the bill. These include the right for caregivers who are being dropped by a health plan to receive timely notice that includes the reasons for dismissal, and the right to appeal that decision. This provides time for patients to arrange for continuity of care, and gives everyone involved a chance to shed light on plans that drop caregivers who are providing necessary but expensive health care. This provision was approved in the Labor Committee markup of the Health Security Act by a vote of 12 to 4.

The Labor Committee bill also now includes the right for patients and providers to timely information about the standards that utilization management companies use to make decisions about medical care, and the right to appeal those decisions. It would also prohibit any financial arrangement that would cause a utilization management organization or physician incentive plan to deny medically necessary or appropriate care.

There are many good health plans that already live up to these standards, I am encouraged by the activities of the industry to assure that they are improving the care of their patients and improving the practice of medicine, as they strive for financial efficiency. I invite and expect the support of those plans for this bill.

Some who would agree on patients' rights draw the line at extending those rights to the people who provide health care. And here I say that demoralized caregivers are not good for patient care. If health plans can drop caregivers from their lists at will, with no explanation and no recourse, nothing stands in the way of some of the most predatory practices we see today. Doctors are dropped because they spend too much of he health plan's money, even if their patients are older or sicker or legitimately need more health care services. They are pitted against their patients every time they make a decision about whether or not to make a referral to a specialist. In areas where a few health plans dominate the market, every time a provider is dropped thousands of families lose the continuity of care they had with doctors they may have seen for years.

The drive for a healthy bottom line, instead of a healthy population, maintains our inequitable, multi-tier system. Doctors have told me that they have been instructed to give 20 minute appointments to patients who pay higher premiums, and only 10 minute appointments to those who pay less. They are being told to give cheaper, less accurate and less time-consuming tests for tuberculosis to patients on the lower price plans than they would give to patients paying a higher rate.

The Labor Committee recently heard tragic stories from patients and caregivers about the results of these untamed practices. We heard about two cases of women with breast cancer whose care was repeatedly delayed until any treatment was too late. The list could go on and on.

The standards proposed in this act will control the most egregious practices of today. But I think they go farther. This bill is a starting point for patients, providers, and others who are part of the health care industry to work together in the best interests of high quality patient care. Certainly, we must find a way to control health care costs. Certainly, there will be changes in the practice of medicine. It is up to those of us in Congress to provide leadership for accomplishing those goals in the interests of people, who depend on the health care system every day for vitally necessary care.

The time for health care reform is now, but it must be health care reform that includes high quality care as well as effective cost control. Individual choice and patients' rights are among the cornerstones of the single payer bill I introduced in the Senate, the American Health Security Act of 1993 (S. 491).

The bill I am introducing today establishes the following important standards, particularly for managed care plans and for utilization management organizations:

First, there must be a process, established at the Federal level, for certifying managed care plans and utilization review programs. That process must include periodic review, a chance to remedy deficiencies, and the ability to discontinue the plans if they remain inadequate. The bill recognizes the constructive role that private accrediting bodies can play in consulting with the Government on these issues.

Second, consumers have a right to easily understood information about managed care plans so that they can make informed decisions, including not only the coverage and benefits, but also utilization review requirements and financial arrangements with utilization review organizations, loss ratios, and patient satisfaction statistics.

Third, plans must have sufficient access to physicians and other providers to provide timely care.

Fourth, plans cannot discriminate against patients who are likely to need expensive medical services due to their health condition by excluding their caregivers. There must be standards for hiring and firing physicians, and the right for timely notice and appeals when contracts for physicians already accepted by a plan are adversely modified.

Fifth, certified utilization review organizations must have up to date and medically justified for making decisions about whether or not clinical services should be provided, and patients and providers have a right to know what those standards are. The standards should be set and enforced by qualified health professionals, and there must be an appeal process when people are denied care.

Sixth, patients cannot be denied care unreasonably because of utilization review practices. Decisions about care must be made within 24 hours, and cannot be required for emergency care. If review personnel are unavailable, care provided will be considered to be approved and covered.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Protection Act of 1994".

TITLE I—PROTECTION OF CONSUMER CHOICE

SEC. 2. PROTECTION OF CONSUMER CHOICE.

Nothing in this Act shall be construed as prohibiting—

(1) an individual from purchasing any health care services with the individual's own funds, whether such services are covered within any benefits package otherwise available to the individual; and

(2) employers from providing coverage for benefits in addition to any benefits package otherwise available to an individual.

TITLE II—CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS

SEC. 3. DEFINITIONS.

For purposes of this title:

(1) QUALIFIED MANAGED CARE PLAN.—The term "qualified managed care plan" means a managed care plan that the Secretary certifies, upon application by the program, as meeting the requirements of section 4(b).

(2) QUALIFIED UTILIZATION REVIEW PROGRAM.—The term "qualified utilization review program" means a utilization review program that the Secretary certifies, upon application by the program, as meeting the requirements of section 4(c).

(3) UTILIZATION REVIEW PROGRAM.—The term "utilization review program" means a system of reviewing the medical necessity, appropriateness, or quality of health care services and supplies provided under a health insurance plan or a managed care plan using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of medical procedures, and retrospective review.

(4) MANAGED CARE PLAN.—

(A) IN GENERAL.—The term "managed care plan" means a plan operated by a managed care entity (as defined in subparagraph (B)), that provides for the financing and delivery of health care services to persons enrolled in such plan through—

(i) arrangements with selected providers to furnish health care services;

(ii) explicit standards for the selection of participating providers;

(iii) organizational arrangements for ongoing quality assurance, utilization review programs, and dispute resolution; and

(iv) financial incentives for persons enrolled in the plan to use the participating providers and procedures provided for by the plan.

(B) MANAGED CARE ENTITY.—The term "managed care entity" includes a licensed insurance company, hospital or medical service plan, health maintenance organization, an employer or employee organization, or a managed care contractor (as defined in subparagraph (C)), that operates a managed care plan.

(C) MANAGED CARE CONTRACTOR.—The term "managed care contractor" means a person that—

(i) establishes, operates, or maintains a network of participating providers;

(ii) conducts or arranges for utilization review activities; and

(iii) contracts with an insurance company, a hospital or medical service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan.

(6) PARTICIPATING PROVIDER.—The term "participating provider" means a physician, hospital, pharmacy, laboratory, or other appropriately authorized provider of health care services or supplies, that has entered into an agreement with a managed care entity to provide such services or supplies to a patient enrolled in a managed care plan.

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS.

(a) IN GENERAL.—

(1) CERTIFICATION.—The Secretary shall establish a process for certification of managed care plans meeting the requirements of subsection (b) and utilization review programs meeting the requirements of subsection (c).

(2) REVIEW AND RECERTIFICATION.—The Secretary shall establish procedures for the periodic review and recertification of qualified managed care plans and qualified utilization review programs. Such procedures shall include steps by which a health plan may remedy any deficiencies cited.

(3) TERMINATION OF CERTIFICATION.—If the Secretary determines that a qualified managed care plan or qualified utilization review program no longer substantially meets the applicable requirements for certification, the Secretary shall establish procedures for terminating the certification of the plan or program for reasons including the failure of remedies for deficiencies referred to in paragraph (2). Prior to the date a termination becomes effective, the Secretary shall provide the plan notice and opportunity for a hearing on the proposed termination.

(4) CERTIFICATION THROUGH ALTERNATIVE REQUIREMENTS.—

(A) CERTAIN ORGANIZATIONS RECOGNIZED.—An eligible organization (as defined in section 1876(b) of the Social Security Act), shall be deemed to meet the requirements of subsection (b) for certification as a qualified managed care plan.

(B) RECOGNITION OF ACCREDITATION.—If the Secretary finds that a State licensure program or a national accreditation body establishes requirements for accreditation of a managed care plan or utilization review program that are at least equivalent to requirements established under this section, the Secretary may, to the extent appropriate, treat a managed care plan or a utilization review program accredited by such program or body as meeting the applicable requirements of this section.

(b) REQUIREMENTS FOR CERTIFICATION OF MANAGED CARE PLANS.—

(1) IN GENERAL.—The Secretary shall establish Federal standards for the certification of managed care plans, including standards which require managed care plans to meet the requirements described in paragraphs (2) through (6).

(2) INFORMATION ON TERMS OF PLAN.—Managed care plans shall provide prospective enrollees information on the terms and conditions of the plan so that the enrollees can make informed decisions about accepting a certain system of health care delivery. Easily understood, truthful, linguistically appropriate and objective terms must be used in all oral and written descriptions of a plan. Such descriptions shall be consistent with standards developed for supplemental insurance coverage under title XVIII of the Social Security Act. Descriptions of plans under this paragraph must be standardized so that customers can compare the attributes of the plans. Specific items that must be included in a description of a plan are—

(A) coverage provisions, benefits, and any exclusions by category of service, provider, or physician, and if applicable, any exclusions by specific service;

(B) any and all prior authorization or other review requirements including preauthorization review, concurrent review, post-service review, post-payment review and any procedures that may lead the patient to be denied coverage for, or not be provided, a particular service;

(C) financial arrangements or contractual provisions with hospitals, utilization review organizations, physicians, or any other provider of health care services that would limit the services offered, restrict referral or treatment options, or negatively affect a physician's fiduciary responsibility to patients, including financial incentives not to provide medical or other services;

(D) an explanation of how plan limitations impact enrollees, including information on enrollee financial responsibility for payment for coinsurance or other noncovered or out-of-plan services;

(E) the plan's loss ratios and an explanation that they reflect the percentage of premiums expended for health services; and

(F) enrollee satisfaction statistics, including reenrollment statistics and a description of enrollees' reasons for leaving the plan.

(3) ADEQUATE ACCESS TO PHYSICIANS.—Managed care plans shall be required to demonstrate that they have adequate access to physicians and other providers so that all covered health care services will be provided in a timely manner. This requirement may not be waived and must be met in all areas where the plan has enrollees, including rural areas.

(4) FINANCIAL RESERVES.—Managed care plans shall be required to meet financial reserve requirements that are established to assure proper payment for health care services provided under the plan. The Secretary shall establish a mechanism to provide adequately for indemnification of plan failures even when a plan has met the reserve requirements.

(5) PROVIDER INPUT.—Managed care plans shall be required to establish a mechanism under which physicians and other providers participating in a plan have defined rights to provide input into the plan's medical policy (including coverage of new technology and procedures), utilization review criteria and procedures, quality and credentialing criteria, and medical management procedures.

(6) CREDENTIALS FOR PHYSICIANS.—

(A) IN GENERAL.—Managed care plans shall be required to credential physicians furnishing health care services under the plan. Any physicians within a plan's geographic service area may apply for credentials under the plan and at least once each year, the plan shall notify such physicians of the opportunity to apply for credentials.

(B) CREDENTIALING PROCESS.—

(i) IN GENERAL.—Each managed care plan shall establish a credentialing process. Such process shall begin upon application by a physician to be included under the plan. Each application by a physician shall be reviewed by a credentialing committee with appropriate representation of the applicant's medical specialty.

(ii) STANDARDS.—Credentialing under a plan shall be based on objective standards of quality with input from physicians credentialed by the plan. Credentialing standards shall be available to applicants and enrollees.

(iii) ECONOMIC CONSIDERATIONS.—If economic considerations, including practitioners' patterns of expenditure per patient, are part of a credentialing decision, objective criteria must used in examining such considerations and such criteria must be available to applicants, participating physicians, and enrollees. Any economic profiling of physicians must be adjusted to recognize case mix, severity of illness, age of patients and other features of a physician's practice that may account for higher or lower than expected costs. Economic profiles must be made available to the physicians profiled.

(iv) GRADUATE MEDICAL EDUCATION.—If graduate medical education is a consideration in credentialing, equal recognition will be given to training programs accredited by the Accrediting Council on Graduate Medical Education and by the American Osteopathic Association.

(v) RECORDING DECISIONS.—A record shall be maintained of all decisions made under the credentialing process and each applicant shall be provided with reasons for an application being denied or a contract not being renewed.

(vi) DUE PROCESS.—Prior to initiation of a proceeding leading to termination of a contract, the physician shall be provided notice, an opportunity for discussion, and an opportunity to enter into and complete a corrective action plan, except in cases where there is imminent harm to patient health or an action by a State medical board or other government agency that effectively impairs the physician's ability to practice medicine.

(vii) REDUCING OR WITHDRAWING CREDENTIALS.—The same standards and procedures used for an application for credentials shall also be used in those cases where the plan seeks to reduce or withdraw such credentials.

(viii) APPEALS.—There shall be allowed a due process appeal from all adverse decisions affecting practitioners with whom a plan has contracted. The due process appeal mechanisms shall be as set forth in the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101-11152).

(C) DISCRIMINATION AGAINST ENROLLEES.—Managed care plans shall be prohibited from discriminating against enrollees based on health status or anticipated need for medical services likely to lead to high expenses by excluding practitioners with practices containing a substantial number of such patients.

(6) CONFIDENTIALITY OF RECORDS.—Managed care plans shall be required to establish procedures to ensure that all applicable Federal and State laws designed to protect the confidentiality of provider and individual medical records are followed.

(c) REQUIREMENTS FOR CERTIFICATION OF UTILIZATION REVIEW PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish Federal standards for the certification of utilization review programs, including standards which require such programs to meet the requirements described in paragraph (2).

(2) REQUIREMENTS.—Plans must have a medical director responsible for all clinical decisions by the plan and provide assurances that the medical review or utilization practices used by the plans, and the medical review or utilization practices of payers or reviewers with whom the plans contract, comply with the following requirements:

(A) Screening criteria used in the review process, the methods by which they are applied, and their method of development, must be released to physicians and the public upon request.

(B) Such criteria and methods must be based on sound scientific principles and developed in cooperation with practicing physicians and other affected health care providers.

(C) Any person who recommends denial of coverage or payment, or determines that a service should not be provided, based on medical necessity standards, must be of the same medical branch (allopathic or osteopathic medicine) and specialty (specialties as recognized by the American Board of Medical Specialties or the American Osteopathic Association) as the practitioner who provided the service.

(D) Each claimant or provider (upon assignment of a claim) who has had a claim denied as not medically necessary must be provided an opportunity for a due process appeal to a medical consultant or peer review group that is independent of the entity that performed the initial review.

(E) Any individual making a final, negative judgment or recommendation about the necessity or appropriateness of services or the site of service must be a comparably qualified health care professional licensed to practice in the jurisdiction from which the claim arose.

(F) Upon request, physicians and other professionals will be provided the names and credentials of all individuals conducting medical necessity or appropriateness review, subject to reasonable safeguards and standards.

(G) Prior authorization shall not be required for emergency care, and patient or physician requests for prior authorization of a nonemergency service must be answered within 24 hours and qualified personnel must be available for same-day telephone responses to inquiries about medical necessity, including certification of continued length of stay. If review personnel are not available, medical services provided shall be considered approved.

(H) Plans must ensure that enrollees, in plans where prior authorization is a condition for coverage of a service, are offered the opportunity to sign medical information release consent forms upon enrollment for use where services requiring prior authorization are recommended or proposed by their physician.

(I) When prior approval for a service or other covered item is obtained, the service shall be considered to be covered unless there was fraud or incorrect information provided at the time such prior approval was obtained.

(J) Plans must establish procedures for ensuring that all applicable Federal and State laws designed to protect the confidentiality of provider and individual medical records are followed.

(d) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing standards under subsections (b) and (c), the Secretary shall—

(1) review standards in use by national private accreditation organizations and State licensure programs;

(2) recognize, to the extent appropriate, differences in the organizational structure and operation of managed care plans; and

(3) establish procedures for the timely consideration of applications for certification by managed care plans and utilization review programs.

(d) TIMETABLE FOR ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act standards shall first be established under this section.

(2) REVISION OF STANDARDS.—The Secretary shall periodically review the standards established under this section, and may revise the standards from time to time to assure that such standards continue to reflect appropriate policies and practices for the cost-effective and medically appropriate use of services within managed care plans and utilization review programs.

TITLE III—CHOICE OF HEALTH PLANS FOR ENROLLMENT

SEC. 5. CHOICE OF HEALTH PLANS FOR ENROLLMENT.

(a) IN GENERAL.—Each sponsor, including a self-insured sponsor, of a health benefit plan, who offers, provides, or makes available such plan must provide to each eligible enrollee a choice of health plans among available plans.

(b) OFFERING OF PLANS.—Each sponsor referred to in subsection (a) shall include among its health plan offerings at least one of each of the following types of health benefit plans, where available:

(1) A managed care plan, including a health maintenance organization or preferred provider organization.

(2) A traditional insurance plan (as defined in subsection (c)(1)).

(3) A benefit payment schedule plan (as defined in subsection (c)(2)), pursuant to the following activities of the Secretary:

(A) Not later than 12 months after the date of the enactment of this Act, the Secretary shall—

(i) conduct a study on the projected impact of benefit payment schedule plans on enrollees and on the Nation's health care costs; and

(ii) submit a report to Congress on the results of such study.

(B) The Secretary shall promulgate regulations to—

(i) assure that benefit payment schedule plans, if approved, are affordable for all enrollees and contribute to health care cost containment; and

(ii) remedy any other significant deficiencies identified by the study described in subparagraph (A).

(c) DEFINITIONS.—For purposes of this section:

(1) TRADITIONAL INSURANCE PLAN.—The term "traditional insurance plan" includes plans that offer a health benefits package and that pay for medical services on a fee-for-service basis using a usual, customary, or reasonable payment methodology or a resource based relative value schedule, usually linked to an annual deductible and/or coinsurance payment on each allowed amount.

(2) BENEFIT PAYMENT SCHEDULE PLAN.—The term "benefit payment schedule plan" means a health plan that—

(A) provides coverage for all items and services included in a health benefits package that are furnished by any health care provider licensed under State law of the enrollee's choice;

(B) makes payment for the services of a provider on a fee-for-service basis without regard to whether or not there is a contractual arrangement between the plan and the provider;

(C) provides a benefit payment schedule that identifies covered services and the payment for each service covered by the plan; and

(D) applies no copayments or coinsurance.

SEC. 6. CHOICE REQUIREMENTS FOR POINT-OF-SERVICE PLANS.

(a) IN GENERAL.—Each sponsor, including a self-insured sponsor, of a health benefit plan that restricts access to providers, shall offer to all eligible enrollees the opportunity to obtain coverage for out-of-network items or services through a point-of-service plan (as defined under subsection (e)(1)), at the time of enrollment and at least for a continuous one-month period annually thereafter.

(b) COINSURANCE.—A point-of-service plan may require payment of coinsurance for an out-of-network item or service, as follows:

(1) The applicable coinsurance percentage shall not be greater than 20 percent of payment for items and services.

(2) The applicable coinsurance percentage may be applied differentially with respect to out-of-network items and services, subject to the requirements of paragraph (1).

(c) PAYMENT DISCLOSURE REQUIREMENT.—All sponsors of point-of-service plans and physicians and other professionals participating in such plans shall be required to disclose their fees, applicable payment schedules, coinsurance requirements, or any other financial requirements that affect patient payment levels.

(d) POVERTY EXCLUSION.—Any enrollee, including enrolled dependents, whose income does not exceed 200 percent of the established Federal poverty guideline for the applicable year, shall be charged no more than the amount allowed under applicable plan limits. Such amount shall be considered payment in full.

(e) DEFINITIONS.—For purposes of this section:

(1) POINT-OF-SERVICE PLAN.—The term "point-of-service plan" means a plan that offers services to enrollees through a provider network (as defined in paragraph (2)) and also offers additional services and/or access to care by network or non-network providers.

(2) PROVIDER NETWORK.—The term "provider network" means, with respect to a health plan that restricts access, those providers who have entered into a contract or agreement with the plan under which such providers are obligated to provide items and services under the plan to eligible individuals enrolled in the plan, or have an agreement to provide services on a fee-for-service basis.•

• Mr. BURNS. Mr. President, I join my colleague from Minnesota, Mr. WELLSTONE, in introducing the Patient Protection Act. It is not a comprehensive health reform proposal, nor is it an attempt at incremental change. It is language that should be included in whatever health care reform bill is considered before this body.

I am hearing many things from the folks at home, and my mail from people all across the country is no different. They all say, "I want to be able to choose my doctor and my health insurance." This legislation makes that possible.

By requiring health plans to list what services are covered in their plan, what services are excluded, and results of a survey on patient satisfaction, patients are able to be informed consumers. They can make wise decisions, based on what is most important to them.

By giving patients the option of three plans—an HMO/PPO-type plan; a traditional insurance plan; or a benefit payment schedule—patients are able to decide what works best for them and their family. If they don't care what physician they see or don't have any particular ties already, they may choose an HMO. And if for some reason they are enrolled in an HMO-type plan, perhaps because that's the only one offered by their employer, but they want to see a physician not in that network, they will have the option of a point-of-service plan, an opportunity to pay extra to see a doctor who is not in their plan.

And yes, it does have some provisions that are seen as good for the doctors. But as I see it, patients are not in this alone. The patient-provider relationship is a special one. So, by giving physicians a voice in medical policymaking and developing criteria to ensure quality patient care, the patient wins.

This legislation guarantees that patients and their physicians are making the decisions about the patients' medical care. That's the way it should be. I certainly wouldn't want a clerk on the phone to tell my physician that I am not allowed to have some procedure done. If my physician and I agree, even if my insurance didn't cover it, I should have the information at my fingertips about that and should have options in case we decided to proceed.

That's what this country is all about. Options and opportunities and freedom. There is no reason patients shouldn't be given all the information they need to make wise decisions. And there is no reason patients shouldn't have the freedom to choose, freedom to choose their physician, the services they want, and the health insurance plan to which they want to subscribe. As long as this is a democracy, those should remain every individual's rights.

I look forward, Mr. President, to seeing this language become part of any health care reform bill that we consider here in the Senate. My colleague, Senator WELLSTONE, and I may disagree on many components of health care reform, but on this point we can stand together. Above all, the patient's rights and maintaining the quality of care must come first. To do so, we must enact this legislation to protect the patient and secure the patient-physician relationship.•

By Mrs. FEINSTEIN:

S. 2197. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1994

• Mrs. FEINSTEIN. Mr. President, just over a year ago, I spoke about my fears that if the Federal Government did not act aggressively to stop illegal immigration, there could be a backlash against all immigrants.

In October 1993, I introduced the "Immigration Law Enforcement Act of 1993" to increase the number of border patrol agents, improve the asylum process and increase penalties for those who illegally smuggle immigrants into this country.

Now, a year later, I am even more concerned that the lack of action by Congress will only escalate ill will toward all immigrants. The time to act is now, and for that reason I am introducing legislation today which broadens my original draft based upon many conversations with my colleagues.

The impact on California's State budget caused by the steady stream of illegal immigrants is great. Estimates now range that there are between 1.6 million and 2.3 million illegal immigrants in California. The Governor of California believes the costs to our State of illegal immigrants has reached $3 billion a year. Studies are underway by the General Accounting Office, the Office of Management and Budget, and the Justice Department, all of which should help to produce substantiated figures about the real cost to California.

No matter what the exact number turns out to be, the fundamental point is sure to remain the same. This is an expense that Californians can no longer afford to bear. Sheer numbers of illegal immigrants are having an impact: on classroom size, the jobs place, and in housing availability.

The inability to enforce our borders—and stop illegal immigration—is resulting in rising tension and increasing resentment against both legal and illegal immigrants.

And it is the responsibility of this Congress to act.

I rise today, therefore, to introduce the Illegal Immigration Control and Enforcement Act of 1994, a comprehensive combination of many of the best legislative proposals advanced to date.

The goal of this legislation is twofold:

First, stop illegal immigration by enforcing our borders and by devoting the resources to accomplish that objective;

Second, reduce the incentives—such as Federal benefits and assistance—available to illegal immigrants so fewer people attempt to come here illegally.

Among other things, this legislation will:

First, provide 2,100 new border agents—700 each year for the next 3 years—to secure our borders. It would also make available the necessary equipment, lighting and fencing.

When I visited a 14-mile stretch of the border in San Diego County a year ago, I saw a mere handful of agents in the field, only a single night-vision scope was available, the lighting was bad, and the border fence was incomplete.

When I returned to the same spot 10 days ago, after having helped secure a $45 million appropriation to better police the Southwest border, things had clearly improved. Lights were in place, 14 miles of the fence were nearly complete, new equipment was available and functioning, and 40 new U.S. agents were on duty.

More importantly, border patrol agents on the line in San Diego report that they are now catching 60 percent of those trying to enter the Nation illegally, up from 50 percent last year. The Saturday night I was there, 2,000 people were apprehended for illegally crossing the border, but still about 1,500 succeeded in crossing the border that night.

Based upon what I saw, border enforcement can work, but this is just the beginning. Adding 2,100 agents over 3 years would expand the efforts already underway and if they are assigned according to need, with some flexibility, the problem can be contained, and illegal border crossings greatly reduced.

Second, speed the legal crossing at all land borders by:

Fully staffing existing border gates, and

Authorizing the construction of new facilities needed to handle the crossing volume.

Third, a counterfeit-proof identity card aimed at eliminating the use of false documents to obtain benefits or work.

False documents allow illegal immigrants to gain employment unlawfully and to obtain federally funded public assistance benefits. In addition, the legislation increases penalties for those who make and sell false documents.

Fourth, establish a 2-year pilot "interior repatriation" program in San Diego to remove those who illegally cross the border to the "interior" of their home country.

One of the biggest problems is that illegal immigrants repeatedly try to cross the same border in a short period of time. During my visit to the border 10 days ago, the U.S. attorney said this provision was key and critical to reducing the frequency or repeat border crossings.

Fifth, prohibit direct cash assistance—such as Aid to Families With Dependent Children or Supplemental Security Income—to immigrants who are not legal permanent residents, refugees or asylees.

Sixth, require citizens who sponsor legal immigrants to provide complete financial support for them until they become U.S. citizens.

A legal immigrant is eligible for citizenship 5 years after arriving in this country.

This measure would prevent potential immigrants with sponsors from utilizing public assistance while under sponsorship.

Seventh, establish that an applicant for asylum is not automatically entitled to work authorization.

Additionally, it would take steps to expedite the asylum process and reduce the backlog of asylum claims.

Eighth, increase penalties for the smuggling of illegal immigrants:

It would increase the penalty for smuggling from 5 to 10 years, and imposes an additional penalty if the smuggler endangers the life of the immigrant.

A smuggler who causes an alien's death would be subject to the death penalty.

Ninth, provide for the prompt deportation of any non-green-cardholder who has been convicted of an aggravated felony and is deportable.

Tenth, reduce cases of abuse against illegal immigrants by providing improved training for both active border patrol agents and new hires and requiring the Attorney General to report to Congress each year on this effort.

This legislation also contains a funding mechanism to support the programs and hiring that it authorizes. It would impose a modest $1 border crossing fee to pay for these improvements. Based on 1992 Customs figures, a $1 crossing fee could raise between $300 and $400 million a year so this border enforcement program is self funding.

I would like to conclude by first acknowledging that this legislation owes a great deal to many in the House, Senate, and administration who have introduced many of these concepts in other forms.

In addition, I want to invite all of those parties, especially the Attorney General, Commissioner Meissner, and other Members of the Senate, to work with me to finalize this package and enact it into law as quickly as humanly possible.

The progress that I witnessed in San Diego earlier this month was impressive, but it is only a beginning. The United States must reduce incentives for illegal immigrants to come here, and the Federal Government must enforce our borders.

There is no time to lose. Mr. President, I ask unanimous consent that the full text of my bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Immigration Control and Enforcement Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

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PART A—EXPANDED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

Sec. 111. Border patrol expansion and deployment.
Sec. 112. Hiring preference for bilingual border patrol agents.
Sec. 113. Improved border patrol training.
Sec. 114. Technology and equipment transfer to the Department of Justice.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

Sec. 121. Additional land border inspectors.
Sec. 122. Improvement of border crossing infrastructure.

PART C—DETENTION AND DEPORTATION

Sec. 131. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
Sec. 132. Civil penalties for failure to depart.
Sec. 133. Form of deportation hearings.
Sec. 134. Interior repatriation and multiple reentry deterrence pilot program.
Sec. 135. Judicial review.
Sec. 136. Communications between federally funded government agencies and the Immigration and Naturalization Service.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

Sec. 141. Expansion in definition of "aggravated felony".
Sec. 142. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 143. Judicial deportation.
Sec. 144. Restricting defenses to deportation for certain criminal aliens.
Sec. 145. Construction of expedited deportation requirements.
Sec. 146. Negotiations for international agreements.
Sec. 147. Denial of discretionary relief to aliens convicted of aggravated felonies.
Sec. 148. Annual report.
Sec. 149. Use of legalization information for criminal prosecution purposes.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

Sec. 211. Ineligibility for certain direct Federal benefits.
Sec. 212. Limits on benefits to sponsored immigrants.
Sec. 213. Sponsorship enhancement.
Sec. 214. Authority to States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.

PART B—EMPLOYER SANCTIONS SUPPORT

Sec. 221. Additional Immigration and Naturalization Service investigators.

PART C—ENHANCED WAGE AND HOUR LAWS

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Sec. 232. Increased number of assistant United States attorneys.

PART D—AUTHORIZATION VERIFICATION

Sec. 241. Work authorization verification.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

Sec. 301. Increased penalties for alien smuggling.
Sec. 302. Death penalty procedures.
Sec. 303. Smuggling aliens for commission of crimes.
Sec. 304. Adding alien smuggling to RICO.
Sec. 305. Expanded forfeiture for smuggling or harboring illegal aliens.
Sec. 306. Wiretap authority for alien smuggling investigations.
Sec. 307. Effective date.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

PART A—PORT OF ENTRY INSPECTIONS

Sec. 411. Restrictions on admissions fraud.
Sec. 412. Special port of entry exclusion for admissions fraud.
Sec. 413. Judicial review.
Sec. 414. Effective date.

PART B—ENHANCED PENALTIES

Sec. 421. Increased penalties for document fraud.
Sec. 422. Penalties for failure to disclose role as preparer of fraudulent documents.
Sec. 423. Civil penalties for fraud, misrepresentation, and failure to present documents.
Sec. 424. Effective date.

TITLE V—ASYLUM REFORM

Sec. 501. Penalties for frivolous applications.
Sec. 502. Asylum and work authorization.
Sec. 503. Resources to address asylum backlog.
Sec. 504. Reduction of incentive to delay proceedings.
Sec. 505. Partial revocation of Executive order.

TITLE VI—BORDER CROSSING USER FEE

Sec. 601. Imposition of fees.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—EXPANDED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

SEC. 111. BORDER PATROL EXPANSION AND DEPLOYMENT.

(a) INCREASED PERSONNEL.—The Attorney General, in each of the fiscal years 1995, 1996, and 1997 shall increase by no fewer than 700, and by an appropriate amount the number of personnel needed to support, the number of full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the numbers of such agents hired in fiscal year 1994.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the level of illegal intrusion measured in each sector during the preceding fiscal year, and shall be actively engaged in (or in support of) law enforcement activities related to the illegal crossing of the United States' borders.

SEC. 112. HIRING PREFERENCE FOR BILINGUAL BORDER PATROL AGENTS.

The Attorney General shall, in hiring the Border Patrol Agents specified in section 111(a), give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such Agents are likely to be deployed.

SEC. 113. IMPROVED BORDER PATROL TRAINING.

(a) IMPROVEMENT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General shall ensure that all Border Patrol personnel, and any other personnel of the Service who are likely to have contact with undocumented or improperly documented persons, or other immigrants, in the course of their official duties, receive in-service training adequate to ensure that all such personnel respect the civil rights, personal safety, and human dignity of such persons at all times.

"(2) The Attorney General shall ensure that the annual report to Congress of the Service—

"(A) describes in detail actions taken by the Attorney General to meet the requirement set forth in paragraph (1);

"(B) incorporates specific findings by the Attorney General with respect to the nature and scope of any verified incident of conduct by Border Patrol personnel that—

"(i) was not consistent with paragraph (1); and

"(ii) was not described in a previous annual report; and

"(C) sets forth specific recommendations for preventing any similar incident in the future.".

SEC. 114. TECHNOLOGY AND EQUIPMENT TRANSFER TO THE DEPARTMENT OF JUSTICE.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

SEC. 121. ADDITIONAL LAND BORDER INSPECTORS.

(a) INCREASED PERSONNEL.—In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and Secretary of the Treasury shall increase, by approximately equal numbers in each of the fiscal years 1995 and 1996, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing of all border crossing lanes now in use, under construction, or whose construction has been authorized by Congress.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General and the Secretary of the Treasury shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the number of land border crossings measured in each such sector during the preceding fiscal year.

SEC. 122. IMPROVEMENT OF BORDER CROSSING INFRASTRUCTURE.

(a) IDENTIFICATION OF NECESSARY IMPROVEMENTS.—Not later than March 1, 1995, the Attorney General shall, in consultation with the Secretary of the Treasury, identify those physical improvements to the infrastructure of the international land borders of the United States necessary to expedite the inspection of persons and vehicles attempting to lawfully enter the United States in accordance with existing policies and procedures of the Immigration and Naturalization Service, the United States Customs Service, and the Drug Enforcement Agency.

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than March 1, 1995, the Attorney General shall begin implementation of the projects (or securing any necessary approval) for the physical improvements referred to in subsection (a). Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded in those portions of the country where the Attorney General, in consultation with the Committees on the Judiciary of the House of Representatives and the Senate, objectively determines the need to be greatest before the Attorney General may obligate funds for construction of any improvement otherwise located.

PART C—DETENTION AND DEPORTATION

SEC. 131. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking "by reason of being a member of any of the classes described in paragraph (2), (3), or (4) of section 241(a)" the first time it appears and inserting "by reason of being a member of any of the classes described in section 212(a) or 241(a)"; and

(2) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than 4 years, except that if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a) then the alien shall be imprisoned not more than 10 years".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(B) striking "5" and inserting "10"; and

(2) in paragraph (2), by striking "15" and inserting "20", and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In any criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien has exhausted any administrative remedies that may have been available to seek relief against such order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to offenses occurring after the date of enactment of this Act.

SEC. 132. CIVIL PENALTIES FOR FAILURE TO DEPART.

(a) IN GENERAL.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c) is amended—

(1) by amending the section heading to read as follows:

"PENALTIES FOR DOCUMENT FRAUD, FAILURE TO DEPART, AND FAILURE TO PRESENT DOCUMENTS";

(2) in subsection (a)—

(A) by striking "or" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(5) if such person is an alien—

"(A) to fail or refuse to depart from the United States by the date that final, unappealable orders of exclusion and deportation or deportation become effective against such person; or

"(B) to fail or refuse to voluntarily depart the United States by the date granted by the Attorney General in lieu of a final, unappealable order of deportation,";

(3) in subsection (c), by inserting before the period the following: "or in section 237 or section 242 of this Act";

(4) in subsection (d)(3)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", or"; and

(C) by adding at the end the following new subparagraph:

"(C) up to $500 for each day that an alien is in violation of subsection (a)(5)"; and

(5) by inserting at the end the following new subsection:

"(e) DEFINITION.—For the purposes of this section, the term 'final, unappealable order of deportation' means any order of exclusion and deportation or deportation issued by the Attorney General that has not been administratively or judicially appealed within the deadlines established by this Act or regulations thereunder, or any such order the judicial appeal of which has been denied, and which denial has become final.".

(b) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act is amended by amending the item relating to section 274C to read as follows:

"Sec. 274C. Civil penalties for failure to depart.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations occurring after the date of enactment of this Act.

SEC. 133. FORM OF DEPORTATION HEARINGS.

The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: ", except that nothing in this sentence precludes the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

SEC. 134. INTERIOR REPATRIATION AND MULTIPLE REENTRY DETERRENCE PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program in the San Diego sector of the Immigration and Naturalization Service for up to 2 years to test the effectiveness of interior repatriation in deterring multiple unauthorized entries by aliens into the United States.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Attorney General, together with the Secretary of State, shall include a section in the annual report required by section 148 of this Act on the operation of the pilot program established by this section. Such report shall include a recommendation as to whether the pilot program or any part thereof should be extended or made permanent.

SEC. 135. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended by amending paragraph (1) to read as follows:

"(1)(A) a petition for review may be filed not later than 45 days after the date of the issuance of the final deportation order, or, in the case of an alien convicted of an aggravated felony, not later than 15 days after the issuance of such order;

"(B) the alien shall serve and file a brief not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, except that the court may extend these deadlines upon motion for good cause shown; and

"(C) if an alien fails to file a brief within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to appeals taken after the date of enactment of this Act.

SEC. 136. COMMUNICATIONS BETWEEN FEDERALLY FUNDED GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of law, no Federal, State, or local government entity receiving Federal funds shall be prohibited or in any way restricted from confidentially communicating with the Immigration and Naturalization Service regarding the immigration status, legal or illegal, of an alien in the United States.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

SEC. 141. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

"(C) any illicit trafficking in any firearms or destructive devices as defined in section 921 of title 18, United States Code, or in explosive materials as defined in section 841(c) of title 18, United States Code;

"(D) any offense described in (i) section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or (ii) section 1957 of such title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the value of the monetary instruments or property exceeds $100,000;

"(E) any offense described in—

"(i) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses);

"(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) which is punishable by imprisonment for 5 years or more;

"(G) any theft offense (including receipt of stolen property) or any burglary offense, in which the value of the property in question exceeds $10,000 and which is punishable by imprisonment for 5 years or more;

"(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

"(J) any offense described in—

"(i) section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations); or

"(ii) section 1084 (if it is a second or subsequent offense) or section 1955 of such title (relating to gambling offenses),

which is punishable by imprisonment for 5 years or more;

"(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, which is punishable by imprisonment for 5 years or more;

"(L) any offense that—

"(i) relates to the owning, controlling, managing or supervising of a prostitution business;

"(ii) is described in section 2421, section 2422, or section 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or

"(iii) is described in sections 1581, 1582, 1583, 1584, 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(M) any offense relating to perjury or subornation of perjury which is punishable by imprisonment for 5 years or more;

"(N) any offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(O) any offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeded $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion), in which the revenue loss to the Government exceeds $200,000;

"(P) any offense described in section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling) for the purpose of commercial advantage;

"(Q) any offense described in section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage;

"(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, which is punishable by imprisonment for 2 years or more; or

"(S) any attempt or conspiracy to commit an offense described in this paragraph.

The term 'aggravated felony' applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) Effective Date.—The amendment made by this section applies to convictions entered before, on, or after the date of enactment of this Act.

SEC. 142. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) Technical and Conforming Changes.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (a)—

(A) by striking "(a) In General.—" and inserting the following:

"(b) Deportation of Permanent Resident Aliens.—

"(1) In general.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) in subsection (b)—

(A) by striking "(b) Implementation.—" and inserting "(2) Implementation.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) by striking subsection (c);

(4) in subsection (d)—

(A) by striking "(d) Expedited Proceedings.—(1)" and inserting "(3) Expedited proceedings.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) in subsection (e)—

(A) by striking "(e) Review.—(1)" and inserting "(4) Review.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)".

(6) by inserting after the section heading the following new subsection:

"(a) Presumption of Deportability.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States."; and

(7) by amending the section heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF AGGRAVATED FELONIES".

(b) Elimination of Administrative Hearing for Certain Criminal Aliens.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a), as amended by subsection (a), is further amended by adding at the end the following:

"(c) Deportation of Aliens Who Are Not Permanent Residents.—(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is deportable under this subsection if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

"(3) No alien described in paragraph (2) shall be eligible for any relief from deportation that may be granted in the discretion of the Attorney General.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 days have passed from the date that such order was issued, unless waived by the alien, in order to permit the alien an opportunity to apply for judicial review under section 106.".

(c) Limited Judicial Review.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A(c)" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A(c))" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), no court shall have jurisdiction to hear a petition for review or for habeas corpus on behalf of an alien described in section 242A(f) except to determine whether the alien is in fact an alien, and the individual alien, described in such section.".

(d) Amendment to Table of Contents.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 242A to read as follows:

"Sec. 242A. Expedited deportation of aliens convicted of aggravated felonies.".

(e) Effective Date.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 143. JUDICIAL DEPORTATION.

(a) Judicial Deportation.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a), as amended by section 142 of this Act, is further amended by adding at the end the following new subsection:

"(d) Judicial Deportation.—

"(1) Authority.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be conclusively presumed to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), but only if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) Procedure.—(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, to the alien's counsel of record, and to the Commissioner.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Attorney General shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) Notice, appeal, and execution of judicial order of deportation.—(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term to which the defendant is sentenced in accordance with the term of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Attorney General shall provide the defendant with written notice of the order or deportation, which shall designate the country to which the defendant chooses to be deported and any alternate country selected pursuant to section 243(a).

"(4) Denial of judicial order.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) Technical Amendment.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(c) and 242A(d), the".

(c) Effective Date.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 144. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) Defenses Based on Seven Years of Permanent Residence.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term or terms of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.".

(b) Withholding of Deportation Defense.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony.".

SEC. 145. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this title, and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)), may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States, its agencies or officers, or against any other person.

SEC. 146. NEGOTIATIONS FOR INTERNATIONAL AGREEMENTS.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, together with the Attorney General, may enter into an agreement with any foreign country providing for the incarceration in that country of any individual who—

(1) is a national of that country; and

(2) is an alien who—

(A) is not in lawful immigration status in the United States, or

(B) on the basis of conviction of a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the individual was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such individual pursuant to parole procedures of that country.

(b) PRIORITY.—In carrying out subsection (a), the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of individuals described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such individuals in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 147. DENIAL OF DISCRETIONARY RELIEF TO ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) INELIGIBILITY FOR SUSPENSION OF DEPORTATION.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) Suspension of deportation and adjustment of status under subsection (a)(2) shall not be available to any alien who has been convicted of an aggravated felony.".

(b) APPLICATION OF EXCLUSION FOR DRUG OFFENSES.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended in the second sentence by inserting "or any other aggravated felony" after "torture".

(c) ADJUSTMENT OF STATUS; CHANGE OF NONIMMIGRANT CLASSIFICATION.—(1) Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking "or" after "section 212(d)(4)(C)"; and

(B) by inserting "; or (5) an alien who has been convicted of an aggravated felony" immediately after "section 217".

(2) Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) an alien convicted of an aggravated felony.".

SEC. 148. ANNUAL REPORT.

Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies;

(2) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(3) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 149. USE OF LEGALIZATION INFORMATION FOR CRIMINAL PROSECUTION PURPOSES.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5)(C) (8 U.S.C. 1255a(c)(5)(C)) is amended by amending the text after subparagraph (C) to read as follows:

"except that the Attorney General shall provide information furnished under this section when such information is requested in writing by a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, or to an official coroner for purposes of affirmatively identifying a deceased individual, whether or not such individual is deceased as a result of a crime, or the Attorney General may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code. Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.".

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following: "except that the Attorney General shall provide information furnished under this section when such information is requested in writing by a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, or to an official coroner for purposes of affirmatively identifying a deceased individual, whether or not such individual is deceased as a result of a crime.".

(c) EFFECTIVE DATE.—The criminal penalty added by subsection (a) shall apply to offenses occurring after the date of enactment of this Act.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

SEC. 211. INELIGIBILITY FOR CERTAIN DIRECT FEDERAL BENEFITS.

(a) DIRECT FINANCIAL ASSISTANCE OR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an unlawful alien (as defined in subsection (d)(2)) shall not be eligible to receive any direct financial assistance or benefits under any Federal program, except—

(A) emergency medical services under title XIX of the Social Security Act,

(B) short-term emergency disaster relief,

(C) assistance or benefits under the National School Lunch Act,

(D) assistance or benefits under the Child Nutrition Act of 1966, and

(E) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

(2) NOTIFICATION OF ALIENS.—The Federal agency administering a program referred to in paragraph (1) shall, directly or through the States, notify any unlawful alien who is receiving benefits under the program on the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(b) UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an alien shall not be eligible to receive any portion of unemployment benefits payable out of Federal funds.

(2) LIMITED EXCEPTION FOR LAWFUL ALIENS.—Paragraph (1) shall not apply to any lawful alien (as defined in subsection (d)(1)) who has been granted employment authorization pursuant to Federal law if the unemployment benefits are attributable to the authorized employment.

(c) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 and containing statistics with respect to the number of individuals denied financial assistance under such section.

(d) DEFINITIONS.—For the purposes of this section—

(1) LAWFUL ALIEN.—The term "lawful alien" means an individual who is

(A) an alien lawfully admitted to the United States for permanent residence,

(B) an asylee,

(C) a refugee,

(D) an alien whose deportation has been withheld under section 243(h) of the Immigration and Nationality Act,

(E) a parolee who has been paroled for a period of 1 year or more, or

(F) a Chinese national described in section 2(b) of the Chinese Student Protection Act of 1992 (Public Law 102-404) who, as of the date of enactment of this Act, has applied for adjustment of status in accordance with Public Law 102-404.

(2) UNLAWFUL ALIEN.—The term "unlawful alien" means an individual who is not—

(A) a United States citizen; or

(B) a lawful alien.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to benefits received after the date of the enactment of this Act.

SEC. 212. LIMITS ON BENEFITS TO SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in determining eligibility for, and the amount of direct financial benefits of, a lawful sponsored alien under Federal benefit programs such as Aid to Families with Dependent Children, Supplemental Security Income, and Food Stamps, the income and resources of the alien shall include—

(1) the income and resources of any person who, as a sponsor of such alien's entry into the United States, entered into a binding contract of support with respect to such alien, and

(2) the income and resources of such sponsor's spouse.

The preceding sentence shall apply until such time as the sponsored alien achieves United States citizenship.

(b) EXTENUATING CIRCUMSTANCES.—The income and resources of the sponsor and his or her spouse shall no longer be included in determining the eligibility of a sponsored lawful alien for Federal benefits when—

(1) the sponsor becomes impoverished, bankrupt, or dies, or

(2) the sponsored lawful immigrant becomes blind or disabled after entry into the United States.

(c) EXEMPTIONS.—For the purposes of this section, the following groups of lawful sponsored immigrants and Federal benefit programs are exempted:

(1) Refugees, asylees, and other lawful aliens who are not sponsored.

(2) Public education, Medicaid, child nutrition, child immunization, and other public health programs.

(d) PROSPECTIVE EFFECT.—This section shall only affect initial applications for Federal benefits that are received after the effective date.

(e) EFFECTIVE DATE.—This section shall take effect 90 days after enactment of this Act.

SEC. 213. SPONSORSHIP ENHANCEMENT.

(a) If otherwise admissible, an alien who is excludable under paragraph (4) of section 212(a) of the Immigration and Nationality Act and has not given a suitable bond (as described in the previous section 213 of the Immigration and Naturalization Act [8 U.S.C. 1183]) can only be admitted when sponsored by an individual (hereafter referred to in this section as the alien's "sponsor") entering into a legally binding contract that guarantees financial responsibility for the alien until he or she becomes a United States citizen.

(b) Such a contract with respect to the admission into the United States of an alien under the Immigration and Naturalization Act shall provide—

(1) that the sponsor shall be liable for the costs incurred by any Federal, State, or political subdivision of a State for general public cash assistance provided to such alien; and

(2) that this responsibility will continue until the date on which the alien becomes a citizen of the United States.

(c) In the case of cash benefits which are provided to lawful sponsored immigrants who are ineligible for public assistance under section 212 of this Act, the binding contract referred to in section 213(a) of this Act may be enforced with respect to an alien against the alien's sponsor in a civil suit brought by the Attorney General or a State or political subdivision of a State in the United States district court for the district in which the sponsor resides for the recovery of the costs incurred by any Federal, State, or political subdivision of a State in providing general cash public assistance provided to such alien for which the sponsor agreed to be liable under such a contract.

(d) The sponsor or the sponsor's estate shall not be liable if the sponsor dies, becomes impoverished due to unforeseen circumstances (as defined by eligibility for Federal assistance), or is adjudicated a bankrupt under title 11, United States Code.

(e) The requirements and powers of this section shall apply only to initial sponsorship-based applications for legal admission into the United States received after the effective date of this section.

(f) This provision shall take effect 90 days after the date of enactment of this Act

(g) The admitting agencies shall record the use of sponsorship by immigrant to meet the public charge test for admission to the United States set forth in paragraph (4) of section 212(a) of the Immigration and Naturalization Act.

SEC. 214. AUTHORITY TO STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions are not inconsistent with the eligibility requirements for comparable Federal programs or are less restrictive. For the purposes of this section, attribution to an alien of a sponsor's income and resources for purposes of determining the eligibility for and amount of benefits of an alien shall be considered less restrictive than a prohibition of eligibility.

PART B—EMPLOYER SANCTIONS SUPPORT

SEC. 221. ADDITIONAL IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS.

(a) INVESTIGATORS.—The Attorney General is authorized to hire for fiscal years 1995 and 1996 such additional investigators and staff as may be necessary to aggressively enforce existing sanctions against employers who employ workers in the United States illegally or who are otherwise ineligible to work in this country.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

PART C—ENHANCED WAGE AND HOUR LAWS

SEC. 231. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1995 and 1996 such additional investigators and staff as may be necessary to aggressively enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

SEC. 232. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

The Attorney General is authorized to hire for fiscal years 1995 and 1996 such additional Assistant United States Attorneys as may be necessary to prosecute actions brought under this Act, or intended to directly further Congress' intention to preclude and deter illegal immigration.

PART D—AUTHORIZATION VERIFICATION

SEC. 241. WORK AUTHORIZATION VERIFICATION.

The Attorney General, together with the Secretary of Health and Human Services, shall develop and implement a counterfeit-resistant system to verify work eligibility and federally-funded public assistance benefits eligibility for all persons within the United States. If the system developed includes a document (designed specifically for use for this purpose), that document shall not be used as a national identification card, and the document shall not be required to be carried or presented by any person except at the time of application for federally funded public assistance benefits or to comply with employment eligibility verification requirements.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

SEC. 301. INCREASED PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the comma at the end of subparagraph (D) and all that follows through the period and inserting "; or"; and

(C) by adding at the end the following:

"(E) engages in any conspiracy to commit any of the preceding acts, or aids or abets the commission of any of the preceding acts,

shall be fined under title 18, United States Code, and shall be imprisoned not less than 3 years nor more than 10 years, for each alien with respect to whom any violation of this paragraph occurs."; and

(2) by adding at the end the following new paragraphs:

"(3) Any person who, in the commission of an act described in paragraph (1), willfully subjects any alien to a substantial risk of death or serious bodily harm shall be subject to a term of imprisonment of not less than 3 years nor more than 10 years in addition to any term of imprisonment imposed under that paragraph.

"(4) Any person who in the perpetration of, or in the attempt to perpetrate, any violation of paragraph (1), causes the death of an alien shall be subject to the penalty of death, or life imprisonment, subject to appropriate procedures under chapter 228 of title 18, United States Code.".

SEC. 302. DEATH PENALTY PROCEDURES.

Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES RELATING TO SMUGGLING OF ALIENS

"Sec.

"3591. Sentence of death relating to the smuggling of aliens.

"§ 3591. Sentence of death relating to the smuggling of aliens

"A sentence of death for a violation of section 274(a)(4) of the Immigration and Nationality Act may be imposed only if—

"(1) the defendant caused the death of a person intentionally or knowingly, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r)), except that for the purposes of a violation of that law, the references to "this section" in section 408(g) and (h)(1) and "subsection (e)" in section 408(i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to section 274(a)(4) of that Act. No rule of law, including a rule contained in a law under which an offense is committed, may be applied in determining whether a penalty of death shall be imposed in a particular case, other than those procedures. Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

SEC. 303. SMUGGLING ALIENS FOR COMMISSION OF CRIMES.

Section 274(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "or" at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(iii) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year, including violations of or attempted violations of or aiding and abetting violations of or conspiring to violate the Controlled Substances Act (21 U.S.C. 801 et seq.) or laws against prostitution, importation of aliens for immoral purposes, trafficking in firearms, money laundering, gang activities, kidnapping or ransom demands, fraudulent documents, or extortion, the smuggling of known or suspected terrorists or persons involved in organized crime if offenses against such laws are punishable by imprisonment for more than 1 year,"; and

(2) at the end thereof, by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned not less than 3 years nor more than 10 years.".

SEC. 304. ADDING ALIEN SMUGGLING TO RICO.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of clause (E); and

(3) by adding at the end the following:

"(F) any act in violation of section 1028, 1542, or 1546 of this title for personal financial gain and section 274, 277, or 278 of the Immigration and Nationality Act.".

SEC. 305. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2), or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2), shall be subject to seizure and forfeiture, except that—

"(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

"(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2) which was committed by the owner or which was intended to further the business interests of the owner, or to confer any other benefit upon the owner.";

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting "property"; and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraph (3)—

(A) by inserting "(A)" immediately after "(3)", and

(B) by adding at the end the following:

"(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.";

(4) in paragraphs (4) and (5) by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting "property"; and

(5) in paragraph (4) by—

(A) striking "or" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; or", and

(C) by inserting at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).".

SEC. 306. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by inserting after "trains)" the following: ", or a felony violation of section 1028 (relating to production of false identification documentation), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents)";

(2) by striking "or" after paragraph (l);

(3) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(4) by inserting after paragraph (l) the following new paragraph:

"(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens);".

SEC. 307. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses occurring after the date of enactment of this Act.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

PART A—PORT OF ENTRY INSPECTIONS

SEC. 411. RESTRICTIONS ON ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting the following:

"(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS"; and

(2) by adding at the end the following new clause:

"(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.".

(b) PROVISION FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.—(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution.

"(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution.

"(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the person departed directly from a country in which the alien has a credible fear of persecution or of return to persecution.

"(4) Notwithstanding paragraphs (1), (2), and (3), the Attorney General may, in the Attorney General's sole discretion, permit an alien described in paragraphs (1), (2), or (3) to apply for asylum.

"(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2) or is an alien described in section 235(d)(3) and the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an asylum officer who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution, or in the case of an alien described in section 235(d)(3), whether the alien had directly departed from such a country.

"(B) If the officer determines that the alien does not have a credible fear of persecution or of return to persecution in the country in which the alien was last present prior to attempting entry into the United States or arriving in the United States or a port of entry under the circumstances described in section 235(d)(3), the alien may be specially excluded and deported in accordance with section 235(e).

"(C) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (B) that an alien does not have a credible fear of persecution or of return to persecution in the country in which the alien was last present.

"(D) The Attorney General shall provide information concerning the credible fear determination process described in this paragraph to persons who may be eligible for that process under the provisions of this subsection. An alien who is eligible for a credible fear determination pursuant to subparagraph (A) may consult with a person or persons of his or her choosing prior to the credible fear determination process or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not unduly delay the process.

"(6) As used in this section, the term 'credible fear of persecution or of return to persecution' means—

"(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

"(B) there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(7) As used in this subsection, the term 'asylum officer' means a person who—

"(A) has had professional training in country conditions, asylum law, and interview techniques;

"(B) has been employed for at least one year in a position the primary responsibility of which is the adjudication of asylum claims; and

"(C) is supervised by an officer who meets conditions in subparagraphs (A) and (B).".

(2) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii), or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which he or she has no credible fear of persecution or of return to persecution. If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

"(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States, or

"(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States,

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.".

(3) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking "Deportation" and inserting "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking "If" and inserting "Subject to section 235(d)(2), if".

SEC. 412. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225), as amended by section 311(b)(2), is further amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraph (d)(2), any alien (including an alien crewman) who—

"(A) may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) of the Immigration and Nationality Act may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise; or

"(B) was brought to the United States pursuant to subsection (d)(3) and who may appear to an examining immigration officer to be excludable may be ordered specially excluded and deported by the Attorney General without any further inquiry, either by a special inquiry officer or otherwise.

"(2) Such special exclusion order is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an applicant who claims to have been lawfully admitted for permanent residence. A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106.

"(3) Nothing in this subsection shall be regarded as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 413. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION"; and

(2) by adding at the end the following new subsection:

"(d)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(C)(iii), 235(d), and 235(e). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(2) Judicial review of any cause, claim, or individual determination covered under paragraph (d)(1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

"(A) whether the petitioner is an alien, if the petitioner makes a showing that his or her claim of United States nationality is not frivolous;

"(B) whether the petitioner was ordered specially excluded; and

"(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(2).

"(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d). Any alien excludable under section 212(a)(6)(C)(iii) who receives a hearing under section 236, whether by order of court or otherwise, may thereafter obtain judicial review of any resulting final order of exclusion pursuant to subsection (b).

"(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable under section 212(a)(6)(C)(iii) or entitled to any relief from exclusion.".

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225), as amended by sections 311(b)(2) and 312, is further amended by adding at the end the following new subsection:

"(f) In any action brought for the assessment of penalties for improper entry or re-entry of an alien under sections 275 and 276 of the Immigration and Nationality Act, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242 of the Immigration and Nationality Act.".

SEC. 414. EFFECTIVE DATE.

The amendments made by this title shall be effective upon the day after the date of enactment of this Act, and shall apply to aliens who arrive in or seek admission to the United States after such date. Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of such amendments at any time after the date of enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

PART B—ENHANCED PENALTIES

SEC. 421. INCREASED PENALTIES FOR DOCUMENT FRAUD.

(a) FRAUD AND MISUSE OF IMMIGRATION DOCUMENTS.—Section 1546(a) of title 18, United States Code, is amended by striking "five years" and inserting "ten years".

(b) FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—Section 1028(b)(1) of title 18, United States Code, is amended by striking "five years" and inserting "ten years".

(c) CHANGES TO THE SENTENCING LEVELS.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, relating to defendants convicted of violating, or conspiring to violate, sections 1546(a) and 1028(a) of title 18, United States Code. The basic offense level under section 2L2.1 of the United States Sentencing Guidelines shall be increased to—

(1) not less than offense level 15 if the offense involved 1,000 or more documents;

(2) not less than offense level 20 if the offense involved 2,000 or more documents, or if the documents were used to facilitate any other criminal activity described in section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(A)(i)(II)) or in section 101(a)(43) of such Act, as amended by this Act;

(3) not less than offense level 25 if the offense involved—

(A) the provision of documents to a person known or suspected of engaging in a terrorist activity (as such terms are defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B));

(B) the provision of documents to facilitate a terrorist activity or to assist a person to engage in terrorist activity (as such terms are defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) the provision of documents to persons involved in racketeering enterprises (as such acts or activities are defined in section 1952 of title 18, United States Code).

SEC. 422. PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FRAUDULENT DOCUMENTS.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period and inserting ", or" at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

"(5) in reckless disregard of the fact that the information is false or does not relate to the applicant, to prepare, to file, or to assist another in preparing or filing, documents which are falsely made (including but not limited to documents which contain false information, contain material misrepresentations, or information which does not relate to the applicant) for the purpose of satisfying a requirement of this Act.".

(b) CONFORMING AMENDMENTS FOR CIVIL PENALTIES.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" each of the two places it appears and inserting "each instance of a violation under subsection (a)".

(c) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

"(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in section 274C(a)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not less than 2 nor more than 5 years, or both, and prohibited from preparing or assisting in preparing, regardless of whether for a fee or other remuneration, any other such application.

"(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, regardless of whether for a fee or other remuneration, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not less than 5 years nor more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.".

SEC. 423. CIVIL PENALTIES FOR FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.

Section 274C(a) (8 U.S.C. 1324c(a)), as amended by section 412 of this Act, is further amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6) to present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States and to fail to present such document to an immigration officer upon arrival at a United States port of entry.

The Attorney General may, in his or her discretion, waive the penalties of this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).".

SEC. 424. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses or violations occurring after the date of enactment of this Act.

TITLE V—ASYLUM REFORM

SEC. 501. PENALTIES FOR FRIVOLOUS APPLICATIONS.

(a) CIVIL PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c), as amended by sections 412 and 413 of this Act, is further amended by inserting at the end of subsection (a) the following new sentence: "For the purposes of this subsection, the phrase 'falsely make any document' includes the preparation or provision of any application for benefits under this Act which was made knowingly or in reckless disregard of the fact that such application has no basis in law or fact or which otherwise fails to contain information pertaining to the applicant.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to the preparation of applications before, on, or after the date of enactment of this Act.

(b) CRIMINAL PENALTIES.—The fourth paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

"Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—".

SEC. 502. ASYLUM AND WORK AUTHORIZATION.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(f) An applicant for asylum may not engage in employment in the United States except pursuant to this subsection. The Attorney General may deny, suspend, or otherwise place conditions on any application for or grant of authorization to engage in employment in the United States to any alien who makes an application under this section. The Attorney General shall issue regulations to prescribe the conditions for denial, suspension, or conditioning of such authorization, and shall include in such regulations a plan to address sudden, substantial increases in asylum applications and repeated attempts by aliens to gain such authorization without stating a credible fear of persecution.".

SEC. 503. RESOURCES TO ADDRESS ASYLUM BACKLOG.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 8 U.S.C. 1253) as of the date of enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of 2 years, beginning 90 days after the date of enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed,

under section 8344 of such title by reason of temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed,

under section 8468 of such title by reason of temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons referred to in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons referred to in paragraph (1)(A).

SEC. 504. REDUCTION OF INCENTIVES TO DELAY PROCEEDINGS.

(a) Relief Under Section 212(c).—Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended—

(1) by redesignating subsection (c) as subsection (c)(1); and

(2) by adding at the end the following:

"(2) For the purpose of satisfying the 7-year period described in paragraph (1), no time shall count toward such period after the alien has received an order to show cause issued under section 242 or 242B.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to all applications for relief under section 212(c) or 244 of the Immigration and Nationality Act filed after the date of enactment of this Act.

SEC. 505. PARTIAL REVOCATION OF EXECUTIVE ORDER.

Section 4 of Executive Order No. 12711 of April 11, 1990, and any rule, regulation, or order issued under that section, shall be of no force or effect, except that nothing in this Act shall invalidate, or otherwise retroactively affect, any final determination of eligibility for asylum made before the date of enactment of this Act.

TITLE VI—BORDER CROSSING USER FEE

SEC. 601. IMPOSITION OF FEES.

(a) Land Border and Port of Entry User Fee Account.—Section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)) is amended to read as follows:

"(q) Land Border and Port of Entry User Fee Account.—(1) The Attorney General, after consultation with the Secretary of State, shall impose at the time of a person's entry into the United States by land or by sea a fee of $1 for the person's use of border or port facilities and services of the Immigration and Naturalization Service.

"(2) Notwithstanding subsection (b), the Attorney General may—

"(A) adjust the border crossing user fee periodically to compensate for inflation and other escalation in the cost of carrying out the purposes of this Act; and

"(B) develop and implement special discounted fee programs for frequent border crossers including, but not limited to, commuter coupon books or passes.

"(3) All fees collected under paragraph (1) shall be deposited as offsetting receipts in a separate account within the general fund of the Treasury of the United States and shall remain available until expended. Such account shall be known as the 'Land Border and Port of Entry User Fee Account'.

"(4)(A) The Secretary of the Treasury shall refund out of the Land Border and Port of Entry User Fee Account, at least on a quarterly basis, amounts to any appropriations for expenses incurred in providing inspection services at land border points and seaports of entry. Such expenses shall include—

"(i) the provision of inspection services;

"(ii) the operation and maintenance of inspection facilities at land border and seaport points of entry;

"(iii) the expansion, operation, and maintenance of information systems for immigrant control;

"(iv) the hire of additional permanent and temporary inspectors, including those authorized by section 111 of the Illegal Immigration Control and Enforcement Act of 1994;

"(v) the minor construction costs associated with the addition of new traffic lanes (with the concurrence of the General Services Administration), including the establishment of commuter lanes to be made available to qualified United States citizens and aliens, as determined by the Attorney General;

"(vi) the detection of fraudulent documents used by persons seeking to enter the United States; and

"(vii) providing for the administration of the Land Border and Port of Entry User Fee Account.

"(B) Beginning with the fiscal year which begins after the effective date of this subsection, amounts required to be refunded in any fiscal year shall be refunded in accordance with estimates made in the budget request of the Attorney General for that fiscal year. Any proposed change in an amount specified in such budget request shall only be made after notification, at least 15 days in advance of the proposed refund, to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of Public Law 101-162.

"(5) Beginning two years after the date of enactment of this Act, and every two years thereafter, the Attorney General shall prepare and submit to the Congress a report containing—

"(A) a statement of the financial condition of the Land Border and Port of Entry User Fee Account, including the beginning account balance, revenues, withdrawals, and ending account balance and projection for the next two fiscal years; and

"(B) a recommendation, if necessary, regarding any adjustment in the prescribed fee that may be required to ensure that the receipts collected from the fee charged for the succeeding two-year period equal, as closely as possible, the cost of providing the facilities and services described in paragraph (1).".

(b) Effective Date.—(1) The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act.

(2) Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit in writing to the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and of the Senate a plan detailing the proposed implementation of section 286(q) of the Immigration and Nationality Act (as amended by this Act).

(3) Effective 6 months after the date of enactment of this Act, the fourth proviso under the heading "Immigration and Naturalization Service, Salaries and Expenses" in Public Law 103-121 is repealed.

(c) Further Use of Fund for Border Security.—(1) Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary of the Treasury shall refund at the beginning of each fiscal year to the Appropriation Account of the Immigration and Naturalization Service funds in the Land Border Inspection Fee Account which remain unobligated from the preceding fiscal year, for use as follows:

(A) For the hiring, training, support, and equipping of—

(i) Border Patrol agents, and of related support personnel authorized in section 111 of this Act;

(ii) the Immigration and Naturalization Service land-border inspectors authorized by section 121 of this Act;

(iii) the Immigration and Naturalization Service investigators authorized by section 221 of this Act;

(iv) the Department of Labor inspectors authorized by section 231 of this Act; and

(v) the Assistant United States Attorneys authorized by section 232 of this Act.

(B) Not to exceed a total of $5,000,000 in fiscal years 1995 and 1996, to carry out the project described in section 134.

(C) The identification, detention, and deportation of individual aliens subject to final orders of deportation.

(D) To the extent available—

(i) for costs relating to land border crossing infrastructure improvement as authorized by section 122 of this Act;

(ii) for costs relating to the acquisition by the Department of Justice of technology and equipment as authorized by section 114 of this Act;

(iii) for the cost of facilitating and expanding the activities of the Organized Crime and Drug Enforcement Interagency Task Force in order to fully abate the flow of narcotics and other illegal drugs into the United States;

(iv) for the cost of increasing rewards for information leading to the arrest and conviction of terrorists;

(v) for the cost of conducting classes, or otherwise assisting or encouraging, legal immigrants to the United States to attain American citizenship; and

(vi) for the cost of such other activities that, in the discretion of the Attorney General, will reduce: illegal transit of the Nation's borders, the flow of illegal drugs across such borders, the time necessary to process applications for asylum in the United States, and the number of alien criminals incarcerated in this country.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice such additional funds as may be necessary to satisfy the requirements of this Act not otherwise funded by this title.●

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 173, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes.

S. 1138

At the request of Mr. DANFORTH, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1138, a bill to provide resources for child-centered activities conducted, where possible, in public school facilities.

S. 1443

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1942

At the request of Mr. EXON, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1942, a bill to authorize appropriations for the local rail freight assistance program.

S. 1951

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1951, a bill to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers, to facilitate the establishment of one-stop career centers to serve as a common point of access to employment, education and training information and services, to develop an effective national labor market information system, and for other purposes.

S. 2118

At the request of Mr. DORGAN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2118, a bill to improve the national crime database and create a Federal cause of action for early release of violent felons.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war.

S.J. RES. 165

At the request of Mr. COCHRAN, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S.J. Res. 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

S. CON. RES. 66

At the request of Ms. MIKULSKI, the names of the Senator from Nebraska [Mr. EXON] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. Con. Res. 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 224—ORIGINAL RESOLUTION REPORTED TO AMEND THE STANDING RULES OF THE SENATE FOR THE USE OF THE RECORDING STUDIO AND MASS MAILINGS WITH RESPECT TO UNCONTESTED ELECTIONS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 224

Resolved, That (a) paragraph 1 of rule XL of the Standing Rules of the Senate is amended by striking the period at the end and inserting ", unless the candidacy of the Senator in such election is uncontested.".

(b) Paragraph 6(a) of rule XL of the Standing Rules of the Senate is amended by striking the period at the end and inserting ", unless the candidacy of the Senator in such election is uncontested.".

SENATE RESOLUTION 225—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 225

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $79,040 for the purchase of one hundred and four thousand 1995 "We the People" calendars. The calendars shall be distributed as prescribed by the committee.

SENATE RESOLUTION 226—EXPRESSING THE SENSE OF THE SENATE RELATIVE TO NEGOTIATIONS UNDER THE PACIFIC SALMON TREATY

Mr. GORTON (for himself, Mr. STEVENS, Mr. MURKOWSKI, Mr. PACKWOOD, and Mr. HATFIELD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 226

Whereas, customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, of vessels through waters commonly referred to as the "Inside Passage" off the Pacific coast of Canada;

Whereas, Canada is a signatory to the United Nations Convention on the Law of the Sea;

Whereas, Canada has recently announced that it will require commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a "license which authorizes transit" through certain waters of the "Inside Passage" off the Pacific Coast of Canada;

Whereas, such action by Canada may endanger the lives of Americans who would—if unable to pay the fee—have to take their small boats into the open ocean to pass between United States destinations;

Whereas, Canada has attempted to justify this action as necessary to encourage the United States to accept changes sought by Canada to the Pacific Salmon Treaty;

Whereas, Canada has announced that this transit license is the first of a series of actions designed to be "to Canada's advantage and the United States' disadvantage";

Whereas, the Canadian transit license has no conceivable relationship to fishery management under the Pacific Salmon Treaty;

Whereas, the United States will not be forced to negotiate by illegal acts;

Whereas, this action is a clear violation of international law, including the United Nations Convention on the Law of the Sea, and in particular Article 26 of that Convention, which specifically prohibits such fees;

Whereas, there is precedent in U.S. law for reimbursing American vessels forced to pay such fees when the U.S. determines that the fees are illegal: Now, therefore be it

RESOLVED by the Senate and House of Representatives of the United States in Congress assembled, that—

1. The United States should reimburse the owner of any United States fishing vessel forced to pay such transit license fee in accordance with section 3 of the Fishermen's Protective Act (22 U.S.C. 1973), and should seek reimbursement for any such payments from Canada under section 5 of that Act (22 U.S.C. 1975);

2. To the extent section 3 of the Fishermen's Protective Act does not allow reimbursement for vessels which have not been "seized," Congress should amend the Act to authorize such reimbursement for all vessel owners who pay the transit license fee;

3. The United States should prohibit the use of United States waters off Alaska, including waters in and near the Dixon entrance, for purposes of anchorage without

proper customs clearance by commercial fishing vessels of Canada;

4. The President should direct the Coast Guard to take all steps necessary in accordance with the recognized principles of international law to provide for safety of U.S. citizens exercising their right of passage in Canadian waters.

5. The President should review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that continuation of the transit license policy would be against Canada's long term interests, and should immediately implement any actions which the President deems appropriate until Canada rescinds the policy;

6. The President should immediately convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of United States vessels in violation of customary international law; and

7. The United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

D'AMATO AMENDMENT NO. 1782

Mr. D'AMATO proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton.

MITCHELL AMENDMENT NO. 1783

Mr. DASCHLE (for Mr. MITCHELL) proposed an amendment to amendment No. 1782 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

MURKOWSKI AMENDMENT NO. 1784

Mr. MURKOWSKI proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MITCHELL AMENDMENT NO. 1785

Mr. DASCHLE (for Mr. MITCHELL) proposed an amendment to amendment No. 1784 proposed by Mr. MURKOWSKI to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings: in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

LOTT AMENDMENT NO. 1786

Mr. LOTT proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 15, 1994.

MITCHELL AMENDMENT NO. 1787

Mr. MITCHELL proposed an amendment to amendment No. 1786 proposed by Mr. LOTT to the bill S. 1491, supra; as follows:

Strike the matter proposed and insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation, whichever is the earlier.

SPECTER AMENDMENT NO. 1788

Mr. SPECTER proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

MITCHELL AMENDMENT NO. 1789

Mr. MITCHELL proposed an amendment to amendment No. 1788 proposed by Mr. SPECTER to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

BOND AMENDMENT NO. 1790

Mr. BOND proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MITCHELL AMENDMENT NO. 1791

Mr. MITCHELL proposed an amendment to amendment No. 1790 proposed by Mr. BOND to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

BOND AMENDMENT NO. 1792

Mr. BOND proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation.

MITCHELL AMENDMENT NO. 1793

Mr. MITCHELL proposed an amendment to amendment No. 1792 proposed by Mr. BOND to the bill S. 1491, supra; as follows:

In lieu of the matters proposed insert the following.

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

McCONNELL AMENDMENT NO. 1794

Mr. McCONNELL proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about any issues developed during, or arising out of, the hearings conducted by the Committee on Banking, Housing, and Urban Affairs under this Act.

MITCHELL AMENDMENT NO. 1795

Mr. FORD (for Mr. MITCHELL) proposed an amendment to amendment No. 1794 proposed by Mr. McCONNELL to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 15, 1994, at 3 p.m. in executive session, to consider the nominations of Adm. Charles R. Larson, USN and Lt. Gen. Buster C. Glosson, USAF to retire in grade.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 15, beginning at 10 a.m. to conduct a hearing on the future of the Federal Home Loan Bank System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 15, 1994, at 10 a.m. on the NOAA authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Wednesday, June 15, 1994, at 10 a.m., to hear testimony on S. 1870, the Retirement Protection Act of 1993; hear testimony on the nomination of Valerie Lau to be Inspector General of the Treasury Department; to consider the nomination of Valerie Lau to be the Inspector General of the Treasury Department; and to consider the nomination of Ronald Noble to be Under Secretary of the Treasury—Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, at 5 p.m. to receive a closed briefing from the administration on the North Korea nuclear situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 15, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2036, the Indian Self-Determination Contract Reform Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 15, 1994 at 2:30 p.m. to hold a hearing on "proposals in Immigration Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on June 15, 1994 at 11 a.m. for an executive session to consider S. 1513, and H.R. 6, Improving America's Schools Act, and pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, June 15, beginning at 9:30 a.m., to conduct a hearing on Reauthorization of the Endangered Species Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD. Mr. President, I ask unanimous consent that the subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, at 10 a.m., to hold a hearing on line-item veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, to review arms export licensing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, at 9:30 a.m. to markup legislation on the foreign aid reform proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE GROWING INTERNATIONAL DRUG PROBLEM

• Mr. DECONCINI. Mr. President, there is an issue of great importance which I feel needs to be addressed immediately—drug trafficking—which has reached enormous proportions throughout the world. Recently, I addressed the serious drug production and trafficking problem in Syria where 90 percent of all arable land in Syria's Bekaa Valley is being used to cultivate and transship narcotics. But the incredible drug trade boom is not limited to Syria. The situation in Southeast Asia is equally appalling. The Golden Triangle is fast becoming the leader in illegal narcotics cultivation in the world. The Golden Triangle area of Laos, Burma, and Thailand cultivated 194,720 hectares of opium in 1993, an amount equal to the cocaine cultivation in the Andean mountain region. Yet little attention is being focused on this enormous problem.

Much of the opium produced in the Golden Triangle passes through Nigeria before reaching Europe or the United States. We cannot hypocritically proclaim our support for the universal war on drugs and then ignore this growing problem in the Golden Triangle. The situation is quickly becoming out of control. We are on the brink of catastrophe, with the Golden Triangle at the epicenter.

As I mentioned above, Nigeria also poses a pressing problem. In Africa, Nigeria is the main transfer point for narcotics from Southeast Asia and South America. Levels of corruption in the Nigerian Customs Service have reached alarming proportions even though the Nigerian Government recently purged the customs service of the violators of the law. Unfortunately, history shows that bribery will quickly convert new customs officials to the corrupted way of life.

Nigeria has few major dealers internally since there is a very low level of narcotics cultivation in the country, but transshipment of drugs is a horrendous problem. Nigeria is the main transfer point for drugs, especially cocaine from Brazil and opium from the Golden Triangle. Sadly, there is no significant antidrug trafficking program in Nigeria because the Government has no motivation to do so. By cutting down on the drug flow, they will also be cutting down on the cash flow, and Nigeria is already an impoverished nation. A solution must be found to combat the torrent of narcotics pouring through Nigeria.

Mr. President, every one of these situations is critical. The time to act is now, because this problem will not go away. The longer we delay, the bigger the problem will become. We cannot afford to stand idly by while these areas produce ton after ton of illegal narcotics which may end up on our streets and maim and kill our youth. The war on drugs must be applied equally to all corners of the globe. I hope the administration and my colleagues in the Senate will pay attention to the warning signs of this growing international drug trade, or we will pay a far higher price for our inattention and inaction down the road.•

THE ENDANGERED SPECIES ACT

• Mr. SHELBY. Mr. President, I ask unanimous consent that an article from the March 22, 1994, Birmingham News entitled "Why Southern Landowners Hate Endangered Species" be placed into the RECORD. This article, written by Mr. Jonathan Tolman of the Alexis de Tocqueville Institute, excellently capsulizes the unique problems facing the Southeast with respect to the conflict between private property owners and the Endangered Species Act.

WHY SOUTHERN LANDOWNERS HATE ENDANGERED SPECIES

(By Jonathan Tolman)

If you think the spotted owl debate in the Pacific Northwest has been a bruising, drawn-out political fight, wait until you see what's brewing in the South.

There isn't just one endangered animal in the forests of the Southeast, there are dozens. For example, every county in Alabama is considered habitat to some endangered species. Some counties even have their very own endangered species which are found nowhere else, like Jefferson County, home to the watercress darter, an endangered minnow.

SO DIFFICULT

One of the main reasons saving Southern endangered species will be so difficult is that the Endangered Species Act fails when it comes to protecting endangered species on private land. And unlike the Pacific Northwest, where the federal government owns 53 percent of the land, in the Southeast the feds own a mere 7 percent.

The Endangered Species Act ignores a landowner's property rights and the economic stake he holds in his property. Because of this deficiency, the act often forces landowners to choose between jobs (their own) and the environment.

Interior Secretary Bruce Babbitt has been doing his best to defuse these private property conflicts. In November, Babbit signed a deal with International Paper to set aside 4,500 acres in Alabama for the threatened Red Hills salamander. Last April, he signed a deal with Georgia Pacific to set aside 50,000 acres around the Southeast for the red cockaded woodpecker.

In the case of the red cockaded woodpecker, the federal government was effectively given a 50,000-acre wildlife refuge for the bird. But these huge corporate donations may not be enough to save the woodpecker. Georgia Pacific land accounts for only about 20 percent of the woodpeckers that live on private land. Where is the other 80 percent going to come from? What about the Red Hills salamanders that don't live on International Paper's land?

If genuine conservation for endangered species comes at all, it will have to come from small landowners. And there are hundreds of thousands of them throughout the Southeast. For example, there are more than 100,000 private forest landowners in Louisiana alone, owning two-thirds of all forest land in the state. The average landowner owns about 140 acres. If a red cockaded woodpecker is found on his property, the landowner has a real problem.

According to the U.S. Fish and Wildlife Service, the average territory for red cockaded woodpeckers is 200 acres. Under the Endangered Species Act virtually the entire acreage of the average landowner would be required as habitat for the woodpecker. A landowner couldn't cut down his trees, he couldn't develop his land, he couldn't sell his land, he couldn't even use his land as collateral for a loan. By just about any definition, his land has been taken.

Even though the landowner's property is effectively taken, the federal government rarely compensates. This means the individual landowner is forced to bear the costs of providing habitat for an endangered species while the public accrues all of the supposed benefits. Not only is this constitutionally dubious, it often has the additional effect of turning private landowners against endangered species. This is a pattern that has been growing more and more common as landowners realize the impact of having an endangered species on their property.

In some cases landowners try to discourage endangered species from taking up residence on their property. In 1990, Hillwood Development, a company owned by billionaire Ross Perot, did just that. Concerned that the golden-cheeked warbler, an endangered songbird, would take up residence on its 333 acres outside Austin, Texas, the company exploited a legal loophole to change the habitat. While the bird was wintering in Central America, Hillwood Development hired several dozen migrant workers, equipped them with chainsaws and instructed them to cut down trees. Few if any golden-cheeked warblers have been seen on the property since then.

A less dramatic example is occurring in central Louisiana. A private landowner owns a large estate which is home to several groups of red cockaded woodpeckers. When the owner found out the real obligations under the Endangered Species Act, he changed his management plan. Red cockaded woodpeckers prefer to nest in longleaf pine trees older than 60 years. In order to prevent the woodpeckers from expanding onto the rest of his property, the landowner has been converting the older longleaf pine into younger loblolly pine.

Then there is the current controversy over listing the Alabama sturgeon. The entire Alabama congressional delegation is opposed to listing the sturgeon. Said Sen. Richard Shelby, "The people of Alabama who have worked their entire life on the Alabama and Tombigbee river systems stand to lose their livelihood if this animal is listed as an endangered species." According to Sen. Shelby, preliminary economic estimates predict that the Alabama economy would lose $2 billion a year if the fish is listed as endangered.

The Alabama congressional delegation is not the only state delegation to take exception to an endangered species. In 1978, the Tellico Dam project on the Little Tennessee River was halted by the presence of a threatened minnow, the snail darter. The Tennessee delegation then pushed through legislation which specifically exempted the Tellico Dam from the Endangered Species Act. Even Vice President Al Gore, then a congressman, voted for the legislation and against the snail darter.

In extreme cases people will even kill endangered species to protect their property rights. In 1987, two Florida land developers were indicted and convicted for killing red cockaded woodpeckers. In the Pacific Northwest this attitude has its own slogan: "shoot, shovel and shut up."

TOUGH CHOICE

Repeatedly, the current Endangered Species Act is forcing citizens to choose between their economic survival and the survival of a species. As long as they are forced to make this decision, endangered species will lose. Dr. Eugene Lapointe, who directed the United Nations' endangered species program for eight years, said it best: "Without the local populations' constant involvement, no genuine conservation efforts will ever succeed."

If the Endangered Species Act is to be a successful conservation effort it must be rewritten so local populations become participants and not opponents to the survival of endangered species.•

WATR—ITS 60TH ANNIVERSARY

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to WATR, a family-owned radio station in Waterbury, CT, which has broadcast history-in-the-making, entertainment and public affairs programs during the past 60 years. Today, WATR celebrates its 60th anniversary broadcasting to Connecticut listeners. On a quiet June day in 1934, the airwaves in Waterbury sizzled and crackled when WATR signed on for the first broadcast to listeners in the Greater Waterbury area and Naugatuck Valley. Over the past 60 years this station has successfully adapted to the changing needs of the thousands of listeners who tune in every day, every hour.

During the 1930's WATR broadcast President Roosevelt's fireside chats, and the radio dramas which many Connecticut families tuned to each night after dinner. The music of the big band era, rock and roll, jazz, and country have all reached listeners over the air waves from Broadcast Lane overlooking Waterbury. Thousands of people first learned about the landing on Normandy, the bombing of Pearl Harbor, President Kennedy's assassination, and the landing on the Moon listening to network and local newscasts on WATR. And today, WATR continues this dedication to news and to keeping listeners informed of events in the community, the State, the Nation and the world. Talk shows broadcast on WATR give listeners an opportunity to speak out on the issues that concern them. Up-to-the-minute traffic reports keep commuters on Interstate 84 and Highway 8 informed of hazards and commuter problems as they merge into this busy traffic area.

Mr. President, I congratulate not only the people who work at WATR, but the loyal listeners who tune in every day. And not only the employees and listeners of 1994, but those who throughout the past 60 years have helped WATR reach this broadcast anniversary.

WATR has a formula for success which is to be admired. I believe the difference between WATR and those stations which have come and gone over the past 60 years are the people who make up WATR. People who are dedicated to their listeners and to the community. Over the years, the WATR staff have volunteered hundreds of hours to raise funds for nonprofit agencies and assist in cultural and community events. Every year, the Sunshine Fund campaign raises money and other donations for area families, and every year it is the people of WATR who make this campaign a success.

I applaud WATR for the past 21,900 days of hard work, dedication, and a commitment to broadcasting news and entertainment to the Greater Waterbury community. No one knows what changes will greet WATR in the next 60 years, but I know WATR will meet them and continue this commitment of service to the families of Connecticut.•

BALTIC FREEDOM DAY

• Mr. RIEGLE. Mr. President, the date of June 14 holds special meaning for the people of Estonia, Latvia, and Lithuania. On that day in 1941, Soviet troops began in earnest their illegal occupation of their countries by deporting tens of thousands of Baltic citizens to forced labor and concentration camps in Sibera. For the people of the Baltic States, June 14, 1941 ushered in one of the darkest periods in their history—a period which finally ended half a century later with the collapse of the Soviet Union.

During the difficult years of Soviet occupation, the Baltic people were brutalized and their land violated. Baltic-Americans, and others who cared about the fate of Lithuanians, Latvians, and Estonians, used the anniversary of the June 14th deportations to focus the world's attention on the Baltic peoples' tragic fate and to reaffirm United States support in their struggle for freedom.

In 1982, with the help of the Baltic-American community, I introduce one of the first Senate resolutions officially designating June 14 as "Baltic Freedom Day." Unanimous adoption of that resolution, which symbolized America's enduring solidarity with the Baltic peoples' struggle for freedom, was repeated each succeeding year, until Baltic independence was restored. Their success set in motion the independence fervor which quickly spread through the republics of the former Soviet Union.

Today, the anniversary of this infamous date provides an opportunity both to honor the Baltic men, women, and children who were victimized by their Soviet oppressors, and to recommit ourselves to supporting the Baltic peoples' arduous task of rebuilding their nations and their spirits.

Mr. President, the task facing the Baltic people today is an overwhelming one. The urgency of achieving the withdrawal of the remaining Russian troops from their soil and cleaning up their environment, ruined by decades of Soviet abuse, are only two of the most glaring matters to be resolved. In addition, the hardships imposed by the difficult transition to free market economies, coupled with the continuing tensions between Balts and ethnic Russians living within their borders, present special challenges to the citizens of these new independent nations.

The resilience of the Baltic people, evidenced by their peaceful and disciplined 50-year struggle against their Soviet occupiers, is nothing less than remarkable. They deserve our deepest admiration and respect. And so, I urge my colleagues to continue to be vigilant with respect to the Baltic nations, and to continue to lend them the critical support they need as they move toward becoming fully sovereign and prosperous once again.•

URBAN YOUTH ACTION: MAKING A DIFFERENCE IN PITTSBURGH

• Mr. WOFFORD. Mr. President, I rise today to recognize Urban Youth Action, Inc., which today is celebrating 28 years of outstanding service to Allegheny County.

Their celebration tonight, "We Are the World, We Are the Children," is in keeping with the general way all of their good programs and projects operate: youth-led and youth-designed.

Urban Youth Action, Inc. teaches students, age 13–19, the values of hard work, self-discipline, service, and education. UYA teaches youngsters how to conduct job searches, provides work experience and career exposure placements, imparts life skills, matches youngsters with dedicated professionals who serve as mentors, and encourages higher education.

Too often in our society, young people are viewed as dangers, as problems, as needing to be fixed. UYA has for 28 years been turning that around by empowering a diverse group of youth to make a difference in their own lives and their own community. For 28 years, UYA has been showing that youth are resources, talent ready to be tapped. For 28 years, UYA has been giving flesh to the idea that civil rights must be balanced by civic responsibilities.

I salute the staff and board members of UYA—especially Ms. Linda Brant and Mr. Will Thompkins—and perhaps most importantly, the students.•

NATIONAL PARKINSON'S DISEASE AWARENESS WEEK

Mr. FORD. Now, Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 175, designating "National Parkinson's Awareness Week"; that the Senate proceed to its immediate consideration; that the resolution be deemed read three times, passed, and the motion to reconsider be laid upon the table; that the preamble be agreed to and any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution was deemed to have been read three times and passed.

The preamble was deemed to have been agreed to.

The joint resolution (S.J. Res. 175), with its preamble, is as follows:

S.J. RES. 175

Whereas Parkinson's Disease is a chronic neurologic, crippling disorder of the nervous system;

Whereas Parkinson's Disease affects more than 1,500,000 people of all ages in the United States and millions more around the world;

Whereas no cure is available at this time, but extensive research in laboratories throughout the world has led to improved treatment in alleviating symptoms while searching for a cure; and

Whereas Parkinson support groups, chapters, and information and referral centers across America are dedicated to developing understanding of this disease and community awareness of Parkinson's Disease by promoting discussions, mutual sharing, and support among patients and family members and by sponsoring educational and medical symposiums that help stimulate research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 13, is hereby designated as "National Parkinson's Disease Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

BOARD OF VETERANS' APPEALS ADMINISTRATIVE PROCEDURES IMPROVEMENT ACT OF 1994

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1904) a bill to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1904) entitled "An Act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994".

SEC. 2. NUMBER OF MEMBERS OF BOARD OF VETERANS' APPEALS.

Section 7101(a) of title 38, United States Code, is amended by striking out "(not more than 65)".

SEC. 3. ETHICAL AND LEGAL LIMITATIONS ON CHAIRMAN.

Section 7101(b)(1) of title 38 United States Code, is amended by inserting after the first sentence the following new sentence: "The Chairman shall be subject to the same ethical and legal limitations and restrictions concerning involvement in political activities as apply to judges of the United States Court of Veterans Appeals.".

SEC. 4. ACTING AND TEMPORARY MEMBERS OF BOARD OF VETERANS' APPEALS.

(a) IN GENERAL.—Subsection (c) of section 7101 of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1)(A) The Chairman may from time to time designate one or more employees of the Department to serve as acting members of the Board. Except as provided in subparagraph (B), any such designation shall be for a period not to exceed 90 days, as determined by the Chairman.

"(B) An individual designated as an acting member of the Board may continue to serve as an acting member of the Board in the making of any determination on a proceeding for which the individual was designated as an acting member of the Board, notwithstanding the termination of the period of designation of the individual as an acting member of the Board under subparagraph (A) or (C).

"(C) An individual may not serve as an acting member of the Board for more than 270 days during any one-year period.

"(D) At no time may the number of acting members exceed 20 percent of the total of the number of Board members and acting Board members combined.";

(2) by striking out paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated, by striking out "the number of temporary Board members" and all that follows through the period at the end and inserting in lieu thereof "the number of acting members of the Board designated under such paragraph (1) during the year for which the report is made.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended by striking out "a temporary or" and inserting in lieu thereof "an".

(2) Subsection (d)(3)(B) of such section is amended by striking "section 7103(d)" and inserting in lieu thereof "section 7101(a)".

SEC. 5. CHAIRMAN'S ANNUAL REPORT ON BOARD ACTIVITIES.

Section 7101(d)(2) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the number of employees of the Department designated under subsection (c)(1) to serve as acting members of the Board during that year and the number of cases in which each such member participated during that year.".

SEC. 6. DECISIONS BY THE BOARD.

(a) ACTION BY BVA.—Sections 7102 and 7103 of title 38, United States Code, are amended to read as follows:

"§7102. Assignment of members of Board

"(a) A proceeding instituted before the Board may be assigned to an individual member of the Board or to a panel of not less than three members of the Board. A member or panel assigned a proceeding shall make a determination thereon, including any motion filed in connection therewith. The member or panel, as the case may be, shall make a report under section 7104(d) of this title on any such determination, which report shall constitute the final disposition of the proceeding by the member or panel.

"(b) A proceeding may not be assigned to the Chairman as an individual member. The Chairman may participate in a proceeding assigned to a panel or in a reconsideration assigned to a panel of members.

"§7103. Reconsideration; correction of obvious errors

"(a) The decision of the Board determining a matter under section 7102 of this title is final unless the Chairman orders reconsideration of the decision in accordance with subsection (b). Such an order may be made on the Chairman's initiative or upon motion of the claimant.

"(b)(1) Upon the order of the Chairman for reconsideration of the decision in a case, the case shall be referred—

"(A) in the case of a matter originally heard by a single member of the Board, to a panel of not less than three members of the Board; or

"(B) in the case of a matter originally heard by a panel of members of the Board, to an enlarged panel of the Board.

"(2) A panel referred to in paragraph (1) may not include the member, or any member of the panel, that made the decision subject to reconsideration.

"(3) A panel reconsidering a case under this subsection shall render its decision after reviewing the entire record before the Board. The decision of the panel shall be made by a majority vote of the members of the panel. The decision of the panel shall constitute the final decision of the Board.

"(c) The Board on its own motion may correct an obvious error in the record, without regard to whether there has been a motion or order for reconsideration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking out the item relating to section 7103 and inserting in lieu thereof the following:

"7103. Reconsideration; correction of obvious errors.".

SEC. 7. PROCEDURES RELATING TO APPEALS.

(a) IN GENERAL.—(1) Section 7107 of title 38, United States Code, is amended to read as follows:

"§7107. Appeals: dockets; hearings

"(a)(1) Each case received pursuant to application for review on appeal shall be considered and decided in regular order according to its place upon the docket.

"(2) A case referred to in paragraph (1) may, for cause shown, be advanced on motion for earlier consideration and determination. Any such motion shall set forth succinctly the grounds upon which it is based and may not be granted unless the case involves interpretation of law of general application affecting other claims or for other sufficient cause shown.

"(b) The Board shall decide any appeal only after affording the appellant an opportunity for a hearing.

"(c) A hearing docket shall be maintained and formal recorded hearings shall be held by such member or members of the Board as the Chairman may designate. Such member or members designated by the Chairman to conduct the hearing shall, except in the case of a reconsideration of a decision under section 7103 of this title, participate in making the final determination of the claim.

"(d)(1) An appellant may request that a hearing before the Board be held at its principal location or at a facility of the Department located within the area served by a regional office of the Department.

"(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in the order in which requests for hearings within that area are received by the Department.

"(3) In a case in which the Secretary is aware that the appellant is seriously ill or is under severe financial hardship, a hearing may be scheduled at a time earlier than would be provided for under paragraph (2).

"(e)(1) At the request of the Chairman, the Secretary may provide suitable facilities and equipment to the Board or other components of the Department to enable an appellant located at a facility within the area served by a regional office to participate, through voice transmission or through picture and voice transmission, by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location.

"(2) When such facilities and equipment are available, the Chairman may afford the appellant an opportunity to participate in a hearing before the Board through the use of such facilities and equipment in lieu of a hearing held by personally appearing before a Board member or panel as provided in subsection (d). Any such hearing shall be conducted in the same manner as, and shall be considered the equivalent of, a personal hearing. If the appellant declines to participate in a hearing through the use of such facilities and equipment, the opportunity of the appellant to a hearing as provided in such subsection (d) shall not be affected.".

(2) The item relating to section 7107 in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"7107. Appeals: dockets; hearings.".

(b) CONFORMING AMENDMENTS.—(1) Section 7104(a) of such title is amended by striking out the third sentence.

(2) Section 7110 of such title is repealed.

(3) The table of sections at the beginning of chapter 71 of such title is amended by striking out the item relating to section 7110.

SEC. 8. CROSS-REFERENCE CORRECTION.

Section 7104(a) of title 38, United States Code, is amended by striking out "211(a)" and inserting in lieu thereof "511(a)".

SEC. 9. REVISION TO INCOME VERIFICATION REQUIREMENTS.

(a) PARENTS DIC.—Section 1315(e) of title 38, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in the second sentence—

(A) by striking out "file with the Secretary a revised report" and inserting in lieu thereof "notify the Secretary"; and

(B) by striking out "the estimated".

(b) PENSION.—Section 1506 of such title is amended—

(1) in paragraph (2)—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in paragraph (3)—

(A) by striking out "file a revised report" and inserting in lieu thereof "notify the Secretary";

(B) by striking out "estimated" each place it appears; and

(C) by striking out "such applicant's or recipient's estimate of".

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am delighted that the Senate is considering S. 1904, a bill to improve the organization and procedures of the Board of Veterans' Appeals [BVA], as passed with amendments by the House of Representatives. I urge my colleagues to give their unanimous support to this bill, which would amend certain provisions of title 38, United States Code, affecting the operation and procedures of the Board of Veterans' Appeals.

Mr. President, the Senate passed this measure on April 21, 1994. My statement in support of Senate passage appears in the RECORD on that day, beginning on page S4758. On November 22, 1993, the House passed H.R. 3400, which included provisions substantively similar to the provisions in S. 1904. The House and Senate Committees on Veterans' Affairs reached an agreement with respect to these provisions, reflected in this amendment to S. 1904. I am pleased to note that all of the provisions that were contained in the Senate-passed version of the bill are included in the compromise.

Mr. President, as I have said a number of times in recent months, the VA adjudication system currently is in a crisis situation, both at the regional office level and at the BVA. Put simply, the system is completely broken. If we do not begin to address the existing problems now, the situation promises only to worsen.

Mr. President, my primary goal as chairman of the Committee on Veterans' Affairs is to ensure that all veterans and their family members who look to VA for assistance receive quality services from VA—no matter what benefit they seek. VA exists solely to serve this Nation's veterans and their families. We in Congress are obligated to make sure the Department fulfills this mission in every respect.

At the heart of VA's mission is fair, efficient, and timely adjudication of benefit claims. Timeliness is simply vital. Currently, however, VA is not living up to this aspect of its responsibilities.

Mr. President, a veteran currently waits over 200 days for a decision on an original compensation claim, and about 2 years for a decision on appeal. That is unconscionable.

Mr. President, BVA's current problems were caused by a number of factors and will require long-term, fundamental changes. However, there are certain immediate changes Congress can institute that would allow the Board to begin to reduce its present backlog and improve its decisionmaking timeliness. The pending measure would authorize some of those changes and would begin to address some of the present problems at the VA appellate level.

I am committed to finding permanent solutions to the problems faced by BVA, but in the interim, the measures in this bill offer some immediate, short-term solutions to the ever-increasing average response time at the Board. Some of these provisions were specifically requested by the Secretary of Veterans Affairs and the Chairman of BVA. VA indicates that these provisions will allow BVA to increase its productivity and thereby immediately begin to reduce the time it currently takes the Board to make a decision on appeal.

Mr. President, section 2 of this bill would amend section 7101(a) of title 38 to remove the 65-member limitation on the number of members that may be appointed to the Board. Removing this limitation means that the size of the Board may increase as necessary, restrained only by the appropriation of funds.

Section 3 of this bill would provide that the Chairman of the Board is subject to the same ethical and legal limitations and restrictions regarding involvement in political activities as judges on the United States Court of Veterans Appeals. These limitations and restrictions are found in Canon 7—A Judge Should Refrain from Political Activity—of the Codes of Conduct for Judges and Judicial Employees, issued by the Judicial Conference of the United States. Current law places no such restrictions on the Chairman specifically with respect to political activities.

Mr. President, section 4 of this measure would remove the current provision giving the Chairman of BVA authority to appoint temporary Board members and move the authority to appoint acting members from current section 7102 to section 7101, while keeping intact the present limitation on the amount of time an individual can serve as an acting member. However, the provision would specifically allow acting members of the Board to complete work on any pending cases, notwithstanding that time limitation.

The Board has informed the Committee that the Chairman does not use the existing authority to appoint temporary members. Because the Chairman has the authority under current law to appoint acting members, the appointment of temporary members apparently is unnecessary, Removing this authority would simply amend the law to conform with current practice.

Section 5 of this bill would require the Chairman to include in the annual report on Board activities, mandated by section 7101(d), information concerning acting members appointed during the year.

Section 6 of this legislation would amend section 7102 of title 38 to allow the Chairman of BVA to assign an appeal to a single member or to a panel of members consisting of at least three members. Under current law, appeals have to be assigned to a panel of at least three members. According to VA, the authority to issue single-member decisions would increase Board productivity by 27 percent. In turn, this increase in productivity would contribute to a reduction in the time it takes BVA to make a decision on appeal. The Board has estimated that if this authority were to be fully effective in

June 1994, the average response time would be reduced to 600 days by the end of May 1995, instead of almost 850 days, which BVA estimates it would be if the requirement of three-member decisions remains in effect.

Amended section 7102 also would provide that reconsideration of a case must be assigned to a panel of members if the original appeal was decided by a single member, and to an enlarged panel of members if the original appeal was decided by a panel. In either case, the panel carrying out the reconsideration could not include any Board member who was involved in deciding the original appeal.

Section 6 would allow the Chairman to participate in a proceeding on appeal or on reconsideration, but only as a member of a panel, and not as an individual member.

Section 7 would allow the Board to use electronic or other technological means to conduct hearings from VA's central office in Washington, D.C., while the veteran is located in a local regional office or other VA facility. Section 7 also would provide that if an appellant is seriously ill or is under severe financial hardship, the hearing may be held earlier that it otherwise would be. The provisions in this section are intended to help move the hearing process more easily and quickly.

Mr. President, section 9 of this legislation would amend section 1506 of title 38 to eliminate the statutory requirement that pension recipients file income reports. Under current law, VA must require income reports for purposes of pension eligibility. This measure would give VA discretionary authority to require the submission of income questionnaires as it deems necessary. Further, the bill would also amend section 1506 to provide that when there is any change in income or in the value of the corpus of the individual's estate, the individual would be required to notify VA of the change, rather than file a revised income report as currently required.

Section 9 also includes a provision that would eliminate the statutory requirement for income reports for purposes of eligibility for parents' DIC, likewise giving VA discretionary authority to require the submission of income reports by recipients of this needs-based benefit.

Mr. President, VA has computer matching programs with the Internal Revenue Service [IRS] and the Social Security Administration [SSA] for income verification purposes, therefore, an income report is no longer necessary in every case. Allowing VA this discretionary authority would help to free up significant resources which are used to request and process these reports.

Mr. President, this bill would address three provisions requested by Secretary Brown to alleviate the Board's backlog. Specifically, in a February 10, 1994, letter, Secretary Brown asked for my assistance in the enactment of measures that would (1) remove the limit on the number of Board members, (2) allow the Chairman of BVA to assign appeals to one member of the Board for disposition, and (3) remove the limitation on the time an acting member may serve.

This bill includes the first two of the statutory provisions requested by the Secretary, as well as a provision that addresses the concerns that led to his request for the third provision.

Mr. President, the amendments in S. 1904 are vital. Passage of this legislation would represent the beginning of an improved appeals system, the effects of which veterans would start to feel immediately. Our Nation's veterans have a fundamental right to efficient processing of their claims for benefits—benefits they earned through their military service. I stand committed to working over the long term to ensure this right, but in the meantime, I strongly believe the provisions in this bill are a step in the right direction. I urge all of my Senate colleagues to support this bill.

Mr. President, I want to express my sincere gratitude and appreciation to the distinguished ranking Republican member of the Senate Committee, Mr. MURKOWSKI, all other members of this Committee, the chairman of the House Committee on Veterans' Affairs, Mr. MONTGOMERY, and the members of his committee for the cooperative effort to enact these measures quickly.

Mr. President, I urge the Senate to give its unanimous approval to this measure so that it can go to the President for his signature.

Mr. President, I ask unanimous consent that a detailed explanatory statement prepared by the two Veterans' Affairs Committees that explains the provisions of the compromise appear in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON S. 1904

S. 1904 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These are Subtitle D of Title XII of H.R. 3400, which the House passed on November 22, 1993 (hereinafter referred to as "House bill"), and S. 1904, which the Senate passed on April 21, 1994 (hereinafter referred to as "Senate bill").

The Committees on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of S. 1904 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

NUMBER OF MEMBERS OF BOARD OF VETERANS' APPEALS

Current law: Section 7101(a) of title 38, United States Code, specifies that the Board of Veterans' Appeals may be comprised of no more than 65 members in addition to the Chairman and Vice Chairman.

House bill: Section 12301(a) of the House bill would revise and restate the provisions of section 7101(a) of title 38. As part of that revision, section 12301(a) would eliminate the 65-member limitation on the number of members who can serve on the Board of Veterans' Appeals in addition to the Chairman and Vice Chairman. In addition, the House bill would codify the position of Deputy Vice Chairman of the Board, to be designated by the Chairman.

Senate bill: Section 1(a) would delete the language in section 7101(a) which provides that the number of Board members, in addition to the Chairman and Vice Chairman, may not exceed 65.

Compromise agreement: Section 2 follows the Senate bill.

ETHICAL AND LEGAL LIMITATIONS OF CHAIRMAN

Current law: Provisions relating to the Chairman of the Board of Veterans' Appeals (hereinafter referred to as "Chairman") are found in section 7101 of title 38. There are no provision in current law that place ethical or legal limitations or restrictions on the Chairman specifically with respect to political activities.

House bill: Section 12301(b) would provide that the Chairman of the Board is subject to the same ethical and legal limitations and restrictions regarding involvement in political activities as judges on the United States Court of Veterans Appeals. These limitations and restrictions are found in Canon 7—A Judge Should Refrain from Political Activity—of the Codes of Conduct for Judges and Judicial Employees, issued by the Judicial Conference of the United States.

Senate bill: No provision.

Compromise agreement: Section 3 follows the House bill.

ACTING AND TEMPORARY MEMBERS OF THE BOARD OF VETERANS' APPEALS

Current law: Section 7102(a)(2)(A) authorizes the Chairman to designate an employee of the Department of Veterans Affairs (hereinafter referred to as "Department" or "VA") to serve as an acting member on a section of the Board, for a period not to exceed 90 days. The Chairman may designate an acting member to serve on a section if the section is composed of fewer than three members due to the absence of a member, a vacancy on the Board, or the inability of a member assigned to the section to serve on that section. Under section 7102(a)(2)(B), an acting member may not serve for more than 270 days in any 12-month period.

Section 7101(c) authorizes the Chairman to designate Department employees to serve as temporary members for a period of not more than 1 year. Temporary members may be designated when there are fewer than 65 members of the board and may not serve for more than 24 months during any 48-month period.

House bill: As part of a revision of section 7101, section 12301(d) of the House bill would remove the limitation on the period of time acting members are allowed to serve and would remove the authority of the Chairman to designate temporary members.

Senate bill: Section 1(b) would amend section 7101(c) to eliminate the authority to designate temporary members. The provision authorizing the Chairman to designate acting members would be amended and moved from section 7102 to 7101. The new section 7101 provision would be substantively identical to the current provision in section 7102 governing acting members, limiting such service to 90 days at a time and a total of no more than 270 days during any 1-year period. The new section 7101 would add a provision to permit an acting member to continue to serve in that capacity, notwithstanding the time limitations, with respect to any proceedings for which the acting member was designated.

Compromise agreement: Section 4 follows the Senate bill, with an amendment limiting the number of acting members who can serve at any time to 20 percent of the total number of regular and acting Board members combined.

CHAIRMAN'S ANNUAL REPORT OF BOARD ACTIVITIES

Current law: Section 529 of title 38 requires the Secretary of Veterans Affairs (hereinafter referred to as "Secretary") to submit an annual report to Congress including a financial accounting, a description of all work accomplished by the Department, and the activities of the Department during that fiscal year. Section 7101(c)(3) requires the secretary to include in this report the number of temporary and acting Board members designated during the fiscal year covered by the report.

Section 7101(d) requires the Chairman to prepare a report, to be submitted with the Secretary's budget request to Congress, at the end of each fiscal year on the activities of the Board during that year and the projected activities for the fiscal year in which the report is prepared and the following fiscal year. Section 7101(d) does not require the Chairman to include any information concerning acting or temporary members designated during the year covered in the report.

House bill: Section 12301(d) would remove the requirement that the Secretary include information concerning temporary members in the annual report to Congress, to conform with the removal of the authority to designate temporary members. Section 12301(e) would require that the Chairman's annual report include the names of acting Board members designated during the year and the number of cases in which each acting member participated.

Senate bill: Section 1(b) would remove the requirement that the Secretary include information concerning temporary members in the annual report to Congress. Section 1(c) would require the Chairman's annual report to include only the number of acting members designated during the year and the number of cases in which each acting member participated.

Compromise agreement: Section 5 follows the Senate bill.

DECISIONS BY THE BOARD

Current law: Section 7102(a)(1) authorizes the Chairman to divide the board into sections of three members and assign members to the sections.

Section 7102(c) provides that the Chairman will assign proceedings to sections of the Board. A section will make a decision concerning any proceeding assigned to the section, including any decision regarding motions filed in connection with such a proceeding, and make a report of the section's decision, which will be the final disposition of the proceeding.

Section 7103(a) states that a decision of the majority of the section will be the decision of the section, which is final unless the Chairman orders reconsideration of the case.

House bill: Section 12302(a) would amend section 7102 to authorize assignment of a proceeding to an individual Board member or to a panel of Board members, other than the Chairman, who would render a decision on the proceeding and make a report on the determination. Section 12302(a) would provide that decisions of a panel are to be made by a majority of the members of the panel.

Senate bill: Section 1(d) is substantively similar to section 12302(a) of the House bill, except that it would specify that a panel must consist of at least three members and it would not exclude the Chairman from participating in a decision on a proceeding, either individually or on a panel.

Compromise agreement: Section 6 would authorize assignment of a proceeding to an individual Board member or to a panel consisting of at least three members. The Chairman would be permitted to participate in a proceeding or reconsideration of a decision, but only as a member of a panel.

RECONSIDERATION

Current law: Section 7103(b) provides that when the Chairman orders reconsideration of a case, the decision on reconsideration is made by an expanded section of the Board. A decision of the majority of the expanded section is final.

House bill: Section 12302(a) would require that after the Chairman orders reconsideration of a case, the matter must be referred to a panel of at least three members where the original decision was rendered by an individual member, and to an enlarged panel where the original decision on appeal was rendered by a panel of members. This section would prohibit the original decisionmakers from participating in the reconsideration. The decision of a majority of the members of the reconsideration panel would be final.

Senate bill: Section 1(d) is substantively identical to the House bill.

Compromise agreement: Section 6 of the compromise agreement contains this provision.

HEARINGS

Current law: Section 7102(b) provides that a hearing docket will be maintained and that hearings will be held by the member or members designated by the Chairman, who must be a member or members of the section which will make the final decision in the case. Section 7104(a) states that the Board must afford a claimant the opportunity for a hearing before a decision is rendered in the case. Section 7110 provides that a claimant may request a hearing before a traveling section of the Board, to be held at a location within the area served by a regional office of the Department. Hearings before a traveling section of the Board are scheduled in the order in which the requests for such hearings in a particular area are received by the Department. Section 7107 governs the docketing of appeals.

House bill: Section 12304 would amend the heading of section 7110 to reflect that it contains all provisions governing hearings. This section would make it clear that an appellant may request a hearing at the Board's principal location in Washington, D.C., or at a regional office of the Department. Section 12304 also would add authority for the Board to schedule a hearing at a time earlier than it would otherwise be held, if the claimant is seriously ill or is under severe financial hardship. This section also would provide authority for the Secretary to provide facilities and equipment to the Board for purposes of allowing an appellant located at a facility in an area served by a regional office to participate in a hearing with a Board member who is at the Board's principal location, through voice transmission or picture and voice transmission, by electronic or other means. This section also would require, however, that the appellant be given the opportunity for a hearing in Washington, D.C., or before a traveling member of the Board, if the appellant chooses either method over a hearing through the use of electronic means.

Senate bill: With respect to hearings, section 1(e) contains substantively identical provisions as in the House bill. However, section 1(e) would repeal section 7110 and would move the hearing provisions to section 7107, thereby combining the provisions governing the docketing of appeals and the scheduling of hearings into one section. Provisions of existing section 7107 would remain substantively the same. Provisions relating to hearings in existing sections 7102, 7104, and 7110 would be included in the amended section 7107. The Senate bill would provide that hearings held before a traveling member or members of the Board would be held at a location within the area served by a regional office of the Department, not necessarily at the regional office.

Compromise agreement: Section 7 follows the Senate bill, except that with respect to hearings held before a traveling member or members of the Board, it would specify that such hearings would be held at a facility of the Department in the area served by a regional office of the Department. In addition, section 7 would add an exception to the requirement that the hearing be held before a member or members of section that will make the final determination, to exclude cases in which the Chairman orders reconsideration. Section 7 also would remove a redundant provision in 7104(a), which states that the Board will make a decision in a case only after the appellant has been given the opportunity for a hearing. Under section 7 of the bill, that requirement would appear in amended section 7107.

ANNUAL INCOME QUESTIONNAIRES FOR RECIPIENTS OF PENSION AND PARENTS' DEPENDENCY AND INDEMNITY COMPENSATION

Current law: Section 1506 of title 38 directs VA to require annual income reports for purposes of pension eligibility. Any applicant for or recipient of VA pension must file with VA a report containing information on the individual's annual income received during the previous year and on the corpus of the individual's estate at the end of the year, as well as the income and estate of any spouse or dependent child. The report must also contain an estimate of the individual's income for the current year and any expected increase in the value of the corpus of his or her estate.

For a surviving child, in addition to the above information, the report must include an estimate of the current year's annual income and any expected increase in the value of the corpus of the estate of any person who is legally responsible for the support of the child and with whom the child is residing.

Section 1506 also requires that any applicant or recipient of pension, or any person who is legally responsible for the support of a surviving child applying for or receiving pension, must promptly file a revised report whenever there is a material change in estimated annual income or in the estimated value of the corpus of that individual's estate.

Section 1315(e) directs VA to require an annual income report as a condition of an award or of continuation of parents' dependency and indemnity compensation (DIC), except in the case of a parent who has reached the age of 72 and has been receiving DIC during 2 consecutive calendar years. The report must show the total income expected in that year and the total income received in the previous year. The recipient must file a revised report whenever there is a material change in estimated annual income.

House bill: Section 12305 would amend section 1506 to eliminate the statutory requirement for income reports for purposes of pension eligibility, thereby giving VA discretionary authority to require the submission of income questionnaires. Section 12305 would also amend section 1506 to provide that when there is any change in income or in the value of the corpus of the individual's estate, the individual would be required to notify VA of the change, rather than file a revised income report.

Senate bill: No provision.

Compromise agreement: Section 9 includes the provision in the House bill, with a minor technical amendment.

Section 9 of the compromise agreement also includes a provision that would eliminate the statutory requirement for income reports for purposes of eligibility for parents' DIC, thereby giving VA discretionary authority to require the submission of an income report.

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, June 16; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that, immediately thereafter, the Senate proceed in executive session to consider the nomination of Lauri Fitz-Pegado, as provided under the conditions and limitations of a previous unanimous consent agreement; that upon disposition of the Fitz-Pegado nomination, either by confirmation or recommittal, the Senate then return to legislative session and resume consideration of Calendar 282, S. 1491, the Airport Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:29 p.m., recessed until Thursday, June 16, 1994, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1994:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994.

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1997.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ROBERT M. PARKER, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

DIANA GRIBBON MOTZ, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

DENISE PAGE HOOD, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

RICHARD A. PAEZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

PAUL L. FRIEDMAN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

GLADYS KESSLER, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

EMMET G. SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

RICARDO M. URBINA, OF KTHE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

WILLIAM F. DOWNES, OF WYOMING, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. TIMOTHY R. BEARD [redacted]
CAPT. DAVID L. BREWER III [redacted]
CAPT. STANLEY W. BRYANT [redacted]
CAPT. TONEY M. BUCCHI, [redacted]
CAPT. ROBERT S. COLE [redacted]
CAPT. WILLIAM W. COPELAND, JR. [redacted]
CAPT. JOHN W. CRAINE, JR. [redacted]
CAPT. JAMES B. FERGUSON III [redacted]
CAPT. EDMUND P. GIAMBASTIANI, JR. [redacted]
CAPT. JOHN J. GROSSENBACHER [redacted]
CAPT. JAMES B. HINKLE [redacted]
CAPT. GORDON S. HOLDER [redacted]
CAPT. RICHARD G. KIRKLAND [redacted]
CAPT. PETER A.C. LONG [redacted]
CAPT. MARTIN J. MAYER [redacted]
CAPT. BARBARA E. MC GANN [redacted]
CAPT. PATRICK D. MONEYMAKER [redacted]
CAPT. CHARLES W. MOORE, JR. [redacted]
CAPT. JOHN B. NATHMAN [redacted]
CAPT. WILLIAM L. PUTNAM [redacted]
CAPT. THOMAS R. RICHARDS [redacted]
CAPT. DAVID P. SARGENT, JR. [redacted]
CAPT. WILLIAM R. SCHMIDT [redacted]
CAPT. DONALD A. WEISS [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. JOHN A. GAUSS [redacted]
CAPT. THOMAS J. PORTER [redacted]

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. ROBERT W. SMITH [redacted]

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. HARRY W. WHITON [redacted]

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. LOWELL E. JACOBY [redacted]

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

CAPT. PAUL G. GAFFNEY II, [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, Almighty God, for all people of good will who see in their daily lives opportunities for alleviating conflicts and distress or hardship. We especially remember those who are involved in peacekeeping efforts in our communities and in our world, those who seek to hold back the forces of evil and destruction and allow for people to live in security and freedom.

We express our gratitude to police, the Armed Forces, and all security forces who, in spite of the risks of their positions, use their power to promote understanding in our communities and further the work of justice in the world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led and offered by the gentleman from Texas [Mr. DELAY].

Mr. DELAY led the Pledge of Allegiance as follows:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts; and

H.R. 4205. An act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1569) "An Act to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.", agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mrs. KASSEBAUM, and Mr. HATCH, to be the conferees on the part of the Senate.

RWANDA

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Mr. Speaker, I rise today to bring to the attention of my colleagues a resolution condemning the current situation in Rwanda and also calling the atrocity a genocide.

The Convention of the Prevention and Punishment of the Crime of Genocide, which the United States joined in 1989, stipulates that genocide, whether committed during peace or war, is an international crime which must be prevented and punished.

This administration has been avoiding using the term genocide in connection with Rwanda for fear that if we call it genocide we will have to take steps to stop the killing.

This is a pathetic excuse for a foreign policy. My resolution does not order U.S. intervention. It simply states the definition of genocide and shows how the ethnic cleansing in Rwanda fits that definition. Please cosponsor this resolution.

WELFARE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, as President Clinton traveled to Missouri, the Show Me State, yesterday to unveil his welfare plan, many Members of the House of Representatives are rightfully asking, "where's the bill, Bill?"

In the tradition of the great State of Missouri, I ask the President to show me how his plan would end welfare as we know it.

Show me, Mr. President, how your plan addresses illegitimacy. The Clinton welfare plan purports to curb the trend in teen pregnancies by increasing family planning and condom distribution, contraceptive programs which have had very little success.

Show me, Mr. President, how your plan caps spending. The Clinton plan increases spending in child care and other services by $9.3 billion and pays for it by cutting $7 billion in existing welfare programs and other gimmicks from nonwelfare programs.

Show me, Mr. President, how your plan creates real work. The Clinton plan actually weakens work requirements with loopholes and exemptions.

And finally, show me, Mr. President, how your plan ends benefits to noncitizens. The Clinton plan does little to cap the cost of supporting noncitizens.

Judging from the President's plan, it seems that he has actually ended welfare reform as we know it. I urge President Clinton to consider the Republican's tough-love approach to bringing responsibility back into the welfare system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members not to address the President of the United States directly. Members should address the Chair.

NAFTA: GOOD FOR MEXICO, BAD FOR UNITED STATES WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the good news is that 4,200 American workers have qualified for benefits under NAFTA. The bad news is that all 4,200 jobs have moved to Mexico. All their jobs have moved to Mexico, folks.

Mexican workers get jobs under NAFTA, American workers get unemployment checks and job retraining, with the average wage to be $8 an hour and no benefits. And what jobs are they, folks? Corncob pipe assembler, gizzard skin remover, brassiere cup molder cutter, pantyhose crotch closer, on and on and on. The truth is it is a mediocre program, it is a mediocre law, it is mediocre wages, and it is mediocre jobs, and Congress has turned into the biggest unemployment agency in the entire world. Americans want welfare reform yesterday.

AMERICANS WANT WELFARE REFORM YESTERDAY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, back in the real world folks have had enough. They are tired of working and toeing the line, they are tired of doing more than their fair share, they are tired of increasing taxes and wasteful spending and a growing Government. They want welfare reform, and they want it yesterday. They are all in favor of helping people out who need a helping hand. They are ready to pull up citizens who have fallen down. But they say "stop" to the people who are able to work. They want a welfare reform plan that requires those who can work, to work, they want a plan that requires fathers to pay and not behave with the responsibility of an alley cat; they want benefits denied to illegal immigrants who have never paid American taxes.

Mr. Speaker, there are three plans that address these problems: the DeLay plan, with Mr. TALENT as cosponsor; the Santorum plan; and the Myers plan. Let us take the best of the Republican ideas, the best of the Democrat ideas, and combine them for the best interests of the American people.

THE BURGEONING TRADE DEFICIT WITH CHINA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, in 1984, President Reagan went to China to talk about trade. The U.S. trade deficit then was $10 million, just millions. He gave away the textile market, he opened up the American borders for all the Chinese productivity made by slave labor, and we gave them most-favored-nation status. That is a tax break.

Today, the trade deficit is $25 billion; billions, folks.

That is 2,500 times more than in 1983.

Now China and Korea want to hold the United States hostage to a Communist nation trying to conspire against us. China is threatening that if they do not get most-favored-nation status from this Government, that they are going to support the North Koreans. They are using the United States.

To President Clinton I would say, "Hang tough, Mr. President. If we don't, we are going to become enslaved by those very same people." Think about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to advise Members again they may not direct their remarks to the President of the United States.

WORLD CUP SOCCER—THE GREATEST SPORTING EVENT IN THE WORLD

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, in just a couple of days the greatest sporting event in the world will begin. This year the United States will host the World Cup Soccer Championship for the first time in our history. A sport the whole world calls football, and in deference to American football we call soccer, will attract the attention of over 2 billion TV watchers worldwide.

For the uninitiated it is a simple yet beautiful game, the essential team sport. I urge all to take some time to watch. Do not expect much scoring—although millions will explode in cheers when a score is made.

I would suggest you watch for: A midfielder making a 40–50 yard run through opposition at full speed, pushing the ball just far enough ahead to keep control; the reflexes of the goalkeeper reacting to a pointblank shot at 80 miles per hour; a pass that flies 60 yards in the air and is caught on the chest of a runner in full stride; and the sweeper, the defender, in front of the goalkeeper, taking the legs out from under a man who earns $7 million a year to play this sport.

The beauty of the game is the team, the passing, the precision. Not the scoring.

Bon chance. Bono fortuna. Felin glook. Buena suerte. Good luck to all.

□ 1010

THE CURSE IS OVER

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, last night, I and millions of others stood by our television sets and watched in joy as the New York Rangers finally, after 54 years, won the Stanley Cup. It was a miracle that some of us thought might never happen, but, after watching Brian Leetch and Mark Messier hold the Stanley Cup over their heads last night, we New Yorkers can now say that the jinx, or the curse, is finally over.

Rangers' victory can even inspire Congress to achieve things that seem impossible. I say to my colleagues this morning, Mr. Speaker, that, if the New York Rangers can win the Stanley Cup, surely Congress can pass comprehensive health care reform this session.

TRIGGER TIME BOMB ON SMALL BUSINESS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there is a new word in the health care debate: Trigger.

A trigger is a back door way to get to employer mandates. Instead of mandating that small businesses pay 80 percent of their employees' health care costs now, this trigger mechanism will mandate it in the future.

The employer mandate has been described as a gun pointed at the heart of many of our small businesses. The trigger is more like a time bomb, with a fuse that lasts in years rather than in minutes.

When these triggers go off, the impact will be the same: a loss of jobs, a freeze in hiring, an end to many small companies.

Mr. Speaker, I urge my Democrat colleagues to not pull the trigger on our private sector.

Let us reform our health care system without putting people out of work. Let us fix what is broken in our current system without putting mandates on our small business. Trigger or no trigger, let us reject employer mandates. They are just not the best way to reform our health care system.

D-DAY COMMEMORATION APPRECIATED BY VETERANS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I was fortunate to participate in the 50th anniversary celebration of D-day on June 6 in Normandy, France, as part of a bipartisan congressional delegation.

As a new Army second lieutenant who participated in the Normandy campaign, I was glad to have the opportunity to honor the many heroes who fought and died on D-day to liberate Western Europe from the grip of Nazi Germany.

Judging from the many favorable comments I heard from other veterans attending the event, the D-day commemoration was very meaningful, very moving, and very much appreciated.

It was highly appropriate that our Nation should be represented at an event of this magnitude by our Commander in Chief, the President of the United States. The participation of our

President along with many other heads of state showed these veterans in no uncertain terms that their sacrifices will long be recognized for their historic significance.

I am ashamed that anyone would devalue this momentous event for partisan purposes.

The men who stormed the beaches of Normandy 50 years ago fought in the name of freedom and democracy. They fought for all of us and they deserve our everlasting gratitude. They deserve to be remembered with dignity, not with petty partisanship.

Our Nation put its best foot forward on the 6th of June 1944, and once again, this year on the 50th anniversary of D-day. Our Nation was proudly represented and the whole world knows it, especially our veterans.

SHOW ME I'M WRONG

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, our health care system or our welfare system. Which is in worse shape?

Which needs reform first? Which eats up more of the taxpayers tax dollars? Which is really in a state of crisis?

Despite the many problems that must be fixed in our health care delivery system, we still have the finest quality health care in the world. Our welfare system, on the other hand, is a complete disaster.

So why did the President wait until yesterday to unveil his welfare reform plan? And why did he offer a plan that the Washington Post said had no chance of passage this year?

I believe the White House is not really serious about welfare reform. I believe their plan is an insufficient response to an intolerable problem. And I believe the White House is trying to score political points on this important issue.

Mr. Speaker, the President unveiled his plan yesterday in the Show Me State. I hope he shows me that I am wrong in my thoughts about his motives on welfare reform. But I doubt he will.

POST OFFICE SUNSHINE

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, my State of Washington, among many others, has proved that sunshine laws work. Openness is good. In fact, I have proposed a change to House rules that would bring more sunshine to this House.

I mention this today because it is time now for more sunshine on the past investigation into the House post office scandal.

Serious allegations have been made, Mr. Speaker. The former chief of the Capitol Hill Police force says he quit to protest interference by a House official into that investigation. The allegation is that this official threatened to have benefits or even jobs taken away unless the investigation were altered.

Mr. Speaker, Congress must not hide. Congress must be open. Congress must let the sunshine in.

The gentleman from Louisiana [Mr. LIVINGSTON] and I, as the Republican members of the Police and Personnel Subcommittee of House Administration have officially called for hearings into this matter.

The American people deserve to know if the former top House lawyer interfered with an investigation of the Capitol Police. And our police force deserves to know that they can run investigations based on justice, not politics.

Let the sunshine in. Let us determine once and for all if there was any obstruction of justice.

□ 1020

A TRIBUTE TO THE LATE HONORABLE ALBERT McDONALD COLE, A FORMER MEMBER OF CONGRESS

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, with sadness I rise to call attention to the death of a former member of the House of Representatives, Albert McDonald Cole, who represented the First District of Kansas for four terms from 1945 to 1953.

He is remembered for a single act of courage that ended his political career, but saved countless thousands of lives last spring as devastating floods hit Kansas and the Midwest.

In 1952, Mr. Cole voted in favor of the authorization to build Tuttle Creek Dam and Reservoir north of Manhattan in his district. Because that reservoir displaced hundreds of families and inundated thousands of acres of prime farmland, it was a controversial project. Mr. Cole initially opposed the dam, then changed his mind after the damaging floods of 1951. "I saw the terrible destruction and I just decided I could not oppose it any longer. So I changed my vote, much to the dismay of many of my friends, Mr. Cole recalled recently."

Opponents rallied under the banner "Big Dam Foolishness" and voted Mr. Cole out of office in 1952. He never regretted the vote. And last spring, as the dam moderated flooding from Manhattan, KS, to Kansas City, MO, Kansans were thankful for Mr. Cole's courage. There is no question the 1993 flooding would have cost much more in lives lost and in property damage if Tuttle Creek Dam had not been built.

All of us here today would do well to pause and reflect on Mr. Cole's willingness to do what was right, even at the expense of his political career.

Mr. Cole was appointed by President Dwight D. Eisenhower as National Administrator of the Federal Housing and Home Finance Agency, the predecessor agency to the Department of Housing and Urban Development. He later served as president of Reynolds Metals Development Corp. and as a Washington attorney.

Mr. Cole, who was 92, is survived by his wife, Emily, two children, six grandchildren, and nine great grandchildren.

[From the Globe, June 7, 1994]

FORMER FIRST DISTRICT REPRESENTATIVE DEAD AT 92

TOPEKA.—Albert McDonald Cole, who represented the 1st District of Kansas in Congress for four terms in 1945-53, has died in a Washington D.C., hospital, a relative reported on Monday.

Cole, who was 92, died in George Washington University Hospital Sunday night. He was hospitalized on Saturday, said Marsha Cole Saville, a niece who lives in Topeka.

His body had been donated to the hospital for research, and no services were planned, she said.

Cole was born Oct. 13, 1901, at Moberly, Mo. The son of a Baptist minister, the family lived in several Kansas communities, and he graduated from Sabetha High School.

He attended Washburn University and earned his law degree from the University of Chicago in the 1920s.

He practiced law in Holton and was Jackson County attorney before serving one term in the state Senate, 1941-45.

A Republican, he won election to the U.S. House in 1944 and served until January 1953, when former President Dwight Eisenhower appointed him national administrator of the federal Housing and Home Finance Agency, the predecessor agency to the Department of Housing and Urban Development.

He held that post until 1959, then was president of Reynolds Metals Development Corp. in Washington for eight years.

He had worked as a lawyer in Washington from 1968 until his retirement in 1990.

He married the former Emily Corbin of Kansas City, MO., in November 1927, and she survives. Other survivors include a son, Will E. Cole of Albuquerque; a daughter, Kitty Kaul of Tyler, Tex., six grandchildren and nine great grandchildren.

WELFARE REFORM: CHANGE VERSUS CHARITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, President Clinton finally attempted to deliver on his 17-month-old promise of ending welfare as we know it. But what did we get—saving welfare as we know it. More Government spending, more Government bureaucracy, and less individual accountability.

Specifically, his plan gives welfare recipients 2 years of benefits before any work requirement is imposed. And even after that these individuals would be able to trade their welfare checks for Government-subsidized paychecks.

As you can expect from this sort of Government underwriting, the draft of President Clinton's plan indicates that an additional $9 billion in Federal spending will be required just to launch his program.

This is outrageous. How can a plan like this possibly hope to end welfare as we know it?

Welfare reform must emphasize the private sector as the key to leaving welfare, and not publicly sponsored, make-work jobs that can only lead to larger costs, more bureaucracy, and more Government dependence.

We need to fix the system, but settling for half-hearted measures that contribute to the problems is not the answer.

CLINTON PLAN PERPETUATES THE SYSTEM, ADDS MORE WELFARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, yesterday after waiting 17 long months, President Clinton finally unveiled his so-called welfare reform proposal. Remember 1992 when candidate Clinton promised to end welfare as we know it. Well his plan ends reform as we know it. The President's solution is to replace welfare with more welfare.

The President's plan expands entitlements and handouts, and avoids tackling the issues of illegitimacy.

Less people would be required to work for their benefits under the Clinton plan than under existing laws. Furthermore, since Clinton exempts anyone who is older than 23 from the work requirement, 80 percent of current welfare recipients would be off the hook. Clearly, his plan fails to provide a great majority of the people on welfare the much needed incentive for them to lift themselves out of poverty.

Instead of ending welfare as we know it, the President has decided to pour another $9.3 billion into an already failed system. His plan actually perpetuates the very system the American public has overwhelmingly denounced.

IT'S NOT THE END OF WELFARE AS WE KNOW IT

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, remember when the Democratic candidate for President promised to end welfare as we know it? Well, after almost 2 years in office, he has come forth with his plan. The Christian Science Monitor has described it as "tweaking welfare as we know it." Others have described it as just another in a long series of broken promises.

On taxes, on spending, on crime, on illegal immigration, on foreign policy, on a whole host of critical issues facing America today, President Clinton has failed to deliver.

During his Presidential campaign, candidate Clinton promised to cut off AFDC benefits after 2 years. But here is what the Washington Post said last week about President Clinton's plan:

> President Clinton promised during the campaign to "end welfare as we know it" yet the comprehensive plan he will submit to Congress next week would leave a vast number of recipients in the old system for years to come.

In fact it does not apply to any one born before 1972. So much for promises.

The President has a real problem on his hands. He badly wants the American people to believe that he is an agent of change. But he wants to accomplish that while preserving the status quo. Mr. Speaker, you cannot have it both ways.

GRIDLOCK ON HEALTH CARE—A WELCOME DEVELOPMENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, gridlock has come to the aid of the American people. With gridlock, the reluctance of the Congress to deal with health care, which they know in its present wild and crazy form will impose horrendous results on the American people that gridlock is welcome news here on Capitol Hill.

It means that we have a chance to stop once and for all the mad rush to a health care plan that may ruin the very best that we have in our health care system today. A choice of doctors, a choice of hospitals, the ability of innovative medicine to bring about new remedies and cures, all of that can go out the window if we rush to a health care system for which we are not prepared, not as a Congress and not as the people.

I have today sent a letter to the President begging him to take the leadership with the legislative leaders on both sides of the aisle in both Houses, both Chambers, to create a bipartisan blue ribbon panel to recommend, just as the blue ribbon panel in 1983 did on Social Security, a set of recommendations to being back to the Congress in March 1995, so we can get about the business of health care without gridlock any more.

But, Mr. Speaker, gridlock today is good. It helps the American people.

PRESIDENT'S WELFARE PLAN ENCOURAGES WELFARE, FAILS TO ADDRESS ILLEGITIMACY

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, imagine being 23 years old and learning yesterday that you are not required to work for the rest of your life. Either you hold the winning lottery ticket or you have just been grandfathered in under the administration's welfare plan.

Welfare reform was a principal tenet of the Clinton campaign in 1992. But that promise—to end welfare as we know it—has become an empty one. We all agree that those who are able should work. Incredibly, the President agrees that people should be required to work unless they were born prior to 1972. This provision would be laughable if the problem were not so serious.

Moreover, the President does not attack the principal social pathology of our time—illegitimacy. He has said "We can't justify a system that makes welfare more attractive than work." I would add that we can no longer justify a system that makes illegitimacy more profitable than family.

And you thought he said he would end welfare as we know it. Maybe he said he would defend welfare as we know it.

GREATER COSTS, MINIMUM RESULTS PROMISED BY CLINTON WELFARE PLAN

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, yesterday President Clinton brought forward his welfare plan that he had made the centerpiece of his campaign. In fact, in fully 40 percent of his ads that he ran when he was campaigning for the Presidency, he referred to welfare and ending welfare as we know it.

Come on, Mr. President, we have not ended welfare as we know it at all. It has taken 17 months to even suggest a plan, and it does not get close to changing the main things that need to be changed in this system. In fact, it charges us as taxpayers an additional $8 billion, as opposed to the $20 billion in savings that would accrue as a result of the Republican plan, and it does not apply to over 90 percent of the people who are currently on welfare.

It is clearly not designed to end welfare as we know it. It is clearly designed to somehow make some sort of a treaty between the more left-of-center elements of the Democratic Party and those trying to keep the President's coalition together.

We believe very strongly that you have to have a work requirement. His work requirement does not apply to anyone over 23 years of age, and it reduces the work requirement for two-parent families.

Everyone agrees, criminologists, social workers, and elected officials, that you have to keep a family together if you want to end welfare and reduce crime. This plan does not do that.

URGING SUPPORT FOR THE SECTION 515 RURAL HOUSING PROGRAM

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, today I have offered a bill to reform the Farmers Home Administration's section 515 Rural Housing Program by addressing concerns raised in a recent report submitted to the Subcommittee on Agriculture Appropriations by the surveys and investigations staff of the House Committee on Appropriations.

Section 515 is a program which has been working for 31 years. It is the only such program available to serve the very poor in rural America. It serves the elderly, the handicapped, the disabled, women, and minorities. This program has led to the creation of more than 44,000 affordable housing units for the low- and very-low-income families of rural America. The average income of the people served by this program is typically only $7,900. In fiscal year 1994 alone, 14,000 new units were built using section 515 funds.

I realize that the costs associated with housing low-income people is high. However, we cannot ignore the fact that there is still a shortage of 600,000 affordable rental units in rural areas today and a backlog of $1 billion in applications for section 515 housing.

In my own district—the First District of North Carolina—there are 152 section 515 properties, serving more than 4,000 families—and 1,000 elderly households. If we strengthen the 515 program—rather than eliminate it—many more needy families across the United States can reach their dream of safe, decent, and affordable housing.

I am calling on you to support this effort to correct the deficiencies in the section 515 Program and to work with me to ensure that those citizens depending on this very worthwhile program are adequately served.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 447 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4539.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes, with Mr. STUDDS in the chair.

□ 1030

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I am pleased to bring to the floor the Treasury-Postal appropriations bill for fiscal year 1995. I wanted to thank at the outset the ranking member, the gentleman from Iowa [Mr. LIGHTFOOT], other members of my committee, the gentleman from Virginia [Mr. WOLF] and the gentleman from Oklahoma [Mr. ISTOOK], and the staff, both for Mr. LIGHTFOOT and for the gentleman from Pennsylvania [Mr. MCDADE] who, of course, is the ranking member of our committee. I also want to thank all of the Members on our side who have worked diligently as we have held hearings over the past 4 months on the legislation before us.

Mr. Chairman, the bill that we bring before you is $530 million under, in budget authority, the 602(b) allocation. In mandatory budget authority, it is $249 million under the allocation, and in total budget authority, it is $779 million under the budget authority.

In discretionary outlays, we are $6 million under our 602(b) allocation. In mandatory outlays, this bill is $245 million under the allocation. This bill is a total of $251 million dollars under the allocation. With respect to discretionary spending, this bill is $994 million, 6 million dollars short of 1 billion dollars, under the President's request in budget authority and $295 million in outlays.

It is over the 1994 enacted in discretionary budgeted authority by $206 million, and $615 million in outlays. I will explain why in just a second.

The total in the bill is, discretionary spending, $11.519 billion. I will point out during the course of debate, that figure includes $405 million in budget authority and outlays which are provided by the Committee on the Budget in a nonpartisan basis for the purposes of beefing up tax compliance.

We have over $100 billion of taxes that are due and owing to the Federal Government which are not, however, collected. That fact obviously places a greater burden on those who conscientiously and legally pay their taxes.

This sum of $405 million, to be spent this year and over the next 4 years, a sum of over $2 billion, is scored by CBO to raise over $9 billion. As a result, this money being expended pays itself back 4½ fold.

The resources available, therefore, for regular operations, taking out the $405 million, are $11.312 billion. This is important because to continue programs, it would cost $198 million more. That, I think, gives you an idea of how tight a budget this actually is.

The 1994 President's request is, without the tax compliance $405 million in there, $12,513 billion. If you add the tax bill you get to the President's request of $12.918 billion.

The total in the bill, however, is $11.519 billion. As a result, a correct analysis of the bill shows you that this is a reduction from the President's request of $1.399 billion, a $1.4 billion decrease, approximately 10 percent.

Members on both sides of the aisle have reviewed this bill and said it is a very fiscally responsible bill. I think that is accurate.

I will tell you, however, Mr. Chairman, that I believe this bill underfunds a very important aspect of expenditures in this bill, and that is tax systems modernization. In fact, that item alone was cut over one-half billion dollars. The President's request was $1.7 billion. We have been only able to give $1.2 billion.

Tax systems modernization goes to the ability of the Federal Government to collect the revenues and to give refunds in a timely fashion and to make sure that taxpayers' information is secure and accurate. We need to address this issue. We simply did not have the money to address this issue.

The total in the bill is $12.254 billion in outlays. However, if you take off tax compliance, if you subtract prior year authorized outlays, which will be made in 1995 of $213 million, and you subtract the net loss in GSA rent receipts, what happens is the public building fund is funded out of rent receipts. The administration properly has noted that the fair market value for rents in the United States has decreased. As a result, it has decreased the payments to be paid made by the individual agencies to GSA for their rent. This has had the net result of reducing receipts to the GSA building fund, and, therefore, a reduction in the receipts available to our committee, of a net $134 million.

As a result, the resources available for regular operations are $11.5 billion for this committee, 1994's enacted was $11.639 billion.

In other words, if you discount the three items of which I have just spoken, the tax compliance initiative of $405 million, the outlays resulting from prior year authorizations, and the net loss of GSA rents, you have a shortfall of $137 million in outlays. As a result, we are under 1994 expenditures.

The 1994 President's request was $12.549 billion. Again, if you add to the President's request the $405 million of which I have spoken, and the loss of the user fees, which were included in our bill as revenues, but which do not fall within the jurisdiction of this committee and were, therefore, deleted, you have, necessary to fund the President's request, $13.195 billion. Again, I would repeat, what we have in the bill is $12.254 billion, and as a result, a reduction from the President's request of $941 million, almost a $1 billion reduction from what the President requested in outlays.

Let me very briefly go over, Mr. Chairman, those reductions.

First of all, the President asked for a $999 million item, which was scored as a $500 million outlay, for a program which would allow the Federal Government to make opportunity purchases when leases expire, because of the market's status, where we need Federal space, but where we could purchase Federal space at far less in this market than we could build or purchase at some time in the future.

The committee believed that was a good idea. But it is also a good idea that the committee did not have revenues to fund. As a result, the entire program was deleted.

We also made a 30-percent reduction, as I indicated, in the IRS information systems, of $517 million. That reduction is very unfortunate and, in my opinion, from a policy standpoint not justifiable. The bottom line, however, is from an economic standpoint, we did not have the money to fund it. And that was the only large discretionary pot that we had, and, therefore, that had to be cut.

□ 1040

For all other agencies we put them at a hard freeze. In fact, more than a hard freeze, because for most agencies, Mr. Chairman, in this budget, we took either the lower of 1994 expenditures or the President's request, whichever was the lower figure. We had to eliminate, as I have explained, the user fee proposals which were approximately $240 million in revenues, because of the fact they were not within the jurisdiction of our committee.

There have been, however, a few small increases. Americans are very concerned about crime. The committee shares that concern and the commitment to confront it. Furthermore, the committee shares the American public's concerns with the interdiction of drugs, a responsibility of the Customs Service and other agencies within our purview.

We are also concerned about the proliferation of gangs and street crime in our urban as well as our rural areas.

As a result of these concerns, we have increased, relatively small increases, but we have increased various law enforcement agencies. The Bureau of Alcohol, Tobacco and Firearms was increased by $9.7 million, specifically for fingerprinting, computer upgrades and new ballistic technology so that we can assist local, State and Federal agencies in identifying crimes better, so that we can prosecute and incarcerate perpetrators of crime in this country.

I want to say, with respect to that money, that no additional computer money will be used to computerize any data that BATF does not collect already. I know there was some concern about that.

In Customs, we have included a net increase of $18 million. Essentially, Mr. Chairman, that $18 million is an increase so that we can fund the commitment that this House made as well as the Congress made when we passed NAFTA to make sure that the Customs Department would be able to properly identify country of origin for goods coming into the United States so that no country can use the North American free-trade area as a way to get goods into the United States which are not in fact produced either with parts, labor or manufacturing capability located within the free trade zone.

With respect to the Secret Service, Mr. Chairman, we have included $8.5 million in additional dollars to train state and locals in Presidential nominee protection. That last item is $6.5 million to combat counterfeiting overseas. Both the gentleman from Iowa [Mr. LIGHTFOOT] and myself and other members of the committee have been very, very concerned about the growing international threat that counterfeiting of the American dollar poses to the stability of our own currency and the stability of the international marketplace. As the Chairman knows, as the Members of this House know, the dollar is in fact the standard currency in the world. Therefore, it is the currency most targeted for counterfeiting in the international marketplace. This committee believes and has information to base that belief on, that in fact, nations are getting into counterfeiting the American dollar. We believe the Secret Service needs the additional resources to combat that problem.

With respect to the IRS, the bill also includes, as I have said, the $405 million initiative to beef up tax compliance. That will be about a $2 billion expenditure over the next 5 years, and CBO says will result in an additional $9 billion in revenues; again, a 4½ to 1 payoff. We believe, the committee believes that is a good investment and, in a nonpartisan, bipartisan way, the Committee on the Budget agreed and the committee agreed.

Now, we have major decreases. The tax system modernization has been decreased too much. We need to look at that in the future; $33 million is transferred out of the Treasury Forfeiture Fund to the General Fund. The transfer produces savings that will be applied to other Treasury law enforcement programs. We hope to replenish that, Mr. Chairman, when the Crime bill is passed. And we expect to get some additional revenues for the law enforcement agencies in our bill.

The Postal Service, we kept at last year's level, consistent with the reform package that was adopted and our commitment to the Postal Service. The Executive Office of the President, I would call to the attention of the House, I have historically been and continue to be opposed to reducing the White House request for its own budget. Just as I believe the White House ought not to involve itself in the legislative budget, I believe the Congress, with comity and respecting the separation of powers, ought to stay out of the White House budget.

Notwithstanding that, because we have imposed in every agency, almost, in our budget very stringent fiscal constraints, we have adopted the White House budget at 1994 levels, approximately $2.7 million below their request.

That is the first time ever that this committee has reported out a cut in the White House budget's request for itself. I have discussed this matter with the White House, and I am hopeful that at some point in time we can restore that.

We have various independent agencies within our budget as well. Most of them, as I said, Mr. Chairman, have been kept at last year's levels. I believe that explains pretty much the fiscal picture. I know that there will be a lot of debate with reference to the White House operations, we will confront when that comes up.

Lastly, I know there will also be amendments with respect to the authorization for new public buildings. I might say that the committee has included one of the lowest increases in the Public Buildings Fund of any year since I have been on this committee.

Furthermore, every one of those projects is subject to authorization by the Committee on Public Works and Transportation prior to expenditures being made thereon.

Mr. HOYER. Mr. Chairman, I am pleased to present the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1995.

The bill is under the 602(b) allocation by $530 million in discretionary budget authority and $249 million in mandatory budget authority. In outlays, the bill is $6 million below the discretionary outlay allocation and $245 million below the mandatory allocation.

The bill is below the President's budget, by $994 million in discretionary budget authority and $295 million in discretionary outlays.

Finally, the bill is over 1994 enacted levels by $206 million in discretionary budget authority and $615 million in discretionary outlays.

The comparison that I just made with fiscal year 1994, while factually correct, does not give an accurate portrait of how really tight this bill is. The 1995 bill includes $12.254 billion in discretionary outlays. This includes $213 million in prior year outlays—expenditures resulting from projects initiated in previous years. It also includes $450 million for a tax compliance initiative—a revenue generating effort that will yield $9 billion in additional taxes for a $2 billion investment. Finally, that amount includes a $134 million loss from lower GSA rent receipts.

The committee had no choice but to include these outlays. If one were to subtract them from the bill, we would be left with only $11.502 billion in outlays from continuing operations, $137 million less than the 1994 level.

A similar analysis will show significant cuts from the President's request. The initial request was for $12.549 billion, but did not include the subsequent addition of $405 million for tax compliance. The request did, however, include a $241 million offset provided from tax increases—an item not under this committee's jurisdiction.

Taking into account these adjustments, the committee would have needed $13.195 billion to fund the President's request. We were able to fund only $12.254 billion, $941 million below that which we would have needed to comply with the President.

The committee undertook three major steps to achieve these savings:

It eliminated a $999 million GSA lease acquisition program.

It reduced the IRS information systems request by $517 million, a 30 percent cut from the $1.757 billion request.

It applied a hard freeze for most agencies—the lower of the 1994 enacted level or the 1995 President's request.

The committee did, however, provide a few select, small increases for some law enforcement agencies and particularly important initiatives that I will outline.

TITLE I—TREASURY

Most Treasury Department Bureaus are funded at the hard freeze—the lower of the 1994 enacted or the 1995 request.

The first significant increase relative to 1994 provides $9.7 million to the Bureau of Alcohol, Tobacco and Firearms for fingerprinting, computer upgrades, and new ballistics technology. This inclues $2.6 million to fingerprint applicants for firearms retail licenses, $2.1 million to automate existing reports on individuals buying multiple handguns, $1.1 million to computerize indices for out-of-business firearms dealer records, and $3.9 million to promote ballistics technology—CEASEFIRE—buy better bullet-proof vests, and hire additional agents. Not a penny of the computer money will be used to computerize any data that the agency does not collect already.

For Customs, the bill includes a net increase of $18 million for NAFTA and service modernization, partially offset by a reduction in the air and marine program. This is composed of $18 million for NAFTA, $26 million for its Automated Commercial System, $10 million for a Western Hemispheric Trade Study, $2.1 million for additional customs inspectors, $1.4 million for financial management improvements, and a reduction of $39 million from the air and marine program.

The bill provides a $15 million increase for the Secret Service to train State and locals in Presidential nominee protection—$8.5 million—and to combat counterfeiting overseas—$6.5 million.

For the IRS, the bill includes the $405 million tax compliance initiative mentioned earlier and included in the budget resolution. A $2 billion expenditure for this initiative over 5 years should raise $9 billion in more revenue.

The bill includes a major cut to IRS information systems of $517 million below the budget request and $231 million below the 1994 appropriation.

The committee also generated savings by transferring $33 million out of the Treasury forfeiture fund to the general fund. The savings from this transfer were applied to other treasury law enforcement programs. The committee intends to replenish the forfeiture fund with moneys derived from the forthcoming crime trust fund.

TITLE II—POSTAL SERVICE

The committee fully funded the President's budget request of $92.3 million, consistent with the Revenue Foregone Act. This includes $63 million for free mail for the blind and overseas voters and $29 million to reimburse the postal service to make up for not funding the full revenue forgone appropriation for several years.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Almost all accounts within the Executive Office of the President are funded at a hard freeze—the 1994 appropriation or the 1995 President's budget, whichever is lower. The only exceptions lie in the area of drug control programs. The bill provides an additional $12 million for high intensity drug trafficking areas and reduces the special forfeiture fund by $37.7 million.

This is an unusual mark for this committee. For the past 13 years, this committee has almost fully funded the Executive Office at the level requested by the President; this reduction results only from our low 602(b) ceiling.

TITLE IV—INDEPENDENT AGENCIES GENERAL SERVICES ADMINISTRATION

The bill provides no funding for the request of $999 million for the lease acquisition program. In addition, it reduces new construction and acquisition of facilities from $925 million in 1994 to $508 million, a reduction of $417 million.

It includes $28 million in new construction projects and $11 million in repair and alteration projects not included in the President's request. Those projects not currently authorized will require authorization before funds can be obligated.

To partially fund these increases, the bill includes a rescission of $78.2 million not requested by the President—$30 million of this rescission is for a building in my district.

In the rental of space account, because rental costs throughout the country have been going down, the amount that GSA pays to lessors has been reduced by $45 million. However, since GSA charges rent to tenant agencies based on fair market value, the revenue accruing GSA will be lower in 1995. A reduction in revenue to offset GSA expenditures, increased outlays in our bill by $134 million:

	Million
Loss in rental income	−$236
Savings in rent costs for TPS agencies	+$57
Reduced rent paid by GSA	+$45
Net loss to TPS bill	−$134

OTHER INDEPENDENT AGENCIES

The bill provides a hard freeze for all other agencies except: $7 million for the National Historical Publications and Records Commission—$3 million above request; National Archives at the President's request of $195 million, $4 million over 1994 enacted; Federal Elections Commission at the President's request of $27.1 million, $3.5 million above 1994, and administrative expense limitations for OPM and MSPB were increased by $5 million to cover increased retirement costs.

The bill includes mandatory increases in payments for annuitants.

GENERAL PROVISIONS

Titles V and VI contain general provisions applying to this act and Governmentwide. I have continued the mandatory use language for FTS2000. Chairman BROOKS, CONYERS, and SABO as well as GSA and OMB recommended that this language be continued.

The general provisions include a 2 percent across-the-board increase for executive branch employees and language that would provide for one-half of the locality pay adjustments authorized under current law. This is above the President's request, which proposed the equivalent of a 1.6 percent across-the-board increase for Federal workers. These employees received no adjustment last year to reflect private sector wage increases. OPM's last pay survey showed an average pay disparity of 26 percent between the public and private sector, reaching as high as 39 percent.

REINVENTING GOVERNMENT

The bill includes a number of funding increases and provisions designed to help improve service delivery and reinvent Government.

The report has language mandating the implementation of performance measures for all agencies.

The bill allows agencies to keep 50 percent of their end-of-year unobligated balances, providing an incentive to prevent wasteful end-of-year spending.

It includes appropriations for computer modernization at Customs and ATF, and funds innovative ballistics technology for ATF—CEASEFIRE.

It mandates the Financial Management Service to use electronic funds transfer rather than the Postal Service to provide checks and mandates that Customs explore new inspection technologies.

It supports the Customs reorganization, which will move staff from headquarters to field, and provides resources for Customs to address serious financial management problems.

CLOSING

Mr. Chairman, this bill does not provide adequate funding for the Internal Revenue Service's tax systems modernization program. It does not provide all of the funding that the law enforcement agencies need. But, as I explained earlier, the 602(b) allocation simply did not provide a ceiling that made it possible to fund everything.

I commend the ranking minority member, Mr. LIGHTFOOT, for the great jobs that he has done, and I appreciate the conscientious and faithful service of all the members of the subcommittee.

Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking Republican on the Subcommittee on Treasury—Postal Service—General Government, I am very pleased that we are bringing this bill to the floor today. It is, I think, a very fiscally responsible bill. The chairman has very ably gone through the various parts of the bill and explained what we are doing with the funding there.

Quite frankly, I do not think we could be more fiscally responsible than we have been in this particular package.

We are looking at a roughly $23 billion package, somewhere in the neighborhood of 2 percent of the total Federal budget. But playing on an old line that someone else said in this Chamber years ago, a billion here and a billion there, pretty soon it adds up to real money. I think our subcommittee has gone a long way toward fiscal responsibility in the bill.

Most of the accounts, as the chairman has explained, with the exception of law enforcement, have been frozen at a hard freeze or lower. At the lower of last year's level or the administration's request, whichever number was the bottom one, was the one we took, except, as I mentioned, in law enforcement. So in terms of the budget, I think it will be hard to argue that this is anything but a good bill.

It is not often one can come down here and say that.

I also agreed with the decision to provide a little higher level of funding for law enforcement agencies. Quite frankly, we must be consistent. If we are going to be tough on crime, we have to put our money where our mouth is and be sure that those agencies responsible for criminal activities, monitoring those activities, making arrests and so on, are not hog-tied in their effort to do the job that we have given them to do.

The bill contains, as the chairman has previously pointed out, an historically low level of new construction funding. At the same time, it rescinds over $78 million in construction projects that were recommended canceled by GSA's time out and review. Another feature of the bill that I support very strongly was the decision of the gentleman from Maryland [Mr. HOYER] to reject the Treasury Department's request for $244 million in new user fees. These, quite frankly, were not authorized, and it would have had to go through the process. But these were figures that they brought to our subcommittee in presenting their budget, and the chairman, I think, made a very wise decision. And I support him 100 percent on not implementing those new user fees.

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Mr. Chairman, I guess if they had been authorized I would have opposed them that way anyway, but I think that whatever the reasoning was behind excluding them, it is a good decision, and I think it is one that we are seeing in other subcommittees as well.

Yesterday, Mr. Chairman, we had a group in from Iowa. One of the things they were very concerned about was the potential of new user fees coming down the road. I think it is an issue that out in the country, at least, people do not want to see happen.

Mr. Chairman, I have to admit it did make the funding decisions more difficult, because there is $244 million that essentially was not there, because the Treasury's requests were predicated on approval of those user fees.

As a result, Mr. Chairman, we face a very tight budget constraint. It is one of those things—we have to learn to live within our means, and I think under the leadership of the gentleman from Maryland [Mr. HOYER], this committee very adequately did so.

That is not to say we do not have some concerns with the bill that we are bringing to the floor today. As Members are going to hear later, there are numerous amendments that were offered to both the bill and report, by Republicans in both subcommittee and full committee markup, affecting the White House operations.

All these amendments were rejected on party line votes. Numerous requests to make such amendments in order on the floor today were rejected by the Committee on Rules.

I think it is unfortunate and sends, in my opinion, a very bad signal. We in Congress, I think, have a responsibility to provide oversight over the executive branch, regardless of what we may hear. We fund their budget and we are appropriating taxpayer dollars.

Another thing that makes us rather unique, the executive branch is a permanently authorized entity within the Federal Government, so this is the only opportunity that the Congress has to have any say-so on White House or executive branch activities.

It is a bit of an awkward situation, in that if we want to do things that deal with the way things are run, that becomes legislation, and we have a prohibition against legislating on an appropriations package, but since this is the only opportunity that the executive branch is discussed on the House floor, obviously it will become the target point for a number of amendments.

Mr. Chairman, I would also like to point out, and the chairman has said this several times, and I applaud him for it, he has always been personally very fair in his treatment of the White House, and anything that we are talking about today certainly is not aimed at Chairman HOYER. It is more of a majority-minority argument that it is anything of a personal nature.

Mr. Chairman, we have had in the previous 12 years of Republican administrations no less than 36 oversight hearings. They were held on matters involving the executive branch. Six of them were by a Republican-controlled majority in the Senate, and how many have we held here? Our chairman did agree to one, and we had it, and I appreciate that. We asked him for the hearing, and we had it last fall. I do not know if other committees can say the same. I kind of doubt it.

Mr. Chairman, some are issues that we have seen raised in the press, and I think that we are failing to provide adequate oversight on, and some are press accounts, for the most part. Some of it is from GAO investigations and so on, but just to list a few:

Mismanagement of the White House travel office and conflicts of interest, Whitewater and Madison Guaranty matters, improper contacts between White House and RTC officials, the First Lady's commodity trades, conflicts of interest by political consultants, White House security pass delays, drug testing delays for White House employees, White House travel funds for nonofficial purposes, millions of telephone computer procurements purchased through unlimited or sole-source contracting, double-dipping by the White House staff in transition accounts, access to classified materials by staff without security clearances. There are others, but these are the ones, I think, that have received the most attention as far as the press is concerned.

Mr. Chairman, I think my colleagues on this side of the aisle are justifiably frustrated that we do not have anywhere that we can go and discuss these matters. I am sure these issues and the ability to fully air them will affect the decision of many Members on this side of the aisle on final passage of the bill.

That is regrettable in one sense, because as the Chairman and I both have pointed out, fiscally I think this is probably one of the soundest bills that has come to the floor, at least since I have been in Congress, and we certainly want to discharge our fiscal responsibilities in the right way.

I would also be remiss if I did not thank the staff on both sides. The minority and majority staff, at least on this subcommittee, worked together. They are friends, and it really makes it a lot easier to do a difficult kind of job where we had to tell a lot of people "no" this time, including a lot of our colleagues who came in with projects and so on.

Again, fiscally it is a very sound bill. I think that we do have some problems with the operation down at the White

House, which will be aired before the day is through.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, again, I thank the ranking member for his comments, and I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield 9 minutes to the gentleman from Virginia [Mr. WOLF], who was my predecessor on this subcommittee, and now is the ranking member on the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, let me begin by commending both the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT]. We have had a good relationship, and I have a feeling of fondness for both individuals, and I want the RECORD to show that.

Mr. Chairman, I will not support this bill unless several amendments that I will offer are accepted. There are other problems that I have with this bill.

I think this bill will lead to RIF's. I think the way the pay raise has been dealt with is inappropriate. I think the gentleman from Pennsylvania [Mr. McDADE] offered the appropriate way that will not lead to RIF's.

I know it got tied up in peacekeeping, But I think the approach we take in this bill will lead to RIF's, and the amendment of the gentleman from Pennsylvania [Mr. McDADE] should have been accepted in the full committee. Reasonable men and women can differ in that, but I think the gentleman from Pennsylvania had the right approach.

The two fundamental issues that I would like to address to the Members of the Congress and to anyone who is listening are these two issues. We have found out, and it is very painful, and I know people think it is partisan, but there have been some fundamental problems in the operation of the White House.

Mr. Chairman, we have been, over and over, hammering and trying to get the White House on their own to change the question with regard to the number of passes that they have had out. They have had four prominent people, James Carville, Mandy Grunwald, Paul Begala, and Stan Greenberg, who have been representing outside groups, and at the same time have White House passes whereby they can roam the White House 24 hours a day, 7 days a week, and if members read Bob Woodward's book, "The Agenda", they are giving absolutely critical advice to the President.

I made the comment when the rule came in that the White House would have to cave in on this, and that I thought it would have been good if it could have been done in a spirit of bipartisanship, whereby we could have offered language which would have not only bound this administration but also future administrations. It was not done.

Mr. Chairman, I plan on offering that amendment today which would require, and again, I thank the administration and Mr. McLarty for suggesting the regs, there is some debate as to what form they should file, but I am not sure the committee ought to get bogged down in that today.

Mr. Chairman, this ought to be codified, whereby in every administration, this administration and future administrations, that prominent, big-time people who are representing outside groups and foreign interests have to file a financial disclosure statement so the American people can know if there is a conflict of interest. Mr. Chairman, this bill is deficient because it does not do that.

Enough said. I have talked about that other times. Let me speak to the other fundamental issue, which, frankly, the administration will be embarrassed on if they do not deal with the issue.

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Mr. Chairman, we have found that there are a large number of high-level people in the administration who, as of a certain date, had not even filed their national security background papers. All the Members that have constituents who work for NSA, CIA, DIA, Honeywell, big companies and high-tech companies like this, all have to file these background checks to make sure that the person does not have a background whereby they would give information to a foreign power.

Mr. Chairman, the White House operation bordered on being sloppy and some people would even call it much, much worse than that. We found out about it, we pleaded with them, we had an exchange of communications with Mr. McLarty at the time, who told us that the same process was already being done as they did in other administrations, and at that time Mr. McLarty, who is the chief of staff and who is a good person, let the RECORD state, did not even have his White House pass after almost a year. I mean, it borders on being a scandal.

Mr. Chairman, we found out that Dee Dee Myers, who everyone sees on the press every day as the White House spokesman, had not even filed her FBI background check after being on the staff for 1 year and 2 months. Dee Myers said she did not have time. Mr. Chairman, it takes about 3 hours to do. Can my colleagues imagine the number of small businessmen that would tell the IRS they did not file because they did not have time, they did not file with OSHA because they did not have time? It is just absolutely crazy.

The Members of the Permanent Select Committee on Intelligence would tell me, they would go down to the White House and would be discussing the most secret, top secret information with regard to North Korea, Bosnia, Somalia, and Dee Dee Myers would be their listening and listening and listening and she had not even filed the papers when all the people that live in my district that work for the CIA and the DIA and the private contractors all have to do it.

Mr. Chairman, I serve on the Helsinki Committee and I want to commend the gentleman from Maryland [Mr. HOYER], for his leadership on that committee, whose job has been to look at what is taking place in regard to Eastern Europe. Several years ago before the Berlin Wall fell and before communism was over, the gentleman from New Jersey [Mr. SMITH] and I took a trip to the Soviet Union and we went into Gulag 35, Perm Camp 35. It is the last gulag in the Soviet Union. It is the gulag that Scharansky was in. It is a tortuous place. In the month of August it was brutal. I can see in the month of January when it snows, it is absolutely brutal. If one has read Solzhenitsyn's book, Gulag Archipelago, we had seen the Gulag Archipelago. We had been there. The gentleman from New Jersey [Mr. SMITH] and I, with the State Department representative brought in a cam recorder, went in and said, "We are United States Congressmen," and the place went wild. They could not believe that two Congressmen had visited the gulag and the men insisted to meet with us and said they were going to go on a sitdown strike unless they could see us. We brought out the video cam recorder, and any man who wanted to see us, and we found men in machisos, in the torture chamber, and I cannot give the feeling of that torture chamber here to the body, but it was a terrible place. As we began to video the men, well into the night, as darkness came, and this is in the Ural Mountains, three of the men came forward and said that they had worked for our government, for the U.S. Government, and because they had helped our government, they were in prison in Gulag 35.

Mr. Chairman, I did not believe it. It did not seem possible that these prisoners in this camp could have done it.

To make a very long story short, I came back and checked with our intelligence agency, and it was true.

Three of the men, three of the men who went through living hell, who suffered, who worked for our government to bring about the demise of communism, were in this terrible place. Why were they in this place? They were in the place because Aldrich Ames who worked at the CIA and who, it has now come out, told on them. He told. He said to the KGB, "These men are working for the U.S. Government" and they were arrested.

Mr. Chairman, while we cannot talk about this too much on the floor, we also know that a number were killed. They were killed. These men were killed. This is real stuff. This is not "LeCarre," a James Bond book that ends happily ever after on the Riviera. These men were killed.

Mr. Chairman, right here I have the picture of one of them. This is Vladimir Potashov. He has been by my office since then. He lives in the United States We have worked with our Government to help him, and he has contacted me and offered to be a witness, a witness in the Aldrich Ames case. He worked for us. I wish I could tell more. I wish I could tell Members everything I knew. I just feel frustrated that I cannot get it all out. But I cannot tell some things. I cannot tell who in our government had him do this.

Look at the barbed wire and look at the men. This man here was Scharansky's roommate. Call Scharansky up in Israel and ask him who his roommate is. I sent Scharansky the tape. This is Scharansky's roommate. These men suffered for the United States in the defeat of communism.

I go to the next photo, and there is Vladimir. Here is the Soviet thing and this young man who wanted to emigrate to Israel, he gave us the "V." He gave us the "V." Members can talk to the gentleman from New Jersey [Mr. SMITH] and he will tell them. He gave us the "V." It took a lot of courage.

Look at the KGB and the forces there. They were going to go after these guys when we left. There is Vladimir. Look at the face.

Mr. Chairman, what does this have to do with the amendment that I have to offer that I begged the chairman to let us take in a bipartisan way? What does it do?

When Patsy Thomasson from the White House came, we asked her and raised these questions and Patsy Thomasson has stated before our committee, "I don't think we have any Aldrich Ames at the White House, but we certainly could."

Mr. Chairman, this amendment would make sure that we do not. We can call this the Vladimir Potashov amendment, we can call it the Scharansky amendment, we can call it the common-sense amendment, but I would call it the right thing to do.

Mr. Chairman, I am surprised that the committee would not accept this amendment. We are going to offer it later on, it will probably be ruled out of order. I for one having been in the gulag, having met with these men, could never, ever support a bill that I think would jeopardize the security of the United States. Why should not Dee Dee Myers file her papers with the FBI? Why should not these people do it? All our amendment says, in 30 days they have to file their applications and the FBI background check has to be done in 6 months. Every other administration says they can do it in 2 months. We also have a proviso to allow the President to exempt if there is a particular case.

Mr. Chairman, I would urge the committee to accept this amendment when it comes up, because I am going to offer this until the cows come home. I am writing every Senator on the Senate side of this, with pictures. I will never, ever, ever let this issue go as long as the blood flows through my brains and my body and I have an opportunity to speak on this floor, because, frankly, that is why I was elected to Congress, to do what I think is important. I am embarrassed that the committee will not take a fundamental national security amendment.

Mr. Chairman, I hear we want to have major investigations of this and the Permanent Select Committee on Intelligence rightfully so is doing that. But here we have a fundamental potential leak and we are doing absolutely nothing.

I strongly rise in support of this amendment and urge when it comes up that hopefully we will adopt it in a bipartisan, noncontroversial manner. We will throw bouquets to the administration, bouquets to the committee and bouquets to everybody. Not to adopt this amendment would be a terrible mistake for our national security and for the integrity of this committee.

Mr. WOLF. Mr. Speaker, I rise in opposition to the fiscal year 1995 Treasury, Postal Service appropriations bill. Voting to support this bill without allowing for important amendments will limit White House accountability and abdicate our role in proper oversight. We should not ignore the lax procedures that this White House has exhibited in a number of areas.

In addition, the manner in which the Federal pay rise is addressed in this bill threatens to result in many RIF's. In full committee, Mr. MCDADE had offered an amendment that would have paid for the raises without making the agencies absorb the cost as is the current language in the bill. I believe Mr. MCDADE'S language was preferable in terms of protecting current Federal employees from layoffs.

PROPOSED AMENDMENTS

Asking for financial disclosure by those with 24-hour-a-day White House access passes is a reasonable measure for this administration and all future administrations, both Democrat and Republican. This amendment should be allowed.

Last week, the White House said it would require political consultants with White House passes to provide information like that filed by special Government employees in a directive from Chief of Staff Mack McLarty. While this is a start, I believe it is important that we memorialize this policy in this bill so that it applies to this Administration and all future administrations.

I had hoped this amendment would be accepted as a friendly amendment. It merely requires that the political consultants who appear to be permanently, not temporarily, ensconced in the White House will file the same SF–278 as the other senior aides with whom they regularly work. The form referred to in the recent White House directive is the SF–450, which is usually used for temporary employees. In addition, the SF–450 does not provide for listing of gifts and travel from outside sources. Finally, the directive does not even require the filling out of the actual SF–450 form—with the attendant legal consequences for not providing accurate information—but merely requires providing the same information required from the form.

Expediting the White House pass process also is a reasonable measure that would apply to this and all future administrations. We recently learned that the White House had radically departed from previous practice in obtaining background investigations on White House employees and had let hundred of employees work for months on only a temporary pass.

My concerns prompting these amendments focus largely on accountability. Nowhere is accountability more important than in the White House, no matter who is occupying the position. I do not mean for these amendments to be a partisan issue. I raised these concerns in the previous administration when there were appearance problems with lobbyists, but even then, those individuals did not have 24-hour-a-day White House access passes.

FINANCIAL DISCLOSURE BY POLITICAL CONSULTANTS WITH WHITE HOUSE PASSES

The recent GAO Travelgate report noted that the access that Hollywood producer and Clinton friend, Harry Thomason, had to the White House during the White House travel office debacle conveyed "the appearance of influence and authority * * * unrestricted access of nongovernment employees creates an opportunity for influence without the accountability * * *." The recent directive issued by the Chief of Staff makes a start at revealing the clients of political consultants with White House passes but this amendment sets this policy into law permanently.

The White House informed us, in response to our committee questions, that the outside consultants work on "whatever issues on which the President, the Vice President, the First lady, or members of their staffs request them to consult." As detailed in the new book by Bob Woodward, "The Agenda: Inside the Clinton White House," these outside consultants were constantly at war with many of the President's economic advisers and tried to reshape their work on numerous occasions. The Washington Post just last week pointed out that the consultants had understated "to the point of distortion their own roles inside the White House, as well as understated somewhat their various connections with the outside world * * * It's well known that these four particularly have played such a hands-on, staff-like role in this administration * * * many outside clients hire them precisely because of the inside influence they are presumed to have." Given their integral involvement, why not apply the same rules to them?

Mr. Woodward reveals that this potential for problems did not go unnoticed at the White House. Howard Paster, until recently the White House's liaison with Congress, had this to say about the consultants:

> It was outrageous that the outside consultants were providing the President with

major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the President, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. Valuable inside information and conflicts abounded.

Mr. Paster filed a financial disclosure form. So did the economic advisers that Carville and company were constantly doing battle with. What is wrong with applying the same rules to them as apply to those they are working with day after day? In fact, in a letter to me, Lloyd Cutler wrote that a background investigation—the only step the consultants have agreed to—is "only one of the steps that a person must go through to get a permanent pass. Other steps include attending training in ethics and security matters, completed financial disclosure forms, and undergoing IRS and other checks."

In hearings before our subcommittee in March, White House witness, Patsy Thomasson stated that the consultants would "be required to file all necessary paperwork as if they were an employee of the White House." The financial disclosure amendment would make this commitment permanent for this and all future administrations.

Unlike other issues where a Member can go to an authorizing committee to address the matter, this bill is our only vehicle to address systemic problems at the White House. There are only approximately 50 legislative days left this year to address issues. If we don't address this problem here and now, it will not be solved. If you care about ethics, now is the time to stand and deliver on this issue.

WHITE HOUSE PASSES

In addition to this financial disclosure problem I had also wanted to offer an amendment providing for a timely processing of White House passes. As we learned earlier this year, after repeated denials from the White House, the White House pass process was in disarray. Hundreds of staffers did not have permanent passes and many had not even filled out the paperwork to begin the background investigation process. Security clearances were not even in place for senior officials such as Press Secretary Dee Dee Myers. Chief of Staff Mack McLarty didn't even get his permanent pass until March of this year.

In the past, permanent passes were issued within 2 to 3 months or maybe even 4 months at the outer limits, according to those we have spoken with who conducted this process in the past. The amendment that I seek would provide for 6 months to complete the entire process, and it also uses the White House provided guideline to submit SF–86 forms within 30 days of commencing employment.

When I discussed these matters with those who handled White House passes in previous administrations, I was told that the delay in obtaining passes for over a year was "unprecedented." This amendment would provide for an orderly process and prevent this situation from happening again either in this administration or in any future administrations.

The White House pass process affects national security in an important way too. It is important that we follow the rules because even when we do follow the rules, there will be problems that slip through. When I visited the Soviet Union in 1989, I was in the last gulag there: Perm Camp 35. Some of the men there told me that they worked for our Government and it now has come out that they had been sentenced to the gulag because of Aldrich Ames giving information about them to the Russian Government. As numerous security experts have noted, it is the mission of counterintelligence agents to obtain information about such holes in security so that they might take advantage of such lax procedures in some manner. If Aldrich Ames, with a background investigation and security clearance can do what he did, what kind of potential problems are we creating when we don't follow any of the necessary procedures?

As Patsy Thomasson stated before our committee, "We don't think we have any Aldrich Ameses at the White House * * * but we certainly could." This amendment to provide for timely processing of White House passes would lower the likelihood of Aldrich Ameses.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Georgia [Mr. DARDEN], a member of the committee.

Mr. DARDEN. Mr. Chairman, I appreciate the chairman yielding 3 minutes to me to discuss this bill.

Mr. Chairman, I rise in strong support of H.R. 4539, the Treasury, Postal Service, and General Government Appropriations Bill. I want to commend Chairman HOYER, Mr. LIGHTFOOT, and other members of the subcommittee for their hard work and efforts in fashioning this bill.

As Chairman HOYER and the ranking member have pointed out, this is a fiscally responsible bill with hard freezes in the funding levels for most accounts. I would like to highlight several aspects of H.R. 4539 mentioned by the gentleman from Maryland.

Mr. Chairman, under the Department of the Treasury budget, the committee has provided funding for the important activities of the Federal Law Enforcement Training Center [FLETC]. As the Members well know, FLETC conducts more than 200 different training programs for law enforcement personnel from over 70 Federal agencies and many State police groups. These programs range from basic, entry-level law enforcement to antiterrorism techniques and financial fraud investigation. In 1993, FLETC's three sites graduated over 23,000 students. From experience, I can tell you that FLETC and FLETC personnel are a source of pride to their States and community.

Mr. Chairman, in addition to FLETC, this bill provides funding for several other important law enforcement agencies including the Secret service, the Bureau of Alcohol, Tobacco, and Firearms [BATF], and the financial crimes enforcement network [FinCEN].

Finally, Mr. Chairman, I am particularly pleased that within the U.S. Customs Service budget, the committee has provided $18 million and 186 agents to enforce the provisions of NAFTA. This NAFTA enforcement initiative will establish teams of law enforcement, trade, and inspection personnel to prevent transshipping, country of origin, and foreign subsidy violations.

Mr. Chairman, this funding and personnel level for NAFTA enforcement honors the enforcement commitment made to many Members of this body who were concerned about the possible effect of NAFTA on American industries, particularly textiles. As a member of the Textile Caucus, I strongly support this enforcement initiative and believe that it will help revitalize American textile-related industries.

Again, I commend the chairman, ranking member, and committee staff on their efforts in bringing this legislation to the floor today.

□ 1110

Mr. LIGHTFOOT. Mr. Chairman, I yield 6 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of the subcommittee and a very able Member of Congress.

Mr. ISTOOK. Mr. Chairman, I, as a member of the subcommittee, think it is important to share some thoughts on this particular piece of legislation.

Much has been said, and rightfully so, about the open attitude that has been taken by the chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER], which I very much appreciate. Even though we have not always agreed upon different matters in the bill, I think it is important to the process that disagreements have been handled in an orderly and respectful fashion, and there have been many difficult decisions taken in the bill.

I recognize the spending freeze for White House personnel is one that has political difficulty, especially for a member of the President's own party, and I appreciate the fact that a decision such as that nevertheless was made. But there are some factors that are not included in this bill that are of concern to many of us.

Part of it has to do with the White House compensation, the fact that members of the President's staff are not held to public account as to how much they are being paid.

If you look at a staff member, someone who works for a Member of Congress, there is public disclosure of how much is being paid to them and how much it costs the taxpayers. The White House holds itself exempt, and will continue to hold itself exempt, so long as we in Congress do not require that there be public disclosure of the amounts that the White House spends on its personnel person by person.

An amendment that I had for that was not made in order to be presented here on the floor.

In a similar fashion, there is difficulty with White House travel. The

President is a political official both in the sense of being a holder of public office and a political figure within his party. He does work that is campaign work as well as work that is Presidential. He has people that travel with him for those purposes, and if they travel on official aircraft but for a campaign-type purpose or a nonoffice purpose, they are supposed to make reimbursement to the taxpayers for that. The White House tells us that is being done, but they refuse to provide specifics to us as to who has made how much reimbursement or been billed through the White House travel office, which itself has become controversial.

The public has a right to know, but again, unless we defeat the motion to rise, my amendment on that cannot be offered on this floor.

However, there are other amendments which I do intend to offer.

One of the features of this bill is that it expends $508 million for construction of new Federal court houses. Now, there is need to plan ahead in construction of office space for use by the judiciary, but there is also tremendous controversy.

The General Services Administration, which oversees this construction, when through a review process last year, and they cut down the size of different buildings that they planned to construct. However, little attention seems to be paid to how much we are spending per square foot. Even if you make a building smaller, if you still expend an exorbitant amount per square foot of construction space, you are not doing right by the taxpayers.

Let me give you some examples: Across the country, to build a public building, or private building, for that matter, generally construction costs do not usually exceed $90 to $100 a square foot. The State of Arizona built a new facility for its State supreme court recently. They paid less than $100 per square foot. They paid $93 a square foot.

Yet to build a new Federal courthouse in Tucson, AZ, it is now proposed that we spend $181 per square foot, twice as much as it cost to build a State courthouse, and that ratio seems to hold true all across the country. If you are building a State courthouse or a local courthouse, it costs about half as much as if the Federal Government builds a courthouse. That is wrong.

I have an amendment to provide proportional cuts in construction costs for new Federal courthouses and Federal office buildings.

Frankly, the amendment is rather modest. It only tries to cut about a fourth of the amount by which the cost exceeds $100 per square foot, and yet I anticipate there will be opposition.

But this amendment would save the taxpayers $32 million out of this $508 million that is to be spent under this piece of legislation, and I commend that amendment to the other Members of Congress.

I also will offer amendments to cut two very minor Federal agencies. These two small agencies, the Administrative Conference of the United States, and the Advisory Council on Intergovernmental Relations, costs the taxpayers about $3 million a year. To do what? One of them is supposed to be coordinating the communication between Federal, State, and local government.

Mr. Chairman, we have dozens of groups that already do that, public groups and private groups as well. We do not need to spend millions of dollars more just to give a few more people a job on the Federal payroll.

And in a similar fashion, the Administrative Conference is supposed to give advisories to the thousands of other Federal bureaucrats who write Federal regulations. As I say, we have thousands of people who are doing that already. Do we need just a handful more people to give them advice, again at the expense of taxpayers?

We have difficulty, it seems, cutting amounts of spending, whether they be large amounts such as Federal construction or small amounts such as small Federal agencies.

I think that if we are serious about saving the taxpayers money, we need to pass the amendments to take on all of those.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would ask for a colloquy with the gentleman on several key points. The first point would be the overall spending level in this bill compared to the spending level in last year's Treasury and Postal Service appropriations bill.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, as I explained in my opening statement, if you discount the $405 million that the Budget Committee authorized as "off budget" we are approximately $200 hundred million under fiscal year 1994 enacted.

Mr. PENNY. Under last year's appropriated level?

Mr. HOYER. Yes; under. I want to give you an exact figure.

Mr. PENNY. I appreciate that.

Mr. HOYER. In gross discretionary budget authority, we are $206 million over fiscal year 1994; in terms of discretionary outlays, $615 million over, and again, if you take the $405 million and back that out, we are about $200 million below 1994.

Mr. PENNY. On outlays?

Mr. HOYER. In budget authority, but $6 million below the 602(b) allocation in outlays, and substantially under the President's request in outlays, as I explained in my opening statement.

Mr. PENNY. If I might proceed on a related matter, and that is the level of the pay increase for Federal workers for the coming fiscal year. Did the President request in this budget any pay increase of any sort for fiscal year 1995?

□ 1120

Mr. HOYER. the answer to the gentleman's question is yes to the extent that the President included within his budget request $1.1 billion which anticipated a 1.6-percent raise for Federal employees. That was not delineated as to whether it was a comparability adjustment or a locality adjustment. It was just $1.1 billion.

Mr. PENNY. And the amount that would be authorized under the committee proposal?

Mr. HOYER. The committee bill provides a similar pay increase for civilians as the defense authorization bill provides for military personnel. That would be a 2-percent across-the-board, rather than 1.6 percent, and one-half of the locality pay that is provided by law. That would be an additional $700 million, $300 million to be absorbed by defense and $400 million to be absorbed by all the rest.

Mr. PENNY. Again, if I could reclaim my time, is that an additional amount? Is that an additional amount beyond the amount necessary to finance the 1.6 percent the President requested?

Mr. HOYER. Yes, it is. It is $1.1 billion plus $700 million.

Mr. PENNY. And how is that amount accommodated within the budget? Is this an amount that has to be eaten by the agencies, or is this a new appropriated level?

Mr. HOYER. One point one billion dollars is provided in the budget. Seven hundred million dollars would be absorbed.

Mr. PENNY. So essentially the amount above the President's request is going to be absorbed——

Mr. HOYER. That is correct.

Mr. PENNY. By the departments and agencies involved.

Mr. HOYER. That is correct.

Mr. PENNY. Mr. Chairman, I thank the gentleman for those responses.

Mr. LIGHTFOOT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CAMP]

Mr. CAMP. Mr. Chairman, I rise today to voice my support for a provision in the report language accompanying H.R. 4539. It regards the taxation of associate member dues paid to agricultural organizations. My distinguished colleague, Mr. LIGHTFOOT of Iowa, and I have worked together on this critical issue and hope to make it a concern of the Committee on Appropriations.

Mr. Chairman, this issue affects people in all 50 States and is a concern to many tax-exempt associations outside the agricultural community as well. It is my hope the Internal Revenue Service [IRS] will conduct a full analysis of the impact their ruling will have on farmers and farm groups, and in so doing, choose not to implement its recent Technical Advice Memorandums which reverse longstanding IRS policy.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Chairman, I rise today in opposition to this bill and its current form. I went before the Committee on Rules and attempted to amend this bill to take care of what I consider a gross injustice to over 99 percent of Federal employees.

We have two pay rates in Federal Government. Of the 3,000,000 Federal employees, we pay those 3,000 at the RTC on a much more lucrative pay scale. We not only pay them a base pay 10 percent more than all other Federal employees, but then we add a geographical adjuster which in Washington is 14 percent more than other Federal employees make. In San Francisco an RTC employee not only makes 10 percent more than Federal employees in every other Federal agency, but tacked onto this they get a 31-percent cost-of-living increase where other Federal employees get an 8-percent increase. As a result of this, Mr. Chairman, RTC employees are being paid anywhere from 24 to 30 percent more than employees at Social Security.

Not only is this unfair to Federal employees, Mr. Chairman, but let me end by saying this:

My son is working this summer. He is a junior in high school. He pays $40 each week in Federal taxes. It takes his salary this summer, every dime of Federal income tax that he will pay this summer, and 9 other of his fellow workers; it takes all 10 of those this summer to pay what one RTC employee makes, the additional amount that employee makes over another Federal employee doing the same job. So, Mr. Chairman, my teenager and nine other employees will work all summer, and every dime of Federal income tax that they pay will be used to pay someone at the RTC to do a job and will pay them an additional amount more than employees at all other Federal agencies.

So, Mr. Chairman, this is not only an outrage to other Federal employees in pay discrimination and inequity, it is an inequity to the American taxpayer. This ought to be ended.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding, and I rise in strong support of a bill which I think should be called the Hoyer compromise. The gentlemen deserves great credit for having wrought much out of very little. This is a very frugal bill, more than a billion dollars less than the President asked, and the gentleman from Maryland [Mr. HOYER] has managed a modest Federal pay raise, more than would otherwise have been possible. But it is a raise that is considerably less than the statutory raise that Federal workers expected. The administration underfunded the statutory raise by more than $1.6 billion. A raise that equates civilian and military employees seems to me to be the kind of artful compromise for which the gentleman has become noted. I was concerned that, with unusually harsh budget mechanisms in place, there might not have been the flexibility to, in fact, pay for this raise. But I bow to the experience of the gentleman from Maryland [Mr. HOYER] that there has usually been enough flexibility in agency budgets to absorb modest raises. With lower allocations this year as well as budget caps, I feared that this might not be the case this year and wrote an amendment that would have cut less than 1 percent from service contracts. The procedures for transferring the savings to Federal raises would have been difficult to put in place this year, but I do intend to revisit the $105 billion service contract issue because, so far as I can tell, that is the only item that has been immune from cuts. The OMB says that service contracts are out of control but has not yet put in place a mechanism to get them back under control. Service contracts too, should make some contribution to deficit reduction, even as Federal employees have had to make contributions year after year. I looked at the data and found that every year since 1978, and that is as far back as I went, Federal workers have not received the entire statutory raise that we told them they would get. I believe that this is bad management practice.

Mr. Chairman, I served on the board of three Fortune 500 companies before I came to Congress, and the collective wisdom of the private sector is that if you have to make your cuts, you make your cuts once and for all, get your savings, and then give the remaining labor force at least the expected small increments that you can afford. Repeated givebacks gives us back a demoralized work force and the productivity that inevitably comes with it. It is a particularly bad practice in the Federal Government where we are now involved in a 10-year period of locality pay make-up in order to eliminate a large gap between Federal and private sector wages.

□ 1130

Mr. Chairman, I accept the judgment of the chairman of the subcommittee that there has been historically the flexibility to accommodate raises, and I compliment him for the compromise he achieved.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from the District of Columbia for her comments, and if the gentlewoman will yield, let me simply observe that we have expressed the concern the gentlewoman had and that the gentleman from Virginia had, and we have discussed it with OMB in terms of whether this would require additional risk. We have been told that it will not, and we are relying on that. We are certainly going to look at that between now and the time of conference.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to say in summary that from a fiscal perspective this is, I think, one of the most responsible pieces of legislation we have brought to the floor in quite some time. We have cut the White House budget 9.3 percent. We have put some money back in for law enforcement where, in the opinion of a number of the members of the subcommittee on both sides of the aisle, the cuts had gone much further than they should have gone and basically would debilitate law enforcement and keep them from doing the job we have given them to do.

Again, obviously, there are going to be a number of disagreements over the issues concerning the operation of the White House. As I mentioned earlier, this is the lightning rod because it is the only place where we have an opportunity to talk about White House operations here on the floor. Again I would like to thank the chairman of the subcommittee for his cooperation. It was a tough bill, but I think, when all is said and done, from a fiscal perspective, we did a very good job. I am not much at bragging on things we do, but I really think in this case we did a good job. One always would like to find somewhere else where we could cut a little more, but we really got to the bottom line, and as was mentioned earlier, we took the lower of the budget figure or the President's request, whichever was the lowest, and that seemed to be the fairest way we could approach the subject, because it involved input from a lot of different sources in that respect.

Again, Mr. Chairman, I appreciate the cooperation of the chairman of the subcommittee, and as we go through the bill title by title, I am sure some of the other things Members are disagreeing about will be addressed and we will have a good debate on these issues today.

Chairman, I yield back the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make this observation: The gentleman from Minnesota [Mr. PENNY] asked a question about how much money we had to spend and how much we were over 1994.

The ranking member, the gentleman from Iowa [Mr. LIGHTFOOT], and others, have said that this is a fiscally responsible bill. Let me tell the Members why it is and why we have had such a crunch.

Just to reiterate, in 1994 the President's request was $12,549 million in outlays. If you take out tax compliance, if you take out the revenues added in the President's budget from $241 million in additional fees, you would have needed $13,195 million to fund the President's bill. The total in the bill is $12,254 million. That is $941 million under the President's figure. Looked at in another way, with that total of $12,254 million, if you subtract tax compliance and prior year outlays which were obligated and had to be spent this year and the net loss of GSA rents, the resources available to our committee—and this is the key—were at $11,502 million.

In order to fund the 1994 enactment, which is essentially what the gentleman from Minnesota [Mr. PENNY] was asking, we would have needed $137 million more, so that we are in fact discounting those three, the two losses of revenues and the tax compliance initiative, and we would have needed $137 million more to fund at 1994 levels.

Mr. Chairman, we will be debating some issues regarding the White House. The White House has certainly made mistakes. The Dee Dee Myers incident was inappropriate, to say the least. That has been corrected. We will have a number of amendments, and we will discuss them.

We will discuss passes. I want to say that passes, as was testified to by the Secret Service, are for maintaining a secure and safe environment for the President and the Vice President. That is what the passes are for. We do not have passes to come into our offices because there is not a perceived need to keep Members of Congress safe because they have not been threatened, at least physically. As a result, we do not have passes. We do have passes to come generally into the building, but there are no background checks for that. It is simply to make sure there is nothing on the person of somebody who comes into the building, a bomb or a weapon which may be threatening. This is what our passes are for.

Second, there is a necessity for security clearances for people in the White House. However, as was already testified to, secure secret documents are not made available to people whether or not they have a White House pass, whether or not they have access to the White House, unless they have in fact a security clearance. This did not happen.

The gentleman from Virginia [Mr. WOLF] is correct in the instance of Ms. Myers. But Mr. WOLF also mentioned the Aldrich Ames cases. The gentleman from Virginia [Mr. WOLF] feels very strongly about the danger to which our employees overseas were put by the traitorous action of Aldrich Ames. Let me point out that Aldrich Ames worked for the CIA, Aldrich Ames went through all the security clearances, Aldrich Ames was repeatedly checked by the CIA, and not withstanding that, these incidents occurred.

Mr. Chairman, I believe this is a good bill. I hope that we do pass it. There is not enough money in it, but it has what we think we fiscally can afford.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the H.R. 4539, the bill providing for Treasury, Postal Service, and General Government Appropriations for fiscal year 1995. This bill is the product of many hours of hard work, and I urge my colleagues to support it.

I want to congratulate Chairman HOYER and thank him for his outstanding work in putting together a very balanced bill. Mr. HOYER was asked to do more this year with less. I believe that he has succeeded in that mandate.

Mr. Chairman, I want to address one specific matter of concern throughout the western United States, but of special concern to municipal electric utilities in the Pacific Northwest. Pages seven and eight of House Report 103–534 note that the Bonneville Power Administration [BPA] 3 years ago requested the Treasury Department to develop a revised methodology under Section 9(f) of Public Law 96–501 to implement Congress' original intent that electric resources financed by public entities and acquired by BPA for BPA's use in meeting public entities' loads be treated the same as if the resources were taken directly into public entities systems. I understand that BPA and many municipal utilities fear that the Treasury Department's existing methodology may fail to implement this original intent.

The apparent lack of clear rules threatens to undermine the development and financing of important public power projects in the Pacific Northwest. As a long-time supporter of public power, I am greatly concerned about the impact on municipalities. For example, on June 30, 1993, the IRS was requested to approve tax-exempt financing under Section 9(f) of Public Law 96–501 for an electric conservation project sponsored by a public utility district in the State of Oregon. On January 18, 1994, a similar request was submitted in connection with electric conservation projects sponsored by eight public utility districts in the State of Washington. A third request for IRS ruling was submitted on March 15, 1994, in connection with another conservation project sponsored by another State of Washington municipal utility.

Although the Internal Revenue Service's existing methodology calls for rulings to be issued within 60 days, to date the IRS has failed to respond in any substantive way to any of these three important ruling requests. Clearly, there is a problem when a ruling required within 60 days has not been made some 10 months later.

On page 8 of House Report 103–534, the Committee requests the Secretary of the Treasury to provide a report by January 1, 1995, on the need for a revised methodology implementing Section 9(f) of Public Law 96–501. I understand that the Committee intends that the Secretary will report that a revised methodology is needed if he finds that the existing methodology fails to treat electric resources financed by public entities and acquired by BPA for BPA's use in meeting public entities' loads the same as if the resources were taken directly into the public entities' systems.

I also understand that the Committee intends the Secretary of the Treasury will report a revised methodology is needed if he finds that the IRS consistently has failed to issue rulings under Section 9(f) of Public Law 92–501 within 60 days after receiving written requests, as called for under the existing methodology. However, I understand that the Committee intends that no report is necessary if the Secretary of the Treasury adopts a revised methodology consistent with these principles and submits that revised methodology to the Committee by November 1, 1994. Finally, I appreciate the Chairman's commitment to continue working with me on this important matter.

Mr. Chairman, this bill is a balanced approach that advances important policies while recognizing current fiscal realities. The bill is the product of hard work and tough choices. We have been asked to do more with less. The Committee and the Chairman have met that mandate. I strongly urge a yes vote.

Mr. SPRATT. Mr. Chairman, I rise in support of H.R. 4539, the Treasury-Postal Service appropriations bill for fiscal year 1995.

I want to express my appreciation to the subcommittee and particularly to Chairman HOYER for funding an initiative in this bill that is vitally important to the American textile and apparel industry. H.R. 4539 includes $18 million earmarked to the Customs Service for enforcement of textile and apparel trade laws, along with other trade enforcement measures. Customs is to use these funds to hire an additional 186 full-time-equivalent employees. Of the 186 additional employees, 100 are to be dedicated to the enforcement of textile and apparel trade laws.

This funding keeps faith with a pledge the Clinton administration made to a number of Members during the NAFTA debate. We asked the President to commit these resources because textile and apparel trade restrictions seem to be honored more in the breach than in the enforcement. For example, Customs has estimated that as much as $4 billion in textile/apparel imports may enter this country each year illegally, as a result of transshipping. And as serious as that problem is today, it could become even more widespread if NAFTA is not diligently policed.

President Clinton pledged in his letter of November 16, 1993, that Customs will hire 50 additional employees to work "exclusively, to the extent practical" on non-NAFTA textile enforcement and 50 employees to work on NAFTA-related textile enforcement. The President also pledged that Customs' commercial program, associated with both the enforcement of NAFTA and other textile and apparel enforcement, "will be held harmless from our government-wide effort to reduce employment levels."

The Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, which I chair, has held hearings to assess Customs' resources to deal with the textile transshipment problem, and to enforce in particular NAFTA's rule of origin with respect to textile and apparel products. Our hearing record shows that as many as 33.5 million textile articles are transshipped to this country each year. Our record also shows that Customs lacks the manpower and resources to combat effectively this sort of fraud and evasion.

NAFTA could make the problem worse. NAFTA means that the United States will sell more American-made textile products to Mexico and Canada. But it also means that more Mexican and Canadian textile imports will enter our markets. Without adequate enforcement, NAFTA will create a major opportunity for countries like China to transship goods into the United States. The Customs Service will be required to inspect those products by enforcing a strict but complicated textile rule of origin. With inadequate resources to police existing laws, Customs can hardly be expected to take on this additional burden. That is why this initiative is so important.

I am aware of the tight funding constraints in which the Appropriations Committee operated this year. But I believe that the committee has made a wise long-term investment. If past experience is any guide, this small increment of extra money will more than pay for itself in additional tariffs, fees, penalties, and other revenues for the government.

These extra resources will not put an end to the problems of evasion, circumvention, and transshipment in textile and apparel trade, but they will help. I urge support for this initiative and passage of this bill.

Mr. PACKARD. Mr. Chairman, as we take up the Transportation appropriations bill, I would like to express my gratitude to subcommittee Chairman CARR and ranking member WOLF for their leadership on this important legislation. Their efforts to institute a strict level of criteria to fund Transportation projects signals their commitment to fiscal responsibility.

I will certainly miss working with BOB CARR in the House. He has always been most cooperative and helpful and the residents of southern California are indebted to him for his attention to their transportation requirements.

I especially appreciate the consideration of southern California's transportation needs with the inclusion of the Eastern Transportation Corridor, the Orange County Transitway Project, the Bristol Street Improvement Project in Santa Ana, the Interstate 5 Capacity Enhancement, and the State Route 71 planning and design project in Riverside, CA.

The inclusion of these and other important projects in San Diego, Orange, and Riverside counties will help the region meet its challenging transportation needs. I believe that this legislation takes a new approach to highway and transit programs, and reorients the direction of this Nation's transportation policy.

Congestion on southern California roadways has been a bane to the continued growth of this area. This legislation will be a first step toward alleviating the traffic congestion that southern California motorists face every day.

I would also like to take this opportunity to thank members and staff of the Appropriations Committee and Subcommittee on Transportation for their hard work on this bill. Your hard work paves the way for meeting our Nation's transportation needs.

Mr. SKAGGS. Mr. Chairman, I'd like to commend Chairman HOYER, Representative LIGHTFOOT, and the other members of the Treasury, Postal Service Subcommittee for producing such a good bill under extremely tough circumstances. As a former member of the subcommittee, I understand how important the programs funded in this bill are, and how difficult it must have been for the Subcommittee to do so much with so little.

I'd like to thank the subcommittee for two items of particular interest to me. First, the report accompanying the bill contains language building upon the classification-cost reform effort I initiated last year through this and other appropriations bills. As required by last year's bills, the Office of Management and Budget [OMB] produced this spring the first-ever overall accounting of how much Federal agencies are spending to classify and protect secret information. OMB found that the government directly spends roughly $2.28 billion on secrecy-related activities. Another $13.8 billion is estimated to go to reimburse defense, state, and intelligence contractors for compliance with security procedures. The OMB report also calculated that 32,400 workers are employed to safeguard a growing stockpile of secrets—including some at agencies like the Department of Education that would appear to have little need for doing so.

Getting these estimates from OMB was the first step towards knocking this system off of autopilot. The language included in the report before us today takes the next step, by directing OMB to track how these government classification funds are actually spent. Once we know where the money is going, we can begin targeting inefficiencies and producing savings. Since President Clinton is expected to issue shortly a new executive order revising government classification policies, the report language also directs OMB to submit to Congress its plans for reducing expenditures based on that new executive order. "Reinventing" the secrecy system should save money and restore accountability—both key principles in a democratic society.

Second, the report accompanying the bill also contains language directing the United States Postal Service to complete design work on the new post office in Breckenridge, Colorado in fiscal year 1995, so that construction can begin the following year. This is very important to the people of Breckenridge, whose current temporary post office has very limited parking and limited lobby and mail-dock facilities. Since there is no home or business delivery of mail in Breckenridge, this makes it very difficult for the town's rapidly growing number of residents and businesses to get their mail. It's especially a problem during the ski season, when the town's population can reach over 25,000.

To alleviate this problem, the Postal Service spent $1 million several years ago to buy land just north of town, where there would be room for a post office with parking. However, because the present facility is still structurally sound, and because Postal Service criteria give little weight to factors like a lack of accessibility, it's unlikely that the Postal Service will soon fund work on the new facility. Yet the need for a new facility in Breckenridge is just as great as anywhere, and the language included in the report is very welcome.

Again, I'd like to commend and thank the members of the Subcommittee, and I urge all of my colleagues to support this well thought out legislation.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 4539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $490,000, to remain available until September 30, 1997, for repairs and improvements to the Main Treasury Building and Annex; $105,150,000: *Provided*, That of the offsetting collections credited to this account, $79,000 are permanently canceled.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $28,897,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; $18,280,000: *Provided*, That of the offsetting collections credited to this account, $1,000 are permanently canceled.

Treasury Forfeiture Fund

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102-393, not to exceed $15,000,000, to be derived from deposits in the Fund: *Provided*, That notwithstanding 31 U.S.C. 9703, no later than September 30, 1995, the Secretary shall transfer $32,960,000 from deposits in the Fund to the General Fund of the Treasury.

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $46,713,000, of which $8,821,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1997.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $9,815,000, to remain available until expended.

Financial Management Service

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $185,389,000, of which not to exceed $13,459,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel ex penses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380: *Provided*, That of the offsetting collections credited to this account, $192,000 are permanently canceled.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1995; $376,181,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): *Provided further*, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1995: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That of the offsetting collections credited to this account, $4,000 are permanently canceled.

United States Customs Service

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,391,700,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That $750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District: *Provided further*, That $10,000,000 shall be available for the Center for Study of Western Hemispheric Trade as authorized by Public Law 103-182: *Provided further*, That of the offsetting collections credited to this account, $410,000 are permanently canceled.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs; $78,991,000, of which $7,233,000 shall remain available until September 30, 1997.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

United States Mint

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $54,770,000, of which $1,540,000 shall remain available until September 30, 1997, for expansion and improvements.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $183,458,000: *Provided*, That in fiscal year 1995 and thereafter, the Secretary is authorized to collect fees of not less than $46 for each definitive security issue provided to customers, and an annual maintenance fee of not less than $25 for each Treasury Direct Investor Account exceeding $100,000 in par value: *Provided further*, That in fiscal year 1995 and thereafter, of the definitive security fees collected, not to exceed $600,000, and of the annual maintenance fees for Treasury Direct Investor Account collected, not to exceed $2,500,000, shall be retained and used in the current fiscal year for the specific purpose of offsetting costs of Bureau of the Public Debt's marketable security activities, and any fees collected in excess of said amounts shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated herein from the General Fund for fiscal year 1995 shall be reduced by not more than $600,000 as definitive security issue fees are collected and not more than $2,500,000 as Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1995 appropriation from the General Fund estimated at $180,358,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 1 of the Government Losses in Shipment Act, as amended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; management services, and inspection; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $225,632,000, of which not to exceed $25,000 for official reception and representation expenses.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,616,295,000, of which $3,500,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1994 levels for international tax enforcement shall be used for the continued operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code of 1986; $4,412,580,000, of which not to exceed $1,000,000 shall remain available until September 30, 1997.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $1,240,357,000 of which $185,000,000 shall remain available until September 30, 1997: *Provided*, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the approval of the House and Senate Committees on Appropriations.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $476,931,000: *Provided further*, That of the offsetting collections credited to this account, $43,000 are permanently canceled.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1995 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.

SEC. 102. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1995, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 103. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 104. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 105. Notwithstanding any other provision of law, beginning in fiscal year 1995 and thereafter, the Financial Management Service (FMS) shall be reimbursed, for postage incurred by FMS to make check payments on their behalf, by: the Department of Veterans Affairs, for the mailing of Compensation and Pension benefit payments; the Department of Health and Human Services, for the mailing of Supplemental Security Income payments; and the Office of Personnel Management, for the mailing of Retirement payments. Such reimbursement shall be due beginning with checks mailed on October 1, 1994, and such reimbursement shall occur on a monthly basis.

SEC. 106. (a) Of the budgetary resources available to the Department of the Treasury during fiscal year 1995, $33,437,000 are permanently canceled.

(b) The Secretary of the Treasury shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 107. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 108. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 109. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1995 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

This title may be cited as the "Treasury Department Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to title I?

Mr. HOYER. Mr. Chairman, prior to going to additional points of order, I wish to ask unanimous consent that the gentleman from California [Mr. MATSUI] or his designee or any representative of the Committee on Ways and Means be able to make at the end of the bill points of order with reference to two items in the bill, one dealing with the forfeiture fund and another dealing with a tax provision.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there amendments to title I?

Mr. BORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished subcommittee chairman from Maryland [Mr. HOYER] in a colloquy.

Mr. Chairman, as the gentleman knows, I am deeply concerned about the impact of the IRS' reorganization on Philadelphia and the precedent it sets for how "reinventing government" should be applied to urban areas. While I support the overall goals of the reorganization, I have serious concerns about the criteria used by the IRS in its decision to eliminate the processing function at the Philadelphia service center.

As the gentleman knows, Mr. Chairman, differences in locality pay played a decisive factor in the selection process used by the IRS. The criteria were so narrowly drawn that cities where locality pay is high could not possibly be selected as final sites. I am sure that, as an architect and strong supporter of the locality pay system, the subcommittee chairman would not want to see locality pay used in this way.

In addition, Mr. Chairman, vital urban and social policy considerations were completely absent from the IRS decisionmaking process. Absolutely no consideration was given to unemployment rates, which are highest in the cities that lose processing sites. And, remarkably, the impact on minority employment in the Federal work force was given no weight in the selection process.

Mr. Chairman, I believe the IRS selection process sets a dangerous and misguided precedent for the way we go about "reinventing government." Does the gentleman plan to address the issue of the use of locality pay and urban criteria in "reinventing government" initiatives through your subcommittee?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BORSKI. I yield to the distinguished chairman of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding, and I thank him for raising this very important question.

I will answer by saying that the subcommittee will in fact review the issues the gentleman has raised regarding the use of locality pay and urban criteria in "reinventing government" initiatives. I share many of the gentleman's concerns, and I assure him they will be given very careful consideration.

Mr. BORSKI. Mr. Chairman, I thank the subcommittee chairman, and I support and applaud his efforts and the efforts of the administration to make our Government operate more efficiently. I hope the gentleman will continue to work with me to ensure that our Nation's urban areas are given full consideration and equal treatment in "reinventing government" initiatives.

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The CHAIRMAN. Are there amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code; $92,317,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1995.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $37,776,000.

This title may be cited as the "Postal Service Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title II of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to title II? If not, are there any amendments to title II?

AMENDMENT OFFERED BY MR. COPPERSMITH

Mr. COPPERSMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COPPERSMITH: Page 20, line 25, strike "$92,317,000" and insert "$85,717,000".

Mr. COPPERSMITH. Mr. Chairman, my horoscope today says, "Accomplish goal through unorthodox procedures," and that is what I hope to do here today.

Mr. Chairman, this simple amendment cuts $6.6 million in funds for the U.S. Postal Service. As the U.S. Postal Service still plans to install its "new bird" logo on buildings, uniforms, and trucks, the amendment reduces the revenue forgone subsidy by $6.6 million, the exact amount the Postal Service still plans to spend on the "new bird."

Opponents of this amendment will say that it is flawed because it violates the agreement Congress reached with the Postal Service concerning revenue forgone. They are correct. Cutting this bill's appropriation for the Postal Service is problematic. However, this amendment is the only chance Congress will have to address the issue this year.

Opponents of this amendment will say that it hurts mailings for the blind or overseas mailing or nonprofit mailers. That argument, however, is a perfect example of what Charles Peters of the Washington Monthly magazine calls "The Washington Monument Syndrome." Instead of trimming its toenails, the agency insists that any cut must invariably come right out of its heart. Thus, a cut to the Park Service budget means laying off the elevator operators at the Washington Monument on the 4th of July, hence the name of the syndrome.

Now, I do not intend, and surely this House does not intend, to cut those specially valued programs for the blind or overseas voting or for nonprofit mailers. In fact, however, it will be the Postal Service itself that makes any such misguided cut or misbegotten price hike. Instead, the service can choose to target operating expenses or do a better job of curbing postal meter fraud, or, let us not forget the point of the amendment, to drop the "new bird" logo idea.

The point of the amendment is not that the Postal Service should recoup the $6.6 million by preserving the new logo and increasing any rates or cutting services or salaries and benefits for rank-and-file employees who had nothing to do with this decision. The Postal Service should make up this cut by doing what it should have done already, by dropping its plans to change the logo, and then to use those savings to preserve its subsidy in its entire amount.

Likewise, this cut should not come from this year's payment for unfunded Postal Service liabilities. Disabled former employees did not decide to change the logo. Current management did, and the cuts should affect them.

The Postal Service will say, and solely from an accounting perspective I can agree, that our constituents will pay for the new logo only through stamp purchases. However, the Postal Service has a monopoly on the delivery of first class mail. Our constituents cannot express dissatisfaction by using some other postal service. The only way our constituents can express their frustration with this bone-headed logo idea is through this vote on the floor today.

Sometimes like even good people, even good quasi-public corporations make bad choices. The Postal Service made a bad choice by deciding to spend $6.6 million on a unneeded cosmetic change, especially at a time when the public's cynicism about superficial change is so high.

This amendment sends a message that Congress understands and can seek out wasteful or just misguided spending by public or quasi-governmental agencies. This amendment sends a message that Congress recognizes the need to reinvent Government and achieve substantive and meaningful reform, not just eyewash designed to fool the public.

Finally, opponents will say this amendment is symbolic. But the whole point of the logo is symbolism. And if the Postal Service wants public funding, for whatever purpose, it should not waste $6.6 million, whether from the taxpayers or from its customers, our constituents.

I urge support for this amendment.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment, as the gentleman anticipated. First, obviously, this is an attempt to do on the appropriation bill what apparently is not happening in the Committee on Post Office and Civil Service, which has jurisdiction over this particular matter. In fact, there is legislation pending in the Committee on Post Office and Civil Service to effect the objective that the gentleman seeks.

Let me now speak to the specifics of this particular bill. This bill has $92 million in it for the Postal Service. That money is for two objectives: First of all, it is to fund the Congress' agreement with the Post Office Department that was made last year when we did the Revenue Forgone legislation, which was a reform of what had historically been hundreds of millions of dollars in payments by the Congress for Revenue Forgone. In many instances, however, we had underfunded that. In effect, we had stolen from the money that we said we would pay, and that we owed to the Postal Service.

The agreement said that we would make a $29 million payment, which is included in this bill, over the next 42-years to repay that which was owed to the Postal Service. In addition, the bill provides $68 million to subsidize mailing for the blind, as the gentleman from Arizona mentioned.

The fact of the matter is that the gentleman seeks to cut $6.7 million. The fact of the matter is that the Postal Service on substance expects to spend $6.7 million over 5 years. So we would be taking out all of the money in 1 year, theoretically, and reducing by, in effect, $5 million the funding available to the Postal Service beyond that which they were going to spend on this program.

I have a letter from the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Post Office and Civil Service, saying that the Coppersmith amendment reneges on our committee to the mailers.

The letter further says, "I urge you to join me in opposing the Coppersmith amendment."

Again, Mr. Chairman, we are going to get amendments which will seek to cut dollars which are, frankly, not in this bill, as this amendment does. These funds are for revenue for gone and for the moneys which this Congress has an obligation to pay pursuant to representations made in legislation and to the Postal Service.

The Postal Service is a quasi-public agency, as all of us know. It is a pay-as-you-go agency, as you also know. It is, obviously, losing funds this year. It has the lowest cost for first-class mail of any industrialized nation in the world, and it does so very efficiently, although, because of its volume, clearly it make mistakes.

I would urge the Congress and this House to reject this amendment. It does not cut funds dedicated to the purpose that the gentleman believes is inappropriate. His proper avenue and the proper avenue to approach this is in the Committee on Post Office and Civil Service. That is being done, and this House ought to wait on that result.

To do otherwise will give the Postal Service the opportunity to say that we have either cut our obligation to them, or have cut our subsidy for mailings for the blind, largely braille mailings.

I would ask that the House reject the gentleman's amendment.

Mr. DEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Coppersmith amendment.

In a nation whose economy is based on free enterprise, any governmental service which usurps a segment of that economy must constantly justify its existence. In the case of the U.S. Postal Service, which is granted a virtual monopoly, a significant part of that justification has been the ability to allocate limited resources to providing direct service rather than diverting a part of those resources to such things as publicity, advertising, and marketing. For after all, if you are granted an exclusive franchise, you should not have to worry about promoting your agency versus a competitor. You should concentrate your resources on providing the most efficient and economical service possible.

In the case at hand, the Postal Service has undertaken a new logo at a cost of $6.6 million at a time when postal rates are being increased. If the public is choosing to use private carriers rather than the Postal Service in those areas where they have a choice, it is not because the private carriers have a better logo—it is because they are beating the Postal Service at its own game and in spite of the protections and advantages given to it by this body.

The American public cannot be fooled on this one; it wants letters, not logos, and efficiency instead of fashion. The Postal Service is not an eagle free to roam the skies; it is a falcon that is kept for a specific purpose with a tether attached to its leg and held in the hands of this body. It is time we reined it in. Support the Coopersmith amendment.

□ 1150

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

I rise to support the Coppersmith amendment on the U.S. Postal Service logo. This is an issue; again, it is not micromanaging the Post Office. But clearly in this period, in this time and era when we are trying to deal with budget deficits, which truly are a cancer on our country, we have an opportunity to deal with an issue that if the

Post Office was a private-sector business and they were proposing a $6.6 million change in terms of a logo in the crisis atmosphere in which the Post Office exists.

Just today the Washington Post reported that the top three officials at the U.S. Postal Service were fired, including the Chief of Operations, because of the problems that the Post Office is having. In the article, Postmaster Rudman even admits that the Postal Service has been plagued by poor service and customer complaints. Reinventing Government does not mean reinventing a logo. The U.S. Post Office is laden with problems. Simply giving itself a new logo is not going to fix all its problems.

It is the wrong message to send to the post office. It is the wrong message to send to the Government. I urge adoption of the Coppersmith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. COPPERSMITH].

The amendment was agreed to.

Mr. FILNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to call the attention of my colleagues to a growing problem. It seems that the modern way to deliver mail is to build cluster boxes where the mail for an entire block or more is deposited. In more and more areas of our country, the familiar door-to-door delivery is gone.

I understand the need for cost-cutting measures, but we are going too far. In my congressional district, I have recently heard story after story of mail theft and vandalism of these cluster boxes.

In poor weather, it is very inconvenient to venture down the block to pick up the mail—and, unfortunately, in many communities it is downright dangerous to go to the cluster boxes.

I want to make clear that our local postmaster has been most cooperative and is trying to resolve the complaints that we have received, but his hands are tied by the overall regulations phasing out door-to-door delivery.

What has happened to the days when Americans could rely on getting their mail? What has happened to the days when we could proudly boast that our mail service was second to none?

There are some important services that should not be tampered with in the name of false economy. Continued repairs to cluster boxes and continued losses in mail soon eat up any potential savings realized from discontinuing door-to-door delivery.

What is more American that getting mail at your door? Which one of us in this Chamber would volunteer to give up this service at our home? Which one of us would volunteer to walk down the halls of the Cannon, Longworth, or Rayburn Office Buildings to get our office mail?

The citizens of our country deserve no less. It is time for the Postal Service to stop standing and deliver.

The CHAIRMAN. Are there additional amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

The White House Office

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $387,754,000.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

Official Residence of the Vice President

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Special Assistance to the President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,270,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), including not to exceed $2,500 for official reception and representation expenses; $3,420,000.

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,058,000.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,648,000.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,850,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That of the budgetary resources available in fiscal year 1995 in this account, $117,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $56,272,000, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

Office of National Drug Control Policy

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $9,942,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $98,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than $55,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $43,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $14,800,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center, of which $8,000,000, to remain available until expanded, shall be transferred to the Counter-Drug Technology Assessment Center for counternarotics research and development projects and shall be available for transfer to other Federal departments or agencies.

This title may be cited as the "Executive Office Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to title III?

Hearing none, are there any amendments to title III?

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: At the end of title III (relating to Executive Office of the President), insert the following:

REDUCTION OF FUNDS

Each amount appropriated or otherwise made available by this title that is not required to be appropriated or otherwise made available by a provision of law (other than for "Office of National Drug Control Policy" or "Federal Drug Control Programs") is hereby reduced by 20 percent.

Mr. GOSS. Mr. Chairman, I rise today in an effort to help the President reach his stated goals of reducing the White House bureaucracy and sharing the sacrifice he has asked American taxpayers to make to reduce the deficit. Simply put, my amendment would cut 20 percent from the discretionary funds allocated to the Executive Office of the President; excepting the Office of Drug Control Policy and the Federal drug control programs that fall under this title.

Opponents of this measure have stated that this account has already been cut from last year's levels—but let us take a closer look at where these cuts come from. A full 99 percent of these cuts are made in one area: Drug control. The argument that somehow this bill represents a significant reduction in all White House accounts is false and misleading.

I should say that I am not picking on the President or making a partisan attack here. I brought an identical amendment—a 20-percent cut in discretionary funding—before the Rules Committee when we were considering the legislative branch appropriations. Unfortunately, my amendment was shut out by a restrictive closed rule.

The fact is—despite the rhetoric coming from the White House—the Clinton administration is not doing its part in sharing the burden of deficit reduction. It is also a fact that there is a significant level of waste in both the administration—and the legislative branch—and we owe it to ourselves and to the American people to address this problem and exercise our proper oversight.

This cut goes directly to the issues of White House arrogance and lack of accountability and will certainly enhance better cooperation with proper oversight. As recent reports have highlighted, there are problems, and these do involve legitimate questions of cost.

Despite promises to the contrary, true staff levels at the White House have not been significantly reduced. People have been shuffled, but the only real cuts that have been made seem to be in the area of drug control.

White House staff have been exceptionally slow in obtaining security clearances—quite possibly jeopardizing our intelligence and national security.

Delays in drug testing for the President's staff create an apparent double standard.

Public access and information laws have been called into serious question by actions of the Health Care Task Force and other private advisers.

And, despite high-profile promises from the President that his administration would be different, this administration has had several official travel problems. Currently, many Americans are demanding a true accounting of how much it has cost to transport so-called official Presidential entourage on trips abroad; and they are asking why Presidential campaign trips are being labeled "official" and paid for with tax dollars.

Some would suggest that we are splitting hairs; that few really care how much these things cost. But the American taxpayers—who foot the bill for everything from first class executive travel to Presidential haircuts—care a great deal. They are demanding a better accounting for their tax dollars at both ends of Pennsylvania Avenue, and they want to see the waste eliminated from Government, executive and legislative branch.

Mr. Chairman, my amendment will save some $30 million in fiscal year 1995, and $200 million over 5 years. I have specifically exempted from this cut the Office of National Drug Control Policy and Federal drug control programs. These have already been gutted. These important programs have been cut 18.2 percent under last year's level, and 23.4 percent under the requested amounts. Given our current violent and drug-related crime problems, I do not think it would be wise to cut these programs any further.

While my amendment will not single-handedly solve our budget crisis, it is a positive step on the road to fiscal sanity. Earlier this year I offered this proposal, and 75 others, in a package that would save $285 billion over 5 years—these things do add up, even if the explanations from the White House do not.

□ 1200

Mr. Chairman, I urge support for this amendment.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we begin now what I believe to be a petty, partisan attack which did not occur from 1981 to 1992. It did not occur. Whatever the differences we had, we did not play this game. I specifically, on this floor and in the committee, opened this game.

Let us take the representations of the gentleman from Florida [Mr. GOSS] about the Executive Office of the President. I have a chart here, and will talk about the increases in this budget.

First of all, on November 7, 1992, President Bush had in the Executive Office of the President 1,394 employees. Never did I support cutting the number the President asked for. Never. Nor did I support cutting President Reagan's request. I respected both President Reagan's and President Bush's independence and separation as President of the United States.

He had 1,394 employees. This President today, as a result of his pledge and this committee's action, has 1,044 employees, 350 employees fewer, 25.1 percent less in numbers of employees.

The President's compensation we have not cut. Constitutionally, of course, we cannot do that.

The White House office is at 1994 levels, $2.878 million less than the White House requested. I think that is inappropriate, but I supported it and our committee reported it out because, as I told the President's office, we are in tight fiscal times and we are going to do it to others and we need to take the reduction, but I think it is wrong to do this.

The Executive Residence we cut $98,000; the Vice President's residence is at 1994 levels; Special Assistance to the President is at 1994 levels; Council of Economic Advisors in at 1994 levels; Office of Policy Development, $64,000 less than the President asked for.

From 1981 to 1992, the committee on which I serve did not cut President Reagan's or President Bush's budget ever. There were some cuts on the floor, largely restored in the conference committee controlled by Democrats. Petty partisanship. It is wrong, and I do not intend to do it in the future if your party elects the President. I pledge that to the Members, and the RECORD ought to reflect that as well.

The National Security Council, from the President's request was cut $184,000, appropriated at 1994 levels. The Office of Administration, cut by $2.7 million by this committee, never done before. OMB, cut $267,000 from 1994 levels.

The Office of National Drug Control Policy, which the gentleman says is not included in his amendment, is a little bit ironic. It is the only area of the White House executive budget that was increased, $12 million for the fight against drugs in the HIDTA Program, the only item the gentleman does not cut. So saving money apparently is not his objective.

Unanticipated needs is at 1994 levels; the Federal Drug Control Program, which I talked about; the Special Forfeiture Fund was cut $37 million. Mr. Chairman, on both sides of the aisle, Members can disagree with the President.

We had arguments with the President from 1981 to 1992. Some people will recall that we did have one instance in which there was a policy difference which dealt with the Competitiveness Council, with the allegation that the Competitiveness Council was being used to get around the Clean Air Act and get around regulations.

We disagreed on that. We had a significant debate on that issue, but we did not, in our committee, and even on the floor reduce the White House budget. Only once that I can recall in those 12 years did the House reduce the Special Assistance budget. It did one time for the Competitiveness Council.

The fact of the matter is that this budget for the Executive Office of the President is under the President's request, reported out of committee. Why? Because we have tight fiscal times. I did not want, nor did the President want, to be in a position where he was asking for more than we were willing to give to other agencies.

I ask the House to reject this amendment out of hand.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was back in the Cloakroom planning a special order for this evening on congressional reform. I would not have spoken on this particular amendment at this time, but I heard my very, very good friend, for whom I have a lot of respect, maybe a little less respect right now, start railing about partisanship.

I still do respect the gentleman, but I must say there is nothing partisan about this amendment. Members should not be accused of being partisan when we want to cut anything in the Federal Government. We have to tighten our belts. This Government is drowning in a sea of red ink and it is bankrupting the taxpayers of this Nation. They are fed up with it.

Mr. Chairman, just because Members want to cut expenditures at the White House is no reason to accuse us of partisanship whatsoever. The truth of the matter is that the White House has deemphasized the war on drugs. Everywhere we turn, there is another article reporting it.

Here is one by Joycelyn Elders, the Surgeon General appointed by President Clinton, that talks about legalizing marijuana and doing away with the controls on other deadly drugs that are killing our kids. We know that all of the spending cuts that have been made in the White House have come out of the drug enforcement division there, and that is an absolute disgrace.

All the gentleman is doing, the gentleman from Florida [Mr. GOSS], is trying to spend those cuts throughout the entire White House budget. There is nothing wrong with that. The gentleman from Maryland knows it, and he should not accuse people of partisanship.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield to one of the most respected Members of this House, sometimes, the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate my friend yielding to me, the gentleman from New York, who of course would not be partisan, I understand that, ever. However, having said that, let me observe that the gentleman does not suggest cutting everything else and adding it to any place. The gentleman is not doing that. The gentleman is simply cutting operations that have already been either cut or funded at last year's level.

Let me say further, as I have told the gentleman, that the White House agrees with the gentleman's position on the opposition to the Elders statement. I agree with the opposition to it. The committee agrees with it. The White House and the President have said that.

In addition, I know the gentleman is very concerned about drug testing. I know that the White House is concerned about this as well. Four hundred and thirty-six White House employees have been tested, including the Chief of Staff. We do not hire people there without drug tests. As a matter of fact, there were two instances where people were not hired because they had a positive test result, so I share the gentleman's concern.

Mr. SOLOMON. Mr. Chairman, if I could reclaim my time, I know the gentleman from Maryland is sincere in what he is saying.

I would say to the gentleman, I offered a budget on this floor sponsored by another 20 Members. It was put together by the Balanced Budget Task Force. And there were some very, very difficult votes involved, because we proposed cutting across the board, including the good programs, but we have to get this Federal deficit under control.

What the gentleman from Florida is doing, sure, is cutting those areas funded at last year's level. We ought to be cutting everything below last year's level, otherwise we will never get control of the budget.

I would just say in response to the gentleman from Maryland when he says that the drug testing programs are still going on at the White House: I hope they are. I have been trying to get that answer out of the White House, and I will give them credit if that is true. I want them to continue it, to set the example for the rest of government at all levels—Federal, State, towns, counties, cities.

We ought to be drug testing in order to set that example, because 75 percent of all the illegal drugs in America today are not used by poor people in the inner cities. They are used by the upper middle class yippies and hippies, who may be bankers or stockbrokers, who are driving into the urban areas, and purchasing drugs to use for recreational purposes. Sniff a little cocaine, puff a little marijuana on the weekends, it does not hurt anything—that is the attitude which is causing this problem.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the gentleman for yielding.

I did not come to my feet when the distinguished gentleman from Maryland [Mr. HOYER] came very close to violating the rules, characterizing my attack as petty partisanship. It was not intended that way. My statement clearly said it was not. I referred to other steps I have made to cut the budget legitimately.

□ 1210

It just so happens that the President of your party happens to be in the White House. That does not make it a petty partisan attack.

The facts are also that we do not count quite the same, it seems. The detailees and some of the others that are in the White House budget that are elsewhere get counted one way or another way depending on whose side one is. The other point is when we take a look at the Office of National Drug Control Policy and take a look at the numbers, they do not lie. According to this, right out of the executive office of the President, fiscal year 1995, $11.7 billion last year, $9.9 billion this year, a cut of $1.8 billion, a cut no matter how it is looked at. Consequently I think I have characterized fairly and accurately what is going on. The gentleman may put a different importance on it.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, will the gentleman from New York yield to me?

Mr. SOLOMON. I yield to my good friend, the gentleman from Maryland.

Mr. HOYER. I do not want to characterize the gentleman from Florida. What I believe, and the point I was trying to make is that I think it is important for us to realize that there were very substantial differences between the Reagan and Bush administrations. The reason we did not do this, however, in this House is because we believe that the White House ought to be a coequal branch of government with the ability to set its budget, just as I believe that the White House ought not to veto, for instance, the legislative appropriation bill where we decide what we need to exercise our constitutional responsibilities.

In the 12 years of the Reagan-Bush administration, the Committee only once cut what the President requested in his own budget. There were one or two instances on the floor where that occurred, which I opposed.

Mr. SOLOMON. Mr. Chairman, reclaiming my time on that point, the gentleman from Maryland is making an interesting point. The point is, I think, that the Democrat Party rarely wants to cut anything but defense. I just had to say that. That is the reason Democrats have never asked for any cuts in domestic spending that I can see.

Mr. Chairman, the only reason I came out on the floor was because I heard some petty partisanship and I just wanted to take exception to it. The gentleman from Florida has a fine amendment.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I have the greatest admiration for the gentleman from Maryland, Mr. HOYER'S very strong commitment and conviction to separation of powers. That is not what is at issue here. What is at issue here is whether or not at this point in our Nation's history, the question of affordability has not changed somewhat since the Reagan years the gentleman referred to and that our legitimate oversight responsibilities have, therefore, changed somewhat. That is the point I am trying to make with this amendment, and I think that is the point that all Members should consider. I thank the gentleman very much for yielding.

Mr. SOLOMON. Mr. Chairman, before yielding back my time, I hope all Members support cutting amendments, no matter what is being cut. That is the only way we can deal with the deficit. I urge support for the amendment of the gentleman from Florida.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Maryland, Mr. HOYER, the distinguished chairman of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank my friend, the gentleman from Arizona, for yielding.

Mr. Chairman, I understand my friend, the gentleman from New York's point. But again I would call attention to the Executive Office of the President. That is what we have been talking about. It has been cut $28 million. That is what the figures say. If they were wrong, fine, but we believe they are accurate. Those are the committee figures. The bill has $270 million, that is $28 million less than last year's bill. That is about a 10-percent cut. There is, in fact, a cut as well, as I pointed out, of $2.7 million below the President's request for the Office of Administration.

Mr. Chairman, I do not think that is good policy based upon the separation of powers. What I do believe is that it does, in fact, reflect the fiscal constraints confronting us. What I am saying is that there is not a recognition in this amendment that we have already done more out of this committee than we have done in the previous 13-year period. We have made much greater cuts than we have ever done in the 13 years on which I have served on this committee.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. COPPERSMITH. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would just like to say, I think the gentleman should be given recognition. The gentleman has made cuts and he normally does do a good job. That is why we respect the gentleman for it. But we can do a little better. Let us cut a little more and give the recognition at the same time.

Mr. HOYER. I appreciate half of that.

Mr. SOLOMON. The gentleman is very welcome.

Mr. HOYER. Mr. Chairman, just in conclusion, let me say that I hope we reject this amendment for the reasons that I have stated. We have made very substantial reductions. We do not need to go further, except to make a political point. That is my point in this whole debate. The only reason for going further than we have gone, further than we have gone historically ever probably, and I have not checked historically back before 1981, is to make a political point.

The gentleman made a number of points during the course of his fiscal discussions, as I recall, unrelated to fiscal matters.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the gentleman from Florida [Mr. GOSS] in his effort to cut the White House operations by some 20 percent based upon my concern that critical performance should not be rewarded and this administration's lack of attention to our drug war is indicative of nonperformance.

Accordingly, I compliment the gentleman from Florida [Mr. GOSS] for exempting the White House drug czar's office and the drug control portions of this bill from his proposed 20 percent cut in order to focus attention on the administration's inattention to our Nation's drug war.

Mr. Chairman, last year severe cuts were proposed and enacted in the budget of the drug czar's office. Those early cuts signaled a clear and disappointing retreat by the new administration from the battle against illicit drugs. Nothing I have seen since then has reduced that perception. While the President has given the drug czar a Cabinet-level seat, for which we compliment him, he has not provided that drug czar with the tools or the financial support needed to make that seat a meaningful one.

The evidence of the laxity by the administration in our war against illicit drugs abounds. It is going to cost us significantly as a nation. We will surely have more crime, increased health care costs, greater worker inefficiency, and loss of productivity. We will also see the destruction of many of our Nation's youth from the ever-increasing quantities of imported, cheaper and purer drugs that this administration's lack of direction will surely bring to our Nation's streets.

Mr. Chairman, the critics of our counterdrug efforts, especially our interdiction program, just do not perceive what is being done. We have annually helped to seize from worldwide cocaine production large quantities of killer narcotics. We have effectively cut off a great deal of this scourge before it hits our streets, our schools, and our workplaces.

Mr. Chairman, for the record, permit me to note recent U.S. Government-wide interdiction statistics:

Fiscal year 1992, a seizure of 17.6 percent of cocaine production, or 172 metric tons. In fiscal year 1991, there was 14.6 percent of cocaine production, or

140 metric tons seized, showing a substantial increase just from 1991 to 1992.

Mr. Chairman, the critics would not want to address the questions of increased crime, often violent crime, health care costs, and lost lives that these hundreds of tons of cocaine would have had upon our society if not intercepted before reaching our shores. It is relatively easy to state that nothing works, but, in fact, those critics are wrong.

Illustrative of the White House's abdication of the drug fight, besides at the Office of National Drug Control Policy, are deep cuts in fiscal year 1995 State Department's international narcotics matter budget [INM] without White House opposition, while in Burma, heroin production soars and we are without any counterstrategy. In addition, we have had an unprecedented withdrawal of real-time counternarcotics intelligence from Peru and Colombia under the guise of a reported legal dispute. The litany of failures sadly goes on and on.

Just yesterday we met with the Secretary of Education who indicated to us a serious reduction in their drug education budget without any support from the administration. All of these retreats occurred, Mr. Chairman, without the drug czar being effectively on the field of battle as far as we can see by those of us who have been involved in this battle. He cannot, it seems, effectively play the role of advocate for the battle against drugs that the President himself has abandoned. Sadly, that once proud office today has few advocates to even protest the reductions that have been proposed this year.

□ 1220

OMB CP's long-term survival will eventually be at stake unless the current trend is reversed.

My own patience wears thin. Let us hope that improvement comes soon.

Accordingly, I urge adoption of the Goss amendment in order to send a clear signal to the administration of the opposition that many of us have to the reduced support by the executive branch for our war against drugs.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman's remarks, and I understand his concern.

The gentleman is aware, of course, that this does not add any money to the drug war?

Mr. GILMAN. I recognize that.

Mr. HOYER. Of course, we had the foreign operations bill. I do not know whether the gentleman had an amendment to add money to that bill. We are going to have the defense bill coming along. There could be an amendment to add money to this bill.

Mr. GILMAN. We certainly did and will continue to try to do that.

Mr. HOYER. The gentleman made the point, as I understand it, that this is to make a point, this is to penalize, am I correct, for policies that you do not approve of? Is that correct?

Mr. GILMAN. Yes. By all means, it is an important symbolic attempt to show that we disagree with the administration's failure to advocate financial support for the drug war.

Mr. HOYER. So it is a penalty for policies with which you do not degree?

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has expired.

(By unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. GILMAN. Mr. Chairman, it is an attempt to focus attention by the Congress and by the administration on the fact that the administration has failed to support the very programs that they have indicated that they were advocating. They cut the international effort. They cut the drug czar's work. They cut our Education Department's efforts. What we have is a program without any financial support, and this is what we are trying to do is to remind the administration that this important program is without adequate financial support here in the Congress where it counts. And what better place to send such a signal than in the executive branch budget?

Mr. HOYER. If the gentleman will yield further, I just want to point out to the gentleman that I have in front of me, of course, the national drug control strategy, February 1994, which points out the total effort in drug control policy, drug treatment, drug enforcement, all of those, was $12,136,000,000 last year. In this year's budget, it is $13,179,000,000, or a $1 billion increase in the drug war in effect.

Now, it may not be in areas that you think are appropriate. I understand the gentleman's point there. But the proper amendment would be then to shift it from one to the other.

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has again expired.

(At the request of Mr. HOYER and by unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, will the gentleman continue to yield?

Mr. GILMAN. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, my point being there has been a substantial increase in the dollars dedicated to fighting drugs. There may be policy differences, and those can be met by amendments on the floor dealing with the substantive programs. This amendment, though, I reiterate, is to make a point, is to penalize the White House for policies with which you do not agree, and my point at the outset of this debate was on our side of the aisle we did not do that to President Reagan and we did not do it to President Bush, and I personally believe it is inappropriate to do it to President Clinton.

Mr. GILMAN. I recognize that. I just want to comment that while the proposals are there for budget increases, the support for those are not present when they go before OMB and others of the agencies as well as Congress.

I thank the gentleman for his comments.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

The amendment before us represents a sound alternative to what, after all, is Mr. Clinton's request for an increase in his White House budget.

When all is said and done, the Appropriations Committee's response funds White House activities at precisely the same level they were funded in 1992, George Bush's last year. Yet as a candidate, Bill Clinton talked about a 25-percent cut in the White House staff. Many Americans are wondering, at current levels, whether we are not paying too much already, particularly in light of the continuing allegations of grave misconduct by members of the White House staff.

Yet Bill Clinton, the man who promised a 25-percent cut to the American people, has this year proposed an 8-percent increase for the White House budget. I congratulate my colleague, the gentleman from Florida [Mr. GOSS], who did not see fit to give Mr. Clinton more money, but is instead proposing that we hold him to at least some of the spending cuts that he proposed as a candidate.

In light of what the White House staff has been up to, it seems to me they hardly deserve a raise. Just 18 months ago, the Clinton White House started out with Travelgate. It consisted in the firing and smearing of honest career employees in the White House for the benefit of the Clintons' relatives and campaign workers. Even the White House press corps were scandalized by such a noxious mixture of cronyism, political manipulation of law enforcement, and scapegoating, the likes of which Washington has not seen since the spoils system was first set into motion by Andrew Jackson.

All of this certainly set the tone for what we have now come to know as the prototypical Clinton scandal, the corner-cutting, the greed, cronyism, and, above all, the deceit.

There has been more serious misconduct by the Clinton White House than Travelgate, but certainly nothing more contemptible than firing and smearing longtime, apolitical, low-level government workers in order to benefit the President's cousin and his wealthiest friends.

No less disgraceful was the tampering with the FBI by the White House counsel's office, the office in which I once served as senior associate counsel to the President. The White House counsel is supposed to be preeminently responsible for preventing ethical lapses by the President and senior White House officials. Instead, it was this White House counsel's office that was the very source of the scandal including flagrant obvious misconduct by White House lawyer William Kennedy, who did not contact the Attorney General, who did not contact FBI Director Sessions, but interfered directly in the operations of the FBI to target specific individuals. Yet Kennedy remains in the White House, two reprimands and several additional scandals later, as a seemingly permanent source of ethical trouble for this President and the other White House staff.

As we all know, Mr. Kennedy, like Webb Hubble and Vince Foster and Hillary Rodham Clinton, was part of the same law firm that represented Arkansas wheeler dealers in Whitewater and Madison Savings and Loan and dozens of other transactions including the Clintons' own personal finances.

One of the most unsavory aspects of this staff arrangement is the cronyism. From the first, it turned the highest echelons of the White House legal staff and the Justice Department into little more than the Washington branch office of the Rose law firm. The predictable result was the President and Hillary Rodham Clinton felt they could treat the White House lawyers as their personal lawyers.

But Federal law prohibits Government employees, including the White House counsel's office, from performing private services for the President. Yet shortly before his death, Vince Foster was working in his White House office in the West Wing on Government time at taxpayer expense at preparing the delinquent Whitewater tax returns. Not only was this improper because it was the personal investment business of the Clintons rather than official business, but it also covered a period well before the Clintons took office. Most observers who have commented on this fact have speculated on its relevance to Mr. Foster's death.

As a former member of the counsel's office, I am at least as struck by its obvious impropriety; using a fulltime Government lawyer to work on the Clinton family's personal business affairs is clearly improper. I recall very well the extraordinary pains that, for example, President Reagan took to ensure that none of the White House lawyers worked on his personal business. His tax returns were prepared by his own private lawyers and his accountants. Even his blind trust which, unlike the Clintons, was set up before his inauguration, was prepared at his personal expense.

Obviously the Clinton White House does not follow the same ethical guidelines.

What does this mean from a budget standpoint? Obviously it means today in 1994 we are already paying for too much White House staff, yet the size and the composition of the White House staff whose budget we are debating today is itself another mystery. The Clintons have repeatedly denied requests from Congress for a list of White House staff members and salary levels.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX was allowed to proceed for 1 additional minute.)

Mr. COX. Mr. Chairman, the Clintons have repeatedly denied requests from this Congress for nothing more than a list of White House staff members and salary levels. In fact, one of the Republican amendments that we will not even be permitted to debate today under this rule would have required disclosure of White House staff levels and salaries on a regular basis. That is hardly too much for Congress to ask, since we are supposed to vote to pay the bills.

But apparently the group that has for 40 years had one-party control of this House, now with one of their own party members in the White House has decided to help the White House stonewall the Congress, and they have looked the other way so as not to notice the sleight of hand used by the Clinton White House to disguise yet another broken promise, the bogus 25-percent cut in White House staff.

□ 1230

The fraudulent bookkeeping devices used to cover up White House staff spending are worthy of Madison Savings & Loan. The Clintons have decided that for the first time in 40 years the two largest components of the executive office of the President are not part of the executive office. That is not all. They have inflated the personnel baseline from which the phony cuts are taken.

Then they fired low-paid, long-serving career White House employees and used the extra money to hire the ever-changing cast of senior aides cleaning out Clintons——

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX was allowed to proceed for 30 additional seconds.)

Mr. COX. It is not terribly surprising that when the dust has settled, President Clinton's 1995 budget request asked for an increase in spending. But while it is not surprising, it is unfortunate.

Today as we vote on the White House budget, we are voting in the dark. We know the White House staff roster thanks only to a leak in the Washington Post. This House has had no hearings on Travelgate. We have had no hearings on Whitewater. We have had no hearings on Mrs. Clinton's transactions in stocks affected by her health care plan or the undisclosed conflicts of interest on her health care task force or the myriad other scandals large and small that have enveloped this administration like a fog. Our job should be to cut through the fog.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. COX was allowed to proceed for 1 additional minute.)

Mr. COX. Mr. Chairman, I yield to the distinguished colleague from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding. First of all, we did have a hearing on Travelgate, as I am sure the ranking member will tell you. Second, I do not know whether the gentleman heard me say there were 1,394 people on the roster at the White House in November 1992 under President Bush. There are now 1,044.

Now, you can dispute those figures. We have had hearings about them. Those are the figures.

Mr. COX. If the gentleman would yield at that point, reclaiming my time, $157 million is the amount of money that was spent in 1992 for the functions covered by this bill; $157 million is the amount that this bill contains for the very same functions. I do not see a cut in it.

Mr. HOYER. Does the gentleman mean 2 years later? Fiscal 1995?

Mr. COX. That is right.

Mr. HOYER. For fiscal 1995 the gentleman does not see the cut?

Mr. COX. The gentleman said he cut it by 25 percent, but now we are paying exactly the same amount.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. COX was allowed to proceed for 1 additional minute.)

Mr. COX. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. The gentleman has served in this House for some period of time, and he indicated he was associate counsel. At no time do I recall the gentleman offering an amendment or adopting a policy at the White House to disclose what he now wants disclosed on White House personnel.

Mr. COX. The gentleman did so today, and was denied by the group that controls the House.

Mr. HOYER. Excuse me?

Mr. COX. That amendment was disallowed.

Mr. HOYER. No; no; not this time. During the Reagan or Bush years, did the gentleman ever offer an amendment or propose a policy in the White House as associate counsel to disclose this information? And, if so, could the gentleman let me see that?

Mr. COX. The gentleman does not serve on the committee, and the gentleman did not offer, even, the amendment that is being disallowed today.

Mr. HOYER. Now, I want to make my point. I think the gentleman is trying not to answer my question. With all due respect to the gentleman from California, the gentleman expressed concern that we were not disclosing White House personnel.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. COX was allowed to proceed for 30 additional seconds.)

Mr. COX. I yield to the gentleman.

Mr. HOYER. And the gentleman. in the course of his talk said he was associate counsel at the White House. Did the gentleman recommend to then-President Reagan that he disclose that information, or subsequently as a Member of Congress, that Reagan or Bush disclose that information?

Mr. COX. I will answer the gentleman in as straightforward a fashion as I possibly can. I have always supported such disclosure.

Mr. HOYER. I understand that. Did the gentleman make that recommendation to them?

Mr. COX. I have not offered even the amendment that I am debating, which is an amendment of the gentleman from Florida [Mr. GOSS].

Nonetheless, it is specious to suggest that if I do not personally offer every amendment, I cannot possibly support them. I do and have consistently supported these cuts in the White House staff.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 262, not voting 9, as follows:

[Roll No. 236]

AYES—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—262

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inslee
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Brown (CA)
Michel
Miller (CA)
Miller (FL)
Reynolds
Schenk
Washington
Waxman
Whitten

☐ 1256

Messrs. GEJDENSON, JEFFERSON, HUTCHINSON, DICKEY, NADLER, PETERSON of Florida, SKEEN, and LIVINGSTON changed their vote from "aye" to "no."

Mr. TAUZIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move to strike the last word, and I request a colloquy with the chairman of the subcommittee. Mr. Chairman, the committee has included report language regarding a current Postal Service regulation aimed at controlling the inclusion of loose supplements in magazines and commercial mailings, but has had an unintended, adverse effect on a handful of second class weekly newspapers utilizing a two-staple bound format. This is the second time that the committee has brought this specific problem to the attention of the Postal Service. Does the committee wish the Postal Service to resolve this problem?

Mr. HOYER. Mr. Chairman, if the gentleman will yield, the committee has directed the Postal Service to study this issue and to report back on the basis for this regulation. We share the gentleman's concern.

Mr. PORTER. The intent of this regulation is to prevent commercial mailers from including numerous supplemental inserts without paying additional postage. However, a very small number of bona fide newspapers are affected by this regulation simply because they do not follow the traditional newspaper format. These newspapers had been using this format for decades before the implementation of this postal regulation. Does the committee want the Postal Service to allow these papers to continue to use their customary mode of preparation without being subject to the more restrictive rules on loose supplements which apply to magazines and other bound publications?

Mr. HOYER. Again, I would say to the gentleman that the committee shares his concern, and the committee expects the Postal Service to review this regulation and report back on its rationale. As soon as I receive that, I would look forward to discussing it with the gentleman.

Mr. PORTER. Mr. Chairman, I thank the gentleman for the colloquy, and I thank him for his concern.

□ 1300

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the American people, I think, are pretty well fed up with reports of politicians abusing power and fed up with wasteful and abusive Government expenditures, and they continue to see reports in the media of politicians taking advantage of perks. Some of them are real perks, some of them are not. We went through this in past administrations, and you would think folks would learn a lesson, but apparently that has not happened.

Quite frankly, I had two amendments that I was going to offer, but I know they will be struck on a point of order, so I would merely like to just discuss them at this juncture.

One of those amendments would prohibit the unofficial use of military aircraft by White House staff unless expressly authorized by the President.

I think if we are going to have to spell it out, maybe we have to do it, not for just this administration, but for others. Because we have had abuses of military aircraft by both Republican and Democratic administrations. It just seems to me it would make good sense if in their rule book, that whoever the President may be in the future, there would be absolutely no question of where that authority lies and where the line is drawn.

So the amendment I was going to offer but which has not been allowed because it is considered legislating on an appropriations bill, would basically have banned the use of military aircraft for anything other than official business as expressly authorized by the President. I really think it would have just been a good guideline for this President and future Presidents on down the road.

The second amendment dealt with legal counsel, the separation between doing work for private matters and those for public matters.

Bernard Nussbaum stated to us in an earlier letter that White House staff were not providing legal counsel on private legal or financial matters, where there is, in his terms, "no official nexus."

We have seen a number of reports that contradicted that statement.

We also have seen press reports describing meetings between White House staff members and Treasury Department RTC officials on the subject of the President's involvement in the Madison Guaranty matter. That is a personal financial matter. Press reports have pointed out the late Vince Foster had Whitewater files in his office, and up until shortly before his death, he was preparing the president and First Lady's Whitewater tax returns. That is a personal financial matter.

Most recently, there are press accounts of White House staff weighing the establishment of a legal fund to raise legal fees to pay for attorneys representing the President on the Fiske investigation and the Paula Jones case. The question is why are White House staff members doing this? Shouldn't Mr. Kendall and Mr. Bennett be handling such matters?

There is precedent in this subcommittee for concern about such abuse. Back in 1973, former Chairman Roybal strongly questioned the right of White House officials to handle Watergate-related legal matters for the President. But I think we need to make a very important distinction, having said that. Watergate involved actions taken by a sitting President and involved public policy.

Now, if this subcommittee in the past questioned whether official funds should be used to pay for personal legal counsel for the President on a quasi-public matter, we certainly have every right to question the use of public funds for legal counsel on matters that are clearly private legal and financial matters of the President and the First Lady.

Mr. Nussbaum stated no funds are being used to provide legal counsel for the President and First Lady. That sentence is in the present tense. He said nothing about actions predating his letter.

The bottom line, Mr. Chairman, I think we should just leave no doubt in the minds of the general public and the minds of White House officials that public funds should not be used to provide legal counsel on private or personal matters.

Again, that was the thrust of the second amendment that I had wished to offer today, simply to put some guidelines in the White House official operating manual as to where the line is drawn as it relates to the official use of nonofficial use of military aircraft, and also to the aspect of attorneys working in the White House, if they are doing public matters or they are doing private matters, that those two should be separate. I don't think there is much disagreement over the fact they should be separate.

The problem is, we have no oversight because the executive branch is a permanently authorized part of our Government, and, that would be the appropriate place to bring this up. However, this is the only opportunity we have.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 23, line 2, strike "$38,754,000" and insert "$23,754,000".

Mr. BURTON of Indiana. Mr. Chairman, some time ago it was announced that the President was going to go to Normandy to celebrate the 50th anniversary of D-day. And even though we may have had some differences on his views on the military, we thought the President of the United States should go to show respect for those who made such a tremendous sacrifice for freedom.

Then we found out that the President was going not with just White House staff and Air Force One and some military personnel, but he was going with an armada of 29 to 30 aircraft.

Now, bear in mind that President Reagan, 10 years ago, went to Normandy with six aircraft, and those six aircraft included the transportation vehicles, White House staff, and the President himself.

But this time, the White House took 30 aircraft, 29 to be exact, we believe more than that, but we have 29 documented, and approximately 1,000 people along with him, at taxpayers' expense. At least this is what we were led to believe.

I am on the committee of jurisdiction that is bound by the Constitution and the Congress to determine whether or not White House expenditures are appropriate. That is the authorizing committee. Of course, the gentleman from Maryland [Mr. HOYER] chairs the subcommittee dealing with the actual appropriation of these moneys.

We contacted the White House, asking them for a list of the people who went with the President so we could ascertain whether or not these people were legitimate, whether or not they should have gone at taxpayers' expense and, if they did not, did they reimburse the U.S. Treasury for the expenses of that trip.

Bear in mind, each one of these planes, if you average them all out, some cost 3 or $4,000 per flying hour, some cost as much as 12 to $13,000. But if you averaged all these planes out as far as flying time is concerned, the estimated cost per hour is 9 to $10,000 dollars per flying hour to go over to Europe. There were 29 planes. If you figure 22 hours there and back, and of course they had to go to Rome and other places, they had several side trips, but we estimated a minimum of 20 hours, we are looking at roughly $6 million in just flight time.

Then we found out that some of these aircraft were not catered by the U.S. Air Force Commissary at Andrews Air Force Base, but were instead catered by a private caterer, and we believe that private caterer charged two or three times as much to the taxpayers as would have been charged by the U.S. Government Commissary at Andrews.

We then contacted the service organizations: American Legion, VFW, Paralyzed Veterans of America, AmVets, and so forth, to try to find out if they were invited to go, because they represent the people who served in the invasion of Europe in 1944. And we were told that while they were going to the ceremonies at Normandy, they had not been asked to accompany the President on Air Force One or the backup plane or any of the other aircraft.

We tried valiantly for some time to get this information from the White House. The White House called back to my office and said, "This is not any of your business," in effect, and we are not going to give you that list.

During the Reagan and Bush administrations, on many occasions our subcommittee asked for and received adequate information from the White House. In fact, we got boxes of information for us to go through. Now we ask the President, as the Republican minority, for that information, and we were stonewalled.

So we wrote a letter to the White House under the Freedom of Information Act that any citizen can do. And we were then told that we were not going to get the information, that part of it was classified, and so forth. So we have not gotten that information.

Thanks to the gentleman from Maryland [Mr. HOYER], and I want to thank the gentleman publicly, he called the White House as the chairman of the Subcommittee on Appropriations that deals with this issue. He asked for a list. And today he was very kind in giving me a copy of the list. I would like to go through that real briefly with you, and then I will engage the gentleman from Maryland [Mr. HOYER] in a colloquy or anyone else who wants to talk about this.

☐ 1310

Air Force One went, with 50-some passengers. Air Force One backup went with several White House staff. There was a press charter plane, which is normal. And then there were 26 other aircraft. These 26 other aircraft included senior DOD officials, 110 passengers, ceremonial participants, 13 aircraft with approximately 750 passengers. And then there were three or five aircraft that took a congressional delegation. I thought there were three, but we found out today that there were five.

I think that we should have had a presence over there. I believe that the President should have been there, even when we have had differences on our views on the military, because he is our Commander in Chief.

But for them to stonewall the Congress and not give us this information until we force the issue, I think, is a real show of animosity toward the Congress and arrogance on the part of the White House.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Especially in view of the fact that shortly after the President took office on February 10, 1993, he signed a Presidential directive saying that any use of U.S. aircraft by the White House should be reported to the public in a very timely manner and there should be full public disclosure. Yet when the Congress of the United States asked for this information, we were stonewalled.

We estimate the cost of the trip to be between $10 million and $15 million, including the private caterer and all the air hours and everything else that took place. We do not know about the lodging, because we have not had full disclosure.

We also know that there was one intern at the White House, an unpaid intern that went over there with them. We would like to know whether or not that unpaid intern was paid for with taxpayer dollars.

I do commend, as I said before, the gentleman from Maryland [Mr. HOYER] for getting this information for us. But this is incomplete. It does not give us a manifest, a list of who went. It says that 750 military personnel went, bands and so forth, but it does not give us who these people were and whether or not they were officially recognized to go, whether or not they should have repaid the Treasury for their travel.

There were people that went on these aircraft. We do not have their names. We believe that they were paid for by the taxpayer. If they went and they were a private citizen, they are supposed to disclose that.

They are supposed to reimburse the Treasury for that travel, I think, at a first-class airfare rate.

We do not have that information. This is helpful, but it certainly is not an answer.

I would urge my colleague to get additional information, if he possibly can.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments. I know the gentleman is very concerned about this. I wanted to ask him a question.

I am sure he has investigated this. How many people went with Ronald Reagan in 1984?

Mr. BURTON of Indiana. Ronald Reagan took 6 aircraft, not 29 or 30.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. We were told that there were six aircraft total that went. If the gentleman can give me additional information, I would welcome it.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is aware that 10 years ago they did not have the ceremonies involving paratroopers or a beach landing. The gentleman is aware of that.

Mr. BURTON of Indiana. All the ceremonies that took place involved six aircraft. This time it took 30 aircraft, 10 years later.

Mr. HOYER. And the gentleman is aware that 750 of the personnel, which involved most of the aircraft and their equipment, were with the bands, the paratroopers, and/or the persons who participated in the landing at the beaches.

Mr. BURTON of Indiana. That is what this very sketchy list shows, but we do not have a manifest. In order to determine whether or not this money was well spent and whether it was spent at taxpayer expense for individuals requires a manifest. We need the names and the positions of these people, not a carte blanche that says we took 750 people with us.

Mr. HOYER. I understand what the gentleman is saying. Am I correct the gentleman from Indiana was a Member of the Congress in 1984? Did he get at that point in time a manifest?

Mr. BURTON of Indiana. We did not request a manifest.

Mr. HOYER. And why did the gentleman not request it? There was great interest in this issue.

Mr. BURTON of Indiana. We thought it was reasonable for the President to take six military aircraft, including one military personnel that we knew of, and that was himself.

Mr. HOYER. I will just suggest to the gentleman, that someone said to me yesterday that there were 700 to 800 "personal friends of the President" along.

Mr. BURTON of Indiana. What was said was that we believe there is a possibility that he took 700 to 800 of his closest friends, because the White House would not give us the information we requested, even though the President had promised the public in a Presidential edict that he was going to do that.

Mr. HOYER. With all due respect to the gentleman, who is a friend of mine, who I respect and like and work with on a number of occasions, it stretches my credulity to believe that anybody thought there were 700 close personal friends of the President.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOYER. The gentleman knows, as others know, that this was the 50th anniversary, a very significant event in world history as well as American history, that there were literally millions of people who had participated in one way or the other in this event and that the military, in particular, these are not Clinton administration people, these are DOD, had a right to participate. Chairman Vessey went over, as the chairman knows, and other members of the Joint Chiefs went. The gentleman from Missouri [Mr. SKELTON] is going to speak on this in a second.

Bands went to participate in the programs. These were people organized by the Department of Defense.

In fact, the President of the United States, on his plane, had a total of nine more people in 1994 than were taken in 1984.

Mr. BURTON of Indiana. The gentleman is begging the issue. The President, in 1984, President Reagan took six aircraft. He took 29 aircraft. The reason we said, if I might reclaim my time, what I would like to say is that if the President had, according to his Presidential edict, given us the manifest and the information, none of this would have happened. But he stonewalled the Congress, as he has on many other occasions. And we have no recourse but to try to put pressure on the White House to get this information. We even wrote them a letter under the Freedom of Information Act, and they would not respond.

When we said he may have taken 700 to 800 of his closest friends, we said that for a reason. That was to force the White House and the media around this country to put pressure on them to come clean. While this is a very sketchy report, it simply still does not tell us who went at taxpayers' expense and who did not and whether or not the taxpayer ponied up a lot of money for people that went over there just as a guest of the President. We know that one unpaid intern just working at the White House for a short period of time went. I do not know how many others.

Mr. HOYER. The gentleman did not know the figures then. Was he just using figures that he speculated?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, let me say to the gentleman, in response to his stonewalling question, that the D-day ceremony took place on June 6. Some of the equipment is not back yet. It is now June 15.

I just gave the gentleman the record, as the White House is putting it together, of the planes that went, which almost exactly comport with the gentleman's figures. It is, I think, very strange, to say approximately one week after they came back that they are stonewalling on information. I think the gentleman's characterization is not fair.

Mr. BURTON of Indiana. Mr. Chairman, any time one takes 30 U.S. aircraft and a thousand people over there, there is a list before they leave. They have to know who is getting on those planes. And the military knew and the White House knew who was going, and these planes were requested, most of them by the White House, according to the information we got at Andrews Air Force Base.

So my question is, they had that list beforehand. Why did they not give it to the Congress and why did the White House say, we are not going to give you the information, which is what they told me?

Mr. HOYER. Mr. Chairman, as the gentleman knows, my source is the White House. The gentleman says Andrews Air Force Base is his source. So that I might check out the information, who is the gentleman's source at Andrews Air Force Base?

Mr. BURTON of Indiana. I will not get somebody fired out there from the White House because of information that they gave to our office. I am not going to do that.

Mr. HOYER. At Andrews?

Mr. BURTON of Indiana. We got it at Andrews on the private catering. They usually cater these planes at the commissary at Andrews, but the White House asked for a private contract to be let which costs two or three or four times as much for private catering for many of these planes.

Should we be using private caterers when these aircraft normally are catered by Air Force One?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I do not know the specifics of that.

Mr. BURTON of Indiana. Call the White House. The gentleman talked to them about the other things.

Mr. HOYER. Rarely do they undertake as big an undertaking as 750 members of the military to participate in reenactments and other celebratory activities.

□ 1320

I frankly do not know the capacity of the in-house caterer, Mr. Chairman, but that aside, that is not the issue here, I think. The issue here is on the disclosure.

Mr. Chairman, I asked the gentleman, does he know any of the facts relating to the 1984 trip?

Mr. BURTON of Indiana. Mr. Chairman, we know in 1984 about President Reagan.

Mr. HOYER. If the gentleman will continue to yield, he was told, but he does not have a manifest. He has been told.

Mr. BURTON of Indiana. Nobody asked for a manifest, Mr. Chairman, because they thought 6 aircraft was reasonable, not 30, at the taxpayers' expense, especially after the President said that excessive use of aircraft by the White House was going to be curtailed. We asked for and demanded complete public disclosure in a timely fashion, and the President stonewalled the Congress, our committee, when we asked for that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, because we had a constituent inquiry on the matter, my staff checked up on this issue, and I think it is interesting to put into perspective some of what the gentleman from Indiana [Mr. BURTON] has been saying, because my staff, when they talked to the Pentagon, was told the Pentagon specifically told all veterans that they were going to have to get over there by themselves, that they were not going to be able to go aboard any military aircraft; that some military people would be able to go on a space available basis, but that all the aircraft that were going were for the White House and official parties and that sort of thing.

Mr. Chairman, what I am saying to the gentleman is that the Pentagon's information to my staff confirms much of what the gentleman is saying here, that veterans did not get to go along, they were not given free transportation over.

The fact is that this is a evidently a specially invited list that got aboard all of these airplanes. That comes from what the Pentagon just told us on a constituent inquiry.

Mr. BURTON of Indiana. Mr. Chairman, CBS news interviewed three veterans in a California hospital who said they would have loved to have gone, but they could not afford to go.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, not those veterans, nor were any other veterans, to our knowledge, asked to attend, especially the veterans groups. I said before, we contacted the major veterans groups.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, what I am saying to the gentleman is that veterans who specifically contacted the Pentagon, finding out whether or not there was any transportation that was going to be provided, were told that no, there would be no transportation provided of any official nature; that anybody going was going to have to go by commercial airplane.

Mr. Chairman, that basically confirms what the gentleman is saying, that the people who were aboard these were people who evidently got special invites of one kind or another.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I have told the gentleman at least 750 of these were military personnel that participated. These are not special invitees of the President of the United States. Other people were former Chairmen of the Joint Chiefs under previous administrations, nonpolitical. Mr. Chairman, some of the gentlemen who are rising here went. I did not go. They have personal knowledge.

Mr. BURTON of Indiana. Mr. Chairman, I will be happy to yield to my colleagues in just a minute.

Mr. HOYER. If the gentleman will yield further, Mr. Chairman, there should not be any aspersions similar to the gentleman's. This is not some special list that the President invited. That is not the fact.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I guess the question some of us have, Mr. Chairman, is that it was a major celebration, the fortieth anniversary, and it should have been a major celebration at the fiftieth anniversary, but the level of participation here of military troops and so on, if the gentleman is correct, is significantly higher.

The question is who made the plans that added significant expense to the overall participation by the United States.

Mr. BURTON of Indiana. Mr. Chairman, I think that is a legitimate question.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, let me just say, as I said before many times, I believe, many times, those of us in the minority have asked for information from the White House on a number of issues, and we have been stonewalled time and time again. The gentleman can ask almost anybody on this side of the aisle.

When we asked for that information and we finally got a sketchy outline like the gentleman just received, we question whether or not all of this is valid. I am not saying somebody lied down there, but I would like to have more detailed information.

Mr. Chairman, who were these 1,000 people? The gentleman says 750 were military. Is the gentleman sure it was 750 and not 700 or 675? Were 75 or 100 paid for, personal, private people paid for by the taxpayers of the United States? I do not know and the gentleman does not know.

Mr. Chairman, this is not sufficient. We want a complete manifest and we want to know if these were people who were active military, retired people in the military, or were they even in the military. If not, did they reimburse the taxpayer? We are talking about $10 million to $15 million here, and five times as many aircraft as President Reagan took just 10 short years ago.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I have no dog in this fight, but I would say to the gentleman, we did have paratroopers jumping in 10 years ago at the 40th anniversary. There was a significant jump at that time. I do not know how they got there, but they were jumping in 10 years ago, too.

Mr. BURTON of Indiana. There were six aircraft to our knowledge that were there, totally, Mr. Chairman, not 29. My initial amendment, Mr. Chairman, which I am talking about now, is for a cut of $16 million for the White House budget, to send a message to them. If we are convinced that much of this is accurate, we will reduce that down to $10 million or $5 million.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, lest the importance of the D-day commemoration get lost in the fog of this debate, let me say that this was certainly a very timely, extremely well planned and put on series of commemorations to a lot of brave men, both living and dead.

Mr. Chairman, I attended the Slapton Sands ceremony where nearly 800 soldiers and sailors died in a training exercise when they were surprised by German E-boats. That was kept secret for a while so the Germans would not learn about it.

I attended the SHAEF Headquarters ceremony in London, and between the CINCUSNAVEUR Headquarters and the Embassy, what a moving experience that was. As a matter of fact, the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans Affairs, spoke at that event.

I attended events both at Utah Beach and at Omaha Beach. I heard the President speak also at the Cambridge Cemetery. These were fitting tributes to Americans. I do not want all this to get lost in this debate, because that was truly well thought out and planned series of events, and much credit must go to retired Lt. Gen. Mick Kicklighter of the U.S. Army.

To all those who were involved, this will never happen again, to see the literally thousands of American veterans with their Purple Hearts, with the other decorations of their European campaigns; to see Othie Owsley from Clinton, MO, who was captured shortly after the invasion by the Germans and in prison camp for 10 months; to see Dr. Tommy McDonald, from Missouri, Silver Star recipient, thrice wounded was over there. We will not see that assemblage again.

Mr. Chairman, we should pay tribute to every American who was there, who came back, and those who were interred in those stone-marked cemeteries. Let us not lose the significance of this D-day remembrance. That is what it is. Young America, young America, should know and understand the sacrifices that occurred on June 6, 1944. That is the purpose of all of this. It is not to be lost in this debate today.

Mr. SANGMEISTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rather surprised at the debate that is going on here today. I was one of those who was on the Montgomery Codel that went over there, and I want to say that it was the greatest experience anyone could have.

My understanding was that the bulk of those people that went over there were all veterans. It is too bad that as we do spend money around here, that we did not spend twice the amount of money and bring that many more veterans over there to see that. Mr. Chairman, it was one of the most impressive commemorations I have ever seen, and I think we are degrading the whole process by what is going on here right now.

Mr. Chairman, I was so pleased to see Members of our own body over there, much less, the minority leader himself, who was involved in the D-day invasion, who spoke over there, movingly, about his participation. We had the gentleman from Florida [Mr. GIBBONS], who parachuted in behind the lines at that time and put his life on the line, and he was able to speak. We heard all of this.

Mr. Chairman, I think probably one of the most moving things above all was to travel by bus across Normandy and see all the French people holding out their American flags and their English and British flags and saying to us, giving us the V sign. I want to tell the Members, it was a moving experience. I was very proud to be an American. I was very proud to be over there at that time. I think we ought to end this process and get on with the legislation.

Mr. WALKER. Mr. Chairman, I move to strike the requisite of words.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, we were all proud as Americans to see the ceremonies at Normandy.

□ 1330

Mr. Chairman, we were all proud as Americans to see the reception that we received as Americans over there, the people who went, by the French people and the English people who experienced such a dreadful time during World War II. We are very proud of the people who fought and died on D-day and all of those who sacrificed during World War II for freedom against Naziism and fascism. We are all proud of them. But that is not the issue here. The issue is, 10 years ago at the 40th anniversary, 6 planes went at taxpayers' expense, and this time it was 30 planes, and we cannot get an accounting, an itemized accounting from the White House on who went. We are charged with the responsibility, congressional oversight of White House expenditures of this type.

I would just like to say to my colleagues, if we could get a complete manifest, a complete accounting and it meets with congressional prerogatives and approval, then fine. But the White House has stonewalled us, and we got an incomplete list here today. We say 1,000 people are going, 750 were bands and so forth, but we do not have the answers that are required by our Congress as far as these expenditures are concerned. While we are very proud to be Americans and very proud of all those who sacrificed, and many of us served in the military for our country, we are proud to be members of the military, former members of the military, that does not answer the questions that we are asking here today, and we would like to have those answers for the taxpayers who footed this bill.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WALKER. Mr. Chairman, I am looking down over the list here and I just would like a little bit of clarification. If I understand correctly, the list that we have lists three aircraft that the White House says were their responsibility. Then there are eight aircraft that carried 110 passengers, including the Secretary of Defense, senior officials of military departments, the National Guard bureau chief, retired generals and staff. If I figure correctly, that is a total of about 14 people per airplane there. We have eight aircraft carrying 14 people per airplane. I ask the gentleman from Maryland, is that correct, for an average?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I have calculated it.

Mr. WALKER. I am dividing 8 into 110, which comes to something on the order of 14 people per aircraft in that case. We have no reason to believe that there is anybody else aboard those aircraft, is that correct?

Mr. HOYER. The gentleman is correct. If the gentleman would look at the sheets that I gave to the gentleman from Indiana, the passengers are set forth on the attached documents.

Mr. WALKER. Then we have 13 aircraft that were carrying people. If I divide that out correctly, it is somewhere on the order of 60 people, a little less than 60 people per aircraft that were carrying the 750 people.

It says it includes, it goes for participating in the ceremonies.

Mr. HOYER. I can tell the gentleman, there were 53 from the Missouri National Guard Band; from the Maryland National Guard Band, which I did not know was going, 53 traveled.

Mr. WALKER. So each of them took an airplane approximately.

Mr. HOYER. National Guard Band overflow. These were all KC–135's, 53. Ceremonial troops on a C–130, 80; the Navy Band on a C–9, a smaller plane as the gentleman knows, which is why we cannot compare, some airplanes are obviously larger than others, 25;

Coast Guard Band, C–9 again, 43. That would indicate that there were 18 less on the same C–9 that went on the Navy Band plane;

And paratroop movement, seven C–141's with 450, a total of 757 for those particular aircraft.

Mr. WALKER. And those planes, the planes that carried the paratroopers, carried nobody else. This was all paratroopers who were aboard those planes. We sent over 450 paratroopers, and they were aboard the rest of those planes.

Mr. HOYER. There were seven C–141's.

Mr. WALKER. Seven C–141's carrying 450 paratroopers, and there was nobody else aboard those airplanes, it was just paratroopers?

Mr. HOYER. Nobody to my knowledge. The pilots were on board obviously.

Mr. WALKER. I understand that.

Mr. Chairman, I am trying to establish here, because this is the information, it is the kind of information that we simply cannot get this administration to turn over to us. It would be very helpful for those of us in the minority who do have questions about some of these things to get accurate information and get it in a timely fashion. We would not have to go through these discussions. This discussion is not about D-day. D-day was a wonderful ceremony, America participated along with our Allies. It was the kind of thing that should be done. This does help to clarify it. It helps to go down through it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, the bottom line is this administration has been the least forthcoming administration in the time I have been in the Congress in terms of bringing forth information. The reason for it is, I can tell the gentleman, is the minority has no subpoena power and the majority has no desire to subpoena any information. Therefore, we are stonewalled by the Democratic leadership day after day in terms of getting information because they refuse to use their subpoena power and the minority has no subpoena power so we cannot get the information, and this administration simply stonewalls us and says, "We're not going to give it to you."

Mr. Chairman, I am saying if the gentleman does not want this kind of discussion on the floor time after time, the way to stop it is to tell the administration that they have an obligation to the Congress to turn over legitimately asked for information about what is being spent on the taxpayers' behalf. We are not getting that from the administration all the time, I find it on my committee. I know the gentleman from Pennsylvania [Mr. CLINGER], at the Committee on Government Operations, has asked for all kinds of information and has been stonewalled by the administration.

Mr. Chairman, if there is any place that should be getting this information, it is the Committee on Government Operations that handles oversight. Yet the chairman there has no desire to get this information because he does not want to do anything to embarrass the administration, and the minority just simply wants to get the information to find out. Maybe there is embarrassing stuff, maybe there is not, but it is going to get a lot more embarrassing if day after day we have to come to the floor and face this kind of discussion simply because the information is not available. I would suggest to the gentleman that one of the signals that ought to be sent here is to the administration to legitimately give to Congress that kind of information which we are entitled to see and have when it is the taxpayers involved.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Respectfully, I understand what the gentleman is saying, but I will tell the gentleman very honestly, I believe that this is not about information, this is about politics. That is what I have said in the past.

Mr. Chairman, I will read from a report written by the Committee on Post Office and Civil Service that investigated this issue.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, I continue to yield to the gentleman from Maryland.

Mr. HOYER. The report reads:

"Over the past year," and this is 1992, "the Subcommittee on Human Resources held four hearings, March 31" and this is 1992, President Bush is President, "April 9, April 30 and July 21, 1992, on the travel and personnel topics addressed in this bill. The White House refused to testify at three of these four hearings. In addition, two scheduled subcommittee hearings, May 28 and September 8, 1992, were canceled due to the White House's refusal to provide witnesses."

Mr. WALKER. Mr. Chairman, the differences, I would say to the gentleman is, the gentleman can read off all that, the difference is that the subpoena power rests in the committee's hands. At the point that the White House did not come up and testify to those kinds of hearings, the committee had the power to subpoena the information, anyway. It was used consistently on Capitol Hill against the administration. The gentleman may think that this is politics, but the bottom line is that there can be no politics out of any of this information if nothing wrong has been done. However, this gentleman thinks if there is going to be politics played, that there is plenty wrong that has been done and if we get the information, it just might be a political disaster for this administration.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. HOYER. Let me tell the gentleman my problem with that so we can pursue this.

Mr. Chairman, the trip ended on June 7 or June 8. That was 7 days ago. I have just handed the gentleman what I got because I believe that Congress is entitled to this information. The gentleman says it is not enough. I just mentioned the number of planes and people. I understand that we could go deeper. But the discussions on the talk shows last weekend were based upon hearsay. No manifest was available, there was no absolute knowledge. Why? Because it made for good politics.

Mr. Chairman, I will work with the gentleman to get information because as I think the ranking member on this committee will tell the gentleman, I want the members of my committee, I want the Members of your side of the aisle and I want our side of the aisle to make sure that we are doing right.

Mr. WALKER. Mr. Chairman, if I may talk about the gentleman from Iowa, the gentleman from Iowa has run into problems at the White House getting information that he thought was legitimately his, not on this issue but on several other issues that the gentleman thought legitimately should be given to the minority. They have not been forthcoming. All I am saying to the gentleman is this is just one issue of about a dozen or more where information is not being provided by this administration to Members of Congress who are asking for it.

Mr. Chairman, the gentleman from Iowa, JIM LEACH, has had to go to court to try to get information that he thinks is legitimately available, should be made available to him as ranking member of the Committee on Banking, Finance and Urban Affairs. The gentleman has had to go to court to take up a constitutional case.

☐ 1340

That just is not legitimate. It seems to me that if information is done, is gathered at taxpayers' expense, we have a right to see it, which should not take subpoena power in order to do it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(At the request of Mr. BURTON of Indiana and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, let me just say that my staff contacted Dover, DE, and Altus, OK, and a lot of these bases, and the manifest that we have of these planes does not jibe with the information we received.

There were five C–5's and 14 C–141's that went on this trip, according to the information we received, 9 out of Scott Air Force Base in Illinois, and four out of McGuire Air Force Base in New Jersey, and they are not on this list. So there is an inconsistency. I do not know what that is. That is why I said we need detailed information on the manifest and the planes that went, No. 1.

No. 2, in answer to the gentleman's comments earlier about not getting the information from previous administrations, I serve on that committee, and they sent us box after box of information. They did sent people up from the White House to testify. It may not have been the people that the committee chairman wanted, but they were people in relevant positions at the White House that did come up to give us information. So do not give us that baloney that the Bush and Reagan administrations were noncooperative with the committee, because I was there. We did get the information.

In this administration, we cannot get anything on almost any issue we have asked for. We have been stonewalled time after time. If you want me to stand here and give you about a half hour's list of them, I will be happy to do that.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I say to the gentleman from Pennsylvania [Mr. WALKER] that I certainly understand your desire for accountability. That is our job, to make sure that the money is spent properly.

My question to you would be: Are you familiar with a gentleman by the name of BOB MICHEL, the distinguished minority leader?

Mr. WALKER. Well, I have no——

Mr. TAYLOR of Mississippi. Are you familiar with that gentleman?

Mr. WALKER, Sure, I am. That is a ridiculous question, but sure, I am. I am willing to play the game. Yes. What do you want to say about him?

Mr. TAYLOR of Mississippi. The point I think that I think needs to be made in particular with the Normandy trip, the distinguished minority leader was very much in attendance, the gentleman from California, the former peacetime fighter pilot, BOB DORNAN was there, Congressman BILIRAKIS, Congressman STEARNS, Congressman HENRY HYDE, certainly not a big fan of the present administration, Congressman CHARLIE TAYLOR, Congressman ALEX MCMILLAN. This is just off the top of my head.

Mr. WALKER. I understand the point the gentleman is making. We know that five aircraft went carrying congressional delegations. We know who were on those delegations. We can find that out. We would like the administration to be as forthcoming about who was on the airplanes other than congressional delegations as Congress did. We know who were on the congressional airplanes. The gentleman does not have to read off the list.

Mr. TAYLOR of Mississippi. I am addressing you as a gentleman, and I hope that you will behave as such.

Mr. WALKER. Well, I am behaving as such by giving the gentleman my time.

Mr. TAYLOR of Mississippi. Please, let me finish.

Mr. WALKER. Sure.

Mr. TAYLOR of Mississippi. Have any of the people I indicated, and again, this is off the top of my head, of people that I know were in attendance, have any of them spoken to any irregularities that they saw, anything that they think should not have taken place? I would certainly welcome that, because I traveled with, I know, Mr. DORNAN extensively, and I at the time do not recall him saying anything was out of order.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, I thank the gentleman. I do not think any of us are claiming there are any irregularities. We simply cannot get the information. We would like to know why there were 30 planes involved. We have gotten a little bit of the information today. I do not know that there were any irregularities.

I am not willing to say there were or were not. I have no reason to believe that the people who went from this Congress did anything but enhance this ceremony, and I am pleased they were able to be part of the international participation that was there.

But I will say to the gentleman, again, this is symbolic of what goes on time after time in this administration, where you ask for information simply to find out whether or not there are any problems. You are simply stonewalled, and we are then left with the impression that there must be something wrong, because otherwise the information would be forthcoming. Maybe it is just this administration has absolutely no desire to give any information whatsoever, and that you all on the Democratic side of the aisle are accommodating that by refusing to demand the information. Maybe that is all it is.

But I am telling you, you are going to face this kind of issue all the time on the floor if this administration does not become more willing to provide legitimate information to the Congress on a regular basis.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. The Washington Times, according to my staff, asked the White House for this information, and the White House did give a list of the Congressmen that went, the congressional delegation, the House and Senate Members, but they refused to give a list of White House attendees and others, so they were very kind and helpful to give our names out, which I think is fine, but they would not give the list of those who went at the request of the White House that were nonmembers of the Congress.

And therein, as Shakespeare said, lies the rub.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, personally I think it is great, you know, when we have an event that changes the world, and I think for the better. I have no qualms about any of the Members going or the responsible people going.

I think the issue for most of us on this side of the aisle, for my friend, and I think you would agree that on many occasions we are denied information from the White House, information that allows us to manage the affairs of the House.

I would hope in the future that we run it like a business. When we have got a codel or whatever it is, you know, First, we arrange the plane, second, we say we are going somewhere, and third, the justification of the people that are going on it, and none of this will ever happen, I think.

I do not mind 30 airplanes going over there, quite frankly, especially if they were legitimate. I think they were legitimate people.

I do have questions about why the band from Missouri. Why not the band from California? Did Mr. GEPHARDT ask for the Missouri group to go? Or why not a military band? And maybe if we see those justifications up front, there will not be any problem.

I do not think there is any rash undercover things on this. As a matter of fact, I think it is great that you all went. I do not mind 30 airplanes going, because I think it was a great event, and I support the Members for going to that.

But I would just say to the gentleman on the other side of the aisle: You know the frustrations we have on this side of the aisle, whether it is Whitewater, whether it is bank scandals or post office or just getting information out. I would ask the gentleman to be temperate of that, and that is the only reason I stand up.

Mr. SISISKY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I am delighted that the gentleman is on the floor, being a very successful military person.

Seven days after we came back now, you were in the military, and you know how long it takes the military to react on the planes and everything else to get the list, because everybody has got to sign off. Am I right? Before they do that? The gentleman knows. I mean, we are entitled to the information, but, for God's sakes, a week, you know how long it takes. I have been sitting on the Committee on Armed Services now for 12 years, and to get information in a timely fashion is not very easy, because different people have to sign off, and that is the only thing that I will say to the gentleman.

I appreciate his comments.

Mr. CUNNINGHAM. Mr. Chairman, I say to the gentleman that I have been in the military, and I have done aircraft lifts. Every time I went, they had to have a manifest that listed before we left on that trip, you could fax it in an hour, on who was on the plane.

Mr. SISISKY. In reality, if the gentleman will yield further, in reality that is true; not in reality, but it should be true, but the gentleman knows what happens in this massive bureaucracy. I am not talking against the gentleman.

Mr. CUNNINGHAM. All I am asking is the other side have a little—maybe you would call it sympathy or something—for our frustrations on trying to get something, and not just this issue. This issue is not a big heartbeat. This is the whole way that the House runs its business, and I think this is just a symptom of that, and I think it is a symptom of the frustration that we are going through on this side.

Mr. SISISKY. I get frustrated, too, at times, I say to the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me make one real brief comment. When we contacted the White House and asked for this information, they did not say, "It will be forthcoming in a week, or 2 days or 5 days or 20 days." They just said flat, "No. This is within the purview of the President of the United States, and we are not giving you that information." And that has been the attitude of this administration since they took office towards those of us in the minority. They will not give us any information that they do not want to.

They are required to give it to our committee, as was done in the past, but that is the problem we have. They did not say, "Wait a week or 2 weeks or 3 weeks and we will give it to you." They just said flatly, "We are not giving it to you, because it is within the prerogative of the President."

□ 1350

I thought it was an appropriate thing for him to do. But on our side of the aisle the frustration is that there is a different standard being applied by your side of the aisle from our perspective to this administration than was applied to the Bush and Reagan administrations. That is my point.

Mr. CUNNINGHAM. Reclaiming my time, the only thing I would say is that we do not own the White House or the Senate and now the White House. So we have no recourse. So when we do ask, normally under the Bush administration we could ask it, but now we cannot.

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry that this controversy revolves around D-day because I was one of those who went on the congressional delegation and the best part of it for me was hanging out with the Members of this House who served in World War II. The best speech I heard over there was not the written text of some excellent Presidential speechmakers, it was our fellow Member and 101st Airborne paratrooper who spoke from his heart and his head, with no notes, at that little field outside of Ste. Marie Eglise, where we saw 41 paratroopers, 50 years later, reenact that terrifying night drop into Normandy. The oldest was 83 years old, and one of them still suffers from back pains because he had to let his main ram air chute and use his emergency chute. We watched him coming among the cars into the parking lot. It was an inspirational trip.

Let us try to sort out the frustration of what we are trying to get our majority colleagues to do on getting this paperwork; not on this trip, but on helicopters being used for golf course scouting expeditions, and all stonewalling that is coming from the White House.

Today is one of those days in history that are important for a lot of reasons. BEN GILMAN, on our side of the aisle, was a crewman on a B-29. Today 50 years ago was the first time B-29's flew out of China. Most people forget that because today was the day we first started the invasion of Saipan, 50 years ago. We had just taken Biak Island and held off the Japanese counterattack, at great loss of life. The Brits were taking it hard and finally turning the tide in Burma. Yesterday was the Battle of Karatan, beyond Ste. Marie Eglise, where untested units took tremendous casualties. Until this moment, nobody is going to mention that today. Normandy was a battle that lasted 80 days. Every day is a 50th anniversary of Normandy.

But there is some suspicion that this was an attempt to raise in the polls one individual's ratings and there may have been excessive use of airplanes and personnel.

Do you know that 50 percent of this Chamber has had military experience? Precisely 50 percent of the U.S. Senate has people with military experience. Do you know what the average is for the administration, the Clinton administration? 13 percent. Do you know what the average is in the White House compound? 8 percent.

Some of us are curious who the hundreds of people are who went, which included trips to Paris and a trip to Oxford to relive, on my behalf, some very bad memories of giving aid and comfort during the height of the bloody cold war to an enemy in Moscow and Hanoi.

Now let us face something: I know what the resistance is on the other side of the aisle. Not a single Republican Senator or House Member had anything to do with Watergate, and yet we lost 47 seats, 37 incumbents, 2 sophomores and 8 freshmen out of this Chamber, because Nixon covered up, or his staff did, and he ran it.

I know what you are afraid of, you are afraid of the truth, and we are going to go after it until we get the truth because we have a right to know what is going on in a White House that may, may turn out to be the most discombobulated, if not corrupt, White House that this Nation has seen in 218 years.

Stop the resistance, you will lose, and maybe like 1974 totally innocent freshmen and sophomores on your side of the Chamber will be pulled down because of the shenanigans in the White House the way Nixon wrecked our party, never to have seen a majority chairman in this House ever again because of the way they covered up. Do not be part of a coverup. Yes, it will bring you some pain. Seek the truth.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I want to point out one more thing on Mr. HOYER's list here. Under subparagraph 1 it says, "This figure does not include aircraft necessary to transport security and communications equipment. For national security reasons, the number of such planes is never released."

So we know that these 29 planes does not include the entire armada that went over there; there might have been 6 or 7 more planes that went on ahead.

So we are talking about maybe 36 or 37 planes instead of the 29.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I would be glad to yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, to that extent I presume the gentleman would agree that that would apply as well to President Reagan's trip as it did to President Clinton's trip.

Mr. BURTON of Indiana. Yes, I presume that is the case. I just wanted to clarify that.

Mr. DORNAN. Reclaiming my time, I do so to tell my colleagues and the American people something that was not Reagan or Bush's or Carter's fault but something I told President Bush on a short trip from Chicago to here.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. Mr. Chairman, I went into that conference room on Air Force I—and there are two of them—and I said to President Bush, "Mr. President, this airplane is excessive." The cold war was just ending. I said, "This is excessive." And then when I saw on the ramp in Rome 2 giant Air Force I's, 747's, I knew I was correct in telling Bush that that airplane was excessive. We should have one for overseas trips only. We should sell off the second one. The cold war is over. We do not need four or five big Boeing 747E-4's tied down for the White House, particularly for trips that are not intercontinental. I will stand by that.

And if we take the White House back in 1996, I will still maintain that with Gulfstreams and with available 767's and 757's and other types of airplanes, it is excessive to fly around hundreds of people on two gigantic 747's. It is also wrong to pluck flags out of the ground at Nettuno and—you know what we did, Sonny, we laid flowers at those graves. We did not plant phony crosses on the beach at Omaha with the U.S.S. *San Jacinto*, named after George Bush's carrier, in the background.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had a lot of debate, none of which has been on this amendment. None. This amendment cuts $15 million from the ability of the White House to conduct its business. None of the expenses are paid out of this fund, none. This is, as the last amendment, ladies and gentlemen, a serious amendment. Think about what you are doing in the name of trying to make political points.

Could a majority party, as we are now, with a Republican President, as was the case from 1981 to 1992, decimate the White House budget because we disagreed with their policies? We disagreed with Deavers' White House pass. We disagreed with Sununu's visits to the dentist. Could a majority party decimate the person elected by the people of this country to be the Chief Executive? That is the issue here because this money does not deal with the payment of any airplanes. This is a serious issue of the comity between executive and legislative branches of Government. This is a serious issue as to whether or not we have the courage and the honesty to say that when we say we will defend and preserve the Constitution of the United States, it also means, as I did for the 11½ years that I served under Republican Presidents in this House, that I was prepared and committed to allowing them to fund their constitutional responsibilities as they saw fit and, if I disagreed with that, to go to the American public and say they are spending excessively, they do not need this.

I do not say there is never an instance when we should cut. In fact, as all of you know, we have cut $44 million from the President's request. I do not like to do that, but we are in tight times. But I suggest to you this is a larger issue, this $15 million out of $38 million, about a 40-percent cut in the White House Office of Administration.

This amendment ought to fail.

□ 1400

Yes, it served as an opportunity to debate issues that some may think are politically embarrassing to the White House, and they well may be. I think in this instance the substance of the debate is inaccurate; there is no embarrassment here. But, having said that, I understand it was a vehicle for debate. But I would ask my friends on the other side of the aisle, who have held the Presidency for longer than my party has in the last 40 years, to think about what this amendment does, think about how we can fiscally decimate the ability of the Executive Office to operate.

I ask most respectfully that we unanimously either withdraw this amendment, which does not relate to these expenditures, or vote against it.

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman yield briefly?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think that I will concur on one point, and that is that due to the fact that the President ordered these planes and they came out in large part of the Defense Department budget, and let me just finish because I am willing to withdraw the amendment and substitute amendment No. 3 which would only cut $5 million and then go straight to a vote on that because I think that is a more reasonable cut than the $15 million since it is all coming out of the White House——

Mr. HOYER. Mr. Chairman, I think that the gentleman does not speak of the character of the amendment. He speaks only of its amount, and I will not agree with any cuts for exactly the principle that I discussed. And so that everybody understands, that was my position under President Reagan and President Bush. I have not changed my position.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Just a question, Mr. Chairman; I guess I ended up a little confused.

The gentleman said he cut $44 million from the budget, and that is not a constitutional crisis, but, if the gentleman from Indiana wants to cut $15 million more from the budget, that becomes a constitutional crisis.

Mr. HOYER. That was from the entire Executive Office of the President, as I explained. The Office of Administration is included in that.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, we did this, as I pointed out, because of the very tight fiscal times. I discussed this with the White House and told them that we were going to do this because of what we were doing with every other agency, not because I thought we ought to cut them, as I expressed to my committee members, but because I thought that they ought to be in the same position.

The gentleman, I think, will admit this $15 million cut has nothing to do with the expenditures about which he is concerned. This does not pay for the airplanes; it does not pay for the trips. It pays for the ability to run the White House.

Now while we have constrained them by $2.9 million, which is 1994 levels, the fact is that this cut of 40 percent, decimates their ability to run a coequal branch of Government.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Just to clarify:

So, if the gentleman from Indiana was offering a $2.9 million amendment, that would be a reasonable kind of amendment rather than the $15 million because the gentleman has already cut that amount. But the gentleman may not agree with it, but that would be a reasonable kind of discussion to have on the floor about cuts in the White House budget.

Mr. HOYER. I would say to my friend that he is a very able debater, but that is not what I am saying at all, and let me tell the gentleman why I am saying that.

The gentleman's purpose in offering this amendment is not fiscal responsibility. It is not to say that we are spending $15 million too much at the White House office. I do not think he believes that. I hope he does not believe that. And that has not been at any juncture discussed in this debate. He is doing it to make a point. He is doing it to make a political statement and, perhaps, a substantive statement as well, but he is not doing it because he wants to save money. He wants to make a point.

Mr. WALKER. The gentleman, I think, is characterizing the gentleman——

Mr. HOYER. Reclaiming my time, my point is that, if we on this side had done that during the 12 years that we vigorously disagreed with many of the policies of the White House and simply said, well, cut $15 million because we disagreed with, for instance, Mr. Sununu's trips to the dentist and decimated the ability of the White House to operate, I would have voted against that, and I think the gentleman knows I would have.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that perhaps missing from this debate is some perspective that does not talk about the rights of the White House or the rights of Congress, but the rights of the public to know certain information. I rise, not in support of the amendment offered by the gentleman from Indiana [Mr. BURTON], but in total agreement with the principle which is behind it, which is talking about the disclosure, the difficulty that we Republicans have, members of the press have, and members of the public have, in getting straight answers and straight information out of the White House, and the purpose, I believe, of Mr. BURTON's amendment is not to decide, without having the information, whether the expenditure for the D-day commemoration was proper or improper, but to make sure that the information comes forward so that a clear decision can be made as to whether it was proper or improper. And certainly, looking at the information that we have been provided so far, and it is not complete, but the information that has been provided so far seems to indicate that the bulk of the persons who were transported overseas were parts of paratroop commemorations and military bands, and they were military personnel that were transported to be engaged in the festivities and the commemorations of a very crucial chapter in the history of the planet. And we may disagree or agree with that, but I do not think that that should be a partisan issue of how many people that are in the service, or former members of the service, would take part in those important ceremonies. But at the same time this debate has centered over a very troubling issue. The White House does not want to release simple, accurate, timely information to us as members of Congress, but it also denies the taxpayers their right to know.

The chairman of the subcommittee with whom I serve knows that I am not speaking out of partisan fervor. If I were here to make a partisan statement, I would have voted for the last amendment. It is not a matter of punishing the White House.

As a freshman, I do not have to be held accountable for whether I did or did not support certain things that were done in the White House under the Reagan or the Bush administration, and it really does not matter, and we should not be here discussing, well, it is OK because we did this under some other President. The people of America do not want that to be the basis for making our decisions. The people want us to be basing upon it as a prudent expenditure of the taxpayers' money and are we being forthright in those disclosures.

That is why we have things that I think we should be dealing with, telling the White House that salaries ought to be disclosed, telling the White House that travel and reimbursement for it ought to be disclosed, that whether people have proper security clearance at the White House to do their work, that ought to be disclosed. We had things, such as in our subcommittee the White House told us that the health care task force consumed about 300-and-some-odd thousand dollars of the taxpayers' money, and now media reports are saying it may have been $20 million. Which was it? Do we have a right to know?

Mr. Chairman, the answer is yes. So, although because of the information that is coming up so far about who paid the money and what it was used for on the Normandy activities, I do not support the particulars of the amendment offered by the gentleman from Indiana [Mr. BURTON], but I totally support the principle that my colleague from Indiana is pushing, the right of the people to know and the obligation that we hold accountable those in the White House just as we ourselves should be held accountable.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had a rather curious debate on this matter. We have heard a lot of complaints from my colleagues on that side of the aisle about the fact that the President went to France to join in the international celebration of the 50th Anniversary of D-day. What he did was no different than what President Reagan did 10 years ago to celebrate the 40th anniversary, and it was no different than what the heads of state of any Nation that was involved in that particular invasion did. In fact, the prime minister of every European country involved in the Allied effort went there.

□ 1410

And they were there to celebrate a great event in the history of this world, one which led to 50 years of freedom and relative tranquility in the world. It was, even in the words of Joe Stalin, "a great and defining event," and heaven knows he was no particular friend of the West.

As I looked about me, I saw several of my colleagues who were on this trip, some on this side, who attended with the President of the United States, and they were unanimously agreed that this was a very important trip and a very important event. They also agreed that it was appropriate that the United States should send its President on the 50th anniversary, as we did the 40th.

I have also heard discussion about not being able to obtain information from the White House, but I do not think that is the real issue here, and I do not think that is really at stake, from the way the amendment was offered and the arguments that I have heard.

The trip to Normandy was a great event, and it celebrated an even greater event. We honored thousands of Americans, British, French, and Canadians who at the risk of their lives—and many of them gave their lives, and hundreds and thousands of them were seriously injured—embarked on a great crusade led by another great American who later became a Republican President of the United States.

To recognize that we must honor those great men and women who served in our Armed Forces and suffered and died at Normandy is very important, and to do it with dignity and reverence and remembrance is also important. The history of this country is the history of great men and great women who have suffered, served, and sacrificed, and the history of that war is a great part of the history of this Nation.

Americans from all parts of this country fertilized beaches of Normandy and its waters with their blood, and they enriched the history of the world, and they gave freedom to Americans and people of every other race with their sacrifice. Only by honoring them and remembering what they did and why they did it can this country carry forward its great traditions, and only in that way can we avoid the kind of perils we found ourselves thrust into in 1939 and on December 7 of 1941.

I would urge my colleagues not to demean that day, not to demean those men and women, not to demean this country or our ideals or our history by making this a partisan show in which we attack the White House, because the President went over and participated in a great international event with the leaders of every other nation of the Free World.

What would we have said about the United States had the President of the United States not gone to the 40th anniversary in 1984? And what would have been said had President Clinton not gone in 1994? The comments would have been "Shame."

I say to my colleagues that it does great shame to those Americans who served there, to those great Americans who died and who suffered there, for us to debate that. It is beyond question that the President of the United States should have been there, and that Americans should have been there, and that a delegation from the Congress of the United States, House and Senate, Democrats and Republicans, should have been there to join in honoring not only a great event but great Americans and great human beings of other nationalities. Let us not demean this body and this debate by seeking to whimsically cut the White House budget on this kind of a pretense.

Let us understand that the President needs an adequate budget to conduct his affairs. This party has been in control of the Congress for years. We have always seen to it that Republican Presidents who have occupied the White House a majority of the time have had the resources and the funds they need to do their job. Let us not convert that type of history to cheap partisanship.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent to withdraw my amendment, and I will substitute my amendment No. 3.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I now offer amendment number 3.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 23, line 2, strike "$38,754,000" and insert "$33,754,000".

Mr. BURTON of Indiana. Mr. Chairman, I want to make this very brief because this has been a very prolonged debate.

I would like to start off by saying that we all believe the President should have gone to Normandy, and we all believe that Members of Congress who served in the invasion of Normandy should have gone as well to show our respect and admiration for those who sacrificed so valiantly on the beaches of Normandy and in Europe during the war.

We do believe we have had a terrible time getting a manifest of the aircraft that went and a manifest of the people who attended these events and these celebrations over there. We still do not have it. We have a rough outline, but we do not have the information the Congress requested, and for that reason we are trying to send a message to the White House that "If you do not respond with openness, as you promised during the campaign, then there will be some kind of penalty inflicted upon you by the Congress because it is our responsibility to oversee the expenditures of the entire Government, including the executive branch."

So for that reason, Mr. Chairman, I have offered this third amendment which would cut $5 million from the White House budget to send a signal to President Clinton and the White House that they are to respond to us, the people who manage the people's money, about their expenditures, and if they do that in a timely fashion, they will have no more problems with this Member.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise briefly, as I said I would, to oppose this amendment as well. The amendment is different in amount only, not in character.

The $5 million suggested to be cut by the gentleman from Indiana does not relate to the expenditures of which he complains. It is, as he says, to send a message. My side of the aisle, I do not believe, did that in the last 11½ years that I served during Republican administrations, and I do not think it is appropriate to do so, for the reasons I stated before.

I would hope that, as much as we want to send messages—and we send them all the time to each other and to the President—we would not accept this amendment. I concur with the gentleman from Oklahoma and the gentleman from Indiana, and I believe I have cooperated with our minority Members. Information that I deem appropriate, information that the Reagan-Bush White House or other White Houses of either party have provided, ought to be provided by this White House, and I will work toward that end. I will work with Members to ensure that objective, because I think that is appropriate and consistent with the responsibility we have to the people we represent.

But there is a larger issue of undermining the ability of this coequal branch of government to carry out its constitutional functions. I hope that this amendment would be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes, 287, not voting 5, as follows:

[Roll No. 237]

AYES—147

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett (MD) (MD)
Barton
Bentley
Bereuter
Boehlert
Boehner
Bonilla
Bunning
Burton
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—287

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Glickman
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hunter
Hutto
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Dickey
Reynolds
Thornton
Washington
Wilson

☐ 1437

Messrs. SWETT, FALEOMAVAEGA, and BECERRA changed their vote from "aye" to "no."

Mr. HOBSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT of Maryland: Page 23, line 2, insert after the period the following:

The amount otherwise provided under this heading is hereby further reduced by $13,129.66.

Mr. BARTLETT of Maryland. Mr. Chairman, this is not a partisan amendment. All of us in government are affected when trips like this helicopter golfing trip occur. My amendment today does not have anything to do with recovering the cost of last months' helicopter flight to a golf course in my district. Mr. Chairman, this is purely a symbolic amendment. It gives the House an opportunity to make a statement that we requested the White House, please release the relevant information that we have asked for. If and when that information is released, we will ask the conference committee to reinstate the $13,129.66, which is what the White House says was the cost of this helicopter golfing trip.

Mr. Chairman, we know that was not the full cost, because it does not include the cost of two crash wagons from the fire department at Fort Dietrich to go out when the helicopter landed and when the helicopter took off.

This amendment is about Congress' legitimate oversight responsibility and the willingness or the unwillingness of the White House to cooperate. This amendment is an opportunity for us in the House to go on record that we believe there should be full disclosure of the use of the Presidential helicopters.

Since I attracted attention to the photograph of the Presidential helicopter sitting on a nearby golf course, I have sent the White House three separate written requests for the flight logs and manifests of all of the helicopters in the Marine squadron that supports the President, and any flights they might have taken where White House staff was involved. I have not received a single response from these requests. There is to date no indication that they intend to honor them.

Mr. Chairman, the White House did release a sanitized list of staff flights of the White House Presidential helicopters, but this list was so incomplete that the now famous golf course flight was simply listed as a flight from Anacostia to Camp David. There was no indication that they stopped off at Holly Hills to play golf on the way back. If Members did not already know that the flight went to the Holly Hills Country Club, Members would have no idea that the helicopter landed there.

Mr. Chairman, we have also had a second response, but again, not to us. This response was through the Subcommittee on Treasury—Postal Service—General Government of the Committee on Appropriations. We are very indebted to the gentleman from Maryland [Mr. HOYER] for providing this information, but again, Mr. Chairman, this was simply slightly expanded information on the 12 flights that they had previously released through the press.

By the way, Mr. Chairman, we got the first one, not sent to us. We got it from the Los Angeles Times. They faxed it to us. This second list is contradictory. There are errors in it, and there are omissions in it. Mr. Chairman, we have not asked for any information on Presidential flights, only flights that the President was not on that included White House staff. Mr. Chairman, we are not trying to set a precedent. Similar information was asked for relative to the Sununu flights and use of automobiles. We want the kind of response from the White House that the conference got when they asked for that information.

By the way, Mr. Chairman, when that information was released on the Sununu flights, there was information brought to light that the White House was not aware of. We continue to press our demands for full release of this information. We believe that the stigma of this that now rests on the executive branch and also on the Congress will not be erased from the American people without this full disclosure.

Mr. Chairman, we ask that Members please join us in this bipartisan effort to ask the White House to please release this information so that we can move on, so that the American people can have their questions answered about the use of White House helicopters.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would ask that the House and my colleagues reject the amendment that was offered by the gentleman from Maryland [Mr. BARTLETT]. It is duplicative, and existing law covers the incident that the gentleman refers to. Existing law precludes the use of military aircraft for travel that is not related to the performance of official or reimbursable duties. Further, the sole purpose of the amendment is to attempt to embarrass the President over an incident concerning the use of the helicopter 2 weeks ago.

I would point out, Mr. Chairman, that the individual involved was disciplined. Since then, Mr. Watkins has resigned and agreed to reimburse the Government for the actual cost, which exceeds the amount of DOD reimbursement policy. The White House has also instituted a new policy requiring the Chief of Staff or counsel to the President to approve use of helicopters.

Finally, Mr. Chairman, the White House has disclosed all other use of helicopters other than that by the President or Vice President, which demonstrates that there has been no other questionable use of helicopters in this administration.

This amendment should be rejected.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of the amendment. I think it gets to the same point as the one that I wanted to offer regarding abuse of military aircraft. I would simply urge my colleagues to support the amendment of the gentleman from Maryland [Mr. BARTLETT].

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I rise in opposition to this amendment, Mr. Chairman. Obviously, as my colleague, the gentleman from Maryland [Mr. BARTLETT], said, this is a symbolic amendment. It is a $13,129.66 cut. The issue here is not the dollars, but the dollars are important.

Mr. Chairman, let me state that Mr. Watkin's act was against the law. The money has been repaid. It was wrong. It should not have happened. David Watkins has lost his job. I think that was appropriate.

Mr. Chairman, having said that, again, this amendment does not deal substantively, it is a symbolic amendment. Again, I stress that the money has been repaid. This is another instance where, to send a message, we cut the Administrative Office of the White House, which does not pay for this expense.

Mr. Chairman, on May 31, by memorandum of Mack McLarty, it has been made very clear that, from this day forward, all requests for the use of Department of Defense aircraft on a nonreimbursable basis will requite the approval of the Chief of Staff or Deputy Chief of Staff. Furthermore, if it is the Chief of Staff or the Deputy Chief of Staff that happens to be flying, there must be approval of the Counsel's office, or the Deputy White House Counsel.

All requests shall be sent to appropriate approving authority through the Office of Management and Administration, so procedurally, the White House believes that misuse of military helicopters was wrong, it was contrary to policy, and they have made it very clear that this is not policy. Also, as I say, the gentleman involved has been removed from his job.

Mr. BARTLETT of Maryland. Will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I concur completely that this is a symbolic amendment. The funds for the use of the helicopter would not have been paid through White House funds, we understand that. It comes through the Department of Defense.

This is a symbolic amendment. By voting for this amendment, the symbolism is that we are sending a message to the White House: "Please release the information so this cloud over government, of which we are a part, can be removed."

We agree with the gentleman that the flight in question was an inappropriate flight. This is a picture certainly worth at least a thousand words. What we want now to do is to clear the slate so we can move on. This will remain an issue that will continue to embarrass the White House and embarrass those on the gentleman's side of the aisle until this information is released.

Mr. Chairman, when the information is released, we will ask the conference committee to reinstate the $13,129.66. The money is not the issue.

Mr. HOYER. Reclaiming my time, Mr. Chairman, we do not need the symbolism. The message has been received. Mr. Watkins lost his job over this. Why? Because the White House concluded, correctly, in my opinion, that this was absolutely inappropriate.

□ 1450

Second, Mr. Watkins, first reluctantly, I am not sure why, he should not have been, was ordered to and has in fact reimbursed the $13,129.66. Furthermore, there is no stain on the White House. Something happened that was wrong. It has now been corrected.

Furthermore, as the gentleman knows, I have gone over with him the manifests that I requested so that I could go over with the gentleman as chairman of the committee what they submitted to the committee. As the gentleman knows, some of this is classified information. We went over that with the gentleman. There were 12 trips and on all but this one the record set forth, to this Member's satisfaction, legitimate purposes. I agree with the gentleman absolutely that this last trip on May 24 had no legitimate purpose, and the individual who perpetrated that and decided to do that has paid the price. So we have sent the message.

Furthermore, let me say just by way of example, John Sununu reportedly took more than 70 trips costing $600,000, not $13,129. Of that cost, $35,000 was in fact reimbursed by political organizations and Sununu personally paid $892 back. We did not have an amendment that was symbolic on the floor with reference to those travels.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to my friend, the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, the gentleman made an important point, and that is that those records were released. That is how we know how much money was involved.

Mr. HOYER. No, sir.

Mr. BARTLETT of Maryland. The records were released, and that is how we know how much money was involved in it.

Mr. HOYER. No, sir.

Mr. BARTLETT of Maryland. Our request was a very simple request. It is a symbolic amendment. Vote for the amendment. It tells the White House, "Please release the information." Our committee has a legitimate oversight authority. This is an appropriations bill. This is the only kind of language that we can put in the bill and have the amendment made in order, so I think everyone understands the intent of the amendment.

Mr. HOYER. Reclaiming my time, the gentleman was incorrect. It does not prove the gentleman's point that the White House released the information. In fact, that White House was subjected to, just as this White House is subjected to, a GAO audit of the trips that are taken, and the Sununu information came from this audit, just as the audit that they are now undertaking, or will undertake at the end of this year, will reflect similar information. But the gentleman is incorrect to conclude that this information came from that released by the White House. It came from the GAO audit which has seven pages, not one golf trip, but seven pages of Mr. Sununu's trips. And we did not symbolically cut money.

Did we criticize it? We did. Did we make a political point of it? We did, because we thought it was embarrassing. And we did the same thing the gentleman is doing, but we did not come on this floor and cut $13,120 or $15 or $2.85 for symbolism. We did not do that because we did not think that was the way to do it.

The way to do it is to go to the American people, as the gentleman has done, on talk shows and in the newspapers. The White House was properly embarrassed by this incident. It was wrong. Watkins has been fired. Watkins has paid back the money.

This incident, however, is one where we have a clearly delineated policy. The information that the gentleman wants to get by this amendment I have shown the gentleman. The gentleman then says, "Well, how do I know this is all of the information?"

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. How do I know this is all of the information?

Well, I suppose we never know unless we subpoena every record that the Air Force and the Marine Corps and the Army have. Then if we review all of their records, which of course would fill up this building, I presume then we can conclude that no, there is no other information other than what has been submitted.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. I thank the gentleman for yielding. The gentleman will admit there was an error and an inconsistency in the record that he released to us, and we have thanked him previously in an exchange for his efforts in this.

Mr. HOYER. That is correct.

Mr. BARTLETT of Maryland. Our request remains a very simple and legitimate request that as yet has not been honored. The two sources of information coming indirectly to us were not a response to our request that the White House release to us all of this pertinent information so that a judgment can be made to put this issue behind us.

Mr. HOYER. Reclaiming my time, I understand that the gentleman apparently wants to be personally handed this information. The information has been given to the committee that, as I say, has jurisdiction, which is why the gentleman is offering this amendment. I have gone over it in my office for about an hour with the gentleman because I believe the gentleman is correct, the gentleman has a right to know. We have made that information available. As the gentleman also knows, there is some classified information in the compendium.

Mr. Chairman, I would ask the House to reject this amendment offered by the gentleman from Maryland.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. BARTLETT].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 236, not voting 8, as follows:

[Roll No. 238]

AYES—195

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett (MD)
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Maloney
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)

Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Brooks
Dickey
Hutchinson
Lowey
Reynolds
Thornton
Washington
Wilson

☐ 1515

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 28, after line 4, insert the following:

REDUCTION OF FUNDS

Each amount appropriated or otherwise made available by this title (other than under the heading "Office of National Drug Control Policy" or "Federal Drug Control Programs") that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I do not want to prolong this debate. We have said almost everything that could be said on the various kinds of cuts for the White House.

What my amendment would do is to cut 5 percent from the budget of the Executive Office of the President. I have excluded the Office of National Drug Control Policy and the Federal Drug Control Programs, with this cut. Some hours ago we had the Goss amendment, which was a 20-percent cut. If we feel that doing that, asking the President to face up to the promises he made about the cuts as to what he was going to do in his White House, if we feel that is too draconian, then this would ease into that. I am a little disturbed; I think the arguments we have had here this afternoon seem to say that for us to even consider cuts in the Executive Office of the White House should somehow be out of bounds, that we should not consider that, because if we are serious about cutting the way the Government spends money and reducing that amount of money that we spend, then there can be no account that is completely sacred and out of bounds. We have to look at everything in our role of accountability.

So let me explain why I am offering this cut. When Bill Clinton was elected President, he sent a message to the Congress and to the American people. He promised cuts in his staff by 25 percent, cuts in his budget by 10 percent, and he called on Congress to follow his lead. We have heard a lot of talk this afternoon that, after all, this is at the 1994 level. But that is not what he said he would do. He said he would cut 10 percent. If we want to balance the budget, we cannot deal with what the present levels are, we have to find places to cut beyond present levels.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned 1994 levels. This account is $270 million, it is $28 million less than last year.

Mr. HEFLEY. I thank the gentleman. But over and over this afternoon we have talked in terms of the 1994 levels. I understand what the gentleman means.

In the last year and a half the message sent by the actions of the Clintons differs completely from the promises made just a short time ago. Most of the so-called personnel cuts that took place actually occurred outside the White House.

☐ 1520

Moreover, Mr. Chairman, I remain troubled over the spate of lapses that seem to plague the White House. For instance, and many of my colleagues have pointed out correctly this afternoon, there have been reports of political consultants and private advisers being granted privileged access to the White House. There have also been unprecedented delays in submitting the standard paperwork necessary for issuing permanent White House passes to employees. Mr. Chairman, there have even been disturbing reports that maybe the reason this has not happened is, because of some kind of criminal records here, they could not pass. We do not know if that is true or not. We simply do not have the information as to whether it is.

But I think the most blatant lapse of ethical judgment occurred back in February of this year. The White House designated Clinton's trip to Chicago as an official function. However most of the press reports, and I think most people accept this fact, that it was a campaign trip, so there is a concern that President Clinton may have used official travel funds for partisan political, purposes.

Mr. Chairman, there seems to be a disturbing trend here.

Finally, Mr. Chairman, Americans everywhere, and this is the main point and may be the reason for me asking for a 5-percent across-the-board cut, and I would support that kind of a cut, or more across the board, in the coming congressional budget as well. The reason for this is that Americans everywhere work hard for their money, but it seems like every year Congress finds a way to take an even bigger share of Mr. and Mrs. America's earned money.

As my colleagues know, one of the things that is repeated adversely all through my town meetings is that the taxpayers are sick and tired of seeing Washington continue to spend at the ridiculous levels that we spend, and that includes the White House as well as the other accounts. It is time we sent a clear message to the White House: The American people are not going to stand for any more of the same old spending levels from their Government.

Let us show the White House and the public that we are serious about cutting expenditures of the Federal Government.

Who will stand up for the beleaguered taxpayer out there?

Mr. Chairman, this is our chance to do that and our chance to help the White House set the example.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The gentleman asked, perhaps rhetorically, who will stand up for the taxpayer?

This budget for the Executive Office of the President was $298 million last year. As presented, my colleagues, it is $270 million for fiscal year 1995, almost a $28 million cut. Now it does not take much of a mathematician to know that on a $298 million budget, with a $28 million cut, it is just about 10 percent.

That is who is standing up for the taxpayers.

Mr. Chairman, my ranking member, the distinguished gentleman from Iowa [Mr. LIGHTFOOT] stood and said this is a fiscally responsible bill. Why? Because we took 1994 levels or 1995 requests if the 1995 request was lower. Why? Because I think that is an appropriate policy? As my colleagues know, I do not. I think we ought to cut the White House, but I also understand that we are cutting every other agency, and we are putting a notch in our belt. Why? Because times are tough.

Mr. Chairman, we are not talking about bringing the deficit down 3 years in a row, the first time since Truman that we have done that. Does nobody want to talk about that? Does nobody want to talk about the fact that this budget, this deficit that we are running this year, is 40 percent below the budget deficit projected by George Bush's OMB, as they left office?

As much as 40 percent below that? That employment is up? That we are creating 6,000 jobs a day?

The gentleman from Colorado [Mr. HEFLEY], my friend, says we want to focus on the taxpayer. I suggest that focus is on the taxpayer, bringing unemployment down, bringing job creation way up. We have created more jobs under this administration, over 3 million new jobs; that is three times as many as were created in the previous 4 years.

The gentleman says, "We want to talk about the taxpayer." I am prepared to talk about it—10 percent cut. It is the largest cut in the White House budget report by this Committee since I have served on it, and I do not like it. Understand that. But I am a political realist and a pragmatist, and I say, "When you ask others to cut, you got to do it yourself."

This 5 percent is on top of that, my colleagues. We ought not to be doing that.

And I will reiterate. A gentleman is on this floor, Mr. Chairman, and he knows that I grieve, and I do not overstate it, that he is leaving this Congress. He and I believe, I think, in the same kind of democracy. We differ from time to time on specific issues. But I have tried to practice in the 13½ years I have been here comity with the President of the United States because I believe that is appropriate, and I have supported the President's budget every time it has been submitted.

This 5-percent cut does not deal with how the White House performs it. This cut undermines the ability of the White House to perform its constitutional responsibilities, and again I reiterate, and in closing, and then I will yield to my friend, the gentleman from California, but in closing we are $28 million under last year's budget, not $28 million under constant budget, current services, but $28 million under 1994's expenditures. Why? Because of our concern shared by the gentleman from Colorado that, if we are going to pinch pennies, we pinch them across the board.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. COX. Two points:

First, as we have discussed earlier on the floor in the context of other amendments, the amount that the appropriation bill allocates for functions in the Executive Office of the President is $157 million, precisely the amount that was spent for the identical functions in 1992, George Bush's last year. We were promised by President Clinton that he would cut 25 percent from the White House, and frankly, I think, that was not a demagogic promise. It was a sound pledge by a candidate running for President because he saw that in the Bush White House there was too much staff. In this White House there is just as much, if not more, because of the detailees and so on.

Mr. Chairman, having worked in the White House myself, as I have said in private conversations with the gentleman, I think the President can get by on substantially less staff and do a much better job. Certainly Franklin Delano Roosevelt ran World War II with a lot less staff than we require right now for purposes that are not, in my view, wholly legitimate.

Second, the gentleman said that we have no longer a deficit problem, that everything seems to be under control, or, if he did not say that, he said that things are looking up, that we are reducing the deficit and so on.

I would just point out that President Clinton's first budget, the very first one he submitted in January 1993, began with the fiscal year we are now in. That fiscal year does not end until September 30, and, as a result, the Clinton administration has yet to reduce a single deficit. We have not reduced three consecutive deficits or anything like that. We have not yet reduced our first deficit. The 1993 budget year was, of course, George Bush's last year, and that was the deficit that was reduced.

Mr. HOYER. Mr. Chairman, I reclaim my time.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, the gentleman makes the observation, but in fact it was definitely the Clinton budget that got us to where we are.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I will yield to the gentleman from California in just a second. The gentleman will recall that he and his colleagues voted against that budget. As a matter of fact, against every part because it was unanimous on the gentleman's side, saying that that budget would not do what in fact has happened in the country.

☐ 1530

I understand the gentleman's position, that you will not be able to tell until 2 or 3 years out. But the fact of the matter is, it is those budget policies adopted in reconciliation last year that led to that reduction.

Mr. COX. If the gentleman will yield further, what we are talking about is a White House that has promised future reductions in deficits. By the way, this is not the first White House to project three consecutive years of declining deficits. Many Presidents have projected declining deficits. It is easy to reduce a projection.

What we have not yet seen is a real deficit coming down. We will know after October 1 of this year whether the first budget year of Bill Clinton has produced a larger deficit or a smaller deficit. Yes, Members on our side have voted for much deeper spending cuts than were contained in what the Democrats offered and what President Clinton endorsed. As you know, the Penny-Kasich bill was actually opposed by this White House. We have an A to Z proposal coming up.

Mr. HOYER. Reclaiming my time, I am always amused by the observation that President Reagan and President Bush asked for more spending over those 12 years than the Congress appropriated. Period.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to go on too much longer, because I think we have had ample debate on these subjects. I simply point out that cutting spending first is what the Republican side is all about. Cutting spending on the White House staff is an idea that George Bush and Bill Clinton agreed about during the last Presidential campaign.

George Bush pledged to cut it 30 percent, because he recognized there was too much staff, and asked the assistance of Congress in doing that. He did not veto the legislative appropriations bill, as I urged, which did not cut as much as he had asked for out of that budget.

But President Clinton then said he wanted a 25-percent reduction. This takes it, it seems to me, wholly out of the realm of partisan politics. If both the Democrat and Republican running for President agree we ought to cut the White House staff, let us get on it with it.

Now, I realize as President, including this year, Bill Clinton came up to the Hill and said give me an 8-percent increase in what we spend on the White House. I realize what Congress is giving him is exactly the same amount that George Bush spent in 1992 before a 30-percent cut or before a 25-percent cut.

We ought to, as responsible stewards of the purse, make sure that what the voters thought they were getting, a 25-percent cut in the White House staff, is actually accomplished here on the floor.

This opportunity gives us part of that. I think it is wholly responsible, and I would urge my colleagues to vote accordingly.

Mr. HEFLEY. Will the gentleman yield?

Mr. COX. I yield to the gentleman from Colorado.

Mr. HEFLEY. Let me say to the gentleman from Maryland [Mr. HOYER], most of the cuts that the gentleman is talking about come out of this budget come out of the Office of Drug Policy, which we exempt from that. We are not talking about that.

Mr. HOYER. No, sir.

Mr. HEFLEY. According to your own report, $25 million or so, 18.6 percent, are cut from that.

You brag about this great recovery that is going on right now. We hear this in the 1-minutes and hear it on the floor all the time. Economists tell us it is the slowest recovery in recent history. Recessions are cyclical. We know that. We can do some things to help us in to them and help us out of them, but mostly they are cyclical. Coming out of this cycle, it comes out, we are coming out the slowest in history.

They also tell us, any economist that does not work for the White House that you can read or hear talk about it, tell you we have not had enough time to know whether the President's policy is working or not. So we do not know whether that is.

One thing we do know, we know that taxpayers out there are bridling under the biggest tax increase in history. They are hurting. They feel they are paying too much taxes, they feel they are not getting their money's worth, and this is a way to start kind of at the top of things.

The President is the face of Government. Let us start with the face of Government and say we are going to have cuts there, we are going to have cuts in the Congress, and in each one of the accounts as we go through this thing, we are going to have cuts, and we are going to show we can be more responsible in our spending.

Mr. COX. I yield to the gentleman from Maryland.

Mr. HOYER. I wanted to simply point out that the President said he was going to do a 25-percent cut.

In the White House offices that you keep talking about not having reductions, there were 1,394 people working as of November 7, 1992, the day after the election. The bottom line is, we funded last year 1,044 people, a 25.1-percent reduction in personnel.

Mr. COX. Mr. Chairman, reclaiming my time, as the gentleman I think agrees the amount in the bill is $157 million. The amount spent on those very same functions by George Bush in 1992, was $157 million. So we can do all we want with accounting definitions, but the fact of the matter is, when the dust settles, there has not been any cut at all. And that is what we are concerned about.

Mr. HOYER. The $157 million, what is the gentleman defining that as?

Mr. COX. This is the entirety of the programs funded in this bill, with the exception of the drug czar.

Mr. ROHRABACHER. If the gentleman will yield, there has been some discussion about the economy and budget, and who deserves the credit for what kind of economic growth.

Having worked in the White House and now having been in Congress for 6 years, I would like to just note that it takes about 2 years for any President to have an impact on the economy. When I worked for Ronald Reagan, it was not until 1983 that his policies actually began to fully impact on the economy. That is when the economy began to grow. Because for a full year, you are working on your first budget. The fact is, next year we will find out whether the Democrats' budget causes growth or whether it causes decline.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. HOYER. Mr. Chairman, if the gentleman will yield, I understand what is being said, but I vividly recall during the course of debate on reconciliation, Member after Member from your side of the aisle coming to this podium, including Mr. KASICH, the ranking member of the Committee on the Budget, saying that within 12 months this would all fall apart because of the passage of that budget, which of course, was just about 12 months ago.

Mr. ROHRABACHER. It takes at least 12 months for a budget to impact on the economy. When I worked for the Reagan administration in 1981 and 1982, we took it for granted that the economy that we were working with was an economy that was given to us by our predecessor, that being Jimmy Carter. And the fact is we knew no matter what we did, it would take a certain length of time, No. 1, before our policies would be passed, and, No. 2, for those policies to actually impact on the economy.

Now, if next year there is a strong economy, even though we are siphoning more and more money out of the pockets of the consumer and taking it to Washington, DC, if our economy is still functioning well and prosperity is around us, then indeed the American people will know that this President and this Congress deserves the credit.

But I can tell you in Orange County, where the last budget that we passed, the massive tax increase included in that budget will siphon $2 billion out of our local economy. Consumers will have that much money less to spend, and we are struggling in Orange County just to make sure that we get out of this transition from the cold war, and we have a weak economy.

Now there are people struggling all over the United States now. I think what my colleague, the gentleman from California [Mr. COX], and other are saying, is when we are facing this time of struggle for a strong economy and trying to see what is going to happen next year, we are apprehensive at the very least.

The Office of the President, which I worked there for 7 years, they can do with some cuts there in the same way other programs can do with cuts throughout the Government.

□ 1540

Mr. HOYER. The gentleman has heard me say, we have cut $28 million. We have constrained the White House budget at the maximum number. There is no increase in here, however the gentleman wants to assess the cuts.

How much would we have had to cut for the gentleman to say that it is sufficient. We are talking about a 10-percent cut.

Mr. ROHRABACHER. I will have to admit to the gentleman, when we start talking about figures——

Mr. HOYER. It is the symbolism of making additional cuts.

Mr. ROHRABACHER. The public has a very difficult time understanding who is saying what and what the figures are, when we talk about budget figures. Generally, when we are talking about cutting the budget, from the gentleman's side it is basically cutting the increase in what was projected by the administration. And generally, when we talk about budget cuts on this side, we are talking about actually decreasing the amount of money that is being spent. In this particular case, my colleague, the gentleman from California [Mr. COX] pointed out that they are spending exactly the same amount of money on the Presidency as we spent before, $157 million, I believe was the figure. Maybe the gentleman from California [Mr. COX] would like to amplify on that point.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

I would just like to make a point to the gentleman from California that just finished speaking. To the best of my knowledge, the Reagan budgets that were sent here during the Reagan years and the Bush years were not even offered but on about three occasions for the 12 years they were President. One year, I know the Reagan budget was offered, it got one vote, Jack Kemp, who is going to be running for the Presidency. So the gentleman likes to rewrite history and say that budgets only take effect for a couple of years. If the gentleman can take credit for the good stuff and not take responsibility for the rest of the things.

Did it or did not President Reagan's budget pass? The best I recall, there was never a Reagan budget that was sent from the White House to this floor that passed this body.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, let me just make one point. The American public ought to have the facts on this. We have disagreements on how much money we are spending.

It was implied that the Clinton White House has more detailees than the Bush White House. Of course the 1,384 that I talked about in the Bush White House, 308 were detailees. That figure has been reduced to 143 of the 1,044 that are now there. Clearly, there has been a 25-percent reduction.

I urge the House to reject this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

I am interested in the argument, because a little while ago, when we were arguing specific incidents with regard to the White House, the helicopter problems, the plane problems and so on, then it was not legitimate to cut the budget because those were arguments having nothing to do with the budget that was before us. Now the gentleman from California [Mr. COX] comes along with an amendment to cut the budget based upon the fact that the White House has not met its commitment to slash 25 percent, that it has not managed in an effective manner. And now the argument is that we cannot cut for that reason either, because we have some numbers that indicate that the White House is doing a great job here. And the gentleman from North Carolina reminds us that no Reagan budgets passed, which I am not certain what that has to do with anything.

My point is, it seems that no matter what the argument is, there is no way that the House should look at the White House budget as a place that we can exact some cuts.

I think our problem is, with the figures that the gentleman cites for the 25-percent cut, is we know that most of that came out of the drug office. And as a result, we have no effective drug program in the country. But that is where most of the cuts came. And we know that a lot of it was based upon now they figured what was in the Executive Office of the President. By not including whole offices that are under the Executive Office of the President, they were able to come up with the 25-percent cut that started with practically nothing. That is not legitimate in our view, and we ought to take a whole look at the White House and do what the American people, what middle class America thought Bill Clinton was doing and saying in his campaign. That is what the Cox amendment is all about. It is a shame that when he makes that kind of argument that we cannot get it.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I just wanted to make the point that the gentleman from California was talking about the budgets, the Reagan budget. What does it have to do with anything? What it has to do with anything, if we are going to take credit for the great Reagan years, we have to give the credit to where the budgets originated. And not one Reagan budget ever passed, that was presented from the White House, ever passed this House, or a George Bush budget for that matter.

Mr. WALKER. Mr. Chairman, we all remember that because we had a gridlocked Congress that decided that every one of those budgets was dead on arrival. And they refused to do what the American people wanted to do, which was to cut spending. So we understand what you guys did during these years that helped drive up the deficit. We understand all that. It is the kind of thing we are trying to correct now.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, everybody wants to end this debate. In 1985, one vote. One Republican voted for the President's budget, untouched by Democratic hands.

Mr. WALKER. Mr. Chairman, reclaiming my time, by the time you got around to bringing it to the floor that year, it was so totally outdated that the figures had absolutely no sense to them whatsoever. You waited. You waited months. That was during the time when you did not meet the law.

Mr. HOYER. Ninety days after it was submitted it was out of date?

Mr. WALKER. You did not bring up the Reagan budget. You brought up the Reagan budget as originally submitted, some months afterwards, because you did not meet the time lines that year. That was the year when, and a number of other years, when you refused to bring up the budgets until well into the fiscal year. And at that point, the figures were out of date.

Mr. HOYER. No sir.

Mr. WALKER. You are playing games, and we understand that.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, the gentleman is trying to rewrite history.

Mr. WALKER. You were trying to keep us from building up the defense that ultimately won the cold war. We know what you were up to. It was a lot of fun.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, may I just take a moment to remind the body that the Budget Act of 1974 requires the President of the United States to make a budget recommendation to Congress by February of each year and for Congress to produce a budget by April 15 of each year. No President, Republican or Democrat, since 1974, has ever done a thing except recommend a budget to Congress. And rarely has Congress produced a budget by tax day, April 15, when the rest of the Nation ponied up.

Mr. WALKER. I think the gentleman would agree with me that back in the mid-1980's that Congress never got around to doing the budget period, and then in many cases played political games. As I recall, we did not introduce the budget that year. The Democrats introduced that budget simply to try to embarrass the President, something which the gentleman from Maryland told us earlier that the Democrats never do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 236, not voting 3, as follows:

[Roll No. 239]

AYES—200

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute

Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
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Eshoo
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Fields (LA)
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Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
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Gephardt
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Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Markey
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Matsui
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McCloskey
McDermott
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McKinney
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Miller (CA)
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Moakley
Mollohan
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Pickett
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Price (NC)
Rahall
Rangel
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Richardson
Romero-Barcelo (PR)
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Rostenkowski
Roybal-Allard
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Sanders
Sangmeister
Sarpalius
Sawyer
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Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
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Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

Bachus (AL)
Reynolds
Washington

☐ 1608

Messrs. McDERMOTT, SKELTON, HUTCHINSON, and WAXMAN changed their vote from "aye" to "no."

Mr. ROWLAND changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had pointed out earlier when not many Members were here that the gentleman from New Jersey [Mr. SMITH] and I had an opportunity in the late 1980's to visit Perm Camp 35, which was the last gulag in the Soviet Union

☐ 1610

When we visited the camp, we met with Scharansky's cellmate, whose picture is here, and we also met with this individual, and his name is Vladimir Potashov. We had debated this earlier, and I had an amendment to require the White House staff, which has not done it, to file their national security background checks in 30 days, and then to have the process completed in 6 months. I had commented that when we spoke with Vladimir Potashov, and I see the gentleman from New Jersey [Mr. SMITH], who is with us, three of the men that the gentleman from New Jersey [Mr. SMITH] and I interviewed late that night in the Ural Mountains said they worked for our Government. They basically had worked for the CIA. We did not believe them. When we came back, we checked, and we found out that it was true. This young man here, when he hollered out that we were Congressmen, this young man was giving the "V," who wanted to emigrate to Israel, and Vladimir were together, we found out that they had been turned in after we got back, turned in by Aldrich Ames; Aldrich Ames, the CIA spy, had turned these men in.

When the debate came up earlier, the gentleman from Maryland [Mr. HOYER], the chairman, said, "Well, so what?" He said, "Even in the CIA, they have had lie detectors and background checks."

Let me read to you what Vladimir Potashov said in an op-ed piece that I found in my office when I went back.

Vladimir said:

> During the 100 or more interrogations, day and night, in Lefortovo prison, I discovered that they knew of my reports, quoting from letters to which they could not have had access in the Soviet Union. Two things saved my life. First, I never told the interrogators facts that they could not have known already. Second, I was right when I urged the "zero option."

Then he goes on to tell how he was punished and sent to Perm Camp No. 35.

All we are trying to do and wanted to do was to offer an amendment which would keep something like this from happening again in the country.

Three of these men suffered and went to jail because they worked for the United States Government. Ten people were killed because Aldrich Ames gave the information to the Soviets that killed these people.

For the life of me, I cannot understand why this Congress will not permit an amendment to be offered today which would cover this administration and all administrations merely saying that you have to begin your background check in 30 days, and it has to be completed in 6 months.

Now, all of the people that work at the NSC, the DIA, the CIA, and many of the companies in your congressional districts require the very, very same. So I would ask the chairman, the gentleman from Maryland [Mr. HOYER], why could we not craft an amendment that would not be directed at the Clinton administration, but would be directed at the Clinton administration and any administration in the future, to require that these people go through the background check, and not have what took place whereby DeeDee Myers, who had been on for 1 year and 2 months, had not even filed her papers because she said she was too busy? Could we not craft an amendment which could be accepted in a bipartisan way where these types of things could certainly never, never happen?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, let me say to the gentleman I presume he is not offering an amendment now.

Mr. Chairman, I did not say "So what" with reference to Aldrich Ames. What he did was awful, despicable, and had dire consequences to our people in Europe.

What I said was that they had the security checks on Ames. Therefore, I did not think this was necessarily a case where, a security clearance would have prevented subsequent problems. That was my point.

But let me ask unanimous consent that I be allowed to offer an amendment at the end of this bill, if I choose to do so, after discussions with the gentleman on this issue. Let the gentleman and I talk about it and see if we can do something. I know he feels very strongly about it. I do not disagree with his objective.

Mr. WOLF. I thank the gentleman.

Mr. HOYER. If the gentleman will yield further, if there is no objection, can we do that? It will be out of order.

The CHAIRMAN. Would the gentleman repeat his request?

Mr. HOYER. Mr. Chairman, I would ask unanimous consent that I be allowed to offer an amendment relative to the subject matter raised by the gentleman from Virginia [Mr. WOLF] regarding security checks at the White House at the end of the consideration of this bill prior to the motion to rise.

Mr. WOLF. I thank the gentleman for that unanimous-consent.

Mr. Chairman, I am including at this point in the RECORD the op-ed article by Vladimir Potashov and the final report of the congressional delegation to the Soviet Union and Perm Labor Camp 35, as follows:

[From the Washington Times, May 1, 1994]

VLADIMIR POTASHOV—SURVIVOR OF THE AMES LIST

I spy? Surely, Aldrich Ames asked this question when he was arrested. After all, he was the CIA's protector against Soviet spies. In 1990, the KGB's Deputy Chairman B. Grushko wrote, "[Since 1985] Soviet [Counterspies] have exposed over 30 of the most dangerous agents of the CIA and other foreign services * * * practically all of those arrested in the USSR were to the supreme penalty * * * to be shot". (Pravda, Aug. 26, 1990).

Mr. Ames must have laughed at this boasting. They didn't catch anyone. Mr. Ames just dumped us all into the net of his counterpart, more accurately, his customer:

Mr. Grushko: "So what's for sale today?"

Mr. Ames: "Have I got the deal for you, ready in Moscow, just waiting to be hauled in."

Mr. Grushko: "How many and how much?"

Mr. Ames: "Three diplomats and one journalist, each for $100,000. Next, the American source in the military intelligence department of the General Staff. He's a general and goes for $300,000. Next, an officer in the KGB; he helped us the way I help you, $400,000. One radio specialist, $200,000. Finally, a chief analyst at Arbotov's USA Institute, a bargain, only $100,000."

Mr. Grushko: "So it's a package deal, should be cheaper that way. What about $1 million for the bunch?"

Mr. Ames: "What will you do with them?"

Mr. Grushko: "Shoot most and lock a few up, just as we always do."

Mr. Ames: "Good. Here are the names: Potashov . . ."

Mr. Grushko: "It's a deal. I'll send a wire transfer to your Swiss bank account. See you soon."

This way or some other, I was sold. Was it really such a good deal, Mr. Ames, that wire transfer to death, for those people you were supposed to guard?

Mr. Ames knew very well what he was doing, like a doctor murdering his patients. He sold his soul to the devil for selling the souls of others. Was it worth it, even for all that money? "What will it profit a man if he gains the whole world and loses his soul?" as Jesus asked.

And me, am I a spy? I published two books and 100 articles signed "Soviet Expert on Disarmament." As a senior researcher at the institute run by Kremlin adviser Georgi Arbatov, I knew by 1981 that no Soviet leader would hesitate to use the SS-20 missiles against Europe if he thought that would save the Soviet Empire from collapse. However, I urged the Soviet government to scrap them in exchange for an agreement with the United States not to deploy the Pershing and cruise missiles. I wanted this deal, the "zero option," for the sake of Europe.

That's why, when the negotiations started in November 1981, I put my life on the line. On a trip to Washington then, I offered to tell the truth to the Americans. I had no access to secret information. I would just report my personal assessments, those things I couldn't say openly in Moscow. I mailed my comments by private mail to the United States. In essence, I said there was no chance for the "zero option," until Mikhail Gorbachev took power in 1985.

Did I spy? At least, I paid for it. In 1986, I was approached by the KGB to "help them" in their task "to arrange a major disinformation operation against U.S. intelligence," as was reported in a newspaper article. My choice was either to lie and live or refuse and put my life in jeopardy. I chose reporting the truth and on July 1, 1986, I was arrested. Fortunately a month before, I sent to a British editor a manuscript of my book on disarmament, "War or Peace by the Year 2000?"

During the 100 or more interrogations, day and night, in the Lefortovo Prison, I discovered that they knew of my reports, quoting from letters to which they could not have had access in the Soviet Union. Two things saved my life. First, I never told the interrogators facts that they could not have known already. Second, I was right when I urged the "zero option." Soviet policy backed it before my trial.

That's why I was not sentenced to death, but to the gulag until the year 2000. I spy? Is that the right title for one who revealed the truth about the KGB on their own territory? I faced them in a TV interview when American congressmen, diplomats and journalists visited the last political prisoners camp, Perm 35, in 1991. I told them I thought that my sacrifice was justified if a few drops of my blood helped to tilt the scales toward disarmament and, over the gulag's red banner, I raised old Russia's flag as a symbol of faith, the free spirit rising above communism. I did it in front of the KGB officers and four envoys from foreign embassies who took pictures. The Russian people learned from their interviews that the KGB was no longer allowed to shut up voices even in their own gulag.

A spy for money? I didn't want a cent for the five years I spent reporting on disarmament issues in Moscow. For writing those reports, the KGB seized my property, not to mention my wife and my health. While in the gulag, I appealed to the courts to retain the fees for my book, "War or Peace?" I offered to donate them to a good cause. In 1989, I won my suit in a Moscow court even though I was still a prisoner. The court agreed to donate my fees to "peacemaking actions."

There were attacks on me and other prisoners from Perm 35. In some newspapers, they even blamed us for the collapse of Mr. Gorbachev's perestroika. There were also direct threats, so in addition to the prison camp, I decided to leave the "Socialist Camp" by going to Poland and then coming here. Even now, personal articles against me still appear in the Russian press.

I used evil to make good. Mr. Ames did the reverse. He took good sources for learning about the threats to the world's survival and made evil by shutting them off. I hope now he will reveal the truth. You shall know the truth and the truth shall make you free. After my experience in the gulag, I want more people to be free. There I lost not six years, but 20 in terms of health. At age 42, I have lost almost all my teeth. But it is not the physical damage that matters; it is the affront to morality of a man like Mr. Ames.

There are still plenty of customers for Mr. Ames' stores. Looking for something special from Russia? How about a dose of free truth—from Russia, with love.

CONGRESSIONAL DELEGATION TO THE SOVIET UNION AND PERM LABOR CAMP 35 U.S. REPS. FRANK WOLF AND CHRIS SMITH AUGUST 4–11, 1989

FINAL REPORT—DELEGATION FINDINGS AND FOLLOW-UP—OCTOBER 1989

This report provides a brief account of the findings of the Wolf/Smith delegation to the USSR, outlines our joint follow-up initiatives, and offers recommendations for U.S. officials and non-government organizations and activists interested in the progress of legal and penal reforms, prison and labor camp conditions, and the status of alleged political prisoners.

PURPOSE OF THE TRIP

Inspection visit to Perm Labor Camp 35 and substantive discussions on legal and penal reforms and human rights. U.S. Reps. Frank Wolf and Chris Smith, accompanied by Richard Stephenson of the U.S. State Department, interviewed 23 of the 38 inmates reportedly still in Perm 35 at the time of the trip, and one inmate at the Perm investigation prison.

BACKGROUND AND FINDINGS

Perm 35, a Soviet correctional labor camp known for its severe conditions and mistreatment of prisoners, including prisoners of conscience, was the principal focus of our delegation. Marking the first time any U.S. or Western official has been allowed into a Soviet "political" labor camp, the trip's findings served to confirm and amplify much of the existing documentation on camp conditions and the existence of many prisoners believed to be incarcerated for basically political activities.

Helsinki Watch, Amnesty International, and others, including former prisoners themselves, provided background information for this trip. Many well-known political prisoners have been confined in the Perm Camp complex, which now includes only Perm 35: Natan Sharansky, Professor Yuri Orlov, Alexander Ginsburg, Deacon Vladimir Rusak, Father Alfonsas Svarinskas, and many others.

Interviews with prisoners ranged from 5-40 minutes, all in the presence of camp administrators and an official of the Soviet Ministry of Internal Affairs (MVD). We viewed punishment cells and other areas of camp and were permitted to take photographs and videotape much of the camp and our interviews with prisoners.

The broader purpose of the delegation was to discuss Soviet progress toward legal reforms advancing the "rule of law" in Soviet society. That is, our discussions focused on the need to institutionalize the positive changes occurring in Soviet human rights practices, open up the Soviet prison and labor camp system to greater scrutiny, and establish due process. We held discussions with Ministry of Foreign Affairs (MFA) officials on legal reforms, including the critically important draft laws on "freedom of conscience" (whose principal impact will be upon religious communities), draft laws on emigration, and reform of the Soviet criminal code. The delegation questioned representatives of the Procurator General and Ministry of Internal Affairs (MVD) regarding the Soviet penal system.

As members of the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission), we emphasized that our interest in proposed Soviet legislation is to find indications that changes are systemic and not simply arbitrary. We reminded Soviet officials of the importance which the American people place on respect for fundamental human rights like freedom of speech, peaceful assembly and the right to publish and organize independent groups. While not presuming to "teach" this to the Soviets, we spoke about the lasting impression such changes would make on the American people. For religious believers, in particular, a well-written law on conscience will offer legal recourse should local authorities decide to be heavy-handed. With respect to the 1991 Human Rights Conference in Moscow, we stressed that the adoption and implementation of laws guaranteeing freedom of conscience will have a direct bearing on U.S. support and enthusiasm for the Conference.

The rights of religious believers, including those in prison, was our major concern in meetings with the MVD, Council on Religious Affairs and religious officials, including the All-Union Council of Evangelical Christians/Baptists (Baptist Union). We also spoke with activists and dissidents in the religious communities, including former prisoners, to find their perspective on the present situation for religious communities in the USSR.

Our visit to Perm Labor Camp 35 was a key element in the overall equation of assessing Soviet human rights performance. The Soviet "gulag" (Russian acronym for the Soviet labor camp system) remains a stark symbol of "old thinking" in a country where political reform and dissent are coming into the open. Glasnost, or openness, has failed thus far to penetrate into the gulag, either to change conditions in the labor camps or to impact penal procedures which have led to systematically cruel and unusual punishment. It is important to recognize that the lingering fear of incarceration in the Soviet gulag threatens to hold hostage any meaningful reforms in Soviet society. Bringing "glasnost to the gulag" is an important step the Soviets can take to deal with concerns that President Mikhail Gorbachev's reforms might be reversed or undermined.

We have urged the Soviets to begin a process of opening up prisons and labor camps to independent human rights monitors, both Westerners and Soviet citizens. We have encouraged human rights organizations to request access to prisons and labor camps. And finally, we pressed the Soviets to permit visits by clergymen and to allow religious literature into prisons and labor camps.

Our foremost concern remains the plight of the 24 prisoners whom we met in Perm 35. They have endured severe conditions and several of them are already counted by the United States among the nearly one hundred remaining suspected political prisoners in the Soviet Union. U.S. human rights policy has long embraced advocacy for individual prisoners' cases, a practice rooted in American values recognizing the inherent dignity and rights of each human being.

Our evaluation of the Perm 35 cases in question is based on the claims of several inmates that they are political prisoners, the documentation of human rights groups which support those claims, and the findings from our interviews. Our conclusion is that, regardless of any dispute over these definitions of political prisoners, most of these prisoners would not be prosecuted for similar "crimes" today, or their offenses would be treated far less severely. In view of the excessive punishment endured by these prisoners, we have called on the Soviets to reexamine their cases in the context of "new political thinking" and release them on humanitarian grounds.

FINDINGS ON PERM CAMP 35

The Prisoners and Camp Conditions:

Mikhail Kazachkov has spent nearly 200 days of his 14-year incarceration in punishment cells, up to 15 days at a time in the "shizo" cell.

We were given a rare glimpse of the infamous "shizo." Veterans of the Soviet gulag have provided vivid accounts of this notorious four-by-eight-foot cell. It contains a wooden plank fastened to the wall on which to sleep, with no bedding or blankets, and a cement stump on which to sit. The cell, and the punishment, is designed to make the natural cold of a Soviet labor camp that much more severe—that is, the unbearable, cold temperature is used as torture. Prisoners complained that it is difficult to sleep on the hard, narrow plank. The walls are made of a rough, pointed-like concrete, which scrapes and cuts prisoners who might lean or sleep up against it.

We had to insist that Kazachkov be offered the opportunity to speak to us. He had been moved from Perm 35 to the Perm investigation prison shortly before our visit. While describing some instances of physical abuse in Perm 35, Kazachkov explained that general-purpose beatings were no longer a regular occurrence in Perm 35. Kazachkov suffered an injured arm in trying to resist a forced head-shaving, a practice which he described as a widespread form of humiliation against Soviet prisoners.

Kazachkov, imprisoned in 1975 one week after applying to emigrate, recently led eight other inmates at Perm 35 in a work strike to protest unsafe working conditions. Together these prisoners formed a Helsinki/Vienna human rights monitoring group in Perm 35. Though completely within their rights under the Helsinki Accords and the 1989 Vienna agreement "to promote the Helsinki process," camp authorities used harsh measures to stop them. Just three weeks after our visit, Kazachkov was singled out for his role in the protest. He was put on trial for "refusal to work" and sentenced to serve the next three years of his 18 and one-half year term in the more severe regime of Chistopol Prison.

We interviewed 23 inmates in Perm Labor Camp 35 who requested to meet with us. A theme running through their stories emphasized the conditions and treatment of prisoners in the camp: long periods of isolation in punishment cells, severe cold used as torture, and being cut off from family and friends due to routinely intercepted mail and arbitrarily canceled visits. We were never allowed to meet alone with any prisoners. Prisoners gave their side of the story boldly and bravely, several of them condemning the abuses of the KGB and camp officials in their very presence. Many, though not all, of the 24 inmates we met (those in Perm 35 plus Kazachkov) claimed to be political prisoners. Many of the prisoners expressed thanks to those in the West who had written letters to Soviet officials on their behalf and to them personally.

We sought and received assurances beforehand from Soviet officials in the Procuracy, Ministry of Internal Affairs and the camp that no retribution would be brought against any prisoner. We repeated this Soviet promise loudly during meetings with many prisoners. The prisoners told us there had been reprisals against some who met with New York Times reporter A.M. Rosenthal during his visit to Perm 35 in December 1988 (the first visit by any Westerner to a labor camp). Some prisoners said that they understood reprisals were a possible consequence of speaking to us; however, we continued to stress that assurances had been given by the Soviets that there would be no reprisals. One prisoner simply said, "there is nothing more they can do to us."

Most of the Perm 35 cases demand a review by the Soviets, including the following:

Oleg Mikhailov said that he was put in "shizo" simply for requesting to meet with Rosenthal. Mikhailov was imprisoned in 1979 on charges of "treason to the motherland" and "anti-Soviet agitation" for preparing to steal and escape the country in a cropduster plane. He condemned the Soviets for their treatment of prisoners. Although one and one-half years of internal exile remain on his sentence, the Soviets have stated that the system of exile has been abolished. Mikhailov is due to be released on October 21.

Byelorussian Christian Alexander Goldovich was charged with "treason" for attempting to flee across the Black Sea in a rubber raft, and carrying pictures allegedly depicting how bad life is in the Soviet Union. Goldovich admits to having the pictures, which the Soviets charged was secret information, and explains that they were snapshots of his apartment.

Goldovich is a physicist. Arrested April 21, 1985. Sentenced December 2, 1985, to 15 years strict-regimen labor camp and 5 years exile on charges including treason (Article 64), anti-Soviet agitation and propaganda (Article 70) and leaking government secrets. Accused of attempting to escape from the USSR and intending to leak secret information. To be release April 2005.

Goldovich had requested a Bible during the Rosenthal visit to Perm 35. He was denied one by camp authorities. We give him a Bible and offered Bibles to any other prisoners who wanted one—all but two did. The Soviets assured us they would be allowed to keep them. Several times, he thanked people in the West for writing on his behalf. Asked whether there is any glasnost in the Perm camp, he replied, "No, not in the smallest degree." Goldovich's case has been raised continually with the Soviets.

Ukrainian Bohdan Klimchak attempted to flee from the USSR to Iran carrying his science fiction short stories, which he intended to publish abroad. After nine days in Iran, he was returned to Soviet custody. His writings were deemed "nationalistic," and he was arrested in November 1978 and sentenced to 15 years strict-regimen labor camp and five years exile. His sentence was reduced under amnesty and Klimchak was due to be released in September 1989 (end of exile around March 1992). Convicted under Articles 64 ("treason") and 70 ("anti-Soviet agitation and propaganda") of Soviet criminal code.

Ruslan Ketenchiyev, a lathe worker, was arrested August 27, 1982, charged with "treason," and sentenced to 10 years strict-regimen labor camp. Ketenchiyev tried to contact American journalists and U.S. embassy personnel in order to emigrate to the West. Instead of the American diplomat he expected to meet, a disguised KGB agent entrapped him and he was prosecuted on treason charges. His sentence reduced under amnesty, Ketenchiyev is due to be released January 21, 1990.

Ketenchiyev told us of terrible conditions and various punishment methods in Perm 35, including the well-documented use of cold in punishment cells. He particularly noted the lack of medical care in the camp. Responding to prisoners' formal complaints about the extreme cold, camp doctors declared the temperature in punishment cells to be sufficiently warm.

Leonid Lubman, an economist and electronics engineer, was arrested August 29, 1977, charged with "treason," and sentenced to 13 years strict regimen labor camp. He is scheduled to be released on August 29, 1990. Lubman compiled a manuscript providing 30 profiles of corrupt officials and attempted to send it abroad.

Lubman may have become mentally disturbed in labor camp and suffers from chronic headaches and stomach ailments. He looked well over his 50 years and spoke much slower than the others we met. He said the authorities have an interest in not releasing him because he has learned the methods of his incarcerators. He described some sort of torture, which sounded like electrical shock and exposure to infrared waves. He said he was punished after the December 1988 visit by Rosenthal to Perm 35.

Resolving the Perm 35 Cases

Many of the acts committed by those in Perm 35 would not have been considered crimes under Gorbachev. Although the Soviets frequently contend these prisoners are criminals, Soviet officials have repeatedly declined to open their files. They refused to open the files to us, although the U.S. State Department has provided court records and case files to the Soviets on disputed U.S. cases. The exception was a brief look at Kazachkov's file when Procuracy official Alexander Korshunov sought to refute charges of punishment made by Mikhail Kazachkov. When the open file revealed a picture of a head-shaved Kazachkov, it was quickly snapped shut.

Prior to the signing of the Vienna Concluding Document, in December 1988, Mikhail Gorbachev declared at the United Nations that there are no longer any persons in prison "sentenced for their political or religious convictions."

However, the release of remaining political prisoners was made a condition for U.S. agreement in Vienna to schedule a Helsinki follow-up conference in Moscow in 1991. The Vienna agreement was signed in January 1989. The Soviets subsequently agreed to a process of review for most of nearly one hundred prisoners remaining on U.S. political prisoner lists. Many of these "disputed cases" are the cases of those we met in Perm 35.

The prisoners who remain in Perm 35 are held under basically three charges: attempting to flee the country (including hijacking, in some cases); war crimes; and espionage. Many languish under Article 64 of the Soviet criminal code, "treason," in combination with more clearcut political offenses like Article 70, "anti-Soviet agitation and propaganda."

Soviet officials claim they hold no political prisoners because all who were sentenced exclusively under one of the four purely political criminal code articles (like Article 70, those used to prosecute free speech, peaceful assembly, etc.) have been released in amnesties under Gorbachev.

Prosecution on charges of treason for the forbidden activities of the Brezhnev era no longer makes sense in today's Soviet Union. Article 64 was interpreted far too broadly under Soviet law and used to threaten prisoners with capital punishment and to extract testimony before they have even seen a lawyer. Those who landed in Perm 35 for acts of violence related to hijack attempts, or other acts of violence, are not political prisoners, although cruel punishment should not be simply excused in their cases either. It is high time, however, for review of the excessive punishment meted out for nonviolent "crimes" that would not be prosecuted today, or would be treated far less seriously.

We conveyed to the Soviets that it was in the interests of all sides for these cases not to linger beyond preparations for the Vienna Follow-up Meeting at Copenhagen in 1990. Should they linger until the already controversial Moscow Human Rights Conference in 1991, the Soviets would face a great embarrassment.

While these prisoners' cases remain unresolved, we sensed from our discussions the Soviets' desire to be cleared of the charges that political prisoners remain. Therefore, we call on the Soviets to reexamine these cases in view of their "new political thinking" and release them on humanitarian grounds.

PROSPECTS FOR LEGAL AND PENAL REFORMS

To the Soviet's credit, the kind of access we were granted to Perm 35 would have been unthinkable even months ago. The Soviets have closed down two political labor camps in the vicinity of Perm 35 for lack of need as a result of prisoner amnesties. Soviet authorities say that they have removed hundreds of camp guards responsible for past human rights abuses. Officials of the Soviet Procuracy, as well as the new Supreme Soviet legislature, have talked about penal reforms. The highest ranking Soviet procurator supervising Legality in Correctional Facilities, Yuri Khitrin, admitted to us that it was necessary to discuss "humanizing" the Soviet penal system.

These statements would bode well for the prospect of reform. However, the practical impact on prison and labor camp conditions has thus far been minimal, and the Soviets have publicly stated few commitments to improve or reconstitute their gulag practices. On the other hand, the Soviets have promised for more than two years to institute legal reform which will decriminalize political dissent.

We discussed legal reform with officials of the Council on Religious Affairs. Deputy Minister Alexander Ivolgin explained to us that they were reluctant to discuss a draft of "laws on conscience" which we put before them—one of two thus far published. Ivolgin claimed that the new law on religious groups had not yet been formally drafted for consideration by the Supreme Soviet. An official from CRA's legal office, Tatyana Belokopitova, offered a very disappointing response on the question of requiring registration of religious groups. The latest proposal would establish the right of "juridical person" (legal recourse) only for religious groups who submit to registering with central religious authorities. This proposal would fail to resolve either the present lack of legal rights for all churches or the desire of many believers not to register—it would instead pit these concerns against each other.

In a meeting with First Deputy Foreign Minister Anatoly Adamishin, the question of new religious laws was side-stepped by referring us to the Council of Religious Affairs. However, Mr. Adamishin assured us that the Supreme Soviet would place a high priority on new religious laws during its fall session. He was less optimistic about action on draft emigration (exit/entry) legislation. In general, Adamishin declared that economic and constitutional reforms would take precedent over both matters. On freedom of conscience, Adamishin commented, "We used to have a problem in regards to freedom of conscience, but we never had a total absence of religious freedom. The freedom to perform religious rites was always allowed, so we are not starting from scratch."

Regarding penal reforms, there appears to be a much tougher hill to climb. We met with a panel of procurators and investigators from the All-Union Procuracy and Ministry of Internal Affairs who denied our references to the arduous conditions in prisons and labor camps. We encountered a Soviet willingness to discuss "rule of law" questions, even while some observations caused a degree of discomfort: prosecutors bring charges only with sufficient evidence for a presumption of guilt; they are held responsible for "losing" cases; and all trial attorneys are answerable to the Procurator General.

We raised the issue of establishing due process for charges brought while prisoners are serving sentences—no sooner had we left than Milkhail Kazachkov was victimized for such pitfalls in the Soviet system. We identified those issues raised by former prisoners: cruel punishments, malnourishment, inadequate medical care, severe restrictions on family visits. We were assured that draft legislation excludes provisions which disallowed family visits in the past. In addition, we were told that the Procuracy now shares the responsibility for supervision of correctional facilities with public commissions under the new Supreme Soviet which guarantee "law, legality and order."

The Soviets indicated openness to future visits to prisons and labor camps by official and non-official groups. Mr. Khitrin offered agreement in principle to a follow-up visit by Director of the U.S. Bureau of Prisons, Mr. Michael Quinlan, and Chairman of Prison Fellowship International, Mr. Charles Colson. We mentioned that groups such as Amnesty International, Helsinki Watch and the International Red Cross should be permitted access to prisoners in prisons and labor camps to monitor and report on conditions. We advocated on behalf of independent Soviet monitors who wish to have access to correctional facilities.

Finally, we received assurance that prisoners could have Bibles and other religious literature and that clergy would be allowed to visit. Both have been forbidden in law and practice in the past. Khitrin told us that a decision had been made that from now on "all correctional labor colonies will have Bibles in necessary quantities and permit ministers of faith to visit." We urged the Soviets to put such commitments into practice by granting requests to visit prisons and camps.

FOLLOW-UP AND RECOMMENDATIONS

Release of Perm 35 Prisoners

We have an obligation to work for the immediate release of all remaining Perm prisoners on humanitarian grounds. The Soviets are obligated to release all political prisoners in compliance with their commitments under the Helsinki Final Act and Vienna Concluding Document. In addition, one criteria for agreeing to the Moscow Human Rights Conference was the release of all political prisoners. While Soviet authorities have raised questions in connection with many of these cases, we as members of the Helsinki Commission have argued that the burden of proof is on the Soviets to prove the individuals in question are criminals. We have initiated or recommended the following action on behalf of remaining prisoners, including those in Perm 35:

(1) We have publicly called on the Soviets to release all those in Perm 35 convicted for nonviolent acts. We believe that in view of the excessive and cruel punishment these prisoners have suffered, a positive Soviet response would signal a truly humanitarian gesture.

(2) We have written Secretary of State James Baker to urge him to continue the practice of raising individual cases at the highest levels in U.S.-Soviet dialog.

(3) We have discussed Soviet reforms and the status of prisoners with Deputy Secretary of State Lawrence Eagleburger, urging that human rights remain a top priority in U.S.-Soviet relations. While Soviet human rights improvements have occurred, we should continue identifying problems that persist and pressing our concerns while the Soviets seem willing to discuss and respond to them.

(4) We have urged human rights groups to advocate the immediate release of political prisoners.

(5) We urge concerned Westerners to reinvigorate campaigns on behalf of these prisoners, including letter-writing to Soviet officials, camp authorities and to the prisoners themselves.

Advancing Glasnost to the Gulag

The Soviets should begin a process of opening up prisons and labor camps to interested individuals and human rights groups. Only by following our inspection visit by permitting further visits will the Soviets make progress in erasing the Stalinist stigma of the gulag.

(1) We have urged Westerners and human rights organizations to request to visit prisons and labor camps and meet with prisoners in order to report on conditions.

(2) We have urged members of the media, particularly the Moscow press corps, to make visits and report on prisons and labor camps. Since our visit, a few members of the media have been granted access to camps.

(3) We have helped to secure official Soviet approval for the visit of Bureau of Prisons Director, Michael Quinlin, and Prison Fellowship international chairman, Charles Colson, to visit several prisons and labor camps in the USSR and discuss reforms and ways to reduce crime and recidivism in that country.

(4) We have urged that Western leaders and human rights groups advocate on behalf of Soviet citizens who wish to visit prisons and labor camps, including clergy to perform religious rites or offer pastoral counsel.

(5) We have raised these concerns in congressional hearings, and support Helsinki Commission hearing to focus on conditions in the Soviet gulag.

Reforms

(1) We have shared our findings on the progress of legal reforms—including "freedom of conscience," freedom of emigration, and criminal code revisions—with prominent non-government organizations and urge their continued vigilance in encouraging further institutionalization of basic freedoms and that such laws be consistent with international law and with CSCE commitments.

(2) We have raised concerns about Soviet legal reforms in recent hearings sponsored by the Congressional Human Rights Caucus and, in the past, in CSCE hearings.

(3) We have expressed our support to Soviet and American officials for programs developed in a human rights framework to promote Soviet progress on "rule of law" issues and in other areas where U.S. expertise is helpful and welcomed by the Soviets.

PRISONERS MET AT PERM 35

Following is the list of prisoners (not all of them are necessarily political prisoners) who spoke with Reps. Wolf and Smith at Perm Labor Camp 35 in August 1989. For more information on these prisoners and their cases, please contact Helsinki Commission (U.S. Commission on Security and Cooperation in Europe, House Annex 2, Room 237, Washington, D.C. 20515).

Mailing address for prisoners (Moscow post office box): SSSR, RSFSR, S. Moskva uchr.5110/VS, Last name, First initial.

Aleksandr Goldovich, Bogdan Klimchak, Viktor Makarov, Aleksandr Rasskazov, Valery Smirnov, Igor Mogil'nikov, Aleksandr Udachin, Maksim Ivanov, Vadim Arenberg, Akhmet Kolpakbayev, Igor Fedotkin, and Viktor Olinsnevich.

Ruslan Ketenchiyev, Lenoid Lubman, Nikolay Nukradze, Mikhailov Kazachkov, Oleg Mikhaylov, Yuriy Pavlov, Arnol'd Anderson, Vyacheslav Cherepanov, Vladimir Potashov, Anatoliy Filatov, Vladimir Tishchenkov, and Unidentified Central Asian.

Acknowledgment: We wish to thank Richard Stephenson, Soviet Desk Officer at the State Department, who accompanied us on the trip to Perm 35, providing translation and other assistance.

The CHAIRMAN. The Chair will inquire further of the gentleman concerning his unanimous-consent request. Does it apply to an amendment that would be otherwise in order under the rules of the House, or is the gentleman asking for any kind of a waiver of the rules?

Mr. HOYER. My belief is that it would be difficult to draft an amendment that would not be subject to a point of order, because it would have to be legislation on an appropriation bill which, of course, is the problem the gentleman now has.

It would be subject to a point of order.

The CHAIRMAN. So the gentleman's unanimous-consent request to permit him to offer an amendment on the subject of security checks at the White House, prior to the motion to rise and report, if the Chair understands it correctly, also includes the request that the amendment in question be in order notwithstanding, in other words, to waive a possible point of order under clause 2, rule XXI?

Mr. HOYER. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. LIGHTFOOT. Mr. Chairman, reserving the right to object, and I do not intend to object at this time, but I would like to reserve that, if you and the gentleman from Virginia [Mr. WOLF] work this out.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. Further reserving the right to object, I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I intend to discuss it with him as well. I know the gentleman from Virginia [Mr. WOLF] is a very conscientious member of our committee. He feels very strongly about this, and I would like to see if there is a possibility of working out something between now and when we finish this bill. If we can, I would like to accommodate the gentleman. His objective is a good one.

I do not know whether the ways and means of getting there are agreeable, which is why I am offering it. I think the gentleman knows I will deal with him in good faith and see if we can resolve this issue. I will discuss it also with the Ranking Member.

Mr. LIGHTFOOT. Further reserving the right to object, I was going to suggest: Would you want to withdraw it now and discuss it later?

The CHAIRMAN. The gentleman's unanimous-consent request is pending, and the gentleman reserves the right to object.

Mr. LIGHTFOOT. Mr. Chairman, further reserving the right to object, do you want to withdraw your unanimous-consent request, let us discuss it, and then you can make the request later?

Mr. HOYER. No. If we get out of this title, the gentleman is concerned about losing the right to offer it.

Mr. WOLF. Right.

Mr. HOYER. It would be relevant to this title, and that is why I ask for unanimous consent to propose it at the end of the bill even though it will not be in order. If we can agree, I want to accommodate the gentleman.

Mr. WOLF. I think that is very fair.

The CHAIRMAN. The gentleman from Iowa [Mr. LIGHTFOOT] has the floor under his reservation of objection.

Mr. LIGHTFOOT. Further reserving the right to object, I appreciate what the Chair is trying to do to accommodate the gentleman from Virginia [Mr. WOLF]. If we can work this all out, I think we can get to some conclusion here.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there additional amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses, $1,800,000.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK: Page 28, strike lines 8 through 14.

□ 1620

Mr. ISTOOK. Mr. Chairman, this is a very simple amendment. It zero funds the Administrative Conference of the United States. This particular agency last year, under the appropriations that originally came through this House, would have been zero funded. In fact, in the report from the subcommittee in last year's bill, it was written, "The committee recommends the elimination of appropriation for a reduction of $2,314,000. The committee believes that this agency has fully accomplished its mission." That was the report of a year ago.

However, before the bill was finally completed, funding was restored for this particular agency. In our subcommittee hearings, the head of this agency testified to our subcommittee that if we were not going to restore funding at the level which they had requested, which was $2.6 million, then we might as well zero fund the agency and not fund them at all.

The committee, the subcommittee, put in this bill the level of $1.8 million, though beneath the level the Administrative Conference said was necessary for them to operate.

I believe a proper decision of this body ought to be to either fund the agency at a level to operate, or defund the agency entirely. This particular agency has as its mission an advisory role, essentially, to give advice to other Federal agencies, boards, and commissions on crafting regulations. It is thus duplicating a function that is contained within almost every department, commission, or board in the U.S. Government. There are multiple sources of expertise regarding the crafting and drafting and preparation of Federal regulations without an agency that has a specific task to zero in upon that.

As such, I believe this is, as we said last year, an agency that really does not have a mission. It is a duplicative mission.

Now, Mr. Chairman, we have heard a lot of talk about eliminating needless boards and agencies and the reinvention of Government, proposals to make a Government that works better and costs less. We talk about reducing the size of Government. We talk about eliminating employees. We talk about eliminating spending. This is a very simple opportunity to do it on a small amount of money compared to the overall Federal budget, $1.8 million. It is not, however, a small amount of money to most taxpayers in the United States. I would submit that if we have difficulty taking an agency such as this and eliminating its funding, being a duplicative agency, then how are we going to make tougher decisions that involve much larger sums of money?

So, Mr. Chairman, I would ask that Members join me in adopting this amendment to zero fund the Administrative Conference and provide that money—it cold go wherever else we might wish it because, after all, Mr. Chairman, we do not have to spend it at all.

Mr. BRYANT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman and Members of the House, this amendment is the latest move that stems from the anger of a series of administrative law judges who were offended by the fact that the Administrative Conference of the United States made recommendations with regard to their procedures and the way they operated that offended a number of those administrative law judges. They came forward beginning about a year ago and made an attempt, fairly successfully, to eliminate this agency. Unfortunately, the agency does exactly what I would assume the gentleman from Oklahoma [Mr. ISTOOK], and others have as goals, and that is it is an advisory agency that has a very small budget of $1.8 million that is focused on recommending on a regular basis to our entire Government and its various agencies ways in which we can improve the efficiency with which their decisions are made, vis-a-vis each other, vis-a-vis citizens, and vis-a-vis business. It is an effort to improve the fairness and efficiency of the administrative process and to make nonpartisan, nonideological recommendations with regard to achieving the goals of the various agencies.

Considering the extremely low budget, it is a very good investment.

Mr. Chairman, I am chairman of the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary. We held a hearing on this agency in April. No witness appeared this year in opposition to the continuation of the agency. In fact, the hearing indicated that the Conference has done a good job in carrying out its mission to make recommendations for improving these various areas.

I also point out that the Vice President, as head of the National Performance Review, specifically asked that this agency continue in order that it might continue to play the role it has played with regard to the National Performance Review with regard to promoting means of alternative dispute resolution, negotiated rulemaking, streamlining of the regulatory process, and coordination of agency legal counsel offices.

This is a necessary function.

I realize that there are many Members here who would like to comb through the budget and find an agency which they can nail and then claim that they have, when they go home, they can claim they killed an agency. There are probably some agencies like that that deserve it. But this is not one of them.

The budget of this agency is $1.8 million. It has been reduced from $2.6 million asked for by the White House. That is as it should be. We support that in the Judiciary Committee, and that is what the Subcommittee on Appropriations is recommending today.

But for goodness sakes, do not kill an agency that is doing a good job, moving us in the direction of greater efficiency, helping this Government run and to serve the public as well as respond to the needs of the business community when they come before these agencies, in a way that makes sense rather than continuing in ways that are inefficient.

Mr. Chairman, I urge the Members to vote "no" on this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of my good friend and colleague, the gentleman from Oklahoma [Mr. ISTOOK], to eliminate the Administrative Conference of the United States. I think this is a legitimate debate we are having over this particular council and another one that we are going to talk about a bit later, which gives people an opportunity to come forth and really show the justification of why we should continue spending tax dollars on various agencies. Our former colleague and former Secretary of Labor, Lynn Martin, once made a comment that she did not believe in reincarnation but if she did, she would like to come back to Earth as a Federal program because that is the only thing that she knew that had eternal life. And I think there is maybe a lot more fact than fiction in that particular comment.

I have had a lot of my good friends, a lot of my colleagues on this side of the aisle who have let me know that they support the Conference and support it very strongly. But I believe we have got to find some place to start making some tough choices, and I do not see so far in the debate we have had, evidence that this particular group has contributed to the economy of this country to such an extent that they therefore should continue on.

Mr. Chairman, I think this is a relatively small amount of money, obviously, but we have got to start saving somewhere. I would like to applaud the gentleman from Oklahoma, Mr. ISTOOK's amendment and urge everyone to support it. I think it is time we can show the taxpayers that once an agency is created, it does not have eternal life.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Texas.

Mr. BRYANT. I thank the gentleman for yielding to me.

Mr. Chairman, I concur with the gentleman's statement, that we ought to certainly find anywhere we can to cut the budget. But when you talk about $1.8 million, an agency that the Vice President has asked be continued in order that it might play the role that it has been playing with the National Performance Review, that seems to be a curious place to start.

Is the gentleman [Mr. LIGHTFOOT] in possession of any studies or any authoritative opinions that indicate that the Conference should be abolished? I am not aware of any.

Mr. LIGHTFOOT. We have had a series of hearings on it, and from those hearings I was not particularly convinced that they justify the continuance or the cost of the agency.

Mr. BRYANT. We held hearings also, a hearing in April, and there was not a single witness who came forward in opposition to the continuation of this agency. And of course we have a specific request from the Vice President that this agency continue.

Mr. LIGHTFOOT. I appreciate the gentleman's comments. Obviously, we do not always control the witness lists, as well. Again, I think it is a legitimate debate. The gentleman from Texas [Mr. BRYANT] is very much in favor of it. Obviously, the gentleman from Oklahoma [Mr. ISTOOK] and I and others have a different opinion. That is what we are here for.

I guess we would probably vote on this eventually.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and ladies and gentlemen of the House, it would be difficult for me to summon up a great deal of passion opposing this amendment in light of the fact that I supported zero funding this agency last year.

Having said that, let me oppose the gentleman's amendment and let me tell you why.

First of all, in the interim we have had the Vice President's report on reinventing government. The gentleman who chairs the subcommittee is absolutely correct. The Vice President specifically pointed out that he believed this agency could play a significant role in reinventing Government. As a result, it is obvious that the administration, this administration, has focused on this small, important, agency.

□ 1630

Second, Mr. Chairman, after we zero funded this agency in our bill, I received a number of phone calls, but two in particular that I will reference.

The first call I received was from Boyden Gray. Many of my colleagues will recall Boyden Gray as counsel to the White House under George Bush. Now, Mr. Gray and I have worked very closely together, not always agreeing, on the Americans With Disabilities Act, but I have a great deal of respect for his legal competence and for his views. He urged, in the strongest possible terms, the continuation of this agency because he believed that it was a very important asset to the administrative processes of the government and that in fact, as the gentleman from Texas [Mr. BRYANT] has said, it provided a very useful oversight and advisory role with respect to the administrative process. He further stated that it was a forum in which many, many very able people from the private sector could work, which was pro bono work, and in fact we, as a Federal Government, obtained a great deal of benefit from that work.

The second telephone call I received, shortly after this, was from another gentleman who has been in the papers recently, the former director of the Office of Management and Budget, Jim Miller. Jim Miller, as my colleagues know, recently ran for the United States Senate in Virginia. Jim Miller supported all that Mr. Boyden Gray had told me, and he indicated he felt, as the former director of the OMB, that this little agency performed a very important, cost effective service for the Government and for the public, and he urged me at that time to fund it.

Now we came to the floor. We zero funded it. We did not add it back on the floor. We did go to conference. The Senate included it. I recounted to my colleagues on the Committee the opinions of Mr. Gray and Mr. Miller. Those opinions have now been, of course, supported by and reinforced by Vice President GORE.

In light of that, Mr. Chairman, our committee agreed to fund at the 1994 level, which was a reduction from the 1995 request.

I would also tell the Members of the House that Sally Katzen, who is with the Office of Management and Budget, and, because there was a vacancy in the directorship, she represented the agency at our budget hearing and represented very strongly that it was OMB's view that this agency performs a very important function.

For those reasons, Mr. Chairman, I would not support the gentleman's amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I appreciate the comments from the other Members regarding this. I would like to reassure my colleague, the gentleman from Texas, that the origin of this particular amendment is not from any angry administrative law judges or angry anyone else that has any sort of ax to grind against this agency. Whoever those persons may be, I have had no communication with them.

However, Mr. Chairman, we have had, as we have mentioned, hearings last year and this year. I would mention that as far as supporting the zero funding of this agency, it was something which I saw in the subcommittee and, thereafter, last year, even though at that time the particular head of the agency happened to be a constituent of mine, happened to be a fellow attorney, a fellow Republican, a fellow Oklahoman, and his arguments, I have to say, did not dissuade me either. Certainly people who are an alumnus of a particular agency often have an attachment to it. We are all familiar with that process. However the expertise that people have, whether they be part of the handful of employees of this agency, or whether they be persons otherwise employed, that provide pro bono assistance to this agency, that expertise remains available without having to have a special Federal group for it. We have hundreds of Federal workers through HUD, through EEOC, through OSHA, EPA, HHS, the list goes on, who work with these regulations, who have this expertise, who have the ability to share this information and who coordinate their efforts on a constant and consistent basis without having to hire additional people just to do this under the name of the administrative conference.

If we are serious about trying to eliminate 252,000 Federal workers, then I think we have to be serious about taking a look at an agency that has less than 25. That is less than one ten-thousandth of the jobs we need to do, so I would urge my colleagues to support this amendment, and I thank the gentleman from Louisiana [Mr. LIVINGSTON] for having yielded this time to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BRYANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1646

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Does the gentleman from Texas [Mr. BRYANT] insist on his demand for a recorded vote?

Mr. BRYANT. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN. The demand is withdrawn, and the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] is agreed to.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provision of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,000,000, and additional amounts collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK: Page 28, strike lines 15 through 23.

Mr. ISTOOK. Mr. Chairman, this amendment is also dealing with one of the other small agencies within the purview of our subcommittee in this bill. The President, of course, previously, through executive action, advised the public that he was eliminating 284 commissions, and he invited the Congress to suggest further eliminations.

This, again, is an agency that through action in this House last year we had agreed to eliminate by zero-funding it. That was on a voice vote during last year's appropriation bill.

☐ 1650

Mr. Chairman, this agency, the Advisory Commission on Intergovernmental Relations, is also one that many of us believe, and I believe, taxpayers would agree exists to duplicate the functions that are being performed in so many other areas.

Essentially, the ACIR is an assemblage of a small number of Federal, State and local officials that are supposedly coordinating the entirety of the relations between the tens of thousands of persons all around the country who are involved in coordinating the efforts of Federal Government, State government, county government, city government and other units of government.

Of course, Mr. Chairman, we have a multitude of groups that perform similar functions. These vary.

There is the National Association of Intergovernmental Relations Officials. There is the National Association of Counties, the National League of Cities, the Council of State Governments, the National Association of Towns and Townships, the National League of Cities, the United States Conference of Mayors, Democratic Governors Association, National Conference of Lieutenant Governors, National Conference of State Legislatures, National Governors Association, Republican Governors Association, Reason Foundation, Sunbelt Institute, National Association of State Park Directors, and the list, Mr. Chairman, goes on and on and on.

Mr. Chairman, it is not possible to think that a small Federal agency that has a budget of slightly over a million dollars can somehow be the grease that coordinates everything that goes on between all levels of government in this country.

I submit that it exists to give certain people a platform from which most of what they say goes unnoticed.

Mr. Chairman, this is a small federal agency. It is a Federal agency that we do not need. If it were abolished, it would not be noticed. The functions that it seeks to perform are being performed by thousands of other citizens already who would be surprised at the audacity to think that the Federal Government had organized a group to be their spokesman on their behalf. We have plenty of other spokesmen for Federal and State officials. We do not need the Advisory Council on Intergovernmental Relations.

I ask the House to repeat the activity which it took when this vote was up last year on the appropriations bill then and zero fund this by passing this amendment.

Mr. WISE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Oklahoma runs through a litany of different organizations, most of which are private associations such as the National Governors Association, the Democratic Governors, the Republican Governors, the National Council of Legislatures, and so on. What this is is separate from that. They all have an axe to grind at some point. Some of them have more of an axe than others.

This is an organization that I believe becomes particularly compelling in light of two circumstances. First of all, it is the national performance review in which the Federal Government is rethinking its role, its functions for many of its agencies and particularly its relationship to the States. That then leads me to the second major development.

That is an interest in this Chamber in particular, and I think one championed by the gentleman from Oklahoma, about the need to be looking at States, looking at the State experience on different issues. I hear a lot of talk on unfunded mandates. I hear a lot of talk about other issues supposedly that local governments can do better than the Federal Government.

Perhaps in some cases that is correct. But the ACIR is one that brings all of that together in a structure where we do not have a clear axe to grind.

Mr. Chairman, there are a number of issues that are going to be before this body, and that the ACIR is dealing with. For instance, resolving problems caused by Federal mandates on State and local governments, achieving more effective and inefficient intergovernmental service delivery, particularly with welfare reform and health care reform and infrastructure investment, streamlining the Federal aid system, re-balancing the intergovernmental public finance system to produce more efficient outcomes.

So on a bipartisan basis, the ACIR brings groups together and begins to hammer out suggestions that are helpful to this body. For instance, just this year, the ACIR, in conjunction with the Army Corps of Engineers, put together an infrastructure conference and discussed capital budgeting, which was a major topic on this floor, and it is moving forward on recommendations. Already the process initiated by the ACIR has resulted in Executive Order 12893, the Principles for Federal Infrastructure Investments, promulgated in January of this year.

So at a time when people are understandably saying we need the States more involved, we need the local governments more involved, here is an institutional structure at very low cost within the Federal Government. I would urge the rejection of the gentleman's amendment.

As I say, particularly in light of the national performance review and an increasing role that this body would be playing in that, I think this is not a good time to be eliminating that source of input to this Congress.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of my colleague's amendment to eliminate the ACIR. This amendment did pass this body last year. I believe it is an opportunity for us to make the hard choices and face reality. Just because something is nice does not necessarily mean it is absolutely necessary for the Federal Government to continue to fund it.

I once served on the ACIR, and I realize they do good work. But when it comes to counting the beans, the pot is nearly empty. And I think we have better places to spend the money.

It is performing a service, I think, to let us have its clients pay for the Commission's services. As the gentleman from West Virginia pointed out, and as did the gentleman from Oklahoma [Mr. ISTOOK], there are a number of private groups that are involved with it. Quite frankly, I think if they would all divvy up a little bit, they could continue to keep it in place but fund it from private sources rather than from the taxpayers.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, the suggestion that private associations, which perform this effort at coordinating between the different levels of government at no cost to the taxpayers of the United States, the suggestion that a private association has an axe to grind is to suggest that only someone under the control of the Federal Government can speak for the States, that someone under the control of the Federal Government can speak for the communities, that someone under the control of the Federal Government can speak for the counties. I do not believe that to be the case.

I do not think that the Federal Government needs to appoint a spokesman on behalf of every water district or school board or county commissioner's group or city council or town board or State assembly or legislature in the country. They appoint their own spokesman. They send us delegates. They even have lobbyists that they hire.

They have associations. They have people that are coming up here constantly. Most Federal agencies already have an office of intergovernmental relations.

We have private groups that come here to petition the Federal Government for redress of grievances.

□ 1700

They do not need to be told that we are going to decide who speaks for us. They can make their own decisions.

Mr. Chairman, I would suggest that most Members of this body have never had occasion to seek the counsel or advice of the Advisory Council on Intergovernmental Relations to tell them how to deal with their constituents from these other units of government.

Mr. Chairman, I myself have served in local government and State government and now in Federal Government. Mr. Chairman, I have never, repeat, never, had the occasion to need the advice of ACIR, and I submit to the Members that most Members of this body are in the same group.

Mr. Chairman, if Members have ever had to rely upon ACIR to know how to deal with their officials back home, then perhaps they want to vote for this; but if, as I believe, Members are in the majority that do not need it, then I suggest that Members vote for the amendment.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak against the amendment to eliminate the Advisory Commission on Intergovernmental Relations. This is silly. If there were no ACIR, we would have to invent one.

Mr. Chairman, I am actually surprised that my colleague, the gentleman from Oklahoma [Mr. ISTOOK] would go after this Commission in particular, since this Commission is not a commission of spokesmen, it is a commission of technicians whose work is to help Federal agencies, the Congress, the States, and the cities engage in bipartisan federalism. They coordinate the activities of the Federal executive, legislatures, State government, local government, and private parties to come together on issues that require the assistance of all of them for solution.

Because of this unique arrangement, ACIR was the first to identify unfunded mandates as an emerging issue. They found it. They found it before anybody on that side of the aisle or this side of the aisle found it, and the only reason they were able to find it is because, uniquely, they have all the parties at the table.

They are still, by the way, the prime source for all concerned on this issue. I have used them on this issue, and they get more calls on the issue of unfunded mandates than they do on any other issue, because this is an issue they have patented as their own, because of the expertise they have developed.

It is these tough financial and technical issues in which they have specialized, Mr. Chairman. I submit, Mr. Chairman, there is no other forum for the solution of such problems that puts everybody at the table: State government, local government, private sector, Federal agencies, Congress. Increasingly, the problems of this society are at a level of complexity that if you do not have them all there, then somebody is off the page and solutions elude us.

Mr. Chairman, it is these finance issues which stultify this body. Members have heard what ACIR has done on the National Performance Review. Let me give the Members another example. Since we have talked about the ACIR only in the abstract, let me give the Members another example.

Mr. Chairman, they are working now with the Army Corps of Engineers, as we have instructed them, meeting cooperatively with Federal, State, local, and private officials to help develop a Federal infrastructure strategy. If they were not doing it, I defy Members to tell me which among the existing agencies has the range and scope to do it.

Mr. Chairman, these people do not depend exclusively on us for funding. They have, in fact, gone out and found funding from other sources. Forty-eight States voluntarily give them money. Forty-eight States that do not have to give them money, help to support them. If you are a State in this country today, you do not give somebody money unless you are getting something in return.

Mr. Chairman, this is a small investment, a $1 million investment, that has already brought us many millions more in return. Mr. Chairman, this is a cheap shot. Leave these folks in the budget.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in opposition to this amendment cutting funds for the Advisory Commission on Intergovernmental Relations. It is really the last forum in which, Federal, State, and local elected officials, as well as the technicians that the gentlewoman from the District of Columbia [Ms. NORTON] mentioned, meet on a very regular basis to consider issues which are critical to the smooth operation of our Federal system.

Mr. Chairman, the fact that Members may not have had occasion to personally deal with the members of the Commission, or have access to their work, does not mean that the work that they are doing is inconsequential. It is very consequential, and it has had enormous impact over the years in straightening out the very complex relationships that exist between the various levels of government.

Mr. Chairman, I think we are going to find that the decisionmaking process has been very definitely aided throughout the years by this little-known, very lightly funded organization.

Mr. Chairman, I think it has been pointed out here that the Commission has been given a charge to deal with the emerging issue of unfunded mandates. Until this issue became a national issue, Congress displayed an unfortunate lack of interest in intergovernmental issues, and in the Commission's work in particular.

Those who have paid attention know that it was ACIR which first identified the issue of unfunded mandates, and that was 20 years ago, before it ever emerged on the radar screen in this body or, indeed, elsewhere. For those engaged in the debate over unfunded mandates, ACIR is one of the few sources of objective, historical information on what has become a very unfortunate trend which costs States and localities billions of dollars and promises to cost billions more.

Eliminating ACIR this year, in this year when this is finally coming to the fore as a critical issue, would be, I think, a disaster, because that is the one agency that really has an historical perspective, has been gathering data, has been giving thought and consideration to this issue for a long period of time. Their advice, their counsel, their recommendations are going to be invaluable as we move to consider this issue.

ACIR is working to answer some of the difficult questions on mandates, questions which have vexed us from the start: For example, how do you define a mandate? What is an unfunded mandate? We need them to complete this very important project. It is an agency that is focused, it has a clear mandate to do this, and I think, Mr. Chairman, we would be absolutely ridiculous if we were to unfund this project or this Commission at this time.

Mr. Chairman, let me just remind my colleagues that the Commission this year is funded at one one-thousandth of the cost of the unfunded mandates on States and localities, and that is not, it seems to me, an unreasonable price to pay. Considering what we are asking States and local governments to pay, this is a minuscule amount to try and straighten out this incredible thicket.

Mr. Chairman, I would also point out that a number of the groups that conceivably or purportedly could pick up the slack, National Association of Counties, National League of Cities, National Government Association, it was suggested these groups could take up the burden which the ACIR is now carrying.

The point is, Mr. Chairman, all of these organizations support the ACIR. They are solidly behind the ACIR, and were very concerned a year ago when we were proposing to eliminate the ACIR. They must feel that this has utility, that it has merit and value. Mr. Chairman, I would urge in the strongest possible way that this amendment be defeated.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the comments that were made by the gentleman from Pennsylvania [Mr. CLINGER], as well as the gentlewoman from District of Columbia [Ms. NORTON]. They pointed out some of the principal reasons why the Advisory Commission on Intergovernmental Relations exists and why it must be maintained.

Mr. Chairman, when we look back over recent history in terms of intergovernmental relations, we will find that the ACIR has in fact has been a persuasive voice and had a significant influence on some of the policies we have adopted here in the Congress. They do not get any credit for it, it is not a particularly visible organization, but they have a tremendous amount of credibility and professionalism, as well as objectivity and bipartisanship. That is what guides the commission.

Mr. Chairman, as we all know, during the 1960's and 1970's there was an attitude on the part of the Federal Government, the Feds could do almost everything better, more equitably, we were more progressive and so on. We gradually assumed more and more responsibility from States and localities.

Whether the accusations that were leveled at States and localities were true or not, they are no longer true today. One of our principal objectives has got to be to devolve some of those responsibilities now that we have taken on at the Federal level, give them back to States and localities where States and localities can implement them in a fair, responsible, particularly fiscally responsible way, and in a way that is consistent with the priorities of local communities. That is what the Advisory Commission on Intergovernmental Relations is focusing on today.

□ 1710

Mr. Chairman, they were a principal consultant to the National Performance Review. In fact, they were an integral part of that effort to consolidate Federal programs, to devolve some of the Federal responsibility, to beef up the capacity of States and localities to carry out programs in a way that best meets the priorities of the citizens within communities who pay the money, who are most affected by the quality of schools, of public safety and the like.

They made these recommendations, they largely result in the National Performance Review. It is now up to us to act on those National Performance Review recommendations. One aspect of that is going to be the issue of unfunded Federal mandates as that is integral to the role of the Federal Government versus States and localities.

Mr. Chairman, we cannot pass the kind of legislation that addresses the problems that we know need to be addressed in terms of all the mandates that are being put upon States and localities without the money accompanying them to meet those mandates. What will be the effect if we go ahead and pass an unfunded mandate bill that says there will be no more Federal mandates unless they are fully funded? What will be the impact on the regulatory bodies, on the environment, on public works, on many other social programs that people are dependent upon? We do not have adequate information. We need to acquire that kind of information. That is exactly what ACIR is doing today. They are doing that objective, bipartisan analysis of what role can States and localities assume that the Federal Government is now doing and perhaps not doing as efficiently as it could.

Mr. Chairman, I do not know what their recommendations are going to be, because they are objective. They do not represent any particular perspective. They are not funded by the States, they are not funded by localities, they are not funded by the Federal Government exclusively or by the private sector. As the gentlewoman from the District of Columbia [Ms. NORTON], said, if there was not an Advisory Commission on Intergovernmental Relations, we would have to create one, create one that would give us the kind of objective perspective that the ACIR gives us.

Mr. Chairman, it is important to recognize that the ACIR traditionally was funded at about $2.6 million, we have cut it to almost a third of the funding that it is used to having available, and yet it has not cut back on the scope of its activities. This is a very important organization. If we cut this out, I promise one day we are going to be on the floor trying to create it again. It has been in existence for 35 years, the people who work with it are the best testament to its importance, to its objectivity and to its professionalism. I would strongly urge my colleagues to maintain the Advisory Commission on Intergovernmental Relations. For the paltry sum of $1 million, it sure gives us advice that is worth far more than the amount of money it costs us.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with regret to oppose the amendment, and I say "with regret" because I think the entire house should commend a Member who is willing to go through the budget item by item by item and to propose those expenditures which in the Member's opinion we can eliminate. I personally supported the previous amendment which passed the committee sponsored by the gentleman from Oklahoma.

Mr. Chairman, I rise in opposition to this amendment, though, because I think the Advisory Commission on Intergovernmental Relations has been a bit mischaracterized. It has been characterized as do we really need as Members of Congress, for example, to call them to ask their advice on how to deal with our counterparts in State and local government. That is not really, of course, the function of the Commission.

The Commission, by being constituted with commissioners from the Federal level of Government, the State level of government and from local governments attempts to be a forum to examine and discuss policies and to try to resolve the problems that exist, now perhaps in a more complicated fashion than ever, between the different levels of government.

Mr. Chairman, as several speakers have already indicated, the prime subject which the Commission is studying now is unfunded mandates. If the Commission can, through its role of processing information, come up with even part of the solution to that problem, a problem that has been complained about on the House floor as well as by our counterparts in State and local government, I think it is an expenditure well-made. Therefore, I urge that we preserve the Commission and reject the amendment.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Oklahoma [Mr. ISTOOK] to eliminate funding for the Advisory Commission on Intergovernmental Relations. I commend him for his efforts to cut unnecessary fat out of a budget which is in excess of $1 trillion but at this time I think he is looking in the wrong place. He can be penny-wise and pound-foolish in this particular item.

The Advisory Commission on Intergovernmental Relations was established to ensure coordination between the different levels of Government. It is uniquely qualified to provide us with the expertise to give technical assistance on current issues at every level of Government, from here in the Congress to the most local level of government. As a former member of the municipal council of the city of Newark, NJ, a member of the county commission, the Essex County NJ Board of Chosen Freeholders, and a NJ State commissioner of the hospital rate setting commission, I realize the importance of coordination between the various levels of government and the interdependence of one level to the other.

The Commission has garnered an impressive body of research on intergovernmental issues and has convened regularly to develop consensus on issues important at every level of government.

It is easy for us here in the Congress to become removed from issues that affect the very people who elected us here and to vote on them without having the foggiest idea as to how they will impact the local governments and the communities that they serve. The Advisory Commission is an invaluable resource at providing a holistic picture of the issues before us.

Most of my colleagues are very concerned about the issue of unfunded mandates. This organization is a prime source of information for everyone involved in this very important debate.

I was pleased when my colleagues accepted my proposal to have the Advisory Commission on Intergovernmental Relations take the lead in overseeing the implementation of the recommendations and principles set out in Vice President GORE's National Performance Review, his plan for reinventing government.

The Advisory Commission on Intergovernmental Relations, under the leadership of the newly appointed chairman, William F. Winter, the former Governor of Mississippi, is enjoying a new surge of energy. President Clinton attended the reorganizational meeting last year to lend his interest and support of our task. The ACIR has adopted an ambitious new agenda to take on the challenges facing our Nation today. Mr. Chairman, I urge my colleagues to oppose this amendment so that it may continue its work.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in opposition to this amendment as I did last year. This has been funded by the previous two administrations and this Administration as expressed by the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from New Mexico [Mr. SCHIFF], and by others on our side of the aisle.

Mr. Chairman, I had the opportunity in the early 1970's to work with the ACIR. I believe, as has been stated, they are a valuable resource for the Federal, State, and local governments. I think it would be, as someone has said, penny-wise and pound-foolish to eliminate this agency.

Mr. Chairman, $1 million is a significant sum of money. But when we divide that between 50 States, thousands of municipalities and the Federal Government, it becomes a very small sum as it relates to each and every instrument of Government which it serves. As a result, I think it is a wise investment, and I would hope very much that the body would concur with two previous Administrations and this Administration that this organization is worthwhile and provides a service that will save the Government money and will, in fact, help the Government divide responsibilities between its various levels.

Mr. Chairman, I would also observe in closing, the gentleman from New Jersey [Mr. PAYNE], mentioned that Gov. William Winter, the former Governor of the State of Mississippi, now heads this organization. The Governor testified before our committee. I share the gentleman from New Jersey, Mr. PAYNE's view that Mr. Winter is reinvigorating the Advisory Committee's work, I believe we will find it even more effective than it has been in the past, and I urge the House to reject this amendment which eliminates it as an active agency of our Government.

Mr. BACHUS of Alabama. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Alabama for yielding.

Mr. Chairman, I think it is obvious when occasionally we strike a nerve when we have people fearful that the Federal Government is going to eliminate a program that spends $1 million. Supposedly the program exists to do all the coordination, the communication, grease the wheels, if you will, between, and somebody gave me this figure, 86,000 units of State and local and Federal Government in this country.

□ 1720

And we expect that agency that we fund for a million dollars is going to be handling that coordination? If so, Mr. Chairman, I submit we ought to change that to the Advisory Council on Intergovernmental Magic rather than Intergovernmental Relations.

There is an encyclopedia that is published. This is just the cover page of the Encyclopedia of Governmental Advisory Organizations, the 1994–1995 edition. It is a reference guide to over 6,500, I repeat those numbers, a guide to over 6,500 permanent, continuing, and ad hoc U.S. Presidential advisory committees, congressional advisory committees, public advisory committees, interagency committees, and other government-related boards, panels, task forces, commissions, conferences, and other similar bodies serving in a consultative, coordinating, advisory, research, or investigative capacity.

We have 6,500 of these around this country, and people here are saying we cannot do without one to cut Federal spending by $1 million.

Now, I realize in the Government of the United States and in our budget, $1 million is the Federal equivalent of picking up a penny off the sidewalk. Mr. Chairman, I tried to teach my kids pick up those pennies. They are going to add up. Benjamin Franklin taught us a penny saved is a penny earned. But, you know it is still not a penny, it is still a million dollars. It is still duplicating what is done in almost every Federal agency that we have.

They have their own intergovernmental relations office. We are constantly petitioned and visited by people representing the State and local and area governments, and we have 6,500 advisory groups that seem to think that they can advise us.

Why do we say that the Federal Government has to be in charge to have just one more to pile on top of all the other Federal spending to pile on top of all the other national debt? I do not think anybody here depends upon the ACIR to make their decisions, and it is the height of audacity for someone to think that this is the agency that coordinates the problems with unfunded mandates or the national performance review or anything else. That is ridiculous.

It is just another group that has been sucked in to play minor roles in almost everything, and such a minor role that it will not be missed.

I would urge everyone, Mr. Chairman, to adopt this amendment to save the million dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 210, not voting 6, as follows:

[Roll No. 240]

AYES—223

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bliley
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeFazio
DeLay
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goss
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Laughlin
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
Markey
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Neal (MA)
Nussle
Owens
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanders
Santorum
Saxton
Schaefer
Schenk
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Torricelli
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walsh
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—210

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gingrich
Gonzalez
Goodling
Gordon
Grams
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Quillen
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Scott
Serrano
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stokes
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Walker
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Cooper
Ford (MI)
Reynolds
Rostenkowski
Sharp
Washington

□ 1744

Messrs. SUNDQUIST, QUILLEN, and DOOLEY changed their vote from "aye" to "no."

Mr. POMEROY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,682,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $27,106,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIVINGSTON: On page 29, line 12, strike "$27,106,000" and insert "$23,564,000".

Mr. LIVINGSTON. Mr. Chairman, my amendment would reduce the 1995 appropriation for the Federal Election Commission from $27.1 million to $23.564 million, which represents the fiscal year 1994 level. In 1990, Mr. Chairman, the Federal Election Commission got $15.3 million. The next year it got an 11.9-percent increase. The next year after that, a 9.7-percent increase. Following that year it got an 11.8-percent increase. And in 1994, which brings us to the level that I want to keep us at, it got a 12-percent increase.

So, Mr. Chairman, since 1990, when the FEC level was $15 million, and this last year the FEC asked for almost $22 million, or a 34.9-percent increase. Even OMB could not swallow that; the Office of Management and Budget agreed to a 15-percent increase, at a level in the bill of roughly $27 million. Interestingly enough though, Mr. Chairman, OMB's request intended to provide $4 million in fenced-off money for a computer upgrade which would speed efficiency of the FEC.

□ 1750

The committee gave the FEC the extra $4 million, over and above the fiscal year 1994 levels, but did not fence off the computer money. So the money will be used for additional personnel and personnel expenses, but not for any computer upgrade. In other words, there is not going to be any improvement in the FEC after we spend the additional $4 million.

We do have a 15-percent increase, and the FEC still cannot afford to improve their computers. And that is only one example of how the Federal Elections Commission has failed to prioritize their efforts effectively.

There is a strong concern among candidates and political committees that the FEC has become a burdensome bureaucracy, which makes running for office and participating in the electoral process a complex and dangerous endeavor. The FEC has spun out so many regulations over the years and dragged on so many enforcement cases, and yet performed so few audits in House and Senate elections, that I fear what is happening is that the Federal Elections Commission is making criminals out of honest folk, while it does not effectively deter the serious offender.

I am concerned about the FEC's decision last December to dismiss 137 enforcement cases, showing that the FEC is not able to carry out its duties in a timely and efficient manner. They just wipe the troublesome cases off the books.

I am reluctant to vote for extra money for this Government agency that is not capable of fulfilling its responsibilities. Over the last couple of years, I have proposed 11 amendments, at least, to the authorizing committee on which I serve with the distinguished chairman, the gentleman from Washington, [Mr. SWIFT] but none of my amendments and none of the gentleman's amendments have ever seen the light of day.

We have not changed this commission since its inception 20 years ago. It needs improvement, it needs to be upgraded into the modern computer age, and it never gets attention, because an authorization bill never gets passed. Hence, my need to come before the House on an appropriations bill and try to send a message to the Federal Elections Commission that they are not doing their job, and, if you are not doing your job, you need no more money.

While the FEC complains about not having the resources to handle its workload, it has continued to promulgate such new regulations on how Federal candidates can spend campaign funds. It appears that the FEC is still actively searching for more and more activities to regulate, while not adequately addressing the agenda currently on its plate.

Over regulation and inability to prioritize has tied the FEC in knots, while it has mystified candidates and their supporters above how they can exercise their first amendment right to participate in the electoral process.

The FEC has only conducted 17 audits of House candidates in 9 years: two in 1985, two in 1986, and six in 1987; but in the years 1988, 1989, and 1990, zero; and in 1991, three, 1992, four, and 1993, four.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 5 additional minutes.)

Mr. LIVINGSTON. Mr. Chairman, they have taken up to 8 years to conduct audits of presidential campaigns, only recently finalizing some of the 1988 presidential audits and enforcement actions. The FEC dismissed 137 ongoing cases in December of 1993 because of its inability to keep up with the caseload, as I have noted. A truly wonderful example is an audit they began of a Texas Republican congressional committee in July 1985, and yet they didn't reach a final decision on that audit until July 10, 1992, some 7 years later.

During that case, the matter was in the hands of the Commission for 73 months, while the Texas Republican congressional committee responded to all the FEC requests in the short space of 11 months.

In an unbelievable twist, after waiting 84 months to reach a conclusion in the case, the FEC issued an ultimatum that the case had to be settled within a couple of weeks, or a lawsuit would be filed prior to June 5, 1993, during the special election for the U.S. Senator from Texas. The FEC procrastinated for 84 months, and suddenly chose to threaten the new Senate candidate just before the election.

That is either rank partisanship, or at the very least, ineptitude, and cases like it are reported by many attorneys who practice before the Commission. They are just some examples of the wrongs committed by the FEC.

The partisanship could have something to do with the fact that the general counsel of the FEC just happens to have been a former employer of Ralph Nader. Maybe, maybe not.

One episode clearly demonstrates the FEC's partisan bias. Last year the D.C. Circuit Court ruled in FEC versus The National Rifle Association that Congress exceeded its authority when placing its agents, the Secretary of the Senate and the Clerk of the House, on the Commission as nonvoting ex officio members. The Court said the makeup of the Commission was unconstitutional, thereby calling into question every single decision by the FEC since its inception.

One would think the FEC would quickly remedy the situation and remove the special deputy of the ex officio members from the Federal Elections Commission. But the FEC decided to allow the ex officio special deputy to keep office space inside the Commission and to provide him with an ad hoc secretarial staff assistant, not to mention his $100,000-plus salary.

The special deputy should not be there. He has been told by the court that he makes the whole process illegal, yet he is still in the building, and this kind of decisionmaking does not make me enthusiastic about supporting a 15-percent increase in the FEC's budget.

My amendment would freeze the funding of the Federal Election Commission at the 1994 figure. We should not reward the FEC's poor performance with a 15-percent increase, and therefore I move the adoption of my amendment.

Mr. Chairman, I include the following chart and Wall Street Journal article for the RECORD.

AUDIT REPORTS ISSUED BY FEC 1985–93

[Non-presidential committees]

Type of committee	1985	1986	1987	1988	1989	1990	1991	1992	1993
Senate candidates	0	0	0	0	1	0	2	0	0
House candidates	2	2	6	0	0	0	3	4	4
National parties	0	0	0	0	0	0	0	0	0
Other parties[1]	1	3	5	4	1	0	0	2	4
PAC's	1	5	1	4	0	1	0	1	2
Total	4	10	12	8	2	1	5	7	10

[1] Includes minor national, state, and local party committees.

[From the Wall Street Journal, Feb. 14, 1994]

Congress' Representative to Election Commission Has Six-Figure Salary, Big Office and Little to Do

(By Rick Wartzman)

WASHINGTON.—Douglas Patton has a great government job. He has a six-figure salary, a big office, a secretary and an assistant.

Just one thing is missing: For the past few months he has had relatively little to do.

Since 1976, Mr. Patton has served as Congress's nonvoting representative on the Federal Election Commission, the agency that oversees the campaign-finance laws. Critics have long sneered at the position, arguing that it's absurd for a group that is being regulated to have a seat at the regulator's table.

Last October, the U.S. Court of Appeals here took essentially the same view. It ruled that the inclusion of congressional employees on the FEC violates the constitutional separation of powers between the legislative and executive branches of government.

While the case is pending before the Supreme Court, Mr. Patton has been unable to participate in closed-door commission meeting and has been forced to turn back all confidential FEC documents in his possession. That has left some wondering just what he does all day for a salary that in 1993, according to congressional payroll records, totaled $108,234.

"This guy is just sitting there . . . and taking up space," charges Rep. Bob Livingston of Louisiana, who is the ranking Republican on the House subcommittee on elections.

IN CONSTITUTIONAL LIMBO

Only in Washington, it seems, could someone find himself in Mr. Patton's predicament: stuck in constitutional limbo, unable to carry out a job that is hard to justify in the first place.

Mr. Patton, who carries the title of special deputy, declined to comment.

Over the past few weeks, Mr. Patton's status has caused great consternation inside the FEC. Mr. Patton's boss, Clerk-of-the-House Donnald Anderson, asked the FEC to allow the special deputy to maintain his ninth-floor office at the agency's downtown headquarters until the Supreme Court resolves the matter. After some hand-wringing, the FEC's six voting members—three Democrats and three Republicans—agreed to do so.

STAFF CUTS

Meanwhile, some FEC officials are grumbling privately that Mr. Patton gets to keep his job while the FEC is slated to be squeezed by the Clinton budget released last week; under the president's plan, the FEC says it would be forced to cut 33 staff positions.

How Mr. Patton is earning his pay these days isn't clear. Trevor Potter, the FEC chairman, notes that he hasn't seen Mr. Patton sitting in the audience at any of the agency's public meetings. But FEC officials say Mr. Patton sends his assistant to keep an eye on things. And some figure Mr. Patton can keep pretty busy fielding calls from members of Congress who have questions about the election laws.

Raymond Colley, the deputy clerk of the House, says he won't discuss Mr. Patton's situation, except to suggest that Mr. Patton continues to play an important liaison role at the FEC. "He's still our eyes and ears there," Mr. Colley says.

Of course, to critics of the special deputy slot, that's precisely the problem. Some, like Rep. Livingston, believe it's unfair that because the Democrats control both the House and Senate, it's the Democratic leaders who get to select two special deputies, while the GOP picks none. The Senate special deputy retired last September and hasn't been replaced.

NOTHING BUT A SPY

But others think the issue is more fundamental. They contend that the special deputy—no matter which party appoints him—is nothing but a spy in the FEC's midst. "There is no legitimate rationale" for the post, says Larry Sabato, a professor of government at the University of Virginia. With such a setup, "this is a commission guaranteed to fail."

The special deputy positions have been around since the early days of the FEC, which was established in the aftermath of Watergate. At first, the FEC had eight commissioners. Six of them—two picked by the president, two by the House and two by the Senate—were voting members. In addition, the Clerk of the House and the Secretary of the Senate each got to act as nonvoting members of the FEC. But in 1976, the Supreme Court ruled that such an arrangement violated the separation-of-powers principle. So Congress rewrote the rules: The president would appoint and the Senate confirm all six voting members of the FEC.

Yet despite a stern warning from Antonin Scalia—who was then a senior Justice Department official and is now a Supreme Court justice—that the presence of congressional representatives "perpetuates a serious constitutional issue," they remained part of the FEC.

"Congress was real nervous and I guess they wanted to keep an eye on the commission," says Rep. Al Swift, the Washington Democrat who heads the House subcommittee on elections. "They're still not our favorite agency because they regulate us," he adds. "But that high-level of paranoia has since abated into a simmering one."

Scott Thomas, an FEC commissioner who has been with the agency since 1975, says that having the special deputies around doesn't make things uncomfortable. "I haven't really seen any kind of improper influence," says Mr. Thomas, a Democrat.

Republican Joan Aikens, who has been an FEC commissioner since the agency's creation, says that the special deputies often bring added perspective to deliberations. "When questions arise on various issues, they can provide useful information, "she says, noting that Mr. Patton, for example, is a director of First National Bank of Maryland/DC.

FOWLER APPOINTMENT

But such sanguine feelings haven't kept the special deputy post from becoming embroiled in controversy. After he lost his Senate seat last year, Georgia Democrat Wyche Fowler was named a special deputy—even though the FEC had gotten complaints alleging that Mr. Fowler and Paul Coverdell, his Republican opponent who won the election, had received excessive campaign contributions from their respective national parties.

Mr. Fowler, who has since left the FEC for a private law practice, insists that his sole mission at the agency was to help bring along campaign finance reform legislation. "I'd like to think I made a contribution," he says.

Last fall's appeals court decision has led to its own difficulties. The case involved a challenge by the National Rifle Association of an FEC ruling concerning a transfer of $416,000 from one branch of the NRA to the gun group's political action committee. The appeals court agreed with the NRA that the FEC couldn't pursue the case because of the separation-of-powers problem. Now, seven other FEC rulings are being challenged on the same grounds. Among them are cases involving former presidential candidates Pat Robertson and Lyndon LaRouche.

As for Mr. Patton, he still has his share of defenders. "Should he be laid off until the Supreme Court case is decided?" Rep. Swift asks. "Is that fair?" Nonetheless, the congressman recently agreed with Rep. Livingston to consider abolishing the special deputies positions as part of a broader restructuring of the FEC.

In the meantime, Mr. Patton appears to be trying to fill his time the best he can. "He's here when I leave, and I leave around 6 o'clock," says John Surina, the FEC staff director. "He seems very busy. But the assurance I can give you is that he's not busy on matters he ought not be busy on."

Mr. SWIFT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a body that likes, in most recent times, to talk a lot about reform—reform this and reform that, and reform something else, and be purer than the driven snow. We have had a great deal of discussion here just in the most recent days about the need to see that laws we apply to other people apply to ourselves.

The FEC appropriation is an excellent place to find out whether we really mean all of that, because the Federal Elections Commission is essentially an agency Congress created to regulate us. Now, for all of that rhetoric about how we should have everything apply to us that we apply to others, let us look at the sorry record of what Congress has done with the agency that regulates it when it comes to our campaigns.

We have starved it to death year after year after year. We have cut it, we have pared it back, and we have criticized it for not doing its job.

Make no mistake about it, this vote on this amendment is a reform vote. If you are for reform, you vote "no," because you cannot be for reform and vote to cut the guts out of the agency that is set up to supervise our behavior when we go out to campaign. But that is precisely what this amendment does.

What the FEC has had to sustain is a series of incredibly cheap appropriations, beginning in the early eighties. This is not an agency that is now suddenly finding that it is going to have to face severe cuts because Congress and the administration are finally getting down to deal with the deficit.

□ 1800

This agency gave at the office in 1981 and has been having its appropriations reduced by both OMB and this Congress every year since.

What has the agency had to do? Well, they were just criticized in the well because they took a great number of the cases, gave them cursory examination, and felt that they simply did not have the wherewithal to go into them, that they were not major cases in any event. And they dismissed them.

They have done other things. The law has said for years that they need to have available to the public information on any campaign contribution of $200 or more. The FEC for years did not even have the personnel to input the information to provide it for anything below $500.

If we talk about reform, one of the key reforms is that the public can find out what is going on. There, in fact, have been editorial calls and calls by public interest groups that that threshold should be $100, that people should know where we get any contribution for $100 or more.

The question is, where do we find the people? Where do we find the resources? Where do we find the time so that we can, in fact, provide that information?

If we want to make the case that the FEC in many instances has not done the job the way Congress envisioned, I think we have to plead guilty to that. But then Congress should also stand up and plead guilty to the fact that it is the cause of the FEC being incapable of delivering on its responsibilities in the fashion that they should.

If they do not have the money, they cannot do it. And we have been cutting their appropriation for decades. So if we are going to talk about reform, if we are going to talk about living up to the kinds of things we expect others to do, we should start by living up to what we have set up as an agency to guide us in our campaigns and not keep cutting the budget so it cannot do it and then piously taking the floor and criticizing the agency because it has not done a good enough job.

If I understand the remedy that is being offered for the ills at the FEC, caused because they do not have enough money, the remedy being proposed here is give them even less money.

(By unanimous consent, Mr. SWIFT was allowed to proceed for 2 additional minutes.)

Mr. SWIFT. Mr. Chairman, the situation in which we find ourselves is we are talking seriously about passing a big new campaign finance reform law. We want to do that because we want to clean up campaigns even further. We want to do a better job than we have done in the past. But we are not going to do that on the cheap. It is going to cost money.

And here we are, in the very session in which we will no doubt vote on that bill, we are cutting the FEC's ability to carry out even what it has got already.

Now, are we for reform or are we not? If we are for reform, this vote is "no." If we vote "yes," the public can draw its own conclusions.

We are talking about campaign reform bills and more and more we have the calls, as I suggested, to lower the threshold in which they have to keep records down to $100. And what does OMB do? It cuts their budget. And what does the Committee on Appropriations do? It cuts that figure. And what does this amendment do? It cuts that figure and then says, go out and do right.

They cannot do it, and this vote, make no mistake, is about reform. If we are for reform and if we are willing to put our money where our mouths are, vote "no."

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I just wanted to make it clear, in fact, the committee gave what the OMB requested, $27,106,000. I just wanted to make that clear.

Mr. SWIFT. Mr. Chairman, I thank the committee for doing that. In the past, that has not always been the case. It is the case of where they tell OMB what they need. That gets pared. We pare it and there are always amendments on the floor to pare it back.

This is an agency that started out, maybe like all agencies did, way back when I came here 16 years ago. Maybe it had a little fat. That fat was gone 15 years ago.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

I associate myself with the remarks that have been made by the Chairman of the authorizing committee. I happen also to serve on that authorizing committee with its ranking member, the gentleman from Louisiana [Mr. LIVINGSTON].

Clearly, I think most of us believe that if we are going to ask this agency to perform a task and expect it to then perform the task, then we need to give it the resources to do so. I agree with the remarks of the chairman, the gentleman from Washington [Mr. SWIFT], when he says that we made a very substantial reform.

The reform in campaign financing was to tell the public where money comes from to fund their politics and their politicians.

Frankly, I am one of those who do not believe that the level of giving ought to be reduced. I am one of those who does not believe that PAC's, which were adopted as a reform to allow small givers to come together, are bad. But I do believe that the public ought to have the information to form a judgment on whether or not campaign giving affects the policies of those to whom those contributions are made.

Let me review the bidding just a little bit on this in terms of the dollars. The FEC, which under statute has the right to make a budget request directly to the Congress, requested $31,793,000 for fiscal year 1995. That is $4 million more than OMB gave them and $4 million more than the Committee was able to give them.

This is one of the few agencies that we have approved an increase. As I said, we took, for the most part, the 1994 level or the 1995 request, whichever was lower. In this case, however, we gave an increase.

My opinion is that the committee gave the increase that OMB suggested for the same reason that the gentleman from Washington [Mr. SWIFT] enunciated. If we are going to tell the public that we believe disclosure is essential, then we need to give the resources to the agency that we have given the responsibility to oversee disclosure.

I would urge the Members to reject this amendment.

In addition to their present responsibilities, when we pass campaign finance reform, it is the FEC's opinion that it will take them an additional $4 million to carry out the responsibility expected of them in the campaign finance reform bill. So the bottom line is, the gentleman from Washington [Mr. SWIFT] is right.

If we want reform, if we want disclosure, if we want the public to know what we are doing, we need to give the agency the responsibility to make sure this happens and the resources to carry out that objective.

I understand the concern of my good friend, the gentleman from Louisiana [Mr. LIVINGSTON] with whom I not only serve on the Committee on House Administration but also this committee, the Committee on Appropriations. It is not an unfounded concern. I look forward to working with him in both the Committee on Appropriations and the authorizing committee as we try to make sure this agency operates effectively and fairly.

I urge the Members to reject the amendment.

□ 1810

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is appropriate, as we discuss what should or should not be done with the Federal Election Commission, to remember that over the years we have relied on the Office of Management and Budget, whether it was under the Reagan administration or the Bush administration or now the Clinton administration, to advise us about what we ought to do in expenditures for the Federal Election Commission.

Mr. Chairman, this is from a letter dated March 4, 1994. The signature is Leon Panetta, Director of the Office of Management and Budget. It says this:

> To put the Commission's budget in perspective, it is worth noting that, compared to most agencies, the Commission has received substantial increases in recent appropriations; for example, the $27.2 million in budget authority the President's budget proposes for 1995 is 45 percent over the 1992 level of $18.8 million.

And continuing to quote: "About $4 million of the increase is for new computer capacity. Factoring out that increase"—that is, going from the $27.1 million, factoring out the $4 million, and therefore leaving $23.1 million, which is the position of the amendment of the gentleman from Louisiana [Mr. LIVINGSTON]—"does mean that the FEC would have a flat budget between 1994 and 1995."

> Even so, the agency has done very well recently. The fiscal year 1995 budget authority is $3.6 million over 1993, and in a time when most of the government is being asked to reduce staffing drastically, the Commission's full-time equivalent level of 294 people proposed in the budget is 10 percent over the comparable 266 full-time equivalent the Commission had in 1992.

The Director of the Office of Management and Budget said that $23.1 million is enough, and the number of employees at the FEC is enough. If we give them the $27.1 million, we should give it to them in increased computer capacity. What will they do with increased computer capacity? They will do exactly what the gentleman from Washington [Mr. SWIFT] has passionately pleaded for us to do, and that is to increase the ability of the FEC to do the job, to check returns, to determine who gives and who does not give.

What has happened in the Committee on Appropriations is the fence requiring that funds be spent to computerize was broken down. The FEC is not going to spend that $4 million for the computers that would in fact make it better able to do the job that the gentleman from Washington wanted it to. What the FEC is going to do is hire more people.

Leon Panetta has already said that there are enough people in the $23.1 million budgets do not add more people. Breaking down the fence between the $4 million for computers and the $23.1 million to keep the funding of the FEC reasonable, according to Leon Panetta, creates a situation in which the FEC will add more people, and more people will not do a better job, along the lines that the gentleman from Washington [Mr. SWIFT] wants to see done.

Mr. Chairman, it seems entirely appropriate that if we do not want to give the FEC the money for the computers, we should not give them more people. Do not take my word for it, that is what the Director of the Office of Management and Budget, Leon Panetta, said should be done. Leon Panetta asks Members to vote "yes" on the Livingston amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 197, not voting 11, as follows:

[Roll No. 241]

AYES—231

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Ford (MI)
Fowler
Franks (CT)
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manton
Manzullo
Margolies-
  Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Watt
Weldon
Williams
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—197

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega
  (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Goodling
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Richardson
Romero-Barcelo
  (PR)
Rose
Rostenkowski
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Blackwell
Cooper
Fish
Kennelly
Neal (NC)
Reynolds
Rush
Sharp
Underwood (GU)
Washington
Wolf

☐ 1833

The Clerk announced the following pair on this vote:

Mr. Cooper for, with Mrs. Kennelly against.

Mr. RAHALL changed his vote from "aye" to "no."

Messrs. QUILLEN, TAUZIN, KLINK, and VOLKMER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GEKAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage the distinguished chairman of the committee in a colloquy for two purposes, first, to thank him for his interest as indicated by a letter that he has written recently on the two-tier system that now exists in the administrative judges between AJ's and ALJ's, and how the chairman inquiringly wants to try to accomplish some conversion in the near future.

I want the Chair to know, and I want the chairman to know, that I have, as he knows, introduced legislation to try to bring about that conversion, because I think it is in the best interests of our Federal employees as they seek justice in their various claims not to have to be bogged down in perhaps a system that is overlapping and perhaps self-defeating.

So I ask the Chairman to concur with me, if he can, that this problem will be one that we will be facing shortly following the debate on the present legislation.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments. I also thank him for focusing on this issue and bringing it to our attention.

We have written, on behalf of the committee, for further information on this issue that the gentleman just referred to.

We expect to get some information back before conference, and I will be working with the gentleman and with our Committee to address this at conference, if that seems to be appropriate.

Mr. GEKAS. I thank the Chair, and I am satisfied with that response.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,341,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $366,896,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $4,979,106,000, of which (1) not to exceed $507,990,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:
Alabama:
Montgomery, Courthouse Annex, $40,547,000
Arizona:
Tucson, Courthouse, $12,241,000
California:
Santa Ana, Courthouse, $25,193,000
Colorado:
Lakewood, U.S. Geological Survey Laboratory/Building, $25,802,000
Florida:
Jacksonville, Courthouse, $4,600,000
Orlando, Courthouse Annex, $7,724,000
Georgia:
Albany, Courthouse, $6,000,000
Savannah, Courthouse Annex, $5,597,000
Kentucky:
Covington, Courthouse, $3,100,000
London, Courthouse, $1,620,000
Louisiana:
Lafayette, Courthouse, $5,363,000
Montana:
Babb, Border Station, $333,000
Missouri:
Kansas City, Federal Building-Courthouse, $84,895,000
St. Louis, Courthouse, $176,863,000
North Dakota:
Pembina, Border Station, $11,113,000
Ohio:
Cleveland, Courthouse, $30,048,000
Steubenville, Courthouse, $3,000,000
Pennsylvania:
Erie, Courts Complex, $3,335,000
Tennessee:
Greeneville, Courthouse, $3,123,000
Texas:
Austin, VA Annex, $1,430,000
Brownsville, Federal Building-Courthouse, $6,361,000
Corpus Christi, Courthouse, $6,857,000
Laredo, Courthouse, $24,341,000
Virginia:
Charlottesville, U.S. Army Foreign Science & Technology Center, $4,178,000
Washington:
Blaine, Border Station, $4,472,000
Oroville, Border Station, $1,483,000
Point Roberts, Border Station, $698,000
West Virginia:
Martinsburg, IRS Computer Center, $7,547,000
Non-prospectus construction projects, $126,000: *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $815,268,000, which shall remain available until expended, for repairs and alterations which, beginning with fiscal year 1995 and in subsequent fiscal years, includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:
California:
Los Angeles, U.S. Courthouse, $24,910,000
Menlo Park, USGS Building 3, $7,631,000
Sacramento, Federal Building, $16,574,000
San Pedro, Custom House, $5,429,000
Colorado:
Denver, Federal Building and Custom House, $8,896,000
District of Columbia:
Ariel Rios-Facades, $3,946,000
Customs/ICC/Connecting Wing Complex (phase 1), $9,662,000
National Courts, $4,588,000
Illinois:
Chicago, Federal Center, $52,982,000
Maryland:
Baltimore, George H. Fallon Federal Building (phase 3), $17,179,000
Woodlawn, SSA East High-Low Rise Buildings, $19,212,000
New Jersey:
Trenton, Clarkson S. Fisher Courthouse, $15,675,000
New York:
Holtsville, IRS Service Center, $21,313,000
New York, Jacob K. Javits Federal Building, $2,891,000
New York, Silvio V. Mollo Federal Building, $963,000
North Carolina:
Asheville, Federal Building and U.S. Courthouse, $7,052,000
Ohio:
Cleveland, Anthony J. Celebreeze Federal Building, $12,192,000
Oklahoma:
Oklahoma City, Alfred P. Murrah Federal Building, $5,878,000
Pennsylvania:
Harrisburg, Federal Building and U.S. Courthouse, $16,903,000
Philadelphia, Byrne-Green Complex, $34,028,000
Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $14,730,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $8,600,000
Texas:
Lubbock, Federal Building and U.S. Courthouse, $13,517,000
Virginia:
Richmond, U.S. Courthouse and Annex, $13,899,000
Washington:
Walla Walla, Corps of Engineers Building, $2,827,000
Nationwide:
Chlorofluorocarbons Program, $100,135,000
Energy Program, $50,803,000
Advance Design:
$21,685,000
Minor Repairs and Alterations, $301,168,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds

have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed $127,531,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed $2,204,628,000 for rental of space which shall remain available until expended and (5) not to exceed $1,323,689,000 for building operations which shall remain available until expended of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center: *Provided further*, That of the funds available to the General Services Administration for the Albany, Georgia, Courthouse; Stuebenville, Ohio, Courthouse; Corpus Christi, Texas, Courthouse; Providence, Rhode Island, Kennedy Plaza Federal Courthouse; and the Walla Walla, Washington, Corps of Engineers Building, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair and alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1995, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $4,979,106,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 31, line 23, strike "$40,547,000" and insert "$39,091,363".

Page 31, line 25, strike "$12,241,000" and insert "$10,980,177".

Page 32, line 2, strike "$25,193,000" and insert "$21,917,910".

Page 32, line 7, strike "$4,600,000" and insert "$4,186,000".

Page 32, line 8, strike "$7,724,000" and insert "$7,075,184".

Page 32, line 10, strike "$6,000,000" and insert "$5,676,000".

Page 32, line 11, strike "$5,597,000" and insert "$5,294,762".

Page 32, line 13, strike "$3,100,000" and insert "$2,917,100".

Page 32, line 14, strike "$1,620,000" and insert "$1,500,120".

Page 32, line 16, strike "$5,363,000" and insert "$4,971,501".

Page 32, line 21, strike "$84,895,000" and insert "$82,945,635".

Page 32, line 22, strike "$176,863,000" and insert "$159,353,570".

Page 33, line 1, strike "$30,048,000" and insert "$27,523,968".

Page 33, line 2, strike "$3,000,000" and insert "$2,982,300".

Page 33, line 4, strike "$3,335,000" and insert "$2,964,815".

Page 33, line 6, strike "$3,123,000" and insert "$2,863,791".

Page 33, line 10, strike "$6,361,000" and insert "$5,979,340".

Page 33, line 11, strike "$6,857,000" and insert "$6,274,155".

Page 33, line 12, strike "$24,341,000" and insert "$24,260,675".

Conform accordingly the 3 aggregate amounts set forth on page 31, line 15; and page 40, line 22.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Chairman, this amendment relates to the $508 million which this bill expends on Federal courthouse construction.

The bottom line of this amendment is that it does not eliminate any of the courthouse construction projects. However, it does reduce the total amount of spending on courthouse construction by $32 million, apportioned among 19 different projects. It is not an across-the-board percentage. Instead, this amendment relates most to those which are most expensive in terms of cost per square foot.

Mr. Chairman, now, there have been a number of studies recently. There has been a great deal of activity in the Senate. The GAO has become involved. There have been multiple media reports. Some of them questioned the construction of Federal courthouses in general and questioned the total square feet that are being added, and others related to what we are doing.

How many times are we putting marble rather than some other form of construction in place? Are we putting in hardwood or decorative wood? Are we putting in private kitchenettes in chambers, multiple law libraries rather than shared law libraries, larger space than is necessary, and otherwise are we increasing the cost to the taxpayers of this construction?

Here is a telling point, Mr. Chairman: If you are building a courthouse for State government or local government, it will cost you less than $100 per square foot. In fact, a company in Boston that did a report on this reported that to build a typical State courthouse or local courthouse, the cost is $90 per square foot. The State of Arizona recently built a new supreme court building at a cost of $93 per square foot. And I understand that is even with the use of expensive stone.

Yet for a Federal courthouse the average cost is about $200 per square foot, more than twice as much as it costs the State government to build a courthouse or local government to build a courthouse.

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We can talk about differences, Mr. Chairman, between how you construct a Federal courthouse or one for any other level of Government, but I do not believe we can justify spending twice as much per square foot to build it because it is for the Federal Government. This amendment is proportional, as I say; basically we took a formula and we took the projects the new projects proposed in this bill, and we calculated, or actually the GSA had already calculated, the cost per square foot. And as to those which exceeded $100 per square foot, we are proposing reducing the excess above $100 per foot by 25 percent.

Now, this difference in per-square-footage cost is not because of regional variations. We have checked with services that report average construction costs in different parts of the country, to make sure these were not regional differences in construction costs.

So, for example, Mr. Chairman, the bill, as written, has a courthouse in Cleveland at $200 per square foot. This amendment would reduce the allowance to $175 per square foot. There is a courthouse in St. Louis that is proposed for $187 per square foot; the amendment would reduce the cost of that building by $22 per square foot.

The point, Mr. Chairman, is that this does not say that everyone has to have the same price per square foot, because there are regional differences; this does not kill anybody's project. But it does try to bring a lower level of per-square-foot construction expense into this process.

What has been the experience of many people is they find that funds are over-allocated for construction, and then at some stage in the process extra expense is added. It may be extra space, it may be enlarging something, it may be making it fancier, it may be using brass rather than cheaper metal; it may be any of a number of things. But this puts us on record as saying that we want to meet the needs of the Federal judiciary but we want to meet the needs of the taxpayers as well. If State and local government can spend $90 and construct very fine and satisfactory courthouses, then I do not think we need to spend twice that much to construct a Federal facility. I believe this is a commonsense approach, Mr. Chairman. The bottom line, as I say, is that it reduces the $508 million in this bill for Federal courthouse construction by $32 million.

Mr. Chairman, I would urge adoption of the amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word, and I rise in opposition to this amendment.

Mr. Chairman, first of all let me put in context where we are in Federal courthouses. First of all, as the committee knows, last year the committee recommended a 10 percent cut across the board in courthouse construction funding. On the floor we cut an additional 2 percent. So that meant we cut 12 percent.

In addition, the administration undertook, under Administrator Johnson in the General Services Administration, a pause and review of all GSA projects that were recommended. In that pause and review they recommended that certain savings be affected. In fact, in our bill we did, not at the administration's request but our own initiative, cut an additional $78.2 million through rescissions. Now, that is in juxtaposition to adding $28 million.

So that there was a net reduction in Federal construction of $60 million by the committee at our instigation below what the President asked for. That was because of the rescission.

Now, the fact of the matter is there is a difference. There have been recent news reports on the cost to build Federal courthouses. The reports are focused on the cost per square foot of a Federal courthouse versus a country courthouse as well as the extra touches often found in Federal courthouses which could be viewed as too generous and too opulent. Frankly, that is why we made the 12-percent cut. That is why we urged GSA to make a very careful review of the Federal courthouse proposals.

Mr. Chairman, the gentleman from Oklahoma, Mr. ISTOOK's amendment is across the board, and that is based on his view of what the cost per square foot for construction of these courthouses ought to be. Let me make it clear, however, there has been no testimony before our committee with respect to this issue

There were questions asked, but we have not had a hearing on all the components that would be impacted by Mr. ISTOOK's amendment.

Despite the way Mr. ISTOOK may have come up with the figures, it is an across-the-board reduction, pure and simple, similar to Mr. POMEROY's to reduce the amount available for construction of each of the named courthouses.

Ladies and gentleman of the House, Mr. POMEROY intends to offer an amendment to reduce by 6 percent the courthouses that are being proposed. We will support that amendment. The reason we will support that amendment is the newly recommended courthouses were not subjected to the previous cut last year. We believe, therefore, that it is fair and appropriate that the new courthouses be subjected to the same cut.

I am pleased that Mr. POMEROY's diligence brought that to our attention. And he has been very tenacious in trying to make sure that we have, in effect, such savings as we can make while at the same time providing courthouses for our people so that justice can be served.

Mr. ISTOOK's amendment, however, also reduces funds for courthouses which are beyond the design stage, not just new.

Now, what does that mean? Santa Ana and St. Louis and others will cut money of their construction, though they are under way. They are already being proposed and they have been subjected, I will tell you again, to the GSA timeout and review. What Mr. ISTOOK should be interested in, in my opinion, is the courthouses which are being initiated this year for which design has not yet been complete.

Quite obviously, if design is not complete and the cuts are made, as Mr. POMEROY suggests, then in fact that can be accommodated.

Now, I see the gentleman from California, who has one of the major courthouses in this bill, on his feet, and I would be glad to yield to him.

Mr. DORNAN. I thank the gentleman for yielding and tell him that he assumes correctly, I say to my distinguished colleague from Maryland.

I cannot speak for the St. Louis courthouse, I will let the gentleman eloquently do that. However, with a heavy heart, and I do not say that sarcastically, I go against my distinguished colleague, the gentleman from Oklahoma. May his tribe increase on November 8, at least by 30 people. But the Santa Ana courthouse is in an earthquake-prone area. After all, we do call it the San Andreas fault that runs very close to there. Our Santa Ana courthouse has already taken about 4 hits. I point out it is not the charming name of Ronald Reagan——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. I yield further to the gentleman from California, my newfound friend.

Mr. DORNAN. I will wrap up by saying that if Orange County were a State, it would be bigger than 19 States. We have passed in the past 3 years Oklahoma, with all due respect, Mississippi and Arkansas. Look out, Oregon, here we come.

My point is you cannot ask people to get in the gridlock of traffic on those main arteries between San Diego, our second biggest county, and Los Angeles, our biggest, and spend 3 hours going to court and 4 and 5 hours driving home. Orange County is entitled to a modern courthouse. It has come down—and I will submit this for the record—5 times already. We are now into the bone of the seismographic building to withstand an earthquake. So, I repeat, with great pause I will have to vote against this amendment.

I rise today in opposition to the amendment by the gentleman from Oklahoma that would cut funding for construction of the Ronald Reagan Courthouse.

The Ronald Reagan Courthouse in Santa Ana, California has already experienced more than its share of cuts. Indeed, if every courthouse project in the country were scrutinized and held to the same standards as the Ronald Reagan Courthouse, the budget would be in much better shape.

Let me recite a few facts. Orange County's population is greater than the States of Mississippi, Kansas and Arkansas and 16 others and is rapidly approaching passing the population of Oklahoma. Look out Oregon here we come. So Orange County right now is more populous than 19 States. Currently, the Federal court system in Orange County has just three permanent courtrooms and three temporary courtrooms which are in modular structures. The long-range need of the courthouse, however, is for 29 courtrooms. So the current facilities, which are spread throughout Santa Ana, are obviously grossly inadequate. But get this, even upon completion of the Ronald Reagan Courthouse there will still not be adequate space.

But as we consider this further cut to the Ronald Reagan Courthouse, let me remind my colleagues that the project has already been cut substantially, by one-third. It started out as a $168 million project. It was then subjected to cuts of 10 percent and then 2 percent. After those cuts, it was subjected to the time-out-and-review process, which recommended an additional $25 million cut. Eventually, after all this, we arrived at the $123 million figure in the committee bill.

The cuts have resulted in substantive changes to the courthouse's design. An entire floor has been chopped off and most of the parking has been lost. These are not luxuries that are being cut. We have looked long and hard at the expenses, and we have cut them, in my mind, beyond the bone.

I believe that although past cuts may well have been justified, this additional cut attacks the substance of the project.

Furthermore, consider that the citizens of Santa Ana, a working class city in the center of my district, support the project so much that they have donated the land for the courthouse. Their donation has saved the Federal Government $4.5 million.

And with all due respect to my friend from Oklahoma, construction costs in southern California cannot be compared to construction costs in Tulsa. Orange County has one of the most expensive real estate markets in the country, especially when you add in the increased expenses stemming from seismic requirements. Anybody who has been to Southern California knows what I am talking about. Again it is simply ridiculous to think that you can build in southern California for the same price you can build in Oklahoma.

Lastly, if this cut goes through, the courthouse will have to be redesigned for the third time, wasting even more taxpayer dollars. This amendment may seem penny wise but, in the case of the Ronald Reagan Courthouse, it is definitely pound foolish.

The Ronald Reagan Courthouse in Santa Ana, CA has been chopped, topped, and scrubbed. And while I have great respect for my distinguished colleague from Oklahoma and I applaud his commitment to reducing the deficit and in probably every other case will be supporting him, I must say that in this case he is just plain wrong. The Ronald Reagan Courthouse, which will serve a legitimate Federal function, has already been subject to severe cuts. I therefore urge my colleagues to vote against this amendment.

Mr. HOYER. I thank the gentleman from California for his comments. He reflects the problem caused by adoption of this amendment. To reduce the cost per square foot would require a redesign in some instances of these buildings, which would cost more, not less, in the final analysis.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

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Mr. ISTOOK. Just to clarify, I understand, of course, Mr. Chairman, what the gentleman is saying regarding the necessity to redesign in some instances, but is he contending that the cost of redesign would exceed the 32 million dollars worth of savings, because we have figures here on what it costs to design these buildings today—

Mr. HOYER. It is our contention to pause at this point in time. The Santa Ana Courthouse, as the gentleman knows, at this time is under way, and the gentleman has pointed out what is going on. To pause at this time, not just in the redesign costs, but in delay and construction, yes, our premise is that it could approximate or exceed the savings the gentleman seeks.

Mr. ISTOOK. Mr. Chairman, I would certainly disagree with that contention, but I will seek my own time and present those things rather than doing it on the gentleman's time.

Mr. HOYER. In fairness to the gentleman, Mr. Chairman, I do not have an estimate on that, but the information I have is that it is possible to exceed the costs so that the savings may be somewhat illusory. But the gentleman could speak to that question.

Mr. Chairman, the Members will have an opportunity to reduce the cost of construction of new courthouses with the amendment offered by the gentleman from North Dakota [Mr. POMEROY]. The Pomeroy amendment reduces funding for the new courthouses which have not yet been designed. This will ensure that savings which will reduce the cost per square foot will be built into the design of the facility. The Committee has included a provision in the GSA portion of the bill which prohibits the transmission of a fiscal year 1996 request for courthouse construction which does not meet the standards established by GSA and OMB.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. I am taking this time, Mr. Chairman, because I think this is a substantive, important amendment, but I think there are very important reasons to oppose this amendment and support the amendment offered by the gentleman from North Dakota [Mr. POMEROY].

The committee, as I said, has included in the GSA portion of the bill language which prohibits the transmission of a 1996 request for courthouse construction, which, as I said, does not meet the standards applied by GSA and OMB. These standards include benchmarks currently being developed by GSA which establish a design for courthouses to lower the cost per square foot of these facilities.

Again, Mr. Chairman, let me reiterate to the Members of the House that we have reduced, not at the administration's request, but on our own initiative, by $78 million existing facilities, not all courthouses. Let me say, as the gentleman from Oklahoma [Mr. ISTOOK] knows, $30 million of that comes out of a reduction in a project, frankly, in my district because I was convinced that in fact that money could be saved without diminishing the scope and quality of the project.

The benchmarks that the GSA will come up with will also increase the occupiable square footage from the current 60 percent to 67 percent, an appropriate step forward. This effort has the effect of lowering the cost by approximately 10 percent. While the discussion of cost per square foot for the courthouses is a valid one, of course we have not had such a discussion in our hearings, and to base an amendment on such a proposal without the opportunity to question GSA about the basis or the effects of such a reduction on their cost estimate in our opinion is not warranted.

Mr. Chairman, I would, therefore, ask that the Committee defeat this amendment.

AMENDMENT OFFERED BY MR. POMEROY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. POMEROY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. POMEROY as a substitute for the amendment offered by Mr. ISTOOK:

Page 30, line 15, strike "$366,896,000" and insert "$361,615,520";

Page 31, line 15, strike "$4,979,106,000" and insert "$4,973,825,520";

Page 31, line 15, strike "$507,990,000" and insert "$502,709,520";

Page 31, line 25, strike "$12,241,000" and insert "$11,506,540";

Page 32, line 8, strike "$7,724,000" and insert "$7,260,560";

Page 32, line 10, strike "$6,000,000" and insert "$5,640,000";

Page 32, line 11, strike "$5,597,000" and insert "$5,261,180";

Page 32, line 13, strike "$3,100,000" and insert "$2,914,000";

Page 32, line 14, strike "$1,620,000" and insert "$1,522,800";

Page 32, line 16, strike "$5,363,000" and insert "$5,041,220";

Page 33, line 1, strike "$30,048,000" and insert "$28,245,120";

Page 33, line 2, strike "$3,000,000" and insert "$2,820,000";

Page 33, line 4, strike "$3,335,000" and insert "$3,134,900";

Page 33, line 6, strike "$3,123,000" and insert "$2,935,620";

Page 33, line 10, strike "$6,361,000" and insert "$5,979,340";

Page 33, line 11, strike "$6,857,000" and insert "$6,445,580";

Page 40, line 22, strike "$4,979,106,000" and insert "$4,973,825,520";.

Mr. POMEROY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Chairman, my substitute amendment addresses the issue addressed by the gentleman from Oklahoma [Mr. ISTOOK], and I applaud him for his attention to the issue of excessive courthouse construction costs with a difference in one important respect, and that is it addresses contracts not yet let, agreements not yet made, on behalf of this Government for the formal construction of Federal courthouses.

As my colleagues know, we believe and talk every day that Government ought to be run like a business. Government ought to be run like a business. Well, that is darn right, Government ought to be run like a business, and that means a contract is a contract. I think it is bad business to have let the construction contracts on these projects, and come back through a slapdash House amendment this afternoon, and redo those agreements. I think the cost savings to be generated by the amendment for which I am offering this substitute will be uncertain in light of design changes that might be necessary

In addition, Mr. Chairman, I would point out that the construction costs at issue were addressed by an amendment I offered last year which added to the 10-percent reduction made by the committee an additional 2-percent cut saving millions for taxpayers across the country.

Finally, Mr. Chairman, I worry about the forward precedent of not holding some sanctity to the contracts let by the Government. I believe we would force an agency like the GSA with so many millions of dollars of construction under its authority to rush forth the construction so that they would not find themselves caught in the plight they are presented with this afternoon.

However I believe cuts can and must be made in the construction projects for courthouses not yet let. My amendment addresses specifically projects where I am convinced costs can be cut. We have seen examples of excess in the construction including expensive marble, soaring ceilings, plush judges chambers, and ornate woods. Those are just a few of the examples of the wasteful spending rolled into the Federal construction projects for our courthouses. The amendment to cut 6 percent from the 13 new courthouses would save taxpayers $5.6 million and encourage the type of belt tightening which taxpayers have rightfully been calling for.

Last year, as I mentioned, the House took this step, put a 10-percent cut in the committee, passed an additional 2-percent cut offered by me in an amendment last year. I mentioned in that debate last year, and I mention it again this year because of its direct applicability, an example where Fargo, ND, led the way in reducing unnecessary courthouse construction costs. Two years ago Congress authorized $46 million for a new courthouse in Fargo. My colleagues would not have believed what happened on the way to the Federal Treasury. The folks of Fargo, ND, said, "That is ridiculous. That is way too much of a taxpayer investment. We don't care if it's coming right here to Fargo. It's too much. Build it for half of that cost." And sure enough costs of that project have been rolled back 50 percent. Imagine a community saying no to Federal spending right in their backyard.

Mr. Chairman, if Fargo can take a 50-percent cut, then these new projects can certainly take a 6-percent cut. I urge my colleagues to support my substitute amendment.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would not want anyone to mistake what the gentleman from North Dakota [Mr. POMEROY] proposes in his amendment. The Pomeroy substitute for my amendment proposes reducing spending by $5.6 million. However at the same time it does away with the proposed additional $26 million in spending in my amendment because the Istook amendment proposes a $32 million cut, and the Pomeroy substitute seeks to reduce the $32 million cut to $5.6 million. So, although we agree upon the basic principles of reduction to spending, there is a significant difference in the degree.

Someone mentioned to me, "Well, Pomeroy is kind of Istook Lite on this." I think that what we have is a mistaken premise that somehow it costs more money to save on these projects. There is a mistaken notion, perhaps, that these are buildings that are almost complete. That is not the case. In most cases they are buildings that exist only on paper, and I think in only two instances in all the bill have they even gotten so far as to even break ground for site preparation. It is not a matter of changing existing contracts. It is a matter of saving taxpayers' money.

Certainly it is common in construction to have change orders, if necessary, when the scope of a project is changed, especially in the planning stages, which is what we are seeking to do. That is routine. It happens frequently, and the cost is not the cost of the change order that is proposed. The cost, depending upon the architectural fees involved, may be, 10 percent of the change orders, and may be even far less than that.

□ 1900

The question then is, would we spend 5 percent of $32 million in order to save that $32 million? And I submit that the answer to that is yes. I have not heard the opponents of my amendment say that we have not overplanned. I have not heard them say that we need all the space, that we need all the trim, that we need all the marble, that we need all the private baths and the private kitchenettes and the high ceilings. I have not heard that suggestion. But that is what my amendment is trying to do, strictly to go and cut out the frills which routinely pop up. And usually we do not see them until the edifice is completed, and we read the press accounts of the new Taj Mahal that has been constructed at Federal expense.

Taxpayers going to a courthouse are seeking simple justice, not a fancy building. As an attorney by profession, I can tell you I have been in plenty of courthouses and plenty of courtrooms. And I can see, and anybody that goes into them, can see the difference between a state and local and a Federal Courthouse, or the courtrooms.

I have been in huge courtrooms that you rattled around in and the sound gets lost. I have seen judges that each have their own private law libraries, rather than sharing books with the judge next door, who may be as far as 50 or 100 feet away.

I think we need to meet the needs of our judiciary, but we also need to meet the needs of our taxpayers. And I submit it would be inappropriate to say let us not cut spending by $32 million, let us adopt the Pomeroy substitute and say that $5 million is enough savings.

We have got to put a halt to the practice. They have been having hearings on this over in the Senate. I have copies of transcripts of much of that. They have had the testimony, they have had the studies. We simply need to pay attention to it.

Again, I reiterate, this is not a threat to a project in anyone's district. This does not cancel any project. This merely says we are not going to be as fancy, we are not going to have as many frills, we are going to use more common sense, we are going to save the taxpayers $32 million.

I request that Members reject the Pomeroy substitute and adopt the Istook amendment.

Mr. BARCA of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, I do not want to prolong the debate, because I am not really completely aware of the courthouse contracts that currently exist. I do want to strongly support the Pomeroy-Dickey amendment, because I think it moves us in the right direction.

Last year, of course, I watched with great interest as the gentleman from North Dakota [Mr. POMEROY] had discussed the experience they had in Fargo, ND. I think his point was very well taken.

On the overall issue, I think really we are in agreement, Mr. Chairman. The goal here is to try to cut down on some of the frills we spend in courthouse spending.

I think this amendment that the gentleman from North Dakota [Mr. POMEROY], and the gentleman from Arkansas [Mr. DICKEY], have put forward accomplishes that goal. It is a way to try to save money over the long-term, and I think it is a good amendment. I strongly support it, and I hope we adopt it.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pomeroy amendment. I believe, as I said in the initial debate, that the Pomeroy amendment does reach the objective the proper way. The reason I believe that is because it deals prospectively with projects that are not now on the ground and in construction as the Santa Ana and others are.

I understand what the gentleman is saying, that he believes this will just do away with frills. The fact of the matter is, as was discussed by the gentleman from California, there are other things that make costs expensive unrelated to frills. His happens to be in the earthquake fault area, and therefore construction requirements are heightened.

The fact of the matter is that the GSA has had a time out and review and looked at existing courthouses with the specific objective of reducing frills. In fact, we have reduced numerous courthouses, as the gentleman knows, as a result of that time out and review, part of which was in some instances scope changes, and others were known as value engineering savings.

Mr. Chairman, I would urge the House to adopt this amendment. It does save about $5.5 million, and it does so appropriately, and I think without adverse consequences to projects that are ongoing.

I would reiterate, I do not have the figures and I cannot therefore say it definitively, but it is not just redesign costs that are involved here, it is delay costs as well. I do not know what they would be, frankly, because I do not know how long the delays would be, but that would be a consequence of moving forward and trying to adopt this amendment.

Mr. Chairman, I believe the substitute is appropriate, it will not adversely affect us, and will speak to the issues raised by both the gentleman from Oklahoma and the gentleman from North Dakota of excessive costs on courthouses. I urge the adoption of the Pomeroy amendment.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Without objection, the gentleman may proceed.

There was no objection.

Mr. ISTOOK. Mr. Chairman, I do so simply to try to wind it down.

Since the gentleman from Maryland [Mr. HOYER] mentioned the Santa Ana Courthouse, that particular project is proposed at $123 million. This amendment, because of the amount that is appropriated this year as opposed to prior years, would only diminish that $123 million projected by $3.5 million. So it is less than 3.5 percent differential on that particular one.

Furthermore, although the national average construction is less than $100 per square foot, and according to the Associated Building Contractors, the differential for building in Los Angeles is only about 15 percent higher than elsewhere in the country. Nevertheless, the per square foot cost of this courthouse in California is $205 per square foot, more than double what I have been talking about on the average, even though the local differential would only be 15 percent. I commend that to the gentleman's attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. POMEROY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a vote may be taken on the Istook amendment.

The vote was taken by electronic device, and there were—ayes 302, noes 120, not voting 17, as follows:

[Roll No. 242]

AYES—302

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McInnis
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Rangel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—120

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bishop
Bliley
Boehner
Bonilla
Brown (FL)
Bunning
Burton
Callahan
Camp
Canady
Castle
Clyburn
Coble
Crane
Crapo
DeLay
Doolittle
Dreier
Duncan
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Herger
Hoekstra
Hoke
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
King
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
Margolies-Mezvinsky
McCollum
McCrery
McDade
McHugh
McKeon
McKinney
Meek
Mica
Miller (FL)
Moorhead
Murtha
Myers

Nussle
Oxley
Paxon
Petri
Porter
Portman
Quillen
Rahall
Ramstad
Ravenel
Rogers
Rohrabacher
Romero-Barcelo (PR)
Roth
Royce
Saxton
Schaefer
Sensenbrenner
Shaw
Smith (MI)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Towns
Upton
Vucanovich
Walker
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Cooper
Edwards (CA)
Fish
Ford (MI)
Kanjorski
McCandless
McCurdy
Michel
Neal (NC)
Reynolds
Sharp
Torres
Underwood (GU)
Washington
Whitten
Wilson
Wolf

□ 1927

Messrs. BATEMAN, LEWIS of Florida, BEREUTER, COBLE, GUNDERSON, HANCOCK, SAM JOHNSON of Texas, BARRETT of Nebraska, HERGER, SAXTON, QUILLEN, SUNDQUIST, MOORHEAD, HALL of Texas, LINDER, and BOEHNER changed their vote from "aye" to "no."

Messrs. KOPETSKI, SHAYS, and PACKARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CARR of Michigan changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 393, noes 22, not voting 24, as follows:

[Roll No. 243]

AYES—393

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—22

Ackerman
Bacchus (FL)
Bishop
Brown (FL)
Bunning
Clyburn
Fowler
Hochbrueckner
Hoke
Lazio
Lewis (CA)
Lewis (KY)
McCollum
McDade
McKinney
Meek
Mica
Quillen
Rahall
Rogers
Serrano
Vucanovich

NOT VOTING—24

Bonior
Clay
Cooper
Cunningham
Edwards (CA)
Fish
Ford (MI)
Gingrich
Hunter
McCandless
McCurdy
Michel
Neal (NC)
Reynolds
Sharp
Slaughter
Torres
Torricelli
Underwood (GU)
Washington
Waxman
Whitten
Wilson
Wolf

□ 1936

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL:

Page 31, line 15, insert "(less $11,427,000)" before ", of which".

Page 34, line 16, insert "(less $11,427,000" before ", which shall".

Page 36, strike line 25 and all that follows through page 37, line 2.

Page 37, strike lines 9 through 11.

Page 38, line 24, insert "and" after the 1st semicolon.

Page 38, line 24, strike the last semicolon and all that follows through "Building"on page 39, line 2.

Page 40, line 22, insert "(less $11,427,000)" before "shall remain".

Mr. FAWELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Chairman, this is the first of two amendments that I will offer to strike unauthorized and unrequested projects from the bill. These amendments are supported by our bipartisan porkbusters group.

Mr. Chairman, the first amendment strikes three unauthorized new courthouse construction projects. These new projects are $6 million for a courthouse in Albany, GA; $3 million for a courthouse in Steubenville, OH; and $6.8 million for a courthouse in Corpus Christi, TX.

Mr. Chairman, the Albany, GA, project is unauthorized and was not requested by the administration for fiscal year 1995. The Steubenville, OH, courthouse was not requested by the administration and it was not requested by the General Services Administration for fiscal year 1995, either.

The GSA study of Steubenville, OH, came back with this verdict:

"Federal space needs can easily be met with low cost leases."

Moreover, it was not authorized by the Committee on Public Works and Transportation, which means that they are in violation, of course, of the rules. That is true with all of these projects, but, of course, the rules were waived, and so although I would have had a right to make a point of order and we could have all gone home, I do not have that right, and we have to have a debate on the subject of striking these projects.

Mr. Chairman, the $6.9 million Corpus Christi, TX, courthouse was not requested by the administration, it was not requested by the General Services Administration for fiscal year 1995, it was denied funding by the Office of Management and Budget, and it was not authorized by the Committee on Public Works and Transportation.

To the many taxpayers who may be listening in at this later hour, what is at stake here, I believe, is whether to allow a few Members of Congress to circumvent the rules and to spend millions of tax dollars on what could be called pork-barrel projects.

□ 1940

And by that, I mean not substantively referring to those particular projects, but I mean that they had no authorization, no hearings, no determination of the needs for these projects. That is to say, there was a complete failure to follow the basic procedures in the House in regard to spending.

To taxpayers who want to know why, why Congress will not cut unnecessary spending, watch the vote on this amendment. A vote against this amendment is a vote in favor of breaking the rules of the House and to spend $16 million on what I think can be called pork-barrel projects.

And who wants these projects built? Neither the General Services Administration nor the Committee on Public Works and Transportation that alone have the statutory authority to request them via a prospectus.

In addition, these projects are all over the President's budget. How much over? Even the Committee on Public Works and Transportation cannot estimate the final cost of these projects. There have been no estimates, and most important of all, no prospectus.

Public Works has not had, therefore, the chance to really pass on in-depth information about these projects.

The appropriators will say, "Do not worry, funding for construction of these projects is still subject to the approval of a prospectus by the Committee on Public Works and Transportation." The Committee on Appropriations, by the way, then in their appropriation proceeded to authorize expenditures for a prospectus on these projects. But, in fact, the appropriators know that once the prospectus is under way there is no way of stopping this train. A prospectus will, in essence, set in motion funding for these projects.

But the underlying law, the Public Buildings Act of 1959, gives this power only to the General Services Administration and to the Committee on Public Works. The Committee on Appropriations just usurped that power and said, "Go ahead now, we authorize you to come up with a prospectus."

This is a classic case also, from my viewpoint, of legislating on an appropriation bill. That is against the House rules, too. But there is no problem. The Committee on Rules simply waived that rule, too.

Furthermore, last year similar language requiring subsequent authorization in an appropriation bill was dropped by the conference version of the Treasury, Postal appropriations.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, in closing, I would say this: We are being asked as a body to approve this spending when neither this body nor the GSA nor the authorizing committee know the facts. Shall we vote blind? No. Because that is why prospectuses and authorizations and facts ought to precede appropriations.

This is our only chance, at least insofar as someone like myself, an average Member of this Congress, to ever vote on whether to start the funding train for these unstudied and unauthorized projects.

These projects have to be stopped before the prospectus is funded or ordered to be funded, or there will be no way, of course, of stopping them.

The communities back home and everyone else will say, "Well, this is just something that has to be done, because after all, the appropriations have approved this."

A "yes" vote on the Fawell amendment is a vote for cutting $16 million unauthorized pork-barrel projects. A "yes" vote is a vote for cutting wasteful spending. A "yes" vote is a vote for fiscal responsibility.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment which speaks to three projects, as the gentleman has indicated.

I will speak to them briefly. But let me first make the general point that historically the so-called pork-busters have referred to projects that were, in fact, being passed by the Committee on Appropriations without approval of the authorizing committee, and going through the regular process.

Now, the gentleman from Illinois [Mr. FAWELL] mentions that, "Oh, well, the Committee on Appropriations will get up and say it has language." That language is critical.

Now, I think we will have some members of the Committee on Public Works and Transportation reference that. We work very closely and have told the gentleman from California [Mr. MINETA] and the gentleman from Ohio [Mr. TRAFICANT], the chairmen of the full committee and the subcommittee, who do very, very careful work on these projects, that we would not either appropriate something they had not authorized or not appropriate funds and not make them subject to authorization. In other words, in the final analysis, none of these projects can go forward without the Committee on Public Works and Transportation giving them approval. That is the process. That is what we have agreed to follow.

We have a good, close working relationship, and that is what we do.

Now, the gentleman is correct. These projects were not in the President's request. However, as you will hear from the Members who represent the areas that these projects are located in, there was very strong feeling that there was a need. I will not speak to that, because I presume they will.

On pages 38 and 39 of the bill, we say that the funds available to the General Services Administration for Albany, GA, for Steubenville, OH, and for Corpus Christi, as well as the two projects that will come in the next amendment, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition projects for which a prospectus, if required pursuant to the public law, has not been approved. That is the key.

In other words, this committee is not saying we are the final word on this. We understand there is an authorizing process. We understand that we need to make sure that both committees, as well as this House, believe those projects are appropriate.

I will yield in just one second. But let me finish my comments here.

That is the way the process is set up to work.

The gentleman is correct. We are putting the appropriation in now so that if the Committee on Public Works decides this is appropriate, they can move forward. We do, as the gentleman observes, provide for the limited authority so that the prospectus can be prepared for review by the Committee on Public Works and Transportation. The gentleman is absolutely correct on that. And the gentleman is also correct that it is legislation on an appropriation bill.

We adopted a rule, of course, that said that we would be all right on that.

Now, let me say that the law to which you refer says that, subject to the exceptions contained in the preceding proviso, in no case shall funds be made available for any lease, line item, construction, repair and alteration project referred to in the preceding proviso if, prior to February 1, 1994, the lease, line item, construction, repair and alteration project has been disapproved by the House Committee on Public Works and Transportation or the Senate Committee on Environment.

Now, that refers to last year's language which the gentleman mentioned. He is correct. We did change that language as a result of conference, and as a result of the request of the Senate. That is what the Senate did.

However, they wanted to have it just by the Senate committee. We said no, that is not the way we are going to play; obviously two Houses need to act on this. As a result, we made it subject to the actions of both committees and had either committee disapproved the project, it would not have been able to go forward.

Happily, the committee concurred with the judgment of the Committee on Appropriations in both the House and the Senate, and those projects went forward. But I would suggest to the gentleman that this is not the kind of pork projects that the gentleman has historically had great concern about.

□ 1950

And the reason it is not is because this project is going to have to go through the same review process ultimately. It may not go through in the same sequence, but it ultimately has to go through in the same way of any other project in order for money to be spent.

Mr. Chairman, I will have more to say on this as we conclude, but I know that Members who know intimately about these three projects will want to speak to them.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, despite the pleas from our chairman of the subcommittee, we have rules. The rules say we do not appropriate money unless there is an authorization. The fact is that the chairman of the subcommittee has just admitted that there is no authorization for these projects today, which means, under the rules, that the money should not be appropriated.

The second point I would make is, under the rules of the House, under the proceedings of the House, unauthorized projects in a bill such as this should be subject to a point of order, except that once again the Committee on Rules has waived all points of order.

Now, what kind of a body do we have if we ignore the rules that we set up for ourselves? And we have been through this on appropriation bills for the 3½ years that I have been here, and probably for some time before that. But I think it is time that we all vote on the rules; those of you on the other side of the aisle impose the rules on us, and yet you cannot live by your rules.

So, to stand up and say that this is not pork is wrong; because it has not been authorized, it is pork-barrel spending. It is business as usual.

The authorization committee, if they felt this was so important, why in fact was it not authorized? Why has it not been brought to the floor? We do not know whether these projects have merit, whether they are practical, whether they are needed. We are probably going to hear from some Members in whose districts they happen to be located come to the floor and tell us that. But the fact is they are not authorized. We all know what the rules are. So, to say it is not pork, let us all be honest, this is nothing but pork-barrel spending, business as usual.

If you really want to send a message home to your constituents, stand up and do the right thing and vote for the Fawell amendment and for fiscal sanity.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

The gentleman understands, of course, how the authorizations are affected, I am sure. That is by resolutions of the authorizing committees both in the Senate and the House. Once that is done, it is presumed to be authorized. It does not have to be signed into law. The gentleman, does he understand that?

Mr. BOEHNER. I understand that.

Mr. HOYER. That being the case, exactly the same process, the gentleman is correct, has to occur in order for these projects to go forward. It just doesn't have to happen in the same order. That is my point.

Mr. BOEHNER. Reclaiming my time, what the gentleman is saying is we are not going to follow what the rules say, that because we do not have the authorization bills, we are going to go ahead and appropriate this and say if they get authorized, the money is going to be there. Is that what the process of the sequence is going to be on this?

Mr. HOYER. What I am saying is that historically we have found a problem, not all the time, but a consistent problem. That is that the committee of the other body simply has not acted. So we went for literally years without any authorizations on the other side. So what happened was the House committee would do its work in timely fashion, authorize the project, we would put it in the appropriation bill, send it over to the other body, and it would be passed and signed by the President.

You talk about the rules, this is a law. This cannot go anywhere unless the House acts, the Senate acts, and the President signs it. This is the law of the Congress of the United States that makes these expenditures. Unfortunately, though there is a process it has to go through, it has not worked all the time. It has worked better in the House, I would suggest to the gentleman. All we are doing is providing for these projects at the request of Members that these are, in their judgment, necessary in their districts. But to also say, as the gentleman says, because our rules require authorization, these are subject to authorization as any other project would be.

Mr. BOEHNER. Reclaiming my time, the chairman has made it clear to all of the Members that we are not following the rules. Now, we can complain that the Senate has not acted on our authorizations, and maybe there is good reason, maybe there is not. I do not know the history of it. But we know that to get an authorizing bill passed, that it has to pass the House and the Senate and be signed by the President. If the projects cannot get through that process, then under the rules we are not allowed to appropriate money. Now, the chairman of the subcommittee knows that. Now, the question is: Are we going to follow the rules or are we not?

I suggest to all my colleagues that if we vote for the Fawell amendment, we will be supporting ourselves, we will be supporting our rules, and you bring some fiscal sanity to what is going on in this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. FAWELL] for a correction.

Mr. FAWELL. Mr. Chairman, I understand perhaps the wrong amendment was read. I just wanted to ascertain if that is so. It should be 0.020. If that is not the case, I would make a unanimous consent request.

The CHAIRMAN. Without objection, the Clerk will report the originally intended amendment, which in fact has been debated.

There was no objection:

Amendment offered by Mr. FAWELL:

Page 31, line 15, insert "(less $15,857,000)" before ", of which".

Page 31, line 16, insert "(less $15,857,000)" before "shall remain".

Page 32, strike line 10.

Page 33, strike line 2.

Page 33, strike line 11.

Page 38, line 23, strike "Albany" and all that follows through the last semicolon on line 24.

Page 40, line 22, insert "(less $15,857,000)" before "shall remain".

The CHAIRMAN (during the reading). Without objection, the amendment is considered as read and printed in the RECORD.

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Illinois

[Mr. FAWELL] is properly before the House.

Mr. PENNY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fawell amendment.

The Fawell amendment is straightforward. It deals with three construction projects in the Treasury/Postal Service appropriations bill.

The projects have been described earlier: one for Corpus Christi, TX. This project was not requested by the administration, was denied funding by the Office of Management and Budget for fiscal 1995, and it has not yet been authorized by the Committee on Public Works and Transportation.

The second project, in Albany, GA, was not requested by the administration, was denied funding by OMB, and has not yet been authorized by the Committee on Public Works and Transportation.

The project in Steubenville, OH, again not requested by the administration, has not yet been authorized by the Committee on Public Works and Transportation. In fact, the General Services Administration has stated that downtown Steubenville currently has an office vacancy rate of 18 percent, or 36,000 square feet. There appears to be very little demand for this available space. Federal space needs can easily continue to be met through low-cost leases.

Three examples of projects that have found their way into an appropriations will without having gone through the committee process on Capitol Hill that may have, may have, demonstrated their merit. These projects were clearly not on a priority list in terms of the Clinton administration's budget submission to Congress. For that reason, it is important to draw attention to the fact that this represents, once again, an example of the appropriations legislation funding projects which are primarily local in their importance and questionable in terms of the expenditure of Federal tax dollars.

Mr. Chairman, I applaud the gentleman from Illinois, Mr. FAWELL, for his diligent work over the years in gleaning appropriation bills in order to identify this sort of spending, unauthorized and unrequested projects which have no place in our appropriation bills. I join with him again this year, as I have in the past, in support of amendments to strike these projects from the legislation before us.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman for yielding. Just briefly, I do want to make it clear—and this is not understood by a lot of people, and it was not understood by me until I went to the books and reviewed it—that before you can have a new construction—and, by the way, there are $507 million toward new construction. So it is not that we are not spending money on new construction. But before you can have one under the Public Buildings Act, either GSA on its own initiative or the authorizing committee can ask for and commence the prospectus—ask for a prospectus, which is a full evaluation of the needs. They review the area where the courthouse would be built, the amount of office space that must be available. It is an in-depth survey. Then the GSA has to go through OMB, and it is quite a process before they ultimately come up with a prospectus which basically allows the authorizing committee to do the authorizing.

□ 2000

Now obviously none of that has taken place, and there has been plenty of time for it. Now whether it might sometime in the future, because of one or two people that may believe it can or may take care of it, is something else, but I think that it is important to know that on all of these projects there has never been a favorable prospectus that has come out of the GSA, and that is awfully important, I think.

Mr. PENNY. Reclaiming my time, Mr. Chairman, the gentleman is making the point that clearly this is an example where the cart is now before the horse. We do not have any, any of the elements, in place that would normally precede the funding of a construction project, and yet here we are today dealing with an appropriations bill that offers funds for these projects that are not requested, that are not authorized and that have not even received the benefit of a prospectus.

Mr. FAWELL. That is the way I view it, yes.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman, I think, would agree that, pursuant to the language, the cart cannot get there without the horse. What I mean by that is the process that the gentleman referred to is required by this bill.

The gentleman is correct obviously; the cart, as he says, is before the horse, they both have to get there or this project does not go forward.

Mr. DUNCAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois [Mr. FAWELL].

I want to say, first of all, that this has nothing to do with the personalities involved because the Members whose districts are affected by this are some of the finest Members that we have in this body. But as the last two speakers have accurately stated, this is putting the cart before the horse.

Mr. Chairman, this is not the way that people want us to do their business. None of these projects have been authorized. There have not been hearings held in the authorizing committee on these projects. None of these projects have been requested by the GSA. To vote against this amendment would be to vote for millions of dollars with no real knowledge of the need, the ultimate cost or anything else about these projects.

The overspending, the exorbitant, excessive spending, on courthouses around the Nation is fast becoming, and has become, a national issue. It has been reported on in recent months by all the national networks and by many of the leading national journalists. The people are becoming very angry about all the waste that is popping up in these courthouses. In Boston we have a courthouse plan with 33 kitchens, a $1.5 million boat dock, a six-story atrium, 709,000 dollars' worth of artwork and so many other things. Can we really be sure that these courthouses will not have private kitchens, marble floors, private elevators, and all these over-elaborate things we are seeing in these other courthouses? The judges in the Foley Square project in New York City have upgraded their gold-plated project with over $30 million of elaborate extras.

The GAO, the General Accounting Office, in a September 1993 audit, Mr. Chairman, found that Federal courts had overestimated their needs by 3 million square feet, which is probably $4 to $6 billion conservatively at the present rate of the cost of these Federal courts. In fact, the Boston Courthouse, as I mentioned, if it comes in on budget, will be $285 a square foot. Many others are coming at over $200 a square foot. One of the national networks reported that the average hospital cost in this country was $97 a square foot even with all of their special construction needs, and yet these Federal courthouses are coming in at ridiculous amounts, and that will be the case with these courthouses if we do not really look at them first, if we do not go over them with a fine tooth comb and if we do not go through the normal procedures, the processes, that are called for by the Public Buildings Act of 1959 which specifically says that these courthouses must start with the authorizing work done first.

This is not a partisan issue. This is becoming one of the most bipartisan issues in the Congress, and, in fact, in my position as ranking member, ranking Republican, on the Subcommittee on Public Buildings and Grounds, I have just a few days ago signed a letter requesting a new GAO investigation of the exorbitant and excessive costs in regard to these courthouses. That letter was signed by 8 Members of the Congress: Senator DORGAN, Senator GLENN, Senator SASSER, Senator KERREY, all Democrats, Senator COHEN, Senator MCCAIN, the gentleman from Oklahoma [Mr. ISTOOK] and myself.

So, Mr. Chairman, I think that the gentleman from Illinois [Mr. FAWELL] has a fair and reasonable amendment here. It does not means that these courthouses will not be approved later, at least we will be doing it. If we follow this amendment, we will be doing what the people want us to do, and that is spending their money as if it were our own instead of just blowing it right and left as if we did not have a $4½ trillion national debt, as if we were not still losing hundreds of millions of dollars each day on top of it.

We cannot afford to keep doing business as usual in this Congress. There has to be a stop some place, and this amendment is a good place to stand up in favor of some fiscal sanity and to pay some regard to the taxpayers sacrifices that they are making on a daily basis to provide the money that is doing all the things we want to do.

I urge support for the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. ROWLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would strike $6 million, which has been included in the appropriations bill, to begin construction on the courthouse in Albany, GA. The Albany courthouse has been on the General Services Administration list of requests in fiscal year 1994 as well as for fiscal year 1995. According to GSA, this is a sound project.

It is my understanding that the design for the Albany courthouse is 95 percent complete and will be 100 percent complete on July 5, 1994. The city of Albany has already donated a prime site for the courthouse.

Pages 38 and 39 of H.R. 4539 clearly state that the funds appropriated for the Albany courthouse and the other courthouses the gentleman from Illinois has referred to will not be spent without the authorization of the Committee on Public Works and Transportation. So, I really do not know what the gentleman's problem is.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words to speak on behalf of the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. Chairman, the old adage in politics is that one man's pork is another man's project. More often than not parochial debate about what is or is not pork gets wrapped up in personalities and partisan politics. The gentleman from Illinois has sought to put an end to that shallow and vindictive way of approaching the public purse strings and has said, along with his colleagues, we ought to have some objective criteria, objective criteria that focuses on procedures of decisionmaking consistent with the rules of the House of Representatives, and only, only if a project for spending in an appropriation bill is brought to the floor without having gone through this decisionmaking process, shall we deign to call it pork or otherwise characterize it as unjustifiable spending, never on the basis of geographical region, personality or party definition.

I watched the gentleman from Illinois [Mr. FAWELL] today after having done his research into the spending bill, after having checked, project by project, to see the extent to which the separate projects have fulfilled their criteria of decisionmaking procedure of this body in its own rules, identify some that failed, failed the test of process, and with total disregard to all other considerations that brought them forward. Furthermore, I have come and gone from the floor today, and I have watched the gentleman from Illinois diligently and passionately wait his turn within the processes of this House as we assign turns to offer amendments, and so it has come his lot to make his offer late in the evening. The gentleman from Illinois has, more than anybody I have ever seen in this process, consistently put principle ahead of parochialism, principle ahead of partisanship, and principle ahead of personalities.

□ 2010

This is not some random selection on his part. It is a matter of saying we should have a consistent process by which we make decisions that every Member should bring a project to the process and compete against every other project by every other Member, fairly, and without consideration to stature of the Member involved, party of the Member involved, schmooze, as we know it in politics, but on the merits of the project relative to the others.

Now, the chairman gives us an elaborate explanation about the relationship of the appropriations bill to the authorizing bill, all of that in consideration to our relationship with the other body. And then he makes the very cogent point to the gentleman from Illinois, "That is the way," the chairman says, "That is the way the system is intended to work."

But, Mr. Chairman, if that is the way the system is intended to work, why does the chairman of the appropriations subcommittee then need to go to the Committee on Rules and ask the Committee on Rules to waive the rules of this body, and bar the gentleman from Illinois of the normal procedure of raising a point of order against these expenditures, by the House waiving its own rules in defense of these projects?

No, I reject that argument. When the system works the way the system was intended to work, the Committee on Rules does not have to waive the rules of the House and preempt the system to preserve the pork.

So, as I applaud the gentleman from Illinois for his commitment, the quality of his workmanship, and his persistence and patient tenacity, I implore the Members of this body, vote "yes" for the gentleman's amendment, vote "yes" for a process by which we as a body can put principle and process and procedure ahead of personality, parochialism, and partisanship.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Fawell and in support of the funding for the Albany courthouse. I say no to obstructionists. I say no to those people who engage in obstreperous debate. I say yes for action.

In fiscal year 1992 in the appropriations bill, legislation was passed to fund designs for a new courthouse in Albany, GA. In July 1991, the city of Albany adopted a resolution donating land for the construction of a new courthouse. In fiscal year 1993, Congress appropriated $6 million of the total almost $12 million necessary for construction, management and inspection of the building.

Now, in order to complete this project, the people who live within the jurisdiction of the United States District Court for the Middle District of Georgia need the additional $6 million.

Mr. Chairman, the House recently passed a major crime bill to keep criminals off the streets. How can we expect to get and keep criminals off the streets if our U.S. judges, probation officers, clerks of court, and other administrative officers of the court are handicapped by insufficient work space?

We now have four district judges, three bankruptcy judges, two magistrates, serving 70 counties in the middle district of Georgia, operating out of one courtroom when they sit in Albany, GA.

The existing courthouse cannot accommodate the requirements of the Federal courts and the related agencies. As designed, the proposed courthouse could accommodate the future growth of the courts beyond their 10 year requirements. An additional courtroom can be provided by converting office space. Noncourt court agencies can be relocated when additional space is needed.

Mr. Chairman, plans for the Albany courthouse have been around since fiscal year 1992. This project did not just appear out of thin air. The gentleman from Illinois [Mr. FAWELL] knows very well that before any money can be spent on the courthouse, the House Committee on Public Works will have to approve an 11(b) prospectus for the courthouse. A vote against the Fawell amendment means that the city of Albany will be eligible for funding in March or April of next year, rather than waiting until November of 1995, when costs and inflation will make the construction costs go higher.

GSA is well aware of this project. According to the prospectus, in May 1993, leasing agreements over 30 years could cost the Federal Government more than it will cost to construct this facility.

Mr. Chairman, this is not pork. Our area and areas like ours where jobs can be created through the construction of a major facility, where justice can be had and communities made safer by the swift and efficient administration of justice, this is not pork. This is beef and potatoes.

Vote "no" on the Fawell amendment.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would call this body's attention to the report from the Committee on Appropriations for this particular bill, page 3, and would read the following words. It says:

> The American people want their government to be held accountable. As the Committee on Appropriations, we hold a special responsibility in restoring their faith in their government by ensuring them that their money is being spent wisely on programs that they want and in a way that they can judge results. We must ensure that governmental institutions are in place and functioning effectively to eliminate government waste and inefficiency that do nothing but increase our national debt. The debt is strangling our economy. If this country is to grow, create jobs, and compete in the world marketplace, we must reduce our national defense, and one of the methods for doing so must be the reduction of waste and inefficiency in government spending.

Mr. Chairman, the whole purpose of this matter coming before the authorization committee and the argument that the gentleman from Georgia just gave should not be made here, but should have been made in the appropriate committee. That is the whole purpose of that committee, and that is to authorize the construction and the nature of the construction. In fact, that is to comply with that law that was passed, the Public Buildings Act of 1959. But what we see here is using this body, using this forum this evening as a hearing, as a total program for saying we need this, let us go ahead and do it.

Mr. Chairman, we are talking about three courthouses. We are talking about $60 million. These expenditures may be necessary, they may not be necessary.

I have in front of me a letter from a Federal district judge in one of the districts saying, "in my opinion, the construction of a courthouse would be a monumental waste of the taxpayers' dollars." If we are to fulfill these words and the words in the preamble of this report from the Committee on Appropriations, then we should hold those hearings in the appropriate committee. We should bring in the judge that wrote this letter saying this is a waste. But let us not thrash out the necessary and the desire for these courthouses here in this body, bypassing the authorization process.

Therefore, Mr. Chairman, I would request and ask the Members of this body that they vote in favor of the Fawell amendment to eliminate those expenditures that have not been authorized. They can always come back next year and use the appropriate procedures. And if these in fact are necessary, as the gentleman from Georgia, Mr. BISHOP, has stated, then do so at that time, using the appropriate remedy.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Illinois, Mr. FAWELL.

I agree with the thrifty spirit of the gentleman's amendment and appreciate his intentions. This is not parochialism, this is dire need.

We both agree on the importance of authorizing the expenditure of funds before they are appropriated.

Unfortunately, in this case, fate has delayed the authorization.

I was scheduled to appear before the authorizing committee, chaired at the subcommittee level by the gentleman from Ohio, Mr. TRAFICANT, to testify to the need for the courthouse in Corpus Christi.

That hearing was delayed but will take place tomorrow.

The Corpus Christi courthouse was included in this appropriations bill because the need is so great—and the authorization course will be followed this week.

In fact, the General Services Administration does support this project, and I understand it is ready to release an 11(b) study as soon as it is requested by the Public Works and Transportation Committee.

I have every reason to expect that an 11(b) request will be made by the committee.

Most importantly, this appropriations bill has a safeguard built in.

It requires that a prospectus be approved before any funds appropriated in this bill will be made available.

This protection assures that the authorization process must be complied with before the funding is released.

The Appropriations Committee did not want to delay for a year this badly needed courthouse.

The need here is great—the current courthouse was built in 1916.

We have judges in three different locations; security officers in three different locations; and files in three separate locations across the downtown area.

This operation is inefficient to the clerk's operations, as well as to the judges and the community they serve.

Corpus Christi needs a courthouse 70 percent times larger than current housing just to meet today's needs.

The volume of criminal cases before the Southern District of Texas is influenced by the increased instances of illegal drugs, illegal immigration, and illegal financial practices associated with the S&L disaster of the 1980s.

These trials are complex and cumbersome—and can consume as much as a month.

The process is slowed even more by the lack of space.

For these reasons, I respectfully rise in opposition to the amendment by the gentleman from Illinois.

□ 2020

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fawell amendment to strike three unauthorized courthouses from the fiscal year 1995 Treasury/Postal Appropriations bill. Mr. FAWELL has been tireless in his efforts to strike porkbarrel spending from various appropriation bills, and I am glad to stand with him on this particular amendment.

The courthouses funded in this bill are located in Albany, GA, at a cost of $6 million; Steubenville, OH, at a cost of $3 million; $6.9 million for a courthouse in Corpus Christi, TX.

None of these courthouses were authorized by the Public Works and Transportation Committee; there have been no congressional hearings on the proposed projects; the three projects were not awarded on a competitive basis; and the projects are for purely local interest.

After this amendment there will still be over $4½ billion for courthouses left in the budget justified by standard procedures. Additionally, these three projects at a cost to the taxpayers of $15.9 million were not requested by the President or agency of oversight, the General Services Administration.

Now, maybe these three new Federal courthouses are needed; maybe they each have merit; we do not know, because there were no hearings in committee. The practice of placing projects such as these in appropriations bills without following the standard congressional procedure must end.

Let us not saddle the taxpayers with the bill for more pork. Vote in favor of the Fawell amendment to strike these three examples of porkbarrel spending.

Mr. ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Illinois [Mr. FAWELL]. I would like to congratulate the gentleman for his diligent efforts in trying to take on the problem we have with pork projects. Once again, we have an appropriations bill with a number of unauthorized projects.

Within this bill there are close to 25 million dollars' worth of unauthorized courthouse projects. Some will argue that this is not a lot of money. Why should we bother? But if every day this year Congress found just $25 million to cut, we could reduce spending by over $9 billion by the end of the year.

Finding items to cut is basically our job. I believe that the American people want it done. They are tired of waste, and they are tired of unauthorized pork barrel projects.

Under the rules of the House, each of these courthouse projects are subject to a point of order because they are unauthorized. The leadership knows this, and that is why they have crafted a rule that waives all points of order.

This unfortunate practice has become routine and so what is the point of having budget points of order, if the House is going to wage them whenever a violation is identified?

Let us restore the rules of the House and strike these projects. If they are important and necessary expenditures, then they should be authorized.

I believe that we should go through a process that says we go through the authorization process first and then, after we have gone through the authorization process, we make the funds available for those specific projects.

It is also my belief that we have the rules of the House here for a purpose, and that is to assure a certain amount of reliability in the process in the House. This guarantees fairness to all Members, both in the majority and the minority. I think that we need to make more of a conscientious effort to stick with the rules of the House and diminish the times that we have to waive the points of order because we have not followed the rules of the House.

Mr. APPLEGATE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Let me just say, there is a couple of points I want to make, but first of all, I would like to address a couple things.

I hear all these arguments about authorizations and appropriations, and I know that, I have been around here long enough to know that we are not going to appropriate without the authorizations.

We went through that last year with the Transportation Subcommittee on Appropriations. We did not ask to kill all the amendments, only that they be subjected to authorization first, which is the way it ought to be. And it was not always that way with appropriations. They used to go about doing whatever they wanted. Bill Natcher came in, and he made those changes and so the Members now come to the authorizing committee.

So we know what that situation is, and it does not make any difference whether it has to be first or second. The point is that one cannot spend the money unless one has the authorization. It is as simple as that.

And it will show, as the chairman pointed out on page 38 and 39 of the bill, it states exactly in there that this is subject to authorization.

Now, as to Steubenville, I have to say, I have a great respect for my friend, the gentleman from Illinois [Mr. FAWELL] and all, but the gentleman from Illinois [Mr. FAWELL] in this instance simply does not know what he is talking about. He states that, and he is quoting the GSA, says that downtown Steubenville currently has an office vacancy rate of approximately 18 percent or 36,000 square feet. True. I do not argue that. It is true. But that is when we were looking for a federal building, a federal office building.

This is a courthouse now. This is for courtrooms. This is not to bring in the Social Security office, the IRS, the FBI and the rest of them. This is for something that is needed. So I think that the gentleman is wrong on that point.

□ 2030

Mr. Chairman, I have a letter from the Chief Judge of the Southern District of Ohio. I will not read the whole thing, but I will just go through and say a couple of things that he had mentioned.

Mr. Chairman, he said,

> Judicial officers who travel to Steubenville must depend on the courtesy of the Common Pleas Court of Jefferson County to provide state court facilities * * *, an arrangement that has obvious disadvantages for the judicial officers and federal litigants. Federal court judicial officers should not * * * be dependent on state officials for the conduct of federal court business.

"The Southern District of Ohio includes forty-eight counties" with 5 million people in them. "Lawsuits must be filed in Columbus," in which people must travel 150 to 200 miles away, and it makes it very inconvenient for litigants, for lawyers to have to make this trip.

The judge says it is his belief that "litigants who otherwise would prefer to have their cases determined in the federal court, file in a local court if jurisdiction is concurrent in order to avoid the hardships and increased costs of filing in Columbus."

"By statute," now listen to this, "by statute, Steubenville has been designated a seat of this Court, 28 U.S.C. Section 115(b), but, at the present time, there is no federal building" in Steubenville. As a matter of fact, Mr. Chairman, there is not one Federal building in my whole congressional district, outside of a post office.

"Until such time as a suitable facility is provided, the citizens who reside in this area of Ohio will continue to be deprived of convenient access. . . ."

The judge says he believes "that a suitable federal building in Steubenville should be established for this purpose." This is the Chief Judge of the Southern District. And he says, "this does not require the building of an elaborate, costly structure of the style frequently associated with United States courthouses," so we are not looking for one of these granite-type big column courthouses. We want something practical.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. APPLEGATE] has expired.

(By unanimous consent, Mr. APPLEGATE was allowed to proceed for 2 additional minutes.)

Mr. APPLEGATE. Mr. Chairman, this is what the judge says. He says that he believes what is required is "a Federal building of modest proportions that would be sufficient to accommodate courtroom chambers for a District Judge, chambers for a Magistrate Judge, chambers for a Bankruptcy Judge, and chambers for an Administrative Law Judge," with an office for the clerk and the United States Attorney.

It would be nice if we could be included as part of the Southern District, but the way it is, we are not.

I could go on, Mr. Chairman, and talk about some other of the arguments that the Chief Judge has stated. However, his point is very cogent. He is very accurate. He knows what the needs are.

What we are looking for, Mr. Chairman, is a re-evaluation by the General Services Administration, a new 11(b) for a courthouse and not a Federal building.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. APPLEGATE. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, the gentleman had mentioned the fact that the Hon. John D. Holschuh had written a letter, and I was not going to bring this up, but inasmuch as the gentleman has, I think it is only fair.

I have a letter from, I think, the Chief Judge, James L. Graham, where, and I will just read it, he said:

> Representative Douglas Applegate recently requested that our Chief Judge, the Honorable John D. Holschuh, send him a letter supporting H.R. 2562, which directs the GSA to design and acquire a site for a Federal building to be constructed in Steubenville. When Judge Holschuh circulated his proposed letter among judges here in Columbus, I and others took exception to the need for a Federal building in Steubenville, and even stronger objection to the creation of additional judgeship positions for a district judge, a magistrate judge, and a bankruptcy judge to be located in Steubenville.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. APPLEGATE] has expired.

(On request of Mr. FAWELL and by unanimous consent, Mr. APPLEGATE was allowed to proceed for 2 additional minutes.)

Mr. FAWELL. I continue:

> Judge Holschuh proceeded to send the letter, but enclosed it with a covering letter which indicated that it represented his personal views only.

I frankly doubt that anyone will ever see the covering letter, and Judge Holschuh's letter may be presented as representing the views of this court, since he is Chief Judge. In my opinion, the construction of a courthouse in Steubenville and the creation of additional judgeships there would be a monumental waste of the taxpayers' money.

Enclosed you will find copies of the letters other members of this court sent Chief Judge Holschuh expressing their reservations or outright disagreement with Representative Applegate's bill. Judge Rubin's letter is in particular very much to the point.

The only thing I would want to add to that, Mr. Chairman, is that in all three of these projects, as well as the two other projects which would be in the second amendment, it is very, very clear that there never has been an authorization, never, and never has there been a prospectus issued by GSA.

Mr. APPLEGATE. Mr. Chairman, I yield myself such time as I may consume.

If the gentleman would, give us time and we will have that to you. Let me just say this. Maybe that is why Judge Reuben is not the Chief Judge, I do not know.

Let me say this, that Judge Holschuh has recommended additional judgeship positions for a district judge, additional ones, because the workload is getting too large for Columbus, and they need the offices in other areas, so it is only one judge's word, perhaps, against the other.

The fact of the matter is we need the courthouse in Steubenville.

Mr. Chairman, I include for the RECORD the letter by Judge Holschuh:

U.S. DISTRICT COURT,
Columbus, OH, December 20, 1993.

Hon. DOUGLAS APPLEGATE,
610 Ohio Valley Towers, Steubenville, OH

DEAR CONGRESSMAN APPLEGATE: It has come to my attention that during the last session of Congress you introduced H.R. 2562 to direct the Administrator of General Services Administration to design, and acquire a site for, a federal building to be constructed in Steubenville, Ohio.

As you are aware, since 1987 when the former Post Office and United States Courthouse was sold by the Postal Service to a private party, there has been no federal court facility located in the eastern part of this State. Judicial officers who travel to Steubenville must depend on the courtesy of the Common Pleas Court of Jefferson County to provide state court facilities for their use, an arrangement that has obvious disadvantages for the judicial officers and federal litigants. Federal court judicial officers should not, in my opinion, be dependent on state officials for the conduct of federal court business.

The Southern District of Ohio includes forty-eight counties having a population of approximately 5,000,000 people, and a large part of the district geographically and a substantial portion of its population are contained in the eastern and southeastern counties. The citizens of Ohio who reside in this part of the state undoubtedly face major obstacles in seeking access to the federal court. Lawsuits must be filed in Columbus, a distance of approximately 150 miles from Steubenville. Thereafter, counsel and litigants must make the round trip of approximately 300 miles for preliminary pretrial conferences, status conferences, discovery hearings, settlement conferences, and final pretrial conferences and trial. Attending trial in Columbus, or attending any other hearing which extends more than one day, requires staying overnight in Columbus, away from the homes of the attorneys and litigants and away from the law offices of the attorneys. Aside from the inconveniences involved, the costs of litigation under these circumstances is greatly increased. In short, the citizens who reside in the eastern and southeastern part of this state must endure considerable hardship and greater expenses to utilize the federal court than that required of other citizens who have ready access to the court system at Columbus, Cincinnati and Dayton.

It is my belief that, as a result, litigants who otherwise would prefer to have their cases determined in the federal court, file in a local state court if jurisdiction is concurrent in order to avoid the hardships and increased costs of filing in Columbus. A federal court facility in Steubenville would eliminate those hardships and costs for the great number of citizens who live in the eastern and southeastern part of our state and, in my opinion, would result in a greater utilization of the federal court by those citizens.

By statute, Steubenville has been designated a seat of this Court, 28 U.S.C. §115(b), but, at the present time, there is no federal building in which judicial officers of this district can conduct proceedings at Steubenville. Until such time as a suitable facility is provided, the citizens who reside in this area of Ohio will continue to be deprived of convenient access to the federal judicial system. I believe, therefore, that a suitable federal building in Steubenville should be established for this purpose. In my view, this does not require the building of an elaborate, costly structure of the style frequently associated with United States courthouses. Instead, I believe that what is required is a federal building of modest proportions that would be sufficient to accommodate a courtroom and chambers for a District Judge, chambers for a Magistrate Judge, chambers for a Bankruptcy Judge and chambers for an Administrative Law Judge, Satellite offices for the Clerk and United States Attorney should also be included. There should also be space sufficient to house those federal agencies in Steubenville which are currently using leased property in the city. A federal building of this nature would be adequate, in my view, for the needs of the community it would serve.

I also believe that if there is a federal courthouse constructed at Steubenville, serious consideration should be given to the authorization of additional judgeship positions for a District Judge, a Magistrate Judge and a Bankruptcy Judge to be located at Steubenville. The Judges at Columbus are extremely busy in an effort to cope with their own present dockets. For the year ended June 30, 1993, weighted filings per district judgeship in this district were 388. This is barely under the standard of 400 weighted filings per judgeship established by the Judicial Conference Subcommittee on Judicial Statistics as the threshold indicator that additional judgeships may be needed for the Court. In responding to the questionnaire for the 1984 Biennial Survey of Judgeship Needs, I considered requesting an additional judgeship at Steubenville, but I felt that the statistics and the lack of any court facilities at that location would foreclose consideration of such a request. If, however, adequate court facilities are established at Steubenville, I would anticipate an increase of the court's business at that location which would justify an additional district court judgeship at that location. The same justification would support an additional magistrate judge and bankruptcy judge to be located at Steubenville. If the Steubenville docket should not require the full time services of these judges at that location, their work assignments can be adjusted so that some portion of their time would be spent in Columbus in order to assist the Columbus judges in disposing of the business of the Court at that location. The additional judgeships would benefit the entire Eastern Division of the Southern District of Ohio, but especially would be of benefit to the citizens who live in the eastern and southeastern sections of our state and who truly need convenient and inexpensive access to the federal court system.

With highest regards and best wishes.

Sincerely,

JOHN D. HOLSCHUH.

Mr. DARDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the subcommittee which considered this bill and reported this bill out for the consideration of the House, I want to rise in strong opposition to the Fawell amendment, and state to my colleagues that we have considered some 50 different courthouse projects in this bill. We are singling out three for some reason, just because they have not been authorized officially by the Committee on Public Works and Transportation.

However, as members of the Subcommittee on Treasury-Postal Service-General Government of the Committee on Appropriations, we have consulted with the authorizing committee, and we have determined that in our view these projects ought to go forward.

None of these projects are in my district. I want to repeat that one more time: None of these projects are in the district that I represent.

However, Mr. Chairman, I want to talk a little bit about the Albany site. They had needed a courthouse in that area for many years. The city of Albany even donated land upon which a courthouse could be built. Six million dollars has already been appropriated for this courthouse, and the project cannot go forward until the other $6 million is appropriated by this body.

Mr. Chairman, the case for the Albany courthouse has already been made by our good friends who represent that area, the gentlemen from Georgia, Mr. BISHOP and Mr. ROWLAND, but I want to add there is a dire need there, and this project should not be singled out. We talk about $22 million.

Let me say to the gentleman from Illinois [Mr. FAWELL] if he wants to save money for the taxpayers, why does he not take out this $53 million that we are throwing away to the Chicago Federal Center? That is pork. If the gentleman is looking for pork, why does he not eliminate that $53 million in the gentleman's own home State?

There is a certain irony here that everyone wants to be a pork buster in somebody else's State, in somebody else's area. I say, Mr. Chairman, if the gentleman is really serious about this, let us save $53 million and eliminate the Chicago Federal Center. That is $30 million more than the gentleman has proposed. Of course, the gentleman is not going to do that, because, again, this goes back to the irony of it. Pork is something in somebody else's State for somebody else's area.

With that, Mr. Chairman, I yield the remaining amount of my time to the distinguished chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

I hope, Mr. Chairman, we are getting to the end of this debate. I think everybody understands what the debate is about. I think some good points have been made.

Mr. Chairman, I, too, am opposed to the Fawell amendment, and reiterate once again, everybody understands that not a nickel can be spent on any of these courthouses until such time as the authorizors make a determination that the project should go forward and approve a prospectus.

That is the bottom line. I say that is the bottom line because historically, the offense has been that the appropriators would put in projects, be protected by the rule, pass them into law, and the authorizing committees would never see them. The authorizers did not think that was appropriate. We have, over the last two years, agreed with that, and these three projects must pass muster with the authorizing committees before more money is spent on acquisition of land, construction, or design.

□ 2040

The only thing that money can be spent on is to provide the prospectus to the committee.

I urge the House, the Committee on the Whole, to reject the Fawell amendment.

I want to tell Members in all honesty, there are other projects in this bill that have not been included in this amendment that come from other areas and other Members projects on that side of the aisle that are not totally authorized. They are good projects and they ought to move forward. These projects in particular, however, have not been authorized in the Senate. The law says both but these projects have not been authorized in the Senate. I am not sure what the Senators will think in conference of the other projects.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from Illinois.

Mr. FAWELL. If there are other unauthorized projects, I do not know of them, but I certainly would like to.

Mr. HOYER. We are going to speak to the gentleman's amendment. I want to limit myself to the gentleman's amendment.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Illinois for the opportunity to speak on his amendment and for all the hard work the gentleman has done in the fight against pork barrel spending. As cochairman of the Porkbuster Coalition, he and his staff are to be commended for all of their hours of hard work.

Mr. Chairman, Congress is worse than the kid who buys a candy bar with money that mom gave him for a loaf of bread. Some Members of Congress still have never learned to follow directions and they know we cannot punish them because all points of order have been waived against this bill. We can, however, take their money away.

Mr. Chairman, the distinguished chairman of the subcommittee points out that the bill, as it is written, would require authorization before we have any funds expended that are appropriated here. But we all know how this works. Once we get the train going down the track, we get it through the House of Representatives, it is taken up in conference with the Senate, those requirements are dropped out, and before we know it, we are on the way.

Mr. Chairman, the Committee on Appropriations has taken it upon themselves to tell how best the money should be spent. This is not their role and they have not been granted the authority to do this. Unfortunately, the rules that the House has implemented to avoid this scenario are conveniently being ignored. In addition, not only were these courthouses not approved for appropriations, they were not requested by anyone who has the authority to make a request. The Public Buildings Act of 1959 gave the power to request funding for these projects to the General Services Administration and the Committee on Public Works and Transportation. Neither of these authorizing bodies have asked for the courthouses. Yet somehow $15.8 million found its way without direction from those who are supposed to be involved in this process. It is little wonder why these authorizing committees have not acted when we consider the case of the Ohio courthouse.

We have letters not only from the senior chief judge but we also have letters from every other judge that serves in that district in Ohio, and every one of them expresses reservation about that courthouse:

Judge Carl Rubin, Judge George Smith, Judge Arthur Spiegel who says, "The above is by way of saying that if the Government wants to spend some money, they could refurbish the Federal courtroom and chambers in Steubenville rather than spending a fortune building a new courthouse which is probably unnecessary."

The same with Judge Sandra Beckwith. The list goes on.

I urge every Member who has heard from his constituents to stop pork barrel spending to vote for the Fawell amendment. These three projects are the very definition of pork barrel spending. The President did not ask for them, the authorizing agency did not ask for them, the authorizing committee did not ask for them. A vote for the Fawell amendment will be a vote for responsibility and integrity.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I just want, before the other gentleman from Ohio [Mr. TRAFICANT] speaks on this, to say to the gentleman, the gentleman indicated, "We all know how the game is played." I do not believe this is a game.

Mr. GOODLATTE. Mr. Chairman, I did not call it a game. I said, "how the process works."

Mr. HOYER. "We all know how the process works."

I want to tell the gentleman as seriously as I can, that I have discussed this language with the Chairman of the Senate Committee. This language requiring prior authorization and a prospectus approval will be in the conference report that comes back to this House. This Chairman is not playing games. When I tell the gentleman this is going to be subject to authorization, as I have told the gentleman from Corpus Christi, as I have told the gentleman from Steubenville, as I have told the gentleman from Albany, this project will not go forward unless the House Committee passes a prospectus.

I want the gentleman to be assured that this language will not be dropped in conference. We are not playing games, we are not gaming the process, we are saying that the authorization and the appropriation will go together.

Mr. Chairman, I agree with the gentleman that the appropriation is coming here, but it is coming subject to authorization, so that the appropriations cannot and will not go forward absent the Committee on Public Works and Transportation action.

Mr. GOODLATTE. Reclaiming my time, I thank the chairman for his determination in that regard.

I would ask the chairman why it is we cannot simply wait on the action of the authorizing committees if there is such controversy regarding these courthouses.

Mr. HOYER. The determination of the committee, as the gentleman from Georgia has indicated, is that we felt that these were projects that had merit. We have, therefore, included them in this bill because it will accelerate their construction time if, in fact, at some point in time in the future the Committee on Public Works and Transportation acts. We thought that appropriate and it did not in any way undermine our policies.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. GOODLATTE] has expired.

(By unanimous consent, Mr. GOODLATTE was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, I would urge that we adopt the Fawell amendment, and follow the process that is here. I respect the judgment of the committee, but I think the judgment of the GSA, the judgment of the Committee on Public Works and Transportation, the judgment of the administration and the judgment of those of us who are concerned about unauthorized projects be recognized and that this amendment be carried.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate and I have listened to a lot of misnomer here tonight.

The last I heard, the Office of Management and Budget was an executive branch agency. they have no constitutional right to tell Congress where the courthouses shall be and where the judges will sit. Let me say that again, because we are not listening in this debate, ladies and gentlemen.

Mr. Chairman, when Members on that side of the aisle came to me, I took their cause as if they were a Democrat and I have been completely fair. I want to say this. Four year ago I raised 71 points of order on this bill, and it had one of the greatest chairmen in our history, Chairman Roybal, because everybody legislated in it but they would not allow a Traficant IRS provision. They were going to strike that. It came in the size of an encyclopedia and left the size of a comic book when it went to the Senate.

Mr. Chairman, I am for these projects. The Congress of the United States shall determine not only where the courts will be, but where the judges will sit. That is our constitutional empowerment and we have been transferring it to the White House in every code of our government budget from day one.

Let us look at some facts. Corpus Christi, Albany, Providence, GSA had them in their request, they said they were needed. The Office of Management and Budget said, "Keep them out of the budget."

Let me ask this to Members: What if the Office of Management and Budget does not like the vote that a Republican casts on a President's measure, and they leave your project out? Do you want fairness? You will get fairness and you have gotten fairness.

Mr. Chairman, let us talk about Steubenville. Those judges in Columbus are worried they are going to be assigned to Steubenville. It is not their decision if one of them need be assigned. The people from Steubenville have to drive 200 miles to have a damn Social Security appeal hearing, maybe stay overnight. we have asked for a new 11(b) prospectus on a courthouse in Steubenville. Not one of these projects will be funded if our committee does not approve them, and that is the technical legal language.

Mr. Chairman, I want to say one other thing here. We have gotten off base. Two years ago, I cut courthouse projects 10 percent across the board. Then I came to this House and some Member stood up with a great speech for another 2 percent cut. I supported the 2 percent cut, and I supported the gentleman from North Dakota, Mr. POMEROY's cut today, even though some would say, "Well, hell, aren't you doing your job over there" because we are cannibalizing everything and we are all going to go on with this, but here is what I am saying to Members.

□ 2050

Not one of these projects is funded by Chairman HOYER. Chairman HOYER, in consultation with the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], and myself, deemed that they were appropriate, deemed that they maybe needed pending approval, and we concurred, and they have given us the courtesy.

And do you know what? Do you know how much authorization really exists in these bills? And do you want to jump on Albany, Corpus Christi, and Steubenville, OH?

If our committee does not approve these projects, they will not be approved.

Ladies and gentlemen, let me say this is a man who raised 71 points of order. It may be a record.

The appropriators used to write all the laws. We have come to the point where appropriators are concurring with authorizing committees, and we are developing that type of relationship.

I did not raise a point of order. I did not need to. I think Chairman HOYER has done a great job with this committee, and it is pretty tough to replace a Chairman Roybal.

I am asking the Members to vote for our due power process here. We govern. The President executes and administers the people's law. We govern. We set policy. We are not beyond the boundaries of that process here tonight.

So I am asking you to vote no on the gentleman from Illinois [Mr. FAWELL], and I think that the gentleman from Illinois [Mr. FAWELL] is one of the most distinguished Members we have. I commend him. But in this point, in this case here, I say to the gentleman from Illinois [Mr. FAWELL], I believe you are wrong, and I am asking everybody who had gotten fairness with these Members now looking for that fairness to remember when you drove up.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate the gentleman from Ohio [Mr. TRAFICANT] for that very ringing speech on behalf of his area and the things he believes in with his courthouse. I think that is very appropriate.

I would point out he is absolutely historically correct. The change in the Committee on Rules began at the time that he made his 71 points of order against this bill 3 years ago, I think it was, and that is what started it. Ever since then we have been left in sort of a funny limbo up in the Committee on Rules, and we are no longer playing by the House rules. We are playing by whatever rules come along that suit a certain number of people in the majority that day.

Now, that may be fine, but that is not fair to the other Members of this House.

I think there are probably some in the majority who are a little surprised the minority is not more grateful for the open amendment process that we have had on this bill. We are grateful that all Members have the chance to offer cutting amendments, and there have been plenty. Given the restrictive tendency, particularly that we have seen in the past, we are making some progress in getting amendments out, and that is good.

But this open amendment process is not a gift from the majority on the Committee on Rules. It is the standing operating procedures of this House under which spending bills are supposed to be considered. So it is not anything special.

If we lived by our rules, we would be doing the normal order. In fact, the reason this bill went to the Committee on Rules in the first place is not because the appropriators wanted to shut out any amendments, and there were some that probably should have been shut out, but this bill went to the Committee on Rules because the appropriators wanted protection, protection for provisions in the bill that violate standing House rules, and they got protection from the majority side of the Committee on Rules.

Among those violations are these unauthorized courthouses, projects worth $25 million or so that have not been authorized as priorities by this Congress or by the administration or even by the GSA, and I do not know what they are doing authorizing things either.

Had the Committee on Rules not granted those courthouses special protection today, Members would have been able to strike them out of this bill automatically by raising a point of order as the gentleman from Ohio [Mr.

TRAFICANT] did 3 years ago 71 times. But because of the protective action by the Committee on Rules, today's Members have to instead vote on whether or not these courthouses are going to be given special clearance. Here we are at 9 o'clock at night still debating these things. It is not automatic. The same privilege is not available as the gentleman from Ohio [Mr. TRAFICANT] had 3 years ago.

The burden is now on those seeking to uphold the rules of the House, not on those attempting to break them. That is wrong. It is a dangerous shift in responsibility when you consider the enormity of our budget crisis.

I am going to urge my colleagues to support the Fawell amendment from the point of view of the minority of the Committee on Rules. We need to send a signal to the House that we do live within our own rules. That is why we have them. We need to send a signal that says we do not penalize those who do honor the rules, because every Member has got to realize that if we keep this up on the trend we are on now, they are not only going to have to get appropriations from the appropriators for their projects, they are going to have to get protection, and that has a bad sound to it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel that there is a requirement to answer the implication just left by the previous speaker.

The gentleman talks about the actions taken by the Committee on Rules to protect projects which were unauthorized. I would point out that that is a convenience which is often provided by the Committee on Rules in order to facilitate a rational order of business.

I just have to say that despite all of the pious posing I have heard on the floor over the past 9 hours from various Members, I find it quaint, indeed, but not at all surprising, that the only objections made to projects which were protected by the Committee on Rules in the way which the gentleman finds outrageous are to projects in the districts of Democrats. I find no such outrage expressed by the fact that those same rules protect a number of projects in the districts of Members on that side of the aisle. I see three on the page I am looking at right now.

And yet I see no amendment coming from that side of the aisle to eliminate projects in Republican districts. One of those projects is in the district of one of the Republicans sitting on the floor now.

Now, I would suggest that if the gentleman is going to express moral outrage, that he target it in a balanced way to targets on both sides of the aisle.

This is the first time I have taken the floor on this bill. I had not intended to take it at all. The fact is that there are going to be literally hundreds of projects that come through this House in bills ranging from this bill to the defense appropriation bill, and if we are going to be officious and nit-picking about the stage in which some of those projects are, and if we are going to have selective amendments offered from that side of the aisle to eliminate only projects in Democratic districts, then I suggest to you that there are going to be a lot of amendments offered from this side of the aisle eliminating projects which are similarly not authorized on that side of the aisle.

I do not think that is the way the game ought to be played. I think the committees have a right to make a judgment about whether or not a project is meritorious or not regardless of whether it is located in a Republican district or a Democratic district.

No Congress has ever changed any President's budget by more than 3 percent. That 3-percent difference is what makes a President and not a king. I make absolutely no apologies for the fact that the Congress on occasion exercises judgment and approves an occasional project which has not yet made it through the authorizing process, even though in the end most of them probably will.

But I just note with great interest the partisan selectivity of the amendments before us on the floor tonight, and in the interests of avoiding partisan nastiness on bills to come, I would urge Members to recognize that if those targets are going to be exclusively on the Democratic side of the aisle, there are going to be a lot of targets on the Republican side of the aisle when the coming bills come to the House floor.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make only two short statements.

First of all, I do not like to be threatened, and if the individual wants to threaten, we can handle that real good.

It had not gotten nasty. At least, I had not understood the debate had gotten nasty until the last speaker spoke. If the gentleman wants to do something, he can just come right over here.

□ 2100

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, we do not need to do that.

Mr. CUNNINGHAM. And the chairman does not need to threaten this side of the aisle, either, I agree. It had not gotten nasty. It had not gotten nasty, but I do not like to be threatened personally or have my colleagues on this side of the aisle—and I think the gentleman from Maryland does not do that. I think it was inappropriate.

Mr. HOYER. Well, then why do we not keep the debate on the issue? We will all be better off.

Mr. CUNNINGHAM. And I agree.

The only other statement I wanted to make is that Mr. TRAFICANT is probably one of the most honest, bipartisan individuals that you have over there, and I appreciate that. I agree with the gentleman.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. GOSS. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to take a few seconds to respond. I want to assure the distinguished chairman of the Committee on Appropriations that I have no idea whose districts all of these projects are in, and I do not know whether they are Republicans or Democrats. The tenor of my remarks has nothing to do with partisanship. The tenor of my remarks has everything to do with the rules of the House and how they are managed by the majority and has a whole lot to do with the question of the fiscal crisis confronting this country. That is what my motives are. We have a lot of decisions to make. We do not have a good set of House rules.

The distinguished chairman at this point has referred to us as nit-picking, to be suggesting we should be following the rules. If that is the only regard that the chairman of the Committee on Appropriations has for the rules of the House, that every time we are trying to waive them we are nit-picking, then why do we have a Rules Committee, Mr. Chairman?

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman for yielding.

I do hope we all can just cool down a bit. The gentleman from Ohio [Mr. TRAFICANT] and I came into the Congress together, I think. I have watched this man as a fierce, independent person, blaze his way, set up new concepts, new ideas, because he is truly an independent thinker. I feel badly that we disagree in this one regard. I went to the Committee on Rules. I waited 2 or 3 hours to finally ask if I might have the right to raise a point of order against these 5 projects because they were not authorized. They were determined by a bipartisan group, by the way, not a partisan group, and if the chairman would put Republican projects in the list where no authorization is required, then I can assure you that as our staff labors over these appropriations in the little time that we have, we most certainly would include them. And I think the next amendment that is coming up, Congressman MACHTLEY, for instance, will be taking a position against us. He happens to be a Republican against the Rhode Island project. But I simply want to say that when you are, as a member of the minority, especially, consistently denied the rules which theoretically are there, I would have had a right if the rules had been recognized, to simply stand up here and make a point of order and that would be the end of these projects for this year.

Now, there are efforts being made, and understandably so, that there should be a prospectus that will be ultimately issued and, yes, Jim, you are going to have to deal with GSA, which is an executive branch. The law says GSA has got to be a part of the prospectus procedure, and reviewing where that courthouse is going to be, making a very in-depth analysis. Then when they bring that prospectus to OMB, with a favorable recommendation—it may not get the approval of OMB. In regard to Corpus Christi, OMB said, "no, we don't think it should be funded." That is what OMB said. It is part of the legal process, it is part of what your committee has to work with, it is part of what we have to work with.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I simply say in response to the gentleman from Florida that what I find interesting is not the gentleman's nit-picking, but his selective nit-picking and his selective outrage. I repeat, if the gentleman is so pious and so concerned about the purity of the rules of the House, why did he not include in his amendment the three Republican projects I am looking at, all of which are designated not authorized, not authorized, not authorized?

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman for yielding.

Mr. Chairman, all I can say is we have the staff of this porkbusters group. They worked it over. They are bipartisan. We did not find any other projects which had not been approved by the authorizing committee. There are five—we have four courthouses, we have the Walla Walla Corps of Engineers facility, but if the gentleman would show me any other project which has not been authorized by the Public Works Committee, I would be glad to take a look at them.

Mr. OBEY. I am not impressed by the gentleman's selective piety.

Mr. FAWELL. If there is anybody with selective piety, I know of no one who has more than the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has again expired.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just make the point, the Rules Committee has been referred to. On the question of being in the minority, the gentleman may very well on that afternoon have lived through the testimony given by our colleague [Mr. TRAFICANT] and myself. I would point out for the record that I am vice chair of the subcommittee of jurisdiction on this bill. Mr. TRAFICANT and I were turned down on an amendment that we wanted to offer on this bill. I think that establishes the judicious nature of the decisionmaking process in the Committee on Rules.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 23, as follows:

[Roll No. 244]

AYES—145

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Danner
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kyl
LaFalce
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Linder
Lucas
Maloney
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Pallone
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schiff
Sensenbrenner
Shays
Shuster
Slattery
Smith (MI)
Smith (OR)
Snowe
Solomon
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Zeliff
Zimmer

NOES—271

Abercrombie
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Serrano
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman

Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—23

Ackerman
Applegate
Berman
Cooper
Dooley
Dornan
Fish
Ford (MI)
Ford (TN)
Fowler
Glickman
McDade
Neal (NC)
Reynolds
Romero-Barcelo (PR)
Saxton
Sharp
Tauzin
Thomas (CA)
Torres
Underwood (GU)
Washington
Whitten

□ 2126

The Clerk announced the following pair:

On this vote:

Mr. Cooper for, with Mr. Ackerman against.

Messrs. GILMAN, EVERETT, PACKARD, FINGERHUT, and TAYLOR of Mississippi changed their vote from "aye" to "no."

Mr. HOAGLAND changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL:

Page 31, line 15, insert "(less $11,427,000)" before ", of which".

Page 34, line 16, insert "(less $11,427,000)" before ", which shall".

Page 36, strike line 25 and all that follows through page 37, line 2.

Page 37, strike lines 9 through 11.

Page 38, line 24, insert "and" after the 1st semicolon.

Page 38, line 24, strike the last semicolon and all that follows through "Building" on page 39, line 2.

Page 40, line 22, insert "(less $11,427,000)" before "shall remain".

Mr. FAWELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Chairman, I am going to be very brief. I do want to, however, clear up one point. The gentleman from Wisconsin [Mr. OBEY] made the statement that three projects being in districts of Republicans in Covington, Kentucky, London, Kentucky, and Greenville, Tennessee, were not authorized and yet included in the appropriation.

This is not true. All, and we have just verified this, all were authorized in the House; all had approved prospectuses.

□ 2130

Mr. Chairman, these three projects to which the gentleman from Wisconsin [Mr. OBEY] referred, the latter being in Greenville, Tennessee, all had been authorized and gone through the process, fully approved. And the GSA had issued prospectuses. I am sorry that there was partisanship introduced in that aspect, because if it is any one thing that we have tried to do in the porkbuster group is to try to be fair about the projects that we select. I do not even ask staff of our different Members which Members of Congress might be affected. And oftentimes, those projects are in Illinois. Oftentimes, I have received a lot of criticism even from my fellow colleagues from Illinois. So enough of that.

I am not going to go into the arguments. Members have heard all the arguments.

I want to describe, at least I would like Members to know the two projects that are a part of this amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, before the gentleman gets to those projects, I want to make the point, I happen to be for all three of the projects that the gentleman just mentioned. But under the law, they have to be authorized in both Houses. At an earlier time in the debate, I told the House that one of the problems here was that a lot of times the other House simply does not act. Under the law, to be fully authorized and follow the rules, they must be authorized in both Houses.

The three projects that gentleman mentioned have not been authorized by the other House. It is this Member's opinion that is not because any one of those projects lacks merit. They ought to be approved. We included them in our bill. But technically, under the rules, they are not fully authorized.

Mr. FAWELL. Mr. Chairman, I cannot control the Senate. But what we do is to look for what we can control and what violates the rules of this House. And that is what we try to do, that is what we look at. We certainly cannot control the other body.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, I just want to tell the gentleman that under the law, the Chairman was correct.

Mr. FAWELL. Mr. Chairman, I would respectfully disagree.

The first project deals with an office complex utilized by the Corps of Engineers in an office complex in Walla Walla, WA, the building project, although, listed under repairs and alternation under the federal building fund is for $2.8 million for demolition of the office complex on lands being returned to the city of Walla Walla. After many, many years of use by the Corps of Engineers under a long-term agreement that expressly states that upon the abandonment of the facilities they would revert to Walla Walla, and I quote, "And the Federal Government shall not be required to provide any restoration whatsoever of any of the facilities conveyed." That is a $2.8 million project.

The other project, which is in Providence, Rhode Island, is for $8.6 million in reference to the repair and improvement of the federal courthouse.

I will end my remarks, briefly, as I promised, by saying that both of these were never requested by the administration.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. They were not requested by the administration. They were not requested or authorized by the Committee on Public Works and Transportation. No prospectus by the GSA has ever been given as required by the Public Buildings Act, and they are in violation of the rules which state that an appropriation bill without authority violates our rules. And they also have legislating in the appropriation. Both of these have been waived. All of the arguments which Members heard pro and con before apply here.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman is, I think, very honest when he says all the arguments that were made last time apply here. So that those 271 Members who voted no on the previous amendment should feel comfortable voting no on this amendment.

The reason is that not a nickel can be spent, as we said previously, without going to the Committee on Public Works and Transportation and having the Committee on Public Works and Transportation approve both the Providence, RI, and the Walla Walla projects. We did that because the gentleman is correct. We want to follow the appropriate process. It will be an appropriation, but it cannot be spent until such time as, as the gentleman correctly observed, the Committee on Public Works and Transportation authorizes that expense.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, if we were to follow what the gentleman has just said with every appropriation, all the appropriators would ever have to do is to say, no, there is no authorization. It is over budget, unrequested and, yes, there is legislating in the appropriation, but trust us. Sometime, somewhere, some way down that line you will find magically, through the hands of one or two Members, and I trust this gentleman, that some authorization will take place. Trust us. And that is part and parcel of why we are big spenders and are disappointing the people of this Nation time and time again when we do these kinds of things.

The rules mean nothing. They mean nothing. And this is a good example of it.

Mr. HOYER. Mr. Chairman, reclaiming my time, we are too late. I understand that.

The rules do mean something. The rules are being followed. The rules simply provide for waivers. The rules have been adopted by a majority of this House.

I am tired of hearing the rules are not being followed. The rules are being followed, and the rules provide for waivers.

Why? We could not fund Customs if we did not have a waiver. We could not fund the Mint, if we did not have a waiver in this bill. Why? Because no authorizing legislation has been enacted.

We could sit there and say, the rules say that we should not fund Customs because there is no authorization and, therefore, the Customs agents would not be paid and, therefore, drug interdiction would stop. NAFTA would not be enforced because the rules were not being followed, because they have not been authorized.

Yes, we have waived the rules, under the rules. We amend the Constitution of the United States under the rules of the Constitution of the United States.

☐ 2140

I am tired, Mr. Chairman, of hearing that the rules are not being followed. What the gentleman do not like is that the rules provide for waivers. They then are reported to the floor, and 218 people, or at least a majority voting on the question, have to vote for them.

We are following the rules here. The gentleman does not like the rule that has been adopted. He probably voted against it. I understand that. I respect the gentleman's disagreement with it, but we are following the rules.

Mr. LIGHTFOOT. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa [Mr. LIGHTFOOT], my friend and distinguished Member.

Mr. LIGHTFOOT. Mr. Chairman, I would only add to the discussion that the issue around the debate, and what the amendment of the gentleman from Illinois [Mr. FAWELL] is over, that we add to an authorization the clause that we do not appropriate the money until it has been authorized, or the authorizing committee acts. However, being a member of the Appropriations Committee, because I had a project that we used these rules on, it was not authorized, and therefore the money was not appropriated, so the system we are using does work.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for his comment, and I urge a no vote on the amendment.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. SOLOMON. Will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would ask if my friend, the gentleman from Maryland [Mr. HOYER] is listening. I am so sorry to hear my friend, the gentleman from Maryland, STENY HOYER, say that he is tired of hearing about these rules being waived. Let me tell the gentleman, my good friend, and he is my good friend, he is going to hear about it.

Mr. HOYER. If the gentleman will yield so I can be precise, I said I was tired of hearing that the rules are not being followed.

Mr. SOLOMON. Mr. Chairman, if the gentleman will continue to yield, the rules are not being followed, and I will say it over and over and over again, and I will try to keep my cool in saying it over and over and over again.

The truth of the matter is that the rules around here are waived about 80 percent of the time. That means that the rules that the Democrats, with all due respect, because they are the majority, but the rules that they adopt on the first day of the beginning of the session every 2 years are nothing but a subterfuge. They do not intend to follow the rules. They intend to waive the rules, and they do it 75 percent of the time.

Mr. ARMEY. The Chairman, I thank the gentleman. I would like to reclaim my time.

Mr. SOLOMON. Mr. Chairman, I will give the gentleman another 5 minutes.

Mr. ARMEY. Mr. Chairman, I have 5 minutes, and I would like to have part of it.

Mr. SOLOMON. I will give the gentleman another 5 minutes beyond that.

Mr. Chairman, if the gentleman will continue to yield, I want to make the point, there is another bill coming up here.

Mr. ARMEY. Mr. Chairman, I continue to yield to the gentleman from New York [Mr. SOLOMON], after his generous offer.

Mr. SOLOMON. Mr. Chairman, who said regular order over there? Do they want to come down and discuss it? What is regular and what is irregular about it?

Mr. Chairman, let me just say that there is a rule coming up in a few minutes that is going to keep everybody here, except there will not be a vote here, because we were nice enough to put over the last 15 minutes of the rule until tomorrow, so we do not have to keep the gentleman waiting. I see the gentleman from Maryland [Mr. HOYER] there, and the gentleman from Virginia [Mr. WOLF].

Now we have the rules of the House, but in this rule that is coming up in a few minutes, we are going to mistreat just 1 Member of the 435 Members of this body. We are going to mistreat the gentleman sitting here, the gentleman from Virginia [Mr. WOLF], because he is the only person that we do not waive the rules for in this transportation appropriation bill that is coming up in a few minutes.

Mr. Chairman, we are going to waive the rule for the gentleman from Maryland [Mr. HOYER], so he can have his parochial piece of legislation approved in the bill, but we are not going to do that for the gentleman from Virginia [Mr. WOLF], because he happens to be a Republican.

Therefore, I would say to the gentleman, STENY HOYER, not to stand up here with all this drama and say he is tired of hearing that we are not obeying the rules. We are misusing the rules by waiving them time after time after time, 75 percent of the time.

It is a subterfuge. The gentleman knows it, and every Member of this body knows it. All the special interest people, the good government groups, know it. They came and testified before our committee to reform this House. They all said so.

The gentleman knows it, so he should not stand up here and be outraged. We are abusing the rules, and the gentleman knows it.

Mr. ARMEY. Mr. Chairman, I think I can be very brief here. I have watched this debate for a long time, and I have for ten years now admired my friend, the gentleman from Illinois [Mr. FAWELL] and enjoyed working with him.

Mr. Chairman, the protocols of our House admonish us not to question a Member's motives. Most of us are very diligent in observing that, almost all the time.

In addition to the protocols of our House that govern our discourse, we would all agree that it is, Mr. Chairman, bad form, at least, to threaten in debate Members with reprisal on either a personal, a partisan, or a parochial basis.

The gentleman from Mississippi [Mr. WHITTEN] would never have done that. Mr. Natcher would never have done that. Unhappily for this body, the new chairman of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY], has done that tonight. I think that is a tragic betrayal of the legacy of both the gentleman from Mississippi [Mr. WHITTEN] and Mr. Natcher.

It is also unfortunate that should be done in direction to the gentleman from Illinois [Mr. FAWELL], because for those of us who have had the privilege of working and working closely with the gentleman from Illinois [Mr. FAWELL] experience tells us that there can be no basis by which we can question either the thoroughness, the accuracy, or the objectivity of his work.

The gentleman from Illinois has been patient here, has been thorough in his research, has been patient in the Committee on Rules, has suffered his disappointments in not getting leave of the waivers that protected his right to offer a point of order, and has waited throughout most of this day to offer in the most good faith, based on the greatest diligence of workmanship, his amendments. He neither deserves to have his motives challenged, to be threatened with reprisal, or to have anybody question the quality of his work.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has been consumed.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 30 additional seconds.)

Mr. ARMEY. Mr. Chairman, let me encourage the body to vote for honest hard work, good intentions, and sincere purpose. Vote yes on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just have to say that I think what Members need more than anything else to get through this debate tonight is simply a good fat sense of humor.

Mr. Chairman, I have just heard the remarks from the economist from Texas [Mr. ARMEY], indicating that somehow I am not living up to the fine traditions of the Committee on Appropriations when I take the time to point out selective piety among the body.

What I said was very simple. I noted that there were a number of unauthorized projects in this bill, projects in Democratic districts, projects in Republican districts. I noted the selective piety that led the author of the amendment to reach a high level of moral outrage concerning three projects in Democratic districts, and I simply asked why it was that that piety did not extend itself to unauthorized projects in Republican districts. I have yet to receive an answer.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. The gentleman has had his time.

Mr. FAWELL. I will give you the answer right now.

Mr. OBEY. Mr. Chairman, I will ask for order until I have completed my statement. I will be happy to yield when I have completed my statement, but I have had to listen to the gentleman a long time, and he is going to listen to me for 2 minutes.

Mr. FAWELL. OK. OK.

Mr. OBEY. Mr. Chairman, I simply then made the observation, to recite what happened on the previous amendment, I simply made the observation that I thought that projects ought to be reviewed by this committee, whether Republican or Democratic, on the basis of their merit.

Then I went on to say: But if, however, we were going to get from the Minority side a review of projects which was focused only on one side of the aisle, then I thought that the Members on that side of the aisle had much, much more to lose than do Members on this side of the aisle, because, frankly, we have more votes than they do. I do not think those votes ought to be exercised in an abusive or unfair way, but I do think they should be exercised to enforce consistency.

I would simply say, repeating what I said earlier, that I think the committees ought to feel free to review projects on their merit. This Congress has the right on occasion to make a judgment which differs from that of the executive branch. But in the end, if we see Members insisting on going after only Democratic projects, then all I suggested is that there are an awful lot of Republican projects in appropriation bills yet to come, and I think we have a right to take note of that when those bills come before the body.

□ 2150

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I think the gentleman was not here when I made my comments that the three projects to which the gentleman made reference, I have checked this with staff, are all authorized in the House, all approved by means of a prospectus issued by GSA in accordance with the Public Building Act. I mean this very sincerely, if the gentleman can show to me anywhere in there where there are projects which we have missed, I will be glad to take a look at them.

Mr. OBEY. Reclaiming my time, I will simply say, the gentleman very carefully said the Republican projects that I referred to, the gentleman very carefully said were authorized "in the House." But the objection on the gentleman's side of the aisle earlier was that somehow the Committee on Rules had violated normal processes, because they had not allowed the gentleman to make a point of order against unauthorized projects.

My point is that if the gentleman is allowed to make a point of order against unauthorized projects, those three projects would have been just as vulnerable as those on the Democratic side of the aisle, and if the gentleman does not know that, he should.

Mr. FAWELL. They are authorized, fully authorized.

Mr. OBEY. No, they are not.

Mr. FAWELL. Check with the committee.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just came to talk about a little place called Walla Walla. I kind of feel like the person that showed up at a white tie affair with brown shoes. Maybe we can get back here to what we were talking about.

When I was in college, I used to announce at KUJ in Walla Walla, my first job in radio so I have an affection for the town. If Members want to consider a mental hazard, because we are all public speakers, one gets certain things in his mind, afraid of mispronouncing a word and he does try sitting for a half hour listening to the network knowing that all you have got to say in a half hour is "This is KUJ in Walla Walla." One cannot say Walla Walla if he thinks about it for 10 minutes.

Mr. Chairman, what we have in this particular amendment is a project that, in fact, is subject to authorization, what we have been saying all evening long, nothing is going to happen, no dollars are going to be spent unless the Public Works Committee, unless the Committee on Public Works authorizes it.

Mr. Chairman, what this is all about is the people in Walla Walla deeded this property to the Federal Government in 1949 for a buck. The terms of the contract state that the property will revert to the local community on abandonment by the Federal Government. Both parties in good faith intended that the facility would revert to the local community in a few years. No one anticipated that the Corps of Engineers who was the occupant was going to inhabit this temporary World War II era barracks for 40 years. The buildings were constructed in 1941 and 1942 and at that time they were intended to be used for a period of 15 to 20 years. Fifty-two years later, they are still standing. The buildings are asbestos-ridden, major maintenance has been deferred because of the temporary, the 52-year temporary nature of this arrangement, and the site does not even begin to approach contemporary code standards.

In 1985 the GSA commissioned a professional fire safety engineer to do a report on the site when the following items showed up:

Deteriorating electrical wiring, highly combustible wood paneling, highly combustible cane ceiling tile, no automatic sprinkler system in six buildings, no manual fire system, no emergency or exit lighting.

In short, 50 years later this community is now saddled with a site that is structurally unsafe. The community that gave the property for a buck 45 years ago, the community is saddled with buildings that are structurally unsafe, environmentally hazardous, and on which stand a series of buildings whose useful life ended 20 years ago.

Mr. Chairman, what this appropriation subject to authorization would do is tear them down and give the property back to Walla Walla. Let us vote one for Walla Walla tonight. Vote no.

Mr. MACHTLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try and be brief as the previous gentleman who tried to express the facts in the case of Walla Walla. I would like to express the facts in the case of the Providence courthouse.

Mr. Chairman, this is not in my district, but because we only have one Federal courthouse in the State of Rhode Island, it is in fact imperative that this body understand the facts on which this amendment is being based. I have the greatest respect for my distinguished colleague, the gentleman from Illinois [Mr. FAWELL], but the courthouse in Rhode Island is in serious need of repair. In fact, yesterday during the rain, the computer room flooded and was unusable. If we are going to have a crime bill which is going to put billions of dollars to try and deal with crime in our Nation, we must have a facility which can administer justice.

In this particular courthouse, which was built in 1908, this is not a new building, this is merely an appropriation to repair an existing structure. This building has 56,000 square feet of office space which house 107 Federal employees who are involved in trying to administer justice in Rhode Island. It is one of the busiest courthouses in the country. These renovation plans have been in the system for over 10 years. For the last 4 years, GSA has been working on them.

Mr. Chairman, the alternatives to not funding this renovation are, first, to build a new courthouse which would be almost four times as expensive as these renovations. The second alternative would be to vacate this courthouse and lease spaces which over a 30-year present value figure would again be four times the expense of renovating this courthouse.

We have a situation where a jury which is trying to be empaneled, which would normally take 70 to 100 people, can only sit in one individual room 40 people, we have people in the corridors waiting to hear jury instructions. When our prisoners are brought into this courthouse, they must ride in public elevators and stand with the public because there are no facilities.

Yes, there are times when I think we ought to look beyond rules which would limit our ability to deal with serious issues, and I would suggest this is one of those times. No one who is running a company would say that we should bind ourselves and not fix and protect our assets. No one who is a legislator would say we should become so involved that we do not take appropriate action when we see necessary repairs needed. Yes, if we are going to dispense justice in this country and we have, I believe, some of the finest jurists in the Nation in Rhode Island, we should give them the tools that they need to dispense that justice, and that is a facility that has a courtroom, a facility which could administer justice properly, and one which is in repair. We should not let this facility become deteriorated to the point of uselessness. We should, in fact, appropriate this money.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment, and I join my colleague, the gentleman from Rhode Island, and express the same concern.

Mr. Chairman, the status of the authorization versus the appropriation has been well discussed by Chairman HOYER and others. I want to reinforce some of the facts my colleague raised.

This building was built in 1904. It has undergone no major structural renovations since the last part of the 1970's. It is one of the busiest courts in the country. It ranks 8 out of 94 courthouses in this country in terms of trials per judge. It is, and I confirmed this Monday morning by walking through the building, in dire need of serious structural repairs and other repairs. The walls are bespotted by watermarks as the rain creeps through the buildings. The bricks need to be repointed. The library on the top floor was recently subject to a flood when the roof leaked seriously. There is poor ventilation in the building. In the computer room that my colleague referred to, it is enclosed within an interior space without windows. They literally have to have an external air circulator brought into the floor to circulate the air so that people can work in the building.

Mr. Chairman, we swore in a new Federal judge last Monday. Her courtroom is barely the size of a small garage. It has no windows. It has no jury box. They simply roll in chairs to seat the jury. Her jury room in which the jury debates the fate of citizens before the bar is a corridor. They put a chair between, right outside the ladies' room and the men's room in the hall and they lock off two doors and post guards so the jury can deliberate. If those are the standards and the atmosphere for appropriate rendering of justice, I think not.

□ 2200

I urge that this amendment be rejected. These repairs are desperately needed. We should go forward and reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 276, not voting 27, as follows:

[Roll No. 245]

AYES—136

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bliley
Boehlert
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Danner
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Horn
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Leach
Levy
Lewis (FL)
Lewis (KY)
Linder
Lucas
Manzullo
Margolies-Mezvinsky
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Moorhead
Morella
Nussle
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Zeliff
Zimmer

NOES—276

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hunter
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski

Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—27

Berman
Boucher
Collins (IL)
Cooper
Fish
Ford (MI)
Ford (TN)
Fowler
Glickman
McCloskey
McDade
Moran
Neal (NC)
Pelosi
Penny
Pickle
Reynolds
Romero-Barcelo (PR)
Saxton
Sharp
Stark
Tauzin
Torres
Underwood (GU)
Washington
Whitten
Williams

☐ 2219

Mr. DORNAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2220

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading for new construction in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, $4,900,000 are rescinded for the following projects in the following amounts:

Iowa:

Burlington, Federal Parking Facility, $2,400,000

Indiana:

Hammond, U.S. Courthouse, $2,500,000.

Of the funds made available under this heading for new construction in Public Law 102–393, the Independent Agencies Appropriations Act, 1993, $24,295,000 are rescinded for the following projects in the following amounts:

District of Columbia:

United States Secret Service, Headquarters, $13,958,000

White House Remote Delivery and Vehicle Maintenance Facilities, $4,918,000

Federal Bureau of Investigation, Field Office, $4,419,000

Florida:

Hollywood, Federal Building, $1,000,000.

Of the funds made available under this heading for new construction in Public Law 101–509, the Independent Agencies Appropriations Act, 1991, $30,100,000 are rescinded for the following project in the following amount:

Maryland:

Prince George's County, Internal Revenue Service, Headquarters, $30,100,000.

Of the funds made available under this heading for new construction in Public Law 100–440, the Independent Agencies Appropriations Act, 1989, $4,400,000 is rescinded for the following project in the following amount:

Florida:

Lakeland, Federal Building, $4,400,000.

Of the funds made available under this heading for repairs and alterations in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, $4,715,000 are rescinded for the following projects in the following amounts:

Arizona:

Lukeville, Commercial Lot Expansion, $1,219,000

San Luis, Primary lane expansion and administrative office space, $3,496,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101–509, the Independent Agencies Appropriations Act, 1991, $7,707,000 are rescinded for the following projects in the following amounts:

New Mexico:

Santa Teresa, New Border Station, $6,000,000

Texas:

Del Rio, Border Station, $1,707,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101–136, the Independent Agencies Appropriations Act, 1990, $2,088,000 are rescinded for the following project in the following amount:

New Mexico:

Santa Teresa, New Border Station, $2,088,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for asset management activities; utilization of excess and disposal of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities; the Information Security Oversight Office established pursuant to Executive Order No. 12356; the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $123,020,000: *Provided*, That of the offsetting collections credited to this account, $172,000 are permanently canceled.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,090,000: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138; $2,215,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES OF TRANSPORTATION AUDIT CONTRACTS AND CONTRACT ADMINISTRATION

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $30,000.

GENERAL SUPPLY FUND

Of the offsetting collections credited to this account, $1,009,000 are permanently canceled.

INFORMATION RESOURCES MANAGEMENT SERVICE INFORMATION TECHNOLOGY FUND

Of the offsetting collections credited to this account, $609,000 are permanently canceled.

WORKING CAPITAL FUND

Amounts received for administrative support services provided under this head shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund and for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget): *Provided*, That entities for which such services are performed shall be charged at rates which will return in full the cost of operations.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1995 for

Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 5. (a) Of the budgetary resources available to the General Services Administration during fiscal year 1995, $8,959,000 are permanently canceled.

(b) The Administrator of the General Services Administration shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 6. Rent rates charged by the General Services Administration for fiscal year 1995 shall reflect the reductions contained in the President's budget amendment dated March 16, 1994, Estimate No. 9, 103rd Congress, 2nd Session.

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 8. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. No funds made available by this Act shall be used to transmit a fiscal year 1996 request for United States Courthouse construction that does not meet the standards for construction as established by the General Services Administration and the Office of Management and Budget.

SEC. 10. The Administrator of the General Services Administration is directed to obligate the funds appropriated in Public Law 103-123 for the purposes stated in section 804 of that Act.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,549,000, together with not to exceed $2,420,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $194,638,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, $325,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2): *Provided further*, That of the offsetting collections credited to this account, $441,000 are permanently canceled.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,000,000 to remain available until expended: *Provided*, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library.

NATIONAL ARCHIVES TRUST FUND

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $16,000.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,104,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $115,139,000, and in addition $93,934,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $10,956,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1995, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles; $4,009,000, and in addition, not to exceed $6,156,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $4,210,560,000 to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $19,159,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

REVOLVING FUND

Of the offsetting collections credited to this account, $649,000 are permanently canceled.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISIONS

SECTION 1. (a) Of the budgetary resources available to the Office of Personnel Management during fiscal year 1995, $1,256,000 are permanently canceled.

(b) The Director of the Office of Personnel Management shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), and the Whistleblower Protection Act of 1989 (Public Law 101–12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,955,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $33,650,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there amendments to the remainder of title IV?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: On page 50, after line 23, insert the following:

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,418,000, to remain available until expended.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I will not take much time on this. I think we have agreement. It is noncontroversial.

Subsequent to our markup, Mr. Chairman, we were given the responsibility in the Committee on Appropriations for the John F. Kennedy Assassination Records Review Board. As a result, we had not appropriated any funds for this. This amendment simply proposes $2.418 million for the JFK Assassination Records Review Board. This is pursuant to getting these records out to the public, cataloging them.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, we have discussed this with the majority, and we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 506. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 507. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 508. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 509. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or

contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 510. Funds under this Act shall be available as authorized by sections 4501–4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1995.

SEC. 511. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 512. The Office of Personnel Management may, during the fiscal year ending September 30, 1994, accept donations of supplies, services, land and equipment for the Federal Executive Institute, the Federal Quality Institute, and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 513. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6–104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 514. The United States Secret Service may, during the fiscal year ending September 30, 1995, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 515. None of the funds made available by this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

SEC. 516. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 517. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

SEC. 522. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 523. COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 524. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 525. PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 526. No funds appropriated by this Act may be used to relocate any Federal agency, bureau, office or other entity funded in this Act if the sole reason for the relocation is that locality pay was increased.

SEC. 527. (a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

" 99	Woven fabrics of synthetic filament yarn (provided for in subheading 5407.42.00), certified at the time of entry by the importer to be intended for use in the manufacture of hot air balloons (of the type provided for in subheading 8801.90.00)			".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the fifteenth (15th) day after the date of enactment of this Act.

SEC. 528. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: *Provided*, That notice of the amounts available pursuant to this section shall be given to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed 2 percent of the funds so carried over may be used to pay cash awards to employees, as authorized by law, and not to exceed 3 percent of the funds so carried over may be used for employee training programs.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title V of the bill be considered as read, printed in the RECORD, and open to amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there points of order to title V?

Mr. HOYER. Mr. Chairman, the gentleman from California [Mr. MATSUI] has, I believe, points of order.

POINTS OF ORDER

Mr. MATSUI. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MATSUI. Mr. Chairman, I ask unanimous consent to interpose a point of order on title I, page 4, lines 6 to 9.

I spoke with the majority and minority earlier.

The CHAIRMAN. The Chair will inform the gentleman from California [Mr. MATSUI] that permission has already been secured. The gentleman may state his point of order.

Mr. HOYER. Mr. Chairman, I and the ranking member are aware of the points of order to be raised by the gentleman from California. We would prefer that he did not make them, but he is going to make them, and he is correct.

Mr. MATSUI. Mr. Chairman, I make a point of order against lines 6 through 9 on page 4 of H.R. 4539 that require the

Secretary of the Treasury to transfer $32,960,000 from the Treasury Forfeiture Fund to the General Fund of the Treasury, on the grounds that this provision violates clause 2 of Rule Twenty-One of the Rules of the House of Representatives.

Under present law, the Treasury Forfeiture Fund, which is the successor to the Customs Forfeiture Fund, contains deposits of forfeiture proceeds under tariff and narcotics laws generated by the Customs Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, and the Secret Service to be used for specific law enforcement activities of those agencies and the U.S. Coast Guard. The bill would require a transfer of certain of these funds to the Treasury General Fund notwithstanding existing law, which does not authorize such a transfer.

This provision constitutes legislation, which is within the jurisdiction of the Committee on Ways and Means, on an appropriations bill in violation of clause 2, Rule Twenty-One. I urge that this point of order be sustained.

Mr. HOYER. We concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and sustained.

The section is stricken.

Mr. MATSUI. Mr. Chairman, I make a point of order against section 527 of H.R. 4539 on the grounds that it violates paragraph (b), clause 5 of Rule Twenty-One of the Rules of the House of Representatives.

Section 527 amends the Harmonized Tariff Schedule of the United States to create a new tariff classification changing the rate of duty on imports of woven fabrics of synthetic filament yarn intended for use in the manufacture of hot air balloons.

Paragraph (b), clause 5 of Rule Twenty-One makes tax or tariff measures in any bill or resolution reported by any committee not having jurisdiction to report tax and tariff measures subject to a point of order.

The proposed tariff reclassification is clearly a tariff measure that would have a direct impact on customs revenues. Such a measure is within the exclusive jurisdiction of the Committee on Ways and Means.

For these reasons, section 527 clearly violates the rule against tariff measures on bills not reported by the committee of jurisdiction. I urge that this point of order be sustained.

Mr. HOYER. We concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and sustained.

The section is stricken.

Are there amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

The Administrator of General Services or his designee is authorized to transfer funds received into the Federal Buildings Fund pursuant to section 11 of GSA—General Provisions, Public Law 102–141, October 28, 1991, 105 Stat. 856, 40 U.S.C., sec. 490(f) (7) and (8), or sec. 490g, prior to the effective date of this legislation, to other Federal agencies for use by those agencies for the purposes set forth in those statutes. Such funds shall be available until expended and shall be in addition to any amounts appropriated for such purposes.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 617. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1995, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 615 of the Treasury, Postal Service and General Government Appropriations Act, 1994, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1995, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 615; and

(2) during the period consisting of the remainder of fiscal year 1995, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1995 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1995 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1994 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1994, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1994, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1994.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, the Department of Transportation, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply), and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1995 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling."

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 622. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1995, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1995 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 625. Notwithstanding any provisions of this or any other Act, during fiscal year ending September 30, 1995, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 627. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 628. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 629. (a) Beginning in fiscal year 1995 and thereafter, for each Federal agency, except the Department of Defense, an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102-486).

(b) The remaining 50 percent of each rebate, and the amount of the agency's share of savings from energy savings performance contracts shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.

SEC. 630. (a)(1) Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"§ 6327. Absence in connection with serving as a bone-marrow or organ donor

"(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

"(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

"(c) The Office of Personnel Management may prescribe regulations for the administration of this section.".

(2)(A) Section 6129 of title 5, United States Code, is amended by inserting "6327," after "6326,".

(B) The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6326 the following:

"6327. Absence in connection with serving as a bone-marrow or organ donor.".

(b)(1) Section 6307 of title 5, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

"(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child."; and

(C) in subsection (d) (as so redesignated by subparagraph (A)) by inserting "or for purposes relating to the adoption of a child," after "ailment,".

(2) Section 6129 of title 5, United States Code, is amended by striking "6307 (a) and (c)," and inserting "6307 (a) and (d),".

(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

(B) An application under this paragraph may not be approved unless it is submitted—

(i) within 1 year after the date of the enactment of this Act or such later date as the Office may prescribe;

(ii) in such form and manner as the Office shall require; and

(iii) by an individual who is an employee as of the time of application.

(C) For the purpose of this paragraph, the term "employee" has the meaning given such term by section 6301(2) of title 5, United States Code.

SEC. 631. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302(1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise)—

(1) section 5304(a)(3)(B) of such title shall be deemed to be amended by striking "3/10" and inserting "1/4"; and

(2) section 5304a of such title shall be deemed to be without force or effect.

SEC. 632. Section 5(f) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) is amended by adding at the end the following new paragraph:

"(3) APPLICABILITY OF BACKFILL PREVENTION PROVISIONS TO AGENCIES OTHERWISE EXEMPTED FROM FTE REDUCTION.—

"(A) IN GENERAL.—If any agency is otherwise exempted by any law from the limitations on full-time equivalent positions or the restrictions on hiring established by this section—

"(i) paragraph (1) shall apply to vacancies created in such agency; and

"(ii) the reductions required pursuant to clause (i) shall be made in the number of funded employee positions in such agency.

"(B) WAIVER AUTHORITY.—In the case of a particular position in an agency, subparagraph (A) may be waived upon a determination by the head of the agency that the performance of a critical agency mission requires the waiver.

"(C) RELATION TO OTHER LAW.—No law may be construed as suspending or modifying this paragraph unless such law specifically amends this paragraph.".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title VI of the bill through line 7 on page 92 be considered as read, printed in the RECORD, and open to amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, in accordance with the rule, I make a point of order against section 629 of the bill, beginning on page 87, line 3, through page 88, line 2, on the grounds that this section constitutes legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House.

Mr. HOYER. Mr. Chairman, the gentleman from Michigan [Mr. DINGELL] is correct, and we concede the point of order.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and sustained.

The language is stricken.

Are there further points of order?

Mr. BACHUS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know the hour is late, but I want to alert the Members of the House to an outrageous practice by the Resolution Trust Corporation which I had hoped to address in an amendment before this body, but points of order were not waived.

Mr. Chairman, there are 3,000,000 Federal employees, and these 3,000,000 Federal employees are paid at one pay scale, and the 3,000 employees of the Resolution Trust Corporation are paid 10 percent more.

Now that may be justified, but in addition to being paid 10 percent more for doing the same work, Mr. Chairman, this body has also given that agency the right to set their own geographical cost-of-living pay increases, and, Mr. Chairman and Members of this House, they have tremendously abused their discretion, and let me give my colleagues one example.

An employee of the Resolution Trust Corporation working in Washington, making a salary of $30,000, receives an additional 10 percent above employees of other Federal agencies, and then they receive an 18-percent cost-of-living adjustment, 18 percent, making their salary $38,400. How about an employee of the Agriculture Department? How about an employee of the Energy Department? They make $30,000, but they do not get the 10-percent bonus, and they only get a 4-percent cost-of-living increase. So, where we pay all other Federal employees $31,200, Mr. Chairman, we pay these employees $38,400. That is a difference per employee of $7,200.

In San Francisco an employee of the Resolution Trust Corporation gets the 10-percent bonus, and then that agency gives them a 31-percent cost-of-living increase where all other Federal employees working in San Francisco get an 8-percent cost-of-living adjustment. Now, Mr. Chairman and Members of this House, what is the cost-of-living adjustment that is needed in San Francisco? Is it the 31 percent that RTC employees get, or is it the 8 percent that all other government workers get?

Should we continue to pay 3,000 employees of this government a 10-percent bonus and, in addition to that, pay them a cost-of-living adjustment that is four times what we pay other Federal employees?

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Mr. Chairman, this is an insult to the 3 million Federal employees. There is no equity here. There is no fairness here. This is an abuse and an outrage.

Finally, I would say this to you, to tell you what we are talking about in money terms. I have a son who is working this summer between his junior and senior years of school. He is paying $40 each week in Federal income tax. It would take his salary and the salary of 19 other teenagers making that same salary to compensate for RTC employee's extra compensation that we pay them over what we pay for the same work at other Federal agencies.

Mr. Chairman, I close simply by saying this chosen few at the RTC, this privileged few among our Federal employees, this is an abuse that I hope we end in fairness to the other 3 million Federal employees, and in fairness to the taxpayers who are paying millions of dollars each year in grossly exaggerated cost of living adjustments and bonuses.

Last year this body, and I commend it, ended the abusive practices of large bonuses over at the RTC, after years of abusing that. The time is now for us to put the hammer down on more abuse at this runaway agency.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: Page 92, after line 7, insert the following new section:

SEC. 633. (a) IN GENERAL.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed in leave without pay status if the individual—

(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF–86); or

(2) has not, within 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to

the United States Secret Service for issuance of the appropriate White House pass.

(b) EXEMPTION.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I believe this is agreed upon. This is language that the gentleman from Virginia [Mr. WOLF] and I have agreed upon. The gentleman has expressed great concerns about security provisions at the White House. I have discussed this with the gentleman from Virginia [Mr. WOLF] and the gentleman from Iowa [Mr. LIGHTFOOT] and I believe we have agreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the end of the proceedings I am going to offer a limitation amendment which is at the desk. But, very briefly, to explain it, much of the debate today I think has been about oversight. We have been here 12 hours and a few minutes now, so maybe this is a new record of some kind.

During the previous 12 years of Republican administrations, there were some 36 oversight hearings held by the Congress, including 6 by a GOP controlled Senate. Again, I think much of the debate today has been over the oversight issue. Other than the amendment we just accepted on behalf of the gentleman from Virginia [Mr. WOLF], the bill contains virtually no language on many of the White House concerns that have surfaced.

During the past 18 months, we really have had a pretty poor record. The only hearing I am aware of is the one we held in our subcommittee, and, again, I wanted to thank Chairman HOYER for his cooperation in that respect.

I think we must do better. We are responsible for dishing out taxpayers' dollars. The American people expect accountability. So it is important that we are able to show that accountability in oversight.

At this point, I am urging Members to defeat the motion to rise so we can address some of these issues.

Also, in closing, again I would like to thank the chairman for his cooperation through this, and the good work of the staff, and maybe this is a new record in the book. I am not sure.

The CHAIRMAN. The Clerk will read the final two lines of the bill.

The clerk read as follows:

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1995."

Mr. HOYER. Mr. Chairman, I move the Committee do now rise and report the bill with amendments back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 175, not voting 19, as follows:

[Roll No. 246]

AYES—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega
(AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—175

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Berman
Blackwell
Collins (IL)
Cooper
Fish
Ford (MI)
Glickman
McDade
Moran
Neal (NC)
Reynolds
Romero-Barcelo
(PR)
Saxton
Sharp
Swift
Torres
Underwood (GU)
Washington
Whitten

☐ 2251

Messrs. HEFLEY, BLILEY, and BLUTE, and Ms. SNOWE changed their vote from "aye" to "no."

Mr. CARR of Michigan changed his vote from "no" to "aye."

So the motion to rise and report was agreed to.

The result of the vote was announced as above recorded.

☐ 2254

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, pursuant to House Resolution 447, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MYERS of Indiana. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the bill, H.R. 4539, to the Committee on Appropriations with instructions to examine funding levels for accounts included under Title III of the bill in light of current White House policy regarding the use of White House legal counsel on matters not related to the performance of official duties and promptly report it back to the House with such recommendations as may be necessary to ensure that all applicable executive orders, directives, regulations and laws regarding the use of White House legal counsel are complied with.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MYERS of Indiana. Mr. Speaker, this motion is straightforward. It sends the bill back to the Committee with instructions to report it back to the House after examining key White House operations on: The use of White House legal counsel on matters not related to the performance of official duties.

The vote on this motion is a vote on this House's willingness to provide effective oversight of federal programs and agencies and, specifically, oversight of the operations of the Executive Office of the President.

This not a partisan issue. The fact that this motion targets White House operations has nothing to do with politics. But it has everything to do with applying the same operational standards to the White House that are applied to other federal agencies. It has to do with good government.

The bill before us today does a remarkable job of addressing the potential operational inefficiencies and inadequacies of programs and agencies within the jurisdiction of the Subcommittee on Treasury, Postal Service and General Government.

A quick look through the report accompanying this bill confirms this:

On page 6, the Committee noted that it would not tolerate wasteful spending on unnecessary travel government wide.

On page 35, the Committee noted its concern over the ability of IRS to increase revenue collections based on past performance.

On page 35, the Committee noted it has frequently expressed its concerns over Tax Systems Modernization (and in fact cut the program by $517 million).

On page 40, the Committee noted its concern over certain Postal Service regulations.

On page 49, the Committee noted its concern that a certain agency failed to return transcripts of hearings in a timely and appropriate manner.

On page 55, the Committee is concerned that an agency doesn't apply stringent performance management criteria to its operations.

The list goes on.

The point is this: This committee has gone through programs within its jurisdiction and noted its concerns over operational inefficiencies, as appropriate. The only exception is the Executive Office of the President. On this, the Committee is silent.

Why? Some are claiming that a review of White House operations has not been done before. That simply isn't the case. On July 1, 1992, this body debated an amendment to restore funding for the Vice President's Council on Competitiveness, which had been terminated by the full Appropriations Committee. The objections over the Council on Competitiveness were strenuous and strong as voiced during debate on this floor and the amendment failed.

The Council refused to cooperate with congressional committees exercising their constitutional oversight responsibilities.

The Council's executive director may have violated the Federal conflict of interest statute.

The Council operated in secrecy and wouldn't turn over its records to congressional committees.

Again, the Committee and this body believed that there were serious operational inefficiencies and conflicts of interests associated with the Council on Competitiveness and took the bold step of outright terminating the Council. Some thought this was an extreme measure. The Republicans defended it, saying that the President had the right to organize his office and cabinet any way he chooses. But, the bottom line was that there were perceived problems and this committee and the House took action to terminate the Council.

If we could address White House operations in 1992, why can we not address White House operations in 1994? What has changed?

I urge my colleagues to return this bill to committee and insist that the committee do what is necessary to ensure that the White House operates in a way that is in compliance with the expectations of good government and the expectations of the American people.

The SPEAKER pro tempore. Is the gentleman from Maryland [Mr. HOYER] opposed to the motion to recommit?

Mr. HOYER. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized in opposition to the motion.

Mr. HOYER. Mr. Speaker, I rise in opposition to the motion to recommit. This is an open rule, Mr. Speaker. We have considered every amendment that has been offered. We have extensively reviewed this bill.

I do not think there is any doubt but we have looked at this very, very closely.

I want to say with respect to the legal counsel, Mr. Speaker, I will tell the Members that we are assured that no funds are being expended for any private use of the counsel. We do not believe this is necessary. I ask Members to vote against the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 139, not voting 19, as follows:

[Roll No. 247]

AYES—276

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bishop
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Inslee
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Solomon
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Tanner
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—139

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blute
Boehner
Burton
Buyer
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hastert
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Levy
Lewis (FL)
Linder
Lucas
Manzullo
McCandless
McCurdy
McInnis
McKeon
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Oxley
Pallone
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Torkildsen
Upton
Walker
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—19

Berman
Blackwell
Chapman
Collins (IL)
Cooper
Fish
Ford (MI)
Glickman
McDade
Moran
Neal (NC)
Reynolds
Saxton
Sharp
Thomas (CA)
Torres
Washington
Whitten
Wilson

☐ 2313

Mr. KASICH and Mr. REGULA changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ROEMER). Is there objection to the request of the gentleman from Maryland?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4554, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-548) on the resolution (H. Res. 455) waiving certain points of order against the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GINGRICH. Mr. Speaker, by direction of the Minority Leader, I offer a privileged resolution (H. Res. 456) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That Representative RON LEWIS of Kentucky be and is hereby elected to the following standing committees of the House of Representatives: the Committee on Agriculture, and the Committee on Veterans' Affairs

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCING INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

Mr. McCOLLUM. Mr. Speaker, pursuant to clause 1(c) of rule 28, I am announcing to the House that I intend to offer a motion to instruct conferees on the crime bill, H.R. 3355.

The form of the motion is as follows:

MOTION TO INSTRUCT CONFEREES

Mr. MCCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill HR 3355 be instructed not to agree to Title IX, relating to racially discriminatory sentencing, of the House amendment or to any similar provision.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1818

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SELF-DEFENSE IN BOSNIA

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. HORN. Mr. Speaker, last week a majority of this House voted to lift the embargo that has crippled the people of Bosnia from defending themselves under the inherent right of self-defense that is recognized in the United Nations Charter. One hundred and nine nations in the United Nations have said Bosnia ought to be permitted arms as a matter of that inherent right of self-defense.

On June 10, Mr. Speaker, in the Wall Street Journal, Dr. Albert Wohlstetter—University Professor Emeritus at the University of Chicago and one of America's greatest strategic thinkers—wrote an article that takes apart, piece by piece, every single argument we have heard from this administration as to why the embargo should not be lifted. I commend this wise article to my colleagues.

When you realize that only one out of every four Bosnian soldiers has a rifle, it is clear that the other three could use rifles and light infantry equipment to stop tanks and armored personnel carriers which now roam freely over the Bosnian countryside. We are not talking about sending American troops. We are talking about the Free World, and others, providing supplies for a besieged people.

Mr. Speaker, I think my colleagues will find of particular interest Dr. Wohlstetter's comments on the need for leadership by the United States in ending this world tragedy. If this administration would stand up and cease the procrastination that has made the Bosnian people who want to be free, tragic victims of oppression in the last decade of the 20th century, then we might well also encourage—as Dr. Wohlstetter concludes the democratic forces in Russia to "oppose the resurgence of a Russian interest in dominating tens of millions of people who are against such Russian domination in the now independent former Soviet republics."

I attach the Wohlstetter article:

[From the Wall Street Journal, June 10, 1994]

NOTES TO CLINTON ON BOSNIA

(By Albert Wohlstetter)

Yesterday the House voted to order President Clinton to lift the U.S. arms embargo against Bosnia. The administration had told its supporters in Congress that allowing the Bosnians to be armed for their self-defense would:

(a) prolong, widen and intensify the war, and drag the U.S. into it.

But in fact, as many authorities on international law testify, the embargo in UN 713 (Sept. 1991) applied to a "Yugoslavia" that no longer exists and never had a valid application to Bosnia, a state whose independence has been recognized by the U.S., Europe and the U.N. Moreover, it was the arms embargo, requested by Slobodan Milosevic, that invited Serbian aggression by keeping his victims out-gunned. It has prolonged the war for three years so far, while its advocates have claimed the embargo would shorten it. Depriving the victims of arms invited the widening from Slovenia to Croatia to Bosnia, and now threatens to widen it further in Kosova, the Sandjak and Macedonia; and it increased the intensity of the genocidal slaughter.

It is the promise that the U.S. has made to insert a large contingent of lightly armed ground forces in the guise of "peacekeepers," to enforce an ethnic partition between unarmed Bosnians and armed Serbs—which the United Nations and the EC have themselves stated would inevitably be unstable and unenforceable—that might drag the U.S. into a war of aggression, and on the wrong side.

(b) involve the U.S. in an infeasible program for transporting weapons that Deputy Secretary of State Strobe Talbott says he "presumes" must match in number and caliber the heavy weapons, the medium tanks and the armored personnel carriers that have been supplied by Serbia to its proxies in Bosnia.

And (c) that this would involve an infeasibly large and lengthy program of American soldiers training the Bosnian army in their use.

But, in fact, what the Bosnians (and the new federation between Bosnians and Croats, whose alliance the administration has just brokered) need primarily are: light infantry weapons of the sort that can stop the tanks and armored personnel carriers of the ill-disciplined Serbian invaders, whom the Bosnians greatly exceed in number and motivation; rifles: e.g., Soviet-designed AK-47s; light and heavy machine guns; light mortars and some of more extended range; anti-tank guided missiles of the sort the U.S. provided to the Afghans; and light communications and jamming equipment of the kind that helped the Slovenian guerrilla operations route the Serbian-controlled Yugoslav Army in less than two weeks at the start, in June 1991, of Serbia's genocidal aggression in the Balkans.

Such weapons are widely available and easy to transport. The Bosnians, who have had, for example, only one rifle for each four of its soldiers, have been receiving some such weapons since their new federation with the Croats, and this has already had an effect on turning the tide on the battlefield.

Gen. Martin Spegelj, formerly of the Yugoslav Army and former Croatian defense minister, has pointed out that Bosnians as well as Croats during their military service have been trained in the use of such weapons. To operate the Soviet-designed versions of them in particular, they will need little or no extra training.

(d) be acting unilaterally and would jeopardize relief efforts and endanger the United Nations Protection Force.

In fact, it is absurd to keep repeating that the U.S. would be acting unilaterally. One hundred and nine members of the U.N. General Assembly, including some of our NATO partners, voted to allow Bosnia to receive arms in exercise of its inherent right of self-defense. No country voted against it.

Preventing the Bosnians from defending themselves has meant the slaughter of over 200,000 innocent men, women and children, and the maiming, torture and systematic rape of countless others. Softening this disaster slightly by sending bandages and anesthetics for surgeons forced to amputate a child's leg can hardly compensate for the continued shelling and maiming of children and other innocents. As for the dangers to the United Nations Protection Force, these have come almost exclusively from the Serbs, who haven't hesitated to harass, shoot at and take hostage the French, British, and even Russian soldiers whose operations have functioned to consolidate Serbian gains, releasing Serbian forces to seize more.

(e) jeopardize other U.N. sanctions, including those against Iraq, Haiti and Serbia.

This is the most outrageous claim of all. The sanctions against Iraq were a condition of the U.S.-led coalition's ceasing to fire at the end of Desert Storm, as well as of valid U.N. resolutions directed against Iraq rather than its victims. And also, the U.S., France and Germany—as well as the U.N. bureaucracy—are ignoring the most flagrant violations of the sanctions against Serbia. They are ignoring the network of drug smugglers, pickpockets and thieves in Europe who have been flooding Belgrade with luxury goods and hard currency. And, most outrageous, they are ignoring the thousands of vehicles that daily carry arms and supplies from Serbia to its proxies in Bosnia and Croatia, in direct violation of the *valid* embargo against Serbia embodied in UN 757.

As many Europeans and an increasing number of Americans understand, it is this that damages the reputation of the U.N. as an impartial, universal organization, and the genuine interests of Europe and the U.S. Congress should demand the enforcement of the valid embargo against Serbia's continuing supply of arms to its proxies in Bosnia and Croatia, and of the U.N.'s demand that Serbia withdraw the weapons and supplies it has sent its proxies in Bosnia.

(f) cause a rift between the U.S. and its NATO allies, and with Russia.

In fact, the interests of the U.S., of NATO and of Europe will be served only by the exercise of U.S. leadership—not by the collapse of the U.S. whenever some European government in disarray expresses misgivings. That this collapse disturbs some European governments has recently been observed by several thoughtful European experts on the defense of Western Europe. In the Persian Gulf, the U.S. led a coalition of willing NATO members and other interested powers—in spite of the fact that the Russians opposed it, the Greeks opposed it, the Belgians wouldn't sell ammunition to the British; and the French, who had opposed the use of force against Iraq, went along only when they saw that the U.S. was going to go ahead anyway with those who were willing.

The exercise of such leadership today would strengthen those democrats in Russia who oppose the resurgence of a Russian interest in dominating tens of millions of people who are against such Russian domination in the now-independent former Soviet republics. These democrats recognize that this resurgence is incompatible with the movement of Russia toward democracy and free markets.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each:

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in full committee in the Education and Labor Committee on June 14, and in the Ways and Means Committee on June 14 and 15, 1994:

HEALTH CARE MARK-UP, JUNE 14, 1994

The following recorded votes were taken on June 14, 1994 in the Committee on Education and Labor during full Committee consideration of Chairman Ford's mark, H.R. 3600, Health Security Act of 1994:

1. A Substitute amendment by Mr. Goodling to the Chairman's mark includes provisions of H.R. 3080 (Michel) within the jurisdiction of the Committee on Education and Labor and additional provisions providing for universal access to health coverage including Pooled Employer Health Programs and state-based Voluntary Accessible Health Programs. Defeated 15–28.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay."
Ms. Mink, "nay" by proxy.
Mr. Andrews, "nay."
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay."
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay."
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea."
Ms. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller [FL], "yea" by proxy.
Mr. Castle, "yea."

2. An amendment by Mr. Fawell to provide that an individual in a state my purchase any health plan or health insurance of the individual's choice regardless of the status of community rating areas, regional alliances, or purchasing cooperatives that may be established within a state. In addition, the amendment says that individuals may not be required to enroll under or make payments for the health plan or health insurance defined under the Chairman's mark. Mr. Scott offered an amendment to the amendment to delete the last sentence above. The amendment to the amendment was agreed to by voice vote. The Fawell amendment, as amended was defeated 16–27.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "yea."
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay" by proxy.
Ms. Mink, "nay" by proxy.
Mr. Andrews, "nay."
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay."
Mr. Klink, "nay."
Ms. English, "nay."
Mr. Strickland, "nay" by proxy.
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.
Ms. Roukema, "yea."
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea."
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea."

3. An amendment by Mr. Boehner to eliminate those provisions in the Chairman's mark relating to the requirement that employers pay for health insurance coverage. In addition, the amendment provides that employers are not required to offer the plans in the Chairman's mark. The amendment was defeated 18–25.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay."
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay."
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay."
Ms. Mink, "nay."
Mr. Andrews, "yea."
Mr. Reed, "nay."
Mr. Roemer, "yea."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "yea."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.
Ms. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea."
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea."

4. An amendment by Mr. Hoekstra to strike the subsidies for early retiree health premimus and preclude any Federal assessments on employers relating to their previous retiree health costs. The amendment was defeated 15–28.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay."
Ms. Mink, "nay."
Mr. Andrews, "nay" by proxy.
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea."
Ms. Roukema, "yea."
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller (FL),"yea" by proxy.
Mr. Castle, "yea."

The following recorded vote was taken on June 14, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Grandy to strike Title II of the bill which provides employer and individual mandates to purchase health insurance. The amendment strikes the requirement that an employer must pay for a portion of employee health insurance premiums and eliminates additional employer obligations and penalties for failure to meet those obligations. The amendment also strikes the requirement that individuals must obtain health insurance coverage and pay any portion of the insurance premium that is not covered by their employers. Defeated 20–18.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay."
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "yea."
Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "yea."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "yea."
Mr. Neal (MASS), "nay."
Mr. Hoagland, "nay."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay."
Mr. Brewster, "yea."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea."
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea" by proxy.
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea."
Mr. Grandy, "yea."
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

The following recorded vote was taken on June 15, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Thomas to strike Title II of the bill which provides employer and individual mandates to purchase health insurance. Employers would be required to offer health insurance to their employees but would not be required to pay any portion of the premiums. The amendment strikes the requirement that an employer must pay for a portion of employee health insurance premiums and eliminates additional employer obligations and penalties for failure to meet those obligations. The amendment also strikes the requirement that individuals must obtain health insurance coverage and pay any portion of the insurance premium that is not covered by their employers. Defeated 20–18.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay."
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "yea."
Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "yea."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "yea."
Mr. Neal (MA), "nay" by proxy.
Mr. Hoagland, "nay."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay."
Mr. Brewster, "yea."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea."
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea."
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea."
Mr. Grandy, "yea."
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

□ 2320

WHY DOESN'T HAWAII HAVE TO PARTICIPATE IN HEALTH CARE REFORM?

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I rise to ask a very simple question: Why does not Hawaii have to participate in health care reform? It has been an ongoing debate in our committee, the Committee on Education and Labor, for the last number of months. Today we decided that Hawaii would not have to participate in health care reform. Today in the Committee on Education and Labor markup of H.R. 3600, the health care reform bill, members voted to allow the State of Hawaii to be exempted from having to participate in the plan. I find this an intriguing idea, but I cannot understand why the committee stopped at just exempting Hawaii.

I know that people in my district believe that they receive superior health care for a reasonable cost in western Michigan. Studies have shown that the average cost per hospital stay in western Michigan is much lower than many of the models used by the administration to develop its plan as outlined in H.R. 3600. In essence, I agree that different areas of the country should be allowed to be exempted from this health care reform if those areas do not believe it will be beneficial to them. In fact, I believe that each State should be given the opportunity to opt into the plan but should not be required to do so. If it is good enough to let Hawaii opt out, why cannot other States and other Americans have the same option?

It is for this reason that tomorrow I will propose an amendment to H.R. 3600 in the Committee on Education and Labor to allow States to hold a referendum vote if they want to participate in the plan. If the voters in that State cast a majority of ballots in favor of joining in the plan, then they are in. If less than a majority of the voters choose to belong, then the State would not be in the plan and they could continue the health care system that they currently have in place, and which obviously their voters believe is better than the proposal that is being developed here in Washington.

No State would be required to hold such a referendum; only those States that believe joining the plan is in their best interests would have to go to the voters to ask them if they can join.

Over the past 2 years or so we have heard a lot of discussion over whether health care reform is a need and what form it should take. Soon we will have a plan that everyone can look at. But before we impose that plan on all of the American people except those that live in Hawaii, I think we should ask, "Is this the plan you are looking for? Will this plan fix the problems that you see in your health care system in your State, or would we be better off leaving the system in your State as it is?"

Mr. Speaker, poll after poll tells us the American public does not trust Congress. They do not trust Congress to make good decisions, and they certainly do not think Congress is going to produce a good health care reform bill. Well, I say let us let the American people tell us what they think of the work we are doing. We should not be afraid to put our product on the shelf to see if anybody will buy it. At least we should not be afraid if we are so proud of the product that we believe that we are going to produce, or are we afraid that more people from other States besides Hawaii are going to tell us that, "But no thanks, we will stick with what we have. We like the system. We would like to just keep what we have. It is working fine. We recognize there may be flaws in our system, but at least it is a better alternative than the proposal that is being cooked up in Washington."

If we are going to allow one State to opt out of the plan, then every State should have that same opportunity. Actually, not every State, but every State's voters should have the opportunity to decide whether they want to continue the plan that they have in place or whether they want to select the plan that we are developing here in Washington.

So, tomorrow we will offer a very simple amendment to H.R. 3600. The amendment will simply state, "No State shall be considered to be a participating State for purposes of this act unless a majority of voters in the State by State referendum approve the State becoming a participating State."

What a novel approach. This is not a mandate. As a matter of fact, we are going to give voters in 49 other States the opportunity to make a decision that has already been made for them in Hawaii about whether they want to participate in this plan or not.

REFORMING THE RULES OF THE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New York [Mr. SOLOMON] is recognized, until midnight, as the designee of the minority leader.

Mr. SOLOMON. I thank the Speaker, and I deeply apologize to you and to the loyal staff that we have, and other Members, for keeping you all here until midnight. But I feel compelled to do so after the spectacle that we have seen on the floor for the last 12 hours, when there has been, in my opinion, a very flagrant abuse of the rules of the House. It will continue tomorrow when we take up yet another bill where we are going to see further flagrant abuses of the rules of this House.

Mr. Speaker, our colleague from Washington [Mr. SWIFT], recently charged that the Joint Committee on the Reorganization of Congress, of which we were both members, never discussed or set any goals for its effort to reform Congress. I must respectfully disagree with him. I would hasten to add that the joint committee did not go far enough in addressing those goals.

At this point, Mr. Speaker, let me yield to one of the very distinguished Members of this House. I am pleased to yield at this time to the hardworking and very valued member of the joint committee, who has also done yeoman work on the Committee on Agriculture and the Committee on Public Works and Transportation, the gentleman from Cape Girardeau, MO [Mr. EMERSON].

Mr. EMERSON. I thank the gentleman for yielding, and I commend him for the very valuable service that he is rendering in fostering this discussion here this evening.

Mr. Speaker, I too regret that the hour is late, but I want to say that I think when we contemplate reforming this institution of Congress, somehow we have the feeling that it is such a monumental task that it cannot possibly be undertaken. I want to say I think there are so many things that we could do that would simplify and make more meaningful to the American people what it is that we do here, more understandable to them, that we should be about the business.

I regret that our committee, having met all of last year, all of 1993, and last November having made its recommendations to the House, I regret that the recommendations of the committee have not yet been seriously considered and presented to the House to be acted upon.

I would hope that this may occur soon. We know that in our deliberations the gentleman from Indiana, Chairman HAMILTON, told us that he would try to see that the recommendations were presented to the Congress with—he did not use the term—open rule, but it was a very generous rule. And I would hope that we may see some progress.

There is a very strong bipartisan fervor for reforming this institution. I think if we can get the fundamental document out on the floor under a generous rule, that the House could work its will and we could make some very substantial improvement.

So, I commend the gentleman for his service here this evening in calling attention to the fact that our proposal has not yet been acted upon.

I look forward to further discussions of this sort with the gentleman and thank him for yielding to me at this time.

Mr. SOLOMON. I certainly thank the gentleman for his cogent remarks. The gentleman has been a very valued member of this joint committee.

Mr. Speaker, at this time let me say that when our colleague, the gentleman from Ohio [Mr. GRADISON], retired from the Congress and the vice chairmanship of the joint committee at the beginning of this Congress, our Republican leader made an excellent choice in picking our next speaker to fill that vacancy. Although she is a first-termer new to this whole process, she mastered the details of her new responsibilities very, very quickly, while also serving as the ranking Republican in her very first year on the House Administration Subcommittee as well as the Committee on Science, Space, and Technology, and the Committee on Public Works and Transportation on which I served when I first came to this body 16 years ago.

□ 2330

Mr. Speaker, I am please to yield to the gentlewoman from Bellevue, WA [Ms. DUNN].

Ms. DUNN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for taking the initiative to coordinate this special order so we can let the American public really know what has been going on in the area of congressional reform.

Mr. Speaker, I just would like to observe that during the next few speakers it will become very clear that there are great bipartisan ideas that truly could improve the deliberative nature and the responsiveness of the Congress, but the bottom line, the message, must be that we must move forward with congressional reform. I would like to share some bipartisan ideas that I believe would serve to make the House more accountable to the taxpayers we represent. First of all, sunshine:

In 1976, Mr. Speaker, the Congress passed what is know as the Government in Sunshine Act. Passage of that act reflected the belief that there would be greater accountability if the public's access to information gathered by the Federal agencies were increased. This concept greatly paralleled similar laws that exist in all 50 States. In fact, in my State of Washington we were one of the very pioneers on this area about 20 years ago.

Well, as a result of the Congress' Government in Sunshine Act, citizens today enjoy greater access to Federal agencies. Sadly, however, the taxpayers have less access here in the House than they do in those Federal agencies.

Taxpayers pay for this process, Mr. Speaker, and thus they should have every right to see the process in action. Committee meetings should never be closed to the tax-paying public unless there is a legitimate issue of national security or the potential defamation of somebody's character, and if taxpayers cannot personally be there in the meetings, then they have a right to be represented at those hearings by the free press.

Yet today a congressional committee may vote to close it doors, to kick the public out. Mr. Speaker, and to remove the free press with a simple majority vote of the Members present, and very rarely is it today for reasons as noble as national security.

This is a fundamental reform that must be made to House Rules. If we are to be the "People's House" then the people have to know what we are doing. Yet, somewhat arrogantly in my view, our House Rules currently state that press coverage of our committee meetings around here is a privilege extended by the House.

Let me read from current Rules: "The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House . . ."

This is fundamentally wrong, Mr. Speaker. Let me offer an example:

Last year the gentleman from Illinois [Mr. ROSTENKOWSKI] and the Committee on Ways and Means crafted legislative language that ended up being the largest tax increase in American history. Somebody thought that might be an embarrassing moment, so the press and the American public were escorted out of the room. Despite opposition from all the Republican members of that committee, the doors were closed. The taxes went up. And the American people were left in the dark.

My strong belief is that Members of Congress will be more accountable if and when they realize that the press and the public are watching. Counterarguments about decisions being best made in private are wrong. If our decisions cannot stand public scrutiny, something is very wrong with those decisions, Mr. Speaker.

So, the first and most fundamental thing I believe we can do to make this institution and its Members more accountable to the taxpayers we represent is this: let the taxpayers watch. Let the sun shine in.

This goal would be included in any reform package forwarded by Members on this side of the aisle. Indeed it is already formal policy of the House Republican Conference.

There are some other things that we can do to increase accountability of Members. They all revolve around this simple concept: let the people know what their elected Representatives are doing. I truly believe that is how basic the reforms must be if we are ever going to address the growing cynicism of taxpayers in our great country.

So, let us make sure that voters are informed about votes cast in committees and subcommittees and which Members actually showed up for this vital part of the legislative process. We should be able to make that information available to the public the very next day. And the press should have free and virtually immediate access to that information.

We made a small step forward in this regard in the markup done by the Joint Committee. The House markup approved an amendment of mine to require that committee attendance and votes be published at least twice a year in the CONGRESSIONAL RECORD.

That is a first step, but we can, and we should, go much farther to make Members accountable to the taxpayers. Let us let them know how we are voting in committee. Let us let them know who is showing up to vote in committees, and who is not showing up, and whose votes are being cast through proxies.

I think there's another step that can be taken to make us more accountable: let us try to establish a more understandable schedule that allows Members to be home for predictable, regular and substantial periods of time.

The Senate endeavors to work here for 3 weeks, then allow Members to return to their States for a full week. That is one approach, Mr. Speaker, one that you, yourself, have taken a great leadership role in and have done a superb job in advocating. Regardless of the specifics though, we need more time at home listening to the real problems, the problems of our constituents, problems that often are starkly different from the problems that we find ourselves enmeshed in here in Washington, DC.

As a West Coast Member, I am often able to get back home to the Seattle area only for Saturday and Sunday before I have to return here to the House for votes. I cannot meet with the Chambers of Commerce or the Rotary Clubs. I cannot visit schools or drop in on businesses and meet with their employees. They simply are not around on weekends.

Mr. Speaker, we would all be more accountable to the people who elect us if we spent more time at home with our constituents, listening to them and pledging to them to address the problems they talked to us about.

Once again I thank the gentleman from New York [Mr. SOLOMON] for his leadership. There is much on congressional reform that we can do, and these basic notions, letting some sunshine in so the taxpayers can see what their Congress is doing and spending more time with the folks back home, these basic notions are two necessary components to the kind of congressional reform the taxpayers thought they were voting for in 1992.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentlewoman for, first of all, her input to this joint committee. I know that this committee met almost daily for an entire year, and the gentlewoman from Washington [Ms. DUNN] certainly attended every one of those meetings and did yeoman work, and we really do appreciate that, Mr. Speaker.

At this time I am pleased to yield to the most knowledgeable House Member from either party when it comes to House rules and procedures, our Republican chief deputy whip and Republican chairman of the Committee on Science, Space, and Technology who also found time to serve with us on the joint committee, the gentleman from East Petersburg, PA, [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding and thank him for taking this special order and giving us a chance to talk briefly this evening about the House rules and about reforming some of those rules and making this a more productive body. My concern this evening is going to center on one particular rule that I think needs to be dramatically changed in order to make this body more worthy of public respect, and that is the practice of proxy voting in committees. In my view the situation that we now have is entirely unacceptable.

When men and women run for Congress, they certainly do not go to their district and suggest:

"If you send me to Congress, I will go there and cast a vote, but I won't necessarily cast the vote myself. I, on occasion, will turn it over to someone else and allow them to cast the vote for me."

When the American public understands that that goes on in the Congress, they become extremely disturbed, and they should.

□ 2340

Yet, in committee after committee, that happens regularly, where Members of Congress, instead of being there voting themselves, have their vote cast by what we call proxy. That is a practice has then caused this body not to practice the right kind of legislative behavior.

We have expanded committees and committee staffs largely because if no one is going to show up and all the votes are cast by proxy, you can do nearly anything, and you can do it on nearly any schedule.

We would in fact be a more productive body, we would do it in a more compact way, if everybody had to show up and actually be there present and voting. What we find in committees that do not allow proxy votes is the Members do come, and those committees tend to work more efficiently and the product of their labors is often more in tune with the House than what we have typically had on committees that allow the problems I votes.

Mr. DREIER. If the gentleman will yield, I would just like to comment on this issue of proxy voting. I appreciate the hard work that my friend from East Petersburg has done on this particular issue.

The issue of proxy voting I think hits near and dear to this issue of showing up for work, frankly. I think the average American can relate to the fact when they get up in the morning they do in fact have to show up for work. This argument there are so many committees and subcommittees is used as an excuse. But, quite frankly, it is used in a very arrogant manner, in most cases by the majority, to defeat amendments that are offered by Members of the minority.

In fact, the entire minority caucus of a committee could be sitting in that committee offering thoughtful amendments, and the only majority Member, the only Democrat in the room, could conceivably be the chairman, who could defeat those amendments by simply reaching into his desk and bringing out the proxies of other Members, who do not even know how their votes are being cast. That kind of arrogance shows again the majority has hegemony, jeopardizing the rights of the Members sitting in the room.

Mr. WALKER. I thank the gentleman for pointing that out. It has happened to me on several occasions, where we have been in the room and often won the vote by the Members voting, often on a bipartisan basis. We win the vote by the people who sat and listened to the debate, only to have the proxies pulled out and have the vote go the other way as a result of the proxies. And I think the American people get cheated, and I think the legislative process gets cheated at that point, because the fact is, that then that legislation comes to the floor, having been not a product of a working committee, but being a product of votes that were not even in the room when the action took place.

Those kinds of issues then get raised on the House floor, and often cause a lot of controversy on the House floor, needlessly, because they might have been rejected or approved by the committee, depending upon where you were headed, if the committees simply stuck with what was actually going on and stuck with the votes of people who were there. Instead they come to the floor, we create a lot of controversy, and it is just bad practice.

Ultimately the real issue here is whether or not the American people don't get cheated by sending people to Congress, who then do not cast their own vote in one of the most important functions of Congress, the committee deliberations.

Mr. SOLOMON. The gentleman brings up such a good point. There are two committees that don't allow proxy voting. I happen to have served as the ranking Republican on the Committee on Veterans' Affairs for many, many years, and the Democrat chairman of that committee did not allow proxy voting. I commend him for it, the gentleman from Mississippi [Mr. MONTGOMERY]. We also do not allow it in the Committee on Rules.

It is a Federal offense if you allow someone else to vote for you on the floor of this House. Yet you can just carte blanche give your vote without having exercised your constitutional authority to represent your 600,000 people or however many you represent. That is a shame, and it should not be allowed. Under our Congressional reform program, we would do away with all proxy voting.

Mr. WALKER. The gentleman raises an interesting point. Isn't it interesting in Veterans' Affairs, where they do not allow proxy votes, nearly every bill brought out of that committee is brought under the suspension calendar. The things are worked out where they are brought to the floor in such a noncontroversial manner where they can be considered under the suspension calendar and moved expeditiously through the House.

Where we run into problems is in those committees where people are not present and voting, have given their vote to someone else, and it creates all kinds of problems for the system. This is one where if you want to truly reform the Congress, we have to end the practice of proxy voting. There is no way that you can call a reform real if we have not abolished proxy voting in the House of Representatives, and said to the American people that when you send a Member of Congress to this body, that their vote is going to be cast not only on the floor, but it is going to be cast in committee, by them personally being there to cast it. I thank the gentleman very much for yielding.

Mr. SOLOMON. I thank the gentleman for all his hard work as a Member of that joint committee. He has been invaluable.

At this time let me yield, Mr. Speaker, to our next speaker. We were very fortunate to have him as a Member of the joint committee, someone as bright and diligent as our next speaker. He also serves on the Committee on Agriculture, the Committee on the Budget, and the Committee on Natural Resources. And I am pleased at this time to yield to the gentleman from Loveland, CO [Mr. ALLARD].

Mr. ALLARD. Thank you very much. I would like to thank the gentleman from New York for yielding.

Mr. Speaker, I came to this committee and came to the Congress as somebody who had served in a state legislature, a state legislature from a state that is very progressive. We had done a lot of reforms in our own legislative process so it was more accountable, and we did a lot of things to hold down costs.

So I was absolutely delighted when I had an opportunity to serve on this Committee on the Organization of Congress, because I could begin to talk about those things that I did as a legislator in my own state, and how successful they were and how we should begin to apply them to the Congress, and particularly to the House of Representatives.

I came to this body with the concept of a citizen legislator, that is, somebody who had to live under the very laws that they passed. In the Colorado State Senate I carried a piece of legislation that limited our session to 120 days, because it felt like the members from that legislative body had to go back and spend some time at home, and not spend a whole year in session. Because of that experience at home, they would be better legislators.

Today the issue I frequently hear from local communities, is we continually are being flooded with mandates. I say look, you know, there is a fundamental problem there about Congress being able to understand your problems. Your elected representative, your elected representative to the school board, your elected representative to the county commissioners, or your elected representative to the city council, or even you state legislators, have to live under a set of laws where Congress has exempted itself from.

This has created a fundamental problem. It is a problem that just has not been recently recognized. It was recognized as far back as James Madison, who in so many words stated that if you have a legislative body that exempts itself from the same laws everybody else has to live under, you in effect have created an elite body.

So I saw some very fundamental changes that had to occur in a way that we did business here. And I have had an opportunity to talk about many of those and work with many of the Members that are here tonight that are talking about a lot of change that needs to occur in the Congress.

It has been a pleasure to work with those Members, because they are very sincere in their efforts. They truly believe that change has to occur in the House of Representatives, as I do.

So I feel like I have aligned myself with a very distinguished group as far as the House of Representatives is concerned.

I spent a good deal of time looking at how we could make the Congress, that is, the House and the Senate, more efficient in the way they did business. In the legislative body that I came from, we, for example, had a joint administrative body that looked at the general business in that body, and said look, when we get to issues like printing, the Senate and House should not have separate printing offices, that these efforts can be combined, and by combining them you make the administrative process much more accountable and you also reduce the number of employees that you have that manage your particular institution.

So I have seen today a real need to do some consolidating between both the House and the Senate, to have this joint effort come together with some kind of committee that is going to make some decisions so that we see administrative policies that are carried on the same in both the House and the Senate.

By the way, we would reduce the number of employees we have. We have tight budgets, and I think we should be prepared to deal with those right budgets. One way we can do it is by consolidating services.

□ 2350

Areas that I saw and we actually included in the report that we got from the organization of the committee were, we were going to set up a committee. We set up a committee to look seriously at these areas. I would have wished that the committee itself would have taken even more direct action on these areas, but I will accept the fact that perhaps they need studying because they are very complicated. But there are certain areas where I think we could so some consolidation.

One of them, as I alluded to earlier, was printing. I think we can look to recording issues, where we have a recording studio on one side and a recording studio on the other. No reason why we cannot combine some of those facilities. Photography and guide services and folding and packaging services, the Chaplain's and the flag office and the parking permits and security and the Congressional Budget Office and disbursements and receipts and the Architect of the Capitol, maintenance and grounds and the buildings, the library and drafting services, research and computer services are all areas that we need to look at so that we can begin to consolidate services and set up a process where you have clear administrative decisions being made so the person in charge has to be accountable and so he can hold those agencies underneath him accountable.

The way the system works today, we do not have that accountability. It is something that I saw happening in the Colorado State Legislature. It is something that I know happens in many legislatures all over the United States. I think there is a lesson to be learned, but the Congress needs to take the time to find out what other legislators are doing and helping to manage their body in the various state legislative bodies and bring those concepts in here. And it is my hope that perhaps maybe that study will begin to accomplish some of those things and bring some common sense, bring some real management decisions that can make a difference in the way that we do business.

I was joked at occasionally from some of my constituents, you know, Congressman, we see a lot of problems with the House. And here you are, you have set up another committee within the House of Representatives and the Senate to try and address some of these problems. All we need is another committee.

I said, look, I really believe that this committee is made up of some Members who sincerely want to have change as I do. I think that it is a good place to start, and I think that if we get something out of there that the leadership will treat that recommendation seriously. I have to report back in a somewhat embarrassed situation, back to my constituents and say what I see happening. The report that came out of that committee is virtually being ignored by the leadership in the House and the Senate. We are not getting our recommendations, some of which I seriously brought up here today, talked about. And we need to bring these issues to the floor, and we need to have some serious debate on the House floor by the Members that were elected by their constituents and get them brought before the American public.

I think that we will find that many Members of this House will vote for a lot of the changes that we talked about in that committee. I am very disappointed that it has become bogged down and has not been brought forward as I would have hoped that it would have been. We took a lot of time. We had more than 36 days of testimony on the committee itself to organize Congress. And this made up hours and hours of testimony. I am not sure that in recent history there has ever been a committee that took as much time as we did on that committee to talk about the problems facing Congress.

I would just like to thank the gentleman from New York for his leadership. I think there is a lot that needs to be done and can be done by this body. All we need to do is open the gates, and I think that the American people will respond. I think the Members of this House will respond.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for his very, very telling remarks.

Mr. Speaker, our colleague from Washington [Mr. SWIFT], recently charged that the Joint Committee on the Organization of Congress, of which we were both members, never discussed or set any goals for its efforts to reform Congress.

I must respectfully disagree with him, though I would hasten to add that the joint committee did not go far enough in addressing those goals.

Our goals were actually set out for us in House Concurrent Resolution 192 which established the joint committee back in 1992.

We were mandated by that resolution "to recommend improvements in the organization and operation of the Congress with a view to strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with and oversight of other branches of the U.S. Government, and improving the orderly consideration of legislation."

In short, the joint committee was charged with making recommendations to simplify and improve our existing structures and procedures so that we can do a more effective job of legislating and overseeing the executive branch.

Implicit in this stated goal is the assumption that the Congress is not now properly organized or operated to effectively carry out our constitutional responsibilities to make the laws and monitor their implementation. If this were not the case, we would not have gone to all the trouble to create a joint committee to make recommended improvements.

Indeed, the validity of that assumption was confirmed by the Members and public witnesses appearing before the joint committee during the course of its 6 months of hearings. It was also evident in the results of a survey of Members conducted for the joint committee.

In response to the question, Are major procedural or organizational improvements needed in the way Congress conducts its legislative business? 91.2 percent of the House respondents said yes. That includes 77.7 percent of the Democratic respondents and 96.4 percent of the Republican respondents.

Mr. Speaker, we don't get such overwhelming, bipartisan agreement on much else around here; but, when it comes to the need to reform this institution, there is presumably near unanimous support for major improvements in the way we conduct our legislative business.

So there's our goal, I would say to Mr. SWIFT: Improve the way we conduct our legislative business!

It's in our authorizing resolution; it's in our hearing record; it's in the Member survey results; and it's in our final report.

The final report, after repeating the authorizing resolution's mandate that we recommend improvements to strengthen the effectiveness of Congress simplify its operations, and improve its oversight and the orderly consideration of legislation, then goes on to say, and I quote: "In short, the joint committee was formed to address how to make Congress more effective, accountable, and credible."

Mr. Speaker, Mr. SWIFT argues that many of the goals cited by reformers are directly contradictory. He would argue that you cannot be more democratic, more representative, more responsive, more accountable and more deliberative, on the one hand, and more efficient, decisive, orderly, and productive on the other.

Well, Mr. Speaker, it must be conceded that democracy is inherently inefficient and even messy at times, and that the single-minded pursuit of efficiency and order can only diminish our democratic character. But, as far as I know, no true reformers are urging us to commit democracide for the sake of making the trains run on time.

But, I would argue that true reformers can have it both ways—that they can make this institution more efficient while also making it more open, accountable, responsive and deliberative. These goals are not contradictory or mutually exclusive.

Mr. Speaker, one of the greatest inefficiencies of this institution is the duplication of effort that goes on in our 22 standing committees and scores of subcommittees—all because of something called multiple referrals. That was an innovation of the 1974 Bolling reforms. Before that, any bill could be referred to only one committee.

But, the part of the Bolling committee reform package that was not enacted, was the realignment of committee jurisdictions along more rational and functional lines. So what we ended up with was pretty much the same tangle of jurisdictional responsibilities as before, combined for the first time with the possibility that bills could be referred to two or more committees at a time, or in sequence.

And the multiple referral authority, which was mandated on the Speaker, encouraged committees to fight to broaden their jurisdictions even further into the territories of other committees.

So what we have ended-up with is a double inefficiency: two or more committees holding hearings and markups on the same bills, and also expending time and resources in constant jurisdictional turf battles to preserve, protect and expand their own legislative authority.

What we have proposed in the alternative on the Republican side is that:

First, we reduce the number of committees and subcommittees;

Second, realign and consolidate jurisdictions where possible;

Third, eliminate joint bill referrals, require the designation of a principal committee for each bill, and keep sequential referrals as discretionary with the Speaker, subject to time limits for reporting; and

Fourth, place strict limits on the number of committee and subcommittee assignments a Member may serve on.

All these reforms are designed to make our legislative process more efficient by eliminating duplication of effort and maximizing the amount of time and effort a Member may devote to each assignment.

Moreover, by pinpointing responsibility for each bill in a single, primary or principal committee, we will restore the kind of accountability which has been lacking since the institution of multiple referrals back in 1974.

At the same time, the implementation of these reforms should help to make the process more representative and deliberative. With Members having fewer committee and subcommittee assignments, there should be greater Member participation in hearings and bill markups, meaning that the legislative products of these subcommittees and committees will receive fuller and more representative participation, deliberation and results.

In short, in the case of these reforms, efficiency and deliberative democracy are not contradictory—they are mutually complementary.

And Mr. Speaker, with fewer committees, subcommittees and Member assignments, it should also be feasible to eliminate the practice of proxy voting.

Now Mr. Speaker, some Democrats argue that proxy voting is more efficient since it does not require the presence of Members for their votes to be recorded on amendments and reporting bills. But it is clearly an efficiency that runs directly contrary to deliberative and participatory democracy, and certainly contradictory to a Members constitutional obligation to responsibly represent his or her constituents.

Because by giving away a proxy vote, Members do not know what specific amendments will be offered, or hear the arguments for or against them, when they entrust their proxy to another Member and the resulting decisions will not necessarily reflect the true sentiments of a committee majority, and the constituents they represent.

By the same token, one-third committee quorums for amending bills and a new rule allowing so-called rolling quorums for reporting them, whereby Members can drop by and vote after the deliberative process is completed, are absolutely contrary to majority rule and deliberative decision making.

Mr. Speaker, the principle for committee action enunciated by Jefferson in his Manual should apply with the same force today as it did in his time, and that is that a majority of the committee constitutes a quorum for business, they can only act when together, and not by separate consultation and consent—absolutely nothing being in the report of the committee but what has been agreed to in committee actually assembled.

Mr. Speaker, and Members, when one looks at the way we handle major legislation on the House floor, we are again confronted with a system that increasingly embraces undemocratic procedures in the name of efficiency at the expense of deliberative and representative government.

In this Congress, 80 percent of the bills brought through the Rules Committee have been considered on this floor under a process that restricts the full and free right of Members to offer amendments.

The survey of House Members taken for the joint committee reveals that this is not merely a complaint or concern of the minority party. It is a very legitimate concern. When House Members were asked whether they agree or disagree that there have been too many limitations on debates and amendments on the House floor this year, 68 percent of the respondents agreed, including 41 percent of the Democrats and 98 percent of the Republicans.

It is ironic, but sadly true, that the inefficiencies of our current committee system are being compensated for, by an overly efficient House floor system that reduces, rather than improves, our chances of improving upon the legislative products of those committees. Is it any wonder the people have less respect for the laws we enact, when they see how undemocratically we conduct our business around here.

We have squeezed out representative and deliberative democracy at both ends of the process through a combination of inefficiency and efficiency. Both the committee process and the House floor process have increasingly denied us the opportunity to be representative and responsive legislators.

In conclusion, Mr. Speaker, I must respectfully disagree with my colleague from Washington [Mr. SWIFT] on both of his charges that the joint committee never had any agreed upon goals, and that the goals of reformers are contradictory.

The recommendations of the joint committee, while not going far enough, reflect the consensus, not only of the joint committee members, but of other House Members who testified and responded to the Member survey.

And that consensus is that the existing legislative structure and process are not sufficiently rational, responsive, representative or deliberative. Members are being asked to do more than they can responsibly and conscientiously manage at the committee level, and then are being prevented from doing what they were elected to do, when a bill reaches the House floor.

There are reforms that can be instituted that are both internally consistent and which promote the fulfillment of those goals. We can again make the committee system a more efficient and participatory policy process.

And, if committees once again produce legislation that is more representative and responsive to problems and our constituents, we have less to fear about an open amendment process on the House floor.

Mr. Speaker, as with any genuine and bold reform effort, the major obstacle to its success is the resistance of some powerful Members who are wedded to the status quo out of personal power considerations, in clear defiance of what is in the best interests of improving the organization and operation of the institution as a whole.

In the meantime, public respect, confidence and job approval ratings of the Congress continue to decline to dangerously low levels. The question confronting us is whether we will have the courage and foresight to reform ourselves now, in a rational way, before this tidal wave of sentiment engulfs us and imposes on us more extreme and irrational changes?

We must act now to bring the recommendations of the joint committee on congressional reform to the House floor as a single bill, and consider them under an open amendment process that will enable us to further strengthen them, and make the changes that are necessary in our organization and operations. Time is running out.

Mr. Speaker, at this time I want to yield to a very, very important person in the reform of this Congress. When our colleague, again from Ohio [Mr. GRADISON], retired from the Congress and the vice chairmanship of this joint committee at the beginning of this Congress, our Republican leader made another outstanding choice in picking our next Speaker to become vice chairman of the joint committee.

Mr. Speaker, I am referring to and yield to the very distinguished and hard-working vice chairman of the Joint Committee on the Organization of Congress and my colleague on the Rules Committee, the gentleman from La Verne, CA [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I include for the RECORD a statement from our distinguished Republican leader, Mr. MICHEL.

Mr. MICHEL. Mr. Speaker, I thank my colleagues, especially JERRY SOLOMON and DAVID DREIER, for taking this important special order.

Why reform Congress? To most people in the country, that is like asking the question: Why breathe? It simply must be done if we want to survive.

My comments today are directed not at the reform process for this year. The Democratic leadership has already demonstrated that real reform, for all intents and purposes, is dead in this Congress. No, my comments go to my Republican colleagues, once they take control of this institution.

In 1780, Abigail Adams wrote to her young son about the nature of virtue: "It is not in the still calm of life or in the repose of a pacific situation, that great challenges are formed * * * Great necessities call out great virtues * * *"

As I near the end of 38 years of public service in the House of Representatives, I believe the words of Abigail Adams to her young son (who in later years would be elected to the House after his presidency) must be heeded by Congress today. The institution is in a time of "great necessities," its credibility torn to shreds by repeated scandals, its ability to do the people's work in serious doubt after forty years of total control by one party, its image tarnished by the Democrats' refusal to reform. Only the heroic exercise of great legislative virtues—fairness, accountability, thrift honesty, efficiency, humility and courage—can save the reputation of the House.

The end of the 103d Congress will mark the beginning of a new stage in my life (a more upbeat way of saying "I'm retiring."), so I will not be a Member of Congress on the inevitable—and, in my view fast-approaching—day when a House Republican is once again honored with the proud title of "Mr. Speaker." But nearly four decades of service have taught me some lessons. Perhaps the following ideas on House reform can be of help as our great party prepares itself for the responsibilities of leadership in every committee, subcommittee, and legislative aspect of the people's House. Let me explain how each great virtue can manifest itself in specific reforms for the House:

Fairness: Fairness means different things to different people. In Congress, it should mean—at a minimum—an equal ability to represent your constituents. This is a basic right, not a privilege granted or denied by a whim of the majority, and the refusal to recognize that right is a direct attack on the very idea of representative government. By taking away a Member's right to amend legislation and to make the case for that amendment, the majority in effect takes away the right of Members to represent their constituents. Since each district has equal importance in the eyes of the law, each Member theoretically should have equal opportunity to craft legislation according to his or her principles and judgment. By this I do not mean you always get the legislative result you desire, but you get the opportunity to let all of your colleagues see what you have to offer and vote on it. Whether it concerns offering amendments, equal access to staff and resources, or an equal ability to gather necessary documents, a little fairness goes a long way in improving comity, cooperation and courtesy and would help the House improve its legislative product and its reputation in the eyes of the public.

Unfortunately, the House has become increasingly unfair over the last decade in several respects. For instance, the Rules Committee—controlled by Democrats—has clamped down on the granting of open rules, making it more and more difficult for Members to offer amendments to legislation. In fact, the open rule, once a fairly common aspect of legislative life, has become one of the most endangered species in the political landscape, a kind of spotted owl of parliamentary procedure. To restore fairness, the House should make it more difficult for the Rules Committee to issue closed rules that strictly limit the number of amendments to be offered by the minority party. I would also guarantee the right of the minority party to offer a last chance to recommit a bill with instructions.

Of course, there is also a problem with the unfair division of resources. Some committee chairmen over the years have come to believe the committees they head are quite literally their committees, personal fiefdoms over which they wield absolute power, while everyone else is treated as an underling. With the arrogance of a titled lord of the manor, these committee chieftains refuse to give the minority adequate staff resources, while hiring more than enough staff for their own uses. While I believe that the taxpayers would be better served by a large reduction in overall staff (see below, under "Thrift"), the minority cannot be further penalized by denying them the staff they need to begin to overcome the advantages of majority power.

Accountability: The dictum that power tends to corrupt is overused, but also instructive when it comes to the Congress. It is only to be expected that forty consecutive years in total power have aggrandized some of the less attractive aspects of political life and sometimes clouded the ethical prudential judgment of those who have wielded such power. One party is not more virtuous than the other, but common sense tells us that forty years of uninterrupted power has a corrosive effect on the ability to perceive accurately one's shortcomings and scrutinize one's motives.

Fiscal, political and ethical accountability are now desperately needed because the House is in a period of decline in public popularity unparalleled in my years as a member. One way to impose accountability is to overhaul our campaign finance laws. There is a huge imbalance in favor of incumbents over challengers in House elections. I support three critical reforms of our campaign finance system:

First, we should require that most of the money raised in campaigns come from the constituents of the districts. The people being represented in the district—not the elite from New York or Hollywood—should have the greatest say in who is elected.

Second, I would ban PACs. PACs were initially created as a reform in the 1970's, but it is time for us to admit that they have not only failed to reform the system, but have created new problems. PACs can give undue influence to special interest groups to control the legislative agenda—or at the very least they give the perception of doing so. Let's get rid of them, as quickly as possible.

Third, we need to ban the use of soft money in elections. Soft money gives campaigns resources, such as phone banks, without the risk of disclosure. By using such resources, powerful special interests have a profound impact on elections without the voters ever knowing about their role. We should ban these kinds of contributions, or at least require their full disclosure.

Of course, accountability is not only a problem with the Congress. It is also a problem with the executive branch. When the administration is of one party and the Congress is of another, executive branch accountability becomes much easier. In fact, during the Reagan and Bush years, the Democrats in the Congress were zealous in making the Administration accountable. It seemed at times that not a week went by without the Democratic pit bulls of oversight snarling and yapping at one Republican appointee or another.

But like the dog that didn't bark in the Sherlock Holmes' story, the Democrat guard dogs have been strangely silent during the Clinton administration despite a number of scandals, near-scandals, and abuses by Clinton appointees. Of course, it is more difficult to fully conduct oversight on members of your own party, to put it in the mildest possible terms. That is why I have urged that we put control of the Government Operations Committee into the hands of the minority when the majority in the Congress and the executive branch are of the same party. This simple change will give the minority party the resources and power to investigate wrongdoing while giving the Government greater credibility in pursuit of accountability. Again, I favor such a reform even when we gain majority status.

Thrift: If the Congress wants to regain the goodwill of the taxpayers, it must exhibit thrift, that most exemplary of the virtues of governance. I am reminded of the example of that great and recently deceased Congressman, Bill Natcher. Bill, to his last days in the House, exemplified the best qualities of thrift. He realized that his personal example mattered. He kept his office staff small, he rarely spent half of his office allowance, and his campaigns were inexpensive and simple. He knew the value of the taxpayers' dollar.

That is why I have long supported measures that cut spending in the legislative branch, and other measures that allow for deficit reduction in appropriation bills and entitlement spending. For instance, I proposed that Republicans, if they controlled the 103d Congress, would cut committee staffs in half.

I also support other efforts to cut waste in spending. We should give the President line item veto authority. We need to pass the balanced budget amendment to the Constitution. And we need to make it easier in the House rules to move money in appropriations bills from pork barrel projects to deficit reduction. In short, the rules of the House are currently stacked against efforts to cut spending. We need to change those rules to make it easier to cut spending and harder to spend more.

Honesty: Perhaps the biggest complaint that the voters have with their elected officials in Washington concerns the basic virtue of honesty. Official Washington is simply not honest enough with the American people. Whether it is sugar coating the truth or generating artificial "crises" to push political agendas, we have created the perception—and, more often than we care to admit, the reality—of being participants in an endless game of rhetorical sleight-of-hand and media manipulation. There are certain things that can be done to restore a sense of truth to our process, and since we deal so often with numbers, reform should begin with how Congress creates its budget baseline numbers.

Baseline budgeting allows the Congress to fudge the numbers by including the expected rise in spending as part of the calculations. That means when the President or the Congress say they are cutting spending, they mostly are really just slowing the growth of spending. I believe we should go back to the old method of zero-based budgeting, so that every year we reexamine the assumptions made in the first funding resolution.

Another budget reform also involved deficit reduction. Most cutting amendments to appropriations bills do not actually cut the deficit. Instead, they are reprogrammed for spending on other projects. For example, when Members voted to kill the Superconducting Supercollider, the money saved did not go to deficit reduction as all the supporters of the amendment promised but instead to other programs like public housing within that appropriation bill. If we are going to be honest with the American people, we should make certain that a deficit reduction amendment actually reduced the deficit.

Efficiency: When hearings for the creation of the Joint Committee on the Organization of the Congress initially were held, the majority leader and the Speaker stressed the need for great efficiency while I stressed the need for greater fairness. After watching the committee system's handling of the health care issue, I am beginning to come around to the efficiency argument.

We have seen three committees in the House and two committees in the Senate develop different and often contradictory health care reform plans, and at this moment, it is still doubtful that those differences will ever be worked out. These jurisdictional battles and redundant efforts are an inefficient use of the Congress' time and the taxpayers' money. We need a complete restructuring of the committee system to make these battles less common. The House should also examine a mechanism to create temporary committees for issues that are too big for one committee to handle.

Efficiency can also be achieved by the creation of a more orderly and "family friendly" schedule. We in the House spend so much of our time in the early months doing too little, while spending so little of our time in the later months doing too much. We need to regularize our schedule to make a more efficient use of our time.

Another important way to create more efficiency in the House is to eliminate the patronage system. Forty years of single party control of this institution has eroded many checks and balances, but perhaps the most blatant abuse is the system of patronage. We tried in the 102d Congress to change it all by creating the office of Director of Non-Legislative Affairs to handle many of the operations of the House. Unfortunately, our first director resigned in disgust because the majority would not allow him the necessary powers to complete his mission. We need reform that will eliminate the cronyism and the lack of professionalism which hurt the House in so many ways.

Humility: The most common criticism of the Members of the U.S. Congress comes from voters who are struck by the arrogance of power, powerfully exemplified by the debate over congressional coverage under laws we impose on all other Americans.

As the House and Senate work on legislation that affects small businesses and private citizens, they often see fit to exempt the Congress from those laws. Compliance with OSHA is but one example. If the Congress were forced to comply with the myriad of safety rules and regulations they pass on to small businesses, the legislative branch would close down. In fact, that is one reason why the Congress gave itself an exemption from OSHA regulations. But the question we should ask ourselves before we pass these burdensome mandates is this: If we can't handle these laws, how can we expect the private sector to handle them?

This double standard understandably outrages the American public. If, in constitutional theory, no one is above the law, how can the Congress work out a private exemption for itself? The feeble response, based on the constitutional checks and balances argument, frankly doesn't mean much to taxpayers who have to obey laws from which their elected representatives exempt themselves. That is why I strongly support a requirement that all laws the Congress passes, the Congress must obey.

There's another way to assert some humility in the House: impose term limits on committee chairmen and ranking members. I originally proposed this change in the rules of the House as a way to break up much of the institutional gridlock that haunted the House during the Bush administration. Arrogance comes from power, and power comes from an unyielding, and seemingly eternal, grip on the levers of the committees. By loosening that grip and giving Members a time limit to serve as head of a committee, we may be able to do two things. First, give other important reforms such as a full committee restructuring a chance to survive. And two, give these chairs a taste of humility.

Courage: None of the virtues listed above are possible without courage. And courage comes in many forms. There is the courage to face down a committee chairman in the face of threats and intimidation, the courage to tell the voters they are wrong when you believe they are wrong, and to stand up to threats from powerful colleagues when you think you are right. There must be the courage to listen to all sides of a debate and admit when you are wrong, to be accountable to the taxpayers, and to deal with budget challenges honestly, and if we are to achieve true reform, there must be the courage to give up some power for the better operation of the House. None of the other virtues is possible unless Members are informed and inspired by the courage that comes only with the belief that a Member of the House is here to serve the people—not his party or his committee chairman or some special interest or the various and assorted pundits, prophets, and polemicists of the media.

"And your Children shall wander in the wilderness for forty years." Scripture describes a situation very familiar to House Republicans. For 40 years, we have been wandering in the political wilderness as the minority party in the U.S. House of Representatives,

I have been here for 38 of those long years. Elections have come and gone, but for almost half a century, no Republican has chaired a committee, or wielded the gavel on the House floor.

But as I look to the future, I can see the promised land of a Republican majority. I will not be the Republican who finally regains the Speaker's chair, but I am glad to know the principles we have all fought for during the years in the wilderness will soon triumph in the House and in the Nation.

For all the faults of its individual Members, for all the real grievances that have accumulated during forty years of one-power control, the United States House of Representatives remains the greatest representative legislative body in the world. Our system is emulated and admired in many nations and for good reason. Admittedly, we have hit some rough spots over the last several years, and I must confess that there have been days when in the face of some new scandal it was not easy going to work each morning. It is clear we live in a time when those great necessities of congressional reform must be addressed directly, forcefully and quickly.

One final word to my Republican friends and colleagues in the House: I know that after 38 years of minority status, it would be all too human to want to wreak revenge on the Democrats when we become the majority and do unto them as they have been doing unto us for so long. The temptation is great and understandable, but in my view it is precisely because we Republicans know from bitter experience the arrogance of unchecked power, the abuse of the system, and the unfairness of rules that stifle open debate, that we should as a majority do all we can to make the process work fairly. We are going to be judged by the people not on how often we can stick it to those who have stuck it to us, but on how close we come to running the House in the best interests of the Nation. To paraphrase an old saying, governing well is the best revenge.

Reform of the House is coming. As my Republican colleagues take over the Congress, I hope they remember those who, during the years in the wilderness, tried our best to make this great House work for the people. And I hope they keep in mind these seven virtues of reform on that great day in January, when a Democrat stands near the Speaker's chair on the House floor, hands the gavel to a Republican and says, "Congratulations, Mr. Speaker!"

Mr. DREIER. Mr. Speaker, I have just a very few minutes. I wanted to talk specifically about the issue of committee reform.

I would like to thank my colleagues, the gentleman from New York [Mr. SOLOMON] and the gentleman from Colorado [Mr. ALLARD], both of whom are still here in the Chamber; our colleagues, the gentleman from Missouri [Mr. EMERSON] and the gentlewoman from Washington [Ms. DUNN] and the gentleman from Pennsylvania [Mr. WALKER], all of whom worked very closely with me as we tried in a bipartisan way to deal with issue of reform of the institution.

This committee came about because of the many crises that this institution faced: the House Bank, the Post Office, the restaurant, and a wide range of other concerns, many of which still remain today in the eyes of the American people.

On the issue of committee reform, Mr. Speaker, if you look at the early history of this country, virtually every decade, when the census was taken, the Congress brought about a change in the structure of the committee system in the Congress. Clearly, the committee system is, I believe, the most important aspect. In fact, our friend, Norm Ornstein, at the American Enterprise Interstate, said, in one of the many opportunities he had to testify before our joint committee and then again before the Rules Committee, he said that the committee system is the linchpin in the deliberative process. That clearly is the case.

We have 266 committees and subcommittees here in the Congress. The unfortunate thing is that we have observed really the development of fiefdoms, if you will, and it seems to me that we have a responsibility to try and reduce that so that one of the issues that was mentioned earlier by our friend from Pennsylvania, Mr. WALKER, that issue being proxy voting, can in fact be addressed.

If we can reduce the number of committees and subcommittees, Members will in fact be able to show up to do their committee work. If you look at the jurisdictional overlap that exists today, there are 52 committees and subcommittees that have responsibility over programs for children and families. The Environmental Protection Agency answers to 90 committees and subcommittees. There are 107 committees and subcommittees that claim some oversight role over the Pentagon, and there are more than 40 subcommittees and committees that have jurisdiction over surface transportation.

If you look at that kind of jurisdictional overlap, it creates gridlock here in the Congress and at the same time it says to members in the executive branch, Cabinet Secretaries, Undersecretaries, they have to often come before the Congress and provide virtually identical testimony time after time after time, often to the same Members who sit on several different panels, jeopardizing their ability to effectively do their job at the executive branch.

Recognizing that an important part of that is reporting here, but the kind of duplication that we see through the present committee structure is unfortunately, I believe, a very bad thing. So it seems to me that what we should do, as we look at this question, is we should have an opportunity to bring about meaningful reform of the committee structure as we know it.

Last fall, just before we adjourned at Thanksgiving, we had the markup of this committee. I offered the one plan calling for major committee reform. We now have 22 standing committees here. My plan called for reducing that to 16 standing committees. Unfortunately, the plan I offered was defeated on a 6-6 tie vote.

One of the things about this committee, it is the first time in nearly half a century that a joint House/Senate committee, made up of an equal number of Republicans and an equal number of Democrats, has been put into place. One of the great things was its bipartisanship.

□ 2359

Yet, not a single Democrat joined in support of the package that I offered, making an attempt to bring about some kind of change in the committee structure.

Mr. Speaker, I believe that virtually everyone recognizes the very important need to deal with this kind of reform, and I hope very much that as we move ahead with this bill, and it is now pending before the Committee on Rules and pending before the Committee on House Administration, I hope that we will be able to get what my counterpart, the gentleman from Indiana [Mr. HAMILTON], described as a generous rule that will allow for deliberation over this issue of committee structure reform.

Mr. Speaker, I think it is that important, and I think that it is something that we must get to if we are going to bring about any kind of meaningful reform of this institution.

Mr. Speaker, I see that we are about to embark on the bewitching hour of midnight. The Speaker has the gavel in his hand. I suspect that under this new structure that we have here, once we reach midnight, everything comes to a close. I thank the Chair for the kindness of the staff members here, and our colleagues, and again, I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Colorado [Mr. ALLARD] for staying here, and the other members of the joint committee who have worked so diligently to ensure that we can bring about meaningful reform of the U.S. Congress.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1994

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994.

This report is to be used in applying the fiscal year 1994 budget resolution, House Concurrent Resolution 64, for legislation having spending or revenue effects in fiscal year 1994. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal years 1995 through 1999, to be used in applying the fiscal year 1995 budget resolution, House Concurrent Resolution 218.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 15, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 1994.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted as of June 10, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is need to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 64 for fiscal year 1994. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the CONGRESSIONAL RECORD for March 31, 1993, on pages H. 1784-87.

The third table compares the current levels of discretionary appropriations for fiscal year 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 30, 1993 (H. Rept. 103-271).

Sincerely,
MARTIN OLAV SABO,
Chairman.

Enclosures:

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 64

REFLECTING ACTION COMPLETED AS OF JUNE 10, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Appropriate level (as set by H. Con. Res. 64):	
Budget authority	1,223,400
Outlays	1,218,300
Revenues	905,500
Current level:	
Budget authority	1,218,333
Outlays	1,216,994
Revenues	905,429

REFLECTING ACTION COMPLETED AS OF JUNE 10, 1994—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Current level over(+)/under(−) appropriate level:	
Budget authority	−5,067
Outlays	−1,306
Revenues	−71

BUDGET AUTHORITY

Enactment of measures providing more than $5.067 billion in new budget authority for FY 1994 (if not already included in the current level estimate) would case FY 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1994 outlays by more than $1.306 billion (if not already included in the current level estimate) would cause FY 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal year, in millions of dollars]

	1994		
	Budget authority	Outlays	[1] NEA
HOUSE COMMITTEE			
Agriculture:			
Allocation	−65	−66	−60
Current level	−99	−106	−402
Difference	−34	−40	−342
Armed Services:			
Allocation	−128	−128	−128
Current level	−153	−163	−167
Difference	−25	−35	−39
Banking, Finance and Urban Affairs:			
Allocation	0	−338	0
Current level	−417	−915	0
Difference	−417	−577	0
District of Columbia:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Education and Labor:			
Allocation	0	0	118
Current level	−142	−155	−787
Difference	−142	−155	−905
Energy and Commerce:			
Allocation	0	−1700	−180
Current level	2	−2398	42
Difference	2	−698	222
Foreign Affairs:			
Allocation	0	0	0
Current level	−35	−35	−3
Difference	−35	−35	−3
Government Operations:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
House Administration:			
Allocation	0	0	0
Current level	1	1	0
Difference	1	1	0
Judiciary:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Merchant Marine and Fisheries:			
Allocation	0	0	0
Current level	−1	3	0
Difference	−1	3	0
Natural Resources:			
Allocation	−117	−112	0
Current level	−74	−78	0
Difference	43	34	0
Post Office and Civil Service:			
Allocation	−66	−66	−77
Current level	−256	−256	−218
Difference	−190	−190	−141
Public Works and Transportation:			
Allocation	2092	−13	0
Current level	−78	−13	0
Difference	−2170	0	0
Science, Space, and Technology:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Small Business:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Veterans' Affairs:			
Allocation	−11	−11	70
Current level	−11	−11	28
Difference	0	0	−42
Ways and Means:			
Allocation	−2876	−2054	−2036
Current level	−1216	−824	261
Difference	1660	1230	2297
Perm. Select Committee on Intelligence:			
Allocation	0	0	0
Current level	7	7	7
Difference	7	7	7

[1] New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Sept. 30, 1993)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,819	14,317	14,595	14,205	−224	−112
Commerce, State, Judiciary	23,119	23,231	22,800	23,217	−319	−14
Defense	240,446	255,465	239,897	255,151	−549	−314
District of Columbia	700	698	700	698	0	0
Energy and Water Development	22,017	21,702	21,689	21,585	−328	−117
Foreign Operations	13,444	13,918	12,690	13,878	−754	−40
Interior	13,736	13,731	13,727	13,726	−9	−5
Labor, Health and Human Services, and Education	67,283	68,140	67,189	68,012	−94	−128
Legislative Branch	2,270	2,267	2,264	2,262	−6	−5
Military Construction	10,066	8,784	9,464	8,759	−602	−25
Transportation	13,284	34,889	12,435	34,878	−849	−11
Treasury-Postal Service	11,469	11,642	11,312	11,639	−157	−3
VA-HUD-Independent Agencies	68,311	69,973	68,053	69,978	−258	5
Grand total	500,964	538,757	496,815	537,988	−4149	−769

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 13, 1994.
Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through June 10, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	1,218,333	1,223,400	−5,067
Outlays	1,216,994	1,218,300	−1,306
Revenues:			
1994	905,429	905,500	−71
1994–98	5,105,866	5,153,400	−47,534

Since my last report, dated May 2, 1994, the President has signed the Foreign Relations Authorization Act (P.L. 103–236), the Marine Mammal Protection Act Amendments (P.L. 103–238), and the Airport Improvement Program Temporary Assistance Act (P.L. 103–260). These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 10, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,126	695,196	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,648	1,216,855	905,429
ENACTED THIS SESSION			
Emergency Disaster Supplemental (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 10, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Extending Loan Ineligibility Exemption for Certain Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Total enacted this session	(2,748)	(643)	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,567)	781	
Total Current Level[3] [4]	1,218,333	1,216,994	905,429
Total Budget Resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under Budget Resolution	5,067	1,306	71
Over Budget Resolution			

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66 and P.L. 103–140.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1995–1999

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal year 1994, to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 15, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of section 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1996 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted as of June 9, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal year 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) and the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under this section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on June 9, 1994 (H. Rept. 103–539).

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218

REFLECTING ACTION COMPLETED AS OF JUNE 9, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1995	Fiscal years 1995–1999
Appropriate level (as set by H.Con.Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	727,644	(1)
Outlays	914,046	(1)
Revenues	977,700	5,393,058
Current level over (+)/under (−) Appropriate Level:		
Budget authority	−511,061	(1)
Outlays	−303,559	(1)
Revenues	0	−22,142

[1] Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $511.061 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H.Con.Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $303.559 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H.Con.Res. 218.

REVENUES

Enactment of any measure producing any net revenue loss in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H.Con.Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H.Con.Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA[1]	Budget authority	Outlays	NEA[1]
HOUSE COMMITTEE:						
Agriculture:						
Allocation	0	0	0	0	0	4861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4861
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
District of Columbia:						
Allocation	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA[1]	Budget authority	Outlays	NEA[1]
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5943
Current level	0	0	0	0	0	0
Difference	0	0	−309	0	0	−5943
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	−2	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	0	3	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2161	0	0	64741	0	0
Current level	0	0	0	0	0	0
Difference	−2161	0	0	−64741	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5743
Current level	0	0	−340	0	0	0
Difference	0	0	0	0	0	−5743
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−214
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

[1] New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (June 9, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	13,817	13,945	0	4,197	−13,817	−9,748
Commerce, State, Judiciary	26,057	24,818	2	6,322	−26,055	−18,496
Defense	243,432	250,515	0	86,480	−243,432	−164,035
District of Columbia	720	722	0	2	−720	−720
Energy and Water Development	20,373	20,853	0	8,801	−20,373	−12,052
Foreign Operations	13,795	13,736	0	8,167	−13,795	−5,569
Interior	13,525	13,943	375	5,063	−13,150	−8,880
Labor, Health and Human Services, and Education	69,978	69,819	1,771	41,702	68,207	−28,117
Legislative branch	2,468	2,424	0	206	−2,468	−2,218
Military Construction	8,837	8,554	0	6,345	−8,837	−2,209
Transportation	13,584	36,445	0	24,562	−13,584	−11,883
Treasury-Postal Service	12,049	12,260	0	2,953	−12,049	−9,307
VA–HUD Independent Agencies	70,418	72,945	816	43,269	−69,602	−29,676
Reserve	2,106		0	0	−2,106	0
Grand total	511,159	540,979	2,964	238,069	−508,195	−302,910

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through June 9, 1994. A summary of this tabulation, my first for fiscal year 1995, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget authority	727,644	1,238,705	−511,061
Outlays	914,046	1,217,605	−303,559
Revenues:			
1995	977,700	977,700	
1995–99	5,393,058	5,415,200	−22,142

Sincerely,

ROBERT D. REISCHAUER,

Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 9, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriaton legislation		242,066	
Offsetting receipts	(203,682)	(203,682)	
Total previously enacted	543,453	744,370	977,700
ENACTED THIS SESSION			
Emergency supplemental appropriations, FY 1994 (P.L. 103–211)	18	(832)	
Federal Workforce Restructuring Act (P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Total enacted this session	188	(659)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	184,003	170,335	
Total current level [1]	727,644	914,046	977,700
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	511,061	303,559	
Over budget resolution			

[1] In accordance with the Budget Enforcement Act, the total does not include $4,355 million in outlays for emergency funding.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. MICHEL) for today from 7:30 p.m. until 10:45 p.m. on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

(The following Members (at the request of Mr. COPPERSMITH) to revise and extend their remarks and include extraneous material:)

Mr. FINGERHUT, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. EHLERS.

Mr. COBLE.

Mr. SOLOMON in four instances.

Mr. GINGRICH.

Mr. KING.

Mr. DORNAN.

Mr. SMITH of Michigan.

Mr. PACKARD.

Mr. GUNDERSON in two instances.

Mr. SAXTON.

Mr. HANSEN.

Mrs. BENTLEY.

Mr. MCINNIS.

(The following Members (at the request of Mr. COPPERSMITH) and to include extraneous matter:)

Mr. POSHARD.

Mr. BROOKS.

Mr. UNDERWOOD, in two instances.

Mr. HAMILTON.

Mr. SWETT.

Mr. STARK.

Mr. FORD of Michigan, in two instances.

Ms. NORTON.

Mr. GIBBONS.

Mr. NADLER, in two instances.

Mr. SERRANO.

Mr. GORDON.

Mr. TRAFICANT.

Mr. MEEHAN, in two instances.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight), the House adjourned until Thursday, June 16, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3380. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3381. A letter from the Commissioner, National Center for Education Statistics, Department of Education, transmitting a report entitled "The Condition of Education, 1994," pursuant to 20 U.S.C. 1221e–1(d)(1); to the Committee on Education and Labor.

3382. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report of the inspector general for the period October 1, 1993 through March 31, 1994, and the Department's Management Report on actions taken in response to audit recommendations, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

3383. A letter from the Secretary of Health and Human Services, transmitting the final report on the geographic variation in hospital nonlabor input prices and expenditures; to the Committee on Ways and Means.

3384. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to improve coordination of benefits information by sharing health insurance information from the Medicare and Medicaid Coverage Data Bank; jointly, to the Committees on Energy and Commerce, Ways and Means, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 455. Resolution waiving certain points of order against the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–548). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DE LA GARZA:

H.R 4581. A bill to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agriculture Commodities Act, 1930; to the Committee on Agriculture.

By Ms. NORTON (for herself, Mr. WYNN, Mr. MFUME, and Mr. RANGEL):

H.R 4582. A bill to require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. OBERSTAR:

H.R 4584. A bill to impose restrictions on the use of certain special purpose aircraft; to the Committee on Public Works and Transportation.

By Mr. GINGRICH:

H. Res. 456. Resolution electing Representative Lewis of Kentucky to the Committees on Agriculture and Veterans' Affairs; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII.

429. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to funding for the Edward Byrne Memorial Formula Grant Program; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. GILCHREST introduced a bill (H.R. 4583) to clear certain impediments to the licensing of a vessel for employment in coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. LIPINSKI.

H.R. 65: Mr. LIVINGSTON and Mr. MINETA.

H.R. 82: Mr. DEAL.

H.R. 123: Mr. KOLBE.

H.R. 349: Mr. LUCAS.

H.R. 702: Mr. BARCA of Wisconsin, and Mr. McCLOSKEY.

H.R. 794: Mr. WYNN and Mr. STUPAK.

H.R. 911: Mr. EVANS and Mr. THOMPSON.

H.R. 998: Mr. SHAYS.

H.R. 1293: Mr. PENNY.

H.R. 1423: Mr. SAXTON, Mr. BATEMAN, Mr. EHLERS, Mr. ANDREWS of New Jersey, Mr. LEVY, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. LaFALCE, Mr. HAMBURG, and Mr. McNULTY.

H.R. 1595: Mr. ROEMER.

1671: Mr. BRYANT, Mrs. BENTLEY, and Mr. GENE GREEN of Texas.

H.R. 1737: Mr. LIPINSKI.

H.R. 1968: Mr. CLEMENT.

H.R. 2019: Mr. SMITH of New Jersey.

H.R. 2035: Mr. SHAYS.

H.R. 2292: Mr. MEEHAN and Mr. RICHARDSON.

H.R. 2418: Mr. WOLF and Mr. HOBSON.

H.R. 2556: Mr. DUNCAN.

H.R. 2863: Mr. McDADE.

H.R. 2929: Mr. FINGERHUT.

H.R. 3017: Mr. WISE.

H.R. 3271: Mr. HYDE.

H.R. 3762: Mrs. FOWLER.

H.R. 3871: Mr. TALENT and Mr. COX.

H.R. 3900: Mr. SERRANO.

H.R. 3940: Mr. DELLUMS and Mr. FROST.

H.R. 4014: Mr. WILSON.

H.R. 4040: Ms. NORTON, Mr. NEAL of Massachusetts, Mr. BLACKWELL, Mr. OLVER, Mr. McCLOSKEY, Mr. HOLDEN, Mr. STOKES, and Mr. RANGEL.

H.R. 4050: Mr. GUNDERSON.

H.R. 4095: Mr. CLEMENT and Mr. KOLBE.

H.R. 4129: Mr. LAUGHLIN and Mr. HINCHEY.

H.R. 4158: Mr. RANGEL, Mr. MANTON, and Mr. ENGEL.

H.R. 4222: Mr. CANADY and Mr. BATEMAN.

H.R. 4271: Mr. GONZALEZ and Mrs. MEEK of Florida.

H.R. 4370: Mrs. MALONEY.

H.R. 4375: Mr. VENTO, Mr. TORRES, and Mr. ROMERO-BARCELO.

H.R. 4386: Mrs. LLOYD, Mr. ACKERMAN, Mr. ORTIZ, Mr. BATEMAN, Mr. DELLUMS, Mr. CAMP, Mr. HOCHBRUECKNER, Mr. WELDON, Mr. LIPINSKI, Mr. PETE GEREN of Texas, Mr. PRICE of North Carolina, Mr. GENE GREEN of Texas, Mr. FILNER, and Mr. FROST.

H.R. 4399: Mr. STUPAK, Mr. ROMERO-BARCELO, Mr. BARCIA of Michigan, Mr. THOMPSON, and Mr. ORTON.

H.R. 4404: Mr. MORAN, Mr. QUILLEN, Mr. BOEHLERT, Mr. CARDIN, Mr. PORTER, Mr. EHLERS, Mr. UPTON, Mr. LEACH, Mr. REGULA, Mr. HYDE, Mr. KASICH, Mr. MFUME, Mr. HASTERT, and Mr. HOEKSTRA.

H.R. 4414: Mr. McHALE.

H.R. 4522: Mr. BOUCHER.

H.R. 4527: Mr. JOHNSON of South Dakota.

H.R. 4540: Mr. GENE GREEN of Texas and Mr. SANGMEISTER.

H.R. 4579: Mrs. MEEK of Florida, Ms. BROWN of Florida, and Ms. McKINNEY.

H.J. Res. 90: Mr. PACKARD and Mr. OXLEY.

H.J. Res. 338: Mr. UPTON and Ms. BROWN of Florida.

H.J. Res. 353: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VENTO, Mr. DELLUMS, Mr. BILBRAY, Mr. WAXMAN, Mr. TEJEDA, Mr. NEAL of Massachusetts, Mr. LEWIS of Florida, Mr. KASICH, Mr. SMITH of Texas, Mr. BLUTE, Mrs. THURMAN, Mr. FLAKE, Mr. GENE GREEN of Texas, Mrs. MEYERS of Kansas, Mr. SAXTON, Mr. McCRERY, Mr. FAWELL, Mr. LEVIN, Mr. DOOLEY, Ms. PELOSI, Mr. EDWARDS of California, Mr. HAMBURG, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. de LUGO, Mr. STOKES, Mr. FRANK of Massachusetts, Mr. HOBSON, Mr. HEFNER, Mr. CLEMENT, Mr. MARKEY, Mr. RICHARDSON, Mr. MEEHAN, Mr. GEKAS, Mr. PARKER, MR. ROEMER, Mr. TRAFICANT, Mr. HASTINGS, Ms. ENGLISH of Arizona, Mr. WILSON, Ms. NORTON, Mr. SABO, Mr. KENNEDY, Mr. KING, Mr. MYERS of Indiana, Mr. HUTCHINSON, Mr. HILLIARD, Mr. APPLEGATE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. DeLAY, Ms. DUNN, Mr. McDADE, Mr. McCOLLUM, Mrs. MORELLA, Mr. HALL of Texas, Mr. HAMILTON, Mr. BRYANT, Mr. MARTINEZ, Mrs. MINK of Hawaii, Mr. EDWARDS of Texas, Mr. BOUCHER, Mr. SISISKY, Mr. CALLAHAN, Mr. LEWIS of Georgia, Mr. DINGELL, Mr. RAHALL, Mr. MATSUI, Mr. HYDE, Mr. JOHNSON of South Dakota, Mr. THORNTON, Ms. SLAUGHTER, Mr. LIVINGSTON, Mr. VOLKMER, Mr. BREWSTER, Mr. JEFFERSON, Mr. DORNAN, Mr. FARR, Mr. EMERSON, Mr. McNULTY, Mrs. JOHNSON of Connecticut, Mr. BISHOP, Mr. LANTOS, Mr. MORAN, Mr. COLEMAN, Mr. SARPALIUS, and Mrs. UNSOELD.

H.J. Res. 359: Mr. PARKER, Mr. SCOTT, Ms. NORTON, Mr. DIAZ-BALART, Mr. COX, Mr. MACHTLEY, Ms. ROYBAL-ALLARD, Mr. CLYBURN, Mr. WELDON, Mr. PASTOR, Mr. UNDERWOOD, Ms. MOLINARI, Mr. PICKETT, Mr. LaFALCE, Mr. CLEMENT, and Ms. DeLAURO.

H.J. Res. 362: Mr. EVANS, Mr. VALENTINE, Mr. DEUTSCH, Mr. KASICH, Mr. LIPINSKI, Mr. FILNER, and Mr. LaFALCE.

H.J. Res. 373: Mr. BUNNING and Mr. WOLF.

H. Con. Res. 6: Ms. MOLINARI.

H. Con. Res. 195: Mr. FINGERHUT.

H. Con. Res. 210: Ms. SLAUGHTER and Mr. MANN.

H. Con. Res. 245: Ms. FURSE.

H. Con. Res. 253: Mr. HAMBURG, Ms. MARGOLIES-MEZVINSKY, Mr. EVANS, and Mr. GILCHREST.

H. Res. 255: Mrs. VUCANOVICH.

H. Res. 434: Mr. JOHNSON of South Dakota.

H. Res. 446: Mr. FRANKS of New Jersey, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HOKE, Mr. PENNY, Mr. RAVENEL, and Mr. SKEEN.

DELECTIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1818. Mr. GUTIERREZ.

EXTENSIONS OF REMARKS

DRUG LEGALIZATION/THE NATURE OF EVIL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, over the next few months the American public is going to become much more aware of the people and organizations who are behind the movement promoting the legalization of drugs. The worst of these organizations is the sinister Drug Policy Foundation and the wacky but dangerous National Organization for Reform of Marijuana Laws.

On the other side of this issue are major profamily organizations which have sprung up to alert the American public to the dangers of legalization and the network and organizations backing the movement.

All Americans should be thankful to the thoughtful work done by Drug Watch International and the International Drug Strategy Institute.

At this time, Mr. Speaker, I would insert an excellent work done by the chairman of the International Drug Strategy Institute, Dr. Voth, which outlines the arguments against drug legalization.

ARGUMENTS AGAINST LEGALIZATION OF DRUGS

(Eric A. Voth, M.D. FACP)

1. Legalization of Drugs will decrease the profit of selling drugs and therefore drive dealers out of the market.—Most drugs are already cheap. Crack may sell for $5 per rock. Because drugs are addictive, they create their own market. The addict will simply increase his usage to meet the finances available. Furthermore, drug abuse does not fit into a simple supply/demand economic model. Most of the several thousand addicts I have treated relate that cost and availability of finances are the major limiting factors to their drug abuse. If they had more money or if drugs were cheaper they would use more drugs. Since drugs create their own demand, dealers would stay in business by profiting from sale of more drugs; only perhaps cheaper drugs. If drugs were distributed by "legitimate" businesses, they would be priced to be enticing. If priced too high, they would drive users back to the black market.

2. Crime would decrease if drugs were legalized.—The addict who resorts to crime will still resort to crime to pay for his habit. The only way to achieve decreased crime would be to supply the addict with his drug of choice. This has failed dismally in England and in the U.S. in the form of methadone clinics. Again, drug use would increase. Holdups have increased over 60% and shootings have increase 40% in Holland since the softening of drug laws. That country is now strengthening its drug laws. About 75% of felonies are drug related, and these are largely related to crime while intoxicated and acquisition of funds to buy drugs.

3. Legalization works in other countries.—Incorrect. The only form of legalization which exists in England has been in regard to heroin for known addicts. In the Netherlands, one of the repercussions of legalization has been addicts flocking in from other countries. One must also seriously question that country's viability in the world. With marijuana in Alaska besides the obvious fallout of drug addiction, more people became unemployable because of inability to pass tests by employers.

4. Prohibition failed for alcohol and it is failing for drug abuse.—In fact prohibition was a response to the tremendous problems that were seen with alcohol at the turn of the century. It did work. Since Prohibition was repealed, alcohol related deaths have steadily increased. One of the reasons that there was a problem with prohibition is that alcohol had enjoyed a prior legal status and then was given an illegal status.

5. The government should reap some profit by taxation of drugs.—As we have seen, the government is slow to tax drugs such as alcohol and tobacco. If legal, there would no doubt be lobbying efforts to limit taxation of drugs. Further, taxation would immediately create a black market for non-taxed drugs. With current amount of usage, estimates of the cost of alcohol and drug abuse range from 170 to 300 billion dollars per year. Could our society bear the increased cost of drug treatment alone on top of our staggering national debt? Taxation initiatives in Holland were defeated by the drug lobby.

6. Legalization would allow restrictions to be placed on quality control.—Once again, this only creates another black market. This also raises the question as to how drugs would be legalized and distributed. Would all drugs be legalized, who would produce them and distribute, what would happen to distributors with illegal ties, what concentrations would be allowed, etc.?

7. It is a personal right whether or not to use drugs.—Although the use of an intoxicant drug is only an individual choice, it is certainly not a constitutional, legal, or moral right. Any behavior which affects society as well as others so adversely must be regulated by society. Drug addiction costs society in loss of life, spread of disease such as AIDS, treatment of addicts, and involvement of innocent parties such as with DUI related deaths, and crime related to the acquisition of drugs. The use of drugs is no more a personal right than any destructive, self centered behavior, and many of those who use drugs (especially young people) lack the judgment to adequately assess the risks involved. This is particularly true in light of the efforts of organizations such as NORML to downplay the risks and consequences of drug abuse.

8. Enforcement of drug laws is full of racial bias and does not work. By reducing or eliminating mandatory sentences the prison system can be unburdened. Why are we jailing people with a disease?—In fact, legalization would be markedly racist. Not only is drug use more prevalent in minorities than whites, but with legalization drug use would climb and disproportionately affect minorities. No one wants to see first time low level users spend tremendous time in jail, but this is virtually not happening in the U.S. unless it is with regard to dealing. In that regard the individual is taking known risks.

We jail people with all kinds of diseases; heart disease, diabetes, psychiatric disorders, etc. if their behavior deviates from social norms and if they put society at risk. Having addiction is not license to break the law.

9. We should provide pain relief and antinausea treatment for cancer patients and HIV patients.—This recent position statement is clearly aimed at the legalization of drugs and far more fulfills the self-interest of the pro-legalization movement than ever beginning to address the needs of cancer patients. There are numerous effective agents on the market for all of these problems. Moreover, if marijuana were legalized, the pro-legalization lobby would no doubt drop their thinly veiled concern for cancer and HIV patients once their self-interest was fulfilled.

10. Illegal drugs are less of a problem than alcohol and tobacco.—This is true so far, but it is actually a compelling reason to maintain the illegal status of our illegal drugs. Why add more problems to the current ones seen with alcohol and tobacco?

11. We can dramatically reduce mortality and morbidity by redirecting America's drug strategy to reduce the use of tobacco and alcohol.—Indeed, we need to broaden the effort to decrease the serious effects of alcohol and tobacco. These drugs serve as excellent modes of the consequences of legalizing drugs. The current prevention movement has addressed these drugs, but much of the pro-legalization based literature does not support complete abstinence; rather it supports "responsible use" which among especially youth is irresponsible and dangerous.

12. We should abandon enforcement and address the drug problem through a prevention and treatment approach.—The most effective approach to drug abuse is a three-legged balanced approach which enlists prevention, intervention (enforcement), and rehabilitation. Enforcement has a substantial preventative effect and certainly reduces the availability of drugs. It keeps the user and the dealer constantly off balance and concerned about arrest. The other two areas certainly need to be expanded, and equally controls need to be instituted to assure high quality treatment and prevention programs.

13. What are some of the claims made about the beneficial effects of legalized hemp?—These are examples of the claims: Hemp for ecology, hemp makes cleaner air, hemp builds soil, hemp helps children, hemp for cancer, hemp for eyes, hemp for rheumatism, hemp relieves stress. The pro-drug forces even mix the rescheduling of marijuana into the issue.

14. Why not use hemp as an alternative source for energy conservation and for lumber products?—The movement behind the "ecological" uses of marijuana stems from the same people who pressed for medical uses of THC and later leaf marijuana. Their technique is to identify hot topics which stir public emotion and to dovetail with these. What is more timely than concern over the environment and energy problems. There are some basic flaws in their theories. While

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they contend that hemp makes cleaner air by processing carbon dioxide (one of the major "greenhouse effect" chemicals), they support using hemp to break down to create alcohol to mix with gasoline for energy. Fossil fuel pollution remains a problem with or without hemp. They overlook the major impact on the lumber industry that would result from moving heavily to another form of pulp for paper. There are already efforts to define alternate forms of pulp from legal sources.

While asserting potential ecological benefits, supporters refer to "health" benefits which are identical to the supposed benefits of cannabis. This is the same technique that NORML has always used. Furthermore, even IF there were pulp and energy uses, this does not justify ingestion or use for intoxication. If an attempt were made at producing forms of marijuana for hemp that was sterile and therefore unable to produce intoxication, it would be a matter of time before NORML pushed again for general legalization. Do not forget that this new movement stems from NORML! The further reading that is recommended in the hemp literature is all prolegalization literature written by major proponents of legalization.

15. The war on drugs has failed and we should abandon it.—The pro-drug lobby uses this propaganda as a morale breaker. We have only fought a limited war to date yet there have been successes. Although heavy use of drugs has increased, the casual or more recreational use has declined 33% from 1985–1988. The war on drugs needs to be expanded on all fronts.

IN OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II IN THE MARIANA ISLANDS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. UNDERWOOD. Mr. Speaker, as this great Nation of ours has just completed its celebration commemorating the 50th anniversary of D-day, those of us from the Pacific are just beginning our own celebration in observance of the 50th anniversary of another D-day marking the beginning of the end of World War II in the Pacific. I am submitting here, for inclusion in the RECORD, a statement by the Resident Representative of the Commonwealth of the Northern Marianas in remembrance of the 50th anniversary of World War II in the Pacific.

In Observance of the 50th Anniversary of World War II in the Mariana Islands

(By Juan N. Babuta, Resident Representative of the Commonwealth of the Northern Mariana Islands)

While most American communities all across this great Nation have ended their celebration commemorating the 50th anniversary of the Allied offensive on the beaches of Normandy during World War II, the people of the Northern Mariana Islands are carrying on the celebration throughout this month, as we build toward a climax of June 15—when the people of the islands celebrate their liberation by U.S. forces in World War II.

The people of the Mariana Islands, whom Delegate Robert Underwood and I represent, are the only members of the American family whose lives and homes were bloodied in violent conflict during World War II. Unlike the people of Guam, however, the people of the Northern Marianas were not Americans at the time of the U.S. invasion. We were in the hands of the Japanese, as we had been in the hands of the Germans before that and in the hands of the Spanish before that—a period of colonization stretching back more than 300 years.

For our people, the American invasion and capture of our islands could have been just another chapter in a long history of colonization. But it was not. The coming of the United States to our islands heralded the beginning of the end of our colonization. For the United States armed forces brought with them the ideals of freedom and democratic self-government. They shared those principles with us and we gladly embraced them.

Today, the people of the Northern Marianas are members of the American family—not because we were conquered, but because America gave us the opportunity to choose freely our political destiny. America gave us the chance to be self-governing; and America—with great generosity—gave us the chance to be part of this great Nation.

The 19,000 men of the 2d and 4th Marine Divisions and the 27th Army Division who were killed or wounded during the battles on Saipan and Tinian in the Northern Marianas probably thought only of the strategic importance of these islands. The Marianas were geographically central in the Western Pacific and were crucial in staging points for the taking of the Philippines, Iwo Jima, and Okinawa. Most importantly, the Marianas provided a platform placing U.S. warplanes within striking distance of the Japanese homeland. It was from Tinian that the Enola Gay, with its single atomic payload "Little Boy" departed for Hiroshima—a flight that changed the very nature of our modern world.

The capture of the Marianas directly resulted in the fall of the Tojo government in Tokyo. Truly, in the words of General Holland L. Smith, this was "the decisive battle of the Pacific offensive."

The troops who crawled ashore and fought the bitter fight to take the Northern Marianas thought of immediate strategic goals. They probably did not imagine how their struggle would change the lives of the people of these islands. But change our lives they did. The Commonwealth today is a proud and vibrant community. As American citizens on U.S. soil at the gateway to Asia, the people of the Northern Marianas are performing an important role in protecting and advancing the Nation's interest.

And we remember. We honor the thousands of U.S. soldiers who made the supreme sacrifice so that the people of the Northern Marianas might live in liberty. Their valor and selflessness will live in our hearts and memories.

And we are grateful—for today we celebrate freedom and democracy.

LIMITS ON PACS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. MEEHAN. Mr. Speaker, Massachusetts today made law a campaign finance bill that limits gubernatorial candidates to $150,000 in PAC money, with no more than $500 from any single PAC. If lawmakers in Massachusetts can agree to these limits, candidates for Congress could certainly run robust campaigns with an overall PAC limit of no more than $200,000—as provided in the House bill—and a single-PAC limit of $1,000 or less.

The Massachusetts bill applies to races for Governor in a State with almost 6 million people and five major media markets. Candidates for Congress typically face a far less daunting challenge in communicating with voters, and they would have far more freedom to raise money from PACs even after cutting the current $5,000 cap by four-fifths or more.

I do not accept PAC donations campaigns, and I think reducing the size of each PAC contribution would be healthy for the political process, not to mention extremely helpful in getting a campaign finance bill passed into law. President Clinton campaigned on a specific promise to lower the PAC limit, and Congress ought to follow through by helping him live up to that pledge.

ENCRYPTION POLICY ENDANGERS U.S. COMPETITIVENESS IN GLOBAL MARKETPLACE

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. BROOKS. Mr. Speaker, for some time now, a debate has been raging in the media and in the Halls of Congress over the administration's intention to require U.S. corporations to use and market the clipper chip, an encryption device developed in secret by the National Security Agency.

The clipper chip will provide industry and others with the ability to encode telephone and computer communications. The use of the clipper chip as the U.S. encryption standard is a concept promoted by both the intelligence and law enforcement communities because it is designed with a back door to make it relatively easy for these agencies to listen in on these communications.

The law enforcement and intelligence communities have a legitimate concern that advances in technology will make their jobs more difficult. But the issue here is whether attempts to restrict the development, use, and export of encryption amounts to closing the barn door after the horse has already escaped.

The notion that we can limit encryption is just plain fanciful. Encryption technology is available worldwide—and will become more available as time goes on.

First, generally available software with encryption capabilities is sold within the U.S. at thousands of retail outlets, my mail, even over the phone. These programs may be transferred abroad in minutes by anyone using a public telephone line and a computer modem.

Second, it is estimated that over 200 products from some 22 countries—including Great Britain, France, Germany, Russia, Japan, India, and South Africa—use some form of the encryption that the Government currently prohibits United States companies from exporting. And this is just the beginning. According to the

May 16, 1994, issue of Fortune, not only are U.S. companies willing to purchase foreign encryption devices, American producers of encrypted software are also moving production overseas to escape the current U.S. export controls.

Third, encryption techniques and technology are well understood throughout the world, encryption is routinely taught in computer science programs. Textbooks explain the underlying encryption technology. International organizations have published protocols for implementing high-level encryption. Actual implementations of encryption—programs ready to use by even computer novices—are on the Internet.

The only result of continued U.S. export controls is to threaten the continued preeminence of America's computer software and hardware companies in world markets. These restrictive policies jeopardize the health of American companies, and the jobs and revenues they generate.

I support, therefore, the immediate revision of current export controls over encryption devices to comport with the reality of worldwide encryption availability.

I believe law enforcement and the intelligence community would be better served by finding real, and targeted ways to deal with international terrorists and criminals rather than promoting scattershot policies, which restrict American industries' ability to design, produce, and market technology.

Now—more than ever—we cannot afford to harm our economic competitiveness and justify it in the name of national security.

MEDICARE DOES A BETTER JOB HOLDING DOWN COSTS THAN THE PRIVATE SECTOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. STARK. Mr. Speaker, overall, Medicare does a better job than the private sector in holding down per capita health care costs and not overpaying for medical procedures.

If anyone doubts this, I refer them to GAO report HEHS-94-65, entitled "Impact of OBRA-90's Dialysis Provisions on Providers and Beneficiaries." For over 20 years, Medicare has been paying roughly $125–$130 for the dialysis of kidney disease patients. The program has saved the lives of tens of thousands of people. We basically have never raised the amount we paid. Productivity and technology have allowed us to keep paying the same dollar figure—a figure which in real value terms is less than 40 percent of the original payment rate.

Medicare historically did not pay for the first 12 months of dialysis. In OBRA 1990, to save some money, we delayed the start of Medicare payments for people who had private insurance until a person had been on dialysis for 18 months. The dialysis companies lobbied for this change, because they generally charge private insurance companies more than the Government will pay. They'd rather have the so-called great, efficient highly competitive insurance companies paying them than Uncle Sam, because they know they can get away with a lot more.

How much more? $41 million per year. Says the GAO, "This increase occurred because employer-sponsored plans generally paid dialysis providers more than the cost-based Medicare rates * * * because the higher payments involve no increase in the type or level of services provided, they generally represent profits for the providers who receive them."

Mr. Speaker, dialysis is an old technology and an old billing procedure. Medicare has shown how to do it for over 20 years. But the GAO found that:

> "The [dialysis providers] in our sample received an average of 80% more when employer-provided health insurance plans acted as the primary payer for kidney dialysis services than they would have received if Medicare had been the primary payer. On average, providers received $690 per week for such services, compared to $383, which they would have received under the Medicare composite rate.

Of the 583 patients whose bills the GAO examined, 139 had bills that were $500 or more higher than the matching Medicare rate. The GAO found 15 patients who were being paid more than a $1000 per dialysis.

Mr. Speaker, in the year 1994 for a private insurance company to be paying more than a $1000 for a dialysis—three times a week, 52 weeks a year—is just plain dumb. It makes $600 Air Force toilet seats look like a bargain.

Just turn cost containment over to us, say the big insurance companies.

Not when they are paying these kinds of charges, Mr. Speaker.

NEW YORK RANGERS—CHAMPIONS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. KING. Mr. Speaker, I rise today in celebration. The curse has been lifted. For the first time in 54 long years, the Broadway Blues have tasted champagne from Lord Stanley's Cup. The New York Rangers are champions of the National Hockey League.

No more will the derisive chant of "1940" be heard.

I salute the 1993–94 Stanley Cup champion New York Rangers, head coach Mike Keenan, captain Mark Messier, Conn Smythe trophy winner Brian Leetch, goalie Mike Richter, and all the other players and members of this fine organization who have proved that anything is possible if you stick to it long enough.

"1994."

TRIBUTE TO TONY CONSOLINO

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SMITH of Michigan. Mr. Speaker, I rise to announce to the House, with great sadness, the passing of one of Jackson's most devoted leaders, Tony Consolino.

Many civic, business, and community groups have been enriched by Mr. Consolino's wise counsel. The new Foote Hospital was built with his fundraising help. The entire community benefited from his optimistic leadership as chairman of the Greater Jackson Chamber of Commerce during the dark period when Clark Equipment and Goodyear Tire and Rubber Co. left town. There is a trail for the blind at the Dahlem Center that is due in no small part to his help. Because of his tireless management, a small Jackson cleaning business—Aalen Aides—grew into a multi-million-dollar enterprise that has provided a livelihood for dozens of employees. His contributions were so diverse that in 1992 the Jackson Citizen Patriot named him "Citizen of the Year."

Mr. Consolino's most heartfelt civic involvement in recent years was the "Tony Open," a golf tournament that has raised more than $900,000 for the American Cancer Society. Rodney Budnick, executive director of the society's Jackson unit said, "I can't think of another individual who has done as much for the American Cancer Society as Tony Consolino." That event was special to him because of his personal battle with lung cancer, a battle he appeared to have won. "The greatest tribute people can pay would be to show support for the thing dad worked hardest at," said Phillip Consolino, one of Tony Consolino's six children.

A man who devoted his adult life to hard work, charitable causes and his family, Tony Consolino will be missed by friends and family for his devotion to others which is evident in a statement he made: "A community is like a business. You can't keep taking out of it without putting something back, or it starts to deteriorate."

You can multiply all of the good things Tony Consolino did many times over, for he was the patriarch of a large family. Whatever he was to the community, he was first of all an example to the six children he and his wife Emma brought into this world, and to the many grandchildren those children bore. His legacy and influence will continue through those children and grandchildren because of the strong values he left with them.

CONGRATULATIONS TO ROSE MARY SHEPHERD FOR 37 YEARS OF DEDICATED SERVICE AS AN EDUCATOR AND SCHOOL ADMINISTRATOR

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Rose Mary Shepherd, an educator and school administrator, who has enriched the quality of education for thousands of children in my district. Her strong commitment to the betterment of education in southern Illinois and across the Nation has provided students an opportunity to realize and achieve their goals and dreams.

Rose Mary Shepherd has served the southern Illinois school system for 37 years in several important capacities. After graduating from Southern Illinois University in 1957, Rose Mary began her teaching career as an English teacher at Edwardsville High School in Edwardsville, IL. Rose Mary continued to teach in high schools and universities in southern Illinois until 1973. In 1977, Rose Mary began serving with diligence in the office of the regional superintendent as Assistant Regional Superintendent. In 1985, Rose Mary was appointed Regional School Superintendent of Clark, Coles, Cumberland, Edgar, Moultrie and Shelby Counties, a position she has proudly held until her retirement this year.

As an educator, I understand the commitment and hard work that goes into developing and maintaining a sound and successful educational program. On behalf of the people of the 19th Congressional District, I would like to congratulate Rose Mary Shepherd on her retirement, and personally thank her for dedicating her life to one of the most important and necessary professions in our country.

BOSNIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, last week we in the House did ourselves proud by voting to lift the arms embargo against the beleaguered people of Bosnia. I would first like to extend my thanks and congratulations to the 242 Members who voted to do the right thing. The Western response to the Serb onslaught in the Balkans has been cowardly and myopic and I am proud to be a part of this body which chose to rise above the level of the bureaucrats who have scripted this shameful disgrace.

Mr. Speaker, George Melloan of the Wall Street Journal has written a magnificent article on the Bosnian situation, and I would like to submit it for the RECORD.

Mr. Melloan reveals what the true stakes in Bosnia are, eloquently weaving in the lessons we learned from WW II and D-day. The author also caustically, but accurately, describes the intellectual and moral poverty of the United Nations, European Community, and United States response to this 3-year-old crisis.

Basically, says Mr. Melloan, the issue in Bosnia is not peace, but peace with freedom and justice. Just as it was during WW II. If the logic of the peace-at-any-price bureaucrats running our Bosnia policy were applied to WW II, D-day would have never happened. We and the British would have just rolled over, all in the name of peace. Well, Mr. Speaker, fortunately we had some moral leadership during WW II, as well as during the cold war. But today we have no moral leadership. We have only bureaucrats. As Mr. Melloan aptly states, "Only real leaders deal in values. Bureaucrats just do arrangements." I share Mr. Melloan's contempt for these bureaucrats and I am sure the majority of those who voted to lift the embargo do too.

The problem, Mr. Speaker, is that the Clinton administration still does not appear to have gotten the message. As we read in the article, Secretary Christopher, on the day we voted to lift the Bosnian embargo, was busy doing an arrangement of his own, telling Serbs that we will lift the embargo against them if they accede to a plan to divide Bosnia. But asked whether we would resurrect our discarded plan to arm the Bosnians in the event that the Serbs blocked the partition plan, Secretary Christopher wasn't talking. In other words, a carrot for the aggressor Serbs, and a stick for the Bosnian victims. In other words, an arrangement, not justice.

This is why I have dubbed this administration the "appeasement" administration, Mr. Speaker, and it is why the conferees on the defense bill should include the House language on Bosnia. For without congressional leadership, there won't be any leadership.

I thank the Speaker and submit the article by Mr. Melloan for the RECORD.

[From the Wall Street Journal, June 13, 1994]

NOT JUST PEACE, BUT JUSTICE, IS WHAT BOSNIA WANTS

(By George Melloan)

President Clinton should take a few minutes this week to listen to the tapes of his own D-Day speeches. What he said about the war of a half century ago has application to a bloody struggle on European soil today. The Bosnian war was shoved off the front pages and airwaves by last week's Normandy celebrations, but it hasn't gone away.

The Allies of 50 years ago knew what they were doing. It wasn't "peacekeeping." It was war-making, against a tyranny that had locked its iron grip on Europe. Generals and privates alike believed in the Allied cause, which helps explain why so many willingly faced death and why the Allies ultimately prevailed.

It has been argued by President Clinton, among others, that things were "simpler" back then. Everyone knew that the Nazis were the bad guys. But are things really so much more complicated today? Only a little over a year ago, the West was willing to call Serbia the aggressor against the Bosnian government, something that seemed self-evident to everyone in the world who owned a television set. "Ethnic cleansing" and lobbing shells into crowded market places did not qualify the top Serbs, Slobodan Milosevic and Radovan Karadzic, to be anyone's heroes or role models.

Things only got complicated in May 1993, when the Clinton administration decided that the U.S. should avoid "taking sides" in Bosnia. In other words, the U.S. approach would be purged of all considerations of values or ethics. While that might be consistent with the way much public policy is made these days, it's a shallow-minded way to approach a war. The Bosnians want peace, but more than peace they want justice. Because the thirst for justice is a powerful human impulse, the Bosnians have fought on, even though outgunned by Serbia and constantly advised to settle—and even threatened if they don't—by the U.N. and U.S.

If the United Nations had been conducting U.S. foreign policy in 1940, as it appears to be today, it would have advised England to accept Hitler's offers of peace. A politically decadent France had been quickly vanquished and Hitler's armies were poised to vault the channel. We'll send some "peacekeepers" to protect you, the U.N. would have said. There were no such seductive promises to Winston Churchill, not that it would have mattered. He defied Hitler and began preparing to defeat the evil Nazi empire.

The relevance today of those long ago events has to do with that word "justice." The Bosnians don't think the U.N. is interested in delivering justice. Why should they? Only real leaders deal in values. Bureaucrats just do arrangements, such as the proposal that Bosnia accept Serb control over 70% of its territory. The communities and properties Bosnians had lost to ethnic cleansing would go to Serbs. What kind of justice is that?

Since then, and particularly since the Bosnian army began demonstrating greater effectiveness, the U.N. has sweetened its offer. But if the Bosnians have strong suspicions that the U.N. and the West have been merely following the path of least resistance, they have ample justification. The U.N. embargo crippled Bosnia's ability to obtain heavy weapons to fight the well-armed Serbs. It put Bosnia at a great early disadvantage it has not yet overcome.

Moreover, Yasushi Akashi, the U.N.'s limp-wristed vicar in Bosnia, even seems willing to spare the Serbs from embargo hardships. An article in London's Daily Telegraph last month said that quantities of imports, including oil and material for armaments, are flowing into Serbia across its border with Macedonia. An anonymous U.N. official was quoted as saying that Mr. Akashi had termed this violation an "external" matter having nothing to do with him.

Mr. Akashi, as with most bureaucrats, keeps his finger to the wind. He has no doubt noticed that the Russians are back in business, as of February, and are siding with the Serbs. The French, unabashed by the fact that they have lost three wars and caused untold hardship for their allies in this century, are applying their vaunted realisme to trying to stage-manage this war. Mr. Clinton, apparently, would just like to forget the whole thing.

Bosnians and Serbs agreed to yet another "ceasefire" last week. For the moment, the horrors of Rwanda, the Yemens and Haiti and a bellicose North Korea dominate TV screens. But nothing is settled. Just before last week's agreement to suspend hostilities for a month—a deal that has at least reduced the level of violence—the war had reached a crucial strategic juncture. The Serbs were beginning to feel that their gains were threatened.

Two things have happened. The Croats, who were the first victims of Serbian aggression, are aligning themselves when it suits their interests with the Bosnian army. That's because a few local beatings have persuaded them that the Bosnians are becoming a more effective military force. The second development is that the focus of the war has shifted to a town called Brcko, which controls the route through which supplies from Serbia move to Serb forces in Bosnia and Croatia. Should the Bosnian and Croatian forces retake Brcko—a Bosnian Muslim enclave before the Serbs "cleansed" it early in the war—it could swing the military advantage away from Serbia and toward the Bosnians.

The U.N.'s reaction to this possibility was to try to make Brcko a safe haven—for the Serbs who now occupy it. Then Mr. Akashi pushed for a ceasefire, which the Serbs badly wanted, no doubt to enable them to strengthen their grip on the strategic corridor that runs through Brcko. Standing up to heavy pressure from the U.N. for a long cessation of hostilities, the Bosnians last week agreed to stop fighting, but only for a month.

So what is the U.S. position now? At a NATO gathering in Istanbul last week, Secretary of State Warren Christopher offered a clue. He said that the Clinton administration would consider lifting the sanctions against Serbia if the Bosnians didn't accept a settlement the U.S. will soon devise. That's a rather idle threat when you consider that the U.N. isn't stopping much materiel from getting into Serbia now. But it was symbolic. It meant that the U.S. has turned over world leadership to France.

From having branded Serbia the aggressor, the U.S. has swung 180 degrees and is now putting the heat on the victims, just when the Bosnians are beginning to fight back with some effectiveness. Realisme indeed. No wonder the Bosnians, and much of the world, wonder whatever happened to that sense of justice that motivated the heroics of D-Day.

THE ISLAND OF GUAM MOURNS FOR THE ARRIOLA FAMILY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. UNDERWOOD. Mr. Speaker, this week, the people of Guam and Chamorrus all over the Nation share the sorrow of the Arriola family. Last Monday morning in Oceanside, CA, Marine lance corporal Jesse Arriola and his wife, Angela, left their children with Jesse's brother, Joey. Shortly thereafter, a fire broke out in the residence, killing the Arriola's four children and Joey.

Our prayers are with the Arriola family as they grieve for the souls of Joshua, Jesse, Joseph, Jeremiah, and Joey. On our island, we value family above all else and view our community as more than just a collection of strangers. The person down the street is not an anonymous face but a cousin, a brother, a sister. This familial bond does not stop at the shores of our island. Wherever a member of our family feels pain, we all share that sentiment.

The tragedy that has befallen the Arriola family strikes at the heart of our community. A family has been torn apart. So our extended family must respond with love and prayer and hope. We are with the Arriola's in their time of need.

INFO-HIGHWAY TO NOWHERE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. MEEHAN. Mr. Speaker, the information superhighway envisioned by Vice President GORE and officials in the industry, has taken flight. The information age is allowing companies to conduct research at record speed and with minimal cost. New businesses have cropped up around the United States which specialize only in the dissemination of data and statistics. One such business, IQ Inc. was featured in a Christian Science Monitor article which I would like to share with you.

[From the Christian Science Monitor, Mar. 30, 1994]

INFO-HIGHWAY TO NOWHERE

(By James Matarazzo and David Manshel)

A stunning irony underlies the current push to create a National Information Superhighway. The United States government is preparing to spend a minimum of $400 million to get the proposed information conduit up and running over the next several years—but is ignoring the dwindling supply of information professionals trained in "data acquisition" that the National Information Superhighway will require to operate.

The U.S. government has to foster the growth of "information managers," or we will have built a road at the same time we have closed some of the most important on-ramps.

That is because corporations and others are closing their business and technical information centers at a furious pace. Since 1990, hundreds of prestigious information centers, such as those at the Bank of America, Liberty Mutual Insurance, Department of Defense bases, Department of Defense bases, Department of Interior, Houghton Mifflin, Digital Equipment Corporation, and the Engineering Societies Library have closed or been drastically curtailed. Many of these units were in operation 30 years of more.

Furthermore, fewer aspects are around who have the necessary experience and credentials. The number of Masters of Library and Information Science Degrees conferred to the last decade has decreased 50 percent. These graduates will be many of those with the skill and know-how needed to navigate 150,000 on-line sources of information and 200 million on-line records.

Yet we see self-congratulatory rhetoric that "information" is America's competitive edge and that the federal government will foster the growth of these information conduits or networks.

Do public officials really believe that harried executives will find the time or acquire the expertise to use a GOPHER program? Or patiently investigate the data bank categories of Dialog? Much less quarry the card catalogue of the Library of Congress.

The answer to this vacuum of expertise lies in a two-pronged solution. First, in tandem with the kind of government support and subsidy that is impelling creation of the information superhighway, there has to be support for the training and employment of experts in "data acquisition"—the intelligent identification, sifting, collating and interpreting of the oceans of data ready to course through this information superhighway.

Second, the government should encourage a recently introduced entity in the private sector: professional "informators" at commercial information agencies—small, technology-rich, information-skilled entrepreneurial companies they have carved a niche by supplying "briefings" on demand on an overnight basis to the nation's decisionmakers.

Such widely respected companies as ITT/Sheraton, McCann-Erickson, Phillips Petroleum, FMC Corp., Smith Barney Shearson, Maxwell Laboratories, and McGraw-Hill have tentatively begun using the "informator" alternative and are achieving results.

They need to be encouraged to continue using this commercial information agency option; both to spur the growth of these important new riders on the nascent information highway and because their use maximizes management time and resources that are often frittered away on dead-end research.

Simply giving desktop access to information resources to untrained, overburdened, or unmotivated executives only adds to the "hidden costs" of corporate downsizing. Corporate executives now face a "make or buy" decision: If they are to maintain the competitive advantages of our "information society" they must choose to maintain either the in-house information center or the services of "informators" at commercial information agencies, or both. The federal government should encourage any of these options.

If our elected leaders allow the current decline to accelerate, we may find we have built a National Information Superhighway to nowhere.

PERSIAN GULF SYNDROME

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SWETT. Mr. Speaker, thousands of American service personnel who served in the Persian Gulf war are suffering from a multitude of symptoms and ailments, very likely as a result of their service in that region. These ailments include muscle and joint pain, memory loss, and sores and rashes. Thus far, physicians have been unable to diagnose the cause of these disorders. But they know it is real and they have given it a name—Persian Gulf Syndrome. Real people are suffering real illnesses—illnesses that have caused many of them to be unable to serve their country, support their families, or maintain a normal, active life.

What causes this illness? We do not know, and we will not know until our Government conducts a complete, thorough, and honest investigation.

Mr. Speaker, the Senate Committee on Banking, Housing, and Urban Affairs recently released a report which concluded that, despite the Department of Defense's repeated denials, there is substantial evidence that U.S. servicemen and women were exposed to low-level chemical and biological warfare agents and toxins during the gulf war.

If our service personnel in the gulf were exposed to dangerous chemicals, we need to know that and we need to know it now. This exposure may account for many of the symptoms our veterans are experiencing.

If exposure to chemical weapons is not the cause of Persian Gulf Syndrome, then what is? Could it be the smoke from the hundreds of burning oil wells? Or was it the quantity or quality of the nearly 40 protective inoculations given to the soldiers before they left for service overseas? Whatever the reasons, we must be swift and certain in our response to this tragic situation.

Mr. Speaker, I am pleased to be a cosponsor of legislation that will offer some relief to our soldiers who are suffering from this mysterious illness. The Veterans' Persian Gulf War Benefits Act would: First, provide benefits to Persian Gulf veterans with disabilities from their service in the war; second, direct the Veterans' Administration to develop case protocols and definitions; third, establish an outreach program for Persian Gulf vets; and fourth, authorize further research. This legislation has received the full endorsement of Veterans' Affairs Secretary Jesse Brown, the American Legion, and the Vietnam Veterans of America. I laud the efforts of Secretary Brown and these distinguished organizations and urge all of my colleagues to join me in supporting this important piece of legislation.

Mr. Speaker, Persian Gulf Syndrome, like agent orange before it, is a tragic side effect of war. Unlike agent orange, however, we are immediately confronting this issue and immediately providing support to our veterans. I commend the efforts of the Veterans' Administration and urge the Pentagon to continue to share information as it becomes available—information which will help us restore the health and the well-being of our Persian Gulf war veterans. We owe that much to them, at the very least.

CONGRATULATIONS TO RICHARD J. PLATTE, CONTROLLER, KENT COUNTY, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. EHLERS. Mr. Speaker, I rise today to acknowledge Richard J. Platte for his 29 years of faithful service to Kent County, in the heart of western Michigan. Mr. Platte, known as Dick by his associates and friends, has demonstrated a remarkable dedication to his administrative and fiscal responsibilities over the past 29 years. He will be honored by the community today for his retirement from his position as controller of Kent County.

A native of Kent County, Dick attended Grand Rapids Catholic Central High School, and pursued his degrees in higher education at Grand Rapids Community College, Michigan State University, and Aquinas College. He received a bachelor of science degree in urban planning from Michigan State University followed by graduate study at Aquinas College. In addition to his academic achievements, Dick has been the proud father of two sons, Joe and Dan and a dedicated husband to his wife, Susan.

During his tenure with the county, Dick served as county planner, administrative assistant, deputy controller and controller. For the past 19 years as county controller, Dick has managed the financial position of the county. In addition, he served as administrator for the Kent County Board of Commissioners on policy issues as well as advising and managing all of the county departments.

Dick displays integrity, honesty, and a strong work ethic and expects the same from his employees. His outstanding work performance, coupled with a keen understanding of conservative fiscal policies and commitment to the delivery of high-quality services, are the hallmark of his success. Dick's leadership has secured top bond rating for Kent County, a rating held by only 12 other counties in the country.

Dick has also been actively involved in the community. He is involved with the work of many organizations, including Heart of West Michigan United Way, Kent County Cooperative Extension Program, Close Up, the Grand Valley Metropolitan Council, and the Grand Valley Blood Drive Program.

Mr. Speaker, I ask that the House of Representatives join me, the county board of commissioners, Dick's family, and his many friends in honoring Dick for his extensive and dedicated service. Over the years, Dick has touched the lives of many people in our community and it is fitting that the House recognize him today.

HEALTH CARE WINDFALL FOR ORGANIZED LABOR

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. GINGRICH. Mr. Speaker, I thought my colleagues might be interested in the op-ed written by our colleague, Representative CASS BALLENGER. Representative BALLENGER clearly spells out how the Clinton health care plan creates yet another Government-sponsored windfall for organized labor.

[From the Journal of Commerce, May 6, 1994]

HEALTH-CARE WINDFALL FOR LABOR

(By Cass Ballenger)

With the help of millions of dollars in lobbying funds, organized labor has sent a message: Passage of President Clinton's health Security Act is labor's top priority. A close inspection of the bill shows why. Mr. Clinton's health plan would create yet another government-sponsored windfall for organized labor.

Mr. Clinton's plan will require virtually every employer to pay for 80% of employees' health-care premiums. It also would require employers to honor previous agreements, even if the benefits exceed what is mandated in the national plan.

Consequently, labor representatives in unionized companies will press for new benefits in other areas, such as increased wages or more generous retirement packages. But that's not all. Under the Clinton plan, employers would have to negotiate with labor representatives over who will pay the remaining 20% of premium costs.

Currently, under the National Labor Relations Act, issues that may be negotiated by labor and management are separated into two classes: mandatory and permissive subjects of bargaining.

Mandatory subjects include wages, benefits, working hours and working conditions. Changes to these subjects may not be made by the employer without first bargaining with the union.

Bargaining over a mandatory subject, such as health care, occurs when management and labor insist on different benefits. If they are unable to reach an agreement, labor may strike, or business may "lock out" employees over the issue. If an agreement is reached, changes to mandatory subjects covered in the agreement may not be made unilaterally by the employer.

Permissive subjects of bargaining, on the other hand, include any other item that the union and the employer may bring to the table, such as requiring secret-ballot strike votes and other internal union affairs.

With permissive subjects; either party may initiate bargaining. The talks depend on the willingness of both sides to participate. If one party objects, the issue is taken off the table. Unions may not order a strike, nor employers a lockout, over permissive subjects. The subject is simply left unresolved.

The Clinton health-care plan would give organized labor one more area of mandatory bargaining. This is not the first time the government has proposed to give unions such an advantage. For example, the minimum wage law establishes a floor from which wage rates can only be negotiated upwards. Similarly, health and safety laws substantially diminish the need for bargaining over health and safety issues, allowing unions to spend their bargaining time and resources on other issues, such as increased benefits.

The Health Security Act goes well beyond a minimum wage, or some other mandated minimum. Rather than requiring employers to provide a basic benefits package for employees, the plan would mandate "comprehensive and secure health care coverage."

Included in this comprehensive coverage is hospital care, emergency services, preventive care, mental health and substance abuse services, family planning, pregnancy-related services, hospice care, home health and extended care services, ambulance services, outpatient laboratory and diagnostic services, prescription drugs, vision and hearing care, periodic medical checkups and preventive dental services for children.

Given this "Cadillac" plan, it is ludicrous that employers would be obligated by law to negotiate over additional health-care benefits, on threat of suffering the consequences of a strike. Yet under mandatory bargaining, labor unions would demand even greater concessions from already strapped employers.

Under the Clinton bill, for example, companies with 5,000 or more employees could form a "corporate alliance," rather than joining a "regional alliance" with other firms. The choice carries tremendous implications for companies and workers alike; as a result, it could become a focus of labor negotiations.

Even smaller employers using outside, certified health plans could be forced to negotiate over which provider to choose. Other decisions traditionally left to management also could be affected.

Moreover, employee benefits established under previous collective bargaining agreements would not be affected by the Health Security Act. Union workers would enjoy the best of both worlds: federally mandated benefits and benefits guaranteed under their labor contracts.

According to the Service Employees International Union, health care is the No. 1 issues at the bargaining table and the No. 1 cause of strikes in unionized companies. While allowing management to negotiate health care benefits for their employees may be a good idea, mandating that they do so is not.

Therefore, during markups of the president's bill, I will propose eliminating health care as a mandatory subject of bargaining, thereby reducing much of this tension between labor and management.

Without such an amendment, the Health Security Act will harm employers by requiring them to pay for comprehensive health benefits that far exceed a "basic" package. The act would give unions the force of law to demand even more concessions from companies.

When promoting his health-care plan, the president speaks of the need for equity of care for all Americans. Why, then does the president's plan so obviously favor one group over another?

With millions of union dollars pouring into Democratic campaign coffers, that question is easy to answer.

WASHINGTON REPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 15, 1994 into the CONGRESSIONAL RECORD:

THE U.S. TRADE DEFICIT

During the past year, the U.S. economy has improved on several fronts. Economic growth is up, productivity is up, the federal budget deficit is down, and the unemployment rate is down. But there has been little improvement in one area—the trade deficit.

Last year Americans bought $132 billion more in goods from other countries than they bought from the U.S. About $60 billion of this deficit was with Japan alone. Our trade deficit is lower than it was in the mid-1980s, but it is still much higher than it was a few decades ago, and the 1993 deficit was 37% larger than the previous year's. What are the causes of this deficit? What are the implications? How serious a problem is the trade deficit?

Causes.—Several factors have caused the U.S. trade deficit. First, over the past several years other countries have narrowed the U.S. lead in productivity and technology. That means they need to buy less from us and have more to sell us, thus driving up our trade deficit. A second factor is the value of the dollar. During the 1980s the U.S. dollar reached its highest level relative to other currencies in decades, although it has come down some since then. A higher value for the dollar makes U.S. goods more expensive overseas and also makes foreign products cheaper in the U.S.—thus boosting our trade deficit. Third, the large federal budget deficit also contributes to the trade deficit. The budget deficit has been covered largely by huge inflows of foreign capital attracted by our relatively higher interest rates. That keeps demand for the dollar high, which increases its value and makes U.S. goods more expensive abroad. A fourth factor is the low U.S. savings rate. When U.S. investment demand exceeds national savings, we turn to foreigners to fill the gap—and that means massive imports of capital from abroad in exchange for U.S. assets. In the 1950s and 1960s, the U.S. had considerable trade surpluses because we had more savings than investment. Fifth, we have inadequate market access in other countries. America has large trade deficits with Japan and China. Japan has the world's second-largest market, after the United States, but Japan does not import manufactured goods at anywhere near the rate of other large economies. And China, which is not a member of the General Agreement on Tariffs and Trade (GATT), does not adhere to the same principles of free and open trade that the U.S. does. A sixth cause of the trade deficit is the fact that the economies of Japan and Europe are growing at slower rates than ours. When countries are not growing, their appetite for imports—including U.S. imports—declines. Likewise, when economies are growing, as the U.S. economy did last year, they tend to purchase more goods from abroad.

Significance Of The Problem.—There are two different views on the seriousness of the U.S. trade deficit. The first is that the trade deficit is not a major problem. A large inflow of imports helps keep our inflation rate low, since more imports mean greater price competition. This competition means greater choices and cheaper goods for consumers. Our deficits have also provided developing countries a market for their goods so they in turn will be able to purchase more imports.

The other view contends that the large trade deficit hurts U.S. companies and costs American jobs. This view holds that the trade deficit is a serious problem because it indicates that Americans are buying more foreign products instead of U.S. products, thus creating jobs in other countries. That means lost profits in the U.S. and fewer good-paying jobs for less-skilled workers.

Goods And Services.—The debate has been complicated by different ways of measuring the trade deficit. The merchandise trade balance, which measures trade in manufactured goods, is the figure usually cited as the U.S. trade deficit. But the current-account balance is a broader measure that includes not only manufactured goods but also services such as tourism and insurance. This gives a more comprehensive sense of overall U.S. trade performance, since the U.S. economy is dominated by service industries. In fact, nearly 80% of Americans work in service industries, accounting for about 70% of the nation's gross domestic product. The U.S. current-account figures show a much smaller trade deficit of $76.8 billion in 1993, some 42% less than the merchandise trade deficit of $132.4 billion. To put this in perspective, the $76.8 billion current account deficit is about 1% of the size of the overall U.S. economy.

Policy Prescriptions.—While some economists say that the trade deficit is a non-problem, my view is that it is serious but not devastating. There is no reason to panic about the trade deficit, but we would be better off getting it down. The basic problem is that it mortgages future U.S. income to foreigners. We must send huge payments abroad on what we owe them, and could be exposed to financial crises whenever the confidence of foreign investors in the U.S. economy is shaken. A large trade deficit tends to feed strong feelings of economic nationalism here at home and increase the risk of a trade war.

Several steps should be taken to improve the overall U.S. trade performance. We should put a heavy emphasis on increasing exports. This has been the approach of the Clinton Administration, which has supported both NAFTA and the GATT in an effort to reduce overall world trade barriers and has implemented several new export promotion programs. We should also demand that specific trading partners provide the same access for U.S. goods as we provide for their goods. Market opening negotiations with Japan, for example, are continuing. We should try to persuade people to switch their demand from imported to U.S. goods. In addition, we should continue to reduce the federal budget deficit in order to reduce domestic demand, and take steps to encourage greater national savings. Finally, we need to give attention not just to the trade numbers but also to what we are exporting. Reducing the trade deficit by selling more computer chips would do more to improve U.S. competitiveness and support high-paying jobs than would exporting more potato chips. Improving our competitive position starts with education and training as well as technology development.

There is no simple solution to reducing the trade deficit. It has worsened over the years due to a variety of factors, and it will take efforts on several fronts to bring it down.

TRIBUTE TO THE SURVIVORS OF D-DAY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. COBLE. Mr. Speaker, I was privileged and honored to participate in a North Carolina ceremony to commemorate the 50th anniversary of the invasion of Normandy. This moving tribute to living D-day participants from our area was held at the Greensboro Historical Museum in Greensboro, NC.

What made this tribute so special for me was the first-person testimony of the surviving servicemen. Each told his story of that fateful day of June 6, 1944, when America and her Allies launched the largest military invasion in history. Each veteran who spoke at the Greensboro event recounted his role in the Allied victory over tyranny. In addition, a Greensboro woman spoke about the situation on the home front at the time of the invasion.

As a Korean war era veteran, I was honored to be asked to participate in the ceremony which commemorated the 50th anniversary of that historic World War II event. On behalf of the citizens of the Sixth Congressional District of North Carolina, we wish to recognize the contributions of the local men who landed at Normandy some 50 years ago. We salute: Bob Benbow of Greensboro, a member of the Navy's landing ship tank group: Gerald Clough of Jamestown, part of the 9th Air Force; Archie Coleman of Greensboro, who flew in with the Army Air Corp's 82d Airborne Division; Frank Ellington of Eden, a member of the Army's 4th Infantry Division; and Weddie Huffman of Greensboro, who operated one of the Navy's landing ship gun positions.

Each member of the D-day invasion gave an eyewitness account of what occurred in Normandy a half-century ago. Mrs. Min Klein of Greensboro also spoke at the commemorative program and told the audience about the activities and concerns back at home. Mrs. Klein and her husband generously opened their home to any serviceman during the war. Her family operated what amounted to a welcome center or USO center out of their Greensboro home. Her family's efforts on the home front helped assure victory overseas.

Our thanks also go to Ned Harrison of Greensboro. Mr. Harrison coordinated and hosted the D-day commemorative program at the Greensboro Historical Museum. Ned, a World War II veteran himself, was not part of the D-day invasion, but served his country well as a member of the 15th Air Force.

The citizens of the Sixth Congressional District of North Carolina salute the surviving members of the D-day invasion, as well as all veterans of World War II. We also thank the Greensboro Historical Museum for honoring their efforts 50 years after their tremendous achievement.

FURTHER REMEMBRANCE OF THE VETERANS OF SOMALIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. DORNAN. Mr. Speaker, I would like to include in the RECORD six more stories on the brave United States fighting men who sacrificed their lives in combat in Somalia.

[From the Army Times, May 30, 1994]

WHEN THE BASS RAN, IT WAS TIME FOR LEAVE

Every May, Spec. Mark E. Gutting, 25, would try to schedule his leave around the opening of bass season.

"To say he liked to fish is an understatement," says his father, Eugene Gutting. Fishing is a Gutting family enterprise, and Mark was an enthusiast. The family would take off for Lake Mitchell in Cadillac, Mich., when Mark was home on leave, says his mother, Barbara Gutting, herself an avid fisherman.

The youngest of six children, Mark Gutting grew up in Michigan with a love of the outdoors. "He enjoyed just going out and sitting in the woods," his mother recalls. "Supposedly he liked hunting, although he never got anything. I think he enjoyed the solitude as much as anything."

"He had a funnier side that we often saw," she says, remembering, too, that Mark had a knack for lifting spirits and making people laugh.

"He had a good sense of humor and a lot of feeling for people," Eugene Gutting says. "He was especially concerned with helping new recruits."

Mark Gutting studied economics and international business at Central Michigan University before enlisting in the Army. "He decided to go into law enforcement, and he thought going into the Army would be good training and a stepping stone to that," Eugene Gutting says.

As a military policeman, Mark Gutting served in Operation Desert Storm and spent two years in Panama before being assigned to Fort Riley, Kan., in June 1993. At Riley, he was hoping the stateside assignment would mean regular hours and time to go back to school. Instead, two months after going to Riley, he went to Somalia with the 977th Military Police Company.

There, on Aug. 9, he and three other soldiers died patrolling Mogadishu when a remotely detonated bomb ripped through their Humvee.

Mark Gutting was awarded the Purple Heart and a Bronze Star, his father says. "I thought the Army did a fine job [handling his death]," Eugene Gutting says. "There is a great deal of compassion there." Calls and letters from Mark Gutting's friends who served with him in Panama and Somalia have given the family a glimpse of their son they might not otherwise have had.

HE HAD "THAT SMILE" AND A DRIVE TO HELP

"That smile" is something people are apt to bring up when they talk about Sgt. Cornell L. Houston.

It was his smile that his wife, Carmen, remembers about their first encounter. She was walking down the street in her hometown of Mobile, Ala., when a car stopped to give her a ride. Inside was a girlfriend and a guy she didn't know. He had a big smile on his face. It was Cornell Houston.

The Rev. Clate Borders of Thomas Memorial AME Zion Church in Watertown, N.Y., remembers that smile, too.

"I'll never forget it. He had a gold tooth up front," Borders said.

Carmen Houston, 29, recalls her late husband's laugh. "He would tell a lot of jokes. He just had a way of making even your worst day . . . better."

In many ways, Cornell Houston, 31, was a typical soldier. He missed his family; being away from them was hard, Carmen Houston said. But in other ways, Cornell Houston stood out. "He wanted to help everybody," Borders said. "He liked to help those who could not help themselves."

He also had "willingness to take hold of anything and get it done," Borders recalled. The minister remembers mentioning to Houston on one occasion that the outside of the church needed to be cleaned. A short time later, Borders said, the grounds had been cleaned. Houston had rounded up a crew and took charge of getting the job done. "He didn't wait for things to get done," Borders said.

Borders also remembers Houston coming to him to talk about joining the choir. "I don't know how to sing, but I've always wanted to do it, and I want to give it a try," Houston said.

Houston was so open and wanted so badly to learn that Borders sent him to the choir director. "I thought he did OK," Borders said.

After arriving at Fort Drum, N.Y., Houston became a Mason and was a board member of the Watertown church.

Houston was assigned to C Company, 41st Engineering Battalion, at Fort Drum. He had arrived in Somalia in August 1993 on his second tour. He was wounded October 3, sustaining chest injuries, and died October 6 in the Landstuhl Army Regional Medical Center in Germany. Houston has been honored posthumously with the Purple Heart medal and the Bronze Star Medal with "V" device for valor.

Borders believes the best way to remember Cornell Houston is for everyone to "pick up his banner and go forward with it into the community."

Carmen Houston also wants people to remember Cornell Houston for his caring side. "It's like . . . ," her voice trails off. "I miss him so much."

THE MEMORIES INCLUDE HIS MEDAL OF HONOR

MSgt. Gary I. Gordon was a smart kid, his teachers used to say, but he spent entirely too much time doodling.

Tanks, battleships, helicopters, "anything and everything military-related," his mother, Betty Gordon, says from her home in Lincoln, Maine. But even though his imagination often drifted to things combative, his mother was surprised the day her son, then 17, announced he had joined the Army.

Gary Gordon, 33, was one of 18 soldiers killed during the Oct. 3, 1993, clash with Somali gunmen in Mogadishu, Somalia. He is credited with saving the life of an injured pilot and was to be awarded the Medal of Honor posthumously May 23.

His family remembers a quiet man with an artistic flair and a desire to write books about children.

"He didn't talk much about his job, but I know he loved it a lot. It was like the ultimate job to him, being in that unit," his wife, Carmen, says of her husband's affiliation with soldiers attached to U.S. Army Special Forces Command, Fort Bragg, N.C.

"He didn't bring the military home though," she says.

"The Gary I saw was all about family . . . and his children. He had these special times with Brittany and Ian," like on Sunday mornings when he would spread the Sunday newspaper out on the kitchen table, she says.

Brittany, 3, "always had to be a part of the newspaper thing," said Carmen Gordon, 29. "Gary would give her a sheet of newspaper and pour a little bit of coffee into her sip cup, and she'd sit there and mimic his every move, right down to the elbows on the table."

And there were the woodworking sessions with Ian, 6.

"When Gary made furniture, Ian was always out there right by his side. Gary would give him some wood scraps, a hammer and a big thing of Elmer's glue, and there they were, the both of them covered in saw dust," Carmen Gordon says.

After his death, Carmen Gordon went through his personal items and came across a letter her husband had written nearly five years before while in a hangar in Panama during Operation Just Cause.

"It was filled with dreams of Ian growing up strong and of having grandchildren on his knee, but his last words were: 'In case something should happen to me, be strong, never give up, and always look inside yourself for strength.'

"Knowing that he felt I was strong makes me want to carry on."

ONCE COMMITTED, HE DIDN'T WAIVER

Sgt. James Casey Joyce was a man who could be counted on once he had committed himself to a project.

Speaking of her son's leadership qualities, his mother, Gail Joyce, remembers "his ability to focus on something and to be completely committed to a cause or an idea; and once he made that commitment, he never wavered."

Nowhere was this trait more apparent than in his military career. After spending three years in two different colleges, changing his major a couple of times in the process, Casey Joyce enlisted in the Army in November 1990.

"He wanted to go into the Army to get some focus and some maturity," says his father, retired Lt. Col. Larry Joyce.

His father's military background "absolutely" influenced Casey Joyce's decision to enlist, says Larry Joyce. "He wanted to prove something to himself and to me."

Determined to excel, Casey Joyce "chose probably the most difficult and challenging assignment he could," says Larry Joyce. He volunteered for service in the 75th Ranger Regiment, Fort Benning, Ga. "I don't think I could have done what he did," the father said during his eulogy at the October 9 memorial service in Casey Joyce's native Plano, Texas.

The extent to which Casey Joyce steeped himself in the values of the Ranger creed can be measured by the awards and decorations he earned in less than three years of service. These included his airborne wings, the Ranger tab, the Pathfinder badge and the Meritorious Service Medal. They are capped by the Bronze Star for valor he was awarded posthumously for his actions on the night of October 3, when he died fighting Somalia guerrillas in the back streets of Mogadishu.

On at least two occasions, Casey Joyce also displayed an uncanny ability to predict the future. An avid Dallas Cowboys fan since boyhood, he had stood by his team during the lean years of the late 1980s. Then, while on leave in the summer of 1992, he went to the team's summer camp in Austin. "He predicted they were going to win the Super

Bowl long before anyone else did," says Gail Joyce.

He had made a similarly accurate prediction four years earlier while he was walking through a mall in Plano and saw DeAnna Gray, then a high school senior, standing behind a counter. "He said to his friend, 'I'm going to marry that girl,'" says DeAnna Joyce. Roughly 2½ years later, he did exactly that, in the same Plano church in which his memorial service was held.

Seven months after Casey Joyce's death, his widow's voice still chokes with emotion as she remembers talking to him by telephone the night before his death. "We were planning a trip—he asked me if New Orleans was OK," she said.

Hours later, a Somali sniper's bullet killed Casey Joyce and cost his family its most dynamic member. "He was the spice in our life," says his mother.

THE ROAD WASN'T EASY, BUT HE'D MAKE IT BETTER

Cpl. Richard W. Kowalewski Jr. didn't have an easy road, but he had plans to make his life better.

He bounced among several high schools as his parents moved, then broke up. He lived with his mother in Texas, with his father in Alabama, then with his grandparents in Pennsylvania. But he kept his sights on his future. Despite the school changes, he stayed enrolled in Junior ROTC. An avid chess player, he knew to plan his next several moves: After high school, he was going to join the Army, earn some money for college, get a degree in electrical engineering, and marry his girlfriend.

"He kind of knew we didn't have the finances to help him through college," says Richard Kowalewski Sr. "It was just something he had all lined up, even before he graduated from high school, that he was going to . . . go to the service, and then he could get his schooling."

The younger Kowalewski completed basic training in June 1992. He was assigned to the 3d Battalion, 75th Ranger Regiment, which deployed to Somalia in August 1993. Thoughts of his future shifted to focusing on a very tense present. "War is very sad and kills everyone in some way," he wrote to Donna Yarish, his fiancee, one week before his death at age 20 in the October 3-4 firefight.

He had been planning to come home Thanksgiving, pick up his fiancee in Pennsylvania and introduce her to his family. By the time Thanksgiving arrived, the elder Kowalewski had attended his son's funeral at Arlington National Cemetery, Va., and a memorial service for the slain Rangers at Fort Benning, Ga.

Richard Kowalewski Jr. was among the Rangers killed while their convoy, under heavy fire, snaked through Mogadishu side streets, trying to rescue U.S. soldiers in a downed helicopter. He was awarded the Bronze Star Medal for valor.

Richard Kowalewski Sr. doesn't feel that sacrifice was repaid. He says for his son's funeral, the Army offered plane tickets and hotel rooms—for him and for his ex-wife. The senior Kowalewski was unable to use the plane ticket because he wanted the entire family to go together. He, his second wife, another son living with them and the grandparents who saw that Richard Jr. completed high school, paid their own way to Washington, then shared a single hotel room, the elder Kowalewski says.

"They wanted to do for the immediate family—the mother and the father—and that was it," he says.

But Army officials say they are limited by law in paying for travel expenses to funerals. The service can pay for travel for a spouse and children, and for parents only if the soldier was not married or childless.

"It wasn't that the Army didn't want to help [the Kowalewskis]; it couldn't," says Harry Campbell, an Army memorial affairs official.

But when the family attended a memorial service at Fort Benning, Ga., the Rangers provided forms for families to list travel expenses for reimbursement.

"When they send us a check, we'll just cash it and send another check back as a donation to the Rangers," Richard Kowalewski Sr. says, ". . . The government, I felt, should have paid for it."

HE HAD WORRIED ABOUT THE FUTILITY OF DYING THERE

It had become a tradition in a family that had sent sons off to war: After Sgt. Dominick M. Pilla, 21, deployed to Somalia with his Ranger company in August 1993, the family put together a package of pepperoni sticks and balls of provolone cheese. Dominick's father, Benjamin Pilla, had gotten such a package when he was serving in Vietnam. Frank Pilla, Dominick's brother, had gotten one while off the coast of Kuwait during the Persian Gulf War.

Dominick Pilla's package was returned unopened to his parents' home in Vineland N.J. He had been killed before it reached him.

Dominick Pilla had heard his father's war stories and had seen the pictures he'd brought home from Vietnam.

"I told him how people get killed and get wounded, lose arms or legs," says his father. "It's not all glory. He knew that."

Regardless, Dominick Pilla decided as an adolescent that he wanted to join the Army and be a Ranger. He enlisted in the Delayed Entry Program while in high school, then took up a rigorous exercise and body-building program to prepare for Ranger training.

Benjamin Pilla and his wife, Diane, say Dominick Pilla had the cockiness of a quick study who excelled at his interests. For example, he liked riding Benjamin Pilla's 1,400cc Harley Davidson motorcycle, among the biggest made. "He took his motorcycle test on it and passed," Benjamin Pilla says. "Most guys fail the first time on the big bike. He was a natural."

The bike sat for months after October 3. "I couldn't ride that thing all winter," Benjamin Pilla says. "I just let it sit there because it reminded me of him too much. . . . The last letter I got from him from Somalia, he said when he comes back, he was going to buy one so we could go riding together."

Dominick Pilla and his father had a long talk in June 1993, during Dominick's last leave before deploying to Somalia. "He said, 'I realize what we do, I could get killed or wounded. I just hope it's not Somalia or Bosnia.' He knew the futility of it," says Benjamin Pilla.

Dominick Pilla was with a convoy taking an injured soldier from the October 3 firefight to be treated. He was killed when the U.S. Humvees were ambushed. Dominick Pilla was posthumously awarded the Bronze Star Medal for valor.

"He was always a good, decent kid," says Benjamin Pilla. "Never in trouble, had good respect for law and for authority. Never gave me any trouble at all.

"That's the kind that die, unfortunately."

ANTI-FLAG DESECRATION AMENDMENT GAINS SUPPORT OF 43 STATES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, after celebrating Flag Day yesterday, it is an appropriate time to take a moment to honor the symbol of our Nation: the American flag.

It was 217 years ago on June 14, 1777, that the Continental Congress adopted a resolution that gave us the American flag, known affectionately as the Stars and Stripes or Old Glory. And the world we live in today, just like the world which generations of Americans have lived in before us, is the best of the times and the worst of times. But at all times, America has honored this most special symbol of the strongest and freest nation on Earth.

Protecting the American flag remains a cause which is dear to my heart, not to mention to the hearts and minds of millions of Americans all across this land. People fought and died for the constitutional rights we hold so dear. However, the Constitution was not at Saratoga or Gettysburg or San Juan Hill or Normandy or the Pork Chop Hill or Khe Sanh or Kuwait City. Instead, the flag which embodied those rights was at all of those battles and many, many more. No wonder then that veterans and their families have such outrage when they see someone burning or otherwise desecrating the flag for political reasons.

Some folks condone this type of activity or surrender to those who portray it as a form of free expression. Well, while five unelected Justices of the Supreme Court say that the Constitution does not permit an antiflag desecration statute today, there is no good reason why we cannot pass a constitutional amendment to allow Congress to penalize this conduct. And I'm not alone on this point. The legislatures of 43 States have passed memorializing resolutions calling on Congress to amend the Constitution to prohibit flag desecration.

For the record, the States which passed these resolutions include: (1) Alabama, (2) Alaska, (3) Arizona, (4) Arkansas, (5) California, (6) Colorado, (7) Connecticut, (8) Delaware, (9) Florida, (10) Georgia, (11) Idaho, (12) Illinois, (13) Indiana, (14) Kansas, (15) Louisiana, (16) Maine, (17) Maryland, (18) Massachusetts, (19) Michigan, (20) Minnesota, (21) Mississippi, (22) Missouri, (23) Montana, (24) Nebraska, (25) Nevada, (26) New Hampshire, (27) New Jersey, (28) New Mexico, (29) New York, (30) North Dakota, (31) Ohio, (32) Oklahoma, (33) Pennsylvania, (34) Rhode Island, (35) South Carolina, (36) South Dakota, (37) Tennessee, (38) Texas, (39) Utah, (40) Virginia, (41) West Virginia, (42) Wisconsin, and (43) Wyoming. State passing such resolutions in one chamber only include: North Carolina, Oregon, Washington, and Vermont.

A TRIBUTE TO CHARLES S. FURCA

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. HANSEN. Mr. Speaker, Mr. Charles S. Furca has served as Civilian Executive Assistant [CEA] of the Tooele Army Depot [TEAD] complex from June 1981 through August 1994. Headquartered at Tooele Army Depot near Tooele, UT, the complex comprises six sites in four States, and employs over 2,300 personnel. As the highest level civilian at TEAD for the last 13 years, Mr. Furca has been the constant at the complex through seven commanders. His continued dedication and loyalty exemplifies the highest ideals and standards of public service.

During his tenure as CEA, Mr. Furca was key in administering an annual operating budget of $191 million, and was held responsible for 67 percent of the Department of Defense's stockpile of toxic chemical munitions. Under Mr. Furca's management, the TEAD complex remained responsive, flexible, environmentally responsible, and cost-effective. He has been adamant that customers' stringent quality and schedule needs be met, and has demanded assurance that dollars spent were fully justified and used wisely.

Mr. Furca was personally involved in the design and construction of TEAD's consolidated maintenance facility, a state-of-the-market automated overhaul facility. Due in large measure to his actions, the $37 million building was completed on time and within projected costs—a rare feat these days—and the $74 million equipment contract was reduced by over $650 thousand with no degradation of required performance.

Under Mr. Furca's management, TEAD continued its enviable record in the environmental arena. The State of Utah praised the depot for running the best environmental management program of any Federal installation in the State. TEAD was also recognized by the Director of Army Safety with a special award of excellence for its proactive safety programs, and has won the Department of Defense's Value Engineering Award 5 straight years in a row with $63 million saved.

Mr. Furca is a man of tested ability, sound judgement, and keen perception. He has performed his official duties with unswerving integrity and fearless determination. His forthright, frank, and honest attitude in relation to governmental matters makes him a public servant to be emulated by others. Time after time, he lead the efforts to make changes to the way the Government does business when the situation warranted. An example of this was his involvement in the development of official policy to utilize the Army Arsenal Act allowing depots to compete in manufacturing supplies for the Army. Mr. Furca led the efforts to design and manufacture a high-mobility trailer that the Army used as a pilot case for the Arsenal Act authority through the use of make-or-buy decisions, thus paving the way for depots to compete in the future.

Mr. Furca's tenure at TEAD has also seen defense downsizing resulting in severe workload reductions and budget cutbacks, which has had a grave impact on the missions and workers at the depot. Through it all, Mr. Furca has provided guidance for closing one depot activity, downsizing three other depot activities, and resizing TEAD's workforce by cutting it nearly 40 percent to match funded workloads. Though TEAD has faced some of its greatest challenges during his administration, Mr. Furca never lost sight of the importance of employees' quality of life, with emphasis on the work environment, morale, and welfare of the people, and his actions have made his concern obvious.

Mr. Furca's outstanding performance of duty is in keeping with the finest traditions of public service, and reflects great credit upon himself, Tooele Army Depot, and the U.S. Army. He is exceedingly well equipped for the office he will shortly assume at Sierra Army Depot, CA. Mr. Furca's sterling character, great ability, and integrity are assurances that he will carry on in a like manner within the U.S. Army Industrial Operations Command. There is no doubt that Mr. Charles S. Furca, who possesses such fine attributes of mind and heart, will enjoy a long, happy, and successful career at Sierra Army Depot, and that he will be a credit to his new organization, to his new friends, and to himself.

40TH ANNIVERSARY OF MARLTON LIONS CLUB

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SAXTON. Mr. Speaker, the International Association of Lions Clubs is the world's largest service organization with a membership of 1.4 million in 41,700 clubs in 180 countries and geographic areas.

Their motto, "We Serve," exemplifies their many community service projects. Those projects include aiding the blind, conducting drug and/or diabetes awareness campaigns, and providing opportunities and support for the handicapped and needy.

The International Association of Lions Clubs has joined hands in a worldwide humanitarian effort to eradicate preventable and reversible blindness through Campaign SightFirst. In fact, the Marlton Lions Club is the only model club in New Jersey for this worldwide project.

On June 11, 1954, 21 members of the community of Marlton, New Jersey were granted a charter to join Lions worldwide in these endeavors and extend to the populace of Marlton these benefits.

Over the past 40 years, the Marlton Lions Club has extended the benefits of Lionism to their community. Specifically, the Club has either contributed to or sponsored such humanitarian projects as a drug awareness program for the community schools; annual scholarships; eye examinations and eyeglasses, as well as food baskets for the needy; and participation in various events in the Marlton community.

The Marlton Lions Club has become an integral part of the community it serves. It brightens the quality of life for the residents.

I, therefore, urge the House of Representatives to join me in recognizing June 11, 1994 as the 40th anniversary of the Marlton Lions Club.

TRIBUTE TO GEN DOAK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to an outstanding Coloradan.

For the past 24 years, Gen Doak of Glenwood Springs has dedicated herself to the Glenwood Springs Library. Now, after so many years of service, she has decided to retire.

Gen and her husband, Ed Doak, will spend their golden years with their children and their grandchildren. They also plan to take advantage of the magnificent Colorado trails and mountains to pursue hiking, camping, and fishing. Ed retired after 44 years of selling lumber, and both of their retirements are richly deserved.

Mr. Speaker, I am pleased to commend Gen and Ed Doak for their outstanding contributions to their community and to the people of Glenwood Springs.

Both have earned reputations as trusted friends, and devoted parents. I ask my colleagues to join me in extending to them both our very best wishes for a wonderful and well-deserved retirement, full of prosperity and good health.

RETIRING DOAK LIKE RARE BOOK: IRREPLACEABLE

(By David Frey)

GLENWOOD SPRINGS—When the Glenwood Springs library moved to its present location a decade ago, head librarian Gen Doak thought she faced a daunting task. It would take days to move shelf after shelf of books, she figured. But before the morning was over, 150 volunteers showed up and wrapped the project up in a matter of hours.

That sort of community support is what Gen remembers most fondly of her 24 years with the library. On Sunday, the community returned its gratitude, joining together at the Hotel Colorado to wish her a happy retirement.

"She's a symbol of the community," said Claudia Lange, vice president of Glenwood's Friends of the Library. Gen's warmth and wit transformed the institution, Lang said, "It makes the library something other than a place to pick up books. It gives it the human element. Gen epitomizes the humanity that we could all use."

Gen credits much of the library's success to the Glenwood community that has supported it. That community spirit, she said, is why she and her husband Ed have no intention of leaving town.

"We want to live in a real community with real people," she said. "I can't think of any better place to live."

Gen's retirement follows shortly after Ed left Big John's Building & Home Center, after 44 years of selling lumber. Ed said that at his age of 72, and Gen's age of 68, the time to retire had come for both of them.

Besides, Gen said, retiring now gives them time to enjoy active retirements together. "I like to play," she said.

Already, their plans for the summer are mounting. Both enthusiasts of the outdoors, the Doaks have ambitious plans for hiking, camping and fishing, interspersed with visits to children and grandchildren.

Ed, who lent a lot of maintenance work to the library over the years, said he and Gen planned a clean break from the library, giving the newcomers a chance to get settled in. "When we retire, it isn't fair to the person who's coming in (for Gen and I) to be dabbling around" he said.

Gen said she had no plans of giving up the library altogether, though, and still intends to be involved in the citizens group, Friends of the Library.

Meanwhile, the library must search for a new head librarian. Debra Bosna, secretary and treasurer of the Glenwood Friends of the Library, thinks Gen's shoes may be too big to fill, though.

The key to being a great librarian, Bosna said, is experience. "The wealth of experience that (Gen has) is not easily replaced," she said. It would take the new librarian at least another 24 years to match Gen's contribution, she added.

LEGISLATION TO REQUIRE THE ARCHITECT OF THE CAPITOL TO ESTABLISH AND MAINTAIN A PERSONNEL MANAGEMENT SYSTEM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Ms. NORTON. Mr. Speaker, today I introduce a bill to require the Architect of the Capitol [AOC or the Architect] to establish and maintain a personnel management system with modern personnel management principles. This bill establishes a personnel management system, provides a procedure for its implementation, and establishes a procedure to process discrimination complaints.

This bill is another important step in assuring that employees of the House and Senate have the same employment rights as other Americans. The AOC presents a particularly egregious example not only of an absence of most employee rights but of a personnel system that deserves the same as well.

The AOC, a legislative branch agency, is responsible for the structural, mechanical, and domestic care of the U.S. Senate and House buildings, Senate restaurants, Library of Congress buildings, Supreme Court building, the U.S. Capitol Building and Grounds, and the Capitol Power Plant. As of March of 1993, the AOC employed a staff of approximately 2,233 full-time employees. Since the AOC is a legislative branch agency, it is not subject to the provisions of many personnel statutes that guide personnel policy for other Federal agencies. At the request of Senator BARBARA MIKULSKI, a member of the Senate Committee on Rules and Administration and its chair Senator WENDELL FORD, GAO investigated personnel policies at the AOC and published its findings in April of this year. GAO found that the personnel system lacked consistent hiring and promotion practices, had no affirmative action program, was devoid of a performance appraisal system, failed to offer minimal skills-training opportunities, lacked a job classification system, exhibited deplorable underrepresentation among minorities and women in higher paying skilled and managerial positions, and had limited communication between management and the workforce.

This bill requires that systems to address these shortcomings be employed with standards and practices of modern personnel management practiced by other Federal and private sector organizations.

Today, three separate offices handle EEO complaints. The Senate Office of Fair Employment Practices handles complaints for all Senate employees and AOC employees who service buildings on the Senate side. The House Office of Fair Employment Practices handles complaints of all House employees but not AOC employees who work in House buildings. The Architect's Fair Employment Practices Office handles complaints of AOC employees who work in both the House and Senate buildings. Thus, while Senate AOC employees may file complaints with both the Senate Office of Fair Employment Practices and the Architect's Fair Employment Practices Office, the House AOC employees may only file complaints with the Architect's Fair Employment Practices Office. The Architect's Fair Employment Practices Office mediates and recommends resolutions. However, the Architect, against whom complaints are filed, makes the final decisions regarding each complaint.

After a final decision is made by the Ethics Committee, AOC Senate employees may appeal. AOC employees assigned to House buildings are not afforded the opportunity to appeal a hearing decision. AOC employees assigned to the Senate are allowed judicial review of final administrative decisions by the U.S. Court of Appeals for the Federal circuit; House employees do not enjoy this privilege.

This bill will allow all AOC employees to file charges with an independent agency, the General Accounting Office Personnel Appeals Board. The GAO personnel office was selected in order to avoid the cost and time consuming effort it would take to create a structure for a new independent office, and because the GAO already has some oversight over AOC employees.

This bill addresses the needs and concerns of employees in a fair manner in keeping with modern personnel management practices. The House has an urgent responsibility to address the abhorrent practices documented by the GAO. These deficiencies, present in the place where we work, deprive employees who directly serve Members with dedication. This session of Congress must not close without action on a problem of special urgency not merely close to home, but in this House and in the Senate.

MASTER CHIEF GEORGE H. GASSER RETIRES FROM THE U.S. NAVAL RESERVE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, I have the great pleasure of honoring Master Chief Electronic Technician Submarine Warfare George H. Gasser on the occasion of his retirement from the U.S. Naval Reserve after 33 years of tireless service.

Master Chief Gasser enlisted in the Navy on October 16, 1961. His first submarine assignment was aboard U.S.S. *Skate* as an interior communication technician. He went on to become the honorman of his graduating class both at U.S. Submarine School at New London, CT, and IC "A" School at San Diego, CA.

He has been generously decorated throughout his years in the Naval Reserve. They include: the Navy Commendation Medal and Navy Achievement Medal, the Navy Good Conduct Medal, and the National Defense Medal for which he has received two awards.

During his 33 years of service in our Armed Forces George Gasser has earned our commendation and deep gratitude for his lifelong service to the people of these United States and for his great patriotism.

But he has also earned our gratitude for his many volunteer activities in his community and for his years of services as the elected county treasurer of Saratoga County.

Mr. Speaker, in addition to his outstanding service in the U.S. Navy, George Gasser truly is a fine community leader and a man I am proud to call my friend. Would you all rise and join me in paying tribute to this outstanding American citizen.

TRIBUTE TO THE STANLEY CUP CHAMPION NEW YORK RANGERS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. NADLER. Mr. Speaker, I rise today to honor a truly remarkable group of athletes who on June 14 of this year ended a 54-year drought and brought the Stanley Cup back to New York City. I am, of course, speaking of the New York Rangers.

The New York Rangers demonstrated the true spirit of New York City by consistently coming through when the chips were down and their backs were to the wall by winning the Stanley Cup for the best and most loyal fans in the world.

It takes a lot to be a winner, and that starts with the Ranger organization. I would like to congratulate Bob Gutkowski, the president of Madison Square Garden, and Neil Smith, president and general manager of the Rangers, for building this winning team.

You need a good coach who can get the best performance out of his players; the Rangers have a great coach in Mike Keenan. He has excellent coaches in Colin Campbell and Dick Todd, as well as exceptional trainers and equipment managers.

To win the Stanley Cup you need great players. The Rangers are led by their captain and future Hall of Famer, Mark Messier, who scored the winning goal of the Stanley Cup final game. Brian Leetch, who played a key role throughout the season and playoffs, was awarded the Conn-Smythe Trophy as the playoffs' most valuable player. Mike Richter, the Rangers goalie, made many great stops all season and throughout the playoffs to bring the Stanley Cup back to where it belongs.

As we in politics all know, it is not just those who get the credit in the press who make things happen. You need a great core of supporting players, and I would like to congratulate all the members of the playoff roster: Adam Graves, Kevin Lowe, Steve Larmer, Stephane Matteau, Alexei Kovalev, Esa Tikkanen, Sergei Zubov, Glenn Anderson, Sergei Nemchinov, Craig MacTavish, Joe Kocur, Jeff Beukeboom, Jay Wells, Brian Noonan, Doug Lidster, Nick Kypreos, Glenn Healy, Mattias Norstrom, Barry Richter, Eddie Olczyk, Joby Messier, Greg Gilbert, Mike Hartman, Mike Hudson, Alexander Karpovtsev, and Corey Hirsch.

Mr. Speaker, New Yorkers had to wait a long time to bring the Stanley Cup back to our city, but this week their patience and loyalty were amply rewarded. I am proud to represent these loyal sports fans of the finest team in the National Hockey League.

THE RULE ON H.R. 3937, THE EXPORT ADMINISTRATION ACT OF 1994

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 15, 1994

Mr. GIBBONS. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the bill, H.R. 3937, the Export Administration Act of 1994.

ASTRONAUT DAY IN THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SERRANO. Mr. Speaker, I rise to tell my colleagues of the wonderful visit astronaut Dr. Franklin Chang-Diaz paid to the South Bronx.

Dr. Chang-Diaz is a veteran of four space shuttle flights, the most recent of which—STS–60—was the first joint Russian-American space launch.

On May 23 Dr. Chang-Diaz visited three schools in my district: Intermediate School 74, Junior High School 120, and All Hallows High School. He gave the students of these schools an inspiring, stimulating presentation which I am hopeful will draw youngsters from my community into the fields of science and mathematics.

Mr. Speaker, I would like to offer my thanks to Dr. Chang-Diaz, to the principals of the schools he visited—Dr. Donald Fulton, Dr. Arnold Nager, and Brother Lawrence T. Murphy—and to all who contributed to the success of Astronaut Day in the Bronx.

LEGISLATION TO MODIFY THE LAFARGE DAM PROJECT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. GUNDERSON. Mr. Speaker, today, I join the citizenry of Wisconsin in bringing to fruition its effort during the past 2 years to resolve an unhappy situation of the past 30 years.

In western Wisconsin, there is the small village of LaFarge. Often inundated by spring floods, the village sought assistance to control this periodic devastation. The Federal Government promised to help buy authorizing $5.5 million to construct a reservoir and dam in 1962; thus, the LaFarge dam and lake project was born.

In pursuit of this goal, by 1969, 144 families were up-rooted from their farms, and the local school system suffered major losses in attendance. Over 8,500 acres were acquired and plans were initiated for the construction of a dam and reservoir for flood control, general recreation, and fish and wildlife purposes. Plans included the reconstruction of State Highway 131 and the construction of an educational/visitors center.

When the environmental impact statement was reviewed, concerns were raised over water quality impacts and the effects on rare species. Numerous archaeologic and historic sites were identified. For environmental reasons, work on the dam was suspended in July 1975, leaving 61 percent of the dam uncompleted, while 80 percent of the land had been acquired.

By 1990, it was estimated that annual losses resulting from the removal of family farms and the unrealized tourism benefits anticipated with the completion of the reservoir and education center totaled over 300 jobs and $8 million for the local economy.

But to continue to look back at the losses only dimmed the potential for a vision for the future.

Recognizing the tragic circumstances in which several generations of families in the area had found themselves, in 1991, Governor Thompson, State Senator Rude, State Representative Johnsrud, and I urged the residents in the Kickapoo Valley to form a citizens advisory committee to initiate a plan for a positive resolution. Governor Thompson appointed Alan Anderson of the University of Wisconsin-Extension as coordinator for the Kickapoo Valley Advisory Committee. The Wisconsin Department of Natural Resources, Department of Transportation, and the State Historical Society provided professional assistance in the spirit of true cooperation. Over a span of 2 years the committee forged a consensus and recommended the establishment of a Kickapoo Valley Reserve. The State of Wisconsin concurred in their recommendation and passed legislation creating the Kickapoo Valley Reserve and Governing Board.

Today, I introduced federal legislation with Representative THOMAS PETRI to modify the LaFarge dam project and to bring this project to a proper conclusion. This legislation will transfer to the State of Wisconsin the lands associated with the project. The legislation also formally terminates, or deauthorizes the construction of the lake and dam portions of the original authorization. The modifications will authorize the $17 million necessary to require the corps to complete two central parts of the original project: finishing the relocation of State Highway 131 and county Highway routes "P" and "F", along with the construction of a visitor and education complex, recreational trails, and canon facilities.

If the original project were to be completed today, the Corps of Engineers estimates the cost would be $102 million. Since the original authorization of the project in 1962, the corps has expended $18 million. Under the legislation introduced today, the Federal responsibility to conclude the original activities would be for $17 million, creating a savings of $66 million to Federal taxpayers.

With the introduction of this legislation we bring renewed hope to the people that Government can right a wrong.

CABLE TELEVISION RATES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. STARK. Mr. Speaker, understanding cable television rate structures seems to require an advanced degree in calculus, but we all understand the bottom line. When the cable monopolies were unregulated, East Bay consumers were gouged: from 1986 to 1991 rates rose up to 120 percent. Consumers demanded relief so Congress passed the 1992 Cable Reform Act ordering the Federal Communications Commission [FCC] to regulate the cable operators and reduce rates.

Last year, the FCC set maximum rates for the cable operators that were intended to lower customer bills. However, the rates were still too high and cable operators too tricky so this year the FCC ordered a second rate reduction.

Last week, I announced that TCI had ignored the first set of Federal rules and overbilled East Bay customers by $1.1 million. This million dollar overcharge was discovered because cities and customers filed rate complaints with the FCC. The 13th Congressional District was one of only a handful in the country where every city filed a complaint to ensure a rollback to legal rates and maximum refunds to customers.

Recently, TCI stated that it is reducing some rates, effective July 15, to comply with the second round of FCC mandated reductions. I always welcome cable rate reductions, but consumers should be wary. These newly announced reductions don't change the fact that TCI has already violated FCC's first rate reduction order, overcharged its customers, and now owes local subscribers a bundle in refunds. Even the newly announced reductions may not be enough to bring the company into compliance with the law and the company may be forced to pay even more refunds in the future.

The cable operators and the Federal bureaucracy are making this too complicated and we're paying too much! I want to see rates simplified, lowered, and enforced. I also want cable operators to agree to a Cable Customer Bill of Rights and be held accountable, to their customers, for lousy service. I am continuing to work closely with East Bay cities and consumers to achieve these goals.

CONGRATULATIONS TO EDGAR AND MARIE HOLLEY ON THEIR 65TH WEDDING ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to Edgar and Marie Holley of Mode, IL, who celebrate their 65th wedding anniversary today. In an era when families find it harder and harder to stay together, the Holleys are certainly deserving of this recognition for their 65 years of companionship.

Edgar, known to his friends as "Bud", worked as an Illinois farmer for over 50 years. Marie Holley devoted her life to raising their son, Gerald, who has grown up to be a fine young man. Edgar and Marie are active members of the Free Methodist Church in Cowden, IL.

Their commitment to those around them and to each other is a shining example of what is good and right about our Nation. I wish Edgar, Marie, their son Gerald and his family greatest happiness on this very special day. May we all live such rich and distinguished lives as Edgar and Marie Holley.

TRIBUTE TO DR. RAFAEL CORTADA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to Dr. Rafael Cortada, president of Wayne County Community College. Dr. Cortada is a dedicated advocate for public education and a respected friend, who is leaving his current position in order to move on to the next phase in his career.

Dr. Cortada began his career in education in 1957 as a high school teacher in New York and has risen to the position of president at several institutions of higher education, most recently at Wayne County Community College in Detroit, MI. In addition, Dr. Cortada previously served as president and professor of history at the University of the District of Columbia and has used his expertise in Latin American and Iberian history to serve as a desk officer in the Foreign Service.

Throughout the past 4 years, Dr. Cortada has contributed his expertise and leadership as president of Wayne County Community College. This school is a five-campus, multicultural institution with more than 12,000 students. Dr. Cortada has handled the challenges of directing a large educational institution with ease and efficiency, while also working with elected officials to improve the state of public education in Michigan.

In addition to his service as a professor, dean, administrator, and president, Dr. Cortada has always contributed his time and skills as a member of numerous community advisory boards, task forces, and education committees. Whether he was serving as an instructor for the Michigan Cultural Diversity Program, as vice president for the Washington Task Force on African Affairs of African Studies Association, or as a member of the health and welfare council of central Maryland, Dr. Cortada has given tirelessly of his skills and energy.

As he embarks on the next phase of his career, Dr. Cortada and his leadership skills will be missed, as will his dedication to the improvement of public education. I wish him all the best in his future position as dean/director at Ohio State University at Newark and as the president of Central Ohio Technical College.

TRIBUTE TO THE JOINT PUBLIC AFFAIRS COMMITTEE FOR OLDER ADULTS [JPAC]

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. NADLER. Mr. Speaker, I rise to pay tribute to the Joint Public Affairs Committee for Older Adults [JPAC] on the occasion of their 16th anniversary celebration and volunteer recognition day. JPAC is a senior citizen advocacy group of representatives from over 120 senior centers throughout metropolitan New York which has established a long and distinguished record of service to the aging community. JPAC and its older adult volunteers have made great strides in bringing attention to and inspiring legislative action on the issues that concern senior citizens.

Many of the volunteers at JPAC are older adult participants whose work has been the impetus for many worthwhile legislative programs. In January of this year, JPAC's efforts contributed to the passage of lifeline banking legislation in New York State, which would require all banks to offer low-cost checking accounts so that low-income customers are able to afford basic banking services. They were also instrumental in the restoration of $6 million to the fiscal year 1994 NYC budget to fund meals at home and at senior centers.

JPAC has had many other victories in the legislative arena. Their efforts have contributed to the establishment of a New York City Council committee on aging; the enactment of EPIC, a prescription drug cost relief program; increases in the State share of the SSI grant; limiting doctors fees for Medicare beneficiaries and limiting the impact of Federal, State and city budget cuts on the elderly. JPAC has also sponsored annual legislative forums on issues including health care reform, long term care, housing and Social Security.

JPAC's longstanding commitment to the interests and issues of the elderly deserves to be applauded. I wish to acknowledge the hard work and dedication of the staff and volunteers of JPAC whose efforts have truly made a difference. Mr. Speaker, I ask my colleagues in the House of Representatives to join with me in paying tribute to JPAC and its volunteers and in congratulating them on 16 years of exemplary service to the aging community.

JIMMY GAUNCE: 38 YEARS OF LEADERSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. GORDON. Mr. Speaker, whoever it was who said that leaders aren't born—they're made—just might have been thinking of Jimmie Gaunce, because over the course of his 38-year career in Tennessee's labor movement, he's done exactly what leaders do: He put his foot on the bottom rung of the ladder and then pulled others up behind him.

On October 8, 1956, after serving his country for 4 years in the Air Force, Jimmie was initiated into the International Association of Machinists & Aerospace Workers at the Queen City Lodge No. 1501 in Tullahoma, TN.

He quickly moved up through the ranks, first as a job steward in his local lodge, then chief steward, president of District Lodge 169, president and directing business representative of the newly formed district and finally, as executive vice president of the Tennessee AFL–CIO and president of the Tennessee State Council of Machinists.

Today, his commonsense approach to issues and his commitment to what is right for workers, their families, and their communities is respected and admired throughout the State.

But true to his middle Tennessee roots, I suspect the things Jimmie is most proud of don't have a lot to do with the titles he holds or the honors he's received or the conventions he's attended. If those were the things most important to him I doubt he'd be retiring so much earlier than his colleagues can afford to lose him.

In fact, I suspect the things Jimmie is most proud of are his children and their mother Brenda and their six grandchildren and, come October, the birth of his first great-grandchild.

After 38 years of leadership, Jimmie Gaunce is retiring. His leadership will be missed but as he starts a new chapter in his life, he can do so knowing that he always worked for what he thought was best for the hard-working men and women of Tennessee. Please join me in paying tribute to Jimmie Gaunce for his leadership and his diligent efforts to build a brighter future for Tennessee and the Nation.

SCOUTMASTER ELMER McFADDEN CELEBRATES 50 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Scoutmaster

Elmer McFadden upon his completion of 50 years of dedicated service to Troop 303, Boy Scouts of America.

In today's society, young people are subject to many negative influences. The reason we have youth crime problems in our communities is the lack of positive role models—men who are physically strong, mentally awake, and morally straight—who have the potential to install a sense of responsibility and confidence in our youth and to teach values and character building. For the past 50 years, Elmer McFadden has been exemplary in fulfilling this role.

Elmer McFadden joined the Boy Scouts in 1944 as a youngster. He earned his Eagle Scout Award in August 1949, and was promoted to assistant Scoutmaster in 1951. He has served nobly as Scoutmaster of Troop 303 since 1957. It is the responsibility of us all to shape the character of America's youth, and Elmer has undertaken this great responsibility in ensuring the future of our Nation. Elmer has taught young males to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent—the laws the Scouts are taught to follow. He has shown a great concern for the welfare of our Nation and I commend his efforts.

Mr. Speaker, my fellow colleagues, I am proud to congratulate Scoutmaster Elmer McFadden upon his completion of 50 years of exceptional service to the Boy Scouts of America and Troop 303.

EXCERPT OF DEMJANJUK ARTICLE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. TRAFICANT. Mr. Speaker, yesterday I submitted part of an article dealing with the case of John Demjanjuk, a retired Cleveland auto worker who was extradited and tried in Israel as Ivan the Terrible. The Israeli Supreme Court acquitted Demjanjuk and returned him to the United States. Below is the second part of this very important article written by Prof. Alfred de Zayas, a visiting professor of international law at the Depaul University College of Law in Chicago. He is also an expert on human rights who has published three books on the subject:

I. UNITED NATIONS COVENANT ON CIVIL AND POLITICAL RIGHTS

RIGHT TO A FAIR HEARING

Article 14, paragraph 1, of the Covenant requires fundamental fairness by the courts, impartiality and equality of arms. Fairness also entails the requirement that a proceeding be held within a reasonable time. Subjecting Mr. Demjanjuk to a criminal proceeding more than 40 years after the offences in question raises issues under this provision, since it is extremely difficult for him—or for anyone in his position—to properly represent himself, in view of his old age and the near impossibility to obtain exculpatory documents, witnesses, or even to remember the events under investigation.

Civil proceedings on his citizenship and on deportation also present considerable problems because of the lapse of time. Immigration records are notoriously incomplete and ambiguous. Apparently there is no written record of Mr. Demjanjuk's having been specifically asked the questions "Were you a Nazi camp guard?," or "Did you engage in racial or religious persecution?," and of his having given a negative answer. Even if such record existed, it would still have to be proven that he had lied. Now, bearing in mind that he immigrated to the U.S. in 1952, in the middle of the cold war and the McCarthy era, it is more probable that the immigration officers only asked him whether he had ever been a Communist or a member of the KGB. In any event, clear proof that he lied to the immigration authorities would have to be produced, and such proof would require a showing of intent, i.e., that he understood a specific question and that he deliberately gave false information. He cannot be penalized for not understanding an ambiguous question or for not volunteering information that was not asked. If the immigration authorities did not pose the crucial question at the time of immigration or at the time of naturalization, the government is estopped from doing so now. In this connection, the court must also consider that at the time of Mr. Demjanjuk's immigration, he probably did not understand the English language and that errors may have occurred in translation. As the case may be, the burden of proof is on the government.

Article 14, paragraph 2, requires strict adherence to the principle of the presumption of innocence, not only in all criminal matters, but also in civil matters with penal elements or consequences, such as denationalization proceedings that may result in exile or forfeiture of an old age pension.

Article 14, paragraph 3, requires that an accused person be tried without undue delay. Criminal proceedings in the Demjanjuk case commenced 41 years after the alleged events; appeal proceedings were concluded seven years later with his acquittal. The objective problems in ensuring an effective defense decades after the events are manifest. In this context some may be tempted to invoke the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Yet, this Convention cannot derogate from article 14, paragraph 3, of the Human Rights Covenant. Moreover, neither the United States nor Israel are parties to this Convention.

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

With regard to Mr. Demjanjuk's detention, it is clear that to the extent that he was a suspected war criminal and a warrant had been issued for his arrest, his detention was lawful. On the other hand, it is questionable whether the length of detention was appropriate in the circumstances of his case. Article 9, paragraph 3, of the Covenant provides that "it shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial . . ., and should occasion arise, for execution of the judgment." Accordingly, the question must be examined whether Mr. Demjanjuk could have been allowed to remain with his family, on bail, while awaiting the criminal proceedings against him, unless there was a showing that there was an imminent danger of his fleeing the jurisdiction or of his tampering with evidence against him (See Views of the United Nations Human Rights Committee in case No. 238/1987, Bolaños v. Ecuador and in case No. 305/1988, van Alphen v. The Netherlands). Moreover, Mr. Demjanjuk was entitled to immediate release upon his acquittal. Pursuant to the established jurisprudence of the Human Rights Committee, the expert body established to monitor compliance with the Covenant, Mr. Demjanjuk's continued detention in Israel for eight weeks following acquittal would appear to be in breach of article 9, paragraph 1, because the prolonged detention could be seen as arbitrary and thus amount to a violation of the right to liberty and security of the person (Human Rights Committee, Views in case No. 37/1979 Soriano de Bouton v. Uruguay, and in case No. 33/1978 Buffo Carballal v. Uruguay). Since the United States extradited Mr. Demjanjuk to another jurisdiction, it bears responsibility for any violations of his human rights in that jurisdiction.

PROHIBITION OF ARBITRARY DEPORTATION

With regard to the issue of expulsion or deportation, judges must take into consideration that under international law a state cannot expel its own nationals. Similarly, the United Nations Human Rights Committee has made clear in the examination of states reports under the Covenant (*inter alia* those of Burundi, Venezuela and Zaire) that states may not expel their own nationals.

As to aliens, article 13 of the Covenant imposes certain conditions that must be satisfied before any deportation. It would be incompatible with the object and purpose of the Covenant for a state to attempt circumventing this prohibition by simply denationalizing a person in order to facilitate his expulsion as an alien.

RIGHT TO RETURN TO ONE'S COUNTRY

Article 12, paragraph 4, provides that "no one shall be arbitrarily deprived of the right to enter his own country." If deported, Mr. Demjanjuk would be barred from reentering the United States. Considering that Mr. Demjanjuk has lived most of his life in the United States, that he was a citizen for decades, that his entire family lives in the United States and that he has no links to other countries, there can be no doubt that the U.S.A. is "his own country." Unlike the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1969 American Convention on Human Rights (Pact of San Jose), both of which grant the right of reentry only to citizens, the Covenant uses the broader term "his own country." An examination of pronouncements by the Human Rights Committee, both in the consideration of states reports and of cases submitted under the Optional Protocol, reveals that "his own country" should be interpreted broadly, so as to apply not only to citizens but also to permanent residents.

RIGHT TO PRIVACY AND FAMILY LIFE

Article 17, paragraph 1, guarantees the right to privacy, home and family life. The concept of family in international human rights law includes not only the "nuclear family" but also grown-up children and grandchildren. The deportation of Mr. Demjanjuk would violate his right to family life, because he would be separated from his entire family. In this context the jurisprudence of the European Court of Human Rights indicates that deportation of a person in Mr. Demjanjuk's situation would entail a violation of article 8 of the European Convention (*see infra*).

Article 17, paragraph 2, stipulates that everyone has the right to the protection of the law against unlawful attacks on one's honour and reputation. Mr. Demjanjuk has endured years of slander and libel as the purported Ivan the Terrible. Now he is treated as if it had already been proven that he was a Nazi guard, in violation of the presumption of innocence.

RIGHT TO EQUALITY OF TREATMENT

Article 26 requires equality before the law. Currently one particular category of immigrants is being singled out for denationalization and deportation: persons who served the Nazi regime, whether voluntarily or through conscription. By contrast, Japanese immigrants, some of whom fought against the United States in World War II and who may have committed war crimes or engaged in persecution against Koreans and Chinese, are not being investigated or prosecuted. Neither are other immigrants to the United States who may have participated in persecution against racial or religious minorities, including Russian KGB officers who may have been involved in murders such as those at Katyn Forest in 1940. Furthermore, the denial of social security old age benefits only to the category of immigrants who wore German uniforms discriminates against them. The arbitrary nature of some denationalization and deportation proceedings is also manifested by the fact that the target group is being subjected to this treatment not because of proven conduct but only because of their status.

PROHIBITION OF INHUMAN OR DEGRADING TREATMENT

Article 7 stipulates that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment of punishment." The nature of the proceedings against Mr. Demjanjuk, the hostile atmosphere that accompanied the extradition, the surrender for trial in Israel (which engages the responsibility of the United States), the initial trial in Israel, the demonstrations of jubliation following his being sentenced to death in April 1988, the ensuing years of uncertainty—commonly known as "death row phenomenon" following the landmark judgment of the European Court of Human Rights in the Soering v. United Kingdom case—the continued detention for eight weeks following acquittal by the Israeli Supreme Court: all these elements, taken cumulatively, may be deemed to amount to cruel and degrading treatment.

RIGHT TO COMPENSATION

If indeed Mr. Demjanjuk is not Ivan the Terrible, the question arises whether he is entitled to compensate for miscarriage of justice. It is surprising that hitherto both the press and legal literature seem to ignore the fact that Mr. Demjanjuk may have a justifiable claim for compensation; and yet, this is an established right in international law. Article 9, paragraph 5, of the International Covenant on Civil and Political Rights provides that "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." Article 14, paragraph 6, stipulates that "When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him." The "understanding" appended by the United States Senate on 2 April 1992 when given advice and consent to the president on the ratification of the Convenant provides: "That the United States understands the right to compensation referred to in Articles 9(5) and 14(6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation may be subject to the reasonable requirements of domestic law." Thus, it cannot be excluded that Mr. Demjanjuk, who was detained for many years as the presumed Ivan the Terrible, and who has been found not to be this person, may have a legitimate claim for compensation. But it is doubtful whether Mr. Demjanjuk or his family want any compensation. What they would probably prefer is an end to the 17 years of litigation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 16, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

9:30 a.m.
Energy and Natural Resources
To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.
SD–366

10:00 a.m.
Agriculture, Nutrition, and Forestry
Nutrition and Investigations Subcommittee
To resume hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.
SD–562

Finance
Deficits, Debt Management and Long Term Economic Growth Subcommittee
To hold hearings to examine the United States' saving crisis and implications for security and long-term growth.
SD–215

Foreign Relations
To hold hearings on the nominations of Mary Ann Casey, of Colorado, to be Ambassador to the Republic of Tunisia, Raymond Edwin Mabus, Jr., of Mississippi, to be Ambassador to the Kingdom of Saudi Arabia, Ronald E. Neumann, of Virginia, to be Ambassador to the Democratic and Popular Republic of Algeria, and David M. Ransom, of the District of Columbia, to be Ambassador to the State of Bahrain.
SD–419

JUNE 20

8:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on pending nominations.
SR–332

JUNE 21

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold oversight hearings on the proposed location of the Disney's America project and its potential impact on the Manassas National Battlefield Park and other significant historic sites in northern Virginia.
SD–366

10:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 825, to amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation relating to public rights of way.
SR–253

JUNE 23

9:00 a.m.

Office of Technology Assessment Board meeting, to consider pending business.

EF–100, Capitol

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the scientific and technological basis for radon policy.

SD–366

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR–301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR–301

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

SD–366

JUNE 28

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 2104, to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program.

SD–366

JUNE 29

2:30 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2120, to authorize appropriations for the Corporation for Public Broadcasting for fiscal years 1997 through 1999.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, June 16, 1994*

The House met at 10 a.m.

The Reverend Dr. Donald H. Roberts, pastor, United Methodist Church, Arlington, VA, offered the following prayer:

Let justice roll down like waters, and righteousness like an everflowing stream.—Amos 5:24.

O God, in whom we trust, remind our hearts of that which You require of us: "To do justly, and to love mercy, and to walk humbly," with our God.

With Your divine presence alive within us, grant us, we pray, the wisdom and the courage to serve You and Your people honorably and faithfully and well, toward the end that Thy will be done. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. PRICE] please come forward and lead the House in the Pledge of Allegiance?

Mr. PRICE of North Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 1904) "An Act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.".

The message also announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

> S.J. Res. 175. Joint resolution to designate the week beginning June 13, 1994, as "National Parkinson's Disease Awareness Week."

The message also announced that pursuant to Public Law 102-375, as amended by Public Law 103-171, the Chair, on behalf of the majority leader after consultation with the Republican leader, appoints Mr. PRYOR from the Special Committee on Aging, Ms. MIKULSKI from the Committee on Labor and Human Resources, Mr. MOYNIHAN from the Committee on Finance, and Mr. COHEN from the Special Committee on Aging, as members of the Policy Committee to the White House Conference on Aging.

WELCOMING DR. DONALD H. ROBERTS, PASTOR

(Mr. BEVILL asked and was given permission to address the House for 1 minute.)

Mr. BEVILL. Mr. Speaker, I rise today to welcome the Reverend Don Roberts of Walker Chapel, United Methodist Church in Arlington. Walker Chapel is one of the many churches which my wife, Lou, and I visit on Sundays when we are in the Washington area. I find Reverend Roberts to be most inspiring, and I have always enjoyed attending his church services. He is a strong leader in our community in Arlington, and his influence has meant a great deal to the many lives he has touched through his ministry. It is my humble honor to welcome him today. His prayerful message will give us strength throughout the day and in the days to come.

BTU-ED

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, according to the Washington Post, support for the employer mandate in health care reform legislation is shaky.

Apparently, many Democrats fear they will be BTU-ed.

For those who are not accustomed to Hill parlance, to be BTU-ed is when a House Democrat supports a wildly unpopular concept, only to have it stripped out in the U.S. Senate.

To be BTU-ed is to make a sacrifice for Bill Clinton for no apparent reason.

And, Mr. Speaker, supporting the employer mandate is a sacrifice no Member should have to make.

The employer mandate will kill jobs, freeze hiring, and close small businesses. It is the worst way to achieve health care reform.

I urge my colleagues to turn away from the employer mandate and work with Republicans to achieve bipartisan health care reform. Do not be fooled again when it comes to health care. Do not be BTU-ed.

FEDERAL AGENTS ARREST KANGAROO RAT KILLER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a California farmer had a visit. Federal agents swooped down on him and his family. They told his family he is nothing more than a common criminal. They arrested him. He faces a year and a half in jail, $300,000 in fines. They confiscated his $50,000 tractor. They told him he could not do any more farming on his own land because he was guilty, guilty of killing a kangaroo rat covered under the Endangered Species Act.

Unbelievable, my colleagues. The Endangered Species Act is designed to protect those in danger. But was it designed to ruin the lives of innocent persons who accidentally kill a kangaroo rat?

I have heard of things going to the dogs. My colleagues, this is taking it a dimension further. I think it is time for Congress to balance some of this legislation, including environmental concerns, with some common sense because it is going beyond the dogs now.

WELFARE REFORM?

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, what is President Clinton's idea of welfare reform? Nine point three billion dollars in more welfare. The President promised to end welfare as we know it. Unfortunately it seems the President actually likes welfare as we know it. After all, not only does the President want to pour an extra $9.3 billion into the failing welfare bureaucracy, but he wants to leave the door wide open for additional spending.

Under the President's plan, Mr. Speaker, Americans will be shelling out over $500 billion by the year 2000. That is over $4,000 per year to be paid by the average hard-working American family.

This is outrageous. Americans are sick of wasting their hard earned money on handouts which create a permanent underclass, and the President's response is to increase welfare spending by over $9 billion.

If the President wants to end welfare as we know it, he should start by eliminating useless bureaucratic spending programs, and slash funding for a domestic program that has done enough damage. Clearly, an additional $9.3 billion is not the answer.

MARXISTS IN THE HOUSE

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, there are Marxists in the House. But before anyone gets too alarmed, you should realize that I am talking about Groucho Marxists, those following Groucho's adage, "Whatever it is, I'm against it."

Many of us recognize the Groucho Marxists. They are the ones who knew that last year's budget plan would cost jobs and ruin the economy. And every single one of them in this House were against it. To their chagrin, the Nation has prospered. We have seen strong growth, with over 3 million new jobs created since President Clinton took office. And we have cut the deficit 40 percent below the projections left by the Bush administration. The Marxists do not talk much about this. Maybe they're dumbfounded that we have created jobs and increased investment while reducing deficit spending. But facts are facts: 1995 will mark the third straight year of deficit reduction—the first time we have done that since Harry Truman was President.

Now, the Marxists grouch on. Wrong in economics, they have moved on to being against health care reform. Never mind the skyrocketing health care costs driving the deficit that they profess to abhor. Never mind the millions of uninsured and underinsured people in our great Nation. Never mind the huge premium increases so many small businesses have seen. Or the people scared to change jobs because they are afraid of losing health insurance. Never mind all that. Just remember the maxim of the Marxists: "Whatever it is, I'm against it."

Mr. Speaker, America has had enough of the Groucho Marxists. It is time to work for progress in health care reform, as we did with the economy. The American people have heard enough about what the Republicans are against. Now they are demanding that we all work cooperatively to face the challenges before us.

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THE MAGIC WORD

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, just to follow up on the comments of the gentleman who just spoke in the well regarding Groucho Marx. On his old television program, Groucho used to say: "Say the magic word and win a hundred dollars." At that point the duck would drop down. Some of us will remember that.

Well, the magic words today for the American people are: less Government, less taxes, and cut the deficit. The ideological battle over what is the best way to organize resources and what type of society provides the most individual freedom has been won—everywhere but in this body. A market economy where individuals are free to produce what they think others will buy, to consume what they choose, and to keep the fruits of their labor and entrepreneurial skill is the most equitable, efficient, and free society. While the rest of the world is moving toward this ideal, our Government is moving away from it.

Raising taxes, increasing regulation, nationalizing one of the Nation's largest industries—these actions will ruin the country through their effects on the economy and on the spirit of the American people. In the next year and a half we will add more to the Nation's debt than what our predecessors did over nearly the first 200 years of the Republic. It is time to put a stop to what we have been doing. In this 50th year of the publication of Friedrich Hayek's Nobel Prize winning work, "The Road to Serfdom," let us examine the path we are on and take the road to a free and moral society.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3698

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3698.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

"JUST SAY NO" CLUB

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, the accomplishments of the 103d Congress are taking America in the right direction again. Congress has moved forward despite the best efforts of the "just say no" club. The psychological term is called being oppositional. Whatever the majority of the American people want they oppose it. They said no to the jobs bill. They said no to education bills, twice. They said no to the Family Medical Leave Act. And they said no to the crime bill. They said no to a smart and tough budget that has cut the deficit, created 2.9 million new jobs, and turned our economy around. I think it is time the American people start asking why? Why do some say there is not a crisis and then pretend to have a solution? Why do some say there is something wrong with America and yet only stand in the way of positive change? The answer is quite clear. The Democratic agenda for change is working and America is back on track.

INTRODUCTION OF AN AMENDMENT TO THE CLEAN AIR ACT OF 1990

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, if you think our constituents are upset about free congressional parking lots, wait until they hear they may not be allowed to drive their own cars to work.

The Clean Air Act of 1990 requires businesses with over 100 employees in certain areas to force their employees to carpool to work. This is known as the employee commute option [ECO]. Today I am introducing legislation to truly make it an option.

My bill will allow States to decide if they want carpooling to be part of their clean air plan. This does not change the goals of the Clean Air Act but would allow States to develop clean air controls that are best suited to their circumstances.

My legislation sends a message to EPA that there needs to be more flexibility in the law. In Illinois it is estimated that the carpooling mandate will only reduce air pollution levels by an average of 1 percent, but will cost Illinois businesses $200 million to enforce. There are cheaper and better ways to achieve the same goals.

Please join me in giving the States back the authority to improve their own air quality. Cosponsor my bill to make carpooling truly optional.

DEMOCRATIC INITIATIVE

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, when Democrat Bill Clinton assumed the Presidency in January 1993, Congress knew its priorities—jumpstarting the economy, reducing the deficit, and returning America to a prosperous and hopeful track.

Congressional Democrats and the executive branch immediately began working together. After dismissing feel-good political answers and enduring blowhard opposition, Democrats put together a tough fiscal plan for realistic spending and policy changes.

Critics—including all congressional Republicans—claimed the plan was a job killer. They said it would ruin the economy and destroy the middle class.

One year after the plan was approved the economy has generated 3.1 million private-sector jobs—about 6,000 jobs each day for the last 16 months.

That is the result of Democratic initiative—in the face of contentious partisan opposition Democrats passed a tough and sound plan that has proved its critics dead wrong.

DEFICIT, INTEREST RATES THREATEN TO RISE FURTHER WITH STALLED ECONOMY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, the last several speakers who have taken credit for the economy have failed to note one thing: That in 1992, the last year of George Bush's Presidency, the economy grew at a rate of 3.9 percent. We all remember 1992. That was when candidate Clinton said it was the worst economy in 50 years.

One year later, after the retroactive tax increase and the first year of the Clinton administration, the economy grew at a rate of 2.9 percent. That is a 25-percent decline in the rate of growth. It probably will not exceed 2.5 percent this year, and the drag is going to continue to increase deficits and increase interest rates, and with increased interest rates, we know what happens to the economy.

Mr. Speaker, it is time to get real about this economy. It is not in great shape. It is slowing down, and the Clinton budget is going to get all the credit.

FIGHTING FOR CHANGE

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I join my freshman colleagues today to talk about what we have fought for and accomplished this year.

We have seen a vast amount of change in the past year, with this Congress and the President devoted to changing the course of this Nation.

BUDGET

As a new Member of Congress, I have fought for a budget with real deficit reduction—and together we passed legislation that starts us on that path.

And while our economy is improving every day, we understand that more needs to be done. The unemployment rate in my home city, San Diego, is unacceptable—and I will continue the fight to get our economy back on the right track.

CRIME

As a member of the San Diego City Council and now here in Congress I have fought for innovative ways to fight crime—and I am proud that we passed a bill that will put more cops on the beat, ban assault weapons, and get more criminals off the streets.

Together, we have fought for legislation to reform education—and I was proud that President Clinton recognized the progress San Diego is making and chose to sign the Goals 2000 legislation in my home district.

Together, we have begun the fight to get real economic conversion into the communities hit the hardest by the changes in our defense priorities.

Together, we have begun to make a difference.

Fighting to change a decade of neglect will not come easily or quickly, but we are on our way. I intend to continue the struggle to change our Nation.

SUPPORT URGED FOR THE EMPLOYEE COMMUTING OPTION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute.)

Mr. BARTLETT of Maryland. Mr. Speaker, I want to take this opportunity to thank the gentleman from Illinois [Mr. MANZULLO] for introducing his legislation to assist States by allowing for greater autonomy in implementing the employee commuting option which was mandated by the Clean Air Act. I am an original cosponsor of this legislation for several reasons.

This bill, which would give State governments the option of implementing carpool mandates, puts a little sanity back in a provision which randomly penalizes counties by using a single statistic and lumping them together without any relation to their air quality.

I represent a rural district and unfortunately part of my district—Howard and Carroll Counties—is lumped in with Baltimore as a severe nonattainment area. Those of you who have been to this area know that this is downright silly and outrageous, yet the businesses and residents must adhere to strict guidelines which are going to harm any kind of economic growth in this area and place hardships on employers and employees.

As a farmer, I believe in a clean environment and clean air as much as anybody else, but regulations which strangle an economy randomly must be examined. I believe State representatives understand the intricate details and special needs of each community far better than the Federal Government.

This is good legislation, I urge its adoption.

THE ECONOMY

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, I am still new to Washington, and I am still amazed at how people here get caught up in things that do not matter to ordinary Americans.

Now, the American economy does matter. Let's stop playing politics for 60 seconds and look at some facts.

Jobs are being created at the blistering pace of 6,000 new jobs a day. Inflation is under control. This week the Labor Department reported that the inflation index moved up only two-tenths of 1 percent in May. We will have 3 years in a row of declining budget deficits for the first time since Harry and Bess Truman lived in the White House almost 50 years ago.

We have begun to get the Federal Government's fiscal house in order. Growth in discretionary spending is down. More than 100 Government programs have been terminated. More than 500 have been cut below last year's spending and 15 million working families received a tax cut.

Mr. Speaker, I hope that in the few weeks left before summer recess, the Congress can lay aside its partisan gamesmanship and focus on something else that really matters to Americans—health care security—so that the next time unemployment is on the rise, every American has health care that can never be taken away; that will mean more than any partisan advantage.

REAL THINGS FOR REAL AMERICANS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I was speaking to a constituent at a small town parade that we go to on occasion the other day, and I asked him what we should be doing in Washington, DC. And the one thing he said was, whatever you do, do something real for real people. This is a fellow who worked in the apple industry.

I wanted to report that this administration is about on the verge of accomplishing something real for real people, and that is yesterday we received news that this administration, due to their efforts, after a 20-year struggle, 20 years of trying to get apples into Japan, has finally reached the point where Japan is going to hold hearings on adopting a regulation to allow apples into Japan.

What does that mean for real people? What it means is real jobs. It means that this trade ambassador, Mickey Kantor, and the folks who work with him, are about to accomplish something we have been working on for two decades. I am going to go home and report to my constituents that this administration is doing something real for real people.

DO NOT INVADE HAITI

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am glad we are going to have American apples alongside the American oranges that President Bush got into Japan.

Mr. Speaker, yesterday's paper confirms that the administration wants to invade Haiti. Never mind that there is no defined mission; no end-game strategy; no contingency plans to ensure the safety of U.S. troops and not a clue as to what this adventure will cost the American taxpayers. None of that seems to matter, as Strobe Talbott and other senior administration officials apparently are still talking up invasion as the best option. In fact, that conversation was apparently occurring just 1 day before this House voted "no" on military intervention. With invasion on their minds, it is no wonder the President's men were so adamant about reversing the Goss amendment against military action in Haiti. Fact is, that strong House statement was just not fitting in with the administration's misguided plans for Haiti. Americans are asking this President to reconsider what now appears to be a fait accompli decision—do not invade Haiti.

GRIDLOCK ENDED IN JANUARY 1993

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, there is a myth being propagated throughout this Nation by the nay-saying Republicans that Congress is mired in gridlock. They propound this myth because they have no positive accomplishments of their own. They fear that without this smokescreen the American people will see the truth—that they are intellectually bankrupt and their vision stretches only backward to Harding and Hoover.

The Democratic Party with our strong young President has been acting to move our Nation into the next century.

Last year the Democratic Party signed into law the first actual reductions in discretionary spending. This year you are seeing the direct results each day as the 13 appropriation bills are passed by the House. Bill after bill is less than the current fiscal year in discretionary spending. When we finish these bills in the coming weeks, discretionary spending will be actually reduced for the first time in decades.

The Democratic Party is the real party of fiscal responsibility.

The Democratic Party is meeting the needs of the work place of the next century by providing leadership to meet the education and training needs of the next century in the global economy.

We have passed Goals 2000 education reform and we are funding it even while we reduce the deficit.

We have passed the School-to-Work Act to assist transitioning our young people from high school to the workplace, and we will fund it while reducing the deficit.

We have passed the National Service Act and we are funding it.

We have passed Head Start renewal and we are increasing the funding while we reduce the deficit.

This House has passed the elementary and secondary education reauthorization which contains the most far-reaching changes in these programs since the 1960's to move our children into the next century and we are increasing the funding. We will pass this into law into the coming months.

We passed the Family and Medical Leave Act to bring common decency into the workplace and recognize the changing nature of work and the family.

We passed the motor-voter bill to expand the ability of Americans to participate in government.

We have acted to address the environmental problems of our Nation.

Mr. Speaker, the Democratic Party is improving America and getting us ready for the next century. The Republicans are mired in the past and can only oppose.

Mr. Speaker, when we finish the 103d Congress in the next few months, we will have established the most far-reaching and forward looking record in many years and it will be capped by the passage of health care for all Americans.

WETLANDS—MARYLAND TAKINGS

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, I think we should move into the next century with a bipartisan attitude to solve the Nation's problems. One of those problems, Mr. Speaker, is the problem of depleting wetlands.

Mr. Speaker, wetlands help maintain the environmental and economic health of many areas of our country. In fact, 75 percent of the U.S. commercial fish and shellfish catch consists of species dependent on wetlands and estuaries for spawning, nursery grounds, and food production. Wetlands are the cradle of our Nation's multibillion-dollar seafood industry.

Despite the high value of wetlands, over half of the Nation's wetlands have been destroyed, and fish populations nationwide are on the decline. In the Chesapeake Bay, migratory fish populations have fallen on average of 82 percent since the 1960's. The primary reason for the tragic decline appears to be the loss and degradation of wetlands. And yet we hear proposals for takings bills which would totally decimate wetlands protections.

I am deeply concerned about people who feel their property rights are violated by wetlands protections. The fifth amendment guarantees that property shall not be taken for public use without just compensation. No one here will disagree, especially me.

I believe that property rights and the environment should not be at odds. We can ensure that property rights are maintained and wetlands are protected without compromising our Nation's environmental laws. I am convinced that Congress can find creative solutions without resorting to the short-sighted, quick-fix legislation that threatens both the economic and environmental health of my State and the country as a whole.

AMERICAN ECONOMY IMPROVING

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I am pleased to join my colleague this morning to talk about the economy. Back last August was a very tough vote on the Omnibus Budget Reconciliation Act. We stood tall and said we would invest in American people, and we did, through the WIC program, through increased money for Head Start, for Childhood Hunger, and through the National Service Program.

We said we would reduce the deficit, and we did, from $320 to $180 billion, on September 30, 1994. We said we would keep the economy growing, and we did, through a small business tax deduction and a 50 percent reduction in the capital gains tax.

It was a tough vote, sure, because they had tax increases for those households who made more than $180,000 a year. What did H&R Block tell us? When we filed our income taxes in 1993, who paid more income tax? 1.2 percent of the richest Americans. Some 16.6 percent of the Americans actually saw a tax decrease because of the expansion of the earned income tax credit. And 82.8 percent of us saw no change in our income tax rate at all.

We are working to put our fiscal house in order; not through rhetoric, but through real fiscal discipline and through real leadership.

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RWANDA

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Mr. Speaker, they are slaying nuns now in Rwanda.

The anarchy is in its 10th week. Eighty-eight priests have been killed. People are starving, dislocated, homeless, and terrified.

They are migrating to neighboring countries to escape the slaughter, only to find that these countries can't even feed and house their own.

We are doing nothing. Speaking, perhaps, a little, of our outrage. But we seem powerless.

Cosponsor H.R. 453. Condemn the genocide, and maybe we can motivate the world and the United Nations.

THE ACCOMPLISHMENTS OF BILL CLINTON AND THE 103D CONGRESS

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, to hear all the criticisms, you would think the Clinton administration and the 103d Congress were in free-fall.

In truth, our accomplishments have been significant and are slowly but surely changing America for the better.

The economy has improved, workers are better protected, our streets are becoming safer, our environment is getting more careful attention, the right of women to reproductive choice is supported, our children are being immunized, and better fed, housed, and educated.

It is tough to turn around a ship of state that has drifted rudderless for more than a decade. Bill Clinton and the 103d Congress, led by the majority Democratic Party, has begun this arduous and sometimes painful task.

There is yet much to achieve before adjournment in the fall—health care reform, welfare reform, critical environmental legislation and other challenges lie ahead.

But we will continue to ignore the naysayers and move forward. I ask the good-hearted, clear-thinking people of the country to join us.

PARTISAN POSTURING

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, I do not think there has ever been a time when the difference between the two major political parties in this House has been more clear than it is at the moment.

While the Democrats are working on deficit reduction and economic growth and development as well as reforming our health care system and the welfare system, the folks on the other side of the House are content to engage in partisan political posturing. Some of them cannot even get the calendar straight, Mr. Speaker.

The fact of the matter is that there will not be an election in 18 months. The fortunate fact is that this President will remain in office for another 30 months and then for another 4 years after that.

The reasons for that, Mr. Speaker, are clear. Economic growth is up to 3.2 percent. That is greater than it was during the Nixon, Ford, Carter, or Reagan administrations.

The deficit is at the lowest point since 1979. It is one-third lower than it was projected to be by the outgoing Bush administration. And discretionary spending is the lowest it has been in 45 years.

This administration and this 103d Congress have got the economy straightened out. The country is back on course and, of course, we can also read the calendar.

THE CRIME BILL

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, the crime conferees are probably meeting as we speak. I want to encourage them to expedite their proceedings so that we can pass a crime bill before we go home for the July break.

It is true that there are some significant differences between the House and the Senate. And it will take some hard work. But there is far more that we agree upon that unites us than there is that separates us.

Yesterday our law enforcement caucus met with the new head of the DEA, Tom Constantine. I was very impressed with his experience and background. He emphasized that the three priorities we need to move forward on are more cops on the street, new tools for prosecutors, more jail space, and that is all in our plan. That is in both plans.

We combine that with tough new penalties for violence against women, three strikes and you are out, truth-in-sentencing and meaningful prevention, and we have the makings of a very important bill. Let us move that bill forward, Mr. Speaker. Let us pass it.

The American people are waiting for it, and it is going to make a difference.

AUTO PARTS NO. 3

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I would like to say to America's Trade Ambassador, Mickey Kantor, "Don't trade our manufacturing jobs to Japan for apples and oranges."

Fourteen years ago, our country tried to pry open Japan's market to our automotive goods. During the Reagan administration, then-Commerce Under Secretary Lionel Olmer, stated that the United States "Encourage purchase of U.S.-made automotive goods by Japanese automotive companies." Nothing happened.

During the Bush administration, Secretary Robert Mosbacher was quoted as saying, "The price differences borne out by a departmental study paints a picture of a noncompetitive Japanese auto parts market, one which imposes a severe burden on foreign manufacturers where they cannot gain access."

Nothing happened, after tedious negotiations. And now the Trade Ambassador, Mickey Kantor, says, last week, "It would be immature to become so impatient about Japan."

Well, I would say to the Trade Ambassador, three administrations have not been able to open up that market. It is time to get tough with Japan. Let us set some definite goals. Let us get some results and not trade off our manufacturing jobs for agriculture again.

LEGISLATIVE PRODUCTIVITY

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, the 103d session of Congress has been an extraordinary period of legislative productivity for this body. Among other major accomplishments, we passed the first significant firearms restrictions in 30 years. After years of senseless gridlock, this House listened to the American people and finally passed the Brady bill and an assault weapons ban.

Both the House and the Senate have passes similar bills specifically banning 19 deadly firearms that have no practical purpose for law-abiding citizens. My colleagues, these highly lethal weapons are designed specifically to kill people—not for sportsman's use—and they have no place on America's streets. We want to fight violent crime—well, let us remember that these are the weapons of choice for drug dealers and organized crime. The American people want this bill and they deserve it.

I would say to my friends that we have made great progress in this body but there is so much more to be done. I have introduced legislation modeled on New Jersey's own assault weapons ban, the strongest in the Nation. Our constituents are tired of seeing the streets controlled by heavily armed criminals. We are not talking about gun control, but gun sanity. Let us take the next step for the next generation. Support H.R. 1571.

ACCOMPLISHMENT OF THE 103D CONGRESS

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, in politics a lot of times people say, "What have you done for me lately?"

Let us talk about a solid record of accomplishments that benefit American families. This year and last we have made major strides on education, crime control, and the economy. The

Family and Medical Leave Act confirms that we can put politics aside and put the needs of American families first. By guaranteeing unpaid leave to workers who need time off to care for a child or sick relative, this act empowers American families by giving them flexibility to tend to family needs.

We also have taken steps to improve education. The House passed Goals 2000, a bill that encourages schools to focus on the basics: reading, writing, math, and science. And the School-to-Work Act that will encourage schools and local businesses to form partnerships to give students new career opportunities.

We are moving to pass a crime bill, put thousands of more cops on the beat, fund comprehensive prevention programs, and build more prisons. We also passed the Brady law, and both Houses have passed assault weapons bans to keep lethal weapons off our streets and stop handgun sales to criminals.

Congress has still many important jobs to do in the coming months: health care reform and welfare reform. But American families must be and will be the focus of our efforts.

TEMPORARY FEES IN CONNECTION WITH COMPLAINTS OF VIOLATIONS OF PERISHABLE AGRICULTURAL COMMODITIES ACT [PACA]

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 4581) to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Texas?

Mr. LEWIS of Florida. Mr. Speaker, reserving the right to object, I will not object. I would like to ask the chairman a couple of questions about the bill.

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Mr. Speaker, it is my understanding that this bill is being presented as an emergency stopgap measure. However, I would like to know if we have a consensus among the industries that they have no problem with this bill at this time.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, we do.

Mr. LEWIS of Florida. Mr. Speaker, it is also my understanding that we have a commitment that we will pursue this legislation throughout the year to come up with a permanent fix?

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct.

Mr. Speaker, this bill will provide much needed temporary funding to the U.S. Department of Agriculture to maintain the services provided under the Perishable Agricultural Commodities Act [PACA].

Unexpected increases have occurred over the last 2 years in the costs of the Agricultural Marketing Service [AMS] in providing services to the fruit and vegetable industry under the PACA. AMS is facing severe cutbacks that will adversely impact its ability to provide services to the buyers and sellers of fruits and vegetables.

The various segments of the industry, including produce growers, brokers, wholesalers, and retailers have agreed to the imposition of a temporary fee on those who file complaints with AMS under PACA. This bill establishes the authority for that fee.

The bill requires a fee of $60 to be paid when an informal complaint is filed. If the informal complaint procedures are not successful in resolving the problem, a $300 fee will be assessed when the complainant files a formal complaint. This $300 fee will be made a part of any damage award under a reparation order. The bill is to be effective for fiscal years 1995 and 1996.

The Committee on Agriculture intends to review the operation of PACA. It is expected that the collection of the fees authorized by this bill will allow AMS to continue to provide a level of services adequate to meet the needs of the industry until PACA reforms can be implemented.

Mr. LEWIS of Florida. Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FILING AND HANDLING FEES FOR COMPLAINTS OF VIOLATIONS OF PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930.

(a) TEMPORARY FILING FEE REQUIRED.—During fiscal years 1995 and 1996, the Secretary of Agriculture shall require persons who submit petitions to the Secretary under section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), alleging a violation of section 2 of such Act (7 U.S.C. 499b), to include a filing fee of $60 per petition.

(b) TEMPORARY HANDLING FEE REQUIRED.—During fiscal years 1995 and 1996, if the Secretary determines under section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), that the facts contained in a petition described in such section warrant further action, the person or persons submitting the petition shall submit to the Secretary a handling fee of $300. The Secretary may not forward a copy of the complaint to the commission merchant, dealer, or broker involved until after the Secretary receives the required handling fee. In determining the amount of damages incurred by an injured person or persons preparatory to issuing a reparation order under section 7 of such Act (7 U.S.C. 499g), the Secretary shall include the amount of any handling fee paid by the injured person or persons under this subsection.

(c) DEPOSIT OF FEES.—The Secretary shall deposit fees submitted under this section into the Perishable Agricultural Commodities Act Fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4581, the legislation just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 454 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 454

Resolved, That points of order against consideration of the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, for failure to comply with clause 2(l)(6) of rule XI or clause 7 of rule XXI are waived. During consideration of the bill, all points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning on page 53, line 9, through page 54, line 22.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes for the purpose of debate only to the gentleman from Florida [Mr. GOSS] pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 454 is an open rule which provides for the consideration of H.R. 4556, the Department of Transportation and related agencies appropriation bill for fiscal year 1995.

The rule waives clause 2(l)(6) of rule XI and clause 7 of rule XXI against consideration of the bill. Clause 2(l)(6) of rule XI requires a 3-day layover of legislation reported from committee, and clause 7 of rule XXI requires relevant printed hearings and the committee report be available for 3 days prior to consideration of a general appropriation bill.

Clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in a general appropriation bill, is waived against the entire bill except for section 337.

Finally, clause 6 of rule XXI, which prohibits reappropriations in general appropriation bills, is waived against all provisions of the bill.

Mr. Speaker, I would like to commend Chairman BOB CARR, ranking Republican FRANK WOLF, and the subcommittee members for bringing this comprehensive bill to the floor.

H.R. 4556 is the product of hard work and dedication. This spring, Chairman CARR lead the subcommittee through hours of testimony from hundreds of witnesses, which is recorded in eight published volumes totaling over 9,000 pages.

Each year the subcommittee members find themselves around the table with their sleeves rolled up making the tough decisions on how best to maintain our current transportation infrastructure and at the same time fund new, innovative technologies. This year, as in past years, all of this was achieved with a much tighter budget.

I want to commend BOB CARR for his leadership in developing investment criteria which the subcommittee uses when evaluating individual funding requests. Many hours were spent developing and drafting the criteria.

Every Member who submits a funding request to the subcommittee must answer a series of detailed questions about the costs and benefits of the project. The investment criteria provide the subcommittee members with an objective basis by which they can compare and contrast the numerous funding requests which are submitted each year. I hope the criteria continue to be utilized in years to come.

I want to thank the chairman, the gentleman from Michigan [Mr. CARR], for his friendship and advice. He is a good friend and he provides sound advice. My thanks also to the gentleman from Virginia [Mr. WOLF], the members of the subcommittee, and the staff for all of your hard work.

I urge my colleagues to adopt this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year when the transportation spending bill came through the Rules Committee, many of us on that committee felt like the rope in a particularly nasty tug-of-war: frayed around the edges as we were pulled in two different directions. Thankfully, this year, the authorizers and appropriators came to an understanding before they came to the Rules Committee and today we have a much more civilized rules process. Having managed last year's series of maybe-we-will/maybe-we-won't rules on this subject—I am most grateful to the two chairmen for rising above their differences. The rule today allows an open amendment process—good news for this House, because it gives all Members a chance to offer cutting amendments aimed at specific line items in this bill. Throughout this appropriations season, we keep hearing laments by chairmen and ranking members of the subcommittees about just how tight the money has become. As someone who has long urged this House to restrain its spending—I cannot say I am sorry to hear Members are finally understanding the pinch. And I understand that some projects—mostly legitimate ones—did not make the cut in this bill. In fact, a worthwhile bridge and road project in my district, which was authorized by the Public Works Committee, was not included in this bill. But that is all part of the process—so we will come back next year and make our case again. Mr. Speaker, with respect to this rule—despite the open amendment process, there are some serious problems that, it seems to me, unnecessarily antagonize those of us in the minority. In fact, when you read through this rule—you will see that it consists only of waivers—including waivers of the 3-day layover requirements and nearly universal waivers of the rules against unauthorized appropriations and legislating on an appropriations bill. But it is not just the waivers that give us pause. Chiefly, we strenuously object to the unfair manner in which waivers for points or order have been applied. In fact, the entire bill—including a questionable provision inserted for a senior member from Maryland—has been protected from points or order against legislating on an appropriations bill except for one matter pertaining to I-66 in northern Virginia requested by the ranking member of the transportation subcommittee, the gentleman from Virginia [Mr. WOLF]. Mr. Speaker, I would like to suggest to those people who might be watching today who routinely suffer in the horrible traffic jams that plague northern Virginia—call the Rules Committee majority members. It was, after all, their decision to disallow Mr. WOLF's effort to relieve some of the congestion. Mr. Speaker, with respect to the underlying bill, I fully support the process of establishing priorities and determining what we can and cannot afford. I must say there is one area in this bill where I think we have been penny wise and pound foolish—and that is funding for the Coast Guard. Under the President's request for this vital, although smallest, of our Armed Forces—the Coast Guard took a big hit. But this bill goes even further, slashing an additional $50 million from the Coast Guard operations account and $54 million in the acquisition Capital and Investment Account beyond the cuts the President wanted.

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I am terribly concerned about this trend—especially at a time when the administration is adding to the multifaceted mission of the Coast Guard, with its ever-expanding Haiti mission. We still have had no response from the administration to question about the cost of the Haitian operation to date, about the estimated cost for the remainder of this seemingly open-ended mission, or about how much money in this fiscal year 1995 budget will ultimately go toward that mission instead of to normal Coast Guard operations—like search and rescue, environmental response or ice operations. In fact, we have been told that some of the money currently being used for the Haiti operation was shifted over from the drug interdiction efforts the Coast Guard was directed to draw down. This is the second area of particular concern. As in fiscal year 1994, the President's fiscal year 1995 budget cut deeply into the Coast Guard's funding for drug interdiction. The committee appears to have accepted these cuts and the President's new demandside, treatment approach to drug control policy. Why don't we just waive the all-clear sign in neon lights? This policy shift sends the signal to Caribbean drug traffickers and it leaves States like Florida on the front lines of the battle without any cover. It is simply not smart policy, in my view. Mr. Speaker, there are serious problems in this bill—and we are glad to have an open amendment process that will allow us to focus on some of those prioritization issues. But the fact remains that this rule has serious problems on its own—chief among them a big-time fairness gap. I urge a "no" vote on the rule.

Mr. Speaker, I include for the RECORD information relating to roll call votes in the Rules Committee, as follows:

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO H.R. 4556, TRANSPORTATION APPROPRIATIONS, FY 1995

1. Motion to protect against points of order the WOLF provision on Virginia HOV rule for I-66 (Sec. 337). Vote (Defeated). Yeas: SOLOMON, QUILLEN, GOSS. Nays: MOAKLEY, DERRICK, BEILENSON, FROST, SLAUGHTER. Not Voting: BONIOR, HALL, WHEAT, GORDON, DREIER.

2. Adoption of Rule—Vote (Adopted 5-3): Yeas: MOAKLEY, DERRICK, BEILENSON, FROST, SLAUGHTER. Nays: SOLOMON, QUILLEN, GOSS. Not Voting: BONIOR, HALL, WHEAT, GORDON, DREIER.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I want to concur with the statement of the gentleman from Florida [Mr. GOSS], as this is an open rule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CARR], chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. CARR of Michigan. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am going to be brief because we will use in our general debate time the opportunity to discuss the bill. I merely want to thank the Committee on Rules for their consideration.

I want to also indicate my thanks to the gentleman from California, Chairman NORM MINETA, for his cooperation this year. Unlike last year where we had a divergence between the authorization and the appropriations process, this year we were working in tandem and working together throughout the year. The Committee on Public Works and Transportation authorized a number of projects, about $900 million worth of projects, I might say, and put a cap on the annual appropriation at $300 million. Therefore, we were not able to accommodate all of the requests like the one of the gentleman from Florida for projects that were included in the National Highway System bill. But the authorization is available for 3 years. We tried to provide for as many of the projects that were under way as possible in this year's bill. The newer projects which we were unable to fund this year will be qualified to seek appropriations in future years. We hope for all those Members who worked very hard to get their projects authorized that there will be money for them in the next 2 fiscal years.

Mr. Speaker, I want to thank the Committee on Rules for giving us this rule. I merely want to make one small comment, that if it had been up to me, I would have preferred a rule that would have protected the matter of the gentleman from Virginia [Mr. WOLF]. I think the gentleman from Virginia [Mr. WOLF] is correct on the merits, I agree with what the gentleman is trying to do, I think it is a reasonable effort on his part, and I know that the Committee on Rules in its wisdom granted some waivers in some other areas and not in the area of the gentleman from Virginia [Mr. WOLF]. Those other areas were equally meritorious. I will leave it to others to explain why that could not happen, but I just wanted to associate myself with the effort of the gentleman from Virginia [Mr. WOLF]. The gentleman is a fine Member. He has worked very diligently and very hard. We have worked together throughout this year. Mr. Speaker, notwithstanding my reservation on the matter of the gentleman from Virginia [Mr. WOLF], I urge adoption of the rule.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Michigan [Mr. CARR], the chairman of the subcommittee, for his comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, even though this rule does not alter the normal open amendment process for appropriations bills, I must oppose it in the strongest possible terms because it singles out one Member of this House, the distinguished gentleman from Virginia [Mr. WOLF], a Republican, for special mistreatment. Let me repeat that. This rule singles out one Member of this House for mistreatment and treats him like no other Member.

His provision regarding the HOV lanes on I-66 inside Washington's Beltway is the only item left exposed to a point of order in this entire bill. Everything else in the bill, whether unauthorized or legislative in nature, is protected against a point of order.

Why has the ranking Republican on the Appropriations Subcommittee which reported this bill been singled out for this special mistreatment? We are told it is because the chairman of the Committee on Public Works and Transportation objects to his provision, even though that same chairman did not express opposition to a similar parochial provision by a Democrat from suburban Maryland. That is what makes me sick of politics sometimes.

I guess if we are looking for consistency around this place, we soon come to realize that we are on the wrong planet. What is it that the gentleman from Ohio [Mr. TRAFICANT] says, "Beam me up?" I guess there must be some reason why he says that. That kind of frustration certainly goes in spades when it comes to the Committee on Rules that I have to serve on. One would perhaps naively think that the Committee on Rules, of all committees, would apply some rule of consistency and uniformity to its decisions, Mr. Speaker.

But that idealized notion of the Committee on Rules ignores two essential facts:

First, the Committee on Rules is a self-confessed political arm of the Democrat leadership, having, as it does, a very lopsided partisan majority of two to one plus one. That is right, nine Democrats and only four Republicans serve on that committee.

So the committee exists in part to do the partisan bidding of the Democrat leadership. And no one expects the Democrat leadership to be either bipartisan or fair in most instances.

Second, the Committee on Rules exists primarily to authorize departures or deviations from the standing rules of this House. It might be better called the unruly, or the exception to the Rules Committee, because that is what it is.

Mr. Speaker, virtually every special rule the committee reports contains either waivers or violations of the standing rules of the House that were adopted in the beginning of each Congress. That pattern becomes readily apparent on appropriations bills, such as this, which do not even require special rules to come to the floor. These are privileged bills that take priority over all other business.

Mr. Speaker, the only reason the Committee on Appropriations comes to the Committee on Rules is to ask for protection against points of order, because it has violated the rules. It has violated the rules that we adopt in the beginning of every Congress. The former chairman of the Committee on Appropriations, the most respected Member of this body ever to serve here in my opinion, the late Bill Natcher, did not want to bring any of his bills to the Committee on Rules. It was his feeling that the Committee on Appropriations should take its chances on the floor with points of order and let the chips fall where they may. On the other hand, if all of the unauthorized and legislative provisions were to be routinely protected by special rules, that would only encourage more violations to be perpetrated, and the distinction between the authorizing and the appropriations process would be blurred even more than it is now. Believe you me, it is blurred.

But unfortunately, Mr. Speaker, Chairman Natcher was usually overruled by his own subcommittee chairmen and his own Democrat leadership on whether to seek a rule, except, of course, when it came to his own subcommittee, the Labor-HHS bill. That was always brought to this floor without a rule. Members all know that.

Mr. Speaker, this is the sixth regular appropriations bill for fiscal year 1995 to be considered by the House this year. In all six instances, we have had special rules waiving points of order for violations of clause 2, rule XXI, which prohibits unauthorized and legislative provisions from appearing in appropriations bills.

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Moreover, we are told that all but one of the remaining seven regular appropriation bills will require such special rules. That one exception will be the Labor-HHS bill that Chairman Natcher would always bring to this floor without a rule. Chairman NEIL SMITH is now following in his footsteps. It is good to see at least one tradition has survived Mr. Natcher's passing.

Mr. Speaker, notwithstanding my opposition to this rule, I do want to commend the gentleman from Michigan [Mr. CARR], the chairman of the Transportation Appropriations Subcommittee, his Republican counterpart, the gentleman from Virginia [Mr. WOLF], and the chairman and ranking minority member of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], and the gentleman from Pennsylvania [Mr. SHUSTER]. They have worked out their differences this year before the rule and the bill were brought to the floor.

All of the projects in the bill are either already authorized or, as I understand it, about to be authorized by the highway bill we passed just a few weeks ago. For that we are grateful, and we commend those gentlemen.

But that does not overcome our objections to the inconsistency in this rule. I think it is outrageous that this rule has singled out the ranking Republican on the Transportation Appropriations Subcommittee for special mistreatment and, therefore, I have to strongly oppose it.

Look at what we are doing for the gentleman from Maryland [Mr. HOYER], who happens to be the Democrat chairman of the Democrat caucus. This rule is waiving all the points of order, which allows him to exempt Maryland from new truck axle-weight limits. That is a parochial issue. They waive it for him. What does the gentleman from Virginia [Mr. WOLF] want to do? He wants to let cars with two passengers use the high-occupancy-vehicle lane on Interstate 66 that is now reserved for cars with three or more passengers.

You know, for the people in Northern Virginia, that is a parochial issue. It is the only HOV lane in America which requires more than two people, and yet this rule arbitrarily just sticks it to a Republican. We are going to deny him his right on this floor. That is outrageous. That is why we Republicans are going to oppose this rule.

I am going to tell Democrats that this is going to come back to haunt them on their side of the aisle, because we Republicans just are not going to take it. We are not going to take it, and there is going to be some retribution. That is too bad, because we ought to have comity and friendship in dealing with the people's business before this House.

What is the gentleman from Maryland doing on our side of the aisle? I am usually the one who goes to his side of the aisle.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. I figured if you are going to use our side, I am going to get equal time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to say that I am a little surprised with the definition by my good friend from New York. I am a little surprised and shocked at the gentleman's definition of consistency and fairness.

He frequently, not always, but frequently asks for open rules. He got an open rule this time. Sometimes he asks for waivers, sometimes he does not ask for waivers. This time there were some waivers given.

And so it seems that his definition of fairness is, "When I get exactly what I want, it is fair and consistent, but when I do not get exactly what I want, then it is not fair and consistent. Sometimes I want an open rule, sometimes I do not. Sometimes I want waivers, sometimes I do not. It is just when I want exactly what I want, and that is consistent, and that is fair." that seems a little old to me.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I just want to make it clear, because there is in the course of this debate and yesterday's in continuing the attempt to, frankly, convey the message that there is this awful discrepancy between how Democrats are treated and Republicans are treated. Very frankly, in the appropriation bills in particular, there is great comity, and within the committee itself a great comity. As a matter of fact, this problem did not occur until after it got out of the Committee on Appropriations.

But let me make it very clear, because I happen to have the other amendment. Other than that they are totally unrelated. But my name has been mentioned.

Mr. SOLOMON. If the gentleman will yield, it is coincidental.

Mr. HOYER. I understand. But there is a significant difference. Every Republican in our delegation, every Democrat in our delegation, State and local governments are all in concurrence. There is no dispute in our State. This happens to be a technical thing. The legislature has moved on it, but because of the Federal statute, they cannot implement this change in the law which everybody agrees is a safer utilization of the four axles as opposed to the three axles. So there is a difference.

The Committee on Rules was confronted, as I understand it, and I was not at the Committee on Rules, did not testify in it. This is not a big issue. I would say that we went last year, as I think the gentleman from Virginia [Mr. WOLF] apparently did, to the Committee on Public Works and Transportation. We did not get it resolved then. We have been working at it, trying to get it resolved since then.

But the difference is the Committee on Rules, as I understand it, was confronted. There is no dispute in our State between Republicans and Democrats.

Now, the problem the gentleman from Virginia [Mr. WOLF] has is one that very frankly I am trying to help him work out. But the problem that he has is there is a dispute within his State on this issue. So it is not analogous. I would suggest to the gentleman, and I want to understand that the problem, as I understand it, has come because there is a dispute. There is a dispute in terms of the parties.

The gentleman from Virginia [Mr. MORAN], I understand, who also represents the suburban area, unlike the gentlewoman from Maryland [Mrs. MORELLA] and I and the gentlewoman from Maryland [Mrs. BENTLEY], who all agree on this issue, this is a dispute, so they are confronted with a different situation here where there is not unanimity of agreement.

Now, having said that, I would like to see if we can work this out. But I do not want it projected that somehow the only difference here is that HOYER happens to be a Democrat, and I have been brought into this, in my opinion, gratuitously, very frankly, totally unrelated. But HOYER has got this little parochial, which everybody in our State agrees with, Republicans and Democrats, and it makes sense from a safety standpoint, and another provision, the HOV provision that the gentleman from Virginia [Mr. WOLF] has, which clearly, by the admission of the gentleman from Virginia [Mr. WOLF], as a matter of fact, he told me, apparently some do not agree. That is the difference. It is a substantive difference, not a political difference. It may be a difference in that people of different parties differ, but it is not a difference where there is simply an arbitrary and capricious handling of one provision differently because the gentleman from Virginia [Mr. WOLF] happens to be a Republican and I happen to be a Democrat.

In point of fact, as the gentleman from Michigan [Mr. CARR], the chairman of the subcommittee, has pointed out, the provision offered by the gentleman from Virginia [Mr. WOLF] was included, and the gentleman from Michigan [Mr. CARR] supported the inclusion of that. It is the local difference of opinion that is the difference.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the distinguished ranking member, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I would say to my good friend, the gentleman from Maryland [Mr. HOYER], that he has just confirmed what I was talking about. This is all political. The two Democrat Congressmen opposed the gentleman from Virginia [Mr. WOLF], and it is a partisan political issue.

The gentleman from Virginia [Mr. WOLF] will talk about that later on. I will not belabor it at this point. But it is a shame that we could not bring his provision to the floor, debate it, and let the chips fall where they may.

Under former Speaker O'Neill, who was a partisan Speaker, but a fair Speaker, we always let the chips fall where they may. We never had restrictive rules like this all the time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to briefly say that, before I yield to the gentleman from Virginia [Mr. WOLF], the balance of my time, I want to briefly put on the RECORD that the gentleman from Maryland [Mr. HOYER] has made a very good point here.

The point I would make in response is that to be absolutely fair, the Committee on Rules should not have granted protection from points of order for either the gentleman from Virginia [Mr. WOLF] or the gentleman from Maryland [Mr. HOYER]. There was no reason to do it.

If the program of the gentleman from Maryland [Mr. HOYER] was as noncontroversial as he says, it would not have been struck on a point of order in all likelihood, and the matter would have been resolved. Whether or not it is controversial is not the issue. Whether or not it is eligible to debate under the same rules is the question, and there is no reason to make a distinction that is apparent to us, and that is why we feel this is an issue of fairness.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia [Mr. WOLF].

☐ 1110

Mr. WOLF. Mr. Speaker, let me begin by thanking my side, the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. GOSS], and my leadership, for standing firm and fighting for what is very, very important. I think it is important for all of us on this side to know that our leadership would not bail out on this issue.

I am going to lay this out, and I appreciate the time. I hope to do it so that, when we are finished, and I am going to put more in the RECORD, people will understand the importance. This is a tale of two provisions.

First, Mr. Speaker, it deals with the provision with regard to the gentleman from Maryland [Mr. HOYER], that the gentleman from California [Mr. MINETA] did not object to and allowed to go through, and that the Committee on Rules protected. Then I came forward with a provision at the request of the Governor of my State, who was just elected and promised this, to change for a 1-year trial period the HOV requirement on I-66. Let me just say, had former Governor Wilder asked for this, I would have done it for Governor Wilder, or former Governor Baliles, or former Governor Robb.

So, Mr. Speaker, this has been handled in a way that I do not think anybody could object. I will deal with what the provision is later.

The gentleman from Maryland [Mr. HOYER] is a powerful and very well respected member of the Democratic leadership that controls this body. The gentleman from Maryland is also a member of what they call the college of cardinals. The ranking members, we are, I guess, lowly, just laymen, but they are the college of cardinals, and, therefore, as my colleagues know, they get whatever they want.

Let me just stipulate for the record that I genuinely like the gentleman from Maryland [Mr. HOYER] and he knows it, and I let the record show that. Somebody came up to me yesterday, two people, and said, "Why don't you get somebody to offer a motion to strike the Hoyer provision?"

I say to my colleagues, "I didn't come to Congress to hurt STENY. I didn't come here to hurt people, to work secret amendments that I wouldn't have my hands on and Mr. HOYER would have to debate. I didn't come here for that, so I'm not going to object to Mr. HOYER's amendment. That would be wrong."

Now let me talk about I-66 on the merits. The Governor asked, and the Governor should control, the roads. The chairman of this committee, the gentleman from Michigan [Mr. CARR], agrees. Let us look at the other areas of the country.

Houston: HOV- 2.
Pittsburgh: HOV-2.
Honolulu: HOV-2.
Denver: HOV-2.
San Diego: HOV-2.
Hartford, CT: HOV-2.
Los Angeles: HOV-2.
Seattle: HOV-2.
Orange and Riverside Counties: HOV-2.

During our subcommittee hearings, Mr. Speaker, the people from Marin County, CA, came in and said that they started out a HOV-3 and did not get utilization of the road, and they dropped it to 2. It was a big, big success.

Now I have taken a leadership role in this Congress second to no one with regard to family-friendly policies. This HOV-2 provision would allow a mom and a dad, if they were taking their child to a child care facility, which through the good work of the gentleman from Maryland [Mr. HOYER] and myself we now have a hundred in the Federal Government, to commute with their child. It would also allow a husband and wife to get into work a little bit early. But environmentally it would help this region meet its requirements under the Clean Air Act.

Now, I understand that the gentleman from Virginia [Mr. MORAN], and I will speak to that, may very well object to this amendment. Now let me just tell my colleagues for the citizens that live in Mr. MORAN'S area, "If you take this out of the bill, you will take and put more traffic back on the residential streets because, by doing what we are trying to do for a 1-year trial period, we take cars off of Columbia Pike, off of Route 50, off of Wilson Boulevard, off of Fairfax Drive, off of 123 of Spout Run, off of the G.W. Parkway, off of Old Dominion, off of Military Road, off of Lorcum Lane. We take cars off of the residential streets, and, by goodness, we put it on the interstate highway that was built to move traffic for a 1-year trial plan, whereby the Governor of Virginia, who was duly elected by the people asked for the opportunity to do it."

Now we talk about bipartisanship in this body. Sometimes bipartisanship means that the Democratic powerful chairmen want something, and the Republican ranking member does not have any problem; then that is bipartisanship. It is good; it is not gridlock. But if the Republican Member wants something, and keep in mind there are no dollars involved here, and for some reason a powerful chairman does not, then it is legislation on an appropriation bill, it is not appropriate, this is not the vehicle, we have not held hearings, et cetera, et cetera, et cetera.

Now let us go back to the bill itself. When we were marking up the bill, Mr. Speaker, the committee was looking at different projects. I was the one that threw out the name of the gentleman from Virginia [Mr. MORAN] for Mr. MORAN's project. Not one Democratic member, not one Democratic member on the subcommittee, offered Mr. MORAN's project. I did. If there was any difference, I would ask people to speak. I did it because of bipartisanship. He had this project. It was authorized. It would be a benefit for this area. Should I have said no, and be quiet, and then maybe his opponent could have put out a press release and said, "Aha, he's not effective because he's on the committee and he couldn't get it"?

No, I did not come here to do that. That is not what my goal is. I think I want bipartisanship as much as any Member of this House. So, through my efforts, and if there is any difference from the committee, they can get up and disagree, the gentleman from Virginia [Mr. MORAN] got his project.

I think we Republicans, and I speak to Republican Members on this side, and those in their offices that are listening have to remember something. If we take over, or when we become the majority, I do not think we should operate like the Committee on Rules, like the gentleman from Massachusetts [Mr. MOAKLEY], what he has done to us. I do not think we ought to do what the gentleman from California [Mr. MINETA] did. I do not think we ought to do it. I think, if we are the chairmen, we are to follow the Golden Rule which is in the Bible. It says: "You do unto others as you would have them do unto you."

Mr. Speaker, I say to my colleagues, "I'm not one that wants to join the lynch group whereby we say, 'Hey, we have our vengeance. We are angry. Do you remember the time back in 1986 when they did that?'"

No, that is not the approach we should take because the arrogance of power brings parties down and brings people down.

Also, for our side, it is like the bullies in the schoolyard. These guys can be bullies at times. I say to my colleagues, "If they are not picking on you sometime, you think, well, they are not picking on me so I'll be quiet. They'll pick on somebody else. Believe me, if they don't pick on you today, they will pick on you some other time."

The gentleman from California [Mr. MINETA] constantly speaks out about the roads in this area and what he thinks should be done. Frankly, I am not afraid of the Committee on Public Works and Transportation. I do not know that they can do anything, and, if they do it, we will talk about it publicly because, as these things happen over the future, I will come to this well day after day, week after week, year after year, to talk about these issues because frankly I think the more their is exposure in this body, the better it is for the body.

I want to make this other point which came to me as we were debating the treasury appropriations bill last night, and I was thinking about this. When I was growing up, we lived in an area in south Philadelphia. My mom told the story, and I can remember it so well. My mom wore glasses. She had astigmatism in the eye, and in those days young kids just did not wear glasses. One of the kids in the neighborhood in south Philadelphia called my mom four eyes. In fact, they used to call her four eyes a lot.

My mom told the story, and I heard it over and over, that, when that kid grew up and had kids, his kids had to wear glasses.

My colleagues know the expression that everything that goes around come around, where some people want to be more political and say, "You live by the sword, you die by the sword." I think there is judgment in this earth, and everything that does go around comes back around.

Two things popped into my mind last night when I saw the gentleman from Maryland [Mr. HOYER] on the treasury bill. Last year here on the bill I begged that we should do something with regard to the seven employees who were fired at the White House travel office.

□ 1120

Mr. Speaker, do the Members remember Travelgate? Seven career people were ruined. Do the Members know who did that to them? It was David Watkins. That is David Watkins, the man that is gone. He is the man about whom Mr. HOYER said last night, "He is gone. We don't need that amendment. He has been fired because of the helicopter deal."

Everything that goes around comes back around. The other thing that hit me, too, because we are taking up the transportation bill under the leadership of the gentleman from Michigan [Mr. CARR] was this: He was good enough last year to put money in the transportation bill to help those career employees who had legal fees, who had high legal fees and did not have PAC's, political action committees, and powerful friends to help them out. I contacted Mr. McLarty at the White House over and over and over, asking him to help with legal fees for these people, and they said, "No, no, no."

Yesterday I come in and I hear that the President of the United States is now going to be faced with millions of dollars of legal fees. Everything that goes around comes back around.

This is a bad rule. It is a bad precedent. I think it disgraces the Committee on Rules. Because of the efforts of Mr. MINETA, with Mr. MOAKLEY, holding on to the power of the Committee on Rules and the power of the Committee on Public Works and Transportation, this Member's amendment, which would have permitted a 1-year trial period to allow moms and dads and husbands and wives and other people to car-pool to see if it would work, was knocked out.

Mr. Speaker, I now yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I just want to point this out because the point is being made on the other side of the aisle that they are being evenhanded and the reason they are flexing their majority muscle is because the gentleman from Virginia did not appear before the authorizing committee.

In fact, the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], sent a letter to the Committee on Rules on that fact. But also the Members need to know that the gentleman from Maryland [Mr. HOYER] went to the authorizing subcommittee, the Safety Subcommittee, with his issue and was denied. The committee was against Mr. HOYER's position.

Yet Mr. MINETA and the Committee on Rules have chosen not to protect the will of his own committee by allowing a point of order to be brought against Mr. HOYER's position. Yet the gentleman from Virginia did not go before the authorizing committee, but most members, except for one member of the Appropriations Committee, are against the gentleman's position. They have chosen selectively to not protect the gentleman. So it is not evenhanded treatment. The majority is abusing its power and flexing its muscle.

Mr. WOLF. Mr. Speaker, I now yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I was going to make the same point. I have just been handed a piece of paper here, and I did not know this. If I had known it up in the Committee on Rules, the Hoyer amendment would not have been protected. The Committee on Public Works and Transportation said that this represents a major waiver of truck size and weight and is unwarranted. It was turned down.

Mr. MINETA never bothered to tell us that. He simply said, "It's O.K. We don't object to it. Even though we turned it down, but we do object to Mr. WOLF's position."

I think that is outrageous. It is partisanship, and I am going to say this: It is going to cease or else.

Mr. WOLF. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I want to compliment him on his statement and simply say this: What I have heard earlier today is absolutely right. this is a political issue and it is a controversial issue.

But that is exactly what we are charged with dealing with here, and we should do it in an evenhanded way, but unfortunately, as has been said by virtually everyone, the way this rule has been handled, that did not happen. We treated the gentleman from Maryland [Mr. HOYER], a Democrat, in one way, and we treated my friend in the well differently. He happens to be a Republican as opposed to a Democrat.

So it seems to me that as we look at what clearly is a tough issue, because there is controversy surrounding it, we should allow the House to work its will in a fair and balanced manner. This rule demonstrates very clearly that Lord Acton was correct when he said, "Power corrupts, and absolute power corrupts absolutely."

Unfortunately, we as a minority are being mistreated, and tragically, my friend and classmate, the gentleman from Virginia [Mr. WOLF], who has fought long and hard on this issue, is at the short end of the stick. That is why we need to defeat this rule, go back upstairs, and bring back something that is a little more balanced.

Mr. WOLF. Mr. Speaker, I thank the gentleman, and in closing, I would like to ask the Members on both sides to defeat the rule. Again, I want to thank the gentleman from New York [Mr. SOLOMON], the gentleman from Florida [Mr. GOSS], and the gentleman from California [Mr. DREIER], the gentleman from Tennessee [Mr. QUILLEN], and the leadership on my side, because I think the fact that they have taken this position is encouraging, because we want to make sure that if it happens here, it never happens again.

Mr. Speaker, I urge the defeat of the rule.

I rise in opposition to this rule for two reasons. First, it represents the height of partisan hypocrisy. And, second, it deals a body blow to families who live in northern Virginia.

Let's call this story "The Tale of Two Provisions," because there are two measures in H.R. 4556, the fiscal year 1995 transportation bill, which have been the topic of conversations with the authorizing committee this past week because both were deemed subject to procedural challenge on the floor.

One of these provisions would allow overweight trucks to operate on the interstate highway system in Maryland. The other one would allow husbands and wives to form carpools eligible to use I–66 in northern Virginia.

Under this rule, guess which provision is protected and which one is hung out to dry?

That's right. Trucks win out over family carpools.

Now I don't think American voters are going to see the logic in that so maybe I should explain further that the provision concerning overweight trucks was offered by a member of the majority party and of the leadership in this Congress, Mr. HOYER.

On the other hand, I, a member of the minority party, offered the provision allowing the Governor of Virginia the option of a 1-year trial of HOV–2 on I–66 inside the Capital Beltway. And under this provision, the Governor would retain the flexibility to return the carpool restrictions to three-occupant vehicles at any time during the 1-year trial period if HOV–2 proved unsuccessful.

I should further explain that my language concerning HOV–2 is opposed by two other members of the majority party, Mr. MORAN and Mr. MINETA. Working with Mr. MORAN, Mr. MINETA, chairman of the Public Works Committee, persuaded another member of the majority, Mr. MOAKLEY, who chairs the Rules Committee, to make the HOV–2 provision subject to a point of order when we later take up the transportation bill.

What this means is that, without debate, and without a vote, the HOV–2 provision for families can be—and will be—deleted from the bill. On the other hand, the killer truck provision stays in.

If you're scratching your head by now, let me say:

This is not about fairness.

This is not about good government.

This is not about effective transportation policy.

This is not even about logic.

This is about raw partisan muscle. The kind of routine power play around here that sacrifices what's good for families on the alter of sheer partisan politics.

Allowing two-person carpools on I–66 inside the beltway would help moms and dads trying to get to work in the morning, while perhaps dropping off their children along the way at school or child care centers. Currently these husbands and wives are in single-occupant automobiles cutting through residential areas on such arteries as Route 50, Spout Run, the George Washington Memorial Parkway, Wilson Boulevard, Columbia Pike, Old Dominion Drive, Military Road, Lee Highway, and even neighborhood streets.

Allowing two-person carpools would reduce this traffic congestion in residential communities. It would take cars off residential streets and put them on I–66, a currently underutilized facility which was built to handle through commuter traffic.

Allowing HOV–2 would potentially reduce the number of automobiles by half, thus helping this region meet clean air goals.

Allowing HOV–2 would encourage carpooling and greater use of I–66, a facility that is currently underused.

Allowing HOV–2 would improve safety on I–66 and provide consistency in the carpool requirements inside and outside the beltway.

But most important, HOV–2 would help families in northern Virginia.

On a broader scale, it is interesting to note that, nationwide, HOV–2 is currently employed in most urban areas including: Houston; Pittsburgh; Honolulu; Denver; San Diego; Hartford, CT; Los Angeles; Seattle; Orange and Riverside Counties, CA.

During recent hearings held by the transportation appropriations subcommittee, witnesses from Marin County, CA, testified that their carpooling requirements on the Highway 101 facility had been dropped from HOV–3 to HOV–2 and that usage had greatly increased. This was primarily due, they testified, to spouses being able to commute together.

The reason HOV–2 is the most prevalent carpooling requirement around the country is because HOV–3 doesn't work as well. It takes at least five commuters to sustain an HOV–3 carpool, due to emergencies, doctor appointments, illnesses, and other schedule disruptions. With HOV–2, it is easier to form a carpool because in many households, there will be at least two people willing to accommodate each other's schedules. Or perhaps, two neighbors in a community.

Who can be against this? No one can oppose this provision on its merits, because it is the right thing to do.

This provision is subject to a knockout blow only because of pure partisan politics. That hurts American families. That creates traffic jams. That further lowers the credibility of this body. And that is wrong.

And let me say to the other side of aisle that I am keenly disappointed in these tactics because I have always tried to consider each proposal in a bipartisan manner, based on fairness and the merits of the issue. As an example, and my colleague from northern Virginia is aware of this, during our subcommittee's markup of this bill, I went to bat for funding for the Fairfax County Parkway, a project that was requested by Mr. MORAN. In fact, I was the only one who stuck up for Mr. MORAN. Funding for Mr. MORAN's project was subsequently added during the full committee markup. It would not have been added had I not brought it to the subcommittee's attention and asked for its inclusion.

We should not forget that this bill contains two provisions that should be treated the same under the parliamentary rules of this body. But only the one offered by a member of the majority party is being protected, and the other one is not. We should not forget that the majority's truck proposal has won out over the minority's family carpool measure.

This rule is unfair. It is partisan. And it will hurt families. I urge my colleagues to vote no.

UNIFORM HOV–2 ON I–66 IN VIRGINIA

Nationwide, HOV–2 requirements are currently employed in most urban areas including: Houston; Pittsburgh; Honolulu; Denver; San Diego; Hartford, CT; Los Angeles; Seattle; Orange and Riverside Counties, CA.

During recent hearings held by the transportation appropriations subcommittee, witnesses from Marin County, CA, testified that their carpooling requirements on the Highway 101 facility had been dropped from HOV–3 to HOV–2 and that usage had greatly increased primarily due to the ability of spouses to commute together.

Trying uniform HOV–2 inside and outside the Capital Beltway on I–66 would be family-friendly because spouses could commute together in the Washington area as well.

Also, this would reduce the number of single-occupant vehicles currently cutting through residential neighborhoods because these commuters are unable to arrange for enough fellow carpoolers to allow them to use the highly under-utilized I–66 HOV facility.

Finally, there are general provisions in the bill that are legislatively similar, section 332 and section 337, and both were the subject of conversations with the Public Works Committee. In the interest of bipartisanship and fairness, both provisions should be treated alike.

The SPEAKER pro tempore (Mr. WISE). The gentleman from Florida [Mr. GOSS] has 30 seconds remaining.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me stipulate that the gentleman from Virginia [Mr. WOLF] is a valued, constructive, and important Member of this body. He said that he felt he was on good terms with, I think, all the members of the Committee on Rules and both sides, and that certainly is the case. I hope in no way is this matter felt to be a matter of personalities.

Mr. Speaker, in order to try to bring this back to the issues, I yield such time as he may consume to the chairman of the authorizing committee, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, there has been a great deal of discussion about the partisan nature of the discussion surrounding this rule. I am sorry it has to be brought to those terms, but I would like to try to explain where we are on this rule.

Mr. Speaker, a complaint has been made against this rule that it protects the provision of the bill regarding truck weights in Maryland but does not protect the provision regarding HOV lanes on I-66 in Virginia. The implication is that the rule favors the author of one provision, Mr. HOYER, over the author of the other provision, Mr. WOLF.

Let me state categorically that there has been no favoritism here. The decision on each provision was made on the merits of that provision, as it should be.

In the case of the Maryland truck provision, the situation is that in the State of Maryland today there is a grandfather provision which allows short 3-axle dump trucks to operate at up to 65,000 pounds. This is a result of Federal law which sets truck weight limits for the Interstate Highway System, but which also grandfathers prior State limits on truck weights.

I make no bones about the fact that the Maryland 3-axle 65,000 grandfather is one of the worst in the country. But it is allowed by existing Federal law and will go on being allowed by Federal law if we do not act.

What is important here is that the State of Maryland has tried to limit the damage done by these trucks, and the way they have been able to do that is they have passed a State law saying that they will end the 65,000 pound 3-axle grandfather which they now have and replace it with a 70,000 pound 4-axle requirement. The requirement to switch to a 4-axle truck would significantly reduce the loading per axle, would significantly reduce wear and tear on the Interstate System and would reduce braking distances and therefore improve safety.

The 4-axle requirement basically takes the same payload and spreads it over more axles, wheels, and bearing area. The result is less damage to the Interstate and better safety performance. That is what this provision would have us agree to. It take a bad situation and makes it better, exactly what we ought to be trying to do around here.

If we do not enact this provision, the new State law in Maryland automatically self-destructs and the 3-axle trucks get to go on doing more damage and having longer braking distances, and in fact new trucks can be added to the Maryland fleet which operate at 3-axle and 65,000 pounds.

There is no question in my mind that we are acting in the public interest by enacting this provision.

With regard to the I-66 HOV lanes, the section of I-66 inside the beltway was built under an agreement with then-Secretary Bill Coleman. Part of that agreement required specific HOV policies on that stretch of the highway. It is now HOV-3 and some, particularly in the areas further out to the west, would like to see that reduced to HOV-2. The Coleman agreement makes it difficult, if not impossible, to make that change. Mr. WOLF proposed overturning the Coleman agreement by Federal statute, and that is the provision now in this bill.

However, this provision not only overturns the Coleman agreement, it also overrides all local say in whether the HOV policy ought to be changed. In any other metropolitan area we would not impose a Federal transportation mandate of this importance without the full participation of the affected local and regional governments. We sought a reasonable compromise on this issue. We offered to accept Mr. WOLF's language in effect modifying the Coleman agreement if it were modified to make it subject to approval by the National Capital Region Transportation Planning Board. The Board is the legally designated Metropolitan Planning Organization, just as every metropolitan area in this country has an MPO, and the representatives of the various affected local governments all sit on it.

In any other metropolitan area this kind of transportation policy change would be subject to the approval of this kind of a board.

But in this case the compromise we suggested was not accepted. As a result the provision now in the bill stands for the proposition that the Federal Government should make local transportation decisions and then impose those decisions on local and regional representatives of the people, without regard to what anybody other than the Federal Government thinks about those decisions.

This is contrary to what we have tried to do in recent years, which is to move more transportation decisionmaking down to the local and regional levels.

It simply is not fair, it is not good policy, and it is not in the public interest to trample the wishes of local and regional governments in transportation planning issues. That is why we have opposed this provision and that is why it is not protected. I would hope that those around here who most frequently complain about big-brother Government in Washington would be sensitive to those concerns.

Finally, Mr. Speaker, I think it should be clear that our views on these issues were not based on which Member asked for which provision. All the Members involved are respected colleagues and friends. But our job is to do the best we can to protect the public interest, and that means we look at the provision and what it would do, not at who offers it. The idea that if a provision from one Member, no matter how beneficial it may be to the public interest, is accepted, that another provision, no matter how injurious to the public interest, must be accepted, is ridiculous and would be a complete abdication of our responsibilities to the public.

We have worked hard this year, as has the Appropriations Committee, to work out problems and disputes where we possibly can. Some provisions have been dropped, some have been accepted, and some have been modified. As a result, all rules issues were worked out in advance and were protected by the rule, except the I-66 issue where Mr. WOLF felt he could not accept the same role for local government as would apply in any other metropolitan area of the country.

This is not a partisan issue, it is an issue of policy, of fairness to local governments, and of setting proper and consistent limits on intrusions by the Federal Government into local issues.

There are many provisions in this bill which are protected under the rule and which happen to have been advocated by Republicans—provisions by Mr. PETRI and Mr. PACKARD came to mind. Those provisions were agreed to because they made sense, not because of who offered them.

I urge my colleagues to support the resolution.

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Mr. GORDON. Mr. Speaker, I know my friend from Texas [Mr. DELAY] has something he would like to say, and I want him to have that opportunity. If he needs additional time beyond what the gentleman from Florida [Mr. GOSS] has, I will give him some time. I need to honor some requests for time over here.

Mr. DELAY. The Chairman has made some statements, and I would like to ask him questions.

Mr. GORDON. If he will stick around, let me first honor requests for time from Members over here, and then I will give the gentleman additional time.

The SPEAKER pro tempore (Mr. WISE). The gentleman from Tennessee [Mr. GORDON] has 7 minutes remaining, and the gentleman from Florida [Mr. GOSS] has 30 seconds remaining.

Mr. GORDON. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. DELAY].

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. DELAY].

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] is recognized for 1 minute.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] and the gentleman from Florida [Mr. GOSS] for being so kind.

Mr. Chairman, you made an eloquent statement about no favoritism at all, and you based your decision on the merits. You defended the decision of supporting the Hoyer amendment on the merits. Yet you just contradicted in your own speech the decision made by your own subcommittee that did not support the Hoyer amendment when it was brought before you.

I cannot understand how you call that no favoritism or being evenhanded, if you are contradicting your own committee.

□ 1140

Maybe the gentleman could explain it to me.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, the gentleman from Texas is absolutely correct. When we received this information at the subcommittee level originally, they said that they opposed what was being considered. We then looked at it in terms of what is, from an engineering perspective, and we met with the Department of Transportation for the State of Maryland as late as Monday afternoon to go over as to what is the difference between a three-axle truck, short-axle truck and its weight limitation and a four-axle truck at a higher weight.

We then found that in terms of the impact on road surface that we would be better off——

Mr. DELAY. Mr. Speaker, the gentleman is holding hearings today on this issue and he could address the Hoyer amendment today in his own committee today. Why would he protect the Hoyer amendment today when he is holding hearings on this issue and he could address it today?

Mr. GORDON. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, the reason being that the Maryland statute self-destructs and so that would then put us in the position of having a truck that does more damage to the road if we do not deal with this now because of the Maryland statute self-destructing.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I stand corrected. The hearing was yesterday. Yesterday he did not address it. It seems to me that what is happening here is killer trucks are winning over family carpools.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes and 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise to clarify some points that have been in this debate. I do so reluctantly, because I have a great deal of respect for my colleague, the gentleman from Virginia [Mr. WOLF]. I know, as his other colleagues in the House know, him to be a capable and conscientious legislator. But there has been an accusation, really, that this provision by the Committee on Rules has been decided on a partisan basis. I need to shed some further information on this issue that I think both my colleagues and the people that might be listening in the audience need to be aware of, because those who have not protected this provision through the rule on this bill have done so consistent with substantive authorizing legislation and intent.

Now, the gentleman from Virginia [Mr. WOLF], I know, feels strongly that he is doing the right thing with this provision. Clearly, he is doing the right thing for his constituents. The gentleman from Virginia [Mr. WOLF] has many constituents who live outside the Beltway, who drive into Arlington or Washington, DC, and who use Interstate 66. They are able to use an HOV two-lane up to the Beltway. But when it gets into my district, which is just inside the Beltway, it changes to HOV-3. And thus we get a substantial amount of congestion at that intersection.

The gentleman from Virginia [Mr. WOLF] believes that not only is it in the best interest of his constituents, but also of my constituents, because it will relieve congestion on residential streets that are taken to avoid I-66 and, in fact, that it is a 1-year experiment.

However, I think the gentleman from Virginia [Mr. WOLF] would have to agree that it is not so clear that this provision is in the interest of my constituents inside the Beltway as it is clearly in the interest of his constituents outside of the Beltway.

For one thing, if we change people's driving habits, even if only for 1 year, it is extremely difficult to reverse it, to get people then to go back to HOV-3. I do not know that there has ever been a case where we reduced HOV requirements and then reinstated them. So this is an important change.

Now, when we make changes that affect local governments, particularly that are controversial in nature, the Interstate Surface Transportation Efficiency Act, ISTEA we call it, the acronym, specifically said we should rely upon the judgment of local governments to make these decisions. That was an important part of the ISTEA legislation. In fact, we have a number of organizations that have been set up to make these kinds of decisions.

First of all, we should look to the local government that is responsible for the jurisdiction that is exclusively affected by this change, which is Arlington County. It only affects Arlington County. The entire Arlington County Board is opposed to this change. In fact, I-66 was an extremely controversial highway. For years they fought it. And they finally agreed to let I-66 go through Arlington County.

The point is, we have a written agreement that was contingent upon I-66 going through Arlington County that says that we have to consult the Transportation Planning Board before we can make any change in HOV requirements. This does not consult the Transportation Planning Board. The TPB, in fact, voted to oppose this, as did the Northern Virginia Transportation Commission. This is a very controversial issue. To put this kind of legislation in an appropriations bill without consulting with local governments who are unanimously opposed to it, I think, would be a mistake.

Mr. Speaker, I thank the gentleman from the Committee on Rules for granting me this time.

Mr. GORDON. Mr. Speaker, I yield 10 seconds to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, this was done in 1983 from HOV-4 to HOV-3, and there was no controversy. It was successful. Second, the Governor has asked, this will help more of our constitutents, the people at Tyson's Corner, and it will take cars off the residential streets and put them on the road where they belong. I think they support it as well as anybody in the region.

Mr. GORDON. Mr. Speaker, I yield myself the balance of my time.

Let me conclude by reminding the membership that this is an open rule on a very important transportation bill that affects the infrastructure, the competitiveness of this country. This is a 57-page bill of which we have spent a long and, I think, constructive debate on approximately one page. But the fact of the matter is this is an important bill.

It is 57 pages. It is an open rule. Everyone has the opportunity to come in and have their amendments.

Mr. RAHALL. Mr. Speaker, I rise in support of the rule.

This rule reflects the fact that there is peace between the Appropriations and authorizing committees, at least in terms of those matters under the jurisdiction of the Committee on Public Works and Transportation relating to highway and transit programs.

This rule rightly protects from points of order those highway and transit provisions which have been reviewed by the authorizing committee, largely as part of the National Highway System designation legislation which recently passed this body by a vote of 412 to 12.

I would submit that this rule should enjoy the same level of support as did the NHS bill.

Under this rule, we will be able to consider an appropriations measure that complements the NHS legislation and which further advances those programs provided for under the Intermodal Surface Transportation Efficiency Act of 1991.

I commend the Rules Committee for fashioning this rule, and I commend it to the House.

Mr. GORDON. Mr. Speaker, I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. WISE). The gentleman will state it.

Mr. GOSS. Mr. Speaker, if the previous question is rejected, would it be in order for me to offer an amendment to the rule to strike the exception that leaves the Wolf provision subject to a point of order?

The SPEAKER pro tempore. While the Chair cannot give a specific anticipatory ruling, in the opinion of the Chair, should the previous question be rejected, any germane amendment to the rule may be offered.

Mr. GOSS. Mr. Speaker, the Chair's answer is "yes" and that would be my intention.

The SPEAKER pro tempore. The Chair stands by his statement. Any germane amendment can be offered.

Mr. GOSS. I was not asking a parliamentary inquiry about germaneness. I wish to know whether or not that would be in order.

The SPEAKER pro tempore. The Chair has responded.

The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GORDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 177, not voting 16, as follows:

[Roll No. 248]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—177

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Andrews (NJ)
Bentley
Chapman
Crapo
Dellums
Istook
McCurdy
Reynolds
Slattery
Slaughter
Snowe
Tauzin
Tucker
Washington
Wheat
Whitten

☐ 1209

Mr. RIDGE and Mr. COLLINS of Georgia changed their vote from "yea" to "nay."

Mr. SISISKY changed his vote from "nay" to "yea."

Mr. DEUTSCH changed his vote from "present" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WISE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 180, not voting 15, as follows:

[Roll No. 249]

AYES—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez

Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—180

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Andrews (NJ)
Bentley
Chapman
Derrick
Hall (OH)
Hall (TX)
McCurdy
Mica
Reynolds
Slattery
Slaughter
Tucker
Washington
Wheat
Whitten

□ 1218

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of New Jersey for, with Mrs. Bentley against.

Mr. Tucker for, with Mr. Mica against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4556, making appropriations for the Department of Transportation and Related agencies for the fiscal year ending September 30, 1995, and that I may be permitted to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. CARR of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion, I ask unanimous consent that the general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Virginia [Mr. WOLF] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CARR].

The motion was agreed to.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4556, with Mr. BOUCHER in the chair.

The CHAIRMAN. Without objection, the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent agreement, the gentleman from Michigan [Mr. CARR] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CARR].

Mr. CARR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, your transportation appropriations subcommittee brings to the floor today the 1995 transportation appropriations bill. This bill has been crafted after a great deal of hard work and hearings and meetings with Members of the House, with the assistance and cooperation of all members of the subcommittee, and with the administration.

I want to congratulate our Members, Mr. DURBIN, Mr. SABO, Mr. PRICE, Mr. COLEMAN, Mr. FOGLIETTA, and Mr. DELAY and Mr. REGULA for a job well done. Their advice and counsel have been of tremendous assistance in putting this bill together. Each Member worked diligently and hard and the product is truly theirs as well as mine.

I want to pay special tribute to my friend and the ranking minority member, the gentleman from Virginia [Mr. WOLF]. Without Frank's help every step of the way in the administration of this committee and the production of this bill, this simply would not have been possible. And in a very personal way I want to say what a tremendous pleasure it has been to work with such a tremendous individual.

I want to also thank our staff, Linda Muir, Jan Powell, John Blazey, Cheryl Smith, Rich Efford, and Del Davis, our chief of staff, for a tremendous job in helping put this bill together. I cannot explain the countless hours, the numerous phone calls, the times late at night or the work on weekends that these people have put in to make sure that wise decisions were made and that people were treated fairly. And to the staff on both sides, to all the Members, and especially to the gentleman from Virginia [Mr. WOLF], I want to say a very sincere thank you.

Let me take just a minute to summarize the bill we bring before you today. The bill is within our 602(b) allocation in domestic discretionary budget authority and outlays. This required many painful choices. Funding for operations of several important agencies and grants for transit operating assistance have been reduced in order to stretch our dollars as far as possible and provide funds for continued investment in this Nation's highways, bridges, transit systems, and airports.

Mr. Chairman, this involved some very difficult decisions on the committee's part. Real spending reductions are a part of this bill. For example, the

Coast Guard's operating account is funded essentially at last year's level, with a reduction of over $50 million from the budget request. Operating expenses for the Federal Aviation Administration and the Office of the Secretary are basically at last year's levels with no allowance for inflation. Transit operating assistance has been raised $100 million above the budget request, but that is still $100 million below the 1994 level. Amtrak's operating assistance subsidy in this bill is $62 million below Amtrak's request and $10 million below the President's request. Funding for operations and research at the National Highway Traffic Safety Administration is below the 1994 level.

While some of the sting from these cuts will be lessened by the governmentwide decision to reduce the Federal workforce, funding for operation and maintenance activities and operating grants of the Department of Transportation are indeed very tight for the next fiscal year.

The bill assumes a pay raise of 1.6 percent for both civilian and Coast Guard military personnel, which is consistent with the budget request but less than that approved in the Treasury/Postal Service bill and by the Armed Services Committee. The recommended bill also assumes no Coast Guard funding from the DOD appropriations bill this year.

Funding for investment in new infrastructure is also very tight in this bill. We have allocated those resources in accord with the subcommittee's investment criteria and based on a verifiable need for funding in the next fiscal year. Some agencies, such as Coast Guard, FAA, and Amtrak, receive increases in capital funding in this bill as compared to last year. In each of these cases, though, the increase was less than the administration's request.

Total funding in the bill for Federal highways is $19.8 billion. Now that is slightly below last year's level. We would have liked to have provided more, but this was just not possible, given the constraints on the committee this year. We just could not do it. However, this funding level will still allow most criteria highway projects across this country to proceed without undue delay.

Mr. Chairman, the bill we bring to the House today has been developed taking into consideration the concerns of the various authorizing committees of the House. We have had frequent and close communication with the legislative committees this year, particularly the Committee on Public Works and Transportation. We have shared our thinking and our recommendations with them throughout the process, and I am very grateful that the Committee on Public Works and Transportation moved a bill this year and moved it using criteria essentially the same as the criteria which we developed in our subcommittee last year.

That has made our job so much easier. I know they had to undertake a great deal of work to do that, but we really appreciate it. I am not aware of any significant problems on jurisdictional matters. One example of the new process involves the treatment of special highway projects. Under the agreement this year between the Transportation Subcommittee and the Committee on Public Works and Transportation, no funding has been recommended for specific highway or transit projects not either currently authorized or included in the national highway system bill which we passed a few weeks ago.

In summary, Mr. Chairman, this is a balanced bill, crafted in a difficult budget year. It provides for the essential transportation needs of this country, it places a priority to the extent possible on investment programs and criteria. We have worked in a truly bipartisan fashion with the minority members of the subcommittee and throughout the Congress. I believe the bill deserves the committee's support, and I recommend it for approval.

As usual, Mr. Chairman, the committee report accompanying the bill spells out in detail the funding recommendations. For additional information or specific funding levels, I would refer my colleagues to that document.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4556, the fiscal year 1995 transportation appropriation bill. Just to repeat what I said before the Committee on Rules and what I said when we marked up the bill in full committee, I said this is not a perfect bill, it is probably not even a good bill, but it is the best bill I believe we could achieve under the circumstances. Our subcommittee, under the leadership of the gentleman from Michigan [Mr. CARR], was operating under very serious budget constraints this year, which left us unable to address many highly meritorious initiatives which I hope we can deal with next year.

I do believe, given the finite resources available, we have tried in this legislation to provide the necessary funding for the Nation's transportation network.

There were many competing requests for resources among all the modes—highways, transit, rail, aviation. This bill attempts to balance these very valuable and, I think, very, very valid demands.

☐ 1230

As the ranking minority member of the subcommittee, I do have a problem with funding which was added for certain projects after the subcommittee completed its markup, and I have made my concerns known to the majority, and I make my concerns known to the body, and I say, "Never again, never again."

I would be remiss, Mr. Chairman, if I did not also follow up on what the gentleman said with regard to the staff. I would like to express my appreciation for the diligent work of the subcommittee staff: Del Davis, Rich Efford, Cheryl Smith, and Linda Muir, and our minority staff, Jan Powell, John Blazey, Glenn LeMunyon, and Connie Veillette.

They have all done an outstanding job. I also want to pay tribute to the chairman of the committee on two points.

One, as the Members know, last year the gentleman from Michigan [Mr. CARR] insisted, which is very difficult to do particularly in this environment, but insisted, that investment criteria be developed against which we could measure the many requests for transportation projects. He thought it was important to determine what the taxpayers' return on the dollar would be, rather than selecting projects on the basis of seniority, power, who is in the leadership, who serves on the Committee on Public Works and Transportation, and all that other process that we go through around here, and I think he did a good job.

I also want to make a personal comment about the chairman. There has not been a fairer person that I have dealt with in the body, not a fairer person. I say to the gentleman, I will miss you, BOB. I think you have done a good job. I think you have been fair. We have had no differences. I wish other committees could do this. I hear all these rhetorical statements about bipartisanship. Frankly I think we have actually had it. So, I personally am going to miss you, and I say Godspeed. I think you have done an excellent, excellent job.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today in support of H.R. 4556, a bill making appropriations for the Department of Transportation and related agencies for fiscal year 1995.

I, too, want to begin by commending our leaders, our chairman, the gentleman from Michigan [Mr. CARR], our ranking minority member, the gentleman from Virginia [Mr. WOLF], for their work this year, and all the members of the subcommittee led by these two. We have maintained a solid bipartisan approach, and the bill reflects this spirit of comity and cooperation. We are going to miss the gentleman from Michigan [Mr. CARR] as he retires from this body. We all wish him well, and my hope is that our loss will prove the other body's gain. I also want to thank our fine professional staff of this subcommittee, Del Davis, Rich Efford, Linda Muir, and Cheryl Smith, for their absolutely critical contributions to our efforts.

Mr. Chairman, this bill increases the efficiency and effectiveness of our Federal investment in transportation. These investments are critical to economic growth, and I am pleased to have had a role in developing this program. Without these investments our roads would be more congested, our airways more dangerous, our public transportation less efficient.

Of course I am particularly grateful for the recognition of North Carolina's transportation needs and priorities in this bill. Critical highway priorities, public transportation planning and investment, railroad improvements, improved passenger service, transportation safety; all of these needs of our State are addressed in this bill. North Carolina is trying to meet the challenges posed by its diverse economy and geography, and I am grateful for the committee's support of our transportation goals.

The bill also responds to our Nation's pressing need to reduce the deficit. The bill is $236 million below the administration's request for transportation spending. This has made it necessary to make some tough choices and to set some real priorities. We are spending less. We are also spending what we do spend in a more intelligent and targeted fashion, in a way that pays off for our economy, for all of our people.

In allocating these scarce transportation dollars, Mr. Chairman, the committee considered testimony given in oversight hearings and recommendations from the authorizing committees and from State boards of transportation. The projects have been subjected to exacting criteria. These are projects that will promote economic growth. They will create jobs. They will save lives. They will protect the environment. It is a bill we can be proud of, a bipartisan product that I urge my colleagues to support.

Mr. Chairman, this is a good bill. It will make key transportation investments in a cost-effective manner, and Members can vote "aye" with confidence.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I rise today for two purposes. First to compliment the distinguished gentleman from Michigan, chairman of the subcommittee, Mr. CARR, and the distinguished Member from Virginia, ranking minority member, Mr. WOLF, for a strong fiscal year 1995 transportation appropriations bill.

I also rise to alert Members to a transportation-related problem which I hope will be addressed over the next 4 months, and I realize there is report language in the bill on this, but I am very concerned about the American Automobile Labeling Act, which is scheduled to go into effect on October 1, 1994.

This provision requires automobile companies to put a label on all new vehicles stating the country of origin of the parts, the engine, and the transmission, as well as the location of assembly.

Two years ago, I stood here and opposed this Labeling Act because it was misleading to American consumers and it would hurt manufacturers and suppliers in my congressional district. Most disturbing to me is that the label would not show the significant contribution of American labor to the vehicle's overall value.

The American Automobile Labeling Act is not fair because:

First, it excludes the value of final assembly labor, thereby failing to show the value of American labor;

Second, it will average the content from different countries for the same model, thereby masking the content of specific cars and sending a very misleading message for consumers.

Third, Canadian parts and labor are considered "American" under the provisions of this law, again creating more confusion for the American public.

Not only is this a bad law, but with less than 4 months to go from this law taking effect, no final rule has been issued by the Department of Transportation.

The lead time necessary for putting the labeling law into place is significant. Without final regulations, suppliers in my district should not be expected to take on this additional burden and administrative nightmare to comply by October 1.

We in Congress have a responsibility to fix this law so it is fair to both consumers and manufacturers. And with no final rule issued, at the very least, we should delay the implementation date for at least 1 year to give our suppliers and manufacturers the time they need to comply.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I rise to express my continued concerns over the American Automobile Labeling Act [AALA] which was enacted into law in the fiscal year 1993 DOT appropriations bill. Although automobile manufacturers must have the required window labels on new vehicles offered in dealer showrooms effective October 1, 1994, the Department of Transportation has still not issued the final regulations telling suppliers and manufacturers how to comply with the law. This lack of leadtime placed an unreasonable burden on suppliers in my district.

The purpose of the AALA was to "provide consumers with the best and most easily understandable information possible regarding the national origin of automotive equipment. * * * So what is the problem? The problem is that the labels consumers will see on their cars beginning October 1 of this year will contain flawed and misleading information.

The principal problem is the way that parts are counted under the AALA. For example, if a manufacturer buys a part which as 69 percent United States/Canadian content from a wholly owned supplier, the manufacturer gets to count the 69 percent as domestic. But if the exact same part with the same domestic content levels is purchased from an unrelated supplier, none of the value could be counted as domestic.

The AALA sends a signal to suppliers that they may as well import the entire content of a part because their domestic content will be rolled down to zero until it exceeds 70 percent. This roll-up/roll-down formula was specifically rejected by our negotiators in the NAFTA. It seems to this Member that if a formula like this is not accurate enough for trade purposes, then it is not accurate enough for consumers.

Mr. CARR of Michigan. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I congratulate the gentleman for his remark and point out that I am the author of the bill that was passed several years ago calling for content labeling. The committee is very familiar with this situation, and we spoke with NHTSA and the Office of the Secretary of the Department of Transportation [DOT] about gradual enforcement of the requirements because the manufacturers have not had the appropriate time to craft their own procedures to comply with the law.

□ 1240

So, Mr. Chairman, we are going to be monitoring that very carefully, and we highlighted that at the bottom of page 101 of our committee report.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA], a valuable member of the committee.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the fiscal year 1995 Transportation appropriations bill.

The Transportation appropriations bill is special because dollar for dollar, investments in transportation not only move people and goods, they create jobs. When we build a new transit line, manufacture new bases or improve a highway, people go to work. That makes this appropriations bill almost unique.

However, because of the deficit reduction bill we passed last year, we faced incredibly tight budget constraints. And we had to make tough choices in the investments we made. I would have liked to have seen more funding for Amtrak's Northeast corridor.

I would have liked to have seen more funding go toward modernizing older transit systems.

I would have liked to have seen more funding for the development of high-speed rail. But we did the best we could with limited resources.

In our bill, we set standards to measure the bang for the buck we get out of our transportation investments. We established investment criteria. Like any investor, we asked tough questions. We looked at costs and benefits. This is the way fiscal decisions should be made. I applaud the leadership of the majority and minority, and especially the fairness of my chairman, BOB CARR, and I wish him well, as well as the other members of the committee on both sides, and our staff in making these tough choices.

To me, our bill is a powerful example of why the A-to-Z proposal is such a bad idea—why we must continue cutting the deficit in a genuine way—not on an ad hoc basis or by using gimmicks.

The job creating investment decisions in this bill have been deliberated on their merits, after a full set of hearings, thoughtfully, deliberately. Not in a politically charged, budget cutting frenzy on the House floor. It is A to Z that should be cut.

This is a good bill and I urge my colleagues to support it.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. REGULA], a member of the committee.

Mr. REGULA. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I rise in support of H.R. 4556, the Transportation appropriations bill for fiscal year 1995. I want to thank the chairman of the subcommittee, the gentleman from Michigan, [Mr. CARR], for his leadership and fairness. He will be missed next year.

I also want to thank our ranking minority member, the gentleman from Virginia, [Mr. WOLF], for his dedication to writing a good bill and for his support of the interests of other members of the subcommittee.

I also want to thank the staff on both sides of the aisle for their hard work and cooperation.

As has been stated earlier, this is not a perfect bill. It does not provide enough money in some accounts and that will be a disappointment to many. Some programs are funded above what some Members will find acceptable. However, considering this year's budget constraints and the number of requests, it is as good of a bill as we could write.

Again this year, economic criteria was used to evaluate projects. I believe this is an important legacy Chairman CARR is leaving us and one which other committees are adopting.

My fellow subcommittee members have already spoken on many components of the bill. Let me comment on one issue about which many members are becoming concerned and how we addressed it in the report.

You may have been contacted by your State's transportation officials regarding a problem with the EPA's final rule on Clean Air Act conformity standards.

This is a huge problem for any State which has a nonattainment area, and currently there are 32 States with such areas. In a nutshell the issue is thus: States were caught unaware when EPA included in its final rule a provision on nitrogen oxides emissions which had not been previously included in the proposed rule. Neither had NO_x been raised in discussions with the States during the comment period.

The resulting problem is this: Until EPA approves a State's implementation plan, also referred to as an emissions budget, transportation projects are under a build/no-build requirement. If a project causes any increase in NO_x emissions, regardless how minuscule—and in Ohio's case it would be less than one-tenth of 1 percent—then the project may not be built. And because States were unaware that they had to meet NO_x requirements, they do not believe they have time to complete their amended State implementation plans with NO_x included.

The subcommittee had considered including language delaying the penalty for States who were unable to comply with the nitrogen oxides build/no-build requirement. States still would have needed to comply.

I believe this would have been a reasonable solution to a problem which may result in transportation projects worth billions of dollars being postponed.

EPA and DOT have expressed their desire to address the problem administratively. To date, none have been forthcoming. For now, the committee has included report language which outlines the problem, expresses our concern, and calls for DOT to report to the committee on the administrative remedies being provided to States to overcome the problem.

It is my understanding that similar language is being included in the VA/HUD appropriations bill as well. This does not solve the problem, but it does raise the visibility of the issue and hopefully will lead to a fair solution.

Residents of the Great Lakes Area will be happy to know that the Coast Guard cutter *Mackinaw* will continue in service for 1 more year. We also instruct the Coast Guard to study other possible replacements for icebreaking on the Great Lakes.

The committee provided funding for the Coast Guard's Boat Safety Program. According to an April 1993 study by the National Transportation Safety Board, recreational boating accidents result in the highest number of transportation fatalities annually after highway accidents. Eliminating this program would not be prudent.

Funds provided in this bill are investments in our country's infrastructure and that has a direct impact on our economic prosperity. Whether it is our highways, railways, airways, we can not neglect investing in them. The Department of Transportation estimates that highway delays in urban areas now total more than 2 billion hours annually costing billions of dollars in lost work hours.

I urge my colleagues to support the Committee bill.

Mr. CARR of Michigan. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from California [Mr. MINETA], chairman of the Committee on Public Works and transportation.

Mr. MINETA. Mr. Chairman, I appreciate the time that has been extended to me by the chairman of the Transportation Appropriations Subcommittee.

Mr. Chairman, I rise in strong support of H.R. 4556, the Transportation and related agencies appropriations bill for fiscal year 1995.

At the outset, Mr. Chairman, I would like to commend the gentleman from Michigan [Mr. CARR] for his excellent work on this bill. As you may recall, last year the Committee on Public Works and Transportation and the Subcommittee on Transportation Appropriations did not agree on certain issues in the bill. This year, we are pleased not only with the process but the product.

Unlike last year, this year has been marked with both communication and cooperation. The gentleman from Michigan and I worked together in the formulation of both the National Highway System and the Department of Transportation appropriations bills. Both bills are not only compatible, but are a testament to the fact that the authorization and the appropriations process do not have to be mutually exclusive.

And, in terms of substance, under Mr. CARR's leadership, the Subcommittee on Transportation Appropriations managed in this bill to fund essential transportation programs at credible levels given the limited financial resources available during these tough budget times.

Mr. Chairman, H.R. 4556 provides $17.2 billion in new obligations from the highway trust fund for the Federal-aid highway program to meet our Nation's infrastructure needs consistent with the goals of ISTEA. This amount, which is only 2 percent less than comparable fiscal year 1995 funding, provides formula and other grants for the construction and repair of the Interstate Highway System and other primary and secondary roads and bridges. Included in the $17.2 billion fiscal year 1995 obligation ceiling is $4.6 billion for the Surface Transportation Program—$127 million more than fiscal year 1994 funding; $2.5 billion for bridge replacement and rehabilitation—$31 million more than fiscal year 1994; and $3.3 billion for the National Highway Program—$42 million more than current funding.

The bill also appropriates a total of $300 million for 109 highway and other transportation projects specified in other existing law or the House-passed National Highway System [NHS] bill. That bill, in addition to approving designation of the NHS, also includes general fund authorizations for various highway projects which passed muster, through a series of 18 questions, with the States, local governments and Federal Highway Administration of the Department of Transportation. I am proud that in this regard, both the authorizers and the appropriators did their part to make the legislative process run more smoothly and efficiently.

Additionally, the bill also appropriates $121 million—of which $47 million would be provided from the highway trust fund—for much-needed operations and research activities of the National Traffic Safety Administration. It also authorizes the release of $151 million from the highway trust fund for highway traffic safety grants—providing a total $273 million for important highway safety programs in fiscal year 1995.

Moreover, the bill provides $1.7 billion for the discretionary mass transit grant program of the Federal Transit Administration, and it authorizes the release of $2.9 billion from the mass transit account of highway trust fund primarily for formula transit grants, transit planning and research and interstate transfer grants—providing a total of $4.6 billion for mass transit programs in fiscal year 1995. This total is $41 million more than provided in fiscal year 1994.

Furthermore, the bill provides a total of $25 million for the administration's modified high-speed rail proposal. This includes a general fund appropriations of $20 million, and the appropriation of up to $5 million from the highway trust fund, as authorized by ISTEA for research, development, and demonstration of high-speed ground transportation technologies, including high-speed rail.

Unfortunately, as in past years, the bill provides no funding for development of a magnetic levitation [maglev] transportation system. While ISTEA authorized funds through fiscal year 1997 for development of a prototype maglev system, to date, no funding has been provided for this worthwhile activity.

Finally, the bill appropriates $7 billion for the Federal Aviation Administration [FAA] in fiscal year 1995, including up to $1.5 billion from the airport and airway trust fund for airport planning and development grants—providing a total of $8.5 billion for the FAA in fiscal year 1995. Additionally, the bill authorizes the release of up to $26 million from the airport and airway trust fund in fiscal year 1995 for essential air service [EAS] payments to subsidize airline service to smaller communities.

Overall, Mr. Chairman, this is a good bill. In trying to meet the various transportation needs of the entire country, it is responsive and responsible. There are, however, three provisions in the bill for which I would like to get more clarification. So, at this point, I would like to enter a colloquy with the gentleman from Michigan.

Mr. Chairman, section 322 of the bill would provide that any transit funds appropriated before October 1, 1993, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading.

It is my understanding that this is simply a bookkeeping change requested by the administration to allow the transfer of certain unexpended funds—around $37 million—from their existing appropriation accounts to replacement accounts which more accurately reflect current program structures. For example, under this provision $1.8 million in the existing research, transit and human resources account would be transferred to the new transit, planning and research program account created as a result of ISTEA. This would be done, I am told, solely for purposes of accounting efficiency.

Section 322 is not intended to allow the transfer of funds provided for one purpose to be used for another. It is also not intended to result in any transit program or policy change.

Is my understanding of this section correct?

Mr. CARR of Michigan. If the gentleman will yield, Mr. Chairman, the gentleman's understanding is correct. Section 322 would simply allow DOT to effectuate technical accounting changes in certain budget accounts. It would not go beyond that.

Mr. MINETA. I thank the gentleman.

Mr. Chairman, section 323 would authorize DOT to permanently cancel around $65.1 million in budgetary resources.

Again, it is my understanding that the resources which may be canceled are those involving contractual and/or procurement services only. They would not involve cuts or cancellations in the core highway, transit, or aviation grant programs; would not involve reductions in any of the obligational ceilings for those programs; would not involve reductions in any grant program; and would not result in any program or policy changes.

Is that also the understanding of the gentleman?

Mr. CARR of Michigan. Again, the gentleman from California is correct.

Section 323 is included at the request of the administration as a result of its reinventing Government exercise. The $65.1 million is intended to represent DOT's share of total reductions that would be taken Governmentwide in the areas of contractual, procurement and ADP services. It is not intended, as the gentleman stated, to effect in any way the core highway, transit, or aviation programs.

Mr. MINETA. I thank the gentleman for his explanation of these two provisions.

Last, the bill also includes a provision that would allow the use of 70,000-pound, 4-axle dump service vehicles in the State of Maryland, notwithstanding the Federal bridge formula weight and axle design limitation and notwithstanding the State's current grandfather provision of 65,000-pound, 3-axle vehicles.

One of the concerns I have about this provision—which, I understand, would substantially reduce pavement and bridge damage and which would enhance safety through better weight distribution—is its enforcement. We should not allow this exemption if the State is not going to vigorously enforce its application. I think the State of Maryland will do so and they have had a strong enforcement record in the past on issues like this. On this point, I will include at the end of this colloquy letters from both the Maryland Department of Transportation State Highway Administration and the Maryland State Police expressing commitment to enforce the new limitations.

To ensure that, however, I wonder if the gentleman from Michigan would be amenable to either legislative language or statement of managers language when this bill gets to conference, that this section, if included in the final conference agreement, shall take effect only upon adoption by the State of Maryland of regulations to enforce the new limitations; and, second, inclusion of a specific requirement that the State of Maryland report to Congress 1 year after enactment of the provision of how the State has enforced the new limitations and what the enforcement record has been to date.

It seems to me that both requirements will help ensure proper enforcement of the new limitation. It is also my understanding that the author of the provision—Congressman HOYER—is amenable to both of these.

Mr. CARR of Michigan. I commend the gentleman from California for his concern about proper enforcement of this provision. I know of no opposition from the State of Maryland or others to the gentleman's request and we will work with him in conference to that end.

Mr. MINETA. Again, I thank the gentleman, and once again, I would like to commend him and the Appropriations Committee for their good work on this bill.

MARYLAND DEPARTMENT OF TRANSPORTATION, STATE HIGHWAY ADMINISTRATION,
June 13, 1994.

Hon. NORMAN Y. MINETA,
Chairman, House Public Works and Transportation Committee, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MINETA: On Friday June 10 inquiries were made as to the status of enforcement regulations and procedures pertaining to the Maryland law which will allow a 4-axle dump truck to be operated on Maryland highways. We are currently working on the regulations and enforcement procedures related to this legislation. Please be assured that substantive and effective regulations, including significant fines, will be in place and will be vigorously enforced as of the anticipated December 31, 1994 effective date of this legislation.

I thank you and your staff for your consideration of this issue.

Sincerely,

HAL KASSOFF,
Administrator.

STATE OF MARYLAND, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, MARYLAND STATE POLICE,
Pikesville, MD, June 10, 1994.

Hon. NORMAN Y. MINETA,
Chairman, House Public Works and Transportation Committee, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MINETA: On Friday, June 10, 1994, inquiries were made about the status of enforcement regulations pertaining to the Maryland law which will allow a four axle dump truck to be operated on Maryland highways.

Please be assured that the Maryland State Police, as a principal component of the Motor Carrier Safety Program, will enforce the regulations and procedures, effective December 31, 1994.

Thank you for your interest in this most important issue, and I look forward to working with you in the future on matters of mutual concern.

Sincerely,

L.W. TOLLIVER,
Superintendent.

□ 1250

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Chairman, as we take up the Transportation appropriations bill, I would like to express my gratitude to subcommittee Chairman CARR and ranking member WOLF for their leadership on this important legislation. Their efforts to institute a strict level of criteria to fund transportation projects signals their commitment to fiscal responsibility.

I will certainly miss working with BOB CARR in the House. He has always been most cooperative and helpful, and the residents of southern California are indebted to him for his attention to their transportation requirements.

This year budgetary constraints prompted a strict scrutiny of each of these projects through both the authorizing and appropriations processes. I am extremely pleased that my colleagues shared my view that these projects deserved funding during this tight fiscal year.

I especially appreciate the consideration of southern California's transportation needs with the inclusion of funding for the eastern transportation corridor project. Chairman CARR was instrumental in adding this important funding. In effect, the money set aside for this project amounts to a line of credit which is not expected to be spent. Instead, it will help to leverage more than $1.6 billion of much needed highway construction in Orange County. BOB CARR and FRANK WOLF were extremely supportive of my efforts to include this funding.

Similarly, the addition of financing for the Orange County transitway project will allow for preliminary engineering, right-of-way acquisition, project management, oversight, and construction for new systems and extensions.

The committee must also be commended for incorporating funding for the Bristol Street improvement project in Santa Ana, the California Interstate 905 congestion mitigation project, the Interstate 5 capacity enhancement, and the State Route 71 planning and design project in Riverside, CA.

The inclusion of these and other important programs in San Diego, Orange, and Riverside Counties will help the region meet its challenging transportation needs. I believe that this legislation takes a new approach to highway and transit projects and reorients the direction of this Nation's transportation policy.

Congestion on southern California roadways has been a bane to the continued growth of this area. This legislation will be a first step toward alleviating the traffic congestion that southern California motorists face everyday.

I would also like to take this opportunity to thank members and staff of the Appropriations Committee and Subcommittee on Transportation for their hard work on this bill. Your hard work paves the way for meeting our Nations transportation needs.

I support this very important transportation funding bill and urge my colleagues to support it also.

The CHAIRMAN. The Chair would advise that the gentleman from Michigan has 9½ minutes remaining, and the gentleman from Virginia [Mr. WOLF] has 15 minutes remaining.

Mr. CARR of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished chairman of the Aviation Subcommittee of the Committee on Public Works and Transportation.

Mr. OBERSTAR. Mr. Chairman, hearings conducted by the Subcommittee on Aviation indicated that major changes are needed in the management of the FAA's advanced automation system program if it is going to be successful. In fact, Administrator Henson has already taken steps to bring about necessary changes, and I give him credit for doing so.

Our hearings generated considerable discussion about self of off-the-shelf technology to a greater extent than has been done to date to complete aspects of this program, especially in the tower and terminal environments. Those hearings also indicated that U.S. companies are not producing advanced automation air traffic control technology and selling it to other countries overseas. These hearings showed that if FAA took the right steps in the procurement process, this type of equipment can be brought on line at home quicker and at less cost than they have done up to now.

FAA has a good deal of authority to cut through the bureaucratic red tape in the procurement process, and have shown they can do this in the recent wide area augmentation system procurement under the global positioning satellite system.

□ 1300

FAA in that process, will be taking a number of actions to reduce the procurement cycle by more than half the time up until now. For instance, to get the necessary approval to move requests for proposals stages have been cut from 15 or 18 months to 5 months. Time for moving from RFP approval to contract award will be cut from 2 years to 9 months. Time for contract award to implementation will be cut from the average normal 5 years to 2½ years.

I think the FAA ought to be taking similar steps in the advanced automation system procurement, especially in the terminal and tower aspects of the program. Those who aspects, especially, lend themselves to an expedited process, because we have learned that the technology is already available for these systems. It is developed and available, and the FAA can eliminate the time-consuming and complicated steps in the procurement process to bring those systems on line sooner.

I know the gentleman from Michigan has taken a great deal of subcommittee time to look into this aspect of the procurement process. I appreciate the initiatives of the gentleman. I hope that he will concur in that viewpoint.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, we concur.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CALLAHAN], a member of the committee.

Mr. CALLAHAN. Mr. Chairman, I rise today to express concern over the effect the House Transportation appropriation bill will have on the Coast

Guard. I have, on many occasions expressed to this body my support and appreciation of the U.S. Coast Guard. Quite possibly, the Coast Guard is one of the least recognized and most misunderstood branches of our national defense. In fact, because the Coast Guard is normally under the direction of the Secretary of Transportation instead of the Secretary of Defense, it is not always thought of as being an integral part of our national defense.

Mr. Chairman, let me assure you as a Congressman whose district borders the Gulf of Mexico, I view the Coast Guard a little like having a life insurance policy on a loved one. You hope you never need it but you are mighty glad you do when the time comes. In addition to search and rescue missions and the deployment of buoys, America's Coast Guard is also at the forefront of providing expertise on the containment of oil, chemical and hazardous waste spills in a 36-State area. Additionally, America's Coast Guard is on the front lines of our war against drugs and I am especially proud that the men and women who make up our Coast Guard in south Alabama have the distinction of recording the largest single confiscation of cocaine on the high seas.

In this day and age of belt tightening and cutting back, some might question if the American people are getting their money's worth from groups like the Coast Guard. Let me assure you the answer to that question is a resounding "yes."

The reduction of more than $50 million from the President's request for Coast Guard operations will have an immense impact considering the significant reductions made in fiscal year 1994. These reductions are coming at a time when we are asking this small service to take on more and more responsibility. We may be endangering the ability of the Coast Guard to deliver the wide variety of services we have grown to expect.

Soldiers, patriots, rescuers, navigators—the Coast Guard is made up of the finest America has to offer and I, for one, am proud of all of these men and women who serve their country.

Mr. CARR of Michigan. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Subcommittee on Surface Transportation, the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I do rise in support of this DOT appropriations bill and wish to commend the subcommittee chairman, the gentleman from Michigan [Mr. CARR], and the ranking minority member, the gentleman from Virginia [Mr. WOLF], for the marvelous job they have done in fashioning this legislation.

As chairman of the Subcommittee on Surface Transportation, the authorizing panel for the highway and transit issues, I wish to say and tell my colleagues that this is an excellent example of how the House should operate.

We have reached an agreement. We are in a cooperative spirit here, as we seek to handle these highway and transit projects. We entered into an agreement, and we have kept full faith with that agreement between the gentleman from Michigan [Mr. CARR] and the distinguished ranking member, the gentleman from Virginia, as well as the distinguished full committee chairman of our authorizing committee, the gentleman from California [Mr. MINETA] and our ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER].

Every single highway project in this bill has been reviewed by the Committee on Public Works and Transportation. They have been subjected to our intensive review and to the criteria that have been set forth by the gentleman from Michigan [Mr. CARR] as well.

All of that bodes well for this body, because we all have assurances that these are very high-priority projects, high quality, fully deserving of the extra funding that is being proposed and do have the support of State Highway Departments of Transportation as well.

But Mr. Chairman, that is a relatively small part of the importance of this bill. This is a critical measure in terms of the overall contribution to the surface transportation infrastructure of this Nation. As we look into the next century and how we will direct transportation policy as policymakers, it is important that we look at the overall picture.

The spirit in which we have entered into support for this appropriation bill today is the spirit of cooperation and agreement. I hope that we can continue that type of spirit as we look at other transportation decisions that are so vital for our country.

Again, I commend the gentleman from Michigan [Mr. CARR] and the excellent work that he has put into this legislation and urge its support.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 4556. I would like to direct commendations to the distinguished gentleman from Michigan [Mr. CARR], the chairman of the Subcommittee on Transportation of the Committee on Appropriations and my good neighbor in the Rayburn House Office Building, and the distinguished gentleman from Virginia [Mr. WOLF], the ranking member, for their exceptional work in bringing this bill to the floor.

I would say, about the gentleman from Michigan, his tenure has been short. But I think that the innovations he has brought in planning and project justification have been good for the Congress and good for the taxpayer, and I would hope that those efforts would be continued.

This Member is very grateful for the support that these two gentlemen and all members of the committee have shown to Nebraska over the years and also for their overall effort to improve the country's infrastructure and, finally, for their special assistance directly and through their staff to this Member.

Mr. Chairman, this appropriations bill strikes an appropriate balance between Federal deficit concerns and the transportation infrastructure needs of the United States. The bill also reflects an emphasis on the overall needs of the Nation as well as addressing local and regional transportation issues and projects.

Specifically, this Member would like to express his appreciation for the committee's and subcommittee's continued support for the proposed bridge between the Newcastle, NE, area and Vermillion, SD. For six decades, the prospect of constructing a bridge in the Newcastle-Vermillion area has enjoyed wide-spread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bistate consensus is possible because the benefits resulting from the bridge's construction are so clear to all. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge in this region, communities in northeast Nebraska and southeast South Dakota—including Vermillion, the location of the University of South Dakota—have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

Mr. Chairman, this Member is convinced that this bridge, when completed, will serve as a connector for one of two major north-south routes across Nebraska. In addition, to act as a connector it will first require a new highway connection between Wayne, NE, and the bridge; and second, it will require an upgrading of the highway between Wayne and Norfolk, NE, to connect to U.S. 81 which is currently being upgraded. This will mean that from the Kansas border, near Chester, NE, there will be a direct link across Nebraska to Vermillion, SD, and I-29 to points north, northeast, and northwest.

This Member would also like to thank the committee and subcommittee for continuing to recognize the need for a bridge between Niobrara, NE, and Springfield, SD. Initial authorization for such a bridge is contained in a provision of Public Law 100-17, the Surface Transportation and Uniform Relocation Assistance Act of 1987. An authorization of $4.7 million was also included in the Intermodal Surface Transportation Efficiency Act of 1991. However, this amount was less than originally requested and less than necessary to complete the project.

Because of redistricting, the Nebraska portion of this project is now in the district of the distinguished gentleman from Nebraska [Mr. BARRETT]. However, due to this Member's previous efforts and the tremendous need for this bridge, this Member remains very supportive of this project.

The proposed Niobrara-Springfield bridge has enjoyed widespread support from residents on both sides of the river as well as local and State officials. Since 1927, efforts have been made to construct this much-needed bridge. The issue became even more critical in the mid-1980's with the abandonment of ferry service. As a result of a previous legislative initiative, the Department of Transportation directed the Nebraska Department of Roads and the South Dakota Department of Transportation to conduct a study to determine the feasibility of reinstituting ferry service. The report, which was completed in December 1987, estimated that the car ferry would cost approximately $5 million to $6 million. Because of the Department of Roads' analysis that a bridge could be built for far less than was previously discussed, the bridge option became more attractive.

Motorists, farmers, and businesspeople would benefit greatly from the reduced travel distance if this bridge is built. Also, because of the beneficial impact this bridge would have on the Indian tribes in the area, the Bureau of Indian Affairs has expressed its support for the project. For example, by reducing the driving time from the Santee Sioux reservation to the Indian Health Service facility that has operated in Wagner, SD, the bridge would play an important role in improving medical care for the tribes served by the facility.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on behalf of the two interstate bridge projects which will connect our States. The completion of these bridges will play an important role in facilitating a mutually positive interdependence between communities in Nebraska and South Dakota. Mr. JOHNSON deserves recognition for the important role he has played in bringing this goal closer to reality. It has been a pleasure to continue the close and good cooperation on these and other bi-State projects and issues.

Mr. Chairman, H.R. 4556 addresses the current and future highway needs of the United States and this Member urges his colleagues to support the bill.

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Mr. CARR of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT], a distinguished member of the Committee on Energy and Commerce, and chairman of the authorization subcommittee that deals with Amtrak. The gentleman has been a valuable partner in the deliberations and in the consideration of this bill.

Mr. SWIFT. Mr. Chairman, I want to thank the chairman very much for the time and also for the cooperation that he has extended to my subcommittee as we work on these difficult issues.

Mr. Chairman, later on today we are going to get a chance to debate fully some of the issues with regard to Amtrak, ICC, and some of those issues.

I would like to take this time to just make kind of a general observation that applies to this appropriation bill and to all the appropriations bills that come before the House, Mr. Chairman. It seems that there is no way, we have not found a way, to get credit for supporting spending cuts unless we vote for an amendment on the floor.

The fact is that most of the cutting that has taken place in this institution has taken place within the Committee on Appropriations, very, very tough decisions. I have to tell the Members, there is not enough money in this bill in a number of areas of concern to me, if I measure it against what I would like there to be in order to do the job. They have bitten bullets until their teeth are dull.

However, Mr. Chairman, when it gets out here, somehow we have not been able to figure out how we can vote to support the committee and get credit for supporting very tight, penurious budgets and get credit for voting for spending cuts. I wish we could find a way to do that, because this in an institution, Mr. Chairman, that is really a creature of its committees.

It has been set up that way since the beginning. It was Woodrow Wilson, long before he became a politician, when he was a political scientist, who said the House in session is the House on display; the House in committee is the House at work.

Mr. Chairman, the committees have the ability to be much more surgical in the way they make the cuts, to take into consideration a lot of subtleties that are really impossible to deal with on the floor, and to coordinate the cuts between the other activities over which that appropriation bill has sway. In short, we may be spending less than some of us would like, but generally speaking, what comes out of the committee is the most rational and capable way of doing that.

Therefore, Mr. Chairman, I think it is unfortunate that we have so many amendments which are really kind of a meataxe approach to cutting, because I think a lot of Members feel they have to have the opportunity in order to demonstrate that they are being thrifty.

Mr. Chairman, I would suggest that one can be very, very thrifty indeed by supporting the Committee on Appropriations on this appropriation, and frankly, on all of the appropriations.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY], a capable member of the subcommittee.

Mr. DELAY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the bill. I want to say I thank the gentleman from Washington [Mr. SWIFT] for his remarks, because he is absolutely right. There are a lot of organizations around here that rate our votes, and some of us that do not vote for increased spending have voted for appropriation bills, for instance, the foreign ops bill, the milcon bill, and there was one more I am trying to remember, energy and water, that was below last year's spending. We will be rated as big spenders for voting for bills that are below last year's spending, actual, real, no-foolishness cuts. Mr. Chairman, I think the gentleman from Washington is right on point.

Mr. Chairman, this is a bill that I support that literally keeps America moving. I am very proud to be part of this subcommittee.

Mr. Chairman, I, too, want to commend the chairman, the gentleman from Michigan [Mr. CARR], in his last year as chairman, for his diligent efforts on behalf of this Nation's transportation needs. It has been a real pleasure serving on the committee with Mr. CARR, even before he was chairman. The gentleman from Michigan is a dear friend of mine, and I value his evaluation and his friendship over these years, and I have to say if he does move to the lower body on the other side of the rotunda, it is their gain, and it is our loss.

I respect the chairman greatly because of what he has tried to do in a very powerful position to bring some sanity to what had gotten way out of hand with projects and earmarks, and projects that had no justification for being implemented or being passed. In his short tenure as chairman of this subcommittee, Mr. Chairman, the gentleman has instituted many crucial and necessary changes to the committee, and I again applaud his efforts.

Mr. Chairman, I also want to pay particular tribute to the gentleman from Virginia [Mr. WOLF], the ranking member, who is also a very diligent member of this committee and has taken every issue and every project in this bill very seriously, and has made some tough decisions along with the gentleman from Michigan [Mr. CARR].

Mr. Chairman, I must say that this committee has gone to great lengths to address transportation programs in a fair and responsible manner, great lengths, requiring each project to have criteria to justify its existence. However, I would say that this is just a good bill, not a great bill.

There are some provisions in this bill that are timely, many provisions that are timely and necessary in support of our Nation's transportation infrastructure; but there are certain few others that have limited justification and have been inserted into this bill for no other reason than political reasons, inserted in this bill after the subcommittee marked up the bill, after the subcommittee listened to long, extensive hours of testimony during hearings for months, and in between the time we marked up the bill and the bill found its way to the full committee's markup, a lot of extra projects were added to the bill, through no fault of the chairman of this subcommittee.

Mr. Chairman, I have to say it is a shame that this chairman was treated the way that he was treated.

Mr. Chairman, with regard to the effort, the good parts of this bill, I would like to just take a brief moment and talk about Houston Metro. The committee has shown continued support for Houston's regional bus plan. This plan without question serves as a model for transit programs throughout the Nation.

Houston has the most technologically advanced risk factor management programs, IVHS programs, enhanced street maintenance programs, neighborhood infrastructure systems, and street and sidewalk improvements than any other city in America. They also have the lowest cost per new rider index out of all the projects funded by the Federal Transit Administration. I am very proud of the accomplishments of Metro, and particularly Mayor Lanier of Houston, and I want to commend their efforts.

As we can tell from that list of transportation programs, Houston addresses its transportation problems in a very comprehensive manner. All the projects are designed to support its core bus system and improve vehicular and pedestrian mobility. Houston does not look at one problem area and try to fix it with a band-aid. They take a very comprehensive look at mobility problems.

It is this kind of philosophy that has enabled Houston to provide the best service at the lowest cost, and I again want to give praise for their efforts.

Mr. Chairman, I must say to the gentleman from Michigan [Mr. CARR] that he has done an excellent job under very difficult circumstances. I commend his work, and say from all of us, particularly all of us on this side of the aisle, we really appreciate his service to this body.

Mr. WOLF. Mr. Chairman, I would ask how much time remains on both sides.

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. WOLF] has 3½ minutes remaining, and the gentleman from Michigan [Mr. CARR] has 2½ minutes remaining.

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Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. HUNTER] for a colloquy.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Virginia for yielding me the time.

As the gentleman from Virginia is aware, I have been working with the county of Imperial and the California Department of Transportation to secure funding for an important transportation project in my district, the extension of California 98 to Interstate 8, which was authorized for $2 million in H.R. 4385, the National Highway System Designation Act of 1994, and will augment the commercial port of entry currently under construction in Calexico, CA, at the California-Mexico border.

Mr. Chairman, the port will be about 6 miles away from the existing port of entry and accommodate an increasing flow of commercial traffic into the Imperial Valley. For this reason, the California Department of Transportation committed funds to construct the initial leg of the project, and amended their State Transportation Improvement Program to agree with the enacted NHS authorization bill.

Understanding the difficult decisions that were made by your committee this year, I am hopeful that some funding can be made available for the preliminary engineering and environmental analysis of the State Route 7 project.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman from California for his remarks, and I agree that the project deserves recognition. The road improvements will play an important role in the success of the port of entry, it will create an invaluable economic and commercial corridor along our border with Mexico.

Mr. Chairman, I told the gentleman that if they are able to get this in in the Senate side, I will do everything I can to see that the bill stays in the conference report.

Mr. HUNTER. I thank the gentleman for his efforts. I commend the gentleman and his staff for everything they have done to accommodate this critical project.

Mr. WOLF. Mr. Chairman, I yield back the remainder of my time.

Mr. CARR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS], the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. STUDDS. Mr. Chairman, I rise in strong support of the bill, with certain small reservations.

Mr. Chairman. I rise today to commend the gentleman from Michigan, the subcommittee chairman, Mr. CARR, for the fine job that he has done in developing this bill. Given the tight discretionary spending cap that the Transportation Subcommittee had to work with, this bill generally provides the Coast Guard and other Department of Transportation agencies with adequate funds for continued operations in fiscal year 1995.

However, the funding levels for two Coast Guard accounts do concern me. First, the appropriation for the Coast Guard's operating expenses [OE] account is $50,000,000 below the President's already austere request. This portion of the Coast Guard's budget funds its diverse day-to-day operations, including search and rescue, law enforcement, migrant interdiction, and pollution response and therefore suffers the most immediate and severe consequences when funding falls short.

In addition, since the administration's budget was submitted to Congress, the President has revised our Haitian interdiction policy to include at-sea asylum processing of refugees. This new policy will surely increase the cost of the Coat Guard's migrant interdiction program. I am concerned that these increased costs, when coupled with the lean budget submitted to Congress—a budget which this bill does not fully fund—may endanger the Coast Guard's ability to deliver the essential services that the Nation requires and has grown to expect.

Second, the $25,000,000 appropriation for the State recreational boating safety grant program, while $25,000,000 more than the administration's request, is $7,250,000 less than the total amount available for the grant program in fiscal year 1994—a reduction of 18 percent. Since its establishment in the 1970's, this program has provided critical funding for State recreational boating safety programs, programs that are responsible for a five-fold drop in boating fatalities; from 20 per 100,000 boats in 1971 to 4 per 100,000 in 1992. Accident prevention is assuredly more cost-effective—and decidedly more humane—than search and rescue and I firmly believe that this program should be fully funded.

Let me be very clear that I do not raise these concerns to criticize Chairman CARR or his subcommittee. I believe they have done an admirable job under very difficult circumstances. However, I understand that the discretionary spending cap for the Senate Transportation Appropriations Subcommittee is somewhat higher than the House cap. If this is the case, I encourage Chairman CARR to address these areas of concern in Conference with the Senate.

Mr. BILIRAKIS. Mr. Chairman, in the early morning hours of August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. This accident resulted in a thunderous explosion which shot a fireball hundreds of feet into the air. In addition, approximately 380,000 gallons of oil spilled into the Gulf of Mexico. The cost of the cleanup of this spill will be enormous—several million dollars, at least.

However, this is not the first accident to occur at the mouth of Tampa Bay. Most of you will remember the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge, causing one of its spans to collapse and killing at least 40 people.

In fact, the Tampa Bay area has been listed by the Coast Guard as a danger area for cargo ships carrying hazardous materials. In 1991, the U.S. Coast Guard conducted a "port needs study" on 23 ports across the United States. The goal of this study was to recognize the ports that are most prone to accidents. The study ranked Tampa Bay as one of the top 10 most dangerous ports.

The Coast Guard has developed a system designed to prevent these types of accidents. This system—the vessel traffic service or VTS—has been successfully implemented by the Coast Guard in four major port areas.

VTS functions like an air traffic control system. It tracks vessels by radar and assists them in navigating through hazardous areas.

Unfortunately, however, in the appropriation bill that we considered today, the Coast Guard's vessel traffic service has been pushed back another year. The bill we have before us will not result in deployment of VTS in Tampa Bay—or any other port—before the end of the 1995 fiscal year at earliest.

I have supported VTS as a cost-effective program that will save taxpayer money. Nationally, the cost to clean up these types of accidents far exceeds the funding requested by the Department of Transportation to operate the VTS program.

Mr. Chairman, it is my hope that I will be able to work closely with the chairmen of both the Transportation Appropriations Committee an the Public Works and Transportation Committee—as well as all of my House colleagues—in the future in order to secure the necessary funding for this vitally important program.

I express this hope not only in memory of the lives that have been lost in accidents such as those that I have described, but for the sake of the lives we will save through the VTS program.

Mr. FINGERHUT. Mr. Chairman, I wish to commend members of the House Appropriations Subcommittee on Transportation for their excellent work in passing the Department of Transportation and related agencies appropriations bill of 1995.

I especially wish to thank Chairman CARR for the inclusion of $1 million for the Tower City Intermodal Hub Study. The proposed intermodal hub would integrate Cleveland's existing bus, rapid transit, and intercity rail services, as well as future commuter rail and high-speed rail services. Significant opportunities for transit linkages within the Cleveland-Akron-Columbus-Cincinnati corridor as well as points west to Toledo-Detroit and east through my district to Buffalo would be created.

This funding will provide the development of a preliminary engineering study of three potential sites to assist in the critical decision of site selection. The Greater Cleveland Regional Transit Authority would be the recipient of the funding, and is presently committed to provide local matching funds.

I would like to thank the committee once again for the attention they have given this important request.

Mr. REED. Mr. Chairman, I rise in strong support of H.R. 4556, the fiscal year 1995 Transportation Appropriations Act, and in opposition to those amendments which would undermine the efforts of this Congress to develop and maintain our Nation's transportation infrastructure.

In particular, I want to commend Chairman CARR, the other members of the subcommittee, and its staff for directing Amtrak to utilize $10 million to address the freight rail capacity problems caused by Amtrak's Northeast Corridor electrification program in my State of Rhode Island beyond the level Amtrak already plans.

I support Amtrak's efforts to electrify the Northeast Corridor and cut travel time between New York City and Boston to under 3 hours, and I am glad that the subcommittee continues to fund this initiative.

However, over time, I have become increasingly concerned that Rhode Island's existing freight rail system and the State's plan to introduce commuter rail service will be damaged by Amtrak's current electrification design. Moreover, the State's efforts to modernize its freight rail system and develop the former Navy base at Davisville, RI, will be unduly hampered by the current electrification plan. Unfortunately, without the subcommittee's action, the combined negative impacts of the existing electrification program threatened my State's future economic viability.

Simply stated, Amtrak's electrification current design does not permit adequate access or sufficient vertical clearance for current or expanded levels of freight service.

Amtrak's electrification program requires the modification of almost 50 bridges in Rhode Island. Unfortunately, Amtrak's current modification plan calls for bridge clearances of 16 feet, 8 inches. Not only could this plan compromise existing freight operations, it would preclude the planned introduction of modern double and triple stack carriers from the Port of Davisville since these carriers require clearances of 19 feet, 7 inches. Without a comprehensive bridge clearance improvement project, the long-term economic development of Southeastern New England will be seriously impacted.

Beyond the need for higher bridge clearances, Amtrak's plan to increase the amount of passenger train traffic through electrification will severely limit the access of freight trains to the Northeast Corridor. Indeed, the schedule modeling of proposed freight rail operations indicate that Rhode Island freight will only be allowed to move from 2 a.m. to 4 a.m. in the morning—a schedule that business cannot and should not have to operate under. In addition, as we know from recent, tragic railroad accidents, there is a need to rapidly increase rail safety. One of the best ways to increase safety is to run freight and passenger traffic on separate lines.

The solution to this problem is to rehabilitate and construct a third track dedicated to preserving and expanding freight service in Rhode Island.

Moreover, the State of Rhode Island and its freight carrier are committed to funding 50 percent of this project—a level of support that is far beyond the standard State contribution.

While some of my colleagues may rise today in opposition to this bill claiming it is not in the Nation's interest, I believe they miss the point. The bill before us is about improving the efficiency of our Nation's transportation system, and more importantly in economically struggling areas, it is about jobs.

Mr. Chairman, I thank the chairman for his support for Rhode Island's efforts to protect its freight and commuter rail plans, and I urge a "yes" vote for H.R. 4556.

Mr. MINETA. Mr. Chairman, I rise in support of the provision in the bill, H.R. 4556, that permits the State of Maryland to amend the terms of its truck weight limitations. The provision approves the application of the laws and regulations in effect in the State of Maryland on June 1, 1993 as it relates to certain truck weight and axle limitations.

Mr. Chairman, as many Members of this body may recall with the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the Congress froze the existing State and Federal limits on truck sizes and weights for use on the Interstate system. To the extent that certain States were determined to have truck size and weight limits that could exceed the Federal limits, ISTEA permitted the continuing use of the grandfathered vehicles. Unfortunately, any attempt by States to amend the State truck size and weight limits to come closer toward compliance with the Federal limits were precluded under the truck size and weight limits agreed to in ISTEA.

In the State of Maryland, there is a grandfather provision which allows short three-axle dump trucks to operate at up to 65,000 pounds. The Maryland three-axle 65,000 pound grandfathered vehicle is one of the worst in the country. But it is allowed by existing Federal law and will go on being allowed by Federal law if we do not act.

However, with the need to address the impact of heavy truck travel on roadways within the State of Maryland, the Maryland State Legislature has enacted a law phasing out the 65,000 pound three-axle service vehicles and replacing the vehicles with a 70,000-pound four-axle configuration. The requirement to switch to a four-axle truck would significantly reduce the loading per axle, would significantly reduce wear and tear on the Interstate System, and would reduce braking distances and therefore improve safety. The four-axle requirement basically takes the same payload and spreads it over more axles, wheels, and bearing area. The result is less damage to the Interstates and better safety performance. That is what this provision would have us agree to.

Although the new vehicle would not conform to the Federal bridge formula which limits axle weights, spacing, and gross vehicle weights, the use of the newly designed vehicle would be a significant improvement over the existing vehicle. This is a major attempt by the State of Maryland to conform with the Federal truck size and weight limitations. The savings projected to accrue from reduced pavement damage are in the range of $20 million per year. This provision takes a bad situation and makes it better.

In order for the State of Maryland to benefit from the pavement repair savings of $20 million per year, the use of the newly designed vehicle must be approved by the Congress. If we do not enact this provision, the new State law in Maryland automatically self-destructs and the three-axle trucks get to go on doing more damage and having longer braking distances, and in fact new trucks can be added to the Maryland fleet which operate at three-axles and 65,000 pounds.

Therefore, Mr. Chairman, I strongly support the provisions of section 332 of this legislation that would provide for the use of the four-axle service vehicle in the State of Maryland.

Mrs. ROUKEMA. Mr. Chairman, I rise today in strong opposition to adoption of H.R. 4556, the "Department of Transportation and Related Agencies Appropriations Bill, 1995." While I realize funding is very tight and we all must tighten our belts, this legislation absolutely neglects the State of New Jersey. I am sure my colleagues are aware, New Jersey is the most densely populated State in the Nation, and its transportation infrastructure is perpetually stretched to the limit. Moreover, Federal clean air mandates will be placing an even greater burden on New Jersey's transportation infrastructure over the next few months.

Even as I speak, northern New Jersey motorists are struggling in the searing summer heat to pass through the Route 17/Route 4 interchange is a major east/west to north/south link in northern New Jersey and its improvement is vital for commuters and commerce. Yet, despite the U.S. House of Representatives' approval of a $3 million general fund authorization for the Route 17/Route 4 interchange as part of H.R. 4385, the National Highway System Desigation Act of 1994, the House Appropriations Committee has completely overlooked this project's desperate need for funding in fiscal year 1995.

The interchange lies at the heart of the Borough of Paramus and Bergen County's commercial hub, and it is a critical crossroad for all of northern New Jersey. Fortunately, local officials have worked closely with the New Jersey Department of Transportation to formulate and approve a new interchange design.

The existing interchange was built in 1932 and designed to accommodate an estimated volume of 12,000 vehicles per day. Clearly, with the present estimated daily volume of 250,000 vehicles, the interchange is no longer suitable, and in dire need of improvement. Not only is the interchange one of the busiest intersections in New Jersey, it is also one of the most dangerous—averaging one motor vehicle accident per day.

At an estimated total cost of $90 million, completion of the Route 17/Route 4 interchange project is heavily dependent upon Federal funding. Full funding for the interchange should not be a problem since both Route 17 and Route 4 have been designated by the U.S. Department of Transportation as components of the urbanized area portion of the NHS, in accordance with applicable provisions outlined in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

The desperate need for Federal funding of the interchange project has accelerated due to a land dispute brought about by the specifications of the New Jersey Department of Transportation approved design. The owner of the Alexander's department store property has threatened to raze the existing retail structure and construct three new retail facilities unless a minimum of $8 million in Federal funds can be made available to purchase the property, in fiscal year 1995. Should this property be redeveloped, the entire project will have to be placed on-hold while less-vehicle-efficient redesign is formulated.

The State of New Jersey stands ready to provide the required matching funding necessary to bring the Route 17/Route 4 interchange problems to a successful resolution. While the authorized amount represents a beginning in the funding process for construction of the Route 17/Route 4 interchange, the Appropriations Committee's unwillingness to fund this project has placed its timely completion in danger.

In conclusion, Mr. Chairman, this legislation is not acceptable to the State of New Jersey. I would hope in the future the Committee will look more favorably upon New Jersey's transportation needs, including the Route 17/Route 4 interchange, the Interstate 280 connector in Newark, and full funding for the State's urban core project.

Mr. Chairman, I urge my colleagues to support the motion to recommit the bill and to vote against final adoption of H.R. 4556.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 4556, fiscal year 1995 appropriations for the Department of Transportation and related agencies. I want to pay special thanks to Chairman CARR and all the members of the subcommittee for their hard work and expeditious action on this important legislation. Given the freeze in domestic discretionary funding enacted as part of the deficit reduction plan, I know the subcommittee faced a number of difficult problems this year.

When I was elected to Congress in 1992, I promised all citizens in my community that one of my top priorities would be to ensure that Westside Light Rail project—from downtown Portland to downtown Hillsboro—became a reality. Last year, I had the pleasure of working with the subcommittee and to secure a funding level to keep Westside Light Rail on schedule. In fact, here in the House, I was able to secure the highest funding level ever for the project. I am pleased to let my constituents know that the bill before us today hits a new high water mark. It contains the highest level ever proposed in the House for the Westside Light Rail project: $73.5 million. I find it gratifying that these funds will help ensure that the hard work of so many of our local people will not go to waste, and the project will stay on track for an additional year. Today's bill is living proof that hard work truly does pay off.

Earlier this year, I testified with Tom Walsh, general manager of Tri-Met, before Mr. CARR's subcommittee regarding this project. At that time, we were able to give the entire subcommittee a tremendous amount of good news about Westside Light Rail. The Westside Light Rail project was officially dedicated last August and construction began on the tunnel segment this past winter. Thirty-seven fully accessible low-floor cars are currently on order. Construction on the other line segments will begin in the coming months. The Hillsboro project's environmental impact statement [EIS] was recently completed and the region expected to complete negotiations or an amendment to the full funding grant agreement this summer. In fact, throughout my district, there is ample evidence of progress on the Westside Light Rail project.

Currently the first of the two legs of the Westside project is scheduled to open in the fall of 1997. Frankly, it can't become operational soon enough. The project is largely located in Washington County, the fastest growing county in the entire State. Washington County and all surrounding areas are facing increasing gridlock as the current transportation infrastructure is incapable of accommodating the exploding traffic demand. The west hills of Portland are formidable obstacles to future road expansion. Light rail will make expanded future travel between downtown and the western suburbs possible. Westside Light Rail is, without question, the most important project in my district.

Public support for Westside—even with all the temporary disruptions that construction of this project has created in my community—remains high. Public support remains consistently high because people in Portland understand that Westside is key to our region's future. The vision of liveable communities with less traffic and vibrant commerce depends in no small part on regional and State land use decisions. In Oregon, all these decisions emphasize corridor and zoning planning and are predicated on the completion of the Westside project. Transit and road networks will work hand-in-hand to continue what we believe is an unparalleled quality of life.

The Portland area's commitment to Westside light rail is best represented by the general obligation bond measure which was passed in November 1990 by 74 percent of the vote. Citizens were willing to put their own money where their mouth was to provide the local match for the Westside project. The State legislature has approved the use of lottery fund moneys for the State's share of the entire project. In fact, for the Hillsoboro segment, the State and local governments will overmatch the section 3 funds to reduce the Federal share to 33 percent. That's another signal of the community's commitment to light rail.

Secretary Peña was quoted earlier this year as saying that Portland has "the best transit system in the country." He's right. The Clinton administration has been very supportive of the Westside light rail project, both in terms of its recommendations in the Federal Transit Administration's 3–J report, but also in the award of discretionary funds to keep the project on line. Having personally contacted the President about Westside light rail, I'm appreciative of their support.

There are a number of people I need to thank here in the House, in addition to Chairman CARR, for their efforts on Westside light rail. Special thanks are due to Senator HATFIELD for his long-term commitment to Westside, and his work on the Senate side. He is a good friend. The dean of the Oregon delegation, RON WYDEN, has once again been extremely helpful in advancing this project. I thank him for all he has done. In fact, every time I have asked a member of the Oregon delegation to support the Westside project—and it has been a number of times—they have done so.

I'd like to mention one additional aspect of this legislation, something which has gone largely unnoticed. H.R. 4556 includes the first real funding for highspeed rail. In the Northwest, we have one of five nationally designated highspeed rail corridors—from Vancouver, B.C., to Eugene, OR—and it goes right through my district. The $25 million provided by the committee will be a significant boost to the $50 million which Oregon and Washington have already committed to this project. I believe it will be a very cost-effective investment.

Additionally, I'd like to point out that one of the very real needs in the Northwest is to be given the authority to actually begin work on corridor, as opposed to simply doing more planning. The bill before us today is a good step in this direction. We in Oregon have a plan, we have local funds, and we are ready to go. It we receive funds in fiscal year 1995, we will be even closer to making highspeed rail a reality in our region.

Once again, Mr. Chairman, I urge all my colleagues to support H.R. 4385. I have been fortunate during this Congress to be involved with so many good people on the Westside Light Rail project at virtually every level: local, regional, State groups, and Tri-Met itself. I am proud of the work I have done to advance Westside, and urge support of H.R. 4385. It is a good bill, important legislation for Oregon and the Nation.

Mr. TAUZIN. Mr. Chairman, I rise today in support of H.R. 4556. On behalf of the men and women who's service in the Coast Guard means so much to Americans everywhere, I ask my colleagues to support this bill.

I want to thank my colleague, Chairman CARR, for the cooperation that he has demonstrated in working with the Subcommittee on Coast Guard and Navigation to address a number of concerns that we brought to his attention.

In a very difficult budget year, Chairman CARR has ensured that the Coast Guard's capital improvements account is adequately funded. This investment in new ships, boats, and shore facilities will bring returns for years to come. Additionally, H.R. 4556 provides funding for two programs that are very important to my subcommittee; reserve training and boating safety.

Like every other agency in the Department of Transportation, the Coast Guard had orders to reduce its budget request for fiscal year 1995. Due to very tight budget allocations in the House, H.R. 4556 recommends cutting an additional $50 million below the President's request for the Coast Guard's operating account.

In 1995 the Coast Guard already plans to decommission 11 cutters; ground 11 aircraft; and consolidate numerous administrative offices across the country.

What's more, the Coast Guard has once again been forced to reduce its drug interdiction operations because of the crisis in Haiti. We must give the Coast Guard the funding it needs to carry out the missions that we have assigned to it.

While I understand that there were few funding alternatives for the committee, I hope that in conference the Coast Guard's operating budget can be increased to reflect the President's request.

I ask my colleagues to support H.R. 4556.

Mr. SKAGGS. Mr. Chairman, I'd like to thank Chairman CARR, Representative WOLF, and the other members of the Transportation Appropriations Subcommittee for their hard work on this bill, which makes the kind of investments this nation needs to maintain and improve our transportation infrastructure.

In particular, I'd like to mention a few items of interest to me and the people of Colorado. First, I want to thank the committee for providing priority designation in the interstate maintenance discretionary account for the I–70/I–25 interchange in the Denver metro area, which is better known as the "Mousetrap" because of its high traffic volume and poor design.

Rebuilding the Mousetrap has been a top priority for the Colorado Department of Transportation. These segments of I–25 and I–70 are major routes for hazardous material transportation, thus making the interchange one of both local and national significance. The committee's support for this project, as reflected in its continued priority designation, will ensure that the project moves along.

Second, the committee has given priority designation in the discretionary bridge fund to the 23d Street viaduct reconstruction project. The reconstruction of the viaduct will make it much easier for people to get into and out of Denver during rush hour, for Rockies games at the new Coors Field, and during other peak traffic times. Priority designation is crucial to keeping this project going, and the committee's action will be very welcome by all Coloradans who travel in and out of Denver's lower downtown.

Third, the committee has included $2 million in Federal Transit Administration funding for the purchase of 10 new buses by the Upper Eagle Valley Transit System in Vail, CO. These funds will allow the city of Vail to replace buses that were purchased in 1981 and have outlived their useful life. The buses currently in service in Vail do not meet emission requirements or accommodate disabled passengers, and the funding provided in the bill will rectify that problem.

Members will also be interested in knowing that Vail has proposed a unique arrangement to share the buses. They'll be used by Vail during the winter months, when demand is greatest there, and used by other communities in the summer, when the need is greatest in those cities. I think this new and innovative arrangement is an important step forward in making sure that scarce Federal resources are stretched as far as possible, and I appreciate the committee's support for Vail's request.

Finally, I want to note that this is, of course, the last time that Chairman CARR will be bringing the Transportation appropriations bill to the House floor. Mr. Chairman, it has been a pleasure serving on the committee with you, especially including our joint service together on the Commerce, Justice Subcommittee. I know we all wish you the best of luck as you move on to another challenge. Your efforts on behalf of Colorado's transportation needs have been greatly appreciated, and I hope to have the opportunity to continue working with you in conference committees on these and other issues in the future.

Again, I'd like to commend and thank the members of the subcommittee, and I urge all of my colleagues to support this well thought out legislation.

Mr. BUYER. Mr. Chairman, I rise to express my appreciation to the Transportation Appropriations Subcommittee for including $3 million in funding for the Hoosier Heartland Corridor.

The Hoosier Heartland Industrial Corridor was authorized by the Intermodal Surface Transportation Efficiency Act as a high priority congressional corridor. This project will link Fort Wayne to Lafayette by a four-lane highway. It is one of the top priorities of the Indiana Department of Transportation and enjoys broad bipartisan support in the communities all along the project route.

The recently passed authorization legislation for the National Highway System, H.R. 4385, included $3 million in additional authorization for Hoosier Heartland Corridor. Therefore, this funding should not meet with any objections based upon an insufficient authorization level.

The Hoosier Heartland Corridor will become a vital link in the economic development of north central Indiana. The corridor is a major delivery route for manufacturers and producers of goods. Tractor trailers use the road as well as passenger cars and slow-moving farm equipment. In addition, many portions of the existing configuration of the highway are narrow, two-lane, with narrow shoulders and drop offs. The State of Indiana has indicated that there will be a 50-percent reduction in accidents that will lead to savings both in terms of personal injuries and property damage.

I am grateful that the Appropriations Committee, and Mr. CARR, and Mr. WOLF in particular, have recognized the merit of further Federal funding for this much needed project in north central Indiana.

Mr. BACCHUS of Florida. Mr. Chairman, I rise today in strong support of H.R. 4556, the transportation appropriations bill. Despite the continuing budgetary constraints confronting this body, this bill reflects a strong commitment to meeting the transportation needs of this country. I commend the chairman of the Appropriations Subcommittee on Transportation for this tremendous accomplishment and thank him for his attention to my specific concerns.

I am especially pleased that this legislation includes funding for several projects that will help meet the transportation needs of rapidly growing central Florida. This funding will move forward the downtown Orlando circulator project; rehabilitate Runway 18L/36R at the Orlando International Airport; and provide additional buses for the Lynx system serving a tricounty area. These multimodal projects will go a long way toward improving the mobility of residents and the many visitors traveling in the Orlando area and provide more efficient transportation for a region that continues to experience unprecedented growth.

With respect to the downtown circulator project, otherwise known as OSCAR, I believe the city of Orlando has chosen the most responsible, cost-effective, and affordable system for its citizens. By changing its locally preferred alternative earlier this year, the city not only improved the financial performance of the project, but also reduced the Federal requirement for the project by $25 million.

The funding provided for the rehabilitation of one of the Orlando International Airport's major runways will enable the airport to proceed on extensive capacity improvements, achieve its development goals, and avoid future congestion delays. As the largest airport on the east coast, these improvements are vital to the operations and safety of air travel.

Finally, I am pleased with the subcommittee's continuing support for the Lynx bus system. This system serves Orange, Seminole, and Osceola Countries, with a total population of 1.3 million residents and tens of millions of visitors each year. Lynx needs to rapidly expand its service to keep up with growth, and this bill's support is critical to doing so.

Again, I strongly support this legislation and commend the subcommittee chairman and others who spent their time and energy to bring it before us today.

Mr. PAYNE of Virginia. Mr. Chairman, I rise to express my concerns about the provisions in this bill that apply to the Essential Air Service Program. H.R. 4556 implements the administration's recommendation to expand the mileage criteria determining eligibility for the program to include small hub airports, in addition to the medium/large hubs under current law. The effect of this change is to make some currently eligible areas, such as the city of Danville, VA, no longer eligible for the program.

I oppose this change because I believe Danville is one of those small municipalities that the EAS Program was designed to protect. With a population of only 53,000, continued commerical air service allows Danville to remain a gateway for commerce and business for the entire south central part of the State.

In the years before 1978, when the airline industry was deregulated, commuter air passenger levels at the Danville airport averaged almost 13,000 arrivals and departures annually. In the years after the industry was deregulated, this number plummeted to an annual average of less than 2,400, with a low-point of 936 in 1981.

In a deregulated environment, the ability of small airports like Danville to attract passengers is at the mercy of airline scheduling. Years when the airlines serving the area increase the number of flights or improve the routes, passenger levels soar. Other years, when few flights are provided or when the routes are so convoluted that you can actually drive the distance in less time than it takes to fly, not surprisingly, the number of passengers drops.

Without the Essential Air Services Program, the airlines have made it quite clear that they would discontinue services to places like Danville entirely. For the tens of thousands of people in Danville and the surrounding areas, this means a 1½ hour drive to the nearest airport with passenger service, in North Carolina. It means less business travel into the area, and as a consequence, fewer opportunities for economic growth.

It is my understanding and hope that, as in previous years, the support the Essential Air Service Program enjoys in the other body will result in this change in criteria being reversed. I strongly support this effort.

I believe the investment we are putting into the Essential Air Services Program is a wise use of our scarce resources, making it possible for small, rural communities to expand their economy and increase jobs. Rather than cutting off their ability to efficiently interconnect with larger commercial areas, we should instead be looking into methods by which the EAS Program can more effectively serve these communities' transportation needs.

Mr. CARR of Michigan. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Salaries and Expenses

For necessary expenses of the Office of the Secretary, $58,094,000, of which $3,962,000 shall remain available until expended; and of which not to exceed $25,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this Act may be used for business opportunities related to any mode of transportation.

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $2,693,000.

Office of Commercial Space Transportation

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $6,060,000, of which $2,000,000 shall remain available until expended.

Working Capital Fund

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $88,750,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

Payments to Air Carriers

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $25,600,000 to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $25,600,000 for the Payments to Air Carriers program in fiscal year 1995: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further*, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States and Hawaii that are located fewer than seventy highway miles from the nearest hub airport, or that require a rate of subsidy per passenger in excess of $200: *Provided further*, That of funds provided for "Small Community air Service" by Public Law 101-508, $13,000,000 in fiscal year 1995 is hereby rescinded.

Rental Payments

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $144,419,000: *Provided*, That of this amount, $1,872,000 shall be derived from the Highway Trust Fund, $38,728,000 shall be derived from the Airport and Airway Trust Fund, $678,000 shall be derived from the Pipeline Safety Fund, and $172,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,688,000, to be derived from "Federal-aid HIghways", subject to the "Limitation on General Operating Expenses".

Minority Business Resource Center Program

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed fifteen passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act 42 U.S.C. 429(b)); and recreation and welfare; $2,580,000,000, of which

$25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $25,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That none of the funds in this Act shall be available for special and incentive pay under section 301 of title 37, United States Code, to any Coast Guard member assigned to a skill, rating, or specialty to which special separation benefits under section 1174 of title 10, United States Code, or voluntary separation benefits under section 1175 of such title will be paid.

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $385,200,000, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $201,750,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1999; $14,900,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1997; $31,500,000 shall be available for other equipment, to remain available until September 30, 1997; $93,050,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1997; and $44,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1995: *Provided*, That funds received from the sale of the VC–11A aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity.

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $22,000,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. Ch. 55), $562,585,000.

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $66,000,000.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $20,310,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

Mr. CARR of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 9, line 5, be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there any amendments to the portion of the bill described in the gentleman's unanimous-consent request?

If not, the Clerk will read.

The Clerk read as follows:

Boat Safety

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $25,000,000, to be derived from the Boat Safety Account and to remain available until expended.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Penny: Page 9, strike lines 6 through 11.

Mr. PENNY. Mr. Chairman, before I make remarks on this specific amendment, I do want to comment on an observation made by the gentleman from Washington State. I, too, think that it is unfortunate that the appropriators bring to the floor work which reflects many difficult choices, a variety of spending cuts, and yet all too often those cuts are not highlighted during floor debate. I am delighted that in one instance, the foreign aid appropriations bill, we have undertaken a process these past 3 years whereby the membership as a whole is afforded the opportunity to vote for an amendment which reflects all of the cuts considered and recommended by the committee. In that fashion, the committee's work is ratified by a vote of the floor, and more to the point, the committee gets credit for the cuts that they have recommended. I would hope that other appropriations subcommittee chairmen would consider that approach in the future, because they are deserving of credit for the choices and the cuts that they have recommended.

In fairness to the chairman of this particular subcommittee, it should be noted that a variety of cuts have been included in the committee bill. They have reduced funding for the office of the Secretary, they have reduced funding in the area of highways and in aviation. In the National Highway Transportation Safety Administration, they have recommended almost $3 million in reductions. St. Lawrence Seaway Development Corp. reflects a reduction in spending. Right down the line, a procurement account, bonuses and awards, all have received cuts. There are cuts sprinkled throughout this bill, and it certainly is reflective of the work of this committee in trying to conform with the budget resolution which called for much tighter spending caps this year than has been true in years past.

Mr. Chairman, having said that, it will be inevitable that in spite of the choices made at the committee level, there will be exceptions taken here on the House floor and other legislators, as is our right, will bring forward other ideas for spending reductions.

Mr. Chairman, there are several amendments pending today; three of them are my own. I want to present at this point one of those amendments.

The premise of this amendment, as is true of the next two, is that the Clinton administration has established certain priorities which ought to be considered. They have recommended to the Congress certain program reductions and program cancellations. I think it appropriate to suggest that maybe the Clinton administration's cuts ought to be brought to a vote within the Congress as a whole.

In this instance, the boat safety appropriation, a $25 million expenditure, has been included for fiscal year 1995. This is a program that has historically provided financial assistance for the development and implementation of a coordinated national recreational boating safety program. Boating safety statistics do reflect that there has been great success over the years as a result of this initiative. The States collectively spend about 4 times more than they receive from the Federal Government for these boat safety programs. My home State of Minnesota is known nationally as the State of 10,000 lakes. Clearly, we have an interest in boat safety in our home State, but obviously we pay the bulk of the cost of that boat safety program with State funds. The administration concluded that, given the fact the vast majority of these dollars are appropriated at the State level and given the fact that we are talking about waters, lakes, rivers, and streams that are largely under State jurisdiction, that it is appropriate to withdraw Federal Government funding for the boat safety program. In their recommendation to the Congress, they ask that this be one of nearly 100 programs that we cancel.

Mr. Chairman, my amendment today would simply honor the administration's request that this boat safety program be canceled. I would urge favorable consideration of the measure.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, more people are killed in this country each year in boating accidents than any other form of transportation except for motor vehicles. Over 900 people are killed and more than 350,000 injured each year in boating accidents. In response to this problem, the National Transportation Safety Board conducted a special study just last year and made several recommendations to improve boating safety all across this country.

The Coast Guard's boating safety grants program will help implement the safety board's recommendations, because they can be used to target Federal funding to address the problems in boating education and boating safety enforcement. These funds go to virtually every State in this country to help improve boat safety programs in those States.

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I would direct the Members' attention to pages 41 and 42 of the committee report, which indicates the amount of funding that is expected to be received by each of the States under this program. As that information shows, each Federal dollar put into this program leverages $5 put in it by the States. The total Federal investment in this bill is about $25 million, and that would, therefore, leverage about $125 million in State funds. This is the kind of leveraged investment that we should be supporting, not abandoning.

Furthermore, the program is funded out of the aquatic resources trust fund, which is financed by a tax on motorboat fuel. Boaters are paying into this program, and they receive the benefits directly. Under the gentleman's amendment, boaters would still be required to pay the fuel tax, but would not receive the improvements in boating safety for which they are currently paying.

Finally, the gentleman's Dear Colleague distributed yesterday claimed there was little testimony that exists to support the continuation of this program. Let me advise the Members that my subcommittee held detailed hearings just this year on the Coast Guard programs under our jurisdiction, including this one, and significant testimony was provided on boating safety programs and the boating safety grant program. Additional testimony in support of this program was received from State boating safety officials. These hearings are available for any Member's review. It is simply not accurate to say the Committee on Appropriations' recommendation was not based on any hearing data.

I am also aware that the authorization committee has also held recent hearings on this subject.

I urge defeat of the amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before I do, let me just say that it comes from one of the better Members on both sides of the aisle, either side.

The gentleman from Minnesota [Mr. PENNY] will be missed, not that he is leaving right now, because he will be here until the end of the year. But I may not have an opportunity to speak with respect to a couple of his amendments.

He is one of the more thoughtful, I think, diligent, hard-working Members. I personally am going to be sorry to see him go.

I do not support the amendment. I think the chairman made a very, very good case. It is safety. It is search and rescue. At the very time we approach the summer recreational boating season, this would absolutely be the wrong thing to do.

So I reluctantly, well, not even reluctantly, but because of my affection for the gentleman from Minnesota [Mr. PENNY], I strongly urge the defeat of the amendment.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one more example of an amendment that is penny wise and pound foolish.

Supporters of this amendment are asking us to cut one of the most effective crime prevention and safety programs we have in America today.

Let me say that one more time, Mr. Chairman: supporters of this amendment are asking us to cut one of the most effective crime prevention and safety programs we have in America today.

I do not think we want to be doing that. The last time I checked, the American people want us to do more about crime, not less—whether that crime is on the streets or on the water.

Let me put the Boating Safety Program in terms that everybody can understand. Let me give you a hypothetical example.

Let us say a State is having problems with drunk driving.

People are dying on the highways and putting other people's safety at risk.

So in response, we put more police on the road.

We step up prevention efforts.

And we increase safety education.

And in time, our efforts prove wildly successful.

Drunk driving is reduced and our streets are made safer.

Reasonable people would look at that situation and applaud a program that works.

But supporters of this amendment would look at that situation and say now that we have cut crime, let us cut the program.

Let us pull the cops off the streets.

Let us stop the education programs.

That is what this amendment is all about.

We had a real problem with boating safety.

The facility rate was extraordinarily high, and the safety of good, honest boaters was threatened.

But since we started the Boating Safety Program, the fatality rate has reached an all-time low, and we have made America's waterways safer.

But now that the program is working, we are being asked today to turn our backs on all the progress we've made. We can not afford to do that.

We have cut the budget by 25 percent.

The chairman of the National transportation Safety Board says this amendment is, "misguided, dangerous, and a thinly veiled attempt at deficit reduction at boating safety's expense."

I could not agree more.

Mr. Speaker, I do not think we want an explosion of boating fatalities on our hands.

This is one crime prevention and safety program that works. We should be strengthening it, not eliminating it.

I urge my colleagues to vote no on the Penny amendment.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Penny amendment, an amendment that would eliminate funding for the Coast Guard's extraordinarily successful State Boating Safety Grant Program. Members should oppose this amendment for several reasons.

First, and the gentleman should not take this personally, this amendment will not save a penny. The program is structured in such a way that amounts not appropriated for boating safety will ultimately be spent on sport fish restoration projects.

Second, the State Boating Safety Program has been an unqualified success in reducing boating fatalities. Since the program began in the 1970's, deaths have dropped five-fold, from 20 per 100,000 boats in 1971 to 4 per 100,000 boats by 1992. If the point of the amendment is to save money, it is most assuredly more cost-effective—and decidely more humane—for the Federal Government to prevent accidents rather than search for and rescue those imperiled by life-threatening situations.

Third, a vote for this amendment is a vote to cut funding for every State and territory in the United States. In fiscal year 1993, a total of $36,333,497 in Federal boating safety grants was allocated to 55 States and territories. Grants ranged from $220,000 for territories to over $3,000,000 for large States like Florida.

Fourth, Mr. Penny asserts that there is little testimony to support continuation of this program. Nothing could be further from the truth. In the Congress alone, this program has been discussed at three hearings held by the Committee on Merchant Marine and Fisheries and strongly supported by witnesses on each occasion.

Finally, and as succinctly as I can put it, if this amendment is agreed to, no money will be saved, but lives will surely be lost.

As the recreational boating season begins, let us keep our waterways safe. Vote "no" on the Penny amendment.

Mr. KOPETSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief, as well. I rise in opposition to the amendment offered by the gentleman from Minnesota. I do so recognizing that he is one of our few Members who goes through the budgets very thoroughly and seeks out these kinds of questions and programs and brings them to the full body and asks for us to examine them. That is exactly what has occurred.

I did testify before the subcommittee of the chairman, the gentleman from Michigan [Mr. CARR], on this very issue, because we in the Far West in the State of Oregon rely upon these moneys as part of a partnership with our local police officers as well. This is a partnership.

The money does come from the boat users, and it goes back into their safety programs.

In addition, State moneys are contributed as well to enhance the safety on our streams and rivers in the State of Oregon and throughout this land. So even though it is $25 million, these moneys are spread throughout the United States as America goes to the waterways for family and recreational values that they do offer, and so I do rise in opposition and hope the body will reject this amendment.

Mr. HUTTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. As a member, and previous chairman, of the Coast Guard Subcommittee, I strongly support the Coast Guard's Boating Safety Grant Program.

As the members of this body well know, I am a fiscal conservative. However, I do not believe that we should zero budget accounts designed for public safety. It is impossible to argue that the Coast Guard Boating Safety Program does not save lives. There are many people alive today because of this program. Of all Federal spending, I believe that proven public safety programs are some of the most important expenditures we make.

Furthermore, this amendment will not reduce our deficit at all. The Coast Guard Safety Grant Program is funded by the Wallop-Breaux trust fund, financed by the gas tax on recreational boaters. If the Boat Safety Program is eliminated the funds would revert to the State Sport Fish Restoration Program—not to the Treasury. I respect the gentleman's desire to reduce our deficit; however, the trust fund financed Boating Safety Program is not the place.

Please oppose this amendment and support our U.S. Coast Guard Boat Safety Program to save lives.

Mr. TAUZIN. Mr. Chairman, I rise in strong opposition to the Penny amendment. The Penny amendment would totally eliminate the Coast Guard's State Boating Safety Grant Program.

I assume that this amendment is being offered to save money. But it will not save a dime. If the $25 million recommended for the Boating Safety Program is eliminated, that money will automatically roll over into the Sport Fish Restoration Program which currently enjoys adequate funding.

The State Boat Safety Program provides matching grants that allow states to put law enforcement and rescue personnel on state waterways where the Coast Guard does not patrol. Its simple, if we eliminate this program, we eliminate or significantly reduce state law enforcement on our coastal and inland waterways.

The Boating Safety Program is paid for entirely by boaters. If the Boating Safety Program is eliminated, boaters will continue to pay the motorboat fuels tax, but the services that boaters count on will be gone.

The Penny amendment will not save the Federal Government any money. But it will cost our States vital matching funds for law enforcement and safety programs and it could cost boaters their lives. Vote "no" on the Penny amendment.

Mrs. FOWLER. Mr. Chairman, I rise today in strong opposition to the amendment to eliminate the $25 million appropriation to the Coast Guard for boat safety programs.

This program is funded by a users fee placed on recreational boaters. Every time a recreational boater buys gas, he pays a fuel tax that in turn, funds the State Boat Safety Program. This tax was instituted with the express understanding of both this body and the recreational boaters that the proceeds of the tax would fund State Boat Safety Programs.

This program is especially critical in the state of Florida. With our temperate climate, residents of Florida enjoy boating year round. In addition, the State is surrounded on three sides by water and has numerous lakes and rivers. These combined factors result in over 700,000 residential boats using our waterways on an annual basis.

Currently, Florida receives $3 million a year for boat safety programs. These funds are divided evenly between the Florida Game and Fresh Water Fish Commission and the Florida Department of Environmental Protection and are specifically earmarked for boating safety projects.

The loss of these funds—paid by a users fee on boaters—will be devastating to Florida. Our boating safety programs will be drastically reduced. Boat safety education classes and safety literature will be eliminated and we will see at least a 35-percent loss of safety patrol services. The loss of these services will be an injustice to the recreational boater who is already paying for them.

I strongly urge the rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, the payment of obligations for the Aircraft Purchase Loan Guarantee Program required pursuant to guarantees issued under Public Law 85-307, as amended (49 U.S.C. 1324 note), establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Improvement Act of 1982, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,585,000,000, of which $2,450,250,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of aviation services, including the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That, of the funds available under this head, $23,000,000 is available only for permanent change of station moves for members of the air traffic workforce: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program the obligations for which are in excess of $9,970,000 during fiscal year 1995.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if the chairman of the Transportation Subcommittee might be willing to enter into a colloquy with me on the subject of the FAA's Center for Management Development.

Mr. CARR of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I am happy to yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I would be happy to join my good friend, the gentlewoman from Florida, in a colloquy.

Mrs. FOWLER. Mr. Chairman, the bill before us today would delete funding for the FAA's Center for Management Development at Palm Coast. I believe such an action would be a mistake. This facility is a model of partnership between the FAA, the academic community, and private sector entities, and it is specifically staffed and resourced to support the FAA's needs for management and training. The facility features state-of-the-art technological support and services specialized to meet the needs of the FAA. The center hosts some 3,500 students each year, along with some 2,000 additional FAA employees at field sites throughout the country. Another 22,000 participate in correspondence programs offered through the center.

The committee report cites budget considerations in making the case for closing the Center for Management Development. In addition to noting that the CMD has developed a business plan that would ensure greater savings and the delivery of upgraded services at no additional cost to the FAA, I would observe that even if the center were to close, the FAA would still be required to make lease payments on the CMD facility into 1997.

It would seem ill advised to shut down the operation, given these facts. under the circumstances, I would like to suggest to the chairman that the subcommittee give this matter further review as the house and the other body move to conference. It is my strong sense that a thorough analysis of the situation would yield a decision to continue this unique and valuable operation.

Mr. CARR of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the chairman of the subcommittee.

Mr. CARR of Michigan. I thank the gentlewoman for yielding. Mr. Chairman, I am aware of the congresswoman's concerns on this issue and believe that it does merit some additional consideration. I want to assure the gentlewoman that as the process unfolds through the Senate and through the conference, that we will take her views into consideration.

Mrs. FOWLER. I thank the chairman for his willingness to take another look at this situation.

Mr. MICA. Mr. Chairman, first I would like to commend by colleague, the gentlelady from Florida [Mrs. FOWLER] and ask that my remarks be associated with her comments made in the colloquy with the distinguished chairman from Michigan. My comments today are in support of retaining the Federal Aviation Administration Center for Management Development which is located in Palm Coast, FL.

As a member of the House Public Works and Transportation Committee, Aviation Subcommittee, I have been concerned about the operation and management of the FAA center to ensure that the taxpayers and Federal Government are receiving a proper return for their investment. I personally visited the center in Palm Coast on June 9, 1994. I had the opportunity to accompany FAA Administrator David Hinson on a visit to this facility. I want to report to the House that I was very impressed with the changes instituted at this center under Administrator Hinson's direction.

The FAA is now operating this management center with new private sector contractors and new FAA personnel. In reorganizing, the FAA has expanded many programs to benefit management and other levels of employees, and has adopted a plan to secure alternate sources of future financing.

While the bill's report language indicates the committee believes it may be cheaper for the FAA to provide such services through local or regional competition, the FAA is already utilizing private competitive options. My research indicates that this facility costs far less than other similar Federal management programs. Cutting this appropriation still leaves a Federal obligation to pay contract commitments.

I would ask that the appropriate subcommittee staff or Members visit this facility before making any final decision relating to the fate of this management center. I believe that in fact this project is a good example of the Federal Government, private sector, and education working together. Finally, at a time when Federal buyouts are paring our administrative and management staffs it does not make sense to eliminate this potentially effective management training center.

The CHAIRMAN. If there are no amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,176,700,000, of which $1,968,200,000 shall remain available until September 30, 1997, and of which $208,500,000 shall remain available until September 30, 1995: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That none of the funds under this head for the Advanced Automation System may be obligated until the Federal Aviation Administration submits to the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science, and Transportation a comprehensive program plan and up to date estimate of the fiscal year 1995 budget requirement for this program.

(RESCISSION)

(AIRPORT AND AIRWAY TRUST FUND)

Of the total unobligated balance from appropriations under this head for fiscal year 1994 and prior years, $51,700,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $254,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, $1,500,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,500,000,000 in fiscal year 1995 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $524,021,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $216,805,000 of the amount provided herein shall remain available until September 30, 1997.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000, to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations of which are in excess of $10,000,000 in fiscal year 1995 for "Highway-Related Safety Grants".

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $17,160,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1995.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $17,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1995 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $73,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $74,000,000 for "Motor Carrier Safety Grants".

SURFACE TRANSPORTATION PROJECTS

For up to 80 percent of the expenses necessary for certain highway and surface transportation projects and parking facilities, including feasibility and environmental studies, that advance methods of improving safety, reducing congestion, or otherwise improving surface transportation, $299,862,000, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, (Public Law 89-563, as amended) $74,352,000, of which $38,327,000 shall remain available until September 30, 1997.

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 102-388, $103,929 are rescinded.

Of the amounts provided under this heading in Public Law 101-516 and Public Law 101-164, $3,268,700 are rescinded.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, to be derived from the Highway Trust Fund, $46,997,000, of which $29,891,000 shall remain available until September 30, 1997.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, section 211(b) of the National Driver Register Act of 1982, as amended, and section 209 of Public Law 95-599, as amended, to remain available until expended, $151,000,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1995, are in excess of $151,400,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $3,400,000 shall be for the "National Driver Register", and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $5,153,000 of the funds made available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $13,650,000, of which $1,300,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Mr. CARR of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 20, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there amendments to the portion of the bill designated in the unanimous consent request?

If there are none, the Clerk will read.

The Clerk read as follows:

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $17,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 20, strike lines 11 through 15.

Mr. PENNY. Mr. Chairman, this amendment tracks with the previous amendment in that this program too was recommended for cancellation by the Clinton administration. The objections raised to my amendment earlier are clearly objections to the decision of the administration that the boat safety program could safely be cancelled. It is of concern to me that in a State like Minnesota, where we certainly have plenty of water, with 10,000 lakes, that we should feel the need to turn to the Federal Government for funding for a program that is clearly and primarily a State responsibility.

I accept the judgment of the House that that program ought to be continued, but now want to ask of the membership whether the local rail freight assistance program is one that ought to be reviewed. Here again, just as with the boat safety program, we have an initiative that is now largely financed at the State level and these Federal funds, at best, are supplemental. This program, I believe, has provided some benefit in saving rural rail lines. I know of some of that benefit even in my own State of Minnesota. But, like the boat safety program, it is an instance in which a very small percent of total funds for this purpose are provided by the Federal level. It is an instance in which we are dealing with rail lines that are primarily within the boundaries of a given State. For that reason, it is reasonable to question whether this is a program that should be funded solely with State dollars rather than a Federal expenditure.

I would remind my colleagues as well that this particular program was among the 100 programs that the Clinton administration attempted to cancel in this year's budget. I would ask that we consider the administration's priorities in attempting to weed out unnecessary spending at the Federal level and to set some priorities within our transportation budget. I urge favorable consideration of the amendment.

Mr. CARR of Michigan. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman's "Dear Colleague" sent around yesterday on this subject merely states that in his view the local rail freight program is not justified in a tight budget year and notes that it was not included in the President's budget. While we have looked diligently at all the programs in the Department of Transportation's budget as recommended by the President we are at the same time not a rubber stamp. We are well aware that this program was not included in the President's budget. It was included in the Department of Transportation's request to OMB, however. The department recognizes the importance of this program and continues to request funding for it in their own internal process. I suppose if we wanted to declare OMB the font of all knowledge in the budget process, we could save ourselves a lot of time each year and maybe abolish the Committee on Appropriations and maybe even the Congress. But the people left it up to us to make the final decisions, not our friends down at OMB.

This program stretches a very few Federal dollars a very long way. For example, in fiscal year 1994 a total of 31 States submitted applications totalling $42 million in competition for the $15.3 million that was available. Existing law requires that each application include a detailed cost-benefit analysis, and the States share in the costs. The greater the State's share the higher the benefit-cost ratio and the more likely it is that a particular project will receive Federal funds. With so much competition, there is high assurance that only the best projects are being selected. None of the funds are earmarked or set aside for particular projects.

This program was also the only authorized program available to finance emergency railroad-related work after the devastating Midwest floods of last year.

Mr. Chairman, we made other reductions in this bill in order to find funds for LRFA. It is a solid program with a history of performance. Grants are distributed all over this country to help rehabilitate rail track and improve rail commerce. Importantly, this program is targeted toward regional and small lines that came about after the deregulation of the railroads in this country a few years ago. Many of these local and short-line railroads are undercapitalized. LRFA has been the source of some funds, it leverages funds to get those rail lines that are the feeders, the nerve endings of our rail system in America, back to standard. The program is authorized, it continues to be supported in the internal documents of the Department of Transportation and the Federal Railroad Administration. In short, it has broad-based support, and with all due respect to the gentleman from Minnesota, I recommend that the amendment be defeated.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the chairman explained the reasons as well as they could be explained. The local rail freight assistance program is the only—and I stress the only—Federal financial system program available for this rail freight assistance. These are small short lines. This is the only Federal program available for the necessary capital. The program has been extremely effective in helping States preserve and maintain an increasing number of local and regional railroads being created.

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It has been stimulated with regard to economic growth and jobs, and, lastly, there is over $440 million in track rehabilitation that is needed. So I think it would be appropriate, Mr. Chairman, to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this portion of the text?

If not, the Clerk will read.

The Clerk read as follows:

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $47,067,000, of which $2,500,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $17,145,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $165,000,000, to remain available until September 30, 1997.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1995: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

NEXT GENERATION HIGH SPEED RAIL

For necessary expenses for Next Generation High Speed Rail studies, corridor planning, development, demonstration, and implementation, $20,000,000, to remain available until expended: *Provided*, That funds under this head may be made available for grants to states for high speed rail corridor design, feasibility studies, and environmental analyses.

TRUST FUND SHARE OF NEXT GENERATION HIGH SPEED RAIL

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, $3,400,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, $771,700,000, of which $526,700,000 shall be available for operating losses incurred by the Corporation, for mandatory passenger rail service payments, and for labor protection costs, and of which $245,000,000, not to become available until July 1, 1995, shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That of the funds provided under this head for operating losses, $8,000,000 is available only for the National Railroad Passenger Corporation's share of short-term avoidable costs for state-supported rail services authorized under section 403(b) of the Rail Passenger Service Act, as amended.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $43,060,000.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $1,356,050,000: *Provided*, That no more than $2,506,050,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants no more than $700,000,000 may be used for operating assistance under section 9(k)(2) of the Federal Transit Act: *Provided further*, That of the funds provided under this head, $16,000,000 shall be available for grants for the costs of planning, delivery and temporary use of transit vehicles for special transportation needs of the XXVth Summer Olympiad and the Xth Paralympiad for the Disabled, to be held in Atlanta, Georgia, of which $5,600,000 shall be available for the Paralympic Games: *Provided further*, That in allocating the funds designated in the preceding proviso, the Secretary may make grants to any public body the Secretary deems appropriate, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act: *Provided further*, That none of the funds made available for the XXVth Olympiad or the Xth Paralympiad for the Disabled shall be expended before October 1, 1995.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $6,000,000.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, $92,250,000.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, $1,150,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $1,150,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

Mr. CARR of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 26, line 14, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the text?

If not, the Clerk will read.

The Clerk read as follows:

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,725,000,000 in fiscal year 1995 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided*, That notwithstanding any provision of law, there shall be available for fixed guideway modernization, $725,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $353,330,000; and there shall be available for new fixed guideway systems, $646,670,000, to be available as follows:

$48,000,000 for the South Boston Piers transitway project;

$50,000,000 for the Chicago central area circulator project;

$33,770,000 for the Dallas South Oak Cliff LRT project;

$5,000,000 for the DART North Central light rail extension project;

$6,000,000 for the Dallas-Fort Worth RAILTRAN project;

$20,000,000 for the Florida Tri-County commuter rail project;

$60,000,000 for the Houston Regional Bus Plan program;

$165,000,000 for the Los Angeles Metro Rail (MOS–3) project;

$2,000,000 for the Miami Metrorail north corridor extension project;

$500,000 for the New Jersey Urban Core project;

$10,000,000 for the New Orleans Canal Street Corridor project;

$45,000,000 for the New York Queens Connection project;

$2,400,000 for the Cincinnati Northeast/Northern Kentucky rail line project;

$10,000,000 for the Orange County Transitway project;

$10,000,000 for the Pittsburgh Busway projects;

$73,500,000 for the Portland Westside LRT project;

$10,000,000 for the Salt Lake City light rail project: *Provided*, That such funding may be made available for related high-occupancy vehicle lane and intermodel corridor design costs: *Provided further*, That notwithstanding the provisions of Public Law 103–122, funds provided for the Salt Lake City light rail project in that Act may be used for final design;

$40,300,000 for the San Francisco BART Extension/Tasman corridor project;

$10,000,000 for the San Juan, Puerto Rico Tren Urbano project;

$4,700,000 for the Seattle-Renton-Tacoma commuter rail project;

$19,500,000 for the St. Louis Metro Link LRT project;

$1,000,000 for the Tampa to Lakeland commuter rail project;

$10,000,000 for the Twin Cities central corridor project;

$5,000,000 for the Wisconsin central commuter project; and

$5,000,000 for the Whitehall ferry terminal, New York, New York.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 26, line 20, strike "$1,725,000,000" and insert "$1,501,000,000".

Page 26, line 24, strike "$725,000,000" and insert "$760,000,000".

Page 27, line 1, strike "$353,330,000" and insert "$311,000,000".

Page 27, strike line 3 and insert "$400,000,000.".

Page 27, strike line 4 and all that follows through page 29, line 10.

Mr. PENNY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PENNY. Mr. Chairman, this amendment gets to some real money. We are talking over $200 million of savings if this amendment is adopted. The President, in his request to Congress, suggested that we allocate $1.5 billion for these discretionary grants for transit purposes. The committee in its deliberation increased that amount to $1.725 billion, an increase of $224 million beyond the President's request. My amendment would reduce the amounts available in two of the categories to conform with the request of the administration.

In the first instance, Mr. Chairman, monies made available for fixed guideway modernization we would actually increase to the President's level, from $725 million to $760 million. This allocation would conform with the President's priority to put more of our funding into these fixed guideway systems. In the second instance, a slight reduction, from $353 million to $311 million would be recommended for acquisition of buses and bus-related facilities.

The major change, and this is a change that reflects the Clinton administration's priorities in this regard, is a reduction from the $646,670,000 available for other fixed guideway systems or new starts. We would reduce that amount to $400 million.

The Clinton administration has attempted, ever since the President was sworn in, to put the brakes on demonstration projects and new starts in this regard. Their recommendation this year was somewhat more modest than a lot of us anticipated. Nonetheless, Mr. Chairman, the Clinton administration is trying to send a signal that we should stipulate fewer of these demonstration projects for the future, and the cut of $246 million in this category is reflective of their desire to see us back away from these line-item designations.

In particular, the committee has not only allocated a higher amount for these new start projects, but they have designated virtually all of that money for projects of their choosing: $48 million for South Boston Piers transitway, $50 million for Chicago central area circulator project, $33 million for a Dallas South Oak Cliff LRT project, $20 million for a Florida Tri-County commuter rail project, $60 million for the

Houston Regional Bus Plan, $165 million for the Los Angeles Metro Rail project, $10 million for the New Orleans Canal Street Corridor, $45 million for the New York Queens Connection, $10 million for Orange County Transitway, $10 million for the Pittsburgh Busway, $73 million for the Portland Westside LRT project, $10 million for Salt Lake City. The list goes on.

The point is that we have designated within the committee bill numerous specific projects, and the Department of Transportation will have virtually no discretion as to how to prioritize these demonstration projects across the Nation. That is because in allocating the money for this account we have specifically designated where the Department of Transportation must spend virtually every dime.

The White House has repeatedly raised its objections to this sort of line item appropriation for demonstration projects. They have continually criticized demonstration project funding, and their budget has reflected a desire to ratchet down our age-old practice of bringing home projects to our district based on an allocation spelled out in these appropriation bills.

There are priority transit projects which must be explored. I believe that DOT's funding criteria is sufficient to demonstrate to the American public the sorts of mass transit systems that make the most sense for our Nation's future. I do not believe that we need a list of these projects spelled out in this committee print. I urge that we conform with the President's request in this regard, and, to do that, we need to adopt the pending amendment.

Mr. CARR of Michigan. Mr. Chairman, with all due respect to my colleague from Minnesota [Mr. PENNY], I rise in opposition to his amendment. The gentleman from Minnesota is my good friend and a real leader in the fight to cut the budget in responsible ways. Nonetheless, I find myself in strong opposition to this amendment.

Mr. Chairman, the gentleman from Minnesota [Mr. PENNY] seeks to reduce the discretionary grants program by $224 million to bring the account into agreement with the budget request, as he has said.

Mr. Chairman, the committee's recommendations for transit discretionary grants brings the program much more into agreement with the authorization legislation passed by the Congress and signed into law by the President in 1991. That legislation, the so-called ISTEA, authorized $1.725 billion in contract authority for fiscal year 1995 for discretionary grants. It further authorized 40 percent of that total for rail modernization, 40 percent for section 3 new starts, and 20 percent for buses and bus-related facilities. This excludes an additional $325 million in general funds authorized by ISTEA.

The bill as reported from the Appropriations Committee limits obligations on discretionary grants to the authorized level of $1.725 billion. It provides that 42 percent of the total, or $725 million, be used for rail modification instead of the 50 percent that the administration's budget directed. It provides that 37.5 percent, or $646.7 million, be used for new starts instead of 26.7 percent, or only $400 million as proposed by the administration.

It also should be noted that in each category, rail mod, new starts, and buses, the amounts recommended are below the comparable figures for fiscal year 1994. In every case, the committee's bill is closer to the legislation enacted by the Congress and signed by the President. In addition, for each individual new start project listed in the bill, the amount recommended is within the amount authorized either by existing law or contained in the National Highway System bill that passed the House last month by a vote of 412 to 12.

I submit to my colleagues that in this account, the prerogatives and perspectives of the Congress are very much preferable to the green eye shade bean counters at the Office of Management and Budget. Make no mistake about it. That is where the cuts were made. The Federal Transit Administration wanted to budget $2 billion for discretionary grants in 1995. The Department of Transportation's request to OMB was for even more, $2.05 billion, including $820 million for section 3 new starts. The FTA and the Department know what the demand and the needs are for discretionary grants in this country. The Department knows that if funded at the level of only $400 million requested in the budget prepared by OMB, several projects will experience construction stoppages with resulting cost increase, in loss of jobs, and other increasing costs.

For one project, the committee has been advised that if the funding above the budget request that we have recommended is not provided, costs will be increased by at least $70 million, and the project could be delayed by at least 3 years. It was in an effort to avoid situations such as this that the committee carefully considered the requests for all projects and submitted the recommendations we are considering today. Each and every project also had to comply with our detailed questionnaire and submit detailed criteria for our decisionmaking.

It is true that we have reordered the administration's priorities somewhat. We have suggested savings elsewhere in the bill, such as the $90 million requested for remodeling the James A. Farley Post Office Building in New York City or the $30 million budgeted for a Coast Guard program that is experiencing schedule slippage, the VTS program.

Mr. Chairman, we have applied those savings in a number of other projects for which we have provided in section 3. We believe we have made a better balance of the transportation needs of the country than OMB.

Mr. Chairman, I oppose the amendment.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

The gentleman from Michigan [Mr. CARR] has made some very good points, so it would be redundant for me to go over them. I would say there may be one or two exceptions in this category, so that if there was a separate vote on them, I would have a hard choice to vote for them. But I think, looking at the overall situation, the committee has criteria and the committee has looked at this very, very carefully.

As the members of the committee remember, when I spoke initially in the general debate, I made the comment that the gentleman from Michigan [Mr. CARR] and the committee have established criteria whereby we examined these new projects, and I think the committee but for one or two cases has made a very good choice here.

So, Mr. Chairman, for the reasons given, I do oppose the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

Mr. Chairman, these proposals have been subjected to hearings by the subcommittee chaired by the gentleman from Michigan [Mr. CARR] and the ranking minority member, the gentleman from Virginia [Mr. WOLF] of the Subcommittee on Surface Transportation of the Public Works Committee. In addition, detailed justification material was submitted to both subcommittees.

This proposal was included in section 122 of H.R. 4385, the National Highway System bill which passed this House by an overwhelming vote. There has been full public scrutiny of this proposal and this House just a few weeks ago voted overwhelmingly for it.

This Dade County project will build a transit line through an area of economic deprivation. The populations to be served is dependent upon public transportation. Public transportation is the primary means of getting to jobs. Dade County is the fourth most congested metropolitan area in the Nation. All the highway capacity that can be added has been added. The only means of reducing congestion and meeting the needs of future growth is through rail transit.

These proposals create jobs by providing a means so that people can get to work. The adoption of this amendment means that people will not be able to get jobs. If you want to reduce the unemployment rate, reduce the welfare roles and thereby reduce the deficit, then vote no on this amendment. If you want to reduce air pollution, then vote no.

Mr. Chairman, this is a bad amendment which should be summarily rejected.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment. As Chair of the authorizing committee with jurisdiction over transit issues, I have worked closely with Chairman CARR on a broad range of transportation issues.

He should be commended for his hard work in bringing H.R. 4556 to the floor in its current form. This is a good bill which balances the need for deficit reduction with very real unmet transportation needs across America. Chairman CARR and the members of his subcommittee spent day after day, often all day, hearing testimony from countless witnesses on transportation issues.

The Penny amendment, by slashing $224 million from the section 3 transit program, destroys this balance and makes a mockery of the hearing process. Most importantly, the amendment would hurt transit systems of all sizes across the country. Section 3 provides badly needed funds to modernize existing rail transit systems, to construct new transit systems, and to provide funds for the purchase of buses and bus facilities. The funds are vitally needed to meet clean air goals, to reduce congestion, and to provide transportation to those without access to an automobile.

The bill before us actually reduces the amount of funding for transit compared to the President's budget. The mix of funding in the bill is a bit different than in the President's budget; for example, section 3 is higher and section 9 is lower. What this amendment would do is cut transit funding wherever it is higher than the President's request, but make no change where it is lower.

Thus, while the bill before us cuts the President's request for transit by $142 million, the amendment would leave us $366 million below the President's request for transit, a very serious attack on transit service in this country.

We all support the goal of deficit reduction; but, H.R. 4556 already cuts section 3 to a level more than $300 million below its authorized level. Appropriations for the transit program as a whole are more than $700 million below their authorized level.

In other words, transit programs have already made a $700 million down payment on deficit reduction for fiscal year 1995.

Making deeper cuts, ignoring the committee hearing process, and denying transit service to those who need it the most would be short-sighted and extremist.

I urge my colleagues to defeat the amendment.

□ 1410

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. We can get carried away with all these savings. We might as well vote down the whole bill and save $35 billion, or at least the $14 billion in discretionary appropriations, if you want to start saving money.

We can stop government if you want to. We can save $1.5 trillion by voting against all of the appropriations bills. But to run the government, there is a normal process, and these projects, as I understand it, have all been authorized. They have gone through the process, as the gentleman from California, Mr. Mineta, just stated.

His Committee on Public Works and Transportation has fulfilled its responsibility of reviewing these projects. Last year, some projects were not authorized. But this time, these projects were authorized. And, the authorization bill passed by over 400 votes. So all of the projects in the Penny amendment specifically are authorized. The subcommittee, under the leadership of the distinguished gentleman from Michigan [Mr. CARR], has done a good job. The gentleman has strictly followed the authorization process, including for one of the projects in which I do have an interest. I concede that. It is called the Canal Street Streetcar.

Now, some people could say that the Canal Streetcar project might not have been properly examined. Well, it has been examined thoroughly by not only the authorization committee, but by the Appropriations subcommittee. A 50 page report examines the benefits of the streetcar corridor project. It says that it has tremendous value in reducing traffic congestion in the City of New Orleans, and that it is projected to raise about $1 billion in increased ridership. It reduces pollution. And it has great value in fuel savings because you are going to streetcars versus those smelly gas burning buses.

Excuse me, Mr. Chairman, buses are made in Detroit, but I prefer streetcars. They do not pollute. They run clean, they have historical significance, and they provide great transportation. They are safe, and they do their job in an energy efficient manner. The streetcar project is a good project.

The New Orleans streetcar and the San Francisco cable car are those types of projects which demonstrate the wisdom of the ages. They worked well 100 years ago, and they work equally well, if not better, today. This is a good project, the type of project that, frankly, you can always eliminate, I suppose. But at some point, we have to understand that we can spend money on worthwhile projects, or we can just not spend money at all. We can just scratch all of the budget and save a lot of money and just eliminate Government altogether, and perhaps we will be doing the taxpayers a service.

I happen to be a fiscally conservative person, who scores very high on fiscally conservative rankings. But I think in this instance, we have to recognize that when you have a Government process which works, which allows various committees and subcommittees to provide checks and balances for each other, then ultimately you have to reach a conclusion.

Are you going to spend any money or no money? If you are going to spend some money, you ought to do it with the projects that go through the hoops and comply with the legislative process. In this instance, virtually every one of these projects that the gentleman has in his amendment have complied with the process. So I think this amendment is out of order and should be rejected.

Mr. PENNY. If the gentleman would yield for one quick question, you made reference to the fact that streetcars were a good idea. History proves that. Today, with our environmentally conscious electorate and legislation that is steering us in an environmental direction, it has proven that these streetcars have some virtue once again.

But I wanted to ask, 100 years ago, did the Federal Government help New Orleans build this streetcar system?

Mr. LIVINGSTON. No, I doubt that they did. Of course, I was not around then, but I would have to say that in all probability, they did not. But the Government has since become involved in mass transit projects, and as mass transit projects go, this is probably one of the best in the Nation. so I would urge the rejection of this amendment.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Penny amendment. For far too long transit has been treated like a poor step child. Finally, under the leadership of Chairman CARR and this subcommittee, we are reversing this trend.

This amendment would take critical funding away from bus projects nationwide. It would take funding away from innovative, new, congestion-relieving transit projects. And it would take funds away from efforts to modernize and make critical repairs to older transit systems across the country. This is wrong.

As I stated before, our subcommittee took a very hard look at our investment priorities. In the face of incredibly tight budget constraints we established investment criteria.

We asked tough questions. We made investment decisions based on merit. The projects supported in section 3 are good projects and are worthy of our support. I urge my colleagues to support investment in public transit and reject this amendment.

Mrs. BENTLEY. Mr. Chairman, I rise today to express my strong opposition to this amendment.

Mr. Chairman, it upsets me that this body is actually considering the elimination of the boating safety account of the Aquatic Resources Trust Fund, which is one of the few excellent examples of a Federal program that works.

The boating safety account is funded entirely by the user fees paid by recreational boaters on marine fuel and equipment. These fees directly go into a trust fund which enables 55 States and territories to train and purchase equipment for law enforcement personnel, provide boating safety education and inspection, and support search and rescue facilties. The loss of this user-fee account would devastate boating safety programs and impact directly on boating safety in general.

Since this grant program began in the early 1970's, boating fatalities have dropped fivefold, from 20 fatalities per 100,000 boats in 1971 to 4 per 100,000 boats in 1992.

Mr. Chairman, I believe that it is vital that the boating safety account remain intact and we should do our best to ensure that it does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,500,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $48,030,000, to remain available until expended: *Provided*, That notwithstanding the formula for apportionment under 23 U.S.C. 103(e)(4)(J), of the amount made available under this head, only $9,500,000 shall be available for the substitute transit project approved under section 1045 of Public Law 102-240.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,271,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $26,074,000, of which $185,000 shall be derived from the Pipeline Safety Fund, and of which $2,468,000 shall remain available until September 30, 1997: *Provided*, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act, as amended (49 U.S.C. App. 1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended, and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $32,967,000; of which $2,432,500 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1997; and of which $30,534,500 shall be derived from the Pipeline Safety Fund, of which $14,323,000 shall remain available until September 30, 1997.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1997; *Provided*, That not more than $10,550,000 shall be made available for obligation in fiscal year 1995 from amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) of the Hazardous Materials Transportation Act, as amended: *Provided further*, That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation or his designee.

ALASKA PIPELINE TASK FORCE

(RESCISSION)

(OIL SPILL LIABILITY TRUST FUND)

Of the funds made available under this heading in Public Law 102-388, $544,000 are rescinded.

Mr. CARR of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 33, line 9, be considered as read, printed be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $40,000,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101-576.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 33, line 14, strike the colon and all that follows through "101-576" on line 17.

Mr. CONYERS. Mr. Chairman, this amendment that Mr. CLINGER, the ranking Republican on the Government Operations Committee, and I are offering, would delete language in the bill that prohibits full funding of the Chief Financial Officers Act in the Department of Transportation. Congress passed the CFO Act in 1990 to bring better financial accountability to the Federal Government.

The CFO Act was a result of the financial scandals that hit the Federal Government over the past 20 years. Remember the problems at HUD? The CFO Act was designed to make sure that that type of financial mismanagement and the loss to the taxpayers doesn't happen again.

Unfortunately, H.R. 4556 includes a restriction on carrying out the act. The amendment that Mr. CLINGER and I are offering would lift a $1 million cap on the amount of money the Department of Transportation inspector general can spend on auditing financial statements. These statements are required by the CFO Act. And I would point out that DOT is the only Department prohibited from complying with the CFO Act because of a funding restriction.

One of the reasons that you will hear this cap is in the bill, is concerns that the inspector general will not have enough financial resources to continue performing program audits, those audits that look at how specific programs are working. In fact, sound program audits are anchored in solid financial audits. Without adequate financial systems, internal controls, and management tools in place, managers cannot possibly have the information they need to make good management decisions on how to run those programs.

Mr. Chairman, agency officials, including chief financial officers, inspectors general, and agency heads, have all stated that financial audits mandated by the act are instrumental in helping them address significant financial management problems. The administration and the General Accounting

Office fully support this amendment. So do groups such as Citizens Against Government Waste, the National Taxpayers Union, and the Council for Excellence in Government, which I would like to ask unanimous consent to include letters stating their support, together with other materials at this point in the RECORD.

A vote for this amendment is a vote to stop financial mismanagement and waste. Let us fully implement the Chief Financial Officers Act. I urge your support for this amendment.

LETTERS IN SUPPORT OF CONYERS/CLINGER AMENDMENT TO THE FISCAL YEAR 1995 Department of Transportation and Related Agencies Appropriation Bill

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 15, 1994.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The 1995 Transportation and Related Agencies Appropriations Bill places a restriction of $1 million on the amount the Department of Transportation Inspector General can spend on conducting audits required by the Chief Financial Officers Act of 1990. In reaction to a similar restriction contained in the 1994 Transportation and Related Agencies Appropriations Bill, the President's 1995 Budget requested that this restriction not be included in the 1995 appropriating language.

We continue to support the removal of the $1 million restriction.

Sincerely,
LEON E. PANETTA,
Director.

GENERAL ACCOUNTING OFFICE,
Washington, DC, June 14, 1994.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, House of Representatives, Washington, DC

Hon. WILLIAM F. CLINGER, Jr.,
Ranking Minority Member, Committee on Government Operations, House of Representatives, Washington, DC:

This letter responds to your request for our views on an amendment that would remove the $1 million limitation placed on the Department of Transportation Inspector General in meeting the requirements of the Chief Financial Officers (CFO) Act. This limitation in the past has restricted the ability of the Transportation IG to meet all of its responsibilities under the CFO Act.

GAO strongly supports the CFO Act and believes that achievements of its objectives are important to improved financial management. Our governmentwide experience in reviewing agencies' efforts to implement the CFO Act, particularly the act's requirement for annual audited financial statements, demonstrates that the benefits of the CFO Act far outweigh the costs.

As GAO testified before the Senate Committee on Governmental Affairs earlier this year and plans to testify before your committee later this month, the CFO Act has resulted in numerous benefits including:

Significantly more accurate and useful information on the government's financial status and its operations;

Substantial savings of resources through recovery of funds due the government, and more efficient use of funds;

A more in depth understanding of the extent and pervasive nature of the internal control and financial management systems problems facing the government;

A better knowledge of the limited extent to which the Congress and program managers can rely on the financial information they receive; and

Improvements in management's accountability for, and focus on, strong financial management, including the need for effective controls and systems.

Agency officials, including CFOs, IGs, and agency heads have stated that the financial audits mandated under the act have been instrumental in helping them address significant financial management problems. In addition, the Director of the Office of Management and Budget agrees with these assessments and reported to the Congress last November that the pilot program under the CFO Act has been successful.

Throughout government, the CFO Act is producing great benefits in improving government operations, and we believe that sufficient funding to meet the act's requirements is a wise investment of the government's resources.

GENE L. DODARO,
Assistant Comptroller General.

FINANCIAL EXECUTIVES INSTITUTE,
Washington, DC, June 13, 1994.

Hon. BOB CARR,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: Financial Executives Institute (FEI) would like to express its strong opposition to the $1 million cap imposed on the Transportation Department's Office of the Inspector General for auditing activities related to the Chief Financial Officers (CFC) Act.

As a professional association representing over 14,000 senior financial executives from 8,000 companies throughout the United States, we have long understood that timely reliable financial information is vital for effective decision-making, planning, and ultimately, for improved productivity.

We are particularly alarmed by the statements of the Subcommittee which questions the need for full implementation of the CFO Act, as well as the benefits of good financial information. In our review of the Fiscal Year 1993 CFO Act's Annual report, we discovered widespread financial management problems in the Department of Transportation that could result in millions, if not billions, of taxpayers dollars being at risk. For example:

(1) "The Highway Trust Fund audit report indicated that the lack of documentation for an estimated liability of approximately $935 million and the auditors' inability to apply other procedures to validate the fairness of the amount resulted in a disclaimer of an opinion on the financial statements."

(2) "The FAA audit report indicated that the lack of available automated detail records and the inability of the auditors to use manual records prevented them from expressing an opinion on the financial statements. The report on internal control structure indicated five material weaknesses: inconsistent/incorrect processing of fund usage transactions, unconfirmed balance of year end purchase-in-transit inventory, inability of the central automated accounting system to separate prior year records from current year activities, understatement of Trust Fund operating expenses and assets, and unsatisfactory control over a wire transfer system."

These two examples are illustrative of the serious financial management problems that persist in the Department of Transportation, and we would strongly urge that the Subcommittee reconsider lifting the $1 million cap so that proper audits can be conducted at DOT.

We appreciate your consideration of our request, and would look forward to meeting with you and your staff to discuss this issue.

Very truly yours,
JAMES A. KANZ.

NATIONAL ASSOCIATION OF STATE AUDITORS, COMPTROLLERS AND TREASURERS,
June 15, 1994.

Hon. BOB CARR,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to respectfully request that you consider removing the $1 million limitation on expenditures that the FY 1995 Department of Transportation and Related Agencies Appropriations bill places on implementation of the CFO Act. Our association enthusiastically supported passage of the CFO Act. We support the CFO Act, because—as was stated in a recent report issued to accompany the Vice President's National Performance Review, entitled Improving Federal Financial Management—". . . better financial management is necessary to give the President, Congress, and other policymakers an accurate picture of the federal budget when they make broad policy decisions and to show Americans that their money is managed well."

A key provision of the CFO Act calls for audited financial statements for all trust funds, revolving funds, and substantial commercial activities, as well as for a pilot program encompassing 10 departments and agencies. The Office of Management and Budget's 1993 Federal Financial Management Status Report and 5-year Plan notes that ". . . audited financial statements are yielding information that is highly beneficial." The report notes a number of instances in which audited financial statements have enabled federal agencies to identify financial systems weaknesses that could otherwise have gone undisclosed. These weaknesses include:

Inaccurate inventory records that resulted in excess inventory purchases valued at more than $100 million;

Underutilized user fee systems that resulted in the unnecessary use of over $30 million of appropriated funds;

Deficiencies in deobligation systems that permitted the agency system to record overstated obligations by $40 million; and

Inadequate accounting controls that resulted in failure to bill non-Federal entities for loan installments totaling more than $30 million.

Further underscoring the value of audited financial statements, Comptroller General Charles Bowsher said last Fall that yearly audits of the agencies responsible for 95 percent of federal assets and outlays would be a costly but important step. In an address before the American Institute of Certified Public Accountants, he said "these are big jobs, but they're doable, and they should be done. . . . I think you've got to invest before you get savings."

I respectfully submit that an investment of $1 million, or one-fortieth of the Transportation OIG's appropriation, is not a sufficient investment in this important method of improving financial management. It would appear that the $3.6 million requested last year would more realistically enable the

OIG to comply with the provisions of the CFO Act.

On behalf of the National Association of State Auditors, Comptrollers and Treasurers, I want to thank you for considering my comments on this matter. Should you have any questions regarding these comments, I ask that you contact Helena Sims, Director of our Washington Office at (202) 624-5451.

Sincerely,

ROBERT D. LUTH,
State Accounting Administrator State of Nebraska, and Chairman, NASACT Task force on Improving Federal Financial Management.

AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
Washington, DC, June 15, 1994.

Hon. BOB CARR,
Chairman, Subcommittee on Transportation, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The American Institute of Certified Public Accountants (AICPA) is the national professional association that with more than 314,000 CPAs in public practice, industry, government, and education. The AICPA, through the efforts of volunteer members, is devoted to developing standards for audits and other services by CPAs, providing educational guidance materials to its members, administering the Uniform CPA Examination, and monitoring and enforcing compliance with the profession's technical and ethical standards. All of these activities are undertaken with the objective of assisting our members in their efforts to serve the public interest.

We have long had an interest in the Chief Financial Officers Act and believe we have contributed to influencing Congress' enactment of it. I am writing to urge you and your colleagues to delete the cap on funding to implement the Chief Financial Officers Act in the Department of Transportation Appropriations legislation H.R. 4556. It is our understanding that a simple removal of the cap on the amount of funds DOT could allocate would allow the agency to employ adequate funds to implement the requirements of the CFO Act. We believe such a funding shift will untie the Department's hands in determining which audits should be conducted.

The CFO Act is the first effort by the Congress to bring discipline and critical management information to the government policy making process. Without the benefits the act can provide being made available to the DOT, OMB and the Congress, it is difficult to see how long term savings and efficiencies can be instituted that can be preventative in nature rather than curative. We urge you to consider the wisdom of removing the caps and let the Department proceed to adequately fund the implementation of CFO Act.

We call your attention to the High Risk Areas for the Department of Transportation that are listed in the 1994 Budget. These areas highlight the need for adequate funding to achieve the objectives of the CFO.

Representatives of the AICPA will gladly meet with you to discuss this further, if you wish.

Sincerely,

J. THOMAS HIGGINBOTHAM,
Vice President, Congressional and Political Affairs.

DEPARTMENT OF TRANSPORTATION

High risk area	Progress to date and next steps	Assessment	Investment to correct high risk area (in thousands of dollars)	
			1993 request	1993 enacted
Departmental financial systems are numerous, fragmented, and non-standard. DOT financial systems process over $30B in outlays annually. At risk: assurance that funds are being accounted for in an accurate, timely, and useful fashion.	DOT is (i) correcting immediate problems in accounting, personnel, payroll, and procurement systems; (ii) establishing standards and developing a strategic systems plan for future modernization; and (iii) fully implementing an integrated systems environment. In 1992, DOT implemented its DAFIS core accounting system at the Maritime Administration—DAFIS is now installed in 7 out of 10 offices and administrations; and completed the conceptual design plan for an Integrated Personnel/Payroll System (IPPS). Significant progress was reported in the 1993 budget because the DAFIS implementations were accomplishing significant consolidation of core accounting system support. However, some accounting weaknesses in DAFIS remain, and significant work on longer-term strategies and plans for integrating subsidiary systems and providing more useful cost information has been delayed due to Congress' cuts in the President's 1993 request. Next steps: Complete (i) installation of DAFIS for remaining three offices by July 1993, and (ii) detailed design for IPPS during 1993. Implementation of IPPS and other systems enhancements will require resources in 1994.	2	6,213	3,668
Federal Transit Administration (FTA): Inadequate grants management oversight. At risk: FTA over $35B in active grants. At risk: $300–500M.	FTA must improve oversight of grantees' adherence to Federal requirements. In 1992, FTA: (i) received additional staff support (31 FTEs); and (ii) implemented recommendations of the Administrator's Task Force Report on program management oversight. These recommendations included (i) a risk assessment for early identification of problem grantees needing assistance and closer monitoring, (ii) a more comprehensive Triennial Review process, and (iii) targeting of contractor support funds for oversight activities. FTA is also working to revise audit guidance to comply with Federal requirements. FTA has already taken short term steps to separate project oversight from program management activities. Additional resources provided by Congress in 1993 will be used to fund new contractor support activities. Next steps: During 1993, FTA will (i) continue organizational and functional changes to focus on and improve program oversight; (ii) increase the use of funds to hire contractors to perform procurement, management, financial, and safety reviews and audits; (iii) work with OMB to improve audit guidance; and (iv) recruit appropriate oversight staff. Funds will be required in 1994 to provide staffing and contractor support in the discretionary and formula grant programs.	2	24,977	28,368
Federal Aviation Administration: major systems acquisition procedures inadequate. FAA procurement plans are estimated at $8.2B over the next 15 years. At risk: increased costs because of poor contract administration.	FAA has developed in internal management control plan to identify and focus on major acquisition weaknesses, and an acquisition plan policy which includes provisions for contract award, administration, modification, and approved by senior management. Program offices must now justify and validate requirement needs at four successive phases from concept to production. FAA has also organizationally separated acquisition review and oversight from acquisition operations. Next steps: DOT will conduct a Procurement Management Review of FAA contract administration activities and contract modifications. Mission needs statements will be improved to include appropriate quantitative, analytical support by implementing a structured mission analysis process which will be closely tied to the budget process. Mission needs will be revalidated throughout the life cycle, operations requirements will be developed, and improvements in performance resulting from acquisitions will be measured. Acquisition policies will be revised and updated. Requirements determination, specification development, and pre-production testing processes will be improved through formation of Quality Action Teams. Additional training will be implemented, including a 20-week course for some project managers. Existing funds will be used to finance corrective actions.	2	5,500	5,500
U.S. Coast Guard: major systems acquisition procedures inadequate. USCG procurement plans are estimated at $1.5B over the next 5 years. At risk: increased costs because of poor contract administration.	In 1992, USCG conducted internal management control reviews on major systems acquisitions. These found that improvements are needed to protect source selection information and improve invoice processing. Mission justification now includes detailed cost estimates that are adequately supported and include all costs. Hands-on training in procurement management reviews and accountability is being improved. Next steps: In 1993, continue to improve the mission analysis and mission needs process (closely tied to the budget process), both at USCG and DOT. Mission needs will be revalidated through acquisition life cycle, and improvements in performance resulting from acquisitions will be measured through a structured process every year. Policy will be updated and revised as needed, and a system for correcting procurement errors will be developed. Program managers will continue to be trained at the Defense System Management College, and Warrant Officers assigned to field units with oversight responsibilities. A followup system to track procurement deficiency corrective actions will be developed.	2	15	15
Federal Aviation Administration: Inadequate management of spare parts at field activities. At risk: $130.7M of spare parts at field facilities.	The FAA must (i) improve management of spare parts at field activities; (ii) reduce inventory holding costs; (iii) take timely disposition action on excess and inactive materials; and (iv) centralize inventory management. FAA has issued revised guidelines to improve inventory management and has developed a supply site management plan. Next steps: Planned actions are to complete a phased inventory of field stock exceeding the threshold cost. Funds will be required in 1994 to complete implementation of the new inventory system and to conduct inspections of field facilities. Added to the high risk list.	A	....	....
U.S. Coast Guard: Inadequate logistical support for spare parts at field activities. At risk: $93.6 M of a $346.7 M on-hand inventory representing excess inventory.	The Coast Guard needs to implement internal control objectives and techniques sufficient to minimize its inventory cost for spare parts. Necessary corrective actions include implementation of the new Aeronautical Maintenance Management Information System (AMMIS). AMMIS is intended to improve planning, tracking and according capability. Added to the high risk list. Next steps: Introduction of the AMMIS system is scheduled for 1993 with full implementation in 1995. Funds will be required in 1994 to (i) provide advanced logistics management training, (ii) finance AMMIS, and (iii) complete the reorganization of the warehouse.	A	....	....
Department: Inadequate Department Information System Security (ISS). Annual investment of nearly $3B for information technology.	Security efforts have not kept pace with improved technology to safeguard information systems. Security improvements are needed to safeguard information systems for grant management, funds control, and management and safety of the Department's operational systems (e.g., Air Traffic Control Systems). DOT must develop a comprehensive security plan, and revise existing policy, issue procedural guidance, and perform security oversight reviews. Added to the high risk list. Next steps: (i) Completed revisions to existing policy statements (March 1993); (ii) complete four oversight reviews (September 1993); and (iii) issue guidance in support of ISS policy (September 1995). Funds will be required in 1994 for staffing and training.	A	....	....

DEPARTMENT OF TREASURY

High risk area	Progress to date and next steps	Assessment	Investment to correct high risk area (in thousands of dollars)	
			1993 request	1993 enacted
Internal Revenue Service (IRS): strategy for collecting and resolving Accounts Receivable (AR) is inadequate. IRS Accounts Receivable $71B (current estimated collectible value is $28B). Collections totaled $24B in 1992. At risk: at least $28B in collectible receivables; $43B estimated allowance for doubtful accounts needs to be reconciled and closed out.	Since IRS collections have not kept pace with the growth in unpaid tax debt, significant Federal revenues may be lost. In 1992, the IRS: (i) set targets for AR and other functions and began quarterly performance reviews with OMB and Treasury; (ii) eliminated duplicate penalties from AR and initiated a pilot to eliminate erroneous accounts; (iii) began a feasibility study of the use of private collection agencies to resolve unworked, lower priority accounts; (iv) undertook a series of efforts to accelerate contact with delinquent taxpayers, including an accelerated notice pilot; and (v) modified its installment agreement and offer-in-compromise policies to permit more flexibility and increased collections. During the year, installment agreements have increased 47%; collections from installment agreement have increased 24%; and offers-in-compromise submitted by taxpayers have increased twofold. Next steps: Accounts Receivable will be elevated to be an integral part of the Servicewide Compliance 2000 Strategy and related plan. In 1993, the IRS will conduct a private collection agency pilot and expand nationwide its pilot to eliminate erroneous accounts from AR. For 1994, if the private collection agency pilot proves feasible, legislation is needed to fund referral of unworked, low-priority cases to private collection agencies out of a portion of the proceeds. Continued funding of AR improvements will be needed in 1994.	2	16,217	15,641
Customs Service: Inadequate collecting/accounting systems for revenues on imports $20 billion collected annually. At risk: control of revenues, including tracking of $880M in posted receivables.	A new core accounting system. Asset Information Management System (AIMS), was implemented to provide general ledger, funds control, and budget execution capabilities. Interfaces between AIMS and Customs administrative and revenue subsystems will provide improved data accuracy. Customs still needs to improve accounting for protested amounts and revenue collection—through the Automated Commercial System (ACS) and its interfaces with AIMS. A system for mail entry of collections was implemented in 1992 to enhance control over receivables. Congress' cut of the President's 1993 request will delay improvements to ACS, and interfaces between Customs subsystem and AIMS. Next steps: Customs reallocated $4.5M from other activities to (i) continue to redesign of the protest module in ACS; (ii) continue work on ACS and its interfaces with AIMS (needed to support accountability of revenues); (iii) begin work on the cost accumulation capabilities in phase (ii) of AIMS; and (iv) improve data integrity through efforts to develop interfaces between Customs subsystems and AIMS. Additional resources will be needed for this effort in 1994.	2	1,668	0
Departmental Financial system coordination is inadequate. Treasury is investing $81 million in financial systems development in 1993. At risk: systems developed by bureaus may not support departmental financial management initiatives.	Treasury has improved system oversight by establishing the Office of Financial Systems and Reports, and issuing Treasury Directive 32–02, "Approval of Financial Management System," which requires departmental review and approval for systems. Efforts are underway to implement the recommendations of the department-wide studies on integration of financial systems and financial report filing procedures. The Financial Management Systems Advisory Committee was established to ensure consistency in the design and enhancement of financial management systems. This committee will initiate efforts to determine department-wide financial management system requirements. The first three priorities will be travel, procurement, and revenue systems. Treasury continues to make progress in further reducing the variety and number of financial management systems by implementing the Federal Financial System (FFS) software at three additional bureaus (IRS, USCS, and FLETC). Current efforts will result in half of the bureaus using FFS by 1993 (accounting for 83% of Treasury's total budget authority). Next steps: Treasury (i) is allocating additional funds ($320,000) to this project in 1993, (ii) will oversee installation of FFS software at ATF, and (iii) will develop plans for establishing a department-wide financial management system. Additional resources will be required in 1994 to improve systems oversight.	2	170	170
Customs, Operations and Maintenance Account, Air and Marine Interdiction Programs lack adequate internal controls. Interdiction Operations and Maintenance accounts in 1993 totalled $138M. At risk: $26–$50M dollars in unobligated balances.	Customs identified problems accounting for prior year unobligated balances in this program. Corrective actions to address these problems are underway. Last summer, Customs hired the accounting firm of KPMG Peat Marwick to review the account balances of the air/marine program, and they are now completing their work. Recommendations of Treasury's own study team will be implemented to improve the account's internal controls. Finally, the Inspector General will review results of both efforts. ADDED TO HIGH RISK LIST.	A	....	....

NATIONAL TAXPAYERS UNION,
Washington, DC, June 14, 1994.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR MR. CHAIRMAN: The 250,000-member National Taxpayers Union strongly supports the Conyers/Clinger Amendment that would remove a $1 million cap on the amount the Department of Transportation's Inspector General may spend on auditing financial statements as required by the Chief Financial Officers Act.

It is important to note that this amendment would not increase spending. The appropriation for the Inspector General would remain at $40 million. This amendment would provide the flexibility for the Inspector General to comply with the Chief Financial Officers Act.

As an organization that represents the interests of the American people in insuring the taxpayers money is being spent efficiently, we have long understood the importance of sound financial management and auditing practices to achieve a more efficient Federal government. A vote for this amendment is a pro-taxpayer vote, and a vote for restoring strong financial management to the Department of Transportation.

Sincerely,

DAVIED KEATING,
Executive Vice President.

THE COUNCIL FOR
EXCELLENCE IN GOVERNMENT,
Washington, DC, June 15, 1994.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR MR. CHAIRMAN: The Council for Excellence in Government would like to express its strong support for the Conyers/Clinger Amendment that removes a $1 million cap on the amount the Department of Transportation's Inspector General may spend on auditing financial statements as required by the Chief Financial Officers Act.

As an organization that continuously works to improve government management and performance, we have long understood the importance of sound financial management and auditing practices to achieving these goals.

Sincerely,

PATRICIA MCGINNIS,
President.

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, June 15, 1994.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR MR. CHAIRMAN: The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) strongly endorse the Conyers-Clinger Amendment to strike the $1 million restriction on spending by the Department of Transportation's (DOT) Inspector General on auditing financial statements as required by the Chief Financial Officers Act of 1990 (CFOs Act).

We appreciate your continued leadership in furthering the objectives of the CFOs Act. As a Grace Commission recommendation, the establishment of CFOs was a critical step in bringing sound financial management and auditing practices to the federal government.

A vote for this amendment will help fulfill the promise of the CFOs Act. Taxpayers will be able to determine just how their hard-earned money is being spent at the Transportation Department. CCAGW will consider this vote as part of our 1994 Congressional ratings.

Sincerely,

THOMAS A. SCHATZ.

□ 1420

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a critical vote. The Conyers-Clinger amendment presents the body with a chance to take an effective, meaningful stand against waste, fraud, and abuse. The appropriations bill we are debating today includes a cap on the use of funds to implement the Chief Financial Officers Act at the Department of Transportation. You are likely to hear from the defenders of this measure an argument repeated nowhere else in the Federal Government. Namely, that sound financial management practices simply do not matter.

Let me read from the Appropriation Committee's report,

> While providing a modest level of funding, the committee is still not convinced that there will be any significant benefit to the DOT from the activity, while its costs continue to reduce funding for other audit activities. The committee retains some serious reservations about the need for full implementation of the CFO legislation within this particular department.

I find this statement simply amazing. Nowhere else, not in the private sector, not in State and local governments, and, I hope, nowhere else in Congress, could you find the argument that sound financial management practices provide no significant benefits.

In their review of the Department of Transportation's financial management activities, the Office of Management and Budget has reported to Congress two examples which are illustrative of the serious financial management problems that persist at the Transportation Department. Their report states that the highway trust fund

audit identifies the lack of documentation for an estimated liability of approximately $935 million. Furthermore, the FAA audit disclosed that a lack of automated detail records and the inability to use manual records prevented the auditors from even expressing an opinion on FAA's financial statements. Their report on internal controls indicated at least five material weaknesses. It is anybody's guess how many problems would have been uncovered if all of DOT'S financial statements had been audited as currently required by law.

While these accounting issues are not the most exciting subjects debated on this House floor, I can assure you that theses audit reports identify the same types of financial weaknesses that the Federal Government would never tolerate from publicly held companies, yet, we seem consistently willing to put off efforts to solve these problems when they arise in the Federal Government.

In my view, the CFO's Act thus far has paid big dividends. The Comptroller General of the United States, Charles Bowsher, recently testified on the benefits associated with full implementation of financial management reforms. He stated, "Since its enactment in late 1990, we have seen progress in directly confronting serious financial management weaknesses. The act's requirement for producing annual audited financial statements—something this bill would virtually eliminate at DOT, I might add—is demonstrating its value in several important ways.

First, a much clearer picture is emerging of the Government's true financial condition. Financial statement audits have provided a much more realistic portrayal of the costs the Government can expect to incur as a result of its activities. The audits have highlighted billions of dollars in liabilities and potential losses to the Government. This is the kind of information needed to make critical decisions on budgeting, tax policies, and the overall direction of Government programs.

Second, according to GAO, financial statements have brought much needed discipline in pinpointing waste, mismanagement, and possible illegal acts and in highlighting the gaps in safeguarding the Government's assets.

Third, CFO Act financial audits have identified actual and potential savings of hundreds of millions of dollars. For example, the Department of Defense identified over $204 million in potential savings from duplicate invoices, duplicate payments, and avoided interest.

Finally, the financial audits, according to GAO, are also confirming just how little confidence the Congress and program managers can place in the information they now receive. GAO has identified hundreds of billions of dollars of accounting errors—mistakes and omissions that can render information provided to the Congress virtually useless.

These are the benefits that could be received by full implementation of the CFO's Act requirements for audited financial statements. Yet, they are benefits that may never be realized at the Department of Transportation unless the Conyers/Clinger amendment is adopted.

How can we argue that Transportation, unlike every other department within the Federal Government, is clear of fraud, waste, and abuse. Would it not be important to my colleagues on the Transportation Appropriation Subcommittee to know whether the financial data being provided to you by the Department is correct. And how can you now argue that it is correct when GAO is finding billions of dollars in mistakes and omissions at every other agency in the Federal Government.

I implore my colleagues to vote "Yes" on the Conyers-Clinger amendment and allow the Department of Transportation to improve their management systems, to bring soundness and stability to the management of their Department.

I also urge my friends on the Appropriations Committee to learn more about the benefits associated with the financial management reforms required by the CFO's Act. Universally, agency CFO's and inspectors general have reported that the process of preparing and auditing financial statements brings much needed rigor to accounting and financial reporting and highlights where the real problems are. Sit down with the financial managers of your departments and review their financial statements. Understand that the weaknesses identified in the financial statement audits result in massive waste, fraud, and abuse and eventually in fewer program dollars being received by program beneficiaries.

Finally, the inspector general community, especially the inspector general at the Department of Transportation, needs to take the congressionally mandated requirements of the CFO's Act seriously. The act mandates that financial statements shall be audited and the results of those audits reported to Congress. An inspector general who cannot perform this function is simply not abiding by the law, which is completely abhorrent to the principles and goals of the Inspector General Act.

In closing, I urge a "yes" vote on the Conyers/Clinger amendment. Bring sound financial management policies into the Department of Transportation.

Mr. CARR of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in the spirit of compromise.

Mr. Chairman, it is my intent to accept the amendment. I would like to indicate that we do have some problems with the amendment. We fundamentally do not agree with it. However, in the interest of comity between ourselves and the authorizing chairman and ranking member, both outstanding leaders of our country, I think that we could accept this amendment and continue working with the Committee on Government Operations to try to fix what we see as some of the deficiencies of the CFO Act, as it applies to the Department of Transportation.

I would like to explain the rationale for the committee recommendation further because there have been some misconceptions and misrepresentations made about what the reported bill actually does and does not do to implement the CFO legislation.

First, the Members should know that this is not a new limitation. The limitation in this bill is the same as we have had in place for 2 years.

The reported bill includes $1,000,000 for CFO activities. That is the amount requested in the President's budget. We included all funding requested by the administration. It is the same amount as provided for fiscal years 1993 and 1994, and almost the same as provided for fiscal year 1992 ($1,125,000). The bill doesn't cut existing activities—it restrains growth in an area where the benefits are far from clear.

Most importantly, even with the $1 million limitation in this bill, by far, most of the audits required by the CFO Act are being done. According to the Department of Transportation, by dollar value, 97.4 percent of the funds required to be audited by the CFO Act are being audited. Removing the limitation would raise CFO funding by 260 percent, to audit only an additional 2.6 percent of funds. The committee's view is that we should not be paying millions more to audit small accounts such as the gifts and requests fund of the Maritime Administration, which receives less than $50,000 a year, and the Coast Guard gift fund. We could end up spending more to audit those funds than they even take in during a year. I know the Government Operations Committee would like to be able to say that their legislation was fully funded, and that all of the required funds are being audited, without regard to whether there are indications of financial problems in those funds. This has symbolic value. The reported bill was a compromise, and allowed the vast majority of dollars to be audited.

I should also point out that removing the limitation without adding funds requires the IG to make $2.6 million in cuts to fund the CFO program. This will cause devastating cuts to the IG's auditing work force. Our estimate is that 15 percent of the entire audit work force will have to be laid off or redirected to finance the CFO financial statements. Members should be aware that this amendment will have harmful effects on the office of the inspector general.

As I indicated, in the spirit of compromise I will not oppose the gentleman's amendment, and we will try to work with the Government Operations Committee and the department to ensure that something beneficial results from the additional funding, and that the impact on other IG audits and investigations is mitigated as much as possible.

I urge adoption of the amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CARR of Michigan. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank my friend and colleague from Michigan who has done an excellent job in shepherding this bill through. Whatever the problems are that linger, even with withdrawing, accepting this amendment, I would be delighted to work with the gentleman in the future. I again thank him for his cooperation.

Mr. CARR of Michigan. Mr. Chairman, it is always a pleasure to work with the gentleman.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chairman and I thank the gentleman from Michigan and my distinguished chairman on the Committee on Government Operations. I am delighted that this amendment is being accepted. I told the gentleman from Michigan [Mr. CONYERS] that I think that our implementation and oversight of the CFO Act is perhaps the most important work and the most salutary work that our Committee on Government Operations is doing.

□ 1430

Mr. Chairman, the Federal Government does not produce annual audited financial statements, even though the U.S. Government spends $1.5 trillion each year. This is one of the biggest reasons that our Government is so deep in debt.

Mr. Chairman, the Federal Government requires every large company in America, of course, to produce annual audited financial statements, and yet the Federal Government itself is incapable of doing so. Mr. Chairman, that is a scandal, and it leads to mismanagement and waste.

To put an end to this scandal, and to see to it that the Federal Government finally prepares honest financial reports for Government managers and taxpayers, Congress passed the Chief Financial Officers Act unanimously in both the House and Senate. Mr. Chairman, we have to see to it that Congress now provides the necessary support to implement the Chief Financial Officers Act.

Today, Mr. Chairman, I am delighted that we are reaffirming our support for the CFO Act with the same unanimity that brought it to us in the first instance. Throughout our Government, Mr. Chairman, as of now, fiscal responsibility is the exception, rather than the rule. It is an afterthought at best. We need the CFO Act to turn this sad situation around.

Today before sundown our Government will lose $1 billion. Tomorrow it will lost $1 billion. We will lose over $1 billion every day the Government is in business this year. To cover up the poor fiscal management, Federal spending is expected to grow every year between now and the end of the century.

Today Federal spending is $1,484 billion a year. Next year it will be $1,509 billion. In the next 3 years, it will go up $1.6 trillion, $1.7 and finally $1.8 trillion in 1998. Yet the people who have been opposing the CFO Act, some in the bureaucracy, some in the trenches, say, "We simply cannot afford to maintain sound accounting practices." If they have their way, we will not know where the $1.8 trillion is going.

Already, Mr. Chairman, many Federal agencies we have seen on the Committee on Government Operations and on my Subcommittee on Commerce, Consumer, and Monetary Affairs, many agencies are having trouble implementing the CFO Act because they have not sufficient support to do it. I recently met with one official from a Federal agency who told me it would take 7 years before his agency can produce audited financial statements.

Imagine if we told the IRS that we could not figure out our income because of bad accounting practices, but that we would get around to it in 7 years. Do we think the IRS would give us 7 years to put our fiscal house in order? Of course not. They would slap us with a hefty fine on top of back taxes and add interest to that.

Mr. Chairman, we should not have to wait years to get honest financial statements from the Federal Government, but unless we were to pass this amendment, we would have to wait years. When I worked in the White House, I was amazed to learn that the President, the Nation's Chief Executive, cannot get an honest financial statement from the Government he supposedly runs. Each agency now keeps its books differently, so that soft numbers we do have cannot be consolidated into a single financial report.

If the Department of Transportation, covered by this bill, or any other single agency did not comply with the CFO Act, then we would never have a Government-wide financial statement. The CFO Act would be gutted. That is just what the opponent of fiscal responsibility want.

Mr. Chairman, I am absolutely delighted that we will unanimously approve the Clinger-Conyers amendment, and restate the strong bipartisan support of Congress for immediate implementation of the CFO Act.

Mr. STENHOLM. Mr. Chairman, I rise today to urge my colleagues to support the amendment to H.R. 4556, the Transportation appropriations bill, offered by Chairman CONYERS and the ranking minority member Mr. CLINGER. This amendment would lift the limitation that has in the past restricted the ability of the Transportation inspector general to meet all of his responsibilities under the 1990 CFO Act. I would like to commend the sponsors of this amendment for the diligence they have shown on this issue.

The people of my district are tired of Government waste and this amendment is a solid step in keeping us informed so that we can keep our constituents informed. Therefore we here in Congress must send a message to the taxpayers that we are in favor of sound economic decisions concerning our Government finances. The Department of Transportation has many management weaknesses such as inaccurate inventory records, underutilized user fees, deficiencies in deobligation systems, and inadequate accounting controls. The Chief Executive Officer Act of 1990 was approved by Congress as a way to bring about better accountability to the executive branch. This amendment would allow that accountability to be measured. The Transportation Department is the only department prohibited from complying with the CFO Act because of a funding restriction despite widespread financial management problems.

Office of Management and Budget Director Leon Panetta supports the removal of the $1 million restriction. Along with the Clinton administration, the General Accounting Office, the Financial Executives Institute, Citizens Against Government Waste, and the National Taxpayers Union.

I support this amendment because it does not add any money to the appropriations bill but rather saves taxpayer dollars by allowing the DOT's inspector general to fully comply with the CFO Act. It will hold the DOT more accountable by allowing sound and complete audits of the agencies within. Friends, we face many tough choices in dealing with our budget crisis. Members of this body may disagree on many of the choices we face, but we all agree that we need to eliminate waste and mismanagement.

Voting yes to the Conyers-Clinger amendment is one more step in the right direction in saving taxpayers' dollars and to holding executive agencies more accountable ensuring reliable performance of the services they were meant to do.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of the amendment offered by Mr. CONYERS and Mr. CLINGER.

No large business in the Nation would operate without the services of a chief financial officer. Yet, the bill we are considering will authorize the expenditure of over $14 billion without providing adequate funding for a critical provision of the Chief Financial Officers Act of 1990—the audit of the Department's financial statement by the inspector general.

We passed the CFO Act in 1990 to ensure that agencies are able to properly account for all appropriated funds. The CFO Act makes possible the kind of sound cost/benefit analysis of programs that American businesses use every day.

If we limit the ability of the inspector general to audit financial statements at the Department of Transportation, we in Congress will not be able to judge which programs work and which don't. Making these decisions is vital if we are to ensure the wise use of taxpayer dollars—14 billion taxpayer dollars in this case.

Mr. Chairman, we made a good start at reducing the Federal budget deficit last year by voting to cut Government spending. But we must also ensure that what we do spend is spent wisely. To do this, we must support the CFO Act by providing adequate funding for implementation of the act in each agency, including the Department of Transportation.

The CFO Act is working and working well. I urge all my colleagues to support the full implementation of the act by voting for the Conyers-Clinger amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

Mr. CLINGER. Mr. Chairman, with the cap on expenditures by the Transportation Department inspector general now lifted, the IG should now fully comply with the Chief Financial Officers Act. Under this Federal statute, the DOT inspector general must perform financial statement audits on all trust funds, revolving funds and commercial activities each year. Furthermore, she must report on the results of her audits to the Secretary of Transportation no later than June 30 of each year.

In the past, the Transportation Department inspector general was allowed to audit portions of only four of the nine financial statements prepared at DOT. That will no longer be acceptable. For the fiscal year 1994 financial statements, the IG will be expected to perform complete audits on each of the nine financial statements prepared at the Transportation Department. We are not asking DOT to do anything that we have not required publicly held corporations and State and local governments to do for years. Those organizations have come to recognize the benefits associated with sound financial management practices. It is time that everyone in the Federal Government perform these audits as well.

The vote today should be a sign to all executive branch officials that the U.S. Congress is serious when it tells agencies to reform their management practices. The law of the land now calls for financial management reform. There should be no excuses now for the Department of Transportation, or any other agency, not to be in compliance with the Chief Financial Officers Act.

The CHAIRMAN. Are there further amendments to this portion of the bill? If not, the Clerk will read:

The Clerk read as follows:

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,350,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $37,392,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, $43,495,000: *Provided*, That joint board members and cooperating state commissioners may use government transportation requests when traveling in connection with their official duties as such: *Provided further*, That $8,300,000 in fees collected in fiscal year 1995 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1995.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 34, strike line 17 and all that follows through "That" on line 25.

Mr. KASICH. Mr. Chairman, I come to the floor again for the second year in a row in a truly bipartisan effort to try to consolidate, eliminate, a bureaucracy that was created in the 1800's, most of whose regulatory authority and regulatory need was eliminated in the 1980's by then-President Jimmy Carter.

Mr. Chairman, we have had a lot of criticism of Jimmy Carter over the years, and at times I chimed in, but I will tell the Members that President Carter did lead the way in a number of areas, specifically in deregulation of a lot of our transportation activity.

What the Interstate Commerce Commission was created for in the 1800's was basically to deal with railroads. It then had accelerated jurisdiction in the area of trucking and moving and busing, but what has happened is, since the period of the 1980's we have passed a number of bills through this Congress to deregulate many of the activities that the ICC was created to regulate.

Mr. Chairman, one of the things we did was, in 1980 we passed the Staggers Act that began to deregulate the operation of the railroads. We also, of course, in 1980 passed the Motor Carrier Act. The Motor Carrier Act deregulated the trucking industry. We essentially have in the ICC now an operation that does nothing more than to produce filings of trucking companies, no more, in the area of regulation.

Also in 1980 the Household Goods Transportation Act was passed that deregulated the moving industry, and in 1982 we passed the Bus Regulation Reform Act that regulated the busing industry. The only real activity that goes on in the Interstate Commerce Commission anymore essentially has to do with the railroads. That amount of regulation basically comprises about 37 percent of the operations.

Mr. Chairman, what are we trying to do here? What we are essentially trying to do is to take a bureaucracy that was created in the 1800's, most of whose functions have been eliminated because of the deregulation of many of the activities that they were in charge of regulating. We then want to take the Interstate Commerce Commission and its bureaucracy and fold it into the Department of Transportation.

There was a similar effort done like this, proposed by Jimmy Carter, to fold the Civil Aeronautics Board into the Department of Transportation. This is somewhat consistent with that effort. What we do here, Mr. Chairman, is we try to zero out the funding of the Interstate Commerce Commission.

In the Committee on Public Works and Transportation there is a bill that empowers the President of the United States and the Department of Transportation, the head of the Department of Transportation, to decide which of the functions of the ICC really should be retained within the Department of Transportation.

What we are essentially saying is take this big bureaucracy of 600 people, zero it out, ultimately transfer the functions of the ICC into the Department of Transportation, and let the President and the Secretary of Transportation tell us which of those functions are really important. Then they can determine how many employees they want to have actually carrying out those functions, but they would be held to the ceiling levels created in the Department of Transportation, so we would save money.

Mr. Chairman, some of the argument is that this would not save money. Mr. Chairman, I come here today with a Congressional Budget Office estimate.

I want to go back to a speech that President Clinton gave at the State of the Union in February 1993. Members might remember when the President stood up here and said:

> I will point out that the Congressional Budget Office is normally more conservative about what was going to happen and closer to right than previous Presidents have been.

□ 1440

Mr. Chairman, I did this, used CBO estimates in the 1994 budget so we could argue about priorities with the same set of numbers. The President himself basically said, the Congressional Budget Office is the bible of budget estimates.

We have asked the Congressional Budget Office for their estimate on our proposal. CBO estimates that annual savings in payroll costs and related expenses would be about $40 million, but could be as low as $30 million and as high as $50 million. The fiscal year 1995 savings would be about $15 million less because of severance costs.

Our proposal would save $25 million in the first year by consolidating these bureaucracies. Over 5 years we would save somewhere in the neighborhood of $150 million, and that is the minimum level, $150 million.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

(On request of Mr. HEFLEY and by unanimous consent, Mr. KASICH was allowed to proceed for 3 additional minutes.)

Mr. KASICH. Mr. Chairman, what we are proposing is in an orderly fashion to take an older bureaucracy, to separate the separate bureaucratic nature of that organization, most of whose regulatory functions have withered away. We are charging the Secretary of Transportation and the President with deciding which of those functions still should be carried out. We are allowing them to hire people under the ceiling of the Department of Transportation. We will save at least $25 million in the first year and somewhere over $150 million over 5 years. We will have begun to re-invent government. We will have made for more efficient process.

Mr. Chairman, we came very close to winning this amendment last year, just a few votes short. Part of the reason I believe we lost is Members still did not know what the details are. Most of the Republican side of the aisle voted for this. I would say to my Democratic colleagues, I have appealed to them over this period of this week to really be for some change.

I have asked them to come to the floor and actually vote for something that begins to really re-invent government. I think it is a good vote for this whole House. We are going to be able to maintain the essential functions of this operation, we will save money, we will consolidate bureaucracy, and I think we will be moving in the direction that I believe the American people want to move and it represents real change.

Is our proposal perfect? No, no proposal for change is perfect, but it gets us on the road to making some significant changes in an organization that really does need to be reformed, really needs to be eliminated. The functions kept were legitimate. The rest of them, let us do away with them. We owe the taxpayers of this country that. I think that is what your constituents want. I know it is what mine want.

I ask for your support on this measure on truly a bipartisan basis.

Mr. CARR of Michigan. Mr. Chairman, I rise in vigorous opposition to this amendment.

Mr. Chairman, this amendment seeks to strike all the funding for the Interstate Commerce Commission from the fiscal year 1995 Department of Transportation bill. The amendment would, in effect, abolish the ICC within a little more than 3 months.

Mr. Chairman, this amendment is like a bad dream that comes back night after night. The amendment was debated last year and it was defeated, not once but twice by this body. We debated the amendment first in the fiscal year 1994 DOT appropriations bill. It was defeated. We debated the amendment again as part of the Penny-Kasich amendment to H.R. 3400, a fiscal year 1994 supplemental and rescissions bill. Again, the amendment was defeated. The sponsors' proposal to abolish the ICC and to transfer its functions to the DOT is simply a proposal whose time has not come. Even the sole Republican ICC Commissioner has said, "There is little if anything to be gained by moving the ICC's current functions to another government agency."

Mr. Chairman, the sponsors of this amendment raise the flag of reinventing government and saving money. They argue that DOT can do what the ICC does, only at a lower cost. They cite CBO estimates that transferring the ICC to DOT would save $15 million to $45 million in the first year, and $30 million to $50 million in subsequent years after initial severance costs are paid.

Mr. Chairman, let us look at the estimates a little closer. CBO's estimates assume that all 614 ICC employees would be transferred to DOT. The DOT would then reduce its personnel levels through a reduction-in-force in order to stay within its personnel ceilings. In other words, to achieve the savings estimated by CBO, some 600 people would have to be RIF'd at the Department of Transportation at a cost of approximately $15 million. Moreover, the CBO analysis assumes that DOT would absorb ICC functions without any increase in personnel. Let me repeat that. It assumes that the DOT can absorb ICC functions without an increase in personnel or capital equipment. I might add, it is an assumption that we just know is flawed. It does not pass the common sense test.

Mr. Chairman, like other Federal agencies, DOT is mandated to reduce employment levels by 12 percent by fiscal year 1999. Under H.R. 4556, the bill before us, the Department will have approximately 2,400 fewer full-time equivalent civilian personnel in fiscal year 1995 than it had 2 years ago. Making these employment reductions without impairing vital transportation safety functions will not be easy. For example, the Federal Aviation Administration recently granted buyout authority to 2,700 employees to avoid having to conduct a reduction-in-force this year. Clearly, the Department of Transportation is already working with extremely tight personnel levels and it is simply unrealistic to assume that it can take over the ICC functions within the existing personnel ceilings without cutting back on other essential activities.

A vote for this amendment is a vote to compromise the Coast Guard, it is a vote to compromise flight services in this country, it is a vote to compromise the ability of the Federal Highway Administration to conduct the investments that we want in America.

Mr. Chairman, this is a bad idea whose time has not come.

Mr. DELAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think this is the first and only time that I will disagree with my beloved chairman.

I hope Members will really take a look at this amendment and subsequent amendments that will be proposed to take care of some of the problems that our chairman has outlined, including a second amendment, I think it is $15 million will be added for severance in trying to ease this transfer as far as the employees are concerned.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, let me be clear on that. The reason our first year savings are only $25 million and not $40 million is we have a severance package in our proposal that would come after this would be adopted.

Mr. DELAY. Mr. Chairman, I think that pretty well clears up the concern Members may have about some of the employees over at ICC.

Members of the House, the ICC, the Interstate Commerce Commission, is a dinosaur that just absolutely refuses to die. This was an agency that had 2,000 employees and is down to 600. Why? Because it does not do anything of substance.

Mr. Chairman, I want to try to explain what the Interstate Commerce Commission is. It is the last hangers-on after deregulation has been so successful.

Over the last 2 days, it is amazing to me. I have received a great deal of correspondence on this amendment that we offer on the floor today. It is very interesting to note that the only opposition I have received from off the Hill has been from labor unions. In their correspondence, they reiterate the same old tired argument that there is some justification for the ICC. But wait a minute. Why are the labor unions interested in keeping the ICC?

After some discussion on this subject, we tried to figure it out, and the only thing that we could figure out was first that somehow they want to keep rates artificially high, which does not make any sense to me since there are so many nonunionized trucking companies operating in the United States as compared to 15 years ago.

The only other reason we came up with, and probably is much more important to the unions, is that they hope that in some way, someday, there will be a future possibility that the Government would through the ICC reregulate the rates and keep rates artificially high.

□ 1450

I introduced legislation when I was in the Texas House of Representatives to deregulate trucking way back in 1978, and in 1986, I introduced, with my good friend and former colleague, Jim Moody, H.R. 3222, legislation that would have completely deregulated the trucking industry and reorganized the Interstate Commerce Commission under the DOT.

I feel as adamant today about this issue as I did 15 years ago.

Let us look at the reality of the elimination of the ICC. What do they do right now as far as trucking is concerned? If you want to go into the trucking business or you want to expand your current authority, all you have to do is send a piece of paper to the ICC requesting formal permission to operate a trucking business. How ridiculous. More paperwork for the trucking industry.

And then when you are in business, every time you want to change your rate, you are supposed to send a rate tariff to the ICC. Do you know what deregulation has done? It has created a whole new industry called rate bureaus. These are the people that collect the rates. You can consult with a rate bureau and find what the rates are to haul your goods right now without the ICC, an industry that is creating jobs and doing a wonderful job of managing the information flow of what the rates are out there.

The ICC does not do anything but collect them.

Now, some shippers are concerned, and you may have heard from some of them, about this rate-filing situation, and where would you file rates? You would file rates, if you still have to comply with the law, and I would hope that we would repeal such a law, if you have got to do it, you can still file your paper with the DOT, and the DOT will take it and put it where the ICC does, back in the file box somewhere, in their computers or in a warehouse, and it means nothing to anyone. It does not do anything.

In fact, when I first came here, it was interesting to note back in the early 1980's that the Interstate Commerce Commission itself did not even meet for about 2 years, did not even meet. We were paying salaries, and the Commissioners did not even meet. Did the world fall apart?

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, the world did not fall apart because the Commission did not meet. The world did not fall apart because the ICC went from 2,000 employees to 600.

We are hanging onto a dinosaur. This very agency is the oldest Federal regulatory agency in our Government, and it is time for it to crawl into its hole and cover those old bones up and sail off into the sunset and be the old dinosaur that it is, and maybe somebody will dig them up later on, and we will all lament about the fact that we had the Interstate Commerce Commission, that overregulated the trucking industry and cost our economy millions and billions of dollars.

We do not need the ICC. We do not need the ICC. We could put it into the DOT, if you want to keep some semblance of regulation, but this is a dinosaur that has met its day, and we ought to do away with it.

Mr. MINETA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

The proponents stand alone. The General Accounting Office is against this change. The affected industries are against the change. Consumers are against this change. The Interstate Commerce Commission [ICC] is against this change. The Department of Transportation itself—the administration—is against the change and I am against the change.

You get the impression from the boosters of this amendment that the ICC's independence is a result of inadvertence, a mere detail—something a sleepy Congress has failed to correct since it first made some kind of mistake a century ago.

It was no mistake then; it is not one now. The Interstate Commerce Commission's [ICC] independence from the executive branch, its insulation from parochial concerns, its bipartisan/staggered-term makeup—these things were done by design. And they are valued today.

The amendment's supporters are at pains to promise that if you kill this agency today they will revive its functions somewhere in the bowels of the Department of Transportation tomorrow. They will do this, moreover, with a new structure inside DOT that recreates the very independence they want you to kill outside of DOT. Why do they want you to go to this trouble?

To achieve cost savings, they say. The buzzwords here are "consolidation" and "streamlining" and "administrative efficiencies"—all good things, things no one can argue against.

The trouble is, there would be no such cost savings. Not a week ago the General Accounting Office [GAO] told the authorizing Committees where this argument ought to be waged—that shifting the ICC's functions to DOT would, and I quote, "compromise the independence of the decision-making process without generating meaningful cost savings."

That is a bad bargain, Mr. Chairman.

It fails to appreciate the efficiencies this particular agency has already achieved. I know the ICC's jurisdiction has seen significant reductions—its critics are quick to point in out—but its staff and budget cuts in the past decade far exceed the jurisdictional change, made by Congress in early 1980's.

The point is, Mr. Chairman, we in Congress do not lightly delegate quasi-legislative and quasi-judicial duties. When we do, we take great care to encourage trust and confidence in the process. And independence is absolutely essential to that process. I ask you, why did we refuse to put the ICC into DOT back in 1966, when the new Department was created? And why have we refused since then? Because we, like both the consumers and industry, value an independent rulemaking and dispute resolution process.

Our colleagues seek to do with this amendment what they could not do elsewhere, in the proper forum, before our committees of jurisdiction.

Now I have no doubt that some of you who support total deregulation may believe that defunding the ICC sounds like a good thing. But I would urge you to take another look at this.

You cannot deregulate by budget-cutting alone. Even if the ICC were to disappear this morning, the regulatory laws would stay in place.

So, who would administer the law, provide the guidance, and know the details of the rule? These are good questions, I think.

My greatest nightmare is that defunding the ICC would prime another negotiated rates-type situation for the courts.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 1 additional minute.)

Mr. MINETA. In fact, if you look at the Negotiated Rates Act, which passed this House with overwhelming support just 6 months ago, much of what we fought for and accomplished together was to take issues like rate reasonableness and what constituted a contract and pull them out of the courts and put them back to the ICC. So, if slash-and-burn budget cutting wipes out the ICC, some of what we achieved with the Negotiated Rates Act would be wiped out as well.

I do not believe that is anybody's intention, but it would be one of the results of this amendment. We should not be adopting amendments into law when we have so little understanding of what the consequences would be.

I urge opposition to the amendment.

□ 1500

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and at the outset let me say to my good friend, the gentleman from Ohio [Mr. KASICH] and other Members on my side of the aisle that it puts me in a strange position of opposing the Kasich amendment, since I was one of the few early on to support the Kasich budget when, as he now says, we could get all of the people who supported the original Kasich budget a few years ago in a telephone booth. That telephone booth has gotten a lot larger.

Mr. Chairman, I rise in opposition to the amendment to strike all funding for the Interstate Commerce Commission. This is not because I have any fondness for regulation or bureaucracy; quite the opposite. In fact, the current prosperity and resurgence of our railroad industry is due primarily to the wisdom of the Congress in enacting the Staggers Rail Act of 1980.

That law severely restricted the degree to which the ICC could regulate the economic aspects of rail transportation—rates, abandonments, and so forth. The Staggers Act has been so successful that we now have the most financially healthy railroad industry in at least three decades. And that's the kind of genuine, targeted deregulation that makes good sense and good public policy. Even better, the Staggers Act empowered the ICC to go beyond the statutory deregulation, seeking out additional areas where Government intrusion in the marketplace is unnecessary. So the rail responsibilities now entrusted to the ICC are now part of the solution, not the problem. That's what those of us on the Energy and Commerce Committee know; the Public Works Committee will have to speak to the question of truck deregulation.

Now to the numbers. Does this amendment save any money? Answer: not enough to matter. The General Accounting Office reported to the joint Energy and Commerce-Public Works hearing last week that just picking up the existing ICC functions and giving them "as is" to the Department of Transportation would produce no real savings. Instead, GAO said real savings—up to one-third of the ICC budget—could be obtained immediately by statutory changes to reduce trucking regulation.

Some Members might be under the misimpression that keeping economic regulation at the ICC was an anomaly or an inadvertence after DOT was created in 1966. that is absolutely incorrect. Many noneconomic—safety—functions formerly entrusted to the ICC were given to DOT at that time, but there was a conscious decision by Congress not to place issues of economic regulation in the more politicized environment of a Cabinet agency headed by a single appointee who served at the President's pleasure, not for a fixed term as ICC commissioners do.

The proponents of this amendment claim that they are really pursuing substantive deregulation, and that this appropriations amendment is just the first step in "forcing" the authorizing committees to address the subject. that sounds good, but who's being forced to do what? If this amendment succeeds, only two results are assured: One, the immediate termination of many ICC employees and, two, the effective impounding of any remaining ICC funds without DOT being able to use them. That is due to the fact that even if DOT has plenty of money in its account after this amendment, DOT still will not have any legal authority to spend those funds on ICC functions. Only an authorization statute can do that.

In conclusion, Mr. Chairman, I want to reiterate my own enthusiasm for minimizing Federal regulation wherever we can. But this amendment produces no real economy—just organizational chaos. Even the most hidebound bureaucracies are not improved by adding confusion to the mix.

Let us defeat this amendment, get back to what we ought to be doing, and that is deregulating by the authorizing committees and making a system work for the benefit of all taxpayers.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, there is one thing we have got to make clear: the General Accounting Office is not the budget estimator of the House; and, second, the General Accounting Office has nothing to do with estimating our bill. We have the official CBO estimate, which shows in the first year we will save $25 million. We have a complete severance pay package, $150 million in savings over 5 years, officially scored by the Congressional Budget Office, the bible of congressional budget estimating activities.

The General Accounting Office is not the office that does the estimates; it is the Congressional Budget Office. Furthermore, what we are proposing in this is a bill in Public Works that has sat there for a year. We were promised some effort to take a look at this. We did not have a hearing until 1 week ago. What we want to do is we want to orderly transfer the functions into the Department of Transportation, precisely what was done or similar to what was done with the Civil Aeronautics Board, a proposal. I must say that even Stephen Breyer, the President's nominee to the Supreme Court, I suspect, would support this.

This is a shrinking of a bureaucracy that really has no utility in an era of deregulation.

Mr. CONDIT. I thank the gentleman for his remarks.

Reclaiming my time, I simply say that change is really hard to make happen in this institution. Change is hard to make happen anywhere. I believe this is what this is all about.

The American people want us to make some intelligent changes here, and I believe this is an intelligent change. It is a change that has been a long time coming. Consolidation will result in eliminating a lot of duplication, it will help in terms of saving money. It is a budget saver, and make no mistake about it, you know that the President has already stated that we ought to use CBO numbers and he had said those are the numbers that count.

As has been stated already, the savings by CBO in the first year are $25 million and, over a 5-year period, $150 million. That is a big savings. That is by the CBO.

That is the agency that the President said we ought to use.

The point I really want to make here today, I think the point about the savings has already been made and Members ought to realize that and Members ought to realize this is a vote about change. The American people want us to make some changes, some tough choices. This is a vote to change the place.

But in changing the place, when we move those responsibilities over to the Department of Transportation, we are not going to weaken the regulations or the standards. We are not going to weaken those at all. Most of them have been eliminated, but the ones that have not been eliminated, will be carried out by the Department of Transportation.

So whatever is necessary to be done, whatever is left there is going to happen. What we have done is just eliminated bureaucracy. We have changed. We have for one time eliminated an agency. When is the last time we have done that here? I am not sure. But we need to make change happen, and I call upon my colleagues today to evaluate this carefully. You will clearly see it is a change that you are making happen today.

I urge support of the amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Last year I voted against the amendment. I went back and looked to see what I had said. I said, "Mr. Chairman, I am opposed to the amendment. I am going to oppose the amendment, but in defense of my colleague, the gentleman from Ohio [Mr. KASICH], let me just say that I think he does speak about a certain frustration that a lot of people have."

I went on, "I remember in 1984 we did exactly what the gentleman from Ohio

[Mr. KASICH] is saying when we merged the Civil Aeronautics Board. The first recommendation actually came under the Carter administration to merge the CAB, and we put it into the Department of Transportation."

□ 1510

I went on. It was September 23 when I said:

"So the idea does have merit, and I would urge the Congress and the authorizing committees here to listen to what my colleague has said."

The gentleman's amendment makes sense, and I think the idea should be given consideration because I did hear many of the same arguments when the CAB case came up.

Now I will tell my colleagues I have a couple of problems with the technical part concerning how we blend in the protection for the Federal employees. But if this amendment carries, I will work with the majority and those who are interested to make sure that those protections are made.

I sat through the ICC hearings, and at times I just wondered. It just seems that this group, who I think perhaps, maybe, do more than the authors of the amendment think are necessary, ought to be in the DOT. The same way that Mr. Carter and Mr. Breyer, whoever came up with the idea, felt that they should be in this DOT at that time.

Now when we moved this CAB, we lost nothing. We actually, if my colleagues go back, will find that we have gained. I think the gentleman from California [Mr. CONDIT] or the gentleman who spoke last time spoke about change. I think this is an opportunity for change. Not because I think the amendment is absolutely perfectly drawn, but I believe, based on what I said last year, and how I felt, and how I watched, and what I have seen, I think the appropriate vote today is a vote for the amendment offered by the gentleman from Ohio [Mr. KASICH] to move the process on whereby we can go to conference, and deal with this issue and do something which, I think, will be in the best interests of the American people.

Mr. KENNEDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment to eliminate the Interstate Commerce Commission. There is not a day that goes by where we do not hear some Members stand up here on the floor of the House and talk about how we have to cut this program or that program in order to deal with the Federal budget deficit.

Finally, we have an offering before us as a Congress to be able to eliminate a Federal program and do it, not by cutting senior citizens, not by hurting our children, not by hurting anyone other than the very jobs that are supported by the agency itself. We do not, in fact, end up, through this elimination of this agency, in any way affecting the regulatory capabilities of the Federal Government to look out after the interests that the agency was designed to promote.

If we look at what this agency does, it essentially performed a role 100 years ago that created regulation of our trucking industry, it created regulations of our railroad industries, it arranged for regulation of our moving industries, it arranged, more recently, for the arrangements of our transportation and airline ticket prices. The fact is that we have, this Congress in the 1980's, chosen to deregulate every single one of those industries, thereby eliminating the very necessity of the Interstate Commerce Commission.

Now, Mr. Chairman, I do not question that we cannot find somebody to come in and tell us why this agency still needs to be in existence even though the regulations that it oversees no longer exist. I am sure somebody can come up with that justification. But the fact is that is all it is is a justification. It is not real.

We do not need the ICC. We can transfer the functions that the ICC performs into the Department of Transportation or the Department of Justice.

To those that say it is impossible to do so, Mr. Chairman, I would simply say:

"Let's look at what we do at the Department of Veterans Affairs. We have an independent veterans agency that looks out after the interests of individual veterans that have a gripe with that agency."

The fact is, if we look at other programs, we find that it worked perfectly well to have independence of judgment within agencies as to grievances that individuals, or corporations, or others might have with the way the agency develops. That is what we expect from our Department of Justice. It is what we can expect from the Department of Transportation.

I think it is a well thought through amendment. I agree with the gentleman from Virginia [Mr. WOLF] that there might be some details in terms of how we are dealing with the issues of the 600 employees so that there might be some independence issues that we can take a look at in terms of trying to strengthen independence.

I think that the Congress owes a great deal, a debt of gratitude, to the gentleman from Washington [Mr. SWIFT], and we ought to acknowledge that under the leadership of the gentleman from Washington we have been able to cut 70 percent of this agency over the course of the last several years, and that is a major testimony to his leadership.

But I do think that the time has come to ice the ICC.

Mr. SMITH of Michigan. Mr. Chairman, I rise today to offer my strong support to the Kasich-Hefley-Condit-DeLay-Cox-Kennedy amendment to eliminate funding for the Interstate Commerce Commission. As chairman of one of the House's Committee on the Budget's working groups assigned to physical capital activities, including the ICC, we examined this issue. I believe it is time to get rid of the Interstate Commerce Commission. This commission is now looking for ways to justify its existence, and those ways include more regulations that will end up hurting business in this country.

The official CBO pricing of this proposal will save $15 million to $45 million in the first year and $30 to $50 million every year thereafter. This Nation faces spiraling deficits, and, even though it is not billions, it is a step in the right direction.

Mr. Chairman, I urge my colleagues to support this amendment as a small step to reform Government and reduce waste.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio [Mr. KASICH].

Mr. Chairman, I rise to take the conservative view on this matter. As my colleagues know, a real conservative wants to know what is going to happen and whether the change that is projected is one which is going to make the situation better for the country or worse.

Now the offerers and supporters of the amendment are correct that the ICC's authority over most rate regulation has been abolished, and that is so. There is no hidden agenda here on behalf of those of us who say it is unwise to abolish the ICC to restore rate regulation. That is not at issue. The thesis that we see before us here is that we are going to save money by abolishing the ICC.

The General Accounting Office says that there will be no savings flowing from abolishing the ICC, and, if my colleagues look at those numbers, and if my colleagues look at the numbers that have been presented by the Congressional Budget Office, they will find that those are correct numbers and that they make sense.

I say to my colleagues, "In point of fact, if you abolish the ICC, the functions have to be transferred somewhere. Where? To the Department of Transportation. And you have to put people to work at the Department of Transportation to do the same work that they are now doing at the ICC, and it is a well settled experience of all of us who have dealt with reorganizations that, when you reorganize, you usually cost the government money."

But what really will happen here is that this reorganization that is projected, it, first of all, cannot take place until after the legislative committees have functioned. But equally important, we are going to have to pay severance pays and the cost of discharging a large number of Federal employees. The cost of this is some $12 million.

Now that is not a big item, but it is an important item because it is money that is wasted, and then we are going to have to go out and rehire many employees to do the same thing that is now done at the ICC.

☐ 1520

Now, what are they going to do? They are going to deal with the licensing of railroads. They are going to deal with protection of communities against termination of rail services.

Now, some of my colleagues around here are not aware of what happens when rail services are terminated. But the result to communities, to industries, to workers, to agriculture, to cities, and to States, are calamitous. And one of the things that the ICC does is to conduct these undertakings in an open, collegial, process, to which all may have access and in which all may participate after notice and opportunity for hearing.

The function then of the ICC, as opposed to the Department of Transportation, is to see to it that you have an open process, a collegial process, in which the Congress may supervise and observe closely the actions taken, the communities may know that they are going to have a fair opportunity to be heard.

Move the matter to the Department of Transportation, and you have a fine solution. It would be one which would be approved in Russia. It would be one which would be thoroughly enjoyed in South America, or in Europe, where you have then a clerk who stamps "approved" or "disapproved." No hearing, and your railroad service for a community is discontinued. Industry, jobs, agriculture, employment, is hurt by that process.

What we are talking about here is addressing the things which the ICC does in an open process, instead of moving those functions, at no savings, and perhaps at substantial additional costs, to the wonderful closed system that you have at the Department of Transportation, where decisions are made in the bowels of a building, with no sunlight, with no opportunity to be heard, no ability of the communities, the citizens, the Congress, and others, to know what is going on and why.

Now, perhaps you like that. Perhaps you want that. But if you have ever dealt with the termination of rail service, or disputes over trackage rights, mergers, sales consolidations, and other operating transactions involving railroads, you will know that these are things which should be done in the open, in the clear light of day, with notice and hearings and opportunity for people to be heard.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Simply eliminating the ICC's functions and legal responsibilities in the name of budget considerations or some other consideration is not going to help. It is going to do great damage to the transportation system, and, more importantly, to those who are dependent upon it, and who are dependent on having this being done in an open process.

Let me try and summarize. This proposal is not going to save any money. It is simply going to require us to pay a lot of severance money, and then pay a lot of money to hire a lot of people over at the Department of Transportation after we have fired them over here at the ICC. It is going to move an open process in dealing with the responsible regulatory business that is now done by the ICC from an open process, where all may participate and know what is going on, to a process where everything is closed down and where public participation, knowledge, information, and opportunity to be heard, and to know what is going on, is foreclosed.

In my book, that is one of the most unwise steps that we can take, and it is not the conservative who wants the abolition of the ICC. It is the conservative who is responsible, who says know what it is before you do it, and know what the consequences of your action might be before you take those steps. That is why this amendment should be rejected.

I urge my colleagues to reject an irresponsible, ill-conceived amendment that has been rejected time after time by this body, and should be rejected again.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 30 minutes by 3:55 p.m. I have discussed this with the gentleman from Ohio [Mr. KASICH]. We want to provide an opportunity for everyone to have their say.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. KASICH. Mr. Chairman, reserving the right to object, we could agree to a 4 o'clock time limit. I would say to the gentleman, it is not our intention to filibuster. We have a number of speakers. We may be able to wrap up before 4. If the gentleman could go to 4, we can reach agreement on that.

Mr. CARR. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude by 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair will elect to continue under the 5-minute rule.

Mr. DUNCAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I want to address two issues the previous speaker brought up. The first one is the ICC holds all these meetings in the glare of public scrutiny. In 1993 the ICC held only eight voting conferences in 9 months, covering 25 proceedings. During that time, the agency handled by nonvoting more than 300 other matters. So this is not an agency that is accustomed to operating in the light of day.

In regard to the issue of the abandonment of rail lines, let me just show you on this chart. The railroad abandonment activity, these are numbers of activities that have been applied for. It represents the ones that they applied for and were denied. As you can see, there are not a lot of people applying, and virtually none of them have been denied. This is not a problem.

Let me explain. In 1989 there were only two denied. In 1990, there was one. In 1991, there was zero. In 1992, there were two. And in 1993, there was only one case. So we are not talking about a giant flurry of activity, because it does not exist. We are not talking about losing all this public purview into this. In fact, we can enhance public participation and we should. We can do it in DOT.

One more time: It is not the Government Accounting Office that does estimates, it is the Congressional Budget Office. And we save $150 million over 5 years, plus in the first year, a minimum of $250 million, while also trying to accommodate the problems we have with the transfer of employees.

Mr. DUNCAN. Mr. Chairman, reclaiming my time, I thank the gentleman for those points and for the fine work he has done on this amendment.

Let me just say I support this amendment. I think the ICC is the prime example, it is the epitome of an agency that does little more than push paper. It helps no one. It helps no one other than the bureaucrats who work for it.

Several years ago when I was practicing law, I had some experience with the ICC. I was representing a small bus company which operated tour buses and which was a mom-and-pop operation. But it was a very fine business. It had safe, new buses. The owner of the company had driven up well over 1 million miles himself without an accident. He had two drivers who had driven well over 1 million miles without an accident.

He had a previous lawyer who had advised him he did not need ICC approval for out-of-State trips if they involved church groups. So he took, among other things, the youth group of the First Baptist Church of Concord, TN, on a mission trip to South Dakota. He took the Baptist Student Union at Carson-Newman College on a trip. He took several senior citizen groups from churches on trips out of State.

And then, all of a sudden, the ICC swooped down upon him, and we go through a full day-long hearing. Never once was there anything said about the safety of his buses. Never once was there anything said about his employees or himself. There was nothing that he did wrong, other than cross a State line.

We could not believe that this was the United States of America. The only thing that he had done was his prices were about half those of the bigger companies.

In that instance, the ICC was responsible for causing consumers to have to pay twice as much as they would have otherwise. The ICC has done little more than raise prices to consumers and provide jobs for the bureaucrats who work for it.

This amendment, as has been pointed out previously, will save some $25 million to $50 million. I cannot think of a better amendment or one that the people of this country, the owners of our Government, would support, than this one. So I urge my colleagues to strike a blow for fiscal sanity and support the Kasich amendment.

□ 1530

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I think the gentleman makes an incredible point that Members really need to think about. The easiest, the least expensive business that one can get into in this country is in the trucking business. All one has to do is buy a van and start the business. what the gentleman from Tennessee is describing, the onerous paperwork, the paperwork burden, the rate filings, the collegial atmosphere that the chairman of the Committee on Energy and Commerce talks about is intimidating to the disadvantage of this country to get into this business or to stay in this business. In fact, the gentleman describes an incident not unlike one that I encountered where a Hispanic was cleaning commodes in an automobile dealership in my district went out and started his own company, got caught by the ICC and now he is back cleaning commodes. I think it is outrageous.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman. If we want to help small business as opposed to big business, then I would say vote for this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

One of the most distinguished Members of this House in opposition to this amendment said it was an amendment that no true conservative could support. Thus I am free to support it, and I do.

I begin with this: If we were today creating a government given the role that the Interstate Commerce Commission now plays, would we create one? I do not think anyone would say yes. That is, it is not a question as to whether or not they have a role. But do they have a role that rises to the level where there should be Presidentially appointed commissioners confirmed by the Senate and all of the accoutrements?

Given what we know, I think it is clear the functions can be performed by fewer people. Many of us also believe, because this is an areas where I incline strongly to the view that deregulation is economically advantageous and better for the consumer, I also believe that when we have this as a component of the Department of Transportation rather than as a separate board with all of the trappings, we are likelier to get the functions reduced.

Every human being tends to want to retain the functions. Put five Presidential appointees or however many we have into this, have them confirmed by the Senate and they are giving, frankly, the functions of the ICC more of a role than they ought to have. That does not mean that they have no functions.

I mentioned the Senate. There is a collateral reason why I think this is in our interest. Right now they have to be confirmed by the Senate. That means five more confirmations. That means five more opportunities for Senators to put holds on things. Do I believe that by lessening the role of the Senate in the process we will probably reduce some inefficiency in Government just by that? Having these people appointed to do their job rather than being Presidentially appointed and Senatorially confirmed in and of itself seems to me is an advantage.

The fundamental point I would make is this, it is not denigration of the important work that a lot of decent people do at the ICC to note that if we were today creating a government, we would not give to this function an independent agency. It is simply not on a par with the other independent agencies, the SEC, et cetera.

Therefore, it appears to me to be a reason to vote for the amendment. Indisputably, we can perform the functions it performs less expensively, and I think if we go that route, we may even save more money because I believe we are likelier further to deflate the functions.

I am a supporter of the gentleman's amendment.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it would be well to put into context why we are debating this today. One important, perhaps overriding, reason is that our Government is $4.5 trillion in debt, and we are losing money, hemorrhaging red ink at the rate of over $1 billion a day. So we are looking for places to cut.

What can we do to stop this hemorrhaging of red ink? If we took over a failing enterprise that was losing hundreds of millions of dollars a year, what would we do? Would we trim at the edges? No. Of course not. We would sell off the unprofitable divisions and focus our energies on those things that really worked, those things that made sense for the 1990's.

Trimming at the edges, cutting across the board by 2 percent these days has all of the logic of taking 2 percent of the pages out of every book in the library in order to cut the library budget.

We have to start in the Federal Government liquidating entire agencies, zeroing out whole agencies where the functions themselves are overtaken by events. And what better place to start than an antiquated agency like the ICC, the oldest regulatory agency in Washington, 107 years old.

What better place to start than an agency where three of the commissioners came to my office shortly after I was elected and said, we should be abolished. We have nothing left to do.

The ICC has spent the last 14 years with its bureaucratic energies simply searching for some new mission, something else to do.

In its salad days, before bipartisan congressional majorities clipped its wings, it was a regulatory terror. It became the textbook example of mindless regulation cited by liberal consumer groups and conservative free market economists alike.

As a result, in 1980, three important bills were passed: The Staggers Act deregulated the railroads. The Motor Carrier Act deregulated trucking, and the Household Goods Transportation Act deregulated moving.

All three of these bills passed in 1980.

Two years later a fourth bill was passed, the Bus Regulation Reform Act, in 1982, so that today we can say that most interstate surface transportation has already been deregulated and that is why the ICC has nothing left to do. Yet it still exists.

This is a great place to start cutting. But the ICC, which is a relic, think of this, of the 19th century, is not dead yet. It refuses to die. In fact, the ICC is the Freddy Krueger of the Federal Triangle.

Despite the drastic decline in its authority, it no longer has the authority to set prices, for example, the ICC still requires, as the gentleman from Texas [Mr. DELAY] pointed out so well here on the floor, carriers to file paperwork every time they changed their prices.

This paper shuffling costs the taxpayers $15 million a year. But it costs consumers much, much more, even though the GAO, which has been cited so many times on the floor here during this debate, has found that these filings are essentially a formality.

All told, the Congressional Budget Office, which scores savings in our budget, has estimated that this proposal, this amendment will save $150 million over 5 years. I repeat, this amendment that we are now debating, according to the CBO, will save $150 million over 5 years. No wonder that taxpayer watchdog groups across the country have endorsed this amendment: Groups like Citizens for a Sound Economy, Citizens Against Government Waste, the National Taxpayers' Union, and the National Association of Manufacturers.

So what is the downside of eliminating the ICC? We have heard some arguments here on the floor today. There is no downside.

There are some bureaucratic arguments that are advanced by the people who work at taxpayer expense over at the ICC, but funding another century of unnecessary regulation is not a persuasive argument.

The diehard regulators point out that the ICC performs quasi-legislative and quasi-judicial functions. So what? So does virtually every regulatory agency in Washington, including the Department of Transportation where these few remaining functions would be transferred under our legislation.

The bureaucrats say the ICC has broad discretion and makes difficult fact determinations. Well, so does virtually every regulatory agency, including DOT.

But wait, they say, the ICC actually regulates other Federal agencies. Well, so do a host of other agencies, including, as it happens, DOT.

The determinations now made by the ICC would be made by DOT under our proposal, as has been outlined.

Importantly, they would remain subject to judicial review, even after transfer to DOT, ensuring their impartiality.

Mr. Chairman, enough is enough. We are supposed to be running a government, not an antique collection.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX was allowed to proceed for 10 additional seconds.)

Mr. COX. Mr. Chairman, if the United States Congress cannot bring itself to part with this relic of Grover Cleveland's first term, Grover Cleveland's first term, that is what this dates from, the American people will know for certain we are just not serious about our $4.5 trillion debt.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, out of courtesy, I would ask if the gentleman is the final speaker. I am going to try to make sure we wrap this up as quickly as we can. It appears that way.

Mr. SWIFT. Mr. Chairman, I would say to the gentleman, as far as I know, but I am neither controlling the time here nor the debate, but as far as I know.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding.

Mr. SWIFT. Mr. Chairman, we have just heard the argument that one of the reasons we should get rid of the ICC is that it is old. The Constitution is older. Logic would suggest we get rid of the Constitution. The Magna Carta is older. Perhaps Great Britain should get rid of that. The Bible, also. That is the kind of logic we have been hearing all morning and afternoon long on this bill. What we have been hearing is wishful thinking masquerading as fact.

Mr. Chairman, Members have been subjected to arguments and a wish list. They have not been subjected to many facts. Let me try and bring some facts to this debate, and make three points.

Mr. Chairman, first, the kind of work that the ICC performs, adjudications, investigations, the resolution of complaints between shippers and carriers and oversight of our Nation's surface transportation industries, are best performed by an independent regulatory commission. That point has been stated over and over and over again by the transportation industries themselves, by shippers and carriers and labor and local communities. They are best served by an independent regulatory commission, and with decisions that are openly arrived at. They do not want these functions transferred to an executive branch agency.

Mr. Chairman, we heard very early in the debate that the only people that support that is organized labor. Let me add, Mr. Chairman, to the list: the National Coal Association; Consolidated Freightways, Omni Tracks, Inc., a small railroad; the Regional Railroads of America; and the Association of American Railroads. That was a fact given earlier that was simply incorrect and wrong.

Mr. Chairman, the second point I would like to make is that the Department of Transportation does not have the expertise to handle the functions of the ICC. They have told us so. DOT does not want the functions of the ICC to be transferred. They have told us so.

The Committee on Public Works and Transportation and the Committee on Energy and Commerce held a joint hearing last week in which we investigated exactly this issue, and found a number of very interesting things, including this question asked by the gentleman from California [Mr. MINETA]:

"Could you tell us whether or not the Department of Transportation would be in a position to assume all of the current ICC responsibilities and functions?"

The representative of DOT said, "We would not be in such a position, because there are areas of expertise that are really unique to the ICC that would need to be built up for the department." Again, the question we would have is, what would be the point of just having to develop that expertise?

"The second issue really is there have been different ways of reassigning these functions to DOT that have been considered, but there would be insufficient funds to do that."

He said, "What we have is, we really need to set up an entire mechanism to provide the kind of isolation and insulation in what are really, in many respects, fundamentally quasi-judicial functions and decisions."

"What, again," said the DOT representative, "is the point of having to do that except to show that it is theoretically possible in some convoluted way to do so when it does not seem like a good exercise of anybody's time?"

Mr. Chairman, the fact is that this amendment acknowledges that problem by requiring the transfer of all of the workers at the ICC to the new quarters in the Transportation Building, and that does not sound very efficient to me.

However, even if we should go along with this jury-rigged scheme of first cutting off the funding and then coming back after the fact and eliminating the Interstate Commerce Commission or the Interstate Commerce Act or some of the functions, if we accept that we are just shuffling around desks and bodies and responsibilities, there will be no regulation, no oversight, no cop on the beat for surface transportation, and we still do not save any money.

Let me repeat that, Mr. Chairman, that even after sacrificing the independent regulatory system that has been the support of the shippers and carriers who depend upon its ability to undertake expert, disinterested adjudication, we do not save any money.

The CHAIRMAN. The time of the gentleman from Washington [Mr. SWIFT] has expired.

(By unanimous consent, Mr. SWIFT was allowed to proceed for 3 additional minutes.)

Mr. SWIFT. Mr. Chairman, the General Accounting Office reported after extensive analysis that their conclusion was quite specific, that killing the ICC and transferring its functions and expertise to DOT would "compromise the independence of the decisionmaking process without generating meaningful cost savings."

The supporters of this amendment, Mr. Chairman, have talked about some CBO estimates that purport to save $30 million or so each year. First, with great respect to the CBO, they will first have to tell us that these figures are a preliminary analysis based on some very arbitrary assumptions.

This question was raised in the hearing as well, and the CBO, in response to a question abut the CBO's figures, the GAO said, "To give CBO its credit, however, they do admit that they did not undertake a very sophisticated analysis. The CBO usually does undertake a very sophisticated analysis when it does its work, and we have a lot of respect for their work, but this is not one of those attempts on their part."

I said, "So you are saying," in the net result, "that you and the CBO both agree," when we get to apples and apples, "there would be no savings? No significant savings is the word you used."

And the GAO said yes.

I am sorry that the authors of this amendment, who testified at a recent joint hearing, did not stay around long enough to hear the testimony of the Department of Transportation of the Government Accounting Office on not only the importance of preserving this independent regulatory body, but also on discussions on where the ICC needs to respond to changes in its transportation industry.

The authors of this amendment reverse the process. If we pass this scorched earth amendment and then let the Secretary of Transportation recommend what pieces of the Interstate Commerce Act should be kept, and which pieces would be thrown away, we not only essentially delegate the responsibilities of the Congress, and I would be happy to hear from the Secretary, but we should first determine what it is we want the agency to do, and then appropriate.

In the past 14 years we have eliminated 70 percent of the Interstate Commerce Commission. That, here on this floor, is used as a criticism. If we eliminate 70 percent, the logic seems to be that we should certainly eliminate the last 30 percent, rather than, I think, declaring a justified victory that we have reduced the size of this agency by 70 percent.

However, those who are knowledgeable about the work of the ICC, the shippers, carriers, AFL-CIO, the GAO, and the Department of Transportation itself, say that this amendment is the wrong way to do that. In fact, the transportation industry speaks with an almost unanimous voice: "Do not pass this amendment."

H.L. Mencken said that "there is always an easy solution to every human problem; neat, plausible, and wrong." This amendment is poorly thought out. It at best will cause significant short-term dislocation in our transportation industry, and it will save no money. That is at its best, it will save no money. At its worst, it will cause chaos throughout the transportation industry, and still save no money.

The amendment is wrong, Mr. Chairman, I urge its defeat.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I would just ask, did the GAO look at our proposal?

The CHAIRMAN. The time of the gentleman from Washington [Mr. SWIFT] has expired.

Mr. KASICH. Mr. Chairman, I wanted to say to the gentleman from Michigan [Mr. CARR], we are running into a problem here. We are running into a problem here. We have basically about two or three more speakers. We are bumping up against the time limit.

Mr. Chairman, we can go ahead and keep the time limit if the gentleman would approve a unanimous consent agreement, because we do not want to run over 5 or 10 minutes. We may need 2 or 3 minutes.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 4:05. That ought to be able to accommodate the gentleman, if Members will keep their remarks brief.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARR of Michigan. Mr. Chairman, under that circumstance, is it not appropriate for the Chair to divide the time?

The CHAIRMAN. The Chair would respond that the Chair has that authority, and given the fact that there are various speakers on both sides, the Chair will allocate the time remaining equally between the gentleman from Michigan [Mr. CARR] and the gentleman from Ohio [Mr. KASICH], with the time to be managed on each side by those gentlemen.

□ 1550

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I rise in strong support of the Kasich amendment to eliminate the ICC.

Last year, President Clinton challenged all of us to be specific in our spending cuts. It seems to me this cut should be at the top of every Member's list.

The ICC is clearly past its prime. Deregulation has made many of its tasks obsolete. Today is our chance to finally do this.

Mr. Chairman, I was a little bit surprised by the remarks of the distinguished gentleman from Washington, the previous speaker, who said that the Department of Transportation does not want the functions that should be transferred to the Department. Too bad. Who elected the bureaucrats at the Department of Transportation? Who charged them with the responsibility of streamlining government? We are responsible to the taxpayers. The Department of Transportation is responsible to us as part of the executive branch of government, as well. It seems to me we are more representative of the taxpayers and the voters of this land and should make this decision today.

Mr. Chairman, we all know how numbers can be cooked, but the most objective analyses show that somewhere between $20 million and $30 million would be saved the first year and at least $150 million over 5 years by eliminating this agency.

Mr. Chairman, the same amendment fell just 11 votes short of passage last year in this body. This year let us stand up and be accountable to the taxpayers of America. Let us listen to the 600,000 members of Citizens Against Government Waste who have recommended that this be abolished. Let us eliminate this ancient relic of an agency and start streamlining government. Let us support the Kasich amendment to end the ICC.

Mr. SCHAEFER. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the amendment to eliminate funding for the Interstate Commerce Commission. This is a perfect example of a government agency that has been allowed to continue to exist long after outliving its usefulness.

In my Fiscal Responsibility Act of 1994, H.R. 3958, I proposed the elimination or scaling back of over 150 specific programs. The ICC stands out like a beacon on this list of wasteful spending.

The ICC regulations are no longer relevant. Deregulation of the trucking industry occurred over a decade ago and has ensured that competition exists to protect America's consumers. Thus, we no longer need a Federal agency to provide that function.

This void of responsibility leaves the ICC with plenty of time to spend the taxpayers money on such needless studies and reports as "So You Want to Start a Small Railroad." The American people have made it loud and clear they will not tolerate Congress squandering their money on this nonsense.

Mr. Chairman, I urge all of my colleagues to take a hard look at this program and decide whether or not it is worth borrowing against our children's future. The answer is quite simply, no. Let us do the truly responsible thing and put this outdated Commission out of its misery.

Mr. CARR of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Subcommittee on Surface Transportation and the Subcommittee on Transportation and Hazardous Materials recently conducted a hearing on the issues being raised by this amendment.

Our colleagues, JOHN KASICH, JOEL HEFLEY, TOM DELAY, and GARY CONDIT all were kind enough to appear before the subcommittee.

I appreciate that.

What the subcommittee found out is that if we transfer all of the ICC's functions to the DOT there would be no budget savings; none. Both the CBO and GAO agree.

Any budget savings would only result by eliminating some of the ICC's responsibilities, but that is not what is being required under the Kasich legislation.

Second, many in the transportation community and the GAO maintain that it is in the public interest to maintain an independent, quasi-judicial, authority—the ICC—to govern such issues as ratemaking. The authorizing committees in the House concur in this assessment. Now, let me state that this is not a partisan issue. During our hearing we received testimony from all of the ICC Commissioners. The Republican Commissioner is Karen Phillips. She is a very fine and capable Commissioner.

I quote her from the hearing transcript:

> I think to zero-fund the agency and then let the Secretary decide a few months down the road what needs to be kept or what doesn't—I think it would ensure only one thing and that is chaos in the transportation industries; and there are a lot of people who would be very poorly served, I think, by such an approach.

Let me be clear. Commissioner Phillips is known to be a proponent of additional transportation deregulation. There are some philosophical differences between her and her other colleagues.

But in this case, Republican and Democrat Commissioners alike, are united in opposition to what is being proposed today on the House floor. Because they realize, as should we, that this amendment has nothing to do with whether you believe there should be less regulation or more regulation of the trucking and railroad industries.

The issue at hand involves process. It involves how best to provide for the effective administration of the Commission's regulatory and consumer protection mandates.

And in the opinion of this gentleman from West Virginia, the public interest is best served by maintaining an independent ICC.

I urge a "no" vote on this amendment.

Mr. KASICH. Mr. Chairman, I yield 1¾ minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, earlier today one of my colleagues, the gentleman from California [Mr. CONDIT], suggested that change is never easy. I am also reminded of the saying that "If you want something to last forever, put it in the Federal budget."

Change is not easy at the national level, but change can come. It has come in the past with strong presidential leadership.

In 1980, thanks to the leadership of President Carter, we passed major deregulation. We deregulated the railroad industry with the Staggers Act in 1980, the Motor Carrier Deregulation Act in 1980, and the Household Goods Deregulation Act in 1980. This leaves us in present-day America with a dramatically different regulatory landscape than the one that existed just 10 to 12 years ago. In this timeframe, we have seen a tenfold reduction in the number of railroad line abandonments. Those requests have trickled to a point where they are almost nonexistent, and the need for an extensive ICC process to review those requests is no longer there. Truck rate filings result in less than 1 percent of these rate requests being denied. GAO has recently submitted a study that suggests that virtually all of this rate review is simply a formality.

Mr. Chairman, I think the time has come for us to question whether we any longer need an independent ICC. I think the answer is obviously no. The time has come to question whether we need 600 employees to review and implement these regulations. I think the answer is obviously no.

Mr. CARR of Michigan. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. KASICH. I very much appreciate the chairman's graciousness in accommodating unanimous consent requests.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Colorado [Mr. HEFLEY] to close this argument on our side.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] is recognized for 3 minutes.

Mr. HEFLEY. Mr. Chairman, the agony of trying to bring about change in the Federal Government.

As the gentleman from Minnesota [Mr. PENNY] said, once an agency begins operation in the Federal Government, it lasts forever. Today we come to the floor representing the taxpayer, because today we are offering an amendment that will cut the size of Government, make it more efficient, and save the taxpayer money. It is, as we have seen from the debate, and I think that this has been a good debate, a bipartisan amendment. Our amendment is not a tax cut, it is a government cut. It starts the two-step process of eliminating the Interstate Commerce Commission and transferring its duties, the duties that need to be transferred, to the Department of Transportation.

Much of today's debate concentrated on the amendment's savings: Will it save money? How much money will it save?

But there is more than the taxpayers' money at stake here today. This amendment is also about good Government and a good legislative process amendment.

Let us consider the savings first.

The received GAO study suggests the savings from transferring the ICC to the DOT would be minimal, not as we have been told here today, no savings, but minimal savings. There would be minimal, and that is only considering one portion of it, that is considering the railroad portion of it.

□ 1600

Like the middle-class taxpayer, however, we will take the savings. A million is a lot of money. But the savings highlighted by the GAO are just the beginning. More could be achieved.

For example, the ICC still requires motor carriers to file their rates despite having been stripped of its authority to set rates 15 years ago. According to GAO, these filings are a formality that go unchallenged 99 percent of the time. The total cost? $15 million. We could save that.

The ICC also employs almost 50 workers every year to enforce safety and insurance regulations, responsibilities also handled by the DOT. While the specific tasks may be different, the general mission is the same. We do not need two bodies doing the same work. Total cost? $4 million. We could save that $4 million.

Finally, there are the five Commissioners with their salaries, their staffs, administrative costs. Eliminate those positions, and we will save even more. Take advantage of the above reforms, and we could save up to $150 million in 5 years, and that is a lot of money in anybody's book.

But this debate is about more than saving money. It is also about good Government.

ICC supporters argue that the Commission is worth the extra cost, in part because the Commission often considers cases in open sessions, voting before the public. More than half of the votes they make do not occur in open session.

The issue of accountability: ICC supporters claim the Commission is more accountable than nonindependent agencies. This begs the question. Accountable to whom? Not the President. The ICC is independent. Not the American voter. In other words, the ICC lacks a great deal in accountability.

Finally, we are told that only the ICC has the expertise to do the job. I have two responses to this claim.

First, if the experts are civil servants, we can move them from the ICC to the DOT. It is all the same Government and the same civil service.

Second, while I'm sure our four current Commissioners are very talented, past Commissioners have been appointed with no transportation background at all. There is no minimum qualification being an ICC Commissioner—anybody can be appointed.

In other words, the expertise issue is just another smokescreen.

But beyond the savings issue and the concerns of good Government, this is a debate about process.

Our opponents say we have the cart before the horse. They say we should work through the committee process, transfer the ICC to the DOT, and then offer to cut the ICC's funding.

This offer reminds me of the story of the old man from New Hampshire giving directions to the New York tourist.

First he says, "Go north until you come to a general store, and then—no, no, that's not right."

Then he says, "Drive east past the apple orchard until you—no, no, that's not right either."

Finally he says, "Come to think of it, you can't get there from here."

After 8 years of inaction on my bill to sunset the ICC, it is obvious the committees with ICC oversight have no interest in considering our legislation.

We either pass this amendment today, or we do not "get there from here."

So the choice before the House is a simple one. Do we transfer the ICC to the DOT to benefit consumers and middle-class taxpayers, or do we continue our legacy of protecting a few special interests at the expense of everyone else?

A vote for this amendment is a vote to cut spending, make Government more accountable, and reject a legislative process designed to protect special interests.

This amendment will save money, make Government more efficient, and make our regulation of surface transportation more accountable. In my mind, that is a simple choice.

Mr. PORTMAN. Mr. Chairman, I rise today in strong support of the pending amendment offered by Mr. KASICH, Mr. CONDIT, and others.

There may have been a time when there was a real need for the ICC. That time has come and gone.

Today, we have the opportunity to make a modest but important step in reducing Government spending. We can also improve the efficiency of the bureaucracy.

Since the ICC's creation, we have enacted into law numerous pieces of legislation that have made it basically obsolete. With the increased levels of deregulation, the drop in ICC's jurisdiction leaves it as an agency with little left to do—an agency in search of a mission—an agency whose existence is difficult to justify.

Let us take the step today to help bring the Federal Government into the 1990's. Let us pass the Kasich-Condit amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 192, not voting 13, as follows:

[Roll No. 250]

AYES—234

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fingerhut
Fish
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grandy
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Johnston
Kasich
Kennedy
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Neal (MA)
Neal (NC)
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—192

Abercrombie
Ackerman
Andrews (ME)
Applegate
Baesler
Barcia
Barlow
Becerra
Beilenson
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Cantwell
Carr
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Levin
Lipinski
Lowey
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Meyers
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Shuster
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Studds
Stupak
Swett
Swift
Synar
Thompson
Thornton
Torres
Towns
Traficant
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Blackwell
Brown (CA)
Dooley
Ford (MI)
Grams
Harman
Hilliard
Lewis (GA)
McCurdy
Michel
Reynolds
Tucker
Washington

□ 1624

The Clerk announced the following pair:

On this vote:

Mr. Grams for, with Mr. Tucker against.

Ms. LAMBERT and Messrs. TOWNS, JEFFERSON, WILSON, GONZALEZ, and KLEIN changed their vote from "aye" to "no."

Mr. MCMILLAN, Mrs. LLOYD, Mrs. BYRNE, Mr. TEJEDA, and Mr. BERMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I ask unanimous consent that I be permitted to offer the amendment that we have at the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 57, after line 7, insert the following new section:

SEC. 339. The amount otherwise provided by this Act for "DEPARTMENT OF TRANSPORTATION—OFFICE OF THE SECRETARY—Salaries and Expenses" is hereby increased by $26,300,000, of which amount $8,300,000 shall be derived from amounts provided for in this Act under the heading "INTERSTATE COMMERCE COMMISSION—Salaries and Expenses".

Mr. KASICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, I first want to say to the gentlemen who have had such interest in this that it is clearly our intention, with the passage of this amendment, I say to the gentleman from California [Mr. MINETA] and the gentleman from Washington [Mr. SWIFT], that I personally want to be as helpful as I can to make sure we have a smooth transition. I want to thank them for the tenor of the debate, and I want to thank, not just the Republicans, but the Democrats as well, for, I think, what is a significant moment in this House when Republicans and Democrats could come together, debate together and vote together to bring some change to this town.

Mr. Chairman, this amendment is designed to transfer $18 million over to the Secretary of Transportation, $15 million of which would be used for severance pay and the other $3 million for the purposes of a smooth transition, and it also transfers over the user fees that are now generated by the ICC over to the Department of Transportation.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Notwithstanding the fact that I did not agree with the gentleman on the last amendment, Mr. Chairman, I want to congratulate him on his victory and say that this amendment merely conforms the bill to the action that the House has just taken. Given the vote just taken, this amendment is appropriate, and we would accept the amendment on this side.

☐ 1630

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 57, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $50,030,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-three passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $9,319,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $132,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS AND REPAYMENTS OF PRINCIPAL

For payment of obligations incurred pursuant to Public Law 96-184 and the Initial Bond Repayment Participation Agreement, $664,666,667, to remain available until expended, which shall be used only to repay principal to the Federal Financing Bank for the Washington Metrorail construction loan; and in addition, such amounts as are necessary for payment to the Federal Financing Bank, of accrued interest and premium, if any, for such loan.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a Executive Level IV.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided further*, That any such planning does not alter the federal status of the Center's research and development operation.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1995 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1994, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1995, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, 144, of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240;

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), Title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024, of Public Law 102–240: *Provided*, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act; and

(4) notwithstanding subsection (a), the Secretary shall withhold from initial distribution the fiscal year 1995 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: *Provided*, That the Secretary shall distribute only after August 1, 1995, such obligation limitation withheld in accordance with this section to those States receiving Interstate Discretionary allocations.

(d) During the period October 1 through December 31, 1994, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $325,155,150.

(e) During the period August 2 through September 30, 1995, the aggregate amount which may be obligated by all States pursuant to paragraph (d) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1995 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1995, has the amount distributed to such State under paragraph (a) for fiscal year 1995 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed $850,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 314. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 315. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 318. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the federal government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102–240.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1997, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of the Federal Transit Act, as amended, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. (a) Of the budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995, $65,120,000 are permanently canceled.

(b) The Secretary of Transportation shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Maritime Administration) available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and close-out, as specified in 41 U.S.C. 403(2).

SEC. 324. Of the funds appropriated in Public Law 103–122 for railroad-highway crossings projects, $20,000,000 shall be available for costs, not to exceed 80 percent, of a project to reduce rail-highway conflicts on M–59 near Pontiac, Michigan, and a project on Bristol Road near Flint, Michigan, including $500,000 which shall be made available to improve and upgrade Maple Road at Bishop Airport, Michigan: *Provided*, That of the funds appropriated in Public Law 94–387 for railroad-highway demonstration projects, $486,000 in unobligated balances shall be made available for the rail relocation project in Lafayette, Indiana.

SEC. 325. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.

SEC. 326. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 327. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 328. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App. 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

SEC. 329. None of the funds in this Act may be used to continue the federally-funded research and development center (FFRDC) relationship between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development after March 31, 1995: *Provided*, That the Federal Aviation Administration may continue this work after March 31, 1995 only by full and open competition among all interested parties, including the Center for Advanced Aviation Systems Development.

SEC. 330. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by $13,253,000, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than $88,750,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included from each account for the working capital fund.

SEC. 331. Funds provided in this Act for bonuses and cash awards for employees of the Department of Transportation shall be reduced by $6,012,680, which limits fiscal year 1995 obligational authority to no more than $25,500,000: *Provided*, That this provision shall be applied to funds for Senior Executive Service bonuses, merit pay, and other bonuses and cash awards.

SEC. 332. Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection.".

SEC. 333. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of Public Law 101-500.

SEC. 334. Funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 335. Funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

SEC. 336. (a) Subsection (b) of section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended to read as follows:

"(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—

"(1) GENERAL RULE.—Upon approval of any substitute project or projects under subsection (a)—

"(A) the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

"(B) a sum equal to the amount that would have been apportioned to the State of Wisconsin on October 1, 1994, under section 104(b)(5)(A) of title 23, United States Code, if the Secretary had not approved such project or projects shall be available to the Secretary from the Highway Trust Fund to incur obligations for the Federal share of the costs of such substitute project or projects.

"(2) AVAILABILITY.—Amounts made available under paragraph (1)(B) shall be available for obligation on and after October 1, 1994. Amounts made available under paragraph (1)(B) shall remain available until expended and shall be subject to any limitation on obligations for Federal-aid highways established by law.

"(3) APPLICABILITY OF TITLE 23 U.S.C.—Amounts made available under paragraph (1)(B) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out with such funds shall be determined in accordance with section 103(e)(4)(D) of such title.".

(b) CONFORMING AMENDMENTS.—

(1) SUBSECTION (c).—The second sentence of subsection (c) of section 1045 of such Act is amended by striking "the authority of section 103(e)(4) of title 23, United States Code," and inserting "section 21(a)(2) of the Federal Transit Act".

(2) SUBSECTION (d)(1).—Subsection (d)(1) of section 1045 of such Act is amended by striking "project for" and all that follows through the period at the end thereof and inserting "transit project.".

(3) SUBSECTION (d).—Subsection (d) of section 1045 of such Act is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) REDUCTION OF INTERSTATE CONSTRUCTION AUTHORIZATION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by striking "$1,800,000,000 for the fiscal year ending September 30, 1996" and inserting "$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, for the fiscal year ending September 30, 1996".

SEC. 337. (a) UNIFORM HOV-2 DEMONSTRATION PROJECT ON I-66 IN VIRGINIA.—Notwithstanding any other law or any prior decision of the Secretary of Transportation, the Governor of Virginia shall have the authority to carry out, during all of fiscal year 1995, a demonstration project on Interstate Highway 66 (I-66) in Fairfax and Arlington Counties, Virginia, to determine the impact of applying a uniform high-occupancy vehicle restriction to the portion of I-66 that is between the District of Columbia and Interstate Highway 495 (I-495) and the portion of I-66 that is west of I-495.

(b) PROJECT REQUIREMENTS.—

(1) UNIFORM HOV RESTRICTION.—Except as provided in paragraph (2), under the demonstration project established under this section, the uniform high-occupancy vehicle restriction applied to the 2 portions of I-66 described in subsection (a) shall be vehicles carrying 2 or more persons.

(2) AUTHORITY OF GOVERNOR OF VIRGINIA.—During the 1-year demonstration period under this section, the Governor of Virginia shall retain the flexibility to return the high-occupancy vehicle restriction applicable to the portion of I-66 that is between the District of Columbia and I-495 to vehicles carrying 3 or more persons, or to make any other revisions in the demonstration project that the Governor determines are necessary.

(c) STUDY AND REPORT.—If the Governor of Virginia makes use of the authority granted in subsection (a), the Governor shall—

(1) carry out an assessment of the effects of the uniform high-occupancy vehicle restriction under the demonstration project established under this section; and

(2) upon completion of the assessment, submit to the Congress and to the Secretary of Transportation a report setting forth the results of the assessment and the demonstration project.

SEC. 338. (a) FEDERAL LINE OF CREDIT.—For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, there is hereby appropriated $8,000,000 for the Secretary to enter into an agreement to make a line of credit available, with a principal amount not to exceed $120,000,000 to the public entity or entities with the statutory authority to construct such facilities.

(b) EFFECTIVE PERIOD.—The line of credit under this section shall be available for draws during the period beginning on the date of completion of construction and ending on the last day of the tenth calendar year following the date construction of the facilities is completed.

(c) PURPOSES.—The line of credit under this section shall be available to pay the costs of extraordinary repair and replacement of the facilities, unexpected Federal or State environmental restrictions, operation and maintenance expenses of the facilities, and debt service on tax-exempt or taxable obligations financing the facilities.

(d) LIMITATIONS.—

(1) CAPITAL EXPENDITURES.—With respect to capital expenditures, draws on the line of credit under this section shall only be made if and to the extent proceeds from the sale of the obligations issued by the public entity or entities which otherwise would be available for such purposes are exhausted, or are otherwise unavailable for the payment of such capital expenditures.

(2) EXPENSES.—With respect to expenses, including operation and maintenance expenses and debt service, a draw on the line of credit under this section shall only be made if revenues from toll operations and capitalized interest are insufficient (or are otherwise unavailable) for such purposes.

(3) PER YEAR.—No more than 10 percent of the total principal amount of the line of

credit under this section shall be available for draws in any one year.

(4) THIRD PARTY CREDITOR RIGHTS.—No third party creditor of the public entity or entities shall have any right against the Federal Government with respect to draws on the line of credit under this section.

(5) AVAILABILITY FOR PARTICULAR COSTS.—There is no guaranteed availability of proceeds of the line of credit under this section for the payment of any particular cost of the public entity or entities which might be financed under this section.

(e) INTEREST RATE AND REPAYMENT PERIOD.—Any draws (except for operation and maintenance expenses) on the line of credit under this section shall accrue interest at the 30-year United States Treasury bond rate beginning on the date such draws are made and shall be repaid in not more than 30 years; except that any draws under the line of credit for operation and maintenance expenses shall accrue interest at the 3-year United States Treasury note rate beginning on the date such draws are made and shall be repaid in not more than 3 years.

The CHAIRMAN. Are there any points of order to that portion of the bill?

POINT OF ORDER

Mr. MORAN. Mr. Chairman, I raise a point of order against section 337.

Mr. Chairman, that section would in part authorize a demonstration project on Interstate Highway 66 in Arlington County, VA, to determine the impact of applying a high occupancy restriction to the portion of Interstate 66 that is between the District of Columbia and the Interstate Highway 495, the Beltway, the portion of I-66 that is west of the Beltway.

As such, section 337 is legislation in an appropriations bill and in violation of rule XXI of the standing rules of the House of Representatives. Clause 2 of rule XXI prohibits legislation on general appropriations bills. Section 337 is in fact legislation. The authority to undertake what is proposed in section 337 does not currently exist.

The lead-in to section 337 specifically states, "notwithstanding any other law or any prior decision of the Secretary of Transportation." Section 337 in fact would alter previous policy decisions on this issue.

So, Mr. Chairman, section 337 on its face is legislation in a general appropriations bill, and thus in violation of rule XXI. Accordingly, I insist on my point of order.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] seek recognition?

Mr. WOLF. Mr. Chairman, I wish to respond.

In responding to the point of order, I want to tell the body I am very disappointed that this has happened. There is HOV-2, for Members who were not here during the debate, in Houston, TX, and there was no point of order. Pittsburgh, Honolulu, Denver, San Diego, Hartford, Connecticut, Los Angeles, Seattle, Orange and Riverside Counties.

By this point of order being taken and what it will result in, it will now result in neighborhoods continuing to be clogged and safety problems, because outside the Beltway on 66 it is HOV-2, and inside the Beltway it is HOV-3. There is sign clutter there. What we would have done is taken cars off of the residential streets like Columbia Pike, and Lee Highway, and Wilson Boulevard, and in Fairfax and different places like that and put it on 66 where it belongs.

Second, from an environmental point of view, this is a very, very bad idea.

Third, it would enable moms and dads, particularly under the legislation that we have passed setting up onsite day-care. In fact, we have day-care centers here in the Capitol. We have put together the legislation to create 100 day-care centers in this region around here, whereby a mon or dad could drive to work with their son or daughter. Also, a husband or wife could come. And to object to this is absolutely crazy. I think it shows you how much this body is out of touch.

Mr. Chairman, I would just say I am disappointed with regard to this, because this was a request made by the Governor of Virginia on behalf of a 1-year trial period, and I think it is a mistake and is going to hurt a lot of people.

The CHAIRMAN (Mr. BOUCHER). The Chair is ready to rule on the point of order. The language with respect to which the point of order is raised constitutes legislation on an appropriations bill. Therefore, it violates rule XXI and the point of order is sustained.

Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. BORSKI

Mr. BORSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BORSKI: Page 50, strike lines 8 through 10.

Mr. BORSKI. Mr. Chairman, I offer this amendment on behalf of myself and the gentleman from Pennsylvania [Mr. CLINGER].

Mr. Chairman, our amendment would strike the provision in H.R. 4556 that would prohibit the Department of Transportation from using any funds to enforce the Sanitary Food Transportation Act.

Despite the urgent need that was shown when this act was passed in 1990, this provision in the bill would cut off any money for enforcement with no plans to provide a replacement.

In February, I personally asked the Acting Administrator of RSPA, who was testifying under oath, about the administration's plans for this act.

The answer I received was that there would be a briefing for my staff.

But since that time, despite our repeated requests, we have received no further information from DOT.

If there is a better, more efficient way to enforce the act, we would be happy to listen to those proposals.

We must not accept a situation where food and garbage are being carried in the same trucks—and chemicals and fruit juices are being transported in the same tank trucks.

Four years ago, our Subcommittee on Investigations and Oversight heard about one truck that made 23 different trips—carrying chemicals, cattle feed, fruit juice, chocolate, cooking oils, and more chemicals.

We heard about the same trucks being used to transport garbage from New Jersey to the Midwest and food from the Midwest to the supermarkets of the Northeast.

The Sanitary Food Transportation Act of 1990 directed the Department of Transportation to work with other Federal agencies that have similar, but not identical responsibilities.

There was clearly a gap in the law and DOT was the agency to fill it. We couldn't tolerate food and garbage sharing the same trucks in 1990 and we should not tolerate it now.

This provision of the appropriations bill will return this situation to the way it was before the Sanitary Food Transportation Act—when some companies thought they could make extra money backhauling garbage and chemicals in the same trucks they use for food and drink.

We must not go back to our constituents and tell them that transporting the food they buy in their supermarkets in garbage trucks is acceptable because it doesn't happen very much.

We cannot go back to our constituents and tell them that the fruit juice they bought is fine even though it was carried in a truck that had been hauling chemicals.

If we don't want to have to tell these things to our people, we must not allow the enforcement of the Sanitary Food Transportation Act to be completely gutted.

That's what this provision of H.R. 4556 would do without any plan to replace DOT in the enforcement of the act.

It makes no sense to prohibit DOT from enforcing this act without deciding how they should be replaced.

Future discussions may result in DOT being given an enforcement or coordinating role. We should decide that role through the regular legislative process, not through the prohibition in section 333.

I urge my colleagues to support my amendment and then we can discuss how this program should be changed to make it more effective.

Let's not make it impossible for DOT to participate in the solution. Vote "yes" on the amendment.

Mr. CARR of Michigan. Mr. Chairman, if the gentleman would yield, I want to defend the provision of our bill. But in the interest of compromise and saving the Members time, I am prepared to accept the amendment.

Mr. Chairman, this year, the administration's fiscal year budget request for the Department of Transportation included no funds or personnel to implement the Sanitary Food Transportation Act [SFTA]. The Department indicated to our subcommittee during our fiscal year 1995 hearings that it did not believe that food contamination as a result of a practice called backhauling was a serious problem. Moreover, the Department told us that it believed that other agencies—primarily the Department of Agriculture and the Food and Drug Administration within the Department of Health and Human Services—should have the lead responsibility for food safety enforcement.

In addition, we understood that the administration was considering legislation to significantly modify SFTA such that the Department of Transportation would not be the lead agency to implement its requirements.

Mr. Chairman, after examining this issue in our hearings over the past few years, the committee agreed with the administration's proposal to eliminate funding to implement SFTA. Consistent with that position, the fiscal year 1995 Transportation appropriations bill also includes a limitation prohibiting the use of funds to implement SFTA.

While I am concerned that our citizens have a safe food supply, I continue to have reservations about the fact that SFTA would impose a whole new set of food safety enforcement responsibilities on DOT. SFTA would require DOT to hire and train an entire cadre of food safety inspectors at the expense of meeting other important aviation, rail, and pipeline safety needs when there is limited evidence that a problem exists. In fact, since 1989, only 13 incidents of food contamination due to the method of transportation have been documented.

At the same time that SFTA would require a huge new bureaucracy at the Department of Transportation, the U.S. Department of Agriculture and the Food and Drug Administration currently have over 7,000 food safety inspectors. These agencies have the necessary statutory authority to address any food contamination issues that might occur during the loading, offloading and actual transport of food commodities.

I would note also that Vice President GORE's National Performance Review [NPR] recommended that food safety responsibilities be streamlined and consolidated into one agency. Certainly, implementing SFTA in the Department of Transportation is counter to the NPR recommendations.

Mr. Chairman, our committee report directs DOT to resolve, in consultation with USDA and HHS, how the intent of SFTA can best be met, whether statutory changes are needed, and how enforcement responsibilities among DOT, USDA, and FDA will be shared, and to report back to the committee prior to conference action on the fiscal year 1995 Transportation appropriations bill. We believed that this is a reasonable approach to addressing any problems that might currently exist in the safe Transportation of food. I understand that the DOT is close to finalizing a package of legislative amendments to SFTA that will help to make the law more workable and less costly.

I would hope that I could get a commitment from the gentleman that he will work with his colleagues on the Public Works Committee and the Energy and Commerce Committee, as well as the Department of Transportation, to work toward enactment of these needed modifications to SFTA so that the DOT will be able to share enforcement responsibilities more equally with the USDA and FDA.

I believe that the provision in the bill to limit the use of funds to implement SFTA is a good government, commonsense measure. I believe that we should not create another regulatory bureaucracy to provide for the safe transportation of food, when better coordination among the existing bureaucracies will accomplish the same purpose. However, if I could get agreement that the authorizing committees will take another look at this issue, I will accept the amendment.

Mr. BORSKI. Mr. Chairman, I thank the gentleman. I can assure the gentleman, I have spoken with the Chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], and the Surface Committee Chairman, the gentleman from West Virginia [Mr. RAHALL], and we stand ready, willing and able to work with you and the Department of Transportation to make this program work better.

Mr. CLINGER. Mr. Chairman, if the gentleman will yield, as a cosponsor of the Safe Food and Transportation Act, I want to thank Chairman CARR for accepting this amendment. I think this whole episode has sort of underscored the poor job the Department did in advising the authorizing committee, our committee, of the problems they were having in implementing this bill. But if this amendment did not pass, they were not going to be able to do anything about making it any better. So I think this clears the way for us to really get on with trying to resolve how best to implement this very important act.

Mr. BORSKI. Mr. Chairman, I appreciate the leadership of the gentleman on this issue.

Mr. DINGELL. Mr. Chairman, I understand the concerns that have been voiced about the implementation of the Sanitary Food Transportation Act [SFTA] by the Department of Transportation. When the Energy and Commerce Committee helped to develop this legislation in 1990, our intent was to curb certain unsafe practices that involved the transportation of potentially harmful nonfood products in the same motor and rail vehicles that carry food and food products.

We believed at that time that additional measures were needed to ensure the quality and safety of the Nation's food supply. However, we did not intend that an entirely new food inspection and enforcement bureaucracy be created at the Department of Transportation.

I would support efforts to achieve a sensible and coordinated enforcement program. I understand that the Department of Transportation plans to submit a legislative package to Congress to modify the Sanitary Food Transportation Act in a way that will promote these objectives.

Our committee will review these legislative proposals to ensure that we protect the public health and safety through proper food transportation practices in a manner that is both cost-effective and manageable.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment which would allow continued support of the Sanitary Food Transportation Act of 1990 by the Department of Transportation which passed overwhelmingly in the 101st Congress.

The Sanitary Food Transportation Act [SFTA] was the direct result of the Public Works and Transportation Committee becoming aware of alarming activities being carried out by some members of the transportation industry. Those activities consisted of moving waste materials and nonfood products in vehicles and tankers that were also used to transport food.

Although examination of the issue of these activities throughout the hearing process did not show any documented cases of food contamination resulting from these activities; there was clearly the threat of such harm to the public.

One of the most prevalent issues regarding such activities was the practice of backhauling municipal and solid waste in the same trucks that carry food products primarily in the Northeast and Midwest, where refrigerated trucks used to haul food and nonfood consumer products were loaded with baled solid waste for return trips. Similarly, cargo tanks that previously transported edible liquids were being used for the backhauling of chemicals.

Now, in the Department of Transportation appropriations bill, and with the full cooperation and indeed suggestion of the DOT, there is a provision that prohibits the use of DOT funds for the implementation, administration, or enforcement of Public Law 101–500, the Sanitary Food Transportation Act of 1990. The appropriators will tell you that the implementation of SFTA better belongs in the U.S. Department of Agriculture [USDA] and the Food and Drug Administration [FDA]. They will also say that implementing SFTA in the Department of Transportation runs counter to Vice President GORE's National performance Review which they say recommends food safety responsibilities be streamlined and consolidated in one agency.

I want to share with my colleagues in the House a few excerpts from then Senator Gore's floor statement during the Senate passage of SFTA on September 20, 1990.

Mr. GORE. Mr. President, I come before the Senate today to ask for passage of S. 2393, the Safe Food Transportation Act.

Ten months ago, I introduced S. 1904, the Clean Food Transportation Act, because backhauling—the dangerous practice of hauling garbage or hazardous chemicals in one direction and then without proper cleaning, using the same vehicle to transport food—is inexcusable, and it has to stop.

Right now, it is legal for a trucker to use the same tank to ship hazardous materials one way and food the other. Truckers from all across the country have come forward with horror stories about backhauling. One trucker recalled hauling asphalt emulsion in one direction and table wine for the return trip. Another trucker told how he had washed out his tanker more than 15 times but still found a substance traced to a load of plastic resin hauled 2 months before, a substance that remained in the tanker through loads of vegetable oil, whisky and chocolate—products that could be on any of our kitchen shelves.

I am especially pleased that the Safe Food Transportation Act, includes the provision of my bill which would involve the participation of the Motor Carrier Safety Assistance Program inspectors in enforcing the decontamination requirements of the bill. Hopefully, these inspectors will be able to help stop drivers who falsify shipping documents by stating that the previous loads were food grade, drivers like those who testified before the House committees last summer. The bill requires DOT rulemaking to make sure drivers and shippers verify that appropriate records and markings are maintained regarding food-carrying vehicles.

In conclusion, I want to point out that the USDA and the FDA have always had the authority to address food contamination issues, but despite their enforcement authority the issue of transporting food in contaminated vehicles was fast becoming a national problem which had reached the local and national news media, to include a segment on the "60 Minutes" television program.

I, therefore, support my distinguished colleagues, ROBERT BORSKI and WILLIAM CLINGER of Pennsylvania, the original sponsors of SFTA in 1990, and the sponsors of this amendment today and ask that my colleagues in the House join with me in agreeing to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BORSKI].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that I be allowed to present an amendment that was scheduled to be presented in title I.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. CARR of Michigan. Mr. Chairman, reserving the right to object, I do so only to seek an agreement with the gentleman about the time. We are trying to accommodate the gentleman in offering the amendment out of order, and I would like to do that, although I will oppose the amendment. On the other hand, I would hope that the gentleman would agree to perhaps a 15 minute debate time limit on this amendment.

Mr. HEFLEY. The gentleman from Michigan [Mr. CARR] has been very accommodating to me on this. I will certainly agree with the stipulation of 15 minutes, divided between the two.

Mr. CARR of Michigan. Mr. Chairman, if that can be incorporated in the unanimous consent request, I would withdraw my reservation of objection.

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The CHAIRMAN. Is there objection to the request of the gentleman that we return to that portion of the bill so he may offer an amendment with debate to be equally divided for a period totaling 15 minutes, with one-half of that time to be managed by the gentleman from Colorado [Mr. HEFLEY], and the other one half to be managed by the gentleman from Michigan [Mr. CARR]?

Mr. SWIFT. Mr. Chairman, reserving the right to object, I do so to point out that yesterday we spent 3 hours on the floor of this House with the majority being cajoled over the fact that we waived some rules. What the request is, it is essentially a request to waive the rules.

I would, under the rules of the House, be absolutely within my rights to object to this request. I just want to point out that comity goes both ways.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. HEFLEY: Page 23, line 21, strike "$771,700,000, of which $526,700,000" and insert "$694,530,000, of which $474,030,000".
>
> Page 23, line 24, strike "$245,000,000" and insert "$220,500,000".
>
> Page 24, line 7, strike "$8,000,000" and insert "$7,200,000".

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Tuesday's edition of my hometown newspaper ran a story on a proposed Amtrak line that would run from Denver, CO through my hometown of Colorado Springs to El Paso, TX. But there is only one problem with that, and that is money. The proposed line would cost Colorado, New Mexico and Texas roughly $80 million in subsidies just to start it up.

Unfortunately, that is not all it would cost. Colorado would have to pony up another $57 million to upgrades tracks and build stations, and each state would pay about 3 million annually for operating costs. And that is still not all.

The Amtrak line would be a money-losing route. According to the local newspaper, researchers estimated that up to 120,000 people would ride the Denver to El Paso Rocky Express annually. That is 60,000 less than is needed to break even. In other words, the line is expected to cover only two-thirds of its costs.

But there is still more. Last year, when I offered a similar amendment to cut 10 percent out of the Amtrak budget, the Washington Post wrote an article entitled "Congress Should Re-invent Amtrak To Make It Profitable." In it, the article states:

> Congress' mandate to Amtrak 23 years ago was to operate rail service on a for-profit basis, but the National Railroad Passenger Corporation hasn't come close. Nor is it likely to meet the goal it set in 1990 to eliminate the need for Federal financial support for Amtrak's operations by the year 2000.

To better illustrate this point, let us take a look at Amtrak's performance over the last 5 years. Last year, 1993, Amtrak lost $731 million. In 1992, $712 million; in 1991, $721 million; in 1990, $703 million, and in 1989, Amtrak lost $665 million. And the list of yearly losses goes on and on.

Instead of operating as a for-profit corporation, Amtrak has managed to saddle this country with over $16 billion worth of debt. These perennial losses work out to the taxpayer subsidy of about $25 for every passenger. With that kind of subsidy, Braniff Airlines would still be flying.

Furthermore, the Cato Institute estimates that Federal subsidies to Amtrak passengers are 10 to 20 times higher than those offered to intercity bus and air travelers.

So the question we must ask ourselves is this, Can we really afford to continue this practice? Clearly, I think, the answer is no.

Fortunately, there is a better way to run intercity rail passenger service. Privatization is the key to Amtrak's fiscal health. According to the Washington Post, "A privatized Amtrak could make money." In fact, several countries have already privatized their once State-owned passenger rail services, including Sweden, Japan, and Argentina. Sweden may be using the ideal model. The Swedish model establishes two entities, the railroad operating company is required to make a profit, and the government is responsible for maintaining the track, similar to our Government building and maintaining roads, highways, and airport runways.

Privatizing Amtrak could work, if given the chance. Organizations such as the Reason Foundation and the 1988 Presidential Commission on Privatization, which included members of both labor and management, have concluded that privatization is not an answer but the answer to Amtrak's problems.

Mr. Chairman, opponents of my amendment and of privatizing Amtrak will argue that it is doomed to failure without Government intervention. It looks to me like Amtrak is doomed to failure with Government help.

Mr. Chairman, I cannot understand how on one hand Amtrak and its supporters can say they need more money from the taxpayers to stem the flow of red ink and then propose to offer a new line of service that will lose money. It does not make sense. At least it did not make sense until today, when I received a letter from the President of Amtrak which states:

> If you support a cut of Amtrak, you will create yet another train wreck that we are not responsible for but must suffer the consequences of.

Mr. Chairman, I have come to expect this. Last year my amendment was blamed for a train wreck that occurred 2 days before the Transportation bill even was brought to the floor. Now I am being blamed for any accidents that might happen out in the future. That is pure demagoguery, and it explains why after 24 years on the public dole Amtrak's management is unable to fulfill its congressional mandate to operate on a profit basis. My amendment only cuts 10 percent from Amtrak's operating loss subsidy and its capital expenses subsidy, which amounts to a $77 million reduction. The amendment is by no means a panacea, but it is a start. It will save our Nation millions of dollars and help improve competitiveness.

Let us show the taxpayers of this country that we are willing to do what it takes to get this country back on its feet. Vote for this amendment and let us begin to wean, we are not doing away with Amtrak subsidy, but begin to wean Amtrak off the Government payroll.

Mr. Chairman, I reserve the balance of my time.

Mr. CARR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment. In fact, I think it is extremely unfortunate that these amendments keep coming up. The House has voted repeatedly to sustain Amtrak. Usually those votes received at least 300 votes from this body. In fact, let me remind the Members that just last year, the gentleman from Colorado offered two similar amendments to cut Amtrak, and both were soundly defeated. One of those was the same amendment he offers today, to cut Amtrak by 10 percent. That was defeated by a vote of 271 to 153. The House has spoken time and time again on this issue, Mr. Chairman, and the gentleman from Colorado offers no significant new information this year.

Mr. Chairman, this bill proposes a lean budget for Amtrak. The recommended levels in this bill for Amtrak's operating and capital costs are over $100 million below the administration's request and even further below Amtrak's request. Amtrak needs all the help we can give them at this time, and they have new management which is taking an aggressive stance to improve service quality, increase maintenance, and provide a better overall product for Amtrak travelers. The GAO testified before our subcommittee this year in support of Amtrak's need for increased Federal support.

Just when Amtrak is making these improvements, the gentleman offers an amendment which would cut 10 percent of Amtrak's Federal support—$24.5 million from Amtrak's capital grant and $52.67 million from their operating grant. We have already cut the request back significantly. I believe what we are really saying if we pass this amendment is that we don't want a national passenger railroad in this country. In contrast, I believe the past votes of this body, including last year, strongly indicate that this Congress support Amtrak.

Let me take a moment to advise the Members of the impact of this amendment. According to Amtrak, reductions of the magnitude would:

Eliminate plans to initiate new service in at least six areas, including Seattle to Portland; Seattle to Vancouver; Raleigh to Charlotte; Boston to Portland, ME; Los Angeles to Santa Barbara; and Chicago to Madison through Milwaukee,

Jeopardize the entire Amtrak-State partnership program, which provides services to Illinois, Missouri, New York, Michigan, California, Alabama, Wisconsin, Illinois, and North Carolina.

Cause Amtrak to consider reducing service on routes between Washington and Montreal, Chicago and Seattle, and Chicago to Oakland.

Jeopardize their plans to make much-needed improvements in aged and inadequate maintenance facilities in Los Angeles, Delaware, New York, and Indiana; and make it virtually impossible for Amtrak to procure new locomotives and trains which they desperately need, and replace defective crossties in the Northeast corridor between Washington and New York.

I should also note that Amtrak currently operates some of the country's most critical commuter rail systems, including northern and southern California, Boston, Connecticut, Maryland, and northern Virginia. Without adequate Federal operating subsidy, Amtrak might have to default on those contracts, shutting down these systems until a new operator could be found. This would be extremely disruptive to commuters trying to get to work in those communities, and could have a ripple effect on the economies of those regions.

I mention these impacts, Mr. Chairman, to let the Members of this body know that this is a very serious amendment, with serious consequences for our nationwide transportation system and for the cities and States all over this country which I just mentioned.

This amendment is not only hurtful, Mr. Chairman, it is unnecessary. We have adequate funding to sustain Amtrak. This bill is within the total budget resources assigned to us in the congressional budget process. I am sorry this kind of amendment has come up once again this year, because I believe the will of this body has been expressed many times on the need for a national passenger rail system. I am not aware of any new information which would cause a different assessment by this body.

I strongly urge the defeat of this amendment.

Mr. Chairman, I yield 2 minutes to a member of my committee, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today in opposition to the Hefley amendment.

My colleague from Colorado may see Amtrak as an easy target. Amtrak is struggling. But the question comes down to this—do we want to have a rail passenger service in the United States. And I believe that if you put the question to the American people the answer would be a resounding—yes.

America needs and wants transportation options.

But in order for Amtrak to thrive—it is in desperate need of help. Amtrak's equipment is old. They don't have enough locomotives to adequately provide on-time service. Amtrak's equipment maintenance facility is over 85 years old.

They have been plagued with devastating equipment losses from accidents and natural disasters. Amtrak needs our support.

This amendment would also impede Amtrak's very successful Northeast corridor—the Nation's only high-speed rail corridor. A line that carries nearly 11 million passengers every year. It is an generator in one of the most economically vital regions of our Nation.

My colleague's amendment would cut Amtrak's funding $154 million. This would be devastating. If we agree that America needs Amtrak as a transportation option—we simply can't accept such a cut. I urge my colleagues to reject this amendment.

Mr. CARR of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. I think the 'gentleman from Colorado [Mr. HEFLEY] has some good ideas. But to take this money out of Amtrak now would be, I think, devastating.

□ 1650

When Tom Downs, the administrator, head of Amtrak, came before our committee to testify, he showed the needs that Amtrak currently has. While the amendment is well-meaning, I think it would be a mistake, particularly at this time, to cut Amtrak to that point. Quite the contrary, when we look at the needs, Amtrak actually needs more money or needs to find a different way of paying for the service in the system we have in the country.

The CHAIRMAN. The Chair advises that the gentleman from Colorado [Mr. HEFLEY] has 2 minutes remaining, and the gentleman from Michigan [Mr. CARR] has 4½ minutes remaining.

Mr. CARR of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. SWIFT], the distinguished chairman of the subcommittee.

Mr. SWIFT. Mr. Chairman, I think I am going to buy my esteemed colleague, the gentleman from Colorado [Mr. HEFLEY] a barber pole, because it was the symbol, years ago when barbers were also doctors, that when a patient came to the barber and they were ill, they bled them a little. Amtrak is ill. There is no question about it. The gentleman's solution is we will make them better because we are going to bleed them a little.

GAO, Mr. Chairman, gave testimony before my subcommittee very recently and they said, "Yes, Amtrak is sick." They were very diplomatic, but when we got down to what they were saying, Amtrak is sick because it has been starved to death. When we look around and we say, "Who did that," it was administrations and this Congress.

Mr. Chairman, we are the trouble with Amtrak. Amtrak provides an energy-efficient, environmentally sound transportation alternative. Is it subsidized? Yes. So is virtually all the public transportation in the world, and in this country. Airlines are subsidized, and let me tell the Members, probably the most single subsidized form of transportation in this country is our automobiles.

Do not bleed this to death. Do not use a medieval form of cure. Vote against this amendment.

Mr. CARR of Michigan. Mr. Chairman, I yield the remainder of our time to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 3½ minutes.

Mr. DINGELL. Mr. Chairman, this is another example of an amendment where the author knows the cost of everything and the value of nothing. Amtrak is the most environmentally sound, economic and efficient system of transportation we have in the country. It moves large numbers of people, it does it at low cost and with minimum adverse impact upon the environment.

Mr. Chairman, if we were to spend our money well we would put money into investing in additional facilities for Amtrak so it could begin to make money, provide the kind of service that people want. Amtrak now has waiting lists of people who want service. We have to wait for a ticket, we have to wait to get a reservation, we have trouble getting from city to city on Amtrak. Why? Because we do not give them the capital investment and the money which they need.

Mr. Chairman, the bill which is before us gives them less than they requested and less than the administration sought, and if we had spent the money that Amtrak asked, we might conceivably have come up with situation where we could begin to actually provide the service that the people need and to eliminate congestion on the highways and air pollution.

Mr. Chairman, the effect of this amendment is going to be to reduce service, to make it harder to move people, to adversely impact the environment, and to trigger additional payments, because of labor protection agreements between Amtrak and the employees.

Mr. Chairman, this amendment is probably going to cost as much as it is going to save and perhaps more. Mr. Chairman, it is going to set in place a situation where Amtrak now, which is beginning to get ahead of the curve of inadequate service and old and obsolete equipment, will begin to fall back with adverse consequences on everything else, including the safety, the safety of the public which is dependent upon Amtrak.

Mr. Chairman, I would urge my colleagues to reject this amendment. It is nothing if not irresponsible. Mr. Chairman, I would ask Members to think of the future of the country, the environment. I would ask my colleagues to think of the needs of the traveling public, the concerns of the State about abating pollution from excessive automobile use, and I would urge that the amendment be rejected enthusiastically.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I would ask the gentleman to explain to me how he really feels about my amendment. It is difficult to get up here, Mr. Chairman, after being so denounced in such a scathing fashion.

Mr. Chairman, I guess I would like for the gentleman from Michigan [Mr. DINGELL], who has had many years of experience dealing with these kinds of issues, and since he thinks most of us that do not serve on his committee do not have enough experience to offer these kinds of amendments, I would like for him to come forward and to give us an amendment or a proposal that would show us down the line how we were going to have Amtrak privatized. Other countries are doing it, they are privatizing. I would like for us to have a way so we could see the light down there.

Mr. DINGELL. Will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Michigan.

Mr. DINGELL. I am the one who presided, Mr. Chairman, over the sale of Conrail. We were able to sell Conrail and did. As a matter of fact, I saw to it that the sale was done through a stock offering. This was the sensible way, put it out on the public and let them buy shares in it.

How, I ask my friend, the gentleman from Colorado [Mr. HEFLEY], and I have great respect for him and great affection, how are we going to sell a railroad which has to be subsidized, which costs millions of dollars a year more than it earns, to intelligent purchasers of securities on the market, given the fact that the securities laws require us to disclose and tell the truth about the situation in which we are engaged?

Mr. HEFLEY. Mr. Chairman, if I could reclaim my time, that is the very point, I would say to the gentleman from Michigan [Mr. DINGELL]. That is what we ought to be doing, is working up the answer to that "how."

I have a newspaper article which says, "Ottawa To Kill Its $1.6 Billion Subsidy for Transportation." Yes, Mr. Chairman, this was a temporary thing. It was supposed to be a temporary subsidy. We have had 23, this will be 24 years, of this kind of subsidy. One of the speakers said we are starving it to death. Over the last 10 years it has lost each year between $600 million and $800 million. I do not quite call that starving.

Mr. Chairman, I ask for an "aye" vote on the Hefley amendment.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. I could go into great detail about the role of Amtrak as part of our overall national transportation policy, and the need to keep it in place in that capacity. But I do not think that is really necessary here, given the dollars-and-cents realities of either eliminating or substantially reducing Amtrak's funds. The harsh fact of life is that when Amtrak was first established, Congress provided in the Rail Passenger Service Act that every Amtrak worker is entitled to a full year's severance pay for every year he has worked there, up to a maximum of 6 years. Since most Amtrak workers have at least 6 years of seniority, that means that for almost every Amtrak worker terminated in this upcoming fiscal year, Amtrak will owe six times the worker's annual pay.

Mr. Chairman, what does this mean in overall terms? Well, the last time Amtrak estimated the labor protection costs of a shutdown in 1990, the overall labor protection bill was $2.6 billion. Of that, $765 million would be due in the first year. To put it another way, if we delete Amtrak's funding this fall, the Government will owe the equivalent of 3 or 4 years of Amtrak funding in labor protection, but the public will be getting no train service for that money. And remember, these numbers have undoubtedly become bigger since 1990.

Even a reduction such as this amendment proposes would produce proportionately labor protection liabilities.

This situation comes about because of the underlying laws governing Amtrak. I share the goals of many Members in trying to make Amtrak as lean as possible and let its new management try to rationalize the route structure and operations.

Mr. Chairman, until Congress changes the labor protection laws, Amtrak is stuck with a huge ball and chain in the form of crippling labor protection liabilities that are triggered every time routes are changed or eliminated. Unlike the freight railroads, who are required by law to pay labor protection payments only in certain defined transactions, Amtrak has to pay it for every termination of an employee caused by discontinuing a train. In fact, Amtrak even has to pay full labor protection if the employee in question can be kept on the payroll, but must be relocated more than 30 miles in order to continue working. In other words, the employee can treat a 30-mile relocation as a termination for purposes of collecting his 6 years of pay.

Given these realities, Mr. Chairman, regardless of whether one would like to see a reformed Amtrak as I would, or no Amtrak at all, as some other Members would, this amendment will not achieve any fiscal savings. We have to reform the labor protection requirements first; otherwise, this amendment will mean spending more of the taxpayers' money next year—not less—and getting no transportation service in return.

Mrs. BENTLEY. Mr. Chairman, I agree with my friend from Colorado, Mr. Hefley, that the deficit desperately needs to be reduced, but reducing it at the expense of Amtrak—which is already underfunded—is, frankly, a horrible idea.

Mr. Chairman, I expect this amendment to lose by a wide margin because even the most fiscally conservative Member of this body realizes the importance of Amtrak to this country's transportation needs.

Amtrak, this country's nationwide passenger service corporation, operates over 250 intercity trains a day over 24,000 miles of rail line serving 525 communities in every State but four in the continental United States. Each year Amtrak carries more than 40 million passengers—about 22 million intercity passengers and 18 million metropolitan commuters.

With the adoption of this amendment—a 13-percent reduction in Amtrak's budget—the services Amtrak provides will be reduced severely.

When these services cease, not only will Amtrak workers be affected, but the riding public as well. Amtrak's equipment will begin to deteriorate to the point that the riding public will no longer care to ride Amtrak, and will find other means of transportation.

Furthermore, there is a safety factor involved. Amtrak is one of the safest modes of transportation in our country today, but without a fully funded program, the safety systems on the equipment will begin to deteriorate, possibly causing or contributing to accidents which could result in serious injury, and possible death, to workers and the riding public.

Amtrak workers have struggled for years to improve the quality of service they provide to the public, and also to improve Amtrak's revenue to cost ratio. The corporation has come a long way over the last 10 years. With the passage of this amendment, Amtrak will be unable to continue to provide the quality service that they strive to provide and of which they are so proud.

As Members of Congress deeply concerned with the efficient and safe movement of people and commodities, which enhances economic development throughout our country, I strongly urge you all to vote against the Hefley amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 326, not voting 10, as follows:

[Roll No. 251]

AYES—103

Allard
Andrews (TX)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bilirakis
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Camp
Canady
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Edwards (TX)
Fawell
Fields (TX)
Goss
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
Miller (FL)
Minge
Nussle
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stump
Synar
Talent
Thomas (WY)
Vucanovich
Walker
Young (FL)

NOES—326

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega
(AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Rogers
Romero-Barcelo
(PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—10

Collins (IL)
Grams
Hilliard
McCurdy
Michel
Reynolds
Ridge
Rush
Tucker
Washington

☐ 1716

The Clerk announced the following pair:

On this vote:

Mr. Grams for, with Mr. Tucker against.

Mr. CONYERS and Mr. SLATTERY changed their vote from "aye" to "no."

Mr. BURTON of Indiana, Ms. PRYCE of Ohio, Mr. HOBSON, and Mr. McCOLLUM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 57, after line 7, insert the following new section:

SEC. 339. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, before I proceed, I yield to the gentleman from Ohio [Mr. FINGERHUT], the outstanding young freshman from northeastern Ohio.

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I asked the gentleman to yield to me just for a moment just to say thanks to the chairman of the subcommittee, the gentleman from Michigan [Mr. CARR].

The first Member of Congress whom I ever met in my life was the gentleman from Michigan [Mr. CARR]. I met him when I served as an intern for him when I was a junior in college.

As a freshman Member of this body, there is no Member of Congress who I believe has done more to look out for new Members, to teach us, to show us how to serve our districts. As a leader on his subcommittee, he has cared a lot about the process by which we keep our country moving forward on transportation. In this bill particularly, he has once again helped northeast Ohio. I thank him for that.

Mr. Chairman, I am strongly supportive of this bill.

I simply want to say to BOB CARR that I am going to miss him in this body.

Mr. TRAFICANT. Mr. Chairman, earlier, the comments of the ranking member, the gentleman from Virginia [Mr. WOLFE], relative to the gentleman from Michigan [Mr. CARR], probably were wise words for all of us. I think we all feel the same way, and we will miss our chairman.

Mr. Chairman, my amendment is the same amendment that was offered last year. I would ask the committee to accept it and approve the amendment and to keep it in conference.

Mr. Chairman, I yield to the subcommittee chairman, the gentleman from Michigan [Mr. CARR].

☐ 1720

Mr. CARR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, this is basically the same amendment that was offered last year by the gentleman from Ohio [Mr. TRAFICANT]. I salute the gentleman for his diligence and dedication to the American worker. We accept the amendment. The gentleman's commitment has been unwavering throughout his tenure in the House. I have no problem with the amendment and urge its adoption.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman for yielding.

Mr. Chairman, I have no problem with the amendment, and I support the amendment.

Mr. TRAFICANT. Mr. Chairman, I encourage the effort to get everyone to buy American goods. And I thank the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to this portion of the bill?

Mr. LEHMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Michigan [Mr. CARR] in a brief colloquy regarding a couple of projects in my district. I would like to clarify that the gentleman from Michigan [Mr. CARR] and I discussed including some language in the committee report for Highway 41 and railroad consolidation projects in California.

Mr. CARR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the chairman.

Mr. CARR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I am familiar with the issues the gentleman raises. I am familiar with both these projects and will endeavor to address these issues further in the conference.

Mr. LEHMAN. I appreciate that and thank the gentleman for his assistance on all these matters.

The CHAIRMAN. Are there further amendments to this portion of the bill? If not, the Clerk will read the balance of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1995".

Mr. CARR of Michigan. Mr. Chairman, I move to strike the last word, and, first, I take this opportunity to thank the gentleman from Virginia [Mr. BOUCHER] for his services today as chairman and presiding officer.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 4556) making appropriations for the Department of Transportation and related agencies for fiscal year ending September 30, 1995, and for other purposes had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 363, noes 59, not voting 12, as follows:

[Roll No. 252]

AYES—363

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)

Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Parker
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—59

Allard
Andrews (NJ)
Archer
Armey
Boehner
Bunning
Cardin
Crane
Crapo
Doolittle
Dreier
Duncan
Fawell
Franks (NJ)
Gallo
Goss
Greenwood
Hancock
Hansen
Hefley
Herger
Hoekstra
Hughes
Istook
Klein
Kyl
Leach
McHugh
McInnis
Menendez
Miller (FL)
Moorhead
Nussle
Oxley
Pallone
Paxon
Payne (NJ)
Pombo
Portman
Ramstad
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Sensenbrenner
Shays
Smith (MI)
Smith (NJ)
Solomon
Stump
Thomas (WY)
Torricelli
Walker
Zeliff
Zimmer

NOT VOTING—12

Bachus (AL)
Collins (IL)
Grams
Hilliard
Hyde
McCurdy
Michel
Reynolds
Ridge
Rush
Tucker
Washington

☐ 1749

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Grams against.

Mr. KLEIN, and Mr. ZELIFF changed their vote from "aye" to "no."

Mr. LEWIS of Florida, and Mr. KLUG changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. CARR of Michigan. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4556 the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the house today.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUR OF MEETING ON TOMORROW, FRIDAY, JUNE 17, 1994

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, June 17, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4554, AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That during consideration of the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, points of order against the following provisions in the bill for failure to comply with clause 2 of rule XXI are waived: beginning on page 26, line 3, through line 8; beginning with "$30,000,000" on page 42, line 16, through "housing;" on line 17; beginning with "section" on page 43, line 1, through "$15,750,000" on line 2; beginning with "*Provided*" on page 46, line 5, through "1993" on line 12; beginning with "*Provided*" on page 46, line 19, through "1993" on page 47, line 2; beginning with "*Provided*" on page 47, line 14, through "$10,565,000" on line 20; beginning with "of which" on page 48, line 5, through "1993" on line 9; the phrase "the foregoing $19,047,000" on page 48, line 13; beginning with "of which" on page 50, line 10, through "1993" on line 14; beginning on page 57, line 1, through "(7 U.S.C. 612c)" on line 12; beginning on page 58, line 23, through line 25; beginning on page 59, line 16, through page 60, line 5; beginning on page 69, line 1, through line 6; and beginning on page 70, line 20, through page 71, line 8.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 455 provides for consideration of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 1995. The rule waives clause 2 of rule XXI against certain provisions in the bill. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in a general appropriations bill.

Mr. Speaker, H.R. 4554 is the Agriculture appropriations bill for fiscal year 1995. The bill appropriates a total of $67.9 billion in budget authority which is $536 million below the President's budget request and $4.2 billion below last year's level.

During testimony before the Rules Committee, Chairman DURBIN discussed the difficulty the committee faced in making the choices between what programs needed increases in funding and where the cuts would have to be made.

While staying within the overall budget ceiling, the committee was able to provide increases for only the eight highest priority programs. These programs include: The Supplemental Food Program for Women, Infants, and Children; low-income rent supplements; subsidies for guaranteed loans; rural water and sewer grants; rural business enterprise grants; local technical assistance and planning grants; and the Food and Drug Administration.

In order to keep the bill below the 602(b) allocation and make necessary increases in funding for the priority programs, the committee was required to make reductions in funding below the fiscal year 1994 level in most of the other discretionary programs contained in the bill.

As a result, the bill's discretionary spending outlays have been reduced by 10 percent below last year's appropriation level. Out of the roughly 90 programs in the bill, over 70 have been cut and 10 have been held at the same level as last year.

Mr. Speaker, of the programs funded in the bill the crop insurance program has been funded at a level of $292 million which is less than the administration's request. The committee assumes significant savings will be achieved in fiscal year 1995 through the enactment of the administration's crop insurance reform proposal which is pending before the Agriculture Committee.

The bill also appropriates $431 million for the Food Safety and Inspection Service. The bill assumes the enactment of legislation authorizing the collection of $103 million in user fees which could raise the total available to $534 million. This funding includes $8 million to hire an additional 200 meat and poultry inspectors.

The bill appropriates a total of $2.7 billion for soil and water conservation programs. Of this total, $1.7 billion is provided to the Conservation Reserve Program which would encourage farmers to take highly erodible land out of crop production. Another $93 million in funding will be used for the Wetlands Reserve Program. This amount is a 40-percent increase from the previous year's level.

The bill also appropriates $15.5 billion to reimburse the Commodity Credit Corporation. Funding for the CCC is $2.5 billion less than last year's funding. This reduction is attributable to reduced crop production resulting from last year's floods in the Midwest.

H.R. 4554 provides lending authority of $2.5 billion for Framers Home Administration housing programs which is a decrease of 24 percent from the current fiscal year.

The bill also provides $1.4 billion for the Rural Electrification Administration. Although funding is close to the administration's request, it is distributed differently among the various programs. The bill increases the funding for 5-percent electric loans to $75 million and comparable telephone loans to $75 million.

H.R. 4554 appropriates $28.8 billion for the Food Stamp Program. This amount is a 2-percent increase from the current level. The bill also appropriates $3.5 billion for the Special Supplemental Food Program for Women, Infants, and Children. The amount is 8 percent more than last year's level.

The bill further provides $7.45 billion for child nutrition programs and $80 million for the Emergency Food Assistance Program which distributes food to needy individuals. In addition, the bill provides $1.3 billion for the Food for Peace Program which provides assistance to other nations for the purchase of U.S. agricultural commodities.

Finally, the bill appropriates $899 million for the Food and Drug Administration which includes the collection of $86 million for user fees.

Mr. Speaker, we have the best agricultural system in the world. We spend a smaller percentage of our income on food than any other industrial nation in the world. The programs in this bill play an important role in maintaining our food system. Today's farmers are faced with difficulties never seen before. Many of the farmers in my State can't seem to break even. The programs in this bill do not just help the farmer, but benefit all Americans by providing a plentiful supply of reasonably priced food.

Mr. Speaker, House Resolution 455 will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill.

□ 1800

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague, the gentleman from South Carolina, has described, this is an open rule providing for the consideration of H.R. 4554, making appropriations for agriculture, rural development, the Food and Drug Administration, and related agencies for fiscal year 1995.

The rule does provide protection for certain unauthorized appropriations and certain legislative provisions contained in the bill. However, an itemized list of those provisions was made available so that Members can see exactly what we are protecting under the rule. I am not aware of any objection to these waivers, and the rule does not restrict the amending process nor does it prohibit motions to strike specific funds. I am pleased to support its adoption.

As usual, the Appropriations Committee has done an outstanding job. This bill provides funding for numerous agricultural programs, such as price supports, research, and crop insurance. It also funds Conservation, Rural Development and Food Assistance Programs, as well as funding the Food and Drug Administration, the Commodity Credit Corporation, and other related agencies. The committee was able to meet its obligations and still report a bill that is $4.18 billion below last year's level. I am sure this was a difficult task, and I commend the committee for a job well done.

Mr. Speaker, I urge adoption of this rule so we can move on to the consideration of this important appropriations bill.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I want to thank the gentleman from South Carolina [Mr. DERRICK], as well as the gentleman from Tennessee [Mr. QUILLEN] for producing this rule and expressing their opinion in support of it.

I might say to the House, Mr. Speaker, that last year this bill came to the floor with no rule whatsoever. It was the decision of the gentleman from New Mexico [Mr. SKEEN], the ranking member of this committee, and myself, that we would bring this bill to the floor with an open rule so that any Member wishing to offer any germane amendment would be allowed to do so. This year, because of several unauthorized programs, major programs, I might add, it was necessary to seek the protection of a rule for that specific and limited purpose.

For all of the Members of the House on both sides of the aisle, for all intents and purposes, this is an open rule. We anticipate having a free and open debate. I want to thank the Committee on Rules for their cooperation.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. I thank the gentleman for yielding time to me.

Mr. Speaker, I want to take this opportunity to say that this is a good rule. I support it. I think it is indicative of the kind of work we have done on the bill itself under the leadership of the gentleman from Illinois [Mr. DURBIN].

I want to say that I think that with 535 absolute experts in agriculture within the confines under this dome, we can get this agriculture appropriation bill done in a very short order without too much bloodletting, and the rest of it. I know there is a lot of contention and so on. Let us approve the rule and get on with the debate.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. McCOLLUM. Mr. Speaker, as I announced yesterday, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. McCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to agree to Title IX, relating to racially discriminatory sentencing, of the House amendment or to any similar provision.

The SPEAKER pro tempore. The gentleman from Florida [Mr. McCOLLUM] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California [Mr. EDWARDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a motion to instruct conferees on the crime bill regarding the so-called Racial Justice Act. It is to instruct them to strike title IX, which is the Racial Justice Act in its entirety. This is singularly the most contentious issue facing the conferees and facing this Congress on the entire issue related to crime.

Mr. Speaker, what this so-called provision does that was in the House bill, and is not in the Senate bill, and was adopted by this body when we tried to strike it by a virtual tie vote—it came out of the Committee on the Judiciary this way—what it does is it sets up a scheme whereby an inference of racial discrimination arises in cases involving capital punishment whenever there is a significant factor of racial disparity, either in the sentencing for capital punishment or in the recommendations of the prosecutors around the country in jurisdictions that have the death penalty.

Mr. Speaker, the effective result of that process of using statistics is going to be that virtually every jurisdiction in this country, whether that is a State or a court jurisdiction, that has the death penalty is going to be found to have racially discriminated in death penalty cases because there will be a statistical disparity inherent in this process.

The burden that then is placed upon a prosecutor to overcome this particular inference that is placed in law every time he tries to seek the death penalty in future cases, or tries to overcome the problems raised by those sitting on death row right now when they raised this point with him, that burden is so great that the prosecutors all tell us they will never be able to overcome it.

They are not able to do things they would normally do, because the legislative or proposed language that would go into the law under this proposal is such that they cannot produce witnesses who say, "We did not discriminate," they cannot produce a jury, they cannot produce the judge, they cannot produce anyone. They are going to have to use statistics to rebut statistics, which is absolute nonsense.

Mr. Speaker, the bottom line is that this provision is a back doorway to effectively end the death penalty in this country, and to abolish it. I think a lot of us understood that, Mr. Speaker, when it came up here, but many may not have when it came up on the House floor before.

It is tonight an opportunity for this body to send a signal to our conferees that we have had time to think about this process, and that we understand it, and that we are ready now to instruct them to strike this provision and to not go forward with it in the conference with the Senate, since there is no like provision in the Senate version of it.

Mr. Speaker, what I would suggest that we do in looking at this is to look at the overall picture just for a second. Mr. Speaker, if we are looking at race as a basis of sentencing in capital cases, we have to understand first of all that over the past 10 years or so, approximately 47 percent of all murder victims in this country were black; only 12 percent of the population is black. Ninety-four percent of those who murdered those 47 percent who were murder victims in the country were themselves black.

If we start playing with statistics and basing the entire question of whether there is discrimination in capital cases on the basis of comparing the number of those who are in the minority, say blacks in this case, who receive the death penalty, versus those in the general population who are white versus those who are black, we wind up with a disparity, no matter how we look at it, in that sense.

That, I venture to say, in most communities in this country that are minority communities, let us say black communities, if we would ask them, they would be more than happy to say, "We want you to be tough. We want the death penalty to be given to people who are murdering our neighbors and our friends and our children." Almost all victims' organizations concur in that, regardless of their race.

This is a bogeyman argument on the basis that there is some kind of discrimination going out there in our court jurisdictions. I do not think it exists personally, and to the degree it does exist, the way to address it is not with this absolutely rigid formula that is designed not to get at the problem of discrimination, but is designed to abolish the death penalty in this country and make it impossible to ever have it again.

Mr. Speaker, we offered here on the floor, when the time arose earlier to do that and the bill was out, an alternative called the Equal Justice Act.

□ 1810

It would have gone step by step through the process of a court consideration of a capital case and set forth procedures that would assure there would be no discrimination in jury selection, in the arguments by prosecutors to the jurors, in the process of handling the case all the way through. But unfortunately that was not adopted, and we are left here tonight with the opportunity only to reject what actually is in the bill that left here and the words to conferees not to proceed.

Mr. Speaker, 38 attorneys general of the various States have said what I am saying tonight. They are saying if this becomes law, there will not be a death penalty in this country again in any jurisdiction where it exists today, and if there is ever going to be another one tried in this country and prosecutors attempt to establish the death penalty in some jurisdiction where there has not been a track record, they are going to have to do it on the basis of quotas, racial quotas for murderers. I find that to be abhorrent. I do not think most of the body wants that. I am confident that they do not. That is the reason why I am offering this motion to instruct this evening. I want there to be no mistake about it. I understand the probability of success on this motion may be limited, but anybody who is going back home to face their voters this fall ought to know that they are going to be asked about this. They are going to be asked about it by the prosecutors in their jurisdictions in their home States, and they should be. They are going to be asked about it by the voters who have heard by now and certainly by then from their prosecutors and their attorneys general how terrible this provision is and what it really means, and, that is, the end of the death penalty.

Mr. Speaker, this is an opportunity for the House to correct a wrong and do it ourselves and make sure the conferees have a clear message. That is the reason for offering this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a totally unnecessary motion by the gentleman from Florida. It needlessly makes it more difficult for the conferees to operate. The conferees have already met, we met this afternoon, and there are a lot of things going on, agreements and disagreements and compromises being made insofar as this racial justice portion of the bill. The bill that will come out of the conference will be entirely different from the racial justice portion of the bill that was approved by the House.

Mr. Speaker, I think it would be helpful if the gentleman would withdraw his motion because we think it is unnecessary, it gets in the way, and perhaps is just a maneuver to complicate the crime bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from California [Mr. EDWARDS] is probably the most preeminent opponent of the death penalty in the Congress. I respect him for that. He takes a very sincere and intellectually consistent position. But I disagree with it. The Racial Justice Act very clearly is a way to prevent anybody from being executed in this county. The gentleman from Florida [Mr. McCOLLUM] is correct, and the fact that the gentleman from California [Mr. EDWARDS] has chosen to lead the opposition to this motion to instruct, I think lets the cat out of the bag.

Mr. Speaker, really what we ought to be doing in terms of the context of the crime bill is making sure that justice is given with compassion to the victims of crime. As the gentleman from Florida [Mr. McCOLLUM] has stated, most often the victims of crimes committed by members of minority groups are members of the same minority group. So we do not have a quota system for victims being discussed here, but we are having a quota system for criminals being discussed here.

When a criminal who is convicted by a jury of their peers commits a crime on a victim of the same race or the same minority group, having this type of a quota system, I think, completely ignores what the rights of the victims are. Our criminal justice system has gotten off the track because it has become too defendant-oriented and not enough society-oriented and not enough victim-oriented. The Racial Justice Act is another case of a defendant-oriented provision that might find its way into law.

Mr. Speaker, contrary to my friend, the gentleman from California [Mr. EDWARDS] striking out the Racial Justice Act will make a crime bill a lot easier to pass through the Congress and to get on the President's desk. I believe that the Racial Justice Act is one of the principal impediments to getting a good crime bill through the conference, and through the Senate, and through the House of Representatives. That is why I think this motion to instruct is essential. If we get the Racial Justice Act out of the way, I think it will be much, much easier to get a crime bill through by the time of the Fourth of July recess.

Mr. McCOLLUM. Mr. Speaker, I wonder if the gentleman from California has any further speakers on his side. I have a number on mine.

Mr. EDWARDS of California. Mr. Speaker, I have reserved the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I join in the motion made by the gentleman from Florida. The fact of the matter is that the so-called Racial Justice Act means that in all probability there will be little or no death penalty actions in this county if it becomes law. That is not only true of the new death penalties that have been so touted by the administration in the crime bill that is pending before us, but it is also true of State government death penalty actions that are pending. That is why the National District Attorneys Association and the National Association of Attorneys General have come out against this act.

The gentleman from California has suggested "Well, it is already being changed." My response is it has not changed yet. Right now the so-called Racial Justice Act is the act on the books. The reason that the District Attorneys and Attorneys General oppose it is that it provides an unlimited use of statistics to avoid the death penalty.

In the first place, the Racial Justice Act is not limited by race. That is, there is no limitation of which persons of which race can raise this as a defense in a death penalty action. It applies, in other words, to everybody.

Second of all, it is not limited in terms of who the person in the criminal case is for whom these statistics should apply. It could be the defendant, but it could also be the victim.

Third, it is not limited to how the statistics are applied. The argument could be made that whatever statistical analysis is presented that the statistics between this defendant and defendants in comparable cases are different. It could be argued that the cases between this defendant and all persons arrested for murder are different. It could be argued that the statistics between this defendant or this victim and that person's racial numbers in the general population are different.

Putting all those together presents a combination that can be argued virtually endlessly. For example, a Caucasian defendant in a death penalty case could argue that he received the death penalty case could argue that he received the death penalty because of racially motivated reasons because his victim was Caucasian and the number of cases that received the death penalty where Caucasians are victims exceeds the percentage of Caucasians in the population generally. That is just one example about how all of these statistics can be put together. If they are put together, the next step is the burden goes to the prosecutor. If there is a statistical showing in any one of these endless ways of racial disparity, the prosecutor must then prove that the racial disparity is not due to racial discrimination. This forces the prosecutor to prove a negative which is an impossibility to begin with.

Mr. Speaker, I want to conclude by alluding to what I think was the reference by the gentleman from California to propose changes in the so-called Racial Justice Act presuming that we may, in fact, get there. At least the press discussions are that the so-called compromise would make the death penalty subject to employment type of pattern and practice discrimination cases.

Mr. Speaker, that is still a problem and it is still an equal problem. In the first place, the death penalty and murder cases are not like employment. A number of jobs in an assembly line at a business may be the same. I can say after a career as a criminal prosecutor, having prosecuted personally many murder cases, having defended some murder cases, that no two murder cases are ever the same. Further, the pattern and practice approach to employment is argued when there is one employer making a decision. In other words, the statistics are argued that this employer hired this person and this person and did not hire that person and another person. In the death penalty and in murder cases, there is more than one decisionmaker. There is a prosecutor, there is a judge, and there is a jury and they can be different in each case. That is why I think the compromise that is supposedly coming will not work, either.

□ 1820

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe that if the Members of this House would be out and talking to the American people, they would find that the last thing the American people want is a new law giving death row inmates more opportunities to challenge their death sentences, and that is exactly what the so-called Racial Justice Act will give death row inmates.

It is undeniable that this new law would substantially impede the application of death sentences in jurisdictions throughout this country. That means that a vote against the motion to instruct conferees is a clear vote against a workable death penalty in this country. That in itself should be enough to settle the matter. But there is more.

The Racial Justice Act flies in the face of the foundational principles of the American system of justice. Under that system, the administration of justice is individualized. Individuals charged with a crime are tried and sentenced based on the unique facts of their case. It is the circumstances of the particular crime which are at issue when the case goes before the judge and jury. Individuals are sentenced to death because their individual conduct merits the ultimate penalty.

The Racial Justice Act would destroy this structure of justice in America. It would create an environment in which considerations of race are central to death penalty cases. It would force prosecutors, judges, and juries to focus on the issue of race in all murder cases. Is that what this House really wants?

Nothing could be more out of step with the ideals and goals of our system of justice. It would be a travesty for the House to allow this attack on the fundamental principles of justice to go forward.

Individuals should be tried and sentenced based on the facts of their individual case. Our system of trial by jury should not be subordinated to studies concocted by sociologists. Justice is not about statistics. Americans do not want punishment meted out by statisticians. They certainly do not want racial quotas for the death penalty.

This House should adopt the motion to instruct conferees.

Mr. McCOLLUM. Mr. Speaker, I yield 6 minutes to our distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I want to first of all commend the gentleman from Florida for bringing up this motion to instruct conferees.

I think there are a number of reasons to vote for this motion to instruct. As my colleagues know, the other body has voted down the idea of establishing quotas for convicted murderers, and the other body will not accept this particular provision. So if you want to pass a crime bill in a reasonably prompt manner, we should take this out.

But there is a deeper principle at stake here. Most Americans believe in an effective, believable death penalty. Most Americans know that the long, drawn-out appeals process has undermined the death penalty.

As the attorney general of Georgia, Michael Bowers, pointed out recently, we had a killer who was executed in Georgia 16 years after he was convicted. Attorney General Bowers was a law student when this killer was tried. He is now the attorney general of Georgia, and has been reelected twice during the period that this particular murderer was on death row appealing.

The Philadelphia Inquirer reports that there are 4,000 convicted murderers on death row across America already trapped into an appeals process that makes no sense, an appeals process that, for example, has people like John Wayne Gacy, who was convicted of killing over a dozen young men and has admitted to killing 33, who spent over a decade sitting and waiting. In John Wayne Gacy's case, it was such a sickening process, when he was finally executed, we had a week of television coverage of the art work he had done while in prison. We did not have coverage of the 33 families who lost a loved one because this man had killed a member of their family.

So we have this process by which defense attorneys and liberals do everything they can to destroy the death penalty by delay and by avoidance, and now what happens; here is a provision which the Philadelphia Inquirer estimated would apply to 4,000 already convicted murderers. This would give them another automatic right of appeal. It would in fact require the taxpayers to pay for the appeal. You would have another year or 2 years or 3 years of additional appeals.

Attorney general of California Dan Lungren testified that in one case the appeal cost the State of California over $1 million because this type of argument required that the State prove a negative, that it prove that it did not in any way under any circumstance have any discrimination of any kind, rather than requiring the murderer to prove a positive, namely, that there was discrimination. Now, at $1 million a case, that means the people of America who want an effective, believable death penalty are being asked to accept an additional 2 or 3 years of appeals at a potential cost of $4 billion for people who are already convicted of murder and have already been sentenced to the death penalty.

There is a deeper problem with this particular provision. It ceases to deal with murderers as individuals. It ceases to deal with crimes as individual acts, and it begins to group people together on a fairly bizarre principle, the principle that who you kill racially matters, or that your own race matters.

Let me just give you two examples: Imagine that a murderer is convicted who is 50-percent Chinese and 50-percent Hispanic. Is the prosecutor to look at that year's quota system to decide whether this should count as an Asian or a Hispanic based on the number of people who have been sentenced to death? Or imagine that you have five white potential murderers, five Hispanic potential murderers, five Asian potential murderers, five black potential murderers, all coming up in New York City or Los Angeles, and the district attorney is sitting there looking at the cases. Do you decide based on convictions attained so far this year which ones you try for life and which ones you try for the death penalty? And you weight them based on how many death penalties you already have gotten this year by race?

It seems to me this is the most grotesque anti-American concept I have heard of. It is profoundly wrong to start lumping Americans together based on genetic code. Americans should be tried as individuals for crimes they commit as individuals. They should be sentenced as individuals. They should appeal as individuals.

Anyone who votes against this motion to instruct needs to understand what you are doing. If you vote against this motion to instruct, you are voting for more appeals. If you vote against this motion to instruct, you are voting to ask the taxpayers to pay at least $4 billion, paying for defending against these appeals.

If you vote against this motion to instruct, you are voting to allow murderers to sit even longer and be even further away from the act for which they were sentenced to death.

If you vote against this motion to instruct, you are voting to count people by racial blocks rather than as individuals, and you are voting to create a quota system in the most grotesque way possible, a quota for murderers on death row.

I beg my colleagues to look at this carefully and for the good of this country to vote yes on this motion to instruct.

Mr. McCOLLUM. Mr. Speaker, I would like to first of all inquire how much time I have, and I ask the Chair if I have the right to close.

The SPEAKER pro tempore (Mr. WISE). The gentleman from Florida [Mr. MCCOLLUM] has the right to close, and the gentleman from Florida has 9 minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I have no other speakers but myself, and I would be the closing speaker for our side, I say to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will close at this point by reiterating what it is we are about today. We are about an opportunity to instruct the conferees on the part of the House to strike in essence from the House provisions the so-called Racial Justice Act. We are the only body in the conference on the crime bill who have this provision.

I would like to do a couple of quotes for everybody here so we understand what we are dealing with. First of all, the idea that there is, indeed, a problem of racial discrimination in the whole area of capital sentencing has been pretty well debunked.

I have here a newspaper article from a May issue of the Washington Times, May 16, 1994, a very long article. It says, "Research Debunks Idea of Racial Bias in Death Sentences." In the very first section of this long article, it says the study by the Rand Corp. in California found that with controls for variables such as severity and number of crimes committed, there is no disparity between those sentences to death for killing whites and those on death row for killing blacks.

□ 1830

And this is a real long statistical study in itself. I also would like to point to the absurdity of this which has been written about by a distinguished columnist, Mr. George Will, in his column of May 19, 1994, which was produced after this body had passed this particular provision. He says, in part, and I quote,

> About half of America's murder victims are white, about half are black. But about 85 percent of the victims whose killers have been executed were white. So juries place a higher value on the deaths of whites, right? Not so fast.
>
> Capital punishment is especially apt to be imposed on killers of police officers. Eighty-five percent of murdered police officers are white. Are juries placing high value on the lives of white people or police officers?
>
> Juries' sympathies may vary with the moral character of the victim. A higher percentage of black murder victims than of white victims are killed while involved in illegal drug activities.
>
> Prosecutors are more apt to seek capital punishment when a murder is committed during the commission of another crime such as robbery or rape. According to one broad survey, 20 percent of white murder victims and 12 percent of black victims are killed by persons committing another crime.
>
> Since capital punishment was reinstated in 1976, 232 persons (as of several weeks ago) have been executed. Of those, 91—39 percent—were black, more than three times the black percentage of the population. However, since 1976 the annual percentages of blacks among those convicted of homicide have ranged from 44 to 52. If those statistics prove discrimination, does it favor or injure blacks?

The bottom line of all of this, I think, is pretty simple, given that 95 percent, I say it is 94 but I will not quibble over 1, but Mr. Will says of murdered blacks are killed by blacks, the result might be more executions of blacks if we harshly impose a rigid quota system. The bottom line is a number of studies and distinguished commentators do not believe we have a racially biased system in capital punishment, and I do not. But even more telling is the fact that the attorneys general and the District Attorneys Associations have said this is really going to mess up the whole works and going to mean the end of capital punishment.

I have a letter here dated June 16, 1994, to me, addressed by William C. O'Malley, the president of the National District Attorneys Association. And I read it:

> It is the understanding of this Association that you will introduce a motion instructing the members of the House at the Conference on the Crime Bill not to agree to Title IX (the "Racial Justice Act"). The National District Attorneys Association gives full support to this motion and urges the members of the House to give full weight of consideration to the voices of their district attorneys.
>
> The 7000 members of this organization serve daily as the "people prosecutors;" we lead them in their fight against crime in every city and county across America. We hear and understand their frustration with a system of criminal law that leads to endless delays and we do, despite the beliefs of some members of Congress, understand the implications of this Act.
>
> We cannot support an Act that attacks the very foundation of our system nor can we ignore the voices of the people we serve. If the people of the United States are against imposition of the death penalty, then let them attest to such in their state legislatures; if they believe that an individual should not be held accountable for his or her acts, then let us make the decision in open debate.
>
> If passed, the "Racial Justice Act" will lead to never-ending litigation and a mounting frustration by the American people that the system of law does not work. You, as the members of Congress, and we, as the peoples prosecutors, will ultimately be held accountable to our citizens for this frustration and fear. The Crime Bill has many features to recommend it, we urge you not to let the provisions pertaining to racially discriminatory sentencing condemn it to ignominy.

I would suggest, my colleagues, that we listen to the prosecutors of this Nation who have stated it correctly, this is not the kind of provision we want in a crime bill. We have again tonight the opportunity to do something about it by passing this motion to instruct conferees. One of the district attorneys wrote a letter, of which I have a copy, to the Los Angeles Times. The letter is reproduced with a caption that reads, "Bill Seeks Racial Quotas on Death Row." I should correct that; it was not the Times, it was the Los Angeles Daily News, dated June 6, 1994. This is by Gil Garcetti, the Los Angeles district attorney, who says, and I quote:

> Rather than consider capital punishment on a case by case basis, the act would bog down the criminal justice system with impossible and inappropriate statistical comparisons that would result in the elimination of the death penalty.

How more precise can you be than Mr. Garcetti, the prosecutor, chief prosecutor of one of the largest counties, maybe the largest county in our Nation? The attorney general of California has also written, making the same kind of statement to us, Dan Lungren, who once served in this body, a distinguished Member at the time and now the attorney general of that great State. The bottom line is very simple for this body, we have the opportunity tonight to instruct our conferees to strike this ridiculous and harmful position and not go forward in conference with it. We have an opportunity to say to our conferees on the crime bill, "When you come up in the next couple of days and make your final decisions, then drop this provision." I think if Members have reflected, heard from their constituents, heard from their attorneys general in the States where the death penalty is there and the attorneys general of all the States, Democrat and Republican alike, then the vote tonight will be clearly the right vote. That will be to vote to instruct the conferees to strike title 9 as I have proposed. I fear that indeed the circumstances will be otherwise. But again I wish to admonish my colleagues that this is a very significant thing. There is probably nothing more significant that we will vote on in terms of crime legislation in this Congress or perhaps in many a Congress than taking out and making sure that this provision never becomes law, that will effectively end the death penalty in the Nation as we know it today. And if we do not act tonight accordingly, if this motion goes down, make no mistake, the voters of this Nation will speak in November, they will remember how you voted on this legislation, and I strongly in the strongest of words encourage you to do the responsible thing, vote for the McCollum motion to instruct conferees to strike and not go along with the title 9 Racial Justice Act in the crime bill.

The SPEAKER pro tempore (Mr. WISE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Florida [Mr. McCOLLUM]

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 264, nays 149, not voting 21, as follows:

[Roll No. 253]

YEAS—264

Allard
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lowey
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—149

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Barlow
Barrett (WI)
Becerra
Berman
Bishop
Blackwell
Boehlert
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cardin
Carr
Chapman
Clayton
Clyburn
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
Dellums
Derrick
Dingell
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hinchey
Hochbrueckner
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kopetski
LaFalce
Lantos
Levin
Lewis (GA)
Long
Maloney
Mann
Manton
Markey
Martinez
Matsui
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Morella
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne (NJ)
Pelosi
Penny
Pickle
Quinn
Rahall
Rangel
Reed
Richardson
Rose
Rostenkowski
Roybal-Allard
Sabo
Sanders
Scott
Serrano
Sharp
Shays
Skaggs
Slattery
Slaughter
Smith (IA)
Stark
Stokes
Studds
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Unsoeld
Velazquez
Vento
Visclosky
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—21

Bereuter
Brooks
Clay
Coleman
Collins (IL)
Fish
Grams
Hilliard
Hyde
McCurdy
Michel
Miller (FL)
Murphy
Reynolds
Ridge
Rush
Schroeder
Tucker
Valentine
Washington
Yates

□ 1858

Mr. DE LA GARZA, Ms. FURSE, and Mrs. MALONEY changed their vote from "yea" to "nay."

Messrs. KLECZKA, PETERSON of Florida, DURBIN, PARKER, GORDON, STUPAK, FAZIO, PASTOR, and ROEMER, Ms. ENGLISH of Arizona, and Ms. LAMBERT changed their vote from "nay" to "yea."

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, due to official business, I was not available for rollcall Nos. 251, 252, and 253.

Had I been present I would have voted "nay" on No. 251; "aye" on No. 252; and "nay" on No. 253.

□ 1900

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 4554, which will be considered today, and that I be permitted to include extraneous matter.

The SPEAKER pro tempore (Mr. SYNAR). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DURBIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New Mexico [Mr. SKEEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by teh gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

□ 1901

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4554, with Mr. SPRATT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

At the outset, let me say that I want to thank a number of people who have worked very hard in the preparation of this bill. I can thank each member of the subcommittee, and they certainly deserve it. But I want to particularly point out the service of my colleague, the ranking member of the committee, the gentleman from New Mexico [Mr. SKEEN].

This committee deliberation has been open. It has been bipartisan. We have gone through some very difficult discussions over a very, very difficult bill. The gentleman from New Mexico [Mr. SKEEN] has been cooperative to a fault. I thank him from the bottom of my heart for all of his effort, and I am fortunate to have his assistance in the preparation of this important legislation.

But neither of us can take credit for this bill in its entirety. Much of the credit goes to a very hard-working staff on both sides of the aisle. Particularly, I want to salute the majority staff, Bob Foster, Tim Sanders, Carol Murphy, and a gentleman who was detailed to the subcommittee for preparation of this bill, Kalven Trice, as well as Tony Savia and Jim Norgard, who helped in the support and preparation of this bill.

Let me tell Members what is entailed in the preparation of an appropriations bill of this magnitude. Some Members will come to the floor with ideas during the next day or two, ideas which they have worked on with their staffs. We certainly take everyone seriously and consider them under this open rule. But Members should be advised that the work product that we bring before them is the product of a great deal of effort: 11 weeks of hearings, 340 different witnesses, 35 Members testified. We received 1,119 letters from Members of this body requesting specific spending proposals; 7,066 pages of hearing record, some 7 volumes of hearings went into the preparation of this bill.

I recalled earlier that there were three staff members and three support staff who prepared, on the majority side, a bill which totals $67,892,326,000. For those who listen to and believe the talk show hosts who say that the committees on Capitol Hill and Congress are overstaffed, I would have them note that this group of six individuals tackled a bill of the magnitude of $67 billion.

During the course of our deliberation, we prepared a bill which comes in over $4 billion less than last year's level and over $535 million less than the President's request.

The most critical part of this bill, and the one we will spend our time debating in detail, relates to discretionary spending, which totals about $13.2 billion.

So that my colleagues can understand the magnitude of the challenge which we faced on this bill, the bill that we submit for their approval is $1.3 billion less than last year in discretionary spending. That is over 10 percent less than the appropriations bill of last year.

We are some $549 million below our budget authority ceiling. We were faced with making cuts in many very good and important programs. The section 515 rural rental housing program, the section 502 single family rural housing program, watershed and flood prevention programs, the agriculture conservation program, and the Public Law 480 program. Of the 90 or so different programs in this bill compared to last year's appropriation, 70 or more will receive fewer dollars. About 10 will receive the same, and a handful will see increases. When I say "a handful" I am not exaggerating.

The major increases in this bill are in two programs: the WIC Program, which we increased by $260 million, and the low-income rent supplement program which we increased by about $76 million. I think these are two critically important programs. I am prepared to defend these increases, as we consider the fact that so many programs are reduced.

We have also called in our friends and colleagues from the authorizing committee, the Committee on Agriculture, to take on responsibilities to share our burden. They are awesome responsibilities.

In the first instance, we are counting on them working on the question of reorganization of the Department of Agriculture to make it more cost-efficient and help us to reduce spending. We are also asking them to take a look at a very controversial program, the meat and poultry inspection program, and to make dramatic changes there.

We have assumed the enactment of a user fee. This is a proposal which is not new. It was made by Presidents Reagan, Bush, and now President Clinton in an effort to call on those who benefit from Federal meat inspection to pay for overtime costs beyond the first shift.

We are asking for the creation of a user fee that will generate some $103 million from that industry.

We also, of course, are asking for Federal crop insurance reform. The President has made a proposal. We are hopeful that the Committee on Agriculture will work assiduously in the months ahead and come up with a crop insurance reform that will benefit the taxpayers and, of course, the producers across America. We believe that they can save us some $200 million, if they do that.

We have also taken a look at special research grants. We have asked each institution of higher learning, which requests such a grant, to give us written justification. There are 79 such grants in this bill in comparison to 133 in the final appropriations bill last year. There is a 10-percent reduction below last year's House passed bill in the amount of money that is being spent for that activity.

I also believe that the wetlands reserve program is important, but we cannot meet the administration's requested expenditure level because of the serious restrictions in this bill.

As a result, we are holding the program to 100,000 acres and adding those States formerly covered by the water bank program. There will be no new signups allowed under the conservation reserve program, and there are some changes made in terms of funds for research on tobacco. We also continue last year's restriction on the promotion of tobacco exports.

Let me conclude, at this point, by saying the following: In the last few year we have heard many speeches given on this floor by Members of my party on the Democratic side and by Members on the Republican side relative to the need to reduce the deficit.

Mr. Chairman, we have had Members of this body come before us time and time again calling for major surgery on our deficit. This bill is a challenge to each of those Members who have stood before us calling for serious addressing of the deficit as to whether or not they are going to be honest and accept the reality of deficit reduction.

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For those who have called for major surgery on the deficit, we are going to raise the question now as to whether they will faint at the sight of blood when it comes to appropriations cuts. That is what it is all about.

If I had my way, Mr. Chairman, there would be more money in this bill for important programs for agriculture and for rural America, but those cards were not dealt to this subcommittee. We were given a pretty tough hand to play.

Because of decisions made last year in the Clinton deficit reduction plan, we will reduce our deficit by over $500 billion over the next 5 years, $500 billion over the next 5 years.

Many said at the time the plan was passed that we should cut more spending. Many representatives of farm groups came to my office and said, "Congressman, do not vote for the Clinton plan. There is too much in terms of tax increases. Cut more spending."

Following that, there were those who said, "It is not enough." My colleagues, the gentleman from Ohio [Mr. KASICH], and the gentleman from Minnesota [Mr. PENNY], came in and said "cut more," and many of my colleagues said, "That is a good idea. Let us cut more spending."

Then on the other side of the Rotunda, two Members from farm States said, "Let us cut even more," and many of my colleagues said, "That is a good idea, let us cut more."

Then, of course, we had a proposal by some that we should exempt the Veterans' Administration from personnel cuts and cut even more into farm programs, and many folks stood up each and every time and said, "I agree, let us keep cutting, cut more spending."

This bill that we are presenting to the House of Representatives is exhibit A in what will occur if we continue to cut the deficit without being mindful of the impact it will have on important programs. It will be ironic to note how many Members will stand up and complain about cuts in spending in this bill, the very same Members who, for years, have been in that well begging for deeper deficit reduction.

Mr. Chairman, we are stuck with it. We have to deal with it. We have done it responsibly. I am saddened by some of the cuts we have had to make. We will pay for them in the years to come, but unless and until we deal with our deficit honestly, unless and until Members realize that yes, in fact we can cut too much in spending when it comes to important programs, we will continue down this path.

Mr. Chairman, at this point in the RECORD I will insert the detailed tables for the bill.

[The tables follow:]

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	2,858,000	2,881,000	2,801,000	-57,000	-80,000
Office of Budget and Program Analysis	5,881,000	5,890,000	5,795,000	-86,000	-95,000
Chief Financial Officer	(575,000)	580,000	580,000	+580,000	
Office of the Assistant Secretary for Administration	803,000	617,000	596,000	-207,000	-21,000
Rental payments (USDA)	135,503,000	136,457,000	135,193,000	-310,000	-1,264,000
Payments to GSA	(84,999,000)	(87,957,000)	(87,957,000)	(+2,958,000)	
Building operations and maintenance	(25,804,000)	(18,678,000)	(18,614,000)	(-7,190,000)	(-64,000)
Repairs, renovations, and construction	(24,700,000)	(29,822,000)	(28,622,000)	(+3,922,000)	(-1,200,000)
Advisory committees (USDA)	940,000	977,000	928,000	-12,000	-49,000
Hazardous waste management	15,802,000	26,000,000	15,700,000	-102,000	-10,300,000
Departmental administration	26,301,000	118,049,000	26,187,000	-114,000	-91,862,000
Info share		(90,000,000)			(-90,000,000)
Office of the Assistant Secretary for Congressional Relations	1,325,000	1,821,000	1,764,000	+439,000	-57,000
Intergovernmental affairs	475,000			-475,000	
Total, Congressional Relations	1,800,000	1,821,000	1,764,000	-36,000	-57,000
Office of Public Affairs	8,570,000	8,308,000	8,198,000	-372,000	-110,000
Office of the Inspector General	65,530,000	62,918,000	63,918,000	-1,612,000	+1,000,000
Office of the General Counsel	25,992,000	26,145,000	25,992,000		-153,000
Office of the Assistant Secretary for Economics	586,000	593,000	540,000	-46,000	-53,000
Economic Research Service	55,219,000	53,565,000	54,306,000	-913,000	+741,000
National Agricultural Statistics Service	81,764,000	89,274,000	81,424,000	-340,000	-7,850,000
World Agricultural Outlook Board	2,566,000	2,619,000	2,498,000	-68,000	-121,000
Office of the Assistant Secretary for Science and Education	566,000	574,000	520,000	-46,000	-54,000
Alternative Agricultural Research and Commercialization	9,000,000	9,000,000	4,000,000	-5,000,000	-5,000,000
Agricultural Research Service	694,969,000	699,136,000	693,977,000	-992,000	-5,159,000
Human Nutrition Information Service	(11,068,000)	18,403,000	(10,618,000)		-18,403,000
Buildings and facilities	32,743,000	25,700,000	23,400,000	-9,343,000	-2,300,000
Total, Agricultural Research Service	727,712,000	743,239,000	717,377,000	-10,335,000	-25,862,000
Cooperative State Research Service	441,273,000	418,517,000	413,960,000	-27,313,000	-4,557,000
Buildings and facilities	53,977,000		34,148,000	-19,829,000	+34,148,000
Extension Service	435,982,000	432,386,000	429,200,000	-6,782,000	-3,186,000
National Agricultural Library	18,155,000	19,526,000	17,845,000	-310,000	-1,681,000
Office of the Assistant Secretary for Marketing and Inspection Services	687,000	695,000	605,000	-82,000	-90,000
Animal and Plant Health Inspection Service:					
Salaries and expenses	348,104,000	333,719,000	341,991,000	-6,113,000	+8,272,000
Special fund, user fees	91,460,000	101,860,000	96,660,000	+5,200,000	-5,200,000
Subtotal	439,564,000	435,579,000	438,651,000	-913,000	+3,072,000
Buildings and facilities	10,145,000	6,973,000	6,973,000	-3,172,000	
Total, Animal and Plant Health Inspection Service	449,709,000	442,552,000	445,624,000	-4,085,000	+3,072,000
Food Safety and Inspection Service	516,738,000	533,929,000	430,929,000	-85,809,000	-103,000,000
New user fees	(1,000,000)		(1,000,000)		(+1,000,000)
Federal Grain Inspection Service	11,532,000	11,255,000	11,325,000	-207,000	+70,000
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(42,784,000)	(42,784,000)	(42,784,000)		
Agricultural Marketing Service:					
Marketing Services	61,614,000	58,125,000	55,728,000	-5,886,000	-2,397,000
New user fees	(4,452,000)		(4,452,000)		(+4,452,000)
(Limitation on administrative expenses, from fees collected)	(55,953,000)	(57,054,000)	(57,054,000)	(+1,101,000)	
Funds for strengthening markets, income, and supply (transfer from section 32)	10,309,000	10,375,000	10,309,000		-66,000
Payments to States and possessions	1,735,000	1,250,000	1,200,000	-535,000	-50,000
Total, Agricultural Marketing Service	73,658,000	69,750,000	67,237,000	-6,421,000	-2,513,000
Packers and Stockyards Administration	12,123,000	11,968,000	11,989,000	-134,000	+21,000
Total, Production, Processing, and Marketing	3,181,227,000	3,230,085,000	3,011,179,000	-170,048,000	-218,906,000
Farm Income Stabilization					
Office of the Undersecretary for International Affairs and Commodity Programs	560,000	568,000	549,000	-11,000	-19,000
Agricultural Stabilization and Conservation Service:					
Salaries and expenses	730,842,000	700,958,000	716,333,000	-14,509,000	+15,375,000
(Transfer from export loans)	(589,000)	(600,000)	(589,000)		(-11,000)
(Transfer from P.L. 480)	(1,036,000)	(1,054,000)	(1,036,000)		(-18,000)
Total, salaries and expenses	(732,467,000)	(702,612,000)	(717,958,000)	(-14,509,000)	(+15,346,000)
Total, Farm Income Stabilization	(733,027,000)	(703,180,000)	(718,507,000)	(-14,520,000)	(+15,327,000)
CORPORATIONS					
Federal Crop Insurance Corporation:					
Administrative and operating expenses	290,116,000	285,581,000	72,796,000	-217,320,000	-212,785,000
Federal crop insurance corporation fund	235,794,000	219,107,000	219,107,000	-16,687,000	
Total, Federal Crop Insurance Corporation	525,910,000	504,688,000	291,903,000	-234,007,000	-212,785,000

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Commodity Credit Corporation:					
Reimbursement for net realized losses	18,000,000,000	15,500,000,000	15,500,000,000	-2,500,000,000	
Hazardous waste (limitation on administrative expenses)	(4,000,000)	(5,000,000)	(5,000,000)	(+1,000,000)	
Borrowing authority	900,000,000			-900,000,000	
Total, Corporations	19,425,910,000	16,004,688,000	15,791,903,000	-3,634,007,000	-212,785,000
Total, title I, Agricultural Programs	23,338,539,000	19,936,299,000	19,519,964,000	-3,818,575,000	-416,335,000
(By transfer)	(1,625,000)	(1,654,000)	(1,625,000)		(-29,000)
(Limitation on administrative expenses)	(102,737,000)	(104,838,000)	(104,838,000)	(+2,101,000)	
TITLE II - CONSERVATION PROGRAMS					
Office of the Assistant Secretary for Natural Resources and Environment	575,000	698,000	677,000	+102,000	-21,000
(Transfer from Soil Conservation Service)	(116,000)			(-116,000)	
Total	(691,000)	(698,000)	(677,000)	(-14,000)	(-21,000)
Soil Conservation Service:					
Conservation operations	591,049,000	637,945,000	576,562,000	-14,487,000	-61,383,000
River basin surveys and investigations	13,482,000	11,000,000	12,970,000	-512,000	+1,970,000
Watershed planning	10,921,000	7,400,000	10,546,000	-375,000	+3,146,000
Watershed and flood prevention operations	220,807,000	25,000,000	65,000,000	-155,807,000	+40,000,000
Emergency supplemental appropriations	340,500,000			-340,500,000	
Resource conservation and development	32,945,000	26,157,000	32,845,000	-100,000	+6,688,000
Great Plains conservation program	25,658,000	10,937,000	11,672,000	-13,986,000	+735,000
Total, Soil Conservation Service	1,235,362,000	718,439,000	709,595,000	-525,767,000	-8,844,000
Agricultural Stabilization and Conservation Service:					
Agricultural conservation program	194,650,000	100,000,000	100,000,000	-94,650,000	
Water quality incentives program	(18,500,000)	(15,000,000)	(15,000,000)	(-3,500,000)	
Forestry incentives program	12,820,000	6,625,000	6,625,000	-6,195,000	
Water bank program	8,000,000	8,000,000		-8,000,000	-8,000,000
Emergency conservation program		3,000,000			-3,000,000
Emergency supplemental appropriations	25,000,000			-25,000,000	
Colorado River Basin salinity control program	13,783,000	8,394,000	5,000,000	-8,783,000	-3,394,000
Conservation reserve program	1,743,274,000	1,752,216,000	1,743,274,000		-8,942,000
Wetlands reserve program	66,675,000	240,900,000	93,200,000	+26,525,000	-147,700,000
Total, Agricultural Stabilization and Conservation Service	2,064,202,000	2,119,135,000	1,948,099,000	-116,103,000	-171,036,000
Total, title II, Conservation Programs	3,300,139,000	2,838,272,000	2,658,371,000	-641,768,000	-179,901,000
TITLE III - FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS					
Office of the Undersecretary for Small Community and Rural Development	580,000	586,000	568,000	-12,000	-18,000
Farmers Home Administration:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Low-income housing (sec. 502)	(1,750,000,000)	(1,800,000,000)	(1,400,000,000)	(-350,000,000)	(-400,000,000)
Unsubsidized direct	(50,000,000)			(-50,000,000)	
Unsubsidized guaranteed	(750,000,000)	(1,300,000,000)	(1,000,000,000)	(+250,000,000)	(-300,000,000)
Housing repair (sec. 504)	(35,000,000)	(35,000,000)	(35,000,000)		
Farm labor (sec. 514)	(16,300,000)	(16,482,000)	(15,915,000)	(-385,000)	(-567,000)
Rental housing (sec. 515)	(540,107,000)	(220,000,000)	(30,000,000)	(-510,107,000)	(-190,000,000)
Site loans (sec. 524)	(600,000)	(632,000)	(632,000)	(+32,000)	
Credit sales of acquired property	(133,000,000)	(175,776,000)		(-133,000,000)	(-175,776,000)
Total, Loan authorizations	(3,275,007,000)	(3,547,890,000)	(2,481,547,000)	(-793,460,000)	(-1,066,343,000)
Loan subsidies:					
Single family (sec. 502):					
Direct	329,480,000	165,600,000	265,440,000	-64,040,000	+99,840,000
Unsubsidized direct	3,785,000			-3,785,000	
Unsubsidized guaranteed	12,225,000	22,360,000	17,200,000	+4,975,000	-5,160,000
Housing repair (sec. 504)	12,467,000	11,690,000	11,690,000	-777,000	
Farm labor (sec. 514)	7,911,000	8,193,000	7,911,000		-282,000
Rental housing (sec. 515)	297,524,000	115,500,000	15,750,000	-281,774,000	-99,750,000
Credit sales of acquired property	20,242,000	14,484,000		-20,242,000	-14,484,000
Total, Loan subsidies	683,634,000	337,827,000	317,991,000	-365,643,000	-19,836,000
RHIF expenses:					
Salaries and expenses	374,255,000	392,502,000	374,255,000		-18,247,000
Administrative expenses	21,906,000	15,563,000	15,563,000	-6,343,000	
Total, RHIF expenses	396,161,000	408,065,000	389,818,000	-6,343,000	-18,247,000
Rental assistance:					
(Sec. 521)	440,854,000	517,108,000	517,108,000	+76,254,000	
(Sec. 502(c)(5)(D))	5,840,000	5,900,000	5,900,000	+60,000	
Total, Rental assistance	446,694,000	523,008,000	523,008,000	+76,314,000	
Total, Rural Housing Insurance Fund	1,526,489,000	1,268,900,000	1,230,817,000	-295,672,000	-38,083,000
(Loan authorization)	(3,275,007,000)	(3,547,890,000)	(2,481,547,000)	(-793,460,000)	(-1,066,343,000)

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Rural rental assistance payments (voucher program)		25,000,000			-25,000,000
Self-Help Housing Land Development Fund:					
Loan authorization	(622,000)	(603,000)	(603,000)	(-19,000)	
Loan subsidy	23,000	11,000	11,000	-12,000	
Administrative expenses	14,000	14,000	14,000		
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(78,081,000)	(84,649,000)	(78,081,000)		(-6,568,000)
Guaranteed	(556,543,000)	(576,622,000)	(540,674,000)	(-15,869,000)	(-35,948,000)
Subtotal	(634,624,000)	(661,271,000)	(618,755,000)	(-15,869,000)	(-42,516,000)
Operating loans:					
Direct	(700,000,000)	(648,217,000)	(500,000,000)	(-200,000,000)	(-148,217,000)
Guaranteed unsubsidized	(1,800,000,000)	(2,000,000,000)	(1,735,000,000)	(-65,000,000)	(-265,000,000)
Guaranteed subsidized	(250,000,000)	(300,000,000)	(230,000,000)	(-20,000,000)	(-70,000,000)
Subtotal	(2,750,000,000)	(2,948,217,000)	(2,465,000,000)	(-285,000,000)	(-483,217,000)
Soil and water loans:					
Direct	(2,897,000)	(8,040,000)	(2,897,000)		(-5,143,000)
Guaranteed	(1,415,000)	(2,083,000)	(1,415,000)		(-668,000)
Subtotal	(4,312,000)	(10,123,000)	(4,312,000)		(-5,811,000)
Indian tribe land acquisition loans	(1,000,000)	(1,233,000)	(1,000,000)		(-233,000)
Emergency disaster loans	(100,000,000)	(100,000,000)	(100,000,000)		
Watershed and flood prevention	(4,000,000)			(-4,000,000)	
Resource conservation loans	(600,000)			(-600,000)	
Credit sales of acquired property	(123,783,000)	(90,000,000)		(-123,783,000)	(-90,000,000)
Total, Loan authorizations	(3,618,319,000)	(3,810,844,000)	(3,189,067,000)	(-429,252,000)	(-621,777,000)
Loan subsidies:					
Farm ownership:					
Direct	13,210,000	11,907,000	10,983,000	-2,227,000	-924,000
Guaranteed	20,870,000	22,258,000	20,870,000		-1,388,000
Farm operating:					
Direct	81,200,000	73,320,000	56,555,000	-24,645,000	-16,765,000
Guaranteed unsubsidized	9,360,000	10,800,000	9,360,000		-1,440,000
Guaranteed subsidized	29,425,000	38,430,000	29,425,000		-9,005,000
Soil and water loans:					
Direct	463,000	1,054,000	380,000	-83,000	-674,000
Guaranteed	31,000	46,000	31,000		-15,000
Indian tribe land acquisition	197,000	152,000	123,000	-74,000	-29,000
Emergency disaster	26,060,000	26,290,000	26,060,000		-230,000
Credit sales of acquired property	10,903,000	11,916,000		-10,903,000	-11,916,000
Negative subsidies	-761,000	-782,000	-782,000	-21,000	
Total, Loan subsidies	190,958,000	195,391,000	153,005,000	-37,953,000	-42,386,000
ACIF expenses:					
Salaries and expenses	261,158,000	211,488,000	229,735,000	-31,423,000	+18,247,000
Administrative expenses	14,234,000	14,031,000	14,031,000	-203,000	
Total, ACIF expenses	275,392,000	225,519,000	243,766,000	-31,626,000	+18,247,000
Total, Agricultural Credit Insurance Fund	466,350,000	420,910,000	396,771,000	-69,579,000	-24,139,000
(Loan authorization)	(3,618,319,000)	(3,810,844,000)	(3,189,067,000)	(-429,252,000)	(-621,777,000)
Rural Development Insurance Fund Program Account:					
Loan authorizations:					
Water and sewer facility loans:					
Direct	(834,193,000)	(976,853,000)	(834,193,000)		(-142,660,000)
Guaranteed	(35,250,000)			(-35,250,000)	
Subtotal	(869,443,000)	(976,853,000)	(834,193,000)	(-35,250,000)	(-142,660,000)
Community facility loans:					
Direct	(225,000,000)	(300,000,000)	(225,000,000)		(-75,000,000)
Guaranteed	(75,000,000)	(75,000,000)	(75,000,000)		
Subtotal	(300,000,000)	(375,000,000)	(300,000,000)		(-75,000,000)
Industrial development loans: Guaranteed	(249,381,000)	(1,116,344,000)	(500,000,000)	(+250,619,000)	(-616,344,000)
Total, loan authorizations	(1,418,824,000)	(2,468,197,000)	(1,634,193,000)	(+215,369,000)	(-834,004,000)
Loan subsidies:					
Water and sewer: Direct	115,786,000	136,466,000	115,786,000		-20,680,000
Community facility:					
Direct	21,723,000	28,500,000	21,723,000		-6,777,000
Guaranteed	3,803,000	3,728,000	3,728,000	-75,000	
Industrial development	2,319,000	10,605,000	4,750,000	+2,431,000	-5,855,000
Total, Loan subsidies	143,631,000	179,299,000	145,987,000	+2,356,000	-33,312,000

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
RDIF expenses:					
Salaries and expenses	57,294,000	57,727,000	57,294,000		-433,000
Administrative expenses	900,000			-900,000	
Total, RDIF expenses	58,194,000	57,727,000	57,294,000	-900,000	-433,000
Total, Rural Development Insurance Fund	201,825,000	237,026,000	203,281,000	+1,456,000	-33,745,000
(Loan authorization)	(1,418,824,000)	(2,468,197,000)	(1,634,193,000)	(+215,369,000)	(-834,004,000)
Rural Development Loan Fund Program Account:					
(Loan authorization)	(100,000,000)	(125,000,000)	(88,038,000)	(-11,962,000)	(-36,962,000)
Loan subsidy	46,000,000	65,313,000	46,000,000		-19,313,000
RDLF expenses:					
Salaries and expenses	1,476,000	2,177,000	1,476,000		-701,000
Administrative expenses	5,000			-5,000	
Total, RDLF expenses	1,481,000	2,177,000	1,476,000	-5,000	-701,000
Total, Rural Development Loan Fund	47,481,000	67,490,000	47,476,000	-5,000	-20,014,000
(Loan authorization)	(100,000,000)	(125,000,000)	(88,038,000)	(-11,962,000)	(-36,962,000)
Agricultural Resource Conservation Demonstration Program Account:					
(Loan authorization)	(6,799,000)	(5,599,000)		(-6,799,000)	(-5,599,000)
Loan subsidy	3,599,000	3,086,000		-3,599,000	-3,086,000
State mediation grants	3,000,000		2,000,000	-1,000,000	+2,000,000
Rural water and waste disposal grants	487,500,000	525,000,000	500,000,000	+12,500,000	-25,000,000
Very low-income housing repair grants	25,000,000	25,000,000	24,900,000	-100,000	-100,000
Rural housing for domestic farm labor	11,000,000	11,000,000	10,900,000	-100,000	-100,000
Mutual and self-help housing	12,750,000	12,750,000	12,650,000	-100,000	-100,000
Supervisory and technical assistance grants	2,500,000	2,500,000	2,400,000	-100,000	-100,000
Rural community fire protection grants	3,500,000	5,000,000	3,400,000	-100,000	-1,600,000
Compensation for construction defects	500,000	500,000	495,000	-5,000	-5,000
Rural housing preservation grants	23,000,000	23,000,000	22,000,000	-1,000,000	-1,000,000
Rural business enterprise grants	42,500,000	50,000,000	47,500,000	+5,000,000	-2,500,000
Solid waste management grants	3,000,000	3,200,000	2,995,000	-5,000	-205,000
Emergency community water assistance grants	10,000,000			-10,000,000	
Outreach for socially disadvantaged farmers	3,000,000	5,000,000	2,995,000	-5,000	-2,005,000
Rural technology and cooperative development grants		5,000,000	1,500,000	+1,500,000	-3,500,000
Local technical assistance and planning grants		5,000,000	2,500,000	+2,500,000	-2,500,000
Subtotal, grants and payments	627,250,000	672,950,000	636,235,000	+8,985,000	-36,715,000
Rural Telecommunications Partnership Loan Program Account:					
(Loan authorization)		(15,000,000)			(-15,000,000)
Loan subsidy		636,000			-636,000
Administrative expenses		1,503,000			-1,503,000
Total, Rural Telecommunications Partnership Loan Program Account		2,139,000			-2,139,000
(Loan authorization)		(15,000,000)			(-15,000,000)
Office of the Administrator	600,000			-600,000	
Salaries and expenses	23,385,000	48,177,000	37,811,000	+14,426,000	-10,366,000
Loan administrative expenses:					
RHIF (by transfer)	(374,255,000)	(392,502,000)	(374,255,000)		(-18,247,000)
ACIF (by transfer)	(261,158,000)	(211,488,000)	(229,735,000)	(-31,423,000)	(+18,247,000)
RDIF (by transfer)	(57,294,000)	(57,327,000)	(57,294,000)		(-33,000)
RDLF (by transfer)	(1,476,000)	(2,172,000)	(1,476,000)		(-696,000)
RTP (by transfer)		(1,503,000)			(-1,503,000)
Self-Help HLDF (by transfer)	(14,000)	(14,000)	(14,000)		
Total, salaries and expenses	(717,582,000)	(713,183,000)	(700,585,000)	(-16,997,000)	(-12,598,000)
Total, Farmers Home Administration	2,897,016,000	2,745,703,000	2,552,416,000	-344,600,000	-193,287,000
(By transfer)	(694,197,000)	(665,006,000)	(662,774,000)	(-31,423,000)	(-2,232,000)
(Loan authorization)	(8,419,571,000)	(9,973,133,000)	(7,393,448,000)	(-1,026,123,000)	(-2,579,685,000)
Rural Electrification Administration:					
Rural Electrification and Telephone Loans Program Account:					
Loan authorizations:					
Direct loans:					
Electric 5%	(110,140,000)	(25,000,000)	(100,000,000)	(-10,140,000)	(+75,000,000)
Telephone 5%	(81,589,000)		(75,000,000)	(-6,589,000)	(+75,000,000)
Subtotal	(191,729,000)	(25,000,000)	(175,000,000)	(-16,729,000)	(+150,000,000)
Treasury rate:					
Electric		(500,000,000)			(-500,000,000)
Telephone	(198,000,000)	(236,287,000)	(198,000,000)		(-38,287,000)
Subtotal	(198,000,000)	(736,287,000)	(198,000,000)		(-538,287,000)
Muni-rate:					
Electric	(600,000,000)	(200,000,000)	(575,250,000)	(-24,750,000)	(+375,250,000)

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
FFB loans:					
Electric, regular	(300,000,000)	(275,000,000)	(300,000,000)		(+25,000,000)
Electric, repriced	(513,000,000)			(-513,000,000)	
Telephone	(120,000,000)	(118,143,000)	(120,000,000)		(+1,857,000)
Subtotal	(933,000,000)	(393,143,000)	(420,000,000)	(-513,000,000)	(+26,857,000)
Total, Loan authorizations	(1,922,729,000)	(1,354,430,000)	(1,368,250,000)	(-554,479,000)	(+13,820,000)
Loan subsidies:					
Direct loans:					
Electric 5%	18,681,000	2,363,000	9,452,000	-9,229,000	+7,089,000
Telephone 5%	11,280,000		9,668,000	-1,612,000	+9,668,000
Treasury rate:					
Electric		350,000			-350,000
Telephone	40,000	47,000	40,000		-7,000
Muni-rate, electric	46,020,000	16,000,000	46,020,000		+30,020,000
FFB loans, regular electric	3,090,000	413,000	450,000	-2,640,000	+37,000
Total, Loan subsidies	79,111,000	19,173,000	65,630,000	-13,481,000	+46,457,000
RETRF salaries and expenses	29,982,000	29,459,000	29,982,000		+523,000
Total, Rural Electrification and Telephone Loans Program Account	109,093,000	48,632,000	95,612,000	-13,481,000	+46,980,000
(Loan authorization)	(1,922,729,000)	(1,354,430,000)	(1,368,250,000)	(-554,479,000)	(+13,820,000)
Rural Telephone Bank Program Account:					
Direct loans (limitation on obligations)	(199,847,000)		(175,000,000)	(-24,847,000)	(+175,000,000)
Direct loan subsidy	3,118,000		2,728,000	-390,000	+2,728,000
Treasury rate loans (limitation on obligations)		(175,000,000)			(-175,000,000)
Treasury rate loan subsidy		35,000			-35,000
RTB salaries and expenses	8,794,000	8,818,000	8,794,000		-24,000
Distance Learning and Medical Link Programs	10,000,000	5,000,000	7,500,000	-2,500,000	+2,500,000
REA Economic Development Loans Program Account:					
Direct loans (limitation on obligations)	(13,025,000)	(12,865,000)	(12,865,000)	(-160,000)	
Direct subsidy	3,423,000	3,077,000	3,077,000	-346,000	
Salaries and expenses:					
Electric and telephone loans (by transfer)	(29,982,000)	(29,459,000)	(29,982,000)		(+523,000)
Rural telephone bank (by transfer)	(8,794,000)	(8,818,000)	(8,794,000)		(-24,000)
Subtotal	(38,776,000)	(38,277,000)	(38,776,000)		(+499,000)
Total, Rural Electrification Administration	134,428,000	65,562,000	117,711,000	-16,717,000	+52,149,000
(By transfer)	(38,776,000)	(38,277,000)	(38,776,000)		(+499,000)
(Loan authorization)	(1,922,729,000)	(1,354,430,000)	(1,368,250,000)	(-554,479,000)	(+13,820,000)
(Limitation on obligations)	(212,872,000)	(187,865,000)	(187,865,000)	(-25,007,000)	
Total, title III, Rural Development Programs	3,032,024,000	2,811,851,000	2,670,695,000	-361,329,000	-141,156,000
(By transfer)	(732,973,000)	(703,283,000)	(701,550,000)	(-31,423,000)	(-1,733,000)
(Loan authorization)	(10,342,300,000)	(11,327,563,000)	(8,761,698,000)	(-1,580,602,000)	(-2,565,865,000)
(Limitation on obligations)	(212,872,000)	(187,865,000)	(187,865,000)	(-25,007,000)	
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Assistant Secretary for Food and Consumer Services	551,000	558,000	540,000	-11,000	-18,000
Food and Nutrition Service:					
Child nutrition programs	2,727,022,000	2,234,533,000	2,202,274,000	-524,748,000	-32,259,000
Discretionary item		4,000,000			-4,000,000
Transfer from section 32	4,770,109,000	5,212,818,000	5,249,077,000	+478,968,000	+36,259,000
Total, Child nutrition programs	7,497,131,000	7,451,351,000	7,451,351,000	-45,780,000	
Special milk program	20,277,000	18,089,000	18,089,000	-2,188,000	
Special supplemental food program for women, infants, and children (WIC)	3,210,000,000	3,563,588,000	3,470,000,000	+260,000,000	-93,588,000
Commodity supplemental food program	94,500,000	94,500,000	94,500,000		
Food stamp program:					
Expenses	24,545,655,000	25,187,710,000	25,174,457,000	+628,802,000	-13,253,000
Reserve	2,500,000,000	2,500,000,000	2,500,000,000		
Nutrition assistance for Puerto Rico	1,078,528,000	1,143,000,000	1,130,528,000	+52,000,000	-12,472,000
Cattle tick eradication	12,472,000		12,472,000		+12,472,000
Total, Food stamp program	28,136,655,000	28,830,710,000	28,817,457,000	+680,802,000	-13,253,000
Food donations programs for selected groups:					
Needy family program	68,641,000	38,454,000	33,154,000	-35,487,000	-5,300,000
Elderly feeding program	150,000,000	141,142,000	150,000,000		+8,858,000
Subtotal	218,641,000	179,596,000	183,154,000	-35,487,000	+3,558,000
Soup kitchens	40,000,000	50,000,000	40,000,000		-10,000,000
Total, Food donations programs	258,641,000	229,596,000	223,154,000	-35,487,000	-6,442,000
The emergency food assistance program	40,000,000	40,000,000	40,000,000		
Commodity purchases - TEFAP	80,000,000		40,000,000	-40,000,000	+40,000,000
Total, The emergency food assistance program	120,000,000	40,000,000	80,000,000	-40,000,000	+40,000,000

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Food program administration	107,767,000	106,465,000	106,465,000	-1,302,000	
Total, Food and Nutrition Service	39,444,971,000	40,334,299,000	40,261,016,000	+816,045,000	-73,283,000
Total, title IV, Domestic Food Programs	39,445,522,000	40,334,857,000	40,261,556,000	+816,034,000	-73,301,000
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service	118,027,000	108,880,000	108,880,000	-9,147,000	
General Sales Manager:					
Appropriation		4,820,000			-4,820,000
(Transfer from Commodity Credit Corporation)	(4,866,000)		(4,914,000)	(+48,000)	(+4,914,000)
(Transfer from export loans)	(2,792,000)	(2,837,000)	(2,792,000)		(-45,000)
(Transfer from P.L. 480)	(1,500,000)	(1,524,000)	(1,425,000)	(-75,000)	(-99,000)
Total, General Sales Manager	(9,158,000)	(9,181,000)	(9,131,000)	(-27,000)	(-50,000)
Total, Foreign Agricultural Service	118,027,000	113,700,000	108,880,000	-9,147,000	-4,820,000
Scientific activities overseas (foreign currency program) (limitation on administrative expenses)	(1,062,000)	(1,062,000)	(1,062,000)		
Public Law 480 Program Account:					
Title I - Credit sales:					
Program level	(462,037,000)	(374,258,000)	(320,342,000)	(-141,695,000)	(-53,916,000)
Direct loans	(420,710,000)	(340,000,000)	(291,342,000)	(-129,368,000)	(-48,658,000)
Ocean freight differential	41,327,000	34,258,000	29,000,000	-12,327,000	-5,258,000
Title II - Commodities for disposition abroad:					
Program level	(821,570,000)	(773,000,000)	(821,100,000)	(-470,000)	(+48,100,000)
Appropriation	821,570,000	773,000,000	821,100,000	-470,000	+48,100,000
Title III - Commodity grants:					
Program level	(255,083,000)	(160,000,000)	(157,442,000)	(-97,641,000)	(-2,558,000)
Appropriation	255,083,000	160,000,000	157,442,000	-97,641,000	-2,558,000
Loan subsidies	323,989,000	275,604,000	236,162,000	-87,827,000	-39,442,000
Salaries and expenses:					
General Sales Manager	1,500,000	1,524,000	1,425,000	-75,000	-99,000
ASCS	1,036,000	1,054,000	1,036,000		-18,000
Subtotal	2,536,000	2,578,000	2,461,000	-75,000	-117,000
Total, Public Law 480:					
Program level	(1,538,690,000)	(1,307,258,000)	(1,298,884,000)	(-239,806,000)	(-8,374,000)
Appropriation	1,444,505,000	1,245,440,000	1,246,165,000	-198,340,000	+725,000
CCC Export Loans Program Account:					
Loan guarantees:					
Short-term export credit	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)		
Intermediate export credit	(500,000,000)	(500,000,000)	(500,000,000)		
Emerging democracies export credit	(200,000,000)	(200,000,000)	(200,000,000)		
Loan subsidy	403,238,000	394,393,000	394,393,000	-8,845,000	
Salaries and expenses (Export Loans):					
General Sales Manager	2,792,000	2,837,000	2,792,000		-45,000
ASCS	589,000	600,000	589,000		-11,000
Total, CCC Export Loans Program Account	406,619,000	397,830,000	397,774,000	-8,845,000	-56,000
Total, title V, Foreign assistance and related programs	1,969,151,000	1,756,970,000	1,752,819,000	-216,332,000	-4,151,000
(By transfer)	(9,158,000)	(4,361,000)	(9,131,000)	(-27,000)	(+4,770,000)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses	813,339,000	586,533,000	834,971,000	+21,632,000	+248,438,000
Prescription drug user fee act	(56,284,000)	(79,423,000)	(79,423,000)	(+23,139,000)	
Mamography clinics user fee		(6,500,000)	(6,500,000)	(+6,500,000)	
New user fees		(252,000,000)			(-252,000,000)
Total, salaries and expenses	(869,623,000)	(924,456,000)	(920,894,000)	(+51,271,000)	(-3,562,000)
Buildings and facilities	8,350,000	8,350,000	18,150,000	+9,800,000	+9,800,000
Rental payments	48,575,000	46,294,000	46,294,000	-2,281,000	
Total, Food and Drug Administration	870,264,000	641,177,000	899,415,000	+29,151,000	+258,238,000
DEPARTMENT OF THE TREASURY					
Financial Management Service: Payments to the farm credit system financial assistance corporation	62,696,000	57,026,000	57,026,000	-5,670,000	

FY 1995 AGRICULTURE APPROPRIATIONS BILL (H.R. 4554)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	47,485,000	51,739,000	47,480,000	-5,000	-4,259,000
Farm Credit Administration (limitation on administrative expenses)	(40,426,000)	(40,996,000)	(40,420,000)	(-6,000)	(-576,000)
Total, title VI, Related Agencies and Food and Drug Administration	980,445,000	749,942,000	1,003,921,000	+23,476,000	+253,979,000
(Limitation on administrative expenses)	(40,426,000)	(40,996,000)	(40,420,000)	(-6,000)	(-576,000)
TITLE VII GENERAL PROVISIONS					
Reorganization and streamlining	....	....	25,000,000	+25,000,000	+25,000,000
Grand total:					
New budget (obligational) authority	72,065,820,000	68,428,191,000	67,892,326,000	-4,173,494,000	-535,865,000
(By transfer)	(743,872,000)	(709,298,000)	(712,306,000)	(-31,566,000)	(+3,008,000)
(Loan authorization)	(16,042,300,000)	(17,027,563,000)	(14,461,698,000)	(-1,580,602,000)	(-2,565,865,000)
(Limitation on administrative expenses)	(144,225,000)	(146,896,000)	(146,320,000)	(+2,095,000)	(-576,000)
(Limitation on obligations)	(212,872,000)	(187,865,000)	(187,865,000)	(-25,007,000)	....
RECAPITULATION					
Title I - Agricultural programs	23,338,539,000	19,936,299,000	19,519,964,000	-3,818,575,000	-416,335,000
Title II - Conservation programs	3,300,139,000	2,838,272,000	2,658,371,000	-641,768,000	-179,901,000
Title III - Farmers Home and Rural development programs	3,032,024,000	2,811,851,000	2,670,695,000	-361,329,000	-141,156,000
Title IV - Domestic food programs	39,445,522,000	40,334,857,000	40,261,556,000	+816,034,000	-73,301,000
Title V - Foreign assistance and related programs	1,969,151,000	1,756,970,000	1,752,819,000	-216,332,000	-4,151,000
Title VI - Related agencies and Food and Drug Administration	980,445,000	749,942,000	1,003,921,000	+23,476,000	+253,979,000
Title VII - General provisions	....	....	25,000,000	+25,000,000	+25,000,000
Total, new budget (obligational) authority	72,065,820,000	68,428,191,000	67,892,326,000	-4,173,494,000	-535,865,000

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

I would like to begin this debate on general debate by thanking the Chairman, the gentleman from Illinois [Mr. DURBIN] for the kind of inclusiveness, ingenuity, and just downright innovation that we have had had in this committee, and it has been a very difficult one. It has not been partisan at all. There has been a suggestion that maybe it should be far more partisan, but agriculture is not an issue here.

As a matter of fact, Mr. Chairman, when we realize that only 2.2 percent of the entire population of the United States is involved, directly involved, in agriculture production, it is amazing to me that they all wound up here in Congress, because we have 435 absolute geniuses and absolute experts in agriculture, because everybody is interested in agriculture.

No matter how far away we have grown as far as our basic roots are concerned, we are all experts in this field. We all know what programs we want to fund, we know what could be cut, and yet, Mr. Chairman, that is not the way the game is played, because there are some discretionary and there are some mandatory facets to this whole question, and some of these expenditures lie on one side or the other.

Mr. Chairman, about the only thing that the Committee on Appropriations can do is take the discretionary side and deal with it as we must, given the 602(b) or the budget allocation we got from OMB. I think we did a credible job with a very difficult task, and one that is not to the liking of anyone, particularly those of us who have actually lived in the agricultural community and worked in agriculture and know that there is no margin, or very little margin, very little profit.

We despise the fact that in a national sense we are the target and the aim of a lot of discussion about the ridiculous situation we have in funding agriculture programs. We are a target for cutting expenditures in Government because no one believes that with our little rosy derrieres, well-fed as they may be, that there are so few people involved in really producing the kind of food that we take for granted today, the quality of it and the rest, because we do not need those agricultural programs any longer. If it was not for those programs there would not be that kind of an agricultural program in the United States.

I also get just a little bit testy with the fact that we hear a lot of people from other businesses that say, "Why can you not run agriculture like you run any other kind of business?" I will tell Members why not: because we have no control over our margins, we have no control over our production costs, we have all the planning in the world, but we take all the risks in the world. It is an unique kind of business. We do it better here in the United States than any place in the world. We are the greatest agricultural technologists. There are the greatest producers on a unit basis, but we do not ever get any kind of a margin benefit out of these programs. We are never sure how long we can stay in this kind of a business.

As a result of that, when I first came to Congress in 1980, there were 4 percent of the population of this country involved, directly involved, in agriculture. Today it is about 2.2 percent, so tell me about high interest rates, tell me about other things that nobody can control in the agricultural communities, that has driven these people off of the agricultural production plain, rolled it into larger and larger operations, so you have scale.

As a matter of fact, Mr. Chairman, for the family of four today to be involved in agriculture, to have any kind of a chance of surviving in that particular endeavor, it takes about a $1.5 to $2 million basic investment. That is in land and equipment and so forth. So it is a high-cost, high-risk undertaking, yet we in the United States produce the best food, the best quality food and the best quantity of food, of any nation in the world. We are helping the rest of the world feed itself through our own technology.

Mr. Chairman, we have reduced the spending in agriculture through various programs over the years. We have gotten rid of the honey program. It cost us dearly, because we cut the program but we did not say that we had to go back and make good on the deficit payments that we had to make to honey growers. We are phasing out the wool program, which is supposed to be a big savings. It has absolutely saved not one dime, because they are still collecting the tariffs and those costs are still carried out to the taxpayers, so if you were going to get it off the taxpayers, you missed one more time.

Mr. Chairman, there are several other reasons for looking at this business of how are we going to cut, because when we are dealing with this, we do not always want to get what we pray for, because if we keep going in the direction we are going in agriculture, in cutting the core, we are not going to have any core production, it is just that simple. We do it or we do not do it.

We came up with the best we could, Mr. Chairman, User fees is not a new idea around this place. It was initiated sometime ago. Also, this is the straw we are trying to grasp to produce the kind of inspection we owe the people and consumers of this country today. It may not be the best way to do it, but that is about the only avenue that we had to explore in that particular vein to get inspections done. It is not a happy solution to this thing, but if you have got a better one, come up with it. We need all the help we can get.

Mr. Chairman, we appreciate that, and we have the authorizing committee that will be involved in this process, because if they want to raise the allotments in those particular areas, they have the authority to do that.

Mr. Chairman, with that I want to say that we have done the best we can with this bill. We are not apologizing to anybody for what we have done. We have made the cuts where we thought they should be and the increases where we thought they should be. We have all agreed on it, that we are going to support this thing.

I know it does not smell good or taste good, but it is about the only kind of medicine we have available to us. Let us get on with the business of taking care of agriculture in this country, and let the people there produce rather than worry about what we are going to do to them next.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman, and want to offer my highest congratulations to ranking member, the gentleman from New Mexico [Mr. SKEEN], and the chairman of the committee, the gentleman from Illinois [Mr. DURBIN].

As a member of the committee, I want to say that we are always mindful that the average American spends about 18 cents out of every dollar, or 18 percent, of their income on food. When we think about it, as we begin tinkering and cutting these programs, as we have had to this year, Mr. Chairman, we have to remember we are cutting into a system that has proven to be very successful. Unlike the former Soviet Union, most people in this country are well fed. We have managed to devise a system that is the envy of the world.

□ 1920

This is the breadbasket of the world. We have places in other parts of the world where people are lined up for food. In fact, we are worried about food riots in some of the newly democratizing nations around the world and we do not want to cut so far into the bone of many of these programs that we undermine the safety and the soundness of our own people.

I am looking at over 70 programs that we have cut. We were force to cut over $4.1 billion below last year's level in these programs. A program like the Alternative Agricultural Research and Commercialization. I can remember the day when people did not eat kohlrabi on their plates next to carrots. Yet we have been able to put kohlrabi on the supermarket shelves around this country. Or apple puffs. We found a new use for apple puffs. Or try to find new use for tobacco, to use the protein in tobacco for alternatives, so tobacco leaves could be used for other purposes. Or low-fat beef or soybean ink or tofu that is grown in my district with no pesticides for soybeans for tofu for the Japanese market. One say, "Well, gee, what does all that matter? What matters is we have had to cut over $5 million in programs that help to create and market and help put those new products on the shelves to help bring income to our farmers and to America.

Mr. Chairman, as we go through this budget in line item after line item, $1.5 billion cut from loan authority in our housing program; in our Cooperative State Research Service, $45 million worth of cuts; on and on and on and on—almost every single program.

As we move into the 21st century, I hope that we can begin focusing on how America can invest in agriculture so that we can expand our imports. They have been literally flat for over a decade, or declining, while exports into this country of agricultural commodities have quadrupled, now almost half the level of our exports—23 billion dollars' worth of imports, 40 billion dollars' worth of exports. The trends are in the wrong direction.

As we cut, we better realize that in the end, if we undermine America's position in agriculture, we do not do a service to our people and the future of this country.

Mr. Chairman, I am proud to be a supporters of this legislation but recognize the tough choices that had to be made.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I commend the distinguished Appropriations Subcommittee chairman, Mr. DURBIN, and the committee ranking member, Mr. SKEEN, for their diligent efforts in bringing this measure to the floor at this time. I rise in opposition to the provision of this legislation that will drastically cut funding for the Farmers Home Administration [FmHA] section 515 Multifamily Rural Rental Housing Program.

Section 515 is a vital program which provides loans for developers to build, repair, and operate low-income multifamily housing projects in rural areas. It is an invaluable housing program that brings affordable housing to the residents of my district. In fact, in my district alone, the section 515 FmHA program provides for 393 units. Many depend upon these loans, which are often made for 50 years at 1 percent interest and cover 97 percent of the project's value.

As many of us are aware, an investigative report conducted by the House Appropriations Committee with regard to this program describes instances of fraud and abuse—including loan underwriting, loan servicing, and specific mismanagement procedures. While those allegations are quite serious and warrant further investigation, I am troubled by the far-reaching effects of the committee's severe cuts. While we must ensure that Government-funded projects are cost efficient and properly managed, it is essential that we continue to provide much needed affordable housing assistance to low-income individuals and families in rural areas.

Instead of arbitrarily imposing severe cuts to this important housing program, I propose that we reform the manner in which this program is administered. Accordingly, I am submitting a list of reforms that are supported by the rural housing industry. I urge my colleagues to review those reform proposals and to reconsider the drastic cuts that are being proposed. I submit correspondence dated June 7, 1994, by the National Association of Home Builders for inclusion at this point in the RECORD, along with the correspondence dated May 24, 1994, by the New York State director of housing, Donald M. Halperin.

NATIONAL ASSOCIATION OF
HOME BUILDERS,
Washington, DC, June 7, 1994.

Hon. RICHARD J. DURBIN,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DURBIN: I would like to express the appreciation of the National Association of Home Builders (NAHB) for your willingness to preserve a future for the Farmers Home Administration (FmHA) Section 515 rural rental housing loan program, if its existing problems are overcome. The Section 515 program has proven to be, in most instances, a successful public-private partnership for the production of affordable rental housing in our nation's rural areas. However, there are ways in which the program can and should be improved for it to serve its public purpose more fully.

While we of course defer to Housing and Community Development Subcommittee Chairman Henry Gonzalez (D-TX) for his review of these modifications, I respectfully submit these reforms as an indication of our strong efforts to maintain the program's integrity. The following are outlined conceptually and not listed in any order of priority. Reforms 1–7 are supported generally by the rural housing industry. As promised, NAHB has worked with its members to develop additional program improvements—they are listed as numbers 8–16.

1. Establish a two-year moratorium on prepayments, equity loan incentives or sales to nonprofits for all prepayment notices.
2. Amend existing housing statute to clarify that projects placed in service between 12/79 and 12/89 are ineligible for incentives until their original twenty-year use restriction expires.
3. Authorize a study to evaluate the need and cost of equity loans, and to develop alternatives to equity loans for housing preservation.
4. Establish wage matching procedures.
5. Eliminate occupancy surcharge.
6. Reduce mortgage terms to thirty years with a fifty year amortization schedule.
7. Allow transfers only if in best interest of tenants and government.
8. Reduce mortgage term to *twenty* years with a fifty year amortization.
9. Delete the preference for housing located more than twenty miles from an urban area.
10. Require FmHA National Office approval before loan reamortization.
11. Support legislation that, if the buyer and seller agree, then FmHA could transfer properties at the then current loan balance rather than at the lower of loan balance or market value.
12. Support legislation to clarify the Government's interest in reserve account funds.
13. Support legislation to allow tenant selection to return to "first come, first served" as long as such tenant is income eligible. This legislation would repeal the current practice of requiring the owner to give priority to the lowest income person on the waiting list.
14. Permit FmHA to refinance existing FmHA projects if such refinancing is not deemed a use of "new" funds and the refinance does not materially change the loan terms including restrictive use clauses or method of amortization.
15. Require FmHA to annually review the performance of 515 owners and managers and take actions to suspend or terminate such companies for major or continuing violations or mismanagement.
16. Require a FmHA/OIG study and audit and report to Congress on the progress and status for implementation of these reforms within six months after date of enactment.

I look forward to an opportunity to meet with you to further explain our position and discuss how these reforms would serve to alleviate the abuses in the Section 515 program as identified in the Surveys and Investigations Staff report.

It is our hope that such reforms will be included in this year's housing reauthorization bill. NAHB respectfully urges you to preserve as much of the existing Section 515 program funding level as possible while program modifications are made.

Sincerely,

GERALD M. HOWARD,
Staff Vice President for Legislative Affairs.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, May 24, 1994.

Hon. RICHARD J. DURBIN,
Chair, Agriculture Appropriations Subcommittee of the Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN DURBIN: I strongly urge you to preserve adequate funding for the Farmers Home Administration (FmHA) housing programs, and particularly the Section 515 program. These programs are vital to the residents of the towns, villages, and counties of rural America.

The need for decent and affordable housing in rural areas is steadily increasing, both nationally and in New York. The FmHA Section 515 program is a successful program for producing this needed housing, and in turn stimulating construction projects in small communities. The Administration has proposed a 60% cut in this vital program which would result in a drop in production that would be felt by the poorest rural tenants. At a time when rural homelessness is increasing, we cannot afford to drastically reduce a program which serves people who desperately need affordable housing.

The House Appropriations Committee's investigative report which you released at your May 18th press conference does note administrative problems in FmHA's management of the Section 515 program. With reauthorization of the rural housing programs underway in the Housing Subcommittee of the House Banking Committee, this report can be used to correct these problems.

In addition, the federal government could institute program changes based on the report's findings which will ensure that funds are delivered to those who need them most. For example, it could target funds for use by not-for-profit housing organizations, similar to New York State's Housing Trust Fund program. New York State has found that non-profit delivery of housing is both cost effective and provides for long term housing affordability and viability.

The report should not be used, however, to cut back on the Section 515 program, and thus on housing production in rural areas. This would punish the poor in rural areas and those who have run honest and effective programs.

I urge you to continue to support the rural housing programs and particularly Section 515 at FY 1994 levels so that we can continue to address the affordable housing problems of rural America and rural New York.

Thank you for your consideration.

Sincerely,

DONALD M. HALPERIN,
Director of Housing.

Mr. DURBIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of this bill—a bill that was difficult to write and required tough choices on every line of every page. Repeatedly, Members on both sides of the aisle have called for cutting the deficit and reducing Federal spending. And for the past 2 years we have passed tough budgets that have heeded those calls.

Now, we all know that cuts are easy to call for, but difficult to make. We have repeatedly said that when you cut the budget there will be pain. In 3 years we have cut the Federal deficit by $115 billion. That means very tough times—especially for discretionary programs. For fiscal year 1995, total outlays for discretionary programs will go below previous years, levels for the first time in 30 years—30 years. That is an impressive achievement, but not without its price.

And today we begin to pay the piper. This bill cuts discretionary spending 10 percent—that is $1.3 billion—below last year's level. And you can't do that without hurting a number of programs—programs that are good, that help many people, and that the committee deeply regretted cutting. But we had to stay within our allocations, and we did that in as fair and as just a way as possible.

Under these circumstances, Chairman DURBIN did an artful—in fact amazing—job of bringing everyone into the process and writing a bill that reflects balance, diplomacy, and wisdom.

Led by Chairman DURBIN and the ranking minority member, Mr. SKEEN, this has been an active committee. And it has moved aggressively to ensure that we live within our means, that the taxpayers' money is spent wisely and well, and that we set our priorities carefully—making the most of the funds we have.

The committee pushed the USDA hard to adopt stricter standards by which it makes, oversees, and services loans to farmers—trying to close the loopholes through which has flowed $10 billion in delinquent loans. And it investigated a rural housing program tainted by improper practices and reduced funding by $510 million below last year—effectively stopping the program—until it can be turned around. These actions are bound to raise wails of anguish from some quarters but these are responsible actions, taken to protect taxpayers' money.

This is a bill which also protects consumers and looks after the Nation's most vulnerable citizens. This year, under Mr. DURBIN's guidance, the committee took strong steps to ensure that food safety is given a high priority by the Department of Agriculture, and that new micro biological standards will be used to judge the safety of food. And the bill backs up its concerns about food safety by providing $7.6 million for 200 new meat and poultry inspectors.

The committee has targeted the nutrition of infants and their mothers as high priority, and this year provided a $260 million increase in funds for the Women, Infants and Children Program. That is $94 million less than the administration request, but, along with carryovers from last year, it keeps this program on the road to full funding.

Some programs that no one wanted to see cut were cut. We looked for a number of ways to fund the important Watershed and Food Conservation programs of the Soil Conservation Service. And although this program receives $65 million—a cut of $176 million below last year's levels—the committee identified $125 million being held by OMB and $65 million at the Department of Agriculture that can be spent on this program in addition to the appropriated funds.

Mr. Chairman this bill represents a monumental effort to provide for the wide range of needs contained within it, while cutting more than $4 billion from last year's level and cutting $500 million from the President's request. It is the result of hard-fought compromises and careful consideration. I urge its adoption.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise this evening in opposition to H.R. 4554, the Agriculture Appropriation Act because of the damage that it will do to tobacco farmers and to Kentucky.

This bill is bad news all the way around for farmers in this country but especially for farmers in Kentucky.

It hurts Kentucky because it contains provisions that continue the assault on tobacco and the tobacco industry and it has to be stopped.

Among other restrictions, H.R. 4554 reduces much needed tobacco research funding for Kentucky.

It also continues to prohibit tobacco farmers from using the export marketing program at the Department of Agriculture.

Tobacco is the backbone of Kentucky's economy. It is the livelihood for most of the families in the commonwealth and for most of the second district. These families rely on tobacco to keep the families and their farms above water.

We cannot afford this continued pounding on Kentucky's economy by attacking tobacco at every turn. We cannot afford to cut research funding and maintain restriction on our farmers in the marketplace.

I urge my colleagues to oppose this assault on tobacco and vote "no" on H.R. 4554.

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Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, let me, first of all, applaud the effort and the work done by our esteemed chairman, the gentleman from Illinois [Mr. DURBIN], and the ranking member, the gentleman from New Mexico [Mr. SKEEN].

We started as a subcommittee with the effort of cutting $1.4 billion before we looked to any funding of any program. Eighty percent of this bill is mandatory. So that meant that we had 13 billion dollars' worth of discretion to work with.

I had to participate in the subcommittee in cutting back programs that I believe in as well as the gentleman from New York [Mr. GILMAN]. He talked about 515. I believe it is a great program. I support it. But I had to work with the chairman, the ranking member, and my colleagues to give priority to programs that we also had to save.

We had to deal with WIC, a program I support. It did not get funded to the point I wanted, but with the money available for carryover, it is on the track to full funding.

I do not remember that we did anything to tobacco, because we do not do research in tobacco or these products.

My colleague, the gentleman from New York [Mr. WALSH], and I worked as well as the other members to try to get a little money in TFAB that provides commodities to senior citizens. We would like to have it funded in a greater amount. But we could not.

Mr. Chairman, through the work of the chairman, the gentleman from Illinois [Mr. DURBIN], and the ranking member, the gentleman from New Mexico [Mr. SKEEN], we had the situation of having to cut programs, programs that we did not have to cut, because of the agreement that was made last year.

Our 602(b) allocation forced us to look at these programs and give priority and bring out a bill that deserves the support of all the Members.

Mr. SKEEN. Mr. Chairman, I want to make a special introduction here for a long-time friend of mine, a gentleman who is probably one of the most devoted to agriculture from this body, the gentleman from Kansas [Mr. ROBERTS].

Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank my good friend and colleague for yielding me this time.

I truly appreciate the hard choices that our colleagues on the Appropriations Subcommittee faced in again trying to craft the Agriculture appropriations package, and I would refer to a former member of the House Committee on Agriculture and a chairman of the subcommittee who stated just a moment ago in his remarks that this, in fact, is a challenge to all of us who would like to see spending cuts and a reduced deficit. I accept that challenge.

If you come to my office, I would say to my friend and colleague, I have more NFIB Sentinals than we have marines on guard in Korea now probably; I have probably more National Taxpayer Union plaques than, say, the Chicago Bulls in terms of banners; I probably have more National Association of Business Bulldog awards than Staggard Lee, and it keeps going.

I probably have voted, and I hate to say this, and is the gentleman from Wisconsin [Mr. OBEY] here, I have probably voted against more appropriation bills than almost any person in the Congress, and hopefully have supported other spending cuts across the board. That is my problem. That is my problem with this bill.

I know you have been dealt a lousy hand with the budget agreement. You know, those of you who voted for it and said we had to make the hard cuts, we did not vote for it, we had another idea, and I know it has been a lousy hand.

But my frustration with this bill is not about the obligation we all have for spending cuts. It is about the choices. It is about the choices. Where were the cuts made?

This package cuts $1.3 billion from agriculture spending. Now, agricultural producers across this Nation have supported the line-item veto, the balanced-budget amendment, spending cuts across the board, 2 percent across the board. If you want to do that, fine. This package, however, also increases spending by other programs by about $400 million, $385.5 million to be exact, and to pay for these increases, worthwhile programs were hit hard.

Let me itemize some: a severe cut in the export enhancement program just when we have a watered-down GATT agreement, and we must have this export program to match the unfair trading practices of our competitors; low-income rural housing loan programs are also in this package; we underfunded Federal meat inspection by $103 million.

We assume, as the gentleman has indicated, Congress will impose user fees to fund the meat inspection program. In addition to being an option that Congress has repeatedly rejected, we happen to think that all taxpayers ought to share that cost. User fees impose a tax. It is a tax. It is a cowboy tax. It will be paid for by consumers through higher prices in the grocery store and by producers, my cowboys.

Sixty-five dollars is the price right now in Dodge City. When this passes and we have utter chaos in June of 1995, it is going to go down to $61. Tell your cowboys that.

It underfunds the Federal crop insurance program by $217 million, which will effectively cripple efforts, good efforts, by the way, by this administration and by the chairman to reform the crop insurance program, and it will inhibit our ability to avoid costly ad hoc emergency disaster programs. You know the ones I am talking about. Every even-numbered year we have one.

Even if Congress abandons the administration's reform effort, this cut effectively makes the current Federal multiple-peril crop insurance program unworkable. It is not going to work.

It cuts Federal watershed and conservation programs $242 million to $65 million. That is a 75-percent reduction. Conservation programs cannot be maintained at this level. They cannot be expected to help farmers, ranchers, and our rural communities meet the current mandates for conservation compliance by the demand for voluntary conservation and environmental protection programs, let alone cope with the proposed water-quality mandates now being discussed in the Clean Water Act.

Now, I know there are no sacred cows. Lord knows, every farmer and rancher knows there are no sacred cows, and they have practiced self-sacrifice. I know we have to cut spending. I think my record reflects that. I will not back off to any other Member of Congress.

But when these cuts are used not to reduce the deficit but used to increase other programs, I must object.

I urge a no vote on H.R. 4554 with the utmost respect for the chairman of the subcommittee and the gentleman from New Mexico.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I share the frustration of my colleague from Kansas. I share the disappointment of my colleague from Kansas.

But I am baffled by the surprise of my colleague from Kansas. How can this body continue to vote for deficit-reduction programs, continue to vote for spending-reduction proposals, applaud the efforts by the other body when they cut even deeper, exempt the Veterans' Administration and push deeper cuts on every other agency including agriculture, support ideas like the balanced-budget amendment and the line-item veto, and then stand startled, shocked, and surprised when an appropriations bill like this hits the floor?

I would only suggest to my colleague that there is one statistic which he quoted which is not quite accurate. We have a net cut in this bill of about $1.3 billion. We have some $300 or $400 million in increases, so, in fact, we have cut from last year's appropriation $1.6 to $1.7 billion, painful cuts, as everyone has described them.

The other point I will make to my colleague is that the increases that we have made in this bill, limited as they are, are not increases that I believe the gentleman from Kansas would argue with. I think he shares, as I do, a belief that the feeding program for women, infants, and children [WIC] is a very important program, and getting more mothers in America and their children involved in it means healthier kids and a better America.

I believe the gentleman from Kansas would agree with me that we need to put $76 million into the low-income rent supplement program to make sure the poor elderly and the poor families living in small-town Kansas and small-town Illinois have a chance to live in a decent dwelling.

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These are the two major increases in this bill. I would bet the gentleman from Kansas would have joined us at the table and come to the same conclusion, that we have to do these things.

I wish there were more money, but I am afraid we created a climate or an environment where we have few, if any, choices.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, I am not surprised by the effort by the subcommittee. Again it is a matter of choice. I think the WIC Program is a very good program. I think its funding level, if memory serve me correctly, reaches about 86 percent of the intended goal, to get as many folks as we can in that program.

But when we are increasing programs for WIC and we are increasing programs for food stamps and increasing the money that goes to the FDA and we in turn cut the programs for production of agriculture over a period of 4 or 5 years, not only in this administration but in the previous administration, we are not talking about fingers anymore, we are talking about arms and legs.

I am not surprised by the direction of the spending cuts. As a matter of fact, when I read the manifesto put out by Ken Cook of the Environmental Working Group just before the President took office, he indicated there would be spending priority changes at the Department of Agriculture, and policy changes. This is not benign neglect; this is a very planned effort to shift the funding priorities within the Department of Agriculture. And if we could have a spending freeze across the board within the Department of Agriculture, wait on welfare reform until we increase WIC or food stamps, I would applaud that. This reminds me of the Btu/food stamp spending cut effort that we went through in last year's budget. We just had a strong difference of opinion. I know the gentleman have worked hard, the gentleman from New Mexico [Mr. SKEEN] has worked hard, the gentleman from Illinois [Mr. DURBIN]; they had difficult choices. I just think the choices could have been made better. I am going to vote "no." That causes me a great deal of difficulty, being the ranking member on Agriculture. It is not a pleasant choice. On this particular effort—I will have more to say about it, hopefully, when we get into the amendments as of tomorrow.

Mr. Chairman, I told the gentleman from Illinois he should have not asked me these questions when his full chairman was there. He got pretty excited yesterday, and I do not want him to get excited with me now. I tried to point out that I do not think these choices are the best choices. Having said that, I certainly credit the gentleman and Mr. SKEEN for doing the best they can with a very badly dealt hand.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. I thank the chairman of the subcommittee for yielding this time to me. And I add my congratulations to my chairman and to the gentleman from New Mexico [Mr. SKEEN], the ranking member, and also the incredible staff help that we had in putting together a very difficult bill.

The last speaker, from Kansas, though, brings up some very interesting points. The fact is that this is a bill that addresses more than farm issues. We are dealing with food stamps, WIC, school lunch programs, rural housing, rural electrification, you name it.

In fact, this bill contains considerably more funding for the distribution of farm production than it does for the production of farm commodities itself.

The farm program represents less than 1 percent of the national Federal budget and has served this country well. It has served this country well by ensuring stability, stability so that a farmer could get a decent return on his investment. It served this country well because it ensured quantity.

When was the last time anyone here ever saw a shortage of a commodity or anything, for that matter, in one of our food stores? It is not happening.

We have quantity because our food and our farm programs have made it possible.

The farm program also ensures quality, a factor that anybody who looks at anything that we are importing should take very strongly into consideration.

It also allows our farmers to grow multiyear crops so that they can improve on their crops over the period of time that they are in the program.

Finally, and this is probably the most important, it provides an incentive for our farmers to gamble. There are no bigger gamblers in the entire world than this Nation's farmers. Year after year after year they are out in the field toiling to make sure that they get the quality, the quantity, and all of those stabilities that we want in our food stores.

Ladies and gentlemen, this food in America is not grown in the back of your supermarkets, it is produced by the farmers of this country. They are doing our country a service and they are doing it because of the very basic investment that we are making in our Federal food programs that are included in this bill.

Anyone who will stand and say that this is not a good bill has not read the tea leaves. We did the very best we could do with the money we had available. And, yes, we are making tough choices. You are going to see choices that are even tougher next year, take my word for it.

This is a good bill. Vote for it.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman I thank the gentleman for yielding. We all should be concerned with this appropriation bill that jeopardizes the future stability of America's agricultural industry.

In the months ahead, farmers will face major changes in agricultural policy, including the new 5-year farm bill. The agriculture industry is not organized to respond to Washington politicians who no longer understand agriculture and are more interested in a cheap food policy then a viable agriculture industry. Of the 20 new Members of the House Agriculture Committee, I am one of two who have a farm background. More and more farm policy is being determined by outside forces.

We should bring our agricultural groups and trade organizations together in one voice. We need to combine our strength to rebut the cheap food advocates and the highly organized environmentalists portraying agriculture as an abuser of our natural resources. Many in Washington are overly concerned with food safety and rural welfare rather than developing agricultural policy that strengthens the No. 1 industry of this country. Many farm groups come to Washington to meet with me and testify before the Agriculture Committee. These groups all have their own agendas and priorities, but they can agree on some fundamental issues. Where they agree, they should give Congress a unified message and defend farmers' common interests.

My top priority on the committee is to create the kind of agricultural policy that allows commodity prices to increase at the marketplace rather than continue the USDA subsidies that encourage over production.

Overall under the new budget, spending will increase from last year's level of $1.41 to $1.83 trillion by 1999. In addition, the public debt will increase 47 percent from $4.3 to $6.3 trillion. The proposed 1995 budget, however, cuts USDA farm programs by $4.1 billion. In recent budgets, production agriculture has been hit harder than any other Department of the Federal Government. Even though production agriculture constitutes less than 1 percent of the national budget, it is taking 10 percent of the cuts.

Mr. Chairman, I thank the gentleman for the time and I look forward to the debate on the amendments.

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Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Chairman, I rise in support of H.R. 4554 and its accompanying report that provides funding for agriculture, rural development, food and drug administration, and related agencies programs for fiscal year 1995. I want to commend subcommittee Chairman DURBIN and ranking member Mr. SKEEN for their leadership and fine work in crafting this difficult bill. I also would like to thank the subcommittee staff for their diligence and for the long hours they spent putting together this bill.

This bill contains many provisions that will cause real hardships for core agriculture production and research programs. In the last few years agriculture, and, in particular, production agriculture, has contributed more to deficit reduction than virtually any other sector of the economy. Congress has placed large assessments on dairy farmers, has made significant reductions in farm prices and income support payments, and we have eliminated the wool and mohair and honey programs. Undoubtedly, in the 1995 farm bill, Congress will continue to be pressured to further reduce agricultural spending. Therefore, any Member who believes that agriculture has not contributed its fair share to deficit reduction does not know what he or she is talking about.

This year, our bill provides $67.892 billion for agricultural appropriations. This represents a reduction of $4.173 billion from last year's level. Due to the tight fiscal constraints that were imposed on our subcommittee, we have had to reduce discretionary spending by nearly 10 percent from last year's levels. This has forced our subcommittees to make some tough choices—some of which I am not too happy with. We have had to reduce important soil conservation programs such as watershed and flood prevention operations and the Agricultural Conservation Program. These reductions will come back to haunt us in future years as we will be forced to spend more money down the road to make up for our negligence in conserving our soil and water resources.

I am troubled by the imposition of new user fees on the meat and poultry inspection industry. These unauthorized user fees would devastate meat packing companies as each processing plant would be burdened with what amounts to a new tax on the industry and this could lead to job layoffs and higher meat prices for consumers. I remain hopeful that we can find an alternative to user fees as we move forward in the appropriations process.

Fortunately, in a few areas, our subcommittee was able to provide increases to a few important agricultural programs. We were able to increase the important WIC Program by $260 million as well as providing $914 million, a small increase, for Food and Drug Administration Program. The FDA sets food and product standards, evaluates the safety and efficacy of new drugs and medical devices and protects and promotes the health of virtually every American by regulating the activities and uses of food and drug products.

I am also grateful to Chairman DURBIN and my good friend Congressman PASTOR from Arizona for helping to restore $40 million in commodity purchases for the Emergency Food Assistance Program [TEFAP]. This program is used by many elderly and poor working class families to supplement their diet. It provides a crucial source of food to hungry families. Although I would like to have been a higher funding level for TEFAP I appreciate the subcommittee's efforts on behalf of this program.

While our committee was forced to make reductions in the vast majority of programs under our jurisdiction, these reductions were fair and spread throughout the bill. This is as good a bill as could have been developed given the tight fiscal constraints that we were faced with and I appreciate the bipartisan approach that the chairman has taken with Mr. SKEEN in regard to this legislation. We have done the best we can with the resources available to us, and I urge Members to support this bill.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, I thank the ranking member on the committee for having yielded this time to me.

Mr. Chairman, although having only been here for a matter of weeks now, I appreciate also the efforts of the committee in putting this together. The section that really reaches out and grabs me that I rise to speak on today is the one that will apparently deal a death blow to 14-some agriculture research stations across this Nation, one of which is in El Reno, OK, the facility that does 90 percent of its research in the pasture range area of which 90 percent is unique to that one facility. I realize that this bill reflects the shift from production agriculture to social programs going on in so many of our budgets, and I think I can safely say that when this bill reflects a $1.3 billion decrease in money going to production programs and almost a $400 million increase in social programs. Having spent 5½ years in a different legislative body, I also understand that the committee worked with the hand that was dealt them in a sense, and I appreciate that. But I also have to stress to my colleagues that the emphatic need that I see to stress in the long term future of agriculture requires that we not continue this.

Mr. Chairman, I urge a "no" vote on the bill.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the leadership shown by the gentleman from Illinois [Mr. DURBIN], the gentleman from New Mexico [Mr. SKEEN], and the subcommittee, too, in this bill, specifically the support for the special supplemental food program for women, infants and children, or WIC. WIC is clearly the right thing to do because of how it works and how well it works. WIC works because it meets the challenge of helping children and families in different ways at the same time. WIC supplements the food supply of women and children, but WIC also educates families on nutrition and healthy living. But most importantly, Mr. Chairman, WIC introduces families to health care and prevention through medical exams right at the start. WIC works with women and children to create successful futures. WIC works because it makes excellent economic sense. Studies show that for every 1 dollar spent, the Federal Government and States save as much as $4 in future Medicaid costs. WIC is an extremely worthwhile investment in our families and our future. WIC also saves education dollars. Children in the WIC Program score higher on vocabulary and memory tests. Healthier kids who do better in school will mean fewer juvenile justice dollars, criminal justice dollars, and AFDC dollars down the road.

Mr. Chairman, WIC works because it helps now and in the future. WIC helps solve an immediate crisis in the lives of many low-income pregnant and postpartum women and their children who suffer poor health or face health risks due to poor diets by providing food supplements. Then, WIC helps prevent future problems by assisting early in the lives of women and children and providing nutrition education along with food supplements. The program builds a solid foundation for the future, for families who need it.

Mr. Chairman, this bill makes an important step toward fully funding WIC at a time when dealing with the budget deficit means our choices will only get harder and harder. I trust that next year, with the leadership of the gentleman from Illinois [Mr. DURBIN], Congress will continue that progress and achieve that goal by 1996. The thousands of American youngsters whose lives became healthier, stronger, and more capable, provide thousands of reasons to support our continued progress toward fully funding WIC.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I thank the gentleman for having yielded this time to me.

I feel constrained to come here tonight to discuss the ag appropriation bill. Agriculture, along with defense, are the two areas that this administration has seen fit to cut in recent years. We have taken our share of the cuts every time a new program comes along. The Committee on Appropriations this year, and I hate to differ with my colleague from Illinois, but I think, with guidance, that this administration has again suggested additional cuts, and the spending has been transferred to social programs.

Mr. Chairman, a $217 million cut in the crop insurance program was justified as savings assuming crop insurance reform. Nothing is further from the truth. The cuts will make it more difficult for this Congress to pass true crop insurance reform. It essentially leaves the Committee on Agriculture with three tough choices.

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No. 1, we will have no crop insurance reform program. No. 2, we will scale down the crop insurance reform program significantly, and we will have to jeopardize its success in doing that. Or we will cut other production agriculture to get the money.

Well, we get agreement on that. Cut other production agriculture. I think that is a very poor idea. One hundred and three million dollar cut in meat inspection. Meat inspection, with the tragedy that we had in this country with the young people, and we are going to cut it? Or we are going to force the Committee on Agriculture then too increase fees? And we have had speakers here tonight talk about that.

I think the irony is that two of the administration's priorities, crop insurance reform and improved meat inspection, are on the block, and they were chopped.

Mr. Chairman, I will not need another minute to make the point, but I would like to finish.

We may call this the agriculture appropriations bill, but the fact, it is a lot less ag, and more appropriation for social spending. It is appropriating for about everything else but the production of agriculture. I would urge my colleagues to oppose it.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding, and I thank both the gentleman from New Mexico [Mr. SKEEN], and the gentleman from Illinois [Mr. DURBIN], for their diligent work in preparing the agriculture appropriations bill for consideration by the House this year.

It has been said frequently during the discussion tonight that there have been tough choices in the development of this legislation. Those choices are represented in various accounts. This is where spending cuts really come home to roost, and I want to compliment the appropriators for taking this task so seriously and for working in what must have been very challenging circumstances to find savings which represent roughly 10 percent of the discretionary accounts within the agriculture appropriations bill.

I know of no other appropriations subcommittee that will be challenged to come up with as much savings as those achieved by these subcommittee members. Ten percent is deep by anyone's measurement.

I have heard some discussion about the inequity of these cuts, some discussion of the choices made, the priorities established. I think in fairness to the subcommittee, it must be stated that there are no easy choices when you are talking about a 10-percent reduction. But you do have to set priorities. I think while priorities within this Congress would differ and any one of us would come with a different list of cuts, and maybe a different list of programs to be benefited by what few increases are allowed, none of these would be any easier to swallow than the package put together by this appropriations subcommittee.

It is probably true that next year and the year after, not only this subcommittee, but others, are going to deliver to us documents that result in even more difficult spending choices. That is the order of the day. That will not change until this deficit is once and for all eliminated. But I think as a member of the agriculture authorizing committee, as a legislator who for 12 years now has represented a rural constituency, I believe this subcommittee did a commendable job, under difficult circumstances. The budget action hit harder here than it probably hit any other part of the budget. They set priorities as best they could, they made the best choices they could, and I think the product of their work deserves our support.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close out by saying I was remiss in not providing an expression of gratitude to the other members of the committee. They know how much we prize their input and their cooperation. But also the staff. The committee staff has been, as always, superb, with the greatest knowledge and the greatest expertise, and no partisanship whatsoever. They are there to serve, and they do an outstanding job. I also want to say the associate staffs as well have spent long, long hours, and we appreciate that.

Mr. Chairman, in closing, from this side, this has not been a pleasant situation for anyone, particularly for those of us who have made and lived their lives in agriculture. Because we have been held up to ridicule by the so-called mass media, making fun of various agriculture programs that they neither understood nor cared about understanding, except trying to learn how to spell some of the exotic names we had for some programs, like Jajoba and Gayule. But when it came time to go to their supermarket, they were glad to pick it up off the shelf and run on home with it and eat it. That helped them keep their writing spic and span and sharp, but their understanding less than admirable.

I am not going to pillory the media or the general population idea that agriculture had become something that we just take for granted. I do not think we can ever do this.

I think the one thing we did in this bill that retrieves all honor and all justice is we took care of the research side of the thing, because it is the technology that drives the production in this country, and we did not stint on it. Yes, we did pull our horns in somewhat, but we did keep the research going that keeps us in the forefront of agricultural production, and I think it was well worth the effort.

Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 2 minutes.

Mr. DURBIN. Mr. Chairman, I just want to say for those following this debate, we have made an accommodation to the membership of the House and are considering only general debate this evening, with no votes until tomorrow morning. That accommodation was made because the congressional Members, Republican and Democrat, had an event planned with their families, and we wanted to do our very best to make sure they could get together with their families. Tomorrow, in return, the gentleman from New Mexico [Mr. SKEEN] and I, are going to ask those offering amendments to limit their debate time to a reasonable amount, equally divided on both sides, in an effort to complete this important bill by tomorrow afternoon.

Mr. Chairman, I yield back the balance of my time.

Mr. GUNDERSON. Mr. Chairman, I rise in strong opposition to H.R. 4554, legislation which purports to make appropriations for our country's agricultural and rural development programs, as it has been presented to us here today. It is disheartening to watch this administration return time and time again to the programs which benefit our farmers and rural America as a whole to fill new demands on the revenues of the United States.

In the last 6 months, we have heard "need money for health care—let's cut agriculture"; "need money for GATT—let's cut agriculture"; "need money for welfare reform—let's cut agriculture". With all due respect, Mr. Speaker, there isn't enough discretionary money in all of agriculture to fund any one of those revenue demands, say nothing about all three of them. So, to this administration and the majority in this body I respond: Enough already.

We have heard a lot of rhetoric on this floor this evening that the subcommittee had a budgetary gun held to their heads and these are responsible cuts. I must strongly disagree. While there is no doubt that reductions in spending had to be made, the subcommittee consciously chose to increase spending in certain areas thereby increasing the reductions that had to be made in other areas. I would hardly call that responsible, Mr. Speaker.

While there is little doubt that many of the programs funded under H.R. 4554 are deserving of increases, in a time when a billion dollars of cuts had to be made in overall spending in this area, those increases—no matter how popular politically—cannot be justified.

As a result, Mr. Speaker, we lost $17 million in hardship loans to our rural electric cooperatives, $40 million in commodity assistance to the TEFAP program, $39 million in Public Law 480 title I, concessional sales, $177 million from watershed and conservation projects, and $103 million from meat inspection activities from this year's spending levels. All of these programs could have been funded if the subcommittee would have chosen not to increase spending in other areas.

Simply stated, Mr. Speaker, the bill presented to us this evening is fundamentally unfair. As a result, consumers will pay more for the meat they need to feed their families, the poor and the elderly will receive fewer basic commodities for the tables, local communities will have to pick up more of the expense of complying with the water quality mandates the Federal Government places on them, and parts of rural America will go without the upgrade in electrical services they need to remain competitive in the 21st century.

There is no doubt that, in a time of limited resources, tough choices have to be made. To make dramatic increases in certain programs under those circumstances simply cannot be justified when all of rural America suffers as a result. Accordingly, Mr. Speaker, I will have to oppose H.R. 4554 as presently constituted.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of H.R. 4554, the Agriculture appropriations bill for fiscal year 1995. This bill provides crucial, much-needed support for the wine and winegrape industry in the United States.

The wines and winegrapes that come from the district I represent, Marin and Sonoma Counties in California, are famous worldwide for their excellence. The assistance provided by the fiscal year 1995 Agriculture appropriations bill to the wine and winegrape industry will enable the industry to continue to thrive in my district and all of California.

H.R. 4554 provides funds to the Market Promotion Program [MPP] which is, in part, responsible for the success of California wines in the international market. Although California's wines are competitively priced and are of the highest quality, they cannot survive in the world market without MPP due to unfair trade barriers and other disadvantages. The European Community is heavily subsidized through export refunds and domestic price support programs that allow European Community wine producers to lower costs and absorb high tariffs. However, the wine industry receives no production subsidies from the U.S. Government. MPP is not a subsidy; it is a program aimed at making U.S. exports successful in international markets.

In addition, H.R. 4554 provides funds that will allow the Department of Agriculture to continue its research on grape phylloxera—an insect that has been devastating to the grape growing industry. Phylloxera attacks the roots of grapevines, eventually killing the entire vine. The only solution to date is to replant with resistant rootstock, which is very costly. At the end of 1993, a total of about 1,350 acres of grapevines were removed in Sonoma County due to phylloxera, resulting in substantial financial losses. I am pleased that the fiscal year 1995 Agriculture appropriations bill enables the USDA to proceed with its efforts to assist the winegrape community in finding solutions to this costly problem.

Wine and winegrapes are a multibillion dollar industry for the United States, and I believe that the USDA has a responsibility to provide support and assistance to vintners and growers, enabling them to increase the quality and quantity of the wines produced in California and the United States.

Mr. Chairman, I urge my colleagues to vote in favor of H.R. 4554, the Agriculture appropriations bill of fiscal year 1995.

Mr. DURBIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFNER) having assumed the chair, Mr. SPRATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4554), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, had come to no resolution thereon.

ADMINISTRATION POLICIES ON HAITI AND NORTH KOREA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SOLOMON. Mr. Speaker, listen to these headlines from yesterday's news reports.

The first one says, "South Korea and U.S. lack strength to repel initial strike by North."

Then right below, we have, and listen carefully, "U.S. poised for invasion of Haiti within 2 months."

Mr. Speaker, this is scandalous.

This administration has got its priorities way out of whack.

We have vital national interests in Korea. We have none in Haiti.

We face a major military threat in Korea. We face none from Haiti.

Yet the administration appeases North Korea repeatedly, while readying to send boys to die in Haiti.

They have it absolutely backward.

We desperately need to build up our forces in Korea, now.

And that means we simply cannot afford to have our resources diverted to a place like Haiti.

When it comes to foreign policy, this administration seems to have a learning disability.

What will it take for this administration to come up with a foreign policy that makes sense?

[From the Washington Times, June 15, 1994]

S. KOREA, U.S. LACK STRENGTH TO REPEL INITIAL STRIKE BY NORTH

(By Rowan Scarborough and Bill Gertz)

If North Korea and the United States go to war, it will likely start with the North unleashing one of the heaviest artillery barrages in the history of warfare, followed by a mass invasion into South Korea and the quick capture of its capital, Seoul, according to U.S. officials.

Combined U.S. and South Korean ground and air forces are incapable right now of stopping the initial thrust. The two countries would eventually prevail, however, in a casualty-ridden conflict, relying on American troop reinforcements and massive air strikes, said the officials, who are monitoring the crisis over North Korea's defiant development of nuclear weapons.

Administration estimates just the number of dead and wounded in the tens of thousands in the war's first day alone.

The prospect of a long, bloody conflict is prompting some key members of Congress to urge President Clinton to act now to beef up American forces in the region.

They said adding to the 37,000 U.S. troops now would send an unmistakable message that America is serious about stopping the isolated Stalinist government from deploying atomic weapons and invading the South.

"I would not hesitate" to move more soldiers and ships into the region, said Rep. Ike Skelton, Missouri Democrat and a senior member of the House Armed Services Committee. "They have to put in some more ground troops," he said in an interview yesterday. "Power does carry with it a great deal of deterrence."

"I think we could stop a huge incursion, but I'm convinced we would have huge casualties, principally from the artillery," Mr. Skelton said.

Sen. John McCain, Arizona Republican, is working on a resolution that may be debated in the Senate today. It would urge the administration to bolster defenses in the region in addition to imposing economic sanctions.

Mr. McCain is calling on Mr. Clinton to dispatch aircraft carrier task forces, tactical fighter squadrons and more attack helicopters to the region. He also wants B–52 bombers posed on airfields in Guam.

"If the North Koreans are saying that economic sanctions will be viewed as an act of war, then I think we at least have to be prepared." Mr. McCain said yesterday.

The senator plans to leave Friday for South Korea, where he will visit officials in Seoul and U.S. commanders in the field. Upon his return, he plans to offer an amendment to the pending 1995 defense bill that incorporates the troops' needs, if the Clinton administration has not acted by then.

"So far they have done very little in my view," he said.

A Senate defense aide said promilitary lawmakers are concerned that four years of cutting the defense budget may have left the armed forces unable to quickly deploy the tens of thousands of troops needed to augment South Korea's 636,000-man army.

"The fact of the matter is we couldn't do Desert Storm again, so there is concern over whether we're prepared in South Korea," said the aide, referring to the buildup of 550,000 American troops in the Gulf between August 1990 and January 1991.

U.S. forces would fight one of the world's largest armies, a well-trained, disciplined force of over 1 million soldiers, two-thirds of whom are dug in within 50 miles of the border and within 100 miles of Seoul.

The capital itself its within range of the North's 10,000-plus artillery arsenal. Many pieces are protected by hardened shelters—able to pop out, fire and then roll back into hiding.

"The way they train, there is no way we can get a clear idea of whether they are planning an attack," said a senior U.S. official. "The key ingredient of their strategy is surprise."

Robert Gaskin, who while an analyst at the Pentagon, conducted a two-year study of conflict scenarios on the Korean Peninsula, said war could break out "with very little warning."

Now an analyst at Business Executives for National Security, Mr. Gaskin said a key problem of defending South Korea is that its army has a strategy of forward defense that "is not suited to the attack they are likely to receive."

"The ROKs [Republic of Korea] have to rethink their strategy," he said. "They have to face up to the question: Are they willing to let Seoul fall in order to preserve their army?"

The current South Korean strategy is to "stand and die" in defending Seoul, Mr. Gaskin said. "If they do that, they lose," he said.

Not only are the South and its American allies outnumbered, but it also would take months to get five U.S. divisions air- and sea-lifted to Korea while war raged.

Pentagon officials say resupplying U.S. and South Korean forces would be a major wartime problem. South Korea weapons stocks are dangerously low and could not sustain a major conflict .

Mr. Gaskin said he is convinced the North Koreans will not attack unless they can mount a lightning attack that would shatter South Korean forces strung out along the 150-mile demilitarized zone separating the two countries.

"They would cause a tremendous amount of confusion, chaos and loss of communications."

After artillery barrages, the North Koreans likely would mass their forces in one spot for an assault.

South Korean artillery would counter with heavy attacks and encircling movements by ground forces, Mr. Gaskin said.

The North Koreans would probably resort to unleashing deadly chemical weapons—including nerve agents—in artillery and missile attacks against the South, Mr. Gaskin said.

U.S. and South Korean forces do have an advantage in air power and could send hundreds of high-tech fighters and attack jets against the North's advancing forces. The North Koreans would reserve its most modern jets—Russian-designed MiG–29s—to defend Pyongyang. As a result, U.S. advanced fighters would quickly achieve air superiority, Mr. Gaskin said.

Pentagon spokeswoman Kathleen deLaski said yesterday that the Pentagon is trying to interest the South Koreans in counter-battery radar, which is used to locate and destroy enemy artillery.

Defense Secretary William Perry traveled to South Korea recently and sought, unsuccessfully, to have the South Korean government purchase more advanced U.S. weaponry.

[From the Washington Times, June 15, 1994]

UNITED STATES POISED FOR INVASION OF HAITI WITHIN 2 MONTHS

(By Bill Gertz)

Deputy Secretary of State Strobe Talbott has told the United Nations the United States is set to invade Haiti within the next two months to oust its military-installed government, according to confidential U.N. documents.

Mr. Talbott and other State Department officials said the action would be the best method of restoring democracy and returning to power the Caribbean country's elected president, Jean-Bertrand Aristide.

"The U.S. administration considers that an invasion of Haiti is its best option," Dante Caputo, the United Nations' point man on Haiti, said in a May 23 memorandum to Secretary-General Boutros Boutros-Ghali.

The Clinton administration favors military action as a way of countering domestic critics of President Clinton's wavering foreign policy on Haiti, according to the memorandum drawn up after meetings with Mr. Talbott and other State Department officials, who were not identified.

In a separate transcript of a May 24 meeting of top U.S. officials, Mr. Caputo said: "The Americans will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something; they are going to try to intervene militarily."

Mr. Boutros-Ghali then "wonders if President Aristide could invoke Article 51 of the [U.N.] Charter in order to call for a military intervention," according to the transcript.

Mr. Casputo, special envoy of Mr. Boutros-Ghali and special representative of the Organization of American States, then asserts that military intervention will be a "disaster".

"With Aristide as president during two or three years, it will be hell," Mr. Caputo said during the meeting at U.N. headquarters in New York. "It is not so much armed intervention itself that we have to avoid. What we do not want is to inherit a 'baby'. For the Americans are fixing to leave quickly. They would not intervene if they had to remain."

Mr. Caputo said that U.S. forces would leave Haiti within a month of intervention and U.N. troops would replace them. He also notes that the United States has been "a brake" on diplomacy, "creating a situation where the intervention became nearly inevitable."

Joe Sills, a U.N. spokesman, declined to confirm the authenticity of the documents, citing a policy of not commenting on internal matters.

"The U.N. position is that Mr. Talbott and State Department officials did not discuss any plans for military intervention, only in very general terms about possible options," Mr. Sills said. He noted that the United States has not ruled out military options for dealing with Haiti in the future.

State Department spokesman Michael McCurry said Monday that the documents were "greatly overblown." In a carefully worded statement, he said that Mr. Talbott has had "no specific discussions of any plans for invasion with Mr. Caputo,"

But the documents clearly refer to the "option" of military action by the United States.

According to another document, dated May 19, Mr. Caputo said that the United States and France are worried that existing sanctions—designed to depose the military without armed intervention—will not be effective unless Haiti's land border with the Dominican Republic is "hermetically sealed."

A final option of the United States, if sanctions do not succeed, is "using unilateral force, multilateral force or a combination of the two," Mr. Caputo said in the document. He attributed the U.S. position to Mr. Talbott.

Pentagon spokeswoman Kathleen deLaski said yesterday an assessment team would send a report on what equipment is needed to close the Dominican Republic borders with Haiti "any time."

"We expect that there will be some equipment provided to the Dominicans to ensure the embargo is adhered to along the border between the Dominican Republic and Haiti," she said. "But we have not decided on the specifics of what equipment that would be."

The Pentagon is expected to send helicopters and some troops to help seal the border as part of an international force.

Enforcement "would not be envisioned for their role," Defense Department spokesman Dennis Boxx said last Wednesday.

He said such troops would help maintain a small number of U.S. military helicopters, rubber "Zodiac" boats, trucks and communications gear being sought by the Dominican Republic since it agreed to back the embargo.

According to Mr. Caputo's May 23 memorandum, which was first reported by ABC News correspondent John McWethy, the Clinton administration's key concern about armed military action is how to get U.S. forces out of Haiti once the military rulers are ousted and Mr. Aristide is returned to power.

"In order to resolve this dilemma, the U.S. administration will seek to act in the following manner," Mr. Caputo said in the memo. "Set up a unilateral action, a surgical action, with the eventual participation of several countries in the region as to give it a certain legitimacy. . . . Put President Aristide back in power."

The U.S. strategy then calls for "quick replacement" of U.S. forces with U.N. troops after the initial strike.

John R. Bolton, assistant secretary of state for international affairs in the Bush administration, said the documents appear to reflect accurately how the U.N. secretariat understands the U.S. position on Haiti.

Mr. Bolton, now an international affairs consultant, criticized the position of intervention as "a very foolish option."

William Gray III, the special White House adviser on Haiti, said Sunday that reports of the U.N. documents were "not accurate." But he said he planned to talk to Mr. Caputo about the reports and also did not rule out future military action in Haiti.

"We're hoping that these sanctions will work," Mr. Gray said of the new, tougher sanctions that Mr. Clinton imposed on Haiti last week.

Meanwhile, more than 60 U.S. immigration officers, bracing for a large-scale exodus from Haiti, have assembled in Jamaica to begin implementing the new policy of offering a haven to Haitians fleeing political persecution.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HEFNER). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

HEALTH CARE REFORM VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in full committee in the Education and Labor Committee on June 15 and in the Ways and Means Committee on June 16, 1994:

HEALTH CARE MARKUP JUNE 15, 1994

The following recorded votes were taken on June 15, 1994 in the Committee on Education and Labor during full Committee consideration of Chairman Ford's mark, H.R. 3600, Health Security Act of 1994:

1. An amendment by Mr. Miller (CA) to require that the Advisory Council on Prescription Drug Prices review the costs of all prescription drugs and that the Council determine whether such costs are reasonable. The amendment was agreed to 26–16.

DEMOCRATS

Mr. Ford, "yea."
Mr. Clay, "yea."
Mr. Miller (CA), "yea."
Mr. Murphy, "yea" by proxy.

Mr. Kildee, "yea" by proxy.
Mr. Williams, "yea."
Mr. Martinez, "yea" by proxy.
Mr. Owens, "yea" by proxy.
Mr. Sawyer, "yea" by proxy.
Mr. Payne, "yea."
Mrs. Unsoeld, "yea" by proxy.
Mrs. Mink, "yea."
Mr. Andrews, absent, not voting.
Mr. Reed, "yea."
Mr. Roemer, "nay."
Mr. Engel, "yea" by proxy.
Mr. Becerra, "yea" by proxy.
Mr. Scott, "yea."
Mr. Green, "yea."
Ms. Woolsey, "yea."
Mr. Romero-Barcelo, "yea."
Mr. Klink, "nay" by proxy.
Ms. English, "yea."
Mr. Strickland, "yea."
Mr. de Lugo, "yea."
Mr. Faleomavaega, "yea" by proxy.
Mr. Baesler, "yea."
Mr. Underwood, "yea" by proxy.

REPUBLICANS

Mr. Goodling, "nay."
Mr. Petri, "yea."
Mrs. Roukema, "nay."
Mr. Gunderson, "nay."
Mr. Armey, "nay" by proxy.
Mr. Fawell, "nay" by proxy.
Mr. Ballenger, "nay."
Ms. Molinari, "nay" by proxy.
Mr. Barrett, "nay."
Mr. Boehner, "nay."
Mr. Cunningham, "nay."
Mr. Hoekstra, "nay."
Mr. McKeon, "nay."
Mr. Miller (FL), "nay" by proxy.
Mr. Castle, "nay."

2. An amendment by Mr. Castle to Ms. Mink's amendment permitting the State of Hawaii to be waived from the requirements of the Health Security Act. The Castle amendment would permit the other forty-nine states, in addition to the Mink amendment's specific reference to Hawaii, thereby allowing the Governor of any state to obtain a similar waiver from the requirements of the Act. The Castle amendment to the Mink amendment was defeated 16–27.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay."
Mr. Sawyer, "nay."
Mr. Payne, "nay."
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay."
Mr. Andrews, "yea."
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Scott, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barceló, "nay."
Mr. Klink, "nay" by proxy.
Ms. English, "nay."
Mr. Stickland, "nay" by proxy.
Mr. de Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea."
Mrs. Roukema, "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea."
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea."

3. An amendment by Mr. Petri to repeal the fee schedule prescribed for fee-for-service plans in H.R. 3600 and substitute cost-sharing based on the average prices for health care services prevailing in the local market. The amendment was defeated 14–28.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Owens, "nay."
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Andrews, "nay."
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Scott, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay" by proxy.
Mr. Klink, "nay."
Ms. English, "nay."
Mr. Strickland, "nay" by proxy.
Mr. de Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea" by proxy.
Mr. Petri, "yea."
Mrs. Roukema, not voting.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea" by proxy.
Ms. Molinari, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea" by proxy.

4. An amendment by Mr. Cunningham to provide that the premium rates charged to consumers will not include any health care costs attributable to individuals who are not eligible for coverage under the Clinton plan. Additionally, the amendment would require the Federal Government to make payments to States and health care providers for providing federally mandated services to non-eligible individuals. The amendment was defeated 15–27.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay."
Mr. Andrews, "nay."
Mr. Reed, "nay."
Mr. Roemer, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerrào, "present", not voting.
Mr. Scott, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay" by proxy.
Mr. de Lugo, "nay" by proxy.
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay" by proxy.
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea" by proxy.
Mr. Petri, "yea" by proxy.
Mrs. Roukema, "yea".
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea" by proxy.
Ms. Molinari, "yea" by proxy.
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea".
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea" by proxy.

The following recorded votes were taken on June 16, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Jefferson containing five provisions: 1) Replace the small business tax credit with a two-tiered credit to offset a portion of the mandate that employers pay 80% of health care premiums; 2) Increase the tobacco tax by 45 cents in 1995 and 1996, 25 cents in 1997, 35 cents in 1998, and 45 cents in 1999 and thereafter; 3) Delete the additional 1 percent premium tax. A temporary one percent premium tax would remain to finance spending for academic health centers; 4) Delay the effective dates for the long-term care grant to fiscal year 2000. In fiscal year 2000, funds would total $3 billion, $4 billion in 2001, $6 billion in 2002, $8 billion in 2003, and $10 billion in 2004; 5) Improve wrap-around benefits for low-income Medicare beneficiaries and prohibit Medicaid payments on behalf of those recipients for services covered under the guaranteed national benefit package and for the wrap-around benefits. Following a division of the question, recorded votes were taken on the first three provisions:

Tax Credit: Passed 24–14.

DEMOCRATS

Mr. Gibbons, "yea".
Mr. Rostenkowski, "yea" by proxy.
Mr. Pickle, "yea."
Mr. Rangel, "yea."
Mr. Stark, "yea."
Mr. Jacobs, "yea."
Mr. Ford (TN), "yea."
Mr. Matsui, "yea."
Mrs. Kennelly, "yea."
Mr. Coyne, "yea."
Mr. Andrews (TX), "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. McDermott, "yea."
Mr. Kleczka, "yea."

Mr. Lewis (GA), "yea."
Mr. Payne (VA), "yea."
Mr. Neal (MA), "yea."
Mr. Hoagland, "yea."
Mr. McNulty, "yea."
Mr. Kopetski, "yea."
Mr. Jefferson, "yea."
Mr. Brewster, "yea."
Mr. Reynolds, "yea" by proxy.

REPUBLICANS

Mr. Archer, "nay."
Mr. Crane, "nay."
Mr. Thomas (CA), "nay."
Mr. Shaw, "nay."
Mr. Sundquist, "nay."
Mrs. Johnson (CT), "nay."
Mr. Bunning, "nay."
Mr. Grandy, "nay."
Mr. Houghton, "nay."
Mr. Herger, "nay."
Mr. McCrery, "nay."
Mr. Hancock, "nay."
Mr. Santorum, "nay."
Mr. Camp, "nay."

Tobacco Tax: Passed 24–14.

DEMOCRATS

Mr. Gibbons, "yea."
Mr. Rostenkowski, "yea" by proxy.
Mr. Pickle, "yea."
Mr. Rangel, "yea."
Mr. Stark, "yea."
Mr. Jacobs, "yea."
Mr. Ford (TN), "yea."
Mr. Matsui, "yea."
Mrs. Kennelly, "yea."
Mr. Coyne, "yea."
Mr. Andrews (TX), "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. McDermott, "yea."
Mr. Kleczka, "yea."
Mr. Lewis (GA), "yea."
Mr. Payne (VA), "yea."
Mr. Neal (MA), "yea."
Mr. Hoagland, "yea."
Mr. McNulty, "yea."
Mr. Kopetski, "yea."
Mr. Jefferson, "yea."
Mr. Brewster, "yea."
Mr. Reynolds, "yea" by proxy.

REPUBLICANS

Mr. Archer, "nay."
Mr. Crane, "nay."
Mr. Thomas (CA), "nay."
Mr. Shaw, "nay."
Mr. Sundquist, "nay."
Mrs. Johnson (CT), "nay."
Mr. Bunning, "nay."
Mr. Grandy, "nay."
Mr. Houghton, "nay."
Mr. Herger, "nay."
Mr. McCrery, "nay."
Mr. Hancock, "nay."
Mr. Santorum, "nay."
Mr. Camp, "nay."

Premium Tax: Passed 24–14.

DEMOCRATS

Mr. Gibbons, "yea."
Mr. Rostenkowski, "yea" by proxy.
Mr. Pickle, "yea."
Mr. Rangel, "yea."
Mr. Stark, "yea."
Mr. Jacobs, "yea."
Mr. Ford (TN), "yea."
Mr. Matsui, "yea."
Mrs. Kennelly, "yea."
Mr. Coyne, "yea."
Mr. Andrews (TX), "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. McDermott, "yea."
Mr. Kleczka, "yea."
Mr. Lewis (GA), "yea."
Mr. Payne (VA), "yea."
Mr. Neal (MA), "yea."
Mr. Hoagland, "yea."
Mr. McNulty, "yea."
Mr. Kopetski, "yea."
Mr. Jefferson, "yea."
Mr. Brewster, "yea."
Mr. Reynolds, "yea" by proxy.

REPUBLICANS

Mr. Archer, "nay."
Mr. Crane, "nay."
Mr. Thomas (CA), "nay."
Mr. Shaw, "nay."
Mr. Sundquist, "nay."
Mrs. Johnson (CT), "nay."
Mr. Bunning, "nay."
Mr. Grandy, "nay."
Mr. Houghton, "nay."
Mr. Herger, "nay."
Mr. McCrery, "nay."
Mr. Hancock, "nay."
Mr. Santorum, "nay."
Mr. Camp, "nay."

An amendment by Mr. Houghton to strike the requirement that employers continue to pay benefits that they were providing as of January 1, 1994 which were in excess of the national guaranteed package. Defeated 24–14.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay" by proxy.
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "nay."
Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "nay" by proxy.
Mr. Neal (MA), "nay."
Mr. Hoagland, "nay."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay" by proxy.
Mr. Brewster, "nay."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea."
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea."
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea."
Mr. Grandy, "yea."
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

IN SUPPORT OF THE $250,000 THRESHOLD FOR LICENSED REAL ESTATE APPRAISALS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. UNSOELD] is recognized for 5 minutes.

Mrs. UNSOELD. Mr. Speaker, when the Housing and Community and Development Act of 1994 comes to the floor, an amendment may be offered to require that licensed or certified appraisers be used for all real estate loans—no matter how small. I urge the House to oppose such a requirement.

In 1993 the Federal Deposit Insurance Corporation [FDIC] proposed a $250,000 threshold for licensed real estate appraisals and took a year to review thousands of comments from parties on both sides of the issue. After careful scrutiny, they determined that such a threshold would streamline the loan process without jeopardizing the safety and soundness of financial institutions.

There are some in Congress who would reverse the FDIC's decision. I hope that the House will consider their arguments closely and skeptically.

The real estate appraisal process can delay a loan for weeks or even months and cost several hundred dollars—an expense that is passed directly on to buyers. Should low-to-moderate income borrowers and small businesses continue to shoulder this unnecessary burden? I for one don't think so. I hope that my colleagues will join me in opposing efforts to remove the $250,000 threshold for licensed or certified appraisals.

IN OPPOSITION TO TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, Gerald Seib, a conservative columnist for the Wall Street Journal, wrote this a few days ago about the issue of term limits:

> Their anger at seemingly permanent Democratic congressional rule aside, Republicans ought to think hard about whether they want to identify themselves with an idea that is at heart both undemocratic and disdainful of citizens' ability to make sensible decisions.

As most people here know, I am one of the most conservative Members of this body.

But one of the very few issues I go off the conservative reservation is on the issue of term limits.

I agree with Mr. Seib: They are undemocratic—with a small "d".

I believe they are unconstitutional, although I am sure it will be easy to find some judges who do not like politicians who will gleefully rule in their favor.

But one should keep in mind that our Founding Fathers did not put term limits in our Constitution.

Further, I believe that new talks of limits like three terms, or 6 years, in the House, and two terms, or 12 years in the Senate would be totally unfair and might possibly be in violation of the equal protection clause of the Constitution.

Why should a person have the right to be elected to 12 years in the Senate, but only 6 in the House?

But the main reason I am against term limits is not constitutional.

First and foremost, term limits correct a problem that does not exist.

Over 60 percent of the House was new between 1980 and 1992. Then 110 new members were elected on top of that in 1992.

I am told that well over half of the House will have been elected just since 1990, after the 1994 elections.

There is so much turnover going on here now that a lawyer from Knoxville got on an elevator with me here a few months ago, and the elevator operator said to him, "Hello, Congressman."

There is even greater turnover in the State legislatures around the Nation.

While there is tremendous turnover going on in elective offices all over the country, there is almost no turnover in the bureaucracy.

And Federal judges are given lifetime jobs without ever having to go before the voters.

Already, we have a Government that is more of, by and for the bureaucrats than it is of, by, and for the people.

If you want to strengthen the bureaucracy, then the best way would be through term limits, which would weaken elected officials, and strengthen or increase the power of unelected bureaucrats.

Actually, we already have term limits—they are called elections.

Members of this body get terms of only 2 years. We face the voters every other year.

If the people want to get rid of us, they can do so very easily.

That is why so many of us are out working nights, weekends, and holidays, seeing our people.

On the other hand, Federal bureaucrats are so protected by the Civil Service System, they can keep their jobs almost no matter how little they do or how they treat the people.

I know that term limits are very popular, but if the people establish term limits for their elected officials, the very people in Government over which they already have the most control, then they had better come in with term limits for everybody—bureaucrats, judges, and everyone else who works for the Government, or we will greatly weaken our balance of power which has served this Nation so well.

I certainly understand the peoples' anger at a big, bloated, wasteful, and arrogant Federal Government.

I feel this anger myself.

But you change nothing through an arbitary gimmick like term limits, which by the way would be very harmful to our smaller, less-populous States.

You do not change anything by replacing a liberal with a liberal.

The only way to really change this Nation is by electing more conservatives to the Congress, and replacing the big Government liberals who are slowly destroying our freedom, whether it is replacing a liberal who has been in for 2 years or 20 years.

I know it is very easy to demagogue an issue like this, but I repeat—term limits correct a problem that does not exist, because there already has been unbelievable record turnover going on in the Congress and other elected offices for the last several years.

I believe my fellow conservatives would be the most disappointed by term limits. A true conservative believes in the people, and not in the Government. And we should allow the people to elect whomever they want to public office.

Anyone who has worked at a job—any job—for more than 10 or 12 years and feels they are still doing a good job should be opposed to term limits. They certainly would not want them applied to their jobs.

I close by repeating the words of Gerald Seib:

> Their anger at seemingly permanent Democratic congressional rule aside, Republicans ought to think hard about whether they want to identify themselves with an idea that is at heart both undemocratic and disdainful of citizens' ability to make sensible decisions.

Those who are true conservatives, and who believe deeply in our Constitution and in the American form of democracy, will strongly oppose a radical idea like term limits.

REAL WELFARE REFORM IS SELF-SUFFICIENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, while the President's rhetoric is in the right place in his desire to end problems with the present welfare system, his new welfare reform plan just will not accomplish that goal. Rather than ending welfare as we know it, President Clinton has chosen an approach that only perpetuates welfare as we know it.

Welfare's original intent was good—it was a temporary program to help people through difficult times. But as we all know, it has turned into a permanent way of life for all too many people. Therefore, welfare reform must include efforts that assist welfare recipients to become employed. And we must focus on reducing the number of out-of-wedlock births—no one should have a child in order to receive welfare benefits.

Any welfare reform will fail if it does not take strong measures to halt the rising number of illegitimate births. Unfortunately, President Clinton's plan does not address this root cause of welfare dependency.

And while the President recognizes the need for work in order to escape the welfare cycle, his bill would actually reduce the total number of welfare recipients required to work—at least in the short-term.

The President's bill just does not support putting welfare recipients to work on a permanent basis. The work requirement in the President's bill exempts mothers born before 1972. That means 80 percent of the welfare caseload will be exempt in the first year of the President's plan. That is not welfare reform. Other loopholes in the President's bill will result in less than 9 percent of the welfare caseload being required to work between now and the year 2000. Think of it, less than 9 percent of the welfare caseload will be required to work between now and the year 2000. According to the Washington Post, 5 years after the President's proposal is enacted, about half of the estimated 5.5 million adults on welfare would continue collecting checks with no new work requirement whatsoever. It is business as usual.

Finally, President Clinton's plan will cost American taxpayers the unbelievable amount of $9.3 billion. This is not welfare reform.

Few people really want to stay on welfare. What they want is a chance to earn their own way and to provide for their families. We in Congress must enact welfare legislation that helps them achieve this goal of self-sufficiency.

Mr. Speaker, legislation which does not address the goal of self-sufficiency is simply a disguise for reform that is committing fraud on not only the American people who have hopes that change will finally come, but fraud on the people caught in the cycle of welfare dependency.

Mr. Speaker, we need real reform, not rhetoric reform.

A CHOICE FOR THE STATES IN HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I return to address the issue that I talked about briefly last night. That question was, why does not Hawaii have to participate in health care reform?

Yesterday in the Committee on Education and Labor markup of H.R. 3600, the health care reform bill, members of that committee voted to allow the State of Hawaii to be exempted from having to participate in the health care reform plan. I found this an intriguing idea, but I could not understand why the committee stopped at just exempting Hawaii.

Mr. Speaker, I know that people in my district in western Michigan believe they receive superior health care for a reasonable cost. They have developed a system that works for them.

Studies have shown that the average cost per hospital stay is much lower in western Michigan than many of the models used by the administration to develop its plan.

In essence, I agree and believe that different areas of the country should be allowed to be exempted from this health care reform plan if those areas do not believe that this plan will be beneficial to them. Statistics show that there are at least five or six other States that are delivering the same kinds of results that Hawaii is delivering, but are delivering them in methods that the people in those States have identified as being appropriate for that State.

Mr. Speaker, I believe that when we are talking about health care reform, each State should be given the opportunity to opt into the plan, but should not be required to do so. I did not feel that way at the beginning of the week. I only started feeling that way after we decided that we were going to start making some exemptions.

It is for that reason that today I proposed an amendment to H.R. 3600 in committee. That amendment would allow a State to hold a referendum vote if it wants to participate in the plan. If the voters in that State cast a majority of ballots in favor of joining the plan, very simply, they are in. If less than a majority choose to belong, then very simply, the State is not in the plan.

No State would be required to hold a referendum. Only those States that believe joining the plan is in their best interest would have to go to the voters to ask them if they could join.

Mr. Speaker, what happened in committee today when that amendment came to the floor? What happened when the request was made that said, "Since Hawaii has now been exempted, how about letting the other 49 States have an option?" It was voted down. The argument was made, that is not very Jeffersonian, and it was not what the founders of the country intended.

I go back to some statistics and why polls around the country are saying the people want more accountability from those of us in Congress, and one of those ways is by implementing a referendum process.

Thomas Jefferson never believed that he would see a day where 45 percent of the American people have hardly any confidence in Congress. Thomas Jefferson never envisioned the day where 82 percent of the American people would agree with this statement: Generally speaking, those we elect to Congress in Washington lose touch with the people pretty quickly.

Thomas Jefferson never envisioned the day where the greatest deliberative body in the world would have 79 percent of the bills that come to the floor come under a restrictive rule, which means there is no opportunity for amendments. Thomas Jefferson never envisioned the day where there would be over 4,000 PAC's trying to buy their influence in this institution, and Thomas Jefferson never envisioned the day where Federal spending is approximately 22 percent of GDP.

We need change. We need to have the people involved in the process. People do not trust Congress to make good decisions. The health care reform movement is, I think, the first place and an excellent place to let the American people back into the process. If choice is good enough for the people of Hawaii, why can not choice be good enough for the Americans in the 49 other States around this country?

□ 2030

They know what is good for their State. Let us develop a plan here in Washington. Let us bring it to the American people, and then let us let people in each of the 49 States determine what works for them.

REMEMBRANCE OF THE LIBERATION OF THE NORTHERN MARIANAS

The SPEAKER pro tempore (Mr. HEFNER). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, on June 15, 1944, the marines of the 2d and 4th Division stormed the shores of Saipan. From this violent encounter, the native people of the Northern Marianas with whom I share a common culture and language had their very first contact with the American Nation.

The result of this encounter, violent to the extreme and resulting in enormous personal tragedies both for the heroic Americans and the people of the Northern Marianas was the beginning of a new political relationship. And the result of this relationship was the creation of the Commonwealth of the Northern Marianas Islands in 1976. This represents the only acquisition of territory by the United States since World War II and it was done so solemnly and by an overwhelming majority vote of the natives of the Northern Marianas.

Yesterday represented the 50th anniversary of this encounter and there was no Federal commemoration here in Washington. Yesterday was the 50th anniversary of this momentous event not only for the people of these Islands, but the veterans for whom the words Saipan and Tinian can only mean sacrifice and valor and the commemoration in these Islands had no representation by the present administration.

As reported in yesterday's Washington Post, the highest ranking Federal presence were officers who are stationed on Guam.

On July 21, 1944, units of the 3rd Marine Division and 77th Infantry had their own D-days as they stormed the shores of Guam. Unlike the battles of Saipan and Tinian, the people who were being liberated from the hands of the Japanese—the Chamorros of Guam, my people—had over 4 decades of experience with America. In fact, Guam was the only U.S. territory whose people were occupied by enemy forces during World War II.

On July 21, 1944, the marines stormed ashore to liberate a people who had suffered forced marches, starvation, beheadings, torture and forced labor. My own parents lost children in this conflagration and they were among the people who rejoiced at the sight of the Americans and the deliverance from suffering which they represented. The sight of a truly grateful people brought tears to the faces of battle-hardened veterans as they bore witness to the sufferings of my people and the happiness and sincerity of little children who put together little homemade flags to honor the United States.

To date, Mr. Speaker, we have attempted to bring national attention to these momentous events which commemorate not only the heroism of those who fought in the Pacific theatre but the unique and special relationships of this country with these islanders—and we have not been successful in bringing the proper attention and respect to the Pacific theatre.

I have organized a national commemoration on June 25 at Arlington National Cemetery. The people of Guam will be joined at this national commemoration by the people of the Northern Mariana Islands. Together, our Pacific-American communities will honor all those who fought for freedom in the Pacific. Together, we will honor those who died on our beaches with a remembrance service that begins at 10:00 am and concludes with a solemn wreath laying ceremony at the site of the Tomb of the Unknown Soldier.

I have invited the President, Vice President and senior cabinet Members to join us at Arlington for this national commemoration. Unfortunately, the President will not be attending, nor will the Vice President or the Secretary of Defense. I do not know what else competes on their schedule with this commemoration of the war in the Pacific, but I am at a loss to explain the lack of understanding of their offices to these most important events. I am at a loss to explain to the people of Guam why the national leadership takes their remembrance of liberation so lightly. I am at a loss to explain to the veterans of the war in the Pacific why their battles do not deserve national recognition, equal to the attention heaped on those who fought in Europe.

When the liberated people gather in Arlington to honor the Liberators, it will be Americans honoring Americans. Nowhere else, except from the people of

Guam and the Northern Marianas, can this unique aspect of World War II be celebrated. The highest tributes of World War II will be the simple yet most profound words echoed by our people, from one American family member to another—thank you. We will fulfill our solemn duty to never forget the sacrifices of the blood spilled on our beaches and our islands. With or without our national leadership, we will meet at Arlington on June 25th to honor the heroism of those who died, to honor the valor of the veterans, and to Honor America.

HEALTH CARE: A BIPARTISAN DISCUSSION

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and because there is no designee of the majority leader, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 60 minutes as the designee of the minority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, my colleagues and I of both parties have gathered here tonight on the House floor to talk about an issue that will have profound consequences for the American people.

All of us are sponsors of various approaches to solving the health care problems that our society faces. We are absolutely capable of writing the law that will prevent insurance policies excluding people for preexisting conditions, we can solve joblock, we can stabilize premiums, we can make affordable insurance available to all Americans. We can solve all those problems that are out there and really threaten America's families access to health care, their sense of health care security, the predictability of health care premiums, and we can, with will, pass the kind of laws that will help control health care costs but at the same time assure in the future the quality of the system that has made American health care equal to excellence throughout the world.

However, to solve our health care problems in a way that fundamentally restructures our economy would be a terrible error. The impact of an employer mandate on the ability of businesses to hire and grow, we need to understand. The impact of an employer mandate on the ability of businesses to hire and grow, we need to understand. The impact of an employer mandate on the resilience of our economy in downturns, we need to understand. The impact of an employer mandate on our ability to control costs and assure quality care, we need to understand. Because if we make the wrong decisions in attacking the problems in our health care sector, we have the possibility of weakening our economy, compromising its extraordinary vitality and strength, and compromising the quality of health care in America.

I am very pleased tonight to have with me the gentleman from Texas [Mr. STENHOLM], the gentleman from Iowa [Mr. GRANDY], the gentleman from Minnesota [Mr. PENNY], the gentleman from Illinois [Mr. HASTERT], the gentleman from Texas [Mr. GEREN], and the gentleman from Florida [Mr. STEARNS]. Together we hope to help you see the systemic serious impact that an employer mandate would have not only on jobs and career opportunities for our people and the strength of our economy but on our ability to guarantee to the people of America a quality health care system in the future.

Mr. Speaker, I yield to my colleague, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for yielding, and I appreciate very much her calling for this special order. I am delighted to participate.

Mr. Speaker, the issue of employer mandates has been getting a lot of attention, a lot of controversy.

To some people they seem to have a difficult time understanding why 84 percent of the small businesses in the United States strongly oppose the concept of employer mandates. But I think if we take just a little bit of time and examine a small business, we will find out some of the reasons why. It is rather simple. A $2,500 health insurance policy in a company that is just getting started in which the salary is $10 to $20,000 a year, opening salary, that becomes 12½ percent or 25 percent of the total payroll.

□ 2040

So often when we in the Congress talk in terms of mandates for trying to accomplish a greater good, we seem to ignore the bottom line of the individual business, and I think small businesses have every reason to be skeptical. Today when those suggest that, well, they are really not going to pay it, we are going to subsidize the small business man or woman, I think it is particularly fitting we do this special order tonight on the eve of the debate and the passage of the agriculture appropriation bill.

Farmers across the Nation are a little bit skeptical today of the promises of the payment of subsidization, because the Congress, in our wisdom, has seen fit to change the 1990 farm bill. We have constantly reduced the subsidy out of budget necessity. And what makes anyone think that health care will be any different? When circumstances change, as they have changed over and over again, Congress, in our wisdom, will have to change. No matter what we say today to a small business man or woman about what we are going to do tomorrow, we cannot deliver on that promise unequivocally. You only have to look at some of the past examples of what we have done in our promises.

You know, the 1965 cost estimate of the current Medicaid expenditure was off by 7,600 percent. The estimated cost of Medicare expenditures was off by 1,178 percent. Social Security tax originally on payroll was 1 percent. Today on self-employed it is 15 percent.

So I think as we focus and we listen to the voices of the small business men and women, if we really and truly look at why they are opposed, it is not that they are not compassionate. It is not that they would not like to provide the insurance. In fact, I believe, as you have said, if we structure the health system reform bill correctly, most small businesses will want to participate, but they will need to participate up to the ability of what their own finances will allow them, not on what we here in Washington might believe that they ought to be doing.

Mr. GRANDY. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I am happy to yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Speaker, I did not mean to intrude upon the gentleman's time. I wanted to engage the gentleman in a conversation about this, because he and I and the gentleman from Minnesota have all served on the Agriculture Committee, and we have individually and collectively tried for years with public policy to legislate the risk out of farmers' lives.

My feeling is that the more Government we have intruded upon farmers' lives, the more farmers we have driven out of the business. What we have done now with the passage of an employer mandate in the health care bills in the Committee on Ways and Means and then the subsequent small business subsidy is to consign small business owners, mom-and-pop proprietorships and businesses, up to 50 employees, up to the same fate that I think we are consigning to agriculture. We will make them dependent upon Federal programs which will be cut. We are going to shackle them to regulations which will be enforced. We will make them dependent upon the Government and not the market for their livelihood.

And I can recall, because I worked with the gentleman on the 1990 farm bill, the effort in that legislation was to wean farmers from programs and into the marketplace either through trade or through flexible acre programs. This is a quantum leap backwards, doing to our mainstream businesses what we have done to our farmers.

Texas may be different from Iowa, but the cumulative effect on farm programs in Iowa is we have fewer farmers, fewer applicants for the business. One, it is hard work; and, two, it is terribly cost-ineffective, because it is, one, an enormous hassle to comply with the Government regulations; and, two, there is no profit.

I guess all I would say is I intruded upon the gentleman's time only to make the case that we have only to look back into our attempt in Federal farm programs to legislate the risk out of one of the most noble groups in our economic sector, farmers and ranchers, to see what we have done wrong, and now we are blithely committing the same mistakes under the guise of assuring universal coverage for every man, woman, and child. I think what we will do is basically assure universal dislocation for most of our small business owners.

I apologize to the gentleman for intruding upon his time. But his remarks led into what I wanted to say, and I hope he will forgive me.

Mrs. JOHNSON of Connecticut. I think there are two interesting points that bear further attention.

It has often been said the employer mandate proposal is building on the current system. But the current system is voluntary, and to compete for good employees, employers offer health benefits if they can afford it.

So the current system takes into account the profitability of a small business. When you mandate costs on a small business that has no profit, that employer has two choices: He goes out of business altogether, and I cannot tell you how many little guys are coming up to me and saying, "I don't have 8 percent of payroll extra. I can't get it. I will have to close up." Or how many people are saying, "Well, I could lay off four or five of my people to get the cash flow to meet this."

And then there is the subsidy issue. You tell me about agriculture and our stepping back on farm subsidies; I can tell you that on Ways and Means we used to help the self-employed by letting them deduct 25 percent of their health care premium. We do not do that anymore. We do not do that because we cannot afford to do it. So we are back to your point, I say to the gentleman from Texas [Mr. STENHOLM], of a budget-driven system.

Do we really want our health care to be part of a budget-driven system?

I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentlewoman for yielding. She is somebody who has done a great deal work on health care and really led the charge and really being analytical in trying to find out what the real problems are and what the answers are. We salute you for the work you have done.

When you start to look at the employer mandate, I guess you have to look at the practical side. What is the problem? The problem is that, you know, there are a lot of people who have small businesses and are small business people, proprietors, partnerships. That interprets in my district to farmers, truck drivers, barbers, beauticians, who do not carry insurance on themselves, not because they do not want to insure themselves or their families, but they cannot afford it. It is a market problem. It is an insurance market problem.

When they go to market, and if you are a 50-year-old couple and you run the corner doughnut shop in a small crossroads town and you have to go down to the neighbor store and buy your insurance, you maybe are paying $8,000 or $9,000 for insurance. Your total salary might be $18,000, $19,000, $20,000, $25,000. The fact is you cannot afford insurance.

So what we have to do, in my view, instead of applying employer mandates on the very people who are the problems because they cannot afford to buy that insurance today, you have to find ways for them to come to the marketplace and get a good deal.

What is a good deal? Well, there are a lot of good deals out there today, because people have the ability to pool, to go into mass groups, and have mass purchasing or self-insured ability, to go out and buy insurance for themselves.

Mr. GRANDY. If the gentlewoman will yield further, self-insurance is a casualty of health care legislation in this Congress right now.

As the gentleman knows, self-insurance, the ability of employers to fund their own insurance, create their own benefit program and enjoy a risk of preemption, is going to be seriously challenged under this legislation, and mandates are essentially an admission that markets have failed when, indeed, they have succeeded in large businesses and in small.

Mr. HASTERT. When you get out in the hustings, and I am sure you have done so in Iowa recently and as I have been doing in Illinois and seeing what the problems are, seeing how people start to solve those problems, there are in the market responses, and there are companies out there that are very successfully putting small groups and small businesses together, giving the ability to self-insure and holding their insurance costs down.

What the real issue out there is, and I guess the fear that we all have, when you put down an employer mandate, whether it is the feed store, you know, at Chases Crossing out in Lee County in Illinois, or whether it is a little corner coffee shop in downtown Dixon, IL, or a restaurant in Geneva, IL, when you start to put that mandate on and people have to come up with a 7.8-percent or if the Government does start to fund and subsidize 4.4-, 5.5-, or 6-percent subsidy out there, that, you know, they do not have that margin. The alternative is you skinny down to a mom-and-pop organization where you let go of those people who you have to insure, or you would just close the doors, and for a lot of people that is the solution; you close the doors. You do not take on that liability, because you cannot afford it. Your margin is not there to do it.

□ 2050

And some statistics show that CONSAD estimate impacts of health security in Illinois show that we would lose 42,000 jobs at a cost or a loss in salaries of almost $1.5 billion. You know, that is catastrophic. That certainly is discouraging to a thriving economy, also to bring competitive not just within your State or nationally but internationally. That is where a lot of these small businesses are.

Again, I appreciate the gentlewoman from Connecticut bringing this issue up tonight.

Mrs. JOHNSON of Connecticut. I yield to my colleague, the gentleman from Minnesota.

Mr. PENNY. I thank the gentlewoman for bringing up this special order. I would like to follow up on the point just made on the impact upon the economy and on jobs, which is at the heart of the discussion over mandates.

We all remember the remainder posted in the Clinton campaign war room in the final weeks of the 1992 campaign. The reminder posted there on the wall was, "It's the economy, Stupid." They stressed the economy, they stressed there was going to be a change as to policies at the national level to stimulate the policy to create jobs, and here we have a health care plan that is hinged on an employer mandate, which is indisputably the most expensive mandate on private business that has ever been contemplated by the United States Congress. It is absurd on the face of it. Common sense dictates that you cannot create a job climate, a favorable job climate, by placing on businesses a huge mandate representing perhaps as much as 8 percent of payroll. Businesses now must contend with any number of mandates from both the Federal and State levels of government. We have OSHA requirements placed on every business large and small. We have the EPA now looking over the shoulders of virtually every business in America because almost every business uses or produces or disposes of some item that is categorized as hazardous. So, under the hazardous waste regulations of the EPA, you have very expensive requirements being placed on businesses as to their use and disposal of those materials.

Recently we passed the Americans with Disabilities Act, as well-intentioned law, but here again one that will require tremendous renovation costs for businesses all over America as they try to make their places of business more accessible to those with handicaps.

Also, fire code standards as well; the list goes on and on. This is just an itemization of four expensive mandates that businesses have accepted and worked hard to adhere to.

Payroll taxes, though, are already hitting businesses hard, and it is regressive in the sense that lower-paid workers pay all these payroll taxes, and they cover only the first increment of income. But between social security and medical payroll taxes, and given the fact that businesses not only pay the employee's share but they match with the employer's share, it is a huge expense for businesses.

Then last year's tax bill. For all of the rhetoric of it only affecting 2 percent of all American taxpayers, we have to admit that an awful lot of folks affected by this were small-business people because of the way they structure their business.

So, what few tax increases were in that tax bill fall on people in the small-business category to a greater extent than anyone else.

So, now to be looking at the possibility of an 8 percent mandate is the height of absurdity. You cannot be focused on the economy if you are talking about burdening the job creators in our economy with another 8 percent hit. Because the administration realizes that this is an expensive proposition for the businesses in America, they say, without a smirk on their face, that they will just provide subsidies to the smallest and least profitable businesses. Businesses do not want to be related to the Federal Government in an entitlement relationship. They do not need nor want that kind of a subsidy from the Federal Government. Yet that is the way we are being told we can sell this mandate to the business sector. We have to get real, we have to get real; this is an expensive hoax. You do not need a mandate in order to cover the uninsured. The Cooper-Grandy bill, one of whose sponsors is with us here tonight, has been analyzed without a mandate on the business sector; the coverage of American workers under a health plan would reach about 91 percent.

In Hawaii, the only State with a mandate similar to the one we are talking about in the administration's health plan, they only have 92 percent coverage.

Now, you can get extensive coverage of the currently uninsured without a mandate. This is a very expensive way of approaching a problem, and it is an approach that is going to place tremendous burdens on the private sector and it will cripple the economy and fly in the face of the promise of the Clinton Presidency, which was to focus on the economy like a laser beam and to create meaningful jobs at decent wages for American workers.

You cannot do that with this sort of an expensive mandate. And I do not believe you can pass health care reform on a bipartisan basis with a mandate. The tragedy of this whole issue is that because of this one distraction, the pretense that somehow a mandate has to be central to health care reform, because of this one distraction we have basically written off Republican support for health care reform when there is so much more we can agree on.

Mrs. JOHNSON of Connecticut. Absolutely. Health care reform is going to be such an important bill to implement. It is going to take bipartisan support, not just to pass it but it will take bipartisan support in the years ahead to implement a policy that will guarantee universal access to all Americans, to high-quality health care. The tragedy is an employer mandate is not only not necessary to achieve that goal but it will have devastating effects on our economy.

I was talking to one of the White House researchers who was central to proposing their initiative, and he said to me, he said there are two things an employer can do if he has to provide health benefits to his employees. He can cut wages or pass the cost on to the consumer. And I said to him, in my part of the country, where the economy has been terrible, I have seen companies grow orders in the last 9 months, 12 months, in a way that made my heart surge. Then when I say, "Isn't that wonderful," I see the sort of hound dog look creep over the faces of our employers when they say, "Yes, but prices are so soft the margin is the same as a year ago." You cannot raise price anymore, not on the international market, not on the domestic market. That leaves wages. If this is not going to kill wage growth, I do not know what is. It is good social policy to make sure everyone has access to health care and it should be dealt with as social policy and funded in that context, but not funded through a hidden tax on employers, who have no margin of profitability.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I thank the gentlewoman from Connecticut for taking out this special order. I would like to follow up a little bit on what our colleague, the gentleman from Minnesota [Mr. PENNY] referred to when he referred to the bipartisan issue in terms of believing that mandates will hurt businesses.

Now, tonight we will be talking about this individually, but I want to quote some statistics so that this is not just Members of Congress talking but this is a leading health care consulting firm, Levin-VHI. They did a study on the Clinton health care plan. The analyzed the whole thing. They found and confirmed a lot of what we are talking about tonight, and let me talk to you about what their results are. They said a mandate on businesses would result in the elimination of between 155,000 to 350,000 jobs. Many of these jobs would be lower-wage positions, affecting workers in the retail and service sectors. This analysis determined that once in effect, the Clinton plan would decrease wages by $20 billion by 1998.

Now, the Citizens for a Sound Economy, in my home State of Florida, found that if the Clinton plan were to be adopted, the result would be a choice between health care rationing or the loss of 31,000 private sector jobs in the State by the year 2000.

Now, I want to read just a letter from a manager of a Dairy Queen in Ohio, what this woman said in relative quantity terms of how it affects her business.

And many small businesses are just about this size, 25 employees.

□ 2100

She says,

> I am a small-business owner (25 employees) working very hard along side my husband to build a future for ourselves.
>
> We do not have a profit margin to support the President's proposed 80% burden of health insurance costs. Even with the proposed subsidies, a 3.5% rise in payroll costs will seriously challenge our ability to stay in business. This is not an exaggeration. What options does a small business owner like myself have? We've considered cutting our staff, freezing all wage increases indefinitely and raising our prices. Also, we could not invest in new equipment, store upgrades and the hope of ever expanding our business—there would be no money left for these things. I haven't even mentioned the desire to eventually begin receiving an income from all of our hard work.

I hope tonight we can bring out more of these down-home statements from honest-to-goodness small business people and what they are saying. We have that. Bring out some of the myths that have been involved with the Clinton plan, and of course I think we can talk about what the polls have shown over the last year and a half.

I say to my colleagues, you go to the ABC poll, the CNN poll. The American people do not support mandates either, so it's hard to understand why the administration is making this the focal point of all of health care when here we have a bipartisan group saying this is wrong, and, as Mr. PENNY has pointed out, it is stymying our ability to come forward with meaningful health care reform.

Mrs. JOHNSON of Connecticut. It certainly is a matter of economic growth, and I would like to yield to the gentleman from Texas, Mr. PETE GEREN.

Mr. PETE GEREN of Texas. Mr. Speaker, I thank the gentlewoman from Connecticut [Mrs. JOHNSON] for yielding, and I also want to add my words to those who tonight thank her for having this special order to help us explore this issue in greater detail. It is an issue that is in front of us as Members of Congress, and it is the issue, I think, that has done more to drive a wedge between where we are and the chances of accomplishing meaningful health reform than any other issue in front of us as a Congress, and the reason is because we, those of us here tonight, most of the Members of Congress and most of America, understands the importance of small business.

Small business, and I borrow from Chevrolet, but small business is the heartbeat of America. That is where our job growth comes from. That is where our innovation comes from. That is what keeps us on top of the world in so many areas, and that is in spite of this tremendous number of unfunded mandates that the Federal Government, and the State Government, has continued to lay on top of small business.

The gentleman from Minnesota [Mr. PENNY] went into some detail on that, but it amazes me what kind of resiliency our business sector has in spite of all we do to it. But it has got a strong heart, and it has got determination, but it cannot continue to take it, and it cannot continue to survive with the kind of burden that we continue to shovel on it. It is drowning in a sea of red tape.

Mr. Speaker, these small businesses do not have a room full of lawyers, a room full of accountants, to figure out this maze of regulations that would come with a mandate that had exceptions and offered all sorts of ways to either qualify or not qualify for the various subsidies associated with it, and to expect them to have to live with that kind of regulation and burden is unrealistic. People who ask that of them do not understand how hard it is just to keep the doors open and keep the business going, and that would be the most expensive mandate of all.

In Texas they have estimated we would lose 52,000 jobs if this mandate were put in place. The President's own estimates, his economic advisers have said, it would lose 600,000 jobs nationwide. That is a lot of families who would suffer if this were to be put in place. These cumbersome and expensive mandates, people wonder why the jobs are going elsewhere, why they are going overseas. Well, Mr. Speaker, I say, you don't have to look very far. With mandates such as these, folks just get tired of it and give up.

And want to make one point. Is there a particular group that would suffer in this? And there is. It is the first-time job seeker, the young men, the young women, right out of high school and college at the beginning of their career. They are at their lowest earning capacity that they will have in their entire career. They may start out at $12,000, $15,000, $18,000 a year, and perhaps even lower, and add the cost of an employer mandate for health care premiums on top of that, and it makes them unemployable. That is who is going to pay the price here, these young people who are struggling, who have it as tough as any group of young people have ever had it in the history of this country, and we are going to shovel another burden on their back and make it so much more difficult for them to get started. I do not think any of us have to be told how hard it is for them to get started today in the current climate without having this $2,000, $3,000, or $4,000 cost associated with their first job. It is not fair to ask that of them.

Let me just close with a personal anecdote. I had a lady come up to me at a bakery that is in my neighborhood. It is a small bakery. They have got about 12 employees, some part time, some full time, and she said:

> We are barely getting by right now. If this mandate were to be put upon us, I'd close my doors. My parents owned this before me. We have been a part of this neighborhood my whole life, and, if this mandate were to come about, and, when I look at what I'm able to pay my employees, and none of us gets rich, not the owners, not the ones who work here, but, if I'm forced to pay health insurance for these folks, we are gone. We're out of business. We'll be out of business the day that mandate takes hold and becomes a requirement for this little bakery.

Those are the kinds of bakeries and businesses that truly are the heart and soul of our country. They are the heartbeat of America. It is the American dream, and these kinds of mandates, without Congress considering the consequences, are really what is denying the American dream to so many people and putting the American dream further and further out of reach, and again I just want to thank the gentlewoman from Connecticut [Mrs. JOHNSON] for having this opportunity to discuss this issue, and I appreciate the leadership she has shown on it.

Mrs. JOHNSON of Connecticut. I thank the gentleman from Texas [Mr. PETE GEREN].

As my colleague knows, Americans, as a nation, do not often appreciate our own freedom and individuality. When I was elected to Congress in 1982, Mr. Speaker, we were in a state of a very serious recession. Many of the towns I represented had 16, 18, 20 percent unemployment. In fact, several of us here are the class of 1982, and times were terribly, terribly tough. In that first term I must have had two or three different groups come through my office. I guess it was the first year of the next term, and they were trying to determine why it was that America recovered from that recession 3 years ahead of Europe. So this must have happened in my office about 1985, 1986, and the answer that they came up with was our small business sector.

Mr. Speaker, we have a small business sector that is able to hire, able to grow. The minute there is a turnaround it gets going. Europe does not have that anymore because the burden of mandates on Europe is so extraordinary on small businesses that they have not had any net job growth at all in the last decade. In America we have not had any net job growth in our corporate sector. All of our net growth has been in the small business sector, and that is why this issue matters so much.

There is no need to solve our health care problems by destroying the ability of our economy to grow, its vitality, its resilience, the people who have an idea to get into business and make it on their own, to destroy the concept of individual opportunity and the reality of individual opportunity in America. To solve our health care problem, we can do so in so many other ways. It would be a tragedy.

I just want to give an example of skinnying down. My colleague, the gentleman from Illinois, talked about this. Believe you me, people are in my office every day showing me pictures of equipment, equipment they could buy in order to run their fast food restaurant with two people instead of seven. So, it is not just the jobs that we see that are low paying, and we think, "Oh, yes, they'll go." It is the restructuring of whole sectors of our businesses, substituting machines for men, because the cost of labor has increased. We saw it in manufacturing. Rising costs drove the mechanization of many industries. We have begun to see it in agriculture.

I have gone on too long. I yield to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. I just want to say one of the erroneous assumptions that we are working under is that somehow America has failed to provide health care to its workplace and to its citizens, and the only reason we have a successful voluntary, employer-provided work benefit system in this country is because markets have worked, not mandates.

After World War II, when veterans started coming home, and there was a tremendous surge in our economy, and the competition for qualified labor was intense, it was not wages that drove the workplace. It was benefits, principally health, and that has really fueled our desire to do more, and then obviously in the early 1960s we decided we would create a Federal program for the elderly and then for the indigent.

□ 2110

Yet, really now we have a successful voluntary work-based system, which we somehow now think we have to scrap and reconfigure with a mandatory employer-based system.

The problem that I have with that is that will unleash a surfeit of unintended consequences, which the gentlewoman knows has already begun to materialize in the Committee on Ways and Means. Just today we considered an amendment called the Jefferson amendment, based after our colleague from Louisiana [Mr. JEFFERSON] which was designed to mitigate the adverse effects of the employer mandate which we had passed just 2 days before. So already we are offering the poison and the antedote in the same spoon.

But the purpose of the Jefferson amendment was to give back to small businesses that which we were already taking away, which was their ability to do business, their ability to meet cost, and we created a new subsidy program which was two-tiered.

For those businesses between 26 and 50 employees, there would be 37.5 percent replacement of their health care costs for those businesses. Under 25 there would be a 50-percent replacement. Very generous. But you have to ask yourself, why are we doing this in the first place? Because we have essentially acknowledged that the mandate is so detrimental to those businesses that the gentlewoman just talked about, that Mr. HASTERT referred to, the barber shops, the grain elevators, the seed and feed companies, that we feel obligated to given them something back.

Now, the problem is, and this goes back to what I said to my colleague from Texas, Mr. STENHOLM, is our compassion to kill the small business community with kindness, will force these businesses to become dependent annually on Federal subsidies and the budget process. I think my friend from Texas would agree with that.

What we know is that an 80-percent requirement on your benefits is a floor. It will not be any less. As a matter of fact, the gentleman's amendment to that effect was defeated in the committee today.

What we also know is the subsidy is a ceiling. It will not get any higher. It will go down. If we need the money, we will go and get it. But they will still have to pay 80 percent.

So what we will do is we will winnow away, confound, confuse, and undersubsidize, after promising small business we would fully subsidize them, to the point where Mr. GEREN's comments about backers saying, "I don't want to be a backer anymore," will apply to hair stylists, it will apply to people in the upholstery business. It already applies to farmers, as I mentioned earlier. And we will essentially drive an incentive out of that one engine in our economy that is robust.

That is the unintended consequence that I think the unemployment mandate perpetuates, and it is a pernicious incentive in our economy, because it will force employers that do stay to keep their wages low so their subsidy will be high. It will force employers not to expand, because their subsidy will be less if they stay small. Ultimately, and this goes back to what we learned from the farm programs, it will force honest people to game the system.

Mr. STENHOLM. I would make a couple of observations. Here, the three of us on our side of the aisle tonight participating, are hoping we can set a little better tenor of the debate, to have more people understand that the employer mandate is in deep trouble, on our side of the aisle as well as the other side. The votes are not there to pass it, for the reasons, that we are articulating.

If you will permit me another analogy going back to agriculture, I often make the observation that aren't we blessed to live in a country that has the most abundant food supply, the best quality of food, the safest food supply, at the lowest cost of any other country in the world? No other country in the world feeds their people within 1½ percent of gross domestic product as we do in America. We hear all of the complaints about the farm programs, et cetera.

With health care, are we not blessed to live in a country with the best doctors, the best nurses, the best hospitals, the best medicine, the best technology, the best of everything? But not at the lowest cost of any other country in the world. At the highest cost. And it is that fact that brings us to even having a serious debate of health system reform, of which I believe all of us tonight agree we need to reform the system.

But to reform the system, we must do as we have done in agriculture: Put the market back into it, not take it from it, and recognize that some of the failures of our health system have been because we have somehow tried to remove the market, the cost of the individual from that which he or she is receiving. And I firmly believe, as long as we do things like, for years, as long as Medicare paid for it, or Medicaid paid for it, it was free. There was no cost. Use it and abuse it.

I like to use the example of a Medicaid mother in one of the towns in my district that went to Dr. A, and the doctor says your daughter, 9-years old, has an earache, and prescribed a medicine. The mother was not satisfied with that analysis.

She went to Dr. B, Dr. C, Dr. E, and Dr. F. It was free. Anything that we make as free is going to be used and abused. The same for years, if insurance paid for it, once you got through your deductible, use it and abuse it. And then we wonder why the cost went up. Now we are knowing the premiums are going up.

So one of the major reasons that I oppose employer mandates is that if you force the employer to do something on behalf of me, the employee, without giving me a chance to vote and to understand that this is my salary you are talking about, and as Mr. GEREN pointed out, my job you are going to take away from me, you are doomed to failure. If we in fact move away from individual responsibility by somehow superimposing that we can mandate on businesses to do perhaps what our employees do not wish to be done for them in the way that we do it, I would submit to all of us, that we are going to be doomed to failure.

Mrs. JOHNSON of Connecticut. You know, Charlie, we have tried this mandate thing once. My State is a high mandate State. All States have mandated certain health benefits on any plan that was going to be offered to the public.

In Connecticut we kept saying if you are going to do health care, you have to offer X, you have to offer Z, you have to offer this and that. We piled so many mandates on our health benefit plan that finally the private sector said I cannot afford it.

But, they were able to escape. They did not have to drop their health benefit plan, because they could end-run the State government's mistakes and selfinsure.

So the great majority of companies selfinsure, and they are not governed by State mandates. They provide good health care for their employees, but they provide it out from under the State mandates.

Recently, in Connecticut we had a Texas company come up, provide benefits to our small businesses, and all of a sudden the insurance commissioner said hey, wait a minute, Bud, you are not complying with State mandates.

Well, there was technical reasons why the company did not think they had to. In the end the insurance commissioner ruled that they did have to. The company complied, and the premiums went up 30 percent.

So once government gets mandating, costs go up, and one of the things we have to all think about is not just what is the impact of the 8-percent payroll tax that we know is attached to this health care plan, and it is 9 or 10 percent now because every committee that has considered the bill has expanded the mandate. But in 10 years, what percent of payroll is that?

When Social Security was first introduced, it was 1 percent of payroll, or 3 percent of parole. Now it is 15 percent. One, okay? Now it is 15 percent of payroll.

One of the reasons why this employer mandate is not only death for those little companies who have no margin and cannot afford to provide health insurance at 8 percent of payroll when we mandate them, but it is death for those who are currently providing health care, because we will mandate an ever bigger package, drive their costs up, and they will not be competitive in the international or domestic market.

Mr. HASTERT. I think the gentlewoman from Connecticut makes a good point, as does the gentleman from Texas. I am reminded when I go back to my district, and 75 percent of all the jobs in my district in the Fox Valley of Illinois are small businesses. Most of those are under 15 employees, a lot of them under five. But you know, 70 percent of all the new jobs that were created in the last year and a half in my area are small business jobs.

They tend to be people who retire or are forced out of the Fortune 500 companies, are entrepreneurs, start their own business with two or three people, providing new services. A lot of them are in software and other types of computer areas, but also some just hard work small businesses.

When we start to put that employer mandate out, those are the marginal businesses. They are gone. And we stifle, stop, that business growth, that economic growth, that spurt that we have enjoyed, that has really buoyed our economy for the last couple years.

It is interesting, I have a lot of agriculture in my district, but it is changing agriculture. Cornfields are turning into nurseries and sod farms as the city-suburbs move out. I have one employer that has a pretty good size nursery business, a mom and pop operation. But last year they had 250 employees that worked for them. Two-hundred and fifty. Not more than 18 at any one time. Because they are part time, they move in, they move out. Think of the bookwork, think of the absolute problem of trying to keep these people involved, trying to keep the books, trying to sort things out. It is amazing.

□ 2120

Mrs. JOHNSON of Connecticut. Then they get into the enrolling employer and the nonenrolling employer.

Mr. HASTERT. It is absolute chaos.

One thing I want to wind up with, it happened in our office today. I guess it is just the principle of economics. It really does not have a lot to do with health care.

We were having a hard time getting the White House tickets. Somebody is getting a lot of White House tickets. So we called the White House and said, what is the problem? She said, well, you are supposed to get 10 tickets a week. I said, we used to get six tickets a week, and we got tickets. We have not got any tickets for the last 8 weeks.

She said, the reason you have not got any tickets is because we upped the allotment, and we ran out of tickets.

When you start to look at the supplies, we can start to subsidize small business, but when the money runs out, there is not going to be any help for small business. When you up the allotment and there is not anything to take its place, people lose. Certainly, a Band-Aid on all business, I think, is a loser.

I thank the gentlewoman from Connecticut for having this special order tonight and including us.

Mr. PENNY. I, too, want to thank the gentlewoman from Connecticut for sponsoring this special order, because of all the issues that are floating around, this issue of an employer mandate is the most divisive. And it represents the sort of wrong-headed approach to health care reform that has dominated the debate to date.

When we can point to bipartisan consensus on issues such as portability of health plans, coverage of pre-existing conditions, malpractice reform, some sort of subsidized premium for the working poor, reforming the Medicaid program so that it becomes a premium-based program with deductibles and copayments, as would be required of any other individual under a normal health insurance plan, when we can find agreement on so many issues across the aisle, agreement between Democrats and Republicans, it seems to me an absolute waste of time for us to talk any longer about the need to place an employer mandate at the core of this health care reform bill.

It is a job killer at a time when we need to be about the business of creating more jobs in our economy. It is the most expensive mandate ever conceived by Federal policy makers. And this appeal tonight, and again, I thank you for your leadership in pulling us all together for this discussion, the appeal tonight is to those in positions of power within the Congress, the chairmen of the appropriate committees, and for those in the administration who have this wrong-headed notion that somehow mandates are the only way to universal coverage, get off this track. It is creating a wedge, it is creating a wedge here in Congress, and it is creating a wedge in the electorate.

We will not find our way to real and serious health care reform as long as we focus the debate on an unnecessary and expensive mandate.

Mr. GRANDY. I would just applaud everything the gentleman says. Let me just ask him a question.

The gentleman has been here for 10 years, a long gladiator in the fight for deficit reduction, usually a lonely combatant.

Does he really believe that we would even be considering an employer mandate as an option for health care reform financing if we had the money in our public Treasury to pay for it?

Clearly, what we are doing is shifting the cost, because we ain't got it. The public sector has no money. The private sector, so we think, is flush, an erroneous assumption. So why not make them pay for it, mask it under our CBO scoring and declare victory.

I just ask that of the gentleman because he has established his reputation in this House as a pork buster and a budget shiite, and many of us have followed him into battle. But is it not true that the only reason that we are seriously considering this option is because we are broke?

Mr. PENNY. Well, that is a big part of it. The administration, of course, wants universal coverage. And the last increments of coverage, the last few people that we pull into the system are always the most expensive to bring into the system. Of course, one way of dealing with the cost of providing universal health care coverage is to mandate that the private sector absorb that obligation.

But I also want to add this caution: It may be a way of getting these costs off the Federal books, but the amount of money it will take to provide universal coverage through an employer mandate is many times more expensive than what it would cost for a modest voucher-type system through the Federal Treasury, many times more.

Mrs. JOHNSON of Connecticut. All the studies have shown that.

Mr. PENNY. Every study has made that perfectly clear.

Mr. GRANDY. But it is a great short-term fix to keep it off our ledger.

Mrs. JOHNSON of Connecticut. I think the other point about this, because I think this is an extraordinarily important point, there is only part of the Federal budget that is totally out of control. And that is the entitlement section.

We have actually been quite tough where we have to appropriate. It is in entitlements that we have not been able to gird our loins and adopt reforms. This is going to be an entitlement that we mandate on business to pay for. It has the potential to just get out of control in the decade ahead.

Mr. PENNY. And we have an example of that already on the books.

The workers' compensation program. It is required of every business across America. And States under this program are given some flexibility to design somewhat more generous benefit levels. In the State of Minnesota, we saw for a series of years throughout the 1980's, 20, 30 percent annual increases in workers' compensation costs to the private business sector.

I recall specifically sitting in a restaurant in Montgomery, MN, a town of a couple thousand people, not a large community, and talking to the owners and operators of that business. It was a family restaurant, and how difficult it was for them to absorb those costs.

Those cost increases were mandated upon their business, because through Federal and State policy we made that system so generous and so expensive and gave those businesses no alternative except to pay the bill. And it resulted in them cutting back on hours for their work force. It resulted in family members working ever longer weeks in order to put in the time to make that business stay afloat, because they had to fill in with their own overtime the time that would otherwise have been offered by paid employees of that business.

I could go down Main Street in almost every town in my district, and bear in mind, with few exceptions, these are small towns and these businesses provide relatively few people, but that mandate has devastated the small business sector in Minnesota in recent years.

If we move toward a Federal mandate on health insurance premiums with the open-ended nature of that sort of program where we can add benefits year after year and then those costs just start to layer on, we are going to cripple the business sector for many, many years to come.

□ 2130

Mr. Speaker, I am just baffled that we seem to be focused on this mandate when the promise of this administration was to be a job creating administration, and now in their second year, their top priority is a health care reform plan that includes within it a job-killing initiative.

Mrs. JOHNSON of Connecticut. Mr. Speaker, before I yield to my colleague, the gentleman from Florida [Mr. STEARNS], I want to reiterate what a very, very important point the gentleman just made, because few people are really understanding that adopting an employer mandate will turn health care costs into a fixed cost, just like workmen's compensation is a fixed cost. That fixed cost gets driven by government, government mandates, government bureaucracies unable to effectively control costs, but it is you that pays and you that cannot hire and you that has to close up your shop.

The only folks in America right now who are controlling health care costs are people in the private sector. You read every day about companies that provide bonuses to their employees if they participate in a wellness program.

I just had a company in my office the other day. Last year they gave a 15-percent copayment break to those employees who participated in their wellness program, and this year, because it has affected their health care costs and brought them down so much, they are going to give everybody a 25-percent break.

It is in the private sector where employers and employees have worked together and thought, "What is causing our health care costs to go up? What can we do to control it," and working together, sometimes by having a doctor right in the plant so things get taken care of right away, sometimes by giving people the time they need to get that kid to the doctor right away, so it does not get really sick.

It is employers and employees working together that have brought medical inflation rates down to about 5 percent. What are they in the government sector? They are still right up there, 9 percent, 10 percent.

The gentleman's analogy to workmen's compensation is a very serious one, because while we talk about the job loss of an employer mandate, we forget it will literally tie our hands in terms of addressing the cost spiral that Charlie talked about, and which is the real problem, which is what has caused the crisis in our health care system.

Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I think in our discussion today each of the Members on both sides, bipartisan, have talked about this increase, this mandate, what it will do to the loss of jobs in their district and in their district and in their State. The gentleman from Minnesota [Mr. PENNY] touched on the idea that this whole concept of pushing mandates is not something that is going to create jobs.

Mr. Speaker, I just want to say that if Members of Congress on both sides of the aisle are against mandates and we have Lewin VHI, which is an outside accounting firm, say it is going to lose jobs, and then we go and ask the American people in polls, which I am going to read three here today that are against it.

The USA Today-CNN-Gallop poll of November 1, 1993 said, "Sixty-four percent believe employers should be encouraged by tax breaks, not required to pay health care costs for their workers."

The USA Today-CNBC poll of 55 economists, 78 percent said the enactment of President Clinton's health care plan would slow employment growth.

The Wall Street Journal-NBC poll of September last year said 55 percent agree that the President's health care plan would force small businesses to close.

Mr. Speaker, if we have the American people believing that, we have the bipartisan group here in Congress believing that, and we have an outside accounting firm telling us, what more do we need? Why can not tonight, tomorrow, and from henceforth we start on a bipartisan group to get health care reform, to increase access and affordability, but still maintain a high quality? Why can we not do it? It is obvious.

Mr. Speaker, I think what we have tonight in this special order, in conclusion, is a feeling that we have to change the focus away from employer mandates and get back to what the people, what the outside accounting firm, what the economists, and what bipartisan people here in the Congress want is a new health care reform package without employer mandates.

Mrs. JOHNSON of Connecticut. Absolutely.

Mr. STENHOLM. If the gentlewoman will continue to yield, that is kind of along the lines of what I wanted to end up with, too. I made it very clear tonight, and we all have, what we are against. I think perhaps one of the answers to the comments of my colleague, the gentleman from Florida [Mr. STEARNS], is do we have agreement on what we are for?

I want to reiterate again what the gentleman from Minnesota [Mr. PENNY] mentioned just a moment ago, because I believe, and I believe most Members of Congress believe, we should do something because of the cost spiral.

For us to do nothing, I think the American people will hold us accountable, as they should. It is my firm belief, however, that we can do it without mandates, for the reasons we have articulated.

I want to reiterate what I believe I know I am for. Mr. Speaker, I think we can use the market system in reforming purchasing groups, which we have talked about tonight. I think that insurance that is portable, that stays with the employees, is something we can agree to, that is renewable and accessible.

Certainly, I would hope we could agree that malpractice reform must be in any reform effort. An affordable health standards package or affordable standard benefit package that is capped. I know that is controversial, but I think that is the key to putting the market into our health system.

Other proposals: reform the health insurance market; subsidize individuals who cannot afford health insurance. A recent study by the Health Care Leadership Council reveals that 97 percent of all health care spending can be covered by insurance, and 91 percent of the population could be covered if three basic reforms are implemented: First, insurance market reform, second; premium subsidies; and, finally, 100 percent tax deductibility for the self-employed.

Surely somewhere in that market basket we can find something that not only we oppose tonight, but that we are for and achieve not just 218 votes, but perhaps 300 votes.

I thank the gentlewoman for yielding.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of universal health care coverage but in opposition to additional employer mandates as a means of achieving this goal. Health care for all is a noble—and I think achievable—cause.

Universal coverage does not require universal change. It doesn't make sense to completely overhaul the system and tell employers and employees that they have to take what the Government says they have to take. It doesn't make sense to risk loss of jobs, reduction in wages, and business foreclosures by embarking on uncharted territory.

According to the Congressional Research Service, in the past 5 years private employers' costs for legally required benefits rose by 30 percent. In contrast, wages and salaries rose by 18 percent. To place another financial burden on businesses—or to force them to alter current employer/employee contracts—is unfair, unrealistic, and unnecessary.

Instead, we should approach this noble cause with caution and concentrate our efforts on the uninsured who need to be brought into the health care system. We need to provide assistance to those up to 100 percent of poverty and to provide help on a sliding scale for those between 100 to 200 percent of poverty. For those uninsured who can afford health insurance but elect not to purchase it, there should be financial incentives to participate.

Market reforms should be implemented and given time to work. We need better reporting, improved consumer information to ensure responsible choices, and penalties for health care fraud. We need administrative simplification, antitrust reform, better access for underserved areas, and malpractice reform.

We need coverage of preexisting conditions, guaranteed issue and renewability of policies, portability of policies from job to job, and modified community rating that adjusts for age and family size. These reforms have been needed for some time and can easily be enacted.

We need to give these reforms time to work. In 3 to 5 years we will know what is working, what is not, and what else needs to be done. We need to build on the strengths of our current system—not dismantle it.

Mr. Speaker, my colleagues in the House and I believe these market reforms will help contain costs while maintaining the high quality of health care that sets America apart from the rest of the world. I am optimistic that common sense will prevail and the Congress will resist efforts to force additional taxes and penalties in the form of employer mandates on businesses.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. HEFNER). Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am delighted that the gentleman ended on all the things that we can do and that we can do constructively, because there is not one of us standing here that do not agree with that list of things that you laid out.

However, Mr. Speaker, this special order would not be complete from my personal point of view if I did not lay out for you the particularly hostile impact a mandate would have on women in America. It is worth it, if the Members will indulge me just a couple of minutes, to look at the extraordinary and disparate impact that a mandate would have on women in America.

From 1979 to 1990, women started twice as many businesses as men did. In other words, women became owners and operators of twice as many businesses as men did.

Why? Because women are better educated than they have ever been in America, they have better access to credit than they have ever had in America, they have more courage than they have ever had in America, and they are getting out there with their dreams.

However, to make a small business successful, you have to be able to plow back your profits. You have to be able to hire. You have to be able to grow. This mandate, because it is so costly, hits hardest at all those young businesses, 2 to 1, founded by women.

The second point, this business about subsidies sounds wonderful on paper. We are going to help that small business, we are going to subsidize his premiums.

Look what happens if you subsidize the premiums of low-wage workers 50 percent. You just tell that corporation, "Why, you spin off your low-wage jobs, put all your $12,000 employees into one small business under 25, and we will pay half your health care premiums," so the company does that. Who are those $12,000 workers? Nine out of 10 are women.

Now where do they work? In a company with no career ladder, no role models, and no opportunity. For women, this mandate will mean isolation, it will mean dead-end jobs, it will mean stagnation. For women, that bifurcated premium structure is terminal to their dreams.

Then there is another problem for women in this bill, and that is that if you mandate costs on the employer, Government ends up having to step in with price controls.

□ 2140

Bureaucracy. You step into our health care system with Government price controls and you will not get the research and the cures of the future that we have gotten in the past. But oddly enough, health research dollars in America went for decades to the diseases that were most prevalent among men. It was not malicious, it just happened that way. Most of the researchers were male. Most of the people looking at research were male. Nobody really thought about the fact that breast cancer killed as many women every year as the lost Americans in the Vietnam war over the whole course of that war. We just did not think about it. But in the 1980's, we here in the Congress, men and women together, thought about that and we are doing very good research now on women's diseases. But the costs are extraordinary.

A company in Connecticut has spent $40 million developing just the material to do the trial run on what looks like a very promising breast cancer treatment. If it is proved bo be good, it will cost them $200 million to build the plant to produce the stuff.

Who is going to invest $200 million if we have a system in which the Government is going to come in and say, the price is too high, you cannot sell it at that, it will be off the market. It will be off the market and the research will not be done.

HEALTH CARE: A BIPARTISAN DEBATE

The SPEAKER pro tempore (Mr. HEFNER). Under a previous order of the House, the gentleman from Illinois [Mr. HASTERT] is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. For women, I just say, the employer mandate has to be off the table and we have to get together and pass health care reform that addresses the concerns of our people in a way that preserves the vitality of our economy and equality of our health care system.

Mr. HASTERT. I thank the gentlewoman from Connecticut.

Mr. Speaker, I just want to reiterate some of the things that were said on the other side of the aisle. I really believe that real health care reform has to be bipartisan. We have to work together, we have to be for something that is positive. Certainly, the gentleman from Texas laid out a very good parameter of how we can get started on health care and find the solution to the problems. I think it is time that we quit talking and start doing something about it. I would like to start tomorrow, incidentally.

Anyway, it has to be bipartisan. We have to pass something in this House that the American people can endorse, and that means it has to pass by 320 or 340 votes here, so it is a mainstream bill that mainstream America and main-street America can join hands in saying we are finding a solution to this problem and we can move forward.

Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Speaker, I thank the gentleman from Illinois.

Mr. Speaker, I just want to dovetail on his comments. Not only do we need bipartisan health care but I think we can conclude from this debate and from our actions in Congress the last 9 months that the employer mandate is the single greatest obstacle to bipartisan health care reform that faces us. There is nothing bipartisan about employer mandates. The proponents of the Cooper-Grandy bill, of which many are part of this special order tonight, joined together to find an alternative to employer mandates, to find an alternative to global budgets and price controls and we found it as the gentleman from Texas [Mr. STENHOLM] pointed out under a program of purchasing cooperatives and tax caps, albeit controversial. But certainly more bipartisan than the employer mandate that we have gotten up and bipartisanly criticized tonight.

I would just ask, if the employer mandate is so good, if this is the source from whence all blessings flow, why prior to this special order tonight did the gentleman from Michigan [Mr. HOEKSTRA], take the floor and announce that the Committee on Education and Labor that is already considering health care reform had decided to exempt Hawaii from the national health care legislation because their employer mandate is only a 50-50 match, not an 80 percent-20 percent match as is mandated under the current Clinton program?

If an employer mandate of 80 percent to 20 percent is the source from which all blessings flow and the yellow brick road to universal coverage, why does the Federal Employee Health Benefit plan require us, Members of Congress, and you heard it from us, to pay 28 percent of our benefits, not 20 percent? Why are we asking people in Federal service to pay more, and then turning around to the private sector, to employers in the private sector and say, "You will have to pay more, the Federal Government will pay less, but you are going to have to pay more." There is no consistency in this whatsoever. It is arbitrary, it is a cost shift, it is pernicious, and it is wrong.

Mr. Speaker, I think the only answer to health care reform lies in defeating the employer mandate and starting again. I applaud the gentlewoman and all of my colleagues for participating tonight, and I hope this is the beginning rather than the end of our debate.

Mrs. JOHNSON of Connecticut. I thank you all for participating tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), after 4:30 p.m. today, on account of personal business.

Mr. RUSH (at the request of Mr. GEPHARDT), after 4:30 p.m. today and the balance of the week on account of official business.

Mr. BEREUTER (at the request of Mr. MICHEL), after 6:15 p.m. today, on account of attending his son's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, today.

Mrs. UNSOELD, for 5 minutes, today.

Mr. HALL of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HASTERT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICA, immediately following the colloquy between Mrs. FOWLER and Mr. CARR of Michigan on H.R. 4556, in the Committee of the Whole, today.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. FAWELL.

Mr. KING.

Mr. BOEHLERT.

Mr. BURTON of Indiana.

Mr. QUINN.

Mr. CRANE.

Mr. CLINGER.

Mr. PORTER.

Mr. DORNAN.

Mr. BILIRAKIS.

(The following Members (at the request of Mr. PENNY) and to include extraneous matter:)

Mr. BONIOR.

Mr. UNDERWOOD.

Mr. FORD of Michigan in 2 instances.

Mr. KILDEE.

Mr. LEHMAN in 2 instances.

Mr. REED.

Mr. FINGERHUT.

Mr. RUSH in 2 instances.

Mr. PAYNE of New Jersey.

Mr. TRAFICANT.

Mr. BROWN of California.

Ms. WATERS.

Mr. HUGHES.

Mrs. LLOYD.

Mr. LAFALCE.

Mr. KENNEDY.

Mr. STENHOLM.

(The following Members (at the request of Mrs. JOHNSON of Connecticut) and to include extraneous matter:)

Mr. ANDREWS of Texas.

Mr. TRAFICANT.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 175. Joint resolution to designate the week beginning June 13, 1994, as "National Parkinson's Disease Awareness Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. HASTERT. Mr. Speaker, I move that the House do now adjourn..

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 17, 1994, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3385. A letter from the Secretary, Department of Energy, transmitting the Department's report on utilization of coal combustion byproducts, pursuant to Public Law 102-486, section 1334(b)(2) (106 Stat. 2984); to the Committee on Energy and Commerce.

3386. A letter from the Secretary of Energy, transmitting the quarterly report for the Strategic Petroleum Reserve covering the first quarter of the calendar year 1994, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

3387. A letter from the Director, Administrative Office of the United States Courts, transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3388. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report on the activities of the Inspector General for the period October 1, 1993 through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.se

3389. A letter from the Secretary of Energy, transmitting the Department's report entitled, "Warren Station Externally Fired Combined Cycle Demonstration Project," pursuant to Public Law 102-154, title II (105 Stat. 1020); jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GLICKMAN: Permanent Select Committee on Intelligence. H.R. 3937. A bill entitled: "The Export Administration Act of 1994"; with amendments (Rept. 103-531, Pt. 2). Ordered to be printed.

Mr. OBEY: Committee on Appropriations. Revised Subdivision of Budget Totals for Fiscal Year 1994 (Rept. 103-549). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY:

H.R. 4585. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; jointly, to the Committee on Ways and Means, Government Operations, and Rules.

By Mr. BROWN of California (for himself and Mr. LAFALCE):

H.R. 4586. A bill to renew and improve the operation of title V of the Trade Act of 1974 (relating to the Generalized System of Preferences); to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Mr. BEREUTER):

H.R. 4587. A bill to authorize U.S. contributions to the Inter-American Development Bank, the Fund for Special Operations, the African Development Fund, the Global Environment Facility, and the Enhanced Structural Adjustment Facility of the International Monetary Fund, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HANCOCK (for himself, Mr. BREWSTER, Mr. ARCHER, Mr. MINETA, Mr. OBERSTAR, Mr. CLINGER, Mr. CARR, Mr. HERGER, Mr. PARKER, Mr. LIGHTFOOT, Mr. PETE GEREN of Texas, Mr. INHOFE, Mr. MINGE, Mr. PETRI, Mr. SANGMEISTER, Mr. LEWIS of Florida, Mr. COSTELLO, Mr. YOUNG of Alaska, Mr. BALLENGER, Mr. GENE GREEN of Texas, Mr. ZELIFF, Mr. VALENTINE, Mr. SENSENBRENNER, and Mr. DEFAZIO):

H.R. 4588. A bill to amend the Internal Revenue Code of 1986 to consolidate the retail level and refinery level taxes on aviation gasoline by imposing the entire tax at the refinery level; to the Committee on Ways and Means.

By Mr. MANZULLO (for himself, Mr. HASTERT, Mr. CRANE, Mr. FAWELL, Mr. HYDE, Mr. SANGMEISTER, Mr. EWING, Mr. FIELDS of Texas, Mr. ARCHER, Mr. WALKER, Mr. GREENWOOD, Mr. SANTORUM, Mr. DORNAN, Mr. CUNNINGHAM, Mr. HUNTER, Mr. ROHRABACHER, Mr. HUGHES, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. DELAY, Mr. SAXTON, and Mr. GALLO):

H.R. 4589. A bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. MOAKLEY, Mr. RANGEL, Mr. STARK, Mr. ROSE, Mr. GILMAN, Mr. WOLF, Mr. SOLOMON, Mr. GEJDENSON, Mr. EDWARDS of California, Mr. LANTOS, Mr. SYNAR, Mr. HOYER, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. BARTON of Texas, Mr. BERMAN, Mr. CARDIN, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. HAMBURG, Ms. KAPTUR, Ms. LOWEY, Mr. MARKEY, Ms. MCKINNEY, Mr. MFUME, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. OLVER, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mrs. UNSOELD, Ms. WOOLSEY, Mr. KENNEDY, Mr. HEFNER, and Mr. OBEY):

H.R. 4590. A bill to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China; jointly, to the Committees on Ways and Means and Rules.

By Mr. RUSH:

H.R. 4591. A bill to establish a system for regulating and licensing the distribution of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 4592. A bill to appropriate 2 percent of Federal individual income tax revenues to the States to fight crime; jointly, to the Committees on the Judiciary, Government Operations, Rules, and Ways and Means.

By Mr. STENHOLM (for himself, Mr. PENNY, Mr. DEAL, Mr. LAROCCO, and Mr. ORTON):

H.R. 4593. A bill entitled "Entitlement Control Act of 1994"; jointly, to the Committees on Government Operations and Rules.

By Mr. WISE (for himself and Mr. PETRI):

H.R. 4594. A bill to amend the Japan-United States Friendship Act to broaden investment authority and to strengthen criteria for membership on the Japan-United States Friendship Commission; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.J. Res. 377. Joint resolution designating June 27, 1994, as "Veterans Employment Day"; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of Texas (for himself, Mr. BRYANT, Mr. SLATTERY, Mr. TORRICELLI, Mr. GORDON, Mr. LEWIS of Georgia, Mr. ROEMER, Mr. BEILENSON, Mr. MONTGOMERY, Mr. STARK, Mr. LAUGHLIN, Mr. SMITH of Iowa, Mrs. UNSOELD, Mr. ANDREWS of Maine, Mr. DURBIN, Mr. DEFAZIO, Mr. EVANS, Mr. LEACH, Mr. HORN, and Mr. WILSON):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress regarding the proposed Disney theme park in the historic Northern Piedmont area of Virginia; jointly, to the Committees on Natural Resources, Energy and Commerce, and Public Works and Transportation.

By Mr. MORAN:

H. Con. Res. 256. Concurrent resolution expressing the sense of Congress that any health care reform legislation should preserve the right of bona fide trade and professional associations to continue to offer group health insurance within the framework established to expand comprehensive and affordable health insurance and prevent discriminatory insurance practices; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 417: Mr. VOLKMER, Mr. FIELDS of Texas, Mr. ROBERTS, Mr. HANSEN, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. REED, Mr. ALLARD, and Mr. MCCRERY.

H.R. 1099: Mr. SHAYS.

H.R. 1164: Mr. MARTINEZ.

H.R. 1182: Mr. BARRETT of Wisconsin, Ms. MOLINARI, and Mr. POMEROY.

H.R. 1295: Mr. LUCAS and Mr. ZIMMER.

H.R. 1671: Mr. OXLEY and Mr. FISH.

H.R. 1843: Mr. CUNNINGHAM.

H.R. 1863: Mr. HUFFINGTON.

H.R. 1906: Mr. LAFALCE.

H.R. 2600: Mr. MINGE.

H.R. 2727: Mrs. COLLINS of Illinois.

H.R. 2919: Mr. HILLIARD and Mr. EVANS.

H.R. 3293: Mr. HORN, Mr. UPTON, and Mr. ABERCROMBIE.

H.R. 3466: Mr. BARCA of Wisconsin.

H.R. 3596: Mr. LAFALCE, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. CALVERT, Mr. PICKETT, Mr. HOBSON, Mr. DEFAZIO, Mr. MINGE, and Mr. THOMPSON.

H.R. 3725: Mr. HOEKSTRA, Mr. Sam JOHNSON, and Mr. WELDON.

H.R. 3820: Mr. DUNCAN, Mrs. MINK of Hawaii, Mr. MENENDEZ, Mr. RAMSTAD, Mr. CALLAHAN, Mr. MOLLOHAN, Mr. KREIDLER, and Mr. FILNER.

H.R. 3860: Mr. HERGER.

H.R. 3940: Mr. KLUG and Ms. SCHENK.

H.R. 3970: Mr. JACOBS.

H.R. 4019: Mr. FOGLIETTA, Mr. OWENS, and Mr. JOHNSTON of Florida.

H.R. 4050: Mrs. UNSOELD.

H.R. 4135: Mr. ANDREWS of Texas, Mr. ARCHER, Mr. BACCHUS of Florida, Mrs. BENTLEY, Mr. BONILLA, Mr. BROWN of California, Mr. CUNNINGHAM, Mr. DE LA GARZA, Mr. FIELDS of Texas, Mr. HAMILTON, Ms. LAMBERT, Mr. MANTON, Mr. MINETA, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. ROWLAND, Mr. SYNAR, Mr. TAUZIN, Mr. WILSON, Mr. WYDEN, Mr. BOUCHER, Mr. BROWDER, Mr. DELAY, Ms. ESHOO, Mr. HOKE, Mr. MCCURDY, Mr. PACKARD, Mr. THORNTON and Mr. TOWNS.

H.R. 4244: Mr. LIPINSKI.

H.R. 4260: Ms. VELAZQUEZ and Ms. SCHENK.

H.R. 4271: Mr. MINETA.

H.R. 4289: Mr. SWIFT, Mr. PORTER, Ms. ROYBAL-ALLARD, Mr. YATES, and Mr. HINCHEY.

H.R. 4345: Mr. PASTOR, Mr. HORN, Mr. ACKERMAN, Mr. KLUG, Mr. BARRETT of Nebraska, Mr. MENENDEZ, and Mr. MCKEON.

H.R. 4346: Mr. ORTON.

H.R. 4375: Mr. FILNER, Mr. THOMPSON, and Mrs. SCHROEDER.

H.R. 4386: Mr. BURTON of Indiana, Mr. HANCOCK, Mr. RIDGE, Mr. KINGSTON, Mr. LANCASTER, Mr. BROWDER, Mr. HUTCHINSON, and Mr. BUYER.

H.R. 4404: Mr. KLUG, Mr. KNOLLENBERG, Mr. HOBSON, Mr. GUNDERSON, Mr. BLACKWELL, and Mr. GOODLING.

H.R. 4407: Mr. GEKAS and Mr. EHLERS.

H.R. 4411: Mr. TORRES.

H.R. 4434: Mr. COPPERSMITH, Mr. MANN, Mr. PALLONE, Mr. SWETT, Mrs. THURMAN, and Ms. DUNN.

H.R. 4464: Mr. KASICH, Mr. WELDON, Mr. MCKEON, Mr. MOORHEAD, Mr. DELAY, Mr. GOSS, Mr. BLILEY, Mr. LEACH, Mr. MINETA, Mr. LEWIS of California, Mr. HOKE, Mr. CLYBURN, Mr. GRANDY, Mr. WYDEN, Mr. TAUZIN, Mr. ABERCROMBIE, Mr. HOCHBRUECKNER, Mr. THOMPSON, Mr. ORTIZ, Mr. RUSH, Mr. BALLENGER, Ms. SLAUGHTER, Mr. SOLOMON, Mr. HORN, Mr. PENNY, Mr. COLEMAN, Mr. BROWN of California, Mr. WILSON, Mr. FISH, and Ms. ESHOO.

H.R. 4507: Mr. FROST and Mrs. MEEK of Florida.

H.R. 4535: Mr. RICHARDSON.

H.R. 4540: Ms. PELOSI and Mr. WILLIAMS.

H.R. 4550: Mr. SMITH of Michigan.

H.R. 4557: Mr. COX, Mr. SOLOMON, Mr. MILLER of Florida, and Mr. BEVILL.

H.J. Res. 209: Mr. CASTLE.

H.J. Res. 347: Mr. PASTOR, Mr. MARTINEZ, Mrs. THURMAN, Mr. KASICH, Mr. FROST, and Mr. EMERSON.

H.J. Res. 351: Mr. MARTINEZ.

H.J. Res. 356: Mr. KENNEDY.

H.J. Res. 369: Mr. SPENCE, Mr. GALLO, Mr. MCHUGH, Mr. RAMSTAD, Mr. BACHUS of Alabama, Mr. KING, Mr. KENNEDY, Mr. SHAYS, Mr. ROHRABACHER, Mr. APPLEGATE, Mr. PACKARD, Mr. FISH, Mr. DIAZ-BALART, Mr. HUNTER, Mr. LEVY, Mr. YOUNG of Florida, Mr. HYDE, Mr. TOWNS, Mr. ZIMMER, Mr. TRAFICANT, Mr. MCCRERY, Mr. KILDEE, Mr. OBEY, Mr. BLILEY, Ms. SLAUGHTER, Mr. KLEIN, Mr. CONYERS, Mr. MINETA, Mr. DEUTSCH, Mr. MORAN, Mr. MCDADE, Mr. MACHTLEY, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. DICKEY, Mr. LIPINSKI, Ms. DUNN, Mr. GILLMOR, Mr. HALL of Texas, Mr. KASICH, Mr. PRICE of North Carolina, Mr. EMERSON, Mr. CHAPMAN, Mr. CLEMENT, Mr. STUMP, Mr. COX, Mr. CRAMER, Mr. POSHARD, Mr. SAM JOHNSON, Mr. DORNAN, Mr. ROTH, Ms. PELOSI, Mr. WOLF, Mr. CRAPO, Mr. MARKEY, Ms. DELAURO, Mr. HORN, Mr. SCHIFF, Mr. COBLE, Mrs. UNSOELD, Mr. PETERSON of Florida, Mr. HUTTO, Mr. MCCOLLUM, and Mr. HERGER.

H. CON. RES. 233: Mr. EVANS, Mr. WAXMAN, Mr. MCCRERY, Mr. SWETT, Mr. OWENS, Mrs. Johnson of Connecticut, Mr. WYNN, Mr. FIELDS of Louisiana, Ms. WOOLSEY, Mr. YATES, Mr. FLAKE, Mr. HINCHEY, Mr. WELDON, Mr. TORKILDSEN, Mr. BEILENSON, Mr. HILLIARD, Mr. HYDE, Ms. FURSE, Mr. DINGELL, Mr. KLECZKA, Mr. COPPERSMITH, Mrs. MORELLA, Mr. RICHARDSON, Mr. TORRICELLI, Mr. JOHNSTON of Florida, Mr. MARKEY, and Mrs. SCHROEDER.

H. Con. Res. 235: Mr. MCNULTY.

H. Con. Res. 245: Mr. PORTER.

H. Res. 446: Mr. CASTLE, Mr. BONILLA, Mr. QUINN, Mr. GOSS, Mr. LEVY, Mr. ROYCE, Mr. CONDIT, Mr. LEWIS of California, Mr. GILLMOR, and Mr. SPENCE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII sponsors were deleted from public bills and resolutions as follows:

H.R. 3698: Mr. SMITH of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4554

By Mr. BEREUTER:

—Page 43, after line 2, insert the following:

In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, to be derived from the amount made available under this heading for the cost of low-income section 502 loans and to become available for obligation only upon the enactment of authorizing legislation.

By Mr. HOKE:

—Page 80, strike lines 3 through 10.

SENATE—*Thursday, June 16, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Submitting yourselves one to another in the fear of God.—Ephesians 5:21.

Gracious Father in Heaven, this exhortation by the apostle Paul is addressed to families and is the key to social order. Often it is the family which suffers most when father or mother are involved in leadership in public life. Tragically, the family and the home are at the bottom of priorities, and responsibilities, schedules, and involvement in life beyond the family take precedence.

Living Father, deliver Your servants, Senators and staffs, from this tendency which is so destructive of social order in general. Grant husbands and wives grace to give each other priority, parents and children to take family responsibility as a matter of first importance.

Give us grace, patient God, to submit ourselves, one to another—spouse to spouse, child to child, child to parent, parent to child.

In His name who is the Way, the Truth, and the Life, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

DEPARTMENT OF COMMERCE

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now go into executive session to consider the nomination of Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service, which the clerk will report.

The assistant legislative clerk read as follows:

Nomination, Department of Commerce, Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary.

SCHEDULE

Mr. MITCHELL. Mr. President, pursuant to an order which is printed on the inside cover page of the Executive Calendar for today, the Senate will now debate for 2 hours the nomination of Lauri Fitz-Pegado to be Assistant Secretary of Commerce. At 11:30 this morning, the Senate will vote on a motion to recommit that nomination.

Following that vote, the Senate will resume consideration of the airport improvements bill.

I have previously stated earlier in the week on several occasions, and I repeat today, that the Senate will remain in session this week until we complete action on three matters:

First, the nomination of Lauri Fitz-Pegado, which I now anticipate will be completed prior to noon today.

Second, the airport improvements bill and all amendments thereto.

Third, the legislative appropriations bill.

I believe we can complete action on those measures this evening. However, if we have not completed action on those measures by this evening, we will remain in session late tonight, all day tomorrow and all day Saturday, if necessary, to complete action on those measures.

Senators, therefore, should be aware, in making and adjusting their schedules, of the Senate actions in this regard.

Let me repeat that so there can be no misunderstanding. We will remain in session until such time as we complete action on the three matters listed—the nomination of Lauri Fitz-Pegado, the airport improvements bill, and the legislative appropriations bill.

Mr. President, I note the presence of the distinguished chairman of the Commerce Committee and the distinguished Senator from North Carolina here for the nomination.

I, therefore, yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, this particular nomination was referred, in the first instance, to the Banking Committee, on which the distinguished Senator from North Carolina is a member, and also to the Commerce Committee. I wanted to say just a word on behalf of the Committee on Commerce at this particular time, in that momentarily a hearing scheduled for the distinguished Special Trade Representative on the GATT agreement, Ambassador Mickey Kantor, will be coming up. We have all been waiting to fit into his particular schedule. I have to chair that hearing.

This morning, the Senate is taking up the nomination of Lauri Fitz-Pegado to serve as Director General of the United States and Foreign Commercial Service.

Ms. Fitz-Pegado's nomination was submitted to the Senate on September 22, 1993, and was jointly referred to the Commerce and Banking Committees. The Banking Committee held a hearing and reported the nomination on October 19, 1993, and the Commerce Committee held a hearing on February 10, 1994 and reported the nomination on May 17, 1994.

Ms. Fitz-Pegado received an M.A. from the Johns Hopkins School of Advanced International Studies, and graduated Phi Beta Kappa from Vassar College in 1977. From 1977 to 1982, she served as a Foreign Service officer and in other capacities with the USIA. Subsequent to that Government service, she worked in a public affairs capacity at Hill & Knowlton—formerly Gray & Co.

It is that service at Hill & Knowlton which has generated some controversy, and about which I have asked the nominee some hard questions. As a member of the Hill & Knowlton team working for Citizens for a Free Kuwait, Ms. Fitz-Pegado helped to promote the story that Iraqi soldiers had ripped countless babies from their incubators and thrown them on the cold floor to die. We now know that this organization was funded almost exclusively by the Kuwaiti Government.

There have been varying discussions as to the accuracy of this report. Ms. Fitz-Pegado asserts that she had no reason to doubt the veracity of this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

story told to her by the daughter of the Kuwaiti Ambassador to the United States. However, there was no public disclosure that the witness sent by Hill & Knowlton to testify before the human rights caucus, chaired by Congressman TOM LANTOS, was in fact the daughter of the Kuwaiti Ambassador to the United States. Ms. Fitz-Pegado has indicated that Chairman LANTOS was aware of the witness' identity, and for safety reasons decided not to make disclosure of that information.

Additionally, an issue has been raised as to whether Ms. Fitz-Pegado's nomination presents a conflict of interest with respect to her husband's employment.

The general counsels of the Department of Commerce and the Office of Government Ethics have both reviewed this matter and do not find the conflict arising from her husband's business activities. Under her ethics agreement, Ms. Fitz-Pegado has promised to take certain actions, including disqualifying herself from participation in certain decisions at the Department of Commerce, and to seek specific advance approval from ethics officials at the Department before participating in any matter if her husband should acquire a financial interest or become a consultant or employee of a specific entity.

The U.S. Foreign Commercial Service is charged with promoting exports through his network of domestic and international offices. The Director General of the U.S. and Foreign Commercial Service supervises offices, manages trade fairs and exhibitions, trade missions, overseas trade seminars, and other promotional events. In addition, the U.S. and Foreign Commercial Service promotes U.S. products and services throughout the world and assists State and private sector organizations in finding export financing.

The Director General of the U.S. and Foreign Commercial Service will play an important role in the implementation of the administration's priority in providing export assistance to small- and medium-sized businesses and in the creation of one-stop shopping, so to speak, which will combine the export services of a number of Government entities so as to provide more expeditious services to businesses.

I have decided to support the nomination of Ms. Fitz-Pegado and encourage her to work aggressively to represent the United States well overseas. Though I have had some questions about the nominee, I believe that it is time that the Senate vote on the nomination and get in place a nominee to assist Secretary Brown and the administration in these important efforts.

I am sorry, on behalf of our Commerce Committee, that it is a matter of ordering priorities this morning. This is a high priority, and that is why I am first here on the Fitz-Pegado nomination. We have another high priority in this hearing that we have members of the committee who have been waiting for the distinguished special trade representative which we have momentarily at the time here scheduled.

So I thank the indulgence of my colleague from North Carolina. It will be his motion, as I understand, to recommit to the Banking Committee and not to Commerce. I take it, then, that it will be an issue with the distinguished Senator from North Carolina, members of the Banking Committee, of course, and all Senators to consider his particular position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS] yields the floor.

The Chair recognizes the Senator from North Carolina to make a motion to recommit.

The Senator from North Carolina [Mr. FAIRCLOTH].

MOTION TO RECOMMIT

Mr. FAIRCLOTH. Mr. President, I move that the nomination of Lauri Fitz-Pegado be recommitted to the Committee on Banking, Housing, and Urban Affairs.

The ACTING PRESIDENT pro tempore. There will be 2 hours of debate on this motion.

The Senator from North Carolina [Mr. FAIRCLOTH].

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, the business before the Senate is the nomination of Lauri Fitz-Pegado to be Assistant Secretary and Director General of the U.S. Foreign and Commercial Service in the Department of Commerce. That nomination should be recommitted to the Banking Committee.

Mr. President, Lauri Fitz-Pegado has coached perjured testimony before Congress. She has served as a lobbyist for the Communist Government in Angola. She worked for the murderous Duvalier regime in Haiti, a regime which has left us with the tragic legacy we are attempting to deal with today.

Mr. President, this is just the tip of the iceberg. She has done much more. She has been a hired gun for disreputable foreign interests. She has deliberately attempted to mislead Senators about her past.

In short, Lauri Fitz-Pegado has disqualified herself from service in the position to which she has been nominated.

None of these facts and allegations were disclosed either to Chairman DON RIEGLE, or ranking Republican ALFONSE D'AMATO, or to the other members of the Banking Committee when her nomination was voted on there.

I have since made the Banking Committee aware of these concerns, and Senator D'AMATO has supported my call for the Fitz-Pegado nomination to be returned to the committee. Senator RIEGLE had agreed to confer with me on the matter. It is unfortunate that the Senate is considering this nomination before that process has taken place.

Mr. President, the irony of this nomination is that it troubles most Members of the Senate, and yet at the same time most Members of the Senate don't want to touch it.

Many of my Democrat colleagues privately tell me that they believe that Lauri Fitz-Pegado is an embarrassment. They are appalled by her past actions, particularly her role in the propaganda war leading up to Operation Desert Storm. Yet, they feel constrained by party loyalty to ignore all of that.

My Republican colleagues also have no particular use for Lauri Fitz-Pegado. But they, too, feel constrained. Some are afraid that exposing Lauri Fitz-Pegado will reflect badly on the Bush administration, on the Kuwaitis, or others. Some are uncomfortable with the liberal human rights groups and journalists who have also been questioning the Lauri Fitz-Pegado nomination.

Well Mr. President, let me tell you that it has been a pleasure for me to work with honest liberals, people who have a sense of right and wrong, and who have the courage of their convictions. I may not agree with them on everything, or even most things. But it is refreshing to deal with people who profess a set of beliefs, and then don't immediately start explaining why they can't do what it is they say they believe.

But, Mr. President, I'm not going to make any apologies for the truth. If the truth embarrasses anyone—regardless of party—there is nothing I can do about that. My working with liberal human rights groups and journalists ought to serve as an example of how honest people of different political views can agree to question disreputable nominees like Lauri Fitz-Pegado.

Mr. President, I have no desire to needlessly damage the reputation of individuals or of Government agencies. There are elements of Lauri Fitz-Pegado's past which, if discussed on the Senate floor, might unintentionally harm those involved in legitimate national security operations.

Also, a fuller disclosure at this time of her husband's role at the London office of the Angolan State Oil Co.—the oil company owned by the Communist Government of Angola—and of the circumstances surrounding the theft of some $60 million there, might harm good people who were simply at the wrong place at the wrong time.

The place to discuss those matters is in committee. If Members are interested in arriving at the truth, then they will vote for the motion to recommit this nominee to the Banking Committee. If they are puzzled by these references, then perhaps they don't know as much about Lauri Fitz-Pegado as they might think.

So, Mr. President, today I will talk about only one of the reasons why her nomination should be returned to the Banking Committee for investigation. When the Senate is aware of this and other facts, it will know what many already know; America can do better than Lauri Fitz-Pegado. In fact, it could hardly do worse.

A reason—which by itself should be sufficient to reject the nomination of Lauri Fitz-Pegado—was her role in orchestrating perjury before Congress and the U.N. Security Council as the representative of "Citizens for a Free Kuwait."

In 1990, after the Iraqi invasion of their country, the Kuwaiti Government in exile formed "Citizens for a Free Kuwait." They hired the lobbying firm of Hill & Knowlton to attempt to influence public opinion in the United States toward entering the conflict. Lauri Fitz-Pegado was in charge of the effort.

Her strategy was to use alleged witnesses to atrocities to tell stories of human rights violations in occupied Kuwait. Using their testimony live and on video news releases, she orchestrated what has come to be known as "the baby incubator fraud."

She first coached a 15-year-old Kuwait girl, identified only at the time as "Nayira," to testify before Congress that she had seen Iraqi soldiers remove Kuwaiti babies from hospital respirators.

Nayira claimed to be a Kuwati refugee who had been working as a volunteer in a Kuwaiti hospital throughout the first few weeks of the Iraqi occupation. She said that she had seen them take babies out of incubators, take the incubators, and then leave the babies "on the cold floor to die."

Nayira's emotional testimony riveted human rights organizations, the news media, and the Nation. That incident was cited by six Members of the Senate as reason to go to war with Iraq.

However, it was later discovered that the girl—who had only been identified as an escapee from occupied Kuwait—was in fact the daughter of the Kuwaiti Ambassador to the United States. It also turned out that Lauri Fitz-Pegado had concealed Nayira's real identity.

Apologists for Lauri Fitz-Pegado say that she did not hide Nayira's real identify, because she had told Congressman TOM LANTOS who Nayira was. But what they do not tell you is that Congressman LANTOS' Congressional Human Rights Foundation received rent-free office space from Lauri Fitz-Pegado's firm, Hill & Knowlton. Their telephones were answered by the Hill & Knowlton switchboard, and Citizens for a Free Kuwait made a $50,000 donation to the foundation after the invasion.

Instead of apologizing for Lauri Fitz-Pegado, we should be investigating those ties.

Since then, every reputable human rights organization and journalist has concluded that the baby incubator story was an outright fabrication. Terrible things were done by the Iraqis, but Nayira never saw what she said she saw.

Recently, Mr. President, an article appeared in Roll Call magazine which challenged that assertion. Well Andrew Whitley of the Human Rights Watch agreed with my position on CBS television.

Further, after that Roll Call article appeared last week, the international human rights group, Amnesty International responded. Amnesty International, which I believe not too many years ago won the Nobel Peace Prize—and which is generally not considered to be a tool of the radical right—said that article was a distortion of their position. Roll Call has not printed Amnesty International's letter.

Mr. President, I ask unanimous consent that the entire text of Amnesty International's rebuttal to the Roll Call article be printed in the RECORD at this point.

There being no objection, the rebuttal was ordered to be printed in the RECORD, as follows:

AMNESTY INTERNATIONAL USA,
New York, NY, June 10, 1994.

To The EDITOR,
Roll Call: The Newspaper of Capitol Hill, Washington, DC.

TO THE EDITOR: Re: "Pennsylvania Avenue" by Morton M. Kondracke (Roll Call, Thursday June 9, 1994), Amnesty International would like to once and for all clarify its findings concerning the organizations December 1990 report, Iraq/Kuwait: Human Rights Violations Since August 2, which contained allegations cited by medical and other sources that large number of babies had died after removal from incubators by or on orders of Iraqis. Mr. Kondracke's statement that "Amnesty International now concedes that some babies did die, but cannot say how many," is a distortion of the organizations update following an investigative mission to Kuwait in early 1991.

After a two-week visit to Kuwait in early 1991, Amnesty International issued an international news release on April 19, 1991, which among other issues updated the baby story. Quoting from page 2 of that news release, Amnesty International said, "However, on the highly publicized issue in the December report of the baby deaths, Amnesty International said that although its team was shown alleged mass graves of babies, it was not established how they had died and the teams found no reliable evidence that Iraqi forces had caused the deaths of babies by removing them or ordering their removal from incubators."

The news release concludes on the last page, page 6, with the following:

"Amnesty International said it rechecked its information in early 1991 after doubt was cast on the credibility of its reports of incubator deaths. Although the number of baby deaths cited in the report was in question, testimony from several sources appeared at the time to confirm that babies had indeed died on a large scale. 'However, once we were actually in Kuwait and had visited hospitals and cemeteries and spoken to doctors at work, we found that the story did not stand up,' Amnesty International said. The organization says it remains unclear how many babies died in Kuwait during the occupation or how they died. Officials at Al-Rigga cemetery, the main cemetery used for those killed by the Iraqis, maintain that mass graves contain the bodies of about 120 babies buried during August and September. They insist the deaths resulted from removal from incubators, but cite as evidence only vague reports, allegedly from bereaved families. 'Although some medical sources in Kuwait, including a Red Crescent doctor, were still claiming that babies has died in this way, we found no hard evidence to support this. Credible medical opinion in hospitals discounts the allegations,' Amnesty International said."

We hope that this finally captures Amnesty International's position on the "Baby/Incubator" allegations.

Sincerely,

ROGER RATHMAN,
National Press Officer.

Mr. FAIRCLOTH. Mr. President, even a study commissioned later by the Kuwaiti Government could not produce a shred of real evidence that the Ambassador's daughter had managed to do a few weeks of volunteer work in occupied Kuwait—in a hospital overrun by bloodthirsty Iraqis.

Again, Fitz-Pegado apologists say otherwise. But tell them that you want Nayira to testify at a formal hearing, on the record, and under oath, and then find out how interested they really are in arriving at the truth.

Mr. President, the perjured Nayira testimony was discovered by John McArthur of Harpers magazine, and later reported by the television news program 60 Minutes. Fitz-Pegado first maintained that she had believed the girl's story, and that she hadn't meant to deceive anyone.

But, Hill & Knowlton later said that they did know about Nayira's family ties, but that Congress—in the person of Congressman LANTOS—wanted the fact withheld.

They were blaming Congress for their part in the cover-up. What's more, they put on a repeat performance in front of the United Nations Security Council on November 27, 1990.

In the testimony before Congress they claimed they couldn't fully identify who the witness was because they wanted to protect her family that was supposedly still trapped in Kuwait. In front of the United Nations, Lauri Fitz-Pegado abandoned that pretense, and instead employed witnesses who testified using false names and occupations.

The most important of these phony witnesses was a man who called himself Dr. Is-ah Ibrahim. With Lauri Fitz-Pegado there in New York, he claimed to have personally buried 40 babies pulled from incubators by the Iraqis.

Dr. Ibrahim told the Security Council that he was a surgeon. But after the war when the incubator scam was exposed as a total fraud, he admitted to being a dentist who never buried any babies.

After the war, when the baby incubator fraud was exposed, the royal Kuwaiti Government hired the firm of Kroll & Associates to verify that what Nayira said she saw actually happened. The so-called Kroll report was severely criticized by human rights groups. But even that report—paid for by the Kuwaitis—could not verify Nayira's story.

Nonetheless, in an on-the-record interview with John MacArthur of Harpers magazine, Lauri Fitz-Pegado cited the Kroll report as vindication for her actions.

Yet, how did Fitz-Pegado account for the discrepancies that even existed between what the Kroll report said, and what Nayira and Hill & Knowlton had earlier said? How did she account for the lies?

When she was pressed to account for the lies, she said—and I quote—"Oh come on John. Who gives a ———."—and then she used a word that is so foul that I will not repeat it on the Senate floor.

Mr. President, I ask unanimous consent to insert the full text of that interview in the RECORD at this time, as well as a copy of the comments that human rights group Middle East Watch made about the Kroll report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICK MACARTHUR'S TELEPHONE INTERVIEW WITH LAURIE J. FITZ-PEGADO OF HILL & KNOWLTON, JUNE 26, 1992, HARPER'S MAGAZINE

RM: Hello?

Q: Yes, is this Rick Macarthur?

RM: Yes, how you doing?

Q: Fine, thank you. I wanted to get to you, um, and tell you that I had read the transcript from your overseas, uh, event. And that I really, um, have wanted to say something to you for many months about your portrayal of this event. But I think the last straw for me was your comment at the event where the implication was somehow that I was not the account supervisor on this account. I'd just like to be very clear with you, Rick, I'm a senior vice president here. I've been here for ten years. I am not an account executive, and nor have I been for many, many, many years. I did supervise the account, I did have control over the account. I happen to be a black woman and I can't . . . I consider it rather sexist and racist that you would imply that it was a caddish move on the part of Hill and Knowlton(?) to put me on television. I pick my responsibi- . . . (Laughs) . . . bilities very, very seriously. And I am not a pawn that has been put out by Hill and Knowlton to take the heat, uh, when indeed, I will take complete and total responsibility and take much pride on everything that Hill and Knowlton did on behalf of Citizens for a Free Kuwait. I don't work in the kitchen, I am not a clean-up woman. And I want to make very clear to you that your comments to me are sexist and racist.

RM: Okay.

Q: All right? So I (Overlap) . . .

RM: . . . but now . . .

Q: . . . set the . . . set the record straight.

RM: Okay, but now . . . now let's have a real conversation.

Q: Well, that was a real conversation.

RM: No, no, no, no, no, no, no. Before you . . . before you get upset or more upset, why don't we go off the record and have a serious conversation. Do you want to have a serious conversation about what happened?

Q: It depends upon what you want to talk about.

RM: Do you want to go off the record, or do you want to stay on the record? What do you want to do?

Q: I don't . . . I don't . . .

RM: You tell me. I . . .

Q: . . . I don't have very much to say to you.

RM: . . . everybody . . . everybody . . .

Q: You talked to everybody, you've written your book, you've made your speeches. So you are convinced that you know what happened (Overlap) . . .

RM: No, no, no, no, no. I need to know . . . I need . . .

Q: You have never bothered to call me.

RM: There's some specific discrepancies that we need to talk about and some internal politics that we need to talk about which might be very helpful in straightening out the record.

Q: I'll be very happy to go on the record. John . . . uh, John. You have some questions for me? Ask 'em.

RM: Yeah. You want to be on the record straight ahead? Because I was gonna give you an opportunity to talk to me off the record because I do feel that, uh, Gray and Company are making you take the fall. I mean, why did they put you on "60 Minutes"?

Q: No, this is not . . . this is not Grey and Company, this is Hill and Knowlton.

RM: Have you seen the memo that I've got from Bob Gray to the Kuwaitis?

Q: Yes, yes.

RM: The December 11th (Inaudible) memo?

Q: Yes, I'm very much . . . look, I ran the account. There's nothing you have that I don't have.

RM: Okay, okay, okay, all right. But you don't want to talk about anything off the record, you want to just continue to be the front person. I'm not saying . . .

Q: I'm not a front person, Rick.

RM: I'm not saying it in an insulting way, but Bob Gray is the reason . . . Bob Gray is the reason Hill and Knowlton had the account. And you and I know that.

Q: What do you mean, he's the reason?

RM: (Laughs). Why do you think the Kuwaitis go to Hill and Knowlton? They don't go to Hill and Knowlton because of you or because of Tom Ross or because of anybody at Hill and Knowlton. They go to . . .

Q: They go to Hill and Knowlton because Hill and Knowlton (Overlap) . . .

RM: They go to Hill and Knowlton because of Bob Gray.

Q: Well . . . well, that's your opinion.

RM: (Laughs). Okay. But let's . . . all right (Overlap) . . .

Q: Clients come to . . . clients come to Hill and Knowlton because Hill and Knowlton does a good job.

RM: I'll say you did a good job on this one.

Q: There's a sta . . . there's a staff that's efficient.

RM: Okay.

Q: It's not because of one person.

RM: Okay. Okay. But things are just gonna get worse and I . . . and I, in the next . . . in the next couple of months, and I just want to offer you the opportunity (Overlap) . . .

Q: Well that's . . . that's . . . that's your . . . that's your opinion.

RM: I have the opportunity . . . I . . .

Q: What would you like to ask me?

RM: I . . . just for the record, I want to give you the opportunity to think about talking to me off the record or not for attribution or any time in the future . . .

Q: I don't have any (Overlap) . . .

RM: . . . about what . . . about what really happened?

Q: No, I will talk to you on the record.

RM: All right, okay, let's go, then. Why does Naira(?) say babies and you guys in your press release say fifteen babies?

Q: Ask Naira.

RM: She won't talk to me.

Q: Well, I . . .

RM: I can't get her on the phone.

Q: Well then . . . then that's your problem as a reporter to (Overlap) . . .

RM: So why did you . . . why did you put fifteen babies in the . . . in the press . . .

Q: Because that's what she said.

RM: . . . not in the . . . not in the testimony, not in the hearing.

Q: It was in the written testimony.

RM: But in the hearing she doesn't say fifteen babies.

Q: That . . . that isn't a . . . Naira's problem, you have to ask me Naira.

RM: Okay. Why are you protecting Naira, I don't understand it? Why are you protecting the Kuwaitis?

Q: Why are you putting words in my mouth? Have I said anything about protection?

RM: It's what it sounds like to me.

Q: I just answered your question. You asked me a question, you answered it.

RM: No, you didn't. You just said ask Naira, you didn't say.

Q: Because I . . . I am not in Naira's head.

RM: You just simply followed . . .

Q: I am not in her head.

RM: You just followed a written . . .

Q: I know . . . no, I know . . .

RM: . . . you followed a written testimony without . . . without regard to what is said in the hearing. That . . . that's your policy.

Q: No, no, no, don't say that.

RM: Okay.

Q: I did not say that. I said that is what Naira said. That is what is in the written testimony. If Naira did not say that at the hearing, then you ask her.

RM: Okay, but as a policy, does Hill and Knowlton simply disregard what people say at hearings?

Q: What do you mean, disregard?

RM: Why (Overlap) . . .

Q: She deviated (Overlap) . . .

RM: . . . did you go and ask her afterwards why did you not mention the fifteen that you wrote in your written testimony?

Q: She . . .

RM: I mean, did anyone stop and say, "Naira, what . . . what do . . . why didn't you say fifteen babies in your spoken testimony?"

Q: She was extremely emotional, she did not read word for word at that testimony. And no, no one asked her why she didn't say fifteen, she said babies-a.

RM: Okay.

Q: That could mean one, two, five, ten, fifteen, and that was really not the issue.

RM: But you guys said fifteen in the press release.

Q: Well, that is what . . . no, we guys didn't say anything. We only said what Naira said.

RM: She . . . she wrote . . . she didn't say fifteen . . . she . . .

Q: She wrote it (Overlap) . . .

RM: . . . she wrote fifteen.

Q: Well, then you ask her.

RM: Well, okay. It'd be great if you'd help the Kuwaitis let me talk to her. I mean (Overlap) . . .

Q: Well, I can't . . . I don't control the Kuwaitis.

RM: You must have influence with them.

Q: I control Laurie Fitz-Bodato(?).

RM: All right.

Q: Okay?

RM: Okay, number two. (Laughs). Uh, you've seen the Kroll(?) Report, obviously.

Q: Obviously

RM: No . . . Naira says that she got a snapshot, a glance, at a commotion in the distance, in which she thinks she saw one baby on the floor. That doesn't sound like fifteen babies torn from incubators.

Q: Well, why are you asking me this, John?

RM: Because you guys spread this story.

Q: We spr . . . you know, your . . . (Laughs) your terminology is just so offensive, it really is.

RM: It was a press release, what is a press release?

Q: Read the story.

RM: What's a video news release, what does a public relations firm do?

Q: Well, a public relations firm . . .

RM: It spreads stories.

Q: No, public relations firms get information from people.

RM: Yeah, yeah?

Q: Okay? All right. So, we got that information from Naira.

RM: Yeah?

Q: Now, if you would like to ask Naira about anything that has happened subsequently, I am not a mind reader. You ask Naira.

RM: I . . . I've been trying to ask Naira for a year and they won't let me talk to her.

Q: Well then . . . well then, that's your problem, isn't it?

RM: Yeah, but don't you see any . . . is there no responsibility whatsoever on the part of a public relations firm to get the facts straight before they spread them?

Q: We had our . . . we had our facts straight when they occurred.

RM: But they're not . . . so they're not facts anymore. They were facts at the time, and they're not facts anymore?

Q: No, facts are facts.

RM: And you still believe that fifteen . . . that she saw fifteen babies removed from incubators?

Q: I believe (Overlap) . . .

RM: After seeing the Kroll Report?

Q: I believe what Naira told me in 1990.

RM: So you don't believe the Kroll Report

Q: I did not say that, and do not put words in my mouth.

RM: So what do you think of the Kroll Report?

Q: I believe that the Kroll Report substantiates Hill and Knowlton's presentation of materials.

RM: Fifteen babies torn from incubators?

Q: Oh, come on, John. Who gives a—— whether there are fifteen or two?

RM: What?

Q: It's the issue.

RM: What? (Laughs).

Q: It is the issue.

RM: But . . .

Q: Of the babies. You want to go around counting . . . the fact that there were babies, whether it was one baby, two babies, five babies or fifteen babies, the event happened.

RM: The . . . the number doesn't matter, first of all. We'll get into the event itself, but the number doesn't matter, you're telling me.

Q: I am telling you that if one baby died, it was too many.

RM: Everybody's against babies dying.

Q: If one (Overlap) . . .

RM: And we know that babies dying . . .

Q: And I am telling you . . .

RM: But don't . . .

Q: . . . that we were told in 1990 and had no reason to question.

RM: And now the Kroll Report corrects the record, you think, or not?

Q: I don't think anything about it. I know that the Kroll Report has presented additional information. And if you want to sit here and haggle over whether it was one baby or fifteen and if that is so important to you, and that is the only thing that you're focusing on . . .

RM: No, no, it's not the only thing . . .

Q: . . . you're not focusing on the issue.

RM: We'll move on. We'll move on, we'll move on, we'll move on.

Q: You're focusing on the issue, but to me (Overlap) . . .

RM: We'll move on.

Q: . . . the issue is that she said babies and she said fifteen. Now (Overlap) . . .

RM: She didn't . . . she . . .

Q: . . . you . . . you talked . . . look, it's in the testimony, John.

RM: Yeah, I know, she . . . and you guys put it in the press release.

Q: And that is what I personally was told. I was told fifteen.

RM: I gotcha, I believe you.

Q: Okay, so now you talk to Naira about whether it was fifteen, two, six, five or twenty.

RM: I think it's likely, Laurie, that the, uh . . . that Naira lied to you and that so did the Kuwaitis.

Q: Well, I do not believe (Overlap) . . .

RM: And I'm giving you the chance to . . . to . . . to explain the . . . the discrepancy.

Q: I . . . I am not going to explain the discrepancy. I know what I was told in 1990. I know what was written, and you will have to speak to the source of the information to determine whether there has been any discrepancy.

RM: All right, just . . . all right . . .

Q: I'm not going to answer that.

RM: . . . all right, just for the record, does the Kroll Report invalidate Naira's testimony?

Q: Does . . . no, it doesn't. In my mind, it does not.

RM: Even though it contradicts what she said.

Q: Well, you say it contradicts what she said.

RM: Don't you read . . . do you speak English?

Q: I didn't say that.

RM: I mean, my God, the . . . you see what the reports says, don't you?

Q: All that you're talking about is whether it was a baby, babies, one or fifteen.

RM: Fifteen babies is a lot more than . . . see . . . is a very different story from seeing a baby on the floor from a distance (Overlap) . . .

Q: And what did she say?

RM: . . . in the middle of a commotion.

Q: And she said there were other incubators in the room (Overlap) . . .

RM: She had no proof, there's no corroborating evidence. There are these two . . .

Q: Oh John, please.

RM: . . . there are these two nurses who get trumped up at the last minute.

Q: Please, John. You know, that . . . you really . . .

RM: Now, let's get to the specifics. On the December 11th, 1990, uh, Bob Gray memo to everybody, the thought and action U.S. Strategy paper . . .

Q: Yes?

RM: . . . why does Bob Gray refer to witness . . . eyewitnesses in quotes?

Q: Why does he refer to eyewitnesses in quotes?

RM: Yeah. Because let me just read it to you again. This is his, uh, recommendation, because he's obviously very worried that there's gonna be a sort of a peace backlash in the country, so he says, "The people/human rights message must be told over and over. Kuwait is 'people' who still are suffering under the boot of an oppressor. As U.S. diplomats and hostages return home from Kuwait, this should be underscurred (sic) . . . underscored further by eyewitnesses.'" Now, why would he put quotes around eyewitnesses?

Q: Because people had accounts out of Kuwait. Some of them were first-hand, some of them were second-hand. We . . . we were not in a position during the war to find . . . to go into Kuwait ourselves to get primary source information about what was happening. So if someone said that he or she was an eyewitnesses, we had no way to determine whether that was absolutely true, whether they were secondhand witnesses, or not. So we put quotes . . . eyewitnesses in quotes, because that is how they we . . . they were portrayed to us. This is what they said, we had no way of confirming that. Just as you had no way of confirming that when . . . when . . . when Kuwait was occupied by the Iraqis. We did this . . . we represented these people during an occupation.

RM: But the people who came out of Kuwait were claiming to be eyewitnesses.

Q: Said that they were witnesses.

RM: Okay.

Q: Exactly. So that's why it's in quotes.

RM: So the quotes does indicate skepticism on Gray's part.

Q: No, it doesn't indicate skepticism. It . . . it indicates exactitude. Being precise and being accurate.

RM: But if . . . but when you put quotes around something, it's indicating (Overlap) . . .

Q: It's indicating that that's what . . .

RM: . . . some question . . .

Q: . . . no, it indicates that that's what . . .

RM: . . . some question as to whether they're eyewitnesses or not.

Q: . . . no, well that's what . . . well, quotes also do . . . also indicate a direct statement by someone. If someone says that he or she is an eyewitness, then you would put it in quotes. You're a writer, you know that.

RM: Well, if you're quoting somebody. But it's not quoting anybody, he's just making a general statement (Overlap) . . .

Q: Well (Overlap) . . .

RM: . . . about eyewitnesses in quotes.

Q: . . . that depends upon how you want to interpret that, Rick Macarthur. All right? It is in quotes because that is what people said. They were eyewitnesses. We have no way to corroborate that.

RM: All right, so then as a . . . as a matter of practice, does Hill and Knowlton repeat statements by people they don't . . . uncorroborated, uh, testimony (Overlap) . . .

Q: We corroborate (Overlap) . . .

RM: . . . by eyewitnesses?

Q: . . . to the extent that we can.

RM: But . . .

Q: Especially in a war time . . . or in an occupation time situation. This account was not a normal account, Rick. This was an account that took place while a country was being occupied.

RM: Yeah?

Q: Okay? So you do the best you can.

RM: Okay. But well, do you . . . do you feel that Naira's testimony was, uh, was corroborated?

Q: I have . . .

RM: Before . . .?

Q: Yes.

RM: . . . before the Kroll Report?

Q: Do I feel it was corroborated?

RM: I'm saying back in the . . .

Q: Yes . . .

RM: . . . back in the fall.

Q: Yes.

RM: By whom? By whom?

Q: By people who came out of Kuwait and said they had seen the same thing. That is the best we could do. Was to not go simply on what one fifteen-year-old child said, but also news reports, there were news reports . . .

RM: I know, I read 'em all.

Q: Okay.

RM: I read 'em all. They're in my book.

Q: You have Amnesty International, you had reputable organizations saying the same thing. Why would we have questioned her? Why? Tell me why.

RM: Because, uh, in the . . . in the name of, uh, truth, I suppose.

Q: Because . . because . . . in the name of the truth?

RM: Trying to figure out the truth.

Q: Oh, so you just assume people are guilty until proven in . . . innocent?

RM: No, but I assume a certain amount of checking.

Q: Okay, so (Overlap) . . .

RM: I assume a certain amount of checking on the part of a big, serious . . .

MIDDLE EAST WATCH,
July 16, 1992.

PRELIMINARY COMMENTS ON KROLL'S REPORTS

In its attempt to vindicate the 15-year old daughter of the Kuwaiti ambassador, the Kroll Associates report appears to indict the Kuwaiti government as a whole and its public relations campaign handlers in the United States. The report says that it could not find evidence to support the widely circulated reports given by official Kuwaiti spokesmen of large scale raids on hospitals by Iraqi troops who pulled babies out of incubators causing the death of scores or hundred babies. However, it claims to have found evidence to support a version given by Nayirah, the ambassador's daughter. Even in her version, Kroll says her published testimony was embellished and misunderstood.

In the fall of 1990 and in the early months of 1991, Kuwaiti government spokesmen; Dr. Ali al-Huwall, Dr. Ahmed Abdel-Aziz al-Hajeri, Dr. Ibrahim Bahbahani reported that Iraqi troops had gone into a number of Kuwaiti hospitals and pulled babies out of incubators causing scores of babies to die. In one testimony, another Kuwaiti official spokesman, Dr. Abdel-Rahman al-Sumait, said that 312 babies died in this way. Their accounts centered around the Maternity Hospital, a 500-bed specialized hospital that is part of al-Sabah Medical Complex, where they claimed the Iraqi troops pulled babies out of incubators and shipped the incubators away.

Kroll did not find evidence to support these reports. The firm incredibly asserts that it was not able to locate Dr. Abdel-Rahman al-Sumait, the author of the most outrageous claim.

In its general conclusion, the report said that the firm was able to confirm that "seven babies died directly because of the looting of incubators and ventilators from pediatric wards at Al-Jahra and Al-Adan hospitals," (page 8). But in arriving at this figure Kroll had to change the issue to be investigated; the charge had been that Iraqi troops had pulled babies out of incubators causing them to die. But only one of the seven reported by Kroll fit this category. The other six, according to the report itself, died because of lack of equipment or because of a decision by an Iraqi doctor to move incubators from one ward to another, in an attempt to consolidate civilian wings. Similar incidents had been reported before by Middle East Watch and other human rights organizations. While we have held Iraqi authorities responsible for such actions, these actions may not be reasonably considered the same as pulling babies out of incubators, which is tantamount to murder.

The claim that one baby reported by Kroll to have died in August 1990 as a result of being taking out of an incubators is based on the testimony of Salwa Ali Ahmad, a nurse who said that she had witnessed the incident. However, this nurse's testimony as reported by Kroll is contradicted by other more reliable witnesses at the hospital. In some key aspects, her testimony as reported by Kroll is also at variance with testimony she herself had given before, including in a published report by Reuter from Kuwait earlier this year.

We recently re-interviewed a number of al-Addan Hospital's staff. They again denied that the incident as described could have happened at al-Addan. They questioned the nurse's contention that she could not report it to the hospital administration or note it in the records. They said that despite Iraqi interference, hospital administration remained largely in Kuwaiti hands and that the hospital staff reported everything that happened in the hospital. The fact that she waited all this time to come forward with this report cast serious doubt about her recollection, they said. As for not being able to note such developments in the records for fear of Iraqi retribution, they pointed out that the hospital records from the period contained information more damaging to the Iraqis than what she claimed to have witnessed, including reports of execution and torture by Iraqi troops. Indeed, it was her duty to both report the incident and to note it in the records. One doctor further noted that assuming the incident took place, the baby could have been saved by putting him or her in one of the incubators the Iraqis left behind since she is quoted by Kroll as saying that there were vacant incubators that the Iraqis left behind. Kroll's report actually claims that the Iraqis, after allegedly throwing the babies out of the incubators, then either left the incubators in other parts of the hospital or left them on the street. (In fact, according to our sources, it was the hospital staff who hid the incubators inside the hospital.)

One hospital administrator who recalled Salwa as working in the Casualty Department (the Emergency room at the hospital) said that the nurse might have been confusing another incident with incubator death. He said that one day the hospital needed to send an ambulance equipped with a ventilator to transport a newly born baby who was in critical condition from al-Ahmadi Hospital to al-Addan to receive more specialized care. This administrator told Middle East Watch that when dispatchers were not able to find an available ventilator to send with the ambulance, they sent it without one but when the baby arrived at al-Addan they could not save it.

Kuwaiti health workers have reported to MEW that tremendous pressure has been put on them to testify in support of the incubator death allegations. A number of them reported that they were severely reprimanded for denying to reporters and human rights organizations any knowledge of the incubator deaths. Some were pressured to recant.

Several doctors quoted by Kroll as claiming knowledge of the incubators story had previously flatly denied the story when they were interviewed by Middle East Watch, Physicians for Human Rights and others, immediately following the liberation of Kuwait.

One doctor quoted by Kroll as saying that she had been aware of theft of incubators from al-Addan has obviously changed her testimony. We have her on tape saying, "Incubators from our hospital they didn't took. Why? Because we hide them in the basement. We didn't keep the babies. It's finished. We have no chance to keep the babies in special care bedrooms or intensive care at that time because we are short of modern instruments Like C-scan and ultra sound and medication."

The section of the report related to Nayirah's testimony in fact confirms doubts about her credibility and raises questions about the possibility that someone deliberately "doctored" her testimony. For example, Kroll's report now says that Nayirah never volunteered at al-Addan, that she was there for only "moments." In her testimony before Congress she said "The second week after invasion, I volunteered at the al-Addan Hospital with 12 other women who wanted to help as well. I was the youngest volunteer. The other women were from 20 to 30 years old." Kroll now says that she volunteered at a different institution and that she decided to go to al-Addan for a visit, and that during the "moments" she was there she witnessed the incident that she reported to the Congressional Human Rights Caucus.

Kroll's report says that Nayirah only saw one baby and assumed that there would be more. Kroll is adamant though that Nayirah never said anything about fifteen babies. However, in Nayirah's testimony as distributed by the Kuwaiti government, she is quoted as mentioning fifteen, raising the possibility that someone connected with the Kuwaiti government public relations campaign added that figure, if in fact Nayirah did not mean to say that there was more than one baby. Nayirah's testimony and the nurse's are also at odds. Nayirah talks about a baby on the cold floor but the nurse said that the baby was on a table. Kroll says that Nayirah was in the hospital for "moments", indicating that she could not have witnessed the death which according to the nurse took place half an hour after the incident that Nayirah claimed to have witnessed.

An al-Addan Hospital administrator pointed out to MEW that it takes more than "moments" just to walk from the hospital's entrance to the maternity ward and to the rooms where incubators are kept. He wandered why someone wanting to volunteer could have gotten to the maternity ward in moments without being processed or given instructions in other departments. He also pointed out that the areas for the volunteers were normally in the Casualty Wards and geriatric care or in general cleaning of the hospital and in food services. Very few would go to the maternity ward but certainly not on their first day.

AZIZ ABU-HAMAD,
Senior Researcher.

Mr. FAIRCLOTH. Mr. President, as a supporter of our country's involvement in the Gulf war, I am offended that Lauri Fitz-Pegado believes that those kinds of illegal and unethical activities were necessary to get this country to face the threat of Saddam Hussein.

I believe that if the other members of the Banking Committee, Democrat and Republican alike, had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

Mr. President, Lauri Fitz-Pegado did not inform the Banking Committee of this baby incubator scam. I believe that if the other members of the Banking Committee—Democrat and Republican alike—had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

So recently I made the suggestion that the nomination be returned to the Banking Committee where it could be scrutinized. The reaction of Lauri Fitz-Pegado to that suggestion has been telling.

While maintaining that she has nothing to hide—that everything had been fully disclosed—she has at the same time mounted a furious lobbying campaign to try to stop an open hearing. Instead of documents being subpoenaed, witnesses being deposed, and honest media being present in an open hearing, she has tried to lobby her way to Senate confirmation.

Believing that she can lobby the U.S. Senate in the same way that she has lobbied for Third World dictators, Lauri Fitz-Pegado even showed up—unanmounced and with a taxpayer financed Department of Commerce lobbyist—at my office 2 weeks ago.

Finding that I was not in, she followed up with a letter claiming that she had made multiple attempts to schedule meetings with me—not true—and that now she would like a private closed-door meeting to lobby for my support.

Mr. President, that precisely sums why America can do better than Lauri Fitz-Pegado. President Clinton said in his 1992 campaign that he was going to shut down the revolving door between lobbyists and Government. This is not the way to shut it down. Mr. President, with the likes of Lauri Fitz-Pegado, he has greased it.

Mr. President, that is wrong. We need an open hearing, with members of the media present, and with witnesses under oath, before we even think of voting to confirm this woman.

Lauri Fitz-Pegado deserves her day in court. I want her to have it, and that is all that I have asked for.

She deserves the chance to explain her involvement with the Marxist Government of Angola. She deserves the chance to explain her ties to the bloody Duvalier regime in Haiti. She deserves the chance to explain her lobbying for the arms dealer, Adnan Khashogi. She deserves the chance to explain her role in the baby incubator scam.

But Mr. President, the American people deserve to hear her explanations in the full light of day, on the record, and under oath—not in clandestine sessions in which she tries to lobby her way from congressional office to congressional office, all the way to Senate confirmation.

Lauri Fitz-Pegado is a professional image enhancer. She has spent her working life teaching people how to deny rather than explain; how to change the subject and then to counterattack. It works on a lot of people, a lot of the time.

But Mr. President, the U.S. Senate should not except Lauri Fitz-Pegado's image enhanced version of her past. It should demand independent investigation by professionals, and it should demand that witnesses appear under oath.

If confirmed, Lauri Fitz-Pegado would have control over a global network of 200 trade offices in 70 countries. Mr. President, I have said that my opposition is not based on party or on ideology. It is based on the fact that there are few people in America who have less business being in charge of our Nation's trade secrets than Lauri Fitz-Pegado.

President Clinton promised in his 1992 campaign that he would have—and I quote—"the most ethical administration in the history of the Republic." Yet, serious, serious ethical questions have been raised about Lauri Fitz-Pegado.

Not one committee of the U.S. Senate has investigated those questions. I do not mean listening to her side of the story, or to mine for that matter. I mean investigated.

Many serious questions have been raised about Lauri Fitz-Pegado in such media outlets as CBS, ABC, the New York Times, the Wall Street Journal, Business Week, U.S. News & World Report, and others. But not one witness has been deposed. Not one document has been subpoenaed.

If the U.S. Senate takes its obligation to advise and consent seriously, it will return this nomination to the Banking Committee. If Lauri Fitz-Pegado and her apologists truly believe that there is nothing to hide, then she should welcome the chance to present the evidence that will clear her good name.

But if serious allegations are raised about a nominee, and the U.S. Senate simply refuses to seriously investigate them, my colleagues should not wonder why politicians have come to be ranked below snake oil salesmen in public trust.

I invite my colleagues to join me in this motion for open, on-the-record, and under-oath hearings.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina yields the floor.

One hour will be controlled by the Senator from North Carolina, and 1 hour will be controlled jointly by the Senator from Michigan [Mr. RIEGLE] and the Senator from South Carolina [Mr. HOLLINGS].

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I rise in my capacity as chairman of the Banking, Housing, and Urban Affairs Committee. As the Chair has just noted, we share jurisdiction on the handling of this nomination with the Senate Commerce Committee. I expect that at some point the chairman of that committee, Senator HOLLINGS of South Carolina, will be here—I am told he already has been here to represent the position of that committee. So let me now address it from the point of view of the jurisdiction of the Banking Committee.

I rise to oppose the motion to recommit the nomination of Lauri J. Fitz-Pegado to the Banking Committee. Just by way of background, she has been nominated to be Assistant Secretary of Commerce, and Director General of the U.S. and Foreign Commercial Service. Her nomination for this position was jointly referred to our Senate Banking Committee as well as to the Senate Commerce Committee pursuant to an agreement in which both committees shared jurisdiction over nominees to this position.

We held our hearing on her nomination on October 4 of last year, and then we met on October 19 to report out her nomination at that time.

There is a little history with this which I will cover, but when I put the question it was reported out without objection.

But after that committee action was taken and before we finished for the day, Senator FAIRCLOTH, my good friend from North Carolina, came to the committee and announced that he would be opposing her nomination and asked that he be recorded against reporting her from the committee. So he was duly recorded and that is, of course, reflected in the committee record.

Pursuant to our earlier agreement with the Commerce Committee, her nomination was then referred to the Commerce Committee after we had acted in the Banking Committee. The Commerce Committee then held a hearing on her nomination on February 10, 1994, and at that hearing in the Commerce Committee, opponents of her nomination did appear and did testify on the nomination itself. The Commerce Committee then later met on May 17 of this year and reported out her nomination on a voice vote. And in examining the record of that committee, I find that there were no Democratic or Republican votes recorded against her.

I understand and have listened to the points made by the Senator from North Carolina [Mr. FAIRCLOTH] who has expressed his concerns about this nominee. As he knows and as I have said to him, I think those concerns should be fully presented, as they are being presented by him today.

I have also said previously—and I do not know whether this would have been covered in his remarks, which I was not present to hear fully—that I had suggested as well that any questions he had for the nominee should be presented and answered for the record and, in fact, I had suggested, if it would be helpful to his sense of clearing up these matters, that I was prepared to invite her to come to my office and meet with him and with me so there would be an opportunity for any further face-to-face discussion or drawing out of these matters that he felt was necessary.

I did not feel it was appropriate, nor do I feel it is appropriate, to recommit the nomination to the committee at this stage, particularly after we have had a situation where two committees have now already acted. So I think the appropriate place to deal with it, having had the nomination reported out favorably by both committees, is right here in the Senate, and that is, of course, what we are doing today: dealing with it on the Senate floor.

So I say, with due respect to my colleague from North Carolina, that I understand and acknowledge his rights and position in this matter. I fully understand the strength of his feeling and why he is proceeding as he is. We just have a difference of opinion as to whether or not a recommittal is the manner in which we should resolve this question with respect to a judgment that every Senator is now called upon to make.

I want to say as well with regard to the nominee's background, it is important that it be noted—and I will just run through her early training leading up to her professional work—that she graduated with a BA degree from Vassar College and then went on and earned a master's degree from Johns Hopkins Advanced International Studies. She served in the U.S. Information Agency in the beginning of her professional career and also has been active on the Council of Foreign Relations since 1983.

It is true that during her private-sector career, she represented foreign governments. During her hearing before the Senate Banking Committee, I specifically asked her whether she understood that she would never again—ever—be able to represent foreign governments if she were confirmed in this position. And she clearly stated that she understood that requirement and that she made the pledge that she was required to make she would abide by it. I think that issue has been addressed in that fashion.

But I think beyond that, Members will have to evaluate the points that have been raised. There is an abundant committee record here. We had a number of questions posed for the record by colleagues on the Senate Banking Committee. They were all answered by Ms. Fitz-Pegado, and all those questions and answers are in the record and can be referred to by colleagues as they feel the need to do so.

But this is a nomination that has received the strong endorsement and support of the President of the United States and the Secretary of Commerce. It has now been reviewed by two committees. There have been public hearings held in two committees. There were witnesses heard in opposition to the nominee in the Commerce Committee and, as I say, from reviewing the record in that committee, there were no votes recorded in opposition to her nomination. The only recorded vote in opposition within our committee is that of Senator FAIRCLOTH, who expressed his contrary view.

I will just finally say to my colleague from North Carolina, who is on the floor, I have great respect for his prerogatives and his viewpoint on this issue. He is an extremely diligent member of the committee and follows these matters very closely, and he is certainly within his rights to raise these questions and to propose a recommittal motion.

I happen to disagree with that approach here, respectfully, but I am strongly of the view that when Members have questions that are of great concern to them, they ought to raise them, they ought to get answers in an appropriate fashion. So I will always be supportive of making sure that Members have the information they feel they need in order to make a judgment. Then when judgment time comes, if people are going to disagree, as we often do around here, I understand that as well. That is the nature of the process, and that is part of why we have a democracy, so we can have these opinions sort of presented and, in the end, vote on these matters and resolve them and go on to the next questions that arise.

So with that, I will yield the floor and reserve what time remains on our side at this time.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I agree with what my good friend, the Senator from Michigan, has said. He made only one mistake, and that is when he said Lauri Fitz-Pegado graduated from Vassar. She did, indeed, but she graduated Phi Beta Kappa. That should be in the record.

I also wanted to make it very clear that one of the people I most respect, as well as like and trust, in the 9 years that I have served in the Senate is a young woman named Ms. Sue Schwab, who was the Director of precisely this agency under President Bush and who worked for the Senator from Missouri, Senator JACK DANFORTH, who is on the floor. Sue Schwab could not be more in favor of Lauri Fitz-Pegado's nomination and, in fact, came to my office just on her own to urge what I was already feeling, and that is to support her.

So, therefore, Madam President, with that and for many other reasons, I very strongly support the nomination of Lauri Fitz-Pegado to be Assistant Secretary of Commerce and Director General of the U.S. Foreign Commercial Service of the Department of Commerce, which is a mouthful of words, but a very, very important job.

Let me speak to the essence. In my view, we are considering one of the best qualified—for any position—probably the best qualified for this position we have ever had, in terms of what she has already done, for a position in Government which is absolutely critical to my State and to this Nation's economy.

Nine months ago when President Clinton nominated Ms. Fitz-Pegado, he chose a capable and committed person to assist U.S. exporters. It is always, frankly, reassuring when we see a nominee for a Government post of this importance who has actually had the experience, not betting that something might work out, but somebody who actually had the experience, who has the qualifications, who wants the job and has the motivation.

She is one of these persons, and I urge my colleagues to vote to confirm Ms. Fitz-Pegado. As the previous chairman of the subcommittee that oversees U.S. and foreign commercial service, this Senator has paid very, very close attention to that position and to its work for the past 9 years, the mission and the work of one specific part, a small part but crucial part, of the Federal Government. And that mission is to promote U.S. exports to a network of 75 district, branch, and regional offices in this country and a current total of 134 posts in 69 countries throughout the world. Those countries account for approximately 94 percent of the world market for U.S. manufactured goods.

What I am saying is, whoever runs this position is of enormous importance to exports, therefore to jobs, trade balance, et cetera, for this country.

This network of U.S. and foreign commercial service plays a vital role in helping American businesses of all sizes to enter international markets, increase their sales in those markets and maintain American business' competitive edge in the international arena, something to which we are all sorely sensitive.

The service that I hope she will head sponsors all kinds of activities to equip U.S. firms to sell in the world market. It manages trade fairs, exhibitions, and trade missions, for example.

It works with chambers of commerce, with State governments, and with world trade groups and clubs in educating American firms on the best ways to open up the doors for them to get into foreign markets. It conducts an enormous, vast computer network to make the best and the most current market research and trade contact information available to U.S. businesses.

The U.S. and Foreign Commercial Service has a special charge to focus its attention on small-and medium-sized businesses—not IBM, not Boeing, but small- and medium-sized businesses—that are by definition the ones that have the most difficult time in penetrating foreign markets. So much do they have a difficult time that they have a preset mentality, many of them, Madam President, that they cannot export, that they would rather not try because of what they presume will be the impossibility, because they do not know that there is somebody in the Federal Government who is on their side and who can clear their way and make life better for them.

Small- and medium-sized businesses need Ms. Fitz-Pegado's nomination to succeed. Exports from small businesses have increased in recent years, but we have a very long way to go to where they ought to be. A recent study indicates that about 3,760 large corporations still account for 71 percent of the value of total U.S. exports.

All I am trying to say is medium and small businesses, we need your attention. They need Ms. Fitz-Pegado's help. The Foreign Commercial Service works at connecting small- and medium-sized businesses with the tools and with the financing, such as export credits, that so often are what stands between them and succeeding in the international marketplace.

Madam President, exports as a fact equal job growth. Congress should take a keen interest in the U.S. and Foreign Commercial Service. All 100 of us should know what it does. I do not think that is the case. And also we should take that same interest in the nominee before us, who is poised to run it aggressively and energetically. I can say this based on firsthand experience in working with the office that assists businesses in my State—the office hopefully which she will preside over here in Washington.

West Virginia, my State, which went out of double-digit unemployment figures, Madam President, about a month, 2 months ago, for the first time in 15 years—for the first time in 15 years we went down to single-digit unemployment. We are still way above 8 percent, way, way above the national average, but it was kind of a treat to actually be in single digits. Do we need exports? Do we need jobs? You better believe we do. That is why I am standing here. We are one of the most export-sensitive economies of any State in the country, by which I mean we export an enormous percentage of our gross State product, and we need all the help we can get to do more, to get more jobs. West Virginia firms export coal, chemicals, primary metals, wood, and other products. In one recent year, 18,000 jobs in West Virginia were dependent on exports. That is a tiny amount of jobs. It ought to be three or four times that.

This is why I have put so much effort into pushing our Government programs like the Foreign Commercial Service, as has the Senator from Missouri [Mr. DANFORTH], to work even harder at helping small and medium-sized businesses in West Virginia and nationwide to break through the barriers that stand between our products and markets all across the world. We need a coordinated, focused, and targeted strategy to take full advantage of each and every opportunity that comes to us.

I remember after Kuwait I called a large meeting with U.S. and Foreign Commercial Service Federal employees there, a large meeting, when American businesses were to go over and rebuild Kuwait, and it was like a $100 billion opportunity. I got a big room in a motel, a big ballroom, and there were people hanging from the ceilings; so many West Virginia businesses, small businesses, wanted to do that. But then nothing really ever came of it because there was not enough focus and intensity in helping them understand to whom they could go from their desire to export to the fact of the ability to export. That means leadership. That means Ms. Fitz-Pegado.

Madam President, I went into all of this detail not to enthrall you this morning but simply to make it very clear that America needs a well-qualified, very seasoned person with the educational background and many years of experience that Lauri Fitz-Pegado has to oversee this very important part of our Government.

Her career, as Senator RIEGLE has indicated, is very distinguished. Most recently, for 10 years she has worked as a public affairs strategist for United States and international interests. Some will criticize that. I say thank heavens for it. That work has involved meeting and negotiating with international officials and representatives all over the world for the past decade.

Before her career in the private sector, she was a Foreign Service officer with the U.S. Information Agency serving in Mexico and the Dominican Republic for 3 years. She was born here in Washington. She went to public schools here in Washington and graduated Phi Beta Kappa from Vassar. She later received a master's degree in international affairs from Johns Hopkins School of Advanced International Studies, with a concentration in Latin American affairs and international economics. A wife and a mother, she has built an extraordinarily impressive career.

So Ms. Fitz-Pegado offers 17 years of public and private experience in management, policy analysis, and business promotion. She has been involved in extensive negotiations with international public and private-sector officials. Her background in marketing and promotion gives her exactly the skills that we need.

She pointed out in her testimony to the Commerce Committee that she feels as if she has been in training for this job all of her life, and I am totally in agreement with her on that.

She is going to be energetic; she is going to be a tremendous leader for this very important branch of Government, and I urge all of my colleagues to reject the idea of revisiting this nomination, thereby shunting it aside and killing it, and to confirm Lauri Fitz-Pegado for a job she has earned, she deserves, and in which she will excel.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I oppose the motion to resubmit this nomination.

First, let me say that the comments the Senator from West Virginia made about the significance of the U.S. and Foreign Commercial Service are absolutely on point. This is a very important part of our Government, a very small part of our Government, comparatively speaking. I think there are only 1,000 or so people in the U.S. Foreign Commercial Service and they are scattered not only all over the United States but all over the world. But they do an important job of helping American businesses do business in international markets.

As Senator ROCKEFELLER pointed out, the predecessor of the would-be nominee at the U.S. and Foreign Commercial Service is a woman named Susan Schwab. Susan Schwab came to work in my office in probably the early 1980's. She was at that time a legislative assistant, and her particular area in my office was international trade. It is a subject that I became interested in in the late 1970's, and she was just terrific as a legislative assistant, very, very knowledgeable on trade matters and very savvy about how trade policy worked its way out of Government. She did such a good job that she then became my legislative director. But

President Bush nominated her and she was confirmed as the Director General of the U.S. and Foreign Commercial Service. So she went from supervising a group of about five or six people in my office to supervising this worldwide group of individuals.

All of the feedback that I heard was that she did an outstanding job in that capacity as well. She called me, too. The position that Sue Schwab took was that Ms. Fitz-Pegado is qualified for this position and that she should be confirmed. So that is a very good recommendation as far as I am concerned.

I respect very much the Senator from North Carolina. But the points that have been made against Ms. Fitz-Pegado have been considered, and they have been particularly considered in the Commerce Committee. As a matter of fact, concerning the No. 1 charge that has been made against her, which was the charge that the Kuwaiti commercial was fraudulent, her claim is, well, she did not know it to be fraudulent. She did not know that this was something that was, in fact, a message from the daughter of the Ambassador to the United States, and that it was apparently a made-up story. So in order to get to the bottom of that, we had a panel that appeared before the Commerce Committee on just this subject.

Madam President, it is my judgment that the case against Ms. Fitz-Pegado just simply has not been made. Therefore, I think that the burden of proof—which to me, and perhaps the rest of the accusers—has not been a burden which has been met.

I just want to say one thing about this whole business of confirming Presidential nominees. I know that the argument could be made that, well, Ms. Fitz-Pegado is maybe not the person we would have appointed for this job, or we would have nominated for this job, or there could be somebody, or hundreds of people, thousands of people, who are better for this job. It is the view of this Senator that there are a lot of people who would be better for the job of President of the United States than President Clinton. That is not a surprise. I am a Republican. I did not vote for him.

I mean, that to me is the nature of politics, that you have different views, and your person wins or your person loses. But I do believe that once a President is elected to office, that President should have a considerable amount of latitude as to who is nominated and who serves in the President's administration.

So I believe that a very strong presumption should be extended to Presidential nominees. In fact, there have only been a handful of cases in the time that I have been in the Senate when I have ever voted against a Presidential nominee. Sometimes I have been holding my nose while I have been voting.

It is not an ironclad position. There have been cases where, for one reason or another, I have felt compelled to vote against the nominee. But I believe that there should be a very, very strong presumption in favor of supporting the President of the United States. I also believe that when charges are made against an individual who is the nominee, we have to extend to that individual a presumption, and that there has to be a very heavy burden of proof to charges made against the individual.

My own view is our process of dealing with Presidential nominations has become extreme, not really bearing on reality. I do not know of anybody in the world who is hired in the same way that Presidential nominees are hired. I do not know of anybody for any job who is put through quite the same meat grinder that we put people through.

I mean for the most ordinary position; let us take, for example, a position that amounts to nothing, like a member of the Interstate Commerce Commission. There is a job that requires nothing. They do not do anything. It is just a shell of a position. Yet, when somebody is nominated for a Commissioner in the Interstate Commerce Commission, the FBI goes out and interviews maybe two or three dozen people in connection with that job. Nobody in the private sector does that—at least to my knowledge nobody does that. Nobody in the real world does that. But we are so concerned about getting to the bottom of things and not making mistakes, that we have this extremely elaborate way of picking Presidential nominees and confirming Presidential nominees.

My own view is that we have gone overboard, that it is not realistic, and that people who become Presidential nominees really more or less take their lives in their hands. I mean people can have perfectly decent lives, and before you know it they are the subject of editorials in newspapers and front-page stories, and all kinds of charges being made against them.

I have a special feeling that when a person is nominated by the President of the United States we should be careful. We, as a Senate, should be careful, and not scared about digging out all of the relevant facts; but careful about the individual who has been nominated for the job. Let us face it. The country is not going to come to a screeching halt if the wrong person, by chance, is the Director General of the U.S. and Foreign Commercial Service. I mean the country is too strong to be threatened by making a mistake for the U.S. and Foreign Commercial Service.

I think the country is more likely to be hurt by the demoralization of a part of the Commerce Department, the demoralization of a very important part of our Government, this particular service, and by the personal toll that the process takes on those who are caught up in this protracted and, I think, unfortunate process that we have made of the system of confirmation.

For all those reasons, Madam President, I will vote against the motion to recommit.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Madam President, I suggest the absence of a quorum, and ask that the time consumed by the quorum be equally divided by both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, as I understand it, the pending business is the nomination?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I yield myself whatever time I may need.

Madam President, I support the motion to recommit offered by the distinguished junior Senator from North Carolina. It is a constitutional responsibility of the Senate to consider the President's nominations to senior executive branch positions. If information emerges about a particular nominee during the Senate's consideration, that information must be examined, not ignored for the sake of convenience or comfort.

At the time of the hearing held on this nominee before the Banking Committee and the Commerce Committee, only a few of the facts were known concerning this nominee's suitability.

But since then, Madam President, much more information has emerged about her lobbying activities for arms merchant Adnan Khashoggi, for Haiti's "Baby Doc" Duvalier, for the Marxist government of Angola, and information about the infamous baby incubator fraud after the Iraqi invasion of Kuwait. There are also new questions about her husband's involvement with the state-owned oil company of Angola and his current activities, which raise issues of conflict of interest for the nominee.

I can imagine what would be going on out here if this nominee had been sent up here by a Republican President. It would never see the light of day with the Democratic majority.

It is incumbent on this body, if we take seriously our responsibility to exercise our duty to advise and consent, first, to get the full story. I know we would have gotten the full story if this had been a Republican nominee with a

Democratic majority in the Senate. If there is nothing to it, then the nominee has nothing to fear and will have had an opportunity to clear her name. But we will not know until we have had an opportunity to explore all of the facts.

I might add that this is not a partisan issue. Members of the Senate on both sides of the aisle have expressed serious concern about the nominee's fitness. I support the efforts of Senator FAIRCLOTH and urge my colleagues to recommit this nomination to the Banking Committee for further examination.

It seems to me that we are entitled to the facts. That is all the Senator from North Carolina wants. The facts may be that there is not a problem, but we do not know. Again, it is an instance of one-party control and how damaging it can be from time to time. We should send it back to the Banking Committee. We are going to have these very limited Whitewater hearings, apparently, some time this year or next year or next decade, whatever, and I hope this is not a forerunner of what we may expect in that investigation.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

THE PROPOSED TEXT FOR THE GENERAL AGREEMENT ON TARIFFS AND TRADE [GATT] NEGOTIATIONS

Mr. THURMOND. Madam President, over 2 months ago, on April 15, 1994, representatives from 115 countries met in Marrakesh, Morocco, to formally sign the Uruguay round final text of the General Agreement on Trade and Tariffs [GATT]. The negotiations leading to this event have taken over 7 years and countless hours to complete. The text of the GATT agreement is over 22,000 pages and weighs 385 pounds. The GATT is an ambitious undertaking in its objectives: lowering tariffs on imported and exported goods, creating more trade opportunities for U.S. companies, protecting intellectual property rights, and opening foreign markets to more U.S. goods and services.

Madam President, the GATT negotiations have focused on continuing the seven previous rounds of talks which were intended to reduce the barriers of international trade. The major areas of negotiation have concentrated on agricultural trade, textile trade, services, and trade related to foreign investment, as well as protection of intellectual property rights.

The GATT agreement is supposed to help our economy by increasing our exports to foreign markets. When we increase our exports, companies hire more workers, payroll tax receipts rise, and, in general, help our businesses continue to grow and prosper. According to the Clinton administration, two important goals of the GATT is to help resolve trade disputes between countries and to reduce trade barriers in all markets.

Madam President, those of us who were serving in the Senate during some of the previous GATT rounds have heard many of the same arguments that the Clinton administration is making in regard to this agreement. In fact, the claims regarding the Uruguay round are strikingly familiar to those made by the Carter administration at the close of the Tokyo round talks in the late 1970's. At that time, we were told that bold new steps, such as those incorporated into the Tokyo round, were needed to eliminate our trade deficit and to make America more competitive in the global marketplace. Yet, Madam President, the exact opposite happened. After implementation of the Tokyo round, the United States trade deficit grew from $14 billion in 1979 to over $115 billion for 1993. Further, we saw a major decline in the steel, textile and apparel, and electronics industries. During this same time, these industries were struggling to survive due in part to the closed markets of other countries.

Madam President, I am not asking that my colleagues rethink their philosophy on trade. However, we should be examining the agreement to see if all that is promised will be forthcoming. It seems to me that the benefits of this agreement appear to fall into the same vague and dubious category as previous rounds which failed to produce their lavishly predicted results. Not only are there problems with the trade components of this agreement, but there is also a problem with the establishment of a new international body, called the World Trade Organization [WTO]. The creation of the WTO causes me great concern.

Some reports mention that this entity, which is included in a 14-page section of the GATT agreement, was treated as an afterthought to the negotiations. With something as important as the sovereignty of our Nation, I regret that our negotiators did not consider this issue in depth.

The WTO is intended to be the arbitrator of trade disputes between signatory countries. The WTO has two main components: the Ministerial Conference and the General Council. The Ministerial Conference will meet every 2 years and receive decisions on matters covered by trade agreements. The General Council will govern the WTO on a daily basis. Also established under the General Council are several committees to review and make recommendations on more specific issues such as the balance of payments, dispute settlements, and specific sectors of trade.

The Dispute Settlement Body, which is established under the General Council, will be the ultimate arbitrator of trade disputes. The decisions handed down by the WTO will be voted on by the member countries. Each country gets one vote and, except in some cases, a majority vote rules. While the WTO has been described as a United Nations of trade, the United States will not have veto power over WTO decisions. All decisions are final.

The United States will have four choices of action if the WTO rules against our country. We can either: first, leave the WTO; second, pay tariff penalties to other countries; third, not enforce our domestic laws; or fourth, change our laws to comply with the WTO ruling. Most of the Federal, State, and local laws that would be contested have been enacted to protect the rights, safety, and health of our workers and the environment of our country. Why should the United States pay tariffs to other countries for implementing rational standards in these important areas?

Madam President, I would like to read from the "International Herald Tribune" as written on April 26, 1994. It reads, "It is true that the WTO means a loss of congressional sovereignty. But that will be no bad thing if it clips the wings of Capitol Hill's powerful protectionists." Let me also read from the European Commission background brief on the Uruguay round. It states, "The agreement on the WTO also contains a binding clause which requires members to bring their national legislation in line with the agreements that are part of the WTO structure." Madam President, while creating an international bureaucracy this agreement is also restricting the ability of Congress to do its constitutional duty.

Madam President, I ask unanimous consent that the full text of the articles from which I was quoting be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Madam President, one argument used to justify the WTO is that other countries would not impose harsh penalties against the United States since we have such a lucrative marketplace. However, I do not think any of us can really be sure how the developing nations of the world, which account for 83 percent of the WTO membership, will vote when a situation arises.

Madam President, another concern I have regarding the GATT is the total cost of the agreement. According to news reports, the United States will lose an estimated $40 billion from tariffs over the next decade if this agreement is implemented. While some of the lost tariffs might be recouped from the increased trade that the United States is expected to experience, the pay-as-you-go provisions of our budgeting process require that money lost

from tariff cuts must come from revenue increases or spending cuts. At this time, I would not be inclined to support a budget waiver to help pay for the GATT. With our National debt of over $4 trillion, we need to be fiscally responsible in our actions. I think that if this agreement is important enough to pass then we should not have to waive the budget act to enact it.

Madam President, hopefully, some of these concerns can be addressed by the administration before the implementing legislation is presented to Congress. I look forward to working with the administration and my colleagues to get a fair trade agreement.

[EXHIBIT 1]

THE URUGUAY ROUND

3. Sectoral Assessment of the Uruguay Round

3.1 Agreement on the World Trade Organisation.—The agreement to subsume Gatt into a new wider World Trade Organisation is a token of the commitment of the EU and organisation's other members to a multilateral trading system. The aim behind the WTO is that members agree to settle their trade disputes multilaterally through the WTO instead of bilaterally or even, in the case of Section 301 of the US Trade Act, unilaterally.

The United States, which has taken unilateral action against a number of its trading partners in recent years, was reluctant throughout the Uruguay Round to accept the creation of the WTO. But they agreed at the end on condition that the (to them) confrontational name originally envisaged, the "Multilateral Trade Organisation", or MTO, became the WTO.

The WTO will create a single institutional framework encompassing the Gatt, all agreements concluded under its auspices and the complete results of the Uruguay Round, including the agreements on trade in services (GATS) and in intellectual property rights (TRIPs). Its structure will be headed by a Ministerial Conference which must meet at least once every two years. Its members have to accept the results of the Uruguay Round in their entirety via what the WTO agreement calls "a single undertaking approach".

The agreement on the WTO also contains a binding clause which requires members to bring their national legislation in line with the agreements that are part of the WTO structure. This further restricts the scope for unilateral action.

The European Union is satisfied with the result of the negotiations on the WTO. It creates the required institutional framework for making sure that the reduction of trade barriers can be translated into effective and permanent access to markets.

In addition, the European pharmaceuticals and chemicals industry will receive patent protection for their inventions in many developing countries that have refused such protection thus far. European sound recordings, films, books and computer programmes will now also be protected against piracy.

3.12. Dispute Settlement Agreement.—A fair and effective procedure for settling disputes is at the heart of any successful system of multilateral trade. The Uruguay Round has succeeded in setting up an integrated dispute settlement structure which can deal with cases arising between parties to any Gatt or WTO agreement or sub-agreement.

Procedures have been defined which are virtually automatic. The decisions on the establishment, terms of reference and composition of dispute panels will no longer depend on a consensus agreement, which in the past has meant that any Gatt member could veto the creation of a panel to investigate its alleged breach of rules. The same automaticity will apply to the adoption of the findings of the panel. Panels will be expected to submit their findings within six months of being set up.

The new agreement includes an appeals procedure. The findings of the appeals body must be made known within 60 days.

One of the central provisions of the agreement is that members shall not themselves make determination of violations, or suspend concessions, but shall make use of the new dispute settlement procedure. Furthermore, a binding commitment to bring national legislation in conformity with these rules has been agreed, so that the United States can neither resort to nor even maintain arbitrary provisions of the kind used to impose unilateral sanctions against its trading partners.

Finally, the mechanism of "cross-retaliation", allowing under some conditions sanctions to be applied in the field of merchandise trade for infringements of the services and/or TRIPs agreement will permit an effective enforcement of the pledge to liberalise trade in these two new areas.

3.13. Agreement on civil aircraft.—Although taking place simultaneously, negotiations on trade in civil aircraft were not part of the Uruguay Round proper. But in view of the central subsidy issue involved in the manufacture and sale of civil aircraft, a link was established between these negotiations held within the Gatt Civil Aircraft Committee and the negotiations on the Uruguay Round Subsidy Agreement (see 3.8 above).

The negotiations on civil aircraft failed to reach an agreement when the US rejected a compromise draft from the Committee's chairman. The negotiations have been extended for another year in the hope that the main protagonists, the EU and the United States, can strike a deal. The chairman's draft, which is largely acceptable to the EU, will form the basis for the next phase of the negotiations. The Americans objected to the granting of "grandfather clauses" to protect old subsidies from Gatt action and to new provisions covering indirect subsidies.

Meanwhile, the civil aircraft sector is subject to the general provisions on subsidies contained in the Uruguay Round subsidy agreement. But, at the EU's insistence, the sector is specifically exempted from the 5% threshold beyond which certain subsidies are deemed to create "serious prejudice" for competitors.

This means that the special case of the civil aircraft industry as being one where subsidies have to be dealt with on a less stringent basis has been recognised.

[From the International Herald Tribune, Apr. 26, 1994]

U.S. MUSTN'T DAWDLE ON THE TRADE PACT

(By Reginald Dale)

WASHINGTON.—Now that the world's biggest-ever trade agreement has been signed and sealed in Marrakesh, it is time to get it through the U.S. Congress, and the sooner the better.

Already some dangerous ideas about the trade pact are afoot on Capitol Hill. The longer the agreement remains unratified, the more vulnerable it will be to protectionist pressures.

Administration officials insist they will do everything necessary to ratify the pact, the fruit of seven years of arduous negotiations in the Uruguay Round. They say that President Bill Clinton is fully committed to the cause.

But it is not clear the administration has learned the lessons of last year's near-fiasco over the North American Free Trade Agreement, saved only by a bout of last-minute political arm-wrestling by Mr. Clinton.

The administration's biggest mistake over NAFTA was complacency—underestimating the opposition and leaving its drive to win approval far too late. As a result, last-minute waverers squeezed a lot of promises out of Mr. Clinton that he would have been better off not making.

This time there is much less organized opposition, but that could change as November's mid-term elections draw closer.

Congress is by no means yet committed to the Uruguay Round and its schedule is already overloaded. The committees responsible for the trade pact also happen to have jurisdiction over the two biggest pending items of domestic legislation—health care and welfare reform.

Some major misconceptions need to be nipped in the bud. One is that it does not matter if the implementing legislation is put off until next year.

Yes, it does. Delay will increase the chances of the pact being blown off course—perhaps by a major new trade dispute with Japan, China or even Canada.

Another mistaken impression is that the agreement can still be changed. Many Republicans think they can tighten up lax rules on subsidies, while some in both parties are demanding greater scope for unilateral U.S. action.

The House Republican whip, Newt Gingrich, even wants to cut out the part of the agreement establishing the World Trade Organization, which he regards as a sinister organ of world government that will ride roughshod over American interests.

But U.S. agreement to the World Trade Organization was an integral part of the Uruguay Round compromise. There is no way of reopening the negotiations now. Under the fast-track procedure in force for the treaty, Congress must in any case vote "yes" or "no" on the whole pact at once.

It is true the WTO means a loss of congressional sovereignty. But that will be no bad thing if it clips the wings of Capitol Hill's powerful protectionists. It will actually be good for the United States to be overruled by the world organization when Washington tries to take politically motivated action against other countries' exports.

Where the debate enters the world of Alice in Wonderland is when it gets to how to pay for it all.

Under U.S. budgetary rules agreed in 1990, Congress must find ways to offset the revenue lost from the Uruguay Round tariff cuts, which could amount to nearly $14 billion over five years or perhaps $40 billion over 10 years.

With the elections approaching, nobody wants to propose new taxes or spending cuts to bridge the gap. But nor does anyone want to suggest a waiver from the rules and set a precedent that opponents might exploit later on—the Democrats for health care or the Republicans for cuts in the capital gains tax.

The whole thing is absurd. In the next five years the government is likely to collect about $3 in revenue for every $1 lost in tariffs, because of vastly increased trade.

It is ridiculous to impose a budgetary penalty for freer trade, which pays for itself many times over. Congress should be brave enough to admit it has made a mistake and exempt trade agreements from the rules.

The main thing for Congress to remember is that agreements to open up world trade are never perfect, but the United States has always benefited from them.

Mr. Clinton should remember that his decisive support for NAFTA won top marks even from his critics as the high point of his first year in office. It is time for a repeat performance—preferably without the cliff-hanging finale.

Mr. THURMOND. Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Nevada [Mr. REID].

Mr. REID. Madam President, I wish to use the time of the opponents of the motion, and I ask unanimous consent that my statement appear as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE LAWSUITS AGAINST FEDERAL GOVERNMENT RE: IMMIGRATION COSTS

Mr. REID. Madam President, yesterday I had the opportunity to testify at what may be the only hearing on immigration this year in the Congress. Representatives of the administration and Members of the Senate were allowed to testify about their views concerning various proposals aimed at resolving what I believe to be an immigration crisis. The stories we are reading on a daily basis evidence that, unless we deal with this crisis now, we risk jeopardizing the health and welfare of future generations of Americans.

I hesitate to use the word "crisis" in describing the current situation, but I really cannot think of another word that more accurately describes the current state of our Federal immigration laws. How else can we explain the flurry of lawsuits being brought by the States against their own Government, the Federal Government? That is right. The States are now suing the Federal Government. Florida, California, Texas, Arizona, Illinois, and New Jersey have either brought lawsuits or are considering bringing them against the Federal Government. They are all seeking financial reimbursement for the costs associated with Washington's failed immigration policies.

Whether these lawsuits ultimately prevail on their merits is really not the point. The point, quite simply, is that the State Governors are sending a wake-up call to Washington to do something—anything—to deal with the escalating problem of illegal immigration. The unduly burdensome costs imposed on the States are staggering.

For example, Florida estimates that it spent over $1 billion providing assistance and benefits to those not lawfully within the country.

California estimates that it will spend over $3.6 billion this year to provide services and benefits to those not lawfully within the country.

New York estimates that it will spend over $1 billion this year to provide services and benefits to those not lawfully within the country.

In Texas, a Rice University study estimated that in 1992 alone, the State of Texas paid more than $1.2 billion for these costs.

These costs are staggering.

I believe it is regrettable that States have reached the point where the only remedial avenue available to them, is to seek redress in a court. What is even more regrettable is that even if the States prevail on the merits of their claims in the court system, the problem will not go away.

The unfortunate result of these lawsuits is that they have the combined effect of increasing the tensions between the State and Federal Government and escalating anger at the current Federal policy. To ignore this would be a mistake. It is an abdication of our legislative and even our constitutional responsibilities to set the laws of the land.

Our response to this problem so far has been wholly inadequate. We have allotted a mere $35 million—and remember the figures I have gone over from these States involve billions and billions of dollars—we have allocated $35 million to deal with this problem. I realize there are other bailout solutions proposed. But I would suggest that even if the Federal Government wanted to, it would not be able to adequately compensate the States for the costly burdens owing to our failed immigration laws. And even if we did, the real solution would not simply be to throw money at the States. Without reforming our policies, these costs will have been borne year in and year out. If we could just bail out the States with these, in effect, lump sum payments, that would be one thing. But it would be a payment every year of multibillions of dollars.

It does not require an economic analysis to determine that the way we are headed is not economically feasible.

The Attorney General often talks about attacking the crime plaguing our society, concentrating on the root causes of crime. I believe that the best way to determine the solutions to our immigration-related problems is to focus on the root causes of the problems.

Arguably, the greatest root cause of our current problem is a porous border. Our Border Patrol is understaffed and our enforcement operations are underfinanced. I introduced legislation earlier this year that directly addresses this problem and offers a solution that will fund itself. My legislation, the Immigration Stabilization Act of 1994, Calls for the creation of a border control trust fund. This fund will be financed by the imposition of nominal border crossing fees. Those crossing by car or truck will be required to pay between $3 and $5 depending on whether the vehicle is privately owned. For those who cross the border frequently, this legislation directs the Commissioner of the INS to establish a reduced multiple-crossing fee.

Madam President, this is not anything that is unusual. To go into some of our national parks and some of our State parks and you pay a fee. We have toll roads all along our highway system in this country. It has worked well.

These fees would be placed directly—that is the border crossing fees—into the Border Control Trust Fund. It would allow us to increase the full-time Border Patrol agents to 9,900 by the year 1998. That sounds like a lot of people, almost 10,000. But if you think of the thousands of miles of border we are obligated to maintain for 24 hours a day, that really is not a lot of people. But we need those people.

This fund will also be used to provide financial assistance to State and local law enforcement agencies that have entered into cooperative arrangements with the INS. In short, it beefs up our border security and eliminates the often adversarial relationship between the Federal and State and local governments that is fostered under current law.

While the border may be the root cause of our problems, it is also the smoking gun evidence that States will use in proving their case against the Federal Government. The case has to be made that protecting our borders is the primary responsibility of the Federal Government.

Why should the States be burdened with the negligence, for lack of a better word, or the malfeasance of the Federal Government?

If the State of Texas were still a republic, Governor Richards would not be justified in asking Congress to take steps to reduce illegal immigration. If Texas were still a republic, controlling its southern border would unquestionably be Texas' responsibility. All decisions regarding that border would be made not in Washington, but in Austin, TX.

However, the days of the Lone Star Republic are gone. The responsibility for defending and controlling this border rests with the Federal Government. And, the duty we owe to defend this border from our enemies is no less important than the duty we owe to control this border to prevent unlawful entry.

Again, Madam President, I want to emphasize that the root cause of our problems is law enforcement. It is not immigrants.

In recognizing that the root cause is one of law enforcement—or lack thereof—we must ask ourselves what price are we willing to pay by allowing our laws to carry meaning only in the books in which they are printed? The States suing the Federal Government make a pretty compelling case that this price is enormous.

The benefits and services provided in this country are great. Medical services, unemployment compensation, aid to families with dependent children, emergency medical assistance, education and many, many other social services are provided by the Government. In part, because of the easy access to fraudulent identification documents, almost anybody can obtain these benefits and services.

It is because all of these services are easily available that the tenor of this whole debate has become so heated. It is also why some States have resorted to suing the Federal Government. There are Members in the other body who are offering amendments requiring a cutoff of all forms of benefits whatsoever—including education and emergency medical care.

I believe this kind of solution is short-sighted and often mean spirited. As a humane nation, we cannot refuse to provide emergency medical assistance because someone is unlawfully within the country. As a nation dedicated to education and justice, we cannot refuse to educate those children borne to illegal immigrants. That is unfairly punitive and does not serve the interests of building a more productive society.

There are other benefits and services, however, that should not go to people who are not legally within this country. Welfare, unemployment compensation, Supplemental Social Security, and housing subsidies are only a few of the benefits and entitlements that we should stop people who are not legally within this country from obtaining. We must do something with the operations of our country to ensure that the recipients who receive these benefits are lawfully within the country. Should we not be doing more to ensure that the scarce funds provided for in these benefits go to those who are lawfully within the country? The recipients of many of these benefits are often the poorest and most downtrodden of our society. It is manifestly unjust for the Government of the United States not to protect and care for the citizens of the United States.

I find it interesting that many of those opposed to reforming our immigration laws argue that this Nation has historically been able to absorb large waves of immigration. This may be true. But they forget to point out that almost all of the benefits and services available today were not available during many of the earlier waves of immigration.

There are other more unfortunate costs that States must bear for our failed immigration policies. Those are the costs of incarcerating criminals who are not lawfully within the country. According to the California Department of Corrections, there will be some 18,000 undocumented individuals in their persons—the California State prisons—next year. The annual cost of keeping one inmate in prison in the State of California is almost $21,000 a year.

The bottom line is that the State of California, on this one aspect of their burden, is having to spend $375 million a year on a responsibility that fairly and realistically should be borne by the Federal Government.

California is not alone in dealing with the growing number of undocumented criminals residing in our prisons. Texas and Florida are also saddled with enormous costs, and their prisons too are overcrowded with undocumented criminals. In Texas, Governor Richard's office estimated it costs the State and local governments almost $56 million just to incarcerate criminals who are not lawfully within the country. That is only for the State of Texas. In Florida, the Immigration and Naturalization Service continually releases asylum claimants before their asylum status or criminal history is even checked.

Keep in mind that in discussing the costs and burdens placed on the States for incarcerating these individuals we are not even counting the cost that society pays for the transgressions committed. The States are not the only victims. U.S. citizens and those individuals in this country lawfully are being twice victimized by this phenomenon; first, by the crimes committed against them, and, second, when their tax dollars are being used in apprehending, trying and imprisoning criminals who, but for the failure of our current laws, should not have been here in the first place.

What has been the Federal Government's response? Sadly, the crime bills contain language calling for Federal reimbursement for the incarceration costs—if we provide the money, which we probably will not do—or, in the alternative, that the Federal Government take custody of undocumented criminals. The taxpayers are paying for this whether they are taxpayers of the State of Texas, California, Florida, Nevada, Washington, Kentucky—we are all paying for this.

Again, the solution is not going to be found simply by throwing money at the States and wishing the problem away. Reform is needed, or the States will be facing this problem again next year, the year after, the year after, and for the foreseeable future.

The New York Times, a paper that none would argue as being anti-immigrant, best summarized the burdens giving rise to these State lawsuits in an editorial that said among other things:

> [These States] didn't invite illegal immigrants; nor did these States create the poverty that plagues those unfortunate families. Illegal immigrants are no more the responsibility of the taxpayers in Los Angeles than they are of the taxpayers in Butte [Montana]. After all, Washington sets the Nation's immigration laws; it also decides how carefully its laws are enforced. It follows that Washington ought to pay for the consequences of porous borders. [These States] pleas are just.

Madam President, I ask unanimous consent that this editorial be printed in its entirety in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. REID. It is time we ask ourselves whether we are going to have our immigration policies decided in the Federal courts or in the Congress, where the Constitution and the people of this country have deemed they should be decided do not engage in meaningful reform of our current immigration policies, the courts will decide our immigration laws. That is where the policy will be set. It will be set in the chambers of judges in all the circuits of this country when it should be decided in the Chambers of the House and the Senate. It is regrettable that these suits are being filed. It would be even more regrettable to allow the courts to set our immigration policies.

EXHIBIT 1

[From the New York Times, Jan. 11, 1994]

THE UNFAIR IMMIGRATION BURDEN

A handful of states have been inundated by illegal immigrants and are unfairly bearing the costs that should be borne by the entire nation. They deserve a helping hand when President Clinton submits his budget to Congress next month.

Only a few states—California, Texas, Illinois, Florida, New York and New Jersey—account for the vast majority of the estimated five million illegal, often poor immigrants who have entered the U.S. over the last decade. California alone may account for half. Cities like Los Angeles and New York have been pounded by costs associated with new immigrants.

The Governors of Florida and California are planning to sue Washington for money their states spend providing education and emergency health care for illegal immigrants. Their plea is just.

Gov. Pete Wilson says California wants Washington to pay more than $2 billion a year that his state spends on education, emergency health care, prisons and other outlays on illegal immigrants. Gov. Lawton Chiles of Florida wants Washington to pick up the $750 million tab that his state has spent on illegal immigrants from Cuba, Nicaragua and Haiti, among others. New York spends at least $800 million a year on illegal immigrants. But to help meet these huge budget hits, Congress has allotted a measly $35 million.

California and Florida didn't invite illegal immigrants; nor did these states create the poverty that plagues those unfortunate families. Illegal immigrants are no more the responsibility of taxpayers in Los Angeles than they are of taxpayers in Butte. After all, Washington sets the nation's immigration laws; it also decides how carefully its laws are enforced. It follows that Washington ought to pay for the consequences of porous borders.

If Congress refuses to recognize the plight of Florida, California and New York, the political mood will inevitably turn ugly. Governor Wilson has already proposed denying illegal immigrants education and some other services. And if such costs are piled onto already strapped state budgets, states may react with stingy services for all poor residents. Worse, demagogues will be tempted to demonize all immigrants, legal and illegal, many of whom are guilty of no more than fleeing political oppression and economic degradation.

There's a humane palliative. Congress can find the few billion dollars a year it would take to ease the burden on the worst-hit state budgets. The costs of illegal immigration in the U.S. aren't huge in total. But they are back-breaking in cities like New York and Los Angeles. Congress needs to rescue hard-pressed localities. Then it can turn to the harder task of rescuing individuals trapped in poverty—taking them off welfare rolls and connecting them permanently to useful work.

NOMINATION OF LAURI FITZ-PEGADO, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE

The Senate continued with the consideration of the nomination.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

UNANIMOUS CONSENT AGREEMENT

Mr. FAIRCLOTH. Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both the motion to recommit and the confirmation of the nomination, if the motion to recommit fails.

Mr. FORD. Madam President, I know of no reason to object to that and, as I understood last night, the Senator had this kind of an agreement; is that correct?

Mr. FAIRCLOTH. For an 11:30 vote.

Mr. FORD. The Senator is asking unanimous consent now for the yeas and nays on both of those?

Mr. FAIRCLOTH. On the motion to recommit——

Mr. FORD. If the motion to recommit is not agreed to, then the Senator wants a vote on the nomination itself?

Mr. FAIRCLOTH. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. Madam President, I understand there is no more time on the Democratic side and there is approximately 10 minutes remaining on Senator FAIRCLOTH's time. I have just discussed with him and he is willing to yield what time he has remaining to the distinguished Senator from California [Mrs. FEINSTEIN], for a statement as if in morning business, which will appear at a later point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. There are 8 minutes and 50 seconds remaining.

Mr. FORD. How much time?

The PRESIDING OFFICER. Eight minutes fifty seconds.

Mrs. FEINSTEIN. I very much thank the distinguished Senator from Kentucky.

(The remarks of Mrs. FEINSTEIN appear at a later point in the RECORD during the consideration of the Federal Aviation Administration Authorization Act of 1994.)

The PRESIDING OFFICER. All time on the pending motion has expired

The question occurs on the motion to recommit the nomination to the Committee on Banking, Housing, and Urban Affairs.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 147 Ex.]

YEAS—37

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Dole
Domenici
Dorgan
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Packwood
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

NAYS—61

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cohen
Danforth
Daschle
DeConcini
Dodd
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—2

Boren
Warner

So the motion was rejected.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 148 Ex.]

YEAS—69

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Danforth
Daschle
DeConcini
Dodd
Domenici
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Stevens
Wellstone
Wofford

NAYS—30

Bennett
Bond
Brown
Burns
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Dole
Dorgan
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lugar
McConnell
Moynihan
Murkowski
Nickles
Simpson
Smith
Specter
Thurmond
Wallop

NOT VOTING—1

Warner

So the nomination was confirmed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, may I take a few moments, because a number of my colleagues have raised questions regarding the concerns that airport operators have raised about title V of the bill, the impact on airport bonds and the possible imposition of civil penalties on airport sponsors for violations of the law.

Mr. President, after months and months and months of tedious and torturous negotiations—and I underscore both those words—a compromise was reached with the two airport associations and the airlines. Let me repeat that. A compromise was reached with the two airport associations and the airlines. At the time of the final negotiations, I committed to the airport association to continue to work on these two issues, to clarify the language if necessary. I also committed to address and eliminate problems that are not intended by this legislation. I am aware that there are serious concerns about the effect this legislation may have on new fees, or fee increases that are committed in the future for bonds or financing agreements for airport capital improvements.

I do not want to weaken airport bond financing capabilities, or ratings, nor do I want to inadvertently cause airport financing costs to increase. Such a result is in no one's best interests.

I strongly believe that setting out a procedure for airport fee disputes will be a plus for the bond market, as they are always seeking certainty. Also, the elimination of the possibility of airport funds bleeding off the airport to fund local government services, should also send a strong, positive message to Wall Street and preserve the integrity of the airport funding system.

I plan to work with the airports, the financial community, and other experts to make modification in the conference as necessary to prevent any adverse effects on airport financing. And I am not sure there will be much modification because of the long, long period of negotiations for the final agreement between the two airport associations and the airlines.

Mr. President, with respect to the civil penalties provision, it is intended to inform local government officials and airport sponsors that revenue diversion will not be allowed. This provision should also strengthen DOT's ability to enforce the law. Mr. President, I believe this provision is needed, in that a prohibition on revenue diversion has been the law since 1982 and airports continue to divert revenue. One of the biggest problems with airport fees has been the lack of enforcement at the Department of Transportation. My interest—my interest alone in including a civil penalties provision is not in assessing penalties but to create a strong disincentive for those who may be tempted to seek to divert airport revenues and to ensure that violations are corrected and that any funds that are diverted illegally are restored to the airport.

I want to make certain that the Department of Transportation and the FAA, should they find a violation, will provide a reasonable period of time to make corrective action to restore the funds or otherwise come into compliance before a penalty is assessed. As I stated in my opening remarks several days ago to S. 1491—in fact it was last Thursday—the Secretary of Transportation has wide latitude to mitigate or compromise the penalty, and that authority should be used. I hope the Secretary would not impose civil penalties for inadvertent diversion, but, instead, seek to recoup those funds in a timely fashion, worked out with the airport sponsors. Mr. President, I hope the provisions of this compromise never have to be used.

I want to continue to encourage airports and airlines to work out their differences at the local level. The few occasions when a dispute has reached the level where the parties are unable to reach an agreement has proved the need for legislative guidelines and a swift policy at the Department of Transportation to resolve the dispute.

I have included language in the compromise that ensures the compromise will not affect the fees and arrangements that are a part of a written agreement between an airport and the airlines.

The language also makes clear that in enacting this legislation, the Congress does not intend to affect fees that are not in dispute or are required under financing agreements or bond covenants entered into prior to the bill's enactment.

So, Mr. President, I hope this brief explanation will alleviate many of the concerns some of my colleagues have raised with me as chairman of the Aviation Subcommittee of the Committee of Commerce, Science, and Transportation.

MISAPPLICATION OF REVENUE DIVERSION POLICIES

Mr. HARKIN. Mr. President, I appreciate the chairman's efforts to prevent revenue diversion by airports. However, I would like to engage the chairman in a brief colloquy that expresses strong concern about the misapplication of revenue diversion policies to a situation affecting the Des Moines International Airport and its rental of facilities to the Des Moines Independent Community School District.

The school district is one of only three in the country to train high school students to become aviation maintenance technicians. It's graduates, with the training and the experience that can only be gained from learning at an operating airport, are working all over the Midwest, ensuring that the Nation's aircraft are safely maintained.

In 1993, the Department of Transportation inspector general conducted an audit to airport revenues across the country. Its goal was to shed some light on the very serious issue of airport revenue diversion, and to determine which airports were engaged in unauthorized revenue diversion.

I understand that the IG found Des Moines to be a fully self-sustaining airport, and generally found its procedures and accounting satisfactory. However, I am told that the IG concluded that the airport was not in full compliance with its grant assurances because it was not charging full market value for use of airport land on which a public school facility has been built, which is considered to be a form of revenue diversion.

I am greatly troubled by the IG's finding with regard to Des Moines. The use of this facility as a training school for aviation maintenance technicians is a situation wholly distinct from the classic cases of airport revenue diversion, where moneys generated by the airport are spent on off-airport service that do not benefit thie airport or airport users, and deprive the airport of needed revenue.

This school is not only a governmental entity, operated by the school district. Most importantly, it provides critical services to the airport community. it must be located at an airport in order to fulfill its mission. And it provides a means of offering our Nation's young people an opportunity to develop needed aviation skills that can only be learned in an operating aviation environment. To insist on charging market value for a facility lease under the circumstances in this case, particularly when the airport is already self-sustaining, would in my view, be a serious distortion of the rules preventing airport revenue diversion.

A Blue-Ribbon Panel study commissioned in 1993 predicts an impending shortage of maintenance technicians who have the training necessary to operate in tomorrow's complex aerospace system. The school district and the airport are working together to supply a much needed commodity in aeronautics—skilled technicians who have the qualifications to provide services necessary to ensure the safety to air travelers.

I am concerned that the IG may have found this to be in violation of the airport's sponsor agreement and the Airport and Airway Improvement Act 1982. I do not believe that we had in mind requiring nonprofit governmental entities, such as this school, which fulfill an important aviation need—one without which airports cannot exist—to pay full market value for rental of airport property when the airport is already self-sustaining.

Mr. FORD. I appreciate the Senator's thoughtful address on this issue. Airport revenue diversion is arguably a very serious matter. Our intention at the time the Airport and Airway Improvement Act was enacted was and remains that an airport be as self-sustaining as is feasible, and that the revenues generated by an airport should be used by the airport and should not be sent downtown for other purposes.

I agree with the Senator from Iowa that the rental to the school district for the maintenance technician school should be considered an appropriate and aviation-related use, and not subject to the strict imposition of the requirement that full market value be paid for the facility, particularly insofar as the airport is self-sustaining. The school needs to be on the airport. It is not a commercial enterprise. It is not generating a profit from which to pay for a full market value lease, and the work it performs on the airport directly benefits the airport and its users.

I would also reiterate, however, that this body remains strongly opposed to diversion of airport revenue. The Airport and Airway Improvement Act of 1982 clearly prohibits such diversions, and rightly so. We must ensure that our Airport Improvement Program dollars are maximized at our Nation's airports. These funds are not meant to augment a local government's accounts, enabling it to use airport revenues to fund projects unrelated to an airport, no matter how worthy those projects might be.

SECTION 503(A)(2)

Mr. SARBANES. I would like to engage the chairman and floor manager in a colloquy concerning section 503(a)(2) of the bill.

Since 1970, the State of Maryland has maintained a Consolidated Transportation trust fund under which all transportation revenue, including that generated by airport and port facilities, transit fares, motor vehicle registration fees and other fees is deposited. Revenues generated by the Maryland-owned and operated Baltimore/Washington International Airport—BWI—are included in this trust fund. These comingled revenues are then, in turn, disbursed to pay the expenses of the Department's programs. This mechanism has helped ensure that Maryland has an integrated, intermodal transportation system and has provided the Maryland Department of Transportation with the flexibility necessary to meet local needs and changing conditions on a timely basis.

I ask unanimous consent that a letter from the Secretary of Maryland's Department of Transportation which describes this arrangement and the use of trust fund money be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. In section 511(a)(12) of the Airport and Airway Improvement Act of 1982, the Congress specifically allowed various airports, under certain conditions, to be exempted from the requirement that all airport revenues be used only for airport purposes. In short, airports whose funding mechanisms were established prior to the 1982 act which have similar consolidated trust funds or similar funding mechanisms could continue to be eligible for Federal AIP Program funding even though airport revenues were used for other purposes. Given that BWI is owned and operated by the Maryland Aviation Administration, which in turn is part of the Maryland Department of Transportation whose funding mechanisms were created in 1970, it is evident that BWI qualifies under the grandfather provision of the 1982 act.

I want to clarify the committee's intent with respect to section 503(a)(2) and to ensure that nothing in this section would disrupt BWI's status as a fully qualified section 511(a)(12) airport.

Mr. FORD. The Senator from Maryland is correct. Let me assure my colleague that it is not the intent of section 503(a)(2) to disrupt BWI's status as a fully qualified section 511(a)(12) airport.

Mr. SARBANES. I thank the chairman for these assurances. I also want to underscore an important point raised in the letter from Maryland's Secretary of Transportation and I quote: "Regardless of the effect of the grandfather provision, as a practical matter, BWI should not be characterized as a so-called revenue diverting airport, inasmuch as, since 1972, the MDOT Transportation trust fund expenditures for BWI have been in excess of $167 million more than the amount of revenue generated by BWI which has been credited to the same fund. In sum, the State of Maryland is more appropriately characterized as a revenue infuser when it comes to its proprietorship of BWI."

EXHIBIT 1

MARYLAND DEPARTMENT
OF TRANSPORTATION,
June 9, 1994.

Hon. PAUL S. SARBANES,
U.S. Senate, Senate Office Building, Washington DC.

DEAR SENATOR PAUL SARBANES: I am writing concerning the status of State of Maryland owned and operated Baltimore/Washington International Airport (BWI) vis-a-vis the issue of "revenue diversion" and Section 503 (a)(2) of S. 1491, the "Federal Aviation Administration Authorization Act of 1994" which would re-authorize the Federal aid-to-airports program.

We firmly believe that BWI is a fully qualified airport for purposes of receiving federal aid, pursuant to Section 511 (a)(12) of the Airport and Airway Improvement Act of 1982, as amended. That section states:

"all revenues generated by the airport, if it is a public airport, . . . , will be expended for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property; *except that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in the governing statutes controlling the owner or operator's financing, provide for the use of the revenues from . . . the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all other revenues generated by the airport . . . shall not apply;*" (emphasis added)

Legislation passed in 1970 (Chapter 526 of the laws of Maryland of 1970) created the financing mechanisms for the Maryland Department of Transportation. All revenues of the department are credited to the consolidated Maryland Transportation Trust Fund. All state owned transportation facilities and programs, including those of the Maryland Aviation Administration, which was created in 1972, are operated and financed through this consolidated fund. Thus revenues generated at the MAA owned and operated Baltimore/Washington International Airport are co-mingled with other departmental revenues, and are used to pay the expenses of the department and its ongoing operations and capital programs.

The Maryland Aviation Administration, as operator of BWI, has executed and abided by all relevant Federal Aviation Administration grant assurances since the Administration's inception in 1972. The Administration is therefore acting in compliance with applicable Federal law when all BWI revenues are remitted to the department's trust fund and commingled with other sources of departmental revenue.

Since creation of the Maryland Department of Transportation, the Maryland Aviation Administration and the state's Transportation Trust Fund all occurred prior to the September 3, 1982 "grandfather" date set forth in Section 511 (a)(12) and reaffirmed by Section 503(a)(2) of the pending re-authorization, BWI is fully qualified airport within the meaning of these provisions.

Regardless of the effect of the grandfather provision, as a practical matter, BWI should not be characterized as a so-called "revenue diverting airport," inasmuch as, since 1972, the MDOT Transportation Trust Fund expenditures for BWI have been in excess of

$167 million more than the amount of revenue generated by BWI which has been credited to the same fund. In sum, the State of Maryland is more appropriately characterized as a "revenue infuser" when it comes to its proprietorship of BWI.

Thank you for your continuing interest and support, and your commitment to ensuring that the travelling and shipping public continue to be well served through Maryland's domestic and international gateway airport, BWI.

Sincerely,

O. JAMES LIGHTHIZER,
Secretary.

Mrs. FEINSTEIN. First and foremost, I would like to thank the manager of this bill, the Senator from Kentucky, for his patience, his diligence, and his cooperation on this bill. Since last year, this bill has faced one hurdle after another, but Senator FORD and his staff have addressed each hurdle, and recognizing the importance of this bill to the Nation's airports, have moved this bill toward final passage. I for one appreciate his effort. The Senator has also engaged me in three colloquies to clarify issues of concern—on the issues of regional planning districts, the escrow account and how it affects Los Angeles International Airport, and the safety requirements on intrastate trucking—and for that I am appreciative.

The Senator from Kentucky, a little over a month ago now, helped craft a temporary authorization bill that began the funds flowing from the Airport Improvement Program, but provided airlines and airports the opportunity to return to the negotiating table to address an ongoing dispute on the issue of rates charges. Previous to the passage of the short-term bill, I expressed, as did a number of my colleagues, great concern over proposed legislation that was circulating with regard to the establishment of rates and charges and how they affect the airports, the airlines, and the traveling public. Senator FORD heard that concern and brought the parties back to the negotiating table to avoid passing a bill that placed too much of a burden on one side or the other.

The dispute over rates and charges, which I will discuss in a few moments, has attracted a great deal of attention and consumed a great amount of time. But, the bill contains much more than just this provision.

The most fundamentally important aspect of this bill is that it authorizes over $2 billion a year in airport grants for fiscal year 1994 thru fiscal year 1996. Grants from this program are vital, particularly for small airports, and are used to do such things as improve runways, install navigational equipment, conduct master plans, soundproof residences, that are near airports, acquire firefighting vehicles, among others.

These funds are critical to the ongoing development of our Nation's infrastructure and their delivery can be delayed no longer.

RATES AND CHARGES

Let me return to the issue of rates and charges. The bill language that we have before us today is much better than what we were about to consider 6 weeks ago when we adopted the short-term bill in order to resolve some of these matters, and is as close to a genuine compromise as we are likely to get. Most importantly, in my opinion, we have preserved the right of an airport to establish rates and charges according to a compensatory or residual methodology, and have maintained the Secretary's discretion to determine what is and is not a reasonable rate.

Both sides have given ground on this language, and I appreciate the efforts of the chairman and his staff to keep the parties at the negotiating table. Both airport trade associations, the American Association of Airport Executives and the Airports Council International—though ACI did so with some hesitation—have agreed to support this bill.

What makes this issue so tremendously difficult, is the fact that no two airports are alike. Airports accommodate different airlines, establish different fees, and enter into an infinite variety of agreements. Instead of being able to establish one simply policy, the policy must remain broad enough, and the Secretary must maintain adequate discretion, so the entire spectrum of airports and airport issues can be accommodated. Are all the airports happy? No. Are all of the airlines happy? No. But the bill we have before us today is a great deal better than the crash course we were on 6 weeks ago.

I would like to briefly discuss some items that remain in the bill, yet need continued consideration.

CIVIL PENALTIES

This legislation imposes civil penalties on an airport sponsor should the sponsor violate an airport grant assurance and divert revenue off the airport. As a result of the proposed language, civil monetary policies could be unlimited in amount, and each violation of each individual grant assurance would be considered a separate violation. A grantee could be liable for millions of dollars in civil penalties.

Let me make a few more points. Civil penalties are paid out of public funds and will ultimately be paid by the taxpayer. To my knowledge this is the first time that any grant program would impose penalties for violating a grant assurance. The National League of Cities is strongly opposed to this part of the bill, and feels that it will set a dangerous precedent for other grant-in-aid programs. I will submit a letter from the National League of Cities for the RECORD. Finally, the legislation would deny an airport sponsor future grant funds in light of a violation, and I think that this is sufficient without imposing additional penalties.

I would rather not see civil penalties in the bill, but if it remains, at a bare minimum, there should be a period where the airport sponsor has the opportunity to correct the violation.

ESCROW

This bill provides that should a dispute arise over fees, the disputed increase in fees will be paid into an escrow account until the matter is settled. This places an airport at a tremendous disadvantage in any negotiation over a landing fee. If an airport raises a fee, and the increase is thrown into an escrow account for up to the 6 months it could take to resolve a dispute, an airport could face tremendous financial strain by not receiving these funds. An airline, knowing that an airport faces financial trouble, gains significant leverage in an attempt to reach an agreement.

I would like to thank the manager of this bill for ensuring that nothing in this bill is retroactive in terms of affecting the interim settlement agreement between LAX and the airlines that was reached last November. The provision that the committee included in this bill specifically exempts from the requirement for escrow the fees currently in dispute at LAX. Without this provision, the financial situation at LAX could quickly become grave, and I appreciate the chairman's including this provision in the bill.

BONDS

Concerns remain that language in this bill will affect the ability of airports to finance airport capital projects. It is my understanding that the bill, as drafted, would require a bond issued to be signed off on by every airline at an airport. This would increase costs and cause unnecessary delay in needed improvements as well as create roadblocks to beginning new projects. In difficult financial times, it would be counterproductive to pass legislation that will increase the cost of capital projects at Los Angeles International Airport, San Jose International Airport, Oakland and San Francisco International Airports, or any other airport in California or in the Nation.

I am also concerned that this provision on bonds will, in effect, give the airlines veto power over airport capital projects. The real issue is who will have ultimate control at an airport. While I would clearly prefer cooperative arrangements between airports and airlines, if that is not possible, the final say must be with the municipal sponsors. The cities remain while air carriers come and go.

The chairman recognizes this concern and intends for this bill, in no way to interfere with an airports' bond financing, capability. In this vein I urge the chairman and his staff to consult closely with bond rating agencies, bond and underwriters counsel, airport financial officers, and others to ensure, before this bill is passed, that the cost of capital financing is not increased as a result of this legislation.

REVENUE SHARING

The final issue I would like to address, to some extent, is the entire reason we are dealing with the issue of rates and charges. That is diversion of revenue from an airport for non airport-related use. The bill, as drafted, strengthens the penalties against those airports that divert revenue illegally.

It is my strong belief that one can create a partnership interest between air carries and airport owners to maximize concession revenue, reduce airline costs, and control operating expenses. I believe agreements can be reached between airports and air carriers that would allow for concession revenue to offset landing fee costs for the carriers, while serving as an important source of revenue for the airport owner to use for community purposes such as police or fire protection.

Currently, airport owners lack any incentive to reduce costs or generate revenues at an airport. At the same time, the airlines are occupied with the idea that airports' costs must be as low as possible, but do not see revenue potential as helping them achieve that goal. This adversarial position has not allowed for a partnership which can mutually benefit the airport owners and airlines.

Let me share with you my history and experience in dealing with one major airport in this country—San Francisco International Airport [SFO]. SFO is the fifth busiest airport in the Nation, and the seventh busiest in the world.

In the late 1970's and early 1980's San Francisco was having a major problem with crime. The crime rate had soared. A year earlier, proposition 13 which limited the ability of all California cities and counties to raise revenue was passed. It became very clear that local government had to begin to operate those departments which could be run like a business as a business in order to produce a bottom line profit.

In California and across the Nation, the big cities cannot raise the revenues needed to provide the level of police protection that is necessary to keep the city safe and attractive for its citizens and visitors. I think every mayor of every big city would agree with me on this point.

This is the situation that Los Angeles finds itself in today.

Cities run airports, make no mistake. In some cases it is States or counties, but in most instances, cities run airports.

This legislation clearly recognizes the city's ultimate responsibility by in fact making the city liable, in the form of civil penalties, for any violation of grant assurances. It does not hold concessionaires, rental car agencies, taxi services, or air carriers responsible for the long-term maintenance and operation of the airport. The bottom line is that the burden falls on the city.

Work began on SFO in 1927 when it was originally Mills Field. For the next 40 years, the people of San Francisco passed and supported the bonds, at great risk, to enable the building of the airport. They put up their full faith and credit that regardless of whether the airport was a success or failure, those bonds would be repaid.

At SFO, 32 million annual passengers travel through the airport. During the days of the early 1980's SFO was not an impressive airport. Its concessions were poor, its restrooms were not as clean as they should be, its personnel for many not as friendly, the garage was a mess, ingress and egress was extremely difficult, and complaints abounded.

Airlines also had their grievances. The cost of operating at SFO was increasing, arguments between the airport operator and the airlines were chronic. The airlines felt that they had little say in management.

In 1981, the airport commission, the city attorney, and I began an effort to try to turn around SFO. We recognized that airports are one of those departments that could produce a bottom line for the city which we would use to put police on the street, to lower the crime rate, which would therefore make it better for visiting conventions, tourists, and also for airlines because San Francisco would grow as a destination city with a low crime rate.

I, as mayor, pressed our case verbally with the air carriers and legally in the courts. Several months of extraordinary, and, it is fair to say, difficult negotiation took place with the final negotiations being handled by myself, in my office. Thanks to United Airlines and 21 other airlines, a unique agreement was put into place.

AGREEMENT

This agreement has been of great benefit to the air carriers, the airport, and the traveling public. I believe it presents a model for other large airports in a similar situation. Under the agreement, the city of San Francisco receives an annual service payment which last year equaled approximately $15 million.

In 1981, when the agreement was established, the air carriers assumed 51 percent of the costs of operating San Francisco International. They now only assume 27 percent of the costs of operating San Francisco International. So the costs to the airlines as a percentage of airport operating costs have decreased over the years.

Since the agreement at SFO was established in 1981, the city has received payments in excess of $19 million. You should also know that during the years I was mayor, much of that money went for additional police and over those years the crime rate in San Francisco went down by 27 percent.

While the airlines have experienced savings as a result of lower landing fees in excess of $329 million.

The incentive to run a good airport under this agreement is tremendous. As a point of comparison, during the fiscal year ending in June 1993, Los Angeles International Airport [LAX] generated only $8.5 million more in concession revenue than SFO—109.2 million to $100.7 million—even though LAX served nearly 15 million more passengers than SFO—32 million to 47 million.

Today, SFO is one of the outstanding airports in the Nation and the world. It is visitor friendly, the staff are courteous, air carriers have a new relationship with management which is a cooperative rather than antagonistic one. Carrier costs of operation are down, and San Francisco is receiving a steady stream of revenue based on the fact that there is now an incentive to merchandise and market concessions.

I believe that such an arrangement as exists at SFO or one similar can exist at Los Angeles International Airport and other airports. I believed there can be a dramatically changed atmosphere, with reduced costs for both the airport operator and the airlines.

Times have changed since the SFO agreement was reached, and in today's climate, and at other airports, this specific type of an agreement may not work, but others might.

The bottom line is this: Airports and air carriers should have the flexibility to enter into agreements that will work to the benefit of both airlines, airports, and airport owners. They do not currently have that flexibility and I want to change that. Since the 60-day temporary airport bill was introduced and passed, I have met with representatives of the airports, the airlines, I have had conversations with the Chairman, and I have had numerous conversations with Mayor Richard Riordan of Los Angeles.

Representatives from Los Angeles International Airport have been in constant discussion with air carriers with regard to establishing agreements that would be mutually beneficial. I would like to provide Mayor Riordan and LAX, as well as other cities and their airports, the flexibility to pursue such agreements should be possible.

I recognize that the chairman and I do not agree on this issue, but it is one that I believe in, and one that I strongly believe would be beneficial to the Nation's airlines, airports, and traveling public. There are still a lot of questions to be answered and I hope that we can continue to discuss these issues in the months ahead.

Mr. President, I ask unanimous consent that the letter to me dated June 7, 1994, from the National League of Cities be printed in the RECORD.

There being no objection, the letter ordered to be printed in the RECORD, as follows:

National League of Cities,
Washington, DC, June 7, 1994.

Hon. Dianne Feinstein,
U.S. Senate, Washington, DC.

Dear Senator Feinstein: I am writing on behalf of the elected leaders of the nation's cities and towns to urge rejection of proposed language in the airport reauthorization bill, S. 1491, to impose civil penalties on grant recipients for violations of assurances entered into when securing such grants. We are concerned that this proposal would set an extraordinary precedent, not just for the public financing of essential public air transportation facilities, but also for other grant-in-aid programs to state and local governments.

The proposed legislation would impose civil penalties on governmental grant recipients for the violation of assurances entered into when securing airport grants. Under current law, it is well understood that the breach of a grant assurance could result in the termination of the grant and disqualification from further grants of that type. However, it is unprecedented that the breach of a grant assurance would, in addition, give rise to liability for substantial monetary penalties. No other grant program provides civil penalties for breach of a grant assurance by governmental recipients. Under the proposed language, civil monetary penalties could be unlimited in amount. Each day of violation of each individual grant assurance would be a separate violation. A grantee could be liable for millions of dollars in civil penalties. Issues of liability and the amount of fines would be entirely under the control of the Federal Aviation Administration, not the federal courts.

The threat of such charges has immediate implications for borrowing costs to finance construction and safety improvements at public airports, potentially significantly increasing interest rates on municipal bonds necessary to finance capital improvements. We are aware of no evidence that existing remedies are insufficient to deter breaches; whereas, just the threat of this penalty is likely to impose immediate costs on taxpayers and passengers. Current remedies include suspension, and potential termination, of the grant and disqualification from further grants.

We ask you to oppose any version of S. 1491 that includes any provision with respect to civil penalties. The imposition of civil penalties—in any form—against municipalities and state is an inappropriate mechanism for enforcing general grant provisions.

We would appreciate your support.

Sincerely,

Sharpe James,
President, Mayor of Newark.

Mrs. FEINSTEIN. Thank you, Mr. President.

I yield the floor.

Mr. FORD. Madam President, I see no other Senator to make any statement. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank Senator Ford for his willingness to entertain, as part of the Committee substitute, a provision which deals with a very specific concern of the city of Los Angeles. I would like to describe to the Senate the nature of the Los Angeles concern and the manner in which this concern is resolved in the committee substitute.

The city of Los Angeles has always stated that disputes between air carriers and airport owners and operators should be resolved by the Secretary of Transportation if the parties cannot resolve the dispute themselves. As currently drafted, if an air carrier files a complaint with the Secretary challenging the reasonableness of a fee imposed upon an air carrier by an airport, the lawfulness of that fee can be challenged through a complaint filed with the Secretary. During the 120-day period while that complaint is pending before the Secretary the air carriers must pay the amount of the fee into an escrow account and upon the determination of the complaint by the Secretary the amount in the escrow account is either paid to the airport, if the fee is found to be lawful, or it is paid back to the air carriers if the fee is found to be unlawful. While I disagree with the requirement that a disputed fee be paid into escrow instead of being paid to the airline during the pendency of the complaint, it was my understanding that the committee substitute does include an escrow provision. Given that provision, I stated to Senator Ford that I believed that it would not be appropriate for the proposed escrow provision to apply to the current dispute between the city of Los Angeles and the air carriers at LAX.

Through the active involvement and assistance of Secretary Peña, the city of Los Angeles and the airlines at LAX entered into an interim settlement agreement on December 1, 1993 which provided that airlines would pay the increased fees at LAX while at the same time preserving the right of the air carriers to challenge the lawfulness of those increased fees either through proceedings in the Federal courts or in a complaint before the Secretary of Transportation. My concern was that nothing in this bill would affect in any way the interim settlement agreement that was entered into between the city of Los Angeles and the airlines and specifically that no escrow would apply to any complaint with respect to increased fees that was the subject of that agreement. As matters currently stand, the airlines have filed a lawsuit in Federal district court challenging the fee increases, which lawsuit was dismissed by the district court on the grounds that the matter is more appropriately heard by the Secretary. The airlines have appealed that decision. Whether they win on appeal or lose, the airlines should be permitted to continue their challenge either in the Federal courts or before the Secretary. However, if they are required to go to the Secretary, we wish to make certain that the escrow provision would not apply.

As a result, the committee has agreed to an amendment I proposed to section 536(d)(1) which would specifically exempt from the requirement for escrow the fees currently in dispute at LAX. While the airlines would be permitted to file a 120-day administrative proceeding with respect to such fees, under the interim settlement agreement they must continue to pay the fees to the city of Los Angeles while their complaint is pending before the Secretary. While this provision would apply to the existing controversy, in the event of any subsequent rate increases, after the enactment of this statute, disputes concerning those fees would be handled in precisely the same manner as any other fee dispute subject to section 536.

I very much appreciate the assistance of Senator Ford and other members of the Aviation Committee in securing this amendment, which was of substantial concern to me and to the city of Los Angeles, and I appreciate the opportunity to provide the Senate with an explanation of this provision which has now been incorporated into the committee substitute.

Mr. FORD. I thank the Senator from California for her very complete and accurate explanation of the amendment that was made to section 635(d)(1). I certainly concur that it was not our intent that the escrow apply to the existing controversy between the city of Los Angeles and the airlines operating at LAX. I appreciate the Senator providing an explanation of the background of this provision and I appreciate her assistance in securing an amendment satisfactory to the city of Los Angeles in this matter.

Mrs. FEINSTEIN. Mr. President, I respectfully request the chairman's reconsideration of a specific provision which has been incorporated into this important legislation.

Section 117 of the bill imposes two new conditions on the recipients of integrated airport system planning grants. First, that major airport operators be given a seat on the governing board of a recipient planning agency, even when the municipality or county which owns the airport already is represented on the governing board. Second, that major airport operators be a coapplicant for future integrated airport system planning grants. My understanding is that these provisions have not been included in the House version of aviation reauthorization which will serve as the bases for conference committee discussions.

In terms of the first condition regarding a seat on the governing board: In many cases, the municipal owners of these airports are already represented on various planning agency boards. To require additional representation could cause a serious imbalance to voting equity for those jurisdictions without a major airport.

The second proposed condition, requiring major airport operators to be coapplicants for future planning grants, would give major airports the opportunity to veto grant applications by withholding their cosponsorship from any element in a planning program with which they disagree. This condition would seriously undermine the integrity and independence of the regional airport planning process.

With these concerns in mind, I would urge the chairman not to oppose efforts by House conferees to delete these provisions. I appreciate the chairman's consideration of California's perspective. I will also request that two letters—one from the Southern California Association of Governments and one from the Metropolitan Transportation Commission—be submitted for the RECORD.

Mr. FORD. I would like to thank the Senator for her views on this issue. She is not the only Senator that has brought this issue to my attention, and I will keep her concerns, and the concerns of our House colleagues clearly in mind as this bill goes to conference.

Mrs. FEINSTEIN. I ask unanimous consent the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS,
Los Angeles, CA, June 1, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DIANNE FEINSTEIN: I am writing to advise you that the Southern California Association of Governments (SCAG) opposes the following new provisions of Section C related to Integrated Airport System Planning Grants in the Airport Improvement Plan "Long Bill":

1) additional member on the Metropolitan Planning Organization's (MPO) Governing Board representing airport interests (see subparagraph C of Section 508(d)(4) of 49 App. U.S.C. 2207(d)(4));

2) requirement for a hub airport to be a coapplicant for any planning grant. (see subparagraph B of Section 508(d)(4) of 49 App. U.S.C. 2207(d)(4)).

SCAG is the MPO for the region and currently has an effective means of receiving from input and advice from airport/aviation interests. Our Aviation Technical Advisory Committee (ATAC) consists of 44 members, including the United States Arms Services which is concerned with military facilities and base reuse plans. Further, ATAC membership is represented on a county-by-county basis so that all airports within the six county region have a voice on the committee. Please refer to the attached roster for a complete membership list.

ATAC establishes the policy direction and makes the technical decisions pertaining to aviation systems planning for the SCAG region. This committee was created specifically to ensure that the special and unique aviation planning issues would have a focused forum and strong link to the Governing Board. ATAC's recommendations and actions are reported directly to the MPO's policy committee and Governing Board (SCAG's Transportation and Communications Policy Committee and Regional Council respectively).

Once again, we oppose the proposed language discussed above because it will dilute the airport/aviation community's valuable and direct contribution to our regional planning process and will prohibit our ability to secure planning grants.

If you have any questions, please call Nona Edelen, SCAG Principal Government Affairs Officer, at 213/236-1870.

Sincerely,

MARK PISANO,
Executive Director.

METROPOLITAN
TRANSPORTATION COMMISSION,
Oakland, CA, June 3, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

S. 1491, Aviation reauthorization

DEAR SENATOR FEINSTEIN: It is our understanding that Senator Wendell Ford may seek Senate floor action as early as June 8 on S. 1491, a multi-year reauthorization of the Airport Improvement Program. While MTC generally is supportive of the legislation, we seek your assistance in deleting one provision in the bill which would adversely affect airport system planning activities in the Bay Area and throughout the nation.

Section 118 of the bill entitled "Intermodal System Planning" imposes two new conditions on recipients of integrated airport system planning grants: (1) that major airport operators be given a seat on the governing board of the recipient planning agency, even when the municipality or county which owns the airport already is represented on the governing board; and (2) that major airport operators be a co-applicant for future integrated airport system planning grants.

With respect to the first proposed condition, the composition of the MTC governing board is specifically established by state law and any change to our membership would require a separate action by the state Legislature. Moreover, we do not believe it is necessary to expand the membership of our board to represent the interests of our three major airport operators (San Francisco, Oakland, and San Jose), since the municipal owners of these airports already are represented on the commission. Finally, our commission is fairly small with 16 voting members; the addition of three airport seats would substantially dilute the voting strength of our existing commissioners who represent the 100 cities and nine counties of the region.

The second proposed condition essentially would give major airports the opportunity to veto grant applications by withholding their co-sponsorship from any element in our planning program with which they disagree. We believe this condition would seriously undermine the integrity and independence of the regional airport planning process.

We respectfully request that you offer an amendment to S. 1491 to delete Section 118 from the bill. Our Washington representative, Thomas J. Bulger, will contact your office shortly to follow up our request.

Thank you very much for your time and attention to our concerns.

Sincerely,

LAWRENCE D. DAHRNS,
Executive Director.

INTERMODAL SYSTEM PLANNING

Mrs. BOXER. Mr. President, I understand the need to have airport representation on planning boards which will be applicants for Federal airport improvement funds as provided under section 117, Intermodal System Planning, of the bill.

However, I believe that the airports already are well represented by officials from the local cities and counties which for the most part own these facilities. Section 117 would impose new conditions on recipients of integrated airport system planning grants.

For example, the Southern California Association of Governments [SCAG] has a 70-member regional council, and it has also established an Aviation Technical Advisory Committee [ATAC] of 44 members on a county-by-county basis, giving voice to all airports in its 6-county region. The ATAC's recommendations are reported directly to the MPO's policy committee and the regional council.

The Bay Area Metropolitan Transportation Commission also has raised concern that its 16-member board would have to be expanded to 19 if this provision becomes law, diluting the votes of board members who represent more than one interest in transportation planning.

I urge the Senate conferees to drop this provision in conference.

AUGUSTA AIRPORT REPORT LANGUAGE

Mr. MITCHELL. Mr. President, I would like to ask the chairman of the aviation subcommittee if he could help clarify the provision of S. 1491 pertaining to the Augusta State Airport in Augusta, ME.

Mr. FORD. I will be glad to provide whatever clarification I can.

Mr. MITCHELL. I thank the chairman. I understand that section 21 directs the FAA to provide weather observation services, including direct radio contact between weather observers and pilots, at Augusta State Airport; makes the FAA responsible for the operation and maintenance of the necessary equipment, and authorizes the FAA to enter into a reimbursable agreement with the Maine Department of Transportation [MDOT] for such services.

Mr. FORD. That is correct.

Mr. MITCHELL. Is it further the chairman's understanding that the committee finds it desirable for the FAA to use its authority to enter into a reimbursable agreement with the MDOT to provide weather observation services at Augusta Airport?

Mr. FORD. Yes, clearly it was the committee's goal to encourage the FAA to use its authority to enter into a reimbursable agreement with the MDOT to provide weather observation services at Augusta Airport. In drafting the Augusta Airport provision, it was the committee's view that such an arrangement ideally should provide the most flexible method of enhancing weather services with direct radio contacts between observers and pilots.

Mr. MITCHELL. I thank the chairman for his comments.

Mr. INOUYE. Mr. President, I wish to raise a point with regard to the potential impact of section 211 of S. 1491 on trucking activities in the State of Hawaii.

As an isolated island State, the State of Hawaii faces unique transportation problems. Hawaii currently operates under a special exemption from the Federal preemption provisions of the Interstate Commerce Commission Act which allows the State of Hawaii to regulate certain cargo transportation within the State of Hawaii. Hawaii is the only State with a codified exemption.

I am continuing to study this matter, and wish to preserve the opportunity to seek the inclusion of bill and/or report language during the conference to address Hawaii's unique situation. I understand that my friend and colleague from Kentucky is open to considering language which may be appropriate.

Mr. FORD. That is correct. I am aware of the State of Hawaii's unique situation and will be pleased to continue discussions on this matter and consider the inclusion of appropriate bill and/or report language during the conference on this measure.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

Mr. INOUYE. Mr. President, I wish to thank Senators FORD and PRESSLER for including in the committee substitute my amendment which will ensure that the traveling public is protected from safety risks arising from smoke in the cockpit.

It has been alleged that in the last 20 years, there have been at least a dozen accidents in commercial aircraft in which dense, continuous smoke in the cockpit may have been a factor. While the Federal Aviation Administration [FAA] has promulgated regulations sufficient to address dense, continuous smoke in the cockpit and air carriers indicate they have established procedures to comply with these regulations, there may be some concern as to whether the FAA is, in fact, adequately enforcing existing regulations.

My amendment merely requires the FAA to enforce existing regulations relating to pilot vision and smoke emergencies caused by smoke in the cockpit on current and future aircraft. In addition, my amendment requires the FAA to report to the Congress within 1 year of enactment on its efforts to ensure compliance with these regulations. I wish to emphasize that my amendment does not mandate the use of any specific technology to ensure pilot vision during smoke emergencies. Further, my amendment does not mandate the promulgation of new regulations.

The importance of ensuring pilot vision during a smoke emergency is obvious. There is no disagreement on this point. The traveling public must have assurances that the FAA is enforcing regulations so that pilots on existing as well as future aircraft can safely land an airplane or follow other established procedures when faced with smoke in the cockpit.

The provision included in the committee substitute will accomplish this important safety goal.

Mr. KOHL. Mr. President, I thank the Senator from Kentucky for allowing me to clarify a matter of significant importance to Wisconsin, and especially to Pierce County and St. Croix County. I understand that the bill we are presently considering includes language offered by Senator DORGAN to address the issue of new airport construction. Specifically, this amendment would require the Federal Aviation Administration to submit a report to Congress, at least 90 days prior to the approval of a project grant application for construction of a new major hub airport, analyzing the anticipated impact of the proposed new airport on, among other things, the effect on air service in the region and the availability and cost of providing air service to the rural areas in the geographic region of the proposed new airport. Is that correct?

Mr. FORD. That is correct.

Mr. KOHL. I thank the chairman. This amendment is important to Wisconsin, because the effect, availability, and cost of air service is decided by more than the number of flights that land and take off at an airport; rather these things incorporate a number of factors. For instance, there are a number of costs to providing air service, including the costs of roads and bridges to get to an airport, the changes in local business revenues due to additional visitor traffic in the region, the possible environmental impact on the surrounding area, and simply the day-to-day burden of hearing airplanes flying overhead. In short, there are many things which must be considered in determining the effect of air service on a region and the availability and cost of providing service. And when a State decides to build a new airport, the entire surrounding community bears a significant portion of these added costs.

As the chairman probably knows, a commission has been established to research and choose between proposals to build a new airport in Hastings, MN, or augment the existing facility presently servicing the Minneapolis/St. Paul area. If the Minnesota Metropolitan Airport Commission decides to build a new facility in Hastings, WI, will be significantly impacted. And yet, Wisconsin representatives have no voting privileges. In addition, the Metropolitan Airport Commission's planning maps simply stop at the Minnesota/Wisconsin border—4 miles from the planned airport runway. It is clear that, at this time, the planning commission is not taking into account the impact any proposal would have on Wisconsin.

This is obviously an issue of grave concern to Wisconsinites, and particularly those in the Western portion of our State. I have become involved in this issue thanks to Wisconsin State Senator Alice Clausing and State Representative Sheila Harsdorf, both of whom have been very involved in this issue for some time. Recently, these two local officials were joined by two of their colleagues—Representatives Harvey Stower and Al Baldus—in asking our State attorney general to file an injunction retraining the Minnesota Metropolitan Airport Commission for continuing its planning process until Wisconsin is granted a vote in the process. I, for one, believe that Wisconsin must have a voice in the decisionmaking process.

In light of the requirements this amendment places on the FAA, and given the situation communities like those in western Wisconsin could face, I want to clarify that this amendment would require the FAA to consider such things as whether or not the input of all interested parties is taken into consideration during the application process for a new airport when they analyze the anticipated impact of a proposed new airport. It is my concern that communities like ours in western Wisconsin have fair input into projects which will obviously have significant impacts on the effect of air service in the surrounding region and the availability and cost of that air service.

Mr. FORD. I want to assure the Senator that his understanding of this amendment is correct. The FAA should take such matters into account when analyzing an airport proposal for their report to Congress.

Mr. KOHL. Again, I thank my dear friend from Kentucky not only of the taking the time to clarify this issue, but also for his tireless work on this legislation.

EXISTING WRITTEN AGREEMENTS

Mr. HOLLINGS Mr. President, I would like to take a brief moment to clarify a specific provision of the so-called rates and charges language of S. 1491, as amended by the substitute, with the chairman of the Aviation Subcommittee. Section 504 of the substitute amends the Airport and Airway Improvement Act by adding a new section 536 which addresses airport-air carrier disputes over airport rates and charges. New section 536(f) specifies that the rates and charges provisions of new section 536 do not apply to any existing written agreement between an air carrier and the owner or operator of an airport. I interpret this language to mean that an existing written agreement is a written agreement in existence at the time a new airport rate or charge is established or an existing rate or charge is increased. In other words, this provision goes beyond merely grandfathering written agreements in effect when the legislation is enacted, but would include an agreement reached in the future. Is my interpretation of the language consistent with your intentions?

Mr. FORD. The Senator's understanding is correct. The term "existing written agreement" covers both agreements between airlines and airports that are currently in place, as well as those agreements reached subsequent to enactment of the AIP bill.

ORMOND BEACH AIRPORT

Mr. GRAHAM. Mr. President, I ask if the distinguished chairman of the Aviation Subcommittee would be willing to turn his attention to the subject of the Ormond Beach Airport.

Mr. FORD. I would be pleased to do so.

Mr. GRAHAM. I thank the chairman. As the chairman knows, I have contacted him previously regarding the interest of the airport in Ormond Beach, FL, in converting its current Vortac airport navigational system to a more sophisticated Doppler Vortac system.

In recent years, construction and related environmental changes have resulted in roughness and interference in Ormond Beach Airport's current Vortac signal, which provides navigational aid to incoming aircraft. Vortac radials 151 to 166 are unusable under certain conditions. This situation has resulted in delays in FAA consideration of upgrading the Ormond Beach Airport from general utility to a reliever status.

These delays, in turn, have led to postponement of plans by Ormond Beach to add a business park adjacent to the airport, an important economic development initiative for the community. The conversion to Doppler Vortac would correct these deficiencies and enable the business park's establishment.

Mr. FORD. I thank the Senator from Florida for contacting me on this matter, and the subcommittee looked into it pursuant to his request. The expansion envisioned by the Ormond Beach Airport would indeed require an upgrade to Doppler Vortac, and my understanding is that lack of funding is the only reason the Federal Aviation Administration [FAA] does not expect to proceed with this project in fiscal year 1995.

Mr. GRAHAM. I appreciate the subcommittee's work on my behalf and want to note that the airport would very much like to undertake the Doppler Vortac conversion in 1995. I am hopeful that the FAA will move ahead with the project in fiscal year 1995 should the funds become available from within fiscal year 1995 appropriations. If the project cannot be completed in 1995, I hope the FAA will make it a budget priority in the fiscal year 1996 budget cycle. Based on the information he has gathered on this matter, would the chairman agree that these are appropriate actions for the FAA to take?

Mr. FORD. That seems entirely within reason. I am pleased that the Senator from Florida has brought this issue to my attention and want to assure him of my support for the airport's conversion to Doppler Vortac.

Mr. GRAHAM. I thank the distinguished chairman for his indulgence today and for his attention to this matter of concern to Ormond Beach.

THE FEDERAL AVIATION AUTHORIZATION ACT

Mr. HOLLINGS. Mr. President, today, the Senate continues its consideration of S. 1491, the Federal Aviation Authorization Act. As many of my colleagues know, this bill was originally reported by the Commerce Committee last November, and the committee was ready to pass the bill and discuss it with the House last year. Unfortunately, one obstacle after another prevented passage of S. 1491.

S. 1491, as originally reported, provided a relatively simple 1-year authorization for fiscal year 1994 for the FAA's Airport Improvement Program [AIP]. The administration initially had requested a 1-year bill so that it could take a hard look at the program and make recommendations for fiscal year 1995 and beyond. Because of various delays, the Department of Transportation [DOT] was able to provide us its analysis this past January regarding a long-term bill. The amendment before the Senate incorporates many of the DOT's concerns and provides a 3-year authorization for the program.

The AIP Program provides funds to build our Nation's airports. It is a vital program and benefits all of our constituents. As we all know, airports serve as the gateway to our cities and States, and are essential to the development of our communities. The AIP Program provides funds to make the airports more efficient and safer.

In South Carolina, I know that there are many projects awaiting funding. For example, the Rock Hill-York County Airport is in need of funds for terminal work, part of an instrument landing system, and money for a control cab. The Williamsburg County Airport seeks to fix its runway. The Greenville-Spartansburg Airport also has a project in mind. While I do not want to leave any communities out, I assure all of them that I will continue in my efforts to make sure South Carolina's airport needs are met. I am sure many of my colleagues have similar issues, and that is why this bill should be passed.

The bill also includes a section to address the airport rates and charges issue. A great deal of time and effort has been devoted to this issue. The Senate must be aware that airport grants are an integral part of the funding mechanism to build airports, and we must safeguard the system's integrity. Unreasonable fees, revenue diversion, and unnecessary surpluses all must be carefully reviewed by the DOT.

In addition, before providing Federal funding the DOT should know as much about a particular airport's finances as possible—whether it is surpluses, concession fees, or any other form of revenue—before providing grants or allowing a future passenger facility charge. Clearly, an airport cannot and should not be permitted to divert revenues illegally for use by local municipalities.

I urge my colleagues to support the substitute amendment, which will make sure that airport funding continues.

Mr. FORD. Mr. President, I understand the Senator from Ohio has an amendment or two or three. We would like to move along.

The minority side will have a caucus at 1 o'clock, I understand. We will try to maybe have a vote just before that, or sometime right after that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

AMENDMENT NO. 1796

(Purpose: To make certain requirements relating to the provision of sanitary facilities by domestic air carriers)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1796.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the substitute, as modified, add the following:

SEC. . SANITARY FACILITIES ABOARD DOMESTIC AIRCRAFT FLIGHTS.

(a) REQUIREMENT OF FACILITIES.—(1) Except as provided in paragraph (2), an air carrier may not provide scheduled passenger service in the United States in an aircraft that carries 10 or more passengers unless there is abroad the aircraft a toilet and other appropriate sanitary facilities (as determined by the secretary of Transportation) for the use of such passengers.

(2) Paragraph (1) shall not apply to an aircraft for which a type certificate was issued by the Administrator of the Federal Aviation Administration before the effective date of this subsection.

(3) The provisions of this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(b) REQUIREMENT OF PASSENGER NOTIFICATION OF FACILITIES.—(1) An air carrier may not provide scheduled passenger service in the United States in an aircraft having no toilet or other sanitary facilities (as determined by the Secretary) unless the air carrier (or the agent of the air carrier)—

(A) notifies each passenger at the time the passenger reserves a seat or purchases a ticket for the service that the aircraft will have no toilet or other sanitary facilities; and

(B) identifies upon the request of the passenger the type of aircraft providing the service.

(2)(A) To the maximum extent practicable, an air carrier shall take actions to notify passengers of a change in the type of aircraft providing scheduled passenger service in the United States if as a result of that change a toilet and sanitary facilities will not be provided on the aircraft providing the service.

(B) An air carrier shall not have to take the actions referred to in subparagraph (A) if the change in type of aircraft occurs less than 24 hours before the commencement of the service referred to in that subparagraph.

(3) The provisions of paragraphs (1) and (2) shall apply to scheduled passenger service referred to in such paragraphs that commences on or after the date that is 90 days after the date of the enactment of this Act.

Mr. METZENBAUM. Mr. President, this amendment is pretty elementary, pretty simple. It balances the economic needs of commercial airlines with the long ignored needs of the flying public. The amendment requires that within 90 days, airlines and travel agents tell passengers whether or not the aircraft in which they will fly has a restroom. This information must be provided upon purchase of a ticket or upon making a reservation.

If the airline changes an aircraft scheduled for a particular flight, an effort must be made to advise passengers if the new aircraft has no facilities. The amendment also requires that within 1 year, any new aircraft with 10 seats or more must have a restroom in order to be certified for commercial service; that is, to carry passengers for fee.

This amendment will protect the thousands of air travelers who take short-haul flights every day, commuter flights, interstate flights, or even longer flights on major airlines which happen to be using small airplanes.

The amendment is a fair way to address a real problem and provides a grace period in order that no new planes be put into service. It does not affect the planes that are presently flying.

I think the amendment is acceptable to the manager of the bill, and I urge its adoption.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I say to my friend from Ohio that we do have a little problem right now with the acceptance on both sides. My colleague is not here just yet. I am not in a position to accept the amendment.

If you would like to set it aside and go to your others, I will be glad to do that, or if you want to wait and see how this one turns out—I will be glad to do whatever the Senator wishes.

Mr. METZENBAUM. I appreciate the courtesy and cooperation of the manager of the bill. I think I would prefer to wait and see how we move forward on this amendment.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we have been here now waiting for a Senator to come to the floor to object to this amendment, or at least to be opposed to it, or have an amendment to that amendment. And we are perceived out there, now that we are on television and everybody watching us, that we are in a quorum call and we are not doing anything, and that is right.

We have a piece of legislation up. It started last Thursday. We could not get on it because we had Whitewater amendments day after day after day, and now we are back on the bill. We have amendments, and I would like to get them completed. This is a jobs bill. It gives us an opportunity to contract with local airports for tens of millions of dollars that should go out to them. We are going to lose a construction season. Every day that it slips we have that much more trouble.

I encourage my colleagues to come to the Senate floor and let us get a time agreement, let us find out what amendments are available and move on with the orderly process of legislation.

My friend, the ranking member of the committee, is working, even made a trip to try to find some Senators to put together so we could come in the Chamber and go to work. I would be very hopeful that those Senators who are listening, or staff that is listening would say to their Senators time is available in the Chamber; there are amendments up; you can bring your amendment if it is necessary. Senator METZENBAUM is here. He has offered his amendment. It is now before the Senate. I do not see anybody objecting to it. If nobody objects to it, we might just go ahead and accept it and regret that other Senators were not here to have some sort of objection or offer an amendment or speak in favor or against the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. I commend my colleague. We are trying everything we can to get Senators to the floor. I am ready to go. At some point we will have to propose a time agreement or propose some way so that we can get going. I am ready to go. We are searching for one Senator who has an objection to this. That is what we are doing.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I wish to commend the manager of the bill and ranking member of the committee. They are here. They are ready to move forward. One Member has indicated he has some opposition to the amendment the Senator from Ohio has offered. But I do not believe this is the way to run the Senate. We are sent here to work. We are supposed to legislate.

Now, we have been involved for several days on some ancillary matter having to do with Whitewater which maybe is behind us. I hope it is behind us now. Now we are trying to pass a piece of legislation the distinguished Senator from Kentucky is managing. He is chairman of the committee having to do with the aviation industry as a whole. There is a chance to do something about the airports of this country if we pass this legislation and pass it promptly, but instead of that we are waiting because some Senator has decided he is not ready to come to the floor.

So, Mr. President, I say to the manager and ranking member, I think we ought to wait another 5, no more than 10 minutes. And if someone in opposition to this amendment does not show up in the Chamber, I hope we could just go forward and either debate it and vote on it or accept it, whatever be the case. But I think sitting here and twiddling our thumbs is an embarrassment to the Senate and the people of this country.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BREAUX. Mr. President, I ask unanimous consent that I might proceed as if in morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, thank you very much.

THE NATION'S ENERGY SITUATION

Mr. BREAUX. Mr. President, I take the floor at this time to comment on a meeting that was held at the White

House this morning with approximately 80 Members of Congress of both parties, both Republicans and Democrats. Both House Members and Members of the Senate were present. We met with the President of the United States and with the Secretary of the Treasury, Lloyd Bentsen, as well as the Deputy Secretary of Energy, Secretary Bill White.

The purpose of the meeting was to come together as a group and an organization to, No. 1, impress upon the President the serious condition that this Nation's energy situation happens to be in. We are now importing over 51 percent of the oil that we use in America to run our industries, for national security, and for national defense.

Mr. President, it is clear that, if we imported 51 percent of the food that we eat in America, people would be lined up surrounding the White House and surrounding this Capitol protesting the fact that we should not be dependent upon foreign sources for something as important as food. I would be supportive of that. But it is equally important, when we are talking about national security and national defense, that oil and gas and energy development is equally as important as food from the security standpoint of the Nation.

So our point, No. 1, Mr. President, was to tell this administration that there indeed is a very serious problem and that action should be taken in order to make sure it does not get even worse. We have lost hundreds of thousands of jobs in the oil and gas industry, much more than we have lost in the automobile industry, as a comparison. And we made specific recommendations to this administration.

I will tell you that, in the 22 years I have been in Congress, I have never seen an administration, Republican or Democrat, that was more willing to sit and listen for over an hour and 15 minutes to Members of the House and Members of the Senate give suggestions as to what should be done. The President took notes and engaged in dialog with the delegation. And I think he took our recommendations very seriously.

I recommended two specific things, Mr. President. No.1, to allow for the expensive geological and geophysical data gathering. Right now, it is interesting that companies that use geological and geophysical equipment, with their high cost, our companies can deduct 100 percent immediately if they hit a dry hole, but if they hit a producing well, then they cannot deduct it; they can only depreciate it over a much longer period of time. Those two efforts should be treated the same. It can be done at a very small cost to the Treasury and yet would help create hundreds of thousands of new jobs.

No. 2, Mr. President, I recommended that we ought to have a $5 per barrel tax credit for oil and gas that is produced in deep water off the coast of the United States in environmentally safe areas. Right now that production is not occurring. It is not occurring because the price of oil is hovering at $14 or $15 a barrel. It is going up now.

My proposal says that these wells that would not otherwise be drilled, that if we have this type of tax credit, this credit would be phased out as the price of oil increases, starting at $18.50 a barrel. But it is clear, Mr. President, that this activity is not being done now. No wells in this deep water are being drilled. No jobs are being created. Mr. President, this is not something that affects only Texas or Louisiana or the gulf coast or the coast of California or the Northeast. The jobs in this technology that is used in these efforts are jobs that are being created all over the United States. Electronic equipment, computers, and very sophisticated equipment are being developed in all 50 States that would be used in this effort.

So my tax credit for deep water oil and gas production would be an incentive to create jobs all over America. It would encourage wells to be drilled in areas that are not being drilled now at all because of the price. We recognize that we should not be giving any kind of a windfall. So my tax credit is based on the price of oil. As the price increases gradually through the marketplace, our tax credit would decrease.

Mr. President, my purpose today is to explain that we had a large number of good ideas presented. Some of them were tax incentives. Some of them were regulatory incentives. Some of them were things the administration can do without any action by the Congress.

I just want to say that I think this administration is taking these suggestions and ideas very seriously. The President has promised that he will review them further and have the members of his Cabinet look at these recommendations and, hopefully, will be in a position to favorably support the recommendations of the organizations.

Our colleague, Senator BOREN, helped put this meeting together. I assure you that the enthusiasm that was in that room was very profound and, I think, had a very positive impact on the administration. I want to publicly thank them for the courtesies and the interest that they showed in helping us in this effort to really save an industry that is important to our national security and the national defense and economic strength of this Nation.

Mr. President, I yield the time that I had been allotted.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994.

The Senate continued with the consideration of the bill.

Mr. METZENBAUM. Mr. President, I would like to suggest to the managers of this bill—as I understand, it is acceptable to the manager; I am not sure about the comanager, but if it is—that it be accepted and that we move to reconsider and lay on the table; and, that if any Member of the Senate subsequently comes to the floor and is unhappy with that result, the opportunity will still be open for him or her to move to reconsider the measure.

I just think sitting here waiting and twiddling our thumbs for 15 minutes—and actually more than that because we waited prior to that time—is a reflection upon the Senate, and I think it is somewhat insulting to the managers of the bill. I am prepared to move forward and to give whoever might come at a later point an opportunity to protect his or her position.

Mr. PRESSLER. Mr. President, can we lay the Metzenbaum amendments aside and do some others that are ready to go?

Mr. METZENBAUM. In order to do what?

Mr. PRESSLER. I have a McCain amendment here ready to go.

Mr. METZENBAUM. If the comanager were to indicate that the suggestion I made is acceptable, after we do that, I would have no problem with that.

Mr. DANFORTH. Mr. President, if I could suggest something to the Senator from Ohio. There is going to be a Republican conference on the subject of the Whitewater committee matter and, hopefully, on the fate of this bill. I would like to attend that and try to see if we cannot get this bill moving forward. I would appreciate it if we could just set this aside, rather than adopting it and trying to reopen it and maybe having a series of votes at some later time. We can set this amendment aside, dispose of these three amendments, and then I think I could represent to the Republicans who are about to meet that there may be four live issues, including the Senator's three issues, yet to be disposed of before the bill is passed. That is what I would like to do going into the meeting. So if we could just set this aside, I would appreciate it.

Mr. METZENBAUM. Mr. President, I do not really have any strong objection; although I do think we ought to proceed forward with this amendment. It has been here on the floor for probably a half an hour. Nobody has spoken against it, and only one spoke for it. I am, frankly, concerned because the first conference on the crime bill will occur at 2:30 this afternoon, and I want to be present. I have a concern about that bill, and I want to know what others are saying about it.

I am very much concerned that if we do that, I will find myself in the embarrassing position that I cannot get to the floor to offer my amendment; whereas, I had been advised earlier that this bill would be up and I should be ready to go forward, and I am.

I do not want to be unfair to any Member of the Senate, but it seems to me that at least if we took this amendment, to which I understand there may be some objection, although none has been voiced so far, I am willing to adopt the unusual procedure of leaving the floor open for a motion to reconsider. I wonder why that does not make sense.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA RESPONSIVENESS

Mr. PRESSLER. Mr. President, I would like to take a few moments during consideration of this aviation measure to bring to my colleagues attention a concern that I have raised time and again during the 103d Congress. That is my concern with the Federal Aviation Administration's [FAA] responsiveness to safety recommendations proposed by the National Transportation Safety Board [NTSB]. I will begin with a bit of history.

As my colleagues may recall, I first questioned the FAA's responsiveness following last year's catastrophic plane crash that claimed the lives of South Dakota's Governor and seven citizens. I learned that the NTSB urged FAA action based on an NTSB investigation of a prior incident over Utica, NY, which had not resulted in any fatalities. The aircraft involved was the same type of aircraft as the Governor's plane.

Although the NTSB urged an examination of similar aircraft in order to prevent what its chairman called "a catastrophic accident," the FAA did not act. I have repeatedly questioned FAA officials about this. It seems to take a fatal accident to serve as a catalyst for FAA action. I have deemed this the tombstone effect. In fact, the FAA admitted to me that it took the Iowa crash, not the NTSB recommendations, to ground similar aircraft. Troubling, this is not an isolated FAA practice. Instead, it appears to becoming the status quo.

The FAA's responsiveness is being questioned again, and this time, it is not just by me. This time, the Department of Transportation is taking on the FAA. Indeed, I read with great interest an article in Saturday's Washington Post regarding the FAA and its delay in taking action on Boeing 757 wake turbulence. I would like to read portions of that article:

This is from the Washington Post last Saturday. "FAA to Review Safety Order; Action on 757 Wake Turbulence Questioned," by Don Phillips.

Transportation Secretary Federico Peña yesterday ordered a review of the Federal Aviation Administration's handling of allegations the Boeing 757 produces unusually strong turbulence in its wake that can be dangerous to following small aircraft.

The review, on a broader scale, will examine the speed of the agency's reaction to to safety-related information as well as its procedures for providing full information to the public.

There were disputes in the agency whether the 757 produced greater wake turbulence than any other aircraft its size. But reacting to recommendations from the National Transportation Safety Board, the FAA in May increased required separation between the 757 and following aircraft from three miles to four miles. The agency earlier directed air traffic controllers to inform smaller aircraft when they are following a 757.

Peña's review was prompted by Los Angeles Times articles on 757 wake turbulence, including one last weekend alleging former FAA chief scientists Robert Machol's warning the 757 could cause a "major crash" was ignored.

The review, to be completed by July 22, also is to determine whether the agency properly followed procedures under the Freedom of Information Act in providing documents to the Times and whether some documents were withheld improperly. The paper said the FAA fought release of the documents.

Let me add, Mr. President:

Wake turbulence is suspected in two recent crashes of small aircraft following 757s in Billings, Mont., on Dec. 18, 1992, and in Santa Ana, Calif., Dec. 15, 1993, involving loss of 13 total lives.

Mr. President, I ask unanimous consent to print this Washington Post article in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAA TO REVIEW SAFETY ORDER

(By Don Phillips)

Transportation Secretary Federico Peña yesterday ordered a review of the Federal Aviation Administration's handling of allegations the Boeing 757 produces unusually strong turbulence in its wake that can be dangerous to following small aircraft.

The review, on a broader scale, will examine the speed of the agency's reaction to the safety-related information as well as its procedures for providing full information to the public.

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The review, to be completed by July 22, also is to determine whether the agency properly followed procedures under the Freedom of Information Act in providing documents to the Times and whether some documents were withheld improperly. The paper said the FAA fought release of the documents.

FAA Administrator David R. Hinson said in a statement FAA's actions "appropriately address safety issues relating to the wake vortex matter. I nonetheless believe strongly that the public is entitled to be assured that the FAA has acted, and can act in the future, with appropriate speed when the facts warrant."

Hinson also directed an agencywide review of responses to FOIA requests.

The Times FOIA request, agency officials said, was handled at a low level and Hinson's office was never informed. The officials indicated they believe bungling, rather than deliberate withholding of information, may be involved.

"It looked like we had something to hide, and that was not the case," said FAA spokeswoman Sandra Allen.

The 757, a twin-engine narrow-body jetliner, has flown for more than a decade. The question of whether it has a worse wake turbulence than other similar aircraft has become a contentious issue, with various experts disagreeing.

Wake turbulence is suspected in two recent crashes of small aircraft following 757s in Billings, Mont., on Dec. 18, 1992, and in Santa Ana, Calif., Dec. 15, 1993, involving loss of 13 total lives.

Mr. PRESSLER. Mr. President, I also would like to read some of the L.A. Times editorial referenced in the Post article. This is from the L.A. Times editorial "Accountability Within the FAA":

The Federal Aviation Administration's mishandling of the problem of turbulence caused by the Boeing 757 passenger jet warrants some kind of internal disciplinary action.

Last Dec. 15 a twin-engine jet crashed in Santa Ana, killing all five people aboard, including two executives of the In-N-Out hamburger chain. The plane was about two miles behind a Boeing 757 en route to John Wayne Airport, and investigators linked turbulence from the big jet to the crash. Such turbulence was also linked to an eight-fatality crash in Montana in late 1992.

The FAA was told twice in 1991 and twice two years later about problems associated with turbulence in the wake of the 757, but it did not formally warn pilots.

Now The Times has learned that the FAA's own top scientist, Robert E. Machol, predicted to FAA leaders that a "catastrophe" could occur due to 757 turbulence. The warning came 11 days before the Montana crash, and a year before the Santa Ana crash.

* * * * *

Not until after the two fatal crashes did FAA Administrator David R. Hinson draw nationwide attention to the turbulence problem, telling air traffic controllers to warn pilots of the threat. Only last week did the FAA require planes following 757s to stay back four miles rather than three. Even that may be too little distance. The National Transportation Safety Board recommended a six-mile separation.

It is understandable that the FAA is concerned about the effect on the nation's commercial airlines of fewer revenue-producing flights if planes have to be spaced farther apart. But safety must come first. Hinson and his aides should have broadcast the information as quickly and widely as possible. Heeding the warning signs would have served the public better and might even have saved lives in Montana and Santa Ana.

This is an editorial from the Los Angeles Times, and I ask unanimous consent to print this editorial in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

ACCOUNTABILITY WITHIN THE FAA

The Federal Aviation Administration's mishandling of the problem of turbulence caused by the Boeing 757 passenger jet warrants some kind of internal disciplinary action.

Last Dec. 15 a twin-engine jet crashed in Santa Ana, killing all five people aboard, including two executives of the In-N-Out hamburger chain. The plane was about two miles behind a Boeing 757 en route to John Wayne Airport and investigators linked turbulence from the big jet to the crash. Such turbulence was also linked to an eight-fatality crash in Montana in late 1992.

The FAA was told twice in 1991 and twice two years later about problems associated with turbulence in the wake of the 757, but it did not formally warn pilots.

Now The Times has learned that the FAA's own top scientist, Robert E. Machol, predicted to FAA leaders that a "catastrophe" could occur due to 757 turbulence. The warning came 11 days before the Montana crash, and a year before the Santa Ana crash.

The FAA has acknowledged that it may have violated disclosure statutes by not releasing the latest information in January and February, when The Times sought the records involved. If there was a violation, it too is a matter for disciplinary action.

Not until after the two fatal crashes did FAA Administrator David R. Hinson draw nationwide attention to the turbulence problem, telling air traffic controllers to warn pilots of the threat. Only last week did the FAA require planes following 757s to stay back four miles rather than three. Even that may be too little distance. The National Transportation Safety Board recommended a six-mile separation.

It is understandable that the FAA is concerned about the effect on the nation's commercial airlines of fewer revenue-producing flights if planes have to be spaced farther apart. But safety must come first. Hinson and his aides should have broadcast the information as quickly and widely as possible. Heeding the warning signs would have served the public better and might even have saved lives in Montana and Santa Ana.

Mr. PRESSLER. Mr. President, I congratulate the Secretary of Transportation, Federico Peña, for taking on this important review. While I would prefer an independent review were being conducted—and have even pushed legislation to establish an independent commission to study the relationship between the FAA and NTSB—I am pleased that the DOT's investigation is underway. I have often said that the press and media can be of powerful persuasion.

I am hopeful the DOT's findings will provide the Congress with useful insight into the FAA's responsiveness and am one Senator who will be reading with great interest these findings. I am eager for the Senate Aviation Subcommittee to consider any and all conclusions that may be drawn from this very necessary review. After all, it is the responsibility of Congress to conduct proper oversight of our Federal agencies. The FAA is no exception. Increased oversight of the FAA is needed, and it is needed now.

Mr. President, I ask unanimous consent to have this as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORTRESS EUROPE

Mr. PRESSLER. Mr. President, this morning in the Commerce Committee I asked Mickey Kantor, the U.S. Trade Representative, a number of questions about what Europe is doing regarding telecommunications trade with the United States.

Only last week, I participated recently in the CEO summit on converging technologies held in Brussels and sponsored by the Centre for European Policy Studies and the Wall Street Journal Europe.

All of us participate in symposia. They are usually polite, well-reasoned exercises in logic and the occasional debate on the merits of various views. As a member of the Senate Committee on Commerce, Science, and Transportation and its Subcommittee on Communications, I found this summit to be a real eye-opener.

I was horrified—and that is not too strong a word to use—by the unremitting resistance of the Europeans to my polite suggestion that they need to open up their telecommunications market.

The purpose of this summit was to bring together Americans and Europeans influential in the communications field for an assessment of regulatory, technical, and commercial barriers to the development and deployment of new communications technologies. In reality, the Europeans have little interest in breaking down their commercial barriers. As a result of this attitude they will not develop state-of-the-art telecommunications or provide services their consumers want.

The Europeans talk a good line about opening up their telecommunications market, but to American firms trying to crack Fortress Europe, this progress appears to be snail-like in pace.

United States communications companies are working hard to do business in Europe, but I can assure my colleagues that their task is not easy. European governments subsidize and protect their major corporations through procurement laws, research and development funding, as well as training assistance. Many phone companies in Europe are frequently owned by the government. The U.S. market may be criticized for not being completely open in all sectors, but it is still the most open market in the world.

The failure of the Europeans to open their markets affects not only United States communications equipment and service suppliers, it affects everyone in the United States who uses a telephone.

United States long-distance carriers subsidize the European telephone companies. That's right United States long-distance carriers—and by extension, their ratepayers—subsidize the European telephone companies. European nations received approximately $554 million from United States carriers in 1993, of which approximately $411 million was a subsidy. In 1993, U.S. long distance carriers paid foreign carriers approximately $4 billion for terminating international calls. Of this figure, $2 billion is a subsidy.

The United States long distance carriers subsidize the telephone companies of many countries, not just the European companies. These subsidies are a direct charge to U.S. consumers. It is estimated that the average U.S. international caller pays $100 each year due to the above-cost accounting subsidies to foreign telephone companies.

Here's how it works. International carriers negotiate a rate for calls placed between two countries. This negotiated rate does not reflect the real economic cost of connecting the call nor does it reflect the rates charged in the calling country. For example, Deutsche Telekom, a government-owned monopoly, could insist in its negotiations with any of the 183 U.S. carriers offering service from the United States that it will cost $1.18 per minute for calls between the United States and Germany. This figure may be far above the real cost. Because the U.S. market is so competitive, this rate may be far above the rates U.S. carriers charge their customers.

Yet, Deutsche Telekom can price international calls above the actual cost because there is no other carrier in Germany. The German collection rate for an international call exceeds the true economic cost of the call by 75 percent. In 1993, United States carriers paid Deutsche Telekom almost $196 million as settlement for calls placed from Germany to the United States. Approximately $146 million of this figure represents a pure subsidy.

It is no wonder that the balance of trade in telecommunications services looks so bleak for the United States. In effect, the United States is being penalized for running productive, competitive telecommunication services companies. United States competition has lowered rates, which in turn has increased the number of calls from the United States to Europe. But the same call placed in Europe to the United States costs much more because there is no competition, and consumers are reluctant to pay the higher rates. United States carriers and ratepayers, as well as European consumers, are forced to pay the price for the lack of competition in the European market.

The Federal Communications Commission [FCC] has tried to place pressure on U.S. carriers to negotiate international rates reflecting the actual cost of a telephone call. Realistically, United States carriers have little leverage over European monopolies, since rate setting is viewed by the European nations as a sovereign right.

Calling rates between European countries are generally lower. The rates the Europeans negotiate with the United States are high and they are discriminatory.

The United States Government has treated international settlements and collections as a domestic rather than as a trade issue. This is a relatively new problem. Before significant competition existed in the United States for carrying international calls, the balance of calls between the United States and Europe were about equal. Therefore, the settlements were equivalent. Today, the outpayments from the United States to Europe, and the rest of the world, should be a concern to the U.S. Department of the Treasury because of the increasing outflow of billions of dollars for these unnecessary subsidies.

The Germans claim that they use the United States carrier outpayment bonanza for lowering domestic rates in their country. In Armenia, local calls are free due to the largesse of the United States outpayment subsidy. In these two instances, there is some information provided about how the subsidy is used. There is no accountability for these funds. In some cases it is claimed that the subsidy is being used to improve the communications infrastructure. Yet, in time it has been proven that the communications infrastructure actually deteriorated.

The catch-22 in this situation is that the Europeans perpetuate this imbalance by continuing to maintain monopolies and not liberalizing their markets. By opening their markets to competition, the cost of basic telephone services would be reduced, encouraging more Europeans to use the phone for calls outside their countries. Without market liberalization, the United States carriers—and United States ratepayers—will continue to pay higher settlement costs to European companies each year. And the U.S. balance of trade in telecommunications figures will continue to look anemic.

THE PROBLEM IS NOT JUST WITH EUROPE

United States international telephone carriers also subsidize many Third World and developing countries. The calling rate from Mexico to the United States has increased significantly. In 1994, United States carriers anticipate they will pay Mexico $800 million and forecast a payment in 1995 of $1 billion. Of these figures, 85 percent is expected to be a subsidy to Mexico.

Third World and developing nations keep their rates high because the hard currency they receive from U.S. carriers is useful. Like Europe, the telephone companies in many developing nations are government-run monopolies. As in Europe, U. S. carriers have a difficult time encouraging these nations to adopt cost-based rates. Unlike Europe, in many instances these countries need assistance in providing basic telephone services for economic development.

WHAT SHOULD THE UNITED STATES DO?

What should we do? Congress should consider appending a requirement for the adoption of a telecommunications trade-in-services agreement as a condition for the implementation of the GATT agreement. If the European Community is unwilling to negotiate, the United States must seek bilateral agreements with nations that have made a real effort to liberalize their markets.

Certainly, if Deutsche Telekom and French Telecom wish to purchase 20 percent of Sprint, the question of market access and accounting rates in Germany and France presents itself for review. The United States should view this proposed sale as an opportunity to urge these nations to adopt cost-based rates and hasten the liberalization of their markets.

To assist developing nations, the United States should consider encouraging them to develop cost-based rates. For obvious reasons, the European reluctance to move toward cost-based rates should not be considered on a par with developing nations. Industrialized nations do not need subsidies from U.S. carriers.

If developing nations adopt rate reductions, perhaps U.S. carriers would be able to guarantee financing to compensate these nations for their loss of hard currency subsidies. There already are instances of countries using the accounting rate outpayment from U.S. carriers as collateral on loans from U.S. investment banks. Why not allow the U.S. carriers to negotiate financial arrangements with these countries?

U.S. carriers may prefer offering loan guarantees and credits for purchasing U.S. equipment, rather than just paying out ever-increasing amounts of subsidies. These incentives would help our domestic balance of trade and create jobs in the United States, while assisting in the expansion of telecommunications networks in the developing world. Such a scheme would also provide greater accountability on the use of these subsidies.

Today I have written to Secretary of the Treasury Lloyd Bentsen, Federal Communications Chairman Reed Hundt and Secretary of Commerce Ron Brown asking that they give careful attention to this serious trade issue. I also asked our U.S. Trade Representative Mickey Kantor about his views on this issue during a Senate Commerce Committee hearing today.

WHAT OUR COMPANIES FACE IN EUROPE

I would like to turn briefly to another important issue facing U.S. firms doing business here, and in Europe. Many European nations have a national champion, that is, a major industrial giant that is coddled by its home nation. Let's take one example. Siemens, a German firm, is one of the world's largest companies. The German Government provides training subsidies for Siemens' work force. A senior official of AT&T has told me that as a result of this subsidy alone, Siemens has "the best-trained work force in the world."

Siemens also controls 85 percent of the German market for telephone switches. This may not seem surprising, but what is astounding is the price the German Government pays for each telephone switch. The world market price for a switch is approximately $130 per line. The German telephone company, which is government-owned, pays Siemens $450 per line for a switch—$320 above the world market price. Siemens receives a nice subsidy from the German Government.

What happens when Siemens sells switches in the United States? Well, I can assure my colleagues that there is no way that any business in the United States will purchase a telephone switch for $450 per line. Instead, Siemens offers its switches at a cost at or below the world price, frequently undercutting U.S. competitors.

U.S. telecommunications and computer companies are more than able to compete with Siemens and other European national champions; France's Alcatel, the Netherlands' Philips, Sweden's Ericsson and Italy's Olivetti. U.S. companies just need a level playing field.

Do these U.S. firms get a helping hand from the new GATT agreement? No, very frankly, they do not. There are provisions for the protection of intellectual property, which are helpful. But U.S. companies have difficulty providing equipment to the Europeans due to the European Union's discriminatory Buy Europe procurement policy, and the GATT agreement provides no relief. Current European Union [EU] policy stipulates that EU bids must be accepted if they are less than 3 percent higher than non-EU offers.

A framework for a trade-in services agreement to assist U.S. firms seeking to provide basic telephone services in Europe is in place, but there are no proposals on the negotiating table. The Office of the U.S. Trade Representative [USTR] is not optimistic that much will come of the July meeting in Geneva on this subject. The Europeans have little incentive to negotiate on a telecommunications trade-in-services agreement. Some economists predict that if the EU were to open its market for these services, 250,000 jobs could be lost in its member countries. Job losses would be greatest in those countries with government telecommunications monopolies. In the longer term, though, jobs are likely to be created by introducing competition into monopoly markets.

The Europeans claim the United States subsidizes its companies through massive Department of Defense research and development contracts. Although I do not agree with the Clinton administration's decision to plow down the road toward a national industrial policy, until this administration the United States has not subsidized its industries' research and development as extensively as the Europeans have. It is a fact also that U.S. subsidiaries of European firms have participated in Advanced Research Project Agency research and development programs and the National Institute of Standards and Technology's Advanced Technology Program.

The European Union has supported various research and development consortia for several years. Examples include the European strategic program of research and development in information technology [ESPRIT]; research and development in advanced communications technologies for Europe [RACE]; and one for semiconductor and computer technologies [JESSI].

Recently the EU announced a $262 million subsidy to Siemens to develop a new generation of semiconductors. It should be noted that Siemens was the largest single recipient of ESPRIT funds. No U.S. corporation has received the level of support from the U.S. Government that the European firms receive from their governments. Their argument is disingenuous.

Some say the effect of the GATT loophole exempting precompetitive research and development from coverage under the agreement could be devastating to U.S. firms. On the other hand, there is evidence that the EU's various research consortia have not delivered the benefits expected from the investment. Nevertheless, this "trade-related gaffe," as it was termed by the Journal of Commerce, could pressure the U.S. Government to think it must start matching the Europeans.

Picking critical technologies has not been a winning strategy for Europe, and I would hate to see the U.S. Government get into the business of picking business winners and losers. With the Clinton administration's creation of and funding for the Flat Panel Display Consortium, I fear we are headed down this road. I, and many of my colleagues who voted against S. 4, the National Competitiveness Act, do not support massive Government subsidies for industry.

I shall conclude as I see another Senator has come to the floor to speak. Let me summarize.

On investment barriers, at a recent symposium on world economic affairs, I was asked by a foreign investor why the United States was so closed to investment. I was surprised to hear such a complaint. Apart from a prohibition on foreign ownership of more than 20 percent—foreign board member or government—or 25 percent—holding company with foreign participation—for corporations seeking to hold a radio license, U.S. foreign ownership standards are liberal. A firm can be considered a U.S. company as long as no more than 49 percent of its ownership is foreign. Few other countries have such liberal ownership rules.

Let us look at the barriers to U.S. ownership of telecommunications operations in Europe. Germany and France do not allow any foreign ownership of telecommunications operations in Europe. Germany and France do not allow any foreign ownership of telecommunications companies at present. Italy does allow some private shareholding; Portugal allows 10 percent foreign ownership. While Sweden has no specific restrictions in law, the State currently controls its telecommunications company. There are other barriers, imposed by both the EU and individual member states, which are not well-defined or are subjective. Therefore, many U.S. investors and businesses find the business climate in Europe chilly.

In conclusion, this is the first in a series of speeches I hope to make on the subject of European barriers to U.S. companies seeking to participate in it markets. Many other serious issues bear close examination. Take for example restrictive audiovisual and broadcasting directives adopted by the EU. Another is the rather capricious approach to standards setting which the EU has adopted—seemingly to frustrate participation by U.S. computer and electronics industries in the European market.

I plan to discuss these issues in the context of the Senate's consideration of legislation implementing the new GATT agreement. I believe it also is important for my colleagues on the Senate Committee on Commerce, Science and Transportation Committee to take into account these international issues as we proceed to rewriting the Communications Act for the first time in 60 years.

I yield the floor.

Mr. HARKIN. Mr. President, I want to thank Senator DORGAN for his tireless work on behalf of the needs of small airports in the Midwest that are adversely affected by the limitation of slots at O'Hare. And, I want to also thank Senator FORD for his very considerable efforts to alleviate this problem.

Many cities in Iowa are disadvantaged by the structure of the slot rules in Chicago. They suffer with limited service that causes considerable difficulty for the business and vacation travelers and limits the ability of the affected communities to attract conventions.

The Department of Transportation should move as quickly as possible toward providing exemptions for essential air service and to move forward with new rules that will greatly increase the ability of airlines to fully utilize the O'Hare Airport. Clearly, the ability of planes to land and take off at O'Hare has greatly increased since the slot rule was put into place. And, that reality should be recognized.

FAA'S ADVANCED AUTOMATION SYSTEM

Mr. ROBB. Mr. President, I rise for the purpose of engaging the distinguished subcommittee chairman in a brief colloquy pertaining to efforts by the FAA to restructure the Advanced Automation System Program.

Mr. FORD. I would be pleased to engaged my good friend and colleague on the committee.

Mr. ROBB. Mr. President, the FAA's Advanced Automation System has faced severe technical and management challenges since the inception of the contract in 1998. Paramount among all of the issues presently being addressed by FAA in restructuring the AAS program is the safety of the flying public. To the greatest extent possible, FAA must take the necessary steps needed to restore its credibility with the Congress as it relates to the massive cost overruns that have plagued the AAS program.

FAA announced on June 3 a series of major steps to restructure this troubled program. These steps included:

Cancellation of the Area Control Computer Complex [ACCC] and the Terminal Advanced Automation System [TAAS];

Ordering the analysis of the software for the Initial Sector Suite System [ISSS]; and

Reducing the number of towers receiving the Tower Control Computer Complex [TCCC].

Mr. President, inherent throughout FAA's restructuring of the AAS program was a greater reliance on off-the-shelf technologies. Within the tower automation arena, such an off-the-shelf alternative may be available. The system known as the Federal Automated System for Towers, or FAST, could provide air traffic controllers with the information needed to perform tower duties. I hope the FAA continues to consider the FAST technology as an off-the-shelf complement to TCCC.

Mr. FORD. I thank the Senator from Virginia for his thoughtful comments on the AAS program. I agree that the FAA should, to the greatest extent possible, implement off-the-shelf technologies in key AAS program elements, particularly where such an action could potentially bring modernized operations to as many towers as possible.

Mr. ROBB. I thank the chairman for his kind words and yield the floor.

THE SLOT-SLIDE PROVISION

Mr. EXON. Mr. President, I thank the chairman of the Senate Aviation Subcommittee for including a provision which I have proposed which is critical to the ability of Omaha, NE to secure useful, needed and convenient nonstop service to Washington National Airport and the Nation's Capital.

As the manager knows, the operations of National Airport are subject to the so-called slot rule which limits the number of operations of the airport. Unlike other slot controlled airports, the Secretary of Transportation and the Administrator of the Federal Aviation Administration have maintained that operations at National Airport are controlled not only by a daily slot limit but also by an hourly limitation under the National and Dulles Transfer Act.

The so-called slot-slide provision in the substitute amendment gives the Secretary of Transportation limited flexibility with regards to that hourly limitation.

Mr. FORD. I was pleased to work with the Senator from Nebraska on this provision. The Senator carefully took into account the concerns of the neighbors at National Airport.

Mr. ROBB. Mr. President, the airport in question is located in the Commonwealth of Virginia and constituents of mine have expressed concern about the potential impact of this legislation on their community. For the purposes of explanation and creating a clear legislative history, I would appreciate if the Senators from Nebraska and Kentucky would outline the legislative intent with regards to the application of the slot slide provision, the circumstances in which the Secretary could use his limited discretion under this provision and term of the Secretary's discretion.

Mr. EXON. Mr. President, first and foremost, this provision will not increase the total number of slots at National Airport. The authority to slide a slot from one time period to another only applies to an air carrier currently holding or operating a slot, so that no phantom slots could be created under this legislation to effectively increase the number of slots at National Airport. Furthermore, the Secretary's flexibility in this regard applies to a maximum of two slots per hour. As such, in no way would the capacity or safety of National Airport be adversely affected.

For the surrounding community concerned about noise, this provision will be most helpful. The Secretary's authority will only apply to a circumstance which will enable a carrier to provide service with Stage 3 aircraft, which is quieter than many of the aircraft currently used at National Airport. If this discretion is used, the likely effect will to be to lessen the number of operations later at night when families in the area are putting their children to bed. For example, using this discretion, the Secretary could slide two slots from 9 p.m. to 6 p.m. or 7 p.m. for a qualified carrier. In so doing, there would be two fewer late night operations and the two earlier operations must use quiet jet technology. The net effect under this example is not only to reduce noise but to reduce the most disruptive noise to the community. The amendment offered by Senators MIKULSKI, ROBB, and SARBANES locks in this assurance by requiring that no net increase in noise result from the use of this provision.

In addition, the Secretary can use this power only in circumstances determined by the Secretary to be exceptional. Omaha, NE, for example, faces such exceptional circumstances. Presently, Omaha has no nonstop air service to National Airport. If two slots could be slid to accommodate Omaha's need, a significant package of air service would become secure for the people of Nebraska and western Iowa not only to National Airport but to points west and southeast of Omaha. This package of air service, which hinges on timely access to National Airport, would also be a significant factor in Omaha's economic development. In addition, exceptional circumstance exists in Omaha's case because sliding a slot would give a newer carrier with a limited number of slots an opportunity to create jobs in Omaha and Washington and provide new, needed and convenient service to the Nation's Capital from Omaha.

As for the term of this provision, it is an interim measure which will last until the final regulations for National Airport become effective under the review of the high-density rule provided by this legislation.

Mr. FORD. I appreciate the Senator's explanation and concur in his interpretation of this section of the substitute amendment. In solves a very tricky problem which the Secretary of Transportation faces with a win/win solution for the citizens of communities like Omaha and the Washington, DC., area.

Mr. ROBB. I thank the Senators from Nebraska and Kentucky. I am satisfied with their explanation. This provision will impose no detriment on the citizens of the Commonwealth of Virginia. I also appreciate the Senators' efforts on behalf of the Mikulski, Robb, Sarbanes amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPOSED SANCTIONS BILL ON CHINA

Mr. BAUCUS. Mr. President, on May 26, President Clinton made the difficult and courageous decision to renew most-favored-nation tariff status for China, and end the linkage between human rights and renewal of MFN status. He will now proceed with a tough human rights policy, but one that does not link human rights to normal trade.

Today, several members of Congress will introduce a bill to reverse his policy. The bill would selectively revoke MFN status for goods produced by Chinese military companies. It would go beyond that to sanction some goods produced by state enterprises. Altogether, the bill would impose a de facto embargo on about 5 billion dollars worth of Chinese exports.

I regard this as a serious mistake. To begin with, it is foredoomed to failure. A majority in the Senate supports the President. With about 50 legislative days remaining, and health reform, GATT, welfare reform and much more left to do, we should concentrate on the people's business rather than debate a foregone conclusion. In the coming weeks, I will work to demonstrate that support through a letter or resolution.

The end of this debate is already clear. But consider for a moment what would happen if this bill succeeded.

It would cause China to retaliate and cost American jobs. It would alienate friendly Asian Governments and isolate us in East Asia as a whole. It would burden the Customs Service with the huge new responsibility of determining which goods are of military origin, perhaps causing the collapse of Customs' existing efforts to stop imports of prison labor goods and textile transshipments. And four other consequences make these problems look pale by comparison.

First, an unnecessary fight with China would threaten our vital long-term interests. China is the world's most populous country. It is the world's fastest-growing major economy. And it is entering a succession era in which the army will play a critical role. If we alienate China today, we will regret it for decades.

Second, the Chinese army is the one group most important to our efforts on the Korean nuclear crisis. No arms embargo or broader sanction on North Korea can succeed without compliance if the Chinese military does not comply. It will be hard to get their support now, but impossible if we attack them with this bill. And if, God forbid, we cannot resolve this crisis peacefully, we serve the 37,000 American men and women on the line poorly indeed by alienating the generals who will decide China's role in a conflict.

Third, this bill will harm, not promote, human rights in China. It will put tens of thousands of innocent people out of work, and eliminate our diplomatic ability to promote human rights. It will discredit pro-American reformers and turn ordinary Chinese against us. That is why many Chinese dissidents—for example Wang Dan, the student most wanted after Tiananmen Square—have repeatedly asked us not to revoke MFN status.

And fourth, passing this bill will repudiate and cripple the President on foreign policy. The United States and the world need a strong President who can exercise Presidential leadership. And it would be sad and ironic for members of the President's own party to make that leadership impossible.

This bill is wrong. It will hurt our President and it will hurt our country. I urge Members of the Senate to reject it.

I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED FEDERAL MANDATES AND THE CLEAN WATER ACT

Mr. BAUCUS. Mr. President, there is substantial concern among municipal officials around the country about unfunded Federal mandates.

Local officials are correct in saying that unfunded mandates in Federal laws are a problem. Two major complaints about Federal mandates are commonly heard.

First, local officials object when mandates are inflexible or imposed without considering local conditions.

Second, some Federal mandates have broad public support, but are not backed up with adequate Federal financial assistance.

Local officials have a very good case. Congress must be more aware of this issue. We must do a better job of assuring that the laws we pass allow for the varying circumstances of communities across the country. And we must assure a significant and sustained commitment of Federal funding.

The most commonly heard solution to the problem of unfunded Federal mandates is simple; that is, no Federal law may require an action of a local government unless the Federal Government provides full payment.

Well, as the sage of Baltimore, H.L. Mencken once wrote, "For every complex problem there is a solution that is simple, easy, and wrong."

That applies here.

The all-or-nothing solution to the Federal mandates problem is a good example of a simple solution that just will not work.

We can all agree that it is wrong for the Federal Government to impose rigid, inflexible mandates on all local governments without accounting for local conditions. By the same token, it is also wrong for the Federal Government to adopt a blanket prohibition against any Federal mandate under any circumstance.

The best solution to the unfunded mandates problem is to build effective partnerships among the local, State, and Federal governments tailored to address a specific and generally recognized problem.

The best way to accomplish this is to review existing Federal laws that impose Federal mandates and amend them to assure that concerns about unfunded mandates are addressed. This process lacks some of the glamour of a sweeping proposal to end all unfunded mandates. But addressing Federal mandates on a case-by-case basis is the most responsible solution.

SAFE DRINKING WATER MANDATES

I know that there is some skepticism about whether the Congress is up to the task of a full and fair evaluation of Federal statutes that impose mandates.

The Federal statute most often cited as imposing unfunded Federal mandates is the Safe Drinking Water Act. Municipal officials were right to be concerned about the Safe Drinking Water Act. The law imposed substantial mandates on communities without providing either financial assistance or appropriate flexibility.

In response to these concerns, the Environment and Public Works Committee developed balanced and responsible amendments to the act. This legislation, which the Senate passed overwhelming last month, provides funding for drinking water projects at a level comparable to the need. We fund the mandate. We provide more flexibility for small systems to meet treatment requirements. And we give States more flexibility in testing for drinking water safety.

Each of these new provisions was developed considering both the impact of the Federal mandate and the interests of public health. This balanced approach resulted in a bill which responds to the mandate concerns and assures continued high standards of public health.

I consider the safe drinking water bill to be a major success. It shows that we can address issues related to Federal mandates and protection of the environment and public health in a responsible manner.

THE CLEAN WATER ACT

Within the next several weeks, the Senate will turn to another major environmental statute—the Clean Water Act.

Like the Safe Drinking Water Act, the Clean Water Act is regularly cited as the source of a number of unfunded Federal mandates.

This charge seems somewhat ironic because the Clean Water Act has wide public support and a solid record of accomplishment. Ninety-six percent of Americans consider water quality the most important environmental issue, ahead of toxic waste, ahead of air pollution, ahead of most any other environmental issue. And most Americans believe that the Clean Water Act has brought about significant improvement in the quality of our rivers, lakes, and coastal waters.

Most important, the act relies on a balanced partnership of local, State, and Federal Governments to pay the costs of water pollution control. The Federal Government has made a substantial and sustained commitment to funding of sewage treatment projects.

Since the Clean Water Act was first passed in 1972, the Federal Government has provided some $60 billion for sewage treatment. States and localities have provided at least $25 billion more.

Nevertheless, as the Environment and Public Works Committee developed legislation to reauthorize the Clean Water Act, we took a close look at the mandate issue. Following the same approach as with the safe drinking water bill, we evaluated the requirements imposed on local and State governments and the funding provided by the Federal Government.

I am confident that the clean water amendments we have reported in S. 2093 make a good law even better.

We have made two important changes to the act relating to Federal mandates. First, we have extended and improved the clean water funding provisions of the act. Second, we have evaluated specific requirements of the act related to municipalities and have proposed amendments which will save communities as much as $12 billion over the next several years.

INCREASED FUNDING

Today, many communities have facilities to provide secondary treatment of sewage, but municipalities still have significant needs for water quality projects. EPA estimates that the costs of sewage treatment projects over the next 20 years to be over $100 billion.

The current law provides for Federal funding of about $2 billion per year to capitalize State loan funds. States provide a 20-percent match to these Federal funds and then loan the money at low interest rates to communities for clean water projects. Authorization for this funding was scheduled to end in 1994, when funds were expected to be fully capitalized.

The reported bill recognizes the substantial remaining need for sewage treatment facilities and authorizes continued capitalization of State loan funds through the year 2000. This funding authorization increases over the authorization period to a total of $5 billion per year if the Congress maintains progress in deficit reduction. The total authorization for State loan funds is $22.5 billion.

Other amendments to the State loan fund provisions of the act would substantially increase flexibility and reduce regulatory burdens. Most important, States are able to use up to 20 percent of capitalization grants to forgive the principal of loans where such forgiveness is needed to assure that a project meets affordability guidelines established by the State.

This is just a long way of saying if there are some communities that just do not have the money, do not have the funds to repay the loan, then the States can forgive up to 20 percent; they can forgive the principal of the loan for those distressed communities.

The range of eligible uses of the State loan funds is also increased, giving States greater flexibility to fund the most important water quality projects in the State. Projects for the control of combined sewer overflows and control of stormwater discharges are specifically made eligible for assistance.

In addition, the 1987 act carried a number of grant conditions into the new loan program. The bill deletes a significant number of these provisions.

REDUCED MANDATES

The current Clean Water Act provides for the development of programs for the control of municipal discharges of stormwater and for the control of overflows from combined storm and sanitary sewers.

The reported bill revises and substantially reduces the municipal stormwater permit requirements. The bill also provides new authority for development of long-term programs for the control of overflows of combined sewers.

The EPA estimates that these two provisions will save communities over $12 billion over the next several years.

The biggest savings are in the new program for control of combined sewer overflows. The bill adopts and endorses the combined sewer overflow strategy developed by the EPA in cooperation with municipal and environmental groups. The strategy will significantly reduce compliance costs while assuring the implementation of reasonable controls over combined sewer overflows. A key provision of the policy is to allow permits to last up to 15 years. The bill amends the law to specifically authorize making these long-term permits in the case of combined sewer overflows.

Current law requires that the EPA develop permits for municipal discharges of stormwater which assure that the discharges will comply with water quality standards.

The reported bill provides relief in two ways. First, for communities with populations of over 100,000, permits could include specific management measures, and these communities would not be subject to enforcement action if the permits resulted in the violation of water quality standards.

Second, the bill removes the requirement for communities of under 100,000 to have permits for discharge of stormwater except in a case where the EPA Administrator identifies a significant water pollution problem or where the community is associated with an urban area which already has a stormwater permit.

A SOUND MANDATES POLICY

The Clean Water Act is one of this Nation's environmental success stories. Everyone supports clean water and most people are willing to pay for it.

But even a solid law like the Clean Water Act can be improved. The bill the Senate will be considering responds to the concern local officials have with "unfunded Federal mandates." It will substantially increase funding for municipal water pollution control projects, increase State flexibility in management of Federal assistance, and substantially reduce the requirements of current law relating to combined sewer overflows and stormwater discharges.

At the same time, the bill assures that the substantial progress we have achieved in cleaning-up of water pollution over the past 20 years will continue.

The bill, like legislation to reauthorize the Safe Drinking Water Act, is proof that the Congress can address concerns for unfunded mandates in a balanced and responsible manner.

I look forward to working with my colleagues as we consider this important legislation.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair. I rise in opposition to the pending amendment on toilets on small aircraft.

Mr. President, this amendment would prevent air carriers from providing scheduled passenger service in an aircraft that carries 10 or more passengers unless the aircraft has a toilet facility for passenger use. Planes for which the type certificate has been approved prior to the effective date of this section would not be compelled to comply. But within 1 year, it is my understanding that aircraft would have to be provided with that facility.

Perhaps to some on its face this amendment appears to be one which would provide for the convenience or even necessity of some airline passengers. I think with a rudimentary knowledge of the small aircraft business in America and the implications that this legislation would have on it, anyone who has a rudimentary knowledge of the average lengths of flights and the kinds of commuter services that are provided by small aircraft could not in their wildest dreams support this amendment. Anyone who has a clear understanding of the efforts that have been made by many Members of this body to provide essential air service to small communities and towns in America, to which this would be a significant barrier because of the increase in cost of the aircraft which then would be passed on obviously to the purchasers of the aircraft, who would then pass on that additional cost to the passengers who purchase the tickets, could not seriously consider this amendment.

Mr. President, the average trip on a commuter aircraft, which would be the aircraft which fall under this amendment, is only 200 miles. The air flight time averages between 45 and 75 minutes. Of that time, the seat belt signs are deactivated, which allows the passenger to move around the aircraft, for a grand total of 20 minutes.

Mr. President, I have ridden in my State on many small commuter aircraft.

First of all, the flights even in a very large State, which mine is, are relatively short.

Second of all, the very size of the aircraft themselves is inhibiting for a passenger to get up and move to the back of the aircraft, which I imagine would be the location of this facility.

And third, it would require an enormous amount of agility to use this facility. For the additional space that would be taken up by the facility, of course, there would be a reduction in passenger seating unless, of course, the Senator from Ohio would contemplate using this facility for a dual purpose, which I doubt would attract too many purchasers of tickets.

But the fact is that these small commuter airlines operate on a very, very, very thin profit margin. The most difficult business probably in America today, and I think I can prove this by statistics as to the number of very small commuter airlines that start up and file every year, is this business. And all of us in this body agree that we have an obligation to provide air service to people who live in rural areas as much as we can instead of the very convenient air service that is provided to people who live in large metropolitan areas.

I am not clear, Mr. President, why we are seriously considering this amendment. One manufacturer, American

Eagle, did include a toilet facility in the 19-seat airplane. They have found that the facility is rarely used. Passengers, as I mentioned, have little time to use the facilities and are reluctant to move about in smaller cabins. The cost to install a toilet facility would be between $16,000 to $77,000. Those costs clearly will be passed on to air carriers that are already paying high product liability expenses. And as I mentioned, air carriers would lose substantial income from the loss of seats, a 5 to 20 percent loss of passenger capacity—a 5 to 20 percent loss of passenger capacity.

So what the ultimate result of this amendment would be is the loss of passenger service by commuter airliners because they could not afford it, increased ticket prices if they were there, and then those citizens of this great country of ours would be forced to use other means of transportation to get back and forth to their destinations, all of which would take a considerably greater length of time.

So, Mr. President, as one who has been involved for many years in aviation issues, I hope that we will vote on this amendment quickly and defeat it resoundingly and go on to more serious issues, because this clearly would be another step in expanding what is already a very serious problem in America today, and that is the ability of small towns and cities and communities to have air service.

I note the presence of the Senator from South Dakota, my friend, who has for years been committed to the issue of essential air service and trying to provide that air service to the citizens of the small towns and communities in the State of South Dakota as well as the Midwest. How you can possibly sustain that much-needed service when you increase the costs of an airplane unnecessarily between $16,000 and $77,000 and reduce the number of seats from 5 to 20 percent on these commuter airliners is, frankly, beyond me.

I urge the Senator from Ohio to go for a ride on a couple of these airplanes, these small 10- to 19-passenger airplanes, and try to walk back in them, especially since, generally speaking, they are flying at a relatively low altitude. The conditions are cramped because they are commuter airliners and they are small. And then perhaps ask the commuter passengers if they would rather pay more for their ticket or would they rather have a toilet facility on board.

It is pretty obvious what would be the answer.

So I strongly oppose this amendment. I am sorry we are wasting the time of the Senate on it, and I hope we will dispense of it as soon as possible.

Mr. President, I yield the floor.

Mr. PRESSLER. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, this bill has now been on the floor for over 1 week. I believe the number of amendments that are relevant to airline and airport matters is very limited. I think there are four outstanding controversial amendments that would be viewed in any way as being germane to the legislation that is before us.

It is very important that we press on with this legislation, and it is my hope that somehow the Whitewater matter can be either agreed to or perhaps debated in connection with other legislation, and that we can get on with the issue at hand.

I had hoped to make a tabling motion with respect to the toilet amendment that has been offered by Senator METZENBAUM. He is not on the floor right now, so I will not make such a motion. But it is my hope that we can get on with the bill.

I point out to the Senate that time is of the essence. If this legislation is not enacted and signed into law by the President by June 30, the result is that airport construction in this country comes to a halt. Therefore, we have to pass the bill. And when we pass the bill, it will then go to conference. I do not know how difficult or easy the conference will be.

I would not necessarily assume that it would be a simple conference. There could be issues that are raised in that conference. It is now June 16, and we have to get on with the bill. Somehow I hope that the Whitewater matter will be worked out. It would be my hope that other unrelated amendments would not be offered to this legislation. Other bills are going to come through the Senate. Other matters are going to be before us to which we can offer our amendments and make our points. I simply hope that this bill is not one of them.

Not seeing the Senator from Ohio on the floor right now, I will not immediately move to table the Senator's amendment, but I intend to do that in the very near future. My hope would be that we could proceed on the other airline and airport-related amendments and do so with dispatch and get this bill passed by the Senate this afternoon.

AMENDMENT NO. 1798 TO AMENDMENT NO. 1796

(Purpose: To enhance the preparedness of United States and South Korean forces in the Republic of Korea)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1798 to amendment No. 1796.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. FORD. I object. I want to hear the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

At the end of the amendment; add the following:

Whereas (1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to develop a nuclear bomb.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and appropriate action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(7) Neither the United States nor the Republic of Korea have yet acted prudently to bring our forces to the optimum level of preparedness to deter aggression from North Korea or, in the event deterrence should fail, to repel any such attack with the least loss of life and property possible.

Now, therefore, be it resolved, that the United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

Mr. FORD. Mr. President, the point I make here is that this is another amendment we have been dealing with now for a week, and it has nothing to do with airport improvement reauthorization bill. The Senator from Arizona knows very well that he has every right to do this, and I am not faulting him for what he is doing under the rules.

But here is a bill, as Senator DANFORTH has said, and we need to get the bill passed. This bill has to go to conference, and we have to pass it again, and it has to go to the President for his signature before June 30. What we are doing is delaying, delaying, delaying, delaying the tens of millions of dollars that belongs to States. It belongs to them right now—entitlements. Entitlements are in this bill.

This is a jobs bill. When you build runways, you start using brick, mortar and electricians. It is a jobs bill, and the construction season is just underway. We do not want to lose it.

Again, I do not fault the Senator for doing what he wants to do. The rules are there. But this is the second amendment now that has nothing to do with the underlying piece of legislation. We get this and get this and get this. For 8 long months—and the Senator from Arizona knows, because he has been ranking member of the Aviation Committee; he understands the problems we have faced in trying to work out the agreement and bring the bill to this point. And now to find ourselves stymied by things other than the aviation community is a little bit exasperating.

I want to protect the minority, and I do not want to change the rules, but I sure would like to change the attitude of some who want to put everything on a piece of legislation any time they want to. I hope that the Senator will not take too long and we can get a vote on this, or whatever is necessary. I suspect that there would be a lot of conversation on this. We may not finish it today. This is a bill that should have been finished last Friday. Tomorrow is Friday. This started a week ago today.

So now we get into a big debate of whether the administration is right or wrong, or whether we have a solution or we do not. We can get into the water and muddy it up, and we will not be able to see the bottom, side, or up. And so I just say that it is exasperating. Every day we wait, somebody thinks of another amendment to put on this bill or another colloquy, or whatever it might be. I have put in more colloquies on this bill than Carter has liver pills.

So, Mr. President, I just ask my colleagues to try to be as helpful on this bill as they can. I am trying to help them. There will be another bill coming. Try it on that one for once. Stay here Friday and Saturday and talk about it while I go home and try to tell my folks we are going to get a little something for the airports there. We have all these problems. If you want to stay around and talk about Korea Friday or Saturday and go to church Sunday morning and come back Sunday afternoon, that is alright with me. Get out the cots. That is alright with me. Let us get this bill out of here and get some movement and get something done, and we can start a jobs operation.

Mr. DANFORTH. Mr. President, the underlying amendment is the Metzenbaum amendment, and the Metzenbaum amendment would require that small commercial aircraft would have to have toilets in new planes. If they are not new planes, people would have to be warned about it. I do not believe that requirement should be on this legislation. A lot of discussion has occurred about mandates of various kinds on the private sector and the limitations of new mandates. I view that as another idea for a mandate. I oppose that amendment.

I appreciate the interest of the Senator from Arizona on the question of North Korea. It clearly is the most difficult foreign policy issue, the most challenging, and the most dangerous foreign policy issue that we have before us as a country right now, as a world. The acquisition of nuclear capability and the possibility of delivering that nuclear capability is truly threatening, particularly in the hands of North Korea. And the possibility of North Korea selling that capability, exporting them, is also something that is very, very threatening to the world. I think that the Senate should address itself to the question of North Korea. I do not believe that an unprinted second-degree amendment is the best way to do it on the floor of the Senate on a Thursday afternoon.

I just do not think that. This is a matter that is very, very important. I am not sure we have thought out as a Senate precisely what our position should be or how it should be framed. We view sense-of-the-Senate amendments, we view foreign policy initiatives that are reeled out on the floor of the Senate as matters that may be not of great import. But if anybody watches what we do, if anybody in the world watches what we do, it may be that other quarters in the world would view the wording of this legislation, this amendment, to be a matter of great significance.

So it seemed to me whatever we do on the question of North Korea is something that we do very carefully and very cautiously. I just do not happen to believe that this is the forum for doing it.

So, the parliamentary situation now is that a tabling motion offered on Senator METZENBAUM's amendment would carry with it Senator MCCAIN's amendment as well. That would seem to me to be a pretty good approach. I will withhold it now.

I understand that the Republican leader is desirous of coming onto the floor, and I do not want to do anything to interfere with any strategy or prerogatives that he might have. But I would say to the Senate that this legislation has to be passed. I do not know of any Senator who wants airport construction to stop in this country, and it is time to get on with it. This Senator wants to do everything that he can to make sure that we do get on with the business of passing this legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, first of all, I say to the Senator from Missouri that, if he chooses to table this amendment, which will take, of course, the second-degree amendment with it, I intend to exercise my rights and reintroduce the amendment immediately following that and immediately following until there is a vote on this very important issue—in my view, believe it or not, I say to the Senator from Missouri, more important than an airport improvement package.

Perhaps, as the Senator from Missouri has said, he and other Senators have not thought about this issue. I have thought about it a lot. I have thought about it for a long time. I believe I know a great deal about it. I think it is time that the Senate, including the Senator from Missouri, learned a lot more about it because we are literally on the brink of war in the case of North Korea. In case the Senator from Missouri does not know it, there are 38,000 American fighting men and women in South Korea and 80,000 dependents.

As much as I want the Senator from Kentucky to bring home his little bit for the people of Kentucky that concerns him these days, I want to bring home something for the people who are stationed in Korea to let them know at least the Senate of the United States is concerned about their welfare and their security.

Everyone has his or her priorities around this body. My priority right now is the security of this country.

Mr. FORD. Mr. President, will the Senator yield?

Mr. McCAIN. I will not yield to the Senator. I will not yield to the Senator from Kentucky.

Mr. FORD. Since the Senator used my name I wanted to respond.

Mr. McCAIN. I certainly did. And the Senator from Kentucky used my name, and I waited until I had the floor before I responded.

So if the Senator from Missouri wishes to make a motion to table at this time, I would be glad to yield the floor and allow for that vote, but I want to assure the Senator from Missouri and the Senator from Kentucky that I intend to have this amendment discussed and debated. I think it can be done in a very short time.

If the Senator from Missouri and the Senator from Kentucky would take the time to review this amendment, I think they would find that it is noncontroversial. Not only that, I would be more than agreeable to a time limit. I understand the frustration of both the Senator from Kentucky and the Senator from Missouri, but this amendment has not held up the workings and functions of this body. It has been the Whitewater issue which has delayed the passage of this bill.

So I say to the Senator from Kentucky and the Senator from Missouri I will not take responsibility for that. I will not hold up the workings of the Senate. I will agree to a time agreement, but I will steadfastly maintain that the risk of war in Korea is more serious than an airport improvement bill, and it is time that the Senate of the United States discussed this very serious issue, which I intend to do.

Now, I would like to offer to the Senator from Missouri at this time that, if he will choose to make his tabling motion now, I will be glad to bring up this amendment immediately following that vote. If not, I will proceed with the discussion of this amendment, which is, by the way, proposed by Senator DOLE, the minority leader, and myself.

So I ask the Senator from Missouri, without yielding my right to the floor, if he would like to make the tabling motion at this time.

Mr. METZENBAUM. Mr. President, will the Senator from Arizona yield for a question?

Mr. McCAIN. After I receive a response from the Senator from Missouri, if he chooses to respond.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I have been asked by the Republican staff to wait until Senator DOLE comes on the floor, and I have agreed to do that. So until I hear from the Republican leader on this subject, I am not going to offer a motion at this time.

Mr. McCAIN. I will be glad to respond to the question of the Senator from Ohio without yielding my right to the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, without addressing myself to the merits of the amendment of the Senator from Arizona, I am wondering whether or not all parties and purposes would not be better served if his amendment were offered as a separate amendment to this bill. Certainly he has a right to do that. The Senator has not thought of second degreeing or anything of the kind. It is sort of apples and—I do not know what else—monkey wrenches in the same amendment, and I am wondering whether he would not think that that would give him a much clearer up or down vote on this issue.

Mr. McCAIN. I think the Senator from Ohio makes an excellent point. I will be more than happy to do so. That is why I offered the Senator from Missouri the opportunity to table the amendment. I have made my intentions clear to both the Senator from Kentucky and the Senator from Missouri. I intend to bring this amendment up if the amendment of the Senator from Ohio is tabled.

So I would be more than happy to withdraw this second-degree amendment on the proviso that I bring it up immediately after the vote on this amendment without a second-degree. I do not care; they can bring it up after the vote on the tabling motion by the Senator from Missouri. If that is not agreeable, then we go ahead and discuss this amendment.

Mr. FORD. Mr. President, if the Senator from Arizona will yield, I think that is the way I referred to him. He has the floor, and I would like to have an opportunity to enter into a colloquy with him, with his permission.

Mr. McCAIN. I am pleased to enter into a colloquy.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it is my understanding that one Senator from his side wishes to oppose the Metzenbaum so-called sanitary facilities, as the Senator did.

Now, that means that if the Senator takes his amendment off, then we are still going to have a debate and a vote on that.

One thing that bothers me about his amendment is it ought to have a special place rather than be wrapped up in an airport improvement reauthorization bill. It is exasperating seeing that probably no time agreement is going to be given and the Senator is offering a time agreement possibly with the feeling that no time agreement will be given.

Mr. McCAIN. I say again to my friend from Kentucky, if he reads this amendment, it is noncontroversial and as a sponsor of the bill I would agree to a time limit. I am sure my colleagues would, too.

Mr. FORD. I am trying to understand the Senator's amendment, and I am not the final authority nor is Senator DANFORTH. He was waiting for the Republican leader to come in before he made a motion. He agreed. And I am doing the same thing.

But it just is a little bit exasperating to say that this is more important, it is overwhelming, and a little old airport reauthorization bill does not amount to anything compared with this. I agree with that, but I think it is wrong to wrap it up in this bill. There is something important about this bill because the Senator is putting his amendment on it.

There ought to be some way that we bring that up and really do what is necessary as it relates to North Korea and give it the type of debate that is necessary.

So that is the only point I was making. I am not downplaying North Korea. I would just like to say I think the Senator's wrapping it in this bill is proposing probably the wrong way to do it. I understand it is the wrong way as far as this bill is concerned.

I am going to yield the floor.

Mr. McCAIN. Mr. President, if I could continue the colloquy with the Senator from Kentucky, my point here is that—and, unfortunately, the Senator from Kentucky does not understand it—events are unfolding. I think it is important that the Senate of the United States express itself. I say to my friend from Kentucky events in Korea are unfolding in such a fashion that I think it is important that the Senate of the United States express itself, number one; and, number two, we all know what a sense-of-the-Senate resolution is. It is a message. It is a message concerning an issue of the sentiment of the U.S. Senate. Whether it is on the airport improvement bill or whether it is on the legislative appropriations bill is really not important. The fact is the U.S. Senate has debated and voted on an issue.

So, Mr. President, again I ask the Senator from Missouri if he chooses to do that at this time or what he chooses to do.

I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, let me suggest the following: If the Senator would withdraw his amendment for the time being, I would then make a motion to table the amendment of the Senator from Ohio and the Senator from Arizona would be free to offer his amendment again.

My own view is that the subject of North Korea is exceedingly important and that it should be dealt with in its own right. This is not the appropriate forum for doing it.

But, as the Senator from Arizona has pointed out, he has every right in the world to offer this or any number of amendments to this legislation. I respect that. There is no way to stop it.

I do not view this as a terribly controversial amendment. It is a sense of the Senate and it says that

> The United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

I do not know that anybody would vote against that, or even argue against it. It seems to me to be noncontroversial.

So, as far as I am concerned, a time agreement would be fine after this.

I hope that this is not going to be one of a whole series of amendments that people are going to be tripping over with on foreign policy. I think we are going to have an opportunity for a foreign policy debate on the floor of the Senate next week, and that seems to me to be the more appropriate occasion.

But, I would say to the Senator from Arizona that if he would withdraw this second-degree amendment, I would then move to table the amendment of the Senator from Ohio and then it is up to the Senator from Arizona to do whatever he wants to do.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I would like to make a brief statement on the amendment that I have offered with Senator McCAIN.

I do not see any problem with accommodating the managers here. The amendment is not offered to be controversial. We had a number of specific recommendations. Those were all taken out. I think what we are doing is, in effect, supporting what the President indicated to us yesterday, that this is a serious problem. It is a sense-of-the-Senate resolution that we pass from time to time.

But I would like to make just a brief statement and then do whatever the Senator from Arizona wishes to do. It seems to me we could go ahead and get an agreement to offer it next and have a vote on it and then go ahead and do whatever you want with reference to the amendment by the Senator from Ohio [Mr. METZENBAUM].

Mr. President, the crisis in the Korean Peninsula grows more dangerous every day. A year and half of negotiations and concessions was answered by North Korea: They destroyed evidence of their nuclear program. The International Atomic Energy Agency has been hindered, harassed, and rejected in its effort to monitor North Korea's compliance. After insulting the IAEA for months, North Korea has withdrawn from the agency.

Finally, the administration has recognized that sanctions should be imposed. However, sanctions will be preceded by a grace period. Sanctions will also be limited to symbolic measures. Sanctions will be phased in. Cultural and sports exchanges will be banned, but an arms embargo on North Korea will not be enforced. While the United States enforces a total embargo on Haiti—which does not threaten American interests—we support only half-measures against North Korea. With this timid approach, it is easy to see why North Korea might think United States policy is based on bluff.

Hard as it is to believe, there are some in the administration who still believe that North Korea is willing to negotiate away its nuclear capability. Clearly, North Korea is determined to build more nuclear weapons, and build more capable delivery systems. And clearly, North Korea will provide weapons to its friends in the international rogue's gallery: Libya, Iran, and Iraq.

Time is not on the side of those who worry about these developments. Yet some in the administration seem to think this is all a big misunderstanding. Some think that this is all a miscalculation by North Korea than can be corrected with more negotiations and more concessions.

Mr. President, it is not time for grace periods and half-measures—it is time for American leadership. It is time to act decisively to isolate North Korea and to reinforce deterrence on the Korean Peninsula. Former President Carter apparently received limited commitments that North Korea would not take more provocative steps, such as throwing IAEA inspectors out of the country. But that is no substitute for U.S. policy.

There are legitimate differences over the best policy toward North Korea—how to halt its nuclear program before it threatens the world. There should be no difference, however, over the need to provide adequate equipment for United States and South Korean forces on the front line of a potential war. Sending Patriot missiles by sea is inadequate. American forces, and the forces of our allies, deserve the best equipment we can provide—in the type and amount necessary to defend against attack. We cannot risk a military disaster which could be avoided by providing appropriate equipment. We all remember what a difference armored vehicles could have made in Mogadishu last October.

Some might argue that sending equipment to defend against possible aggression is provocative or war-monitoring. I remember the old adage: "If you want peace, prepare for war." No one in this country or in South Korea wants war in the Korean Peninsula. Some 50,000 Americans gave their lives in the last Korean war. But war may have been avoided in 1950 if Kim Il-song had not heard the American Secretary of State declare that Korea was outside the American defensive perimeter. And war may be avoided now by sending a clear signal that we are serious, that we will defend our forces if attacked, and that we will prevail if attacked.

And remember, we have 37,000 Americans on the DMZ, so it is not that we do not have a fairly important and significant interest in that part of the world.

The history of this century clearly shows that the best way to stop aggression is through firmness and strength, not through concessions and appeasement. And the best way to prevent war is to show be prepared to fight and win a war should deterrence fail.

This amendment is a reasonable step to show the Senate's support for strengthening the capabilities of American and allied forces in South Korea. There is much more that needs to be done.

China, South Korea, and Japan need to be brought into a solid coalition under American leadership. The issue of missile defense should be reexamined in light of the North Korean threat.

But this amendment is an immediate step. It shows our support for Americans on the front line facing aggression.

This amendment, I think, sends a signal. It supports what the President indicated to many of us yesterday and it shows the President we are behind necessary steps to protect Americans deployed overseas. I think it will receive unanimous support.

I thank my colleague from Arizona for his leadership and also my colleague from Texas, Senator GRAMM, who I believe is a cosponsor of the amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Kansas and I appreciate very much his leadership on this very important issue.

Mr. President, I ask unanimous consent that following the vote on the tabling amendment by the Senator from Missouri that it be in order for me to call up the sense-of-the-Senate amendment concerning North Korea.

Mr. FORD. Could the Senator add the words, "following disposition of the Metzenbaum amendment"? It may be it would not be tabled. I like the Senator's confidence, but around here it may not always be that way.

Mr. McCAIN. I amend my unanimous-consent request in that fashion, Mr. President.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1796

Mr. DANFORTH. Mr. President, I move to table the Metzenbaum amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. DANFORTH] to table the amendment of the Senator from Ohio [Mr. METZENBAUM]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison

Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—6

Boxer
Feinstein
Metzenbaum
Moynihan
Murray
Simon

NOT VOTING—1

Riegle

So the motion to lay on the table the amendment (No. 1796) was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask that Senator BINGAMAN be recognized to address the Senate as if in morning business for up to 5 minutes, and that following his remarks Senator DOMENICI be recognized to address the Senate for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

The Chair recognizes the Senator from New Mexico [Mr. BINGAMAN].

(The remarks of Mr. BINGAMAN and Mr. DOMENICI pertaining to the introduction of S. 2201 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona [Mr. MCCAIN], is recognized to offer an amendment.

AMENDMENT NO. 1799

(Purpose: To enhance the preparedness of U.S. and South Korean forces in the Republic of Korea)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. DOLE, Mr. GORTON, Mr. PRESSLER, Mr. ROTH, Mr. GRAMM, Mr. WALLOP, Mr. NICKLES, Mr. HELMS, Mrs. KASSEBAUM, Mr. ROBB, and Mr. THURMOND, proposes an amendment numbered 1799.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

FINDINGS

(1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

Mr. McCAIN. Mr. President, I send the amendment in behalf of Senator DOLE and myself; additionally, in behalf of Senators GORTON, PRESSLER, GRAMM, WALLOP, ROTH, NICKLES, HELMS, KASSEBAUM, ROBB, and THURMOND.

Mr. President, I am pleased to sponsor this resolution with the Republican leader, Senator DOLE. North Korea's intentions to build a nuclear arsenal, no matter the cost, have become ever clearer in Pyongyang's numerous violations of the Nuclear Non-Proliferation Treaty and in its increasingly bellicose language. The United States has no responsible alternative but to prepare for the worst, and make those improvements to the readiness of U.S. forces in Korea necessary to repel North Korean aggression quickly and with the least loss of life possible.

This resolution signals the Senate's strong support for Defense Secretary Perry's prescription that the United States must act on the prudent assumption that the North Koreans are serious when they define the imposition of economic sanctions as an act of war.

Unfortunately, it has become necessary for Congress to send a signal that the Clinton administration has thus far been reluctant to send: that neither threats of war from North Korea nor U.S. diplomatic imperatives will deter the United States from taking all necessary measures to ensure that 37,000 American troops and 80,000 dependents have all the means they require to defend their lives and our interests in Korea. That we have no already begun to make these improvements constitutes considerable negligence on the part of the Administration.

Our resolution calls on the administration to immediately take prudent actions to enhance the preparedness of United States and South Korean forces to deter and, if necessary, to repel a North Korean attack. Adding to the urgency of the need for improvements to our force's readiness is the recognition that we lack adequate strategic lift capability. Therefore, we must initiate deployments well ahead of any anticipated military action.

I believe these actions should include, but need not be limited to:

First, increasing the readiness and alert posture of United States and South Korean forces;

Second, deploying to South Korea additional troops from the United States;

Third, deploying additional fighter aircraft squadrons and Apache helicopter squadrons to South Korea;

Fourth, deploying a carrier battle group to the region;

Fifth, prepositioning bombers and tankers in the region;

Sixth, prepositioning additional stocks in the region;

Seventh, enhancing intelligence collection and sharing with South Korea;

Eighth, enhancing South Korean defenses with multiple launch rocket systems, counter artillery radars, antitank weapons, precision-guided munitions, and antimissile defenses; and

Ninth, enhancing South Korea's defenses against chemical and biological weapons.

These steps do not represent an exhaustive list of needed improvements to our readiness. But they would contribute substantially to protecting the men and women we have asked to stand post for us in Korea—assuring them that they will have sufficient reinforcements to complete their mission successfully and not be sacrificed to the fortunes of diplomacy.

I am traveling to South Korea this evening for detailed briefings from United States and South Korean military commanders on the precise nature of the North Korean threat and on our ability to prevail should hostilities on the peninsula resume in the near term. After my return, I hope to provide my colleagues with a comprehensive picture of our readiness requirements in Korea.

Mr. President, last November, President Clinton described United States policy toward the North Korean nuclear crisis clearly and correctly. He said that the United States would not tolerate North Korea's possession of nuclear weapons. With the exception of a few subsequent remarks by Secretary Perry, that was the last time our policy was well articulated.

Since the President's November statement, his administration's policy has persistently suffered from two serious misperceptions: First, that the threat from North Korea is not yet a legitimate crisis; second, that time works to our advantage. Just last week, I heard senior administration officials reaffirm these mistakes in order to remove any sense of urgency about our efforts to secure a sanctions resolution from the Security Council, referring to the situation as not yet time sensitive.

Mr. President, I can think of no crisis in a long while more acute or more time sensitive then the crisis we now confront on the Korean Peninsula. The discharged fuel rods from the Yongbyon reactor, which contain enough plutonium for four to six nuclear weapons can be removed by the North Koreans at anytime from their cooling pond and diverted to the reprocessing facility for conversion into weapons grade plutonium. A huge new reactor capable of producing enough plutonium for up to a dozen nuclear weapons will be operational in early 1995.

Pyongyang has already tested a ballistic missile, the NoDong 1, with a 1,000 kilometer range. Any day, they may test the NoDong 2 which has a 2,000 kilometer range and is capable of striking Tokyo. North Korea has acquired at least 40 and possibly 60 submarines from Russia which Jane's Defense Weekly contends can be modified to fire ballistic missiles.

Mr. President, the situation we face today in Korea is grave. It will be worse tomorrow. It will become worse every day that North Korea is allowed to pursue its ambitions to become a nuclear power. A North Korea attack, which today is a very real threat, would be far more likely after Pyongyang acquires a substantial nuclear arsenal and the means of delivering their warheads to Tokyo.

The danger will intensify even more if 82-year-old Kim Il Sung dies and his ruthless heir, Kim Jong Il, succeeds him as Great Leader. After all, it is Kim Jong Il who is believed to have ordered the assassination of half the South Korean cabinet, and to have ordered the destruction of a civilian airliner killing 150 innocent South Korean passengers.

And yet, Mr. President, while the danger grows, while the crisis becomes more intractable, the United States waits. We wait to see whether or not the North Koreans will expel the last two IAEA inspectors from North Korea. We wait to see whether they will postpone their withdrawal from the IEA as a concession to former President Carter.

We wait while administration officials circulate their draft resolution in the Security Council that contains only symbolic sanctions—cutoffs of cultural, scientific, and educational exchanges; the termination of a U.N. assistance program worth all of $15 million to North Korea; downgrading of diplomatic representations in Pyongynag, and a mandatory, but unenforced arms embargo. These sanctions will almost certainly fail to persuade Pyongyang to desist from further violations of the NPT. But we will wait some more, Mr. President, possibly for weeks, for the administration to ever so slowly bring this toothless resolution to a vote, and, with any luck, persuade China and Russia not to veto it.

After the vote, we will wait again, for 30 days, before the sanctions go into effect while the United States foolishly extends a grace period to North Korea in the hope that it will succumb to the administration's soft pressure and limitless patience. Then we will wait some more to see if countries like Iran, Libya, and Iraq will cooperate in an arms embargo.

We wait and wait and wait and wait endlessly for the administration to recognize the manifest failures of its diplomacy and cease its mindless devotion to the principle of "if at first we fail to appease, then try, try again."

Let me reemphasize, Mr. President: it will take nearly 2 months for these sanctions to be imposed. By the time it takes for the administration to accept that these sanctions have not had the desired effect, North Korea could have converted the fuel discharged from the Yongbyon reactor into enough weapons grade plutonium for six additional nuclear bombs, and North Korea's huge new 240 megawatt reactor could be operational.

Mr. President, let me divert from the subject of our resolution for a moment to briefly discuss a development relating to former President Carter's negotiations with Kim Il-song. Apparently, Kim Il-song has told President Carter that he will not expel the last two IAEA inspectors from North Korea "so long as good faith efforts are being made jointly between the United States and Korea to resolve the entire nuclear problem."

Let us be clear about what President Carter has accomplished. It is certainly important that North Korea not expel the inspectors and destroy our remaining capacity to observe any future diversion of fuel. However, this assurance does not remedy the North Korean violation of the NPT which prompted the administration to seek sanctions against North Korea in the first place. The sanctions were necessitated by North Korea's discharge of all remaining fuel rods from the Yongbyon reactor in such a manner that it prevented the IAEA from sampling the fuel to determine how much fuel had been diverted in the past.

Nothing in this recent announcement should cause the United States to back down from sanctions. Indeed, it only preserves the status quo, the unacceptable status quo. Until that violation is remedied by North Korea's willingness to come clean on its nuclear weapons program, sanctions—meaningful sanctions—should be imposed.

Mr. President, I presume North Korea will not consider the imposition of sanctions as a "good faith effort to resolve the nuclear crisis" and will, accordingly, eject the two inspectors later. Surely, neither President Clinton nor former President Carter believes that North Korea has yet done anything to vitiate the need for sanctions.

I am pleased that the inspectors will not be prevented from discharging their responsibilities at this time, but I am not so naive to consider this preservation of the status quo to be some kind of breakthrough or to believe for a moment that this will be North Korea's last word on the subject.

Throughout these long months of bargaining with North Korea, we have repeatedly seen how little regard Pyongyang has for keeping its promises on this question. After the United States held direct negotiations with North Korea, North Korea promised to negotiate simultaneously with the United States, South Korea, and the IAEA. It later refused to negotiate with the IAEA and South Korea.

After the United States held further talks with North Korea, and canceled Operation Team Spirit, North Korea agreed to allow thorough IAEA inspections of the Yongbyon nuclear facilities. Subsequently, North Korea, at various times, refused access to nuclear waste sites, insisted on only night time inspections, abruptly terminated inspections, and refused to allow further inspections until the United States dropped its insistence on negotiations between North and South Korea.

After the United States acceded to their demand, North Korea announced suddenly that it was shutting down its reactor for refueling, but promised to allow IAEA inspections of the defueling. When the IAEA then sought to take measurements from certain fuel rods of interest that would indicate North Korea's past diversion of fuel, North Korea commenced the defueling before inspectors arrived, refused them the access they sought, discharged all remaining fuel rods, and precipitated the current crisis.

Mr. President, we should review very carefully all the details of North Korea's bad faith over the last 16 months, lest anyone be fooled into prematurely popping champagne corks over this latest promise made to President Carter.

Now to return to the subject of our resolution: Mr. President, while the administration temporizes, and while North Korea seeks to obscure its intentions further, 37,000 Americans stand their post in Korea. They have not been reinforced, and they may not have sufficient means to deter a North Korean surprise attack. They will prevail in a conflict, but at a price that could have been lower had they been reinforced earlier.

Mr. President, surely our colleagues will agree that the time to reverse this negligence has arrived.

I understand the arguments that are arrayed in opposition to the precautions Senator DOLE and I are calling for. North Korea, it is said, has learned the lessons of the gulf war. They will not allow us to mass our forces while the United States pursues its diplomatic objectives in the United Nations, and thereby deny them the critical element of their invasion plans—a massed, surprise attack. Reinforcing our troops would be simply too provocative an act; a provocation which would probably precipitate a preemptive invasion. Some suspect that they have already begun to implement their preemptive strike plans.

For this reason, our South Korean allies are reluctant to agree to any substantial buildup of our forces. I appreciate these concerns, Mr. President. Obviously, these are not easy decisions to make. But they are necessary ones.

These same arguments were made by opponents of a defense buildup in England and France in 1936, who argued that such a precaution would only provide a rationale for Nazi imperialism. These same arguments were made by our Middle Eastern allies, who feared that improving our military preparedness in the gulf would trigger an Iraqi invasion of Kuwait.

But the invasions came anyway, encouraged by the West's reluctance to deter them. If North Korea means to fight, they will not be dissuaded by our negligence to adequately prepare our forces to defeat them.

With the exception of the slow deployment of Patriot missile batteries, and accelerated planning to reinforce in the event the North invades, we have done very little to send a strong, visible signal that we are prepared to repel their threatened aggression, and that we intend to see that the last battle of a second Korean war is fought in Pyongyang.

Mr. President, I have recently received very distressing reports about the readiness of South Korean forces to defend their nation. I hope these reports are not true, but I intend to find out. As of this moment, however, South Korea must be made to understand that the United States intends to defend our troops and our interests in Korea by whatever means necessary.

I do not mean to treat questions of Korean sovereignty lightly. I do not. I know that a second Korean war will be fought in their country, not ours, and that their capital is uniquely vulnerable to a North Korean artillery barrage. I have never been nor do I intend to become an Asia basher or someone who forgets that we have mutual interests that are well served by our strategic relations with Asian allies.

But we have 37,000 troops there sworn to defend South Korea. South Korea must be equally dedicated to their protection or we will have little choice but to remove them from harm's way.

Thirty-seven thousand American troops are not sufficient to defend South Korea from an attack by over a million man army. We are relying on the readiness of South Korean forces. I would hope that the South Koreans recognize, as we do, the folly of not taking Kim Il Sung at his word: That he means to fight, and fight ruthlessly. I would hope that South Korea now recognizes that there are a great many things it must do to prepare their forces; to counter North Korean advantages in artillery and manpower, to protect their capital, and to defend their people from the wages of war, like a chemical weapons attack, to the greatest extent possible.

I have been somewhat encouraged by the apparent recent hardening of South Korea's attitude toward North Korea's violations of the NPT, and their callup of reserves for civil defense drills. But we expect much more from Seoul in our mutual defense of that country, and we expect it now.

I have on many occasions expressed opposition to administration's foreign policies. But I have also refrained from supporting measures that would prospectively circumscribe or preclude Presidential leadership on foreign policy problems before his policies were developed and implemented.

Regarding Korea, we have waited too long for evidence that the President intends to lead us in this crisis with the firm resolve that the situation demands. We have obligations to the 37,000 Americans stationed in Korea that can no longer be evaded for want of Presidential determination.

This resolution is nonbinding. But it should signal to the administration and to Pyongyang that the people of the United States and their elected representatives ultimately possess the resolve to see this crisis through to the end; that we take their threats seriously, but are not paralyzed by fear; that the President was serious when he said the United States will not tolerate North Korea's possession of nuclear weapons; that the courage of the men and women whom we have asked to defend South Korea and our interests in Asia will be supported with all the means necessary for them to make North Korea pay dearly for the mistake of starting another war.

In 1950, North Korea mistook American resolve. The consequences of their mistake were devastating. It is up to the President to ensure that they do not mistake our resolve again. This resolution should encourage the President to summon the resolve he needs to keep faith with that commitment. I urge my colleagues to support it.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. When the vote is taken, it will be by the yeas and nays.

The Senator from Georgia [Mr. NUNN], is recognized.

Mr. NUNN. Mr. President, first, let me say I appreciate the Senator from Arizona's working with the majority leader, the Senator from Massachusetts, the Senator from Rhode Island, myself, and others to make certain changes in this amendment that I believe will make it acceptable for the Senate to vote on it in the near future.

Second, while I agree with basically the thrust of the amendment, I do have to question the timing because former President Carter has just made announcements on CNN about his discussion with the leader of North Korea. He has another day or two there. I personally have not even had time to find out what he said on CNN yet. And that is one of the unfortunate things about the Senate. You can put an amendment on any time, any place, and the Senate has to come to grips with it immediately.

But in the realm of foreign policy, that is a very difficult way to do business. To have the Senate speaking on a subject of this importance—even though I really agree with the thrust of what the Senator from Arizona has put forward—at this particular time is subject to being misinterpreted and subject to being, I think, even second guessed in the days ahead about events that may unfold. So the timing, to me, is questionable.

But, of course, the Senator has the right to bring up an amendment any time he chooses to bring it up, and I know the Senator from Arizona is doing what he believes to be in the best interest of our national security, and I know he is doing what he believes to be in the best interest of our military forces in Korea. I have no doubt about that, having served with him and knowing his deep feeling and his sincere commitment to the well-being of our forces and to our overall national security.

So, Mr. President, the Senate, I assume, will be voting on this today, and I think it is important that we understand a little background of where we are at this point in time. And I must add, again, that I have not heard the details except secondhand of what former President Carter himself has said in terms of his reports from North Korea.

I would say, in general, from what I heard secondhand, that I will welcome the words from former President Carter. I think what he has said bears a great deal of close scrutiny here in terms of looking carefully at what has been said to him and what he has conveyed in many of his public announcements about the position of the leadership of North Korea.

I do think there are some tough questions that have to be asked—the Senator from Arizona has already alluded to some of these—about what the North Koreans may be offering at this point in time.

One tough question is, are they willing to freeze their program? Are they willing to say no more development of nuclear weapons, no more plutonium reprocessing? Are they willing to say they are not going to do any more reprocessing?

Now, reprocessing is permitted under IAEA, and under the nonproliferation treaty it is not barred. But the North Koreans did agree with South Korea and signed a bilateral agreement whereby neither of those countries would engage in any reprocessing. They have never implemented that agreement, but it is certainly reasonable for us to ask them if they are willing to carry out their own commitment in regard to no reprocessing which can lead to the development of nuclear weapons.

There are some tough questions that need to be asked, but I think former President Carter's visit there can be helpful in two ways.

One way, as he is already doing, is to tell us a little bit about what the North Korean leadership is thinking, because this is a regime which is isolated, which is in many cases paranoid, and which is, of course, heavily armed and dug in and having an economic struggle. So it is a very dangerous situation.

The other point that I think is important that I am sure former President Carter is conveying—I am hopeful this is the correct assumption—is the absolute firmness of the United States and our allies to stick to our position that North Korea must not and will not and cannot be permitted to become a nuclear power. I believe that this resolution does convey that.

I would also say that I think the Senator from Arizona is correct in the fact that we need to make sure we take every prudent step to make absolutely clear that we are prepared— we do not want a war—but that we are prepared and that we are going to do everything we can to protect our forces.

The Senator from Indiana [Mr. LUGAR], and I went to South Korea in January of this year. We issued a report on what we found there. I had a chance to engage in extensive discussions with our military leaders there, including our commander, General Luck, but not limited to him, with many of our military and intelligence people in South Korea.

The bottom line of that visit, Mr. President, is that there were certain steps that needed to be taken to reinforce our military forces. Many of those steps needed to be taken even without the belligerent rhetoric that comes from North Korea. There are certainly deficiencies in our military that are being addressed, that were scheduled to be addressed even before the recent statements by North Korea, and that must continue to be addressed.

It is important that these deficiencies be addressed in ways that do not lead the North Koreans to believe that we are about to launch a preemptive attack on their country or they are in jeopardy of an all-out South Korean and American military invasion.

We have to realize this is a regime that is isolated and paranoid. While we want to make sure they understand our firmness, our determination, and also our absolute commitment to defending South Korea, we do not want to take steps that would lead them to conclude that we are about to launch our own invasion of North Korea, which could, in turn, lead them to do some very foolish things in terms of their own military forces.

Mr. President, the bottom line of all this is that I think it has to be made abundantly clear to the North Koreans they have three choices.

One choice is an explosion choice. They can cause an explosion on that peninsula that can kill hundreds of thousands of people. In my view, if they exercise that choice, notwithstanding some military problems that we might face, the result would be total devastation of that regime and devastation of the North Korean part of the peninsula. Unfortunately, the result could also be the death of hundreds of thousands of people on both sides. So that is not the choice we hope they are exercising.

The second choice is what I call the implosion choice. They can continue to defy the international community. They can continue to defy the IAEA. They can block inspection in their own country, and they can continue to be isolated economically. If they continue down that line, I think they are going to implode. It may not be next month, it may not be 2 months from now, but inevitably their economy will collapse, and at some point the people of North Korea are going to get fed up with having two meals a day and having one of the most inefficient and ineffective economies in the world. That is what I call the implosion choice.

The third choice is one that we also have to make clear to them. This is that they can begin to cooperate with the international community. They can begin to comply with the nonproliferation treaty. They can begin to be part of the international community if they comply with their obligations not only in the nuclear area but also in refraining from exporting arms into volatile areas of the world and also commitments not to engage in terrorism, which they have certainly done in the past.

That third choice is the one we hope they will take because I think any careful study of the military equation would leave one to conclude that the North Koreans cannot possibly prevail in any conflict and any serious conflict would result in devastation of their regime. We do not choose that, and I do not think anyone in this Senate wants that kind of war. We already had one war. We must make it absolutely clear to them that we are committed. I think this resolution does that. We must make it clear that we are going to take and are taking all the prudent steps that are required to make sure our own military forces, and urge the South Koreans to make sure their military forces, are fully prepared for any contingency.

Mr. President, I think the changes that have been made in this amendment make it acceptable. I believe that if the Senate does vote on it today, it can be voted on with people being confident that it does truly reflect not only what we should be doing but, indeed, what we are already doing.

Are we taking military steps now? The answer is, yes. Have we been taking military steps for the last several months? The answer is, yes. Are those steps everything we need to do? The answer is, no, not yet. But we are taking prudent steps.

General Luck and his military commanders have laid out what they believe we need to do. They have laid out not only what they believe we need to do now, but they have laid out what we need to do each step of the way if we implement sanctions.

I do not think anyone should make any mistake about it, particularly the North Koreans. If we go to the United Nations and if the United Nations votes for serious economic sanctions, then there are going to have to be other military steps taken, because the North Koreans have said implementing sanctions is an act of war.

So if we are going to do the prudent thing, as this resolution calls for, then we are going to have to take certain military steps, as well as certain diplomatic and economic steps, and they have to be taken together.

Mr. President, this should not be viewed by anyone as threatening. This resolution, as I see it, should be viewed as taking the kind of military steps that are essential to protect our own people and to send an unmistakable signal to North Korea that we are serious and that we are going to be prepared for any kind of action that may occur.

Mr. President, at this point, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, yesterday our Foreign Relations Committee was briefed by Assistant Secretary of State Robert Gallucci, who is our principal negotiator with the North Koreans. In the course of that briefing, we heard nothing that would cause us great concern for the immediate future. There is nothing to warrant accelerating the drumbeat of war on the Korean Peninsula.

We can be sure that as long as International Atomic Energy Agency [IAEA] inspectors remain at the Yongbyou nuclear installation we can be assured that fuel is not being diverted for nuclear weapons. If inspectors depart or are forced to leave, then we would have cause to be concerned.

At this time, this resolution, as amended, demonstrates our concern and suggests that we should be careful, keep our powder dry, but there is no immediate cause for alarm.

To paraphrase Winston Churchill, who once said "Jaw, jaw is preferable to war, war": "wait, wait, is preferable to war, war." Dialog with the North Koreans should continue.

The Senator from Arizona is a man of action. I understand he may be going there. I wish him bon voyage and success on his trip, if that is the case.

But we should bear in mind that this is a very delicate time, with on-going negotiations, including discussions by former President Carter with the North Korean leadership. It is very important that the waters should not be roiled; that international calm be maintained.

It is a delicate time. This resolution should not be misread by the North Koreans as a call to arms. It is an expression of our deep concern, a sign that we are following the situation closely, and a signal to the North Koreans to comply with their obligations under the Nuclear Non-Proliferation Treaty.

As this resolution states, let us be prudent and prudence dictates further dialog.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, I would like to join with the Senator from Georgia and the Senator from Rhode Island in thanking the Senator from Arizona, Senator MCCAIN, for working with us to agree on language that we believe reflects a positive and prudent statement—I emphasize prudent statement—by the U.S. Senate.

I would share a reservation expressed by Senator NUNN about the timing simply because there is a great deal going on that the public does not perceive. Diplomacy is, obviously, an extremely delicate art. It simply does not lend itself very well to the normal give and take and pull and tug of American politics. And often politics clouds the diplomatic effort and even sometimes restrains it or undoes certain aspects of it.

I think that what we have arrived at in this amendment is a sensible consensus on the part of the Senate about steps that need to be reinforced—and I emphasize "reinforced."

Though I join the Senator from Arizona in the concerns expressed in this amendment, I would personally distinguish some of the comments that he made in his own introductory comments which are beliefs that he feels but I do not believe are contained in the gravamen of the amendment itself.

The Senator from Arizona used words like the administration temporizing, negligent generalities was expressed, that they must not be paralyzed by fear, a whole series of negative connotations with respect to the administration.

I think it is important to point out, there is no temporizing and there is no equivocation with respect to the President's bottom line on North Korea. The President has said from the beginning and has reiterated on a number of occasions that North Korea cannot be permitted to become a nuclear power. That is the bottom line of this crisis, and that is the guiding policy that I think Democrats and Republicans alike share in.

Now, a realistic and tempered analysis of the current crisis would suggest that those of us in the Senate and those of us who are concerned about our troops ought also to be concerned about the messages and signals that we send and how we send them. An isolated, paranoid regime like North Korea can just as easily make a misjudgment about what we are doing as they can make a misjudgment about what they ought to be doing or what they are doing.

So I think it is wise not to give them the ability to be able to misinterpret our desires here. If they believe that we are going to attack no matter what, or if they believe we are going to back them into a corner no matter what, or if we offer them no opportunity to find some kind of a way of acceding to our demands, then we would have added to the crisis.

I think those of us who have been to the briefings in the last few days feel broadly satisfied that a great deal is happening. We had a long briefing before the Intelligence Committee a couple of days ago. I happen to serve on that committee. The Senator from Arizona was not there. We had a long briefing yesterday with Secretary Gallucci on the subject of plans that are now going forward with a great opportunity to inquire about contingencies and options and preparatory measures.

I think it is fair to say, without breaking any classification restrictions or without sending messages that the administration does not want to have sent at this time, that we are taking steps to guarantee that at least our own troops are secure, we are taking steps at this point in time to review every single option available to us, and we are taking steps at this time to guarantee that any option that is available to us will be able to be exercised within the necessary time period that that option would demand.

I would say respectfully, to my friend from Arizona, that while the two inspectors are there and while they have not denied us the opportunity to continue to see what is happening in the cooling waters, while those rods are still not in a state of being unloaded and we can understand precisely what the level of reprocessing is, there is at this moment no danger under those circumstances of a nuclear breakout that would threaten us or the peninsula. So I think it is important for us to not create a situation where the most unwanted event happens because we take steps that are not prudent.

I believe the administration is taking sensible measures to guarantee that our options are covered here, recognizing that there may well be in the weeks or months ahead, depending on what North Korea decides to do, a very serious and far-reaching decision with respect to preemptive measures that we might have to take to safeguard our own interests.

This particular resolution, I think, expresses the appropriate concern of the U.S. Senate but simultaneously, I think, recognizes, does not deny, what the administration is already doing in this regard. So I would say this is an appropriate step for the U.S. Senate to take and is mindful that we have to be sensitive to what the administration is trying to do.

I do not think that North Korea could conceivably misinterpret the bottom line that the President has set out in this crisis. It is clear—through the several emissaries, as well as their own ability to read almost every single public statement on this issue—that our bottom line is that this is serious, that it is a major crisis, and that they cannot be permitted to become a nuclear power. And the implications of their attempts at doing so are, as the Senator from Georgia said, extremely narrow in the options that it provides North Korea.

This resolution adequately states our need to be prepared for those eventualities without, I think, sending signals of alarm or statements of an incendiary nature, that make matters worse than they might develop or might be anyway.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, the powers that be have spoken and I have no illusions whatsoever that the objections that are going to be raised by the Senator from Nebraska will be paid much attention to. Because another grand compromise has been quickly struck over a motion that has had no hearings, no public input, and very little consideration by most of the body except a hurried meeting on the floor between some of the powers that be to try and get rid of this particular amendment that is holding up the aviation bill that is before us.

I do not for a moment intend to imply any bad motives to any of those who have taken part in the deliberations thus far. I simply say all too often when things of this nature come up, and in this case we are talking about the McCain-Dole amendment—and I believe that Senator MCCAIN and Senator DOLE generally are trying to get across a message that they have articulated in other various sources before we took this up on the floor of the Senate today. Simply stated, I agree with all of the concerns that all the previous speakers made with regard to the very, very serious situation—maybe more serious situation than we recognize—that exists with North Korea today. No one can possibly know what the outcome of that could be. But as one Senator who has been consulting with many Senators, consulting with many people in the executive branch, I have recognized that this is a flashpoint, and that very likely the people of the United States may not fully understand just how fully serious it is today. Maybe some of the good things that might come out in the debate on the Senate floor today, and I suspect eventual passage of this amendment, or resolution, will give everybody a good feeling. I do not for a moment underestimate, therefore, how serious this is.

The question comes as to whether or not it is wise for Senators, without previous discussion or hearings, to rush to the floor of the Senate and on an aviation bill of all things, bring up such a fundamentally important matter with regard to the obligations—and solemn they are—that we have to our friends and allies, the South Koreans.

How serious is that and how dedicated are we to that? I think history speaks for itself. When I came back from World War II we thought we had fought a war to end all wars. And 5 years after that, after dismantling our forces, we found ourselves in combat in North Korea—in South Korea and then later in North Korea. Here we are, 45 years later, considering the possibility—that is basically in the hands of a totalitarian North Korean Government—as to whether we will be called upon again.

I believe—and I know we are receiving additional information on this tomorrow in closed session in the Armed Services Committee—that the President, the Joint Chiefs, the CINC's and all others, are taking and have taken appropriate action. We have sent, as everyone knows, Patriot missiles there. There was a lot of criticism when we sent the Patriot missiles over there by boat. There was criticism of the President on the floor of the Congress that it takes them too long to get over there by boat; we should fly them over there. Panic set in.

I think the situation is extremely delicate but I do not think panic should set in. I simply ask my colleagues on the floor of the Senate to take a look at some of the situations that confront us, and maybe the downside of us acting in an approving fashion in the Senate on this particular amendment or resolution.

The resolution itself is not very offensive and I suspect one of the reasons the White House, as I understand it, has signed on to this—and possibly some of the Democratic leadership—is that, good land, we sure do not want to get ourselves caught in a position of a Republican amendment being offered that calls for the proper defense of the troops and interests of the United States of America. Therefore we better go along. You go along, you see, with these things, to get along. I suggest that is not a very good way to develop foreign policy.

Foreign policy under our Constitution is developed, and properly so, by the executive branch. And I have referenced earlier the fact that I have confidence in what the President and the military leadership are doing in this area today. But if you take a look at the rhetoric, the words behind this amendment that has been offered, you will see that the North Koreans, who will be looking at that, may get a different interpretation, unfortunately, from what the resolution itself says.

We can study the resolution for the rest of the afternoon and the night and all day tomorrow. I think many lawyerlike things could be done, you know, to change a word here or a comma there. But I would simply say, let us also take a look at what has been said thus far in support of this matter. I have heard, unless I heard mistakenly, such statements as, "prepare for war to protect the peace." I have heard citations of "the best possible action would be to—" "The fact that the United States will not tolerate—" Et cetera, et cetera, et cetera.

I would simply say, and I am sure this statement will raise a few eyebrows, but I hope it will also open some ears to reason—I suggest, Mr. President, that this is a Gulf of Tonkin-type resolution that we are rushing into without fully understanding what we do.

Once again, I say it is entirely appropriate, given the seriousness of the situation. If it is not a crisis situation now, it might be a crisis situation in the future. I simply say, why can we not refrain, why can we not hold back from rushing to the floor of the U.S. Senate to do something that has a good ring to it without fully understanding what the complications might be or what connotation the North Koreans might place on the adoption of this amendment?

I have heard remarks like "the United States will not tolerate." It seems to me as if those may be considered by some people warlike words—maybe not. I am not here to apologize for whatever action we might have to take in the future, but I suggest this is a time for us to allow the elected President of the United States to lead, to set policy, without us rushing to the floor with this type of an amendment.

I guess you can put this in any context that you want, but it seems to me we should recognize that what we say in the resolution itself might not be objectionable, but what we have said in describing what that is doing and the ideas of several very influential Members of the U.S. Senate is quite another matter.

Put this in any context that you want, but it is an instrument of bravado: We are going to stand up and we are going to tell you.

It is like putting a chip on the shoulder of the United States Senate and United States Senators and, if not inviting, suggesting to the North Koreans: Go ahead and knock it off.

Why can we not in this body resist the temptation to try to lead for the primary reason to show leadership, when there are times I think this body should show leadership and there are times when they should not?

President Carter is there now. From the reports I have heard, essentially through the news media, it would indicate to me that at least the President may be making some progress.

You will all remember, I think, a very distinguished minister from the United States was there a month or so ago. He did not get very far, but maybe Billy Graham laid some seeds to come home to help us.

The President and the military are acting in what I believe to be an appropriate manner. They are consulting with our allies, in this case primarily the adjacent countries of South Korea and Japan. The President has brought the United Nations into the matter. I do not really believe that the United

Nations or Japan or South Korea really care very much about what the United States Senate does on this resolution this afternoon. But, of course, it is only natural for the United States Senate to believe that people around the world are waiting with bated breath until we make some pontifical pronouncement.

In closing, Mr. President, let me say: Be careful; look and listen to the language of some of those supporting this amendment. That language, in my opinion, belies the general, less warlike, more ambiguous language of the amendment or resolution itself.

This amendment evidently is designed with the idea that the North Koreans will shiver in their boots when the United States Senate speaks. I suggest that might not be the case.

I believe our action at this particular time, especially with the language that has been used in debate in support of this, despite the caveats from some Senators, I still think that this is a step in the wrong direction.

I have no doubt, Mr. President, that the McCain-Dole amendment will become the law of the land. But I, for one, will vote against it for the reasons that I have expressed.

I thank the Chair, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the resolution of the Senator from Arizona has been significantly modified from an earlier version, particularly the elimination of paragraph 7, which was in an earlier version, and some other changes which have been made in it to make the language of the resolution, I believe, not only acceptable but a significant advance over the earlier version thereof.

It is only the language of the resolution that I address rather than each of the comments of everybody that has spoken relative to it, because it is the language of the resolution which we are voting on, and it is only the language of the resolution which, if adopted, becomes part of the law of this land.

It is not the rhetoric of the supporters of it, some supporters. Indeed, the rhetoric of some supporters of this resolution has been very cautious, very prudent, indeed. I point only to that to try to give some balance in terms of the rhetorical atmosphere that surrounds the resolution.

The point of the resolution itself, I believe, with the changes which have been made in it, the resolution is, indeed, an acceptable resolution.

I would, however, make two points.

The first is that I think we should operate, in addition to the stick track, we should operate on a carrot track, as well, with North Korea. We should not only be prepared to respond in the event that they launch an attack—and that is what this resolution addresses; it is simply a preparedness to defend ourselves—but I think we also should seek out normalization of relationships with North Korea in exchange for their willingness, which is enforceable, not to become a nuclear power, and that we should pursue both avenues, not just the one avenue. President Carter is there, indeed, exploring both avenues, and I commend him on the work that he is doing because he is discussing the possibility, at least as a private citizen, that in addition for a more normal relationship with the rest of the world, that North Korea would give up any aspiration to become a nuclear power.

It is that positive approach, in addition to the more negative approaches in terms of being prepared to respond to an attack, that I think is important. That positive approach is not included in the resolution. I wish it were. It focuses on the preparedness instead, but in terms of the language of the resolution, it does say we should take prudent steps to be prepared, and I think we should.

I wish it had the positive side more focused in the resolution. It does not. Again, let us look at what the resolution does.

It focuses on acting to become prepared, to act to enhance the preparedness and safety of our forces, to deter and, if necessary, repel an attack from North Korea. I find those unoffensive words and not warlike words. I find those words of caution, words of prudence. We should be prepared in the event of an attack. Indeed, North Korea has said that they would consider sanctions, any sanctions by the United Nations to constitute a declaration of war. And under those circumstances, we surely should be prepared in the event that North Korea launches the attack.

But there is one aspect of this resolution about which I wanted to talk to the Senator from Arizona. I think he is off the floor and perhaps he could hear my words. I have already discussed an aspect of this resolution which I believe can be amended and would represent an improvement in the resolution if it were.

In paragraph 6 of this resolution, it says that

> It is incumbent on the United States to take all necessary and appropriate action to ensure the preparedness of the United States and the Republic of Korea Forces to repel any possible attack.

We cannot ensure the preparedness of the Republic of Korea. We can assist, and we should. But only they can ensure their own preparedness. Too often in this whole scenario over the last few weeks and months we have read about South Korea in ways which would lead me to believe that they are not particularly prepared, nor are they going to become prepared adequately, to defend themselves. I have seen them blowing hot and cold over the last few weeks. I have seen them, at least their Foreign Minister, talk as though we are pushing them to defend themselves. We cannot ensure their defense. Only they can ensure their defense. We can act with them, as we should. We can assist them, as we should. But only they can act to ensure their own defense.

So I have discussed this with my friend from Arizona, and it would seem to me that it would be an improvement for us to change the language in paragraph 6 so that the ensurance of preparedness of the United States and the Republic of Korea Forces is a joint effort on the part of us and Korea, not just our effort, and that we add some words at the end which is that we urge South Korea to act to enhance preparedness so that it is not just us acting unilaterally.

They need to be a partner. We cannot force them to act. We cannot ensure their preparedness. They must act in their own defense and prepare themselves. We cannot do it for them. Again, we can assist them. We can participate with them. But we cannot drag them into it.

So Senator WARNER and I have drafted this amendment together and I have discussed this with the Senator from Arizona, that we offer a modification, an amendment to his amendment which would add language in paragraph 6 which would add the words "Republic of Korea," so that it is both the United States and the Republic of Korea that need to take appropriate, prudent steps in our effort to defend our forces and add words in the therefore clause that we would be urging South Korea to do what we are urging ourselves to do, which is to take necessary, prudent actions to enhance the preparedness and safety of our forces. We now have the language prepared, but I do not know whether or not the Senator from Arizona has seen the language.

Mr. McCAIN. I have seen it.

AMENDMENT NO. 1800

Mr. LEVIN. If he has seen the language—and I understand from his nodding his head that he approves the language—I would send this amendment to the desk on behalf of myself and Senator WARNER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

> The Senator from Michigan [Mr. LEVIN] for himself and Mr. WARNER, proposes an amendment 1800 to amendment 1799.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. LEVIN. I think in this case it would just take 1 minute to read it and it may be useful. I thank the Senator.

The legislative clerk read as follows:

On page 2, line 5 after the word "action", insert the following: "to act together with the Republic of Korea".

On page 2, line 12, after the word "States", insert the word "forces".

Amend page 2, line 13 to read as follows: "and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an".

Mr. LEVIN. I thank the Chair, and I have just been handed a note that Senator WARNER is on his way to the floor to speak briefly on our amendment. I want to ensure that he is added as a cosponsor to this amendment. We have worked together on the amendment and with Senator MCCAIN as well. Senator WARNER is very much anxious to speak on it. I would ask that he be added as cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the Senator from Michigan [Mr. LEVIN], with whom I work closely on many matters on the Armed Services Committee, and I join together to introduce this amendment. This amendment makes it absolutely clear that we are acting in concert with our South Korean allies to face this impending crisis on the Korean Peninsula.

Together, for 45 years, the United States and the South Koreans have stood firmly against the North Korean treat. In those early difficult days of the Korean war in 1950, a solid bond was forged between our Armed Forces that still exists just as strongly today. This Senator served with the Marine Corps in Korea during that war. I do not want to see another bloody conflict in Korea.

Hopefully, the diplomatic steps that are underway-by our former President, Jimmy Carter and others—along with the threat of sanctions will cause the North Korean regime to reconsider, to cease all actions to develop a nuclear weapons capability and to comply with the Non Proliferation Treaty and the requirements of the International Atomic Energy Agency.

However, as long as the North Koreans continue their reckless attempts to develop nuclear weapons and their belligerent threats, we should take the necessary steps, along with the South Koreans, to ensure that the military forces from both our nations are at a high state of readiness and sufficiently reinforced to deter war if possible, or, if necessary, to win it surely and quickly with a minimal loss of life.

I believe that the amendment introduced by the Senator from Michigan and myself makes it clear that the United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of our forces. The amendment also makes it clear that concurrently, we must urge and assist our South Korean allies in doing the same.

Mr. President, I commend the Republican leader, Senator DOLE, and the Senator from Arizona, Senator MCCAIN, for introducing their amendment. I request that I be added as a cosponsor to their amendment.

Mr. President, I wish to thank the Senator from Arizona for accepting the amendment which the Senator from Michigan [Mr. LEVIN] and I crafted together.

I also thank my colleague from Michigan, Senator LEVIN for his cooperation in the joint drafting of this amendment. It is always a pleasure to work with him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 1800) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair.

Mr. President, I rise in support of the amendment that is currently under consideration by the Senate. I understand the concerns that were raised a few minutes ago by our distinguished colleague from Nebraska, but I think there is in this case a real sense of urgency that makes this a more compelling case than many of the amendments that we do consider from time to time that are not relevant or germane to the subject matter that is being discussed in the Chamber.

Indeed, I think that it is one of those sense-of-the-Senate amendments that will receive a certain amount of national and international attention, and I think it is appropriate that it receive that attention.

This matter has been brewing for over a year, some 16 months. As chairman of the East Asia Pacific Committee of the Foreign Relations Committee, and as a member of the Armed Services Committee—and I am the only Member of this body who happens to serve on those two committees—I have been very much concerned about developments in North Korea for quite some period of time. When I was last in that part of the world, I discussed at some length the concerns that I had with the leadership in Beijing, in Seoul, and in Tokyo. It was very clear that among all of the concerns that were on our plate for discussion, this was the one which most engaged the leaders then and has since.

I have held several hearings, some open, some closed because they were classified, to discuss developments in this particular area. We had a hearing just yesterday called by the chairman of the full committee with Mr. Robert Gallucci, who is the principal negotiator on the U.S. side to discuss this issue even more. I believe that this particular sense-of-the-Senate resolution is appropriate. I think it is reasoned, and at least I hope it would gain some additional attention and support in the United States.

I support our President. I support him particularly in his role as Commander in Chief. I think it is important in any of the great war and peace issues that we do everything possible to close ranks and keep those ranks as closed as possible in dealing with issues like this. But this is one of those issues where if we guessed wrong or if we made the wrong move and if the leadership in Pyongyang, whether it is Kim Il-song, Kim Jong Il, or anyone else decides that they will test the resolve of either the South Korean Government in Seoul or the United States Government here in Washington, the consequences could be enormous.

I do not want to sound alarmist, but I believe that if any hostile action were to be initiated by the north against the south, we would be engaged in a way that we simply could not extract ourselves in the near term. There is no question that in time the allied forces, being the South Koreans, the United States, Japan, hopefully China as an ally in this particular instance, and others would prevail, but in my judgment the number of casualties that we would suffer on day one would exceed all of the casualties that we have suffered in any hostile engagement since the end of the Vietnam war combined.

Again, I do not attempt to be an alarmist. I simply underscore the importance of any conflict in this particular region. We understand the history. We understand the potential. We understand the kind of armament that is already in position north of the 38th Parallel that could be brought to bear immediately on Seoul and other areas.

We understand that we have 38,000 U.S. troops that are stationed in this area, in addition to the recent additions of the Patriots, Apaches, and what have you. I think preparation is entirely appropriate. I think, in fact, that we would be remiss if we did not.

It is not because I believe that the North is going to be so irrational as to test our will. But my concern is that this has dragged on for some 16 months, and in each case the North Koreans, both withdrawing from the NPT, the Non-Proliferation Treaty, as well as from the North-South Agreement, have in effect stepped back from agreements into which they have entered, and said, "What will you give us in return for a return to the status quo?" That leaves us in a very difficult position to say the least.

My principal concern is not that they will act irrationally in the near term—although, as I say, the consequences are enormous—but that it will destabilize the region.

Right now, the United States provides the nuclear umbrella and the stabilizing force within this entire region. South Korea is not nuclear. Japan is not nuclear. And China has not pushed beyond its current nuclear capacity, and certainly not developed specifically because of any threat that is perceived in this area. But if this region is destabilized, there is no question in my mind that Seoul and Tokyo are going to have to revisit the question of whether or not they believe that the current umbrella that the United States provides—and it can be an honest broker in this region because it has no colonial ambitions—they are going to have to take another look at that. To the extent they do, China has to do the same thing.

We then get into the realm of additional forward basing and other actions that will be extremely destabilizing in this area. And the only way that the North Koreans are likely to be able to get the kind of hard currency they are going to need in the international arena—particularly if we start squeezing down even more—is through the export of weapons of mass destruction. The most likely buyers or purchasers of those weapons are in Tehran, in Baghdad and in Tripoli. And we will contribute to the further destabilization not only of the Eastern part of Asia and the Pacific, but the Middle East and the Near East as well, if we do not exercise the kind of resolve that, in my judgment, is necessary to send a very clear message—not a message that is designed to exit but a message that is designed to make certain that the North Koreans understand that we are prepared lest anything get out of control, and that we have the necessary will.

It has always been my judgment, Mr. President, that if we demonstrate that we have sufficient military might, if we have the weapons, if we have the logistic support, if they are sufficiently trained, if they are well armed, well equipped, and well led, and if we also have a clear demonstration of the will to employ those forces if we have to under the kinds of circumstances that might make that appropriate, that the chance of actually having to deploy such forces goes down considerably.

I think we are in a situation now after some 16 months of a lack of any real progress in this area that we need to demonstrate that we are at least prepared so that hopefully we will send a message to those in Pyongyang and elsewhere about the resolve of the United States in the fervent hope that we will not have to use or employ the forces that are available to us.

Mr. President, thank you for the time. I thank the sponsors of this particular amendment.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, once again the Senator from Arizona has sounded the alarm in connection with an issue with grave security concerns for the United States of America.

Once again, there are many—both in this body and outside of this body—who wish that he had not sounded that alarm, who would prefer to ignore the crisis with which the United States and its allies around the world are faced.

Nevertheless, I do not believe that this Nation is served well—or the Members of this body serve their Nation well—by ignoring twin dangers, twin dangers arising out of the actions of the North Korean Republic.

The overwhelming danger, the overwhelming threat, presented by the course of actions which has been pursued by the Government of North Korea for at least a decade is if existing nuclear capacity and the very, very large nuclear weapon capacity which it threatens to create during the course of the balance of this decade with the possibility of not only destabilizing its own region and causing Japan, South Korea, the Republic of China on Taiwan to feel that they must build a nuclear capacity in return, but the very real possibility that North Korea can soon become an exporter of nuclear weapons to other outlaw nations, and perhaps even to terrorist organizations.

It is exactly that threat which the Nuclear Non-Proliferation Treaty is aimed. It is exactly at that threat that the International Atomic Energy Administration is designed to minimize. It is exactly that threat which the defiance of international norms on the part of North Korea has made so emerging. The short-range danger, however, is that North Korea may possibly mean what it says; that for us or for the United Nations to take any action, even an action with relatively minor sanctions, will be treated by North Korea as an act of war authorizing it, permitting it to attack our troops and the troops of the Republic of Korea to the south of the present demilitarized zone.

It seems to me hardly necessary for us to debate the proposition that the United States and its ally, South Korea, should be prepared for that eventuality. Prepared for that eventuality clearly will lower, though will not eliminate, the existence of the threat itself. This resolution simply sets forth facts which are facts which cannot be argued and asks for that degree of preparation.

I tend to believe that those sanctions are not likely to be effective in changing the conduct of North Korea. We do not have much of a record of successful sanctions in challenges of this nature. But I do agree with the administration that those sanctions are at least a necessary next step in the hope that they will be successful and without which we cannot follow on with a more decisive set policy.

This is a place, Mr. President, in which I think support for the President of the United States is vitally important. There are many of us who have been critical of the way in which we have responded to North Korea during the course of the last year. But those criticisms at this point are irrelevant. We face a particular situation today. We face both a long-term and a short-term threat today. To give the President the ability, to give him the backing on a broad, nonpartisan basis to prepare us for an eventuality which we fervently hope will not take place, I think, is important for us to do as Americans, not as Republicans or Democrats but as Americans.

I believe that it is important for us to pass on the message to the President, and if he acts decisively, and if he feels it is in the interest of the United States to speak out strongly and boldly in favor of the only course of action which can ensure nuclear peace throughout the world, that he is going to have the support of this body, whatever our past or future differences on other issues.

From my perspective, at least, this resolution will be a help to the President in reaching decisions that I trust he has already decided are necessary, but in seeing to it that he has support as he moves forward, as our only effective leader in this regard, to deal with the gravest threat with which the United States has been faced in his administration or perhaps a considerably longer period than that, since the end of the cold war. I strongly advocate the passage of the resolution, as amended. I think the amendments have been constructive ones. I believe we should be as close to unanimous as possible in support of the McCain resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. I am happy to yield to the Senator from Massachusetts.

UNANIMOUS CONSENT AGREEMENT

Mr. KERRY. Mr. President, on behalf of Senator MCCAIN, myself, and the manager of the bill, we want to propound a unanimous-consent request.

I ask unanimous consent that there be 15 minutes under the control of the Senator from Arizona and 5 minutes under the control of the Senator from Massachusetts and that, at the expiration of that time, we vote. The yeas and nays have been requested.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WALLOP. Mr. President, under that unanimous-consent request, I ask the Senator from Arizona if I might be yielded up to 5 minutes.

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. WALLOP. Mr. President, we have heard a lot of talk this afternoon—some constructive and some less so—about this resolution. It strikes me that the resolution is about prudence. A prudent nation, when faced with a building crisis, takes action. The President has expressed his willingness, and the Republican leader has expressed his desire that what we do would be in a bipartisan manner, that these are not times in which differences amongst parties ought to be prominent.

Prudence says that we ought to be prepared. And to be prepared, prudence says that we ought to recognize a situation as we see it on the ground. And some of us, looking at the situation on the ground, find it a little bit alarming. Prudence says that we should preposition forces to take care of problems that might arise. This does two very clear, very simple, and very traditional diplomatic and military things:

One, it demonstrates resolve.

Two, it gives those on the ground, whose lives and positions are at stake, some confidence that their country is both watching and prepared to deal in their behalf.

Prudence also says that we ought to jog the national conscience. The press has. But the Senate has an obligation to say, yes, Americans, there is a reason for concern. Your Senate is concerned and your Government is concerned, and it is calling on the President and Secretary of Defense to take action. This is an encouragement to, not a demand for, a behavior. So it strikes me that this resolution continues to reflect a desire for prudence and an anxiety that is thoroughly legitimate amongst the Members of this body.

One of the things that we do not hear very much about is the massive number of American dependents whose lives and whose well-being are thoroughly at risk. Prudence says the Nation begins to think about those lives, and the welfare of those people as well, because there will not be time to act prudently should North Korea act irrationally. And nobody I know believes that they are incapable of irrational action. It is a nation which has demonstrated irrationality consistently.

So it seems to me that this is, again, not a challenge to the President of the United States, but an encouragement that herein lies the Senate, saying to act prudently, we are with you, and we share your concern about the increasingly severe nature of that confrontation. And prudence says that it is not a time to act hysterically.

I must say, Mr. President, that this is not a Gulf of Tonkin resolution, as it was characterized a while ago. This is nothing like that. It is not an authorization for hysterical action on the part of the United States. It is a call for considered action to be taken now in advance of a crisis that can only be exacerbated by action taken under crisis.

There will be those—there always are—who claim that anything a strong nation does to take care of itself is destabilizing. But, Mr. President, the history of the world and our own history since the end of World War II has been that prudent, strong action, demonstrating will and confidence is anything but destabilizing. Quite to the contrary, it provides a reliable gauge of the intentions of the United States both to our allies and those who would confront us.

Last, Mr. President, this also says something about SDI, an issue which we will visit when the armed services defense authorization is on the floor. But for Heaven's sake, the Government of the United States, Mr. Tony Lake, and others say the most destabilizing thing is the proliferation of missiles, and we are defanging our ability to confront them.

I yield the floor.

Mr. McCAIN. I yield 5 minutes to the Senator from Kentucky.

Mr. McCONNELL. I thank my friend from Arizona and commend him for his outstanding work regarding the crisis in Korea. For 40 years, the truce between North and South Korea has held in large part because 38,000 American troops have stood guard, a literal human tripwire, discouraging an invasion from the north.

During the last year, those brave soldiers have been spun through the revolving-door policies of the current administration. Where they once stood as an invincible shield, they are now held hostage to the compromise, capitulation, and concessions of the Clinton administration. Each time the North threatens, the administration initially takes a tough stand and then retreats or reverses itself.

Senator McCAIN has detailed the history of challenge and concession well. I was particularly struck by one sequence in this ongoing crisis. When the North Koreans added rocket launchers and artillery forces within striking distance of Seoul, the President responded by announcing we would meet this threat by dispatching Patriot missiles—an appropriate, measured step. When the North challenged this step as provocative, the White House retreated and put the Patriots on a slow boat. Flip-flops, reversals, and retreat.

The headlines today say it all. The headlines today: "The U.S. Unveils Proposal for Sanctions." That is followed by the subheading: "But North Korea Will Be Given a Grace Period."

Mr. President, the North Koreans have had a grace period. In December 1991, when the Bush administration threatened sanctions, North Korea agreed to sign a treaty with the IAEA. Instead of demanding that North Korea live up to those obligations, the Clinton team marched off on the course of compromise.

The crisis has been brewing, as we know, for 16 months, a grace period which has afforded the North Koreans the opportunity to manipulate and exploit our policy of appeasement.

Let us remember who we are up against. Kim Il-song is the man who cost the United States 55,246 lives during the Korean war. While I can understand Secretary Perry calling for imaginative and aggressive diplomatic actions, the time has passed for fancy foreign policy footsteps.

George Will got it about right. This is what George Will said: If Kim Il-song feared sanctions, if he worried about international isolation, he would not be a Communist. It is as simple as that.

I strongly support the Senator's amendment as a decisive statement of the Senate's resolve. Every single American serving in Korea, and each one of their family members, for that matter, our allies, the South Koreans, should understand we have the confidence of our convictions, and will take all appropriate steps to assure the safety of our soldiers and South Korea's security.

Again, I commend the Senator from Arizona for his outstanding work in this area. I wish him well on his trip and look forward to getting a report when he gets back.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 5 minutes, 51 seconds.

Mr. McCAIN. How much time has the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes remaining, as well.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Kentucky for his kind words and his very thoughtful words on this issue. I would like to especially thank my friend from Massachusetts, Senator KERRY, for his cooperation and assistance on this issue. He and I have continued to work for a long time on issues of foreign policy concern to all of us.

I would also like to thank my friend from Kentucky for his patience. He has gone through a many-day ordeal, attempting to get this very important legislation through. I certainly understand and appreciate the frustration he feels when the attention of the Senate is diverted from the issue at hand.

I know that the Senator from Kentucky also understands that since I do not set the legislative agenda, I have to use the rules of the Senate as well as I can in order to bring what I believe is an important issue before the Senate.

Mr. President, I ask unanimous consent that Senators D'AMATO, WARNER, MCCONNELL, and HUTCHISON be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, initial wire reports indicate that former President Carter, as a result of his trip to Pyongyang, will be recommending that the sanctions proposed at this time to be brought before the Security Council of the United Nations be either postponed or canceled.

Mr. President, when I heard of former President Carter's trip to North Korea, I predicted exactly this would happen, that the North Koreans would extend some kind of concession in return for which they would be able to stall further actions against them.

Mr. President, it is important to remember why we went to the Security Council in the first place in order to seek sanctions against North Korea: Because they had destroyed our ability to find out what they had done with the material that they had obtained from the 1989 shutdown of the facility before. In other words, we did not go to the Security Council to seek sanctions because of their threatening to withdraw from the Nuclear Non-Proliferation Treaty.

So now, if we follow former President Carter's recommendation, as I understand we may, then we will be back at the status quo and the North Koreans will not be punished for the violation of the Non-Proliferation Treaty, for which they have been condemned and sanctioned by the IAEA.

Mr. President, I do not think that is appropriate. I think we should move forward to sanctions.

Finally, I do not think there should be a delay. I hope that the sanctions should be very tough, and I believe we can convince the Chinese and Japanese to go along.

Mr. President, I reserve the remainder of my time.

Mr. KERRY. Mr. President, I yield a minute to the Senator from Rhode Island, the Chairman of the Foreign Relations Committee.

Mr. PELL. I thank my colleague.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, let us be creative. Whatever we may say today, whatever bravado we use, whatever implicit threats are made, I think we should be clear that we do not want war; nor do the South Koreans.

As a South Korean official stated earlier today, war is something South Korea can never accept. To paraphrase Winston Churchill: Wait, wait, is preferable to war, war.

Mr. KERRY. Mr. President, I thank the Senator from Rhode Island.

Let me just say very quickly that this is a subject on which we really ought to be—and I know the Senator from Arizona agrees with this—having much greater Senate debate and much more significant discussion about this crisis.

This is really, obviously, the first nuclear crisis in the post-cold-war era, and it poses extraordinarily important serious questions to this Nation and to the international community.

Americans must understand that this is not a question of the United States butting into an Asian issue. It is not a question of the United States merely talking about protecting South Korea. This is a question where vital national security interests of the United States are at stake.

It is in our direct interest not to have a nuclear North Korea. It is in our direct interest not to have a country that has been willing to deal in weapons with Libya, Iraq, Iran, and other countries, outlaw nations. We cannot obviously face a world in which they can sell nuclear secrets to those nations. It is not in the United States interest to have that region become a region of potential nuclear conflict where, because North Korea had nuclear power, all of sudden our allies, Japan, South Korea, and Taiwan, have to consider having nuclear power in order to meet the potential of blackmail, the potential of preemptive strike, and a host of other scenarios which could be played out, ranging right up to terrorism.

So this is a serious moment for us, and we all in the United States have to understand why this is important to the United States of America. We have spent years trying to prevent countries from having nuclear weapons. North Korea is a signatory to the nonproliferation treaty. We are about to go into the renegotiation of that treaty.

We cannot possibly hope to contain other nations around the globe or reduce the risks of nuclear conflagration, especially in the wake of cold war, if North Korea were to be permitted to break out on its own, to turn heel on the treaty it has signed and prove that the international community is a paper tiger, unwilling to enforce international interests with respect to an issue like this.

So this is worthy of our time. I congratulate the Senator from Arizona for bringing this effort before us, and I think we have reached an accommodation which, in the words of the amendment—apart from any rhetoric on the floor, but in the words of the amendment—states the interests of the United States and meets the needs of our country.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I ask unanimous consent to add Senator SIMPSON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Again, I thank my friend from Massachusetts. I think the issue for the moment has been pretty well ventilated. I am assured and I am confident that we will address this issue in the days and weeks ahead, and hopefully we will resolve it in a peaceful manner.

I share the view of the Senator from Massachusetts this could be the final crisis of the post-cold-war era, and I urge my colleagues to be well aware and well versed of the complications and complexities of the issue.

Mr. President, I yield the remainder of my time.

Mr. KERRY. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question occurs on amendment No. 1799, as amended, offered by the Senator from Arizona. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—3

Dorgan
Exon
Hatfield

NOT VOTING—4

Boren
Gramm
Inouye
Simon

So the amendment (No. 1799), as amended, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we are getting down fairly close with only three or four additional amendments that will be voted on. My colleague, Senator PRESSLER, and I have worked very hard. We now have four amendments that are acceptable. I want to explain each one of them briefly and submit them to the Chamber en bloc and try to get those behind us and then maybe get a unanimous-consent agreement, subject to the two leaders, working it out based on one contentious amendment and then we can know exactly where we will be and about how long it will take us.

AMENDMENTS, NOS. 1801, 1802 AND 1803, EN BLOC

Mr. FORD. Mr. President, with that statement, I send an amendment to the desk requiring for the continuation of radar approach control tower activities by Senator LEVIN; I have a sense-of-the-Senate resolution as it relates to the inspector general, Department of Transportation; I have a technical amendment on behalf of myself and Senator LUGAR. I send these amendments to the desk.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes amendments numbered 1801, 1802, and 1803, en bloc.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 1801

(Purpose: To require the continuation of radar approach control activities at K.I. Sawyer Air Force Base, Michigan)

Mr. FORD offered amendment No. 1801 for Mr. LEVIN.

On page 37, below line 3, add the following:

SEC. 27. REQUIREMENT FOR CONTINUATION OF RADAR APPROACH CONTROL ACTIVITIES.

(a) FINDING.—Congress finds the President's Five-Point Plan for Revitalizing Base Closure Communities dated July 2, 1993, encourages all Federal agencies to marshall the resources of such agencies in order to provide coordinated assistance to communities that experience adverse economic circumstances as the result of the closure of a military installation under a base closure law.

(b) REQUIREMENT.—The Administrator of the Federal Aviation Administration shall carry out on-going radar approach control activities at K.I. Sawyer Air Force Base, Michigan. The Administrator shall carry out such activities in the most cost-effective manner using any funds available to the Administrator.

AMENDMENT NO. 1802

Mr. FORD offered amendment No. 1802 for himself and Mr. LUGAR.

On page 21 of the committee modification, line 6, strike "carrier or foreign air carrier" and insert "carrier, or foreign air carrier, for foreign air transportation".

On page 29, line 10, strike "and".

On page 29, line 11, strike the period and insert a semicolon and the word "and".

On page 29, lines 11 and 12, insert the following: "(iii) does not apply to the regulation of vehicle size and weight.

On page 29, line 14, "except" and insert "and".

On page 29, line 16, after "routing" insert "shall not be affected".

AMENDMENT NO. 1803

(Purpose: To express the sense of the Senate regarding the inspector general of the Department of Transportation)

Mr. FORD offered amendment No. 1803 for Mr. MCCAIN.

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE—

It is the Sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(a) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(b) act to prevent and detect fraud and abuse in such programs and operations; and

(c) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1801, 1802, and 1803), en bloc, were agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, there are four amendments that I know of that will be considered tonight. Senator METZENBAUM has two amendments as it relates to former PATCO—I have PEPCO and PATCO; one is energy and one is controllers. He has those two amendments.

Then Senator HARKIN has an amendment as it relates to the Railroad Labor Act as it applies to airline crews outside the continental United States.

I understand that Senator NICKLES and maybe one other Senator has an amendment as it relates to child restraint seats in airlines. I have nothing on that. Does the Senator from South Dakota have anything on that? Those are the only three. And, of course, the Whitewater amendment, whether we take it up on this bill or not.

So, Mr. President, I alert my colleagues, those are the amendments. If there are no other amendments, at some point—does the Senator from Colorado have an amendment?

Mr. BROWN. Senator HEFLIN and I have an amendment.

Mr. FORD. What does it relate to?

Mr. BROWN. A sense-of-the-Senate and relates to the Equal Employment Opportunity guidelines. The reason we burden the bill with it here is because the comment period has run out. So it is a matter of essence and time that we have some expression before they finalize those guidelines.

Mr. FORD. Is there any other amendment we might find? We have Whitewater, we had Korea, now we have the EEOC. Whatever comes next, I guess, is what anybody thinks of. I am going to try to get a unanimous consent agreement and shut these amendments off. I have worked on this too long and too hard to let it be weighted down. This has to stay on in conference. All of these amendments have to stay on in conference. I think I will be on conference. I would like to get a little cooperation instead of loading it down like a Christmas tree.

Mr. President, I yield the floor.

AMENDMENT NO. 1804

(Purpose: To express the sense of the Congress regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment)

Mr. BROWN. Mr. President, I rise to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. HEFLIN, Mr. GRASSLEY, Mr. DECONCINI, Mr. BURNS, Mr. MATHEWS, Mr. GORTON, Mr. COCHRAN, Mr. BAUCUS, Mrs. HUTCHISON, Mr. PRESSLER, Ms. MOSELEY-BRAUN, Mr. SMITH, Mr. NICKLES, Mr. GRAMM, and Mr. GREGG, proposes an amendment numbered 1804.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever

be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment, and thus warrants separate treatment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines and receive separate treatment from the other categories of harassment;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I allowed the measure to be read in full because it is simple and straightforward. I first want to address a question that I think was properly raised by the distinguished senior Senator from Kentucky. This amendment is a sense-of-the-Senate. It is not related to airports. I am sensitive to the concerns, what I believe are very legitimate concerns, of the Senator from Kentucky. The reason it is offered on this measure is that it is essential from a time point of view that this be considered and the Senate make its feelings known on this matter.

The guidelines, what we are talking about here, were first published in the RECORD on October 1. The Federal Register filing received little notice. There were some comments toward the end of that period. They were of sufficient gravamen that they were reissued for a new comment period. That new comment period expired this week. Because we have had congressional hearings on this—Senator HEFLIN had held hearings in the Judiciary Committee. There is a 2-year grace period before the Equal Employment Opportunity Commission will act. But the reason for asking for this to be considered now by the Senate is simply that it is essential we make our views felt very quickly on this measure so that they can be considered by the Equal Employment Opportunity Commission when they decide what portion of these guidelines and regulations to finalize.

If we did not move forward in this manner, we would not have the opportunity to impact them, and it is my belief that Members will, when they are familiar with the issue, be very strongly motivated to express their feelings on it.

What the Equal Employment Opportunity Commission has done is extend guidelines and regulations to the area of religion. This is not an area that they have had guidelines on before. Unfortunately, what they have done is basically provide the same kind of guidelines for religion as they have for sexual harassment. They are different subjects.

Mr. President, the guidelines I believe should be much different. To equate a picture of Moses or of Martin Luther King or of Christ with a pornographic depiction in an office setting is absurd. To suggest that each can be used to prove harassment overlooks not only the freedom of speech and freedom of religion that attaches to the constitutional provisions in those areas but overlooks simple common sense. The reality is that preventing religious harassment in the workplace is appropriate, is a valid concern, and is something the Commission ought to address. But for them to make proof of harassment out of someone wearing a simple logo that indicates religious belief or the process of having a Bible or of having a calendar with Martin Luther King's picture on it is absurd. These are not proof of religious harassment. They are simple expressions of belief.

Under the guidelines issued, companies will be responding, as one airline already has, with their own guidelines that will prevent freedom of expression in this area. One airline already has issued those guidelines, and they basically prohibit things that I believe most Members will consider absurd to ban. Here are some of the things that the guidelines that are being put out will restrict: Wearing a yarmulke could be considered proof of religious harassment. Now, that is absurd. Having a Christmas party could be proof of religious harassment. Having a Hanukkah party could be considered proof of religious harassment. Displaying a picture of Christ on a calendar on a desk or on a wall could be proof of religious harassment. Wearing a T-shirt or hat, clothing which has any religious emblem or even a religious face on it could be considered proof of religious harassment.

Mr. President, the list goes on and on and on. What the EEOC I think has inadvertently done is to come down with guidelines that will lead to unwarranted liability in the workplace and an absolute chilling effect on the freedom of expression that Americans prize so deeply.

Let me emphasize, Mr. President, myself and the numerous cosponsors of this measure are sensitive to the concerns about religious harassment and believe strongly that religious harassment should be dealt with and should have guidelines that deal with it. But we just as strongly believe that the guidelines issued by the EEOC are not well thought out and, most important, we believe the suggestion that you ought to restrict freedom of expression in this area is absolutely inappropriate.

It is my own belief that the question of religious harassment can be dealt with without extinguishing freedom of expression.

Let me also emphasize for Members who look at the potential areas that could be considered proof of harassment that these are not itemized by the Equal Employment Opportunity Commission. These are guidelines that will result from their request. Businesses are literally put in a position of having to issue guidelines that restrict this kind of activity. If they do not, they will be subject to liability.

So the meaning of this resolution and this amendment is quite simple. It asks the Equal Employment Opportunity Commission to withdraw the guidelines they have put out, to hold new hearings, to move forward with guidelines that focus on stopping harassment in the workplace and, most important of all, make sure that simple expressions of ideas or convictions are not used as proof of harassment.

That is basically what we are looking at. It is simple; it is straightforward; and it is direct. I wish to assure Members it does specifically mention and emphasize the need to address the problem of harassment in the workplace.

For those who are interested, let me say that in checking with the Commission we find that 1.8 percent of the complaints brought before the Equal Employment Opportunity Commission do, indeed, relate to religion. It is not an area without problems. Approximately one-fifth of that 1.8 percent of the complaints did deal with religious harassment. So we recognize there is a problem there. We recognize there have been complaints there. We recognize there is a need for the Equal Employment Opportunity Commission to issue regulations. But this is meant to send a message to the Commission that we do not want freedom of expression curtailed.

I would like to read for the Members a copy of a letter that Senator HEFLIN received with regard to this, and I take the liberty of reading a letter that has been addressed to him, or at least summarizing it, because Senator HEFLIN is a cosponsor of this amendment, because he chaired the hearing on this matter.

This is from the Society for Human Resource Management.

DEAR SENATOR HEFLIN:

The Society for Human Resource Management would like to share with you our concern regarding the Equal Employment Opportunity Commission's proposed rulemaking on harassment.

SHRM is the leading voice of the human resource profession, representing the interests of almost 60,000 professional and student Members from around the world. SHRM provides its membership with education and information services, conferences and seminars, Government and media representation, and publications that equip human resource professionals to become leaders and decision makers within their organizations.

SHRM members are the individuals within U.S. corporations who are responsible for ensuring employment decisions are made without regard to race, sex, color, religion, national origin, disability or veteran status. SHRM members are the individuals who will be responsible for ensuring corporate compliance with the proposed harassment guidelines. We are therefore very concerned because we fear that the proposed guidelines may impose an undue burden and create unnecessary confusion in the workplace.

As a result of input we have received from our members on the proposal, we are most concerned about the proposed guidelines regarding harassment based on religion.

Initially, we would like to note that the EEOC has apparently decided to issue these guidelines not because of some upsurge in charges of religious harassment, or because the existing prohibitions against harassment contained in Title VII are inadequate.

Mr. President, let me pause and interject. There are existing under current law remedies to deal with this problem.

Let me continue on with the letter.

Rather, these guidelines are being issued to partially consolidate guidelines, "reiterate and emphasize" existing law, provide "more detailed information" (despite no evidence that such detailed information is necessary) and because of the enactment of the Americans with Disabilities Act. SHRM does not believe a case has been made by the EEOC that these guidelines are necessary.

Sec. 1609.1 (b) states that harassment is verbal behavior that has "the purpose or effect of creating an intimidating, hostile, or offensive work environment". Harassing conduct includes "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to . . . religion." The standard for determining whether the conduct is severe or pervasive enough to create a hostile or abusive work environment would be based on what a "reasonable person" would find abusive, including the "perspective of persons of the alleged victim's . . . religion."

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Let me repeat that.

Under the proposed guidelines, the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were ". . . unreasonably interfering with the [individual's] . . . work performance". A prochoice employee could claim religious discrimination because a devout Catholic was discussing her prolife beliefs, which are based upon religious convictions.

While an employer could attempt to ban any discussion of religion in the workplace in an effort to avoid liability under the guidelines, this would be impossible to do.

Mr. President, let me interject here. One airline, a very large employer in this Nation, has already issued guidelines that essentially do exactly that. They do it not because they want to stifle freedom of expression. They do it because, if they do not issue guidelines, their lawyers are telling them that they are subject to suit.

Let me continue on with the letter.

How could an employer establish rules spelling out what subjects could be considered "religious," and therefore prohibited? Unlike race and sex, religion is not an immutable characteristic. It is a system of beliefs and values. An employer would have to be ever-vigilant to ensure that it was aware of each individual employee's views (which might be constantly changing) on religion to ensure that no one was exposed to behaviors they felt to be harassing.

Understand the guideline here. The standard is what someone feels is offensive and harassment. That standard not only involves some 61 different religious affiliations in this country, but even among individuals it reflects their beliefs, their own feelings, and values which can change.

Let me continue on with the letter.

When the 1991 amendments to the Civil Rights Act were enacted and created a right to punitive and compensatory damages, the incentive to file complaints and to litigate became stronger. By proposing guidelines which broadly define religious harassment, EEOC is proposing to open the flood gates to litigation charging employers with religious harassment because employers failed to read the minds of their employees and failed to know what each employee considered to be religious harassment.

At a time when employers are striving to value diversity in the workforce, and urging all workers to treat and understand co-workers as individuals, it is unfortunate that EEOC would propose guidelines which would force employers to restrict communication on such an important aspect of worker diversity. It is particularly troublesome since employers have an obligation under Title VII to provide accommodation for individuals' religious beliefs. Employers will be caught in the middle of two EEOC interpretations. Will an employer, for example, be charged with allowing a hostile work environment by accommodating an employee's request to wear clothes dictated by that employee's religion, if the religion offends another employee?

SHRM believes that existing Title VII precedent and interpretations provide adequate guidance and protection to ensure that religious harassment is actionable. At a minimum, however, SHRM believes that if the EEOC did not intend to create such an overly broad and potentially burdensome guideline for employers, then the EEOC must recast the proposal and provide more guidance to employers on what behaviors the agency will consider impermissible. The difficulty in distinguishing between religious beliefs and expression and expressions of values and opinions certainly merit more detailed treatment by the agency on the subject.

In addition, if the agency does re-propose religious harassment guidelines, SHRM urges the Senate to recommend to the EEOC that the guidelines be drafted to provide the clearest guidance possible to employers. Specifically, SHRM has found that the question and answer format used by the EEOC in the agency's Americans With Disabilities Act Technical Assistance Manual has been well received by our members.

For these reasons SHRM asks the Senate to encourage the EEOC to withdraw the proposed guidelines on religious harassment as overbroad and unnecessarily restrictive, or, at a minimum, re-propose separate guidelines on religious harassment that address these difficult areas.

It is signed by their Vice President of Government and Public Affairs.

Mr. President, ask unanimous consent that this be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIETY FOR HUMAN
RESOURCE MANAGEMENT,
Alexandria, VA, June 15, 1994.

Hon. HOWELL HEFLIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HEFLIN: The Society for Human Resource Management (SHRM) would like to share with you our concern regarding the Equal Employment Opportunity Commission's (EEOC) proposed rulemaking on harassment.

SHRM is the leading voice of the human resource profession, representing the interests of almost 60,000 professional and student members from around the world. SHRM provides its membership with education and information services, conferences and seminars, government and media representation, and publications that equip human resource professionals to become leaders and decision makers within their organizations.

SHRM members are the individuals within U.S. corporations who are responsible for ensuring employment decisions are made without regard to race, sex, color, religion, national origin, disability or veteran status. SHRM members are the individuals who will be responsible for ensuring corporate compliance with the proposed harassment guidelines. We are therefore very concerned because we fear that the proposed guidelines may impose an undue burden and create unnecessary confusion in the workplace.

As a result of input we have received from our members on the proposal, we are most concerned about the proposed guidelines regarding harassment based on religion.

Initially, we would like to note that the EEOC has apparently decided to issue these guidelines not because of some upsurge in charges of religious harassment, or because the existing prohibitions against harassment contained in Title VII are inadequate. Rather, these guidelines are being issued to partially consolidate guidelines, "reiterate and emphasize" existing law, provide "more detailed information" (despite no evidence that such detailed information is necessary) and because of the enactment of the Americans with Disabilities Act. SHRM does not believe a case has been made by the EEOC that these guidelines are necessary.

Sec. 1609.1(b) states that harassment in verbal behavior that has "the purpose or effect of creating an intimidating, hostile, or offensive work environment." Harassing conduct include "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to * * * religion." The standard for determining whether the conduct is severe or pervasive enough to create a hostile or abusive work environment would be based on what a "reasonable person" would find abusive, including the "perspective of persons of the alleged victim's * * * religion."

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were "* * * unreasonably interfering with the [individual's] * * * work performance." A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her pro-life beliefs, which are based upon religious convictions.

While an employer could attempt to ban any discussion of religion in the workplace in an effort to avoid liability under the guidelines, this would be impossible to do. How could an employer establish rules spelling out what subjects could be considered "religious", and therefore prohibited? Unlike race and sex, religion is not an immutable characteristic. It is a system of beliefs and values. An employer would have to be ever-vigilant to ensure that it was aware of each individual employee's views (which might be constantly changing) on religion to ensure that no one was exposed to behaviors they felt to be harassing.

When the 1991 amendments to the Civil Rights Act were enacted and created a right to punitive and compensatory damages, the incentive to file complaints and to litigate became stronger. By proposing guidelines which broadly define religious harassment, EEOC is proposing to open the flood gates to litigation charging employers with religious harassment because employers failed to read the minds of their employees and failed to know what each employee considered to be religious harassment.

At a time when employers are striving to value diversity in the workforce, and urging all workers to treat and understand co-workers as individuals, it is unfortunate that EEOC would propose guidelines which would force employers to restrict communication on such an important aspect of worker diversity. It is particularly troublesome since employers have an obligation under Title VII to provide accommodation for individuals' religious beliefs. Employers will be caught in the middle of two EEOC interpretations. Will an employer, for example, be charged with allowing a hostile work environment by accommodating an employee's request to wear clothes dictated by that employee's religion, if the religion offends another employee?

SHRM believes that existing Title VII precedent and interpretations provide adequate guidance and protection to ensure that religious harassment is actionable. At a minimum, however, SHRM believes that if the EEOC did not intend to create such an overly broad and potentially burdensome guideline for employers, then the EEOC must recast the proposal and provide more guidance to employers on what behaviors the agency will consider impermissible. The difficulty in distinguishing between religious beliefs and expression and expressions of values and opinions certainly merit more detailed treatment by the agency on the subject.

In addition, if the agency does re-propose religious harassment guidelines, SHRM urges the Senate to recommend to the EEOC that the guidelines be drafted to provide the clearest guidance possible to employers. Specifically, SHRM has found that the question and answer format used by the EEOC in the agency's Americans With Disabilities Act Technical Assistance Manual has been well received by our members.

For these reasons SHRM asks the Senate to encourage the EEOC to withdraw the proposed guidelines on religious harassment as overbroad and unnecessarily restrictive, or, at a minimum, repropose separate guidelines on religious harassment that address these difficult areas.

Sincerely,

SUSAN R. MEISINGER,
SPHR, Vice President,
Government and Public Affairs.

Mr. BROWN. Mr. President, the Society for Human Resource Management expresses their concerns about the trap that employers feel themselves caught in; that is, facing liability, facing lawsuits if they do not issue guidelines, and at the same time feeling they do not have adequate guidance for any guidelines that come into these areas.

It is compounded by the fact that they have conflicting or potentially conflicting dictates coming out of the EEOC in title VII. What they are asking for basically is someone to step forward and make the rules clear. They are not objecting to complying. They are simply asking for help in knowing what the rules are and making sure that they are not at odds with each other.

But I rise out of an additional concern. My concern is that we should not impose on the American working men and women restrictions on their ability to express their beliefs. Freedom of expression, even offensive expression, is a cherished right of Americans. We have chosen to deal with each other, not by silencing each other but allowing a competition of ideas in the marketplace; allowing people to express their ideas no matter how foolish, but trusting that the good common sense of the American people will sort out those problems rather than have Government regulate what we say.

I believe sincerely that religious harassment, where it is a problem, should be addressed. I believe that the EEOC should issue guidelines that deal in the area of religious harassment. That is what this resolution and sense-of-the-Senate calls for. But I believe just as strongly that for the Federal Government and the EEOC to prohibit people from expressing their beliefs is absurd, that it violates the very tenet and the heart of what this Nation stands for. To deny people the right to express or articulate their beliefs or wear insignias that represent their beliefs is more characteristic of a Fascist society than the freedom and the sensibility that Americans have brought forth in their Constitution and the kind of basic freedom of expression that all Americans expect to have.

I believe we can work out our problems far better if the EEOC goes back and rethinks their guidelines.

As Members consider this, let me suggest one of the problems that is faced here. In setting a standard for what is offensive, we do not have one standard. We have a religious standard, based on people who are Catholic, Baptist, Prostestant, Methodist, Lutheran, Christian, Presbyterian, Episcopalian, Mormon, Church of Christ, and the list goes on. There are 61 recognized different religious groups. There are standards for each one that must be considered and restrictions on expressions that must be considered. My hope is that this body will vote overwhelmingly to ask the EEOC to reconsider their guidelines and to go on record as being opposed to making freedom of expression proof of harassment.

It seems to me that this proposal by the EEOC has great danger in it in terms of the diversity of America and in terms of danger to our freedom of expression. I hope this Chamber will overwhelmingly endorse this sense-of-the-Senate and make it clear to the EEOC that these guidelines do not embody the kind of diversity and openness that we expect in American society.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will the Senator from Colorado yield for a few questions?

Mr. BROWN. I do not have the floor, but I would be glad to respond to any questions the Senator has.

Mr. METZENBAUM. The Senator from Colorado has put up a list including such things as wearing a cross, a yarmulke, having a Christmas party or Hanukkah party, and various other things.

Is it not a fact that there is nothing in the EEOC-proposed guidelines that addresses itself to any of those specific issues?

Mr. BROWN. The Senator would be quite correct that these specific examples are not included in the guidelines. The reason they are brought forth here is that they are the kind of things that the guidelines will require the employer to restrict. As a matter of fact, one employer who already issued guidelines has come up with guidelines that will restrict these kinds of activities.

Mr. METZENBAUM. Would the Senator express the exact language of the EEOC-proposed guidelines that he finds offensive and finds are going to create problems for employers? I am having difficulty in understanding what it is the Senator is objecting to.

Mr. BROWN. I appreciate the question, and it is a very appropriate question.

My concern is that, under the EEOC guidelines and the related regulations and laws, these particular activities will become proof of religious harassment.

Mr. METZENBAUM. Just give me, if you would, please, the specific language that creates the problem, because as I understand it, the EEOC has proposed guidelines, and then the broad brush has been used to include, I think, these 25 or 30 items that you have listed over there. I am having difficulty in following how we get from those guidelines to these specifics.

Mr. BROWN. Specifically, the portion of the guidelines that forms part of the basis for this comes as follows:

> Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her religion or that of his or her relatives, friends, or associates.

If the Senator would permit me, let me emphasize that my concern is not over the physical conduct. My concern is over the verbal portion of this. I guess my concern is also that the standard for what is determined to be verbal comments that are found offensive is a standard that fits the individual. In other words, it could be any one of 61 different religious affiliations which would all have a different standard toward verbal comments.

Mr. METZENBAUM. But none of us, if I may say to my colleague from Colorado—they are saying if you make some snide remark about some religious practice of yours, mine, or whatever the employee's religion might be, that could be a basis for sexual harassment. But you have carried it beyond that point. You have said that a woman or man wearing a cross or a yarmulke, or whatever be their designation or religious preference, that somehow that is being precluded by the EEOC. But as I understand what you are reading, all that the EEOC is saying is that if you make a snide remark or harass somebody by reason of their dress or conduct, that is sexual harassment.

But the mere fact that somebody wears the yarmulke, cross, or whatever, that is not a problem, and they are not saying that it is. It just seems to me that you are carrying the reasoning beyond the reality of what is in the proposal.

I would stand as strongly as you or anybody else on the whole question of the right of an individual at work to wear whatever he or she wants to wear and not to be bothered by reason of that fact, or harassed. But it seems to me that we are sort of reasoning from the specific to the absurd. I am having difficulty in following you. I am not sure we are in disagreement, but I think we are in disagreement. I think you have arrived at a conclusion that is an illogical conclusion based upon what the EEOC is attempting to do. I cannot see how you get there.

Mr. BROWN. If I may respond to the distinguished Senator. Let me say that I do believe we are on the same track in terms of looking at this. I do not think there is a disagreement. Let me mention three points that I think may be helpful to the Senator, or at least I hope they will be.

One, EEOC themselves admitted they have problems with these guidelines.

Second, the word "aversion"—and this has been acknowledged—that is included in those guidelines, they admit, does not have a statutory basis to it. The word "aversion"—the reason I focus on that is because you could have a verbal comment that would merely create an aversion to someone, which is a very vague standard, not well defined and not in the statute, so that is a broad standard and a vague standard that, I think, causes problems.

The third one, I think, goes right to the heart of your comment and concern. If you and I were setting the standard—and I do not mean to be presumptive for the Senator, but I think he referred to it—none of these things would be considered proof of harassment to either of us.

Mr. METZENBAUM. That is correct. That would be my interpretation and yours.

Mr. BROWN. And I think that is because we are both reasonable men. Others in this Chamber may not agree with that assessment—that we are reasonable. But I think they might, and I think they would agree that these are reasonable things. The problem here is that the test is not of a reasonable man; the test is of a reasonable person of each particular faith.

So it is not the same standard. There is a test for a reasonable Catholic. There is a test for a reasonable Buddhist. There is a test for a reasonable Protestant.

This is a floating test, not of a reasonable man overall test as we consider it in other areas of law, but a reasonable man test for someone of each individual's faith and each individual's reaction.

That is part of the problems with the standards as they have come down. It is not an overall reasonable man test, a test that floats and changes with each individual.

Lastly, let me say the concern I have, and it is the key point. It is how corporate attorneys, which are going to write these guidelines for companies, are going to take a look at the EEOC guidelines, and they are going to say, how do I protect our company from liability under these guidelines? And they are going to respond, as the U.S. airline already has, and come out with guidelines that will restrict all of these activities.

The reason they will is that they want to make sure that no matter what individual is involved they are protected from offending them.

It is complicated, I admit that, but it comes from the fact of the way corporations will respond to these guidelines.

Let me lastly suggest to the distinguished Senator because I do believe we are on the same tract. I know the Senator wants to protect freedom of expression, and I know the Senator is sensitive and wants to protect people's freedom from being harassed on religious subjects.

Let me say I join him in that. The language of this amendment is to do exactly that—to maintain the ability to protect people from harassment and also make it clear that simple expressions do not constitute proof of harassment.

I want to invite the Senator, if there is a better way to say it in this resolution, I hope he will help us with that, because believe me it is not our intent to preclude or in any way inhibit the prohibition of harassment but we do want to get at this kind of fault.

The Senator has been most kind with his time.

Mr. METZENBAUM. Mr. President, I think the difficulty the Senator from Colorado and I are having relates to the fact that he is talking about the acts of individual employees, the very ones he has spelled out in those charts. That is really not the issue. That is not the problem.

The problem is not what the employee does. The problem is not the fact of the employee wearing a cross or a yarmulke, or whatever the case may be, because under no circumstances could that be sexual harassment.

The problem is when the employer says that you may not wear a cross or the yarmulke or have a Christmas party or Chanukah party, or whatever the case may be.

But I would like to accept the suggestions of the Senator from Colorado that we put in a quorum call and see if we can work out some language. Excuse me. I think the Senator from Alabama was seeking the floor and I did not mean to preclude that.

Mr. BROWN. Mr. President, if the Senator will yield, I simply want to make it clear what this resolution calls for. Let me quote it. I am reading from the second paragraph:

> Any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment.

So that it is the focus of this. I do not think Members will have a problem with that when they look at it.

Lastly, let me quote some guidelines that were already issued by a major airline in this country in response to EEOC dictates. This is from the airlines guidelines they issued.

Technical operations personnel should not possess nor display in any manner on the premise any material which may be construed by anyone to have racial, religious, or sexual overtones, whether positive or negative, or which contain suggestive profanity or vulgarity.

What we are literally talking about is anything that suggests or is displayed by anyone in any way related to religion. That is the way businesses are responding to these guidelines, and it is why we need the EEOC to perfect the guidelines.

I yield to the distinguished Senator from Alabama.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Alabama.

Mr. HEFLIN. Madam President, I rise in support of the Brown-Heflin resolution. We have held hearings in the Subcommittee on Courts and Administrative Practices on the proposed EEOC guidelines.

I want to say a few words, but first let me address the question of the distinguished Senator from Ohio.

First, I think to understand and the answer to his question is that these are guidelines. They are not regulations. The purpose of guidelines is to give guidance, in this instance to employees as well as employers.

I do not think there is any question that Senator BROWN and I believe that there ought to be guidelines established to give guidance on the issue of religious harassment.

The problem that was universally brought forth by all of the witnesses who testified at the committee is that the EEOC guidelines are vague and they are indefinite. When the Senator from Ohio asked the question, point to something here that creates such a problem, the problem is that they are vague and indefinite.

The purpose of the guidelines is that they ought to establish such matters as the wearing of a yarmulke or the wearing of a cross in the lapel button is not a religious harassment. There are a number of different issues involved in developing such guidelines.

Last year we passed the Religious Freedom Restoration Act, and this is quite similar to the situation that arose relative to the Religious Freedom Restoration Act. As my colleagues will recall in a case of Employment Division versus Smith, a closely divided court abandoned the compelling interest standard and dramatically weakened the constitutional protection for the freedom of religion. That case involved two Native American employees at a private drug and alcohol rehabilitation facility who were fired and denied unemployment benefits after admitting that they had ingested a controlled substance as a sacrament during a religious ceremony of a Native American church of which they were members.

Congress reacted to this decision by passing, with the support of every conceivable religious group, the Religious Freedom Restoration Act. Congress established what the guidelines for the courts, rather the standards for the courts, ought to be. The Government may substantially burden a person's exercise of religion only if it demonstrates that the application of the burden to the person first is in furtherance of a compelling Government interest and second is the least restrictive means of furthering that compelling Government interest.

Now the EEOC proposed these guidelines on October 1, 1993, and put them out for comment. They have been out for comment, and that period was extended a second time.

At the time of the guidelines original proposal, the Religious Freedom Restoration Act had not been passed. But it seems to me that we have said to the Supreme Court of the United States that whatever decision you make, you ought to follow, first, whether or not the burden upon a person's exercise of religion is in furtherance of a compelling Government interest. Second, is the burden the least restrictive means of furthering that compelling Government interest.

Now, if we are willing to say that to the Supreme Court, I think the EEOC ought to be guided by the same rationale, the same standards apply to the Supreme Court.

This resolution calls on EEOC to withdraw religion from their present guidelines and to look at religious harassment separately. In my opinion, they ought to have a separate comment period, and public hearings. And they should come up in the end with guidelines to help employees and employers that set forth in some detail what is and is not religious harassment on the job.

These guidelines are vague and indefinite. They include some broad, general standards. Adding to the problem the EEOC has lumped religion in together with race, color, gender, national origin, age, or disability all of which are protected from harassment on the job.

And so what we are saying is withdraw religion from these particular guidelines. Let us look at religion separately.

Religion occupies a different position from most of the other matters pertaining to harassment on the job. Therefore, it has a different status. First, because the first amendment gives you the right to the free exercise of religion and prohibits Congress and regulatory agencies from issuing regulations or laws that would, in effect, prohibit the free exercise of religion. The second factor which distinguishes religion is the Religious Freedom Restoration Act which should be considered.

When the guidelines were considered and published in October, there were only three of the five commissioners seated on the EEOC. They are all holdovers from the previous administration. It seems to me that, by the time that final guidelines are considered, you will have—and I hope very shortly—a full EEOC membership for the consideration of this matter.

There are a lot of things in the guidelines that go beyond existing law. Certainly, I do not think the guidelines are the least restrictive means of carrying out the issues pertaining to religious harassment in the workplace.

There is the question of the guideline's reasonable person test and how an employer or employee must take into account the perspective of their fellow employees. That means, in effect, that you have to be a student of comparative religion to know the perspective of each employee. They may be Moslems, they may be Jewish, they may be Baptists, they may be Methodists, or any denomination and faith.

The way that these guidelines are written and this language was taken from the sexual harassment language, which is separate. We should note the EEOC separated sexual harassment from all the other protected catagories and lumped everything else together.

For an employer to know the perspective of every employee is quite a burden. The guidelines suggests to the employers that they should endeavor to ascertain the various religions and faiths of their employees, to try to notify all coworkers of the people of the various employees' religion. These guidelines may bring about a situation that results in the deprivation of freedom of religion or violates the Religious Freedom Restoration Act.

So it seems to me there has been a lot of misunderstanding by the EEOC pertaining to this. The EEOC has extended liability in a manner that goes beyond what I think the law was ever intended to do. They expand the protection for conduct that denigrates or shows hostility or aversion toward an individual because of his or her religion or that of his or her relatives, friends, and associates.

Now you are getting into a situation where you must know the perspective of a relative, of a friend, of an associate. My Lord, that is an impossible burden. How am I, as an employer, going to know that I have to be on the lookout, as a reasonable person, not to harass in any way, from a religious viewpoint, the third cousin of some employee? Well, that is actually what the EEOC has done. I mean, the Senator from Ohio speaks about something being absurd, but we have an absurd situation being provided by the EEOC.

So, this resolution says that the EEOC ought to withdraw their present guidelines; have a separate procedure involving a comment period that is separate from the other harassment issues; bring about a public comment period and to have public hearings. Then consider the proposed guidelines. By doing that, I think we would find that we could clarify this issue completely. There would not be all of the objections. But right now, as it is written, it is left in the hands of an employer.

An employer, therefore, turns to his lawyer, and he says, "How am I going to avoid liability? What action can I take to prevent me from being sued?" Well, the lawyer responds, "What you are going to have to do is just say, make the workplace religion neutral. You cannot talk about religion on the job. You cannot wear any emblems or do anything like that." And the employer would issue orders pursuant to that advise to protect themselves. Well, if they did that, there would be a violation of the free exercise of religioun clause. So, what we have here is a proposal which makes no sense.

There are few freedoms more sacred to our way of life than religious freedom. I happen to have grown up in a Methodist parsonage, and prayer and faith played a central role in my life. Added to this, is a deep respect for the Constitution which has come over the years from being involved in public service as an attorney and as a judge.

Over the past few months, there has been a great debate and public outcry over these proposed guidelines on religious harassment in the workplace. While I believe that the EEOC probably had good intentions, the effect of the guidelines will be to create a workplace in which religious freedom is stifled and employers are put into an untenable position.

I chaired a hearing on June 9 regarding this issue. I called it when I realized what the EEOC was proposing. We had a forum and we had representatives from the ACLU, the American Jewish Congress, the Southern Baptist Convention. There was also a labor lawyer from the management perspective, and a constitutional authority, a law school professor. Every one of them agreed that the guidelines were vague, indefinite, and ought to be rewritten.

We have had other people respond. I have a letter that I would like to put into the RECORD from the Society for Human Resource Management which is very critical of the guidelines. Let me read a part of it. It reads:

> We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.
>
> Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were ". . . unreasonably interfering with the [individual's] . . . work performance". A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her prolife beliefs, which are based upon religious convictions.

I ask unanimous consent at the conclusion of my speech that this letter from the Society of Human Resource Management be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. I found numerous problems with the proposed guidelines, including that the guidelines do not make it necessary for an employee to inform the employer of his or her objection to the offensive behavior. If you have repetitive instances where a person is constantly after another employee, that can be harassment. The person should have to put the company that he is working for on notice, or at least the foreman or the supervisor that he considers the behavior offensive. Under these guidelines it is not necessary for the employee to inform the employer of his or her objection.

Also, they expand the employer's liability beyond comments directed to the employee to include comments that show aversion—and averse is a word which needs to be clarified or defined to give some more guidance. Frankly, I think it ought not to be used—"to the religious belief of employees," or to the employee's "friends, relatives and associates."

One of the most significant departures from established law and precedent is the subjective, and vague, reasonable person test, which would require the employer to be conscious of each employee's individual religious views.

The expansion of the reasonable person test to something that is inherently personal and subjective will put employers in the position of being liable for actions that they may not know to be offensive.

There is a consensus on all sides of the political and religious spectrum that these guidelines, as currently worded, are seriously flawed at best. To be sure, we all want to do whatever is possible to prevent harassment of any kind in the workplace. However, we cannot do this as a trade-off for religious freedom.

We also cannot forget that these guidelines as worded will create a tremendous burden for employers who would be forced to make policies in anticipation of employee reactions to almost every manifestation of religious belief. In fact, I have been contacted by a number of human resource management associations about it that are concerned that the guidelines will impose an impossible burden on employers in managing their employees.

Along with Senator HANK BROWN, I want to introduce the other cosponsors who are sponsoring this. The cosponsors of this resolution are: Senator GRASSLEY, Senator DECONCINI, Senator BURNS, Senator MATHEWS, Senator GORTON, Senator COCHRAN, Senator BAUCUS, Senator HUTCHISON, Senator PRESSLER, Senator MOSELEY-BRAUN, Senator SMITH, Senator NICKLES, and Senator GRAMM of Texas.

So as you can see, it is a wide group of Senators from both sides of the aisle who have joined in this resolution.

I believe the steps we are advocating will provide an opportunity for the EEOC to clear up the confusion and the concern raised by these proposed guidelines. I am optimistic that this resolution will provide a reasonable process by which religious freedom can be provided for in a way that is consistent with the first amendment, title VII of the 1964 Civil Rights Act, and the Religious Freedom Restoration Act of 1993.

Let me just say it is my understanding that the EEOC is aware of many of the problems involved with these guidelines and is working to clear up some of these problems. Nonetheless, I do think religion should be looked at in a separate procedure. No other matter pertaining to harassment has the protections that religion has. If you stop and think about constitutional protection and the laws that have been passed. It is clear that there are standards that the Supreme Court follows and any guidelines should follow those same standards. It seems to me the same standards ought to be followed by the EEOC.

As someone who has lived through some of the most difficult and changing times in American history, I must observe that the security and resulting cynicism of modern times has led many to grow very complacent in support of our morals, values, and institutions. You look around us, there is a hardening shell of cynicism that fosters this modern society's disrespectful attitude toward some of our most basic institutions: schools, families, marriages, expression of faith and worship. Nothing that the Government does should add to the cynicism that already exists.

Let me read the resolution as to resolving what it does. Some people misunderstand this. It says:

> It is the sense of the Congress that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—
>
> (1) the category of religion should be withdrawn from the proposed guidelines at this time; and receive separate treatment from the other categories of harassment,
>
> (2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;
>
> (3) the Commission should hold public hearings on such new proposed guidelines; and
>
> (4) the Commission should receive additional public comment before issuing similar new regulations.

I do not think many people would disagree with those provisions if they read it and understood it. The resolution is being proposed for the purpose of clarifying it, to remove the vagueness in it, for the EEOC to be more specific, and to give protection to certain things that are commonly accepted.

It is commonly accepted to wear a yarmulke. It is commonly accepted to wear a religious fish. It is commonly accepted that Bibles are allowed to be on officers' desks or supervisors' desks. You go down the line in regards to the very sample of actions that Senator BROWN has brought to the Senate's attention and all could be prohibited.

Any guidelines that are adopted should meet the standards of the Religious Freedom Restoration Act. The standard is that there must be a compelling Government interest, and it must be the least restrictive means of obtaining that compelling Government interest.

So, I feel that this resolution is a good resolution and ought to be adopted.

EXHIBIT 1

SOCIETY FOR HUMAN RESOURCE MANAGEMENT,
Alexandria, VA, June 15, 1994.

Hon. HOWELL HEFLIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEFLIN: The society for Human Resource Management (SHRM) would like to share with you our concern regarding the Equal Employment Opportunity Commission's (EEOC) proposed rulemaking on harassment.

SHRM is the leading voice of the human resource profession, representing the interests of almost 60,000 professional and student members from around the world. SHRM provides its membership with education and information services, conferences and seminars, government and media representation, and publications that equip human resource professionals to become leaders and decision makers within their organizations.

SHRM members are the individuals within U.S. corporations who are responsible for ensuring employment decisions are made without regard to race, sex, color, religion, national origin, disability or veteran status. SHRM members are the individuals who will be responsible for ensuring corporate compliance with the proposed harassment guidelines. We are therefore very concerned because we fear that the proposed guidelines may impose an undue burden and create unnecessary confusion in the workplace.

As a result of input we have received from our members on the proposal, we are most concerned about the proposed guidelines regarding harassment based on religion.

Initially, we would like to note that the EEOC has apparently decided to issue these guidelines not because of some upsurge in charges of religious harassment, or because the existing prohibitions against harassment contained in Title VII are inadequate. Rather, these guidelines are being issued to partially consolidate guidelines, "reiterate and emphasize" existing law, provide "more detailed information" (despite no evidence that such detailed information is necessary) and because of the enactment of the Americans with Disabilities Act. SHRM does not believe a case has been made by the EEOC that these guidelines are necessary.

Sec. 1609.1 (b) states that harassment is verbal behavior that has "the purpose or effect of creating an intimidating, hostile, or offensive work environment". Harassing conduct includes "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to * * * religion." The standard for determining whether the conduct is severe or pervasive enough to create a hostile or abusive work environment would be based on what a "reasonable person" would find abusive, including the "perspective of persons of the alleged victim's * * * religion."

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were "* * * unreasonably interfering with the [individual's] * * * work performance". A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her pro-life beliefs, which are based upon religious convictions.

While an employer could attempt to ban any discussion of religion in the workplace in an effort to avoid liability under the guidelines, this would be impossible to do. How could an employer establish rules spelling out what subjects could be considered "religious", and therefore prohibited? Unlike race and sex, religion is not an immutable characteristic. It is a system of beliefs and values. An employer would have to be ever-vigilant to ensure that it was aware of each individual employee's views (which might be constantly changing) on religion to ensure that no one was exposed to behaviors they felt to be harassing.

When the 1991 amendments to the Civil Rights Act were enacted and created a right to punitive and compensatory damages, the incentive to file complaints and to litigate became stronger. By proposing guidelines which broadly define religious harassment, EEOC is proposing to open the flood gates to litigation charging employers with religious harassment because employers failed to read the minds of their employees and failed to know what each employee considered to be religious harassment.

At a time when employers are striving to value diversity in the workforce, and urging all workers to treat and understand coworkers as individuals, it is unfortunate that EEOC would propose guidelines which would force employers to restrict communication on such an important aspect of worker diversity. It is particularly troublesome since employers have an obligation under Title VII to provide accommodation for individuals' religious beliefs. Employers will be caught in the middle of two EEOC interpretations. Will an employer, for example, be charged with allowing a hostile work environment by accommodating an employee's request to wear clothes dictated by that employee's religion, if the religion offends another employee?

SHRM believes that existing Title VII precedent and interpretations provide adequate guidance and protection to ensure that religious harassment is actionable. At a minimum, however, SHRM believes that if the EEOC did not intend to create such an overly broad and potentially burdensome guideline for employers, then the EEOC must recast the proposal and provide more guidance to employers on what behaviors the agency will consider impermissible. The difficulty in distinguishing between religious beliefs and expression and expressions of values and opinions certainly merit more detailed treatment by the agency on the subject.

In addition, if the agency does re-propose religious harassment guidelines, SHRM urges the Senate to recommend to the EEOC that the guidelines be drafted to provide the clearest guidance possible to employers. Specifically, SHRM has found that the question and answer format used by the EEOC in the agency's Americans With Disabilities Act Technical Assistance Manual has been well received by our members.

For these reasons SHRM asks the Senate to encourage the EEOC to withdraw the proposed guidelines on religious harassment as overbroad and unnecessarily restrictive, or, at a minimum, repropose separate guidelines on religious harassment that address these difficult areas.

Sincerely,

SUSAN R. MEISINGER,
Vice President,
Government and Public Affairs.

Mr. BROWN addressed the Chair.

Mr. FORD. Madam President, I say to the Senator from Colorado, Senator METZENBAUM wished to be notified as soon as Senator HEFLIN was through speaking. I believe the Senator is close to some sort of agreement?

Mr. BROWN. Yes. I have been able to reach agreement with Senator METZENBAUM. At the time the Senator feels is appropriate, I would like to offer a Metzenbaum-Brown amendment.

Mr. FORD. Will the Senator withhold until I notify Senator METZENBAUM?

Mr. BROWN. Yes.

Mr. FORD. Madam President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1804, AS MODIFIED

Mr. BROWN. Madam President, I send to the desk a modification of my amendment that I have worked out with Senator METZENBAUM and Senator HEFLIN. Let me just outline those changes.

They eliminate some of the language on page 2 and page 3 and in the resolve clause under paragraph 1, they delete this language at the end of the sentence:

> * * * and receive separate treatment from the other categories of harassment.

It substitutes therefor "at this time." Paragraph 1 would then read:

> The category of religion should be withdrawn from the proposed guidelines at this time.

And then the balance of the resolve clause continues on.

Madam President, I send these modifications to the desk and ask they be incorporated in the amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, with its modifications, is as follows:

At the appropriate place, insert the following new section:

SEC. . RELIGION LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from government action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not be to restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

Mr. BROWN. Madam President, I ask unanimous consent that Senators MURKOWSKI and DURENBERGER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Madam President, I have not looked at these modifications yet. I would like to review them a little bit before we move forward.

Mr. BROWN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I have discussed this procedure with the participants on the EEOC amendment. I ask unanimous consent that the amendment presented by Senator BROWN, of Colorado, be set aside temporarily.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be set aside.

GAINESVILLE AIRPORT INDUSTRIAL PARK

Mr. GRAHAM. Madam President, I ask if the distinguished chairman of the Aviation Subcommittee would be wiling to turn his attention to the subject of the Gainesville Airport Authority and the Airport Industrial Park the city of Gainesville would like to develop adjacent to the airport.

Mr. FORD. I am familiar with this issue and would be pleased to discuss it.

Mr. GRAHAM. The city of Gainesville owns about 1,900 acres of property which surrounds the Gainesville Airport. It has long been the city's desire to develop this land in a manner that will benefit both the airport authority and the local community.

Unfortunately, deed restrictions and covenants on the land have hampered the city's efforts to develop the Airport Industrial Park. Meanwhile, the city has expended considerable time and effort to develop comprehensive land use and development master plans; a portion of the Industrial Park lands, which is owned by the city, has recently been subdivided and is available for industrial development subject to FAA approval.

The U.S. Department of Transportation's airport compliance requirements contain the general policy for a total release which would permit the sale and disposal of this property. My understanding is that this policy allows for property which is no longer needed to directly support an airport activity or purpose to be released for sale or disposal. However, this policy also indicates that the disposal must produce an equal or greater benefit to the airport than the continued retention of the land.

Madam President, one thing is abundantly clear—continued retention of the land is producing no benefit at all to the city, the airport authority, or anyone else. The primary draw for commercial air service to the Gainesville Airport is its proximity to the University of Florida. Maintenance and future expansion of this service is dependent on establishing new sources of demand, the Gainesville has identified the Industrial Park as a primary source of new development.

The city seeks approval to modify existing restrictions in order to permit the sale of one or more Industrial Park parcels at below market value so as to enable the eventual development of the park. Federal Aviation Administration [FAA] approval is needed to accomplish this transaction in a manner that will not penalize the airport authority with regard to its receipt of formula funds under the Airport Improvement Program. Further, the approval should clarify that this collaborative agreement to develop the park does not constitute a diversion of revenues.

The city of Gainesville has been attempting for years to attract development in this area and has been unable to do so because of the constraint that it must conduct all transactions at fair market value. The eventual revenues generated from the Airport Industrial Park would contribute to the funding of the airport's operations, stimulate increased use of the airport, and create long-term benefits to the entire area.

The city wishes to be a catalyst to encourage the initial development of the Airport Industrial Park through the release of one or more of the subdivided lots from the restrictions and reverter clauses on a portion of the property. This action would allow the city to offer the property for development at less than fair market value, if needed, without penalty to airport authority. This initial development is intended to attract seed projects to stimulate further development.

I know the chairman is already aware of the situation as I have just described it, but I wanted it to be a part of the record to establish the good intentions on the part of the city and the potential benefits to the Gainesville community—including the airport authority—if this project proceeds as envisioned.

At this time, I seek the chairman's comments on three specific issues pertaining to the Gainesville Airport Industrial Park.

First, would the Senator from Kentucky agree that the FAA should proceed with the agreement to allow the city of Gainesville to sell a portion of the industrial park land potentially at below market value in order to spur investment in the park?

Mr. FORD. Yes. This seems like a great economic development initiative which will benefit the Gainesville Airport Authority, the adjacent Airport Industrial Park, and the local community.

Mr. GRAHAM. The second area is the issue of revenue diversion. Given the fact that there is no revenue generated by the industrial park at this time, despite a concerted effort by the city to bring new businesses there, would the chairman agree that sale of certain of the park's lots—even if those sales required discounts below market value—would not constitute a diversion of revenue from the airport authority?

Mr. FORD. I agree that approval of the plan would not contravene congressional intent on the issue of revenue diversion. The city's goal, after all, is to create revenue for the airport authority where there is none today and no apparent potential for any without future development.

Mr. GRAHAM. That is most welcome guidance, and I hope the FAA will be mindful of the interpretation made by the chairman of the Aviation Subcommittee.

The final issue on which I seek clarification pertains to the Airport Improvement Program funds received by the Gainesville Airport Authority. While previous AIP funds have been utilized to create access roads across the industrial park lands to FAA facilities, city officials and I are concerned that the FAA could interpret these past expenditures as an entitlement to offset any revenue generated by the Industrial Park with reductions in AIP grants. Would the chairman agree that the release and sale of these lots should not negatively affect AIP receipts by the Gainesville Airport Authority?

Mr. FORD. Yes. The Senate has before it legislation whose primary purpose is to further the development and maintenance of America's airports. Consideration of issues such as the Industrial Park in Gainesville must be framed with that primary goal in mind. I cannot see how the Gainesville Airport Authority benefits by not allowing the park's development. Further, I see no reason why the authority should be penalized for this collaborative initiative that should ultimately increase benefits to the FAA and the authority.

Mr. GRAHAM. Madam President, I would like to extend my gratitude to the Senator from Kentucky for his attention to this issue of great concern to the Gainesville community. Throughout consideration of his legislation, he and his staff have been most accommodating.

I sincerely hope that the FAA will work cooperatively with the city of Gainesville as it seeks to diversify its airport's clientele and simultaneously undertake an important economic development initiative for the area. Toward that end, the counsel and guidance from the chairman will be most helpful as the city continues its conversations with the FAA and works to finalize this process.

Mr. DOLE. Madam President, it had been my intention to offer an amendment that some refer to as "diversion" or "revenue sharing."

The cost of flying on commercial airlines continues to increase due in part to added fees and taxes associated with constructing and maintaining the infrastructure at airports. In part, this bill seeks to address these rising costs by somewhat shifting the balance toward a more level negotiating status between cities and airlines.

However, we have failed to provide for—as a matter of fact we continue to prohibit by law—is an incentive for entrepreneurship to reduce these costs by providing for new economic activity at our airports.

I believe it might be possible for airports to develop new revenue streams—coming entirely from the voluntary expenditure of money by the traveling public—which could partially supplant increased costs borne by airlines and existing Federal grants. And, this new business might even generate sufficient profits which could be used for pay for police protection or other services provided to the traveling public by our cities.

I have encountered stiff opposition, in part due to what I believe is the mistaken notion that I support the immediate transfer of funds from airports to city coffers with the shortfall being picked up by increasing fees paid by airlines and increasing grants from the Federal Government. Let me state clearly that I would oppose such a plan.

However, I also oppose a blanket statutory prohibition to the American entrepreneurial spirit.

I have had a few discussions with the chairman of the Aviation Subcommittee and know that this matter is very complicated due in part to the many different revenue streams that exist today. However, I do not believe it is too complicated for us to provide for this possibility without upsetting the fine aviation transportation system in place today. The chairman has indicated another aviation bill will be considered this year and has pledged to explore with me the possibility of drafting such a compromise. Without asking him to offer his support for a plan yet to be negotiated, I ask my friend, the senior Senator from Kentucky, if that is his understanding.

Mr. FORD. I agree with Senator DOLE that airports should develop new revenue streams to lower the cost to the traveling public. Entrepreneurship should be encouraged. Nothing in the carefully crafted compromise discourages that.

Existing law contains a prohibition on revenue diversion—this bill here restates that commitment and provides DOT the tools to address illegal revenue diversion.

I recognize the Senator's desire to continue to seek a mechanism to allow funds to be diverted. However, having spent the last 5 or 6 months debating, negotiating, and crafting a compromise supported by the entire aviation community, I do not want to suggest to my colleague that a solution is feasible. I look forward to working with him to reach a better understanding of the problems and solutions that are feasible.

AMENDMENT NO. 1805

(Purpose: To require the Secretary of Transportation to make available information on the disinsection of aircraft)

Mr. FORD. Madam President, I have an agreed-upon amendment that is presented by Senator LEAHY. I send the Leahy amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. LEAHY, proposes an amendment numbered 1805.

Mr. FORD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment is as follows:

At the end of the committee substitute, insert the following:

SEC. 26. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) AVAILABILITY OF INFORMATION.—In the interest of protecting the health of air travelers, the Secretary of Transportation shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) REVISION.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) PUBLICATION.—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

Mr. LEAHY. Madam President, I am offering this amendment today to make sure that American air travelers know if they will be sprayed with a pesticide in the course of their flight.

Most people do not realize that many countries require flight attendants to spray airplane cabins with an insecticide before landing. For passengers with chemical sensitivities or respiratory problems, and for crew members who are repeatedly exposed to the chemical, this practice raises some very real health concerns.

I have been working with the Department of Transportation and the Environment Protection Agency since February to establish a list of countries that require spraying of pesticides. I have written to each of the countries identified by the Air Transport Association as requiring disinsection of incoming flights, urging them to comply quickly with DOT's request for information on their disinsection practices.

That was over 2 months ago. To date, only 21 of the 109 countries that were notified of the Department's request in April have responded. That includes only 4 of the 28 countries that have already been identified as probably requiring spraying.

American air travelers have waited long enough.

The Department of Transportation has assured me that a list of the countries requiring on-board spraying will be ready before the end of the month. The purpose of this amendment is to make sure that this deadline is met.

I had hoped to include in this amendment a requirement that Secretary Peña make this list of countries available to all people purchasing airline tickets in the United States. However, there were concerns about how this information would be made available. I intend to try to resolve these concerns in the next few weeks so that this issue can be settled in conference.

Having a list of countries that require spraying does little good if consumers do not have access to that information. I will be working with the Department to ensure that this information is made readily available to all people purchasing airline tickets in the United States.

Passengers have the right to know before purchasing their tickets whether they will be sprayed with an insecticide during their flight. Only with accurate and well-disseminated information on which countries require this practice can we protect the health of all passengers.

AMENDMENT NO. 1806

(Purpose: To provide for contract tower assistance)

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] for himself and Mr. DECONCINI, an amendment numbered 1806.

Mr. PRESSLER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CONTRACT TOWER ASSISTANCE.

The Secretary of Transportation shall take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota, and other communities where the Secretary deems such assistance appropriate, in obtaining the installation of a Level I Contract Tower for those communities.

Mr. PRESSLER. Madam President, this amendment would direct the Secretary of Transportation to assist Aberdeen, SD and Chandler, AZ, and other States in obtaining the installation of a level 1 contract tower for those communities. In my view, this will enhance aviation safety in the affected communities.

Madam President, the objective of the Federal Aviation Administration [FAA] Contract Tower Program is to ensure that an efficient network of control towers is maintained to provide safe and effective service to the users of the National Airspace System. Contract towers provide a high level of air traffic control service to local communities.

Aberdeen city officials have been working to include their airport in the FAA's contract tower program for some time. This goal became increasingly important when the Aberdeen Airport's Flight Service Station was closed last year. It is true that flight service stations and air traffic control towers do not serve the same function. However, given that flights at the Aberdeen Regional Airport reached a level of over 48,000 for 1993, one of these services should be available. Therefore, I am offering my amendment today.

I urge my colleagues to support my amendment and advance the safety of our air traveling public.

Mr. FORD. Madam President, I ask unanimous consent that these two amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Madam President, I have no objection, but would the Senator from Kentucky be good enough to give us a 1-minute synopsis?

Mr. FORD. I tried to. One is pesticides by Senator LEAHY, sprayed in the cabin, and the other one is in relationship to towers under contract. Phase I of the towers.

Mr. METZENBAUM. I thank the Senator.

Mr. FORD. It is more technical.

Mr. METZENBAUM. I have no objection.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1805 and 1806) were agreed to, en bloc.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. I yield the floor, Madam President.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1804, AS MODIFIED

Mr. BROWN. Madam President, I call up the Brown amendment.

The PRESIDING OFFICER. The Brown amendment is now the pending question.

Mr. BROWN. Madam President, I ask unanimous consent for the modification that had been offered to the body and is at the desk, the Metzenbaum-Heflin-Brown modification.

The PRESIDING OFFICER. There is confusion in the Chamber.

Will the Senator restate his request.

Mr. BROWN. Madam President, we have sent to the desk a modification of the amendment, and I repeat my request for unanimous consent that that modification be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to add Senators MURKOWSKI, DURENBERGER, MIKULSKI, and THURMOND as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Madam President, I have a little problem pertaining to the modification, but I agreed to it. But basically the original modification called for the EEOC to conduct a separate procedure. Senator METZENBAUM was desirous of knocking that out. I am agreeable to it. But in my opinion the resolution does not prohibit the EEOC from dealing with it in a separate procedure.

I just wanted to make that clear.

Mr. BROWN. Madam President, if there are no other comments, I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, one of my concerns on this subject was that the question of religious harassment would be separate and apart from other kinds of harassment in the workplace. I do not believe that should be. I believe that the EEOC ought to have the opportunity to look at the entire field of harassment in the workplace.

One of the other questions that came up had to do with whether or not the individual acts Senator BROWN had put up on the board were to be a part of this problem, and they really are not. We are talking about employers taking action, and if an employer does provide for religious harassment it would still be possible for the EEOC to deal with it.

There seems to have been considerable comment and concern about the original guidelines. I am not an authority on those original guidelines, but this would provide for the EEOC to reexamine that issue, not as a separate category but to go back and look at it as they were doing previously.

I see no objection to doing that. I think this is a movement in the right direction. There was considerable objection to the EEOC's original actions. I am not sure that they were wrong. I am not sure that they were right. But in this manner there will be a chance for a reevaluation, and I think all parties to the discussion can be satisfied.

Mr. NICKLES. Madam President, I rise in support of the amendment before the Senate. This amendment seeks to preserve religious liberty in every workplace in the United States. Many are aware of the proposed Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability issued by the Equal Employment Opportunity Commission [EEOC]. I have concerns that the proposed guidelines would seriously infringe on the religious liberties of working men and women in the workplace.

On June 9, 1994, 24 of my colleagues and I sent a letter to the Acting Chairman of the EEOC, Tony Gallegos, urging the Commission to remove the category of religion from the proposed guidelines or to create a separate category clarifying the issue relating to religion.

Also on June 9, the Judiciary Subcommittee on Courts and Administrative Practice held a hearing on this issue. It was clear at the hearing that no one approves either of religious harassment or supports the suppression of religious freedom. EEOC representatives, labor and constitutional law scholars, and business and religious leaders made it clear that changes must be made in the Guidelines.

The standard set for religious harassment in the workplace is so vague and broad that expressions of religious belief by one employee could be considered religious harassment by another even if it simply shows aversion to the faith, religion or beliefs of another person or that person's relative, friend, or associate.

The reasonable person standard, which determines whether actions on the job constitute harassment, is a modified reasonable person standard. The reasonable person must be a reasonable person of the claimant's particular segmented individual religious perspective. Therefore, there is no one standard an employer or employee may look to for guidance, thus making it ripe for litigation and dispute.

The lack of clarity in the definitions of what constitutes religious harassment will cause severe problems for many employers and employees, who will be mandated to apply the vague and confusing regulations to every day situations. There is evidence to demonstrate that many employers in an effort to minimize their liability will move to limit or prohibit religious expressions in the workplace. How would the following real life situations be treated under the proposed guidelines.

Would an employee or employer be able to wear a cross around his/her neck, a yarmulke, a turban, or any other religious symbol in the workplace?

Could an employee or supervisor have a Bible, a Book of Morman, a picture of Jesus or a Star of David displayed at his/her work area?

Could employees have a weekly prayer breakfast in which the employer participated with some, but not all, employees?

Could an employee or employer discuss or make statements about his/her religion to another employee in the workplace?

Moreover, I am also concerned that these guidelines fail to take into account the Religious Freedom Restoration Act [RFRA], Public Law 103-141. RFRA prohibits a law from "substantially burden(ing) a person's exercise of religion" unless the Government can demonstrate that the law is the least restrictive means of furthering a compelling Government interest. I am concerned that the Guidelines do not meet the criterion of RFRA.

The proposed guidelines, as currently written, are so broad and ambiguous that I believe that they will result in a workplace in which religious expression and religious freedom are repressed. Therefore, I urge my colleagues to support this sense of the Senate which would urge the Commission to address the unique concerns of religion in the workplace.

Mr. DOLE. Madam President, I want to say a few words in support of the amendment offered by my distinguished colleague from Colorado, Senator HANK BROWN.

Last May, I wrote to Acting EEOC Chairman Tony Gallegos expressing my concerns about the proposed EEOC guidelines, which appear to be a classic example of what is known here in Washington as the law of unintended consequences.

As currently drafted, the guidelines are so broad in scope and so vague that employers seeking to avoid liability would resort to establishing rules prohibiting any discussion or expression of religion whatsoever in the workplace. In other words, to prevent lawsuits and the expenses that normally go hand-in-hand with lawsuits, employers would resort to requiring religion-free workplaces. This result would be disastrous for employers and workers alike, and it would be a major set-back for religious freedom in our country.

I am also concerned that the guidelines are inconsistent with the Religious Freedom Restoration Act. When Congress passed the act, we made clear that Government must demonstrate a compelling interest to justify any law that burdens religious freedom. As far as I can tell, the EEOC has not met this requirement.

It is my hope that this amendment will send a strong signal to the EEOC that it should go back to the drawing board and remove the religion category from the proposed guidelines. While the prevalence of workplace sexual harassment has been well-documented, there is very little evidence to suggest that religious harassment in the workplace is a major problem.

So, Madam President, as the old saying goes: If it ain't broke, don't fix it.

Madam President, I ask unanimous consent that my letter to Acting EEOC Chairman Tony Gallegos be inserted in the RECORD immediately after my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 26, 1994.

Hon. TONY E. GALLEGOS,
Acting Chairman, Equal Employment Opportunity Commission, Washington, DC.

DEAR CHAIRMAN GALLEGOS: I have had the opportunity to review the Commission's proposed Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability ("Guidelines"). It is my understanding that the comment period for the Guidelines expires on June 13, 1994.

As you know, the Guidelines define religious harassment broadly as "verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her . . . religion . . . or that of his/her relatives, friends, or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities."

I am concerned that the Guidelines, as currently drafted, are so broad in scope and so vague that employers seeking to avoid liability would resort to establishing rules prohibiting any discussion or expression of religion whatsoever in the workplace. In other words, to prevent lawsuits, the employer would require a "religion-free workplace." Clearly, this is not your intention, though I suspect that the Guidelines could have this practical effect.

I am also concerned that the Guidelines are inconsistent with the Religious Freedom Restoration Act ("RFRA"). As you may know, RFRA applies a strict scrutiny test to any law that substantially burdens religious practice. Based on the information available to me, I am not convinced that the Guidelines would pass this test. For example, it appears that the Commission has not adequately enunciated a "compelling government interest" for the Guidelines. While the prevalence of workplace sexual harassment has been well-documented, there is very little evidence to suggest that religious harassment in the workplace is a major problem. In addition, I do not believe that the Guidelines are the "least restrictive means" of advancing whatever interest the Commission intends to promote.

In my view, the best course of action would be for the Commission to consider deleting the religion category from the Guidelines. As you know, existing law adequately protects employees from religious discrimination and harassment in the workplace. If there is a gap in the law that the Guidelines seek to fill, I would appreciate your views on how the Guidelines serve this purpose.

Chairman Gallegos, thank you for your consideration of this request.

Sincerely,

BOB DOLE.

Mr. GRASSLEY. Madam President, I appreciate the resolution that Senators BROWN and HEFLIN have brought to the floor this evening. As an original cosponsor, I join them in raising concern about the effect of the EEOC's proposed guidelines on harassment under title VII, and specifically, the effect of these guidelines on the expression of religion in the workplace.

I have received numerous letters and phone calls from concerned constituents who worry that the guidelines as drafted will stifle, if not eliminate, constitutionally protected religious expression in the workplace.

Considering how much time the average American spends at work every day, the idea that the workplace could somehow become sterile concerning religious expression is certainly a concern.

Most of these constituents have requested that religion be dropped from the guidelines entirely.

Last week, the Subcommittee on Courts and Administrative Practice, of which Senator HEFLIN is the Chair, and I am the ranking member, held a hearing on this very important issue. The hearing included testimony from the EEOC and representatives of various organizations.

While there were a range of opinions shared, there was one thing on which all agreed. That is, that religious expression is protected speech under the first amendment to the Constitution and under the recently passed Religious Freedom Restoration Act.

There were expressions of varying degrees on the perimeters of that protection, but there was no question raised about the principle.

The resolution the Senate is considering is compromise language reached after consideration of the issues raised at that hearing.

While some groups were calling for complete elimination of religion from these, or any, EEOC harassment guidelines, other groups argued strongly that religious harassment must be addressed in order to protect religious people from undue aggravation in the workplace.

I believe the most appropriate step to take is to drop religion from these guidelines but have it addressed in separate guidelines in the same way that sexual harassment has been addressed in separate guidelines. This answers the concerns of both sides.

It is crucial that any guidelines issued by the EEOC appropriately defer to Constitutional and Religious Freedom Restoration Act implications. With this in mind, more consideration should be given to the comments of imminent first amendment scholars, such as Prof. Douglas Laycock who testified at the hearing last week. He made specific suggestions of how the EEOC could erase the constitutional vagueness in the pending guidelines. Additionally, there should be public hearings on this issue since it touches the lives of so many Americans.

At the same time, the resolution affirmatively recognizes the need for guidelines to address genuine religious harassment. Title VII covers religion as well as the other protected areas; it is not an acceptable option for religion to simply be ignored.

I fully support the compromise reached by the language before us. It recognizes the need for regulations on religious harassment while it also recognizes the important constitutional implications of religious expression.

I commend my colleagues for taking this step to clarify the Senate's concern on this issue.

Mr. BAUCUS. Madam President, I join my colleague from Colorado, Senator BROWN, in offering this amendment.

The Equal Employment Opportunity Commission [EEOC] has proposed guidelines to provide employers with guidance in the elimination of workplace harassment based upon race, color, religion, gender, national origin, age and disability. There are worthy goals—the elimination of all forms of harassment in the workplace is something I strongly support.

Unfortunately, when it comes to the matter of religious harassment, the EEOC guidelines could create serious problems for employers and threaten to stifle our freedom of speech and freedom of religion. They are vague. They are too broad. They show a lack of common sense. And, frankly, they make me question whether some of the folks at the EEOC are in touch with the reality of life in the American workplace.

Expressions of religious belief by an individual in the workplace, for instance, could be considered religious harassment by another based solely on the fact that the statement showed aversion to the faith, the religion or the beliefs of another person or that person's relative, friend or associate.

I shudder to think of the mischief this could cause. I shudder to think of the frivolous lawsuits this could spawn. And I shudder to think of the tensions this is likely to create for both employers and employees. Delta Airlines, for example, has already issued a directive to its employees asking them to refrain from any display or discussion of their religious beliefs.

In essence, the EEOC could effectively designate every American workplace a "Religion-Free Zone." Let me provide a few examples of the types of activities that could be grounds for a lawsuit under the EEOC guidelines:

Wearing a cross around the neck; displaying a picture of Christ on an office desk or wall; having a Bible on your desk; or praying while at work.

The EEOC needs to be sent back to the drawing board. Their proposed regulations are too board, too ambiguous, and they threaten two cherished values: freedom of religion and freedom of speech. I, therefore, urge my colleagues to support this worthy amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? Is there further debate?

Mr. FORD. Madam President, I ask unanimous consent that the vote on this amendment occur at 6:45 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard. Is there further debate on the amendment?

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside in order that the Senator from Ohio may offer an amendment which would be considered subsequent in time to the Brown amendment but at least could be discussed in the interim.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Madam President, as I understood it, we were trying to make sure a recorded vote on this occurred at 6:45?

Mr. FORD. Correct. There is no question about that. The Senator from Ohio agrees with that.

Mr. METZENBAUM. I have no problem with that. If the Senator from Ohio has not completed discussion or debate has not concluded, we will set the amendment aside.

The PRESIDING OFFICER. There is a unanimous consent request pending. Is there objection to the request of the Senator from Ohio? Hearing none, the Senator from Ohio may proceed.

AMENDMENT NO. 1807

(Purpose: To provide for the reemployment as air traffic controllers of certain discharged air traffic controllers)

Mr. METZENBAUM. Madam President, I send an amendment to the desk for consideration subsequent to the consideration of the Brown amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1807.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . REEMPLOYMENT AND RECERTIFICATION AS AIR TRAFFIC CONTROLLERS OF CERTAIN DISCHARGED AIR TRAFFIC CONTROLLERS.

(a) REEMPLOYMENT.—Notwithstanding any other provision of law and to the maximum extent practicable, the Secretary of Transportation shall—

(1) notify persons referred to in subsection (b) of openings in positions of employment with the Federal Aviation Administration as air traffic controllers; and

(2) if such persons express an interest in employment in such positions, employ the persons in the positions on a basis which is numerically equal to that of any person other than a person referred to in subsection (b) in the positions.

(b) COVERED PERSONS.—Subsection (a) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action, and who is presently physically and mentally capable of qualifying for a position as an air traffic controller.

(c) PROGRAM.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall carry out a program to provide training to persons referred to in subsection (b). The purpose of the program shall be to facilitate the employment of the persons provided the training by the Federal Aviation Administration as air traffic controllers.

(d) COVERED PERSONS.—Subsection (c) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action; and

(3) who is re-employed by the Federal Aviation Administration as an air traffic controller.

(e) FUNDING.—The Administrator shall carry out the program only if funds are appropriated to the Department of Transportation specifically for purposes of carrying out the program.

Mr. METZENBAUM. Madam President, this amendment requires that when the FAA fills air traffic control jobs, it hire equally from qualified former controllers and from other applicants—a 50/50 basis.

The amendment also requires the FAA to prepare retraining programs in order that the former controllers may be recertified for Federal service.

A recertification program would help get former controllers back into control towers promptly, once they are rehired.

Of course, it will be much less expensive to recertify the former air controllers than to wait for young, newly trained, inexperienced air traffic controllers to come up to speed.

Recertifying the former controllers could take a matter of weeks. By contrast it takes years for a brand new controller to become seasoned.

The point is simple—it is much more cost efficient to retrain the former controllers.

Madam President, this amendment would give former air traffic controllers some fairness with respect to Federal air traffic control jobs that open up in the future.

These air traffic controllers are the men and women who were fired after going out on strike in 1981. That strike was for the right reasons: bad working conditions, and obsolete equipment.

But this job action violated a no strike oath. As a result, some 11,400 traffic controllers were summarily fired by President Reagan.

That firing did untold damage to labor-management relations. It also jeopardized the safety of our air traffic control system.

However, no matter what one may think of the traffic controllers walkout and their subsequent firing, this issue is now far behind us. For 12 years, the controllers were barred from Federal employment in their profession. Plenty of convicted felons receive shorter sentences than the 12 years served by the traffic controllers.

Last year, the ban on re-hiring these men and women was lifted by President Clinton. Lifting the ban was the right thing for the President to do.

Lifting the ban was a gesture of decency to the former controllers. But it was also an enlightened management step: The controllers represent a vast pool of talent and experience of which the FAA should be able to take advantage.

Mr. President, there is considerable debate as to how many air traffic controllers the FAA may need to hire in the coming years. The FAA feels it will need a very low number.

Recent congressional testimony has indicated that there may actually be a much larger number needed. The GAO is expected to report its findings on this matter by the end of this month.

This amendment does not mandate any hiring by the FAA. It does not require the FAA to create one single job.

This amendment simply says that if—if—air traffic controller slots do happen to open up the former fired air traffic controllers ought to have a fair shot at those positions.

This amendment also recognizes that, at some point, there will be a need for new controllers and that the FAA ought to take steps to be ready for the most experienced pool of talent.

Madam President, this amendment gives meaning to President Clinton's lifting of the ban on rehiring. To date, not one single former controller has been rehired. These men and women deserve more than mere symbolism.

But this amendment is not only about symbolism. This amendment is also about air safety. It would seem to this Senator that experienced, seasoned air traffic controllers make for safer skies.

Air traffic control is obviously a complicated job. I would hope that any Federal Agency filling skilled positions would look to the most experienced candidates available.

Madam President, many of these men and women have had very recent air traffic control experience through regular military service, and also through emergency service during the Persian Gulf War.

There are nearly 5,000 former air traffic controllers interested in reemployment. There are certainly a large number of candidates within this pool who are just as experienced as anyone else.

Furthermore, this amendment in no way requires the FAA to lower its standards for hiring and for recertification.

Madam President, I do not want to micromanage FAA operations. This amendment is not about micromanagement. This amendment is about utilizing the best talent available.

This amendment is about fairness.

This amendment is about making good on the President's symbolic promise implied in lifting the rehiring ban.

This amendment says that 12 years is more punishment than anyone—probably even Ronald Reagan—ever intended to inflict on 11,400 dedicated public servants.

And this amendment is about putting the most experienced air traffic controllers in the country back in America's control towers.

It is an important step not merely for former traffic controllers but also for the flying public.

ORDER OF PROCEDURE

Mr. FORD. Madam President, I understand there may have been a little confusion at the time. I want to reiterate. I ask unanimous consent that the vote occur on the Brown-Metzenbaum-Heflin amendment at 6:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair.

Mr. PRESSLER. Madam President, my colleagues, I am going to speak against Senator HEFLIN's amendment and then ask for a rollcall vote. I will speak fairly briefly. If I could conclude in 3 or 4 minutes, we could perhaps have that vote at 7 following this one, if there be agreement, unless there are other speakers.

I will begin speaking. In August 1993, the Clinton administration lifted the ban on rehiring the PATCO strikers. My colleague from Ohio argues these amendments are necessary to assist PATCO strikers in gaining reemployment under this policy. The arguments against it are that no rehiring preference should be granted because the PATCO controllers' illegal strike against the Federal Government crippled the Nation's aviation system.

Serving as a controller is a privilege, not a right. The FAA will hire only 77 controllers this year and less than 100 controllers over the next 3 years. The FAA is not hiring controllers because it is fully staffed.

The FAA has a pool of people from the College Training Initiative Program who are fully qualified to become controllers. These trainees can be placed directly in air control traffic facilities.

FAA has also ex-military controllers and controllers from level 1 facilities that are being contracted to private companies who like to be retained. In total, FAA has 1,500 to 2,000 non-PATCO strikers who are ready and qualified, if positions open.

The additional cost of training PATCO strikers is derived from the fact that it costs an additional $5,000 for 4,800 PATCO strikers to go through the FAA academy compared to those who are graduated from the College Training Initiative Program and do not need the FAA academy phase of training.

Madam President, those are the arguments against the Metzenbaum amendment that I would like to make.

I do not know if there are other speakers who wish to speak against it. But I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. Madam President, I ask that we have two rollcall votes in a row stacked.

Mr. METZENBAUM. That is agreeable to the Senator from Ohio.

Mr. FORD. I cannot agree to that yet.

Mr. BROWN. Madam President, I ask unanimous consent that Senator DOLE be added as a cosponsor of the Brown-Heflin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent that Senator COATS be added as a cosponsor of the Brown-Heflin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Madam President, may I make a unanimous consent request? I would like to request that the vote on the Metzenbaum amendment occur immediately following the vote on the pending Brown amendment, unless either the majority leader or the minority leader have an objection which they can assert immediately after this vote.

Mr. FORD. Madam President, I have to object to that. I understand what the Senator is trying to do. But under the circumstances—I will catch the heat for this—but I have to object to the Senator. I apologize to him for having to do that.

The PRESIDING OFFICER. The vote on the Brown amendment has been ordered to occur at 6:45.

The question is on agreeing to the Brown amendment, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE.) Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—6

Gramm
Harkin
Inouye
McCain
Moseley-Braun
Simon

So the amendment (No. 1804), as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1807

Mr. FORD. Now Mr. President, we have before us the Metzenbaum amendment, and I believe there is no further debate. I ask for an immediate vote. There will be another vote about 9 p.m.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote aye.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 65, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—29

Akaka
Biden
Boxer
Bradley
Campbell
Daschle
DeConcini
Dodd
Feingold
Feinstein
Ford
Harkin

Jeffords
Kennedy
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mitchell
Moynihan
Murray
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Wellstone
Wofford

NAYS—65

Baucus
Bennett
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Glenn
Gorton
Graham
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lott
Lugar
Mack
Mathews
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—6

Coats
Gramm
Inouye
McCain
Moseley-Braun
Simon

So the amendment (No. 1807) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, the Senator from South Dakota, the comanager of the bill, has an amendment on behalf of Senators BOND and NICKLES.

AMENDMENT NO. 1808

(Purpose: To authorize a study of the use of infant restraint systems aboard air carrier aircraft.)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. NICKLES, proposes an amendment numbered 1808.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all from line 7 through line 18 and insert in lieu thereof the following:

SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Administrator shall conduct a study on the availability, effectiveness, cost, and usefullness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) STUDY CRITERIA.—Among other issues, the study shall examine the impact of the following:

1. The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period;

2. The impact on air carrier passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles, such estimate to cover a ten-year period.

3. The impact on fatality rates of infants using other modes of transportation, including automobiles, subject to the findings in subsection (b) 2, above; such estimate to cover a ten-year period; and

4. The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) REPORT.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

Mr. PRESSLER. Mr. President, I think this amendment has been agreed to on both sides.

Mr. FORD. Mr. President, we had Senator EXON on our side, who is on the committee, who had a study in the language of the bill. He has now also cleared it, so that leaves me clear and we will accept the amendment on our side.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1796

Mr. BAUCUS. Mr. President, I must express my strong opposition to the amendment offered by the Senator from Ohio [Mr. METZENBAUM].

While I have great respect for my colleague from Ohio, I must say that this is one of the worst amendments I have seen in a long time. It would almost be funny if the stakes were not so high.

It is time for Congress to exercise a little more restraint and a lot more common sense. This is an example of mandates and regulation running amok. It would impose an unreasonable burden on individual businesses. And it could ground short-distance air service in Montana and throughout America.

For instance, there are many commuter airlines across America operating on the margins. They cannot afford to keep flying if the cost of their equipment is increased.

In Montana and many other states, we benefit from the Essential Air Service [EAS] program. Without the modest EAS subsidy, scheduled air service would cease in the communities of Miles City, Havre, Lewistown, Glasgow, Wolf Point, Sidney and Glendive. This amendment would only run up the costs of the EAS program—and, I fear, thereby threaten air service to these communities.

And, beyond that, most of these planes are so small, it is hard to imagine where they would put the head.

In closing, I urge my colleagues to flush this very bad idea right down the drain.

Mrs. BOXER. Mr. President, I would like to take a few moments to express my thoughts on the passage of S. 12491, the Federal Aviation Authorization Act. This bill authorizes $6 billion in airport improvement funds over the next 3 years, providing almost 300,000 jobs and critically needed improvements in our air transportation system.

In the previous fiscal year California received nearly $159 million in these discretionary airport grants, and I expect the State will benefit from a comparable amount this fiscal year.

These grants are critical to help airports reduce their congested airways. Five airports in California are among the primary airports in the country now exceeding annual capacity.

Although I am pleased that we are finally moving this needed legislation for infrastructure investment, I am disappointed that we were not able to reach a complete resolution in the dispute between airports and the major air carrier over landing fees.

I want to thank the chairman of the Aviation Subcommittee, Senator FORD, for his considerable patience and perseverance in trying to reach a compromise on this difficult issue. Through his cooperation we were able to make significant changes in the legislation to pare down provisions that would be less harmful to airports.

Previously, the bill disallowed the cost of service, or "compensatory," approach whereby airlines pay 100 percent of the cost of airside operations and instead reinstituted the residual approached whereby the airport would subsidize the airlines by reducing the landing fees with concession and other revenue. Under this approach, airports would lose control of their own destinies by impeding the airports ability to raise capital for needed improvements through bonds.

Fortunately, the bill does not establish any particular approach. It does not attempt to define "reasonable rates" as the airlines had requested. The determination of the fairness and reasonableness of rates is ultimately left to the Secretary of Transportation, once negotiations fail to resolve the issue.

In addition, the bill does not extend retroactively to the dispute between the carriers and Los Angeles International Airport. A retroactive provision would have been a detriment to all interests concerned.

I also appreciate the chairman's willingness to work with the airport and financial communities, before the conference with the House, to smooth out problems which could harm bond financing capabilities that could lead to higher airport financing costs.

The issue of the imposition of civil penalties on governmental grant recipients for violating grant agreements had raised considerable concern from inside and outside the aviation community. The National League of Cities said "it is unprecedented that the breach of a grant assurance would * * * give rise to liability for substantial monetary penalties."

Under the legislation, civil penalties could be unlimited in amount. A grantee could be liable for millions of dollars in civil penalties. This provision is unnecessary considering that it is well understood that violation of grant agreements can lead to termination of the grant and disqualification from further grants of this type.

I appreciate the openness of the Senator from Kentucky to our concerns in this regard and his willingness to modify this requirement, such as capping the amount of monetary penalty that can be imposed and clarifying the Secretary of Transportation's ability to provide an opportunity for an airport sponsor to cure any violation through corrective action prior to the imposition of civil penalties.

Finally, Mr. President, I would like to add my support to the effort extended by Senator DOLE and others to encourage airports and airlines to discuss in a reasonable fashion opportunities for revenue sharing. Many airports already have some form of exemption that allows the municipalities which own the airports to use airport revenue for city services.

It is possible, I believe, for agreements to be reached that could reduce costs to airlines, provide needed revenue for city services and not gouge the traveling public with unreasonable concession rates. This is what the people of Los Angeles voted for when they approved a charter amendment in 1992 to lift restrictions on the use of surplus airport revenues for off-airport purposes.

Los Angeles International Airport serves 48 million passengers a year. It is a booming success that no longer requires such a restriction to guarantee its healthy operation and growth. In time, I believe an agreement can be reached between the airlines and the airport that capitalizes on that success to the benefit of everyone.

Unfortunately, this was not the place and time for such a consensus to develop.

TRUCK DEREGULATION

Mr. DOLE. Mr. President, included in this bill is a provision which may well have the effect of deregulating intrastate truck rates. As I understand it, originally an amendment was added to codify a decision by the Ninth Circuit Court of Appeals which held that some integrated freight companies could not be regulated by the States do to the Air Deregulation Act of the 1970's.

The amendment would have had the impact of treating some companies in a more advantageous fashion than their competitors simply because of their reliance on the use of air transport as opposed to truck transport for a percentage of the freight hauled.

I was advised of this amendment by a company in my home State of Kansas, a company which would have been left a competitive disadvantage. Following that notice, I worked with the committee to draft a compromise which did not disadvantage my constituent and a number of other trucking companies throughout the country.

The amendment was further modified at the request of the distinguished senior Senator from North Carolina, Senator HELMS, so as to include an even greater number of trucking companies.

I am concerned, however, with the process used in reaching this point. Some days ago, I was informed by another Midwest trucking company that it had only recently become aware of this action since no notice was received by that company from its trade association. Additionally, it appears hundreds if not thousands of small trucking companies may remain unaware of this action, since the association has failed to put out this notice.

In general, I support deregulation. I generally believe the free market does a far superior job at regulating markets than does government, so I support this provision. I hope that State agencies which currently regulate truck rates will discover their jurisdiction has been sufficiently reduced that further rate regulation would not prove worthwhile. By so doing, all trucking companies would be put on an equal footing with respect to complying with State regulations.

In closing, let me again state that, while I support the concept of deregulation, I wish this action had taken place with the full notice of all companies which might be impacted.

Mr. SASSER. Mr. President, I rise in strong support of section 211 of S. 1491, the Airport and Airway Improvement Act. This provision will at long last bring an end to the duplicative and excessively bureaucratic patchwork of State regulations governing the delivery of express packages within State borders.

Section 211 of the committee substitute would exempt from State regulation the services, rates, or routes of intermodal air carriers which deliver their packages by truck.

It is important to point out that this provision would not affect safety or environmental standards. Both the Federal and State governments would retain their authority over such standards.

I am disappointed that we were not able to address the concerns of smaller truckers. Section 211 was broadened to include the larger trucking firms, but a formula to address the concerns of smaller trucks proved elusive. I realize that it just proved not to be possible and hope that it can be addressed on another day.

However, Section 211 as contained in the bill recognizes the reality of modern American interstate commerce. Every day in this country, four to five million packages are shipped by air freight.

Business has come to rely on express air carriers for timely delivery of documents and other critical shipments. The ability to send and receive packages rapidly often gives businesses a critical advantage.

However, each of those packages must be picked up and delivered by truck. That surface delivery component is subject to State trucking regulation. Thus, when our national express package delivery companies make changes in their rates or services they must cope with the regulatory processes of 39 States.

These intrastate trucking regulations unnecessarily delay the delivery of packages. Carriers must spend large amounts of time and money to satisfy regulations in different States.

Intrastate regulation limits the ground transportation activities of air express carriers and impedes their ability to expand their operations through regional or local sorting centers. It raises the operational costs of carriers and the price of express package transportation for their customers. And they increase fuel consumption and cause more pollution.

These regulations lead to some absurdly inefficient results.

Under the regulations imposed by the State of Indiana, it is most economical for a driver for Federal Express—who collects a package in Terre Haute, Indiana, that is bound for Gary, Indiana—to deliver that package to the airport, where it is flown to Memphis and then on to Gary—even though Federal Express has a sorting hub in Indianapolis.

It costs slightly more than $200 to ship a load of paper products from Richmond, VA, to Raleigh, NC—a distance of 146 miles. The cost of shipping the same cargo the same distance within Virginia—for example, from Richmond to Danville—is more than twice as much.

And, Mr. President, before California's intrastate economic rules were eased last year by a ruling in the ninth circuit, it cost nearly twice as much to move 2,000 pounds of goods directly from Oakland to San Francisco—15 miles—than it cost to ship the same amount via Reno—200 miles away.

Intrastate regulation of express package carriers costs American business thousands of dollars every day. As a matter of fact, a 1991 study by the

Department of Transportation concluded that intrastate regulation is costing the American economy between $4.9 and $7 billion dollars a year. Eventually, those costs are passed on to freight company customers, and indeed all consumers.

American consumers and businesses are ready for lower prices, a wider range of services, and a greater variety of product and service innovations. We can help accomplish that goal here today by removing these burdensome, unnecessary State regulations.

Mr. President, in the current world marketplace we cannot tie the hands of our Nation's businesses. We must work as a partner with them so that they can compete in an increasingly internationalized marketplace.

I would urge my colleagues to look at the European Community. They have recognized the needs of modern commerce and deregulated transportation. They have removed their internal regulations, providing more efficient service between its member nations.

We need to remove our own internal trade barriers to allow our own express air carriers to operate more effective and efficient service in our own country.

In conclusion, Mr. President, I believe that the constraints placed on transportation through intrastate transportation regulations run contrary to the goal of a vibrant, efficient, open national economy. Higher transportation costs attributable to excessive regulation raise the price of American goods and place them at a competitive disadvantage to products from countries with less burdensome regulatory frameworks.

These rates rules, which may have made good economic sense decades ago, no longer do. It's time for us to act in the best interests of our economy, and in the best interests of consumers and businesses all over the country.

Finally, Mr. President, I would like to commend the chairman of the Aviation Subcommittee, Senator FORD, for crafting this legislation. As we all know, guiding a major reauthorization bill through the legislative process, and reconciling the often conflicting interests of all 100 Senators is a difficult proposition. As always, the Senator from Kentucky has managed this bill with great skill as well as good humor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we have one amendment left, and then we are ready to debate that and we will have a rollcall vote. I have indicated to my colleagues that rollcall vote will be approximately 9 p.m.

I see the Senator from Wyoming here, who will be opposed to the amendment. I am looking for Senator HARKIN, who was here just a moment ago and said he was ready to go.

Let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ask unanimous consent that I may proceed as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ISRAEL-ARAB PEACE ACCORD

Mr. SPECTER. Madam President, in the absence of any activity on the pending bill, I thought this would be a good time to acquaint my colleagues and perhaps those watching on C-SPAN II with a Senate caucus which was formed yesterday to monitor the Israel-Arab peace accord.

Senator SHELBY of Alabama and I are cochairing this Senate caucus. It consists of 15 U.S. Senators—8 Republicans and 7 Democrats. A similar monitoring group has been formed on the House side. The purpose is to monitor compliance with the Israel-Arab peace accords.

There is no doubt about the substantial United States interest in peace in the Mideast. Nothing could be more emphatic proof of that than the war which the United States fought with Iraq to liberate Kuwait, with a very substantial interest which we have in that area of the world.

The Camp David Accord which was brokered, in effect, by President Carter between Israel and Egypt has been a mainstay of peace in the Mideast. But that accord has not been extended to other Arab countries until we had the historic signing of the Israel-Arab peace accord back on September 13 of last year.

Regrettably, there have been many occasions where the PLO, Palestinian Liberation Organization, has continued its terrorist policies.

There is now an issue as to the advancing of very substantial funds from the United States and other funds from the World Bank. It is the view of our caucus—and I think it ought to be the policy of the United States Government—that those funds not be advanced unless the PLO lives up to the agreements under the Israel-PLO peace accord.

It has been reported by the Zionist Organization of America that there have been some 23 violations since Jericho and Gaza were turned over by Israel to the PLO. There have been reports, again compiled by the Zionist Organization of America which has done an outstanding job of monitoring, of what is occurring there under the leadership of its president, Morton Klein, and its officer, Sandy Stein.

Those reports candidly are hard to verify, and I do not vouch for the authenticity of all of them. But we do know from the mouth of Chairman Yasser Arafat on a recording that he has called for a jihad or a holy war against Israel after the signing of the peace accord and after the turning over of Gaza and Jericho to the PLO. We know that because Arafat made a speech in South Africa to a small group which he thought would be unreported but fortuitously a recording was made and in Arafat's own voice you hear him call for a jihad, which is a holy war, and that is hardly the statement of someone who is dedicated to the interest of peace and who ought to be following the terms of the Israel-Arab peace accord.

Frankly, Madam President, September 13 of last year was a tough day for me personally to come to the White House and see Arafat honored on the White House lawn.

But it seemed to me, as I think it seemed to most Americans, that if Prime Minister Rabin, Foreign Minister Peres, and Israel was prepared to deal with Arafat and the PLO, and that since Israel had been the principal victim of PLO terrorism, that the United States ought to go along with the arrangement.

I think it was a major achievement for President Carter and for Secretary of State Warren Christopher to again broker that arrangement. It was really an historic moment when President Carter put his right arm around Prime Minister Rabin and his left arm around Arafat and to draw them together.

Mr. FORD. President Clinton.

Mr. SPECTER. President Clinton. Did I leave him out?

Mr. FORD. You called him Carter.

Mr. SPECTER. Well, I thank my colleague from Kentucky for the correction.

Who knows, before long I may give Clinton credit for the Camp David accord.

Mr. FORD. I would correct you on that, too.

Mr. SPECTER. I will not make an inquiry, Madam President, as to who has the floor, but I may have a question or two to direct to Senator FORD.

But, back to my frame of thought, it was a major achievement for President Clinton. It hopefully marked a new era of peaceful relations between Israel and the PLO. But, regrettably, that has not happened.

This caucus has been formed really to be sure that the peace is maintained.

I still recall the 1974 incident when our Ambassador and a Belgian charge d'affaires were murdered in Sudan at the hands of the PLO and Arafat being involved, and Mr. Klinghoffer being murdered, thrown off the side of the *Achille Lauro*, again by PLO terrorists and by Arafat.

So that if these very substantial U.S. funds are to be advanced and if the United States is to participate in the advancement of funds by the World Bank, we ought to be sure that the PLO lives up to its agreement.

Today we had a markup in the Foreign Operations Subcommittee of the foreign aid bill. We will be looking for a way to put teeth in U.S. law in terms of what we will do by way of expecting strict—Madam President, I would ask that the Senate be in order.

The PRESIDING OFFICER. The Senator from Pennsylvania has asked that the Senate be in order so he can continue to speak at this time.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

As I was saying, Madam President, the effort is being made on the foreign aid bill to see to it that there is an enforcement mechanism that the PLO observes strictly and meticulously the terms of the Israeli-PLO agreement on the condition that, if that is not done, U.S. aid be terminated and the maximum amount of U.S. influence on the World Bank be exerted as well.

It is our hope that the agreement will be maintained, that there will be peace and stability in the Mideast. But if the PLO maintains its policy of terrorism, then I think it is important that it be detected and that it be acted upon.

That is the purpose of the Senate caucus which was formed yesterday.

I thank the Chair and I yield the floor

The PRESIDING OFFICER. The Senator from Pennsylvania yields the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

COMMEMORATING THE 50TH ANNIVERSARY OF THE GI BILL

Mr. THURMOND. Madam President, we recently celebrated the commemoration of one of the most significant events of this century, the landing of Allied forces on beaches of Normandy. I, along with many of my colleagues, have spoken on this floor and elsewhere regarding the 50th anniversary of D-day. I wish to thank my colleagues who have offered their kind remarks in reference to my military service and again pay tribute to all who served this Nation in that time of need.

Madam President, during 1943–44, while our Nation's veterans were valiantly serving throughout the world, the Congress was enacting legislation to provide for the readjustment of veterans who had returned or would be returning to civilian life. The Servicemen's Readjustment Act of 1944, popularly known as the GI bill of rights, was the primary legislation to accomplish this goal. This legislation, unanimously enacted 50 years ago, was signed by President Roosevelt on June 22, 1944.

The American Legion is credited with designing the primary features of the GI Bill and with leading a nationwide campaign to win its passage. I salute the American Legion and other veterans' organizations which made such a contribution and continue to work on behalf of all veterans.

Let me elaborate on some of the provisions of this act. First, the bill provided for education and training benefits. These benefits were available to all veterans who served a minimum of 90 days in the military and were discharged other than dishonorably. Depending on their length of service, veterans were entitled to training and education for a period of 1 to 4 years. This benefit could be completed at approved educational institutions, scientific and technical schools, vocational schools, apprenticeship programs, and training at industrial establishments.

The Veterans' Administration paid the institution the cost of tuition, fees, books, supplies, equipment, and related expense, up to a maximum of $500 per year. The educational assistance program also provided for a subsistence allowance of up to $50 per month for veterans with no dependents, or up to $75 per month for veterans with dependents.

Madam President, by 1956, when the program terminated, 7.8 million World War II veterans had used this benefit to receive training and education. Over 2.2 million veterans attended colleges and universities, accounting for 49 percent of college enrollment in 1947. Another 3.5 million veterans attended other schools, 1.4 million veterans completed on-the-job training programs, while 690,000 veterans participated in agricultural training programs. An additional 12.5 million veterans have benefited from assistance programs enacted subsequent to the GI bill of 1944.

A second major benefit program of the bill was the home loan program. The act provided for the guaranty by the Federal Government of not to exceed 50 percent of a loan made to a veteran for the purchase or construction of homes, the purchase of farms and farm equipment, or for the purchase of business properties.

The loan guaranty program of the original GI bill is still in force, although the benefit has been modified by subsequent legislation. This program contributed significantly to the transition from a war economy to a peacetime economy by providing an outlet for investing the pool of savings which had accumulated during the war. These investments helped avert the economic recession typically associated with postwar periods.

The loan program, offered in lieu of cash bonuses, helped veterans to establish or improve their credit ratings. Because of their wartime service, many veterans missed the opportunity to establish favorable credit ratings. The GI bill home loan guaranty helped place veterans on a par with civilians who had developed favorable credit ratings during the war economy years.

The home loan guaranty program has provided home ownership opportunities to millions of veterans and their families. Since the inception of the program, over 14 millions loans, totaling over $400 billion, have been guaranteed.

A third category of benefits of the GI bill of 1944 concerned employment services. The act established an improved structure for effective job counseling and placement for returning soldiers and sailors.

Madam President, to assist veterans between discharge from military service and reemployment, the Act provided for the payment of an unemployment allowance of $20 per week, with a partial offset for earned wages, for a maximum of 52 weeks. While critics charged that such payments would encourage veterans to avoid employment during their period of eligibility, the record shows that less than one-fifth of the potential benefits were claimed. Furthermore, only about 5 percent of participating veterans claimed all 52 weeks of the payment.

When President Roosevelt signed the Servicemen's Readjustment Act of 1944, he stated "It gives emphatic notice to the men and women in our armed forces that the American people do not intend to let them down." The GI bill provided the special benefits which were due to the veterans and more. The act is credited with creating the middle class, contributing to the growth of the postwar economy, making college obtainable and affordable for millions, and bringing home ownership within reach of the average American. In 1990, President George Bush stated:

> The GI bill changed the lives of millions by replacing old roadblocks with paths of opportunity. And, in so doing, it boosted America's work force, it boosted America's economy, and really, it changed the life of our nation."

In recognition of the 50th anniversary of enactment of this landmark legislation, I was pleased to sponsor a bill, joined by all my colleagues on the Veterans' Affairs Committee, commemorating the anniversary. The measure requests the President to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities. I encourage my colleagues to support this bill. I know many in this body have taken advantage of the benefits of the GI bill.

I have stated many times that the highest obligation of American citizenship is to defend this country in time of need. This obligation creates an equal responsibility on the part of our Nation to care for the men and women who have sacrificed and suffered as a result of their service.

Senator Wagner, of New York, stated upon enactment of the GI bill that it was designed to repay, in some small measure, the brave men and women who were forging victory at the risk of their lives. He went on to say, "No money can compensate for the sacrifices that military service demands. Rather, it is for us to make the country our servicemen return to, the kind of land they fight for, a land of opportunity, security, and peace, a land where every man has a chance to work and develop to his fullest capacity."

Madam President, we must stand ready to continue to assist in defending and supporting this Nation and the men and women Veterans who served. I encourage my colleagues and all Americans to consider the price that has been paid on our behalf; to pause and reflect on the duty owed to those who paid the price. Finally, I encourage all Americans to appropriately commemorate the 50th anniversary of the GI bill.

I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority whip.

Mr. FORD. Madam President, we have an agreement now—and under the rules I want to be sure. I ask the Chair, if I ask unanimous consent that S. 1491 be set aside and that the legislative branch appropriations bill be brought up, is there any question in the Chair's mind but what when regular order is called for, that we would return, then, to the airport improvement reauthorization bill?

The PRESIDING OFFICER. The Senator from Kentucky is correct. That would be the result.

Mr. FORD. Madam President, I ask unanimous consent that S. 1491 be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 1995

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 460, H.R. 4454, the legislative branch appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, which had been reported from the Committee on Appropriations, with amendment; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

MILEAGE AND EXPENSES ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $71,338,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $457,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,195,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $656,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $996,000 for each such committee; in all, $1,992,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $384,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $192,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $12,961,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,197,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $17,052,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $936,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,287,000 for each such committee; in all, $2,574,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $78,112,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $348,000.

SECRETARY OF THE SENATE

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of the Secretary of the Senate, $1,966,500 and, in addition, $7,000,000, to be derived by transfer from funds appropriated in fiscal year 1992 for "Salaries, Officers and Employees" and to remain available until September 30, 1998.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $74,894,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,429,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $203,542,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $889,000.

SETTLEMENTS AND AWARDS RESERVE

For expenses for settlements and awards, $1,000,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $15,000,000.

RESCISSION

Of the funds previously appropriated under the heading "SENATE", $23,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS

SEC. 1. Effective on and after the date of enactment of this Act, the Secretary of the Senate, subject to the approval of the Committee on Appropriations of the Senate, is authorized to transfer up to $300,000 from any Senate appropriations account with respect to which the Secretary has disbursing authority to the revolving fund established under section 2(c) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in Public Law 102–392 (2 U.S.C. 121d(c)) to provide additional capitalization for such revolving fund. Any moneys so transferred shall be available for use in the same manner and to the same extent as the moneys otherwise in such revolving fund.

SEC. 2. (a) Not later than September 30, 1995, the Secretary of the Senate shall submit to the Committee on Rules and Administration a report evaluating the quality and scope of the educational experience available to visitors to the Senate concerning the constitutional and historical role of the Senate in American Government and society.

(b) The Secretary of the Senate shall include in the report a plan for the improvement of the educational experience available to Senate visitors. Senate officers and officials and legislative branch support agencies shall work with the Secretary of the Senate in the development of the plan. Appropriate executive branch agencies, such as the National Archives and Records Administration and the Smithsonian Institution, are encouraged to offer assistance to the Secretary of the Senate in developing the plan.

(c) There are authorized to be paid out of the Contingent Fund of the Senate, upon vouchers approved by the Secretary of the Senate, such sums as are necessary to reimburse the routine expenses associated with developing the report required by this section.

SEC. 3. (a) Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88–454; 2 U.S.C. 104a) is amended by adding at the end thereof the following new paragraph:

"(4) Each report by the Secretary of the Senate required by paragraph (1) shall contain a separate summary of Senate accounts statement for each office of the Senate authorized to obligate appropriated funds, including each Senator's office, each officer of the Senate, and each committee of the Senate. The summary of Senate accounts statement shall include—

"(A) the total amount of appropriations made available or allocated to the office;

"(B) any supplemental appropriation, transfer of funds, or rescission and the effect of such action on the appropriation or allocation to the office;

"(C) total expenses incurred for salary and office expenses; and

"(D) the unexpended balance.".

(b) Section 318 of the Legislative Branch Appropriations Act, 1991 (Public Law 101–520; 2 U.S.C. 59f) is amended by striking the period at the end of the last sentence and inserting the following: ", and in the case of each Senator, the allocation made to such Senator from the appropriation for official mail expenses.".

(c) The amendments made by this section shall be effective with respect to—

(1) reports and statements covering periods beginning on and after October 1, 1994; and

(2) appropriations made and obligations incurred on and after such date.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Daniel Webster Senate Page Residence Revolving Fund (hereafter referred to in this section as the "fund"). The fund shall consist of all rental payments and other moneys collected or received by the Sergeant at Arms with regard to the Daniel Webster Senate Page Residence. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate in connection with operation and maintenance of the Daniel Webster Senate Page Residence not normally performed by the Architect of the Capitol. In addition, such moneys may be used by the Sergeant at Arms to purchase food and food related items and fund activities for the pages.

(b) All moneys received from rental payments and other moneys collected or received by the Sergeant at Arms with regard to the Daniel Webster Senate Page Residence shall be deposited in the fund and shall be available for purposes of this section.

(c) Disbursements from the fund shall be made upon vouchers approved by the Sergeant at Arms, or the designee of the Sergeant at Arms.

(d) The Sergeant at Arms is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to provide for the operations of the Daniel Webster Senate Page Residence.

SEC. 5. Effective October 1, 1994, each of the figures contained in section 506(b)(3)(A)(iii) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A)(iii)) is increased by $20,000.

SEC. 6. (a) This section shall apply to mailings by Senators, Senators-elect, and offices of the Senate made during fiscal year 1995 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

(b) For the purposes of this paragraph—

(1) the term "mass mailing"—

(A) means, with respect to a session of Congress, a mailing of 500 or more newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

(B) does not include a mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed (to the extent of 2 such mailings) that—

(I) in the case of an initial response, is mailed at any time; or

(II) in the case of a followup response, is mailed during that Congress or no later than 60 days after the sine die adjournment of that Congress;

(ii) to other Members of Congress or to a Federal, State, or local government official;

(iii) of a news release to the communications media;

(iv) of a town meeting or mobile office notice; or

(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

(c) A Senator, Senator-elect, or office of the Senate may not mail a mass mailing under the frank.

(d) The Senate Committee on Rules and Administration shall prescribe rules and regulations and take other action as the Committee considers necessary and proper for Senators and Senators-elect to comply with this section and regulations.

SEC. 7. Of the funds previously appropriated under the heading "SENATE", $65,000,000 shall not remain available for obligation beyond this date of enactment of this Act.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the estate of William H. Natcher, late a Representative from the Commonwealth of Kentucky, $133,600.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $728,468,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $6,096,000, including: Office of the Speaker, $1,444,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,042,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,429,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,284,000, including $5,000 for official expenses of the Majority Whip and not to exceed $563,000 for the Chief Deputy Majority Whips; and Office of the Minority Whip, $897,000, including $5,000 for official expenses of the Minority Whip and not to exceed $104,000 for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $240,417,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $73,925,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $401,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $53,191,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,437,000, of which $16,017,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1994 and not obligated shall be available for obligation in fiscal year 1995.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $244,572,000, including: Official Expenses of Members, $79,800,000; supplies, materials, administrative costs and Federal tort claims, $6,103,000; net expenses of purchase, lease and maintenance of office equipment, $11,779,000; net expenses for telecommunications, $10,872,000; furniture and furnishings, $2,012,000; stenographic reporting of committee hearings, $1,100,000; reemployed annuitants reimbursements, $1,279,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $130,849,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $778,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed, $6,495,000: *Provided*, That the Federal Bureau of Investigation, notwithstanding any other provision of law, may in any fiscal year pay all administrative uncontrollable overtime accrued by its employees while on detail to the Committee on Appropriations.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $31,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $56,354,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $14,158,000; for salaries and expenses of the Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,502,000; for salaries and expenses of the Office of the Doorkeeper, including overtime as authorized by law, $11,506,000; for salaries and expenses of the Office of Director of Non-legislative and Financial Services, $16,360,000; for salaries and expenses of the Office of Inspector General, $295,000; for salaries and expenses of the Office of General Counsel, $762,000; Office of the Chaplain, $124,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $983,000; for salaries and expenses of the Office of the Historian, $337,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,630,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,400,000; six minority employees, $747,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,523,000; the House Republican Conference, $1,523,000; and other authorized employees, $504,000.

ADMINISTRATIVE PROVISION

SEC. 101. (a) TRANSFER OF MAJORITY AND MINORITY PRINTERS TO DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.—As soon as practicable, but not later than October 1, 1994, authority over the Majority and Minority Printers of the House of Representatives shall be transferred to the Director of Non-legislative and Financial Services of the House.

(b) FEES FOR OFFICES AND UTILITIES.—

(1) IN GENERAL.—Upon the transfer required by subsection (a), the Director shall charge the Majority and Minority Printers a reasonable monthly fee for the rental of offices and utilities.

(2) AVAILABILITY OF RECEIPTS.—The amounts received under this subsection shall be deposited in the Treasury of the United States for credit to the appropriation for "Salaries and Expenses of the House of Representatives", and shall be available for expenditure in any fiscal year to the extent provided in appropriations Acts.

(c) APPLICABILITY.—This section shall take effect upon the date of the enactment of this Act and shall apply to any fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,090,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,370,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,019,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $918,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,335,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

[For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $65,991,000, of which $31,833,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $34,158,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1995 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.]

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $69,382,000, of which $33,463,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That of the amounts appropriated for fiscal year 1995 for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $2,000,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1995 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 102. Amounts appropriated for fiscal year 1995 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $2,500), and rental of space in the District of Columbia, [$21,931,000] *$21,970,000*: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [$23,133,000] *$23,188,000*: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 221 fulltime equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, [$8,927,000] *$9,103,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

Contingent Expenses

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, [to remain available until expended.]

Capitol Buildings and Grounds

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $200,000; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, [$22,340,000] *$22,797,000*, of which $2,763,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, [$5,201,000] *$5,270,000*, of which $25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $47,619,000, of which $7,709,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $41,364,000, of which $10,260,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, [$33,342,000] *$33,437,000*, of which $865,000 shall remain available until expended: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1995.

Administrative Provision

SEC. 103. The matter in chapter III of title I of the Supplemental Appropriations Act, 1975 under "Capitol Buildings and Grounds" under the heading "ARCHITECT OF THE CAPITOL" (40 U.S.C. 166b-2) is amended by striking "to grade 11" and inserting "at not to exceed grade 12".

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, [$58,938,000] *$60,459,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, [$87,717,000] *$89,724,000*: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1995".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

Salaries and Expenses

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, [$3,182,000] *$3,230,000, and, in addition, $7,000,000 to remain available until expended to be derived by transfer from funds previously made available without fiscal year limitation under the heading "ARCHITECT OF THE CAPITOL"*.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$207,857,000] *$210,164,000*, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1995 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, [$27,186,000] *$27,456,000*, of which not more than $14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1995 under 17 U.S.C. 708(c), and not more than [$2,891,000] *$2,911,000* shall be derived from collections during fiscal year 1995 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than [$17,391,000] *$17,411,000*: *Provided further*, That up to $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), [$44,622,000] *$44,951,000*, of which [$10,896,000] *$11,694,000* shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $5,825,000, of which $1,886,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. Under the heading "Library of Congress" obligational authority shall be available, in an amount not to exceed $75,236,000 for reimbursable activities, $8,706,000 for revolving fund activities, and $6,150,000 for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, [$9,860,000] *$13,483,000*, of which [$941,000] *$4,441,000* shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, [$30,600,000] *$32,207,000*: *Provided*, That the objectives of chapter 41 of title 44, United States Code, as enacted by the Government Printing Office Electronic Information Access Enhancement Act of 1993, shall be carried out through cost savings: *Provided further*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1993 and 1994 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than [4,193] *4,493* workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$439,525,000] *$443,360,000*: *Provided*, That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1995: *Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than*

$6,000,000 of such funds shall be available for use in fiscal year 1995: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. The last sentence of section 307(a) of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 60–1 note) is repealed.

SEC. 306. Annual and sick leave balances of employees transferred from the Office of the Director of Non-legislative and Financial Services, House Postal Operations, to the Architect of the Capitol, as of October 31, 1993, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, United States Code, upon their transfer to the appropriation for House office buildings.

SEC. 307. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The first sentence of section 8335(d) of title 5, United States Code, is amended by striking "55" and inserting "57".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8425 of title 5, United States Code, is amended—

(A) in the first sentence of subsection (b) by striking "member of the Capitol Police or" and "member or";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following:

"(c) A member of the Capitol Police who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Capitol Police Board, when in its judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Board shall notify the member in writing of the date of separation at least 60 days before that date. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.".

(2) Section 8415(d) of title 5, United States Code, is amended by striking "(a) or (b)" and inserting "(a), (b), or (c)".

SEC. 308. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE TO GRANTEES AND CONTRACTORS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 309. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1994" and inserting "1995".

SEC. 310. Provided, That upon enactment of this Act, of the funds appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99–349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100–458, for Capitol Complex Security Enhancements, made available until expended, not to exceed $2,015,000 may be obligated and disbursed for the purchase and installation of x-ray machines and magnetometers.

This Act may be cited as the "Legislative Branch Appropriations Act, 1995".

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 4454 is now before the Senate.

PRIVILEGE OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that the privilege of the floor be granted to Chuck Turner, who is detailed to the subcommittee from the Library of Congress during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, H.R. 4454, the legislative branch appropriations bill for next year, 1995, contains a total of $2,363,796,100 in discretionary budget authority. This is a reduction from the estimates of $146 million. The bill is within the subcommittee's 602(b) allocation, according to the Congressional Budget Office scoring.

The bill before the Senate is designed to consolidate the retrenchments in the staffing and operating levels of the legislative branch started in 1992. Overall, this bill represents a freeze of onboard staffing and program activity at current levels, less the reductions that have been achieved pursuant to those mandated in last year's bill, including reductions in excess of those targets.

The two provisions included in the fiscal year 1994 act required a 4-percent reduction in full-time equivalent employment—FTE's as we refer to them—by the end of fiscal year 1995 and administrative cost reductions of 14 percent by fiscal year 1997.

As a result of the fiscal constraints applied to the legislative branch since the beginning of fiscal year 1992, the legislative branch, as a whole, has already exceeded the FTE reduction requirement and will achieve the administrative cost reductions in the required timeframe. In some instances, agencies have more than doubled the FTE reduction target.

The report accompanying the bill provides some of the detail for each agency in this regard. Here are some of the illustrations of what has happened in the legislative branch in the past 2½ years.

The Library of Congress, Madam President, I have learned during my tenure as being chairman of this subcommittee, is not only a great library, but it is the finest library in the history of the world.

You can go back through ancient times. You can read Durant's "History of Civilization," where he talks about great libraries. But never has there been a library like the Library of Congress. But the Library of Congress has had to recinch its belt. The Library in 1992 was operating with 4,640 FTE's. The Library now has 4,245. The Library has lost almost 400 full-time employees. In fact, the Library now has 573 fewer staff than it had in 1980, a 12 percent reduction from the level of 14 years ago.

The Congressional Research Service—this is something that has been so important to the functioning of Congress and has become more important as constituent services become so relevant to what we do. But since fiscal year 1992, the Congressional Research Service full-time equivalent positions have declined from 799 to 754 positions, a reduction of 45 positions or almost 6 percent.

The Government Printing Office. Since fiscal year 1992, GPO employment has been cut by over 400 full-time equivalent positions. At the end of fiscal year 1992, GPO had 4,830 positions authorized. They have had a reduction of 410, an 8.5 percent reduction.

The General Accounting Office. The General Accounting Office is the watchdog of Congress. Madam President, when you were in the other body, you worked very hard. I have not known anyone in Congress who worked any harder to ferret out waste in the military. Much of the information that you worked with came from the General Accounting Office. The famous hammers that cost hundreds and hundreds of dollars; the toilet seats, I do not remember how much they cost but $600 or something like that, that information came from the General Accounting Office. They are the watchdog of Congress. They have saved the taxpayers of America billions and billions of dollars. But since fiscal year 1992, employment at GAO has been cut by over 630 full-time equivalent positions. At the beginning of fiscal year 1992, GAO had 5,342 positions authorized. Their current authorization is 4,707, a reduction of 635 positions or almost a 12 percent reduction.

So, Madam President, the Library of Congress, CRS, the General Accounting Office, and the Government Printing Office have over 1,400 fewer full-time positions now than they had 2 years ago. We have had, Madam President, a reduction of over 1,400 full-time equivalent positions. It is important to understand that these are reductions in on-board staff. These are real live people we are talking about. These are not statistics. These are people who used to work in the legislative branch of Government who no longer work there. These are not vacant positions.

A full-time equivalent, which is the measure of staffing levels we use, equals one person working 2,080 hours, which is 1 year's full-time employment. So these are real cuts affecting real people and real program capability.

I have here the number of hours that we have cut from the legislative branch employment since 1992. Hours, 3,224,000 hours —each year. That is the reduction we have accomplished. So all the critics of the legislative branch both inside this body, the other body, and outside Congress should understand that we have done a job that we were called upon to do—3,224,000 hours are no longer here. The taxpayers are no longer paying the wages of these people. They are gone.

Not surprisingly, this sharp contraction in staffing and resources has had its consequences. What we have done has not been without consequence. The Library of Congress has had to institute a number of measures to adapt to these constraints. I have had meetings with the Library of Congress, Dr. Billington and his staff, on numerous occasions, as has Senator MACK. They have been there pleading with us not to cut them anymore.

To cite some of the things that have happened—well, let me cite the most obvious but by no means the most significant example. For the first time in the history of the Library of Congress of this country, is closed on Sundays. Now, this is significant. No matter what a person's religious belief, you do not complain much about coming to a library and reading books. We have scholars coming from all over the world to Washington not to sightsee but to study in the Library of Congress. They do not do it on Sunday anymore because we have had to close it. Scholars have to study some other place on Sundays.

The Congressional Research Service, which is the arm of the Library that most directly serves congressional needs, has been unable to replace key people specializing in health care financing, crime, gun control, nuclear nonproliferation, and a number of other very important avenues. Needless to say, these are issues of no little consequence in today's political environment.

The General Accounting Office has had to realign its headquarters and field offices and reduce the volume of new work taken at the request of Congress. In effect, they have had to turn down Members of Congress, committee chairmen, subcommittee chairmen, saying we cannot do it. It has maintained a hiring freeze for over 3 years. As a result, the General Accounting Office has been unable to fill vacancies in areas where specialized skills are needed. It has also had to lengthen the time required to report to Congress on key legislative issues. When they take something from us now, they say be patient; we cannot get the work done as quickly as you want. The reason that is important is I believe the reason the General Accounting Office was established especially in its present format was to save taxpayers' money.

Well, the longer you put off giving us information, the longer it takes us to remedy a problem. And the General Accounting Office has found lots of problems.

Let us talk a little bit, Madam President, about the funding history. In fiscal year 1992, the legislative branch as a whole was funded at $2.306 billion. In 1993, total appropriations for the legislative branch were $2.275 billion. And in fiscal year 1994, the enacted total for the legislative branch was again lower, at $2.269 billion. It should also be noted that in addition to these reductions, $31 million has been rescinded from the accounts of the legislative branch during this period.

Now, Madam President, these are nominal dollars. I am not talking about inflation adjusted dollars. In constant dollars, the real reduction is approximately $330 million, which is over 12 percent.

I think this is the time for me to talk about the ranking member of this subcommittee for a little bit. This is the 6th year that I have handled this bill. But I can truthfully say that the hearings we held this year were detailed. We went into complex areas we had never before gone into. Frankly, as busy as I am, and most everybody is around here, it was only because of the tenacity and the persistence of Senator MACK that we had these extremely thorough hearings.

The reason I mention it here is the Director of the Congressional Budget Office, Dr. Reischauer, spent a considerable amount of time with us talking about how budgeting takes place and why, when he does his reporting to us, he makes a distinction between nominal and constant dollars.

In short—and I will talk more later—the Congress has gotten its lunch bucket full of hearings on this matter. We have spent a lot of time and this bill has been gone over by the staff, by Senator MACK's staff, by my staff, the appropriations staff, and Senator MACK and I in great detail. I am very proud of this bill. It is one that I think the entire Congress should be able to understand. There is no hidden agenda. There is nothing other than what you see right here. It is all beef.

(Mr. CAMPBELL assumed the chair.)

Mr. REID. There are Members of this body who have said that the legislative branch should lead the way in reducing the Federal deficit. Well, that is all well and good and makes a good press release. But the fact is we do lead because with a little over $2 billion in total funding for this branch of Government, other people are going to have to follow the lead that we have done, because we are talking about a budget that is near a trillion dollars. We have done our share. I think it sets a pattern for what others should do. In an era of trillion-dollar budgets and multi-billion-dollar deficits, $2 billion, the entire budget for the legislative branch, hardly shows up on the radar screen. But when it is picked up on the radar screen, we want to be able to hold our head high and indicate what we have done our part. And we can do that.

This committee, I repeat, has led with what it has had to work with. The numbers in this bill show categorically that the legislative branch had indeed led the way. They reveal absolute undeniable, real reductions to programs, staffing, and administrative support services. They reveal that services have been curtailed and growth in virtually all legislative branch entities have been reversed.

Mr. President, we are leading the way. We are not just preaching fiscal constraint. We are practicing fiscal constraint. At the same time some in the media, and some professional critics of this institution, people that make a living criticizing Congress, should recognize the fact that we have done our share. We have more to do. But to this point, we have done our share.

Let us talk about the Senate. In the aggregate the amount recommended for the Senate for fiscal year 1995 is $438,580,500. This is $5,784,200 less than provided in the current fiscal year. It is a decrease of $54 million from the amount requested. This includes a rescission of $23 million in prior year unobligated balances. This is the fourth year in a row that the Senate has been held either to a freeze or to less than a freeze in normal dollars.

In constant dollars, the Senate is more than 12 percent below fiscal year 1992. Some significant effect for these reductions are in the staffing of the Senate, standing committees, select and special committees, in the Office of the Sergeant at Arms; and, in the volume and costs of mass mail under the frank. The staff of the Senate committees is down over 10 percent.

In addition, the Sergeant at Arms staff is equivalent to a 40 full-time equivalent reduction. This is significant in a small office like they have. This is the third year in a row that the total funding for the Office of Sergeant at Arms has either declined or remained constant. This is a significant accomplishment because, as my colleagues know, the Sergeant at Arms is the logistical backbone of the Senate.

I want to take a minute here and spread across this RECORD the outstanding work that Martha Pope, who was the Sergeant at Arms until just a few months ago, has done. I have worked with her, and I am so impressed with the work she has done. When cutting was needed, she was the first to come forward with innovative ways as to how her staff and her budget could be cut. She led the way.

Her membership on the police board has made I think remarkable changes in the way the police department operates. She has stood up under the most difficult circumstances when there were problems within the police department for a lot of reasons. She would not back down. She held up for what was principle. And, as a result of that, the police department, the Capitol Police force, is a better police department.

Based upon my experience with Martha Pope as Sergeant at Arms, and the new Secretary of the Senate, I think the Secretary of the Senate—recognizing there were some large shoes to fill of Joe Stewart—I think she can fill them. As good as Joe Stewart was, we all recognize that, I believe Martha Pope can full the shoes of Joe Stewart.

Let us talk about administrative provisions in this legislation. As is customary, the committee has found it necessary to include several provisions altering the administration of certain Senate or joint item accounts, and for changing the statutory basis for certain legislative branch operations.

Mr. President, listen to this. Section 7 of the bill cancels the availability of $65 million in funds appropriated in earlier years for Senate activities. The unspent money remains due to the conscientious efforts of Senate leaders, officers and Members to contain costs. Effective with the enactment of this act, these funds will revert to the general fund of the U.S. Treasury.

Mr. President, a commitment was made on this floor last year by Senator MACK, and Senator REID, that is we would work with Senator BROWN. It seems that only yesterday he was standing back there wanting more information, and had amendments that he wanted to offer. We had a quorum call. We went and talked to him, and, said, "Look. We also need to know more about this. We will hold some hearings, and we will get to the bottom of this." As a result of that, and especially at the urging of the Senator MACK, we are returning to the Treasury of the United States $65 million. When this bill passes, the taxpayers of this country will have $65 million they would not ordinarily have.

Senator MACK and I, as long as we are Members of this body, are going to continue to do what we can to make sure that those funds do not build up in the future.

The reason for that is we believe in truth in budgeting, and truth in reporting in budgeting, not that there has not been that in the past. No one has misled or done anything wrong. But this is the process of getting better at what we do. As a result of that, there will be $65 million that will be returned.

Mass mailings:

The committee bill includes language banning unsolicited mass mailings with certain limited exceptions. This provision was developed by Senator MACK, our ranking member.

We have been able to work something out with Senator STEVENS, and this Senator who is managing the bill. And we have been able to take care of problems that some Senators have with mass mailings. But basically, as I have indicated, unsolicited mass mailings are basically finished in this body with certain exceptions.

Visitor education information:

One of the things that has concerned me, and it has become more glaring the longer I have been here, is when people come—there are people here in the galleries now. If, in fact, it were during the daytime and they were part of the tours coming from Colorado, from Florida, from Nevada, they would be ushered in here and given a seat, and that was it. If they are lucky enough, they can get a tour of the Capitol, and they will be told about some pictures, and that you can whisper someplace and hear it on the other part of the room. I think that is historically unique and important.

But one of the things we want to do is have a richer experience for people that come to this Capitol. This is the people's body, the Congress of the United States. We think that when people come here they should have an experience like when they go to one of the art museums, and they walk in and, if they want have a little recording to tell them the history of this building, perhaps how a bill becomes law, and have more indication of what we are doing down here as they sit up there.

So anyway, we are going to do that. Section 2 directs the Secretary of the Senate, Martha Pope, drawing upon the resources of other Senate officers, support agencies, including the Smithsonian Institution, the National Archives, to submit a report to the Senate Rules and Administration Committee by the end of next year people coming here can have a better experience.

Something else that Senator MACK has stood for, and I stand with him shoulder to shoulder—and this could be based upon his experience and my experience in the House of Representatives—but section 3 of this bill includes a direction to the Secretary of the Senate to include a summary statement in the semiannual report of the Secretary of the Senate disclosing the funds available to each Senator, each committee, and each Senate officer, along with the total expenditures by each and the balances remaining for each.

This provision, as I have indicated, was initiated by Senator MACK. It assumes that Senators and officers who spend their money operating judiciously will get credit for this frugality.

In effect, there will be able to be a report prepared every 6 months, and the people can find out how their Senator or Senate office is spending the money.

Capitol Police Force. Mr. President, one of the House committees has passed a bill giving the executive branch a four-tenths of 1 percent increase over what has been recommended to us by the President. In addition to that, there is a 1.1 percent locality pay increase. We have that in this bill. If in fact this is carried through by the respective Appropriations Committees in the House and Senate and is signed into law, there will be enough money to make that comparable for the legislative branch of Government. If that does not happen and the President's recommendations fall, our amount will also fall. That is in this bill.

The only place that is not the case is with the Capitol Police Force. The Capitol Police Force will receive their locality pay. They perform vital law enforcement functions for the Capitol complex and the neighborhood surrounding the Capitol. The fiscal security of the complex is critical to the visitors and employees alike. The professionalism and dedication of the Capitol Police Force is a matter of great pride. Personally, I was a Capitol policeman during part of the time I was going to law school. I worked in this building on the night shift as a Capitol policeman. So I have a special place in my heart for the Capitol Police. When I was a Capitol policeman, quite frankly, the most dangerous thing I did was direct traffic. That is not the way it is now. But I have great respect for the men and women who make up this Capitol Police Force. It is, if not the best, one of the four or five best-trained police forces in the world. And we need to make their pay comparable to law enforcement agents around the country. They are so well trained that people are stealing them and taking them to cities around the country.

So the locality pay will be with the Capitol Police so they are comparable to other Federal law enforcement agencies.

Office of Technology Assessment. The committee recommended $21,970,000 for OTA. This is 11.8 percent below the 1992 level in real terms.

The central mission of the Office of Technology Assessment is to analyze for the Congress the impact on public policy of crucial scientific and technical developments. Its studies over the years on computer technology, energy efficiency and conservation, and acid rain, to name a few, have given the Congress crucial information necessary for informed policy choices in highly complex subject areas.

There have been efforts made during the time I have been involved in this legislative branch bill to do away with the Office of Technology and Assessment. But, Mr. President, if there ever was a bipartisan agency, this is it. I have Senator STEVENS, Senator KENNEDY, and Senator HATCH, who come in and tell us what OTA has done during the year and what they are going to do in the future. It is one of the smallest but one of the most popular agencies within the legislative branch.

Congressional Budget Office. The committee recommends an appropriation of $21,970,000 for the Congressional Budget Office. This is a decrease of $60,000 below the request and is 10 percent below the 1992 enacted level.

CBO is a key analytical agent of the Congress in budget-related matters. It makes available to the Congress an independent and highly respected, nonpartisan source of economic and budgetary analysis. The organization of the Budget Office is as set forth in this chart. Dr. Reischauer is respected worldwide and certainly in this country. I indicated that the CBO—when I started talking about a nonpartisan source, I think we can all stop and reflect a minute about one of the important debates we had regarding a certain part of health care. The decision was directed to the Congressional Budget Office as to whether part of the Clinton health care plan was a tax, and he said, "Yes." If this had been partisan, he would have said no, because that is what some of we Democrats were hoping he would say. But he did not. That is why he has so much respect and why the Congressional Budget Office has developed so much respect over the years.

CBO is a key analytical agent of Congress. CBO is essential to the work of the House and Senate Budget Committees, to the tax-writing committees, and to this committee and its House counterpart. There is literally no policy area in which Congress works that has not benefited from analyses prepared by the CBO.

The Architect of the Capitol. The bill includes $162,920,000 to support the operations of the Architect of the Capitol, including the Botanic Garden. In constant dollars, this is over 13 percent less than the 1992 level.

The committee has provided $7 million for beginning the renovation of the Botanic Garden Conservatory by transferring unobligated funds available to the Architect of the Capitol. Why do we want to renovate the Conservatory? Well, this treasure that we have, the Botanic Garden, has had for several years a roof that—well, there is no roof. It was condemned, and they had to take it down. This beautiful facility is only partially used because it has no roof and is basically inoperable. So we hope over the next few years to replace that roof. This is a step in the right direction. The total cost, as we know it at this time, is about $28 million. This is a downpayment on restoring a national treasure, the Botanic Garden. That is part of the responsibility, jurisdiction, and concern of the Architect of the Capitol.

The architect is the officer responsible for the preservation and maintenance of the architectural heritage embodied in the Capitol complex. The Capitol building, the House and Senate office buildings, and the Library of Congress buildings are not only unique expressions of architectural design, they are also living buildings, performing the work today that they were designed to do more than two centuries ago, in some instances. They must be consistently maintained so that we in the legislative branch can perform our work and also preserve this aesthetic dimension that certainly speaks well of our Nation's Capital.

I talked a little earlier about the Library of Congress, and a lot of times we think the Library of Congress is this building stuck here in Washington with a lot of books in it. The Library of Congress is so important to individual States because of the work that they do. The Library, apart from the Congressional Research Service that I have already talked to, requested $272,259,000. The committee recommends an appropriation of $263,116,000 for the Library of Congress, excluding the Congressional Research Service. This is a decrease of almost $10 million below the request, and is a 12.1 percent decrease in nominal dollars under the 1992 level.

The Library of Congress, like other components of this bill, has endured several years of sharply constrained funding, which has resulted in a staff reduction of almost 10 percent. Its hours of public service have been reduced so that the Library is not only closed on Sundays but also Tuesday nights. Although this is an inconvenience to some users, these economies were essential if the core functions and collections of the Library were to be maintained and permitted to grow.

In my short time here in the Senate, I have come to respect a lot of people, but no one, Mr. President, have I gained more respect and admiration for than I have the senior Senator from the State of Oregon, Senator HATFIELD. I mention his name in the same breath I talk about the Library of Congress because he loves the Library of Congress.

It was through him and his missionary efforts in my early days on the Appropriations Committee that I became converted to a disciple of the Library of Congress. It is a wonderful institution, as so outlined by Senator Mark HATFIELD.

We rarely have a meeting that we talk about the Library of Congress that Senator HATFIELD is not there. A couple years ago Senator HATFIELD called me to a meeting with the Librarian of Congress and some others because he was concerned about the stacks of materials the Library was unable to process. Some of them in fact were mildewing and decaying and rotting because they could not process them. We did not have the ability to do that.

We have made provisions, because of Senator HATFIELD and we have joined with him, to reduce that backlog.

So, Senator HATFIELD performs I am sure many good things for the State of Oregon, but for the people of this country his ability to talk about and do good things for the Library of Congress to me is overwhelming.

The Library of Congress performs dual functions as both Congress' Library, our Library, and the Nation's Library. We know that the original collections were Jefferson's. He gave his books to the Library of Congress after they were burned in the War of 1812. But it is more than the Library of Congress. It is also the Library of the people of this country.

The Congressional Research Service, funded in title I of this bill, provides to Senators, Representatives, committees, and officers of the Congress an enormous array of reference, research, and analytical services.

The Library of Congress is also an unsurpassed national and international treasure. Its a collection of more than 100 million items encompasses the full range of human artistic and intellectual expression, including books, manuscripts, music, film, recordings, maps, prints, and photographs.

The Library is also a major commercial center. As the American copyright depository and registration office, it assumes a major role in the protection of intellectual property rights through U.S. copyright laws and international copyright conventions.

Without the Library of Congress, other libraries in the United States would find it much more difficult to maintain the service they provide to their communities.

I have here a map, Mr. President, that shows the services to the Nation. It does not matter where you pick. Look at Florida, lots of places in Florida, Mississippi, Louisiana, California, the sparsely populated States of Wyoming, Montana, Idaho, all through. There are different services that the people of our States depend on the Library.

It is estimated that if the Library of Congress did not function in this manner it would cost the States in excess of $300 million annually in costs that local public libraries certainly could not afford.

For the National Service for the Blind and Physically Handicapped, one thing Senator MACK and I are very proud of is we have increased the funding over the other body level for services to the blind of about $350,000. We have done this because we have been impressed with what this Library does for the sightless. It provides books. It provides machines. We need to maintain, I know, that degree of competence we have had.

The Library of Congress, National Service for the Blind and Physically Handicapped provides more than 22 million talking books to more than three quarters of a million readers every year. Its inter-library loan program is of substantial value to college and university libraries throughout the country. In an era of reduced library expenditures by college administrators, the help of the Library of Congress becomes even more important. We have had people who have come to us and said it is their only means of being able to communicate.

The General Accounting Office has had to cut and close offices, and we have talked about that.

In conclusion, I want to again spread across this RECORD my commendation for Senator MACK. I have been very candid and open in this regard. There have been a time or two when Senator MACK has really gotten on my nerves. He has, you know. He wants to know where every "i" is dotted and every "t" is crossed. I do not know what his background is, but he should have been an accountant because he is really interested in numbers, and it has been a real learning process for me to work with him and his staff.

So, even though early on in this process, I wish he had not been as diligent, for lack of a better word, I have come to have as much respect for him as I have anybody I ever worked a bill with. He has been diligent, as I indicated earlier on in my proceedings, and he knows what he thinks is right. He sets out to prove that point.

But I have to be very honest with you. He has a great quality about him, because you can show him that the facts are not as he originally thought. As a result of his having an open mind, we have been able to agree on certain things where there was original disagreement. I have had to change my view on a number of things that he thought were important that I originally did not.

So, I guess what I am telling the Members of this body is we have developed, I believe, a mutual admiration society.

I commend him for the attention he paid to the administrative provisions concerning the prohibition of unsolicited mass mailings and the new format for funding and expenditures disclosure.

I quite frankly felt when Senator MACK wanted to get interested in this franking thing I knew about all that, what could he show me. He was relatively new, and I have been through Senator NICKLES and Senator GORTON, and I fought with the House for all these years, and I thought we had done just about all we can do. Well, we have done a lot more as a result of his ability to understand numbers, and I publicly congratulate and applaud Senator MACK for his work in this area.

The content of this bill is the better, much better, for his work and insight. The tradition of bipartisan cooperation on the work of this bill has resulted in a responsible and balanced approach to the tough choices presented.

I want to, in closing, say this: If there are those in this body who think we could do more, give us a chance. I had here a chart that my staff has taken that showed over 3 million hours of pay that has been saved for the taxpayers. This year we are trying to consolidate some of the cuts we have made in the last several years. Give us the opportunity to do more.

We have made a commitment—it is in the law—that we are going to cut 4 percent of the employees. We are going to make 14 percent reductions in administrative costs. We are going to do at least that and maybe we will do more.

I am very proud of this bill. I think it is a tough bill. We have made tough choices. I think we have set a good example for those who are concerned about spending.

I also thank Senator BYRD of the full committee and the staff for the help in bringing this measure to this point in the process. Having Senator BYRD's advice and counsel on occasions when I called upon it of course has been very important, and no one understands this institution better nor exemplifies its best qualities more fully than Senator BYRD. So it is an honor to serve as one of his subcommittee chairmen under his full committee.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Thank you, Mr. President.

Let me just pick up on the point Senator REID made with respect to working together. This truly is a bipartisan effort. I certainly learned a great deal during this past year as I did the year before that, and again I commend Senator REID for his openness and his willingness to work. So I think we offer the Senate this evening a truly bipartisan bill.

Chairman REID and I have hammered out a bill that makes significant changes and improvements in the funding and operation of the Senate and the legislative branch. I believe this legislation is responsive to the American taxpayer, Members of the Senate, and to the Senate as an institution. Our goal from beginning to end has been responsible and realistic budgeting. I believe we have gone a long way towards reaching this goal.

As Senator REID has already detailed the bill, I will only emphasize a few points.

First, the Senate funding: This is the fourth year in a row now that we have held funding at or below the previous year's levels in real dollars. The 1995 appropriations for the Senate itself is $5.7 million below 1994. Let me repeat: Below 1994. And the bill is $54 million below the request.

Mr. President, one of the many criticisms made about the Federal Government and Congress, in particular, is the size and growth not only in spending but also in the size of staffs. In response, the committee has worked with each support agency in taking a critical look at staffing levels and workloads. The approach was to maintain necessary service levels while finding savings and increasing efficiencies which have resulted in lower staffing levels.

Pursuant to last year' bill, the legislative branch support agencies have already or are well on their way to accomplishing their reductions in full time equivalents, or FTE'S. The 1994 act mandated a 4 percent deduction in FTE's by the end of 1995. That has substantially been achieved.

The Government Accounting Office is down 630 full time equivalents from 1992, 12 percent, and I might just add that that means that actually their staff level is below what it was 25 years ago. So we have made accomplishment. We have achieved I think some worthwhile goals.

The Library of Congress is now down nearly 400, about 8.5 percent; the Government Printing Office, over 400; and the Office of Technology Assessment is down 12 percent.

All totaled, the legislative branch of Government has reduced its staffing level by nearly 2,400 full-time staff members from 1992 levels.

I might add, Mr. President, that during the past year, I have taken the time to visit with staff and tour the facilities of several support agencies of Congress and departments of the Senate. I wish that each Member could take the time to do the same, because I have been impressed with the professionalism and the dedication of these staff members and the service they provide Congress and the people of our country.

And just a word or two again about some of our hearings and some of our meetings during this past year.

I had the opportunity to spend some time with the former Sergeant at Arms and now Secretary of the Senate, Martha Pope. I must tell you that after we reviewed what has taken place and the changes in the management approach and the people that are on board, the financial accounting system that is in place, I must tell you, I am much more confident about how this place operates with the system that is in place to keep track of the dollars that we spend.

So I think Martha Pope is to be commended for what she did when she stepped in as Sergeant at Arms, and I am sure she will continue to do an excellent job as the Secretary of the Senate.

In addition to that, again, I spent time with the new Sergeant at Arms, Larry Benoit. I am confident he will continue the work that was begun by Martha Pope.

I look forward to working with both of them, as well as the others that I met as I went through the different support agencies and the different staffing operations for the U.S. Senate.

Mr. President, on another matter, during last year's debate—and Senator REID has already referred to this—our distinguished colleague, Senator HANK BROWN, brought the issue of unobligated balances to the attention of the committee. I am happy to report to the Senate that we have successfully resolved that issue. This legislation, in effect, returns $65 million of previous years unobligated balances to the Treasury. I thank Senator BROWN for pursuing the issue, and I thank Chairman REID for his help in resolving it.

Mr. President, Chairman REID has repeatedly stated that his intention is to make this bill an open book; that Members of the Senate and the American people can see how taxpayer dollars are being spent on the legislative branch. This year we have included provisions to make the information presented in the Secretary of the Senate's report more understandable and more useful to the Senate and the general public. I believe that these reporting requirements are an important reform.

And, finally, Mr. President, we have agreed to a sound proposal on provisions that will reduce Senate mail costs. These provisions fundamentally eliminate the use of the frank for unsolicited statewide mass mail newsletters.

Last year, I offered a similar amendment which lost by one single vote. As I stated on the floor during that debate, none of us need to be reminded of the fiscal situation the Nation faces. The Senate must show leadership in prioritizing spending, especially when it comes to the legislative branch. Unsolicited mass mailings cannot be described as a high priority item. Quite simply, mass mailings are a luxury neither this body nor the American taxpayer can afford.

Mr. President, I again want to thank all of the committee members who have worked on this bill, but especially, I want to extend my thanks and appreciation to Chairman REID. He has been exceedingly helpful and cooperative every step of the way. With his leadership, we have sharpened our focus on legislative spending, and we plan to continue that effort. But we must also remember our institutional responsibilities and our capacity to serve our constituents. This bill does a good job at striking that difficult balance. I yield the floor.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4454, the legislative branch appropriations bill and has found that the bill is under its 602(B) budget authority allocation by $53 million and under its 602(B) outlay allocation by $7 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator MACK, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4454—FISCAL YEAR 1995 LEGISLATIVE BRANCH APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	BA	Outlays
Discretionary totals:		
New spending in bill	2,370	2,172
Outlays from prior years appropriations		206
Permanent/advance appropriations	0	0
Supplementals	0	−(*)
Subtotal, discretionary spending	2,370	2,377
Mandatory totals	92	92
Bill total	2,462	2,469
Senate 602(b) allocation	2,515	2,476
Difference	−53	−7
Discretionary totals above (+) or below (−):		
President's request	−140	−79
House-passed bill	−29	16
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	0	0
Domestic Discretionary	2,370	2,377

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, provided no points of order under rule XVI be waived thereon, and that the measure, as amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

MOTION TO RECOMMIT

Mr. SMITH. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. SMITH] moves to recommit the bill, H.R. 4454, to the Committee on Appropriations with instructions to report the bill back to the Senate, within 3 days (not counting any day on which the Senate is not in session), with an amendment reducing the total appropriation provided therein to a sum not greater than its fiscal year 1994 level.

Mr. SMITH. Mr. President, I have paid very careful attention to the debate here from my colleagues. I respect the fact that the Senate, I believe, in its portion of this appropriation, has done a reasonably good job in terms of fiscal restraint.

But the bill before us is much broader than that. It encompasses other areas, including the Library of Congress, the Capitol Police, and other areas.

All we have to do, Mr. President, with all due respect to my colleagues, is look at the cover. We do not even have to read the document. The cover says the amount of the bill as reported to the Senate is $2,363,796,100. The legislative branch appropriations for 1994 was $2,270,713,300. The difference is $93 million, Mr. President. There is $93 million-plus more being spent in this legislative branch appropriations bill this year than last year. That is the bottom line.

You can couch the numbers; you can play with the numbers; you can massage the numbers; you can present them in a number of different ways. But the bottom line is we are spending $93 million more than we did last year. That is the part that concerns me.

We hear all this talk about balancing the budget and fiscal restraint and being fiscally responsible, and all of that. But every time an appropriations bill, it seems as if almost every time —not every time, many times, most of the time—an appropriations bill comes to the floor of the U.S. Senate, it has more money in it than it had last year. Yet, we hear all this talk about how we are saving money and cutting the budget.

If that is true, why is the debt going up higher every year?

On March 1, the Senate decided that other issues were more important than the national debt. On March 1, this year, that was the day the Senate voted to kill the balanced budget amendment. It was a close vote, but that was the vote. We killed the balanced budget amendment.

Since that time, the words "deficit reduction" have scarcely been uttered in this Chamber. It is as if it just passed off the face of the Earth and we said, "We have done our part now. We do not want a balanced budget amendment. So if we do not talk about deficit reduction, we will not have to deal with it. OK. We had the debate. It is over. We expressed our concern. Let's us move on to more important things now."

Well, I do not want to move on to more important things, because I do not think there are more important things to move on to.

I have looked at the Senate calendar. There is not one order, not one, that I consider to be of greater consequence to the people of this country than reducing this deficit, balancing this budget, and beginning to buy down this debt before it bankrupts our children.

This is a very small portion of that debt and the deficit that I am talking about tonight, $93 million. That is a lot of money where I grew up; probably a lot of money where most of the people that are watching tonight grew up; a lot of money, $93 million.

But, if we do not start somewhere, we do not start anywhere. That is the bottom line.

In fact, health care reform, welfare reform, and other big ticket items would only serve to increase Federal spending, as would the bill before this body today. It is time to ask ourselves what are we doing? Why are we doing this to ourselves? Why are we doing this to our children? Why are we doing this?

I get so tired of hearing all of the excuses and all the rhetoric and all the explanations as to how all these bills that come down on the floor of the U.S. Senate are fiscally responsible. If they are fiscally responsible, why do we add to the national debt every year? It is not the issue of the relatively good job that my colleagues have done in the Senate portion of this bill. They have done a good job. But the entire bill is $93 million more than it was last year. The Federal Government has been on a 25-year spending spree. There is no end in sight.

I said on the floor last year, it is like the "Energizer Bunny," it just keeps going and going and going. Unfortunately, the battery does not wear out in this place, it just keeps going.

Our national debt, in case anybody cares on this floor—most do not, apparently—is $4.5 trillion. That is with a "T," not with a "B," and not with an "M"—$4.5 trillion and growing. The Federal Government could cancel every spending program in existence —agriculture, weapons, Social Security, all of them; cancel them all and the remaining thousands we could cancel each and every one and apply every single tax dollar to the national debt for the next 3 years and we would still be short of paying off the national credit card. Think of that. We would still be short of paying off the national credit card.

We come to the floor and ask for a $93 million reduction in the legislative branch appropriations and it is as if we are asking somebody to jump off a cliff 10,000 feet high. "We cannot do that. We are fiscally responsible. There is nothing wrong with this bill. It is OK. We have cut all this money."

We have cut all this money but it is still $93 million more than last year. The OMB estimates the Federal Government will spend more than $1.5 trillion in the upcoming fiscal year, but every time you hear the budget—listen. Wait until the next appropriation bill comes down. You will hear it. "This is a great bill. We are fiscally responsible. We are watching the numbers carefully." It will be more than it was last year in most of them if not all of them. The breakdown is not very complicated. Mandatory entitlement spending will consume $774 billion. That is mandatory entitlement spending. We cannot touch it unless we change the law. There is no discretion; $774 billion mandated.

Interest on the debt, an item pretty difficult to reduce when you keep increasing spending. It is pretty tough to reduce the interest when you keep spending more. That will total $213 billion in fiscal year 1995—$213 billion interest on the debt in this country. Think of what you could do with that for the environment, for health care, for the homeless, for some weapons program. You pick what you like. We are not going to have it. We are going to give it for interest on the debt and that is going up. That is going up.

Defense spending will be about $292 billion.

We will spend about $21 billion on international affairs.

And last but by no means least, we will spend $250 billion in the domestic discretionary category.

Total spending, about $1.5 trillion. Total revenue, about $1.3 trillion. Total deficit, about $170 billion.

Try doing that in your households. Try increasing your mortgage payments every month and get less in income every month and see how long you can go before somebody calls you up and says, "Enough is enough. You are cut off."

Not here. Not in this place. We just keep spending, just like the bunny, keep going and going and going. And on top of that, to make it worse, we hear about how fiscally responsible we are, on the floor of the Senate. We hear it every time. We have another good bill here, fiscally responsible. Everything is OK; $93 million, just a lousy little 93 million bucks in this bill, no big deal. All I am asking is about 3.5 percent of the overall budget, but we cannot cut it.

Do you know what it means? Do you know what the recipe is here? Total disaster for the future generations of Americans.

I used to teach history and I am a very strong believer that history will judge. And they are the only ones who will judge. We cannot judge ourselves. We cannot judge each other. But history will judge us and they are not going to judge this generation of politicians very kindly for what they did to this country, I assure you. I want to be on record saying it is wrong.

If we cannot start with $93 million in a $2.5 billion legislative appropriations bill, which is money we have direct control over, where can we start? Where do we start? Find the other guy, find the other account? Why not start right here? No, it will hardly make a dent. It is true. It will not make a dent. It is not even half of the interest we will be paying—half? That is not even a tenth, not even 1 percent of the interest we will be paying. But we cannot make a start.

There is no silver bullet solution to this problem. We have to act. We are not willing to do that. We are never willing to do that. Meanwhile the debt gets bigger, the deficits—yes, they have gone down a little bit but every time you have a deficit, you add to the debt.

We need to cut our office accounts. We need to cut funding in the executive branch. We need to attack the mandatory spending programs. We need to limit discretionary spending, domestic, international and defense—which we have been doing in defense. And we need to look at entitlements. But are we willing to do it? No.

I have been in meetings for 4 years in this place and everybody is looking for an excuse not to deal with it. How can we deal with it without cutting this entitlement or that entitlement? We cannot cut this spending, everybody will be on our backs screaming. Imagine how many people will be on your backs when America goes bankrupt and cannot pay the debts?

The message is simple. It is very simple. On these appropriations bills as they come up, one by one, let us not spend more than we did the last time around. What is complicated about that? Why do we make it so complicated? Spend less than you did last time. Did you ever sit down with your checkbook at the end of the month and say to yourself, "I am a little short. I have to spend less next month." And you do it. Not here.

The bill before the Senate today will appropriate $93.1 million more than in 1994 levels. You can play with that and say we cut it here in the Senate and all that, and that is fine. I already applauded that. But it still is $93 million more than last year. And let me tell you what is worse. That is not money that came in here from the taxpayers with a balanced budget and no debt. That is $93 million of borrowed money—borrowed money we are spending. Borrowed money, 7 percent interest at current rates—roughly 7 percent. Americans will spend $6.5 million in interest costs alone on the $93 million we will spend tonight when we vote for this bill. So it will cost the American people $6.5 million in interest alone because we borrowed the $93 million that we are going to spend tonight.

Does anybody care? No. If they did, there would be more people on the floor of the Senate. They do not care. That is the bottom line. We can do better than that. Our children deserve better than that. And as I stated earlier, it does not make a difference to this Senator if it is agriculture, defense, foreign affairs, it does not matter if the President requested more spending or if the budget resolution allowed for more money. That is not the point. Enough is enough.

We are spending more than we spent last year in this account. Period. That is the issue. I do not care what the President requested. It does not matter what he requested. It is what we are spending. I think we can make do with the same as we did last year. Why not? Why can we not? Because we do not want to; because we do not have to; because we are not held accountable. That is why we do not.

If you want to look at other areas, I am more than happy to sit down and look at other areas including entitlements, and I have been out in my State saying it, saying that it is better to cut some entitlements or at least freeze some entitlements now rather than lose them for our children in future years. Let us put it on the table—every dollar, every program, every issue. We may disagree about how to reduce the deficit but we should all agree that now is the time to do it. Not tomorrow. Not next year, or next month. Today.

But it is not going to happen today. It never happens today. It has never happened in any of the todays that I have been here in the U.S. Senate or House of Representatives for the past 10 years. It never happened.

The national debt in the last 10 years has doubled because we will not deal with it.

So again, in conclusion, I urge my colleagues to support my motion. I do not expect them to support it. I will not be surprised when they do not. But if we did, we could take a small portion off the deficit of the United States, small—$93 million —and save $6.5 million in interest on that $93 million. And we could say we did that because it is the account that we control, the legislative branch appropriation.

But we will not. We will not. As I say, history will judge us by what we do here, and the words we say are not enough. It is what we do. Many times the rhetoric does not equal the deed and, even now, you can sense the impatience: "Soon Smith will be finished. He'll sit down and we'll vote for this bill and we will spend the $93 million and it will be over and nobody cares."

So I urge my colleagues to support my motion to recommit, which I have offered. I ask my colleagues to consider one small dent in one big debt and think about the fact that every one of the young children who are born tonight during this debate are born $17,000 in debt. That is their share of the national debt.

It is not going to go down until you reduce spending. You just added $93 million more to it, plus $6.5 million more in interest, so roughly $100 million has been added to the debt tonight with your vote.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the motion?

If not, the question is on agreeing to the motion.

The motion was rejected.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I am going to be offering an amendment in a brief time. We are trying to get it drafted to be able to work something out here. It is an important question that we are raising here, and I think it is one that Members should give their attention to, but I also think it is one that, hopefully, we can agree on.

The amendment, which will be before us shortly, is simple on its face. It requires the Congress to behave like all other American employers and not subject its employees to mandatory retirement based upon their age. We have seen any number of congressional accountability bills and amendments seeking to make Congress live under the laws that we impose on other employers. This amendment that I will be offering does exactly that. It limits itself to a very small slice of the Federal work force. Rule XLII of the Standing Rules of the Senate states:

> No Member, officer or employee of the Senate shall, with respect to employment by the Senate or any office thereof, fail or refuse to hire an individual, discharge an individual or otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions or privileges of employment* * *

It goes on:

> * * * on the basis of such individual's race, color, religion, sex, national origin, age or state of physical handicap.

Today I am concerned about the discrimination on the basis of age, and it is clear that Congress cannot and should not engage in this practice.

The Civil Rights Act of 1991, a law near and dear to my own heart, also addresses this issue. Title III of that law is entitled the Government Employee Rights Act [GERA]. It applies to Congress the same prohibitions on employment discrimination that apply throughout the Government and in private practice.

Again, age discrimination, as defined in the Age Discrimination and Employment Act of 1967 [ADEA] is among the specific prohibitions applied to Congress.

The specific age discrimination addressed by this amendment is the practice of forcing members of the Capitol Police, who are employees of Congress, to retire at the latter of the age 55 or when they reach 20 years of service and are over the age of 55.

As an ideological matter, I disagree with the premise that age is the best way to determine the continued capability of a given employee—in this case, a Capitol Police officer—to perform the task required in his or her job.

Mandatory retirement has been abolished as an unnecessary form of age-based employment discrimination throughout the private sector. I was in the House of Representatives in 1986 when amendments to the Age Discrimination and Employment Act were being debated and eventually enacted.

In the debate on the issue of creating exceptions permitting mandatory retirement of tenured faculty and public safety officers, I was on the losing side. However, the Senate resisted the House position, and the law which ultimately passed included a limited 7-year exemption of these two classes of employees; that is, of tenured faculty and public safety officers.

The exceptions created in that law expired as of December 31, 1993, and I was completely in favor of allowing them to do so. I am also opposed to current legislative efforts to reinstate the exemption on a permanent basis.

Two things have changed since 1986, Mr. President. First, the state of our knowledge on this issue has grown. Everybody has found out that mandatory retirement is an unnecessary and discriminatory means of dealing with personnel problems.

The study of the issue requirement of the 1986 law concludes that:

> Accumulated deficits in abilities are only marginally associated with chronological age and can be documented with available tests that are better predictors of job performance than age.

Further, the Penn State researchers found:

> The risk of experiencing a catastrophic medical event that would compromise public safety is so small as to eliminate this factor in the debate regarding age-based retirement.

Based on these findings, the recommendation of the researchers was that the exemption of public safety officers from the 1986 ADEA amendments be eliminated.

Mr. President, here are the facts. Age discrimination and mandatory retirement have been outlawed for all private sector employees and the vast majority of public sector employees. With the expiration of the noted exemption, age discrimination and mandatory retirement have been outlawed for tenured faculty and public safety officers. With the passage of the Civil Rights Act of 1991, age discrimination and mandatory retirement have been outlawed for all congressional employees—all congressional employees, that is, except the Capitol Police. There is no reason for this anomaly to continue to exist. This amendment would end the practice of forcing such retirements by denying the use of funds to maintain or enforce the policy or to enforce the act under which they presently take place.

I have raised this issue with the leadership and attempted to have the situation addressed by rulemaking or some other policy change. The situation continues today, and I think it is time for it to stop. This amendment has the support of the American Association of Retired Persons. I ask unanimous consent that a letter of support from that organization be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, June 16, 1994.

Hon. JAMES JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: The American Association of Retired Persons [AARP] represents millions of workers age 40 and older. The right to work free of age discrimination is a fundamental right and is generally insured by the Age Discrimination in Employment Act [ADEA]. Unfortunately, too many American workers are denied the protection of this law.

The ADEA was amended in 1986 to abolish age-based mandatory retirement for most workers in the private sector as well as employees of state and local governments. Although most federal workers also cannot be forcibly retired because of their age, some exceptions remain, most notably for some public safety employees.

The Association supports the complete elimination of mandatory retirement for all employees. Numerous studies, including one commissioned by Congress and another published by the FBI Academy and the Major City Chiefs of Police, have found no basis for the belief that public safety would be jeopardized by the continued employment of older workers. Retirement decisions, these studies concluded, should be based on ability rather than chronological age.

Very truly yours,
MARTIN CORRY,
Director, Federal Affairs Department.

Mr. JEFFORDS. The amendment also has the support of the Leadership Conference on Civil Rights.

Mr. President, I know the argument will be made that other Federal police officers are subject to mandatory retirement and that an effort was made in 1990 to treat the Capitol Police similar to those other Federal officers. However, in 1991, we overwhelmingly passed the Civil Rights Act which said, among other things, that Congress should live by the rules in the private sector with regard to not discriminating against its employees. The private sector can no longer engage in mandatory retirement, nor can State or local police forces. I believe we in Congress must also live up to that standard, Mr. President.

AMENDMENT NO. 1809

(Purpose: To provide that no funds may be used to carry out the provisions of retirement laws relating to the mandatory separation of members of the Capitol Police)

Mr. JEFFORDS. Mr. President, I have an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. METZENBAUM, proposes an amendment numbered 1809.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place, insert the following:
>
> SEC. A. No funds appropriated under this Act may be used to carry out the provisions of section 8335(d) or 8425(b) of title 5, United States Code, relating to the mandatory separation of a member of the Capitol Police.
>
> SEC. B. Officers mandatorily separated under Public Law 101-428 shall be entitled to preferential rehire to the extent qualified for any available positions.

Mr. JEFFORDS. Mr. President, I would be happy to yield to my good friend from Ohio. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, I ask the Chair to add my name as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I am very pleased to join my colleague from Vermont in offering this amendment. We go back to 1986 on this subject when the Congress of the United States enacted a law that I had proposed banning discrimination in employment; you could not fire somebody because they had reached a particular age. We made that the law for all people in the Congress. We provided two exceptions. One exception was a group of professors up in the New England area, I think involving about seven universities, and the other was for the police and firemen. But the understanding was that 7 years thereafter everybody would be covered.

My recollection is that the Senator from Kentucky, the Senator from Pennsylvania, Senator Heinz, who, unfortunately, left us, and I worked out that compromise with the police and firemen. Then we came along and said to the police and firemen who work for the Senate, well, as far as you are concerned, it is different; you have to lose your job.

That just is not right. It just is not fair to those police officers. Capitol Hill Police officers are forced to retire at age 55. We are not forced to retire at age 55. If we did, I would not be standing here, and a number of other Members who are seated in the Chamber here this evening would not be here. For those of us who are either 55 or 65 or 75, I think our constituents decide whether or not we stay here or whether we do not, but the law does not require us to retire.

This is a misguided and unfair form of age discrimination. Although Federal law enforcement officers are subject to mandatory retirement age 57, that policy also needs to change. That is a different group.

Recent studies completed after Congress passed mandatory retirement for law enforcement officers have shown that older law enforcement officers are just as capable as younger officers.

When they are not as capable and when they are not capable enough to do the job, whatever their age, they should not be on the police force and the fire force.

Who are these men and women about whom we are speaking? They are the people who help and protect Members of Congress every day, day in and day out. They are the men and women who guard the doors, who say good night to us, and good morning to us. They check visitors to see that they do not walk into this building and take a potshot at us, and they patrol the Hill for safety.

They are the men and women like Leon Monroe, who was forced to retire at the beginning of this year. He testified at a Labor Committee hearing I held earlier this year about how he was forced to retire under the law. Just about every Member of the Senate knew Leon Monroe. When we left here, whether it was 9 o'clock, 10 o'clock, 11 o'clock, or 12 o'clock at night, he was the one standing down at the door greeting us. Let me read to you—it is a little bit lengthy, but I want to share with you what he testified at our committee hearing on this subject.

I believe I was capable of working longer and I wanted to work longer. In fact, when I retired, I received a tribute on the Senate floor from several Senators. They said things like, "Officer Monroe has been recognized time and again for his diligence and professionalism. His file is full of letters from citizens and Members of the House and Senate, complimenting the superb manner in which he carries out his duties. He has also shown concern for his co-workers by donating his leave to those who have experienced extended absences because of illness or injury. He is one of the very best people I have known since I have been in Washington." When I retired, the Sergeant at Arms had a retirement ceremony for me and I was moved that most of the Senate leadership came to the party. Senator MITCHELL even gave me a plaque.

I believe I was able to do the kind of job that would call for these compliments because I loved my job. I gave my heart to my job. I tried to do everything I could for the Senators, the staff, the public who came in, and my coworkers. As one of the Senators mentioned in his tribute to me on the Senate floor, I always tried to be friendly, courteous, polite and helpful to everyone. During 20 years of service, I only missed a total of 51 days. For 20 years, I drove in every day all the way from Baltimore.

Being forced to retire has been a real hardship for me. Since this law passed in 1990 and I had to retire in January of 1994, I had very little time to prepare for my retirement, because I had to retire so much earlier than I had intended. I now have to make the house payments, car payments, and pay other bills on a retirement pension that is half the salary I was making before. I used to try to help out my sister and niece, who are in real financial need, whenever I could, but now I don't have the money to do that. I also give money to the church, but I am having trouble doing that now too.

I am suffering emotionally, as well as financially. I miss my job and my coworkers. I miss being in the Senate and I miss the Senators. I am working part time now directing traffic for school children, but it isn't the same.

I would very much like to be back at work in the Senate. I do not believe this law that forced me to retire is fair. I believe it is age discrimination. If I wasn't able to work, that would be a different story. But I am able; so I think its wrong.

I ask unanimous consent that the entire statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF LEON A. MONROE, RETIRED CAPITOL POLICE OFFICER

Good morning. My name is Leon Monroe and I am a retired Capitol Police Officer. I was forced to retire on January 31, 1994, at the age of 62.

I was forced to retire under a federal law that requires Capitol Police to retire the later of age 55 or once they reach 20 years of service. Congress passed this law in 1990 and it became effective in 1992. Since the law became effective, I understand that approximately 110 officers have been forced to retire. I understand that Senator Metzenbaum has introduced a bill that would abolish mandatory retirement for Capitol Police and other federal law enforcement and firefighters. I want the Senator to know that I appreciate his efforts.

I believe I was capable of working longer and I wanted to work longer. In fact, when I retired, I received a tribute on the Senate floor from several senators. They said things like, "Officer Monroe has been recognized time and again for his diligence and professionalism. His file is full of letters from citizens and members of the House and Senate, complimenting the superb manner in which he carries out his duties. He has also shown concern for his co-workers by donating his leave to those who have experienced extended absences because of illness or injury. He is one of the very best people I have known since I have been in Washington." When I retired, the Sergeant-at-Arms had a retirement ceremony for me and I was moved that most of the Senate leadership came to the party. Senator Mitchell even gave me a plaque.

I believe I was able to do the kind of job that would call for these compliments because I loved my job. I gave my heart to my job. I tried to do everything I could for the Senators, the staff, the public who came in, and my co-workers. As one of the senators mentioned in his tribute to me on the Senate floor, I always tried to be friendly, courteous, polite and helpful to everyone. During 20 years of service, I only missed a total of 51 days. For 20 years, I drove in every day all the way from Baltimore.

Being forced to retire has been a real hardship for me. Since this law passed in 1990 and I had to retire in January of 1994, I had very little time to prepare for my retirement, because I had to retire so much earlier than I had intended. I now have to make house payments, car payments, and pay other bills on a retirement pension that is half the salary I was making before. I used to try to help out my sister and niece, who are in real financial need, whenever I could, but now I don't have the money to do that. I also give money to the church, but I am having trouble doing that now too.

I am suffering emotionally, as well as financially. I miss my job and my co-workers. I miss being in the Senate and I miss the Senators. I am working part-time now directing traffic for school-children, but it isn't the same.

I would very much like to be back at work in the Senate. I do not believe this law that forced me to retire is fair. I believe it is age discrimination. If I wasn't able to work, that would be a different story. But I am able; so I think its wrong.

Mr. METZENBAUM. Mr. President, Leon Monroe is just one of many men and women who should be allowed to serve the U.S. Senate and the House as long as they are able and willing. No one is suggesting that older officers be required to stay on the job if they are not physically able to do the job.

We had expert testimony at the hearing we conducted on this subject where a study was made, and there was no correlation between age and the ability to do the job. Physical fitness is a legitimate job qualification, and employees should be required to prove that they are qualified to do the job. If they are able, they should be allowed to continue to serve this body and the country. By forcing them to retire early, we are forcing them to take reduced pensions, lose other valuable benefits, yes, and lose a sense of their own dignity. The odds that they will be able to get a comparable job at comparable wages are slim.

How could we in good conscience say that one law is applicable to all of the people of the United States and another law is applicable to those officers who work for the U.S. Senate? What an unbelievable concept. No one tells any of us Senators that we are too old to perform our jobs. There is no reason that the Congress should treat these men and women differently.

I think this amendment is so right. I know that there are thoughts about dropping it in conference. I hope to be able to prove, before the matter goes to conference, the reality of what is happening in America. There are many police officers throughout this country who are not forced to retire because they reach a specific age. In fact, more than half of the police officers in this country are not forced to retire by reason of age.

I hope when the Senate accepts this amendment, as I understand the chairman of the committee is prepared to do, I hope that he can see fit to fight for it to remain in the bill when it goes to conference.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, if I could make a very brief comment, I want to commend the Senator from Ohio for his longstanding effort on behalf of all Americans to be able to be treated fairly under the law. I have worked with him many times over the years, and I am sorry to see him go at the end of this session. What he has said is absolutely correct.

I will just make one comment about history. Fifteen years ago, by virtue of an opinion of the Attorney General of the United States, neither the Federal executive branch nor the Congress were considered to have to be under the civil rights law and laws against discrimination. In 1978, I was successful in working with others to get an amendment, for the first time, for the Federal branch under civil rights laws with regard to the disabled. Now we are coming close to the end, hopefully, of completing that long, hard fight to get everyone that should be appropriately covered in both branches under the laws that certainly are there to aid all other Americans.

So I appreciate the understanding that this amendment will be accepted. I think it is only appropriate that it should be. I thank the leadership for that.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I certainly understand the intent of the authors of the amendment and their diligence.

I ask unanimous consent to have a letter from Robert L. Benoit, a member of the U.S. Capitol Police Board, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 16, 1994.

Hon. HARRY REID,
Chairman, Subcommittee on Legislative Branch Appropriations, Washington, DC.

DEAR CHAIRMAN REID: On behalf of the Capitol Police Board, I am responding to your inquiry regarding Capitol Police retirement mandates. It has been the Board's intention to be consistent with other federal law enforcement agencies in its personnel policies and procedures. In this regard, the Board supports increasing the mandatory retirement age from 55 to 57 for Capitol Police officers. This increase will attain parity with other federal law enforcement agencies and their retirement mandates.

The Board believes that a mandatory retirement provision will continue to assist female officers and minority officers in achieving upward mobility within this organization. Absent a mandatory retirement age for police officers, fewer vacancies will be created to accommodate promotions. Therefore, the unintended effect of eliminating mandatory retirement would be a reduction in opportunities for officers interested in advancement.

Over the past year, we have instituted a minority recruitment program and have executed contracts which provide for outside vendors to develop, administer and certify our promotional testing processes. It is the Board's intention to continue providing as many opportunities for advancement as possible.

Thank you for your attention to this matter. If you have any questions or need additional information, please contact me at your convenience.

Sincerely,

ROBERT L. BENOIT,
Member, U.S. Capitol Police Board.

Mr. REID. Mr. President, also before we accept this, the reason we have mandatory retirement—and, in fact, Senator MACK and I have agreed in our bill to meet the House number and raise the mandatory retirement age to 57—is because all Federal law enforcement agencies currently require mandatory retirement at 57.

We will take a look at this in conference. Senator METZENBAUM has indicated that he has held some hearings. He is going to give me the benefit of those hearings, and we will take a close look at it in conference.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1809) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to table is agreed to.

AMENDMENTS NOS. 1810 AND 1811, EN BLOC

Mr. REID. Mr. President, I have two manager amendments of a technical nature. The first has corrective language regarding the availability of allocation of funds for the Sergeant at Arms expense account. The second modifies bill language under the Government Printing Office and the Superintendant of Documents accounts with respect to electronic access.

I send both to the desk, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1810 and 1811, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendments? If not, the question is on agreeing to the amendments offered by the Senator from Nevada.

The amendments (Nos. 1810 and 1811) en bloc were agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1810

(Purpose: To modify the appropriation for the Sergeant at Arms and Doorkeeper of the Senate)

On page 5, line 25, before the period insert the following: ", of which $21,347,000 shall remain available until expended".

AMENDMENT NO. 1811

(Purpose: To strike the proviso relating to GPO)

On page 36, beginning with "That" on line 4, strike all through "*Provided further,*" on line 8.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1812

(Purpose: To modify certain restrictions relating to the Government Printing Office)

Mr. MACK. Mr. President, I send an amendment to the desk in behalf of Mr. BURNS, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. BURNS, proposes an amendment numbered 1812.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Section 207(a) of the Legislative Appropriations Act, 1993 (Public Law 102-392) is amended—

(1) in paragraph (1) by inserting "or made available from any source" after "appropriated";

(2) in paragraph (2)(A) by inserting after "as certified by the Public Printer," the following: "if the work is included in a class of work which";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by adding after paragraph (2) the following:

"(3) Any Federal officer or employee who publishes a Government publication or orders or contracts for an individual printing order under paragraph (2) shall comply with all applicable provisions of chapter 19, title 44, United States Code, regarding distribution of Government publications by the Government Printing Office to Federal depository libraries."; and

(5) by amending paragraph (4), as redesignated to read as follows:

"(4) As used in this section, the term 'printing' includes the processes of composition, platemaking, presswork, duplicating, silk screen processes, production of an image on paper or other substrate by any process, binding, microform, and the end items of such processes.".

Mr. BURNS. Mr. President, I rise today to offer an amendment H.R. 4454, the legislative branch appropriation bill. This amendment is similar to the amendment I offered last year which passed the Senate but was dropped during conference.

This is cost-saving amendment regarding the printing of Government documents. Most people, including those in Montana, are telling Congress to cut Government spending, and this amendment will save our Government about $120 million.

The amendment requires that large print jobs be sent to the 21 regional centers of the Government Printing Office across the country and awarded to open-competitive, private-sector bids. These private sector competitive jobs save taxpayers approximately 50 percent over the agency in-house jobs of over $1000 in cost. The bottom line is, this amendment saves American taxpayers at least $120 million.

Not only will this stop redundancy in our Government, it will create jobs. Allowing the private sector to perform these services means more jobs. This was a win-win situation.

I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MACK. Mr. President, I believe this has been cleared on both sides.

Mr. REID. It has been cleared. There is no further debate, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1812) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider and the motion to lay on the table are agreed to.

AMENDMENTS NUMBERED 1813 AND 1814, EN BLOC

Mr. REID. Mr. President, I have two amendments which have been cleared on both sides.

I send these to the desk and ask that they be considered and agreed to, en bloc.

The first restricts availability of funds provided for increased pay costs to the levels authorized in the final action on the Treasury, Postal Service, and general Government bill.

I talked about this in my earlier statement. If, in fact, the Treasury-Postal Service increases, the legislative branch would be increased. If it does not, we will not increase.

The second requires any additional costs associated with the renovation of the Senate page dorm to be absorbed under the Senate Office Buildings account.

I believe both these amendments have been cleared by the minority.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1813 and 1814, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendments? If not, the question is on agreeing to the amendments of the Senator from Nevada, en bloc.

The amendments (Nos. 1813 and 1814) were agreed to; as follows:

AMENDMENT NO. 1813

(Purpose: To make the availability of certain funds subject to the enactment of certain legislation)

At the end of the bill, add the following:

SEC. ___. The following amounts appropriated under the following headings shall be withheld from obligation and shall only become available to the extent necessary to cover the costs of increases in pay and allowances authorized pursuant to the enactment of H.R. 4539, of the 103d Congress, or pursuant to the pay order of the President or other administrative action pursuant to law:

Capitol Police Board:	
Capitol Police:	
Salaries	$167,000
Office of Technology Assessment:	
Salaries and expenses	39,000
Congressional Budget Office:	
Salaries and expenses	55,000
Architect of the Capitol:	
Office of the Architect of the Capitol:	
Salaries	176,000
Capitol Buildings and Grounds:	
Capitol buildings	161,000
Capitol grounds	69,000
Senate office buildings	280,000
Capitol Power Plant	95,000
Library of Congress:	
Congressional Research Service:	
Salaries and expenses	671,000
Government Printing Office:	
Congressional Printing and Binding	2,007,000
Office of Superintendent of Documents:	
Salaries and expenses	107,000
Botanic Garden:	
Salaries and expenses	48,000
Library of Congress:	
Salaries and expenses	2,307,000
Copyright Office:	
Salaries and expenses	270,000
Books for the Blind and Physically Handicapped:	
Salaries and expenses	79,000
Architect of the Capitol:	
Library building and grounds:	
Structural and mechanical care	123,000
General Accounting Office:	
Salaries and expenses	3,835,000

AMENDMENT NO. 1814

On page 26, line 14, after "expended", insert:

Provided, that of the amount appropriated under this heading such sums as are necessary shall be used, at the direction of the Sergeant at Arms and Doorkeeper of the Senate, to complete improvements to the property acquired pursuant to section 1202 of P.L. 103–50.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 1815

(Purpose: To limit mass mailings)

Mr. REID. Mr. President, the bill reported by the committee contains language banning mass mailings with certain exceptions.

A number of the Senators expressed concern about that provision in its present form. I said in full committee that a compromise in the interest of Senators was being developed, and I am glad to say we were finally able to do this.

I have a package of amendments that incorporates an acceptable resolution of the issues.

I send the amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1815.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 19, strike "$15,000,000" and insert "$11,000,000, to remain available until September 30, 1996".

On page 10, line 18, strike "$20,000" and insert "$50,000: *Provided*, That, in any fiscal year beginning with fiscal year 1995, a Senator may use funds provided for official office expenses, but not to exceed $50,000, for mass mailing, as defined in section 6(b)(1) and all such mass mailings shall be under the frank".

On page 10, line 20, strike ", Senators-elect, and offices of the Senate".

On page 11, line 2, insert "more than" before "500" and strike "or more".

On page 11, beginning with "(to the extent" on line 10, strike all through "Congress" on line 17.

On page 11, line 23, strike "or mobile office".

On page 11, line 24, after "notice" insert ", but no such mailing may be made fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any Federal, State, or local office in which a Member of the Senate is a candidate for election".

On page 12, line 6, strike "A" and insert "Except as provided in section 5, a".

On page 12, line 6, strike ", Senator-elect, or office of the Senate".

On page 12, line 11, strike "and Senators-elect".

On page 12, between lines 16 and 17, insert the following:

SEC. 8. None of the funds appropriated under the heading "SENATE" under the subheading "OFFICIAL MAIL COSTS" may be used in any fiscal year beginning on or after October 1, 1994, for mass mailings as defined in section 6(b)(1).

Mr. REID. Mr. President, a compromise has been reached on section 6 and related mass mail issues. The major elements of the agreement are as follows:

(1) Reduction in official mail to $11 million.

(2) Language prohibiting mass mailings under the official mail account.

(3) Language deleting the ban on mass mailing with respect to offices of the Senate.

(4) Increase of $3 million in appropriation for Senators' official personnel and office expenses account.

(5) Increase of Senator's official expense allowance by $30 thousand in addition to $20 thousand already in the bill.

(6) Language allowing additional $50 thousand in expenses allowance to be used for mass mailings subject to existing rules.

(7) Series of technical and conforming amendments to subject mailings financed from the office account to the same rules now applicable to mass mailings under the official mail account.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 1815) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider and the motion to lay on the table are agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOFFORD. Mr. President, when I came to the Senate I made a promise to the people of Pennsylvania that I would not send out taxpayer-financed self-promotional mass mailings. And I have not.

Everywhere I go in Pennsylvania the people are demanding that their Government be fiscally responsible, set priorities, cut waste and unneeded programs and realize that most people live paycheck to paycheck. For most families every nickel of income is accounted for in their budgets. And while they are struggling to pay the mortgages, pay skyrocketing health care costs, to find affordable child care, and just pay the bills, the last thing they need is a piece of self-promotional junk mail in their mail box—a self-promotional newsletter that they are paying for.

That is why I have promised not to do mass mailings, and why I am returning an $445,000 of unused mass mail money from my office account. Together with unused funds that I have returned to the Federal treasury in the past, that makes more than $1 million of unspent taxpayer money that I have returned since I have been in the Senate.

Like getting rid of free health care for Members of Congress, as I proposed in 1991 and we accomplished in 1992, this is one more way that we can put Congress in the same boat as the people we represent. In ways large and small, symbolic and substantive, we have to take actions that bring a sense of responsibility and respect to public service. Ending self-promotional mass mail, ending free health care, ending wasteful congressional office moves are some of the ways we can do just that.

I understand from the distinguished managers of the bill that my amendment returning unused mass mail funds has been cleared on both sides. And I thank the managers for their cooperation.

OFFICE MOVES

Mr. WOFFORD. Mr. President, today I had planned to propose an amendment to this bill to put an end to the practice of Senate office moves. As I have said before, I think we should put a stop to the unnecessary and wasteful practice of moving Senators after each election. Instead, I propose that each State be assigned two permanent offices—the type of arrangement that California already has.

However, in discussions with the distinguished chairman of the Rules Committee, we have reached agreement about an alternate course of action. The chairman has long experience with the management of Senate offices, and he has agreed to hold hearings on my proposal so that the entire question of office moves can receive a full airing. He has promised to conduct these hearings in the Rules Committee in a timely fashion so that the Senate can address the issue of office moves this year.

Mr. FORD. I commend my friend the Senator from Pennsylvania on his efforts to improve the operation of the Senate. Since coming to the Senate 3 years ago, he has been unstinting in his work in this regard. Most notably, 3 years ago the Senator from Pennsylvania rightly insisted that Members of Congress should pay for their health insurance, just as other Americans do. He was right, and we adopted his proposal.

Now he has identified another area in which he believes we can improve the manner in which the Senate operates. He is proposing a change in the manner in which offices are assigned to Senators. This is a serious matter, and I commend the Senator for bringing it to the attention of the body.

Before moving forward, however, I think it would be wise and prudent to hold hearings on how best to accomplish the type of reform that the Senator from Pennsylvania has proposed. Furthermore, since the recommended change could affect virtually every Senator, I think it is only proper to give all Senators an opportunity to be heard on the Senator's proposal. In that regard, I propose that the Rules Committee will conduct timely hearings on the Senator's proposal to assign permanent offices to each state.

Mr. WOFFORD. I thank the distinguished chairman. As he knows, I remain convinced that we should move to a system in which every State is assigned permanent offices. This reform would save money, end the disruption of office moves, and end the confusion that our constituents experience in looking for their Senator's office. However, the chairman has promised to move forward expeditiously with hearings so that we can revisit this issue when the Senate considers congressional reform legislation soon. I thank the chairman and accept his proposal for timely hearings on my proposal.

AMENDMENT NO. 1817

(Purpose: To establish a Human Resources Program for the Architect of the Capitol)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1817.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. ___. ARCHITECT OF THE CAPITOL HUMAN RESOURCES PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Architect of the Capitol Human Resources Act".

(b) FINDING AND PURPOSE.—

(1) FINDING.—The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) PURPOSE.—It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) PERSONNEL MANAGEMENT SYSTEM.—

(1) ESTABLISHMENT.—The Architect of the Capitol shall establish and maintain a personnel management system.

(2) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) Implementation of Personnel Management System.—

(1) Development of Plan.—The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c);

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library not later than 12 months after the date of enactment of this Act; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library, as specified in paragraph (2).

(2) Evaluation and Reporting.—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) Application of Laws.—Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(e) Discrimination Complaint Processing.—

(1) Definitions.—For purposes of this subsection:

(A) The term "employee of the Architect of the Capitol" or "employee" means—

(i) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(ii) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(iii) within 180 days after the termination of employment with the Architect of the Capitol, any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(B) The term "violation" means a practice that violates subsection (b) of this section.

(2) Discriminatory Practices Prohibited.—

(A) In general.—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(i) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(ii) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(iii) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

(B) Intimidation prohibited.—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(3) Procedure for Consideration of Alleged Violations.—

(A) General accounting office personnel appeals board.—(i) Any employee of the Architect of the Capitol alleging a violation of paragraph (2) may file a charge with the General Accounting Office Personnel Appeals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751-55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(ii) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(iii) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this subsection.

(B) General accounting office personnel appeals board or office of senate fair employment practices.—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(4) Amendments to the General Accounting Office Personnel Act of 1980.—

(A) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(B) Section 753(a) of title 31, United States Code, is amended—

(i) in paragraph (7) by striking "and" at the end of the paragraph;

(ii) in paragraph (8) by striking the period and inserting "; and"; and

(iii) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under subsection (d)(2) of the Architect of the Capitol Human Resources Act."

(C) Section 755 of title 31, United States Code, is amended—

(i) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(ii) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".

Mr. REID. Mr. President, the amendment that has been sent to the desk has been cleared on both sides. It relates to the improvement of personnel management practices in the Office of the Architect of the Capitol.

Mr. President, this amendment is a modified version of Senator MIKULSKI's bill, and it will achieve the goal of establishing a modern personnel system for the Architect of the Capitol. The Architect's existing authority and employment practices need to be updated to reflect modern personnel management practices. This amendment will create authority for a new personnel management system for the Architect which will provide new direction and authority where it is lacking and carefully integrate that with existing law. Adopting the proposed amendment will accomplish the following goals.

First, it will establish the basic requirements of a new personnel management system, including: assurance of fair personnel appointments, promotions and assignments based on merit and fitness; create an affirmative employment program with monitoring procedures to ensure a workforce reflective of the diversified labor pool; assure a classification system for jobs that ensures equal pay for equal work; improve employee performance and opportunities through training; creates a performance-based job evaluation system; assures that all employees have access to a fair and equitable system for addressing job conduct and performance, including a formal grievance process; assures confidential programs for employee assistance to deal with mental health, alcohol and drug abuse, and other employee problems; and assures a fair and clearly understood and administered sick and annual leave policy.

Secondly, this amendment will require an implementation process for these new and enhanced personnel management practices, including evaluating and reporting annually to the Congress on the program's evaluation.

Finally, the amendment will provide for all Architect employees a clearly defined appeals process through which they may address complaints of job discrimination. The amendment clearly prohibits job discrimination based on race, sex, color, religion, or national origin; age; and handicap or disability. The amendment provides a fair and equitable system for employees who feel they have a discrimination complaint to file, and fully protects them from any intimidation or reprisal. The amendment also establishes a uniform appeals process for employees of the Architect's office that is fair, objective and final.

I believe that this amendment will correct deficiencies recently cited by the GAO regarding the Architect's personnel management practices and policies. It is a tough amendment, with a tight time frame, and the reporting requirement will assure that the objectives of fair treatment and equal opportunity are realized.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1817) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I have reluctantly agreed to permitting this bill, H.R. 4454, the legislative branch appropriations for fiscal year 1995, to be passed on a voice vote. I truly think there should be a roll call vote on all legislation relating to Government spending. However, since there are several Senators absent this evening I will forgo asking for the yeas and nays. If a roll call vote were to be conducted on passage of H.R. 4454, I would like the record to reflect that I would have voted in the negative.

Mr. REID. Mr. President, I know of no further amendments to be offered.

I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4454), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I wish at this time to acknowledge the staff that has worked on this bill. We have been waiting around for several days to bring this before the body while the airport bill was being debated these past several days.

I want to extend my appreciation to my clerk of the Appropriations Committee and the subcommittee, Jerry Bonham. He and I have worked together on this bill for 6 years. This has been a difficult year because of all of the budget constraints. We have had to work doubly hard, and I extend my thanks to him.

I extend appreciation to Chuck Turner, who has helped both the majority and minority staff.

I wish to also extend my appreciation to Keith Kennedy, who has also worked on this bill with Jerry Bonham. In these past 6 years I have gotten to know Keith very well. I appreciate his expertise and experience that he so generously has offered to me over these many years.

And, of course, I extend my appreciation again to Senator MACK. It has been a pleasure working with him.

Also because he is here on the floor, I thank Senator FORD. A lot of what this bill does we have to work in conjunction with the Rules Committee, the chairman of which, of course, is Chairman Senator WENDELL FORD. I think we worked well together. There is opportunity for jurisdictional disputes. We never have those. If a problem arises, Senator FORD calls me, and we work it out, or I call him. So we never had a problem. He has been a pleasure to work with and the people of Kentucky are lucky that he represents them.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I also express my appreciation to members of the staff on both sides who helped us in preparation of this bill. I thank Larry Harris of my staff and Keith Kennedy for his work and his effort over these several months, and also Jerry Bonham.

I appreciate the cooperative spirit in which we worked together over these last several months to put this bill together.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in looking at my notes I failed to mention Larry Harris who works with CONNIE MACK on Senator MACK's staff. I also express my appreciation to him. He has been as diligent as his Senator in working this bill out for which I am grateful.

Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ROCKEFELLER) appointed Mr. REID, Ms. MIKULSKI, Mrs. MURRAY, Mr. BYRD, Mr. MACK, Mr. BURNS, and Mr. HATFIELD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me say to my fine colleagues and friends here, Senator REID and Senator MACK, and to Jerry Bonham and other members of the staff, as Senator REID mentioned, I want to return the compliments because it has been treacherous waters trying to satisfy all Senators to do the things that we felt were important to meet the goals of the reduction of expenditures and staff and then to meet and accommodate the ever-growing needs of many of the Senators with more letters coming today than ever before, more work to do with more i's to dot and more t's to cross. No one could work any better than these two gentleman with the Rules Committee, and I hope we reciprocated.

So, as I say, we go through these treacherous waters of reduction in order to constrict the expenditures and the employment here and to meet the goals set by the leadership. I am very pleased to have had the opportunity and look forward to working with them in the future.

If there is nothing further, I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators allowed to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I yield the floor.

WHAT THE UNITED STATES CAN DO TO IMPROVE THE PRESENT SITUATION IN RWANDA

Mr. DURENBERGER. Mr. President, I rise again today to emphasize the continuing need to take steps to assist the peacekeeping efforts of the United Nations—and to reduce the suffering in Rwanda and the neighboring countries of Uganda, Tanzania, and Burundi to which thousands of refugees have fled.

My good friend Congressman TONY HALL has just returned from visiting the refugee camp known as Benaco located in Tanzania. This camp presently acts as a temporary home for over 275,000 refugees of which more than 70,000 are children under the age of 5.

By official count, 2,000 new refugees are arriving every day. Congressman HALL observed 3,000 to 4,000 refugees waiting to be processed.

The food supply was inadequate. There was only one day's food supply on hand. A sudden, dramatic increase of refugees could readily overwhelm the camp's capacity and exhaust its food supply.

Congressman HALL also visited the now famous bridge between Rwanda and Tanzania. The river that flows beneath this bridge was filled with human corpses, a tragic reminder of the slaughter in Rwanda that has gone unabated for too long.

The administration should stop talking about providing assistance to the people of Rwanda, and take action—to improve the situation on the ground, to assist in the humanitarian efforts to preserve life, and to give hope to those who are the victims of the genocide and military conflict that still ravage that country.

Our present inaction as a nation is the direct result of the leadership vacuum that exists at the White House and that is mirrored at the Department of State and at the National Security Council.

An example of the administration's present ineptitude in dealing with foreign policy issues—really with issues of basic human needs—is the extended negotiations that have ensued over providing 50 armored personnel carriers requested by the United Nations to protect peacekeeping forces from African nations.

While the number of killed and wounded has increased every day in Rwanda, the United States and the United Nations have been negotiating for weeks over the kind of vehicles that would be provided, and the terms—buy or lease—under which the vehicles would be supplied.

Such disregard for human suffering cannot be explained merely on the basis of ineptitude. The administration's present handling of the Rwanda situation points to a more basic flaw—a timidity in taking a leadership role for fear that any action that is taken will fail.

Despite the administration's hesitancy to act—and to act in an expeditious manner—the time to act is still now.

The United States should provide humanitarian assistance to those refugees that have fled to the neighboring nations—principally to Uganda, Tanzania, and Burundi.

Such humanitarian assistance should include food, shelter, sanitation, and medical care. This could be provided by an agency of the United States, by an international organization such as the United Nations or the Organization of African Unity, or by a nongovernmental organization under a contract.

The President has pledged $15 million to the United Nations' fund for refugees to assist in Rwanda. However, this is certainly a small portion of the amount needed to help the thousands of people that have fled Rwanda.

In addition to providing humanitarian assistance, the United States should—through diplomacy—make sure that the borders of the neighboring countries of Uganda, Tanzania, and Zaire are open, and that anyone who is able to get to the border will be able to find safety and will not be turned back.

The United Nations Security Council last month authorized a 5,500-man force to establish safe zones within Rwanda where relief from the fighting may be sought, but the all-African force will not be available until the end of June. Well over 200,000 people have already been slaughtered needlessly. More will be killed before the new African troops arrive in Rwanda.

The United States should have been there to provide the leadership to establish the safe zones weeks ago, yet we are still talking about it long after the Security Council's authorization.

The United States should be willing to provide logistic support for those African troops who participate as a part of the peacekeeping force, including food and equipment, but not arms and ammunition, and some portion of the out-of-pocket expenses.

However, a force that has never trained together or used the same equipment needs help. We should provide the needed training. But such assistance should not be open-ended. It should be for a specific period of time.

The United States should itself, or through the United Nations or the Organization of African Unity, push for a lasting cease-fire. Though this may take a great deal of persuasion, the degree of difficulty of the task should not deter us from doing what is moral and right—that is to end the killing permanently.

The United States should also exert its leadership, if possible in conjunction with the United Nations and the Organization of African Unity, to reinstate the Arusha accords and to create an interim coalition government that will be respected by a majority of the Hutus and the Tutsis.

The churches in Rwanda should take a larger role in reconciling the differences between the warring factors. I find it shocking that a country that is more than 70 percent Christian can be the scene of a genocide where more than 200,000 people have been slaughtered. Much more can be done in this area.

In the long term, there must be a plan for the reconstruction of Rwanda and the permanent reconciliation of tribal differences. In this regard, the United States has to be a good listener and back a plan that fits the needs of the people of Rwanda and has a chance of succeeding.

In our focus on Rwanda, we should not forget the fragile situation that exists in the neighboring country of Burundi which is divided by the same tribal differences as Rwanda.

What is the plan now for Burundi? Do we have a game plan for Burundi that will prevent the genocide that occurred in Rwanda? If we pursue our present course of indecision and leader-less foreign policy, it is only a question of when—not if—the present genocide in Rwanda will spread to Burundi.

We should take steps now to prevent the renewal of fighting in Burundi—to prevent a genocide in that country—rather than react to a crisis after it occurs.

I have written a letter to the President of the United States outlining constructive steps that the United States can take to improve the situation in Rwanda and to provide relief to the thousands of refugees. I look forward to his response.

Mr. President, I yield the floor—and ask that the contents of the letter to the President be made a part of my statement here today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 8, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Even at this late date there is a continuing and pressing need to take immediate steps to aid those who are the innocent victims of the genocidal acts that have resulted in over 100,000 people being massacred in Rwanda. There still remains those in Rwanda in fear of bodily harm because of their tribal affiliation or their political views in favor of moderation and reconciliation between the Hutu and Tutsi tribes.

Thousands of refugees have fled the fighting and terror within Rwanda and have sought safety in neighboring countries, principally Uganda, Tanzania and Burundi. These refugees, as well as those who remain within Rwanda, are in desperate need of medical assistance and the basic necessities of life. The continuing rumors of a cease-fire between the armed forces of the present government of Rwanda and the Rwanda Patriotic Front does not change the urgent need of those who are the innocent victims of genocide and war.

The gravity of the situation requires that immediate action be taken to end the present genocide, to protect and to provide humanitarian assistance to those victims of the present violence, and to ensure that the present government never receives diplomatic recognition. To this end, I urge that the following actions be taken immediately:

First, the United States should support an immediate deployment of a regional force, comprised of troops from African nations, as a part of the United Nations Assistance Mission for Rwanda (UNAMIR) operations or under the auspices of the Organization of African Unity, to protect civilians in Rwanda, to create temporary safe zones for civilians, and to establish protected corridors for the safety and speedy delivery of humanitarian relief.

Second, the recent offer by fourteen African nations to send troops to Rwanda in an effort to end the present conflict should be encouraged and should receive the full support of the United States.

Third, the United States should provide logistic support, including equipment and supplies (but not arms and ammunition) as may be needed by any regional force, but United States troops should not participate directly in the peacekeeping effort.

Fourth, the United States and other nations within the international community should themselves, or through organizations such as the United Nations and the Organization of African Unity, continue to provide humanitarian assistance, including food, clothing, sanitation, shelter and medical care, to the thousands of victims of the present conflict.

Fifth, the United States should vigorously continue its efforts to facilitate negotiations among the United Nations, the Organization of African Unity, the Rwanda Patriotic Front, and other involved parties to reach a lasting cease-fire based upon the Arusha Accords.

Sixth, the United States should denounce in the strongest possible terms the extremist government formed in the aftermath of The President's death, and to issue publicly a clear warning that no government which has been implicated in the killings would ever receive any U.S. financial assistance or diplomatic recognition. I encourage you to isolate any illegitimate government in Rwanda.

Seventh, the United States should work closely with human rights and religious organizations to identify and condemn those officials responsible for perpetrating these brutal attacks. These individuals should be brought to justice and they should not be recognized as legitimate leaders of Rwanda.

Eighth, finally, the United States should, in its contracts with the Rwanda Patriotic Front, encourage them to exercise restraint and to cooperate with human rights workers.

While unfortunately there is no easy solution to the genocide in Rwanda, I believe that these steps will lend to a clear, strong and pro-active U.S. policy on this grave situation.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

RECOGNITION OF THE FIFTH ANNUAL NATIONAL RACE FOR THE CURE

Mr. AKAKA. Mr. President, I rise in support of the fifth annual National Race for the Cure, which will be held in Washington, DC, this Saturday, June 18, 1994. Race for the Cure is a breast cancer benefit run sponsored by the Susan G. Komen Breast Cancer Foundation. The foundation was established in 1982 by Nancy Brinker in honor of her sister, who died of breast cancer at the age of 36. Since that time, the Komen Foundation, through events such as the Race for the Cure, has raised more than $23.5 million to fund research and promote education, awareness, and early detection of the disease. Three-fourths of the money raised by the 48 races nationwide goes toward local treatment and screening activities, while one-fourth of the funds goes to the Komen Foundation to fund national research activities.

The statistics on breast cancer remain startling. This year, an estimated 46,000 American women will die of breast cancer, and another 182,000 will be diagnosed with the disease. Breast cancer is the leading killer of young African-American and Hispanic women. Low-income women have survival rates that are 9 percent lower than women with higher incomes. Of particular concern to me is the fact that native Hawaiians have the highest incidence of breast cancer among all racial and ethnic groups in this country.

Considerable attention is given to the risk factors associated with breast cancer, which include family history of the illness, a prior diagnosis of cancer, an early first period, late menopause, and birth of a first child after the age of 30. Yet, an estimated 60 to 80 percent of the women who develop breast cancer do not have any of these risk factors.

Because the cause of breast cancer remains unknown, and because the disease is not fully understood, it cannot be prevented. However, advancements have been made in the management of breast cancer. As with many other life-threatening illnesses, early detection of breast cancer, coupled with appropriate and timely followup, remains the most effective method to ensure successful treatment options and improved survivability. According to the American Cancer Society, early detection procedures have increased the 5-year survivor rate for localized breast cancer from 78 percent in the 1940's to 93 percent today. However, much work remains. Many women still do not know how to self-examine, and many who would benefit from a screening mammogram do not seek one because of fear, cost, or lack of access to information.

On Saturday, Honorary National Chairs Vice President AL GORE and Mrs. Tipper Gore will join more than 15,000 runners, walkers, and wheelchair participants in the fifth annual National Race for the Cure. I would like to encourage my colleagues and their staff and families to join in this event to heighten public awareness about early detection and raise funds for breast cancer research and screening for low-income women.

COMMEMORATION OF THE 1994 NATIONAL RACE FOR THE CURE

Mr. MACK. Mr. President, I am pleased to participate this morning as the Senate commemorates the fifth anniversary of the National Race for the Cure.

Five years ago, the race was simply an idea in the minds a small group of people who wanted to make a difference in the lives of American women. Since then, it has grown into one of the most successful and prestigious charitable events in Washington.

Now the race has branched out to communities around America, and more than 46 additional races will take place this year. This means more research dollars and more mammograms for low-income women.

I would like to commend the Susan G. Komen Foundation for their decision to involve other breast cancer organizations in this year's race as both participants and financial benefactors. Those of us involved in this effort must never lose sight of the fact that we are working on a common goal—to eradicate breast cancer. We will be most successful by working together to achieve this goal.

It is also important to note that more corporate and association sponsors will participate this year than ever before. Two Florida organizations have been most helpful with the fifth anniversary race. First, the T-shirts which the more than 15,000 race participants will wear were donated by Sporting Goods Manufacturers, Association. Second, the winners of the male, female wheelchair, and survivor division winners are all going to Disney World. We thank all of the corporate sponsors for their contributions.

Again, I congratulate the organizers of the Fifth Anniversary National Race for the Cure. This is always an important event in my office, and my staff and I are looking forward to being a part of the race on Saturday.

BREAST CANCER

Mrs. BOXER. Mr. President, I rise today to urge my colleagues to join in the fight against breast cancer. Too many of us have seen our friends and family confront breast cancer and the fear and grief that comes with it. Too many American women are becoming losers instead of winners in the battle against this terrible disease.

One out of nine women in the United States will develop breast cancer in her lifetime. It is the leading killer of women between the ages of 35 and 52. This year, breast cancer will claim the lives of an estimated 46,000 women. In my home State of California, roughly 19,000 new cases of breast cancer will be diagnosed this year, and nearly 5,000 women will die.

We do not know what causes breast cancer. We do not know how to prevent it. We do not have a cure. Breast self-examination and mammography screening are the only tools women have to detect breast cancer early, when it can be treated with the least disfigurement and when chances for survival are highest. But even the effectiveness of mammography has been questioned.

Last year the National Cancer Institute revised its guidelines to recommend mammograms for women age 50 or older every 1 to 2 years, but stated that there was not enough scientific evidence to support mammography for women between the ages of 40 and 49.

However, the NCI's conclusions are opposed by over 21 national medical organizations, including the American Cancer Society and the American College of Radiology. They recommend that women have mammograms every 2 years beginning at age 40, and every year beginning at age 50.

And, they are right. In 1992, 40,000 cases of breast cancer were diagnosed in women under the age of 50. Of those cases, 28,900 were diagnosed in women between the ages of 40 and 49.

So you can imagine the panic and the distress women feel when they are told that scientists are unsure about the effectiveness of mammograms. Who should they believe—the scientists or their own doctors? I am not a scientist, but I know that we cannot throw out the only hope women have.

That is why health care reform legislation is so important. The President should be praised for including coverage of mammography in the guaranteed benefits package. But we must add coverage for women under the age of 50.

The women Senators have spoken out clearly on this issue. I am proud that Senator KENNEDY's bill, the only health care reform bill to pass out of committee in the Senate, covers mammography for women between the ages of 40 and 49, in consultation with their physician. It must be retained in the final version.

Mr. President, women with breast cancer face so many uncertainties, and it should be our mission to help find answers for the questions which we have about this horrible disease. Research is our best hope for saving lives in the future and we must invest more in it. We can start by passing the National Breast Cancer Strategy Act, which I introduced last year.

My bill authorizes an additional $300 million for research on breast cancer funded by the National Cancer Institute, including funding for research on new imaging techniques that could replace mammography. This would double the amount of funding now allocated to breast cancer research. And, in order to attract some of our brightest talent to the cause, the bill establishes a scholarship program to encourage scientists to enter the field of breast cancer research in exchange for repayment of educational loans.

I also call on my colleagues to support the Harkin-Hatfield initiative to create a fund for supporting health research at the NIH, which includes the National Cancer Institute. The fund would be financed by a 1 percent tax on health insurance premiums and a voluntary Federal income tax checkoff in order to increase the NIH research budget by 50 percent.

Research can provide so many answers, but new treatments, drugs or devices should meet the highest safety standards. And, women need to be protected from those which don't work.

We cannot forget the 10 million American mothers and their children who were exposed to DES between 1947 and 1971—Americans who because of this horrible drug are at greater risk for infertility, breast cancer, and other diseases. Nor can we forget the victims of silicone gel breast implants—many of whom received the implants as a result of surgery for breast cancer.

Product liability legislation now pending before Congress would insulate manufacturers from the legal consequences of their mistakes, misrepresentations, or broken promises. Women must be able to fight back against these horrible outcomes or any others which could arise in the future.

Mr. President, I am here today because the health care needs of American women can no longer be swept under the rug and left out in the political cold. In health care reform, we must encourage women to have mammograms, the only lifesaving tool we have to detect breast cancer early. At the same time we must look for ways to improve it, so that even younger women can benefit. We must invest in breast cancer research, our best hope for saving lives in the future. Finally, we must defeat product liability legislation which could prevent women from fighting back against unsafe treatments for breast cancer and other diseases.

RETIREMENT OF JIMMIE GAUNCE

Mr. SASSER. Mr. President, I rise today to recognize and pay tribute to my good friend, Jimmie Gaunce, who is retiring after 25 years with the International Association of Machinists and Aerospace Workers.

In his long list of accomplishments, I believe Jimmie's greatest attribute is that he is always there for others. When his country needed him, he answered the call by serving in the U.S. Air Force from 1952 to 1956. Upon being initiated into the International Association of Machinists and Aerospace Workers, Queen City Lodge No. 1501, Jimmie served his brothers by becoming active in his local lodge. Eventually, he was elected chief steward in 1963 and local lodge recording secretary in 1967.

In 1964, lodge No. 1501 affiliated with the newly chartered district lodge 169. Through his exhibition of leadership and tireless work on behalf of his fellow workers, Jimmie rose to the leadership of the district lodge, serving as both president and directing business representative. When two additional district lodges were merged into No. 169, Jimmie was elected to these same offices, which he continues to hold today.

Jimmie Gaunce's service has not just benefited those from his local lodge or his district but also has been very important to the entire State of Tennessee. Since 1969, he has served continuously as an officer of the Tennessee Council of Machinists, initially as area vice president, then as the first vice president, and finally as president, the position he currently holds. Jimmie is also an officer of the Tennessee AFL-CIO, elected as vice president in 1973 and then executive vice president in 1991.

In recognition of his experience and commitment to the needs of Tennessee's workers, Jimmie Gaunce was appointed by the Tennessee Supreme Court to be a member of the Tennessee Lawyers Client Protection Committee. The Supreme Court then reappointed him in 1991 and 1993. Additionally, in 1994 the Tennessee Commissioner of Employment Security appointed Jimmie to the Commissioner's Advisory Committee.

I, as well as the members of local lodge 1501 and district lodge No. 169, will miss Jimmie Gaunce and the leadership he has exemplified over the years. He serves as an example of excellence for which we should each aspire.

ARIZONA STATE UNIVERSITY BASEBALL COACH JIM BROCK

Mr. McCAIN. Mr. President, on Sunday, June 12, 1994, Arizona State University's baseball coach, Jim Brock, passed away. During the past year, Coach Brock was engaged in a fierce battle against cancer. His illness took a heavy toll and extracted a great price. But through it all Jim Brock displayed the tenacity, courage, and the heart he required of his teams. Coach Brock proved to all of us that even if you don't always win you can still be a winner.

Over his 23-year baseball coaching career at Arizona State, Jim Brock won 1,100 games, 2 NCAA Division 1 championships, appeared in 13 World Series, and finished second 4 times. Four of his teams won over 60 games during the season and Jim Brock received Coach of the Year honors in 1977 and 1981. Continuing the tradition established by Bobby Winkles, Coach Brock developed one of the premier college baseball programs in the country. A perennial powerhouse built on talent, determination and intense competitive fire, ASU's baseball dynasty flourished under the stewardship of Jim Brock.

Perhaps his greatest legacy is the youth he served so well. Jim Brock's impact on his players is legendary, and these remarkable individuals have gone on to distinguish themselves in all facets of life. A source of tremendous pride to their families and Arizona State University, these men and women lead by example.

Jim Brock's lasting impression on professional baseball is noteworthy. It is reported that approximately 64 current and former major leaguers are Jim Brock proteges. The list includes some great players, among those are Barry Bonds, Mike Devereaux, Hubie Brooks, Bump Wills, Floyd and Alan Bannister, Oddibe McDowell, Ken Landreaux, and Pat Listach. There are many common threads among these ballplayers. One that is indisputable is that they learned how to win under the auspices and tutelage of Jim Brock. But there are other valuable lessons Jim Brock taught his players and those who follow ASU baseball. Jim Brock showed all Americans that life like baseball, poses may challenges. He proved that no matter how formidable the challenge may be, one must never give up hope. One must forever strive to prevail. Like former North Carolina basketball coach Jim Valvano, Jim Brock showed all of us, that winning isn't everything. How one conducts their life and how they confront the challenges they face is a greater testament of the individual. In fact, it is a far more lasting legacy than one's won-loss record.

The State of Arizona and Arizona State University have lost a good friend, mentor, and leader. We will never forget Jim Brock the coach and his exceptional accomplishments. But I shall also remember Jim Brock the man. His indomitable spirit, strength of character, and enduring courage was a source of inspiration to us all. Our thoughts and prayers are with his wife and family.

STAYING AHEAD OF THE PAIN

Mr. LIEBERMAN. Mr. President, I rise today to call to the attention of my colleagues a book review in the Washington Post that is more than mere review. It is, in itself, a work of creative writing that conveys to the reader a powerful message about the humanity of people living with cancer.

In her review of "You Don't Have To Suffer: A Complete Guide To Relieving Cancer Pain For Patients And Their Families", by Susan S. Lang and Richard B. Patt, MD, Oxford University Press, New York, Natalie Davis Spingarn, herself a cancer survivor, gives us new insight into the lives of people who must confront the pain of an illness, and offers hope about life under very difficult circumstances. As she writes,

> By far the majority of us (who have been diagnosed with cancer) try to live each day with our boots on. When we must deal repeatedly with pain, we have to realize that relief must be carefully balanced with our desire to live to the fullest—whether we want to run an office, drive a car, write a book, look after children or grandchildren, or simply take a marvelous walk around the block.

I have had the pleasure of knowing Natalie Davis Spingarn since I was an intern in the office of Senator Abraham Ribicoff, for whom she worked for many years. She was among those who inspired me to pursue a life in public service. My wife Hadassah and I had the pleasure of joining Natalie and her husband, Jerry, on June 11, for a wonderful celebration of their 50th wedding anniversary. By the example of her career, her writing, her marriage, her struggle with cancer, Natalie Davis Spingarn remains an inspiration for all who know her, and it is in that light that I wish to share her most recent article with my colleagues. Mr. President, I ask unanimous consent that the text of "Staying Ahead of the Pain," by Natalie Davis Spingarn, be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 31, 1994]

STAYING AHEAD OF THE PAIN

(By Natalie Davis Spingarn)

Opinion swings sharply in our nation of extremes: action and reaction, Yin and Yang. In most of the 20 years I have lived with cancer, the belief that I should grin and bear it has been paramount. Although I was lucky enough to be referred to a pioneer pain control team (at Memorial Sloan-Kettering Cancer Center) in the late 1970s, I still felt deep down inside me that pain—even aching, exhausting, depressing, debilitating pain—was to be expected. If I took too many painkillers—even, God help me, an opiate—I was a weakling who could become accustomed to the taste, liable to spoil my chances for comfort at some "later" date. I might even, my late internist warned, become an addict.

Now—and it's about time—the pendulum has begun to swing in the other direction. The word is out and this book by an experienced science writer and the deputy chief of the Pain Service at Houston's M.D. Anderson Cancer Center, carries the message: "You Dont Have to Suffer."

Cancer pain, too frequently undermedicated, can (and should) be relieved for 90 to 99 percent of those who suffer it. Pain endurance does not equal strength; its relief should be part of any treatment plan. Addiction, extraordinarily rare among cancer patients, is to be feared far less than the inability, at best, to return to a normal, comfortable life or, at worst, to die with dignity.

In the last decade, the movement to bring about change in pain management has burgeoned. As cancer centers have set up more pain control clinics and states (led by Wisconsin) have developed pain initiatives medical educators—traditionally intent on "curing" disease rather than relief of its sumptoms—have begun to focus on pain. In March, the Public Health Service released to the medical community voluminous guidelines for the treatment of cancer pain, and followed with a smaller, consumer-friendly guide (available by calling the National Cancer Institute at 1–800–4–CANCER).

The good news about "You Don't Have to Suffer" is that it is a thorough and authoritative manual. Broad in scope, it covers the pain front and explains many puzzling questions. What, for instance, is the difference between addiction ("a psychological craving for a drug") and two "totally unrelated" conditions—physical dependence and tolerance? What triggers pain and why are some people more sensitive to it than others?

The authors present a strong case against needless suffering, which they say might even impact negatively on well-being and life span. They outline the strategies being used to achieve pain relief, whether by attacking its source (removing or shrinking the tumor); distorting the message to alter its perception in the brain (most commonly through the use of painkillers); or, less often, interrupting the signal somewhere between the tumor and the central nervous system (by actually cutting or numbing nerves).

Compelling too is their advocacy of "around-the-clock' prescriptions, which permit doctors and nurses to stay slightly ahead of the pain, as opposed to "As Needed" or PRN medication. PRN (pro re nata) dosing, they explain, leads to clock watching by patient and nurse and may even make matters worse by allowing pain to return, with subsequent higher dosing and side effects. And they include an intelligent, balanced discussion of mind-body approaches to easing pain such as hypnosis, acupuncture and biofeedback, as well as newer, high-tech methods like nerve blocks and electrical stimulation.

Numerous charts and instructions make it easier to keep track of pain and describe it accurately. Moreover, there is an abundance of information about pain relievers—mild (e.g., aspirin or ibuprofen), weak (e.g., codeine or Darvon) and strong (e.g., morphine or heroin)—listing for each drug the brand name, dose range, time needed to reach peak effect and precautions.

I have two problems with this encyclopedic work. First, "You Don't Have to Suffer" itself suffers from a confusing case of multiple voices. In an understandable attempt to reach the widest possible number of readers, this guide "for patients and their families" often ends up uncertain of its audience. At times, it speaks directly to the patient/survivor ("you"); more often it speaks to care givers about "the patient"—someone standing in the wings, while "families" are urged not to forget the bliss of a warm bath, or the necessity to "keep track of the patient's treatments."

This would be a minor matter, an occasion for slapping editorial wrists, if it were not so central to one of the book's main themes: It is essential that patient/survivors themselves participate in pain control if doctors are to know what kind of pain they are feeling, and work with them, trying first one medicine and then the other, to meet changing needs.

The authors only belittle and discourage such participation when they wag their fingers at us patients, lecturing to us about following the doctor's orders and not missing, canceling or being late for appointments. They even urge us and our families to try not to be frustrated, but to "help" those "busier than ever" doctors who "just seem not to understand" what we are suffering (though "most are very caring people"). Come now! On the often long and rocky two-way street of patient/doctor communications, patients can only be asked to go their half of the way.

On a final, more philosophical note, I must confess to a worry that kept rearing its small but persistent head as I read a book, which may, despite its faults, become an important resource in the battle for effective pain management. I have found from experience that there is seldom a free lunch when it comes to control of pain. When we cancer survivors are sick abed, or come to die as we all must, this is not an issue. As passive patients we can endure and even welcome a little dulling of our senses.

But we lucky half of the 8 million Americans who have been diagnosed with cancer, yet granted years of survivorship, find ourselves in a different situation. By far the majority of us try to live each day with our boots on. When we must deal repeatedly with pain—which in itself can be the result of powerful treatment—we have to realize that relief must be carefully balanced with our desire to live to the fullest—whether we want to run an office, drive a car, write a book, look after children or grandchildren, or simply take a marvelous walk around the block.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that

"Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the Constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,607,232,272,433.64 as of the close of business yesterday, Wednesday, June 15. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,671.80.

RESOLUTION ADDRESSING CANADIAN LICENSE FEE—S. RES. 226

Mr. STEVENS. Mr. President, my colleagues and I strongly object to Canada's announcement of a $1,500 license fee for United States fishermen to transit through the Inside Passage off British Columbia.

We are introducing a resolution that expresses our objections and that will help protect our fishermen.

The Canadian license fee is an attempt to get the United States to accept Pacific Salmon Treaty fishing arrangements sought by Canada.

While we face tough issues under the Pacific Salmon Treaty, we simply cannot allow Canada to negotiate by putting United States lives in danger.

The State Department now agrees with me that the Canadian fee is illegal under international law.

Customary international law, and the Law of the Sea—which Canada has signed—guarantee the right of passage of vessels through waters such as the Inside Passage.

Our resolution calls for the reimbursement of U.S. fishermen who are stopped and forced to pay the Canadian fee.

Congress passed the "Fishermen's Protective Act" to protect U.S. fishermen against unfair and illegal actions such as this fee, and we must now utilize that law.

Further, we should amend that law to ensure that U.S. fishermen are able to be reimbursed without having their vessels seized first.

Our resolution also calls for an end to the courtesy we have extended to Canadian fishing vessels off Alaska.

In the past, we have allowed Canadian fishermen to anchor off Alaska without proper customs clearance.

If Canada insists on treating United States fishermen unfairly and illegally, we should no longer extend this courtesy.

We are also asking the President to take immediate action to convey to Canada that the fee is not in its long term interest.

The President must let Canada know that the United States will not tolerate restrictions on the right of passage of United States vessels in violation of international law.

Finally, we are asking the President to direct the Coast Guard to provide for the safety of United States citizens exercising their right of passage in Canadian waters.

Again, we view the license fee as a separate matter from the Pacific Salmon Treaty.

Our resolution does, however, call for the United States to continue to seek agreement with Canada under the Pacific Salmon Treaty.

We hope that Canada will abandon the license fee and return to negotiate salmon arrangements in good faith.

I would like to thank Senator GORTON for leading the effort to put this important resolution together.

TRIBUTE TO THE HONORABLE HUGH N. CLAYTON CITIZEN EXTRAORDINAIRE

Mr. COCHRAN. Mr. President, the State of Mississippi lost one of its finest citizens when Hugh N. Clayton died on April 9.

Because he was my father-in-law, I have been reluctant to put any remarks in the RECORD calling attention to his life and his contributions to the people of Mississippi and to the national organizations in which he took such an active part, but he was one of the most successful and involved citizen leaders of his generation in our State, and he has earned whatever recognition this tribute may bring to his good name.

Although his family members were first in his order of priority and affection, he had a very successful career as a lawyer, and he gave tremendous amounts of his time to charitable, church and civic activities.

His unusual abilities and exemplary service were recognized by several organizations on whose national governing bodies he was invited to serve. He was on the American Red Cross Board and was national convention chairman in 1959. He was on the National Council of Boy Scouts of America. He was a member of the Board of Governors of the American Bar Association.

He earned special recognition from the legal profession by his selection as a fellow of the American College of Trial Lawyers, and he was a district governor of Rotary International.

The Methodist Church was one of his most time consuming interests. He was not only a Sunday school teacher for 40 years, he was probably one of the most devoted and hardest working teachers one could find anywhere. He served also as chairman of the Board of Trustees of the North Mississippi Methodist Conference for many years.

The obituary written by Betty Jo Stewart for the New Albany Gazette was the best in my opinion of the many articles in the newspapers of the midsouth that carried the news of Hugh Clayton's death.

Together with the sermon of the Reverend Lavelle Woodrick that was delivered at the funeral at the First United Methodist Church of New Albany, MS, on April 11, an accurate and heart warming account is given of the life and influence of a citizen extraordinaire, Hugh N. Clayton.

His family misses him very much, and all who know him mourn his passing.

I ask unanimous consent that the obituary and the sermon be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTORNEY, CHURCH AND CIVIC LEADER HUGH N. CLAYTON, 86, DIES

(By Betty J. Stewart)

Hugh N. Clayton, 86, of New Albany, an esteemed attorney, church and civic leader who achieved national prominence, died Saturday, April 9, 1994 at the Baptist Memorial Hospital Union County after an extended illness.

Family, friends and professional acquaintances filled First United Methodist Church at 3 p.m. Monday in services that honored his belief in God and his love for his church rather than a personal eulogy.

The Revs. James McCafferty and Lavelle Woodrick officiated. McCafferty commended Clayton as his choice among Methodist laymen. Woodrick told of Clayton's unselfish service and dedication to his church, giving of himself as the men's Sunday School class teacher, as a legal adviser and as a man who loved to sing.

The congregation sang two hymns requested by Clayton in a letter written to Woodrick three years ago. "Blessed Assurance," and "Amazing Grace."

Woodrick said the words that Jesus spoke when he raised Lazarus from the dead, "Loose him, and let him go," were chosen by Clayton for the inscription on his tombstone.

There were no graveside services. Burial was in the New Albany Cemetery. The family greeted those who came to express their condolences in the fellowship hall.

United Funeral Home was in charge of the arrangements.

Clayton was born Aug. 22, 1907 in Ripley, the son of Ira L. and Nancy McCord Clayton. He was class valedictorian of Ripley High School in 1925, where he had edited the school newspaper his senior year.

He received a bachelor of arts degree in 1929 and a law degree in 1931, both from the University of Mississippi where he was first editor-in-chief of the Mississippi Law Journal, president of Phi Delta Theta, Phi Alpha Delta and Tau Kappa Alpha and a member of the 1931 Hall of Fame.

It was love at first sight when Clayton saw Cathryn Rose Carter of Bolivar, Tenn., a Blue Mountain College student on the Doodlebug, a small two-car train which ran from Louisville, Miss. to Jackson, Tenn. He had Leslie Darden arrange a blind date. After her graduation in June 1939, they were married.

They had two children, Rose Clayton who is the wife of U.S. Senator Thad Cochran, and Hugh Carter "Buzzy" Clayton. Both graduated from Ole Miss. Buzzy, who also graduated from the Ole Miss Law School, died of leukemia at the age of 27 after he had practiced law for about two years and was the Union County prosecuting attorney.

Hugh Clayton was a lieutenant commander in the Navy during World War II. He was the

New Albany city attorney for 44 years and city school board attorney for 48 years. He was a director of the Bank of New Albany.

He was a member of First United Methodist Church and was a Sunday School teacher for 40 years and had served as chairman of the board of the North Mississippi Conference of the United Methodist Church.

Clayton was national chairman of the American Red Cross Board in 1959 and the only volunteer chosen for that honor who did not live in a city of 500,000 or more. New Albany then had a population of 3,680.

He was a regional and national promoter of Boy Scouts, serving on the Yocona Area Council Executive Board from 1955–1976 and on the National Council from 1959–76. Clayton was the recipient of the Silver Beaver and the Silver Antelope awards.

He was president of the Mississippi State Bar and a member of the Board of Governors of the American Bar Association. He was the first president of the Ole Miss Law Alumni Association. He was a fellow of the American College of Trial Lawyers.

He was district governor of Rotary International and was made a Paul Harris Fellow in 1976. He served as a member of the executive committee of the New Albany Centennial Celebration in 1940 and was named honorary chairman of New Albany's Sesquicentennial in 1990.

Clayton had been active in the local and state Democratic party and served on the National Democratic committee from 1956–60. He was a Mason and had been presented a life membership after serving 50 years in the Ripley lodge.

Music was always a part of his life. He studied violin for 11 years and played in churches and weddings. He played the saxophone five years at Ole Miss and the bass horn three years in an Ole Miss dance band. He hired a young aspiring writer, William Faulkner to refurbish that horn, which is now in the William Faulkner Birthplace Museum in New Albany. Clayton always started his Sunday School class with a 20 minute song session. Clayton had been president of the Union County and Tippah County Singing Conventions.

In the past year, he and his wife have made available office space for the Union County Literacy Council Learning Center.

Baxter Knox, who served as a New Albany mayor for three terms while Clayton was city attorney, said, "We go way back. We tried many cases together and against each other. It was a cordial relationship. He was a real friend and a good attorney. Hugh had a knack for getting along with people."

In addition to his wife and daughter, Clayton is survived by one grandson and two granddaughters.

Pallbearers were Joe Robbins, Tom Shands, Joe Parks, Tommy Barkely, Vance Witt and Dwight Williams.

Honorary pallbearers were members of the Hugh N. Clayton Sunday School Class at First United Methodist Church, the Union County Bar Association and the Board of Directors of the Bank of New Albany.

REV. LAVELLE WOODRICK EULOGY FOR HUGH N. CLAYTON

(By Lavelle Woodrick)

A minister named Ray Stedman wrote about meeting a young man who had recently become a Christian. In the course of the conversation the minister remarked that now the young man could be free of the fear of death. He replied, "I've never much been afraid of death. But I'll tell you what I am afraid of—I'm afraid I'll waste my life."

Hugh Clayton didn't waste his life. Far from it! He was a man whose influence for good touched countless persons. He served in numerous ways for the betterment of others. In fact, the number and diversity of the avenues of service to which he gave his time, talents and energies are remarkable. In recognition of such services many honors and distinctions were bestowed upon him.

Signs of leadership abilities and commitments were evident when he was a student at the University of Mississippi. He was elected to the Hall of Fame, and he was the first editor of the Mississippi Law Journal, published by the University's Law School. Hugh played tuba in the Ole Miss band and dance band. Once when his tuba needed refurbishing, he gave the job to a young writer named William Faulkner, who painted the bell of the tuba gold. Hugh's famous tuba is now in our local museum.

His honors as a student forecast a long and distinguished career. He served as president of the Mississippi Bar Association. He was a member of the Board of Governors of the American Bar Association, and he was a member of the Executive Committee of the Democratic National Committee.

For his service to the Boy Scouts organization, he was given the prestigious Silver Beaver Award. He served on the National Council of Boy Scouts of America.

He was also a member of the National Board of the American Red Cross.

He served a term as District Governor of Rotary International, and was a past president of the Rotary Club of New Albany.

He responded to the call of patriotic duty in World War II and was a Lieutenant Commander in the Navy.

Some several years ago, his beloved Alma Mater, Ole Miss, conferred on him the Distinguished Alumnus Award.

Hugh Clayton served his local community in many ways. His law practice enabled him to be both counsellor and friend to countless clients over the years. He was city attorney and city school board attorney for nearly 50 years. He was a director of the Bank of New Albany.

Hugh loved to write letters. I have a thick file of the letters he wrote to me. I cherish each of them because they were always loving, affirming and supportive. In one letter, he said that my sermons were too short, and gave his opinion that a good sermon couldn't be preached in 15 minutes, a position which I feel sure would not represent the majority. However, in a letter of three years ago, exactly, he gave instructions for his funeral service and asked that no laudatory remarks about him be said. So in this service when he wanted me to be brief, I am speaking longer than usual at these services; and I shall not be too stunned if I receive a letter from the other side soon taking me to task for not following orders.

But a life of such far-reaching good must be celebrated for *our* good. We need the inspiration of a life well lived.

While we have recounted some of Hugh's accomplishments and honors, the one he loved most, beyond his family, was the Church.

For a number of years he was the North Mississippi editor of a Methodist periodical which was called *The New Orleans Christian Advocate*. He was also treasurer of the North Mississippi Methodist fund that assisted pastors serving small churches in the rural areas of our Conference, and Hugh's files contain all the correspondence of that era. For many years he was the chairman of the Board of Trustees of the North Mississippi Methodist Conference. As such he gave an enormous amount of legal service to the Conference, especially in the area of Church property.

He was a faithful member of this Church and held many positions of leadership.

He will be remembered in this church primarily as the teacher of the Sunday School class that was named for him a few years ago. More than 40 years ago, he became that class's teacher and he remained its teacher until about a year ago.

It was more than a class. It was, and is, like a family. Hugh referred to the class members as his "boys." He guided them, counselled them, challenged them, laughed with them, and cried with them when one of their number died or when some other sorrow touched them.

Hugh was both teacher and song leader. The class session always began with a number of old, familiar hymns. With hymn book in his right hand, Hugh would direct with his left hand, using broad horizontal sweeps of his arm to give the beat. He would also lead the singing for the entire congregation on special occasions, using his familiar song-leading techniques. He loved music, especially the old favorites and the singing convention type songs. He once wrote to me, "you may not believe it, but I am true country. I have been president of the Tippah County Singing Convention and the Union County Singing Convention.

Not only True Country, but True Churchman, True Citizen, True Husband, Father, Grandfather, Friend.

When he reached the immortal realm on Saturday, we are sure that he and his beloved Buzzy were reunited. But after that, don't you suppose that all of his Sunday School class boys who preceded him there came to greet him. And I can hear him say, "Boys, let's sing our medley." And from that sublime place burst forth the strains of "Heavenly Sunshine." And they would want us to hear them sing also, "It Is No Secret What God Can Do," "So Let the Sunshine In."

And that's what we want to do. Let the Sunshine of God's grace in Jesus Christ into our lives.

On his grave stone, Hugh had a verse from John 11:44 carved into the marble. It comes from the story of the raising of Lazarus. Jesus called forth the dead Lazarus out of the tomb. He came forth bound by all the wrappings with which the dead were covered. Then Jesus said to those around him, "Loose him and let him go." Those are the words on Hugh's grave stone.

We release him to his heavenly home, but we shall not let the memories depart, and for them and for him we will always be grateful to God.

LAVELLE WOODRICK,
His Pastor.

THE NATIONAL RACE FOR THE CURE

Mrs. FEINSTEIN. Mr. President, this Saturday, thousands of men, women, and children will together log thousands of miles around our Nation's Capitol with a single unifying goal—to benefit breast cancer research, detection, and education.

With strength and determination in their hearts, the Race for the Cure participants will walk, jog, wheel, and run, not for themselves, but for the countless number of women who have either succumbed to, or survived the battle against breast cancer. My heartfelt appreciation extends to each of these racers.

My own commitment to finding a cure for breast cancer remains steadfast. As co-chair of the Senate Cancer Coalition with my distinguished colleague, Senator MACK, I have had the opportunity to gain a better understanding of all aspects of this serious disease—from the latest research findings to advanced screening methods to the safety of clinical drug trials. The testimony of those who have experienced or witnessed the trauma of breast cancer—survivors, researchers, physicians, educators, and advocates—overwhelmingly affirms the need for us to make breast cancer a priority.

There is much to be done to fight this disease that has affected so many of us in various ways. Thus far, mammograms are our most effective weapon in early detection. In addressing the enormous task of national health care reform, we must take steps to ensure that every woman, regardless of her income or age, has access to affordable, regular mammograms. Researchers are closing in on the gene that causes most of the inherited forms of breast cancer. With this knowledge, women will be able to learn their true odds of developing breast cancer by taking a simple blood test.

But what good is knowing these odds when women are powerless to prevent the cancer from forming? According to the National Breast Cancer Coalition, 1.8 million women have been diagnosed with breast cancer, and 1 million more do not know yet that they have it. Forty-six thousand women will die from the disease this year. The fact is we do not know what causes breast cancer or how to cure it. And although treatments are improving, a woman diagnosed with breast cancer will ultimately face choices that are physically and emotionally taxing.

So the race is on for a cure. We all know the staggering statistics and we all need to do something about it. I call upon my colleagues in the Senate to do our part toward reaching the goal of breast cancer eradication. Give breast cancer initiatives adequate funding and support legislation which expands women's access to prevention and detection services.

The winners of this race will be the women of America and their daughters. For when a cure is found, the race is won.

THE TRANSCAUCASUS WOMEN'S DIALOG: HISTORIC MEETING TAKES PLACE IN WASHINGTON

Mrs. KASSEBAUM. Mr. President, for the first time since war came to the Caucasus Region—after the Republics of Armenia, Azerbaijan, and Georgia secured their independence from the former Soviet Union—six leading professional women from each country, some with political experience, came together under the aegis of the National Peace Foundation to begin the Transcaucasus Women's Dialogue in Washington and at Airlie, VA, June 7 to June 14.

Supported by the National Endowment for Democracy, the Eurasia Foundation, a private philanthropic group, and members of the National Peace Foundation, the dialog builds upon the Peace Foundation's earlier work in the three republics over a 4-year period beginning in 1990.

As this nongovernmental discussion took place, official representatives of Armenia, Azerbaijan, the disputed Karabagh region, Russia, and Turkey, under the aegis of the Commission on Security and Cooperation of Europe [CSCE] continued to search for a formal political and diplomatic solution to the armed conflict that still goes on. Meanwhile, the 18 participants of the dialog achieved a fundamental breakthrough; they overcame difficult psychological barriers, including those that prevent genuine communication.

The ravages of conflict in the region, including that in the Georgian republic, have left the scars on the lives of most families in the three countries. Yet the participants in the dialog determined that they would begin working now, in practical ways, to prepare for a peaceful future and a progressively democratic region, with strong civic institutions in each country that would cooperate with each other across national lines.

The fact that the women agreed to meet and begin an ongoing dialog was in itself impressive. Even more impressive, within several days, they had adopted a set of principles and goals, and constructed three projects which they are committed to work on together in the coming years. One deals with children who are victims of war, one with conflict resolution training, and the third is to expand the dialog network.

For the National Peace Foundation, Board members Deborah Welsh, who pioneered the Foundation's work in Armenia, and Sarah Harder, who has led the Foundation's work in Russia, were discussion leaders and facilitators. Their skill and understanding won them the admiration of all of the participants, who credited them with making possible their own progress towards a new cooperative stage among civic organizations of the three countries.

The National Peace Foundation has pledged to continue its assistance as the dialog goes forward. It may be that, with continuing support from those organizations and individuals that have already invested in the Transcaucasus Women's Dialogue, and from others, the new initiative will come to be known as one of the major building blocks for peace, democracy, and development in the Transcaucasus.

FISHING FOR ANSWERS: THE DEBATE OVER THE LAW OF THE SEA

Mr. PRESSLER. Mr. President, for almost five decades both industrialized and developing nations have debated over how best go govern the vast resources at the bottom of the sea. At the close of World War II, nations around the globe raised jurisdictional questions regarding ownership of the ocean's assets. As a result, in 1958, the United Nations held the first of three conferences on the law of the sea—UNCLOS. The second conference—UNCLOS II—was held in 1960, while the third conference—UNCLOS III—met in 1973. During these meetings, the United Nations formulated what is now known as the Law of the Sea Treaty [LOST].

The LOST consists of more than 400 articles which cover 6 areas, including seabed mining, fishing, navigation, marine research, ocean pollution, and economic zones. In 1982, after much debate over controversial, anticompetitive deep seabed mining provisions, the United States rejected the treaty. Although the United States failed to sign the LOST in the early 1980s, the United Nations now has enough signatories to ratify the treaty. The LOST will be effective in November, 1994.

While the Bush administration did not question President Reagan's reluctance to endorse the treaty, the Clinton administration has renewed the debate over the U.S. position on the LOST. The current administration is considering adding the United States to the treaty's list of supporters.

Many questions exist regarding U.S. support for the treaty. In fact, William Safire of the New York Times recently wrote an article criticizing the Clinton administration's renewed interest in the LOST, in his article, Mr. Safire raises several important issues, including the potentially anticompetitive nature of the treaty and the notion that the seabed is the common heritage of mankind. Part XI of the treaty, which covers regulations pertaining to deep seabed mining, is the prime section of contention in the LOST. Although, Part XI has been modified, making it less controversial, many issues remain unresolved.

I believe that Congress should hold hearings regarding the LOST to discuss further any issues which could adversely affect the United States and other market economies. The State Department needs to provide more answers before the United States approves this treaty. I stand ready to work with the administration in efforts to resolve questions regarding the treaty's legitimacy.

Mr. President, I ask unanimous consent to place William Safire's article, "LOST at Sea," in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 31, 1994]

LOST AT SEA

(By William Safire)

LONDON.—LOST is a loser, but the U.S. is getting ready to sign on.

The Law of the Sea Treaty—its apt acronym LOST—has been ratified by 60 nations and will come into force on Nov. 16 of this year. The big question—one that will affect global business on and under the sea for generations—is whether the U.S. will subscribe to what third-world leaders and international bureaucrats hail as "the constitution of the oceans."

I have long argued we should not. Although many of the treaty's navigational and fishing provisions are unobjectionable, the core of the new international law is a collectivism cartel that conflicts with our national interests and betrays the spirit of capitalism.

Back in the 70's, as the have-not nations were touting a "new world economic order" to redistribute the world's wealth, Carterites and some liberal Republicans enlisted in the cause to declare the resources of the sea bottom "the common heritage of mankind." (That was before we become "humankind.")

Their essential idea was that entrepreneurs of the industrial nations would mine the seas for mineral wealth, just as explorers and discoverers did for centuries, but with this difference: Most of the product of free enterprise would be turned over to a Socialist "Enterprise," a vast new U.N. bureaucracy that would both regulate and compete with the miners of the sea.

The philosophy was wrong, John Locke, on whose writings Thomas Jefferson drew, held that when a person mixed his labor with a material resource, the person acquired a property right in that resource. That provided a profit motive, the incentive to explore and develop that created fortunes and built industrial democracies.

But under the Marxian collectivist philosophy expressed in the Law of the Sea, the ocean resources belonged not to the ones who found it, but to the united Nations. An OPEC-style cartel would graciously allow the developers to keep a part of their stake, but would demand they share their technology and would determine production and prices.

To its eternal credit, the Reagan Administration saw this basic conflict of ideology and said to LOST negotiators: Nothing doing.

Reagan's principled rejection, as Doug Bandow's recent Cato Institute study points out, caused great gnashing of teeth among diplomats at the U.N. and politicians in scores of third-world countries who had been counting on lifetime sinecures with perks in the LOST "Enterprise," to be based in sunny Jamaica.

Despite the drop in mineral prices that discouraged expensive seabed exploration, and blind to worldwide loss of interest in Socialist economics, bureaucrats pressed ahead.

Enter the Clinton Administration with its multinationalism and multiculturalism and multimultiism. Thanks to the U.N. representative, Madeleine Albright, and gnomes in the State Department who never met a global treaty they didn't like, LOST was found. Their technique was to dress up the pact with market rhetoric, drop the requirement to share technology with the third world, and slightly modify other egregious offenses to free enterprise.

Something happens to diplomats who get involved in a diplomatic "process": The deal becomes the goal. Their measure of success is a flock of signatures on a document at a televised ceremony with souvenir pens handed out all around.

When the Clinton State Department is asked about the status of LOST, the answer is: "Hasn't made it up to the seventh floor yet." Secretary Warren Christopher has his hands full with a threat from a bellicose North Korea, and cannot focus on convoluted philosophical disputes.

What will happen? When LOST gets up to foggy bottom's seventh floor, Christopher will lawyer it a little, make sure the U.S. has a veto, get some Pentagon admiral to praise its unnecessary legitimization of Straits of Gibraltar passage, and have President Clinton sign it as a symbol of the brave new multinational world.

Then the Senate will decline to ratify LOST because its central provision is anti-free-enterprise. Is such a display of disunion in the President's interest? Or in America's?

No. The time to drop the vast boondoggle of LOST is now.

TRIBUTE TO MERLE REEVES LUCAS (LOOKING EAGLE)

Mr. BAUCUS. Mr. President, it is with great sadness that I note the death of a friend and crusader for Indian causes, Merle Reeves Lucas or "Looking Eagle."

Merle died on June 9 in Arlington VA while he was at an American Indian business conference. He was striving after his lifelong goal of bringing greater economic well being to the Indians of his reservation and his country.

A graduate of Wolf Point High School, Merle worked for many years as the Montana Coordinator for Indian Affairs. In this position he worked tirelessly to promote State and Federal legislation beneficial to American Indians.

After leaving this position, Merle then worked as the Executive Director of the Montana Inter-Tribal Policy Board and then as Chairman of the Fort Peck Tribal Finance Committee. Here he was a key leader in improving the economic conditions on Indian reservations.

One of Merle's greatest goals was in educating others about the economic opportunities that exist on Indian reservations. He sought to show the world the quality of Indian workers and to attract businesses to Indian communities.

An illustration of this was Merle's work as Chairman of the Montana Indian Manufacturers Network. This network was established to help Indian owned businesses both individually and collectively. Drawing on their collective strength and experience, Montana's Indian Manufacturing firms are helping each other become stronger and more competitive.

Another example of Merle's love for his fellow Indians and America was his outstanding service during the Vietnam war. During his 18 months in Southeast Asia he was wounded five times and was decorated with the Bronze Star, Purple Heart, and the Army Commendation Medal. As his brother simply stated, "he really dedicated his whole life to helping his people."

In 1977 Merle was honored at the Kennedy Center by the organization, "No Greater Love." Perhaps this says it all. Merle had no greater love, than for his family, his tribe, his State and his country. He demonstrated this with a life of service. May he rest in peace; we will miss him.

RACE FOR THE CURE 1994

Mr. LEAHY. Mr. President, the race for the cure for breast cancer is on. Two days from now, Washington, DC will host a race that will be taking place in cities all across this Nation. In Washington, over 12,000 people will gather together on Saturday morning, June 18, 1994, to run against time and fear and send a message of unity in the battle against breast cancer. Marcelle, my wife, and I will join with the many grassroots breast cancer advocates in the fifth annual Race for the Cure to benefit breast cancer research, detection, and education.

Unfortunately, every one of us knows someone whose life has been touched by this devastating disease. In 1994 alone, 182,000 women will be diagnosed with breast cancer and 46,000 women will die of the disease. The epidemic proportions of breast cancer will cost the Nation over $6 billion in medical costs and an additional $6 billion in lost productivity. But this does not begin to describe the tragedy and pain faced by the women, their families and friends. While we can never bring back those we have lost to the disease, we can renew our commitment to ending the terrible toll breast cancer has taken.

This weekend's race, along with races in many other cities, is a result of the hard work and dedication of breast cancer advocates around the country. Supporters from my home State will hold their race on July 31 in Manchester, VT. I join these advocates in taking their message to the American people and to Congress, and I am fighting for continued support and increased funding for breast cancer research. Congress has taken important steps in this effort, and I want to mention one program in particular.

The Department of Defense breast cancer program, which we started in 1992, has been a tremendous success. The Army received an overwhelming number of innovative breast cancer research proposals, many from researchers new to this field. The $210 million appropriated for the program only covers a quarter of these projects, leaving many worthwhile ideas still to pursue. That is why I am fighting to keep the DOD breast cancer program alive. Earlier this year, I wrote a letter to Secretary of Defense William Perry urging him to increase funding and maintain this important program. I applaud the Army's work and support their right to continue this project. I encourage other Senators to support this program and join me in doing as much as we can to beat this disease.

The eradication of breast cancer has become a national priority, but the fight is far from over. It is through the continued efforts of breast cancer advocates from Manchester, VT to San Francisco to Washington, DC that we can hope to end the epidemic of breast cancer for us and for our children.

NOMINATION OF ADM. CHARLES R. LARSON, USN

Mr. NUNN. Mr. President, the Senate Armed Services Committee today reported the nomination of Adm. Charles R. Larson, U.S. Navy, to retire in grade as a four-star admiral. Admiral Larson is presently serving as the Commander in Chief, United States Pacific Command.

Admiral Larson's nomination to retire in grade has been pending before the Armed Services Committee since early May. Some questions arose in connection with Admiral Larson's activities in connection with attaining the fullest possible accounting of POW/MIA's who did not return from Southeast Asia. The committee submitted a series of questions to Admiral Larson in May and earlier this month Admiral Larson provided extensive written responses to both series of questions.

The Armed Services Committee met in executive session on May 24 and June 15 to discuss these matters. Pursuant to the committee's invitation, Senator JOHN KERRY, chairman of the POW/MIA Committee, participated in the June 15th discussion. At the close of the June 15th session, the Committee voted 18 to 1 to favorably report to the Senate the nomination of Admiral Larson to be retired in grade.

THE 1994 NATIONAL RACE FOR THE CURE

Mr. D'AMATO. Mr. President, I rise today to commend the Susan G. Komen Breast Cancer Foundation for sponsoring the fifth annual National Race for the Cure, which will take place this coming Saturday, June 18, here in our Nation's Capital.

This annual event raises critically needed funds to combat breast cancer—a horrible disease that, unthinkably, has become the most common form of cancer in women, and the leading cause of cancer death for all women aged 35 to 54. It is a disease that—with no known cure and no known cause—can only be understood, and eventually conquered, through increased research.

In addition to raising funds for research, this race brings needed public attention to the importance of early detection and mammography screening, and their potential to increase the survival rate for breast cancer victims. We know that mammography can reduce breast cancer mortality by up to 40 percent for women over 50; yet only one fourth of women in this age group report getting mammograms on a regular basis. This race will help ensure that more women are made aware—and take advantage—of mammography's potential life-saving benefits.

I am heartened by the tremendous public response the Race for the Cure has received over its short history. In just 5 years, the National Race for the Cure has grown to become the largest 5K race in the country, with over 15,000 participants expected in 1994. True to its name, those who enter run not to win the race to the finish line, but to help our Nation win the race against the clock to discover a cure for this devastating disease.

Mr. President, I want to commend all those involved in planning, organizing, supporting, and, not least of all, running in this important event. I hope that it will exceed all expectations, and that it will bring us closer to the day when the horrible ravages of breast cancer are a thing of the past.

THE NOMINATION OF LAURI FITZ-PEGADO

Mr. MOYNIHAN. Mr. President, many arguments have been made, both in favor and opposed, to the nomination of Lauri Fitz-Pegado today. During the debate, none have outlined the concerns raised about the nominee more succinctly than Lars-Erik Nelson's superb piece in Newsday, "Reward for Spreading a Lie." I regret the Senate did not give closer consideration to her conduct during the Gulf war before approving her nomination today. I ask unanimous consent that Mr. Nelson's article be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Newsday, May 17, 1994]

REWARD FOR SPREADING A LIE

(By Lars-Erik Nelson)

WASHINGTON.—You can buy a war from America. It's one of our better exports. Lauri Fitz-Pegado can tell you how to do it.

Fitz-Pegado is a former executive of Hill & Knowlton Inc., the public relations firm, and has been nominated by President Bill Clinton to head the Commerce Department's U.S. and Foreign Commercial Service.

Among her qualifications as an export promoter: In 1990, she helped export 500,000 U.S. troops to the Persian Gulf.

Kuwait paid Hill & Knowlton $11 million to stir up American outrage against Saddam Hussein's invasion. At the time, Kuwait was not exactly a sympathetic victim. It was a feudal sheikdom notorious for knee-jerk anti-Americanism—until it was threatened. Now its ruler, His Highness, the Homeless Emir, wanted American troops to give him his country back.

What America needed was a good atrocity story—and Fitz-Pegado, as head of Hill & Knowlton's Kuwait project, produced it. At a congressional hearing in October, 1990, she stage-managed the appearance of a 16-year-old, supposedly a hospital volunteer, who claimed to have seen invading Iraqi troops pull 15 babies out of incubators in Kuwaiti hospitals, leaving them to die on the floor.

The story was and is false. The girl proved to be the daughter of the Kuwaiti ambassador to the United States. She was not a volunteer at the hospital. She has seen no dead bodies being removed from the hospital.

Fitz-Pegado could not have cared less. When she was challenged about the veracity of the 15 dead babies by John R. MacArthur, an author and publisher of Harper's Magazine, she replied, according to a transcript:

"Who gives a —— whether there are fifteen or two . . . Whether it was one baby, two babies, five babies or fifteen babies, the event happened."

Nope. The State Department and subsequent investigations by human-rights groups have been unable to produce evidence that babies were taken from incubators and left to die on hospital floors.

A Hill & Knowlton executive says dryly, "I don't know whether the event happened or didn't happen. I do know that at the time we said it was true, we had no way of knowing whether it was true or not."

Anyway, Hill & Knowlton earned its $11 million. President George Bush repeatedly cited the incubator story as an example of "shocking new horrors that reveal the true nature of the reign of terror in Kuwait." In the Senate debate on whether or not to authorize a war, six senators cited the incubators story as an important reason to punish Saddam Hussein—and the war resolution passed by five votes.

Middle East Watch, a nonpartisan human-rights monitoring organization, concluded "the incubators story served the interest of those attempting to tip the balance toward war."

Except for two things, this would all be ancient history:

First, Fitz-Pegado needs Senate confirmation for her new job, and this will be a test as to how the U.S. Congress feels about being lied to. Chances are it doesn't care—though Sens. Fritz Hollings (D-S.C.) and Byron Dorgan (D-N.D.) have fretted publicly about whether Fitz-Pegado sold America a "hoax."

"She'll go through the Commerce Committee a lot more easily than she deserves," said a Senate source. "The Republicans don't want to hear anything that hurts their favorite war."

Secondly, Fitz-Pegado illustrates once again how vulnerable we are, even in this sophisticated age, to atrocity stories.

Following the example of Kuwait and Hill & Knowlton, Bosnia's Muslims and the Republic of Croatia both employed Ruder Finn, a U.S. public-relations firm, to mobilize opinion against Serbian war crimes—the much-publicized and truly horrendous mass expulsions, rapes and murders.

The Serbian behavior was atrocious enough without exaggeration, but it was insufficient to outrage Americans into going to war to rescue Bosnia. James Harff of Ruder Finn said "desperate people will exaggerate," but he denies that his company invented any atrocity stories; but he does claim credit for helping Croatian President Franjo Tudjman, a former Nazi sympathizer, clean up his image with the American Jewish community.

Partly thanks to Ruder Finn, the Jewish community has been among the foremost defenders of Bosnia's Muslim community. "It's part of the American Jewish Committee's strong 'Never again' feeling," says a Senate staffer.

David Keane, a Washington public-relations consultant who tried to help Serbian-Americans soften the evil image of the Bosnian Serbs, gives Ruder Finn his professional admiration for focusing attention on Serbian crimes: "However much Ruder Finn charged Croatia, they earned it. The imagery [of the Serbian crimes] was wonderful. It was really well done. You could do that for almost any side in any war."

BREAST CANCER—RACE FOR THE CURE

Mrs. MURRAY. Mr. President, I would like to join my colleagues in expressing support for research on breast cancer. This frightening disease has taken the lives of far too many women. The long list of those who have died includes many of my own friends.

Breast cancer is a growing public health problem in this Nation, and a great threat to women's health. It is estimated that during the 1990's, nearly 2 million women in the United States will be diagnosed with breast cancer, and 460,000 women will die from this deadly disease.

Many women are confused by the mixed messages being sent to us today about breast cancer and other diseases affecting women. One year, we are told to have annual mammograms beginning at the age of 40, and we faithfully comply. Next, we are told to have a mammogram every other year. Then, we are told not to have mammograms until the age of 50 because mammograms are not as reliable as we thought in younger women. We remain worried and confused, and meanwhile women continue to die.

What is the message here?

Clearly, more research must be done. More must be done to educate all of us about the risks, prevention and treatment of breast cancer. These mixed messages create confusion, and raise our fear about this disease.

My own fear has intensified because I have lost a number of personal friends to breast and cervical cancer in the last 6 months. I will be walking in their memory in the Race for the Cure this weekend.

The race will be held in cities across the Nation at different times this summer. In Seattle, many many women will be walking together to join voices in sending a strong and united message. Here in Washington, DC, I will be joining members of my staff to walk in the Race for the Cure this Saturday. We are proud to join millions of Americans in raising the level of awareness about breast cancer and the need for research and answers to this frightening epidemic.

Mr. President, it also is appropriations time. We in Congress need to allocate more funding for research on breast cancer as well as research on other diseases which affect women.

Eighty percent of those affected by osteoporosis are women. Women are the fastest growing demographic group that is HIV positive. There is no method to detect ovarian cancer in its early stages. False negatives for pap smears for cervical cancer run as high as 40 percent. Women suffer from clinical depression at rates twice that of men. These are just a few of the health problems women face that need increased attention by the medical and scientific communities.

Ovarian cancer, cervical cancer, endometriosis, the longlasting effects of DES, lupus, and alcoholism in women—all these areas of research have been overlooked in the past.

Mr. President, I urge my colleagues and everyone else to participate in the Race for the Cure either here in Washington, DC or in their hometowns. I challenge them to walk the walk, and not just talk the talk on this issue. And, I urge the U.S. Congress to allocate more funding for research on breast cancer and other diseases affecting women.

SIGNING OF CENTRAL BERING SEA AGREEMENT

Mr. STEVENS. Mr. President, I am pleased to announce that an international fishing treaty was signed today to protect fishery resources in the Central Bering Sea area known as the Doughnut Hole.

This treaty, called the "Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea," was signed by the United States, Russia, China, and Korea.

The State Department informs me that Japan and Poland also intend to sign the treaty, but they were not able to be at the ceremony this morning.

The treaty creates a long-term agreement to protect one of the world's greatest fish resources, the Aleutian Basin pollock.

It will also stop foreign fishermen from using the Doughnut as a staging area for illegal raids into the U.S. 200-mile zone.

The treaty is a tremendous precedent-setting agreement.

It allows the United States and Russia, as the coastal states to the Central Bering Sea, to set the harvest levels for an area of international waters and to board vessels suspected of violating the agreement in these waters.

My colleagues helped get this process started in 1988 by unanimously supporting my resolution calling for a moratorium on fishing in the Doughnut Hole.

My resolution led to the beginning of the negotiations by the nations who have now agreed to the treaty.

In 1992 these six countries agreed to 2-year voluntary moratorium after the President signed into law my Central Bering Sea Enforcement Act.

This act provided for automatic sanctions against fishing vessels from nations that continued to fish in the Doughnut Hole in the absence of an international agreement.

In 1993, Congress unanimously passed Congressman YOUNG's legislation reaffirming our determination to conclude an agreement in the Central Bering Sea.

The State Department will soon submit the signed treaty to the Senate for final approval.

I hope that the Senate will act quickly to approve this treaty, and that my colleagues will support me in passing any necessary implementing legislation.

FACING THE THREATS TO THE ARCTIC ENVIRONMENT

Mr. MURKOWSKI. Mr. President, more than 2 years ago I joined with several others in sounding the alarm over environmental practices in the former Soviet Union that threatened areas beyond the borders of that crumbling empire.

The end of the Soviet Union and the fall of the iron curtain had brought a looming environmental disaster into focus. Visitors to Russia returned with videotapes of uninhabitable areas poisoned by chemical dumping, radioactivity and ground-water contamination.

The disastrous environmental legacy of the soviet Union was also mirrored in the declining health of many of its people. Infant mortality was up sharply. Life expectancy was declining rapidly. In some areas, birth defects seemed almost commonplace.

Meanwhile, we heard tales of leaking nuclear reactors dumped in shallow Arctic seas—scuttled nuclear subs—secret nuclear accidents that rivaled Chernyobl.

Eventually, the Russians confirmed that many of these things had indeed happened—including some which occurred in the Arctic.

The Arctic, aside from being a harsh and beautiful place, is the very "incubator of life" responsible for the food and subsistence of the indigenous Inupiat Eskimo, Yupik, Aleut and other Alaskans who depend on the living resources of the land and sea.

As we learned what had occurred in Russia, a number of questions arose: Would the environmental disaster in the former Soviet Union be confined within its borders? Or would it affect Americans who live in Alaska and subsist from the living resources of the Arctic? Might it even affect the fisheries of the North Pacific or beyond?

Today, I am pleased to report to the Senate that we have some answers. There is some good news, some bad news, and some areas where more work is clearly needed. On the whole, I believe that Alaskans can breathe a bit easier—for the moment.

Thanks to the use of a small portion of Nunn-Lugar funds in support of scientific research to examine the extent of Russian radioactive waste in the oceans of the Arctic and Northern Pacific, we have a better, but still incomplete picture of the dangers to Americans and the Arctic ecosystem posed by the radioactive wastes carelessly disposed in Russian and international waters by the Soviets.

I will summarize some of the preliminary findings:

While it is clear that liquid nuclear wastes and fueled nuclear reactors have been dumped in the Arctic, there is no imminent danger to the Western Arctic and Alaska from the radioactive sources we currently know about.

Radionuclide concentrations and emission rates from samples near Alaska are low and consistent with expected background levels from natural sources and past atmospheric nuclear testing.

Current models of ocean circulation and other factors indicate that the known dumped materials, even if they become totally uncontained and soluble in seawater, would not significantly increase radiation levels in Alaska above background.

That, Mr. President, is the good news. But those findings came with other sobering news:

Many of the potential radioactive sources the Russians admitted were dumped have not been found. We still don't know if the Russian descriptions of the dumped materials are accurate, and we haven't had the benefit of direct measurements at many of the dump sites.

The Arctic Ocean is still perhaps the least understood area of our planet—so the ocean circulation and chemistry models are not as accurate as we would wish them to be. The predictions that can be made about the spread of contamination in the Arctic are only as good as the models.

Elevated levels of radioactivity were found in the Ob and Yenisey River sediments, suggesting that the inland weapons plants—not the materials dumped in the oceans—may be the cause for long term concern. We are told there are a billion and a half curies of waste being stored at the Mayak plutonium plant; a billion at Tomsk and an unknown amount at Krasnoyarsk. All of these are in watersheds that flow to the Arctic.

The scientific research performed thus far focused on radioactivity—while perhaps an even greater danger to Alaskan subsistence resources are persistent organics, such as DDT and PCB, and trace metals, such as mercury and cadmium. Indeed, last summer's research uncovered elevated levels of these nonradioactive contaminants.

My purpose in taking the floor today was not only to report some of these findings, but to suggest a few of the things that we ought to be doing to better understand the environmental threats to the Arctic from activities in the former Soviet Union.

This is not a matter of sole concern to Alaskans. It is an issue of international importance.

I must confess that I often disagree with many of the pronouncements of the Clinton administration as they relate to environmental matters. But I took some comfort when President Clinton made the following statement last September, and I quote:

> The United States is committed to protecting the Arctic environment. . . . The difficult task of protecting the pollution-sensitive Arctic relies on careful scientific monitoring and international cooperation.

Unfortunately, I was somewhat disappointed when the President's budget came to Congress without proposals to fund the scientific monitoring and international cooperation the President had said we were committed to doing.

It's important to remember that the scientific work performed thus far has been funded at Congress' initiative, in large part through the efforts of my friend and colleague from Alaska, Senator STEVENS. Thus far, we have not seen any initiatives addressing this matter emerging from the administration.

Nearly a year and a half ago, the Clinton administration began a comprehensive review of U.S. international environmental policies. This review, known as Presidential Review Directive/NSC-12, was designed to update United States policy in the Arctic and provide a framework for dealing with the problems posed by radioactive and other contaminants in the Arctic resulting from activities in the former Soviet Union.

This review was expected to result in a new Presidential Decision Directive—a guiding policy document on U.S. policy in the Arctic—by the summer of 1993.

Over a year has passed, and there is still no guiding policy document. I'm told that the review is complete, but that a decision document has still not been agreed upon.

Fortunately, a group of dedicated scientists and program managers within a number of Federal agencies have been working on a comprehensive Arctic Contamination Research and Assessment Program for consideration in the next budget submission. If it survives review at the White House, the program will help us to answer remaining questions about the threat to the Arctic environment from Soviet and other activities. Such a program would also help us to meet our international obligations under the Arctic Environmental Protection Strategy.

So I challenge the administration to back up its promises with the sustained scientific assessments, risk analyses, and long-term monitoring that we have committed to.

We must begin to work with the Russians as partners in protecting the Arctic environment and promoting environmentally sound, sustainable development in that region of the world. But we don't have to wait for the appropriations cycle or the next budget submission. There are some things we can do now.

For example, the Murmansk Shipping Co. operates Russia's only facility for cleaning up low-level liquid nuclear waste. The plant currently lacks sufficient capacity to handle all of the low-level waste produced from the Northern Fleet and the Russian nuclear icebreaker fleet. When capacity isn't available, the Russians simply dump the liquid waste at sea, notwithstanding the provisions of the London Convention which prohibit that practice.

We recently sent a technical team to Murmansk which concluded that the plant could be upgraded to accommodate all of the Northern Fleet's liquid waste for $1.7 million. I'm not suggesting that we pay the total bill, but we ought to join with the Russians and the Norwegians to assist with a share of it provided we receive a commitment from the Russians that they will fully abide by the provisions of the London Convention.

There are arguments against assisting the Russians in this effort. It is argued, for instance, that as long as Russians continue to build new subs without coming to grips with their long-term nuclear waste problem, they are demonstrating a lack of good faith. Others argue that since the costs of dealing with nuclear waste are part of the total costs of maintaining a nuclear fleet, we would in effect, be subsidizing the Russian Navy if we assisted them with their nuclear waste disposal problems. I know this is the current position of the U.S. State Department and the Department of Defense, and I certainly understand that point of view.

But let's be realistic. It doesn't look as if the Russians are going to stop building nuclear subs to satisfy our sense of priorities. We must recognize the value of assisting Russia and employing Russians in the business of preventing the environmental insults that have been the rule rather than the exception in Russia.

As for the argument that this kind of assistance would represent a subsidy to the Russian Navy, let us remember that the Russian Navy pays the privatized Murmansk Shipping Co. to process their waste, so this is not a subsidy to the navy. It costs the Russian Navy nothing to dump their liquid nuclear waste over the side. What we are doing is removing their excuse for dumping at sea, and thus forcing them to come to grips with the costs of proper waste disposal.

While the liquid nuclear waste problem is not the biggest threat to the Arctic, it is an area where we can achieve tangible results without great expense. It's a start.

I know that the Japanese are working with the Russians on the liquid waste disposal problem in the Russian far east, where a new plant will have to be built from the ground up. The costs there will be much higher, but the Japanese apparently view it to be in their interests to consider building such a plant.

The Russian Chairman of the Government, Viktor Chernomyrdin, will be in Washington to meet with Vice President GORE later this month. I challenge Vice President GORE to use this opportunity to offer assistance to the Russians in this area. If the administration will provide discretionary funding this year to get the project started, then I will be happy to work with the administration in attempting to secure funding in Congress to finish the job.

I would further challenge the administration to support the program proposals being discussed by the community of Arctic and environmental scientists and program managers inside Government. This is an international problem. The United States—an Arctic nation—has a leading role to play.

Thank you, Mr. President, I yield the floor.

IN RECOGNITION OF THE NEW YORK RANGERS' STANLEY CUP CHAMPIONSHIP

Mr. MOYNIHAN. Mr. President, I rise today to recognize the New York Rangers on winning professional hockey's coveted Stanley Cup championship, named for Lord Stanley of Preston, the 16th Earl of Derby, and the Governor General of Canada.

The return to New York of Lord Stanley's Cup after a 54-year struggle was marked by near misses and a most curious curse. After the 1940 championship, Madison Square Garden's recently paid-off $3 million mortgage note was burned over the Cup. As hockey folklore has it, this demonstration of disrespect unintentionally cursed the Rangers. It was said that the Cup would never again enter the Garden. But alas, the curse is over.

Led masterfully by Assistant Captain Brian Leetch, the first American-born Con Smythe Trophy winner, the Stanley Cup Playoffs' Most Valuable Player Award, the Rangers fought off a spirited challenge by the Vancouver Canucks, besting them in the seventh game of the championship series by a score of 3 to 2.

The last time the Rangers accomplished this feat in 1940, we had yet to fight a second World War, fellow New Yorker Franklin D. Roosevelt was President, and a subway ride cost a nickel. Fifty-four years, indeed!

I salute the courage and fortitude of the New York Ranger organization, its coaches and of course all the players. And let us not forget the loyal fans who have waited so long. Perhaps a cheering fan's placard said it best: "Now I can die in peace." Peace at last.

And now they can celebrate. On Friday, June 17, New Yorkers will honor their champions with an old-fashioned ticker-tape parade worthy of heroes. A most fitting conclusion to a most spectacular season.

RACE FOR THE CURE

Mr. BIDEN. Mr. President, this Saturday thousands of Americans will participate in the annual Race for the Cure here in Washington. While this is the event that receives the most national attention, it is just one of over 30 such races held each year throughout the country.

The object of any race is to finish in as little time as possible. And, yet, in the time it will take the fastest person in Saturday's race to complete the course, three more women will be diagnosed with breast cancer and another woman will have died.

I knew one of those women. A few years ago, my wife Jill and I had a close friend who succumbed to the disease. She was another one of the statistics—one of the 46,000 American women who die of the disease each year. Yet, like the thousands upon thousands of women before and after her, she had a face and a name; she had a family and friends.

As a son, a husband, and a father of a teenage girl, I do not want to see another close friend or a family member become yet another victim of this emotionally cruel and devastating disease. And so, I cannot help feeling obliged to do what I can as a U.S. Senator to combat breast cancer.

But despite my interest, my efforts, and my position, there is only so much I can do. And, frankly, what I can do is limited compared to what can be accomplished by the hard work of thousands of Americans who deal with breast cancer on a daily basis—men and women alike, including breast cancer survivors and the family members of its victims.

I am talking about people like my wife Jill, who in 1993 founded the Biden breast health initiative—a volunteer organization of community leaders, health care professionals, and breast cancer survivors. The initiative educates young women throughout Delaware on proper breast health and the importance of early detection in the fight against breast cancer. The hard work of dozens of Delawareans involved with this initiative and other initiatives—too many people to mention now—is making a difference.

As for me, my efforts in the Senate to combat breast cancer will continue. Efforts to ensure adequate funding for breast cancer research. Efforts to ensure that all women have access to mammograms and that those diagnosed with the disease have access to treatment. And, yes, efforts to find a successful cure.

But, my efforts will ultimately fail without the diligence of individual Americans. That is what the Race for the Cure is all about: Americans of all walks of life pledging together to fight breast cancer for the sake of all the women in America. Or as the slogan of the race goes: "A sporting event with a mission: the cure and control of breast cancer."

I commend those Americans who will run this Saturday as well as those Americans who have raced in dozens of cities across the country. Together, we can end the scourge of breast cancer in America.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE GENOCIDE IN RWANDA

Mr. PELL. Mr. President, I welcome the administration's acknowledgment that the slaughter of innocent civilians in Rwanda is genocide. This recognition has been long in coming. I and members of the Foreign Relations Committee have urged the Clinton administration to acknowledge the genocide in Rwanda for what it is and I am pleased that they are now doing so.

In my view, the attacks against Rwandan civilians easily fit the provisions of the Genocide Convention. That convention defines genocide as killing members of an ethnic group, or causing serious bodily or mental harm to members of a group with the intent of destroying that group in whole or in part. In Rwanda, approximately 300,000 people have died in the last 9 weeks. Most were civilians killed by government-trained Hutu militias. While it is true that the Rwandan Army and the predominantly Tutsi Rwandan Patriotic Front or RPF, are at war, Tutsi civilians and Tutsi sympathizers are overwhelmingly the victims of Hutu killings. Not only Tutsi men have been targets; Tutsi women and children also have been butchered in what can only be seen as a systematic effort to eradicate the Tutsi population.

As such, the United States and other contracting parties to the Genocide

Convention should undertake to prevent and punish the persons who have committed these acts. Let me make it clear, that by urging the United States to live up to the provisions of the Genocide Convention, I do not imply in any way that this impels us to send United States troops into Rwanda. Rather, it obliges us to respond in a constructive way; in my view, preferably through a multilateral mechanism. At this stage, I believe the United Nations is the most appropriate body to enforce the provisions of this convention in Rwanda. Therefore, I strongly support the action taken by the U.N. Security Council last week to authorize the deployment of a 5,500 troop peacekeeping force to protect civilians. Five African nations (Ghana, Senegal, Zimbabwe, Nigeria and Ethiopia) have pledged to send the troops needed for this mission and the United States will be helping to equip them. I urge the Clinton administration to do all it can to speed the deployment of these troops, including expediting the release of equipment we have promised to the United Nations for the Rwanda mission.

Under the provisions of the convention, and as I and members of the Foreign Relations Committee have urged President Clinton, we and the world community must establish a mechanism for punishing the perpetrators of all the killings. Current ruling officials, Rwandan Army troops and individuals in the murderous militias must all be held accountable for their acts of genocide.

Also, while I commend the United States and our global partners for all they have been doing to aid refugees outside of Rwanda, I am concerned by reports that humanitarian aid efforts are underway in areas that have been secured by the RPF inside Rwanda. I would urge that the United States expand the wonderful work that USAID's Office of Foreign Disaster Assistance is doing into these internal areas.

I was pleased to hear the announcement of a possible cease-fire between the Rwandan Army and the Rwandan Patriotic Front. I remain hopeful that combatants will heed the commitments of the negotiators in Tunis and hold their fire. In this regard, I praise UNAMIR Military Commander General Dallaire for his ongoing attempts to secure a cease-fire which would allow more peacekeeping troops to move in and would permit aid agencies to supply relief to millions of Rwandans who are isolated by the fighting.

Nevertheless, we have enough brutality in Rwanda in the last 9 weeks to know that more steps will need to be taken before the health and safety of the Rwandan people are assured. We must help accelerate the arrival of peacekeeping forces in Rwanda. Also, we should support the creation of temporary safe zones for civilians inside Rwanda and the establishment of protected corridors for the delivery of humanitarian relief. Lastly, I am calling upon the United States to bring its weight to bear to secure the truce agreed to Tuesday. I believe that these are the most effective means to help stem the genocide occurring in Rwanda.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:11 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4581. An act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

H.R. 4581. An act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2814. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report on intermarket coordination for calendar year 1993;; to the Committee on Banking, Housing, and Affairs.

EC-2815. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend section 2192 of title 10, United States Code, to authorize the Secretary of Defense to limit Department of Defense science, mathematics, and engineering education; to the Committee on Armed Services.

EC-2816. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend the National Defense Authorization Act for fiscal year 1991 to create a $10 million threshold for Office of Management and Budget review of residual value settlement agreements; to the Committee on Armed Services.

EC-2817. A communication from the Director (Contracts), Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, notice of a determination and finding to award a contract to the University of California at Berkely; to the Committee on Armed Services.

EC-2818. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on proposed obligations for facilitating weapons destruction and nonproliferation in the Former Soviet Union for fiscal year 1994; to the Committee on Armed Services.

EC-2819. A communication from the Chair of the Strategic Environmental Research and Development Program, Department of Energy, transmitting, pursuant to law, the annual report of the Scientific Advisory Board for fiscal year 1993; to the Committee on Armed Services.

EC-2820. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of defense manpower requirements for fiscal year 1995; to the Committee on Armed Services.

EC-2821. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, the report of the force readiness assessment for calendar year 1994; to the Committee on Armed Services.

EC-2822. A communication from the Chairman of the board of the National Credit Union Administration, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2823. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on intermarket coordination for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2824. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities Investor Protection Corporation for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2825. A communication from the Federal Housing Finance Board, transmitting, pursuant to law, the annual report on enforcement for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2826. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on retail fees and services of depository institutions for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2827. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on savings associations for the period January 1, 1994 through March 31, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-2828. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the request for authorization of appropriations for fiscal years 1995, 1996, and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2829. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to the report on barriers to increase utilization of coal combustion byproducts; to the Committee on Energy and Natural Resources.

EC-2830. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Four Rivers Energy Modernization Project"; to the Committee on Energy and Natural Resources.

EC-2831. A communication from the Secretary of Energy, transmitting, pursuant to law, the report for the Strategic Petroleum Reserve for the period January 1, 1994 through March 31, 1994; to the Committee on Energy and Natural Resources.

EC-2832. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2833. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, the annual report on royalty management and delinquent account collection activities for Federal and Indian mineral leases for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-2834. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to designate a segment of the North Fork Mokelumne River in the State of California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-2835. A communication from the Assistant Secretary of Energy (Environmental Management), transmitting, pursuant to law, the report of the Environmental Assessment of Urgent-Relief Acceptance of Foreign Research Reactor Spent Nuclear Fuel; to the Committee on Environment and Public Works.

EC-2836. A communication from the Administrator of the Federal Highway Administration, transmitting, pursuant to law, the report on progress made in implementing sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

EC-2837. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation entitled "Water Resources Development Act of 1994"; to the Committee on Environment and Public Works.

EC-2838. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of informational copies of lease prospectuses; to the Committee on Environment and Public Works.

EC-2839. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the period January 1, 1994 through March 31, 1994; to the Committee on Environment and Public Works.

EC-2840. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences at licensed nuclear facilities for the period October 1, 1993 through December 31, 1993; to the Committee on Environment and Public Works.

EC-2841. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation to amend the Clean Water Act to authorize funding for wastewater infrastructure projects for hardship cities; to the Committee on Environment and Public Works.

EC-2842. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a study of State and Federal regulations governing the movement of water well drilling rigs on public highways; to the Committee on Environment and Public Works.

EC-2843. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Private Sector Involvement Program; to the Committee on Environment and Public Works.

EC-2844. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to waive the collection of charges or tolls by the Saint Lawrence Seaway Development Corporation; to the Committee on Environment and Public Works.

EC-2845. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the deposition of air pollutants to the Great Waters; to the Committee on Environment and Public Works.

EC-2846. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the interim report on the utility hazardous air pollutant emissions study; to the Committee on Environment and Public Works.

EC-2847. A communication from the Administrator of the Environmental Protection Agency, transmitting, drafts of proposed legislation entitled "U.S.-Mexico Border Water Pollution Control Act" and "U.S. Colonias Water Pollution Control Act"; to the Committee on Environment and Public Works.

EC-2848. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the report entitled "Medicare and the American Health Care System"; to the Committee on Finance.

EC-2849. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the report of comments on recommendations affecting physician payment under the Medicare program; to the Committee on Finance.

EC-2850. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the report entitled "Fee Update and Medicare Volume Performance Standards for 1995"; to the Committee on Finance.

EC-2851. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "Environmental Insurance Resolution Reform Act of 1994"; to the Committee on Finance.

EC-2852. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report on recent developments regarding implementation of section 301 of the Trade Act of 1974; to the Committee on Finance.

EC-2853. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report on six investigations initiated under the statute commonly known as "Super 301"; to the Committee on Finance.

EC-2854. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the Medicare prospective payment system; to the Committee on Finance.

EC-2855. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Geographic Variation in Hospital Nonlabor Input Price and Expenditures"; to the Committee on Finance.

EC-2856. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the calendar year 1995 physician fee schedule update and fiscal year 1995 Medicare volume performance standard recommendations; to the Committee on Finance.

EC-2857. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Medicare and Medicaid Data Collection Amendments of 1994"; to the Committee on Finance.

EC-2858. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, a draft of proposed legislation entitled "Chemical Weapons Convention Implementation Act of 1994"; to the Committee on Foreign Relations.

EC-2859. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Development Assistance Program allocations for fiscal year 1994; to the Committee on Foreign Relations.

EC-2860. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize a United States contribution to the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

EC-2861. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on special nuclear materials in the Commonwealth of Independent States; to the Committee on Foreign Relations.

EC-2862. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to the Former Yugoslavia; to the Committee on Foreign Relations.

EC-2863. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice relative to the U.S. Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC-2864. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2865. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2866. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2867. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2868. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report on the implementation of the Indian Self-Determination and Education Assistant Act; to the Committee on Indian Affairs.

EC-2869. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on implementation of authority and use of fees for calendar year 1993; to the Committee on Labor and Human Resources.

EC-2870. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on progress in achieving performance goals; to the Committee on Labor and Human Resources.

EC-2871. A communication from the Secretary of Education, transmitting, pursuant to law, the report of final regulations on the Direct Grant Programs; to the Committee on Labor and Human Resources.

EC-2872. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitative Services), transmitting, pursuant to law, notice of final funding priorities for the Knowledge Dissemination and Utilization Program; to the Committee on Labor and Human Resources.

EC-2873. A communication from the Secretary of Education, transmitting, pursuant to law, the report of final regulations on the student assistance general provisions, subpart E (verification of student aid application information); to the Committee on Labor and Human Resources.

EC-2874. A communication from the Commissioner of the National Center For Education Statistics, Office of Educational Research Improvement, Department of Education, transmitting, pursuant to law, a report entitled "The Condition of Education"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment:

H.R. 877: A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution (Rept. No. 103-284).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 2200: An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1995 (Rept. No. 103-285).

By Mr. DECONCINI, from the Committee on Appropriations, with amendments:

H.R. 4539: A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-286).

By Mr. LEAHY, from the Committee on Appropriations, with amendments and an amendment to the title:

H.R. 4426: A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995 (Rept. No. 103-287).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2203: An original bill to improve the administration of export controls, and for other purposes (Rept. No. 103-288).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 227: An original resolution to improve the operations of the Senate.

S. Res. 228: An original resolution to improve Senate floor procedures.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS:

S. 2198. A bill to authorize a certificate of documentation for the vessel *Serenity;* to the Committee on Commerce, Science, and Transportation.

S. 2199. A bill to authorize a certificate of documentation for the vessel *Emerald Ayes;* to the Committee on Commerce, Science, and Transportation.

By Mr. FORD:

S. 2200. An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1995; from the Committee on Rules and Administration; placed on the calendar.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2201. A bill to require the Administrator of the Environmental Protection Agency to make grants for the construction of certain treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM:

S. 2202. A bill to provide for increased economic growth, job creation and opportunity by reducing the federal deficit; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. RIEGLE:

S. 2203. An original bill to improve the administration of export controls, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DURENBERGER:

S. 2204. A bill to provide authority for the NRC to recover costs of regulating Agreement State programs; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2205. A bill to amend the Social Security and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes; read the first time.

By Mr. SARBANES:

S.J. Res. 200. A joint resolution designating the week of June 20, 1994, through June 27, 1994, "National Housing Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 227. An original resolution to improve the operations of the Senate; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 228. An original resolution to improve Senate floor procedures; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MITCHELL:

S. Res. 229. A resolution authorizing oversight hearings by the Committee on Banking, Housing and Urban Affairs; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 2198. A bill to authorize a certificate of documentation for the vessel *Serenity*; to the Committee on Commerce, Science, and Transportation.

THE VESSEL "SERENITY" DOCUMENTATION ACT

Mr. HOLLINGS. Mr. President, today I am introducing a bill to direct that the vessel *Serenity*, United States official No. 1021393, be accorded coastwise trading privileges and be issued a coastwise endorsement under section 12106 of title 46, U.S. Code.

The *Serenity* was constructed in Taiwan in 1981 as a recreational vessel. It is 34 feet in length, 10.3 feet in width,and 6.3 feet in depth, and is self-propelled.

The vessel was purchased in 1994 by John M. McGlynn of Mount Pleasant, SC, with the intention of chartering it for short sailing tours in Charleston harbor. When Mr. McGlynn acquired the boat, he was unaware of the specific coastwise trade and fisheries restrictions of the Jones Act. Due to the

fact that the vessel was foreign built, it does not meet the requirements for a coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purpose.

The owner of the *Serenity* is thus seeking a waiver of the existing law because he wishes to use the vessel in his chartering business. If he is granted this waiver, he intends to comply fully with U.S. documentation and safety requirements. The propose of the legislation I am introducing is to allow the *Serenity* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *Serenity*, United States official number 1021393.

By Mr. HOLLINGS:

S. 2199. A bill to authorize a certificate of documentation for the vessel *Emerald Ayes*; to the Committee on Commerce, Science, and Transportation.

THE VESSEL "EMERALD AYES" DOCUMENTATION ACT

Mr. HOLLINGS. Mr. President, today I am introducing a bill to direct that the vessel *Emerald Ayes*, U.S. official No. 986099, be accorded coastwise trading privileges and be issued a coastwise endorsement under section 12106 of title 46, United States Code.

The *Emerald Ayes* was constructed in Canada in 1992 as a recreational vessel. It is 36.4 feet in length, 18.2 feet in width, and 9.4 feet in depth, and is self-propelled.

The vessel was purchased in 1992 by Dr. Stephen D. Michel of Mount Pleasant, SC, with the intention of chartering it for short sailing tours. However, because the vessel was built in Canada, it does not meet the requirements for a coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purpose. Dr. Michel first sought to purchase a U.S.-built vessel, but this type of sailboat is not built by any U.S. shipbuilders. He has invested a considerable amount of money in this vessel, and without a Jones Act waiver, he will be forced to sell the boat.

The owner of the *Emerald Ayes* is thus seeking a waiver of the existing law because he wishes to use the vessel in his chartering business. If he is granted this waiver, he intends to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Emerald Ayes* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *Emerald Ayes*, United States official number 986099.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2201. A bill to require the Administrator of the Environmental Protection Agency to make grants for the construction of certain treatment works, and for other purposes; to the Committee on Environment and Public Works.

TREATMENT WORKS ACT OF 1994

Mr. BINGAMAN. Mr. President, today I am introducing, along with my colleague from New Mexico, legislation which would provide desperately needed wastewater treatment to the South Valley in Bernalillo County, New Mexico, a small unincorporated community outside of Albuquerque, alongside the Rio Grande.

The South Valley is an unincorporated community which for over 30 years has suffered the health hazard of inadequate sewer and water facilities. The South Valley is more than 50 percent Hispanic and qualifies as one of the poorest communities in our country.

Because of the South Valley's close proximity to Albuquerque, this community does not qualify for many of the existing programs designed to help rural communities. The South Valley is too large to qualify for rural water grants, but is too small to shoulder the high per household hook-up fees or monthly water and sewer service fees that would be necessary if they were to finance wastewater treatment construction through revenue bonds or other financing mechanisms.

Most of the South Valley's 12,000 residents rely on septic tanks. Their drinking water comes from wells on their property. Heavily concentrated septic tanks, a shallow water table, and tight soils resulting in poorly drained septic tanks are contaminating the ground water in this area of our State. This problem continues to escalate as the population increases. Because the residents are low income, they cannot afford to have their aging septic tanks pumped as regularly as needed. Pumping costs at least $65 and some residents need to do it every 2 weeks which they simply cannot afford. For this reason, residents resort to pumping the liquid into their yards or into alleys or the septic tanks continue to release wastes into the ground. While residents have been fined, the problem persists. The result is contaminated drinking water which residents continue to drink because they have no other choice.

There is no doubt that this area suffers from one of the most severe cases ever found in New Mexico of health-threatening pollution from septic tanks. Two years ago, fecal coliform was found in a local elementary school which shut down until bottled water could be provided to the students. Other schools continue to have to pump their septic tanks daily in order to avoid sewage rising to the ground surface. These residents are in desperate need of being connected to city water and sewer lines. It is imperative that we improve their quality of life—the health of every resident in the South Valley depends on it.

State and local governments have already contributed significant funds to address the problem, but additional funding is needed. If this funding were to come through revenue bonds, residents in the area would have to pay four to six times as much as other New Mexico residents for monthly water and sewer service. These citizens cannot afford such rates. For this reason, legislation authorizing Federal aid for this project is imperative.

Mr. President, specifically the legislation we are introducing today will authorize the Administrator of the Environmental Protection Agency to make one or more grants for the construction of a publicly owned treatment works in the South Valley.

This authorization is critical in assuring that the South Valley have access to clean and safe water.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR CONSTRUCTION OF CERTAIN TREATMENT WORKS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall make 1 or more grants in accordance with title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) for the construction of publicly owned treatment works in the South Valley of Bernalillo County, New Mexico.

(b) FUNDING.—The Administrator is authorized to use $25,000,000 of funds made available to the Environmental Protection Agency under the matter under the heading "water infrastructure/state revolving funds" under the heading "Environmental Protection Agency" in title III of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Public Law 103-124; 107 Stat. 1294), to carry out this section, to remain available until expended.

Mr. DOMENICI. Mr. President, the bill that we are introducing today would authorize funding for the South Valley of Bernalillo County, NM. They need a wastewater system and an improved drinking water system. This area has been settled since the 1700's and includes the three historic villages of Atrisco established in 1692, Los Padillas established in 1703, and Pajarito established in 1699. The South Valley is home to 12,000 people. The vast majority are Hispanic and many are poor. More than half of the children attending the area's two main elementary schools were eligible for free lunches through the Federal school lunch program, indicating household incomes under 130 percent of the poverty level.

For almost 30 years the South Valley community has suffered the health hazard of inadequate sewer and water facilities. Drinking water wells and septic tank leach fields are practically on top of each other. I am sure you can appreciate the tremendous health hazard this represents.

The septic tanks in the South Valley are contributing to the ground water pollution. This could become a more serious problem in the future because the aquifer is the water supply for the entire Albuquerque area. Ground water contamination from septic tanks is usually caused by excessive nitrate concentrations in areas of dense residential development and can result in microbiological contamination of nearby drinking water wells. The South Valley has the characteristics usually associated with ground water contamination. It is just a matter of time and question of degree. These facts support the conclusion that the problem is getting worse and so is the general quality of life in the South Valley.

I am aware that it would take more than $10 billion dollars to help every small community in need of a sanitary wastewater treatment system. Having served on the Senate Environment and Public Works Committee for years I appreciate the difficulty the committee faces. If there is one things harder than getting water out of a stone, it is getting enough money to help all of the communities with legitimate wastewater needs.

The Appropriations Committee had made $500 million available for wastewater treatment for communities with special needs. That money is scheduled to become available this fall for projects that have been authorized. Taking $10 billion dollars worth of need and prioritizing the top $500 million is a thankless job.

If the test is: Congress should help those who help themselves, the South Valley residents should be helped.

If the test is: First come first served, the South Valley should be at the head of the line because it was the first project to get an authorization passed in the Senate in response to the Appropriations Committee's making the money available—subject to authorization. S. 1685 passed the Senate in November of last year. In fact, a $25 million authorization for the South Valley passed the Senate twice on two different bills.

If the test is taking a lemon and making lemonade, the South Valley should be at the head of the line because the community used its wastewater problem as a science project for the school children.

If the test is: emergency, the South Valley should be funded.

The situation is so bad there is almost a daily story in the New Mexico newspapers. "South Valley Residents Blame Water for Girl's Illness"; "Residents Learn to Live in Sewage"; "Living in a Cesspool"; "Girl's Illness May Remain Mystery," "Pools of 'Gray Water' surround Girl's Mobile Home"; and "State seeks more extensive tests on the water from ill girl's house."

For almost 30 years this community has suffered deteriorating housing stock, and the health hazard of inadequate sewer and water facilities.

The situation is so critical that there is a moratorium on building desperately needed multifamily housing units. These are units that could greatly improve the housing stock of the area.

The wastewater needs of the South Valley are diverse and will require several different approaches. While these are the starkest examples, the valley's problems are diverse. Some parts of the valley are semi-urban and could be hooked up to the Albuquerque city system. Other sections of the South Valley would be best served by community-cluster style constructed wetlands system. In the least densely populated areas of the South Valley it makes sense to continue on-site water wells and wasterwater disposal systems.

Making lemonade out of a lemon. Two elementary schools and a community center in the South Valley were having to pump their septic tanks daily in order to avoid sewage rising to the ground surface. Bacteria were found in the well of one of the schools about 2 years ago. One of the schools, Los Padillas School had been using bottled water to drink and to prepare school lunches. The teachers used this dire situation to get the students interested in science. All of the kids learned about the dangers of unsafe drinking water and they learned about the constructed wetlands vacuum technology to treat their waste and to provide them with clean healthy drinking water.

Helping those who help themselves. In these tight fiscal times, it can be said that Congress helps those who help themselves. If this is the test, South Valley should be helped. This community has been untiring in its efforts to help itself. So many times its efforts have been ignored or rejected.

Nevertheless, its leaders should be commended. They never gave up.

The leaders of South Valley and I have been meeting on a regular basis for 9½ years to develop an action plan to address this problem.

There have been successes at the local level which include the following: In 1991, the Bernalillo County Commission adopted a one-eighth cent tax on gross receipts in and for the unincorporated area of the South Valley to finance solid waste, water and sewer. In the 2 years that this levy has been on the books, $1.5 million has been raised in annual revenue and $900,000 has been designated to assist residents in hooking up to water and sewer systems already in place. Some of this $900,000 has been used to upgrade substandard onsite wells or septic systems.

A partnership in the making. The city of Albuquerque, in partnership with Bernalillo County, has contributed its resources in the areas of research planning and education. The University of New Mexico, Institute of Public Law, provided a joint study for the New Mexico Legislature which led to an appropriation of funds for this project.

I want to particularly recognize the hard work in New Mexico at the State legislature and in local government. Speaker of the House, Ray Sanchez; Senate President pro tem, Manny Aragon; State Representative Kiki Saavedra, State Representative Lelano Garcia, former county commissioner Orlando Vigil, county commissioner Al Valdez, and county manager Juan Vigil have all worked tirelessly. As a result of their efforts the New Mexico Legislature appropriated $4 million in 1992; $5 million in 1993; and $8 million in 1994 demonstrating the seriousness of the problem and the State's commitment to a solution.

Users of a new system will also bear a portion of the burden for the improvements. If the city is the provider, total user fees may total almost $3,500 for hookup to both water and sewer service. These costs do not include the cost to extend lines from the house to the water meter and sewer stubout. While average incomes range from $18,000 to over $40,000 per household it would be difficult for most homeowners to pay these substantial costs out-of-pocket to ensure a sanitary liquid wastewater disposal system and safe drinking water supply.

Given the magnitude of the costs, grants and direct appropriations are needed in order to keep rates from being prohibitively high; the revolving loan fund has not been used because there is no way the resident's could pay back the loan; the rates would be so high that the people who need the wastewater system could not afford it. The South Valley is not part of Albuquerque city and city officials believe that the city is already subsidizing the South Valley residents.

In addition, the revolving loan program cannot make a long-term commitment for future funding of a phased project; and funds for both water and sewer problems are needed.

Clearly the legislature is doing its part in this worthy partnership which would use both State resources and Federal resources. Even with the State appropriations the South Valley still needs $35 to $40 million to meet its water and sewer treatment needs—$25 million for the wastewater portion.

Dozens of programs on the books but none of them can help the South Valley. Over the years, the South Valley community has investigated using the State revolving loan fund, Economic Development Administration programs, rural development programs under the Department of Agriculture, all of the EPA programs, HUD programs, and the Community Development Block Grant program. The South Valley is ineligible for all of them because it is either too close to Albuquerque and therefore not rural enough, or too close to Albuquerque and therefore, when viewed as a region, is too well off and not poor enough. Or the needs of the South Valley are too big and would swallow up entire programs' nationwide budgets. Frankly, the existing programs, with their restrictions about being too urban or too well off aren't too important. It has simply been too long since the Federal Government joined the State and local partnership.

The Senate has passed a South Valley authorization. Last year, the Senate passed S. 1685 which authorized this project. This authorization, if it is enacted into law, will end 30 years of frustration, denial, and avoidable health problems in this community.

The bill we are now introducing would accomplish the same thing—authorize $25 million for the wastewater needs of the South Valley. I hope the Senate will be considering the Clean Water Act legislation some time in the near future. At that time we intend to offer this bill as an amendment to the clean water reauthorization.

By Mr. DURENBERGER:

S. 2204. A bill to provide authority for the NRC to recover costs of regulating agreement State programs; to the Committee on Environment and Public Works.

THE NUCLEAR REGULATORY COMMISSION FEE EQUITY ACT

Mr. DURENBERGER. Mr. President, I introduce legislation, S. 2204, to rectify a grave inequity facing nuclear material users in the State of Minnesota, and many other States.

As you know, the Nuclear Regulatory Commission is required by law to collect 100 percent of its budget authority from its users. This means that nuclear reactors, industries, and physicians in nuclear medicine must pay an annual fee to the NRC to cover the cost of their own daily regulation.

In addition, these fees are used to regulate fee-exempt agencies such as educational institutions and federal facilities, to develop and manage low level waste disposal facilities, and to fund international efforts to promote U.S. nuclear nonproliferation goals.

Finally, these fees are used to fund oversight monitoring of 29 States which are currently exempt from all fees. These States are getting a free ride on the 21 other States which pay for NRC regulation. This, Mr. President, is a great injustice.

The 29 exempt States have entered into an agreement with the NRC to manage their own nuclear waste users on the State level, thus eliminating the need for NRC regulation. These States are exempt from NRC fees. However, these 29 States also benefit from the fees paid by the nonagreement States. The NRC must provide the administration and oversight of the agreement program. This means reviewing and approving new agreements, providing training and inspection services, and performing periodic reviews of the programs.

That means that non-agreement States, such as Minnesota, pay three times more than the benefits they receive. Last year, a total of $18.8 million paid by users in nonagreement States actually funded NRC activities directly benefiting users in agreement states.

Currently, more than 7 million clinical procedures using radioactive material are performed each year. And with a 1,400 percent increase in nuclear medicine fees over the last 4 years, 2,700 NRC licensed users have dropped their license since 1991—directly affecting the health and well-being of those dependent on the medical licensees.

Both former President and Mrs. Bush were treated with nuclear medicine when they received treatment for Graves disease. But when nuclear physicians are forced to pass along the astronomical cost of NRC user fees to their patients, these services cease being available to those who are unable to pay for them.

Even the NRC itself, in a report to Congress dated February 1994, acknowledged the unfair burden being placed on licensees in nonagreement States. I quote from that report:

> To address the fairness and equity concerns related to licensees paying fees for activities not benefitting them, laws and NRC fee policy must be changed to assess all beneficiaries of NRC activities fees that are commensurate with the cost of those NRC activities.

Mr. President, the bill I propose today would do just that. It would rectify this injustice by charging all States fees commensurate with the benefits they receive from the NRC. This will not place a great burden on the agreement States, but will ensure that they pay for services rendered. Their fees will continue to be far less than nonagreement States.

This legislation should be noncontroversial. My intention is to offer it as an amendment to the NRC reauthorization bill to be marked up next week.

By Mr. HATCH:

S. 2205. A bill to amend the Social Security and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes.

QUALITY CARE FOR LIFE ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation that deals with an important and necessary aspect of health care reform—long-term care.

Long-term care has been a difficult piece of the health care reform puzzle. Policymakers have been reluctant to address it for a number of reasons. Since long-term care does not fit neatly into theories of "managed competition" or into "health alliances," a number of health care reform proposals leave it out altogether. Because a new all-encompassing government entitlement to long-term care would cost tens of billions of dollars a year, even those who favor such an entitlement despair of enacting new long-term care benefits as part of health care reform.

I do not believe, Mr. President, that since we cannot do it all for everyone—that we must settle for doing nothing for anyone.

The legislation I am introducing today, the "Quality Care for Life Act," is a measured and balanced attempt to marry a widened and strengthened long-term care safety net with measures to marshal private sector resources for long-term care. It is only through laying the foundations for such a public/private partnership for long-term care now that our society will be prepared 10, 20, and 30 years hence to meet the long-term care needs of a growing elderly population.

Last week, the Labor and Human Resources Committee concluded consideration of the Health Security Act. Included in the Chairman's bill is language to create a new federal long-term care program. One part is a capped grant program "State Programs for Home and Community Based Services for Individuals with Disabilities." This would be accomplished through a federal-state matching system. The second part is for "Children with Special Needs," a new program for children who do not meet the requirements of the overall plan and who do not qualify for Medicaid. The third part, "Life Care," is a new fully federalized program of long-term care for individuals over 35.

While I agree with the intent of these programs, I do not believe they present the best approach to address our nation's long-term care needs.

First, they are far too expensive. It is clear that we are going to have to invest greater resources in long-term care. However, in making that investment, we must make sure that we invest wisely, and offer solutions that address the need in a constructive manner.

Second, the Labor Committee bill does not embody true reform: all this proposal does is create yet more government programs modeled after previous and ineffective government programs.

I am proposing something different. The legislation I am introducing today meets the same goals as the Health Security Act approved by the majority of the Labor Committee, yet it accomplishes them through a more targeted and cost-efficient approach.

THE NEED FOR CHANGE IN LONG-TERM CARE FINANCING

Our society, individually and collectively, has not made adequate provision for financing the costs of long-term care. Individuals and families are not saving for, or insuring themselves against, the costs of long-term care. The federal/state Medicaid program is stretched to the breaking point. Families and governments are going broke.

Without action to address these problems, our growing elderly population will come to rely much more heavily on Medicaid to pay for long-term care. Medicaid is currently the primary source of funding for approximately one half of all nursing home residents, and that will increase to 60 percent by 2002, with Medicaid paying for at least some portion of the costs for nearly 75 percent of all nursing home residents.

If current trends continue unchecked, Medicaid will be burdened with an ever-increasing share of the nation's long-term care costs as the baby boomers reach retirement. But these current trends cannot continue. Federal and state budgets—already strained badly by current Medicaid long-term care obligations—cannot bear such costs. Nor would the elderly be well served by an overwhelmed publicly financed program.

A February 1993 Gallup Organization survey indicated that 76 percent of Americans agree that "government should pay the cost of nursing home care only for those who cannot afford it." In order to meet the nation's growing long-term care needs without both emptying the public purse and sacrificing quality of care, our society cannot afford to rely solely on government.

Instead, we must encourage and enforce an expectation of personal responsibility on the part of those with the means to plan for and pay for potential long-term care costs. Government can—and must—help in this effort by working to see that individuals have the information and resources to accept responsibility for meeting their own long-term care needs.

LONG-TERM CARE COSTS ARE IMPOVERISHING SENIOR CITIZENS

Most elderly Americans are unaware of the magnitude of long-term care costs and of the limits of government assistance. Most Americans do not foresee needing long-term care. Most probably do not realize how costly months or years of long-term care can be. Many Americans wrongly assume that government programs or their general health insurance will cover the costs of any long-term care services they might need.

For all these reasons, individuals and families face long-term care costs for which they have not planned and which they cannot afford.

The cost of long-term care can quickly wipe out the assets of those who have worked and saved for a lifetime. The cost of one year of nursing home care is more than triple the average annual income for an elderly American. But the nation's current long-term care policy does not promote personal planning, saving, or the purchase of insurance against the financial risk of long-term care costs.

Nor does our nation provide comprehensive social insurance against the financial catastrophe of long-term care costs. Only after a long-term care recipient has been impoverished does government assistance become available through Medicaid—a "welfare" program.

MEDICAID IS IMPOVERISHING THE FEDERAL AND STATE GOVERNMENTS

According to the Health Care Financing Administration [HCFA], total Medicaid spending (state and federal) has doubled over recent years—from $48.2 billion in fiscal year 1987 to $96.4 billion in fiscal year 1991. Medicaid cost almost $150 billion last year. If current trends hold, HCFA projects that total Medicaid spending could rise to $230 billion in fiscal year 1997.

The strain of the unaffordable growth in Medicaid spending jeopardizes the accessibility and quality of both acute and long-term care for those who must depend on Medicaid. Clearly, if current long-term care needs have stretched federal and state budgets to their limits, future needs will overwhelm our current arrangements for long-term care financing. Therefore, the nation must look to other sources than government for additional resources to meet the future long-term care needs of an aging population.

I believe that long-term care reform should have the following goals: providing appropriate access to the full continuum of long-term care services; ensuring that all Americans have the means to meet the cost of long-term care; moving individuals and families away from dependence on government welfare programs for long-term care financing; and addressing the nation's long-term care needs in a fiscally responsible way.

THE ROLE OF PRIVATE LONG-TERM CARE INSURANCE

Results from a March 1993 Gallup Organization survey indicated that 79 percent of Americans agree that "to keep government costs as low as possible, private insurance should play a more active role in paying for nursing home bills for most Americans."

Private insurance, so useful in protecting individuals and families from such costly misfortunes as accidents and illness, has great potential for marshalling private sector resources to meet long-term care costs. Insurance offers a very good means to preserve an individual's choice from among various long-term care arrangements and competing providers. Its expanded use would make an appropriate private/public long-term care partnership viable. It has great potential for lessening the long-term care cost burden that the graying of America will otherwise put on the American taxpayer.

To date, private insurance accounts for less than 2 percent of all payments for long-term care services. I am confident, however, that with appropriate changes in federal policies private long-term care insurance can and will take on a larger role in meeting long-term care costs. In order to expand the role of private insurance, a number of things must change. Chiefly, long-term care insurance policies must have value to consumers.

In order to enhance the value of long-term care insurance to consumers, the "Quality Care for Life Act" would: establish federal standards and consumer protections; clarify the federal tax treatment of long-term care insurance; and educate Americans about the risk of, cost of, and means of financing long-term care.

In addition, this legislation would make the laws tighter on asset transfers so that people cannot avoid their personal responsibilities by protecting unreasonable amounts of their personal funds from legitimate nursing home expenses, thus shifting the burden to taxpayers.

FEDERAL LONG-TERM CARE STANDARDS AND CONSUMER PROTECTIONS

Appropriate federal standards and consumer protections for long-term care insurance would inspire consumer confidence, foster the growth of the private long-term care insurance market, and ensure that elderly consumers are spared the problems that once plagued the "Medigap" insurance business. Accordingly, my bill would establish federal standards to ensure appropriate policy design and sales practices.

CLARIFICATION OF THE TAX STATUS OF LONG-TERM CARE INSURANCE

The "Quality Care for Life Act" would make the following clarifications to the tax treatment of long-term care insurance:

Treatment of long-term care insurance premiums paid by individuals in the same manner as accident and health insurance premiums;

Treatment of benefits received under long-term care insurance contracts for long-term care services in the same manner as benefits received under accident and health insurance;

Treatment of employer plans providing long-term care services in the same manner as accident or health plans;

Treatment of life insurance benefits paid to a terminally ill individual in the same manner as death benefits;

Inclusion of long-term care options as preferred employee benefits in employer programs, including cafeteria plans; and

Clarification of the allowance of tax deductions for additions to an insurer's long-term care insurance reserves.

The private long-term care insurance market is growing and improving. Products have evolved and improved. Insurance companies have gained experience and expertise in designing and pricing policies. Sales have been rising by 30–35 percent a year over recent years. There have been some two million long-term care policies purchased.

I believe that the private long-term care insurance market is on the way to realizing its potential. With the right kind of federal standards, consumer protections, tax clarifications, and public education, consumers will come to understand the value of long-term care insurance. Private insurance can then become a full partner in a private/public long-term care partnership.

EXPANSION OF HOME- AND COMMUNITY-BASED LONG-TERM CARE

Today, about 6 million older Americans living at home need assistance in everyday activities as a result of their disabilities. As we in Congress debate health care reform legislation, we must also prepare a health care system that addresses our current inequities in access and costs, while laying the foundation for addressing our long-term care demands of today and tomorrow.

The "Quality Care for Life Act" also establishes a home and community based service program for disabled persons who either need assistance with three activities of daily living or who suffer from Alzheimer's disease or related cognitive disorder.

The bill also revises the reimbursement system to create a payment level for subacute care in nursing homes, thus increasing access for those patients who need that level of care but are unable to get that care in community nursing facilities because the costs for providing the service are much higher than the current skilled nursing home daily rate. Currently, these services are provided by hospitals at a much higher cost. Finally, the bill provides for a prospective payment system for nursing facilities.

By the year 2030, there will be more elderly than young people, and the population age 85 and over is expected to more than triple in size between 1980 and 2030. My home state of Utah has the fastest growing population over 80 in the country.

We simply do not have the necessary federal resources to provide all Americans with every benefit they need. An aging population will significantly increase demand for long-term care services. Planning today will save us from bankruptcy and a lack of services tomorrow.

I believe the greatest barrier to enacting long-term care legislation has been its substantial cost. Although any proposal will entail new costs, I have constructed the "Quality Care for Life Act" to place maximum reliance upon the private sector wherever possible, in order to leverage our resources since we will be providing new services. It is true that my bill will entail new spending in the short-run, but these funds are an investment which will achieve greater savings over the long-run.

Some of the costs will be incurred because we are establishing a floor for home health services, so that the most frail and sick of our elderly population are guaranteed home care now. Currently, many fall through the cracks of our care system. They lack adequate home care and are denied access to adequate nursing home services.

We all know that the amount and duration of home care services varies from state to state and also varies within state areas between urban and rural areas. But this is not fair to our frail elderly, and we have a responsibility to see that all Americans, regardless of where they live, can receive the home care services they need and deserve.

If we help them now, and provide the kinds of home care services they need, they may never need to be in a nursing home and may never be a long-term drain on scarce federal financial resources. We can do the right thing, and do it now. If we do not act soon, we will be mortgaging our children's future to pay for our own long-term care needs.

I intend to work with the other members of this body so that we can provide our nation's elderly the care they so badly need and deserve. I think that the "Quality Care for Life" proposal would meet that goal, and I hope my colleagues will give it serious consideration.

I ask unanimous consent that a section-by-section explanation of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE QUALITY CARE FOR LIFE ACT OF 1994

GENERAL OVERVIEW

The Quality Care for Life Act of 1994 creates a public/private partnership designed to ensure appropriate long term care for all Americans without forced impoverishment. Among other goals, the proposal calls for:

(1) An increased emphasis on private long term care insurance by instituting consumer protections and tax incentives designed to spur the purchase of such insurance;

(2) Maintaining and strengthening the existing long term care financing safety net by maintaining the current Medicare benefit with some modifications, incorporating managed care concepts into the delivery of long term care, designing a payment system based on patient needs, and proposing modifications to the Medicaid system designed to prevent family impoverishment while strengthening Medicaid asset transfer and lien provisions which protect the system from abuse; and

(3) Acknowledging the realities of shifting patient populations by encouraging the development of subacute care programs in less costly nursing facility environments while simultaneously promoting the development of home and community-based services for a certain segment of the long term care population.

SECTION-BY-SECTION SUMMARY

The Quality Care for Life Act of 1994 proposes amendments to the Social Security Act and the Internal Revenue Code of 1986, as summarized below:

Section 1. This section designates the act as "The Quality Care for Life Act of 1994."

Section 2. This section defines the purposes of the bill as establishing a prospective payment system for nursing facilities under all federal health programs; encouraging the use of cost-effective subacute care in nursing facilities; clarifying the federal tax treatment of long term care insurance and developing standards for such insurance; modifying eligibility under the Medicaid program to account more accurately for individual assets: establishing home and community-based services for Medicaid beneficiaries; and revising Medicaid asset transfer prohibitions to close certain loopholes existing under current law.

Title I. Prospective Payment System for Nursing Facilities

Section 100. Establishes this section's short title as the "Prospective Payment System for Nursing Facilities Amendments of 1994" (amending Titles XVIII and XIX of the Social Security Act).

Section 101. Establishes definitions applicable to this title which relate to development of a prospective payment system.

Section 102. Establishes payment objectives for the prospective payment system, including an equitable balance between cost containment and quality of care; admission of residents without regard to income; admission of patients with greater acuity; administrative simplicity in the payment system; and encouraging facilities to invest in buildings and improvements to maintain quality and access.

Section 103. Authorizes the Secretary of HHS to promulgate all rules and regulations necessary to implement a prospective payment system ("PPS"), requires that payment rates reflect the objectives of the proposal, and allows the Secretary to require submission of data, statistics and similar information by nursing facilities needed to implement a PPS.

Section 104. Clarifies that no portion of this title affects or replaces the existing Medicare skilled nursing facility benefit and that HCFA rules governing allowable costs continue to apply except to the extent they conflict with provisions of this title.

Section 105. Requires the Secretary to establish a resident classification system for reimbursement purposes which reflects the costs required to care for nursing facility residents based upon their individual care needs. The system must assign relative weights to classes of residents based on the relative value of resources needed to care for that class and must take into account geographic variations in cost.

Section 106. Establishes five cost centers which the Secretary must consider in determining payment rates—nursing service costs, administrative and general costs, fee-for-service ancillary services costs, selected ancillary services and other costs, and property costs. Requires that nursing facilities be paid:

(1) A prospective, facility-specific, per diem rate based on the sum of the cost centers for nursing services, administrative and general costs, and property costs;

(2) A facility-specific prospective rate for each unit of fee-for-service ancillary services; and

(3) On a retrospective basis for selected ancillary services and other costs.

Section 107. Requires the facility to perform a resident assessment, as defined under the Omnibus Reconciliation Act of 1987, within 14 days of admission and at other intervals as required by that law. This assessment shall be used to ascertain the resident class of each resident in the facility for purposes of determining the per diem rate for the nursing service cost center.

Section 108. Establishes a methodology for determining the per diem rate for the nursing service cost center under the prospective payment system based on the facility's case mix and nursing service costs for a specified time period. Includes an acuity payment for certain heavy care residents, allows the Secretary of HHS to establish geographic ceilings on rates, and requires the Secretary to establish procedures allowing for exceptions to the geographic ceilings based on certain designated factors.

Section 109. Establishes a methodology for determining the per diem rate for administrative and general costs. Requires establishment of a prospective, facility-specific, per diem rate based upon a comparison of administrative and general costs of facilities in a designated geographic region to costs incurred by the facility in question (i.e. a comparison of facility-specific costs to a percentage of costs in a designated region). The rate must include an efficiency incentive for facilities with indexed costs meeting certain criteria.

Section 110. Requires the Secretary to pay prospective, fee-for-service rates for certain ancillary services (physical therapy, occupational therapy, speech therapy, respiratory therapy, hyperalimentation, and complex medical equipment) based on a facility's actual costs indexed forward using a designated tool for predicting inflation.

Section 111. Requires the Secretary to reimburse the cost of selected ancillary services and other costs (e.g. drugs, medical supplies, etc.) on a retrospective basis as pass-through costs. The Secretary must establish charge-based interim rates subject to year-end reconciliation based upon the facility's Medicare cost report.

Section 112. Requires the payment of rates for the property cost center on a prospective, facility-specific, per resident rate based on the fair asset value of the property. Establishes rules for determining the fair asset value of the property. Provides for annual reappraisal of the value of land, buildings and fixed equipment and removes sales transactions, refinancing or other changes in financing as considerations in establishment of the rate. Requires the Secretary to establish a per bed limit on the fair asset value of a nursing facility for each geographic region. Establishes the per resident day rental as the per diem rate for this cost center and creates a formula for determining the per resident day rental. Establishes a modified rate for newly-constructed facilities during their first year of operation and clarifies the treatment of facilities in operation prior to the effective date of this title.

Section 113. Requires the Secretary to establish, by regulation, a procedure for granting mid-year rate adjustments for the nursing service, administrative and general, and fee-for-service ancillary cost centers. The procedure must require the Secretary to make adjustments on an industry-wide basis where there are statutory or regulatory changes affecting nursing facilities, changes in the federal minimum wage, or general labor shortages with significant regional impact. The procedure must allow the Secretary to grant adjustments, upon request, by individual facilities or groups of facilities based upon local labor shortages, regulatory changes affecting only a subset of the industry, natural disasters or other events beyond the control of the facility with economic consequences, or other cost-producing factors (excluding changes in the facility's case-mix) which the Secretary specifies in regulation. This section also requires a facility seeking a discretionary adjustment to make certain minimum showings of financial impact to qualify for the adjustment.

Section 114. Establishes special reimbursement rules for low volume and new nursing facilities. Allows low volume facilities (those with less than 2500 Medicare Part A days per year) to elect either a retrospective reimbursement system based on cost reports submitted or a per diem based on the medium in that geographic region of each of the five cost centers. New facilities (those newly constructed, licensed and certified, or those having less than three years participation as a Part A Medicare provider) may elect to be reimbursed under the same systems as low volume providers or on a retrospective pass-through basis for all five cost centers.

Section 115. Allows any person or entity aggrieved by a decision of the Secretary under this title, where the amount in controversy equals or exceeds $10,000, to appeal to the Provider Reimbursement Review Board under procedures set forth at Section 1878 of title XVIII of the Social Security Act and related regulations.

Section 116. Makes the title effective as of October 1, 1995.

Title II. Subacute Care Continuum Amendments of 1994

Section 200. Defines the purpose of the act which is to remove statutory and regulatory barriers to the provision of quality, cost-effective subacute care in skilled nursing facilities (SNFs), and to establish appropriate payment for such care under Medicare.

Section 201. Establishes definitions applicable to this title which relate to subacute care.

Section 202. Prohibits the Secretary or the States from limiting SNFs from providing subacute care services under Medicare and Medicaid. Requires a "level playing field" to encourage the development of cost-saving, quality subacute care.

Section 203. Requires the Secretary to establish an expedited atypical exceptions process for SNFs by January 1, 1996 whereby SNFs would be granted interim exceptions within 90 days of submission of an exceptions request accompanied by data and documentation determined by regulation. Provides for reimbursement of any overpayments or underpayments during the exception period and is automatically implemented if the Secretary fails to act.

Section 204. Provides that payments to physicians for visits to patients of similar acuity shall be the same for hospitals and SNFs regardless of site of service.

Section 205. Provides that respiratory therapists shall be reimbursed under Medicare for services provided in SNFs.

Section 206. Requires the Secretary to review the provision of subacute care in SNFs and determine which hospital DRGs are appropriate for SNFs to provide such care with appropriate copayments by October 1, 1995. By October 1, 1996, the Secretary shall publish a list of applicable DRGs with appropriate hospitalization periods and copayments and rebase Medicare payments for such groups to reflect the lower cost of such care provided in SNFs.

Section 207. Provides for eligibility under Medicaid and encourages states to develop methodologies under Medicaid to provide subacute care in furtherance of the findings in Section 100.

Section 208. Provides that all provisions in this act shall supersede any other provisions in Medicare or Medicaid which are inconsistent with this act.

Section 209. Establishes an effective date of January 1, 1996.

Title III. Long Term Care Tax Clarification

The goal of this title is to clarify the tax treatment of long term care insurance in order to foster the development and growth of the private insurance market. In addition, the legislation clarifies the tax treatment of long term care riders to life insurance policies. This title clarifies that all long-term care services (medical care and personal care) are treated as medical expenses under the tax law. This means that:

1. Long-term care expenses and insurance premiums would be tax deductible (above 7.5 percent of AGI);

2. Payments under long-term care insurance policies would not be taxable when received; and,

3. Employer-paid long-term care insurance would be a tax-free employee fringe benefit.

The bill also clarifies that insurance companies can deduct reserves which have been set aside to pay benefits under long-term care policies.

Section 301. Establishes the short title as the "Private Long Term Care Insurance Incentive Act of 1994."

Section 302. Creates a new section (section 7702B) defining long term care insurance contracts. It provides that employer contributions are deductible and that per diem payments and payments for services qualify. Specifies that the only insurance provided is for long term care services and that contracts must be renewable and have no cash surrender value. Life insurance policies may offer long term care insurance riders which qualify under this title.

Defines qualified long term care services as diagnostic, preventive, therapeutic, rehabilitative and personal care services required by ill individuals provided pursuant to a plan of care prescribed by a licensed health care practitioner. A chronically ill person is one who cannot perform two or more activities of daily living (bathing, dressing, toileting, transfer, eating and continence).

Specifies that employer plans are not deferred compensation. Contracts may cover parents and grandparents as if they were dependents.

Section 303. Specifies that qualified long term care services are treated as medical care and policy benefits are excludable from the taxable income of individuals.

Section 304. Specifies that qualified long term care insurance contracts may be offered through a cafeteria plan as long as the premiums are level annual premiums and the employee may elect to continue coverage after leaving the employer.

Section 305. Benefits paid in excess of $250 per day, indexed for inflation, are included in the income of the beneficiary and subject to normal income tax.

Section 306. Requires that qualified long term care insurance tax reserves shall be in the amount the National Association of Insurance Commissioners ("NAIC") specifies or, if the NAIC does not specify a method or amount, one year full preliminary term method shall apply.

Section 307. Provides that the amendments made by this title shall apply to all taxable years after enactment and that policies that met the NAIC standards when issued would be considered qualified long term care policies.

Title IV. Long Term Care Insurance Standards

Section 401. Requires Congress to appoint an advisory board known as the National Long-Term Care Insurance Advisory Council. Establishes the size of the board and general requirements for members. Establishes the responsibilities of the board which include advising Congress on matters relating to long term care insurance; collecting and disseminating information on long term care insurance to providers, consumers and regulatory bodies; developing proposed models, standards and requirements for consideration by Congress; and monitoring the development of the long term care insurance market.

Also provides specific list of activities in which the board is authorized to engage and authorizes annual appropriation of $1.5 million.

Section 402. Provides that in order to receive favorable tax treatment, long-term care insurance policies would have to meet certain consumer protection standards. These standards include the following provisions of the NAIC Model Act and Regulation (as of January, 1993) regarding:

1. Guaranteed renewability/protection from cancellation;
2. Limitations/exclusions;
3. Extension of benefits;
4. Continuation/conversion of coverage;
5. Discontinuance/replacement of policies;
6. Unintentional lapse;
7. Disclosure;
8. Post-claims underwriting;
9. Minimum standards;
10. Mandatory offer of inflation protections;
11. Pre-existing conditions/probationary periods; and
12. Prior hospitalization.

In addition to the NAIC standards, policies must also provide for:

1. Disclosure of whether the policy meets the requirements for tax treatment;
2. Mandatory offer of a non-forfeiture benefit (non-cash only);
3. Rate stabilization; and
4. No sale to Title XXI beneficiaries.

Section 403. Requires that policies also meet provisions of the model act dealing with the following requirements:

1. Application forms/replacement coverage;
2. Reporting requirements;
3. Filing requirements for marketing;
4. Standards for marketing;
5. Appropriations of recommended purchase;
6. Standard format outline of coverage;
7. Delivery of a "shopper's guide;"
8. Right to return;
9. Certificates under group plans;
10. Policy summary;
11. Monthly reports on accelerated death benefits; and,
12. Incontestability period; and
13. Information on claim denials.

Establishes a system of penalties for persons who fail to meet the requirements of this title in issuing long term care insurance policies.

Defines long term care insurance policy as any policy or rider advertised, marketed, offered or designed to provide for designated services in a setting other than an acute care setting on an expense incurred indemnity, prepaid or other basis.

Section 404. Allows policies deemed to be consistent with this title by the insurance commissioner of one state to be sold in any other state.

Section 405. Directs the National Advisory Council to develop recommendations for the use of uniform language and definitions in long term care insurance policies, except to the extent nonuniform language is needed to account for the differences among states in licensing providers of long term care.

Section 406. Makes the amendments contained in section 401 applicable to policies issued after December 31, 1994, and the amendments of section 402 applicable to actions taken after December 31, 1994.

Title V. Financial Eligibility Standards

Section 501. This section modifies the existing Medicaid financial eligibility standards for nursing facility care under title XIX of the Social Security Act by:

(1) Making an individual ineligible for Medicaid if his resources, or those owned jointly with a spouse, exceed the median price of a home in the geographic region where the individual lives (the Secretary must establish a valuation system for single family home in appropriate geographic regions);

(2) Counting the assets of an individual which are owned jointly with a spouse in determining eligibility;

(3) Including in countable assets all real property owned by the person including a primary residence; all personal property owned by the person including automobiles; and all liquid assets held by the person including the asset value of any trusts established by him.

This section also requires the Secretary to provide grants to states for demonstration projects which investigate the coordination of private long term care insurance with Medicaid eligibility requirements.

Section 502. Makes this title effective on January 1, 1995.

Title VI. Establishment of Program for Home and Community-Based Services for Certain Individuals With Disabilities

Section 600. Establishes short title of "Home and Community-Based Services for Individuals with Disabilities Program Amendments of 1994."

Section 601. Requires all states participating in the Medicaid program to establish a program of home and community-based services for eligible disabled beneficiaries in which a specified list of services is available to all qualifying persons, except to the extent the person receives identical services under any other government program.

Defines eligible persons as those who (1) require some assistance with three or more activities of daily living (eating, toileting, dressing & bathing, transferring and walking) and will likely require such assistance for at least 100 days; or (2) have moderate cognitive or mental impairment as determined by either standard mental status protocols or symptoms of behavioral problems as specified by the Secretary and will likely have such condition for at least 100 days; or (3) both.

Requires an initial screening of all persons who appear reasonably likely to meet the above conditions using a uniform protocol specified by the Secretary. Also requires periodic reassessment after a significant change in condition or within six months of the last assessment. Also requires assignment of a qualified case manager to each beneficiary receiving these services and development of an individualized written care plan meeting criteria minimum components of the required care plan.

Requires the case manager, in consultation with the patient, and patient's family and primary medical provider, to arrange for or provide the necessary services in a cost-effective manner, consistent with quality, and to assist in making arrangements for delivery of care and implementation of the care plan. The case manager may also be required by the State to assist the patient in obtaining noncovered services, either through private funds or other available public programs.

Clarifies that coverage under this title is an option available to the individual, is not mandatory, and refusal to accept it does not disqualify the individual from care in a nursing facility, skilled nursing facility, or intermediate care facility for the mentally retarded. Requires the case manager to honor the choices of the individual where possible.

Requires that the State's plan for home and community-based services specify how these benefits will be coordinated with benefits under Titles V and XX of the Social Security Act, and applicable portions of the Housing and Urban Development Act, the Older Americans Act of 1965, and other programs which provide services to the elderly and disabled.

Requires the case manager to monitor services delivered to the individual, the quality of care and the individual's status. Requires periodic reassessment of individuals, no less than every 6 months, and revisions to the care plan as needed. Allows for discharge of the case by the case manager, in consultation with the primary physician, when the individual no longer qualifies for benefits under this title.

Establishes the criteria and requirements for "qualified case managers" eligible to provide or arrange for services under this program.

Requires the State plan to specify the types of providers eligible for participation in the program and any requirements for participation applicable to each type of provider. Also defines a minimum mandatory list of services which must be covered under the State plan. Defines a qualified provider as one licensed under State law and meeting any other criteria established by the Secretary or the State.

Establishes a list of services which must be excluded under the State's plan, including services already being received by the individual under a provision of the Health Security Act or other insurance plan or program which is not a state program. Also excludes services which would otherwise be provided in a nursing facility or ICF/MR unless the state or case manager reasonably estimates the cost of the covered services would be lower than in the nursing facility or ICF/MR.

Requires the state to ensure that a person already receiving home and commodity-based care at the time this act becomes effective continues to receive an appropriate level of such services.

Requires the state to develop a system of monitoring and ensuring the quality of home and community-based services which includes minimum standards for care managers and providers; minimum competency standards for provider employees providing direct care; opportunities for consumer participation in evaluating the quality of care; and involvement of the long term care ombudsman and development disabilities agencies in assuring quality of care. Also requires the State to provide safeguards against the physical, emotional, or financial abuse or exploitation of individuals served under the program.

Requires the state to specify a method of payment to providers and case managers which may include fee-for-service arrangements, prepayment on a capitation basis, or a combination of the two. The state may allow the case manager authority to negotiate rates with providers. The state must expressly specify its rate-setting methodology and ensure that it complies with section 1902(a) (30(A). The state must restrict participation to those providers which agree to accept payment established under the plan for covered services (except to the extent program beneficiaries elect to purchase additional services not covered under the plan).

Section 602. Amends 42 U.S.C. 1396a(a)(1) by providing that in determining [Medicaid] eligibility for an individual who is an inpatient in a nursing facility or an ICF/MR, the first $12,000 or resources shall be disregarded for unmarried persons.

Title VII. Asset Transfers

Section 701. Amends section 1917(c)(1) of the Social Security Act by extending the "look-back" period for asset transfers from 36 months to 60 months.

Section 702. Modifies current law by requiring that the income and assets of income cap trusts, nonprofit asset trusts, or other trust arrangements must be considered as assets, and are not exempt from existing trust rules section 1917 of the Social Security Act unless the trust is irrevocable and all months remaining in the trust upon the beneficiary's death are payable to the state.

Further provides that any conversion of personal or real property (including cash) into an annuity, including a personal service annuity by a family member, within the previous 60-month period will be deemed an unlawful transfer, even if made for fair market value.

Further directs the Secretary to issue regulations prohibiting 1) the use of family limited partnerships to convert assets to an exempt status; 2) purchases of interests in third-party assets for the purpose of rendering assets unavailable; and 3) purchase of care service agreements for past services by family members.

Section 702. Makes this title effective January 1, 1995.

ADDITIONAL COSPONSORS

S. 1727

At the request of Mr. COHEN, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

S. 1936

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1936, a bill to provide for the integrated management of Indian resources, and for other purposes.

S. 1941

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1941, a bill to terminate the Milstar II Communications Satellite Program.

S. 1976

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2111

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2111, a bill to foster further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Kentucky [Mr. FORD], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week."

SENATE JOINT RESOLUTION 193

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia [Mr. WARNER], the Senator from California [Mrs. BOXER], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 193, a joint resolution to designate May 1995 "Multiple Sclerosis Association of America Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. MATHEWS], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from Nevada [Mr. REID], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

SENATE RESOLUTION 227—ORIGINAL RESOLUTION REPORTED TO IMPROVE THE OPERATIONS OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 227

Resolved,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This resolution may be cited as the "Senate Procedures Reform Resolution of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Senate committee structure.
Sec. 3. Senate committee scheduling.
Sec. 4. Senate committee attendance.
Sec. 5. Report of unexpended funds.
Sec. 6. Effective date.

SEC. 2. SENATE COMMITTEE STRUCTURE.

Paragraphs 2, 3, and 4 of rule XXV of the Standing Rules of the Senate are amended to read as follows:

"2. Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	*Members*
"Agriculture, Nutrition, and Forestry	17
"Appropriations	28
"Armed Services	16
"Banking, Housing, and Urban Affairs	14
"Commerce, Science, and Transportation	16
"Energy and Natural Resources	17
"Environment and Public Works	13
"Finance	19
"Foreign Relations	14
"Governmental Affairs	16
"Judiciary	16
"Labor and Human Resources	14

"3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee:	*Members*
"Aging	14
"Budget	21
"Joint Economic	10
"Rules and Administration	11
"Small Business	19
"Veterans' Affairs	11

"(b) The following committees shall consist of the number of Senators set forth in the following table:

"Committee:	*Members*
"Ethics	6
"Indian Affairs	14
"Intelligence	13

"4. (a)(1) Except as otherwise provided by this paragraph—

"(A) each Senator may serve on only two committees listed in paragraph 2; and

"(B) each Senator may serve on only one committee listed in paragraph 3(a).

"(2) No Senator may serve on—

"(A) both the Committee on Appropriations and the Committee on Finance; or

"(B) both the Committee on Armed Services and the Committee on Foreign Relations.

"(b)(1) Each Senator may serve on not more than two subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

"(2) Each Senator may serve on not more than one subcommittee of a committee listed in paragraph 3(a) of which he is a member.

"(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

"(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefore. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

"(d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which the Senator is a member, and service as a member of any such joint committee shall not be taken into account for purposes of subparagraph (a)(1).

"(e)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman.

"(2) A Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3(a) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3(a) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2 or 3(a) of which he is a member.

"(f) The provisions of this paragraph may only be waived by the Senate by a resolution designating the Senator or Senators receiving the waiver and adopted by an affirmative yea-and-nay vote of the Senators duly chosen and sworn. The resolution shall be offered by the majority leader with the approval of the minority leader. The resolution shall be privileged and no amendment thereto shall be in order. Debate on the resolution shall be limited to one hour, equally divided.".

SEC. 3. SENATE COMMITTEE SCHEDULING.

Paragraph 3 of rule XXVI of the Standing Rules of the Senate is amended to read as follows:

"3. (a) Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as the chairman may deem necessary.

"(b)(1) The provisions of this subparagraph apply to the committees' meetings (including meetings to conduct hearings) of committees listed in paragraphs 2 and 3(a) of rule XXV held on Tuesday, Wednesday, or Thursday.

"(2) On Tuesdays and Wednesdays, only those committees listed in paragraph 2 of rule XXV (except the Committee on Appropriations) shall meet for the transaction of business before the committee.

"(3) On Thursdays, only those committees listed in paragraph 3(a) of rule XXV (except the Committee on the Budget) shall meet for the transaction of business before the committee.

"(4) Subcommittees of a full committee referred to in division (2) or (3) may only meet on a day that the full committee may meet. Subcommittees may not meet when the full committee is meeting.

"(5) No committee referred to in division (2) or (3) or any subcommittee thereof may meet, without special leave, on a day on which such committee or subcommittee is not authorized to meet unless consent therefore has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leader, from the designee of the leaders). The majority leader or the designee of the majority leader shall announce to the Senate whenever consent has been given under this division and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

"(c) If at least three members of any standing committee (except the Committee on Appropriations) desire that a special meeting of the committee be called by the chairman and subject to the provisions of subparagraph (b), those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.".

SEC. 4. SENATE COMMITTEE ATTENDANCE.

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(14) The chairman of each committee of the Senate shall maintain a record of committee attendance and voting records that shall be available to the public.".

SEC. 5. REPORT OF UNEXPENDED FUNDS.

Not later than January 31, 1995, and by that date each year thereafter, the Secretary of the Senate shall certify and publish in the Congressional Record a list identifying each member of the Senate who has used less than the amount allocated to the personal office of the member during the preceding fiscal year and the amount of such unused allocation.

SEC. 6. EFFECTIVE DATE.

This resolution and the amendments made by this resolution shall take effect on January 3, 1995.

SENATE RESOLUTION 228—ORIGINAL RESOLUTION REPORTED TO IMPROVE SENATE FLOOR PROCEDURES

Mr. FORD, from the Committee on Rules and Administration reported the following original resolution; which was placed on the calendar:

S. RES. 228

Resolved,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This resolution may be cited as the "Senate Floor Procedures Reform Resolution of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Sense of the Senate amendments.
Sec. 3. Dispensing with the reading of conference reports.
Sec. 4. Nondebatable motion to proceed.
Sec. 5. Requirement of a three-fifths vote to overturn the chair post-cloture.
Sec. 6. Restriction on amendments to appropriation bills.

SEC. 2. SENSE OF THE SENATE AMENDMENTS.

Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. On a point of order made by any Senator, no amendment expressing the sense of the Senate or the sense of the Congress, or an amendment to such amendment, shall be received unless the amendment is signed by at least 10 Senators.".

SEC. 3. DISPENSING WITH THE READING OF CONFERENCE REPORTS.

Paragraph 1 of rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." and inserting the following: "notwithstanding a request for the reading of the conference report (if such report is printed and available one day prior to the motion to consider), and shall be determined without debate.".

SEC. 4. NONDEBATABLE MOTION TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking the period at the end thereof and inserting the following: "; except those motions to proceed made by the majority leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees. Any such motion to proceed, by the majority leader, or any other Senator, to any motion, resolution, or amendment to change any of the Standing Rules of the Senate shall be debatable.".

SEC. 5. REQUIREMENT OF A THREE-FIFTHS VOTE TO OVERTURN THE CHAIR POST-CLOTURE.

The third undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end thereof the following: "Appeals from the decision of the Presiding Officer shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

SEC. 6. RESTRICTION ON AMENDMENTS TO APPROPRIATION BILLS.

Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended by—

(1) inserting "as passed by the House or as reported to the Senate," after "contained in the bill";

(2) striking "relevancy of amendments under this rule" and inserting "relevancy or germaneness of amendments under this paragraph";

(3) striking "submitted to the Senate and be decided without debate" and inserting "ruled on by the chair";

(4) inserting "(a)" after "4."; and

(5) adding at the end thereof the following:

"(b)(1) An affirmative vote of three-fifths of the Senators, duly chosen and sworn, shall be required to overturn a ruling of the Chair regarding questions of germaneness, relevancy, or legislation under this paragraph.

"(2) This paragraph may be waived with respect to an amendment by the affirmative vote of three-fifths of the Senators, duly chosen and sworn.".

SENATE RESOLUTION 229—AUTHORIZING OVERSIGHT HEARINGS BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL submitted the following resolution; which was read and ordered placed on the calendar:

S. RES. 229

Resolved,

SECTION 1. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this resolution shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the hearings authorized by this resolution, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section 1 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance; and

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this resolution.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. 3. ADDITIONAL STAFF FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section 2(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 1.

SEC. 5. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section 1.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of

the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no authority to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this resolution.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section 1(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this resolution. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this resolution.

SEC. 6. RELATION TO OTHER INVESTIGATIONS.

In order to—

(1) expedite the thorough conduct of the hearings authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

SEC. 7. SALARIES AND EXPENSES.

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking "$56,428,119" and inserting "$56,828,119"; and

(2) in section 6(c) by striking "$3,220,767" and inserting "$3,620,767".

SEC. 8. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section 4(b) not later than the end of the 103d Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this resolution shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 10. COMMITTEE FUNDING AND RULE XXVI.

The supplemental authorization for the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

SEC. 11. ADDITIONAL HEARINGS.

"(1) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

"(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr."

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

METZENBAUM AMENDMENT NO. 1796

Mr. METZENBAUM proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the end of the subtitle, as modified, add the following:

SEC. . SANITARY FACILITIES ABOARD DOMESTIC AIRCRAFT FLIGHTS.

(a) REQUIREMENT OF FACILITIES.—(1) Except as provided in paragraph (2), an air carrier may not provide scheduled passenger service in the United States in an aircraft that carries 10 or more passengers unless there is aboard the aircraft a toilet and other appropriate sanitary facilities (as determined by the Secretary of Transportation) for the use of such passengers.

(2) Paragraph (1) shall not apply to an aircraft for which a type certificate was issued by the Administrator of the Federal Aviation Administration before the effective date of this subsection.

(3) This provisions of this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(b) REQUIREMENT OF PASSENGER NOTIFICATION OF FACILITIES.—(1) An air carrier may not provide scheduled passenger service in the United States in an aircraft having no toilet or other sanitary facilities (as determined by the Secretary) unless the air carrier (or the agent of the air carrier)—

(A) notifies each passenger at the time the passenger reserves a seat or purchases a ticket for the service that the aircraft will have no toilet or other sanitary facilities; and

(B) identifies upon the request of the passenger the type of aircraft providing the service.

(2)(A) To the maximum extent practicable, an air carrier shall take actions to notify passengers of a change in the type of aircraft providing scheduled passenger service in the United States if as a result of that change a toilet and sanitary facilities will not be provided on the aircraft providing the service.

(B) An air carrier shall not have to take the actions referred to in subparagraph (A) if the change in type of aircraft occurs less than 24 hours before the commencement of the service referred to in that subparagraph.

(3) The provisions of paragraphs (1) and (2) shall apply to scheduled passenger service referred to in such paragraphs that commences on or after the date that is 90 days after the date of the enactment of this Act.

McCAIN AMENDMENT NO. 1797

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1491, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE—

It is the Sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(a) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(b) act to prevent and detect fraud and abuse in such programs and operations; and

(c) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

McCAIN (AND DOLE) AMENDMENT NO. 1798

Mr. McCAIN (for himself and Mr. DOLE) proposed an amendment to the bill S. 1491, supra; as follows:

At the end of the amendment add the following:

Whereas, (1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to develop a nuclear bomb.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to

abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and appropriate action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(7) Neither the United States nor the Republic of Korea have yet acted prudently to bring our forces to the optimum level of preparedness to deter aggression from North Korea or, in the vent deterrence should fail, to repel any such attack with the least loss of life and property possible. Now, therefore, be it

Resolved, that the United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

McCAIN (AND OTHERS) AMENDMENT NO. 1799

Mr. McCain (for himself, Mr. Dole, Mr. Gorton, Mr. Pressler, Mr. Roth, Mr. Gramm, Mr. Wallop, Mr. Nickles, Mr. Helms, Mrs. Kassebaum, Mr. Robb, Mr. Thurmond, Mr. D'Amato, Mr. Warner, Mr. McConnell, Mrs. Hutchison, Mr. Murkowski, and Mr. Simpson) proposed an amendment to the bill S. 1491, supra; as follows:

FINDINGS

(1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel and attack from North Korea.

LEVIN (AND WARNER) AMENDMENT NO. 1800

Mr. Levin (for himself and Mr. Warner) proposed an amendment to amendment No. 1799 proposed by Mr. Dole to the bill S. 1491, supra; as follows:

On page 2, line 5 after word "action", insert the following: "to act together with the Republic of Korea".

On page 2, line 12, after the word "States", insert the word "forces".

Amend page 2, line 13 to read as follows: "and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an".

LEVIN AMENDMENT NO. 1801

Mr. Ford (for Mr. Levin) proposed an amendment to the bill S. 1491, supra; as follows:

On page 37, below line 3, add the following:

SEC. 27. REQUIREMENT FOR CONTINUATION OF RADAR APPROACH CONTROL ACTIVITIES.

(a) Finding.—Congress finds that the President's Five-Point Plan for Revitalizing Base Closure Communities dated July 2, 1993, encourages all Federal agencies to marshall the resources of such agencies in order to provide coordinated assistance to communities that experience adverse economic circumstance as the result of the closure of a military installation under a base closure law.

(a) Requirement.—The Administrator of the Federal Aviation Administration shall carry out on-going radar approach control activities at K.I. Sawyer Air Force Base, Michigan. The Administrator shall carry out such activities in the most cost-effective manner using any funds available to the Administrator.

FORD (AND LUGAR) AMENDMENT NO. 1802

Mr. Ford (for himself and Mr. Lugar) proposed an amendment to the bill S. 1491, supra; as follows:

On page 21 of the committee modification, line 6, strike "carrier or foreign air career" and insert "carrier, or foreign air carrier, for foreign air transportation".

On page 29, line 10, strike "and".

On page 29, line 11, strike the period and insert a semicolon and the word "and".

On page 29, between lines 11 and 12, insert the following:

"(iii) does not apply to the regulation of vehicle size and weight.

On page 29, line 14, strike "except" and insert "and".

On page 29, lien 16, after "routing" insert "shall not be affected".

McCAIN AMENDMENT NO. 1803

Mr. Ford (for Mr. McCain) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place in the bill, insert the following:

"Sec. . Sense of the Senate—

It is the Sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(a) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(b) act to prevent and detect fraud and abuse in such programs and operations; and

(c) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

BROWN (AND OTHERS) AMENDMENT NO. 1804

Mr. Brown (for himself, Mr. Heflin, Mr. Grassley, Mr. DeConcini, Mr. Burns, Mr. Mathews, Mr. Gorton, Mr. Cochran, Mr. Baucus, Mrs. Hutchison, Mr. Pressler, Ms. Moseley-Braun, Mr. Smith, Mr. Nickles, Mr. Gramm, Mr. Gregg, Mr. Murkowski, Mr. Lott, Mr. Durenberger, Ms. Mikulski, Mr. Thurmond, Mr. Dole, Mr. Coats, Mr. Helms, and Mr. Domenici) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. RELIGIOUS LIBERTY.

(a) Findings.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment, and thus warrants separate treatment.

(b) Sense of the Congress.—It is the sense of the Congress that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines and receive separate treatment from the other categories of harassment;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

LEAHY AMENDMENT NO. 1805

Mr. FORD (for Mr. Leahy) proposed an amendment to the bill S. 1491, supra; as follows:

At the end of the committee substitute insert the following:

SEC. 26. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) Availability of Information.—In the interest of protecting the health of air travelers, the Secretary of Transportation shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) Revision.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) Publication.—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

PRESSLER (AND DECONCINI) AMENDMENT NO. 1806

Mr. PRESSLER (for himself and Mr. DeConcini) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CONTRACT TOWER ASSISTANCE

The Secretary of Transportation shall take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota, and other communities where the Secretary deems such assistance appropriate, in obtaining the installation of a Level I Contract Tower for those communities.

METZENBAUM AMENDMENT NO. 1807

Mr. METZENBAUM proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, add the following:

SEC. —. REEMPLOYMENT AND RECERTIFICATION AS AIR TRAFFIC CONTROLLERS OF CERTAIN DISCHARGED AIR TRAFFIC CONTROLLERS.

(a) Reemployment.—Notwithstanding any other provision of law and to the maximum extent practicable, the Secretary of Transportation shall—

(1) notify persons referred to in subsection (b) of openings in positions of employment with the Federal Aviation Administration as air traffic controllers; and

(2) if such persons express an interest in employment in such positions, employ the persons in the positions on a basis which is numerically equal to that of any person other than a person referred to in subsection (b) in the positions.

(b) Covered Persons.—Subsection (a) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action, and who is presently physically and mentally capable of qualifying for a position as an air traffic controller.

(c) Program.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall carry out a program to provide training to persons referred to in subsection (b). The purpose of the program shall be to facilitate the employment of the persons provided the training by the Federal Aviation Administration as air traffic controllers.

(d) Covered Persons.—Subsection (c) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action; and

(3) who is re-employed by the Federal Aviation Administration as an air traffic controller.

(e) Funding.—The Administrator shall carry out the program only if funds are appropriated to the Department of Transportation specifically for purposes of carrying out the program.

NICKLES AMENDMENT NO. 1808

Mr. PRESSLER (for Mr. Nickles) proposed an amendment to the bill S. 1491, supra; as follows:

SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) Study.—The Administrator shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) Study Criteria.—Among other issues, the study shall examine the impact of the following:

1. The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period;

2. The impact on air carrier aircraft passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles; such estimate to cover a ten-year period;

3. The impact on fatality rates of infants using other modes of transportation, including automobiles, subject to the findings in subsection (b) 2, above; such estimate to cover a ten-year period; and

4. The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) Report.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 1995

JEFFORDS (AND METZENBAUM) AMENDMENT NO. 1809

Mr. JEFFORDS (for himself and Mr. Metzenbaum) proposed an amendment to the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. A. No funds appropriated under this Act may be used to carry out the provisions of section 8335(d) or 8425(b) of title 5, United States Code, relating to the mandatory separation of a member of the Capitol Police.

Sec. B. Officers mandatorily separated under P.L. 101–428 shall be entitled to preferential rehire to the extent qualified for any available positions.

REID AMENDMENTS NOS. 1810–1811

Mr. REID proposed two amendments to the bill H.R. 4454, supra; as follows:

Amendment No. 1810

On page 5, line 25, before the period insert the following: ", of which $21,347,000 shall remain available until expended".

AMENDMENT No. 1811

On page 36, beginning with "That" on line 4, strike all through "*Provided further,*" on line 8.

BURNS AMENDMENT NO. 1812

Mr. MACK (for Mr. BURNS) proposed an amendment to the bill H.R. 4454, supra; as follows:

At the appropriate place, insert the following:

SEC. . Section 207(a) of the Legislative Appropriations Act, 1993 (Public Law 102–392) is amended—

(1) in paragraph (1) by inserting "or made available from any source" after "appropriated";

(2) in paragraph (2)(A) by inserting after "as certified by the Public Printer," the following: "if the work is included in a class of work which";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by adding after paragraph (2) the following:

"(3) Any Federal officer or employee who publishes a Government publication or orders or contracts for an individual printing order under paragraph (2) shall comply with all applicable provisions of chapter 19, title 44, United States Code, regarding distribution of Government publications by the Government Printing Office to Federal depository libraries."; and

(5) by amending paragraph (4), as redesignated to read as follows:

"(4) As used in this section, the term 'printing' includes the processes of composition, platemaking, presswork, duplicating, silk screen processes, production of an image on paper or other substrate by any process, binding, microform, and the end items of such processes.".

REID AMENDMENTS NOS. 1813–1815

Mr. Reid proposed three amendments to the bill H.R. 4454, supra; as follows:

AMENDMENT No. 1813

At the end of the bill, add the following:

SEC. . The following amounts appropriated under the following headings shall be withheld from obligation and shall only become available to the extent necessary to cover the costs of increases in pay and allowances authorized pursuant to the enactment of H.R. 4539, of the 103d Congress, or pursuant to the pay order of the President or other administrative action pursuant to law:

Capitol Police Board:	
Capitol Police:	
salaries	$167,000
Office of Technology Assessment:	
Salaries and Expenses	39,000
Congressional Budget Office:	
Salaries and Expenses	55,000
Architect of the Capitol:	
Office of the Architect of the Capitol:	
Salaries	176,000
Capitol Buildings and Grounds:	
Capitol buildings	161,000
Capitol grounds	69,000
Senate office buildings	280,000
Capitol power plant	95,000
Library of Congress:	
Congressional Research Service:	
Salaries and expenses	671,000
Government Printing Office:	
Congressional Printing and Binding	2,007,000
Office of Superintendent of Documents:	
Salaries and expenses	107,000
Botanic Garden:	
Salaries and Expenses	48,000
Library of Congress:	
Salaries and Expenses	2,307,000
Copyright Office:	
Salaries and expenses	270,000
Books for the Blind and Physically Handicapped:	
Salaries and expenses	79,000
Architect of the Capitol:	
Library Building and Grounds:	
Structural and mechanical care	123,000
General Accounting Office:	
Salaries and Expenses	3,835,000

AMENDMENT No. 1814

On page 26, line 14, after "expended", insert:

Provided, That of the amount appropriated under this heading such sums as are necessary shall be used, at the direction of the Sergeant at Arms and Doorkeeper of the Senate, to complete improvements to the property acquired pursuant to section 1202 of P.L. 103–50.

AMENDMENT No. 1815

On page 6, line 19, strike "$15,000,000" and insert "$11,000,000, to remain available until September 30, 1996".

On page 10, line 18, strike "$20,000" and insert "$50,000: *Provided*, That, in any fiscal year beginning with fiscal year 1995, a Senator may use funds provided for official office expenses, but not to exceed $50,000, for mass mailing, as defined in section 6(b)(1) and all such mass mailings shall be under the frank".

On page 10, line 20, strike ", Senators-elect, and offices of the Senate".

On page 11, line 2, insert "more than" before "500" and strike "or more".

On page 11, beginning with "(to the extent" on line 10, strike all through "Congress" on line 17.

On page 11, line 23, strike "or mobile office".

On page 11, line 24, after "notice" insert ", but no such mailing may be made fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any Federal, State, or local office in which a Member of the Senate is a candidate for election".

On page 12, line 6, strike "A" and insert "Except as provided in section 5, a".

On page 12, line 6, strike ", Senator-elect, or office of the Senate".

On page 12, line 11, strike "and Senators-elect".

On page 12, between lines 16 and 17, insert the following:

SEC. 8. None of the funds appropriated under the heading "SENATE" under the subheading "OFFICIAL MAIL COSTS" may be used in any fiscal year beginning on or after October 1, 1994, for mass mailings as defined in section 6(b)(1).

REID AMENDMENT NO. 1816

Mr. REID proposed an amendment to the bill H.R. 4454, supra; as follows:

On page 6, line 6, strike "$203,542,000" and insert "$206,542,000".

REID AMENDMENT NO. 1817

Mr. REID proposed an amendment to the bill H.R. 4454, supra; as follows:

At the end of the bill, add the following:

SEC. ____. Architect of the Capitol Human Resources Program.

(a) SHORT TITLE.—This section may be cited as the "Architect of the Capitol Human Resources Act".

(b) FINDING AND PURPOSE.—

(1) FINDING.—The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) PURPOSE.—It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) PERSONNEL MANAGEMENT SYSTEM.—

(1) ESTABLISHMENT.—The Architect of the Capitol shall establish and maintain a personnel management system.

(2) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.—

(1) DEVELOPMENT OF PLAN.—The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c);

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library not later than 12 months after the date of enactment of this Act; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library, as specified in paragraph (2).

(2) EVALUATION AND REPORTING.—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) APPLICATION OF LAWS.—Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(e) DISCRIMINATION COMPLAINT PROCESSING.—

(1) DEFINITIONS.—For purposes of this subsection:

(A) The term "employee of the Architect of the Capitol" or "employee" means—

(i) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(ii) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(iii) within 180 days after the termination of employment with the Architect of the Capitol, any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(B) The term "violation" means a practice that violates subsection (b) of this section.

(2) DISCRIMINATORY PRACTICES PROHIBITED.—

(A) IN GENERAL.—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(i) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(ii) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(iii) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

(B) INTIMIDATION PROHIBITED.—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(3) PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.—

(A) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD.—(i) Any employee of the Architect of the Capitol alleging a violation of paragraph (2) may file a charge with the General Accounting Office Personnel Appeals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751-55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(ii) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(iii) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this subsection.

(B) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD OR OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(4) AMENDMENTS TO THE GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—

(A) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(B) Section 753(a) of title 31, United States Code, is amended—

(i) in paragraph (7) by striking "and" at the end of the paragraph;

(ii) in paragraph (8) by striking the period and inserting "; and"; and

(iii) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under subsection (d)(2) of the Architect of the Capitol Human Resources Act."

(C) Section 755 of title 31, United States Code, is amended—

(i) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(ii) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS OVERSIGHT HEARINGS AUTHORIZATION RESOLUTION

DOLE (AND D'AMATO) AMENDMENT NO. 1818

(Ordered to lie on the table.)

Mr. DOLE (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the resolution (S. Res. 229) authorizing oversight hearings by the Committee on Banking, Housing, and Urban Affairs; as follows:

At the appropriate place, add the following:

In lieu of the matter proposed to be inserted, insert the following:

TITLE X—COMMITTEE OVERSIGHT HEARINGS

SEC. 1. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct an investigation into, and study of, all matters that have a tendency to reveal the full facts about—

(A) allegations of improper contacts or communications between and among officials of the White House, the Department of the Treasury, Resolution Trust Corporation, and Office of Thrift Supervision;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster;

(C) the handling and disposition of documents in the office of White House Deputy Counsel Vincent Foster at and after the time of his death; and

(D) any other activity, circumstance, material or transaction having a tendency to prove or disprove that any official of the United States Government or any other person acting either individually or in concert with others engaged in any activity that was illegal, improper, unauthorized or unethical in connection with any activity related to Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc. occurring on or after January 20, 1993; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this resolution shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 22, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the investigation and study authorized by this resolution, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the investigation and study authorized in paragraph (1) of section 1 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance;

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary, or his designee, who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate,

service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the investigation and study authorized by this resolution.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. 3. ADDITIONAL STAFF AND ASSISTANCE FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section 2(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) To assist the committee in its investigation and study, the chairman, after consultation with the ranking member and the approval of the committee, shall appoint additional committee staff. The level of compensation payable to any such additional employee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate.

(c) To assist the committee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the committee.

(d) The Majority and Minority Leaders of the Senate may each designate one staff person to serve on the staff of the committee to serve as their liaison to the committee.

(e) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, investigatory, material, or other appropriate assistance may be required by the committee.

SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the investigation and study as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 1.

SEC. 5. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to make the investigation and study specified in section 1.

(b) Except as provided in subsection (c), the committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the committee considers necessary or appropriate.

(3) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) To hold hearings for taking testimony under oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(5) To require by subpoena or order the attendance, as witnesses before the committee or at depositions, of any person who may have knowledge or information concerning any of the matters the committee is authorized to investigate and study.

(6) To take depositions and other testimony under oath anywhere within the United States or in any other country, to issue orders by the chairman or any other member designated by the chairman which require witnesses to answer written interrogatories under oath, to make application for issuance of letters rogatory, and to request, through appropriate channels, other means of international assistance, as appropriate.

(7) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The committee, acting through the chairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(8) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the committee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions such committee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(9) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(10) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(11) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(12) To have access through the agency of any members of the committee, staff director, chief counsel, or any of its investigatory assistants designated by the chairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the committee is authorized to investigate or study;

(B) which is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have—

(i) the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States; or

(ii) the authority to, or which in fact has, conducted intelligence gathering or intelligence activities,

without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the committee to prepare for or conduct the investigation and study authorized and directed by this resolution.

(13) To report violations of any law to the appropriate Federal, State, or local authorities.

(14) To expend, to the extent the committee determines necessary and appropriate, any moneys made available to such committee by the Senate to make the investigation, study, and reports authorized by this resolution.

(c) The committee shall have no power under section 6005 of title 18, United States Code for immunizing witnesses.

(d)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the investigation and study conducted under this resolution. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this resolution.

SEC. 6. RELATION TO OTHER INVESTIGATIONS.

In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee;

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel;

(C) to seek the full cooperation of all relevant investigatory bodies; and

(D) to seek access to all information which is acquired and developed by such bodies.

The Senate requests that the independent counsel make available to the committee, as expeditiously as possible, all documents and information which may assist the committee in its investigation and study.

SEC. 7. SALARIES AND EXPENSES.

Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the committee under this resolution, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof. Payment of expenses shall be disbursed upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 8. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section 4(b) as soon as practicable after the conclusion of the investigation and study.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this resolution shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Friday, July 8, 1994, beginning at 9:00 a.m. and concluding at approximately 2:30 p.m. The hearing will be held at the Shields Building Auditorium at the College of Southern Idaho, 315 Falls Avenue, Twin Falls, Idaho.

The purpose of the hearing is to receive testimony on the Department of the Interior's proposed rule to amend the Department's regulations concerning livestock grazing.

A number of witnesses representing a cross-section of views and organizations will be invited by the Committee to testify. Time will also be set aside to accommodate as many other individuals as possible who would like to make a brief statement of no more than 3 minutes in support of, or opposition to, these proposed regulations. Those wishing to make such a statement should contact one of Senator CRAIG's State offices listed below, no later than 3 p.m. on July 5, 1994:

Boise Regional Office, 304 North 8th Street, Room 149, Boise, Idaho 83702, (202) 342–7985.

Coeur d'Alene Regional Office, 103 North 4th Street, Coeur d'Alene, Idaho 83814, (208) 667–6130.

Lewiston Office, 846 Main Street, Lewiston, Idaho 83501, (208) 743–0792.

Twin Falls Regional Office, 1292 Addison Avenue East, Twin Falls, Idaho 83301, (208) 734–6780.

Pocatello Regional Office, Federal Building, Room 216, 250 South 4th Avenue, Pocatello, Idaho 83201, (208) 236–6817.

Idaho Falls Office, 2539 Channing Way, Suite 240, Idaho Falls, Idaho 83404, (208) 523–5541.

Although the Committee will attempt to accommodate as many individuals desiring to speak as time permits, it may not be possible to hear from all those wishing to testify.

Written statements may also be submitted for the hearing record. It is only necessary to provide one copy of any material submitted for the record. Comments for the record may be brought to the hearing or submitted to the Committee on Energy and Natural Resourses, Room 304 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Williams of the Committee staff at (202) 224–7145.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Monday, July 11, 1994, beginning at 8 a.m. and concluding at approximately 2 p.m. The hearing will be held at the Richfield High School Auditorium, 510 West 100 South, Richfield, UT.

The purpose of the hearing is to receive testimony on the Department of the Interior's proposed rule to amend the Department's regulations concerning livestock grazing.

A number of witnesses representing a cross-section of views and organizations will be invited by the committee to testify. Time will also be set aside to accommodate as many other individuals as possible who would like to make a brief statement in support of, or opposition to, these proposed regulations. Those wishing to make such a statement should contact Senator BENNETT's Provo, UT, office at (801) 379–2526, no later than 3 p.m. on July 6, 1994.

Although the committee will attempt to accommodate as many individuals desiring to speak as time permits, it may not be possible to hear from all those wishing to testify.

Written statements may also be submitted for the hearing record. It is only necessary to provide one copy of any material submitted for the record. Comments for the record may be brought to the hearing or submitted to the Committee on Energy and Natural Resources, room 304 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Williams of the committee staff at (202) 224–7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 16, 1994, at 2 p.m., in open session, to consider the following pending military nominations:

Gen. J.H. Binford Peay III, USA, for reappointment to the grade of general and to be commander in chief, U.S. Central Command.

Vice Adm. William J. Flanagan, Jr., USN, for appointment to the grade of admiral and to be commander in chief, U.S. Atlantic Fleet.

Maj. Gen. Anthony C. Zinni, USMC, for appointment to the grade of lieutenant general and to be commanding general, 1st Marine Expeditionary Force.

Maj. Gen. Paul E. Stein, USAF, for appointment to the grade of lieutenant general and to be Superintendent, U.S. Air Force Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 16, 1994, at 10 a.m. on overview of the results of the Uruguay round.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 a.m., June 16, 1994, to receive testimony on S. 2174, a bill to provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, at 11 a.m. to receive a closed briefing on the Chemical Weapons Convention—Treaty Doc. 103-21.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, June 16, at 9:30 a.m. on a markup on the following: Paperwork Reduction Act.

S. 1604, Federal Mandate Accountability and Reform Act of 1994.

S. 1413, the reauthorization of the Office of Government Ethics.

H.R. 1779, to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

H.R. 3285, to redesignate the postal facility located at 1401 West Fort Street, Detroit, MI, as the "George W. Young Post Office."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 16, 1994, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 16, 1994, at 10 a.m., to hold a hearing on reauthorization of the Civil Rights Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES-CANADA PACIFIC SALMON TREATY

• Mr. GORTON. Mr. President, last night I introduced a resolution protesting the $1,100 fee recently imposed by Canada on United States fishermen traveling the Inside Passage on their way to fishing grounds in Alaska.

This fee imposed by Canada was a unilateral action that violates international law. It was done, say the Canadians, to gain concessions from the United States in negotiating the Pacific Salmon Treaty. The action of Canada was wrong—illegal—and the United States Government must make clear, now, in no uncertain terms, that this action will not be tolerated.

Some have responded to the Canadian action by saying "let cooler heads prevail." In the end I hope that cool heads negotiate a treaty that is fair to both sides, but if the immediate reaction of the U.S. Government to the imposition of this fee is to be cool we are sending a message that indicates we will not tolerate illegal actions—actions which, by the way, imperil the lives of our citizens.

My approach is different. I have introduced a resolution for the purpose of giving the President a strong hand in responding to this action. I want him to have a wide range of options, even including the extreme measure of allowing our Coast Guard to escort U.S. fishing boats through international waters. In fact, it is not my hope that we reach the state when such a step is taken, but I want the Canadians to know that we take their action so seriously that we will, if needed, resort even to this harsh measure.

After the Canadians have withdrawn the fee, then it is time for the cool-headed negotiators to hammer out a treaty, and here the Canadians have a legitimate complaint. Neither the Bush nor the Clinton administration has given this treaty appropriate attention. That must change. The Canadian concerns must be heard as well as those of the United States.

That is the way to resolve this issue and to resume our friendly relations with our best friends to the north.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise once again in my continuing effort to put a face on the health care crisis in America. Today I want to tell the story of Mr. and Mrs. Carthel Strunk of Beaverton, MI.

Mary and Carthel Strunk are in their early fifties and are the parents of three grown daughters. Thirteen years ago they moved from the Detroit area to Beaverton, a small mid-Michigan community. Shortly after their move, Mary found work at a local grocery store, and Carthel ran his own paint and bumper business. They both received comprehensive health insurance coverage through Mary's employer.

Ten years later, in 1991, Mary decided to leave her job to help her daughter with newborn twins and to open a quilting business. Through COBRA, Mary and Carthel were able to continue their health insurance coverage for 18 months at her former employer's group rate of $175/month, with a $500 deductible.

In May 1992, Carthel was diagnosed with emphysema, a debilitating, life-threatening lung disease. When the couple's ability to use Mary's former workplace health plan ended in December 1992, they could not find an insurer who would cover Carthel. After researching different plans, Mary was able to purchase coverage for herself at a cost of $125/month, with a $500 deductible. Prescriptions were covered, with a $5 copayment once the deductible was met. Mary, who was blessed with good health, continued paying for her coverage until December 1993, when her premium rose to $168/month. This cost was 20 percent of their income and was just too much for them. Mary was forced to cancel the policy. Since then she has been uninsured.

The Strunk's are not wealthy. Their yearly income averages about $10,000. Carthel had to leave his paint and bumper business due to his emphysema because he could not breathe in the paint fumes and other fumes associated with his work.

In December 1992, Carthel applied for Social Security disability coverage from Medicare. He was denied because he did not meet the eligibility requirements needed for a person with emphysema. He has appealed, and is currently awaiting the judge's decision. Even if the judges grant him eligibility, it could take up to 2 years before he can receive any benefits. Despite their low income, Mary and Carthel are not eligible for Medicaid because of a life insurance policy valued at $2,500. This, along with their personal assets, put them just over the required $3,000 limit on allowed assets.

Carthel and his family are extremely concerned that any assistance they manage to get could come too late. Recently, an x-ray revealed a spot on one of Carthel's lungs. Although the spot is not of great concern now, the family fears it could develop into something which will need considerable medical attention.

In the meantime, Carthel's emphysema is at a stage where some days just walking up one flight of stairs in his home causes shortness of breath. He is on several different medications, including one for high blood pressure. Mary estimates that they spend anywhere from $100 to $300 per month on medical costs, including prescriptions and tests. Although this expense is difficult for them, Carthel continues to see the doctor regularly. with his emphysema, he does not want to risk missing a doctor's appointment or forgoing testing.

If Carthel's situation weren't disheartening enough, in March 1994, 3 months after canceling her policy, Mary had an abnormal Pap smear. In 3 months she will have another smear. If it is still abnormal, further testing will have to be done. As you can imagine, Mary, like Carthel, now lives with the fear of more extensive medical treatment with no means of paying for it. Their greatest fear is that one, or both of them will need to be hospitalized.

In spite of their situation, the couple is happy living in this quiet small town. They believe they could live off their income, if it weren't for their medical expenses.

Carthel and Mary's situation was brought to my attention by their daughter Noreen. She describes her parents as good providers, and honest, hard workers. She worries about her parents, and the fact that they are lacking health care coverage at a time when they need it most. For now, in order to access any type of assistance they would have to impoverish themselves. This is an option to Strunk's do not want to consider.

Mr. President, Carthel and Mary are Americans who have worked all their lives and tried to take responsibility for their health care, but are now unable to pay for necessary medical services. Preexisting condition clauses and spiraling health costs are devastating families across our country. I will continue to work with my colleagues in the Senate to make health care reform a reality this year.●

CELEBRATING THE DAY OF THE AFRICAN CHILD

● Mr. MOYNIHAN. Mr. President, 18 years ago today innocent schoolchildren were massacred in a terrible tragedy which occurred in Soweto, South Africa. In their memory, we observe the Day of the African Child every year on this date. Blessedly, apartheid has been replaced by democracy in South Africa. The votes of those oppressed by decades of repugnant racial segregation will propel South Africa into a new era of political participation and racial equality. At long last there is hope that the horrors such as the Soweto massacre will no longer terrorize South Africa.

As we celebrate the Day of the African Child, we should reflect on ways to ensure that all children in Africa will enjoy a brighter future than has been the case in the past. This is important, for children under 15 years of age are not an insignificant portion—over 45 percent—of the population of Sub-Saharan Africa. Progress has been made. We can applaud rising life expectancy and decreasing infant mortality rates while encouraging continued efforts to improve the quality of life of Africa's children.●

CONSUMER CHOICE HEALTH SECURITY ACT

● Mr. NICKLES. Mr. President, the American people are strongly opposed to the idea of a big-government, one-size-fits-all health care plan. But President Clinton and many Members of Congress are not listening. Already a key congressional committee has reported a Clinton-style plan and others are poised to do the same. The President's health care proposal includes too many taxes, too much bureaucracy, too little quality, and too little choice.

The President's plan relies on more Federal control and regulation of a trillion-dollar industry that represents one—seventh of our entire economy and provides the highest quality health care in the world.

The Clinton plan outlaws virtually all current plans and substitutes a one-size-fits-all program which would cost the average family about $6,000 per year.

As the true cost of the President's health care proposal becomes clearer to Congress, key Members supporting the central themes of the plan have felt compelled to call for new ways to fund the plan's mandated health package. The Senate Labor Committee recently completed action on a health plan that contains all the bad components of the President's plan, plus more.

Overpromised and underfunded, these programs contain onerous employer mandates and excessive payroll taxes which will prove devastating to the Nation's economy.

As the economy continues to grow and more individuals are insured, fewer and fewer Americans are calling for a complete overhaul of the health care system. I believe we must be cautious in our attempt to reform the health care system. We must insist that any changes do more good than harm. We have the highest quality health care in the world, we can't sacrifice that.

I have come to the Senate floor today to introduce a series of changes to the Consumer Choice Health Security Act, which now has 25 cosponsors, which I believe will improve this legislation by further enhancing consumer choice, expanding consumer freedom, and lowering potential consumer choice.

As originally drafted, the Consumer Choice Health Security Act contained a requirement that the States establish programs to identify individuals who fail to purchase a minimum level of health benefits and enroll them in a comparable health care package. As we received input from the States, it is my belief that this individual mandate should be dropped from the legislation.

States will still be given reprogrammed funds from the Medicaid Disproportionate Share program to provide assistance to low-income people who fall through the cracks of the health care system. This program is aimed at ensuring that low-income citizens pay no more than 5 percent of their adjusted gross income for health care expenses.

I believe that with the strong incentive implication, the tax credit, combined with the assistance and flexibility given to the States, Americans who wish to purchase insurance to protect themselves from the perennially high cost of an illness will do so, without a mandate. The removal of the tax penalty, which was the loss of the personal exemption, is consistent with this goal.

After cost analyses by Lewin-VHI and other prominent actuaries, it has been noted that the minimum catastrophic plan required in the bill in order to obtain a tax credit may prove to be too expensive for many Americans and too intrusive on their health care choices.

To lower the cost of this basic package, the deductible limits of $1,000 for an individual and $2,000 for a family have been deleted. Further, as originally written, the bill would limit out-of-pocket expenses for both insurance premiums and medical services to $5,000. This section has been modified to set the limit at the higher of $5,000 or 10 percent of a person's gross income.

In a subsequent effort to keep the minimum benefits package as affordable as possible, we have decided to drop outpatient prescription drugs as a necessary feature in order to be eligible for the tax credit.

While protecting all Americans from financial ruin because of medical bills, these changes will increase consumer choice and protect society from people who would irresponsibly shift their medical costs to others.

In order to preserve the bill's budget neutrality, we moved the effective date back to January 1, 1998. We also indexed the tax credit ensuring that the credit will not grow at a greater rate than that of private health expenditures.

These changes ensure that our program comes down on the side of families and individuals. It provides every American with access to quality, affordable health care, preserves the health choices Americans now have and that the Clintons will take away and provides new opportunities for health care that the Clintons deny; all without increasing taxes or creating new bureaucracies.

Health care reform is a complex issue. The President is wrong to think that the problems we face in health care can be solved by invasive big-government surgery. Americans need a plan which seeks a straightforward solution by protecting what is right about the current system—quality and choice—and knocking down the barriers that deny many American access to affordable health care.●

OUR PRESENT PREOCCUPATION WITH THE PROBLEMS IN RWANDA SHOULD NOT OBSCURE THE PRESENT FRAGILE SITUATION IN BURUNDI

• Mr. DURENBERGER. Mr. President, I rise today to direct the attention of this Nation to the delicate situation that now exists in Burundi. The same ethnic division between Hutus and Tutsis that exists in Rwanda also exists in Burundi, and threatens to erupt in the same racial violence that now engulfs Rwanda. The world's present preoccupation with the situation in Rwanda threatens to obscure the tinderbox waiting to ignite in Burundi.

Not too long ago the situation in Burundi seemed bright. After a number of years in which Burundi was governed by a dictatorship, the people of Burundi by a 9-to-1 margin approved a new, democratic constitution. The leader of the country at the time, Pierre Buyoya, resigned from the military in order to stand for election under the new constitution.

The main opponent of Pierre Buyoya, a Tutsi, in the election was Melchoir Ndadaye, a Hutu. In Burundi, the Hutus make up 85 percent of the population and the Tutsis 14 percent. Roughly the same ethnic split as in Rwanda.

In June 1993, Melchoir Ndadaye was elected President by an impressive margin. Pierre Buyoya, the former military leader of the country, accepted his electoral defeat gracefully. There was a peaceful transition of power.

The peaceful conditions were short-lived. On October 21, 1993, I came to the floor to express my shock and dismay at the events that had occurred in Burundi. Units of the Burundian Army had staged a coup and had murdered President Ndadaye and members of the government.

This tragic event triggered an ethnic conflict that resulted in thousands being killed. Approximately one-tenth of the population of Burundi fled to the neighboring countries of Rwanda, Tanzania, and Zaire.

More recently, President Ntaryamira of Burundi was killed in the same plane crash that killed President Habyarimana of Rwanda. Fortunately, the people of Burundi did not react to this tragic event in the same violent manner as in Rwanda. Nevertheless, there have been repeated incidents of violence in Burundi that threaten at any moment to escalate and to break out in renewed ethnic fighting.

The United States policy toward Rwanda has failed. We have failed to galvanize the community of nations to take positive steps to prevent a genocide in Rwanda. We have failed in our international leadership role. We have failed to provide timely assistance and to do what is moral and right.

While thousands were dead and dying, we argued with the United Nations over whether 50 armored personnel carriers—essential to the deployment of an all-African peacekeeping force in Rwanda—were to be sold or leased to the United Nations.

The administration has pledged that there will never be a second Holocaust. Well, it has happened again in Rwanda. And—unless we create a game plan—it will happen again in Burundi.

The instructions of the Department of State and the National Security Council not to refer to the tragic events in Rwanda as a genocide cannot obscure the immensity of the tragic events that have occurred there. Semantics cannot change the truth of the situation—or hide the administration's failure to establish a clear and cohesive foreign policy.

Instead of merely reacting to events, the administration should now formulate and carry through a policy toward Burundi that is designed to prevent a genocide in that country.

The time to act is now. Tomorrow will be too late.

Our policy toward Burundi should include active support for those moderate Hutus and Tutsis who are working to establish a workable, coalition government that will permit both Hutus and Tutsis to legitimately share power and to fully participate in the governmental process. The United States should assist in strengthening the democratic tradition that was begun with the adoption by the people of Burundi of a constitution in 1992.

The United States should aid the present discussions between the Hutus and Tutsis. The present mistrust that exists between the two factions must be changed to mutual trust and respect for human rights. A tall order, but one that is essential to a lasting peace.

The United States should assist in identifying those responsible for the murder of President Ndadaye and the ensuing ethnic violence. Those who perpetrated these violent acts should be brought to justice and should not be recognized as legitimate leaders of Burundi.

The present domination of the armed forces of Burundi by Tutsis should be replaced by some power-sharing arrangement that provides for a more equitable balance. More importantly, the armed forces of Burundi should be an active force for peace and the rule of law.

The United States, in its contacts with the Burundian armed forces, should encourage them to maintain the present peace and to protect the human rights of all peoples of Burundi.

Before any crisis begins, the United States should be prepared to provide logistical support for the deployment of a peacekeeping force, sponsored by the United Nations or the Organization of African Unity. U.S. troops should not be a part of the peacekeeping force.

The redtape, delay, and hesitancy that have characterized our policy toward Rwanda should not be repeated in our treatment of the present tenuous situation in Burundi.

I have written a letter to the President of the United States outlining constructive steps that the United States can take to improve the situation in Burundi in an effort to avert a second disaster such has occurred and is still occurring in Rwanda. I look forward to his response.

Mr. President, I yield the floor—and ask that the contents of the letter to the President be made a part of my statement here today.

The letter follows:

JUNE 17, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The present situation in Rwanda has temporarily obscured the delicate situation that now exists in the neighboring country of Burundi. The same ethnic division between Hutus and Tutsis that is the root cause of the genocide and present fighting in Rwanda also exists in Burundi and threatens to erupt at any moment unless the present, uncertain peace is strengthened and nurtured. The fear that the turmoil in Rwanda will spill over into neighboring Burundi has temporarily halted the fighting between tribal groups and brought a welcome, but uncertain period of peace.

The situation in Burundi seemed bright. In March of 1992 the people of Burundi approved a democratic constitution by an overwhelming nine-to-one margin. In June 1993, 2.8 million voters went to the polls and elected Melchoir Ndadaye, a Hutu, president—ending several decades of Tutsi domination of the government. The former leader of Burundi, Pierre Buyoya, accepted his defeat in the presidential election and left gracefully.

However, the conflict in Burundi broke out shortly after the first democratic election in that nation and the peaceful transition from a totalitarian regime. In October of last year, elements of the Tutsi dominated Burundian army staged a military coup and murdered President Ndadaye. This tragic event was the beginning of ethnic violence that spread throughout Burundi. As a result of the turmoil, thousands fled to neighboring nations of Rwanda, Tanzania, and Zaire.

The United States's reluctance to provide assistance to Rwanda, while thousands of innocent persons were being slaughtered, should not be repeated in our relations to Burundi. The present cessation of hostilities in Burundi can only be transformed into a lasting peace with the help of the United States and other nations within the international community. Instead of reacting to events, the United States should formulate a policy now towards Burundi that is calculated to achieve this result. To this end, I urge that the following actions be taken:

1. The United States should support those moderate Hutus and Tutsis who are endeavoring to find a way to form a coalition government based on some power-sharing formula that will permit both tribal groups to achieve legitimate and peaceful objectives.

2. The democratic tradition that was begun with the adoption of a constitution in 1992 should be strengthened and a way should be found to guarantee those basic freedoms that are essential to a democracy and that protect the rights of the majority and the minority.

3. The United States should aid the present negotiations between the Hutus and the

Tutsis and should help to create an atmosphere that will lead to dispelling the present distrust and suspicion that would undermine these negotiations.

4. The United States should work closely with human rights and religious organizations to identify and condemn those who participated in the assassination of President Ndadaye and other elected officials, and those who perpetrated the ethnic violence that preceeded the assassination. These individuals should be brought to justice and they should not be recognized as legitimate leaders of Burundi.

5. The armed forces of Burundi should not be the instrument of any tribal group but should be a force for peace and the rule of law. The present domination of the armed forces by the Tutsis should be replaced by a power-sharing arrangement that will provide for a more equitable balance.

6. The United States should be ready to support, as may be necessary, the deployment of a regional force, comprised of troops from African nations, as a part of a United Nations assistance mission for Burundi or under the auspices of the Organization of African Unity, to protect civilians and to help in the restoration of peaceful conditions.

7. The United States should be ready, as may be necessary, to provide logistic support, including equipment and supplies (but not arms and ammunition) as any regional peacekeeping force may require, but United States troops should not participate directly in the peace-keeping effort.

8. Finally, the United States in its contacts with the Burundi armed forces should encourage them to maintain the present peace and to recognize the human rights of all peoples of Burundi.

As is the case in Rwanda, there is no simple solution to the present problems in Burundi. However, our policy toward Burundi should be based upon advance, thoughtful consideration of the situation rather than be devised on an ad hoc basis in response to an unfolding crisis. I believe that the suggestions made in this letter will contribute to a clear and far-reaching U.S. policy toward Burundi that will contribute to the maintenance of peace and the strengthening of democracy in that country.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.●

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Nos. 442 and 447, en bloc; that the committee amendments be agreed to en bloc; that the several bills each be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that the consideration of each bill be considered separately in the RECORD; and that statements with respect to the passage of each bill be included in the RECORD where appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND MANAGEMENT AGENCY HOUSING IMPROVEMENT ACT OF 1994

The Senate proceeded to consider the bill (S. 472) to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Land Management Agency Housing Improvement Act **[**of 1993**]** *of 1994*".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 3. EMPLOYEE HOUSING.

(a)(1) To promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within thirty miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing **[**Survey average percentage of rents paid by renters**]** *Survey median monthly housing cost for renters* inclusive of **[**utilities, whether**]** *utilities, as a percentage of current income, whether* paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: *Provided*, That the base rental rate as a percentage of the employee's annual gross income shall not exceed the most recent American Housing **[**Survey average percentage of rents paid by renters**]** *Survey median monthly housing cost for renters* inclusive of **[**utilities, whether**]** *utilities, as a percentage of current income, whether* paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every five years. If such survey indicates that government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this **[**Act of the**]** *Act for the* personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section; the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to relocated for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey **[**average percentage of rents paid by renters inclusive of utilities; whether paid as part of rent or paid directly to a third party.**]** *median monthly housing cost for renters inclusive of utilities as a percentage of current income, whether paid as part of rent or paid directly to a third party.*

SEC. 6. SURVEY OF EXISTING FACILITIES.

(a) Within two years after the date of enactment of this Act, the Secretaries shall survey all existing government owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agency-wide priority listing, by structure, identifying those units in greatest **[**need for repair,**]** *need of repair,* rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations **[**and Interior and Insular Affairs of**]** *and Natural Resources of* the United States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

So the bill (S. 472) was deemed read the third time and passed.

CANE RIVER CREOLE NATIONAL HISTORICAL PARK AND NATIONAL HERITAGE AREA ACT

The Senate proceeded to consider the bill (S. 1980) to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefitted from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSE.—The purposes of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

TITLE I—CANE RIVER NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park (hereinafter in this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, **[**80,001, dated January 1994.**]** *80,001A, dated May 1994.*

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title II of this Act.

SEC. 102. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historical park in accordance with this Act, and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services **[**for**]** *from* individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act. *Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.*

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 101(b)(4) of this title. Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 202 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 202 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 103. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) MUSEUM CONTENTS, INC.—Lands and structures identified in section 101(b)(2) may be acquired only by donation.

(d) COOPERATIVE AGREEMENT SITES.—Lands and interests therein that are the subject of cooperative agreements pursuant to section 101(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 104. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River Heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be [prepared jointly] *coordinated* with the Commission pursuant to section 203 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE II—CANE RIVER NATIONAL HERITAGE AREA

SEC. 201. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Cane River National Heritage Area (hereinafter referred to as the "heritage area").

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 2(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) AREA INCLUDED.—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, [80,000, dated January 1994;] *80,000A, dated May 1994;*

[(2) the Natchitoches National Historical Landmark District;]

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 102(d);

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 203 of this title.

SEC. 202. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of [16] *19* members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

[(4) one member with experience in and knowledge of tourism in the greater Cane River region, from recommendations submitted by local businesses;]

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

[(13) one member who is a landowner along the Cane River;]

(13) two members who are landowners in and residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana; and

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations; and

[(16)] *(17)* the director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop [partnerships] *cooperative agreements* with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to [furtherance] *further* of the purposes of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements [and leases] with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 203. [DUTIES OF THE HERITAGE AREA COMMISSION] PREPARATION OF THE PLAN.

(a) [PREPARATION OF PLAN.—]IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the national historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor of Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 204. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a *nonprofit* corporation, to assume the responsibilities of the Commission.

SEC. 205. DUTIES OF OTHER FEDERAL AGENCIES.

[In general, any Federal entity conducting or supporting activities directly affecting the heritage area, and any entity of the State of Louisiana, or a political subdivision thereof, acting pursuant to a grant of Federal funds or a Federal permit or agreement directly affecting the heritage area shall—]

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

[Except as provided in subsection (b) there] *There* are authorized to be appropriated such sums as may be necessary to carry out this Act.

So the bill (S. 1980) was deemed read the third time and passed, as follows:

S. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefitted from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSE.—The purposes of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

TITLE I—CANE RIVER NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park (hereinafter in this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, 80,001A, dated May 1994.

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not

limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title II of this Act.

SEC. 102. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historical park in accordance with this Act, and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act. Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 101(b)(4) of this title. Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 202 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 202 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 103. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) MUSEUM CONTENTS, INC.—Lands and structures identified in section 101(b)(2) may be acquired only by donation.

(d) COOPERATIVE AGREEMENT SITES.—Lands and interests therein that are the subject of cooperative agreements pursuant to section 101(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 104. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River Heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be coordinated with the Commission pursuant to section 203 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE II—CANE RIVER NATIONAL HERITAGE AREA

SEC. 201. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Cane River National Heritage Area (hereinafter referred to as the "heritage area").

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 2(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) AREA INCLUDED.—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, 80,000A, dated May 1994;

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 102(d);

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 203 of this title.

SEC. 202. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of 19 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

(13) two members who are landowners in and residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana;

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations; and

(17) the director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to further the purposes of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 203. PREPARATION OF THE PLAN.

(a) IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the national historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor of Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 204. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a nonprofit corporation, to assume the responsibilities of the Commission.

SEC. 205. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar order Nos. 440, 441, 446, 448, and

449, en bloc; that the committee substitute amendments and committee amendments, where appropriate, be agreed to en bloc; that the several bills each be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that amendments to the title, where appropriate, be agreed to; that the consideration of each bill be included separately in the RECORD; and that statements with respect to the passage of each bill be printed in the RECORD, where appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

TALIESIN PRESERVATION ACT OF 1994

The Senate proceeded to consider the bill (S. 150) to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taliesin Preservation Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) "Taliesin", the nationally significant 600-acre site located in the State of Wisconsin, together with its structures and improvements, was the home and studio of the exceptionally gifted and outstanding artist, architect Frank Lloyd Wright, from 1911 until 1959, and was designated as a National Historic Landmark in 1976; and

(2) Taliesin is the preeminent single site in the Nation for interpreting the life, work and ideas of Wright, and can best be protected and interpreted through designation as an affiliated area of the National Park System, while remaining under private ownership and management.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation and interpretation of the Taliesin site by the Secretary of the Interior (hereinafter referred to as the "Secretary"), for the benefit of present and future generations.

SEC. 3. COOPERATIVE AGREEMENTS AND PLAN.

(a) COOPERATIVE AGREEMENTS.—(1) In furtherance of this Act, the Secretary is authorized to enter into cooperative agreements with the owner or operator of the Taliesin site, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of the site, in accordance with the comprehensive plan described in subsection (b).

(2) Each cooperative agreement shall provide that the Secretary shall have the right of access at reasonable times to all public portion of the property covered by the agreement, for the purpose of conducting visitors through such properties and interpreting them to the public.

(3) Such cooperative agreements shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.

(b) COMPREHENSIVE PLAN.—(1) As a condition of entering cooperative agreements and receiving financial assistance under this Act, the owner or operator shall prepare and adopt a comprehensive plan for the continued preservation and public use of the Taliesin site and submit such plan to the Secretary for approval.

(2) The plan may be amended or revised from time to time, but no assistance, financial or otherwise, in conjunction with this Act, may be made available by the Secretary pursuant to any cooperative agreement unless the amendment or revision is approved by the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.;

There are authorized to be appropriated not more than $8,000,000 to carry out the purpose of this Act: Provided, That with respect to the cooperative agreements authorized in subsection 3(a), the Secretary may not provide more than one-third of the aggregate cost of implementing those agreements. The remainder of the cost shall be borne by State and private entities.

So the bill (S. 150) was deemed read the third time and passed, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taliesin Preservation Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) "Taliesin", the nationally significant 600-acre site located in the State of Wisconsin, together with its structures and improvements, was the home and studio of the exceptionally gifted and outstanding artist, architect Frank Lloyd Wright, from 1911 until 1959, and was designated as a National Historic Landmark in 1976; and

(2) Taliesin is the preeminent single site in the Nation for interpreting the life, work, and ideas of Wright, and can best be protected and interpreted through designation as an affiliated area of the National Park System, while remaining under private ownership and management.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation and interpretation of the Taliesin site by the Secretary of the Interior (hereinafter referred to as the "Secretary"), for the benefit of present and future generations.

SEC. 3. COOPERATIVE AGREEMENTS AND PLAN.

(a) COOPERATIVE AGREEMENTS.—(1) In furtherance of this Act, the Secretary is authorized to enter into cooperative agreements with the owner or operator of the Taliesin site, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of the site, in accordance with the comprehensive plan described in subsection (b).

(2) Each cooperative agreement shall provide that the Secretary shall have the right of access at reasonable times to all public portions of the property covered by the agreement, for the purpose of conducting visitors through such properties and interpreting them to the public.

(3) Such cooperative agreements shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.

(b) COMPREHENSIVE PLAN.—(1) As a condition of entering into cooperative agreements and receiving financial assistance under this Act, the owner or operator shall prepare and adopt a comprehensive plan for the continued preservation and public use of the Taliesin site and submit such plan to the Secretary for approval.

(2) The plan may be amended or revised from time to time, but no assistance, financial or otherwise, in conjunction with this Act, may be made available by the Secretary pursuant to any cooperative agreement unless the amendment or revision is approved by the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than $8,000,000 to carry out the purpose of this Act: *Provided*, That with respect to the cooperative agreements authorized in subsection 3(a), the Secretary may not provide more than one-third of the aggregate cost of implementing those agreements. The remainder of the cost shall be borne by State and private entities.

Mr. KOHL. Mr. President, I am very pleased that the Senate has acted today to pass the Taliesin Preservation Act, to make the birthplace of Frank Lloyd Wright in Spring Green, WI, an affiliate of the National Park Service.

This legislation represents years of work and commitment on the part of the many students and admirers of the art of Frank Lloyd Wright nationwide.

Frank Lloyd Wright's influence on architecture in this century will surely go on into future centuries. His work is not only recognized through this Nation, but internationally as well. As one of his finest works, Taliesin is deserving of restoration and preservation.

But the cost of the preservation must be shared. Because this legislation requires that two-thirds of the funding for the preservation come from non-Federal sources, I believe that it is one of the most fiscally conservative park bills ever to be passed by this body. Further, because the site will be an affiliate of the National Park Service, and not an actual unit, it will not be an ongoing financial responsibility of the Federal Government, nor will it required park service employees to be onsite

Two years ago we celebrated the 125th anniversary of Frank Lloyd Wright's birth. And last week, Taliesin's Frank Lloyd Wright Visitors Center was dedicated in Spring Green, WI, kicking off 4 days of events focusing on Wright's architectural accomplishments. I believe that the passage of this legislation today adds a timely recognition of the contributions of this fine artist to the Nation as a whole.

In closing, I would like to add that while this legislation has been moving through the legislative process, a significant amount of State funds have been spent on projects envisioned to be within the context of this bill's overall funding plan. Therefore, it is only fitting that these expenditures should be considered as part of the two-thirds non-Federal match required by the legislation.

I thank my colleagues for their support, and look to the House for its timely consideration of this legislation.

SAGUARO NATIONAL PARK ESTABLISHMENT ACT OF 1994

The Senate proceeded to consider the bill (S. 316) to expand the boundaries of the Saguaro National Monument, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saguaro National Park Establishment Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds that—

(1) the Saguaro National Monument was established by Presidential Proclamation in 1933;

(2) the Tucson Mountain unit was established by Presidential Proclamation in 1961;

(3) in recognition of the need to provide increased protection for the monument, the boundaries of Tucson Mountain unit were expanded in 1976, and the boundaries of Rincon unit were expanded in 1991;

(4) the Tucson Mountain unit continues to face threats to the integrity of its natural resources, scenic beauty, and habitat protection for which the unit was established;

(5) these threats impede opportunities for public enjoyment, education, and safety within the monument, as well as opportunities for solitude within the wilderness areas of the monument designated by Congress in 1976;

(6) the residential and commercial growth of the greater Tucson, Arizona metropolitan area is causing increasing threats to the monument's resources; and

(7) the Tucson Mountain unit should be enlarged by the addition of adjacent lands of National Park caliber and Saguaro National Monument should be afforded full recognition and statutory protection as a National Park.

SEC. 3. ESTABLISHMENT OF SAGUARO NATIONAL PARK.

There is hereby established the Saguaro National Park (hereinafter in this Act referred to as the "park") in the State of Arizona. The Saguaro National Monument is abolished as such, and all lands and interests therein are hereby incorporated within and made part of Saguaro National Park. Any reference to Saguaro National Monument shall be deemed a reference to Saguaro National Park, and any funds available for the purposes of the monument shall be available for purposes of the park.

SEC. 4. EXPANSION OF PARK BOUNDARIES.

(a) IN GENERAL.—The boundaries of the park are hereby modified to reflect the addition of approximately 3,460 acres of land and interests therein as generally depicted on the map entitled "Saguaro National Monument Additions" and dated April, 1994.

(b) LAND ACQUISITION.—(1) Within the lands added to the park pursuant to subsection (a), the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange: Provided, That no such lands or interests therein may be acquired without the consent of the owner thereof unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is determental to the integrity of the park.

(2) Lands or interests therein owned by the State of Arizona or a political subdivision thereof may only be acquired by donation or exchange.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, or patent under the United States mining laws, and from disposition under all laws relating to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

So the bill (S. 316) was deemed read the third time and passed.

PISCATAWAY NATIONAL PARK EXPANSION ACT OF 1994

The Senate proceeded to consider the bill (S. 1703) to expand the boundaries of the Piscataway National Park, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Piscataway National Park Expansion Act of 1994".

SEC. 2. EXPANSION OF PARK.

(a) The boundaries of Piscataway Park in Maryland are hereby revised to reflect the addition of approximately 163 acres of lands as generally depicted on the map entitled "Proposed Boundary Map—Piscataway Park", numbered 838–80137, and dated November 17, 1993.

(b) The Secretary of the Interior is authorized to acquire lands and interests therein within the areas added to the park pursuant to subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

So the bill (S. 1703) was deemed read the third time and passed.

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Piscataway National Park Expansion Act of 1994".

SEC. 2. EXPANSION OF PARK.

(a) The boundaries of Piscataway Park in Maryland are hereby revised to reflect the addition of approximately 163 acres of lands as generally depicted on the map entitled "Proposed Boundary Map—Piscataway Park", numbered 838–80137, and dated November 17, 1993.

(b) The Secretary of the Interior is authorized to acquire lands and interests therein within the areas added to the park pursuant to subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SARBANES. Mr. President, I rise to urge approval of this legislation to expand the boundaries of Piscataway National Park on the Maryland shores of the Potomac River. The purpose of this legislation is to help protect the Piscataway Park and the historic viewshed of Mount Vernon—one of our Nation's best known and most beloved historic landmarks—by enabling the National Park Service to acquire critical tracts of forested riverfront land, north of the existing boundaries of the park, which, if developed, could threaten or damage these national resources. I want to commend the distinguished chairman of the Public Lands, National Parks and Forests Subcommittee, Senator BUMPERS, and the chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, for moving this bill to the floor so expeditiously.

Piscataway National Park was established in 1961 under Public Law 87–362 to "* * * preserve for the benefit of present and future generations the historic and scenic values * * * and the present open and wooded character of certain lands situated along the Potomac River in Prince Georges and Charles Counties, Maryland * * * which provide the principal overview from the Mount Vernon Estate and Fort Washington * * *". A number of proposed developments in the 1950's including a sewage treatment plant, oil tank farm, and high rise apartments, sparked an ambitious effort by the Mount Vernon Ladies Association, the Accokeek Foundation, the Alice Ferguson Foundation, the Moyaone Association, and many individual citizens to protect the natural beauty along the Maryland shore of the Potomac River that ultimately resulted in the creation of Piscataway Park. The National Park Service, in cooperation with these organizations and local residents acquired land and scenic easements and, as a consequence, today the landscape or viewshed remains essentially unchanged from the time that George Washington's Mount Vernon home and Fort Washington were first constructed. Piscataway Park currently comprises over 4,200 acres of which some 1,500 acres have been acquired in fee title and 2,700 acres have been protected through donated or purchased scenic easements.

Although Piscataway Park was established principally as a "viewshed park" intended to provide the nearly 1 million people who visit Mount Vernon each year the same unobstructed view that our first President enjoyed, it has other national values as well. The entire park is on the National Register of Historic Places due to the significant American Indian archaeological sites on the property dating back nearly 10,000 years. The park is home to a rich diversity of animal and plant life, providing valuable habitat for bald eagles, blue herons, and ospreys.

The Park includes the National Colonial Farm, a living historical farm operated by the Accokeek Foundation; Marshall Hall, the remains of an historic plantation dating back to the early 1700's; and the Hard Bargain Farm Environmental Center, a cooperative environmental education program developed by the Alice Ferguson Foundation where thousands of children come each year to learn about the natural beauty of this area and the importance of environmental stewardship. It is an oasis in the midst of an area that is highly urbanized and subject to continued population growth and development pressures.

In 1991, the Mount Vernon Ladies Association, commissioned a study of the viewshed from the piazza of Mount Vernon to ensure that this vista was thoroughly protected. The study identified two major parcels of land beyond the current boundaries of Piscataway Park which, if developed according to existing zoning regulations, would intrude on this otherwise completely protected viewshed. The subject tracts comprise approximately 163 acres. They are steeply sloped; thus any development would present a visual intrusion on the viewshed and reverse the public benefits gained through the original authorizing legislation for Piscataway Park. They contain many important natural, historic, and cultural resource values, including several documented archeological sites from an Indian tribe which occupied the area. They also provide important habitat for threatened species and a variety of other animals, fish, and plants.

The viewshed study provided the basis for developing the legislation which I introduced to expand the boundaries of Piscataway Park. The legislation authorizes the National Park Service to acquire these remaining and critical unprotected areas. It will not only preserve the historic viewshed of Mount Vernon, but conserve the properties' important resource values. Federal ownership of this shoreline would also help provide additional protection to our Nation's river. Action is urgently needed before the opportunity and the decades of effort already made to protect the natural beauty of the area are lost forever.

The legislation has bipartisan support. It is cosponsored by Senators WARNER, ROBB, MIKULSKI, KASSEBAUM, and LUGAR. It has been endorsed by the Mount Vernon Ladies Association of the Union, the Accokeek Foundation, the National Trust for Historic Preservation, the National Park Service, the Alice Ferguson Foundation, the Moyaone Association, the Maryland Environmental Trust and many individual citizens.

I urge my colleagues to approve this measure.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT

The bill (H.R. 1183) to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company, was considered, ordered to a third reading, read the third time, and passed.

FARMINGTON WILD AND SCENIC RIVER ACT

The Senate proceeded to consider the bill (H.R. 2815) to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmington Wild and Scenic River Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Public Law 99-590 authorized the study of 2 segments of the West Branch of the Farmington River, including an 11-mile headwater segment in Massachusetts and the uppermost 14-mile segment in Connecticut, for potential inclusion in the National Wild and Scenic Rivers System, and created the Farmington River Study Committee, consisting of representatives from the 2 States, the towns bordering the 2 segments, and other river interests, to advise the Secretary of the Interior in conducting the study and concerning management alternatives should the river be included in the National Wild and Scenic Rivers System;

(2) the study determined that both segments of the river are eligible for inclusion in the National Wild and Scenic Rivers System based upon their free-flowing condition and outstanding fisheries, recreation, wildlife, and historic values;

(3) the towns that directly abut the Connecticut segment (Hartland, Barkhamsted, New Hartford, and Canton), as well as the Town of Colebrook, which abuts the segment's major tributary, have demonstrated their desire for national wild and scenic river designation through town meeting actions endorsing designation; in addition, the 4 abutting towns have demonstrated their commitment to protect the river through the adoption of "river protection overlay districts", which establish a uniform setback for new structures, new septic systems, sand and gravel extraction, and vegetation removal along the entire length of the Connecticut segment;

(4) during the study, the Farmington River Study Committee and the National Park Service prepared a comprehensive management plan for the Connecticut segment (the "Upper Farmington River Management Plan", dated April 29, 1993) which establishes objectives, standards, and action programs that will ensure long-term protection of the river's outstanding values and compatible management of its land and water resources, without Federal management of affected lands not owned by the United States;

(5) the Farmington River Study Committee voted unanimously on April 29, 1993, to adopt the Upper Farmington River Management Plan and to recommend that Congress include the Connecticut segment in the National Wild and Scenic Rivers System in accordance with the spirit and provisions of the Upper Farmington River Management Plan, and to recommend that, in the absence of town votes supporting designation, no action be taken regarding wild and scenic river designation of the Massachusetts segment; and

[(6) the Colebrook Dam and Goodwin Dam hydroelectric projects are located outside the river segment designated by section 3, and the study of the Farmington River pursuant to Public Law 99-590 determined that continuation of existing operations of these projects as presently configured, together with associated transmission lines and other existing project works, is not incompatible with the designation made by section 3 and will not unreasonably diminish the scenic, recreational, and fish and wildlife values of the segment designated by such section as of the date of enactment of this Act; therefore, section 7(a) of the Wild and Scenic Rivers Act will not preclude the Federal Energy Regulatory Commission from licensing or relicensing (or exempting from licensing) the continued operations of such projects as presently configured or with changes in configuration that the Secretary determines would be consistent with the Wild and Scenic Rivers Act and the Plan.**]**

(6) the Colebrook Dam and Goodwin Dam hydroelectric projects are located outside the river segment designated by section 3, and based on the study of the Farmington River pursuant to Public Law 99-590, continuation of the existing operation of these projects as presently configured, including associated transmission lines and other existing project works, is compatible with the designation made by section 3 and will not unreasonably diminish the scenic, recreational, and fish and wildlife values of the segment designated by such section as of the date of enactment of this Act.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

"( ) FARMINGTON RIVER, CONNECTICUT.—The 14-mile segment of the West Branch and mainstem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland, Connecticut, to the downstream end of the New Hartford-Canton, Connecticut, town line (hereinafter in this paragraph referred to as the 'segment'), as a recreational river, to be administered by the Secretary of the Interior through cooperative agreements between the Secretary of the Interior and the State of Connecticut and its relevant political subdivisions, namely the Towns of Colebrook, Hartland, Barkhamsted, New Hartford, and Canton and the Hartford Metropolitan District Commission, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Upper Farmington River Management Plan, dated April 29, 1993, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirement for a comprehensive management plan pursuant to section 3(d) of this Act.".

SEC. 4. MANAGEMENT.

[(a) COMMITTEE.—The Director shall appoint a person to represent the Secretary on the Farmington River Coordinating Committee provided for in the Plan.**]**

(a) COMMITTEE.—The Director of the National Park Service, or his or her designee, shall represent the Secretary on the Farmington River Coordinating Committee provided for in the plan.

(b) FEDERAL ROLE**[**.—(1) The Director shall represent the Secretary in the implementation of the Plan and the provisions of this Act with respect to the segment designated by section 3, including ongoing review of the consistency of the Plan with the Wild and Scenic Rivers Act and the review of proposed federally assisted water resources projects which could have a direct and adverse effect on the values for which the segment was established, as authorized under section 7(a) of the Wild and Scenic Rivers Act. **[**(2)**]** *(1)* In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by section 3, the Secretary, pursuant to section 10(e) of the Wild and Scenic Rivers Act, shall offer to enter into cooperative agreements with the State of Connecticut and its relevant political subdivisions identified in the amendment made by such section 3 and, pursuant to section 11(b)(1) of such Act, shall make a similar offer to the Farmington River Watershed Association. The Secretary, pursuant to such section 11(b)(1), also may enter into cooperative agreements with other parties who may be represented on the Committee. All cooperative agreements provided for in this Act shall be consistent with the Plan, and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segment designated by such section 3 and the implementation of the Plan.

[(3)**]** *(2)* The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the Plan.

[(4)**]** *(3)* Implementation of this Act through cooperative agreements as described in paragraph (2) of this subsection shall not constitute National Park Service administration of the segment designated by section 3 for purposes of section 10(c) of the Wild and Scenic Rivers Act, and shall not cause such segment to be considered as being a unit of the National Park System.

(c) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segment designated by section 3 was included in the National Wild and Scenic Rivers System, the **[**Director**]** *Secretary* shall specifically consider the extent to which the project is consistent with the Plan.

(2) For purposes of implementation of section 7 of the Wild and Scenic Rivers Act, the Plan, including the detailed analysis of instream flow needs incorporated therein and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and the potential compatibility between resource protection and possible water supply withdrawals.

(d) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Hartland, Barkhamsted, New Hartford, and Canton, Connecticut, including the "river protection overlay districts" in effect on the date of enactment of this Act, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act. For the purpose of section 6(c), such towns shall be deemed "villages" and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by section 3.

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) The term "Committee" means the Farmington River Coordinating Committee referred to in section 4.

[(2) The term "Director" means the Director of the National Park Service.**]**

[(3)**]** *(2)* The term "Plan" means the comprehensive management plan for the Connecticut segment of the Farmington River prepared by the Farmington River Study Committee and the National Park Service, which is known as the "Upper Farmington River Management Plan" and dated April 29, 1993.

[(4)**]** *(3)* The term "Secretary" means the Secretary of the Interior.

SEC. 6. FUNDING AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, including the amendment to the Wild and Scenic Rivers Act made by section 3.

So the bill (H.R. 2815) was deemed read the third time and passed.

ORDER FOR STAR PRINT—S. 1743

Mr. FORD. Mr. President, I ask unanimous consent that S. 1743, the Consumer Choice Health Security Act of 1993, be star printed to reflect the changes now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALITY CARE FOR LIFE ACT OF 1994

Mr. FORD. Mr. President, I understand that S. 2205, the Quality Care for Life Act of 1994, introduced earlier today by Senator HATCH, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2205) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes.

Mr. FORD. Mr. President, I now ask for its second reading and, Mr. President, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard. The bill will then be read on the next legislative day.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE PAGES

Mr. MITCHELL. Mr. President, tonight the Senate bids farewell to a group of young men and women who have served as Senate pages over the last 5 months.

As these young people conclude their term as Senate pages, I rise, on behalf of the Senate, to say thank you for a job well done. They were an integral part of our daily life here in the Senate, and I salute them for their tireless service, and would like to express the appreciation of the Senate for their fine work.

Many people may not fully appreciate how rigorous the life of a Senate page can be. Their daily routine is not an easy one. On a typical day, the pages rise early and are in school by 6:15 a.m. After spending several hours in class, they come to the Capitol and prepare the Senate Chamber for the day's session. During the reminder of the day, they run numerous errands and perform a myriad of tasks. Once the Senate has concluded business for the day, the pages return to their dorm and prepare for the next day's classes, and we hope, get some much-needed sleep. Even with all of this, they continually discharge their tasks efficiently and cheerfully—including almost knocking over the water.

The presence of the pages on the Senate floor serves as a constant reminder to all of us here that the legislative work we perform is not just for our generation, but for the children and young people of our Nation as well. The Pages are an excellent, ever-present reminder of this.

Mr. President, it is my hope that we have given the pages some insight into the need for individuals to become involved in community and civic activities. The future of our Nation strongly depends on the generations who will follow us in this august body. Perhaps a number of the current group of pages will one day return here to serve as Members of the Senate.

As a token of our gratitude to these hard-working young people, each of them is to receive a certificate of appreciation. This year, the first time in a number of years, the certificate will be presented to the pages by Vice President GORE during a ceremony at the White House.

Again, as we wish this group of pages a fond farewell, I hope that they will take their experiences here and return to their respective communities as better citizens with a greater appreciation for public service. Speaking on behalf of the Senate, we wish them well and hope for a bright and successful future in whatever endeavors they choose.

Mr. President, I ask unanimous consent that a list of the pages be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SPRING 1994 PAGES

Name and city/State.

DEMOCRAT

Justin S. Anderson—Glenburn, ND.
Jessica M. Bass—Arkadelphia, AK.
Mandria J. Bottrell—Fargo, ND.
Joshua T. Burch—Washington, DC.
Sara M. Bush—Tempe, AZ.

Maeve W. Felle—Topsham, ME.
Meaghan M. Fitzgerald—Tucson, AZ.
Lanza L. Garrick—Medicine Lake, MT.
Samuel M. Hallowell—New Haven, ME.
Sara D. Hirshon—Cape Elizabeth, ME.
Mercede E. Hurt—Detroit, MI.
Rachel E. Mays—Little Rock, AK.
Halliday Moncure—Brunswick, ME.
Margaret L. Sauter—Coralville, IA.
Jonthan L. Taylor—Thousand Islands Park, NY.
Dara F. Wax—Wilmington, VT.

REPUBLICAN

Ann Christensen—Salt Lake City, UT.
Joseph A. Griffo—Anchorage, AL.
Kate C. Harrigan—Cranston, RI.
Haley E. Hawkins—Starkville, MS.
Shelby R. King—Roseburg, OR.
John J. Kosinski—New Castle, DE.

THE SENATE PAGES

Mr. SIMPSON. Mr. President, just let me add a swift note of appreciation to these young people. And the regret I always have is that early in my first term I used to visit with them and enjoy their company and take them up into the Capitol dome. As duties and obligations came more prevalent, I did not get that delightful opportunity. They are special young people and I commend them. They are always very genial and very generous with us, and we appreciate them very much.

I thank the majority leader for his remarks. I certainly subscribe to them.

Mr. MITCHELL. Mr. President, I thank my colleague.

ORDERS FOR MONDAY, JUNE 20 AND TUESDAY, JUNE 21, 1994

Mr. MITCHELL. Mr. President, I now ask unanimous consent that on 9:30 a.m. on Tuesday, June 21, the Senate turn to the consideration of a Senate resolution regarding hearings by the Senate Banking Committee which is now at the desk; that upon reporting of the resolution, the Republican leader be recognized to offer an amendment dealing with the same subject, which is also at the desk; that there be a total time limitation for debate of 3½ hours on the resolution and the amendment, to be equally divided between the Republican leader and myself, or our designees; that no other amendments or motions be in order; that at 1 p.m., the Senate stand in recess until 2:15 p.m.; and that at 2:15 p.m., the Senate vote on Senator DOLE's amendment, to be followed by a vote on adoption of the resolution, as amended, if amended, with the preceding all occurring without any intervening action or debate; and further, that at 3 p.m. on Monday, June 20, the Senate turn to the consideration of the Treasury, Postal appropriations bill, H.R. 4539.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

For the information of the Senate, the resolution referenced in the unanimous consent agreement just adopted is S. Res. 229, and the amendment is amendment No. 1818.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. The clerk will report the pending bill, S. 1491.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commerce Committee then be discharged from further consideration of H.R. 2739, the House Companion, and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1491, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and the Senate vote on passage of H.R. 2739; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees; that upon disposition of H.R. 2739, the Senate measure then be indefinitely postponed, with the above occurring without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2739) was deemed read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANK YOU TO THE SENATE PAGES

Mr. FORD. Mr. President, let me take just a few moments first to say goodbye to the pages, to tell them how much I enjoyed being with them, being a grandfather of 5, and there are some almost the same age of all these pages. And I want to tell them they were a joy—one I call my "cook;" she got me a bowl of soup. And the other one I call my "mechanic;" having to go down and fix my printer—all of that.

But they always kept their good humor with all of the pushing and shoving and asking for this and run for that, run for other, and they have been a treat. I think it is appropriate that they all go to the White House tomorrow, that they are recognized for the job they have accomplished here and the Vice President give them a certificate of appreciation not only for the President and Vice President but for all of the Senate.

So I wish them well. I hope life is good to them. Just remember that all the luck in the world you might have comes from working for it. I think they understand that, after being here for a few months.

COMPLIMENTS TO THE STAFF

Mr. FORD. Mr. President, let me just compliment the staff of mine, Sam Whitehorn, Martha Moloney, and others who have worked so hard to help get the aviation reauthorization bill completed. We started last November. The items in the bill were somewhat contentious and we worked, particularly staff, to bring groups together to a reasonable conclusion. I think this was an unusual bill in that many nongermane amendments were offered. Here is an aviation and airport improvement reauthorization bill, and we had Whitewater votes, I think 9 or 10 votes, on that amendment; we had a North Korean amendment on this piece of legislation; we had the EEOC amendment on this piece of legislation.

I am not sure, but I am going to look, Mr. President; I think this particular piece of legislation had more colloquies than any other piece of legislation I have known of in 21 years in the Senate. There may have been more, but I think we have set a record. So all in all, I am very pleased that the bill is passed. It is something on which I and the staff have worked very hard. I compliment my ranking member for his diligence and for the fine work of his staff.

ORDERS FOR MONDAY, JUNE 20, 1994

Mr. FORD. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Monday, June 20; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator HARKIN recognized to address the Senate for up to 1 hour; that at 3 p.m. and as provided for under a previous agreement, the Senate proceed to the consideration of the Treasury-Postal appropriations bill; further, that Senate Resolution 229 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKS TO SENATOR HOLLINGS AND SENATOR DANFORTH

Mr. FORD. Mr. President, just one item before we close: Let me also thank Senator HOLLINGS and Senator DANFORTH for their work and support of the Aviation Subcommittee. They were not always here making speeches. But they were always there to support us. We took their advice and counsel and it worked out very well.

RECESS UNTIL MONDAY, JUNE 20, 1994, AT 2 P.M.

So, Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:23 p.m., recessed until Monday, June, 20, 1994, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1994:

DEPARTMENT OF JUSTICE

NORRIS BATISTE, JR., OF TEXAS, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE J. KEITH GARY.

JOHN DAVID CREWS, JR., OF MISSISSIPPI, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE DWIGHT G. WILLIAMS.

EISENHOWER DURR, OF MISSISSIPPI, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE MARVIN E. BREAZEALE.

WALTER D. SOKOLOWSKI, OF PENNSYLVANIA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS, VICE GARY E. SHOVLIN.

INTERSTATE COMMERCE COMMISSION

GUS A. OWEN, OF CALIFORNIA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 1997, VICE GREGORY STEWART WALDEN.

DEPARTMENT OF STATE

E. MICHAEL SOUTHWICK, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

DEPARTMENT OF DEFENSE

JUDITH A. MILLER, OF OHIO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, VICE JAMIE S. GORELICK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

FRANKIE L. GRIFFIN [redacted]

EDWARD D. SEWARD, [redacted]

To be lieutenant colonel

GAIL V. BISCHOFF [redacted]

MICHAEL J. BUDDE [redacted]

JEAN E.B. BRYANT [redacted]

MARK S. CASTELLANI [redacted]

JOHN S. CHIASSON [redacted]

EDWIN F. EISWERTH [redacted]

DAVID M. GALLAGHER [redacted]

HOWARD M. HACHIDA, [redacted]

DEAN F. ILLINGER [redacted]

GREGORY M. MILAN [redacted]

STEVEN PENNINGTON [redacted]

DAVID L. SIMPSON [redacted]

HOWARD M. SWARTZ II [redacted]

To be major

JAMES E. AUSTIN [redacted]

EDWARD L. BLOCKER, [redacted]

RAYMOND V. BRICKER, [redacted]

THOMAS D. FOX, [redacted]

RICHARD D. HEADRICK [redacted]

JOHN S. JORDAN III [redacted]

SHELBY R. KENNEY [redacted]

THOMAS E. KIRKENDALL [redacted]

JOHN K. MORROW, [redacted]

JEFFERY L. PELHAM [redacted]

MEDICAL CORPS

To be major

FOUAD H. EL EBIARY [redacted]

SCOTT N. BEATSE [redacted]

SHERLYN B. LARRISON [redacted]

NURSE CORPS

To be lieutenant colonel

LUE D. DANIELS [redacted]

GERALDINE E. KIERNAN [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

JESSE GARCIA [redacted]

JUDGE ADVOCATE

To be colonel

WILLIAM S. COLWELL, [redacted]

THOMAS E. SCHLEGEL, [redacted]

CHAPLAIN

To be lieutenant colonel

MARINUS G. VANDESTEEG, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

LINE OF THE AIR FORCE

To be captain

DAVID L. COOPER, [redacted]

THOMAS J. NOON, [redacted]

MARK SHEEHAN, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

CHAPLAIN

To be captain

THOMAS G. KLAASEN, [redacted]

BIOMEDICAL SCIENCES CORPS

To be captain

ROBERT C. HALL, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

NORMA J.C. CORREA, [redacted]

HERMILANDO P. PAYEN [redacted]

PHILIP J. PERUCCA [redacted]

To be lieutenant colonel

NERIZZA P. ANDRADA [redacted]

DANIEL K. BERRY, [redacted]

EMMETT H. BROXSON, JR. [redacted]

DENNIS M. DREHNER [redacted]

SHARON A. FALKENHEIMER [redacted]

IAN J. JOHNSON [redacted]

THOMAS G. JOHNSON, [redacted]

ALEX A. MORALESCABAN [redacted]

FRANCIS M. MORRIS [redacted]

ROMIE N. RICHARDSON, [redacted]

EARL E. ROTH, JR. [redacted]

DANIEL L. VAN SYOC [redacted]

DENTAL CORPS

To be colonel

JAMES D. CORNELIUS [redacted]

To be lieutenant colonel

HARVEY P. BOYARSKY, [redacted]

ROBERT L. HEIST, [redacted]

To be major

ORSON P. CARDON, [redacted]

JOHN P. MC PHILLIPS [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

WILLIAM G. MEYER, [redacted]

VINCENT G. MOLINARI, [redacted]

GERALD R. SCHWARTZ, [redacted]

LASZLO VARJU, [redacted]

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

MEL P. SIMON [redacted]

To be lieutenant colonel

WALTER J. EZEKIEL [redacted]

THOMAS B. SULISTIO [redacted]

JUDGE ADVOCATE

To be lieutenant colonel

PHILLIP A. WEAVER, [redacted]

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593.

LINE OF THE AIR FORCE

To be lieutenant colonel

JAMES L. BRICKELL [redacted]

FRANCIS E. FELICE [redacted]

STEPHEN G. MOFFETT [redacted]

RANDALL S. FOSTER [redacted]

BRUCE T. THOMPSON [redacted]

RETIRED RESERVE

To be lieutenant colonel

CLAYTON J. ARNOLD, JR. [redacted]

ALAN L. BROWN, [redacted]

DENNIS F. O'CONNELL [redacted]

THE FOLLOWING OFFICER IS RECOMMENDED FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8366, MAJOR TO LIEUTENANT COLONEL (NON–EAD), AND SECTION 1552, CORRECTION OF MILITARY RECORDS.

RESERVE (NON–EAD) PROMOTION

To be lieutenant colonel

TERRY A. HIGBEE [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DALE R. ANDERSON, [redacted], 1/21/94

MAJ. NANCY M. AUGUST, [redacted], 2/18/94

MAJ. AMOS BAGDASARIAN, [redacted], 2/15/94

MAJ. ALAN J. BARBER, [redacted], 2/5/94

MAJ. FREDERICK M. BELTZ [redacted], 2/15/94

MAJ. KATHLEEN F. BERG, [redacted], 3/5/94

MAJ. GARY L. BRINNER, [redacted], 3/5/94

MAJ. BARRY J. BRUNS, [redacted], 3/6/94

MAJ. GARY L. BURES, [redacted], 3/6/94

MAJ. BRUCE N. CORRELL, [redacted], 3/5/94

MAJ. GARY M. COSTELLO, [redacted], 3/15/94

MAJ. PAMELA W. DAVIS, [redacted], 3/12/94

MAJ. MICHAEL L. DEMEYER, [redacted], 3/12/94

MAJ. WILLIAM C. DOWNING, [redacted], 3/20/94

MAJ. GREGORY R. FONNER, [redacted], 2/9/94

MAJ. DENNIS H. HAESSIG, [redacted], 3/8/94

MAJ. THOMAS D. HOCKENBERRY, [redacted], 3/22/94

MAJ. ALFRED G. JENKINS [redacted], 3/7/94

MAJ. GERARD M. KOREY, [redacted], 3/12/94

MAJ. PHILIP C. KOZLIK, [redacted], 3/13/94

MAJ. THOMAS E. LYTLE III [redacted], 3/14/94

MAJ. WILLIAM C. MAHAFFY [redacted], 3/10/94

MAJ. NAOMI D. MANADIER, [redacted], 3/8/94

MAJ. MICHAEL C. MILBURN, [redacted], 3/23/94

MAJ. GILBERT K. NICHOLS [redacted], 3/13/94

MAJ. STEPHEN M. PORTER [redacted], 3/7/94

MAJ. WILLIAM A. SARA, [redacted], 3/5/94

MAJ. LOIS H. SCHMIDT, [redacted], 3/20/94

MAJ. DAVID W. SHAKLEY, [redacted], 3/19/94

MAJ. ANDREA J. SIRK, [redacted], 3/8/94

MAJ. GERALD R. SMITH, [redacted] 3/12/94

MAJ. ALAN R. WALKER, [redacted] 3/8/94

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. MICHAEL C. DANIEL, [redacted] 3/20/94

MAJ. DOUGLAS R. JACOBSON, [redacted] 2/26/94

BIO-MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. DONALD E. LASLEY, [redacted] 3/21/94

MAJ. JACK M. DAVIS, [redacted] 1/9/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. JAMES H. NELSON III, [redacted] 1/10/94

MAJ. BRIAN J. BROWNE, [redacted] 2/26/94

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR A RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594, 3353, AND 3359:

MEDICAL CORPS

To be colonel

VICTOR GUTIERREZ-FULLADOSA [redacted]

STILES T. JEWETT, JR. [redacted]

To be lieutenant colonel

DAVID C. BARTON, [redacted]

LOUIS C. BATTISTA [redacted]

JAMES W. BATTLE, JR. [redacted]

BRENT W. HASTINGS [redacted]

FREDERIC E.J. HELBIG [redacted]

GIL C. RAH, [redacted]

DAVID C. RILLING [redacted]

PAUL G. ZERBI [redacted]

THE FOLLOWING-NAMED INDIVIDUAL FOR A RESERVE OF THE ARMY APPOINTMENT, WITH CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 594, AND 689:

MEDICAL CORPS

To be lieutenant colonel

CARL M. WARVAROVSKY [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

JOE C. CRAIN, [redacted]

IN THE ARMY

To be lieutenant colonel

ANNE H. BUHLS, [redacted]

ROGER BUTERBAUGH, [redacted]

JACK M. KLOEBER, [redacted]

To be major

LEOPOLDO A. RIVAS, [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTIONS 531, TITLE 10, UNITED STATES CODE.

CHAPLAIN

To be colonel

JOHN M. RIGGS, [redacted]

IN THE ARMY

To be lieutenant colonel

THOMAS MCNEAR, [redacted]

CHAPLAIN

To be major

*JOHN D. READ, [redacted]

IN THE ARMY

To be major

MARK W. GILLETTE, [redacted]

SCOTT RUTHERFORD, [redacted]

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

CHARLES C. FRANZ, [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH A SINGLE ASTERISK IS ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE.

MEDICAL CORPS

To be lieutenant colonel

*STANLEY H. UNSER, [redacted]

To be major

ELAINE L. BRENT, [redacted]

ERIK J. KOBYLARZ, [redacted]

RUSSELL J. OTTO, [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

JILL WRUBLE, [redacted]

DENTAL CORPS

To be Major

THERESE L. GALLOUCIS, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LOUIS W. BREMER
TREVOR A. RUSH
STEPHEN J. VANLANDINGHAM

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOHN W. MERENDA

THE FOLLOWING-NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

RICHARD W. GARRISON
SCOTT A. HARVEY
JAMES J. HECKLER
ERIC J. KNIGHT
RANDALL J. LANKFORD
BOBBIE J. THOMAS

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MARIO L. BARNES
HEIDI K. HUPP

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

PAUL K. DITCH
JAMES C. EVANS
BRIAN J. GRANGER
PATRICK W. HARDIN
MARK A. HILTON
WENDY M. KEVAN
ERIC M. MANFULL
CHARLES A. PETERSON
BENJAMIN C. RENDA
DAVID W. RUF
PAUL M. SCHALLER
JAMES P. SHUNNEY
DEMETRIOS N. TASHEURAS
ROD W. TRIBBLE
PAUL R. YONDOLA

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JOHN P. TERNES

CONFIRMATION

Executive nomination confirmed by the Senate June 16, 1994:

DEPARTMENT OF COMMERCE

LAURI FITZ-PEGADO, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE CLEAN WATER ACT FACTS FOR FARMERS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. BOEHLERT. Mr. Speaker, I rise today to set the record straight on what the reauthorization of the Clean Water Act will, and will not, mean for America's farmers. Since the introduction of the Water Quality Act of 1994 on March 4 by Chairman MINETA and myself, there has been a flood of misleading and in many cases erroneous information on the effects of this legislation. As a founder and cochairman of the Northeast Agriculture Caucus, I have worked very hard to ensure that the agriculture community is not unduly burdened in legislation reauthorizing the Clean Water Act. Outlined below are answers to the 10 questions most often asked by farmers regarding the reauthorization of the Clean Water Act. We must deal with facts, not fiction, when we are discussing our Nation's most valuable natural resource—water.

TOP 10 QUESTIONS RE: AGRICULTURE AND NONPOINT SOURCE POLLUTION

1. Question: Will farmers be required to obtain permits under the bill's amendments to the nonpoint source pollution provisions?

Answer: No. The Clean Water Act divides the universe of pollution sources into two categories—point sources (such as pipes, ditches and channels) and nonpoint sources (diffuse sources such as runoff from agricultural activities, mining, silviculture and construction, and urban runoff). Under current law, National Pollution Discharge Elimination System (NPDES) permits are required only for discharges from point sources. H.R. 3948 does not expand the scope of the permit program to reach nonpoint sources such as agricultural runoff. Polluted runoff is addressed in the nonpoint source provisions of Section 319 of the Clean Water Act (Section of H.R. 3948).

2. Question: Will the bill's provisions that address discharges to ground water require farmers to obtain permits for agricultural runoff, and will surface water have to be "drinkable"?

Answer: No. Again, the permitting program applies only to discharges from point sources. The fact that chemicals in pesticides may be present in runoff that seeps into ground water does not trigger the point source discharge permitting requirements.

The bill does not add a requirement that water be "drinkable." One of the national policies under H.R. 3948, as introduced, did use the word "drinkable". However, in response to concerns the April 21, 1994 Substitute deletes the word "drinkable" and makes clear that it is neither a requirement nor a goal that instream surface water be drinkable. The Substitute provides that "it is the national policy that the Nation's fresh waters achieve a level of quality appropriate *as a source* of water for human consumption *following appropriate treatment* [emphasis added]." This policy recognizes the relationship between pollution of navigable waters and the quality of our drinking water, which for a significant portion of the population comes from surface water.

3. Question: Under the nonpoint source provisions of the bill, will the Environmental Protection Agency (EPA) prescribe farming practices.

Answer. No. H.R. 3948 specifically recognizes the need for flexibility in addressing water pollution from nonpoint sources. It directs EPA to issue guidance, not regulations, on best management practices and measures. The purpose of the guidance is to assist states in developing nonpoint source programs, to disseminate information and thereby avoid the expenditure of resources that would be necessary if each state had to reinvent the wheel. The guidance does not create prescriptive, minimum technology-based standards; in fact, the practices and measures are not technology-based, and are to be economically achievable. Moreover, the guidance does not purport to limit the universe of potential approaches to controlling nonpoint pollution—states are free to provide for practices that are not identified in the EPA guidance.

4. Question: If I am already participating in an agricultural program to control polluted runoff, will H.R. 3948 impose additional requirements—which are potentially duplicative or inconsistent—in this area?

Answer: No. H.R. 3948 specifically avoids this potential situation, by giving credit to persons complying with nonpoint provisions in qualified programs for at least 10 years. Qualified programs include: (1) the Conservation Reserve Program established under section 1231 of the Food Security Act of 1985; (2) the Agriculture Water Quality Protection Program established under section 1238B of the Food Security Act of 1985; (3) the Integrated Farm Management Program Option established under section 1451 of the Food, Agriculture, Conservation and Trade Act of 1990; (4) the Organic Certification Program under title XXI of the Food, Agriculture, Conservation, and Trade Act of 1990; and (5) the Coastal Zone Act Reauthorization Amendments of 1990.

5. Question: One of the policies in the bill is that "pollution of navigable waters should be prevented and reduced at the source of the pollution whenever feasible". Does this mean a reduction or limitation on the amount of farming, or a ban on farming?

Answer No. The reference to reduction of pollution "at the source" is intended to heighten society's focus on practices that may reduce pollution in the first instance, rather than focussing entirely on treatment of water after it has become polluted. Pollution prevention is addressed in section 314 of the bill, which adds a new section 321 to the Clean Water Act. The Pollution Prevention provisions of the bill apply only to municipal and industrial point source dischargers. Thus, they would not apply to agricultural runoff. Many industrial dischargers who have instituted pollution prevention programs have found that it is actually more economical to modify practices that create polluted water, than to treat water after it has become polluted.

6. Question: Will the bill prevent the use of pesticides that contain particular chemicals? Will it ban any chemicals?

Answer: No. The bill does nothing to restrict the use of any particular chemical, including any pesticide used in agriculture. Nor does the bill ban or restrict the discharge of particular pollutants into the Nation's waters. The provisions under current law relating to effluent standards for the discharge of toxic and other pollutants apply to point source discharges. For example, EPA already has the authority to designate, through rulemaking, pollutants as toxic and to promulgate standards for or prohibit the discharge of such pollutants from point sources. The bill does not expand this to provide for bans or numeric limitations on runoff of particular pollutants from nonpoint sources.

7. Question: Can the Federal government sue me under the nonpoint source provisions of the bill? For example, what if water quality does not attain standards—can the government sue me then? And, can EPA send an inspector to my farm and sue me if the inspector concludes that I have not implemented best management practices?

Answer: No. There is no Federal enforcement of the nonpoint source program. If a state program proves not to be making progress toward meeting water quality standards by 2010, then the state will have to modify its program. The bill leaves to the states the determination of how to enforce the requirements of the state-developed nonpoint program where a particular source is not complying with the management practices. The requirement that states have in place mechanisms to enforce their nonpoint programs will protect those who are complying, by ensuring that they do not end up with water polluted by their upstream neighbors who were allowed to escape nonpoint source pollution control.

8. Question: What about citizen suits? Can citizens sue me?

Answer. No. There is no citizen enforcement of the nonpoint source provisions of the bill. The citizen suit provision in current law allows citizens to sue only point source dischargers. The bill does nothing to extend the authority of citizens to sue to nonpoint sources.

9. Question: The bill provides for citizen monitoring of water quality—does that mean that citizens can trespass on private property to monitor water quality or be paid for conducting monitoring, and can citizens use the results of their monitoring to sue me if standards are not met?

Answer: No. The potential impact of the citizen monitoring provision has been dramatically overblown. The bill does nothing to authorize citizens to enter private property. It simply allows, without requiring, states to use a small portion of their nonpoint funds for a citizen monitoring program. The citizens would be unpaid volunteers (the funds would be used for programmatic purposes such as training), and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the data would not be collected for enforcement purposes. The bill specifies the purposes for which data may be used—to compliment the governmental monitoring programs aimed at long-term trend analysis (thereby filling some data-gaps and complimenting limited state resources), and to involve citizens groups. The bill makes clear that any data must satisfy stringent quality assurance/quality control requirements.

The provision does nothing novel—citizen monitoring programs are well-established in some states, and often include girl scout and boy scout troops, local soil and water conservation districts, and high school science and social studies classes.

10. Question: Does the bill give citizens awards for turning in polluters? I have heard that there is a "bounty-hunter" provision.

Answer: The misnomer "bounty-hunter" has been used by some to refer to a provision which allows a budget to award a limited portion of a fine in a criminal case to a citizen or state that provides information that leads to the criminal conviction of a violator. The provision is limited to cases brought by the United States, since citizens are not authorized to sue for criminal violations. Moreover, as noted above, there is no federal enforcement of the nonpoint source provisions. Anyone who reads the posters hanging in the local Post Office will recognize that it is common practice to offer an award for information leading to a criminal conviction. The characterization as "bounty-hunter" demonstrates a lack of understanding of the provision and, I frankly believe, was coined for the purpose of causing alarm and engendering opposition to the bill based on a suggestion that the bill contains an extreme provision that those who coined the phrase know to be nonexistent.

IN TRIBUTE TO JUDGE ANNETTE LARUE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay tribute to a noted jurist, Fresno Municipal Court Judge Annette LaRue, whose career in the legal profession has served as an example to women everywhere.

But after 15 years of serving with distinction on the Fresno bench, Judge LaRue has retired. It may be understated to say she will be missed.

A native of Fresno, Annette graduated from Roosevelt High School and California State University Fresno with a bachelor of arts degree. She then received a juris doctorate degree from Hastings College of Law in 1952.

Judge LaRue forever left her mark on the local legal scene when she became one of Fresno County's first women lawyers with the beginning of her law practice in 1953. It was 1979 when she was first elected judge of the Fresno Municipal Court, a position she has served with distinction.

Annette has served as a role model, not just for young women attorneys as one might expect, but for all women with whom she may have been in contact, either through the courts or the many organizations of which she is a member.

Her court was run efficiently and her judgments were fair. Judge LaRue also gained a reputation for the polite and quiet manner in which she conducted the serious business of law. She was never brash or loud, but rather, even-tempered and well-respected.

Annette was named "Woman of the Year" in 1990 by the Fresno County Commission on the Status of Women, and that same year she received the Fresno County Women Lawyers' Pauline Hanson Award. She is a founding member of the Fresno Chapter of the National Womens Political Caucus and is a member of several other civic organizations, some of which include the Rotary Club, the Soroptimist Club, Business and Professional Women, as well as the advisory board of the Salvation Army. In that role, Judge LaRue helped organize the Rosecrest Home which helps women who are addicted to drugs and alcohol.

She has served her community and her profession well. I am proud to know Annette.

PROSTATE CANCER

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Ms. WATERS. Mr. Speaker, as we approach Father's Day, and call for public awareness of prostate cancer among our fathers, sons, husbands, companions, our friends, I would like to acknowledge CaP CURE, an organization that funds research to find a cure for this deadly disease.

CaP CURE was founded by Michael Milkin in 1993 after he was diagnosed with advanced prostate cancer. While searching for information on this frightening disease, Mr. Milkin found that no consistently effective treatment existed for prostate cancer. And that funding to find a cure was woefully inadequate. That terrible realization spurred Michael Milkin into action.

CaP CURE was established to support research and the identification of a cure for advanced prostate cancer. Grants are made to the most promising break-through research. Nineteen of the world's top prostate cancer physicians and researchers make up the Scientific Advisory Board, which reviews grant applications and makes awards. In 1993, 14 programs were selected to receive research awards, and an additional 15 institutional awards were made.

With its inclusive effort to expand the research on prostate cancer, CaP CURE brings a critical focus to the fight against this terrible disease.

CLEAN AIR

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. HUGHES. Mr. Speaker, I rise today to join my colleague from Illinois and other Members in introducing this legislation that addresses a very serious policy problem.

In 1990, many of us in this body voted to pass a historic law, the Clean Air Act Amendments of 1990. We had a very admirable goal: to clean up our air. We knew that achieving our goal was not going to be easy and that it would take time and cost money. But we supported that act because we knew those sacrifices made sense in order to achieve an important goal.

However, this legislation addresses one provision in the clean air law that is causing many communities to make senseless sacrifices. That provision, which calls for employee trip reductions in certain areas of our Nation, is causing many of our counties and towns to clean their air in one of the least efficient ways possible.

As an example, let me tell you a tale of two counties. These two counties in my district, Cumberland and Salem, comprise the most rural region in New Jersey. I know many of my colleagues derive their impression of New Jersey from their travels up and down the turnpike or in and out of Newark airport, but my district contains areas that are as rural and beautiful as any you can find in the Nation. In Cumberland County, for instance, public open space, farmland, and undeveloped areas account for nearly 88 percent of total land use. The agricultural sector is one of the largest sources of employment for the area's citizens. The two counties together register perhaps the lowest population density in New Jersey.

Air quality data collected from the Cumberland-Salem area reveal that ozone pollution in the counties is not as pervasive as EPA has indicated. The highest daily maximum 1 hour level recorded at the New Jersey Department of Environmental Protection's Millville monitoring station in Cumberland County was .157 parts per million, which is consistent with a moderate nonattainment designation under the 1990 act. Furthermore, new data reveal that the area may soon reach attainment for ozone.

Despite these facts, Cumberland and Salem Counties are being told that they must reduce employee ridership in the same manner as some of our country's most compact, populous, and polluted cities. This makes little sense for rural areas like Cumberland and Salem which do not contribute to the region's ozone problems in any significant fashion.

So what is the basis for this requirement? Is it environmental science? Not at all. Cumberland and Salem are required to do this because of an accounting convenience of the Census Bureau. This accounting procedure causes Cumberland and Salem to be considered as part of the Philadelphia consolidated metropolitan statistical area. Because they are considered as part of Philadelphia by the Census Bureau, the EPA says that these rural counties must comply with trip reduction requirements in the same manner as New York and Washington, DC.

Implementation of trip reductions in Cumberland and Salem would have a severe impact on the local economy and quality of life in these counties without contributing to any reduction in the aggregate ozone level. Neither Cumberland nor Salem has the mass transportation infrastructure that makes it feasible to increase average employee ridership by 25 percent. In fact, last year the State of

New Jersey denied mass transit funding to Cumberland and Salem stating that there was not enough need in the area to justify such an expense.

I invite any Member of this Chamber to come visit my district to tour these two counties. I am sure that a brief trip through these areas not only will convince Members that the counties contribute little to ozone problems in the region, but it will also show how unfeasible it would be to implement this program in Cumberland and Salem.

Common sense clearly dictates that these and other rural counties should not be forced to implement the same stringent trip reduction programs as large, polluted urban centers and suburbs. Yet, that is exactly what will happen under the trip reduction program.

The legislation that the distinguished gentleman from Illinois is introducing today will help restore some flexibility and common sense to our Clean Air Program. It is important to point out that this bill does not exempt any area from the strict pollution reduction goals of the 1990 legislation. Rather it removes needless and burdensome directives to towns and counties on how they should achieve those goals.

Mr. Speaker, I would like to work with my colleagues and EPA to mitigate this situation. The sanctions clock is already ticking for our States and counties in terms of implementing the Clean Air Act. I'm sure that if we work together we can find a solution to this problem. In the meantime, I believe that this legislation will help us begin the process of addressing these problems, and I strongly urge my colleagues to support the bill.

TRIBUTE TO RALPH JOHNSON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. CRANE. Mr. Speaker, it is with great sadness that I must report the passing of a true patriot and a true friend. Ralph Edson Johnson will be missed not only by his family and friends, but by the community which he so ably served during his long and very full life. Husband, father, businessman, soldier, community leader, political leader, church leader—Ralph Johnson did it all.

I came to know Ralph over 20 years ago in the context of politics. And it became clear to me almost immediately that I was dealing with a man of principle, a man dedicated to excellence, and a man with a huge heart. Ralph Johnson was a man who was willing to stand up for what was right even when the odds were stacked against him. He never gave an inch. There was no one I'd rather have in my corner in a tough political fight than Ralph Johnson. If you had Ralph with you, you had a one-man army.

Ralph knew what this country was about and he knew why this country was so special. Values, principles, and ideals meant something to Ralph. They were not simply phrases—he had deeply held beliefs and that was clear to anyone who heard him speak. He had a passion for freedom and a passion for life.

I know his wife, Sidney, and his children and grandchildren will miss him deeply; however, they can take comfort in knowing that Ralph's memory and legacy will endure for the hundreds of people whose lives he touched in his lifetime.

IN MEMORY OF FATHER JAMES M. DEMSKE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. QUINN. Mr. Speaker, I rise today in memory of my constituent, Father James. M. Demske, a distinguished leader, veteran, and longtime president of Canisius College in Buffalo who passed away last night after a courageous fight with leukemia.

As Thursday morning's edition of the Buffalo News stated, "Father Demske's name and face became synonymous with Canisius College." In my view, the reverend represented all of the best of the college in its efforts to attain academic excellence and its concern for fellow human beings.

Father Demske's death is a tremendous loss to Canisius College and to the entire community of western New York. He was a major voice in numerous civic and social organizations for more than three decades.

As the 22d president of Canisius College, his alama mater, Reverend Demske transformed the college from a small college into a major university. When he retired as president in 1993, the reverend had served longer than any college president in New York.

Upon his retirement, Father Demske filled the newly created position of chancellor of the college. In that role he worked with alumni and friends in the community to bolster the college in anticipation of its 125th anniversary in 1995.

In addition to all of the reverend's fine accomplishments he may be best remembered for his sharp wit and his gift of gab. My fondest memories of Father Demske are watching him play his trombone in front of a Canisius crowd.

At this time, I would like to join my colleagues in extending best wishes to the family and friends of Father James M. Demske. The reverend will be remembered fondly by all of those who were fortunate enough to know him.

A POEM IN HONOR OF OUR VIETNAM VETERANS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to share with my colleagues in the U.S. House of Representatives this poignant poem by Mr. Al Jaynes, a Vietnam Veteran of Ortonville, MI. The heart-rending sentiments expressed in his poem should encourage us all to fulfill our obligations to those who served this Nation during the Vietnam War. Our Nation owes an immense debt of gratitude to these veterans. We must ensure that all veterans and their families receive the full services, benefits, and recognition that they so richly deserve and to which they are entitled.

THE WALL

(By Al Jaynes)

I went to the wall the other day, at first I just looked from far away.
People were staring into that stone all shiny and black they knew that their loved ones would never be back.
There are medals there, and ribbons and things, like poems and pictures and a high school ring.
Mementos of love, along with the hurt, they were just laying there . . . by the wall . . . in the dirt.
All types of people there, black, white, yellow and red there for one reason . . . to honor our dead.
The wall is a tribute to the brave that have died, a common bond to those of us who cried.
The war is over and it's gone for good, I wish the pain and hurt only could.
Why are we still here and they are gone, ask the Lord next time you're alone.
I did once, and His answer to me, "I'll come for you, when I need three".
The names that are listed up there on the wall, are the price we paid to keep freedom for all.
I love that wall though it fills me with pain, God please help us not to build another again.
Names of friends on that cold piece of stone, make me feel lost and so all alone.
But with God by my side I know that can't be, cause He's always there to walk with me.

IN TRIBUTE TO J. THOMAS RITTER

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay tribute to J. Thomas Ritter who has retired after 5 years as superintendent of Sequoia and Kings Canyon National Parks and a distinguished career in the premier areas of the National Park Service.

Tom's retirement caps a career that spans 35 years of dedicated service with the National Park Service. Mesa Verde National Park marked the beginning of Tom's park service career. Following that was other seasonal experiences in San Juan National Forest, Glacier National Park, Rocky Mountain National Park, and Saguaro National Monument.

His first permanent position was at Lake Mead National Recreation Area, followed by tours at Timpanagos Cave National Monument, Mount McKinley National Park, Anchorage General Office, Glacier Bay National Monument, Voyageurs National Park, the Washington office and finally, Sequoia and Kings Canyon National Parks.

I'm proud when Tom says that the greatest time of his career has been working at Sequoia and Kings Canyon National Parks, two jewels in the National Park system that are located in my backyard in my congressional district.

It's to Tom's credit and a tribute to his work that in 1992 he was named Superintendent of the Year for Natural Resources Stewardship for the western region of the Park Service.

And Tom was also the recipient of the Glenn O. Hendrix Award for quality in planning and construction while at Sequoia and Kings Canyon. Tom was deeply involved in an era of change at Sequoia and Kings Canyon. The move from Giant Forest to Wuksachi Village, the renovation of the Generals Highway, the wastewater problems and potential closure of Giant Forest are examples of significant issues that he has dealt with exceptionally well.

In addition to dealing with change and inspiring a team approach to management in Sequoia and Kings Canyon, Tom served on numerous servicewide and regional task forces during his 5-year tenure there. His contributions to the western region natural resources management and science task force were also valuable.

I want to thank Tom for his stewardship of our Nation's resources and for all his achievements on behalf of park visitors from around the world. He has truly made a difference. For that he will be missed.

TRIBUTE TO JUDGE WILLIAM J. ZLOCH, U.S. DISTRICT JUDGE, SOUTHERN DISTRICT OF FLORIDA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. KING. Mr. Speaker, I rise today to recognize and pay tribute to the Honorable William J. Zloch, a true student-athlete who has gone on to become an outstanding American jurist. At the suggestion of Prof. Charles Rice of the Notre Dame Law School, I want to take this opportunity to offer into the RECORD the remarks of Judge Zloch before the recent Law Day meeting of the Broward County, FL, Bar Association.

As a graduate of Notre Dame Law School and a lifelong fan of the Fighting Irish football team, I can proudly report that William Zloch was the starting quarterback for the 1965 Notre Dame football squad which was ranked among the top 10 in the Nation. Bill Zloch went on from his gridiron triumphs to graduate from Notre Dame in 1966 and Notre Dame Law School in 1971. He also served his country as a naval officer in Vietnam.

Mr. Speaker, the members of this institution should note that in his Law Day remarks, William J. Zloch demonstrates why he is a respected member of the Federal judiciary. I encourage my colleagues to take note of Judge Zloch's comments.

TRIBUTE TO DR. RAYMOND M. CONTESTI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Dr. Raymond M. Contesti, superintendent of Clintondale Community Schools, Doctor Contesi is being honored by the Clinton Valley Council Boy Scouts of America at a dinner this evening in Clinton Township, MI. He is receiving the Macomb County Distinguished Citizen Award from the council.

Ray Contesti has distinguished himself in a career that has been dedicated to serving the needs of the young and less fortunate. He has done this in both his professional and private life. When Ray joined the Clintondale schools he was hired as director of special education. He was a charter member of the Macomb County Big Brothers and has been active in the Boy Scouts of America. In addition, Ray has served as a board member of several civic and business groups.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Dr. Contesti has devoted himself to this task through both his civic and professional endeavors. His commitment to the community is second to none.

I have known Ray for many years and I am sure he is both grateful and appreciative for the recognition he is receiving tonight. I ask that my colleagues join me in offering best wishes and sincere congratulations.

THE SITUATION IN KASHMIR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. BURTON. Mr. Speaker, 2 of the 3 wars fought between India and Pakistan in the past 40 years have been over the disputed territory of Kashmir. Caught in conflict and burdened with the fears of the brutal violence and terrorism that have been characteristic of their lives, the Kashmiri people struggle toward a very uncertain future. Now, as the possibility of nuclear war looms between the nations of Pakistan and India, the Kashmiri conflict has developed far beyond a regional debate to become an international threat.

A mandate passed by the United Nations in 1948 provides the opportunity for self-determination, under a lawful plebiscite, to the Kashmiri people. This resolution is supported by populist movements in Kashmir which India, indifferent to the U.N. agreement, has attempted to squash with 500,000 troops. Empowered by a 1990 law known as the Armed Forces Special Powers Act, these troops suppress the Kashmiri population in as violent and inhumane manner as they deem. The screams of a people a victim to violent physical assaults, battery, murder, and rape are reaching across the Himalayas and awakening the international community to their terrible plight. Echoed by organizations like Asia Watch, Amnesty International, and the U.S. State Department, the reality of these human rights abuses and atrocities which are happening right now in Kashmir cannot be ignored.

There have been numerous documented disappearances of people in Kashmir. Thousands of summary executions and regular attacks on civilians that include the indiscriminate firing into crowds. The systematic rape of the Kashmiri women, a crime used to denigrate, shame, and punish, has become commonplace. This violence and unrest is important not only because it could lead to nuclear conflict, but also because it is inflicting a long-term emotional trauma on a generation of Kashmiris who have never known peace in their land.

Twenty years of discontent have passed since Shabir Shah, a leader of the All Parties Hurriyat Conference, was first detained by Indian officials. June 18 will mark Shabir Shah's 20th year of incarceration. Forced in and out of prison, the tortured and sick Shabir Shah has made the ultimate sacrifice for the cause of Kashmiri freedom. Stalwart in his quest for peace, Shabir Shah has chosen to bring only the weapons of free-speech and nonviolent protest in his battle against the brutal force of the Indian Government. Now, as a prisoner of conscience for 20 years, he symbolizes the unflinching determination of the Hurriyat and the quest for peace to the people of Kashmir.

Today, while India seeks closer economic relations with the United States, we have a golden opportunity to demand change in India's Kashmir policy and answer the pleas of its people and the Hurriyat. Today, we can take the first step towards making the pain and suffering in Kashmir go away and watch the emergence of peace and prosperity. Today, we can start to make Shabir Shah's vision of peace become reality and ensure another day in prison. The time has come for the world to recognize the seriousness of the problem in Kashmir and for the Indian Government to start listening to the desires of that State and the world.

TRIBUTE TO THE CHATTANOOGA NEIGHBORHOOD ENTERPRISE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mrs. LLOYD. Mr. Speaker, it is with great pride that I announce that for the second time in 8 years, my hometown of Chattanooga, TN, has been named one of the United States 16 most livable communities by Partners for Livable Communities, a Washington, DC-based nonprofit organization.

Chattanooga was selected for this honor primarily because of the efforts of the Chattanooga Neighborhood Enterprise, a public-private organization that provides affordable, quality housing to low and moderate income families. CNE has become a national model and reaffirms the commitment of our residents to continually improve the quality of life in our city.

In the 20 years I have served as the area's Representative in Congress, I have observed a remarkable transformation in Chattanooga. The Tennessee River was lined with empty factories, unemployment was rising and our residents were leaving in the hopes of finding better jobs.

Years ago, successful ventures such as CNE, the Tennessee Riverwalk, the Tennessee Aquarium, and CARTA's electric busses were hardly imaginable. However, with hard work, determination, and most importantly, a vision of the future, the people of Chattanooga have succeeded in revitalizing their city.

Today, unemployment is virtually nonexistent, business and investment are booming, and other community initiatives to improve the environment, arts, recreation, and entertainment are being developed. Most importantly, this honor indicates the positive momentum obtained by the Chattanooga community and I would not hesitate to predict this recognition will not be the last for the city.

I offer my sincerest congratulations to CNE Chairwoman Helen Pregulman, CNE Chief Executive Officer Leigh Ferguson and City Council Chairman Don Eaves, who will be accepting the award here in Washington tonight. The efforts of all involved with Chattanooga Neighborhood Enterprise not only reflect their pride in the community, but also the pride of Chattanooga in the CNE.

DAY OF THE AFRICAN CHILD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I rise to note that this day of the 16th of June has been declared the "Day of the African Child" by the Organization of African Unity.

I am pleased that a celebration of this event is being held at the United Nations in New York.

It is a day that finds its origins in the uprising and massacre of school children in Soweto, South Africa.

It is a day that we pause to remember the plight of children all over Africa, and what we as citizens and legislators can do to create a better environment for them to grow up in.

A few weeks ago we passed the Foreign Aid appropriations bill in which some 800 million dollars to support the Development Fund for Africa was approved. This important part of our foreign aid bill provides funds to help the malnourished, the illiterate, and impoverished.

Through foreign aid provided by America and other countries:

The death rate of children under 5 has been halved since 1960.

African governments provided safe water and adequate sanitation to an additional 120 million people during the 1980's, and now over 80 percent of the children living in urban areas have access to safe water.

African girls face many obstacles in obtaining an education, but now approximately 60 percent of African girls are enrolled in primary school, up from 44 percent in the 1970's.

While there has been progress over the last three decades there were several setbacks in the 1980's such as a falling off of school enrollment by 7 percent.

This setback has been largely caused by the increasing civil wars in Africa. Most of the nations where these wars occurred such as Liberia, Zaire, Angola, Mozambique, Sudan, Ethiopia, and Somalia have been victims of our former cold war policy.

The condition that these countries find themselves in today is largely due to our policy of containment of communism in the cold war days. As proper as that may have been during that period, the truth is these countries are suffering today because of the divisions this policy created in their societies.

Children of Africa have suffered due to this policy, and this should concern the American people so that we strive harder to right these wrongs.

As an example of this concern I want to alert the American people to the terrible genocide going on in Rwanda. We have all read the accounts of thousands of people killed in a conflict triggered by shooting down of the plane of President Habyarimana on April 6. Many feel this is an ethnic war or tribal conflict. The truth is that this slaughter was planned and consciously triggered by a privileged clique of extremist political and military leaders who were determined to block political reforms that would loosen their exclusive grip on power. The killings which unfortunately have turned into the killing of Tutsi people by the majority Hutu interium government have not allowed any mercy whatsoever to children.

Thousands have been killed in the most brutal way by hacking away arms and limbs. On June 14th milita members of the majority Hutu tribe abducted up to 40 children of the minority Tutsis from a church complex in the government held part of the Rwandan capital.

The milita herded them off to almost certain death, a senior United Nations officer said.

In the western part of Rwanda where government forces are fleeing from the advancing Tutsi Rwanda Patriotic Front they are killing all Tutsi civilians in sight. Special concern is now for several groups of majority Hutu Catholic nuns who will not separate from their Tutsi sisters and are placing their own lives at risk to protect them.

My office just received a phone call from Allen Campbell of Air Care International who is willing to fly into this dangerous area to rescue the nuns because our own Government and international community seems unable to stop the killings.

Won't you help too?

Please think of the children of Rwanda and in each of the 56 countries of Africa and help in your own personal way as Mr. Campbell is doing.

TRIBUTE ON THE 75TH ANNIVERSARY OF THE FOUNDING OF ADA S. McKINLEY COMMUNITY SERVICES, INC.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. RUSH. Mr. Speaker, it gives me great pleasure to rise today to offer my sincerest congratulations to Ada S. McKinley Community Services as they celebrate their 75th anniversary. On June 24, the people of Chicago will join together to pay tribute to one of the largest community services organizations in the city for their remarkable achievements and endeavors over the past seven decades.

Founded in 1919 as the War Camp Club, Ada S. McKinley Community Services today serves nearly 10,000 people each year in the Chicagoland area. These services include programs for the elderly; education services, including college preparation and placement assistance for graduating seniors, Head Start, and special education for students with disabilities; job employment and training for the mentally and physically challenged; and counseling for youth and their families.

For 75 years, Ada S. McKinley Community Services have cared for Chicago's needy, and have improved the quality of life for so many citizens of Chicago. Mr. Speaker, I urge my colleagues to join me in celebrating this wonderful event.

TRIBUTE TO FATHER JAMES M. DEMSKE OF CANISIUS COLLEGE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. LAFALCE. Mr. Speaker, as a graduate of Canisius College, in Buffalo, NY, and now as a member of its board of trustees, I am very proud of this Jesuit institution and appreciative of the positive contribution it has made to the lives of so many, including mine, in western New York. But I am particularly proud to have known and been associated with the Rev. James M. Demske, S.J., the dynamic and dedicated man who served as Canisius' president for 27 years and guided it through a period of tremendous growth, not only in its physical size but in its impact on the community.

Father Demske died Wednesday evening and the city of Buffalo has lost one of its favorite, most productive native sons. He was an exceptional person, with tremendous energy, a winning personality and a smile that just wouldn't quit.

When Father Demske retired as president last year, I suggested historians may come to call his administration the "Demske Dynasty," during which the college's student body, academic program, physical plant, community outreach and reputation for excellence expanded dramatically. In the process, Father Demske became an institution within the institution and a household name throughout western New York.

The Rev. Vincent M. Cooke, S.J., who succeeded Father Demske as president, said: "Father Demske's death is a tremendous loss to Canisius College and to his many friends in the Canisius College family. Father Demske transformed Canisius from a small liberal arts college into a major comprehensive university.

"As chancellor, he played a major role in our fundraising efforts and in the planning of Canisius' 125th anniversary next year. He was a holy man, a distinguished educator and a dear personal friend. Canisius will miss his wise and gentle presence greatly."

Robert M. Greene, chairman of the college's board of trustees, said: "Father Demske was always fond of saying Canisius College was a family, and at a time like this, I realize how right he was. He was the head of the Canisius family for 27 years, and like a good parent he always provided both love and leadership. Like any family member who loses a parent, now that he's gone, you begin to recall many fond memories of Father Demske playing trombone at weddings, participating in family celebrations and being there for all of us during sad times as well. The best thing I can say about Father Demske is that he was both parent and priest. We will miss him immensely."

In summary, Father Demske was a very good man who helped make many lives much better.

I would like to share with my colleagues the page one article that appeared in today's Buffalo News, detailing Father Demske's career, and the statement Canisius College issued.

REV. DEMSKE DIES AFTER LONG ILLNESS—LED CANISIUS COLLEGE FOR NEARLY 3 *Decades*

(By Karen Brady)

The man whose name and face became synonymous with Canisius College, the Very Rev. James M. Demske, is dead

He died Wednesday night (June 15, 1994) in Sisters Hospital, where he had been a patient since Monday. President of the college for 27 years when he was elevated to the post of chancellor in July 1993, Father Demske, 72, had suffered from chronic leukemia since May 1992. He had led Canisius, his alma mater, longer than any college president in New York and had been a Jesuit priest since 1957.

Since assuming the newly created post of chancellor of the college, he had concentrated on relations with alumni and friends in the community, continued to help to raise funds for the college and assisted with plans for its 125th anniversary in 1995.

At the time of his death, he was working on a book, "Ireland, O, Ireland! Tales of the Great Gaeks," a collection of vignettes from his travels in Ireland over the years, to be published by the Western New York Heritage Institute. Father Demske had returned to the classroom last spring to teach a philosophy seminar at the college.

"Father Demske's death is a tremendous loss to Canisius College and to his many friends in the Canisius College family," said the Rev. Vincent M. Cooke, president of the college. "Father Demske transformed Canisius from a small liberal arts college into a major comprehensive university."

A tall, unassuming man with a gentle manner and quick smile, Father Demske was a diplomat and a scholar as well as an administrator. He was a U.S. Army veteran of World War II, and the author of several books on philosophy and theology.

Father Demske, considered a Jack Klugman look-alike, also played the trombone—and bore the nickname "Slush Pump" because of it, from his high school days into his eighth decade.

He even played the horn at his own presidential inauguration the weekend of Oct. 21, 1966—and sang as well at such events as Buffalo Night in Florida.

As the 22d president of Canisius College, Father Demske saw the endowment fund soar from slightly over $1 million in June of 1966 to more than $27 million today. Enrollment also rose dramatically during his tenure as president—from 2,937 students in the fall of 1966 to nearly 5,000 in the fall of 1992.

Father Demske presided over the construction of such major facilities and buildings as the college's Churchill Academic Tower, Koessler Athletic Center, Health Science Center, Bosch Hall and Residents' Dining Hall, as well as an $8 million addition to the Andrew L. Bouwhuis Library.

The college's $5 million athletic field, the Demske Sports Complex, was completed in 1989—and bears Father Demske's name.

In addition to major renovation of old buildings, Father Demske also oversaw the purchase of the old Mount St. Joseph building at 1908 Main Street, the construction of 30 units of student housing at Main and Humboldt Parkway and the acquisition of several area residences now used as student housing.

The Canisius curriculum, which stressed liberal arts when Father Demske came to the college, became heavy in business offerings during his presidency. A master's program in business with several areas of concentration was added, and the college's Institute for Management Development was established.

Other academic strides during Father Demske's tenure included courses in computer science, management information systems and educational computing.

For nearly three decades, Father Demske also held lion's stature within Western New York's secular community—belonging to, supporting and taking part in countless civic and social organizations, causes and events.

A native of Buffalo, he attended St. James Catholic School and was a 1939 graduate of St. Joseph's Collegiate Institute, where as a senior, he scored 100 per cent on the Latin Regents examination. For the next three years, he was enrolled at Canisius College.

He joined the U.S. Army in 1942, and saw service during World War II in Africa and Italy before his discharge, as a captain, in 1946. He then returned to Canisius, graduating summa cum laude from the college in June of 1947.

The next month, he entered the Society of Jesus at Andrew-on-Hudson in Poughkeepsie. In 1951, he received a licentiate degree in philosophy from Woodstock College in Maryland, then taught philosophy for three years at St. Peter's College in Jersey City.

His studies also included four years of theology at the University of Innsbruck in Austria, as well as three years of philosophical studies at the University of Freiburg in Breisgau, Germany.

Father Demske was ordained a Jesuit priest in 1957, and received a licentiate in sacred theology at Innsbruck in 1958. He completed work for his doctorate at Freiburg in 1962, then was made master of novices and director of Jesuit seminarians at Bellarmine College in Plattsburg.

When he returned to his alma mater, Canisius College, as its president in 1966, he became the third Buffalonian to head Buffalo's Jesuit college, still the largest private institution in Erie County.

He presided over the college's centennial in the 1969–70 academic year, an event that marked the college's evolution from a sectarian to a predominantly lay institution with a broad-based, ecumenical curriculum.

Father Demske, who said Mass daily, was known for spending private time with the ill, and with grieving families. Also known for his humor, he was never above a chuckle at his own expense.

In 1991, when he observed his 25th year as Canisius' president, he took a Buffalo News reporter to a hallway at the college "flanked with presidential portraits."

"I'll hang here someday after I'm gone," he said, "unless we change the custom and hang me ahead."

Father Demske was a golfer whose partner on the links, NOCO Energy Corp. president Reginald B. Newman II told The News that it once took 25 minutes to walk from the locker room at a private club to their table at the club's restaurant because Father Demske stopped to talk at almost every table along the way.

More than 500 persons turned out for the college's 1991 Regents Ball—honoring Father Demske's then-quarter century as president.

More than 1,000 attended a special Mass of Thanksgiving and farewell breakfast for Father Demske in June 1993 as he ended 27 years as Canisius president.

The man and the priest was also honored by countless organizations and groups, among them the National Conference of Christians and Jews which gave him a Brotherhood Award in 1973 and a Citation Award in 1988.

The Buffalo News made him a Citizen of the Year in 1971.

Father Demske held honorary doctorates, from both Canisius and D'Youville Colleges.

A Mass of Christian Burial will be celebrated at 7:30 p.m. Monday in St. Michael's Catholic Church, 651 Washington St. Burial will be in Martyrs Shrine, Auriesville.

REV. JAMES M. DEMSKE, S.J., CHANCELLOR OF CANISIUS COLLEGE, DIES

BUFFALO, NY.—Rev. James M. Demske, chancellor and former president of Canisius College, died tonight at Sister's Hospital (Buffalo, NY) following a brief illness. He was 72 years old.

"Father Demske's death is a tremendous loss to Canisius College and to his many friends in the Canisius College family," said Rev. Vincent M. Cooke, S.J., president of Canisius College. "Father Demske transformed Canisius from a small liberal arts college into a major comprehensive university. As chancellor, he played a major role in our fundraising efforts and in the planning of Canisius' 125th anniversary next year. He was a holy man, a distinguished educator and a dear personal friend. Canisius College will miss his wise and gentle presence greatly."

Father Demske, who retired as president of Canisius College in June of 1993 after nearly 27 years in that post, was diagnosed with chronic leukemia in May of 1992. At the time of his retirement as president, Father Demske had earned the distinction of being the longest-tenured college or university president in New York State and one of the longest-tenured in the nation.

As chancellor, Father Demske continued his efforts to develop strong and meaningful relationships with alumni and friends of the college, and worked to develop the needed resources for the college's long-range projects.

"Father Demske was always fond of saying Canisius College was a family, and at a time like this, I realize how right he was," said Robert M. Greene, chairman of the board of trustees at Canisius College. "He was the head of the Canisius family for 27 years, and like a good parent he always provided both love and friendship. Like any family who loses a parent, now that he's gone, you begin to recall many fond memories of Father Demske playing trombone at weddings, participating in family celebrations and being there for all of us during sad times as well. The best thing I can say about Father Demske is that he was both parent and priest. We will miss him immensely."

A Buffalo native, Father Demske was a graduate of St. Joseph's Collegiate Institute (Buffalo, NY) and Canisius College. His education at Canisius was interrupted when he left school to serve overseas in the military during World War II. He returned after the war and completed his bachelor of arts degree in 1947, the same year he entered the Society of Jesus. He earned a licentiate in philosophy from Woodstock College (Woodstock, MD) in 1951; a licentiate in theology from the University of Innsbruck (Austria) in 1958; and a doctorate from the University of Freiburg (Breisgau, West Germany) in 1962. He was ordained to the priesthood in Innsbruck in 1957.

After teaching philosophy at St. Peter's College in New Jersey from 1951–54, Father Demske studied in Austria and Germany for seven years. In 1963, he was named director of the Jesuit seminarians at Bellarmine College (Plattsburgh, New York). He returned to his hometown and alma mater in 1966 to serve as president and rector of Canisius College.

During his years as president of Canisius College, his steady guidance proved critical to the college's growth and vitality. New academic programs strengthened the curriculum. Physical plant changes were most dramatic. Bouwhuis Library tripled in size thanks to an $8 million renovation. In the summer of 1989, a $4.5 million state-of-the-art outdoor athletic complex was completed. The long-awaited "home field" was named in honor of Father Demske in tribute to his tireless efforts on behalf of Canisius College. Eight new buildings, including two student housing complexes, were added to the campus to keep pace with the college's growing student enrollment, which realized a 70 percent increase in undergraduate and graduate students combined. Also under Father Demske's leadership, the college's endowment fund grew from $1 million in 1965 to over $27 million at the time of his retirement as president in 1993.

Known for his scholarship as well as his leadership, Father Demske was a noted author, having published three books and numerous articles on a wide variety of topics ranging from metaphysics to a history of Canisius College. At the time of his death, Father Demske was in the process of publishing a book through the Western New York Heritage Institute entitled Ireland, O Ireland! Tales of the Great Gaels, a collection of vignettes from Father Demske's travels in Ireland. He also had recently returned to the classroom, teaching a philosophy seminar last semester to juniors and seniors.

Father Demske's contributions to the larger society have also been well recognized. He has held key leadership positions with numerous Western New York organizations including the Buffalo Philharmonic Orchestra, the Buffalo Fine Arts Academy, Buffalo Urban League, Hospice Buffalo, and Western New York Public Broadcasting Association. His guidance helped strengthen the Western New York area culturally and provided a broad vision for its future.

Among his many honors, Father Demske was named Outstanding Citizen of the Year by The Buffalo Evening News and Goodfellow of the Year by the Courier-Express in 1971. The Buffalo Area Chamber of Commerce recognized him as Western New Yorker of the Year in 1986 on the occasion of his 20th anniversary as Canisius' president. He received the St. Joseph's Collegiate Institute Signum Fidei Award as an exceptional graduate. He also was a Distinguished Alumnus of Canisius, and in March of this year was named the 1994 recipient of the Canisius College Board of Regent Distinguished Citizen Award.

Well known for his avocation as a trombonist, Father Demske often performed at college functions and was a member of the Buffalo Jazz Association and the American Federation of Musicians.

Father Demske is survived by a sister-in-law, Mrs. Richard (Arlene) Demske, several cousins, nieces, nephews and grandnieces, and a grandnephew. He was the son of the late Albert J. and Augusta (Nagel) Demske and brother of the late Richard Demske.

Father Demske will be waked at Christ the King Chapel on the Canisius College campus on Saturday from 7–9 pm., Sunday from 2–4 pm and 7–9 pm; and Monday from 2–4 pm. A Mass of Christian Burial will be celebrated at St. Michael's Church (Washington Street, Buffalo) at 7:30 pm on Monday. Private interment will be at the Martyrs Shrine (Auriesville, New York). In lieu of flowers, memorials may be made in Father Demske's name to the Loyola Scholarship Fund at Canisius College.

ARTICLE BY PROF. ALFRED DE ZAYAS, J.D., Ph.D

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. TRAFICANT. Mr. Speaker, today I submit for the RECORD the final installment of the article by noted human rights author and scholar Alfred de Zayas. The article concludes that the rights of John Demjanjuk may have been trampled by the Justice Department's Office of Special Investigation.

I urge all Members of Congress to read the complete text of the article, printed over the last 3 days. If any Members have any questions about the case of John Demjanjuk, I am always available to discuss this matter.

ARTICLE BY PROF. ALFRED DE ZAYAS, J.D., PH.D

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Another international standard that we should take into account is the 1948 Universal Declaration of Human Rights. Indeed, 45 years after its adoption by the U.N. General Assembly, thanks to the leadership of Mrs. Eleanor Roosevelt, chairperson of the U.N. Commission on Human Rights 1946–51, many legal experts consider it to have become customary international law.

Even though the Universal Declaration is not a "treaty" for purposes of Article VI of the United States Constitution, the United States is bound by the United Nations Charter, which in the preamble, articles 1, 55 and 56 oblige it to promote and protect human rights. Moreover, the preamble of the International Covenant on Civil and Political rights comes close to incorporating it by reference.

Admittedly, customary international law is not mentioned in the U.S. Constitution, but the U.S. Supreme Court has ruled that it is "part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination.

An examination of the facts in the Demjanjuk case reveals that the following provisions of the Declaration may have been breached, or may be in risk of being violated:

Article 9, which prohibits exile.

Article 15, which stipulates that everyone has the right to a nationality, and that no one shall be arbitrarily deprived of his nationality. Indeed, the denial of German nationality to German Jews during the 1930's was rightly condemned at Nuremberg. Moreover, there is a strong trend in international law to prevent statelessness. The denationalization of Mr. Demjanjuk would render him stateless. The U.N. Convention on the Reduction of Statelessness prohibits such denationalization. Even if the United States is not a party to this Convention, customary international law is developing in the direction of preventing statelessness, whenever possible.

Article 17, which affirms the right to property. Denial of social security old age benefits—a mandatory consequence of deportation—would constitute an arbitrary deprivation of property.

Article 22, which provides for the right to social security. The denial of social security benefits constitutes a particularly offensive violation of human rights when the victim has a contractual claim by virtue of his contributions over a period of decades.

REGIONAL INTERNATIONAL LAW

International human rights law has similarly evolved in the regional level, notably in Europe under the European Convention on Human Rights, and the Americas under the American Convention on Human Rights.

While the United States has not ratified the American Convention on Human Rights, it did sign the American Declaration of the Rights and Duties of Man. The proceedings against Mr. Demjanjuk raise issues under the Declaration, in particular: under Art. 2, which guarantees the right to equality before the law; Art. 5, which guarantees the right to protection of honor, personal reputation and private and family life; Art. 6, which guarantees the right to a family and to the protection thereof; Art. 16, which guarantees the right to social security; Art. 18, which guarantees the right to a fair trial; Art. 19 which guarantees the right to a nationality; Art. 23, which guarantees the right to property; and Art. 26, which stipulates the presumption of innocence, due process of law, protection from cruel, infamous or unusual punishment. Violations of these provisions can be invoked before the Inter-American Commission on Human Rights in Washington, which has a procedure of international investigation and settlement.

European human rights law and practice further strengthen the above analysis, particularly with respect to the issues of denationalization and deportation. Article 3 of Protocol 4 to the European Convention on Human Rights stipulates that "No one shall be expelled . . . from the territory of the State of which he is a national." This provision cannot be circumvented by expatriating the person concerned.

The jurisprudence of the European Commission and Court of Human Rights and of the Inter-American Commission and Court of Human Rights have further restricted the powers of states to deport aliens. In the landmark *Berrehab* judgment, the European Court found that the Netherlands had violated article 8 of the European Convention by separating a Moroccan father from this daughter, when it refused to extend his visa and expelled him to Morocco. More recently, in the *Beldjoudi v. France* judgment, the court found that, notwithstanding Mr. Beldjoudi's criminal record, his deportation to Algeria would constitute a violation of article 8, because his family life with his

French wife would be disrupted. In the light of this jurisprudence, it can be said without fear of contradiction that the deportation of a person like Mr. Demjanjuk could not take place in a European country, party to the European Convention on Human Rights, e.g., the United Kingdom or France.

CONCLUSION

In the light of the above, it is clear that United States obligations under international law, notably under the International Covenant on Civil and Political Rights, require the respect of Mr. Demjanjuk's rights to presumption of innocence, to family life, to honor and reputation. His denationalization and deportation would contravene binding provisions of international human rights law.

In the light of the November 17, 1993, judgment of the Federal Circuit Court of Appeals for the Sixth Circuit, it appears that Mr. Demjanjuk may have a justiciable claim to compensation for miscarriage of justice, since the court found that the attorneys for the O.S.I. had committed "fraud on the court."

It would be regrettable if the United States, which traditionally has been at the vanguard of human rights, were to be perceived in the world as not adhering to the "international minimum standard" with regard to the human rights of Mr. Demjanjuk.

TRIBUTE TO RICHARD L. KENNEDY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. FORD of Michigan. Mr. Speaker, today I rise to honor a constituent of mine, Richard L. Kennedy. For the past 38 years, Mr. Kennedy has dedicated his time and energy to making the University of Michigan one of the leading institutions of higher education in the world.

Richard Kennedy began his long and distinguished tenure with the University of Michigan in 1956 when he served as the field representative for the development council of the university. Since then, he has become the longest serving executive officer in the history of the university. Throughout his tenure, Mr. Kennedy has served with 19 different regents, 5 presidents, 9 vice presidents for academic affairs, 6 vice presidents for research, 4 vice presidents for student affairs, 3 chief financial officers, and 3 vice presidents for development.

Currently Richard Kennedy is the vice president for government relations and the secretary of the University of Michigan. He has served as secretary since 1970 and was appointed vice president for government relations in 1974. It takes a very talented and dedicated individual to fulfill this dual role with the high degree of success that Richard Kennedy has achieved.

As vice president for government relations, Mr. Kennedy was in charge of planning, coordinating, and supervising the university's liaison activities with the local, State, and Federal Governments. He is the university's contact with the State board of education and is responsible for all liaison activities with the State of Michigan, including the Governor and State legislature. This is not an uncomplicated task.

The Secretary is responsible to the board of regents for the execution of all functions necessary for the proper and legal exercise of the board's authority, including meeting arrangements, preparation and organization of meeting agendas, recording of all proceedings and arranging for the participation of regents in both formal and informal activities of the university. Mr. Kennedy has served in this office with much distinction. During his tenure as secretary, his signature has appeared on over 227,000 graduation diplomas.

Aside from his involvement with the university, Richard Kennedy is a leader in his community. He presently serves on the board of directors for the Ann Arbor Summer Festival, M-Care, Michigan Health & Social Security Research Institute, the University of Michigan Hospitals, the Veritas Insurance Corp., and the board in control of intercollegiate athletics. Mr. Kennedy has previously served in various capacities on the Council for the Advancement and Support of Education.

To those that know him, Richard Kennedy is a source of support and guidance. His wit and humor have improved the deliberations of many groups. In fact, he is referred to in the Big 10 as senior lobbyist and chief piano player. Mr. Kennedy is a man of superior wisdom and integrity coupled with an unusual degree of humility. He is an unfailing asset to the university and the people of my district. He has been a vital member of both the university and the surrounding community. It is not often that I am able to honor a man of his stature. It is with great pleasure that I congratulate him on his accomplishments and wish him every success in all of his future endeavors.

222d ANNIVERSARY OF THE BURNING OF THE "GASPEE"

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. REED. Mr. Speaker, I rise today to commemorate a defining moment in American history—the destruction of the *Gaspee* on the morning of June 10, 1772.

Three years before the battles of Lexington and Concord, a group of fiercely independent Rhode Islanders, infuriated by the constant harassment of their shipping on Narragansett Bay, struck the first blow against the tyrannical rule of the British government by setting fire to the armed revenue schooner *Gaspee*. The sequence of events leading up to this revolutionary act began when Capt. Thomas Lindsay set out to sail from Newport to Providence with the full intention of disregarding the *Gaspee* and the warnings issued by her hated captain, Lieutenant Duddington. It wasn't long after the American boat left Newport, that the *Gaspee* approached Captain Lindsay's vessel and fired a warning shot across her bow. Instead of allowing the British sailors to board, Captain Lindsay maintained his course with the *Gaspee* in hot pursuit.

Still giving chase, at a spot several miles south of Providence since known as Gaspee Point, Lieutenant Duddington ran his ship aground. Eager to rid themselves of the British scourge, a group of men from around the colony armed and assembled in a small fleet of longboats at the Providence wharf. Swiftly and silently, this tiny armada swept down the bay and in the darkness engaged the startled crew of the *Gaspee* in hand to hand combat. The Rhode Islanders quickly gained control of the ship and took its crew and captain prisoner.

With the *Gaspee* aflame and her powder soon to blow, the raiding party slipped quietly back to their homes. Despite severe threats and significant rewards offered by the British Crown, not a single participant in the raid was ever betrayed by his fellow colonists.

The explosion and sinking of the *Gaspee* shook the foundations of the relationship between the colonies and London, and struck the first blow for freedom in America. I hope that this year, people from around the country will join me and my fellow Rhode Islanders in commemorating the bravery shown by these men who risked their lives to help throw off the yoke of British rule in Narragansett Bay, and in doing so, fanned the flames of liberty that ignited into our Revolutionary War.

WELCOME TO PRESIDENT MUSEVENI OF UGANDA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. PORTER. Mr. Speaker, I would like to extend a welcome to President Yoweri Museveni, the President of Uganda, who will be arriving in the United States this weekend.

Uganda is a nation that has experienced great upheavals in the last several decades. It is, however, beginning to experience a measure of stability and economic growth that has accompanied its movement toward pluralism and civil government. Most recently, elections were held to select the delegates to a constitutional assembly which will create a new, draft constitution for Uganda. Although the constitutional process has fallen several years behind schedule, this is an important step in Uganda's transition to democracy.

Uganda is a nation of great potential. Enlightened, democratic leadership that focuses on economic development, enhanced social spending, including health and education, and reduction of military spending will help unleash that potential.

President Museveni will be in the United States next week with a delegation of business people from Uganda to promote trade and investment in his country. It is clear that environmentally sustainable economic development is the key to continued progress for Uganda and other developing nations. I welcome President Museveni, commend him for his efforts, and wish him success in his mission.

VETERANS OF SOMALIA—WE MUST NEVER FORGET

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. DORNAN. Mr. Speaker, I would like to include in the RECORD the final five stories of American soldiers killed in action in Somalia last year. We must never forget.

BEFORE HIS OWN DEATH, HE MOURNED A SOMALI

SSGT. RONALD N. RICHERSON

The First Southern Baptist Church in Portage, Ind., across the street from the house in which SSgt. Ronald N. Richerson grew up, became a central part of his life. Max Richerson says he raised his children the way he was raised—to have faith and to serve God.

"We broug.

"We brought him up that way," Richerson says. "It didn't seem—it never does when they're kids—like it was going to take hold, but when he got up in high school, he got to where he'd go over to the church and read his Bible and pray. When he came home on leave,r there."

Ronald Richerson, 24, died Aug. 8 when a remotely detonated mine exploded while he was on patrol in Somalia. He had been with the 300th Military Police Company, Fort Leonard Wood, Mo.

The other focal point of his life was the military, his father says. Max Richerson says he had expected his son to enlist.

"He always had an interest in it. When he was little, he liked playing Army. Even when he got up to be a teenager, he had buddies that would go back here in the woods and play Army.

"He loved his country. It never surprised me at all when he said he wanted to join the Army. I was all for it. God and country. That's the way I was brought up, and that's the way we brought up all our kids."

Ronald Richerson took to the military life. He fired marksman and completed air assault and SWAT team training. "He was very dedicated," Max Richerson says. "He was always willing to give a hand and always volunteering to help somebody learn something."

The tour in Somalia somehow brought together his faith and his sense of service. Ronald Richerson had planned to stay in the military, until he saw the starving and the sick in Somalia. Then, Ronald and his wife, Teresa, began thinking about going back to Somalia as missionaries.

But even as he saw the need to help the Somalis, Ronald Richerson also saw the danger. He talked to his parents after his unit had encountered an ambush. He had shot and killed a Somali.

"He'd been ambushed three times," Max Richerson says. "He called here the last time he was ambushed . . . They were hiding in the bushes beside the road and started shooting at him and throwing grenades. And he had to kill his first person. He was all upset about that."

Ronald Richerson talked about dying. The elder Richerson says the family is comforted knowing he had been aware of the possibility and had accepted it.

"He said, 'I don't think I'm going to die over there, but if I do, that's what I'm in the service for,'" Max Richerson says. "He seemed to be willing to give up his life for his country."

"It did help us, knowing that he felt the way he did."

In addition to his family's memories, Ronald Richerson left behind his favorite Bible passage, from Isaiah:

"But they that wait upon the Lord shall mount up on wings as eagles; they shall run and not be weary; and they shall walk and not faint."

A TEAM MAN ALL HIS LIFE, HE WAS A PROUD RANGER

SFC MATTHEW L. RIERSON

Their names—Matthew, Jacob and Kaleb—evoke images of biblical characters, searching earnestly in some historical place for morality, equality and freedom. Surely that comparison would sit well with SFC Matthew L. Rierson, if the eldest of the trio were alive to hear it.

Jacob, 5, and Kaleb, 2½, "are very curious boys, and Matt never tired of explaining to them, or exploring with them," says Matthew Rierson's widow, Patricia of their two sons. "The nature of the Army was such that he couldn't spend a lot of time with them, but when he did, they spent a lot of time outdoors, playing and exploring * * * father-son bonding."

She says her husband joined the Army after high school "for the adventure and experiences. He heard that he could get in the Ranger battalion, he wanted to be an elite soldier * * *."

Matthew Rierson, 33, was a "team" man. He spent much of his high school years on the football team and wrestling squad. He was a competitive pistoleer, but got more satisfaction out of getting to know the other guys who participated.

And his wife of 9½ years says he was especially proud of being a member of the Army's Special Forces Command, "but it wasn't so much about the daring missions they orchestrated, but about how well his unit worked as a team, how they planned together and were successful at carrying out their tasks."

That's why she never worried about him when he went on missions with his unit.

"They were so well trained and so precise in what they did," she says. "I know that's naive, but we grew up in Iowa, our cups were always half full, not half empty. We both knew the Army could be a dangerous job, but we never dwelled on it."

But Oct. 6, the unthinkable happened. Matthew Rierson was killed in a mortar attack in Somalia. His last conversation with his wife occurred five days before he died. "His unit set up phone calls on the base and the kids went with me. We talked about how things were going back home, how we missed each other, that we loved each other."

During his 12-year Army career, Matthew Rierson received a number of awards, including the Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal and Combat Infantryman Badge. The Purple Heart he was awarded after his death rests in his widow's bedroom, alongside the American flag, a unit memorial bronze eagle and all his other ribbons and awards.

"I'm extremely proud of what he did," Patricia Rierson says. "The only frustration I feel is the way the political focus changed so dramatically after the 3d and 4th of October.

"They sent our soldiers over to do a job, they made a commitment. But when they pulled out, they left a lot of things unfinished. My only concern is that they really think about how they are committing sons and fathers and husbands when they make these decisions, and they should follow it through."

THESE MEMORIES ARE OF A KID DOING FARM CHORES

SFC RANDALL D. SHUGHART

Lincoln, Neb-born SFC Randall D. Shughart was raised on a modest dairy farm in Newville, Pa. And his mother says he did his daily chores there with a zeal uncommon among most youngsters.

"Every day he did it, without complaint," says his mother, Lois Shughart, from her home in Blain, Pa. "He and his brothers had to get up early and work * * * milking cows, working in the fields, plowing the land, mowing and baling the hay * * *."

But Randall Shughart loved every minute of it. His passion for farming was rivaled only by his interest in the Army. "He was always reading books about soldiers and important Army generals," his mother says.

At 17, Randall Shughart enlisted in the Army in 1975 under the Delayed Entry Program while he was still a student at Newville's Big Spring High School. But after three years of active duty, he decided to get out, join the Reserves and try his hand at running the farm with his father. But his mother says that didn't work.

"We needed a bigger farm to justify two men running it, so Randy went back in the service. But he would have come back to it eventually. It was his life."

But Randall Shughart never got a chance to return to dairy farming. He was killed Oct. 4 during his successful effort to save the life of a downed pilot in Somalia, an action for which he will be awarded the Medal of Honor posthumously. He was 35, and had been married to Stephanie Shughart for less than two years.

"I always encouraged him in his Army things," says Lois Shughart. "What happened in Somalia was something I knew could happen, but he always assured me that he and his unit were so well trained and so very careful, that it wasn't likely."

She keeps her son's Purple Heart in a knick-knack cabinet with some other things. Then there's the other awards he received during his 14 years of active duty: the Defense Meritorious Service Medal, the Army Commendation Medal, the Bronze Star, two Army Achievement Medals. He also earned the Combat Infantryman Badge and the Ranger and Special Forces tab.

But when she thinks about her second-to-the-oldest child, Lois Shughart doesn't remember a well-trained soldier in green. She remembers a little boy with brown hair, running around on a farm with his brother and two sisters. A little boy happy to milk cows and mow the hay. A little boy with his nose buried in a book.

Her voice breaks as she tries to sum up his life in a couple of words.

"He liked animals * * *. He was always nice and friendly to people. He was just a good boy."

HE SAID IT WAS TOUGH TO SPOT THE BAD GUYS

CPL. JAMES E. SMITH JR.

Cpl. James E. Smith Jr., 21, could succeed at anything. Anything he put his mind to, that is.

His mother, Caroline Smith, says her son had an independent streak. "He had to make his own choices," Caroline Smith says. "Throughout high school, we would have wished that he had paid more attention to his grades. Then, his senior year, he made the dean's list. He said that as a senior, he was entitled to be exempted from finals [for making the dean's list]. That was what he wanted—to be exempt from finals."

James Smith Jr. was an athlete in high school—football and lacrosse. He planned to go to college, like his parents wished. But that independent streak showed again when he enlisted and volunteered for the Rangers.

James Smith Sr. told his son the risks he might face. "I know my husband spoke pretty graphically to Jamie about what he was getting himself into," Caroline Smith says. "But this is what he wanted to do.".

His letters home from Somalia indicated things weren't going smoothly. "The way he put it in his letters was that it was very, very tough to know who the bad guys were," Caroline Smith says.

That's why the Smiths are wary of the Clinton administration. They feel President Clinton and his national security team lost control of the Somalia mission. James Smith Jr. was killed in the Oct. 3 firefight. He received the Bronze Star Medal for valor.

"The Army is doing an exemplary job to make sure these young men are prepared for any event," Caroline Smith says. "They're just being misused by an administration that is deploying them irresponsibly."

That belief is a troublesome one for the Smiths, not only because of their son's death, but because another son, Todd, wants to enlist after high school.

Todd Smith doesn't disagree with his parents' assessment of Clinton. "What he's wrestling with is that this is something that he always wanted to do," Caroline Smith says. "It's not that he's following in his brother's footsteps—he has his own agenda."

So do the Smiths. "As a disabled Vietnam veteran," James Smith Sr. told a May 12 Senate hearing on the Somalia operation, "I had the responsibility, the obligation to ensure that my son's generation did not suffer the fate of his father's generation."

"I'LL ALWAYS BE ABLE TO RETURN, REMEMBER"

WASHINGTON.—It has happened on or about the third of each month since last fall.

An honor guard of six Rangers, accompanied by a noncommissioned officer, marches solemnly to a grave site in Fort Benning, Ga's cemetery. They flank the mound, three on each side. And at 1730, as the base flag is lowered for retreat, they salute the fallen soldier. Sometimes the NCO says a prayer or reads a scripture.

Cpl. James Smith Jr. is buried there. Of the six Rangers killed from the 3d Ranger Battalion in Somalia, Smith was the only one buried at Fort Benning. Since that failed operation, his comrades in the 3d Ranger Battalion at Fort Benning have relied on the monthly tribute to help them remember "how serious our business is, how dangerous it is, and how special being a Ranger is," said Lt. Col. Danny McKnight, battalion commander.

McKnight, 43, doesn't attend every monthly ceremony, but he often makes his own pilgrimage to the site for a private memorial. "It just reminds me of how much our soldiers, our Rangers, gave that day," he said. "Of how they went above and beyond what anybody expected to do."

During the Oct. 3 operation Task Force Ranger, in Magadishu, Somalia, most of the Rangers from the 3d Battalion were part of a convoy of Humvees and trucks led by McKnight. Smith was one of the foot soldiers heading toward a helicopter crash site when Somalia gunfire killed him.

"The unfortunate loss of six Rangers could have been much greater except for the great sacrifices of people like Cpl. Smith," said McKnight, who was shot in the arm that day.

Two of the fallen Rangers are buried at Arlington National Cemetery in Arlington, Va. The others are buried in their hometowns. But Smith, a native of Long Valley, N.J., was buried at Fort Benning because that's where he Rangered, and that's what he would have wanted, his father, Vietnam veteran James Smith Sr., told McKnight.

"That's always meant a lot to me." McKnight said. "It's a special place, someplace I'll always be able to return to, to remember."

NIDA E. THOMAS, A NATIONAL TREASURE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues one of America's treasures—Nida E. Thomas. Ms. Thomas will celebrate her 80th birthday on Sunday, June 19. Tribute will be paid to her on Friday at a community reception.

When we remember people who have made a difference, Nida Thomas always will be included. She has been a pioneer in countless areas. A consummate champion of the people, her compassionate, positive, no nonsense manner of persuasion has made her a beacon of hope for many. Her tireless efforts have benefited the young, the poor, the ill, and the disenfranchised.

Born in Goldsboro, NC, her family moved to Elizabeth, NJ, in 1923. Ms. Thomas holds a bachelor's degree in sociology from New York University and a masters in social work degree from Clark Atlanta University School of Social Work. Ms. Thomas retired in 1984, after 16 years with the State of New Jersey Department of Education. She served as director and assistant deputy of the Commission of Equal Educational Opportunity, having set up the office in 1968. This office was established to deal with problems of school desegregation in New Jersey. The problem was expanded to include Affirmative Action, and later, national origin.

Her prior work experience includes chief of the Bureau of Intercultural Relations at the New York State Department of Education; executive director of the Urban League of Bergen County; community organization secretary, Urban League of Union County. She has been a member of the adjutant faculty at Georgian Court College in Lakewood, NJ, and at Trenton State College Graduate School of Education, Trenton, NJ.

Although Ms. Thomas retired 10 years ago, she is a very active member of the community. I had an opportunity several weeks ago to brief Ms. Thomas before she traveled to South Africa to witness the changes since the election and inauguration of President Nelson Mandela. It was an honor to be able to share my knowledge and experience with someone who has done the same, time and time again. Mr. Speaker, Ms. Thomas is nationally known and respected for her concern for human rights.

I am sure my colleagues will join me as I wish Nida E. Thomas a happy birthday and healthy future. On behalf of our community, I would like to thank her family—brothers, Jesse and Nathaniel Edwards, and daughters, Lutrica and Rosemary—for sharing her with us as she guided the lives of those who needed it.

TRIBUTE TO BISHOP LOUIS HENRY FORD

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. RUSH. Mr. Speaker, I rise today to honor Bishop Louis Henry Ford, founding Pastor of the St. Paul Church of God in Christ of Chicago on the occasion of the observance of his 60th pastoral anniversary and his 80th birthday celebration. Bishop Ford has spent his lifetime serving the Church of God in Christ. He has contributed greatly to every area of the church's growth and development. Bishop Ford rose to prominence early in his ministry in the National Church of God in Christ organization.

Bishop Ford was elevated to the office of national director of public relations for the Church of God in Christ in 1945. In 1972, he was elevated to the position of assistant presiding bishop. On April 5, 1990, Bishop Ford was elected to the office of international presiding bishop and chief apostle of the over 4 million member Church of God in Christ. A native of Clarksdale, MS, Bishop Ford was called to the ministry and service of Christ in 1926. He is a graduate of Saints College in Lexington, MS. Bishop Ford moved to Chicago in 1933. He was ordained an elder by the late Illinois Prelate Bishop William Roberts. In 1963, he founded the St. Paul Church of God in Christ. Bishop Ford is the founder of the C.H. Mason and William Roberts Bible Institute for Bible Studies.

A devoted family man, Bishop Ford and his wife, Mother Margaret Ford, are the parents of one son, Elder Charles H.M. FORD and one daughter, Janet Food Hill. He is the grandparent of 10 and great-grandparent of 5 children. As international presiding bishop, he has developed innovative plans to revitalize the ministries of the church. He has outlined plans to confront national problems associated with homelessness, education and drug abuse, as well as the problems of senior citizens, young people and the disabled. Two major projects underway are the remodeling of the church-owned landmark Mason Temple in Memphis and the reopening of his alma mater, Saints College.

Mr. Speaker, Bishop Louis Henry Ford is a dedicated, spiritual leader. He is greatly admired and respected. His ministry has blessed, healed and delivered thousands and his vision, wisdom and leadership have been a positive force throughout this Nation. I am privileged that in my life our paths crossed and am honored to be his friend. I am proud to enter these works of congratulations into the RECORD.

STATEMENT OF CONGRESSMAN MICHAEL A. ANDREWS ON HIS CONCURRENT RESOLUTION REGARDING THE NORTHERN PIEDMONT AREA OF VIRGINIA AND THE WALT DISNEY COMPANY'S PROPOSED THEME PARK AND REAL ESTATE DEVELOPMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to express that Congress should and will play an important role in the debate over The Walt Disney Company's proposed new city, a theme park and real estate development in the Northern Piedmont area of Virginia. I am introducing a resolution which asks the Federal Government and Congress to closely examine Disney's proposal, and calls on Disney to find alternative sites for its project.

Let me begin by stating that I am not opposed to Disney's proposed theme park, nor am I opposed to its being located in the Commonwealth of Virginia. I strongly believe that states have the right to promote economic development and that Disney has the right to construct its park and real estate development. At issue here is the location Disney is currently proposing; the Northern Piedmont area. I simply do not believe that Disney's new city should be located in an area of such great historical importance to the Nation. Studies have identified alternative sites, some within the same county as currently proposed, that would serve Disney's purposes without disturbing historic areas as the current site does, yet providing the essential infrastructure necessary to accommodate a large influx of visitors that Disney will bring. The Northern Piedmont area does not currently provide this infrastructure, nor will it in the future without significant harm to its historical and environmental integrity.

The Northern Piedmont is an area where our Nation was forged, from the early days of the colonies and the American Revolution through the Civil War. There is more American history in this small part of Virginia than in any other place in the United States. The area played a significant role during the formation of the Nation, as well as during its most trying period. It is the cradle of the Presidency, home to Jefferson, Madison, and Monroe. It was also a strategic centerpoint of the Civil War, site of many important battles and campaigns of that conflict. Today, a visitor to the area will find 38 historic districts and 32 Civil War battlefields within just one hour's drive from the proposed Disney site.

What is really at stake here, Mr. Speaker, is the health of two of our country's most valuable national treasures: the Manassas National Battlefield Park and the Shenandoah National Park. These two gems of our National Park System are fragile parks and already at risk, even without Disney's proposed development. This development could devastate these two parks.

While the Northern Piedmont area is currently zoned for commercial development, and development certainly will come, and it is not Congress' role to stop appropriate development that would not encroach on public lands, the area simply cannot handle a real estate development the size of Disney's proposal. Disney alone wants to build 2,281 housing units; 1,300 hotel rooms, two golf courses; a 283-acre campsite; and nearly 2 million square feet of commercial space. And that doesn't include the plans of other developers eager to build fast-food restaurants, souvenir shops, motels, and the like.

As you can see, this is not merely a theme park—it is a planned megalopolis. When finished, Disney will have built from scratch one of Virginia's largest cities. The consequences for the surrounding historic treasures—the congestion, overdevelopment, pollution, and historical encroachment—would be devastating. And, that is precisely where this issue becomes one that is far more than just a local issue. By threatening the Manassas National Battlefield Park, the Shenandoah Valley National Park, and historic lands from Washington to Charlottesville to Harper's Ferry, it becomes a national issue.

The Federal Government's responsibility here is to assure preservation of the integrity of this historic region. The Executive Branch must ensure compliance with all applicable laws to ensure that this area will not be irrevocably harmed. Congress' duty, as steward of the Nation's public lands, is to carefully and closely evaluate any and all proposals that would significantly and detrimentally affect these lands.

In 1988, I led the effort to prevent construction of a shopping mall on the Manassas Battlefield. The Congress employed a seldom-used legislative taking to purchase the land where the proposed shopping center was to be constructed. It would be a betrayal to the taxpayers if today, only 6 years later, Congress turned a blind eye to Disney's proposal, in effect rubber-stamping it, and allowed a massive real estate development and accompanying, unbridled urban sprawl in the same area that we fought so hard to protect in 1988.

Therefore, we cannot stand by and watch as an area that has served as both the birthplace and battleground of the United States becomes the target of such a large-scale development proposal. It is appropriate that Congress involve itself in this process; once these invaluable national treasures are developed, there is no restoring them.

INTRODUCTION OF ENTITLEMENT CONTROL ACT OF 1994

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. STENHOLM. Mr. Speaker, I come to the floor today on behalf of TIM PENNY, NATHAN DEAL, LARRY LAROCCO, and BILL ORTON and myself to introduce legislation to place limits on the growth of entitlement spending. The legislation we are introducing draws the best provisions from the budget enforcement legislation developed last Congress by the Budget Committee and then-Chairman Leon Panetta, amendments offered by Senators NUNN and DOMENICI and the entitlement review procedure enacted last year.

One clear lesson of our experiences with the Budget Enforcement Act [BEA] is that placing restraints on the growth of entitlement programs is imperative to controlling Federal spending. The discretionary caps of the BEA have served well to curb discretionary spending but left untouched entitlement spending. The failure of the BEA to deal with entitlements prevented it from effective controlling total spending or significantly reducing deficits.

If we are to balance the budget, we must control all Government expenditures, including entitlement spending. Past deficit reduction efforts have not cut the deficit as much as they were supposed to because entitlements grew faster than expected and Congress did not respond with policy changes which would result in spending reductions. Experience has taught us that Congress only takes action to reduce entitlement spending under extraordinary circumstances.

While these increases in entitlement spending are explained as technical changes over which Congress has no control, this argument does not hold much weight with the public. The deficit is blind: increases in the deficit for technical reasons are just as harmful to the economy and the future of our children as increases caused by policy changes. Congress and the President should take greater responsibility for entitlement spending instead of blaming ballooning entitlement spending on "technical corrections."

Because of my concern about the continued growth of entitlement spending, I was extremely disappointed the budget resolution we passed earlier this year did not call for a reconciliation bill which would make additional reductions in entitlement spending. While it is true that the deficit is projected to take a slight downturn over the next few years, we remain convinced that sustained deficits of $200 billion a year present a great economic hazard to our Nation's future.

I was pleased, however, that we were able to attach Sense of the Congress language to the resolution which called for the enactment of enforceable entitlement spending limits as well as other budget process reforms. I was also pleased that there was an agreement for the consideration of further budget process votes within the House of Representatives.

As a result of the commitment to allow the House to debate and vote on legislation to control the growth of entitlement spending, I began to study past legislation dealing with the growth of entitlement spending and canvass my colleagues regarding this issue. The legislation we are introducing tonight is a product of this effort.

Under the legislation we are introducing tonight, the growth of mandatory spending would be capped at inflation and demographics plus an additional cushion of 1 percent in 1996, 1 percent in 1997 and 1 percent in 1998. There would be no cushion for 1999 and beyond, effectively capping the growth of entitlements at the levels to allow for growth based on inflation and changes in demographics from 1999 and beyond. This formula would require deductions of approximately $100 billion from the CBO baseline for mandatory spending by the year 2000.

One of the uncertainties in setting an entitlement cap that has been noted by its critics is the uncertainty of the increases in entitlement spending that would result from passage of health care reform. This problem would be resolved by allowing the entitlement caps to be adjusted to reflect any increased entitlement spending resulting from the reform package. This adjustment would only apply to health care reform legislation which is deficit neutral over 1995–99. The spending caps would also be adjusted for legislation increasing mandatory spending that was enacted under the existing pay-as-you-go requirements.

Each year Congress and the President would pass legislation (a "spin-off bill") allocating spending for programs under each of the 21 budget functions in the budget (i.e. Health, Veterans Benefits and Services, etc.) based on the budget resolution. The sum of these 21 caps could not exceed the total yearly cap. If a spin-off bill is enacted, there would be sequestration among all programs within a specific function if that particular functional cap is exceeded.

If OMB projected that entitlement spending would exceed the cap, the President would have to propose in his budget entitlement cuts necessary to bring entitlement spending below the caps, or he could propose an increase in the entitlement targets. Congress would have to pass reconciliation legislation cutting entitlement spending enough to bring entitlement spending below the cap or vote to raise the caps.

Congress would have the entire legislative session to take action to bring entitlement spending under the caps. If legislation sufficient to bring entitlement spending under the caps was not enacted by the end of the session. If legislation setting individual caps for each budget function for that year had been enacted by the end of the session, there would be a sequester to make any necessary reductions. If legislation setting individual caps had been enacted, there would be a separate sequester for any function that exceeded its cap. If legislation setting individual caps for each function had not been enacted, there would be a comprehensive sequester with across-the-board cuts in all entitlement programs with no exceptions if the aggregate entitlement cap could be exceeded.

If a spin-off bill is not enacted and the overall cap was exceeded, there would be a comprehensive sequestration of spending. No programs would be exempt from the general entitlement sequester. By eliminating all exemptions to sequestration, this mechanism would give everyone a vested interest in reaching an agreement on budget priorities in order to avoid sequestration.

Setting a maximum level on entitlement spending would force Congress to take corrective action if entitlement spending is projected to exceed the limit set in the cap. If entitlement spending was projected to exceed a cap for the fiscal year, each committee would be under pressure to report changes in permanent law necessary to reduce total entitlement spending for programs within that committee's jurisdiction below the caps in order to avoid sequestration. Thus, the current practice of ignoring entitlement spending as it ballooned for "technical" reasons would be ended.

Mr. Speaker, I recognize that we will face many tough choices in controlling the growth of entitlement spending, but we must make those choices for the sake of our children. I am hopeful that the Kerry-Danforth Commission will produce constructive suggestions on steps that can be taken to deal with the growth of entitlement spending. That notwithstanding, I believe the "hammer" of an entitlement CPA is necessary to provide Congress and the President with the necessary incentive to make the tough choices we all know we must make. I encourage my colleagues to make the first step in dealing with entitlement spending by supporting this legislation.

STENHOLM ENTITLEMENT CAP PROPOSAL—SECTION-BY-SECTION SUMMARY

SECTION 1—SHORT TITLE, TABLE OF CONTENTS

SECTION 2—PURPOSES

SECTION 3—DEFINITIONS

Defines budget year, direct spending and other technical definitions.

SECTION 4—ESTABLISHMENT OF DIRECT SPENDING CAPS

Thirty days after the enactment of this legislation, the Director of OMB would issue an initial direct spending report setting forth projected mandatory spending for fiscal year 1995. All mandatory spending except deposit insurance and interest payments would be included in the targets. The Director of OMB shall establish caps for fiscal years 1995 through 2000 based on the projected mandatory spending for 1995 and allowing for growth each year to reflect:

a. Changes in the consumer price index;
b. Changes in the number of beneficiaries;
c. An additional growth allowance of 1 percent in 1996, 1 percent in 1997, 1 percent in 1998 and 0 percent in 1999.

The caps would be adjusted to reflect increased direct spending resulting from health care reform legislation enacted by the end of 1994 which is deficit neutral over 1995–1999.

Each year, the President's budget shall adjust the caps to reflect:

a. Actual inflation;
b. Actual beneficiary changes;
c. Direct spending legislation enacted under the PAYGO requirements, i.e. paid for by increased taxes or declared as emergency spending.
d. Legislation reducing direct spending to offset the deficit impact of a tax cut under PAYGO requirements.

SECTION 5—SPECIAL DIRECT SPENDING MESSAGE BY THE PRESIDENT

If OMB projects that mandatory spending will exceed the cap for that year, the President's budget must include a proposal to offset any projected excess of the caps for each fiscal year. The President would be allowed to propose to increase the levels of the caps to allow for all or part of the excess if he provided a written explanation justifying an increase in the caps.

SECTION 6—CONGRESSIONAL RESPONSE REQUIRED

If OMB projects that entitlement spending will exceed the caps, Congress must pass a budget resolution that includes reconciliation instructions to offset the excess of the caps for each fiscal year or to increase the caps.

A budget resolution (including conference report) that does not deal with the spending above the caps would not be in order in the House.

If the House does not pass a budget resolution conference report that deals with the spending above the caps, it would not be in order to consider any appropriation bill in the House, unless a resolution devoted solely to the subject of waiving this requirement is passed on a recorded vote.

If the Budget Committee does not report legislation dealing with the excess, an expedited procedure would be established to bring legislation incorporating the President's recommendations for dealing with the excess directly to the House floor.

SECTION 7—SPIN-OFF LAW.

Upon passage of the budget resolution conference report, the Chairman of the Budget Committee would introduce spin-off legislation allocating spending under the overall entitlement cap for that fiscal year among the budget functions and establishing individual caps for each budget function based on the levels set forth in the budget resolution. That spin-off legislation would be considered by the House and the Senate under expedited procedures. If spin-off legislation is passed by the House and Senate, it would be sent to the President for signature. If the President signs the spin-off legislation, the individual caps would become binding in law.

SECTION 8—TARGETED SEQUESTRATION

If legislation setting individual caps for each budget function for that year had been enacted, there would be a separate sequester for any function that exceeded its cap.

SECTION 9—COMPREHENSIVE SEQUESTRATION

If legislation establishing individual caps has not been enacted, there would be a comprehensive sequester with across-the-board cuts in all entitlement programs to eliminate any breech of the aggregate cap that had not been eliminated.

SECTION 10—EXEMPT PROGRAMS AND ACTIVITIES

Provides a limited number of technical, non-policy exemptions from sequestration. Effectively eliminates all policy exemptions from sequestration under current PAYGO sequestration. (Taken from Panetta Balanced Budget Enforcement Act, H.R. 5676 in 102d Congress)

SECTION 11—SPECIAL SEQUESTRATION RULES

Provides for the procedure for executing an across-the-board sequestration in all programs, with special guidelines for applying sequestration to unusual programs. These rules would be apply to both general and targeted sequesters. Provides that all sequestrations are permanent. (Taken from Panetta Balanced Budget Enforcement Act)

SECTION 12—ESTIMATING ASSUMPTIONS, REPORTS AND ORDERS

CBO shall issue an estimate of the cap for the upcoming fiscal year and a sequestration preview report as part of the January Budget and Economic Outlook. The President's Budget shall include the adjusted caps as calculated by OMB and a sequestration preview report. The OMB report would be the official report for the purposes of ordering sequestration. OMB would be required to explain any difference between OMB and CBO estimates.

Ten days after the end of a session, CBO and OMB would be required to submit a final sequestration report. The OMB report would be the official report. OMB would be required to explain differences between the OMB and CBO reports.

On the day that OMB issues its final sequestration report, the President would be required to issue an order implementing the sequestration report without change.

SECTION 13—CURRENT POLICY BASELINE

Provides rules for determining current policy baseline for sequestration reports. (Take from Panetta Balanced Budget Enforcement Act)

SECTION 14—RELATIONSHIP TO PAY-AS-YOU-GO

Provides that reductions in entitlements spending made to comply with the caps would not be entered on the PAYGO scorecard.

SECTION 15—JUDICIAL REVIEW

Provides for judicial review identical to the procedure established for Gramm-Rudman.

SECTION 16—APPLICATION

Provides that the House rules changes enacted as part of the entitlement review process would not apply for 1995 and beyond.

SECTION 17—EFFECTIVE DATES

Provides that the title will be effective for fiscal years 1995 and beyond.

CONSUMER REPORTING REFORM ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1994

Mr. KENNEDY. Mr. Speaker, I am pleased to bring before the House what may be the most important piece of consumer legislation we consider in this Congress. I want to thank Chairman GONZALEZ, Mr. LEACH, and Mr. MCCANDLESS for working with me to fashion an excellent piece of bipartisan legislation.

This bill reforms the credit reporting industry—an industry that affects the lives of virtually every working American. Credit bureaus—especially TRW, Equifax, and Transunion, the "big 3"—have 450 million files on individual consumers. They process over 2 billion pieces of data each month, and do so at practically the speed of light. The credit reports they compile determine whether a consumer will obtain a mortgage, a car or business loan, a job, and even an apartment.

If these reports are not accurate, or if they are distributed without a legitimate purpose, then our whole society suffers. Consumers may be unfairly deprived of credit, employment, and their privacy. And businesses may lose out on the opportunity to gain new customers.

Unfortunately, today the consumer reporting industry is riddled with problems. The Federal Trade Commission receives 9,000 complaints each year about credit bureaus—more than it receives about any other businesses, including auto dealers and debt collectors. One recent study shows why: 48 percent of all credit reports—half—contain at least one error, and 20 percent of all reports contain errors serious enough that they could cost consumers a mortgage, a loan, or a job.

Credit bureaus have shown little interest in correcting these mistakes on their own. Even after being contacted by consumers about possible mistakes, the bureaus failed to respond 26 percent of the time to inquiries. As a result, consumers must often wait months, even years, to clean up error-riddled consumer reports.

Equally disturbing is the growing distribution of credit reports without a consumer's knowledge or consent. These reports contain very personal information about a consumer's life. When that information is sent far and wide without consent, then the consumer suffers an invasion of privacy that can be personally embarrassing and financially damaging. Several years ago, someone wrongfully obtained a copy of former Vice President Quayle's consumer report, and distributed it widely. These practices must stop. The right to privacy is sacred to all Americans, and we should not tolerate its erosion.

The legislation we bring to the floor today takes a number of steps to improve both the accuracy and privacy of consumer reports:

It requires credit bureaus to investigate consumer complaints within 30 days, and delete any information they can't verify. That way, consumers won't be plagued by months or years by someone else's bad debts.

It caps the cost of a credit report at $3, and allows consumers to obtain free copies of their credit reports after a reinvestigation or adverse action, or if they are unemployed, on public assistance, or believe they are victims of fraud. By making credit reports more affordable, this provision will help consumers detect and correct errors before they do damage.

The bill also requires those firms—such as banks and department stores—who furnish information to credit bureaus to do so accurately, and to correct mistakes promptly. By requiring these furnishers of information to be more careful, we will improve the quality of information that is put into a credit report to begin with, and hopefully avoid many of the problems we now see taking place.

The bill improves privacy protections by requiring employers to obtain a consumer's written consent before obtaining the consumer's credit report. It also allows a consumer to learn who has seen his or her report, and why, to help prevent unauthorized uses of that report.

Lastly, this bill regulates, for the first time, so called credit repair organizations. These firms frequently promise to clear up a consumer's bad credit, but in fact either fail to follow through, or do so only by misleading credit bureaus. H.R. 1015 bars credit repair firms from making untrue or misleading statements to credit bureaus. In addition, it allows these firms to collect payment from a consumer only after they have fully performed their services. These provisions will help weed out the corrupt actors in this growing industry.

This legislation does not only benefit consumers. It also benefits credit bureaus and credit grantors. In the areas of rescreening and information-sharing among affiliates, it extends new liberties to industry. Hopefully, those liberties will result in new credit opportunities for consumers. The bill also carefully ensures that grantors will not be the subject of frivolous lawsuits.

In addition, H.R. 1015 gives industry an 8-year Federal preemption of State laws. This compromise provision is the product of a careful effort to balance industry's desire for nationwide uniformity with States' vital interest in protecting their citizens. As many of my colleagues are aware, this has been a contentious issue for quite some time, and has impeded the progress of this bill in the past. I would have preferred that there be no Federal preemption in this bill. Federal law usually sets a floor, not a ceiling, for consumer protection—allowing States to adopt added measures to protect their citizens. I see no reason to depart from this precedent. Nevertheless, the 8-year preemption mandated by this bill will test the viability of a uniform national standard. If after 8 years the Federal law is not adequately protecting consumers, then I would expect States to step in once again and do the job.

In closing, Mr. Speaker, I'd like to reiterate that this is landmark legislation. It gives consumers protections that they desperately need. And it provides industry with benefits that will enable more efficient operations. I believe that it merits the support of the entire House, and I urge its adoption.

I would like to acknowledge the efforts of several staff members who did a tremendous job on this very technical and complex piece of legislation. Franci Livingston and Katie Ryan of my staff, Amy Friend of the full committee, and Sean Cassidy, Margo Tank, and Joe Siedel of minority staff deserve to be acknowledged and thanked for all their hard work. Without their efforts, we would not be here today.

HOUSE OF REPRESENTATIVES—*Friday, June 17, 1994*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 17, 1994.

I hereby designate the Honorable G.V. (Sonny) Montgomery to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we come together in this moment of prayer anticipating the crowded agendas of daily life, let us focus on thanksgiving, gratitude and praise—thanksgiving for the gift of the rest of the night and new energy for the day; gratitude for the gift of work and the privilege of service to the people of this Nation and praise to You, O God, for Your mighty acts of mercy and compassion to us and to all Your people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. KING] please come forward and lead the House in the Pledge of Allegiance?

Mr. KING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be five 1-minute speeches on each side.

TRIBUTE TO THE LATE STATE SENATOR NORMAN MERRELL

Mr. SKELTON. Mr. Speaker, it is with sadness that I speak on the death of a good friend and Missouri State Senator, Norman Merrell. Senator Merrell was first elected to the Missouri State Senate in 1970, and served until his untimely death this past Tuesday. During his tenure, he served as President pro tem three times, and for a number of years was chairman of the Appropriation Committee.

Mr. Speaker, his accomplishments are many, but he will best be remembered for his devotion to the people of our State, his strength of character and his capacity for friendship. We entered the State senate together, and I had the privilege of serving with him for 6 years, 4 of which we shared an apartment in Jefferson City.

He was a true friend and wise adviser, Mr. Speaker, and I join his wife, Carlene, his children, and thousands of Missourians who will truly miss him.

Senator Norman Merrell reflected the very best of our State of Missouri.

AMERICA'S BUSIEST COMMUTER RAILROAD HAS STOPPED RUNNING

(Mr. LEVY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVY. Mr. Speaker, it is with regret that I rise to inform the House that negotiations between labor and management of the Long Island Rail Road have failed, that transport workers have struck, and that trains have stopped running. More than 254,000 daily commuters have been forced to find alternate transportation, and the metropolitan area's already overtaxed transportation infrastructure is being burdened further.

This is an emergency. That is why, on a bipartisan basis, Long Island's five-member congressional delegation is introducing legislation to get the parties back to the table and to get the trains running again. I ask my colleagues to support that legislation.

Strikes against America's busiest suburban commuter line wreak havoc on the day-to-day lives, not only of those who use the railroad, but of everyone who commutes between Long Island and New York City.

In addition—and it is critical that my colleagues understand this—when the Long Island Railroad stops running, parts of New York stop functioning. And, when parts of New York stop functioning, our Nation is crippled.

Please support our bipartisan bill to get the Long Island Railroad running again.

HEALTH CARE RESULTS, NOT PROMISES

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, we have an opportunity in this session of Congress to make a significant, positive difference in the lives of our Nation's citizens. We have an opportunity to guarantee health care that can never be taken away.

Why must we change and improve our health care system? Because millions of Americans live in fear of losing their health coverage. Because millions more currently have no health insurance—and 80 percent of those are working Americans.

I say to my colleagues, "Under the President's plan, every American citizen is insured. Under the President's plan, health care can never be taken away. If you get sick, you are covered. If you have a pre-existing medical condition, you are covered. If you are laid off, change jobs or move to another community, you are covered. If you start your own small business, you are covered.

"You decide how and when and from which doctor you will get your health care. You pick the health plan that best serves your needs. It will be illegal for an insurance company to drop your coverage when you become sick or grow older."

Under the President's plan, Americans will gain important new coverage for prescription drugs, dental care, mental illness, and long term care in their homes.

The President has taken the leadership on this crucial issue. Now it is our turn. Let us seize this opportunity. It may not come our way again.

THE STRIKE BY THE LONG ISLAND RAILROAD MUST BE ENDED

(Mr. KING asked and was given permission to address the House for 1 minute.)

Mr. KING. Mr. Speaker, the current strike by the Long Island Railroad is an economic catastrophe for the New York regions Long Island and New York City. I call upon my colleagues to support the emergency legislation which has been agreed to by the five-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Member Long Island delegation: Mr. LEVY, Mr. LAZIO, Mr. HOCHBRUECKNER, Mr. ACKERMAN, and I. I want to emphasize this legislation has also been approved by Governor Cuomo and Senator D'AMATO.

Mr. Speaker, this is not a regional issue. It is a national issue, and it is absolutely essential that President Clinton take a leadership role in focusing national attention on this issue.

I implore President Clinton to call on the Congress to adopt legislation so that all the Members know this is not a narrow regional issue. It is a national economic issue. It is essential to our region, yes, but it is also vital to this Nation that this strike be ended, that the strikers go back, the trains run and binding arbitration begin.

In 1987, Mr. Speaker, Congress did the right thing. It adopted legislation which ended the strike. I call upon the Congress to do so once again, and I call upon the President, most importantly, to provide the leadership which is absolutely necessary if this strike is to end and if our region is to be saved.

MFN STATUS FOR CHINA IS NONSENSE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let us see if we can understand this:

United Nations experts say that if nuclear war would break out with North Korea, China would support North Korea. American experts even say that if nuclear war would break out, China would support North Korea over America economically, politically, and militarily.

So, what does this mean? It means that an American family buys a toaster. The dollars go to China, and they go into a Chinese bank and, if nuclear war breaks out, American dollars in Chinese banks will be used to help North Korea kill American soldiers.

Beam me up.

And what does Congress do about it? Congress is approving most-favored-nation trade status for China.

To boot, their wages are 17 cents an hour.

Shame, Congress, Shame. This makes no sense. It is known as nonsense on the streets of America.

ST. PETER VERSUS THE IRS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, there are two certainties in life: death and taxes. The advantage of death is that judgment comes immediately. There is no surprise audit 2 years later.

Certainly there are no letters such as one my constituent received from the IRS. It reads, and I quote:

> Our records show that you are a current or retired Federal employee. We previously billed you for your overdue Federal tax. We still have not received your full payment. The amount our records show you owe is $0.00.

That is right. The IRS sent a letter to a taxpayer telling him he does not owe them anything.

"Because you haven't paid," the letter states, "we must now consider filing a Notice of Federal Tax Lien." The IRS is going to place a tax lien on a taxpayer who does not owe them anything.

"We also must consider taking your wages, property, pension, or other assets to pay the amount you owe."—which, as the letter already stated, is nothing.

Honest, hardworking Americans being threatened by their own government for owing nothing.

Mr. Speaker, Saint Peter is charged with sorting thousands of souls every day, and I have yet to hear a complaint. The IRS is expected to review 100 million tax returns every year. It is obvious they are not up to the task.

Give me a break.

This is no way to run a tax system. Support the Traficant taxpayer protection bill and my taxpayer rights legislation.

Let us return sanity to our Tax Code.

□ 0910

DO NOT CHANGE REFUGEE LAWS FOR HOMOSEXUALS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as reported by CBS News, Attorney General Janet Reno announced a shocking new shift of refugee policy for the United States—from now on, homosexuals will be eligible to come to this country as political refugees.

Americans are proud of the way that this Nation has welcomed those who have risked their lives to fight for basic human rights in their home lands. However, bringing refugees to this country is an expensive process for American taxpayers, and those slots should be reserved for those who truly risk their lives to stand up for their fellow man.

We need to ask ourselves where our priorities are. Do we really want all our refugee slots for a region filled by those applying for asylum based on sexual preference while others who flee political persecution for their lives are turned down?

For anyone in the countries named by Attorney General Reno, the easiest road to a trip to the United States is claiming that one is a homosexual. This policy is subject to widespread abuse.

From the start, this policy is a bad idea, and I call on President Clinton to reject this proposal immediately.

MISSION OF THE HOUSE IS TO LEGISLATE, NOT TO RESCUE THE PRESIDENCY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I think everybody understands that our mission here is to legislate. We have some challenging areas to legislate—crime, balancing the budget, health care. It is a very big agenda, and America is waiting and watching.

But too often around here I hear the sentiment that "We have to do this or that, we have got to get this bill out, and we have got to get something out there right now for the purpose of protecting the President." We read that justification in the press. In one of the most memorable votes we have ever seen during my time here on the budget, the idea was that "The Presidency will fail if we don't support the President's economic package."

It is not whether it is a good economic package; it is that "We've got to support it because it will fail or he will fail if we don't support his package." That happened in this Chamber and in the other body as well.

Mr. Speaker, I hope this is not going to be the driving force of our health care debate. Serious consequences are out there for every American's pocketbook and quality of life across this country. Our criterion must be good legislation. Health care is not a rescue mission for the White House. The White House does a great job saving itself.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. DURBIN. Mr. Speaker, I move that the House resolve itself to the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

The motion was agreed to.

□ 0913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4554, with Mr. SPRATT in the chair.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 16, 1994, all time for general debate had expired.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that all debate on the bill, H.R. 4554, and all amendments thereto, close at 2 p.m.

I have discussed this with the ranking minority member, the gentleman from New Mexico [Mr. SKEEN].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. SKEEN. Mr. Chairman, reserving the right to object, I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, on the question about time, last night there was some type of agreement that we come in at 9 o'clock so we could get out by 2, and I certainly concurred in that because it was a good idea. But we have 14 amendments on this bill that are coming up. What happens then? Are we going to hopefully vote on this bill at 2 o'clock, or do we have to clear out of here by 2 o'clock?

What is the agreement? We will have a motion to recommit and then final passage, but will that come at 2 o'clock? What is the intent?

Mr. DURBIN. Mr. Chairman, if the gentleman will yield, I think we should aim to complete all action on this bill by 2 p.m., which would mean calling some of the motions the gentleman has noted even before 2 o'clock.

Mr. MYERS of Indiana. So, if I may continue, the idea is that we will be voting at possibly 1:30 or something like that? With 14 amendments, is there some way to manage it so we will not have 5 amendments left at 1:30 to consider? How are we going to allocate the time?

Mr. DURBIN. Mr. Chairman, if the gentleman will yield, last year we had success with every Member who offered amendments. Each Member agreed by unanimous consent to limit debate on each amendment. We did that in an orderly fashion.

I am going to propose, along with the gentleman from New Mexico [Mr. SKEEN], that each Member have some amount of specific time with the certainty that they will be allowed to offer their amendments.

I will add, though, that this is an open rule, so we suspect there could be anywhere from zero amendments up to 14 or more. So I ask for the indulgence and the cooperation of every Member to please come to the floor and alert the gentleman from New Mexico [Mr. SKEEN] and myself of their intentions so that we can allocate a period of time for Members to debate their amendments and we can call it to a vote, if necessary.

Mr. SKEEN. Mr. Chairman, reclaiming my time, I will say that I concur with the sentiment just expressed by the chairman of the subcommittee. I think we have drawn the lines. All the Members are very familiar with the debate. There is not new material to be covered, so let us get on with the debate and get it done in a timely fashion and get out of here by 2 o'clock.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. By agreement, then, the House will complete its debate on this bill by 2 o'clock this afternoon.

The Clerk will read.

The Clerk read as follows:

H.R. 4554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,801,000: *Provided,* That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further,* That the Secretary may transfer salaries and expenses funds in this Act sufficient to finance a total of not to exceed 35 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,795,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Chief Financial Officer to carry out the mandates of the Chief Financial Officers Act of 1990, $580,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $106,571,000, of which $18,614,000 shall be retained by the Department of Agriculture for the operation, maintenance, and repair of Agriculture buildings: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 per centum of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $28,622,000, to remain available until expended; making a total appropriation of $135,193,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $928,000: *Provided,* That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Finance and Management, $4,477,000, for Personnel, Operations, Information Resources Management, Civil Rights Enforcement, Small and Disadvantaged Business Utilization, Administrative Law Judges and Judicial Officer, and Emergency Programs, $21,710,000; making a total of $26,187,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $1,764,000.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,198,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,918,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $25,992,000.

Office of the Assistant Secretary for Economics

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $540,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, $54,306,000; of which $500,000 shall be available for investigation, determination, and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $81,424,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

World Agricultural Outlook Board

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)), $2,498,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

Office of the Assistant Secretary for Science and Education

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $520,000.

Alternative Agricultural Research and Commercialization Revolving Fund

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $4,000,000 is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund.

Agricultural Research Service

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $693,977,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land at Parlier, California and Grand Forks, North Dakota: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $23,400,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GOSS: Page 12, line 22, strike "$23,400,000" and insert "$20,500,000".

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] is recognized for 5 minutes in support of his amendment.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, be limited to 10 minutes, the gentleman from Florida [Mr. GOSS] to control 5 minutes and the gentleman from New Mexico [Mr. SKEEN] and myself to control the remaining time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 0920

Mr. GOSS. Mr. Chairman, I am merely standing here to clear up the record and close what I hope is a final chapter of what has been a very sordid story starting at the U.S. Department of Agriculture.

Mr. Chairman, there are six specific points I wish to make here today about the inclusion of $2.9 million of taxpayer funds for the relocation of the Orlando Agricultural Research Service Station to Fort Pierce:

First, I hope to clear the record on the extent of support within the Florida delegation for this relocation. Contrary to testimony at hearings we are not unified on this matter. In fact, there are at least three camps within the delegation, with wide gulfs between them, representing different agricultural regions and interests in Florida.

Second, I also want to point out that this is not a partisan issue—we have experienced these difficulties over two successive administrations. It is however, a political issue, as shown by internal USDA documents and countless press stories and statements.

Third, my third point is that the site selection committee clearly and definitively placed another site above the one selected. That is not debatable—it happened—and it was deliberately covered up. It is only through the extraordinary unilateral efforts of a local newspaper's freedom of information request that the documents are now public which prove this. I will insert in the RECORD after my remarks the relevant documentation.

Fourth, because of the games played with the site selection process, it is the opinion of many southwest Florida agricultural leaders that the value to Florida agriculture of this research station has been significantly reduced by this USDA decision.

Fifth, I have suggested a better solution—a compromise—with the advantages of lower costs and better use of available resources; but so far we have heard nothing meaningful in response from USDA to this suggestion.

Sixth, my last, and most important point is that throughout this process, Members of Congress—myself included—have been deliberately, willfully, and knowingly misled by the USDA and its spokespersons. The record is clear: They were caught redhanded covering up, and they should be very red faced about it.

This is not a scandal about high living and special favors for senior members of USDA or illegal gifts for people who regulate their programs. I am not talking about that. I am talking about legitimate oversight of the U.S. Congress and the individual Members of it, and we expect cooperation and timely and complete and forthright responses from all executive branch agencies.

Today, in the overriding interest of avoiding protracted intrastate disharmony on this matter, I have decided not to proceed with this amendment, even though I believe $2.9 million would be better spent elsewhere. But I want the bureaucrats at the USDA to know that lying to Congress is no way to win friends on Capitol Hill. I want them to know that I will continue to work honestly, openly, and actively for the real victims of this process: The citizens of Immokalee. There are still ARS matters to be pursued there. And I want USDA to know that I will remember their sorry performance, disingenuousness, and inept management. In my view this chapter is a disgrace to public service. I hope they can do better.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE ADMINISTRATOR,
Washington, DC, September 11, 1992.

Decision Memorandum for the Secretary.

Through: Duane Acker, Assistant Secretary, Science and Education.

From: R.D. Plowman, Administrator.

Subject: Relocation of U.S. Horticultural Research Laboratory, Orlando, Florida.

BACKGROUND

The 40-year-old U.S. Horticultural Research Laboratory in Orlando, Florida, is in major need of modernization and is suffering from urban encroachment. Consequently, the Laboratory is no longer able to carry out its mission and serve the public as effectively as it has done in the past.

The Florida Fresh Fruit and Vegetable Association, representing a coalition of horticultural organizations in Florida, has supported the relocation of the U.S. Horticultural Research Laboratory, Orlando, to southern Florida so as to better serve the industry in future years. The Florida Congressional delegation supports this request and Congress has provided funds in our fiscal year 1993 budget toward planning for this relocation.

RECOMMENDATION

We have recently evaluated two sites in southern Florida that previously have been identified by the industry coalition as potential relocation sites. We recommend the Immokalee site in southwestern Florida as the site of choice but no announcement has been made of our preference. The attached briefing paper provides additional information.

We request that you consider our recommendation and make a public announcement of your decision.

Enclosure.

RECOMMENDATION ON RELOCATION OF U.S. HORTICULTURAL RESEARCH LABORATORY, ORLANDO, FL

BACKGROUND

The U.S. Horticultural Research Station, Orlando, Florida, was built in 1952 to help solve production and marketing problems of the U.S. citrus and other horticultural industries. There is now complete urban encroachment of the research facility, the citrus industry is moving to southern production areas of the State, the vegetable and nursery/ornamental industries are expanding in southern Florida, and there are many new production and marketing problems facing these expanding horticultural industries. There is also an increasing potential for exports, particularly for citrus and ornamental plants. A coalition of horticultural organizations in Florida, representing growers, processors, and marketing specialists, has requested the Agricultural Research Service (ARS) to relocate the Orlando Laboratory to southern Florida. The coalition first identified five potential relocation sites, then narrowed the sites to two—one at Ft. Pierce and one at Immokalee. Congress has provided funds toward the planning for relocation of the Orlando Laboratory.

EVALUATION OF SITES

Using previously established criteria for relocation of the Orlando Laboratory, ARS representatives twice visited the Fort Pierce and Immokalee sites. While both sites were found to be acceptable, the Immokalee site was found to be superior. Immokalee is centrally located to the existing citrus and vegetable production areas and would be centrally located to the anticipated future expansion of the citrus, vegetable, and nursery/ornamental industries. Approximately 175,000 acres already are in production, and State water-use management permits have already been approved for an additional 100,000 acres.

With major expansion of horticultural industries in Southwest Florida, research will be required to establish and maintain efficient and sustainable production systems. Areas of desired research would include land and water management systems so as to protect the environment, especially surface and ground water quality; biology of existing and potential agricultural pests to include insects, diseases, nematodes, and weeds; use of biological control and other integrated pest management techniques to control agricultural pests with a minimum use of pesticides; development of new improved citrus scion and rootstock varieties; new improved production systems for vegetable and nursery/ornamental crops; and improved marketing systems for all horticultural crops for both domestic and export markets. These distinct areas of proposed ARS research would be different from existing State programs but would complement University of Florida research on horticultural crops.

The South Florida Agricultural Council will purchase a 378-acre site at Immokalee and donate the land to the Department for the new research station. This site is one of the highest sites in Southwest Florida and would be better protected from flooding and freeze damage than the site at Fort Pierce. Based on the experience of the University of Florida, which recently built a Research and Extension Center at Immokalee, public utilities at the proposed ARS site could be provided at a reasonable cost and adequately maintained.

The University of Florida Research and Extension Center is located 3 miles from the Immokalee site and would provide the opportunity for cooperative research programs on all horticultural crops, as well as sugarcane. Since sugarcane is also expanding in Southwest Florida and ARS had a sugarcane research station at Canal Point, ARS could cooperate with the University of Florida on sugarcane research. ARS would also plan to cooperate with the Department of Environmental Sciences planned at the University of Florida Southwest Campus which is scheduled to be built 30 miles from Immokalee.

RECOMMENDATION

Immokalee is the site of choice for the relocation of the Orlando Horticultural Research Laboratory. It is suggested that after a public announcement is made on the relocation site, the Department thank the Florida coalition of horticultural industries and the entire Florida congressional delegation for their support of the relocation of the Orlando Laboratory and thank the South Florida Agricultural Council for offering to donate 378 acres of land. Contact for the Florida Coalition of Horticultural Industries: Mr. George F. Sorn, Executive Vice President, Florida Fresh Fruit and Vegetable Association, 4401 E. Colonial Drive, P.O. Box 141055, Orlando, FL 32815–0155 (Telephone: 407–894–1351). Contact for the South Florida Agricultural Council: Mr. Tom Perry, Chairman, South Florida Agricultural Council, P.O. Box 68, LaBelle, FL. 33935 (Telephone: 813–946–0854).

FOLLOWUP ACTION

Arrangements should be made with the South Florida Agricultural Council for transfer of the Immokalee site to ARS. Some of the $1,270,000 identified in Orlando, FL, can be used for a pre-design study for the

Immokalee facility. A budget request will be required in fiscal year 1994 to provide funding for additional planning funds, followed by a later request for construction funds. Personnel could not be relocated from the Orlando Laboratory until after facility construction is complete and ready for occupancy. It might not be until 1997–1998 that relocation of the Orlando Laboratory would be complete.

SCORE SHEET FOR EVALUATION OF POTENTIAL RELOCATION SITES FOR THE U.S. HORTICULTURAL RESEARCH LABORATORY, ORLANDO, FL

The more important evaluation factors	Suggested weight	Site A	Site B
1. Potential of area for agricultural production over the next 50 years	5	XX	X
2. Proximity to existing or potential agricultural production areas of citrus, vegetable, and environmental horticultural crops	4	XX	X
3. Reduced likelihood of potential freeze damage to horticultural crops	4	X	X
4. Suitability of site to include size, configuration, frontage, soil type, drainage, lack of nematodes, etc	4	XX	X
5. Accessibility of site by agricultural community and potential visibility of laboratory facilities	3	X	X
6. Federal ownership of building site and field plots rather than lease. Outright Federal ownership is preferred	3	XX	X
7. Lack of easements or restrictive ordinances	3	X	X
8. Lack of industrial/urban encroachment or potential of such encroachment	3	XX	X
9. Proximity to State agricultural research and extension centers or other higher educational institutions	3	X	X
10. Presence of horticultural grower organizations in the area and potential of active involvement and support of such organizations for ARS and ARS/State cooperative research programs	3	X	X
11. Proximity to or accessibility of technical services needed to support agricultural research programs	2	X	XX
12. Anticipated ease of recruitment of professional staff. (Access to airports, hospitals, schools, churches, and other community services; quality of life available in the area; and other similar considerations.).	2	X	X
13. Access to public utilities	2	X	XX
14. Cost of land	2	X	X
15. Relocation costs of Orlando staff	1	X	XX

Site A is Immokalee, Site B is Fort Pierce; One X—Acceptable; Two X's—More acceptable.

Use of Evaluation Factors to Compare Immokalee and Fort Pierce Sites for Potential Relocation of the U.S. Horticultural Research Laboratory, Orlando, Florida

1. Potential of surrounding area for agricultural production over the next 50 years (Weight of 5).

Immokalee

Existing acreage of about 130,000 citrus (mostly young trees), 50,000 vegetables, and 3,000 nursery/ornamental crops.

Considerable potential for expansion of acreages over next 50 years with water use management permits already approved for an additional 100,000 acres of citrus.

Availability and relatively low cost of land and reduced likelihood of cold/freeze damage are primary reasons for anticipated expansion of Southwestern Florida agricultural production areas.

Many production and marketing problems anticipated as acreages of horticultural crops expand, thus increasing the need for research.

Fort Pierce

Existing acreage of about 220,000 citrus, 100,000 vegetables, and 10,000 nursery/ornamental crops.

Potential of urbanization could reduce agricultural production in area over next 50 years or certainly limit potential expansion.

Relatively high cost of land and higher potential threat of cold/freeze damage compared to the Southwestern Florida production area are considered to be primary reasons why expansion of horticultural crop production is not anticipated.

Since this is a well established production area for horticultural crops, many of the production and marketing problems have already been solved and there is comparatively less need for research.

2. Proximity to existing or potential agricultural production areas of citrus, vegetable, and environmental horticultural crops (weight of 4).

Immokalee

Site is centrally located within existing or potential areas of production for citrus, vegetable, and nursery/ornamental crops of Southwestern Florida.

Fort Pierce

Site is located in the extreme eastern edge of citrus production of Florida and near the extreme eastern edge of Fort Pierce-Indian River citrus production area. There is proximity to the vegetable and nursery/ornamental crops areas.

3. Reduced likelihood of potential freeze damage to horticultural crops (weight of 4).

Immokalee

Some threat of potential cold/freeze damage but the Immokalee area is located further south than the Fort Pierce area and is somewhat protected by the warm waters of the Gulf of Mexico. The Immokalee area has escaped much of the severe freeze damage experienced by citrus and other crops during freezes in recent years. This is the primary reason why plantings of citrus and other crops are being expanded in Southwest Florida.

Fort Pierce

The Indian River citrus production area and the Fort Pierce relocation site are both extremely close to the Atlantic Ocean and are reasonably well protected from cold/freeze damage. However, citrus and other crops planted just a few miles further inland are subject to cold/freeze damage.

4. Suitability of site to include size, configuration, frontage, soil type, drainage, lack of nematodes, etc. (weight of 4).

Immokalee

The 378 acre site in question is a single parcel of land and with good frontage on a major highway, good soil type, good soil drainage, absence of nematodes, and absence of other potential problems that would adversely affect field experiments.

Fort Pierce

A site of 150–180 acres would be made available. This site is in a single parcel of land and with good frontage on a major highway, good soil type, good soil drainage, absence of nematodes, and absence of other potential problems that would adversely affect field experiments.

Land in addition to the 150–180 acre site might also be available nearby, but this land would not be contiguous to the 150–180 acre site.

5. Accessibility of site by agricultural community and potential visibility of laboratory facilities (weight of 3).

Immokalee

Site is on a major highway which soon is to be increased to four lanes.

Site would be readily accessible and visible to the agricultural community.

Fort Pierce

Site is on a major highway and very close to interchanges with other major highways.

Site would be readily accessible and visible to the agricultural community.

6. Federal ownership of building site and field plots rather than lease. Outright Federal ownership is preferred (weight of 3).

Immokalee

The South Florida Agricultural Council would purchase the 378 acre site and make it available for research purposes at no cost to the Department. The Department would have outright ownership of land with a reversion clause if the land was no longer used for research purposes.

Fort Pierce

The University of Florida would make 150–180 acres of land available for research purposes under conditions of a long-term lease.

The St. Lucie County School Board has indicated that it would negotiate for use of additional land which is in close proximity to the University of Florida property.

7. Lack of easements or restrictive ordinances (weight of 3).

Immokalee

There are no known restrictive ordinances that would interfere with research programs.

Fort Pierce

There are no known restrictive ordinances that would interfere with research programs. However, restrictive ordinances might come with increased urbanization.

8. Lack of industrial/urban encroachment or potential of such encroachment (weight of 3).

Immokalee

Being in an agricultural area, this site lacks industrial/urban encroachment or the potential of such encroachment in the foreseeable future.

Fort Pierce

Future industrial/urban encroachment can be anticipated in the vicinity of this site and in the immediate surrounding area.

9. Proximity to State agricultural research and extension centers or other higher educational institutions (weight of 3).

Immokalee

The University of Florida plans to establish a new southwest campus in Fort Myers which would be about 30 miles from the proposed Orlando relocation site.

The University of Florida Southwest Florida Research and Education Center is located about 3 miles from the proposed relocation site.

Fort Pierce

The University of Florida Ft. Pierce Agricultural Research and Education Center is located about a mile from the proposed relocation site.

10. Presence of horticultural grower organizations in the area and potential of active

involvement and support of such organizations for ARS and ARS/State cooperative research programs (weight of 3).

Immokalee

There are organized and active horticultural grower organizations.

Fort Pierce

There are organized and active horticultural grower organizations.

11. Proximity to or accessibility of technical services needed to support agricultural research programs (weight of 2).

Immokalee

Technical services are available from the Ft. Myers area which is 30–35 miles away.

The Director of the University of Florida Southwest Florida Research and Education Center at Immokalee reports that his staff has had no difficulty obtaining technical services for their research programs.

Fort Pierce

Technical services are available from the Ft. Pierce area which is only several miles away.

12. Anticipated ease of recruitment of professional staff. (Access to airports, hospitals, schools, churches, and other community services; quality of life available in the area; and other similar considerations.) (weight of 2).

Immokalee

There would be no anticipated difficulties in recruitment of professional staff.

Fort Pierce

There would be no anticipated difficulties in recruitment of professional staff.

13. Access to public utilities (weight of 2).

Immokalee

Electric and telephone utilities are available at the site. Wells would have to be drilled and a self-contained waste water treatment facility would have to be built as was done for the University of Florida Southwest Florida Research and Education Center located about 3 miles away. Cost of putting in a well and building a waste water treatment facility is estimated to be between $500,000–$1,000,000.

Fort Pierce

Electric and telephone utilities are available at the site.

City water and sewer are available about 1 mile from the site and it would cost $800,000–$1,000,000 to bring them to the site.

14. Cost of land (weight of 2).

Immokalee

Land would be provided by the growers at no cost to the Department.

Fort Pierce

About 150–180 acres of land would be made available under long-term lease from the University of Florida at no cost to the Department.

Cost for leasing additional acreage from the St. Lucie County School Board would have to be negotiated separately and might incur additional expenses or certain future restrictions on the use of land.

15. Relocation costs of Orlando staff (weight of 1).

Immokalee

Relocation costs have not been estimated but would probably be more than the Fort Pierce site.

Fort Pierce

Relocation costs have not been estimated but would probably be less than for the Immokalee site because of the shorter distance from Orlando.

Mr. GOSS. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $171,304,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $20,809,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582-a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $28,157,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; $44,969,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); $103,123,000 for competitive research grants under section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)), including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; $1,818,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3319d); $400,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses, to remain available until expended (7 U.S.C. 2209b); $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $1,000,000 for a higher education minority scholars program under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)), including administrative expenses, to remain available until expended (7 U.S.C. 2209b); $4,000,000 for aquaculture grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322), and other Acts; $7,400,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; and $19,954,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $9,917,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b), of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $413,960,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, $34,148,000, to remain available until expended (7 U.S.C. 2209b).

EXTENSION SERVICE

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $272,582,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $61,431,000; payments for the pest management program under section 3(d) of the Act, $10,147,000; payments for the farm safety and rural health programs under section 3(d) of the Act, $2,988,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research and extension facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,901,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for a groundwater quality program under section 3(d) of the Act, $11,234,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,221,000; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; payments for a Nutrition Education Initiative under section 3(d) of the Act, $4,265,000; payments for a food safety program under section 3(d) of the Act, $2,475,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,341,000; payments for Indian reservation agents under section 3(d) of the Act, $1,750,000; payments for sustainable agriculture programs under section 3(d) of the Act, $2,963,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $25,472,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $7,117,000; in all, $429,200,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

National Agricultural Library

For necessary expenses of the National Agricultural Library, $17,845,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

Office of the Assistant Secretary for Marketing and Inspection Services

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Marketing Service, and Packers and Stockyards Administration, $605,000.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $438,651,000, of which $96,660,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $4,938,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That, if the demand for Agricultural Quarantine Inspection (AQI) user fee financed services is greater than expected and/or other uncontrollable events occur, the Agency may exceed the AQI User Fee limitation by up to 20 per centum, provided such funds are available in the Agricultural Quarantine Inspection User Fee Account, and with notification to the Appropriations Committees: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

In fiscal year 1995 the Agency is authorized to collect fees for the total direct and indirect costs of technical assistance, goods, or services provided to States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $6,973,000, to remain available until expended.

Food Safety and Inspection Service

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $430,929,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Mr. KREIDLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill, and I want to thank the committee for all it is doing to improve the safety of meat and poultry.

Last year, three children in the Pacific Northwest died because they ate Government-approved hamburger that was contaminated with a deadly organism known as E. coli 0157:H7. Since then, Agriculture Secretary Mike Espy has done more than any Secretary in history to bring modern science to meat and poultry inspection in order to prevent more of these tragedies. No one can question his commitment to food safety.

But progress has been painfully, dangerously slow. According to the Centers for Disease Control and Prevention, as many as 20,000 Americans may be infected with E. coli each year, and as many as 300 people die from this infection. There has been and will continue to be legitimate debates about the best ways to keep meat and poultry from contamination, but there has also been foot-dragging and resistance to basic reforms like microbial testing.

That is why the Appropriations Committee has directed USDA to work with other Federal agencies, to establish microbiological standards for food safety, and to sample for microbial pathogens in meat and poultry at critical points in processing to verify that pathogen levels are being controlled.

That is the kind of oversight and direction the Department clearly needs. It's the kind of leadership this Congress ought to be taking. I want to thank Chairman DURBIN and the gentlewoman from Connecticut [Ms. DELAURO], for what they have done to improve our food safety system and protect America's children.

I urge my colleagues to support this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Federal Grain Inspection Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $11,325,000: *Provided*, That this appropriation shall be available pursuant to law (76 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, agricultural cooperatives, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $55,728,000; including funds for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $57,054,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32) (INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,309,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(B)), $1,200,000.

PERISHABLE AGRICULTURAL COMMODITIES ACT

Notwithstanding any other provision of law, for fiscal year 1995 the Agricultural Marketing Service shall recover the full cost of the Perishable Agricultural Commodities Act, including legal services provided by the Office of the General Counsel.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DURBIN: Page 26, strike lines 3 through 8, relating to the Perishable Agricultural Commodities Act, 1930, and insert the following:

PERISHABLE AGRICULTURAL COMMODITIES ACT

Notwithstanding any other provision of law, during fiscal year 1995, the Secretary of Agriculture shall require persons filing complaints under section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), to include a filing fee of $60 per petition. In the event of further action on such a complaint during fiscal year 1995, the person or persons making the complaint shall submit a handling fee of $300, which shall be reimbursed by the commission merchant, dealer, or broker involved whenever the Secretary issues a reparation order under section 7 of such Act on the complaint. Such fees shall be deposited in the Perishable Agricultural Commodities Act Fund.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DURBIN. Mr. Chairman, if I might explain this amendment very briefly. The Perishable Agricultural Commodities Act provision was where the subcommittee was faced with the responsibility of finding additional revenue that we didn't have. I want to salute the Committee on Agriculture, which by unanimous consent yesterday proposed a filing and handling fee which will make up the difference that is needed to find this important program.

Mr. SKEEN. Mr. Chairman, I rise in support of the amendment.

The compromise is OK with us on this side, and it is acceptable. We have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $11,989,000.

FARM INCOME STABILIZATION OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, and the Commodity Credit Corporation, $549,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590(q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241–273); title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3811 et seq.); and laws pertaining to the Commodity Credit Corporation, $717,958,000; of which $716,333,000 is hereby appropriated, and $1,036,000 is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used: (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $72,796,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): *Provided further*, That none of the funds in this Act may be used to offer a Federal crop insurance policy in counties on crops where a loss ratio, that has already been recalculated pursuant to law to reflect the premium rates issued by the Corporation for the 1994 crop year, is in excess of 1.10 more than 70 percent of the years that a policy has been offered since 1980: *Provided further*, That none of the funds in this Act may be used to pay operating and administrative costs that exceed 31 per centum of premium to insurers of policies on which the Corporation provides reinsurance, except to reimburse said insurers for excess loss adjustment expenses as provided for in the Standard Reinsurance Agreement issued by the

Corporation: *Provided further*, That the second proviso shall not apply in any county affected if the Corporation has implemented a nonstandard classification system in such county for those individual farms that have experienced excessive losses since 1980 under which the premium rates, notwithstanding the provision of section 508(d) of the Federal Crop Insurance Act, are increased over comparable rates effective for the 1994 crop, or the insured yields are decreased from comparable yields for the 1994 crop, or a combination of both, by an amount or amounts sufficient to ensure that an estimated loss ratio will not exceed 1.1 for the crop produced on such farms during the 1995 crop year.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we face a peculiar situation here in the Federal Crop Insurance Corporation. This is a critically important program for producers and growers across the United States of America. Last year the gentleman from New Mexico and I tried to lead an effort to start reform of this program, and I think we can claim some measure of success. We said in last year's appropriation bill that if a producer had had an experience on his farm where he had lost his crop 70 percent of the time or more over the last 10 years, that the crop insurance premium charged to that producer in the future would have to reflect that fact.

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The premium would have to be increased accordingly on that farm or the insurance would not be written. It is our belief, and I think that it is a reasonable one, that if someone loses a crop that often, God is trying to tell them something. The Federal taxpayer should not be held accountable when the good Lord has made it clear that they cannot grow that crop on that farm.

As a result of that measure by the subcommittee last year, the full Committee on Agriculture also embarked on a crop insurance reform undertaking. We can report to the Members of the House and taxpayers across this country that we have saved some $70 million this year in the expenses of this program and still have managed to maintain a good program across the United States.

I agree with President Clinton and his administration, Secretary Espy, that more needs to be done. What they have proposed is that we embark on a more ambitious crop insurance reform program. Our goal with this crop insurance reform program is to make sure that producers across the country still have the protection they need. They are in the business, of course, which is vulnerable to changes in weather and prices. We need to provide crop insurance so that should a bad year occur, the good farmer will not be wiped off the books.

What they have proposed is that basically we would eliminate Federal disaster payments which amounts to about $1 billion a year and instead come into the business of offering a very inexpensive crop insurance policy for producers across the country. What the administration proposes is there will be a $50 policy for each crop, no more than $100 per farm, that will provide basic protection for most producers. All would agree that $50 or $100 charge is a nominal filing fee and does not reflect the risk that is being assumed by the Federal taxpayer.

In return, we get out of the business of passing Federal disaster payments for agriculture. Of course, commercial insurance will still be available, and we will be involved in it. But this reform, I think, is a step in the right direction because this subcommittee faced extraordinary pressures in terms of reducing spending. We have included a provision in the Federal crop insurance section calling on the Committee on Agriculture to in fact reform crop insurance, use the $1 billion which had otherwise been paid for disaster payments to subsidize a new program but, in return, find more savings for the taxpayers across the country. We anticipate those savings will be in excess of $200 million.

I know that is a big responsibility for the Committee on Agriculture, but I believe they are up to the job. We are calling on them and hopeful that in the few months ahead, before we go to conference on this bill, that they will be able to institute meaningful crop insurance reform to give peace of mind to producers across this country, to save the Federal taxpayers money and to get us out of the business of Federal disaster payments except in the most extreme circumstances.

I would say that this is one of the more contentious items in the bill, but I think we have handled it in the only responsible way.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: On page 29, line 13, strike "$72,796,000" and insert "$62,796,000, *Provided*, that $12,000,000 be made available for the Animal and Plant Health Inspection Service."

Mr. STENHOLM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Chairman, this amendment is dealing with the exact same situation that the chairman has just talked about. We do have in the House Committee on Agriculture funds that have been provided under the budget agreement of this year in order to allow us and the appropriate committees to deal with the question of crop insurance reform. We all agree that it needs to be done.

The gentleman from South Dakota [Mr. JOHNSON], subcommittee chairman, is working on that at this point in time.

The amendment that I offer today is attempting to help another matter which is, as the chairman has pointed out over and over, the difficulty of funding all of the needed programs in the budget which has been made very difficult. And what I am suggesting today is that by taking an additional $10 million from the crop insurance side of the ledger and transferring that over to the Animal and Plant Health Inspection Service, we will be able to see that the much-needed boll weevil eradication program be continued until we can find other ways to provide for that particular program. So that is the intent of my amendment. It is to transfer $10 million from the crop insurance account, which will provide $12 million additional for the boll weevil control program. And those monies, I am told, will be adequate to continue both programs in a way that will be acceptable to the agricultural community.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I have no objection to where the gentleman is going with his amendment. I think it is a good one. It is a necessary one. I want to be assured, however, that the administrative funds for the reform and for the operation of the crop insurance program will be made whole. There is some $200,000,000.

Can I have that assurance?

Mr. STENHOLM. Mr. Chairman, the gentleman can, as far as I am concerned, because I share the exact same concern. That is certainly the intent of the author of this amendment. If it turns out that that cannot be done, then I would understand this amendment would be stricter in conference and could not be moved forward.

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, with that assurance and the gentleman's word, and knowing how well he keeps it, I have no objection to the amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I am glad the gentleman from New Mexico made that point, because it is one that I agree with. I am very pleased with the response by the gentleman from Texas.

Let me add that I think that the program he is funding, the boll weevil eradication program, is an excellent program, is an excellent program. It is a good example of a program where the Federal taxpayers are making an investment that ultimately reduces the use of agriculture chemicals and still makes certain that we are helping cotton growers across the United States. It is a program that has a proven record of success.

I like the gentleman's amendment, because it provides resources for this program.

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, once again, we have proven if there is a will, there is a way.

Mr. STENHOLM. Mr. Chairman, I thank the chairman and the ranking member. I certainly, as a member of the full Committee on Agriculture, will work with them to accomplish the spirit as well as the intent of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The amendment was agreed to.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman from Illinois [Mr. DURBIN] with a question about crop insurance reform.

We all agree something has to be done especially with the disaster payments which have been completely out of control. However, there is one category that both of us who represents river districts, where a crop is not planted, disaster payments then apply where you cannot insure a crop that cannot be planted in the spring because of floods. Is there going to be some way that we can still accommodate those farmers who, through no fault of their own, are flooded and cannot plant a crop?

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I agree with the gentleman completely. We both lived through this last year. Prevented plantings is a serious problem. The administration tried to respond to that crisis last year, but I think when we deal with crop insurance, we have got to find some way to address prevented planting. It is a very real problem caused by floods, wet weather, and some other natural disasters.

Mr. MYERS of Indiana. Mr. Chairman, I hope the authorizing committee recognizes this and somehow takes care of these farmers. Hopefully, it does not happen that often, but it is still very real to that farmer who cannot plant a crop. They cannot plant rice, even, because we have too much water sometimes in the spring.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, certainly the authorizing committee I think, almost to a person agrees with this. And hopefully, as we get into the authorizing language, it will make the program work as all of us hope it would and do it under the restrained budget numbers that we have to operate under that we can accomplish just exactly that. It is a problem that is widespread and needs to be addressed.

Mr. MYERS of Indiana. Mr. Chairman, that is the main thing, so that we remember that there are those that will not fit into the insurance program as it exists today.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, on the subcommittee that is dealing with the crop insurance restructuring, I do want to say, I think it would be remiss if I did not say I am concerned that the funding level in this bill is not going to be adequate to fully cover the crop insurance reform as has been proposed by the administration. However, on the specific subject that the gentleman mentioned, prevented planting will be covered under the new provisions of the crop insurance proposal reform which is before the committee today.

Mr. MYERS of Indiana. Mr. Chairman, that is good. I thank the gentleman for that assurance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $219,107,000, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1995, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $15,500,000,000 in the President's fiscal year 1995 Budget Request (H. Doc. 103–179)), but not to exceed $15,500,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1995, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, $677,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $576,562,000, to remain available until expended (7 U.S.C. 2209b); of which not less than $5,756,000 is for snow survey and water forecasting and not less than $8,070,000 is for operation and establishment of the plant materials centers: *Provided*, That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $12,970,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $10,546,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C.

2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $65,000,000, to remain available until expended (7 U.S.C. 2209b) (of which $10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That, not to exceed 5 per centum of the foregoing amounts shall be available for allocation to any one State: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $32,845,000, to remain available until expended (7 U.S.C. 2209): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $11,672,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q), and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $100,000,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That not to exceed $15,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,625,000, to remain available until expended, as authorized by that Act.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $5,000,000 to remain available until expended (7 U.S.C. 2209b), to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), $1,743,274,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, and for annual rental payments provided in such contracts, and for technical assistance.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $93,200,000, to remain available until expended: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

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Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I and title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of title I and title II? If not, are there any amendments thereto?

The CHAIRMAN. The Clerk will read.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws, enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, $568,000.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, we are moving fast this morning.

As chairman of the Subcommittee on Department Operations and Nutrition, I can tell you that legislation to authorize the collection of fees to pay for more of the current inspection system, as recommended by the Appropriations Committee, will be highly controversial. What we intend to do is to begin drafting legislation that would implement an improved inspection system that is scientifically defensible, addresses current risks to human health, and is acceptable, cost-wise, to taxpayers, consumers, and producers.

Until that time, I would like to ask the chairman if he would be willing to work with me in directing the USDA to review the manner in which it is presently providing inspection services, and to report to the Congress on how they intend to maintain or improve the integrity and effectiveness of the system, while operating within the proposed appropriation of $431 million which is in this bill?

Mr. DURBIN. Mr. Chairman, I agree with the gentleman from Texas. We have had a conversation on this issue, and I believe we see eye-to-eye on the principles we are seeking to achieve here.

As the gentleman from Washington [Mr. KREIDLER] said earlier, it is important that we move to a new and better and higher level of inspection to give consumers confidence across this country. I think the Department of Agriculture, along with the Congress, has a unique opportunity, and I support the gentleman's suggestion.

Mr. STENHOLM. If the gentleman will continue to yield, I thank the chairman of the committee for that.

I again assure him that our committee will begin as soon as possible, hopefully next week, in doing something that all parties have been interested in doing, and in so doing, perhaps we can be helpful to the subcommittee in the otherwise difficult task of stretching out the available funds.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL DEVELOPMENT ADMINISTRATION

The Secretary may transfer funds from the Farmers Home Administration in this Act to fund the Rural Development Administration, as authorized by law.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: $2,400,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,000,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,915,000 for section 514 farm labor housing; $30,000,000 for section 515 rental housing; and $632,000 for site loans: *Provided*, That up to $48,650,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

AMENDMENTS OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer amendments and I ask unanimous consent that they be considered en bloc and considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. THOMPSON of Mississippi: On page 42, line 12, strike "$2,400,000,000" and insert "$2,323,339,000". On page 42, line 16, strike "$30,000,000" and insert "$220,000,000". On page 42, line 23, strike "$282,640,000" and insert "$268,105,000". On page 43, line 2, strike "$15,750,000" and insert "$115,500,000".

Mr. THOMPSON of Mississippi. Mr. Chairman, the amendment increases the section 515 rural rental housing loan program by $190,000,000, from $30,000,000 up to $220,000,000. To offset this, the amendment decreases section 502 subsidized single-family housing loans by $76,661,000, from $1,400,000,000 down to $1,323,339,000.

In terms of cost, this amendment reduces outlays for the section 502 program by $11,970,000 and increases outlays for the section 515 program by exactly the same amount. Therefore, there is no net cost as a result of this amendment.

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, very briefly, the section 515 program under the Farmers Home Administration is a program which builds multifamily housing in rural America for Americans, usually senior citizens, but not necessarily, who are in lower income categories. In this subcommittee, the gentleman from New Mexico [Mr. SKEEN] and I directed our investigators to take a look at the program, and they investigated it in 12 different States.

They found examples in some States, such as Florida, of excellent administration of the program. They found examples in other States which clearly were not what we wanted to see, and we felt the program was wanting.

Therefore, in our subcommittee markup we reduced the appropriation for this important program to $30 million. I might add that it is about $540 million this fiscal year, so the Members can see this is a dramatic change.

Our purpose, Mr. Chairman, was to alert both the Committee on Banking, Finance, and Urban Affairs, which is reauthorizing the program, as well as all parties interested in this program, that it was time for real reform, so we can tighten up some of the concerns we have about this program.

The reason I am supporting this amendment at this moment to restore the level of funding to $220 million is because of the response not only from the gentleman from Texas [Mr. GONZALEZ] in the Committee on Banking, Finance and Urban Affairs, but also from all of the representatives in the various groups interested in this program. They have come forward in a very constructive manner and have agreed with the conclusions of the committee. They are setting out to reform it, and I think, frankly, that is what we all had hoped would happen.

Mr. Chairman, let me add this caveat. If after the reauthorization is passed and we have not solved the problems, I will be on my feet next year to make certain that this program does not receive the level of funding it has in this year's bill, but I am confident that that will not occur. That is why I support the amendment offered by the gentleman from Mississippi [Mr. THOMPSON].

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not want to take the 5 minutes. I want to say that we concur on this side with the amendment. I think it is a good amendment, and it is a good program. We have to issue a wake-up call to not only the people handling this thing but the agencies who have the oversight responsibility, the people who are handling it, the contractors, and the rest of the people who use the program. It is an essential one for rural communities. It has been a good program, but it has some problems. We want the reform to take place. It is a good transfer of the funding. We have no objection to it, and support the amendment.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today, Representatives THOMPSON, CLYBURN, and I have offered an amendment to restore funding for the Farmers Home Administration section 515 Rural Rental Housing Program. We know fiscal year 1995 budgets are tight, and this amendment will not increase fiscal year 1995 outlays.

Farmers Home Administration administers several important housing programs. This amendment would transfer lending authority from section 502 to section 515. Both programs are equally important to rural America. However, a cut in section 515 from $540 million in fiscal year 1994 to $30 million in fiscal year 1995 is not acceptable. This is a 94 percent reduction in funds.

Section 515 is the only housing program available for very-low-income families in rural America. The average tenant in a section 515 apartment earns less than $8,000. This is only 30 percent of the median rural household income. Section 502 provides homeownership opportunities to rural families with substantially higher incomes. We cannot abandon our commitment to providing housing for Americans of all incomes, especially when there is a shortage of 600,000 affordable rental units in rural areas today. This amendment offers a balanced housing program within FmHA.

Section 515 has led to the creation of 440,000 units throughout rural America. In fiscal year 1994, 14,000 new units will be produced. With the proposed fiscal year 1995, no new units will be produced. More importantly, the proposed $30 million budget will not provide sufficient funds to finance repairs to existing units.

Recent reports prepared by the Surveys and Investigation Staff of this Committee have disclosed many vulnerabilities in section 515. We share these concerns; and I have enrolled H.R. 4579 to correct these deficiencies. H.R. 4579 offers widesweeping reforms in section 515.

We are calling on you to support this amendment. Rather than not funding this worthwhile program, lets fix it, fund it and provide a balanced rural housing program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. THOMPSON].

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: low-income section 502 loans, $282,640,000 of which $17,200,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,690,000; section 514 farm labor housing, $7,911,000; and section 515 rental housing, $15,750,000.

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AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: Page 43, after line 2, insert the following:

In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, be derived from the amount made available under this heading for the cost of low-income section 502 loans and to become available for obligation only upon the enactment of authorizing legislation.

Mr. BEREUTER. Mr. Chairman, this Member is offering an amendment which the chairman of the subcommittee, Mr. DURBIN, has graciously agreed to accept. The Bereuter amendment will transfer $1 million from the 502 Direct Loan Program and reserve it for funding a Rural Rental Housing Guarantee Program which the Banking Committee is in the process of authorizing. This 50 project demonstration program to provide Federal loan guarantees for the development of multifamily rental rural housing is included in H.R. 3838 which passed the Banking Committee on June 15, 1994. We would specify that the $1 million transfer would become available only upon the enactment of the authorizing legislation. This amendment has the approval of Chairman GONZALEZ of the Banking Committee, the Banking Committee's ranking member, Mr. LEACH, and the Housing Subcommittee's ranking member, Mrs. ROUKEMA.

The demonstration being funded would finance 25 projects in each of fiscal years 1995 and 1996 and would provide a 90 percent guarantee on loans made by private lenders to the developers of rental housing for five or more families.

Current law provides direct loans for the development of rental housing for low to moderate income families. The demonstration program will provide for additional housing for moderate income families at a limited cost to the Federal Government. Unlike direct loans, which require appropriations of the whole amount of a loan, loan guarantees only cost the Federal Government the amount of defaults on private loans.

This amendment will allow us to move forward to provide a cost effective new method for financing rural rental housing. This Member thanks Chairman DURBIN, the ranking member, Mr. SKEEN, and the leadership of the House Banking Committee for their cooperation in making this amendment possible.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I want to commend the gentleman on the amendment. I think it is a good innovation and one that should be tried. I think it shows the flexibility that we have toward some of these programs and the way they operate. We commend the gentleman and accept the amendment.

Mr. BEREUTER. I thank the gentleman.

Mr. Chairman, based upon the experience with the 502 home loan guarantee for single family, it is very cost effective with the default rate being less than 1.59 percent and going down.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Illinois, chairman of the subcommittee.

Mr. DURBIN. Mr. Chairman, I say to the gentleman from Nebraska that I rise in support of his amendment.

I would like to acknowledge the important role the gentleman has played in establishing a program which I consider to be an unqualified success, that is, the 502 Guaranteed Unsubsidized Housing Program. This is a program which has demonstrated that through some creative thinking, we can bring together various agencies at the Federal level to provide families of modest incomes the opportunity for home ownership in rural areas. I have had three different seminars in my congressional district bringing together bankers, realtors, and developers to tell them about this program, and in each and every instance they were absolutely shocked to find out how simple this program was, how little paperwork was involved, and frankly they warmed up to using this program across my district and, as we see, across the Nation.

The gentleman from Nebraska deserves credit for this. He has worked long and hard on it. I think what he is suggesting today is an extension of that concept and one which I hope will be just as successful. I appreciate the fact that we are awaiting authorizing legislation and his assurance that the gentleman from Texas [Mr. GONZALEZ], who also has supported this program very strongly, supports this amendment today. I rise in support of his effort.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his very kind words. I myself have had two such seminars lately in Norfolk and Lincoln, and frankly developers, lenders, home builders, and many other people involved cannot believe how simple it is to use the 502 Program.

We hope it will be a model for this program for rural rental housing multifamily.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $389,818,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $523,008,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1995 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct loans, as authorized by section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $603,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $11,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $14,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $618,755,000, of which $540,674,000 shall be for guaranteed loans; operating loans, $2,465,000,000, of which $1,735,000,000 shall be for unsubsidized guaranteed loans and $230,000,000 shall be for subsidized guaranteed loans; $4,312,000 for water development, use, and conservation loans, of which $1,415,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; and for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $31,853,000, of which $20,870,000 shall be for guaranteed loans; operating loans, $95,340,000, of which $9,360,000 shall be for unsubsidized guaranteed loans and $29,425,000 shall be for subsidized guaranteed loans; $411,000 for water development, use, and conservation loans, of which $31,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $123,000; and for emergency insured loans, $26,060,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $243,766,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, $834,193,000; community facility loans, $300,000,000, of which $75,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $500,000,000: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations: *Provided further*, That of the amounts appropriated above, $17,000,000 of direct water and sewer facility, $7,800,000 of direct community facility, and $11,000,000 of guaranteed industrial development loan funds shall be available through July 30, 1995, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct water and sewer facility loans, $115,786,000; direct community facility loans, $21,723,000; guaranteed community facility loans, $3,728,000; and guaranteed industrial development loans, $4,750,000: *Provided*, That of the amounts appropriated in this paragraph, $2,360,000 for direct water and sewer facility loans, $753,000 for direct community facility, and $103,000 for guaranteed industrial development loans shall be available through July 30, 1995, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $57,294,000.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans, $46,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $88,038,000: *Provided further*, That through July 30, 1995, of these amounts, $5,519,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $10,565,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,476,000.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $2,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to section 306(a)(2) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $500,000,000, to remain available until expended, pursuant to section 306(d) of the above Act of which $19,047,000 shall be available, through July 30, 1995, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, and of which $25,000,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: *Provided*, That, with the exception of the foregoing $19,047,000, and the foregoing $25,000,000, these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $24,900,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,900,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,650,000, to remain available until expended (7 U.S.C. 2209b).

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,400,000, to remain available until expended.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,400,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $495,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $22,000,000.

RURAL BUSINESS ENTERPRISE GRANTS

For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $47,500,000, of which $2,000,000 shall be to assist in developing cooperative efforts to provide information and technical assistance to under-represented groups in traditionally agricultural or other natural resource dependent communities for encouraging business development; and of which $9,500,000 shall be available through July 30, 1995, for assistance to empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, $2,995,000: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $2,995,000, to remain available until expended.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

For grants pursuant to section 310(f) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $1,500,000.

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

For grants pursuant to section 306(a)(11)(A) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $2,500,000.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title III–A of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), as amended; the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457); and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), and such other programs which the Farmers Home Administration has the responsibility for administering, $700,585,000; of which $37,811,000 is hereby appropriated, $374,255,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account in this Act and merged with this account, $229,735,000 shall be derived by transfer from the Agriculture Credit Insurance Fund Program Account in this Act and merged with this account, $57,294,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, $1,476,000 shall be derived by transfer from the Rural Development Loan Fund Program Account in this Act and merged with this account, and $14,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account: *Provided*, That not to exceed $515,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $4,159,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $2,000,000 shall be available through cooperative agreements to assist in developing efforts to provide information and technical assistance to traditionally under-represented communities to encourage business community development.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $100,000,000; 5 percent rural telephone loans, $75,000,000; cost of money rural telephone loans, $198,000,000; municipal rate rural electric loans, $575,250,000; and loans made pursuant to section 306 of that Act, $420,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $19,120,000; cost of municipal rate loans, $46,020,000; cost of money rural telephone loans, $40,000; cost of loans guaranteed pursuant to section 306, $450,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1995 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $2,728,000.

In addition, for administrative expenses necessary to carry out the loan programs, $8,794,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $7,500,000, to remain available until expended.

REA ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For gross obligations for the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,077,000.

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1994, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $38,776,000; of which $29,982,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account in this Act and $8,794,000 shall be derived by transfer from the Rural Telephone Bank Program Account in this Act: *Provided*, That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the balance of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order to the balance of title III?

If not, are there any amendments to the balance of title III?

Mr. BARRETT of Nebraska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had hoped to be here earlier but was unavoidably detained.

Mr. Chairman, it had been my intention to offer amendments to restore at least half of the funding cut from the Food Safety Inspection Service. But after consulting with legislative counsel and Appropriations Committee staff, it was evident that an attempt at en bloc amendments at this point would not succeed, and an attempt to simply add the money—albeit with amendments to cut to follow—would be ruled out of order, because the addition of funding would push the bill's outlays over the 602(b) allocations.

This is an extremely frustrating situation. Here we have a bill that unnecessarily harms production agriculture, and those of us who would like to try to do something about it, have our hands tied behind our backs.

This bill reduces FSIS funding $85 million from the fiscal year 1994 funding level. The cut actually translates into a $103 million shortfall, because that is the amount needed to retain services at the current level in fiscal year 1995. This is a 16.6 percent reduction, and it is not fair.

By cutting FSIS, the beef cattle industry, which is already experiencing the lowest prices they have had in 10 years, will most likely take a deep nose dive.

I have been getting calls and letters into my office by cattle growers all over Nebraska, that are being hit hard by the latest downward trend in cattle prices.

On top of this, in this era of Government efficiency, this bill now tells producers they must pay a user fee, and if they're lucky, they will get their cattle into the slaughterhouse, because USDA will only have enough money to pay inspectors for one shift per day.

This should not be the news Congress should be giving producers.

I sat down with my staff and a calculator, and we quickly found a way to restore nearly half the cuts in FSIS, by reducing the increases—I repeat increases—in a number of programs and redirecting those dollars to FSIS.

For example, giving the Rural Rental Assistance Program a 10-percent increase instead of a 17-percent increase, frees up more than $31 million for meat inspection.

FDA buildings and facilities got a 117 percent increase, an increase that was not requested by the administration. A mere 50 percent increase would have freed up $4 million for more meat inspection services.

For FDA's salaries and expenses account, H.R. 4554 calls for 2.66 percent increase. By only increasing FDA's salaries by 2 percent, there is an additional $5 million that can go to the FSIS.

The irony in this example is that the FSIS and the FDA both have a common purpose—consumer protection. Yet, while the FDA is slated for increased funding, this bill guts the FSIS' mission.

It is my understanding that a motion to recommit will be offered by Mr. DELAY. I have encouraged him to include instructions in his motion, for restoring FSIS funding, and I urge my colleagues to support the people who put the meat on the table, and support this recommit with instructions.

This is supposed to be an agriculture appropriations bill. Let's make it so.

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Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I might say to my colleague and friend from Nebraska that I concur with many of the points that he has made, and I understand the travails that are facing the beef and cattle industry at this moment.

But this subcommittee really had its hands full. We had to cut, make drastic cuts, from last year's appropriations bill. We have assumed a recommendation made under the Reagan administration, the Bush administration, and the Clinton administration that a user fee be enacted that would cover second- and third-shift inspections at meat and poultry facilities. The Federal taxpayers would still assume the responsibility for first-shift inspections, but second and third shifts would be covered by a user fee paid by the industry.

I wish this were not the case. I wish we did not have to request this. Unfortunately, if we are really going to reduce this deficit, if we are going to bring down spending, we are going to face choices like this every day on the floor of the House of Representatives.

Let me quickly add that our subcommittee does not have authority to impose this user fee. We have turned to the committee of jurisdiction, the Committee on Agriculture, to ask them to tackle this very difficult problem.

Your friend and colleague, the gentleman from Texas [Mr. STENHOLM], was on the floor earlier addressing this issue in a colloquy. He made a point which I agreed with, that we should work with the Department of Agriculture in the next few months to do our best to come up with the fairest way to reform the current system and to try to reduce any burden there might be on the processors and those that use this inspection service. I think he is on the right track.

What we really need is a revolution in thinking about meat and poultry inspection. In my callow youth, I spent 12 months working in a slaughterhouse in East St. Louis, IL, working my way through college. The Federal meat inspectors were at that time men, all men, wearing white smocks, white helmets, who stood and watched as the carcasses went down the line. If they saw anything that looked unusual or smelled bad, they stopped it. That was it. That was a pretty good system when you consider the rest of the world.

Today our consumers are demanding more. They are asking for more confidence in the products that go through this inspection process. We have a responsibility to meet those demands. I have given those responsibilities, the gentleman from New Mexico [Mr. SKEEN] and I have, to the Committee on Agriculture. It is a tough job. We will work with them.

But I think when it is all done, we are going to have a modern system of meat and poultry inspection to the credit of ranchers and cattlemen and pork producers and those in the poultry industry across the United States. It's a tough job, and I think the gentleman has acknowledged how tough it will be, but I think it is one we can be proud of that we are facing this responsibility in trying to address it.

Mr. BARRETT of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Nebraska.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for his remarks, the explanation.

I continue, however, to have my own serious concerns about not only the cattle industry but further reductions in agriculture appropriations.

Mr. DURBIN. Let me just say this to the gentleman: We cannot continue to call for deficit reduction, spending cuts, program reductions, and be surprised or shocked that we come out with appropriation bills like this.

We have to understand that all of the speeches we have made about deficit reduction eventually are going to result in appropriation bills that cut very important programs. I will say to the gentleman that, as we give our speeches about deficit reduction and balanced budgets and A to Z and line-item vetoes, let us cut more, we have got to reduce the deficit, ultimately we have to pay the piper. This is what this bill is faced with.

So many farm groups came to me last year when the Clinton deficit reduction plan was on the table, and said we need to cut more spending, Clinton does not cut enough spending. I, frankly, think the President did. I voted for it. I know the gentleman did not. But if we had cut more spending then in deficit reduction, this bill would be even worse today.

When we vote on the floor of the House to exempt the Veterans' Administration from any cuts in their budget, we put more burden on valuable farm programs. What I am suggesting to the gentleman is we have got to look beyond the big picture to the specific appropriation bills.

The gentleman from New Mexico and I had the unenviable task of wrestling with deficit reduction policy in its extreme.

Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. I want to respond to the gentleman from Nebraska.

You have made an excellent point. As a cattle grower myself, we are always sensitive to any change in the processing or whatever that has a reflection on the price of beef. But, of course, the price of beef has gone down even without the system being imposed.

It always bothers me about where are the variables in those markets. And we do not want the processors to have to assume more of a burden, because that is passed on to the consumer and not the producer.

So it is a very ticklish situation, and it is one that takes a lot of introspection, a lot of deep thinking, and a lot of understanding, and I think together, I appreciate the representations you have made for those growers.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

Mr. SKEEN. Mr. Chairman, I move to strike the last word. I will not take the 5 minutes, but this is an opportunity to say to the people of this country we ought to know more about the whole process rather than taking it for granted as we have in the past.

Because there are a lot of people who are leaving the production area because there is just absolutely no way you can make a good living out of that. We do not want to exacerbate that by what we do in the Congress of the United States.

So we do these things with a lot of concern and a lot of care. We appreciate your concern and your expression.

The CHAIRMAN. Are there further amendments to the remainder of title III?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 51, strike lines 1 through 5.

Mr. BURTON of Indiana. Mr. Chairman, 2 years ago, a new program was started. It was an outreach program for socially disadvantaged farmers and ranchers, and we put $1 million into that program. I objected to it at that time because nobody in this Chamber could give me a definition of what a socially disadvantaged farmer or rancher was, and then somebody, and I think it was the gentleman from Texas [Mr. DE LA GARZA], came down and said, well, it is people who have been discriminated against because of ethnicity, their ethnic background, because of their social background and so forth.

Then we involved ourselves in a colloquy. We found that under the civil rights laws we have right now anybody who is discriminated against for those reasons can go to court, and there are criminal penalties. So we really do not need it for that purpose.

So today we have not $1 million in here. It was raised to $3 million last year. This year it is $3 million again.

I noticed the chairman and ranking Republican on this committee cut $5,000 out of it. I appreciate that. But it is still really $3 million, three times what it was just 2 years ago.

The fact of the matter is we do not need this program. Nobody knows what a socially disadvantaged farmer is. As a matter of fact, the money, the largest part of it, went to 21 different universities and colleges around the country to implement the program. It looks like to me it is a pork-barrel project for 21 or 22 universities, because the money is not getting to the farmers in the first place.

We have extension programs to help farmers with problems they have like filling out forms or understanding what kind of herbicides or pesticides to use or anything that has to do with farming. Yet here is a program nobody knows what it is for, nobody knows who it is supposed to help, they cannot explain it on the floor of the House, and we are spending $3 million for it.

So I would say to my colleague, the gentleman from Nebraska, and my colleague, the gentleman from New Mexico, we are talking about this bill being cut because of other programs, other appropriations bills not being cut, and this bill has been cut unfairly. Here is $3 million we can take out that nobody is going to miss, because it is not helping anybody except 21 universities, and nobody knows what they are doing with the money.

If you look at the definition on page 1, it says, and here is what this money is used for, one-on-one assistance in filling out the forms required for participating in agricultural programs. Your extension programs do that. There will be special training courses and meetings to explain the provisions of these programs. They do that as well. Both individual and group training and assistance will be provided on such matters as land preparation, planting, seed selection, harvesting, and marketing. They do that as well. Sources of financial assistance including Farmers Home Administration's own lending program will be identified. They do that as well.

So what is the purpose of this program? If it is to make sure there is no discrimination based upon people's ethnic background or social background, that is already in the law under the civil rights law.

We have got the Farmers Home Administration; we have got the extension programs. What do we need to be spending this $3 million on this program for? It makes absolutely no sense, and if somebody can explain to me in some detail what a socially disadvantaged farmer or rancher is, I would love to hear it, because I have been waiting for 3 years, and I still do not have an answer.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in opposition to the amendment offered by the gentleman from Indiana.

If I might, I would like to explain a little bit about this program. The gentleman understands that the Extension Service has a responsibility nationwide to help many individuals including farmers, ranchers, and other producers to deal with some of the challenges they face in farming and ranching.

The Extension Service does an excellent job. I have been surprised that their reach goes far beyond the farm and rural areas. In fact, it is even felt in many cities around the country.

What was done in the last farm bill was to try to separate a small part of the Extension Service budget and to focus on those farmers and producers who are socially disadvantaged, as the bill characterizes them.

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We are talking about African-Americans, American Indians, Hispanic-Americans and they comprise about 3 percent of our farm population nationwide. The money which is given to the 21 colleges and universities under this act is used to establish programs of outreach to help these minority and socially disadvantaged farmers and ranchers deal with the challenges that they face today in farming. It is a specialized program, I will concede, but it is not unique. The services the Extension Service offers nationwide really parallel what is being offered through this program. We are trying to focus though on colleges and universities which serve a special constituency.

I think the gentleman, if he will review the colleges which receive the money, will find among them many rural colleges and those that are historically black colleges, and cooperatives in the areas where American Indians can be found, which really try to focus on minority needs. I might say to the gentleman that some 81 different institutions applied for moneys under this program for this purpose. The 21 that are enumerated; I am sure the gentleman has seen this list, were the winners in that competition.

I do not think it is unreasonable for us to do this. The Extension Service has a valuable job, an important job. What we are trying to do with a small sliver of funding is to focus on what we consider to be a special problem.

I have dealt with the Committee on Agriculture, which, of course, has created the authorizing language for this program, and I frankly hope that the gentleman will reconsider his position, and I rise in opposition to his amendment.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the gentleman's disconcertion over whether or not what is a socially disadvantaged farmer or rancher. Already we have discussed this morning about our economic disadvantageous situations, and most farmers or agriculturalists are in that position to begin with, but coming from a State like the State of New Mexico where we have a tricultural background, 48 percent of my district is Hispanic, also we have the native Americans and one who has worked in the field with Extension Service and some of the rest, there are just a lot of cracks in this thing that cannot be spanned by any existing programs other than the socially disadvantaged program that we put the $3 million in, and we took $5,000 out of it, I know.

But this is a program that has a place. It can be used because there is not available to some of these people the regular Extension Service from the land grant colleges. There is an absolute and essential need. There is no question about that. If the gentleman is not convinced, then I invite him to come take a look at the way the program is operating in my State and some of the other States that have these cultural, large cultural, groups that are agriculturally based primarily, and to see how it works, because the money has been well used and has not been wasted, and I think it is a program that we should continue until there is no such thing, or even a need, to define what is socially disadvantageous or economically disadvantageous just insofar as agriculture is concerned.

Mr. Chairman, I yield back the balance of my time.

Mr. PASTOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to tell my colleague, the gentleman from Indiana [Mr. BURTON], that some of the people who benefit from his program are the people who live on the Navajo Nation. We have some of these moneys going to the Navajo Community College and also Crown Point Community College.

As my colleagues know, the land that they have sometimes does not produce most effectively, and also we want to make sure that the land they do have, that they take care of it and make sure that we do not have soil erosion, et cetera, use the water, proper planning.

So, in my particular area, and also with the area that the ranking member represents, this area, or these moneys, help the Navajo Nation to produce more effectively.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, this is a time of severe fiscal and budgetary problems for this Nation. There is just no question about it. Everybody knows that. Even the President has talked about that. The deficit has been out of control. The national debt is about $4.5 to $5 trillion, and we should be economizing everywhere we can.

The gentleman from Illinois [Mr. DURBIN] has said that this is a parallel program. It is a duplicate program. Parallel, duplicate; it is the same thing. The fact of the matter is that we are spending $3 million for a program that is already being provided by the farmers extension programs, by the Agriculture Department and anybody who feels like they are being discriminated against already has protection under the civil rights laws. There is just no reason for this.

Now, when we look at the universities that are getting this money: Arkansas Land and Farm Development, the Association for Community Based Education, Salinas, CA, University of Vermont in Burlington, VT, Lincoln University in Missouri, Jefferson City, MO, Southern University A&M College, Baton Rouge, LA, Florida A&M University in Tallahassee, Tuskegee University, Tuskegee, AL, University of Arkansas at Pine Bluff, AR, we do not need this program. It is a duplication. It is $3 million that is really a waste of taxpayers' money. Nobody really has given us a true definition of what a socially disadvantaged farmer is. If a farmer has a problem and needs additional education, needs help in filling out forms, as is alleged in this bill that this is supposed to help, they can get it already. We do not need to spend this $3 million, and, if we have the fiscal problems that we all know we already have, then here is a way to save $3 million of taxpayers' money, and it can be used on another, possibly better, program for the farmers.

Ms. MCKINNEY. Mr. Chairman, the Minority Farm Outreach Program funded under section 2501(a) of the 1990 FACT Act is a serious, critical and long overdue effort to redress the years of discrimination faced by minority producers in this Nation. Mr. BURTON last year, during his attempt to delete these funds, repeated a question posed to him of whether a socially disadvantaged farmer is one who cannot get a date to a barn dance. This statement mocks the seriousness of a situation which should cause us great shame.

The Socially Disadvantaged Farmer/Rancher Program is extremely cost effective because it provides the assistance directly to the organizations who can work directly with these farmers to keep them on the land. In 1975 there were only 175 African-American farmers under the age of 25 in the entire Nation. Lets bring our young people back to the land, and develop diversification and marketing plans essential to the future of minority farm agriculture. We need this program for our farmers.

Mr. BISHOP. Mr. Chairman, I rise outraged at this amendment and ask for all my colleagues in the House to oppose this amendment. This program was authorized under the farm bill under the leadership of the current Secretary of Agriculture at $10 million per year. The subcommittee has cut the program below the President's request and below last year's level. There is a longstanding history of discrimination at USDA and this program provides technical assistance to members of our society which have been discriminated against over the years.

Let us look at the facts. In 1920, 900,000 black farmers owned over 15 million acres of land. That is almost 1 million black farmers. By 1960, that number had dropped to 100,000 black farmers with less than 6 million acres. By 1980, only 57,000 blacks owned less than 4 million acres. Mr. Speaker and Members of the House, in 1987, the U.S. Agricultural census could only document 25,000 black farmers owning less than 2.5 million acres. So where have we come. From 900,000 farmers to 25,000. That my colleagues is shameful and unacceptable.

We must first admit there have been longstanding problems regarding USDA's treatment of the black farmer. The 1982 U.S. Civil Rights Commission Report stated that without comprehensive action, no black farmers will remain by the year 2000.

This is an essential program which demands our support. I resent the gentleman from Indiana offering this amendment and would like to give him the opportunity to withdraw the amendment at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 264, not voting 36, as follows:

[Roll No. 254]

AYES—139

Allard
Archer
Armey
Baker (CA)
Ballenger
Barca
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (NJ)
Gilchrest
Gillmor
Gingrich
Goodlatte
Goss
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Manzullo
McCollum
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Ramstad
Ravenel
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Sensenbrenner
Shaw
Shays
Shuster
Slaughter
Smith (MI)
Snowe
Solomon
Spence
Stearns
Stump
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Upton
Vucanovich
Walker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—264

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McHale
McKinney
McNulty
Meehan

Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roberts
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (TX)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—36

Andrews (ME)
Boehlert
Brooks
Brown (CA)
Clay
Collins (IL)
Crane
Derrick
Faleomavaega (AS)
Flake
Gallo
Grams
Hayes
Hilliard
Laughlin
Lipinski
Livingston
Machtley
McCurdy
McMillan
Michel
Miller (CA)
Moran
Neal (NC)
Pryce (OH)
Quinn
Reynolds
Ridge
Romero-Barcelo (PR)
Rush
Slattery
Smith (OR)
Talent
Tucker
Washington
Weldon

☐ 1040

The Clerk announced the following pairs:

On this vote:

Mr. Grams for, with Mrs. Collins of Illinois against.

Mr. Quinn for, with Mr. Tucker against.

Messrs. McCANDLESS, CUNNINGHAM, and FOGLIETTA changed their vote from "aye" to "no."

Messrs. CAMP, TAYLOR of Mississippi, SAXTON, HALL of Texas, EWING, BARCA of Wisconsin, and HOBSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the remainder of title III?

Mr. FAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to, among other things, congratulate the gentleman from Illinois [Mr. DURBIN] and the gentleman from New Mexico [Mr. SKEEN] for the tremendous job they have done in a very, very difficult budgetary environment.

Having congratulated the chairman and the ranking member, I want to say that I was particularly troubled, though, by some of the debate that took place last night as part of general debate on this agricultural appropriations bill and some of the information that has been disseminated in "Dear Colleague" letters that urge a no vote on this bill, because, in fact, it cuts agricultural programs too deeply.

It seems to me that it is rank hypocrisy to advocate spending cuts, specific spending cuts in the agricultural area, and then urge Members to vote no because this bill cuts spending.

In fact, many of our colleagues on the other side of the aisle have voted for spending cuts that are far deeper than those that the gentleman from Illinois [Mr. DURBIN] and the gentleman from New Mexico [Mr. SKEEN] have been required to bring to the floor on this bill.

I wanted to point out that the gentleman from Ohio [Mr. KASICH], the Republican ranking member on the Committee on the Budget, has deservedly won plaudits for his very specific budget resolution; the fact that when it was submitted to the House, it contained detailed spending cuts. And so for the first time in many years, we are really able to trace Republican spending priorities on agricultural issues.

The proposal of the gentleman from Ohio [Mr. KASICH], which was defeated but supported by an overwhelming number of Republicans, gives us a blueprint as to Republican priorities in the agricultural spending area.

Only nine Republicans opposed the proposal of the gentleman from Ohio [Mr. KASICH]. In fact, of the 158 who supported it in a losing cause, an overwhelming number of agricultural district Republicans supported it.

I have looked through the voting records. I note that in Colorado, in Georgia, in Indiana, in Iowa, and in Kansas, in fact, Republicans unanimously supported the Kasich budget as it relates to agriculture.

But let me tell Members what that does. It specifically cuts $8.9 billion over 5 years. And this, of course, is in discretionary spending, in most cases the same kind of spending cuts that the gentleman from Illinois [Mr. DURBIN] and the gentleman from New Mexico [Mr. SKEEN] have been dealing with in this bill. Much deeper cuts were recommended and supported by the Republicans in the Kasich budget.

Let me read into the RECORD just what they have proposed we do before they come to the floor and urge we defeat this bill.

They have proposed that we reduce the Farmers Home Administration farm loan program by $423 million, cut over 5 years. They have proposed a reduction in the Agricultural Research Service of $830 million cut over 5 years. They have proposed a reduction in the Agricultural Extension Service of $505 million cut over 5 years. They have proposed to cut $889 million in farm agency field offices over 5 years. They have proposed to restructure the nonfarm service agencies within the Department to the tune of a $535 million cut over 5 years.

They went after the Foreign Agricultural Trade Service, cut it $33 million over 5 years; proposed a reduction in the funding for the Cooperative States Research Service to the tune of $331 million cut over 5 years.

They proposed a reduction in a number of programs that are really in tune with rural development, including water and sewer program and propose to cut the WIC Program by $882 million cut over 5 years.

The Department of Agriculture's overhead was supposed to take a $3.4 billion reduction over 5 years. This sort of program reduction, of course, is felt by people on the farm.

And a reduction in loan guarantees under the USDA Export Credit Commodity Program, the Commodity Credit Corporation, a $1.1 billion cut over 5 years. And of course, just for good public relations, they threw in the honey program for $3 million, quite in contrast to the billions and hundreds of millions that are cut in programs that really do serve the needs of agriculture in its most basic sense.

So I am here today to say that I think this committee has done an excellent job. The net reduction in discretionary spending is forced by the need to reduce the overall deficit of this country. And for Republicans to urge a no vote on this bill, after savaging agricultural programs in their budget, is rank hypocrisy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $540,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789); $7,451,351,000, to remain available through September 30, 1996, of which $2,202,274,000 is hereby appropriated and $5,249,077,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to $3,849,000 shall be available for independent verification of school food service claims: *Provided further*, That $1,706,000 shall be available to provide financial and other assistance to operate the Food Service Management Institute.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $18,089,000, to remain available through September 30, 1996. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,470,000,000, to remain available through September 30, 1996, of which up to $5,500,000 may be used to carry out the farmer's market coupon program: *Provided*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That no State will incur an interest liability to the Federal Government on WIC rebate funds provided that all interest earned by the State on these funds is used for program purposes.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $94,500,000, to remain available through September 30, 1996: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2029), $28,817,457,000: *Provided*, That funds provided herein shall remain available through September 30, 1995, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That $2,500,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That $1,143,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by U.S.C. 2028, of which $12,472,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project: *Provided further*, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1994.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $183,154,000, to remain available through September 30, 1996.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000: *Provided*, That in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $106,465,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law; *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1050

The CHAIRMAN. Are there any points of order or amendments thereto? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $118,011,000, of which $4,914,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation Program Account in this Act, and $1,425,000 may be transferred from the Public Law 480 Program Account in this Act: *Provided*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

Mr. EWING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I repeatedly hear on this floor talk about how cuts on the discretionary agriculture budget are to reduce the deficit. I would like to have the leadership on the other side, who orchestrates this, tell us about the cuts in the President's program before. How many times has the gentleman cut the operating budget of agriculture? He knows he has done it repeatedly, and at the same time, he increases the spending on the social side of the agriculture budget.

Mr. Chairman, I would say to the gentleman, please quit putting out that word that only discretionary spending is being cut for the deficit. Of course it is, but the gentleman is putting it back in spending on the nondiscretionary side.

Mr. DURBIN. Will the gentleman yield?

Mr. EWING. I certainly will.

Mr. DURBIN. Mr. Chairman, I would like to concede to the gentleman that there are increases in this bill. They are very limited. Of the 90 some different programs that we have jurisdiction over in this appropriation bill, a handful received increases. Our committee report enumerates most of those increases.

Mr. Chairman, I am sure the gentleman from Illinois [Mr. EWING] believes, as I do, that the WIC program, which now serves 40 percent of the infants in America, is a critical investment in the future, not only of urban America, but also of rural America.

Mr. Chairman, we have provided $90 million less than the President asked for, but we are on the track toward full funding for WIC. The gentleman represents a rural area, as I do, and he knows that there are many senior citizens and poor families in rural areas that need public housing. We provide some $76 million in rental assistance to help those senior citizens, and to help those poor families find housing.

Mr. EWING. Reclaiming my time, Mr. Chairman, let me say that that is probably very true, but the gentleman is increasing WIC. He did not cut WIC.

Mr. DURBIN. If the gentleman will continue to yield, that is true.

Mr. EWING. The gentleman is cutting the production programs that provide the cheap food policy of this country and assist every family, poor and rich, in this country, and particularly the poor.

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I serve on the Committee on Agriculture, and I would have to say that the Republicans on the committee were willing to look at the need to reduce deficit spending. Those of us who represent agricultural districts were willing to make our shared sacrifice in reaching that goal.

However, what is happening with this appropriation bill, and generally what is happening in the Department of Agriculture, is that 60 percent of the Department of Agriculture is going into nutrition programs, and only about 20 percent is actually going to production agriculture.

Mr. Chairman, the bottom line is that we are taking away from those who are working and trying to produce and feed this country, in fact, feed the world, and giving to those who are becoming more reliant on the Government and not actually producing people.

When we look at the continued burden we are putting on the farmer in the way of rules and regulations, we are making it more difficult for him to do business. We are increasing his taxes. In addition, Mr. Chairman, we are knocking him out in the agricultural department and not giving him the support that he really needs.

Mr. EWING. Mr. Chairman, reclaiming my time, very simply, no one can dispute this, except maybe the figures, and I do not have them here in front of me, but we know we cut the agriculture budget about $4 billion for the President's deficit reduction program in production agriculture, and we know that we have cut it repeatedly, and that it has been going down every year.

The farmers in my district, the agricultural producers in my district, want to take their share of the deficit reduction. They just cannot take it all. Neither can defense. That is exactly what the gentleman is doing on that side of the aisle, cutting defense and cutting agriculture, and putting it into social spending. Let me tell the gentleman, the American people it is not lost on. They know what is happening.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. EWING. I certainly will.

Mr. DURBIN. Mr. Chairman, I just need to know, does the gentleman support full funding of the WIC program?

Mr. EWING. Mr. Chairman, I would say to the gentleman that I support funding of the WIC program at its level of last year. Any increases over that should not be done at the expense of production agriculture.

Mr. DURBIN. I thank the gentleman.

Mr. EWING. Mr. Chairman, if the President wants funding, he can allocate more money to that without the gentleman taking it from discretionary funding of the agriculture budget.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, does the gentleman remember voting for the Kasich budget?

Mr. EWING. I did, Mr. Chairman.

Mr. FAZIO. If the gentleman will yield further, does the gentleman realize that the cut over 5 years was $8.9 billion, and much of that out of discretionary spending on agriculture?

Mr. EWING. I do, Mr. Chairman, and I do that because, as I said before, I am willing and the people in my district are willing to take their share of the cut for deficit reduction.

The Kasich budget cut many other things.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. EWING] has expired.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that the remainder of title V be considered as read, be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title V is as follows:

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

LIMITATION ON ADMINISTRATIVE EXPENSES

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

PUBLIC LAW 480 PROGRAM ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $291,342,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $29,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,100,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $157,442,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act: *Provided*, That not to exceed 15 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $236,162,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $2,461,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section

211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101-624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Agricultural Stabilization and Conservation Service.

The CHAIRMAN. Are there any points of order or amendments to the balance of title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $914,394,000, of which not to exceed $79,423,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1995 shall be subject to the fiscal year 1995 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

None of the funds in this Act may be used to enforce rules or regulations for a selenium supplement level in animal feeds below 0.3 parts per million.

In addition, of the foregoing amount such sums as may be necessary may be used for the inspection of mammography facilities, notwithstanding section 354(r) of the Public Health Service Act. Fees collected under said Act shall be credited to the foregoing account and shall remain available until expended.

In addition to amounts provided, proceeds from the sale of any animals that are surplus to FDA's needs shall be retained by the Food and Drug Administration and credited to the salaries and expenses appropriation for 1995.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $18,150,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $57,026,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $47,480,000, including not to exceed $1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge fees to cover the cost of Commission-sponsored educational events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,420,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order to title VI?

If not, are there amendments to title VI?

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. SMITH of Texas: Page 68, line 14, strike "$914,394,000" and insert "$913,927,000".

Mr. SMITH of Texas. Mr. Chairman, I rise today to offer an amendment to the House Agriculture appropriations bill that makes a $467,000 cut in the Food and Drug Administration's appropriation level. This tiny cut is designed to make a large point: It is past time that the Federal Government cease to allow unnecessary, unjustified, and in this case, downright unusual, spending to continue merely because it occurs in the dark recesses of the Federal budget.

My amendment cutting $467,000 is designed to equal the difference in the cost of new Public Health Service Commissioned Corps hires and general schedule hires in the next fiscal year. This amendment will not affect a single individual now serving in the corps, nor will it even affect any person who will join the corps before October 1 of this year. What the amendment will do is to send a direct and indisputable signal that it is time the corps shipped out of the FDA.

Why is this necessary? The answers are as many as the corps is obscure. First, allow me to provide a little background on the corps itself. The Public Health Service Commissioned Corps was founded in 1798, when John Adams was President, to treat disabled seamen. Today, there are about 6,500 total individuals in the corps and it is the 500 in the FDA that we are dealing with in this amendment.

The Commissioned Corps is one of the seven uniformed services and they receive benefits that are equal to that of the military. The section of the Public Health Service Act that deals with the corps states:

> Commissioned officers of the Service or their surviving beneficiaries are entitled to all rights, benefits, privileges, and immunities now or hereafter provided for commissioned officers of the Army . . .

While the corps are equal to the military in their benefits, they are not in their duties. Corps officers are not subject to the uniform military code of conduct, which means they have the right to refuse an assignment or transfer simply by exiting the corps. In addition, the corps has not served in a military capacity for a generation.

Quoting from testimony of then-Assistant Secretary for HHS, James O. Mason, before the Energy and Commerce's Subcommittee on Health and the Environment, he explained the reason that none of the corps' officers were activated or called up for Desert Storm as follows:

> The last time the Commissioned Corps was "militarized" was during the Korean conflict. Historically, this power has been used very sparingly by the President. It was not done during the Vietnam war even though the draft was in effect at the time . . .

So the Federal Government is giving military-equal benefits for civilian-type service. A corps officer with 6 years of service receives approximately $15,000 more annually than a GS-13. This is neither fair to the military officers who make the military sacrifices for the same benefits, nor is it fair to the FDA's civilian employees who do the same work as the FDA's corps officers but at much less cost.

Even if this basic unfairness between Federal employees did not exist, there would still remain the basic unfairness to the American taxpayer. They are the ones required to pick up the tab for the day-to-day discrepancy of paying military benefits for a civilian job. This discrepancy adds up to a huge unfunded liability that the corps is accumulating through their officers' retirement benefits.

Unlike either the military or civilian employees they resemble, corps officers' retirement benefits are not prefunded as are other Federal workers'. Instead, we rely on the antiquated cash-in, cash-out accounting system, whereby we merely pay the current year's retiree costs without ever looking ahead to set anything aside for when that day will come for the current officers. The same myopic approach virtually bankrupted the Social Security trust fund and is one we have wisely abandoned for all current Federal employees.

But we have not abandoned it for the corps. As a result, according to the independent audit of the corps' retirement system, the unfunded accrued liability for the corps was $3.6 billion as of September 1, 1992. Every day that we do nothing to correct this, it increases. This amendment says that day has come today.

This amendment is about small money but big principles. It is time that we get rid of basic unfairness. It is time we get rid of the illogic of having two personnel systems to do one job. It is time we get rid of an antiquated anachronism that racks up costs we don't need to be paying today and makes no plans to pay them tomorrow.

We can do these things now by passing this amendment. We can do it without unfairly hitting anyone in the corps. We can do it without unfairly hitting American farmers, because the FDA, which alone will be affected by this amendment, is not part of the USDA.

I urge Members of this House, who have supported governmentwide reforms, to support this one today and vote to pass this amendment.

□ 1100

Mr. DURBIN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Texas.

Mr. Chairman, for those who are following this debate, we have now shifted into the Food and Drug Administration. I hope we will take a moment to reflect on the fact that this important small agency is under continuing pressure. FDA responds to consumers across America who rely on it for the safety, effectiveness, and wholesomeness of all of the food and drugs which come across the tables of our homes and in our medicine chests. The agency also responds to Congress. Year in and year out Congress adds new responsibilities to the Food and Drug Administration, valuable important responsibilities which each of us as Members of Congress consider to be necessary for the health of our Nation.

In the not too distant past, we have given new responsibilities to FDA to inspect mammography clinics across America. This is to make sure that our wives and mothers and sisters and friends who visit those clinics can leave confident that the person who has been there to help them is a qualified professional person and that the equipment works accurately. I think we all understand the importance of this.

When we consider the critical issues related to the Nation's blood supply, particularly in this era of sexually transmitted diseases, the role of the Food and Drug Administration is so important.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas because he is striking a little over $400,000 from the Food and Drug Administration. His quarrel is with the Public Health Service Commissioned Corps, and I understand that. But the net effect of his amendment is to take money away from the Food and Drug Administration.

Because of deficit reduction, the Food and Drug Administration is already going to see a reduction in the personnel available to perform its valuable functions. In effect, they have told us that some 350 employees, or about 4 percent of their personnel, are going to be at risk because of our budget recommendation. The gentleman's cut of $400,000-plus will mean even more people will be gone from the Food and Drug Administration. I would submit to the gentleman that this is not the time to do this. If there was ever a moment in our Nation's history when we should value this agency and strive to find ways to increase funding for the professional personnel who work there, this is the moment. For the gentleman from Texas to come before us and to suggest that we cut back in those personnel I think is shortsighted.

Mr. Chairman, let me address his specific point. I do not quarrel with the gentleman from Texas that the Public Health Service Commissioned Corps itself should be evaluated. We should ask the hard questions of this group of Federal employees as we do so many others, whether their job is necessary, whether in fact they are cost efficient in the way they perform it and what their future might be. But I would suggest to the gentleman that just making a cut in the Food and Drug Administration budget is not going to have that effect. It will reduce the number of people needed for the important jobs we described earlier at a time when we should not do that.

I am told the Public Health Service Commissioned Corps is a valuable part of the Food and Drug Administration. At a time when we need doctors and medical professionals to review new drugs and new medical devices to find the medical breakthroughs which our families rely on to save lives across America, we should not be reducing the number of people who work at the Food and Drug Administration.

I will say to the gentleman, we have faced the responsibility under this budget resolution to reduce their budget as we have had to, but we should not cut it any further. I stand in opposition to the amendment offered by the gentleman from Texas. I hope he will reconsider.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would support the gentleman if he could accomplish what I think he is trying to do here, is to question the work of the Public Health Service. I think a lot of us question that. But certainly our chairman has said about the need. We are constantly asking the Food and Drug Administration to assume more responsibility and they cannot do it without the people. We maybe ought to move their people around a little bit and help them do that, but this cut the gentleman is doing here will not accomplish really what he is trying to do, unfortunately. Just a mere dollar cut will not do that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to make a couple of points and also respond to what my friend, the gentleman from Illinois, has stated as well.

This amendment does not have to result in the cut of one individual in the Commissioned Corps. The cuts that I have proposed represent only the difference in salary between a typical Federal employee and a Commissioned Corps officer in the next year. It is not adversely going to impact one individual who is now serving as a member of the Commissioned Corps.

Second, we still have not addressed the problem of a $3.7 billion unfunded liability that is involved here. This is the only group of employees, whether we talk about Federal employees, civilian employees, or military personnel, who do not have to prepay their retirement. I suspect that the gentleman from Illinois would agree with me, we do not want more unfunded liabilities, and we certainly ought to abolish this type of antiquated accounting.

Lastly, I would certainly say to my friend from Illinois that I agree with him on the importance of the FDA. No one is quibbling about that. We are talking specifically about the Commissioned Corps which was founded in 1798 when John Adams was President to try to help disabled seamen. If there is anything, any Government program that is out of date, it is this one.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his comments.

Again I think that this amendment he has offered does not accomplish what he is intending to do here. I cannot speak for the committee, but I think there ought to be a review, an examination next year.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I concur with that. I have expressed that opinion to the gentleman from Texas, which is why I hope he will consider withdrawing this amendment. This is an agency which provides core personnel for many different Federal agencies, not just the Food and Drug Administration. The gentleman raises serious and legitimate questions about its need, its future and how it is funded. I would implore the gentleman not to cut the FDA personnel budget in his effort to raise this issue.

I will join the gentleman in suggesting that we take a bipartisan look at the future of the corps. I think his contribution today has been very valuable to this debate, but I hope he will not cut the personnel at FDA.

Mr. MYERS of Indiana. Mr. Chairman, the director of the Food and Drug Administration has come before us continually every year begging for more money. He just cannot do the job that we are requiring of FDA, to make all the examinations, the tests, everything we require them to do. There are new drugs coming on. Right now they do not have adequate personnel.

Again, the gentleman from Texas is trying to accomplish something that the amendment just simply is not touching. I think the Chair has given us some assurance that we will examine the uniformed service again next year, making sure we are getting efficiency and effective dollar for what we are spending on the program. I think the commitment the chairman has made here, I hope the gentleman from Texas will consider it.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Indiana and the gentleman from Illinois. I appreciate them saying we are raising a serious and legitimate issue. I look for the chairman's support in the future. I would not ask for a recorded vote right now.

☐ 1110

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title VI?

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is an issue of enormous consequence that I fear has not gotten the kind of discussion and attention that it needs from this body, and that has to do with the introduction of rBGH, Monsanto's bovine growth hormone, into the marketplace and the impact it is going to have on family farming, on animal health, and perhaps on human health.

Also I must tell you that I am extremely concerned about the role that Food and Drug Administration has played in this entire process, and among many other concerns that I have is that at least three high-ranking members in the Food and Drug Administration formerly were employed by the Monsanto Corp., and we believe may have played an important role in the whole approval process.

Mr. Chairman, the simple fact of the matter is that at a time when we already have a milk surplus in the United States, we do not need bovine growth hormone, which is increasing milk production and increasing the surplus. The fact of the matter is that the Office of Management and Budget has estimated that because of the use of BST, there will be an increase in the Federal deficit by $500 million over the next 5 years.

Why do we need a synthetic hormone to increase milk production when we already have a milk surplus?

Second of all, the facts are very clear that BST makes cows sick. It significantly increases the rate of mastitis in cows. With increased mastitis in cows, farmers are obliged to use more antibiotics. Why, in fact, would the American people want to consume milk from sicker cows than is presently the case?

The Food and Drug Administration has said that antibiotics will control the problem, and that it is "a manageable risk." But why do we need any risk at all when we already have a surplus of milk on the market?

Mr. Chairman, in my State of Vermont over the last 20 years, we have lost many, many family farms, and that is true all over this country. The reason that we are losing family farms is because the milk surplus is driving milk prices down, and farmers in many instances are receiving 50 percent of the income that they did 15 years ago, and they cannot survive on this income.

For those of us who are concerned about the preservation of the family farm, it seems to me we must address this issue, and it is incomprehensible to me that at a time we hear so much discussion about the deficit that we are not addressing this issue. At a time when we consumers are more and more concerned about the quality and the purity of the foods that they are ingesting, it seems to me that when scientists have concerns about the BST residue that will remain in the finished product, the milk we drink, it is an issue we must address.

Mr. Chairman, Monsanto is a multibillion-dollar corporation. They have spent $300 million on the development of this product. It seems to me that it would be appropriate for the U.S. Congress to begin to stand up for family farmers all over this country who have enormous concerns about the impact of this development on their future. It seems to me imperative that the Congress stand up for consumers who are saying, "We want a pure product. We do not want cows to be injected with a synthetic hormone which makes them sicker so that Monsanto can make more money."

Mr. Chairman, I have been asked to withdraw the amendment which I presented today, and I will do so.

I intend next week, however, to introduce a major piece of legislation which deals with the labeling issue that the FDA has done such a terrible job on, the labeling issue which says that consumers in America have the right to know whether the dairy product they are consuming comes from cows in injected with BST or whether it does not.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 30 additional seconds.)

Mr. SANDERS. Mr. Chairman, I would hope the chairman of the committee will work with me in allowing more debate, more exploration of this terribly important issue that has not gotten the attention that it deserves, and I would hope that I will be able to work with the chairman, the gentleman from Illinois [Mr. DURBIN], further on this issue.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Although I may disagree with the gentlemen from Vermont on his position on this issue, he certainly deserves an opportunity to be heard on his position, and I think some of the questions he has raised should be answered.

I will work with him to try to achieve that.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to say that those of us on the Committee on Agriculture have looked at this issue, and I want to assure the American public here and now that every drop of milk that they are drinking today and every drop of milk that a schoolchild is drinking today, whether it comes from cows that have had the additive or not, is healthful, wholesome, and delicious, and I hope that people continue to drink milk, because no matter what some of these people say, all the milk is wholesome. Every cow that has ever, every cow that has ever given milk has BST or BGH naturally forming. There is no difference between what Monsanto has produced and what the cow produces. It is all the same milk, and you cannot tell the difference, and it is all delicious.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I also come from a dairy State, and we also want people to continue to drink milk, which we agree is very healthy. But would the gentleman disagree with me that scientists have determined quite clearly, and I think Monsanto itself would not deny, that cows injected with BST become sicker, and there is a significant increase of mastitis?

Mr. VOLKMER. If the gentleman will yield further, no, I will not agree with that. I disagree with that strenuously.

Mr. SANDERS. The gentleman disagrees with that? Really?

Mr. VOLKMER. Wholeheartedly. They do not become sick.

Mr. DURBIN. Reclaiming my time, I believe that the gentleman have suggested that perhaps another debate is needed on this.

I will tell you this: I have visited a large dairy in my area, Prairie Farms Dairy; the milk that comes from those cows before it comes to the table is examined and tested three different times, three different times for the presence of antibiotics. If there is any evidence of an unwanted residue, the entire load of milk is destroyed.

There is a very careful testing procedure, monitored by the Federal Government. Consumers across America should understand, as the gentleman from Missouri says, that the milk that they are being given in their stores and in classrooms is healthy, safe, and wholesome.

The gentleman from Vermont has raised other issues which we can address, but that, I think, we all agree on.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not prolong the argument, but I think the gentleman from Vermont has a very important request to make, and that is something that we should have been doing a long time ago is getting to the real scientific basis accurately about what is in foodstuffs, what does BST amount to and all the rest of it, because too many times we have those kinds of media hypes and some of the rest to fearmonger the food supply, and it has gone awry and worked to our detriment for too many years.

I think we ought to have a real good discussion on this and some real good factfinding and real good knowledge and also turn around and tell the American people: "Quit listening to these folks that are trying to scare the living bejiminies out of you over what is in the milk."

If there is a danger, let us find it. If there is not, let us decide to go on about our business and get on with the business of being good, healthy consuming Americans.

Mr. Chairman, I yield to the gentlemen from Vermont [Mr. SANDERS].

□ 1120

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I absolutely agree with the gentleman. We certainly do not want fear mongering. But what we absolutely do want, especially in this era when more and more pesticides and chemicals are being used; I think the American consumer does want to know absolutely and unequivocally that the product that he or she is consuming is, in fact, a healthy product, and I look forward to working with the gentleman to move in that direction.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Vermont [Mr. SANDERS], and I think we need to build that level of confidence.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to put in a word here because I know of the concern of the gentleman from Vermont [Mr. SANDERS]; I know of his genuine concern about this issue, not just on human health, but also on dairy herds and smaller farmers who may be disadvantaged because of the additional use of this particular additive. Let me say to the gentleman: "Mr. SANDERS, I know you had several amendments, and you have kindly withdrawn them today, but, in reading some of them, I think that at the same time our committee extends the offer to work with you wholeheartedly, I think some effort has to be put in at the authorizing committee level as well with the new farm bill that is coming up." And I would just say to the gentleman: "If you have not pursued those courses as fully as you might this year, I think in the future we would be happy to help you on that score as well."

Mr. SANDERS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, that is precisely what we intend to do. I think one of the major issues, as I mentioned a moment ago, that we want to address is the labeling issue within the authorizing committee. I think there cannot be debate about whether or not the American people have the right to know where the milk comes from that they are drinking. They do have that right, and I am very proud to say that in the State of Vermont we have, in fact, passed labeling legislation, and I think similar legislation should be passed nationally. But I would love to work with the gentlewoman from Ohio [Ms. KAPTUR] in the authorizing committee on these issues.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1995 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 706 passenger motor vehicles, of which 705 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954, and (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and Integrated Systems Acquisition Project; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; Foreign Agricultural Service, Middle-Income Country Training Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); and capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University.

New obligational authority for the Boll Weevil Program; up to 10 per centum of the Screwworm Program of the Animal and Plant Health Inspection Service; funds appropriated for Rental Payments; and higher education minority scholars programs under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1994 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1995 shall remain available until expended to cover obligations made in fiscal year 1995 for the following accounts: Rural Development Insurance Fund Program Account; Rural Development Loan Fund Program Account; the Rural Telephone Bank Program Account; the Rural Electrification and Telephone Loans Program Account; and the REA Economic Development Loans Program Account.

SEC. 715. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds $90,000,000.

SEC. 716. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 100,000 acres in the fiscal year 1995 Wetlands Reserve Program, as authorized by 16 U.S.C. 3837.

SEC. 717. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831-3845.

SEC. 718. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 719. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 720. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service and a State or Cooperator to carry out agricultural marketing programs.

SEC. 721. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be $1,000,000,000 in the President's fiscal year 1995 Budget Request (H. Doc. 103-179)) if the aggregate amount of funds and/or commodities under such program exceeds $850,000,000.

SEC. 722. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a sunflower and cottonseed oil export program authorized by section 1541 of Public Law 101-624 if the aggregate amount of funds and/or commodities under such program exceeds $27,000,000.

SEC. 723. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $0 in the 1994 crop year.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 crop year.

SEC. 724. None of the funds in this Act may be used by the Secretary of Agriculture to warrant to the Secretary of the Treasury a payment out of the Treasury of the United States for purposes specified in the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321, et seq.): *Provided*, That $2,850,000 is hereby appropriated for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses.

SEC. 725. Notwithstanding any other provision of this Act $25,000,000 is hereby appropriated for unforeseen expenses due to the reorganization and streamlining of the agencies of the Department of Agriculture which may be transferred to any agency of the Department funded in this Act for its use in meeting these unforeseen needs: *Provided*, That such funds shall not be available for obligation prior to September 29, 1995.

SEC. 726. None of the funds made available in this Act for the Food Stamp Program may be used in violation of 7 U.S.C. sec. 2015(f) or of any applicable Federal law or regulation of the United States.

SEC. 727. None of the funds made available in this Act for the Conservation Reserve Program may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

SEC. 728. None of the funds made available in this Act for the Wetlands Reserve Program may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

SEC. 729. None of the funds made available in this Act for the Agricultural Water Quality Protection Program may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

SEC. 730. None of the funds made available in this Act for Integrated Farm Management Program Option may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

SEC. 731. None of the funds made available in this Act for Farm Labor Housing Grants (Section 516) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 732. None of the funds made available in this Act for Rural Housing Loans (section 502) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 733. None of the funds made available in this Act for Rural Rental Housing Loans (section 515) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 734. None of the funds made available in this Act for Rural Rental Assistance Payments (section 521) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 735. None of the funds made available in this Act for Rural Housing Self-Help Technical Assistance Grants may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 736. None of the funds made available in this Act for Rural Housing Site Loans (sections 523 and 524) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 737. None of the funds made available in this Act for Farm Labor Housing Loans and Grants may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 738. None of the funds made available in this Act for Rural Rental Housing Loans may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

SEC. 739. None of the funds made available in this Act for Farm Ownership Loans may be used in violation of 7 CFR 1943.12(a)(1) or of any applicable Federal law or regulation of the United States.

SEC. 740. None of the funds made available in this Act for Emergency Loans may be used in violation of 7 CFR 1945.162(b)(1) or of any applicable Federal law or regulation of the United States.

SEC. 741. None of the funds made available in this Act for Farm Operating Loans may be used in violation of 7 CFR 1941.12(a)(1) or of any applicable Federal law or regulation of the United States.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 83, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order to title VII?

If not, are there amendments to title VII?

AMENDMENT OFFERED BY MR. KREIDLER

Mr. KREIDLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KREIDLER: Cn page 80, strike lines 3 through 10, and renumber the following section numbers accordingly.

Mr. KREIDLER. Mr. Chairman, we all support the savings Secretary Espy wants to achieve by reorganizing the Department of Agriculture. Most of those savings are assumed in this bill.

But in case this Congress does not pass a reorganization bill, the Appropriations Committee has included a contingency fund of $25 million. While that might seem like a sensible fallback plan, in this case, it would make more sense to move forward and enact the reorganization.

In fact, that is happening. The House Committee on Agriculture is marking up a reorganization bill, and the Senate committee has already done so. We should pass that legislation and lock in those savings. We should not create a contingency fund that makes it any easier to delay the streamlining USDA needs.

The committee report says "there might be additional expenses that were not foreseen" when the reorganization plan was submitted to Congress. With the greatest respect to the committee, I do not think that is a good enough reason to spend taxpayers' money.

This amendment would strike the $25 million contingency fund. It would not affect the funding of any of the current programs in this bill. But it would help us make sure that reorganizing the Department actually saves money.

I urge the adoption of the amendment.

Mr. HOKE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington [Mr. KREIDLER].

Mr. Chairman, as you know, I have a similar amendment at the desk, and what I would urge my colleagues to do is to slash what amounts to a $25 million slush fund that was not requested by the administration and showed up, I think, as something of a curiosity to pay for "unforeseen experiences" due to the reorganization and streamlining of USDA's legendary bureaucracy. Why on earth we need $25 million in an effort to downsize and make the existing bureaucracy smaller than it is today is completely beyond me, and I am sure it is beyond the taxpayers. Nowhere other than in Washington do we appropriate extra dollars to save money.

Interestingly, Mr. Chairman, the authors of the provision apparently believe that the Secretary's reorganization plan is going to incur costs that even the Department itself failed to anticipate because the White House has not asked for any of this money in the budget.

The other curious thing about this particular line item is that the subcommittee only allows the Secretary of Agriculture to use this money during the last 48 hours of the fiscal year, and the end result of that budgetary sleight of hand is that the bill for the provision will not come due until fiscal year 1996, 16 months from now, which means that CBO does not score it for fiscal year 1995, and yet the money is still appropriated in committee.

Unfortunately, Mr. Chairman, the trick is on the American taxpayers. It is a remarkable way to appropriate money that is not otherwise appropriated.

Adopting the amendment will not in any way impede Secretary Espy's efforts in this manner, and adopting this amendment will ensure that downsizing will actually save money for the taxpayers, which is what downsizing is supposed to do.

So, Mr. Chairman, I support the amendment offered by the gentleman from Washington [Mr. KREIDLER] and urge a "yes" vote on striking section 725 from the bill.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also have an amendment that would delete section 725 and save that $25 million appropriation. A lot of common sense and logic has already been stated, and I, therefore, ask that we support this amendment.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment offered by the gentleman from Washington [Mr. KREIDLER]. Let me tell my colleagues why.

When we crafted this provision in the bill, we were not certain that the Committee on Agriculture would be addressing the question of reorganization. I am happy to report they have started that, and that gives us some assurance that our assumption of savings through that reorganization of $135 million will take place. We have set this $25 million in place for the Department's reorganization much as major corporations will set off a charge against income when they either lay off personnel or go into some major reorganization. The fact is that in reorganization there is initial expense involved, and we were trying to anticipate it with this language. But because of the activity of the Committee on Agriculture moving forward on reorganization, Mr. Chairman, it is our feeling at this point that it will not be necessary.

So, I support the amendment offered by the gentleman from Washington [Mr. KREIDLER], and I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we also support the amendment offered by the gentleman from Washington [Mr. KREIDLER] on this side, and we think it is a good move and have no objection to it.

□ 1130

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. KREIDLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

Mr. DURBIN. Mr. Chairman, I reserve a point of order on this amendment.

Mr. SMITH of Michigan. Mr. Chairman, it is our intention to withdraw this amendment, but I think it is important that this body be informed of the amendment.

The CHAIRMAN. If the gentleman will suspend, the Clerk will first report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Insert on page 83 after line 2, the following new section:

"Sec. 742. Notwithstanding any other provision of law or as may otherwise be provided in this Act, funds appropriated or otherwise made available by this Act for the salaries and expenses of employees of the Department of Agriculture its agencies and offices who are located in the Department's national headquarters shall be reduced in a proportionate amount and in a manner determined by the Secretary of Agriculture that will produce an amount equal to $103,000,000 that shall be utilized by the Secretary for an increase in the salaries and expenses of the Food Safety and Inspection Service as otherwise provided in this Act: *Provided* that the amount provided for salaries and expenses of Food Safety and Inspection Service to carry on the services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, shall be a total appropriation for fiscal year 1995 of $533,929,900.—

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair understands that the gentleman from Illinois [Mr. DURBIN] reserves a point of order on the amendment.

Mr. DURBIN. Mr. Chairman, still reserving my point of order, if the gentleman from Michigan [Mr. SMITH] would agree, I make the following unanimous consent request: that all debate on this amendment, which will be withdrawn, be limited to 10 minutes, with the gentleman from Michigan [Mr. SMITH] controlling 5 minutes, and I will control the other 5 minutes and share the time with the gentleman from New Mexico [Mr. SKEEN] if he seeks time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of great concern to agriculture in this country is the taking away of $103 million of needed funds in the food safety area for inspection of meat animals. This amendment takes out $103 million from the overstaffed, somewhat bloated Washington, DC bureaucracy of the U.S. Department of Agriculture and makes sure that we have enough money to keep food safe in this country by applying these funds, $103 million, to the Food Safety Inspection Program.

We have a serious problem because this budget is predicated on the assumption that there are going to be fee increases passed on to pay for the funding of this food inspection service, and one of two parties is going to pay for that user fee increase. It is either going to be the consumers of this country or it is going to be the farmers of this country as lower prices are offered to farmers for their products, to pay for the ensuing fee increase for food inspection, or a more likely result is an increase in costs to the consumers of this country because these fees are going to be passed on, either up or down. If there is any lack of availability of supply, then what will happen in this country is that the consumers are going to pay for that fee increase.

So, Mr. Chairman, we are suggesting that we at an earlier time start reducing the bureaucracy in the U.S. Department of Agriculture to pay for these services.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding.

I am a cosponsor with the gentleman from Michigan [Mr. SMITH] on this amendment. I think it is a well-intentioned amendment, and I think it goes to the heart of the problem, which is that we have a large headquarters staff, some 15,000 Department of Agriculture employees in this city whose payroll and support expense in close to $1 billion. If we cut that by 10 or 15 percent, we would have the money to meet the meat inspection standards that are presently required.

I understand that the Department of Agriculture is going to take, over the next 5 years, a hit in terms of about 7,500 employees. But my feeling is, along with the gentleman from Michigan [Mr. SMITH], that we could take a bigger cut in the headquarters employees, the employees of USDA who are here in Washington, DC, and make this meat inspection program work, which would accrue not only to the consumers who have an interest, obviously, in healthy meat products but also those who are involved in the agriculture industry, particularly the ranching industry and the meat-production industry throughout this country.

So we need to start this process a little bit earlier. We want to go on record to let the House know we are going to be doing that.

Mr. Chairman, I thank the gentleman from Michigan for his authorship of this amendment.

Mr. SMITH of Michigan. Mr. Chairman, let me just conclude by reminding our colleagues in this Chamber that the consumers in this country eat the best food, the highest quality at the lowest price relative to their incomes, than any other place in the world. We are spending 10 percent of our take-home dollar for food that is much better than that in any other country. So we should be very careful of taking action that is going to increase the price of food in this country.

Mr. Chairman, with the concurrence of my cosponsor and if there is no objection, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

Mr. DURBIN. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] reserves a point of order, and the Clerk will report the amendment subject to the point of order.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 83, after line 2, insert the following new section:

SEC. 742. Federal Drug Administration (FDA) salaries and expenses shall be reduced $52,000,000 and such amount shall be deposited in the salaries and expenses account of the Food Safety Inspection Service (FSIS).

POINT OF ORDER

Mr. DURBIN. Mr. Chairman, I think this is a variation of the same theme in the prior amendment, and I make the point of order that it is in violation of rule XXI, clause 3, and that it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] is entitled to be heard on the point of order.

Mr. SMITH of Michigan. Mr. Chairman, this amendment does not violate a point of order because it specifically reduces appropriations that are now a line item in the bill, and it transfers part of that line item to the Food Safety Inspection Service. That would be my objection to the point of order.

The CHAIRMAN (Mr. SPRATT). The Chair will rule that this amendment is legislation requiring the reduction of salaries and not merely confined to funds in the bill. Therefore, the gentleman's point of order is sustained.

Mr. SMITH of Michigan. Mr. Chairman, I would conclude by saying that it is an expression of the seriousness of cutting out money from the Food Inspection Service.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SMITH] move to strike the last word?

Mr. SMITH of Michigan. Mr. Chairman, I would withdraw the amendment.

The CHAIRMAN. The amendment was ruled out on a point of order.

Mr. DURBIN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments——

The CHAIRMAN. If the gentleman will suspend, first the Clerk will read the last three lines of the bill.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I expect, since the floor manager has, as we just saw, indicated that he will move that the Committee rise and report the bill back to the House——

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I want to make sure I understand the parliamentary state of play here.

If, in fact, the Clerk finished reading the last three lines of the bill and I make a motion to rise——

Mr. ROHRABACHER. Mr. Chairman, let me point out that I was on my feet.

Mr. DURBIN. No, no, I am not objecting to that at all. I am going to protect the gentleman's right to object and make whatever statement he might want to make. But I think I may have inappropriately started to make my motion before the Clerk had read the last three lines. So I will protect the gentleman's right to make his statement in reference to this same motion.

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. DURBIN. Mr. Chairman, did the Clerk finish reading the bill? Did the Clerk read the last three lines?

The CHAIRMAN. The Clerk has not read the last three lines.

Mr. DURBIN. I would like to see the Clerk read the last three lines.

The CHAIRMAN. First, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes. The gentleman from California has the floor.

Mr. ROHRABACHER. Mr. Chairman, we were talking about a motion to rise, and this is not just a procedural matter at this point.

Mr. Chairman, if the motion to rise succeeds, it will mean that for another year money in this agricultural appropriations bill will go to illegal aliens even as many citizens have to go without the very same benefits.

This policy is wrong, Mr. Chairman. This is a policy that is wrong because our country should be handing out any benefits to illegal aliens on the same basis as American citizens. This policy is wrong because it also entices more and more people to come into our country illegally. It is especially wrong because it adds an irresistible lure to women of other countries to come here and to have their babies. It is already a major problem when we see pregnant women surging across our borders, knowing that their children once born in the United States will become U.S. citizens immediately and thus also immediately making them eligible for Aid to Families with Dependent Children.

□ 1140

Of course, the benefits under the WIC Program, which is part of this bill, start even before the baby comes.

Mr. Chairman, this policy is wrong because it is unfair to American citizens and legal residents, who should always come first when taxpayers' money is being spent.

A yes vote on the motion to rise is a vote to continue this failed policy. This motion will deny me the right to offer an amendment which I have which says basically "no more." My proposed amendment will stop the nonsensical funding of giving benefits and funding benefits to illegal aliens.

Let me offer my colleagues a major example of what will happen if this motion to rise passes. This will fund the Women, Infants and Children Program, the WIC Program, a program which I have strongly supported in the past and do so today. But committee staff estimates the money in this bill will only be enough to serve 75 percent of those eligible.

Under current policy, if this bill continues, 75 percent of illegal aliens, 75 percent of legal residents, and 75 percent of American citizens who are eligible can actually be helped by the bill. Because we do not have enough money to help everybody, every illegal alien who receives benefits under this program is getting those benefits instead of an American citizen or legal resident.

Now, some may say surely we do not want people coming here and giving birth, illegal aliens or whatever, to low weight babies and babies that are not healthy. But that is misplaced compassion toward illegal aliens, because it means that a pregnant American citizen or legal resident will have the same malnourished or unhealthy baby.

Let us stop this insane policy. If we defeat this motion to rise, I have an amendment proposed that will actually make it illegal and end the policy of providing benefits to illegal aliens. So I ask for a "no" vote on this motion.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I just wanted to engage in some dialog on the issue of whether or not we are really talking about American citizens or not. Regardless of whether the mother is legal or not, if the child is born in this country, that will be still, under our constitutional system, an American citizen, and our responsibilities for that low-birthweight baby, as the gentleman indicated, are not only real, they are very, very costly. So are we not being a little penny-wise and pound-foolish to not treat children who are likely to be born here as American citizens?

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, the logic of the gentleman's argument and the compassion of his argument is reasonable. However, if you take a responsible look at what that also creates, it also creates a lure for women all over the world who are pregnant to come to the United States, and that makes the problem in the long run even more difficult to solve, because we have limited resources.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield further, I understand the concern about the lure. Most evidence reports that people who come here come here for employment, for work, for income, and the relative number who come for benefits is still to be documented as any sizable amount at all.

The point is, there are people who are here. Whether they should be or not, they are here. And if we end up with the burden of that low birth weight child, we end up incurring costs as taxpayers that far exceed what would normally occur. So it seems to me that we are missing the point, if we think we should exclude benefits from American citizens.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, it is a major problem in California, as the gentleman is aware, of people coming across the border to have babies. If the bill only funds 75 percent of those eligible, what we are duly saying is if we are servicing an illegal alien, that means that that money comes directly from the funds that are available for another American citizen or legal resident who is not getting those funds, because they will not have the funds now.

Mr. FAZIO. If the gentleman will yield further, I share the gentleman's support for WIC. I would like to see a greater percentage of our population gaining access to the program. Funding is not the only issue here. We have an awfully difficult time reaching the low income mothers and children who benefit from this program. There are many obviously who would not support this bill. But I would hope we would be certainly careful about the misallocation of resources.

Mr. ROHRABACHER. Mr. Chairman, I ask a no vote "on" the motion to rise.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have another amendment at the desk that will not be considered once we rise, but I would just like to call to the attention of my colleagues the composition of this amendment.

Last year I introduced an amendment in the Committee on the Budget that would allow the Secretary of HUD to examine the IRS documents to verify income of those requesting rental assistance through the HUD administration of housing. This amendment gives that same authority to the Secretary of Agriculture for the one million homes that are now being subsidized for rental income in that department.

According to the Congressional Budget Office, matching IRS data with housing recipients' reported income will save $1.6 billion over 5 years for HUD. If you apply the same ratio of housing to the Farmers Home Administration within the USDA, the savings will be between $300 million and $400 million over 5 years. In general, we simply subsidize rental income based on the calculation that one-third of an individual's income should go to rental housing.

GAO did a study in 1992 that demonstrated that one out of five subsidized households understated income. The potential savings to the U.S. Government is substantial. I am informed by the esteemed chairman, the gentleman from Illinois [Mr. DURBIN], that the process of putting that amendment in language of legislation that is moving through the body and out of the Committee on Banking, Finance and Urban Affairs is in place.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I support the idea. The gentleman is on the right track with wage verification. The gentleman from New Mexico and I and the subcommittee have investigated this. It is an important part of any reinvestigation of any housing programs. This is on the right track to make sure deserving people are the ones that are given the opportunity to live in this housing.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for his comments.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to respond to the gentleman from California, who has suggested that the motion to rise should be a referendum on the question of whether or not the WIC Program provides benefits to those who are either undocumented or illegal aliens.

The gentleman raises an interesting policy point, but I do not believe that it is a point that can be or should be addressed in the agriculture appropriations bill. The gentleman's quarrel is not with our appropriations bill. The gentleman's quarrel is with the 14th amendment to the U.S. Constitution, which I will read:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

I think there is opportunity and I think perhaps a need for us to debate the wisdom of that language. But unless and until we do, the simple fact of the matter is that a mother who is an illegal alien, who presents herself to a WIC Program for services, may in and of herself not be documented and not be legal, but if the baby she is carrying in her womb is born in the United States, by virtue of the 14th amendment to the Constitution that baby is a U.S. citizen. And if that baby is a citizen, I believe that we have a vested interest in that new citizen being healthy, that that mother have milk to drink during her pregnancy, that she have nutritional information, so that that new American citizen is not born sick and a burden not only to the family, but also to our Treasury.

The gentleman raises an interesting point, but his point should be addressed to the Bill of Rights, and not to the Agriculture appropriations bill.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, would the gentleman at least then concede that with the limited funds that we have, whether it is for this program or for other programs, but especially this program where only 75 percent of the eligible are actually being funded, that that means U.S. citizens are then being denied those funds to give to people who are not here legally?

□ 1150

Mr. DURBIN. Mr. Chairman, I think the gentleman misses the point. The baby in the womb is going to be a U.S. citizen. The baby who benefits from WIC is going to be a U.S. citizen the moment it is born on U.S. soil. That is what our Constitution says. Until that has changed, that baby is receiving the same type of benefits as any other citizen of the United States.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, that baby in the womb is not a citizen until he or she is born in the United States. I guess the gentleman is suggesting that those people should not be sent back to their home country, if they are here illegally, but, instead, should be provided benefits.

Mr. DURBIN. Mr. Chairman, the point I have to make to the gentleman is that we have to make a decision here. The decision is pretty basic. A pregnant mother presents herself for milk that she can drink during pregnancy to deliver a healthy baby. I think what the gentleman from California is suggesting is that we should turn her away. I do not believe that is really the thing that we should be doing. If the gentleman wants to suggest an amendment to the Constitution, I think he will be addressing the issue where it should be addressed.

Mr. ROHRABACHER. Mr. Chairman, I do not believe I disagree on the constitutional question. I think that we have to make some tough decisions here in this body. It is tough, because those who are moral people do not want to say no to a pregnant woman or do not want to say no to anyone else who is in need. But if someone is here illegally and we have limited funds in this country, if we do not have the strength to say no, we are denying these resources to our own people.

Mr. DURBIN. Mr. Chairman, reclaiming my time, I think I have made my point. I really believe the gentleman has a good constitutional argument and an interesting one, but it is not an argument for the Agriculture appropriations bill.

Mr. PASTOR. Mr. Chairman, I move to strike the last word.

For those of my colleagues who are pro-life, I would think that they would agree that a person living in this country who is going to have a U.S. citizen and has made the decision to keep that child that we would do everything because we believe in pro-life to make sure that that baby is a healthy baby, is born healthy and will not be a drain to our system if that baby is born a preemie. Because we know, when babies are born with low weight, that then they take intensive care to continue living.

So for my colleagues who are pro-life and once the mother decides to keep the baby, we ought to ensure that that baby is a healthy baby.

Mr. EMERSON. Mr. Chairman, today I rise in opposition to the Agriculture, Rural Development, and related agencies appropriations bill for fiscal year 1995. I do respect and appreciate the efforts of the subcommittee chairman, Mr. DURBIN, and the ranking member, Mr. SKEEN, and other members of the subcommittee for their hard work and diligence in preparing this package.

Indeed, the Appropriations Committee has probably done the very best it can do in the unfortunate circumstances with which it was confronted, given the budget measure passed by this House and the resulting allocation for agricultural purposes. The cuts in this bill of certain vital programs, however, do not get committed to true deficit reduction purposes. This is genuinely disconcerting to those hardworking American men and women whose livelihood is dependent upon production agriculture.

Clearly, agriculture is willing to pull its fair share of the budget reduction load. Unfortunately, this appropriations measure burdens agriculture far beyond what is fair. The Export Enhancement Program and the Market Promotion Program are both programs that serve a direct link to farm income and profitability—though they both suffer explicit budget hardships under this measure. The Food for Peace Program bears a similar fate. This is a worthy program which serves a dual role of providing a global market source for our farm commodities while feeding the hungry and needy overseas. This is not the time to undermine potential farm commodity sales while our foreign competitors take full advantage of our budgetary miscues.

Another area of significant cuts includes the Watershed and Conservation Program. At the current level of funding, responsible conservation programs can hardly be maintained—let alone promoted or expanded. Last year in Missouri alone, we witnessed a natural disaster of epic proportions and the scars clearly remain. There are presently miles of terraces and waterways that are not floodworthy and pose a tremendous threat to the safety and welfare of thousands of men and women along with their homes and property. These needs are urgent and pose an imminent threat.

In addition, this measure imposes a user fee structure on the meat production industry. This establishes a dangerous precedent. Will we now call upon the meat industry to pay for a service that benefits all consumers but further diminishes a marginal profit line and jeopardizes the jobs of many employed in the meat industry? Meat inspection user fees have been repulsed by this Congress during the years of Republican White House rule and I urge this body to do the same today.

I am also disappointed that the Emergency Food Assistance Program [TEFAP], which received no support from the Clinton administration in this year's budget proposal, was cut $40 million from last year's funding levels to $80 million. This serves as an efficient use of moneys to serve as a bridge between our agricultural communities and our Nation's hungry. I will continue to work with my colleagues in the other body to try to get TEFAP funding back up to last year's levels.

Likewise, I will continue to work with my colleagues to reinstate some of these cuts in order to better reflect the fiscal needs of our rural communities and their dependent farming and ranching livelihood. Severe budget reductions in the name of deficit reduction is a goal worthy of debate; however, it must be done in a balanced and equitable, even-handed manner.

I look forward to working with our colleagues in achieving this goal. My ultimate statement on this measure will be my vote on the conference report.

Mr. LEVIN. Mr. Chairman, I rise today to voice my support for the WIC Program, one of the most important programs we will vote on today. I heard from hundreds of residents of the 12th District in Michigan who want to ensure that all eligible women and children can participate in WIC. I agree with them that the benefits of funding WIC far outweigh the costs: Every dollar spent on the WIC Program saves between $1.77 and $3.13 in medical costs for mothers and infants in the first 60 days after birth, and even more after 60 days. A 1992 GAO study estimated that the $300 million in 1990 invested on WIC benefits for pregnant women would avert more than $1 billion in health-related costs over the next 18 years.

It is clear from this information that WIC has a remarkable record of success in providing nourishing food to the neediest women and children in our communities, but unfortunately has not been able to meet the demand for its services. We must work to meet the President's goal of fully funding the WIC Program so that we can serve all eligible applicants by 1996. Today's bill takes positive steps toward this goal by increasing funding for the deserving WIC Program even as we struggle to reduce the deficit.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Illinois [Mr. DURBIN], the chairman of the subcommittee, and the distinguished gentleman from New Mexico [Mr. SKEEN], the ranking member of the subcommittee for their hard work in bringing this bill to the floor.

Unfortunately Mr. Chairman, severe budgetary constraints and the rapid growth of mandatory programs—which now account for 80 percent of the total agricultural budget—have forced the committee to reduce discretionary spending by nearly $1.3 billion from fiscal year 1994. In addition, questionable discretionary spending priorities in this legislation, which include severe cuts to agricultural research, conservation, farm lending, and agricultural export promotion programs, threaten to seriously undermine the viability and competitiveness of an $18 billion trade surplus industry—the American agricultural industry.

For example, this legislation cuts U.S. agricultural export programs including the Export Enhancement Program, $150 million; Market Promotion Program, $10 million; foreign market development, $10 million; and the Food for Peace Program, Public Law 480 title I, $200 million.

Mr. Chairman, in 20 years the United States has lost approximately 20 percent of the world's wheat market, 30 percent of the world's soybean trade, and 15 percent of the world's feed grain market. Efforts are currently underway to implement a coordinated "truce" in agricultural subsidy wars through GATT, so American farmers can once again compete fairly with other agricultural producers. But this legislation hurts our farmers' ability to compete by unilaterally reducing agricultural export subsidies beyond our commitments under GATT. These cuts are unwise and jeopardize a substantial portion of an $18 billion trade surplus industry.

Additionally, Mr. Chairman, this legislation neglects important soil and water conservation programs at a time when farmers are facing a congressionally mandated deadline for conservation compliance by cutting funding for watershed and conservation programs from $242 to $65 million.

Mr. Chairman, last year's flooding washed away billions of tons of topsoil and destroyed miles of terraces, levees, and dams. If the U.S. agricultural industry intends to remain viable, we cannot force farmers to follow strict conservation compliance requirements while simultaneously failing to give them the necessary resources to protect our Nation's streams, waterways, and topsoil.

The budget constraints on the subcommittee also act to undermine efforts to significantly reform the current disaster and crop insurance programs and rewards the administration's reluctance to adopt innovative and reasonable science-based inspection requirements for the U.S. meat industry.

Mr. Chairman, year after year at my Agriculture Advisory Committee meetings, budget-conscious farmers strongly criticize the Federal Government's haphazard approach to crop insurance and agricultural risk mitigation. These farmers and agri-business leaders correctly assert that the nearly annual passage of ad-hoc disaster assistance has created a reverse incentive for producers to purchase their own crop insurance. According to the Congressional Research Service, last year's $1.1 billion disaster package for agriculture marked the 9th consecutive crop year for ad-hoc farm disaster assistance legislation.

Unfortunately, by underfunding the Federal crop insurance program by $217 million, this legislation greatly impedes the much-needed reform of the Federal crop insurance programs—as for example, the proposal offered by USDA Secretary Espy—and, therefore, thwarts efforts to move away from the costly ad-hoc approach to disaster assistance which annually exposes the American taxpayer to billions of dollars in supplemental disaster appropriations.

Similarly, the budget constraints on the subcommittee also apparently caused a cut of $103 million for the Food Safety Inspection Service's meat inspection systems while assuming that Congress will make up for the cuts by imposing user fees on meat processing facilities. By shifting the cost of this consumer-oriented inspection system directly to meat processors, this legislation eliminates the incentive for USDA to lower inspection costs and reward the administration's lethargy to adopt scientific risk-based inspection methods.

Mr. Chairman, I strongly opposed this approach and result, and I urge—once again—USDA to move toward greater science-based inspection techniques and technology. This is long overdue. The National Academy of Sciences and the General Accounting Office have long recognized that USDA's meat inspection programs are both expensive and not necessarily the best way to protect consumers from food borne illnesses. GAO said in its March report that the system—which was originally designed around the turn of the century "is hampered by inflexible requirements and relies on outdated, labor-intensive inspection methods." Unfortunately Mr. Chairman, this legislation simply rewards the "labor-intensive inspection methods" that GAO and the NAS have criticized.

Mr. Chairman, in light of these significant budget constraints, this Member is nevertheless grateful and pleased that this legislation includes $1 billion in loan authority for the Farmers Home Section 502 Middle Income Loan Guarantee Program. This is a housing program this Member proposed and pushed through his membership on the House Banking Committee. After a very successful 20 State demonstration program in 1991, the Section 502 Unsubsidized Loan Guarantee Program was expanded to all 50 States in 1992. The committee members are to be commended for recognizing the value of this program and providing funding levels more in line with the demand for the program from lenders, borrowers, and future homeowners.

Additionally, this Member is pleased that the committee has agreed to provide $425,000 in agricultural research funding for the Midwest Food Manufacturing Alliance. The Alliance is an association of 12 leading research universities whose purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing worldwide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing worldwide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance provides the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the U.S. agricultural industry remains competitive in an increasingly competitive global economy.

Mrs. VUCANOVICH. Mr. Chairman, I rise today to speak on the Agriculture appropriations bill as a member of the subcommittee and as a representative of a rural State. As a member of the subcommittee, this bill is one of the hardest bills I have ever had to work on. How do you truly trim the budget deficit while providing citizens the programs and services which are needed. It is not an easy question and there is much of this bill that I do not agree with. But as an Appropriations member, I am challenged with reducing our deficit and this bill will do that.

On the good side, the bill makes major steps toward improving the health of our children. It increases funding for WIC to $3.47 billion. It protects the safety and health of women by ensuring that the FDA can implement the Mammography Quality Standards Act. I am pleased we have made the changes necessary to ensure housing for our rural residents under the 515 program.

But this bill is just a start and must be changed in conference. As a rural Representative I believe we must provide local communities with the means to meet Federal conservation mandates. And we must stop allowing the use of user fees on American businesses as a method to reduce the deficit.

This bill is just a beginning. An ugly duckling. Let's help it become a beautiful swan in conference.

Mr. BARCIA of Michigan. Mr. Chairman, I rise in support of H.R. 4554, a bill making appropriations for the Department of Agriculture, Food and Drug Administration, and related agencies for fiscal year 1995. I note that this bill that is very important to our farmers once again demonstrates agriculture's willingness to lead the way on budget cuts by coming in nearly $4.2 billion below the amount appropriated for fiscal 1994.

The is a bill that is largely controlled by entitlements. Only about one-fourth of the bill represents discretionary spending, and that is largely for research and conservation programs that help us maintain our productive and competitive edge in world markets.

I want to thank the chairman of the subcommittee, Mr. DURBIN from Illinois, for his assistance in pointing out in the committee's report the fact that the Department of Agriculture has failed to take advantage of lower priced varieties of dry beans in the Food for Peace Program. This has the consequence of failing to provide as much food as possible to needy nations while helping to move surplus commodities from our domestic markets, two of the very important purposes of the Public Law 480 program.

I have specifically proposed to him that we require the Department to utilize only those varieties of a commodity whose market price is 90 percent or less of the average market price for all varieties of that commodity, except in those cases where the offered varieties would be unacceptable to the recipient nation for cultural or dietary reasons. Hopefully the Department will heed the committee's report directive, or we will all have to take a more specific look at this issue next year.

Mr. Chairman, I am convinced that the Department has its own catch-22 in the Public Law 480 program. They say they order only the commodities that recipient nations request. But the representatives of the recipients claim that they only request what the Department says is available. We need, especially in tight budge times, to make a more frugal use of our resources, and concentrating on lower priced varieties will help us to achieve this goal.

I also want to thank the chairman for his understanding of the fact that the line item for improved fruit practices research in Michigan under the Cooperative State Research Service's budget for special grants will continue to include research funding for work done at the Saginaw Bean and Beet Research Farm. This was the intent of the Congress a year ago following conference on this appropriation bill, and it remains as its intent for fiscal 1995.

Finally, Mr. Chairman, I want to take this opportunity to thank a specific former employee of the Agricultural Stabilization and Conservation Service for excellent assistance to Members of Congress throughout her career, and during my first year as a Member. Dreama Hinton has now gone on to a well-earned retirement, and she will be missed. She was most helpful early in 1993 when we were again dealing with a disaster program in Michigan. Her responses have always been as quick as possible, and any delay was only to insure the accuracy of her information. This diligence is appreciated and should be commended. I am sure that her colleagues at ASCS will continue on in her tradition. I would like to hold this office out as an example for other Congressional Affairs office throughout the executive branch. Prompt, accurate, honest, and often friendly answers. I can think of no better testimony to Dreama's career.

Mr. Chairman, I urge adoption of the fiscal 1995 Agriculture appropriations bill.

The CHAIRMAN. The Clerk will read the remainder of the bill.

The Clerk read as follows:

This Act may be cited as the "Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995".

Mr. DURBIN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 146, not voting 61, as follows:

[Roll No. 255]

AYES—232

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hefner
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kildee
Klein
Klink
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Linder
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Reed
Richardson
Roemer
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—146

Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman

Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte

Goodling
Goss
Grandy
Greenwood
Gunderson
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Lucas
Manzullo
McCollum
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari

Moorhead
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—61

Andrews (TX)
Archer
Bacchus (FL)
Blackwell
Boehlert
Brewster
Brooks
Brown (CA)
Camp
Cardin
Clay
Collins (IL)
Coyne
Flake
Ford (TN)
Gibbons
Grams
Hancock
Hastings
Hayes
Herger

Hilliard
Hoagland
Houghton
Jefferson
Johnson (CT)
Kennelly
Kleczka
Kopetski
Levin
Lewis (GA)
Lipinski
Livingston
Machtley
Matsui
McCrery
McCurdy
McDermott
McMillan
McNulty
Michel
Neal (MA)

Neal (NC)
Payne (VA)
Pickle
Pryce (OH)
Quinn
Rangel
Reynolds
Ridge
Romero-Barcelo (PR)
Rostenkowski
Rush
Santorum
Shaw
Slattery
Smith (OR)
Stark
Thomas (CA)
Tucker
Washington

☐ 1212

The Clerk announced the following pairs:

On this vote:

Mrs. COLLINS of Illinois for, with Mr. GRAMS against.

Mr. TUCKER for, with Mr. SMITH of Oregon against.

Mrs. BENTLEY changed her vote from "aye" to "no."

Ms. HARMAN changed her vote from "no" to "aye."

So the motion to rise and report was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. SPRATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DELAY. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DELAY moves to recommit the bill, H.R. 4554, to the Committee on Appropriations.

(By unanimous consent, Mr. DELAY was allowed to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, I just take this 1 minute to say that the gentleman from Nebraska [Mr. BARRETT] and others have expressed concern over the Food Safety Inspection Service and its funding by user fees. The gentleman from Nebraska [Mr. BARRETT] and others have been talking to the chairman of the subcommittee and to the ranking member of the subcommittee.

I just wanted to ask the chairman, I think the chairman has said that he will look at the issue and consider it and try to take care of the problems of the Members that have expressed their concern. Is that true?

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, the gentleman from Nebraska [Mr. BARRETT] has raised some very valid concerns. I have also spoken to the gentleman from Texas [Mr. STENHOLM], who is chairman of the subcommittee responsible for this reorganization. We will be working very closely with both of them and the Department to make certain that we maintain a high-level, cost-efficient meat and poultry inspection system.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 127, not voting 29, as follows:

[Roll No. 256]

AYES—278

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks

Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka

Klein
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens

Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—127

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bliley
Blute
Boehner
Burton
Buyer
Callahan
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gallo
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Levy
Lewis (KY)
Lucas
Manzullo
McCollum
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Nussle
Oxley
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Ramstad
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—29

Bacchus (FL)
Boehlert
Brooks
Brown (CA)
Bunning
Clay
Collins (IL)
Flake
Grams
Hastings
Hayes
Hilliard
Klink
Lipinski
Livingston
Machtley
McCurdy
McMillan
Michel
Murphy
Pryce (OH)
Quinn
Reynolds
Ridge
Rush
Slattery
Smith (OR)
Tucker
Washington

☐ 1232

The Clerk announced the following pairs:

On this vote:

Mr. Brooks for, with Mr. Bunning against.

Mrs. Collins of Illinois for, with Mr. Grams against.

Mr. Tucker for, with Mr. Quinn against.

Mr. Washington for, with Mr. Smith of Oregon against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON A BILL PROVIDING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES, FISCAL YEAR 1995

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 17, 1994, to file a privileged report to accompany a bill providing appropriations for the Department of the Interior and related agencies for fiscal year 1995, and for other purposes.

Mr. REGULA reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. RICHARDSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING IN ORDER ON OR AFTER JUNE 21, 1994, CONSIDERATION OF H.R. 4568, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1994

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that it be in order at any time on June 21, 1994, or any day thereafter, any rule of the House to the contrary notwithstanding, to consider in the House the bill (H.R. 4568) making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes; that the bill be debatable for 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and that the previous question be considered as ordered to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, on the vote just taken on the motion to rise, we had some miscommunications problems. Let me explain to the best of my knowledge what happened.

The Committee on Ways and Means, as all of you know, are involved in marking up a very controversial but a very important bill. When the vote to rise occurred, I called over here to ask the vote to be delayed until we could finish that voting process.

I received word back that the vote would be delayed until we had completed that voting process.

Unfortunately, the vote was not delayed, and 38 members of the Committee on Ways and Means who were trying to do their job were unable to vote on that vote. I do not know whether it would have affected the outcome of the rising or not, but it being Friday, it probably would not have.

I want to have that explanation entered into the RECORD.

Mr. Speaker, I apologize to all my members of the Committee on Ways and Means who missed that vote because of what I said, and I would ask unanimous consent that all members of the Committee on Ways and Means who may wish to may have 5 legislative days to insert anything in the RECORD that they want to on this subject matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. ARCHER. Mr. Speaker, following up on what our chairman said, we were assured as we deliberated in the Committee on Ways and Means across the street in the Longworth Building that the vote would be held open on the floor so that we would be able to make that vote. We were in the process of actually voting on an extremely important amendment to health care. With the assurance that we would have time to walk across the street and to vote before the gavel went down and closed the vote, we continued to be there. We had to be there, as far as I was concerned, because it was a vote on my amendment that I had to be there for.

Mr. Speaker, had I been on the floor of the House at the time that vote had been taken, I would have voted "no."

PERSONAL EXPLANATION

Mr. THOMAS of California. Mr. Speaker, I was told by the people who are supposed to be running this place that we could continue our work in committee and that I would be able to come and vote on the floor on the motion that was in front of us. Given the confusion in running the place, I missed the vote.

Mr. Speaker, had I been here, I would have voted "no."

PERSONAL EXPLANATION

Mr. SANTORUM. Mr. Speaker, I too am a member of the Committee on Ways and Means and suffered the same consequences of a miscommunication.

Mr. Speaker, had I been here, I would have voted "no" on the motion to rise.

PERSONAL EXPLANATION

Mr. SHAW. Mr. Speaker, I too was in the Committee on Ways and Means markup hearing and, had I been on the floor, I would have voted "no" on the motion to rise.

PERSONAL EXPLANATION

Mr. CAMP. Mr. Speaker, I too was in the Committee on Ways and Means meeting and would have voted "no" on the motion to rise, had I been present.

PERSONAL EXPLANATION

Mr. JOHNSON of Connecticut. Mr. Speaker, I too was in the Committee on Ways and Means meeting and would have voted "no" on the motion to rise.

PERSONAL EXPLANATION

Mr. HANCOCK. Mr. Speaker, I also am on the Committee on Ways and Means. If I had been here, I would have voted "no" on the motion to rise.

PERSONAL EXPLANATION

Mr. McCRERY. Mr. Speaker, likewise I was in the Committee on Ways and Means and was under the impression the vote was being held until we got to the floor.

Mr. Speaker, had I known the vote was not being held, I certainly would have come over and cast my vote "no" on the motion to rise.

PERSONAL EXPLANATION

Mr. KOPETSKI. Today, as others have stated, I am on the Committee on Ways and means and on Friday, June 17, I would have voted "aye" on rollcall No. 255, the vote on the motion to rise.

□ 1240

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, I also was at the meeting of the Committee on Ways and Means, and, if I had had the opportunity to vote, I would have voted "no" on the motion to rise.

PERSONAL EXPLANATION

Mr. HOUGHTON. Mr. Speaker, today I missed rollcall vote No. 255, the motion to rise and report on H.R. 4554, the Agriculture appropriations for fiscal year 1995.

Due to a miscommunication between the floor and the Ways and Means Committee leadership, I missed that vote along with 37 other members of the Ways and Means Committee.

Had I been able, I would have voted "no" on the motion to rise, to allow Mr. ROHRABACHER to debate his amendment to the Agriculture appropriations bill.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, due to official business, I was not available for rollcall Nos. 254, 255, and 256.

Had I been present I would have voted "nay" on No. 254; "aye" on No. 255; and "aye" on No. 256.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I have asked for this 1-minute for the purpose of ascertaining the schedule for next week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the distinguished gentleman from Maryland [Mr. HOYER], the acting majority leader.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, we will finish here shortly, and on Monday there will be no session, and on Tuesday, June 21, and the balance of the week, we will consider the supplemental appropriation for the Department of Housing and Urban Development which was passed out of the Committee on Appropriations today. We will also consider the Independent Counsel Reauthorization Act conference report, subject, of course, to a rule. We might possibly, assuming the time is available, continue with the consideration of the California Desert Protection Act. We will then have three appropriations bills which have been reported out of the committee, all subject to rules except for the HHS bill on which there will not be a rule, I understand, Commerce, Justice, State appropriations bill, the Interior and related agencies bill, and, as I said, Labor HHS and Education appropriations bill.

The last item on our calendar at this point in time will be the Anti-Redlining In Insurance Disclosure Act, also subject to a rule. In addition there may be other motions to go to conference. We expect to adjourn on Friday.

Mr. WALKER. Mr. Speaker, I just have a couple of questions, if I may, of the gentleman.

Do we expect conferences reports to come back for possible votes next week?

Mr. HOYER. There are obviously conferences going on, and we are not positive that they will report back, but, if they did, that would be a possibility.

Mr. WALKER. Does the gentleman have any idea on what days we may schedule some of these appropriation bills? Is there a preliminary schedule in terms of when the various appropriation bills are likely to arrive? Can we assume that the supplemental appropriations will possibly be on Tuesday and will be the first order of business?

Mr. HOYER. Let me first go to the gentleman's question on the appropriation bills. This is the probability. Obviously it is subject to change. But probability is that on Wednesday Commerce, Justice, State will be on the floor, Interior and related agencies on Thursday, and then the Labor HHS bill on the floor on Friday.

Mr. WALKER. And on Tuesday the supplemental, and we would anticipate no votes before any particular time?

Mr. HOYER. One or two o'clock. The earliest, we think, would be by one o'clock.

Mr. WALKER. There are a couple of events that are going to involve fairly large numbers of Members next week. The White House is having a picnic. Can we assume that the House is planning to adjourn in time to take care of that eventuality?

Mr. HOYER. There are events of interest to both sides of the aisle, and, to the extent we possibly can, we want to accommodate those that we are going to try to accommodate.

Mr. WALKER. I think the gentleman from California [Mr. DREIER] has a question.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DREIER. The question that I would like to ask of my friend is:

In 1992, Mr. Speaker, by an overwhelming majority at the end of the 102d Congress we established the Joint Committee on the Organization of Congress. It was put into place for 1 year, and in November 1993 we reported out a bill, H.R. 3801, and there was an indication that we were going to consider that package, H.R. 3801, which is charged with the responsibility of reforming the institution, with the generous rule that would allow for the provisions that were considered in our committee, to be voted on here on the House floor, and I wondered if my friend might give me some indication as to when we can expect the full package, H.R. 3801, which was reported out of our committee, to get to the House floor here.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for his question.

While I cannot give the gentleman the specific answer to his question, I can tell him that the Speaker has met with, and the gentleman serves on, the Committee on Rules which is considering the package, along with the gentleman from California [Mr. BEILENSON] who, I understand, chairs the task force considering it, but the Speaker has met with both the gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Committee on Rules, and the gentleman from Indiana [Mr.

HAMILTON], the gentleman's fellow chair on that task force, with the specific objective of trying to come up with that answer and, in as timely a fashion as possible, try to bring that to the floor.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I just want to say that we have been waiting for a long period of time. It was reported out last November, and early indications were that we were going to finally have an opportunity to vote on the reform question in November of last year, then in the early spring of this year, and then late spring of this year, and here we are now, based on the way this beautiful Maryland-Virginia-Washington, DC weather is, we are well into the summer, and it seems to me that this would be a timely opportunity for us to finally bring the reform package to the floor.

I would simply like to say, as I have to my counterpart, the gentleman from Indiana [Mr. HAMILTON] and my colleagues on the Committee on Rules, that I hope we can move it here in an expeditious manner.

Mr. HOYER. Mr. Speaker, we appreciate the gentleman's concern, and the fact is that this has been under consideration. This is obviously a major piece of legislation, as the gentleman knows. It is under consideration of the Committee on Rules. The Committee on Rules' subcommittee has been considering it, and, as I said and will repeat, the Speaker wants to see this matter moved as quickly as possible, has talked to the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Massachusetts [Mr. MOAKLEY] just this week with the objective of getting this matter to——

Mr. DREIER. I would just like to inquire if there is an indication as to whether or not we will have the package in toto as it was reported out of the joint committee at the end of last year.

Mr. HOYER. I have not talked to the Speaker since he has talked to the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Indiana [Mr. HAMILTON], and I do not have that information.

Mr. WALKER. Mr. Speaker, so the gentleman from Maryland might understand some of our concern, we read in Roll Call earlier this week that there is some concern that the August recess may have to be delayed because of the press of business on health care and other items, and there has been little movement on the congressional reform bill. It sounds as though we are beginning to run out of time for major legislation, and some of us who did spend a year out of our lives working pretty hard on the congressional reform issue would like to think that this is going to be something that is going to be prioritized and brought to the floor within what is becoming a relatively tight schedule.

Mr. HOYER. I think the leadership on this side appreciates that view and has every intention of pursuing it.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER].

ADJOURNMENT TO TUESDAY, JUNE 21, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 2238, FEDERAL ACQUISITION IMPROVEMENT ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight to file the report on the bill H.R. 2238, the Federal Acquisition Improvement Act of 1994.

This request has been cleared with the minority side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

HONORING JAMES NORMAN HALL FOR HIS CONTRIBUTIONS TO THE UNITED STATES AND THE SOUTH PACIFIC

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service by discharged from further consideration of the concurrent resolution (H. Con. Res. 215) honoring James Norman Hall and recognizing his outstanding contributions to the United States and the South Pacific, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, under my reservation I rise in support of House Concurrent Resolution 215.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from American Samoa [Mr. FALEOMAVAEGA] who is the chief sponsor of House Concurrent Resolution 215.

□ 1250

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Virginia [Mrs. BYRNE], and my distinguished colleague and friend from New York [Mr. GILMAN], as well as the distinguished Members from the Iowa delegation, Congressmen JIM LEACH, JIM LIGHTFOOT, NEAL SMITH, FRED GRANDY, and JIM NUSSLE, for their assistance in the passage of this legislation.

I would also like to recognize the efforts of certain staff—including Denise Wilson of the House Post Office and Civil Service Committee, Thomas Dawson, Bill Tate, Christine Smith, Steve Greiner and Kathleen Black with Members' offices, and Enere H. Levi and Martin Yerick of my staff—that worked long and hard for the adoption of this measure. I thank them for their help.

I rise today—along with my esteemed colleagues from Iowa and the over 230 Members of this great institution who are cosponsors of House Concurrent Resolution 215—to urge adoption of this measure, which provides a long overdue tribute to James Norman Hall, a son of the great State of Iowa and an outstanding American known throughout the world as an author and a true warrior.

James Norman Hall—adventurer, soldier, ace pilot, author, essayist, and poet—was a great man marked by contrasting qualities and eclectic tastes. While fighting axis forces of oppression during World War I, Hall was the consummate, steely-eyed warrior who distinguished himself in battle; yet, in peacetime, James Michener wrote this sensitive man was "the most loved American who ever came to the tropics. He had a gentle humor and abiding concern for people and a ready franc for anyone in need."

James Norman Hall was born in the Iowa farmtown of Colfax, in the district of our colleague, the Honorable. NEAL SMITH. Hall lived the life of a typical farm boy, with a taste for Huckleberry Finn adventures. Upon graduating from Colfax High School, Hall was accepted to Grinnell College. There, James Norman Hall excelled in academics while working his way through school. He majored in the fields of literature and music. Graduating as a Phi Beta Kappa, Hall, even then, was a prolific writer, producing a good number of poems and essays.

In the summer of 1914, after experiencing frustration and rejection while trying to establish a writing career in Boston, James Norman Hall traveled to

England for a break. In August of that fateful year, World War I erupted. Although the United States had not yet entered the conflict and Americans were not accepted for service, Hall's commitment to freedom and democracy would not be deterred. In order to enlist, Hall posed as a Canadian to join Lord Kitchener's volunteers with the 9th Royal Fusileers.

James Norman Hall fought alongside British forces as a foot soldier in the worst of the early, deadly trench wars. During the battle of Loos, in particular, casualties were tremendously high. Hall was one of few in his company to survive the battle. Later, Hall received word that his father was dying in Iowa. Upon requesting leave for a brief visit, it was discovered he was not Canadian. Against his will, Hall was honorably discharged.

Shortly after his return to the United States, James Norman Hall continued efforts to support the allied cause. Hall wrote "Kitchener's Mob" a pro-Allied book that became very successful. Many feel that the work strongly influenced public opinion, leading to America's eventual entry into World War I.

As a fledgling writer for the Atlantic Monthly and Boston Globe, James Norman Hall was sent back to Europe to cover the formation of an American pursuit squadron in the French Air Service. Rather than simply report, however, the adventurous Hall yearned to enter battle again. Hall not only wrote of the exploits of the squadron but joined it, learning to fly as a pilot with the Escadrille Lafayette N–124. During this time, Hall started another book, "High Adventure," which became very popular.

It was not long before James Norman Hall established his prowess in the air over France. His daring and courageous feats in dogfights against German Fokkers during WWI became legend. As an ace pilot, James Norman Hall was also shot down and severely wounded. Returning from his injuries to fly again, Hall became a celebrated hero of France. In gratitude, the French Government awarded James Norman Hall France's highest medals for bravery, including the Legion d'Honneur, Medaille Militaire, and the Croix De Guerre with five palms.

With America's entry into WWI, James Norman Hall was made a captain in the U.S. Army Air Service and transferred to the 94th "Hat in the Ring" squadron. While serving as wing commander, Hall also acted as mentor for a rookie destined for greatness, then-Lt. Eddie Rickenbacker. Rickenbacker's first kill was under the guidance of Captain Hall. In memoirs of his famed career as a fighter pilot, Rickenbacker wrote that Capt. Jimmy Hall was idolized by the American pilots and that Hall served as an inspiration for them all in their darkest hour.

Captain Hall's legendary exploits and gallantry in battle earned him the U.S. Distinguished Service Cross, which was awarded personally to Hall by General Pershing.

After the destructiveness and brutality of WWI, James Norman Hall sought serenity and peace to heal, away from the "mess and muddle" of western civilization. His search ended in the South Pacific, where in 1920 he moved to the remote Isle of Tahiti. A most humble and self-effacing man, James Norman Hall locked away his war medals and hero's decorations, mentioning them to no one. Hall's life was purposely low-key; he loathed publicity and avoided the limelight.

Traveling extensively throughout the society islands and the South Pacific, James Norman Hall came to know the people intimately and to love them. Hall's gentleness and kindness was returned many-fold, as he was widely revered, respected, and loved by the people of the Pacific.

In 1925 Hall married Sarah Teraireia Winchester, the Tahitian daughter of an English sea captain. They had two children, Nancy and Conrad, for whom Hall was a devoted and adoring father. The daughter, Nancy, is married to Nicholas G. Rutgers, whose family established Rutgers University in New Jersey. Hall's son, Conrad, is an Oscar award-winning cinematographer for his work on "Butch Cassidy and the Sundance Kid" and resides in Hollywood.

Over three decades until his death in 1951, James Norman Hall lived in Arue, Tahiti, and wrote extensively in his library. With the support of his wife and family, Hall authored a prodigious number of books, 28 in his career, not including his numerous essays and poems.

James Norman Hall's most famous works, however, were those that enriched the world's understanding of the people of Tahiti and the South Pacific. With friend and co-author, Charles Nordhoff, Hall collaborated to write "Mutiny on the Bounty," "Pitcairn's Island," "Hurricane" and "The Forgotten One." In assessing Hall's career, James Michener notes that these masterpieces have come to epitomize the tropics and that they constitute some of the greatest books ever written on the Pacific. Many of James Norman Hall's works, in particular "Mutiny on the Bounty," have been immortalized on the silver screen.

In July 1951, James Norman Hall died in Arue, Tahiti, and was buried on a hill overlooking his home and beloved library. Hall's death was greatly mourned in the south seas, prompting James Michener to write, "When he died, on every island in the Pacific where even no man could read, there was sorrow." Upon sorting through Hall's belongings, his war decorations were finally discovered. It was only then that the people of Tahiti and the Pacific Islands learned that in their midst had lived a true war hero.

The home and library of James Norman Hall in Arue, Tahiti, have been restored as a museum to honor the life of this great American.

Mr. Speaker, I would urge my colleagues to join me in adopting the resolution before us, which recognizes James Norman Hall and his outstanding contributions to our Nation, France, Tahiti, and the South Pacific, including James Norman Hall's extraordinary service rendered in wartime for the defense of freedom and liberty, his exceptional achievements in the literary field, and his lifework that has enriched the world's understanding of the people of the South Pacific.

Mr. Speaker, upon passage of this piece of legislation, it would be my sincere hope that the President of the United States, through his personal representative, present this resolution to the President of Tahiti Nui, His Excellency the Honorable Gaston Flosse of French Polynesia, where it may be publicly displayed at the James Norman Hall Museum in Tahiti.

Mr. Speaker, I cannot think of a more appropriate manner for the people and Government of the United States to express their deep sense of gratitude and enduring appreciation for the contributions and achievements of James Norman Hall, a great American and a distinguished son of the State of Iowa.

Mr. Speaker, I ask for passage of this resolution.

[From the New York Times Book Review, Oct. 19, 1952]

A GENTLEMAN LOST IN A MODERN WORLD

(By James Michener)

The most loved American who ever came to the tropics was James Norman Hall, the Iowa small-town boy who arrived in Tahiti in 1920. He had a gentle humor, an abiding concern for people, and a ready franc for anyone in need. When he was working on a novel Chinese merchants, American beachcombers and broken-down European counts would report daily to the local bars on Jimmy's progress, certain thereby to cadge a free drink. When he returned to Tahiti from Hollywood or from a visit to Ellery Sedgwick in Boston children would meet him at the dock with flowers. He enjoyed a place in island society such as few writers have even known in any society. When he died, on every island in the Pacific where even no man could read, there was sorrow.

Many of us, allured by this romantic figure of the writer deified during his life, have overlooked the fact that Hall was a prodigious worker (twenty-eight books in thirty-six years) and that his interests covered practically the entire field of writing. His books include propaganda to influence America's entry into World War I, "Kitchener's Mob" (1916); factual reporting, "History of the Lafayette Flying Corps" (1920); legend, "The Far Lands" (1950); biography, the superb Frisbie essay in "The Forgotten One" (1952); hilarious local color, "No More Gas" (1940); and excellent historical romance, the "Bounty" trilogy (1932–34).

Contrarily, he thought of himself primarily as a poet, but his most successful work in this field was his outrageous and gay literary hoax, "O, Millersville!" which he published in 1940 as the outpourings of a precocious Iowa schoolgirl.

Hall may one day be remembered as the last of the great essayists, for he published several books like "Faery Lands of the South Seas" (1921), which contained highly polished examples of this now-outmoded form. More likely his reputation will rest on his tales of tropical adventure, but his position among his peers is yet to be decided. Stevenson commanded a more gracile pen, Rupert Brooke was a greater poet, Maugham a finer master of plot, Pierre Loti a lusher romanticist. Louis Becke knew far more about the Pacific, Conrad had a deeper sense of the mysterious, and Melville a greater sense of the tragedy of the sea.

Yet Hall accomplished something that none of his distinguished predecessors attained. He wrote, or helped to write, those fortunate masterpieces which epitomize the tropics. I know of no more skillful Pacific romance than "The Hurricane." None of Jack London's South Sea stories equal Hall's cruel and bitter "The Forgotten One." Surely nothing Stevenson accomplished in Samoa approaches the "Bounty" series. And I know an occasional poem, or part of a poem, in which Hall equals Brooke's best Pacific lyrics. Not the greatest man to have written about the Pacific, he nevertheless wrote some of the greatest books.

His last work was this present autobiography. It is a curious book and he would be amazed to know that it can be read as tragedy. That was not his intention, for he devotes a major portion to the golden days he spent in Iowa, sharing with us his boyhood apostrophe to the grubby stream that wandered near his home:

Oh, loverly River! Gentle Skunk!
Beneath this shining pool was sunk
The body of a Colfax boy!
How could the stream we love destroy
The life of little Willie King
And leave his parents sorrowing?
And throw his body on the ground
Nearly a mile from where he drowned?

He recalls his experiences while waiting table in a house of prostitution, acting as social worker in the slums of Boston, serving as a volunteer with the British Expeditionary Force in France, and flying with Eddie Rickenbacker over Germany. He became an ace, knocking down five German planes, and he met with his future collaborator, Charles Nordhoff, the novelist and travel writer, of whom he says, "* * * My first impression was unfavorable. He shook hands with me in a coldly punctilious manner and I was thinking: 'Lord! How am I to work with this man?'"

Like Pierre Loti before him, Hall vacillated between Tahiti and Iceland, each of which he immediately appreciated. "I loved Iceland from the moment I set foot in the country, and had it been possible I would have been commuting between Iceland and the Southern Seas these past thirty years."

Finally, on Page 301, he settles down in Tahiti (1923) and the reader takes a deep breath, prepared to discover what it was in the tropics that captivated men like Hall and Conrad or how two such dissimilar writers as he and Nordhoff happened to become collaborators.

The tragedy is that when he reached the important days in Tahiti time was running out for Jimmy Hall, He lived to complete only two chapters, an inconclusive one on a famous hotel and a haunting verbatim conversation with Nordhoff. The mysteries of the South Seas he does not touch upon and we are deprived of the understanding we sought. "All of my roots are still in America, in the prairie country of the Middle West. I realize now that it is useless trying to grub them up to transplant on this little island. They won't come up."

Hall can be understood only as an eighteenth-century English gentleman. Spiritually he was close to that perfect man, Capt. James Cook; artistically he held much in common with Goldsmith and Addison. He cultivated innumerable eighteenth-century reticences. "'We are waiting on table in a bawdy house,' my friend said with a faint wry smile, His term was the one more commonly use in Iowa for such places, but I use 'bawdy' because it seems, somehow, more refined." Or again, "I dislike change in manners, customs and habits of thought as much as I do in material aspects."

In his autobiography Hall refers only once, and then most casually, to Sarah Winchester, the wonderfully vivacious Tahitian-English girl he married. Their love story is one of the most glowing in this century, but Hall could not bring himself even to mention it, though his assembled family begged him to.

While writing his last novel Hall was faced by his determined and beautiful 18-year-old daughter who said. "you must explain to the reader that your hero and heroine are actually in love." "That has no place in books," he insisted. "Father! You don't know what's in modern books. Sit still and listen!" She read him a chapter from a recent book and when she finished Hall blushed deeply and asked, "Did James Michener write that * * * in a book?" Nancy replied that she could have read from Mailer, "or some of the others who really get down to cases," and Hall cried, "They ought to be ashamed of themselves! All of them!" So Nancy outlined the missing chapters, but when Hall heard what was needed he gulped, blushed and said, "Well, if that's what the public demands. * * *"

Hall's truncated biography is good reading. It tells of a distinguished gentleman lost in a modern world, of an Iowa boy who perpetually longed to return home: "Iowa, for all the years I have been away from it, has always been, and still is, home to me."

The book's omissions are partly repaired in an excellent concluding chapter by Edward Weeks, Hall's editor. He explains how Nordhoff and Hall worked and he shares with the reader a remarkable letter sent him from Tahiti after Hall's funeral. "When I look down upon that cushion upon which are pinned his medals and decorations from the leading governments of the world I for the first time realize that we had living amongst us a great man. * * * In our midst dwelt a hero."

[From the Profile magazine]

JAMES NORMAN HALL

(By Barbara Jo Elkington)

Two hundred years ago this year, the famous *Bounty* salied out of Matavai Bay, Tahiti, bound for Jamaica with its load of breadfruit plants. Mutiny was waiting. Fifty-seven years ago, James Norman Hall and Charles Nordhoff immortalized this true tale in their novel *Mutiny on the Bounty*, thereby gaining immortality for themselves, Fletcher Christian, and Captain Bligh. Most of us remember either Clark Gable and Charles Laughton or Marlon Brando and Trevor Howard, depending on our ages and the movie versions we saw. Unfortunately, not as many of us remember Nordhoff or Hall very well.

James Norman Hall, like many Pacific writers, is under-appreciated and vastly more readable and talented than his present fame merits. Even those of us who claim some enchanted island in the Pacific as home don't know as much as we should about Hall and other writers who by birth or choice made the Pacific more than the stereotyped paradise of paper back novels. Hall, in addition to being the co-author with Nordhoff of *Mutiny on the Bounty*, *Men Against the Sea*, and *Pitcairn's Island*, wrote some 16 major works on his own, as well as numerous essays and poems, lyrics for a number of songs, and several plays. Almost all his writing relies on the Pacific, war, or the sea for locale, and much is historically based and factually accurate. Two of Hall's basic themes, according to Louise Hanson, are "that the twentieth century is vulgar and moves too fast, and that man is essentially good." Hanson, a research specialist at the University of Pittsburgh, goes on to say: "James Norman Hall hardly fulfills the stereotype of a betel-nut chewing beachcomber on a tropical island. * * * What he sought in Polynesia was a certain simplicity of life impossible to find in the West. His customs and habits, however, remained American down to the fixed daily routine, book-lined study and shined shoes. * * * As an unregenerate optimist and idealist, he was out of place in the twentieth-century world. * * *"

An optimist out of place in a pessimistic century seems to be the capsule definition of Hall. What kind of life did he lead to bring this about? He left the Iowa town where he grew up, became a flying ace in World War I, escaped to a South Seas island, and became a writer famous in his own time. He traveled the world, married happily, and, to quote James Michener, was "the most loved American who ever came to the tropics. He had a gentle humor, an abiding concern for people and a ready franc for anyone in need. * * * When he died, on every island in the Pacific, even where no man could read, there was sorrow."

This is a true and a complimentary epitaph. Hall died in 1951. His son-in-law's choice for his grave marker in Tahiti came from an early Hall poem. Nicholas G. Rutgers, Jr., changed barnyard to hillside resulting in a suitable sentiment:

Look to the northward stranger.
Just over the hillside there.
Have you in your travels seen
A land more passing fair (Briand 376).

Though Hall had written this during his Iowa childhood, it predicts his life and his successful search he undertook for that land more fair.

His search began after his graduation from Grinnell College in Iowa where he was a Phi Beta Kappa. He also earned his Master's degree there in 1922 after taking some classes at Harvard and the University of Iowa. In 1950 he was awarded an honorary Ph.D.

During the early part of his search, while in Paris on leave from his duties as a volunteer American airman with the Escadrille Lafayette, Hall first encountered the tale of the *Bounty*. Pausing at Brentano's bookstore on the Champs Elysees, he picked up a reprint of a history, *The Mutiny of the Bounty*, by Sir John Barrow in 1831. During his boyhood Hall had read something of British naval history and the names Bligh, Christian, and Pitcairn's awakened vague memories. In 1917 he read about "Otaheite" and made a promise to himself that someday he would wander among those fabled isles "under the wind."

In Tahiti in 1929 when Nordhoff and Hall were searching for a likely subject to provide the base for a novel, Hall came across Barrow's book again and rushed to Nordhoff "breathless with enthusiasm." Biographer Paul Briand tells the story:

"Have you ever heard of the Bounty mutiny?" Hall cried out. "Of course." Nordhoff calmly replied. "Who hasn't, who knows anything about the South Seas?"

"Well, what about that for a story?" Hall suggested eagerly * * *

"Maybe we've got something there! * * * What a story! What a story!" said Nordhoff (316–317).

Indeed it was something. Ellery Sedgewick of *Atlantic Monthly* and their editor Edward Weeks assisted in research, while the Bishop Museum and the British Museum in London supplied background material. A retired British Commander, E.C. Tufnell, RN, provided copies of hundreds of historical documents and even a scale model of the *Bounty*.

Over a period of five years Hall and Nordhoff pondered, read related materials, and wrote, resulting in the three volumes detailing the mutiny, Bligh's sea voyage in an open boat, and Christian's settlement on Pitcairn's Island. Weeks declared he was impressed with the manuscript for the first book which took three years of effort: "It was a book of exceptional beauty and one which drew a striking contrast between the golden age of Polynesia and the tough brutality of man to man which existed aboard Bligh's ship." (Briand 318)

The authors worked as a team. Nordhoff provided the narrative push, keeping the action moving. Hall paused to describe, to wonder, and his passages furnished insights and commentary on Polynesian life, which Hall firmly believed had suffered under the impact of European and American contacts as the ending of *Mutiny on the Bounty* where Captain Byam returns to Tahiti after twenty years attests:

"A few people were discernible along the beach, watching us apathetically but they were pitifully few beside the throngs of former days, and where once the thatched roofs of their dwellings had been clustered thick under the trees, there was scarcely a house to be seen. Even the trees themselves had a withered, yellow look, for as I was to learn, the victorious party had hacked and girdled nearly every breadfruit in Matavai." (Nordhoff and Hall 370) Invasion, war and pestilence had changed forever the lives of the people.

Hall, who traveled widely in the Society Islands, knew and loved the people. In 1925 he married Sarah Teraireia Winchester, the lovely part-Tahitian daughter of an English sea captain. She made a home for him and provided a reason for the determination and focus he needed in his writing. They had two children, a son Conrad Lafcadio (named for writers Joseph Conrad and Lafcadio Hearn), and a daughter Nancy Ella. Hall was a devoted father and found great pleasure in his children.

In researching *Bounty* materials, Hall read widely in English eighteenth century literature which influenced his own style and content. A novel he wrote in 1940, *Dr. Dogbody's Leg*, proved to be a lively collection of nine salty tales cataloging the many ways the charming British ship's doctor lost his left leg. Another 1940 novel he co-authored, *No More Gas*, told of the Tuttles, a large and hospitable Tahitian clan, always out of gas for boat or truck, but never out of food or love for fellow man.

All his life Hall fancied himself a poet, but, interestingly, his biggest poetic hit was a hoax. In 1941, he created a poetess, Fern Gravel, who with his help "authored" fifty-eight versus collected under the title *Oh Millersville!* Fern was supposedly a nine-year-old resident of Millersville, Iowa, who had an observant eye and a sharply barbed pen, resulting in verses which enchanted the critics who didn't discover until 1946 that Hall had fooled them all.

Essays written by Hall have proved to be one of his strongest literary contributions. A collection titled *The Forgotten One* reveals Hall's eye for detail and his deep sense of humanity.

Before his death, Hall visited his daughter, Nancy, and her husband, Nicholas G. Rutgers, Jr., in their Lanikai home on Oahu. The Rutgerses still make Hawaii their home for a part of each year, living in Kamuela on the Big Island and doing much to maintain important papers and documents Hall collected. Conrad, an Oscar-award winning cinematographer, lives in Hollywood and maintains a home in Tahiti.

Were he alive today, Hall might read the work of authors like O. A. Bushnell of Hawaii whose marvelously rich prose in such books as *Molokai* and *Kaaawa* tells of the impact of the outside world on the culture of Hawaii, creating a cry from the heart. Witi Ihimaera of New Zealand, author of *Ponomu Ponomu* and *Tangi* would interest Hall because of his ability to put on paper the Maori heart. Albert Wendt of Samoa, author of *Leaves of the Banyan Tree* and *Sons for the Return Home*, would doubtless find Hall a helpful friend and critic. James Norman Hall was a writer who read constantly. Perhaps we should follow that suggestion, enriching our lives by reading not only Hall's works but find other delightful or challenging pieces of Pacific literature to add to our libraries.

THE WORLD OF JAMES NORMAN HALL

(By Edward H. Joesting)

The south pacific during the days of James Norman Hall was a romantic spot which would have fascinated any author. To Nancy Hall Rutgers, daughter of the late James Normal Hall, life among the South Sea islands before World War II almost seems like an unreality. Although Nancy now lives at Lanikai with her husband, Nick, and their two small boys, Tahiti for many years was her home.

Nancy's father traveled to Tahiti some thirty years ago. At that time Hall was practically an unknown writer who had just returned from World War II. He also was only a few years away from the family farm in Iowa. Before many years had gone by this quiet unknown man had become a famous writer. Mutiny on the Bounty, Pitcairn's Island and The Hurricane became household words and with them the names of the co-authors, James Norman Hall and Charles Nordhoff.

To Hall, by nature a sensitive man, World War I had been a doubly terrible experience. Never fearing solitude, Hall sought it even more after going through two years of trench warfare with the British and then flying many combat missions with the Lafayette Flying Corps. Although Eddie Rickenbacker marveled at Hall's coolness in action, at the war's end the aspiring young writer more than ever longed for some refuge away from modern civilization. Once Hall had seen the South Pacific he knew that it was exactly what he had been searching for. Here was the answer to his prayers. Here was solitude, beauty and stimulation.

Certainly one of the most stimulating things about the South Seas in 1920 was the odd collection of individualists who seemed to be drawn to that part of the world. Many authors have been intrigued with these characters. Somerset Maugham, Joseph Conrad and from the World War II years, James Michener, have all written about them. These individualists who were lured to the South Seas, hoping to find there a primitive paradise, interested hall just as much as they interested the writers before him.

The man who became Hall's father-in-law was a good example of the staunchest of these individualists. His name was Joseph Winchester and at an early age he had run away from his home in England to seek adventure in the South Seas. And there was a great plenty of adventure to satisfy his longings. Soon Captain Winchester had set himself up as a sailor-merchant and had acquired two sailing schooners to trade among the South Sea Islands.

It was Captain Winchester who carried Gauguin, the famous French painter, to many of the Marquesas Islands as a passenger on his schooners. Gauguin was unable to pay Winchester in cash, so he paid for his transportation in wood cuts and paintings. Neither the redoubtable old sea captain nor the rest of the world realized the value of Gauguin's work in those early years. When Joseph Winchester thought that all these wood cuts and paintings were cluttering up his home he simply burned the lot. He little thought that he was burning up a fortune.

Another South Pacific individualist and one who Nancy Hall Rutgers well remembers, was Robert Dean Frisbee. A man of true genius, Frisbee had something less than the strength and fortitude of a Captain Winchester. James Norman Hall corresponded with Frisbee over the years and helped this struggling writer along on many occasions. A thin, emaciated man, the troubled Frisbee truly loved his native wife and their children. Although Robert Dean Frisbee is now receiving recognition for his excellent writing, he enjoyed little of it during his life time. He thought of Hall as one of his few real friends.

Certainly not to be forgotten was Charles Nordhoff. Nordhoff had served in France during World War I with Hall and the two men were fast friends for more than thirty years. Nancy Rutgers remembers Nordhoff as a man a good deal more temperamental than her father. Nordhoff was a tall, handsome man who would pace up and down rapidly throwing off ideas by the dozen. Some of his suggestions were usable and many were not. It was usually James Norman Hall, the plodding member of the writing team who would insist that a certain idea had merit. Hall would start to develop the idea he thought worth while and soon Nordhoff would join in.

Charles Nordhoff, besides being a writer, was something of a dreamer. He would plan extensive fishing trips, he was a devoted fisherman or he would carefully plot a cruise to some distant island. His plans seldom materialized and those about him soon realized that they were little more than dreams. Often Nordhoff, as an excuse for delaying his plans would say that he could not leave Hall at such a crucial time since they were in the midst of planning an important chapter. A week or a month later he would still have the same excuse.

The literary styles of Hall and Nordhoff were so similar that often they would alternate chapters in writing a book. Nordhoff would write chapters one and three. Hall would write chapters two and four. When the volume at last was published no one could have guessed the particular author of the vise chapters. Often times they would revise each other's writing and a certain paragraph would be half written by Hall and half by Nordhoff. After years of working together each person knew exactly how the other thought.

To Nancy and Nick Rutgers Lanikai at times seems far away from Tahiti. They have, of course, a whole shelf of books in their living room to remind them constantly that these bygone days were once a reality. To readers of South Seas stories there is little danger that the volumes Hall and Nordhoff wrote will ever be forgotten. Their books will be constant reminders of a picturesque era from the history of one of the world's most romantic spots.

SERVICE RECORD

James Norman Hall, Colfax, Iowa.

Previous Service: August 18, 1914, to December 1, 1915, 9th Battalion, Royal Fusiliers (British Army).

SERVICE IN FRENCH AVIATION

Date of enlistment: October 11, 1916.

Aviation Schools: October 16, 1916, to June 14, 1917, Buc, Avord, G.D.E.

Breveted: April 23, 1917 (Caudron).

At the Front: Escadrille Lafayette, June 16 to June 26, 1917. Escadrille Spad 112, September 22 to October 3, 1917. Escadrille Lafayette, October 3, 1917, to February 18, 1918.

Final Rank: Sergeant.

SERVICE IN U.S. AVIATION:

Commissioned Captain: February 7, 1918.

At the Front: 103d Pursuit Squadron, February 18 to March 29, 1918. 94th Pursuit Squadron, March 29 to May 7, 1918.

Shot down in combat: May 7, 1918, near Pagny sur-Moselle (Meurthe-et-Moselle).

Prisoner in Germany until the Armistice.

Wounded in combat: June 26, 1917, and May 7, 1918.

DECORATIONS

Distinguished Service Cross.

Légion d'Honneur.

Médaille Militaire.

Croix de Guerre, with five Palms.

H.CON. RES. 214

Sponsor: Faleomavaega.

Date Introduced: March 3, 1994.

House Committee: Post Office and Civil Service.

Official Title: A concurrent resolution honoring James Norman Hall and recognizing his outstanding contributions to the United States and the South Pacific.

Co-sponsors: 232 CURRENT COSPONSORS.

Mar 3, 94 Referred to House Committee on Post Office and Civil Service.

Co-Sponsors: 232 CURRENT COSPONSORS

As Introduced: Smith (IA), Leach, Grandy, Nussle, Lightfoot.

May 18, 94 Abercombie, Ackerman, Andrews (NJ), Andrews (ME), Applegage, Baesler, Ballenger, Barca, Barrett (WI), Becera, Beilenson, Bentley, Berman, Bevill, Bilbray, Bishop, Blackwell, Bonior, Brooks, Browder, Brown (FL), Brown (CA), Brown (OH), Bryant, Burton, Byrne, Cantwell, Cardin, Clay, Clement, Clyburn, Coble, Coleman, Collins (MI), Condit, Conyers, Cooper, Coppersmith, Costello, Cox, Coyne, Crane, Darden, DeFazio, de la Garza, DeLauro, Dellums, de Lugo, Deutsch, Diaz-Balart, Dickey, Dicks, Dixon, Dooley, Doolittle, Dornan, Dreier, Durbin, Edwards (TX), Edwards (CA), Emerson, Engel, Evans, Farr, Fazio, Fields (LA), Fingerhut, Flake, Foglietta, Ford (TN), Ford (MI), Frank (MA), Franks (CT), Frost, Furse, Gallegly, Gejdenson, Gephardt, Geren, Gibbons, Gilman, Goodling, Green, Gunderson, Gutierrez, Hall (OH), Hamburg, Hansen, Hastings, Hayes, Hefner, Hochbrueckner, Holden, Horn, Houghton, Hoyer, Hunter, Hutto, Hyde, Inslee, Jacobs, Jefferson, Johnson (SD), Johnston, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kim, Klein, Klink, Kopetski, Lafalce, Lancaster, Lantos, LaRocco, Laughlin, Lehman, Levy, Lewis (GA), Lipinski, Livingston, Lloyd, Lowey, McCloskey, McDade, McDermott, McKeon, McKinney, McNulty, Manton, Martinez, Matsui, Mazzoli, Meek, Menendez, Miller (CA), Mineta, Mink, Moakley, Montgomery, Moran, Murphy, Murtha, Myers, Neal (MA), Norton, Oberstar, Ortiz, Orton, Owens, Packard, Pallone, Parker, Pastor, Payne (NJ), Payne (VA), Pelosi, Peterson (MN), Peterson (FL), Pickle, Poshard, Price (NC), Quillen, Rahall, Rangel, Ravenel, Reed, Regula, Reynolds, Richardson, Roemer, Rohrabacher, Romero-Barcelo, Rose, Rowland, Roybal-Allard, Rush, Sabo, Sangmeister, Sarpalius, Schumer, Scott, Shepherd, Smith (OR), Snowe, Solomon, Spence, Spratt, Stark, Stokes, Swett, Swift, Synar, Tanner, Tauzin, Taylor (MS), Tejeda, Torres, Torricelli, Towns, Traficant, Tucker, Underwood, Unsoeld, Valentine, Velázquez, Vento, Volkmer, Vucanovich, Waters, Watt, Waxman, Weldon, Wheat, Whitten Wolf, Woolsey, Wynn, Young (FL), Young (AK).

June 13, 94, Hughes, Wilson, Washington, Skeen.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his eloquent comments and for focusing our attention on the outstanding achievements and background and courage of James Norman Hall, a true hero.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, one of the problems when you speak second after the gentleman from American Samoa, he has taken most of my speech. Only the gentleman from American Samoa [Mr. FALEOMAVAEGA] can do it in such an eloquent way.

I would also mention that through the vagaries of politics, Mr. Hall's home now is in my congressional district, after the reapportionment, as is Grinnell College. I think it is only fitting today that we honor James Norman Hall, and certainly urge strong support for this resolution.

As our friend from American Samoa has so eloquently outlined, Mr. Hall had a very colorful and exciting background. One of the books that he did not mention, "The Men Against the Sea," along with "Mutiny on the Bounty," are, I think, two of the greatest publications that reflect the South Pacific, American Samoa, and that part of the country, which I fortunately had an opportunity to visit with the gentleman from American Samoa [Mr. FALEOMAVAEGA] a few years ago.

□ 1300

And it was one of those things that one sometimes wonders how someone out of the middle of the continental United States can go to such a beautiful part of the world and then, through words, put it on paper and capture that beautiful part of the world and then, through words, put it on paper and capture that romance and excitement and adventure that goes with that for virtually generations to enjoy thereafter. I think that when we look at 16 major works that James Norman Hall wrote on his own, I do not know of any author that would come close in terms of the type of credibility, the type of intellect that went into those writings. I think that if nothing else Mr. Hall's works have stimulated the imaginations, and they certainly have entertained millions.

We are very proud to claim him as a part of Iowa's heritage.

ENI, we really appreciate your offering this resolution.

Mr. Speaker, I urge my colleagues to support this very strongly.

I would like to express my support for House Concurrent Resolution 215, honoring James Norma Hall, noted author and Iowa native. He in fact hailed from my congressional district.

Mr. Hall grew up in the small town of Colfax, IA. Shortly after leaving Colfax, Mr. Hall served in the British and French Air Force. He fought in the trenches in World War I, flew numerous combat missions with the Lafayette Flying Corps, and was commissioned as a captain in the U.S. Air Force. Hall was wounded twice during his years in combat and was shot down in May 1918. In addition, he was a prisoner of war until the war ended. For his service during the war he was decorated with the Distinguished Service Cross Award. After World War I he traveled to the South Pacific where he and coauthor Charles A. Nordhoff collaborated on books that will always be constant reminders of a picturesque era or history in one of the world's most romantic spots. These books included "Mutiny on the Bounty," "Men Against the Sea," and "Pitcairn's Island." Hall also wrote 16 major works on his own along with many essays and poems.

James Michener once said of James Norman Hall, "He was the most loved American who ever came to the tropics. When he died, on every island, even where no man could read, there was sorrow."

Mr. Hall's works stimulated the imaginations of and entertained millions. We are proud to claim him as part of Iowa's heritage.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from Iowa for his eloquent words.

Mr. Speaker, further reserving the right to object, I yield to the other gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I rise in support of House Concurrent Resolution 215, a resolution honoring James Norman Hall for his outstanding contributions to the United States and the

South Pacific. I would also like to thank our colleague, Mr. FALEOMAVAEGA, for his leadership in bringing this Iowa native son recognition he so richly deserves.

The events of James Norman Hall's life read in many ways like the novels for which he is so justly famous. He was born on a family farm near Colfax, IA, and graduated Phi Beta Kappa from nearby Grinnell College. After joining the British Army and fighting in the trenches of the western front of World War I, Hall flew with the famed Lafayette Escadrille, was wounded twice, and ultimately shot down and imprisoned in Germany until the armistice.

After the war, Hall moved to the South Pacific. There he became an author of world renown, writing some 16 major works, as well as numerous essays and poems, lyrics for a number of songs, and several plays.

Hall is, of course, best known for the trilogy he coauthored with Charles Nordoff: "Mutiny on the Bounty," "Men Against the Sea," and "Pitcairn's Island."

The three books tell the story of the famous mutiny, of Captain Bligh's epic sea voyage in an open boat after being set adrift by the mutineers, and settlement of Fletcher Christian's band on Pitcairn Island. Many who never read the books learned the story of human courage and endurance they chronicled from Clark Gable and Charles Laughton or Marlon Brando and Trevor Howard, in their epic film portrayals.

But James Norman Hall has left us far more than and a rich literary legacy. The senseless slaughter of World War I shattered the optimism that marked the end of the 19th century and for many made the 20th appear a century of dark pessimism and darker history. Hall survived the worst of what was supposed to be "the war to end wars," yet remained throughout his life a man of unflagging optimism and idealism.

The courage and character his books portray, his life exemplified.

Another chronicler of the South Pacific, James Michener, said Hall was "the most loved American who ever came to the tropics. He had a gentle humor, an abiding concern for people and a ready franc for anyone in need * * *. When he died, on every island in the Pacific, even when no man could read, there was sorrow."

Hall's epitaph was taken from a poem he wrote as a youth in Iowa: "Look to the northward stranger. Just over the hillside there. Have you in your travels seen, a land more passing fair." Two disparate lands, Iowa and the islands of the South Pacific, both "passing fair," linked the life and work of an extraordinary man, James Norman Hall.

Mr. Speaker, again I recommend House Concurrent Resolution 215 to my colleagues and express my gratitude to Mr. FALEOMAVAEGA for providing the House this opportunity to acknowledge the achievement of James Norman Hall.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from Iowa [Mr. LEACH] for his contribution.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I was honored that ENI asked me to speak because I have traveled through this most beautiful part of the world with our distinguished Representative from American Samoa. It is a pleasure to join this commemorative because Capt. James Norman Hall was one of the heroes of my youth.

I had a friend who had about 20 of his books and, of course, a young person reaches for Mutiny on the Bounty first and then Pitcairn's Island, then Hurricane. But I had known of his exploits with Lafayette Escadrille because I knew a great Hollywood director, William Wellman, Sr., who was one of the youngest members of that squadron who flew with Hall and had a great, long association with him as a young man. I had not known he had guided America's ace of aces, America's leading eagle, Eddie Rickenbacker, automobile racer to his first victory in the skies over the trenches of Europe.

When I found my dad's orders to go to pilot training with the Signal Corps and asked him why he ended up in artillery, he said the Pope was negotiating an end to the war in the Christmas of 1917 so he threw in the towel, but he said we used to shake our fists at the guys from Barley Duke because they would also arrive after the Germans had strafed the trenches.

I said, dad, that is the guy's view from the mud on the ground. Our pilots in that war came in late, had a heroic record. And to know that James Hall was one of their leaders and a hero, that is just things brought out of this commemorative by my colleague from Iowa and by ENI that have resurrected this hero of my youth.

Coming from the middle of America, the heartland of our farmland, Iowa, it is just another of these incredible stories of America's heroes that should be passed on to our youths.

I will take an hour special order tonight to talk about the great navy admiral, 58 years on active duty, Rear Adm. John Duncan Bulkeley who rescued MacArthur from Corregidor and threw the wreath into the English Channel with Clinton D-day morning at dawn.

I just hope that people will read this RECORD and look at these great people like this son of Iowa, James Norman Hall, and understand that our heritage is truly worth teaching to our kids in grade school and in high school and in college, that the United States of America is, as the gentleman from Georgia [Mr. GINGRICH] calls it, a unique civilization, unknown in all of history, representing all the peoples of this tiny little delicate planet.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from California [Mr. DORNAN] for adding his comments to this tribute.

Mr. Speaker, I yield to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to thank my dear friend from California for his comments. What is most interesting, at least in my observation about this son of Iowa, is where James Norman Hall, growing up in the middle of farm country without a great body of water nearby, could learn to enjoy the island life and island community. The fact that he came from midwest America and spent the rest of his life in the South Pacific, is evidence that he appreciated what island living is like. I thank the gentleman.

Mr. DORNAN. Mr. Speaker, if the gentleman will continue to yield, one other observation about land, sea, and air, being born in 1887, he was 16 years of age when the Wright brothers flew and found themselves dueling in deadly combat just a few years after that. It is an amazing life story. I thank everybody for this commemorative.

Mr. GRANDY. Mr. Speaker, I am glad to pay tribute to an Iowan who left the State and went on to become a world-renowned writer. James Norman Hall traveled all over the world, fought as an ace fighter pilot during World War I, and to this day continues to expand the mind of readers young and old through his writings.

James Norman Hall was a well-loved Iowan who left the State in 1910 at the age of 23. He was born in the small town of Colfax, just east of Des Moines. He received both his undergraduate and graduate degrees from Grinnell College, just across the county line from his home. After such a wonderful grounding, and like many Iowans since, James Norman Hall left Iowa never to return permanently.

I think it is very important to point out that being a lifelong Iowan and maintaining a permanent and continuous residence in the State are not necessarily the same thing. Hall considered himself an Iowan even though he left the State at a relatively young age. To quote from his biography, "My Island Home," on page 329, "Iowa, for all the years I have been away from it, has always been and still is home to me." That sentiment continues to be shared by Iowans worldwide.

Hall's World War I dramas were at least as exciting as his most famous work, "Mutiny on the Bounty." Hall fought with both British ground forces in Normandy with Lord Kitchener, and with French aviators before joining the American Air Corps.

In the early days of aviation when man and machinery tentatively went aloft, this brave Iowan became an ace pilot. He volunteered for war duty with the French Escadrille Lafayette in 1916, when America had no Air Corps or Air Force. It was in 1918 that he joined the

American Air Corps and flew with fellow "Ace" Eddie Rickenbacher. He was shot down behind enemy lines in 1918 and was imprisoned in Germany until the end of the war. The Germans greatly respected him however because he had spared the life of a German fighter pilot in a Christmas-day dogfight.

After the war he met up with Charles Nordhoff to write the history of the Escadrille titled "The Lafayette Flying Corps." The long and distinguished collaborative writing career of these two gentleman had then commenced. Hall's main literary tie to America was the magazine Atlantic Monthly. I read Hall's "Mutiny on the Bounty," when I was in the ninth grade.

A fitting tribute, the James Norman Hall Museum in Tahiti Nui (French Polynesia), opened this spring and I am glad that House Concurrent Resolution 215 will be displayed in the museum. Iowa has not forgotten this famous son, the archives at Grinnell College have also preserved much of this magnificent writer's papers.

Mr. SMITH of Iowa. Mr. Speaker, I join with my good friend and colleague, Delegate FALEOMAVAEGA, and the entire Iowa congressional delegation in supporting House Concurrent Resolution 215 honoring James Norman Hall for his outstanding contribution to Iowa, our Nation, and the South Pacific.

James Norman Hall, a native son of the State of Iowa, was born in Colfax in 1887 and was a decorated war hero in World War I. He was an adventurer and the acclaimed author of "Mutiny on the Bounty," "Pitcairn's Island," and "Hurricane."

In 1920, he moved to Tahiti and for over three decades his writing enriched the world's understanding of the South Pacific. The resolution quotes James Michener describing James Norman Hall as "the most loved American who ever came to the tropics and that when he died, on every island in the Pacific were even no man could read, there was sorrow."

I hope you will join us as we honor this great American by passing this resolution.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. RICHARDSON). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 215

Whereas James Norman Hall, a native son of the State of Iowa born in Colfax in 1887, and a graduate of Grinnell College, was a decorated war hero, noted adventurer, and acclaimed author, who was revered and loved in France and Tahiti, and throughout the South Pacific;

Whereas James Norman Hall exhibited an unwavering commitment to freedom and democracy by volunteering for military service early in World War I and by fighting alongside British forces in the worst of trench warfare, including the Battle of Loos, where he was one of few survivors;

Whereas James Norman Hall continued his fight for liberty by becoming a pilot in the Lafayette Escadrilles, an American pursuit squadron of the French Air Service, and his courageous and daring feats in air battles earned him France's highest medals, including the Legion d'Honneur, Medaille Militaire, and Croix de Guerre with 5 Palms;

Whereas James Norman Hall was commissioned as a Captain in the United States Army Air Service when the United States entered World War I, continued his legendary exploits as an ace pilot, acted as wing commander and mentor for then-Lieutenant Eddie Rickenbacker, and was awarded the Distinguished Service Cross Medal, for gallantry and bravery in battle, by General Pershing;

Whereas James Norman Hall sought serenity after the destructiveness of World War I, moved to the South Pacific in 1920, married a Tahitian woman and lived in Tahiti for over 3 decades, and wrote a prodigious number of articles and books in the library of his home in Arue, Tahiti;

Whereas much of James Norman Hall's writing enriched the world's understanding of Tahiti and the South Pacific;

Whereas James Norman Hall coauthored, with Charles Nordhoff, classic masterpieces that have come to epitomize the tropics, including "Mutiny on the Bounty", "Pitcairn's Island", and "Hurricane";

Whereas, despite James Norman Hall's achievements as a decorated war hero and famed literary figure, he remained to his death a humble, self-effacing man who endeared himself to the people of Tahiti with his keen sense of generosity, kindness, and real concern for others, prompting James Michener to state that James Norman Hall was "the most loved American who ever came to the tropics" and that when "he died, on every island in the Pacific where even no man could read, there was sorrow; and

Whereas the home and library of James Norman Hall, in Arue, Tahiti, are being restored as a museum to honor this son of the State of Iowa and hero of the United States, England, France, and French Polynesia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors James Norman Hall and recognizes his outstanding contributions to the United States, France, Tahiti, and the South Pacific, including his extraordinary service rendered in wartime for the defense of freedom, his outstanding achievements in the literary field, and his lifework that has enriched the world's understanding of the people of the South Pacific; and

(2) requests the President of the United States to provide for the presentation of a copy of this concurrent resolution by appropriate officials of the United States Government to the President of Tahiti Nui (French Polynesia), so that it may be publicly displayed at the James Norman Hall Museum in Tahiti, where it will express the appreciation of the people and government of the United States for the contributions of James Norman Hall and will show recognition of the achievements of this great son of the State of Iowa.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BYRNE). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

HEALTH CARE REFORM VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Madam Speaker, I submit for the RECORD the votes on health care reform which took place in full committee in the Education and Labor Committee on June 16, and in the Ways and Means Committee on June 17, 1994:

HEALTH CARE MARKUP, JUNE 16, 1994

The following recorded votes were taken on June 16, 1994 in the Committee on Education and Labor during full committee consideration of Chairman FORD's mark, H.R. 3600, Health Security Act of 1994:

1. An amendment by Representative Roukema, in the nature of a substitute, to Representative Roemer's amendment requiring the National Health Board to recommend benefit changes and other savings should the Health Security Act increase the Federal deficit. Representative Roukema's amendment included the Roemer language regarding recommended savings and, in addition, would have provided for an early warning to Congress if the Board had reason to believe such savings would be necessary. The substitute amendment was defeated 15–25.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay" by proxy.
Ms. Mink, "nay" by proxy.
Mr. Andrews, "yea" by proxy.
Mr. Reed, "nay" by proxy.
Mr. Roemer, "yea."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barcelo, "yea."
Mr. Klink, "yea."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. de Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "yea."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.

Ms. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, Not voting.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "nay."
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, Not voting.
Mr. Hoekstra, "yea."
Mr. McKeon, Not voting.
Mr. Miller (FL), "nay" by proxy.
Mr. Castle, "yea."

2. An amendment by Rep. Roemer to require the National Health Board to provide Congress with a fiscal analysis of the Health Security Act's impact on the Federal budget. In the event the Act would significantly increase the deficit, the Board would recommend benefit changes and other appropriate programmatic savings and submit such recommendations for Congressional approval. The amendment was defeated 13–29.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay" by proxy.
Mr. Andrews, "yea" by proxy.
Mr. Reed, "nay" by proxy.
Mr. Roemer, "yea."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barcelo, "yea."
Mr. Klink, "yea."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "yea."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, present.
Mr. Petri, "yea" by proxy.
Mrs. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, "nay"by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea" by proxy.
Mr. Barrett, "nay" by proxy.
Mr. Boehner, "nay" by proxy.
Mr. Cunningham, "nay" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "nay" by proxy.
Mr. Miller (FL), "nay" by proxy.
Mr. Castle, "yea."

3. An amendment by Representative Ballenger to require State agencies and health care plans to coordinate their efforts in providing services to individuals with disabilities under several Federal and State programs. The amendment was agreed to 42–0.

DEMOCRATS

Mr. Ford, "yea."
Mr. Clay, "yea."
Mr. Miller (CA), "yea" by proxy.
Mr. Murphy, "yea" by proxy.
Mr. Kildee, "yea."
Mr. Williams, "yea."
Mr. Martinez, "yea."
Mr. Owens, "yea" by proxy.
Mr. Sawyer, "yea."
Mr. Payne, "yea" by proxy.
Mrs. Unsoeld, "yea" by proxy.
Mrs. Mink, "yea" by proxy.
Mr. Andrews, not voting.
Mr. Reed, "yea."
Mr. Roemer, "yea."
Mr. Engel, "yea" by proxy.
Mr. Becerra, "yea."
Mr. Scott, "yea."
Mr. Green, "yea" by proxy.
Ms. Woolsey, "yea."
Mr. Romero-Barceló, "yea."
Mr. Klink, "yea."
Ms. English, "yea" by proxy.
Mr. Strickland, "yea."
Mr. de Lugo, "yea."
Mr. Faleomavaega, "yea" by proxy.
Mr. Baesler, "yea."
Mr. Underwood, "yea" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.
Mrs. Roukema, "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea" by proxy.
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea."

4. An amendment by Representative Hoekstra to provide that no State shall be required to comply with the requirements of the Health Security Act unless a majority of voters in the State have chosen, by referendum, to be a participating State under the Act. The amendment was defeated 14–28.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Andrews, not voting.
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay."
Mr. Klink, "nay."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. de Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.
Mrs. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller (FL), "yea."
Mr. Castle, "nay."

The following recorded votes were taken on June 17, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

Pending was an amendment by Mr. Houghton to reduce from 250 to 50 the minimum number of employees required for a firm to establish a self-insured health plan for its employees, as a way of fulfilling its requirement under the bill to provide health coverage. Mr. Neal offered a substitute amendment which would reduce the minimum number of employees from 250 to 100. Mr. Archer offered an amendment to the Neal substitute to reduce the minimum number of employees to 1. Mr. Houghton subsequently offered an amendment to the Neal substitute to reduce the minimum number of employees to 50.

On the amendment by Mr. Archer to reduce from 250 to 1 the minimum number of employees required for a firm to establish a self-insured health plan for its employees: Defeated 24–14.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay."
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "nay" by proxy.
Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "nay."
Mr. Neal (MA), "nay."
Mr. Hoagland, "nay."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay."
Mr. Brewster, "nay."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea" by proxy.
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea" by proxy.
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea" by proxy.
Mr. Grandy, "yea" by proxy.
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

On the amendment by Mr. Houghton to reduce from 250 to 50 the minimum number of employees required for a firm to establish a self-insured health plan for its employees: Defeated 22–16.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay."
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "nay" by proxy.

Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "nay."
Mr. Neal (MA), "nay."
Mr. Hoagland, "yea."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay."
Mr. Brewster, "yea."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea" by proxy.
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea" by proxy.
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea" by proxy.
Mr. Grandy, "yea" by proxy.
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

On the amendment by Mr. Neal to reduce from 250 to 100 the minimum number of employees required for a firm to establish a self-insured health plan for its employees: Adopted 36–2.

DEMOCRATS

Mr. Gibbons, "yea."
Mr. Rostenkowski, "yea."
Mr. Pickle, "yea."
Mr. Rangel, "yea."
Mr. Stark, "nay."
Mr. Jacobs, "yea" by proxy.
Mr. Ford (TN), "yea."
Mr. Matsui, "yea."
Mrs. Kennelly, "yea."
Mr. Coyne, "yea."
Mr. Andrews (TX), "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "yea."
Mr. Lewis (GA), "yea."
Mr. Payne (VA), "yea."
Mr. Neal (MA), "yea."
Mr. Hoagland, "yea."
Mr. McNulty, "yea."
Mr. Kopetski, "yea."
Mr. Jefferson, "yea."
Mr. Brewster, "yea."
Mr. Reynolds, "yea" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea" by proxy.
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea" by proxy.
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea" by proxy.
Mr. Grandy, "yea" by proxy.
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

The underlying Houghton amendment, as modified by the Neal substitute, was then adopted by voice vote.

IN PRAISE OF RENEWED DIPLOMATIC RELATIONS BETWEEN NEW ZEALAND AND THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, since 1987, the U.S. Government has restricted political, military, and security contacts with the nation of New Zealand in response to that country's adoption of antinuclear legislation that was perceived to impact adversely on United States military practices.

Although I can understand why our defense ties and ANZUS obligations to New Zealand were terminated, I have never approved of the across-the-board snubbing that Washington forced Wellington to endure for years. While we restricted high-level contacts with New Zealand, our Government had no problem in meeting with leaders from totalitarian states and questionable regimes.

□ 1310

New Zealand is a friend and a democracy that shares our values, and has historically been a close ally of the United States for most of this century. Our two nations have fought at each other's side against aggression in virtually every major conflict in recent times.

Moreover, New Zealand has played an active and positive role in supporting U.S. efforts in international economic fora, such as the Uruguay round of GATT and APEC, the Asia Pacific Economic Cooperation meetings.

With New Zealand acting as President of the U.N. Security Council, their leadership and close cooperation with the United States, on matters such as U.N. peacekeeping, has been invaluable. The North Korean nuclear crisis has increased focus on the U.N. Security Council and, in part, reinforced the importance of our relations with New Zealand.

When the Clinton administration announced earlier this year that senior-level diplomatic contacts would be resumed with New Zealand for discussion of political, strategic, and broad security matters, I strongly applauded the policy change. The removal of New Zealand's diplomatic handcuffs has been long overdue. We are finally starting to treat our longtime ally as a friend. Yes, we obviously have our differences on certain issues, but we should not have treated New Zealand in such a mean-spirited way.

Although several Members in both Houses of Congress lobbied the administration to lift the unfair restrictions, I feel it was due in great part to the fine efforts of the Embassy of New Zealand that relations were normalized.

In particular, much credit must go to the Honorable Denis McLean, Ambassador of New Zealand, on whose watch in Washington this momentous reconciliation occurred. Over the years, I have watched with admiration Ambassador McLean's patient and persuasive diplomacy on behalf of New Zealand's interests. Moreover, he has had the vision to be an aggressive and active advocate for the welfare of the South Pacific region as a whole. Both on Capitol Hill and in the administration, it is clear that Ambassador McLean has commanded respect.

After 37 years in public service to New Zealand—serving first in Embassy posts such as Second Secretary in Washington on up to Cabinet appointment as Secretary of Defence—Ambassador McLean is now to retire after a brilliant and distinguished career. Suffice it to say that his country has been very well served, indeed.

I would also like to recognize that it is due to the hard work of staff that political successes are made possible. Certainly, Ambassador McLean has been very fortunate in that regard, as the entire New Zealand Embassy staff has performed with distinction.

In particular, Mr. David R. Cunliffe, Second Secretary [political], should be recognized for the outstanding and effective job he has done as the Embassy's congressional liaison officer. Mr. Cunliffe's able assistance was instrumental in laying the groundwork for an improved climate for United States-New Zealand political relations and in supporting United States engagement with the South Pacific. Certainly, it is no exaggeration to say that Mr. Cunliffe's efforts have contributed significantly to how Capitol Hill views New Zealand.

In conclusion, I would salute Ambassador McLean and Second Secretary Cunliffe for a job well done and I wish them well in their future endeavors. The fruits of their labor have given rise to a new era of deep and enduring relations between our two great countries, New Zealand and the United States.

A BIPARTISAN HEALTH CARE BILL

The SPEAKER pro tempore (Mrs. BYRNE). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Madam Speaker, I want to talk today about passing a bipartisan health bill. House Republicans are committed to trying to help pass a bipartisan health bill this year. We believe it is possible to write a bill on a bipartisan basis, possibly starting with the Rowland-Bilirakis bill, which has 35 Republicans and 35 Democrats cosponsoring it, certainly building on that and developing a bill which is market oriented, which has insurance reform, which has group insurance for small business, which has malpractice reform, which has a number of steps that most Americans agree with.

Madam Speaker, we began working on the House Republican side in July 1991, when Congressman MICHEL, our leader, founded the House Republican Task Force on Health. That was back when President Bush was still President. We have been working now for virtually 3 years on how to write a health reform bill.

Madam Speaker, we have offered to the Democratic leadership to work on a bipartisan health reform bill. I was very disappointed to see the article in the New York Times today, "GOP in the House trying to block health care bill," because I think that article is just plain factually wrong. The article begins, which I might say was the key part of this, that "House Republicans are trying to keep health care legislation from reaching the House floor in a form that could pass." That paragraph is just plain factually wrong.

What we are trying to do, Madam Speaker, is to write on a bipartisan basis a health reform bill that would strengthen the American people's access to health insurance, that would keep their control over their doctor and their hospital and their choice, that would not kill millions of jobs, that would not crush small business, that would not raise taxes, that would not have big bureaucracy and big regulation, and that would not centralize power in Washington.

Madam Speaker, it is true, we are opposed to the Clinton health plan. We believe the Clinton health plan is big Government, big bureaucracy, big taxation. We believe the Clinton health plan takes control over your health care away from you and gives it to the Washington bureaucracy. I want to say up front we are opposed to the Clinton health plan. We believe that the bill currently in the Committee on Ways and Means by the Democratic leadership is essentially a new version of the Clinton health plan.

Now, Madam Speaker, it is a sad time, but the Committee on Ways and Means Democrats have been playing very clever games. There are members of the Ways and Means Democrats who cannot vote for a tobacco tax increase because they are from a State which grows tobacco, such as Virginia. There are members of the Ways and Means Democrats who cannot really vote to kill jobs and small business with mandates because they are from places like Omaha, NE, and Michigan, so what they have done is, they have created a fiction, an excuse. They have said,

> The House Republicans are forcing us to vote for these things. We are really not for them, but the House Republicans are forcing us to do it.

If you are going to be a Clinton clone and you are going to do what Clinton wants, then I think you should stand up and be honest with your district. I am prepared to go to any district in the country and debate the merits of crushing small business and killing jobs. I am prepared to go to any district in the country and debate whether or not you need a tax increase to pay for a health system that is already too expensive and ought to become less expensive.

However, far more important, Madam Speaker, than the debate over specific issues, or the effort by the Clinton clones to avoid being responsible for their votes by blaming House Republicans for scaring them into doing it, far more important is this message to the American people: House Republicans are reaching out to any individual Democrat with the courage to work with us on a bipartisan basis to write a market-oriented group insurance for small business, relieve hospitals from antitrust so they can buy expensive equipment intelligently, have malpractice reform to lower cost, offer tax fairness to individuals self-employed and to the unemployed and to family farms.

We believe that with medical savings accounts and with other good ideas, that we can work with individual Democrats to put together a bipartisan package. We applaud those Democrats who have had the courage, for example, in the Rowland-Bilirakis bill, 35 of them, to cosponsor a bipartisan bill.

We also want to reach out to the Democratic leadership. I have personally on four occasions told the Democratic majority leader that we would like to work with them to write a bipartisan bill. What we cannot do is, we cannot help pass the Clinton big Government, big bureaucracy, big tax increase, anti-jobs, anti-small business, anti-individual control over their own health bill.

Madam Speaker, I think sometimes when the Democratic leadership gets frustrated and when it gets excited and it says "Republicans don't want to pass anything," that is because they define the Clinton plan as the only thing.

The fact is in the most recent Gallup Poll over 50 percent of the American people now reject the Clinton health plan, because over 50 percent of the American people do not want Washington to run their hospital, to control their doctor, to decide on their medicine, to take control away from them over their own life.

Madam Speaker, I just wanted to come to the floor today at the end of the week to say when we come back on Monday I hope there can be some bipartisanship from the Democratic leadership. I hope the President will be willing to engage in bipartisanship and I hope they will quit trying to pass a big Government plan and work with us.

TRUE BIPARTISANSHIP IN HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Madam Speaker, the Republican whip, the gentleman from Georgia [Mr. GINGRICH], was talking about the need for true bipartisanship in health care reform, and I commend the statement that he made. I think it was a very important statement.

He suggested that a good starting point for bipartisan cooperation in health care reform would be the Rowland-Bilirakis bill, the gentleman from Georgia [Mr. ROWLAND] being a Democrat, and the gentleman from Florida [Mr. BILIRAKIS] being a Republican. They have joined together with a large number of Republicans and Democrats in focusing on what I think the American people really want to have us focus on, and that is portability, preexisting condition, medical malpractice or tort reform, and access either to insurance or access to the medical system.

As this debate has occurred over the last couple of years, I have heard from many, maybe disparate elements of society, indeed, from many diverse interests in my own district, and the focus always comes down to these issues.

There are just a lot of elements of what is being considered here in Congress being talked about that is not within the focus of the American public. They do want us to address those things that are broken in our health care system, but I think they want to preserve that which works and works well, and I believe that most people will agree that we do have the finest health care system in the world. It has some deficiencies which should be attended to, but we should not, as the old saying goes, throw the baby out with the bath water.

We need to keep that which is right and fix that which is, in fact, broken. There is an awful lot that is more right about our system than there is that is wrong.

I also think that it is very important that we take the time to do well whatever we do rather than that we do it quickly.

I was somewhat amused to see, amused, concerned to see the Memorial Day break period a lot of editorial commentary to the fact that Congress had missed the boat, missed the deadline; we had not acted by Memorial Day, and that surely we must act by July 4, and if we do not by July 4, why certainly by the August break.

I do think it is important to have a timetable and to try to meet that timetable. I do not think we should dally or dawdle, but this is, after all, an issue. We are talking about tampering with affecting somewhere in the neighborhood of one-sixth to one-seventh of the Nation's economy, and I do not think that it is something we should hasten to fiddle with.

I think we should carefully deal with the situation, and I think ultimately the American people would thank us for having done well rather than having done quickly whatever we do.

Madam Speaker, finally, I want to say that the rhetoric surrounding the subject of health care has been very, very substantial. I have noted and been concerned over the course of the past many months that when the administration calls for bipartisanship, I sense that what they are really talking about is it would be considered bipartisan if the Republicans said they were for the President's proposal.

□ 1340

That to me is not bipartisanship. Bipartisanship is where you lay all of the differing ideas out on the table and come to some compromise, some resolution of the differing ideas, rather than just having one party climb on board totally in support of the other party.

I think that definition of bipartisanship is far too narrow and does not lend itself to bringing about a spirit of comity in which true bipartisanship can be achieved.

So I think the remarks of the Republican whip were very appropriate in his call for true bipartisanship. Once again I think the Rowland-Bilirakis bill, as he suggested, would be a fine place to start.

NAFTA'S SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Madam Speaker, 6 months ago, this body had some of the most acrimonious debate on an issue, the North American Free-Trade Agreement. Is it good for the United States, or is it bad policy for the American worker and our country?

□ 1320

Six months after the implementation began, the jury is in on NAFTA, and the verdict is that it has been a resounding success for American jobs, for American exports, and for the American economy. That verdict bodes well for all Americans. So that giant sucking sound that Ross Perot talked about is the sound of jobs and U.S. exports creating jobs in the United States. It is a reinvigorated U.S. economy.

This month we will celebrate the half-year mark of the historic agreement, and even at this early date the results, the statistics are most impressive.

I would like to bring to the attention of my colleagues some articles that document these impressive statistics which I will include at the end of my remarks.

In the first 3 months of 1994, United States exports to Mexico rose by $1.6 billion over the same period in 1993 and Mexico and Canada account for 88 percent of all United States export growth. This is significant for two important reasons. First, because 700,000 Americans already owe their jobs to the fact that United States goods and services are exported to Canada and Mexico. Second, because a fast-growing export rate is in line with Clinton administration projections that NAFTA will create another 200,000 U.S. jobs by 1995. From January 1993 to April 1994, 3.1 million new private sector jobs have been created. NAFTA's success thus far signals that more jobs, many more are to come.

Here are some statistics on specific industries in this first quarter of the year since NAFTA was implemented: Electronics up 50 percent, chemicals up 104 percent, aircraft sales up 241 percent, and most importantly, cars and trucks up 411 percent.

Mr. Speaker, this means 32,000 more American jobs. This means 10 percent totality of more goods in this last quarter, and this means that the export economy to Mexico grew 30 percent during this period.

Mr. Speaker, under NAFTA, United States goods and services are going to continue to flow to Canada and Mexico. U.S. products such as environmental technology, cars, home furnishings and appliances, computer software and farm goods are rolling southward on a massive basis, creating jobs in the United States, export jobs. Before NAFTA, exporting many of these products would have been difficult, if not impossible because of the higher Mexican tariffs.

In my own State of New Mexico, the first 6 months of NAFTA have brought new opportunities and energy for the business community. Intel Corp. and its Rio Rancho operation is preparing to export 400,000 United States made personal computers to Mexico in 1994 alone. Albuquerque's Honeywell Business Management Systems and Controls is getting more business as Mexico builds new hotels and upgrades existing office space. New Mexico's agricultural products are gearing up to take advantage of new markets to the south. New Mexico dairy, cotton, wheat, and other agricultural products are poised for increased exports to that country. All of this translates to more jobs for Americans, and especially in my State of New Mexico.

It is important to remember that the positive effects that the U.S. economy is experiencing is only the beginning. And tariffs on United States exports to Mexico are eliminated over the next 15 years, as the United States transportation sector increases its access to the Mexican market over the next 6 years, and as the United States financial services industry increases its access to Mexican markets over the next 10 years, both Americans and Mexicans will reap the benefits of this important treaty. As NAFTA spurs the growth of the Mexican economy, United States producers can count on greater exports as consumer earnings rise.

NAFTA also provides a gateway to Latin America, a fast growing market of over 811 million people eager to strengthen ties with the United States. It opens up opportunities for the Caribbean, Trinidad and Tobago.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I thank my friend for yielding. I would just like to briefly say one argument that has been used by opponents to the NAFTA is that there has been a narrowing of the trade gap. We have got to realize with free trade with Mexico many of these things that we might have bought from other parts of the world are today being purchased by Americans from Mexico, and that is what has created that narrowing. And I thank the gentleman for his statement and for his support for NAFTA.

Mr. RICHARDSON. I thank the gentleman for his great contributions to NAFTA.

Madam Speaker, I include the articles referred to earlier as follows:

[From the New York Times, June 6, 1994]

U.S.-Mexico Trade Advances Sharply Under New Accord—But America's Surplus Is Cut as Exports Trail Imports, Fueling Debate on Jobs

(By Allen R. Myerson)

DALLAS, June 5.—In the first three months after a new trade agreement took effect, trade between Mexico and the United States rose sharply to record levels.

Imports from Mexico grew much more rapidly than United States exports, cutting the American trade surplus with Mexico for the first quarter nearly in half. The numbers are the first to measure the impact of the North American Free Trade Agreement since it took affect Jan. 1.

The trade imbalance between the two countries has sharpened antagonism between organized labor, which opposed the trade agreement because it feared the loss of American jobs, and leaders in business and Government, who said the pact would create jobs by making Mexico a huge market for American goods.

United States exports to Mexico rose 15.7 percent, to a record $11.85 billion, seasonally adjusted, in the first quarter compared with the comparable quarter a year earlier, according to the Commerce Department. Imports from Mexico rose 22.5 percent, to a record $11.29 billion. That narrowed the nation's quarterly trade surplus with Mexico by 45.1 percent, to $560 million.

Both sides agree that a single quarter is not enough time to determine a long-term trend and that it is difficult to distinguish the effects of the trade pact from other causes of steadily increasing commerce between the two nations. Indeed, many shipments in the first quarter reflected plans made before the trade agreement was approved in November.

Nevertheless, Mickey Kantor, the United States trade representative, said in an interview on Friday that the agreement was already fulfilling the Administration's promises to create jobs. "Nafta has increased trade substantially," he said. "The balance of trade is not as important as the content of trade and the increase in exports. That's what raises our standard of living."

Some economists and trade experts had expected goods to flow more strongly toward Mexico than toward the United States, because trade barriers, which have been much higher in Mexico, were falling rapidly. A strong peso also favored Mexican purchasers because it made goods imported from the United States more affordable.

But United States exports have been hurt by the persistent recession in Mexico even as the United States economy has grown strongly. Another drag on trade, according to economists, is the complexity of the new pact. Some manufacturers are still figuring out how it applies to their products.

Labor leaders, although cautious about reaching conclusions so soon, saw evidence that the trade pact was increasing Mexican exports more than imports, at the potential cost of jobs in the United States.

"Mickey Kantor always used to say that Nafta will create 200,000 new jobs by 1995," said Mark A. Anderson, director of the A.F.L.-C.I.O.'s task force on trade, "But that was based on an increasing U.S. trade surplus, and our surplus has declined." Mexico, he said, remained a minor market for United States goods but a major source of cheap labor for United States companies.

Mr. Kantor said he saw no relation between the trade balance and jobs, adding that an improving Mexican economy and growing middle class would increase demand for United States products.

In the first quarter, the largest increase in imports came in motor vehicles, up 48.3 percent, to $728 million, from the first quarter of 1993. Among the largest increases in United States exports were electrical and mechanical equipment for industry, raw materials and motor vehicle parts.

Much of the increased trade appeared to reflect closer teamwork between factories across a fading border, with the United States often sending parts and materials to Mexico for final assembly.

IMPORTS FROM MEXICO SURGE

United States trade officials say that imports from Mexico are growing twice as fast as imports from the rest of the world, and American exports to Mexico three times as fast.

"We've really seen the difference with Nafta," said Regina K. Vargo, director of the Commerce Department's Mexico office. "Especially given the relatively flat economy in Mexico."

Quick judgments about the flow of jobs, however, are difficult. Many economists say both nations are likely to gain jobs from increased trade, which would benefit consumers as well.

"The jobs hurt by trade are found in other industries that are expanded through trade," said David M. Gould, a senior economist at the Federal Reserve Bank of Dallas.

Checks with several corporations that campaigned for the passage of the trade agreement in November brought some reports of increased exports and added jobs. Allied Signal Inc., whose chief executive, Lawrence A. Bossidy, led USA Nafta, a business lobbying group, said shipments of Autolite spark plugs to Mexico would reach 20 million this year, up from 12 million last year.

For the company's plant in Fostoria, Ohio, "that's a whole month's production," helping to make the 1,000 jobs there more stable, if not adding to them, said Paul A. Boudreau, Allied Signal's director of government relations.

LOWER TARIFFS

Under the trade pact, Mexico reduced its tariff on spark plugs to 12 percent this year from 15 percent as the first step toward elimination of the tariff by 1998. The company, however, said stronger marketing and a contract to supply the Mexican operations of the Ford Motor Company had also contributed to its substantial gains.

Texas Instruments Inc. said it was selling three times as many computer printers in Mexico after the removal of a 20 percent tariff, and 10 times as many laptop computers, after a tariff was reduced to 16 percent from 20 percent. But Robert L. Price, a company spokesman, said a stronger sales effort in Mexico had likewise contributed to these advances.

USA Nafta recently published a 15-page list of current and potential export gains, including examples from all three auto makers. General Motors, the report said, had moved enough Chevrolet Cavalier production to Lansing, Mich., from Mexico to create 800 to 1,000 jobs.

G.M. and industry analysts said that the company's quarterly exports to Mexico had risen to more than 11,000 cars and trucks in just the first quarter of 1994 from 1,700 last year. About 8,500 of the cars sent to Mexico, however, were made in Spain, with 1,906 cars and 605 trucks from Canada and the United States.

John F. Smith, Jr., the chief executive of G.M., said earlier this year that he expected exports from the United States and Canada to Mexico to reach 15,000 cars and trucks this year.

CENTER OF DEBATE

The auto industry's sharp cutbacks in the United States and heavy imports from Mexico placed it at the center of last year's trade debate. Last year, G.M. sent 89,000 vehicles from Mexico to the United States.

But Mr. Smith noted that most of the G.M. cars built in Mexico, including those for the domestic market, consist largely of parts from the United States. "As sales increase in Mexico, production in Mexico will support more jobs in the U.S.," he said.

Some labor leaders, however, say the failure of exports to rise as rapidly as imports is all the more striking because Mexico has been much more protective. "The reduction of barriers all of a sudden produced a market there," said Arthur Gundersheim, director of the international affairs at the Amalgamated Clothing and Textile Workers Union. "Our markets were already open." As far as the trade agreement's effect on United States exports is concerned, he said, "The story is that it hasn't done more."

[From the Wall Street Journal, June 13, 1994]

NAFTA SUCCESS MAY AID NEW TRADE ACCORDS

(By Bob Davis)

WASHINGTON.—Already, the North American Free Trade Agreement appears to be a big hit. Exports and imports are surging and U.S. job loss is minimal.

The good news should go a long way to change the politics of trade, easing fears that the U.S. can't compete with low-wage countries. And that should make it easier politically to extend Nafta throughout the hemisphere and negotiate new trade deals elsewhere. Nafta has stiffened the administration's spine concerning trade: Clintonites promise to launch free-trade negotiations with Chile soon and they plan a summit on the Americas in December where trade expansion will be a major theme.

The Nafta boom also should ease passage of the world-trade pact reached under the General Agreement on Tariffs and Trade, once Congress cuts a deal on how to replace lost tariff revenue. Labor unions and Ross Perot, the twin pillars of the anti-Nafta coalition, haven't made much effort to kill the agreement. Indeed a number of unions are now exploring how they can use Nafta. The AFL-CIO is playing a lead role in a U.S.-Mexico symposium, which starts today in Albuquerque, N.M., on health and safety problems in the electronic industry.

Mark Anderson, an AFL-CIO trade economist who opposed Nafta, says he wants to see whether "sunshine and cooperative efforts" can help change labor conditions south of the border.

Making much of this possible is Nafta's early success. The first round of tariff cuts took effect Jan. 1, making U.S. goods more attractive. As Mexican businesses continued their modernization drive, the U.S. exported 9.4% more goods to Mexico in the first quarter than in the previous quarter, after removing usual seasonal fluctuations. At the same time, investment keeps pouring into Mexico. And the Labor Department says only 4,212 workers were certified for extra unemployment benefits due to plants moving production to Mexico or Canada.

Bennett X-Ray Technologies says its has sold $2 million of its advanced mammography systems so far this year to Mexico. Before the 12% tariff on the machine was eliminated, Bennett hadn't managed to sell even one. As Mexico dismantles a labyrinth of rules that blocked auto imports, imports of U.S and Canadian-made cars and trucks in the first five months of the year rose to 19,910, twice as many as in all 1993.

But tariff reductions cut two ways. Imports from Mexico grew 4.6% in the first quarter from the fourth as the U.S. economy hummed along. To feed the sizzling U.S. auto market, auto imports were especially strong, up 48% in the first quarter from the year-earlier quarter.

Overall, though, exports grew more than imports, partly because Mexican tariffs were higher and fell more than those in the U.S. The U.S. ran a $560 million trade surplus with Mexico in the first quarter, compared with $40 million in the fourth, the first increase in the quarterly U.S.-Mexico surplus in two years.

Even optimists couldn't be confident of this outcome, given the misfortunes that have swamped Mexico this year; an armed rebellion in the south; a murdered presidential candidate; anemic growth. Under such circumstances, says Brian Horrigan, a Loomis Sayles economist, Mexican companies and consumers might have hunkered down and bought fewer imported goods.

Economists on all sides warn against reading too much into a single quarter's numbers. Should Mexico devalue its peso, or should its economy sink again into recession, for instance, U.S. export growth could disappear, and with it the trade surplus.

Nafta, though, was always far more than a trade deal. It became a potent symbol of a new age in which global economics vastly influences domestic jobs and politics—and in which the U.S. no longer seems able to control its destiny. Now, though, those fears have dissipated. For all their hugging, Nafta opponents managed to run serious challenges against only two pro-Nafta House members—and lost them both. Meanwhile, at least five anti-Nafta lawmakers face challenges from trade-pact supporters.

In Mexico, the pact helped moderate the government's response to the Chiapas uprising and increase pressure that it run an honest presidential election in August. Nora

Lustig, a Brookings Institution expert, talks of Nafta's "spotlight effect" on the Mexican government to do the right things.

But will Nafta's effects be long-lasting? Forecasters at Clemex-Wefa predict Mexico's sputtering economy will grow 3.5% next year, and more than 5% annually for the rest of the decade. That's more than enough to support a continued U.S. export boom. Both sides, however, have to guard against new forms of protection arising as tariffs continue to drop over the next 15 years. Already, Florida tomato growers and Mexican beef producers are complaining of "dumping."

The real gauge of Nafta's success is whether it disappears as a political issue. That would mean that Americans will have accepted the idea that their future is tied to open trade, which can help rich and poor nations alike.

ADMINISTRATION ACCOUNTABILITY TO THE TAXPAYERS

The SPEAKER pro tempore (Mrs. BYRNE). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, yesterday my office reported to the media and to the country that the White House staff during their trip to Normandy on 30 U.S. aircraft, which is five times as many aircraft as were used 10 years ago by Ronald Reagan and George Bush on this trip, at a cost we estimate at $10 to $15 million to the taxpayers, during that trip the President and many of his staff stayed aboard the U.S.S. *George Washington*, and they stayed in staterooms. We reported yesterday that the White House staff stole several hundred dollars' worth of the bathrobes with the insignia on them, and several hundred dollars' worth of the towels and so forth. And then it was reported on television last night and in the media that maybe there was some confusion, that maybe they thought these robes that were very beautiful and monogrammed, that you and I would probably pay $175 or $200 apiece for, they were only $35 according to the Navy because they bought them in bulk, but they said that maybe this was just a mistake. They thought it was part of a gift package.

In fact, in the Washington Post it said the White House staff said if robes and towels were missing they were sure it was part of a mixup. It seems the staff had forked over $11 for a bath kit to use in the shower and some toiletries, and they found the towels and the robes alongside in their staterooms.

Well, today I received a copy of the memo that was put on every single bed in every single stateroom during the President's visit on the U.S.S. *George Washington*. Here is what it says:

> Welcome aboard George Washington. Please accept this bath kit as a gift, compliments of the captain and crew. Blue, monogrammed towels may be purchased in the ship's store.

Now, if you see that the blue monogrammed towels can be purchased at the ship's store for $5 or $10, you have got to assume that the robes, which are much more costly and more beautiful, would also be purchased at the ship's store.

The fact of the matter is these items were taken by the White House staff. A lot of people say this is a tempest in a teapot, we are only talking about a few hundred dollars. That is not the issue. There is an arrogance at the White House that you cannot believe. You cannot get them to report to Congress. They feel like they have won this place and everything in the country belongs to them, regardless of whether or not it is paid for by the taxpayer. And we are trying to get them to realize that they have to be responsible to the Congress and the people of this country, and they have to explain when they are spending taxpayer dollars, whether it is 30 U.S. aircraft going over to Normandy instead of 5 or 6 at a cost of $30 million, or whether they are taking bathrobes that do not belong to them off the U.S.S. *George Washington*.

And then they lie about it, they lie about it, because they knew that they were not supposed to take those things, because this document was placed on every one of their beds.

We contacted the Navy and asked them what would happen if an enlisted man or an officer stole a robe or stole property from the Navy or the U.S.S. *George Washington*. I believe the answer will be coming back today or tomorrow saying they would either be severely disciplined or they would be court martialed for stealing U.S. Government property, taxpayers' property. Yet nothing is coming out of the White House except well, they made a mistake.

Two weeks ago they took a U.S. Helicopter, presidential helicopter down to a golf course and played golf at a cost of $14,000 or $15,000 a day for it, and the President was not even on that trip. They later fired the guy that did that.

I am telling you, there is an arrogance down there that must be changed. People who are doing this must be taken to task, either severely disciplined or removed.

We have asked the White House, under the Freedom of Information Act, who went on that trip to Normandy.

There were about 1,000 people who went. Did the taxpayers foot the whole bill, or did many of those people reimburse the taxpayers for the aircraft, or for their hotel or their meals, which incidentally were catered not by the U.S. Air Force, as is normally the case, but they were by a private caterer at three or four times the cost to the taxpayers. So we want the White House to respond and be accountable to the people of the United States.

I serve on the committee of jurisdiction. During the Reagan and Bush administrations, we got cooperation and got the information we requested.

□ 1330

Sometimes it took a couple of weeks, but we did get it. From this administration, it has stonewalled, excuses and lies, and we believe that the people who did this should be taken to task just like the gentleman who used the U.S. helicopter for his golf trip should be taken to task, just like John Sununu was taken to task under the Reagan administration.

We have written to the White House under the Freedom of Information Act asking for a list of those who took these items. They say they do not know who took them. Those staterooms were assigned. Everybody knew who was in which stateroom. They know where those items were taken from. So it is pretty easy to figure out who took them. They should be disciplined.

We want a list of them so we can raise an issue here in the Congress and have an investigation. We want to change the attitude of the White House. We hope the President will take the lead on this. He was on the ship. He is the Commander in Chief, and he should deal with it in a very timely fashion.

REGULATING US OUT OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, few Members of the Congress have escaped the almost daily complaints of the business community over the growing number of regulations coming at them from every government agency at Federal, State and local levels. Besides the anger arising from the frustrations of trying to comply with endless demands to file piles of paper filled with more information about the business than the IRS ever demanded, there is another common denominator among these complaints—fear. Fear of how much farther the government(s) will go—how many more regulations the businesses can tolerate.

Over time we have seen businesses go under. Not because they were poorly managed, not because they had lost a market, but because they were operating in a location which over years of usage had soaked up industrial pollution and they could not raise the money to clean it up. Since at the time most of this pollution occurred, normal industrial waste was not considered either a pollutant or illegal, the responsibility is happening ex post facto—the owner is guilty of breaking a law before it became a law.

We have seen the value of great lots of commercial real estate plummet because of these laws—properties become unsalable because no bank wants the liability of being caught with polluted property. How extreme these demands have become is indicated by what happened to the city of Columbus, OH.

Three years ago, according to Tony Snow writing in the Washington Times, Columbus decided to pave over some land behind the city's municipal garage. In order to comply with Federal regulations, they had to excavate 2.4 million pounds of dirt, ship the soil to Texas for burning in an incinerator and install devices to measure air quality outside the garage as the work progressed to ensure that the digging would not send toxins into the air affecting bystanders.

When Columbus added the cost of this project to other federally mandated requirements, it estimated the cost of such mandates to the city in the 1990's would be $1.6 billion. A study commissioned by the U.S. Conference of Mayors estimated that environmental mandates alone in 1993 forced the country's largest cities to expend 87.2 million hours in staff time, $1.73 billion in salaries and $4.39 billion in indirect costs. The 5-year costs to the cities of such orders will be $51.8 billion if no extra environmental mandates are added and inflation doesn't exceed 2.7 percent.

If the Congress has been loath to interfere with draconian regulations strangling businesses, maybe when the taxpayers are faced with the bills being run up by the cities and States, the Congress will decide that the requirement to test public drinking water for a pesticide banned 15 years ago and last used by pineapple farmers in 1985 can be dropped.

There may be a change in attitude, also, when some of these cities begin to lose parts of the tax base, and good jobs, because manufacturing companies are forced to move away from the harsh restrictions being laid upon 10 States—among them Maryland—to clean up the air by restricting commuting to work by car.

The program, Employee Trip Reduction, aims to have workers car pool or use public transportation and the companies will be responsible for seeing this gets done or face heavy fines. The restrictions are placed on companies with over 100 employees.

One of our larger employers, after making a survey of his worker's driving patterns and home locations, stated if this regulation is enforced that he will be forced to relocate his plant to another State, because the work force he now has cannot comply with the law. Maryland will lose 350 jobs if the company leaves.

Other employers, with work forces barely over 100, says that they will be forced to cut back on jobs, adding more overtime for the remaining employees.

An analysis of the effect of all of this economic and personal hardship on our companies and our workers in order to clean-up the air is startling. The most hopeful report is that 2 to 3 percent of all commuter traffic will be affected.

At this point, I would like to say that I just don't believe that this great body of which I have been apart for almost 10 years could promulgate such a mischievous, destructive act on our people. Before we start losing our plants and jobs in critical urban areas, we had better have some oversight hearings as to the effects of these regulations.

It seems to me that somewhere, someone has run away with an idea and hang the consequences.

A MATTER OF MORALS, WHAT IS RIGHT AND WHAT IS WRONG

The SPEAKER pro tempore (Mrs. BYRNE). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Madam Speaker, earlier today my colleague, the gentleman from Indiana [Mr. BURTON] expressed legitimate concern about a situation that has been reported out of the White House where evidently members of the White House staff and/or persons from the media left the *U.S.S. George Washington* during D-day activities with a number of items of linen from the ship, amounting in total to over $560 worth of materials.

This is a matter of some concern, I think, because it goes to the question of what is right and what is wrong. Remembering that this incident took place only a couple of days after the major reports about the helicopter incident where a Marine helicopter was used to take White House staffers on a golf outing, one would have thought that White House staff would be particularly sensitive to the need to maintain any semblance of propriety in what they did. And yet it sounds as though the staff and/or the media involved left the ship with bathrobes, with towels, and with all sorts of other things that at least someone has reported they took as memorabilia. I think that that is a matter of real concern.

I have been on Navy ships where we have had an opportunity to be there, and when you spend some time with the crew, you do like to go away with a little remembrance of the occasion. In most instances, you are given the opportunity to purchase those kinds of things in the ship's store. That could have certainly been done here. Evidently it was not.

If you go to a hotel room and there is a bathrobe hanging in the closet, I do not assume and I do not believe most middle-class Americans assume that that is there to take out of the room and keep. Nor do most middle-class Americans assume when they find towels with monograms in the room that those are theirs to keep.

There is a sense of common decency, a sense of right and wrong that has to govern the affairs of people. It appears as though for some people who are part of the White House contingent that was aboard the U.S.S. *George Washington*, that that was not the case and that they did leave with some of this linen.

I guess what finally concerns me in all of this is the kind of standard that this sets for men and women who serve in the military. Men and women who serve in the military, if caught with that kind of act, which is stealing, it is pilfering, would be at least brought up on charges before their commanding officers and in some cases if it was serious enough they would be court-martialed. It seems to me that that is the standard that ought to be kept in the White House. If the staff was responsible for any of this, they need to be disciplined. And in the case of people who were engaged in serious violations here, they should do what would be done in the military, they should have the equivalent of a court martial, and that is they should be fired.

THE JOINT COMMITTEE ON THE REORGANIZATION OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DREIER] is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Madam Speaker, I have taken out this special order this afternoon as Members prepare to return to their districts, to ask a few of my colleagues who served through calendar year 1993 on the Joint Committee on the Reorganization of Congress to join me in and continue a special order that we had the night before last which was led by the ranking member of the Committee on Rules, my friend, the gentleman from New York [Mr. SOLOMON], who unfortunately cannot be here this afternoon but who wanted us to continue talking about the very important work of the Joint Committee on the Reorganization of Congress and the need to proceed as expeditiously as we possibly can to get to this House floor a package which will bring about meaningful reform of this institution.

A few minutes ago, when we were discussing the program for next week, I chose to again today, as I did last week, ask the representative of the majority when we can anticipate the reform package here on the House floor. When the Joint Committee on the Reorganization of Congress was established in August 1992, it was put into place as a committee to last for 1 year and 1 year only, and it was very unique in that it was the first time in nearly 50 years, since 1947, when the work of the Monroney/LaFollette committee was completed, that a bipartisan, bicameral, equal number of Republicans, equal number of Democrats, equal number of House Members, equal number of Senators, a committee to put into place to deal with overall reform of this institution.

The thing that appealed to me about the work was that it was to be a committee that was actually going to go out of existence. And that was very unique because, as we found in our work on the committee, there are not too many committees around this place that do their work and then go out of existence.

But the Joint Committee on the Reorganization of Congress did in fact go out of business on December 31 in 1993, and we did complete our work in committee. But unfortunately we have not seen here on the House floor an opportunity to look at, to ruminate over, to discuss, debate, and vote on the provisions that were considered in this package.

I think if one looks at all of the items that were addressed in that work of the joint committee, there were many things that need to be changed. Some things in the package are good, but on an overall basis this is an extraordinarily weak package, and my counterpart on the committee, the gentleman from Indiana [Mr. HAMILTON] indicated to me that he would report out a measure that would call for a very generous rule allowing virtually all of the 25 amendments that we considered in the joint committee, at least the 8 subject areas that we debated there, and defeated amendments on, to be voted here on the House floor.

Unfortunately, while we were told that we would see it in the fall of 1993, before the committee went out of existence, they said it would be in the early spring of 1994, late spring, and now we are here in the summer.

Last week I was told by the whip that we would have the package considered following the 4th of July district work period. Today we were told by my friend, the gentleman from Maryland [Mr. HOYER], that we will have it considered at some time because discussions are taking place among some of my colleagues on the other side of the aisle.

So it is our hope that we will be able to actually get something to the House floor so that the demand the American people made for the meaningful reform of this Congress can actually take place.

There were more than a few very hardworking members of that joint committee and many of our Members testified before the joint committee—a total of 243 witnesses, 37 hearings—one of the hardest-working Members who focused a great deal on the issue of congressional compliance is my colleague, the gentleman from Colorado [Mr. ALLARD], and I am happy to yield to him at this point.

□ 1350

Mr. ALLARD. Mr. Speaker, I could not help but be taken by the gentleman's emphasis on the fact that we were a committee that got in and did our work, and we got out, as we were originally set up to do, and we had a year of really focused hard work, and I recall, when we reached towards the end of our deliberations, there were actually some Members in the Congress that thought we ought to go and continue to remain as a committee, and I think the gentleman, and myself and some others said, "You know, that's not why we were set up."

Now we have done our work, and we have dissolved ourselves as a committee, and now the burden is on the House, and the committees that are reference committees here in the House, and the leadership, to get this to move forward so that the time we spent as a committee was well spent, and I would be very disappointed, as one member of that committee, if we did not get something up on the floor here where we can talk about some of the very meaningful reform.

I really appreciate the fact that the gentleman brought up that we were a committee that got our work done and then quit existing as a committee, and one of the criticisms that I ran across, even in my own district, as my colleagues know, is: "There in Congress you set up another committee to address your problems, and nothing ever gets done."

Well, Mr. Speaker, this committee did its work, and now it is up to the leadership of the House to bring this forward.

Mr. DREIER. I yield to the gentleman from Cape Girardeau, MO.

Mr. EMERSON. Mr. Speaker, the gentleman from Colorado [Mr. ALLARD] has just said something that has sparked my interest here.

As my colleagues know, as we began our deliberations on the Joint Committee on the Organization of Congress, one of the first witnesses to appear; indeed I believe he was the first witness, was the Speaker, who, in a very fine rhetorical statement, admonished the committee. He said, in order for us to proceed, the majority should think, put itself into the position of the minority, and the minority should put itself in the position of the majority in order to understand the problems that the majority faces in moving legislation. I found myself in the course of the deliberations of the committee thinking very often as though I were a member of the majority, and I rather liked the feeling, and I think it may be that we are going to have to become the majority before we are going to be able to move meaningful reform in this House.

Mr. Speaker, both gentlemen are correct. We reported our measure last November. It still has not received any real attention in the House. It has been languishing, and I have begun to question, as one who dealt in good faith throughout this whole process I have begun to question, whether or not there really was a good faith intent to effect reform or if we just had this committee for the purpose of talking about it but doing nothing about it.

Now let me just repeat for emphasis. I think it was a very wise statement, very wise admonishment, that the Speaker gave us, that the minority should think like the majority in order to appreciate their problems and the majority should think like the minority. I think that reality is probably going to have to occur before we are really going to get this job done. We are going to have to become the majority in order to accomplish real reform.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Missouri [Mr. EMERSON], my friend, for his very helpful contributions there, and I will say that I, like my friend from Cape Girardeau, look forward to becoming part of a majority, but we would like to be able to reform this place in a bipartisan manner before that happens, if we possibly can.

At this point I yield to my very good friend from Long Beach who, while not a member of the Joint Committee on the Organization of Congress, was, in fact, one who provided me with a great deal of input because of the tremendous historical perspective that he has had on this institution, having worked here for years, my very good friend, the former president of Long Beach State University, the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER], my colleague, and I congratulate my colleagues who have worked so hard this last year on the effort to try and reform the institution, and I say to the gentleman. "I particularly praise you, DAVID, as chairman of the effort on behalf of the House Republicans, as cochairman of the committee. You have done a terrific job."

I am reminded of the La Follette-Monroney committee and the differences between this committee and that. In 1946, when Mike Monroney, Democratic Congressman from Oklahoma, Phil La Follette, Republican Senator from Wisconsin, were head of that joint committee, it was a true bipartisan effort just as my colleague's has been structurally and just as Democrats and Republicans on that committee want real change. The difference, however, is very simple. That was also a Democratic Congress, I might add, the 79th Congress. The difference is very simple:

The leadership support was given to the work of that committee. Everett Dirksen was then a Member of the House of Representatives. He was a key Republican in making sure those recommendations in a bipartisan way passed a Democratic controlled House, and the Democratic leadership at the time did not fight every reform.

And the problem here is my colleagues have all done wonderful work, but we really have not had the help and the push of the central leadership of this Chamber. They might well have met with the committee, and they might all have advised my colleagues to think like the other side, and that is wonderful, but now the exercise is over, and there has been no reform in this century the equal of the La Follette-Monroney reform which was then implemented because the next Congress turned out to be the Republican 80th Congress.

Mr. DREIER. If I can reclaim my time, I just want to reconfirm the statement that my colleague makes, and that is, when we went into our markup just before the adjournment at Thanksgiving 1993, we had roughly 25 amendments that were offered by our side in the hopes that we would gain bipartisan support that we sought, and on six, six tie votes, six Republicans voting against six Democrats, 25 of our amendments were defeated, demonstrating that what began as a bipartisan effort ended up being extraordinarily partisan.

My friend is absolutely right; I would be happy to further yield.

Mr. HORN. I just think, if we are going to get something done, I agree with my friend, the gentleman from Missouri [Mr. EMERSON] and say, "You're going to need basic change in the House where the majority is committed to reform. Right now you have got the majority in a holding pattern because they have dominated the Chamber for 40 years, and the attitude is: Who needs reform? We're happy. We don't know why you people aren't happy."

I can speak for my freshman colleagues, many of whom are reform minded, and all of whom are at least somewhat reform minded. Many of them have been in key roles of leadership in their own legislature: President pro tem, majority leaders, so forth. They cannot believe the Chamber they have come to. This is the citadel of freedom.

This is the large Chamber, granted. But, my heavens, committees with overlapping jurisdictions that are laughable compared to what they ought to be. It is something that La Follette-Monroney consolidated at one time, has become unconsolidated in the 1970's with the proliferation of subcommittees and all the rest of it.

But what my colleagues find lacking is just little simple things like a master calendar, like structuring subcommittees within the full committee so we have meaningful work assigned at least to one of every two committees we have, and, if the committees can work so they are scheduled on, let us say, Monday/Wednesday or Tuesday/Thursday for their hearings, we would not be caught, as I was one day, with the three committees of the four I am on, on subcommittees, two full committees, are all meeting at 9:30 a.m. in the morning.

There is a simple way to deal with it. They have dealt with it at the State legislative level. There is no reason we cannot deal with it at the House level.

Mr. DREIER. I thank the gentleman from California [Mr. HORN] for his helpful contribution, and I would argue that with 266 committees and subcommittees between the House and the Senate it is obvious that the best way for us to deal with this is to try and reduce the number of committees and subcommittees so that we do not have these extraordinary demands for time which leave Members to simply go to a committee hearing, demonstrate their presence, stay for no more than 5 or 10 minutes, and then leave and go and demonstrate their presence in another committee hearing.

So, Mr. Speaker, my friend is absolutely right, and I thank him for his contribution.

At this time, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER], my very good friend, the chief deputy whip who worked long and hard with us on our work on the Joint Committee.

Mr. WALKER. Mr. Speaker, I thank the gentleman for having yielded, and I thank him for taking this special order on congressional reform.

As my colleagues know, one of the things that really should disturb us as Members of Congress is the fact that recent public opinion polls have confirmed again that Congress is still held in very low esteem by the American people. In fact, the most recent polling data is as bad as it was a couple of years ago in the midst of the check-kiting scandal which demonstrates that the public believes that Congress has done nothing to try to reform itself after a series of mind-boggling scandals.

☐ 1400

The reason why the public can feel that way is they are right. We have not done very much. Oh, we cleaned up the bank situation a little bit. We did manage to get a professional into the Post Office after that erupted. The reform that we did in terms of appointing a House Administrative Officer has, in fact, been undermined by the higher ups who run the Congress by not giving that Administrator all of the powers that he was supposed to have in the beginning and, in fact, undermining his authority in some of the places where the power was turned over to him, so that that one has not worked very well.

Then the procedural reforms, the things that were supposed to be done to clean up the legislative process, were assigned to a bipartisan committee that was supposed to give us a blueprint for reforming how the House conducts itself. That has turned into an effort which is being buried in back rooms of the Congress at the present time.

Mr. DREIER. If I could reclaim my time, I would like to ask my friends and my colleagues on the Joint Committee and my friend from Long Beach if he would like to, as we were the other evening, talk about some of the areas where we focused specific attention.

One of the key items, of course, has been proxy voting whereby Members of Congress are able to have their votes cast when they are not even in the room. We know it is a violation of the law, the rules of the House certainly, to have your voting card used by someone else here, yet in committee it is used over and over and over again. I wonder if my friend from East Petersburg might spend some time talking about this issue of proxy voting where he spent a great deal of time.

Mr. WALKER. That is one of the more disturbing patterns that has been built up over the years, in large part because of the practices the gentleman from California [Mr. HORN] referred to. We have gotten ourselves into such a bizarre committee pattern in the Congress that we now justify people not showing up at committee because the schedule is so bizarre. So if they are not going to show up, you have to have some kind of way to conduct the business. So we have put into place a practice that allows people to vote without being there.

In most cases in the country, people who do not show up for work, that is a bad thing. Here it has gotten to be a practice where some people regard it as a good thing. As a matter of fact, it extends the power of committee chairmen to be able to sit there with a whole sheaf of votes in their hands and conduct the practice kind of regardless of what else is going on in the room.

It is horrendous to watch in committee meetings situations where the people in the room, having listened to the arguments presented on an amendment will vote one way only to have their vote reversed by a group of proxy votes that are cast against the will of the people who are actually there and voting. It makes for very bad legislating. It makes for a kind of situation where the House is not being a truly representative body and, in fact, it is a body designed strictly for a handful of power brokers who want to use proxies as a way of retaining their power. It is an outrage, I would say to the gentleman, and it ought to be corrected.

Mr. DREIER. Absolutely. If I could reclaim my time, there are many people here who say if we were to eliminate proxy voting, it would not work. My response to that clearly is, "Baloney." I sit on the Committee on Rules.

If I am not up there on the third floor casting my vote, my vote does not count at all. No one can carry my proxy up there because we do not allow proxy voting. If one sits on the Committee on Appropriations, proxy voting is not allowed on the Committee on Appropriations.

Mr. WALKER. The Committee on Appropriations is the most powerful committee in the House. They do not allow proxy voting.

Mr. DREIER. Exactly.

Mr. WALKER. Why? Because they expect the people to be there doing the business of the country when they are making their fundamental decisions. That should be the case for every other committee. If we are going to join these committees and we are going to be a part of the work, we ought to be expected to be there when the votes are taking place. The fact is that what Members will say is, "I can't possibly be there with all the committee assignments." Fine. Then let us cut the committee assignments. Let us reduce the number of committees and subcommittees so people can be there doing the business. That can be done, too.

Mr. DREIER. The other evening the gentleman from New York [Mr. SOLOMON] talked about the fact that the Committee on Veterans' Affairs does not allow proxy voting. On that Committee on Veterans' Affairs, as he said, virtually every measure comes to the House floor under suspension of the rules. Why? Because every member of that committee has been able to work and have input in the final product which has emerged from that committee.

I should also say, interestingly enough, that in our Joint Committee on the Organization of the Congress, we did not have proxy voting.

Mr. WALKER. That is right. People had to be there because they know there were likely to be a lot of tie votes, so it forces people to show up at the meetings. It is exactly the pattern that we want to have happen.

Mr. ALLARD. Madam Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Madam Speaker, I thank the gentleman for yielding.

I was struck by the comments for our fellow colleague, the gentleman from California [Mr. HORN], who talked about his experiences and what happened in State legislatures. We talk about proxy voting. There is one thing that frequently we do not run across in State legislatures. I know in the legislature I served in, again, one had to be there to cast his vote. We know that works. It contributes to the accountability. It makes people feel good about their elected body.

I just wanted to make that point while we were on that discussion.

Mr. DREIER. The gentleman is absolutely right.

Madam Speaker, I yield to my friend, the gentleman from Cape Girardeau, MO.

Mr. EMERSON. Madam Speaker, I thank my friend, the gentleman from California, for yielding.

The gentleman from Pennsylvania in his comments on proxy voting raises another issue of reform needing great attention, and that is the committee structure, most especially the subcommittee structure.

I do not necessarily think that we have too many standing committees of the House, although I think some modification in their jurisdiction should occur. But we certainly do have far too many subcommittees of the committees of the House that operate in conflict one with another in a scheduling way. Very often the committees in a scheduling way are operating in conflict with the activities here on the floor of the House.

Yesterday was probably the busiest day of the week here in the House of Representatives. We had a couple of very important appropriation measures on the floor; we had instructions to conferees on the crime bill. Yet the committees of the House were meeting intently yesterday afternoon. We were in the Committee on Agriculture in a markup of a bill having to do with the reorganization of the Department of Agriculture. The fact of the matter was that we would get very well focused there in the committee and be making some progress when the bells would ring and we would go piling out to run to the floor of the House where we would have to focus here, losing our focus there, and we did this a number of times yesterday afternoon.

I rather felt like most of my day had been spent running back and forth across the street. Of course, some productive things were achieved, but not as well as they could be. Of course, all of this brings into focus the need for a master schedule of the House of Representatives. We all serve on at least two committees, most of us do, depending on what the committees are, and a variety of subcommittees. We need to be here on the floor very often listening to the debate. I think with the use of modern technology, we could have a system of scheduling that would permit us in our committee responsibilities, our subcommittee responsibilities, and our responsibilities on the floor of the House to be much more deliberative and to have the opportunity better to participate in these different fora.

After all, we are the highest deliberative body in the country, indeed probably in the world, and because of a lot of these arcane practices, we are not, in fact, as deliberative as we ought to be.

Mr. WALKER. If the gentleman would yield to me for a moment just to make one point, we had a huge screw-up on the floor here today where the Committee on Ways and Means is working hard on the health care bill, which most of us regard as one of the major measures for the Congress, and evidently misunderstood the bills for a vote, and most of the Committee on Ways and Means missed a vote on the House floor. It was on a motion to rise. It is not going to kill their voting record in terms of the substance of the vote particularly, but nevertheless they are going to show up as being absent on a vote when they were over there working doing a major bill. It is all because we have this major committee doing major legislation while there is another major bill, an appropriations bill, being debated on the floor. The schedules that we run are absolute absurdities, and it is created by an absurd structure that allows it to happen in the first place.

When we tried to get to those issues, we kept getting knocked down time and time again in the reform committee. It needs to be brought to the floor and discussed thoroughly.

Mr. DREIER. I yield to my friend, the gentleman from Long Beach.

Mr. HORN. I think you both make an excellent point in the relationship between action on the floor of the full House and the various committees of the House. I have talked to a number of committee chairmen in the majority party about this, would it be possible for us to get back here on a Monday, have floor action maybe Monday, Tuesday, and Friday and committee action on Tuesday afternoon, all day Wednesday, perhaps Thursday.

□ 1410

The argument made by most of the chairs, who know a lot about human behavior in both parties, is that unless we have votes on the floor, the members of their committee will not return to Washington. They will stay in their district. You have to have something that forces them to come here and do their duty. Being absent too often on the floor is one thing that compels you to do your duty.

Mr. DREIER. Again, proxy voting allows Members to stay in their districts.

Mr. HORN. You have the point that the gentleman from Missouri makes, which is we run back and forth, losing time. I was in one of those hearings yesterday, the Joint Subcommittee on Government Operations, in there from 9:30 to 1:30. I had to leave before the last witness. We came over to the floor, I don't know how many times.

We were on the great issue, which is very important, of fresh versus frozen chickens, since a lot of frozen chicken is sold in California as fresh when it really is not. We had some excellent witnesses, the secretary of agriculture from California, Wolfgang Puck, the great chef in California, and yet we are leaving to answer rollcalls. Two of my freshman colleagues, one Democrat, one Republican, put a pedometer on one day. Each clocked between 5 and 7 miles going back and forth around here. That is a tremendous waste of legislative time.

Mr. DREIER. But we do have some very healthy Members because of that.

Mr. EMERSON. If the gentleman would yield, you raise an excellent point. The proxy voting issue, if we eliminated it and required voting in person by rollcall in committees, and made the weight of rollcall in committee equal to that to which they are regarded here on the floor of the House, that would give Members the incentive to be here.

Plus we must say this also: Our job is to represent our people. We are elected to represent our people in the Congress of the United States. I do not know how we have arrived at the mentality that unless the House is actually sitting, that there is nothing to be done in Washington.

Actually, probably far more of the important work gets done in committee than gets done here on the House floor.

Mr. ALLARD. I would like to thank the gentleman for yielding. Talking about our scheduling, it was brought up legitimately that proxy voting, getting people to attend their committees, again, the number of committees gets to be a problem as far as scheduling is concerned.

If I remember correctly, in the report that we reported out of our efforts on organizing Congress, we had a mechanism in there where we could begin to reduce the number of committees. We limited the number of committees that Members could serve on. Then we also said if those committees failed to meet with a certain number of Members on that committee, that the Members had voted, so those who did not meet those membership requirements would cease to exist. In effect, we were saying the Members of this body would vote by selecting which committees they were to serve on. If the interest was not there for the committee, despite what the chairman's personal feelings were, and obviously there is not a chairman that did not want to keep that power, then that committee would have to go. I think that made a lot of sense. I am real disappointed we do not have that coming before our body.

Mr. HORN. If the gentleman would yield a minute, I wanted to finish up on what Mr. EMERSON said for a minute, with one idea that might help. If we published in the CONGRESSIONAL RECORD the votes on each issue in committee, as we publish the votes before the full House of Representatives and the actions of the Committee of the Whole on the State of the Union, you would have a greater level of consciousness as to who is around here doing the work.

Being on a number of committees that have 25 and 30 people, I can tell you there are usually 5 or 6 of us, divided maybe 3 and 3, that are sitting there with the chairman and the ranking Republican listening to the witnesses and doing the work. And I think it would help if we published in the CONGRESSIONAL RECORD all those committee votes, which you do not have any other way of knowing what the votes are in committee, unless the trade press on a particular committee publishes them. It seems to me the American people have a right to know what their Representatives are voting on.

Mr. DREIER. Madam Speaker, my friend has just pointed to one of the very beneficial aspects of the report that has come from the Joint Committee on the Organization of Congress. We, in fact, do have a provision which calls for regularly printing the votes in attendance for committees in the RECORD.

I should say today there is nothing to prevent that at all. In fact, regularly when I or my colleagues, Mr. SOLOMON, Mr. QUILLEN, or Mr. GOSS are managing the rules on the House floor here, we print in the CONGRESSIONAL RECORD the votes that have been cast in the Committee on Rules, and that can be done today. But under the recommendation which came from the joint committee, we do, in fact, call for a regular printing of those votes in the CONGRESSIONAL RECORD. I think that is an important reform.

Mr. WALKER. If the gentleman would yield, it seems to me we ought to talk about one other thing, too, that is very much on the minds of the American people, and that is the whole issue of congressional compliance, forcing Congress to live under the same laws other people live under, and particularly to live under the laws we pass for other people.

That was something that was the subject of much discussion in the Joint Committee on Organization. It is one where I think there was unanimity of agreement among the committee that we were going to have to deal with that issue. We did not always agree on exactly the substance of how it would happen, but I think both Republicans and Democrats came to the conclusion that was something that had to happen.

That is a part of the package and is something that by preventing the package from coming to the floor, we would not ever get to. What we hear by way of rumor is that some of our friends on the Democratic side might want to separate out that issue, because they understand that the country is concerned about it, bring it to the floor, call it congressional reform, and do little else.

Well, I suppose that would be a step in the right direction, but the fact is that what they are also talking about is something that is very weak. They are talking about one more set of discussions about whether or not we can do it. Many of us feel as though it is time for Congress to make very clear to the American people that we intend to live under the laws that we pass for other people to live under.

Mr. DREIER. Madam Speaker, reclaiming my time, I do so to disagree with my friend from East Petersburg.

Mr. WALKER. Shocking.

Mr. DREIER. Well, it occasionally happens.

I happen to believe very strongly that Members on the other side of the aisle who are supportive of establishing an office of compliance which would make recommendations back to us as to what regulations we might consider imposing on ourselves, are simply using that as an excuse to claim they support congressional compliance when they really don't. And that is what I found during the debate that we had when we were in our markup.

There are many people who do not believe that Congress should have to comply with the laws that we impose on the American people, and more than a few of them would argue that because of, as my friend has said, the tremendous uproar out there among our constituents who are regularly saying, you in Congress should be forced to comply with the laws that you impose on us, they feel that pressure. So they want to hold up this extraordinarily weak provision for congressional compliance.

When we had our hearing up in the Committee on Rules just a few weeks ago, I got into a disagreement with my counterpart, Mr. HAMILTON, who was saying that he believed that if we were to implement this package, which established an Office of Compliance that would make recommendations, that we would have to comply with OSHA. But in fact that is not the case at all. There is nothing in there that says we would have to comply with the Occupational Safety and Health Act, which has imposed tremendous regulations and forced small businesses out of existence.

So what he said is that he hoped that the Office of Compliance would recommend that we comply with OSHA, and that we would do it. The fact of the matter is, this has loopholes and creates a tremendous opportunity for Congress to continue to exempt itself, and it is so weak that if they try to bring forward a compliance provision which simply includes what came out of that committee, I would be compelled to oppose it, because I do not believe in any way that that moves us in the right direction.

Mr. WALKER. If the gentleman would yield further, the gentleman has corrected me. He is right. I was wrong. We are not dealing with anything that the House could possibly pass and consider as real reform, and I thank the gentleman for putting that correction on the record.

Mr. DREIER. I have to do that once in a while.

Mr. HORN. If the gentleman will yield, I stress that this is said facetiously and humorously. If we had to apply and comply with OSHA or EPA, the first thing they would do is come here and close the Longworth House Office Building. The result would be at least $1 billion or $2 billion required to house what we now house in the Longworth House Office Building.

That is exactly what small business collectively and large business in this country, and I might add universities, because I had plenty of OSHA inspectors at California State University at Long Beach, who would be crawling around here finding the usual mouse holes, rat holes, lousy wiring, and all the rest, and we would have to suffer.

□ 1420

Mr. DREIER. Madam Speaker, reclaiming my time, I did not mean it facetiously. The reason I say that is that we need to recognize that the onerous regulatory burden which we impose on American businesses, on universities and others is so great that is has created many problems. And while I acknowledge it would be impossible for us today to comply with any of those regulations which are out there, outside of the beltway for entities that are not part of the Federal Government, the fact of the matter is, we should realize that. And when we have to face the kinds of constraints that they have to, we just might realize that some of the cost of regulation, the duplication of regulation and the tremendous imposition out there should be reduced. That really is my goal on this.

Mr. ALLARD. This is not a new idea about having Congress live under the same laws as everybody else. James Madison, one of the founders of our Constitution, wrote frequently and talked frequently about the hazards of having a legislative body exempt itself from the same laws everybody else has to live under and, in the process of doing that, that you set up an elite body. I frequently, as I think most of you hear from your local elected officials, talking about the burden of rules and regulations, whether they are elected to the school board or the city council or county commissions or even State legislators. One of the things that amuses me is some of the arguments that we hear from our own colleagues.

They say, No. 1, that say we do not want those regulators in our offices. Well, they are beginning to get the idea.

Then the second argument they make, we cannot afford all those rules and regulations. I said, now you are really beginning to get the idea. That is why your city council people and your county commissioners, State legislators are having so many concerns, because you really do not understand about the impacts you are having on their local budgets.

Mr. WALKER. Just think about all the problems that we had when Congress all of a sudden awoke and figured out that we had to comply with parking laws that we passed in the last Congress, that we passed this, what I regard as a rather stupid law, that suggests that we are going to tax parking places at work. And the rest of the country is about to awake to this and find out that it is going to get real expensive for them.

But when we figured out that we had to comply with this, we have now scrambled around and the administration committees in the House and the committees over in the Senate have now figured out ways to comply exactly but to figure out how we escape the law, how we can bring the threshold of our parking places underneath what it would really be to comply.

It is exactly the kind of thing that the American people are concerned about. Once again, we found out a law applied to us and we scrambled around trying to figure out how we could make it so it did not apply to us. It boggles the mind.

Mr. HORN. You are precisely correct. I would suggest perhaps a law we all ought to cosponsor and pass would be that we require all Members of Congress to come with their tax records, find space in this Chamber over 2 specific days and have to make out their own tax forms with no benefit of accountants. I think that would do more to get the consciousness raised around here for the need for tax simplication.

Every tax bill I can think of since probably the 1940's especially 1986, started out with the idea of tax simplication. I remember when I was on the Senate staff 30 years ago, we called anything we passed in relation to taxes the lawyers and accountants relief act of still in the air, 1962, 1986, whatever. We ought to have to do it ourselves in this Chamber, no advice. And then you would know what people go through.

Mr. EMERSON. I just want to add to what the gentleman from Pennsylvania has said. He highlights the fact that the liberal majority there knows no bounds to what they would like to tax. Now they are going to tax the parking spaces of all Americans, and it has come home to us, because we are going to be taxed on our parking spaces here.

I suggest the simple solution would be that we would pass a law declaring that parking places are a perk that all Americans should enjoy, and it is a benefit of one's job. But the gentleman is absolutely right. Certainly, that would be true in this mobile society in which we live today. The gentleman is absolutely right.

We think that we know so well what is right of everyone else but do not make them applicable to ourselves. And when we do make applicable to ourselves the laws that everyone else is under, we have a much finer appreciation of the problems that Main Street America faces.

Mr. WALKER. What we end up with is, we begin to end up with recognizing the stupidity of what we have passed. All of a sudden it now occurred to people that if you put in action the kind of thing that we are talking about, it would not do what it was purported to do. And that is to help the environment. This is supposedly a way of getting people out of their cars and helping with the environment. Now we have figured out that what it is going to do is cause people in our garages to drive around for half an hour or better trying to figure out where they can find a place, thereby polluting the air more and causing all kinds of environmental problems. So the law in the face of it has turned out to be the ultimate stupidity, and we only recognize that because we are confronted with it ourselves.

Having recognized it, I wish we could repeal the law but there are all kinds of people out there who say, you cannot do that. We passed this law. It is a major reform law. I do not know who it is reforming. Too much reform becomes deformed. I think that is the case in this case.

Once having to look at the law as it applies to us, we found out it is pretty dumb.

Mr. DREIER. I wanted to take a couple of minutes to talk, if I might, about the specific area that I tried to get into the other evening but when the bewitching hour of midnight hit, I was unable to proceed.

I want to talk about the issue which was focused on more than any other during those 37 hearings of the joint committee, and that happens to be this question of committee reform. I would like to take some time to offer some quotes that were offered in testimony as we went through this hearing process.

Norman Ornstein, who is at the American Enterprise Institute and led, along with Thomas Mann, the renewing Congress project, Thomas Mann from the Brookings Institute, spent a great deal of time looking at this institution. He said that the committee system is the linchpin in the deliberative process.

As we look at other quotes that came from the testimony, former Senator Bill Brock, who is a very good friend to many of us, in fact a candidate for the U.S. Senate, I hope he wins, in Maryland, he said, "The way committees are organized now does not relate to the world in which we live."

Mr. Mann said, "The problem is fractured attention, superficial engagement in issues, scramble over turf, unrepresentative memberships on committees, concentration of jurisdiction on major committees. The only way to deal with that is through a process of consolidation."

The Carnegie Commission in February 1994 said, "Encroachments of committee jurisdiction originally justified as response to extraordinary circumstances have become routine. Consequently, authorizing committees which focus on programmatic legislation and oversight have lost the power to appropriations committees, which center on fiscal issues. Incomplete information and inadequate awareness of broader concerns sometimes results in multiple committees and subcommittees in Congress working at cross purposes."

The former Vice President, Walter Mondale, now Ambassador to Japan, when he testified before the joint committee said, "Looking back on my years as a Senator, I now realize the tremendous amounts of time I spent on matters that did not really advance the broad national purposes with which this institution should be concerned above all else. I believe that since then the problem has gotten to be much worse."

He went on to say, "Both the numbers of congressional staff and the proliferation of committees have reached proportions that are unwieldy and counterproductive and each tends to reinforce the other."

□ 1430

He said, "If you look at the committee structure, a lot of the priorities were set 50, 60, sometimes 100 years ago," and this is not necessarily the same Nation with the same problems as it was then. He said also, "There was a time when Congress could tap into a deep reservoir of public trust. Now the well is nearly dry."

As we look at the proliferation of committees, it has been unbelievable to see the overlap. There are 52 committees and subcommittees which have responsibility over programs that deal with children and families. The Environmental Protection Agency answers to 90 committees and subcommittees.

There are 107 committees and subcommittees which have jurisdiction over the Pentagon. More than 40 committees and subcommittees have jurisdiction over surface transportation.

The Federal Emergency Management Agency oversight is so splintered that no single authorizing committee is capable of examining that agency in totality. It is not uncommon to see conference committees that exceed 200 participants.

Clearly, Madam Speaker, the existence of this gridlock and a lack of fairness and accountability are reflections of the inability of Congress to deliberate, which is our goal. Accountability and enhancing the level of deliberation is critically important. This antiquated committee system which, as my friend, the gentleman from Long Beach, CA, said earlier, was put into place nearly 50 years ago with the work of the Monroney-LaFollette committee needs to be changed.

In the early years of this country there was a regular shift of committee. In fact, when the census was taken, this institution would look into bringing about changes in the committee system.

I appeared on a television program with my counterpart, the gentleman from Indiana [Mr. HAMILTON]. This was last fall, and he said, "When I first came to the Congress some 30 years ago, there were no committees charged with dealing with issues like the environment. We have seen this increase in the numbers of committees to deal with those issues, and yet, there has been no commensurate reduction in committees that are dealing with other areas."

It seems to me, Madam Speaker, that we have a responsibility to look at a change of committees and priorities in this Congress on a regular basis. As we have witnessed throughout the world the incredible changes which have taken place over the last half century in communications, in transportation, in a wide range of other areas, it seems to me that we have a responsibility to bring the U.S. Congress into the 21st century.

If we do not modernize the committee system now, this House may drift for years without resolving the major cause of gridlock, which is in this institution. That is one point that I know my friend, the gentleman from Cape Girardeau, feels strongly about.

While many of the recommendations that come from the Joint Committee call for us to punt to others to deal with these issues, we are really abrogating our responsibility; because we as a committee, the Joint Committee on the Organization of Congress, were established with a specific charge to address and make recommendations to the House and Senate of ways in which we could deal with these problems.

Clearly, Madam Speaker, the package which came from the Joint Committee, having spent all the time that we did with 14 proposals for committee structure reform that came to us from the Congressional Research Service, we basically did nothing on the issue of committee reform. In fact, here is the analysis that was given of that.

The New York Times said, "Regrettably, neither the Senate nor House Members addressed the sensitive matter of committee turf." Roll Call said that "the plan is nothing more than a mouse."

Thomas Mann, in looking at the package we reported out, said, "The idea that there have to be these sort of minor committees as fiefdoms to protect constituencies and careers is an old-fashioned idea that I think doesn't fit with a contemporary Congress."

James Thurber, from the American University, said, "I think this bill is the mouse that roared when it comes to committee reform."

Roger Davidson, who testified a couple of times before us from the University of Maryland, used to work here, said, "The most distressing gap in H.R. 3801 is its failure to address the structure and alignment of committee and subcommittees."

We had a recommendation that came to us from the renewing Congress project, that as I said was led by Tom Mann and Norm Ornstein. Unfortunately, we ignored that. I mentioned the 14 different plans that were outlined, and in fact, through our hearing process, sat in front of us as we asked witness after witness about the need for committee structure reform.

Time and time again they said, "Yes, we should do it." However, as my friend, the gentleman from Long Beach, CA [Mr. HORN] said earlier, "There are too many people in this institution who thrive on the status quo, creating a situation which makes it very tough for us to bring about reform."

As he said, we have today 117 new Members of the House of Representatives, 13 new Members of the U.S. Senate, most of whom in 1992 ran on this platform of change, reform, and, unfortunately, many of them have come here and done very little to address it.

However, I still hold out hope, as we look at the fact while there is this great hue and cry for term limits, come January 1995 we will see probably half of this institution having served for two terms or less, it seems to me that we will have more reform-minded people here. So if we do not get this package reported out this year, I hope very much we will be able to do it next year.

Madam Speaker, I happen to have offered, with the support of my friend, the gentleman from Cape Girardeau, and others on the committee, when we had our committee markup, the one overall plan which would bring about major restructuring of the committee system. It was not perfect.

In fact, I looked at some of the things and said, "Gosh, I would like to change those myself," and I have been in the process of changing those, so when we bring the committee package or the overall reform committee's package to the floor, I hope we will be able to consider committee restructuring.

Madam Speaker, I want to be able to offer that plan. However, as we look at the proposal that I offered to bring about committee structure reform, and as we look at other ideas to bring about changes, I would disagree slightly with my friend, the gentleman from

Cape Girardeau, and say that if we do make the mistake of cutting too many committees, we always have the ability to go back and make a determination that it is absolutely crucial that we have that committee. We can put it back into place.

My fear is that if we keep the structure the way we have it today, based on the way it was established a half century ago, we will not really get at the root of the problem.

Mr. EMERSON. If the gentleman will yield, I don't think we are far apart on this subject at all. What I said is, I think the Monroney-LaFollette committee did a fairly good job at the end of World War II in its recommendations on committee structure, which is what we have been operating under since about 1947, I think, the Legislative Reorganization Act of 1947.

Madam Speaker, I would not quarrel that there should be some restructuring, some modification to bring us into the modern era. However, I was addressing the issue more from the standpoint that there is an understanding in the country that we are terribly overstaffed here in the Congress.

Staff breaks down several different ways. I think as to full committees, we need expert staff with the expertise that the major committees deal with, and certainly we as individual Representatives in our representative capacity do need staff to help us deal with—we all have at least a half-million constituents. We need a staff to deal with all of that. We cannot individually answer 300 to 500 letters a week, hard as we may try, and do all of the other things we have to do.

Madam Speaker, I think the level of staffing for individual Members is about right, and I do not take great issue with the full committee staffing, but subcommittees are a different thing. Let us not kid ourselves. It is a fact, you can read this in books containing political anecdotes, indeed, history, we have so many subcommittees in the Congress right now, in 1994, for one principal reason.

There was a tremendous class of freshmen Democrats who entered the Congress in 1975 following the Watergate fiasco, and there was a great need for a lot of people to be called Mr. Chairman. That is the reason we have so many subcommittees, not because there was any demand for the subcommittees, but because there were so many Members of the majority who did not really have a role to play and there was that great desire to be Mr. Chairman. You can go back and look at history as to when most of the subcommittees, probably a majority of the subcommittees that we have as subcommittees to the committees of the Congress right now were created in the period of 1975.

Mr. HORN. Will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from California.

Mr. HORN. The gentleman is absolutely correct. The proliferation of subcommittees came as a result of that desire, but there is another factor we have not mentioned here.

We are too fragmented. It makes us inefficient, too much staff, which I think frankly we have on the majority side of the committees. If they want to share some of that with the minority, maybe I will not feel that way, but they have not. It has been a very selfish thing. There is no 2-to-1 rule as we have sought for years, with one-third at least minority staff. It will be interesting how they feel when they are finally in the minority and see their staff disappear, of 70 people versus our 7 or something.

□ 1440

The other point is we are also making the executive branch inefficient. When you have a dozen, two dozen, the gentleman cited even many more committees that the head of a particular agency has to testify before, interact with, what we are doing, and I have spent most of my life as an executive, we are just tearing these people apart, fragmenting them, keeping them from running their agency. Sure, they need to relate to Congress, but they do not need to relate to 12 committees of Congress.

Mr. DREIER. The gentleman is correct and the examples are horrendous. I was told once by a Cabinet Secretary that he came up here and would testify before three different committees, and he would often see the same exact members on each of those committees because they served on so many committees, and they would then go and ask different questions, or ask again the same questions for maybe a different television network that happened to be in the room at that time to cover it of that Cabinet Secretary. It is absolutely ridiculous to impose those kinds of constraints on the executive branch.

Mr. EMERSON. Madam Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from Missouri.

Mr. EMERSON. Madam Speaker, I think an excellent point is being made here by both of the gentlemen from California. They do need to structure things so that committees in the Congress somewhat mirror executive departments and agencies. A reason for this, in addition to those cited, the duplication of efforts and all of that, the Congress needs to do a better job in exercising its oversight functions. There we get into the whole budget process and the need for a 2-year budget cycle so we can spend 1 year doing what we do in authorizing, and another year exercising our oversight function to see if the programs, agencies, departments, policies of the Federal Government are indeed functioning in the manner intended by Congress.

Mr. DREIER. My friend is absolutely right on the need for oversight. That underscores another very important flaw in the package coming out from the Joint Committee on the Organization of Congress. H.R. 3801 calls for these incentive-based changes, and if on the whim of a Member of Congress they do not want to serve on the Judiciary Committee or on the Government Operations Committee, and those committees go out of existence, where would we be? Clearly this is an institution that has to have a Judiciary Committee, and clearly as we look at our responsibility to have oversight over the Pentagon and other agencies of the Government we cannot do it without some kind of committee charged with that. Yet based on this very flawed proposal that has come out, which does not really bring about a major structural reform of the committee system, instead, just saying gosh, if it is a popular committee and Members politically believe that it is going to be beneficial to them as they look at reelection in their district, then they will join that committee. If a committee is unpopular, it would go out of existence.

I think there are some constitutional questions that need to be addressed here, and that is why I think that rather than simply having the existence of a committee based on the whim of the membership, we need to look at our constitutional responsibility. That is why I am very insistent on moving ahead with the package that I have for complete structural reform, and I hope very much that we will be able to do that.

Mr. HORN. Madam Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from California.

Mr. HORN. Madam Speaker, the most popular committee in this Chamber, on which I happen to serve, is the Committee on Public Works and Transportation. We have an outstanding chairman. It is probably the only bipartisan committee in this House. We function on a bipartisan basis. It is a very progressive committee. It has come forth with trying to integrate transportation. My colleagues remember the so-called ISTEA bill, an intermodal.

Mr. DREIER. Does the gentleman think it is more bipartisan than the Rules Committee?

Mr. HORN. About 3,000 percent.

But the problem is we do not have all of the pieces. If we go to the other body there is integration on these pieces. We have a separate Merchant Marine Committee, so unless the bill is referred to us, jointly, which often it is, then that means fragmentation. We cannot deal with the railroads because they happen to be under Energy and Commerce, so we do not deal with railroads. So we are dealing with surface transportation, we have a part of the EPA jurisdiction, water resources, the environment and so forth, and aviation, but we do not have an integration in our own body of where we can look and relate to the different modes of transportation, and that is very sad.

Mr. DREIER. Madam Speaker, I thank my friend for that very helpful contribution.

Madam Speaker, we come to the end of this hour, and again we have just scratched the surface on the issue of congressional reform. I believe very strongly that we need to move forward as expeditiously as possible to meet the demand of the American people to bring about major reform of the U.S. Congress. I am counting on the majority leadership to do that for us.

I thank all of my friends on the committee as well as my colleague, the gentleman from California [Mr. HORN], for joining us.

HAWAII PREPAID HEALTH PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes as the designee of the majority leader.

Mrs. MINK of Hawaii. Madam Speaker, I wanted to have this opportunity during special orders to discuss the Hawaii prepaid health plan. It is so often made reference to in various debates and forums that I wanted to take this time to clarify some of the points that have been recently discussed.

If we will recall back to September 1993, we will remind ourselves that in the inauguration of President Clinton's national health care reform there was considerable mention and identification with what the Hawaii prepaid plan was, and how it operated, and its most important ingredient was the employer mandate concept.

The State of Hawaii has been unique in that. We have had a health care reform program for the last 20 years. It took effect in June 1974, and it has been in effect since then.

People who are not aware of the controversy and the debate that occurred at that time of its enactment would probably think Hawaii being unique and different that the whole idea of a health plan simply breezed through the legislature without any controversy. That is not true. An examination of the news reports and the controversies during that time indicate that there was fierce debate, fierce objection on the part of the small business community and others rejecting the idea of mandates almost as heavily as we are being lobbied today in the Congress against the mandate concept.

Nevertheless, the legislature did not budge, and in 1974 Hawaii was the first in the country to enact a comprehensive, universal type health plan. And we have developed it to such an extent that we are extremely proud of its implementation.

There are differences between the Hawaii plan and the one that the President has unveiled and is now under debate. While it is an employer mandate plan, it was a mandate of the employers to cover only the worker, only the employee, not the dependents. It excluded those workers who worked less than 19 hours per week. So in a sense one could argue that it is not universal. It was not universal at its onset. But in the years intervening over the 20-year period it has become customary for the businesses not only to cover their employees, but also to offer coverage to their families.

As a recent GAO report indicated, and our colleagues have all seen this report I am sure, a thorough audit and analysis of the Hawaii health plan, the GAO says that notwithstanding the fact that the employer mandate only required coverage of the employee, not withstanding that, somewhere between 93 percent and 96 percent of the population of Hawaii is now covered under an insured plan of some variety. The State of Hawaii itself in doing its own audit has released a report which shows that it is not between 93 percent and 96 percent coverage, but it is more in tune with 98 percent coverage.

Whatever the percentage of coverage, it is the best in the country. It is the most comprehensive. We have reached the goal of universality to the highest degree of any other State in the Union. And this has been accomplished by an employer mandate concept.

□ 1450

I believe that the President's recommendation for employer mandate has been borne out by the experience of my State. The very small businesses who objected so strenuously against an employer mandate only to cover the employees moved very quickly to offer coverage to the dependents.

One of the other major differences of our State plan is that the percentage of contribution by the employer was limited at 50 percent. It was a 50–50 arrangement. Over the years, we have found, and the Hawaii chapter of the National Federation of Independent Businesses verifies the fact, that most of the businesses paid 100 percent of the employee's premium even though they are not required to. They fought the mandate. They find now it is more convenient to just simply pay the whole premium not only for the employee but also for the employee's family.

And this is how we have achieved nearly 96–98 percent coverage of our population in the State of Hawaii, and why we are so pleased with what we have been able to accomplish.

Now, one would say Hawaii is a very high-cost area. Our land prices soar out of any chart that you can imagine; food is expensive; housing, whether it is rented or ownership, is very expensive. Our taxes in general are very expensive.

And yet the GAO in its audit report found that we have one of the lowest in the country of health care costs of the insurance premium, of the utilization of any type of cost-shifting mechanism that we have heard so much about.

The utilization of our emergency rooms is low. The utilization of our hospitals is low. The secret to all of this, which is a principal cardinal point of the President's whole thesis, that if you can achieve universal coverage and if your health plan is based upon benefits being extended for preventive care, then in the long term, and Hawaii has enjoyed that long term of 20 years' experience, you will see that the premiums that need to be charged in order to cover the cost of the plan are lowered considerably. The excessive costs in the emergency room are spared, and the utilization of hospital beds even has been reduced extensively.

So we are very proud of the 20 years of accomplishment of our health care plan, and we are pleased to know that its success was used as a cornerstone in drafting the President's program.

Let me give you some of the other interesting statistics. Hawaii has the lowest infant mortality in the Nation, grouped together with some of the New England States. It has the lowest rate of premature mortality for heart disease, one-third lower than the national average. In cancer, one-fourth lower than the national average. In lung disease, half the national average, and a whole plethora of statistics that are similar to that list.

This has been compiled by the State of Hawaii in looking at our overall health system. The 20 years of experience has taught us many things, and we wish that we were able to convince the Congress and all of the committees on the things that it ought to be doing which we have done already in the State of Hawaii. But that is not possible. We are only beginning to create a system here for all of the people of the United States, and in doing so, the people of Hawaii feel very strongly that having had 20 years of experience in operating and implementing a system, that it would be grossly unfair to say to the people of Hawaii, "Dismantle your system, retrogress, even if your system is superior, has greater benefits, greater safeguards to your population, fall back, go back to the lower, less beneficial provisions of the national legislation," and we think that is grossly unfair.

So the other day in committee, I offered an amendment. I serve on the House Committee on Education and Labor that has been dealing with the President's bill over the last 2 months. We hope by next week to have finished our bill and to be able to report it to the House itself. We will certainly be the first committee to have accomplished that.

And so in the process of concluding deliberations on this legislation, I offered an amendment which the committee accepted which would, in effect, allow the State of Hawaii to decide by submitting an application to the national board not to be part of the system.

To be absolutely sure that we are not trying to get out of a national law, because we do not want to fall within its requirements, we have provided in the waiver provision that the employer mandate provision must be at least as good as the national bill, that the comprehensive benefit package must be at least as good as the national legislation, that the guarantees of universal coverage shall be at least as good, and certainly not less than, the national average, that we will impose a quality control mechanism to make sure that the quality of health care that we are providing in the State is at least as good as is being required under the national law, and that the data system which is being required to be kept under this bill will be put in place in my State, and that we will have also imposed cost-containment measures. We want to be sure that, in offering the State an opportunity to opt out of this national program, that we are not saying we are going to have anything less than what is in the national law.

The reason, the only reason, that the State is being offered this unique opportunity to opt out, to seek a waiver, is because we are far ahead of anything that the bill could have provided, because we have had 20 years of experience. It simply is not fair to the State of Hawaii, which has had 20 years of experience in implementing this program, to be forced to retrogress, to give less benefits, to give less assurances and safeguards to its population, because national law has now come and preempted.

It has been the tradition of the Congress in all of the areas where we have imposed standards in environment and clean water and so forth to say to the States, "If you have better laws, if you have better requirements, if you have better ways of assuring that the objectives of the legislation can be carried out or have been carried out, then the laws that have been enacted on a local level take precedence, and you are not superseded by Federal legislation," and this is all that I was attempting to indicate by offering my amendment.

Hawaii has had 20 years of experience. It has implemented universal coverage in a very unique way, and it has achieved about 95–98 percent coverage of its population in the course of time, and it would be a shame, merely because the national system which is seeking to accomplish those very goals, sets off on a different mechanism or a different plan, to force the State of Hawaii to have to dismantle, retrogressing back and start all over.

It is true that many States are beginning to discuss, beginning to develop their new systems. But the important point to recognize is that they have not yet implemented a statewide program as we have done in the State of Hawaii, and, therefore, they are simply in the process of development, and since they are in the process of development, they could very easily accommodate their own plans and proposals to make sure that they fall within the guidelines of the national program.

The most important thing, if we did not have this waiver, is the protection that we now have in the State law, and I have talked to the leadership, I have talked to people in Ways and Means and my committee; no one buys into this concept, and what it is is that in our law we state absolutely categorically that no worker can be required to pay more than 1.5 percent of their paycheck toward the premiums of the health care plan to which they subscribe.

This means that if a worker earns under minimum wage, about $10,000 a year, all they have to contribute toward their health care premium is $150. That is far less than the 20 percent that the legislation that we are considering would require them to pay.

□ 1500

They may not be in the poverty categories, and there are some poverty criteria which would enable them to have a subsidy, but we want to be sure that those kinds of protections that we now have as a result of 20 years of experience and the need to protect low-income workers in our State are not jeopardized because in the national legislation we have to deal with broader generalities.

Also, in the retired community, in the public sector retirees, they are protected by the Government paying 100 percent of their premium. Under the current legislation they would be required to pay 20 percent and the Federal Government or the State government would be required to pay the 80 percent.

It would be a tremendous burden on the retirees who at the time of retirement thought that that was a contract they were making which would carry them through all their years of retirement. But it could be superseded by this national law if we did not have the opportunity to offer the State to seek an exemption.

The amendment that I offered does not create an exemption, it merely offer the State an opportunity to do so. There are many reasons why a State may not exercise that option. One would be that if they did exercise that option, they would not be able to enjoy the Federal subsidies that the bill that we are now considering, at least in the Committee on Education and Labor, would offer to certain categories of small businesses.

So we would have to factor that in, to decide, "Do we really want to be out of this system when there is this opportunity for Federal subsidies coming in?"

So, to my friends on the other side of the aisle I say there will probably be a tremendous debate on whether we should stay in or out. One of the considerations would be the loss of the subsidy. So, for my friends on the other side of the aisle who might say they should opt out because it would cost less because the Federal Government would not have to participate in the subsidy programs which we have provided in our legislation, but I believe the idea of recognizing the State of Hawaii for its 20 years of experience and implementation of their health plan is a genuinely sincere effort on the part of my committee at least to recognize that we have gone far in this program and that we ought not to be prejudiced or forced to dismantle, it in any way merely because we are so far ahead of our time.

Madam Speaker, I am happy at this time to yield to my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentlewoman for yielding and for taking this special order. I think what I would like to do, almost, is to engage in a bit of a colloquy on this because, as the gentlewoman indicated, we have more than 20 years of experience in this.

I thank it is very important that we do not find ourselves with the RECORD being printed about the remarks that the gentlewoman made or the remarks that she referred to about Hawaii receiving, in effect, special treatment by way of this opt-out amendment, that we refute, this; that only the contrary, what the amendment the gentlewoman offered in committee seeks to do is to indicate that we do not want special treatment for Hawaii. Rather, we do not want to be discriminated against for what we have accomplished.

It is quite the opposite.

Now, if some Members of the body are willing to provide for their constituents less than what we already have in Hawaii, I suppose they could have that prerogative. If they want to stand up and offer an amendment in the gentlewoman's committee or in the Committee on Ways, and Means or anywhere else which says, "My constituents will have less than everyone else is already having provided for them in law," I presume they could be our guests to do that. Presumably, they could go back to their constituents and say, "Well, we don't intend for you to have the same benefits that Hawaii has provided for more than 20 years." That would be their prerogative, would it not?

Mrs. MINK of Hawaii. Well, the launching pad, I think that is what my amendment has offered opponents of the President's plan, my amendment has offered them a launching pad in which to offer these amendments, which was done the other day by Mr. HOEKSTRA of Michigan, to say that, "Well, there ought to be a referendum, then, in each State as to whether they want to belong or be part of this whole idea." What is wrong with such a suggestion is that we are now debating a national health plan; we are attempting to see national standards, national norms, national formats for participation, national guarantees of consumer rights and so forth. It is to be a national plan where there are certain standards and requirements that each State must come up to within a 2- or 3-year period.

What we are saying with our amendment is not to relieve us of these standards and requirements but, on the other hand, to say that Hawaii has achieved all of these or will achieve all of these by new enactment; because if they do so, there are other ramifications that the congressional law cannot possibly adopt because it is so progressive and so far advanced that surely the Congress does not intend for Hawaii to dismantle it.

That is really where we stand today, and I thank the gentleman for his question.

Mr. ABERCROMBIE. If I may go just a bit further, in order to explicate what it is that is being offered in the gentlewoman's amendment, all of it is conditional, that is to say Hawaii is not coming forward and simply stating or asserting that it has some superior version. On the contrary, the gentlewoman's amendment makes very, very clear that unless the most stringent adherence of the concepts is made manifest in the national law are adhered to, unless every element of the national law which is in fact progressive, which is leading to better health care for all Americans, unless every single point is matched or better than matched in the Hawaii law, Hawaii would not be eligible for such an exemption.

Mrs. MINK of Hawaii. That is exactly right.

Mr. ABERCROMBIE. In fact, does not the gentlewoman's amendment also indicate and state explicitly that the most stringent elements of examination as to whether it is being met will be put into place?

Mrs. MINK of Hawaii. Exactly. And we will have a constant review every 5 years in order to meet these requirements. It will not be a simple adjunct effort on the part of Hawaii to qualify.

As I said during my remarks, our current law only covers the employees. The State legislature will have to go into session and amend the law and cover all the dependents of the worker. They must do that. Why I believe it is such a simple thing for the State to do it and that they will do it is that even without the mandate our companies have already covered the families and their dependents.

The second thing they are going to have to change is the 50-50. We now say to the employers, "You pay 50 percent of the premium, and the employees pay 50 percent." In truth, as I said in my earlier remarks, the employers are paying about 100 percent of the premiums. That is not going to be a big barrier, but they will have to go to the legislature and fix that because all of the bills we are talking about are about 80 percent by the employer and 20 percent by the employee. Failure of Congress, however, to create a protective floor for the low-wage worker is what is causing me to feel the pain about this less progressive provision, because in Hawaii, as I said, a low-wage worker does not have to contribute more than 1.5 percent of their payroll. We do not have that safety in this legislation.

So our workers who are low-wage workers are going to have to pay much more of the premiums than they currently do. And that is unfair because our system has worked. We have implemented it, and I do not see any reason why we should be forced to cause greater pain on our workers than is already the case through a voluntary system that the employers have adopted.

Mr. ABERCROMBIE. So the facts are this: More than 20 years ago all of the same arguments were being made, virtually word for word, all of the same kinds of fears and anxieties were being conjured up in order to prevent us from passing the initial legislation, and the initial legislation, therefore, passed in high hopes that those objections would be met and the experience of 20 years as opposed to the rhetoric of the last 20 weeks or so in Congress has been—not only were those fears unwarranted, not only were those anxieties of no substance, but the fact is that even though there was a requirement 20 years ago of only 50-50 participation, through collective bargaining, management has come to realize that 100 percent coverage is in fact a net advantage and that the only ones who are benefiting from the old system, probably more accurately I should say nonsystem, were those insurance companies who were seeking to make a maximum profit out of other people's pain and suffering and grief, who took all the middle-level expenditures out for themselves in terms of profitability so that there was no real choice and there was no real service to the consumer and the patient and the victims and there was no real choice with respect to the physicians, nor were the hospitals in any position to exercise more efficient management.

□ 1510

It was strictly those insurance companies that were in effect cherry picking the population for their own profitability that got, quote, hurt, unquote. That is to say, when the forces of competition came into play, under our law it turned out that the overwhelming majority of those people under the employer mandate were being offered 100 percent full family compensation with respect to their health insurance so that those then who are complaining today, who are saying that this will never work; the experience of Hawaii shows that those fears are completely unwarranted, that they are, in fact, trying to stop national health care because they know it works, and we have proved that it works.

Mrs. MINK of Hawaii. In Hawaii, Madam Speaker, I would say that most of the small businesses, small employers, are really not that aware or cognizant of the requirements of our Hawaii law. What they understand, and as a part of practice and custom over 20 years, is that coverage of health care is part of the normal course of business. Until this debate, Madam Speaker, one would never have heard anyone saying, "Oh, that's an employer mandate." It is a new word that has now come into the vocabulary, and I am somewhat startled because I get letters from small businesses, restaurants, who tell me:

"I don't want to change the system. I just want to be left alone. I now cover my employees and their families——"

Mr. ABERCROMBIE. Right, exactly.

Mrs. MINK of Hawaii. "And we are happy, and I pay all their premiums, so don't give me this huge bureaucracy that's going to complicate matters and make it more difficult for us to stay in business."

So I respond to them and say, "In Hawaii," and maybe I should not have told them that, but, "under Hawaii all you need to do was cover your own worker, and all you had to do was pay 50 percent of the costs, except this 1.5 percent."

And he said, "You know, the national Government is not going to come in and do any more to you than what you are currently doing just as a matter of what is right."

Mr. ABERCROMBIE. And what is good business.

Mrs. MINK of Hawaii. And what is good business.

Mr. ABERCROMBIE. And the reason for this, of course, is they help us stabilize the work force.

Mrs. MINK of Hawaii. Exactly.

Mr. ABERCROMBIE. Because when people have a steady job where they know their health care needs are going to be met, there is a great likelihood of job satisfaction, and the ability of working with management is increased rather than decreased.

When we talk about welfare reform, Madam Speaker, I think my colleague would agree with my contention that the greatest single thing that we can do to extend reform to the welfare system is to have national health care coverage. This is what enables people, along with child care and educational opportunities, to go into a job and not have to worry about losing those medical benefits they would otherwise have under the welfare system.

I ask:

> Isn't this interesting? When we are keeping people from working, we know that we have to provide them with medical care. But when we remonstrate with them and say to them, "You have to go to work, you have to hold down a job," we take the medical care away, thus disenfranchising them from that very central element which enables them to have security for their family.

Mrs. MINK of Hawaii. Let me add another startling fact to the marvelous achievement of my State.

Very early on, when we began the debate on national health reform, the opponents argued about this huge bureaucracy which would be needed to run the system. They were, of course, not aware that under Medicare, which is really part of our dialogue and our existence today, the overhead costs for Medicare is less than 2 percent.

So, even with the system we now have in Medicare, Madam Speaker, it has not been borne out that there is this huge bureaucracy, but in Hawaii, under the plan that they created, and I took a committee, several committees, out to Hawaii, because I knew they would not believe what I had to say on the floor of the House without examining this fact themselves, and each one of these individuals had the opportunity to investigate what I am about to say, and that is:

> The enforcement mechanism, which was required to be put in place over these 20 years of operation of our health plan, is exactly two new employees, and I repeat that again. Two new employees were required to be hired in the health department in order to administer this program.

So, all the bugaboos and all the opposition arguments that have been made simply have not borne out in reality in my State. Businesses prospered by every criteria of examination, and this was done by the GAO to see what happened in that period of implementation. Did the business go bankrupt? How many shut? How many grew? And in truth of fact, Madam Speaker, my State has grown enormously with this protection for workers as a guaranteed benefit.

So, I urge my colleagues to follow the example of my State and, in doing so, lend support to the Clinton health plan because it is a necessary step in the furtherance of the quality of life of millions of Americans. Without it they are in jeopardy. Without it the success and prosperity of our Nation is in jeopardy. And so I hope that, without picking on my State for what it has accomplished and ridiculing our effort to stand up and say it as it is, and that is that we are so far ahead, while we support the Clinton efforts, we think that they are absolutely essential for the Nation to succeed and prosper, but, for heaven's sake, do not throw us backward in the process because we have achieved so much, and it would simply be unfair to ask us to dismantle our system while others are beginning theirs.

Mr. ABERCROMBIE. I would like to say in my concluding observations that we would be more than happy to have the necessity for offering such an amendment be obviated by having a national health care plan pass which at a minimum offers at least as much as we have already achieved in Hawaii. There would be no necessity for us to anticipate the possibility, not the desirability, but the possibility, of having to take up such an op-out amendment if we pass national health care for the country at least as good as that which we have in Hawaii, and I think the bottom line observation then, I think, needs to be, and I think people need to ask this question of those who are opposing health care, throwing up obstacles to health care and the President's principals all across the country:

"Why are you trying to prevent? Why are you trying to prevent, why are you opposing, a national health care plan which does nothing more than present at least that which Hawaii has already achieved and has been operating with success for more than 20 years?"

That is the question that every American has to ask himself or herself, why is it that the gentlewoman from Hawaii [Mrs. MINK] and I have to come to the floor, have to do 1-minutes, have to meet with Members, have to go to committees and over, and over, and over again say, "Look, it's very, very simple. We have been doing it for 20 years. Can't we at least provide for the people of the United States, as a whole, that which the citizens of the State of Hawaii have already been enjoying for 20 years?"

Unless and until the insurance lobbyists, and, as the Washington Post says today, health lobbyists, they certainly are not health lobbyists because they do not wish good health to the people of this country, but at least until all those who are in opposition to national health care are able to answer that simple question: "Why can't we have a national health care plan that emulates at least what Hawaii has been providing for more than 20 years"; until they are able to answer that, what they really mean is that they are in the grip of private interests whose profitability and whose interests are not those of the American people, nor their health.

Mrs. MINK of Hawaii. The opportunity to allow the State of Hawaii at least to maintain the program benefits that they now have that are better than anything the Congress is going to enact is simply a recognition of the justice that is required by such action.

□ 1520

I hope that this House will take it under those auspices and give us the necessary recognition for being so far ahead in achieving what is simply fundamentally correct for all of the people of the United States.

I thank my colleague for joining me this afternoon.

COMMEMORATION OF THE 50TH ANNIVERSARY OF D-DAY AND OTHER EVENTS OF WORLD WAR II

The SPEAKER pro tempore (Mrs. BYRNE). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Madam Speaker, this is one of those periods in history when all week long we should be celebrating the 50th anniversary of stunning events that took place in World War II. We made a proper memorial out of D-day. It was almost too celebratory. Maybe the real celebration should be on Victory in Europe Day, which was on Harry Truman's birthday. The 50th anniversary of that comes up next year, on May 8. We should also celebrate the cessation of hostilities against Japan in the Pacific theater, which was August 15 or the signing of the surrender on the deck of the U.S.S. *Missouri* in Tokyo Harbor on September 2, 1945. Those can be celebratory days. D-day should have been more a day of memorial with a more somber tone the way the veterans were observing it over there. In other words, absent sad little silly moments like White House staff on the U.S.S. *George Washington* purloining 16 bathrobes and about 60 towels with the scotch crest of the U.S.S. *George Washington* on them. We must remember that Normandy was an 80-day battle.

Every day this week there was fierce resistance by the Germans on the whole British front around the city that was eventually completely destroyed, the city of Caen. On the American side beyond Omaha and Utah Beaches, BOB MICHEL, our minority leader was in combat for his 7th day. He arrived on Utah Beach D-day plus 4 days, so 7 days later, this is his first week of combat. BOB MICHEL, with his Browning automatic rifle, was a heavy rifle member of his squad. He made it through to the western coast of the Cotentin Peninsula, helping to cut off German divisions north and all the way to Cherbourg, which was the first port the Allies took later in the month, on June 29. German divisions asked all the way up to Adolf Hitler for permission to break out and to kill BOB MICHEL in the process. Hitler denied them the right to break out. Hitler said, in effect, "No, die in place."

Now, today, on June 17, Adolf Hitler came all the way to the famous World

War I battlefield of Saussaint a name that my dad had me memorize as a young child. Actually, I was to memorize Saussaint, Apre, Desomme, all the battlefields leading up to the American intervention in World War I in 1918. Then the names Chateau Thierry, Argonne Mues, Belleau Wood. Those names became more famous. The World War I devastated area looked like the surface of the Moon. There was incredible loss of life.

Hitler came to Soussaint and met with von Runstedt, the last of the old Prussian noble officers who knew nothing about involving, let alone murdering, civilians by the thousands. Hitler met with von Runstedt and Rommel himself, the Desert Fox, who was the commander of the Southern German Army Group with full responsibility for the Normandy area. They asked Hitler for certain tactical permissions.

Hitler went into a rage. This word jumped at me off the pages of several history books I was reading, because in Bob Woodward's book, he talks about our current Commander in Chief indulging in purple rages where the young George Stephenapolous is treated more like a battered wife than a Communications Chief. So I do not like to hear about people going into rages on their staff. For all of my tough image, crafted carefully by the L.A. Times, I defy someone to find a staffer that in almost two decades has ever seen me ever speak harshly to a staffer, let alone go into a purple rage.

But here is Hitler in a purple rage, calling the entire two German Army groups in the whole area of Normandy and above La Havre cowardly. Suddenly he is the Austrian, damning his own German soldiers, who were out fighting the British, the Canadians and the United States forces. In any unit where it was man to man, the Germans would always prevail. All of the great biographers, the late Cornelius Ryan, the current master of historical craft on D-day, agree with that assessment. By the way, I had the pleasure of sitting next to Ryan's wife and chatting with him in Great Britain in Grosvenor Square at the ceremony we had honoring Dwight Eisenhower. Eisenhower's great son General John Eisenhower was in attendance. I also spoke with historian Stephen Ambrose, and in his great book, "D-Day: The Battle for Normandy," he points out that in unit to unit size where the numbers were equal, the Germans would always prevail. And well they should since they had more combat general officers, combat-trained commanders at every level right down to the infamous commander of a Tiger tank unit, Michael Whitman. Isn't that an American-sounding name, Michael Whitman. He killed in his career 134 tanks, 130-some odd artillery pieces, 138 fighting vehicles, and countless other vehicles destroyed. This tank commander was finally surrounded and killed by Canadians.

Hitler was prevailing at every battle 50 years ago this week. Yet, Hitler is calling his forces fighting so fiercely cowardly. Purple rages do not do anybody any good.

Madam Speaker, I want to discuss some other areas of the world and say something for all of the veterans out there, and I am surprised at how many follow the proceedings of this Chamber. I had Adm. John Duncan Bulkeley, Medal of Honor winner, come up to me in the Colleville-Sur-Mer Cemetery. As I said last week, 172 acres of United States territory in perpetuity as a gift to us from France, and well the French should give us this soil since 9,386 Americans are buried there, including an American son of a President who died in World War I.

Admiral Bulkeley and most of his family, as did veteran after veteran, told me they watch these special orders and thanked me for being one of only a handful of Members, sometimes one of one, if I do say so myself, who remembers this period and brings it to the House floor, brings it to the benefit of people who visit in our galleries or read the CONGRESSIONAL RECORD or listen electronically, I hope it is over 1 million tonight.

Madam Speaker, I want to tell Americans about some history and some of the things, sort of a color commentary as though it were a sport event, that was missed by the three networks and CNN.

When I saw Admiral Bulkeley in the reception tent area behind that beautiful memorial to American youth who liberated France for the second time in a quarter of a century, I shook his hand. He was in full uniform, although he retired in 1988. August 31, 1988, was the retirement of Admiral Bulkeley after 58 years of service, if one includes his Annapolis time.

□ 1530

He graduated in June, the class of 1934. Just 2 days from now is the 60th anniversary of his graduation from Annapolis.

There was a terrible rumor, Madam Speaker, going around the Pentagon, brought to me by three young Naval officers, that Admiral Bulkeley had been selected as a Medal of Honor winner to throw the wreath off the U.S.S. *George Washington* at dawn, beginning the D-day commemorative events. The President was supposed to be there, and then the President was to go to Pointe du Huc with the rangers, then to Utah Beach, where the congressional delegation led by SONNY MONTGOMERY, our distinguished colleague and retired two star, was gathered. SAM GIBBONS, hero paratrooper of the 101st Airborne was reliving his own wonderful moments with his men and the British and Canadians and the 82d Airborne veterans.

Then the Presidential delegation would move up to Utah Beach, on the beach, and then up to Colleville Cemetery where they would be joined by the congressional delegation. But it was to start with Adm. John Bulkeley throwing a wreath into the English Channel.

These young officers from the Pentagon came to me and said they had received word that Hillary Rodham Clinton would be taking that honor from Admiral Bulkeley and that she would be throwing the wreath into the English Channel.

I was not there. We were on land. So I asked Admiral Bulkeley about it. I said tell me that Hillary did not take that wreath from you.

He smiled a wry smile, still with all the respect uniformed people have in the great tradition of our country for Commanders in Chief and First Ladies, and he said, "No, Congressman, I shared that honor with the President." And that night, on French television, I saw William Jefferson Clinton holding on to the wreath with Adm. John Duncan Bulkeley, Medal of Honor winner. A triple draft dodger and a Medal of Honor winner, both together, throwing the wreath into the English Channel.

Now, if the name John Bulkeley doesn't strike a resonant cord in your knowledge of history, young or older Americans, be advised he won his Medal of Honor for saving Gen. Douglas MacArthur and taking him off the island of Corregidor.

The SPEAKER pro tempore (Mrs. BYRNE). I remind the gentleman he should not refer to the President using pejorative terms.

Mr. DORNAN. Using what?

The SPEAKER pro tempore. Pejorative terms.

Mr. DORNAN. Madam Speaker, "draft dodger" is not a pejorative term. It is historical fact.

The SPEAKER pro tempore. It is out of order, sir.

Mr. DORNAN. Madam Speaker, I appeal to the Chair or to the Parliamentarian. Someone who has dodged the draft is a draft dodger. It is a historical application of a title that is not pejorative, especially if someone was proud of it and bragged of it.

I will not say it again, Madam Speaker. It is not a pejorative term. It is a fact. A historical fact. but, I will not say it again.

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. DORNAN. Now, let me tell you what Admiral Bulkeley did before he rescued General MacArthur from Corregidor and won the Medal of Honor and what he did afterward. First, I will tell you what he did afterward. He fought all through the South Pacific, on dozens of patrols, PT boat patrols. In the Air Force we would call these missions. He had dozens of combat missions.

Remember that John F. Kennedy, young mid-20's lieutenant, through no fault of his own, although that is contested, but I would say through no fault of his own, in the darkness, dark running the Navy calls it, in the Slot, down the middle of the Solomon Islands, near Kolombangara Island, on his first mission, had his boat cut in half by a Japanese destroyer. Of the 13 men on his PT boat 109, two were killed. John F. Kennedy received the Navy Cross for rescuing one of his crew members, who was semiconscious, dragging him through the water to an island by his life preserver cord. That was a life saving mission, certainly worthy of a Navy commendation, but it had nothing to do with combat. It was not like going after the enemy or sinking a ship.

That was President Kennedy's first mission. His back was hurt so badly, he only had two or three more patrols along the coast, firing at a unseen enemy, and then had to be sent home because of his back pains.

Here was Admiral Bulkeley, also a lieutenant with hundreds of combat patrols. He was then chosen, to be the commander of all the PT boats in the Mediterranean for the Sicily invasion on July 10, 1943, and then for the naval invasions of Salerno, and then later Anzio, and then was picked to command 67 PT boats in the English Channel.

This is why he was asked as a Medal of Honor winner to throw the wreath into the English Channel on the morning of the 50th anniversary of D-day. Sixty-seven PT boats under his command. And what was their job? To keep the German PT boats, they called them E boats, from doing what they did in the last few days of April, when they killed hundreds of American men on transports, sank several ships that were training for the invasion off the beaches of England. German torpedo boats got into our practicing for D-day and killed, some reports say 649. I have seen other reports that they killed almost 1,000, drowning hundreds of young Americans who had been training in England for 2 years. And this operation, Tiger it was called, Operation Tiger, training for Operation Overlord, it was kept secret not only for the entire war, but then seemed to be lost after the war. And only until recent times, five decades later, are we acknowledging what the German E boats did, killing hundreds of Americans.

Someone asked Admiral Bulkeley at Colleville Cemetery, what was the principle duty of the PT boats under you, other than to keep the Germans from unfiltrating our landing craft and tearing up the invasion forces?

He said his boats were to block the Germans from coming from the west coast of the Cotentin Peninsula, the Cherbourg Peninsula, from coming around the top to try and block us from going near Cherbourg.

I asked the admiral if the Germans tested him? And he gets this wry smile and says, "Oh, yes, they did."

That is a naval battle that I have asked the Library of Congress to research for me and that I do not have yet.

Now, let us go back from the Normandy combat waters, the waters off Italy, off Sicily in 1943, let's go back to the dark days of December 1941, shortly after Pearl Harbor, and months before all of the intervening combat patrols leading up to rescuing, by direct order, of Gen. Douglas MacArthur who wanted to be captured with his men or die with his men on Corregidor.

Franklin Delano Roosevelt gave a direct order, you will leave. He ordered him to leave by submarine. MacArthur somehow or other felt using our silent service was leaving in some sort of ignominious way.

I would argue that with the great general. But he wanted to go out with flags flying. So he ran past Japanese cruisers, all the way from Corregidor to Mindanao, with a great Lieutenant Kelly in one PT boat, and soon to be Admiral but Lt. John Bulkeley in the PT boat that rescued MacArthur.

By the way, there is a great movie, now colorized, that I recommend young people, and not so young people. It is called "They Were Expendable," a classic John Ford film, where John Wayne plays Lieutenant Kelly, and Robert Montgomery, the distinguished actor and friend of President Eisenhower, plays Admiral Bulkeley. "They Were Expendable." And, believe me, everybody was expendable on the Bataan Peninsula and Corregidor, while we built up our forces to roll back the imperial warloads of Japan, the Fascists of Italy, and the Nazis of Adolf Hitler.

Now, here is a great book, a quick read, a small book, written by a fine author, William Brewer, entitled "Devil Boats." It is about PT boats. Kennedy only gets a page in here because he lost his boat on the first mission.

But here is "Devil Boats, the PT War Against Japan." This doesn't cover Bulkeley in the Mediterranean or the English Channel. Listen to this from chapter 23, the opening, entitled, "The wild man of the Philippines."

□ 1540

If you have seen that film clip again, maybe in 1996, of Clinton and Bulkeley holding the wreath to throw it in the English Channel, think of this description of Bulkeley and compare him to the man that we read about at Oxford in 1969 and 1970, demonstrating against his country in a foreign land.

When Lt. John Bulkeley reported to his Corregidor headquarters, still designated grandly as the 16th naval district on January 18, he was handed a tersely written order by Capt. Herbert Ray, Admiral Rockwell's chief of staff.

"Army reports four enemy ships in or lying off Port Beneca," that is a Bataan port that we had lost earlier, "force may include one destroyer, one large transport. Send two boats, attack between dawn and dusk."

Returning to the U.S. base, this would be Bulkeley's base, at Sisiman Cove, Bulkeley began preparing for the night's mission. By now, his daring courage, seemingly unlimited supply of nervous energy, and his swashbuckling exploits had gained him a widely known nickname, "Wild Man of the Philippines." And chapters 1 and 2 talk about these exploits with six PT boats at first, then five and then four and then salvaging parts to keep a couple afloat.

A striking physical appearance strengthened that label, wild man of the Philippines. He looked like a cross between a bloodthirsty buccaneer and a shipwrecked survivor just rescued from months spent marooned on a desolate island. His shirt and trousers were soiled, wrinkled, torn. As I discussed with the admiral, covered with oil. He wore a long black unruly beard, and his green eyes were bloodshot and red-rimmed from endless nights without any sleep while out patrolling the coast of Bataan.

On each hit he carried a menacing pistol and he clenched a tommy gun in a manner that caused others to believe he was itching to locate a Japanese to use it on. Bulkeley indeed was a wild man.

For that night's raid, Bulkeley selected PT-31. Keep in mind that Kennedy's 109 came off the assembly line thus numbered, and he has got 31. And PT-34 was temporarily captained by an ensign, a second lieutenant, Ens. Ron Chandler, who would be pinch hitting for Lt. Bob Kelly who was hospitalized briefly in a Corregidor tunnel with a serious infection. Again, Bob Kelly is the one that John Wayne played. And they were expendable. Kelly kept coming back and back, sick or not, to keep going into combat. You can imagine the PT boats that Bulkeley commanded, the 67 of them off Normandy for the D-day invasion were all numbered in the 700 and 800 series. That is how many we produced in 2 years with our industrial muscle, which is really what won the war. All praise Rosie the Riveter.

This story goes on to tell how they go up the coast, capturing Japanese barges. What they left out in that brief description was that he had the toes of his shoes cut off so he would not get jungle rot in his feet, no socks. His trouser were cut off at the knees like Bermuda shorts. The shirt had the sleeves ripped off. One officer confronted him and said, "Lieutenant Bulkeley, are you and I in the same Navy?" But he had just come back from killing personally a whole barge of Japanese soldiers, climbed up in the oil slick among the bodies of the dead Japanese naval marines and picked up a bunch of papers covered with oil and soaked in water, and brought them back. They were examined at the headquarters at Bataan, and they were top secret documents outlining a kind of reverse MacArthur Inchon landing from the Korean war. The Japanese were apparently going to make a big right hook around us on the west coast of Bataan, cut off all our forces and caused the collapse of Bataan even sooner than it happened. And we were able to thwart that Japanese right hook invasion plan, thanks to this incredible officer.

Then he goes on to win the Medal of Honor, taking MacArthur and his family, Mrs. MacArthur, the children, off the island of Corrigedor. That was March 11. Bataan fell with its infamous death march, including the commander years later of the National Guard, the ROTC at the University of Arkansas, still alive and with us, Col. Eugene Holmes. He got into the controversy in February of 1992 with Clinton, candidate Clinton, and then in September wrote the letter that America still does not know about because it was ignored by ABC, CBS, NBC, CNN, the Wall Street Journal, everybody ignored the letter written by Colonel Holmes, one of the Bataan Death March survivors, a dozen or more men died in his arms in prison camp at Camp O'Donnell. He wrote the letter about why he did not think Clinton was qualified to be President of the United States. It was ignored by the media, September of 1992.

That Bataan Death March was after the fall of Bataan on April 9, and then the fall of Corrigedor on May 6. But inbetween my former friend, the great living legend that just died a few months back, Jimmy Doolittle, raided five major Japanese industrial cities on the 18th, 9 days after Bataan fell, 3 weeks after Corrigedor. That year of 1942 was an incredible year.

Now, about today, 50 years ago. I love the focus on D-day because it stimulates historical interest in young people. But I resent, along with veterans, that D-day has so much romantic impact attached to it. Because it was the greatest invasion in the history of civilization and it can never be repeated, given the massive killing power of stand-off weapons today. It was an 80-day battle so there is something to commemorate for today.

More Americans died this week than the week of the landings because the Germans were getting their act together. The 21st Panzer Division was on the attack.

One of the Orange County newspapers—people sometimes say to me, where do you get this memory? Hey, it is in the paper every day in the Orange County Register. It is an AP service. you ought to write to your papers and ask them to put this little column in that says "Today In History."

You will read that today is the anniversary of the Watergate break-in, the anniversary of Bunker Hill, the anniversary of the Supreme Court ending school prayer. June 17 is one of those days that attracted a lot of history over the years.

The article, the way they title it in the Orange County Register, is "Today In History."

I just grabbed a couple of them for this week because they feature World War II, 50 years ago today.

I misplaced the 11th, 12th, and 13th, but I pretty well know what happened on those days.

Listen to this. Two days ago, 50 years ago, two U.S. Marine divisions, it does not say what they are but I know it was the 2nd and the 4th, landed on Saipan. Saipan was to be a B-29 base to bring the imperial warlords of Japan to their knees. Before that Tojo had been fired, but he was replaced by, known only to deep historians, other killer warlords. But we landed on Saipan.

When we were through taking Saipan, more people had died on that Japanese island than had died among the less than 2,500 remarkable low KIA of Americans and Brits and Canadians and French commandos on the beaches of Normandy by midnight at D-day. This carved out secure footholds on the highland of Saipan, one of the Mariana Islands, despite being put ashore further apart than they planned. Two days later, today, the two Marine divisions joined up. And then we put in a National Guard Division, the 27th. The Army joins the Marines, as they did in Guadalcanal and later on in the bloody Pelaleu. What was happening in New Guinea, where Admiral Bulkeley had spent so many months in combat missions with his PT boat commanders, the real swashbucklers who, before Kennedy, got there and for a year after he left, fought before the island hopping started all along the north coast of New Guinea and the Admiralty Islands. It was an unbelievable campaign against Japanese naval forces trying to supply all of their enclaves across the north coast of New Guinea, totally unknown to American adults, let alone to American young people.

On Baik Island, bloody Baik like bloody Boona on the northern coast of New Guinea, the American soldiers repelled a ferocious Japanese attack. There is that word again. Ferocious German attacks against BOB MICHEL's 9th Division. Ferocious attack on the north coast of New Guinea repelled. And today the Americans took, 2 days later, the high ground above all the western caves just like the caves on Saipan, the caves on Iwo Jima. They found caves in New Guinea to dig themselves in.

□ 1550

That was not discussed on the college campuses of America.

I can remember as a ten-year-old kid that B-29 bomber in a big fold-out from Life magazine. It looked like something from outer space, this most gigantic bomber in the history of the world. Two days ago, 50 years ago, B-29 bombers flew their first mission in 1944, out of secret bases in China, what FDR would have called Shangri Las. Today, the Germans continued their buzz bomb offensive.

The V-1, V for vengeance which today we would call a cruise missile, flew its first mission the day after Normandy. Hitler did not even use them on the Normandy coast. He was after hitting school children and women and old people's homes and churches in England.

He launched it on June 7. On June 15, 8 days later, 144 V-1 vengeance weapons were launched, and today, 50 years ago, one hit outside a school, killing six across the English channel. So all this week and the end of last week was big V-1, vengeance weapon week.

By the way, Hitler ranted at Von Runsted and Rommel, calling their men cowards. He also brought up "I'm going to win this war with the vengeance weapons," because his scientists were lying to him about how soon they could get the V-2, the ballistic missile, on line, to send against Great Britain. The V-2 had no precision, it just hit whatever was under it when it came down. And in the case of a buzz bomb, the V-1 cruise missile, when the engine stops, a pulse jet, whenever the fuel runs out, down it goes, hitting any helpless women and children underneath.

Madam Speaker, that was the 15th. Here is the 16th, yesterday. American paratroopers fought their way across the Douve River and pushed into San Sauveur-le-Vicomte. I guess that means St. Savior. British forces captured Spoleto in Italy. That is coming up the eastern coast of the Adriatic across from Yugoslavia. The British 10th Corps was replaced today by the Polish 2nd Corps, free Polish, fighting with us in Italy, while the Russians are letting them die later on in the year as they wait outside of Warsaw to have all the Warsaw resistance fighters slaughtered.

We well remember in this Chamber, and I participate, the slaughter of European Jewry by Adolph Hitler. But keep in mind, Hitler killed as many Polish Christians as he did of Europe's Jews, of which 2 million or 3 million were Polish—decent, loyal Polish Jewish citizens.

In the Pacific, U.S. commanders delayed a landing on Guam until they dealt with approaching Japanese warships. Guess who was there in the Marianas to hit the Japanese forces? Former President George Bush, who, only 20 years of age, was flying his Grumman Avenger off the U.S.S. *San Jacinto*. By the way, that is the name of the Aegis cruiser that was in the English Channel last week when Clinton's staff arranged those little rocks on the beach. They lined them up with the U.S.S. *San Jacinto*, named after George Bush's carrier, so Clinton could build them into a little cross. Rush Limbaugh caught him looking up to see if the camera was checking him out, all of that posturing, and there is the *San Jacinto* off the coast. Unbelievable.

Marines yesterday linked their beachheads on Saipan, the Guard division came in today. Meanwhile, the Nationalist Chinese troops are doing well in Kamaing, Burma. Meanwhile, the Japanese forces, in the last successful offenses in the Pacific, attack Changsha, China.

Now today, Madam Speaker, the 17th; continuing action on Saipan, continuing action at Biak, continuing action by all of the Allied forces in Burma. And today, with BOB MICHEL's 9th Division in the lead, we cut off the German forces on the Cherbourg Peninsula.

Madam Speaker, the other day I brought this little Bible out on the floor because this was given to me in the cemetery at Colleville, a tiny little red leatherette Bible that is a replica of a 1941 edition. I want this to be in the middle of my special order today.

On the cover in gold it says "New Testament." That would be politically incorrect today. This was printed with our tax dollars for the 50th anniversary of D-day. It says "Commemorative Edition, Normandy Invasion, 50th Anniversary."

You open it up, the first page says, "From the 1941 edition." On page 3 it says, "This commemorative New Testament is a joint production of the Pocket Testament League and the American Bible Society." Here I was, reading this in Normandy at the cemetery, "the White House, Washington, DC," over Franklin Delano Roosevelt's signature, 10½ months before Pearl Harbor, 1941, January 25th.

Franklin Roosevelt writes to the Armed Forces, to everybody:

> As Commander in Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in this sacred book words of wisdom, counsel, and inspiration. The Bible is a fountain of strength, and now as always, an aid in attaining the highest aspirations of the human soul.

If Roosevelt were writing this letter today, or any of us, we would not use the generic "man," we would say "men and women of many faiths." We would include the Old Testament, to be properly sensitive to our Jewish brothers and sisters. Could we even do it at all if this were not a commemorative edition? Probably not. I think somebody went out on a limb in the D-day Commemorative Commission to do that.

Madam Speaker, I was rushed in a short special order the other night about breaking away from the congressional delegation by myself, on D-day, after all the formal celebrations were over. Clinton had our buses blocked. He and Mrs. Clinton were shaking hands, working the crowd with all the GIs there, giving all the networks the opportunity to say the GIs fawned over him.

No, any young man wants to write home to his folks that he shook the hand of the Commander in Chief. It is totally different than what the veterans were telling me, and the people on active duty, when they recognized me and got me off to the side. They thought some of the ceremonies were highly excessive and focused more on image-building than it was on the veterans that were there. That will be argued for a long time, I guess.

However, I went out into the cemetery to try and find the graves of the 33 sets of brothers. Thank God, there were no Sullivan brothers, but 33 sets of brothers in the cemetery. I only found one set.

I'm going back with some of my grown children some day with a map to find all 33, and the colonel father and lieutenant son who both died in the European campaign and are buried in the Colleville cemetery. But I did find the principal graves that I was looking for, those of the sons of a President whose fascinating face was the last to be put up on Mount Rushmore, Teddy Roosevelt. He was elected at age 45, the second youngest man ever elected, but sworn in the first time because of McKinley's assassination when he was a year younger than Kennedy, 3 years younger than Clinton.

Teddy Roosevelt came to the White House in his forties with quite a family: a grown daughter from his first marriage who lived a long life here in Washington, DC, always outspoken, who died in 1980. I actually had a chance to shake her hand at a function when I came here as a freshman Congressman in 1977. Also there were one of his four sons and his daughter from his second wife. His first wife died virtually during their honeymoon period. His second daughter lived a good long life, she died in 1977, 3 years before her older half sister, and one of his sons, Archie, who holds two Silver Crosses from combat in New Guinea, in World War II. He lived to the ripe old age of 86. Alice Roosevelt lived until 96, and Ethel lived until 86, and Archie to 85 and a half.

□ 1600

But the two Roosevelt brothers whose graves I visited at Colleville are a fascinating story that should be taught in the schools of our Nation all during the last 11 months of commemorating the war in Europe. And we have got a bloody battle ahead of us, the 50th anniversary of the Battle of the Bulge, the Battle of Bastogne where German SS troops executed 109 Americans, where 10 or more miraculously played dead and crawled off into the woods, most of them wounded, to give testimony so that we could hang by the neck the SS officers that we caught. Most of them escaped. There will be plenty of ceremonies in the cold month in December, and I hope to be there whether or not I survive the November 8 election.

But I said on this House floor what Teddy Roosevelt said. He had been out of the White House then, in 1918, for 10 years, still a young man, 59, 2 years younger than I am. He died within a year. The death of this son broke his heart, his youngest son, the brother of the sixth, Quentin, who died at age 20. And I learned at his grave the day of his death was remarkable. He died on Bastille Day, the most famous day in French history, July 14, the day that the three lonely prisoners in the Bastille were released beginning the French Revolution, which unfortunately turned into the French reign of terror and the atheist slaughter of clergymen and women, and killed more priests than they did cut off the heads of royalty. But Quentin Roosevelt died in his fighter plane, in the sister squadron to the 94th aerosquadron which we discussed today during a commemorative for the incredible writer, adventurer and son of Iowa, James Norman Hall, the co-writer of Mutiny on the Bounty and Pitcairn Island, who flew with Rickenbacker in the 95th, and this is the sister squadron of the 94th. Twenty-four-old Quentin Roosevelt, youngest son of the former President, dies on Bastille Day, 1918, 20 years of age, shot down in aerial combat. When six-star General of the Army, John Joseph "Blackjack" Pershing, my father's supercommander, found out about it, he himself got in contact with Roosevelt and told him that his son, Quentin, had given his life for his country and for the liberation of northern France. Roosevelt, according to three-star general, great historian, and scholar Vernon Dick Walters, former Ambassador to Germany under President Reagan, looked down when he heard of Quentin's death and said, "When you've raised your sons to be eagles, you cannot expect them to act like doves."

He had four other sons. Let us see how his other sons did in the service of their country.

The oldest son, Teddy, who served in World War I, received the Medal of Honor for his actions on Utah Beach on D-day and died of a heart attack in the chow line with his men, still in the Battle of Normandy raging 36 days after D-day. Here is Theodore Roosevelt, Jr., 10 years older than Quentin, who died 26 years before. The oldest brother died on July 12, 2 days short of his kid brother, 26 years later, trying to liberate the very same country. It is just a half a day's drive to the trenches where Quentin died is the area in Normandy where Teddy Roosevelt died. Here is part of Teddy Roosevelt's Medal of Honor award.

Brigadier General Roosevelt asked twice verbally, that he be allowed to accompany the leading assault craft in the Normandy invasion. It was denied. Then Brigadier General Roosevelt's written request for the mission was approved. He landed with the first wave of forces assaulting the enemy-held beaches. He repeatedly led groups off the beach, over the sea wall, and established them inland. His valor, courage, and presence in the very front of the attack, and his complete unconcern at being under heavy fire, 56 years of age, Madam Speaker, inspired his troops to the height of enthusiasm and self-sacrifice. Although the enemy had the beach under constant direct fire, Brigadier General Roosevelt moved from locality to locality, rallying the men around him.

It is not here, but he is the one who said with his officers and his staff, "Let the war begin here," meaning the war for the liberation of Europe from Nazi tyranny. He personally led them against the enemy. Under his seasoned, precise, calm, and unfaltering leadership the assault troops reduced the beach strong points and rapidly moved inland with minimum casualties. Brigadier General Theodore Roosevelt, Jr. contributed substantially to the successful establishment of the beachhead in France.

"When you raise your sons to be eagles, you cannot expect them to act like doves."

Next brother, Kermit, born 2 years and 1 month after Teddy, Jr. The three were born at Oyster Bay. The two youngest by his second wife, the two youngest were born here in Washington, DC. That is where Quentin was born. Kermit died on active duty in the combat area of Alaska, the forgotten war, June 4, 1943, a year and 2 days before his older brother received the Medal of Honor. Kermit, the second of the Roosevelt four sons to die, dies in uniform in a combat theater in Alaska. I do not know the circumstances.

The next one was Ethel. I told you she lived to be 86 and died in Oyster Bay where she was born.

Next son, No. 3 of the boys, Archibald Bullock Roosevelt, born April 9, Bataan Day, 1894, and served in World War I. He was 24 years of age when his 20-year-old brother died in his aircraft, shot down over the French trenches. And here is what Archie did. Terribly wounded in World War I, his arm and leg shattered. He nevertheless, in World War II, begged to be put back on active duty. His war wounds were so severe after World War I that they did not heal enough to get back on active duty in World War II until 10 years after World War I, the late 1920's. He goes back into combat in World War II and wins the Silver Star. As far as this Member of Congress is concerned, a Silver Star is a Distinguished Service Cross or a Medal of Honor without enough people witnessing it or without generally dying to get it. He wins a Silver Star, and then stays in combat in New Guinea, gets wounded, severely again, and wins a second star. Archie was quite a person around the town of his birth, Washington, DC, where he, I repeat, died at 85½, a great fighter against communism when it was not popular. And he died October 23, 1979 in Hobe Sound, FL, a real credit to the legend.

So there are four sons, all of them raised to be eagles, Medal of Honor, Silver Stars, two of them, three of them dying in combat areas, one of them shot down, the other dying with his men, D-day plus 36.

What a family. And today we read about people stealing bathrobes and towels off the U.S.S. *George Washington.*

A little fact sheet was handed to me the first day we arrived in Europe for the memorials for 50 years ago, and I think young people in America should understand that World War II was not this romantic, lovely war where everybody charged off to be part of it, to fight Hitler and Tojo and Mussolini. Only 38.8 percent of the people in World War II volunteered, 38.8, less than 39 percent.

What I used to tell the young kids in Vietnam when I went over there eight times as a correspondent, my heart going out to them because of the demonstrations in the streets and in London, I used to tell them, "You are all volunteers. You let yourself be drafted, didn't you? You volunteered. You held your head up. You are honorable. Couldn't you just have said you were a homosexual and beat it? Couldn't you have had some teeth pulled out, the way some people did, or couldn't you have shot yourself in the foot? Couldn't you have gone to Canada to hide out, or gone to Sweden?"

Come on. I remember being with Marines around the fire in DaNang that had just come back from combat in a small village. This is May 1966. And I said, "You're all volunteers." And they said, "We're Marines. Anyway, we are all volunteers here."

□ 1610

Later on we drafted Marines. A lot of Marines did not like that. When you tell the Army guys you are all volunteers, one of them, I remember one day, looked up and said, you know, "This reporter is right. We are volunteers. We don't have to be here." And they fought just as honorably to keep the soil of South Vietnam free as did the young men just a year or two older than I am fought to keep the soil of Korea free, as did my colleague, CHARLIE RANGEL, who is trying to free his country of the curse of narcotics with all the vigor that he fought as an infantryman in Korea.

I would walk up to people. I would tell this to my fellow colleagues with me, most of them World War II veterans, and they agreed. But I said to a couple of younger guys who were very promilitary, but did not serve, "Explain to me, if you will, why Vietnam is different from South Korea or from France that the Roosevelt boys both died 26 years apart trying to liberate." The French would not let us overfly France when we were trying to stop the terrorism of blowing up and murdering people including a U.S. lieutenant colonel in the streets of Paris, the Israeli Ambassador to Paris being shot down in the street like dogs, the LaBelle disco blown up April 5, 1986 in West Germany killing a Turkish girl, two U.S. Army sergeants, and the only magazine that put them on the cover was People magazine. Nobody remembered the second man killed, Jimmy Goins, because he died 2 months and 2 days later in a German-United States hospital with both legs cut off and died because of the water in his lungs, with his Philippine-American wife and his son at his bedside.

To stop that terror, Ronald Reagan launched our F-111's out of Upper Heyford in England, one of our bases that has been there since the Second World War until the last few months when it shut down. The French would not let us overfly their territory, so the French do not always come through as perfect allies.

But we think it is noble to stand there and praise the World War II generation while still keeping this cloud over the noble cause of trying to keep South Vietnam from its killing fields and people executed for knowing us or working with us, or 600,000 people drowned, raped, and torn apart by sharks in the South China Seas. People still try to say, as Clinton said to Peter Jennings' face during the D-day celebrations in one of his interviews, "Vietnam was wrong." It was not any more wrong than being in France.

The young veterans of that war, who are not so young now, will never have their dignity and honor restored until people begin to understand what President Reagan meant when he said, "Vietnam was a noble cause," fought improperly and screwed up by politicians in this city, its people just as worthy of freedom as the southern half of the Korean Peninsula where we are ginning up to what it looks like is another bloodletting to stop the tyranny of Kim Il-song.

Listen to these facts on World War II, and some of them I was not aware of: Of the almost 18 million men examined for induction, 35.8 percent were rejected; 6,420,000 young American males were rejected as physically or mentally unfit. I will give you the exact figure: 17,955,000, almost 18 million, and we rejected almost 6½ million, and there were plenty of draftdodgers in World War II. I could name five actors just like that who dodged the draft while Tyrone Power and Clark Gable and Jimmy Stewart went off and took 4 years out of their careers, or David Niven, an English citizen, who went over and took 6 years out of his Sam Goldwyn contract to fight as a British officer in his forces, and I know all the guys that stepped up and took their parts, because my uncle was Jack Haley, the Tin Man in "The Wizard of Oz."

I was living in Beverly Hills, and we all talked around the table about who was overseas, like Glenn Ford, where the movie director John Ford, who did, and they were overseas, and they were expendable, overseas making films for the Navy. George Stevens was going across Europe in combat danger, making a color film for the U.S. Army and the U.S. Air Force. Clark Gable flying combat missions.

We still get all gaga that Edward R. Murrow went on one combat mission on a British Lancaster bomber. Yes, he took his life in his hands. That is pretty good. I did that 14 times.

How about guys like Clark Gable who were going on mission after mission or Jimmy Stewart, who flew a full combat career as a young colonel with 35 missions in B-24 Liberators. No, there were plenty of draftdodgers in World War II.

The average duration of service was 33 months; 73 percent went overseas. That means that more than one out of four never went overseas. Some of them were in combat in the Caribbean against German U-boats. No, that is considered overseas, if you went to Trinidad and flew out of Trinidad. That is statewide service for more than one out of four. Average months overseas: 16.2. Marines in Vietnam: 13 months. Army: 12 months. Combat survivability: 8.6 were killed in action out of 1,000. That is if you went into combat. Pretty good for U.S. forces. We treasured our men, unlike the Soviets where they probably had 50-percent casualties, because they just squandered their lives en masse. We talk about Japanese banzai charges, mass human-wave death against our machineguns. The Russians were even worse than the Japanese in squandering life to achieve victory.

Three died from other causes, accidents, being overseas in dangerous areas; 17.7 received nonmortal combat wounds.

To you young Americans, listen to what they got paid to drive Hitler to suicide: BOB MICHEL got 71 dollars and change, 71 dollars and 33 pennies. That is what he got as an enlisted man for fighting his way across Europe. Officers: Did anybody see that PBS special, "A Fighter Pilot's Story" the other night? More than two-thirds of his squadron were killed, some of them right in front of his face. One guy with his canopy shot up so he could not bail out. He turns right to that young, not so young now, fighter pilot, telling the story, looks over at the Thunderbolt wing to wing, and his young friend looks up at him and salutes, pow, right into the trees microseconds later. What did he get paid for doing that? He was paid $203.50. That is average pay. A second lieutenant would make a lot less than that flying Thunderbolts across Europe. No glory up in the clouds trying to shoot down Germans, in the weeds, day after day, until suddenly you look out, and suddenly you do not want to make any new friends. Quite a 2-hour documentary on PBS.

When you look at what it cost in the treasure of our hard-working people back here, nobody except Germany comes even close, to build gas chambers and kill and start a war that kills 55 million people, and while the Japanese started it, they weighed in, the Italians in Ethiopia, but it cost Germany $212 billion, and it cost them 10 million lives, 3½ million men in their army.

What would Germany be like today if they had not squandered the youth of their nation in two wars a quarter of a century apart?

But the United States spent almost $300 billion. In today's dollars this would be trillions, trillions. The U.S.S.R. spent $93 compared to our $288 billion, and we were sending tons of lend-lease to them; France only half of Germany.

By the way, France, 52 years ago today, 54 years ago today, June 17, sued for surrender. Hitler thought it was terrible that they did that. But he did not tell them that over the BBC. He knew why they had surrendered. Germans were in Paris 2 days ago, 54 years ago. They surrendered because when you drive around Normandy and look at the war memorials and these beautiful little Normandy towns, you say, "Is that from the battle for Normandy in World War II?" And then you look and you see a different style, a more ornate angel or figure of Christ on the statue, and then you realize that the World War II numbers are 4, 5, 10, 12 at the most. The names by the dozens on these statues are from World War I.

In the British first Battle of the Somme, the casualties in the first day were 57,000, 30,000 killed in action. That is three times the Battle of Antietam up here in Maryland. The slaughter in World War I was so massive you wonder how could they replay this in Europe a quarter of a century later. A quarter of a century? The war ended November 1918, and if you take away Ethiopia in the middle 1930's, and Japan in 1935 attacking China, if you use the bombing of Warsaw September 1, 1939, 21 years, short 2 months of 21 years, they are starting this killing all over again.

So a second Roosevelt brother joins his kid brother, Quentin, who died at 20, and we had 33 sets of brothers and a father and son, a father who fought in World War I as a lieutenant, dies with his son on different battlefields, I believe, in World War II.

Incredible, when you read the statistics of this great crusade.

I had a Member from Mississippi, and I do not think he did it meanly, he referred to me as a peacetime fighter pilot the other day on the floor talking about D-day, and went over, and I said, "GENE, where did you get that expression? Did you read my bio? It is in my bio." He said, "No, I heard you say it on the floor once." I explained to him why I have to say peacetime fighter pilot. Because that is a category that I am proud of.

Tony Coelho, who left this place in disgrace, thought by saying I was a fighter pilot it meant I was claiming I fought.

□ 1620

But, no, no, it meant like bomber pilot, cargo pilot, it meant fighter pilot. So now I have to put in my bio, because idiots do not know anything about the military, that I was a peacetime fighter pilot. But then I reminded my young friend from Mississippi that being a peacetime fighter pilot was pretty good in the 1950's because the Commander in Chief was worthy of the title. His name was Dwight David Eisenhower. He had worn 5 stars on his shoulder. He had run, as a 2-star, the invasion of Operation Torch in North Africa, the invasion of Sicily in 1943, he planned the invasions into Italy and was given this incredible responsibility in his 50's. He was born in 1889.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EMERSON, immediately following Mr. GINGRICH, at the end of his special order today.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. HOBSON.

Ms. SNOWE.

Mr. GOODLING.

Mr. HYDE.

Mr. KING.

Mr. SOLOMON.

Mr. KLUG.

Mr. SMITH of New Jersey.

Mr. FAWELL.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. CARR.

Mr. KILDEE in two instances.

Mrs. SCHROEDER.

Mr. SKELTON in two instances.

Mr. FORD of Michigan.

Mr. HOYER.

Mr. COYNE.

Mr. UNDERWOOD.

Mr. TORRICELLI in two instances.

Mr. BRYANT.

Mr. MENENDEZ.

Mr. EDWARDS of California.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. DIXON.

Mr. SCHUMER.

Mr. FRANKS of Connecticut in two instances.

Mr. CARDIN.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 21, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3390. A letter from the Assistant Secretary of Education, Office of Special Education and Rehabilitative Services, transmitting a notice of final regulations—Rehabilitation Long-Term Training pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3391. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3392. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Operations.

3393. A letter from the Secretary of Labor, transmitting the semiannual report on the activities of the inspector general of the Pension Benefit Guaranty Corporation for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3394. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3395. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3396. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3397. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on National Resources.

3398. A letter from the Secretary of Energy, transmitting a comprehensive report on the Clean Coal Technology Program entitled, "Four Rivers Energy Modernization Project," pursuant to the Public Law 102-254; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GIBBONS: Committee on Ways and Means. H.R. 3937. A bill entitled: "The Export Administration Act of 1994"; with amendments (Rept. 103-531, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. H.R. 3937. A bill entitled: "The Export Administration Act of 1994"; with amendments (Rept. 103-531, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. H.R. 2238. A bill to amend laws relating to Federal procurement, to authorize functions and activities under the Federal Property and Administrative Services Act of 1949, and for other purposes; with amendments (Rept. 103-545, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. H.R. 4568. A bill making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-550). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. H.R. 4602. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-551). Referred to the Committee of the While House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

The Committees on the Judiciary and Public Works and Transportation discharged from further consideration of H.R. 3937; H.R. 3937 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 4595. A bill to designate the building located at 4021 Laclede in St. Louis, MO, for the period of time during which it houses operations of the U.S. Postal Service, as the "Marian Oldham Post Office"; to the Committee on Post Office and Civil Service.

H.R. 4596. A bill to designate the building located at 2200 North Highway 67 in Florissant, MO, for the period of time during which it houses operations of the U.S. Postal Service, as the "John L. Lawler, Jr. Post Office"; to the Committee on Post Office and Civil Service.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. PETRI, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. HOEKSTRA, Mr. MCKEON, Mr. MILLER of Florida, Mr. GREENWOOD, Mr. PACKARD, Mr. ARMEY, Mr. HEFLEY, Mr. CANADY, Mr. KNOLLENBERG, Mr. STENHOLM, Mr. UPTON, Mr. CUNNINGHAM, Mr. CASTLE, Mr. HANCOCK, Mr. LEWIS of Florida, Mr. PORTER, and Ms. PRYCE of Ohio):

H.R. 4597. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mrs. FOWLER (for herself, Mr. DEUTSCH, Mr. GOSS, Mr. HOEKSTRA, Mr. HUTTO, Mr. LEWIS of Florida, Mr. MCHUGH, and Mr. PICKETT):

H.R. 4598. A bill to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; to the Committee on Merchant Marine and Fisheries.

By Ms. NORTON:

H.R. 4599. A bill to authorize the lease of certain property transferred to the District of Columbia, and for other purposes; jointly, to the Committees on Natural Resources and the District of Columbia.

By Mr. SPRATT:

H.R. 4600. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. YATES:

H.R. 4602. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.J. Res. 378. Joint resolution commemorating June 22, 1994, as the 50th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on Post Office and Civil Service.

By Mr. ACKERMAN (for himself, Mr. KING, Mr. LAZIO, Mr. LEVY, Mr. HOCHBRUECKNER, Mr. RANGEL, Ms. MOLINARI, Mr. TORRES, Mr. PAXON, Mr. SERRANO, Mr. FISH, Ms. VELAZQUEZ, Mr. HOUGHTON, Ms. LOWEY, and Mr. SCHUMER):

H.J. Res. 379. Joint resolution to provide for a settlement of the railroad labor-management disputes between the Long Island Rail Road Co. and certain of its employees represented by the United Transportation Union; to the Committee on Energy and Commerce.

By Mr. JEFFERSON:

H.J. Res. 380. Joint resolution to designate the year 1995 as "Jazz Centennial Year"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself, Mr. FILNER, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. ANDREWS of Texas, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BARCA of Wisconsin, Mr. BARCIA of Michigan, Mr. BARLOW, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. BROOKS, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BRYANT, Mrs. BYRNE, Ms. CANTWELL, Mr. CARR, Mr. CARDIN, Mr. CHAPMAN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. COLLINS of Georgia, Mr. CONYERS, Mr. COOPER, Mr. COPPERSMITH, Mr. COYNE, Mr. DEFAZIO, Mr. DE LA GARZA, Ms. DELAURO, Mr. DEUTSCH, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY, Mr. DURBIN, Mr. EDWARDS of Texas, Mr. EDWARDS of California, Mr. ENGEL, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. EVANS, Mr. EWING, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. FINGERHUT, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILMAN, Mr. GINGRICH, Mr. GLICKMAN, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMBURG, Mr. HAMILTON, Mr. HASTINGS, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOAGLAND, Mr. HOLDEN, Mr. HOUGHTON, Mr. HOYER, Mr. HUGHES, Mr. INSLEE, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KING, Mr. KLECZKA, Mr. KLEIN, Mr. KLINK, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAROCCO, Mr. LANCASTER, Mr. LANTOS, Mr. LAZIO, Mr. LEHMAN, Mr. LEVIN, Mr. LEVY, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Ms. LONG, Ms. LOWEY, Mrs. MALONEY, Mr. MANN, Ms. MARGOLIES-MEZVINSKY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHALE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEHAN, Mr. MENENDEZ, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MORAN, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAXON, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PICKLE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAHALL, Mr. RANGEL, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROMERÓ-BARCELO, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SANGMEISTER, Mr. SAWYER, Ms. SCHENK, Mr. SCHUMER, Mr. SCHIFF, Mr. SCOTT, Mr. SERRANO, Mr. SHARP, Mr. SHEPHERD, Mr. SISISKY, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of Iowa, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. STUMP, Mr. STUPAK, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TEJEDA, Mr. THOMPSON, Mr. THORNTON, Mrs. THURMAN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mr. WASHINGTON, Mr. WAXMAN, Ms. WATERS, Mr. WATT, Mr. WHEAT, Mr. WISE, Ms. WOOLSEY, Mr. WYDEN, Mr. WYNN, Mr. YATES, and Mr. ZIMMER):

H. Res. 457. Resolution expressing the Sense of the House of Representatives that June 21, 1994, be designated as "Freedom Summer Remembrance Day" and for other purposes; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROOKS introduced a bill (H.R. 4601) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Cygne Sauvage;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 84: Mr. WISE.

H.R. 1080: Mr. PAXON.

H.R. 1737: Mr. WISE and Mr. MURPHY.

H.R. 2019: Mr. SLATTERY.

H.R. 2488: Mr. BECERRA.

H.R. 2731: Mr. DREIER.

H.R. 2826: Mr. SERRANO and Mr. FARR.

H.R. 3173: Mr. PAXON.

H.R. 3179: Mr. TAUZIN.

H.R. 3293: Mr. MOORHEAD and Mr. MCINNIS.

H.R. 3636: Mr. YATES and Mr. QUILLEN.

H.R. 3762: Ms. MOLINARI.

H.R. 3862: Mr. TRAFICANT, Mr. LEWIS of Kentucky, Mr. THOMAS of Wyoming, Ms. DUNN, Mr. COX, Mr. YOUNG of Alaska, and Mr. FIELDS of Texas.

H.R. 3875: Mr. HILLIARD, Mr. GALLEGLY, Mr. MICHEL, and Mr. PENNY.

H.R. 3897: Mr. EHLERS, Mrs. UNSOELD, Mr. GEJDENSON, and Mr. STRICKLAND.

H.R. 3939: Mr. BROWN of Ohio and Mr. DARDEN.

H.R. 3949: Mr. FROST, Mr. GILCHREST, Mr. PAXON, Mr. BACHUS of Alabama, Mr. COX, Mr. TAYLOR of North Carolina, Mr. YOUNG of Alaska, Mr. THOMPSON, and Mr. PETE GEREN of Texas.

H.R. 4057: Mr. CRANE, Mr. LAUGHLIN, Mr. TANNER, Mr. PORTER, Mr. SANTORUM, Mr. TAYLOR of North Carolina, Mr. GUNDERSON, Mr. PAXON, Mr. HYDE, Mr. KLUG, Mr. FROST, Mr. PORTMAN, Mr. LEWIS of Florida, Mr. ROYCE, Mr. DREIER, Mr. SPENCE, Mr. GILCHREST, Mr. FRANKS of Connecticut, and Mr. CARDIN.

H.R. 4074: Mr. NADLER, Mr. HAMILTON, Mrs. KENNELLY, Mr. TALENT, Mr. SISISKY, Mr. PORTER, and Mr. WYNN.

H.R. 4081: Mr. APPLEGATE.

H.R. 4115: Mr. TOWNS and Mr. SWETT.

H.R. 4142: Mr. SHAYS, Mr. ZIMMER, Mr. PRICE of North Carolina, Mr. DOOLITTLE, Mrs. MALONEY and Mr. LEVIN.

H.R. 4148: Mr. TORKILDSEN, Ms. SCHENK and Mr. GUTIERREZ.

H.R. 4195: Mr. OWENS and Mr. PETERSON of Minnesota.

H.R. 4198: Mr. GINGRICH.

H.R. 4350: Mr. BALLENGER.

H.R. 4370: Mr. MCDERMOTT and Mr. YATES.

H.R. 4371: Mr. SHAW and Mr. TORKILDSEN.

H.R. 4386: Mr. SHAW, Mr. CRAMER, Mr. FINGERHUT, Mr. WILSON, Mr. LEWIS of Florida, Mrs. VUCANOVICH, Mr. PICKETT, Mr. FARR, Mr. JOHNSON of Georgia, Mr. TRAFICANT, Mr. CARR, Mr. FRANK of Massachusetts, Mr. COLEMAN, Mr.

DEAL, Mrs. SCHROEDER, Mr. RICHARDSON, Mr. EVERETT, Mr. SOLOMON, Mr. CUNNINGHAM, Mr. BROWN of California, Mr. SAXTON, Mr. LEWIS of California, Mr. LAUGHLIN, Mr. MINGE, Mr. TORKILDSEN, Mr. HUNTER, Mr. BARLOW, and Mr. WILLIAMS.

H.R. 4399: Mr. ANDREWS of Maine and Ms. VELÁZQUEZ.

H.R. 4404: Mr. HUTCHINSON, Mr. KOLBE, Mr. MILLER of California, and Mr. CAMP.

H.R. 4468: Ms. DANNER, Mr. HOLDEN, Mr. EHLERS, Ms. ENGLISH of Arizona, Ms. FURSE, and Mr. MURPHY.

H.R. 4497: Mr. FROST.

H.R. 4498: Mr. SCOTT, Mr. STOKES, Mr. KOPETSKI, Ms. PELOSI, Mr. STARK, Ms. ESHOO, Mr. THOMPSON, and Ms. BROWN of Florida.

H.R. 4514: Mr. TORRES.

H.J. Res. 171: Mr. SPENCE.

H.J. Res. 332: Mr. FINGERHUT and Mr. SCHAEFER.

H.J. Res. 343: Mr. LAFALCE and Mr. BACCHUS of Florida.

H. Con. Res. 3: Mr. MCCANDLESS, Mr. PETERSON of Minnesota, Mr. LEWIS of California, Mr. BOUCHER, and Mr. GOODLATTE.

H. Con. Res. 202: Mr. DELLUMS and Mr. BILBRAY.

H. Con. Res. 239: Mr. PALLONE and Mr. GUTIERREZ.

H. Res. 247: Mr. CALVERT.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247: Scott L. Klug, Ken Calvert, Dean A. Gallo, and Floyd Spence.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Dan Glickman, Thomas J. Ridge, Scott McInnis, and Peter Koekstra.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Philip M. Crane, Floyd Spence, and Craig Thomas.

Petition 16 by Mr. ZELIFF on House Resolution 407: Sam Coppersmith, David Minge, David Mann, Collin C. Peterson, Jane Harman, Charles W. Stenholm, Eric Fingerhut, Nathan Deal, Don Johnson, Jay Inslee, Marjorie Margolies-Mezvinsky, Tim Holden, Glen Browder, Peter A. DeFazio, Lynn Schenk, Karen L. Thurman, Dave McCurdy, James H. Bilbray, Maria Cantwell, William F. Clinger, Jr., Martin T. Meehan, Sherrod Brown, Bud Shuster, Pete Geren, and Tim Roemer.

Petition 17 by Mr. SHAW on House Resolution 386: Gary A. Franks.

Petition 18 by Mr. HASTERT on House Resolution 402: Jim Kolbe, Michael Bilirakis, Dana Rohrabacher, Fred Upton, Harris W. Fawell, Amo Houghton, Peter Blute, Sonny Callahan, Terry Everett, Ralph M. Hall, Floyd Spence, James A Hayes, James A. Barcia, W.J. (Billy) Tauzin, John J. Duncan, Jr., and Michael Huffington.

Petition 19 by Mr. EWING on House Resolution 415: Jim Nussle, Jennifer Dunn, William M. Thomas, Barbara F. Vucanovich, Scott McInnis, Wayne Allard, Henry J. Hyde, Stephen Horn, Wally Herger, Michael Bilirakis, Philip M. Crane, Paul E. Gillmor, Dana Rohrabacher, David L. Hobson, Michael D. Crapo, Christopher Shays, Deborah Pryce, Jim Kolbe, James M. Inhofe, Craig Thomas, J. Dennis Hastert, and Randy "Duke" Cunningham.

Petition 21 by Mr. HANSEN on House Resolution 405: Bill Paxon, Martin R. Hoke, Robert E. (Bud) Cramer, Jr., James A. Traficant, Jr., Ronald K. Machtley, Tom Lewis, Jack Kingston, Tim Valentine, John L. Mica, John L. Duncan, Jr., Gary A. Franks, Rick Lazio, William F. Goodling, L.F. Payne, Bill Archer, Karen L. Thurman, Earl Hutto, Ralph M. Hall, Christopher H. Smith, and Edward R. Royce.

EXTENSIONS OF REMARKS

THE STATE DEPARTMENT CONSIDERS ISSUING A VISA TO A VIOLENT ISLAMIC FUNDAMENTALIST; HASN'T STATE LEARNED ITS LESSON FROM THE TRADE CENTER BOMBING?

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Ms. SNOWE. Mr. Speaker, I would like to submit for the Record the following article from the May 13, 1994, edition of New York's Forward newspaper. This article discusses in disturbing detail the State Department's current consideration of a visa request by Sheikh Rashid el-Ghanoushi, the convicted leader of Tunisia's violent Islamic fundamentalist movement.

As ranking Republican of the Foreign Affairs Subcommittee on International Operations, last year I led an investigation into the legislative weaknesses and incredible bureaucratic bungling that led to the State Department repeatedly issuing American visas to the radical Egyptian cleric, Sheikh Omar Abdel Rahman, who had at that time already been implicated in the assassination of President Anwar Sadat. Now, 15 months after the bombing of the World Trade Center by followers of Sheikh Abdel Rahman—and just before the Sheikh himself is set to go on trial for his part in the bombing—the State Department is apparently considering making the same mistake by granting a visa to his Tunisian equivalent, Sheikh Ghanoushi.

Tunisia is a pro-Western moderate country surrounded and threatened on one side by the radical regime in Libya and on the other by a strong Iranian-style fundamentalist movement in Algeria, which Ghanoushi is trying to export to Tunisia. And yet, it seems that the State Department is currently involved in anguished hand-wringing over the visa application, out of concern that there must be a presumption of a right to come to the United States unless it can prove that Sheikh Ghanoushi was at some point personally involved in a terrorist act.

It apparently is not enough that Ghanoushi fled Tunisia after his underground organization launched violent attacks against the Government of Tunisia. It apparently is not enough that he has been convicted in absentia to life imprisonment in Tunisia for his personal involvement in planning his group's attempts to overthrow the Government and assassinate Tunisia's President Ben Ali. It apparently is not enough that he has denounced the United States for its support for Israel, and has stated, "The Jewish Satans have been at work * * * to promote the current hellish marriage between the American-led Western project and the Jewish project to jointly destroy the Islamic world and control its riches."

Mr. Speaker, after my investigation into the Sheikh Abdel Rahman case, I introduced H.R. 2041, the Terrorist Interdiction Act. This legislation was a package of reforms in the State Department's visa and consular operations to stop the Department from repeating its mistakes in issuing a visa to Sheikh Abdel Rahman. All but one of the reforms contained in that bill were enacted as a part of the fiscal year 1994–95 State Department Authorization Act. Unfortunately, the one part that was not enacted into law is that section of H.R. 2041 that would automatically deny visas to members of terrorist groups. This was not enacted because it is under the jurisdiction of the Judiciary Committee, which has not yet reported out any legislation this Congress relating to immigration reform, visa procedures, or criminal aliens.

Mr. Speaker, I hope that the State Department will use its existing discretionary authority to deny entry to Sheikh Ghanoushi. I also hope that my colleagues take note of this case, and understand that passage of my legislation is needed now, more than ever.

[From the New York Forward, May 13, 1994]

Tunisian Terror Sheik Sparks Furor on Hill—"Would-Be Ayatollah" Seeks Entry to United States

(By Lucette Lagnado)

New York.—A militantly anti-West, anti-Israel sheik—dubbed "the would-be Ayatollah of Tunisia"—is attempting to gain entry into America over the objections of key American senators and the Tunisian government, which is warning that granting him a visa would be tantamount to a "hostile act."

For the past several weeks, a visa application for Sheik Rashid el-Ghanoushi, the exiled leader of Tunisia's Islamic fundamentalist movement, has been pending inside the State Department, even as a battle rages both at Foggy Bottom and in Congress over whether to keep him out of this country. Key staffers of the Senate Foreign Relations Committee have expressed unease over his possible arrival, while a ranking Republican, Senator Brown, has urged the State Department to exercise extreme caution in its decision-making.

"HELLISH MARRIAGE"

The possible arrival of the sheik is forcing a re-examination of American visa policies, including how generous the State Department should be in granting entry papers to controversial individuals who, though not formally branded as "terrorists," are known for espousing extremist views. The debate comes as Sheik Ghanoushi's notorious counterpart, the Egyptian cleric, Omar Abdel Rahmad, is scheduled to go on trial in New York for his alleged connection to a plot to blow up key New York landmarks, including the Lincoln and Holland tunnels and the United Nations. The fight over Sheik Ghanoushi—who has referred to Israel as a "cancer," condemned Jews as "Satanic" and denounced the so-called "hellish marriage", between America and Jews that seek "to jointly destroy the Islamic world"—was precipitated several weeks ago when the University of Southern Florida invited him to participate in a conference, scheduled for mid-May. Although the conference has been postponed, the invitation remains in effect, and the State Department must decide what to do about the sheik.

"The information we were given raises very serious questions about whether Sheik Ghanoushi should be admitted into the U.S.," a top aide to Senator Brown told the Forward. "The Tunisians are gravely concerned about what they describe as Sheik Ghanoushi's terrorist involvement as well as a spillover of fundamentalist instability," he added.

Senator Brown has sent a letter to Secretary of State Christopher, asking him to evaluate reports that the sheik has sponsored and supported "violent action against Americans, against American allies, and wholesale disruption of the Middle East peace process." Senator D'Amato, a New York Republican, has also raised objections about the sheik, as have staffers for Senator Helms of North Carolina.

LONDON EXILE

Although Sheik Ghanoushi was sentenced in absentia to life imprisonment in 1989 for attempting to overthrow the Tunisian government—and accused of plotting to kill its president—some Democrats on the committee believe that the Tunisian government is overreacting. They note that the sheik was granted asylum by Britain, a country, they say, that would be loath to welcome a terrorist in its midst.

"There are values we strongly stand for as Americans, and one of them is freedom of speech," said another Foreign Relations Committee staffer. Before we make a decision we want proof [of terrorist involvement] and saying ugly stuff is not sufficient."

A State Department official told the Forward the agency "received an application [from the sheik] and the matter is under consideration." He refused to elaborate.

Even from his London exile, Sheik Ghanoushi has been openly calling for the overthrow of the Tunisian regime of President Ben Ali, and the calls have grown more strident since elections in March. After Mr. Ben Ali—the only candidate for president—received 99.91 percent of the vote, the sheik signed a communique urging Tunisians "to unite to rid the country of this specter of dictatorship." according to a wire-service report.

Despite its obvious failings, Tunisia, according to Daniel Pipes, editor of the Middle East Quarterly, "is among the better of the autocracies." Mr. Pipes says the Tunisian government is terrified because of the growing fundamentalist fervor in neighboring Algeria. The Tunisians—who have relatively progressive policies toward women and Jews—believe that, if given a chance, Sheik Ghanoushi would swiftly radicalize the country.

"JEWISH SATANS"

According to Mr. Pipes and other sources, the sheik has been spotted at a number of key Islamic conferences in Iran and the Sudan that were also attended by other radical clerics. Mr. Pipes likened these conferences to a sort of "Islamic

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Internacionale," where the leaders are united in their staunch hatred of America, the West and Israel. "Yes, they speak different languages and eat different foods—but that's not what counts. What counts is ideology," Mr. Pipes said.

In Tampa, Todd Simmons, spokesman for the University of South Florida, confirmed that the sheik had been invited to be part of a "roundable" discussion among scholars. "I know nothing about the man or his politics," Mr. Simmons said, insisting that the invitation did not mean the college "is endorsing or sanctioning any of his beliefs."

Sheik Ghanoushi is said to be considerably more worldly—and more slick—than his Islamic counterparts. He dresses in Western-style suits and can be spotted giving interviews to journalists in fashionable London tearooms.

Statements attributed to the sheik and provided to the Forward by Senator Brown's office suggest that his views smack of a peculiar branch of anti-Semitism that combines classic European anti-Jewish canards, blended with a distinctly Arabist tinge. "The Jewish Satans have been at work since the . . . Renaissance and the Reformation in Europe to promote the current hellish marriage between the American-led Western project and the Jewish project to jointly destroy the Islamic world and control its riches" is but one example among many now under State Department scrutiny.

CONGRESSMAN KILDEE HONORS ALFRED FEDERICO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before you today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to a pioneer who has dedicated his life to the working individual, Mr. Alfred Federico. Al's remarkable lifetime of achievements will be recognized by the Unity for Justice at a dinner in Flint, MI, on June 18, 1994.

Alfred Federico began his long and distinguished career at Buick as a young man in the year 1927, working periodically until in 1934 the seniority of an employee was recorded. In 1936, he became involved in union activities, spurred on through his close association with Roy and Victor Reuther.

When the United Automobile Workers Local 599 was chartered in 1937, he was the first chief steward in plant No. 31, department 17. His union career included being committeeman, shop committeeman, and a member of the political action and education committees. Al's reputation as a fair and effective leader was recognized by his fellow union members when they elected him chairman of the UAW National Negotiating Committee. It was during his service on this committee where he and Walter Reuther established a long and close friendship. To this day, Al keeps alive those ideas that Walter Reuther helped develop to enrich not only the UAW but all society. Indeed, it is because of people like Al that these ideas are now ingrained in our society.

Brother Federico's exemplary personal history as a union man continues as he devotes his life to helping those who seek his assistance. Since his retirement in 1971, Al has continued to represent his union brothers and sisters by working to resolve consumers problems in conjunction with the consumer protection division of the Genesee County Prosecutors office. He has voluntarily given of his time and expertise in this work. To this day, Al remains active at Local 599, serving as a mentor and champion of worker's rights.

On January 15, 1994, Al was presented the Mayor's Drum Major Award for contributing to the Flint community in the area of labor, exhibiting the life and legacy of Dr. Martin Luther King, Jr.

Mr. Speaker, Al Federico has been a sure and steady mentor of mine whose ideas and advice have helped form my political philosophy. Without a doubt, the UAW and the city of Flint are better because of Al Federico. I know with certitude that I am a better person because of Al Federico. I am very pleased to have this opportunity to bring to the attention of the Members of the 103d Congress and the Nation the outstanding achievements of this truly remarkable individual.

TRIBUTE TO DR. ETHEL B. STALLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. SKELTON. Mr. Speaker, today I wish to honor the memory of a fellow Missourian, Dr. Ethel B. Stalling, who passed away on June 8 at the age of 73. Dr. Stalling, a resident of Lake Lotawana, practiced as a chiropractor for over 50 years, contributing to her community through her many leadership positions and valued friendships.

Dr. Stalling was originally from Lafayette County, and our families have been friends for at least three generations. Upon graduating from Cleveland Chiropractic College of Kansas City in 1941, she began working in Mexico, MO, and then started her practice in Cass County in 1949. In 1992, she received the Cleveland Chiropractic College's Alumnus of the Year Award. She was also an influential member of the Missouri State Chiropractic Association, and was the recipient of a service award from that association as well. In 1989, she was named Chiropractor of the Year by the International Chiropractors Association.

Dr. Stalling held several leadership positions, including president of the Academy of Missouri Chiropractors, secretary and president of the alumni association of Cleveland Chiropractic College of Kansas City, and vice president of the Cleveland Chiropractic College multicampus board of trustees. She also was an officer of the Missouri State Chiropractors Association and a member of the Pleasant Hill Chamber of Commerce.

She was an excellent health care provider and her community benefitted from her service and warm spirit. Dr. Stalling will be deeply missed by all who knew her.

ANOTHER ENERGY SOURCE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. TORRICELLI. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the unique energy source Mount Hope Hydro, Inc., can provide to help avoid the rolling blackouts endured throughout the Northeast last winter. Mount Hope is developing an advanced pumped storage waterpower project located in northwestern New Jersey which will provide an alternative, reliable, and safe power supply across the Northeast.

Mr. Frank Fisher, president of Mount Hope, recently testified before the House Energy and Power Subcommittee and revealed the important contribution advanced pumped storage waterpower can make to our Nation's energy supply. I am providing a copy of Mr. Fisher's testimony for my colleagues to review.

TESTIMONY OF FRANK S. FISHER, PRESIDENT, MOUNT HOPE HYDRO, INC., BEFORE THE SUBCOMMITTEE ON ENERGY AND POWER, HOUSE OF REPRESENTATIVES, MARCH 17, 1994

Mr. Chairman and Members of the Subcommittee: My name is Frank Fisher, and I am president of Mount Hope Hydro, Incorporated, which is developing a large, advanced pumped storage waterpower project in northwestern New Jersey, 35 miles due west of New York City. Thank you for the opportunity to testify this morning on measures which should be taken to avoid future electric service interruptions such as those which occurred on the Pennsylvania-New Jersey-Maryland ("PJM") Interconnection this past January.

As other witnesses before the Subcommittee have testified, the rolling blackouts of January 19 revealed some shortcomings within the PJM system. It is difficult for me to be precise about the exact causes of the blackouts because we have not had access to all of the pertinent information. However, one factor was that massive demand for natural gas caused a deficiency in pipeline supply. Simply put, there was not enough to go around. Next, the system is dependent on technologies which are not weather resistent, and as a result, power plants could not operate to full capacity under the extreme cold. Also, PJM typically does not consider the winter months a period of peak demand, so a significant proportion of capacity was out of service for planned maintenance and repair work.

Clearly, the region—and the nation as a whole—needs a low-cost insurance policy against future blackouts and brownouts. Diversity of power sources is key to preventing peak demand power shortages in the future. The recurrent theme in recent press releases and comments about the crisis—that such events are so rare and unpredictable that it would not be cost-effective to guard against them—ignores the potential benefits of new technology.

Instead of taking recent events as a warning, power companies are likely to continue to be pushed by regulatory uncertainties and increasing commercial pressure to take a short-term view. Indeed, they risk being penalized for not doing so. Many PJM utilities are moving toward natural gas projects as the solution to future demand, despite the fact that the 1991 New Jersey Energy Master Plan, for one, warned about the danger of excessive reliance on a single resource. Depending on natural gas as the only new source of reliable, clean power could set the region on a long-term course for economic disaster.

Alternatives are available to provide reliable, safe power on a nearly instantaneous basis. What's more, as Clean Air Act standards tighten in the highly-industrialized Northeast region, it is in everyone's interest to look for new power sources which do not create the local pollution emissions associated with gas burning utility plants.

For example, the Mount Hope Project currently under development will, when completed in 2002, operate at a capacity of 2000 megawatts * * * enough to protect more than half a million homes from blackouts or brownouts during peak demand periods. Had Mount Hope been on line in January, it would have provided the low-cost peaking power and transmission stability to prevent the blackouts, serving as PJM's "energy insurance policy."

Fundamentally, Mount Hope's pumped storage technology works on the simple principle of gravity. A 1.6 billion gallon aboveground reservoir will be connected by a shaft to an underground powerhouse and water storage caverns which serve as a lower reservoir. Water will circulate back and forth between the reservoirs in a "closed cycle," and during peak electrical demand periods or simply on demand, water will be released from the upper reservoir into the vertical shaft to the powerhouse, 2,800 feet underground.

Once in the powerhouse, the water will pass through six fast response turbines which can reach full generating capacity in less than 15 seconds. The power is brought to the surface by cables in another shaft, and is ultimately connected to existing transmission lines.

After traveling through the turbines, the water is stored in the underground lower reservoir. During off-peak hours, the turbines will be reversed to pump the water back to the upper reservoir, at which point the process can start again. This entire process can be repeated up to 20 times a day to meet demand and to optimize the use of other regional generating facilities. It is impervious to weather since underground temperatures remain at a constant 56 degrees Fahrenheit.

Mount Hope is patterned on the Dinorwig Pumped Storage project operated in Wales by the British National Grid Company. Dinorwig is one of the world's most technologically advanced pumped storage facilities and uses a fast-response technology which can produce at full output from standstill in less than a minute. This technology significantly enhances the capacity and reliability of the British transmission system, far beyond the capabilities of the earlier, less-sophisticated pumped storage facilities on the PJM grid. Indeed, the lack of advanced pumped storage facilities makes the U.S. unique among the industrialized nations.

Because of its location and ultra-fast response capabilities, Mount Hope also offers the benefits of increasing the capacity of the existing regional high-voltage transmission system. It will provide a competitive advantage in its ability to enhance the effective import capability of the transmission system. Mount Hope's ability to permit the PJM utilities to take advantage of remotely located power sources beyond their boundaries will provide significantly increased reliability. Potentially, billions of dollars could be saved through enhancing the ability of the PJM utilities to import less expensive energy from such sources.

As attractive as the Mount Hope Project sounds, we have found it difficult to make progress in our discussions with utilities in the PJM grid. These difficulties are threefold. First, because of the increasingly competitive nature of their marketplace, the utilities are increasingly compelled to focus on short-term requirements without proper regard for the long term. While natural gas may offer a short-term "fix" during the '90's, this situation is unlikely to last long into the next decade. A prudent long-term view must contemplate a mix of resources, and on such a view, a project like Mount Hope doubly merits consideration. Not only does it offer an alternative source of energy in itself, but it can enhance the efficiency of other sources of generation and improve both the capacity and the stability of the regional transmission system.

The second problem is that non-utility power project developers are often left in the dark to assess the benefits of new technology to potential utility customers. Most utilities hold data relating to their needs as proprietary information, so developers of alternative projects are left to estimate or assume the degree of their projects' potential benefits to the utilities. As a result, the true benefits of projects based on new technology, like Mount Hope, may never be fully measured.

While we at Mount Hope understand there may be justification for a degree of confidentiality surrounding utility data, the future energy needs of the Northeast are far too important to allow this to be an obstacle to progress. We must work cooperatively toward our common goal of providing a reliable, cost-effective source of electricity to the consumer and not let the window of opportunity offered by Mount Hope pass by the region. Under its FERC license, the Mount Hope Project must start construction by August 1996 and it is important that we secure commitments as soon as possible.

SOLOMON DERIDES SHAM LEADERSHIP DEAL WITH DEFICIT CHICKEN HAWKS ON A–Z

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. SOLOMON. Mr. Speaker, today the majority leader and a small group of Democrats unveiled what can only be described as a sham deal in return for keeping those Members from signing the A–Z spending cut discharge petition.

The concessions the deficit chicken hawks have wrung out of their leadership won't even provide a transparent fig leaf of political cover for avoiding real spending cuts.

We had already been assured that the remaining appropriations bills would be brought under an open amendment process so that is no real concession. And moderate Democrats had already been promised a vote by their leadership this session on various budget process and entitlement reforms in return for their support for the budget resolution earlier this year.

The only thing new in this is that those who are boasting about this great compromise breakthrough seem to believe they have actually won something new. The Democrat leadership has done a masterful job in recycling the same old bargaining chips for every new deal they are forced to cut with this group. It is a shrewd ploy as long as nobody calls their bluff and tries to cash in the chips on previous deals.

The bottom line remains that there is no substitute for voting on real spending cuts now as guaranteed by the A–Z plan. Hiding behind process reforms won't save the taxpayers a dime or reduce the deficit by a penny. It's simply a way of putting off until tomorrow what should have been done yesterday.

AVIATION PIONEER EMILY WARNER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mrs. SCHROEDER. Mr. Speaker, I would like to join the Colorado State Senate in saluting Capt. Emily Warner, the first woman pilot for a modern U.S. airline. Captain Warner is one of Colorado's 20th century heroines.

EMILY WARNER HONORED BY COLORADO SENATE

(By Lance Ross)

The Colorado State Senate unanimously approved this week a resolution honoring Capt. Emily Warner, the first woman pilot for a modern U.S. airline. Warner was hired as a Frontier Airlines second officer in 1973, and is now with the Federal Aviation Administration.

The resolution is now pending in the Colorado House of Representatives.

"With 15 years of aviation-instructing experience and 7,000 hours, Emily Warner already had more flying experience than the vast majority of men being hired by the airlines," the resolution said of her struggle to break the barrier against women commercial pilots.

Warner was cited for "her remarkable achievements and contributions to state and national history."

"The most recent honor for her has come from the Friends of the Granby Airport, Inc., who have initiated the Emily Howell Warner Aviation Education Resource Center in Cooperation with the Granby Public Library," the resolution adds.

EAGLE SCOUT CHARLES WESLEY WELLS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. BRYANT. Mr. Speaker, last evening, Charles Wesley Wells received the highest award of the Boy Scouts of America when he was awarded the rank of Eagle at his Eagle Scout Award Ceremony in Burke, VA.

This exemplary young man is the son of Col. Peter Wells and Karen Wells. Though born in Germany while his father was on active duty with the United States Army there, he is an All-American kid who has grown up in Virginia and Texas where he learned persistence, dedication, and the value of hard work.

A weight-lifter, outdoorsman, fisherman, and automobile enthusiast, he is a senior at Lake

Braddock Secondary School and a member of Messiah United Methodist Church. His determination to succeed has kept him in pursuit of his goal of an Eagle badge for 7 years, as he achieved rank after rank in the Scout program.

Charlie, as we all know him, concluded his quest for the rank of Eagle with an outstanding Eagle project on ecology involving labeling storm drains in the Kings Park neighborhood of Fairfax County. After receiving approval for the project from the State of Virginia, the project required Charlie to work for 8 months before it was finally completed.

On behalf of myself and of the American people I offer today our congratulations and express our great admiration as the rank of Eagle is awarded to an outstanding young American, Charles Wells.

CONGRESSMAN KILDEE HONORS MR. JOHN (J.D.) DOTSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding resident of my hometown of Flint, MI, Mr. J.D. Dotson.

J.D. Dotson was instrumental in the organizing of the United Automobile Workers [UAW] labor union in Flint, MI. He began work in the Buick foundry at the age of 21, coming to Flint from his birthplace of Vicksburg, MS, living in Chicago, Kankakee, IL, and finally Royal, NJ, along the way. He soon recognized a need for a union and began working with others toward that end.

As was the custom in those days, organizers were threatened with bodily harm. Mr. Dotson was no exception, receiving his share of threats. But he did not let that deter him from his goal. As the movement progressed, he was positioned as the captain of the Flying Squadron, a protest group. His courage and leadership skills were called on often anytime there was activity in one of the plants at Buick.

At this time Buick was a very segregated workplace. Blacks were only allowed to enter the plant at two locations and were only allowed to work in one place within the plant, the foundry. It was at this time that Mr. Dotson decided he needed to have a job in another part of the plant. He had worked closely with the legendary union leader, Walter Reuther, and decided to integrate the plant. In 1934 he was the first black to leave the foundry and began work in factory No. 31.

Now, at age 92, Mr. Dotson is still active in union affairs. He is a national board member and has traveled with the board to such places as Lansing, Columbus, OH, and Albion, MI. He continues to hold the positions of sergeant at arms, guide, and has a seat on the legislative committee.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise today to pay tribute to this outstanding labor pioneer, J.D. Dotson. His courageous activities led to the formation of the UAW as well as the integration of the workplace and the union. His deeds and actions will never be forgotten by the millions of union members throughout this country. I wish him well as he is being honored at the Unity for Justice Dinner on Saturday, June 18, 1994. J.D. Dotson is truly an outstanding American.

TRIBUTE TO FATHER JOHN CONDIT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. SKELTON. Mr. Speaker, today I pay tribute to Father John Condit, an outstanding Missourian and former Navy chaplain who recently passed away at the age of 74. His professionalism and devotion to duty were admired by all who knew him.

After finishing his secondary education in Jefferson City, MO, and attending both the St. Louis Preparatory Seminary and Kenrick Seminary, Father Condit was ordained for the Archdiocese of St. Louis in 1953. He then served as the associate pastor of several parishes in the State.

Father John Condit was not only respected for his commitment to his parishioners, but also for his service to the U.S. armed services as a Navy chaplain. Father Condit received his commission in 1953 and served the Navy in this capacity for 20 years when he retired with the rank of captain. He dedicated the remainder of his years to serving as the pastor for the St. Francis Xavier Church in Taos, MO.

Father Condit also demonstrated his service to others through his involvement with veterans organizations, the Kiwanis Club and the American Legion. Father John Condit was deeply committed to his faith, his country and his parishioners. He will be missed not only by his many friends, but by the community he served for so many years.

CONGRATULATIONS TO THE CITIES OF RIVEIRA AND NEWARK

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. TORRICELLI. Mr. Speaker, I am both pleased and honored to rise before the House today in recognition of the very important partnership that has recently been agreed upon between the city of Riveira in the Autonomous Region of Galicia, and the city of Newark in my home State of New Jersey.

The June 17 signing of a sister city agreement between the mayors of Newark and Riveira is significant not only in its fostering of better international ties, but also in its recognition of the important contribution that Newark's 20,000 Galician and Spanish residents have made to the community at large. As most of these residents originally hail from Riveira, it is only fitting that a formal bond between the two cities be formed in appreciation of that vital link that they share.

The sister-city agreement between Riveira and Newark offers prospects that far exceed the symbolic level. From economic exchanges to athletic, educational and tourism endeavors, this partnership will broaden the horizons of each community and offer a special element of cultural enrichment that few cities can boast.

I congratulate Mayor Sharpe James of Newark and Mayor Jose Luis Torres-Colomer of Riveira on this landmark occasion, and I thank our Spanish and Galician neighbors for their continued contribution to our State.

Mr. Speaker, I call upon all of my colleagues to join me in saluting the cities of Newark and Riveira, and in wishing them the best of luck in what will no doubt be a long and rewarding relationship.

REMARKS REGARDING THE MOTION TO INSTRUCT CONFEREES ON THE RACIAL JUSTICE ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. SCHUMER. Mr. Speaker, although some Members of the House sought to portray yesterday's vote on the motion to instruct the conferees not to include the Racial Justice Act in the final crime bill as up or down vote on the Racial Justice Act, many Members, myself included, viewed the motion as a vote on the retroactive application of the act. The version of the Racial Justice Act passed by the House and included in the House crime bill includes a retroactivity provision.

During the floor debate on the Racial Justice Act, I stated that I intended to work to strike retroactivity at conference. In keeping with that position, I supported the motion to instruct the conferees not to include the Racial Justice Act as passed by the House, not because I oppose the Racial Justice Act, but because the motion was really a vote on the retroactive application of the act. I support the Racial Justice Act and I intend to work at conference to create better, more tightly drawn, nonretroactive provision prohibiting the discriminatory application of the death penalty.

IN HONOR OF THE PARTICIPANTS OF THE 67TH ANNUAL NATIONAL SPELLING BEE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a group of New Jersey students for their participation in the 67th annual National Spelling Bee which was held in Washington, DC, from May 29 to June 3, 1994.

Among the participants was Helen Isip, 13, of Jersey City, the daughter of Domingo and Maria L. Isip. Helen represented Hudson County and was sponsored by her local newspaper, the Jersey Journal. She was a student at St. Paul's School of Excellence and will attend Holy Family Academy in the fall. Helen was in the top quarter of the competing spellers and the second best speller in New Jersey.

I am proud to have such an outstanding student representing Hudson County in a national competition. Helen's work is exemplary and deserves to be recognized. She has earned first honors in all her academic subjects since the fourth grade. Her hard work and dedication have truly paid off. Her favorite subjects are history and math. Those who say, "Our youth are in decline," need look only at Helen for a shining example of what America has to offer the world.

Helen was among the 238 students nationwide who participated in the spelling bee. The National Spelling Bee was sponsored by Scripps Howard Newspapers and other newspapers from around the United States. Authorized sponsors organized local spelling bees and sent their champions to Washington, DC, for the national event.

I also want to commend the Jersey Journal for graciously sponsoring the local competition. The National Spelling Bee is an annual tradition, and has become an important showcase for our young academic achievers. Sponsoring a local event and sending a champion to national competition demonstrates the Journal's strong ties to Jersey City and the greater Hudson County community, and I want to thank them for their commitment.

The participants in the 67th annual Spelling Bee deserve our congratulations for their accomplishments. Their dedication and excellence bodes well before America as it prepares for the 21st century. I salute them today and wish them luck in the future endeavors.

TRIBUTE TO AMERICAN LEGION FOR THE UPPER PENINSULA SUMMER CONVENTION

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. CARR. Mr. Speaker, I appreciate the opportunity to pay tribute to the American Legion and this year's host of the Upper Peninsula Summer Convention, Uren-Cooper Post 50 of Iron Mountain, MI.

This year we celebrate two historic anniversaries. Fifty years ago this month, soldiers from Michigan, and all across our country, landed on the beaches of Normandy to liberate Europe and save the world from the tyranny of Nazi Germany.

In that same year, Congress passed and President Roosevelt signed one of the most important pieces of Federal legislation ever written. What began as a grassroots effort by Legionnaires across the country ended with the passage of the GI bill. As a result, veterans were given the opportunity to get a quality education and find new and better jobs.

As we commemorate the anniversaries of these historic events, it seems fitting that we again recall the sacrifices made by our Nation's veterans. We must rededicate ourselves to faithfully living up to the commitments we as a country have made to them, whether the issue is COLA's, VA benefits, spousal support, homelessness, or helping veterans suffering from exposure to agent orange or the mysterious Persian Gulf illnesses.

Today, as the American Legion Upper Peninsula Association prepares for their summer convention, I ask my colleagues to join me in redoubling our efforts on behalf of these men and women who have given so many years of leadership and service to our Nation.

INTRODUCTION OF THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. GOODLING. Mr. Speaker, today I am joining Representative FAWELL and 22 of our colleagues in reintroducing the Occupational Safety and Health Reform Act. The bill is for the most part identical to H.R. 2937, which Mr. FAWELL introduced last August. What I said about H.R. 2937 then applies as much to the bill we are introducing today:

> This legislation will force the Occupational Safety and Health Administration to reorient its compliance philosophy from one of confrontation—a philosophy which measures success by the number and amount of penalties levied and not by results—to one which will help employers comply with the law and one which will provide incentives to employers to undertake meaningful steps to improve workplace protection.

The two parts of H.R. 2937 that are changed in the bill we are introducing today involve: First, making sure that the voluntary programs at OSHA, some of which we are creating or codifying in our bill, receive adequate administrative attention and funding within the agency and increased recognition as an essential part of what OSHA's role is, and second, retaining current law with regard to coverage of State and local governments.

The second point is particularly important to me because of my concern about the Federal Government's increasing reliance in recent years on carrying out its policy objectives through unfunded mandates on State and local governments. Our earlier version of the bill provided for a 3-year delay in coverage of State and local governments, with a cost study of the impact of this change completed within 1 year of passage. The intent was that with the cost study Congress could revisit the issue before coverage was triggered.

Numerous letters from our constituents and others convinced us that the better approach is not to trust that this issue would be revisited after the cost study was done. Instead, the issue of how Congress should treat State and local governments should be dealt with directly in this legislation. We believe that current law, which allows but does not require States to adopt OSHA standards and provides 50 percent of the funding for enforcement and administration if the State seeks and obtains approval of its program by the Department of Labor strikes the appropriate balance between recognizing State's independent role and priorities and protecting worker health. Alternatively, if Congress is determined to impose the OSHA rules on all State and local governments, including schools and other public agencies, then the Federal Government should pay the full cost of the mandate.

We offered both of these choices during the markup of OSHA reform legislation in the Education and Labor Committee, but both were rejected by the majority on the committee. Thus, the OSHA reform bill comes to the House with a clear choice between those who support more unfunded mandates on State and local governments, and those who do not.

TRIBUTE TO FOOD FROM THE 'HOOD

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to a dynamic and enterprising group of Crenshaw High School students who have formed the Nation's first student-owned natural foods company: Food from the 'Hood. Founded in October 1992, Food from the 'Hood has an ambitious company mission that seeks to illustrate the potential of young adults and provide them with jobs, give back to the community, and prove that businesses can be socially responsible and profitable. Remarkably, the students have successfully marketed their first product, Straight Out 'the Garden Creamy Italian Salad Dressing, at over 10 major grocery chains throughout southern California; overall, about 2,000 stores are expected to carry this product. Projected estimates of annual profits total between $100,000 to $200,000, which will go toward scholarships for the student-owners and contributions to local charities.

In response to the Los Angeles disturbances, a science teacher at Crenshaw High School, Ms. Tammy Bird, encouraged her students to restore the school's garden and give the food to the needy. On December 18, 1992, the students reaped their first harvest and donated it to a local food bank, Helpers for the Homeless and the Hungry. While always giving at least 25 percent to the needy, the students also sold produce, enabling them to provide 600 dollars' worth of college scholarships to three graduating students. With the help of Ms. Melinda McMullen, a former marketing executive, the students soon expanded their base and formalized the concept of a student-owned business.

All student-owners participate in an intensive employee development program that, through a points system, determine individual scholarship amounts. Students earn points by working in the business, maintaining high academic grades, and devoting time in college preparatory activities; points can be taken away for not meeting these obligations. Tutoring in math, science, English, and Spanish are also offered. Scholarships are determined by calculating the percentage of total points earned, with a potential for acquiring points worth up to $15,000 a year. Any profits above the scholarship margins will be donated to various community initiatives.

The students' persistence and dedication, combined with the support of Crenshaw High School administrators and faculty, have yielded an enthusiastic response from the community. Their efforts have garnered the patronage of Mr. Norris Bernstein, the Weingart Foundation, the city of Los Angeles Community Development Department, the California Community Foundation, RLA—formerly referred to as Rebuild L.A.—and countless other businesses and professionals. Nonetheless, in addition to promoting their salad dressing, the students continue to operate the garden and market at Crenshaw High School.

It is a pleasure to recognize the following innovative students who share ownership in Food from the 'Hood: Angelica Becerra, Shannon Burton, Karla Becerra, Marshon Caulton, Seak Chan, Kahlelah Croom, Charo Darwin, Leonie Felix, Dennis Fomond, Jaynell Grayson, LaTosha Hayden, Kristi Hernandez, Zakiya Hill, Ketric Jenkins, Naeisha Jones, Carlos Lopez, Ivan Lopez, Mary Lucas, Rashard MaGee, Maurice McNeely, Brian Morris, Ben Osborne, LaChentia Patton, Natasha Proby, Edwin Rhodes, Kendal Robinson, Michael Santos, Santana Scott, Mark Sarria, Kabeer Smith, Jasmine Talley, Sommer Tillett, Osofu Washington, Luther Waters, and Maria Wilson.

Mr. Speaker, I am extremely proud of Food from the 'Hood's astounding accomplishments, and ask my colleagues in the House of Representatives to join me in commending the 35 student-owners. In devising a means through which they could further their education and enhance the quality of life within their community, these young entrepreneurs have served as examples for our youth and have provided a source of much-needed hope to the inner-city community of Los Angeles.

BUFFALO SOLDIERS COMMEMORATIVE RIDE OF COL. CHARLES YOUNG

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. HOBSON. Mr. Speaker, nearly 80 years ago today during the Great War, Col. Charles Young undertook a 600-mile journey on horseback to Washington, DC, from Xenia, OH, to prove his fitness for service in the U.S. Army.

By the age of 50, Colonel Young had already proven himself as a distinguished soldier in Cuba, the Philippines, Haiti, and the Mexican campaign. And his deeds were a tribute not only to his home State of Ohio, but also to our great Nation.

I am proud to honor this man and many like him whose service to the United States as Buffalo Soldiers—from the time of their service on America's western frontier to the Korean war—went largely unnoticed and unheralded.

Through his outstanding military service, Colonel Young promoted by example the right to equality for himself and every African-American. I honor his courage, not only in the course of battle, but in the course of fighting against discrimination and segregation which was routine in our military's history.

At Arlington National Cemetery today, a ceremony at the gravesite of Colonel Young marks the end of the Buffalo Soldiers' commemorative ride which began in Ohio 4 days ago. Let it also mark the end of racial discrimination in our military and a new beginning for remembering the deeds and the services of America's Buffalo Soldiers.

WELCOME TO THE 26TH ANNUAL CONFERENCE OF THE WOUND, OSTOMY, AND CONTINENCE NURSES SOCIETY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. CARDIN. Mr. Speaker, the Third District of Maryland is proud to welcome the 26th annual conference of the Wound, Ostomy, and Continence Nurses [WOCN] Society to the Baltimore Convention Center on June 19–23. The theme for the conference is "Positioning for Change—Where Do We Go From Here?"

WOCN is a professional association of 3,000 registered nurses who specialize in the care of patients with wounds, ostomies, and incontinence. The WOCN membership consists primarily of ET nurses, formerly known as enterostomal therapists [ET's]. ET nurses traditionally specialized in the care of patients with ostomies; however, as the needs increased for specialists in managing wounds and related skin conditions, ET nurses incorporated wound care into their practice. ET nurses have also extended their practice into the area of continence care, including prevention, assessment, diagnosis, and management.

In addition to these ET nurses, the WOCN membership consists of registered nurses who specialize in only wound or continence care. The WOCN nurse is an integral part of the health care system in providing cost-effective care to their patients.

Participants in the conference will include the WOCN membership, allied health care professionals, and medical and pharmaceutical manufacturers. The conference provides an opportunity for the participants to become more knowledgeable of the practice of the nurse who specializes in the care of patients suffering from wounds, ostomies, or incontinence. The conference aims to identify the current issues and trends that impact professional practice, and to provide a forum in which the participants can discuss such clinical and professional issues. The conference also seeks to provide resources to assist participants in marketing their practice, as well as to recognize available collaborative practice opportunities in various healthcare settings.

The Clinton administration will be represented at the conference by Ms. Kathleen Hastings, consultant to the Surgeon General on health care reform. Ms. Hastings will deliver the conference's keynote address at the opening session on June 20 at 9 a.m.

I am pleased and honored that WOCN has chosen the fine city of Baltimore to host their conference. I sincerely hope my colleagues will join me in wishing WOCN success with their event.

CHURCHVILLE JUNIOR HIGH SCHOOL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. HYDE. Mr. Speaker, one of the outstanding junior high schools in Illinois, Churchville, is located in Elmhurst, a fine community in my district.

On May 27 of this year I had the pleasure of addressing their eighth grade students. Their teacher, Robert Caldwell, chairman of the social studies department, asked the students to compose an essay describing why they would like to attend a luncheon with their Congressman.

I have read these essays, and they are indeed interesting. Today I will provide three of them for my colleagues to read, and next week I will provide three more. I commend them to your attention.

WHY I WOULD LIKE TO GO TO LUNCH WITH REPRESENTATIVE HYDE

(By Priscilla Damitrescu)

The reason why I would like to meet Representative Hyde is because I have a strong interest in meeting him. I also would like to find out his point of view on certain matters. Most of all I would like to get to know the person who represents me and my area.

The issues I would like to discuss with Representative Hyde are Health care, the situation in Singapore, certain parts of the Constitution that I hold an opinion on, and I would also like to discuss the gang matter that is starting to move within Elmhurst.

The questions I would like to ask are his opinion on those issues I have listed. I would also like to know what got him to become a politician. I would also ask him questions in general about becoming a politician.

The reasons I think I should be are that I think that I would represent Churchville in a good manner and because I am highly interested in finding out more about politics.

WHY I WOULD LIKE TO GO TO LUNCH WITH REP. HYDE

(By Randy Kuczaj)

I would really like to go to lunch with Rep. Hyde because I would like to talk to him about the issues that are important to me. The main issue is gun control, but there are others such as health care, abortion, and the White Water Scandal. I feel very strongly against gun control and abortion. I also think that President Clinton should come up with a better health care plan. I have a lot of questions that I would like answered about these issues. I would also like to find out how he feels about gun control and what other bills the House is thinking of passing.

Another reason why I would like to go to lunch with Rep. Hyde is that I would like to meet him in person. It is not every day that you get to have lunch with your Representative.

I think I should be chosen because I am a good student and I really could benefit from this experience by learning something new. It would be a honor for me to be chosen.

WHY I WOULD LIKE TO GO TO LUNCH WITH REP. HYDE

(By John Mendola)

I would like to go because there are many questions I would like to ask. Questions about gun control, abortion, and what's it like to be a representative of our country. I would like to meet Mr. Hyde because I have always been fascinated by government and I would like to meet one of its employees.

The questions I would like to ask are: What do you define as an assault weapon? Are you against abortion and why? I will also ask many other questions.

I think I should be picked because I'm very involved in politics. I would very much enjoy talking to a politician, especially one from our state. I think I would benefit greatly and it would be an event I would never forget. Please consider my application.

HON. WILLIAM D. FORD JOINS WITH THE IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE WORLD TO HONOR SPECIAL PEOPLE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to Isiah Pierce Norfleet, an exceptional young man and model of courage. Isiah was recently selected to be the 1994 Special People National Poster Child by the Improved Benevolent and Protective Order of Elks of the World [I.B.P.O.E. of W.]. In this role, Isiah will be representing all special people who have additional needs due to physical or mental challenges.

Although Isiah has cerebral palsy and the left side of his body is partially paralyzed, his medical condition has not dampened his spirits or hampered his accomplishments. Isiah shares the joys and interests of every 5 year old. In school, his favorite subject is music and he would like to enrich his love of the subject of music by learning to play the piano. Isiah enjoys attending church and school and uses his cheerful attitude to touch the lives of those around him. Every morning, he greets his teachers with a big smile and hug.

Isiah has used his lighthearted personality to overcome his disability and conquer adversity. By enjoying the daily delights and activities of a 5-year-old's life, Isiah meets his challenges head-on. The courage and perseverance which Isiah illustrates should set an example for us all.

I would also like to commend the I.B.P.O.E. of W. for their outstanding work on behalf of people with special needs. Through their efforts and interest, the attention of our Nation may be focused on the needs of special people and their unlimited potential.

I encourage my colleagues to join with Isiah, the I.B.P.O.E. of W., and with me to recognize the accomplishments and needs of special people everywhere.

THE CASE OF SEMYON LIVSHITZ

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. HOYER. Mr. Speaker, I would like to call the attention of this body to the case of Semyon Livshitz, a former Russian naval officer currently serving a 10-year sentence in prison for alleged rape and robbery in Vladivostok.

This is a complicated story, Mr. Speaker. In February 1990, the captain of the ship upon which Livshitz served prior to his release from active duty was accused of rape and robbery. In the course of the interrogation, the captain accused Livshitz of being in the pay of Israeli intelligence, and plotting to hijack a Russian submarine to turn over to the Israelis—sort of a "Red October" scenario. Although the scheme was too farfetched for even the KGB, in August 1990, Livshitz was arrested and accused of being implicated in the rape and robbery cases under investigation in Vladivostok.

For a year and a half, Livshitz was in pretrial detention, under living conditions indicating that jails haven't changed much in the Russian Far East since Chekhov's exposé of the penal colonies on Sakhalin Island exactly 100 years ago.

Suffice it to say that Livshitz' health was seriously impaired by that experience. He and 25 other prisoners were kept in a cell intended for 8 persons, with little light or air. In addition, he reported that he was repeatedly beaten by prison wardens.

In April 1992, Livshitz, along with the ship captain and another sailor, was found guilty by a military tribunal and sentenced to 10 years hard labor. According to Livshitz' lawyer, the investigation and trial were conducted in the best preperestroika Soviet tradition, with threats against victims and codefendants, extortion of gifts and cash from Livshitz' family and friends during the investigation, and an attempt by the judge to persuade a witness to retract his testimony.

The judicial procedure and investigation were so flawed that the sentence was struck down on appeal and a new trial was ordered. Incidentally, the investigating officer in the case was fired for having fabricated much of the evidence.

The retrial, again in a military court, began in February 1993. Observers reported that they felt the defense had made a good case and that "the prosecution was having a hard time grounding its claims." However, on April 22, 1994, the court found all three defendants guilty of rape and robbery, and sentenced them to 10 years in prison. Livshitz' attorney plans to appeal the decision again to the higher military tribunal in Moscow.

Mr. Speaker, I cannot make a clear determination of Semyon Livshitz' innocence or guilt on what are certainly serious charges, but it surely appears that basic principles of rule of law have been disregarded at the local judicial level in Semyon Livshitz' case.

As cochairman of the Helsinki Commission, the government body mandated by law to monitor and encourage compliance with the Helsinki Accords, I would urge the appeals court in Moscow to examine this case very closely.

MSGR. CHARLES OWEN RICE, 60 YEARS OF SERVICE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. COYNE. Mr. Speaker, I am pleased today to pay tribute to Msgr. Charles Owen Rice on the 60th anniversary of his ordination as a Catholic priest.

Monsignor Rice has long been a prominent member of the Pittsburgh area community in his various roles as a priest and an outspoken advocate for civil rights and the rights of all working men and women. A lifelong champion of social justice, Monsignor Rice earned a highly respected reputation as a labor priest in the 1930's and his dedication to defending the rights and human dignity of each man and woman has been steadfast for the past 60 years.

Msgr. Charles Owen Rice has served as an inspirational role model for other members of the clergy and for the general population of the Pittsburgh area. His willingness to confront social evils and work for solutions has helped to improve the quality of life in the Pittsburgh area. Across the past six decades, Monsignor Rice has set a standard of personal commitment to the public good that has remained constant regardless of shifting political fashions.

Monsignor Rice grew up in the city of Pittsburgh to which he moved as a child from his native New York City. After graduating from Duquesne University in 1930, he began studying at St. Vincent Seminary. Ordained in 1934, he began a career of pastoral service to various local parishes and the community in general which has continued over six full decades.

As an active local priest during the Great Depression, Monsignor Rice organized some of the church's efforts to help individuals and families in need. He opened St. Joseph House of Hospitality to provide food, clothing, and temporary shelter for hungry and homeless men. Monsignor Rice also emerged as a well-known voice speaking out on the needs of the day as a radio commentator and a columnist for the Pittsburgh Catholic. His career in local radio was to continue for 44 years and his columns still appear regularly in the Pittsburgh Diocese's publication.

At a time when the Great Depression created severe problems for working men and women, Monsignor Rice began a lifelong struggle on behalf of the rights of labor. He emerged as an activist supporter of the American labor movement and addressed labor groups and others at thousands of events. life as a "labor priest was not without controversy at times, but Monsignor Rice's commitment to speaking out on behalf of labor was never shaken and his voice was never silenced.

Father Charles Owen Rice was officially installed as a monsignor in 1964 at a time when the United States was confronting the legacy of slavery and segregation. He was an active participant in the civil rights movement and became widely known as a forceful advocate of the rights of minorities to enjoy the full benefits of citizenship in the United States. He dedicated himself to helping African-Americans in their effort to gain equal access to quality housing, employment and educational opportunities. Monsignor Rice used his moral voice to promote respect for the civil rights of all Americans and labored steadfastly to confront racial strife and social unrest.

Monsignor Rice also emerged as a committed advocate for an end to the war in Vietnam. He led a large number of antiwar marches and teach-ins. His dedication to working for peace served to place him in the forefront of national efforts struggling to secure an end to the Vietnam war.

St. Vincent Seminary honored Monsignor Rice's lifelong commitment to social justice in 1990 with the creation of a fund to establish a Msgr. Charles Owen Rice Chair of Ethical Studies. At this ceremony, Monsignor Rice was honored for his lifetime of service on behalf of social justice. In additional to his work for labor rights, racial harmony, and peace, Monsignor Rice was saluted for his dedicated work on behalf of prison reform and more recent efforts to help individuals suffering from AIDS. Today, Monsignor Rice continues to lead an active life of service as pastor emeritus to St. Anne Parish, Castle Shannon, and in the community in general.

Mr. Speaker, it is fitting that the assembled Members of the U.S. House of Representatives should have this opportunity to reflect on the lifelong service of an individual like Msgr. Charles Owen Rice. His commitment to social justice and his eloquence in speaking out for the rights of others should serve as an inspiration to everyone who seeks to serve the public.

INTRODUCTION OF THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. FAWELL. Mr. Speaker, today I and 23 of my colleagues are reintroducing the Occupational Safety and Health Reform Act. I say reintroducing because the bill is really an updated version of H.R. 2937, which was introduced in August 1993.

When that earlier bill was introduced, I said, on behalf of the cosponsors, that our bill was intended to reflect our ideas of what OSHA reform should look like in general, in contrast to the mandates and penalties in the other OSHA reform bill, H.R. 1280. I said:

> We believe that Congress needs to look at a new role for OSHA, combining enforcement and incentives, and using the resources of the Federal Government not simply as the policeman of the workplace but also to encourage and reward employer and employee efforts to improve and maintain high standards for the safety and health of workers. Safe and healthful working conditions and practices are in the interest of both employees and employers. Most employees and most employers recognize that fact. Some do not, and our bill addresses those employers by providing OSHA with necessary enforcement tools to ensure that employee safety and health is not ignored. But for the vast majority of employers, existing Government resources can be better utilized by providing expertise, consultation services, and training, and by encouraging employers and employees to make safety and health a priority in their workplaces.

Shortly after H.R. 2937 was introduced, Vice President GORE's National Performance Review [NPR] report expressed a similar goal for OSHA. To quote the NPR:

> We will shift some federal functions from old-style bureaucracies to market mechanisms. We will use federal powers to structure private markets in ways that solve problems and meet citizens' needs—such as for job training or safe workplaces—without funding more and bigger public bureaucracies.

The bill we are introducing today continues, and we think improves upon, this approach to reinvent OSHA—emphasizing cooperation, market mechanisms, and incentives. For the most part, it is identical to H.R. 2937, with two substantive changes—both of which were based upon the comments that we received from many people after the earlier bill was introduced.

The first change from H.R. 2937 eliminates the extension of OSHA coverage to State and local governments. The original bill included such coverage after 3 years and a CBO study of the costs involved, along with a provision providing that fines otherwise assessed against such public agencies would be applied to the costs of abating the violation. Although these provisions were clearly less burdensome on State and local governments than those in H.R. 1280, many communications from my constituents along with, obviously, the increased awareness that all of us have to the burden of unfunded mandates on State and local governments convinced me and my colleagues to exclude this provision altogether and to retain current law.

It should be emphasized that current law does not leave public sector workers without avenues for protection. The policy adopted in 1970 when the OSH Act was passed was that States should be covered but not mandated to enforce OSHA rules in public-sector workplaces. States which do so receive up to 50 percent Federal funding for enforcement activities. Twenty-five States and territories have adopted such a program, while other States have chosen to provide protections in other ways, without the involvement of Federal Government oversight. That policy, we believe, recognizes that States and local governments are separate levels of government and not arms of the Federal Government, and that we ought to avoid imposing more unfunded mandates on already overburdened State and local government budgets.

The second change from H.R. 2937 in the bill we are introducing today would more clearly focus OSHA's efforts to promote and administer voluntary compliance programs. Our intent is that cooperative and voluntary programs should be recognized both within and without the agency as at least as important a part of OSHA's mission as enforcement or setting standards. To do that, the bill would establish a single office within OSHA to coordinate and administer all voluntary programs, including small business consultation, voluntary protection programs, technical and training and workplace-based incentives—and set a floor of at least 25 percent of the agency's budget for such programs.

A section-by-section summary of the legislation we are introducing today is attached. We welcome any comments or questions, as well as cosponsorships, from our colleagues.

SECTION-BY-SECTION SUMMARY OF THE REVISED OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

Section 1. Short Title.

Section 2. Congressional Coverage. Establishes a program for coverage of Congress and the instrumentalities of Congress comparable to private sector.

Section 3. Standard Setting. Provides uniform criteria for health and safety standards. Requires that standards be based on significant risk, feasibility, a reasonable relationship of costs and benefits, cost effectiveness, and minimized job loss. Requires OSHA to use negotiated rulemaking unless the agency finds that process inappropriate. Provides protections for small business against excessive paperwork and regulatory requirements.

Section 4. Application. Requires OSHA to report to Congress regarding number and types of inspections not conducted because of lack of jurisdiction. Provides that an employee participation program which deals in whole or in part with safety and health is not a violation of section 8(a)(2) of the National Labor Relations Act. Provides that safety and health audits which are done voluntarily by an employer are "privileged" in enforcement actions.

Section 5. Variances. Provides for automatic granting of variance if the application has been pending with OSHA for 180 days and if the inaction is not due to applicant.

Section 6. Inspections. Creates a legal requirement that OSHA inspections be conducted by personnel who are trained and knowledgeable in the industry or type of hazard. Requires OSHA to enter agreements with other enforcement agencies to check for fire hazards and report them to OSHA if the employer fails to correct. Makes permanent the Appropriations language partially exempting small businesses and family farms. Allows OSHA greater discretion in determining which employee complaints must be investigated.

Section 7. Consultation, Incentives, and Technical Assistance. Establishes a central office within OSHA to promote, administer, and coordinate consultation and voluntary compliance programs. Provides exemptions from random inspections and penalty reductions for employers which (1) utilize a third-party consultation program or (2) have a safety and health program and an exemplary safety record. Establishes a recognition and award program for model employers based upon the current Voluntary Protection Program. Codifies small employer consultation program. Provides for additional programs for education, training, and technical assistance. Sets aside at least 25 percent of OSHA budget for programs in this section.

Section 8. Employer Defenses. Codifies and modifies the defense for "employee misconduct." Creates a new defense for employers who have utilized alternative methods which are equally or more protective of employee's safety and health.

Section 9. Occupational Safety and Health Review Commission. Extends the time an employer may contest a citation from 15 days to 30 days. Gives deference to interpretations of law by the Commission.

Section 10. Discrimination. (Whistleblowers) Extends time for filing complaints from 30 days to 60 days. Provides that if DOL does not decide to prosecute the case within 90 days, the complainant may take the case directly to the Review Commission for hearing and decision. Provides for appeal from Commission decision to Court of Appeals. Encourages use of mediation in such disputes.

Section 11. Enforcement. Retains current requirement that OSHA obtain court order to close down a worksite. Limits OSHA's authority to issue "notice of imminent danger" to 72 hours unless OSHA obtains a court order. Requires OSHA to conduct "special emphasis" programs, working with targeted industry to address special safety or health issues.

Section 12. Penalties. Creates a single civil penalty structure, with higher penalties targeted at violations which have caused death or serious injuries. Changes current criminal violation from a misdemeanor to a felony, and increases the degree of "criminal intent" required. Codifies OSHA policy regarding sharing of information with victims and family members of victims. Allows OSHA to issue warnings in lieu of penalties.

Section 13. State Programs. Requires states to conform labeling, content and hazard information to federal requirements. Provides that OSHA's oversight of state programs will be based on comparisons to federal enforcement rather than arbitrary benchmarks. Allows OSHA to grant waivers to states for alternative programs and approaches.

Section 14. NIOSH. Transfers NIOSH to the Department of Labor.

Section 15. Prevention of Alcohol and Substance Abuse. Requires OSHA to establish uniform federal standards for workplace drug and alcohol testing.

Section 16. Cost Effectiveness Studies. Requires OSHA to contract for studies on the cost effectiveness of standards, and authorizes $2 million per year for such studies.

RECOGNIZING ACCOMPLISHMENTS OF CYNTHIA L. RAEHL, PHAR.D.

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. KLUG. Mr. Speaker, I am delighted to recognize the installation of a constituent of mine, Cynthia L. Raehl, Phar.D., as president of the American Society of Hospital Pharmacists during the society's 51st annual meeting in Reno, NV.

With a membership of 30,000, ASHP is the national professional association that represents pharmacists who practice in health-care systems, including hospitals, health maintenance organizations, long-term care facilities, and home-care agencies. The society has extensive publishing and educational programs designed to help members improve pharmaceutical services, and it is a national accrediting organization for pharmacy residency and pharmacy technician training programs.

Even a cursory review of Dr. Raehl's impressive credentials reveals that she has the expertise and leadership to guide the society toward a larger role for pharmacy within a reformed health care system. She holds appointments as professor in the School of Pharmacy, University of Wisconsin, and clinical pharmacist in the cardiology department and coordinator of the ambulatory arrhythmia clinic at the William S. Middleton Memorial Veterans Hospital in Madison, WI.

Dr. Raehl has written or collaborated on 35 articles appearing in refered journals, book chapters and other professional publications. A recognized expert in cardiovascular pharmacotherapy, she has made presentations throughout the pharmacy profession in her community, State, and the Nation. She has also lectured before pharmacists in Turkey, Great Britain, Sweden, Spain, Israel, and the Pharmacy World Congress in Washington, DC.

Dr. Raehl received her undergraduate degree in pharmacy from the University of Wisconsin and, following completion of her 3-year pharmacy residency at the Albert B. Chandler Medical Center, the doctor of pharmacy from the University of Kentucky.

The American Society of Hospital Pharmacists has been an active participant in the health care debate of recent months. I look forward to its continuing leadership under Dr. Raehl's guidance.

TRIBUTE TO JUDGE WILLIAM J. ZLOCH, U.S. DISTRICT JUDGE, SOUTHERN DISTRICT OF FLORIDA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 1994

Mr. KING. Mr. Speaker, I rise today to recognize and pay tribute to the Honorable William J. Zloch, a true student-athlete who has gone on to become an outstanding American jurist. At the suggestion of Prof. Charles Rice of the Notre Dame Law School, I want to take this opportunity to offer into the RECORD the remarks of Judge Zloch before the recent Law Day meeting of the Broward County, Florida Bar Association.

As a graduate of Notre Dame Law School and a lifelong fan of the Fighting Irish football team, I can proudly report that William Zloch was the starting quarterback for the 1965 Notre Dame football squad which was ranked among the top 10 in the Nation. Bill Zloch went on from his gridiron triumphs to graduate from Notre Dame in 1966 and Notre Dame Law School in 1971. He also served his country as a naval officer in Vietnam.

Mr. Speaker, the members of this institution should note that in his Law Day remarks, William J. Zloch demonstrates why he is a respected member of the Federal judiciary. I encourage my colleagues to take note of Judge Zloch's comments.

LAW DAY SPEECH TO BROWARD COUNTY BAR ASSOCIATION

The annual celebration of Law Day provides us with an opportunity to reflect on our United States Constitution and its interpretation by our federal judicial system. In reflecting on this point, I want to put a slightly different perspective on what you may be accustomed to hearing. Isn't the job of a judge to apply the Constitution, as written, according to the intent of those who adopted it, rather than according to his own view of what is useful or just? Didn't Alexander Hamilton warn in The Federalist No. 78 that "The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment the consequence would equally be the substitution of their pleasure to that of the legislative body." (emphasis in original).

Federal Judges are tasked with the administration of justice and a debate has raged for thousands of years of human experience as to what is justice, a debate which is raging even today in our society. It is a debate which has basically set forth two diametrically opposed views of what justice is. On the one hand there is the view which unfortunately has found its way, to a large extent, into our society across the board, but also particularly among our leaders in the law and justice profession, that justice is a question of expedience.

William James wrote more than fifty years ago in describing his pragmatic philosophy that the truth, to put it briefly, is merely the expedient to our way of thinking and that which is right is merely the expedient to our way of behavior.

This philosophy has been articulated very well more recently by professors across the country who claim, wrongly I believe, that we, as a society, no longer share unchanging rational values. Nonetheless, they state, it is important that we breathe into our *corpus juris* whatever values we share today irrespective of whether we shared them yesterday, irrespective of whether we share them tomorrow. This philosophy would sever positive law from the unchanging principles of the natural law and it is a recipe for atrocities.

This illustrates a tendency in our system of jurisprudence to depart from the traditional concepts of natural law and to accept and embrace concepts of utility; i.e., that which works today is that which is good, that which is technologically feasible is that which must be done. This is a philosophy that holds that man's worth is measured only by his utility to the material world around him. And, as a corollary to this proposition, so are his habits.

Opposed to that philosophy is the philosophy that justice is something more than acquiescence to whatever may be the social whim of the day. For the wind of favor that blows today may very well turn into the wind of disfavor that blows tomorrow. And justice ultimately is a question of each and every one of us having preserved and protected our fundamental rights. And justice, in turn, is dependent upon each and every one of us being cognizant of our authentic personhood, what it means to be a person, because justice is essentially and ultimately a command of love.

The greater the influence or sovereignty over the affairs of man one has, the greater humility one must bring to the service of man. Our founding fathers in establishing that each of us had certain inalienable rights did so, not out of a burst of sudden and passing civility, but in recognition of the fact that our nation and our form of government and our system of laws was the end point of a bridge that spanned thousands of years back to when God told the prophets, "Before I formed you in the womb I knew you * * *. I have loved you with an everlasting love." (Jer. 1:5, 31:3).

Translated, this means to me that all of us in the law and justice profession must recognize and remember that our personhood stems from our divine origin and our personhood requires not only that we have recognized for us our fundamental rights and duties but that we recognize our duties to others.

Today, our society is caught up in a parasitism of crime which involves among other things organized narcotics trafficking, pornography, child abuse, money laundering, murder and a decline in morals of unprecedented magnitude and scope. It is a crime wave and moral free fall that no one person seems to have a grasp on and which we all tend to view in the abstract sense. I think if we pause and reflect, we can recognize that one of the reasons for this is that we, as a society, have invited this crime wave and the moral free fall in which society finds itself today. And we have invited it in the sense that we have forgotten or are in danger of forgetting what it is to be a human being or a human person, because if we do not have an authentic definition of personality we are not able at all to define what it is that is good or harmful to our being and to our purpose. I suggest to you that we as a society have been and presently are on a course of conduct that continues to diminish the value of dignity of life. Certainly, when you spend enough time rationalizing acts that are clearly immoral, there then comes a hardening of the heart, of the spirit, and we end up in a moral free fall and facing unwarranted consequences.

Dostoyevsky, in his book, Crime and Punishment, wrote of a dream in which a child views a man beating his horse to death. In literary circles this is referred to as "The Dream of the Suffering Horse." In this dream the protagonist is a child. This horse was an old mare, gaunt and overworked, owned by a man whose job it was to ferry goods to people in a cart around St. Petersburg, Russia. While stopped in front of a tavern, a group of drunken revelers came out of the tavern and jumped into the cart. They demanded that the owner take them away in the cart. At their encouragement and despite the frantic struggling of the horse, the owner began beating the horse to pull the load even though it was too heavy. The child cried and asked his father to intervene and the father said, "It is none of our business." The horse was beaten to death. When the horse died the child ran to it and embraced it and wept over it.

Dostoyevsky at the time that he wrote this novel was criticized as being anti-intellectual. He was not. He was at war with the theories of utilitarianism and social Darwinism which were running amuck in Europe. Dostoyevsky says to us that the man in the dream in killing the horse was actually killing himself.

It is my view that the horse represents the suffering of the innocent. It represents, I think, in a contemporaneous fashion, the suffering of our children in our society. Children, who because we have in so many respects lost the sense of our human identity and human dignity, are being asked to carry, like that horse, a load that they cannot bear. In condoning such action that destroys our children, we in turn destroy ourselves.

I submit that it is important to recognize that justice is not a question of escapements. It is a question of that to which we are all entitled as a matter of natural right. And we will indeed, as a nation, rediscover and reaffirm our respect for the law when we rediscover and reaffirm our respect for ourselves as persons and the value and dignity of life.

We must keep in mind that the law comes from a higher law giver. It is important for a coherent society to keep in mind that God is the ultimate law giver and that the law should be infused with a moral code which comes from God through the natural law, through what the Declaration of Independence called "the Laws of Nature and of Nature's God."

History has shown that when morals decline laws increase in number. However, I submit that the law of itself is not enough. You cannot do it simply with the law. The Lord's Prayer has fifty-six words, the Gettysburg Address has two hundred and fifty-six, the Ten Commandments have two hundred and ninety-seven, and the Declaration of Independence has three hundred words. Some laws that come out of Congress have thousands and thousands of words.

I think that indicates that the law of itself is not enough and the law has to be infused with something else. As Thomas Aquinas stated, it is impossible that the common good should progress unless there is virtue in the citizens and especially in those who administer the law.

In concluding, let me remind you that in September 1789 when the 1st Congress approved the First Amendment to the United States Constitution, they called upon the President of the United States to declare a day of national prayer and thanksgiving. As you also know, each session of the House of Representatives opens with a prayer. In that spirit, I ask you to pray to God for our country and pray to God for guidance for judges and those who exercise offices of leadership.

Thank you.

SENATE—*Monday, June 20, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

Rest in the Lord. . . .—Psalm 37:7.

Gracious God, our Heavenly Father, the relentless ticking of the clock, a heavy legislative agenda, the demands of committees and subcommittees, the daily pressure of mail and phone calls, the unceasing visits of tourists and constituents, lobbyists, and the press, combined with an election year, conspire to lay upon each Senator inhuman responsibility.

Gracious God, help the Senators hear the gracious invitation of our Lord, "'Come unto me, all ye that labour and are heavy laden, and I will give you rest.'"—Matthew 11:28. May they find some hours of respite for personal renewal as well as family time these busy weeks.

We pray in His name Who is Love incarnate. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Iowa [Mr. HARKIN] is recognized to speak for up to 1 hour.

THE U.S. MILITARY BUDGET

Mr. HARKIN. Thank you, Mr. President. I do not intend to take that long. This week, several of my colleagues will be taking the floor at various times to discuss the military budget of the United States and its relation to our national priorities. I am leading off that weeklong discussion this afternoon.

Most press reports imply that there is universal agreement that the Pentagon's budget has been cut to the bone and that any further reductions will threaten our national security. Article after article suggests that the United States absolutely must have $263 billion for fiscal year 1995 to fight off our potential enemies.

Reading these press reports, one might conclude that if we did reduce the budget below $263 billion, then Kim Il-Sung would invade South Korea while Saddam Hussein would invade Kuwait once again.

On the other hand, if we would only authorize the full $263 billion that the Pentagon has requested, then one could expect General Cedras to give up power in Haiti and the Bosnian Serbs to lay down their arms.

Mr. President, there is another side to the story. Based on analysis by military experts outside the Pentagon, many of us believe that we can reduce military spending without jeopardizing our national security.

The truth is that refusing to eliminate unnecessary cold war military force structure and hardware I believe jeopardizes our national security. To assure real national security we must make investments needed to educate our children, retain our workers, rebuild our physical infrastructure in this country. Mass transportation systems, high speed rail, sewer and water systems all over this country need to be rebuilt and, Mr. President, if we want to move people from welfare to work this will do more than any welfare reform program envisioned by anyone or proposed by anyone. These are the things that we have to be investing in in our country.

I can say as chairman of the Subcommittee of Appropriations on Labor. Health and Human Services and Education, I am particularly disturbed that for years we have spent hundreds of billions on costly and what I consider unnecessary military systems like star wars and destabilizing weapons like the MX missile, building our forces to match highly inflated estimates of our adversary.

This has bothered me most of all because these estimates come down to be highly inflated, and that is part of what I want to address today.

With the end of the cold war, we have a unique opportunity to shift excess military resources to invest in rebuilding America.

Last August's deficit reduction agreement effectively froze Federal discretionary spending at 1993 levels. This means that we have to now make tough decisions, because a dollar invested one place has to be offset by a dollar cut from some other program.

Thanks in part to cuts in defense spending last year, Congress was able to shift some funds to the President's investment priorities. My subcommittee on LHHS could provide only 29 cents for every dollar the President requested.

This year, however, President Clinton announced that he would not accept any further cuts in military spending. As a result of this ill-advised decision to shield the military from further cuts, my subcommittee will likely be able to fund only 18 cents for every new dollar that the President has requested.

It is clear that in a time of even tighter budgets, we cannot maintain cold war military spending levels while pursuing post-cold-war domestic investments.

I am concerned that there has been virtually no debate on how much military we really need now or in the foreseeable future. Many in the administration and here in Congress say it cannot be cut further, and that is the end of the conversation.

I and several of my colleagues who will be speaking this week disagree.

We will be addressing various aspects of the military budget and national security during this week.

So let me begin the debate by looking at the historical military spending pattern of the United States. I have a series of charts, Mr. President, that I will point out to illustrate some of the things I am talking about.

My first chart shows the budget authority for the military from World War II through the fiscal year 1995 request in constant or inflation adjusted dollars. As we can see there are basically 3 peaks to military spending: one peak was in the Korean war, the other peak was the Vietnam war, and the biggest peak of all, believe it or not, was what I might call the Reagan war during the 1980's. While the peak may not have been as high as Korea, the peak was higher than Vietnam, but the total area under this curve is how much total we spent.

We spent more, again in constant dollars in the Reagan war than we

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

spent during the entire Vietnam war or during the entire Korean war.

Those who warn against further cuts in military spending say that we already cut military spending drastically. What they are doing, Mr. President, is they are starting at the peak of the Reagan buildup in the mid-1980's but I am not certain that is really the proper place to start because, as I pointed out, that is higher than either in the Vietnam war but not quite as high was the Korean war.

In fact, in constant dollars in 1995 the request is $4 billion more than the fiscal year 1980 military budget. In other words, we will have $4 billion more in real spending power than we did when the Soviet Union and the Warsaw Pact were still intact and the cold war was raging.

So the question has to be asked, do we really need to spend $4 billion more next year than we did in 1980, again even after adjusting for inflation?

I might also point out that next year's budget request by the Pentagon exceeds the military budget authority for 16 years of the cold war.

But we should not base military spending exclusively on the historical record. We should look at our military spending and the military capability of our allies and, particularly, the military assets of potential adversaries of the United States.

This next chart shows very graphically what I am talking about. It illustrates the dominance of the U.S. military resources compared with the rest of the world. In other words, we see here that military spending is at $263 billion. Down here is Japan and France and Germany and the United Kingdom. Then we get down to Italy and here South Korea, there Australia, Israel. Here is Norway. You get the drift. Here all the other countries we would consider our allies. Here are our potential adversaries, Russia, China, Iraq, North Korea, Libya, Iran, Syria and Cuba. You can see the amount of military spending by our potential adversaries.

Russia's military budget is now in the area of about $20 billion or 13 times less than ours. I have listed Russia as a potential adversary, although it seems to be a pretty effective ally at this point in time.

But again you can see the clear dominance of the United States, and you add up our allies and you completely dwarf China or Iraq or North Korea or any potential adversary that is out there now or in the foreseeable future.

This next chart shows the total military spending of the United States and the United States plus our allies compared to the potential spending of all potential adversaries. Again I included Russia as a potential adversary, but I am not certain I buy that argument right now. I think they will not be an adversary of ours for sometime to come. The United States spends 3.8 times more than the sum of all potential adversaries. In other words, we spend $263 billion. All of our potential adversaries spend $69 billion on their military.

Now look at the United States plus our allies. Keep in mind if we fight a war we are not going to fight a war alone. We did not fight the gulf war alone and we will not fight any war alone in the future. We will have allies. So the red bar shows what the United States plus our allies spend: about $531 billion this year. Again compare that to $69 billion by our potential adversaries. So the United States and our allies spend over 7 times as much as our potential adversaries, actually 7.7 times to be exact.

So, again, we see that the United States alone, and you add in our allies, we really dwarf anything that our potential adversaries are spending on military.

The next chart shows the per capita spending—the burden of military spending on our system. Each man, woman, and child in the United States every year spends $1,055. So if you have a family of four, you are spending slightly over $4,000 a year, every year, of your hard-earned wages for our military.

Our allies spend only 40 percent, basically, of what we do, about $410 per year for every man, woman, and child. That would be Great Britian, France, Germany, and Japan—our allies. Our potential adversaries spend $49 per year per man, woman, and child in their countries on the military.

Again, this gives you an idea of the imbalance, of how much our citizens are investing and how much our adversaries are investing per man, woman, and child in their countries.

But a nation's strength also depends on its economy, on its abilities to support a military over a protracted period should a conflict drag on.

This chart shows the gross national product for the same set of allies and potential enemies.

Here is our gross national product. As you can see, the United States completely dwarfs other nations. Here is Japan, No. 2; Germany, No. 3; France, four; and then I think Italy and the United Kingdom.

But you get an idea, again, of the gross national product of the United States and our allies.

Once again, it shows that we just dominate everything. Again, we do not have as much of a lead in GNP as we do in military spending, but it still dominates the total world economy.

Over here on the right hand side are our potential adversaries and their GNP. As you can see, they barely even show up on the chart in terms of how strong their economies are.

If we sum up the gross national products of our allies and our potential adversaries, we see that the U.S. economy is $4.87 trillion and that of our potential adversaries is $1.02 trillion. So we are about 4.7 times larger than the combined GNP's of our adversaries. That is just the United States alone.

But if we add up the gross national products of the United States and our allies, our economies are 13 times larger than the combined economies of our potential adversaries.

So with a 7-to-1 military spending advantage and a 13-to-1 economic advantage, I think there clearly is room for more reductions in our military spending.

If—and I say if, Mr. President—we cannot defeat any potential military adversary when we spend seven times as much on our military, then maybe we need to take a closer look at how we spend those military dollars.

Quantitative bean counts of military budgets or the number of planes, ships, and tanks, are not sufficient to predict the outcome of a conflict. The mere numerical data is indicative, but it is not conclusive.

Take the Gulf War. Saddam Hussein had a clear military superiority in the gulf war. For example, Iraq had twice the number of tanks. They had 4,200 Iraqi tanks; we had 1,956. So they had over two times as many tanks as we did.

Yet, in that war, the United States lost four tanks while Iraq lost 3,700 tanks. A 2-to-1 numerical advantage for Iraq in tanks turned into a 900-to-1 United States kill ratio advantage.

Again, why? Well, the outcome was due, in part, to the qualitative superiority of the United States M1A1 main battle tank. It had lethal capability while sitting outside the range of the much-touted Russian T-80 tanks.

On paper, Iraq was the world's fourth largest army when they invaded Kuwait in August 1990.

But the qualitatively superior U.S. and allied forces were able to resoundly defeat the world's fourth largest army in just 43 days of combat.

Iraqi air defenses were no match for the Stealth fighter.

One analytical tool used by the Pentagon in an attempt to estimate the actual capability of enemy forces is called TASCFORM—techniques for assessing comparative force modernization. TASCFORM, developed by the Analytical Sciences Corp. essentially measures the effective firepower in a country's military, and equates the estimated firepower in terms of equivalent U.S. divisions or air wings.

Using TASCFORM, for example, South Korea's air force is roughly comparable to North Korea's air force—they each have about two equivalent United States air wings. The North does have an advantage in ground forces with the equivalent of three United States armored divisions compared to two for South Korea.

But adding United States and allied forces would quickly shift the balance in our favor. The United States could quickly bring three to four air wings into the battle, raising the effective air superiority to 3 to 1 allied advantage over North Korea.

In the Middle East, Iraq has the equivalent of about two United States heavy ground divisions and two air wings, down from six ground divisions and three air wings before Desert Storm ruined much of their capability.

The U.S. military has clear superiority over both of these potential adversaries. Even after the planned reductions of the Bottom-Up Review, the United States will have about 20 equivalent heavy ground divisions and about 50 air wings in 1998.

Therefore the United States would have four times the ground combat capability of Iraq and North Korea combined—in other words, 20 divisions versus about 5. This chart shows again the equivalent heavy divisions that the United States would have in 1998, compared to Iraq in 1992, and North Korea.

And then if you look at the air combat capability, this difference is even stronger. We would have over 12 times the air combat capability. In other words, we are at about 50 air wings combined. If you look at Iraq and Korea, they have about four combined. So, 12 to 1 superiority in air and, as I said, 7 to 1 on ground.

So, whenever I discuss the fact that we outspend our adversaries by over 7 to 1 and have 4 to 12 times greater combat capabilities than our enemies combined, I am asked how the Pentagon can justify continued cold war spending levels.

How can DOD justify spending $263 billion when our former enemy, Russia, has cut spending to $20 billion?

The answer from the Pentagon, of course, is the Bottom-Up Review, and its underlying justification, the two-war scenario.

Clearly, we cannot justify spending $263 billion on the basis of another Iraq war or another Korean war. So the Pentagon postulates two near-simultaneous wars, or major regional conflicts—MRC's in Pentagon speaking.

We can debate whether we would ever have to fight two wars simultaneously. The likelihood is very, very small, but defenders of the status quo argue and the inflated military budgets argue, that we need the capability to fight two wars simultaneously just to deter tyrant No. 2 from attacking while we are engaged in a war with tyrant No. 1.

So let us assume for the moment that we accept the need for fighting two wars. The Rand Corp. analyzed the two-war scenario. They made some very conservative assumptions in this computer war-game simulation, as reported by Carl Conetta of the Project on Defense Alternatives of the Commonwealth Institute.

The Rand analysis assumed no allied support, except for Kuwait and Saudi Arabia.

They assumed two Iraq wars, since North Korea did not constitute as large a threat as Iraq, presumably due to the quality and quantity of the opposing South Korean forces plus the presence of over 40,000 United States troops on the Korean Peninsula.

The Rand study assumed faster response time than in the actual Iraq war, eliminating much of the build up time used to prepare for Desert Storm, thereby putting more stress on logistics capability.

And they assumed that these two hypothetical Iraqs had more military power than the real Iraq.

So, here is the situation. They set up a computer analysis. Set up two Iraqs, more powerful than the first Iraq with more forces, more ground forces, more air forces; assumed that we would have no allied support whatsoever. They put them in the computer and they started a war on the computer to see what the outcome would be. Despite these very conservative assumptions, the Rand analysis showed the United States could single-handedly defeat two Iraqs at the same time using only 55 percent of the active duty base force military structure planned by DOD for 1998, and only 33 percent of the total force structure—that is active duty plus Reserves and National Guard.

Let me repeat. The Rand study showed, using the Pentagon's own Bottom-Up Review planned force structure of the United States, without any help from any allies, could defeat two Iraqs at the same time using only 55 percent of our active duty forces and only 33 percent of our combined forces.

So if the United States military can defeat two inflated Iraqs simultaneously with only half of our projected base force without the help of our allies, why have we all rolled over and accepted the conclusion that the military budget cannot be reduced? If we only need 55 percent of our base force, 33 percent of the total force including our National Guard and Reserves, why could we not reduce the military force structure this year and next year?

Suppose we cut the base force by 20 percent over the next couple or 3 years. Then we would utilize 70 percent of the active duty force and 40 percent of the total force to defeat two enemies at once. We could still have a reserve of 30 percent of the active duty forces and 60 percent of the total force structure for unforeseen needs over and above fighting two simultaneous wars at the same time.

I will conclude my remarks today on that note. I believe the facts clearly demonstrate there is excess spending in our military budget. We in no way need this level of spending for our own defense, nor do we even need it to fight the kind of projected wars the Pentagon says we might be engaged in, 2, 3, 4, 5, 6 years from now.

So I again want to say I will put my colleagues and the Senate on notice that, as in years past, I intend to offer one or more amendments during debate on our defense appropriations bills to try to cut military spending and indicate the money ought to be transferred from excessive military budgets into things like transportation and rebuilding our sewer and water systems, transportation systems—highways, roads, and bridges—and schools.

Our schools in America need to be rebuilt. There is one estimate that showed if we just rebuilt schools in inner cities that are below standard—rebuilt them and renovated them—it would take about $120 billion. That would put a lot of people to work in this country building new schools. And we would be better off and stronger for it in the long run.

So again this is where some of this excessive military spending, I believe, ought to go. I certainly will be trying again this year to change some of those spending priorities. As I said, this is the first in a series of discourses this week by me and several of my colleagues.

THE DEFENSE BUDGET

Mr. FEINGOLD. Mr. President, I want to join the Senator from Iowa [Mr. HARKIN] in addressing this year's defense budget. Like Senator HARKIN, I have been distressed by the barrage of statements—including that of our President—that we have cut the defense budget as deeply as we can. Indeed, I am also disappointed that the Senate Armed Services Committee reported a bill this week which authorizes as much for defense spending as last year.

As I have said several times, I came to this body last year with a strong personal conviction that is really very simple. If the Government does not need to spend money on some project, then it should not spend the money. We cannot afford a $4.5-trillion deficit. Consequently, I do not believe that there can ever be a magic number, a dollar etched in stone, that shields any department or agency budget from Congress' careful scrutiny. That is why firewalls designed to shield defense spending are bad policy, and frankly, why I believe that President Clinton erred in vowing "No more Defense Cuts" in this year's State of the Union Address. Like all budgets, the defense budget should go through the scrutiny of public debate, where hopefully waste and nonessential spending will be reduced—just as we do with every other bill before Congress. I cannot understand how shielding one department from deficit-minded scrutiny of Congress strengthens the department or strengthens the country.

I will focus on why we should further cut the defense budget in a moment. But first, I want to address the issue of opening the defense budget to extensive debate, and shedding sunshine on the entire process.

One of the first places in which our work receives public scrutiny is in the committee process. In some rare cases, part of that committee process is classified to protect legitimate secrets from public disclosure.

Last week the Senate conducted two extremely important and concurrent committee markup sessions: the Labor Committee considered the Health Security Act and the Armed Services Committee considered a military security bill. Yet these vital questions were considered in starkly different venues. The Labor Committee did its work under the glaring lights of C-Span and debated every aspect of the issue in full view of the public. It is hard to imagine a wider ranging and more politically charged question in the Senate these days than health care.

Meanwhile, behind closed doors, the Senate Armed Services Committee conducted its final deliberations on the DOD bill in secret. In spite of the highly classified nature of national security matters, the Senate Armed Services Committee managed to file a 323-page report on its conclusions. Yet the mark up was not subjected to the sunshine of public scrutiny.

The era of paternalistic national security thinking has ended along with the reruns of "Father Knows Best." The recent ceremonies in Normandy should remind that Americans will make the sacrifices of war when our principles are at stake. Our Vietnam experience, though, demonstrates that no President will succeed in marshalling the necessary level of support without bringing the public along in a full discourse in national security. In that regard, I think we are harming our national security by hiding essential deliberations on defense spending. I believe that, to the contrary, when we find and eliminate excesses, we not only strengthen defense, but we also strengthen the public confidence in its government.

I am convinced, Mr. President, that public debate will reveal excesses in the Defense budget. Our defense budget is bloated—particularly as compared to our allies. According to council for a livable world, the United States now spends more on our defense budget than Japan, England, France, Germany, Saudi Arabia, Kuwait, South Korea, Taiwan, and Russia do combined. Furthermore, our most significant and dangerous threats—North Korea, Libya, Iran, Russia, and others—have a combined military budget which is $200 billion less than ours. In other words, we will outspend our combined enemies by a 4-to-1 ratio.

Like past years, Mr. President, there are debates on the Defense budget which should and will occur this year during consideration of the bills. One debate will be on legislation I introduced last month to cut the Pentagon's largest single fiscal year 1995 procurement request, the Navy's nuclear aircraft carrier, the CVN-76. Because of bills such as this, we will have an opportunity to debate openly the merits of CVN-76, and conclude as a body if this is a wise expenditure or not at this point.

Another debate we certainly need to have is whether the Pentagon is preparing the right kind of force for the 21st century. The Pentagon is spending billions of dollars for operations today—when the threat is very slim—and sparse dollars are not going into essential research and development for the future to maintain the U.S. high-technology edge. We should ensure that research on next-generation systems continues, and that research must yield systems which meet the future threats. We cannot affrod to waste our dollars on developing forces for the last war.

I also hope we will discuss burdensharing, a proposal for the United States to rely more heavily on our allies and Japan by asking them to assume more of the cost of their own defense.

Other programs we should look at carefully include the Trident II missile, Milstar, *Seawolf*, the C-17 cargo aircraft, and the F-22 aircraft. And certainly we should not revitalize the B-2 bomber program.

Mr. President, given the atmospherics and rhetoric of the Defense budget debate, I unfortunately feel it is necessary to say the obvious: To support cuts is not to oppose a strong defense. There are plenty of other programs which are critical to our national defense which I and others wholeheartedly support. To name a few, training and readiness to prepare our forces are clearly essential, and airlift and sealift, so that our forces can move rapidly, are also critical.

One of the major threats the United States has to face today is its Federal deficit. The Federal budget is a zero-sum game. Every dollar wasted in the Government is a dollar missing from an important need. With a Defense budget fraught with questionable and outdated programs, it is in our national security interest not to close off any debate on reductions in the Defense budget, but rather to publicly and aggressively scrutinize it.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

PROBLEMS WITH OUR ARMS EXPERT LICENSING

Mr. PRYOR. Mr. President, I thank the Chair. I also thank the distinguished Senator from Iowa for bringing us this very revealing, I think, and thought-provoking series of charts. He has demonstrated where the spending priority is in our country. I think the Senator from Iowa has done a tremendous service for this body and for the American people.

The United States today is the leading arms exporter in the world. In fact, we exported in arms roughly $33 billion last year, which was almost triple the $11 billion that we exported in 1991. In fact, the United States has accounted for 56 percent of the conventional arms exports to the Third World in 1992.

Since we are the leading arms exporter today and we also have much of the most sophisticated weaponry, we would think that we would also have, in conjunction with that, an effective export control system, to prevent these weapons from falling into the wrong hands. Wrong, Mr. President, this is not the case.

On June 15, last year, I chaired a hearing on the U.S. arms export licensing system. This hearing examined the role that the Departments of State and Commerce play in that system. This hearing was a followup to two hearings that I held on this subject in 1987. I will always remember our colleague, Senator GEORGE MITCHELL, now our distinguished majority leader, asking a question of the State Department witnesses in 1987 with regard to licensing foreign arms dealers.

He said, "Can you receive a license to export arms even if you have been convicted of treason?"

And the answer was "yes."

At that particular time, there was no watchlist and very little checking to see where these arms were actually going.

The hearing we concluded last week revealed that while the commitment to control arms exports rather than promote them seems to be a little stronger than in the past, I am still very concerned that our system for licensing commercial defense exports is still very, very deficient.

According to the General Accounting Office, a report that I released last Wednesday, both the State and Commerce Departments have large gaps in their watchlist of suspect parties. These watchlists are supposed to be made up of all relevant governmental lists of persons or companies that should be closely watched if they in fact apply for a license. These gaps in the watchlist creates a potential hole, and in fact in my opinion endanger national security. This means the answer to Senator MITCHELL's question in 1987 is still "yes," because the General Accounting Office has now found that over 1,000 licenses have been issued or granted to parties within this country who either should have been on the watchlist at Commerce or State, or were on the watchlist but neither agency actually checked out the derogatory information.

Mr. President, respectfully, listen to a couple of these examples. According to intelligence information, a company was involved on January 19, 1993, just a little over a year ago, in purchasing helicopter avionics equipment for China. Because their name was missing from the watchlist, this company actually received an approved license from the Department of Commerce on February 2, 1993.

Let me repeat that. Only 2 weeks after the company was involved in the illegal purchase for sale to China, it received, again, a sensitive license from the Department of Commerce to sell the same or similar equipment. It is unbelievable.

Example two. Another company, according to the GAO, was convicted in March 1992 of violating the Arms Export Control Act for exporting avionics equipment to Iran. Despite this violation, this particular American company received three additional licenses between July and December 1992.

These are just two of the hundreds of examples found by the General Accounting Office that we made public last week. These hundreds of examples are only a sample of licenses that have been approved to parties either not on the watchlist or who received a license without being checked against the derogatory information on the watchlist.

Mr. President, this is unacceptable. With our high volume of arms exports, it is imperative today that we have an effective system of ensuring that our weapons do not end up in the wrong hands. But I am sorry to state that despite modest improvements, our system is still not what it should be. Our system is flawed and is at fault. In testimony before our committee last week, both the State and the Commerce Department witnesses preferred to argue with the GAO statistics rather than to admit that more aggressive oversight was necessary.

I see the distinguished Senator from West Virginia desiring in a moment to take the floor and I am concluding my remarks in just about 60 seconds.

In conclusion, I think that the priority is still on promoting rather than controlling. This is the same attitude that prevailed when I first looked at this issue in 1987. A State Department publication, written in September 1990, very clearly stated the priority of the licensing process then and there, and I quote: "The Bottom Line: Fast Licensing, Average License Issued in 13 Days."

In March of that same year, another issue had this article: "Controls Office Expanding: Faster, More Responsive Licensing the Goal."

Mr. President, while the State Department now says they have changed their priority, in their testimony they repeatedly mentioned the words "efficiency" and "speed" as hallmarks of a good licensing system. In fact, they were worried about tightening up their screening of the watchlist for fear it might slow down their processing of licenses.

Mr. President, while the arms dealers may appreciate the speedy processing of arms licenses, I do not think that this is the priority of the Congress as expressed in the Arms Export Control Act. When the Senate considers the reauthorization of the Export Administration later this month I may try to tighten up this system.

There may be a need for legislation to correct these problems. There may be a need for a change of attitude at State and Commerce. Whatever is necessary, we should do it immediately. We cannot tolerate any longer an arms licensing system full of holes—where almost anyone, in record time, can become an international arms dealer.

Mr. President, I conclude by saying that the goal is not faster licensing, but more monitoring of those licenses that we do grant. Let us always remember, to have a license to sell arms overseas is a privilege and not a right.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

WEST VIRGINIA DAY 1994

Mr. BYRD. Mr. President, because of unique political exigencies that existed more than a century-and-a-quarter ago in our country, less than four-score miles west of Washington lies one of the most unusual geographical configurations on the face of the Earth—my State of West Virginia. It is there that one can,

hear the wind laugh and murmur and sing of a land
where even the old are fair,
and even the wise are
merry of tongue.

On the map, West Virginia stretches from north of Pittsburgh to south of Richmond, and from west of Cleveland, Ohio, almost to Washington, DC, in the east.

In topography, West Virginia rises 4,861 feet above sea level at Spruce Knob in the Alleghenies and plunges to 247 feet above sea level at Harpers Ferry.

In Wheeling and Morgantown, accents are heard that might blend well in Chicago or Pittsburgh, while in Bluefield and Beckley, some dialects would fit comfortably in Little Rock, Chattanooga, or Charlotte.

During the War Between the States, West Virginia was officially split from the mother State of Virginia in loyalty to the Old Union. But, please note, West Virginia was the birthplace of Stonewall Jackson; Robert E. Lee oversaw his first Civil War struggles in "Transmontane Virginia"; the "Eastern Panhandle" of West Virginia was the home of Confederate agent Belle Boyd; the counties of southeastern West Virginia remained loyal Confederate territory until nearly the end of the war; General Lee maintained a "munitions factory" in Organ Cave, near Lewisburg, Greenbrier County; early West Virginia Senator Allen T. Caperton served as well in the Senate of the Confederate States of America, Senator Samuel Price was the Lieutenant Governor of Virginia during its membership in the Confederacy, U.S. Senator John Kenna joined the Confederate Army at age 16 and is now immortalized here in the U.S. Capitol Building, and U.S. Senator Charles Faulkner left the Virginia Military Institute voluntarily to serve under the Stars and Bars as an aide to both General John C. Breckinridge and General Henry A. Wise; and reputable historians of the Confederacy maintain that the strength of Stonewall Jackson's fabled cavalry was a core of recruits drawn to the defense of their homes from the western counties of Old Virginia.

June 20, 1863, is the date on which West Virginia was admitted to the Union as the 35th State.

But, as I have indicated, that admission—as well as the accompanying secession from Virginia and the Confederacy—was not without contradiction and opposition, even here in Washington, even here in the U.S. Senate.

Indeed, when President Lincoln officially proposed West Virginia's admission to the Union, a number of leading Union politicians and statesmen opposed that move.

According to the opponents of West Virginia's admission to the Union at the expense of Virginia, if Virginia's secession from the Union were unconstitutional, then under what rubric might the Congress allow a portion of a member State of that Union to separate itself from the mother State without the mother State's express approval? Likewise, if Virginia's secession from the Union were unconstitutional, by what stretch of judicial legerdemain might West Virginia's secession from Virginia be constitutional?

From descending accounts, Lincoln admitted that the West Virginia secession from Virginia was, indeed, illegally equivalent to Virginia's secession from the Union, but, Lincoln is reported to have added that West Virginia's secession was "our" secession—meaning a secession in favor of the Union.

Senate bill S. 365, the act for the admission of the State of West Virginia into the Union, passed the Senate on July 14, 1862, by a vote of 23 to 17; it passed the House of Representatives on

December 10, 1862, by a vote of 96 to 55; and it was signed into law on December 31, 1862. The act provided for a proclamation by the President of the United States, and I quote, "and thereupon this act shall take effect and be in force from and after 60 days from the date of said proclamation." President Abraham Lincoln issued his proclamation on April 20, 1863, and, accordingly, West Virginia became the 35th State 60 days later on June 20, 1863.

Mr. President, West Virginia was admitted to the Union in a tumultuous hour in our history, dragging with it a collection of unreconstructed Confederates, some of whom later served as Senators in this Chamber, with a number of their compatriots from other previously Confederate states.

But, interestingly but not surprisingly, the recorded history of life in present-day West Virginia did not begin in 1863.

Indeed, fossilized slate ripped out of mines high up on the Cumberland Plateau indicates that much of the strata currently in West Virginia were long millennia ago once part of low-lying tropical swamps.

Further, geologists maintain that the mountains of the Appalachian Range, which embrace virtually all of eastern and southeastern West Virginia, were once as high as today's Himalayas.

Long before the arrival of Europeans to this continent, various Indian tribes—including the mysterious "Mound Builders"—inhabited West Virginia, and during the Colonial Era, current southern West Virginia was apparently considered part of the Cherokee dominions, while other tribes used much of the rest of West Virginia as shared hunting territory.

Subsequent to, and as a consequence of, the French and Indian War, the Royal Proclamation of 1763 officially forbade settlement of Trans-Allegheny Virginia by subjects of the British Crown.

But the Royal Proclamation of 1763 was apparently honored more in the breach than in obedience, as the desire of the colonists of British North America to move westward had been so long thwarted by the long conflict just resolved.

Thus, into the region of contemporary West Virginia poured a breed of explorers and settlers—the vanguard of the great American expansion toward the Pacific that finally reached its destination only a little over a century ago.

Into the wild and forbidding terrain of western Virginia rushed men such as Christopher Gist, Thomas Decker, Morgan Morgan, Andrew Lewis, Lewis Wetzel, Daniel Boone, "Mad Anne" Bailey, and even George Washington himself, bent upon establishing a vast plantation experiment along the banks of the great Kanawha River.

Many of those early settlers of West Virginia were, at best, semi-civilized by Eastern Seaboard standards—men and women who had to brace themselves against the savagery of an untamed, pitiless frontier where settlers and aborigines alike gave no quarter, where human life was worth only its ability to contribute to the survival of the whole community, where the heat of summer and the bone-chilling cold of winter were certainties, where a man and woman might bear a dozen children and see perhaps one or two or three survive to adolescence, where wounds were cauterized with white-hot pokers and smashed legs and arms were set with tree branches, where the reputation of a man might be determined by the numbers of opponents he had killed in a fair fight, and wealth might be measured in horses and cows and pigs.

Interestingly, the Old Frontier moved north of West Virginia along the National Road, the Old Cumberland Road and south of West Virginia by way of the Cumberland Gap, leaving West Virginia frozen, as it were, in a time fast passing.

Thus, when a group of Virginia officials, led by Chief Justice John Marshall, attempted to navigate the formidable New River Gorge in 1812, searching for a viable canal route to the Ohio Valley, they found the Gorge "awful and discouraging."

Consequently, while tides of civilization swept around and past West Virginia, north and south, the hardscrabble life of the frontier remained a constant in the western counties of Virginia proper, as it did up into this century in western North Carolina, much of eastern Tennessee, and areas of eastern Kentucky.

Today, and for some years now, some people have called this area—sometimes condescendingly—"Appalachia" as if to dismiss a vast area of our country and millions of our fellow Americans with one oversimplified stereotype.

But in West Virginia and those areas that share her post-Colonial heritage can be found some of the purest, most potent values and strengths on which our Nation was originally founded.

In the mountain fastnesses of West Virginia and in the deep valleys and hollows of my home State live some men and women possessed of a steely integrity once believed to have perished with the heroes of Greek antiquity.

The benediction of these covering heavens
Fall on their heads like dew! for they are worthy
To inlay heaven with stars.

Permit me to cite but one example. A long-time friend of mine in Raleigh County, West Virginia, Walton Riffe was my barber for many years. Mr. Riffe is deceased now, but to him and his wife Alma, who still resides at the old homeplace in Raleigh County, were born 18 children, of whom 17 survived to adulthood and are still living today—17 out of 18. Any Senator who wishes to see this outstanding picture of an outstanding family should simply visit my office just down on the next floor. A beautiful family, 17 children together with their mother, Mrs. Alma Riffe, are portrayed in that picture.

The immediate offspring of Walton and Alma Riffe of Raleigh County, West Virginia count among themselves 12 bachelor's degrees, 5 master's degrees, and one law degree, for a cumulative 72 years of higher education through which Walton and Alma Riffe and their assorted siblings supported one another and themselves by work—work—and through shared bank accounts.

As each brother or sister completed college and entered the work force, that one supported the next brother or sister in his or her turn.

Further, six of the nine Riffe boys served in the military, both in peacetime and war, representing among them the Army, the Air Force, and the Navy.

Highly respected members of their communities, the sons and daughters of Walton and Alma Riffe have provided 30 grandchildren and 13 great-grandchildren to enhance the Riffe name.

I know of no better living example of "family values" than that of the experience of the family of Walton and Alma Riffe.

In an instance such as this, the term "family values" represents no cheap political shibboleth to hurl at one's opponents at election time. Taken in the light of a real West Virginia family, the term "family values" represents a moral system older than the United States of America itself—a value system based on family love and loyalty, shared burdens, mutual unselfishness, patriotism, and genuine foresight—a value system rooted in the Ten Commandments and in the dreams of prophets and mystics of yore—a value system without which, regardless of a nation's military prowess, superpower status, economic vigor, or international prestige, no nation can expect long to exist, much less forestall the exigencies of history or the caprice of those forces that swell and shrink the fortunes of empires and states.

Mr. President, no artificial theme park could comprehend wonders commonplace in West Virginia—natural wonders of forests, mountain crags, and roaring Alpine gorges—and no movie could ever, ever capture the saga of human wonders commonplace in West Virginia—heroic wonders of personal and family triumph and achievement in the face of sometimes murderous odds.

But I invite any of our colleagues to visit West Virginia on a clear, warm summer night—to climb to the pinnacle of a mountain peak or to the summit of a rolling ridge, away from the clamour of urban turmoil, tension, and the noisy cacophony of rock and roll music and televised pap that too often substitute currently for culture—to stand there under the stars and bathe in the moonlight—

* * * when Phoebe doth behold
Her silver visage in the watery glass,
Decking with liquid pearl the bladed grass,

* * *

and to sense there in the might of towering mountains and plunging crevasses the paradox of individual human life.

There, the—

* * * seasons alter: hoary-headed frosts
Fall in the fresh lap of the crimson rose,
And on old Hiems' thin and icy crown
An odorous chaplet of sweet summer buds
Is, as in mockery set; the spring, the summer,
The childing autumn, angry winter, change
Their wonted liveries, * * *.

There, in the clean night air and the stillness of one's own consciousness, one might realize anew—or perhaps for the first time—how men and women long ages ago came to believe in God and to grasp in part our purpose on this Earth.

There, under a pristine sky, one might hear in his or her own heart the Voice of God whispering the profoundest truths about the nature and destiny of our species in the total scheme of life and in the mystery that is all around us.

There, in the intoxication of such unlimited vastness, one might imagine that he could reach skyward and take home with him a brilliant, sparkling star or a blazing comet shooting across the arch of heaven.

There, without the pretenses of civilization to distract one or to stir up "vain imaginings" in the heart, one might intuit, as did the Psalmist of old, the wisdom of the Old Testament world that says,

God is our refuge and strength, a very present help in trouble.
Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea;
Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof. Selah.
There is a river, the streams whereof shall make glad the city of God, the holy place of the tabernacles of the most High.
God is in the midst of her; she shall not be moved: God shall help her, and that right early.
The heathen raged, the kingdoms were moved: he uttered his voice, the earth melted.
The Lord of hosts is with us; the God of Jacob is our refuge. Selah.
Come, behold the works of the Lord, what desolations he hath made in the earth.
He maketh wars to cease unto the end of the earth; he breaketh the bow, and cutteth the spear in sunder; he burneth the chariot in the fire.
Be still, and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.
The Lord of hosts is with us; the God of Jacob is our refuge. Selah.

Mr. President, I have read from Psalm 46, King James version of the Holy Bible.

So, Mr. President, happy 131st birthday, wild, wonderful, West Virginia.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I rise today to speak on behalf of the citizens of West Virginia. On June 20, 1863, West Virginia broke away from the State of Virginia and declared its independence as the 35th State to join the Union. I take this opportunity to recognize the 131st birthday of this glorious State.

From the beginning, the forefathers and foremothers of West Virginia have stood up for the rights and responsibilities of the State as well as others. Starting with the Civil War, West Virginians have played a major role in defending our country and what it represents. It has been costly at times but always rewarding insuring that new generations can continue to live in freedom.

The pride of the mountain State is always evident. Each year West Virginians greet, with open arms, hundreds of thousands of guests. They come to visit white water rafting in the summer, the transformation of the leaves in the fall and spring, and ski resorts in the winter. Many people return year after year to the mountain State because of their growing love for the serenity of the State.

These are only a few of the reasons I am proud to call West Virginia my home. I ask my distinguished colleagues to join with me to recognize West Virginia on her 131st birthday.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET US TAKE A QUICK POLL: WHO DISAGREES WITH MARSHA BYRUM?

Mr. HELMS. Mr. President, I have at hand a letter from a young woman in Rocky Mount, NC—a letter which no doubt speaks for millions of Americans who are fed up with the high taxes they are required to pay to support absurd expenditures of the American taxpayers' money.

The lady's name is Mrs. Marsha H. Byrum, a delightful lady with whom I talked by telephone this past Sunday afternoon. Now, Mr. President, I will let Mrs. Byrum take it from here:

DEAR SENATOR HELMS: I work in a pharmacy that accepts Medicaid. I understand that the purpose of Medicaid is to help people who cannot afford to pay for their medications. But I find it hard to accept that my Government uses my money and that of other taxpayers to pay for a medication that enables men to have an erection. (The cost of this medication, by the way, is $800.)

The Medicaid Program also pays for a fertility drug. Why does our Government use the taxpayers' money to pay for fertility drugs to enable women on welfare to get pregnant so that they can bring another child into the world to live on public assistance? (By the way, the cost of a month's supply of this drug is $528.)

While I'm at it, let me ask still another question: Why does the Federal Government use taxpayers' money to pay for non-injury-related "beautification" medications for adults? (These medications cost anywhere from $45 to $60 for a one-month supply.) Is this not a luxury item?

It's fine with me if men and women want to take medicine in order to have erections, to have children and to improve their appearances—if, and this is an important "if"—if they pay for them out of their own pockets. At least one-third of my paycheck goes to the Federal Government which turns right around and pays for such things as I have just described.

There needs to be some standards. Stop using taxpayers' money to pay for medications like these and confine Federal expenditures to helping people who really need and deserve help.

I would then feel that my tax money was doing some good for people who really need it and not being wasted.

Sincerely,

MARSHA H. BYRUM.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Friday, June 17, at the close of business, the Federal debt stood—down to the penny—at exactly $4,591,908,053,316.92. This debt, mind you, was run up by the Congress of the United States, because the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the nonsense from politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,591 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 591 billion, 908 million, 53 thousand, 316 dollars, and 92 cents.

TRIBUTE TO THE OKLAHOMA LEAGUE FOR THE BLIND

Mr. BOREN. Mr. President, I would like to take this opportunity to recognize the outstanding accomplishments of the Oklahoma League for the Blind. It is an unfortunate reality that the employment opportunities for the blind or severely visually impaired are virtually nonexistent.

Just like anyone else, the blind or severely visually impaired want and need good jobs to support themselves and their families. The Oklahoma League for the Blind was organized in 1949 to aid in their employment. It is the only organization in Oklahoma providing services of this kind.

The Oklahoma League for the Blind operates a manufacturing facility in Oklahoma City where three-fourths of the employees are legally blind. Their jobs including operating press brakes, punch presses, cutoff saws, and drilling machines. They manufacture items for Government and commercial use. The league is also responsible for the assembling and labeling for many commercial organizations.

Mr. President, please join me and our colleagues in recognizing the many worthwhile accomplishments of the Oklahoma League for the Blind. It has not only found employment for blind or severely visually impaired persons, but it has also brought inspiration to the lives of people with disabilities. It is most appropriate for the Senate to recognize today the Oklahoma League for the Blind.

TRIBUTE TO TERRY THOMAS, 1994 NATIONAL BLIND EMPLOYEE OF THE YEAR

Mr. BOREN. Mr. President, it is an honor for me to recognize the accomplishments of Ms. Terry Thomas. Ms. Thomas was selected recently as the 1994 National Blind Employee of the Year. She will be awarded the Peter J. Salmon Award here in Washington by the National Industries for the Blind. She is the first Oklahoman to ever receive this honor.

Ms. Thomas was pronounced legally blind at birth and suffered significant and permanent hearing loss when she developed measles as a child. Despite these tremendous obstacles, Ms. Thomas excelled in her school work, raised a family, and made significant contributions to her community. Through her volunteer work she raised funds for research in ways to prevent blindness around the world, especially in third world countries and to retrain blind adults enabling them to integrate successfully into a sighted society.

Ms. Thomas works for the Oklahoma League for the Blind where her fellow coworkers admire her not only for her dedication to helping others with similar disabilities, but also for her positive attitude, often described as contagious.

Mr. President, I ask that you join me, our colleagues, the State of Oklahoma, and the Oklahoma League for the Blind in honoring this most exceptional person. Ms. Thomas, over the years, has touched many lives and sets the kind of examples that we should all strive to meet. It is only fitting that the Senate recognize her today.

TRIBUTE TO BERNIE CIEPLICKI

Mr. LEAHY. Mr. President, I ask the Senate's attention today to honor a very special person.

Bernie Cieplicki is a Vermonter whose expanded family includes two generations of young men and women who have learned how to conduct themselves in life—because he gave them the model to live by.

A wonderful sportsman, father, teacher and friend. Bernie is still setting an example on dealing with life, as he faces a very difficult physical condition with all the courage that has forever been his trade mark in the community.

A devoted church and family man, Bernie counts his blessings—the time he has to spend with his wife, Christine, their five children and six grandchildren.

Our prayers for Bernie are shared with thousands of Vermonters who know and love him, and hope he remains with us for many years to come.

I ask that this very poignant sketch of Bernie Cieplicki's life and special circumstances, written by Andy Gardiner, that appeared in the June 19, 1994, edition of the Burlington Free Press be reprinted in the CONGRESSIONAL RECORD in its entirety, as a tribute to Bernie and his wonderful family of friends in Vermont.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Burlington Free Press, June 19, 1994]

A TOUGH, STUBBORN FIGHTER—FATHER'S DAY HAS SPECIAL MEANING FOR CIEPLICKI FAMILY

(By Andy Gardiner)

Bernie Cieplicki has been fending off death for the better part of 25 years.

Ever since he underwent his first open-heart surgery in 1972, Cieplicki has lived with the unblinking reality that each day might be his last. His heart, irrevocably weakened by rheumatic fever, is failing him.

There have been three more major surgeries, one of which sent him into a coma for a week. In 1992, he received a heart transplant, a transplant that his body is now slowly rejecting. He is terminally ill.

But the discipline, faith, and doggedness that have characterized his life have not deserted Cieplicki, 58. As a basketball player at St. Michael's College, as a high school teacher and coach at Rice Memorial High School, and as an administrator at Winooski High School, Bernie Cieplicki was steadfast in the face of adversity. He remains so today.

"My father isn't gratefully sitting back in a rocking chair," said Kevin, the eldest of the five Cieplicki children. "If that's the way he was, he probably wouldn't have lasted this long. He's a tough, stubborn fighter."

A large part of Cieplicki's strength comes from his family. Chris, his wife of 37 years, the five children, and six grandchildren have provided a wellspring of love and support.

The Cieplickis have always been a family of some note. Bernie's long prominence as a coach and the subsequent success on the basketball court of his three sons lifted them out of the anonymous category and thrust them into public view.

Kevin, 36, is a stockbroker in town. Karen, 34, is the payroll coordinator for South Burlington. Mary, 32, is a comptroller for a local firm. Keith, 31, is an assistant coach for the Boston College women's basketball team. And young Bernie, 21, is a junior at the University of Vermont and an integral part of the basketball team.

"They have all done so much for me," Bernie said. "I feel badly that I can't do more for them now."

It's a noble sentiment, but the children think Bernie has things reversed. The debt they feel they owe him is beyond repayment. But on this Father's Day, they reflected on how much their father has meant to them.

Kevin was the first of the boys to excel in basketball. He played for his father at Rice and later went on to St. Michael's and St. Lawrence.

"My Dad was always known as a taskmaster, a no-nonsense type of guy," Kevin said. "But he is such a private person that most people don't realize how loving and giving a man he is."

Kevin remembers the time he threw a tantrum in a Babe Ruth baseball game and his father came out of the stands to yank him from the game and take him home. That ride included a pointed lecture on the merits of sportsmanship and proper behavior.

But the memory that remains strongest came much earlier, when Kevin was in kindergarten and hobbled by braces on both legs needed to correct a hip condition.

"I wore those braces for almost two years," Kevin said. "And what I wanted most in the world was just to be able to wear a pair of tennis shoes."

The day the braces came off, Bennie had a pair of P.F. Flyers waiting for his son when he got home.

The running joke in the Cieplicki family was that no one realized there were any girls in it. But Karen and Mary never felt left out.

"He gave just as much time to us as he did to the boys, it just wasn't in public view," Karen said. "I remember him getting up at 6 a.m. to play tennis with me. That was our time together.

"I remember when he taught driver's education all summer and there I'd be with the keys in my hand when he got home, waiting for my turn. And out we'd go together.

"We've lived with Dad's condition for so long that's become a way of life for us. We are a very close family. There are times when the anger and frustration over this comes out, but there is so much love that holds us together."

Her older brothers may have grabbed the headlines, but Mary was an accomplished tennis and basketball player in her own right at Rice. And if he wasn't off coaching, Bernie was usually there to lend his support from the stands.

"He always encouraged us to be involved, whether it was school or athletics," Mary said. "Obviously my brothers were more successful athletically, but I always knew I was important. My sister and I always knew we belonged.

"I know people think of my dad as a great coach, but the thing I will always remember is how much he loves us. He has always been there to take care of us and it is wonderful to go home to a family like that."

Keith was an academic All-American and one of the greatest players in William & Mary history. Although his job as Cathy Inglese's top assistant has taken him to Boston, he serves as a unifying force among the five children.

"I know that most people think of my dad as a coach, but I have always seen him as an educator first," Keith said. "Life was full of lessons for him to teach us.

"Growing up we kept hearing about how he once played at St. Michael's with three broken ribs. I must have heard that story 8,000 times. But it was his way of saying that if you put your mind to it, you can overcome most anything.

"We were a middle class family, but Dad always made me feel we could have whatever we wanted out of life. I keep going because he keeps going.

"Whether he's here or not physically next year, I know he will always be with me. That's the beauty of growing up in a close family."

There is a 10-year gap between Bernie and his brothers and sisters. When he was growing up, his siblings had embarked on their own lives.

"Being the only child at home, we were able to be around each other more and I see a lot of myself in him," Bernie said of his father. "He taught me to have respect for other people and their ideas and to always listen to what other people have to say."

Bernie was a four-year starter at Rice and was named the state's premier player by the Free Press his senior year. That held little water with his father.

"Dad's favorite saying is that the biggest room in the world is the room for improvement," Bernie said. "I never believed it as a kid—I was a know-it-all. But I really believe it now."

Through it all, Chris has been there for her husband and her children. She has watched the family deal with the sadness and adjust to the inevitable quality of the future.

"It has been a long journey for all of us," she said. "What has carried us through is the love the children have for their father and the love he has for them."

THE 50TH ANNIVERSARY OF D-DAY

Mr. HEFLIN. Mr. President, I had the honor of traveling to Europe earlier this month as a Member of the Senate delegation participating in the 50th anniversary commemoration of the June 6, 1944, invasion of Normandy by the Allied Forces. I was also privileged to take part in the commemoration of the liberation of Rome, which took place just days before the Normandy Invasion.

As virtually all the veterans, Members of Congress, Government officials, and families who traveled to Europe understand, it is particularly difficult to express in words the special meaning these tributes and events held for us and those who fought there or lost friends and loved ones there. To see the thousands of white crosses and stars of David in the American cemeteries and to stroll along the beaches where the Allied Forces, led by the Americans, landed was to appreciate the enormity of the sacrifice that took place so long ago. The stark stillness and tranquility of the ocean, sand, and cliffs offer their visitors a peacefulness that one cannot get from the television screen or photographs. It really must be experienced to be felt and appreciated.

It is as if this place had to undergo the hell and fury of one of the great military battles of all time to be transformed into the quiet, hallowed ground that it is today. I think it is so fittingly poignant that the beaches of Normandy were the setting for the turning point of that great war—the place where democracy was literally saved by thousands of brave young soldiers, many of whom paid the ultimate price for that democracy and freedom that we all enjoy five decades later. Their bravery and selflessness in the face of great uncertainty and personal danger are difficult to comprehend. But we know it was there, and see it as the lasting legacy of their triumph over tyranny.

Anniversaries like the one we just observed are important to our national consciousness in several ways. For those of us who remember such events, remembrances like this are cathartic—they allow us to look back and compare the world we knew then and the dangers it carried with the relatively peaceful one we have now. Naturally, there are still dangers that plague us all over the globe, but our fundamental ideals and democratic freedoms are intact and secure. When the D-day invasion took place, we were not at all sure that we would prevail and continue to enjoy those ideals and freedoms.

Second, these observances prompt the younger generations to look back and arrive at some understanding of what took place and what the stakes were. One of the greatest tragedies that could come out of D-day and World War II in general would be that of forgetfulness. By looking back, our sons and daughters remember, and are able to pass on the legacy to their children and our grandchildren.

Finally, these events help bond all generations together in moving ways that allow us to remember what it means to be an American and what we stand for. When we hear the speeches, witness the emotion, and feel the spirit of these events, we come to a new understanding of why America—in spite of all its problems—remains the envy of the world in so many ways.

The expression "D-day" has become firmly embedded in military history as the date on which the Allied Forces invaded Normandy during World War II to press the attack on Nazi Germany. Beyond this basic, generic definition, what does D-day really mean?

Of course, there can be no one answer to this question. Everyone who participated in the recent anniversary observances came away with his or her own unique interpretation of the events that took place on D-day, what they meant to world freedom, and what they mean to us today. The observances that bring so many participants together provide the settings that allow us to explore and refine those meanings, and ultimately pass them along to those who will gather in the same place long after we have moved on.

I want to applaud all the planners of the anniversary events in both France and Italy for making our journey one we will never forget. I also salute the President for his warm and inspiring remarks in saluting the D-day veterans and capturing—perhaps as well as anyone could in words—the essence of what they gave the world on that day 50 years ago.

(At the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

STATEMENT UNDER SECTION 25 OF THE CONCURRENT RESOLUTION ON THE BUDGET

• Mr. SASSER. Mr. President, on behalf of the Committee on the Budget, under section 25 of the concurrent resolution on the budget, House Concurrent Resolution 218, I hereby submit revised discretionary spending limits, allocations to the Committee on Appropriations, budgetary aggregates, and maximum deficit amount in connection with H.R. 4539, the Treasury, Postal Service, and General Government Appropriations Act, 1995.

Section 25 of the budget resolution states:

SEC. 25. INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.

(a)(1) ADJUSTMENT.—For purpose of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(A) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(B) the allocations to the Committees on Appropriations under section 302(a) and 602(a) of that Act;

(C) the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(D) the maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as defined in paragraph (2)) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.

(2) ADDITIONAL AMOUNTS.—As used in this section, the terms "additional new budget authority" or "additional outlays" shall mean, for any fiscal year, budget authority or outlays (as the case may be) in excess of the amounts requested for that fiscal year for the Internal Revenue Service in the President's Budget for fiscal year 1995.

(b) REVISED LIMITS, ALLOCATIONS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate or the House of Representatives (as the case may be) shall submit to that Chairman's respective House appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act;

(3) appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(4) maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

to carry out this subsection. These revised discretionary spending limits, allocations, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, and aggregates.

(c) REPORTING REVISED SUBALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—

(1) The Internal Revenue Service and the Treasury Department have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Treasury Department have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative made possible by this section.

(2) This section shall not apply to any additional new budget authority or additional outlays unless—

(A) in the Senate, the Chairman of the Budget Committee certifies, based upon information from the Congressional Budget Office, the General Accounting Office, and the Internal Revenue Service (as well as from any other sources he deems relevant), that such budget authority or outlays will not increase the total of the Federal budget deficits over the next five years; and

(B) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

The Committee on Appropriations has reported H.R. 4539, the Treasury, Postal Service, and General Government Appropriations Act, 1995, with committee amendments. H.R. 4539 as reported provides additional new budget authority and additional outlays for Internal Revenue Service compliance initiative activities. As required by section 25(a)(2) of the budget resolution, these budget authority and outlays amounts are in excess of the amounts requested for fiscal year 1995 for the Internal Revenue Service in the President's budget for fiscal year 1995.

As the budget resolution noted, the Internal Revenue Service and the Treasury Department have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Treasury Department have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative. At the end of my statement, I shall ask consent to place letters from the Commissioner of the Internal Revenue Service and the Secretary of the Treasury attesting to these commitments.

Furthermore, as required by section 25(d)(2)(A) of the budget resolution, I hereby certify, based upon information from the Congressional Budget Office, the General Accounting Office, and the Internal Revenue Service, that the additional budget authority and outlays in H.R. 4539 for the Internal Revenue Service compliance initiative activities will not increase the total of the Federal budget deficits over the next 5 years. At the end of my statement, I shall ask consent to place letters from the Director of Tax Policy and Administrative Issues of the General Accounting Office, the Director of the Congressional Budget Office, and the Commissioner of the Internal Revenue Service supporting these findings. The language of H.R. 4539 also provides, as required by section 25(d)(2)(B) of the budget resolution, that any funds made available pursuant to this budget authority and outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

As H.R. 4539 complies with the conditions set forth in the budget resolution, under the authority of section 25(b) of the budget resolution, I hereby submit to the Senate appropriately revised discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal year 1995, allocations to the Committee on Appropriations under sections 302(a) and 602(a) of that act, appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget, and maximum deficit amount under section 601(a)(1) of that act for fiscal year 1995, to carry out this subsection.

Mr. President, I ask that letters and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISED LIMITS, ALLOCATIONS, AND AGGREGATES PURSUANT TO SECTION 25 OF THE CONCURRENT RESOLUTION OF THE BUDGET FOR FY 1995—IN MILLIONS OF DOLLARS

	1995
Revised Discretionary Spending Limits:	
Current budget authority limits under section 601(a)(2)	510,754
Additional budget authority in H.R. 4539 for IRS enforcement	405
Revised budget authority limits under section 601(a)(2)	511,159
Current budget outlay limits under section 601(a)(2)	540,574
Additional budget outlays in H.R. 4539 for IRS enforcement	405
Revised budget outlay limits under section 601(1)(2)	540,979
Revised Allocations to the Committee on Appropriations:	
Current budget authority allocations under sections 302(b) and 602(a)	784,939
Additional budget authority in H.R. 4539 for IRS enforcement	405
Revised budget authority allocations under sections 302(b) and 602(a)	785,344
Current budget outlay allocations under sections 302(b) and 602(a)	805,972
Additional budget outlays in H.R. 4539 for IRS enforcement	405
Revised budget outlay allocations under sections 302(b) and 602(a)	806,377
Revised Budgetary Aggregates:	
Current budget authority aggregates	1,238,300
Additional budget authority in S. 1491[1]	39
Revised budget authority aggregates	1,238,339
Additional budget authority in H.R. 4539 for IRS enforcement	405
Revised budget authority aggregates	1,238,744
Current outlay aggregates	1,217,200

	1995
Additional budget outlays in H.R. 4539 for IRS enforcement	405
Revised outlay aggregates	1,217,605
Revised Maximum Deficit Amount:	
Current Maximum Deficit Amount section 601(a)(1)	240,638
Additional budget outlays in H.R. 4539 for IRS enforcement	405
Revised Maximum Deficit Amount section 601(a)(1)	241,043

[1] Reserve fund filing pursuant to section 27(a)(3) for S. 1491, the Federal Aviation Administration Authorization Act of 1993, as reported.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, April 22, 1994.

Hon. DAVID H. PRYOR,
Chairman, Subcommittee on Private Retirement Plans and Oversight of IRS, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to follow up on our conversation yesterday about the language currently contained in Simon-Bond-Pryor IRS compliance initiative amendment to the Senate budget proposal.

The Internal Revenue Service fully recognizes the need to protect the rights and privacy of taxpayers and the need to continue to increase the knowledge of our employees about those rights. We will initiate and implement educational programs with respect to the Taxpayer Bill of Rights for any new employees that we hire as a result of the compliance initiative called for in the amendment.

In fact, many of our training programs already address the Taxpayer Bill of Rights, either directly or indirectly. For example, this year all IRS employees attended Ethics Workshops that teach the tenets of respect for others, treatment with courtesy and decency, and principles of fairness and concern for others. I have enclosed a copy of that material for you. More directly, all new collection and examination employees receive mandatory training on the Taxpayer Bill of Rights and I will forward copies of those materials to you under separate cover.

I firmly believe that continued reinforcement of the principles of privacy and confidentiality, courtesy, and protection of rights is the right thing to do to ensure the ethical treatment of taxpayers and one of the foundations of voluntary compliance. I also believe this compliance initiative makes good business sense for increasing revenue, enhancing compliance and reducing the deficit. I appreciate your support and efforts on behalf of this initiative and the taxpaying public.

Sincerely,

MARGARET MILNER RICHARDSON.

DEPARTMENT OF THE TREASURY,
Washington, DC, April 22, 1994.

Hon. DAVID H. PRYOR,
Chairman, Subcommittee on Private Retirement Plans and Oversight of IRS, Committee on Finance, U.S. Senate, Washington, DC.

DEAR DAVID: I have spoken with Commissioner Richardson about continuing to reinforce the principles and provisions of the Taxpayer Bill of Rights through training new IRS employees. I want to add my support to the IRS' efforts to protect the rights and privacy of taxpayers.

The Internal Revenue Service is committed to initiating and implementing educational programs with respect to the Taxpayer Bill of Rights for any new employee hired as a result of the Simon-Bond-Pryor IRS compliance initiative amendment to the Senate budget proposal. I fully support the training programs that the IRS already has in place and will initiate for all new employees to enhance the ethical treatment of taxpayers and to protect their rights.

Sincerely,

LLOYD BENTSEN.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, June 16, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated June 14, 1994, you referred to the additional budget authority being requested for fiscal year 1995 Internal Revenue Service (IRS) compliance initiatives and asked for our opinion on the effect of the additional authority on budget deficits over the next 5 years.

We believe that the additional budget authority will not increase the budget deficit over the 5-year period in question provided (1) the funds are used as intended to increase IRS' enforcement staffing levels and thus generate more revenues through enhanced compliance efforts, (2) funds are provided in the fiscal years after 1995 to maintain the increased staffing levels, and (3) IRS is able to successfully hire, train, and retrain the additional staff provided by the budget authority. A deficit increase in the first year is possible because of the lag between the time new staff are hired and the time they become productive. In our opinion, however, based on past reviews of IRS' enforcement programs, an increase in enforcement staffing will help generate significant revenues over the long term, provided the increased staffing levels are maintained. IRS' enforcement presence is relatively low (e.g., IRS now audits less than 1 percent of the total number of income tax returns filed) and yet revenues to be collected are substantial—the estimated income tax gap for tax year 1992 was $127 billion. Last month, we issued a report on the tax gap in which, among other things, we discussed efforts toward and ideas of reducing the gap, including the possibility of providing IRS with additional enforcement resources.[1]

We are taking a position on the budget authority's impact on budget deficits even though it is not yet certain how IRS intends to allocate the additional funding among its various enforcement programs. Earlier this year, as shown in the enclosures, IRS had prepared an allocation and a corresponding estimate of revenue return on the investment of about $9.2 billion over 5 years. However, IRS premised its allocation and estimate on the assumption that (1) total funding for the compliance initiatives would amount to $2.5 billion over 5 years and (2) that level of funding would support 5,078 full-time equivalents (FTE) in fiscal year 1995 and 8,136 FTEs in succeeding years.[2] The Senate budget resolution, however, limits funding in any 1 year to no more than $405 million. This amount is the same as the cost presented in the President's budget—$405 million a year, or $2.025 billion over 5 years.

IRS is revising its staffing allocation and revenue estimate to reflect the funding level in the budget resolution. The kinds of changes being considered, as we understand them, would not alter our opinion as to the impact of the additional budget authority on budget deficits. One of the changes being considered, for example, is consistent with our past recommendation that IRS put more emphasis on telephone contacts in trying to collect delinquent taxes.[3]

Our past work in earlier IRS compliance initiatives, which was done for your Committee, raised two basic concerns that warrant repeating: (1) the initiatives were not implemented as Congress intended and (2) IRS' revenue estimates were unreliable.[4]

As summarized in our recent report on IRS' budget request for fiscal year 1995, IRS' inability to deliver past compliance initiatives resulted, in large part, from shortfalls (i.e., unfunded costs) that caused IRS to reprogram to other activities funds appropriated for the compliance initiatives.[5] Some of the shortfalls were because of circumstances, such as unfunded pay raises, that were beyond IRS' control, while others stemmed from IRS' problems in accurately estimating labor costs.

IRS is facing another shortfall in fiscal year 1995 due to several assumptions embodied in its budget request. First, according to IRS budget officials, the Department of the Treasury required IRS to use a non-pay inflation factor that is less than the rate applied to other agencies. As a result, those officials expect IRS' support cost budget to be short. Second, IRS' budget is to be decreased to reflect its share of government-wide procurement savings that were proposed by the President as a result of work by the National Policy Review. IRS budget officials told us that those savings will be difficult to realize. Third, the President's budget, and thus IRS', assumes a 1.6 percent federal workers' pay raise for fiscal year 1995. The actual pay raise may be more. Fourth, IRS' budget assumes productivity savings associated with various systems being implemented as part of Tax Systems Modernization. Realization of those savings could be jeopardized if IRS' appropriation for Tax Systems Modernization is reduced as called for in the appropriation bill being considered by the House of Representatives. Using data provided by IRS budget officials, these factors together could result in a shortfall of between $100 and $200 million.

Such a shortfall could erode IRS' ability to adequately fund its base enforcement operations and could, as in the past, result in some of the compliance initiative money being used to bring IRS back to the level it was before the erosion. To the extent that happens, the effect of the compliance initiatives on IRS' overall enforcement presence will be diminished. Even under those circumstances, however, we believe that funding of the initiatives will result in more revenue than they cost with the stipulations mentioned earlier.

In past reports to your Committee, we documented various deficiencies with IRS' methodologies for estimating the amount of additional revenue the government could expect to realize as a result of past compliance initiatives. Because of those deficiencies, we questioned the reliability of IRS' estimates.

IRS has since changed its methodology for estimating the additional revenues to be generated by augmenting its Examination function. Although we have not done an in-depth review of that methodology or the estimates generated thereby, information we have reviewed indicates that IRS' changes addressed most of the problems we identified with the earlier methodology. Thus, we are more confident than in the past about the reliability of the revenue estimates associated with the Examination part of the compliance initiatives.

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[1] Footnotes at end of article.

IRS has said that the revenue estimating methodologies for its Collection and Information Returns programs have also been improved, but we have not done any work that would enable us to comment on the nature or adequacy of those changes.

I trust this information is responsive to your request. If you have any questions or if we can be of any more help, please call me at 512-5407.

Sincerely yours,

JENNIE S. STATHIS,
Director, Tax Policy and Administration Issues.

INTERNAL REVENUE SERVICE COMPLIANCE PROPOSALS

[Dollars in Millions]

	Resources—fiscal year 1995		Revenue return—fiscal year					Total
	FTE	Dollars in millions	1995	1996	1997	1998	1999	1995–99
TAX LAW ENFORCEMENT								
Increase number of tax returns examined:								
Field audits (revenue agents)	1,582	119	(43)	11	176	257	364	764
Office audits (tax auditors)	633	40	13	107	264	365	393	1,141
Service center correspondence audits	479	27	71	204	284	319	354	1,232
Collection of delinquent taxes	1,222	77	191	542	823	912	912	3,380
More effective use of information reporting documents to tax unreported income	703	54	102	417	672	688	691	2,570
Subtotal, tax enforcement	4,619	317	333	1,281	2,218	2,540	2,713	9,086
INTERNATIONAL ENFORCEMENT								
International examinations	90	9	(2)	3	21	25	46	93
Chief counsel—Large case initiative	40	5	0	0	0	0	0	0
Subtotal, international	130	14	(2)	3	21	25	46	93
CRIMINAL ENFORCEMENT								
Fraud investigations	231	56						
Motor fuel excise tax	98	18						
Subtotal, criminal enforcement	329	74						
Total compliance proposals	5,078	405	331	1,284	2,240	2,565	2,759	9,179

FOOTNOTES

[1] *Tax Gap: Many Actions Taken But a Cohesive Compliance Strategy Needed* (GAO/GGD-94-123, May 11, 1994).

[2] The number of FTEs in 1995 differs from succeeding years because staff hired to fill many of the new positions would only be on board for part of fiscal year 1995. Thus the number of FTEs in that year would be less than in succeeding years when all staff would be working a full year.

[3] *Tax Administration: New Delinquent Tax Collection Methods for IRS* (GAO/GGD-93-67, May 11, 1993).

[4] *Tax Administration: IRS' Implementation of the 1987 Revenue Initiative* (GAO/GGD-88-16, Dec. 2, 1987); *Tax Administration: Difficulties in Accurately Estimating Tax Examination Yield* (GAO/GGD-88-119, Aug. 8, 1988); *Tax Administration: Potential Audit Revenues Lost While Training New Revenue Agents* (GAO/GGD-90-77, Apr. 6, 1990); *Tax Administration: IRS Needs More Reliable Information on Enforcement Revenues* (GAO/GGD-90-85, June 20, 1990); and *Tax Administration: IRS' Improved Estimates of Tax Examination Yield Need to Be Refined* (GAO/GGD-90-119, Sept. 5, 1990).

[5] *Tax Administration: Analysis of IRS' Budget Request for Fiscal Year 1995* (GAO/GGD-94-129, Apr. 20, 1994).

Enclosure 2.

FISCAL YEAR 1995 TAX GAP INITIATIVES

[In thousands of dollars collected]

	Fiscal year—					Outyears	Total	Yield per FTE
	1995	1996	1997	1998	1999			
Collection:								
Collection FTE	1,075	1,791	1,791	1,791	1,791		8,239	
Follow-on FTE	147	245	245	245	245		1,127	
Total FTE	1,222	2,036	2,036	2,036	2,036		9,366	
Revenue	191,147	542,064	823,380	911,564	911,564		3,379,719	361
Examination:								
Revenue Agent:								
Exam FTE	1,145	1,832	1,832	1,832	1,832		8,473	
Follow-on FTE	437	699	699	699	699		3,234	
Revenue	(43,200)	10,600	175,000	256,600	363,800	830,400	1,594,200	136
Tax Auditor:								
Exam FTE	458	733	733	733	733		3,390	
Follow-on FTE	175	280	280	280	280		1,295	
Revenue	12,700	106,800	263,800	364,500	392,600	554,800	1,695,200	362
Tax Examiner:								
Exam FTE	347	555	555	555	555		2,567	
Follow-on FTE	132	211	211	211	211		976	
Revenue	71,200	204,200	283,600	319,200	354,100	499,600	1,731,900	489
International Examination:								
Exam FTE	70	92	92	92	92		438	
Follow-on FTE	20	26	26	26	26		125	
Revenue	(2,400)	3,200	21,200	24,900	46,000	157,200	250,100	444
Total Examination FTE	2,020	3,212	3,212	3,212	3,212		14,868	
Total Follow-on FTE	764	1,217	1,217	1,217	1,217		5,631	
Total FTE	2,784	4,429	4,429	4,429	4,429		20,499	
Total Examination Revenue	38,300	324,800	744,600	965,200	1,156,700	2,041,800	5,271,400	257
Information Returns Processing:								
Unmatchable Followup IR:								
IRP FTE	200	200	200	200	200		1,000	
Follow-on FTE	16	16	16	16	16		82	
Revenue	81,100	164,500	218,000	234,500	237,600	118,800	1,054,500	975
Corr Exam/SFR/K–1 Processing:								
IRP FTE	250	700	800	800	800		3,350	
Follow-on FTE	20	57	65	65	65		273	
Revenue	20,494	252,658	453,600	453,600	453,600		1,633,952	451
Voluntary Compliance:								
IRP FTE	200	140	40	40	40		460	
Follow-on FTE	16	11	3	3	3		36	
Revenue				NA				
Total IRP FTE	650	1,040	1,040	1,040	1,040		4,810	
Total Follow-on FTE	53	85	85	85	85		392	
Total FTE	703	1,125	1,125	1,125	1,125		5,202	
Total IRP Revenue	101,594	417,158	571,600	688,100	691,200	118,800	2,588,452	571
Totals:								
Functional FTE	3,745	6,043	6,043	6,043	6,043		27,917	

FISCAL YEAR 1995 TAX GAP INITIATIVES—Continued

[In thousands of dollars collected]

	Fiscal year—					Outyears	Total	Yield per FTE
	1995	1996	1997	1998	1999			
Follow-on FTE	964	1,507	1,507	1,507	1,507		6,994	
Other FTE*	369	586	586	586	586		2,713	
Total FTE	5,078	8,136	8,136	8,136	8,136		37,624	
Revenue	331,041	1,284,022	2,239,580	2,564,864	2,759,464	2,160,600	11,339,571	330

*Other FTE includes Criminal Investigation Initiative (329 FTE/526 positions) and Chief Counsel International (40 FTE/60 positions).

CONGRESSIONAL BUDGET OFFICE,
U.S. Congress,
Washington, DC, June 16, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your letter of June 6 requested that CBO analyze the effect on the deficit of providing additional funding for Internal Revenue Service (IRS) compliance initiative activities. Because the collection of revenues by the IRS depends on the total level of resources provided to the agency, as well as other factors, it is not possible to identify the net effect on the deficit of a portion of the funding provided.

In developing the baseline projection of revenues for fiscal years 1995 through 1999, CBO assumed that collection activities would continue at the 1994 level. Because IRS has some flexibility in allocating funds to its different activities and because management changes can affect the level of compliance without changing expenditures, this level of collection activity cannot be precisely tied to a particular appropriation level. However, if funding for the IRS during the 1995–1999 period is very different from the 1994 appropriation ($7,345 million), adjusted for inflation, it will be difficult for the IRS to maintain its current level of compliance. The President's budget proposed cuts below this inflation-adjusted 1994 level in each year—by more than $200 million in 1995 and more than $1,700 million in 1999. The IRS tax law enforcement account, from which the IRS compliance initiative activities are funded, is cut by more than $200 million in 1995 and more than $1,200 million in 1999. If funding were provided at the levels proposed by the President's budget, CBO expects that revenues would fall below the levels projected in the baseline.

Providing $405 million more than the President proposed for the IRS each year through 1999 would raise the 1995 and 1996 funding levels somewhat above CBO's baseline, but would still leave total IRS funding over the 1995–1999 period more than $1,500 million below the CBO baseline. Thus, the additional funding proposed for the IRS compliance initiative would only partially offset the reduced collection capabilities that would likely result from the real cuts in IRS funding proposed by the President.

GAO has analyzed the question of whether spending an additional $405 million a year for five years to fund the IRS's compliance initiative would bring in more revenue than it cost. Their analysis assumes that the additional funding would be on top of the current level, but their estimate of the payoff is likely to be even greater if the base level of resources is smaller. CBO agrees with GAO that spending money on compliance is a productive use of resources.

The additional funding, however, would be offset by increased revenues only if the $405 million were provided at least through 1996. In 1995, the IRS expects less than $405 million in additional revenues because the new hires will not be able to generate revenue while they are being trained and because their training will take current agents away from their normal activities. Only in 1996 and later years would the additional employees be able to generate more than $405 million in revenues. Because appropriations are provided one year at a time, it is impossible to know whether an additional $405 million in 1995 will be followed by the additional funding in 1996 that would result in a cost increase in revenues sufficient to offset the total additional spending in the two years.

In any case, CBO would not include any increase in revenues in a cost estimate of legislation providing additional funding for the IRS. The level of funding for virtually all agencies affects the ability of the agency to either collect funds (whether taxes, fees, loan repayments or any other money owed to the government), to guard against overpayments, or to speed up expenditures. It is not feasible for CBO to estimate and count the effects on the collection or spending capabilities of the agency of every increase or cut in administrative funding. As a result, CBO does not include any change in collections or spending that might result from increases or cuts in such funding in its estimates of legislation. Consequently, CBO would not score any revenue effects for the additional $405 million for IRS compliance initiatives in its estimate of legislation providing that funding—just as we would not score any reduction in revenues in an estimate of legislation that provided less for the IRS than is assumed in the baseline.

If you wish further details, please feel free to contact me or your staff may wish to contact Richard Kasten at 226–2690.

Sincerely,

ROBERT D. REISCHAUER,
Director.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, June 17, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your request for an analysis of the effect of the proposed FY 1995 Internal Revenue Service Compliance Initiative on Federal budget deficits in the FY 1995 to FY 1999 time period. Let me first say we greatly appreciate the support of the Committee for this initiative which will be of great benefit in supporting effective tax administration and improving compliance with the tax laws.

I am confident you can certify that the IRS Compliance Initiative will not increase the Federal deficit over the next five years. In fact, it is our belief that the investment will actually reduce the deficit over the five year period. On an average, IRS Compliance programs return almost five dollars in additional collected tax for every dollar expended.

We will concentrate the additional resources received on specific compliance problem areas. Enclosure 1 summarizes the compliance areas and IRS programs to which additional resources will be directed. The Initiative will be earmarked for tax law enforcement programs whose purpose is to serve taxes due and owing that would otherwise go uncollected absent enforcement action. These are our Examination, Collection and Information Reporting/Document Matching Programs.

For each program area scheduled to receive additional resources, IRS made a specific five year revenue estimate. Estimates are based on historical experience with the type of compliance cases that will be worked and other forecasting assumptions. These other assumptions address such issues as how soon additional employees can be hired, how long it will take for new employees to become fully productive, how long it will take cases to close from the point of initiation and what revenue will be lost as a result of redirecting current employees from case related duties to training new employees.

Enclosure 2 summarizes the additional revenue anticipated from the program increases we proposed. In total, we estimated over $9.0 billion in collections over the FY 1995–FY 1999 period. The Budget Resolution provides for an annual additional expenditure of $405 million over a five year period for a cumulative cost of $2.025 billion.

Enclosure 3 summarizes the process we used to make revenue estimates and discusses the types of assumptions made.

There have been serious and legitimate criticisms in the past concerning IRS' ability to deliver on Compliance Initiative commitments. I believe we have responded to these criticisms and for FY 1995 are in an unprecedented position to make a compliance difference. First, IRS can deliver on its Compliance FTE commitment. For the first time, IRS is confident its labor costs—70% of the total IRS budget—are fully funded in the FY 1995 Budget as submitted by the President. The IRS and Office of Management and Budget have worked together to identify factors affecting IRS labor costs, and our FTE is funded on the basis of mutually agreed projections.

Second, we will be able to track actual enforcement revenue results. A new system for tracking enforcement revenues separately from voluntary receipts was put into place on October 1, 1993. A new financial system installed in FY 1993 will account for costs and FTE realization accurately at all organizational levels. Also, our tracking methodology has been shared with the General Accounting Office to alleviate concerns that have been expressed in tracking previous initiatives. We will report on revenue results and FTE validation on a quarterly basis.

Third, Tax Systems Modernization (TSM) investments are helping IRS work smarter and faster. A new compliance research system supported by TSM will allow IRS to pinpoint specific compliance problem areas.

Finally, new business approaches within IRS mean more employees will be on the front-line. The IRS is consolidating its resources management support in fewer sites and reducing regional and headquarters staff. Therefore, IRS will put many more of the initiative FTE into front-line compliance related positions than in prior initiatives. Also, these additional positions will be distributed selectively to those districts with the most serious compliance problems or workload inventories.

Should your staff have any questions regarding this Compliance Initiative or any of the information provided herein, they may contact either Carl Moravitz or Richard Hays in our Budget Division on (202) 622-8770.

Sincerely,

MARGARET MILNER RICHARDSON.

[Enclosure 1]

FISCAL YEAR 1995 COMPLIANCE INVESTMENT

Market Segments—IRS will use better information about compliance patterns of specific categories of taxpayers—market segments—to design the compliance-enhancing techniques that work best. Improved and outreach programs will be part of the answer as well as enforcement.

The FY 1995 IRS Compliance investment will increase enforcement staff by approximately 5,000 FTE, 8% over the President's FY 1995 baseline budget. Key areas:

1. UNDERPAYMENT

Accounts receivable inventories—taxes due from current and prior years but not paid in full—have grown 35% over the past five years. The number of taxpayers failing to pay their liability in full at the time of filing has increased from 14 million to 16 million over the past three years. Additional staff will mean quicker case assignment and accelerated taxpayer contact, improving collection opportunities.

2. UNDERREPORTING

A major program used by IRS to detect unreported income is the document matching program. IRS will improve the usefulness of documents currently not matched, initiate educational efforts to improve the accuracy of information reporting, and improve compliance by Federal Government payors with reporting requirements.

3. NONFILING

Expanded document matching will enhance collection efforts to secure more of the estimated 10 million returns not filed each year. Enhanced efforts to collect taxes will result in securing additional returns. This effort will pay dividends in FY 1995, and in subsequent years by keeping filers on the tax rolls.

4. TAX FRAUD

IRS' efforts to collect delinquent taxes must be augmented by enforcement of criminal tax fraud statutes. Expanded efforts will be undertaken to detect motor fuel tax evasion, bankruptcy fraud and financial fraud involving pensions and refund fraud.

FISCAL YEAR 1995 COMPLIANCE INITIATIVE

[Resource commitment: 5078 FTE, $405 million, Results: $9–$10 billion, fiscal years 1995–1999]

Compliance issue	Resource focus
Income tax underreporting	Examination—Increase the number of correspondence examinations and contacts (limited focus audits involving overstated deducations, improper filing status, or failure to report income). Information Reporting—Improve compliance by Federal Government payors; correct wage reporting by the military; reduce the number of unmatchable documents.
Tax fraud-exercise tax, pension plans	Criminal Investigation—Increase resources dedicated to detecting motor fuel excise tax evasion schemes, bankruptcy fraud/pension plan, insurance fraud and investigation of refund fraud. Increase investigations of these legal income sector tax crimes.
Foreign controlled corporations—international issues	International—Chief Counsel. Expand coordination and National Office support in large case development and litigation; concentrate Counsel resources on the development and implementation of the Advance Pricing Agreement (APA) Program. International—Examination. Increase enforcement based on identified market segments targeting foreign business activity in the U.S. Use Compliance 2000 methodology to address foreign controlled corporation tax compliance.
Underpayment/nonfiling	Collection Increase—the collection of delinquent accounts: enhance case selection and prioritization, quicker case assignment and accelerated taxpayer contact; obtaining delinquent returns and collecting delinquent taxes. Use additional document matching non-filer leads.

Enclosure 2.

FISCAL YEAR 1995 COMPLIANCE INITIATIVES REVENUE PROJECTIONS

[In millions of dollars collected]

Initiatives	Fiscal year—					Total
	1995	1996	1997	1998	1999	
Examination:						
Revenue Agent	(43)	11	176	257	364	764
Tax Auditor	13	107	264	365	393	1,141
Tax Examiner	71	204	284	319	354	1,232
International Examination	(2)	3	21	25	46	93
Collection	191	542	823	912	912	3,380
Information Reporting Program:						
Unmatchable IR Followup	81	165	218	235	238	936
Correspondence Exams	20	253	464	464	454	1,634
Totals	331	1,284	2,240	2,565	2,759	9,179

FISCAL YEAR 1995 COMPLIANCE INITIATIVES TRACKING REPORT, TOTAL RESULTS BY ORIGINATING FUNCTION, FISCAL YEAR 1995 QUARTERLY REPORT AS OF MAR. 30, 1995

Case Categories	Collected Dollars [in millions]												FTE staffing		On-rolls
	FY 1995		FY 1996		FY 1997		FY 1998		1999		TOTALS		FY 1995		FY 1995
	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual	By QTR
Examination:[1] Base Initiative	$40.7		$321.6		$725.4		$940.3		$1,110.3		$3,186.7		1,948		
Revenue Agents: Base Initiative	(43.2)		10.0		178.0		255.8		363.8		763.8		687		
Individual: Base Initiative	(16.0)		1.4		47.8		81.5		106.3		221.1		386		
Corporate: Base Initiative	(17.3)		(20.6)		12.2		29.2		85.7		90.2		326		
Employment: Base Initiative	(9.9)		28.8		115.9		145.9		170.6		452.6		156		
All Others (Base Only)															
Tax Auditors Individual: Base Initiative	12.7		105.6		263.8		384.6		382.5		1,140.6		347		
All Others (Base Only)															
Service Center: Base Initiative	71.3		204.2		253.5		318.2		354.1		1,232.3		347		
All others: Base Initiative													388		
Collection:[2] Base Initiative	191.1		542.1		823.4		911.8		911.5		3,378.7		1,153		
Collection Field Function: Base Initiative	143.4		406.5		617.5		683.7		653.7		2,534.6		867		
Automated Collection System: Base Initiative	47.8		135.5		205.3		227.8		227.8		644.9		188		
Notices (Base Only)															
All Others: Base Initiative													78		
AP	101.8		417.2		871.6		686.1		801.2		2,568.7		512		
Correspondence Exams	20.5		262.7		453.6		453.6		453.6		1,834.0		318		
Unmatchable Follow-up	51.1		184..5		218.0		234.6		237.6		836.7		200		
International Initiatives	(2.4)		32		21.2		24.8		48.0		92.8		65		
International Examination	(2.4)		32		21.2		24.8		48.0		92.8		65		
All Other Enforcement Functions: Base Initiative													1,261		
IRP (Base Only) International (Base Only) EPIEG Base Initiative													2		
Criminal Investigation: Base Initiative													349		
Chief Counsel/Appeals: Base Initiative													581		
Resource Management: Base Initiative													320		
Plus Dollars Collected in this Year from Open Cases															
Grand Total Base Initiative	331.0		1,284.0		2,259.9		2,584.0		2,752.5		8,178.0		4,947		

[1] Revenue amounts include only dollars from cases closed in FY 1995. Dollars collected from cases closed in other years are shown below.

[2] Revenue amounts exclude collections as a result of work originated in Examination or IRP. These dollars are included under those functional sections.

Enclosure 3.

FISCAL YEAR 1995 COMPLIANCE INITIATIVES REVENUE ESTIMATING PROCESS

The five-year revenue projection of $9.2 billion is based on standard methodologies that the IRS has employed in developing estimates over the past few years. These methodologies have been improved to reflect Treasury's Office of Tax Analysis recommendations made during their validation process.

Our revenue estimating process begins with analysis of the historical baseline data. We examine workload, staffing, and revenue amounts from the various auditable management information systems managed by the IRS functions. We develop baseline yield factors from these various data sources.

These yield factors are then discounted, where applicable, to reflect the reduced workload and revenue that can be attributed to new hires. Some of the major assumptions followed in the IRS revenue estimating process are:

Marginality of case value—where the new hires will work on the next lowest valued set of cases in an audit class.

Reduced productivity levels of new hires—new hires will go through a learning experience during the first couple of years, thus reducing the number of cases worked in a year.

Training time of new hires—depending on the employment category, the availability to work cases is reduced.

Opportunity costs—the time that the trainers (i.e., on-board IRS employees) require to train the new hires will reduce their productivity levels and result in lower revenue. This lost revenue is referred to as opportunity costs.

The discounted yield factors are then used to derive the revenue totals for the staffing associated with the initiatives. These revenue figures may be measured in recommended, assessed or collected dollars (depending on the function doing the estimating.) All estimates not already measured in collected dollars are converted using models that have been approved by Treasury during their scoring process.

With the recent development of our Enforcement Revenue Information System (ERIS), IRS will now be able to use one standard system to track the revenue related to these initiatives. ERIS will provide an automated link between monies recommended, assessed, and collected for the different types of cases tracked by enforcement activities. ERIS will also be the primary data source for future revenue projections, resulting in more accurate estimates. ERIS will provide the necessary data to develop the rates and factors used for revenue estimating purposes.•

HONORING SAM HINES

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to a truly outstanding member of the Washington, DC, community. This week, Dr. Samuel G. Hines will celebrate his 25th anniversary as pastor of the Third Street Church of God in northwest Washington.

Members of his church community consider themselves ambassadors for Christ in the Nation's Capital. And this phrase summarizes very well not just Reverend Hines's pastorate at the Third Street Church, but his whole life as a man of the cloth.

For almost 50 years, Reverend Hines has been an ambassador for the Gospel in some of the situations where it is most needed. In ravaged neighborhoods of Washington, DC, where drugs and gang warfare threaten the lives of the young—and where ethnic hatreds poison the lives of all who are near—Sam Hines has brought the sought-after words of peace.

In a historic Easter sermon in 1987, Hines challenged an interracial congregation of Asian-Americans and African-Americans to find their unity in Jesus Christ.

His sermon was delivered at a time of great tension between the two ethnic groups here in Washington. Hines said that Christ is "the Great Reconciler," because his mission of forgiveness to all people everywhere has "overridden . . . (his) nationality and race."

To Sam Hines, and to all of us who are believing Christians, the word of God "means changing enemies into friends, changing aliens and strangers into citizens—changing enemies into brothers and sisters."

This is the spirit that Sam Hines has brought to his ministry. He is a bridge builder, and this is what has made his efforts so effective and so important in the Nation's Capital.

He is a key force behind the Alliance to Save America's Future, or "SAFe"—a group that reaches out to inner-city young people who are at risk of involvement in illegal drugs. Under the aegis of SAFe, many different approaches have already been tried—among them the Pied Pipers Program, using exconvicts to scare young people straight; Youth Rescue Centers, which are sanctuaries for threatened young people; and the Nehemiah project, an inner-city family counseling program.

Rev. Sam Hines is an effective public figure because he has the power of faith. In 1990, when Washington faced a flood of murders, he addressed some words of consolation and challenge to District of Columbia residents.

On the steps of the Lincoln Memorial, Sam Hines said: "We are here to proclaim that the forces of evil are defeated."

Sam Hines realizes that there's more to doing good than ceaseless projects and unstinting activity. His message is that the war of good against evil has already been won by the sacrifice of Jesus—and that it's up to us to actualize that victory by reading into the community, by our lives, the message that is written into our hearts by God.

I join Reverend Hines' many friends and admirers in congratulating him on his important anniversary. May there be many more—we need his leadership.

(At the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

DAY OF THE AFRICAN CHILD

• Mr. SIMON. Mr. President, I rise today to commemorate the Day of the African Child. Since 1991, this day has been celebrated around the world as the day to focus on Africa's future—its children. This day was first inaugurated in memory of South African school children who were massacred on June 16, 1976. Elementary and high school age children rose up against the system of apartheid education. It was out of the strength and energy of South Africa's children that the modern day anti-apartheid movement originated. The courage of the children of South Africa so galvanized the international community that the power corridors of the world were forced into action. American commercial firms poured out of South Africa, and American benevolence rushed in to fill the void. We shouldn't forget that it was South Africa's children who kept those banned personalities of Nelson Mandela and Steve Biko alive in the hearts and minds of us all. Many of those children sacrificed their life to keep this faith alive.

Today, it is South Africa's children who are working in partnership with President Mandela to lead South Africa into a glorious future. Many have suggested that South Africa will never be stable. However, it is the youth of South Africa who are returning to their homeland. They have made the transformation from liberation movement to arbiters of South Africa's political and financial future. There is no better indicator of South Africa's great future than the return to its shores of those young people who have much to lose by taking the chance of returning home. But none the less, they have so much to contribute to the success of not only South Africa's future, but that of the region as well.

Mr. President, I would like to draw your attention to Angola's children. I recently returned from Angola with Senators HARRY REID and RUSSELL FEINGOLD. During our visit, we toured the largest hospital in Angola—Jocina Machel. Up to 15 children die each day in this hospital. At the time of our visit, 6 had already died. Mr. President, as a father and grandfather, it was difficult to look into the eyes of some of those children that I knew would die sometime that same day.

On this Day of the African Child, I would like to ask that each of us do what we can to assist Africa's children. Most of her children are not in the dire straits that the media purports. For instance, over 50 percent of African girls are enrolled in primary schools, and in many urban areas, more than 80 percent of Africa's children have safe drinking water. I hate to sound like those commercials on TV that ask us to donate 50 cents per day to save a child's life. I say that because as Members of Congress, we can do more than sending just 50 cents a day. We are presently reforming the way in which we provide foreign assistance. I will be seeking to add additional language to the bill to require AID and other agencies to work harder to alleviate poverty. This will be my contribution not only to Africa's children, but to all the world's children.

Mr. President, today I urge all my colleagues to go beyond committing themselves to a single contribution to a organization to help just one child. Let's make a long-term commitment to acting in partnerships that would guarantee the survival of Africa's children.●

Mr. BAUCUS. Mr. President, late last week, the Senate passed an amendment dealing with the subject of religious harassment. I joined my colleague from Colorado, Senator BROWN, in offering that amendment.

The Equal Employment Opportunity Commission [EEOC] has proposed guidelines to provide employers with guidance in the elimination of workplace harassment based upon race, color, religion, gender, national origin, age, and disability. These are worthy goals—the elimination of all forms of harassment in the workplace is something I strongly support.

Unfortunately, when it comes to the matter of religious harassment, the EEOC guidelines could create serious problems for employers and threaten to stifle our freedom of speech and freedom of religion. They are vague. They are too broad. They show a lack of common sense. And, frankly, they make me question whether some of the folks at the EEOC are in touch with the reality of life in the American workplace.

Expressions of religious belief by an individual in the workplace, for instance, could be considered religious harassment by another based solely on the fact that the statement showed aversion to the faith, the religion, or the beliefs of another person or that person's relative, friend, or associate.

I shudder to think of the mischief this could cause. I shudder to think of the frivolous lawsuits this could spawn. And I shudder to think of the tensions this is likely to create for both employers and employees. Delta Airlines, for example, has already issued a directive to its employees asking them to refrain from any display or discussion of their religious beliefs.

In essence, the EEOC could effectively designate every American workplace a "Religion-Free Zone." Let me provide a few examples of the types of activities that could be grounds for a lawsuit under the EEOC guidelines: wearing a cross around the neck; displaying a picture of Christ on an office desk or wall; having a Bible on your desk; or praying while at work.

The EEOC needs to be sent back to the drawing board. Their proposed regulations are too broad, too ambiguous, and they threaten two cherished values: freedom of religion and freedom of speech. I am, therefore, pleased that the Senate passed this worthy amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair announces that morning business is closed.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4539, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; **[**not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements;**]** *of which not less than $6,443,000 and 92 full-time equivalent positions shall be available for enforcement activities, and of which not less than $3,040,000 shall be available for the Office of Foreign Assets Control; not to exceed $150,000 for official reception and representation expenses;* not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $490,000, to remain available until September 30, 1997, for repairs and improvements to the Main Treasury Building and Annex; **[**$105,150,000: *Provided*, That of the offsetting collections credited to this account, $79,000 are permanently canceled**]** *$104,400,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; **[**$28,897,000**]** *$30,497,000.*

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; **[**$18,280,000: *Provided*, That of the offsetting collections credited to this account, $1,000 are permanently canceled**]** *$20,690,000.*

TREASURY FORFEITURE FUND

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed $15,000,000, to be derived from deposits in the Fund.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed **[**$9,000**]** *$7,000* for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director *on a space available basis with reimbursement of actual costs to this appropriation;* State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide [short term] *first-aid and emergency* medical services for students undergoing training at the Center; [$46,713,000] *$47,114,000*, of which $8,821,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1997.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$9,815,000] *$16,815,000*, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, [$185,389,000] *$183,697,000*, of which not to exceed $13,459,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380[: *Provided*, That of the offsetting collections credited to this account, $192,000 are permanently canceled.]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1995; [$376,181,000] *$385,315,000, of which no less than $134,847,000 and 1,140 full-time equivalent positions shall be available for enforcing the Armed Career Criminal Act*, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): *Provided further*, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1995: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees[*: Provided*, That of the offsetting collections credited to this account, $4,000 are permanently canceled]*: Provided, That funds made available shall be used to achieve a minimum staffing level of 4,215 full-time equivalent positions during fiscal year 1995.*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,391,700,000] *$1,378,914,000*, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That $750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District[*:* *Provided further*, That $10,000,000 shall be available for the Center for Study of Western Hemispheric Trade as authorized by Public Law 103–182: *Provided further*, That of the offsetting collections credited to this account, $410,000 are permanently canceled]*: Provided further, That Customs shall achieve a minimum full-time equivalent staffing level of 17,524 during fiscal year 1995: Provided further, That $500,000 shall remain available until expended for construction of a replacement fence within the city limits of Nogales, Arizona, under the authority of section 69, title 19, United States Code: Provided further, That any fee increases currently authorized or authorized in the future, by amendments to section 13031 of the Comprehensive Omnibus Budget Reconciliation Act of 1985 hereafter shall be charged and collected.*

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs; [$78,991,000] *$91,891,000* of which $7,233,000 shall remain available until September 30, 1997*: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements, and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1995, without the prior approval of the House and Senate Committees on Appropriations.*

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities, construction, improvements, and related expenses of the United States Customs Service, $1,000,000, to remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; [$54,770,000] *$55,740,000*, of which $1,540,000 shall remain available until September 30, 1997, for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $183,458,000: *Provided*, That in fiscal year 1995 and thereafter, the Secretary is authorized to collect fees of not less than $46 for each definitive security issue provided to customers, and an annual maintenance fee of not less than $25 for each Treasury Direct Investor Account exceeding $100,000 in par value: *Provided further*, That in fiscal year 1995 and thereafter, of the definitive security fees collected, not to exceed $600,000, and of the annual maintenance fees for Treasury Direct Investor Account collected, not to exceed $2,500,000, shall be retained and used in the current fiscal year for the specific purpose of offsetting costs of Bureau of the Public Debt's marketable security activities, and any fees collected in excess of said amounts shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated herein from the General Fund for fiscal year 1995 shall be reduced by not more than $600,000 as definitive security issue fees are collected and not more than $2,500,000 as Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1995 appropriation from the General Fund estimated at $180,358,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 1 of the Government Losses in Shipment Act, as amended.

Internal Revenue Service

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; management services, and inspection; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$225,632,000] *$163,431,000*, of which not to exceed $25,000 for official reception and representation expenses.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,616,295,000, of which $3,500,000] *$1,586,028,000, of which $3,700,000* shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1994 levels for international tax enforcement shall be used for the continued operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code of 1986; [$4,412,580,000] *$4,358,180,000*, of which not to exceed $1,000,000 shall remain available until September 30, 1997 *for research: Provided further, That $405,000,000 of the $426,300,000 made available for the fiscal year 1995 tax compliance initiative shall not be expended for any other purposes: Provided further, That no funds shall be transferred from this account during fiscal year 1995: Provided further, That no less than $442,148,000 and 5,002 full-time equivalent positions shall be available for tax fraud investigations.*

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: [$1,240,357,000 of which $185,000,000] *$1,372,614,000 of which no less than $700,000,000 shall be available for tax systems modernization, of which up to $185,000,000 for tax and information systems development projects* shall remain available until September 30, 1997: *Provided*, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization: *Provided further, That in the event that fee increases are charged and collected as a result of amendments enacted after December 8, 1993 to section 13031 of the Comprehensive Omnibus Budget Reconciliation Act of 1985, the amount appropriated shall be $1,507,614,000.*

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the *advance* approval of the House and Senate Committees on Appropriations: *Provided, That no funds shall be transferred from the "Tax law enforcement" account during fiscal year 1995.*

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 3. The Secretary of the Treasury may establish new fees or raise existing fees for services provided by the Internal Revenue Service to increase receipts, where such fees are authorized by another law. The Secretary of the Treasury may spend the new or increased fee receipts to supplement appropriations made available to the Internal Revenue Service appropriations accounts in fiscal years 1995 and thereafter: Provided, That the Secretary shall provide quarterly reports to the Congress on the collection of such fees and how they are being expended by the Service.

United States Secret Service

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$476,931,000: *Provided further*, That of the offsetting collections credited to this account, $43,000 are permanently canceled] *$474,988,000.*

General Provisions—Department of the Treasury

SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1995 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.

SEC. 102. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1995, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 103. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 104. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 105. Notwithstanding any other provision of law, beginning in fiscal year 1995 and thereafter, the Financial Management Service (FMS) shall be reimbursed, for postage incurred by FMS to make check payments on their behalf, by: the Department of Veterans Affairs, for the mailing of Compensation and Pension benefit payments; the Department of Health and Human Services, for the mailing of Supplemental Security Income payments; and the Office of Personnel Management, for the mailing of Retirement payments. Such reimbursement shall be due beginning with checks mailed on October 1, 1994, and such reimbursement shall occur on a monthly basis.

SEC. 106. (a) Of the budgetary resources available to the Department of the Treasury during fiscal year 1995, $33,437,000 are permanently canceled.

(b) The Secretary of the Treasury shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 107. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 108. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 109. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1995 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 110. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991, to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in subsection (a) shall be completed by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 111. Notwithstanding any other provision of law, Customs personnel funded through reimbursement from the Puerto Rico Trust Fund shall not be reduced as the result of workforce reductions required under Executive Order or other guidance to Executive branch agencies in fiscal year 1995 and hereafter.

SEC. 112. Subsection (a) of section 9703 of title 31, United States Code, is amended—

(a) by redesignating subparagraphs (G) and (J) of paragraph (2) as (I) and (J) of paragraph (1), respectively; and

(b) by redesignating in paragraph (2) subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

This title may be cited as the "Treasury Department Appropriations Act, 1995".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code; **[**$85,717,000**]** *$102,317,000*: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1995.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $37,776,000.

This title may be cited as the "Postal Service Appropriations Act, 1995".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; **[**$38,754,000.**]** *$40,193,000*.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; **[**$3,270,000**]** *$3,280,000*.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), **[**including not to exceed $2,500 for official reception and representation expenses; $3,420,000**]** *$3,439,000*.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,058,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; **[**$6,648,000**]** *$8,222,000*.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; **[**$24,850,000**]** *$26,217,000*, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That of the budgetary resources available in fiscal year 1995 in this account, $117,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; **[**$56,272,000**]** *$55,081,000*, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $9,942,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $98,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than $55,000,000 shall be transferred to State and local entities for drug control activities; and of which up to [$43,000,000] *$55,000,000* may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided*, That an additional $12,000,000 shall be made available for drug control activities in Puerto Rico and the U.S. Virgin Islands only if the Director of the Office of National Drug Control Policy designates such area as a High Intensity Drug Trafficking Area: *Provided further*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, [$14,800,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center, of which $8,000,000,] *$52,500,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $20,000,000 shall be retained by the Director of the Office of National Drug Control Policy for enhancing U.S. Customs Service air and marine interdiction activities should air and marine smuggling activity increase; of which $25,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $13,000,000 shall be available for drug treatment block grants to the States, and of which $10,000,000 shall be available to the Center for Substance Abuse Treatment for the residential women and children's program, and of which $2,000,000 shall be available to the Center for Substance Abuse Treatment for a comprehensive outpatient program; of which $7,500,000,* to remain available until expended, shall be transferred to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies.

This title may be cited as the "Executive Office Appropriations Act, 1995".

TITLE IV—INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,000,000, and additional amounts collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,682,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; [$23,564,000] *$27,106,000*, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; [$21,341,000] *$21,540,000*: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), [$361,615,000] *$500,000,000*, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of [$4,973,825,520] *$5,057,841,000*, of which (1) not to exceed [$502,709,520] *$721,129,000* shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:
[Alabama:
Montgomery, Courthouse Annex, $40,547,000
Arizona:
Tucson, Courthouse, $11,506,540
California:
Santa Ana, Courthouse, $25,193,000
Colorado:
Lakewood, U.S. Geological Survey Laboratory/Building, $25,802,000
Florida:
Jacksonville, Courthouse, $4,600,000
Orlando, Courthouse Annex, $7,260,560
Georgia:
Albany, Courthouse, $5,640,000
Savannah, Courthouse Annex, $5,261,180
Kentucky:
Covington, Courthouse, $2,914,000
London, Courthouse, $1,522,800
Louisiana:
Lafayette, Courthouse, $5,041,220
Montana:
Babb, Border Station, $333,000
Missouri:
Kansas City, Federal Building-Courthouse, $84,895,000
St. Louis, Courthouse, $176,863,000
North Dakota:
Pembina, Border Station, $11,113,000
Ohio:
Cleveland, Courthouse, $28,245,120
Steubenville, Courthouse, $2,820,000
Pennyslvania:
Erie, Courts Complex, $3,134,900
Tennessee:
Greeneville, Courthouse, $2,935,620
Texas:
Austin, VA Annex, $1,430,000
Brownsville, Federal Building-Courthouse, $5,979,340
Corpus Christi, Courthouse, $6,445,580
Laredo, Courthouse, $24,341,000
Virginia:
Charlottesville, U.S. Army Foreign Science & Technology Center, $4,178,000
Washington:
Blaine, Border Station, $4,472,000
Oroville, Border Station, $1,483,000
Point Roberts, Border Station, $698,000
West Virginia:
Martinsburg, IRS Computer Center, $7,547,000]
Alabama:
Montgomery, U.S. Courthouse Annex, $40,547,000
Arizona:
Tucson, Federal Building and U.S. Courthouse, $98,625,000: Provided, That construction funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

California:

Santa Ana, Federal Building and U.S. Courthouse, $25,193,000

Colorado:

Lakewood, Denver Federal Center, U.S. Geological Survey Lab Building, $25,802,000

Florida:

Jacksonville, U.S. Courthouse, $4,666,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Orlando, U.S. Courthouse Annex, $7,724,000

Georgia:

Savannah, U.S. Courthouse Annex, $5,597,000

Hawaii:

Consolidation, University of Hawaii-Hilo, $12,000,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Kentucky:

Covington, U.S. Courthouse, $3,108,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

London, U.S. Courthouse, $1,620,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Louisiana:

Lafayette, U.S. Courthouse, $5,363,000

Maryland:

Beltsville, U.S. Secret Service, training administration building, $2,400,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Montgomery and Prince Georges Counties, Food and Drug Administration consolidation, $50,000,000

Missouri:

Kansas City, Federal Building and U.S. Courthouse, $84,895,000

St. Louis, Federal Building and U.S. Courthouse, $176,863,000

Montana:

Babb, New Piegan Border Station, $333,000

New Mexico:

Albuquerque, U.S. Courthouse, $49,300,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

New York:

Long Island, U.S. Courthouse, $30,000,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Nevada:

Las Vegas, U.S. Courthouse, $4,500,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

North Dakota:

Pembina, Border Station, $11,113,000

Ohio:

Cleveland, U.S. Courthouse, $30,048,000

Pennsylvania:

Erie, Federal Complex, $3,335,000

Tennessee:

Greeneville, U.S. Courthouse, $3,234,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Texas:

Austin, Veterans Affairs Annex, $1,430,000

Brownsville, Federal Building and U.S. Courthouse, $6,361,000

El Paso, Federal Office Building, Claim, $327,000

Laredo, Federal Building and U.S. Courthouse, $24,341,000

Virginia:

Charlottesville, U.S. Army Foreign Service Technology Center, $4,178,000

Washington:

Blaine, Border Station, $4,472,000

Oroville, Border Station, $1,483,000

Point Roberts, Border Station, $698,000

West Virginia:

Martinsburg, IRS Computer Center, $7,547,000

Non-prospectus construction projects, $126,000: *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed **[**$815,268,000**]** *$714,556,000*, which shall remain available until expended, for repairs and alterations which, beginning with fiscal year 1995 and in subsequent fiscal years, includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

[California:

Los Angeles, U.S. Courthouse, $24,910,000

Menlo Park, USGS Building 3, $7,631,000

Sacramento, Federal Building, $16,574,000

San Pedro, Custom House, $5,429,000

Colorado:

Denver, Federal Building and Custom House, $8,896,000

District of Columbia:

Ariel Rios-Facades, $3,946,000

Customs/ICC/Connecting Wing Complex (phase 1), $9,662,000

National Courts, $4,588,000

Illinois:

Chicago, Federal Center, $52,982,000

Maryland:

Baltimore, George H. Fallon Federal Building (phase 3), $17,179,000

Woodlawn, SSA East High-Low Rise Buildings, $19,212,000

New Jersey:

Trenton, Clarkson S. Fisher Courthouse, $15,675,000

New York:

Holtsville, IRS Service Center, $21,313,000

New York, Jacob K. Javits Federal Building, $2,891,000

New York, Silvio V. Mollo Federal Building, $963,000

North Carolina:

Asheville, Federal Building and U.S. Courthouse, $7,052,000

Ohio:

Cleveland, Anthony J. Celebreeze Federal Building, $12,192,000

Oklahoma:

Oklahoma City, Alfred P. Murrah Federal Building, $5,878,000

Pennsylvania:

Harrisburg, Federal Building and U.S. Courthouse, $16,903,000

Philadelphia, Byrne-Green Complex, $34,028,000

Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $14,730,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $8,600,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, $13,517,000

Virginia:

Richmond, U.S. Courthouse and Annex, $13,899,000

Washington:

Walla Walla, Corps of Engineers Building, $2,827,000

Nationwide:

Chlorofluorocarbons Program, $100,135,000

Energy Program, $50,803,000

Advance Design:

$21,685,000

Minor Repairs and Alterations, $301,168,000**]**

California:

Los Angeles, U.S. Courthouse, $22,420,000

Menlo Park, USGS Building #3, $6,868,000

Sacramento, Federal Building, $14,914,000

San Pedro, Custom House, $4,887,000

Colorado:

Denver, Federal Building and Custom House, $8,006,000

District of Columbia:

Ariel-Rios Facades, $3,551,000

Customs/ICC/Connecting Wing Complex (phase I), $8,696,000

National Courts, $4,129,000

Illinois:

Chicago, Federal Center, $47,682,000

Maryland:

Baltimore, George H. Fallon Federal Building (phase 3), $15,459,000

Woodlawn, SSA East High-Low Rise Buildings, $17,292,000

New Jersey:

Trenton, Clarkson S. Fisher Courthouse, $14,107,000

New York:

Holtsville, IRS Service Center, $19,183,000

New York City, Jacob K. Javits Federal Building, $2,602,000

New York City, Silvio V. Mollo Federal Building, $953,000

North Carolina:

Asheville, Federal Building and U.S. Courthouse, $6,347,000

Ohio:

Cleveland, Anthony J. Celebreeze Federal Building, $10,972,000

Oklahoma:

Oklahoma City, Alfred P. Murrah Federal Building, $5,290,000

Pennsylvania:

Harrisburg, Federal Building and Courthouse, $15,213,000

Philadelphia, Byrne-Green Complex, $30,628,000

Philadelphia, R.N.C. Nix, Sr. Federal Building and U.S. Courthouse (phase 3), $13,257,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, $12,167,000

Virginia:

Richmond, U.S. Courthouse and Annex, $12,509,000

Washington:

Walla Walla, Corps of Engineers, demolition, $2,800,000: Provided, That such funds shall only be obligated upon the approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Nationwide:

Chlorofluorocarbons Program, $90,035,000

Energy Program, $45,723,000

Advance Design, $19,515,000

Minor Repairs and Alterations, $259,351,000

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed $127,531,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed [$2,204,628,000] *$2,173,000,000* for rental of space which shall remain available until expended and (5) not to exceed [$1,323,689,000] *$1,309,525,000* for building operations which shall remain available until expended [of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center: *Provided further*, That of the funds available to the General Services Administration for the Albany, Georgia, Courthouse; Stuebenville, Ohio, Courthouse; Corpus Christi, Texas, Courthouse; Providence, Rhode Island, Kennedy Plaza Federal Courthouse; and the Walla Walla, Washington, Corps of Engineers Building, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus]: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings[: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair and alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus]: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1995, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$4,973,825,520] *$5,057,841,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

[Of the funds made available under this heading for new construction in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, $4,900,000 are rescinded for the following projects in the following amounts:

Iowa:

Burlington, Federal Parking Facility, $2,400,000.

Indiana:

Hammond, U.S. Courthouse, $2,500,000.

Of the funds made available under this heading for new construction in Public Law 102–393, the Independent Agencies Appropriations Act, 1993, $24,295,000 are rescinded for the following projects in the following amounts:

District of Columbia:

United States Secret Service, Headquarters, $13,958,000.

White House Remote Delivery and Vehicle Maintenance Facilities, $4,918,000.

Federal Bureau of Investigation, Field Office, $4,419,000.

Florida:

Hollywood, Federal Building, $1,000,000.

Of the funds made available under this heading for new construction in Public Law 101–509, the Independent Agencies Appropriations Act, 1991, $30,100,000 are rescinded for the following project in the following amount:

Maryland:

Prince George's County, Internal Revenue Service, Headquarters, $30,100,000.

Of the funds made available under this heading for new construction in Public Law 100–440, the Independent Agencies Appropriations Act, 1989, $4,400,000 is rescinded for the following project in the following amount:

Florida:

Lakeland, Federal Building, $4,400,000.

Of the funds made available under this heading for repairs and alterations in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, $4,715,000 are rescinded for the following projects in the following amounts:

Arizona:

Lukeville, Commercial Lot Expansion, $1,219,000.

San Luis, Primary lane expansion and administrative office space, $3,496,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101–509, the Independent Agencies Appropriations Act, 1991, $7,707,000 are rescinded for the following projects in the following amounts:

New Mexico:

Santa Teresa, New Border Station, $6,000,000.

Texas:

Del Rio, Border Station, $1,707,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101–136, the Independent Agencies Appropriations Act, 1990, $2,088,000 are rescinded for the following project in the following amount:

New Mexico:

Santa Teresa, New Border Station, $2,088,000.]

Of the funds made available under this heading in Public Law 101–136, Public Law 101–509, Public Law 102–141, Public Law 102–393; and Public Law 103–123, $88,658,000 are rescinded from the following projects in the following amounts:

California:

Menlo Park, U.S. Geological Survey Office and Laboratory Buildings, $783,000.

Sacramento, U.S. Courthouse and Federal Building, $3,391,000.

District of Columbia:

Federal Office Building No. 6, $8,583,000.

Federal Bureau of Investigation, Field office, $5,679,000.

White House remote delivery and vehicle maintenance facility, $4,152,000.

Florida:

Fort Myers, U.S. Courthouse, $654,000.

Hollywood, Federal Building, $1,000,000.

Lakeland, Federal Building, $4,400,000.

Tampa, U.S. Courthouse, $7,511,000.

Indiana:

Hammond, U.S. Courthouse, $5,223,000.

Iowa:

Burlington, Parking Facility, $2,400,000.

Maryland:

Bowie, Bureau of Census, Computer Center, $660,000.

New Carrollton, Internal Revenue Service, Headquarters, $30,100,000.

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $4,197,000.

New Hampshire:

Concord, U.S. Courthouse, $867,000.

New Jersey:

Newark, Federal Building, 20 Washington Plaza, $327,000.

North Dakota:

Fargo, U.S. Courthouse, $4,471,000.

Pennsylvania:

Philadelphia, Veterans Affairs Federal Building, $1,276,000.

Tennessee:

Knoxville, U.S. Courthouse, $800,000.

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse and Annex, $2,184,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for asset management activities; utilization of excess and disposal of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities; [the Information Security Oversight Office established pursuant to Executive Order No. 12356;] the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; [$123,020,000: *Provided*, That of the offsetting collections credited to this account, $172,000 are permanently canceled] *$130,036,000: Provided, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,090,000: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $2,215,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES OF TRANSPORTATION AUDIT CONTRACTS AND CONTRACT ADMINISTRATION

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $30,000.

GENERAL SUPPLY FUND

Of the offsetting collections credited to this account, $1,009,000 are permanently canceled.

INFORMATION RESOURCES MANAGEMENT SERVICE INFORMATION TECHNOLOGY FUND

Of the offsetting collections credited to this account, $609,000 are permanently canceled.

WORKING CAPITAL FUND

Amounts received for administrative support services provided under this head shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund and for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget): *Provided*, That entities for which such services are performed shall be charged at rates which will return in full the cost of operations.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

[SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.]

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1995 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 5. (a) Of the budgetary resources available to the General Services Administration during fiscal year 1995, $8,959,000 are permanently canceled.

(b) The Administrator of the General Services Administration shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 6. Rent rates charged by the General Services Administration for fiscal year 1995 shall reflect the reductions contained in the President's budget amendment dated March 16, 1994, Estimate No. 9, 103rd Congress, 2nd Session.

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 8. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. No funds made available by this Act shall be used to transmit a fiscal year 1996 request for United States Courthouse construction that does not meet the standards for construction as established by the General Services Administration and the Office of Management and Budget.

SEC. 10. The Administrator of the General Services Administration is directed to obligate the funds appropriated in Public Law 103-123 for the purposes stated in section 804 of that Act.

SEC. 11. The Administrator of General Services is authorized hereafter to accept and retain any sponsor refunds, rebates, volume discount payments, lump sum payments, and other similar payments from contractors or other vendors paid on or after October 1, 1993 which are related to personal property or services provided or to be provided through the General Supply Fund established under section 109 of the Federal Property and Administrative Services Act of 1949, as amended. Such payments are available for the life of the program activity which generated the payment. Such payments are to be used to fund the direct and indirect costs of providing personal property and nonpersonal services related to that program activity.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,549,000, together with not to exceed [$2,420,000] *$1,989,000* for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment by the Secretary of the Treasury to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for purposes as authorized by the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (Public Law 102-259), $10,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$194,638,000] *$199,697,000, of which $5,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended: Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, $325,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2)[: *Provided further*, That of the offsetting collections credited to this account, $441,000 are permanently canceled.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,000,000 to remain available until expended: *Provided*, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,418,000, to remain available until expended.]

NATIONAL ARCHIVES TRUST FUND

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $16,000.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,104,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; [$115,139,000, and in addition $93,934,000] *$111,778,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees, and in addition $92,504,000* for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $10,956,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1995, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles; $4,009,000, and in addition, not to exceed $6,156,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $4,210,560,000 to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $19,159,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

REVOLVING FUND

Of the offsetting collections credited to this account, $649,000 are permanently canceled.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISIONS

SECTION 1. (a) Of the budgetary resources available to the Office of Personnel Management during fiscal year 1995, $1,256,000 are permanently canceled.

(b) The Director of the Office of Personnel Management shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,955,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; [$33,650,000] *$34,427,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1995".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 506. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 507. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 508. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 509. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 510. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1995.

SEC. 511. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 512. The Office of Personnel Management may, during the fiscal year ending September 30, **[**1994**]** *1995*, accept donations of supplies, services, land and equipment for the Federal Executive Institute, the Federal Quality Institute, and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 513. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 514. The United States Secret Service may, during the fiscal year ending September 30, 1995, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or anything of value.

SEC. 515. None of the funds made available by this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

[SEC. 516. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.**]**

SEC. 517. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

SEC. 522. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 523. COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 524. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 525. PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

[SEC. 526. No funds appropriated by this Act may be used to relocate any Federal agency, bureau, office or other entity funded in this Act if the sole reason for the relocation is that locality pay was increased.

[SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: *Provided*, That notice of the amounts available pursuant to this section shall be given to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed 2 percent of the funds so carried over may be used to pay cash awards to employees, as authorized by law, and not to exceed 3 percent of the funds so carried over may be used for employee training programs.]

SEC. 526. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

SEC. 527. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules.

SEC. 528. LAW ENFORCEMENT EXCLUSION FROM WORKFORCE RESTRUCTURING.

(a) During the five-year period beginning on October 1, 1994, no reductions pursuant to Section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) may be made in the number of full-time equivalent employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(b) During the period specified in subsection (a), no law, regulation, Executive Order, guidance, or other directive imposing a restriction on hiring by executive agencies for the purpose of achieving workforce reductions shall apply to employees classified as law enforcement and law enforcement support personnel in the Department of the Treasury.

(c) Section 5(f) Paragraph (3) of the Federal Workforce Restructuring Act shall not apply with respect to any instances of voluntary separation incentive payments made to Treasury law enforcement personnel.

SEC. 529. (a) Section 3056 paragraph(a), subparagraph (3) of Title 18, United States Code is amended by adding to subparagraph (3) following the word "remarriage", "Unless the former President did not serve as President prior to January 1, 1997, in which case, former Presidents and their spouses for a period of not more than ten years from the date a former President leaves office, except that—

(1) protection of a spouse shall terminate in the event of remarriage or the divorce from, or death of a former President; and

(2) should the death of a President occur while in office or within one year after leaving office, the spouse shall receive protection for one year from the time of such death:

Provided, That the Secretary of the Treasury shall have the authority to direct the Secret Service to provide temporary protection for any of these individuals at any time if the Secretary of Treasury or designee determines that information or conditions warrant such protection".

(b) Section 3056, paragraph (a) subparagraph (4) of title 18, United States Code is amended by inserting to the text of paragraph (4), following the word "age" the following, "for a period not to exceed ten years or upon the child becoming 16 years of age, which ever comes first".

SEC. 530. The Act entitled "an Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958. (Public Law 85–745; 72 State 838; 3 United States Code 102 note) is amended by adding at the end thereof the following new subsection:

"(g) There are authorized to be appropriated to the Administrator of General Services up to $1,000,000 for each former President and up to $500,000 for the spouse of each former President each fiscal year for security and travel related expenses: Provided, That under the provisions set forth in Section 3056, paragraph (a), subparagraph (3) of Title 18, United States Code, the former President and/or spouse was not receiving protection for a lifetime provided by the United States Secret Service under Section 3056 paragraph (a) subparagraph (3) of Title 18, United States Code; the protection provided by the United States Secret Service expired at its designated time; or the protection provided by the United States Secret Service was declined prior to authorized expiration in lieu of these funds."

SEC. 531. CONTINUATION OF ALLOWANCE RATES FOR FEDERAL EMPLOYEES STATIONED OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA.

Section 1 under the subheading "GENERAL PROVISION" under the heading "OFFICE OF PERSONNEL MANAGEMENT" under title IV of the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 861; 5 U.S.C. 5941 note), is amended—

(1) by striking "1995" both places it appears and inserting in lieu thereof "1996"; and

(2) by striking "adjustments" and the remainder of the sentence and inserting in lieu thereof "appropriate changes in the method of fixing compensation for affected employees, including any necessary legislative changes. Such study shall include—

"(1) an examination of the pay practices of other employers in the affected areas;

"(2) a consideration of alternative approaches to dealing with the unusual and unique circumstances of the affected areas; and

"(3) an evaluation of the likely impact of the different approaches on the Government's ability to recruit and retain a well-qualified workforce.".

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese

Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

The Administrator of General Services or his designee is authorized to transfer funds received into the Federal Buildings Fund pursuant to section 11 of GSA—General Provisions, Public Law 102-141, October 28, 1991, 105 Stat. 856, 40 U.S.C., sec. 490(f) (7) and (8), or sec. 490g, prior to the effective date of this legislation, to other Federal agencies for use by those agencies for the purposes set forth in those statutes. Such funds shall be available until expended and shall be in addition to any amounts appropriated for such purposes.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

[SEC. 617. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1995, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 615 of the Treasury, Postal Service and General Government Appropriations Act, 1994, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1995, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 615; and

(2) during the period consisting of the remainder of fiscal year 1995, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1995 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1995 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1994 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1994, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1994, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1994.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.]

SEC. 617. (a)(1) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending on September 30, 1995, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during that portion of fiscal year 1995 which precedes the normal effective date of the applicable wage survey adjustment, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 615 of the Treasury, Postal Service, and General Government Appropriations Act, 1994, on the last day of the limitation imposed by such section 615; and

(B) during the period from the normal effective date of the applicable wage survey adjustment until the end of fiscal year 1995, in an amount that exceeds the maximum rate allowable under subparagraph (A) by more than the amount determined under paragraph (2).

(2)(A) If, during fiscal year 1995, employees under the General Schedule receive an increase in the amount of locality-based comparability payments under section 5304 of title 5, United States Code, but do not receive a pay adjustment under section 5303 of such title, the applicable amount under this paragraph shall be equal to one-fifth the difference, if any, between the overall percentage of the locality-based comparability payments taking effect in fiscal year 1995 under that section (whether by adjustment or otherwise), and the overall percentage of such payments which was effective in fiscal year 1994 under such section.

(B) If, during fiscal year 1995, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, and an increase in the amount of locality-based comparability payments under section 5304 of such title, the applicable amount under this paragraph shall be equal to—

(i) the amount determined under subparagraph (A); and

(ii) the amount resulting from an increase of an equal percentage to the increase under such section 5303.

(C) If, during fiscal year 1995, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, but do not receive an increase in the amount of locality-based comparability payments under section 5304 of such title, the applicable amount shall be equal to the amount resulting from an increase of an equal percentage to the increase under such section 5303.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, the Department of Transportation, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply), and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1995 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling."

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

[SEC. 622. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89–306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1995, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.]

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1995 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 625. Notwithstanding any provisions of this or any other Act, during fiscal year ending September 30, 1995, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

Sec. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

Sec. 627. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

Sec. 628. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

Sec. 628. (a) Beginning in fiscal year 1995 and thereafter, for each Federal agency, except the Department of Defense, and except as provided in Public Law 102–393, Title IV, section 13 (40 U.S.C. sec 490g) with respect to the Fund established pursuant to 40 U.S.C. 490(f) an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102–486).

(b) The remaining 50 percent of each rebate, and the amount of the agency's share of savings from energy savings performance contracts shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.

Sec. 629. (a)(1) Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"§ 6327. Absence in connection with serving as a bone-marrow or organ donor

"(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

"(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

"(c) The Office of Personnel Management may prescribe regulations for the administration of this section.".

(2)(A) Section 6129 of title 5, United States Code, is amended by inserting "6327," after "6326,".

(B) The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6326 the following:

"6327. Absence in connection with serving as a bone-marrow or organ donor.".

(b)(1) Section 6307 of title 5, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

"(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child."; and

(C) in subsection (d) (as so redesignated by subparagraph (A)) by inserting "or for purposes relating to the adoption of a child," after "ailment,".

(2) Section 6129 of title 5, United States Code, is amended by striking "6307 (a) and (c)," and inserting "6307 (a) and (d),".

(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

(B) An application under this paragraph may not be approved unless it is submitted—

(i) within 1 year after the date of the enactment of this Act or such later date as the Office may prescribe;

(ii) in such form and manner as the Office shall require; and

(iii) by an individual who is an employee as of the time of application.

(C) For the purpose of this paragraph, the term "employee" has the meaning given such term by section 6301(2) of title 5, United States Code.

[Sec. 630. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302(1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise)—

(1) section 5304(a)(3)(B) of such title shall be deemed to be amended by striking "$\frac{3}{10}$" and inserting "$\frac{1}{4}$"; and

(2) section 5304a of such title shall be deemed to be without force or effect.

Sec. 631. Section 5(f) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) is amended by adding at the end the following new paragraph:

"(3) Applicability of backfill prevention provisions to agencies otherwise exempted from FTE reduction.—

"(A) In general.—If any agency is otherwise exempted by any law from the limitations on full-time equivalent positions or the restrictions on hiring established by this section—

"(i) paragraph (1) shall apply to vacancies created in such agency; and

"(ii) the reductions required pursuant to clause (i) shall be made in the number of funded employee positions in such agency.

"(B) Waiver authority.—In the case of a particular position in an agency, subparagraph (A) may be waived upon a determination by the head of the agency that the performance of a critical agency mission requires the waiver.

"(C) Relation to other law.—No law may be construed as suspending or modifying this paragraph unless such law specifically amends this paragraph.".**]**

Sec. 632. (a) In General.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed in leave without pay status if the individual—

(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF–86); or

(2) has not, 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to the United States Secret Service for issuance of the appropriate White House pass.

(b) Exemption.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.

SEC. 633. SPECIAL PAY ADJUSTMENTS FOR CERTAIN MEMBERS OF THE SECRET SERVICE.

Any pay adjustment under section 5305 of title 5, United States Code, to an individual who is employed as a law enforcement officer by the United States Secret Service Uniformed Division shall be considered to be a permanent part of basic pay for all purposes, including the computation of locality-based comparability payments under section 5304 of such title and making special pay adjustments for law enforcement officers in selected cities under section 404 of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note; Public Law 101–509; 104 Stat. 1467).

SEC. 634. LAW ENFORCEMENT OFFICERS AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Officers Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"§5545a. Law enforcement availability pay

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a law enforcement officer and means that an officer shall be considered generally and reasonably accessible by the agency employing such officer to perform duties based on the needs of an agency;

"(2) the term 'law enforcement officer' means a law enforcement officer as defined under section 5541(3) (other than a special agent in the Diplomatic Security Service) who is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events sequences and time elements for presentation in various legal hearings and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

"(D) demonstrate the ability to apply the full range of knowledge, skills, and abilities necessary for cases which are complex and unfold over a long period of time (as distinguished from certain other occupations that require the use of some investigative techniques in short-term situations that may end in arrest or detention);

"(E) possess knowledge of criminal laws and Federal rules of procedure which apply to cases involving crimes against the United States, including—

"(i) knowledge of the elements of a crime;

"(ii) evidence required to prove the crime;

"(iii) decisions involving arrest authority;

"(iv) methods of criminal operations; and

"(v) availability of detection devices; and

"(F) possess the ability to follow leads that indicate a crime will be committed rather than initiate an investigation after a crime is committed;

"(3) the term 'unscheduled duty hours' means duty hours a law enforcement officer works, or is determined to be available for work, that are not—

"(A) hours that are part of the 40 hours in an administrative work week of the officer; or

"(B) overtime hours paid under section 5542; and

"(4) the term 'work day' means each day in the officer's administrative work week during which the officer works at least 4 hours that are not overtime hours paid under section 5542 or hours considered part of section 5545(a).

"(b) The purpose of this section is to provide premium pay to law enforcement officers to ensure the availability of law enforcement officers for unscheduled duty in excess of a 40-hour work week based on the needs of the employing agency.

"(c) Each law enforcement officer shall be paid law enforcement availability pay as provided under this section. Availability pay shall be paid to ensure the availability of the officer for all hours of duty in excess of a 40-hour work week, except for regularly scheduled overtime as computed under section 5542, night duty, Sunday duty, and holiday duty. The officer is generally responsible for recognizing, without supervision, circumstances which require the officer to be on duty or be available for duty for more than 40 hours in each work week agency based on the needs of the agency. Availability pay provided to a law enforcement officer for such unscheduled duty shall be instead of premium pay provided by other provisions of this subchapter.

"(d)(1) A law enforcement officer shall be paid availability pay, if the average of hours described under paragraph (2) (A) and (B) is equal to or greater than 2 hours.

"(2) The hours referred to under paragraph (1) are—

"(A) the annual average of unscheduled hours worked by the officer in excess of each regular 8-hour work day; and

"(B) the annual average of unscheduled hours such officer is available to work in excess of each regular 8-hour work day upon the request of the employing agency.

"(3) Unscheduled duty hours as described under this subsection, which are worked by an officer on days that are not regular work days shall be considered in the calculation of the annual average of unscheduled duty hours worked or available for purposes of certification.

"(4) An officer shall be considered to be available when the officer cannot be reasonably and generally accessible due to a status or assignment which is the result of an agency direction, order, or approval as provided under subsection (f)(1).

"(e)(1) Each officer receiving availability pay under this section and the appropriate supervisory officer, to be designated by the head of the agency, shall make an annual certification to the head of the agency that the officer has met the requirements of subsection (d). The head of a law enforcement agency may prescribe regulations necessary to administer this subsection.

"(2) Involuntary reduction in pay resulting from a denial of certification under paragraph (1) shall be a reduction in pay for purposes of section 7512(4) of this title.

"(f)(1) A law enforcement officer who is eligible for availability pay shall receive such pay during any period such officer is—

"(A) attending agency sanctioned training;

"(B) on agency approved sick leave or annual leave;

"(C) on agency ordered travel status;

"(D) on agency approved relocation status; or

"(E) on relocation leave.

"(2) Agencies or departments may provide availability pay to officers during training which is considered initial, basic training usually provided in the first year of service or when on administrative leave with pay.

"(g) Section 5545(c) shall not apply to any law enforcement officer who is paid availability pay.

"(h) Availability pay under this section shall be—

"(1) 25 percent of the rate of basic pay on an annual basis for the position; and

"(2) treated as part of basic pay for purposes of—

"(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c); and

"(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.".

(2) LIMITATION ON PREMIUM PAY.—Section 5547(a) of title 5, United States Code, is amended in the first sentence by inserting "5545a," after "5545 (a), (b), and (c),".

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545 the following new item:

"5545a. Law enforcement availability pay.".

(c) COMPUTATION OF OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended—

(1) in subsection (a) in the first sentence by inserting "(or in excess of 10 hours a day as provided under subsection (d))" after "excess of 8 hours a day"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) In the case of any law enforcement officer who is paid availability pay under section 5545a, overtime pay shall be paid as computed under subsection (a) and in accordance with paragraph (2). All other overtime work by a law enforcement officer shall be compensated under section 5545a.

"(2) In any work week in which a law enforcement officer who is paid availability pay under section 5545a works a 40-hour regular work week, the officer shall be paid scheduled overtime pay for each hour such officer is scheduled to work—

"(A) on a regularly scheduled work day in excess of 10 hours; and

"(B) on a day on which such officer was scheduled not to work and which is not part of the officer's basic 40-hour work week.".

(d) EXEMPTIONS FROM CERTAIN FAIR LABOR STANDARDS.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)—

(A) in paragraph (15) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(B) by adding at the end thereof the following new paragraph:

"(16) a law enforcement officer as defined under section 5545a(a) of title 5, United States Code."; and

(2) in subsection (b)—

(A) in paragraph (28) by striking out "or" after the semicolon;

(B) in paragraph (29) by striking out the period and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end thereof the following new paragraph:

"(30) a law enforcement officer as defined under section 5545a(a) of title 5, United States Code.".

(e) EFFECTIVE DATE.—The provisions of this section and the amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after October 1, 1994.

SEC. 635. (a) Beginning in fiscal year 1995 and thereafter, for each Federal agency, except the Department of Defense, and except as provided in Public Law 102–393, title IV, section 13 (40 U.S.C. 490g) with respect to the Fund established pursuant to 40 U.S.C. 490(f) an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102–486).

(b) The remaining 50 percent of each rebate, and the amount of the agency's share of savings from energy savings performance contracts shall be transferred to the general fund of the treasury at the end of the fiscal year in which received.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1995".

PRIVILEGE OF THE FLOOR

Mr. DECONCINI. Mr. President, I ask unanimous consent that John Libonoti and Renee Orme, two legislative fellows and Peter Wood, an intern in my office be granted floor privileges during deliberation on H.R. 4539, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, today, along with my ranking member, Mr. BOND, I bring to the full Senate the committee recommendations on fiscal year 1995 appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

The committee bill which we recommend contains total funding of $23.6 billion. This amount is $1.1 billion above the fiscal year 1994 enacted level; $226 million above the House bill; but $996 million below the President's budget request. Of the increase above the 1994 level, $709 million is for mandatory programs over which the committee has little control. For domestic discretionary programs, the committee bill totals $11.7 billion or $800 million below the budget request. When you take out the IRS compliance initiative, totalling $405 million, which was provided for in the budget resolution outside of the discretionary caps, the discretionary funding in the bill is actually $1.2 billion below the President's requested level. In addition, without the IRS compliance initiative, the committee bill is right at a 1994 freeze level, or as some may say, "a freeze in 1994 funding."

As a result, this year the committee had the difficult task of trying to formulate a bill which would adequately fund the President's priorities, law enforcement, personnel management, taxpayer service and returns processing, and Federal building requirements. Under the circumstances, I think we have done an excellent job. The bill reported by the committee provides funding of:

The sum of $10.5 billion for the Department of the Treasury;

The sum of $102 million for the Payment to the Postal Service Fund for free mail for the blind, overseas voters, and payment on the debt to the Postal Service for subsidies to preferred rate mailers;

The sum of $162.5 million for Funds Appropriated to the President for Federal Drug Control Programs;

The sum of $733 million for GSA for the construction of new Federal office buildings and courthouses;

The sum of $11.7 billion in various mandatory Government payments of the Office of Personnel Management for annuitant and employee health, disability, retirement, and life insurance benefits; and

The sum of $338 million for various independent agencies.

For the Treasury law enforcement bureaus, the committee bill includes an increase of $12 million above the budget request to restore 212 full-time equivalent positions which were proposed for elimination under the President's executive order on work force reduction.

Mr. President, I support the President's efforts to reduce the size of the Federal work force. And, I commend our distinguished committee chairman, Mr. BYRD, for using the savings from the 252,000 positions over 5 years to fund the crime legislation which is currently before conference committee.

What I do not support, however, is the reduction of Federal law enforcement personnel. The very agencies who will be charged with implementing many of the new provisions in the crime bill, if there is one, and I believe there will be, the Brady Act, and a potential assault weapons ban, must have the personnel and resources required to ensure that these laws are properly enforced.

This cannot be accomplished by cutting the Bureau of Alcohol, Tobacco and Firearms, the agency which oversees firearms compliance and enforcement; or the Customs Service, which enforces money laundering and drug smuggling statues; or the Secret Service, which enforces counterfeiting, entitlement, financial institution, and access device fraud.

The only way this so-called war against crime can be effective is through the combined efforts of Federal, State and local law enforcement.

I believe it is a big mistake to cut the strength of our Federal law enforcement agencies at a time when the American public is telling us that crime is the No. 1 problem in the country. I support placing an additional 100,000 police officers on the beat, which the President advocates. But I do not think they can properly do their job without the Federal agencies. Federal law enforcement agents are assigned to State and local anticrime task forces all across this country. Here in the District of Columbia several different task forces operate utilizing the expertise and manpower of the Federal agencies. We have a horrendous crime problem in the District of Columbia. I cannot imagine what it would be like if the local law enforcement agencies were unable to tap Federal law enforcement officers for investigative enforcement support and prosecution.

Last year the Congress adopted a provision included in the fiscal year 1994 Treasury Appropriations Act exempting Treasury law enforcement from the Executive order reductions. For fiscal year 1995, we are continuing that provision.

With reference to illegal drugs, the committee bill includes $98 million for support of Federal, State, and local law agency activities in the six designated high intensity drug trafficking areas [HIDTA's]. Over the past 5 years, we have witnessed the success of coordinated law enforcement efforts through the HIDTA program in Miami, New York, Los Angeles, Houston, and the Southwest border. These funds go to support multiagency law enforcement operations aimed at disrupting major trafficking organizations. In 1994, the Baltimore-Washington metropolitan area was added to the list. As a result in fiscal year 1995 this area will receive the funding assistance of the HIDTA program to reduce drug trafficking and distribution.

Also, in fiscal year 1995, funding of $12 million will be provided to Puerto Rico-U.S. Virgin Islands area for HIDTA activities. This area is a hotbed for trafficking, distribution, and related crimes. And because these are U.S. territories, once illegal drugs make it into this area, they have a direct line into the U.S. mainland. The additional $12 million provided in the committee bill can only be expended if the Director of the Office of National Drug Control Policy determines that Puerto Rico and U.S. Virgin Islands meet the criteria for a HIDTA designation and takes action to designate this area. I have received every indication from the drug czar's office that this will occur.

On this same subject, the committee bill also includes $1.5 billion for the U.S. Customs Service. This amount contains the restoration of roughly one-half of the funds proposed for reduction by the President for Customs air and marine interdiction activities or an additional $24 million. The President's reduction for these activities was based on a revised drug interdiction strategy which will focus increased attention on the source-countries and reduce interdiction in the transit zones. The theory being that if you build a fence around the area where the flights are originating from, you will not have to worry about interdiction in the area where the drugs would transit. Realistically, however, we are never going to build a solid wall around the source countries. In fact, the current impasse with the Department of Defense from its legal interpretation that surveillance flights in Colombia and Peru cannot continue, has left the entire area wide open. We have already seen a shift so quickly when those assets have been shut down for drugs coming out through particular countries.

I hope the new strategy works. But, I am skeptical. For this reason, the committee bill restores funds to Customs to maintain a sufficient level of U.S. border and transit zone interdiction capabilities and $20 million to permit the drug czar to have funds on a contingency basis if in fact the threat increases as a result of the new policy.

And here, Mr. President, I thank the ranking member, Mr. BOND, for his concurrence and his leadership in bringing about this restoration. He feels as I do, or I feel as he does, that it is not a wise strategy to abandon the transit zone in interdiction, and he played a major role in helping us find the little bits of restoration. I think he will agree with me that we would like to restore the full amount, but that was impractical.

With reference to the GSA building construction with repairs and alterations programs, the committee has included funding for a handful of projects which have not been authorized. However, unlike in past years, we have included a provision on each project that is not authorized that the funds provided may not be obligated until the Senate Environmental and Public Works Committee and the House Public Works and Transportation Committee have approved the projects. These funds cannot be spent until that occurs. However, by providing the funds for needed projects it will eliminate delays if and when the authorization is approved.

There are two initiatives in the President's budget that the committee could not fund. The first was $999 million for the GSA lease-conversion program. This money would have been spent by GSA to convert costly leases which are due to expire into Government-owned space. This plan would save the Federal Government approximately $2.6 billion according to GSA over the long-term. Unfortunately, we did have the budget authority and outlays required to fund this initiative and I find that regrettable.

Mr. Johnson, the administrator, has indeed taken on a thankless task as administrator of GSA and come up with initiatives that really are worthwhile and would be used in the private sector. I compliment his for that. I wish we could have been able to do this. I hope in the future that some of his ideas will be implemented. Some of them do not take legislation, but this one took legislative action.

Second, we were unable to fund the President's requested increase of $314 million for the modernization of the Internal Revenue Service's antiquated tax systems. Modern communications and computer technology are basic tools in almost every industry in this country. For the IRS this is not the case and our revenue generation system and the taxpayers are suffering as a result. Again, I find it unfortunate that we could not fully fund this initiative, but the President's budget assumed user fees totaling $246 million that the appropriators could not authorize.

I compliment Commissioner Richardson for her leadership here in attempting to bring about a change in the Internal Revenue Service to modernize it. As I discussed with her on a number of occasions, this agency truly needs an overhaul on internal operations and that ought to be the priority versus additional taxpayer services and compliance, and what have you, that are all very important. This system has not run well in the past—and it could. And she is responsible for the improvement so far, and I hope that in the future we can continue to fund some of these modern communications computer technology systems.

Lastly, with respect to IRS, the committee bill does fund the President's tax compliance initiative for the IRS which was provided for in the budget resolution outside the discretionary caps. I support this, Mr. President, although I have some reservations. These kinds of funds ought to be dedicated to the modernization of the system and making it really functional and available. But notwithstanding that we did fund this proposal.

This initiative will produce, we are told, additional revenues of between $9 and $10 billion over the next 5 years and will cost the Government $405 million in fiscal year 1995. I truly, truly hope that is accurate.

I think this is a good and responsible bill. Mr. President, I commend the ranking member, Mr. BOND, and the staff on both the minority and majority sides for putting this together on very short notice, working over the weekend, both Saturday and Sunday, and last week getting from subcommittee to full committee. I appreciate the bipartisan fashion in which Mr. BOND has helped formulate and present this to the full Senate. We feel that we have prioritized and put forward the highest priorities.

I now yield to the ranking member, Mr. BOND.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Missouri.

Mr. BOND. Mr. President, I must begin by complimenting our chairman, the Senator from Arizona, Senator DECONCINI, for doing an excellent job in a very difficult time.

As he has already said, and I will relate further, this has been a year when we have not had the funds to do what we believe we must do. Yet he has done an excellent job in establishing priorities.

I want to join with the Senator from Arizona in thanking our staffs on both the majority and the minority sides for preparing this and bringing this to the floor as quickly as they have, particularly in the difficult financial situation in which we find ourselves in the Treasury-Postal Committee.

Let me take a few minutes, as we begin the deliberations on the fiscal year 1995 Treasury-Postal Service and general Government appropriations bill, to discuss some of the things we have been able to do in this bill and some of the things we would like to have been able to do but we could not do.

Senator DECONCINI has already outlined the highlights of the bill. He has indicated the aggregate totals and also how the bill compares to the President's and the House-passed bill.

Let me reiterate the point that this bill is tight. We have had to make significant reductions. This bill is almost $800 million below the President's request. In fact, if we were not to include the tax collection initiative of $400 million the President requested following the submission of the budget, causing us a good bit of difficulty, this bill would be $1.2 billion—that is a billion dollars—below the President's budget request.

If you were to discount the IRS initiative and the mandatory increases in this bill, the fiscal year 1995 bill would be about the same amount as we appropriated last year.

Mr. President, as the chairman indicated, reaching this level has clearly not been easy. I believe that the committee has done an excellent job in making the numbers fit within the dollars available.

The administration has raised some questions about the funding levels that were included in this bill, especially why did there is no funding for the IRS tax systems modernization program and the General Services Administration request for new construction and acquisition.

I cannot argue with them. We should have funded both of these proposals at the requested level. They are both meritorious and, were we to fund them, they would save the taxpayers significant dollars in future years.

So if this is the case, one might reasonably ask, why did the committee not fund the programs at the President's request? The first reason is the President's budget exceeded the caps by over $3 billion. The Office of Management and Budget could not make up its mind, so the Budget Committee had to. The Budget Committee had to present a budget resolution which made the appropriate reductions to make the budget we are working with conform to the budget agreement and its respective caps.

Second, the budget as submitted to us included a number of user fees which offset appropriations for the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms. I do not know why the administration thought the Appropriations Committee could enact these. The Finance and Ways and Means Committees have jurisdiction and, in fact, have rejected some of these fees in the past years. The fees total almost $250 million. That just adds to our problem. How do we offset this funding requirement?

The President could not make up his mind as to what his priorities are. We have had to do this. This bill shows these priorities as it is presented here today. We have funded programs, especially law enforcement, as priorities. We have restored funding to several law enforcement agencies. In fact, I would like to be able to restore more, but the allocation is such that we were just not able to do so.

Mr. President, let me take just a few moments to discuss law enforcement. And I intend to discuss this further when time permits later on in the consideration of this measure.

The President's budget significantly reduced staffing and funding for law enforcement. He proposed to reduce the number of law enforcement personnel and to reduce significantly the Customs' air and marine programs, the latter because the administration claims it has decided to refocus drug interdiction efforts from the transit zones between the producing countries and the United States to the producing countries themselves.

Mr. President, I hope this works, as do many others. But I am a realist, not a dreamer. The drug strategy outlines the proposal. That strategy, in part, states that the efforts will concentrate on getting producing countries to work to solve the problems.

I have yet to see a crop substitution program that works, however. I have even less confidence that the Secretary of State will make drug eradication his No. 1 priority. We have seen the problems already, as Senator DECONCINI has pointed out, as the administration has cut off real-time intelligence support to Bolivia and Peru, leading to significant questions about their ability and their willingness to continue these efforts.

Moreover, the emptiness of this promise can be shown by the administration's request in foreign operations for funds to use in those countries, because the funds requested for fiscal year 1995 are below the actual fiscal year 1993 funding level.

Mr. President, I submit you do not achieve major new initiatives by reducing the money available to pursue them.

Now, on the other hand, the air and marine interdiction of drugs have worked. We seem to have forgotten that. Ten years ago, we read every day about planes and boats violating the Florida coast. That does not happen today. Why? Because we have met the challenge and the narcotraffickers have changed their operations. I know our colleagues from Florida have contacted us repeatedly that they fear, as I do, that it will not take long for the narcotraffickers to return to their old ways if we take down the fence that we have constructed and has been effective.

That is the reason the subcommittee has restored funding for the air program. We do not want the administration's efforts to fail, but we are realists. We want to ensure that law enforcement has the tools to do their job.

The bill also includes restoration of funding for law enforcement agents the President proposed for reduction. We have restored 212 positions—110 at Customs, 71 at Secret Service, 22 at Alcohol, Tobacco and Firearms, 7 at the Law Enforcement Training Center, and 2 at the Financial Crimes Enforcement Center.

Mr. President, I am very supportive of the President's efforts to reduce Federal employment. Some will say that this restoration undermines that effort. I disagree.

I think law enforcement of Federal law, areas such as international and interstate drug and crime initiatives, is a top priority.

I personally do not understand how the President can call for funding 50,000 to 100,000 new rookie cops on the street while, at the same time, reducing vital Federal law enforcement. I have talked about this with law enforcement officials at the State and local levels throughout Missouri, as well as some from around the country. They agree with me.

Federal law enforcement provides unique support to State and local law enforcement. All of the officials I have spoken with question the sense behind this move. I hope that this small restoration we have made will show that there is an appreciation of these efforts and that it will enable them to continue the vitally important battles they must fight.

TAX SYSTEMS MODERNIZATION

Mr. President, as the chairman stated, and I indicated earlier in my statement, we had to find funding somewhere in this bill to make up for the allocation reduction and fees proposed to offset appropriations.

Funding for the Internal Revenue Service comprise almost 65 percent of the discretionary spending in this bill. In order to make up the magnitude of the funding shortage caused by the request for the user fees, it is obvious where we have to go.

The budget resolution that was adopted by this body says that in order to fund the IRS collection initiative, no funding can be reduced from tax collection accounts. That leaves only information systems or tax processing.

Mr. President, this is not an acceptable option, but it is what we are faced with.

Tax systems modernization is vital to future tax collection efforts. Failure to fund the request in this bill does not mean the committee disapproves of the TSM effort. Quite to the contrary. The committee—the chairman and I—strongly supports TSM and would have funded it at the highest level possible under the circumstance.

We would like to do more. We have been able to restore a very few dollars because of a scoring change, but the resources are still not there. We are not able to provide the assistance to the IRS in modernizing their tax system, the modernization of the system, and we feel the failure to do so will deprive us of the benefits for the future.

The committee has also reduced the administration's $999 million program for construction and acquisition to zero. Once again, this proposal would allow the Federal Government to consolidate its space requirements and seek the most favorable housing arrangements. This proposal would be a major change in the way Government does business. It would be a change for the positive. I think it would give the taxpayers significant savings in future years. Unfortunately, we just do not have the money.

I certainly hope we can—and I ask the President and the budget people in OMB to—in preparation of the fiscal year 1996 budget, reflect the high priority the tax systems modernization and GAO acquisition should have. As I said before, this is a tight bill. It does not include all we would like, but I believe it is responsible. I think the choices we have made, though difficult, have been the most responsible choices. I hope and trust a majority of this body will agree with us, and I look forward to working with the chairman and other colleagues as we proceed to work on and offer and act upon amendments to this bill.

(At the request of Mr. BYRD, the following statement was ordered to be printed in the RECORD at this point:)

STATEMENT ON TREASURY/POSTAL APPROPRIATIONS

• Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4539, the Treasury/Postal appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $330 million and under its 602(b) outlay allocation by $14 million.

I compliment the distinguished manager of the bill, Senator DECONCINI, and the distinguished ranking member of the Treasury/Postal Subcommittee, Senator BOND, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4539, FISCAL YEAR 1995 TREASURY, POSTAL APPROPRIATIONS—SENATE-REPORTED BILL

[Dollars in millions]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	11,719	9,293
Outlays from prior years appropriations		2,986
Permanent/advance appropriations	0	0
Supplementals	0	−33
Subtotal discretionary spending	11,719	12,246
Mandatory totals	11,976	11,973
Bill total	23,695	24,219
Senate 602(b) allocation [1]	24,025	24,233
Difference	−330	−14
Discretionary Totals above (+) or below(−):		
President's request	−888	−396
House-passed bill	184	−30
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	0	0
Domestic Discretionary	11,719	12,246

[1] The Senate 602(b) allocation has been adjusted upward by $405 million in both budget authority and outlays for the Internal Revenue Compliance Initiative, as provided in Section 25 of the Concurrent Resolution on the Budget for 1995.•

Mr. DECONCINI. Mr. President, I ask unanimous consent the committee amendments to H.R. 4539 be considered and agreed to en bloc, provided that no points of order be waived thereon, and that the measure as amended be considered as original text for the purpose of further amendment.

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 1819

Mr. DECONCINI. I send a series of technical amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1819.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63 of the bill, line 20, strike "$199,697,000 and insert in lieu thereof, "$200,238,000"

On page 120 of the bill, line 24, strike "(2)" and insert in lieu thereof, "(4)"

On page 16 of the bill, line 10, strike "1,372,614,000" and insert in lieu thereof, "$1,388,000,000"

On page 16 of the bill, line 24, strike "$1,507,614,000" and insert in lieu thereof, "$1,253,000,000".

Mr. DECONCINI. These are purely technical amendments in nature, to correct inadvertent errors in the bill in the Archives, GSA, IRS, and law enforcement pay sections.

I believe they have been cleared on both sides. I ask they be adopted en bloc.

THE GALLERY OF THE OPEN FRONTIER

Mr. President, this bill includes $100,000 for the National Archives and Records Administration [NARA] for the Gallery of the Open Frontier project, a digital image library of photographs, paintings, and drawings pertaining to the history of the American West drawn from the primary collections of NARA.

The Gallery of the Open Frontier project will begin the immense project of developing a descriptively and educationally enriched collection of images on the history of the American West including images, paintings, and particularly photographs related to the western expansion. The gallery will provide a user-friendly digital resource that will allow teachers, scholars, and citizens to see and understand the struggles and successes of Americans as the Louisiana Purchase was pioneered. One of the biggest frustrations for researchers and teachers in utilizing NARA materials is identifying particular photographs for just-in-time use. Rarely do distinguishing descriptions of individual images exist; related images in disparate NARA collections are difficulty to correlate; and searchable indices or descriptive data bases simply do not exist. The Gallery of the Open Frontier project will address these issues by involving scholars and specialists to fully identify, describe, and thereby enrich these photographs for future use.

A minimum of 2,000 photographs—which will include entire collections from NARA—will be digitized to ascertain the cost and usage patterns of such image collections. The project will eventually include tens of thousands of images for use in a wide array of contexts.

It is intended that this on-line resource from the National Archives will serve the following essential functions: First, provide the raw materials for the creation of teacher- and scholar-created tours, educational units, and teaching aids about the history of the American expansion into the West, both on-line and on CD-ROM; second, permit researchers to easily scan portions of the holdings of the National Archives from anywhere in the United States with an Internet connection, acquire the NARA identifier of the images, and then order copies of those images; third, establish a testbed for developing similar digital image libraries from the nonprofit and public sector image archives; fourth, provide a service to the educational community by making thousands of images easily accessible for historical analysis; fifth, establish dependable cost estimates for future conversion and descriptive enrichment of NARA image collections; sixth, establish preliminary standards for photographic captioning for electronic retrieval of digital images; and seventh, create a searchable data base of National Archives images for NARA's internal use.

The Gallery of the Open Frontier promises to make NARA collections pertaining to western expansion—such as images from the Secretary of the Interior, the Bureau of Indian Affairs, and the Western Forts collections—come to life for students of American western history. This project promises to be a resource of unparalleled value to researchers, students, and teachers nationally and internationally, permitting them access to the rich history of the American West stored in the vast treasure trove of the National Archives.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1819) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1820

Mr. DECONCINI. Mr. President, on behalf of the Senator from Missouri and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] for himself and Mr. BOND, proposes an amendment numbered 1820.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following new section:

SEC. . (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including:

(1) The security and safeguarding of currency.

(2) Personnel screening and employee background check procedures.

(3) Access control and identification procedures.

(4) The security and safeguarding of currency materials supplies and related items.

(5) Other security areas of concern as deemed relative and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft of currency from the Bureau of Engraving and Printing are directed to:

(1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey, and;

(2) provide Secretary Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing, and;

(3) provide access to all relevant investigative reports and materials: Provided, That (A) access to such persons is approved by the appropriate U.S. Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 30 days from the date of enactment of this Act, and final report containing specific findings and recommendations to the Congress within 90 days of enactment of this Act.

Mr. DECONCINI. Mr. President, the amendment I am offering is in response to recent breaches of security which resulted in large sums of currency being removed from the Bureau of Engraving and Printing. The arrest, Friday, of a Bureau of Engraving and Printing employee for theft of currency from the BEP is cause for grave concern over the security procedures, or lack thereof, at the facility responsible for the production of our Nation's currency.

The theft of $1.7 million in $100 bills seems inconceivable and is certainly unacceptable. If there is an agency that should be implementing the most stringent of security provisions, it should be the agency which manufacturers our currency.

I was pleased to hear that the Bureau of Engraving and Printing provided invaluable assistance during the course of the investigation. From what I understand, BEP found out about the theft from reports from banks which were receiving large cash deposits from the suspect, Mr. Robert P. Schmitt, Jr. The banks contacted the IRS because it appeared that this individual was attempting to skirt the currency transaction reporting requirements by making deposits of sums which were under $10,000. The IRS conducted an investigation and identified a suspect, who I understand, has confessed to the theft of $100 bills. This extraordinary case certainly makes you question the security procedures. The Bureau should be preventing these incidents and properly safeguarding the currency and related materials.

The amendment I am sponsoring today directs the U.S. Secret Service, which has jurisdiction over U.S. currency, to conduct a full and thorough inquiry into the security procedures and systems currently in place at the Bureau of Engraving and Printing.

The survey conducted by the Secret Service should focus on all security procedures, personnel screening, employee background check procedures, safeguarding of the currency and manufacturing equipment, materials, supplies, and any related areas of concern.

I applaud the efforts of the banks, the IRS, and the financial task force credited with investigating this recent incident. I am, however, disturbed at the apparent complacency and lack of security which exists at the Bureau of Engraving and Printing. I believe this amendment will serve to address any deficiencies that exist and will prevent any such incidents in the future.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I share the concern and outrage the chairman of the committee has over this embezzlement or theft of money from the Bureau. It does seem to be something that should have been prevented by the ordinary checks and balances within the system. It is obviously a symptom of some major weaknesses in the procedure at the Bureau, and I agree with the chairman that this is an appropriate area for careful investigation and review by the Secret Service. I trust this will be a noncontroversial provision, but a strong directive to the Secret Service and to the Bureau that we want to make sure these measures are tightened up, procedures are adequate to prevent this activity in the future, and I join my chairman of the committee in urging the adoption of this amendment.

Mr. DECONCINI. I thank my friend from Missouri and urge the adoption of the amendment, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1820) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1821

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1821.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . Section 5704 of title 5, United States Code, is amended to read as follows:

"(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their automobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

"(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

"(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

"(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

"(1) parking fees;

"(2) ferry fees;

"(3) bridge, road, and tunnel costs; and

"(4) airplane landing and tie-down fees."

Section 5707(b) of title 5, United States Code, is amended to read as follows:

"(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

"(1)(A) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

"(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

"(i) depreciation of original vehicle cost;

"(ii) gasoline and oil (excluding taxes);

"(iii) maintenance, accessories, parts, and tires;

"(iv) insurance; and

"(v) State and Federal taxes.

"(2)(A) The Administrator shall issue regulations under this section which:

"(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

"(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

"(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cost, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

"(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

"(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph."

Section 5707 of title 5, United States Code, is amended by striking paragraph (c)(2), and redesignating (c)(1) as subsection (c).

Mr. DECONCINI. Mr. President, the amendment I am offering will provide a system for setting the maximum mileage allowances for reimbursement to a Federal employee for the use of a privately owned vehicle while engaged in official Government business.

The purpose of this amendment is to provide equitable reimbursement for Federal employees who perform official travel using their privately owned vehicles and to collect necessary travel data for use in improving travel and relocation management.

Under existing law, the statutory maximum mileage reimbursements are 20, 25 and 45 cents per mile for the use of privately owned motorcycles, automobiles, and airplanes, respectively. These limits have been in effect since September 1980 and are no longer sufficient due to the increased cost of operating vehicles.

The proposed amendment would eliminate the fixed statutory caps and require GSA to set the mileage reimbursement rates based on cost. In the case of privately owned automobiles, this would limit the mileage reimbursement rate to the Internal Revenue Service's business standard mileage rate, when the IRS establishes such a single rate.

This would eliminate the need for recurring legislation as operating costs rise.

The Administrator of General Services presently is required to set the mileage reimbursement rates, not to exceed statutory maximums. Thus, the law presently allows travelers on official business for the Federal Government to receive one level of reimbursement and those in the private sector a higher mileage rate for deduction purposes for Federal taxes.

If this amendment is adopted and becomes law, GSA would continue to set the appropriate mileage reimbursement rates based on future cost analysis, and congressional oversight of mileage reimbursement rates would continue through the submission of annual reports to the Congress, pursuant to 5 U.S.C. 5707. This amendment would also have the effect of reinstituting GSA's collection data authority.

Mr. President, this amendment has been cleared by the Governmental Affairs Committee. I believe it has been cleared on the other side of the aisle. I urge its adoption.

Mr. BOND. Mr. President, I am advised the measure has been cleared on this side of the aisle. It does seem that we ought to be concerning ourselves with subjects perhaps more weighty than the mileage reimbursement, when other Federal agencies are able to accomplish this.

We will, of course, maintain our oversight responsibility. The authorizing committee, the Governmental Affairs Committee, will watch this, as will the Treasury, Postal Subcommittee of Appropriations. I believe this is eminently reasonable and will make sure Federal employees using their own vehicles are not put at a significant disadvantage to those in the private sector.

I join my colleague, the chairman of this committee, in urging its adoption.

Mr. DECONCINI. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1821) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HEFLIN-BEREUTER PLAN FOR NORTH ATLANTIC ASSEMBLY FACILITATION OF PARTNERSHIP FOR PEACE

Mr. HEFLIN. Mr. President, several other Senators and I recently represented the Senate at the spring meeting of the North Atlantic Assembly in Oslo, Norway. This session, which took place over the memorial day weekend prior to the 50th anniversary of the D-day invasion, brought together parliamentarians from all the NATO countries, as well as some legislators from observer and associate member nations. Much of the debate during the Assembly's 4-day session centered on the future expansion of the North Atlantic Alliance and the partnership for peace plan which was adopted in Brussels last January.

Since the collapse of the former Soviet Union and the emergence of several fledgling democracies in central and eastern Europe, one of the major issues dominating North Atlantic Assembly debate and NATO summits in general has been that of expansion and how fast it should occur.

The leaders of all 16 NATO countries acknowledge that the alliance will most likely be expanded. The fact that all alliance members endorsed the partnership for peace plan as the official blueprint for eventual expansion testifies to that reality. Since that is the case, the debate has naturally been centered on the question of timing. Some want to move immediately to admit new members; others want to expand the alliance according to a more cautions and carefully prescribed long-term time table; and still others would like to see expansion delayed indefinitely.

When assembly vice president Congressman DOUG BEREUTER of Nebraska and I attended the Athens standing committee meeting in March, it became clear to us that the debate on timing was missing the point. As we know, the 16 NATO countries must all agree unanimously before any new member can be admitted to the alliance. Since it is clear that a number of NATO members—the United States among them—are not at the present time ready to vote in favor of new members, early admission is largely a moot point.

In light of this climate, Congressman BEREUTER and I agreed that rather than continuing to argue over the timing of expansion, it would be more beneficial for the assembly, as the legislative arm of NATO, to focus on how legislators can facilitate partnership for peace, since that is the plan in place by which potential new members can ready themselves for admission at some point in the future. The plan Congressman BEREUTER and I proposed to the standing, political, and defense and security committees in Oslo provides for specific steps that parliamentarians from the 16 NATO countries can take to make the process more readily understandable and membership possibly attainable.

The North Atlantic Assembly already provides an important service through the Rose-Roth initiative, named for former president of the Assembly, Congressman CHARLIE ROSE of North Carolina and our colleague from Delaware, Senator ROTH, who serves as vice chairman of our Senate delegation to the Assembly. The Rose-Roth seminars have explored important issues such as Russian troops in the Baltics, regional security in Turkey and the Asian republics, and defense conversion in the Ukraine. In addition, the Assembly sent a large team of election observers to the most recent Russian elections. We suggested that the Assembly build upon its success, and utilize its many resources in a more organized and concrete fashion during this interim period before new applications are considered for NATO membership.

In particular, we called upon each of the five assembly committees, in conjunction with the standing committee, to examine how they can further the goals and objectives of partnership for peace. We asked that each committee evaluate the range of possible contributions to partnership for peace and report their findings to the standing committee. That committee will then formulate a set of policy recommendations to be reported to the full assembly. Having received the recommendations of the five policy committees and standing committee, the assembly will then be able to devise a strong plan of action for its activities.

While each committee is obviously the best judge of its own potential contribution, we envision the committees meeting with eastern European parliamentarians to discuss in detail specific issues within their area of expertise. For example, the science and technology might meet with their eastern European counterparts to share perspectives on a matter such as intellectual property rights or international legislation governing environmental protection. Similarly, the economic committee might wish to discuss in detail the issue of contract sanctity, or legislation necessary to maintain a healthy banking industry in a free-market economy. The Defense and Security Committee might turn its attention to legislative oversight of the Armed Forces or the intelligence services.

Particular attention would also need to be given to multinational protocol, status of forces, status of organization, and the international military headquarters treaties that all or a majority of NATO Members are signatories to. There are also cooperative agreements and memoranda of understanding pursuant to these treaties that it might be desirable for potential new members to endorse.

We recognize the fact that partnership for peace does not set specific preconditions for membership. Each of our eastern European neighbors faces a unique set of circumstances, and it would not be fair or equitable to establish an iron clad set of preconditions for entry into NATO for every applicant. Nevertheless, it is true that there are a series of obvious reforms that each NATO aspirant should undertake before it should be considered for membership.

Our proposal lists some of those—there may be others the committees recommend. We suggested that each committee carefully examine the area within its jurisdiction to provide an outline of basic legislative reforms that would enhance a nation's chances of entry into NATO. Such an outline would be designed to provide the legislatures of applicant countries with a more detailed appreciation of the types of national legislation that would be desirable before membership could seriously be considered.

Nothing that Congressman BEREUTER and I proposed should be taken to imply that the assembly, as a body of parliamentarians, is usurping decisions taken by the NATO countries' heads of state. Partnership for peace was approved at the heads of state summit in January, and any decision to ultimately admit new members to NATO would, of course, be made at the executive branch level of each member nation. We are only offering suggestions as to what legislators and parliamentarians can do in conjunction with our heads of state in readying applicant countries for membership during this interim period, which could be several years.

As we stated at the Oslo session, these suggestions are designed to build upon the excellent work that already has been done by members of the assembly and the secretariat. We only want to ensure that the Assembly's outreach efforts coincide with and contribute to NATO's established policy as set forth in partnership for peace. We saw a fairly healthy debate on the Heflin-Bereuter proposal in Oslo, and look forward to its more formal consideration and extended debate during the assembly's annual meeting here in Washington this November. I am happy to report that the response among the other parliamentarians present in Oslo was overwhelmingly positive, as there appears to be a great deal of support among our NATO allies to put into place many of the initiatives as outlined in our proposal.

I ask unanimous consent that a copy of the Heflin-Bereuter statement be entered into the CONGRESSIONAL RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I welcome any comments and suggestions my colleagues might have to offer after studying its contents.

Let me just quote some of the areas that we consider to be appropriate for the North Atlantic Assembly and various parliamentarians in various other countries to work on in regard to making a country to be much more ready to be invited to join NATO, things such as:

civilian control of the military;

civilian control of internal security forces;

a market-based economy;

a democratic government with free and open elections;

a judicial system that protects the integrity of private contracts, not only ones entered into by citizens of that country, but those entered into with citizens of other countries as well;

human rights protections and policies for resolving internal disputes, including ethnic and religious disputes;

overall defence and security policies;

policies on international terrorism, crime, and narcotics;

policies in areas of science and technology, such as international protection of patients and intellectual property rights;

review of possible compliance with multilateral treaties and international agreements which would be desirable for applicant countries to join;

trade/economic policy; and

certainly very strong police matters pertaining to it and the possibility of the requirement of the adoption of extradition treaties that might be entered into with these new countries.

So, Mr. President, I think that this proposal has much merit to it. I hope that I will have suggestions for my colleagues as to other matters that they would like to see included after they have an opportunity to study the same from the CONGRESSIONAL RECORD.

EXHIBIT 1

NORTH ATLANTIC ASSEMBLY COMMITTEE ACTIVITY TO BUILD UPON AND ENHANCE PARTNERSHIP FOR PEACE

Statement by Senate Howell Heflin and Hon. Douglas Bereuter

The Assembly,

1. Recognizing the absence of the necessary consensus among NATO partners which would permit the admission of new members;

2. Nothing the decision taken at the Brussels Summit that designates Partnership for Peace to be the Alliance blueprint for new membership;

3. Applauding the demonstrated success of the North Atlantic Assembly's current outreach efforts, such as the Rose-Roth initiative and election observances;

4. Seeking to build upon their success and to utilize our many tangible resources in a more organized and concrete fashion in our efforts to help prospective applicants prepare for eventual membership;

5. Believing that there are steps we, as parliamentarians from the 16 NATO countries, can take to facilitate Partnership for Peace and possibly enhance the readiness of interested nations to be invited to apply for NATO membership;

6. Acknowledging that each nation aspiring to NATO membership faces a unique set of circumstances, and that it would be unwise and unfair to establish an iron-clad set of policy goals desirable for entry into NATO for every applicant;

7. Further recognizing that here are, nevertheless, obvious policy goals that each NATO applicant should achieve before it can be invited to apply for full membership;

8. Suggesting that each NAA committee carefully examine areas within its jurisdiction so as to provide an outline of basic governmental reforms that would be desirable to facilitate a nation's entry into NATO, so that parliamentarians from applicant countries will have a detailed appreciation of actions that should be pursued before membership could be considered;

9. Further suggesting that each committee of the NAA explore positive contributions that the NAA and NATO parliamentarians can make with applicant nations toward advancing a coherent defense policy, international security, economic reforms, and democratic reform;

10. Urges the Standing Committee:

a. to solicit and gather suggestions from each committee chairman, as well as from other interested parties, as to what areas of government reform and plans of co-operation would be appropriate for the NAA to undertake in support of Partnership for Peace:

b. to equitably assign to the Political, Defense and Security, Economic, Scientific and Technical, and Civilian Affairs Committees appropriate items to be considered, analyzed, and suggested regarding desirable governmental reforms, parliamentary initiatives, NAA undertakings, and other steps that could be relevant to a country's readiness to be invited to join NATO, including, but not limited to:

civilian control of the military

civilian control of internal security forces

a market-based economy

a democratic government with free and open elections

a judicial system that protects the integrity of private contracts, not only ones entered into by citizens of that country, but those entered into with citizens of other countries as well

human rights protections and policies for resolving internal disputes, including ethnic and religious disputes

overall defense and security policies

policies on international terrorism, crime, and narcotics

policies in areas of science and technology, such as international protection of patents and intellectual property rights

review of possible compliance with multilateral treaties and international agreements which would be desirable for applicant countries to join

trade/economic policy

c. to have the five committees report the results of their analyses and suggestions to the Standing Committee of the North Atlantic Assembly;

d. to formulate policies and plans of action, after receiving such analyses and suggestions, that both applicants and the North Atlantic Assembly should pursue concerning possible readiness for NATO membership;

e. to present to the full North Atlantic Assembly, for possible formal adoption, its suggested goals and reforms to be pursued by applicant countries and its suggested plans of action for what the NAA can do to aid the countries trying to achieve these goals and reforms.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISNEY THEME PARK IN VIRGINIA

Mr. DECONCINI. Mr. President, on an entirely different subject, I read with real interest the article in the Washington Post on Friday, June 17, 1994, entitled "For Disney, Fight Takes New Twist."

The basis of the "new twist" referred to in this article was the resolution introduced by Representative ANDREWS, of Texas, stating that the proposed Disney theme park not be constructed near the Manassas National Battlefield.

Mr. President, as long as the proposed park is in compliance with Federal environmental and other issues, I see no reason whatsoever for Federal Government or congressional involvement in this issue. Despite the protestations of the author of this resolution in the House, there just is not a national issue involved into whether or not the Disney Corp. has a theme park in Maryland or Virginia, or what have you. It truly is a local issue, and the final decision on the theme park should be left in the hands of the local jurisdiction. They are going to consider the needs of traffic, the needs of pollution, the needs of congestion, the safety needs, and whatever else is necessary.

This is exactly the type of issue into which the Federal Government ought not to poke its nose, in my judgment. It is Big Brother at its worst, and we have no business in it.

I hope someone does not do the same on this side. It just does not make any sense. We have enough Federal problems facing us. We have a bill right now for which we are trying to get Members to come over, and I sure hope they do not come over and introduce a resolution encouraging that Walt Disney Corp. not build something for the pleasure and enjoyment of people and for the profit of the Disney company. There is nothing wrong in that.

Anybody who has visited any of these Disney facilities will find out just how well run they are and what a good economic base they are. But that is up to the company, and they have decided, from what I read in the paper. It is up to the local governments representing those people as to how it will be done. I do not think anybody at the Federal level ought to be intervening.

I realize I cannot stop anybody, but this is one person's opinion, and we ought to just pay attention to health care, welfare reform, the crime bill and some of the pressing things that are before us, plus 12 more appropriations subcommittee bills that have to be approved by this body, a Supreme Court nominee that has to be approved by the full Senate.

So we have our hands full. We certainly do not need to muck around here. I, for one, think the Disney Corp. does an outstanding job with the properties I visited. If they do not want to come here, I can assure them the State of Arizona—I can almost speak for that State and local government—would be delighted to see them come and build a theme park near Phoenix or Tucson.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR DISNEY, FIGHT TAKES NEW TWIST

GROUP IN CONGRESS SEEKS TO BLOCK PARK; EISNER MEETS LEADERS

(By Stephen C. Fehr and Michael D. Shear)

The fight over building a Walt Disney Co. theme park in Northern Virginia swept onto the national stage yesterday as a group of U.S. House members vowed to block the project and Disney chief Michael D. Eisner launched his own charge on Washington at a Capitol Hill lunch and a movie premiere.

"This is a national issue," declared Rep. Michael A. Andrews (D-Tex.), who introduced a resolution yesterday that he said sends a message to Disney not to build the $650 million project near the Manassas National Battlefield Park in Prince William County.

"It's not a county issue. It's not just a Virginia issue. We in Congress have a challenge to protect our national parks," Andrews said.

The lawmakers' midday announcement came as Eisner, Disney's chairman, was having lunch in the Capitol with House Speaker Thomas S. Foley (D-Wash.) and about 30 other lawmakers. Hours later, Eisner attended the Washington premiere of the company's new animated motion picture, "The Lion King," and a party at the National Zoo, which attracted hundreds of invited, well-connected Washingtonians.

"There is no basis for which the federal government should be involved," Eisner said after the lunch, even as Andrews and other lawmakers promised to "spare no effort" to stop the theme park.

Andrews, a Civil War buff who was instrumental in blocking a shopping center near Manassas National Battlefield Park in 1988, charged that Disney's America would "create a whole new city" that would destroy the character of two national parks and numerous Civil War monuments in the area.

Andrews said he is not opposed to Disney or the park, as long as the project is built in another location.

Since the company unveiled its plans last fall, the fight over Disney's America has built gradually from a neighborhood squabble to a high-stakes struggle involving environmentalists, historians, federal agencies and now Congress. On Tuesday, a Senate subcommittee hearing should draw nationwide attention as some of the country's most eminent historians square off against Disney executives and local boosters.

Andrew's resolution, which, if approved, would only express Congress's opinion and would not have the force of law, asks Secretary of the Interior Bruce Babbitt and other federal officials to ensure that Disney's America "is in strict compliance" with federal environmental laws.

The Interior Department is one of the federal agencies conducting an environmental assessment of the road improvements needed for the Disney project. Under law, the secretary can recommend against projects that might damage historical parks, monuments and other "areas of special national or regional natural, recreational, scenic or historic value."

Eisner met with Babbitt for about half an hour this week to present plans for the theme park. Eisner has been making the rounds in Washington, although Foley emphasized that the luncheon yesterday was not planned to give Eisner an opportunity to build support for the project.

However, the theme park was discussed, according to several senators and representatives who were there. Eisner told the officials that Disney's America would reflect U.S. history responsibly and would make the best use of the 3,000-acre site near Haymarket.

"That was the principal issue that Mr. Eisner talked about, but it was not a long discussion," and Sen. Bob Graham (D-Fla). Referring to Walt Disney World, the senator said he asked Eisner whether Washington was ready for the kind of development that occurred with the Orlando, Fla., park.

"Washington should be so lucky," Eisner replied.

Sen. Ben Nighthorse Campbell (D-Colo.) said he told Eisner that if he decided to pull out of Virginia, Colorado would be glad to have the project. "I think the historical preservation is a red herring." Campbell said.

Rep. Leslie L. Byrne (D-Va.), who also attended the lunch, said Eisner expressed surprise at the intensity of the opposition and the "deep pockets" of the opponents, many of whom live in the horse-farm country of Fauquier County, adjacent to Prince William.

The entry of Andrews and others into the Disney fight drew immediate criticism from Byrne and other Northern Virginia lawmakers.

Sen. John Warner (R-Va.) said he would oppose the resolution if it is brought to the Senate, Rep. Frank R. Wolf (R-Va.), whose district would include Disney's America, said he opposed the resolution, but would not take a position on the Disney project.

Rep. Robert G. Torricelli (D-N.J.), who joined Andrews and Rep. Tim Roemer (D-Ind.) at the news conference, said, "As caretakers of American history and these battlefields for future generations, our answer to Disney is simply, 'Thank you but no thanks.'"

Americans should learn about the Civil War from historians, Torricelli said, "not Minnie and Mickey Mouse and Donald Duck."

Later in the day, Eisner traveled across the city to the Uptown Theatre for the premiere of "The Lion King." He and about 1,000 invited guests, including Vice President Gore, were met by about 100 protesters who had arrived on a chartered bus from Haymarket. They carried anti-Disney signs and a large plastic foam caricature of Eisner. "Liesner" read a label on the foam head.

Both Prince William Supervisor Bobby McManus (I-Gainesville) and local battlefield preservationist Annie Snyder were among the protesters outside the art deco theater on Connecticut Avenue in Northwest Washington. Sylvia Gilman, another of the protesters who paid $10 each for the ride to Washington, said Eisner's appearance at the film was part of a calculated public relations gambit.

"This is part of the plan," she said of Eisner's visit to Washington. "You show them your animated film that isn't controversial and you do it in Washington, where the senators and congressmen are."

After the movie, the Disney Company threw a lavish party for the Prince William residents and Washington elite at the National Zoo, next to the lion pen. With the movie's soundtrack playing in the background, guests drank from several open bars and fed on delicacies that included rack of lamb, grilled shrimp, crab cakes, beef tenderloin and salmon.

Disney officials said earlier the company has given an undisclosed amount of money to the zoo. Opponents of the theme park contended yesterday that the gift was intended to sway the Smithsonian Institution, which operates the zoo and has expressed concern about the impact of the theme park on the historical area around Manassas.

Disney officials denied that. "The National Zoo is a very important and worthwhile institution and we're happy to celebrate it and our movie," Disney's America General Manager Mark Pacala said.

Meanwhile, the anti-Disney coalition of environmental and historical groups continued their assault on Disney's pending rezoning application.

At an early morning news conference, the Piedmont Environmental Council, a group opposing the theme park, charged that approval of Disney's application would allow for millions of square feet more development than Disney has said it would build.

Disney's America officials fired back with their own news conference, calling the allegations "inaccurate" and "absurd." Pacala insisted that Disney's public promises to limit development at the site are legally binding under their zoning proposals.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1822

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1822.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title VI, add the following new section:

SEC. . Section 3626 paragraph (j)(1) subparagraph (D) of Title 39 U.S.C. is amended by——

(a) deleting the final "." from (II) and adding "; and;"

(b) and adding—"(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publication."

Mr. DECONCINI. Mr. President, this amendment has to do with the advertising permitted in preferred class mailings to make them eligible for the revenue forgone subsidies of the U. S. Postal Service.

Despite efforts to secure assistance from the Postal Service to permit advertising in the mailings of charitable organizations, like churches and other groups, the Postal Service continues to interpret and implement the recent reform of the Revenue Foregone program in a manner which is detrimental to nonprofit organizations.

I am, therefore, introducing and have before the body an amendment to ensure that the intent of Congress is being satisfied as it relates to nonprofit mail rates and advertising exemptions. When the reform language was drafted last year, the substantially related test for advertising eligibility was not to apply to periodical publications, such as from churches and other nonprofit newsletters and publications which are sent by third class mail.

Nonprofit publications mailed at third class rates were intended to be exempt from the requirement that advertising of products and services be substantially related to the purpose for which the nonprofit permit was granted.

The reason I can say that with a little authority is that I remember talking about it and putting it in there, so it was never intended to do and become what the Post Office has interpreted.

This amendment ensures that nonprofit organizations can continue to operate effectively and efficiently and take advantage of the revenues from the advertising received to defray the cost of the mailings.

In addition, this amendment more accurately reflects Congress's recognition of the contributions made by nonprofit organizations to their causes in their communities and throughout the Nation. Advertising restrictions on truly nonprofit organizations would inhibit the ability of these organizations to effectively communicate and disseminate information to their respective communities and negatively impact their mission.

The issue of mail rates and advertising conditions lies more in addressing which organizations are truly nonprofit for charitable purposes. The litmus test should not be what is "substantially related" advertising. The insistence that nonprofit organizations, for the purpose of receiving certain benefits, meet established criteria, guidelines, and requirements, as determined by the Internal Revenue Service, might better address the concerns of the Postal Service.

I understand the other side has not cleared this amendment, but I would like to get it laid down tonight and then proceed tomorrow.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, the chairman has pointed out an area where we obviously need to consider this matter. I think personally that he has come up with a good proposal, but we are not prepared to clear it on this side. There may be some who wish to address it. I thank the chairman for bringing it up, but at this point we are not prepared to clear it on this side.

Mr. DECONCINI. Mr. President, I therefore ask that this amendment be temporarily laid aside.

MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Do I hear objection? Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT

The text of the bill, H.R. 2739, to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, as passed by the Senate on June 16, 1994, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 2739) entitled "An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Authorization Act of 1994".

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982 AMENDMENTS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" immediately after "1993,";

(2) by striking "$15,413,157,000" and inserting in lieu thereof "$17,463,157,000"; and

(3) by inserting ", $19,663,157,000 for fiscal years ending before October 1, 1995, and $21,943,157,000 for fiscal years ending before October 1, 1996" immediately before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "June 30, 1994" and inserting in lieu thereof "September 30, 1996".

SEC. 102. INNOVATIVE TECHNOLOGY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)) is amended by striking "and" at the end of paragraph (13); by striking the period at the end of paragraph (14) and inserting in lieu thereof a semicolon; and by inserting immediately after paragraph (14) the following new paragraph:

"(15) it is in the national interest to encourage projects that employ innovative technology, concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system, and it is therefore an objective of this Act that the Secretary encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to the Act;".

SEC. 103. DEFINITION OF AIRPORT DEVELOPMENT.

Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)) is amended—

(1) in subparagraph (B)(ii), by inserting "(including explosive detection devices) and universal access systems" immediately after "safety or security equipment"; and

(2) in subparagraph (F), by striking "and if funded by a grant under this title,".

SEC. 104. PREVENTIVE MAINTENANCE.

Section 505 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204) is amended by adding at the end the following new subsection:

"(e) PREVENTIVE MAINTENANCE.—(1) After January 1, 1995, no funds made available for an airport pursuant to a grant under this title shall be available for the replacement or reconstruction of pavement unless the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective pavement maintenance/management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

"(2) Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue such regulations as may be necessary to ensure that no product shall be used for pavement maintenance or rehabilitation under this section unless the manufacturer of such product warrants to the satisfaction of the Secretary the performance of such product.".

SEC. 105. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)) is amended by adding at the end the following new paragraph:

"(4) LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.—

"(A) ESTABLISHMENT OF PROGRAM.—Not later than December 31, 1993, and notwithstanding any other provision of this title, the Secretary shall establish and implement a program to purchase and reserve an inventory of precision approach instrument landing system equipment, to be made available on an expedited basis for installation at airports.

"(B) AUTHORIZATION.—No less than $30,000,000 of the amounts appropriated under paragraph (1) for each of the fiscal years 1994, 1995, and 1996 shall be available for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures.".

SEC. 106. MICROWAVE LANDING SYSTEM.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(5) MICROWAVE LANDING SYSTEM.—Notwithstanding any other provision of law, none of the amounts appropriated under this subsection may be used for the development or procurement of the microwave landing system, except as necessary to meet obligations of the Government that may arise under contracts in effect on January 1, 1994.".

SEC. 107. PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.

Section 506(e)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(e)(5)) is amended by striking "September 30, 1995," and inserting in lieu thereof "September 30, 1996,".

SEC. 108. MILITARY AIRPORT SET-ASIDE.

Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(5)) is amended by striking "each of fiscal years 1994 and 1995" and inserting in lieu thereof "fiscal year 1994 and each of the fiscal years thereafter".

SEC. 109. MILITARY AIRPORT PROGRAM.

Section 508(f) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(f)) is amended—

(1) by amending the subsection heading to read as follows:

"(f) MILITARY AIRPORT PROGRAM.—";

(2) by amending paragraph (1) to read as follows:

"(1) DESIGNATION.—The Secretary may designate one or more military airports to receive funds distributed under subsection (d)(5). Airports designated under this subsection prior to the date of enactment of the Federal Aviation Administration Authorization Act of 1994 shall remain eligible to receive grants under subsection (d)(5).";

(3) by striking paragraph (2);

(4) in paragraph (3)—

(A) by striking "and in conducting the survey under paragraph (2)";

(B) by striking "current or military airports" and inserting in lieu thereof "military airports listed in the reports issued by the Defense Base Closure and Realignment Commission"; and

(C) by inserting "most" immediately before "enhance";

(5) by striking the second sentence in paragraph (4);

(6) by striking "for fiscal years 1993, 1994, and 1995" in paragraph (6); and

(7) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

SEC. 110. SUBMISSION AND APPROVAL OF PROJECT GRANT APPLICATIONS.

Section 509(a)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2208(a)(3)) is amended—

(1) by striking "2 or more" wherever it appears and inserting in lieu thereof "1 or more"; and

(2) by striking "similar".

SEC. 111. REIMBURSEMENT FOR CERTAIN PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(D)(i) it was incurred (I) not more than 2 years before the grant agreement for such project was executed; (II) after September 30, 1993, and not later than September 30, 1996; (III) in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to such work if the project had been carried out after the grant agreement had been executed; and (IV) in the case of projects initiated on or after 90 days following the date of enactment of

this subparagraph, after receiving the Secretary's approval of the project;

"(ii) allowable costs under clause (i) may include (I) interest payable on, and the retirement of, the principal of bonds or other evidence of indebtedness incurred to initiate the project involved and before the grant agreement for such project was executed; and (II) interest payable on, and the retirement of, the principal of bonds or other evidences of indebtedness the proceeds of which were used to finance the development work for which reimbursement is provided under this subparagraph; and

"(iii) only the sums apportioned under sections 507(a)(1) and 507(a)(2) may be obligated for project costs allowable under clause (i) of this subparagraph;".

SEC. 112. TERMINAL DEVELOPMENT.

Section 513(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 113. AUTHORITY TO CONTINUE LETTERS OF INTENT.

Notwithstanding any other provision of law, the Secretary of Transportation (hereinafter referred to as the "Secretary") may issue letters of intent under section 513(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)) and use funds for planning, approving, and administering grants under the Airport Improvement Program for issuing such letters of intent.

SEC. 114. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(H) Limitation of Statutory Construction.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this paragraph in the same fiscal year as the letter of intent is issued.".

SEC. 115. REPORTS ON IMPACTS OF NEW AIRPORT PROJECTS.

Section 509(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2208(b)) is amended by adding at the end the following new paragraph:

"(10) At least 90 days prior to the approval of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

"(A) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

"(B) air transportation that will be provided in the geographic region of the proposed airport; and

"(C) the availability and cost of providing air transportation to rural areas in such geographic region.".

SEC. 116. AIRPORT SAFETY DATA COLLECTION.

The Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 535. AIRPORT SAFETY DATA COLLECTION.

"Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data.".

SEC. 117. INTERMODAL SYSTEM PLANNING.

(a) Definition.—The second sentence of section 503(a)(7) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(7)) is amended by inserting "the role which airports play in the transportation system in a specific area," immediately after "identification of system needs,".

(b) Integrated Airport System Planning Grants.—Section 508(d)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(4)) is amended—

(1) by inserting "(A)" immediately before "Not less than";

(2) by striking the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraphs:

"(B) Prior to the Secretary's approval of a grant to a planning agency for integrated airport system planning, the planning agency shall, insofar as its powers permit, certify that the sponsor of any airport enplaning 0.25 percent or more of the total number of passengers enplaned annually at all commercial service airports is considered to be an operator of a major mode of transportation pursuant to the section 134(b)(2) of title 23, United States Code, and that any such sponsor is a member, or will be appointed a member as soon as practicable, of such planning agency.

"(C) Where such airport sponsor is a municipality, county, or other entity of local government which already retains membership on such planning agency, such planning agency shall include an additional member from such municipality, county, or entity of local government to represent the airport. In order for the Secretary to approve a grant to a planning agency under this paragraph, the airport must be a co-applicant for such grant, and such grant shall be for planning for projects that substantially benefit the airport and shall be in proportion to the benefit it provides to the airport.".

SEC. 118. STUDY ON INNOVATIVE FINANCING.

(a) Study.—The Secretary shall study, as a means of supplementing financing available under the Airport Improvement Program, innovative approaches for using Federal funds to finance airport development. Mechanisms should be considered that will produce greater investments in airport development per dollar of Federal expenditure. The Secretary shall consider, among other options, approaches that would permit the entering into of agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund. The Secretary also shall consider means to lower the cost of financing airport development. The Secretary may, in considering innovative financing, consult with airport owners and operators and public and private sector experts.

(b) Report To Congress.—The Secretary shall report the findings of the study required by subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 12 months after the date of enactment of this Act.

SEC. 119. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall consider for approval under subpart C of part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The charter for approval of such system shall be considered and acted upon expeditiously by the Regional Administrator of the Federal Aviation Administration in the region where such system is being developed.

SEC. 120. TECHNICAL AMENDMENTS.

(a) Definitions.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii) and (viii) 2 ems to the right.

(b) Airport Plans.—Section 504(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2203(a)(1)) is amended by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively.

(c) Certain Project Costs.—Section 513(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(4)) is amended—

(1) by inserting "or (in the case of a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States) between January 1, 1992, and October 31, 1992," immediately after "July 12, 1976,"; and

(2) by adding at the end the following new subparagraph:

"(D) That, with respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the funds described under paragraph (2), notwithstanding the provisions of sections 505(d), 511(a)(16), and 515.".

SEC. 121. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditure from Airport and Airway Trust Fund) is amended—

(1) by inserting "or the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992" immediately after "Capacity Expansion Act of 1990"; and

(2) by striking "(as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)" and inserting in lieu thereof "or the Federal Aviation Administration Authorization Act of 1994 (as such Acts were in effect on the date of the enactment of the Federal Aviation Administration Authorization Act of 1994)".

SEC. 122. ASBESTOS REMOVAL AND BUILDING DEMOLITION AND REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA.

(a) Authorization of Appropriations.—Notwithstanding subsection (d) of section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), there is authorized to be appropriated in fiscal year 1995 from the Airport and Airway Trust Fund established by such section 9502 to the account for the Department of Transportation for facilities and equipment of the Federal Aviation Administration such amount as may be necessary to permit the Administrator of the Federal Aviation Administration to carry out asbestos abatement activities and the demolition and removal of buildings at the site of the vacant Air Force station located on Mount Tamalpais, Marin County, California. The amount authorized to be appropriated by the preceding sentence shall not exceed its share of the costs of carrying out such activities, demolitions, and removals.

(b) Authority To Use Funds.—The Administrator may use the funds appropriated pursuant to the authorization of appropriations in subsection (a) to carry out the abatement activities and demolition and removal described in that subsection. Such funds shall be available for such purpose until expended.

TITLE II—FEDERAL AVIATION ACT OF 1958

SEC. 201. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

(a) In General.—Section 313 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354) is amended by adding at the end the following new subsection:

"(g) Assistance to Foreign Aviation Authorities.—(1) The Administrator may provide *safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.*

"(2) Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 313 the following:

"(g) Assistance to foreign aviation authorities.".

SEC. 202. FOREIGN FEE COLLECTION.

Section 313(f) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting immediately after paragraph (2) the following new paragraph:

"(3) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

"(A) ESTABLISHMENT OF FEES.—Notwithstanding the limitation of paragraph (4), the Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, or review.

"(B) LEVEL OF FEES.—Such fees shall be established as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States; except that the Administrator may, for such services as the Administrator designates, establish fees at a level necessary to recover the full cost of providing such services.

"(C) EFFECT ON OTHER AUTHORITY.—The provisions of this paragraph do not limit the Administrator's authority to establish and collect fees permitted under section 334 of title 49, United States Code.

"(D) CREDITING OF PREESTABLISHED FEES.—Fees described in subparagraph (A) that were not established before the date of enactment of the Federal Aviation Administration Authorization Act of 1994 may be credited in accordance with paragraph (5).".

SEC. 203. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.

(a) NIGHTTIME OPERATIONS.—On and after the date of enactment of this Act, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for pilots operating under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, only if they are (1) granted clearance by air traffic control, (2) instrument-rated, (3) operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight, and (4) operating an instrument approach or departure approved by the Federal Aviation Administration. An instrument-rated pilot may operate under visual flight rules at such County Airport between 30 minutes after official sunset and 11:00 p.m., only if such pilot has completed at least one takeoff or landing in the preceding 12 calendar months at such County Airport, is granted clearance by air traffic control, and operates an instrument-certified aircraft.

(b) COMMITMENTS OF AIRPORT OWNER OR OPERATOR.—The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of the Aircraft Noise and Capacity Act of 1990 (49 App. U.S.C. 2151 et seq.) and not otherwise unjustly discriminatory when such owner or operator notifies the Administrator that such owner or operator (1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and such conditions applicable to aircraft noise certification as are currently in effect for night operations at such County Airport and (2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called "ski season exception" to its nighttime curfew. To remain in compliance, such owner or operator shall carry out both such commitments as of the effective date of the Administrator's action establishing special operating restrictions at such County Airport in accordance with subsection (a).

(c) MOUNTAIN FLYING.—The Administrator shall issue a Notice of Proposed Rulemaking on mountain flying.

SEC. 204. EXEMPTIONS FROM SLOT RULES.

(a) FINDINGS.—The Congress finds that—

(1) the issue of slot requirements imposed by Federal Aviation Administration regulations for high density airports (commonly known as the "High Density Rule") is a longstanding, significant concern to each of the affected airports, the residents of neighboring communities, and the aviation industry;

(2) such slot regulations serve many purposes, including ensuring that each airport operates efficiently; and

(3) the Secretary has announced as part of the President's Initiative to Promote a Strong Competitive Aviation Industry that the Secretary will undertake a comprehensive examination of such slot regulations and complete such examination by November 1994.

(b) STUDY.—(1) The Secretary's current examination of slot regulations, referred to in subsection (a)(3), shall include consideration of—

(A) the impact of the current slot allocation process upon the ability of air carriers to provide essential air service in accordance with section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(B) the impact of such allocation process upon the ability of new entrant air carriers to obtain slots in time periods that enable them to provide service;

(C) the impact of such allocation process on the ability of foreign air carriers to obtain slots;

(D) the fairness of such process to air carriers and the extent to which air carriers are provided equivalent rights of access to airports in the countries of which foreign air carriers holding slots are citizens;

(E) the impact, on the ability of air carriers to provide domestic and international service, of the withdrawal of slots from air carriers in order to provide slots for foreign air carriers; and

(F) the impact of aircraft noise on affected communities.

(2) The Secretary shall, not later than November 30, 1994, complete and transmit the results of such examination to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) RULEMAKING PROCEEDING.—The Secretary shall conduct a rulemaking proceeding based on the results of the examination described in subsection (b). In the course of such proceeding, the Secretary shall issue proposed regulations not later than March 1, 1995, and shall issue final regulations not later than June 1, 1995.

(d) EXEMPTIONS FOR HIGH DENSITY AIRPORTS.—(1) If the Secretary finds it to be in the public interest, the Secretary may grant exemptions from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, pertaining to slots at any high density airport except Washington National Airport, to—

(A) air carriers using Stage 3 aircraft, and commuter operators, to enable such carriers to provide essential air service under section 419 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1389);

(B) air carriers and foreign air carriers to enable such carriers to provide foreign air transportation, using Stage 3 aircraft; and

(C) new entrant air carriers at such high density airport, only under circumstances determined by the Secretary to be exceptional.

(2) Notwithstanding sections 6005(c)(5)(C) and 6009(e) of the Metropolitan Washington Airports Act of 1986 (49 App. U.S.C. 2454(c)(5)(C) and 2458(e)), the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant to an air carrier currently holding or operating a slot an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, pertaining to slots at Washington National Airport, to enable that carrier to provide service with Stage 3 aircraft, except that such exemption—

(A) shall not result in an increase in the number of slots at Washington National Airport;

(B) shall not increase the number of operations at Washington National Airport in any 1-hour period by more than two operations;

(C) shall not result in the withdrawal or reduction of slots operated by an air carrier; and

(D) shall not result in a net increase in noise impact on surrounding communities resulting from both changes in timing of operations permitted under this paragraph.

(3) No exemption granted under paragraph (1) or (2) may be effective on or after the date on which the final regulations issued under subsection (c) become effective.

(e) WEEKEND OPERATIONS.—The Secretary shall consider the advisability of revising section 93.227 of title 14, Code of Federal Regulations, so as to eliminate weekend schedules from the determination as to whether the 80 percent standard of subsection (a)(1) of that section has been met.

(f) LIMITATION ON CERTAIN SLOT WITHDRAWALS.—Notwithstanding section 93.223 of title 14, Code of Federal Regulations, the Secretary shall not, before final regulations are issued under subsection (c) of this section, withdraw a slot from any air carrier at O'Hare International Airport for the purpose of providing the slot to another air carrier, or foreign air carrier, for foreign air transportation.

(g) DEFINITIONS.—For purposes of this section—

(1) The terms "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings given those terms, respectively, in section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301).

(2) The term "commuter operator" means an air carrier as described in section 93.124(c)(2) of title 14, Code of Federal Regulations (as in effect on March 1, 1994).

(3) The term "high density airport" means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of an aircraft.

(4) The term "new entrant air carrier" means an air carrier that does not hold a slot at the airport concerned and has never sold or given up a slot at that airport after December 16, 1985.

(5) The term "slot" means a reservation, by an air carrier or foreign air carrier at an airport, for an instrument flight rule takeoff or landing of an aircraft in air transportation.

SEC. 205. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

"SEC. 420. AIR SERVICE TERMINATION NOTICE.

"(a) IN GENERAL.—An air carrier may not terminate interstate or overseas air transportation

from a nonhub airport included on the Secretary's latest published list of such airports, unless such air carrier has given the Secretary at least 60 days' notice before such termination.

"(b) EXCEPTIONS.—The Secretary shall not apply the requirements of subsection (a) when—

"(1) the carrier involved is experiencing a sudden or unforeseen financial emergency, including natural weather related emergencies, equipment-related emergencies, and strikes;

"(2) the termination of transportation is made for seasonal purposes only;

"(3) the carrier involved has operated at the affected nonhub airport for 180 days or less;

"(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

"(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

"(c) WAIVERS FOR REGIONAL/COMMUTER CARRIERS.—Prior to October 1, 1994, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

"(d) DEFINITIONS.—For purposes of this section—

"(1) NONHUB AIRPORT.—The term 'nonhub airport' has the meaning that term has under section 419(k)(4).

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

"(3) PART 135 AIR CARRIER.—The term 'part 135 air carrier' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

"(4) REGIONAL/COMMUTER CARRIERS.—The term 'regional/commuter carrier' means—

"(A) a part 135 air carrier; or

"(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

"(5) TERMINATION.—The term 'termination' means the cessation of all service at an airport by an air carrier.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV is amended by inserting immediately after the item relating to section 419 the following new item:

"Sec. 420. Air service termination notice.
"(a) In general.
"(b) Exceptions.
"(c) Waivers for regional/commuter carriers.
"(d) Definitions.".

(b) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended by inserting "section 420 or" immediately after "$10,000 for each violation of".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning on October 1, 1994.

SEC. 206. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

(a) IN GENERAL.—Section 312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1353) is amended by adding at the end the following new subsection:

"(j) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 312 the following:

"(j) Cooperative agreements.".

SEC. 207. TECHNICAL AMENDMENTS.

Section 1112 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1512) is amended—

(1) by striking "50 per centum" wherever it appears and inserting in lieu "50 percent";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) Compensation paid by an air carrier to an employee described in subsection (a) in connection with such employee's authorized leave or other authorized absence from regular duties on the carrier's aircraft in order to perform services on behalf of the employee's airline union shall not be subject to the income tax laws of a State or subdivision thereof, other than the State or subdivision thereof of the employee's residence and the State or subdivision thereof in which the employee's scheduled flight time would have been more than 50 percent of the employee's total scheduled flight time for the calendar year had the employee been engaged full time in the performance of regularly assigned duties on the carrier's aircraft.".

SEC. 208. REVIEW OF PASSENGER FACILITY CHARGE PROGRAM.

The Secretary shall conduct a review of section 158.49(b) of title 14, Code of Federal Regulations, to assess the effectiveness of such section in light of the objectives of section 1113(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)) and shall take such corrective action as the Secretary determines to be necessary to address any problems discovered in the review.

SEC. 209. EXCEPTIONS APPLICABLE TO STATE OF HAWAII.

(a) DEFINITIONS.—(1) Section 101(24) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(24)) is amended by adding at the end the following new sentence: "For purposes of title IV, the term 'interstate air transportation' does not include air transportation of passengers commencing and terminating in the State of Hawaii.".

(2) Section 101(26) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(26)) is amended by adding at the end the following: "With respect to transportation of passengers by air within the State of Hawaii, the term 'intrastate air transportation' means the carriage of persons by a common carrier for compensation or hire, by such aircraft, commencing and terminating in the State of Hawaii; except that the carriage of passengers moving as a part of a single itinerary on a single ticket for transportation on an air carrier or air carriers, beginning and/or ending outside the State of Hawaii, is deemed to be in interstate transportation.".

(b) FEDERAL PREEMPTION.—(1) Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)) is amended by adding at the end the following new paragraph:

"(3) The provisions of paragraph (1) shall not apply to any transportation by air of persons commencing and terminating within the State of Hawaii.".

(2) Section 105(b)(2) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(b)(2)) is amended by striking "(other than the State of Hawaii)".

SEC. 210. TRANSPORTATION SECURITY REPORT.

Section 315(b)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1356(b)(1)) is amended by striking "December 31" and inserting in lieu thereof "March 31".

SEC. 211. INTERMODAL ALL-CARGO AIR CARRIERS.

(a) DEFINITIONS.—Section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301) is amended by redesignating paragraphs (25) through (41) as paragraphs (26) through (42), respectively; and by inserting immediately after paragraph (24) the following new paragraph:

"(25) 'Intermodal all-cargo air carrier' means—

"(A) an air carrier (including an indirect cargo air carrier, as defined in section 296.3 of title 14, Code of Federal Regulations, as in effect on March 1, 1994) that undertakes to provide the transportation described in section 105(a)(4); or

"(B) any other carrier—

"(i) which has authority to provide transportation;

"(ii) which (I) is affiliated with an air carrier described in subparagraph (A) through common controlling ownership, or (II) utilizes as principal or as shipper's agent, or is affiliated through common controlling ownership with companies that utilize, an air carrier described in subparagraph (A) at least 15,000 times annually; and

"(iii) which undertakes to provide the transportation described in section 105(a)(4).".

(b) PREEMPTION.—Section 105(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no State or political subdivision thereof, no interstate agency of two or more States, and no other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to rates, routes, or services of any intermodal all-cargo air carrier when such carrier is transporting property, pieces, parcels, or packages between States or wholly within any single State by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement).

"(B) Subparagraph (A)—

"(i) does not apply to the transportation of household goods as defined in section 10102(11) of title 49, United States Code;

"(ii) shall not restrict safety regulatory authority; and

"(iii) does not apply to the regulation of vehicle size and weight.

For purposes of clause (ii), the authority to regulate rates, routes, or services shall not be construed as safety regulatory authority, and the authority permitted under the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) to regulate routing shall not be affected.

"(C) For purposes of this paragraph, a person who is an intermodal all-cargo air carrier in any one State shall be considered such a carrier in all States.

"(D) This paragraph shall not in any way limit the applicability of paragraph (1).".

TITLE III—AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979 AMENDMENTS

SEC. 301. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193; 94 Stat. 57) is repealed.

SEC. 302. NOISE ABATEMENT PROGRAMS.

(a) SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS.—Section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(2)) is amended—

(1) by inserting "(A)" immediately before "to operators of airports"; and

(2) by striking the period at the end and inserting in lieu thereof "; and (B) for projects to soundproof residential buildings—

"(i) if the operator of the airport involved received approval for a grant for a project to

soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

"(ii) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.".

(b) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—Section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)) is amended by adding at the end the following new paragraph:

"(4) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL PROPERTIES.—The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for projects to soundproof residential buildings located on residential properties, and for projects to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

"(A) if the operator of the airport involved amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

"(B) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

"(C) if the Secretary determines that the proposed projects are compatible with the purposes of this Act.".

SEC. 303. WAIVER AUTHORITY FOR FOREIGN AIR CARRIERS.

(a) IN GENERAL.—Section 9308(b)(1) of the Aviation Noise and Capacity Act of 1990 (49 App. U.S.C. 2157(b)(1)) is amended by inserting "or a foreign air carrier" immediately after "air carrier" wherever it appears.

(b) DEFINITION.—Section 9308(h)(1) of the Aviation Noise and Capacity Act of 1990 (49 App. U.S.C. 2157(h)(1)) is amended to read as follows:

"(1) AIR CARRIER; FOREIGN AIR CARRIER; AIR TRANSPORTATION; UNITED STATES.—The terms 'air carrier', 'foreign air carrier', 'air transportation', and 'United States' have the meanings such terms have under section 101 of the Federal Aviation Act of 1958.".

SEC. 304. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY.

The Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (title III of Public Law 102–581; 106 Stat. 495) is amended by adding at the end the following new section:

"SEC. 306. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY FOR PROPELLER AND ROTOR DRIVEN AIRCRAFT.

"(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration (FAA) and the Administrator of the National Aeronautics and Space Administration (NASA) shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

"(b) GOAL.—The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

"(c) PARTICIPATION.—In conducting the study required under subsection (a), the Administrator of the FAA and the administrator of NASA shall encourage the participation of the Department of Defense, the Department of the Interior, the airtour industry, the aviation industry, academia and other appropriate groups.

"(d) REPORT.—Not less than 280 days after enactment of this section the Administrator of the FAA and the Administrator of NASA shall transmit to Congress a report on the results of the study required under subsection (a).

"(e) RESEARCH AND DEVELOPMENT PROGRAM.—If the Administrator of the FAA and the Administrator of NASA determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. DISCONTINUATION OF AVIATION SAFETY JOURNAL.

The Administrator may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal". Any existing contract for publication of the magazine shall be cancelled within 30 days after the date of enactment of this Act.

SEC. 402. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.

(a) STUDY.—(1) Within 30 days after the date of enactment of this Act, the Secretary, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(2) Such study shall examine—

(A) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(B) the crash of a Lear Jet on October 22, 1985;

(C) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(D) the adequacy of NAVAIDs in the vicinity of the Juneau International Airport;

(E) the possibility of inaccurate data from Sisters Island DVOR, and the possibility of confusion between Elephant Island Non-Directional Beacon and Coghlan Island Non-Directional Beacon;

(F) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(G) the need for a Terminal Very High Frequency Omni-Directional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(H) any other matters any of the parties named in paragraph (1) think appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

(b) REPORT.—(1) Within 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(A) details the matters considered by the study;

(B) summarizes any conclusions reached by the participants in the study;

(C) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport, or contains a detailed explanation of why no recommendations are being proposed;

(D) estimates the cost of any proposed recommendations; and

(E) includes any other matters the Secretary deems appropriate.

(2) The report shall include any minority views if consensus is not reached among the parties listed in subsection (a)(1).

SEC. 403. SOLDOTNA AIRPORT IMPROVEMENT.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 404. ROLLA AIRPORT IMPROVEMENT.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 30, 1957), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 30, 1957, or any other deed of conveyance dated after such date and before the date of enactment of this Act, under which the United States conveyed certain property to the city of Rolla, Missouri, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Rolla, Missouri, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 405. PALM SPRINGS, CALIFORNIA.

(a) AUTHORITY TO GRANT RELEASE.—Notwithstanding section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subject to the provisions of subsection (b), the Administrator shall grant releases from all of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The releases shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California, for general governmental purposes.

(b) CONDITIONS.—Any release granted by the Administrator under subsection (a) shall be subject to the following conditions:

(1) The Administrator shall waive any requirement that there be credited to the account

of the airport any amount attributable to the city's use for governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of enactment of this Act for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act of 1982 or any successor Act.

SEC. 406. RELOCATION OF AIRWAY FACILITIES.

Compensation received by the United States for transfer of the San Jacinto Disposal Area by the United States to the City of Galveston, Texas, shall include compensation to be provided to the Federal Aviation Administration for all costs of establishing airway facilities to replace existing airway facilities on the San Jacinto Disposal Area. Such compensation shall include but is not limited to the replacement of the land, clear zones, buildings and equipment, and demolition and disposal of the existing facilities on the San Jacinto Disposal Area.

SEC. 407. AUGUSTA STATE AIRPORT WEATHER SERVICES.

(a) REQUIREMENT.—(1) The Secretary shall provide for weather observation services, including direct radio contact between weather observers and pilots, at Augusta State Airport in Maine.

(2) The Secretary shall be responsible for the operation and maintenance of equipment necessary to carry out paragraph (1).

(b) REIMBURSABLE AGREEMENTS.—The Secretary is authorized to enter into a reimbursable agreement with the Maine Department of Transportation for the provision of weather services pursuant to subsection (a).

SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Administrator shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) STUDY CRITERIA.—Among other issues, the study shall examine the impact of the following:

(1) The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period;

(2) The impact on air carrier aircraft passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles; such estimate to cover a ten-year period;

(3) The impact on fatality rates of infants using other modes of transportation, including automobiles, subject to the findings in subsection (b)(2) above; such estimate to cover a ten-year period; and

(4) The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) REPORT.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

SEC. 409. AIRCRAFT SMOKE EMERGENCIES.

The Administrator shall enforce Federal Aviation Administration regulations relating to pilot vision and smoke emergencies caused by dense, continuous smoke in the cockpit on current and future aircraft and shall report to Congress within 1 year after the date of enactment of this Act on the Administrator's efforts to ensure compliance with such regulations.

SEC. 410. REAL ESTATE TRANSFERS AND WEATHER OBSERVATIONS IN ALASKA.

(a) TRANSFER OF SITE IN LAKE MINCHUMINA, ALASKA.—The Administrator shall convey to the community of Lake Minchumina, Alaska, the Federal Aviation Administration building number 106 and a reasonable amount of land to make use of the property, at Lake Minchumina, Alaska, for the purpose of providing educational facilities, under the terms set forth in Agreement No. DTFA04–93–J–82007, between the Federal Aviation Administration and the Iditarod Area School District, and such other terms as are mutually agreed on between the Administrator and the community of Lake Minchumina.

(b) TRANSFER OF SITE IN FORT YUKON, ALASKA.—The Administrator shall convey to the city of Fort Yukon, Alaska, the buildings of the Federal Aviation Administration and land in Fort Yukon, Alaska (described as that portion of Lot 4, U.S. Survey 7161, within section 8, T.20 N., R.12E., Fairbanks Meridian consisting of 7.14 acres, and containing the health clinic and staff housing for the aforementioned clinic) for the purpose of providing health services, under terms that are mutually agreed on between the Administrator and the city of Fort Yukon.

(c) WEATHER OBSERVATION SERVICES IN ALASKA.—The Administrator shall provide human observers to offer real-time weather information to pilots by direct radio contact in Alaska at—

(1) Dutch Harbor, Valdez, Wrangell, Petersburg, Sand Point, and Yakutat on a full-time basis;

(2) Aniak, St. Marys, Dillingham, Unalakleet, Fort Yukon, Port Heiden, Anaktuvuk Pass, and Gustavus to replace the Automated Weather Observing System (AWOS) in the event of failures and to verify AWOS reports when the safety of aircraft is at risk; and

(3) other communities that the Administrator determines require human weather observers.

SEC. 411. STURGIS, KENTUCKY.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding any other provision of law, the Administrator is authorized, subject to section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and subsection (b) of this section, to grant releases with respect to such parcels of land, or portions of such parcels, as the Administrator determines are no longer required for airport purposes, from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated July 13, 1948, under which the United States conveyed such property to the Union County Air Board, State of Kentucky, for airport purposes of the Sturgis Municipal Airport.

(b) CONDITIONS.—Any release granted by the Administrator under subsection (a) shall be subject to the following conditions:

(1) The Union County Air Board shall agree that, in leasing or conveying any interest in the property with respect to which releases are granted under subsection (a), such Board will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Such Board shall use any amount so received only for the development, improvement, operation, or maintenance of the Sturgis Municipal Airport.

(3) Any other conditions that the Administrator considers necessary to protect or advance the interests of the United States in civil aviation.

SEC. 412. GAMBLING ON COMMERCIAL AIRCRAFT.

(a) AMENDMENTS.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 422. GAMBLING RESTRICTIONS.

"(a) IN GENERAL.—No air carrier or foreign air carrier may install, transport, or operate, or permit the use of, any gambling device on board an aircraft in foreign air transportation.

"(b) DEFINITION.—In this section, the term 'gambling device' means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

"(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

"(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV, as amended by this Act, is further amended by inserting immediately after the item relating to section 421 the following new item:

"Sec. 422. Gambling restrictions.
"(a) In general.
"(b) Definition.".

(b) AVIATION SAFETY STUDY.—The Administrator of the Federal Aviation Administration shall, within 90 days after the date of enactment of this Act, complete a study of the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use. The study shall include an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft, and on issues relating to the method of payment. The Administrator shall, within 5 days after completing the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

(c) STUDY ON COMPETITION EFFECTS.—The Secretary of Transportation shall, within 90 days after the date of enactment of this Act, complete a study of the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling application on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets. The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

SEC. 413. LAND ACQUISITION COSTS.

Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation may approve an upward adjustment not to exceed $750,000, in the maximum obligation of the United States under an Airport Improvement Program grant issued to a reliever airport after September 1, 1989, and before October 1, 1989, in order to assist in funding increased land acquisition costs (as determined in judicial proceedings) and associated eligible project costs.

SEC. 414. MONROE AIRPORT IMPROVEMENT.

(a) AUTHORIZATION TO GRANT RELEASES.—Notwithstanding section 16 of the Federal Airport Act (as in effect on the date of transfer of

Selman Field, Louisiana, from the United States to the city of Monroe, Louisiana), the Administrator of the Federal Aviation Administration is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the 1949 deed of conveyance, or any other deed of conveyance occurring subsequent to that initial transference and before the date of enactment of this Act, under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Monroe, Louisiana, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 415. NORTH KOREA.

(a) FINDINGS.—(1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to act together with the Republic of Korea to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States forces and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an attack from North Korea.

SEC. 416. REQUIREMENT FOR CONTINUATION OF RADAR APPROACH CONTROL ACTIVITIES.

(a) FINDING.—Congress finds that the President's Five-Point Plan for Revitalizing Base Closure Communities dated July 2, 1993, encourages all Federal agencies to marshall the resources of such agencies in order to provide coordinated assistance to communities that experience adverse economic circumstances as the result of the closure of a military installation under a base closure law.

(b) REQUIREMENT.—The Administrator of the Federal Aviation Administration shall carry out on-going radar approach control activities at K. I. Sawyer Air Force Base, Michigan. The Administrator shall carry out such activities in the most cost-effective manner using any funds available to the Administrator.

SEC. 417. SENSE OF THE SENATE.

It is the sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(1) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(2) act to prevent and detect fraud and abuse in such programs and operations; and

(3) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

SEC. 418. RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

SEC. 419. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) AVAILABILITY OF INFORMATION.—In the interest of protecting the health of air travelers, the Secretary of Transportation shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) REVISION.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) PUBLICATION.—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

SEC. 420. CONTRACT TOWER ASSISTANCE.

The Secretary of Transportation shall take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota, and other communities where the Secretary deems such assistance appropriate, in obtaining the installation of a Level I Contract Tower for those communities.

SEC. 421. SENSE OF SENATE ON ISSUANCE OF REPORT ON USAGE OF RADAR AT THE CHEYENNE, WYOMING AIRPORT.

It is the sense of the Senate that the Secretary of Transportation—

(1) should take such action as may be necessary to revise the cost/benefit analysis process of the Department of Transportation to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports;

(2) should require the Administrator of the Federal Aviation Administration to reevaluate the aircraft radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region; and

(3) should report to Congress within 60 days following the date of the enactment of this Act on the results of the reevaluation of the aircraft radar needs of the Cheyenne, Wyoming Airport, and of Southeast Wyoming, and explain how military figures and concerns will be appropriately solicited in future radar decisions involving joint-use airport facilities.

TITLE V—AIRPORT-AIR CARRIER DISPUTES REGARDING RATES, FEES, AND CHARGES

SEC. 501. DECLARATION OF POLICY.

Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)), *as amended by this Act, is further amended by adding at the end the following new paragraphs:*

"(16) airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this Act; and

"(17) airports should be as self-sustaining as possible under the circumstances existing at each particular airport; and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 511(a)(12), including reasonable reserves and other funds to facilitate financing and cover contingencies.".

SEC. 502. AIRPORT FINANCIAL REPORTING.

(a) FORMAT FOR REPORTING.—Within 180 days after the date of enactment of this Act, the Secretary shall prescribe a uniform simplified format for reporting that is applicable to airports. Such a format shall be designed to enable the public to understand readily how funds are collected and spent at airports, and to provide sufficient information relating to total revenues, operating expenditures, capital expenditures, debt service payments, contributions to restricted funds, accounts, or reserves required by financing agreements or covenants or airport lease or use agreements or covenants. Such format shall require each commercial service airport to report the amount of any revenue surplus, the amount of concession-generated revenue, and other information as required by the Secretary.

(b) REQUIREMENT TO USE FORMAT.—Within 1 year after the date of enactment of this Act and once each year thereafter, each airport which is subject to any grant assurance under section 511(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)) shall file reports to the Secretary in the format prescribed by the Secretary under this section.

(c) ANNUAL SUMMARIES.—The Secretary shall provide annual summaries of such reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 503. ADDITIONAL ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.

(a) NEW POLICIES AND PROCEDURES.—Section 511 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210) is amended by adding at the end the following new subsection:

"(i) POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(9) and (a)(12) and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (a)(12), and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

"(2) REVENUE DIVERSION.—Such policies and procedures shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (a)(12)) through—

"(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

"(B) use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

"(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

"(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

"(3) EFFORTS TO BE SELF-SUSTAINING.—With respect to subsection (a)(9), such policies and procedures shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

"(4) ADMINISTRATIVE SAFEGUARDS.—Such policies and procedures shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(9) and (a)(12) and related grant assurances and to alert the Secretary to such possible violations.".

(b) JUDICIAL ENFORCEMENT.—If any airport sponsor violates section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any grant assurance thereunder, or violates section 536(d) of such Act, the Secretary may apply to the district court of the United States, for any district in which such airport sponsor carries on business or in which the violation occurred, for the enforcement of such section or assurance; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such airport sponsor from further violation of such section or assurance and requiring their obedience thereto.

(c) WITHHOLDING OF APPROVAL OF APPLICATIONS FOR GRANTS OR PASSENGER FACILITY CHARGES.—Section 519 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2218) is amended by adding at the end the following new subsection:

"(c) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If after notice and opportunity for a hearing the Secretary finds a violation of section 511(a)(12), as further defined by the Secretary under section 511(i), or a violation of an assurance under section 511(a)(12), and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this Act, or any proposed modification to an existing grant that would increase the amount of funds made available under this Act to the airport sponsor, and withhold approval of any new application to impose a fee under section 1113(e) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)). Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.".

(d) CIVIL PENALTIES.—(1) Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended—

(A) by inserting "or (C) section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any assurance thereunder," immediately after "under this Act," in the first sentence; and

(B) by inserting a semicolon and "except that in the case of a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)), the maximum civil penalty for a continuing violation shall not exceed $50,000" immediately before the period at the end of the second sentence.

(2) Section 901(a)(3)(A) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(3)(A)) is amended by inserting ", or a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210(a)(12)), as further defined by the Secretary under section 511(i) of such Act, or a violation of an assurance under such section 511(a)(12)" immediately before the period at the end.

(3) Section 901(a)(3)(E) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(3)(E)) is amended by adding at the end the following new clause:

"(iv) CERTAIN VIOLATIONS OF AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982.—In the case of a violation of section 511(a)(12) of the Airport and Airway Improvement Act of 1982 or an assurance thereunder—

"(I) a civil penalty shall not be assessed against an individual;

"(II) a civil penalty may be compromised as provided under paragraph (2) of this section; and

"(III) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 1006 of this Act.".

SEC. 504. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

The Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 536. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

"(a) AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.—

"(1) IN GENERAL.—The Secretary shall issue a determination as to whether a fee imposed upon one or more air carriers by the owner or operator of an airport is reasonable, if—

"(A) a written request for such determination is filed with the Secretary by such owner or operator; or

"(B) a written complaint requesting such determination is filed with the Secretary by an affected air carrier within 60 days after such carrier receives written notice of the establishment, or increase, of such fee.

"(2) CALCULATION OF FEE.—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

"(3) SECRETARY NOT TO SET FEE.—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not set the level of the fee.

"(b) PROCEDURAL REGULATIONS.—The Secretary, not later than 90 days after the date of enactment of this section, shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

"(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

"(2) the standards or guidelines that shall be used by the Secretary in determining under this subsection whether an airport fee is reasonable.

"(c) DECISIONS BY SECRETARY.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

"(1) Not more than 120 days after an air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

"(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, and any specifically applicable provisions of this section.

"(3) The administrative law judge shall issue a recommended decision within 90 days after the complaint is filed or within such shorter period as the Secretary may specify.

"(4) If the Secretary, upon the expiration of 120 days after the filing of the complaint, has not issued a final order, the decision of the administrative law judge shall be deemed to be the final order of the Secretary.

"(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the courts of appeal of the United States.

"(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order shall be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

"(d) ESCROW; GUARANTEE OF AIR CARRIER ACCESS.—

"(1) ESCROW.—Any fee increase or newly established fee (except for a fee paid as part of an agreement entered into prior to June 9, 1994, under which such fee is paid under protest), which is the subject of a complaint that is not dismissed by the Secretary, shall be paid by the complainant air carrier into an appropriate escrow account maintained for such purpose, until final disposition of the matter by the Secretary. The balance of the escrow account, including any interest accumulated thereon, shall be disbursed in accordance with directions in the final order of the Secretary.

"(2) GUARANTEE OF AIR CARRIER ACCESS.—Contingent upon an air carrier's compliance with the escrow requirements of paragraph (1) and pending the issuance of a final order of the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's rates, routes, or services, as a means of enforcing the fee.

"(e) APPLICABILITY.—This section does not apply to—

"(1) a fee imposed pursuant to a written agreement with air carriers using the facilities of an airport;

"(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to the date of enactment of this section; or

"(3) any other existing fee not in dispute as of such date of enactment.

"(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

"(1) the rights of any party under any existing written agreement between an air carrier and the owner or operator of an airport; or

"(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of the date of enactment of this section.

"(g) DEFINITION.—In this section, the term 'fee' means any rate, rental charge, landing fee, or other service charge for the use of airport facilities.".

TITLE VI—COMMITTEE OVERSIGHT HEARINGS

SEC. 601. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this title shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. 602. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the hearings authorized by this title, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section 601 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance; and

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this title.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. 603. ADDITIONAL STAFF FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section 602(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

SEC. 604. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section 601.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 601.

SEC. 605. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section 601.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no power to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money

made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this title.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section 601(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this title. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this title.

SEC. 606. RELATION TO OTHER INVESTIGATIONS.

In order to—

(1) expedite the thorough conduct of the hearings authorized by this title;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

SEC. 607. SALARIES AND EXPENSES.

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking "$56,428,119" and inserting "$56,828,419"; and

(2) in section 6(c) by striking "$3,220,767" and inserting "$3,620,767".

SEC. 608. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section 604(b) not later than the end of the One Hundred Third Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this title shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. 609. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this title notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 610. COMMITTEE FUNDING AND RULE XXVI.

The supplemental authorization for the committee is granted pursuant to this title notwithstanding the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

SEC. 611. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 612. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 613. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 614. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 615. HEARING DATE.

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation, whichever is the earlier.

SEC. 616. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 617. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 618. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

SEC. 619. ADDITIONAL HEARINGS.

(a) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should by authorized as appropriate under, and in accordance with, the provisions of that resolution.

(b) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2875. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2876. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the fiscal year 1995 appropriations request of the Department of Energy; to the Committee on Appropriations.

EC-2877. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-3; to the Committee on Appropriations.

EC-2878. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Revised Methods of Providing Federal Funds for Public Housing Agencies"; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2206. An original bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 2207. An original bill to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes.

S. 2208. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2209. A bill to authorize appropriations for fiscal year 1995 for military construction, and for other purposes.

S. 2210. An original bill to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes.

S. 2211. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes.

By Mr. BYRD, from the Committee on Appropriations:

Special report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" (Report No. 103–289).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN:

S. 2206. An original bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2207. An original bill to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2208. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2209. A bill to authorize appropriations for fiscal year 1995 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2210. An original bill to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2211. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. HEFLIN:

S. 2212. A bill to provide guidelines for the membership of committees making recommendations on the rules of procedure appointed by the Judicial Conference, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2213. A bill to make applicable the provisions of the Act commonly known as the "Warren Act" to the Central Utah Project, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE (for himself and Mrs. BOXER):

S. 2214. A bill to amend the Social Security Act to establish grants for States to carry out Children's Ombudsman programs, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for Mr. LIEBERMAN (for himself and Mr. DURENBERGER)):

S. 2215. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. WOFFORD):

S. Res. 230. A resolution to designate and assign two permanent Senate offices to each State; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 2212. A bill to provide guidelines for the membership of committees making recommendations on the rules of procedure appointed by the Judicial Conference, and for other purposes; to the Committee on the Judiciary.

AMENDING THE RULES ENABLING ACT

Mr. HEFLIN. Mr. President, sections 2071 through 2077 of title 28 of the United States Code are the cluster of statutory provisions authorizing the Supreme Court to issue the rules under which the various Federal courts function. While there have been many amendments to these sections over the years, the group is commonly referred to as the Rules Enabling Act. The original act, adopted in 1934, did not provide for committees to aid the Supreme Court in exercising this responsibility, but Chief Justice Hughes decided to appoint an advisory committee, whose original membership consisted of 13 members. Former Attorney General William Mitchell chaired the committee, which contained four law professors and very distinguished lawyers, including the president of the American Bar Association and the president of the American Law Institute. Between 1935 and the final promulgation of the rules in 1938, there were some changes in the personnel. Four practicing lawyers, two professors, and one district court judge became members of the committee. For the stupendous impact on the legal system of America, no subsequent rules have had the dynamic quality of those original rules.

Over time, Congress has refined the system. The assistance of the committees is now regularized by statute—see 29 U.S.C. section 2073(a)(2)—and this section of the statute provides that the various committees, like the early committee, "shall consist of members of the bench and the professional bar and trial and appellate judges." The members are appointed by the Chief Justice of the United States.

The rulemaking system, as spread over the various branches of court system with rules of civil, criminal, appeals, evidence, bankruptcy, et cetera, has on the whole worked fairly well. Suffice it to say that today the rules pass from advisory committees to a central standing committee, and from there go to the Judicial Conference of the United States, which does in fact exercise a meaningful supervisory function. For example, last year the Conference deleted a rule which had been recommended to it by the committee structure in the civil field. After the Conference approves a rule, it then passes to the Supreme Court of the United States, whose members have somewhat differing views as to what function they can be expected actually to perform; there is some sentiment for letting the process stop with the Judicial Conference. Next, the rules pass to Congress, and if it does not disapprove them within 180 days, they become effective.

I turn now to the exact matter at issue. I can most easily do so by quoting from a statement by the American Bar Association, dated March 28, 1994, to the relevant committee of the Judicial Conference:

> In 1935, when work was begun on the Federal rules, the advisory committee that did the drafting was comprised of nine lawyers and four academics; there were no judges involved. In 1960, when the advisory committee was reconstituted, a majority of its members were practicing lawyers. As late as 1981, 40 percent of the advisory committee were practitioners. Today, no more than four members of the key panel of 13 civil rules drafters are trial lawyers. While the inclusion of judges in the process has had undoubted benefit, the near-total exclusion of practicing trial lawyers has skewed the process and its product. We are not confident, as a consequence, that the process has produced

> rules that respond to the concerns of litigants and the lawyers who represent them in court. This trend must be reversed and lawyers restored to a position of real responsibility in the rules drafting process. In order to do this most effectively, and to benefit from the positive and valuable contributions of practicing lawyers to the rules process, the membership on all the advisory committees should be expanded to include more bar representation.

I believe this position is well taken. Clearly a gulf has arisen between the rulemakers and the bar which must live under those rules. In connection with the civil rules of last year, the Judiciary Subcommittee on Courts and Administrative Practice, which I chair, held hearings on the proposed rules changes, and we were overwhelmed by representatives of the bar strenuously objecting to several of the proposed rule changes. Both the House and Senate relevant committees concluded that the bar protests should be honored and that the rules should be changed; however, tangles in our own procedures prevented the more objectionable proposals from being deleted and all of the proposed changes went into effect on December 1, 1993.

The bill I offer today would restore the composition of these committees which existed from the original rules in 1935 until approximately 1980 and which have been altered only in very recent times. This bill provides that a majority of all the Rules Committees shall be drawn from the practicing bar. It by no means diminishes the valuable role of academics and of judges, but it would restore to the bar a voice of responsibility.

At the present time, under our statutes, the Rules Committees conduct extensive hearings. These become so crowded that individual presentations are necessarily brief, but they are balanced in the sense of giving broad scope to those who may participate. What is presented at those hearings, what is developed by the committee reporters and staff, and what is proposed by the various committee members themselves, are all put into a mix which must be finally shaped by the committee itself. In my judgment, those committees are seriously lacking in balance. Their work product goes to the Judicial Conference, by definition composed entirely of judges; and assuming that the Supreme Court stays in the process, then to that body which is of course composed entirely of judges. Somewhere in the process, making rules under which the courts shall function and the bar of the country shall do its business, there should be more room for the effective voice of the bar itself.

My proposal does not limit the broad discretion of the Chief Justice of the United States, who will continue to select the membership of the various committees subject only to the restriction that a majority should be members of the bar. I comfortably leave it to his good judgment as to how to achieve balanced committees.

I offer this bill, to provide that the majority of the various committees shall be composed of practicing lawyers, in order to restore that balance, and I urge its consideration by my colleagues in the Senate. Mr. President, I request unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMBERSHIP OF COMMITTEES MAKING RECOMMENDATIONS ON RULES OF PROCEDURE.

Section 2073(a)(2) of title 28, United States Code, is amended by striking out the second sentence and inserting in lieu thereof "Each such committee shall have a majority of members of the practicing bar, and also shall have members of the bench (including trial and appellate judges) and academics.".

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2213. A bill to make applicable the provisions of the act commonly known as the Warren Act to the central Utah project, Utah, and for other purposes; to the Committee on Energy and Natural Resource.

LEGISLATION MAKING THE WARREN ACT APPLICABLE TO THE CENTRAL UTAH PROJECT

• Mr. BENNETT. Mr. President, today I am introducing legislation which will allow the Central Utah Water Conservancy District [CUWCD] to wheel Provo City water through the district's water delivery system.

The legislation will assist the district in implementing its water conservation programs. As a water wholesaler, the Central Utah Water Conservancy District has been studying ways to work with local cities and counties to avoid duplication of water facilities and to increase the more efficient use of water treatment and delivery systems.

This legislation clarifies that the Department of the Interior, or its agent, the Bureau of Reclamation, may enter into nonproject water storage and carriage agreements on a space available basis in the CUP project works, pursuant to the Warren Act.

This legislation is not without precedent. This type of Warren Act authority already exists in California and Nevada and the identical authority was passed in the Reclamation States Emergency Drought Relief Act of 1991 (Pub. L. 102-250).•

Mr. HATCH. Mr. President, I rise to join my colleague from Utah, Senator BENNETT, in sponsoring this legislation.

The purpose of this legislation is to enhance the ability of the Central Utah project [CUP] to implement certain water conservation programs throughout the 13 counties that the project serves.

My colleagues will remember that Congress passed legislation containing the CUP Completion Act, Public Law 102-575. This legislation authorized the completion of this critical water project for Utah. An important part of this law was a directive to the entity managing the completion of the CUP, the Central Utah Water Conservancy District, to study ways of achieving improved efficiencies in water management and delivery systems. Accomplishing this task through cooperative efforts with local water systems while conserving water, protecting instream flows, and avoiding duplication of facilities, has been the district's primary objective.

In recent months, the question has been raised as to whether the district has the authority to move nonproject water through CUP facilities as part of the district's overall water conservation and management planning program.

The legislation Senator BENNETT and I are introducing today is necessary to clarify that the Secretary of the Interior, through the Commissioner of the Bureau of Reclamation, may enter into nonproject water storage and carriage agreements on a space available basis in project works. This authority would be granted pursuant to the Warren Act signed into law on February 21, 1911, which is found at 43 U.S.C. 523, as amended. Additionally, the intent of our bill is that all appropriate costs associated with the movement on nonproject water would be recovered through the rates and charges included in each contract.

My colleagues should note that the authority this bill would extend to the CUP now exists in several other Bureau of Reclamation projects. These include the Central Valley project, the Cachuma project, and the Ventura River project, all located in California, and the Truckee Storage and Washoe projects in Nevada.

This legislation has the complete support of the primary sponsor of the Central Utah project, the Central Utah Water Conservancy District. I believe officials with the Bureau of Reclamation are also sympathetic to this problem and are willing to work toward a resolution of this matter.

This is a noncontroversial measure that is necessary to make our project more versatile in achieving its ultimate objectives. I urge my colleagues to support this legislation.

By Mr. RIEGLE (for himself and Mrs. BOXER):

S. 2214. A bill to amend the Social Security Act to establish grants for States to carry out Children's Ombudsman programs, and for other purposes; to the Committee on Finance.

CHILDREN'S OMBUDSMAN ACT

• Mr. RIEGLE. Mr. President, today I am introducing a bill that I hope will lead to the creation of a children's ombudsman office in each State. This legislation will give the Department of Health and Human Services the power to establish demonstration projects in 10 States. These demonstrations will create an ombudsman office responsible for overseeing the range of services that are in place to serve and protect the children in this country. These ombudsmen would serve as advocates for children—who both speak on behalf of children's interests and who understand the legislative and legal processes.

Mr. President, it becomes increasingly important with each passing day that greater efforts be made to ensure the safety and health of our youngest citizens. During this session, Congress has addressed a number of key issues affecting children, including expanding family support efforts, improving the Head Start Program, establishing goals in our education system, increasing funding for a number of children's programs, and increasing our immunization efforts against childhood disease.

I am hopeful that, in the coming weeks, Congress will take further actions to promote the well-being of our Nation's children. Key among these efforts will be enacting a national health plan. In addition, as we reform the current welfare system we must ensure that the system protects the rights and needs of affected children. An ombudsman could play a critical role in welfare reform and I think this bill can be an important component to what we finally enact.

At the State level, an ombudsman would perform many important functions including assisting parents in their search for quality child care; overseeing the enforcement of the protective services laws and the operation of the foster care system; providing critical warning to appropriate officials whenever the health and welfare of a child is endangered. Finally a children's ombudsman would be a public advocate for children's programs and interests before the State and local leaders who are making critical funding decisions. No downsizing of government and no effort to win votes should come at the expense of children who cannot vote, do not organize, and will not protest.

There is much that we still need to do for the children of the United States. Last year alone there were 1 million confirmed cases of child abuse and neglect, and 1,300 children died from child abuse. In addition, an estimated 460,000 children were in foster care—double the numbers of one decade ago. One in four children under the age of 3—nearly 3 million—live in families that are in poverty. Over the last 20 years the number of children under 6 has grown by less than 10 percent but the number of poor children under 6 have grown by 60 percent. It is painfully apparent that we are not doing enough to protect our children.

Mr. President, we can, and we must, do a better job of protecting the welfare of our Nation's children. It is my hope this legislation will play one small part in reaching that goal.

Mr. President I ask unanimous consent that the full text of the bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Ombudsman Act".

SEC. 2. GRANTS FOR STATE CHILDREN'S OMBUDSMAN PROGRAMS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following:

"PART G—STATE CHILDREN'S OMBUDSMAN PROGRAMS

"STATE PROGRAMS

"SEC. 491. (a) DEFINITIONS.—As used in this section:

"(1) CHILD.—The term 'child' means an individual who is younger than 18 years of age.

"(2) CHILDREN'S SERVICES.—The term 'children's services' means child welfare services, as defined in section 425, child protective services, including investigation and intervention in response to cases of reported child abuse and neglect, and services authorized to be provided under part E.

"(3) FACILITY.—The term 'facility' means—

"(A) a child-care institution, or a foster family home, as defined in section 472(c), or an entity eligible to carry out activities under part E;

"(B) an entity eligible to carry out activities under part B; and

"(C) an entity providing child protective services, including investigation and intervention in response to cases of reported child abuse and neglect.

"(4) LEGAL ASSISTANCE.—The term "legal assistance"—

"(A) means legal advice provided by an attorney to children; and

"(B) includes—

"(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

"(ii) counseling by a nonlawyer where permitted by law.

"(5) LOCAL OMBUDSMAN ENTITY.—The term 'local Ombudsman entity' means an entity designated under subsection (c)(5)(A) to carry out the duties described in subsection (c)(5)(B) with respect to a service area described in subsection (c)(1)(D)(iii) or other substate area.

"(6) NONPROFIT.—The term 'nonprofit', as applied to any organization or entity, means an organization or entity that is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(7) OFFICE.—The term 'Office' means the office established in subsection (c)(1)(D)(i).

"(8) OMBUDSMAN.—The term 'Ombudsman' means the individual described in subsection (c)(2).

"(9) PROGRAM.—The term 'program' means the State Children's Ombudsman program established in subsection (c)(1)(D)(ii).

"(10) REPRESENTATIVE.—The term 'representative' includes an employee or volunteer who represents an entity designated under subsection (c)(5)(A) and who is individually designated by the Ombudsman.

"(11) RECIPIENT.—The term 'recipient' means a child who receives, or who is eligible to receive, children's services.

"(12) STATE AGENCY.—The term 'State agency' means the agency designated under subsection (c)(1)(A).

"(b) GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants to not more than 10 States to carry out Children's Ombudsman programs.

"(2) AWARD OF GRANTS.—In awarding grants under paragraph (1), the Secretary shall—

"(A) award the grants so as to support a variety of approaches to carrying out the programs;

"(B) award at least one such grant to a State to carry out a program by contract or other arrangement with a nonprofit private organization; and

"(C) give preference in the award of grants to States that have demonstrated the availability of non-Federal sources of funds to carry out State Children's Ombudsman programs.

"(3) PERIOD.—In awarding a grant under paragraph (1), the Secretary shall award the grant for a period of 3 years.

"(4) LIMITATION.—A State that receives a grant under paragraph (1) shall use not more than 10 percent of the amounts made available through the grant to conduct the evaluation described in subsection (c)(1)(C).

"(c) ESTABLISHMENT.—

"(1) IN GENERAL.—

"(A) STATE AGENCY.—In order for a State to be eligible to receive a grant under subsection (b), the State shall, in accordance with guidance provided by the Secretary, designate a State agency as the sole State agency to carry out the duties described in subparagraphs (B), (C), and (D). The State may not designate a State agency that is responsible for the licensing or regulation of a facility in the State.

"(B) STATE PLAN.—

"(i) IN GENERAL.—In order for a State to be eligible to receive such a grant, the State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(ii) CONTENTS.—The application shall include, at a minimum, a State plan that contains information indicating the manner in which the State will carry out a program in accordance with the requirements of this section.

"(C) IMPLEMENTATION.—The State agency shall administer the State plan within such State, and be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities carried out under the State plan.

"(D) PROGRAM.—The State agency shall, in accordance with this section—

"(i) establish and operate an Office of the State Children's Ombudsman;

"(ii) carry out through the Office a State Children's Ombudsman program; and "(iii) divide the State into distinct service areas, or designate the entire State as a single service area, in accordance with guidelines issued by the Secretary.

"(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Children's Ombudsman, who shall be selected from among individuals with expertise and experience in the fields regarding care and advocacy for children.

"(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, recipients or the parents or guardians of recipients; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the recipients, of—

"(I) providers, or representatives of providers, of children's services;

"(II) public agencies; or

"(III) health and social service agencies;

"(B) inform the parents or guardians of recipients about means of obtaining children's services provided by providers or agencies described in subparagraph (A)(ii);

"(C) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(D)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the recipients, with respect to the adequacy of facilities and children's services for children in the State;

"(ii) recommend to the Governor of the State, the State legislature, and appropriate State agencies, such changes in State laws, regulations, policies, and actions as the Office determines to be appropriate; and

"(iii) facilitate public comment on the Federal, State, and local laws, regulations, policies, and actions;

"(E)(i) provide for recruiting and training representatives of the Office; and

"(ii) promote the development of citizen organizations, to participate in the program; and

"(F) carry out such other activities as the Secretary determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

"(B) LICENSING OR REGULATION ENTITIES; ASSOCIATIONS.—Except as provided in subparagraph (C), the State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for the licensing or regulation of a facility in the State; or

"(ii) an association (or an affiliate of such an association) of facilities.

"(C) WAIVER.—The Secretary may waive the requirements of subparagraph (B) with respect to not more than 3 programs.

"(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate a full-time employee or a volunteer to represent the entity.

"(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

"(i) identify, investigate, and resolve complaints as described in paragraph (3)(A);

"(ii)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of recipients or of the parents or guardians of recipients; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions; and

"(iii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or nonprofit private entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

"(ii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this part regarding confidentiality and conflict of interest.

"(d) PROCEDURES FOR ACCESS.—

"(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

"(A) access to facilities, recipients, and the parents or guardians of recipients;

"(B) appropriate access to review the medical and social records of a recipient;

"(C) access to the administrative records, policies, and documents, of facilities, in any case in which the parents or guardians of recipients have access, or the general public has access, to such records, policies, and documents; and

"(D) access to and, on request, copies of all licensing or oversight records maintained by the State with respect to facilities.

"(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(e) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in facilities, to recipients, and to the parents or guardians of recipients, for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing, regulation, or oversight of facilities in the State;

"(B) the Governor of the State, the State legislature, and other State and Federal entities that the Ombudsman determines to be appropriate; and

"(C) the Secretary.

"(f) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (d)(1) or (e).

"(2) IDENTITY OF COMPLAINANT OR RECIPIENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant, recipient, or parent or guardian of a recipient, with respect to whom the Office maintains such files or records unless—

"(i) the complainant, the parent or guardian of the recipient, or the legal representative of the complainant or recipient, parent, or guardian, consents to the disclosure and the consent is given in writing;

"(ii)(I) the complainant, or the parent or guardian of the recipient gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

"(iii) the disclosure is required by court order.

"(g) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of—

"(1) agencies providing services for children;

"(2) children;

"(3) providers of care for children;

"(4) State child advocacy groups and local child advocacy groups;

"(5) juvenile court judges and family court judges; and

"(6) persons representing programs that provide court-appointed representation for children.

"(h) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (c)(5), is subject to a conflict of interest;

"(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

"(3) ensure that the Ombudsman—

"(A) except in the case of an Ombudsman with a waiver under subsection (c)(4)(C), does not have a direct involvement in the licensing or regulation of a facility or of a provider of children's services;

"(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a facility or in children's services;

"(C) is not employed by, or participating in the management of, a facility; and

"(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a facility; and

"(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(i) LEGAL COUNSEL.—The State agency shall ensure that—

"(1) adequate legal counsel is available, and is able, without conflict of interest, to—

"(A) provide advice and consultation needed to protect the health, safety, welfare, and rights of recipients; and

"(B) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(2) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative.

"(j) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (e);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, recipients or parents or guardians of recipients;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the recipients; and

"(ii) protecting the health, safety, welfare, and rights of the recipients;

"(E)(i) analyzing the success of the activities of the Office; and

"(ii) identifying barriers that prevent the optimal operation of the Office; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of recipients, to protect the health, safety, welfare, and rights of recipients, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to facilities and children's services, and to the health, safety, welfare, and rights of recipients, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of recipients, and parents or guardians of recipients; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Secretary, the chief executive officer of the State, the State legislature, the State agency responsible for licensing, regulation, or oversight of facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4) disseminate information regarding the services provided through the Office—

"(A) by providing a toll-free telephone number for inquiries about the services;

"(B) through television, radio, and newspaper advertising; and

"(C) through placement of notices in facilities and other appropriate locations;

"(5)(A) not later than 1 year after the date of the enactment of this section, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Secretary, in consultation with representatives of citizen groups, providers of care for children, and the Office, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to facilities in the State;

"(II) investigative techniques;

"(III) alternative dispute resolution, including mediation; and

"(IV) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures not later than 21 months after the date of the enactment of this section;

"(6) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (D) of subsection (c)(3) unless the representative—

"(A) has received the training required under paragraph (5); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office; and

"(7) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), or (4).

"(k) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(l) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Secretary) shall be unlawful;

"(2) prohibit retaliation and reprisals by a facility or other entity with respect to any recipient, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"(m) GUIDANCE.—The Secretary shall issue and periodically update guidance respecting—

"(1) conflicts of interest by persons described in paragraphs (1) and (2) of subsection (h); and

"(2) the relationships described in subparagraphs (A) through (D) of subsection (h)(3).

"(n) TRAINING, TECHNICAL ASSISTANCE, AND RESEARCH.—The Secretary shall reserve not more than 10 percent of the amounts appropriated under subsection (p) to provide technical assistance and training to Offices and local Ombudsman entities, and to conduct research related to the State and local operation of programs. The Secretary may provide such technical assistance and training, and conduct such research, directly or by awarding grants to appropriate entities.

"(o) COORDINATION WITH DEPARTMENT OF JUSTICE.—To carry out this Act and the State challenge activities under section 285 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667c), in planning for, and awarding, grants under this section, the Secretary shall coordinate the award of such grants with—

"(1) the Coordinating Council on Juvenile Justice and Delinquency Prevention, established under section 206 of Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616); and

"(2) the Office of Justice and Delinquency Prevention of the Department of Justice, created under section 201 of such Act (42 U.S.C. 5611).

"(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for fiscal year 1995 and such sums as may be necessary for each subsequent fiscal year.".•

By Mr. BYRD (for Mr. LIEBERMAN (for himself and Mr. DURENBERGER)):

S. 2215. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BIOMATERIALS AVAILABILITY ACT OF 1994

• Mr. LIEBERMAN. Mr. President, I am introducing today, together with Senator DURENBERGER, the Biomaterial Availability Act of 1994. This bill is an attempt to address what could be a major threat to many of the miracles of modern medicine. Over the next 2 years, health care as we know it could be radically transformed, not by health care reform legislation, but because the makers of many of the life-saving medical devices that we take for granted today may no longer be able to buy the raw materials and components necessary to produce their products. This is a public health time bomb—and it is ticking—and the lives of real people are going to be lost if it explodes.

What could cause this public health catastrophe? The Subcommittee on Regulation and Government Information, which I chair, examined this question at a hearing on May 20, 1994. The answer appears to be an out-of-control product liability system which makes it too easy to bring lawsuits against raw materials suppliers, and too costly for those suppliers to defend themselves even when they ultimately win. Those suppliers have begun to decide that the costs of defending lawsuits involving medical products is too high to justify selling raw materials to the makers of implantable medical devices. For those suppliers, it just isn't worth it.

How could this be? A recent study by Aronoff Associates paints a clear, but dismal, picture. That study surveyed the markets for polyester yarn, resins such as DuPont's Teflon, and polyacetal resin such as Dupont's Delrin. Aronoff found that sales of these raw materials for use in manufacturing implantable medical devices was just a tiny percentage (0.006 percent) of the overall market, $606,000 out of total sales of over $11 billion.

In return for that extra $606,000 in total annual sales, however, raw materials suppliers face potentially huge liability-related costs, even if they never lose a lawsuit. To take one example, a company named Vitek manufactured an estimated 26,000 jaw implants using about 5 cents worth of DuPont Teflon in each device. The device was developed, designed and marketed by Vitek, which was not related to DuPont. When those implants failed, Vitek declared bankruptcy, its founder fled to Switzerland, and the patients sued DuPont. DuPont's record in court on Vitek-related claims so far has been enviable—258 wins and one loss—but the cost has been staggering. Aronoff estimated that DuPont alone was spending at least $8 million per year over the past 5 to 6 years to defend these suits. To put this in perspective, DuPont's estimated legal expenses in these cases for just 1 year would buy over a 13 year supply of DuPont's Dacron polyester, Teflon and Delrin for all U.S. makers of implantable medical devices, not just makers of jaw implants.

Faced with this cost/benefit picture, DuPont decided, in January 1993, to stop selling its products to manufacturers of permanently implanted medical devices. At that time, DuPont said it would only permit manufacturers to purchase a year's supply, based on historical buying patterns. DuPont has subsequently allowed manufacturers to purchase up to 3 more years' worth of raw materials.

One supplier's decision alone might not be troublesome except that there is no reason to believe that the economics will be different for other suppliers around the world. One of the witnesses at our subcommittee hearing testified that she had already contacted 15 alternate suppliers of polyester yarn worldwide. All were interested in selling her raw materials—except for use in products made and used in the United States. By itself this is a powerful statement about the nature of our product liability laws, and makes a powerful case for reform.

What is at stake here? Without raw materials, you cannot make a final product. Take a heart valve, for example. Around the edge of a heart valve is a sleeve of polyester fabric. This fabric is what the surgeon sews through when he or she installs this valve. Without the sleeve, it would be difficult, if not impossible, to install the valve. Without that valve, the patient will die prematurely.

Take another example, a pacemaker. Pacemakers are installed in patients whose hearts no longer generate enough of an electrical pulse to get the heart to beat. To keep the heart beating, a pacemaker is connected to the heart with wires. These wires have silicone rubber insulation. Unfortunately, the suppliers of the rubber have begun to withdraw from the market. Without this pacemaker and its leads, the patient will die prematurely. With that pacemaker, the patient can live for decades.

Take still a third example. At our hearing, we had in attendance Thomas Reilly, a 9-year-old boy from Houston, TX, who suffers from hydrocephalus, a condition in which fluid accumulates around the brain. A special shunt enables him to survive. But continued production of that shunt is in doubt because of the raw materials suppliers are concerned about the potential cost of product liability lawsuits. Thomas' father, Mark Reilly, pleaded for the Congress to move forward quickly to assure that hydrocephalic shunts will continue to be available.

We also heard from Peggy Phillips of Falls Church, VA, whose heart had twice stopped beating because of fibrillation. Today, she lives an active, normal life because she has an implanted automatic defibrillator. Again, critical components of the defibrillator may no longer be available because of potential product liability costs. Ms. Phillips, like Mr. Reilly, urge the Congress to move swiftly to enact legislation protecting raw materials and component part suppliers from product liability suits.

These people are all grateful beneficiaries of our modern medical system. But we cannot allow the 7.4 million people who owe the quality of their lives to medical devices to become casualties of an outmoded legal liability system. Because product liability litigation costs make the economics of supplying raw materials to the implantable medical device makers very unfavorable, it is imperative that we act now. We cannot expect raw materials suppliers to continue to serve the medical device market out of the goodness of their hearts, notwithstanding the liability-related costs. We need to reform our product liability laws, to give raw material suppliers some assurance that unless there is real evidence that they were responsible for putting a defective device on the market, they cannot be sued simply in the hope that their deep pockets will fund legal settlements.

I have long believed that liability reform could be both proconsumer and probusiness. I believe that the testimony we heard at our hearing on May 20, 1994, proved this once again. When fear of liability suits and litigation costs drives valuable, life-saving products off the market because their makers cannot get raw materials, consumers cannot possibly come out ahead.

When companies must divert money from developing new life-saving products to replacing old sources of raw materials supply, consumers cannot possibly be coming out ahead. When one company must spend millions just to defend itself in lawsuits over a product it did not design or make—for which it simply provided a raw material ingredient—consumers are the ones who suffer. Our hearing dramatically illustrated that efforts to increase compensation for the injured can sometimes come at an unacceptably high cost.

Based on the testimony we heard, I am committed to forging a solution that will head off this threat to our national public health. Today, I am introducing the Biomaterials Availability Act of 1994, which will establish clear national rules to govern suits against suppliers of raw materials and component parts for permanently implantable medical devices. Under this bill, a supplier of raw materials or component parts can only be sued if the materials they supplied do not meet contractual specifications, or if they simply delivered the wrong product. They cannot, however, be sued for deficiencies in the design of the final device, the testing of that device, or for inadequate warnings with respect to that device.

I believe that enactment of this bill would help ensure that America's patients continue to have access to high-quality life saving and life enhancing medical implants, made with the best materials science and technology can produce. We must, however, act quickly. The patient is in critical condition, and we need to perform emergency surgery. Delay could, quite literally, be deadly.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biomaterials Access Assurance Act of 1994".

SEC. 2. FINDINGS.

Congress finds and declares the following:

(1) Every year millions of Americans depend on the availability of life-saving or life enhancing permanently implantable medical devices;

(2) A continued supply of raw materials and component parts is necessary to the invention, development, improvement and maintenance of the supply of such devices;

(3) Most of these devices are made with raw materials and component parts that are not designed or manufactured specifically for use in implantable devices, but which have uses in a variety of non-medical products as well;

(4) Small quantities of these raw materials and component parts are used, so that sales of raw materials and component parts for medical devices are an extremely small portion of the overall market for such raw materials and medical devices;

(5) Manufacturers of medical devices are required under the Federal Food, Drug and Cosmetic Act to demonstrate that their products are safe and effective, including being properly designed and having adequate warnings or instructions, and existing tort law requires manufacturers of medical devices to ensure they are properly designed and have adequate warnings;

(6) Notwithstanding the fact that raw materials and component parts suppliers do not design, produce or test the final implant,

they have been sued in cases alleging inadequate design and testing of, or warnings related to use of, permanently implanted medical devices;

(7) Even though raw materials and component parts suppliers have almost never been held liable in such suits, because the cost of litigating such suits to a favorable judgment far exceeds the total potential sales of such raw materials and component parts to the medical device industry, raw materials and component parts suppliers have begun to cease supplying such raw materials and component parts for use in permanently implanted medical devices;

(8) The unavailability of raw materials and component parts will, unless alternate sources of supply can be found, lead to unavailability of life saving and life enhancing medical devices;

(9) The prospects for developing of new sources of supply for the full range of threatened raw materials and component parts are remote, as other suppliers around the world are refusing to sell raw materials or component parts for use in manufacturing permanently implantable medical devices in the United States, and it is unlikely that such a small market could support the large investment needed to develop new suppliers and attempts to do so will raise the cost of medical devices;

(10) Courts that have considered the issue have generally found that raw materials and component part suppliers do not have a duty to evaluate the safety and efficacy of the use of a raw material or component part in a medical device, and also do not have a duty to warn concerning the safety and effectiveness of a medical device;

(11) Attempts to impose such duties will cause more harm than good by driving raw materials and component part suppliers to cease supplying manufacturers of permanently implantable medical devices;

(12) In order to safeguard the availability of a wide variety of life savings and life enhancing medical devices, immediate action is needed to clarify the permissible bases of liability for suppliers of raw materials and component parts used in the manufacture of permanently implantable medical devices and to provide expeditious procedures to dispose of unwarranted suits against those suppliers so as to minimize litigation costs.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant, and includes persons that have submitted master files to the Food and Drug Administration for purposes of pre-market approval of medical devices, but does not include a manufacturer or seller of an implant;

(2) "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, and includes persons other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, if such person claims to have suffered harm; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian; the term does not include

(A) a provider of professional services in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(B) a manufacturer, seller or biomaterials supplier.

(3) "component part" means a manufactured piece of an implant and includes a manufactured piece that has significant non-implant applications and that by itself has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant;

(4) "harm" means any injury to or damage suffered by an individual, any illness, disease, or death of that individual resulting from that injury or damage, and any loss to that individual or any other individual resulting from that injury or damage; the term does not include commercial loss or loss of or damage to an implant itself;

(5) "implant" means a medical device that (A) is placed into a surgically or naturally formed or existing cavity of the body or which contacts blood or internal human tissue and (B) which (i) is intended by the manufacturer to remain in contact with the body or internal tissue of the humans continuously for a period of thirty days or more, or (ii) has labeling which does not contraindicate implantation or contact for thirty days or more;

(6) "manufacturer" means any person who, with respect to any particular implant—

(A) is engaged in the manufacture, preparation, propagation, compounding or processing, as defined in Section 510(a)(1) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(a)(1)), of an implant; and

(B) is required under Section 510 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360), and the regulations issued thereunder, to register with the Secretary of Health and Human Services and to include the implant on a list of devices filed with the Secretary pursuant to Section 510(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(j)), and the regulations issued thereunder.

(7) "medical device" means a medical device as defined in §201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. §321(h));

(8) "qualified specialist" means a person who is qualified by knowledge, skill, experience, training or education in the specialty areas that are the subject of the action;

(9) "raw material" means a substance or product that has a generic use and that may be used in applications other than implants;

(10) "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 4. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—This Act applies to any civil action brought by a claimant, whether in state or federal court, against a manufacturer, seller or biomaterials supplier, or against licensors of biomaterials suppliers, on any theory, for harm caused by an implant. A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant itself or for commercial loss to the purchaser is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) SCOPE OF PREEMPTION.—This Act supersedes any State law regarding recovery for harm caused by an implant only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) EFFECT ON OTHER LAWS.—Nothing in this Act shall be construed to—

(1) affect any defense available under other provisions of state or federal law to a defendant in an action alleging harm caused by an implant; or

(2) create a cause of action or federal court jurisdiction pursuant to 28 U.S.C. 1331 or 1337 that otherwise would not exist under applicable state or federal law.

SEC. 5. ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a)(1) Except as provided in subsection (b) of this Act, no claimant may bring an action for harm caused by an implant against a person, who has not registered with the Secretary of Health and Human Services, pursuant to Section 510 of the Federal Food, Drug and Cosmetic Act, and the regulations issued thereunder, and included the implant on a list of devices filed with the Secretary pursuant to Section 510(j) of the Federal Food Drug and Cosmetic Act and the regulations issued thereunder.

(2) Notwithstanding subparagraph (1), a claimant may bring an action, other than as provided in subsection (b) of this Act, against a person who, with respect to claimant's implant, is the subject of a declaration issued by the Secretary under Section 6(a) of this Act, or is a seller of the implant that allegedly caused harm to the claimant.

(b) No claimant may bring an action for harm caused by an implant against a biomaterials supplier, and no biomaterials supplier shall be liable for harm to a claimant caused by an implant, unless the claimant shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either were not the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product, or failed to meet any specifications that were—

(A) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(B) published by the biomaterials supplier, provided to the manufacturer by the biomaterials supplier, or contained in a master file submitted by the biomaterials supplier to the Food and Drug Administration, and currently maintained by the biomaterials supplier, for purposes of premarket approval of medical devices; or

(C)(i) included in the manufacturer's submissions for purposes of premarket approval or review by the Food and Drug Administration under Section 510, 513, 515 or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S. Code §§360, 360c, 360e or 360j) that have received clearance from the Food and Drug Administration, (ii) that were provided by the manufacturer to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to the manufacturer's acceptance of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proxminate cause of the claimant's harm.

(c) No claimant may bring an action for harm caused by an implant against a person who licenses a biomatierals supplier to produce raw materials or component parts.

(d) The applicable statute of limitations shall be tolled during any period in which claimant has filed a petition with the Secretary of Health and Human Services under section 6 of this Act.

SEC. 6. REVIEW BY THE SECRETARY OF NON-REGISTRATION.

(a) The Secretary may, on its own motion or upon petition by any person, after notice to the affected persons and affording an opportunity for an informal hearing, issue a declaration that a person, with respect to the implant that allegedly caused claimant's harm,

(i) should have registered with the Secretary under Section 510 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360), and the regulations issued thereunder, but failed to do so or

(ii) should have included the implant on a list of devices filed with the Secretary pursuant to Section 510(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(j)), but failed to do so.

(b) Any petition filed pursuant to subsection (a) shall be immediately docketed by the Secretary, and the Secretary shall issue a final decision within 180 days of the filing of the petition.

SEC. 7. PROCEDURES FOR ACTIONS AGAINST A BIOMATERIALS SUPPLIER.

(a) IN GENERAL.—The procedural requirements set forth in subsection (b) shall apply to any action by a claimant against a biomaterials supplier.

(b) PROCEDURAL REQUIREMENTS.—

(1) A claimant may not bring an action against a biomaterials supplier unless the manufacturer of the implant is named as a party, except if the manufacturer is subject to service of process in no jurisdiction in which the biomaterials supplier or is also subject to service of process or unless litigation against the manufacturer is barred by applicable law.

(2) No action may be brought by any claimant against a biomaterials supplier unless, at the time the claimant brings the action, the claimant submits an affidavit—

(A) declaring that the claimant has consulted and reviewed the facts of the action with qualified specialists, whose qualifications the claimant shall disclose;

(B) including a written determination by a qualified specialist that the raw materials or component parts actually used in the manufacture of claimant's implant were raw materials or component parts described in Section 5(b)(1), together with a statement of the basis for such a determination;

(C) including a written determination by a qualified specialist that, after a review of the medical record and other relevant material, the raw material or component part supplied by the biomaterials supplier and actually used in the manufacture of claimant's implant was a cause of claimant's harm, together with a statement of the basis for the determination;

(D) on the basis of the qualified specialists' review and consultation, that the claimant (or the claimant's attorney) has concluded that there is a reasonable and meritorious cause for the filing of the action against the biomaterials supplier.

(c) DISMISSAL.—

(1) In any action subject to this Act, a defendant may, at any time at which a motion to dismiss may be filed under applicable law, move to dismiss the action on the grounds that the defendant is a biomaterials supplier and—

(A) claimant has failed to satisfy the conditions in Section 5(a) that would permit claimant to bring an action against defendant;

(B) defendant was not a seller of the implant which allegedly caused harm to the claimant; or

(C) claimant has failed to comply with the provisions of subsection (b).

(3) Defendant may submit affidavits demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant at Section 510(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360). Claimant may, in response to such a motion, submit affidavits demonstrating that the Secretary has, with respect to the defendant and the implant that allegedly caused claimant's harm, issued a declaration pursuant to Section 6(a) of this Act, or that defendant was a seller of the implant.

(3) No discovery shall be permitted against the defendant who has filed a motion to dismiss under subparagraph (1), other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until the court has ruled on the motion to dismiss filed pursuant to subsection (1).

(4) A defendant shall conclusively be deemed to be a biomaterials supplier and not to be subject to suit except pursuant to section 5(b) of this Act, and a motion to dismiss under subsections (c)(1)(A) or (c)(1)(B) shall be granted, unless the claimant submits valid affidavits demonstrating—

(A) with respect to a motion under subsection (c)(1)(A), that the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to Section 6(a) of this Act; or

(B) with respect to a motion under subsection (c)(1)(B), that the biomaterials supplier was a seller which held title to the implant as a result of purchasing or selling the implant after the implant was manufactured and entered the stream of commerce.

(5) The court shall rule on the motion to dismiss filed under subsection (c) solely on the basis of the pleadings and any affidavits, including affidavits submitted under paragraph (2). If the pleadings and affidavits raise genuine issues as to material facts with respect to a motion under (c)(1)(C), the motion may be treated as a motion for summary judgment pursuant to subsection (d) of this section.

(d) SUMMARY JUDGMENT.—

(1) A biomaterials supplier shall be entitled to entry of judgment without trial if there is no genuine issue as to any material fact as to each element set forth in Section 5(b). A genuine issue of material fact shall exist only if the evidence submitted by claimant, if found by a jury to be credible, would be sufficient to allow a reasonable jury to reach a verdict for the claimant.

(2) In the event that the court, under applicable rules, may permit discovery prior to ruling on a motion for summary judgment, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists.

(e) A biomaterials supplier shall be subject to discovery in connection with a motion under subsection (c) or (d) solely to the extent permitted by the applicable state or federal rules for discovery against non-parties.

(f) In the event claimant has filed a petition for a declaration pursuant to Section 6(a) with respect to a defendant, and the Secretary has not issued a final decision thereon, the court shall stay all proceedings with respect to that defendant until the Secretary has issued a final decision.

(g) The manufacturer of the implant shall be permitted to file and conduct the proceeding on any motion filed pursuant to subsection (c) or (d) if the manufacturer and the other defendant(s) have entered into a valid and applicable contractual agreement in which the manufacturer agrees to bear the cost of or to conduct such proceeding.

(h) The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (d)) for attorney fees and costs, if the claimant named or joined the biomaterials supplier, but the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and application of the provisions of such to any person or circumstance shall not be affected thereby.●

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 1592

At the request of Mr. DORGAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1592, a bill to improve Federal decisionmaking by requiring a thorough evaluation of the economic impact of Federal legislative and regulatory requirements on State and local governments and the economic resources located in such State and local governments.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1836

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 1964

At the request of Mr. METZENBAUM, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 1964, a bill entitled the Reemployment and Retraining Act.

S. 1975

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1975, a bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes.

S. 1976

At the request of Mr. DODD, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Oklahoma [Mr. BOREN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2105

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2105, a bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes.

S. 2127

At the request of Mr. DANFORTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 2127, a bill to improve railroad safety at grade crossings, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 175

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson's Disease Awareness Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Utah [Mr. HATCH], the Senator from Washington [Mrs. MURRAY], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 220

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 220, a resolution recognizing Portugal's special relationship with the United States, and the contribution of Portuguese-Americans to American life.

SENATE RESOLUTION 230—RELATING TO THE DESIGNATION OF PERMANENT SENATE OFFICES

Mr. BYRD (for Mr. WOFFORD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 230

Resolved, That (a) effective on January 3, 1995, the Committee on Rules and Administration shall begin to designate two permanent offices for each State.

(b) The designation of permanent offices shall be accomplished—

(1) in a manner consistent with the current rules and practices of the Senate; and

(2) in the most efficient and cost-effective manner practicable.

(c) Not later than June 30, 1995, each State shall be designated two permanent offices for the Senators from such State.

(d) Each Senator upon taking office shall be assigned a permanent office designated to the State that the Senator represents.

(e) Effective December 31, 1995, no funds appropriated to the Senate shall be used for the purpose of moving a Senator from the office to which the Senator has been assigned.

(f) All funds saved by the implementation of this resolution shall be dedicated to deficit reduction.

Mr. WOFFORD. Mr. President, today I am introducing a bill to change the manner in which offices are assigned to Senators. As I have stated several times before, I believe we should put a stop to the unnecessary and wasteful practice of moving Senators after each election. The resolution I am introducing today would do just that by requiring that each State be assigned two permanent offices—the type of arrangement that California already has.

Since coming to Washington I have been seeking ways to make Congress work better and to save the taxpayers money. I have worked to eliminate free health care for Senators, to cut cost-of-living raises in our salaries for this year, and to enact other useful congressional reforms.

But, as in well-run businesses, the search to eliminate unnecessary costs and to find new and better ways to operate must be ongoing. Ending Senate office moves is another area in which we can simultaneously improve the operation of the Congress and save the taxpayers money.

As we all know, the custom of the Senate is that after each general election there is a series of office moves. Under the current Senate practice, incumbent Senators often seek to obtain the offices left by departing senior Senators. Obviously, when they vacate their own offices for better office space—a ripple effect is created. More moves are required.

For instance, after the 1992 election, there were 26 Senate office moves. Only 13 were new Senators. The other 13 moves were by sitting Senators who moved to better offices. Previous years have seen unnecessary moves as well. After the 1990 election, there were five new Senators but a total of 14 office moves. After the 1988 election, there were 11 new Senators, but a total of 18 office moves.

For what? A more prestigious building, a bigger office, a better view, a shorter walk to the Capitol. No public purpose is served by these moves.

There is obvious expense associated with moving furniture and files, reconfiguring office space, changing telephone and computer connections, reprinting all stationery and business cards, and other unavoidable costs of moving.

And it isn't just the dollars, it is the waste of time—staffers are busy moving, all of the furniture is out in the halls, and your constituents come to look for you but they don't know where you are. The inconvenience and cost of these office moves seems to me to be unnecessary, wasteful and counterproductive.

Last week, I considered introducing this resolution as an amendment to the legislative branch appropriations bill to put an end to the practice of Senate office moves. However, in discussions with the distinguished chairman of the Rules Committee, we reached an agreement that the Rules Committee would hold hearings so that the entire question of office moves can receive a full airing before the Senate acts on this matter.

Mr. President, I think the time has come to stop the practice of Senate office moves. Under my resolution, the Rules Committee will designate two permanent offices for each State after the next election. Thereafter, no money would be spent to move Senators from one office to another. The benefits of this approach are obvious—it would save the taxpayers money, avoid the disruption of Senate business, and minimize constituent confusion because each State would be assigned permanent offices for its Senators. I look forward to the Rules Committee hearing on this matter, and to moving forward later this year to end the practice of Senate office moves.

AMENDMENTS SUBMITTED

TREASURY-POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS, 1955

DECONCINI AMENDMENT NO. 1819

Mr. DECONCINI proposed an amendment to the bill (H.R. 4539) making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 63 of the bill, line 20, strike "$199,697,000" and insert in lieu thereof, "$200,238,000"

On page 120 of the bill, line 24, strike "(2)" and insert in lieu thereof, "(4)"

On page 16 of the bill, line 10, strike "1,372,614,000" and insert in lieu thereof, "$1,388,000,000"

On page 16 of the bill, line 24, strike "$1,507,614,000" and insert in lieu thereof, "$1,523,000,000".

DECONCINI (AND BOND) AMENDMENT NO. 1820

Mr. DECONCINI (for himself and Mr. BOND) proposed an amendment to the bill, H.R. 4539, supra; as follows:

At the end of title I, add the following new section:

SEC. . (a) The Director of the United States Secret Service shall direct and apply appropriate agency personnel and resources for the purpose of conducting a security survey of the Bureau of Engraving and Printing.

(b) Such security survey shall include a review of all general security provisions, including;

(1) The security and safeguarding of currency

(2) Personnel screening and employee background check procedures

(3) Access control and identification procedures

(4) The security and safeguarding of currency materials, supplies and related items.

(5) Other security areas of concern as deemed relative and appropriate by the agency.

(c) The Bureau of Engraving and Printing and the Federal agencies which participated in any investigations or arrest of person(s) for theft of currency from the Bureau of Engraving and Printing are directed to:

(1) provide any assistance and cooperation to the United States Secret Service for the purpose of the security survey, and;

(2) provide Secret Service personnel, in accordance with all laws, with access to person(s) arrested in connection with theft or removal of currency from the Bureau of Engraving and Printing, and;

(3) provide access to all relevant investigative reports and materials: Provided, That (A) access to such persons in approved by the appropriate U.S. Attorney.

(d) The Director of the United States Secret Service shall provide a preliminary report to the Congress no later than 30 days from the date of enactment of this Act, and a final report containing specific findings and recommendations to the Congress within 90 days of enactment of this Act.

DECONCINI AMENDMENT NO. 1821

Mr. DECONCINI proposed an amendment to the bill, H.R. 4539, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . Section 5704 of title 5, United States Code, is amended to read as follows:

"(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their automobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

"(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

"(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

"(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

"(1) parking fees;

"(2) ferry fees;

"(3) bridge, road, and tunnel costs; and

"(4) airplane landing and tie-down fees."

Section 5707(b) of title 5, United States Code, is amended to read as follows:

"(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

"(1)(A) the Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

"(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

"(i) depreciation of original vehicle cost;

"(ii) gasoline and oil (excluding taxes);

"(iii) maintenance, accessories, parts, and tires;

"(iv) insurance; and

"(v) State and Federal taxes.

"(2)(A) The Administrator shall issue regulations under this section which:

"(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

"(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

"(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

"(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

"(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph."

Section 5707 of title 5, United States Code, is amended by striking paragraph (c)(2), and redesignating (c)(1) as subsection (c).

DECONCINI AMENDMENT NO. 1822

Mr. DECONCINI proposed an amendment to the bill H.R. 4539, supra; as follows:

At the end of title VI, add the following new section:

SEC. . Section 3626 paragraph (j)(1) subparagraph (D) of Title 39 USC is amended by—

(a) deleting the final "." from (II) and adding "; and;"

(b) and adding—"(III) clause (i) shall not apply to space advertising in mail matter that otherwise qualifies for rates under former section 4452(b) or 4452(c) of this title, and satisfies the content requirements established by the Postal Service for periodical publications."

NOTICE OF HEARING CHANGE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to notify my colleagues and the public of a change in a field hearing scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to receive testimony on a coordinated approach to the evaluation and resolution of outstanding ecological problems related to water quality, water quantity, endangered species, and wildlife habitat in the Klamath Basin, Oregon.

The hearing will now begin at 9:30 a.m. [PST] on Wednesday, July 6, 1994, in the Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, OR. It had originally been scheduled to begin at 10 a.m. [PST].

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224–4531 or Leslie Palmer at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Monday, June 20, 1994, at 9:30 a.m., in SR–332, on nominations pending before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. BRADLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be permitted to meet today, June 20, 1994, at 1:30 p.m., to hear testimony on the administration's proposal to renew the Generalized System of Preferences Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 21, 1994

Mr. DECONCINI. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. Tuesday, June 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator LEAHY recognized to speak for up to 10 minutes; that at 9:30 a.m., as provided for under the provisions of a previous unanimous-consent agreement, the Senate proceed to Senate Resolution 229; that the Republican leader or his designee may offer the amendment provided for under the above-referenced consent; further, that upon disposition of Senate Resolution 229, the Senate then resume consideration of H.R. 4539, the Treasury, Postal Service appropriations bill.

Mr. BOND. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. DECONCINI. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:15 p.m., recessed until Tuesday, June 21, 1994, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 1994:

THE JUDICIARY

DAVID S. TATEL, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE RUTH BADER GINSBURG.

DEPARTMENT OF JUSTICE

JOHN MICHAEL BRADFORD, OF TEXAS, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE ROBERT J. WORTHAM.

THOMAS JOSEPH MARONEY, OF NEW YORK, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS, VICE FREDERICK J. SCULLIN, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOHN HAUGHTON D'ARMS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE MICHAEL T. BASS, TERM EXPIRED.

DARRYL J. GLESS, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1998, VICE ANNE PAOLUCCI, TERM EXPIRED.

RAMON A. GUTIERREZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE HARVEY C. MANSFIELD, JR., TERM EXPIRED.

CHARLES PATRICK HENRY, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE HILLEL FRADKIN, TERM EXPIRED.

THOMAS CLEVELAND HOLT, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 1998, VICE CONDOLEEZZA RICE.

MARTHA CONGLETON HOWELL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE EDWIN J. DELATTRE, TERM EXPIRED.

NICOLAS KANELLOS, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE WILLIAM P. WRIGHT, JR., TERM EXPIRED.

BEV LINDSEY, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE DONALD KAGAN, TERM EXPIRED.

ROBERT I. ROTBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE MICHAEL MALBIN, TERM EXPIRED.

HAROLD K. SKRAMSTAD, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000, VICE PATRICK BUTLER, TERM EXPIRED.

DEPARTMENT OF EDUCATION

G. MARIO MORENO, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION, VICE G.O. GRIFFITH, JR., RESIGNED.

DEPARTMENT OF STATE

PHYLLIS E. OAKLEY, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF STATE. (NEW POSITION.)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ERVIN J. ROKKE [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. ARTHUR K. CEBROWSKI, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION TO THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent major general

BRIG. GEN. CLAIR F. GILL [redacted]
BRIG. GEN. GEORGE E. FRIEL [redacted]
BRIG. GEN. JAN A. VAN PROOYEN [redacted]
BRIG. GEN. DAVID L. BENTON III [redacted]
BRIG. GEN. EDWARD G. ANDERSON III [redacted]
BRIG. GEN. NORMAN E. WILLIAMS, [redacted]
BRIG. GEN. ROBERT H. SCALES, JR. [redacted]
BRIG. GEN. JOHN E. LONGHOUSER, [redacted]
BRIG. GEN. WILLIAM L. NASH [redacted]
BRIG. GEN. RICHARD A. CHILCOAT, [redacted]
BRIG. GEN. JOHN A. VAN ALSTYNE [redacted]
BRIG. GEN. ARTHUR T. DEAN, [redacted]
BRIG. GEN. ROBERT S. COFFEY [redacted]
BRIG. GEN. LARRY R. ELLIS [redacted]
BRIG. GEN. LAWSON W. MAGRUDER, [redacted]
BRIG. GEN. RUSSELL L. FUHRMAN [redacted]
BRIG. GEN. MONTGOMERY C. MEIGS, [redacted]
BRIG. GEN. CHARLES G. SUTTEN, JR. [redacted]
BRIG. GEN. BILLY K. SOLOMON, [redacted]
BRIG. GEN. PAUL J. KERN [redacted]
BRIG. GEN. GERARD P. BROHM [redacted]
BRIG. GEN. CHARLES C. CANNON, JR. [redacted]
BRIG. GEN. ROGER G. THOMPSON, JR. [redacted]
BRIG. GEN. JAMES M. LINK, [redacted]
BRIG. GEN. RANDOLPH W. HOUSE, [redacted]
BRIG. GEN. JOHN COSTELLO, [redacted]
BRIG. GEN. JOHNNY M. RIGGS [redacted]
BRIG. GEN. PETER J. SCHOOMAKER, [redacted]
BRIG. GEN. JACK P. NIX, JR. [redacted]

THE FOLLOWING-NAMED OFFICERS ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be lieutenant colonel

SAMULE J. BOONE, [redacted]
DON B. BROWN, [redacted]
DAVID W. CAMPBELL, [redacted]
DAVID M. CANADA, [redacted]
HAROLD T. CARLSON, [redacted]
DOUGLAS L. CARVER, [redacted]
PAUL E. CLARK, [redacted]
JAMES M. COINDREAU, [redacted]
ROBERT W. COLLINS, [redacted]
DONALD C. CRIPPEN, [redacted]
JAMES W. DANIELS, [redacted]
ROBERT R. DAVIDSON, [redacted]
DENNIS E. DESMOND, [redacted]
JOSEPH R. DSILVA, [redacted]
ROBERT W. ELDRIDGE, [redacted]
MARK A. FRITCH, [redacted]
JOHN L. GHEE, [redacted]
JAMES A. GREASER, [redacted]
JAMES R. GRIFFITH, [redacted]
LESLIE M. HARDEMAN, [redacted]
RONALD E. HILBURN, [redacted]
PAUL F. HOWE, [redacted]
REESE M. HUTCHINSON, [redacted]
DANIEL A. LARSON, [redacted]
RAYMOND E. LARSON, [redacted]
JOHN T. LOYA, [redacted]
DAVID F. LUNDELL, [redacted]
EDWARD K. MANEY, [redacted]
LILTON J. MARKS, [redacted]
*RICHARD MINCH, [redacted]
BARRY J. MINSKY, [redacted]
GERALD R. MOATES, [redacted]
THOMAS C. NOLL, [redacted]
JOHN S. PARKER, [redacted]
DANIEL J. PAUL, [redacted]
DAVID A. RAPSKE, [redacted]
WILLIAM ROBERTSON, [redacted]
RICHARD S. ROGERS, [redacted]
*DONALD RUTHERFORD, [redacted]
ALBERT L. SMITH, [redacted]
JAMES R. SNYDER, [redacted]
MARIA J. SNYDER, [redacted]
EDUARDO E. SPRAGG, [redacted]
HERBERT B. STRANGE, [redacted]
DAVID W. STRICKER, [redacted]
GREGORY P. SYKES, [redacted]

DANIEL W. TAYLOR, [redacted]
DONNA C. WEDDLE, [redacted]
DENNIS WESTBROOKS, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

ROBERT B. ABERNATHY [redacted]
WILLIAM G. ADAMS, [redacted]
CHARLES ALEXANDER [redacted]
HAL K. ALGUIRE, [redacted]
DALE T. ALLDREDGE [redacted]
CHARLES D. ALLEN, [redacted]
CHARLES W. ALLEN, [redacted]
GARY W. ALLEN, [redacted]
KENNETH R. ALLEN [redacted]
ROBERT E. ALLEN [redacted]
DAVID M. ALLEY, [redacted]
MICHAEL J. ALTOMARE [redacted]
MICHAEL D. AMMEL, [redacted]
KURT W. ANDERSENVIE [redacted]
CARL ANDERSON, [redacted]
CHARLES A. ANDERSON [redacted]
DAN K. ANDERSON, [redacted]
ELIZABETH ANDERSON, [redacted]
GUSTAF E. ANDERSON [redacted]
JAMES R. ANDERSON [redacted]
JOHN R. ANDERSON, [redacted]
MICHAEL P. ANDERSON [redacted]
PAUL L. ANDERSON [redacted]
RODNEY O. ANDERSON, [redacted]
BRAD T. ANDREW, [redacted]
RONALD J. ANDREWS, [redacted]
WILLIAM APPLEGATE [redacted]
DALE E. ARCHER, [redacted]
DANIEL J. ARENA [redacted]
JOAN C. ARNOLD, [redacted]
KEVIN J. ARNOLD [redacted]
PAUL L. ASWELL [redacted]
STEFAN M. AUBREY, [redacted]
STEVEN N. AUDE, [redacted]
ALLISON T. AYCOCK, [redacted]
MICHAEL F. BAILEY, [redacted]
BIFF L. BAKER [redacted]
DENNIS J. BALDRIDGE [redacted]
BRIAN R. BALDY, [redacted]
STEPHEN C. BALL [redacted]
ALBERT E. BALLARD [redacted]
ELISHA L. BALLARD [redacted]
MARK H. BANGSBOLL, [redacted]
MELVIN BANKS, [redacted]
JAMES R. BARBOUR [redacted]
REX N. BARFUSS, [redacted]
ARTHUR F. BARKER [redacted]
JOHN L BARKER [redacted]
PAUL L. BARNARD, [redacted]
AUDY D. BARNETT, [redacted]
RENARD O. BARONE [redacted]
ROBERT F. BARROW, [redacted]
DAVID P. BARTLETT [redacted]
RANDALL L. BARTLEY [redacted]
JOSEPH C. BARTO [redacted]
JAMES R. BARTRAN [redacted]
JAMES M. BATES [redacted]
PATRICIA A. BAXTER [redacted]
WILLIAM D. BEATTY, [redacted]
MICHAEL W. BECHTOLD, [redacted]
JOHN D. BECKER, [redacted]
WILLIAM BECKERMAN, [redacted]
DAVID F. BEDEY, [redacted]
PATRICK J. BEER [redacted]
DAVID F. BELL [redacted]
ROBERT M. BELL, [redacted]
DIMITRI M. BELMONT, [redacted]
RODOLFO BENAVIDES, [redacted]
JAMES S. BENTLEY [redacted]
MICHAEL D. BERENDT [redacted]
SARI L. BERMAN, [redacted]
JOHN P. BERNHARD [redacted]
HARRY L. BERRY [redacted]
LEE W. BERRY III [redacted]
PAUL A. BETHKE [redacted]
FREDERICK E. BIEL [redacted]
MICHAEL W. BIERING, [redacted]
JOHN M. BILYEU, [redacted]
DONALD A. BIRD, [redacted]
RONALD H. BIRD, [redacted]
ROBERT BIRMINGHAM, [redacted]
ALLEN B. BISHOP [redacted]
MARCUS D. BLAIR, [redacted]
THOMAS M. BLAKE, [redacted]
SCOTT A. BLANEY, [redacted]
JAMES H. BOCHERT, [redacted]
BRIAN F. BOCKLAGE, [redacted]
ROBERT B. BOGGS, [redacted]
RONALD J. BOKOCH, [redacted]
JOHN M. BOLCHOZ, [redacted]
JOHNNIE L. BONE, [redacted]
KEITH E. BONN, [redacted]
MICHAEL B. BONNER, [redacted]
DOUGLAS A. BOONE, [redacted]
KIRK A. BOOTHE, [redacted]
MICHAEL R. BORDERS, [redacted]
MICHAEL BOSACK, [redacted]
DON F. BRADFORD, [redacted]
NANETTE E. BRADISH [redacted]
JODY L. BRADSHAW, [redacted]
WILLIAM C. BRADSHAW [redacted]
PHILIP J. BRANDLI [redacted]
ARNOLD N. BRAY, [redacted]
BARRY BREITENBACH, [redacted]
KENNETH BRESNAHAN, [redacted]
JOHN W. BRESSLER [redacted]
RICHARD J. BREWER [redacted]
KEVIN J. BRICE [redacted]
LARRY A. BRISKY, [redacted]
LEO A. BROOKS, [redacted]
VINCENT K. BROOKS, [redacted]
FREDERICK J. BROSK [redacted]
WILLIAM D. BROSNAN, [redacted]
DALLAS C. BROWN, [redacted]
DANIEL S. BROWN, [redacted]
FRANK P. BROWN, [redacted]
JACK R. BROWN, [redacted]
MARY K. BROWN, [redacted]
ROBERT A. BROWN, [redacted]
ROBERT E. BROWN, [redacted]
ULYSSES BROWN, JR. [redacted]
WILFRED F. BROWN, [redacted]
MARK H. BROWNING, [redacted]
GARRISON BRUMBACK, [redacted]
ROBERT E. BRUNS [redacted]
CLIVE G. BUCHAN, [redacted]
LEWIS E. BUCHANAN, [redacted]
CHARLES A. BUCK, [redacted]
MILDRED BUCKINGHAM, [redacted]
JAMES J. BUDNEY [redacted]
ROBERT M. BUDROE, [redacted]
JOSEPH A. BUKARTEK [redacted]
MICHAEL BUMBULSKY, [redacted]
GLENN L. BURCH, [redacted]
JOSEPH R. BURKE [redacted]
KEVIN J. BURKE [redacted]
WILLIAM E. BURKE, [redacted]
WILLIAM L. BURNHAM, [redacted]
JAMES R. BURNS [redacted]
KEVIN M. BURR, [redacted]
AMY A. BUTLER, [redacted]
BENJAMIN H. BUTLER [redacted]
JOSEPH C. BUTLER [redacted]
RICKEY C. BUTLER, [redacted]
MARK J. CAIN, [redacted]
JAMES W. CALDER, [redacted]
JOSEPH E. CALL [redacted]
DONALD E. CAMPBELL, [redacted]
DONALD M. CAMPBELL, [redacted]
JOHN F. CAMPBELL, [redacted]
KEVIN H. CAMPBELL, [redacted]
MARLYS M. CAMPBELL [redacted]
ROY E. CAMPBELL, [redacted]
CARLOS E. CAMPOS, [redacted]
WILLIAM M. CANIANO, [redacted]
RICARDO M. CANTU, [redacted]
HENRY Y. CARA, [redacted]
JUAN P. CARDENAS, [redacted]
RICHARD G. CARDILLO, [redacted]
JAMES R. CAREY [redacted]
CRAIG L. CARLSON, [redacted]
DUANE C. CARLTON, [redacted]
STEVEN CARMICHAEL [redacted]
RUSSELL D. CARMODY [redacted]
GARY B. CARNEY, [redacted]
PATRICK CARPENTER [redacted]
JOSE CARRINGTON, [redacted]
COLUS L. CARROLL, [redacted]
THOMAS M. CARROLL, [redacted]
ROY A. CARTER, [redacted]
CARL J. CARTWRIGHT [redacted]
MICHAEL J. CASAS [redacted]
DANNY N. CASH, [redacted]
EAMON G. CASSELL, [redacted]
DAVID B. CASSIDY, [redacted]
ALLAN C. CATE, [redacted]
JOSEPH D. CELESKI [redacted]
KEVIN D. CHAFFIN [redacted]
HAL CHAIKIN, [redacted]
BROOKS CHAMBERLIN, [redacted]
PETER M. CHAMPAGNE [redacted]
ALEJANDRO CHAMPIN, [redacted]
BERNARD S. CHAMPOUX, [redacted]
JIMMY J. CHANDLER [redacted]
ROBERT L. CHANDLER, [redacted]
JEANNE CHARBONNEAU, [redacted]
FRANK S. CHASE, [redacted]
RAFAEL G. CHAVEZ, [redacted]
JAMES A. CHEN, [redacted]
TIMOTHY D. CHERRY, [redacted]
DARRYL K. CHING, [redacted]
JAMES E. CHRISHON [redacted]
SCOTT W. CHRISTIE, [redacted]
NICHOLAS CHRISTOFF [redacted]
JOHN L. CHURCHILL, [redacted]
MARK A. CIANCHETTI, [redacted]
JAMES R. CLARK, [redacted]
MICHAEL G. CLARK, [redacted]
MICHELL C. CLARK, [redacted]
ARNALDO CLAUDIO, [redacted]
MARK W. CLAY, [redacted]
TERRY L. CLEMONS [redacted]
CHARLES CLEVELAND, [redacted]
AARON L. COBB, [redacted]
KENNETH W. COBB, [redacted]
DONALD A. COE, [redacted]
JAMES H. COFFMAN [redacted]
HOWARD I. COHEN, [redacted]
STEWART L. COKER, [redacted]
JERRY COLE, [redacted]
THOMAS A. COLE, [redacted]
THOMAS M. COLE, [redacted]
GLEN C. COLLINS, [redacted]
JOHN W. COLLINS, [redacted]
MICHAEL COLPO, [redacted]
JAMES A. CONNELL, [redacted]
KEVIN T. CONNELLY, [redacted]
ERIC E. CONNERS, [redacted]
BYRON D. CONOVER, [redacted]
MICHAEL J. CONRAD [redacted]
JOSEPH I. CONTARINO [redacted]
PETER C. COOPER [redacted]
FRANK E. COOTS, [redacted]
EDDY C. COPPOCK, [redacted]
MICHAEL F. CORCORAN, [redacted]
MARK CORDA, [redacted]
RONALD C. CORDELL, [redacted]
RADAMES CORNIER, JR. [redacted]
DAVID S. COTTRELL, [redacted]
JAMES S. COUEY, [redacted]
MICHAEL P. COVILLE [redacted]
DAVID A. COVINGTON, [redacted]
GREGORY B. COX, [redacted]
ROBERT D. COX, [redacted]
STEVEN J. COX, [redacted]
JOHN B. CRAFTON, [redacted]
MARK B. CRAIG, [redacted]
KEVIN K. CRAWFORD, [redacted]
ERIC R. CRAWLEY, [redacted]
LEIGH J. CREIGHTON [redacted]
DAVID B. CRIPPS, [redacted]
LARRY W. CROCE, [redacted]
GORDON W. CROM, [redacted]
BRIAN K. CROTTS, [redacted]
KENNETH E. CROWDER, [redacted]
KENNETH M. CROWE, [redacted]
RUSSELL B. CRUMRINE [redacted]
JOHN D. CULP, [redacted]
EDWARD T. CUNEO, [redacted]
MARK L. CURRY, [redacted]
DONALD R. CURTIS, [redacted]
STEPHEN L. CURTIS [redacted]
DANIEL G. DALEY, [redacted]
ANTHONY J. DANGELO, [redacted]
JESSE J. DANIEL [redacted]
DEAN A. DANIELSON, [redacted]
GREGORY M. DARBONNE, [redacted]
GREGORY J. DARDIS [redacted]
FRED J. DAUM, [redacted]
BRIAN L. DAUTREMONT, [redacted]
NANCY H. DAVENPORT, [redacted]
ADDISON D. DAVIS, [redacted]
ARTHUR K. DAVIS, [redacted]
IRA J. DAVIS, [redacted]
LAUREN S. DAVIS, [redacted]
ROBERT C. DAVIS, [redacted]
ROBERT E. DAVIS, [redacted]
RODNEY M. DAVIS, [redacted]
MICHAEL L. DAWKINS, [redacted]
DONALD W. DAWSON, [redacted]
GERALD T. DAWSON, [redacted]
ANDREW K. DEAN, [redacted]
RAPHAEL P. DEEGAN [redacted]
RICHARD P. DEFATTA [redacted]
SERGIO DELAPENA, [redacted]
DEAN G. DELIS, [redacted]
GENARO DELLAROCCO, [redacted]
JAME DELOTTINVILLE [redacted]
JAMES M. DEPAZ, [redacted]
TERRY K. DEROUCHEY, [redacted]
KRISMA D. DEWITT, [redacted]
ROGELIO, DIAZ, [redacted]
VICTOR M. DIAZ, [redacted]
JOSEPH F. DIGANGI [redacted]
PETER J. DILLION [redacted]
ROBERT L. DITTMANN [redacted]
DOUGLAS B. DOBSON, [redacted]
ALFRED E. DOCHNAL, [redacted]
NELSON C. DODD, [redacted]
DENNIS E. DODSON, [redacted]
RICHARD C. DOERER, [redacted]
JOHN C. DONAHUE, [redacted]
STEPHEN C. DONEHOO, [redacted]
EDWARD P. DONNELLY, [redacted]
KEITH R. DONNELLY, [redacted]
MARK T. DOODY, [redacted]
PATRICIA A. DOOLEY, [redacted]
WILLIAM C. DORMAN, [redacted]
RICK A. DORSEY, [redacted]
GRACE A. DORTA, [redacted]
KENNETH S. DOWD, [redacted]
BILLY J. DOWDY, [redacted]
MATTHEW G. DOWNING, [redacted]
MICHAEL J. DOYLE, [redacted]
TERESA M. DOYLE, [redacted]
JAMES E. DRAKE, [redacted]
PATRICK J. DRISCOLL [redacted]
MARK W. DRUMM, [redacted]
ROBERT H. DRUMM, [redacted]
DONALD G. DRUMMER, [redacted]
JOSEPH J. DUDA [redacted]
GLEN P. DUDEVOIR, [redacted]
JEFFREY D. DUNCAN [redacted]
JOHN H. DUNHAM, [redacted]
*JOHN N. DUQUETTE [redacted]
RICHARD L. ECCLES [redacted]
BRUCE R. EGGERS, [redacted]
HENRY L. EISENBARTH [redacted]
JEFFREY EISENBEIS [redacted]
DOUGLAS R. ELLER, [redacted]
JERRY B. ELLIOTT [redacted]
VICTOR M. ELLIS, [redacted]

DAVID C. ENDERS, [redacted]
MARK A. ENGLISH, [redacted]
PAUL L. ENGLISH [redacted]
ADOLPH H. ERNST, [redacted]
ROBERT A. ESLINGER [redacted]
CHRISTOPHER ESSIG [redacted]
ALLEN C. ESTES [redacted]
GARY L. EVANS, [redacted]
JAMES E. EWING, [redacted]
JAMES W. EWING, [redacted]
JEFFERSON G. EWING [redacted]
JAMES M. FAGAN, [redacted]
JOHN W. FALKENBURY [redacted]
EDWARD M. FALLON, [redacted]
JOSEPH M. FALLS [redacted]
DAVID G. FARRISEE [redacted]
DAVID J. FARRUGGIA [redacted]
LAWRENCE J. FEAST [redacted]
BILLY W. FELTNER [redacted]
KENNETH D. FELTS [redacted]
ORLANDO FERNANDEZ, [redacted]
CHARLES J. FIALA [redacted]
DENNIS E. FIELDS [redacted]
DONALD E. FIELDS, [redacted]
FRANCIS A. FINELLI [redacted]
BRUCE A. FINK, [redacted]
KURT A. FISCKO, [redacted]
DIANNE P. FISHER [redacted]
MICHAEL FITZGERALD [redacted]
DAVID B. FLANIGAN, [redacted]
JAMES M. FLEMING [redacted]
JONATHAN S. FLORA [redacted]
WILLIAM R. FLOYD, [redacted]
THOMAS J. FLYNN [redacted]
GORDON J. FOLSE, [redacted]
JOSEPH FONTANELLA [redacted]
JOHN O. FORD [redacted]
HENRY R. FORE [redacted]
ERNEST T. FORREST [redacted]
SCOTT T. FORSTER [redacted]
BARRY J. FOWLER [redacted]
MELVIN R. FRAZIER [redacted]
MARY C. FRELS [redacted]
MARK R. FRENCH, [redacted]
JOHN R. FREUND [redacted]
WILLIAM H. FRITZ [redacted]
ALEXANDER O. FROEDE [redacted]
DONALD L. FRY, [redacted]
LOUIS L. FUERTES [redacted]
JOHN E. FUGATE [redacted]
JAMES T. GAETJEN [redacted]
SAMUEL L. GALLAGHER, [redacted]
RUDOLPH M. GARCIA, [redacted]
CARL G. GARDNER, [redacted]
RANDY J. GARIBAY, [redacted]
RONALD E. GARNER, [redacted]
JOSEPH L. GARNES [redacted]
GRADY B. GARRETT, [redacted]
JOHN F. GARRITY, [redacted]
ROBERT C. GARVEN, [redacted]
MICHAEL J. GEARTY [redacted]
ROBERT W. GEE, [redacted]
ALAN W. GEISHECKER, [redacted]
ROGER A. GERBER, [redacted]
DANIEL M. GERSTEIN [redacted]
WILLIAM G. GESSNER [redacted]
THOMAS J. GIBBONS, [redacted]
BILLY R. GIBSON, [redacted]
GRAY M. GILDNER, [redacted]
JOHN H. GILL, [redacted]
TROY E. GILLELAND [redacted]
MARC G. GIRARD, [redacted]
PETER J. GITTO [redacted]
TIM R. GLAESER [redacted]
JOSEPH V. GLUTH [redacted]
MICHAEL GOLDSTEIN, [redacted]
RICHARD G. GOLLAN, [redacted]
FELIX O. GONZALES [redacted]
STEVEN M. GONZALES [redacted]
EMILIO T. GONZALEZ, [redacted]
JOE R. GONZALEZ, [redacted]
TED M. GOOD, [redacted]
MARK L. GORACKE, [redacted]
GARRETT GORDON, [redacted]
MONICA M. GORZELNIK, [redacted]
MARK A. GRABLIN, [redacted]
WILLIAM J. GRAHAM [redacted]
FRANK J. GRAND [redacted]
MICHAEL O. GRANT [redacted]
CAROLYN S. GRAVES, [redacted]
WILLIAM G. GRAVES, [redacted]
CLEMENT E. GREEK [redacted]
WILLIAM L. GREER, [redacted]
WILLIAM A. GREGORY, [redacted]
JOAN K. GREWE, [redacted]
CHARLES A. GRIFFIN [redacted]
QUE R. GRIGSON, [redacted]
JOHN K. GROVES, [redacted]
WILLIAM A. GUINN, [redacted]
PATRICK A. GUINNANE [redacted]
MICHAEL J. GUTHRIE [redacted]
ROBERT G. GUTJAHR [redacted]
THOMAS J. GUZMAN, [redacted]
JOSEPH F. GUZOWSKI [redacted]
JURGEN J. GWIN [redacted]
*JEROME W. HAGGINS, [redacted]
WAYNE D. HAGIE, [redacted]
THOMAS C. HAID, [redacted]
MARIA E. HAIN, [redacted]
MARK L. HAINES, [redacted]
MILLARD HALL, JR. [redacted]
FREDER HALTIWANGER [redacted]
RUSSELL L. HAMILTON [redacted]
STUART B. HAMILTON, [redacted]
WILLIAM W. HAMILTON, [redacted]
JACK M. HAMPTON, JR. [redacted]
WILLIAM E. HANER, [redacted]
KNUTE E. HANKINS, [redacted]
DAVID L. HANSEN, [redacted]
MARK D. HANSON, [redacted]
DANA R. HARDING, [redacted]
PERRY HARGROVE, [redacted]
WILLIAM E. HARNER [redacted]
MARIA R. HARPER, [redacted]
JAMES E. HARRIS [redacted]
JOHN D. HARRIS, [redacted]
LEE A. HARRIS, [redacted]
ROBERT L. HARRISON [redacted]
EDWARD A. HART, [redacted]
WILLIAM E. HARTER [redacted]
THOMAS R. HARTT [redacted]
ROBERT P. HARWIG [redacted]
SAMMIE, E. HASKIN [redacted]
JAY A. HATCH, JR. [redacted]
CHARLES J. HAVEN [redacted]
JOHN M. HAWKINS, [redacted]
ROY HAWKINS, [redacted]
THOMAS W. HAYDEN, [redacted]
RAYMOND HAYES, JR. [redacted]
JACOB N. HAYNES, [redacted]
JAMES J. HAYS [redacted]
PETER T. HAYWARD [redacted]
THOMAS D. HEDGLIN, [redacted]
MARK E. HEFREN, [redacted]
GREGG J. HEILIG [redacted]
THOMAS K. HEINEKEN [redacted]
*RONALD P. HEITER [redacted]
RICHARD N. HELFER [redacted]
JAMES A. HELIS, [redacted]
DAVID S. HENDERSON, [redacted]
DONALD J. HENDRIX [redacted]
LONNIE D. HENLEY [redacted]
TOMMY G. HENNESSEE, [redacted]
MARK R. HENSCHEID, [redacted]
KENT HENSON, [redacted]
KEVIN HENSON, [redacted]
DAVID J. HEPP [redacted]
CONNIE V. HERBIN, [redacted]
DAVID HERGENROEDER [redacted]
MANUEL J. HERNANDEZ [redacted]
ROBERT A. HERNADNEZ, [redacted]
SAMUEL J. HERNANDEZ [redacted]
*STEPHEN R. HESLER [redacted]
ANDREY B. HETMANSKY, [redacted]
JAMES M. HEVERIN [redacted]
JYUJI D. HEWITT [redacted]
KATHRYN H. HEWITT, [redacted]
JAMES R. HICKEY [redacted]
CHARLES W. HIGBEE, [redacted]
RONALD P. HIGHAM, [redacted]
MARK R. HILBRON, [redacted]
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JAMES P. MC GAUGHEY [redacted]
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KEVIN P. MC GRATH [redacted]
LANA L. MC GRATH, [redacted]
TERRENCE J. MC GRAW [redacted]
JANICE F. MC HALE [redacted]
HARRY L. MC INTOSH [redacted]
GARY D. MC KEE, [redacted]
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ROY E. MC LENDON, [redacted]
STUART G. MC LENNAN, [redacted]
IRMGARD I. MC MAHON, [redacted]
KAREN E. MC MANUS, [redacted]
ROBERT L. MC NAMARA, [redacted]
KURT A. MC NEELY, [redacted]
PATRICK B. MC NIECE, [redacted]
RICHARD R. MC PHEE [redacted]
PATRICI MC QUISTION, [redacted]
ISRAEL MC REYNOLDS, [redacted]
JOSEPH J. MC VEIGH [redacted]
THOMAS A. MC WHORTER, [redacted]
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STEPHE MONGELLUZZO [redacted]
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JOE MONTANO, JR. [redacted]
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JOSEPH D. MYERS [redacted]
IRA S. NAIDITCH, [redacted]
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DEAN A. NOWOWIEJSKI, [redacted]
BRIAN T. NYE, [redacted]
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ARILD W. OLSEN, [redacted]
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JEAN L. ONTIVEROS [redacted]
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EARL SMITH, JR. [redacted]
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JAMES G. THYNE, [redacted]
RANDALL E. TINDALL [redacted]
LARRY J. TODD [redacted]
ROBERT C. TODD, [redacted]
STEVE A. TOLBERT [redacted]
KEVIN O. TOPP, [redacted]
JOSE A. TORRES [redacted]
JOHN B. TOWEY, [redacted]
MARK A. TREXLER [redacted]
SIMEON G. TROMBITAS, [redacted]
JEFFREY L. TROWER [redacted]
CHRISTOPHER TUCKER, [redacted]
MICHAEL S. TUCKER [redacted]
GERRY B. TURNBOW, [redacted]
WINIFRED E. TURNER [redacted]
NELVIN E. TYLER [redacted]
JOSEPH V. VLANS [redacted]
MARK E. VALENTINE [redacted]
LANE M. VANDESTEEG [redacted]
PETER J. VERLJEN [redacted]
JAMES E. VEDITZ [redacted]
MATHIAS R. VELASCO, [redacted]
DAVID J. VERSAGE [redacted]
DENNIS L. VIA, [redacted]
SCOTT M. VICKERS, [redacted]
EDWARD R. VISKER, [redacted]
ROBERT H. VOKAC, [redacted]
KEITH R. VORE, [redacted]
JAMES I. VOSLER, [redacted]
JOSEPH L. VOTEL [redacted]
MARTIN L. VOZZO, [redacted]
PATRICK D. VYE, [redacted]
LEIGH W. WACENSKE, [redacted]
DEIRDRE WACKERMAN, [redacted]
ROY C. WAGGONER, [redacted]
DWAYNE K. WAGNER, [redacted]
JAMES E. WALDO, [redacted]
GARY E. WALKER, [redacted]
STEPHEN L. WALKER [redacted]
KEVIN B. WALL, [redacted]
GARY R. WALLACE, [redacted]
PHILLIP R. WALLACE [redacted]
ROY A. WALLACE, [redacted]
WILLIAM W. WALLIN, [redacted]
WILLIAM J. WANDS, [redacted]
WILLIAM J. WANSLEY, [redacted]
DANIEL WARD, [redacted]
RODNEY G. WARD, [redacted]
WENDELL C. WARNER, [redacted]
DWIGHT WASHINGTON, [redacted]
LEONARD WATERWORTH, [redacted]
GAYLE L. WATKINS, [redacted]
THOMAS W. WEAFER, [redacted]
MICHAEL T. WEAVER, [redacted]
LARRY D. WEBB, [redacted]
ROBERT L. WEEKS, [redacted]
JAMES E. WEGER [redacted]
MORRIS B. WEISS, [redacted]
DONALD J. WELCH, JR [redacted]
GORDON M. WELLS, [redacted]
JOHN M. WELSH, [redacted]
KEVIN R. WENDEL, [redacted]
JOE C. WEST, [redacted]
STEVEN A. WEYMAN, [redacted]
GEORGE A. WHEAT, [redacted]
ALVIS A. WHEATLEY, [redacted]
BENJAMIN G. WHITE, [redacted]
JEFFREY S. WHITE [redacted]
KENNETH J. WHITE, [redacted]
FRANCIS WIERCINSKI, [redacted]
STEVE T. WILBERGER [redacted]
BUFFIE D. WILCOX, [redacted]
WILLIAM WILKINSON, [redacted]
GREGOR WILLIAMITIS, [redacted]
FLOYD D. WILLIAMS, [redacted]
THOMAS W. WILLIAMS, [redacted]
WESLEY G. WILLIAMS, [redacted]
THOMAS WILLIAMSON, [redacted]
WILLIAM G. WILSON, [redacted]
WILLIAM R. WILSON, [redacted]
KEVIN S. WIMMER, [redacted]
JAMES E. WINBUSH, [redacted]
RONALD L. WITT [redacted]
PETER V. WOJICIK, [redacted]
WILLIAM T. WOLF, [redacted]
ROBERT W. WOLFENDEN, [redacted]
TERRY A. WOLFF, [redacted]
STEPHEN C. WOOD, [redacted]
ALLEN F. WOODHOUSE, [redacted]
ANTHONY W. WRIGHT, [redacted]
KEVIN V. WRIGHT, [redacted]
JEFFERY W. YAEGER [redacted]
ROBERT W. YINGLING, [redacted]
JOHN A. YLINEN, [redacted]
BRUCE P. YOST, [redacted]
CHRISTOPHER YOUNG, [redacted]
DON C. YOUNG, [redacted]
JOSEPH D. YOUNG, [redacted]
MORRIS M. YOUNG, [redacted]
MICHAEL ZABOROWSKI, [redacted]
PAUL A. ZACHARZUK, [redacted]
JAMES E. ZANOL, [redacted]
WILLIAM J. ZIENTEK [redacted]
MARK J. ZODDA, [redacted]
WILLIAM D. ZOELLERS, [redacted]
MICHAEL A. ZONFRELLI, [redacted]
LIN B. ZULICK, [redacted]

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 21, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

Business meeting, to mark up provisions of H.R. 4554, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995.

SD–138

Commerce, Science, and Transportation

To hold hearings on S. 2195, to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks.

SR–253

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation relating to public rights of way.

SR–253

10:00 a.m.

Appropriations

To hold hearings to examine illegal immigration.

SD–192

Governmental Affairs

To hold hearings on military construction, focusing on Federal building structures and base closings.

SD–342

10:30 a.m.

Joint Economic

To hold hearings on facilitating pension investments for economic growth and development.

SD–628

JUNE 23

9:00 a.m.

Office of Technology Assessment Board meeting, to consider pending business.

EF–100, Capitol

9:30 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD–406

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR–301

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

Business meeting, to mark up H.R. 4506, making appropriations for energy and water development for the fiscal year ending September 30, 1995.

SD–116

Judiciary

Business meeting, to consider pending calendar business.

SD–226

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR–301

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

SD–366

Foreign Relations

To hold hearings on the nominations of Brian J. Donnelly, of Massachusetts, to be Ambassador to Trinidad and Tobago, and George Charles Bruno, of New Hampshire, to be Ambassador to Belize.

S–116, Capitol

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

JUNE 24

10:00 a.m.

Foreign Relations

To hold hearings on pending nominations.

SD–419

JUNE 28

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 2104, to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program.

SD–366

2:00 p.m.

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine United States policy toward Haiti.

SD–419

JUNE 29

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on pending pesticide legislation, including S. 985, to revise the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, S. 1478, to revise the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and S. 2050, to revise the Federal Insecticide, Fungicide, and Rodenticide Act.

SR–332

Rules and Administration

Business meeting, to consider the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR–301

11:00 a.m.

Foreign Relations

To hold hearings on the nomination of Jeffrey Rush, Jr., of Missouri, to be Inspector General, Agency for International Development.

SD–419

2:30 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2120, to authorize appropriations for the Corporation for Public Broadcasting for fiscal years 1997 through 1999.

SR–253

JULY 13

9:30 a.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine current tourism policy activities.

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

POSTPONEMENTS

JUNE 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the scientific and technological basis for radon policy.

SD-366